**UNITED STATES DEPARTMENT OF EDUCATION**

OFFICE OF THE SECRETARY

FOIA Service Center

March 18, 2021

Mr. Austin R. Evers
Executive Director
American Oversight
1030 15th Street, Suite B255
Washington, DC 20002

RE: FOIA Request No. 20-01331-F

Dear Austin R. Evers:

This letter is an interim response to your request for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated March 30, 2020 and received in this office on March 31, 2020.

You requested: All email communications (including emails, email attachments, complete email chains, and calendar invitations) sent by any of the individuals listed below containing any of the terms listed below.

Education Officials and Employees

i. Secretary Betsy DeVos
ii. Chief of Staff Nate Bailey
iii. Deputy Chief of Staff Dougie Simmons
iv. Deputy Secretary Mitchell Zais
v. Senior Advisor to the Deputy Secretary Kent Talbert
vi. Office for Civil Rights Assistant Secretary Kenneth Marcus
vii. Office for Civil Rights Deputy Assistant Secretary for Strategic Operations and Outreach Candice Jackson
viii. Office of Elementary and Secondary Education Assistant Secretary Frank Brogan
ix. Deputy Assistant Secretary for Higher Education Robert King
x. Deputy Assistant Secretary for Higher Education Programs Christopher McCaghren
xi. Principal Deputy Under Secretary Diane Auer Jones
xii. Office of Planning, Evaluation and Policy Development Assistant Secretary James Blew
xiii. Office of Finance and Operations Acting Assistant Secretary Denise Carter
xiv. Federal Student Aid Chief Operating Officer Mark Brown
xv. Office of Career, Technical, and Adult Education Assistant Secretary Scott Stump
xvi. Principal General Counsel and Acting General Counsel Reed Rubinstein
xvii. Office of Special Education Programs Director Laurie VanderPloeg
xviii. Student Privacy Policy Office Acting Director Kala Suprenant
xix. Anyone serving as White House Liaison

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xx. Anyone serving as the head of the Office of Communications and Outreach
xxi. Anyone serving as point of contact for the White House Coronavirus Task Force
xxii. Anyone other official serving on the Department of Education's Coronavirus working group

Key Terms

i. Coronavirus
ii. Corona
iii. Virus
iv. Viral
v. Disease
vi. Pandemic
vii. Epidemic
viii. Outbreak
ix. Containment
x. "public health"
xi. "COVID-19"
xii. "COVID 19"
xiii. COVID19
xiv. SARS
xv. "2019-nCOV"
xvi. POTUS
xvii. VPOTUS
xviii. Wuhan
xix. Hoax
xx. Hubei
xxi. Quarantine
xxii. Distance
xxiii. Distancing
xxiv. Isolation
xxv. Suspend
xxvi. Suspended
xxvii. Suspending
xxviii. Suspension
xxix. Spread
xxx. Spreading
xxxi. Transmission
xxxii. Infectious
xxxiii. "Online learning"
xxxiv. "School closure"
xxxv. "School closures"
xxxvi. Loan
xxxvii. Lenders
xxxviii. Lending
xxxix. Debt
xl. Borrow
xli. Borrower
xlii. Forgive
xliii. Forgiveness
xliv. Homeschool
xlv. Homeschooling

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xlvi. "Home school"
xlvii. "Home schooling"
xlviii. Liberty
xlix. Falwell
l. Waiver
li. ESSA
lii. Test
liii. Testing
liv. USDA
lv. Agriculture
lvi. Meal
lvii. Meals
lviii. Lunch
lix. Lunches
lx. Laptop
lxi. Laptops
lxii. "I-pad"
lxiii. "I-pads"
lxiv. "Red Dawn"

In an effort to accommodate Education and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the listed officials and employees. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both Secretary DeVos's response to an email containing a listed key term and the initial received message are responsive to this request and should be produced.

Please provide all responsive records from January 30, 2020, through the date of the search.

Available for Public Access Link (PAL) download are 12,055 pages of documents responsive to your request. The documents provided are:

- OCTAE 20-01331-F
  Covid 20-01224-F OESE
  COVID COMM 20-01228-F OESE
  COVID19 Emails FSA
  COVID-19 OESE Mailbox
  OSERS OSEP 20-01331-F

You can access your PAL account or register for a PAL account at this link:
https://foiaxpress.pal.ed.gov/app/PalLogin.aspx

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However, certain information has been withheld according to FOIA exemptions (b)(5) (b)(6), specified below:

- Records or portions of records relating to certain intra-agency information is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(5) of the FOIA. This exemption permits the withholding of inter- or intra-agency information that could be withheld under civil discovery, including information subject to the deliberative process, attorney-client, or attorney-work product privileges.

- Records or portions of records relating to personal information is exempt pursuant to 5 U.S.C. §552 (b)(6) of the FOIA. Disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

At this time, the Department is continuing to process your request. You will receive any additional documents under a separate cover letter.

You have the right to seek assistance and/or dispute resolution services from the Department's FOIA Public Liaison or the Office of Government Information Services (OGIS). The FOIA Public Liaison is responsible, among other duties, for assisting in the resolution of FOIA disputes. OGIS, which is outside the Department of Education, offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to appeals or litigation. They can be contacted by:

| | | |
|---|---|---|
| Mail | FOIA Public Liaison<br>Office of the Executive Secretariat<br>U.S. Department of Education<br>400 Maryland Ave., SW, LBJ 7C132<br>Washington, DC 20202-4500 | Office of Government Information Services<br>National Archives and Records Administration<br>8601 Adelphi Road<br>Room 2510<br>College Park, MD 20740-6001 |
| E-mail | robert.wehausen@ed.gov | OGIS@nara.gov |
| Phone | 202-205-0733 | 301-837-1996; toll free at 1-877-684-6448 |
| Fax | 202-401-0920 | 301-837-0348 |

You have the right to appeal this decision by writing to the address below, 90 calendar days from the date of this letter. Using the services described above does not affect your right or the deadline to file an appeal. Your appeal must be in writing and must include detailed statement of all legal and factual bases for the appeal; it should be accompanied by this letter, a copy of your initial letter of request, and any documentation that serves as evidence or supports the argument you wish the Department to consider in making an administrative determination on your appeal.

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Appeals may be submitted using the on-line form available at
www.ed.gov/policy/gen/leg/foia/foia-appeal-form.pdf.

E-mail: EDFOIAappeals@ed.gov
Fax: 202-401-0920
Mail: Appeals Office
Office of the Executive Secretariat
U.S. Department of Education
400 Maryland Avenue, SW, LBJ 7W106A
Washington, DC 20202-4500

Sincerely,

Elise Cook

Elise Cook
Government Information Specialist
Office of the Executive Secretariat

Enclosure

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school personnel should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. The Department understands there may be exceptional circumstances that could affect how a particular service is provided.

If a child does not receive services during a closure, a child's IEP team (or appropriate personnel under Section 504) must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.

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**Question A-4:** If a child with a disability at high risk of severe medical complications is excluded from school during an outbreak of COVID-19 and the child's school remains open, is the exclusion considered a change in educational placement subject to the protections of 34 CFR §§ 300.115 and 300.116 and 34 CFR §§ 104.35 and 104.36.

**Answer:** If the exclusion is a temporary emergency measure (generally 10 consecutive school days or less), the provision of services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available, is not considered a change in placement. During this time period, a child's parent or other IEP team member may request an IEP meeting to discuss the potential need for services if the exclusion is likely to be of long duration (generally more than 10 consecutive school days). For long-term exclusions, an LEA must consider placement decisions under the *IDEA*'s procedural protections of 34 CFR §§ 300.115 – 300.116, regarding the continuum of alternative placements and the determination of placements.

Under 34 CFR § 300.116, a change in placement decision must be made by a group of persons, including the parents and other persons knowledgeable about the child and the placement options. If the placement group determines that the child meets established high-risk criteria and, due to safety and health concerns, the child's needs could be met through homebound instruction, then under 34 CFR §300.503(a)(1), the public agency must issue a prior written notice proposing the change in placement. A parent who disagrees with this



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prior written notice retains all of the due process rights included in 34 CFR §§ 300.500-300.520.

For children with disabilities protected by Section 504 who are dismissed from school during an outbreak of COVID-19 because they are at high risk for health complications, compliance with the procedures described above and completion of any necessary evaluations of the child satisfy the evaluation, placement and procedural requirements of 34 CFR §§ 104.35 and 104.36. The decision to dismiss a child based on his or her high risk for medical complications must be based on the individual needs of the child and not on perceptions of the child's needs based merely on stereotypes or generalizations regarding his or her disability.

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**Question A-5:** May an IEP Team consider a distance learning plan in a child's IEP as a contingency plan in the event of a COVID-19 outbreak that requires the school's closure?

**Answer:** Yes. IEP teams may, but are not required to, include distance learning plans in a child's IEP that could be triggered and implemented during a selective closure due to a COVID-19 outbreak. Such contingent provisions may include the provision of special education and related services at an alternate location or the provision of online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, and may identify which special education and related services, if any, could be provided at the child's home.

Creating a contingency plan before a COVID-19 outbreak occurs gives the child's service providers and the child's parents an opportunity to reach agreement as to what circumstances would trigger the use of the child's distance learning plan and the services that would be provided during the dismissal.

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**Question A-6:** What activities other than special education and related services may and may not be provided with *IDEA* Part B funds both prior to and during a COVID-19 outbreak?

**Answer:** *IDEA* Part B funds may be used for activities that directly relate to providing, and ensuring the continuity of, special education and related services to children with disabilities. For example, an LEA may use



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*IDEA* Part B funds to disseminate health and COVID-19 information that is specifically related to children with disabilities, to develop emergency plans for children with disabilities, or to provide other information (e.g., guidance on coordination of the provision of services in alternate locations as described in Question A-5) to parties who may need such information, including school staff responsible for implementing IEPs, parents of eligible children, and staff in alternate locations where special education and related services may be provided. LEAs, however, may not use *IDEA* Part B funds to develop or distribute general COVID-19 guidance or to carry out activities that are not specific to children with disabilities (e.g., general COVID-19 activities for all children and staff). Additionally, LEAs may not use *IDEA* Part B funds to administer future COVID-19 vaccinations to any children, including children with disabilities.



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## B. *IDEA* Part C and COVID-19

**Question B-1:** Must a state lead agency continue to provide early intervention services to infants and toddlers with disabilities during a COVID-19 outbreak if the offices are closed?

**Answer:** If the offices of the state lead agency or the EIS program or provider are closed, then Part C services would not need to be provided to infants and toddlers with disabilities and their families during that period of time. If the lead agency's offices are open but the offices of the EIS program or provider in a specific geographical area are closed due to public health and safety concerns as a result of a COVID-19 outbreak in that area, the EIS program or provider would not be required to provide services during the closure. If the offices remain open, but Part C services cannot be provided in a particular location (such as in the child's home), by a particular EIS provider, or to a particular child who is infected with COVID-19, then the lead agency must ensure the continuity of services by, for example, providing services in an alternate location, by using a different EIS provider, or through alternate means, such as consultative services to the parent.

Additionally, once the offices re-open, the service coordinator and EIS providers for each child must determine if the child's service needs have changed and determine whether the individualized family service plan (IFSP) team needs to meet to review the child's IFSP to determine whether any changes are needed. If offices are closed for an extended period and services are not provided for an extended period, the IFSP team must meet under 34 CFR § 303.342(b)(1) to determine if changes are needed to the IFSP and to determine whether compensatory services are needed to address the infant or toddler's developmental delay.

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**Question B-2:** What should a state lead agency or EIS program provider do to provide Part C services if its offices are open, but it cannot provide services in accordance with an infant's or toddler's IFSP during a COVID-19 outbreak?

**Answer:** If the offices remain open, but Part C services cannot be provided in a particular location (such as in the child's home), by a particular EIS provider, or to a particular child who is infected with COVID-19, then



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the lead agency must ensure the continuity of services, on a case-by-case basis and consistent with protecting the health and safety of the student and those providing services to the student. As an example, the lead agency may consider providing services in an alternate location, by using a different EIS provider, or through alternate means, such as consultative service to the parent. Once services are fully resumed, the service coordinator and EIS providers for each child must assess the child to determine if the child's service needs have changed and to determine whether the IFSP Team needs to meet to review the child's IFSP to identify whether changes to the IFSP are needed. If the offices are closed and services are not provided for an extended period, the IFSP Team must meet under 34 CFR § 303.342(b)(1) to determine if changes are needed to the IFSP and to determine whether compensatory services are needed.

If an EIS provider cannot provide Part C services in the child's home during a COVID-19 outbreak, but the EIS program or provider determines that it is safe to provide face-to-face Part C services in another environment such as a hospital or medical clinic, then the child could receive temporary services at the hospital or clinic. Additionally, if the lead agency or EIS provider determines that face-to-face Part C services should not be provided for a period of time, then the EIS provider or service coordinator may consult with the parent through a teleconference or other alternative method (such as e-mail or video conference), consistent with privacy interests, to provide consultative services, guidance, and advice as needed. However, determining how to provide Part C services in a manner that is consistent with the most updated public health and safety guidance is left to the discretion of the lead agency and the EIS program and provider serving a particular child and family.

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**Question B-3:** What activities other than service provision may and may not be provided with *IDEA* Part C funds both prior to and during a potential COVID-19 outbreak?

**Answer:** *IDEA* Part C funds may be used for activities that directly relate to providing, and ensuring the continuity of, Part C services to eligible children and their families. The state may use *IDEA* Part C funds to disseminate health and COVID-19 information to relevant parties, develop emergency plans to support the provision and continuity of



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Part C services, or provide other information (e.g., how the lead agency staff or EIS programs or providers may provide alternate services or services in alternate locations as described in Question B-2) to relevant parties who need this information. Relevant parties may include parents of eligible children, childcare centers, staff in other locations where early intervention services are provided, EIS programs and providers, and primary referral sources. Other activities that relate to service provision, including the provision of service coordination, evaluations, and assessments, may also be funded. The state may not, however, use *IDEA* Part C funds to administer future COVID-19 vaccinations as it is a medical service under 34 CFR §303.13(c)(3).



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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 18:15:16 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Rural area school closings

Hello OESE,

Please see the email inquiry below.

Thank You,

Franka

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**From:** answers <answers@ed.gov>
**Sent:** Tuesday, March 24, 2020 12:26 PM
**To:** Presley Caton <(b)(6)@icloud.com>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Rural area school closings

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

Dear Presley Caton,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

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Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Presley Caton (b)(6)
Sent: Monday, March 23, 2020 5:14 PM
To: answers <answers@ed.gov>
Subject: Rural area school closings

How are our children in rural areas, who have no cyber technology set in place for our elementary, middle school and high school children able to continue their education and learning from these shut downs? There is nothing in place in my county and they have initiated a survey for us parents to fill out to see if we have our own equipment at home to comply with a possible cyber teachings to take place when who knows when. Today we get a voicemail stating more people than expected did not have the necessary materials and that they are unsure how they are gonna accommodate these Cyber courses now. Why as a parent am I expected to accommodate to materials that should be provided and already in place for possible pandemics and emergency situations. Where does my school tax money go? And what is spent on these grants provided to these school districts that are obviously not in the best interest to help our children succeed and be able to have the proper education?

Sent from my iPhone

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:14:03 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: S299A180028, S415B170015

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

**From:** Lisa LaRonge <lisa.laronge@lcoosk12.org>
**Sent:** Wednesday, March 25, 2020 11:43 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** S299A180028, S415B170015

Hello,

As the Project Director of two projects for the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, I have been asked to seek verification from the Department of Education if funds can continue to be drawn down during the COVID-19 crisis.

Thank you,
Lisa LaRonge

--
*Bebaamaashiikwe*
Lisa LaRonge
Special Projects Coordinator
Waadookodaading Ojibwe Language Institute
715-634-8924, ext 1270

This message is intended for the use of the individual (s) or the entity to which it is addressed and may contain information that is privileged, confidential, and/or proprietary to Lac Courte Oreilles Ojibwe Schools. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, forwarding or copying of this communication is prohibited without the express permission of the sender. If you have received this communication in error, please notify the sender immediately and delete the original message

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:44 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: SAP policy

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

**From:** Rachel Cavenaugh <rcavenaugh@cfcc.edu>
**Sent:** Wednesday, March 25, 2020 10:40 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** SAP policy

If a student is on an appeal for which they have to meet a 75% completion and 2.0 GPA. If the student has to withdraw since classes are now online verus a seated class which will mean the student will now not meet the requirements. Are there exemptions we can make for the policy due to COVID-19.
Thank you
Rachel Cavenaugh

*Rachel Cavenaugh*
*Director of Financial Aid*
*VA School Certifying Official*
Cape Fear Community College
411 N Front St
Wilmington, NC 28401
(910)362-7317 Phone
(910)362-7632 Fax
rcavenaugh@cfcc.edu

Cape Fear Community College is closely monitoring the circumstances and events related to COVID-19. For the most up to date information, please visit cfcc.edu/coronavirus.

At this time, we are encouraging individuals who are seeking Financial Aid Services to email finaid@cfcc.edu, in order to connect with a staff member. We will respond to your outreach within 24 business hours.

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All services offered by CFCC have now moved online as a result of COVID-19. Visit our website at www.cfcc.edu for information about how to reach us for assistance!

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official. (NCGS.Ch.132)

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:40 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: SCHOOL CLOSURE

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

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**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:54 PM
**To:** COVID-19 <COVID-19@ed.gov>; FSA Case Teams <CaseTeams@ed.gov>
**Cc:** FederalStudentAid <FederalStudentAid@ed.gov>; Early, Jeremy <Jeremy.Early@ed.gov>
**Subject:** RE: SCHOOL CLOSURE

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

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**From:** Early, Jeremy <Jeremy.Early@ed.gov>
**Sent:** Monday, March 16, 2020 9:08 AM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: SCHOOL CLOSURE

Another question regarding R2T4.

Thanks, Jeremy

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**From:** FSA Case Teams <CaseTeams@ed.gov>
**Sent:** Monday, March 16, 2020 6:45 AM
**To:** Early, Jeremy <Jeremy.Early@ed.gov>

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**Cc:** Yette, Brenda <Brenda.Yette@ed.gov>; Sawyer, Tammi <Tammi.Sawyer@ed.gov>
**Subject:** FW: SCHOOL CLOSURE

For appropriate action

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**From:** Carissa Davis <carissa.davis@morton.edu>
**Sent:** Saturday, March 14, 2020 2:22 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>
**Subject:** Fw: SCHOOL CLOSURE

Hello all

I was wondering if you could help me. My school's spring break is next week. It has already been accounted for with regards to R2T4.

However, with the current situation involving COVID 19 our school has decided to move our classes to online/hybrid mode after spring break.

Right now it is only schedule for the 1 week after spring break.

What I'm trying to see is what steps do I need to take to make sure we remain in compliance and follow all protocols. The week of online classes will be instructions. It's not a school closure. Students will be expected to complete assignments and work.

However, the physical school will be closed due to the virus.

Carissa Davis
Director of Financial Aid
E: carissa.davis@morton.edu
3801 S. Central Ave.
Cicero, IL. 60804

Summer Hours
M-Thurs: 8:00AM - 8:00PM
F: Campus Closed

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**From:** Davis, Lytashia <Lytashia.Davis@ed.gov>
**Sent:** Saturday, March 14, 2020 1:19:46 PM
**To:** Carissa Davis
**Subject:** Automatic reply: SCHOOL CLOSURE

Hello,

Thank you for your email. I am out of the office on Friday, March 13, 2020. I will return to the office on Monday, March 16, 2020.

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I will respond to all e-mails and phone calls within 24-48 hours of my return to the office.

If your matter is urgent please contact our office at 312-730-1511.

Sincerely,

Lytashia Davis
Institutional Review Specialist
Chicago/Denver School Participation Division

The information contained in this e-mail and any accompanying documents is intended for the sole use of the recipient to whom it is addressed, and may contain information that is privileged, confidential, and prohibited from disclosure under applicable law. If you are not the intended recipient, or authorized to receive this on behalf of the recipient, you are hereby notified that any review, use, disclosure, copying, or distribution is prohibited. If you are not the intended recipient(s), please contact the sender by e-mail and destroy all copies of the original message. Thank you.

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:31 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Selective Service and Notary

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

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**From:** Annie Reyes <annie.reyes@wgu.edu>
**Sent:** Wednesday, March 25, 2020 1:52 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Selective Service and Notary

Hi,

The Selective Service System has temporarily stopped processing any requests for a Status Information Letter due to Covid-19 outbreak. Is there any leniency for schools to resolve the Selective Service issue.

In addition, most offices have been placed in telework status and we are aware that electronic notaries are not considered to be acceptable for verification purposes, what should we advise our students who are NOT able to go to the bank, library, or public notary office due to Covid-19 outbreak to get a notarized signed statement of educational purpose?

Please advise and thank you for your guidance.

Respectfully yours,

**Annie Reyes**
Manager of Financial Aid

Western Governors University
Direct: 385.428.7267
annie.reyes@wgu.edu

WGU
A NEW KIND OF U.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:30 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Selective Service Question

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

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**From:** Molly Walsh <molly.walsh@digipen.edu>
**Sent:** Wednesday, March 25, 2020 2:53 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Selective Service Question

Hello –
We have a student who has a c-flag due to lack of selective service registration, he was not in the US between the age of 18-26, and so he needs to get a selective service determination letter from SSS before we can proceed. His situation just started to shake out as the COVID-19 situation was taking root and now, even though, he has submitted his required documentation to SSS by mail (he got a tracking receipt) the **SSS website says that SSS determination letters will be on hold till further notice**.

This student is trying to get aid for the 2019-20 academic year and so we are wondering if there is any leniency with the requirement for the SSS determination letter when we the school are making our determination regarding his SSS registration or lack thereof. We have the documentation he submitted regarding why he was unable to register for SSS. Our semester ends at the end of April so we are worried that this might not resolve itself before this is all over.

Thank you for your help,

**Molly Walsh**
Financial Aid Supervisor

Office of Financial Aid
DigiPen Institute of Technology
9931 Willows Road NE | Redmond, WA 98052
**P:** 425.629.5002 | **TF**: 866.478.5236 | molly.walsh@digipen.edu

**Schedule a Financial Aid Appointment online!**

**REMINDER: D**o not send personally identifiable information through email, it is not secure. Submit your documents securely online through SRS.

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**REMINDER:** Financial aid can only pay for classes required by your degree program, if you have questions please contact financial aid.

**REMINDER:** Adding or Dropping classes can affect your financial aid eligibility, check with financial aid prior to making schedule changes if you are unsure of the impact on your financial aid.

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:29 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Shorter University 001591 00

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

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**From:** Colleen Lassiter <classiter@shorter.edu>
**Sent:** Wednesday, March 25, 2020 12:11 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Shorter University 001591 00

Good afternoon,

Currently Shorter University is offering science classes on ground in May of 2020 and no decision has been made regarding not having classes on ground in May. I am trying to prepare for a possible what if scenario.

Our science classes are 4 credits with a lab. The lab grade is included in the overall grade for the class but takes place on another day and time. The lab does not receive a separate grade. We may be transitioning the on ground science classes to distance education. I am wondering if the lab can be offered later in the year when all students are expected back on campus? The most likely scenario is during the fall semester.

Any assistance you can provide is greatly appreciated. Thank you for everything you are doing to help schools.

Warmest regards,

Colleen Lassiter
Director of Financial Aid
Shorter University
Rome, GA 30165
PH: (706)233-7337
Fax: (706)233-7314

---

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:27 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Siena College (002816-00)- Term Length

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

**From:** Lawyer, Mary <mlawyer@siena.edu>
**Sent:** Wednesday, March 25, 2020 8:23 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Re: Siena College (002816-00)- Term Length

Following up on this request. Please let me know what additional information can I provide?

**Mary Lawyer** | Siena College
Associate Vice President of Enrollment Management

O 518-783-4288
C 518-588-3538
E mlawyer@siena.edu
W siena.edu

*The Siena experience is built for a new generation of leaders eager to create a more just, peaceful and humane world. It empowers them through a transformative journey of intellectual, spiritual and personal discovery.*

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On Wed, Mar 18, 2020 at 3:56 PM Lawyer, Mary <mlawyer@siena.edu> wrote:

Siena College has extended spring break, due to Coronavirus. How do we obtain permission to shorten our term to accommodate this additional break? Who should make the request? What information do you need included in the request? Where

AMERICAN OVERSIGHT

shold we send the request? How long will it take for us to be informed if our request has been approved?

Thank you!
Mary

—

**Mary Lawyer** | Siena College
Associate Vice President of Enrollment Management

O 518-783-4288
C 518-588-3538
E mlawyer@siena.edu
W siena.edu

*The Siena experience is built for a new generation of leaders eager to create a more just, peaceful and humane world. It empowers them through a transformative journey of intellectual, spiritual and personal discovery.*

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:26 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Spring Break

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Antoinette Esposito <aesposito@aepowersolutions.com>
**Sent:** Wednesday, March 25, 2020 11:32 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Spring Break

Good Morning

I know all of you are being bombarded with questions. This such a crazy time. Hang in there – You've got this!

I am working with a school that decided to extend break, but did not notify DOE.

1. What actions need to take place at this point?
2. Does the school need to extend spring term to meet the minimum weeks in the term requirement?

Could you provide the best guidance on how schools convert to a Pass/Fail grading system until things are back to normal?

1. How does effect SAP?
2. How are GPAs impacted?
3. Are there any other ramifications in converting to Pass/Fail

Are schools REQUIRED to refund room/board charges? If a school is past the 60% mark in the term, is the guidance that a school must refund the charges or it is an institutional decision based on their internal guidelines?

Thanks in advance. You are all doing an amazing job!

Take care –
Anboinette

AMERICAN OVERSIGHT

Antoinette H. Esposito
AE Power Solutions, Inc
3074 Westwood Road
Augusta, Georgia 30909
aesposito@aepowersolutions.com
(706) 373-3726

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:42:17 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Student Loan payment referral

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** answers <answers@ed.gov>
**Sent:** Wednesday, March 25, 2020 4:36 PM
**To:** Shawn Pate <(b)(6)
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Student Loan payment referral

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 25, 2020

Dear Shawn Pate,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your email has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

AMERICAN OVERSIGHT

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

**From:** Shawn Pate <(b)(6)
**Sent:** Monday, March 23, 2020 12:38 PM
**To:** answers <answers@ed.gov>
**Subject:** Student Loan payment referral

I had a question in regards to the student loan payment referral due to the coronavirus. I would like to know if student loan payments made via wage garnishment is eligible for this deferral also?

Have a Wonderful (Isaiah 9:6) Day
Rev. Shawn D. Pate, Pastor Elect
Mt. Ararat Baptist Church, Rutherford NJ

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:25 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Student refunds

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Sabrina Degain <Sabrina.Degain@alamancecc.edu>
**Sent:** Wednesday, March 25, 2020 1:52 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Student refunds

My state now allows colleges to refund students tuition past the typical 10% of the semester due to COVID-19. They are allowing these refunds as a credit for a future semester. If the students tuition was paid by Pell grant funds, are we allowed to give them a tuition credit for a future semester?

Sincerely,

Sabrina M. DeGain, MBA
Director of Financial Aid
Alamance Community College
336-506-4161
sabrina.degain@alamancecc.edu

Please do not email sensitive information such as tax returns, social security numbers or other personally identifiable information. Instead, mail documents to Alamance Community College C/O Financial Aid PO BOX 8000 Graham, NC 27253 or call our office at 336-506-4340.

Emails received at this address are not encrypted

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:24 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Students Requesting to Completely Withdraw

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Williams, Zena <Zena.Williams@lonestar.edu>
**Sent:** Wednesday, March 25, 2020 2:18 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Boley, Johanna <Johanna.M.Boley@lonestar.edu>
**Subject:** Students Requesting to Completely Withdraw

Good Afternoon – As it relates to students requesting a total withdrawal, can the institution implement a policy whereas such request are denied. Any regulatory guidance or assistance with this matter would be extremely appreciated.

Best Regards,

**Zena Williams**
Executive Director,Financial Aid
System Operations
Lone Star College System
University Park
Bldg 11, 4th floor, Suite. 11462
20515 SH 249
Houston, TX 77070
Office: 281-290-3660
Zena.williams@lonestar.edu
http://www.lonestar.edu

"Your smile is your logo, your personality is your business card, how you leave others feeling after an experience with you becomes your trademark."

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:23 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Temporary closure - Alabama School of Nail Technology & Cosmetology

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:13 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** FederalStudentAid <FederalStudentAid@ed.gov>; AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** RE: Temporary closure - Alabama School of Nail Technology & Cosmetology

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Tuesday, March 17, 2020 11:46 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** Temporary closure - Alabama School of Nail Technology & Cosmetology

FYI -

**From:** Teri Mclemore: ASNT&C [mailto:(b)(6)
**Sent:** Tuesday, March 17, 2020 8:05 AM

AMERICAN OVERSIGHT

**To:** Scott, Alicia
**Subject:** Covid-19 Notification

Hello Ms. Scott,

I am writing to you today to make you aware, we will be transitioning to online Distance Education now through April 13th at the latest at this point.

We are not closing and only offering this opportunity to our student since our State has requested all schools offer at home education during this time.

I am unclear if I need to do anything further.

Teri McLemore
Alabama School of Nail Technology & Cosmetology
042555

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 17:37:46 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: Temporary Distance Learning Questions - OPE ID 03808300 and 03808301

Hello,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Gregory Mathews <gregory@ibw.edu>
**Sent:** Tuesday, March 24, 2020 11:23 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Temporary Distance Learning Questions - The Institute of Beauty and Wellness OPE ID 03808300 and Aveda Institute Madison OPE ID 03808301

I am emailing with some questions regarding distance learning as the Coronavirus impacts our schools.

Our schools have temporarily stopped offering ground-based classes in order to prevent the spread of COVID-19.

This was effective March 18, 2020 until at least March 31, 2020.

Our school has received approval from the State of Wisconsin and our accreditor, NACCAS, to offer temporary distance education.

Can you please confirm that the U.S. Department of Education will allow currently enrolled students and new starts on or prior to 6/1/2020 to receive Title IV Aid for the distance education hours completed?

Any additional clarification/guidance you can provide is greatly appreciated.

Thank you.

Gregory Mathews
Financial Aid Administrator
The Institute of Beauty and Wellness
Aveda Institute Madison

AMERICAN OVERSIGHT

**Gregory Mathews**
*Financial Aid Administrator*
Direct: 414.319.7581
Fax: 414.291.3968

THE INSTITUTE OF BEAUTY AND WELLNESS
327 East St. Paul Avenue, Milwaukee, WI 53202 | 414.227.2889 | ibw.edu

AVEDA INSTITUTE MADISON
353 East Campus Mall, Madison, WI 53715 | 608.250.3100 | aimadison.com

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OUR MISSION AT AVEDA IS TO CARE FOR THE WORLD WE LIVE IN, FROM THE PRODUCTS WE MAKE TO THE WAYS IN WHICH WE GIVE BACK TO SOCIETY. AT AVEDA, WE STRIVE TO SET AN EXAMPLE FOR ENVIRONMENTAL LEADERSHIP AND RESPONSIBILITY, NOT JUST IN THE WORLD OF BEAUTY, BUT AROUND THE WORLD.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:21 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Temporary Pause

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

**From:** Paula Gregorio <pgregorio@manhattaninstitute.edu>
**Sent:** Wednesday, March 25, 2020 9:38 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Temporary Pause

Hello,

We had to pause our in person classes due to NYS rules because of COVID-19. Are we required to place all our active students on a LOA?

Thank you,

Paula

--

**Manhattan Institute**
**Paula Gregorio**
**Financial Aid Director**

Mail: pgregorio@manhattaninstitute.edu
Phone: (646) 809-0785
www.ManhattanInstitute.edu

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:20 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Temporary school closure - New Beginning College of Cosmetology

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:45 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** FederalStudentAid <FederalStudentAid@ed.gov>; AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** RE: Temporary school closure - New Beginning College of Cosmetology

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Tuesday, March 17, 2020 11:23 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** Temporary school closure - New Beginning College of Cosmetology
**Importance:** High

FYI – temporary school closure for New Beginning College of Cosmetology

---

**From:** Amanda Baugh [mailto:abaugh@nbccosmetology.com]
**Sent:** Tuesday, March 17, 2020 10:33 AM

AMERICAN OVERSIGHT

**To:** Scott, Alicia
**Subject:** Temporary DE Application
**Importance:** High

Good Morning,

Due to the pandemic this is a short term closure due to the Coronavirus and any applicable government orders. We do plan to reopen the school as soon as we are able to do so. Should you have any questions please feel free to contact me at 256-572-1046.

**Thank you,**
**Amanda Baugh**

New Beginning College of Cosmetology
President/ Financial Aid Director
421 Martling Road
Albertville, Al 35951
Phone 256-878-6430
Fax 256-878-9992
Email: abaugh@nbccosmetology.com
www.nbccosmetology.com

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:19 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Temporary school closure due to COVID-19 Outbreak - OPE ID: 00953100, 02519300, 02588500, 025885-03

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

-----Original Message-----
From: FederalStudentAid <FederalStudentAid@ed.gov>
Sent: Wednesday, March 25, 2020 2:11 PM
To: FSA Case Teams <CaseTeams@ed.gov>; COVID-19 <COVID-19@ed.gov>
Cc: Early, Jeremy <Jeremy.Early@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>; Sawyer, Tammi <Tammi.Sawyer@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>; Sobie, Donna <Donna.Sobie@ed.gov>
Subject: RE: Temporary school closure due to COVID-19 Outbreak - OPE ID: 00953100, 02519300, 02588500, 025885-03

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

-----Original Message-----
From: Sobie, Donna <Donna.Sobie@ed.gov>
Sent: Tuesday, March 17, 2020 11:54 AM
To: FederalStudentAid <FederalStudentAid@ed.gov>; Sawyer, Tammi <Tammi.Sawyer@ed.gov>
Cc: Early, Jeremy <Jeremy.Early@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
Subject: FW: Temporary school closure due to COVID-19 Outbreak - OPE ID: 00953100, 02519300, 02588500, 025885-03

Federal Student Aid and Tammi,

Here is a listing of school closures that I was recently notified of. Let me know if you will be responding to the school?

Thank you,
Donna
Donna J. Sobie, M.Ed.

AMERICAN OVERSIGHT

U.S. Department of Education

-----Original Message-----
From: Finaid <finaid@salonschools.com>
Sent: Tuesday, March 17, 2020 10:03 AM
To: Sobie, Donna <Donna.Sobie@ed.gov>
Cc: Luke Hanks <lhanks@salonschools.com>; finaid <finaid@salonschools.com>
Subject: Temporary school closure due to COVID-19 Outbreak - OPE ID: 00953100, 02519300, 02588500, 025885-03

Ohio State School of Cosmetology
789 Hebron Rd, Ste J, Heath, Ohio 43056
OPE ID: 02588500

Ohio State School of Cosmetology
137 E. Center St, Marion, Ohio 43302
OPE ID: 025885-03

Ohio State School of Cosmetology
6077 Gender Road, Canal Winchester, Ohio 43110 OPE ID: 02519300

The Spa School
5050 N. High St, Columbus, Ohio 43214
OPE ID: 00953100

Administrative Office
6055 Gender Rd, Canal Winchester, Ohio 43110

Hi Donna,

Please accept this as notice that the above referenced institutions will be closed until further notice, effective March 17, 2020.

The evolving situation with the Coronavirus (COVID-19) and the importance of practicing social distancing to minimize the spread of the virus has required us to make the difficult decision to temporarily close our schools to protect our students, staff and clients.

All students have been notified. We will be closely monitoring the situation and will continue updating our students regarding our plans. We will be reevaluating this situation on a daily basis and intend to resume operation as soon as it is safe to do so.

Should you have any questions, please do not hesitate to contact me by email at finaid@salonschools.com or by phone at 740-504-4037. NACCAS National Accrediting Commission of Cosmetology Arts and Sciences and The Ohio State Cosmetology and Barber Board have also been notified. A hard copy of this letter will be mailed to the Chicago office. Please advise if there is a more appropriate email address to forward this.

Sincerely,

Cheryl Halblaub

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:18 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: the beauty institute 03801400

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:00 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** RE: the beauty institute 03801400

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Monday, March 16, 2020 1:51 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>; AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** FW: the beauty institute 03801400

For your review.

---

AMERICAN OVERSIGHT

**From:** Michelle Baron <(b)(6)
**Sent:** Monday, March 16, 2020 12:27 PM
**To:** Dillard, Vanessa <Vanessa.Dillard@ed.gov>
**Subject:** the beauty institute 03801400

Dear Ms. Dillard

Attached is a letter regarding our temporary closure of The Beauty Institute due to the COVId-19.

If you need further information or need to contact me you can reach me via email at (b)(6) my cell at (b)(6).

Thank you in advance

Sincerely,

Michelle Baron
The Beauty Institute
561-688-0225

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:23:04 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Title VI Indian Education public hearing and parent committee meetings

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Cailin Shovkoplyas <shovkoc@fargo.k12.nd.us>
**Sent:** Wednesday, March 25, 2020 1:23 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Melody Staebner <staebnm@fargo.k12.nd.us>
**Subject:** Title VI Indian Education public hearing and parent committee meetings

Can the required meetings for the Indian education parent committee and the required consultation meetings with stakeholders for Title VI be completed virtually during this time of school closure due to COVID-19?

Cailin Shovkoplyas, MBA
Fargo Public Schools – District #1
415 4th Street North
Fargo, ND 58102
Phone: 701-446-1079
Fax: 701-446-1200
Email: shovkoc@fargo.k12.nd.us

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:23:21 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: TN - Period of Performance - Waiver Request
**Attachments:** TN_USED_Waiver_Request_March_25_2020.pdf

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:33 PM
**To:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
**Subject:** FW: TN - Period of Performance - Waiver Request

FYI – I wanted to make sure the folks that are tracking official state requests are aware of this. I believe the OESE rapid response team is the right group for raising this question.

-Patrick

---

**From:** Eve Carney <Eve.Carney@tn.gov>
**Sent:** Wednesday, March 25, 2020 8:47 AM
**To:** OESE.OSS.Tennessee <OSS.Tennessee@ed.gov>; Roney, Collette <Collette.Roney@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Penny Schwinn <Penny.Schwinn@tn.gov>; Drew Harpool <Drew.Harpool@tn.gov>; Sam Pearcy <Sam.Pearcy@tn.gov>; Deborah Thompson <Deborah.Thompson@tn.gov>
**Subject:** TN - Period of Performance - Waiver Request

Good morning,

Please see the attached waiver request submitted on behalf of Commissioner Schwinn and the state of Tennessee.

Thank you for consideration of this request.

Respectfully,

Eve Carney

AMERICAN OVERSIGHT

Eve Carney, Ed.D.|Chief Districts and Schools Officer
Andrew Johnson Tower, 12h Floor
710 James Robertson Parkway, Nashville, TN 37243
615-532-1245 (o) 615-854-9598 (c)
Eve.Carney@tn.gov
tn.gov/education
#TNBestforAll

*We will set all students on a path to success*

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**BILL LEE**
GOVERNOR

STATE OF TENNESSEE
**DEPARTMENT OF EDUCATION**
NINTH FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

**PENNY SCHWINN**
COMMISSIONER

March 25, 2020

Assistant Secretary Frank Brogan
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

RE: Waiver Request – Period of Performance, Every Student Succeeds Act (ESSA)

Assistant Secretary Brogan:

The Tennessee Department of Education (TDOE) is seeking a waiver pursuant to Secretarial authority under Section 8401 of the Elementary and Secondary Education Act (20 U.S.C §7861) as the state continues to address both the COVID-19 outbreak and the state of emergency resulting from recent tornadoes across Tennessee.

***Availability for ESSA Grant Funds***

Specifically, TDOE is requesting a waiver to extend the period of performance for an additional 12 months respectively for all remaining FY18, FY19, and FY20 grant funds, and allowing the additional 90 days for liquidation after the period of performance. With extended school closures, this waiver would allow districts time and flexibility to reset and reevaluate how best to support students following the current crises.

These grants include:

- Title I, Part A - Improving the Academic Achievement of the Disadvantaged (84.010),
- Title I, Part C - Education of Migratory Children (84.181),
- Title I, Part D - Educational Support of Neglected, Delinquent, and At-Risk Youth (84.013),
- Title II, Part A - Supporting Effective Instruction (84.367),
- Title III, Part A - Language Instruction for English Learners and Immigrant Students (84.031),
- Title IV, Part A - Student Support and Academic Enrichment (SSAE) (84.424),
- Title IV, Part B – 21st Century Community Learning Centers (84.287),
- Title V, Rural and Low-Income School Program, Part A (84.358)
- Title V, Part B – Rural Education Achievement Program (REAP) (84.358b), and
- Title IX, Part A Education for Homeless Children and Youth (84.196).

Tennessee counties experienced seven EF3 and EF4 tornadoes on March 2 and 3 which destroyed numerous homes, schools, and lives—the second deadliest tornado outbreak in Tennessee history. We are continuing to support our district and school leaders in recovering from this natural disaster, and the impact on communities is significant. On March 3, Governor Bill Lee declared a state of emergency for this natural disaster.



AMERICAN OVERSIGHT

While in this state of emergency, Tennessee continues to have a growing number of districts that have suspended classes over the past week with the number of confirmed cases of COVID-19 continuing to increase daily. Last week alone, schools serving over 50% of the state's 973,659 students have suspended classes. Yesterday, Governor Bill Lee announced that all public schools in Tennessee would remain closed until April 24—a decision that will continued to be reevaluated in the weeks to come. Districts and charter entities are working to develop and implement continuity of instruction plans; however, many of our largest urban and suburban districts, serving over 500,000 of Tennessee's students, also serve most of the state's highest poverty schools. Many of their students do not have appropriate access to technology in their homes, making instructional continuity more challenging.

Due to the evolving nature and scope of the current crises Tennessee is facing, we did not provide public notice prior to submission of this waiver request. We will actively communicate this request and provide appropriate follow-up communication with stakeholders.

Thank you for consideration of these requests. This waiver will ensure that the TDOE and districts have the flexibility to adapt to an ever-evolving health crisis and in the recovery. Please feel free to contact Eve Carney, by email at Eve.Carney@tn.gov if there are questions regarding this request or if additional information is needed.

Best,

(b)(6)

Dr. Penny Schwinn, Ph.D.
Commissioner

CC: Eve Carney, Chief Districts and Schools Office
Drew Harpool, Chief Financial Officer
Deborah Thompson, Assistant Commissioner Federal Programs and Oversight

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:11:57 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: TN - Period of Performance - Waiver Request
**Attachments:** TN_USED_Waiver_Request_March_25_2020.pdf

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Roney, Collette <Collette.Roney@ed.gov>
**Sent:** Wednesday, March 25, 2020 10:17 AM
**To:** COVID-19 <COVID-19@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** FW: TN - Period of Performance - Waiver Request

Please note that I have replied to TN to acknowledge receipt of this request.

---

**From:** Eve Carney <Eve.Carney@tn.gov>
**Sent:** Wednesday, March 25, 2020 8:47 AM
**To:** OESE.OSS.Tennessee <OSS.Tennessee@ed.gov>; Roney, Collette <Collette.Roney@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Penny Schwinn <Penny.Schwinn@tn.gov>; Drew Harpool <Drew.Harpool@tn.gov>; Sam Pearcy <Sam.Pearcy@tn.gov>; Deborah Thompson <Deborah.Thompson@tn.gov>
**Subject:** TN - Period of Performance - Waiver Request

Good morning,

Please see the attached waiver request submitted on behalf of Commissioner Schwinn and the state of Tennessee.

Thank you for consideration of this request.

Respectfully,

Eve Carney

TN Department of Education

AMERICAN OVERSIGHT

Eve Carney, Ed.D.|Chief Districts and Schools Officer
Andrew Johnson Tower, 12h Floor
710 James Robertson Parkway, Nashville, TN 37243
615-532-1245 (o) 615-854-9598 (c)
Eve.Carney@tn.gov
tn.gov/education
#TNBestforAll

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**BILL LEE**
GOVERNOR

STATE OF TENNESSEE
**DEPARTMENT OF EDUCATION**
NINTH FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

**PENNY SCHWINN**
COMMISSIONER

March 25, 2020

Assistant Secretary Frank Brogan
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

RE: Waiver Request – Period of Performance, Every Student Succeeds Act (ESSA)

Assistant Secretary Brogan:

The Tennessee Department of Education (TDOE) is seeking a waiver pursuant to Secretarial authority under Section 8401 of the Elementary and Secondary Education Act (20 U.S.C §7861) as the state continues to address both the COVID-19 outbreak and the state of emergency resulting from recent tornadoes across Tennessee.

***Availability for ESSA Grant Funds***

Specifically, TDOE is requesting a waiver to extend the period of performance for an additional 12 months respectively for all remaining FY18, FY19, and FY20 grant funds, and allowing the additional 90 days for liquidation after the period of performance. With extended school closures, this waiver would allow districts time and flexibility to reset and reevaluate how best to support students following the current crises.

These grants include:

- Title I, Part A - Improving the Academic Achievement of the Disadvantaged (84.010),
- Title I, Part C - Education of Migratory Children (84.181),
- Title I, Part D - Educational Support of Neglected, Delinquent, and At-Risk Youth (84.013),
- Title II, Part A - Supporting Effective Instruction (84.367),
- Title III, Part A - Language Instruction for English Learners and Immigrant Students (84.031),
- Title IV, Part A - Student Support and Academic Enrichment (SSAE) (84.424),
- Title IV, Part B – 21st Century Community Learning Centers (84.287),
- Title V, Rural and Low-Income School Program, Part A (84.358)
- Title V, Part B – Rural Education Achievement Program (REAP) (84.358b), and
- Title IX, Part A Education for Homeless Children and Youth (84.196).

Tennessee counties experienced seven EF3 and EF4 tornadoes on March 2 and 3 which destroyed numerous homes, schools, and lives—the second deadliest tornado outbreak in Tennessee history. We are continuing to support our district and school leaders in recovering from this natural disaster, and the impact on communities is significant. On March 3, Governor Bill Lee declared a state of emergency for this natural disaster.



AMERICAN OVERSIGHT

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Due to the evolving nature and scope of the current crises Tennessee is facing, we did not provide public notice prior to submission of this waiver request. We will actively communicate this request and provide appropriate follow-up communication with stakeholders.

Thank you for consideration of these requests. This waiver will ensure that the TDOE and districts have the flexibility to adapt to an ever-evolving health crisis and in the recovery. Please feel free to contact Eve Carney, by email at Eve.Carney@tn.gov if there are questions regarding this request or if additional information is needed.

Best,

(b)(6)

Dr. Penny Schwinn, Ph.D.
Commissioner

CC: Eve Carney, Chief Districts and Schools Office
Drew Harpool, Chief Financial Officer
Deborah Thompson, Assistant Commissioner Federal Programs and Oversight

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:31:25 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: TN - Period of Performance - Waiver Request

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Skloot, Evan <evan.skloot@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:22 PM
**To:** Salley, Robert <Robert.Salley@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: TN - Period of Performance - Waiver Request

Yes, please forward the original email to COVID-19 if it hasn't been (looks like Patrick did). I imagine we should hold until ED makes a decision on a streamlined Tydings waiver process for all OESE programs.

---

**From:** Salley, Robert <Robert.Salley@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:59 PM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; Skloot, Evan <evan.skloot@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: TN - Period of Performance - Waiver Request

HI Patrick

A question…should we just put this in the COVID 19 inbox since TN is asking for a tydings waiver for most of the OESE formula programs, and the state is specifically citing COVID-19 and other disasters?

Second question…do you want Brittney to control this to these program offices or no?

I know there have been talks about some type of template for states, and we're not at that point yet….

Thanks for the input.

Rob

AMERICAN OVERSIGHT

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov | 202.453.5719

---

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:33 PM
**To:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
**Subject:** FW: TN - Period of Performance - Waiver Request

FYI – I wanted to make sure the folks that are tracking official state requests are aware of this. I believe the OESE rapid response team is the right group for raising this question.

-Patrick

---

**From:** Eve Carney <Eve.Carney@tn.gov>
**Sent:** Wednesday, March 25, 2020 8:47 AM
**To:** OESE.OSS.Tennessee <OSS.Tennessee@ed.gov>; Roney, Collette <Collette.Roney@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Penny Schwinn <Penny.Schwinn@tn.gov>; Drew Harpool <Drew.Harpool@tn.gov>; Sam Pearcy <Sam.Pearcy@tn.gov>; Deborah Thompson <Deborah.Thompson@tn.gov>
**Subject:** TN - Period of Performance - Waiver Request

Good morning,

Please see the attached waiver request submitted on behalf of Commissioner Schwinn and the state of Tennessee.

Thank you for consideration of this request.

Respectfully,

Eve Carney

Eve Carney, Ed.D. | Chief Districts and Schools Officer
Andrew Johnson Tower, 12th Floor
710 James Robertson Parkway, Nashville, TN 37243
615-532-1245 (o) 615-854-9598 (c)
Eve.Carney@tn.gov
tn.gov/education

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 22:16:07 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: treasury offset

Hello,

The below inquiry was received in the COVID-19 mailbox. Please provide a response.

Thanks,

Christine

---

**From:** Carla Stephens <(b)(6)
**Sent:** Tuesday, March 24, 2020 12:59 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** treasury offset

Good Afternoon!!

I am writing in reference to my treasury offset, and want to know will I receive my funds back due to the corona virus outbreak. My name is Portia Williams and my ssn (b)(6)

AMERICAN OVERSIGHT

**From:** Peasley, Donald
**Sent:** Wed, 25 Mar 2020 19:13:49 +0000
**To:** COVID-19
**Subject:** FW: Two questions

Please see questions below—the first question I think is most pertinent for this email box. I am seeking assistance regarding this question (1). Thanks

Don
Donald Peasley, Ph.D.
Assessment Team Lead, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Donald.peasley@ed.gov Ph. 202 453 7982
Email the OESE Assessment team at ESEA.Assessment@ed.gov
See ED Standards and Assessments Information at https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/standards-and-assessments/

---

**From:** Roschewski, Pat <PRoschewski@DataRecognitionCorp.com>
**Sent:** Wednesday, March 25, 2020 3:08 PM
**To:** Peasley, Donald <Donald.Peasley@ed.gov>
**Cc:** Roschewski, Pat <PRoschewski@DataRecognitionCorp.com>
**Subject:** Two questions

Hi Don – I do not know if you are working remotely or not, but hopefully this reaches you – I have been asked two questions and decided to come to the expert - perhaps you could answer or direct me to the appropriate resource:

1. With states receiving waivers for summative testing this year, are they able to use those dollars for things other than testing – or – must they keep it for the next year – or?
2. Are the Title I and III state distributions posted on the website? I must have missed that.

I appreciate any help you can provide. Pat

Pat Roschewski, Ph.D
Senior Vice President, Education Solutions
Data Recognition Corporation
13490 Bass Lake Road
Maple Grove, MN 55311
763 360 8449

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:34:59 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Two questions

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Peasley, Donald <Donald.Peasley@ed.gov>
**Sent:** Wednesday, March 25, 2020 3:14 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Two questions

Please see questions below—the first question I think is most pertinent for this email box. I am seeking assistance regarding this question (1). Thanks

Don
Donald Peasley, Ph.D.
Assessment Team Lead, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Donald.peasley@ed.gov Ph. 202 453 7982
Email the OESE Assessment team at ESEA.Assessment@ed.gov
See ED Standards and Assessments Information at https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/standards-and-assessments/

---

**From:** Roschewski, Pat <PRoschewski@DataRecognitionCorp.com>
**Sent:** Wednesday, March 25, 2020 3:08 PM
**To:** Peasley, Donald <Donald.Peasley@ed.gov>
**Cc:** Roschewski, Pat <PRoschewski@DataRecognitionCorp.com>
**Subject:** Two questions

Hi Don – I do not know if you are working remotely or not, but hopefully this reaches you – I have been asked two questions and decided to come to the expert - perhaps you could answer or direct me to the appropriate resource:

AMERICAN OVERSIGHT

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2. Are the Title I and III state distributions posted on the website? I must have missed that.

I appreciate any help you can provide. Pat

Pat Roschewski, Ph.D
Senior Vice President, Education Solutions
Data Recognition Corporation
13490 Bass Lake Road
Maple Grove, MN 55311
763 360 8449

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:17 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: URGENT - Inability for Students to get "in-person" face-to-face notary services
**Attachments:** Handbook Guidance on Verification of Identity.pdf
**Importance:** High

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Eric Juhlin <eric.juhlin@collegeamerica.edu>
**Sent:** Wednesday, March 25, 2020 2:32 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Scott Schuler <Scott.Schuler@independence.edu>
**Subject:** URGENT - Inability for Students to get "in-person" face-to-face notary services
**Importance:** High

I am hoping that you can provide us some guidance.

One of our accredited and participating colleges, Independence University (an additional location under Stevens-Henager College OPEID #00367400), offers the majority of its programs via online distance education. Further, Independence University delivers its degree programs in a modular system where students take 1-2 courses every 4-weeks. What this means is that Independence University has "start dates" for new students that occur every 4 weeks, rather than more traditional "semester" colleges that only start new students two times per year (i.e., Fall Start, Winter Start).

Since IU enrolls students across the country into its online degree programs, we are running into some real challenges, due to COVID-19, with new students that have been selected for verification (V4 and V5) as part of the federal financial aid application process.

The biggest problem we're seeing is that new students (selected for verification) cannot get access to a "face-to-face notary" in order to satisfy the Department's

AMERICAN OVERSIGHT

requirements for the completion of the Statement of Educational Purpose (see attached page from the Department's 2019-2020 Handbook). In almost every case, the student is telling us that due to the lockdown, social distancing, and closure of business in their city, it is impossible for them to meet face-to-face with a notary to complete the Department's prescribed requirements.

We are wondering if the Department would grant us a ***temporary*** waiver to use a third-party, online, notary service as an alternative to the traditional, in-person notary requirement. Several, online notary providers have well established, verified, and trackable systems that would allow them to verify a student's identity, verify the student's government-issued photo ID, and provide the college with a copy of all of the required verification and documentation.

We currently have approximately 200 new students who are scheduled to start their degree program at Independence University next week who are negatively affected by this situation. These students are being prohibited from being eligible to receive federal financial aid simply because there is no access to an "in-person" notary in their community.

Please let us know ASAP if there is something that can be done to help these students and other applicants while the nation deals with the Covid-19 disruptions.

**Eric S. Juhlin** | CHIEF EXECUTIVE OFFICER

4021 South 700 East, Suite 400
Salt Lake City, UT 84107
Office: (801) 622-1555
Email: eric.juhlin@collegeamerica.edu

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**Updating information**
34 CFR 668.55

Students must also sign (it must be a "wet" signature) a statement of educational purpose that certifies who they are and that the federal student aid they may receive will only be used for educational purposes and for the cost of attending the school for the 2019–2020 year. Unlike the other text at the end of the chapter, the text for this statement is not suggested—**you must use the exact language given** (the student's identification number is optional though if collected elsewhere on the same page as the statement). After examining the statement, you may convert it into an electronic record. You must keep that or the original for at least the required Title IV record retention period.

**REAL ID Act of 2005**
The REAL ID Act affects people entering certain restricted areas where identification is required: federal facilities, nuclear power plants, and federally regulated commercial airplanes. Because there are currently no restrictions under the act on agencies accepting an ID that is not compliant with the act (typically one marked "not for federal identification") for other purposes, such an ID is acceptable for verification of identity/statement of educational purpose. It must be a government-issued ID that has not expired and includes the student's photo and name.

A student who is unable to appear at your school must go to a notary public and sign the statement of educational purpose. He must then submit to your office that statement (again, with the "wet" signature), a certification from the notary that he appeared before her and presented a government-issued photo ID confirming his identity, and a copy of the same ID.

## UPDATING INFORMATION

Generally, a student cannot update information that was correct as of the date the application was signed because the FAFSA is considered to be a "snapshot" of the family's financial situation as of that date. For example, if the student's family sold some stock after she signed the FAFSA and spent the money on an unreported asset such as a car, she can't update her information to show a change in assets. After the FAFSA is signed, only certain items can be updated under the following conditions:

**Online notary services**
Currently the Department does not authorize the use of online notary services as an alternative to traditional, in-person notary services.

1. **All applicants whose dependency status changes** must update that and the related FAFSA information throughout the award year except when the update is due to the student's marital status changing.

2. **All applicants selected by the Department or a school for verification of household size or number in college** must update those numbers to be correct as of the date of verification unless the update is due to a change in the student's marital status. Documenting household size or number in college is not required in a subsequent verification in the same year if the information has not changed.

**Parent remarriage after applying**
While the applicant does not typically update household size or number in college because of a change in his marital status, if he is a dependent student and his parent remarries between application and verification, he must update household size to include the new stepparent. However, the student would not count the new stepparent's income and assets. A school can use professional judgment to include the stepparent's income or to otherwise account for the change.
HEA Sec. 475(f)(3)
34 CFR 668.55(b)

At your discretion you may update under either 1 or 2 even when the update is due to a change in the student's marital status if you deem it necessary to address an inequity or to reflect more accurately the applicant's ability to pay. Such a decision must be on a case-by-case basis, and you must document your reasons for it. You must also update all other pertinent information, such as spousal income and taxes paid, to be consistent with the new marital status. Do this first if the student is selected for verification, and then complete verification of the updated application. If you change the status of an applicant to unmarried and that makes him dependent (because he was independent only due to marriage), his FAFSA must be updated with his parents' information. Your school may have a policy of not considering such updates after a specific census date.


AMERICAN OVERSIGHT
ED-20-0731-A-000058

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 22:21:37 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Use of 3D Printers in Schools for COVID19 Support

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,

Christine

---

**From:** answers <answers@ed.gov>
**Sent:** Tuesday, March 24, 2020 3:16 PM
**To:** Robert McLaughlin <[redacted]
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Use of 3D Printers in Schools for COVID19 Support

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Robert McLaughlin
(b)(6)

Dear Robert McLaughlin,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

AMERICAN OVERSIGHT

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Robert McLaughlin <(b)(6)
Sent: Sunday, March 22, 2020 12:43 PM
To: answers <answers@ed.gov>
Subject: Use of 3D Printers in Schools for COVID19 Support

To Whom It May Concern,

Is there an effort to leverage the idle 3D printers in Universities and Public/Private secondary schools to produce needed medical supplies? It appears that there may be some grassroots efforts but I wanted to know if there's a national strategy that can be pushed out?

Thank You
Rob McLaughlin
Charlotte, NC
704-707-6752

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:07:13 +0000
**To:** Dowling, Maureen
**Cc:** COVID-19
**Subject:** FW: WI question - Title funds on "pause"
**Attachments:** image001.png, image002.png

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Morrisey, Jenay <Jenay.Morrisey@ed.gov>
**Sent:** Wednesday, March 25, 2020 8:09 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: WI question - Title funds on "pause"

The Office of Non-Public Education received this inquiry related to COVID-19.

We are available to provide input as appropriate.

Jenay Morrisey
Office of Non-Public Education
U.S. Department of Education
202-260-2465

https://www2.ed.gov/about/inits/ed/non-public-education/index.html

---

**From:** Libby Sobic <libby@will-law.org>
**Sent:** Wednesday, March 25, 2020 7:55 AM
**To:** Morrisey, Jenay <Jenay.Morrisey@ed.gov>; Dowling, Maureen <Maureen.Dowling@ed.gov>
**Cc:** Binder, Isadora <Isadora.Binder@ed.gov>
**Subject:** Re: WI question - Title funds on "pause"

Jenay,
Thank you for following up. Yes, I spoke with Abbie but she didn't have any information about how this LEA can pause funds. I encouraged every school that reached out to me to also contact Abbie.

AMERICAN OVERSIGHT

I am concerned because the Milwaukee Public School is our state's largest LEA and if they implement a policy, so will the remaining 422 school districts. I should note that all Wisconsin schools are still educating students (public and private) so everyone is on a the same schedule at this point.

Additionally, I am concerned that if the LEA continues to pause these funds that the private schools will ultimately lose access to these funds because time will run out. Our LEA refuses to allow private schools to use title funds until September, instead follows the state's fiscal year of July 1.

I do a lot of work on behalf of private schools and access to title funds. I often write legal opinions to a LEA when they are implementing a policy that is violating ESSA. I have been fairly successful with this. Before doing so in this situation, I wanted to make sure that the ED hadn't issued an opinion or there wasn't guidance or a policy from a previous administration that permitted the pausing of title funds.

Thank you,
Libby

Libby Sobic
Director of Education Policy
WILL

---

**From:** Morrisey, Jenay <jenay.morrisey@ed.gov>
**Sent:** Wednesday, March 25, 2020 6:28 AM
**To:** Libby Sobic; Dowling, Maureen
**Cc:** Binder, Isadora
**Subject:** RE: WI question - Title funds on "pause"

Hi Libby,

Thank you for reaching out. I am consulting with my colleagues in the Office of Elementary and Secondary Education and will be back in touch as soon as possible.

In the meantime, have you had an communication with the state ombudsman for ESEA equitable services? I believe it is Abbie Pavela at the Wisconsin Council of Religious and Independent Schools (essaombudsman@dpi.wi.gov).

Thank you,

Jenay

Jenay Morrisey
Office of Non-Public Education
U.S. Department of Education
202-260-2465

https://www2.ed.gov/about/inits/ed/non-public-education/index.html

AMERICAN OVERSIGHT

**From:** Libby Sobic <libby@will-law.org>
**Sent:** Tuesday, March 24, 2020 4:47 PM
**To:** Dowling, Maureen <Maureen.Dowling@ed.gov>; Morrisey, Jenay <Jenay.Morrisey@ed.gov>
**Cc:** Binder, Isadora <Isadora.Binder@ed.gov>
**Subject:** RE: WI question - Title funds on "pause"

Thank you!

Jenay, please let me know if you would like to schedule a follow-up call this week.

Best,

Libby

---

**From:** Dowling, Maureen <Maureen.Dowling@ed.gov>
**Sent:** Tuesday, March 24, 2020 7:09 AM
**To:** Libby Sobic; Morrisey, Jenay
**Cc:** Binder, Isadora
**Subject:** RE: WI question - Title funds on "pause"

Libby,

Thanks you for contacting the Office of Non-Public Education (ONPE) regarding the provision of equitable services during this time of COVID-19. You have inquired about whether funding is still available for ESEA title services, notwithstanding the fact that Milwaukee Public Schools has put a "pause" on funding for services.

I have looped in my colleague Jenay Morrisey who will follow up with you on this matter.

Stay well,

Maureen

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MAUREEN DOWLING, ED.D.
DIRECTOR

AMERICAN OVERSIGHT

OFFICE OF NON-PUBLIC EDUCATION
OFFICE OF THE SECRETARY | U.S. DEPARTMENT OF EDUCATION
400 MARYLAND AVE, SW | WASHINGTON, DC 20202 | 202-260-7820
JOIN THE ONPE LISTSERV!

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**From:** Libby Sobic <libby@will-law.org>
**Sent:** Monday, March 23, 2020 5:38 PM
**To:** Dowling, Maureen <Maureen.Dowling@ed.gov>
**Subject:** WI question - Title funds on "pause"

Maureen,

I hope you are doing well and staying healthy. I am the Director of Education Policy at the Wisconsin Institute for Law & Liberty. You and your office have been a helpful resource for me in the past and I am hopeful you can help me today.

Private schools in Milwaukee were told by the LEA (Milwaukee Public Schools) that all title funds are on "pause." Last week, our Governor closed our public and private schools but most are providing learning virtually.

I have reviewed the US Department of Education's recent communications about COVID19 and participated in last week's call. However, I have not seen anything about title funding not continuing to flow to schools via services.

Can you direct me to any resources regarding this issue? Or direct me to a person at the US Department of Education? Is this something happening in other states?

Thank you!
Libby

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Libby Sobic

Director of Education Policy

Wisconsin Institute for Law & Liberty

414-322-4495

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Office of Non-Public Education

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AMERICAN OVERSIGHT

Office of Non-Public Education

**From:** Banks, Amy
**Sent:** Wed, 25 Mar 2020 21:25:37 +0000
**To:** COVID-19
**Subject:** FW: Wisconsin School Climate Grant Questions

Draft response:

Thank you for your questions regarding the COVID-19 effects on your grant. In response to your questions, we expect to have clear guidance for discretionary grants in the coming weeks.

Amy Banks, Ph.D., M.T.S.
Office of Safe and Supportive Schools
Office of Elementary and Secondary Education
U.S. Department of Education
202.453.6704
amy.banks@ed.gov

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:34 PM
**To:** Banks, Amy <Amy.Banks@ed.gov>
**Cc:** Foy Moss, Rita <Rita.Foy.Moss@ed.gov>; Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: Wisconsin School Climate Grant Questions

Hello Amy,

Please see the email inquiry below.

Thank You,

Franka

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**From:** Lawton, Kerry C. DPI <Kerry.Lawton@dpi.wi.gov>
**Sent:** Tuesday, March 24, 2020 11:22 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Jennings, Brenda M. DPI <Brenda.Jennings@dpi.wi.gov>; Krubsack, Elizabeth A. DPI <Elizabeth.Krubsack@dpi.wi.gov>; Lawton, Kerry C. DPI <Kerry.Lawton@dpi.wi.gov>
**Subject:** Wisconsin School Climate Grant Questions

Hello,

Thank you for this opportunity to ask questions. First, do you anticipate significant changes to the content or deadline for our annual reporting?

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Second, a considerable portion of our annual budget is given to schools as a stipend for meeting two criteria: 1) reaching PBIS tier 1 or 2 fidelity, and 2) completing an annual data collection for reporting and the overall grant evaluation. This collection includes surveys administered to both students and staff. Wisconsin schools are currently closed and we are uncertain when they will reopen. We also do not know the pay status of school staff if schools do not reconvene before the fall. We feel it's likely these complications will prevent schools from following our protocols to ensure data quality and may preclude some schools from collecting data at all. Given this, and considering the unique difficulties schools are facing, we have considered suspending data collection until school is back in session. Can you advise on whether this would be allowable and, if so, whether we could still provide stipends to schools who achieved PBIS fidelity before they were closed?

Last, given the closing of schools and the halting of work, will we be allowed to carryover funds to the next fiscal year?

Thank you again,

Wisconsin School Climate Grant Staff

AMERICAN OVERSIGHT

**From:** Ana English
**Sent:** Wed, 25 Mar 2020 21:15:34 +0000
**To:** COVID-19
**Subject:** Grades

Hello,

In reading the COVID-19 Web Center,it states the following:

Return of Title IV Funds
Even in the case of a disruption from COVID-19, an institution must return any Title IV funds for which it is responsible in accordance with the provisions of 34 CFR § 668.22 when a student withdraws. Currently, we do not have the authority to waive the statutory requirement for the return of unearned Title IV funds in the case where a student (who receives Title IV assistance) withdraws from an institution during a payment period or period of enrollment after having begun attendance

Satisfactory Academic Progress (SAP)
An institution's SAP appeal policy (34 CFR § 668.34(a)(9)) must, among other things, describe the basis on which a student may file an appeal: the death of a relative, an injury or illness of the student, or other special circumstances. Circumstances related to an outbreak of COVID-19, including, but not limited to, the illness of a student or family member, compliance with a quarantine period, or the general disruption resulting from such an outbreak may form the basis of a student's SAP appeal even if not specifically articulated in the institution's SAP policy.

Colleges/universities are discussing giving pass/fail grades. Since we will continue to follow SAP and R2T4 guidelines are we able to give pass/fail grades without it impacting the student financial aid award?

Thank you,

**Ana English** | Director of Financial Aid
**Arizona Western College**
PO Box 929 • Yuma, AZ 85366
P: 928-317-6438 • F: 928-317-6420

AMERICAN OVERSIGHT

**From:** Tiffanie Karcher
**Sent:** Wed, 25 Mar 2020 20:05:12 +0000
**To:** COVID-19
**Cc:** Mary Lou Kutchma
**Subject:** Length of Academic Year

Good afternoon!
I work at a private college that extended spring break by 1 week due to COVID-19. At the end of spring break, instruction will resume online until the scheduled end date of the spring term. Although our start and end dates currently remain the same, are we required to request a temporary reduction in our academic year since the instruction time has effectively been shortened by 1 week? If so, do we start by contacting our School Participation team or do we request approval via the ECAR?
Thank you in advance for your guidance.
Tiffanie Karcher
Marist College
Associate Director of Compliance and Analyst
Office of Student Financial Services
Telephone: 845-575-3000 ext 2431
Fax: 845-575-3099

AMERICAN OVERSIGHT

**From:** Medina, Carmen
**Sent:** Wed, 25 Mar 2020 19:20:42 +0000
**To:** COVID-19
**Cc:** Camara, Storm;Muhammad, Faatimah;Thurmond, Bryan
**Subject:** McKinney Vento Question

Good afternoon,

Our state is planning to have the schools go on-line when they reopen around April 6. We have homeless students that do not have laptops, iPad, etc. Can we use McKinney Vento funds to purchase the necessary equipment in that way they can complete their schoolwork? Please advise.

**Carmen M. Medina** | Chief
Pennsylvania Department of Education | Bureau of School Support
333 Market Street, 3rd Floor | Harrisburg, PA | 17126
Phone: 717.783.6466 | Fax: 717.783.6642
cmedina@pa.gov
www.education.pa.gov

VIDEO: #PAHasYourBack

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**From:** Rodriguez, Jennifer
**Sent:** Wed, 25 Mar 2020 21:16:45 +0000
**To:** COVID-19
**Subject:** Mental Health Services Professional Demonstration Grant- Questions

Good evening,

I hope this email finds you well healthy and safe during these uncertain times. I am the Program Coordinator for the Supportive Schools Newark initiative funded by the Mental Health Service Professional Demonstration grant. Below are the three questions that I currently have regarding implementation, funding and timeline:

1. A major component of our initiative is to provide group and individual counseling sessions which we were to commence in April. Given the circumstance that we are in, all district schools have moved toward home-instruction and it is unclear when the district will reopen the schools. What are the expectation for meeting narrative goals that are currently pending due to the response to COVID-19?
2. Are there any updates regarding an extension/grace period for the funds that needed to be used by the June 2020?
3. Will there be an extension for the Interim report due May 29, 2020?

Thank you in advance, I look forward to the grantee webinar scheduled for Thursday, March 26th.

In health,

Jennifer Rodriguez
Program Specialist
Office of Federal Programs and Grants
Newark Board of Education
Office: 973-688-2026
E-mail: j20rodriguez@nps.k12.nj.us

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:36:28 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** Multiple COVID Emails 3-35-2020
**Attachments:** Teacher Loan Forgiveness and COVID-19, College Work Study, FW: Help: COVID-19 Guidance Interpretation, School Closed for Two Weeks, FW: Request for Phone Call - Covid19 Guidance, COVID-19 and LOA's for Term Based Students
**Importance:** High

Hello,

Please see the email inquiries attached.

Thank You,

Franka

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**From:** Tarnow, Jonathan D. <jonathan.tarnow@faegredrinker.com>
**Sent:** Tuesday, March 24, 2020 12:59 PM
**To:** Kolotos, John <John.Kolotos@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 and LOA's for Term Based Students
**Importance:** High

Hi John,

I heard from a reliable colleague that you are part of the Department's COVID-19 task force, and I truly appreciate all that you and others are doing for students and schools during this difficult time. We are living through circumstances that none of us could have imagined just a short time ago.

I have been asked by multiple school clients to seek additional guidance from the Department on Leaves of Absence (LOAs) in term-based programs. Specifically, the question I have from several school is whether students in a term-based program, if granted a LOA, still need to re-enter a program where they left off? If they do not, the follow-up questions include how to handle pertinent dates (Academic Year, Loan Period, etc.), and also whether R2T4 is still required?

As you might imagine, there continues to be some significant confusion among both schools and the compliance community (e.g. auditors and attorneys) regarding these issues, and the Department's guidance to date does not specifically address this LOA question in the term-based context. I also note there is legislation pending in Congress that would appear to expressly waive, as a matter of statute, any LOA requirement for students to re-enter a

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program where they left off. It is not clear to me whether that statutory change is needed before the Department can provide more guidance with respect to term-based LOAs in these circumstances.

Anything that the Department can do to clarify these issues – of course as quickly as possible for schools facing imminent LOA decisions – would be greatly appreciated.

Thanks,
Jonathan

**Jonathan D. Tarnow**
Partner
jonathan.tarnow@faegredrinker.com
+1 202 354 1357 direct / +1 202 842 8465 fax
Faegre Drinker Biddle & Reath LLP
1500 K Street NW, Suite 1100
Washington, DC 20005 USA

Welcome to **Faegre Drinker Biddle & Reath LLP (Faegre Drinker)** – a new firm comprising the former Drinker Biddle & Reath and Faegre Baker Daniels. Our email addresses have changed with mine noted in the signature block. All phone and fax numbers remain the same. As a top 50 firm that draws on shared values and cultures, our new firm is *designed for clients*.

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**From:** Pfeiffer, Clara A. DPI
**Sent:** Tue, 24 Mar 2020 17:24:06 +0000
**To:** TCLI;COVID-19
**Subject:** Teacher Loan Forgiveness and COVID-19

Good Afternoon,
I recently was asked a question regarding state mandated school closures potentially effecting teachers applying for the Teacher Loan Forgiveness program. Has there been any discussion on the impact these closures would have on the requirement of teaching a "full academic year"?
Thank you for your consideration.

***Clara Pfeiffer***
Grants Specialist
WI Department of Public Instruction
Title I and School Support
(608) 261-6324
clara.pfeiffer@dpi.wi.gov

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**From:** Amaya, Mercedes
**Sent:** Tue, 24 Mar 2020 17:12:09 +0000
**To:** COVID-19
**Cc:** De Leon, Berta
**Subject:** College Work Study

Good Afternoon,

I hope you are all well!

The College closed for two weeks and will move to online teaching and work remotely.

For the student assistants we have calculated an average based on hours worked during the last four weeks and will be paid until we open the offices.

If there is a need to have some of the students work remotely, can we have some students paid the average and some paid for actual hours worked?

Thanks

Mercedes Amaya

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**From:** FederalStudentAid
**Sent:** Tue, 24 Mar 2020 17:33:03 +0000
**To:** COVID-19
**Subject:** FW: Help: COVID-19 Guidance Interpretation

Hello. Please see questions re a temporary school reduction. See below.

Thank you

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**From:** Gilligan, Pam <Pam.Gilligan@ed.gov>
**Sent:** Thursday, March 12, 2020 10:43 AM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: Help: COVID-19 Guidance Interpretation

Here is a question from the Champlain College in VT regarding the EA on Coronavirus.

Pam
Pam Gilligan, Training Officer – FSA
US Department of Education – Boston

Office: 617-289-0022
pam.gilligan@ed.gov

**From:** Jovell, Kristi [mailto:kjovell@champlain.edu]
**Sent:** Wednesday, March 11, 2020 4:48 PM
**To:** Gilligan, Pam
**Subject:** Help: COVID-19 Guidance Interpretation

Hi Pam,

I hope you are well. I know it's been a long time since we've been in touch, but reaching out for help with this pressing issue on my campus (and I am sure many others!).

I am hoping that you may have some information to help me clarify my understanding of the recent Department of Education COVID-19 guidance related to the 30 week academic calendar requirement.

The guidance starting on page 5 of EA 030520 under Length of Academic Year states a temporary reduction in the length of an institution's academic year can be requested if an institution determines it will close as a result of a campus health emergency.

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Champlain just announced an additional week of break. Our students are currently in a one week spring break and we extended the break by one week in order to prepare for all online instruction. After the additional week of break, we will resume with online classes. This extension of the break results in a 14 week spring semester and 29 week academic year.

Is the Department's guidance only applicable for a closure or would an extended break resulting in a reduced academic calendar also qualify for the temporary reduction?

Generally, approval of a less than 30 week calendar would result in reduction of federal aid. Does this apply with this new guidance?

Any clarification you can give me on this would be really appreciated.

Thanks,

Kristi

Kristi Jovell
Assistant Vice President of Enrollment Management
Champlain College I Burlington, VT
Phone (802) 865-5728 I Fax (802) 860-2775

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**From:** Mercedes Amaya
**Sent:** Tue, 24 Mar 2020 13:22:04 -0400
**To:** COVID-19
**Subject:** School Closed for Two Weeks

Good Afternoon,

The College is closed from March 17, 2019 through March 29 and will resume with remote learning in March 30th.

Do I have to contact our PPA team to update the academic year?

Thanks

Mercy Amaya

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**From:** FederalStudentAid
**Sent:** Tue, 24 Mar 2020 17:30:01 +0000
**To:** COVID-19
**Subject:** FW: Request for Phone Call - Covid19 Guidance
**Attachments:** Procedures for Responding to Inquiries Relating to Higher Education

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Yette, Brenda <Brenda.Yette@ed.gov>
**Sent:** Thursday, March 12, 2020 9:32 AM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: Request for Phone Call - Covid19 Guidance

Good morning,

Per guidance received, I am forwarding the below inquiry for assistance and guidance. We've acknowledged receipt of the inquiry. Thank you for your assistance in this matter.

Dr. Brenda L. Yette
Compliance Manager
Department of Education
Chicago/Denver School Participation Team
Suite 3836
230 S. Dearborn JCK Federal Building
Chicago, Illinois 60604
(312) 730-1522

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**From:** Yette, Brenda
**Sent:** Thursday, March 12, 2020 7:39 AM
**To:** Hilsey, Shaina; Cox, Jack
**Cc:** Early, Jeremy; Gifford, Nancy Paula; Valentine, Ingrid; Minor, Robin
**Subject:** FW: Request for Phone Call - Covid19 Guidance

Good morning,

As instructed in the attached guidance, I am forwarding the received inquiry/request up to OPE and senior leadership. We've acknowledged receipt of the inquiry as noted in the email chain of communication. Please assist with the drafting of a response to the inquirer. Thanks in advance for your assistance in this matter.

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Dr. Brenda L. Yette
Compliance Manager
Department of Education
Chicago/Denver School Participation Division
230 S. Dearborn JCK Federal Building
Suite 3836
Chicago, Illinois 60604
(312) 730-1522

---

**From:** Kreutzer, Mark
**Sent:** Wednesday, March 11, 2020 5:14 PM
**To:** Yette, Brenda
**Cc:** Early, Jeremy; Sawyer, Tammi
**Subject:** FW: Request for Phone Call - Covid19 Guidance

Hi Brenda,

Per the e-mail instructions we received yesterday (attached), I acknowledge receipt of the COVID-19 email from one of our schools (below), noted that the Department will respond, and sending to you as my supervisor, so it can be forwarded to Shaina Hilsey (Shaina.hilsey@ed.gov) and Jack Cox (jack.cox@ed.gov) who work within OPE, and copy leadership from their POC.

MK

---

**From:** Kreutzer, Mark
**Sent:** Wednesday, March 11, 2020 5:13 PM
**To:** Patrick James <pjames@saic.edu>
**Subject:** RE: Request for Phone Call - Covid19 Guidance

Hi Patrick,

Thank you for the e-mail! My apologies but I unfortunately cannot schedule a call to this regard right now. However, I can acknowledge the receipt of your question and inform you that the Department will respond as soon as possible.

I can also direct you to Electronic Announcement 2020-03-05 (at: https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19) from our Office of Postsecondary Education that may address some of your questions.

Sorry that I could not be more directly helpful on this issue at this time. Be well and thanks again for contacting me!

All the best,

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MK

Mark Kreutzer
Senior Institutional Review Specialist
United States Department of Education
Federal Student Aid
Program Compliance
Chicago/Denver School Participation Division
Mark.Kreutzer@ed.gov

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**From:** Patrick James <pjames@saic.edu>
**Sent:** Wednesday, March 11, 2020 12:34 PM
**To:** Kreutzer, Mark <Mark.Kreutzer@ed.gov>
**Subject:** Request for Phone Call - Covid19 Guidance

Hello Mark!

Hope you are doing well! I have received an update here and there from Kevin, so glad you have kept in touch.

Jane Brumitt is wondering if you would be willing to do a phone call this afternoon regarding DOE guidance such as perhaps having a shortened academic year, etc in lieu of the global Covid19 event. Would that be possible? Please let me know what time would be for you or if there is someone else you would prefer we talk with.

Thank you!

---

Patrick James, Director, Student Financial Services
School of the Art Institute of Chicago
36 S. Wabash Ave., Suite 1200, Chicago IL 60603-3103
312.629.6618 312.629.6601 (fax)
FAFSA
School
Code
001753

SFS Facebook facebook.com/SAICsfs

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Inceptia Financial Literacy FinancialAvenue.org

Inceptia Loan Management MoneyKnowl.org

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**From:** Employee_Communications
**Sent:** Tue, 10 Mar 2020 18:57:23 +0000
**To:** Employee_Communications
**Subject:** Procedures for Responding to Inquiries Relating to Higher Education

**Distribution List: All ED Employees**

Dear colleagues,

In order to ensure that the Department is providing **clear, accurate and consistent** communications to the community, the Department is instituting a new process for the intake of higher education coronavirus related questions that will be managed by the Office of Postsecondary Education (OPE). Employees are directed NOT to provide substantive responses to any coronavirus related questions until the question has been logged into our system, and an answer has been drafted and vetted by the appropriate staff. The only exception is if you are simply forwarding coronavirus communication that has already been posted by the Department. It is critical that all employees abide by these instructions, so the Department can effectively and consistently manage these issues. **To the extent possible, OPE would like to provide answers to inquiries on these matters within 48 hours**. Please follow the following steps after receiving a coronavirus related question:

**Instructions for intake of coronavirus related questions:**

1. When an employee receives a coronavirus related question that has not been addressed in previous communication posted by the Department, they should respond to the inquiring party acknowledging receipt of the question and informing them that the Department will respond as soon as possible. *Please note that if it's unclear whether the question has been addressed by previous Department communication, employees should err on the side of sending the inquiry up the chain.*
2. The employee should email the inquiry to their first line supervisor.
3. The first line supervisor should then forward the inquiry to Shaina Hilsey (Shaina.hilsey@ed.gov) and Jack Cox (jack.cox@ed.gov) who work within OPE, and copy leadership from their POC. Supervisors are encouraged to develop a suggested response to the inquiry, if practical. However, they should forward the question to Ms. Hilsey and Mr. Cox before developing the response and should indicate in the email to them if they plan to develop a response or would recommend another staff person develop a response. All draft responses should be forwarded to Shaina and Jack BEFORE the response is published or given to the source of the question or inquiry. *Other POCs are permitted to develop alternative internal POC procedures at the*

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*discretion of their leaders, however, OPE would encourage that such processes ensure that we are notified as quickly as possible after an inquiry has been received.*

4. Shaina and Jack will log all inquiries into our data base, then work with relevant subject matter experts and senior leadership in developing a response. They will then share the approved response with the relevant supervisors, who can then direct the responses to the individual source of the inquiry, and with OLCA and the Departmental Communication (OCO) site that is being established for these specific purposes.

**Instructions for questions that you have already received**

Please send all communications you have already received related the Coronavirus using the instructions above. If an employee has already responded to the inquiry, please attach the email that you sent to the inquiring party.

**INTERNAL FSA PROCESS**

**FSA Instructions for intake of coronavirus-related questions that call for policy judgments or interpretations from the financial aid community:**

1. When an FSA employee receives a coronavirus-related question from the financial aid community, that has not been addressed in previous communication posted by the Department, the FSA employee should respond to the inquiring party acknowledging receipt of the question and informing them that the Department will respond as soon as possible. Please note that if it's unclear whether the question has been addressed by previous Department communications, FSA employees will follow the process outlined below.
2. The FSA employee will email the inquiry to
• their first line supervisor,
• copy their deputy chief operating officer (COO), and
• send the email to the following mailbox – federalstudentaid@ed.gov.
This mailbox will be monitored by FSA's Strategic Communications team (Strat Comms). This team will identify a subject matter expert(s) for each question(s), only when appropriate. The SME may be asked to draft a proposed response for the Office of Postsecondary Education's (OPE) review.
3. Strat Comms will forward immediately the initial inquiry to OPE, including the identified SME, and whether the SME is drafting a proposed response. In the event a draft response is provided to Strat Comms by the SME, Strat Comms will forward the proposed response to OPE for review.
4. For all FSA inquiries, OPE will log them and work with relevant SMEs, which may be identified by Strat Comms, and senior leadership in developing a final response. OPE will then email federalstudentaid@ed.gov and provide the approved response.
5. Strat Comms is responsible to provide the approved response to the original FSA employee who initiated the inquiry, their first-line supervisor, and their deputy COO.
6. The FSA employee who initiated the inquiry is responsible to provide the approved response to the requestor.

Robert L. King
Assistant Secretary for Postsecondary Education
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Tarnow, Jonathan D.
**Sent:** Tue, 24 Mar 2020 16:58:48 +0000
**To:** Kolotos, John
**Cc:** COVID-19
**Subject:** COVID-19 and LOA's for Term Based Students
**Importance:** High

Hi John,

I heard from a reliable colleague that you are part of the Department's COVID-19 task force, and I truly appreciate all that you and others are doing for students and schools during this difficult time. We are living through circumstances that none of us could have imagined just a short time ago.

I have been asked by multiple school clients to seek additional guidance from the Department on Leaves of Absence (LOAs) in term-based programs. Specifically, the question I have from several school is whether students in a term-based program, if granted a LOA, still need to re-enter a program where they left off? If they do not, the follow-up questions include how to handle pertinent dates (Academic Year, Loan Period, etc.), and also whether R2T4 is still required?

As you might imagine, there continues to be some significant confusion among both schools and the compliance community (e.g. auditors and attorneys) regarding these issues, and the Department's guidance to date does not specifically address this LOA question in the term-based context. I also note there is legislation pending in Congress that would appear to expressly waive, as a matter of statute, any LOA requirement for students to re-enter a program where they left off. It is not clear to me whether that statutory change is needed before the Department can provide more guidance with respect to term-based LOAs in these circumstances.

Anything that the Department can do to clarify these issues – of course as quickly as possible for schools facing imminent LOA decisions – would be greatly appreciated.

Thanks,
Jonathan

**Jonathan D. Tarnow**
Partner
jonathan.tarnow@faegredrinker.com
+1 202 354 1357 direct / +1 202 842 8465 fax
Faegre Drinker Biddle & Reath LLP
1500 K Street NW, Suite 1100
Washington, DC 20005 USA

AMERICAN OVERSIGHT

Welcome to **Faegre Drinker Biddle & Reath LLP (Faegre Drinker)** – a new firm comprising the former Drinker Biddle & Reath and Faegre Baker Daniels. Our email addresses have changed with mine noted in the signature block. All phone and fax numbers remain the same. As a top 50 firm that draws on shared values and cultures, our new firm is *designed for clients*.

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**From:** cindy collegeofhairdesigncareers.com
**Sent:** Wed, 25 Mar 2020 21:49:07 +0000
**To:** COVID-19
**Subject:** online

I am sending this e mail to notify US Department of Education the college of Hair Design Careers wishes to teach online classes as soon as possible.
I am inquiring as to what I need to do for approval to do so.
Oregon Higher Education Coordination Commission, NACCAS and our students have been notified in writing of this change upon US department of Ed. approval.
OPE ID 02337900
Cindy Long
Administrator
College of Hair Design Careers
1684 Clay ST. NE
Salem, OR. 97301
503-588-5888
cindy@collegeofhairdesigncareers.com

AMERICAN OVERSIGHT

**From:** Ibanez, Juanita (LLU)
**Sent:** Wed, 25 Mar 2020 18:39:11 +0000
**To:** COVID-19
**Subject:** Please provide clarification on DeVos halts collection of defaulted federal student loans

Good Afternoon Dept. of Ed,

I would appreciate it if you could please provide clarification on the article I found titled DeVos halts collection of defaulted federal student loans. See link http://a.msn.com/01/en-us/BB11ECmv?ocid=se Is the halting of collections only applicable for federal loans serviced by the Dept. of Education such assigned or consolidated loans or is this also applicable to Federal Perkins loans that are in default that are being serviced by a third party loan collection agency on behalf of a school?

Thanks,

Juanita Ibanez
Loma Linda University
Student Loan Accounts Office Supervisor

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AMERICAN OVERSIGHT

**From:** Jess Binning (WDE)
**Sent:** Wed, 25 Mar 2020 13:15:57 -0600
**To:** GrantsTeam@omb.eop.gov
**Cc:** OESE.OSS.Wyoming;COVID-19
**Subject:** Question on M-20-17

OMB:

this letter, https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-17.pdf , grants flexibility that our school districts (LEAs) have been asking for. In order to be able to grant these flexibilities, how does our state agency request the flexibility or waiver from the US Department of Education? Do we submit a letter?

Or, are these items allowed between states and their subgrantees without needing US Department of Education approval first?

Any guidance would be appreciated, as these are key to helping school districts be able to continue to support schools during closures.

Sincerely,
Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
**Cheyenne, WY 82002**

Register for STAR here:
**https://2020starconference.eventbrite.com/**

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 18:01:20 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** Early, Jeremy;Minor, Robin;Peak, Marion;FederalStudentAid
**Subject:** RE: 01013800 Stewart School (Chicago/Denver) Region

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** Peak, Marion <Marion.Peak@ed.gov>
**Sent:** Monday, March 16, 2020 3:51 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Early, Jeremy <Jeremy.Early@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
**Subject:** RE: 01013800 Stewart School (Chicago/Denver) Region

Below is notification from the school of the closure due to the coronavirus.

Thanks

**Marion Peak**
Financial Analyst
Chicago/Denver School Participation Division
Federal Student Aid
1244 Speer Boulevard, Suite 201
Denver, Colorado 80204-3518
(303) 844-3320
(303)844-4695

---

**From:** Financial Aid Office <financialaid@stewartschool.com>
**Sent:** Monday, March 16, 2020 1:29 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>
**Cc:** 'Matt Fiegen' <(b)(6)>; Angela Taylor <angela.taylor@stewartschool.com>; Kristi Cole <KCole@gotodja.com>; Ben Sanders <ben@lsacpafirm.com>
**Subject:** 01013800 Stewart School (Chicago/Denver) Region

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Dept of Ed. –

Please be aware of the following:

To help prevent the spread of COVID-19 and to follow the standard set by the State of South Dakota in closing all public schools, Stewart School will be closed Saturday, March 14 through Saturday, March 21st and reopen on Monday, March 23rd.

We will let you know if this changes.

Emergency contacts are in the E-App; my personal cell is (b)(6)

Thanks!

Angie Carlson
Financial Aid Director
Stewart School

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AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 18:06:05 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** Early, Jeremy;Minor, Robin;FederalStudentAid;Peak, Marion
**Subject:** RE: Acadia Spa & School of Aesthetics (04165500)

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** Peak, Marion <Marion.Peak@ed.gov>
**Sent:** Monday, March 16, 2020 4:33 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Early, Jeremy <Jeremy.Early@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
**Subject:** Acadia Spa & School of Aesthetics (04165500)

Acadia Spa & School of Aesthetics will be temporarily closing their facility and moving to distance education as a result of coronavirus. The school is inquiring as what type of notification the Department is requiring.

**Marion Peak**
Financial Analyst
Chicago/Denver School Participation Division
Federal Student Aid
1244 Speer Boulevard, Suite 201
Denver, Colorado 80204-3518
(303) 844-3320
(303)844-4695

AMERICAN OVERSIGHT

**From:** Joyce Lenier
**Sent:** Wed, 25 Mar 2020 18:17:59 -0400
**To:** COVID-19
**Subject:** Re: Automatic reply:

I still didn't get a respond yet

On Mon, Mar 23, 2020, 9:41 AM COVID-19 <COVID-19@ed.gov> wrote:

> Thank you for your inquiry. We will respond to you as soon as possible.
> Please stay up to date with the information from the Center for Disease Control and Prevention (www.cdc.gov/coronavirus/2019-ncov) and your local health officials. The Department will continue to provide information at: www.ed.gov/coronavirus.

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**From:** Gillette, Lisa
**Sent:** Thu, 26 Mar 2020 00:19:25 +0000
**To:** Medina, Carmen
**Cc:** jeffrey.ojeda@schools.utah.gov;Henry, Sue;Doug Boline;COVID-19;Martinez, Sarah;Meyertholen, Patricia
**Subject:** Re: CIG Extension Request

Hi Carmen,

Thank you for your letter. I hope you are safe and healthy.

We will review your request and get back to you. I'm copying the Department's email for all COVID-19 related inquiries.

Best,

Lisa

Sent from my iPhone

On Mar 23, 2020, at 6:16 PM, Medina, Carmen <cmedina@pa.gov> wrote:

Please see the attached request. Please let me know if you have any questions. Thank you.

**Carmen M. Medina** | Chief
Pennsylvania Department of Education | Bureau of School Support
333 Market Street, 3rd Floor | Harrisburg, PA | 17126
Phone: 717.783.6466 | Fax: 717.783.6642
cmedina@pa.gov
www.education.pa.gov

VIDEO: #PAHasYourBack

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<CIG Letter clean.docx>
<ATPFile_CE6EEE48-3663-4393-AEBB-9A55F7C1723F.token>

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**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 17:56:07 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** Minor, Robin;Sawyer, Tammi;FederalStudentAid;Early, Jeremy
**Subject:** RE: Closing

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

-----Original Message-----
From: Sawyer, Tammi <Tammi.Sawyer@ed.gov>
Sent: Monday, March 16, 2020 10:46 AM
To: FederalStudentAid <FederalStudentAid@ed.gov>; Early, Jeremy <Jeremy.Early@ed.gov>
Cc: Minor, Robin <Robin.Minor@ed.gov>
Subject: FW: Closing

Hi Federal Student Aid,

Paul Mitchell has COVID-19 questions concerning the closing of schools and how to notify the Department.

Tammi

-----Original Message-----
From: Chris Claybaugh <chrisc@paulmitchell.edu>
Sent: Monday, March 16, 2020 9:37 AM
To: Sawyer, Tammi <Tammi.Sawyer@ed.gov>
Cc: Peggy Sproat <peggys@rapidcity.paulmitchell.edu>
Subject: Closing

Hi

Bet you haven't heard this question yet. Schools are requiring to close for a week, maybe two. Do they need to and if so how do they notify you? Thanks

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Wed, 25 Mar 2020 18:17:22 +0000
**To:** COVID-19;Sullivan, Madeline
**Subject:** RE: COE and Signatures

This looks like an issue for Migrant Education, so it should be forwarded to OESE COVID-19. I believe she sent it to us because any outside inquiries should go to our COVID mailbox first, then be sent forward to OESE.

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:10 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** FW: COE and Signatures
**Importance:** High

Hello Madeline,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Sent:** Tuesday, March 24, 2020 12:06 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>; Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** FW: COE and Signatures
**Importance:** High

OME has sent an acknowledgement email.

---

**From:** Benassi, Christina - Division of School and Program Improvement <christina.benassi@education.ky.gov>
**Sent:** Tuesday, March 24, 2020 11:27 AM
**To:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Subject:** COE and Signatures
**Importance:** High

Sara,

I sent the following email to my director to get her input but she basically said I must contact you to get final decisions on how our state should move forward. Can you

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please provide our state with some guidance? If you have time for a chat, I also had some funding questions as well.

Thank you.

Christina

***Christina Benassi, MA in Elementary Education***
***MA in Learning Behavior Disorders***
Title I, Part C Kentucky Migrant State Director, Planning Branch
Title I, Part A Consultant, English Learners, Migrant and Neglected & Delinquent Branch

Division of School and Program Improvement
Office of Continuous Improvement
Kentucky Department of Education
300 Sower Blvd. – 5th floor
Frankfort, KY 40601
(502) 564-3791, ext. 4025 | Fax (502) 564-8149
Christina.benassi@education.ky.gov

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---

**From:** Benassi, Christina - Division of School and Program Improvement
**Sent:** Friday, March 20, 2020 1:22 PM
**To:** Rodriguez, Tara - KDE Division Director <tara.rodriguez@education.ky.gov>
**Cc:** Neil - Division of Consolidated Plans and Audits Watts (neil.watts@education.ky.gov) <neil.watts@education.ky.gov>
**Subject:** COE and Signatures
**Importance:** High

**Tara,**

**Tara, thanks for talking with me about my concerns with our recruiters earlier today. I really appreciate your assistance. I looked for some information on the signatures and this is what I have found according to the National COE**

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**instructions, Results web page, and NRG for Chapter two. If you look at the H4 it stated that, "the content of these sections must remain unaltered, with limited exceptions." I am not sure if the we could write a comment stating, "signature could not be obtained due to COVID-19." I would like to see what Whitney things about that. Also, we would verify these signatures on September 1 to ensure the student is still eligible during the next funding year.**

**Here are a few options I have talked about with other states and wanted to get your thoughts.**

1. **Get electronic COEs over phone and then write comment about not getting signature with COVID-19.**

2. **Get a ECOE over phone and then hold the COE until a signature is obtained. Then mail a copy of the COE to the family/farmer, etc. and get a paper signature and write on the COE that signature is on file. The virus dies on paper within 24 hours. (Issue: some people don't know their address.)**

3. **Get Electronic COEs over phone and then write in comments about not getting signature with COVID-19 but get a signature verification before 9-1-20 to verify there were here one day during the current performance period. (Issues: The people may have moved so we may not be able to get signatures for all.)**

**Let me know what your thoughts are? Thanks again for helping us during this difficult time. I appreciate your help. Thank you.**

**Christina**

---

---

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**Guidance**

Chapter 2: Child Eligibility

**H4. What are the required data *sections* for the national COE?**

The required data sections mandated by the national COE are as follows: Qualifying Moves & Work Section, Comment Section, Interviewee Signature Section, and Eligibility Certification Section. The content of these sections must remain unaltered, with limited exceptions. Certain formatting changes are allowable.

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**H10. Must the recruiter sign the national COE?**

Yes. The recruiter's signature on the national COE certifies that: (1) the children are eligible for the MEP, and (2) the information upon which the recruiter based the eligibility determination is correct to the best of his or her knowledge. Moreover, under 34 C.F.R. § 200.89(c) and (d), the Department requires this signature on the national COE as an element of a reasonable system of quality control.

Results web page:

Interviewee Signature Section. The interviewee signs and dates the COE on the day the interview is conducted. The interviewee must also write his or her relationship to the child.
I understand the purpose of this form is to help the state determine if the child(ren)/youth listed on this form is/are eligible for the Title I, Part C, Migrant Education Program. To the best of my knowledge, all of the information I provided to the interviewer is true.
Signature, Relationship to the child(ren), Date

The person who signs the COE must be the source of the information contained in the document and should verify any information provided by another source. If the interviewee is unable to sign his or her name, he or she must mark an "X" in the signature section and the recruiter must print the parent's name and relationship to the child in the Comments section. If the interviewee refuses to sign his or her name, the recruiter must document the interviewee's refusal in the Comments section and print the interviewee's name and relationship to the child.

If a state chooses to include other statements that require, for example, a parent/guardian signature specifically, the state can include those statements separately from the Interviewee Signature. ED strongly recommends that states obtain the approval of their legal counsel to ensure that additional statements they add to this section comply with the applicable federal, state, and local laws and policies.

The recruiter should make sure the interviewee understands what he or she is signing. The recruiter can do this by reviewing every line of the COE and confirming with the parent that the information is correct. If the interviewee can read, the recruiter should give the interviewee a blank copy of the COE form in his or her native language (if available) so the interviewee can follow along. Once the SEA-designated reviewer reviews, signs, and dates, the COE, the MEP should send a copy of the COE by mail or hand-deliver it at a later date.

COE Directions

Same as above

AMERICAN OVERSIGHT

***Christina Benassi, MA in Elementary Education***
***MA in Learning Behavior Disorders***
Title I, Part C Kentucky Migrant State Director, Planning Branch
Title I, Part A Consultant, English Learners, Migrant and Neglected & Delinquent Branch

Division of School and Program Improvement
Office of Continuous Improvement
Kentucky Department of Education
300 Sower Blvd. – 5th floor
Frankfort, KY 40601
(502) 564-3791, ext. 4025 | Fax (502) 564-8149
Christina.benassi@education.ky.gov

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AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Wed, 25 Mar 2020 18:19:09 +0000
**To:** Williams, Bryan;COVID-19
**Subject:** RE: COE and Signatures

Thank you; I will remove this from my list.

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** Williams, Bryan <Bryan.Williams@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:17 PM
**To:** COVID-19 <COVID-19@ed.gov>; Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Subject:** RE: COE and Signatures

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**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** FW: COE and Signatures
**Importance:** High

Hello Madeline,

Please see the email inquiry below.

Thank You,

Franka

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**From:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Sent:** Tuesday, March 24, 2020 12:06 PM
**To:** COVID-19 <COVID-19@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>; Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** FW: COE and Signatures
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**To:** Rodriguez, Tara - KDE Division Director <tara.rodriguez@education.ky.gov>
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**Tara,**

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## Christina

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## Guidance

Chapter 2: Child Eligibility

**H4. What are the required data *sections* for the national COE?**

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Signature, Relationship to the child(ren), Date

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COE Directions

Same as above

***Christina Benassi, MA in Elementary Education***
***MA in Learning Behavior Disorders***
Title I, Part C Kentucky Migrant State Director, Planning Branch
Title I, Part A Consultant, English Learners, Migrant and Neglected & Delinquent Branch

Division of School and Program Improvement
Office of Continuous Improvement
Kentucky Department of Education
300 Sower Blvd. – 5th floor
Frankfort, KY 40601
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Christina.benassi@education.ky.gov

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AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 17:42:51 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** Peak, Marion;FederalStudentAid
**Subject:** RE: Columbia College Chicago (001665) - COVID-19 Related Changes to the Academic Year

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** Peak, Marion <Marion.Peak@ed.gov>
**Sent:** Monday, March 16, 2020 3:53 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: Columbia College Chicago (001665) - COVID-19 Related Changes to the Academic Year

---

**From:** Peak, Marion
**Sent:** Monday, March 16, 2020 1:42 PM
**To:** fsastudentaid@ed.gov
**Cc:** Early, Jeremy <Jeremy.Early@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
**Subject:** RE: Columbia College Chicago (001665) - COVID-19 Related Changes to the Academic Year

This is a notification from Columbia College of Chicago of the changes being made at the school due to the coronavirus.

Thanks

**Marion Peak**
Financial Analyst
Chicago/Denver School Participation Division
Federal Student Aid
1244 Speer Boulevard, Suite 201
Denver, Colorado 80204-3518
(303) 844-3320

AMERICAN OVERSIGHT

(303)844-4695

---

**From:** Grunden, Cynthia <cgrunden@colum.edu>
**Sent:** Monday, March 16, 2020 3:08 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>
**Subject:** Columbia College Chicago (001665) - COVID-19 Related Changes to the Academic Year

Hello,

Per the guidance in your Electronic Announcement dated March 5, 2020, I am reaching out to request a temporary reduction in the length of our academic year. I have also called the Chicago/Denver school participation team and left a voicemail.

Our Spring 2020 payment period was scheduled to run from January 27, 2020 to May 15, 2020. We have a one week scheduled spring break from March 30, 2020 to April 5, 2020.

Due to COVID-19, we have paused in-person instruction from March 15, 2020 to April 5, 2020. We plan to re-start instruction on April 6, 2020 with online classes and to end the year on May 15, 2020 as originally planned. Effectively, we have shortened our Spring 2020 term by 2 weeks.

We do have some online courses that will continue to run during this two week "pause," however most of our students are enrolled in all in-person courses.

As is the case at many schools, our situation is fluid and we may need to make additional changes to our academic year. We will keep you informed.

Regards,
Cynthia

Cynthia Grunden
Assistant Vice President
Student Financial Services
Pronouns: she/her/hers

AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Wed, 25 Mar 2020 19:10:55 +0000
**To:** COVID-19
**Subject:** RE: Covid 19 response

I think it can go to OESE as it appears to be an ED-wide coment.

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 3:10 PM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Covid 19 response

Hi Bryan, should this go to OESE COVID-19. See yellow highlight for question.

Kelly

---

**From:** answers <answers@ed.gov>
**Sent:** Tuesday, March 24, 2020 4:29 PM
**To:** Mark Toback (b)(6)
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Covid 19 response

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Mark Toback
(b)(6)

Dear Mark Toback,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as

AMERICAN OVERSIGHT

guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov. Further, we appreciate your concern and will share your comments with Secretary DeVos and her senior staff.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Mark Toback <(b)(6)
Sent: Monday, March 23, 2020 10:39 PM
To: answers <answers@ed.gov>
Subject: Covid 19 response

It would be great to see Secretary DeVos publicly encouraging all the teachers who are working hard to teach their classes remotely.

Secretary DeVos seems like a gifted exhorter and encourager. There are so many teachers and parents, who have overnight become teachers, who would benefit from hearing from Secretary DeVos. They need to hear from the Education Secretary about home resources, how parents and teachers can work together, etc.

I was surprised that on Ed.gov Home page loans and grants and many other topics were highlighted and I had to scroll way to see anything about Covid.

My question is, "When will we see Secretary DeVos' leadership, encouragement, insights begin to be heard?"

Respectfully,

Mark Toback

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Wed, 25 Mar 2020 20:34:48 +0000
**To:** Kyle Sawyer
**Cc:** COVID-19
**Subject:** RE: COVID Emergency Forbearance and PSLF

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 25, 2020

Dear Kyle Sawyer,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your email has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

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**From:** Kyle Sawyer <(b)(6)
**Sent:** Sunday, March 22, 2020 9:33 PM
**To:** answers <answers@ed.gov>
**Subject:** COVID Emergency Forbearance and PSLF

AMERICAN OVERSIGHT

Hey DoE,
How will emergency forbearance impact payments for Public service loan foregiveness?

Kyle

AMERICAN OVERSIGHT

**From:** Cox, Jack
**Sent:** Wed, 25 Mar 2020 18:15:18 +0000
**To:** COVID-19
**Cc:** Hilsey, Shaina
**Subject:** RE: Credits for R&B Applied to Fall 2020

Hi Franka/Kelly/anyone who may be taking up the account,

We would appreciate it if, at all possible, you could try holding off on sending COVID emails to us until there is a bulk to send, maybe 10 or more, or at least a more opportune time in the day. Due to the high amount of COVID emails we've received, 700+, we take turns logging, distributing, and answering. When they are streamed to us, it is hard to keep it all straight when mixed in with the dozens of other emails we receive for our other roles at the Department. It's always easiest when they come in at the start of the morning, the middle of the day, or the end of the day as well, as we have other projects concurrently needing our attention and if we need to find COVID emails, we at least know when they came.

Lastly, if you could take off the read receipt function as well, it will just make things easier without the extra clicking on our end. I assure you, we are reading and attending to each and every email you send us.

Thanks,
Jack

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:58 PM
**To:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Cox, Jack <Jack.Cox@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Credits for R&B Applied to Fall 2020

Hello,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Karen Hignett <khignett@bonadio.com>
**Sent:** Wednesday, March 25, 2020 11:20 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Credits for R&B Applied to Fall 2020

AMERICAN OVERSIGHT

I have heard College's considering the idea of crediting Room and Board for the remainder of the Spring 2020 semester and applying it as a credit towards the Fall 2020 Cost of Attendance. Would that impact the Cost of Attendance used to determine the aid a student would be eligible to receive? Or is it simply a credit on the students account toward future expenses? Understanding that if a credit is generated as a result of Title IV aid it must be disbursed to the student.

Thank you for all the support you are providing!

Karen Hignett

---

**Karen Hignett** *Principal*
*, CPA* |

**The Bonadio Group**
***CPAs, Consultants & More***
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*This electronic message may contain privileged or confidential information. If you are not the intended recipient of t his e-mail, please delete it from your system and advise the sender.*

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 18:21:48 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** FederalStudentAid;Danny Canales
**Subject:** RE: Estelle Medical Academy Specifically Skokie Illinois Temporary School Closure Due To COVID-19

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

**From:** Danny Canales <danny.canales@estelle.edu>
**Sent:** Monday, March 16, 2020 1:08 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** Estelle Medical Academy Specifically Skokie Illinois Temporary School Closure Due To COVID-19

Dear FSA:

This is to officially inform you that Estelle Medical Academy Skokie Illinois (specifically Skokie Illinois) will cease teaching students for days not listed in our catalog due to COVID-19 (novel coronavirus).

This will go into effect Monday 3/16/2020. Classes will resume Monday 3/23/2020 tentatively. We will inform you if we will extend the date. Thank you for your time and please stay safe.

--

Danny Canales | Director
Estelle Medical Academy / Estelle Educational Group
4905 Old Orchard Center, Suite 710 | Skokie, IL. 60077
Phone: (847) 673-7595

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 17:57:10 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** Minor, Robin;Early, Jeremy;FederalStudentAid
**Subject:** RE: Estelle Skin Care and Spa Institute OPEID: 04174900 temporary school closure due to COVID-19

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** Early, Jeremy <Jeremy.Early@ed.gov>
**Sent:** Monday, March 16, 2020 11:19 AM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Minor, Robin <Robin.Minor@ed.gov>
**Subject:** FW: Estelle Skin Care and Spa Institute OPEID: 04174900 temporary school closure due to COVID-19

Good Morning-

Below is a questions from Estelle Educational Group. They are aware we are crafting a response and will respond as soon as possible.

Take care,
Jeremy

**From:** Academic Affairs ESCSI <academics@estelle.edu>
**Sent:** Monday, March 16, 2020 10:15 AM
**To:** Early, Jeremy <Jeremy.Early@ed.gov>
**Subject:** Re: Estelle Skin Care and Spa Institute OPEID: 04174900 temporary school closure due to COVID-19

Hi Jeremy,

Thanks for the reply. Would you be able to advise what we are supposed to do about our students' statuses? We are a clock hour school. I need to know if we are supposed to put the students on a leave of absence and extend their end dates, or something different. Let me know at your earliest

AMERICAN OVERSIGHT

convenience. Thanks.

Sincerely,

Justin B. Carreon
Academic Affairs / Financial Aid Advisor
Estelle Educational Group
10024 Skokie Blvd., ste. 301
Skokie, IL 60077
(847) 329-9174, ext. 152

On Mon, Mar 16, 2020 at 8:12 AM Early, Jeremy <Jeremy.Early@ed.gov> wrote:

Thank you very much for your email, and this information. If any questions come up, please reach out.

Take care as well!

Jeremy

Jeremy Early, Ed.D.
Division Director
Chicago/Denver School Participation Division
U.S. Department of Education, Federal Student Aid
230 South Dearborn Street
Chicago, IL 60604
Jeremy.Early@ed.gov
StudentAid.gov

---

**From:** FSA Case Teams <CaseTeams@ed.gov>
**Sent:** Monday, March 16, 2020 6:43 AM
**To:** Early, Jeremy <Jeremy.Early@ed.gov>
**Cc:** Yette, Brenda <Brenda.Yette@ed.gov>; Sawyer, Tammi <Tammi.Sawyer@ed.gov>
**Subject:** FW: Estelle Skin Care and Spa Institute OPEID: 04174900 temporary school closure due to COVID-19

For appropriate action

**From:** Academic Affairs ESCSI <academics@estelle.edu>
**Sent:** Saturday, March 14, 2020 3:51 PM

AMERICAN OVERSIGHT

**To:** FSA Case Teams <CaseTeams@ed.gov>
**Subject:** Estelle Skin Care and Spa Institute OPEID: 04174900 temporary school closure due to COVID-19

Dear Chicago/Denver SPD:

This is to officially inform you that Estelle Skin Care and Spa Institute (OPEID #: 041749-00) will cease teaching students for days not listed in our catalog due to COVID-19 (novel coronavirus). This will go into effect Monday 3/16/2020. Classes will resume Monday 3/23/2020 tentatively. We will inform you if we will extend the date. Thank you for your time and please stay safe.

Sincerely,

Justin B. Carreon
Academic Affairs / Financial Aid Advisor
Estelle Educational Group
10024 Skokie Blvd., ste. 301
Skokie, IL 60077
(847) 329-9174, ext. 152

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 17:51:10 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** FederalStudentAid;Early, Jeremy
**Subject:** RE: Estelle Skin Care and Spa Institute OPEID: 04174900 temporary school closure due to COVID-19

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** Early, Jeremy <Jeremy.Early@ed.gov>
**Sent:** Monday, March 16, 2020 9:08 AM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: Estelle Skin Care and Spa Institute OPEID: 04174900 temporary school closure due to COVID-19

Good Morning-

Below is a school closure notice in case your team is tracking those closures.

Thanks, Jeremy

---

**From:** FSA Case Teams <CaseTeams@ed.gov>
**Sent:** Monday, March 16, 2020 6:43 AM
**To:** Early, Jeremy <Jeremy.Early@ed.gov>
**Cc:** Yette, Brenda <Brenda.Yette@ed.gov>; Sawyer, Tammi <Tammi.Sawyer@ed.gov>
**Subject:** FW: Estelle Skin Care and Spa Institute OPEID: 04174900 temporary school closure due to COVID-19

For appropriate action

**From:** Academic Affairs ESCSI <academics@estelle.edu>
**Sent:** Saturday, March 14, 2020 3:51 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>
**Subject:** Estelle Skin Care and Spa Institute OPEID: 04174900 temporary school closure due to COVID-19

AMERICAN OVERSIGHT

Dear Chicago/Denver SPD:

This is to officially inform you that Estelle Skin Care and Spa Institute (OPEID #: 041749-00) will cease teaching students for days not listed in our catalog due to COVID-19 (novel coronavirus). This will go into effect Monday 3/16/2020. Classes will resume Monday 3/23/2020 tentatively. We will inform you if we will extend the date. Thank you for your time and please stay safe.

Sincerely,

Justin B. Carreon
Academic Affairs / Financial Aid Advisor
Estelle Educational Group
10024 Skokie Blvd., ste. 301
Skokie, IL 60077
(847) 329-9174, ext. 152

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 17:58:31 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** Academic Affairs ESCSI;FederalStudentAid
**Subject:** RE: Estelle Skin Care and Spa Institute OPEID: 04174900 temporary school closure due to COVID-19

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

**From:** Academic Affairs ESCSI <academics@estelle.edu>
**Sent:** Monday, March 16, 2020 11:42 AM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** Estelle Skin Care and Spa Institute OPEID: 04174900 temporary school closure due to COVID-19

To Whom it may Concern:

This is to officially inform you that Estelle Skin Care and Spa Institute (OPEID #: 041749-00) will cease teaching students for days not listed in our catalog due to COVID-19 (novel coronavirus). This will go into effect Monday 3/16/2020. Classes will resume Monday 3/23/2020 tentatively. We will inform you if we will extend the date. Thank you for your time and please stay safe.

Sincerely,

Justin B. Carreon
Academic Affairs / Financial Aid Advisor
Estelle Educational Group
10024 Skokie Blvd., ste. 301
Skokie, IL 60077
(847) 329-9174, ext. 152

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 18:08:26 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** John Teng;FederalStudentAid
**Subject:** RE: European Massage Therapy School Las Vegas OPEID 038814-00 temporary school closure due to COVID-19

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

**From:** John Teng <john.teng@school-for-massage.com>
**Sent:** Tuesday, March 17, 2020 2:20 AM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** European Massage Therapy School Las Vegas OPEID 038814-00 temporary school closure due to COVID-19

To Whom It May Concern:

This is to officially inform you that European Massage Therapy School (OPEID #: 038814-00) will cease teaching students for days not listed in our catalog due to COVID-19 (novel coronavirus). This will go into effect Monday 3/16/2020. Classes will resume Monday 3/23/2020 tentatively. We will inform you if we will extend the date. Thank you for your time and please stay safe.

Sincerely,
John Teng
Director
European Massage Therapy School

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 17:42:03 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** boylej@sccsc.edu;AskAFed;FederalStudentAid
**Subject:** RE: FWS and COVID-19

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Monday, March 16, 2020 2:59 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: FWS and COVID-19

---

**From:** Boyle, Jeffery O < >
**Sent:** Monday, March 16, 2020 12:32 PM
**To:** AskAFed <AskAFed@ed.gov>
**Subject:** FWS and COVID-19

As of 03/15/2020 the governor of South Carolina mandated the closing of SC colleges from 03/16/20 thru 03/31/20. Based on the guidance sent out from FSA on 03/05/20, a FWS student can be paid as long as the faculty and staff are being paid without having to use leave. My question is about students who are not working on the college campus and the place where they are working as a FWS student is currently opened. Would my off campus students need to work their normal hours or would they be paid the same as the other students should not be able to work. With K-12 also being closed, my off campus students with children may not be able to work due to their children being out of school.

Thanks!

Jeff

Federal Work Study (FWS)
Federal law includes a provision allowing an institution to make FWS

AMERICAN OVERSIGHT

payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

**Jeffery O. Boyle**
Director of Financial Aid & Veteran Affairs | Financial Aid Office
Spartanburg Community College
Mailing Address: P.O. Box 4386, Spartanburg, SC 29305
Physical Address: 107 Community College Drive, Spartanburg, SC 29303
(864) 592-4823 Phone
boylej@sccsc.edu
www.sccsc.edu

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Criminal penalties. If you have received this communication in error, please notify us immediately by telephone, reply e-mail, or fax, using the phone number or address identified in this communication and destroy or delete all copies of this communication and all attachments.

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Wed, 25 Mar 2020 18:25:09 +0000
**To:** COVID-19
**Cc:** Williams, Bryan;Foy Moss, Rita
**Subject:** RE: Psychological evaluations during this pandemic

Good afternoon, COVID Email Response Team,
This question is requesting guidance for school psychologist providing the evaluation and tests to students and falls under the purview of OSERS.

Our work at OSSS addresses provision of social, emotional and mental health services.

Please advise whether you would like OSSS to provide a response.

Thank you!
Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

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1. Download the #MyPreparednessPromise Banners.
http://www.rems.ed.gov/banners.aspx
2. Type or write in your preparedness promise.
3. Log on to Twitter to share it with @remstacenter.

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:01 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Psychological evaluations during this pandemic

Hello Madeline,

We received the message below in the COVID-19 mailbox. Please provide a response. Will it be easier for you to review the approved responses on OSSS' Sharepoint site and select the appropriate letter? Or, do you want us to send the approved response to you. Please let me know.

Thanks

Christine

AMERICAN OVERSIGHT

**From:** answers <answers@ed.gov>
**Sent:** Tuesday, March 24, 2020 8:52 AM
**To:** Carla Anderson <(b)(6)
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Psychological evaluations during this pandemic

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Dear Carla Anderson,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Carla Anderson <(b)(6)
Sent: Saturday, March 21, 2020 8:41 AM
To: answers <answers@ed.gov>
Subject: Psychological evaluations during this pandemic

AMERICAN OVERSIGHT

To this may concern,

Some districts are closed and going virtual during this pandemic, but school psychologists in these very same districts are being asked to come in and meet face to face with children and their families to continue testing.

Is this guidance you have given to our districts? Should school psychologist put themselves and those they are being asked to evaluate in possible jeopardy of getting this virus? Any guidance regarding this issue is welcomed.

Respectfully,
Carla Anderson, Psy.S.
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Wed, 25 Mar 2020 18:36:10 +0000
**To:** Sullivan, Madeline;COVID-19
**Cc:** Foy Moss, Rita
**Subject:** RE: Psychological evaluations during this pandemic

I think we can try sending it over to OSERS for a reply.

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:25 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Subject:** RE: Psychological evaluations during this pandemic

Good afternoon, COVID Email Response Team,
This question is requesting guidance for school psychologist providing the evaluation and tests to students and falls under the purview of OSERS.

Our work at OSSS addresses provision of social, emotional and mental health services.

Please advise whether you would like OSSS to provide a response.

Thank you!
Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:01 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Psychological evaluations during this pandemic

Hello Madeline,

AMERICAN OVERSIGHT

We received the message below in the COVID-19 mailbox. Please provide a response. Will it be easier for you to review the approved responses on OSSS' Sharepoint site and select the appropriate letter? Or, do you want us to send the approved response to you. Please let me know.

Thanks

Christine

---

**From:** answers <answers@ed.gov>
**Sent:** Tuesday, March 24, 2020 8:52 AM
**To:** Carla Anderson <(b)(6)
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Psychological evaluations during this pandemic

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Dear Carla Anderson,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

AMERICAN OVERSIGHT

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Carla Anderson <(b)(6)
Sent: Saturday, March 21, 2020 8:41 AM
To: answers <answers@ed.gov>
Subject: Psychological evaluations during this pandemic

To this may concern,

Some districts are closed and going virtual during this pandemic, but school psychologists in these very same districts are being asked to come in and meet face to face with children and their families to continue testing.

Is this guidance you have given to our districts? Should school psychologist put themselves and those they are being asked to evaluate in possible jeopardy of getting this virus? Any guidance regarding this issue is welcomed.

Respectfully,
Carla Anderson, Psy.S.
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Wed, 25 Mar 2020 19:49:18 +0000
**To:** COVID-19;Robertson, Elyse
**Subject:** RE: Requesting guidance RE: devices and access points and sanitizing classrooms

Hi Kelly:

Upon further consideration, since this is one of Elyse's state coordinators, I think it would be better for her to respond directly to this and provide a copy of her response to the COVID-19 mailbox for our records. I've reviewed her draft and approved it.

Thanks,

Bryan

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 23, 2020 12:35 PM
**To:** Robertson, Elyse <Elyse.Robertson@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>; Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: Requesting guidance RE: devices and access points and sanitizing classrooms

Hi Elyse,

Please find attached an email from the COVID-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

---

**From:** Robertson, Elyse <Elyse.Robertson@ed.gov>
**Sent:** Monday, March 23, 2020 9:52 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Requesting guidance RE: devices and access points and sanitizing classrooms

Good morning,

Please see below. A question has come in from the NJ State Coordinator for the Title IV-A SSAE grant program related to use of program funds for schools connected with COVID-19 response.

Thanks,
Elyse

---

**From:** O'Neil, Sandy <Sandy.O'Neil@doe.nj.gov>
**Sent:** Friday, March 20, 2020 2:11 PM

AMERICAN OVERSIGHT

**To:** Robertson, Elyse <Elyse.Robertson@ed.gov>
**Cc:** frider@air.org; OESE.SGR.New Jersey <NewJersey.oese@ed.gov>
**Subject:** Requesting guidance RE: devices and access points and sanitizing classrooms

Elyse,
I am writing to request guidance about how, under what circumstances, and on what basis a SEA can authorize expenditures for hot spots and other out-of-school internet access to facilitate student learning in this period of widespread and extended school closures?

The FCC has waived the gift rules FCC's memo about waiving E-rate gift rules "[Federal Communication] Commission rules prohibit entities eligible for the RHC and E-Rate programs from soliciting or accepting any thing [sic] of value from a service provider participating or seeking to participate in those programs. Today's waiver will allow health care providers, schools, and libraries to accept improved capacity, Wi-Fi hotspots, networking gear, or other equipment or services to support doctors and patients, teachers and students, and librarians and patrons during the coronavirus outbreak. For example, some providers have expressed interest in providing free network upgrades for hospitals that need more robust connections to treat patients via telemedicine and free connected devices and hotspots for students who will be taking classes at home. This waiver will enable them to do such things."

Also, we have had many requests to use Title IV- A funding to pay for the cleaning and disinfecting of classrooms. While the cleaning of classrooms would normally be covered by the school, this extra care, as outlined by the CDC will be more intense and expensive. The thought of returning children to potentially unsanitized classrooms is causing stress among parents, students, teachers, principals and other school leaders. Can they use Safe and Healthy Students funds to pay for this extra sanitizing?

Kind regards,
Sandy O'Neil
Ed Tech Specialist|Title II-A and IV-A Coordinator| Office of Standards| Division of Academics and Performance
New Jersey Department of Education P.O. Box 500/ 100 River View Plaza/Trenton, NJ 08611 609-376-3883
sandy.oneil@doe.nj.gov

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AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 17:54:02 +0000
**To:** COVID-19;FSA Case Teams
**Cc:** FederalStudentAid;Early, Jeremy
**Subject:** RE: SCHOOL CLOSURE

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** Early, Jeremy <Jeremy.Early@ed.gov>
**Sent:** Monday, March 16, 2020 9:08 AM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: SCHOOL CLOSURE

Another question regarding R2T4.

Thanks, Jeremy

---

**From:** FSA Case Teams <CaseTeams@ed.gov>
**Sent:** Monday, March 16, 2020 6:45 AM
**To:** Early, Jeremy <Jeremy.Early@ed.gov>
**Cc:** Yette, Brenda <Brenda.Yette@ed.gov>; Sawyer, Tammi <Tammi.Sawyer@ed.gov>
**Subject:** FW: SCHOOL CLOSURE

For appropriate action

---

**From:** Carissa Davis <carissa.davis@morton.edu>
**Sent:** Saturday, March 14, 2020 2:22 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>
**Subject:** Fw: SCHOOL CLOSURE

Hello all

I was wondering if you could help me. My school's spring break is next week. It has already been accounted for with regards to R2T4.

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However, with the current situation involving COVID 19 our school has decided to move our classes to online/hybrid mode after spring break.

Right now it is only schedule for the 1 week after spring break.

What I'm trying to see is what steps do I need to take to make sure we remain in compliance and follow all protocols. The week of online classes will be instructions. It's not a school closure. Students will be expected to complete assignments and work.

However, the physical school will be closed due to the virus.

Carissa Davis
Director of Financial Aid
E: carissa.davis@morton.edu
3801 S. Central Ave.
Cicero, IL. 60804

Summer Hours
M-Thurs: 8:00AM - 8:00PM
F: Campus Closed

---

**From:** Davis, Lytashia <Lytashia.Davis@ed.gov>
**Sent:** Saturday, March 14, 2020 1:19:46 PM
**To:** Carissa Davis
**Subject:** Automatic reply: SCHOOL CLOSURE

Hello,

Thank you for your email. I am out of the office on Friday, March 13, 2020. I will return to the office on Monday, March 16, 2020.

I will respond to all e-mails and phone calls within 24-48 hours of my return to the office.

If your matter is urgent please contact our office at 312-730-1511.

Sincerely,

Lytashia Davis
Institutional Review Specialist
Chicago/Denver School Participation Division

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copying, or distribution is prohibited. If you are not the intended recipient(s), please contact the sender by e-mail and destroy all copies of the original message. Thank you.

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**From:** answers
**Sent:** Wed, 25 Mar 2020 20:35:54 +0000
**To:** Shawn Pate
**Cc:** COVID-19
**Subject:** RE: Student Loan payment referral

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 25, 2020

Dear Shawn Pate,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your email has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

**From:** Shawn Pate <(b)(6)
**Sent:** Monday, March 23, 2020 12:38 PM
**To:** answers <answers@ed.gov>
**Subject:** Student Loan payment referral

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I had a question in regards to the student loan payment referral due to the coronavirus. I would like to know if student loan payments made via wage garnishment is eligible for this deferral also?

Have a Wonderful (Isaiah 9:6) Day
Rev. Shawn D. Pate, Pastor Elect
Mt. Ararat Baptist Church, Rutherford NJ

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:40:28 +0000
**To:** Ramirez, Francisco
**Cc:** COVID-19;Williams, Bryan
**Subject:** RE: T4PA Questions--Requesting Expedited Response
**Attachments:** Health - COVID-19 - General Inquiry.docx

Hi Francisco,
Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

---

**From:** Ramirez, Francisco <Francisco.Ramirez@ed.gov>
**Sent:** Wednesday, March 25, 2020 12:33 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: T4PA Questions--Requesting Expedited Response
**Importance:** High

Good afternoon.

Please see the request below from CT.

Thank you.

---

**From:** Nauss Cipriano, Lynn <Lynn.Cipriano@ct.gov>
**Sent:** Wednesday, March 25, 2020 12:23 PM
**To:** 'barellano@air.org' <barellano@air.org>; Ramirez, Francisco <Francisco.Ramirez@ed.gov>
**Cc:** Peterson, Glen <Glen.Peterson@ct.gov>
**Subject:** T4PA Questions--Requesting Expedited Response
**Importance:** High

Good morning Brenda and Francisco,

In light of the COVID pandemic, we are getting a number of questions from our grantees. Primarily, they are requests to revise budgets and dedicate grant funds to purchase hotspots and/or purchase devices. Clearly these are based upon new needs assessments, in light of the pandemic.

Q1) Would it be acceptable for grantees to use funds for hotspots? This is critical, especially to our rural locations where internet access is not readily available to many homes. (Sec. 4109(a)(6) could support this use for rural areas; some other areas may also need hotspots.)

Q2) Would it be acceptable for grantees to use funds for purchase of devices under Well Rounded and/or Safe and Healthy? The special rule limits purchases of devices when those

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purchases are made under the content area Effective Use of Technology, and the rule specifically says ". . .to address readiness shortfalls". However, many of the subsections of 4107(a) could be viewed to support device purchase as districts move to establish and/or ramp up distance-learning programs to deliver instruction under Well Rounded. As well, several of the provisions under 4108(a) could be viewed to support device purchases under Safe and Healthy as grantees seek to: protect student and family health through social distancing; foster safe, healthy, supportive, and drug-free environments that support student academic achievement; establish learning environments and enhance students' effective learning skills that are essential for school readiness and academic success, such as by providing integrated systems of student and family supports; provide mentoring and school counseling to all students, including children who are at *risk of academic failure, dropping out of school*, involvement in criminal or delinquent activities, or drug use and abuse. (It is important to engage students most at risk of dropping out, as these very needy students may not return to school after the pandemic.)

So there are large issues resulting from the pandemic:

- This is now an issue of equity, as students in poverty will not have access to technology that students having more wealth will have.
- This is now related to Well Rounded, as students may have zero access to instruction without technology/distance learning.
- This is now an issue of Safe and Healthy, as schools have closed and students and families have been directed to stay safe, stay home.

We are asking for an expedited review of our two questions, with your answers as soon as possible. We need to advise our grantees.

Thank you so much for your time and assistance,

--Lynn Nauss Cipriano

**CSDE**

---

**Lynn Nauss Cipriano**
**Education Consultant**
Connecticut State Department of Education
Office of Student Supports and Organizational Effectiveness
860-713-6457 phone
lynn.cipriano@ct.gov

AMERICAN OVERSIGHT

Dear NAME:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 18:12:42 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** FederalStudentAid;AtlantaSPD
**Subject:** RE: Temporary closure - Alabama School of Nail Technology & Cosmetology

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Tuesday, March 17, 2020 11:46 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** Temporary closure - Alabama School of Nail Technology & Cosmetology

FYI -

**From:** Teri Mclemore: ASNT&C [(b)(6)
**Sent:** Tuesday, March 17, 2020 8:05 AM
**To:** Scott, Alicia
**Subject:** Covid-19 Notification

Hello Ms. Scott,

I am writing to you today to make you aware, we will be transitioning to online Distance Education now through April 13th at the latest at this point.

We are not closing and only offering this opportunity to our student since our State has requested all schools offer at home education during this time.

I am unclear if I need to do anything further.

Teri McLemore
Alabama School of Nail Technology & Cosmetology
042555

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Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

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**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 17:44:40 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** FederalStudentAid;AtlantaSPD
**Subject:** RE: Temporary school closure - New Beginning College of Cosmetology

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Tuesday, March 17, 2020 11:23 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** Temporary school closure - New Beginning College of Cosmetology
**Importance:** High

FYI – temporary school closure for New Beginning College of Cosmetology

---

**From:** Amanda Baugh [mailto:abaugh@nbccosmetology.com]
**Sent:** Tuesday, March 17, 2020 10:33 AM
**To:** Scott, Alicia
**Subject:** Temporary DE Application
**Importance:** High

Good Morning,

Due to the pandemic this is a short term closure due to the Coronavirus and any applicable government orders. We do plan to reopen the school as soon as we are able to do so. Should you have any questions please feel free to contact me at 256-572-1046.

**Thank you,**
**Amanda Baugh**
New Beginning College of Cosmetology
President/ Financial Aid Director
421 Martling Road

AMERICAN OVERSIGHT

Albertville, Al 35951
Phone 256-878-6430
Fax 256-878-9992
Email: abaugh@nbccosmetology.com
www.nbccosmetology.com

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**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 18:11:03 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** Early, Jeremy;Minor, Robin;Sawyer, Tammi;FederalStudentAid;Sobie, Donna
**Subject:** RE: Temporary school closure due to COVID-19 Outbreak - OPE ID: 00953100, 02519300, 02588500, 025885-03

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

-----Original Message-----
From: Sobie, Donna <Donna.Sobie@ed.gov>
Sent: Tuesday, March 17, 2020 11:54 AM
To: FederalStudentAid <FederalStudentAid@ed.gov>; Sawyer, Tammi <Tammi.Sawyer@ed.gov>
Cc: Early, Jeremy <Jeremy.Early@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
Subject: FW: Temporary school closure due to COVID-19 Outbreak - OPE ID: 00953100, 02519300, 02588500, 025885-03

Federal Student Aid and Tammi,

Here is a listing of school closures that I was recently notified of. Let me know if you will be responding to the school?

Thank you,
Donna
Donna J. Sobie, M.Ed.
U.S. Department of Education

-----Original Message-----
From: Finaid <finaid@salonschools.com>
Sent: Tuesday, March 17, 2020 10:03 AM
To: Sobie, Donna <Donna.Sobie@ed.gov>
Cc: Luke Hanks <lhanks@salonschools.com>; finaid <finaid@salonschools.com>
Subject: Temporary school closure due to COVID-19 Outbreak - OPE ID: 00953100, 02519300, 02588500, 025885-03

Ohio State School of Cosmetology
789 Hebron Rd, Ste J, Heath, Ohio 43056
OPE ID: 02588500

Ohio State School of Cosmetology
137 E. Center St, Marion, Ohio 43302
OPE ID: 025885-03

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Ohio State School of Cosmetology
6077 Gender Road, Canal Winchester, Ohio 43110 OPE ID: 02519300

The Spa School
5050 N. High St, Columbus, Ohio 43214
OPE ID: 00953100

Administrative Office
6055 Gender Rd, Canal Winchester, Ohio 43110

Hi Donna,

Please accept this as notice that the above referenced institutions will be closed until further notice, effective March 17, 2020.

The evolving situation with the Coronavirus (COVID-19) and the importance of practicing social distancing to minimize the spread of the virus has required us to make the difficult decision to temporarily close our schools to protect our students, staff and clients.

All students have been notified. We will be closely monitoring the situation and will continue updating our students regarding our plans. We will be reevaluating this situation on a daily basis and intend to resume operation as soon as it is safe to do so.

Should you have any questions, please do not hesitate to contact me by email at finaid@salonschools.com or by phone at 740-504-4037. NACCAS National Accrediting Commission of Cosmetology Arts and Sciences and The Ohio State Cosmetology and Barber Board have also been notified. A hard copy of this letter will be mailed to the Chicago office. Please advise if there is a more appropriate email address to forward this.

Sincerely,

Cheryl Halblaub

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 17:59:35 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** AtlantaSPD;FederalStudentAid
**Subject:** RE: the beauty institute 03801400

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Monday, March 16, 2020 1:51 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>; AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** FW: the beauty institute 03801400

For your review.

---

**From:** Michelle Baron <(b)(6)
**Sent:** Monday, March 16, 2020 12:27 PM
**To:** Dillard, Vanessa <Vanessa.Dillard@ed.gov>
**Subject:** the beauty institute 03801400

Dear Ms. Dillard

Attached is a letter regarding our temporary closure of The Beauty Institute due to the COVId-19.

If you need further information or need to contact me you can reach me via email at (b)(6), or my cell at (b)(6)

Thank you in advance

AMERICAN OVERSIGHT

Sincerely,

Michelle Baron
The Beauty Institute
561-688-0225

AMERICAN OVERSIGHT

**From:** Salley, Robert
**Sent:** Wed, 25 Mar 2020 17:59:27 +0000
**To:** Rooney, Patrick;Lovitt, Brittney
**Cc:** OESE.titlei-a;Siry, Melissa;Skloot, Evan;COVID-19
**Subject:** RE: TN - Period of Performance - Waiver Request

HI Patrick

A question…should we just put this in the COVID 19 inbox since TN is asking for a tydings waiver for most of the OESE formula programs, and the state is specifically citing COVID-19 and other disasters?

Second question…do you want Brittney to control this to these program offices or no?

I know there have been talks about some type of template for states, and we're not at that point yet….

Thanks for the input.

Rob

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov| 202.453.5719

---

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:33 PM
**To:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
**Subject:** FW: TN - Period of Performance - Waiver Request

FYI – I wanted to make sure the folks that are tracking official state requests are aware of this. I believe the OESE rapid response team is the right group for raising this question.

-Patrick

---

**From:** Eve Carney <Eve.Carney@tn.gov>
**Sent:** Wednesday, March 25, 2020 8:47 AM
**To:** OESE.OSS.Tennessee <OSS.Tennessee@ed.gov>; Roney, Collette <Collette.Roney@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Penny Schwinn <Penny.Schwinn@tn.gov>; Drew Harpool <Drew.Harpool@tn.gov>; Sam Pearcy <Sam.Pearcy@tn.gov>; Deborah Thompson <Deborah.Thompson@tn.gov>
**Subject:** TN - Period of Performance - Waiver Request

Good morning,

AMERICAN OVERSIGHT

Please see the attached waiver request submitted on behalf of Commissioner Schwinn and the state of Tennessee.

Thank you for consideration of this request.

Respectfully,

Eve Carney

Eve Carney, Ed.D.|Chief Districts and Schools Officer
Andrew Johnson Tower, 12h Floor
710 James Robertson Parkway, Nashville, TN 37243
615-532-1245 (o) 615-854-9598 (c)
Eve.Carney@tn.gov
tn.gov/education
#TNBestforAll

*We will set all students on a path to success*

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:18:05 +0000
**To:** VanderPloeg, Laurie;Wexler, Larry;Corr, Gregg
**Cc:** COVID-19
**Subject:** FW: Obtaining Parental Consent during COVID Pandemic Part C question

Hello

The email below was received in the COVID-19 mailbox.

---

**From:** Barrett-Zitkus, Jennifer <Jennifer.Barrett-Zitkus@ed.gov>
**Sent:** Friday, March 27, 2020 8:48 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Levorse, Audrey <Audrey.Levorse@ed.gov>
**Subject:** Obtaining Parental Consent during COVID Pandemic Part C question

Question from NH-C

Jennifer Barrett-Zitkus
Education Program Specialist
U.S. Department of Education
Office of Special Education and Rehabilitative Services
Office of Special Education Programs
Monitoring and State Improvement
Work: 202-245-8417
**www.ed.gov/osers Subscribe**

Begin forwarded message:

> **From:** "Gray, Kathleen" <Kathleen.Gray@dhhs.nh.gov>
> **Date:** March 27, 2020 at 7:37:29 AM CDT
> **To:** "Barrett-Zitkus, Jennifer" <Jennifer.Barrett-Zitkus@ed.gov>
> **Subject: Obtaining Parental Consent during COVID Pandemic**
>
> Hello Jennifer,
>
> I'm looking for guidance from OSEP regarding obtaining parental consent during this COVID-19 Pandemic. Do we have any flexibility to obtain verbal consent in those rare instances where families may not have emails or must we obtain written consent via mail?

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*Consent,* as defined in § 303.7, means the parent has been fully informed of all information relevant to the activity for which consent is sought in the parent's native language or other mode of communication. This definition of *consent* in § 303.7 also requires that the parent understand and agree in writing to the activity for which the parent's consent is sought.

*Kathy Gray, MBA*
*Part C Coordinator, FCESS*
*Bureau for Family Centered Services*
*Division of Long Term Supports and Services*
*NH Department of Health and Human Services*
*129 Pleasant St., Thayer Building*
*Concord, NH 03301*
*Phone: (603)271-3783*
*Fax: (603)271-4902*
*Kathleen.gray@dhhs.nh.gov*

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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:14:21 +0000
**To:** OESE COVID 19;OCR
**Cc:** COVID-19
**Subject:** FW: OESE/OSSS/Homeless and OCR (COVID-19 Related Inquiry) - PSC Ticket #20-03658 (SD) - ME

Hello

The email below was received in the COVID-19 mailbox.

---

**From:** Hoffman, Amanda <Amanda.Hoffman@ed.gov>
**Sent:** Friday, March 27, 2020 6:38 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.PSC <OESE.PSC@ed.gov>; Newman, Sarah <Sarah.Newman@ed.gov>; Okahara, Kim <Kim.Okahara@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>
**Subject:** FW: OESE/OSSS/Homeless and OCR (COVID-19 Related Inquiry) - PSC Ticket #20-03658 (SD) - ME

---

**From:** Fening, Elizabeth <Elizabeth.Fening@ed.gov>
**Sent:** Thursday, March 26, 2020 3:57 PM
**To:** Hoffman, Amanda <Amanda.Hoffman@ed.gov>; Newman, Sarah <Sarah.Newman@ed.gov>; Okahara, Kim <Kim.Okahara@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>; Brown, Janis <Janis.Brown@ed.gov>; Miller, Stephanie <Stephanie.Miller@ed.gov>
**Subject:** FW: OESE/OSSS/Homeless and OCR (COVID-19 Related Inquiry) - PSC Ticket #20-03658 (SD) - ME

All,

Here is another escalation for the COVID response team.

Thanks,
Liz

---

**From:** Courtney Montgomery <courtney.montgomery@aemcorp.com>
**Sent:** Thursday, March 26, 2020 3:52 PM
**To:** Fening, Elizabeth <Elizabeth.Fening@ed.gov>
**Cc:** Timm, Barbara <Barbara.Timm@ed.gov>; Scott, Brandon <Brandon.Scott@ed.gov>; Worthington, Kelly <Kelly.Worthington@ed.gov>; Lee, David <David.Lee@ed.gov>; Murphy, Joseph <Joseph.Murphy@ed.gov>; Fening, Elizabeth <Elizabeth.Fening@ed.gov>; Dinardo, Mark <Mark.Dinardo@ed.gov>; Chen, Chen-Su <Chen-Su.Chen@ed.gov>; Davies, Jennifer <Jennifer.Davies@ed.gov>; Skilling, John (Contractor) <John.Skilling@ed.gov>; Kalb, Jennifer

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(Contractor) <Jennifer.Kalb@ed.gov>; Matt K. Boli <matt.boli@aemcorp.com>; Steve Lenker <steve.lenker@aemcorp.com>; Sheeba Rooney <Sheeba.Rooney@aemcorp.com>; Julia Redmon <Julia.Redmon@aemcorp.com>; Melissa Wilks (QIP) <melissawilks@qi-partners.com>; Beth Sinclair <Beth.Sinclair@aemcorp.com>; EDFactsPSC <EDFactsPSC@aemcorp.com>; Angela Roessler <angela.roessler@aemcorp.com>
**Subject:** OESE/OSSS/Homeless and OCR (COVID-19 Related Inquiry) - PSC Ticket #20-03658 (SD) - ME

Liz,

**Who:**
ME

**Issue:**
Maine's ED*Facts* Coordinator, Richard Bergeron, contacted PSC requesting guidance from ED regarding how states should report data in their SY 2019-20 FS195-Chronic Absenteeism file as a result of school closures due to COVID-19. The state writes:

> Can you tell me is any guidance will be submitted on how states should handle attendance reporting in FS195 next year? Our schools have been closed for a couple weeks now and are closed at least through the month of April. We are not sure how to answer the schools questions on how to take attendance.
>
> Rick Bergeron

How would ED like to respond to the state?

**School Year:**
SY 2019-20

**Specification(s):**
FS195 – Chronic Absenteeism

**ED Program Office:**
OESE/OSSS/Homeless
OCR

Thank you,
PSC

**Courtney Montgomery**
**ED*Facts* Partner Support Center**
cmontgomery@aemcorp.com
Office: (703) 464-7030 Ext: 8247
AEM Education Services
www.aemcorp.com/education

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:20:47 +0000
**To:** VanderPloeg, Laurie;Wexler, Larry;Corr, Gregg
**Cc:** COVID-19
**Subject:** FW: Question from Vermont about current Part C Grant Funds.3.27.2020

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Sent:** Friday, March 27, 2020 5:55 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Question from Vermont about current Part C Grant Funds.3.27.2020

Good afternoon,

As requested I am forwarding this COVID question from Vermont Part-C Coordinator.

Thank you.

Curtis

Curtis J. Kinnard, Ed.D.
U.S. Department of Education
Office of Special Education Programs
202-245-7472
Washington, DC 20202
https://sites.ed.gov/idea/
http://www2.ed.gov/policy/gen/guid/correctional-education/index.html
https://www.osepideasthatwork.org/jj
https://osep.grads360.org/#program/highlighted-resources

"An Absolute,Simplicity, and Perseverance"

---

**From:** Howes, Danielle <danielle.howes@vermont.gov>
**Sent:** Friday, March 27, 2020 5:50 PM
**To:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Cc:** Cole, Morgan <Morgan.Cole@vermont.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Question from Vermont about current Part C Grant Funds

Curtis, A question arose for Vermont today as we have to cancel our annual training institute (held in June each year), as well as several other in-person training. These cancellations, which are due directly to COVID-19, will mean that Vermont will likely not spend our EI Part C Grant funds in the way planned in our 2019 Part C Grant application. We are looking for OSEP guidance on this. Can we can carry those

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funds over to next year or reallocate those funds to other direct supports to the field? Thank you and have a great weekend.

Danielle Howes, MSW
CIS Part C Administrator
Children's Integrated Services
Child Development Division
280 State Drive, NOB 2
Waterbury, VT 05671
Phone: 802-279-1302
Fax: 802-241-0168

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 20:03:37 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: Question re COVID-19 and Parent's Unilateral Placements Seeking Reimbursement

Hello,

The inquiry below was received in the COVID-19 mailbox. Please respond.

---

**From:** Simpson, Regina <regina.simpson@ed.gov>
**Sent:** Thursday, March 26, 2020 2:21 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Question re COVID-19 and Parent's Unilateral Placements Seeking Reimbursement

---

**From:** Ryan Ford <rpf@fordlawfirmpllc.com>
**Sent:** Thursday, March 26, 2020 11:52 AM
**To:** Simpson, Regina <regina.simpson@ed.gov>
**Subject:** FW: Question re COVID-19 and Parent's Unilateral Placements Seeking Reimbursement

Hello Ms. Simpson,

I submitted questions to OCR related to COVID-19 and parents unilaterally placing students seeking reimbursement, please see emails below. Do you have a few minutes to chat in the next couple days or beginning of next week?

Best,
**Ryan Ford, Esq.**

Ford Law Firm PLLC

**Office Location:**
1001 4th Avenue, Suite 4400
Seattle, WA 98154
rpf@fordlawfirmpllc.com
**Office:** 206.552.0258
**Fax:** 206.260.9121

**Mailing Address:**
Ford Law Firm PLLC

AMERICAN OVERSIGHT

3815 Othello St. Ste. 100, #368
Seattle, WA 98118

www.fordlawfirmpllc.com

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**From:** answers <answers@ed.gov>
**Date:** Monday, March 16, 2020 at 2:14 PM
**To:** Ryan Ford <rpf@fordlawfirmpllc.com>
**Subject:** RE: Question re COVID-19 and Parent's Unilateral Placements Seeking Reimbursement

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

March 16, 2020
Dear Mr. Ford,
Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.
Your e-mail has been forwarded to the Office of Special Education Programs (OSEP) for further handling. Please contact the OSEP Customer Service Representative for your state directly. Contact information is available at https://www2.ed.gov/policy/speced/guid/idea/monitor/state-contact-list.html.
Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

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**From:** Ryan Ford <rpf@fordlawfirmpllc.com>
**Sent:** Monday, March 16, 2020 2:44 PM
**To:** answers <answers@ed.gov>
**Subject:** Question re COVID-19 and Parent's Unilateral Placements Seeking Reimbursement

To Whom It May Concern:

I have clients who had scheduled IEP team meetings and intended to request private placements during their meetings, which if not agreed upon by the IEP team, my clients would have given notice of their intent to unilaterally place their children in a private placement and seek reimbursement. These meetings, which were scheduled for last week and it is anticipated that the other meeting would have been scheduled for this week due to state mandated COVID-19 school related closures. Pursuant to WAC 392-172A-04115, a parent may give written notice of their intent to unilaterally place their student in a private placement and seek reimbursement in lieu of giving a district notice during the most recent IEP team. (Statutory Authority 20 U.S.C. 1400 (c)(12)(C), 20 U.S.C. 1401 (3)(A)(i), and 20 U.S.C. 1401 (30)(C)). The notice must be provided at least 10 business days—including holiday days—in advance of the parent's unilateral placement. Business day means Monday through Friday, except for federal and state holidays, unless holidays are specifically included in the designation of a business day. WAC 392-172A-01050 (Statutory Authority 42 U.S.C. 1400 et. Seq).

Washington's mandatory closure of school's raises a number of questions regarding unilateral placements, which are as follows:

- When a school district closes, do business days still accrue? All of the schools are closed but it is unclear whether school district central offices remain open and to what extent.
- Depending on the status of a school district's office, how does a parent properly notify a school district of their intent to unilaterally place a student and seek reimbursement? Will a letter sent to a school district's central office, addressed to a district's special education director and an email to the same special education director with the same letter attached suffice? What if the special education director does not acknowledge receipt of the letter? Has the parent still met their notice requirement?
- OCR offers the following guidance:

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**Question A-1:** Is an LEA required to continue to provide a free appropriate public education (FAPE) to students with disabilities during a school closure caused by a COVID-19 outbreak?

**Answer**: The IDEA, Section 504, and Title II of the ADA do not specifically address a situation in which elementary and secondary schools are closed for an extended period of time (generally more than 10 consecutive days) because of exceptional circumstances, such as an outbreak of a particular disease.

If an LEA closes its schools to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The Department understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements.

If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. (34 CFR §§ 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)). SEAs, LEAs, and schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP developed under IDEA, or a plan developed under Section 504. (34 CFR §§ 300.101 and 300.201 (IDEA), and 34 CFR § 104.33 (Section 504)).

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- OCR's guidance appears to indicate that if a hypothetical student was unilaterally placed during the COVID-19 school related closure and the parent sought reimbursement, and successfully demonstrated that the district was not providing their child with a FAPE and the private placement was providing their child with a FAPE, the time the student spent at the new placement during the COVID-19 district closure could only be reimbursed on a theory of compensatory education—comp ed for a denial of FAPE occurring before the COVID-19 school closure or an IEP team deciding to provide the student with comp ed for the time during the COVID-19 school closure--and not on a theory of a prospective placement because the District is not required to educate the hypothetical student during the closure if the district is not serving the general population. Does OCR share the same analysis of this issue? If not, how does OCR's analysis of this issue differ?

Best,

**Ryan Ford, Esq.**

Ford Law Firm PLLC

**Office Location:**
1001 4th Avenue, Suite 4400
Seattle, WA 98154
rpf@fordlawfirmpllc.com
**Office:** 206.552.0258
**Fax:** 206.260.9121

**Mailing Address:**
Ford Law Firm PLLC
3815 Othello St. Ste. 100, #368
Seattle, WA 98118

www.fordlawfirmpllc.com

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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 20:05:00 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Question regarding memo M-20-17

Hello,

The inquiry below was received in the COVID-19 mailbox. Please respond.

---

**From:** OESE.titleii-a <OESE.titleii-a@ed.gov>
**Sent:** Thursday, March 26, 2020 2:28 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Richardson, Scott <scott.richardson@ed.gov>
**Subject:** FW: Question regarding memo M-20-17

This question came to Title IIA via SGR. It's similar to a questions received previously from SEDTA and forwarded to the COVID-19 box earlier today.

---

**From:** Muhammad, Faatimah
**Sent:** Thursday, March 26, 2020 2:02 PM
**To:** OESE.titleii-a <OESE.titleii-a@ed.gov>
**Cc:** Vakil, Mandana <mandana.vakil@ed.gov>
**Subject:** RE: Question regarding memo M-20-17

FYI

---

**From:** OESE.SGR.Wyoming <Wyoming.oese@ed.gov>
**Sent:** Thursday, March 26, 2020 12:29 PM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** FW: Question regarding memo M-20-17

Good afternoon, Faatimah.

Please see the following inquiry, below.

Respectfully,

Lakesha
**From:** Mark Bowers <mark.bowers@wyo.gov>
**Sent:** Thursday, March 26, 2020 10:24 AM

AMERICAN OVERSIGHT

**To:** OESE.SGR.Wyoming <Wyoming.oese@ed.gov>
**Subject:** Question regarding memo M-20-17

In several instances there is the mention of "Awarding agencies" as having the ability to grant certain flexibilities, and I wonder who the Awarding agency is, USED or the SEA? For example, #4 - Extension to Expiring Awards - does the authority to grant this extension rest with the SEA or does the LEA or SEA have to apply to USED for this extension?

All the best,

**Mark Bowers**
Title II-A and IV-A Program Manager
Wyoming Department of Education
122 W. 25th St., Suite E200
Cheyenne, WY 82002
Office Phone: 307.777.8739

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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 20:15:32 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Question regarding memo M-20-17

Hello,

The inquiry below was received in the COVID-19 mailbox. Please respond.

---

**From:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Sent:** Thursday, March 26, 2020 2:51 PM
**To:** OESE.titleii-a <OESE.titleii-a@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>; Richardson, Scott <scott.richardson@ed.gov>
**Subject:** Re: Question regarding memo M-20-17

Thanks

On Mar 26, 2020, at 2:28 PM, OESE.titleii-a <OESE.titleii-a@ed.gov> wrote:

This question came to Title IIA via SGR. It's similar to a questions received previously from SEDTA and forwarded to the COVID-19 box earlier today.

---

**From:** Muhammad, Faatimah
**Sent:** Thursday, March 26, 2020 2:02 PM
**To:** OESE.titleii-a <OESE.titleii-a@ed.gov>
**Cc:** Vakil, Mandana <mandana.vakil@ed.gov>
**Subject:** RE: Question regarding memo M-20-17

FYI

---

**From:** OESE.SGR.Wyoming <Wyoming.oese@ed.gov>
**Sent:** Thursday, March 26, 2020 12:29 PM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** FW: Question regarding memo M-20-17

Good afternoon, Faatimah.

Please see the following inquiry, below.

AMERICAN OVERSIGHT

Respectfully,

Lakesha
**From:** Mark Bowers <mark.bowers@wyo.gov>
**Sent:** Thursday, March 26, 2020 10:24 AM
**To:** OESE.SGR.Wyoming <Wyoming.oese@ed.gov>
**Subject:** Question regarding memo M-20-17

In several instances there is the mention of "Awarding agencies" as having the ability to grant certain flexibilities, and I wonder who the Awarding agency is, USED or the SEA? For example, #4 - Extension to Expiring Awards - does the authority to grant this extension rest with the SEA or does the LEA or SEA have to apply to USED for this extension?

All the best,

**Mark Bowers**
Title II-A and IV-A Program Manager
Wyoming Department of Education
122 W. 25th St., Suite E200
Cheyenne, WY 82002
Office Phone: 307.777.8739

https://2020starconference.eventbrite.com

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:16:03 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: question

Hello

The email below was received in the COVID-19 mailbox.

---

**From:** Willey, Josiah <Josiah.Willey@ed.gov>
**Sent:** Friday, March 27, 2020 7:40 AM
**To:** COVID-19 <COVID-19@ed.gov>; Schneer, Matthew <Matthew.Schneer@ed.gov>
**Subject:** FW: question

All,

IN-B sent me some clarification questions regarding the guidance information that has been released to date. I am sharing these with both the COVID email and Matt in the hopes that Matt might be able to help me provide her with a more timely response.

The full email chain is below, but in summary, she asks the following questions from the Q & A:

1. Are schools required to provide SPED services when offering any education opportunities to the general student population?
2. What must be in a student's IEP to address either on-line or closed schools? Under A-5 from the Q & A, she read it to state that if IEPS do not have the language about eLearning or distance learning, should be adding that to IEPs. She is asking for verification that her understanding is correct.

Thank you for any support you can offer in helping me guide IN. If I need to tell them to wait for further updates to the guidance, that is fine.

Josiah

***Josiah L. R. Willey, Ed.D.***
Education Program Specialist
Office of Special Education Programs
U.S. Department of Education
550 12th St, SW, Room 5001
Washington DC, 20202
Josiah.Willey@ed.gov
202-245-6247
**www.ed.gov/osers** | **Subscribe**

AMERICAN OVERSIGHT

**From:** Holsapple, Nancy J <NHolsapple@doe.in.gov>
**Sent:** Thursday, March 26, 2020 5:04 PM
**To:** Willey, Josiah <Josiah.Willey@ed.gov>
**Subject:** Re: question

That's fine. I just need clarification on A-5 from the Q & A. I read it to state that if IEPS do not have the language about eLearning or distance learning schools should be adding that to IEPs. Did I read that correctly?

Sent from my iPad

On Mar 26, 2020, at 4:47 PM, Willey, Josiah <Josiah.Willey@ed.gov> wrote:

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

---

Hi Nancy,

I absolutely happy to chat. However, all state leads have been instructed to only take questions at this time so that they can be answered through the guidance documents that the department is continuing to update. So I won't be able to respond to anything.

So, please let me know if you want to chat based on that. If you do, I'm available anytime tomorrow from 8:00-10:30 and 12:30-4:00.

If you want to forgo a call and send me your questions, I will make sure they go to the appropriate folks to get addressed in the next update.

I'm sorry that I'm not permitted to do more individually for you right now. There is a lot that the department is trying to sort through and they're doing their best to ensure everyone receives the same information.

Thanks so much,

Josiah

AMERICAN OVERSIGHT

On Mar 26, 2020, at 4:12 PM, Holsapple, Nancy J <NHolsapple@doe.in.gov> wrote:

Josiah,

I have a couple of things I would like to talk to you about. Would you have time tomorrow?

1. I did a live chat with our State Superintendent of Tuesday and I referenced OSEP guidance. Especially these two questions: Are schools required to provide SPED services when offering any education opportunities to the general student population?
2. What must be in a student's IEP to address either on-line or closed schools?

I took the language straight from the Q and A provided by OSEP. I have lots of concerns from the field that they need to revise their IEPs if this was not in them.

I want to make sure we are doing everything possible for our students.

Let me know if you can talk any time soon. Thanks!

**Dr. Nancy J. Holsapple**
*Director of Special Education*
**Indiana Department of Education**
317-232-6622
nholsapple@doe.in.gov
www.doe.in.gov | Feedback: How are we doing?

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:28:15 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Regarding Memo M-20-17
**Attachments:** M-20-17.pdf, qa-covid-19-03-12-2020.pdf

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Finch, Jennifer <Jennifer.Finch@ed.gov>
**Sent:** Friday, March 27, 2020 4:16 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Regarding Memo M-20-17

---

**From:** FOUTCH James - ODE <james.foutch@state.or.us>
**Sent:** Friday, March 27, 2020 2:54 PM
**To:** Finch, Jennifer <Jennifer.Finch@ed.gov>
**Cc:** PELT Candace - ODE <candace.pelt@state.or.us>; WILLIAMS Kara - ODE <kara.williams@state.or.us>
**Subject:** Regarding Memo M-20-17

Good afternoon Jennifer,

We have a question about the interaction between Items 6 and 7 of the OMB memo, attached, question A-6 of the Department's Q&A, attached, and the Office of Head Start's memo, linked here: http://hsicc.cmail20.com/t/ViewEmail/j/49EE44613EEA4C892540EF23F30FEDED/12F194AAB536585844D0DD5392A9C75A

Essentially, we read these to have conflicting information when it comes to paying for activities outside of the grant's purpose. Where the OMB memo reads to allow spending outside of the grant's purpose, the Department's memo allowing in some cases, and Head Start's memo not allowing it at all.

We would appreciate some assistance in navigating these messages.

Thank you for your assistance and service in these difficult times.

Gratitude,

*For the most up-to-date information concerning COVID-19 responses, please see our FAQs page. Additionally, the ODE COVID-19 webpage contains the most recent information available on how the 2019 Novel Coronavirus is impacting schools in Oregon. If you have an urgent health need, please contact your local health department or health care provider.*

AMERICAN OVERSIGHT

James Foutch
Operation and Policy Analyst
He/Him/His (why pronouns are important)
Oregon Department of Education | Office of Enhancing Student Opportunities
Desk: 503-947-5776 | Cell: 503-551-9262
james.foutch@ode.state.or.us | www.oregon.gov/ode

AMERICAN OVERSIGHT

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEPUTY DIRECTOR
FOR MANAGEMENT

March 19, 2020

M-20-17

MEMORANDUM TO THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Margaret Weichert
Deputy Director of Management (b)(6)

SUBJECT: Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19) due to Loss of Operations

On March 9, 2020, OMB issued M-20-11, "*Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly impacted by the Novel Coronavirus (COVID-19)*," to provide agencies with additional flexibilities for grants assisting the response to COVID-19. The scope of the M-20-11 was narrowly crafted to provide flexibility to grant recipients performing essential research and services necessary to carry out the emergency response related to COVID-19.

This memorandum provides similar administrative relief listed in M-20-11 to an expanded scope of recipients affected by the loss of operational capacity and increased costs due to the COVID-19 crisis. Many of the operational impacts and costs are unknowable at this point, as they will depend on the spread of the coronavirus and response dictated by public health needs. This memorandum provides short term relief for administrative, financial management, and audit requirements under 2 CFR Part 200, *Uniform Administrative Requirements, Cost principles and Audit Requirements for Federal Awards*, without compromising Federal financial assistance accountability requirements. As program managers are considering administrative relief, they should be prudent in their stewardship of Federal resources which includes giving consideration to potential offsets—e.g. reduction in training and travel. In addition, the flexibilities provided within this memorandum, agencies are reminded of their existing flexibility to issue exceptions on a case-by-case basis in accordance with 2 CFR § 200.102, *Exceptions.* M-20-11 shall continue to apply, and Appendix A describes the exceptions granted under this memorandum to recipients affected by the loss of operational capacity. These exceptions are time limited and will be reassessed by OMB within 90 days of this Memo.

Questions regarding the above administrative relief provisions should be directed to Office of Federal Financial Management Grant link at GrantsTeam@omb.eop.gov. OMB will continue to provide updates and additional information as the situation unfolds. For the latest information, sign up for the Grants Community of Practice by clicking at: https://www.performance.gov/CAP/grants/

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## Appendix A – Administrative Relief Exceptions for COVID-19 Crisis

Federal awarding agencies are authorized to take the following actions, as they deem appropriate and to the extent permitted by law, with respect to the administrative provisions that apply to recipients grantees affected by the COVID-19 (for both recipients with COVID-19 related grants and other types of Federal grants). Awarding agencies are required to maintain records on the level of particular exceptions provided to recipients. For items 6 and 7, awarding agencies must require recipients to maintain appropriate records and documentation to support the charges against the Federal awards.

**1. Flexibility with SAM registration.** (2 CFR § 200.205)

Awarding agencies can relax the requirement for active System for Award Management (SAM) registration at time of application in order to expeditiously issue funding. At the time of award, the requirements of 2 CFR § 200.205, *Federal awarding agency review of risk posed by applicants*, continue to apply. Current registrants in SAM with active registrations expiring before May 16, 2020 will be afforded a one-time extension of 60 days.

**2. Flexibility with application deadlines.** (2 CFR § 200.202)

Awarding agencies may provide flexibility with regard to the submission of competing applications in response to specific announcements, as well as unsolicited applications. As appropriate, agencies should list specific guidance on their websites and/or provide a point of contact for an agency program official.

**3. Waiver for Notice of Funding Opportunities (NOFOs) Publication.** (2 CFR § 200.203)

For competitive grants and cooperative agreements, awarding agencies can publish emergency Notice of Funding Opportunities (NOFOs) for less than thirty (30) days without separately justifying shortening the timeframe for each NOFO. Awarding agencies would still be required to document and track NOFOs published for less than thirty (30) days under this emergency waiver.

**4. No-cost extensions on expiring awards.** (2 CFR § 200.308)

To the extent permitted by law, awarding agencies may extend awards which were active as of March 31, 2020 and scheduled to expire prior or up to December 31, 2020, automatically at no-cost for a period of up to twelve (12) months. This will allow time for recipient assessments, the resumption of many individual projects, and a report on program progress and financial status to agency staff. Project-specific financial and performance reports will be due 90 days following the end date of the extension. Awarding agencies will examine the need to extend other project reporting as the need arises.



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5. **Abbreviated non-competitive continuation requests.** (2 CFR § 200.308)

For continuation requests scheduled to come in from April 1, 2020 to December 31, 2020, from projects with planned future support, awarding agencies may accept a brief statement from recipients to verify that they are in a position to: 1) resume or restore their project activities; and 2) accept a planned continuation award. Awarding agencies should post any specific instructions on their website. Awarding agencies will examine the need to extend this approach on subsequent continuation award start dates as recipients have an opportunity to assess the situation.

6. **Allowability of salaries and other project activities.** (2 CFR § 200.403, 2 CFR § 200.404, 2 CFR § 200.405)

Awarding agencies may allow recipients to continue to charge salaries and benefits to currently active Federal awards consistent with the recipients' policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal. Awarding agencies may allow other costs to be charged to Federal awards necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the project. Awarding agencies may also evaluate the grantee's ability to resume the project activity in the future and the appropriateness of future funding, as done under normal circumstances—based on subsequent progress reports and other communications with the grantee. Awarding agencies must require recipients to maintain appropriate records and cost documentation as required by 2 CFR § 200.302 – *Financial management* and 2 CFR § 200.333 - *Retention requirement of records* to substantiate the charging of any salaries and other project activities costs related to interruption of operations or services.

7. **Allowability of Costs not Normally Chargeable to Awards.** (2 CFR § 200.403, 2 CFR § 200.404, 2 CFR § 200.405)

Awarding agencies may allow recipients who incur costs related to the cancellation of events, travel, or other activities necessary and reasonable for the performance of the award, or the pausing and restarting of grant funded activities due to the public health emergency, to charge these costs to their award without regard to 2 CFR § 200.403, *Factors affecting allowability of costs*, 2 CFR § 200.404, *Reasonable costs*, and 2 CFR § 200.405, *Allocable costs*. Awarding agencies may allow recipients to charge full cost of cancellation when the event, travel, or other activities are conducted under the auspices of the grant. Awarding agencies must advise recipients that they should not assume additional funds will be available should the charging of cancellation or other fees result in a shortage of funds to eventually carry out the event or travel. Awarding agencies must require recipients to maintain appropriate records and cost documentation as required by 2 CFR § 200.302 – *Financial management* and 2 CFR § 200.333 - *Retention requirement of records*, to substantiate the charging of any cancellation or other fees related to interruption of operations or services. As appropriate, awarding agencies may list additional guidance on specific types of costs on their websites and/or provide a point of contact for an agency program official.



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**8. Prior approval requirement waivers.** (2 CFR § 200.407)

Awarding agencies are authorized to waive prior approval requirements as necessary to effectively address the response. All costs charged to Federal awards must be consistent with Federal cost policy guidelines and the terms of the award, except where specified in this memorandum.

**9. Exemption of certain procurement requirements.** (2 CFR § 200.319(b), 2 CFR § 200.321)

Awarding agencies may waive the procurement requirements contained in 2 CFR § 200.319(b) regarding geographical preferences and 2 CFR § 200.321 regarding contracting small and minority businesses, women's business enterprises, and labor surplus area firms.

**10. Extension of financial, performance, and other reporting.** (2 CFR § 200.327, 2 CFR § 200.328)

Awarding agencies may allow grantees to delay submission of financial, performance and other reports up to three (3) months beyond the normal due date. If an agency allows such a delay, grantees will continue to draw down Federal funds without the timely submission of these reports. However, these reports must be submitted at the end of the postponed period. In addition, awarding agencies may waive the requirement for recipients to notify the agency of problems, delays or adverse conditions related to COVID-19 on a grant by grant basis (200 CFR 200.328(d)(1).

**11. Extension of currently approved indirect cost rates.** (2 CFR § 200.414 (c))

Awarding agencies may allow grantees to continue to use the currently approved indirect cost rates (i.e., predetermined, fixed, or provisional rates) to recover their indirect costs on Federal awards. Agencies may approve grantee requests for an extension on the use of the current rates for one additional year without submission of an indirect cost proposal. Agencies may also approve grantee requests for an extension of the indirect cost rate proposal submission to finalize the current rates and establish future rates.

**12. Extension of closeout.** (2 CFR § 200.343)

Awarding agencies may allow the grantee to delay submission of any pending financial, performance and other reports required by the terms of the award for the closeout of expired projects, provided that proper notice about the reporting delay is given by the grantee to the agency. This delay in submitting closeout reports may not exceed one year after the award expires.



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**13. Extension of Single Audit submission.** (2 CFR § 200.512)

Awarding agencies, in their capacity as cognizant or oversight agencies for audit, should allow recipients and subrecipients that have not yet filed their single audits with the Federal Audit Clearinghouse as of the date of the issuance of this memorandum that have fiscal year-ends through June 30, 2020, to delay the completion and submission of the Single Audit reporting package, as required under Subpart F of 2 CFR § 200.501 – *Audit Requirements*, to six (6) months beyond the normal due date. No further action by awarding agencies is required to enact this extension. This extension does not require individual recipients and subrecipients to seek approval for the extension by the cognizant or oversight agency for audit; however, recipients and subrecipients should maintain documentation of the reason for the delayed filing. Recipients and subrecipients taking advantage of this extension would still qualify as a "low-risk auditee" under the criteria of 2 CFR § 200.520 (a) – *Criteria for a low-risk auditee*.

To receive the latest information on grants, including COVID-19 update, sign up for the Grants Community of Practice by clicking at: https://www.performance.gov/CAP/grants/



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# QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK

**MARCH 2020**

The Centers for Disease Control and Prevention (CDC) is responding to an outbreak of respiratory disease caused by a new coronavirus named coronavirus disease 2019 (COVID-19). The CDC has issued interim guidance to help administrators of public and private childcare programs and K–12 schools plan for and prevent the spread of COVID-19 among students and staff. *See* Interim Guidance for Administrators of US Childcare Programs and K–12 Schools to Plan, Prepare, and Respond to Coronavirus Disease 2019 available at: https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html

This Questions and Answers document outlines states' responsibilities to infants, toddlers, and children with disabilities and their families, and to the staff serving these children. During an outbreak of COVID-19, local educational agencies (LEAs) and early intervention service (EIS) programs will need to collaborate with their state educational agency (SEA), Bureau of Indian Education (BIE), or local public health department, as appropriate, to address questions about how, what, and when services should be provided to children with disabilities.[1] It does not create or confer any rights for or on any person. This Q & A document does not impose any additional requirements beyond those included in applicable law and regulations. The responses presented in this document generally constitute informal guidance representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented here and are not legally binding. The Q & As in this document are not intended to be a replacement for careful study of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations. The *IDEA*, its implementing regulations, and other important documents related to the *IDEA* can be found at http://sites.ed.gov/idea. For more information on the requirements of Section 504 and Title II, and their implementing regulations, please consult https://www2.ed.gov/policy/rights/guid/ocr/disabilityoverview.html.

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[1] This document does not address when to dismiss a child or close a school or Part C state lead agency because school officials should work with their local health departments to make those decisions. School personnel and Part C EIS programs and providers, however, may consult the Centers for Disease Control and Prevention's (CDC's) guidance for recommendations regarding social distancing and school closure. The CDC's Web site contains information addressing both state and local public health officials and school administrators for school (K-12) responses to COVID-19 and resources for child care and early childhood programs. These documents, along with other recommendations, may be accessed at https://www.cdc.gov/coronavirus/2019-ncov/community/index.html.

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## A. Implementing Part B of the *IDEA* and Section 504 during a COVID-19 outbreak

**Question A-1:** Is an LEA required to continue to provide a free appropriate public education (FAPE) to students with disabilities during a school closure caused by a COVID-19 outbreak?

**Answer**: The IDEA, Section 504, and Title II of the ADA do not specifically address a situation in which elementary and secondary schools are closed for an extended period of time (generally more than 10 consecutive days) because of exceptional circumstances, such as an outbreak of a particular disease.

If an LEA closes its schools to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The Department understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements.

If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. (34 CFR §§ 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)). SEAs, LEAs, and schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP developed under IDEA, or a plan developed under Section 504. (34 CFR §§ 300.101 and 300.201 (IDEA), and 34 CFR § 104.33 (Section 504)).



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**Question A-2:** Must an LEA provide special education and related services to a child with a disability who is absent for an extended period of time because the child is infected with COVID-19, while the schools remain open?

**Answer**: Yes. It has long been the Department's position that when a child with a disability is classified as needing homebound instruction because of a medical problem, as ordered by a physician, and is home for an extended period of time (generally more than 10 consecutive school days), an individualized education program (IEP) meeting is necessary to change the child's placement and the contents of the child's IEP, if warranted. Further, if the IEP goals will remain the same and only the time in special education will change, then the IEP Team may add an amendment to the IEP stating specifically the amount of time to be spent in special education. If a child with a disability is absent for an extended period of time because of a COVID-19 infection and the school remains open, then the IEP Team must determine whether the child is available for instruction and could benefit from homebound services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available. In so doing, school personnel should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. The Department understands there may be exceptional circumstances that could affect how a particular service is provided.

If a child does not receive services after an extended period of time, a school must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.

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**Question A-3:** What services must an LEA provide if a public school for children with disabilities is selectively closed due to the possibility of severe complications from a COVID-19 outbreak?

**Answer:** If a public school for children with disabilities is closed solely because the children are at high risk of severe illness and death, the LEA must determine whether each dismissed child could benefit from online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available. In so doing,



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school personnel should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. The Department understands there may be exceptional circumstances that could affect how a particular service is provided.

If a child does not receive services during a closure, a child's IEP team (or appropriate personnel under Section 504) must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.

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**Question A-4:** If a child with a disability at high risk of severe medical complications is excluded from school during an outbreak of COVID-19 and the child's school remains open, is the exclusion considered a change in educational placement subject to the protections of 34 CFR §§ 300.115 and 300.116 and 34 CFR §§ 104.35 and 104.36.

**Answer:** If the exclusion is a temporary emergency measure (generally 10 consecutive school days or less), the provision of services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available, is not considered a change in placement. During this time period, a child's parent or other IEP team member may request an IEP meeting to discuss the potential need for services if the exclusion is likely to be of long duration (generally more than 10 consecutive school days). For long-term exclusions, an LEA must consider placement decisions under the *IDEA*'s procedural protections of 34 CFR §§ 300.115 – 300.116, regarding the continuum of alternative placements and the determination of placements.

Under 34 CFR § 300.116, a change in placement decision must be made by a group of persons, including the parents and other persons knowledgeable about the child and the placement options. If the placement group determines that the child meets established high-risk criteria and, due to safety and health concerns, the child's needs could be met through homebound instruction, then under 34 CFR §300.503(a)(1), the public agency must issue a prior written notice proposing the change in placement. A parent who disagrees with this



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prior written notice retains all of the due process rights included in 34 CFR §§ 300.500-300.520.

For children with disabilities protected by Section 504 who are dismissed from school during an outbreak of COVID-19 because they are at high risk for health complications, compliance with the procedures described above and completion of any necessary evaluations of the child satisfy the evaluation, placement and procedural requirements of 34 CFR §§ 104.35 and 104.36. The decision to dismiss a child based on his or her high risk for medical complications must be based on the individual needs of the child and not on perceptions of the child's needs based merely on stereotypes or generalizations regarding his or her disability.

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**Question A-5:** May an IEP Team consider a distance learning plan in a child's IEP as a contingency plan in the event of a COVID-19 outbreak that requires the school's closure?

**Answer:** Yes. IEP teams may, but are not required to, include distance learning plans in a child's IEP that could be triggered and implemented during a selective closure due to a COVID-19 outbreak. Such contingent provisions may include the provision of special education and related services at an alternate location or the provision of online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, and may identify which special education and related services, if any, could be provided at the child's home.

Creating a contingency plan before a COVID-19 outbreak occurs gives the child's service providers and the child's parents an opportunity to reach agreement as to what circumstances would trigger the use of the child's distance learning plan and the services that would be provided during the dismissal.

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**Question A-6:** What activities other than special education and related services may and may not be provided with *IDEA* Part B funds both prior to and during a COVID-19 outbreak?

**Answer:** *IDEA* Part B funds may be used for activities that directly relate to providing, and ensuring the continuity of, special education and related services to children with disabilities. For example, an LEA may use



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*IDEA* Part B funds to disseminate health and COVID-19 information that is specifically related to children with disabilities, to develop emergency plans for children with disabilities, or to provide other information (e.g., guidance on coordination of the provision of services in alternate locations as described in Question A-5) to parties who may need such information, including school staff responsible for implementing IEPs, parents of eligible children, and staff in alternate locations where special education and related services may be provided. LEAs, however, may not use *IDEA* Part B funds to develop or distribute general COVID-19 guidance or to carry out activities that are not specific to children with disabilities (e.g., general COVID-19 activities for all children and staff). Additionally, LEAs may not use *IDEA* Part B funds to administer future COVID-19 vaccinations to any children, including children with disabilities.



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## B. *IDEA* Part C and COVID-19

**Question B-1:** Must a state lead agency continue to provide early intervention services to infants and toddlers with disabilities during a COVID-19 outbreak if the offices are closed?

**Answer:** If the offices of the state lead agency or the EIS program or provider are closed, then Part C services would not need to be provided to infants and toddlers with disabilities and their families during that period of time. If the lead agency's offices are open but the offices of the EIS program or provider in a specific geographical area are closed due to public health and safety concerns as a result of a COVID-19 outbreak in that area, the EIS program or provider would not be required to provide services during the closure. If the offices remain open, but Part C services cannot be provided in a particular location (such as in the child's home), by a particular EIS provider, or to a particular child who is infected with COVID-19, then the lead agency must ensure the continuity of services by, for example, providing services in an alternate location, by using a different EIS provider, or through alternate means, such as consultative services to the parent.

Additionally, once the offices re-open, the service coordinator and EIS providers for each child must determine if the child's service needs have changed and determine whether the individualized family service plan (IFSP) team needs to meet to review the child's IFSP to determine whether any changes are needed. If offices are closed for an extended period and services are not provided for an extended period, the IFSP team must meet under 34 CFR § 303.342(b)(1) to determine if changes are needed to the IFSP and to determine whether compensatory services are needed to address the infant or toddler's developmental delay.

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**Question B-2:** What should a state lead agency or EIS program provider do to provide Part C services if its offices are open, but it cannot provide services in accordance with an infant's or toddler's IFSP during a COVID-19 outbreak?

**Answer:** If the offices remain open, but Part C services cannot be provided in a particular location (such as in the child's home), by a particular EIS provider, or to a particular child who is infected with COVID-19, then



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the lead agency must ensure the continuity of services, on a case-by-case basis and consistent with protecting the health and safety of the student and those providing services to the student. As an example, the lead agency may consider providing services in an alternate location, by using a different EIS provider, or through alternate means, such as consultative service to the parent. Once services are fully resumed, the service coordinator and EIS providers for each child must assess the child to determine if the child's service needs have changed and to determine whether the IFSP Team needs to meet to review the child's IFSP to identify whether changes to the IFSP are needed. If the offices are closed and services are not provided for an extended period, the IFSP Team must meet under 34 CFR § 303.342(b)(1) to determine if changes are needed to the IFSP and to determine whether compensatory services are needed.

If an EIS provider cannot provide Part C services in the child's home during a COVID-19 outbreak, but the EIS program or provider determines that it is safe to provide face-to-face Part C services in another environment such as a hospital or medical clinic, then the child could receive temporary services at the hospital or clinic. Additionally, if the lead agency or EIS provider determines that face-to-face Part C services should not be provided for a period of time, then the EIS provider or service coordinator may consult with the parent through a teleconference or other alternative method (such as e-mail or video conference), consistent with privacy interests, to provide consultative services, guidance, and advice as needed. However, determining how to provide Part C services in a manner that is consistent with the most updated public health and safety guidance is left to the discretion of the lead agency and the EIS program and provider serving a particular child and family.

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**Question B-3:** What activities other than service provision may and may not be provided with *IDEA* Part C funds both prior to and during a potential COVID-19 outbreak?

**Answer:** *IDEA* Part C funds may be used for activities that directly relate to providing, and ensuring the continuity of, Part C services to eligible children and their families. The state may use *IDEA* Part C funds to disseminate health and COVID-19 information to relevant parties, develop emergency plans to support the provision and continuity of



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Part C services, or provide other information (e.g., how the lead agency staff or EIS programs or providers may provide alternate services or services in alternate locations as described in Question B-2) to relevant parties who need this information. Relevant parties may include parents of eligible children, childcare centers, staff in other locations where early intervention services are provided, EIS programs and providers, and primary referral sources. Other activities that relate to service provision, including the provision of service coordination, evaluations, and assessments, may also be funded. The state may not, however, use *IDEA* Part C funds to administer future COVID-19 vaccinations as it is a medical service under 34 CFR §303.13(c)(3).



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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 20:23:08 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: Releasing FSA Credit Balance

Hello

The email below was received in the COVID-19 mailbox. Please respond.

---

**From:** Mayra Fernandez <mayra.fernandez@perrytech.edu>
**Sent:** Thursday, March 26, 2020 3:13 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Releasing FSA Credit Balance

Hello,

Due to a stay home order our governor issued effective 3/25 we will be disbursing FSA credit balances through direct deposit remotely but, as far as our students who elect paper checks we need to go to the school and print checks. My question is with our start date being 3/30/2020 the seventh day of the payment period would be Monday April 6, 2020. My question is we are able to print checks on Tuesday April 7, 2020 for these students. Would that be fine to disburse paper checks on April 7th due to COVID-19 events and stay home order issued in our state?

Thank you,

Snip from FSA Handbook:

ıg FSA Funds, 2018–2019 Glossary CFR DCL

*Special provisions for books and supplies*

In order to academically succeed in a program, a student must be able to purchase books and supplies at the beginning of the academic period. Therefore, by the seventh day of a payment period, a school must provide a way for a student who is eligible for FSA funds to obtain or purchase the books and supplies required for the payment period if

- ten days before the beginning of the payment period, the school could have disbursed FSA funds to the student; and
- disbursement of those funds would have created an FSA credit balance.

**MAYRA FERNANDEZ | DIRECTOR OF FINANCIAL AID**
Perry Technical Institute | 2011 W. Washington Ave. | Yakima, WA 98903
509.453.0374 x5756 or 888.528.8586 (w) | 509.453.0458 (f) | WWW.PERRYTECH.EDU
PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL.

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I Give to the Employee Campaign

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential or proprietary information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, immediately contact the sender by reply e-mail and destroy all copies of the original message.

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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 20:25:43 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Request for deadline extension for the Title 2, Part A LEA Survey
**Importance:** High

Hello

The email below was received in the COVID-19 mailbox. Please respond.

Thanks

---

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Thursday, March 26, 2020 3:18 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Request for deadline extension for the Title 2, Part A LEA Survey
**Importance:** High

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**From:** Dean Zajic <dzajic@ksde.org>
**Sent:** Thursday, March 26, 2020 10:56 AM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** Bert L. Moore <bmoore@ksde.org>; Randy Watson <RWatson@ksde.org>; Brad D. Neuenswander <bneuenswander@ksde.org>; Tate Toedman <ttoedman@ksde.org>; OESE.OSS.Kansas <OSS.Kansas@ed.gov>
**Subject:** Request for deadline extension for the Title 2, Part A LEA Survey
**Importance:** High

Patrick,

Yesterday Kansas school districts began receiving the Title 2, Part A LEA Survey via an email from IES. The email states that the surveys are to be submitted by April 8th. Ordinarily that would be a sufficient timeframe for our districts to respond, but these are extraordinary times, and the state of Kansas has effectively ordered all school buildings closed through at least May 1st in response to the COVID-19 crisis. For many districts this limits staff ability to readily access the records that they need in order to complete the survey. At the same time, Kansas districts are busy coordinating outreach to families and implementing plans for continuous education for students.

In light of these circumstances, Kansas requests an extension of the deadline the for the Title 2, Part A LEA Survey for all Kansas LEAs to no earlier than May 15, 2020.

We are happy to address any questions, and appreciate your assistance with this matter.

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Thank you,
Dean

H. Dean Zajic
*State and Federal Programs Coordinator*
Special Education and Title Services

(785) 296-2425
dzajic@ksde.org
www.ksde.org

*Kansas leads the world in the success of each student.*

The Kansas State Department of Education does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the nondiscrimination policies: KSDE General Counsel, Office of General Counsel, KSDE, Landon State Office Building, 900 S.W. Jackson, Suite 102, Topeka, KS 66612, (785) 296-3201.

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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:41:08 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Request for support during COVID-19
**Attachments:** COVID-19 request for support(NHEA)addendum(1).pdf
**Importance:** High

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Johnson, Patricia <Patricia.Johnson@ed.gov>
**Sent:** Thursday, March 26, 2020 3:39 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Carr, Patrick <Patrick.Carr@ed.gov>; Osborne, Joanne <Joanne.Osborne@ed.gov>
**Subject:** FW: Request for support during COVID-19
**Importance:** High

This email makes a specific request concerning paying employees working on Department-funded grants during the COVID-19 crisis.

Pat O'Connell Johnson
Group Leader, Native Achievement Programs
RINAP
Room 3E230 LBJ
U.S. Department of Education
Washington, DC
Patricia.Johnson@ed.gov
(202) 260-7813

---

**From:** Laura Dang <ldang@pidfoundation.org>
**Sent:** Friday, March 20, 2020 7:28 PM
**To:** Osborne, Joanne <Joanne.Osborne@ed.gov>
**Cc:** Jan E. Dill <jedill@pidfoundation.org>; Shawn Kanaiaupuni <shkanaia@ksbe.edu>; Alison Masutani <amasutani@pidfoundation.org>; Stephanie Nishimura <snishimura@pidfoundation.org>; Cindy Quach <cquach@pidfoundation.org>
**Subject:** Request for support during COVID-19
**Importance:** High

Aloha e Joanne,

AMERICAN OVERSIGHT

We hope that you and your team are keeping safe. We are trying to do our part to flatten the pandemic curve but every day there are more and more new cases reported here in Hawaii. Attached is a memo from PIDF which we ask you and the Director to review and consider.

Please let us know if you have any questions and we look forward to hearing from you.

Me ka mahalo,

Laura R. Dang
VP of Administration/Secretary
Partners in Development Foundation
2040 Bachelot St, Honolulu HI 96817
Ph (808)595-2752; Fax (808)595-4932
www.pidf.org
-Serving Hawaii's Families, Living Hawaiian Values-

AMERICAN OVERSIGHT

March 20, 2020

Aloha,

Per our Governor's press release on March 16, 2020 at 2pm, we have now activated the Hawaii Emergency Management Agency (HI-EMA) that is working under the Federal Emergency Management Agency in order to request federal assistance and implement local responses consistent with FEMA guidelines. The newly appointed director of HI-EMA stated that we need to make assumptions that we have to plan for a community wide spread. According to NIH Director Dr. Anthony Fauci, if we wait until we have a handful of community spread cases before we take steps to implement social distancing, it will be too late.

Partners in Development Foundation is seeking to be proactive and comply with both federal and state guidelines to assist in flattening the curve of the COVID-19 pandemic spread and have thus initiated an Emergency Alternative Track plan. In general, this means that we are asking our exempt staff to work remotely if their positions allow for this and all non-exempt staff to stay home if at all possible. We also follow the State DOE's schedule for our teaching programs and yesterday, the Governor announced that the State's public and public charter schools will be extending their spring break for two (2) additional weeks through April 6, 2020.

It is recognized that federal and/or state requirements for charging the respective grants are tied to actual hours worked on the program/grant. However, this COVID-19 crisis is beyond the control of our employees and in order to flatten the spread of the disease, we want staff to be able to stay home without the worry of not being able to pay their rent, groceries, car payment or other expenses. **Thus, we would like to request that the USDOE allow the NHEP grantees to continue to pay our employees without having to first exhaust their personal days or vacation balance as they are being asked to not report to work during this national state of emergency. In PIDF's case, we would request that this be allowed effective Monday, March 16, 2020.**



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Here are some examples of the dilemma that we are facing. **Non-exempt staff** are supposed to be supervised and are not allowed to work from home based on Department of Labor laws; however, now due to the COVID-19, guidelines are being provided to allow some to work remotely. Majority of the non-exempt staff's work are generally performed at their worksite or interacting with program participants. In one program, for some **exempt teaching staff**, they may be able to work from home to do lesson plans, etc.; however, we expect that they will complete the bulk of those duties within a short period of time as much of their job is focused on their interactions with the families. Another complication that has just come up is that the majority of sites where we hold our program have been closed, some for a couple of weeks and others until the end of April. In another program, there are **exempt teaching staff** who function as substitutes for school teachers who participate in professional development cycles; if the schools close, then there will be no professional development cycles. Thus there may be **exempt staff**, due to the nature of their job, who may also be unable to work from home.

Although it was PIDF's intention to fully implement the Emergency Alternative Track plan, the prospect of some staff (non-exempt and some exempt as described above) not being paid due to not having enough personal days or vacation leave or not wanting to exhaust all available personal days or vacation leave has in effect encouraged most staff to continue to come to work. This situation makes complying with the social distancing federal guidelines very challenging. The assurance of personnel compensation through the respective federal grant or other funding source for these staff will enable them to stay at home, thus keeping them, their co-workers, and the families we serve safer through social distancing.

We request your consideration of our request and look forward to your response.

Mahalo,

(b)(6)

Jan E. Hanohano Dill
President

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 20:14:27 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: S299A160003-COVID19

Hello,

The inquiry below was received in the COVID-19 mailbox. Please respond.

---

**From:** Angela Wrublewski <Angela.Wrublewski@Chickasaw.net>
**Sent:** Thursday, March 26, 2020 2:47 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Woodrow Wilson <Woodrow.Wilson@chickasaw.net>
**Subject:** S299A160003-COVID19

Good Afternoon,

I was asked by our project officer to direct my update and questions toward this email address. This information was sent this morning.

As an update to our situation here, as of yesterday all Oklahoma Public School districts have been directed to complete the school year through distance learning and all activities are cancelled. Administrations have until April 6 to submit to the State their plan for distance learning to ensure inclusivity for all students within their district. Schools have been directed to remain closed until June 30 with no on site activities. This closure of our schools will of course have a significant effect on our ability to complete our goals and objectives. We had significant plans toward summer school initiatives, which will now not be possible.

In addition, Chickasaw Nation facilities are closed at this time until April 15. Mission critical staff are the only personnel required to report to work at this time. All personnel within our NYCP grant have been asked to stay at home until April 15 at minimum. So, right now I am the only staff person working in office at this time. Salaries will continue to be paid for all staff.

I have a couple of questions as to how best to proceed from here. First, will you all be offering any conference calls or guidance toward our programs in the coming weeks or will guidance be on a one on one basis? Second, how has the COVID-19 crisis affected reporting requirements (i.e. annual report deadline)? How has the crisis affected the opportunities available for the new funding cycle? Will funding still be available and will this delay the processes involved in posting a NOFO?

Your guidance is appreciated. Stay safe!

Angie Wrublewski

AMERICAN OVERSIGHT

Director, Supportive Programs
Education Division
Department of Community Services
300 Rosedale Road
Ada, OK 74820
Work: (580) 421-7711, ext. 61032
Cell: (580) 235-2300

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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:11:20 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Saginaw Chippewa - S299A170095-19

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Williams, Bianca <Bianca.Williams@ed.gov>
**Sent:** Friday, March 27, 2020 2:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Saginaw Chippewa - S299A170095-19

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**From:** Shannon Dorn <SDorn@sagchip.org>
**Sent:** Friday, March 27, 2020 11:02 AM
**To:** Williams, Bianca <Bianca.Williams@ed.gov>
**Cc:** Dustin Davis <DDavis@sagchip.org>; Ruben Mosqueda <RMosqueda@sagchip.org>; Michelle Colwell <mcolwell@sagchip.org>
**Subject:** RE: Saginaw Chippewa - S299A170095-19

As a follow up to my email, this will be a temporary leave. Will grant funds remain available for essential functions and if not deemed essential, will funds remain and is that grant funded employee eligible for unemployment?

Thank you for your assistance,
Shannon

---

**From:** Shannon Dorn
**Sent:** Friday, March 27, 2020 10:22 AM
**To:** 'Williams, Bianca'
**Cc:** Dustin Davis; Ruben Mosqueda; Michelle Colwell
**Subject:** Saginaw Chippewa - S299A170095-19

Good Morning Bianca,

My Supervisor, the Tribal Administrator contacted me. This information **has not** been released to employees as of yet, and would like to find direction related to the DOE grant funded employees. We are currently under Administrative Leave until April 4, 2020. Our Tribal Council is looking at moving away from Administrative Leave after this time and instituting a temporary closure resulting in employees, including grant funded employees being on layoff. Please let me know if there has been any direction given regarding this situation. Thank you in advance.

AMERICAN OVERSIGHT

Shannon

***Shannon C. Dorn***
Grants and Contracts Manager
Saginaw Chippewa Indian Tribe of Michigan
7500 Soaring Eagle Boulevard
Mount Pleasant, Michigan 48858
Office: (989) 775-4029
Cell: (989) 429-6565

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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:47:53 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Seeking an extension for 2019-2020 formula grant

Hello

The email below was received in the COVID-19 mailbox.

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**From:** Ramsey, Tara <Tara.Ramsey@ed.gov>
**Sent:** Friday, March 27, 2020 10:15 AM
**To:** Moore, Crystal <Crystal.Moore@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Seeking an extension for 2019-2020 formula grant

Crystal,
Please do not use OESECOVID19@usdedeop.onmicrosoft.com; it is only for internal processing for SGR and OSSS. Please send this to the Department's COVID-19@ed.gov.
Happy to discuss,
Tara

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Friday, March 27, 2020 10:12 AM
**To:** OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>
**Subject:** RE: Seeking an extension for 2019-2020 formula grant

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**From:** ROBERT MELTZ [redacted]
**Sent:** Friday, March 27, 2020 9:34 AM
**To:** Moore, Crystal <Crystal.Moore@ed.gov>
**Subject:** Seeking an extension for 2019-2020 formula grant

Dear Dr. Moore,

Montgomery County Public Schools in Maryland are closed and the date of re-opening is tentatively scheduled for April 24, although that date is none too certain. Our program has allocated monies for end-of -year test preparation sessions for 8th to 12th graders and a college field trip for students, both of which are now on hold. Would it be possible to request a grant extension through September 30, 2020 for our grant? That would allow time to re-schedule our activities. Thank you for your help in this uncertain time.

Madeleine McElveen

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Indian Education Formula

Grant Coordinator

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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:23:35 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: SRPMIC Grantor Request
**Attachments:** Covid19_srpmic_grants_ltr_03252020.pdf

Hello

The inquiry below was received in the COVID-19 mailbox.

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**From:** Hall, Marilyn <Marilyn.Hall@ed.gov>
**Sent:** Friday, March 27, 2020 7:48 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: SRPMIC Grantor Request

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**From:** Gunthner, Julia <Julia.Gunthner@SRPMIC-nsn.gov>
**Sent:** Friday, March 27, 2020 7:14 PM
**To:** Hall, Marilyn <Marilyn.Hall@ed.gov>
**Subject:** SRPMIC Grantor Request

Good Afternoon,

Salt River Pima-Maricopa Indian Community issued a Local Emergency Declaration and guidance to Community Departments regarding essential services to address public health concerns related to Coronavirus (COVID-19). Attached is a letter is from Martin Harvier, President of Salt River Pima-Maricopa Indian Community, asking for assistance from our grantors.

Thank you for your partnership and assistance during these difficult times.

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Julia A. Gunthner DBH, LPC
Grant Facilitator
Finance
Office: 480.362.6901
Cell: 480.735.4446

Salt River Pima-Maricopa Indian Community
Finance Department
10005 E. Osborn Rd.
Scottsdale, AZ 85256

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**SALT RIVER**
**PIMA-MARICOPA INDIAN COMMUNITY**
10005 E. Osborn Road, Scottsdale, Arizona 85256 / Phone 480-362-7495 / Fax 480-362-5791

March 25, 2020

Dear Respected Grantor:

The Salt River Pima-Maricopa Indian Community ("SRPMIC") has undertaken unprecedented measures to deter the spread of the coronavirus within the community. These measures will influence the services the Tribe will be able to provide to its membership. The SRPMIC recognizes that in the long term the impacts of the coronavirus will be mitigated and that it is essential to preserve program infrastructure so that we can quickly resume services once the mitigation occurs. These actions are being taken in response to the SRPMIC declaring a public health emergency that is considered necessary and reasonable given the circumstances.

The SRPMIC is requesting that granting agencies assist with this plan to allow the Tribe to continue paying staff wages and fringe benefits from your program and additional flexibility in budgeting line items that are no longer relevant. Social distancing will define the types of services that can be provided. In the interim staff will be involved in strategic planning and taking a self-reflection of programs to determine how services can be provided more effectively once Tribal operations fully resume.

We intend to pay our employees their normal wages during this period for all programs, including those from federal grant funds as well as all other non-federally supported programs. We will continue to request those employees who can work remotely to continue to do so. All wages paid during this time is in accordance with the SRPMIC's overall policies or specifically approved by the Community Council.

This request is consistent with the OMB memorandum M-20-17, issued on March 19, 2020, titled "Administrative Relief for Recipients and Federal Assistance Directly Impacted by the Novel Coronavirus (COVID -19) due to Loss of Operations". The purpose of this request is to have the provisions outlined in this memorandum apply to non-Federal funding sources also.

We greatly appreciate your flexibility and consideration of this request and look forward to working with you to partner with us to preserve the program infrastructure. In this regard we will continue to fund staff from programs supported by your grant unless otherwise directed.

If you have any questions please contact Ms. Laurie Lus, Finance Director, Laurie.Lus@SRPMIC-nsn.gov or (480)362–7838.

Sincerely

(b)(6) [redacted]

Martin Harvier
President

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:39:23 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: Student Loan Garnishments

Hello

The email below was received in the COVID-19 mailbox.

---

**From:** Dorcas Conyers <deconyers@sbgtv.com>
**Sent:** Friday, March 27, 2020 3:16 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Student Loan Garnishments

Good Afternoon,

I have read the correspondence regarding ED student loan garnishments. From the reading it indicates that employers should stop the federal student loan garnishments for 60 days from 3/13. We stopped the federal loans for our pay period 3/27. However, I am receiving conflicting information. A counterpart has indicated that we should continue to withheld until we receive notification for each employee directly from ED.

A few questions

1. Should we be waiting to receive documentation from ED before stopping the garnishments for the 60 day period?
2. Will ED refund the deductions received prior to 3/2(date of announcement)?

Thank you in advance for your response.

Dorcas Conyers

Payroll Manager
Sinclair Broadcast Group
10706 Beaver Dam Road
Cockeysville, MD 21040
410-568-1640

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:18:03 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: The Show Must Go On, Learning Continues Online with Academic Entertainment

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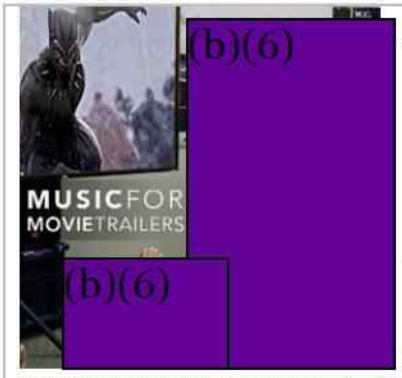
**From:** (b)(6) .com < (b)(6) >
**Sent:** Friday, March 27, 2020 8:23 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: The Show Must Go On, Learning Continues Online with Academic Entertainment

Hello! Could you please share this with your area schools, on this webpage?
https://www.ed.gov/coronavirus

We've compiled a list of artists, entertainers, scientists and youth motivational speakers available for online, virtual, and e-learning applications. Contact Academic Entertainment 800-883-9883 or info@academicentertainment.com to schedule dates/times for your students. And please, check back frequently, **more opportunities will be added!**




**Music Technology Virtual Movie Trailer Workshops**
$1990 half day (up to 2 virtual workshops)
$3250 (full day) up to 5 virtual workshops)
Capacity 15-30 students per virtual workshop. Each workshop is 30-40 minutes in length.

Using your schools existing e-learning applications, Brent Daniels brings the techniques and technology he uses to produce and compose music for some of Hollywood's biggest movie trailers (such as Marvel's Black Panther & Disney's A Wrinkle In Time) to the **virtual classroom**. Program content is variable depending on grade and experience level, making this online workshop suitable for grades 4 - 12, accommodating students with no musical background all the way up to experienced musicians, budding music producers or composers interested in a career in music. In a typical **virtual** workshop for students with little or no musical training, Brent will:

1. Show students one or more of the trailers in which his music is used and play the original music composed and produced for the trailers.
2. Break down sonic and musical components from his music which are synced by trailer editors with the film's visuals.
3. Introduce students to the concepts in sound design, composition, and music production necessary for trailer music production
4. Combine those elements to create a short example of a trailer-style music cue.

Middle and High School music students with some experience in music technology and production may benefit from a more customized or in-depth form of the online workshop, which Brent can provide. They also may have advanced questions about the process of music production or careers in the music industry. Brent's online workshops are an excellent place to find answers and insight.

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## Diversity of Dance Virtual Online Dance Classes Grades 2-12, 45-minutes

Diversity of Dance is now offering virtual dance classes! Choose from the five dance styles performed in their traditional school assemblies: Hip Hop, Bollywood Hip Hop, Latin Hip hop, Hip Hop to Kpop and or Dancehall. Each class includes a warm up, key movements to learn, a dance, and cool down section taught by head instructor, Juliette. These classes are a great way for students to keep physically active while learning about both cross-cultural understanding and dance vocabulary. They can also be used as an intro or follow up to the LIVE in-school Assembly Program: Diversity of Dance.

**Recommended for grades 2nd and above.**

**Choose from pre-recorded or live virtual dance classes.**

**Pre-recorded Virtual Dance Classes:**

**$1000/lesson, all grade levels in the school may access the lesson**

**$3955/all five lessons, all grade levels in the school may access all the lessons**

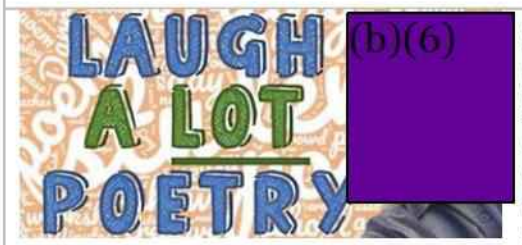
Choose from any of the 5 styles. Your school will get a link to the virtual dance classes you choose with a password. All grade levels in a school may access the same class. Or, choose to purchase all 5 styles of virtual online lessons for a discounted price.

**Live Virtual Dance Classes:**

**$1445/lesson, up to 100 students, 10 students in each 45-minute block**

**$5395/all five lessons, up to 100 students, 10 students in each block**

Taught via Zoom, downloadable for free. Schedule 45-minute blocks for 10 students per block. Each group of 10 students will receive their own meeting link. It's recommended to use a lap top or desktop computer to better view the teacher. Also choose from any of the 5 styles of dance. Purchase all five styles of live virtual dance classes for a discounted price.

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## Silly Skype! Chat with the World's Most Funny Poet. Grades K-12. 45-60 minutes.

**$795/session. 1-2 classes per session.**

Any kind of live visit from an author is exciting, even if it's online! Take advantage of all the benefits of technology and allow your students an opportunity to **talk one-on-one or in a small-group** setting with an award-winning author and poet. Students will interact with Darren, allowing all present a chance to participate in the session, and enabling Darren to answer questions, and to reciprocate by asking his own questions of the students. During an online session, Darren shows students his published work and books, he tells where he gets his inspiration and ideas, he performs a few favorite pieces of poetry, acts-out poetry along with your students, and gives them some tips on how to make their poems even more unique and creative. **Skype Sessions with Darren Sardelli** are inspirational for all, and the giggles and laughs are guaranteed!

## Dare to Draw – LIVE Webcast with Mark Kistler

**1 or 2/$1395**

Through the wonders of technology your school can enjoy the experience of a live Dare to Draw! assembly for a deeply discounted price. During **Mark Kister's Live Webcast Assembly**, you'll feel like he is right there with your students! Mark will teach your kids to Draw! Draw! Draw! just like always, except he's in his studio, and you're at your school, classroom or home computer. The lesson is live and personalized, broadcast through your own technology through Facebook or YouTube. He'll answer your questions and talk

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to your students while he teaches through his live interactive website. It's SO cool! Your school has an opportunity to collaborate with the artist to choose the lessons for your live webcast assemblies from his list of absolutely awesome art inspirations---your students can choose where they want to travel with their imaginations! Will you have Mr. Mark webcasting live from: his Antarctic Penguin Research Station, "The Land of Dinosaurs", OR the surface of the moon?! You can choose to have the students receive the live webcast in your cafeteria, gym, in individual classrooms, or from home. A week prior to your event, you'll work with Mark to test logistics (internet connection, audio, sound, etc.). Just like with Mark's in person **"Dare to Draw!"** school assemblies, at least two FULL HOUR live webcast assemblies are scheduled; one for younger students and one for older students. This way, his lessons can be tailored for the skills and abilities of each age group. And, just like with the in-person program, students and teachers only need pencils, paper and a clipboard, slate or book to use as a lap desk if there are not tables or desks to participate in the live webcast. Sitting on the floor also works great! Contact Academic Entertainment 800-883-9883 or info@academicentertainment.com for dates/times.

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## Youth Mover – Facing Fear

**$795 or 2/$1195 for 45-minute session. 60 minute leadership edition for Ms/HS $995 or bundle two and save $100 off!**

Youth Mover, Brandon Lee White, delivers a high-energy, entertaining, and effective anti-bullying and character education program for youth. Any of Brandon's assembly speeches, leadership trainings, and workshops can be modified to online/skype (with the exception of the dance workshop). A Skype-talk with Student Council leadership, etc. **New--Facing Fear!** A student's ability to face fear and develop resilience in times of crisis largely impacts their overall health and success in life. Facing Fear teaches students the following:

- Develop a positive mindset for negative circumstances.
- Build confidence through action in times of uncertainty.
- Utilize resources around you and within you to overcome.
- Learn to respond rather than react.
- Develop a plan for future adversity.
- Become a leader in times of crisis to help others.

(All student will receive a free summary PDF at the end of each presentation.)

## Physics Experience – Interactive Online Demos

**$795 or 2/$1195 (one or two hour-long interactive demos)**

Utilizing ZOOM or Skype or your schools' channel for video conferencing, your students can experience physics like never before! Students will have a chance to interact with a real scientist and choose the demonstrations they would like to see. Every interactive hour features engaging, entertaining, and educational demonstrations of light, motion, heat, sound, electricity, modern physics, plasma, magnetism, and more.

## Geoffrey Castle: Violin Hero!

**$795 or 2/$1195**

**"Who wants to save the world?"**

**When Creativity Meets Knowledge Anything Can Happen**

Utilizing Zoom Video conferencing, Join world-renowned violinist Geoffrey Castle for a fun and inspiring virtual assembly program chock-full of amazing music, great stories, and an even greater message and a performance that the whole family will enjoy! A featured speaker on TEDx Seattle, and with his own Pandora Channel, Geoffrey Castle's Violin Hero Virtual Assembly brings learning outcomes in

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Geography, History, Science, and Technology along with the true value of education and creativity into your living room.

**Additional information is on our website:** https://www.academicentertainment.com/virtual-online. Call 800-883-9883 or email info@academicentertainment.com

Thank you!
Whitney Aguilar, MBA
Academic Entertainment, Inc.
800-883-9883

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:25:35 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Title I Carryover

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Friday, March 27, 2020 4:33 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Title I Carryover

Please see the inbound question.

Thanks,
R

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov| 202.453.5719

---

**From:** Roberta Bergman <Roberta.Bergman@renaissance.com>
**Sent:** Friday, March 27, 2020 4:20 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** Title I Carryover

Has the 15% cap on Title I carryover funds been lifted? Thanks.

**Roberta Bergman** | Senior Funding Consultant
Office: (715) 424-3636 ext. 5260
Toll-free: (877) 988-8050 ext 5260
Mobile: (214) 957-9751
Roberta.Bergman@renaissance.com

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 20:28:10 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** FederalStudentAid;COVID-19
**Subject:** FW: TIV Credit Balance and EFA

Hello

The email below was received in the COVID-19 mailbox. Please respond.

Thanks

---

**From:** Mary Anne Stano <mastano@loyola.edu>
**Sent:** Thursday, March 26, 2020 3:30 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** TIV Credit Balance and EFA

In response to, "AskRegs Update: Can We Hold the Title IV Credit Balance Until the Next Award Year If We Refund Institutional Charges Due To Coronavirus?", NASFAA included the following guidance: "Note: Once you **deliver** the Title IV credit balance to the student or parent for the current award year, those funds belong to the student or parent and must be used to cover educational expenses. If the student or parent then uses those funds to make an advance payment towards next year's charges, it is a payment on the student's account for next year and not estimated financial assistance (EFA) for either award year. This is different from the limited scenario when the school delays a refund of institutional charges and provides an institutional credit towards next year's institutional charges, in which case it is EFA next year."

Can you please explain what it means to "deliver" a TIV credit balance? Must we cut a check? We want to make sure we understand fully so that we do not create a situation that requires us to use the TIV credit balance as EFA next year. Families are suffering enough. To have to then treat a credit balance as EFA seems like an unnecessary penalty. We'd prefer to create the credit this year and encourage the student to use it as prepayment for next year, but how can we do this or suggest this within the regulations?

Thank you and stay well,

**Mary Anne**

\\\ **Mary Anne Stano**
Director | Office of Financial Aid

LOYOLA
UNIVERSITY MARYLAND

4501 North Charles Street, Baltimore, MD 21210
410-617-2576 \ financialaid@loyola.edu

AMERICAN OVERSIGHT

MORE THAN READY. LOYOLA READY.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 20:45:07 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: Treasury off set taxes

Hello,

The email below was received in the COVID-19 mailbox. Please respond.

Thanks

**From:** Scott Lange <srlange1@cougars.ccis.edu>
**Sent:** Friday, March 27, 2020 8:41 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Treasury off set taxes

Not sure who to send this question too but can you explain why you are only giving people's treasury offset of taxes back if they filed after march 13? Why are they in more need of keeping their taxes over someone like me that filed my taxes and had them taken for student loans but I am in the same position as the person who filed after march 13 in dealing with this pandemic. I hope someone reads this and realizes that it shouldn't matter when you filed as to if you are going to have your taxes returned when we all are in need of this money so we can provide for our family. I hope to hear some response to this because I am positive I'm not the only one affected by this. Thank you.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:01:56 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: urgent request re: shelters and wifi (Bronx)

Hello

The inquiry below was received in the COVID-19 mailbox.

**From:** Katie McCaskie <kmccaskie@sbecacs.org>
**Sent:** Friday, March 27, 2020 11:01 AM
**To:** info@nysteachs.org; COVID-19 <COVID-19@ed.gov>
**Cc:** Natalia Ruiz-Corrales <nrc@sbecacs.org>
**Subject:** urgent request re: shelters and wifi (Bronx)

Good morning,

I'm the liaison for SBECA in the South Bronx and I'm having difficulty connecting several of my families to the free Wifi services. Spectrum is telling them they don't serve the 10455 zip code in which we are located and I'm wondering if you all know of any free services that do, or any other suggestions.

Also, are city family shelters providing wifi for students to be able to complete school work? How can I better advocate for this for my families in a shelter?

Thank you for your assistance.

Best,

**Katie McCaskie, LCSW**
Director of Social Work
South Bronx Early College Academy Charter School
WHEDCo Family Support Department
801 E. 156th Street, Bronx, NY 10455
T: 929-291-7700 x 324
C: 917-574-5538
www.sbecacs.org
www.whedco.org

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:35:21 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Waiver for three year requirement for 15% carryover
**Attachments:** image001.png

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>
**Sent:** Friday, March 27, 2020 4:37 PM
**To:** Foster, Kelly - KDE Associate Commissioner <kelly.foster@education.ky.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** Re: Waiver for three year requirement for 15% carryover

Hi Kelly,

Thank you for reaching out about this potential waiver request. I've passed it along to our COVID-19 Rapid Response team and we'll be in touch soon with more information.

I appreciate your time and patience as we work through these issues together.

Hope you're staying safe and healthy,
Victoria

On Mar 27, 2020, at 11:26 AM, Foster, Kelly - KDE Associate Commissioner <kelly.foster@education.ky.gov> wrote:

Victoria,
Due to this unprecedented time, can KDE apply for a waiver on the three year requirement for 15% carryover limitation for LEAs for FY19 funds? Since schools have been closed and may be closed the remaining of the year, I am sure districts will be applying for the 15% carryover waiver. However, there will be some districts which may have requested a wavier previously and be in the three year window. Thanks

<image001.png> ***Kelly Foster, Ed.D.***

AMERICAN OVERSIGHT

Associate Commissioner
Office of Continuous Improvement and Support

Kentucky Department of Education
300 Sower Blvd, 5th Floor
Frankfort, KY 40601
(502) 564-5130

*The Kentucky Department of Education would like your input on the agency's customer service efforts. Please take a moment to complete an online survey, which may be accessed here. All responses will remain anonymous. Thank you!*

*This email may contain confidential data or information and is intended solely for the use of the individual or entity to whom it is addressed. If you are not the named addressee you should not disseminate, distribute, or copy this e-mail, and you are requested to notify the sender immediately.*

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:29:20 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Waivers
**Attachments:** image001.jpg

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>
**Sent:** Friday, March 27, 2020 4:33 PM
**To:** Gloria Bayouth <Gloria.Bayouth@sde.ok.gov>
**Cc:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Monty Guthrie <Monty.Guthrie@sde.ok.gov>; COVID-19 <COVID-19@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** Re: Waivers

Hi Gloria,

We hope you're staying happy, healthy, and safe as well. Thank you for sharing all your questions with us. I've passed them along to our COVID-19 Rapid Response team and we'll be in touch soon with responses.

Thank you,
Victoria

On Mar 27, 2020, at 4:18 PM, Gloria Bayouth <Gloria.Bayouth@sde.ok.gov> wrote:

Victoria,

As all states are preparing to roll out the highly anticipated CARES Act, Oklahoma is carefully examining possible ESSA waiver requests to provide flexibility to the school districts. Will each state submit individual waivers that specifically accommodate their needs? Do states submit a formal letter of request or will USDE provide a template for states to submit to USDE? I understand there is a window of 30 days for states to send the waiver to USDE. When does this process begin, and how long does USDE anticipate an approval response to the states?

I understand all of us are carving a new path to meet these challenging times and know we will get through this together. I appreciate your guidance and direction regarding the waiver process.

AMERICAN OVERSIGHT

Stay happy, healthy, and safe!

Gloria Bayouth, ED
Executive Director
Office of Federal Programs
Oklahoma State Department of Education
2500 N. Lincoln Blvd., Suite 311
Oklahoma City, OK 73105
Office: (405) 522-3249
Gloria.Bayouth@sde.ok.gov

<image001.jpg>

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OKLAHOMA
Education

AMERICAN OVERSIGHT

# OKLAHOMA Education

ED-20-0731-A-000221

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:33:56 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Waivers

Hello

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---

**From:** Gloria Bayouth <Gloria.Bayouth@sde.ok.gov>
**Sent:** Friday, March 27, 2020 4:35 PM
**To:** Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>
**Cc:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Monty Guthrie <Monty.Guthrie@sde.ok.gov>; COVID-19 <COVID-19@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** RE: Waivers

Thank you Victoria. Have a great weekend.

Gloria Bayouth, ED
Executive Director
Office of Federal Programs
Oklahoma State Department of Education
2500 N. Lincoln Blvd., Suite 311
Oklahoma City, OK 73105
Office: (405) 522-3249
Gloria.Bayouth@sde.ok.gov

---

**From:** Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>
**Sent:** Friday, March 27, 2020 3:33 PM
**To:** Gloria Bayouth <Gloria.Bayouth@sde.ok.gov>
**Cc:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Monty Guthrie <Monty.Guthrie@sde.ok.gov>; COVID-19 <COVID-19@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** [External] Re: Waivers

Hi Gloria,

We hope you're staying happy, healthy, and safe as well. Thank you for sharing all your questions with us. I've passed them along to our COVID-19 Rapid Response team and we'll be in touch soon with responses.

AMERICAN OVERSIGHT

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Gloria Bayouth, ED
Executive Director
Office of Federal Programs
Oklahoma State Department of Education
2500 N. Lincoln Blvd., Suite 311
Oklahoma City, OK 73105
Office: (405) 522-3249
Gloria.Bayouth@sde.ok.gov
<image001.jpg>

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 20:41:46 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: Will you stop collections for commercially-held FFEL loans?

Hello,

The email below was received in the COVID-19 mailbox. Please respond.

Thanks

**From:** Joanna Darcus <jdarcus@nclc.org>
**Sent:** Thursday, March 26, 2020 5:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Will you stop collections for commercially-held FFEL loans?

Hello,

Does your March 25th announcement of a halt of collection actions and wage garnishments apply to commercially-held FFEL loans as well as to ED-held FFEL loans?

Few borrowers understand the difference between Direct and FFEL loans, let alone how to distinguish between commercially-held and ED-held FFEL loans. Our low-income clients and borrowers served by the civil legal aid community need clarity and relief from collections--especially during this time.

I look forward to your response.

Thank you,

Joanna Darcus

**Joanna K. Darcus** *(she/her/hers)*
Staff Attorney
1001 Connecticut Avenue NW, Suite 510,
Washington, DC 20036 (Map)
202/452-6252 x 109 | Direct: 202/595-7849
jdarcus@nclc.org | www.nclc.org

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 20:58:16 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: Will you stop collections for commercially-held FFEL loans?

Hello

The email below was received in the COVID-19 mailbox.

**From:** Joanna Darcus <jdarcus@nclc.org>
**Sent:** Thursday, March 26, 2020 5:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Will you stop collections for commercially-held FFEL loans?

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I look forward to your response.

Thank you,

Joanna Darcus

**Joanna K. Darcus** *(she/her/hers)*
Staff Attorney
1001 Connecticut Avenue NW, Suite 510,
Washington, DC 20036 (Map)
202/452-6252 x 109 | Direct: 202/595-7849
jdarcus@nclc.org | www.nclc.org

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:37:10 +0000
**To:** VanderPloeg, Laurie;Wexler, Larry;Corr, Gregg
**Cc:** COVID-19
**Subject:** FW: written parent consent

Hello

The inquiry below was received in the COVID-19 mailbox.

**From:** Ardith Ferguson <afergus@wested.org>
**Sent:** Friday, March 27, 2020 12:34 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** written parent consent

I am asking this on behalf of a state. May a state allow consents for evaluation, assessments, and EI services to be given verbally over the phone by the parent or do they still need to be provide consent in writing via handwritten or electronic signature?

Ardith Ferguson, M.Ed.
Senior Program Associate
WestEd
Center for Prevention & Early Intervention
Cell: 303-589-2107
www.wested.org
afergus@wested.org

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AMERICAN OVERSIGHT

**From:** Gloria Dwyer
**Sent:** Sat, 28 Mar 2020 20:31:08 +0000
**To:** COVID-19
**Cc:** Anthony Fiore
**Subject:** OPE ID 02056400

Good Afternoon,

Regarding our school, Capri Cosmetology Learning Centers, OPE ID 02056400.
Due to the continued state of emergency in New York, our schools will remain closed, temporarily, until Monday, April 20, 2020. If anything changes and we are able to open earlier, we will let you know.

Thank you,

Gloria Dwyer
Director of Financial Aid
Capri Cosmetology Learning Centers

AMERICAN OVERSIGHT

**From:** Wickstrom, Julie
**Sent:** Sat, 28 Mar 2020 17:47:50 +0000
**To:** Marotta, Cheryl
**Cc:** COVID-19;McGuire, Christine W;Hardy Smith, Meaghan R
**Subject:** Request permission to shorten calendar

Hi Cheryl,

As advised by the Department of Education March 5th, 2020, Electronic Announcement we are requesting a temporary reduction in length of our academic calendar for our doctor of medicine program.

> *The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year. –3/6/20 Electronic Announcement*

Massachusetts Health and Human Services Secretary Marylou Sudders asked the four Massachusetts Medical Schools to advance graduation of our fourth-year medical students to a date in April to more rapidly expand the capacity of the medical workforce in the Commonwealth in response to the critical needs of our citizens during this pandemic. We would like to shorten our spring semester for the doctor of medicine program by three weeks; our academic year would still exceed the required 30 weeks.

The Boston University Medical School Student Evaluation and Promotions Committee will review each student status and determine that students have completed all of their requirements for graduation by April 10, 2020 and a virtual graduation is planned on Friday, April 17, 2020 for those who have met requirements.

It's critical that this temporary reduction to our academic calendar for our doctor of medicine program be granted by the Department of Education so that our students can be help meet the urgent need for medical professionals.

Best,

**Julie Wickstrom**
Executive Director

**Boston University** Financial Assistance
881 Commonwealth Avenue, 5th Floor
Boston, Massachusetts 02215
Phone: 617-353-4176
Fax: 617-358-2792
Email: jwickstr@bu.edu
Website: www.bu.edu/finaid

-

Follow Smart Money 101

AMERICAN OVERSIGHT

**From:** Brenda Marion
**Sent:** Sat, 28 Mar 2020 18:38:40 +0000
**To:** COVID-19;policy@nasfaa.org
**Subject:** Verification & C-Code Resolution
**Importance:** High

Good afternoon,

I am a financial aid advisor at Salem University (School Code: 003820) and I have had some perspective students unable to complete verification requirements due to closures caused by COVID-19. Here are a few examples.

1. Perspective student lives in NY and was selected for V4 verification on her 2019-20 & 2020-21 FAFSAs. She sent over the front and back copy of her unexpired ID but she is unable to travel due to a shelter-in-place order to get her Statement of Educational Purposes form notarized in person. We have been unable to find any online solutions for this requirement. We are not able to clear the verification without this

2. Perspective student did not register for Selective Service due to being incarcerated. He provided satisfactory documentation to both us and Selective Service however Selective Service's offices closed prior to processing his request. They are not able to generate a Selective Service response letter

3. Perspective student has V4 verification on his 2019-20 FAFSA and has provided all required documentation except for his high school transcript. We ordered the transcript but his school is closed due to the Coronavirus. The Department of Education in that state has not offered any electronic means of sending the documentation.

Thank you in advance for your assistance.

*Brenda Marion*
***Salem University – Financial Aid***
***304-326-1644 – Office***
***463-221-2808-Fax***
**bmarion@salemu.edu**
***"There's a difference between interest and commitment. When you're interested in doing something, you do it when it is convenient. When you are committed to something, you accept no excuses; only results. – Kenneth Blanchard***

AMERICAN OVERSIGHT

**From:** Olsen, Tara A
**Sent:** Thu, 26 Mar 2020 16:00:08 +0000
**To:** COVID-19
**Subject:** 4th year medical students - graduating early

Good morning:

We have been asked by state authorities to permit our 4th year medical students to graduate 3 weeks early to assist on the front lines of the COVID-19 pandemic. In this scenario, our semester would still be 16 weeks in length and our academic year would still exceed 30 weeks. In terms of Title IV aid, this population would be eligible for Direct Loans.

- Are there restrictions to offer this that would require ED approval?
- Could we offer to all students and allow them to opt out or must we make a decision to graduate all?
- Would this impact student eligibility as all loans have been disbursed?
- What would be required on our end for Direct Loan processing? Would we need to alter the loan period for each student affected? We would obviously report the graduation date to NSLDS but are there other unforeseen issues with Direct Loans to consider?
- What unintended consequences would we need to consider if this was approved?

Thank you for your assistance.

Kind regards,

Tara Olsen
Assistant Dean of Financial Aid
Tufts University School of Medicine
136 Harrison Avenue
Boston MA 02111

T: 617-636-6574
F: 617-636-3447
Website: Medicine.tufts.edu/finaid
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AMERICAN OVERSIGHT

**From:** Reese Lawley
**Sent:** Thu, 26 Mar 2020 21:20:15 +0000 (UTC)
**To:** COVID-19
**Subject:** Additional resource for your recent story

Hi there,

The times are crazy, I get it. The coronavirus has the country scrambling on many different fronts, one of which being the education system. I stumbled upon your article over educational resources (https://www.ed.gov/coronavirus) and wanted to send over our Education & Career Planning resource with information for students ranging from kindergarten through college.

This resource has information that helps students and families research and read reviews on education options during this unprecedented time. We're seeing a big uptick in interest across these categories on our site.

You can view them here: https://www.consumeraffairs.com/education/

Is this something you're interested in adding to your story?

Best,

Reese Lawley | Content Marketing Specialist
ConsumerAffairs
918-233-3327

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AMERICAN OVERSIGHT

Best,

Reese Lawley | Content Marketing Specialist
[https://ci3.googleusercontent.com/proxy/ygnHdpw5ZVc1yVjNmND-o8umfwbWrz-VONoKqb5Gd6myidKn898LWz4wAUHW1AaTQ8BH3DybRkgXUUw9A5iUlAU6UCHbhhw-F7ow0guy1ZItwUX-h0LJ4jPSUyr8sga2PH3xvU7DEjDkmAiV7QrleCF1LOAgPIe-9mcQ3k5fSku7iXaLzH3rDvdiYH1B4Ealcc_2joi52PIn6th7Yg=s0-d-e1-ft#https://docs.google.com/uc?export=download&id=1vCd4a9BNUEmM0_Y907IGpvZkxQa4a71d&revid=0B3iB0QaiWhCic2ZVYU1ZNERVUDhXNmJwSk4yTFYyeTJ2aVNBPQ]
918-233-3327

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Reese Lawley | Content Marketing Specialist
ConsumerAffairs
918-233-3327

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AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Thu, 26 Mar 2020 17:46:59 +0000
**To:** Pinckney, Christine F.;COVID-19
**Subject:** Approved response to email tracking #44 – Mercer
**Attachments:** COVID-19 - Mercer (cleaning).docx

Hi Chris:

Attached, please see the approved response to the email with tracking #44 – Mercer, received on 3/9/20. It is ready to be sent from the COVID-19 mailbox

If you have any questions, please let me know.

Thanks,

Bryan

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 9:11 AM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Control: Mercer - COVID-19 Cleaning Supplies

Hi Bryan, please review draft response for #44. Please provide approval.

Thanks,
Kelly

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Tuesday, March 24, 2020 7:13 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Control: Mercer - COVID-19 Cleaning Supplies

Dear COVID Team,

Please see attached a draft response.
Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

AMERICAN OVERSIGHT

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** Sullivan, Madeline
**Sent:** Wednesday, March 18, 2020 7:20 PM
**To:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Cc:** Foy Moss, Rita <Rita.Foy.Moss@ed.gov>; Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** RE: Control: Mercer - COVID-19 Cleaning Supplies

Dear Kelly,

A couple things. I updated this because

- there is new language and resources from the CDC; and
- we now have transmission in very state.

They requested cleaning supplies; however, there are other cost-effective options, so I point the user to that guidance / infographic.

See what you think.

I look forward to your feedback!
Sincerely,
Madeline

Line Item: 44
Secretary Mail
Shamayne
Mercer (b)(6) @icloud.com

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Sent:** Tuesday, March 17, 2020 5:47 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Subject:** FW: Control: Mercer - COVID-19 Cleaning Supplies

Hi Madeline,

This is a control for COVID-19. Can you please provide draft response.

Thanks,
Kelly

---

**From:** Patrick, Kelly
**Sent:** Monday, March 16, 2020 6:11 PM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: Control: Mercer - COVID-19 Cleaning Supplies

Bryan, I sent this to Madeline to handle this control. Do you still want her to handle?

Kelly

---

**From:** Patrick, Kelly
**Sent:** Monday, March 9, 2020 12:38 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** Control: Mercer - COVID-19 Cleaning Supplies

Hello,

Attached is a control from Mercer on COVID-19 Cleaning Supplies. Also, attached is the general inquiry, please tweak as needed.

Please return the draft response to me by March 12.

Thanks,
Kelly

AMERICAN OVERSIGHT

Dear Ms. Mercer:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

Regarding your question, please note that the Coronavirus Aid, Relief, and Economic Security Act, or CARES Act, recently passed by Congress will provide billions of dollars in emergency aid, including $3 billion which would be set aside for emergency relief funds that governors can use for schools in areas severely affected by the outbreaks, and another $13.5 billion that will go towards elementary and secondary school relief funding. These funds will be critical for schools and communities to protect students, staff, and families.

For further information, please note that the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Thu, 26 Mar 2020 17:55:56 +0000
**To:** COVID-19;Pinckney, Christine F.
**Subject:** Approved response to the email with tracking #62 – Atkeson
**Attachments:** COVID-19 - Atkeson (hand washing-general).docx

Hi Chris:

Attached, please see the approved response to the email with tracking #62 – Atkeson, received on 3/10/20. It is ready to be sent from the COVID-19 mailbox

If you have any questions, please let me know.

Thanks,

Bryan

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 9:22 AM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Hand washing teaching (COVID-19)

Hi Bryan, please review draft response for #44. Please provide approval.

Thanks,
Kelly

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Tuesday, March 24, 2020 7:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Hand washing teaching (COVID-19)

Dear COVID-19 team,

Please see attached a draft response for your review.

As always, I welcome your feedback if you need more or different.

Sincerely,
Madeline

**Madeline Sullivan**

AMERICAN OVERSIGHT

U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** Sullivan, Madeline
**Sent:** Wednesday, March 18, 2020 7:43 PM
**To:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Subject:** FW: Hand washing teaching (COVID-19)

I forgot… details from your VERY helpful spreadsheet: ☺

Line item #62
COVID-19@ed.gov
3/10/20
Star Atkeson stardustatkeson@gmail.com
Parent Teaching - Hand washing for schools, students and families

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** Sullivan, Madeline
**Sent:** Wednesday, March 18, 2020 7:41 PM
**To:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Subject:** RE: Hand washing teaching (COVID-19)

Dear Kelly,

Please see attached a response including Coronavirus resources for handwashing as well as everyday resources for schools and families.

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As always, stay in touch if you need anything more or different!

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Tuesday, March 10, 2020 11:34 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: Hand washing teaching (COVID-19)

Hi Madeline,

Please find attached an email from the COVID-19 mailbox. Would you please offer some language we can use to reply to this email?

Thanks,
Kelly

---

**From:** Stardust Atkeson <(b)(6)
**Sent:** Tuesday, March 10, 2020 11:21 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Hand washing teaching

To whom it may concern at Department of Ed,

I would be grateful if the Department of Ed would lead the charge against the spread of COVID19 by putting out a directive to require schools to teach hand-washing technique in a short assembly, and to send a how-to-sheet home with the children. This would help to educate their parents as well. It is known that hand washing is the number one effective method for staying safe. My seven year old daughter has a pre-existing lung condition that puts her at risk. There would be far-reaching benefits to educating the children and having them educate their parents.

Here is the recommendation from the CDC:

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https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-schools.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fguidance-for-schools.html

Interim Guidance for Administrators of US Childcare Programs and K-12 Schools

Plan, Prepare and Respond to Coronavirus Disease 2019

Schools should continue to collaborate, share information, and review plans with local health officials to help protect the whole school community, including those with special health needs. School plans should be designed to minimize disruption to teaching and learning and protect students and staff from social stigma and discrimination. Plans can build on everyday practices (e.g., encouraging hand hygiene, monitoring absenteeism, communicating routinely) that include strategies for *before*, *during*, and *after* a possible outbreak.

Thank you for your time and consideration,
Star Atkeson a concerned parent in the Boston Public School System

AMERICAN OVERSIGHT

Dear Ms. Atkeson:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

While there is currently no vaccine to prevent COVID-19, public health officials are currently taking steps to prevent the spread of this respiratory disease. Schools can play an important role in this effort. Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission.

As you have noted, the Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your thoughts with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Thu, 26 Mar 2020 18:10:16 +0000
**To:** COVID-19;Pinckney, Christine F.
**Subject:** Approved response to the email with tracking #330 – Bacchus
**Attachments:** COVID-19 - Bacchus (travel).docx

Hi Chris:

Attached, please see the approved response to the email with tracking #330 – Bacchus, received on 3/9/20. It is ready to be sent from the COVID-19 mailbox

If you have any questions, please let me know.

Thanks,

Bryan

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 9:23 AM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Corona virus

Hi Bryan, please review draft response for #330. Please provide approval.

Thanks,
Kelly

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Tuesday, March 24, 2020 10:06 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Subject:** RE: Corona virus

Dear COVID Response team,

Please see attached the draft response for Dr. Bacchus from Florida.

As directed, I adhered to the general inquiry template and only added very brief information as needed.

As always, I welcome your feedback and support!
Sincerely,

AMERICAN OVERSIGHT

Madeline Sullivan
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

-----Original Message-----
From: COVID-19 <COVID-19@ed.gov>
Sent: Monday, March 16, 2020 10:45 AM
To: Sullivan, Madeline <Madeline.Sullivan@ed.gov>
Cc: Williams, Bryan <Bryan.Williams@ed.gov>
Subject: FW: Corona virus

Hi Madeline,

Please find attached an email from the Covid-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

-----Original Message-----
From: Melissa Bacchus <(b)(6)
Sent: Saturday, March 14, 2020 9:13 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Corona virus

I am hoping to get some clarification regarding the new COVID-19 guidelines for schools since I am getting conflicting and, quite frankly, confusing messages from my Lee County school.

First of all regarding self isolation after international travel: is this required for high risk countries or all countries? From what I understand the CDC is requiring self isolation after cruise ship travel and travel to high risk countries, other travel requires screening by your physician or local health department. Is the FL department of education taking a different stance than the CDC?

Secondly, the school closures after spring break: is this just public schools or private and public schools?

I am also a local pediatrician and would like to have some straightforward information for my patients.

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Sincerely,
Melissa Bacchus, MD

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Dear Dr. Bacchus:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

Regarding your questions, please be aware that the Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19 and has provided guidance for school settings for use by State and local education officials and health agencies. This guidance addresses considerations for possible school closures, as well as strategies for those returning from international travel. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

The Department has also established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

The COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Thu, 26 Mar 2020 18:28:30 +0000
**To:** COVID-19;Pinckney, Christine F.
**Subject:** Approved response to the email with tracking #457– Melita
**Attachments:** COVID-19 - Melita (general inquiry).docx

Hi Chris:

Attached, please see the approved response to the email with tracking #457– Melita, received on 3/17/20. It is ready to be sent from the COVID-19 mailbox

Thanks,

Bryan

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 11:38 AM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: this my idea as personal about covid-19

Hi Bryan, please review draft response for #457. Please provide approval.

Thanks,
Kelly

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Wednesday, March 25, 2020 11:07 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Subject:** RE: this my idea as personal about covid-19

Dear COVID-19 Response Team,

Please see attached the draft response.

As directed, I adhered to the generic response and only made edits or additions as needed.

As always, I welcome your feedback and am happy to make any edits you see fit.
Sincerely,
Madeline

**Madeline Sullivan**

AMERICAN OVERSIGHT

U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 19, 2020 4:38 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: this my idea as personal about covid-19

Hi Madeline,

Please find attached an email from the COVID-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

**From:** Melita Chris <(b)(6)
**Sent:** Tuesday, March 17, 2020 1:16 PM
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** this my idea as personal about covid-19

hello how are you?
am chris but just iwas asking about covid-19 and learn more about it?
they say that aperson with it get fluo and cough?right?
iwas asking if you mix waragi and ice green cough drops and drink, will it reduces coughs and fluo for some days but not science made but in african ways some people uses it to fight cough and fluo.do you think if you add more arts in it can help?am not adoctor but my idea may be can aadd.
irequest not to take me in this wrongly but if is wrongly irequest to forgive me because covid-19 eats everyone so thats why iwas asking if african way works too?
COVID-19@ed.gov.

AMERICAN OVERSIGHT

Dear Mr. Melita:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

While there is currently no vaccine to prevent COVID-19, public health officials are currently taking steps to prevent the spread of this respiratory disease. Schools can play an important role in this effort. Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission.

Please note that the Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your thoughts with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

The COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Thu, 26 Mar 2020 19:02:39 +0000
**To:** COVID-19;Pinckney, Christine F.
**Subject:** Approved response to the email with tracking #897– Miller
**Attachments:** COVID-19 - Miller.docx

Hi Chris:

Attached, please see the approved response to the email with tracking #897– Miller, received on 3/23/20. It is ready to be sent from the COVID-19 mailbox

Thanks,

Bryan

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Tuesday, March 24, 2020 7:26 AM
**To:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** RE: Quarantine

Dear Kelly,

As always, I appreciate your feedback!

As agreed earlier, I crafted this response in the Word Document presenting the link as if this were a letter.

Things are changing quickly. If you would like to change the approach at any time, please do not hesitate to let me know!

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

AMERICAN OVERSIGHT

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 23, 2020 3:57 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Quarantine

Hi Madeline,

Please find attached an email from the COVID-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

---

**From:** answers <answers@ed.gov>
**Sent:** Monday, March 23, 2020 12:25 PM
**To:** mjmiller814758@gmail.com; COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Quarantine

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 23, 2020

Matthew Miller
(b)(6)

Dear Matthew Miller,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on

AMERICAN OVERSIGHT

COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Matthew Miller <(b)(6)
Sent: Friday, March 20, 2020 1:31 PM
To: answers <answers@ed.gov>
Subject: Quarantine

The the US Department of Education,

What are you doing for the quarantine?

Our schools and teachers are out here making everything happen on the fly. You've provided no assistance or directions to families.

Where is your leadership?

Your agency is a disgrace and everyday you exist all of you should feel deeply ashamed of yourselves for abandoning the nation.

One of you needs to step up and take charge. Your silence will echo throughout history and no one will forget when our system was collapsing you did nothing.

Ever watchful,

Matthew Miller

AMERICAN OVERSIGHT

Dear Mr. Miller:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

Unfortunately, these are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease.

The Department is committed to helping schools support the continuity of teaching and learning. In recent weeks we have worked with the White House, the Centers for Disease Control and Prevention (CDC), and other Federal agencies to develop guidance to help protect schools, educators, and families. This information can be found on the Department's "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus. Through collaboration and coordination with local health authorities and other agencies, schools can also help disseminate important information about this disease and its potential transmission.

The CDC offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

The COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Williams, Constance
**Sent:** Thu, 26 Mar 2020 15:25:36 +0000
**To:** COVID-19
**Subject:** Assigning Perkins Loans to ED
**Importance:** High

The University of North Texas was given a deadline to assign all Perkins loans that are defaulted 2 years or greater to ED by 5/4/20. I need to know if that deadline can be (or was) extended and if so, how do we go about requesting the extension or receiving confirmation it was extended?

**Connie Williams**
University of North Texas
Student Financial Aid & Scholarships

AMERICAN OVERSIGHT

**From:** Marianne Akins
**Sent:** Thu, 26 Mar 2020 18:31:39 +0000
**To:** COVID-19
**Cc:** Robin Counce;Williams, Bianca;Kelly Brame
**Subject:** Choctaw Nation of Oklahoma- S299A160031

Good Afternoon:

As we face the Covid-19 pandemic, our federal grant program, Project Impact, is also faced with adversity and concern. Below is an email from Chief Batton of the Choctaw Nation of Oklahoma implementing the closure of all administrative offices effective March 24.

Currently, we have been forced to cancel all face to face meetings with grant evaluators and rely solely by email and phone correspondence. Another obstacle we vision is the ability to accurately report financial data due to the accounting department work from home situation. As you may already know, the Oklahoma State Board of Education voted unanimously on Wednesday, March 25, to cancel all public schools for the remaining 2019-2020 school year. Our program has had to cancel numerous events and we are working tirelessly with our school district to provide adequate online instruction methods.

Thank you for your time, and we appreciate any and all consideration for an extension of the May 1 deadline for the Annual Performance Reports.

*Yakoke,*
*Marianne Akins, MS*
**Program Coordinator | Project Impact | TAG**
**Choctaw Nation Career Development**
makins@choctawnation.com | **580.775.7547**
www.choctawcareers.com

---

**From:** Gary Batton <gbatton@choctawnation.com>
**Sent:** Monday, March 23, 2020 3:28 PM
**Subject:** ATTENTION ALL ASSOCIATES

**ATTENTION ALL ASSOCIATES**

Due to the current situation, Choctaw Nation has had to identify positions as mission critical for the purposes of continuity of government and the protection of public health. All personnel not identified as

AMERICAN OVERSIGHT

mission critical are required to work from home effective tomorrow, March 24. Mission critical on-site personnel are still required to report to work locations. If you have questions about your position's classification, please contact your supervisor or executive director for specific guidance. Healthcare, public safety and associates required to support operations at Choctaw Nation Travel Plazas, Country Markets and Chili's are considered mission critical on-site personnel. We appreciate how the associates in mission critical positions support the infrastructure of our tribal government, community, state and nation. Your role in providing healthcare, food and other life essential items and services, supporting the transportation infrastructure (truck drivers and operators) and enabling continuity of government are imperative.

Choctaw Nation will be closing its administrative offices to the public on March 24 and encouraging tribal members to contact Member Services departments via phone, email or other distance communication methods. We will be prioritizing Healthcare, Emergency Services, Food Distribution, LIHEAP and other critical member services. Tribal members may expect interruptions and delays to some tribal services during this time.

If you are able to work from home, please continue to do so as you are supporting the continuity of tribal operations. If you are unable to perform your job function from home and are not considered a mission critical function during this time, the Choctaw Nation of Oklahoma will continue to provide full pay and benefits through April 6. We will provide further updates in regards to pay, benefits, and the return to normal operations as we continue to monitor and evaluate this very fluid situation. We encourage all associates to maintain communication with their supervisor and official Choctaw Nation communication channels.

Yakoke,

Gary Batton, Chief
Choctaw Nation of Oklahoma

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If you have received this message in error, you are hereby notified that we do not consent to any reading, dissemination, distribution or copying of this message. If you have received this communication in error, please notify the sender immediately and destroy the transmitted information. Please note that any view or opinions presented in this email are solely those of the author and do not necessarily represent those of the Choctaw Nation.

AMERICAN OVERSIGHT

**From:** Rainie Boggs
**Sent:** Thu, 26 Mar 2020 11:37:22 -0400
**To:** COVID-19
**Subject:** Clinical Rotation & Federal Funds

Hi,

To provide some information on our institution that may affect your answer to my question(s):

We are a term-based, non-profit, private, non-attendance taking, graduate institution.

Prior to COVID-19 our students in the clinical part of their education were actively working in their clinical sites. However, since COVID-19 some clinical sites have been temporarily suspended and it is undetermined when sites will allow students to return.

Our Spring term begins 4/6/20 and ends 6/19/20.

If the suspension of a clinical site is lifted and a student is eligible to return on a date within the term, will we be eligible to disburse federal financial aid for that student?

**Many thanks,**
Rainie Boggs, MBA
**FRONTIER NURSING UNIVERSITY**
Director of Enrollment Management and Financial Aid
FNU Phone: 859-251-4722
FNU Fax: 859-251-4640
Versailles, KY
Office Hours: 9:00 am to 4:00 pm
Eastern Time Zone
rainie.boggs@frontier.edu

Let us know how we're doing! **Student Feedback Form**

**Many thanks,**
Rainie Boggs, MBA
**FRONTIER NURSING UNIVERSITY**
Director of Enrollment Management and Financial Aid
FNU Phone: 859-251-4722
FNU Fax: 859-251-4640
Versailles, KY
Office Hours: 9:00 am to 4:00 pm
Eastern Time Zone
rainie.boggs@frontier.edu

AMERICAN OVERSIGHT

**From:** Lewis JR,Gary D
**Sent:** Thu, 26 Mar 2020 16:21:48 +0000
**To:** COVID-19
**Subject:** COVID-19 / Campus Timely Notification

To Whom It May Concern:

As the police chief and director of campus safety I am responsible for timely alert and emergency notifications. With what many college and universities around the country are facing the question as to Clery Timely Alerts when a student, faculty or staff members tests positive for COVID-19, what are our responsibilities for notification.

Gary D. Lewis Jr.
Director / Chief of Police
University of Louisville
2126 South Floyd Street
Louisville, KY 40208
(502) 852-7236

AMERICAN OVERSIGHT

**From:** Johnson, Cammy
**Sent:** Thu, 26 Mar 2020 20:23:57 +0000
**To:** COVID-19;AskAFed
**Subject:** COVID-19 drops

With the new regulations for COVID-19 and R2T4 I have a question in regards to if a student drops a course prior to the start date on their own. We have some courses that were 4 week modules that have not yet started that a student could drop and has already received Pell for. Normally we would reduce the Pell and the student would be responsible to repay a portion of the Pell. We are not able to collect a reason at the time of the drop due to our self-service isn't capable of collecting a reason. Are we to contact the student to find out if it is due to COVID-19 OR are we to follow the Pell calculation rules and adjust the aid accordingly for a course that had not yet started?

Thank you in advance?

**Cammy Johnson**
Financial Aid System Analyst

My 5 Strengths:
Achiever | Analytical | Responsibility | Positivity | Consistency

*Every Student • Every Day*
Western Technical College
THE ESSENTIAL EXPERIENCE

PHONE: 608.785.9569 | FAX: 608.789.4760
400 7th St. North, La Crosse, WI 54601 | www.westerntc.edu

AMERICAN OVERSIGHT

**From:** Nancy Engen-Wedin
**Sent:** Thu, 26 Mar 2020 19:29:34 +0000
**To:** COVID-19
**Subject:** COVID-19 question that relates to grant S299B160027

Dear COVID-19 group,
I just got off the phone/Skype meeting with Angela regarding our upcoming Annual Report, and realized I have a question. I am one of the 2016 Grantees, and in this fiscal year we were scheduled, and had some funds attached, to hold a professional development conference that would feature our Indigenous Roots students' and other ROOTS graduate's in a University sponsored conference. This was one of the goals of our 2016 grant award, and it is reported in the APR. (We are also celebrating the 20th Anniversary of the Indigenous Roots Teacher Education program).
Our plans developed, and we ended up coordinating an all day "Indian Education for All" conference bringing together the University of Nebraska Lincoln College of Education - my college. - with the Winnebago Tribe. (We also got some additional SPENCER grant funds to support bringing elders, etc. to this gathering.) The current ROOTS students and graduates were presenting at the conference, about their experiences in a number of areas. The ROOTS students/graduates were involved in individual presentations in the morning session, and were leading discussion tables in the afternoon on a variety of topics. National experts in Indian Education for All were also presenting. We had invited people from across the state including the Nebraska Commissioner of Education, school administrators, teachers, professors, and all the graduates, current students to attend and present. The event was to take place April 13, 2020 in Winnebago. Last week this conference was cancelled/postponed. It was a perfect opportunity for professional development for ROOTS students and graduates (in any phase of the program) and for them to sit at the table, and become a part of the Indian Education for All discussion in our state.
The ROOTS grant included funds to pay for a fee and some travel, and of course there was extensive planning and coordination time required by the ROOTS staff to pull this off, with students and graduates coming to the conference from across the state and elsewhere. We were coordinating this event for most of this fiscal year, starting 10/1/2019 to the present. (The conference was also financially supported by the Winnebago Tribe, the Spencer grant, etc.)
The collaborators have talked about re-scheduling this conference to take place next fall or sometime next academic year on a day when there is professional development scheduled for teachers in Northeast Nebraska (Winnebago, Macy, Walthill, Santee and Niobrara) and other school districts. My question to you, would it be possible for these grant funds, including the staffing needs, to be carried over into the next fiscal year so that we might make this work in the 2020/2021 academic year? We would have to do this as part of our no-cost extensions since this is our 4th and final year. We did anticipate requesting a no-cost extension, so perhaps this could be a part of that?
I know I will have other COVID-19 grant questions related to individual students. Thank you for your consideration.

AMERICAN OVERSIGHT

Best,

Nancy Engen-Wedin, Project Director
Indigenous Roots Teacher Education Program
University of Nebraska Lincoln
612-237-4975 - cell
402-472-3856 - voice mail
nengenwedin2@unl.edu - email

AMERICAN OVERSIGHT

**From:** Chamberlain, Michael
**Sent:** Thu, 26 Mar 2020 21:17:13 +0000
**To:** COVID-19
**Subject:** COVID-19-related inquiries

I received the following questions via emails. These were sent to me through Allen Pratt (allen-pratt@utc.edu) of the National Rural Education Association from two state-wide (though not affiliated with state government) organizations: 1) Margaret Buckhorn of Iowa School Finance Information Services and 2) ElRoy Burkle of North Dakota Small Organized Schools.

1. Many school districts in Iowa are continuing to pay staff during our schools COVID-19 shutdown, at least for the first four weeks, and will have to consider options if the shutdown is extended. The way school finance works in Iowa, however, districts will have to use general funds to pay for special education teachers and paras, if there isn't relief from documentation concerning the hours used to provide special education services.

   Schools remain concerned that hourly support staff in particular will search for other work or more affordable living circumstances and may not be available to return when school resumes if they have to live on reduced income levels from unemployment insurance, especially if the shutdown is extended. With many school districts budgeting in survival mode for the last several years, there just aren't sufficient local dollars to supplant the salaries of our special education staff. We need them to be ready to jump in and help make up for missed time and services when school resumes.

   Please consider allowing districts to flexibility use special education funds to continue to pay special education staff, which would include some short term relief from the regulations to document hours and services provided if employees are paid by schools for days of shutdown due to COVID-19.

2. Has the Title II carry over cap been removed?

Thanks,

**Michael Chamberlain**
**Special Assistant for Rural Outreach**
United States Department of Education
202-213-9385 (C)
202-453-7527 (O)

AMERICAN OVERSIGHT

**From:** Precious Ward
**Sent:** Thu, 26 Mar 2020 11:38:24 -0400
**To:** COVID-19
**Cc:** Heather Willett
**Subject:** Credit Hour Adjustment

Good Morning,
I hope this email finds you well.
**Question**: As a result of the recent COVID-19 pandemic, we are discussing the idea of adjusting credit hours to a lower amount. For example, instead of the course being 3 credit hours, it will be 2.5 credit hours.
Does the Department of Education allow this and what are the financial aid implications of doing so?
Thank you in advance for your assistance and I look forward to hearing from you.

Yours at CCCC,
Precious Ward
Central Carolina Community College
Hockaday Building
Lee Main Campus
919-718-7285 (Phone)
919-718-7380 (Fax)

***Please do not email sensitive information such as tax returns, social security numbers or other personally identifiable information. Instead, mail or fax to 919-718-7380.***

AMERICAN OVERSIGHT

**From:** Joseph Ruiz
**Sent:** Thu, 26 Mar 2020 19:31:09 +0000
**To:** COVID-19
**Subject:** Dropping Courses

Good afternoon,
I have a question regarding dropped courses.
I understand that much of the proposed legislation in the stimulus bill addresses issues concerning students who completely withdraw will not have to return any funds.
What if a student stays in some courses and wants there course backdated to receive a refund from the institution.
If we disbursed at full time enrollment, in that instance will we be required to do an R2T4 on the less than full time hours?
Thank you for your attention to this matter and I look forward to your response.
Sincerely,
Joseph Ruiz
Sent from my T-Mobile 4G LTE Device

AMERICAN OVERSIGHT

**From:** Morrissey, Shawn
**Sent:** Thu, 26 Mar 2020 21:23:36 +0000
**To:** COVID-19
**Cc:** Chimienti, Sonia
**Subject:** Early Graduation for a group of Medical Students

In response to the Covid-19 pandemic, Governor Baker and Health and Human Services Secretary Marylou Sudders have asked the University of Massachusetts Medical School to allow medical students who have fulfilled their graduation requirements to graduate early with a March 31, 2020 graduation date rather than a May 31, 2020 graduation date. Students' academic records will be evaluated on a case by case basis by our education policy committee (EPC) and it is completely voluntary for students. We are not ending instruction for the term, we are only seeking to allow students who have met graduation requirements, as approved by the EPC, to graduate early. This will allow eligible students to join the physician workforce with a provisional license at a critical time when more medical staff are desperately needed. Please let us know any guidance we should be aware of to make this possible.

Thank you,

Shawn Morrissey
Director of Financial Aid
University of Massachusetts Medical School
508-856-2265

AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Thu, 26 Mar 2020 18:23:03 +0000
**To:** COVID-19;Pinckney, Christine F.
**Subject:** Email with tracking #326 – Dittmer
**Attachments:** image001.png

Hi Chris:

Apparently it looks like Maureen Dowling from ONPE responded to the email with tracking #326 – Dittmer. Please see below and we can indicate this on the log.

Thanks,

Bryan

---

**From:** Dowling, Maureen <Maureen.Dowling@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:43 PM
**To:** COVID-19 <COVID-19@ed.gov>; patrick.kelly@ed.gov
**Subject:** Re: Communication

Patrick,

I think some of these individuals are getting confused with what their state is telling them to do vs what the federal government is telling them. I will go ahead and respond to this person, but we should be directing people who are asking about their state directives to reach out to their own state Department of Education. Granted, we can also give them information from the CDC and the White House. But when it comes to K-12 private schools, they are under the jurisdiction of their state.

Maureen Dowling
Director
Office of Non-Public Education
U.S. Department of Education
202-260-7820

On Mar 17, 2020, at 2:19 PM, COVID-19 <COVID-19@ed.gov> wrote:

Hi Marurren

The COVID-19 mailbox received an inquiry for ONPE. Below is the inquiry.

Thanks,
Kelly

AMERICAN OVERSIGHT

**From:** Christie Dittmer <[redacted]
**Sent:** Friday, March 13, 2020 7:41 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Communication

Hello,

Could we please be put on your email list to receive updates and recommendations regarding how schools should respond to coronavirus? I'm seeing that public schools have been advised by DOE to close through March 27, but I haven't received any information about what is advised for private schools. Also, I'm not seeing such advice on the http://www.fldoe.org/em-response/index.stml. We would be very grateful for any information you could provide to keep us informed.

Sincerely,

Christie Dittmer
Admissions Director
<image001.png>

---

NORTHBAY
Christian Academy

AMERICAN OVERSIGHT

268
AMERICAN OVERSIGHT

**From:** Mendoza, Tania
**Sent:** Thu, 26 Mar 2020 19:31:14 +0000
**To:** COVID-19
**Subject:** Emergency grants

Hello,
I saw federal guidance indicating that schools **don't** need to adjust COA (or adjust federal student aid eligibility) if they give a student an emergency grant to deal with costs related to COVD-19
Is this true?
Please advise.

---

Tania Mendoza |ISAC-847-831-8496 | tania.mendoza@illinois.gov
http://www.isac.org/
Please consider the environment before printing this e-mail!

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AMERICAN OVERSIGHT

**From:** Susan McElroy
**Sent:** Thu, 26 Mar 2020 17:44:36 +0000
**To:** COVID-19
**Subject:** Friday, March 27 Coronavirus Task Force Briefing

I understand that DeVos will be speaking at this briefing. What time is it being held and how can we tune in/access it online? Thank you!

**Susan McElroy** | Legal Assistant

**Church Church Hittle + Antrim**
Two North Ninth Street
Noblesville, IN 46060

**P:** 317.773.2190 | **F:** 317.773.5320
cchalaw.com

cch+a

AMERICAN OVERSIGHT

**From:** Pinckney, Christine F.
**Sent:** Thu, 26 Mar 2020 19:52:53 +0000
**Cc:** COVID-19
**Subject:** FW: COVID-19 Emails for OPE (bulk)
**Attachments:** Questions, Untitled, Notification- ED Participation Division- Reduction of AY, Medical School to graudate students before the end of the term, COVID-19 / Campus Timely Notification, RE: COVID-19 and Part C funds, 4th year medical students - graduating early, Credit Hour Adjustment, Credit Balances Carried to next academic year, Campus-Based Aid, Release date, COVID-19 WORKSTUDY STUDENT, SAP Policy, online, Grades, Emergency Notification Requirements during National Emergency , Need Help w Clock hr Delivery, Question about canceled Study Abroad programs, Northeastern Junior College (OPEID: 00136100) & COVID 19, Request for Reduction to 2019-20 Academic Year Length due to COVID-19

Forgot to copy mailbox!

---

**From:** COVID-19
**Sent:** Thursday, March 26, 2020 3:51 PM
**To:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Cox, Jack <Jack.Cox@ed.gov>
**Subject:** COVID-19 Emails for OPE (bulk)

Hello,

Per your request, we are sending emails received in the COVID-19 mailbox.

Thanks

Christine

AMERICAN OVERSIGHT

**From:** Smith, Zelotes
**Sent:** Thu, 26 Mar 2020 11:31:48 -0700
**To:** COVID-19
**Subject:** Questions

Hello,
Hope that you all are well and safe. I recently spoke with some people from our OT program and they had somc questions that students have been asking:
1) For students who will be graduating at the end of this year, will they only receive the standard 6 months of loan payment deferments? The reason for the question is that the students in this program are required to take and pass a test in order to work. The entity that performs the test is not looking to begin testing again until June/July of 2020. This will delay these students from employment due to this requirement as their degrees will confer in May. These students usually will be employed prior to graduation.
2) For students who need to complete fieldwork to graduate, if we were to give them an Incomplete (due to fieldwork placement being unavailable), would they still be considered "enrolled" until their fieldwork is completed?
Thank you,

***Zelotes Smith, M.S.***
***Director of Financial Aid***
*Dominican University of California*
Phone: 415.458.3793
Website: https://www.dominican.edu/

***"If you are always trying to be normal, you will never know how amazing you can be" ~ Marguerite Annie Johnson aka Dr. Maya Angelou***

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AMERICAN OVERSIGHT

**From:** Elissa Scott
**Sent:** Thu, 26 Mar 2020 12:41:57 -0500
**To:** COVID-19

I need to update address so i can for go my garnishment payments due to Covid 19

AMERICAN OVERSIGHT

**From:** Kari Dedwylder
**Sent:** Thu, 26 Mar 2020 12:36:01 -0500
**To:** COVID-19
**Subject:** Notification- ED Participation Division- Reduction of AY

Due to COVID-19, the 2019-2020 academic year of Jones County Junior College (002411) has been reduced from 30 weeks to 29 weeks due to an extended Spring Break.
No weeks are being added to the Spring 2020 semester.
--

KARI DEDWYLDER
DIRECTOR OF FINANCIAL AID
JONES COLLEGE

TERRELL TISDALE LIBRARY
900 South Court Street
Ellisville, MS 39437

OFFICE: 601.477.4282 | E-MAIL: kari.dedwylder@jcjc.edu
WWW.JCJC.EDU | WWW.JCJC.TV | WWW.JCJCATHLETICS.COM

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Thu, 26 Mar 2020 13:15:36 -0400
**To:** COVID-19
**Subject:** Medical School to graudate students before the end of the term

Q.

Can a student consider a student to be graduate if all courses of the program are completed before the end of the final term of study?

Due to the current emergency situation of COVID-19 this Medical school is considering to graduate students before the end of the term since the students have completed all required courses for graduation.

Students have completed substantially (more than 60% of all scheduled instructional time) and have completed all courses requirements. Cases will be evaluated on case by case to substantiate the completion of the required courses.

Is there a need to adjust DL period dates?

AMERICAN OVERSIGHT

**From:** Lewis JR,Gary D
**Sent:** Thu, 26 Mar 2020 16:21:48 +0000
**To:** COVID-19
**Subject:** COVID-19 / Campus Timely Notification

To Whom It May Concern:

As the police chief and director of campus safety I am responsible for timely alert and emergency notifications. With what many college and universities around the country are facing the question as to Clery Timely Alerts when a student, faculty or staff members tests positive for COVID-19, what are our responsibilities for notification.

Gary D. Lewis Jr.
Director / Chief of Police
University of Louisville
2126 South Floyd Street
Louisville, KY 40208
(502) 852-7236

AMERICAN OVERSIGHT

**From:** Schneer, Matthew
**Sent:** Thu, 26 Mar 2020 16:03:40 +0000
**To:** Fox, Leslie;COVID-19;Murray, Susan
**Cc:** Moran, Kate;Corr, Gregg
**Subject:** RE: COVID-19 and Part C funds

We are working on a Q and A about this. For now, just forward it to the COVID 19 email list, and you can use the language that has been sent out informing them what we are doing. Let me know if you need any questions

---

**From:** Fox, Leslie <Leslie.Fox@ed.gov>
**Sent:** Thursday, March 26, 2020 11:56 AM
**To:** COVID-19 <COVID-19@ed.gov>; Schneer, Matthew <Matthew.Schneer@ed.gov>; Murray, Susan <Susan.Murray@ed.gov>
**Cc:** Moran, Kate <Kate.Moran@ed.gov>; Corr, Gregg <Gregg.Corr@ed.gov>
**Subject:** FW: COVID-19 and Part C funds

Good Morning Matt and Susan,

I have received a question from Puerto Rico-C about use of funds. I will review the information Kate has posted in the COVID-19 one notebook to see if I can find potential answers on my own. I'd like to run any potential reply past our fiscal team before I set up a call with Ana to discuss specifics.

I'm assuming we need more information such as:

1. what are the specific new tasks
2. which Part C personnel are involved in the tasks
3. how much money are they wanting to use
4. how do the tasks specifically support the needs of infants, toddlers and families in Part C
5. any anticipated impact on direct service delivery if funds are diverted

Anything else??

Leslie

---

**Subject:** COVID-19 and Part C funds

Good Morning Leslie,

As you know, the Puerto Rico Department of Health is working with the COVID-19 pandemic. Certain professionals are going to be asked to participate in teams as needs arise, such as epidemiologists, social workers, doctors, nurses, program evaluators and program coordinators. We have questions as to whether new tasks related to the public health emergency can be paid with Part C funds. Does OSEP have a guidance on what Part C funds can be used for in the times of the pandemic?

As always, I appreciate your continuous support.

AMERICAN OVERSIGHT

Ana

Ana Marie Ríos López, MS
IDEA Part C Coordinator
Maternal, Child and Adolescent Health Division
Puerto Rico Department of Health

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AMERICAN OVERSIGHT

**From:** Olsen, Tara A
**Sent:** Thu, 26 Mar 2020 16:00:08 +0000
**To:** COVID-19
**Subject:** 4th year medical students - graduating early

Good morning:

We have been asked by state authorities to permit our 4th year medical students to graduate 3 weeks early to assist on the front lines of the COVID-19 pandemic. In this scenario, our semester would still be 16 weeks in length and our academic year would still exceed 30 weeks. In terms of Title IV aid, this population would be eligible for Direct Loans.

- Are there restrictions to offer this that would require ED approval?
- Could we offer to all students and allow them to opt out or must we make a decision to graduate all?
- Would this impact student eligibility as all loans have been disbursed?
- What would be required on our end for Direct Loan processing? Would we need to alter the loan period for each student affected? We would obviously report the graduation date to NSLDS but are there other unforeseen issues with Direct Loans to consider?
- What unintended consequences would we need to consider if this was approved?

Thank you for your assistance.

Kind regards,

Tara Olsen
Assistant Dean of Financial Aid
Tufts University School of Medicine
136 Harrison Avenue
Boston MA 02111

T: 617-636-6574
F: 617-636-3447
Website: Medicine.tufts.edu/finaid
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AMERICAN OVERSIGHT

**From:** Precious Ward
**Sent:** Thu, 26 Mar 2020 11:38:24 -0400
**To:** COVID-19
**Cc:** Heather Willett
**Subject:** Credit Hour Adjustment

Good Morning,
I hope this email finds you well.
**Question**: As a result of the recent COVID-19 pandemic, we are discussing the idea of adjusting credit hours to a lower amount. For example, instead of the course being 3 credit hours, it will be 2.5 credit hours.
Does the Department of Education allow this and what are the financial aid implications of doing so?
Thank you in advance for your assistance and I look forward to hearing from you.

Yours at CCCC,
Precious Ward
Central Carolina Community College
Hockaday Building
Lee Main Campus
919-718-7285 (Phone)
919-718-7380 (Fax)

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AMERICAN OVERSIGHT

**From:** Karen Belling
**Sent:** Thu, 26 Mar 2020 03:18:09 +0000
**To:** COVID-19
**Subject:** Credit Balances Carried to next academic year

Greetings,

Wheaton College will be issuing partial room and board adjustments due to our decision to move to remote classes. When these adjustments post to the student account we will first determine if it creates a Title IV refund and if so process the refund to the student. However, if there is not a Title IV refund required, we will first apply the funds towards an outstanding balance, or if the student is on a payment plan the remaining monthly payments will recalculate to a lower payment amount. If the housing and meal plan adjustments create a credit balance on the account, the student may request a refund. My question is that for students who have a credit balance on the account and are not owed a Title IV refund, are we able to allow the credit balance stay on the student account to be applied towards future charges? Typically we send unsolicited refunds to students for credit balances in June to clear all the accounts before the start of the next fiscal year, but we're wondering if that is required, or if we can let the credits stay on the account. Again, the student may have some Title IV funds in their package but is not due a Title IV refund. Can you please let me know if this is an option? Is there a stipulation about considering these funds as EFA to be coordinated as part of the 2020-21 financial aid award?

Thank you.

Karen Belling
Director of Student Financial Services
Wheaton College

P. 630.752.5307

AMERICAN OVERSIGHT

**From:** Good, Linda
**Sent:** Thu, 26 Mar 2020 02:38:06 +0000
**To:** COVID-19
**Subject:** Campus-Based Aid

If a student is unable to begin a course that begins mid-semester due to COVID-19 (for example, a travel course, and the travel is no longer allowed by state and/or federal authorities), and if that student is receiving campus-based aid, are schools required to recalculate COA and subsequently Title IV aid?

Thank you,

**LINDA KOEHN GOOD, M.S.**
**ASSOCIATE DIRECTOR OF CLIENT SERVICES**

Office of Scholarships and Financial Aid
405.744.7568 • 119 Student Union • finaid.okstate.edu

OKLAHOMA STATE UNIVERSITY

AMERICAN OVERSIGHT

**From:** maya phinizee
**Sent:** Thu, 26 Mar 2020 02:07:27 +0000 (UTC)
**To:** COVID-19
**Subject:** Release date

Hi. I was wondering have there been any dates given out for the refund of tax returns due to student loans. If not a definite date then mid april or what ?

Sent from Yahoo Mail on Android

AMERICAN OVERSIGHT

**From:** Dragon Chiquita
**Sent:** Wed, 25 Mar 2020 21:54:28 -0400
**To:** COVID-19
**Subject:** COVID-19 WORKSTUDY STUDENT

Good evening,
My question is what happeneds to the student workers who are now unemployed because of the "Quarantine Situation"? Do we now apply for unemployment? Are we even eligible for that?

AMERICAN OVERSIGHT

**From:** Ana English
**Sent:** Wed, 25 Mar 2020 22:54:53 +0000
**To:** COVID-19
**Subject:** SAP Policy

Hello,

Can we make an addendum to our SAP policy to include pass/fail grades due to COVID-19 this late in the semester without it affecting the students financial aid award?

Thank you,

**Ana English** | Director of Financial Aid
**Arizona Western College**
PO Box 929 • Yuma, AZ 85366
P: 928-317-6438 • F: 928-317-6420

AMERICAN OVERSIGHT

**From:** cindy collegeofhairdesigncareers.com
**Sent:** Wed, 25 Mar 2020 21:49:07 +0000
**To:** COVID-19
**Subject:** online

I am sending this e mail to notify US Department of Education the college of Hair Design Careers wishes to teach online classes as soon as possible.
I am inquiring as to what I need to do for approval to do so.
Oregon Higher Education Coordination Commission, NACCAS and our students have been notified in writing of this change upon US department of Ed. approval.
OPE ID 02337900
Cindy Long
Administrator
College of Hair Design Careers
1684 Clay ST. NE
Salem, OR. 97301
503-588-5888
cindy@collegeofhairdesigncareers.com

AMERICAN OVERSIGHT

**From:** Ana English
**Sent:** Wed, 25 Mar 2020 21:15:34 +0000
**To:** COVID-19
**Subject:** Grades

Hello,

In reading the COVID-19 Web Center,it states the following:

Return of Title IV Funds
Even in the case of a disruption from COVID-19, an institution must return any Title IV funds for which it is responsible in accordance with the provisions of 34 CFR § 668.22 when a student withdraws. Currently, we do not have the authority to waive the statutory requirement for the return of unearned Title IV funds in the case where a student (who receives Title IV assistance) withdraws from an institution during a payment period or period of enrollment after having begun attendance

Satisfactory Academic Progress (SAP)
An institution's SAP appeal policy (34 CFR § 668.34(a)(9)) must, among other things, describe the basis on which a student may file an appeal: the death of a relative, an injury or illness of the student, or other special circumstances. Circumstances related to an outbreak of COVID-19, including, but not limited to, the illness of a student or family member, compliance with a quarantine period, or the general disruption resulting from such an outbreak may form the basis of a student's SAP appeal even if not specifically articulated in the institution's SAP policy.

Colleges/universities are discussing giving pass/fail grades. Since we will continue to follow SAP and R2T4 guidelines are we able to give pass/fail grades without it impacting the student financial aid award?

Thank you,

**Ana English** | Director of Financial Aid
**Arizona Western College**
PO Box 929 • Yuma, AZ 85366
P: 928-317-6438 • F: 928-317-6420

AMERICAN OVERSIGHT

**From:** Sammartino, Nicole Edythe
**Sent:** Wed, 25 Mar 2020 21:05:48 +0000
**To:** COVID-19
**Subject:** Emergency Notification Requirements during National Emergency

Good afternoon,

I am seeking guidance related to Clery Act Emergency Notification procedures.

Given the extraordinary circumstances of the National Emergency, we have employed various communication strategies to communicate with the entire campus community about COVID-19 and to provide additional communications with those who may have been in contact with a positive COVID-19 case.

Standard emergency notification systems do not allow for the level if information or detail we believe is necessary when communicating about the pandemic with our audiences (i.e., a text message or limited-character email may be insufficient in ensuring our community is well-informed, well-guided, and prepared to respond under these circumstances).

Will there be flexibility afforded to institutions to deviate from their emergency notification policy/procedures to accommodate for more sensitive and thorough communications by IHEs, so long as the appropriate segment(s) of the population are being notified and provided the guidance they need?

Thank you,
Nicole

**Nicole Sammartino, MPH**
Clery Act Compliance Coordinator

Office of Preparedness & Response
Office of the Vice Chancellor for Administrative Services

The University of Illinois at Chicago
1140 S. Paulina Street
112 Paulina Street Building, MC 911
Chicago, IL 60612
Email: nsamma2@uic.edu
Phone: (312) 413-5363

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AMERICAN OVERSIGHT

**From:** Suzanne Ringle
**Sent:** Tue, 24 Mar 2020 12:45:25 -0700
**To:** COVID-19
**Subject:** Need Help w Clock hr Delivery

Hello,
With COVID-19 and the social distancing that ensued, we are at a loss on how to continue our programs and would like to move our Clock programs to an online platform temporarily. We know that there are some programs that we can't teach online. However, are we allowed to move those we can teach online to an online platform? Can we get an okay to do that?
Please let me know,
Suzanne

**SUZANNE RINGLE**
**GATEWAY COMMUNITY COLLEGE**
Director, Financial Aid
108 N. 40th Street Phoenix, AZ 85034
602-286-8110 | 602-900-4243
ringle@gatewaycc.edu
https://www.gatewaycc.edu/

AMERICAN OVERSIGHT

**From:** Patricia Brunton
**Sent:** Tue, 24 Mar 2020 19:15:35 +0000
**To:** COVID-19
**Subject:** Question about canceled Study Abroad programs

Hi,

We use third party agencies to administer many of our study abroad programs on behalf of foreign institutions. These agencies sign our consortium agreements. Below is an example of an email that we have received from one of the agencies:

*In compliance with the consortium agreement, I am writing to notify you of the enrollment status of the following Saint Anselm College student(s), who used financial aid to pay for the ISA Spring 2020:*

*(Student Names)*

*Regrettably, these programs on-site have been cancelled and the students have returned/will be returning to the US. Although the student(s) will not continue the semester abroad, it is important to note that ISA is in contact with all host institutions to discuss the academic options available for students to complete their coursework from a distance. We will continue to communicate with students regarding these options.*

Are the students eligible for the aid that they have received if they continue online programs with the host institution? Do we need to have the host institution sign the consortium agreement since the original was signed by the study abroad agency? I am thinking that many schools are struggling with this same issue right now.

Thanks so much for your help.

Tricia Brunton
Senior Associate Director
Office of Financial Aid
Saint Anselm College

AMERICAN OVERSIGHT

**From:** Weingardt, Alice
**Sent:** Tue, 24 Mar 2020 17:54:35 +0000
**To:** COVID-19
**Cc:** Unrein, Ashley;Kuntz, Kelly;Smith, Steven;Merkl, Linda;Lee, Jay;Nash, Karla (CCCS)
**Subject:** Northeastern Junior College (OPEID: 00136100) & COVID 19

To Whom It May Concern:

Northeastern Junior College (OPEID: 00136100) has taken steps to reduce the risk of COVID-19 for our students, staff, and community. This has been communicated to students and staff, with continual updates as warranted.

Below are the steps Northeastern Junior College has taken:

- We have extended our spring break by one week, to allow remote deliver to be set up, thus reducing our spring term by one week. This will reduce the number of weeks for this academic year to 29 weeks.
- We are transitioning the majority of our coursework to remote delivery beginning March 30, 2020.
- Campus will remain open for support services and allow access for critical functions to complete their coursework.

Thank you, please let me know if you have any questions.


*Alice Weingardt*

*Director of Financial Aid*
*Northeastern Junior College -100 College Avenue*
*Sterling, CO 80751*
*Phone: 970-521-6751 - Fax: 970-521-6801*


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`v´

*Attention Students: Due to FERPA (The Family Educational Rights and Privacy Act), future college correspondence will be conducted through your college assigned email account. We will no longer respond to your private email address. If you have never accessed the student email system, you MUST activate your account. You will find the instructions when you log into Your Access NJC at http://www.njc.edu.*

Let ECMC help you find the right repayment solution for you!

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ECMC Solutions

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**From:** Shaman Quinn
**Sent:** Tue, 24 Mar 2020 17:48:14 +0000
**To:** COVID-19
**Subject:** Request for Reduction to 2019-20 Academic Year Length due to COVID-19
**Attachments:** 00393100_Northwest_College_Recalculated_2019-20_Academic_Year_Support_Documents (3-24-20).pdf

Greetings,

**This email serves as the formal request by Northwest College in Powell WY (OPEID 00393100) to have our 2019-20 Academic Year shortened to 29 weeks due to an extended spring break (break of 5 or more consecutive days) related to the COVID-19 pandemic.**

Northwest College, following directives from its Governor (Mark Gordon) temporarily closed our campus to the public, starting 3.15.20. To promote social distancing recommendations, our residence halls closed and our spring break was extended to allow our faculty to transition all face-to-face academic programming to online modalities, which resume on 4.6.20. Our spring break, originally planned to occur from 3.7.20-3.15.20, was extended to last from 3.7.20- 4.5.20, which effectively shortened the number of weeks within the academic year to 29, less than the required 30 week minimum. Eligible days within the spring 2020 semester (used as the denominator for semester R2T4 calculations) were reduced from 106 to 85 due to the spring break extension.

Therefore, following guidance in Federal Student Aid's 3.5.20 Electronic Announcement regarding COVID-19, echoed in NAFAA's Ask Regs entitled *"What Factors Do We Need to Consider When Deciding To Extend a Schedule Break Due To Coronavirus"?,* I am contacting this COVID-19@ed.gov email address to request a reduction in our 2019-20 academic year to 29 weeks total (16 weeks Fall 2019 + 13 weeks Spring 2020 = 29 total weeks). Please forward this request to the applicable School Participation Division representative.

In addition to the text of this email, please find these attached support documents should they be useful:

- *Statewide Orders from Wyoming's Governor Mark Gordon*
- *Northwest College's notification to employees & students of temporary campus closure & spring break extension*
- *Northwest College's original 2019-20 academic calendar*
- *Northwest College's revised 2020 spring semester academic calendar with extended spring break*
- *Northwest College's College Catalog disclosure that the academic begins/ends each Monday, in conjunction with the College's fiscal year payroll calendar (see definition of "credit hour").*
- *Northwest College's recalculation of 29 weeks for the revised 2019-20 academic calendar*
- *Northwest College's 2019-20 library of academic programs*

Thank you for your consideration. Please contact me at this email address should you need more information.

**Shaman Quinn**

AMERICAN OVERSIGHT

Director, Financial Aid & Scholarships | Northwest College
o: 307.754.6232 | f: 307.754.6154 | www.nwc.edu

# *DATA SECURITY*

*In order to protect students' (& families') Personally Identifiable Information (PII), the College adheres to stringent data safeguard protocols. Therefore, only submit student (& family) information to the Financial Aid Office using data security methods which preserve the privacy of your personal information. Secure methods include:*

- *Delivering documents to the Financial Aid Office*
- *Faxing documents to the Financial Aid Office using our secure fax number*
- *Mailing documents to the Financial Aid Office*
- *Sending documents to the Financial Aid Office using the "Financial Aid Secure File Upload" feature, located in the "Online Forms and Links" section of the NWC Student Portal (https://my.nwc.edu/)*

***DO NOT EMAIL ANY PERSONAL INFORMATION TO THE FINANCIAL AID OFFICE WITHOUT USING AES 256-BIT ENCRYPTION SOFTWARE.***

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# 00393100: WY GOVERNOR ORDERS

ED-20-0731-A-000296

# Governor Gordon and State Superintendent Jillian Balow issue a recommendation on school closures

*Governor of Wyoming sent this bulletin at 03/15/2020 04:55 PM MDT*

Having trouble viewing this email? View it as a Web page.

FOR IMMEDIATE RELEASE

March 15, 2020

CONTACT: Michael Pearlman, Communications Director

307.777.7437 | michael.pearlman@wyo.gov

**Governor Gordon and State Superintendent Jillian Balow issue a recommendation on school closures**

CHEYENNE, Wyo. – Due to the unprecedented circumstances facing our state, Governor Mark Gordon and State Superintendent Jillian Balow recommend that all schools remain closed to students through at least April 3. This is a recommendation to local superintendents and school boards, who will make the final decisions on closures. Additionally, decisions relating to the requirement for school district staff to report to work remain with local school boards of trustees. Governor Gordon and Superintendent Balow will continue to monitor COVID-19 developments throughout this three-week period, with the goal of getting students back to classrooms as soon as safely possible.

This recommendation is not necessarily based on epidemiological best practices but is an attempt to allow schools and communities to prepare to operate in a way that mitigates community spread of COVID-19 and minimizes negative economic impacts locally and statewide.

"This is Wyoming, where we are all neighbors," Governor Gordon said. "While social distancing should be a priority for all of us, it should not keep us from helping out our neighbors. I am thinking of our first responders and healthcare workers on the frontlines who may be without child care. This is a time, if the risk is low, to help one another out."

The Governor and State Superintendent urge district leadership to work within their schools and communities to ensure the continuity of learning and essential services as determined locally. "In the midst of this pandemic, communities need the latitude, empowerment, and support to make difficult decisions that affect education, economy, and essential functions," Governor Gordon continued. "While we safeguard the health of every person we must also do our best to continue our daily work for the economic security of our state and nation."

"Evidence of community spread in Fremont County, two confirmed cases in Sheridan County, and pending tests from across the state have led us to this," Superintendent Balow said. "Wyoming has over 90,000 square miles where schooling is an essential function in each community – the decision is difficult."

Social distancing, basic hygiene, and heightened disinfection efforts continue to be the primary means to contain COVID-19 spread. We strongly encourage everyone to continue these practices. Local school districts continue to be empowered to make decisions in consultation with the State Department of Health and local health care officials as to closure and other containment strategies.

Governor Gordon, Superintendent Balow, the State Health Officer, and others will continually evaluate COVID-19 data, guidance from the Center for Disease Control (CDC), and other reliable information to make additional recommendations.

-CDC guidance and other resources are available at https://edu.wyoming.gov/. The State Superintendent is exploring her ability to hold districts harmless from any financial reduction as a result of this ten instructional day loss. In addition, the Wyoming Department of Education has received a waiver from the U.S. Department of Agriculture to allow schools to offer student meals during school closures. For more information, visit: https://edu.wyoming.gov/educators/covid-19-resources/

-END-

AMERICAN OVERSIGHT

**STATEWIDE PUBLIC HEALTH ORDER CLOSING BARS, RESTAURANTS, THEATERS, GYMNASIUMS, CHILD CARE FACILITIES, K-12 SCHOOLS, COLLEGES, UNIVERSITIES, AND TRADE SCHOOLS STATEWIDE**

In an effort to stop the spread of the coronavirus (COVID-19), the Wyoming Department of Health finds it necessary to protect the health of the public by implementing emergency measures to close all restaurants, bars, theaters, gymnasiums, child care facilities, K-12 schools, colleges, universities, and trade schools, in the State of Wyoming, with certain exceptions. This Order is effective immediately, and shall remain in effect until April 3, 2020.

## FINDINGS

1. COVID-19 was first detected in Wuhan, China in 2019, and since then has spread to over 60 countries including the United States. There are 18 confirmed cases of COVID-19 in Wyoming as of March 18, 2020, as well as the presence of community spread. It is expected that more cases will be diagnosed.

2. COVID-19 is a respiratory illness, transmitted through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic two to fourteen days after exposure. The symptoms of COVID-19 include fever, cough, and shortness of breath. In some cases, COVID-19 can result in severe disease including hospitalization, admission to an intensive care unit, and death, especially among older adults and persons with serious underlying health conditions.

3. The World Health Organization declared COVID-19 a worldwide pandemic as of March 11, 2020.

4. On March 13, 2020, the President of the United States declared a national emergency concerning the coronavirus, specifically stating that, in "December 2019 a novel (new) coronavirus known as SARS-CoV-2 ("the virus") was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally [...] The spread of COVID-19 within our Nation's communities threatens to strain our Nation's healthcare systems. [...] Additional measures [...] are needed to successfully contain and combat the virus in the United States."

5. On March 13, 2020, Wyoming Governor Mark Gordon declared a State of Emergency and Public Health Emergency in the State of Wyoming, stating that on March 11, 2020, an individual within the State of Wyoming tested presumptive positive for COVID-19 and the State of Wyoming is experiencing a public health emergency in response to the evolving COVID-19 outbreak.

6. Governor Gordon's Declaration of a State of Emergency and Public Health Emergency directs the Wyoming Department of Health to take all appropriate and necessary actions, and that in the judgment of the Director of the Wyoming Department of Health, any actions necessary should be taken to provide aid to those locations where there is a threat or danger to public health, safety, and welfare.

7. The guidelines issued from the White House on March 16, 2020, specify that with evidence of community transmission within a state, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate should be closed.

8. A significant number of Wyoming citizens are at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, people with mild symptoms, and even asymptomatic persons with COVID-19, place other vulnerable members of the public at significant risk.



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9. Counties in Wyoming have requested orders of this kind following the White House guidelines, and the best manner of protecting the health of the citizens of Wyoming is through a consistent order spanning the entire State.

10. A large number of persons with serious infections has the ability to compromise the ability of healthcare systems in Wyoming to deliver the necessary healthcare to the public.

11. Wyoming Statute §§ 35-1-240(a)(i) and (iv) provides all the rights and powers for the Wyoming Department of Health, through the State Health Officer, Dr. Alexia Harrist, M.D., PhD, or under her directive through other employees of the Wyoming Department of Health, to close theaters, schools, and other public places, and forbid public gatherings when necessary to protect the public health.

12. In addition to the above findings, stopping the spread of COVID-19 includes washing hands often, practicing social distancing by avoiding close contact with others, staying at least six feet away from someone who is ill or showing signs of illness, avoiding touching your face, eyes, nose and mouth, and covering your cough or sneeze into your elbow or by using a tissue.

## ORDER

1. The following places of public accommodation are ordered closed to ingress, egress, use, and occupancy by members of the public:

   a. Restaurants, food courts, cafes, coffeehouses, and other similar places of public accommodation offering food or beverage for on-premises consumption;

   b. Bars, taverns, brew pubs, breweries, microbreweries, distillery pubs, wineries, tasting rooms, special licensees, clubs, and other places of public accommodation offering alcoholic beverages for on-premises consumption;

   c. Cigar bars;

   d. Gymnasiums; and

   e. Movie and performance theaters, opera houses, concert halls, and music halls.

2. The following conditions apply to places of public accommodation subject to this Order:

   a. Places of public accommodation are encouraged to offer food and beverage using delivery service, window service, walk-up service, drive-through service, or drive-up service, and to use precautions in doing so to mitigate the potential transmission of COVID-19, including social distancing. Online and telephonic credit card transactions are strongly encouraged (e.g. Venmo, Squarecash, Googlepay, Apple Pay and similar payment apps).

   b. Staff who handle cash or credit cards may not be involved in the preparation, handling, or delivery of food.

   c. In offering food or beverage, a place of public accommodation may permit up to five members of the public at one time in the place of public accommodation for the purpose of picking up their food or beverage orders, so long as those individuals are at least six feet apart from one another while on premises.

   d. For hotel restaurants, food items may only be delivered as room service or as described above.

   e. Management shall ensure, on a daily basis, that no employee who presents symptoms of illness will be permitted to work.



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3. For clarity, this Order does not apply to any of the following:

   a. Places of public accommodation that offer food and beverage not for on-premises consumption, including grocery stores, markets, retail stores that offer food, convenience stores, pharmacies, drug stores, and food pantries;

   b. Room service in hotels;

   c. Health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities;

   d. Crisis shelters or similar institutions;

   e. Airport concessionaires; and

   f. Any emergency facilities necessary for the response to the events surrounding the public health emergency and state of emergency caused by COVID-19.

4. All child care centers and home daycares are ordered closed, subject to the following:

   a. Child care centers or home daycares that provide care for children of essential personnel may continue to operate to provide child care for children of essential personnel. Essential personnel includes:

      i. Staff and providers of childcare and education services, including custodial and kitchen staff and other support staff, who do not do their work remotely;

      ii. Providers of healthcare including, but not limited to, employees of clinics, hospitals, nursing homes, long-term care and post-acute care facilities, respite houses, designated agencies, emergency medical services, as well as necessary custodial, kitchen, administrative, and other support staff;

      iii. Criminal justice personnel including those in law enforcement, courts, and correctional services;

      iv. Public health employees;

      v. Firefighters, Wyoming National Guard personnel called to duty for responding to COVID-19, and other first responders;

      vi. State employees determined to be essential for response to the COVID-19 crisis;

      vii. Active duty military staff;

      viii. Pharmacy staff;

      ix. Foster families with children through grade 8;

      x. 2-1-1 and 9-1-1 call center staff; critical infrastructure and utility workers, including electrical, plumbing, telecommunications, water, and wastewater operators, workers, and staff;

      xi. State, municipal, and commercial public works and sanitation crews;

      xii. Grocery and food supply workers;

      xiii. Supply chain, postal, and delivery drivers and warehouse workers;



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xiv. Manufacturers of medical devices, equipment, testing equipment, and supplies;

xv. and fuel distribution workers.

b. In circumstances where a child care center or home daycare remains open, the center or home is required to have fewer than 10 people in a room or together at any time, including for meals or recreation.

c. Further, a child care center or home daycare that remains open is required to follow all health guidelines from the CDC and Wyoming Department of Health for limiting the risk of transmission of COVID-19, to the extent possible when caring for children.

d. As childcare is a critical part of the infrastructure of Wyoming, allowing essential systems to function, in the event a county health officer wants to close a childcare facility under the direction and supervision of the State Health Officer, the County Health Officer shall work with local childcare providers to make available limited childcare services for essential personnel, as described above.

5. All K-12 schools shall dismiss students until no sooner than April 3, 2020, to the extent any school in Wyoming has not already done so. Administrative staff and teachers may continue to work in school buildings to facilitate distance learning or to complete administrative tasks. Food may still be prepared to be made available to those in need, as directed by school superintendents. Classes may still be offered online at the discretion of the school.

6. All colleges, universities, and trade schools shall not hold in person classes until no sooner than April 3, 2020. Administrative staff and teachers may continue to work in facility buildings to facilitate distance learning or to complete administrative tasks. Food may still be prepared to be made available to those in need. Classes may still be offered online at the discretion of the college, university or trade school.

7. This Order supersedes all previous individual county orders authorized by the Wyoming State Health Officer under Wyoming Statute § 35-1-240(a)(iv). To the extent the county order is more restrictive, the more restrictive provisions still apply.

8. Exceptions to the public accommodation sections above (paragraphs 1-3) may be granted, at the discretion of the County Health Officer, under the direction and supervision of the State Health Officer, if the business can demonstrate, in writing, to the County Health Officer that they will limit customers within the business to no more than ten at any given time, that at least 6 feet of space will be maintained between customers at all times, and that effective cleaning will be performed between customers.

As the State Health Officer, I specifically deem this order necessary to protect the public health. *See* Wyo. Stat. Ann. § 35-1-240(a)(iv). I will reassess the necessity of this order as appropriate to do so and according to accepted epidemiological and medical standards. Any person or legal entity that violates this Order shall be subject to criminal prosecution under Wyo. Stat. Ann. §§ 35-1-105 and -106.

DATED THIS 19 DAY OF March, 2020.

(b)(6)

Alexia Harrist
Wyoming State Health Officer



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## STATEWIDE PUBLIC HEALTH ORDER #2: FORBIDDING GATHERINGS OF TEN (10) PEOPLE OR MORE

In an effort to stop the spread of the coronavirus (COVID-19), the Wyoming Department of Health finds it necessary to protect the health of the public by implementing emergency measures, in accordance with the White House Guidelines, to forbid gatherings of ten (10) people or more, with certain exceptions. This Order is effective immediately, and shall remain in effect until April 3, 2020, unless the Wyoming Department of Health revokes the Order before April 3, 2020.

### FINDINGS

1. COVID-19 was first detected in Wuhan, China in 2019, and since then has spread to over 60 countries including the United States. There are 19 confirmed cases of COVID-19 in Wyoming as of March 20, 2020, as well as the presence of community spread. It is expected that more cases will be diagnosed.

2. COVID-19 is a respiratory illness, transmitted through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic two to fourteen days after exposure. The symptoms of COVID-19 include fever, cough, and shortness of breath. In some cases, COVID-19 can result in severe disease including hospitalization, admission to an intensive care unit, and death, especially among older adults and persons with serious underlying health conditions.

3. The World Health Organization declared COVID-19 a worldwide pandemic as of March 11, 2020.

4. On March 13, 2020, the President of the United States declared a national emergency concerning the coronavirus, specifically stating that, in "December 2019 a novel (new) coronavirus known as SARS-CoV-2 ("the virus") was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally [...] The spread of COVID-19 within our Nation's communities threatens to strain our Nation's healthcare systems. [...] Additional measures [...] are needed to successfully contain and combat the virus in the United States."

5. On March 13, 2020, Wyoming Governor Mark Gordon declared a State of Emergency and Public Health Emergency in the State of Wyoming, stating that on March 11, 2020, an individual within the State of Wyoming tested presumptive positive for COVID-19 and the State of Wyoming is experiencing a public health emergency in response to the evolving COVID-19 outbreak.

6. Governor Gordon's Declaration of a State of Emergency and Public Health Emergency directs the Wyoming Department of Health to take all appropriate and necessary actions, and that in the judgment of the Director of the Wyoming Department of Health, any actions necessary should be taken to provide aid to those locations where there is a threat or danger to public health, safety, and welfare.



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7. The guidelines issued from the White House on March 16, 2020, specify that with evidence of community transmission within a state, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate should be closed. The guidelines further specify that social gatherings of ten (10) people or more should be avoided.

8. A significant number of Wyoming citizens are at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, people with mild symptoms, and even asymptomatic persons with COVID-19, place other vulnerable members of the public at significant risk.

9. Counties in Wyoming have requested orders of this kind following the White House guidelines, and the best manner of protecting the health of the citizens of Wyoming is through a consistent order spanning the entire State.

10. A large number of persons with serious infections may compromise the ability of healthcare systems in Wyoming to deliver the necessary healthcare to the public.

11. Wyoming Statute §§ 35-1-240(a)(i) and (iv) provides all the rights and powers for the Wyoming Department of Health, through the State Health Officer, Dr. Alexia Harrist, M.D., PhD, or under her directive through other employees of the Wyoming Department of Health, to forbid gatherings of people when necessary to protect public health.

12. In addition to the above findings, stopping the spread of COVID-19 includes washing your hands often, practicing social distancing by avoiding close contact with others, staying at least six feet away from someone who is ill or showing signs of illness, avoiding touching your face, eyes, nose and mouth, and covering your cough or sneeze into your elbow or by using a tissue.

## ORDER

1. Gatherings of ten (10) people or more are prohibited in order to help stop the spread of COVID-19 and protect the health of the public.

2. "Gatherings" are any planned or spontaneous event, public or private, bringing together, or likely bringing together, ten (10) people or more in a single room or a single confined space at the same time.

3. Gatherings at the following are exempted from this Order:

    a. Hotels and motels for lodging purposes;

    b. Livestock auctions;

    c. Groups of workers being transported to a location for their jobs;

    d. Government business, military and National Guard facilities, law enforcement, jails, secure treatment centers, and correctional facilities, including any facility operated by



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the Wyoming Department of Corrections, and any facility used to respond to natural disasters or public health emergencies;

e. State and local government facilities, including government service centers;

f. Relief facilities, including food pantries and shelter facilities;

g. Residential buildings;

h. Grocery stores, markets, convenience stores, pharmacies, drug stores;

i. Truck stops, gas stations, and auto-repair facilities;

j. Retail or business establishments, where more than ten (10) people may be present but are generally not within six (6) feet of one another;

k. Healthcare facilities, including hospitals, medical facilities, home health agencies, personal care agencies, hospices, adult family homes, mental health centers, and pharmacies;

l. Alcohol and drug treatment centers; and

m. Long-term care and assisted living facilities, including nursing homes and assisted living facilities, as long as the facility complies with guidance and directives from the CDC, the Wyoming Department of Health, and appropriate licensing and regulatory agencies.

4. Any gathering not covered by this Order should follow the public health recommendations of the Centers for Disease Control and the Wyoming Department of Health, including washing your hands often with soap and water, practicing social distancing by avoiding close contact with others including meetings over ten (10) people, avoiding touching your face, eyes, nose and mouth, and covering your cough or sneeze into your elbow or by using a tissue.

5. Additional exceptions to the prohibitions in this Order may be granted, at the discretion of the County Health Officer, under the direction and supervision of the State Health Officer, if demonstrated, in writing, to the County Health Officer that people at a gathering will maintain at least six (6) feet of space between one another, and that effective cleaning will be performed before and after the gathering.

6. This Order supplements the previous statewide public health order closing bars, restaurants, theaters, gymnasiums, child care facilities, K-12 schools, colleges, universities, and trade schools dated March 19, 2020.

7. This Order supersedes all previous individual county orders authorized by the Wyoming State Health Officer under Wyo. Stat. Ann. § 35-1-240(a)(iv). To the extent any county order is more restrictive, the more restrictive provisions of the county order shall continue to apply.



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As the State Health Officer, I deem this Order necessary to protect the public health. *See* Wyo. Stat. Ann. § 35-1-240(a)(iv). I will reassess the necessity of this Order as appropriate to do so and according to accepted epidemiological and medical standards. Any person or legal entity that violates this Order shall be subject to criminal prosecution under Wyo. Stat. Ann. §§ 35-1-105 and -106.

DATED THIS 20 DAY OF March, 2020.

(b)(6)

Alexia Harrist
Wyoming State Health Officer



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MICHIGAN OVERSIGHT

# 00393100: SPRING BREAK EXTENDED

ED-20-0731-A-000306

# Alerts | Emergency Preparedness | Northwest College

3/15/2020 9:54 PM
**Northwest College**
**Northwest College will be closing all locations to the public through April 3.** We will now be extending spring break 2020 through Sunday, April 5, to continue planning before spring classes resume on Monday, April 6, in alternative formats.

---

3/14/2020 4:25 PM
**Northwest College**
Now available: **Frequently Asked Questions** regarding NWC's COVID-19 response. If you don't see an answer to your question, please email **covid-19@nwc.edu**

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3/13/2020 3:06 PM
**Northwest College**
**Northwest College will now be extending spring break 2020 through Sunday, March 22,** to monitor the status of the COVID-19 pandemic and continue planning before spring classes resume on Monday, March 23.

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3/12/2020 11:51 AM
**Northwest College**
Northwest College will be extending spring break 2020 through Tuesday, March 17, to monitor the status and continue pandemic planning before spring classes resume.

---

3/10/2020 7:45 AM
**Northwest College**

**Students, faculty and staff:** watch for important NWC communications about the Coronavirus (COVID-19) in your email inbox, on this site, and/or from the college's Trapper Alert emergency notification system (if the latter becomes applicable).

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# 00393100: ORIGINAL 2019-20 CALENDAR

ED-20-0731-A-000308

# 2019-2020 COLLEGE CATALOG

## 2019-20 Academic Calendar

### Choose a Term:


- Summer 2019
- Fall 2019
- Spring 2020
- Summer 2020


### Summer 2019

| | |
|---|---|
| Memorial Day - College Holiday | May 27, 2019 |
| Classes Begin | June 3, 2019 |
| Last day to ADD classes | June 5, 2019 |
| Last day to DROP classes* | June 10, 2019 |
| Last day to change to/from AUDIT | June 10, 2019 |
| Independence Day - College Holiday | July 4, 2019 |
| Last day to WITHDRAW from classes** | July 10, 2019 |
| Last Day of Classes | July 17, 2019 |
| Final Grades DUE by 5 pm | July 25, 2019 |

### Fall 2019

| | |
|---|---|
| New Faculty Orientation | August 15-16, 2019 |
| Residence Halls open 9 am - New and Continuing Students | August 17, 2019 |
| New Student Kick-off Weekend | August 17-20, 2019 |
| Campus Meetings | August 19-20, 2019 |
| Classes Begin-Wednesday | August 21, 2019 |
| Last day to ADD 1st half-term classes | August 23, 2019 |
| Last day to ADD full-term classes | August 28, 2019 |
| Last day to DROP 1st half-term classes* | August 30, 2019 |
| Labor Day - College Holiday | September 2, 2019 |
| Last day to change to/from AUDIT for full-term and 1st half-term classes | September 4, 2019 |
| Last day to DROP full-term classes* | September 4, 2019 |
| Last day to WITHDRAW from 1st half-term classes only** | September 20, 2019 |
| Last day of 1st half-term classes | October 11, 2019 |
| Second half-term classes begin | October 14, 2019 |
| Mid-term progress reports available online | October 11, 2019 |
| Last day to ADD 2nd half-term classes | October 16, 2019 |
| Last day to DROP 2nd half-term classes* | October 23, 2019 |
| Last day to change to/from AUDIT for 2nd half-term classes | October 23, 2019 |
| Advising Day - only evening classes meet | November 5, 2019 |
| Early Registration for Spring 2019 begins | November 5, 2019 |
| Registration for Spring 2019 begins | November 6, 2019 |
| Last day to WITHDRAW from full-term and 2nd half-term classes** | November 8, 2019 |
| Thanksgiving Break | November 23-December 1, 2019 |
| Thanksgiving - College Holiday | November 27-29, 2019 |
| Final Exams -Wednesday-Friday | December 11-13, 2019 |
| Last Day of Classes | December 13, 2019 |
| Residence Halls close at 10 am | December 14, 2019 |
| Grading Days | December 16-17, 2019 |
| Final Grades DUE by 5 pm | December 18, 2019 |
| Winter Holiday, College Closed | Dec. 24, 2019 - January 1, 2020 |

### Spring 2020

| | |
|---|---|
| In-service - Campus Meeting | January 13-14, 2020 |
| Residence Halls open at 9 am | January 13, 2020 |
| New Student Orientation-Tuesday | January 14, 2020 |
| Classes begin - Wednesday | January 15, 2020 |

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| | |
|---|---|
| Last day to ADD 1st half-term classes | January 17, 2020 |
| Last day to ADD full-term classes | January 22, 2020 |
| Last day to change to/from AUDIT for full-term and 1st half-term classes | January 24, 2020 |
| Last day to DROP 1st half-term classes* | January 24, 2020 |
| Last day to DROP full-term classes* | January 29, 2020 |
| Last day to WITHDRAW from 1st half-term classes** | February 14, 2020 |
| Last day of 1st half-term classes | March 6, 2020 |
| Spring Break | March 7-15, 2020 |
| *Residence halls close at 10 am March 7 and open 10 am March 15.* | |
| Second half-term classes begin | March 16, 2020 |
| Mid-term progress reports available online | March 6, 2020 |
| Last day to ADD 2nd half-term classes | March 18, 2020 |
| Last day to change to/from AUDIT for 2nd half-term classes | March 25, 2020 |
| Last day to DROP 2nd half-term classes* | March 25, 2020 |
| Last day to WITHDRAW from full-term and 2nd half-term classes** | April 10, 2020 |
| Advising Day - only evening classes meet | April 14, 2020 |
| Early Registration for Summer and Fall 2020 begins | April 14, 2020 |
| Registration Open | April 15, 2020 |
| Spring Recess - College Holiday | April 10-13, 2020 |
| Final Exams - Wednesday-Friday | May 6-8, 2020 |
| Last day of Classes-Friday | May 8, 2020 |
| Graduation - Saturday | May 9, 2020 |
| Residence Halls close at noon | May 10, 2020 |
| Grading Days | May 11-12, 2020 |
| Final Grades DUE by 5 pm | May 13, 2020 |

## Summer 2020

| | |
|---|---|
| Memorial Day - College Holiday | May 25, 2020 |
| Classes begin | June 8, 2020 |
| Last day to ADD classes | June 10, 2020 |
| Last day to DROP classes* | June 15, 2020 |
| Last day to change to/from AUDIT | June 15, 2020 |
| Independence Day - College Holiday | July 4, 2020 |
| Last day to WITHDRAW from classes** | July 17, 2020 |
| Last day of classes | July 22, 2020 |
| Final Grades DUE by 5 pm | July 27, 2020 |

** course will not appear on transcript*

*** course and "w" grade appears on transcript*

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# 00393100: REVISED 2020 SPRING SEMESTER

ED-20-0731-A-000311

Revised Spring 2020 Academic Calendar (last updated 3-23-20)
ADJUSTED DUE TO COVID-19

Campus Meetings .....January 13-14
Residence Halls open 9 am..... January 13
New Student Orientation – Tuesday..... January 14
Walk-in Payment Day ..... January 14
Classes Begin – Wednesday ..... January 15
Last day to ADD 1st half-term classes ……..... January 17
Last day to ADD full-term classes..... January 22
Last day to DROP 1st half-term classes ……..... January 24
Last day to change to/from AUDIT for 1st half-term classes..... January 24
Last day to DROP full-term classes..... January 29
Last day to change to/from AUDIT for full-term classes…..... January 29
Last day to WITHDRAW from 1st half-term classes…….. February 14
Last day of 1st half-term classes .....March 6
Residence halls closed at 10 am ..... .....March 7
Spring Break.....March 7-April 5
Mid-term progress reports available online .....March 24
Second half-term classes begin.....April 6
Last day to ADD 2nd half-term classes .....April 9
Spring Recess .....April 10-13
Advising Day…….....April 14
Early Registration for Summer & Fall 2020 begins .....April 14
Last day to DROP 2nd half-term classes .....April 15
Last day to change to/from AUDIT for 2nd half-term classes……....April 15
Last day to WITHDRAW from full-term and 2nd –half-term classes...May 5
Final Exams.....May 6-8
Last day of Classes ..... May 8
Grading Days.....May 11-14
Final Grades Due by 5 pm..... May 15

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ED-20-0731-A-000313

# 00393100: BEGINNING/END OF ACADEMIC WEEK

OVERSIGHT

# Academic Procedures and Policies - Northwest College

## Student Placement Testing

Northwest College is dedicated to helping students increase their levels of academic achievement. Faculty and staff want to be sure students start their college work in English and mathematics at the most appropriate level. Many students also need to build reading comprehension skills in order to be successful with college work.

Northwest College requires new students to arrive with an ACT/SAT score and/or to take the ACCUPLACER Placement Test or ALEKS Test, a computerized multiple-choice assessment instrument. A fee is charged for the ACCUPLACER and ALEKS tests. ACT/SAT, ACCUPLACER, or ALEKS scores are used to place students in the correct level of English, mathematics, and reading courses. Students with an ACT/SAT score may take mathematics or English Placement Tests if they believe their ACT/SAT scores do not adequately reflect their abilities.

*Visit the Registration and Records section of the NWC website for more information.*

## Registration Procedures

The *Semester Class Schedule* contains detailed information on course offerings, instructions about registration procedures, and timelines. Students can register for courses through their MyNWC Portal under the Student Planner link.

### Credit Hour

For NWC courses, one credit hour is equivalent to (1) one hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work each week* for approximately fifteen weeks for one semester hour of credit; or (2) at least an equivalent amount of work as required in definition (1) for other activities as established by Northwest College, including laboratory work, internships, practice, studio work, and other academic work leading toward to the award of credit hours. The NWC Curriculum Committee is charged with reviewing and implementing credit-hour standards and requirements for NWC courses.

*The academic week begins each Monday and ends the subsequent Sunday, in conjunction with the Northwest College fiscal year payroll calendar.

*Visit the Register for Classes section of the NWC website for more information.*

### Student Portal

Current students may view class schedules, register for classes, add classes, drop classes, view grades, check grade point average, update mailing address, review financial aid package, request an official copy of their transcript, or pay fees online at *nwc.edu/MyNWC*.

### Auditing Classes

Students may audit any course. Tuition and fees are still charged. Auditing allows a student the freedom to participate and learn in a classroom setting without traditional academic requirements related to attendance, grading, and testing. No credit is given for audited classes, but they do appear on transcripts.

### Class Load

The typical course load for full-time students is 15-20 credits.

**Student Overload Policy**. Students who want to take more than 20 hours must have a cumulative NWC grade point average of 3.0 or higher and approval of their advisor. First semester freshmen must have a cumulative high school GPA of 3.0 or higher and approval of their advisor. An overload fee is charged for each credit above 20. This fee is the per credit hour tuition in accordance with the student's residency classification.

### Registration Changes and CourseWithdrawals

Students wanting to change their original registration by adding, dropping, or withdrawing from courses, must obtain Change of Registration forms from the Registrar's Office or online at *nwc.edu/MyNWC*. No change in registration is made until a student returns a completed form, with necessary signatures, to the Registrar's Office. Forms must be returned on or before specified dates, or they will not be processed. See additional information in the Academic Calendar and the Refund Policy .

Students may add a class to their original enrollments in accordance to the deadlines set in the Academic Calendar . Exceptions are - (1) courses worth one credit hour or less may be added upon the request of the instructor and with the approval of the division chairperson up to midterm of the course; and (2) instructors within a particular subject area are authorized to transfer students from one level to another within that particular subject area.

Students wanting to terminate enrollment must request, complete, and return an official Change of Status Form available at the

AMERICAN OVERSIGHT

# 00393100: RECALCULATED ACADEMIC YEAR

## OPEID: 00393100 / Northwest College, Powell WY
## Request to Revise 2019-20 Academic Year to 29 weeks due to COVID-19

### Fall 2019 Semester

| | |
|---|---|
| 16 | Weeks in Semester |
| 106 | Days in Pay Period |

| | |
|---|---|
| 8/19/2019 | NWC payroll week begins (Mon-Sun) |
| 8/20/2019 | |
| 8/21/2019 | Semester Starts / First day of class |
| 8/22/2019 | |
| 8/23/2019 | |
| 8/24/2019 | |
| 8/25/2019 | **End of Academic Week 1** |
| 8/26/2019 | |
| 8/27/2019 | |
| 8/28/2019 | |
| 8/29/2019 | |
| 8/30/2019 | |
| 8/31/2019 | |
| 9/1/2019 | **End of Academic Week 2** |
| 9/2/2019 | |
| 9/3/2019 | |
| 9/4/2019 | |
| 9/5/2019 | |
| 9/6/2019 | |
| 9/7/2019 | |
| 9/8/2019 | **End of Academic Week 3** |
| 9/9/2019 | |
| 9/10/2019 | |
| 9/11/2019 | |
| 9/12/2019 | |
| 9/13/2019 | |
| 9/14/2019 | |
| 9/15/2019 | **End of Academic Week 4** |
| 9/16/2019 | |
| 9/17/2019 | |
| 9/18/2019 | |
| 9/19/2019 | |
| 9/20/2019 | |
| 9/21/2019 | |
| 9/22/2019 | **End of Academic Week 5** |
| 9/23/2019 | |
| 9/24/2019 | |
| 9/25/2019 | |
| 9/26/2019 | |
| 9/27/2019 | |
| 9/28/2019 | |
| 9/29/2019 | **End of Academic Week 6** |
| 9/30/2019 | |
| 10/1/2019 | |
| 10/2/2019 | |
| 10/3/2019 | |
| 10/4/2019 | |
| 10/5/2019 | |
| 10/6/2019 | **End of Academic Week 7** |
| 10/7/2019 | |
| 10/8/2019 | |
| 10/9/2019 | |
| 10/10/2019 | |
| 10/11/2019 | |
| 10/12/2019 | |
| 10/13/2019 | **End of Academic Week 8** |
| 10/14/2019 | |
| 10/15/2019 | |
| 10/16/2019 | |
| 10/17/2019 | |
| 10/18/2019 | |
| 10/19/2019 | |
| 10/20/2019 | **End of Academic Week 9** |
| 10/21/2019 | |
| 10/22/2019 | |
| 10/23/2019 | |
| 10/24/2019 | |
| 10/25/2019 | |
| 10/26/2019 | |
| 10/27/2019 | **End of Academic Week 10** |
| 10/28/2019 | |
| 10/29/2019 | |
| 10/30/2019 | |
| 10/31/2019 | |
| 11/1/2019 | |
| 11/2/2019 | |
| 11/3/2019 | **End of Academic Week 11** |
| 11/4/2019 | |

### Spring 2020 Semester

| | |
|---|---|
| 13 | Weeks in Semester |
| 106 | Days in Pay Period (original) |
| 85 | Days in Pay Period (revised on 3.15.20, when decision to close campus/res halls/entend spring break published |

| | |
|---|---|
| 1/13/2020 | NWC payroll week begins (Mon-Sun) |
| 1/14/2020 | |
| 1/15/2020 | Semester Starts / First day of class |
| 1/16/2020 | |
| 1/17/2020 | |
| 1/18/2020 | |
| 1/19/2020 | **End of Academic Week 1** |
| 1/20/2020 | |
| 1/21/2020 | |
| 1/22/2020 | |
| 1/23/2020 | |
| 1/24/2020 | |
| 1/25/2020 | |
| 1/26/2020 | **End of Academic Week 2** |
| 1/27/2020 | |
| 1/28/2020 | |
| 1/29/2020 | |
| 1/30/2020 | |
| 1/31/2020 | |
| 2/1/2020 | |
| 2/2/2020 | **End of Academic Week 3** |
| 2/3/2020 | |
| 2/4/2020 | |
| 2/5/2020 | |
| 2/6/2020 | |
| 2/7/2020 | |
| 2/8/2020 | |
| 2/9/2020 | **End of Academic Week 4** |
| 2/10/2020 | |
| 2/11/2020 | |
| 2/12/2020 | |
| 2/13/2020 | |
| 2/14/2020 | |
| 2/15/2020 | |
| 2/16/2020 | **End of Academic Week 5** |
| 2/17/2020 | |
| 2/18/2020 | |
| 2/19/2020 | |
| 2/20/2020 | |
| 2/21/2020 | |
| 2/22/2020 | |
| 2/23/2020 | **End of Academic Week 6** |
| 2/24/2020 | |
| 2/25/2020 | |
| 2/26/2020 | |
| 2/27/2020 | |
| 2/28/2020 | |
| 2/29/2020 | |
| 3/1/2020 | **End of Academic Week 7** |
| 3/2/2020 | |
| 3/3/2020 | |
| 3/4/2020 | |
| 3/5/2020 | |
| 3/6/2020 | |
| | Spring Break starts (period of 5 days or more) |
| (b)(6) | **End of Academic Week 8** |
| | Oringinal Spring Break end expectation |
| | Original expectation to resume classes |

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## OPEID: 00393100 / Northwest College, Powell WY
## Request to Revise 2019-20 Academic Year to 29 weeks due to COVID-19

### Fall 2019 Semester

| | |
|---|---|
| 16 | Weeks in Semester |
| 106 | Days in Pay Period |

| | |
|---|---|
| 11/5/2019 | |
| 11/6/2019 | |
| 11/7/2019 | |
| 11/8/2019 | |
| 11/9/2019 | |
| 11/10/2019 | **End of Academic Week 12** |
| 11/11/2019 | |
| 11/12/2019 | |
| 11/13/2019 | |
| 11/14/2019 | |
| 11/15/2019 | |
| 11/16/2019 | |
| 11/17/2019 | **End of Academic Week 13** |
| 11/18/2019 | |
| 11/19/2019 | |
| 11/20/2019 | |
| 11/21/2019 | |
| 11/22/2019 | |
| (b)(6) | Thanksgiving Break starts (period of 5 days or more excluded) |
| | **End of Academic Week 14** |
| | |
| | |
| | |
| | |
| | |
| | |
| | Thanksgiving Break ends |
| 12/2/2019 | Classes resume |
| 12/3/2019 | |
| 12/4/2019 | |
| 12/5/2019 | |
| 12/6/2019 | |
| 12/7/2019 | |
| 12/8/2019 | **End of Academic Week 15** |
| 12/9/2019 | |
| 12/10/2019 | |
| 12/11/2019 | Final Exams Begin |
| 12/12/2019 | |
| 12/13/2019 | Final Exams End / Semester Ends |
| 12/14/2019 | |
| 12/15/2019 | **End of Academic Week 16** |

### Spring 2020 Semester

| | |
|---|---|
| 13 | Weeks in Semester |
| 106 | Days in Pay Period (original) |
| 85 | Days in Pay Period (revised on 3.15.20, when decision to close campus/res halls/entend spring break published |

| | |
|---|---|
| (b)(6) | |
| | |
| | |
| | |
| | |
| | |
| | Extended Spring Break (COVID-19) ends |
| 4/6/2020 | Classes resume |
| 4/7/2020 | |
| 4/8/2020 | |
| 4/9/2020 | |
| 4/10/2020 | |
| 4/11/2020 | |
| 4/12/2020 | **End of Academic Week 9** |
| 4/13/2020 | |
| 4/14/2020 | |
| 4/15/2020 | |
| 4/16/2020 | |
| 4/17/2020 | |
| 4/18/2020 | |
| 4/19/2020 | **End of Academic Week 10** |
| 4/20/2020 | |
| 4/21/2020 | |
| 4/22/2020 | |
| 4/23/2020 | |
| 4/24/2020 | |
| 4/25/2020 | |
| 4/26/2020 | **End of Academic Week 11** |
| 4/27/2020 | |
| 4/28/2020 | |
| 4/29/2020 | |
| 4/30/2020 | |
| 5/1/2020 | |
| 5/2/2020 | |
| 5/3/2020 | **End of Academic Week 12** |
| 5/4/2020 | |
| 5/5/2020 | |
| 5/6/2020 | Final Exams Begin |
| 5/7/2020 | |
| 5/8/2020 | Final Exams End / Semester Ends |
| 5/9/2020 | |
| 5/10/2020 | **End of Academic Week 13** |

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# 00393100: 2019-20 ACADEMIC PROGRAMS

ED-20-0731-A-000318

# 2019-2020 COLLEGE CATALOG

## Programs of Study

A.A. = Associate of Arts

A.S. = Associate of Science

A.D.N. = Associate Degree in Nursing

A.A.S = Associate of Applied Science

S.C. = Skills Certificate

C.S.C. = Comprehensive Skills Certificate

- Accounting, A.S.
- Advanced Welding, S.C.
- Aeronautics, A.A.S.
- Agriculture - Production, C.S.C.
- Agriculture Business, A.S.
- Agriculture Education, A.S.
- Agriculture – Farm and Ranch Management, A.A.S.
- Agriculture – Production, A.A.S.
- Agriculture – Range Management, A.S.
- Agroecology, A.S.
- Allied Health, A.S.
- Animal Science, A.S.
- Anthropology, A.A.
- Archaeological Technician, S.C.
- Archaeology Technology, A.S.
- Art, A.A.
- Biology, A.S.
- Business Administration, A.S.
- Business, A.A.S.
- Chemistry, A.S.
- Coach – Assistant, S.C.
- Coach – Head, S.C.
- Communication, A.A.
- Computer Science, A.S.
- Conservation Law Enforcement, A.A.
- Criminal Justice One Year Certificate C.S.C.
- Criminal Justice, A.A.
- Criminal Justice, A.A.S.
- Drafting Technology, A.A.S.
- Drafting Technology, S.C.
- Early Childhood Education, A.A.
- Early Childhood Education, A.S.
- Elementary Education, A.A.
- Elementary Education, A.S.
- Engineering, A.S.
- English Studies, A.A.
- Equine Business Management, A.A.S.
- Equine Care and Basic Riding, S.C.
- Equine Riding and Training with Emphasis on Riding, A.A.S.
- Equine Riding and Training with Emphasis on Riding, Certificate
- Equine Riding and Training with Emphasis on Training, A.A.S.
- Equine Riding and Training with Emphasis on Training, Certificate
- Gas Metal Arc Welding (GMAW), S.C.
- Gas Tungsten Arc Welding (GTAW), S.C.
- General Studies, A.A.
- General Studies, A.S.
- Graphic Design, A.A.
- Graphic Design, A.A.S.
- History, A.A.
- Mathematics, A.S.
- Medical Assistant Certificate, S.C.
- Music Technology, A.A.S.
- Music, A.A.
- Natural Resource Biology, A.S.
- Nursing - Certified Nursing Assistant, S.C.
- Nursing - Practical Nursing (LPN), C.S.C.
- Nursing - Registered Nurse, A.D.N

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- Outdoor Education and Recreational Leadership, A.S.
- Outdoor Recreation Leadership, A.A.S
- Photographic and Digital Preservation Specialist, S.C.
- Photographic Communications, A.A.S.
- Physics, A.S.
- Political Science, A.A.
- Pre-Occupational Therapy, A.S.
- Pre-Optometry, A.S.
- Pre-Pharmacy, A.S.
- Pre-Physical Therapy, A.S.
- Pre-Professional Sciences, A.S.
- Psychology, A.A.
- Robotics Technology, S.C.
- Secondary Education, A.A.
- Secondary Education, A.S.
- Social Science, A.A.
- Sociology, A.A.
- Spanish - World Languages, A.A.
- Technical Studies A.A.S.
- Veterinary Assistant, A.A.S.
- Welding Technology, A.A.S.
- Welding Technology, C.S.C.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 26 Mar 2020 19:54:02 +0000
**To:** COVID-19
**Cc:** COVID-19
**Subject:** FW: COVID-19 Emails for OPE (bulk)
**Attachments:** Questions, Untitled, Notification- ED Participation Division- Reduction of AY, Medical School to graudate students before the end of the term, COVID-19 / Campus Timely Notification, RE: COVID-19 and Part C funds, 4th year medical students - graduating early, Credit Hour Adjustment, Credit Balances Carried to next academic year, Campus-Based Aid, Release date, COVID-19 WORKSTUDY STUDENT, SAP Policy, online, Grades, Emergency Notification Requirements during National Emergency , Need Help w Clock hr Delivery, Question about canceled Study Abroad programs, Northeastern Junior College (OPEID: 00136100) & COVID 19, Request for Reduction to 2019-20 Academic Year Length due to COVID-19

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**From:** COVID-19
**Sent:** Thursday, March 26, 2020 3:51 PM
**To:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Cox, Jack <Jack.Cox@ed.gov>
**Subject:** COVID-19 Emails for OPE (bulk)

Hello,

Per your request, we are sending emails received in the COVID-19 mailbox.

Thanks

Christine

AMERICAN OVERSIGHT

**From:** Smith, Zelotes
**Sent:** Thu, 26 Mar 2020 11:31:48 -0700
**To:** COVID-19
**Subject:** Questions

Hello,
Hope that you all are well and safe. I recently spoke with some people from our OT program and they had somc questions that students have been asking:
1) For students who will be graduating at the end of this year, will they only receive the standard 6 months of loan payment deferments? The reason for the question is that the students in this program are required to take and pass a test in order to work. The entity that performs the test is not looking to begin testing again until June/July of 2020. This will delay these students from employment due to this requirement as their degrees will confer in May. These students usually will be employed prior to graduation.
2) For students who need to complete fieldwork to graduate, if we were to give them an Incomplete (due to fieldwork placement being unavailable), would they still be considered "enrolled" until their fieldwork is completed?
Thank you,

***Zelotes Smith, M.S.***
***Director of Financial Aid***
*Dominican University of California*
Phone: 415.458.3793
Website: https://www.dominican.edu/

***"If you are always trying to be normal, you will never know how amazing you can be" ~ Marguerite Annie Johnson aka Dr. Maya Angelou***

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL.

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AMERICAN OVERSIGHT

**From:** Elissa Scott
**Sent:** Thu, 26 Mar 2020 12:41:57 -0500
**To:** COVID-19

I need to update address so i can for go my garnishment payments due to Covid 19

AMERICAN OVERSIGHT

**From:** Kari Dedwylder
**Sent:** Thu, 26 Mar 2020 12:36:01 -0500
**To:** COVID-19
**Subject:** Notification- ED Participation Division- Reduction of AY

Due to COVID-19, the 2019-2020 academic year of Jones County Junior College (002411) has been reduced from 30 weeks to 29 weeks due to an extended Spring Break.
No weeks are being added to the Spring 2020 semester.
--

KARI DEDWYLDER
DIRECTOR OF FINANCIAL AID
JONES COLLEGE

TERRELL TISDALE LIBRARY
900 South Court Street
Ellisville, MS 39437

OFFICE: 601.477.4282 | E-MAIL: kari.dedwylder@jcjc.edu
WWW.JCJC.EDU | WWW.JCJC.TV | WWW.JCJCATHLETICS.COM

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Thu, 26 Mar 2020 13:15:36 -0400
**To:** COVID-19
**Subject:** Medical School to graudate students before the end of the term

Q.

Can a student consider a student to be graduate if all courses of the program are completed before the end of the final term of study?

Due to the current emergency situation of COVID-19 this Medical school is considering to graduate students before the end of the term since the students have completed all required courses for graduation.

Students have completed substantially (more than 60% of all scheduled instructional time) and have completed all courses requirements. Cases will be evaluated on case by case to substantiate the completion of the required courses.

Is there a need to adjust DL period dates?

AMERICAN OVERSIGHT

**From:** Lewis JR,Gary D
**Sent:** Thu, 26 Mar 2020 16:21:48 +0000
**To:** COVID-19
**Subject:** COVID-19 / Campus Timely Notification

To Whom It May Concern:

As the police chief and director of campus safety I am responsible for timely alert and emergency notifications. With what many college and universities around the country are facing the question as to Clery Timely Alerts when a student, faculty or staff members tests positive for COVID-19, what are our responsibilities for notification.

Gary D. Lewis Jr.
Director / Chief of Police
University of Louisville
2126 South Floyd Street
Louisville, KY 40208
(502) 852-7236

AMERICAN OVERSIGHT

**From:** Schneer, Matthew
**Sent:** Thu, 26 Mar 2020 16:03:40 +0000
**To:** Fox, Leslie;COVID-19;Murray, Susan
**Cc:** Moran, Kate;Corr, Gregg
**Subject:** RE: COVID-19 and Part C funds

We are working on a Q and A about this. For now, just forward it to the COVID 19 email list, and you can use the language that has been sent out informing them what we are doing. Let me know if you need any questions

---

**From:** Fox, Leslie <Leslie.Fox@ed.gov>
**Sent:** Thursday, March 26, 2020 11:56 AM
**To:** COVID-19 <COVID-19@ed.gov>; Schneer, Matthew <Matthew.Schneer@ed.gov>; Murray, Susan <Susan.Murray@ed.gov>
**Cc:** Moran, Kate <Kate.Moran@ed.gov>; Corr, Gregg <Gregg.Corr@ed.gov>
**Subject:** FW: COVID-19 and Part C funds

Good Morning Matt and Susan,

I have received a question from Puerto Rico-C about use of funds. I will review the information Kate has posted in the COVID-19 one notebook to see if I can find potential answers on my own. I'd like to run any potential reply past our fiscal team before I set up a call with Ana to discuss specifics.

I'm assuming we need more information such as:

1. what are the specific new tasks
2. which Part C personnel are involved in the tasks
3. how much money are they wanting to use
4. how do the tasks specifically support the needs of infants, toddlers and families in Part C
5. any anticipated impact on direct service delivery if funds are diverted

Anything else??

Leslie

---

**Subject:** COVID-19 and Part C funds

Good Morning Leslie,

As you know, the Puerto Rico Department of Health is working with the COVID-19 pandemic. Certain professionals are going to be asked to participate in teams as needs arise, such as epidemiologists, social workers, doctors, nurses, program evaluators and program coordinators. We have questions as to whether new tasks related to the public health emergency can be paid with Part C funds. Does OSEP have a guidance on what Part C funds can be used for in the times of the pandemic?

As always, I appreciate your continuous support.

AMERICAN OVERSIGHT

Ana

Ana Marie Ríos López, MS
IDEA Part C Coordinator
Maternal, Child and Adolescent Health Division
Puerto Rico Department of Health

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AMERICAN OVERSIGHT

**From:** Olsen, Tara A
**Sent:** Thu, 26 Mar 2020 16:00:08 +0000
**To:** COVID-19
**Subject:** 4th year medical students - graduating early

Good morning:

We have been asked by state authorities to permit our 4th year medical students to graduate 3 weeks early to assist on the front lines of the COVID-19 pandemic. In this scenario, our semester would still be 16 weeks in length and our academic year would still exceed 30 weeks. In terms of Title IV aid, this population would be eligible for Direct Loans.

- Are there restrictions to offer this that would require ED approval?
- Could we offer to all students and allow them to opt out or must we make a decision to graduate all?
- Would this impact student eligibility as all loans have been disbursed?
- What would be required on our end for Direct Loan processing? Would we need to alter the loan period for each student affected? We would obviously report the graduation date to NSLDS but are there other unforeseen issues with Direct Loans to consider?
- What unintended consequences would we need to consider if this was approved?

Thank you for your assistance.

Kind regards,

Tara Olsen
Assistant Dean of Financial Aid
Tufts University School of Medicine
136 Harrison Avenue
Boston MA 02111

T: 617-636-6574
F: 617-636-3447
Website: Medicine.tufts.edu/finaid
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AMERICAN OVERSIGHT

**From:** Precious Ward
**Sent:** Thu, 26 Mar 2020 11:38:24 -0400
**To:** COVID-19
**Cc:** Heather Willett
**Subject:** Credit Hour Adjustment

Good Morning,
I hope this email finds you well.
**Question**: As a result of the recent COVID-19 pandemic, we are discussing the idea of adjusting credit hours to a lower amount. For example, instead of the course being 3 credit hours, it will be 2.5 credit hours.
Does the Department of Education allow this and what are the financial aid implications of doing so?
Thank you in advance for your assistance and I look forward to hearing from you.

Yours at CCCC,
Precious Ward
Central Carolina Community College
Hockaday Building
Lee Main Campus
919-718-7285 (Phone)
919-718-7380 (Fax)

***Please do not email sensitive information such as tax returns, social security numbers or other personally identifiable information. Instead, mail or fax to 919-718-7380.***

AMERICAN OVERSIGHT

**From:** Karen Belling
**Sent:** Thu, 26 Mar 2020 03:18:09 +0000
**To:** COVID-19
**Subject:** Credit Balances Carried to next academic year

Greetings,

Wheaton College will be issuing partial room and board adjustments due to our decision to move to remote classes. When these adjustments post to the student account we will first determine if it creates a Title IV refund and if so process the refund to the student. However, if there is not a Title IV refund required, we will first apply the funds towards an outstanding balance, or if the student is on a payment plan the remaining monthly payments will recalculate to a lower payment amount. If the housing and meal plan adjustments create a credit balance on the account, the student may request a refund. My question is that for students who have a credit balance on the account and are not owed a Title IV refund, are we able to allow the credit balance stay on the student account to be applied towards future charges? Typically we send unsolicited refunds to students for credit balances in June to clear all the accounts before the start of the next fiscal year, but we're wondering if that is required, or if we can let the credits stay on the account. Again, the student may have some Title IV funds in their package but is not due a Title IV refund. Can you please let me know if this is an option? Is there a stipulation about considering these funds as EFA to be coordinated as part of the 2020-21 financial aid award?

Thank you.

Karen Belling
Director of Student Financial Services
Wheaton College

P. 630.752.5307

AMERICAN OVERSIGHT

**From:** Good, Linda
**Sent:** Thu, 26 Mar 2020 02:38:06 +0000
**To:** COVID-19
**Subject:** Campus-Based Aid

If a student is unable to begin a course that begins mid-semester due to COVID-19 (for example, a travel course, and the travel is no longer allowed by state and/or federal authorities), and if that student is receiving campus-based aid, are schools required to recalculate COA and subsequently Title IV aid?

Thank you,

**LINDA KOEHN GOOD, M.S.**
**ASSOCIATE DIRECTOR OF CLIENT SERVICES**

Office of Scholarships and Financial Aid
405.744.7568 • 119 Student Union • finaid.okstate.edu

OKLAHOMA STATE UNIVERSITY

AMERICAN OVERSIGHT

**From:** maya phinizee
**Sent:** Thu, 26 Mar 2020 02:07:27 +0000 (UTC)
**To:** COVID-19
**Subject:** Release date

Hi. I was wondering have there been any dates given out for the refund of tax returns due to student loans. If not a definite date then mid april or what ?

Sent from Yahoo Mail on Android

AMERICAN OVERSIGHT

**From:** Dragon Chiquita
**Sent:** Wed, 25 Mar 2020 21:54:28 -0400
**To:** COVID-19
**Subject:** COVID-19 WORKSTUDY STUDENT

Good evening,
My question is what happeneds to the student workers who are now unemployed because of the "Quarantine Situation"? Do we now apply for unemployment? Are we even eligible for that?

AMERICAN OVERSIGHT

**From:** Ana English
**Sent:** Wed, 25 Mar 2020 22:54:53 +0000
**To:** COVID-19
**Subject:** SAP Policy

Hello,

Can we make an addendum to our SAP policy to include pass/fail grades due to COVID-19 this late in the semester without it affecting the students financial aid award?

Thank you,

**Ana English** | Director of Financial Aid
**Arizona Western College**
PO Box 929 • Yuma, AZ 85366
P: 928-317-6438 • F: 928-317-6420

AMERICAN OVERSIGHT

**From:** cindy collegeofhairdesigncareers.com
**Sent:** Wed, 25 Mar 2020 21:49:07 +0000
**To:** COVID-19
**Subject:** online

I am sending this e mail to notify US Department of Education the college of Hair Design Careers wishes to teach online classes as soon as possible.
I am inquiring as to what I need to do for approval to do so.
Oregon Higher Education Coordination Commission, NACCAS and our students have been notified in writing of this change upon US department of Ed. approval.
OPE ID 02337900
Cindy Long
Administrator
College of Hair Design Careers
1684 Clay ST. NE
Salem, OR. 97301
503-588-5888
cindy@collegeofhairdesigncareers.com

AMERICAN OVERSIGHT

**From:** Ana English
**Sent:** Wed, 25 Mar 2020 21:15:34 +0000
**To:** COVID-19
**Subject:** Grades

Hello,

In reading the COVID-19 Web Center,it states the following:

Return of Title IV Funds
Even in the case of a disruption from COVID-19, an institution must return any Title IV funds for which it is responsible in accordance with the provisions of 34 CFR § 668.22 when a student withdraws. Currently, we do not have the authority to waive the statutory requirement for the return of unearned Title IV funds in the case where a student (who receives Title IV assistance) withdraws from an institution during a payment period or period of enrollment after having begun attendance

Satisfactory Academic Progress (SAP)
An institution's SAP appeal policy (34 CFR § 668.34(a)(9)) must, among other things, describe the basis on which a student may file an appeal: the death of a relative, an injury or illness of the student, or other special circumstances. Circumstances related to an outbreak of COVID-19, including, but not limited to, the illness of a student or family member, compliance with a quarantine period, or the general disruption resulting from such an outbreak may form the basis of a student's SAP appeal even if not specifically articulated in the institution's SAP policy.

Colleges/universities are discussing giving pass/fail grades. Since we will continue to follow SAP and R2T4 guidelines are we able to give pass/fail grades without it impacting the student financial aid award?

Thank you,

**Ana English** | Director of Financial Aid
**Arizona Western College**
PO Box 929 • Yuma, AZ 85366
P: 928-317-6438 • F: 928-317-6420

AMERICAN OVERSIGHT

**From:** Sammartino, Nicole Edythe
**Sent:** Wed, 25 Mar 2020 21:05:48 +0000
**To:** COVID-19
**Subject:** Emergency Notification Requirements during National Emergency

Good afternoon,

I am seeking guidance related to Clery Act Emergency Notification procedures.

Given the extraordinary circumstances of the National Emergency, we have employed various communication strategies to communicate with the entire campus community about COVID-19 and to provide additional communications with those who may have been in contact with a positive COVID-19 case.

Standard emergency notification systems do not allow for the level if information or detail we believe is necessary when communicating about the pandemic with our audiences (i.e., a text message or limited-character email may be insufficient in ensuring our community is well-informed, well-guided, and prepared to respond under these circumstances).

Will there be flexibility afforded to institutions to deviate from their emergency notification policy/procedures to accommodate for more sensitive and thorough communications by IHEs, so long as the appropriate segment(s) of the population are being notified and provided the guidance they need?

Thank you,
Nicole

**Nicole Sammartino, MPH**
Clery Act Compliance Coordinator

Office of Preparedness & Response
Office of the Vice Chancellor for Administrative Services

The University of Illinois at Chicago
1140 S. Paulina Street
112 Paulina Street Building, MC 911
Chicago, IL 60612
Email: nsamma2@uic.edu
Phone: (312) 413-5363

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**From:** Suzanne Ringle
**Sent:** Tue, 24 Mar 2020 12:45:25 -0700
**To:** COVID-19
**Subject:** Need Help w Clock hr Delivery

Hello,
With COVID-19 and the social distancing that ensued, we are at a loss on how to continue our programs and would like to move our Clock programs to an online platform temporarily. We know that there are some programs that we can't teach online. However, are we allowed to move those we can teach online to an online platform? Can we get an okay to do that?
Please let me know,
Suzanne

**SUZANNE RINGLE**
**GATEWAY COMMUNITY COLLEGE**
Director, Financial Aid
108 N. 40th Street Phoenix, AZ 85034
602-286-8110 | 602-900-4243
ringle@gatewaycc.edu
https://www.gatewaycc.edu/

AMERICAN OVERSIGHT

**From:** Patricia Brunton
**Sent:** Tue, 24 Mar 2020 19:15:35 +0000
**To:** COVID-19
**Subject:** Question about canceled Study Abroad programs

Hi,

We use third party agencies to administer many of our study abroad programs on behalf of foreign institutions. These agencies sign our consortium agreements. Below is an example of an email that we have received from one of the agencies:

*In compliance with the consortium agreement, I am writing to notify you of the enrollment status of the following Saint Anselm College student(s), who used financial aid to pay for the ISA Spring 2020:*

*(Student Names)*

*Regrettably, these programs on-site have been cancelled and the students have returned/will be returning to the US. Although the student(s) will not continue the semester abroad, it is important to note that ISA is in contact with all host institutions to discuss the academic options available for students to complete their coursework from a distance. We will continue to communicate with students regarding these options.*

Are the students eligible for the aid that they have received if they continue online programs with the host institution? Do we need to have the host institution sign the consortium agreement since the original was signed by the study abroad agency? I am thinking that many schools are struggling with this same issue right now.

Thanks so much for your help.

Tricia Brunton
Senior Associate Director
Office of Financial Aid
Saint Anselm College

AMERICAN OVERSIGHT

**From:** Weingardt, Alice
**Sent:** Tue, 24 Mar 2020 17:54:35 +0000
**To:** COVID-19
**Cc:** Unrein, Ashley;Kuntz, Kelly;Smith, Steven;Merkl, Linda;Lee, Jay;Nash, Karla (CCCS)
**Subject:** Northeastern Junior College (OPEID: 00136100) & COVID 19

To Whom It May Concern:

Northeastern Junior College (OPEID: 00136100) has taken steps to reduce the risk of COVID-19 for our students, staff, and community. This has been communicated to students and staff, with continual updates as warranted.

Below are the steps Northeastern Junior College has taken:

- We have extended our spring break by one week, to allow remote deliver to be set up, thus reducing our spring term by one week. This will reduce the number of weeks for this academic year to 29 weeks.
- We are transitioning the majority of our coursework to remote delivery beginning March 30, 2020.
- Campus will remain open for support services and allow access for critical functions to complete their coursework.

Thank you, please let me know if you have any questions.


*Alice Weingardt*

*Director of Financial Aid*
*Northeastern Junior College -100 College Avenue*
*Sterling, CO 80751*
*Phone: 970-521-6751 - Fax: 970-521-6801*


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*Attention Students: Due to FERPA (The Family Educational Rights and Privacy Act), future college correspondence will be conducted through your college assigned email account. We will no longer respond to your private email address. If you have never accessed the student email system, you MUST activate your account. You will find the instructions when you log into Your Access NJC at http://www.njc.edu.*

Let ECMC help you find the right repayment solution for you!

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Shaman Quinn
**Sent:** Tue, 24 Mar 2020 17:48:14 +0000
**To:** COVID-19
**Subject:** Request for Reduction to 2019-20 Academic Year Length due to COVID-19
**Attachments:** 00393100_Northwest_College_Recalculated_2019-20_Academic_Year_Support_Documents (3-24-20).pdf

Greetings,

**This email serves as the formal request by Northwest College in Powell WY (OPEID 00393100) to have our 2019-20 Academic Year shortened to 29 weeks due to an extended spring break (break of 5 or more consecutive days) related to the COVID-19 pandemic.**

Northwest College, following directives from its Governor (Mark Gordon) temporarily closed our campus to the public, starting 3.15.20. To promote social distancing recommendations, our residence halls closed and our spring break was extended to allow our faculty to transition all face-to-face academic programming to online modalities, which resume on 4.6.20. Our spring break, originally planned to occur from 3.7.20-3.15.20, was extended to last from 3.7.20- 4.5.20, which effectively shortened the number of weeks within the academic year to 29, less than the required 30 week minimum. Eligible days within the spring 2020 semester (used as the denominator for semester R2T4 calculations) were reduced from 106 to 85 due to the spring break extension.

Therefore, following guidance in Federal Student Aid's 3.5.20 Electronic Announcement regarding COVID-19, echoed in NAFAA's Ask Regs entitled *"What Factors Do We Need to Consider When Deciding To Extend a Schedule Break Due To Coronavirus"?,* I am contacting this COVID-19@ed.gov email address to request a reduction in our 2019-20 academic year to 29 weeks total (16 weeks Fall 2019 + 13 weeks Spring 2020 = 29 total weeks). Please forward this request to the applicable School Participation Division representative.

In addition to the text of this email, please find these attached support documents should they be useful:

- *Statewide Orders from Wyoming's Governor Mark Gordon*
- *Northwest College's notification to employees & students of temporary campus closure & spring break extension*
- *Northwest College's original 2019-20 academic calendar*
- *Northwest College's revised 2020 spring semester academic calendar with extended spring break*
- *Northwest College's College Catalog disclosure that the academic begins/ends each Monday, in conjunction with the College's fiscal year payroll calendar (see definition of "credit hour").*
- *Northwest College's recalculation of 29 weeks for the revised 2019-20 academic calendar*
- *Northwest College's 2019-20 library of academic programs*

Thank you for your consideration. Please contact me at this email address should you need more information.

**Shaman Quinn**

AMERICAN OVERSIGHT

Director, Financial Aid & Scholarships | Northwest College
o: 307.754.6232 | f: 307.754.6154 | www.nwc.edu

# *DATA SECURITY*

*In order to protect students' (& families') Personally Identifiable Information (PII), the College adheres to stringent data safeguard protocols. Therefore, only submit student (& family) information to the Financial Aid Office using data security methods which preserve the privacy of your personal information. Secure methods include:*

- *Delivering documents to the Financial Aid Office*
- *Faxing documents to the Financial Aid Office using our secure fax number*
- *Mailing documents to the Financial Aid Office*
- *Sending documents to the Financial Aid Office using the "Financial Aid Secure File Upload" feature, located in the "Online Forms and Links" section of the NWC Student Portal (https://my.nwc.edu/)*

***DO NOT EMAIL ANY PERSONAL INFORMATION TO THE FINANCIAL AID OFFICE WITHOUT USING AES 256-BIT ENCRYPTION SOFTWARE.***

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# 00393100: WY GOVERNOR ORDERS

ED-20-0731-A-000346

# Governor Gordon and State Superintendent Jillian Balow issue a recommendation on school closures

*Governor of Wyoming sent this bulletin at 03/15/2020 04:55 PM MDT*

Having trouble viewing this email? View it as a Web page.

FOR IMMEDIATE RELEASE

March 15, 2020

CONTACT: Michael Pearlman, Communications Director

307.777.7437 | michael.pearlman@wyo.gov

**Governor Gordon and State Superintendent Jillian Balow issue a recommendation on school closures**

CHEYENNE, Wyo. – Due to the unprecedented circumstances facing our state, Governor Mark Gordon and State Superintendent Jillian Balow recommend that all schools remain closed to students through at least April 3. This is a recommendation to local superintendents and school boards, who will make the final decisions on closures. Additionally, decisions relating to the requirement for school district staff to report to work remain with local school boards of trustees. Governor Gordon and Superintendent Balow will continue to monitor COVID-19 developments throughout this three-week period, with the goal of getting students back to classrooms as soon as safely possible.

This recommendation is not necessarily based on epidemiological best practices but is an attempt to allow schools and communities to prepare to operate in a way that mitigates community spread of COVID-19 and minimizes negative economic impacts locally and statewide.

"This is Wyoming, where we are all neighbors," Governor Gordon said. "While social distancing should be a priority for all of us, it should not keep us from helping out our neighbors. I am thinking of our first responders and healthcare workers on the frontlines who may be without child care. This is a time, if the risk is low, to help one another out."

The Governor and State Superintendent urge district leadership to work within their schools and communities to ensure the continuity of learning and essential services as determined locally. "In the midst of this pandemic, communities need the latitude, empowerment, and support to make difficult decisions that affect education, economy, and essential functions," Governor Gordon continued. "While we safeguard the health of every person we must also do our best to continue our daily work for the economic security of our state and nation."

"Evidence of community spread in Fremont County, two confirmed cases in Sheridan County, and pending tests from across the state have led us to this," Superintendent Balow said. "Wyoming has over 90,000 square miles where schooling is an essential function in each community – the decision is difficult."

Social distancing, basic hygiene, and heightened disinfection efforts continue to be the primary means to contain COVID-19 spread. We strongly encourage everyone to continue these practices. Local school districts continue to be empowered to make decisions in consultation with the State Department of Health and local health care officials as to closure and other containment strategies.

Governor Gordon, Superintendent Balow, the State Health Officer, and others will continually evaluate COVID-19 data, guidance from the Center for Disease Control (CDC), and other reliable information to make additional recommendations.

-CDC guidance and other resources are available at https://edu.wyoming.gov/. The State Superintendent is exploring her ability to hold districts harmless from any financial reduction as a result of this ten instructional day loss. In addition, the Wyoming Department of Education has received a waiver from the U.S. Department of Agriculture to allow schools to offer student meals during school closures. For more information, visit: https://edu.wyoming.gov/educators/covid-19-resources/

-END-

AMERICAN OVERSIGHT

**STATEWIDE PUBLIC HEALTH ORDER CLOSING BARS, RESTAURANTS, THEATERS, GYMNASIUMS, CHILD CARE FACILITIES, K-12 SCHOOLS, COLLEGES, UNIVERSITIES, AND TRADE SCHOOLS STATEWIDE**

In an effort to stop the spread of the coronavirus (COVID-19), the Wyoming Department of Health finds it necessary to protect the health of the public by implementing emergency measures to close all restaurants, bars, theaters, gymnasiums, child care facilities, K-12 schools, colleges, universities, and trade schools, in the State of Wyoming, with certain exceptions. This Order is effective immediately, and shall remain in effect until April 3, 2020.

## FINDINGS

1. COVID-19 was first detected in Wuhan, China in 2019, and since then has spread to over 60 countries including the United States. There are 18 confirmed cases of COVID-19 in Wyoming as of March 18, 2020, as well as the presence of community spread. It is expected that more cases will be diagnosed.

2. COVID-19 is a respiratory illness, transmitted through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic two to fourteen days after exposure. The symptoms of COVID-19 include fever, cough, and shortness of breath. In some cases, COVID-19 can result in severe disease including hospitalization, admission to an intensive care unit, and death, especially among older adults and persons with serious underlying health conditions.

3. The World Health Organization declared COVID-19 a worldwide pandemic as of March 11, 2020.

4. On March 13, 2020, the President of the United States declared a national emergency concerning the coronavirus, specifically stating that, in "December 2019 a novel (new) coronavirus known as SARS-CoV-2 ("the virus") was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally [...] The spread of COVID-19 within our Nation's communities threatens to strain our Nation's healthcare systems. [...] Additional measures [...] are needed to successfully contain and combat the virus in the United States."

5. On March 13, 2020, Wyoming Governor Mark Gordon declared a State of Emergency and Public Health Emergency in the State of Wyoming, stating that on March 11, 2020, an individual within the State of Wyoming tested presumptive positive for COVID-19 and the State of Wyoming is experiencing a public health emergency in response to the evolving COVID-19 outbreak.

6. Governor Gordon's Declaration of a State of Emergency and Public Health Emergency directs the Wyoming Department of Health to take all appropriate and necessary actions, and that in the judgment of the Director of the Wyoming Department of Health, any actions necessary should be taken to provide aid to those locations where there is a threat or danger to public health, safety, and welfare.

7. The guidelines issued from the White House on March 16, 2020, specify that with evidence of community transmission within a state, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate should be closed.

8. A significant number of Wyoming citizens are at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, people with mild symptoms, and even asymptomatic persons with COVID-19, place other vulnerable members of the public at significant risk.



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9. Counties in Wyoming have requested orders of this kind following the White House guidelines, and the best manner of protecting the health of the citizens of Wyoming is through a consistent order spanning the entire State.

10. A large number of persons with serious infections has the ability to compromise the ability of healthcare systems in Wyoming to deliver the necessary healthcare to the public.

11. Wyoming Statute §§ 35-1-240(a)(i) and (iv) provides all the rights and powers for the Wyoming Department of Health, through the State Health Officer, Dr. Alexia Harrist, M.D., PhD, or under her directive through other employees of the Wyoming Department of Health, to close theaters, schools, and other public places, and forbid public gatherings when necessary to protect the public health.

12. In addition to the above findings, stopping the spread of COVID-19 includes washing hands often, practicing social distancing by avoiding close contact with others, staying at least six feet away from someone who is ill or showing signs of illness, avoiding touching your face, eyes, nose and mouth, and covering your cough or sneeze into your elbow or by using a tissue.

## ORDER

1. The following places of public accommodation are ordered closed to ingress, egress, use, and occupancy by members of the public:

   a. Restaurants, food courts, cafes, coffeehouses, and other similar places of public accommodation offering food or beverage for on-premises consumption;

   b. Bars, taverns, brew pubs, breweries, microbreweries, distillery pubs, wineries, tasting rooms, special licensees, clubs, and other places of public accommodation offering alcoholic beverages for on-premises consumption;

   c. Cigar bars;

   d. Gymnasiums; and

   e. Movie and performance theaters, opera houses, concert halls, and music halls.

2. The following conditions apply to places of public accommodation subject to this Order:

   a. Places of public accommodation are encouraged to offer food and beverage using delivery service, window service, walk-up service, drive-through service, or drive-up service, and to use precautions in doing so to mitigate the potential transmission of COVID-19, including social distancing. Online and telephonic credit card transactions are strongly encouraged (e.g. Venmo, Squarecash, Googlepay, Apple Pay and similar payment apps).

   b. Staff who handle cash or credit cards may not be involved in the preparation, handling, or delivery of food.

   c. In offering food or beverage, a place of public accommodation may permit up to five members of the public at one time in the place of public accommodation for the purpose of picking up their food or beverage orders, so long as those individuals are at least six feet apart from one another while on premises.

   d. For hotel restaurants, food items may only be delivered as room service or as described above.

   e. Management shall ensure, on a daily basis, that no employee who presents symptoms of illness will be permitted to work.



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3. For clarity, this Order does not apply to any of the following:

   a. Places of public accommodation that offer food and beverage not for on-premises consumption, including grocery stores, markets, retail stores that offer food, convenience stores, pharmacies, drug stores, and food pantries;

   b. Room service in hotels;

   c. Health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities;

   d. Crisis shelters or similar institutions;

   e. Airport concessionaires; and

   f. Any emergency facilities necessary for the response to the events surrounding the public health emergency and state of emergency caused by COVID-19.

4. All child care centers and home daycares are ordered closed, subject to the following:

   a. Child care centers or home daycares that provide care for children of essential personnel may continue to operate to provide child care for children of essential personnel. Essential personnel includes:

      i. Staff and providers of childcare and education services, including custodial and kitchen staff and other support staff, who do not do their work remotely;

      ii. Providers of healthcare including, but not limited to, employees of clinics, hospitals, nursing homes, long-term care and post-acute care facilities, respite houses, designated agencies, emergency medical services, as well as necessary custodial, kitchen, administrative, and other support staff;

      iii. Criminal justice personnel including those in law enforcement, courts, and correctional services;

      iv. Public health employees;

      v. Firefighters, Wyoming National Guard personnel called to duty for responding to COVID-19, and other first responders;

      vi. State employees determined to be essential for response to the COVID-19 crisis;

      vii. Active duty military staff;

      viii. Pharmacy staff;

      ix. Foster families with children through grade 8;

      x. 2-1-1 and 9-1-1 call center staff; critical infrastructure and utility workers, including electrical, plumbing, telecommunications, water, and wastewater operators, workers, and staff;

      xi. State, municipal, and commercial public works and sanitation crews;

      xii. Grocery and food supply workers;

      xiii. Supply chain, postal, and delivery drivers and warehouse workers;



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xiv. Manufacturers of medical devices, equipment, testing equipment, and supplies;

xv. and fuel distribution workers.

b. In circumstances where a child care center or home daycare remains open, the center or home is required to have fewer than 10 people in a room or together at any time, including for meals or recreation.

c. Further, a child care center or home daycare that remains open is required to follow all health guidelines from the CDC and Wyoming Department of Health for limiting the risk of transmission of COVID-19, to the extent possible when caring for children.

d. As childcare is a critical part of the infrastructure of Wyoming, allowing essential systems to function, in the event a county health officer wants to close a childcare facility under the direction and supervision of the State Health Officer, the County Health Officer shall work with local childcare providers to make available limited childcare services for essential personnel, as described above.

5. All K-12 schools shall dismiss students until no sooner than April 3, 2020, to the extent any school in Wyoming has not already done so. Administrative staff and teachers may continue to work in school buildings to facilitate distance learning or to complete administrative tasks. Food may still be prepared to be made available to those in need, as directed by school superintendents. Classes may still be offered online at the discretion of the school.

6. All colleges, universities, and trade schools shall not hold in person classes until no sooner than April 3, 2020. Administrative staff and teachers may continue to work in facility buildings to facilitate distance learning or to complete administrative tasks. Food may still be prepared to be made available to those in need. Classes may still be offered online at the discretion of the college, university or trade school.

7. This Order supersedes all previous individual county orders authorized by the Wyoming State Health Officer under Wyoming Statute § 35-1-240(a)(iv). To the extent the county order is more restrictive, the more restrictive provisions still apply.

8. Exceptions to the public accommodation sections above (paragraphs 1-3) may be granted, at the discretion of the County Health Officer, under the direction and supervision of the State Health Officer, if the business can demonstrate, in writing, to the County Health Officer that they will limit customers within the business to no more than ten at any given time, that at least 6 feet of space will be maintained between customers at all times, and that effective cleaning will be performed between customers.

As the State Health Officer, I specifically deem this order necessary to protect the public health. *See* Wyo. Stat. Ann. § 35-1-240(a)(iv). I will reassess the necessity of this order as appropriate to do so and according to accepted epidemiological and medical standards. Any person or legal entity that violates this Order shall be subject to criminal prosecution under Wyo. Stat. Ann. §§ 35-1-105 and -106.

DATED THIS 19 DAY OF March, 2020.

(b)(6) [redacted]

Alexia Harrist
Wyoming State Health Officer



AMERICAN OVERSIGHT

## STATEWIDE PUBLIC HEALTH ORDER #2: FORBIDDING GATHERINGS OF TEN (10) PEOPLE OR MORE

In an effort to stop the spread of the coronavirus (COVID-19), the Wyoming Department of Health finds it necessary to protect the health of the public by implementing emergency measures, in accordance with the White House Guidelines, to forbid gatherings of ten (10) people or more, with certain exceptions. This Order is effective immediately, and shall remain in effect until April 3, 2020, unless the Wyoming Department of Health revokes the Order before April 3, 2020.

### FINDINGS

1. COVID-19 was first detected in Wuhan, China in 2019, and since then has spread to over 60 countries including the United States. There are 19 confirmed cases of COVID-19 in Wyoming as of March 20, 2020, as well as the presence of community spread. It is expected that more cases will be diagnosed.

2. COVID-19 is a respiratory illness, transmitted through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic two to fourteen days after exposure. The symptoms of COVID-19 include fever, cough, and shortness of breath. In some cases, COVID-19 can result in severe disease including hospitalization, admission to an intensive care unit, and death, especially among older adults and persons with serious underlying health conditions.

3. The World Health Organization declared COVID-19 a worldwide pandemic as of March 11, 2020.

4. On March 13, 2020, the President of the United States declared a national emergency concerning the coronavirus, specifically stating that, in "December 2019 a novel (new) coronavirus known as SARS-CoV-2 ("the virus") was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally [...] The spread of COVID-19 within our Nation's communities threatens to strain our Nation's healthcare systems. [...] Additional measures [...] are needed to successfully contain and combat the virus in the United States."

5. On March 13, 2020, Wyoming Governor Mark Gordon declared a State of Emergency and Public Health Emergency in the State of Wyoming, stating that on March 11, 2020, an individual within the State of Wyoming tested presumptive positive for COVID-19 and the State of Wyoming is experiencing a public health emergency in response to the evolving COVID-19 outbreak.

6. Governor Gordon's Declaration of a State of Emergency and Public Health Emergency directs the Wyoming Department of Health to take all appropriate and necessary actions, and that in the judgment of the Director of the Wyoming Department of Health, any actions necessary should be taken to provide aid to those locations where there is a threat or danger to public health, safety, and welfare.



AMERICAN OVERSIGHT

7. The guidelines issued from the White House on March 16, 2020, specify that with evidence of community transmission within a state, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate should be closed. The guidelines further specify that social gatherings of ten (10) people or more should be avoided.

8. A significant number of Wyoming citizens are at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, people with mild symptoms, and even asymptomatic persons with COVID-19, place other vulnerable members of the public at significant risk.

9. Counties in Wyoming have requested orders of this kind following the White House guidelines, and the best manner of protecting the health of the citizens of Wyoming is through a consistent order spanning the entire State.

10. A large number of persons with serious infections may compromise the ability of healthcare systems in Wyoming to deliver the necessary healthcare to the public.

11. Wyoming Statute §§ 35-1-240(a)(i) and (iv) provides all the rights and powers for the Wyoming Department of Health, through the State Health Officer, Dr. Alexia Harrist, M.D., PhD, or under her directive through other employees of the Wyoming Department of Health, to forbid gatherings of people when necessary to protect public health.

12. In addition to the above findings, stopping the spread of COVID-19 includes washing your hands often, practicing social distancing by avoiding close contact with others, staying at least six feet away from someone who is ill or showing signs of illness, avoiding touching your face, eyes, nose and mouth, and covering your cough or sneeze into your elbow or by using a tissue.

## ORDER

1. Gatherings of ten (10) people or more are prohibited in order to help stop the spread of COVID-19 and protect the health of the public.

2. "Gatherings" are any planned or spontaneous event, public or private, bringing together, or likely bringing together, ten (10) people or more in a single room or a single confined space at the same time.

3. Gatherings at the following are exempted from this Order:

    a. Hotels and motels for lodging purposes;

    b. Livestock auctions;

    c. Groups of workers being transported to a location for their jobs;

    d. Government business, military and National Guard facilities, law enforcement, jails, secure treatment centers, and correctional facilities, including any facility operated by



AMERICAN OVERSIGHT

the Wyoming Department of Corrections, and any facility used to respond to natural disasters or public health emergencies;

e. State and local government facilities, including government service centers;

f. Relief facilities, including food pantries and shelter facilities;

g. Residential buildings;

h. Grocery stores, markets, convenience stores, pharmacies, drug stores;

i. Truck stops, gas stations, and auto-repair facilities;

j. Retail or business establishments, where more than ten (10) people may be present but are generally not within six (6) feet of one another;

k. Healthcare facilities, including hospitals, medical facilities, home health agencies, personal care agencies, hospices, adult family homes, mental health centers, and pharmacies;

l. Alcohol and drug treatment centers; and

m. Long-term care and assisted living facilities, including nursing homes and assisted living facilities, as long as the facility complies with guidance and directives from the CDC, the Wyoming Department of Health, and appropriate licensing and regulatory agencies.

4. Any gathering not covered by this Order should follow the public health recommendations of the Centers for Disease Control and the Wyoming Department of Health, including washing your hands often with soap and water, practicing social distancing by avoiding close contact with others including meetings over ten (10) people, avoiding touching your face, eyes, nose and mouth, and covering your cough or sneeze into your elbow or by using a tissue.

5. Additional exceptions to the prohibitions in this Order may be granted, at the discretion of the County Health Officer, under the direction and supervision of the State Health Officer, if demonstrated, in writing, to the County Health Officer that people at a gathering will maintain at least six (6) feet of space between one another, and that effective cleaning will be performed before and after the gathering.

6. This Order supplements the previous statewide public health order closing bars, restaurants, theaters, gymnasiums, child care facilities, K-12 schools, colleges, universities, and trade schools dated March 19, 2020.

7. This Order supersedes all previous individual county orders authorized by the Wyoming State Health Officer under Wyo. Stat. Ann. § 35-1-240(a)(iv). To the extent any county order is more restrictive, the more restrictive provisions of the county order shall continue to apply.



AMERICAN OVERSIGHT

As the State Health Officer, I deem this Order necessary to protect the public health. *See* Wyo. Stat. Ann. § 35-1-240(a)(iv). I will reassess the necessity of this Order as appropriate to do so and according to accepted epidemiological and medical standards. Any person or legal entity that violates this Order shall be subject to criminal prosecution under Wyo. Stat. Ann. §§ 35-1-105 and -106.

DATED THIS 20 DAY OF March, 2020.

(b)(6)

Alexia Harrist
Wyoming State Health Officer



AMERICAN OVERSIGHT

MICHIGAN OVERSIGHT

# 00393100: SPRING BREAK EXTENDED

ED-20-0731-A-000356

# Alerts | Emergency Preparedness | Northwest College

3/15/2020 9:54 PM
**Northwest College**
**Northwest College will be closing all locations to the public through April 3.** We will now be extending spring break 2020 through Sunday, April 5, to continue planning before spring classes resume on Monday, April 6, in alternative formats.

---

3/14/2020 4:25 PM
**Northwest College**
Now available: **Frequently Asked Questions** regarding NWC's COVID-19 response. If you don't see an answer to your question, please email **covid-19@nwc.edu**

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3/13/2020 3:06 PM
**Northwest College**
**Northwest College will now be extending spring break 2020 through Sunday, March 22,** to monitor the status of the COVID-19 pandemic and continue planning before spring classes resume on Monday, March 23.

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3/12/2020 11:51 AM
**Northwest College**
Northwest College will be extending spring break 2020 through Tuesday, March 17, to monitor the status and continue pandemic planning before spring classes resume.

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3/10/2020 7:45 AM
**Northwest College**

**Students, faculty and staff:** watch for important NWC communications about the Coronavirus (COVID-19) in your email inbox, on this site, and/or from the college's Trapper Alert emergency notification system (if the latter becomes applicable).

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AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

# 00393100: ORIGINAL 2019-20 CALENDAR

ED-20-0731-A-000358

# 2019-2020 COLLEGE CATALOG

## 2019-20 Academic Calendar

### Choose a Term:


- Summer 2019
- Fall 2019
- Spring 2020
- Summer 2020


### Summer 2019

| | |
|---|---|
| Memorial Day - College Holiday | May 27, 2019 |
| Classes Begin | June 3, 2019 |
| Last day to ADD classes | June 5, 2019 |
| Last day to DROP classes* | June 10, 2019 |
| Last day to change to/from AUDIT | June 10, 2019 |
| Independence Day - College Holiday | July 4, 2019 |
| Last day to WITHDRAW from classes** | July 10, 2019 |
| Last Day of Classes | July 17, 2019 |
| Final Grades DUE by 5 pm | July 25, 2019 |

### Fall 2019

| | |
|---|---|
| New Faculty Orientation | August 15-16, 2019 |
| Residence Halls open 9 am - New and Continuing Students | August 17, 2019 |
| New Student Kick-off Weekend | August 17-20, 2019 |
| Campus Meetings | August 19-20, 2019 |
| Classes Begin-Wednesday | August 21, 2019 |
| Last day to ADD 1st half-term classes | August 23, 2019 |
| Last day to ADD full-term classes | August 28, 2019 |
| Last day to DROP 1st half-term classes* | August 30, 2019 |
| Labor Day - College Holiday | September 2, 2019 |
| Last day to change to/from AUDIT for full-term and 1st half-term classes | September 4, 2019 |
| Last day to DROP full-term classes* | September 4, 2019 |
| Last day to WITHDRAW from 1st half-term classes only** | September 20, 2019 |
| Last day of 1st half-term classes | October 11, 2019 |
| Second half-term classes begin | October 14, 2019 |
| Mid-term progress reports available online | October 11, 2019 |
| Last day to ADD 2nd half-term classes | October 16, 2019 |
| Last day to DROP 2nd half-term classes* | October 23, 2019 |
| Last day to change to/from AUDIT for 2nd half-term classes | October 23, 2019 |
| Advising Day - only evening classes meet | November 5, 2019 |
| Early Registration for Spring 2019 begins | November 5, 2019 |
| Registration for Spring 2019 begins | November 6, 2019 |
| Last day to WITHDRAW from full-term and 2nd half-term classes** | November 8, 2019 |
| Thanksgiving Break | November 23-December 1, 2019 |
| Thanksgiving - College Holiday | November 27-29, 2019 |
| Final Exams -Wednesday-Friday | December 11-13, 2019 |
| Last Day of Classes | December 13, 2019 |
| Residence Halls close at 10 am | December 14, 2019 |
| Grading Days | December 16-17, 2019 |
| Final Grades DUE by 5 pm | December 18, 2019 |
| Winter Holiday, College Closed | Dec. 24, 2019 - January 1, 2020 |

### Spring 2020

| | |
|---|---|
| In-service - Campus Meeting | January 13-14, 2020 |
| Residence Halls open at 9 am | January 13, 2020 |
| New Student Orientation-Tuesday | January 14, 2020 |
| Classes begin - Wednesday | January 15, 2020 |

AMERICAN OVERSIGHT

| | |
|---|---|
| Last day to ADD 1st half-term classes | January 17, 2020 |
| Last day to ADD full-term classes | January 22, 2020 |
| Last day to change to/from AUDIT for full-term and 1st half-term classes | January 24, 2020 |
| Last day to DROP 1st half-term classes* | January 24, 2020 |
| Last day to DROP full-term classes* | January 29, 2020 |
| Last day to WITHDRAW from 1st half-term classes** | February 14, 2020 |
| Last day of 1st half-term classes | March 6, 2020 |
| Spring Break | March 7-15, 2020 |
| *Residence halls close at 10 am March 7 and open 10 am March 15.* | |
| Second half-term classes begin | March 16, 2020 |
| Mid-term progress reports available online | March 6, 2020 |
| Last day to ADD 2nd half-term classes | March 18, 2020 |
| Last day to change to/from AUDIT for 2nd half-term classes | March 25, 2020 |
| Last day to DROP 2nd half-term classes* | March 25, 2020 |
| Last day to WITHDRAW from full-term and 2nd half-term classes** | April 10, 2020 |
| Advising Day - only evening classes meet | April 14, 2020 |
| Early Registration for Summer and Fall 2020 begins | April 14, 2020 |
| Registration Open | April 15, 2020 |
| Spring Recess - College Holiday | April 10-13, 2020 |
| Final Exams - Wednesday-Friday | May 6-8, 2020 |
| Last day of Classes-Friday | May 8, 2020 |
| Graduation - Saturday | May 9, 2020 |
| Residence Halls close at noon | May 10, 2020 |
| Grading Days | May 11-12, 2020 |
| Final Grades DUE by 5 pm | May 13, 2020 |

## Summer 2020

| | |
|---|---|
| Memorial Day - College Holiday | May 25, 2020 |
| Classes begin | June 8, 2020 |
| Last day to ADD classes | June 10, 2020 |
| Last day to DROP classes* | June 15, 2020 |
| Last day to change to/from AUDIT | June 15, 2020 |
| Independence Day - College Holiday | July 4, 2020 |
| Last day to WITHDRAW from classes** | July 17, 2020 |
| Last day of classes | July 22, 2020 |
| Final Grades DUE by 5 pm | July 27, 2020 |

** course will not appear on transcript*

*** course and "w" grade appears on transcript*

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# 00393100: REVISED 2020 SPRING SEMESTER

ED-20-0731-A-000361

Revised Spring 2020 Academic Calendar (last updated 3-23-20)
ADJUSTED DUE TO COVID-19

Campus Meetings .....January 13-14
Residence Halls open 9 am..... January 13
New Student Orientation – Tuesday..... January 14
Walk-in Payment Day ..... January 14
Classes Begin – Wednesday ..... January 15
Last day to ADD 1st half-term classes ……..... January 17
Last day to ADD full-term classes..... January 22
Last day to DROP 1st half-term classes ……..... January 24
Last day to change to/from AUDIT for 1st half-term classes..... January 24
Last day to DROP full-term classes..... January 29
Last day to change to/from AUDIT for full-term classes…..... January 29
Last day to WITHDRAW from 1st half-term classes…….. February 14
Last day of 1st half-term classes .....March 6
Residence halls closed at 10 am ..... .....March 7
Spring Break.....March 7-April 5
Mid-term progress reports available online .....March 24
Second half-term classes begin.....April 6
Last day to ADD 2nd half-term classes .....April 9
Spring Recess .....April 10-13
Advising Day…….....April 14
Early Registration for Summer & Fall 2020 begins .....April 14
Last day to DROP 2nd half-term classes .....April 15
Last day to change to/from AUDIT for 2nd half-term classes……....April 15
Last day to WITHDRAW from full-term and 2nd –half-term classes...May 5
Final Exams.....May 6-8
Last day of Classes ..... May 8
Grading Days.....May 11-14
Final Grades Due by 5 pm..... May 15

AMERICAN OVERSIGHT

ED-20-0731-A-000363

# 00393100: BEGINNING/END OF ACADEMIC WEEK

AUTHORIZED OVERSIGHT

# Academic Procedures and Policies - Northwest College

## Student Placement Testing

Northwest College is dedicated to helping students increase their levels of academic achievement. Faculty and staff want to be sure students start their college work in English and mathematics at the most appropriate level. Many students also need to build reading comprehension skills in order to be successful with college work.

Northwest College requires new students to arrive with an ACT/SAT score and/or to take the ACCUPLACER Placement Test or ALEKS Test, a computerized multiple-choice assessment instrument. A fee is charged for the ACCUPLACER and ALEKS tests. ACT/SAT, ACCUPLACER, or ALEKS scores are used to place students in the correct level of English, mathematics, and reading courses. Students with an ACT/SAT score may take mathematics or English Placement Tests if they believe their ACT/SAT scores do not adequately reflect their abilities.

*Visit the Registration and Records section of the NWC website for more information.*

## Registration Procedures

The *Semester Class Schedule* contains detailed information on course offerings, instructions about registration procedures, and timelines. Students can register for courses through their MyNWC Portal under the Student Planner link.

### Credit Hour

For NWC courses, one credit hour is equivalent to (1) one hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work each week* for approximately fifteen weeks for one semester hour of credit; or (2) at least an equivalent amount of work as required in definition (1) for other activities as established by Northwest College, including laboratory work, internships, practice, studio work, and other academic work leading toward to the award of credit hours. The NWC Curriculum Committee is charged with reviewing and implementing credit-hour standards and requirements for NWC courses.

*The academic week begins each Monday and ends the subsequent Sunday, in conjunction with the Northwest College fiscal year payroll calendar.

*Visit the Register for Classes section of the NWC website for more information.*

### Student Portal

Current students may view class schedules, register for classes, add classes, drop classes, view grades, check grade point average, update mailing address, review financial aid package, request an official copy of their transcript, or pay fees online at *nwc.edu/MyNWC*.

### Auditing Classes

Students may audit any course. Tuition and fees are still charged. Auditing allows a student the freedom to participate and learn in a classroom setting without traditional academic requirements related to attendance, grading, and testing. No credit is given for audited classes, but they do appear on transcripts.

### Class Load

The typical course load for full-time students is 15-20 credits.

**Student Overload Policy**. Students who want to take more than 20 hours must have a cumulative NWC grade point average of 3.0 or higher and approval of their advisor. First semester freshmen must have a cumulative high school GPA of 3.0 or higher and approval of their advisor. An overload fee is charged for each credit above 20. This fee is the per credit hour tuition in accordance with the student's residency classification.

### Registration Changes and CourseWithdrawals

Students wanting to change their original registration by adding, dropping, or withdrawing from courses, must obtain Change of Registration forms from the Registrar's Office or online at *nwc.edu/MyNWC*. No change in registration is made until a student returns a completed form, with necessary signatures, to the Registrar's Office. Forms must be returned on or before specified dates, or they will not be processed. See additional information in the Academic Calendar and the Refund Policy .

Students may add a class to their original enrollments in accordance to the deadlines set in the Academic Calendar . Exceptions are - (1) courses worth one credit hour or less may be added upon the request of the instructor and with the approval of the division chairperson up to midterm of the course; and (2) instructors within a particular subject area are authorized to transfer students from one level to another within that particular subject area.

Students wanting to terminate enrollment must request, complete, and return an official Change of Status Form available at the

AMERICAN OVERSIGHT

# 00393100: RECALCULATED ACADEMIC YEAR

## OPEID: 00393100 / Northwest College, Powell WY
## Request to Revise 2019-20 Academic Year to 29 weeks due to COVID-19

### Fall 2019 Semester

| | |
|---|---|
| 16 | Weeks in Semester |
| 106 | Days in Pay Period |

| | |
|---|---|
| 8/19/2019 | NWC payroll week begins (Mon-Sun) |
| 8/20/2019 | |
| 8/21/2019 | Semester Starts / First day of class |
| 8/22/2019 | |
| 8/23/2019 | |
| 8/24/2019 | |
| 8/25/2019 | **End of Academic Week 1** |
| 8/26/2019 | |
| 8/27/2019 | |
| 8/28/2019 | |
| 8/29/2019 | |
| 8/30/2019 | |
| 8/31/2019 | |
| 9/1/2019 | **End of Academic Week 2** |
| 9/2/2019 | |
| 9/3/2019 | |
| 9/4/2019 | |
| 9/5/2019 | |
| 9/6/2019 | |
| 9/7/2019 | |
| 9/8/2019 | **End of Academic Week 3** |
| 9/9/2019 | |
| 9/10/2019 | |
| 9/11/2019 | |
| 9/12/2019 | |
| 9/13/2019 | |
| 9/14/2019 | |
| 9/15/2019 | **End of Academic Week 4** |
| 9/16/2019 | |
| 9/17/2019 | |
| 9/18/2019 | |
| 9/19/2019 | |
| 9/20/2019 | |
| 9/21/2019 | |
| 9/22/2019 | **End of Academic Week 5** |
| 9/23/2019 | |
| 9/24/2019 | |
| 9/25/2019 | |
| 9/26/2019 | |
| 9/27/2019 | |
| 9/28/2019 | |
| 9/29/2019 | **End of Academic Week 6** |
| 9/30/2019 | |
| 10/1/2019 | |
| 10/2/2019 | |
| 10/3/2019 | |
| 10/4/2019 | |
| 10/5/2019 | |
| 10/6/2019 | **End of Academic Week 7** |
| 10/7/2019 | |
| 10/8/2019 | |
| 10/9/2019 | |
| 10/10/2019 | |
| 10/11/2019 | |
| 10/12/2019 | |
| 10/13/2019 | **End of Academic Week 8** |
| 10/14/2019 | |
| 10/15/2019 | |
| 10/16/2019 | |
| 10/17/2019 | |
| 10/18/2019 | |
| 10/19/2019 | |
| 10/20/2019 | **End of Academic Week 9** |
| 10/21/2019 | |
| 10/22/2019 | |
| 10/23/2019 | |
| 10/24/2019 | |
| 10/25/2019 | |
| 10/26/2019 | |
| 10/27/2019 | **End of Academic Week 10** |
| 10/28/2019 | |
| 10/29/2019 | |
| 10/30/2019 | |
| 10/31/2019 | |
| 11/1/2019 | |
| 11/2/2019 | |
| 11/3/2019 | **End of Academic Week 11** |
| 11/4/2019 | |

### Spring 2020 Semester

| | |
|---|---|
| 13 | Weeks in Semester |
| 106 | Days in Pay Period (original) |
| 85 | Days in Pay Period (revised on 3.15.20, when decision to close campus/res halls/entend spring break published |

| | |
|---|---|
| 1/13/2020 | NWC payroll week begins (Mon-Sun) |
| 1/14/2020 | |
| 1/15/2020 | Semester Starts / First day of class |
| 1/16/2020 | |
| 1/17/2020 | |
| 1/18/2020 | |
| 1/19/2020 | **End of Academic Week 1** |
| 1/20/2020 | |
| 1/21/2020 | |
| 1/22/2020 | |
| 1/23/2020 | |
| 1/24/2020 | |
| 1/25/2020 | |
| 1/26/2020 | **End of Academic Week 2** |
| 1/27/2020 | |
| 1/28/2020 | |
| 1/29/2020 | |
| 1/30/2020 | |
| 1/31/2020 | |
| 2/1/2020 | |
| 2/2/2020 | **End of Academic Week 3** |
| 2/3/2020 | |
| 2/4/2020 | |
| 2/5/2020 | |
| 2/6/2020 | |
| 2/7/2020 | |
| 2/8/2020 | |
| 2/9/2020 | **End of Academic Week 4** |
| 2/10/2020 | |
| 2/11/2020 | |
| 2/12/2020 | |
| 2/13/2020 | |
| 2/14/2020 | |
| 2/15/2020 | |
| 2/16/2020 | **End of Academic Week 5** |
| 2/17/2020 | |
| 2/18/2020 | |
| 2/19/2020 | |
| 2/20/2020 | |
| 2/21/2020 | |
| 2/22/2020 | |
| 2/23/2020 | **End of Academic Week 6** |
| 2/24/2020 | |
| 2/25/2020 | |
| 2/26/2020 | |
| 2/27/2020 | |
| 2/28/2020 | |
| 2/29/2020 | |
| 3/1/2020 | **End of Academic Week 7** |
| 3/2/2020 | |
| 3/3/2020 | |
| 3/4/2020 | |
| 3/5/2020 | |
| 3/6/2020 | |
| | Spring Break starts (period of 5 days or more) |
| (b)(6) | **End of Academic Week 8** |
| | Oringinal Spring Break end expectation |
| | Original expectation to resume classes |

AMERICAN OVERSIGHT

## OPEID: 00393100 / Northwest College, Powell WY
## Request to Revise 2019-20 Academic Year to 29 weeks due to COVID-19

### Fall 2019 Semester

| | |
|---|---|
| 16 | Weeks in Semester |
| 106 | Days in Pay Period |

| | |
|---|---|
| 11/5/2019 | |
| 11/6/2019 | |
| 11/7/2019 | |
| 11/8/2019 | |
| 11/9/2019 | |
| 11/10/2019 | **End of Academic Week 12** |
| 11/11/2019 | |
| 11/12/2019 | |
| 11/13/2019 | |
| 11/14/2019 | |
| 11/15/2019 | |
| 11/16/2019 | |
| 11/17/2019 | **End of Academic Week 13** |
| 11/18/2019 | |
| 11/19/2019 | |
| 11/20/2019 | |
| 11/21/2019 | |
| 11/22/2019 | |
| | Thanksgiving Break starts (period of 5 days or more excluded) |
| (b)(6) | **End of Academic Week 14** |
| | |
| | |
| | |
| | |
| | |
| | |
| | Thanksgiving Break ends |
| 12/2/2019 | Classes resume |
| 12/3/2019 | |
| 12/4/2019 | |
| 12/5/2019 | |
| 12/6/2019 | |
| 12/7/2019 | |
| 12/8/2019 | **End of Academic Week 15** |
| 12/9/2019 | |
| 12/10/2019 | |
| 12/11/2019 | Final Exams Begin |
| 12/12/2019 | |
| 12/13/2019 | Final Exams End / Semester Ends |
| 12/14/2019 | |
| 12/15/2019 | **End of Academic Week 16** |

### Spring 2020 Semester

| | |
|---|---|
| 13 | Weeks in Semester |
| 106 | Days in Pay Period (original) |
| 85 | Days in Pay Period (revised on 3.15.20, when decision to close campus/res halls/entend spring break published |

| | |
|---|---|
| (b)(6) | |
| | |
| | |
| | |
| | |
| | |
| | Extended Spring Break (COVID-19) ends |
| 4/6/2020 | Classes resume |
| 4/7/2020 | |
| 4/8/2020 | |
| 4/9/2020 | |
| 4/10/2020 | |
| 4/11/2020 | |
| 4/12/2020 | **End of Academic Week 9** |
| 4/13/2020 | |
| 4/14/2020 | |
| 4/15/2020 | |
| 4/16/2020 | |
| 4/17/2020 | |
| 4/18/2020 | |
| 4/19/2020 | **End of Academic Week 10** |
| 4/20/2020 | |
| 4/21/2020 | |
| 4/22/2020 | |
| 4/23/2020 | |
| 4/24/2020 | |
| 4/25/2020 | |
| 4/26/2020 | **End of Academic Week 11** |
| 4/27/2020 | |
| 4/28/2020 | |
| 4/29/2020 | |
| 4/30/2020 | |
| 5/1/2020 | |
| 5/2/2020 | |
| 5/3/2020 | **End of Academic Week 12** |
| 5/4/2020 | |
| 5/5/2020 | |
| 5/6/2020 | Final Exams Begin |
| 5/7/2020 | |
| 5/8/2020 | Final Exams End / Semester Ends |
| 5/9/2020 | |
| 5/10/2020 | **End of Academic Week 13** |

AMERICAN OVERSIGHT

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# 00393100: 2019-20 ACADEMIC PROGRAMS

ED-20-0731-A-000368

# 2019-2020 COLLEGE CATALOG

## Programs of Study

A.A. = Associate of Arts

A.S. = Associate of Science

A.D.N. = Associate Degree in Nursing

A.A.S = Associate of Applied Science

S.C. = Skills Certificate

C.S.C. = Comprehensive Skills Certificate

- Accounting, A.S.
- Advanced Welding, S.C.
- Aeronautics, A.A.S.
- Agriculture - Production, C.S.C.
- Agriculture Business, A.S.
- Agriculture Education, A.S.
- Agriculture – Farm and Ranch Management, A.A.S.
- Agriculture – Production, A.A.S.
- Agriculture – Range Management, A.S.
- Agroecology, A.S.
- Allied Health, A.S.
- Animal Science, A.S.
- Anthropology, A.A.
- Archaeological Technician, S.C.
- Archaeology Technology, A.S.
- Art, A.A.
- Biology, A.S.
- Business Administration, A.S.
- Business, A.A.S.
- Chemistry, A.S.
- Coach – Assistant, S.C.
- Coach – Head, S.C.
- Communication, A.A.
- Computer Science, A.S.
- Conservation Law Enforcement, A.A.
- Criminal Justice One Year Certificate C.S.C.
- Criminal Justice, A.A.
- Criminal Justice, A.A.S.
- Drafting Technology, A.A.S.
- Drafting Technology, S.C.
- Early Childhood Education, A.A.
- Early Childhood Education, A.S.
- Elementary Education, A.A.
- Elementary Education, A.S.
- Engineering, A.S.
- English Studies, A.A.
- Equine Business Management, A.A.S.
- Equine Care and Basic Riding, S.C.
- Equine Riding and Training with Emphasis on Riding, A.A.S.
- Equine Riding and Training with Emphasis on Riding, Certificate
- Equine Riding and Training with Emphasis on Training, A.A.S.
- Equine Riding and Training with Emphasis on Training, Certificate
- Gas Metal Arc Welding (GMAW), S.C.
- Gas Tungsten Arc Welding (GTAW), S.C.
- General Studies, A.A.
- General Studies, A.S.
- Graphic Design, A.A.
- Graphic Design, A.A.S.
- History, A.A.
- Mathematics, A.S.
- Medical Assistant Certificate, S.C.
- Music Technology, A.A.S.
- Music, A.A.
- Natural Resource Biology, A.S.
- Nursing - Certified Nursing Assistant, S.C.
- Nursing - Practical Nursing (LPN), C.S.C.
- Nursing - Registered Nurse, A.D.N

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- Outdoor Education and Recreational Leadership, A.S.
- Outdoor Recreation Leadership, A.A.S
- Photographic and Digital Preservation Specialist, S.C.
- Photographic Communications, A.A.S.
- Physics, A.S.
- Political Science, A.A.
- Pre-Occupational Therapy, A.S.
- Pre-Optometry, A.S.
- Pre-Pharmacy, A.S.
- Pre-Physical Therapy, A.S.
- Pre-Professional Sciences, A.S.
- Psychology, A.A.
- Robotics Technology, S.C.
- Secondary Education, A.A.
- Secondary Education, A.S.
- Social Science, A.A.
- Sociology, A.A.
- Spanish - World Languages, A.A.
- Technical Studies A.A.S.
- Veterinary Assistant, A.A.S.
- Welding Technology, A.A.S.
- Welding Technology, C.S.C.

AMERICAN OVERSIGHT

**From:** Schulz, Eric
**Sent:** Thu, 26 Mar 2020 16:40:19 +0000
**To:** COVID-19
**Subject:** FW: $25 Million to Support Distance Learning

COVID-19 Team:

Please see the attached inquiry received today from the State of Michigan.

**Eric L. Schulz**
OESE/Office of Rural, Insular, and Native Achievement Programs
U.S. Department of Education - Room 3E-210
400 Maryland Ave. SW
Washington, DC 20202
(202) 260-7349

---

**From:** Vang, Shoua (MDE) <VangS1@michigan.gov>
**Sent:** Thursday, March 26, 2020 11:45 AM
**To:** Schulz, Eric <Eric.Schulz@ed.gov>
**Cc:** Daniels, Paula (MDE) <DanielsP1@michigan.gov>; Williams, Fred (MDE) <WilliamsF3@michigan.gov>; Liethen, Caroline (MDE) <LiethenC@michigan.gov>
**Subject:** $25 Million to Support Distance Learning
**Importance:** High

Eric,

I hope you are doing well and staying healthy during this unprecedented time. Would you be able to provide the Michigan Department of Education with additional guidance in regards to the $25 million Coronavirus Bill for K-12 rural schools for "distance learning" allocated to states? Any information that you could pass along would be much appreciated as I understand that this is all breaking news.

http://blogs.edweek.org/edweek/campaign-k-12/2020/03/senate-coronavirus-bill-passes-education-funding.html

Thank you!

Shoua Vang
Financial Manager
Office of Educational Supports, Financial Unit
Michigan Department of Education
Ph: 517-335-0909
VangS1@michigan.gov

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 26 Mar 2020 17:04:54 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: $25 Million to Support Distance Learning

Hello,

The below inquiry was received in the COVID-19 mailbox. Please respond.

Thanks,

Christine

---

**From:** Schulz, Eric <Eric.Schulz@ed.gov>
**Sent:** Thursday, March 26, 2020 12:40 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: $25 Million to Support Distance Learning

COVID-19 Team:

Please see the attached inquiry received today from the State of Michigan.

**Eric L. Schulz**
OESE/Office of Rural, Insular, and Native Achievement Programs
U.S. Department of Education - Room 3E-210
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**To:** Schulz, Eric <Eric.Schulz@ed.gov>
**Cc:** Daniels, Paula (MDE) <DanielsP1@michigan.gov>; Williams, Fred (MDE) <WilliamsF3@michigan.gov>; Liethen, Caroline (MDE) <LiethenC@michigan.gov>
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http://blogs.edweek.org/edweek/campaign-k-12/2020/03/senate-coronavirus-bill-passes-education-funding.html

Thank you!

Shoua Vang
Financial Manager
Office of Educational Supports, Financial Unit
Michigan Department of Education
Ph: 517-335-0909
VangS1@michigan.gov

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Thu, 26 Mar 2020 20:02:13 +0000
**To:** FSA Case Teams
**Cc:** COVID-19
**Subject:** FW: 00979600 South Seattle College Reduced Operations due to COVID-19

Hello,

Please see notice re reduction in school's operations.

Thank you

---

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Wednesday, March 11, 2020 11:25 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: 00979600 South Seattle College Reduced Operations due to COVID-19

Please see the COVID-19 inquiry below.

---

**From:** "Soltis, Corinne" <Corinne.Soltis@Seattlecolleges.edu>
**Date:** Wednesday, March 11, 2020 at 2:23 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>, AskAFed <AskAFed@ed.gov>, "Taylor, Nancy" <Nancy.Taylor@ed.gov>
**Subject:** 00979600 South Seattle College Reduced Operations due to COVID-19

I would like to request that someone call me back at (253) 219-8684.

My name is Corinne Soltis, and I am the Director of Financial Aid at South Seattle College in Seattle, WA OPEID: 00970600

I need to report reduced operations due to the COVID-19 virus on my campus and my college's decision to go remote for staff and students. I also need to request regulatory disaster relief in that, while we are working remotely and the college is operational, we cannot use our remote software to use the EdConnect and EDExpress software to exchange files, request or return funds within regulatory periods.

At this time, please do not call my office number (206) 934-6739 as call forwarding to my above cell phone is not yet operational.

Thank you,

AMERICAN OVERSIGHT

Corinne Soltis

Director of Financial Aid

South Seattle College

corinne.soltis@seattlecolleges.edu

www.southseattle.edu/financial-aid/

AMERICAN OVERSIGHT

**From:** Carr, Steven
**Sent:** Thu, 26 Mar 2020 16:09:26 +0000
**To:** COVID-19
**Cc:** Gillette, Lisa;Bentley-Memon, Millicent;Martinez, Sarah
**Subject:** FW: CAMP student staff employees

This grantee is requesting Department guidance regarding the payment of student employees using grant funds. See message below.

**From:** Ofelia Gamez <ofeliag@mail.fresnostate.edu>
**Sent:** Thursday, March 26, 2020 12:03 PM
**To:** Carr, Steven <Steven.Carr@ed.gov>
**Cc:** Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** CAMP student staff employees

Good morning Steven (and Lisa),

I hope you both are well.

I am sure you have been bombarded with many questions during this COVID-19 pandemic. Here is a question that has been raised on our campus with regards to federal programs. As you are aware, most institutions have gone to remote work providing services to students online, Zoom and many other mobile and online features.

Our stateside human resources (federal program staff are Foundation employees) has approved for student staff to be paid through April 5th (day before Spring Break on our campus) whether they are working remotely or not. Now they have also approved for student staff, who qualify to apply for up to 128 hour of sick pay for the month of April. There is nothing else set up for student staff for the month of May and student staff can choose to apply for unemployment.

Many Foundation federal program staff and other CAMP directors have reached out to ask me if they are able to continue to pay their students staff due to this COVID-19 situation and because it is allocated in their budget? Some student staff have been allowed to work remotely while others have not and it is tough to provide clear direction to our student staff who are all willing to continue to work about their pay and future employment. Fresno State CAMP would like to request approval to continue to pay our CAMP part-time staff their normal weekly hours until the end of the spring 2020 semester through our USDE CAMP funds due to this COVID-19 situation that is beyond their control.

I look forward to hearing your feedback. Thank you.

Ofelia Gamez,
Director, College Assistance Migrant Program (CAMP)
Coordinator, Renaissance Scholars Program
5241 N. Maple Ave., M/S TA 61
Fresno, CA 93740
559-278-4768

AMERICAN OVERSIGHT

www.fresnostate.edu/studentaffairs/camp
www.fresnostate.edu/studentaffairs/rsp

*ACHIEVER / COMMUNICATOR / RELATOR / ARRANGER / ACTIVATOR*

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Thu, 26 Mar 2020 18:15:27 +0000
**To:** COVID-19;mandybglass@gmail.com
**Subject:** FW: Coronavirus and Eligibility/IEP timelines

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

Dear Amanda Glass,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Amanda Glass (b)(6) -
Sent: Wednesday, March 25, 2020 5:21 PM
To: answers <answers@ed.gov>
Subject: Coronavirus and Eligibility/IEP timelines

AMERICAN OVERSIGHT

Good afternoon,

I am a speech-language pathologist in a school system in Tennessee. Due to the Coronavirus we cannot return school until April 24th. I deeply care about the children I serve and I truly want what is best for them. At this time as special educators we are expected to uphold Eligibility/IEP timelines during these closures. I work at a very low income school and I am hesitant to want to contact my parents during this time. Many are facing unemployment and it seems petty to contact them about school services their child will not receive at the moment. I urge you to consider waiving these timelines until schools are in session. I say this with the utmost respect during these uncertain times. I realize you all have very difficult jobs and are navigating uncharted waters.

Best regards,

Amanda Glass M.S., CCC-SLP

AMERICAN OVERSIGHT

**From:** Stephenson, Todd
**Sent:** Thu, 26 Mar 2020 16:04:28 +0000
**To:** COVID-19
**Subject:** FW: Coronavirus Bill With $13.5 Billion for Schools
**Importance:** High

Please see question below. The question is about a bill that is not law yet as of Thursday morning. However, if the bill that passed the Senate is enacted into law, the answer to Michigan's question is yes with respect to the Education stabilization funds allocated to SEAs.

Todd

---

**From:** Vang, Shoua (MDE) <VangS1@michigan.gov>
**Sent:** Thursday, March 26, 2020 11:32 AM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Cc:** Daniels, Paula (MDE) <DanielsP1@michigan.gov>; Williams, Fred (MDE) <WilliamsF3@michigan.gov>; Liethen, Caroline (MDE) <LiethenC@michigan.gov>
**Subject:** Coronavirus Bill With $13.5 Billion for Schools
**Importance:** High

Todd,

I hope you are doing well during this unprecedented time. I have a question in regards to the Coronavirus bill that just passed late last night; would it be safe to say that the $13.5 billion Coronavirus Bill for K-12 schools will be allocated to states based on the FY2019 Title I formula? Any information that you could pass along would be much appreciated as I understand that this is all breaking news.

Thank you!

Shoua Vang
Financial Manager
Office of Educational Supports, Financial Unit
Michigan Department of Education
Ph: 517-335-0909
VangS1@michigan.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 26 Mar 2020 17:50:38 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Coronavirus Bill With $13.5 Billion for Schools
**Importance:** High

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,

Christine

---

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**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Coronavirus Bill With $13.5 Billion for Schools
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Todd

---

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**Sent:** Thursday, March 26, 2020 11:32 AM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Cc:** Daniels, Paula (MDE) <DanielsP1@michigan.gov>; Williams, Fred (MDE) <WilliamsF3@michigan.gov>; Liethen, Caroline (MDE) <LiethenC@michigan.gov>
**Subject:** Coronavirus Bill With $13.5 Billion for Schools
**Importance:** High

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Thank you!

Shoua Vang
Financial Manager
Office of Educational Supports, Financial Unit
Michigan Department of Education
Ph: 517-335-0909
VangS1@michigan.gov

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Thu, 26 Mar 2020 20:49:14 +0000
**To:** COVID-19
**Subject:** FW: COVID 19 Impact on Maintenance of Effort

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov| 202.453.5719

---

**From:** Nakia Jason <Nakia.Jason@LA.GOV>
**Sent:** Thursday, March 26, 2020 4:38 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** COVID 19 Impact on Maintenance of Effort

Good afternoon,

I am inquiring on any information or changes in guidance that may be available to assist SEAs regarding overseeing the challenges that LEAs may face to meet the Maintenance of Effort fiscal requirement.

Please share any guidance or information or references.

Thanks,

Nakia Jason
Federal Audit Supervisor
**Louisiana Department of Education**
1201 North Third Street
Baton Rouge, LA 70802
**(225) 342-2092**
louisiana Believes

https://2020census.gov/

AMERICAN OVERSIGHT

**From:** Willey, Josiah
**Sent:** Thu, 26 Mar 2020 14:28:17 +0000
**To:** COVID-19
**Subject:** FW: COVID-19 and MOE

FYI – Charter school, MOE and staffing question from a MN district

***Josiah L. R. Willey, Ed.D.***
Education Program Specialist
Office of Special Education Programs
U.S. Department of Education
550 12th St, SW, Room 5001
Washington DC, 20202
Josiah.Willey@ed.gov
202-245-6247
**www.ed.gov/osers** | **Subscribe**

---

**From:** Tamera Pulver <(b)(6) [redacted]>
**Sent:** Thursday, March 26, 2020 9:49 AM
**To:** Ferrin, Paul (MDE) <paul.ferrin@state.mn.us>; Willey, Josiah <Josiah.Willey@ed.gov>
**Cc:** MDE <robyn.widley@state.mn.us>
**Subject:** COVID-19 and MOE

Dear Paul and Josiah,
Due to the COVID-19 district leaders are very concerned about maintaining special ed funding for paraprofessionals. As leaders, we are building schedules for our special ed paras to ensure their duties are allowable, necessary, and reasonable, as required by Federal law.

Charter Schools need to retain and use special education paras for Distance Learning activities to support special ed students. I understand the Governor has lifted restrictions on the use of general ed revenue and districts are being advised to reallocate general ed dollars to use for paraprofessionals to complete mandated duties by our State and Federal leaders. Charter schools operate on a thin budget and we do not enjoy the options of our resident districts.
Additionally, we risk losing needed staff for programming when students return to school. Most charter schools have postings up all year long to hire paras to meet the needs of some of our most vulnerable students.
If districts are forced to lay off or reduce special ed expenditure, they will not maintain effort. There is no Exception in https://sites.ed.gov/idea/regs/b/c/300.204 to justify this reduction and charter schools will incur additional loss for not maintaining effort.

Thanks for all of your work during this extraordinary times.

Kindly advise,

Tamera Pulver
Director of Special Education
Autism/Behavior Specialist

AMERICAN OVERSIGHT

612.356.6593

(b)(6)

*Partners in Progress: Sharing Strategies for Serving Students with Disabilities.*
*Center for Reinventing Public Education (CRPE) and the National Center for Special Education in Charter Schools.*
*Funded by the Bill & Melinda Gates Foundation.*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 26 Mar 2020 14:47:25 +0000
**To:** VanderPloeg, Laurie;Corr, Gregg;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: COVID-19 and MOE

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,

Christine

---

**From:** Willey, Josiah <Josiah.Willey@ed.gov>
**Sent:** Thursday, March 26, 2020 10:28 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: COVID-19 and MOE

FYI – Charter school, MOE and staffing question from a MN district

***Josiah L. R. Willey, Ed.D.***
Education Program Specialist
Office of Special Education Programs
U.S. Department of Education
550 12th St, SW, Room 5001
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Josiah.Willey@ed.gov
202-245-6247
**www.ed.gov/osers** | **Subscribe**

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**To:** Ferrin, Paul (MDE) <paul.ferrin@state.mn.us>; Willey, Josiah <Josiah.Willey@ed.gov>
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AMERICAN OVERSIGHT

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Thanks for all of your work during this extraordinary times.

Kindly advise,

Tamera Pulver
Director of Special Education
Autism/Behavior Specialist

612.356.6593

tapulver@comcast.net

*Partners in Progress: Sharing Strategies for Serving Students with Disabilities.*
*Center for Reinventing Public Education (CRPE) and the National Center for Special Education in Charter Schools.*
*Funded by the Bill & Melinda Gates Foundation.*

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**From:** Fox, Leslie
**Sent:** Thu, 26 Mar 2020 15:55:34 +0000
**To:** COVID-19;Schneer, Matthew;Murray, Susan
**Cc:** Moran, Kate;Corr, Gregg
**Subject:** FW: COVID-19 and Part C funds

Good Morning Matt and Susan,

I have received a question from Puerto Rico-C about use of funds. I will review the information Kate has posted in the COVID-19 one notebook to see if I can find potential answers on my own. I'd like to run any potential reply past our fiscal team before I set up a call with Ana to discuss specifics.

I'm assuming we need more information such as:

1. what are the specific new tasks
2. which Part C personnel are involved in the tasks
3. how much money are they wanting to use
4. how do the tasks specifically support the needs of infants, toddlers and families in Part C
5. any anticipated impact on direct service delivery if funds are diverted

Anything else??

Leslie

---

**Subject:** COVID-19 and Part C funds

Good Morning Leslie,

As you know, the Puerto Rico Department of Health is working with the COVID-19 pandemic. Certain professionals are going to be asked to participate in teams as needs arise, such as epidemiologists, social workers, doctors, nurses, program evaluators and program coordinators. We have questions as to whether new tasks related to the public health emergency can be paid with Part C funds. Does OSEP have a guidance on what Part C funds can be used for in the times of the pandemic?

As always, I appreciate your continuous support.

Ana

Ana Marie Ríos López, MS
IDEA Part C Coordinator
Maternal, Child and Adolescent Health Division
Puerto Rico Department of Health

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 26 Mar 2020 17:38:56 +0000
**To:** VanderPloeg, Laurie;Corr, Gregg;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: COVID-19 and Part C funds

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,

Christine

---

**From:** Fox, Leslie <Leslie.Fox@ed.gov>
**Sent:** Thursday, March 26, 2020 11:56 AM
**To:** COVID-19 <COVID-19@ed.gov>; Schneer, Matthew <Matthew.Schneer@ed.gov>; Murray, Susan <Susan.Murray@ed.gov>
**Cc:** Moran, Kate <Kate.Moran@ed.gov>; Corr, Gregg <Gregg.Corr@ed.gov>
**Subject:** FW: COVID-19 and Part C funds

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Leslie

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**Subject:** COVID-19 and Part C funds

Good Morning Leslie,

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As you know, the Puerto Rico Department of Health is working with the COVID-19 pandemic. Certain professionals are going to be asked to participate in teams as needs arise, such as epidemiologists, social workers, doctors, nurses, program evaluators and program coordinators. We have questions as to whether new tasks related to the public health emergency can be paid with Part C funds. Does OSEP have a guidance on what Part C funds can be used for in the times of the pandemic?

As always, I appreciate your continuous support.

Ana

Ana Marie Ríos López, MS
IDEA Part C Coordinator
Maternal, Child and Adolescent Health Division
Puerto Rico Department of Health

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**From:** answers
**Sent:** Thu, 26 Mar 2020 18:10:47 +0000
**To:** COVID-19;rkpmail@icloud.com
**Subject:** FW: Distance Learning

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 26, 2020

Ruta Puskorius
(b)(6) @icloud.com

Dear Ruta Puskorius,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

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-----Original Message-----
From: Ruta Puskorius <(b)(6) @icloud.com>
Sent: Wednesday, March 25, 2020 1:14 PM
To: answers <answers@ed.gov>
Subject: Distance Learning

Dear US Dept. of Ed,
We are now undergoing one of the biggest changes to our educational system with distance learning. The statements and support coming from your offices appear weak. What is the Dept of Education doing specifically to support students, educators, schools, and families? We need to hear from you.
Sincerely,
Ruta Puskorius
Washington, DC

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 26 Mar 2020 15:15:51 +0000
**To:** Sullivan, Madeline
**Cc:** COVID-19
**Subject:** FW: Evaluations

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,

Christine

-----Original Message-----
From: Kim Johnson <KGJohnson@mesquiteisd.org>
Sent: Monday, March 16, 2020 10:20 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Evaluations

We are struggling to find a way to complete evaluations and maintain the recommended 6 foot social distancing requirement. Having to point to specific test items, observe student responses, give students manipulatives are just a few examples of things done in the evaluation session which won't allow the evaluator to maintain the appropriate distance. We can't find a way to do these virtually, either. I would ask that your department seriously considers allowing districts to suspend evaluation timelines until we are able to work with students face to face. We want our students to have the services they need, but not at the risk of their or our staff members' health.

Sent from Mail<https://go.microsoft.com/fwlink/?LinkId=550986> for Windows 10

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 26 Mar 2020 17:56:54 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Friday, March 27 Coronavirus Task Force Briefing

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,

Christine

---

**From:** Susan McElroy <smcelroy@cchalaw.com>
**Sent:** Thursday, March 26, 2020 1:45 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Friday, March 27 Coronavirus Task Force Briefing

I understand that DeVos will be speaking at this briefing. What time is it being held and how can we tune in/access it online? Thank you!

**Susan McElroy** | Legal Assistant

**Church Church Hittle + Antrim**
Two North Ninth Street
Noblesville, IN 46060

**P:** 317.773.2190 | **F:** 317.773.5320
cchalaw.com

cch+a

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**From:** Calderon, Brenda
**Sent:** Thu, 26 Mar 2020 14:26:46 +0000
**To:** COVID-19
**Cc:** Vakil, Mandana
**Subject:** FW: Guidance on EL Services and Exit

FYI these were sent to OELA, please route to Title III, Part A, SSA office.

---

**From:** Anand, Supreet <Supreet.Anand@ed.gov>
**Sent:** Thursday, March 26, 2020 10:04 AM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Subject:** Fwd: Guidance on EL Services and Exit

FYI - Another set of questions/concerns.
Do you have a tentative timeline on how quickly OESE will be able to get the guidance out?

Sent from my iPhone

Begin forwarded message:

> **From:** "Norton, Jennifer (OSSE)" <Jennifer.Norton@dc.gov>
> **Date:** March 26, 2020 at 9:50:49 AM EDT
> **To:** "Anand, Supreet" <Supreet.Anand@ed.gov>
> **Subject: Guidance on EL Services and Exit**
>
> Dear Supreet,
>
> My name is Jennifer Norton, manager for English learner supports at the DC SEA. DC was in the midst of ACCESS testing when schools were closed due to COVID and as a result we are grappling with exit criteria for ELs whose ACCESS testing was not completed. We also want to provide support and clarity to LEAS on the identification of ELs and provision of EL services during distance learning.
>
> I wanted to ask if there is any guidance pending release on these topics, and if so a sense of timing on the release?
>
> Thank you for your help,
>
> Jennifer
> Jennifer Norton, Ed.D.
> Program Manager for English Learner Supports
> Desk: (202) 478-5987
> Cell: (202) 394-8806
> Jennifer.Norton@dc.gov

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*Telework days: Tuesdays & Fridays*

Subscribe to the new Teaching and Learning PD Bulletin by clicking here

For the latest information on the District Government's response to COVID-19 (Coronavirus), please visit coronavirus.dc.gov.

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**From:** Johnson, Patricia
**Sent:** Thu, 26 Mar 2020 19:04:02 +0000
**To:** COVID-19
**Cc:** Osborne, Joanne;Carr, Patrick
**Subject:** FW: Guidance on grant administration in midst of COVID19 affecting schools

We received the inquiry below from a grantee with the Native Hawaiian Education Program.

Pat O'Connell Johnson
Group Leader, Native Achievement Programs
RINAP
Room 3E230 LBJ
U.S. Department of Education
Washington, DC
Patricia.Johnson@ed.gov
(202) 260-7813

**From:** Michael Maglaya <maglaya@hawaii.edu>
**Sent:** Wednesday, March 18, 2020 2:13 AM
**To:** Osborne, Joanne <Joanne.Osborne@ed.gov>
**Cc:** Aysia Ferrer <aysiaa@hawaii.edu>; Kawai Moss <kmoss@hawaii.edu>; Norelle Quila <aquila@hawaii.edu>
**Subject:** Re: Guidance on grant administration in midst of COVID19 affecting schools

Aloha Joanne,

I hope all is well with you and the team there in DC as we are are here in Hawaii. I am emailing to find out if there is any guidance with respect to the administration of our program in the midst of the Covid-19.

The recommendations for social distancing at the local and federal levels have directly impacted our ability to implement our programs and events going forward for who knows how long. With talk of cancelling or postponing activities perhaps until August hits us hard as well. These are just some issues.

Will there be any information coming out from your office recommending how to proceed with our project in the midst of the Covid-19 crisis? Let me know.

Stay safe.

Mike Maglaya
Manawa Kupono Native Hawaiian Project

On Mon, Jan 6, 2020 at 10:43 AM Osborne, Joanne <Joanne.Osborne@ed.gov> wrote:

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Aloha Mike- Mahalo for circling back ( been out for a couple of weeks). Puerto Rico is a United States territory and can be considered as domestic travel. I hope this helps.
joanne

**From:** Michael Maglaya <maglaya@hawaii.edu>
**Sent:** Monday, January 6, 2020 2:49 PM
**To:** Osborne, Joanne <Joanne.Osborne@ed.gov>
**Subject:** Re: Question re: travel

Aloha Joanne,

Wondering if you got an answer for me regarding the NACADA Annual Conference in Puerto Rico?

Mike

Michael H. Maglaya, Director
College Opportunities Program
PI, Manawa Kūpono Native Hawaiian Program
University of Hawai'i at Mānoa
2600 Campus Road, QLC 308
Honolulu, HI 96822
Ph: (808) 956-6186
Fax: (808) 956-6837

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On Mon, Dec 16, 2019 at 11:27 AM Osborne, Joanne <Joanne.Osborne@ed.gov> wrote:

> Aloha Mike- will check on this an get back to you.
> joanne
> **From:** Michael Maglaya <maglaya@hawaii.edu>
> **Sent:** Monday, December 16, 2019 4:16 PM
> **To:** Osborne, Joanne <Joanne.Osborne@ed.gov>
> **Subject:** Question re: travel
>
> Aloha Joanne,

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The National Academic Advising Association (NACADA) will be having their 2020 Annual Conference in Puerto Rico in October 2020. I wanted to see if this location is considered domestic or international for travel purposes. Is this an allowable location for travel?

Mike

Michael H. Maglaya, Director
College Opportunities Program
PI, Manawa Kūpono Native Hawaiian Program
University of Hawai'i at Mānoa
2600 Campus Road, QLC 308
Honolulu, HI 96822
Ph: (808) 956-6186
Fax: (808) 956-6837

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--
Sent from Gmail Mobile

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**From:** COVID-19
**Sent:** Thu, 26 Mar 2020 14:00:01 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Help for K-12 Students, Parents, Caregivers

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,

Christine

---

**From:** Janie Holbrook <janieholbrook@cox.net>
**Sent:** Thursday, March 26, 2020 10:01 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Help for K-12 Students, Parents, Caregivers

I am asking the US Department of Education to provide an online resource to assist students, parents and caregivers in managing through this difficult time.

Now that vital issues like student loan payments have been addressed, it is time to lead American families in dealing with this crisis.

Approximately one third of the nation has been told to stay home. Schools have been cancelled but many adults are either working from home, or are working in essential services including health care.

My challenge for the US Department of Education is to create a safe and secure online platform that can be used to help structure student's time, provide them with learning activities, enrich their lives, and reduce their boredom and the counterproductive actions that often result from boredom. Furthermore, be up and running in three (3) business days.

This should be possible with resources already available. This is not a big-budget item. This is six IT people and six content coordinators dedicated for three days. One dozen people; each giving three days. Three phone calls should get a corporate sponsor to defray the cost, if necessary.

**What families need:**

--Acknowledgement that these are challenging times. Most parents and caregivers are neither educators nor free to become home-schoolers full-time. Many are juggling jobs and other responsibilities.

--Assurance that we can do this… together. Let's shift the messaging from "this is hard so we'll quit at Easter" to "We Got This!" My parents were children during the depression, and my father was stationed

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at Pearl Harbor on Dec 7, 1941, yet their generation put mankind on the moon and began to open the American Dream to all citizens regardless of race, creed, color or gender. Let's channel the resolve and fortitude of the Greatest Generation; let's get this done.

--Sample daily routines based on age (an example shared on a neighborhood social media site follows)

--Links to free websites that provide a range of activities, grouped by topic and/or age. A 1-3 sentence description would be helpful.

Topics can include but are not limited to: Science (divided by Elementary, Biology, Chemistry..); Word Searches and Puzzles; Math; Arts (include links to museums offering virtual tours, youtube videos on drawing…); Exercise and Sports (youtube yoga, gentle yoga for those with physical limitations including older caregivers, tai chi, ask LeBron to provide content on dribbling and a message to put pick-up games on hold); Literature; Studio Arts; Music; Social Studies; Technology (e.g. coding); Languages.

**What families don't need:**

--Perfection – Launch in three days and improve thereafter. Include reasonable caveats: parents should review sites for appropriateness; no government responsibility for specific content. Include a reporting mechanism for violent, racist, explicit and other inappropriate content.

--Government created content. Content is already out there but families who do not homeschool don't know where to find it. Many school systems closed before it was possible to implement online learning strategies. Many school systems do not have the resources to tackle this. However, between the Department and the many fine Universities with Education faculty, and the existing homeschooling resources, content and capability exists.

**What would be nice:**

--Free limited duration subscriptions for many of the sites that provide enrichment. Why will companies do this? It is good marketing, good public relations, and the right thing to do. Audible, Adobe Creative Suite (Photoshop, Illustrator…), Pandora, Spotify, Disney, Netflix, Hulu, Berlitz, iTunes… 30 days to help America deal with social distancing. New subscribers only. Why not ask?

--Crowd sourced content that is awesome. Not just actors and actresses sending out warm fuzzies, but rap stars providing homemade video with advice on rhyme schemes and cadence, Grammy winners sharing their vocal warm up routines, pro athletes sharing the exercises they do to stay loose and strong, cartoonists sharing how they draw a puppy, photographers sharing how to use your phone to create stunning images of insects or flowers or clouds (not people).

Please provide a tool American families can use to guide them through this pandemic, and to overcome the challenges of social distancing and school closures.

Respectfully,

Janie Holbrook

Sample Schedule developed by real parents working from home (not me):

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By 9: Wake up/dress/brush teeth, etc.

9-9:30: breakfast 9:30-10:15: math (Top Score worksheets on Blackboard for older; Num Fu - addition/subtraction for younger)

10:15-10:45: reading books or writing about a topic (switch days) (older); sight words or practice writing letters (younger)

10:45-11:15: Spanish for kids on YouTube/snack

11:15-12:00: active time/recess (outdoor play)

12:00-12:30: lunch

12:30-1:00: free iPad time 1:00-1:30: Wendy Mac art (Instagram Live)

1:30-2:00: coding (code.org)

2:00-3:00: flex time (music/dance/hockey)

3:00-3:30: Cincinnati Zoo (Facebook Live).

We have built in a little extra time in places to transition or if the kids are being crazy, but keeping a general schedule helps a ton. They expect math/reading in the am, snacks at Spanish, and coding in the afternoon.

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**From:** Carr, Steven
**Sent:** Thu, 26 Mar 2020 16:06:50 +0000
**To:** COVID-19
**Cc:** Gillette, Lisa;Bentley-Memon, Millicent;Martinez, Sarah
**Subject:** FW: HEP Grant Employees During College Closure Resulting from COVID-19
**Attachments:** M-20-17 Administrative Relief for Recipients and Applicants of Federal Financial Assistance.pdf, Coronavirus Update as of March 26, 2020
**Importance:** High

This grantee, quoting OMB's guidance to Federal Departments, is requesting ED approval for HEP staff to continue to be paid from HEP funds. Please see message below for full context.

---

**From:** Virginia Champion <vchampion@southtexascollege.edu>
**Sent:** Thursday, March 26, 2020 11:16 AM
**To:** Carr, Steven <Steven.Carr@ed.gov>
**Cc:** Olivia D. De La Rosa <otrevin3@southtexascollege.edu>; David Michael Passero <dpassero@southtexascollege.edu>
**Subject:** HEP Grant Employees During College Closure Resulting from COVID-19
**Importance:** High

Good morning Mr. Carr,
We have a request regarding personnel funded by the High School Equivalency Grant awarded to South Texas College. We are aware that in a Memorandum from the Office of Management and Budget (M-20-17) sent to the Heads of Executive Departments and Agencies regarding *Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19) due to Loss of Operations* provided guidance to Awarding Agencies for the allowability of salaries and other project activities.

Our request is for USDE / HEP Program to allow for personnel salaries and benefits be used pay for employees at our College who work from home on grant activity during the temporary College closure resulting from COVID-19?

South Texas College serves a 2-county service area comprised of Starr and Hidalgo Counties. As noted in the attached Updated on COVID-19 from our College President, Starr County issued a Stay at Home/Stay Safe Order and Hidalgo County has issued a Shelter at Home Order. As such, College President has notified all STC employees that *"All employees will transition to working from home and will receive directives from their supervisors."*

Should you wish to discuss our request, please contact me at (956) 872-6760.

Thank you,

Virginia Champion, EdD
*Executive Director for Resource Development, Management and Compliance*
South Texas College
Office: (956) 872-6760

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Fax: (956) 872-6767
Email: vchampion@southtexascollege.edu
Webpage: http://admin.southtexascollege.edu/grants/index.html

**South Texas College Core Values**

**STUDENT SUCCESS EXCELLENCE OPPORTUNITY COMMUNITY INTEGRITY**

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEPUTY DIRECTOR
FOR MANAGEMENT

March 19, 2020

M-20-17

MEMORANDUM TO THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Margaret Weichert
Deputy Director of Management (b)(6) [redacted]

SUBJECT: Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19) due to Loss of Operations

On March 9, 2020, OMB issued M-20-11, "*Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly impacted by the Novel Coronavirus (COVID-19)*," to provide agencies with additional flexibilities for grants assisting the response to COVID-19. The scope of the M-20-11 was narrowly crafted to provide flexibility to grant recipients performing essential research and services necessary to carry out the emergency response related to COVID-19.

This memorandum provides similar administrative relief listed in M-20-11 to an expanded scope of recipients affected by the loss of operational capacity and increased costs due to the COVID-19 crisis. Many of the operational impacts and costs are unknowable at this point, as they will depend on the spread of the coronavirus and response dictated by public health needs. This memorandum provides short term relief for administrative, financial management, and audit requirements under 2 CFR Part 200, *Uniform Administrative Requirements, Cost principles and Audit Requirements for Federal Awards*, without compromising Federal financial assistance accountability requirements. As program managers are considering administrative relief, they should be prudent in their stewardship of Federal resources which includes giving consideration to potential offsets—e.g. reduction in training and travel. In addition, the flexibilities provided within this memorandum, agencies are reminded of their existing flexibility to issue exceptions on a case-by-case basis in accordance with 2 CFR § 200.102, *Exceptions.* M-20-11 shall continue to apply, and Appendix A describes the exceptions granted under this memorandum to recipients affected by the loss of operational capacity. These exceptions are time limited and will be reassessed by OMB within 90 days of this Memo.

Questions regarding the above administrative relief provisions should be directed to Office of Federal Financial Management Grant link at GrantsTeam@omb.eop.gov. OMB will continue to provide updates and additional information as the situation unfolds. For the latest information, sign up for the Grants Community of Practice by clicking at: https://www.performance.gov/CAP/grants/

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## Appendix A – Administrative Relief Exceptions for COVID-19 Crisis

Federal awarding agencies are authorized to take the following actions, as they deem appropriate and to the extent permitted by law, with respect to the administrative provisions that apply to recipients grantees affected by the COVID-19 (for both recipients with COVID-19 related grants and other types of Federal grants). Awarding agencies are required to maintain records on the level of particular exceptions provided to recipients. For items 6 and 7, awarding agencies must require recipients to maintain appropriate records and documentation to support the charges against the Federal awards.

**1. Flexibility with SAM registration.** (2 CFR § 200.205)

Awarding agencies can relax the requirement for active System for Award Management (SAM) registration at time of application in order to expeditiously issue funding. At the time of award, the requirements of 2 CFR § 200.205, *Federal awarding agency review of risk posed by applicants*, continue to apply. Current registrants in SAM with active registrations expiring before May 16, 2020 will be afforded a one-time extension of 60 days.

**2. Flexibility with application deadlines.** (2 CFR § 200.202)

Awarding agencies may provide flexibility with regard to the submission of competing applications in response to specific announcements, as well as unsolicited applications. As appropriate, agencies should list specific guidance on their websites and/or provide a point of contact for an agency program official.

**3. Waiver for Notice of Funding Opportunities (NOFOs) Publication.** (2 CFR § 200.203)

For competitive grants and cooperative agreements, awarding agencies can publish emergency Notice of Funding Opportunities (NOFOs) for less than thirty (30) days without separately justifying shortening the timeframe for each NOFO. Awarding agencies would still be required to document and track NOFOs published for less than thirty (30) days under this emergency waiver.

**4. No-cost extensions on expiring awards.** (2 CFR § 200.308)

To the extent permitted by law, awarding agencies may extend awards which were active as of March 31, 2020 and scheduled to expire prior or up to December 31, 2020, automatically at no-cost for a period of up to twelve (12) months. This will allow time for recipient assessments, the resumption of many individual projects, and a report on program progress and financial status to agency staff. Project-specific financial and performance reports will be due 90 days following the end date of the extension. Awarding agencies will examine the need to extend other project reporting as the need arises.



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5. **Abbreviated non-competitive continuation requests.** (2 CFR § 200.308)

For continuation requests scheduled to come in from April 1, 2020 to December 31, 2020, from projects with planned future support, awarding agencies may accept a brief statement from recipients to verify that they are in a position to: 1) resume or restore their project activities; and 2) accept a planned continuation award. Awarding agencies should post any specific instructions on their website. Awarding agencies will examine the need to extend this approach on subsequent continuation award start dates as recipients have an opportunity to assess the situation.

6. **Allowability of salaries and other project activities.** (2 CFR § 200.403, 2 CFR § 200.404, 2 CFR § 200.405)

Awarding agencies may allow recipients to continue to charge salaries and benefits to currently active Federal awards consistent with the recipients' policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal. Awarding agencies may allow other costs to be charged to Federal awards necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the project. Awarding agencies may also evaluate the grantee's ability to resume the project activity in the future and the appropriateness of future funding, as done under normal circumstances—based on subsequent progress reports and other communications with the grantee. Awarding agencies must require recipients to maintain appropriate records and cost documentation as required by 2 CFR § 200.302 – *Financial management* and 2 CFR § 200.333 - *Retention requirement of records* to substantiate the charging of any salaries and other project activities costs related to interruption of operations or services.

7. **Allowability of Costs not Normally Chargeable to Awards.** (2 CFR § 200.403, 2 CFR § 200.404, 2 CFR § 200.405)

Awarding agencies may allow recipients who incur costs related to the cancellation of events, travel, or other activities necessary and reasonable for the performance of the award, or the pausing and restarting of grant funded activities due to the public health emergency, to charge these costs to their award without regard to 2 CFR § 200.403, *Factors affecting allowability of costs*, 2 CFR § 200.404, *Reasonable costs*, and 2 CFR § 200.405, *Allocable costs*. Awarding agencies may allow recipients to charge full cost of cancellation when the event, travel, or other activities are conducted under the auspices of the grant. Awarding agencies must advise recipients that they should not assume additional funds will be available should the charging of cancellation or other fees result in a shortage of funds to eventually carry out the event or travel. Awarding agencies must require recipients to maintain appropriate records and cost documentation as required by 2 CFR § 200.302 – *Financial management* and 2 CFR § 200.333 - *Retention requirement of records*, to substantiate the charging of any cancellation or other fees related to interruption of operations or services. As appropriate, awarding agencies may list additional guidance on specific types of costs on their websites and/or provide a point of contact for an agency program official.



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**8. Prior approval requirement waivers.** (2 CFR § 200.407)

Awarding agencies are authorized to waive prior approval requirements as necessary to effectively address the response. All costs charged to Federal awards must be consistent with Federal cost policy guidelines and the terms of the award, except where specified in this memorandum.

**9. Exemption of certain procurement requirements.** (2 CFR § 200.319(b), 2 CFR § 200.321)

Awarding agencies may waive the procurement requirements contained in 2 CFR § 200.319(b) regarding geographical preferences and 2 CFR § 200.321 regarding contracting small and minority businesses, women's business enterprises, and labor surplus area firms.

**10. Extension of financial, performance, and other reporting.** (2 CFR § 200.327, 2 CFR § 200.328)

Awarding agencies may allow grantees to delay submission of financial, performance and other reports up to three (3) months beyond the normal due date. If an agency allows such a delay, grantees will continue to draw down Federal funds without the timely submission of these reports. However, these reports must be submitted at the end of the postponed period. In addition, awarding agencies may waive the requirement for recipients to notify the agency of problems, delays or adverse conditions related to COVID-19 on a grant by grant basis (200 CFR 200.328(d)(1).

**11. Extension of currently approved indirect cost rates.** (2 CFR § 200.414 (c))

Awarding agencies may allow grantees to continue to use the currently approved indirect cost rates (i.e., predetermined, fixed, or provisional rates) to recover their indirect costs on Federal awards. Agencies may approve grantee requests for an extension on the use of the current rates for one additional year without submission of an indirect cost proposal. Agencies may also approve grantee requests for an extension of the indirect cost rate proposal submission to finalize the current rates and establish future rates.

**12. Extension of closeout.** (2 CFR § 200.343)

Awarding agencies may allow the grantee to delay submission of any pending financial, performance and other reports required by the terms of the award for the closeout of expired projects, provided that proper notice about the reporting delay is given by the grantee to the agency. This delay in submitting closeout reports may not exceed one year after the award expires.



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**13. Extension of Single Audit submission.** (2 CFR § 200.512)

Awarding agencies, in their capacity as cognizant or oversight agencies for audit, should allow recipients and subrecipients that have not yet filed their single audits with the Federal Audit Clearinghouse as of the date of the issuance of this memorandum that have fiscal year-ends through June 30, 2020, to delay the completion and submission of the Single Audit reporting package, as required under Subpart F of 2 CFR § 200.501 – *Audit Requirements*, to six (6) months beyond the normal due date. No further action by awarding agencies is required to enact this extension. This extension does not require individual recipients and subrecipients to seek approval for the extension by the cognizant or oversight agency for audit; however, recipients and subrecipients should maintain documentation of the reason for the delayed filing. Recipients and subrecipients taking advantage of this extension would still qualify as a "low-risk auditee" under the criteria of 2 CFR § 200.520 (a) – *Criteria for a low-risk auditee*.

To receive the latest information on grants, including COVID-19 update, sign up for the Grants Community of Practice by clicking at: https://www.performance.gov/CAP/grants/



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**From:** Message from the President
**Sent:** Thu, 26 Mar 2020 14:04:54 +0000
**To:** STC News
**Subject:** Coronavirus Update as of March 26, 2020
**Attachments:** Message from the President 032620.pdf

# UPDATE ON COVID-19

On Tuesday, March 24, Starr County issued a **Stay at Home/Stay Safe Order** effective 12:01 a.m. Wednesday, March 25 through 11:59 p.m. Tuesday, April 7. On Wednesday, March 25, Hidalgo County issued a **Shelter at Home Order** effective 11:59 p.m. Thursday, March 26 through 11:59 p.m. Friday, April 10. These are part of an ongoing effort to suppress the spread of the coronavirus for the region and to ensure the safety of our community.

The orders are directing the public to remain at their residence except to obtain services, engage in activities, or work for business and government services that are deemed essential. South Texas College's transition to online learning has positioned us to support the order fully.

The orders will impact the College's operations as follows:

- All instruction will continue online.
- All campuses will be closed to students and the public.
- All employees will transition to working from home and will receive directives from their supervisors.
- A limited number of employees will be required to be on campus to perform essential functions and will be notified by their immediate supervisor.
- Support services will be available via telephone at 1-855-468-6782 (1-855-GoToSTC) or email at information@southtexascollege.edu.

At this time, employees are expected to return to regular work schedules on Monday, April 13.

AMERICAN OVERSIGHT

Please continue to monitor **southtexascollege.edu/coronavirus** for updates as new information becomes available.

Thank you all for your patience as South Texas College acts to ensure the health and wellbeing of our college community.

*Dr. Shirley A. Reed*
*President*

AMERICAN OVERSIGHT

# Update on COVID-19

*March 26, 2020*

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Thank you all for your patience as South Texas College acts to ensure the health and wellbeing of our college community.

*Dr. Shirley A. Reed*
President

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Thu, 26 Mar 2020 14:59:19 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** Yette, Brenda
**Subject:** FW: Michigan College of Beauty: temporarily postponement on-site instruction
**Attachments:** Procedures for Responding to Inquiries Relating to Higher Education

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

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**From:** Yette, Brenda <Brenda.Yette@ed.gov>
**Sent:** Tuesday, March 17, 2020 11:49 AM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Minor, Robin <Robin.Minor@ed.gov>; Gifford, Nancy Paula <Nancy.Paula.Gifford@ed.gov>; Early, Jeremy <Jeremy.Early@ed.gov>
**Subject:** FW: Michigan College of Beauty: temporarily postponement on-site instruction

Good morning,

Per guidance received, I am forwarding the below inquiry for assistance and guidance. We've acknowledged receipt of the inquiry. Thank you for your assistance in this matter.

Dr. Brenda L. Yette
Compliance Manager
Department of Education
Chicago/Denver School Participation Team
Suite 3836
230 S. Dearborn JCK Federal Building
Chicago, Illinois 60604
(312) 730-1522

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**From:** Hall, Derita
**Sent:** Tuesday, March 17, 2020 10:41 AM

AMERICAN OVERSIGHT

**To:** Yette, Brenda
**Cc:** Early, Jeremy; Sawyer, Tammi
**Subject:** FW: Michigan College of Beauty: temporarily postponement on-site instruction

Hi Brenda,

Per the e-mail instructions we received (attached), I acknowledged receipt of the COVID-19 email from one of our schools (below), noted that the Department will respond, and am forwarding the response to you as the program Review Supervisor, so it can be forwarded to the appropriate personnel for response.

Thank you,
Derita

---

**From:** Hall, Derita
**Sent:** Tuesday, March 17, 2020 9:35 AM
**To:** John McCuen <jmccuen@michigancollegebeauty.com>
**Cc:** [redacted]
**Subject:** RE: Michigan College of Beauty: temporarily postponement on-site instruction

Good Morning John,

Thank you for your e-mail! Unfortunately the guidance that we have received requires that I acknowledge receipt of your question and inform you that the Department will respond as soon as possible.

I can also direct you to Electronic Announcement 2020-03-05 (at: https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19) from our Office of Postsecondary Education that may address some of your questions.

We apologize for the inconvenience and hope that you and your staff are taking every precaution as outlined by government officials.

Sincerely,
Derita

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**From:** John McCuen <jmccuen@michigancollegebeauty.com>
**Sent:** Tuesday, March 17, 2020 8:55 AM
**To:** Hall, Derita <Derita.Hall@ed.gov>
**Cc:** [redacted]
**Subject:** Michigan College of Beauty: temporarily postponement on-site instruction

Dear Ms. Hall,

AMERICAN OVERSIGHT

Due to the novel coronavirus and out of an abundance of caution, and in line with State of Michigan recommendations to temporarily halt all on-site instruction in both public and private schools, starting today, March 17th, Michigan College of Beauty - Monroe would like to temporarily cease on-site instruction.

In the very near future we plan on requesting approval from our accreditor (NACCAS) to temporarily implement distance education, also in response to the novel coronavirus and until such time as we are able to safely resume on-site instruction.

Thank you in advance for all due consideration of our request. If there is anyone else within the Department of Education we should share this request/message with, please advise.

Sincerely,

John McCuen
Director
Michigan College of Beauty - Monroe

AMERICAN OVERSIGHT

**From:** Employee_Communications
**Sent:** Tue, 10 Mar 2020 18:57:23 +0000
**To:** Employee_Communications
**Subject:** Procedures for Responding to Inquiries Relating to Higher Education

**Distribution List: All ED Employees**

Dear colleagues,

In order to ensure that the Department is providing **clear, accurate and consistent** communications to the community, the Department is instituting a new process for the intake of higher education coronavirus related questions that will be managed by the Office of Postsecondary Education (OPE). Employees are directed NOT to provide substantive responses to any coronavirus related questions until the question has been logged into our system, and an answer has been drafted and vetted by the appropriate staff. The only exception is if you are simply forwarding coronavirus communication that has already been posted by the Department. It is critical that all employees abide by these instructions, so the Department can effectively and consistently manage these issues. **To the extent possible, OPE would like to provide answers to inquiries on these matters within 48 hours**. Please follow the following steps after receiving a coronavirus related question:

**Instructions for intake of coronavirus related questions:**

1. When an employee receives a coronavirus related question that has not been addressed in previous communication posted by the Department, they should respond to the inquiring party acknowledging receipt of the question and informing them that the Department will respond as soon as possible. *Please note that if it's unclear whether the question has been addressed by previous Department communication, employees should err on the side of sending the inquiry up the chain.*
2. The employee should email the inquiry to their first line supervisor.
3. The first line supervisor should then forward the inquiry to Shaina Hilsey (Shaina.hilsey@ed.gov) and Jack Cox (jack.cox@ed.gov) who work within OPE, and copy leadership from their POC. Supervisors are encouraged to develop a suggested response to the inquiry, if practical. However, they should forward the question to Ms. Hilsey and Mr. Cox before developing the response and should indicate in the email to them if they plan to develop a response or would recommend another staff person develop a response. All draft responses should be forwarded to Shaina and Jack BEFORE the response is published or given to the source of the question or inquiry. *Other POCs are permitted to develop alternative internal POC procedures at the*

AMERICAN OVERSIGHT

*discretion of their leaders, however, OPE would encourage that such processes ensure that we are notified as quickly as possible after an inquiry has been received.*

4. Shaina and Jack will log all inquiries into our data base, then work with relevant subject matter experts and senior leadership in developing a response. They will then share the approved response with the relevant supervisors, who can then direct the responses to the individual source of the inquiry, and with OLCA and the Departmental Communication (OCO) site that is being established for these specific purposes.

**Instructions for questions that you have already received**

Please send all communications you have already received related the Coronavirus using the instructions above. If an employee has already responded to the inquiry, please attach the email that you sent to the inquiring party.

**INTERNAL FSA PROCESS**

**FSA Instructions for intake of coronavirus-related questions that call for policy judgments or interpretations from the financial aid community:**

1. When an FSA employee receives a coronavirus-related question from the financial aid community, that has not been addressed in previous communication posted by the Department, the FSA employee should respond to the inquiring party acknowledging receipt of the question and informing them that the Department will respond as soon as possible. Please note that if it's unclear whether the question has been addressed by previous Department communications, FSA employees will follow the process outlined below.
2. The FSA employee will email the inquiry to
• their first line supervisor,
• copy their deputy chief operating officer (COO), and
• send the email to the following mailbox – federalstudentaid@ed.gov.
This mailbox will be monitored by FSA's Strategic Communications team (Strat Comms). This team will identify a subject matter expert(s) for each question(s), only when appropriate. The SME may be asked to draft a proposed response for the Office of Postsecondary Education's (OPE) review.
3. Strat Comms will forward immediately the initial inquiry to OPE, including the identified SME, and whether the SME is drafting a proposed response. In the event a draft response is provided to Strat Comms by the SME, Strat Comms will forward the proposed response to OPE for review.
4. For all FSA inquiries, OPE will log them and work with relevant SMEs, which may be identified by Strat Comms, and senior leadership in developing a final response. OPE will then email federalstudentaid@ed.gov and provide the approved response.
5. Strat Comms is responsible to provide the approved response to the original FSA employee who initiated the inquiry, their first-line supervisor, and their deputy COO.
6. The FSA employee who initiated the inquiry is responsible to provide the approved response to the requestor.

Robert L. King
Assistant Secretary for Postsecondary Education
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Thu, 26 Mar 2020 14:58:01 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** Sobie, Donna
**Subject:** FW: Naccas #024086-00

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

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**From:** Sobie, Donna <Donna.Sobie@ed.gov>
**Sent:** Tuesday, March 17, 2020 11:57 AM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>; Sawyer, Tammi <Tammi.Sawyer@ed.gov>
**Cc:** Minor, Robin <Robin.Minor@ed.gov>; Early, Jeremy <Jeremy.Early@ed.gov>
**Subject:** FW: Naccas #024086-00

Federal Student Aid and Tammi,

Here is another school that notified me of their distance education and closure due to COVID-19.

Thank you,
Donna
Donna J. Sobie, M.Ed.
U.S. Department of Education

---

**From:** Susan Harding <susan@kokomotspa.com>
**Sent:** Tuesday, March 17, 2020 10:17 AM
**To:** Sobie, Donna <Donna.Sobie@ed.gov>
**Subject:** Naccas #024086-00

Opeid 041866-00

Donna -

Effective today March 17, 2020, Howard County, Indiana has imposed several restrictions aimed at fighting the spread of Covid-19 in the community. Therefore, Summit Salon Academy, Kokomo, will be

AMERICAN OVERSIGHT

temporarily closed until April 1st . We have every intension of reopening on April 1st. We are working with Indiana State Officials at this time to temporarily approve distance learning for our theory portion of our education, however, at this time they have not yet approved this training.
Please email me at susan@ssakokomo.com and advise on anything other information you may need from us.

I have notified Naccas and the Indiana State Board of Cosmetology.

Thank you for your assistance,

Susan Harding
765-454-9840
Summit Salon ACADEMY KOKOMO

AMERICAN OVERSIGHT

**From:** Grigg, Bryan
**Sent:** Thu, 26 Mar 2020 17:54:55 +0000
**To:** COVID-19
**Subject:** FW: Part B transitions for LEAs

***Bryan G. Grigg***
***Office of Special Education Programs***
***United States Department of Education***

---

**From:** Fox, Leslie <Leslie.Fox@ed.gov>
**Sent:** Thursday, March 26, 2020 1:32 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Schneer, Matthew <Matthew.Schneer@ed.gov>; Grigg, Bryan <Bryan.Grigg@ed.gov>
**Subject:** RE: Part B transitions for LEAs

Hi Laurie,

Louisiana-B is Bryan Grigg's state on Matt Schneer's home room team (both cc'd here). I think it would be appropriate for one of them to respond to the stakeholder below and forward the question to the COVID-19 mailbox. Do you agree?

Leslie

---

**From:** Susannah Kenny <skenny@ppsb.org>
**Sent:** Thursday, March 26, 2020 1:25 PM
**To:** SPP APR <SPPAPR@ed.gov>; Fox, Leslie <Leslie.Fox@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Subject:** Part B transitions for LEAs

Sent from PPSB

Begin forwarded message:

> **From:** Susannah Kenny <skenny@ppsb.org>
> **Date:** March 25, 2020 at 11:56:40 AM CDT
> **To:** Brittany Braun <Brittany.Braun@la.gov>, Mary Ellen Hamner <mhamner@ppsb.org>
>
> I wanted to check in and get some info on the following:
> 1. Should I instruct sped teachers and providers to conduct OSEP Exit Assessments now for those children finishing pre-k? Or will this be held off until August? I believe they can provided accurate info collaborating via email

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2. Regarding Early Steps transition of 3 year olds: DHH/Early Steps are continuing services and initial and annual evals via teleconference? What time lines do I need to adhere to since we are guided by different policies (Part B/Part C funding; IDEA; etc...) We cannot properly get permission and conduct formal educational assessments as the LEA as we do this through Pupil Appraisal using standardized instruments. Additionally, we would be unable to conduct the transition IEP on or before a child's 3rd birthday, in accordance with state and federal guidelines (permission and meetings need to be "in person" and conducted as a team with ODR, IEP facilitator, SPED and Gen Ed teachers, and related service providers).

3. If you could give some more specific guidance/insight on how other districts/parishes are handling Initial Evaluations (getting permission, performing standardized assessments where observations and direct contact is needed, etc...) that would be helpful. In reading the Supplemental Fact Sheet there is guidance for IEPs and provision of services but no info specific to evaluations and Part B transitions.

If there has been any guidance/procedural changes please send them my way!
Stay Healthy...
Susie
(504) 957-8461

**Susannah Kenny, M.Ed.**
Child Search Coordinator
*Plaquemines Parish Public Schools*
*Special Education Department*
*1484 Woodland Highway*
*Belle Chasse, La 70037*

Work 504 595 6051
FAX 504 398 0844

*"Wisdom begins with Wonder" ... Socrates*

Notice of Confidentiality: This electronic communication may contain confidential student information intended solely for school business by the individual to whom it was addressed. Any disclosure (verbal or print), copying, distribution, or use of this information by an unauthorized person is prohibited, and may violate Plaquemines Parish School Board policy as well as the Family Education Rights and Privacy Act (FERPA) or Health Insurance Portability and Accountability Act of 1996 (HIPAA). All correspondence sent out by Plaquemines Parish Schools remains the property of the Plaquemines Parish School Board. Should you receive this communication in error, please notify the sender.

On Wed, Mar 11, 2020 at 12:07 PM Brittany Braun <Brittany.Braun@la.gov> wrote:

Good Afternoon Everyone,

AMERICAN OVERSIGHT

I apologize if something was sent in error, please note that the webinar will take place at 1pm!

- **Webinar Date and Time:** Wednesday, March 11, 2020 1pm-2pm
- **Webinar Link:** https://zoom.us/j/6918029900
- **Webinar Phone Number:** (646) 558-8656
- **Meeting ID#** (b)(6)

CONFIDENTIALITY NOTICE: The information contained in this communication and any attachments may be confidential or privileged and are intended only for the individual or entity identified above as the addressee. If you are not the addressee, or this message has been addressed to you in error, you are not authorized to read, copy, or distribute this message or any attachments. Please notify the sender immediately by return email and destroy this communication and all copies thereof, including attachments.

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**From:** Sullivan, Madeline
**Sent:** Thu, 26 Mar 2020 15:35:57 +0000
**To:** COVID-19
**Cc:** Williams, Bryan
**Subject:** FW: Quarantine
**Attachments:** Health - COVID-19 - Quarantine.docx

Dear COVID Email Response team,

If you have not yet responded to Mr. Miller, I offer an updated response for you attached.

As always, I welcome your feedback!

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** Sullivan, Madeline
**Sent:** Tuesday, March 24, 2020 7:26 AM
**To:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** RE: Quarantine

Dear Kelly,

As always, I appreciate your feedback!

As agreed earlier, I crafted this response in the Word Document presenting the link as if this were a letter.

Things are changing quickly. If you would like to change the approach at any time, please do not hesitate to let me know!

Sincerely,
Madeline

AMERICAN OVERSIGHT

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 23, 2020 3:57 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Quarantine

Hi Madeline,

Please find attached an email from the COVID-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

---

**From:** answers <answers@ed.gov>
**Sent:** Monday, March 23, 2020 12:25 PM
**To:** (b)(6) @gmail.com; COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Quarantine

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 23, 2020

Matthew Miller
(b)(6)

Dear Matthew Miller,

AMERICAN OVERSIGHT

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Matthew Miller <(b)(6)
Sent: Friday, March 20, 2020 1:31 PM
To: answers <answers@ed.gov>
Subject: Quarantine

The the US Department of Education,

What are you doing for the quarantine?

Our schools and teachers are out here making everything happen on the fly. You've provided no assistance or directions to families.

Where is your leadership?

Your agency is a disgrace and everyday you exist all of you should feel deeply ashamed of yourselves for abandoning the nation.

One of you needs to step up and take charge. Your silence will echo throughout history and no one will forget when our system was collapsing you did nothing.

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Ever watchful,

Matthew Miller

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The Secretary knows school communities, their students, staff and families, are facing unprecedented challenges right now and commends the truly remarkable efforts teams are making to help ensure learning continues for all of America's students. The Secretary and the Department are committed to supporting you with every tool at our disposal and extending all flexibilities within our control.

Dear NAME:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

The Secretary knows school communities, their students, staff and families are facing unprecedented challenges right now and commends the truly remarkable efforts teams are making to help ensure learning continues for all of America's students. The Secretary and the Department are committed to supporting you with every tool at our disposal and extending all flexibilities within our control.

Over the last two weeks, the White House, the Department of Education, and other Federal agencies have released a significant amount of guidance to support schools, educators, and families regarding COVID-19 (Coronavirus). Many of the key documents are provided on the Department's COVID-19 (Coronavirus) information and resources web page with the most current information, and any questions for the Department may be directed to COVID-19@ed.gov.

To support the continuity of teaching and learning, the Department has developed guidance documents for protecting and supporting the whole school community as well as work with it technical assistance(TA) centers to provide information and resources to support schools and families in their continuity of teaching and learning during school closures and dismissals.

Critical documents include:

- *FERPA and Virtual Learning Related Resources, published by ED's Privacy Technical Assistance Center* and accessible at https://studentprivacy.ed.gov/resources/ferpa-and-virtual-learning
- *Supplemental Fact Sheet: Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities*, published by ED's Office of Civil Rights and accessible at https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=
- *Key Preparedness and Response Considerations, Ensuring Continuity of Teaching and Learning During Prolonged Absences, Dismissals, and Closures*, published by ED's Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center and accessible at

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https://rems.ed.gov/docs/COOPTAonContinuityofTeaching_and_Learning_COVID19.pdf

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Simpson, Regina
**Sent:** Thu, 26 Mar 2020 18:20:44 +0000
**To:** COVID-19
**Subject:** FW: Question re COVID-19 and Parent's Unilateral Placements Seeking Reimbursement

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**From:** Ryan Ford <rpf@fordlawfirmpllc.com>
**Sent:** Thursday, March 26, 2020 11:52 AM
**To:** Simpson, Regina <regina.simpson@ed.gov>
**Subject:** FW: Question re COVID-19 and Parent's Unilateral Placements Seeking Reimbursement

Hello Ms. Simpson,

I submitted questions to OCR related to COVID-19 and parents unilaterally placing students seeking reimbursement, please see emails below. Do you have a few minutes to chat in the next couple days or beginning of next week?

Best,
**Ryan Ford, Esq.**

Ford Law Firm PLLC

**Office Location:**
1001 4th Avenue, Suite 4400
Seattle, WA 98154
rpf@fordlawfirmpllc.com
**Office:** 206.552.0258
**Fax:** 206.260.9121

**Mailing Address:**
Ford Law Firm PLLC
3815 Othello St. Ste. 100, #368
Seattle, WA 98118

www.fordlawfirmpllc.com

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**From:** answers <answers@ed.gov>
**Date:** Monday, March 16, 2020 at 2:14 PM
**To:** Ryan Ford <rpf@fordlawfirmpllc.com>
**Subject:** RE: Question re COVID-19 and Parent's Unilateral Placements Seeking Reimbursement

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

March 16, 2020
Dear Mr. Ford,
Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.
Your e-mail has been forwarded to the Office of Special Education Programs (OSEP) for further handling. Please contact the OSEP Customer Service Representative for your state directly. Contact information is available at https://www2.ed.gov/policy/speced/guid/idea/monitor/state-contact-list.html.
Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

**From:** Ryan Ford <rpf@fordlawfirmpllc.com>
**Sent:** Monday, March 16, 2020 2:44 PM
**To:** answers <answers@ed.gov>
**Subject:** Question re COVID-19 and Parent's Unilateral Placements Seeking Reimbursement

To Whom It May Concern:

I have clients who had scheduled IEP team meetings and intended to request private placements during their meetings, which if not agreed upon by the IEP team, my clients would have given notice of their

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intent to unilaterally place their children in a private placement and seek reimbursement. These meetings, which were scheduled for last week and it is anticipated that the other meeting would have been scheduled for this week due to state mandated COVID-19 school related closures. Pursuant to WAC 392-172A-04115, a parent may give written notice of their intent to unilaterally place their student in a private placement and seek reimbursement in lieu of giving a district notice during the most recent IEP team. (Statutory Authority 20 U.S.C. 1400 (c)(12)(C), 20 U.S.C. 1401 (3)(A)(i), and 20 U.S.C. 1401 (30)(C)). The notice must be provided at least 10 business days—including holiday days—in advance of the parent's unilateral placement. Business day means Monday through Friday, except for federal and state holidays, unless holidays are specifically included in the designation of a business day. WAC 392-172A-01050 (Statutory Authority 42 U.S.C. 1400 et. Seq).

Washington's mandatory closure of school's raises a number of questions regarding unilateral placements, which are as follows:

- When a school district closes, do business days still accrue? All of the schools are closed but it is unclear whether school district central offices remain open and to what extent.
- Depending on the status of a school district's office, how does a parent properly notify a school district of their intent to unilaterally place a student and seek reimbursement? Will a letter sent to a school district's central office, addressed to a district's special education director and an email to the same special education director with the same letter attached suffice? What if the special education director does not acknowledge receipt of the letter? Has the parent still met their notice requirement?
- OCR offers the following guidance:

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**Question A-1:** Is an LEA required to continue to provide a free appropriate public education (FAPE) to students with disabilities during a school closure caused by a COVID-19 outbreak?

**Answer**: The IDEA, Section 504, and Title II of the ADA do not specifically address a situation in which elementary and secondary schools are closed for an extended period of time (generally more than 10 consecutive days) because of exceptional circumstances, such as an outbreak of a particular disease.

If an LEA closes its schools to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The Department understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements.

If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. (34 CFR §§ 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)). SEAs, LEAs, and schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP developed under IDEA, or a plan developed under Section 504. (34 CFR §§ 300.101 and 300.201 (IDEA), and 34 CFR § 104.33 (Section 504)).

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- OCR's guidance appears to indicate that if a hypothetical student was unilaterally placed during the COVID-19 school related closure and the parent sought reimbursement, and successfully demonstrated that the district was not providing their child with a FAPE and the private placement was providing their child with a FAPE, the time the student spent at the new placement during the COVID-19 district closure could only be reimbursed on a theory of compensatory education—comp ed for a denial of FAPE occurring before the COVID-19 school closure or an IEP team deciding to provide the student with comp ed for the time during the COVID-19 school closure--and not on a theory of a prospective placement because the District is not required to educate the hypothetical student during the closure if the district is not serving the general population. Does OCR share the same analysis of this issue? If not, how does OCR's analysis of this issue differ?

Best,

**Ryan Ford, Esq.**

Ford Law Firm PLLC

**Office Location:**
1001 4th Avenue, Suite 4400
Seattle, WA 98154
rpf@fordlawfirmpllc.com
**Office:** 206.552.0258
**Fax:** 206.260.9121

**Mailing Address:**
Ford Law Firm PLLC
3815 Othello St. Ste. 100, #368
Seattle, WA 98118

www.fordlawfirmpllc.com

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AMERICAN OVERSIGHT

**From:** OESE.titleii-a
**Sent:** Thu, 26 Mar 2020 18:28:12 +0000
**To:** COVID-19
**Cc:** OESE.titleii-a;Muhammad, Faatimah;Richardson, Scott
**Subject:** FW: Question regarding memo M-20-17

This question came to Title IIA via SGR. It's similar to a questions received previously from SEDTA and forwarded to the COVID-19 box earlier today.

---

**From:** Muhammad, Faatimah
**Sent:** Thursday, March 26, 2020 2:02 PM
**To:** OESE.titleii-a <OESE.titleii-a@ed.gov>
**Cc:** Vakil, Mandana <mandana.vakil@ed.gov>
**Subject:** RE: Question regarding memo M-20-17

FYI

---

**From:** OESE.SGR.Wyoming <Wyoming.oese@ed.gov>
**Sent:** Thursday, March 26, 2020 12:29 PM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** FW: Question regarding memo M-20-17

Good afternoon, Faatimah.

Please see the following inquiry, below.

Respectfully,

Lakesha
**From:** Mark Bowers <mark.bowers@wyo.gov>
**Sent:** Thursday, March 26, 2020 10:24 AM
**To:** OESE.SGR.Wyoming <Wyoming.oese@ed.gov>
**Subject:** Question regarding memo M-20-17

In several instances there is the mention of "Awarding agencies" as having the ability to grant certain flexibilities, and I wonder who the Awarding agency is, USED or the SEA? For example, #4 - Extension to Expiring Awards - does the authority to grant this extension rest with the SEA or does the LEA or SEA have to apply to USED for this extension?

All the best,

**Mark Bowers**
Title II-A and IV-A Program Manager

AMERICAN OVERSIGHT

Wyoming Department of Education
122 W. 25th St., Suite E200
Cheyenne, WY 82002
Office Phone: 307.777.8739

https://2020starconference.eventbrite.com

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

AMERICAN OVERSIGHT

**From:** Rooney, Patrick
**Sent:** Thu, 26 Mar 2020 19:17:43 +0000
**To:** COVID-19
**Subject:** FW: Request for deadline extension for the Title 2, Part A LEA Survey
**Importance:** High

---

**From:** Dean Zajic <dzajic@ksde.org>
**Sent:** Thursday, March 26, 2020 10:56 AM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** Bert L. Moore <bmoore@ksde.org>; Randy Watson <RWatson@ksde.org>; Brad D. Neuenswander <bneuenswander@ksde.org>; Tate Toedman <ttoedman@ksde.org>; OESE.OSS.Kansas <OSS.Kansas@ed.gov>
**Subject:** Request for deadline extension for the Title 2, Part A LEA Survey
**Importance:** High

Patrick,

Yesterday Kansas school districts began receiving the Title 2, Part A LEA Survey via an email from IES. The email states that the surveys are to be submitted by April 8th. Ordinarily that would be a sufficient timeframe for our districts to respond, but these are extraordinary times, and the state of Kansas has effectively ordered all school buildings closed through at least May 1st in response to the COVID-19 crisis. For many districts this limits staff ability to readily access the records that they need in order to complete the survey. At the same time, Kansas districts are busy coordinating outreach to families and implementing plans for continuous education for students.

In light of these circumstances, Kansas requests an extension of the deadline the for the Title 2, Part A LEA Survey for all Kansas LEAs to no earlier than May 15, 2020.

We are happy to address any questions, and appreciate your assistance with this matter.

Thank you,
Dean

H. Dean Zajic
*State and Federal Programs Coordinator*
Special Education and Title Services

(785) 296-2425
dzajic@ksde.org
www.ksde.org

*Kansas leads the world in the success of each student.*

The Kansas State Department of Education does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the nondiscrimination policies: KSDE General Counsel, Office of General Counsel, KSDE, Landon State Office Building, 900 S.W. Jackson, Suite 102, Topeka, KS 66612, (785) 296-3201.

AMERICAN OVERSIGHT

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OVERSIGHT

**From:** Johnson, Patricia
**Sent:** Thu, 26 Mar 2020 19:39:19 +0000
**To:** COVID-19
**Cc:** Carr, Patrick;Osborne, Joanne
**Subject:** FW: Request for support during COVID-19
**Attachments:** COVID-19 request for support(NHEA)addendum(1).pdf
**Importance:** High

This email makes a specific request concerning paying employees working on Department-funded grants during the COVID-19 crisis.

Pat O'Connell Johnson
Group Leader, Native Achievement Programs
RINAP
Room 3E230 LBJ
U.S. Department of Education
Washington, DC
Patricia.Johnson@ed.gov
(202) 260-7813

---

**From:** Laura Dang <ldang@pidfoundation.org>
**Sent:** Friday, March 20, 2020 7:28 PM
**To:** Osborne, Joanne <Joanne.Osborne@ed.gov>
**Cc:** Jan E. Dill <jedill@pidfoundation.org>; Shawn Kanaiaupuni <shkanaia@ksbe.edu>; Alison Masutani <amasutani@pidfoundation.org>; Stephanie Nishimura <snishimura@pidfoundation.org>; Cindy Quach <cquach@pidfoundation.org>
**Subject:** Request for support during COVID-19
**Importance:** High

Aloha e Joanne,

We hope that you and your team are keeping safe. We are trying to do our part to flatten the pandemic curve but every day there are more and more new cases reported here in Hawaii. Attached is a memo from PIDF which we ask you and the Director to review and consider.

Please let us know if you have any questions and we look forward to hearing from you.

Me ka mahalo,

Laura R. Dang
VP of Administration/Secretary
Partners in Development Foundation
2040 Bachelot St, Honolulu HI 96817
Ph (808)595-2752; Fax (808)595-4932

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www.pidf.org
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PARTNERS IN DEVELOPMENT
FOUNDATION

March 20, 2020

Aloha,

Per our Governor's press release on March 16, 2020 at 2pm, we have now activated the Hawaii Emergency Management Agency (HI-EMA) that is working under the Federal Emergency Management Agency in order to request federal assistance and implement local responses consistent with FEMA guidelines. The newly appointed director of HI-EMA stated that we need to make assumptions that we have to plan for a community wide spread. According to NIH Director Dr. Anthony Fauci, if we wait until we have a handful of community spread cases before we take steps to implement social distancing, it will be too late.

Partners in Development Foundation is seeking to be proactive and comply with both federal and state guidelines to assist in flattening the curve of the COVID-19 pandemic spread and have thus initiated an Emergency Alternative Track plan. In general, this means that we are asking our exempt staff to work remotely if their positions allow for this and all non-exempt staff to stay home if at all possible. We also follow the State DOE's schedule for our teaching programs and yesterday, the Governor announced that the State's public and public charter schools will be extending their spring break for two (2) additional weeks through April 6, 2020.

It is recognized that federal and/or state requirements for charging the respective grants are tied to actual hours worked on the program/grant. However, this COVID-19 crisis is beyond the control of our employees and in order to flatten the spread of the disease, we want staff to be able to stay home without the worry of not being able to pay their rent, groceries, car payment or other expenses. **Thus, we would like to request that the USDOE allow the NHEP grantees to continue to pay our employees without having to first exhaust their personal days or vacation balance as they are being asked to not report to work during this national state of emergency. In PIDF's case, we would request that this be allowed effective Monday, March 16, 2020.**



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Here are some examples of the dilemma that we are facing. **Non-exempt staff** are supposed to be supervised and are not allowed to work from home based on Department of Labor laws; however, now due to the COVID-19, guidelines are being provided to allow some to work remotely. Majority of the non-exempt staff's work are generally performed at their worksite or interacting with program participants. In one program, for some **exempt teaching staff**, they may be able to work from home to do lesson plans, etc.; however, we expect that they will complete the bulk of those duties within a short period of time as much of their job is focused on their interactions with the families. Another complication that has just come up is that the majority of sites where we hold our program have been closed, some for a couple of weeks and others until the end of April. In another program, there are **exempt teaching staff** who function as substitutes for school teachers who participate in professional development cycles; if the schools close, then there will be no professional development cycles. Thus there may be **exempt staff**, due to the nature of their job, who may also be unable to work from home.

Although it was PIDF's intention to fully implement the Emergency Alternative Track plan, the prospect of some staff (non-exempt and some exempt as described above) not being paid due to not having enough personal days or vacation leave or not wanting to exhaust all available personal days or vacation leave has in effect encouraged most staff to continue to come to work. This situation makes complying with the social distancing federal guidelines very challenging. The assurance of personnel compensation through the respective federal grant or other funding source for these staff will enable them to stay at home, thus keeping them, their co-workers, and the families we serve safer through social distancing.

We request your consideration of our request and look forward to your response.

Mahalo,

(b)(6)

Jan E. Hanohano Dill
President

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Thu, 26 Mar 2020 15:51:06 +0000
**To:** COVID-19
**Subject:** FW: School Accountability

Please see the question below.

Thanks,
R

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov | 202.453.5719

**From:** Sharon South <sharon@engage2learn.org>
**Sent:** Thursday, March 26, 2020 11:03 AM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>; Albert Martinez <albert@engage2learn.org>
**Subject:** School Accountability

We have read that the federal school accountability may be waived for 2019-2020 school year in the "Broad flexibilities provided to states to bypass ESSA mandated testing for the 2019-2020 school year due to COVID-19 national emergency" communication sent on March 20, 2020, and have two questions regarding the guidance.

1. Will Comprehensive School Improvement, Targeted School Improvement, and Assisted Targeted School Improvement schools maintain their 2019-2020 status for 2020-2021?
2. Will these campuses recieve the allocated federal funding for the corresponding status in 2020-2021?

Thank you.

Regards,
Sharon South
Data Manager, engage2learn
361-739-1873

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Tips for Productive Meetings.png

Virtual Meetings That Work: 5 Quick Tips

How to Set Up a Virtual Meeting System and Protocols

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**From:** COVID-19
**Sent:** Thu, 26 Mar 2020 17:22:15 +0000
**To:** OESE COVID 19;OESE.titlei-a
**Cc:** COVID-19
**Subject:** FW: School Accountability

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,

Christine

---

**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Thursday, March 26, 2020 11:51 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: School Accountability

Please see the question below.

Thanks,
R

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov | 202.453.5719

**From:** Sharon South <sharon@engage2learn.org>
**Sent:** Thursday, March 26, 2020 11:03 AM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>; Albert Martinez <albert@engage2learn.org>
**Subject:** School Accountability

We have read that the federal school accountability may be waived for 2019-2020 school year in the "Broad flexibilities provided to states to bypass ESSA mandated testing for the 2019-2020 school year due to COVID-19 national emergency" communication sent on March 20, 2020, and have two questions regarding the guidance.

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1. Will Comprehensive School Improvement, Targeted School Improvement, and Assisted Targeted School Improvement schools maintain their 2019-2020 status for 2020-2021?
2. Will these campuses recieve the allocated federal funding for the corresponding status in 2020-2021?

Thank you.

Regards,
Sharon South
Data Manager, engage2learn
361-739-1873

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How to Set Up a Virtual Meeting System and Protocols

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**From:** Richardson, Scott
**Sent:** Thu, 26 Mar 2020 14:25:39 +0000
**To:** COVID-19
**Cc:** Muhammad, Faatimah;Witt, Elizabeth;Skloot, Evan
**Subject:** FW: Title II, Part A

---

**From:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Sent:** Wednesday, March 18, 2020 4:46 PM
**To:** Shauntice Wheeler <swheeler@doe.k12.ga.us>
**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>; Richardson, Scott <scott.richardson@ed.gov>
**Subject:** RE: Title II, Part A

Hi Shauntice,
Thank you so much for the question below. We will begin the process of getting you a response. To access more information about the impact of COVID-19 on schools and school personnel, I encourage you to access the Department's COVID-19 webpage at https://www.ed.gov/coronavirus. We will continue to update this site with information.

---

**From:** Shauntice Wheeler <swheeler@doe.k12.ga.us>
**Sent:** Wednesday, March 18, 2020 12:03 PM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** Title II, Part A

Hi,

Thank you for speaking with me. Is there guidance on ways Title II, Part A State Activities funds and LEA allocated funds can be used during this time to improve equitable access to effective teachers?


Shauntice

Shauntice H. Wheeler
Program Manager Title II, Part A (Professional Learning and State Activities)
Teacher and Leader Support and Development
Office of Teaching and Learning
Georgia Department of Education
Telephone: 404-801-9677
Email: swheeler@doe.k12.ga.us
Website: http://www.gadoe.org


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**From:** Richardson, Scott
**Sent:** Thu, 26 Mar 2020 14:12:28 +0000
**To:** COVID-19
**Cc:** Muhammad, Faatimah;Witt, Elizabeth;Skloot, Evan
**Subject:** FW: Title IIA ED Guidance per COVID?

At Evan's request, these Title IIA questions that originally came to TLSP, highlighted below, are being forwarded to the COVID-19 mailbox.

---

**From:** Christine Fox <cfox@setda.org>
**Sent:** Thursday, March 19, 2020 7:37 AM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>; Richardson, Scott <scott.richardson@ed.gov>
**Subject:** Re: Title IIA ED Guidance per COVID?

Thank you,

Here is one more question:

- Can Title IV-A well rounded funds pay for hot spots so students and staff can continue learning at home ?

---

**From:** "Muhammad, Faatimah" <Faatimah.Muhammad@ed.gov>
**Date:** Wednesday, March 18, 2020 at 4:41 PM
**To:** Christine Fox <cfox@setda.org>
**Cc:** "OESE.titleii-a" <OESE.titleii-a@ed.gov>, "Richardson, Scott" <scott.richardson@ed.gov>
**Subject:** RE: Title IIA ED Guidance per COVID?

Hi Christine,
Thank you so much for the questions below. We will begin the process of getting you a response. To access more information about the impact of COVID-19 on schools and school personnel, I encourage you to access the Department's COVID-19 webpage at https://www.ed.gov/coronavirus. We will continue to update this site with information.

Regards,
Faatimah

Faatimah Muhammad, Ed.S
Supervisory Education Program Specialist
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave, S.W 3C106
Washington, DC 20202

AMERICAN OVERSIGHT

202-453-6827
Faatimah.muhammad@ed.gov

---

**From:** Christine Fox <cfox@setda.org>
**Sent:** Wednesday, March 18, 2020 4:30 PM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>
**Subject:** Re: Title IIA ED Guidance per COVID?

Hi there,

Thank you for the quick response. Here are questions that we just gathered during our call. I am happy to disseminate any information you will be able to share. Thank, Christine

1. **Can Title IIA SEA funds be used to purchase devices (tablets/laptops or hot spots for connectivity) for students to ensure equitable access to effective educators since students can't go to school? Or will there be a waiver about purchasing devices?**

2. **Since for many districts, engaging in online learning is not part of regular instruction - is this supplemental? What types of purchases would be permitted?**

3. **Will there be a waiver for Title IVA cap of 15% for Effective Use of Technology ?**

4. **Are any plans to extend the federal grant period?**
    a. Will dates for both 2018-19 and 19-20 be moved? Districts are concerned about carryover that expires this September 2020.

---

**From:** "Muhammad, Faatimah" <Faatimah.Muhammad@ed.gov>
**Date:** Wednesday, March 18, 2020 at 3:06 PM
**To:** Christine Fox <cfox@setda.org>
**Cc:** "OESE.titleii-a" <OESE.titleii-a@ed.gov>
**Subject:** RE: Title IIA ED Guidance per COVID?

Christine,
Thank you so much. Having the specific questions would be very helpful.

Regards,
Faatimah

AMERICAN OVERSIGHT

Faatimah Muhammad, Ed.S
Supervisory Education Program Specialist
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave, S.W 3C106
Washington, DC 20202
202-453-6827
Faatimah.muhammad@ed.gov

---

**From:** Christine Fox <cfox@setda.org>
**Sent:** Wednesday, March 18, 2020 12:02 PM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** FW: Title IIA ED Guidance per COVID?

Please see below, let me know if you can help. Thanks,

Christine Fox
Deputy Executive Director
SETDA//Leadership:Technology:Innovation:Learning
**202-715-6636 ext.702**
@SETDA @cafox
cfox@setda.org

---

**From:** Christine Fox <cfox@setda.org>
**Date:** Wednesday, March 18, 2020 at 12:00 PM
**To:** "Witt, Elizabeth" <Elizabeth.Witt@ed.gov>
**Subject:** Title IIA ED Guidance per COVID?

Hi there,

The Title IIA directors are going to huddle about use of state activity funds to support eLearning. Any updated guidance from ED specific to this? I can develop a list of questions for you if that is helpful.

Also, hopefully you saw that on Monday SETDA release the Coalition for eLearning. **www.setda.org/main-coalitions/elearning**

Here are pages that would be most relevant to teachers:

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- **Partner Resources** **https://www.setda.org/main-coalitions/elearning/partner-resources/** (free resources that have been vetted)
- **Teacher Resources - https://www.setda.org/main-coalitions/elearning/teachers/**
- **Content and Lessons - https://www.setda.org/main-coalitions/elearning/content/**

If you missed the launch Webinar, access the recording here Strategies for eLearning Days in the Wake of COVID-19

Also, SETDA is working to develop additional resources, please let us know of any contracts or grants ED might be pushing out around this.

Thank you,

Christine

Christine Fox
Deputy Executive Director
SETDA//Leadership:Technology:Innovation:Learning
**202-715-6636 ext.702**
@SETDA @cafox
cfox@setda.org

AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Thu, 26 Mar 2020 14:44:11 +0000
**To:** COVID-19
**Subject:** FW: Title IIA ED Guidance per COVID?

Chris: FYI – please see below… I copied the COVID-19 mailbox

---

**From:** Williams, Bryan
**Sent:** Friday, March 20, 2020 11:03 AM
**To:** cfox@setda.org
**Cc:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; OESE.titleii-a <OESE.titleii-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Title IIA ED Guidance per COVID?

Good Morning Christine:

Faatimah Muhammad forwarded your question concerning Title IV-A to the Office of Safe and Supportive Schools, and I'm pleased to respond.

Please note that Title IV-A funds may be used for expenses related to distance learning if the SEA determines it is allowable and consistent with the purposes of at least one of the three content areas (in this case well rounded), and if it is reasonable, necessary and allocable to the grant. Please note that the 15 percent special rule, ESEA Section 4109(b), applies only to the effective use of technology content area and not to well rounded.

At this time, we are not aware of any potential waiver of the 15 percent special rule, however I would recommend regularly checking the Department's webpage for any additional guidance.

If you have any further questions related to Title IV-A, please feel free to contact our office.

Thanks,

Bryan Williams
Group Leader
Title IV-A Program

---

**From:** Muhammad, Faatimah
**Sent:** Thursday, March 19, 2020 10:24 AM
**To:** Christine Fox <cfox@setda.org>
**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>; Richardson, Scott <scott.richardson@ed.gov>
**Subject:** RE: Title IIA ED Guidance per COVID?

Thanks Christine, I will share the TIV questions with the appropriate team.

AMERICAN OVERSIGHT

**From:** Christine Fox <cfox@setda.org>
**Sent:** Thursday, March 19, 2020 7:37 AM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>; Richardson, Scott <scott.richardson@ed.gov>
**Subject:** Re: Title IIA ED Guidance per COVID?

Thank you,

Here is one more question:

- Can Title IV-A well rounded funds pay for hot spots so students and staff can continue learning at home ?

---

**From:** "Muhammad, Faatimah" <Faatimah.Muhammad@ed.gov>
**Date:** Wednesday, March 18, 2020 at 4:41 PM
**To:** Christine Fox <cfox@setda.org>
**Cc:** "OESE.titleii-a" <OESE.titleii-a@ed.gov>, "Richardson, Scott" <scott.richardson@ed.gov>
**Subject:** RE: Title IIA ED Guidance per COVID?

Hi Christine,
Thank you so much for the questions below. We will begin the process of getting you a response. To access more information about the impact of COVID-19 on schools and school personnel, I encourage you to access the Department's COVID-19 webpage at https://www.ed.gov/coronavirus. We will continue to update this site with information.

Regards,
Faatimah

Faatimah Muhammad, Ed.S
Supervisory Education Program Specialist
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave, S.W 3C106
Washington, DC 20202
202-453-6827
Faatimah.muhammad@ed.gov

---

**From:** Christine Fox <cfox@setda.org>
**Sent:** Wednesday, March 18, 2020 4:30 PM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>

AMERICAN OVERSIGHT

**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>
**Subject:** Re: Title IIA ED Guidance per COVID?

Hi there,

Thank you for the quick response. Here are questions that we just gathered during our call. I am happy to disseminate any information you will be able to share. Thank, Christine

1. **Can Title IIA SEA funds be used to purchase devices (tablets/laptops or hot spots for connectivity) for students to ensure equitable access to effective educators since students can't go to school? Or will there be a waiver about purchasing devices?**

2. **Since for many districts, engaging in online learning is not part of regular instruction - is this supplemental? What types of purchases would be permitted?**

3. **Will there be a waiver for Title IVA cap of 15% for Effective Use of Technology ?**

4. **Are any plans to extend the federal grant period?**
    a. Will dates for both 2018-19 and 19-20 be moved? Districts are concerned about carryover that expires this September 2020.

---

**From:** "Muhammad, Faatimah" <Faatimah.Muhammad@ed.gov>
**Date:** Wednesday, March 18, 2020 at 3:06 PM
**To:** Christine Fox <cfox@setda.org>
**Cc:** "OESE.titleii-a" <OESE.titleii-a@ed.gov>
**Subject:** RE: Title IIA ED Guidance per COVID?

Christine,
Thank you so much. Having the specific questions would be very helpful.

Regards,
Faatimah

Faatimah Muhammad, Ed.S
Supervisory Education Program Specialist
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave, S.W 3C106
Washington, DC 20202
202-453-6827
Faatimah.muhammad@ed.gov

AMERICAN OVERSIGHT

**From:** Christine Fox <cfox@setda.org>
**Sent:** Wednesday, March 18, 2020 12:02 PM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** FW: Title IIA ED Guidance per COVID?

Please see below, let me know if you can help. Thanks,

Christine Fox
Deputy Executive Director
SETDA//Leadership:Technology:Innovation:Learning
**202-715-6636 ext.702**
@SETDA @cafox
cfox@setda.org

---

**From:** Christine Fox <cfox@setda.org>
**Date:** Wednesday, March 18, 2020 at 12:00 PM
**To:** "Witt, Elizabeth" <Elizabeth.Witt@ed.gov>
**Subject:** Title IIA ED Guidance per COVID?

Hi there,

The Title IIA directors are going to huddle about use of state activity funds to support eLearning. Any updated guidance from ED specific to this? I can develop a list of questions for you if that is helpful.

Also, hopefully you saw that on Monday SETDA release the Coalition for eLearning. **www.setda.org/main-coalitions/elearning**

Here are pages that would be most relevant to teachers:

- **Partner Resources https://www.setda.org/main-coalitions/elearning/partner-resources/** (free resources that have been vetted)
- **Teacher Resources - https://www.setda.org/main-coalitions/elearning/teachers/**
- **Content and Lessons - https://www.setda.org/main-coalitions/elearning/content/**

If you missed the launch Webinar, access the recording here Strategies for eLearning Days in the Wake of COVID-19

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Also, SETDA is working to develop additional resources, please let us know of any contracts or grants ED might be pushing out around this.

Thank you,

Christine

Christine Fox
Deputy Executive Director
SETDA//Leadership:Technology:Innovation:Learning
202-715-6636 ext.702
@SETDA @cafox
cfox@setda.org

AMERICAN OVERSIGHT

**From:** Alicea, Cristen R.
**Sent:** Thu, 26 Mar 2020 16:14:50 +0000
**To:** COVID-19
**Subject:** FW: V4/V5 - COVID-19

Good morning!

I have not seen any guidance come out related to V4/V5 processing during quarantine. We have at least 1 student for the current term who needs to complete V4 verification, but we are working 100% remote until at least April 15.

Is there any guidance that can be provided on alternative methods for getting this taken care of (e.g. can we video chat and watch them sign the statement of educational purpose, and then accept it electronically? This student does not have access to a notary at this time.)

We appreciate any advice you can provide!

Thank you!
Sincerely,

Cristen Alicea | Assistant Director
Office of Financial Assistance
University of the Incarnate Word
4301 Broadway, CPO 308, San Antonio, TX 78209
Office: (210) 805-1238 | Fax: (210) 283-5053
Customer Service: (210) 829-6008 | www.uiw.edu/finaid

Please do not email sensitive information. To securely upload documents directly to the OFA, click HERE.

---

**From:** Peeler, Kim <Kim.Peeler@ed.gov>
**Sent:** Thursday, March 26, 2020 11:11 AM
**To:** Alicea, Cristen R. <gimenez@uiwtx.edu>; Carcanagues, Amy S. <amyc@uiwtx.edu>
**Cc:** Moya, Jesus <Jesus.Moya@ed.gov>; Thornton, Cynthia <Cynthia.Thornton@ed.gov>; Rhodes, Michael <Michael.Rhodes@ed.gov>
**Subject:** RE: V4/V5 - COVID-19

Cristen –
This is a great condition. Would you please forward your question to the COVID-19@ed.gov email address for guidance? This will allow the responders to provide an answer for all schools that may have this same question.

Thanks –

AMERICAN OVERSIGHT

Kim

---

**From:** Alicea, Cristen R. <gimenez@uiwtx.edu>
**Sent:** Thursday, March 26, 2020 10:03 AM
**To:** Peeler, Kim <Kim.Peeler@ed.gov>; Carcanagues, Amy S. <amyc@uiwtx.edu>
**Cc:** Moya, Jesus <Jesus.Moya@ed.gov>; Thornton, Cynthia <Cynthia.Thornton@ed.gov>; Rhodes, Michael <Michael.Rhodes@ed.gov>
**Subject:** V4/V5 - COVID-19

Good morning!

I have not seen any guidance come out related to V4/V5 processing during quarantine. We have at least 1 student for the current term who needs to complete V4 verification, but we are working 100% remote until at least April 15.

Is there any guidance that can be provided on alternative methods for getting this taken care of (e.g. can we video chat and watch them sign the statement of educational purpose, and then accept it electronically? This student does not have access to a notary at this time.)

We appreciate any advice you can provide!

Thank you!
Sincerely,

Cristen Alicea | Assistant Director
Office of Financial Assistance
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Customer Service: (210) 829-6008 | www.uiw.edu/finaid

Please do not email sensitive information. To securely upload documents directly to the OFA, click HERE.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 26 Mar 2020 13:53:11 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: waiver from signature on COE

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,

Christine

---

**From:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Sent:** Thursday, March 26, 2020 9:47 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>; Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** FW: waiver from signature on COE

OME has sent an acknowledgement to this inquiry.

---

**From:** Schleicher, Leigh (MDE) <leigh.schleicher@state.mn.us>
**Sent:** Thursday, March 26, 2020 9:25 AM
**To:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>; Martinez, Sarah <Sarah.Martinez@ed.gov>
**Cc:** Trevino, Noemi (MDE) <noemi.trevino@state.mn.us>
**Subject:** waiver from signature on COE

I hope this finds you well. I am writing to ask about your thoughts on seeking a waiver from signature on the COE during this time. Recruiters could add a comment about no signature obtained due to COVID19 while still conducting interviews and obtaining pertinent information to determine eligibility. Thank you for your leadership! Leigh

**Leigh Schleicher**
Supervisor, Office of Equity and Opportunity
Office 651-582-8326 | Cell 651-276-1568 | leigh.schleicher@state.mn.us

**Minnesota Department of Education**
1500 Highway 36 West, Roseville, MN 55113
education.state.mn.us

AMERICAN OVERSIGHT

DEPARTMENT OF EDUCATION

AMERICAN OVERSIGHT

**From:** Kesner, Paul
**Sent:** Thu, 26 Mar 2020 14:11:48 +0000
**To:** COVID-19
**Subject:** Fwd: COVID-19

**From:** Falconer, Susan <Susan.Falconer@ed.gov>
**Sent:** Thursday, March 26, 2020 9:19:14 AM
**To:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** Re: COVID-19

Yes I will handle
Get Outlook for iOS
**From:** Kesner, Paul <Paul.Kesner@ed.gov>
**Sent:** Thursday, March 26, 2020 8:47:17 AM
**To:** Falconer, Susan <Susan.Falconer@ed.gov>
**Subject:** FW: COVID-19

We have received a question in the COVID-19 mailbox that is clearly for the Dept of State. Do you know how we should go about sending it to the proper party at State? Thanks

---

**From:** answers <answers@ed.gov>
**Sent:** Tuesday, March 24, 2020 10:34 AM
**To:** Paula Dadone <pdadone@united-studies.com>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: COVID-19

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Dear Paula Dadone,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as

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guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

**From:** Paula Dadone <pdadone@united-studies.com>
**Sent:** Friday, March 20, 2020 8:51 AM
**Subject:** COVID-19

Good morning,

I am contacting you from an agency from Spain.

We bring every year 100 students from Spain for a cultural immersion (thanks to the Department of State Program J1) to do a year of High School.

Because of COVID-19 and the closure of the schools, all of our students have been sent home and most of them are already receiving online education.

I need to know (I am not sure this is the right place to ask this, but I don't know where else to ask this) if my students will:

-Be able to continue the online education from Spain?
-Be able to finish the year and received credits for the classes? (of course if they finish all the assignment)
-Be able to receive the Transcript for the full year?

In conclusion, if they, as well as the American High schoolers will be able to finish the year.

I look forward to your answer.

Thank you very much

AMERICAN OVERSIGHT

**Paula Dadone**
Program Manager Student Affairs

p: (+1) 305.447.2659
w: www.united-studies.com e: pdadone@united-studies.com

**PROTECCIÓN DE DATOS**: le informamos que los datos personales y dirección de correo electrónico, recabados del propio interesado, serán tratados bajo la responsabilidad de United Studies, S.L.U. para el envío de comunicaciones sobre nuestros productos y servicios y se conservarán mientras exista un interés mutuo para ello. Los datos no serán comunicados a terceros, salvo obligación legal. Le informamos que puede ejercer los derechos de acceso, rectificación, portabilidad y supresión de sus datos y los de limitación y oposición a su tratamiento dirigiéndose al email: info@united-studies.com. Si considera que el tratamiento no se ajusta a la normativa vigente, podrá presentar una reclamación ante la autoridad de control en agpd.es

En cumplimiento de lo previsto en el artículo 21 de la Ley 34/2002 de Servicios de la Sociedad de la Información y Comercio Electrónico (LSSICE), si usted no desea recibir más información sobre nuestros servicios, puede darse de baja enviando un correo electrónico a info@united-studies.com, indicando en el **Asunto** "**BAJA**" o "**NO ENVIAR**".

AMERICAN OVERSIGHT

**From:** Melanie Powell
**Sent:** Thu, 26 Mar 2020 16:45:07 +0000
**To:** COVID-19
**Subject:** Garnishment and Collection Efforts on Perkins Loan

We have been contacted by our collection agency, the Louisiana Department of Justice, Attorney General's office with questions about continuing garnishment and collection efforts of delinquent Perkins Loans.

The Attorney General's office was instructed to suspend garnishments and collection actions on Federally held loans. They are asking us if they are supposed to follow the same protocol on the Perkins Loans.

I contacted the Campus Based Program support office and they advised me to contact your office for guidance.

Thanks

LSU
Melanie Powell
Assistant Director
Bursar Operations/Perkins Loan Collections
Louisiana State University
125 Thomas Boyd Hall, Baton Rouge, LA 70803
office 225-578-3378 | fax 225-578-3969
melaniep@lsu.edu | lsu.edu | http://www.lsu.edu/administration/ofa/oas/bur/

AMERICAN OVERSIGHT

**From:** Diana, Louisa
**Sent:** Thu, 26 Mar 2020 20:21:54 +0000
**To:** COVID-19
**Subject:** Guidance for Peace Corps volunteers and Perkins cancellation

Has there been guidance to provide students who were part way through their peace corps service and were sent home.
Will they qualify for a partial Perkins Cancellation based on how much of the year they served?
If they can go back to their Peace Corps position, can the new months served count toward the year of service that was partially completed (even though there will be a break in calendar days) ?
Thanks!

**LOUISA DIANA** | **Gonzaga University** | Associate Director, Financial Aid/Loan Programs, Financial Aid Office | (509) 313-6804

AMERICAN OVERSIGHT

**From:** Janie Holbrook
**Sent:** Thu, 26 Mar 2020 10:01:24 -0400
**To:** COVID-19
**Subject:** Help for K-12 Students, Parents, Caregivers

I am asking the US Department of Education to provide an online resource to assist students, parents and caregivers in managing through this difficult time.

Now that vital issues like student loan payments have been addressed, it is time to lead American families in dealing with this crisis.

Approximately one third of the nation has been told to stay home. Schools have been cancelled but many adults are either working from home, or are working in essential services including health care.

My challenge for the US Department of Education is to create a safe and secure online platform that can be used to help structure student's time, provide them with learning activities, enrich their lives, and reduce their boredom and the counterproductive actions that often result from boredom. Furthermore, be up and running in three (3) business days.

This should be possible with resources already available. This is not a big-budget item. This is six IT people and six content coordinators dedicated for three days. One dozen people; each giving three days. Three phone calls should get a corporate sponsor to defray the cost, if necessary.

**What families need:**

--Acknowledgement that these are challenging times. Most parents and caregivers are neither educators nor free to become home-schoolers full-time. Many are juggling jobs and other responsibilities.

--Assurance that we can do this… together. Let's shift the messaging from "this is hard so we'll quit at Easter" to "We Got This!" My parents were children during the depression, and my father was stationed at Pearl Harbor on Dec 7, 1941, yet their generation put mankind on the moon and began to open the American Dream to all citizens regardless of race, creed, color or gender. Let's channel the resolve and fortitude of the Greatest Generation; let's get this done.

--Sample daily routines based on age (an example shared on a neighborhood social media site follows)

--Links to free websites that provide a range of activities, grouped by topic and/or age. A 1-3 sentence description would be helpful.

Topics can include but are not limited to: Science (divided by Elementary, Biology, Chemistry..); Word Searches and Puzzles; Math; Arts (include links to museums offering virtual tours, youtube videos on drawing…); Exercise and Sports (youtube yoga, gentle yoga for those with physical limitations including older caregivers, tai chi, ask LeBron to provide content on dribbling and a message to put pick-up games on hold); Literature; Studio Arts; Music; Social Studies; Technology (e.g. coding); Languages.

**What families don't need:**

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--Perfection – Launch in three days and improve thereafter. Include reasonable caveats: parents should review sites for appropriateness; no government responsibility for specific content. Include a reporting mechanism for violent, racist, explicit and other inappropriate content.

--Government created content. Content is already out there but families who do not homeschool don't know where to find it. Many school systems closed before it was possible to implement online learning strategies. Many school systems do not have the resources to tackle this. However, between the Department and the many fine Universities with Education faculty, and the existing homeschooling resources, content and capability exists.

**What would be nice:**

--Free limited duration subscriptions for many of the sites that provide enrichment. Why will companies do this? It is good marketing, good public relations, and the right thing to do. Audible, Adobe Creative Suite (Photoshop, Illustrator…), Pandora, Spotify, Disney, Netflix, Hulu, Berlitz, iTunes… 30 days to help America deal with social distancing. New subscribers only. Why not ask?

--Crowd sourced content that is awesome. Not just actors and actresses sending out warm fuzzies, but rap stars providing homemade video with advice on rhyme schemes and cadence, Grammy winners sharing their vocal warm up routines, pro athletes sharing the exercises they do to stay loose and strong, cartoonists sharing how they draw a puppy, photographers sharing how to use your phone to create stunning images of insects or flowers or clouds (not people).

Please provide a tool American families can use to guide them through this pandemic, and to overcome the challenges of social distancing and school closures.

Respectfully,

Janie Holbrook

Sample Schedule developed by real parents working from home (not me):

By 9: Wake up/dress/brush teeth, etc.

9-9:30: breakfast 9:30-10:15: math (Top Score worksheets on Blackboard for older; Num Fu - addition/subtraction for younger)

10:15-10:45: reading books or writing about a topic (switch days) (older); sight words or practice writing letters (younger)

10:45-11:15: Spanish for kids on YouTube/snack

11:15-12:00: active time/recess (outdoor play)

12:00-12:30: lunch

12:30-1:00: free iPad time 1:00-1:30: Wendy Mac art (Instagram Live)

1:30-2:00: coding (code.org)

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2:00-3:00: flex time (music/dance/hockey)

3:00-3:30: Cincinnati Zoo (Facebook Live).

We have built in a little extra time in places to transition or if the kids are being crazy, but keeping a general schedule helps a ton. They expect math/reading in the am, snacks at Spanish, and coding in the afternoon.

AMERICAN OVERSIGHT

**From:** Eileen
**Sent:** Thu, 26 Mar 2020 10:07:45 -0400
**To:** COVID-19
**Subject:** Id ED Statement Purpose forms

It is a requirement that students needing to complete an Identity and Statement of Educational Purpose form needs to do so in person with a valid photo id. How is this handled with the current situation with the Coronavirus. Due to the Stay at Home policy in place by the Commonwealth of Massachusetts, are students are not coming on campus. Classes are virtual classes and forms are being rec'd via other means, ie: fax.
Is there an allowable method to process these forms other than in person?
Thank you
Eileen Cote
Financial Aid
Mt Wachusett Community College
444 Green Street
Gardner, Ma 01440-1000
978-630-9169

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

**From:** Terri Lyon
**Sent:** Thu, 26 Mar 2020 10:04:09 -0400
**To:** COVID-19
**Subject:** Is forcing a student to return from study abroad to the US legal?

I have a question related to a college student studying abroad. He is being forced by the university to return home, and they are threatening to take away his scholarships and health insurance if he does not comply. He is safe where he is, in a country handling the virus well, and he has severe anxiety about traveling and returning to Tennessee. Both the state and federal governments are doing a poor job with prevention.

Traveling home now would require several trains and at least 2 stops. Since this is nonessential travel, must he comply?

Thank you,
Terri Lyon

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Thu, 26 Mar 2020 13:15:36 -0400
**To:** COVID-19
**Subject:** Medical School to graudate students before the end of the term

Q.

Can a student consider a student to be graduate if all courses of the program are completed before the end of the final term of study?

Due to the current emergency situation of COVID-19 this Medical school is considering to graduate students before the end of the term since the students have completed all required courses for graduation.

Students have completed substantially (more than 60% of all scheduled instructional time) and have completed all courses requirements. Cases will be evaluated on case by case to substantiate the completion of the required courses.

Is there a need to adjust DL period dates?

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**From:** Lehman, Bobbi - (rll)
**Sent:** Thu, 26 Mar 2020 23:13:44 +0000
**To:** COVID-19
**Subject:** Medical students & possible early graduation

The College of Medicine is considering graduating medical students a few weeks early in order to get them into practice as soon as possible during the COVID19 pandemic. Their AY would still be a total of 36 weeks but their spring term could be as short as 12 weeks depending on the graduation date decided.

What is the threshold for reporting to the School Participation Team for a shortened term?

- If the term remains 14 weeks or longer (based on the November 5, 2019 guidance for flexibility in length of a term) would we need to report a change in length of the program?
- If the total academic year remains longer than 30 instructional weeks but one term is shortened for the graduating class, would we need to report the change in length of the program?

Thank you in advance for your assistance.

Best regards,
Bobbi

**Bobbi Lehman, M.Ed.| Director of Compliance**
The University of Arizona Office of Scholarships and Financial Aid
PO Box 210066 | Tucson, AZ 85721
520.626.6338 | FAX: 520.621.9473
rll@email.arizona.edu

**IRS Data Retrieval Tool Tutorial:**
https://www.youtube.com/watch?v=eiNkqyCluro

**7 Easy Steps to the FAFSA Tutorial:**
https://www.youtube.com/watch?v=gH-EWZT65jM

AMERICAN OVERSIGHT

**From:** Kari Dedwylder
**Sent:** Thu, 26 Mar 2020 12:36:01 -0500
**To:** COVID-19
**Subject:** Notification- ED Participation Division- Reduction of AY

Due to COVID-19, the 2019-2020 academic year of Jones County Junior College (002411) has been reduced from 30 weeks to 29 weeks due to an extended Spring Break.

No weeks are being added to the Spring 2020 semester.

--

KARI DEDWYLDER
DIRECTOR OF FINANCIAL AID
JONES COLLEGE

TERRELL TISDALE LIBRARY
900 South Court Street
Ellisville, MS 39437

OFFICE: 601.477.4282 | E-MAIL: kari.dedwylder@jcjc.edu
WWW.JCJC.EDU | WWW.JCJC.TV | WWW.JCJCATHLETICS.COM

AMERICAN OVERSIGHT

**From:** Mary Hoderlein
**Sent:** Thu, 26 Mar 2020 13:54:42 +0000
**To:** COVID-19
**Cc:** Patrick Thompson
**Subject:** OPEID #038373-00 - Aveda Fredric's Institute - Temporary Distance Education Notification

To Whom It May Concern:

In connection with the U.S. Department of Education's approval to implement temporary distance education for Aveda Fredric's Institute (OPEID #038373-00), I am writing to notify you that the Institute has moved to distance education as the temporary mode of delivery for education due to the coronavirus (COVID-19) outbreak.

Once the coronavirus threat is eliminated and the directives and guidelines of local, state and federal governments are removed, the Institute will resume on-site education and operations.

Should you require any additional information or have any questions or concerns, please contact Patrick Thompson at (919) 331-2438 or me at 513-300-3759.

Yours in service,
Mary

Mary Hoderlein
Compliance Manager
Nurtur Holdings LLC
6281 Tri-Ridge Blvd., Suite 140
Loveland, OH 45140
MHoderlein@nurturaveda.com
Cell: 513-300-3759
Fax: (513) 576-0374

AMERICAN OVERSIGHT

**From:** Mary Hoderlein
**Sent:** Thu, 26 Mar 2020 13:48:11 +0000
**To:** COVID-19
**Cc:** Patrick Thompson
**Subject:** OPEID #041378-00 and OPEID #041378-01 - Temporary Distance Education Notification

OPEID #041378-00 - Aveda Institute Columbus & OPEID #041378-01 - Aveda Institute Los Angeles - Temporary Distance Education Notification

To Whom It May Concern:

In connection with the U.S. Department of Education's approval to implement temporary distance education for Aveda Institute Columbus (OPEID #041378-00) and its additional location, Aveda Institute Los Angeles (OPEID #041378-01), I am writing to notify you that the Institute and its additional location have moved to distance education as the temporary mode of delivery for education due to the coronavirus (COVID-19) outbreak.

Once the coronavirus threat is eliminated and the directives and guidelines of local, state and federal governments are removed, the Institute and its additional location will resume on-site education and operations.

Should you require any additional information or have any questions or concerns, please contact Patrick Thompson at (919) 331-2438 or me at 513-300-3759.

Yours in service,
Mary

Mary Hoderlein
Compliance Manager
Nurtur Holdings LLC
6281 Tri-Ridge Blvd., Suite 140
Loveland, OH 45140
MHoderlein@nurturaveda.com
Cell: 513-300-3759
Fax: (513) 576-0374

AMERICAN OVERSIGHT

**From:** Mary Hoderlein
**Sent:** Thu, 26 Mar 2020 13:51:26 +0000
**To:** COVID-19
**Cc:** Patrick Thompson
**Subject:** OPEID #041407-00 - Aveda Institute Chapel Hill - Temporary Distance Education Notification

To Whom It May Concern:

In connection with the U.S. Department of Education's approval to implement temporary distance education for Aveda Institute Chapel Hill (OPEID #041407-00), I am writing to notify you that the Institute has moved to distance education as the temporary mode of delivery for education due to the coronavirus (COVID-19) outbreak.

Once the coronavirus threat is eliminated and the directives and guidelines of local, state and federal governments are removed, the Institute will resume on-site education and operations.

Should you require any additional information or have any questions or concerns, please contact Patrick Thompson at (919) 331-2438 or me at 513-300-3759.

Yours in service,
Mary

Mary Hoderlein
Compliance Manager
Nurtur Holdings LLC
6281 Tri-Ridge Blvd., Suite 140
Loveland, OH 45140
MHoderlein@nurturaveda.com
Cell: 513-300-3759
Fax: (513) 576-0374

AMERICAN OVERSIGHT

**From:** Michele Crenshaw
**Sent:** Thu, 26 Mar 2020 15:23:43 -0700
**To:** COVID-19
**Subject:** Perkins Loans- Institutional held

Hi,

I wanted to know if the Federal Perkins Loans will receive guidance from the department with regards to waiving interest for student loans, or is this up to the schools discretion. Is there any literature or direction on this where I can review?

Thank you for your time.

Michele
--

SAN DIEGO STATE UNIVERSITY

**Michele Crenshaw, M.S.W., M.A., B.S.**
*Account Analyst*
*Student Account Services*
**Phone:** 619-594-5563 | **Fax:** 619-594-2668
5500 Campanile Drive, San Diego, CA 92182-7425

AMERICAN OVERSIGHT

**From:** Mike Smith
**Sent:** Thu, 26 Mar 2020 15:22:06 +0000
**To:** COVID-19
**Subject:** POG question

We are accredited by ACCSC and have been given the guidance we can use an attestation signed by the student as proof of graduation until which time High schools are functional again so they can provide an official POG. My question is will we be able to pay Title IV based off of the signed attestation? Or do we still need a copy of the diploma to pay funds?

**Respectfully,**

**Mike Smith** | Vice President of Corporate Compliance and Student Finance
Spartan Education Group, LLC.
Spartan College of Aeronautics and Technology
1 N. Franklin st., Chicago Il 60605
Phone: +1 (918) 831-5210 | Cell: (918) 284-4782

AMERICAN OVERSIGHT

**From:** R.V.S.M.
**Sent:** Thu, 26 Mar 2020 14:57:40 -0500
**To:** COVID-19
**Subject:** Question

Is taking a leave of absence OK action to do during the COVID-19? Thank you
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** James \"JW\" Kelley
**Sent:** Thu, 26 Mar 2020 17:18:53 +0000
**To:** COVID-19
**Cc:** Dr. Wanda White;Joanne Ceres;Sabrina Terry;Patrick Holyfield;Tracy Mancini;Heather Hill
**Subject:** Question about Proposed Modification to Incomplete Grading

To Whom It May Concern:

The NC Community College System Office is considering an optional process for colleges to use the Incomplete grade to mitigate the impact of COVID-19. Please see the below scenario and question. Please feel free to elaborate to help us identify other options if this scenario needs to be adjusted. Thanks. JW

James "JW" Kelley, EdD
Associate Vice President
Student Services
NC Community College System Office

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Scenario: We would like to create a unique incomplete grade for emergency situations (e.g., IE – Incomplete Emergency) to be used with an emergency splitting of the course. For example, welding courses are not available online. So, the faculty member would assign the grade IE to students who choose not to withdraw and want to complete in a future semester. The faculty notes their grade at that time. The college creates a Part B to the course that covers the remaining content of the welding course and makes it available either during the Summer 2020 term and/or the Fall 2020 term. The Part B course will have appropriate SHC but will not count toward graduation and not count in the registration credits for financial aid purposes. Students with the IE in the original welding course are eligible to enroll. After the student completes the Part B course, then the faculty member would submit the final grade replacing the IE in the original welding course. Students who do not enroll in the part B course by the college's deadline would receive a final grade as if the Part B content was not completed (e.g., some students may receive a failing grade and some students could receive a passing grade because their grades were "high" before the IE.).

Questions: Would the IE course impact SAP and other financial aid regulations? Would the Part B course impact SAP and other financial aid regulations?

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AMERICAN OVERSIGHT

**From:** Paul Marcone
**Sent:** Thu, 26 Mar 2020 10:22:04 -0400
**To:** COVID-19
**Subject:** Question from Yeshiva University

I am contacting you on behalf of Yeshiva University. YU was the first university in the US hit with a case of the coronavirus. The university has been shut down longer than any other institution of higher education in the country.

Congress is poised to pass a major stimulus bill that includes money for the Department of Education to disperse to colleges and universities hit by this crisis.

Can you provide some guidance as to how YU can go about applying for these funds?

Thank you in advance for your time and consideration.

Sincerely,

Paul Marcone

Sent from my iPhone

***Paul Marcone, President***
*Paul Marcone & Associates*
*14048 Eagle Chase Circle*
*Chantilly, VA 20151*
*phone: 571-338-2346*
*paul@paulmarconellc.com*

AMERICAN OVERSIGHT

**From:** Julia Henry
**Sent:** Thu, 26 Mar 2020 15:05:46 +0000
**To:** COVID-19
**Subject:** Questions to COVID-19 Guidance

Hello,

Our institution interrupted classes for 7 business days but a total of eleven calendar days; we transitioned our students to online learning on the 12th day.
We are extending classes to these students for their payment period that will overlap in their next payment period. Do we push out their next term/semester? If so, do we adjust their Academic Year and Loan Period?

Best regards,

***Julia Henry***
Director of Financial Aid

*745 Burnside Ave*
*East Hartford, CT 06108*
*Phone: 860-569-0618 ext.3206*
*Email: jhenry@stone.edu*

AMERICAN OVERSIGHT

**From:** Smith, Zelotes
**Sent:** Thu, 26 Mar 2020 11:31:48 -0700
**To:** COVID-19
**Subject:** Questions

Hello,

Hope that you all are well and safe. I recently spoke with some people from our OT program and they had somc questions that students have been asking:

1) For students who will be graduating at the end of this year, will they only receive the standard 6 months of loan payment deferments? The reason for the question is that the students in this program are required to take and pass a test in order to work. The entity that performs the test is not looking to begin testing again until June/July of 2020. This will delay these students from employment due to this requirement as their degrees will confer in May. These students usually will be employed prior to graduation.

2) For students who need to complete fieldwork to graduate, if we were to give them an Incomplete (due to fieldwork placement being unavailable), would they still be considered "enrolled" until their fieldwork is completed?

Thank you,

***Zelotes Smith, M.S.***
***Director of Financial Aid***
*Dominican University of California*
Phone: 415.458.3793
Website: https://www.dominican.edu/

***"If you are always trying to be normal, you will never know how amazing you can be" ~ Marguerite Annie Johnson aka Dr. Maya Angelou***

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL.

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AMERICAN OVERSIGHT

**From:** Perry, John
**Sent:** Thu, 26 Mar 2020 15:18:20 +0000
**To:** COVID-19
**Subject:** RE: Academic Year

Good morning,

I know that you must be getting an extraordinary amount of questions but I wanted to follow up on this question:

> Our school has already shortened the academic term by extending spring break by one week. There is a possibility that it might be shortened more but that decision has not been made as of yet. Should we go ahead and contact the School Participation Team now and notify of this change or wait for the potential future changes?

Many thanks!

**John L. Perry, Ed.D.**
**Interim Executive Director of Student Financial Services**
Governors State University
1 University Parkway
University Park, IL 60484
*Office: 708-534-4480*
*Fax: 708-534-1172*

*"The value of a college education is not the learning of many facts but the training of the mind to think."*
~Albert Einstein

---

**From:** Perry, John
**Sent:** Tuesday, March 17, 2020 3:15 PM
**To:** 'covid-19@ed.gov' <covid-19@ed.gov>
**Subject:** Academic Year

Good afternoon,

I had a question. Our school has already shortened the academic term by extending spring break by one week. There is a possibility that it might be shortened more but that decision has not been made as of yet. Should we go ahead and contact the School Participation Team now and notify of this change or wait for the potential future changes?

Thanks so much! Have a great day!

**John L. Perry, Ed.D.**
**Interim Executive Director of Student Financial Services**

AMERICAN OVERSIGHT

Governors State University
1 University Parkway
University Park, IL 60484
*Office: 708-534-4480*
*Fax: 708-534-1172*

*"The value of a college education is not the learning of many facts but the training of the mind to think."*
~Albert Einstein

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Thu, 26 Mar 2020 20:07:17 +0000
**To:** FSA Case Teams
**Cc:** FederalStudentAid;COVID-19;AtlantaSPD
**Subject:** RE: Caldwell Community College, OPEID 00483500 FW: Message from CALDWELL COM CO (98287594400)

Hello.

Please review the following email inquiring about changing and reduced term lengths that I am forwarding to Program Compliance.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Wednesday, March 18, 2020 7:11 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** FW: Caldwell Community College, OPEID 00483500 FW: Message from CALDWELL COM CO (98287594400)

Please see below message and attached voicemail message for your review and response

---

**From:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:24 PM
**Subject:** Caldwell Community College, OPEID 00483500 FW: Message from CALDWELL COM CO (98287594400)

This is from Julie Ahouse, Caldwell Community College, OPEID 00483500, 828-726-2715, Question for process to Extend or shorten Academic Calendar.

Renee

AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Thu, 26 Mar 2020 17:22:06 +0000
**To:** COVID-19
**Cc:** Pinckney, Christine F.
**Subject:** RE: Concerned Parent with child who is high risk, has chronic respiratory disease
**Attachments:** COVID-19 - Desarey.docx

Hi Chris:

Attached, please see the approved response to the email with tracking #42 – Clem Desarey, received on 3/9/20. It is ready to be sent from the COVID-19 mailbox (I assume Kelly just copied the text and pasted it into an email?). Would you rather these be sent directly to you or to the mailbox? Just let me know…

If you have any questions, please let me know.

Thanks,

Bryan

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 9:08 AM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Concerned Parent with child who is high risk, has chronic respiratory disease

Hi Bryan, please review the draft response for #42. Please provide approval.

Thanks,
Kelly

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Tuesday, March 24, 2020 7:11 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Concerned Parent with child who is high risk, has chronic respiratory disease

Please see attached the related response.

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

AMERICAN OVERSIGHT

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** Sullivan, Madeline
**Sent:** Wednesday, March 18, 2020 1:39 PM
**To:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Subject:** RE: Concerned Parent with child who is high risk, has chronic respiratory disease

Dear Kelly,

This should be looked at.

In brief, asthma is a condition that could be considered under the Rehab Act & IDEA; therefore, I added CDC's language regarding persons at a higher risk as well as a statement that schools and families can work together to determine if additional modifications and accommodations would be applicable.

I updated the title of the document and the text.

As always, I welcome your feedback. More, you sending the draft is incredibly helpful; thank you!

By the way, this is line item #42 on your spreadsheet:

COVID-19@ed.gov
3/9/20
Clem Desarey
[redacted]
Parent Concerned Parent with child who is high risk, has chronic respiratory disease

Sincerely,
Madeline

Madeline Sullivan
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

AMERICAN OVERSIGHT

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

-----Original Message-----
From: COVID-19 <COVID-19@ed.gov>
Sent: Monday, March 9, 2020 1:11 PM
To: Sullivan, Madeline <Madeline.Sullivan@ed.gov>
Subject: RE: Concerned Parent with child who is high risk, has chronic respiratory disease

Hi Madeline,

Can the attached "precaution" be used to reply to the below inquiry.

Thanks,
Kelly

-----Original Message-
From: Desarey Clem <(b)(6)
Sent: Monday, March 9, 2020 10:03 AM
To: COVID-19 <COVID-19@ed.gov>
Subject: Concerned Parent with child who is high risk, has chronic respiratory disease

Hi,
I would like to thank everyone in the Dept of Education for their hard work and dedication to the future of America, our children. I know that everyone is busy and overwhelmed with all of the Covid-19 developments and are doing an outstanding job of protecting the health and safety of our students. I must ask, my student has chronic asthma, and he has a history of becoming extremely ill due to colds and flu, croup, and other respiratory infections. What provisions is the Dept of Education recommending for these sensitive group students??? I would like to know that students that have these conditions will be pulled from campus, if any risk of exposure is present. I am uncomfortable with the current guidelines, they do not address the needs of this vulnerable population within our school community. Thank you Sent from my iPhone

AMERICAN OVERSIGHT

Dear Ms. Desarey:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

Regarding your question, school plans be designed to complement other community mitigation strategies to protect high-risk populations, minimize disruption to teaching and learning, and protect students and staff from social stigma and discrimination. Currently, the Centers for Disease Control and Prevention (CDC) recommends persons who are at higher risk to speak with their healthcare providers about possible protective measures. Schools and the families of students with asthma should work together to determine whether a student has rights under Section 504 of the Rehabilitation Act of 1973 (Section 504) or the Individuals With Disabilities Education Act (IDEA), in which case a specific set of accommodations and modifications may be developed to help ensure inclusion to the extent possible under the law, in accordance with CDC guidelines and the healthcare provider recommendations. For the most up-to-date information from the CDC on COVID-19, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

AMERICAN OVERSIGHT

**From:** Negron-Perez, Hamed
**Sent:** Thu, 26 Mar 2020 19:12:19 +0000
**To:** COVID-19
**Subject:** RE: Consulta

Good Afternoon;

The person who wrote the email is from the financial aid office at LA Escuela Technica de Electricidad, (Electricity Technical School).

But the topic is more about distance learning for currently active students (even though they are currently on recess) and if students that were scheduled to start in April would be eligible to also participate, because of the flexibility that the Department has communicated.

Hope it helps.

Regards

V/r

*Hamed Negrón-Perez*
*U.S. Department of Education*
*Program Specialist*
*Office of Safe & Supportive Schools*
*400 Maryland Ave. SW, Rm 3E259*
*Washington, DC 20202*
*Tel. (202) 453-6725*
*Fax (202) 453-6742*
*Fax (202) 260-7779*
*Honor, Courage & Commitment Above All Else*

***See our REMS TA Center's Website: http://rems.ed.gov***

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 26, 2020 2:56 PM
**To:** Negron-Perez, Hamed <Hamed.Negron-Perez@ed.gov>
**Subject:** FW: Consulta
**Importance:** High

Hi Hamed,

I need to forward this letter to the appropriate office for handling. Is this concerning financial/student aid?

Thanks

AMERICAN OVERSIGHT

Chris

**From:** nquinones@etepr.edu <nquinones@etepr.edu>
**Sent:** Wednesday, March 25, 2020 5:02 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Consulta
**Importance:** High

Saludos,

Tengo una duda y deseo aclararla. La institucion para la que trabajo esta en recesso desde el 16 de marzo de 2020 hasta el 30 de marzo de 2020 y se podria extender. Es por esta razon que estamos trabajando un plan por si se extiende este periodo podamos ofrecer las clases a distancias para los grupos activos actualmente.Mi duda es en el caso de grupos nuevos que teniamos prograados para comenzar en el mes de abril esto es posible. Son estudiantes que su primer termino estaba pautado para este mes de abril y ellos no estan activos.Ya que en un comunicado del departamento indica que hay flexibilidad y deseo verificar. Muchas Gracias por la ayuda que puedan brindar.

Cordialmente

Nellyzaida Quinones Arce
Directora Institucional de Asistencia Economica

AMERICAN OVERSIGHT

**From:** Schneer, Matthew
**Sent:** Thu, 26 Mar 2020 16:03:40 +0000
**To:** Fox, Leslie;COVID-19;Murray, Susan
**Cc:** Moran, Kate;Corr, Gregg
**Subject:** RE: COVID-19 and Part C funds

We are working on a Q and A about this. For now, just forward it to the COVID 19 email list, and you can use the language that has been sent out informing them what we are doing. Let me know if you need any questions

---

**From:** Fox, Leslie <Leslie.Fox@ed.gov>
**Sent:** Thursday, March 26, 2020 11:56 AM
**To:** COVID-19 <COVID-19@ed.gov>; Schneer, Matthew <Matthew.Schneer@ed.gov>; Murray, Susan <Susan.Murray@ed.gov>
**Cc:** Moran, Kate <Kate.Moran@ed.gov>; Corr, Gregg <Gregg.Corr@ed.gov>
**Subject:** FW: COVID-19 and Part C funds

Good Morning Matt and Susan,

I have received a question from Puerto Rico-C about use of funds. I will review the information Kate has posted in the COVID-19 one notebook to see if I can find potential answers on my own. I'd like to run any potential reply past our fiscal team before I set up a call with Ana to discuss specifics.

I'm assuming we need more information such as:

1. what are the specific new tasks
2. which Part C personnel are involved in the tasks
3. how much money are they wanting to use
4. how do the tasks specifically support the needs of infants, toddlers and families in Part C
5. any anticipated impact on direct service delivery if funds are diverted

Anything else??

Leslie

---

**Subject:** COVID-19 and Part C funds

Good Morning Leslie,

As you know, the Puerto Rico Department of Health is working with the COVID-19 pandemic. Certain professionals are going to be asked to participate in teams as needs arise, such as epidemiologists, social workers, doctors, nurses, program evaluators and program coordinators. We have questions as to whether new tasks related to the public health emergency can be paid with Part C funds. Does OSEP have a guidance on what Part C funds can be used for in the times of the pandemic?

As always, I appreciate your continuous support.

AMERICAN OVERSIGHT

Ana

Ana Marie Ríos López, MS
IDEA Part C Coordinator
Maternal, Child and Adolescent Health Division
Puerto Rico Department of Health

NOTA DE CONFIDENCIALIDAD: La información contenida en esta transmisión está destinada únicamente a las personas o entidades a la que se dirige. Puede contener información privilegiada y confidencial, incluida Información de Salud Protegida (PHI). Si usted no es el destinatario, se le notifica que cualquier revisión, difusión, distribución o duplicación de esta comunicación está estrictamente prohibida. Si recibe esta comunicación por error, notifique al remitente inmediatamente y destruya este mensaje.
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AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Thu, 26 Mar 2020 13:55:44 +0000
**To:** COVID-19
**Cc:** Williams, Bryan;Foy Moss, Rita
**Subject:** RE: COVID-19 Guides and Policies for Businesses
**Attachments:** Health - COVID-19 - General Inquiry Respnse to Vendor.docx

Good morning, COVID Response Email Response Team,

Please see attached the draft response.

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 19, 2020 4:37 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: COVID-19 Guides and Policies for Businesses

Hi Madeline,

Please find attached an email from the COVID-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

**From:** Ludwig Makhyan <ludwig@askalmanac.com>
**Sent:** Wednesday, March 18, 2020 7:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 Guides and Policies for Businesses

AMERICAN OVERSIGHT

Hi,

I'm sure you get a lot of content submissions, but I wanted to bring to your attention to a new guide we released about the COVID-19 and policies for businesses: https://askalmanac.com/articles/10783/covid-19-company-playbook

This helpful how-to guide includes templates from 100+ companies, business communications about Coronavirus, how to transition to work from home, social distancing at workplaces and much more. The guides have been downloaded more than 5000 times already and the usage keeps growing.

Do you think it would be a good fit for the Coronavirus resources for businesses on this page? https://www.ed.gov/coronavirus

I'd love to get your thoughts.

Best,
Ludwig

AMERICAN OVERSIGHT

Page 034499

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

Page 09500

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Thu, 26 Mar 2020 19:34:48 +0000
**To:** Pinckney, Christine F.;COVID-19
**Subject:** RE: COVID-19 Guides and Policies for Businesses
**Attachments:** COVID-19 - Makhyan (general inquiry).docx

Hi Chris:

Attached, please see the approved response to the email with tracking #605– Makhyan, received on 3/18/20. It is ready to be sent from the COVID-19 mailbox

Thanks,

Bryan

---

**From:** Pinckney, Christine F. <Christine.Pinckney@ed.gov>
**Sent:** Thursday, March 26, 2020 11:05 AM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** RE: COVID-19 Guides and Policies for Businesses

Ok……Got it!!!

---

**From:** Williams, Bryan <Bryan.Williams@ed.gov>
**Sent:** Thursday, March 26, 2020 11:04 AM
**To:** Pinckney, Christine F. <Christine.Pinckney@ed.gov>
**Subject:** RE: COVID-19 Guides and Policies for Businesses

Not yet… I usually forward my approved, edited response to Kelly for sending.

---

**From:** Pinckney, Christine F. <Christine.Pinckney@ed.gov>
**Sent:** Thursday, March 26, 2020 10:56 AM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: COVID-19 Guides and Policies for Businesses

Madeline sent this to the mailbox…..have you approved it to be sent yet? Do you let us know?

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Thursday, March 26, 2020 9:56 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Subject:** RE: COVID-19 Guides and Policies for Businesses

Good morning, COVID Response Email Response Team,

AMERICAN OVERSIGHT

Please see attached the draft response.

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 19, 2020 4:37 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: COVID-19 Guides and Policies for Businesses

Hi Madeline,

Please find attached an email from the COVID-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

**From:** Ludwig Makhyan <ludwig@askalmanac.com>
**Sent:** Wednesday, March 18, 2020 7:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 Guides and Policies for Businesses

Hi,

I'm sure you get a lot of content submissions, but I wanted to bring to your attention to a new guide we released about the COVID-19 and policies for businesses: https://askalmanac.com/articles/10783/covid-19-company-playbook

This helpful how-to guide includes templates from 100+ companies, business communications about Coronavirus, how to transition to work from home, social distancing at workplaces and much more. The guides have been downloaded more than 5000 times already and the usage keeps growing.

Do you think it would be a good fit for the Coronavirus resources for businesses on this page?

AMERICAN OVERSIGHT

https://www.ed.gov/coronavirus

I'd love to get your thoughts.

Best,
Ludwig

AMERICAN OVERSIGHT

Dear Mr. Makhyan:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

While there is currently no vaccine to prevent COVID-19, public health officials are currently taking steps to prevent the spread of this respiratory disease. Schools can play an important role in this effort. Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission.

We appreciate the information about resources that you have shared. The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your thoughts with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

The COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Thu, 26 Mar 2020 15:28:55 +0000
**To:** COVID-19
**Cc:** Williams, Bryan
**Subject:** RE: Evaluations

Good morning and thank you for resending the inquiry!

This inquiry directly relates to requirements under IDEA and a response should be crafted by OSERS reflecting their most recent guidance: https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

The document mentions evaluations and alternate settings for evaluation; however, I am sure they have more focused and approved language or a method of more directly responding to this particular question.

As always, please let me know if you have a different perspective or if I can be of any further support!

Sincerely,
Madeline

Madeline Sullivan
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742
https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

-----Original Message-----
From: COVID-19 <COVID-19@ed.gov>
Sent: Thursday, March 26, 2020 11:16 AM
To: Sullivan, Madeline <Madeline.Sullivan@ed.gov>
Cc: COVID-19 <COVID-19@ed.gov>
Subject: FW: Evaluations

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,

Christine

-----Original Message-----
From: Kim Johnson <KGJohnson@mesquiteisd.org>
Sent: Monday, March 16, 2020 10:20 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Evaluations

We are struggling to find a way to complete evaluations and maintain the recommended 6 foot social distancing requirement. Having to point to specific test items, observe student responses, give students manipulatives are just a few examples of things done in the evaluation session which won't allow the evaluator to maintain the appropriate distance. We can't find a way to do these virtually, either. I would ask that your department seriously considers allowing districts to suspend evaluation timelines until we are able to work with students face to face. We want our students to have the services they need, but not at the risk of their or our staff members' health.

AMERICAN OVERSIGHT

Sent from Mail<https://go.microsoft.com/fwlink/?LinkId=550986> for Windows 10

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Thu, 26 Mar 2020 19:56:53 +0000
**To:** FSA Case Teams
**Cc:** FederalStudentAid;COVID-19;AtlantaSPD
**Subject:** RE: Georgia Southern University, OPEID 00157200 FW: Message from GEORGIA SOUTHER (99124785413)

Hello.

Please review the following email inquiring about changing and reduced term lengths that I am forwarding to Program Compliance.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Wednesday, March 18, 2020 7:07 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** FW: Georgia Southern University, OPEID 00157200 FW: Message from GEORGIA SOUTHER (99124785413)

Please see below message and attached voicemail for your review and response.

**From:** Gaudio, Renee <Renee.Gaudio@ed.gov>

This is from Tracy Mingo, FAD, Georgia Southern University, OPEID 00157200, 912-478-1263, Tmingo@georgiasouthern.edu

Extended spring break by 1 week, reduces a week in instruction. Asking permission to reduce due to COVID-19.

Renee

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Thu, 26 Mar 2020 14:17:15 +0000
**To:** COVID-19;OESE COVID 19;OESE.titlei-a
**Subject:** RE: Identification of English learners during the COVID-19 pandemic

Thanks! The Title I team will respond to North Dakota.

Best,
R

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov | 202.453.5719

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 26, 2020 9:30 AM
**To:** OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Identification of English learners during the COVID-19 pandemic
**Importance:** High

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,

Christine

---

**From:** McKenzie, Lakesha <Lakesha.McKenzie@ed.gov>
**Sent:** Thursday, March 26, 2020 9:09 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Identification of English learners during the COVID-19 pandemic
**Importance:** High

---

**From:** Arnold, Lodee A. <laarnold@nd.gov>
**Sent:** Tuesday, March 24, 2020 3:33 PM
**To:** OESE.OSS.North Dakota <OSS.NorthDakota@ed.gov>
**Cc:** Matzke, Laurie A. <lmatzke@nd.gov>; Fredericks, Lucy K. <lkfredericks@nd.gov>; Bauman, Cami R. <crbauman@nd.gov>

AMERICAN OVERSIGHT

**Subject:** Identification of English learners during the COVID-19 pandemic
**Importance:** High

Hello,
Hope you are well!
I have reached out to the WIDA state listserv to see what others are doing to identify new students who may be English learners.
While there are no states with answers, there are many needing guidance.
Could you please see if you can provide us with guidance on how to follow identification procedures and meet the students' civil rights while maintaining states' closure orders? We are primarily concerned about administering the valid and reliable screener assessment.

Thank you for your support.
Be well!

NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

**Lodee Arnold**
Assistant Director
EL Programs
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-1876
www.nd.gov/dpi

AMERICAN OVERSIGHT

**From:** Tiffanie Karcher
**Sent:** Thu, 26 Mar 2020 21:03:45 +0000
**To:** COVID-19
**Cc:** Mary Lou Kutchma;Joe Weglarz
**Subject:** Re: Length of Academic Year

Good afternoon!
Marist College (in New York State) extended spring break by 1 week due to COVID-19. At the end of spring break, instruction will resume online until the scheduled end date of the spring term. Since our start and end dates currently remain the same, we are requesting a temporary reduction in our academic year from 30 weeks of instructional time to 29 weeks (15 weeks of instruction for Fall 2019 and 14 weeks of instruction for Spring 2020).
I left a voice message for our School Participation Team, but am also resending this email as instructed. Please advise.
Thank you,
Tiffanie Karcher
Marist College
Associate Director of Compliance and Analyst
Office of Student Financial Services
Telephone: 845-575-3000 ext 2431
Fax: 845-575-3099
**From:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Sent:** Thursday, March 26, 2020 10:44 AM
**To:** Tiffanie Karcher <Tiffanie.Karcher@marist.edu>
**Subject:** FW: Length of Academic Year

**[EXTERNAL EMAIL]**

Hello,

If the institution suspends classes and is unable to add additional classes at the end of one of its terms to reach at least 30 weeks in the academic year, the institution may need to request a temporary reduction in the length of its academic year definition in order to avoid impacts to students' Title IV aid awards. If you do so, please contact your school participation division or COVID-19@ed.gov.

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 4:44 PM
**To:** Cox, Jack <Jack.Cox@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Length of Academic Year

Hello,

AMERICAN OVERSIGHT

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Tiffanie Karcher <Tiffanie.Karcher@marist.edu>
**Sent:** Wednesday, March 25, 2020 4:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Mary Lou Kutchma <Mary.Lou.Kutchma@marist.edu>
**Subject:** Length of Academic Year

Good afternoon!

I work at a private college that extended spring break by 1 week due to COVID-19. At the end of spring break, instruction will resume online until the scheduled end date of the spring term. Although our start and end dates currently remain the same, are we required to request a temporary reduction in our academic year since the instruction time has effectively been shortened by 1 week? If so, do we start by contacting our School Participation team or do we request approval via the ECAR?

Thank you in advance for your guidance.

Tiffanie Karcher
Marist College
Associate Director of Compliance and Analyst
Office of Student Financial Services
Telephone: 845-575-3000 ext 2431
Fax: 845-575-3099

AMERICAN OVERSIGHT

**From:** Myers, Earl
**Sent:** Thu, 26 Mar 2020 14:09:37 +0000
**To:** COVID-19;Foy Moss, Rita
**Subject:** RE: Mental Health Services Professional Demonstration Grant- Questions

Good morning Jennifer,

Thank you for your questions regarding the COVID-19 effects on your grant. In response to your questions, we expect to have clear guidance for discretionary grants in the coming weeks. In addition, the grantee forum scheduled for Thursday, March 26, 2020 has been postponed due to the need for SEAs and LEAs to focus on issues related to the COVID-19 pandemic. Cancellation notifications for this event were sent on March 20, 2020.

Regards,

Earl Myers, Jr
Lead Grants Management Specialist
Office of Safe and Supportive Schools
Office of Elementary and Secondary Education
400 Maryland Ave, SW
Room 3E244, LBJ
Washington, DC 20202-6450
Telephone: 202-453-6716

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 26, 2020 8:38 AM
**To:** Myers, Earl <Earl.Myers@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Mental Health Services Professional Demonstration Grant- Questions

Hello,

The below inquiry was received in the COVID-19 mailbox. Please prepare a response.

Thanks,

Christine

---

**From:** Rodriguez, Jennifer <j20rodriguez@NPS.K12.NJ.US>
**Sent:** Wednesday, March 25, 2020 5:17 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Mental Health Services Professional Demonstration Grant- Questions

AMERICAN OVERSIGHT

Good evening,

I hope this email finds you well healthy and safe during these uncertain times. I am the Program Coordinator for the Supportive Schools Newark initiative funded by the Mental Health Service Professional Demonstration grant. Below are the three questions that I currently have regarding implementation, funding and timeline:

1. A major component of our initiative is to provide group and individual counseling sessions which we were to commence in April. Given the circumstance that we are in, all district schools have moved toward home-instruction and it is unclear when the district will reopen the schools. What are the expectation for meeting narrative goals that are currently pending due to the response to COVID-19?
2. Are there any updates regarding an extension/grace period for the funds that needed to be used by the June 2020?
3. Will there be an extension for the Interim report due May 29, 2020?

Thank you in advance, I look forward to the grantee webinar scheduled for Thursday, March 26th.

In health,

Jennifer Rodriguez
Program Specialist
Office of Federal Programs and Grants
Newark Board of Education
Office: 973-688-2026
E-mail: j20rodriguez@nps.k12.nj.us

AMERICAN OVERSIGHT

**From:** Foy Moss, Rita
**Sent:** Thu, 26 Mar 2020 14:14:56 +0000
**To:** Myers, Earl;COVID-19
**Subject:** RE: Mental Health Services Professional Demonstration Grant- Questions

Earl,
Did you forward your response to the COVID-19 mailbox?
Thanks

---

**From:** Myers, Earl <Earl.Myers@ed.gov>
**Sent:** Thursday, March 26, 2020 10:10 AM
**To:** COVID-19 <COVID-19@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Subject:** RE: Mental Health Services Professional Demonstration Grant- Questions

Good morning Jennifer,

Thank you for your questions regarding the COVID-19 effects on your grant. In response to your questions, we expect to have clear guidance for discretionary grants in the coming weeks. In addition, the grantee forum scheduled for Thursday, March 26, 2020 has been postponed due to the need for SEAs and LEAs to focus on issues related to the COVID-19 pandemic. Cancellation notifications for this event were sent on March 20, 2020.

Regards,

Earl Myers, Jr
Lead Grants Management Specialist
Office of Safe and Supportive Schools
Office of Elementary and Secondary Education
400 Maryland Ave, SW
Room 3E244, LBJ
Washington, DC 20202-6450
Telephone: 202-453-6716

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 26, 2020 8:38 AM
**To:** Myers, Earl <Earl.Myers@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Mental Health Services Professional Demonstration Grant- Questions

Hello,

The below inquiry was received in the COVID-19 mailbox. Please prepare a response.

AMERICAN OVERSIGHT

Thanks,

Christine

---

**From:** Rodriguez, Jennifer <j20rodriguez@NPS.K12.NJ.US>
**Sent:** Wednesday, March 25, 2020 5:17 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Mental Health Services Professional Demonstration Grant- Questions

Good evening,

I hope this email finds you well healthy and safe during these uncertain times. I am the Program Coordinator for the Supportive Schools Newark initiative funded by the Mental Health Service Professional Demonstration grant. Below are the three questions that I currently have regarding implementation, funding and timeline:

1. A major component of our initiative is to provide group and individual counseling sessions which we were to commence in April. Given the circumstance that we are in, all district schools have moved toward home-instruction and it is unclear when the district will reopen the schools. What are the expectation for meeting narrative goals that are currently pending due to the response to COVID-19?
2. Are there any updates regarding an extension/grace period for the funds that needed to be used by the June 2020?
3. Will there be an extension for the Interim report due May 29, 2020?

Thank you in advance, I look forward to the grantee webinar scheduled for Thursday, March 26th.

In health,

Jennifer Rodriguez
Program Specialist
Office of Federal Programs and Grants
Newark Board of Education
Office: 973-688-2026
E-mail: j20rodriguez@nps.k12.nj.us

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Thu, 26 Mar 2020 20:06:50 +0000
**To:** AtlantaSPD;COVID-19;FederalStudentAid
**Cc:** FSA Case Teams
**Subject:** RE: Message from Greensboro Coll (93362177200)

Hello.

Please review the following email inquiring about changing and reduced term lengths that I am forwarding to Program Compliance.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Wednesday, March 18, 2020 7:15 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** FW: Message from Greensboro Coll (93362177200)

**Please see below message and attached voicemail for your review and response**

---

**From:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:28 PM

**Subject:** FW: Message from Greensboro Coll (93362177200)

This is from Lindsey Latham, Greensboro College, OPEID 00293000, 336-272-8=7102, ext 5253.

Has questions on Extending the Spring Break/Academic Calendar.

Renee

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Thu, 26 Mar 2020 14:59:44 +0000
**To:** COVID-19
**Cc:** Williams, Bryan;Foy Moss, Rita
**Subject:** RE: Online Resources?
**Attachments:** Health - COVID-19 - Continuity of Teaching and Learning __ Alabama.docx

Good morning COVID Email Response Team,

Please see attached a response for continuity of teaching and learning information and resources for Alabama.

As always, I look forward to you feedback and an happy to edit this as you see fit!

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 19, 2020 1:03 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Online Resources?

Madeline, do we have any online resources we can provide to help with this inquiry. See below.

Kelly

---

**From:** Dowling, Maureen <Maureen.Dowling@ed.gov>
**Sent:** Thursday, March 19, 2020 12:55 PM
**To:** Curtis, Patti <Patti.Curtis@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Velez-Anderson, Mischele <MiSchele.Velez-Anderson@ed.gov>
**Subject:** Online Resources?

AMERICAN OVERSIGHT

Patti and Response Team,

I had a very frustrated public school teacher form AL contact our office (via phone) asking for resources for online learning. I know that you have been trying to pull together a list. Might you be able to provide some resources at this stage or do you have any recommendations?

I have also included the COVID-19 mailbox to see if they have a response that we can provide to this callerMis.

Maureen

**MAUREEN DOWLING, ED.D.**
**DIRECTOR**
OFFICE OF NON-PUBLIC EDUCATION
OFFICE OF THE SECRETARY | U.S. DEPARTMENT OF EDUCATION
400 MARYLAND AVE, SW | WASHINGTON, DC 20202 | 202-260-7820
JOIN THE ONPE LISTSERV!

AMERICAN OVERSIGHT

Page 09519

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

Page 09520

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

**From:** Muhammad, Faatimah
**Sent:** Thu, 26 Mar 2020 18:50:38 +0000
**To:** OESE.titleii-a
**Cc:** COVID-19;Richardson, Scott
**Subject:** Re: Question regarding memo M-20-17

Thanks

On Mar 26, 2020, at 2:28 PM, OESE.titleii-a <OESE.titleii-a@ed.gov> wrote:

This question came to Title IIA via SGR. It's similar to a questions received previously from SEDTA and forwarded to the COVID-19 box earlier today.

---

**From:** Muhammad, Faatimah
**Sent:** Thursday, March 26, 2020 2:02 PM
**To:** OESE.titleii-a <OESE.titleii-a@ed.gov>
**Cc:** Vakil, Mandana <mandana.vakil@ed.gov>
**Subject:** RE: Question regarding memo M-20-17

FYI

---

**From:** OESE.SGR.Wyoming <Wyoming.oese@ed.gov>
**Sent:** Thursday, March 26, 2020 12:29 PM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** FW: Question regarding memo M-20-17

Good afternoon, Faatimah.

Please see the following inquiry, below.

Respectfully,

Lakesha
**From:** Mark Bowers <mark.bowers@wyo.gov>
**Sent:** Thursday, March 26, 2020 10:24 AM
**To:** OESE.SGR.Wyoming <Wyoming.oese@ed.gov>
**Subject:** Question regarding memo M-20-17

In several instances there is the mention of "Awarding agencies" as having the ability to grant certain flexibilities, and I wonder who the Awarding agency is, USED or the SEA? For example, #4 - Extension to Expiring Awards - does the authority to grant this extension rest with the SEA or does the LEA or SEA have to apply to USED for this extension?

AMERICAN OVERSIGHT

All the best,

**Mark Bowers**
Title II-A and IV-A Program Manager
Wyoming Department of Education
122 W. 25th St., Suite E200
Cheyenne, WY 82002
Office Phone: 307.777.8739

https://2020starconference.eventbrite.com

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

AMERICAN OVERSIGHT

**From:** OESE.SGR.West Virginia
**Sent:** Thu, 26 Mar 2020 14:39:33 +0000
**To:** Michelle Moore;OESE.SGR.West Virginia
**Cc:** Carrie Reeves;Elizabeth McCoy;Melanie Purkey;Mami Itamochi;COVID-19
**Subject:** RE: Questions about FY19 and FY 20 funding extensions

Hi,

Thank you for your message. We have received your inquiry and shared it with our colleagues who are responding to questions related to the coronavirus at COVID-19@ed.gov. To learn more about the U.S. Department of Education's prevention plan and how you can help prevent the spread of coronavirus, please visit www.ed.gov/coronavirus for more details.

Respectfully,

Lear Cook
State and Grantee Relations
Office of Elementary and Secondary Education
U.S. Department of Education
202.205.9085
OESE@ed.gov

---

**From:** Michelle Moore <mmoore@k12.wv.us>
**Sent:** Thursday, March 26, 2020 10:20 AM
**To:** OESE.SGR.West Virginia <WestVirginia.oese@ed.gov>
**Cc:** Carrie Reeves <cbreeves@k12.wv.us>; Elizabeth McCoy <eamccoy@k12.wv.us>; Melanie Purkey <mpurkey@k12.wv.us>; Mami Itamochi <mitamochi@k12.wv.us>
**Subject:** Questions about FY19 and FY 20 funding extensions

We have recently received inquiries from several of our LEAs asking about the possibility of extensions for FY 19 funding that they have carried over, or the possibility of increasing the 15% limit for Title I, Part A carryover for FY 20 funding. Any guidance or information that you would have for us to pass on to our LEAs would be greatly appreciated.

Thank you,
Michelle Leftwich

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Thu, 26 Mar 2020 18:32:34 +0000
**To:** COVID-19;Sullivan, Madeline
**Subject:** RE: Study abroad for less study

FYI – after reading the incoming I actually don't think that this one even warrants a response…

Bryan

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 12:25 PM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Study abroad for less study

Hi Bryan, please review draft response for #687. Please provide approval.

Thanks,
Kelly

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Wednesday, March 25, 2020 10:33 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Subject:** FW: Study abroad for less study

Dear COVID-19 Email Response Team,

The below inquiry relates to higher ed and study abroad. Perhaps this is for the higher ed group.

If I am mistaken, please let me know. I will happily create a response for you.
Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

AMERICAN OVERSIGHT

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 23, 2020 11:41 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Study abroad for less study

Hi Madeline,

Please find attached an email from the COVID-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

---

**From:** Karo <(b)(6)
**Sent:** Friday, March 20, 2020 3:12 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Study abroad for less study

Hi it's Karen Branham and I want to be a doctor. Now can you help me out with this and a prescription number and such.

I will travel the world to help out just in my demand.

Thanks for the help and support with the future of our military.
Karen Branham

Get Outlook for Android

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Thu, 26 Mar 2020 20:04:22 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** FederalStudentAid;AskAFed
**Subject:** RE: Temporary school closure COVID 19

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Wednesday, March 18, 2020 4:37 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** Fw: Temporary school closure COVID 19

please see COVID-19 question below

---

**From:** (b)(6) [redacted]
**Sent:** Tuesday, March 17, 2020 2:02 PM
**To:** AskAFed <AskAFed@ed.gov>
**Subject:** Temporary school closure COVID 19

Our institution has decided to temporarily close our campus starting tomorrow for 14 days. I have notified both our state agency and our accreditor following the suggested protocol for both. I am looking for guidance on who I should notify within the Department of Education.

School Code # 014064

AMERICAN OVERSIGHT

Respectfully,


# Aimee Ferguson

Director of Admissions/FA
Bus. 916-735-3777

CITRUS HEIGHTS BEAUTY COLLEGE


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AMERICAN OVERSIGHT

**From:** Lovitt, Brittney
**Sent:** Thu, 26 Mar 2020 14:03:18 +0000
**To:** OESE.titlei-a;OESE.SGR.Tennessee
**Cc:** COVID-19
**Subject:** RE: TN - Public Reporting Waiver Request

Thank you Robert

---

**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Thursday, March 26, 2020 7:45 AM
**To:** OESE.SGR.Tennessee <Tennessee.oese@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: TN - Public Reporting Waiver Request

Thank-you Chris!

This one I will carry forward and respond to the state as this is a wavier for reporting my office is handling. Brittney—no need for you to control this particular letter for TN.

Thanks,
R

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov| 202.453.5719

---

**From:** OESE.SGR.Tennessee <Tennessee.oese@ed.gov>
**Sent:** Thursday, March 26, 2020 7:26 AM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: TN - Public Reporting Waiver Request

Good morning, All-

Please see below and attached for a waiver request from TN.

Thanks,

*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations

AMERICAN OVERSIGHT

400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** Eve Carney <Eve.Carney@tn.gov>
**Sent:** Wednesday, March 25, 2020 6:31 PM
**To:** OESE.SGR.Tennessee <Tennessee.oese@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Roney, Collette <Collette.Roney@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Penny Schwinn <Penny.Schwinn@tn.gov>; Michael Hardy <Michael.Hardy@tn.gov>; Sam Pearcy <Sam.Pearcy@tn.gov>; Drew Harpool <Drew.Harpool@tn.gov>
**Subject:** TN - Public Reporting Waiver Request

Good afternoon,

Attached is Tennessee's waiver request for flexibility in public reporting and report card requirements. Thank you for your consideration of this request and for your ongoing responsiveness and support during this challenging time in our state.

Respectfully,

Eve Carney

TN Department of Education

Eve Carney, Ed.D. | Chief Districts and Schools Officer
Andrew Johnson Tower, 12h Floor
710 James Robertson Parkway, Nashville, TN 37243
615-532-1245 (o) 615-854-9598 (c)
Eve.Carney@tn.gov
tn.gov/education
#TNBestforAll

*We will set all students on a path to success*

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AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Thu, 26 Mar 2020 14:11:26 +0000
**To:** COVID-19;OESE.titlei-a
**Subject:** RE: TN - Public Reporting Waiver Request

Thank-you!

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov | 202.453.5719

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 26, 2020 8:47 AM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: TN - Public Reporting Waiver Request

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,

Christine

---

**From:** Eve Carney <Eve.Carney@tn.gov>
**Sent:** Wednesday, March 25, 2020 6:31 PM
**To:** OESE.SGR.Tennessee <Tennessee.oese@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Roney, Collette <Collette.Roney@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Penny Schwinn <Penny.Schwinn@tn.gov>; Michael Hardy <Michael.Hardy@tn.gov>; Sam Pearcy <Sam.Pearcy@tn.gov>; Drew Harpool <Drew.Harpool@tn.gov>
**Subject:** TN - Public Reporting Waiver Request

Good afternoon,

Attached is Tennessee's waiver request for flexibility in public reporting and report card requirements. Thank you for your consideration of this request and for your ongoing responsiveness and support during this challenging time in our state.

AMERICAN OVERSIGHT

Respectfully,

Eve Carney

Eve Carney, Ed.D.|Chief Districts and Schools Officer
Andrew Johnson Tower, 12h Floor
710 James Robertson Parkway, Nashville, TN 37243
615-532-1245 (o) 615-854-9598 (c)
Eve.Carney@tn.gov
tn.gov/education
#TNBestforAll

*We will set all students on a path to success*

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AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Thu, 26 Mar 2020 19:05:32 +0000
**To:** Sullivan, Madeline;COVID-19
**Cc:** Kesner, Paul;Foy Moss, Rita
**Subject:** RE: Total Image Beauty Academy - decided to close temporarily

Yes – I believe we already decided that this would be forwarded…

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Tuesday, March 24, 2020 7:24 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Kesner, Paul <Paul.Kesner@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>; Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** Total Image Beauty Academy - decided to close temporarily

Dear COVID-19 Email Team,

I was informed this particular inquiry was assigned to the higher ed team.

If that is not the case, please let me know. I would be happy to draft a response for you!

Sincerely,
Madeline

| | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 142 | COVID-19@ed.gov | 3/12/20 | Michael | Hechme | (b)(6) (b)(6) i .com | | | Other | Total Image Beauty Academy - decided to close temporarily | | Madeline Sullivan | | | OESE-SSS | |

U.S. Department of Education
Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332
Washington, DC 20202-6110

Phone: 202-453-6705 Fax: (202) 453-6742

AMERICAN OVERSIGHT

https://twitter.com/hashtag/schoolsafetyselfie?f=tweets&vertical=default&src=hash

AMERICAN OVERSIGHT

**From:** Karrie Morgan
**Sent:** Thu, 26 Mar 2020 15:15:16 +0000
**To:** COVID-19
**Subject:** Refund of room and board

Hello,

If we refund a portion of room and board and allow it to be used as a credit for 2020-21 does that need to be considered EFA for 20-21?

Looks like that's what NASFAA is saying, but I wanted to confirm. https://www.nasfaa.org/news-item/21302/Trending_AskRegs_Q_A_Is_It_EFA_If_a_School_Delays_a_Refund_Of_Institutional_Charges_Until_the_Following_Academic_Year_Due_To_Coronavirus

Thanks,

Karrie

**Karrie Morgan**
Director of Financial Aid
University of Sioux Falls
1101 W. 22nd St.
Sioux Falls, SD 57105
karrie.morgan@usiouxfalls.edu
O: 605.331.6672
F: 605.575.2043

AMERICAN OVERSIGHT

**From:** Mayra Fernandez
**Sent:** Thu, 26 Mar 2020 19:12:40 +0000
**To:** COVID-19
**Subject:** Releasing FSA Credit Balance

Hello,

Due to a stay home order our governor issued effective 3/25 we will be disbursing FSA credit balances through direct deposit remotely but, as far as our students who elect paper checks we need to go to the school and print checks. My question is with our start date being 3/30/2020 the seventh day of the payment period would be Monday April 6, 2020. My question is we are able to print checks on Tuesday April 7, 2020 for these students. Would that be fine to disburse paper checks on April 7th due to COVID-19 events and stay home order issued in our state?

Thank you,

Snip from FSA Handbook:

ıg FSA Funds, 2018–2019 Glossary CFR DCL

*Special provisions for books and supplies*

In order to academically succeed in a program, a student must be able to purchase books and supplies at the beginning of the academic period. Therefore, by the seventh day of a payment period, a school must provide a way for a student who is eligible for FSA funds to obtain or purchase the books and supplies required for the payment period if

- ten days before the beginning of the payment period, the school could have disbursed FSA funds to the student; and
- disbursement of those funds would have created an FSA credit balance.

**MAYRA FERNANDEZ | DIRECTOR OF FINANCIAL AID**
Perry Technical Institute | 2011 W. Washington Ave. | Yakima, WA 98903
509.453.0374 x5756 or 888.528.8586 (w) | 509.453.0458 (f) | WWW.PERRYTECH.EDU
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I Give to the Employee Campaign

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 26 Mar 2020 18:07:46 +0000
**To:** [redacted]
**Cc:** COVID-19
**Subject:** Response from U.S. Department of Education - COVID-19

Dear Ms. Atkeson:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

While there is currently no vaccine to prevent COVID-19, public health officials are currently taking steps to prevent the spread of this respiratory disease. Schools can play an important role in this effort. Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission.

As you have noted, the Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your thoughts with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 26 Mar 2020 18:27:37 +0000
**To:** (b)(6) [redacted]@icloud.com
**Cc:** COVID-19
**Subject:** Response from U.S. Department of Education - COVID-19

Dear Ms. Mercer:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

Regarding your question, please note that the Coronavirus Aid, Relief, and Economic Security Act, or CARES Act, recently passed by Congress will provide billions of dollars in emergency aid, including $3 billion which would be set aside for emergency relief funds that governors can use for schools in areas severely affected by the outbreaks, and another $13.5 billion that will go towards elementary and secondary school relief funding. These funds will be critical for schools and communities to protect students, staff, and families.

For further information, please note that the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Angela Wrublewski
**Sent:** Thu, 26 Mar 2020 18:47:14 +0000
**To:** COVID-19
**Cc:** Woodrow Wilson
**Subject:** S299A160003-COVID19

Good Afternoon,

I was asked by our project officer to direct my update and questions toward this email address. This information was sent this morning.

As an update to our situation here, as of yesterday all Oklahoma Public School districts have been directed to complete the school year through distance learning and all activities are cancelled. Administrations have until April 6 to submit to the State their plan for distance learning to ensure inclusivity for all students within their district. Schools have been directed to remain closed until June 30 with no on site activities. This closure of our schools will of course have a significant effect on our ability to complete our goals and objectives. We had significant plans toward summer school initiatives, which will now not be possible.

In addition, Chickasaw Nation facilities are closed at this time until April 15. Mission critical staff are the only personnel required to report to work at this time. All personnel within our NYCP grant have been asked to stay at home until April 15 at minimum. So, right now I am the only staff person working in office at this time. Salaries will continue to be paid for all staff.

I have a couple of questions as to how best to proceed from here. First, will you all be offering any conference calls or guidance toward our programs in the coming weeks or will guidance be on a one on one basis? Second, how has the COVID-19 crisis affected reporting requirements (i.e. annual report deadline)? How has the crisis affected the opportunities available for the new funding cycle? Will funding still be available and will this delay the processes involved in posting a NOFO?

Your guidance is appreciated. Stay safe!

Angie Wrublewski
Director, Supportive Programs
Education Division
Department of Community Services
300 Rosedale Road
Ada, OK 74820
Work: (580) 421-7711, ext. 61032
Cell: (580) 235-2300

One Tribe
ONE MISSION

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Thayer-Mencke, Laura
**Sent:** Thu, 26 Mar 2020 19:46:53 +0000
**To:** COVID-19
**Subject:** Seeking guidance

At my institution lecture classes have moved online and the campus is open but accessible only to students, staff, and faculty. Staff and faculty have been encouraged to work at home as much as possible. We are a health sciences school and clinicals are still going on at sites as long as the site hasn't cancelled them. Some labs are still taking place on campus and others are being moved online if they can be.

I have some work-study students who are still working. I have other work-study students who are not working for various other reasons – one is pregnant which puts her in a high risk category for COVID-19 and one has moved home to be near her family because of COVID-19. These two students are "unable to work their scheduled hours because of COVID-19 disruptions." Another student has made the decision not to work because she doesn't want to put herself at risk. Since she could work but made the choice not to because of COVID-19 can I pay her? I have other students who have expressed their concern about working when the guidance from the local health department and the CDC is to stay home and social distance. They could work but may also make the choice not to. Can I pay them? None of the work-study positions can be done by other means such as online, remote, or telecommute.

Thanks,
Laura

**Laura Thayer-Mencke**
Director of Student Financial Aid
thayermenckelaura@clarksoncollege.edu
PH 402.552.3470 FX 402.552.3238

Clarkson College
101 South 42 St. Omaha, Neb. 68131-2739
ClarksonCollege.edu | Preparetobethebest.com

In accordance with CDC and WHO guidelines to prevent the spread of coronavirus (COVID-19), I am working remotely. The best way to reach me is through email.

AMERICAN OVERSIGHT

**From:** Geoff Marsh
**Sent:** Thu, 26 Mar 2020 13:19:33 -0700
**To:** COVID-19
**Subject:** Title IV Disbursement Notices

Good afternoon!

Because our office is working remotely, we currently do not have a way to send paper notifications to borrowers (students and parents) who have not provided authorization to send information electronically.

Under the current circumstances, can we send the notices electronically?
If so, can we send parent notices via the student's email if we do not have a parent email?

Thank you for your guidance on this matter.

Geoff Marsh
Senior Director of Financial Aid
Phone: 562-903-4742
Fax: 562-906-4541

AMERICAN OVERSIGHT

**From:** Mary Anne Stano
**Sent:** Thu, 26 Mar 2020 19:29:55 +0000
**To:** COVID-19
**Subject:** TIV Credit Balance and EFA

In response to, "AskRegs Update: Can We Hold the Title IV Credit Balance Until the Next Award Year If We Refund Institutional Charges Due To Coronavirus?", NASFAA included the following guidance: "Note: Once you **deliver** the Title IV credit balance to the student or parent for the current award year, those funds belong to the student or parent and must be used to cover educational expenses. If the student or parent then uses those funds to make an advance payment towards next year's charges, it is a payment on the student's account for next year and not estimated financial assistance (EFA) for either award year. This is different from the limited scenario when the school delays a refund of institutional charges and provides an institutional credit towards next year's institutional charges, in which case it is EFA next year."

Can you please explain what it means to "deliver" a TIV credit balance? Must we cut a check? We want to make sure we understand fully so that we do not create a situation that requires us to use the TIV credit balance as EFA next year. Families are suffering enough. To have to then treat a credit balance as EFA seems like an unnecessary penalty. We'd prefer to create the credit this year and encourage the student to use it as prepayment for next year, but how can we do this or suggest this within the regulations?

Thank you and stay well,

**Mary Anne**

\\\ **Mary Anne Stano**
Director | Office of Financial Aid

LOYOLA
UNIVERSITY MARYLAND

4501 North Charles Street, Baltimore, MD 21210
410-617-2576 \ financialaid@loyola.edu

**MORE THAN READY. LOYOLA READY.**

AMERICAN OVERSIGHT

**From:** Patricia Salkin
**Sent:** Thu, 26 Mar 2020 23:56:48 +0000
**To:** COVID-19
**Cc:** Lieberman, Matthew
**Subject:** Touro College Request for Early Graduation of Medical Students
**Attachments:** Touro College USDOE COM Early Graduation Final.pdf

Good evening,
Please see the attached request.
Sincerely,
Patricia Salkin

Patricia E. Salkin
Provost, Graduate and Professional Divisions

Touro College
500 7th Ave, 4th Floor

New York, New York 10018
Phone: 646-565-6522
psalkin@tourolaw.edu

AMERICAN OVERSIGHT

TOURO COLLEGE

OFFICE OF THE PROVOST FOR THE GRADUATE & PROFESSIONAL DIVISIONS

Patricia E. Salkin, Provost

March 26, 2020

**VIA ELECTRONIC MAIL at COVID-19@ed.gov**
U.S. Department of Education
School Participation Team

RE: Touro College Request for Early Graduation of Medical Students
OPEID 01014200

Good Evening,

With Governor Cuomo's request to higher-education health institutions in New York to assist the State's health systems, Touro College submits this for approval to begin the process of providing eligible students in our DO program the option to graduate early. This early graduation will allow such students to provide additional support to the medical personnel on the front lines of the COVID-19 pandemic.

This option will be made available to students, on a case-by-case basis, who have completed all of the academic requirements necessary to for their degree. All students that are eligible for this option will have met the required minimum of 228 credit hours and 130 weeks as reported to COCA (see Appendix A). This optional, early graduation is approved by our programmatic accreditor and is currently under review by the New York State Department of Education.

Graduation will be on a per student basis as each student completes their requirements. Educational instruction is continuing as scheduled and any students not voluntarily choosing this option or who do not qualify will continue their educational program through the duration of the normally scheduled semester.

We hope that this request is met favorably and request your acknowledgement and approval as quickly as possible. Please do not hesitate to reach out to me directly with any questions that you may have.

Thank you.

Respectfully Submitted,

(b)(6)

Patricia Salkin
Provost

CC: Matthew Lieberman, Director of Regulatory Compliance and Financial Aid

AMERICAN OVERSIGHT

## APPENDIX A

The current breakdown for 4th year students who have completed all 9 senior rotations at the Touro College of Osteopathic Medicine is as follows:

| Year | Credit Hours Earned | Curricular Weeks |
|---|---|---|
| **1** | 58 | 35 |
| **2** | 58 | 33 |
| **3** | 66 | 44 |
| **4** | 54 | 36 |
| **TOTALS** | **236** | **148** |
| **REQUIRED** | **228** | **130** |

At the time we graduate any eligible student, those students would have completed 8 of 9 senior rotations, which would be 48 credits (8 rotations x 6 credits) and 32 weeks (8 rotations x 4 weeks), which meets the minimum requirements mandated by our specialty accreditor COCA. That looks like this:

| Year | Credit Hours Earned | Curricular Weeks |
|---|---|---|
| **1** | 58 | 35 |
| **2** | 58 | 33 |
| **3** | 66 | 44 |
| **4*** | 48 | 32 |
| **TOTALS** | **230** | **144** |
| **REQUIRED** | **228** | **130** |

**Accordingly, with the completion of the 8th rotation, students that are eligible to graduate early will have met the minimum Credit hours and Curricular weeks as required by COCA.**

AMERICAN OVERSIGHT

**From:** Johnson, Cammy
**Sent:** Thu, 26 Mar 2020 20:18:40 +0000
**To:** COVID-19;AskAFed
**Subject:** Unofficial Withdrawals

I'm not sure the answer to this is known yet but it is something that has come up with the end of term fast approaching. Our school policy is that if a student stops attending at any point within the term that the instructor gives a grade of an F1 meaning they attended at least once and then did not return. If a student has all F1 grades they are considered an unofficial withdrawal and a R2T4 calculation is then processed at 50% of the term.

If a student is an unofficial withdrawal we have no way of knowing if this was due to COVID-19 or not, do we continue to process R2T4's on these students and then if they contact saying it was due to COVID-19 go back and reverse the adjustment?

Thank you in advance.

**Cammy Johnson**
Financial Aid System Analyst

My 5 Strengths:
Achiever | Analytical | Responsibility | Positivity | Consistency

*Every Student • Every Day*
Western Technical College
THE ESSENTIAL EXPERIENCE

PHONE: 608.785.9569 | FAX: 608.789.4760
400 7th St. North, La Crosse, WI 54601 | www.westerntc.edu

AMERICAN OVERSIGHT

**From:** Elissa Scott
**Sent:** Thu, 26 Mar 2020 12:41:57 -0500
**To:** COVID-19

I need to update address so i can for go my garnishment payments due to Covid 19

AMERICAN OVERSIGHT

**From:** Davis, Karl
**Sent:** Thu, 26 Mar 2020 15:35:15 +0000
**To:** COVID-19
**Subject:** Using PJ for Students with Extended Spring Semester Due to COVID-19
**Importance:** High

Good morning,

Our spring semester will be extended by several weeks to allow students to complete clinical rotations that were canceled or postponed due to the COVID-19 outbreak. Some of these students may incur additional living expenses due to the extended semester. Would increasing the spring COA to reflect those additional costs be an appropriate use of professional judgement under the guidance from the Electronic Announcement published March 5, 2020?

**Karl Davis | Assistant Director**
303-724-8039 | karl.davis@cuanschutz.edu
University of Colorado Anschutz Medical Campus | cuanschutz.edu
Financial Aid & Scholarships
UNIVERSITY OF COLORADO ANSCHUTZ MEDICAL CAMPUS

AMERICAN OVERSIGHT

**From:** Holly Weberg
**Sent:** Thu, 26 Mar 2020 16:10:09 +0000
**To:** COVID-19
**Subject:** Virtual Student Meetings for Financial Aid

Hello,

We are looking at using a platform like Zoom or Google Hangouts to still conduct our financial aid meetings with student and parents. We are wanting to know if these are acceptable platforms as it pertains to PII and student cyber security.

Thank you for all your hard work and answering questions during this uncertain time.

**Holly Weberg**
*Director of Financial Aid*
Broadview Education Consortium

**Phone:** 651.583.7592

http://broadviewuniversity.edu

AMERICAN OVERSIGHT

**From:** Joanna Darcus
**Sent:** Thu, 26 Mar 2020 17:14:38 -0400
**To:** COVID-19
**Subject:** Will you stop collections for commercially-held FFEL loans?

Hello,

Does your March 25th announcement of a halt of collection actions and wage garnishments apply to commercially-held FFEL loans as well as to ED-held FFEL loans?

Few borrowers understand the difference between Direct and FFEL loans, let alone how to distinguish between commercially-held and ED-held FFEL loans. Our low-income clients and borrowers served by the civil legal aid community need clarity and relief from collections--especially during this time.

I look forward to your response.

Thank you,

Joanna Darcus

**Joanna K. Darcus** *(she/her/hers)*
Staff Attorney
1001 Connecticut Avenue NW, Suite 510,
Washington, DC 20036 (Map)
202/452-6252 x 109 | Direct: 202/595-7849
jdarcus@nclc.org | www.nclc.org

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 14:20:37 +0000
**Cc:** COVID-19
**Subject:** ACTION REQUIRED: Requesting information from COVID-19 mailbox
**Importance:** High

Dear COVID-19 Partners:

Thanks so much for your assistance in helping us with the mountain of correspondence that we have received related to COVID-19. As of today, the COVID-19 mailbox has received nearly 1,200 inquiries.

Late yesterday afternoon, Deputy Secretary Zais asked that we contact each of our partners and request the following information:

1. The number of entries received;
2. The number of entries receiving responses; and
3. And, if you have this bit of granular information, those receiving a response that was easily handled by a template letter.

Dr. Zais has asked for our best response by 4 pm this afternoon, so I apologize in advance for this quick turnaround time, but we will need your response by **2 pm**.

If you have any questions, please contact Christine.Pinckney@ed.gov or Bryan.Williams@ed.gov. They are both part of the Office of Safe and Supportive Schools supporting the COVID-19 mailbox.

Sincerely,

Paul Kesner
Director
Office of Safe and Supportive Schools

AMERICAN OVERSIGHT

**From:** Tywanna Glapion
**Sent:** Sat, 28 Mar 2020 00:58:47 +0000
**To:** COVID-19
**Subject:** At-Home Distance Learning Opportunity

The Bridge School offers accredited online educational opportunities to students in grades 6th – 12th. We provide a comprehensive, personalized curriculum that has individual flexibility and encourages students to maximize their academic potential. We are a year round, online, private school offering:

- AP courses and elective courses to support individual student needs
- Individual core courses to augment a student's school-based curricula, including credit recovery *(transferable credit to schools)*
- Coursework for alternative and at-risk students

The Bridge School has achieved the gold standard for credit transferability, diploma recognition, and credibility as an accredited SACS-CASI (Southern Association of Colleges and Schools Council on Accreditation and School Improvement) school. Also, the Bridge School is approved by The Texas Education Agency through TEPSAC (Texas Education Private School Accreditation Commission). Our school number is: 101-232-001

Our core courses are accepted by the NCAA, school code 443636.

Our advanced placement (AP) courses have been recognized by The College Board annually since 2014.

Tywanna Glapion, M.Ed.
Project Manager/Enrollment Advisor/AP Mentor
tglapion@thebridgeschool.net
**The Bridge School**
3333 Bering Drive
Houston, Texas 77057
Phone: 713-974-2066 Fax: 888-825-8573

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Víctor M. Meléndez Ortiz
**Sent:** Fri, 27 Mar 2020 14:41:26 +0000
**To:** COVID-19
**Subject:** CASES V4/ V5 - Ana G. Méndez University - Gurabo P.R. Campus

Hi,

I hope you are well.

I consult you, according to the situation that we are facing on the COVID-19, the V4 / V5 cases are under verification, the documentation must be delivered in person or notarized as established by the regulations.

There will be flexibility so that the student can deliver the documentation by email, preventing it from going through a notary / attorney since the Government of Puerto Rico established a quarantine urging the population not to leave their homes and many of the government and private departments are closed.

I await your prompt evaluation and response to this request.

***Víctor M. Meléndez Ortiz*** ***BAES, MA***
**Associate Director**
**Fiancial Aid**
**Ana G. Méndez University - Gurabo P.R. Campus**
☎:787.743.7979
7: 787.746.6777
✉: vimelendez@uagm.edu

UNIVERSIDAD ANA G. MÉNDEZ
UAGM
Recinto de Gurabo

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REDUCE, REUSE, RECYCLE
Por favor, considere el ambiente antes de imprimir este mensaje.

AMERICAN OVERSIGHT

**From:** David Pelletier
**Sent:** Fri, 27 Mar 2020 14:33:25 +0000
**To:** COVID-19
**Subject:** clock hour programs and COVID-19

To whom it may concern,

The USDE 3/5/20 Electronic Announcement appears to be written with a primary focus on semester based schools so it mostly addresses schools that cease and/or suspend classes during a term and what the ramifications are if the school does not re-open within that same term.

Many of our clients have clock hour programs. Students in a clock hour environment would fall under the BBAY3 academic year model, and therefore there is no specific "term" for these students. Due to the COVID-19 crisis many schools with clock hour programs have also closed for a period of time. Our questions below are regarding how a school with a clock hour program accounts for this period of time when a school is closed due to COVID-19:

- Is the school required to place students on an approved LOA for the duration of the school closure or can the school update the school's published closure days to reflect the days the school is closed due to COVID-19 (similar to if the school was shut down due to other emergencies like a hurricane, flood, etc)?
- If the school is allowed to update the school's published closure days, is there a maximum number of days that the USDE would allow?

Thank you in advance for your guidance.

David Pelletier
The Boston Educational Network
1-800-224-5983

AMERICAN OVERSIGHT

**From:** Kress, Richard
**Sent:** Fri, 27 Mar 2020 16:07:38 +0000
**To:** COVID-19
**Subject:** Coronavirus related starvation issue in West Philadelphia

Hello:

Please see below for details about this inquiry from Promise Neighborhood grant recipient Drexel University.

Richard Ivo Kress
Promise Neighborhoods
Team
School Choice and Improvement Division
Office of Elementary and Secondary Education
U.S. Department of Education
202-260-1408

"May we know what and who is best for us, may we realize it at the right time(s) and know how to successfully make use of that information."

---

**From:** Ferroni,Joanne <jmh49@drexel.edu>
**Sent:** Friday, March 27, 2020 10:54 AM
**To:** Kress, Richard <Richard.Kress@ed.gov>
**Cc:** Nash, Elson <Elson.Nash@ed.gov>
**Subject:** RE: Coronavirus related budget modification request for the Drexel Promise Neighborhoods grant

Hi Richard,
Yes, they are. We are hearing this from the Deputy Mayor for Children and Families at the City.
Thanks,
Joanne

---

**From:** Kress, Richard <Richard.Kress@ed.gov>
**Sent:** Friday, March 27, 2020 10:53 AM
**To:** Ferroni,Joanne <jmh49@drexel.edu>
**Cc:** Nash, Elson <Elson.Nash@ed.gov>
**Subject:** RE: Coronavirus related budget modification request for the Drexel Promise Neighborhoods grant

**EXTERNAL.**

AMERICAN OVERSIGHT

Hello Joanne:

Thanks very much for your question. Are these meals funded through the U.S. Department of Agriculture School Breakfast and Lunch Program? Also, do you have contact information for the city representative(s) that are citing Federal regulations?

Richard Ivo Kress
Promise Neighborhoods
Team
School Choice and Improvement Division
Office of Elementary and Secondary Education
U.S. Department of Education
202-260-1408

"May we know what and who is best for us, may we realize it at the right time(s) and know how to successfully make use of that information."

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**From:** Ferroni,Joanne <jmh49@drexel.edu>
**Sent:** Friday, March 27, 2020 10:41 AM
**To:** Kress, Richard <Richard.Kress@ed.gov>
**Cc:** Nash, Elson <Elson.Nash@ed.gov>
**Subject:** RE: Coronavirus related budget modification request for the Drexel Promise Neighborhoods grant

Richard and Elson,
I'm writing to ask for guidance once again. We are struggling to get a feeding site into Mantua through the School District/City. The District is currently only offering meals two times a week and children are getting three meals at a time. They are saying that there are challenges around freezer space and other requirements at the two closest schools and families are expected to travel almost a mile to get meals which is unrealistic. A civic leader has been renting a truck and picking up meals and distributing block by block to families but she is now ill. We are working to creatively provide support through a network of partners but it is not the most efficient solution. The University has offered to rent freezers if needed. We identified a food pantry that was willing to support distribution but the City is citing federal regulations that prohibit the District from distributing children's meals at non-school sites. Our question is if you know any way to get a waiver for this given that our school-based sites don't meet the criteria and kids are going hungry in a pandemic.
Thanks,
Joanne
Joanne M. Ferroni
Director, University and Community Partnerships
Drexel University
3600 Market Street, Suite 720
Philadelphia, PA 19104

AMERICAN OVERSIGHT

**From:** Alicea, Cristen R.
**Sent:** Fri, 27 Mar 2020 13:08:37 +0000
**To:** COVID-19
**Subject:** COVID-19 questions - pass/fail change, and EFA for relief assistance

Good morning! I have a couple more questions related to COVID-19 changes.

Our administration wants to give students the option to change some or all of their courses to pass/fail rather than regular grading. We have not seen any guidance on whether this is permissible or not. Our accreditors are not concerned, and we've made sure that the courses will still count towards the students' degrees. Is there anything that we need to be thinking of or tracking on this other than SAP/unofficial WDs? Is there any guidance about this being allowed or not?

Secondly, one of our programs wants to give grocery store gift cards to students who need assistance purchasing food, as we've had to close our on-campus food pantry. Would the value of these cards need to be counted as estimated financial assistance either this year or next year? If so, could the cost of attendance also be increased due to unexpected expenses related to COVID-19?

Thank you!
Sincerely,

Cristen Alicea | Assistant Director
Office of Financial Assistance
University of the Incarnate Word
4301 Broadway, CPO 308, San Antonio, TX 78209
Office: (210) 805-1238 | Fax: (210) 283-5053
Customer Service: (210) 829-6008 | www.uiw.edu/finaid

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**From:** Gardner, Ashley
**Sent:** Fri, 27 Mar 2020 14:21:35 +0000
**To:** COVID-19
**Cc:** Jacobs, Ariel
**Subject:** CSP grantee COVID-19 Inquiry - Colorado Department of Education
**Attachments:** RE: CSP grant guidance and extensions, CSP grant guidance and extensions, Re: CSP grant guidance and extensions

Hello,

We received the attached inquiry from our Colorado CSP SEA and SE grantee (they have a grant awarded in FY15 that is in an no cost extension, and one awarded in FY18). We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

AMERICAN OVERSIGHT

**From:** Kottenstette, Bill
**Sent:** Thu, 26 Mar 2020 20:07:29 +0000
**To:** Gardner, Ashley;McMillen, Peg
**Cc:** Austin, Jennifer;Rodriguez, Marti;Bell, Tanesha
**Subject:** RE: CSP grant guidance and extensions

Thanks Ashley. Yes, that is basically the question. We are working on our APRs now and will have a good sense of what will be left un-spent and we wanted to see if there was a chance we could consider getting it out to schools in need or something like that rather than having it revert to treasury.

Obviously if it was allowable, we could put together a request for consideration.

Thank you!

Bill

---

**From:** Gardner, Ashley <Ashley.Gardner@ed.gov>
**Sent:** Thursday, March 26, 2020 1:19 PM
**To:** McMillen, Peg <McMillen_P@cde.state.co.us>
**Cc:** Kottenstette, Bill <Kottenstette_B@cde.state.co.us>; Austin, Jennifer <Austin_J@cde.state.co.us>; Rodriguez, Marti <Rodriguez_M@cde.state.co.us>; Bell, Tanesha <Bell_t@cde.state.co.us>
**Subject:** RE: CSP grant guidance and extensions

Peg,

My eyes missed this email, so I apologize for the delay.

We at the Department are working to have a response for the COVID-19 questions that you have.

Can I ask for clarity around this one:

- Is it possible for the state to allocate grant funds not designated to schools in its NCE years to re-purpose funds for such emergencies? If so, what would quality and how would approval be sought?

I want to be sure I am understanding, you are saying from the FY15 grant there is funding that will not be used to schools that you want to know if you can use for other purposes? Are you saying repurpose it to support virtual education or something else?

Thank you,

Ashley

---

**From:** McMillen, Peg <McMillen_P@cde.state.co.us>
**Sent:** Monday, March 23, 2020 6:48 PM
**To:** Gardner, Ashley <Ashley.Gardner@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Kottenstette, Bill <Kottenstette_B@cde.state.co.us>; Austin, Jennifer <Austin_J@cde.state.co.us>; Rodriguez, Marti <Rodriguez_M@cde.state.co.us>; Bell, Tanesha <Bell_t@cde.state.co.us>
**Subject:** CSP grant guidance and extensions

Hi Ashley!

I hope this finds you well in the midst of this new lifestyle we are coming to lead for the time being.

We, as you mostly likely, are just coming to terms with the many ramifications and questions resulting from the COVID-19 and subsequent decisions effecting schooling and working, among other related challenges!

We have received some guidance from CDE's federal programs and grants fiscal regarding federal grants and their programs, but likewise, have been encouraged to ensure that guidelines provided are in alignment with individual grant programs.
For this reason, I am reaching out to see what you would provide (or where you would direct us) for augmented guidance and clarification for the CSP grant under our current circumstances.

Questions that have come to the surface are:

- Will we offer extensions to subgrantees to assist with spending funds down for whatever stage of the grant they are currently in?
- Will we have a suspension or delay in grant competitions?
- In emergency situations, is it possible for a subgrantee to request budget revisions and grant expenditures for things that were not written into their grant on the understanding that it is necessitated by the crisis? If so, what types of situations with merit that?
- Is it possible for the state to allocate grant funds not designated to schools in its NCE years to re-purpose funds for such emergencies? If so, what would quality and how would approval be sought?
- Will our 2015-18 grant receive an automatic NCE or do we still need to submit a request?
- Will federally awarded grants be extended beyond their originally awarded end date?

Some of the above questions are typically determined locally given known guidance. Under COVID-19, we are seeking clarity on federal expectations and guidance that would impact our local decision-making.

I have copied Jennifer Austin and Marti Rodriguez here from Grants Fiscal who may have additional questions or variations on the same. It is our goal to have a mutual, complete and correct understanding of expectations and flexibilities to best assist our schools in the implementation and required expectations of this grant. They may provide additional information, questions or feedback following this email.

If possible, we would like to schedule a call with you, but understand that you may be tackling similar questions with other grantees and are open to hearing from you on your preferred communication style!

Many thanks for your gracious assistance! 😊

AMERICAN OVERSIGHT

Peg

Peg McMillen
Charter School Support and Grant Supervisor
Schools of Choice

P 303-866-6790
201 East Colfax Avenue, Room 210, Denver, CO 80203
McMillen_P@cde.state.co.us | www.cde.state.co.us

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AMERICAN OVERSIGHT

**From:** McMillen, Peg
**Sent:** Mon, 23 Mar 2020 22:47:59 +0000
**To:** Gardner, Ashley
**Cc:** Kottenstette, Bill;Austin, Jennifer;Rodriguez, Marti;Bell, Tanesha
**Subject:** CSP grant guidance and extensions

Hi Ashley!

I hope this finds you well in the midst of this new lifestyle we are coming to lead for the time being.

We, as you mostly likely, are just coming to terms with the many ramifications and questions resulting from the COVID-19 and subsequent decisions effecting schooling and working, among other related challenges!

We have received some guidance from CDE's federal programs and grants fiscal regarding federal grants and their programs, but likewise, have been encouraged to ensure that guidelines provided are in alignment with individual grant programs.
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AMERICAN OVERSIGHT

Many thanks for your gracious assistance! 😊

Peg

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**From:** Austin, Jennifer
**Sent:** Fri, 27 Mar 2020 13:53:33 +0000
**To:** Gardner, Ashley
**Cc:** Kottenstette, Bill
**Subject:** Re: CSP grant guidance and extensions

Hi Ashely, one clarification from the fiscal side of the house, and I apologize if this was answered.
Per OMB Memo M-20-17, all federal awards were allowed a 12 month no cost extension. Are you saying that this flexibility will not be applied by USDEd in this case. Just trying to understand so I can document correctly.

Jennifer Austin
Grants Fiscal Management Director
Grants Fiscal Management Office

P 303.866.6689
201 East Colfax Avenue, Room 209, Denver, CO 80203
Austin_J@cde.state.co.u s | www.cde.state.co.u s

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**From:** Gardner, Ashley <Ashley.Gardner@ed.gov>
**Sent:** Friday, March 27, 2020 7:09 AM
**To:** Kottenstette, Bill <Kottenstette_B@cde.state.co.us>; McMillen, Peg <McMillen_P@cde.state.co.us>
**Cc:** Austin, Jennifer <Austin_J@cde.state.co.us>; Rodriguez, Marti <Rodriguez_M@cde.state.co.us>; Bell, Tanesha <Bell_t@cde.state.co.us>
**Subject:** RE: CSP grant guidance and extensions

Bill and Peg,

Additionally around the subgrant extension question.

What you can do, as your application specifically limited the amount of years on a subgrant is pause the subgrant and not count the time the grant is paused as part of the subgrant time. So say a grant had 21 months of implementation, and you paused it, when unpaused it could complete the remaining 3 months (as long as that all kept the grant within 60 months).

AMERICAN OVERSIGHT

If you were to do this we advise all grantees should be treated the same, the pause would be in effect the moment you communicated to them that no costs should be incurred during the time the grant is paused. This should be thoroughly documented.

Sincerely,

Ashley

---

**From:** Kottenstette, Bill <Kottenstette_B@cde.state.co.us>
**Sent:** Thursday, March 26, 2020 4:07 PM
**To:** Gardner, Ashley <Ashley.Gardner@ed.gov>; McMillen, Peg <McMillen_P@cde.state.co.us>
**Cc:** Austin, Jennifer <Austin_J@cde.state.co.us>; Rodriguez, Marti <Rodriguez_M@cde.state.co.us>; Bell, Tanesha <Bell_t@cde.state.co.us>
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AMERICAN OVERSIGHT

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Ashley

---

**From:** McMillen, Peg <McMillen_P@cde.state.co.us>
**Sent:** Monday, March 23, 2020 6:48 PM
**To:** Gardner, Ashley <Ashley.Gardner@ed.gov>
**Cc:** Kottenstette, Bill <Kottenstette_B@cde.state.co.us>; Austin, Jennifer <Austin_J@cde.state.co.us>; Rodriguez, Marti <Rodriguez_M@cde.state.co.us>; Bell, Tanesha <Bell_t@cde.state.co.us>
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AMERICAN OVERSIGHT

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Many thanks for your gracious assistance! ☺

Peg

Peg McMillen
Charter School Support and Grant Supervisor
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AMERICAN OVERSIGHT

**From:** Gardner, Ashley
**Sent:** Fri, 27 Mar 2020 14:17:49 +0000
**To:** COVID-19
**Cc:** Jacobs, Ariel
**Subject:** CSP grantee COVID-19 Inquiry - Florida Department of Education

Hello,

We received the attached inquiry from our Florida CSP SEA grantee. We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes it is likely already in your records as they have also reached out to others in the Department.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

AMERICAN OVERSIGHT

**From:** Jacobs, Ariel
**Sent:** Fri, 27 Mar 2020 17:21:24 +0000
**To:** COVID-19
**Cc:** Gardner, Ashley;Meeley, Kathryn
**Subject:** CSP grantee COVID-19 Inquiry - Maryland State Department of Education
**Attachments:** MD Check in, USED questions for CSP 20202_03_25.docx, Re: MD Check in

Hello,

We received the attached inquiries from our Maryland CSP SE grantee. We are including these in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,
Ariel

Ariel Jacobs
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E107 | Washington, D.C. 20202
Ariel.Jacobs@ed.gov | 202.453.6071

AMERICAN OVERSIGHT

**From:** Carol Beck -MSDE-
**Sent:** Wed, 25 Mar 2020 14:45:26 -0400
**To:** Jacobs, Ariel
**Subject:** MD Check in
**Attachments:** USED questions for CSP 20202_03_25.docx

Dear Ariel:

I hope this finds you well. I am attaching a starter list of questions related to what is amounting to a slow-down due to school closures and mandatory tele-work. I am sure these are coming in from everywhere, so no response is expected. I am just sharing so that they can be added to the list for consideration as we continue through the emergency.

In Maryland, the Governor and State Superintendent announced an additional four weeks of school closure through April 24. We are on mandatory telework until further notice.

We were able to proceed with the bulk of the monitoring last week, without school visits of course. I would hope that the monitors might be able to see schools in the fall if not sooner. At this point, I have the information from the office and through remote access to complete the APR and the WestEd data collection. The only possible glitch is if I need data from the state's finance system (which is not available to me remotely) that I did not print ahead I may make a note that I need to validate something when I get access. If there is any thought being given to flexibility around the deadline, let us know!

Take care,
Carol

--

Carol Beck
Director, Office of School Innovations
Maryland State Department of Education
Division of Student Support, Academic Enrichment & Educational Policy
200 West Baltimore Street
Baltimore MD 21201

410.767.3678 voice | 410.333.0880 fax
| carol.beck@maryland.gov

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3/25/2020

Questions for USED:

**Will the flexibilities listed in the guidance issued by OMB be applied to CSP grantees? To what extent?**

The flexibilities described include continued payment of staff that are supported by the grant; and allowing some expenses as "losses", e.g. conference registrations or booked travel for meetings that are cancelled, if refunds are not available.

**Grantees/SEs:**

- Will there be an opportunity to review and revise program goals in light of delays linked to the COVID-19 emergency? For example, procurement of services necessary to complete some work of the grant will be delayed under Maryland's mandatory telework order.
- Can planned subgrant competitions be delayed?
- Will no-cost extensions be considered if delays in implementing the grant are attributable to the COVID-19 emergency?
- Can a staff person whose salary is supported by the grant continue to work with that salary charged to the grant? In Maryland, there is one recently hired specialist, who is supported by the grant. At present work is able to continue under the requirement for telework in Maryland.

**Subgrantees:**

- For active subgrantees, can the grantee extend the timeframe of the subgrant, if needed? In Maryland, the subgrantee grant performance period is capped at three years. If a school opening is delayed for an active subgrantee, can Maryland, extend the subgrant time period? In this example, a one-year extension would still result in a subgrantee's total subgrant period being under five years. However, the Planning Period might extend beyond 18 months.
- For active subgrantees, can the SE pause or "stop the clock" for the subgrantee project period timeline upon request? This would allow subgrantees to pause activities and expenditures.
- If the delays caused by the COVID-19 emergency result in additional, unanticipated costs, can the SE consider a supplemental subgrant to cover those, assuming a rigorous vetting for the reasons and assuring that proposed additional costs meet the requirements of the grant for allowable costs? Would any supplemental awards only be allowed if the subgrantee has not already received an award that is the maximum allowed (For 2017 SE grantees the subgrant maximum is $900,000)? Could the supplemental award be made if the total awarded to the subgrantee would exceed the maximum allowed?

AMERICAN OVERSIGHT

3/25/2020

Questions for USED:

**Will the flexibilities listed in the guidance issued by OMB be applied to CSP grantees? To what extent?**

The flexibilities described include continued payment of staff that are supported by the grant; and allowing some expenses as "losses", e.g. conference registrations or booked travel for meetings that are cancelled, if refunds are not available.

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AMERICAN OVERSIGHT

**From:** Carol Beck -MSDE-
**Sent:** Wed, 25 Mar 2020 20:30:02 -0400
**To:** Jacobs, Ariel
**Subject:** Re: MD Check in

Thanks, that's helpful. We are polling subgrantees now about status. Things change daily, of course, but trying to line up the tools we may have to lend support.

Best,
Carol

On Wed, Mar 25, 2020 at 3:31 PM Jacobs, Ariel <ariel.jacobs@ed.gov> wrote:

Hello again,

In looking over your questions, one question under subgrantees that I can respond to is about pausing or "stopping the clock" for subgrantee project periods.

What you can do, as your application specifically limited implementation up to 36 months, is pause the subgrant and not count the time the grant is paused as part of the 36 months. So say a subgrant had 30 months of implementation, and you paused it, when un-paused the subgrantee could complete the remaining 6 months (as long as that all kept the grant within 60 months).

If you were to do this we advise all CSP subgrantees should be provided the same option to pause subgrant activities, the pause would be in effect the moment you communicated to them that no costs should be incurred during the time the subgrant is paused. This should be thoroughly documented and tracked in your files.

Best,

Ariel

---

**From:** Jacobs, Ariel
**Sent:** Wednesday, March 25, 2020 2:57 PM
**To:** Carol Beck -MSDE- <carol.beck@maryland.gov>
**Subject:** RE: MD Check in

AMERICAN OVERSIGHT

Hi Carol,

We are working on an expedited waiver process and guidelines related to COVID and CSP that we will share with all grantees when we are able. Thank you for your questions as it will help us refine our next steps.

As for the APR, yes, I'm happy to grant an extension on the APR submission. Right now our preference is to set the new date to April 20th since need to have them completely final by the end of the month to make continuation awards. Is April 20th amenable to you for an extended FY19 APR submission deadline?

Best,

Ariel

**From:** Carol Beck -MSDE- <carol.beck@maryland.gov>
**Sent:** Wednesday, March 25, 2020 2:45 PM
**To:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Subject:** MD Check in

Dear Ariel:

I hope this finds you well. I am attaching a starter list of questions related to what is amounting to a slow-down due to school closures and mandatory tele-work. I am sure these are coming in from everywhere, so no response is expected. I am just sharing so that they can be added to the list for consideration as we continue through the emergency.

In Maryland, the Governor and State Superintendent announced an additional four weeks of school closure through April 24. We are on mandatory telework until further notice.

AMERICAN OVERSIGHT

We were able to proceed with the bulk of the monitoring last week, without school visits of course. I would hope that the monitors might be able to see schools in the fall if not sooner. At this point, I have the information from the office and through remote access to complete the APR and the WestEd data collection. The only possible glitch is if I need data from the state's finance system (which is not available to me remotely) that I did not print ahead I may make a note that I need to validate something when I get access. If there is any thought being given to flexibility around the deadline, let us know!

Take care,

Carol

--

Carol Beck
Director, Office of School Innovations
Maryland State Department of Education
Division of Student Support, Academic Enrichment & Educational Policy
200 West Baltimore Street
Baltimore MD 21201

410.767.3678 voice | 410.333.0880 fax
| carol.beck@maryland.gov

**Click here to complete a three question customer experience survey**

Connect with the Maryland State Department of Education on Facebook and @MdPublicSchools on Twitter

For Charter School Program updates follow @MSDE_Charter

--

AMERICAN OVERSIGHT

Carol Beck
Director, Office of School Innovations
Maryland State Department of Education
Division of Student Support, Academic Enrichment & Educational Policy
200 West Baltimore Street
Baltimore MD 21201

410.767.3678 voice | 410.333.0880 fax
| carol.beck@maryland.gov

**Click here to complete a three question customer experience survey**

Connect with the Maryland State Department of Education on Facebook and @MdPublicSchools on Twitter

For Charter School Program updates follow @MSDE_Charter

AMERICAN OVERSIGHT

**From:** Jacobs, Ariel
**Sent:** Fri, 27 Mar 2020 17:21:35 +0000
**To:** COVID-19
**Cc:** Gardner, Ashley;Meeley, Kathryn
**Subject:** CSP grantee COVID-19 Inquiry - Michigan Department of Education
**Attachments:** CSP grant question, RE: CSP grant question, RE: CSP grant question

Hello,

We received the attached inquiries from our Michigan CSP SE grantee. We are including these in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,
Ariel

Ariel Jacobs
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E107 | Washington, D.C. 20202
Ariel.Jacobs@ed.gov | 202.453.6071

AMERICAN OVERSIGHT

**From:** Hatfield, Tammy (MDE)
**Sent:** Tue, 17 Mar 2020 11:35:09 +0000
**To:** Jacobs, Ariel;Gardner, Ashley
**Cc:** Beckwith, Neil (MDE)
**Subject:** CSP grant question

Dear Ariel,

The MDE/PSA team have a few questions during the time that our schools are ordered shut down by the governor. We currently have some hard timelines for the subgrantees based on when they started their grant cycle and am concerned this three week shutdown may impact the execution of grant activities. Please let me know if you have any guidance or directives on this.

We are still conducting our peer review in April, but have moved to a virtual meeting to adhere to the state policy.

Thank you,


**Tammy Hatfield**

Manager
Public School Academies Unit

**Office of Educational Supports**
Michigan Department of Education
John A. Hannah Building
608 W Allegan Street
Lansing, Mi 48909
517-335-2797 desk phone
517-488-8191 cell phone

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Jacobs, Ariel
**Sent:** Mon, 23 Mar 2020 14:39:24 +0000
**To:** 'Hatfield, Tammy (MDE)'
**Cc:** 'Beckwith, Neil (MDE)';Gardner, Ashley
**Subject:** RE: CSP grant question

Good morning Tammy,

I've done some digging and I hope I have some helpful guidance for you. What you can do, as your application specifically limited implementation up to 24 months, is pause the subgrant and not count the time the grant is paused as part of the 24 months or 36 months. So say a subgrant had 21 months of implementation, and you paused it, when un-paused the subgrantee could complete the remaining 3 months (as long as that all kept the grant within 60 months).

If you were to do this we advise all CSP subgrantees should be provided the same option to pause subgrant activities, the pause would be in effect the moment you communicated to them that no costs should be incurred during the time the subgrant is paused. This should be thoroughly documented and tracked in your files.

Best,
Ariel

---

**From:** Jacobs, Ariel
**Sent:** Tuesday, March 17, 2020 1:51 PM
**To:** Hatfield, Tammy (MDE) <HatfieldT@michigan.gov>; Gardner, Ashley <Ashley.Gardner@ed.gov>
**Cc:** Beckwith, Neil (MDE) <BeckwithN@michigan.gov>
**Subject:** RE: CSP grant question

Hi Tammy,

Great question! As you can imagine, things are also a little crazy on our end. I'm working with our leadership and hope to provide guidance back to you very soon.

Thanks,
Ariel

---

**From:** Hatfield, Tammy (MDE) <HatfieldT@michigan.gov>
**Sent:** Tuesday, March 17, 2020 7:35 AM
**To:** Jacobs, Ariel <ariel.jacobs@ed.gov>; Gardner, Ashley <Ashley.Gardner@ed.gov>
**Cc:** Beckwith, Neil (MDE) <BeckwithN@michigan.gov>
**Subject:** CSP grant question

Dear Ariel,

AMERICAN OVERSIGHT

The MDE/PSA team have a few questions during the time that our schools are ordered shut down by the governor. We currently have some hard timelines for the subgrantees based on when they started their grant cycle and am concerned this three week shutdown may impact the execution of grant activities. Please let me know if you have any guidance or directives on this.

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Thank you,

**Tammy Hatfield**

Manager
Public School Academies Unit

**Office of Educational Supports**
Michigan Department of Education
John A. Hannah Building
608 W Allegan Street
Lansing, Mi 48909
517-335-2797 desk phone
517-488-8191 cell phone

AMERICAN OVERSIGHT

**From:** Hatfield, Tammy (MDE)
**Sent:** Mon, 23 Mar 2020 14:45:47 +0000
**To:** Jacobs, Ariel
**Cc:** Beckwith, Neil (MDE);Gardner, Ashley
**Subject:** RE: CSP grant question

Thank you Ariel for this information. Our team will discuss how to move forward with this. WE have already been in contact with one subgrantee that had inquired about possibly putting their subgrant on pause.

An additional question relates to how a school may be eligible and be identified as high performing. With the preliminary waiver for statewide assessments, we will not have the three years of trend data to apply for expansion grants. Will we be able to modify the upcoming rounds to two years and then bypass the gap year? Any insight or guidance would be helpful. If possible, maybe Neil and I can have a conference call with you this week regarding this matter.

Thank you,


**Tammy Hatfield**

Manager
Public School Academies Unit

**Office of Educational Supports**
Michigan Department of Education
John A. Hannah Building
608 W Allegan Street
Lansing, Mi 48909
517-335-2797 desk phone
517-488-8191 cell phone

AMERICAN OVERSIGHT

**From:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Sent:** Monday, March 23, 2020 10:39 AM
**To:** Hatfield, Tammy (MDE) <HatfieldT@michigan.gov>
**Cc:** Beckwith, Neil (MDE) <BeckwithN@michigan.gov>; Gardner, Ashley <Ashley.Gardner@ed.gov>
**Subject:** RE: CSP grant question

Good morning Tammy,

I've done some digging and I hope I have some helpful guidance for you. What you can do, as your application specifically limited implementation up to 24 months, is pause the subgrant and not count the time the grant is paused as part of the 24 months or 36 months. So say a subgrant had 21 months of implementation, and you paused it, when un-paused the subgrantee could complete the remaining 3 months (as long as that all kept the grant within 60 months).

If you were to do this we advise all CSP subgrantees should be provided the same option to pause subgrant activities, the pause would be in effect the moment you communicated to them that no costs should be incurred during the time the subgrant is paused. This should be thoroughly documented and tracked in your files.

Best,
Ariel

---

**From:** Jacobs, Ariel
**Sent:** Tuesday, March 17, 2020 1:51 PM
**To:** Hatfield, Tammy (MDE) <HatfieldT@michigan.gov>; Gardner, Ashley <Ashley.Gardner@ed.gov>
**Cc:** Beckwith, Neil (MDE) <BeckwithN@michigan.gov>
**Subject:** RE: CSP grant question

Hi Tammy,

Great question! As you can imagine, things are also a little crazy on our end. I'm working with our leadership and hope to provide guidance back to you very soon.

Thanks,
Ariel

---

**From:** Hatfield, Tammy (MDE) <HatfieldT@michigan.gov>
**Sent:** Tuesday, March 17, 2020 7:35 AM
**To:** Jacobs, Ariel <ariel.jacobs@ed.gov>; Gardner, Ashley <Ashley.Gardner@ed.gov>
**Cc:** Beckwith, Neil (MDE) <BeckwithN@michigan.gov>
**Subject:** CSP grant question

Dear Ariel,

AMERICAN OVERSIGHT

The MDE/PSA team have a few questions during the time that our schools are ordered shut down by the governor. We currently have some hard timelines for the subgrantees based on when they started their grant cycle and am concerned this three week shutdown may impact the execution of grant activities. Please let me know if you have any guidance or directives on this.

We are still conducting our peer review in April, but have moved to a virtual meeting to adhere to the state policy.

Thank you,

**Tammy Hatfield**

Manager
Public School Academies Unit

**Office of Educational Supports**
Michigan Department of Education
John A. Hannah Building
608 W Allegan Street
Lansing, Mi 48909
517-335-2797 desk phone
517-488-8191 cell phone

AMERICAN OVERSIGHT

**From:** Gardner, Ashley
**Sent:** Fri, 27 Mar 2020 14:21:37 +0000
**To:** COVID-19
**Cc:** Jacobs, Ariel
**Subject:** CSP grantee COVID-19 Inquiry - Nevada Department of Education
**Attachments:** Federal grant memo M-20-17

Hello,

We received the attached inquiry from our Nevada CSP SEA grantee. We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

AMERICAN OVERSIGHT

**From:** Maria Sauter
**Sent:** Mon, 23 Mar 2020 16:17:08 +0000
**To:** Gardner, Ashley
**Subject:** Federal grant memo M-20-17

Hi Ashley-

I am trying to get a handle on all the different structured grants under my supervision and the flexibilities described in the above mentioned memo. Regarding the CSP grant, most specifically, Appendix A, number 4, no-cost extensions of expiring awards. Since our State funding expires on September 30, 2020, are we able to offer this extension to our awardees or do we need to apply for another state no-cost extension and wait for approval in order to extend awardee funding?

I know I have a lot of 'extending' in this ask. I hope it makes sense.

Thank you so much.

Maria Sauter
*Education Program Supervisor*
*Title IVA Director*

*Office of Student and School Supports*
*Nevada Department of Education*
*700 E Fifth Street * Carson City, NV 89701 * Phone : 775-687-9248 * Fax: 775-687-9250*

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AMERICAN OVERSIGHT

**From:** Gardner, Ashley
**Sent:** Fri, 27 Mar 2020 14:11:29 +0000
**To:** COVID-19
**Cc:** Jacobs, Ariel
**Subject:** CSP grantee COVID-19 Inquiry - New Mexico Public Education Department

Hello,

We received the attached inquiry from our New Mexico CSP SE grantee. We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

AMERICAN OVERSIGHT

**From:** Gardner, Ashley
**Sent:** Fri, 27 Mar 2020 14:07:35 +0000
**To:** COVID-19
**Cc:** Jacobs, Ariel
**Subject:** CSP grantee COVID-19 Inquiry - OSSE

Hello,

We received the attached inquiry from our OSSE CSP SEA grantee. We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

AMERICAN OVERSIGHT

**From:** Gardner, Ashley
**Sent:** Fri, 27 Mar 2020 14:14:47 +0000
**To:** COVID-19
**Cc:** Jacobs, Ariel
**Subject:** CSP grantee COVID-19 Inquiry - South Carolina Department of Education

Hello,

We received the attached inquiry from our South Carolina CSP SEA grantee. We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

AMERICAN OVERSIGHT

**From:** Jacobs, Ariel
**Sent:** Fri, 27 Mar 2020 17:21:31 +0000
**To:** COVID-19
**Cc:** Gardner, Ashley;Meeley, Kathryn
**Subject:** CSP grantee COVID-19 Inquiry - Tennessee Department of Education
**Attachments:** Tennessee Charter School Program Waiver Request, RE: Tennessee Charter School Program Waiver Request

Hello,

We received the attached inquiries from our Tennessee CSP SEA grantee. We are including these in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes, though it is likely already in your records as they have also reached out to others in the Department (see second email attached).

Sincerely,
Ariel

Ariel Jacobs
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E107 | Washington, D.C. 20202
Ariel.Jacobs@ed.gov | 202.453.6071

AMERICAN OVERSIGHT

**From:** Eve Carney
**Sent:** Tue, 17 Mar 2020 19:48:10 +0000
**To:** OESE.OSS.Tennessee;frank.brogran@ed.gov;Rooney, Patrick;Roney, Collette;Jacobs, Ariel;Gardner, Ashley
**Cc:** Penny Schwinn;Judy Spencer;Robert Lundin;Drew Harpool
**Subject:** Tennessee Charter School Program Waiver Request
**Attachments:** TN CSP Waiver_Request_17March20.pdf

Good afternoon,
Please see the attached waiver request for period of availability and flexibility for allowable use of funds for Tennessee's Charter School Program award.

Thank you for your consideration of this request.

Respectfully,
Eve Carney

Eve Carney, Ed.D.|Chief Districts and Schools Officer
Andrew Johnson Tower, 12h Floor
710 James Robertson Parkway, Nashville, TN 37243
615-532-1245
Eve.Carney@tn.gov
tn.gov/education
#TNBestforAll

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AMERICAN OVERSIGHT

**BILL LEE**
GOVERNOR

STATE OF TENNESSEE
**DEPARTMENT OF EDUCATION**
NINTH FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

**PENNY SCHWINN**
COMMISSIONER

March 17, 2020

Assistant Secretary Frank Brogan
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

RE: Charter School Program Waiver Request
Section 5204 of the Elementary and Secondary Education Act

Assistant Secretary Brogan:

The Tennessee Department of Education (TDOE) is seeking a waiver pursuant to Secretarial authority under Section 8401 of the Elementary and Secondary Education Act (20 U.S.C §7861) as the state continues to address both the COVID-19 outbreak and the state of emergency resulting from recent tornadoes across Tennessee. TDOE is seeking this waiver and additional accommodations to allow for the deployment of Charter School Program grant funds to assist charter schools in ensuring continued provision of academic and support services to students during and after the period of extended school closure and community recovery.

***Time Period for Using CSP Grant Funds***

Specifically, TDOE is requesting a waiver to extend the total period of availability for all remaining CSP grant funds to September 30, 2022. With extended school closures, this waiver would allow schools time and flexibility to reset and reevaluate how best to support students following the current crises.

Tennessee counties experienced seven EF3 and EF4 tornadoes on March 2 and 3 which destroyed numerous homes, schools, and lives—the second deadliest tornado outbreak in Tennessee history. We are continuing to support our district and school leaders in recovering from this natural disaster, and the impact on communities is significant. On March 3, Governor Bill Lee declared a state of emergency for this natural disaster.

While in this state of emergency, Tennessee continues to have a growing number of districts that have suspended classes over the past week with the number of confirmed cases of COVID-19 continuing to increase daily. Last week alone, schools serving over 50% of the state's 973,659 students have suspended classes. Yesterday, Governor Bill Lee announced that all public schools in Tennessee would close through the end of March—a decision that would be reevaluated and possibly extended later in the month. Districts and charter entities are working to develop and implement continuity of instruction plans; however, many of our largest urban and suburban districts, serving over 500,000 of Tennessee's students, also serve most of the state's highest poverty schools. Many of their students do not have appropriate access to technology in


AMERICAN OVERSIGHT

their homes, making instructional continuity more challenging. Further, all Tennessee charter schools are located within one of the state's four largest urban districts.

As noted above, the dual challenges of COVID-19 and tornadoes have significantly impacted the ability of the state's 115 charter schools to serve their nearly 40,000 students. Though nominally functioning under the supervisory auspices of a local LEA, these schools operate largely as independent entities with limited access to shared resources. The majority of the state's charter schools do not belong to a larger CMO, and even the largest CMO in the state solely consists of seven campuses. In this uniquely challenging context, it will be critical for charter schools to share resources and systems across geographic boundaries that will allow for continued provision of academic and support services to students and families.

***Expansion of Definition of "Allowable Activities"***

In light of the foregoing, Tennessee is requesting an expansion of the definition of "Allowable Activities" as specified in §5204(f)(3) to allow TDOE to employ grant funds specifically to ensure that Tennessee charter school students retain continued access to academic instruction throughout this period. Potential examples of permissible expenses under these revised criteria could include technology to be deployed directly to students, supplemental consumable curricular resources, software platforms that would allow for distance learning, supplies associated with preparation of instructional materials, and associated expenses.

In addition, Tennessee is seeking expansion of the definition of "Activities" as specified in §5204(f)(6)(b) to allow TDOE to employ grant funds specifically for the development of collaborative structures that will allow students across multiple affected schools continued access to academic instruction throughout this period. Potential examples of permissible expenses under these revised criteria could include virtual learning platforms serving students across multiple charter schools, shared curricular resources, or cross-utilized staff across schools.

Due to the evolving nature and scope of the current crises Tennessee is facing, we did not provide public notice prior to submission of this waiver request. We will actively communicate this request and provide appropriate follow-up communication with stakeholders.

Thank you for consideration of these requests. The waiver and expanded definitions will ensure that the TDOE is equipped to serve our charter schools in recovering from these crises. Please feel free to contact Judy Spencer, by telephone at (615) 253-5493 or at Judy.Spencer@tn.gov if there are questions regarding this request or if additional information is needed.

Best,

(b)(6)

Dr. Penny Schwinn, Ph.D.
Commissioner

CC: Eve Carney, Chief Districts and Schools Office
Drew Harpool, Chief Financial Officer
Robert Lundin, Assistant Commissioner of School Models & Programs

AMERICAN OVERSIGHT

**From:** OESE.SGR.Tennessee
**Sent:** Wed, 18 Mar 2020 11:16:46 +0000
**To:** Roney, Collette
**Cc:** Rooney, Patrick;Jacobs, Ariel;Gardner, Ashley
**Subject:** RE: Tennessee Charter School Program Waiver Request

Thanks, Collette. I'll be forwarding to the Charter office and cc'ing Brittney in the Front Office so she can track it as controlled. I'm cc'ing the team you mentioned here (minus Frank) for awareness.

*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** Roney, Collette <Collette.Roney@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:52 PM
**To:** OESE.SGR.Tennessee <Tennessee.oese@ed.gov>
**Subject:** FW: Tennessee Charter School Program Waiver Request

SGR – can you get this to the right people in OESE, and cc: those of us below so we know you did? Thanks.

---

**From:** Eve Carney <Eve.Carney@tn.gov>
**Sent:** Tuesday, March 17, 2020 3:48 PM
**To:** OESE.OSS.Tennessee <OSS.Tennessee@ed.gov>; frank.brogran@ed.gov; Rooney, Patrick <Patrick.Rooney@ed.gov>; Roney, Collette <Collette.Roney@ed.gov>; Jacobs, Ariel <ariel.jacobs@ed.gov>; Gardner, Ashley <Ashley.Gardner@ed.gov>
**Cc:** Penny Schwinn <Penny.Schwinn@tn.gov>; Judy Spencer <Judy.Spencer@tn.gov>; Robert Lundin <Robert.Lundin@tn.gov>; Drew Harpool <Drew.Harpool@tn.gov>
**Subject:** Tennessee Charter School Program Waiver Request

Good afternoon,
Please see the attached waiver request for period of availability and flexibility for allowable use of funds for Tennessee's Charter School Program award.

Thank you for your consideration of this request.

Respectfully,
Eve Carney

TN Department of Education

AMERICAN OVERSIGHT

Eve Carney, Ed.D. | Chief Districts and Schools Officer
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AMERICAN OVERSIGHT

**From:** Amy Pruitt
**Sent:** Fri, 27 Mar 2020 19:34:20 +0000
**To:** COVID-19
**Subject:** Distance Education

We are working on distance education for our students. I have a couple questions for you:

Full time students are 30 hours per week. If we offer them distance education and they take advantage of it there is no way they would sit in front of a computer 7.5 hours per day for 4 days (which is their typical schedule). We are looking at doing 3.75 hours a day for 4 days a week, which would take them to half time status. I know we would need to adjust their contract and schedules. We would still be able to get financial aid for them because they would not fall below half time. Do I need to adjust NSLDS enrollment reporting to show that they are now half time? Then once we reopen adjust everything back to full time status.

Our part time program is 15 hours per week; if we cut that in half they would fall below half time. I would adjust their contract and schedules. Do I need to report that for NSLDS Enrollment Reporting that they have dropped below half time?

I am not sure if our students will take advantage of this or not; we are sending an email to them today. I just want to make sure we are doing everything correctly. Take care!

Amy Pruitt
Get Outlook for iOS

AMERICAN OVERSIGHT

**From:** Dave Sanderson
**Sent:** Fri, 27 Mar 2020 20:29:59 -0400
**To:** COVID-19
**Cc:** dave@appliedtechnetronics.com
**Subject:** Distance Learning and Virtual Classrooms

If folks are looking for support for Distance Learning and Virtual Classrooms, please feel free to send them our way – that what we do and it is my professional background. If you would like to view a free demo of our on-demand Basic Electricity video series, click on this link or copy and paste to your browser: https://vimeo.com/382434613 and use the password: Demo100 – related info attached. Please feel free to connect anytime and review links below – especially our Moodle Learning Management System.

Regards,

Dave Sanderson, M.Ed.
President- Chief Knowledge Management Consultant
Applied Technetronics, Ltd.
Center For Workplace Instructional Design
P.O. Box 146
202 Front Street
Cygnet, Ohio 43413 USA
Voice: 419-348-6180
dave@appliedtechnetronics.com
http://www.appliedtechnetronics.com/#contact
http://www.appliedtechnetronics.com/moodle/
LinkedIn Profile: https://www.linkedin.com/pub/dave-sanderson/9/847/30
www.appliedtechnetronics.com
Facebook page: https://www.facebook.com/AppliedTechnetronics/

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

**From:** Lisa Green
**Sent:** Fri, 27 Mar 2020 12:35:45 -0400
**To:** COVID-19
**Subject:** Educator question

Assuming that the 3 weeks out of school will be extended, will we teachers be expected to present/teach new material to our students? Or should our instruction consist of continuing to reinforce previously taught material? Thank you!

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Sally Mickelson
**Sent:** Fri, 27 Mar 2020 20:09:31 +0000
**To:** COVID-19
**Subject:** Exceptions to published admissions requirements related to COVID-19

We have a program that requires a standardized exam score (TEAS test)) as part of their admissions criteria. We have been informed that there is a wait of several months to sign up with a third-party proctor to administer those tests online, if at all, but we have a start date in July for that program.

Our program is considering suspending that criteria from our admissions criteria **temporarily**. If they suspend that criteria but do not issue a new catalog addendum (i.e., we document the suspension internally only), would students admitted during that suspension be eligible for Title IV funds? They are NOT admitting them conditionally, but suspending that admissions requirement temporarily.

My understanding is that you must follow your published admissions criteria for a student to be eligible for Title IV funds.

Thanks,
Sally

**Sally Mickelson, BA**
Roseman University of Health Sciences
Financial Aid
Director of Financial Aid
11 Sunset Way, Henderson, NV 89014
Office: 702-968-2004

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SOUTH JORDAN CAMPUS | 10920 S. River Front Parkway | South Jordan | Utah | 84095 | 801-302-2600

AMERICAN OVERSIGHT

**From:** Merry M
**Sent:** Fri, 27 Mar 2020 17:38:38 -0400
**To:** COVID-19
**Subject:** Fasfa

Due to the economy crash and many losing their assets they had hoped to pay for college with, will Fasfa Allow us to make changes to our assets as that is now extremely misleading to colleges. Mary

AMERICAN OVERSIGHT

**From:** Matt Fortino
**Sent:** Fri, 27 Mar 2020 17:58:55 +0000 (UTC)
**To:** COVID-19
**Subject:** Federal Work Study Question

Hello, if a school closes due to COVID-19 Pandemic can FWS's be paid for hours they have not worked but would have worked if school had not been closed? Does this qualify as a natural disaster? Just want to make sure I am doing the right thing. Please advise.
Thank you,
Matt Fortino, MLS

AMERICAN OVERSIGHT

**From:** David Coburn
**Sent:** Fri, 27 Mar 2020 11:46:20 -0500
**To:** COVID-19
**Subject:** Federally Held Student Loans vs Federal Student Loans

In a press release on you the US Department of Education website, March 20, 2020

U.S. Secretary of Education Betsey DeVos announced that the office of Federal Student Aid is executing on President Donald Trump's promise to provide student loan aid relief to tens of millions or borrowers during the COVID-19 national emergency.

0% for 60 days, and the option to suspend payments for at least 2 months without penalty or interest.

This is misleading and not 100% accurate. I have Federal Student Loans through Navient, my loans are Federal Loans. BUT they are not Federally held loans. Therefore millions of people holding student loan debt WILL NOT receive relief under this bill, due to specific terminology "Federally Held Student Loans" and "Federal Student Loans". Navient told me that my Federal Stafford loans were not Federally Held Loans, therefore I do not qualify for 0% or No Penalty/No Interest on Forbearance. My interest rate will remain 8.25% and If I choose forbearance I will incur over $1,000 in interest over 3 months.

This is a falsehood put on by the Department of Education which does not support what the President said he wanted to do. The President stated he wanted to provide relief to all holding student loan debt.

I will be writing my congressman and my President.

David Coburn

AMERICAN OVERSIGHT

**From:** Pinckney, Christine F.
**Sent:** Fri, 27 Mar 2020 14:11:22 +0000
**To:** COVID-19
**Cc:** COVID-19
**Subject:** FW: COVID-19 Quick Question
**Attachments:** Letter requesting infor from COVID mailboxes (003).docx

AMERICAN OVERSIGHT

Dear COVID-19 Partners:

Thanks so much for your assistance in helping us with the mountain of correspondence that we have received related to COVID-19. As of today, the COVID-19 mailbox has received nearly 1,200 inquiries.

Late yesterday afternoon, Deputy Secretary Zais asked that we contact each of our partners and request the following information:

1. The number of entries received
2. The number of entries receiving responses
3. And, if you have this bit of granular information, those receiving a response that was easily handled by a template letter

Dr. Zais has asked for our best response by 4 pm this afternoon, so I apologize in advance for this quick turnaround time, but we will need your response by 2pm.

If you have any questions, please contact Christine.Pinckney@ed.gov or Bryan.Williams@ed.gov. They are both part of the Office of Safe and Supportive Schools supporting the COVID-19 mailbox.

Sincerely,

Paul Kesner
Director
Office of Safe and Supportive Schools

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 14:49:41 +0000
**To:** VanderPloeg, Laurie;Wexler, Larry;Corr, Gregg
**Cc:** COVID-19
**Subject:** FW:

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

Thanks

Christine

---

**From:** Carmen Needham, LSSP <(b)(6)
**Sent:** Friday, March 27, 2020 10:20 AM
**To:** Walters, Alecia <Alecia.Walters@ed.gov>
**Cc:** Broady, Cheryl <Cheryl.Broady@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** Re:

Hello,

I was wondering if we were going to hear anything on emergency waivers for IDEA in the area of timeline flexibility.

While we have heard from TEA, the districts are aware that IDEA still holds up as it should, but TEA is advising that the districts to function with health first, best practice next, and compliance last.

While that is wonderful to know that we all know what is best, our directors are finding themselves concerned with the budget and the concerns that they will be owing compensatory services and face sanctions for missing initial evaluation timelines and re-evaluation timelines on an already tight budget.

Even if we go back to work in the next couple of weeks, we would have lost 3 weeks of time to work through evaluations and we would need more time to catch-up.

We would like to see a waiver of the sanctions, the opportunity to add the days of missed face-to-face learning.

There is a national shortage of school psychologists across the nation. We already feel like we are overstretched. This closure has just magnified the shortage as we will have an influx of evaluations that are due one on top of another.

We are at a lockdown in our area and we don't know until how much longer. We just want to have the federal backing so we do not feel like insubordinate employees when our directors tell us we need to do

AMERICAN OVERSIGHT

face to face evaluations because we will then be out of compliance. We want to feel supported and not feel like we are breaking the law.

Thank you for the long hours you have all been investing trying to resolve this situation in the most meaningful and expedient manner. I do not envy having the weight of the nation's educational progress on your shoulders. Thank you for your role in creating quality and equitable practices for all. I know there are so many department, offices, areas that need attention. However, I hope we are not being forgotten. We just want temporary relief. We respect and have always protected and abided by IDEA. For once, we hope someone is advocating for us, the people on the educational frontlines bending over backwards trying to make this work.

Thank you,

Carmen

María del Carmen Needham, M.S., LSSP
Licensed Specialist in School Psychology
Especialista licenciada en psicología escolar
(210)386-4029
cneedhamlssp@gmail.com

On Mar 20, 2020, at 10:59 AM, Walters, Alecia <Alecia.Walters@ed.gov> wrote:

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus
Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak (March 12, 2020)
U.S. Department of Education Releases Webinar, Fact Sheet for Protecting Students' Civil Rights During COVID-19 Response

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*

AMERICAN OVERSIGHT

U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

<image001.png>

<image002.gif>

<image003.gif>

<image004.png>

**From:** Carmen Needham <[redacted]
**Sent:** Friday, March 20, 2020 1:02 AM
**To:** Carmen Needham <[redacted]
**Subject:**

To Whom It May Concern,

My name is María del Carmen Needham, and I am a concerned citizen, a parent, and a Licensed Specialist in School Psychology.

Schools have been closed to prevent the spread of the Coronavirus (COVID-19). In an effort to provide instructional services to the students, the schools have moved to a virtual school. Because of such, TEA has put out a guidance document indicating that as long as school is in session, which includes a virtual classroom, then the evaluation timelines are active.

School evaluators are being asked to conduct these evaluations despite the recommendation to avoid contact with others during this time of social distancing. In order for the evaluators to obtain reliable data, the evaluators are ethically obligated to meet face-to-

AMERICAN OVERSIGHT

face with the student. However, ethically, the evaluator is feeling an obligation to society to avoid a face-to-face meeting with the student.

In order to avoid face-to-face evaluations, a practitioner may consider testing through virtual means. As an LSSP, I am not trained nor do I feel competent to complete evaluations through electronic means. It would be difficult to conduct a cognitive assessment via teleconference. We would be breaking standardized procedures, thus invalidating the data and making eligibility determinations on inaccurate data. Obtaining accurate data is essential to our practice.

When conducting evaluations, we always want to function in the best interest of the student and we use instruments that will yield the most accurate data. Ethically and legally, our job is to ensure we obtain data that is free of extraneous factors that might confound our assessment data. During this COVID-19 pandemic, licensees have expressed concern that the child might be experiencing anxiety or fear. Therefore, this fear and anxiety could influence the child's performance. Several practitioners have expressed this is their greatest concern since we make significant decisions based on the results of the evaluation. We could have unreliable data that may not support eligibility criteria when under less stressful circumstances, the scores could be different. Therefore, obtaining data under these circumstances seems inappropriate.

I want to act in a responsible manner to our students and society. I would prefer to postpone face-to-face contact for an emotional, behavioral, cognitive and/or academic evaluation for the sake of not contributing to the spread of the virus.

The CDC, the President, and government officials recommend social distancing of at least 6 feet apart, when we conduct evaluations we are within close proximity because we are handling stimulus books and stimulus items (blocks, manipulatives, pencils, response booklets, etc). Some of the students we work with might be immunocompromised or live in multigenerational homes. If we consider the many different disciplines that may need to contribute to the evaluation, you are talking of potentially one or eight evaluators (LSSPs, Educational Diagnosticians, Speech Language

AMERICAN OVERSIGHT

Pathologists, Occupational Therapists, Physical Therapists, Vision & Orientations mobility teachers, Teachers to the Visually Impaired, and Teachers of the Deaf and Hard of Hearing), thus increasing the spread of a communicable disease.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parent's desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA, OSEP, and OCR would consider making an emergency legal waiver that will give school districts the ability to pause the timeline until this pandemic passes and the social distancing practices are lifted.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

María del Carmen Needham, M.S., LSSP
Licensed Specialist in School Psychology

**María del Carmen Needham, M.S., LSSP**
Licensed Specialist in School Psychology
Especialista licenciada en psicología escolar
(210)386-4029
cneedhamlssp@gmail.com

"If you talk to a man in a language he understands, that goes to his head. If you talk to him in his own language, that goes to his heart."
-Nelson Mandela

AMERICAN OVERSIGHT

**From:** Tullos, Tanya
**Sent:** Fri, 27 Mar 2020 17:49:05 +0000
**To:** Hernandez-Marshall, Angela;COVID-19
**Cc:** Williams, Bianca
**Subject:** FW: All APS and New Mexico Schools Closed for the Remainder of the School Year

---

**From:** Thompson, Daisy <thompson_dai@aps.edu>
**Sent:** Friday, March 27, 2020 1:36 PM
**To:** Tullos, Tanya <tanya.tullos@ed.gov>
**Subject:** FW: All APS and New Mexico Schools Closed for the Remainder of the School Year

fyi

Dr. Daisy Thompson, Senior Director
Indian Education
Albuquerque Public Schools
6400 Uptown Blvd. NE., Suite 460W
Albuquerque, NM 87110
PH: 505 884 6392 Etx. 80039
CELL: 505 362 7935
FAX: 505 872 8849
Email: Thompson_dai@aps.edu

**From:** Albuquerque Public Schools [mailto:AlbuquerquePublicSchools.no-reply@aps.edu]
**Sent:** Friday, March 27, 2020 10:44 AM
**To:** Thompson, Daisy <thompson_dai@aps.edu>
**Subject:** All APS and New Mexico Schools Closed for the Remainder of the School Year

**All APS schools will be CLOSED FOR THE REMAINDER OF THE SCHOOL YEAR in response to the ongoing international coronavirus pandemic.**

**The closure of all New Mexico public schools was ordered by the New Mexico Public Education**

AMERICAN OVERSIGHT

**Department to reduce the spread of the contagious virus.**

**APS is working on a continuous learning plan for all students for the rest of the school year.**

**In the meantime, supplemental online and printed learning materials are being provided for families.**

**More information and updates are posted on APS.edu.**

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Albuquerque Public Schools would like to continue connecting with you via email. If you are the parent of an APS student and prefer to be removed from our list, please contact your child's school directly to unsubscribe. APS employees with an aps.edu e-mail address cannot unsubscribe. All other recipients may unsubscribe by following this link to stop receiving all e-mail messages distributed through our SchoolMessenger service Unsubscribe

SchoolMessenger is a notification service used by the nation's leading school systems to connect with parents, students, and staff through voice, SMS text, email, and social media.

AMERICAN OVERSIGHT

**From:** Tullos, Tanya
**Sent:** Fri, 27 Mar 2020 14:47:31 +0000
**To:** COVID-19
**Cc:** Tullos, Tanya
**Subject:** FW: Budget Mod
**Attachments:** 2020 budget mod ltr.doc, OLLL Bud yr 4 mod.xlsx

Dear Team,
This grantee is seeking permission to modify their budget to support the change of delivery to their students. Is this acceptable?
Please advise.

Tanya

---

**From:** Ivan Sorbel <pracc@gwtc.net>
**Sent:** Thursday, March 26, 2020 6:16 PM
**To:** Tullos, Tanya <tanya.tullos@ed.gov>
**Subject:** Budget Mod

Ms. Tullos,

Attached is a budget modification request.

An update to my prior COVID-19 update:
Schools in South Dakota are now closed until May 1, 2020 at the request of the Governor.
The Oglala Sioux Tribe passed a resolution on Monday March 23, 2020 outlining additional guidelines for the reservation. In addition the South Dakota Governor has also released guidelines for Businesses, Schools and Non-profits. In light of these new developments, PRACC will begin a split work week with staff working remotely two days from home. In the case that the Pine Ridge Reservation enters Phase three of the pandemic, PRACC will migrate all work to remote from home. PRACC will continue to monitor information as it comes available.

Ivan Sorbel
Pine Ridge Area Chamber
Of Commerce
Executive Director
pracc@gwtc.net
www.pineridgechamber.com

AMERICAN OVERSIGHT

PINE RIDGE
AREA CHAMBER
OF COMMERCE

7900 Lakota Prairie Dr.
P.O. Box 375
Kyle, South Dakota 57752

Phone: 605-455-2685
Fax: 605-455-2785
Email: pracc@gwtc.net
www.pineridgechamber.com

**Executive Director**

Ivan Sorbel

**Board of Directors**

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Arlin Whirlwind Horse

Vice
Shawn Reinhart

Secretary
Whitney O'Rourke

Treasurer
Gerald Cournoyer

**5th Member**
Sharron Bies

Directors
Kristy O'Rourke
Dr. Craig Howe

Staff
January Mathis
Sydnee Ferguson
Kaitlyn Brave Eagle
Tacie Lebeaux

**"This institution is an equal opportunity provider, and employer."**

March 26, 2020

US Department of Education
Washington, DC 20202
Tanya Tullos, Project Director
NYCP grant # S299A160041-19

RE: Budget Modification

Ms. Tullos,

The Pine Ridge Area Chamber of Commerce is requesting budget modifications to our year four budget. The following is a narrative of modifications requested.

Personnel
Modification to the Mentor/Community Service Coordinator to 100% time. Increase of $9,320 in that positions to $30,320.
Sydnee Ferguson is filling this position and has for the entire project. Ms. Ferguson was granted a raise in salary this year. PRACC did a similar modification in Yr. 3, to 100% time based on additional duties.
Move $9,320 from Local Mileage to Salary.

Fringe
Modification to the Medicare 7.65% to reflect additional salary in the amount of $714. Move $714 from the Local Mileage to Fringe.
Increase to $6,235.

Contractual
Inter line item adjustments. Move $2,000.00 from Local Mileage to Evaluation. Additional hours needed for data collection and evaluation.
Increase to $12,000.

Supplies
Due to the current condition of the COVID-19 pandemic, PRACC is migrating staff to work remotely for a portion of the work week. In light of this new development, PRACC needs to purchase and extra project laptop. PRACC requests to utilize funds from the supply line item to make the purchase.

AMERICAN OVERSIGHT

Other
Local Mileage

PRACC requests to move a total of $12,034 to the three line items indicated above. Due to the COVID-19 pandemic, schools have been closed on the reservation until May 1, 2020. In addition local students attending off reservation schools have the same issue. These closures and travel restrictions have impacted this line item. PRACC can utilize these funds elsewhere and continue to complete the objectives of the project.

(b)(6)

Ivan Sorbel
Executive Director
Pine Ridge Area Chamber
of Commerce

AMERICAN OVERSIGHT

| PRACC OLLL-Year Four Budget | | | Modification | | Modified Budget Yr 4 | |
|---|---|---|---|---|---|---|
| Category/Line Items | | | | | | |
| Federal | | | | | | |
| Personnel | | | | | | |
| Total | | | | | | |
| Project Director 5% time ($50,000 full time) | $2,500.00 | | | | $2,500.00 | |
| Mentor/Community Service Coordinator 75% time | $21,000.00 | | $9,320.00 | $30,320.00 | $30,320.00 | |
| ($28,000 per annum) | | | | | | |
| School Community Coordinator-Full-time | $44,173.00 | | | | $44,173.00 | |
| Bookkeeper-25% time -$18,000 per annum | $4,500.00 | | | | $4,500.00 | |
| Total Personnel | | **$72,173.00** | | | | **$81,493.00** |
| Fringe | | | | | | |
| OASI/Medicare - 7.65% | $5,521.00 | | $714.00 | $6,235.00 | $6,235.00 | |
| SD Unemployment -1st $15,000 - 2% | $7,400.00 | | | | $7,400.00 | |
| Workers Comp-2.05 FTE aver. $1000/FTE | $2,050.00 | | | | $2,050.00 | |
| Medical -prorated for part-time | | | | | | |
| 2.05 employees * 3000 | $6,150.00 | | | | $6,150.00 | |
| Total Fringe | | **$21,121.00** | | | | **$21,835.00** |
| Travel - Out-of State | | | | | | |
| Dept. of Education meeting P. Dir. And 1 staff | | | | | | |
| 3 nights lodging @ $225*2 ($1,350) | | | | | | |
| 4 days meals & exp. $70/day x 2 ($980) | | | | | | |
| 1,335 airfare x 2 ( 2,670) | $5,000.00 | | | | $5,000.00 | |
| Total Travel | | **$5,000.00** | | | | **$5,000.00** |
| Equipment | $0.00 | | | | $0.00 | $0.00 |
| Supplies-20 classrooms @$500 each | $10,000.00 | | | | $10,000.00 | |
| Total supplies | | **$10,000.00** | | | | **$10,000.00** |
| Contractual (Travel included per arrangement) | | | | | | |
| Mentors 10 @ 3,000 each | $30,000.00 | | | | $30,000.00 | |
| LWS (high school teacher) extra duty | $15,000.00 | | | | $15,000.00 | |
| Crazy Horse (high school teacher) extra duty | $15,000.00 | | | | $15,000.00 | |
| CPA for mandatory audit-this program only | $2,000.00 | | | | $2,000.00 | |
| Program evaluation | $10,000.00 | | $2,000.00 | $12,000.00 | $12,000.00 | |
| Total Contractual | | **$72,000.00** | | | | **$74,000.00** |
| Other | | | | | | |
| Program liability-out of school only | $1,000.00 | | | | $1,000.00 | |
| Phone/internet- pilot schools-project share -$200/mo. | $2,400.00 | | | | $2,400.00 | |
| Freight/postage for parent mailings-$100/mo. | $1,200.00 | | | | $1,200.00 | |
| Evidence based curr.-manuals-25 copies @275 each | $6,875.00 | | | | $6,875.00 | |
| OLLL curr. copies for youth/teachers-500 x $200 | $10,000.00 | | | | $10,000.00 | |
| KILI radio program for project @ $75/wk. | $3,900.00 | | | | $3,900.00 | |
| Project info for parents-flyers, newsletters10 m. x 500/m. | $5,000.00 | | | | $5,000.00 | |
| 10 Community service projects- 2 comm. @ $400 | $8,000.00 | | | | $8,000.00 | |
| Local mileage- 2 program staff only .54/mi. x average of | | | | | | |
| 1,550 mile/m. ($20,088) Youth travel -$5,000/school x 2 | $30,088.00 | | ($12,034.00) | $18,054.00 | $18,054.00 | |
| Youth needs-2 schools @ $500/school | $1,000.00 | | | | $1,000.00 | |
| Total Other | | **$69,463.00** | | | | **$57,429.00** |
| Total Federal Request | $249,757 | $249,757.00 | | | $249,757.00 | **$249,757.00** |

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 14:54:13 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Budget Mod
**Attachments:** 2020 budget mod ltr.doc, OLLL Bud yr 4 mod.xlsx

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Thanks

Christine

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**From:** Tullos, Tanya <tanya.tullos@ed.gov>
**Sent:** Friday, March 27, 2020 10:48 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Tullos, Tanya <tanya.tullos@ed.gov>
**Subject:** FW: Budget Mod

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AMERICAN OVERSIGHT

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Ivan Sorbel
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AMERICAN OVERSIGHT

PINE RIDGE
AREA CHAMBER
OF COMMERCE

7900 Lakota Prairie Dr.
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Kyle, South Dakota 57752

Phone: 605-455-2685
Fax: 605-455-2785
Email: pracc@gwtc.net
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**Executive Director**

Ivan Sorbel

**Board of Directors**

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Arlin Whirlwind Horse

Vice
Shawn Reinhart

Secretary
Whitney O'Rourke

Treasurer
Gerald Cournoyer

**5th Member**
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AMERICAN OVERSIGHT

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(b)(6)

Ivan Sorbel
Executive Director
Pine Ridge Area Chamber
of Commerce

AMERICAN OVERSIGHT

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| 2.05 employees * 3000 | $6,150.00 | | | | $6,150.00 | |
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| Dept. of Education meeting P. Dir. And 1 staff | | | | | | |
| 3 nights lodging @ $225*2 ($1,350) | | | | | | |
| 4 days meals & exp. $70/day x 2 ($980) | | | | | | |
| 1,335 airfare x 2 ( 2,670) | $5,000.00 | | | | $5,000.00 | |
| Total Travel | | **$5,000.00** | | | | **$5,000.00** |
| Equipment | $0.00 | | | | $0.00 | $0.00 |
| Supplies-20 classrooms @$500 each | $10,000.00 | | | | $10,000.00 | |
| Total supplies | | **$10,000.00** | | | | **$10,000.00** |
| Contractual (Travel included per arrangement) | | | | | | |
| Mentors 10 @ 3,000 each | $30,000.00 | | | | $30,000.00 | |
| LWS (high school teacher) extra duty | $15,000.00 | | | | $15,000.00 | |
| Crazy Horse (high school teacher) extra duty | $15,000.00 | | | | $15,000.00 | |
| CPA for mandatory audit-this program only | $2,000.00 | | | | $2,000.00 | |
| Program evaluation | $10,000.00 | | $2,000.00 | $12,000.00 | $12,000.00 | |
| Total Contractual | | **$72,000.00** | | | | **$74,000.00** |
| Other | | | | | | |
| Program liability-out of school only | $1,000.00 | | | | $1,000.00 | |
| Phone/internet- pilot schools-project share -$200/mo. | $2,400.00 | | | | $2,400.00 | |
| Freight/postage for parent mailings-$100/mo. | $1,200.00 | | | | $1,200.00 | |
| Evidence based curr.-manuals-25 copies @275 each | $6,875.00 | | | | $6,875.00 | |
| OLLL curr. copies for youth/teachers-500 x $200 | $10,000.00 | | | | $10,000.00 | |
| KILI radio program for project @ $75/wk. | $3,900.00 | | | | $3,900.00 | |
| Project info for parents-flyers, newsletters10 m. x 500/m. | $5,000.00 | | | | $5,000.00 | |
| 10 Community service projects- 2 comm. @ $400 | $8,000.00 | | | | $8,000.00 | |
| Local mileage- 2 program staff only .54/mi. x average of | | | | | | |
| 1,550 mile/m. ($20,088) Youth travel -$5,000/school x 2 | $30,088.00 | | ($12,034.00) | $18,054.00 | $18,054.00 | |
| Youth needs-2 schools @ $500/school | $1,000.00 | | | | $1,000.00 | |
| Total Other | | **$69,463.00** | | | | **$57,429.00** |
| Total Federal Request | $249,757 | $249,757.00 | | | $249,757.00 | **$249,757.00** |

AMERICAN OVERSIGHT

**From:** Stephenson, Todd
**Sent:** Fri, 27 Mar 2020 19:36:01 +0000
**To:** COVID-19
**Cc:** Rooney, Patrick
**Subject:** FW: CARES allocations

-----Original Message-----
From: Curtin, Robert C (DOE) <robert.c.curtin@state.ma.us>
Sent: Friday, March 27, 2020 3:28 PM
To: Stephenson, Todd <Todd.Stephenson@ed.gov>
Subject: CARES allocations

Todd, any idea when we might have some preliminary CARES Act allocations?

Thanks and hope all is well.

Rob

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 14:57:49 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: CASES V4/ V5 - Ana G. Méndez University - Gurabo P.R. Campus

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

Thanks

Christine

---

**From:** Víctor M. Meléndez Ortiz <vimelendez@uagm.edu>
**Sent:** Friday, March 27, 2020 10:41 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** CASES V4/ V5 - Ana G. Méndez University - Gurabo P.R. Campus

Hi,

I hope you are well.

I consult you, according to the situation that we are facing on the COVID-19, the V4 / V5 cases are under verification, the documentation must be delivered in person or notarized as established by the regulations.

There will be flexibility so that the student can deliver the documentation by email, preventing it from going through a notary / attorney since the Government of Puerto Rico established a quarantine urging the population not to leave their homes and many of the government and private departments are closed.

I await your prompt evaluation and response to this request.

*Víctor M. Meléndez Ortiz* BAES, MA
**Associate Director**
**Fiancial Aid**
**Ana G. Méndez University - Gurabo P.R. Campus**
☎:787.743.7979
7: 787.746.6777
✉: vimelendez@uagm.edu

AMERICAN OVERSIGHT

UNIVERSIDAD
ANA G. MÉNDEZ
UAGM
Recinto de Gurabo

***DISCLAIMER:*** *This message contains information which may be considered privileged and confidential and is solely for the use of the intended recipient. If you are not the intended recipient, any review, disclosure, copying, distribution, or use of the contents of this message is strictly prohibited. If you have received this in error, please destroy it immediately and please notify the sender immediately. In addition, although precautions have been taken to ensure that the data included herein is free from viruses or other malicious content, we cannot assure that such is the case and disclaim any responsibility attributable hereto.*

REDUCE, REUSE, RECYCLE

Por favor, considere el ambiente antes de imprimir este mensaje.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 14:51:16 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: clock hour programs and COVID-19

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

Thanks

Christine

---

**From:** David Pelletier <dpelletier@boston-ed.com>
**Sent:** Friday, March 27, 2020 10:33 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** clock hour programs and COVID-19

To whom it may concern,

The USDE 3/5/20 Electronic Announcement appears to be written with a primary focus on semester based schools so it mostly addresses schools that cease and/or suspend classes during a term and what the ramifications are if the school does not re-open within that same term.

Many of our clients have clock hour programs. Students in a clock hour environment would fall under the BBAY3 academic year model, and therefore there is no specific "term" for these students. Due to the COVID-19 crisis many schools with clock hour programs have also closed for a period of time. Our questions below are regarding how a school with a clock hour program accounts for this period of time when a school is closed due to COVID-19:

- Is the school required to place students on an approved LOA for the duration of the school closure or can the school update the school's published closure days to reflect the days the school is closed due to COVID-19 (similar to if the school was shut down due to other emergencies like a hurricane, flood, etc)?
- If the school is allowed to update the school's published closure days, is there a maximum number of days that the USDE would allow?

Thank you in advance for your guidance.

David Pelletier
The Boston Educational Network
1-800-224-5983

AMERICAN OVERSIGHT

**From:** Simpson, Jennifer
**Sent:** Fri, 27 Mar 2020 13:57:34 +0000
**To:** COVID-19
**Subject:** FW: consent

See question from GA-C regarding the need to obtain written consent for EI telehealth services. Medicaid says verbal consent is permissible.

---

**From:** Pennington, Lisa <lisa.pennington@dph.ga.gov>
**Sent:** Friday, March 27, 2020 6:54 AM
**To:** Simpson, Jennifer <Jennifer.Simpson@ed.gov>
**Subject:** consent

Hi Jennifer,

We will be implementing telehealth services statewide and are trying to work through the consent piece. Our Medicaid office has released guidance that consent can be verbal. I understood that parental consent should be in writing but wondered during these times, if OSEP is considering any accommodations for that? Thanks!

Lisa Pennington, MS, MA, LPC
Deputy Director, Early Intervention
Division of Health Promotion
Georgia Department of Public Health
2 Peachtree St., NW, 11th Floor/11-453
Atlanta, GA 30303
404-651-5995 (office)
404-326-0448 (cell)
lisa.pennington@dph.ga.gov

DPH online: www.dph.ga.gov
DPH on Facebook: www.facebook.com/GaDPH
DPH on Twitter: www.twitter.com/GaDPH

AMERICAN OVERSIGHT

**From:** Olson, Simone
**Sent:** Fri, 27 Mar 2020 17:49:38 +0000
**To:** COVID-19
**Subject:** FW: Corona Virus Predictive Modeling

---

**From:** Jim Zaleski <[redacted]com>
**Sent:** Thursday, March 26, 2020 9:16 PM
**To:** Olson, Simone <Simone.Olson@ed.gov>
**Subject:** Corona Virus Predictive Modeling

Simone, I have been working with and funding research at UCSB Mechanical Engineering Department. The focus has been on meeting Net Zero Energy requirements for residential buildings. In the process I've gotten to know Dr. Igor Mezic who specializes in modeling and data analysis. As it turns out he and his wife who is a public health expert formed a company a few years back specializing in data management and analysis using AI methods. They do lots of work for DARPA and other government agencies.

They decided to look into modeling the growth and spread of Covid19 and have come up with some excellent models. They do short term prediction of trends in areas where good data is available. They did a short YouTube video (https://www.youtube.com/watch?v=U29VWKJwsrM) showing their results and wrote a letter an outreach letter which is shown below.

Can you pass this on to others that you may know in the government who may find this approach useful?

Jim

**Outreach Letter**

COVID-19 is a fast-evolving pandemic the control of which requires flexible, real-time, accurate forecasting tools that enable decision making. At AIMdyn, Inc., a Santa Barbara-based Artificial Intelligence (AI) company, we have developed infrastructure for such tools that can be used for understanding of local growth of the pandemic with city - and even subdivision - resolution. These forecasts can in turn be fed into hospital capacity planning and warning system that takes the week ahead prediction together with hospital parameters
- such as bed capacity and recovery time - to inform optimal resource building and utilization (e.g. provision and operation of new makeshift hospitals).

The output of the algorithm we developed was used to predict growth areas for the disease, enabling resource allocation. The description, performance and the output of

AMERICAN OVERSIGHT

the forecast can be seen on the youtube channel
https://www.youtube.com/watch?v=U29VWKJwsrM.

Please let us know of any interest of the governing bodies in our services.

Sincerely,

Adriana Mezic, CEO

Background: AIMdyn, a Santa Barbara based women-owned small business, was established in 2003 to help its customers understand data and propose the best remedial method or control action for business, medical, engineered or natural systems using artificial intelligence.

AIMdyn has prior experience in analysis of system processes based on research performed under National Institutes of Health, National Science Foundation, Department of Defense, and Defense Advanced Research Project Agency grants. AIMdyn is currently contracted under two DARPA grants advancing cutting edge Artificial Intelligence algorithms. It has also served the needs of customers such as the Ford Motor Company, United Technologies Research Center, Cummins Corporation, Hughes Research Labs, Mixmode, Inc. etc., as well as provided expert witness services.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 14:48:08 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: Coronavirus Inquiry

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

Thanks

Christine

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Friday, March 27, 2020 10:27 AM
**To:** FSA Case Teams <CaseTeams@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** RE: Coronavirus Inquiry

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** Young, Claudette <Claudette.Young@ed.gov>
**Sent:** Wednesday, March 18, 2020 4:48 PM
**To:** Sawyer, Tammi <Tammi.Sawyer@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Minor, Robin <Robin.Minor@ed.gov>
**Subject:** Coronavirus Inquiry

Good Afternoon,

AMERICAN OVERSIGHT

Please see in the below email string, my response to the institution and the institution's Coronavirus inquiry.

Best Regards,

Claudette Young,
Institutional Review Specialist
Program Compliance
US Department of Education
Chicago/ Denver School Participation Division
230 South Dearborn
Chicago Illinois 60604

Office: (312) 730-1540
Fax: (312) 730-1520
claudette.young@ed.gov

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**From:** Young, Claudette
**Sent:** Wednesday, March 18, 2020 3:38 PM
**To:** financialaid@stewartschool.com
**Subject:** FW: 01013800 Stewart School (Chicago/Denver) Region

Good Afternoon Ms. Carlson,

I understood from our conversation today that you would like to know if further steps are required beyond the notifications provided in your attached email. The Department is in receipt of your question and will respond as soon as possible.

Best Regards,

Claudette Young,
Institutional Review Specialist
Program Compliance
US Department of Education
Chicago/ Denver School Participation Division
230 South Dearborn
Chicago Illinois 60604

Office: (312) 730-1540
Fax: (312) 730-1520
claudette.young@ed.gov

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**From:** Financial Aid Office <financialaid@stewartschool.com>
**Sent:** Wednesday, March 18, 2020 11:31 AM
**To:** FSA Case Teams <CaseTeams@ed.gov>
**Cc:** 'Matt Fiegen' <(b)(6) >; Angela Taylor <angela.taylor@stewartschool.com>; Kristi Cole <KCole@gotodja.com>; Ben Sanders <ben@lsacpafirm.com>
**Subject:** RE: 01013800 Stewart School (Chicago/Denver) Region

Please see our distance education plan. We will keep the Dept. of Ed updated of any plan changes.

Let me know if anything further is required. Thanks!

Angie Carlson
Financial Aid Director
Stewart School

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---

**From:** Financial Aid Office
**Sent:** Monday, March 16, 2020 12:29 PM
**To:** 'CaseTeams@ed.gov' <CaseTeams@ed.gov>
**Cc:** 'Matt Fiegen' <(b)(6) >; Angela Taylor <angela.taylor@stewartschool.com>; Kristi Cole <KCole@gotodja.com>; Ben Sanders <ben@lsacpafirm.com>
**Subject:** 01013800 Stewart School (Chicago/Denver) Region

Dept of Ed. –

Please be aware of the following:

To help prevent the spread of COVID-19 and to follow the standard set by the State of South Dakota in closing all public schools, Stewart School will be closed Saturday, March 14 through Saturday, March 21st and reopen on Monday, March 23rd.

We will let you know if this changes.

Emergency contacts are in the E-App; my personal cell is (b)(6)

Thanks!

Angie Carlson

AMERICAN OVERSIGHT

Financial Aid Director
Stewart School

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AMERICAN OVERSIGHT

**From:** Matt Coen
**Sent:** Fri, 27 Mar 2020 19:56:30 +0000
**To:** COVID-19
**Subject:** FW: Coronavirus loan payment suspension NSLDS Ticket 1392089

Hello,

The answer to this question is not on your https://studentaid.gov/announcements-events/coronavirus website or in the FAQs on IFAP as far as I can see.

When the six month loan payment suspension period ends on Oct 1 2020, will a delinquent borrower who is currently X days past due still be X days past due, or will they be considered current on payments (ie, existing delinquency wiped out and zero days past due).

Thank you.

---

**From:** NSLDS <nslds@ed.gov>
**Sent:** Friday, March 27, 2020 12:44 PM
**To:** Matt Coen <Matt@pantheonstudentsolutions.com>
**Subject:** Re: Coronavirus loan payment suspension NSLDS Ticket 1392089

Good Afternoon,

Unfortunately, we do not have any information on this. Because this question is regarding Policy with Department of Education, please contact the School Participation Team in Chicago, Illinois at (312)730-1511.

If you have any questions please contact us by e-mail at nslds@ed.gov or by phone at 1-800-999-8219. We are open from 8am to 9pm Eastern Time, Monday through Friday.

Thank you,

Sarah

NSLDS Customer Service Center

1-800-999-8219

nslds@ed.gov

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AMERICAN OVERSIGHT

**From:** Matt Coen <Matt@pantheonstudentsolutions.com>
**Sent:** Friday, March 27, 2020 1:59 PM
**To:** NSLDS
**Subject:** FW: Coronavirus loan payment suspension

Hello,

Can NSLDS answer the question below? I was directed to you from FSA (but as you know your support line is all being routed to voicemail right now)

**The current student loan monthly payment suspension is optional for active payers, but is automatic for any borrower who is currently delinquent, or becomes delinquent (31 days past due) during the 2 month period (or potentially a 6 month period pending legislation). So a borrower will not become more delinquent or default during that time, this is clear. But once the payment suspension period is over, will a delinquent borrower still have the same delinquency date? So if I am 300 days past due and my payments "freeze", will I still be 300 days past due when they unfreeze? In other words, this suspension does not wipe out existing delinquent amounts, correct?**

Thanks,

Matt Coen
Pantheon Student Solutions
(b)(6) *mobile*

---

**From:** FSA Schools Default Management <FSA.Schools.Default.Management@ed.gov>
**Sent:** Friday, March 27, 2020 10:42 AM
**To:** Matt Coen <Matt@pantheonstudentsolutions.com>
**Cc:** FSA Schools Default Management <FSA.Schools.Default.Management@ed.gov>; Default Prevention Assistance <DefaultPreventionAssistance@ed.gov>
**Subject:** RE: Coronavirus loan payment suspension

Good Afternoon,

Thank you for contacting the Cohort Default Rate Team with your inquiry. Our office does not handle this issue. Please contact NSLDS at 1-800-999-8219 or nsldsfap.ed.gov.

**Thank you**,
Cohort Default Rate Team
YM
Operations Performance Management Services

---

**From:** Default Prevention Assistance <DefaultPreventionAssistance@ed.gov>
**Sent:** Friday, March 27, 2020 12:18 PM
**To:** FSA Schools Default Management <FSA.Schools.Default.Management@ed.gov>
**Cc:** Default Prevention Assistance <DefaultPreventionAssistance@ed.gov>;

AMERICAN OVERSIGHT

Matt@pantheonstudentsolutions.com
**Subject:** FW: Coronavirus loan payment suspension

Hello,

Please assist with email below. If I have sent this to your office in error please inform. Thank you.

---

**From:** Matt Coen <Matt@pantheonstudentsolutions.com>
**Sent:** Thursday, March 26, 2020 1:47 PM
**To:** Default Prevention Assistance <DefaultPreventionAssistance@ed.gov>
**Subject:** RE: Coronavirus loan payment suspension

Hi, have you discovered any info on the question below?

---

**From:** Matt Coen
**Sent:** Monday, March 23, 2020 4:24 PM
**To:** defaultpreventionassistance@ed.gov
**Subject:** Coronavirus loan payment suspension

Hello, I have a question so we can properly advise our borrowers and school clients:

**The current student loan monthly payment suspension is optional for active payers, but is automatic for any borrower who is currently delinquent, or becomes delinquent (31 days past due) during the 2 month period (or potentially a 6 month period pending legislation). So a borrower will not become more delinquent or default during that time, this is clear. But once the payment suspension period is over, will a delinquent borrower still have the same delinquency date? So if I am 300 days past due and my payments "freeze", will I still be 300 days past due when they unfreeze? In other words, this suspension does not wipe out existing delinquent amounts, correct?**

Thanks for your help,

Matt Coen
Pantheon Student Solutions
(b)(6) *mobile*
www.pantheonstudentsolutions.com

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 16:15:33 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Coronavirus related starvation issue in West Philadelphia

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

---

**From:** Kress, Richard <Richard.Kress@ed.gov>
**Sent:** Friday, March 27, 2020 12:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Coronavirus related starvation issue in West Philadelphia

Hello:

Please see below for details about this inquiry from Promise Neighborhood grant recipient Drexel University.

Richard Ivo Kress
Promise Neighborhoods
Team
School Choice and Improvement Division
Office of Elementary and Secondary Education
U.S. Department of Education
202-260-1408

"May we know what and who is best for us, may we realize it at the right time(s) and know how to successfully make use of that information."

---

**From:** Ferroni,Joanne <jmh49@drexel.edu>
**Sent:** Friday, March 27, 2020 10:54 AM
**To:** Kress, Richard <Richard.Kress@ed.gov>
**Cc:** Nash, Elson <Elson.Nash@ed.gov>
**Subject:** RE: Coronavirus related budget modification request for the Drexel Promise Neighborhoods grant

AMERICAN OVERSIGHT

Hi Richard,
Yes, they are. We are hearing this from the Deputy Mayor for Children and Families at the City.
Thanks,
Joanne

---

**From:** Kress, Richard <Richard.Kress@ed.gov>
**Sent:** Friday, March 27, 2020 10:53 AM
**To:** Ferroni,Joanne <jmh49@drexel.edu>
**Cc:** Nash, Elson <Elson.Nash@ed.gov>
**Subject:** RE: Coronavirus related budget modification request for the Drexel Promise Neighborhoods grant

**EXTERNAL.**

Hello Joanne:

Thanks very much for your question. Are these meals funded through the U.S. Department of Agriculture School Breakfast and Lunch Program? Also, do you have contact information for the city representative(s) that are citing Federal regulations?

Richard Ivo Kress
Promise Neighborhoods
Team
School Choice and Improvement Division
Office of Elementary and Secondary Education
U.S. Department of Education
202-260-1408

"May we know what and who is best for us, may we realize it at the right time(s) and know how to successfully make use of that information."

---

**From:** Ferroni,Joanne <jmh49@drexel.edu>
**Sent:** Friday, March 27, 2020 10:41 AM
**To:** Kress, Richard <Richard.Kress@ed.gov>
**Cc:** Nash, Elson <Elson.Nash@ed.gov>
**Subject:** RE: Coronavirus related budget modification request for the Drexel Promise Neighborhoods grant

Richard and Elson,
I'm writing to ask for guidance once again. We are struggling to get a feeding site into Mantua through the School District/City. The District is currently only offering meals two times a week and children are getting three meals at a time. They are saying that there are challenges around freezer space and other requirements at the two closest schools and families are expected to travel almost a mile to get meals which is unrealistic. A civic leader has been renting a truck and picking up meals and distributing block by block to families but she is now ill. We are working to creatively provide support through a network of partners but it is not the most efficient solution. The University has offered to rent freezers if needed. We identified a food pantry that was willing to support distribution but the City is citing federal

AMERICAN OVERSIGHT

regulations that prohibit the District from distributing children's meals at non-school sites. Our question is if you know any way to get a waiver for this given that our school-based sites don't meet the criteria and kids are going hungry in a pandemic.

Thanks,

Joanne

Joanne M. Ferroni
Director, University and Community Partnerships
Drexel University
3600 Market Street, Suite 720
Philadelphia, PA 19104

AMERICAN OVERSIGHT

**From:** Williams, Bianca
**Sent:** Fri, 27 Mar 2020 18:02:34 +0000
**To:** COVID-19
**Cc:** Olympia Kyriakidis
**Subject:** FW: Covid 19

Please see concern below.

Bianca

---

**From:** Olympia Kyriakidis <olympia.kyriakidis@sdcoe.net>
**Sent:** Friday, March 27, 2020 1:53 PM
**To:** Williams, Bianca <Bianca.Williams@ed.gov>; Staci Block <staci.block@sdcoe.net>
**Subject:** Covid 19

Hi Bianca,

With Covid 19 being a major, ongoing disruption to learning in San Diego county, we are worried about equity in distance learning resources and some of tribal reservations. Would we able to transition some of our funds to support our tribes in distance learning in order to help meet our outcomes?

*Sincerely,*

*Olympia*

Olympia Kyriakidis, Ed.D.

Senior Director, Multilingual Education and Global Achievement

Learning and Leadership Services

San Diego County Office of Education

Phone: 858-569-5491

Cell Phone: 619-507-6521

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 17:03:55 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: COVID-19 Inquiries
**Attachments:** Unofficial Withdrawals, RE: Caldwell Community College, OPEID 00483500 FW: Message from CALDWELL COM CO (98287594400), RE: Message from Greensboro Coll (93362177200), RE: Temporary school closure COVID 19, FW: 00979600 South Seattle College Reduced Operations due to COVID-19

Hello,

The inquiries attached were received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

AMERICAN OVERSIGHT

**From:** Johnson, Cammy
**Sent:** Thu, 26 Mar 2020 20:18:40 +0000
**To:** COVID-19;AskAFed
**Subject:** Unofficial Withdrawals

I'm not sure the answer to this is known yet but it is something that has come up with the end of term fast approaching. Our school policy is that if a student stops attending at any point within the term that the instructor gives a grade of an F1 meaning they attended at least once and then did not return. If a student has all F1 grades they are considered an unofficial withdrawal and a R2T4 calculation is then processed at 50% of the term.

If a student is an unofficial withdrawal we have no way of knowing if this was due to COVID-19 or not, do we continue to process R2T4's on these students and then if they contact saying it was due to COVID-19 go back and reverse the adjustment?

Thank you in advance.

**Cammy Johnson**
Financial Aid System Analyst

My 5 Strengths:
Achiever | Analytical | Responsibility | Positivity | Consistency

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PHONE: 608.785.9569 | FAX: 608.789.4760
400 7th St. North, La Crosse, WI 54601 | www.westerntc.edu

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Thu, 26 Mar 2020 20:07:17 +0000
**To:** FSA Case Teams
**Cc:** FederalStudentAid;COVID-19;AtlantaSPD
**Subject:** RE: Caldwell Community College, OPEID 00483500 FW: Message from CALDWELL COM CO (98287594400)

Hello.

Please review the following email inquiring about changing and reduced term lengths that I am forwarding to Program Compliance.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Wednesday, March 18, 2020 7:11 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** FW: Caldwell Community College, OPEID 00483500 FW: Message from CALDWELL COM CO (98287594400)

Please see below message and attached voicemail message for your review and response

---

**From:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:24 PM
**Subject:** Caldwell Community College, OPEID 00483500 FW: Message from CALDWELL COM CO (98287594400)

This is from Julie Ahouse, Caldwell Community College, OPEID 00483500, 828-726-2715, Question for process to Extend or shorten Academic Calendar.

Renee

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Thu, 26 Mar 2020 20:06:50 +0000
**To:** AtlantaSPD;COVID-19;FederalStudentAid
**Cc:** FSA Case Teams
**Subject:** RE: Message from Greensboro Coll ((b)(6))

Hello.

Please review the following email inquiring about changing and reduced term lengths that I am forwarding to Program Compliance.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Wednesday, March 18, 2020 7:15 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** FW: Message from Greensboro Coll ((b)(6))

**Please see below message and attached voicemail for your review and response**

---

**From:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:28 PM

**Subject:** FW: Message from Greensboro Coll ((b)(6))

This is from Lindsey Latham, Greensboro College, OPEID 00293000, 336-272-8=7102, ext 5253.

Has questions on Extending the Spring Break/Academic Calendar.

Renee

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Thu, 26 Mar 2020 20:04:22 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** FederalStudentAid;AskAFed
**Subject:** RE: Temporary school closure COVID 19

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Wednesday, March 18, 2020 4:37 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** Fw: Temporary school closure COVID 19

please see COVID-19 question below

---

**From:** [redacted]
**Sent:** Tuesday, March 17, 2020 2:02 PM
**To:** AskAFed <AskAFed@ed.gov>
**Subject:** Temporary school closure COVID 19

Our institution has decided to temporarily close our campus starting tomorrow for 14 days. I have notified both our state agency and our accreditor following the suggested protocol for both. I am looking for guidance on who I should notify within the Department of Education.

School Code # 014064

AMERICAN OVERSIGHT

Respectfully,


# Aimee Ferguson

Director of Admissions/FA
Bus. 916-735-3777

CITRUS HEIGHTS BEAUTY COLLEGE


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AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Thu, 26 Mar 2020 20:02:13 +0000
**To:** FSA Case Teams
**Cc:** COVID-19
**Subject:** FW: 00979600 South Seattle College Reduced Operations due to COVID-19

Hello,

Please see notice re reduction in school's operations.

Thank you

---

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Wednesday, March 11, 2020 11:25 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: 00979600 South Seattle College Reduced Operations due to COVID-19

Please see the COVID-19 inquiry below.

---

**From:** "Soltis, Corinne" <Corinne.Soltis@Seattlecolleges.edu>
**Date:** Wednesday, March 11, 2020 at 2:23 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>, AskAFed <AskAFed@ed.gov>, "Taylor, Nancy" <Nancy.Taylor@ed.gov>
**Subject:** 00979600 South Seattle College Reduced Operations due to COVID-19

I would like to request that someone call me back at (253) 219-8684.

My name is Corinne Soltis, and I am the Director of Financial Aid at South Seattle College in Seattle, WA OPEID: 00970600

I need to report reduced operations due to the COVID-19 virus on my campus and my college's decision to go remote for staff and students. I also need to request regulatory disaster relief in that, while we are working remotely and the college is operational, we cannot use our remote software to use the EdConnect and EDExpress software to exchange files, request or return funds within regulatory periods.

At this time, please do not call my office number (206) 934-6739 as call forwarding to my above cell phone is not yet operational.

Thank you,

AMERICAN OVERSIGHT

Corinne Soltis

Director of Financial Aid

South Seattle College

corinne.soltis@seattlecolleges.edu

www.southseattle.edu/financial-aid/

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 14:37:25 +0000
**To:** OESE COVID 19;OESE.titlei-a
**Cc:** COVID-19
**Subject:** FW: COVID-19 question that relates to grant S299B160027

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

Thanks

Christine

---

**From:** Nancy Engen-Wedin <nengenwedin2@unl.edu>
**Sent:** Thursday, March 26, 2020 3:30 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 question that relates to grant S299B160027

Dear COVID-19 group,

I just got off the phone/Skype meeting with Angela regarding our upcoming Annual Report, and realized I have a question. I am one of the 2016 Grantees, and in this fiscal year we were scheduled, and had some funds attached, to hold a professional development conference that would feature our Indigenous Roots students' and other ROOTS graduate's in a University sponsored conference. This was one of the goals of our 2016 grant award, and it is reported in the APR. (We are also celebrating the 20th Anniversary of the Indigenous Roots Teacher Education program).

Our plans developed, and we ended up coordinating an all day "Indian Education for All" conference bringing together the University of Nebraska Lincoln College of Education - my college. - with the Winnebago Tribe. (We also got some additional SPENCER grant funds to support bringing elders, etc. to this gathering.) The current ROOTS students and graduates were presenting at the conference, about their experiences in a number of areas. The ROOTS students/graduates were involved in individual presentations in the morning session, and were leading discussion tables in the afternoon on a variety of topics. National experts in Indian Education for All were also presenting. We had invited people from across the state including the Nebraska Commissioner of Education, school administrators, teachers, professors, and all the graduates, current students to attend and present. The event was to take place April 13, 2020 in Winnebago. Last week this conference was cancelled/postponed. It was a perfect opportunity for professional development for ROOTS students and graduates (in any phase of the program) and for them to sit at the table, and become a part of the Indian Education for All discussion in our state.

AMERICAN OVERSIGHT

The ROOTS grant included funds to pay for a fee and some travel, and of course there was extensive planning and coordination time required by the ROOTS staff to pull this off, with students and graduates coming to the conference from across the state and elsewhere. We were coordinating this event for most of this fiscal year, starting 10/1/2019 to the present. (The conference was also financially supported by the Winnebago Tribe, the Spencer grant, etc.)

The collaborators have talked about re-scheduling this conference to take place next fall or sometime next academic year on a day when there is professional development scheduled for teachers in Northeast Nebraska (Winnebago, Macy, Walthill, Santee and Niobrara) and other school districts. My question to you, would it be possible for these grant funds, including the staffing needs, to be carried over into the next fiscal year so that we might make this work in the 2020/2021 academic year? We would have to do this as part of our no-cost extensions since this is our 4th and final year. We did anticipate requesting a no-cost extension, so perhaps this could be a part of that?

I know I will have other COVID-19 grant questions related to individual students. Thank you for your consideration.

Best,
Nancy Engen-Wedin, Project Director
Indigenous Roots Teacher Education Program
University of Nebraska Lincoln
612-237-4975 - cell
402-472-3856 - voice mail
nengenwedin2@unl.edu - email

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 14:40:09 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CSP grantee COVID-19 Inquiry - Colorado Department of Education
**Attachments:** RE: CSP grant guidance and extensions, CSP grant guidance and extensions, Re: CSP grant guidance and extensions

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

Thanks

Christine

---

**From:** Gardner, Ashley <Ashley.Gardner@ed.gov>
**Sent:** Friday, March 27, 2020 10:22 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Subject:** CSP grantee COVID-19 Inquiry - Colorado Department of Education

Hello,

We received the attached inquiry from our Colorado CSP SEA and SE grantee (they have a grant awarded in FY15 that is in an no cost extension, and one awarded in FY18). We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

AMERICAN OVERSIGHT

**From:** Kottenstette, Bill
**Sent:** Thu, 26 Mar 2020 20:07:29 +0000
**To:** Gardner, Ashley;McMillen, Peg
**Cc:** Austin, Jennifer;Rodriguez, Marti;Bell, Tanesha
**Subject:** RE: CSP grant guidance and extensions

Thanks Ashley. Yes, that is basically the question. We are working on our APRs now and will have a good sense of what will be left un-spent and we wanted to see if there was a chance we could consider getting it out to schools in need or something like that rather than having it revert to treasury.

Obviously if it was allowable, we could put together a request for consideration.

Thank you!

Bill

---

**From:** Gardner, Ashley <Ashley.Gardner@ed.gov>
**Sent:** Thursday, March 26, 2020 1:19 PM
**To:** McMillen, Peg <McMillen_P@cde.state.co.us>
**Cc:** Kottenstette, Bill <Kottenstette_B@cde.state.co.us>; Austin, Jennifer <Austin_J@cde.state.co.us>; Rodriguez, Marti <Rodriguez_M@cde.state.co.us>; Bell, Tanesha <Bell_t@cde.state.co.us>
**Subject:** RE: CSP grant guidance and extensions

Peg,

My eyes missed this email, so I apologize for the delay.

We at the Department are working to have a response for the COVID-19 questions that you have.

Can I ask for clarity around this one:

- Is it possible for the state to allocate grant funds not designated to schools in its NCE years to re-purpose funds for such emergencies? If so, what would quality and how would approval be sought?

I want to be sure I am understanding, you are saying from the FY15 grant there is funding that will not be used to schools that you want to know if you can use for other purposes? Are you saying repurpose it to support virtual education or something else?

Thank you,

Ashley

---

**From:** McMillen, Peg <McMillen_P@cde.state.co.us>
**Sent:** Monday, March 23, 2020 6:48 PM
**To:** Gardner, Ashley <Ashley.Gardner@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Kottenstette, Bill <Kottenstette_B@cde.state.co.us>; Austin, Jennifer <Austin_J@cde.state.co.us>; Rodriguez, Marti <Rodriguez_M@cde.state.co.us>; Bell, Tanesha <Bell_t@cde.state.co.us>
**Subject:** CSP grant guidance and extensions

Hi Ashley!

I hope this finds you well in the midst of this new lifestyle we are coming to lead for the time being.

We, as you mostly likely, are just coming to terms with the many ramifications and questions resulting from the COVID-19 and subsequent decisions effecting schooling and working, among other related challenges!

We have received some guidance from CDE's federal programs and grants fiscal regarding federal grants and their programs, but likewise, have been encouraged to ensure that guidelines provided are in alignment with individual grant programs.
For this reason, I am reaching out to see what you would provide (or where you would direct us) for augmented guidance and clarification for the CSP grant under our current circumstances.

Questions that have come to the surface are:

- Will we offer extensions to subgrantees to assist with spending funds down for whatever stage of the grant they are currently in?
- Will we have a suspension or delay in grant competitions?
- In emergency situations, is it possible for a subgrantee to request budget revisions and grant expenditures for things that were not written into their grant on the understanding that it is necessitated by the crisis? If so, what types of situations with merit that?
- Is it possible for the state to allocate grant funds not designated to schools in its NCE years to re-purpose funds for such emergencies? If so, what would quality and how would approval be sought?
- Will our 2015-18 grant receive an automatic NCE or do we still need to submit a request?
- Will federally awarded grants be extended beyond their originally awarded end date?

Some of the above questions are typically determined locally given known guidance. Under COVID-19, we are seeking clarity on federal expectations and guidance that would impact our local decision-making.

I have copied Jennifer Austin and Marti Rodriguez here from Grants Fiscal who may have additional questions or variations on the same. It is our goal to have a mutual, complete and correct understanding of expectations and flexibilities to best assist our schools in the implementation and required expectations of this grant. They may provide additional information, questions or feedback following this email.

If possible, we would like to schedule a call with you, but understand that you may be tackling similar questions with other grantees and are open to hearing from you on your preferred communication style!

Many thanks for your gracious assistance! 😊

AMERICAN OVERSIGHT

Peg

Peg McMillen
Charter School Support and Grant Supervisor
Schools of Choice

P 303-866-6790
201 East Colfax Avenue, Room 210, Denver, CO 80203
McMillen_P@cde.state.co.us | www.cde.state.co.us

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AMERICAN OVERSIGHT

**From:** McMillen, Peg
**Sent:** Mon, 23 Mar 2020 22:47:59 +0000
**To:** Gardner, Ashley
**Cc:** Kottenstette, Bill;Austin, Jennifer;Rodriguez, Marti;Bell, Tanesha
**Subject:** CSP grant guidance and extensions

Hi Ashley!

I hope this finds you well in the midst of this new lifestyle we are coming to lead for the time being.

We, as you mostly likely, are just coming to terms with the many ramifications and questions resulting from the COVID-19 and subsequent decisions effecting schooling and working, among other related challenges!

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AMERICAN OVERSIGHT

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Peg McMillen
Charter School Support and Grant Supervisor
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AMERICAN OVERSIGHT

**From:** Austin, Jennifer
**Sent:** Fri, 27 Mar 2020 13:53:33 +0000
**To:** Gardner, Ashley
**Cc:** Kottenstette, Bill
**Subject:** Re: CSP grant guidance and extensions

Hi Ashely, one clarification from the fiscal side of the house, and I apologize if this was answered.
Per OMB Memo M-20-17, all federal awards were allowed a 12 month no cost extension. Are you saying that this flexibility will not be applied by USDEd in this case. Just trying to understand so I can document correctly.

Jennifer Austin
Grants Fiscal Management Director
Grants Fiscal Management Office

P 303.866.6689
201 East Colfax Avenue, Room 209, Denver, CO 80203
Austin_J@cde.state.co.u s | www.cde.state.co.u s

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**From:** Gardner, Ashley <Ashley.Gardner@ed.gov>
**Sent:** Friday, March 27, 2020 7:09 AM
**To:** Kottenstette, Bill <Kottenstette_B@cde.state.co.us>; McMillen, Peg <McMillen_P@cde.state.co.us>
**Cc:** Austin, Jennifer <Austin_J@cde.state.co.us>; Rodriguez, Marti <Rodriguez_M@cde.state.co.us>; Bell, Tanesha <Bell_t@cde.state.co.us>
**Subject:** RE: CSP grant guidance and extensions

Bill and Peg,

Additionally around the subgrant extension question.

What you can do, as your application specifically limited the amount of years on a subgrant is pause the subgrant and not count the time the grant is paused as part of the subgrant time. So say a grant had 21 months of implementation, and you paused it, when unpaused it could complete the remaining 3 months (as long as that all kept the grant within 60 months).

AMERICAN OVERSIGHT

If you were to do this we advise all grantees should be treated the same, the pause would be in effect the moment you communicated to them that no costs should be incurred during the time the grant is paused. This should be thoroughly documented.

Sincerely,

Ashley

---

**From:** Kottenstette, Bill <Kottenstette_B@cde.state.co.us>
**Sent:** Thursday, March 26, 2020 4:07 PM
**To:** Gardner, Ashley <Ashley.Gardner@ed.gov>; McMillen, Peg <McMillen_P@cde.state.co.us>
**Cc:** Austin, Jennifer <Austin_J@cde.state.co.us>; Rodriguez, Marti <Rodriguez_M@cde.state.co.us>; Bell, Tanesha <Bell_t@cde.state.co.us>
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AMERICAN OVERSIGHT

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Ashley

---

**From:** McMillen, Peg <McMillen_P@cde.state.co.us>
**Sent:** Monday, March 23, 2020 6:48 PM
**To:** Gardner, Ashley <Ashley.Gardner@ed.gov>
**Cc:** Kottenstette, Bill <Kottenstette_B@cde.state.co.us>; Austin, Jennifer <Austin_J@cde.state.co.us>; Rodriguez, Marti <Rodriguez_M@cde.state.co.us>; Bell, Tanesha <Bell_t@cde.state.co.us>
**Subject:** CSP grant guidance and extensions

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AMERICAN OVERSIGHT

required expectations of this grant. They may provide additional information, questions or feedback following this email.

If possible, we would like to schedule a call with you, but understand that you may be tackling similar questions with other grantees and are open to hearing from you on your preferred communication style!

Many thanks for your gracious assistance! ☺

Peg

Peg McMillen
Charter School Support and Grant Supervisor
Schools of Choice

P 303-866-6790
201 East Colfax Avenue, Room 210, Denver, CO 80203
McMillen_P@cde.state.co.us | www.cde.state.co.us

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AMERICAN OVERSIGHT

**From:** Gardner, Ashley
**Sent:** Fri, 27 Mar 2020 16:49:36 +0000
**To:** COVID-19
**Subject:** FW: CSP grantee COVID-19 Inquiry - Nevada Department of Education
**Attachments:** Federal grant memo M-20-17

Here is the attachment.

Ashley

---

**From:** Gardner, Ashley
**Sent:** Friday, March 27, 2020 10:22 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Subject:** CSP grantee COVID-19 Inquiry - Nevada Department of Education

Hello,

We received the attached inquiry from our Nevada CSP SEA grantee. We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

AMERICAN OVERSIGHT

**From:** Maria Sauter
**Sent:** Mon, 23 Mar 2020 16:17:08 +0000
**To:** Gardner, Ashley
**Subject:** Federal grant memo M-20-17

Hi Ashley-

I am trying to get a handle on all the different structured grants under my supervision and the flexibilities described in the above mentioned memo. Regarding the CSP grant, most specifically, Appendix A, number 4, no-cost extensions of expiring awards. Since our State funding expires on September 30, 2020, are we able to offer this extension to our awardees or do we need to apply for another state no-cost extension and wait for approval in order to extend awardee funding?

I know I have a lot of 'extending' in this ask. I hope it makes sense.

Thank you so much.

Maria Sauter
*Education Program Supervisor*
*Title IVA Director*

*Office of Student and School Supports*
*Nevada Department of Education*
*700 E Fifth Street * Carson City, NV 89701 * Phone : 775-687-9248 * Fax: 775-687-9250*

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 16:19:22 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CSP grantee COVID-19 Inquiry - Nevada Department of Education

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

---

**From:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Sent:** Friday, March 27, 2020 12:17 PM
**To:** Gardner, Ashley <Ashley.Gardner@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: CSP grantee COVID-19 Inquiry - Nevada Department of Education

Thank you. Should I copy you on my emails too?

---

**From:** Gardner, Ashley <Ashley.Gardner@ed.gov>
**Sent:** Friday, March 27, 2020 10:22 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Subject:** CSP grantee COVID-19 Inquiry - Nevada Department of Education

Hello,

We received the attached inquiry from our Nevada CSP SEA grantee. We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 14:41:36 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CSP grantee COVID-19 Inquiry - Nevada Department of Education
**Attachments:** Federal grant memo M-20-17

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

Thanks

Christine

---

**From:** Gardner, Ashley <Ashley.Gardner@ed.gov>
**Sent:** Friday, March 27, 2020 10:22 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Subject:** CSP grantee COVID-19 Inquiry - Nevada Department of Education

Hello,

We received the attached inquiry from our Nevada CSP SEA grantee. We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

AMERICAN OVERSIGHT

**From:** Maria Sauter
**Sent:** Mon, 23 Mar 2020 16:17:08 +0000
**To:** Gardner, Ashley
**Subject:** Federal grant memo M-20-17

Hi Ashley-

I am trying to get a handle on all the different structured grants under my supervision and the flexibilities described in the above mentioned memo. Regarding the CSP grant, most specifically, Appendix A, number 4, no-cost extensions of expiring awards. Since our State funding expires on September 30, 2020, are we able to offer this extension to our awardees or do we need to apply for another state no-cost extension and wait for approval in order to extend awardee funding?

I know I have a lot of 'extending' in this ask. I hope it makes sense.

Thank you so much.

Maria Sauter
*Education Program Supervisor*
*Title IVA Director*

*Office of Student and School Supports*
*Nevada Department of Education*
*700 E Fifth Street * Carson City, NV 89701 * Phone : 775-687-9248 * Fax: 775-687-9250*

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 16:51:08 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CSP grantee COVID-19 Inquiry - Nevada Department of Education
**Attachments:** Federal grant memo M-20-17

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

---

**From:** Gardner, Ashley <Ashley.Gardner@ed.gov>
**Sent:** Friday, March 27, 2020 12:50 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: CSP grantee COVID-19 Inquiry - Nevada Department of Education

Here is the attachment.

Ashley

---

**From:** Gardner, Ashley
**Sent:** Friday, March 27, 2020 10:22 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Subject:** CSP grantee COVID-19 Inquiry - Nevada Department of Education

Hello,

We received the attached inquiry from our Nevada CSP SEA grantee. We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

AMERICAN OVERSIGHT

**From:** Maria Sauter
**Sent:** Mon, 23 Mar 2020 16:17:08 +0000
**To:** Gardner, Ashley
**Subject:** Federal grant memo M-20-17

Hi Ashley-

I am trying to get a handle on all the different structured grants under my supervision and the flexibilities described in the above mentioned memo. Regarding the CSP grant, most specifically, Appendix A, number 4, no-cost extensions of expiring awards. Since our State funding expires on September 30, 2020, are we able to offer this extension to our awardees or do we need to apply for another state no-cost extension and wait for approval in order to extend awardee funding?

I know I have a lot of 'extending' in this ask. I hope it makes sense.

Thank you so much.

Maria Sauter
*Education Program Supervisor*
*Title IVA Director*

*Office of Student and School Supports*
*Nevada Department of Education*
*700 E Fifth Street * Carson City, NV 89701 * Phone : 775-687-9248 * Fax: 775-687-9250*

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 16:54:30 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CSP grantee COVID-19 Inquiry - New Mexico Public Education Department

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

---

**From:** Gardner, Ashley <Ashley.Gardner@ed.gov>
**Sent:** Friday, March 27, 2020 10:11 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Subject:** CSP grantee COVID-19 Inquiry - New Mexico Public Education Department

Hello,

We received the attached inquiry from our New Mexico CSP SE grantee. We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 14:09:51 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: Early Graduation for a group of Medical Students

Hello,

The below inquiry was received in the COVID-19 mailbox. Please prepare a response.

Thanks

Christine

---

**From:** Morrissey, Shawn <Shawn.Morrissey@umassmed.edu>
**Sent:** Thursday, March 26, 2020 5:24 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Chimienti, Sonia <Sonia.Chimienti@umassmed.edu>
**Subject:** Early Graduation for a group of Medical Students

In response to the Covid-19 pandemic, Governor Baker and Health and Human Services Secretary Marylou Sudders have asked the University of Massachusetts Medical School to allow medical students who have fulfilled their graduation requirements to graduate early with a March 31, 2020 graduation date rather than a May 31, 2020 graduation date. Students' academic records will be evaluated on a case by case basis by our education policy committee (EPC) and it is completely voluntary for students. We are not ending instruction for the term, we are only seeking to allow students who have met graduation requirements, as approved by the EPC, to graduate early. This will allow eligible students to join the physician workforce with a provisional license at a critical time when more medical staff are desperately needed. Please let us know any guidance we should be aware of to make this possible.

Thank you,

Shawn Morrissey
Director of Financial Aid
University of Massachusetts Medical School
508-856-2265

AMERICAN OVERSIGHT

**From:** Moore, Crystal
**Sent:** Fri, 27 Mar 2020 20:37:01 +0000
**To:** COVID-19
**Subject:** FW: EASIE Policy - PSC Ticket #20-03858 (AW) – Ventura Unified School District, CA

Hello,

OIE has not received this type of question in the past. So, I am not sure how to answer this question. Please share any guidance.

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

---

**From:** Alec Walker <alec.walker@aemcorp.com>
**Sent:** Friday, March 27, 2020 4:32 PM
**To:** Moore, Crystal <Crystal.Moore@ed.gov>; Toledo, Annabelle <Annabelle.Toledo@ed.gov>; Sadeghi, Lisa <Lisa.Sadeghi@ed.gov>
**Cc:** Worthington, Kelly <Kelly.Worthington@ed.gov>; Dinardo, Mark <Mark.Dinardo@ed.gov>; Skilling, John (Contractor) <John.Skilling@ed.gov>; Steve Lenker <steve.lenker@aemcorp.com>; Matt K. Boli <matt.boli@aemcorp.com>; Karen Madden <karen.madden@aemcorp.com>; Siddarth Appikatla <Siddarth.Appikatla@aemcorp.com>; Sheeba Rooney <Sheeba.Rooney@aemcorp.com>; EDFactsPSC <EDFactsPSC@aemcorp.com>; Nirupama Beesabathani <nirupama.beesabathani@aemcorp.com>; Angela Roessler <angela.roessler@aemcorp.com>; Anu Thampi <anu.thampi@aemcorp.com>
**Subject:** EASIE Policy - PSC Ticket #20-03858 (AW) – Ventura Unified School District, CA

EASIE Team,

**Who:**
Ventura Unified School District, CA

**Issue:**

AMERICAN OVERSIGHT

Robin Jacobs, from Ventura Unified School District in California (PR Award #: S060A190210), contacted PSC inquiring if SY 2019-20 awarded Title VI funds can be used to reimburse travel expenses for a cancelled conference due to COVIDE-19. The user writes:

> I am contacting you to confirm if reimbursing an Indian Ed parents for their travel expenses to join me in attending the California Conference of American Indian Education would be an allowable expense for us under our federal grant, even though the conference was cancelled. The original budget did include this expense.
>
> The problem comes in that the conference was canceled due to the Coronavirus and the money spent for the flight is causing a hardship for the family, who has lost work. The airline will not reimburse them. They purchased tickets through Southwest which now can only be used at a future date and are not transferable.
>
> Can we use our grant funds to reimburse them now to alleviate the financial pressure, assuming the conference will be rescheduled and the parent can attend at the future date?
>
> Thank you in advance for clarifying.
> Robin Jacobs
> Coordinator

*Contact Information:*
Name: Robin Jacobs
Phone: (805) 641-5000 ext. 1193
Email: robin.jacobs@venturausd.org

How would OIE like to respond to the entity?

**School Year:**
SY 2019-20

**ED Program Office:**
OIE

**PSC Additional Notes:**
PSC confirmed Robin Jacobs does have an active ESS account and is listed as a Project Director with Certify User permissions.

Thank you
**Alec Walker**
ED*Facts* Partner Support Center
alec.walker@aemcorp.com
Office: (703) 464-7030 x8969

AEM Education Services
www.aemcorp.com/education

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 16:52:34 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: Federally Held Student Loans vs Federal Student Loans

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

**From:** David Coburn <(b)(6)
**Sent:** Friday, March 27, 2020 12:46 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federally Held Student Loans vs Federal Student Loans - Student Loan Aid is misleading and does not provide assistance to many millions of student loans.

In a press release on you the US Department of Education website, March 20, 2020

U.S. Secretary of Education Betsey DeVos announced that the office of Federal Student Aid is executing on President Donald Trump's promise to provide student loan aid relief to tens of millions or borrowers during the COVID-19 national emergency.

0% for 60 days, and the option to suspend payments for at least 2 months without penalty or interest.

This is misleading and not 100% accurate. I have Federal Student Loans through Navient, my loans are Federal Loans. BUT they are not Federally held loans. Therefore millions of people holding student loan debt WILL NOT receive relief under this bill, due to specific terminology "Federally Held Student Loans" and "Federal Student Loans". Navient told me that my Federal Stafford loans were not Federally Held Loans, therefore I do not qualify for 0% or No Penalty/No Interest on Forbearance. My interest rate will remain 8.25% and If I choose forbearance I will incur over $1,000 in interest over 3 months.

This is a falsehood put on by the Department of Education which does not support what the President said he wanted to do. The President stated he wanted to provide relief to all holding student loan debt.

AMERICAN OVERSIGHT

I will be writing my congressman and my President.

David Coburn

AMERICAN OVERSIGHT

**From:** Myers, Earl
**Sent:** Fri, 27 Mar 2020 17:12:54 +0000
**To:** COVID-19
**Cc:** Pinckney, Christine F.
**Subject:** FW: Interim Report

FYI

**From:** D Manzano-Lee <desann.manzanolee@pgcps.org>
**Sent:** Monday, March 23, 2020 4:29 PM
**To:** Myers, Earl <Earl.Myers@ed.gov>
**Subject:** Re: Interim Report

Thank you Mr. Myers.

Desann Manzano-Lee
Instructional Specialist
Department of Student Services
Prince George's County Public Schools
(301) 567-5702

On Mon, Mar 23, 2020, 3:54 PM Myers, Earl <Earl.Myers@ed.gov> wrote:

Good afternoon Ms. Manzano-Lee,

Thank you for your email regarding whether dates will be adjusted for the submission of interim reports for your MHDG grant. Your email has been forwarded to ED's COVID-19 mailbox address at: COVID19@ed.gov. This mailbox will be used to respond to questions about how the COVID-19 pandemic will affect the programs you manage, including those questions related to reporting and timelines.

Regards,

Earl Myers, Jr
Lead Grants Management Specialist
Office of Safe and Supportive Schools
Office of Elementary and Secondary Education
400 Maryland Ave, SW
Room 3E244, LBJ
Washington, DC 20202-6450
Telephone: 202-453-6716

**From:** D Manzano-Lee <desann.manzanolee@pgcps.org>
**Sent:** Monday, March 23, 2020 3:27 PM
**To:** Myers, Earl <Earl.Myers@ed.gov>
**Subject:** Interim Report

AMERICAN OVERSIGHT

Good afternoon Mr. Myers,

Will there be an adjusted date for the interim report related to the GPRA?

Thank you.

**Desann Manzano-Lee**
Instructional Specialist
Department of Student Services
Prince George's County Public Schools
Office: (301) 567-5702
desann.manzanolee@pgcps.org
**"It always seems impossible until it's done."-Nelson Mandela**
***Top 5 Strength Themes-Achiever, Relator, Responsibility, Strategic, Individualization***

AMERICAN OVERSIGHT

**From:** Hoffman, Amanda
**Sent:** Fri, 27 Mar 2020 10:37:34 +0000
**To:** COVID-19
**Cc:** OESE.PSC;Newman, Sarah;Okahara, Kim;Lewis, Samantha
**Subject:** FW: OESE/OSSS/Homeless and OCR (COVID-19 Related Inquiry) - PSC Ticket #20-03658 (SD) - ME

---

**From:** Fening, Elizabeth <Elizabeth.Fening@ed.gov>
**Sent:** Thursday, March 26, 2020 3:57 PM
**To:** Hoffman, Amanda <Amanda.Hoffman@ed.gov>; Newman, Sarah <Sarah.Newman@ed.gov>; Okahara, Kim <Kim.Okahara@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>; Brown, Janis <Janis.Brown@ed.gov>; Miller, Stephanie <Stephanie.Miller@ed.gov>
**Subject:** FW: OESE/OSSS/Homeless and OCR (COVID-19 Related Inquiry) - PSC Ticket #20-03658 (SD) - ME

All,

Here is another escalation for the COVID response team.

Thanks,
Liz

---

**From:** Courtney Montgomery <courtney.montgomery@aemcorp.com>
**Sent:** Thursday, March 26, 2020 3:52 PM
**To:** Fening, Elizabeth <Elizabeth.Fening@ed.gov>
**Cc:** Timm, Barbara <Barbara.Timm@ed.gov>; Scott, Brandon <Brandon.Scott@ed.gov>; Worthington, Kelly <Kelly.Worthington@ed.gov>; Lee, David <David.Lee@ed.gov>; Murphy, Joseph <Joseph.Murphy@ed.gov>; Fening, Elizabeth <Elizabeth.Fening@ed.gov>; Dinardo, Mark <Mark.Dinardo@ed.gov>; Chen, Chen-Su <Chen-Su.Chen@ed.gov>; Davies, Jennifer <Jennifer.Davies@ed.gov>; Skilling, John (Contractor) <John.Skilling@ed.gov>; Kalb, Jennifer (Contractor) <Jennifer.Kalb@ed.gov>; Matt K. Boli <matt.boli@aemcorp.com>; Steve Lenker <steve.lenker@aemcorp.com>; Sheeba Rooney <Sheeba.Rooney@aemcorp.com>; Julia Redmon <Julia.Redmon@aemcorp.com>; Melissa Wilks (QIP) <melissawilks@qi-partners.com>; Beth Sinclair <Beth.Sinclair@aemcorp.com>; EDFactsPSC <EDFactsPSC@aemcorp.com>; Angela Roessler <angela.roessler@aemcorp.com>
**Subject:** OESE/OSSS/Homeless and OCR (COVID-19 Related Inquiry) - PSC Ticket #20-03658 (SD) - ME

Liz,

**Who:**
ME

**Issue:**

AMERICAN OVERSIGHT

Maine's ED*Facts* Coordinator, Richard Bergeron, contacted PSC requesting guidance from ED regarding how states should report data in their SY 2019-20 FS195-Chronic Absenteeism file as a result of school closures due to COVID-19. The state writes:

> Can you tell me is any guidance will be submitted on how states should handle attendance reporting in FS195 next year? Our schools have been closed for a couple weeks now and are closed at least through the month of April. We are not sure how to answer the schools questions on how to take attendance.
>
> Rick Bergeron

How would ED like to respond to the state?

**School Year:**
SY 2019-20

**Specification(s):**
FS195 – Chronic Absenteeism

**ED Program Office:**
OESE/OSSS/Homeless
OCR

Thank you,
PSC

**Courtney Montgomery**
**ED*Facts* Partner Support Center**
cmontgomery@aemcorp.com
Office: (703) 464-7030 Ext: 8247
AEM Education Services
www.aemcorp.com/education

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 14:44:46 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: Perkins Loans- Institutional held

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

Thanks

Christine

**From:** Michele Crenshaw <mecrensh@sdsu.edu>
**Sent:** Thursday, March 26, 2020 6:24 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Perkins Loans- Institutional held

Hi,

I wanted to know if the Federal Perkins Loans will receive guidance from the department with regards to waiving interest for student loans, or is this up to the schools discretion. Is there any literature or direction on this where I can review?

Thank you for your time.

Michele
--

SAN DIEGO STATE UNIVERSITY

**Michele Crenshaw, M.S.W., M.A., B.S.**
*Account Analyst*
*Student Account Services*
**Phone:** 619-594-5563 | **Fax:** 619-594-2668
5500 Campanile Drive, San Diego, CA 92182-7425

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 14:27:20 +0000
**To:** federalstudentaid@ed.org
**Cc:** COVID-19
**Subject:** FW: Perkins Loans- Institutional held

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

Thanks

Christine

**From:** Michele Crenshaw <mecrensh@sdsu.edu>
**Sent:** Thursday, March 26, 2020 6:24 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Perkins Loans- Institutional held

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Thank you for your time.

Michele
--

SAN DIEGO STATE UNIVERSITY

**Michele Crenshaw, M.S.W., M.A., B.S.**
*Account Analyst*
*Student Account Services*
**Phone:** 619-594-5563 | **Fax:** 619-594-2668
5500 Campanile Drive, San Diego, CA 92182-7425

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 15:59:33 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: Perkins Loans- Institutional held

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

**From:** Michele Crenshaw <mecrensh@sdsu.edu>
**Sent:** Thursday, March 26, 2020 6:24 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Perkins Loans- Institutional held

Hi,

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Thank you for your time.

Michele
--

SAN DIEGO STATE UNIVERSITY

**Michele Crenshaw, M.S.W., M.A., B.S.**
*Account Analyst*
*Student Account Services*
**Phone:** 619-594-5563 | **Fax:** 619-594-2668
5500 Campanile Drive, San Diego, CA 92182-7425

AMERICAN OVERSIGHT

**From:** Frady, Abbey
**Sent:** Fri, 27 Mar 2020 18:30:20 +0000
**To:** COVID-19
**Cc:** Gillette, Lisa;Bentley-Memon, Millicent;Carr, Steven;Martinez, Sarah
**Subject:** FW: Query regarding disaster pay

Hello,

Please see the email below from Miami Dade College. Thank you for your assistance.

Sincerely,

Abbey


Abbey Frady

Education Program Specialist
High School Equivalency Program (HEP)
College Assistance Migrant Program (CAMP)
Office of Migrant Education
U.S. Department of Education
400 Maryland Avenue, SW, 3E321
Washington, D.C. 20202


---

The mission of the Office of Migrant Education is to provide excellent leadership, technical assistance and financial support to improve the educational opportunities and academic success of migratory children, youth, agricultural workers, fishers and their families.

---

**From:** Dalberry, Barbara <bdalberr@mdc.edu>
**Sent:** Friday, March 27, 2020 1:34 PM
**To:** Frady, Abbey <Abbey.Frady@ed.gov>
**Subject:** Query regarding disaster pay

PR # S149A170023-19
Miami Dade College CAMP

Hello Abbey,

How are you doing? I hope you are doing ok during these difficult and unusual circumstances we are facing as a nation. I want you to know that like all other CAMP programs across the

AMERICAN OVERSIGHT

country, MDC CAMP has moved to the remote environment and is continuing to deliver support services to our students in order to help them through these uncertain times. Our immediate focus in the short run is on retention strategies to keep them engaged in their education and to reduce their struggles with the disruption to their lives on all fronts.

I have a question for you: does the OME allow disaster pay to be billed to the grant? Since generally, only clocked hours worked can be billed to a grant, (but each grant varies and these are extenuating times), we wanted to know if this is allowable. If not, that is fine also. Please let me know.

Stay safe,
Barbara.

Barbara Dalberry
Director - CAMP
College Assistance Migrant Program
MDC Homestead Campus
500 College Terrace, Homestead, FL 33030
305-237-5083 / bdalberr@mdc.edu

AMERICAN OVERSIGHT

**From:** Kinnard, Curtis
**Sent:** Fri, 27 Mar 2020 21:55:23 +0000
**To:** COVID-19
**Subject:** FW: Question from Vermont about current Part C Grant Funds.3.27.2020

Good afternoon,

As requested I am forwarding this COVID question from Vermont Part-C Coordinator.

Thank you.

Curtis

Curtis J. Kinnard, Ed.D.
U.S. Department of Education
Office of Special Education Programs
202-245-7472
Washington, DC 20202
https://sites.ed.gov/idea/
http://www2.ed.gov/policy/gen/guid/correctional-education/index.html
https://www.osepideasthatwork.org/jj
https://osep.grads360.org/#program/highlighted-resources

"An Absolute,Simplicity, and Perseverance"

---

**From:** Howes, Danielle <danielle.howes@vermont.gov>
**Sent:** Friday, March 27, 2020 5:50 PM
**To:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Cc:** Cole, Morgan <Morgan.Cole@vermont.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Question from Vermont about current Part C Grant Funds

Curtis, A question arose for Vermont today as we have to cancel our annual training institute (held in June each year), as well as several other in-person training. These cancellations, which are due directly to COVID-19, will mean that Vermont will likely not spend our EI Part C Grant funds in the way planned in our 2019 Part C Grant application. We are looking for OSEP guidance on this. Can we can carry those funds over to next year or reallocate those funds to other direct supports to the field? Thank you and have a great weekend.

Danielle Howes, MSW
CIS Part C Administrator
Children's Integrated Services
Child Development Division
280 State Drive, NOB 2
Waterbury, VT 05671
Phone: 802-279-1302
Fax: 802-241-0168

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 15:56:50 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: question re waivers, emergency aid

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

---

**From:** Curtis, Patti <Patti.Curtis@ed.gov>
**Sent:** Friday, March 27, 2020 11:41 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** question re waivers, emergency aid

Hi again
Another question from the field: when can we expect guidance from ED on accountability waivers or disbursement of federal emergency aid to states and districts?

Patti Curtis
Robert Noyce/Ellen Lettvin STEM Education Fellow
Office of Planning, Evaluation and Policy Development
U.S. Department of Education
www.ed.gov/STEM
Sign Up for ED newsletters, including STEM, here.

AMERICAN OVERSIGHT

**From:** Willey, Josiah
**Sent:** Fri, 27 Mar 2020 11:39:51 +0000
**To:** COVID-19;Schneer, Matthew
**Subject:** FW: question

All,

IN-B sent me some clarification questions regarding the guidance information that has been released to date. I am sharing these with both the COVID email and Matt in the hopes that Matt might be able to help me provide her with a more timely response.

The full email chain is below, but in summary, she asks the following questions from the Q & A:

1. Are schools required to provide SPED services when offering any education opportunities to the general student population?
2. What must be in a student's IEP to address either on-line or closed schools? Under A-5 from the Q & A, she read it to state that if IEPS do not have the language about eLearning or distance learning, should be adding that to IEPs. She is asking for verification that her understanding is correct.

Thank you for any support you can offer in helping me guide IN. If I need to tell them to wait for further updates to the guidance, that is fine.

Josiah

***Josiah L. R. Willey, Ed.D.***
Education Program Specialist
Office of Special Education Programs
U.S. Department of Education
550 12th St, SW, Room 5001
Washington DC, 20202
Josiah.Willey@ed.gov
202-245-6247
**www.ed.gov/osers** | **Subscribe**

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**From:** Holsapple, Nancy J <NHolsapple@doe.in.gov>
**Sent:** Thursday, March 26, 2020 5:04 PM

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**To:** Willey, Josiah <Josiah.Willey@ed.gov>
**Subject:** Re: question

That's fine. I just need clarification on A-5 from the Q & A. I read it to state that if IEPS do not have the language about eLearning or distance learning schools should be adding that to IEPs. Did I read that correctly?

Sent from my iPad

On Mar 26, 2020, at 4:47 PM, Willey, Josiah <Josiah.Willey@ed.gov> wrote:

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

---

Hi Nancy,

I absolutely happy to chat. However, all state leads have been instructed to only take questions at this time so that they can be answered through the guidance documents that the department is continuing to update. So I won't be able to respond to anything.

So, please let me know if you want to chat based on that. If you do, I'm available anytime tomorrow from 8:00-10:30 and 12:30-4:00.

If you want to forgo a call and send me your questions, I will make sure they go to the appropriate folks to get addressed in the next update.

I'm sorry that I'm not permitted to do more individually for you right now. There is a lot that the department is trying to sort through and they're doing their best to ensure everyone receives the same information.

Thanks so much,

Josiah

On Mar 26, 2020, at 4:12 PM, Holsapple, Nancy J <NHolsapple@doe.in.gov> wrote:

Josiah,

I have a couple of things I would like to talk to you about. Would you have time tomorrow?

1. I did a live chat with our State Superintendent of Tuesday and I referenced OSEP guidance. Especially these two questions: Are

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schools required to provide SPED services when offering any education opportunities to the general student population?

2. What must be in a student's IEP to address either on-line or closed schools?

I took the language straight from the Q and A provided by OSEP. I have lots of concerns from the field that they need to revise their IEPs if this was not in them.

I want to make sure we are doing everything possible for our students.

Let me know if you can talk any time soon. Thanks!

**Dr. Nancy J. Holsapple**
*Director of Special Education*
**Indiana Department of Education**
317-232-6622
nholsapple@doe.in.gov
www.doe.in.gov | Feedback: How are we doing?

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**From:** Finch, Jennifer
**Sent:** Fri, 27 Mar 2020 20:15:41 +0000
**To:** COVID-19
**Subject:** FW: Regarding Memo M-20-17
**Attachments:** M-20-17.pdf, qa-covid-19-03-12-2020.pdf

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**From:** FOUTCH James - ODE <james.foutch@state.or.us>
**Sent:** Friday, March 27, 2020 2:54 PM
**To:** Finch, Jennifer <Jennifer.Finch@ed.gov>
**Cc:** PELT Candace - ODE <candace.pelt@state.or.us>; WILLIAMS Kara - ODE <kara.williams@state.or.us>
**Subject:** Regarding Memo M-20-17

Good afternoon Jennifer,

We have a question about the interaction between Items 6 and 7 of the OMB memo, attached, question A-6 of the Department's Q&A, attached, and the Office of Head Start's memo, linked here: http://hsicc.cmail20.com/t/ViewEmail/j/49EE44613EEA4C892540EF23F30FEDED/12F194AAB536585844D0DD5392A9C75A

Essentially, we read these to have conflicting information when it comes to paying for activities outside of the grant's purpose. Where the OMB memo reads to allow spending outside of the grant's purpose, the Department's memo allowing in some cases, and Head Start's memo not allowing it at all.

We would appreciate some assistance in navigating these messages.

Thank you for your assistance and service in these difficult times.

Gratitude,

*For the most up-to-date information concerning COVID-19 responses, please see our FAQs page. Additionally, the ODE COVID-19 webpage contains the most recent information available on how the 2019 Novel Coronavirus is impacting schools in Oregon. If you have an urgent health need, please contact your local health department or health care provider.*

James Foutch
Operation and Policy Analyst
He/Him/His (why pronouns are important)
Oregon Department of Education | Office of Enhancing Student Opportunities
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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEPUTY DIRECTOR
FOR MANAGEMENT

March 19, 2020

M-20-17

MEMORANDUM TO THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Margaret Weichert
Deputy Director of Management (b)(6) [redacted]

SUBJECT: Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19) due to Loss of Operations

On March 9, 2020, OMB issued M-20-11, "*Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly impacted by the Novel Coronavirus (COVID-19)*," to provide agencies with additional flexibilities for grants assisting the response to COVID-19. The scope of the M-20-11 was narrowly crafted to provide flexibility to grant recipients performing essential research and services necessary to carry out the emergency response related to COVID-19.

This memorandum provides similar administrative relief listed in M-20-11 to an expanded scope of recipients affected by the loss of operational capacity and increased costs due to the COVID-19 crisis. Many of the operational impacts and costs are unknowable at this point, as they will depend on the spread of the coronavirus and response dictated by public health needs. This memorandum provides short term relief for administrative, financial management, and audit requirements under 2 CFR Part 200, *Uniform Administrative Requirements, Cost principles and Audit Requirements for Federal Awards*, without compromising Federal financial assistance accountability requirements. As program managers are considering administrative relief, they should be prudent in their stewardship of Federal resources which includes giving consideration to potential offsets—e.g. reduction in training and travel. In addition, the flexibilities provided within this memorandum, agencies are reminded of their existing flexibility to issue exceptions on a case-by-case basis in accordance with 2 CFR § 200.102, *Exceptions.* M-20-11 shall continue to apply, and Appendix A describes the exceptions granted under this memorandum to recipients affected by the loss of operational capacity. These exceptions are time limited and will be reassessed by OMB within 90 days of this Memo.

Questions regarding the above administrative relief provisions should be directed to Office of Federal Financial Management Grant link at GrantsTeam@omb.eop.gov. OMB will continue to provide updates and additional information as the situation unfolds. For the latest information, sign up for the Grants Community of Practice by clicking at: https://www.performance.gov/CAP/grants/

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## Appendix A – Administrative Relief Exceptions for COVID-19 Crisis

Federal awarding agencies are authorized to take the following actions, as they deem appropriate and to the extent permitted by law, with respect to the administrative provisions that apply to recipients grantees affected by the COVID-19 (for both recipients with COVID-19 related grants and other types of Federal grants). Awarding agencies are required to maintain records on the level of particular exceptions provided to recipients. For items 6 and 7, awarding agencies must require recipients to maintain appropriate records and documentation to support the charges against the Federal awards.

**1. Flexibility with SAM registration.** (2 CFR § 200.205)

Awarding agencies can relax the requirement for active System for Award Management (SAM) registration at time of application in order to expeditiously issue funding. At the time of award, the requirements of 2 CFR § 200.205, *Federal awarding agency review of risk posed by applicants*, continue to apply. Current registrants in SAM with active registrations expiring before May 16, 2020 will be afforded a one-time extension of 60 days.

**2. Flexibility with application deadlines.** (2 CFR § 200.202)

Awarding agencies may provide flexibility with regard to the submission of competing applications in response to specific announcements, as well as unsolicited applications. As appropriate, agencies should list specific guidance on their websites and/or provide a point of contact for an agency program official.

**3. Waiver for Notice of Funding Opportunities (NOFOs) Publication.** (2 CFR § 200.203)

For competitive grants and cooperative agreements, awarding agencies can publish emergency Notice of Funding Opportunities (NOFOs) for less than thirty (30) days without separately justifying shortening the timeframe for each NOFO. Awarding agencies would still be required to document and track NOFOs published for less than thirty (30) days under this emergency waiver.

**4. No-cost extensions on expiring awards.** (2 CFR § 200.308)

To the extent permitted by law, awarding agencies may extend awards which were active as of March 31, 2020 and scheduled to expire prior or up to December 31, 2020, automatically at no-cost for a period of up to twelve (12) months. This will allow time for recipient assessments, the resumption of many individual projects, and a report on program progress and financial status to agency staff. Project-specific financial and performance reports will be due 90 days following the end date of the extension. Awarding agencies will examine the need to extend other project reporting as the need arises.



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5. **Abbreviated non-competitive continuation requests.** (2 CFR § 200.308)

For continuation requests scheduled to come in from April 1, 2020 to December 31, 2020, from projects with planned future support, awarding agencies may accept a brief statement from recipients to verify that they are in a position to: 1) resume or restore their project activities; and 2) accept a planned continuation award. Awarding agencies should post any specific instructions on their website. Awarding agencies will examine the need to extend this approach on subsequent continuation award start dates as recipients have an opportunity to assess the situation.

6. **Allowability of salaries and other project activities.** (2 CFR § 200.403, 2 CFR § 200.404, 2 CFR § 200.405)

Awarding agencies may allow recipients to continue to charge salaries and benefits to currently active Federal awards consistent with the recipients' policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal. Awarding agencies may allow other costs to be charged to Federal awards necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the project. Awarding agencies may also evaluate the grantee's ability to resume the project activity in the future and the appropriateness of future funding, as done under normal circumstances—based on subsequent progress reports and other communications with the grantee. Awarding agencies must require recipients to maintain appropriate records and cost documentation as required by 2 CFR § 200.302 – *Financial management* and 2 CFR § 200.333 - *Retention requirement of records* to substantiate the charging of any salaries and other project activities costs related to interruption of operations or services.

7. **Allowability of Costs not Normally Chargeable to Awards.** (2 CFR § 200.403, 2 CFR § 200.404, 2 CFR § 200.405)

Awarding agencies may allow recipients who incur costs related to the cancellation of events, travel, or other activities necessary and reasonable for the performance of the award, or the pausing and restarting of grant funded activities due to the public health emergency, to charge these costs to their award without regard to 2 CFR § 200.403, *Factors affecting allowability of costs*, 2 CFR § 200.404, *Reasonable costs*, and 2 CFR § 200.405, *Allocable costs*. Awarding agencies may allow recipients to charge full cost of cancellation when the event, travel, or other activities are conducted under the auspices of the grant. Awarding agencies must advise recipients that they should not assume additional funds will be available should the charging of cancellation or other fees result in a shortage of funds to eventually carry out the event or travel. Awarding agencies must require recipients to maintain appropriate records and cost documentation as required by 2 CFR § 200.302 – *Financial management* and 2 CFR § 200.333 - *Retention requirement of records*, to substantiate the charging of any cancellation or other fees related to interruption of operations or services. As appropriate, awarding agencies may list additional guidance on specific types of costs on their websites and/or provide a point of contact for an agency program official.



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**8. Prior approval requirement waivers.** (2 CFR § 200.407)

Awarding agencies are authorized to waive prior approval requirements as necessary to effectively address the response. All costs charged to Federal awards must be consistent with Federal cost policy guidelines and the terms of the award, except where specified in this memorandum.

**9. Exemption of certain procurement requirements.** (2 CFR § 200.319(b), 2 CFR § 200.321)

Awarding agencies may waive the procurement requirements contained in 2 CFR § 200.319(b) regarding geographical preferences and 2 CFR § 200.321 regarding contracting small and minority businesses, women's business enterprises, and labor surplus area firms.

**10. Extension of financial, performance, and other reporting.** (2 CFR § 200.327, 2 CFR § 200.328)

Awarding agencies may allow grantees to delay submission of financial, performance and other reports up to three (3) months beyond the normal due date. If an agency allows such a delay, grantees will continue to draw down Federal funds without the timely submission of these reports. However, these reports must be submitted at the end of the postponed period. In addition, awarding agencies may waive the requirement for recipients to notify the agency of problems, delays or adverse conditions related to COVID-19 on a grant by grant basis (200 CFR 200.328(d)(1).

**11. Extension of currently approved indirect cost rates.** (2 CFR § 200.414 (c))

Awarding agencies may allow grantees to continue to use the currently approved indirect cost rates (i.e., predetermined, fixed, or provisional rates) to recover their indirect costs on Federal awards. Agencies may approve grantee requests for an extension on the use of the current rates for one additional year without submission of an indirect cost proposal. Agencies may also approve grantee requests for an extension of the indirect cost rate proposal submission to finalize the current rates and establish future rates.

**12. Extension of closeout.** (2 CFR § 200.343)

Awarding agencies may allow the grantee to delay submission of any pending financial, performance and other reports required by the terms of the award for the closeout of expired projects, provided that proper notice about the reporting delay is given by the grantee to the agency. This delay in submitting closeout reports may not exceed one year after the award expires.



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**13. Extension of Single Audit submission.** (2 CFR § 200.512)

Awarding agencies, in their capacity as cognizant or oversight agencies for audit, should allow recipients and subrecipients that have not yet filed their single audits with the Federal Audit Clearinghouse as of the date of the issuance of this memorandum that have fiscal year-ends through June 30, 2020, to delay the completion and submission of the Single Audit reporting package, as required under Subpart F of 2 CFR § 200.501 – *Audit Requirements*, to six (6) months beyond the normal due date. No further action by awarding agencies is required to enact this extension. This extension does not require individual recipients and subrecipients to seek approval for the extension by the cognizant or oversight agency for audit; however, recipients and subrecipients should maintain documentation of the reason for the delayed filing. Recipients and subrecipients taking advantage of this extension would still qualify as a "low-risk auditee" under the criteria of 2 CFR § 200.520 (a) – *Criteria for a low-risk auditee*.

To receive the latest information on grants, including COVID-19 update, sign up for the Grants Community of Practice by clicking at: https://www.performance.gov/CAP/grants/



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# QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK

**MARCH 2020**

The Centers for Disease Control and Prevention (CDC) is responding to an outbreak of respiratory disease caused by a new coronavirus named coronavirus disease 2019 (COVID-19). The CDC has issued interim guidance to help administrators of public and private childcare programs and K–12 schools plan for and prevent the spread of COVID-19 among students and staff. *See* Interim Guidance for Administrators of US Childcare Programs and K–12 Schools to Plan, Prepare, and Respond to Coronavirus Disease 2019 available at: https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html

This Questions and Answers document outlines states' responsibilities to infants, toddlers, and children with disabilities and their families, and to the staff serving these children. During an outbreak of COVID-19, local educational agencies (LEAs) and early intervention service (EIS) programs will need to collaborate with their state educational agency (SEA), Bureau of Indian Education (BIE), or local public health department, as appropriate, to address questions about how, what, and when services should be provided to children with disabilities.[1] It does not create or confer any rights for or on any person. This Q & A document does not impose any additional requirements beyond those included in applicable law and regulations. The responses presented in this document generally constitute informal guidance representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented here and are not legally binding. The Q & As in this document are not intended to be a replacement for careful study of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations. The *IDEA*, its implementing regulations, and other important documents related to the *IDEA* can be found at http://sites.ed.gov/idea. For more information on the requirements of Section 504 and Title II, and their implementing regulations, please consult https://www2.ed.gov/policy/rights/guid/ocr/disabilityoverview.html.

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[1] This document does not address when to dismiss a child or close a school or Part C state lead agency because school officials should work with their local health departments to make those decisions. School personnel and Part C EIS programs and providers, however, may consult the Centers for Disease Control and Prevention's (CDC's) guidance for recommendations regarding social distancing and school closure. The CDC's Web site contains information addressing both state and local public health officials and school administrators for school (K-12) responses to COVID-19 and resources for child care and early childhood programs. These documents, along with other recommendations, may be accessed at https://www.cdc.gov/coronavirus/2019-ncov/community/index.html.

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## A. Implementing Part B of the *IDEA* and Section 504 during a COVID-19 outbreak

**Question A-1:** Is an LEA required to continue to provide a free appropriate public education (FAPE) to students with disabilities during a school closure caused by a COVID-19 outbreak?

**Answer**: The IDEA, Section 504, and Title II of the ADA do not specifically address a situation in which elementary and secondary schools are closed for an extended period of time (generally more than 10 consecutive days) because of exceptional circumstances, such as an outbreak of a particular disease.

If an LEA closes its schools to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The Department understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements.

If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. (34 CFR §§ 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)). SEAs, LEAs, and schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP developed under IDEA, or a plan developed under Section 504. (34 CFR §§ 300.101 and 300.201 (IDEA), and 34 CFR § 104.33 (Section 504)).



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**Question A-2:** Must an LEA provide special education and related services to a child with a disability who is absent for an extended period of time because the child is infected with COVID-19, while the schools remain open?

**Answer**: Yes. It has long been the Department's position that when a child with a disability is classified as needing homebound instruction because of a medical problem, as ordered by a physician, and is home for an extended period of time (generally more than 10 consecutive school days), an individualized education program (IEP) meeting is necessary to change the child's placement and the contents of the child's IEP, if warranted. Further, if the IEP goals will remain the same and only the time in special education will change, then the IEP Team may add an amendment to the IEP stating specifically the amount of time to be spent in special education. If a child with a disability is absent for an extended period of time because of a COVID-19 infection and the school remains open, then the IEP Team must determine whether the child is available for instruction and could benefit from homebound services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available. In so doing, school personnel should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. The Department understands there may be exceptional circumstances that could affect how a particular service is provided.

If a child does not receive services after an extended period of time, a school must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.

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**Question A-3:** What services must an LEA provide if a public school for children with disabilities is selectively closed due to the possibility of severe complications from a COVID-19 outbreak?

**Answer:** If a public school for children with disabilities is closed solely because the children are at high risk of severe illness and death, the LEA must determine whether each dismissed child could benefit from online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available. In so doing,



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school personnel should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. The Department understands there may be exceptional circumstances that could affect how a particular service is provided.

If a child does not receive services during a closure, a child's IEP team (or appropriate personnel under Section 504) must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.

---

**Question A-4:** If a child with a disability at high risk of severe medical complications is excluded from school during an outbreak of COVID-19 and the child's school remains open, is the exclusion considered a change in educational placement subject to the protections of 34 CFR §§ 300.115 and 300.116 and 34 CFR §§ 104.35 and 104.36.

**Answer:** If the exclusion is a temporary emergency measure (generally 10 consecutive school days or less), the provision of services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available, is not considered a change in placement. During this time period, a child's parent or other IEP team member may request an IEP meeting to discuss the potential need for services if the exclusion is likely to be of long duration (generally more than 10 consecutive school days). For long-term exclusions, an LEA must consider placement decisions under the *IDEA*'s procedural protections of 34 CFR §§ 300.115 – 300.116, regarding the continuum of alternative placements and the determination of placements.

Under 34 CFR § 300.116, a change in placement decision must be made by a group of persons, including the parents and other persons knowledgeable about the child and the placement options. If the placement group determines that the child meets established high-risk criteria and, due to safety and health concerns, the child's needs could be met through homebound instruction, then under 34 CFR §300.503(a)(1), the public agency must issue a prior written notice proposing the change in placement. A parent who disagrees with this



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prior written notice retains all of the due process rights included in 34 CFR §§ 300.500-300.520.

For children with disabilities protected by Section 504 who are dismissed from school during an outbreak of COVID-19 because they are at high risk for health complications, compliance with the procedures described above and completion of any necessary evaluations of the child satisfy the evaluation, placement and procedural requirements of 34 CFR §§ 104.35 and 104.36. The decision to dismiss a child based on his or her high risk for medical complications must be based on the individual needs of the child and not on perceptions of the child's needs based merely on stereotypes or generalizations regarding his or her disability.

---

**Question A-5:** May an IEP Team consider a distance learning plan in a child's IEP as a contingency plan in the event of a COVID-19 outbreak that requires the school's closure?

**Answer:** Yes. IEP teams may, but are not required to, include distance learning plans in a child's IEP that could be triggered and implemented during a selective closure due to a COVID-19 outbreak. Such contingent provisions may include the provision of special education and related services at an alternate location or the provision of online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, and may identify which special education and related services, if any, could be provided at the child's home.

Creating a contingency plan before a COVID-19 outbreak occurs gives the child's service providers and the child's parents an opportunity to reach agreement as to what circumstances would trigger the use of the child's distance learning plan and the services that would be provided during the dismissal.

---

**Question A-6:** What activities other than special education and related services may and may not be provided with *IDEA* Part B funds both prior to and during a COVID-19 outbreak?

**Answer:** *IDEA* Part B funds may be used for activities that directly relate to providing, and ensuring the continuity of, special education and related services to children with disabilities. For example, an LEA may use



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*IDEA* Part B funds to disseminate health and COVID-19 information that is specifically related to children with disabilities, to develop emergency plans for children with disabilities, or to provide other information (e.g., guidance on coordination of the provision of services in alternate locations as described in Question A-5) to parties who may need such information, including school staff responsible for implementing IEPs, parents of eligible children, and staff in alternate locations where special education and related services may be provided. LEAs, however, may not use *IDEA* Part B funds to develop or distribute general COVID-19 guidance or to carry out activities that are not specific to children with disabilities (e.g., general COVID-19 activities for all children and staff). Additionally, LEAs may not use *IDEA* Part B funds to administer future COVID-19 vaccinations to any children, including children with disabilities.



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## B. *IDEA* Part C and COVID-19

**Question B-1:** Must a state lead agency continue to provide early intervention services to infants and toddlers with disabilities during a COVID-19 outbreak if the offices are closed?

**Answer:** If the offices of the state lead agency or the EIS program or provider are closed, then Part C services would not need to be provided to infants and toddlers with disabilities and their families during that period of time. If the lead agency's offices are open but the offices of the EIS program or provider in a specific geographical area are closed due to public health and safety concerns as a result of a COVID-19 outbreak in that area, the EIS program or provider would not be required to provide services during the closure. If the offices remain open, but Part C services cannot be provided in a particular location (such as in the child's home), by a particular EIS provider, or to a particular child who is infected with COVID-19, then the lead agency must ensure the continuity of services by, for example, providing services in an alternate location, by using a different EIS provider, or through alternate means, such as consultative services to the parent.

Additionally, once the offices re-open, the service coordinator and EIS providers for each child must determine if the child's service needs have changed and determine whether the individualized family service plan (IFSP) team needs to meet to review the child's IFSP to determine whether any changes are needed. If offices are closed for an extended period and services are not provided for an extended period, the IFSP team must meet under 34 CFR § 303.342(b)(1) to determine if changes are needed to the IFSP and to determine whether compensatory services are needed to address the infant or toddler's developmental delay.

---

**Question B-2:** What should a state lead agency or EIS program provider do to provide Part C services if its offices are open, but it cannot provide services in accordance with an infant's or toddler's IFSP during a COVID-19 outbreak?

**Answer:** If the offices remain open, but Part C services cannot be provided in a particular location (such as in the child's home), by a particular EIS provider, or to a particular child who is infected with COVID-19, then



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the lead agency must ensure the continuity of services, on a case-by-case basis and consistent with protecting the health and safety of the student and those providing services to the student. As an example, the lead agency may consider providing services in an alternate location, by using a different EIS provider, or through alternate means, such as consultative service to the parent. Once services are fully resumed, the service coordinator and EIS providers for each child must assess the child to determine if the child's service needs have changed and to determine whether the IFSP Team needs to meet to review the child's IFSP to identify whether changes to the IFSP are needed. If the offices are closed and services are not provided for an extended period, the IFSP Team must meet under 34 CFR § 303.342(b)(1) to determine if changes are needed to the IFSP and to determine whether compensatory services are needed.

If an EIS provider cannot provide Part C services in the child's home during a COVID-19 outbreak, but the EIS program or provider determines that it is safe to provide face-to-face Part C services in another environment such as a hospital or medical clinic, then the child could receive temporary services at the hospital or clinic. Additionally, if the lead agency or EIS provider determines that face-to-face Part C services should not be provided for a period of time, then the EIS provider or service coordinator may consult with the parent through a teleconference or other alternative method (such as e-mail or video conference), consistent with privacy interests, to provide consultative services, guidance, and advice as needed. However, determining how to provide Part C services in a manner that is consistent with the most updated public health and safety guidance is left to the discretion of the lead agency and the EIS program and provider serving a particular child and family.

---

**Question B-3:** What activities other than service provision may and may not be provided with *IDEA* Part C funds both prior to and during a potential COVID-19 outbreak?

**Answer:** *IDEA* Part C funds may be used for activities that directly relate to providing, and ensuring the continuity of, Part C services to eligible children and their families. The state may use *IDEA* Part C funds to disseminate health and COVID-19 information to relevant parties, develop emergency plans to support the provision and continuity of



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Part C services, or provide other information (e.g., how the lead agency staff or EIS programs or providers may provide alternate services or services in alternate locations as described in Question B-2) to relevant parties who need this information. Relevant parties may include parents of eligible children, childcare centers, staff in other locations where early intervention services are provided, EIS programs and providers, and primary referral sources. Other activities that relate to service provision, including the provision of service coordination, evaluations, and assessments, may also be funded. The state may not, however, use *IDEA* Part C funds to administer future COVID-19 vaccinations as it is a medical service under 34 CFR §303.13(c)(3).



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**From:** Williams, Bianca
**Sent:** Fri, 27 Mar 2020 18:05:09 +0000
**To:** COVID-19
**Subject:** FW: Saginaw Chippewa - S299A170095-19

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**From:** Shannon Dorn <SDorn@sagchip.org>
**Sent:** Friday, March 27, 2020 11:02 AM
**To:** Williams, Bianca <Bianca.Williams@ed.gov>
**Cc:** Dustin Davis <DDavis@sagchip.org>; Ruben Mosqueda <RMosqueda@sagchip.org>; Michelle Colwell <mcolwell@sagchip.org>
**Subject:** RE: Saginaw Chippewa - S299A170095-19

As a follow up to my email, this will be a temporary leave. Will grant funds remain available for essential functions and if not deemed essential, will funds remain and is that grant funded employee eligible for unemployment?

Thank you for your assistance,
Shannon

---

**From:** Shannon Dorn
**Sent:** Friday, March 27, 2020 10:22 AM
**To:** 'Williams, Bianca'
**Cc:** Dustin Davis; Ruben Mosqueda; Michelle Colwell
**Subject:** Saginaw Chippewa - S299A170095-19

Good Morning Bianca,

My Supervisor, the Tribal Administrator contacted me. This information **has not** been released to employees as of yet, and would like to find direction related to the DOE grant funded employees. We are currently under Administrative Leave until April 4, 2020. Our Tribal Council is looking at moving away from Administrative Leave after this time and instituting a temporary closure resulting in employees, including grant funded employees being on layoff. Please let me know if there has been any direction given regarding this situation. Thank you in advance.

Shannon

***Shannon C. Dorn***
Grants and Contracts Manager
Saginaw Chippewa Indian Tribe of Michigan
7500 Soaring Eagle Boulevard
Mount Pleasant, Michigan 48858
Office: (989) 775-4029
Cell: (989) 429-6565

AMERICAN OVERSIGHT

**From:** Hall, Marilyn
**Sent:** Fri, 27 Mar 2020 23:48:12 +0000
**To:** COVID-19
**Subject:** FW: SRPMIC Grantor Request
**Attachments:** Covid19_srpmic_grants_ltr_03252020.pdf

---

**From:** Gunthner, Julia <Julia.Gunthner@SRPMIC-nsn.gov>
**Sent:** Friday, March 27, 2020 7:14 PM
**To:** Hall, Marilyn <Marilyn.Hall@ed.gov>
**Subject:** SRPMIC Grantor Request

Good Afternoon,

Salt River Pima-Maricopa Indian Community issued a Local Emergency Declaration and guidance to Community Departments regarding essential services to address public health concerns related to Coronavirus (COVID-19). Attached is a letter is from Martin Harvier, President of Salt River Pima-Maricopa Indian Community, asking for assistance from our grantors.

Thank you for your partnership and assistance during these difficult times.

Julia A. Gunthner DBH, LPC
Grant Facilitator
Finance
Office: 480.362.6901
Cell: 480.735.4446

Salt River Pima-Maricopa Indian Community

AMERICAN OVERSIGHT

Finance Department
10005 E. Osborn Rd.
Scottsdale, AZ 85256

AMERICAN OVERSIGHT

**SALT RIVER**
**PIMA-MARICOPA INDIAN COMMUNITY**
10005 E. Osborn Road, Scottsdale, Arizona 85256 / Phone 480-362-7495 / Fax 480-362-5791

March 25, 2020

Dear Respected Grantor:

The Salt River Pima-Maricopa Indian Community ("SRPMIC") has undertaken unprecedented measures to deter the spread of the coronavirus within the community. These measures will influence the services the Tribe will be able to provide to its membership. The SRPMIC recognizes that in the long term the impacts of the coronavirus will be mitigated and that it is essential to preserve program infrastructure so that we can quickly resume services once the mitigation occurs. These actions are being taken in response to the SRPMIC declaring a public health emergency that is considered necessary and reasonable given the circumstances.

The SRPMIC is requesting that granting agencies assist with this plan to allow the Tribe to continue paying staff wages and fringe benefits from your program and additional flexibility in budgeting line items that are no longer relevant. Social distancing will define the types of services that can be provided. In the interim staff will be involved in strategic planning and taking a self-reflection of programs to determine how services can be provided more effectively once Tribal operations fully resume.

We intend to pay our employees their normal wages during this period for all programs, including those from federal grant funds as well as all other non-federally supported programs. We will continue to request those employees who can work remotely to continue to do so. All wages paid during this time is in accordance with the SRPMIC's overall policies or specifically approved by the Community Council.

This request is consistent with the OMB memorandum M-20-17, issued on March 19, 2020, titled "Administrative Relief for Recipients and Federal Assistance Directly Impacted by the Novel Coronavirus (COVID -19) due to Loss of Operations". The purpose of this request is to have the provisions outlined in this memorandum apply to non-Federal funding sources also.

We greatly appreciate your flexibility and consideration of this request and look forward to working with you to partner with us to preserve the program infrastructure. In this regard we will continue to fund staff from programs supported by your grant unless otherwise directed.

If you have any questions please contact Ms. Laurie Lus, Finance Director, Laurie.Lus@SRPMIC-nsn.gov or (480)362–7838.

Sincerely

(b)(6) [redacted]

Martin Harvier
President

AMERICAN OVERSIGHT

**From:** Stephenson, Todd
**Sent:** Fri, 27 Mar 2020 16:01:02 +0000
**To:** COVID-19
**Subject:** FW: Stimulus Funds

---

**From:** Nancy Hughes <Nancy.Hughes@sde.ok.gov>
**Sent:** Friday, March 27, 2020 11:59 AM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Subject:** Stimulus Funds

Todd,

I know it is early, but do you think the stimulus funds if passed by the house will run through the Title I formula process?


**Nancy Hughes**

Director of Finance

Office of Federal Programs

Oklahoma State Department of Education

2500 North Lincoln Boulevard

Oklahoma City, Oklahoma 73105-4599

405-521-3170

Nancy.Hughes@sde.ok.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 16:21:22 +0000
**To:** OESE.titlei-a;OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Stimulus Funds

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

---

**From:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Sent:** Friday, March 27, 2020 12:01 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Stimulus Funds

---

**From:** Nancy Hughes <Nancy.Hughes@sde.ok.gov>
**Sent:** Friday, March 27, 2020 11:59 AM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Subject:** Stimulus Funds

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**Nancy Hughes**

Director of Finance

Office of Federal Programs

Oklahoma State Department of Education

2500 North Lincoln Boulevard

Oklahoma City, Oklahoma 73105-4599

AMERICAN OVERSIGHT

405-521-3170

Nancy.Hughes@sde.ok.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 15:58:27 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: Student Loans-Please help

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

---

**From:** Stephanie Lewis <(b)(6)
**Sent:** Friday, March 27, 2020 11:43 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Student Loans-Please help

To whom it may concern,

My student loans are with F. H. Cann & Associates. I have tried calling them to see if my federal tax refund was going to be returned (which my family desperately needs right now) and they said they have no information on me. I am very concerned and need help. Can you please point me in the right direction? Thank you so much for your time.

Thank you,
Stephanie Lewis

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Fri, 27 Mar 2020 20:33:20 +0000
**To:** COVID-19
**Subject:** FW: Title I Carryover

Please see the inbound question.

Thanks,
R

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov | 202.453.5719

---

**From:** Roberta Bergman <Roberta.Bergman@renaissance.com>
**Sent:** Friday, March 27, 2020 4:20 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** Title I Carryover

Has the 15% cap on Title I carryover funds been lifted? Thanks.

**Roberta Bergman** | Senior Funding Consultant
Office: (715) 424-3636 ext. 5260
Toll-free: (877) 988-8050 ext 5260
Mobile: (214) 957-9751
Roberta.Bergman@renaissance.com

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 16:26:40 +0000
**To:** Williams, Bryan
**Cc:** COVID-19
**Subject:** FW: Title IVA funds for distance learning

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

---

**From:** Curtis, Patti <Patti.Curtis@ed.gov>
**Sent:** Friday, March 27, 2020 11:34 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Title IVA funds for distance learning

Greetings
I got a couple questions from the field regarding accessing **Title IVA funds to bump up distance learning capacity during school closures**.
Any guidance or tips for providers, NGOs. Schools?

Also, numerous inquiries about Title IVB – will providers be supported even though school buildings are closed?

Many thanks,

Patti Curtis
Robert Noyce/Ellen Lettvin STEM Education Fellow
Office of Planning, Evaluation and Policy Development
U.S. Department of Education
www.ed.gov/STEM
Sign Up for ED newsletters, including STEM, here.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 16:27:27 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Title IVA/B funds for distance learning

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

---

**From:** Curtis, Patti <Patti.Curtis@ed.gov>
**Sent:** Friday, March 27, 2020 11:34 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Title IVA funds for distance learning

Greetings
I got a couple questions from the field regarding accessing Title IVA funds to bump up distance learning capacity during school closures.
Any guidance or tips for providers, NGOs. Schools?

**Also, numerous inquiries about Title IVB – will providers be supported even though school buildings are closed?**

Many thanks,

Patti Curtis
Robert Noyce/Ellen Lettvin STEM Education Fellow
Office of Planning, Evaluation and Policy Development
U.S. Department of Education
www.ed.gov/STEM
Sign Up for ED newsletters, including STEM, here.

AMERICAN OVERSIGHT

**From:** Newton, Elizabeth
**Sent:** Fri, 27 Mar 2020 14:55:19 +0000
**To:** COVID-19
**Cc:** Pagano, Lisa;Miley, Jennifer
**Subject:** FW: Transition waiver

**From:** Elizabeth Maxwell <(b)(6)
**Sent:** Friday, March 27, 2020 10:31 AM
**To:** Newton, Elizabeth <Elizabeth.Newton@ed.gov>
**Cc:** Miley, Jennifer <Jennifer.Miley@ed.gov>
**Subject:** Transition waiver

At this point in time there is no emergency plan in place to offer a waiver to extend EI services to children who would have a transition meeting in April. Evaluations were not able to be done for many children with April birthdays, which means transition meetins are canceled, and therefore services cannot continue past the child's 3rd birthday.
Sincerely,

Elizabeth Maxwell
585-623-6968
www.youniqueproducts.com/beautiful2you

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 15:10:21 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: Transition waiver

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

Thanks

Christine

---

**From:** Newton, Elizabeth <Elizabeth.Newton@ed.gov>
**Sent:** Friday, March 27, 2020 10:55 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Pagano, Lisa <Lisa.Pagano@ed.gov>; Miley, Jennifer <Jennifer.Miley@ed.gov>
**Subject:** FW: Transition waiver

**From:** Elizabeth Maxwell <(b)(6)
**Sent:** Friday, March 27, 2020 10:31 AM
**To:** Newton, Elizabeth <Elizabeth.Newton@ed.gov>
**Cc:** Miley, Jennifer <Jennifer.Miley@ed.gov>
**Subject:** Transition waiver

At this point in time there is no emergency plan in place to offer a waiver to extend EI services to children who would have a transition meeting in April. Evaluations were not able to be done for many children with April birthdays, which means transition meetins are canceled, and therefore services cannot continue past the child's 3rd birthday.
Sincerely,

Elizabeth Maxwell
585-623-6968
www.youniqueproducts.com/beautiful2you

AMERICAN OVERSIGHT

**From:** Pinckney, Christine F.
**Sent:** Fri, 27 Mar 2020 14:13:00 +0000
**To:** COVID-19
**Cc:** COVID-19
**Subject:** FW: USE THIS VERSION!!! Letter requesting infor from COVID mailboxes (003)
**Attachments:** Letter requesting infor from COVID mailboxes (003).docx
**Importance:** High

AMERICAN OVERSIGHT

Dear COVID-19 Partners:

Thanks so much for your assistance in helping us with the mountain of correspondence that we have received related to COVID-19. As of today, the COVID-19 mailbox has received nearly 1,200 inquiries.

Late yesterday afternoon, Deputy Secretary Zais asked that we contact each of our partners and request the following information:

1. The number of entries received
2. The number of entries receiving responses
3. And, if you have this bit of granular information, those receiving a response that was easily handled by a template letter

Dr. Zais has asked for our best response by 4 pm this afternoon, so I apologize in advance for this quick turnaround time, but we will need your response by 2 pm.

If you have any questions, please contact Christine.Pinckney@ed.gov or Bryan.Williams@ed.gov. They are both part of the Office of Safe and Supportive Schools supporting the COVID-19 mailbox.

Sincerely,

Paul Kesner
Director
Office of Safe and Supportive Schools

AMERICAN OVERSIGHT

**From:** Siry, Melissa
**Sent:** Fri, 27 Mar 2020 16:21:35 +0000
**To:** COVID-19
**Cc:** OESE.titlei-a
**Subject:** FW: Waiver of ESSA required spending per pupil reporting on report cards

Title I, Part A received the question below which is a result of COVID19.

Thanks,
Melissa

---

**From:** Bentley-Memon, Millicent <Millicent.Bentley-Memon@ed.gov>
**Sent:** Friday, March 27, 2020 12:12 PM
**To:** Siry, Melissa <Melissa.Siry@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** FW: Waiver of ESSA required spending per pupil reporting on report cards

Happy Friday ladies! Below see a question I received from KY. Not sure which of your offices would respond.

Thank you,

Millie Bentley-Memon, Ph.D.
HEP and CAMP
Office of Migrant Education
Office of Elementary and Secondary Education
3E311
U.S. Department of Education
202-401-1427

---

**From:** Carlton, Jessica - Division of District Support <jessica.carlton@education.ky.gov>
**Sent:** Friday, March 27, 2020 10:59 AM
**To:** Bentley-Memon, Millicent <Millicent.Bentley-Memon@ed.gov>; OESE.OSS.Kentucky <OSS.Kentucky@ed.gov>
**Cc:** Ross, Matt - Office of Finance and Operations <matt.ross@education.ky.gov>
**Subject:** Waiver of ESSA required spending per pupil reporting on report cards

Good Morning,

Are there currently any waivers available for the ESSA required reporting of spending per student data on school report cards? Kentucky is interested waiving the reporting for the 18-19 report card and the 19-20 report card. Spending per student data is required to be reported on the 18-19 report cards by June 30, 2020. We do not know if districts will have finance officers or other employees available to calculate this data due to the COVID-19 closures. Data is available, but the availability of personnel is our concern. We would be interested in waiving the 19-20 reporting requirement next year because the school closures have resulted in Kentucky not calculating end of year 19-20 membership. This

AMERICAN OVERSIGHT

membership count is what KY chose to use for spending per student calculations. Please let us know if this is a waiver that has been requested by other states and if it is available from the U.S. Department of Education.

If you are no longer the program officer for KY, please forward my question on to the appropriate contact. Thanks!

Jessi

***Jessi Carlton***
Assistant Director, Division of District Support
Office of Finance & Operations
Kentucky Department of Education
300 Sower Blvd
Frankfort, KY 40601
(502) 564-3930, ext. 2468
Email: jessica.carlton@education.ky.gov

*The Kentucky Department of Education would like your input on the agency's customer service efforts. Please take a moment to complete an online survey, which may be accessed at* https://www.surveymonkey.com/r/QTSNYD5. *All responses will remain anonymous. Thank you!*

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**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 16:17:34 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Waiver of ESSA required spending per pupil reporting on report cards

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

---

**From:** OESE.SGR.Kentucky <Kentucky.oese@ed.gov>
**Sent:** Friday, March 27, 2020 12:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Waiver of ESSA required spending per pupil reporting on report cards

Hello.

Please see the below inquiry.

Respectfully,

Lear Cook
State and Grantee Relations
Office of Elementary and Secondary Education
U.S. Department of Education
202.205.9085
OESE@ed.gov

---

**From:** Carlton, Jessica - Division of District Support <jessica.carlton@education.ky.gov>
**Sent:** Friday, March 27, 2020 10:59 AM
**To:** Bentley-Memon, Millicent <Millicent.Bentley-Memon@ed.gov>; OESE.OSS.Kentucky <OSS.Kentucky@ed.gov>
**Cc:** Ross, Matt - Office of Finance and Operations <matt.ross@education.ky.gov>
**Subject:** Waiver of ESSA required spending per pupil reporting on report cards

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Assistant Director, Division of District Support
Office of Finance & Operations
Kentucky Department of Education
300 Sower Blvd
Frankfort, KY 40601
(502) 564-3930, ext. 2468
Email: jessica.carlton@education.ky.gov

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AMERICAN OVERSIGHT

**From:** OESE.SGR.Kentucky
**Sent:** Fri, 27 Mar 2020 16:10:08 +0000
**To:** COVID-19
**Subject:** FW: Waiver of ESSA required spending per pupil reporting on report cards

Hello.

Please see the below inquiry.

Respectfully,

Lear Cook
State and Grantee Relations
Office of Elementary and Secondary Education
U.S. Department of Education
202.205.9085
OESE@ed.gov

---

**From:** Carlton, Jessica - Division of District Support <jessica.carlton@education.ky.gov>
**Sent:** Friday, March 27, 2020 10:59 AM
**To:** Bentley-Memon, Millicent <Millicent.Bentley-Memon@ed.gov>; OESE.OSS.Kentucky <OSS.Kentucky@ed.gov>
**Cc:** Ross, Matt - Office of Finance and Operations <matt.ross@education.ky.gov>
**Subject:** Waiver of ESSA required spending per pupil reporting on report cards

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*Jessi Carlton*

AMERICAN OVERSIGHT

Assistant Director, Division of District Support
Office of Finance & Operations
Kentucky Department of Education
300 Sower Blvd
Frankfort, KY 40601
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Email: jessica.carlton@education.ky.gov

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 16:37:45 +0000
**To:** OESE COVID 19;OESE.titlei-a
**Cc:** COVID-19
**Subject:** FW: Waiver of ESSA required spending per pupil reporting on report cards

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**From:** Siry, Melissa <Melissa.Siry@ed.gov>
**Sent:** Friday, March 27, 2020 12:22 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** FW: Waiver of ESSA required spending per pupil reporting on report cards

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Thanks,
Melissa

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**Sent:** Friday, March 27, 2020 12:12 PM
**To:** Siry, Melissa <Melissa.Siry@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** FW: Waiver of ESSA required spending per pupil reporting on report cards

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Millie Bentley-Memon, Ph.D.
HEP and CAMP
Office of Migrant Education
Office of Elementary and Secondary Education
3E311
U.S. Department of Education
202-401-1427

AMERICAN OVERSIGHT

**From:** Carlton, Jessica - Division of District Support <jessica.carlton@education.ky.gov>
**Sent:** Friday, March 27, 2020 10:59 AM
**To:** Bentley-Memon, Millicent <Millicent.Bentley-Memon@ed.gov>; OESE.OSS.Kentucky <OSS.Kentucky@ed.gov>
**Cc:** Ross, Matt - Office of Finance and Operations <matt.ross@education.ky.gov>
**Subject:** Waiver of ESSA required spending per pupil reporting on report cards

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Office of Finance & Operations
Kentucky Department of Education
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AMERICAN OVERSIGHT

**From:** Hendricken, Kelly
**Sent:** Fri, 27 Mar 2020 18:31:53 +0000
**To:** COVID-19
**Cc:** Thompson, Patricia;Terwilliger, Erika
**Subject:** Guidance for SUNY System on changes in term structure

To Whom it May Concern:

SUNY is seeking clarification on some NASFAA guidance that was produced on changes in term structure. We have questions because the ED guidance was not particular clear on more granular details and scenarios and we want to ensure we are advising our entire system properly. Thank you for your attention to this. See below:

**Changes in term structure (shortening spring 2020 semester)**

Some campuses indicate they extended the 'Spring Break' for spring 2020 semester, which resulted in a shortening of the term. General guidance from NASFAA during their webinar on March 17th advised institutions that a reduction in term length below 15 weeks and below 30 weeks annually would require a campus to request approval from ED by contacting their participation team member. If approved, the campus would not need to recalculate for R2T4 for the Spring 202 semester. One campus noted that ED modified the requirement for a semester to allow for a 14 week semester. This campus also indicted they have a longer fall semester and when added to a 14 week spring semester the annual requirement would not fall below the annual requirement of 30 week.

The questions are:

- If a campus reduces the Spring 2020 semester below 15 weeks to 14 weeks and the annual weeks ***are below*** 30 weeks, do they need to request approval since the Revised Policy for Standard Term Length electronic announcement, **https://ifap.ed.gov/electronic-announcements/110519RevisionGuidelinesApplicableStandardTerms**, indicates semesters and trimesters may now be between 14 and 21 weeks of instruction?
- If a campus reduces the Spring 2020 semester below 15 weeks to 14 weeks and the annual weeks ***are equal to or greater than*** 30 weeks because they had a longer fall 2019 semester, do they need to request approval?

Hope to hear from you soon.

Sincerely,

Kelly Hendricken

**Kelly H. Hendricken, Esq.**
*Assistant Counsel*
Office of General Counsel
The State University of New York

AMERICAN OVERSIGHT

State University Plaza - Albany, New York 12246
Tel: 518.320.1400  Fax: 518.320.1541
Pronouns: She/Her/Hers

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**ATTORNEY CLIENT PRIVILEGED**

The information contained in this e-mail may be privileged and confidential and is intended only for named recipients.

AMERICAN OVERSIGHT

**From:** Tanner-Dean, Angela
**Sent:** Fri, 27 Mar 2020 14:20:24 +0000
**To:** COVID-19
**Subject:** IDEA data question

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**From:** Grigg, Bryan <Bryan.Grigg@ed.gov>
**Sent:** Friday, March 27, 2020 10:13 AM
**To:** Wolfsheimer, Jennifer <Jennifer.Wolfsheimer@ed.gov>; Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>
**Subject:** FW: WI questions - Data collection, analysis questions when schools are closed

Greetings my fearless leaders ☺
I was on a call with Wisconsin yesterday and we discussed some pretty tough topics related to next years submission. After our discussion, I asked that they send over a few of the questions via email so that I could forward to our team. Can we find some time to discuss these questions?

Talk soon,

***Bryan G. Grigg***
***Office of Special Education Programs***
***United States Department of Education***

---

**From:** Jenkins, Courtney DPI <Courtney.Jenkins@dpi.wi.gov>
**Sent:** Thursday, March 26, 2020 12:03 PM
**To:** Grigg, Bryan <Bryan.Grigg@ed.gov>
**Cc:** Hartwig, Julia C. DPI <Julia.Hartwig@dpi.wi.gov>; Bishop, Seth A. DPI <Seth.Bishop@dpi.wi.gov>
**Subject:** WI questions - Data collection, analysis questions when schools are closed

Hi Bryan,

We would appreciate guidance from OSEP as we consider the following requirements for data collection, reporting, and identifications:

Data collection and reporting via the SPP/APR:

1. How should we proceed with cyclical Indicator data collections (i.e., Indicators 8, 11, and 14) while schools are closed due to a public health emergency?
2. How should we proceed with respect to data collections outside of EdFacts (e.g., 7, 12, 13) while schools are closed due to a public health emergency?

Data collection and required annual identifications:

1. Some identifications require statewide comparisons (i.e., 4a and 4b) and we will not have consistent (if even required) data collected for SY19-20 due to the public health emergency declaration by Wisconsin's Governor. What guidance do you have for us related to analyzing such data?

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2. LEA determinations rely on data that will not be collected during SY19-20 due to a public health emergency declared by the Wisconsin Governor. What guidance do you have for us in making annual determinations?

Thanks!

**Courtney**

---

**Every child** graduates ready for further education and the workplace

---

Courtney Reed Jenkins, Assistant Director
Special Education Team
Wisconsin Department of Public Instruction
P.O. Box 7841
125 South Webster Street
Madison, WI 53707-7841
608/266-1781 or 800/441-4563 (p)
608/267-3746 (f)

Pronouns: she/her/hers

Click here to schedule a meeting with me

AMERICAN OVERSIGHT

**From:** Jannice Williams
**Sent:** Fri, 27 Mar 2020 18:36:50 -0500
**To:** COVID-19
**Subject:** LOA

I am from a clock hour school and I was reading the March 5th Covid-19 information. It mentioned that a student could take a leave of absence due to covid-19 correct.

Sent from my iPhone
--
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AMERICAN OVERSIGHT

**From:** Bible REPLAY
**Sent:** Fri, 27 Mar 2020 16:22:09 -0700
**To:** COVID-19
**Subject:** More resources for Private Schools

We would like to submit information for an online Bible curriculum course for elementary-aged students in private Christian schools. Is this the right place to submit the resource?

Thank you,

Team Bible REPLAY Curriculum
Biblereplay.com
949.383.1066

AMERICAN OVERSIGHT

**From:** Myers, Earl
**Sent:** Fri, 27 Mar 2020 17:26:56 +0000
**To:** Holly Mook
**Cc:** COVID-19
**Subject:** MT Mental Health Services Question

Good morning Holly,

I received your message from the COVID-19 mailbox. Thank you for your question regarding extensions on reports that are due in May. In response to your question, we expect to have clear guidance for discretionary grants in the coming weeks.

Regards,

Earl Myers, Jr
Lead Grants Management Specialist
Office of Safe and Supportive Schools
Office of Elementary and Secondary Education
400 Maryland Ave, SW
Room 3E244, LBJ
Washington, DC 20202-6450
Telephone: 202-453-6716

---

**From:** Mook, Holly <HMook2@mt.gov>
**Sent:** Monday, March 23, 2020 4:45 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** MT Mental Health Services Question

Hello,

We will get an extension on reports that are due in May?

Thanks,

Holly Mook

AMERICAN OVERSIGHT

**From:** Dr. Wanda White
**Sent:** Fri, 27 Mar 2020 20:47:00 +0000
**To:** Cox, Jack;COVID-19
**Cc:** Miller, Christopher;Martin, Gregory;James "JW" Kelley;Dr. Monty Hickman
**Subject:** NC Community College System Coronavirus & Title IV Eligibility Questions

To Whom It May Concern:
Please see below additional questions from NC Community College System financial aid administrators in North Carolina. If possible, please review these questions and provide your responses to me as soon as possible. Additional questions may be submitted to you as they arise.

1. The electronic announcement from March 5th included language that said the following:

   The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.

   QUESTION: What do we do if our campus is not "closing", but moving everything to online courses. Therefore, the students are basically not allowed on campus, but since the college did not "close" I'm not sure that we meet the criteria to continue paying them FWS funds. Any help or guidance we can get about that would be appreciated.

2. For any addendums to policies and procedures due to COVID-19, I have been using a start date of 3/16/2020 on these addendums in order to ensure we are aware of when these procedural changes occurred. I have used this date because that is the date our college reassessed our situation to determine what changes were needed to accommodate COVID-19. Since we received dated guidance on 3/5/2020 of adjustments that could be made, can I instead use the date of 3/5/2020 or would it be best to stick with 3/16/2020?

3. We received guidance this week that a possibility for our students that may choose to withdraw is: Withdrawal and application of tuition to a future term.

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I wanted to make sure I am interpreting this correctly. If this situation occurs, students would withdraw from their classes for this semester and would be subject to R2T4 guidelines. If the student chose to return in the Fall 2020 semester, the student could register for the class withdrawn, and not pay tuition and fees for that class, correct?

If yes, it would be my assumption that the tuition and fees would not be prorated because the student would have to take the entire class again. So, if the tuition and fees for a 3-hour class is $270.20, the student would receive a full $270.20 credit on their Fall 2020 tuition and fees statement, correct? I say the student would receive a credit because there is always the possibility that tuition and fees could increase for the Fall 2020 semester so it may not necessarily be a wash out for the student.

Because the student was withdrawn for the Spring 2020 semester and subjected to R2T4 guidelines, would I still be able to award the student financial aid for the class during the Fall 2020 semester, even though there is a possibility the student will not be charged any tuition and fees for the class?

This is a loaded question, but I have been unable to find any particular guidance on this and want to make sure I fully understand. Thanks so much!

4. In regard to R2T4's for the COVID-19. We have some programs that are looking to assign students "Incompletes" for their classes, i.e. Cosmetology.

   Would the incomplete constitute an R2T4 since the student will no longer be attending the class for longer than 14 days?

   **4. A.** If yes, this would be similar to how we handle an "F" grade, correct? So, the student would still have an "I" for their grade, but we would have to consider them withdrawn from the class because they would not be in attendance in the class for longer than a 14-day period.

   **4.B.** If we are able to constitute an appropriate Leave of Absence for the student, I understand the student has 180 days to complete the assignment for the class. Would it be best to still assign the student an "I" in the course? If yes, in this situation, if the student has a legitimate leave of absence, the "I" grade would not be treated as a withdrawal.

5. I know the FWS community waiver for 2020-2021 waiver is open at this time and due by 4/20/2020. We, at Mayland CC, have been blessed with the opportunity to fill this position in years past and haven't required a waiver. However, I worry that given the

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current circumstances, if this will be more difficult this go around. I wonder, would it be possible that the deadline will be extended on the waiver until we can better know if this will become an issue for us?

I know everyone is just trying to stay on top of 2019-2020 FWS at this time, but thought I would ask about this since the deadline is in April.
Thanks in advance for your assistance.

Wanda White, Ed.D.

Director of Student Services

NC Community College System

200 West Jones Street
Raleigh, NC 27603
whitew@nccommunitycolleges.edu
919-807-7104

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E-mail correspondence to and from this address may be subject to the North Carolina Public Records Act and shall be disclosed to third parties when required by Chapter 132 of the North Carolina General Statutes.

AMERICAN OVERSIGHT

**From:** TABACHOW, Daisy
**Sent:** Fri, 27 Mar 2020 16:27:54 +0000
**To:** COVID-19
**Subject:** Need clarity on this question

Due to COVID-19, we are going to cancel OCTH547 for the spring 2020 term and movie it to summer 2020.

Because the course has not started yet, the students will receive a withdrawn with no grade.

How does this affect already awarded Title IV funds?

Must I adjust the aid to reflect the number of credits they were awarded for since the course will not be started in the Spring trimester?

**Daisy Tabachow**
Financial Aid Director
Daisy.Tabachow@ahu.edu
407-303-9203
AdventHealth UNIVERSITY

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**From:** Barrett-Zitkus, Jennifer
**Sent:** Fri, 27 Mar 2020 12:48:05 +0000
**To:** COVID-19
**Cc:** Levorse, Audrey
**Subject:** Obtaining Parental Consent during COVID Pandemic Part C question

Question from NH-C

Jennifer Barrett-Zitkus
Education Program Specialist
U.S. Department of Education
Office of Special Education and Rehabilitative Services
Office of Special Education Programs
Monitoring and State Improvement
Work: 202-245-8417
**www.ed.gov/osers Subscribe**

Begin forwarded message:

**From:** "Gray, Kathleen" <Kathleen.Gray@dhhs.nh.gov>
**Date:** March 27, 2020 at 7:37:29 AM CDT
**To:** "Barrett-Zitkus, Jennifer" <Jennifer.Barrett-Zitkus@ed.gov>
**Subject: Obtaining Parental Consent during COVID Pandemic**

Hello Jennifer,

I'm looking for guidance from OSEP regarding obtaining parental consent during this COVID-19 Pandemic. Do we have any flexibility to obtain verbal consent in those rare instances where families may not have emails or must we obtain written consent via mail?

*Consent,* as defined in § 303.7, means the parent has been fully informed of all information relevant to the activity for which consent is sought in the parent's native language or other mode of communication. This definition of *consent* in § 303.7 also requires that the parent understand and agree in writing to the activity for which the parent's consent is sought.

AMERICAN OVERSIGHT

*Kathy Gray, MBA*
*Part C Coordinator, FCESS*
*Bureau for Family Centered Services*
*Division of Long Term Supports and Services*
*NH Department of Health and Human Services*
*129 Pleasant St., Thayer Building*
*Concord, NH 03301*
*Phone: (603)271-3783*
*Fax: (603)271-4902*
*Kathleen.gray@dhhs.nh.gov*

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**From:** Morrisey, Jenay
**Sent:** Fri, 27 Mar 2020 17:12:18 +0000
**To:** COVID-19
**Cc:** Pinckney, Christine F.;Williams, Bryan;Dowling, Maureen
**Subject:** ONPE COVID Questions
**Attachments:** ONPE COVID Inquiry Tracker.xlsx

This is in response to the request in the email forwarded this morning: ACTION REQUIRED: Requesting information from COVID-19 mailbox.

The Office of Non-Public Education has been tracking all inquiries coming through our office. Each inquiry was either sent to us from the COVID-19 mailbox or received directly by ONPE and then forwarded to the COVID-19 mailbox. The status of each inquiry is logged in the attached Excel spreadsheet. I have also provided responses to the specific questions below.

1. The number of entries received= 6
2. The number of entries receiving responses= 2 (see responses in spreadsheet)
3. And, if you have this bit of granular information, those receiving a response that was easily handled by a template letter= 0

Please let me know if you have any questions.

Jenay Morrisey
Office of Non-Public Education
U.S. Department of Education
202-260-2465

https://www2.ed.gov/about/inits/ed/non-public-education/index.html

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| OMPS Inquiry # | COVID Mailbox | Date Received | Due by | Topic | Assigned to | Last Action Date | Last Action | Status | Submitted by | | Response |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Received Via COVID mailbox | 3/13/2020 | | FL School Closures | Alexander | 3/17/2020 | Response sent | Closed | Mr. Bococoura, Teacher, Naples Palm Coast High Schoo | bococoura@highschool.com | Dear Mr. Bococoura,<br><br>Thank you for contacting the U. S. Department of Education's COVID-19 mailbox.<br><br>If the Florida Department has made a decision to close schools, you would want to contact your FL Department of Education and inquire about their decision and the applicability to your private school as Florida has jurisdiction over private schools within the state of Florida. Following is contact information for the Florida Department of Education.<br><br>FL Department of Education<br>Office of the Commissioner<br>Turlington Building, Suite 1514<br>325 West Gaines Street<br>Tallahassee, Florida 32399<br>Email: Commissioner@fldoe.org<br>Phone: 850-245-0505<br>Fax: 850-245-9667<br><br>At the same time, you may also consider reading the following information about regarding the Administration's guidance on school closures: https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf<br><br>For additional information on COVID-19, I also encourage you to visit the Centers for Disease Control website at: https://www.cdc.gov/. |
| 2 | Received Via COVID mailbox | 3/13/2020 | | FL School Closures | Alexander | 3/17/2020 | Response sent | Closed | Christie Matthias, Admissions Director, Matthias Chri | christie.matthias@gmail.com | Dear Ms. Matthias:<br><br>Thank you for contacting the U. S. Department of Education's COVID-19 mailbox. Your inquiry was forwarded to the Office of Non-Public Education (ONPE), the Department's liaison to the nonpublic school community, including independent, faith-based and home schools.<br><br>In reading your inquiry, I believe you are referring to the Florida Department of Education's decision to close schools in the state. In this regard, Florida has jurisdiction over private schools within the state and thus, you would want to contact your FL Department of Education and inquire more about this matter, the applicability to your private school, and whether the FL DOE has a listserv regarding COVID-19 to which you can subscribe. My understanding is that Laura Maryck, Interim Executive Director, Office of Independent Education and Parental Choice (OIEC) or the FL DOE, has been in communication with the Florida Association of Academic Nonpublic Schools (FAANS) regarding COVID-19. Thus, you may want to contact her at: 850-245-0875.<br><br>For additional information on COVID-19 and schools, you may also visit the U.S. Department of Education's webpage: COVID-19 ("Coronavirus"): Information and Resources for Schools and School Personnel. At the same time, you may also be interested in reviewing the following information about the Administration's guidance on school closures: https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf.<br><br>The Department does not have a newsletter or a signup list for COVID-19. We suggest you signup for the Department's Safe and Supportive Schools (OSSS) Newsletter. OSSS will provide information on COVID-19. The webpage to subscribe to the newsletter is https://public.govdelivery.com/accounts/USED/subscriber/new?topic_id=USED_3.<br><br>You might also consider subscribing to the ONPE listserv should you have interest in receiving information about federal education programs and |
| 3 | Notified COVID mailbox | 3/13/2020 | | Nonreimbursable meal costs | Jenny | 3/13/2020 | OGC asked us to hold pending internal discussion | Open | Carly Kenker, GA Ombudsman | carlyn@doe.k12.ga.us | |
| 4 | Notified COVID mailbox | 3/13/2020 | | Federal funds paused | Jenny | 3/13/2020 | COVID team forwarded both to OMPS for response | Open | Libby Soto, Director of Education Policy, Wisconsin He | libby@wcfaa.org | |
| 5 | Notified COVID mailbox | 3/17/2020 | | Title I Teacher Salaries | Isadora | 3/17/2020 | Sent to COVID-19 mailbox | Open | Chantelle Carter, OH Ombudsman | chantelle.carter@education.ohio.gov | |
| 6 | Notified COVID mailbox | 3/20/2020 | | Flexibilities by 2 CFR 200, Uniform Admin Requirements regarding equitable services (W-200.13 memo) | Isadora | 3/19/2020 | Sent to COVID-19 mailbox | Open | Carly Kenker, GA Ombudsman | carlyn@doe.k12.ga.us | |

AMERICAN OVERSIGHT

**From:** Kress, Richard
**Sent:** Fri, 27 Mar 2020 17:12:18 +0000
**To:** COVID-19
**Subject:** Promise Neighborhoods Budget Change - Drexel University grant U215N160055
**Attachments:** Coronavirus related starvation issue in West Philadelphia

Hello:

Because of the disruption to USDA supported meals in the West Philadelphia Promise Neighborhood cited in the attached e-mail already referred to the coronavirus mailbox to ask for guidance on how the grantee can address this policy issue with the City and USDA, we are seeking approval to advise the grantee they can use Promise Neighborhood (PN) funds to replace these meals until the matter is resolved.

The West Philadelphia Promise Neighborhood is a food desert, with the average child in the neighborhood consuming only 2.75 servings of fruits and/or vegetables a day" before the onset of the grant. (page e 32 of the original grant application)

While there are corner stores located in the in the footprint, these establishments tend to be more expensive than grocery stores and generally do not offer healthy food choices (page e288)

*Poverty is high with "All students within the Promise Zone are eligible to benefit from free and reduced priced lunch at school. (page e282)*

**To address this, the grantee proposed on page e 97 to**
**Activities: (page e97) "**develop pay-what-you-can food cupboard for Promise Neighborhood families" and "Offer free daily meals for families" as part of their required Non-Federal match.

One of the grantee's proposed and approved outputs is to increase the number of families accessing free healthy meals (page e 101)

Section 4624(d) of the Every Student Suceeds Act (ESSA) authorizes the use of PN funds to implement pipeline services. The definition of these includes, in Section 4622(3)(g), nutrition services. Because we have a GPRA measure on fruit and vegetable consumption such food should, as much as possible, include substantial proportions of fruits and vegetables. This could be in the form of vegetable and fruit juices that do not have added sweeteners

For these reasons, we think the temporary replacement of the USDA meals program until the policy issues relating to their distribution affected by Corona virus related school closure, is an allowable expense under PN and essential to avoid starvation in the area.

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Richard Ivo Kress
Promise Neighborhoods
Team
School Choice and Improvement Division
Office of Elementary and Secondary Education
U.S. Department of Education
202-260-1408

"May we know what and who is best for us, may we realize it at the right time(s) and know how to successfully make use of that information."

AMERICAN OVERSIGHT

**From:** Kress, Richard
**Sent:** Fri, 27 Mar 2020 16:07:38 +0000
**To:** COVID-19
**Subject:** Coronavirus related starvation issue in West Philadelphia

Hello:

Please see below for details about this inquiry from Promise Neighborhood grant recipient Drexel University.

Richard Ivo Kress
Promise Neighborhoods
Team
School Choice and Improvement Division
Office of Elementary and Secondary Education
U.S. Department of Education
202-260-1408

"May we know what and who is best for us, may we realize it at the right time(s) and know how to successfully make use of that information."

---

**From:** Ferroni,Joanne <jmh49@drexel.edu>
**Sent:** Friday, March 27, 2020 10:54 AM
**To:** Kress, Richard <Richard.Kress@ed.gov>
**Cc:** Nash, Elson <Elson.Nash@ed.gov>
**Subject:** RE: Coronavirus related budget modification request for the Drexel Promise Neighborhoods grant

Hi Richard,
Yes, they are. We are hearing this from the Deputy Mayor for Children and Families at the City.
Thanks,
Joanne

---

**From:** Kress, Richard <Richard.Kress@ed.gov>
**Sent:** Friday, March 27, 2020 10:53 AM
**To:** Ferroni,Joanne <jmh49@drexel.edu>
**Cc:** Nash, Elson <Elson.Nash@ed.gov>
**Subject:** RE: Coronavirus related budget modification request for the Drexel Promise Neighborhoods grant

**EXTERNAL.**

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Hello Joanne:

Thanks very much for your question. Are these meals funded through the U.S. Department of Agriculture School Breakfast and Lunch Program? Also, do you have contact information for the city representative(s) that are citing Federal regulations?

Richard Ivo Kress
Promise Neighborhoods
Team
School Choice and Improvement Division
Office of Elementary and Secondary Education
U.S. Department of Education
202-260-1408

"May we know what and who is best for us, may we realize it at the right time(s) and know how to successfully make use of that information."

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**From:** Ferroni,Joanne <jmh49@drexel.edu>
**Sent:** Friday, March 27, 2020 10:41 AM
**To:** Kress, Richard <Richard.Kress@ed.gov>
**Cc:** Nash, Elson <Elson.Nash@ed.gov>
**Subject:** RE: Coronavirus related budget modification request for the Drexel Promise Neighborhoods grant

Richard and Elson,
I'm writing to ask for guidance once again. We are struggling to get a feeding site into Mantua through the School District/City. The District is currently only offering meals two times a week and children are getting three meals at a time. They are saying that there are challenges around freezer space and other requirements at the two closest schools and families are expected to travel almost a mile to get meals which is unrealistic. A civic leader has been renting a truck and picking up meals and distributing block by block to families but she is now ill. We are working to creatively provide support through a network of partners but it is not the most efficient solution. The University has offered to rent freezers if needed. We identified a food pantry that was willing to support distribution but the City is citing federal regulations that prohibit the District from distributing children's meals at non-school sites. Our question is if you know any way to get a waiver for this given that our school-based sites don't meet the criteria and kids are going hungry in a pandemic.
Thanks,
Joanne
Joanne M. Ferroni
Director, University and Community Partnerships
Drexel University
3600 Market Street, Suite 720
Philadelphia, PA 19104

AMERICAN OVERSIGHT

**From:** Curtis, Patti
**Sent:** Fri, 27 Mar 2020 15:41:24 +0000
**To:** COVID-19
**Subject:** question re waivers, emergency aid

Hi again
Another question from the field: when can we expect guidance from ED on accountability waivers or disbursement of federal emergency aid to states and districts?

Patti Curtis
Robert Noyce/Ellen Lettvin STEM Education Fellow
Office of Planning, Evaluation and Policy Development
U.S. Department of Education
www.ed.gov/STEM
Sign Up for ED newsletters, including STEM, here.

AMERICAN OVERSIGHT

**From:** Rose, Julie A
**Sent:** Fri, 27 Mar 2020 15:31:02 +0000
**To:** COVID-19
**Subject:** Questions regarding extended spring break

Good morning,

My name is Julie Rose and I am the Senior Director of the Student Records and Financial Services Office at Alfred State College. Our OPE ID number is 00285400. We extended our spring break by one additional week for all courses except our full semester online courses. We have the following questions regarding this break and a possible extension of our semester.

- We had a 16 week semester in the fall if we count every week with at least one instructional day because no breaks in the fall are a full week long. With the extended spring break, our spring semester has been reduced to 14 weeks. Do we need to request approval since the entire academic year is still 30 weeks in length?
- We are debating having final exams on either the weekend of the last scheduled week or Monday/Tuesday of the following week. As long as we move them to at least Monday of the following week, we would have a 15 week semester again? Is that accurate?
- Do we need to treat the students in the full semester online courses differently when it comes to R2T4? Some may be in a mix of courses meaning they had an extended break for some courses and not others. Others could be in only full semester online courses. Should we remove the extended break days just for those in full semester online courses?

Thank you! I really appreciate any guidance you can offer.

Julie

**Julie A. Rose**
Student Records and Financial Services
Senior Director

Alfred State College
State University of New York College of Technology
Agriculture Science Building
10 Upper College Drive
Alfred, New York 14802

P: 607.587.3979
F: 607.587.4298
roseja@alfredstate.edu

AMERICAN OVERSIGHT

**From:** Carmen Needham, LSSP
**Sent:** Fri, 27 Mar 2020 09:19:37 -0500
**To:** Walters, Alecia
**Cc:** Broady, Cheryl;COVID-19
**Subject:** Re:

Hello,

I was wondering if we were going to hear anything on emergency waivers for IDEA in the area of timeline flexibility.

While we have heard from TEA, the districts are aware that IDEA still holds up as it should, but TEA is advising that the districts to function with health first, best practice next, and compliance last.

While that is wonderful to know that we all know what is best, our directors are finding themselves concerned with the budget and the concerns that they will be owing compensatory services and face sanctions for missing initial evaluation timelines and re-evaluation timelines on an already tight budget.

Even if we go back to work in the next couple of weeks, we would have lost 3 weeks of time to work through evaluations and we would need more time to catch-up.

We would like to see a waiver of the sanctions, the opportunity to add the days of missed face-to-face learning.

There is a national shortage of school psychologists across the nation. We already feel like we are overstretched. This closure has just magnified the shortage as we will have an influx of evaluations that are due one on top of another.

We are at a lockdown in our area and we don't know until how much longer. We just want to have the federal backing so we do not feel like insubordinate employees when our directors tell us we need to do face to face evaluations because we will then be out of compliance. We want to feel supported and not feel like we are breaking the law.

Thank you for the long hours you have all been investing trying to resolve this situation in the most meaningful and expedient manner. I do not envy having the weight of the nation's educational progress on your shoulders. Thank you for your role in creating quality and equitable practices for all. I know there are so many department, offices, areas that need attention. However, I hope we are not being forgotten. We just want temporary relief. We respect and have always protected and abided by IDEA. For once, we hope someone is advocating for us, the people on the educational frontlines bending over backwards trying to make this work.

Thank you,

AMERICAN OVERSIGHT

Carmen

María del Carmen Needham, M.S., LSSP
Licensed Specialist in School Psychology
Especialista licenciada en psicología escolar
(210)386-4029
(b)(6)

On Mar 20, 2020, at 10:59 AM, Walters, Alecia <Alecia.Walters@ed.gov> wrote:

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus
Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak (March 12, 2020)
U.S. Department of Education Releases Webinar, Fact Sheet for Protecting Students' Civil Rights During COVID-19 Response

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

<image001.png>

AMERICAN OVERSIGHT

<image002.gif>
<image003.gif>
<image004.png>

**From:** Carmen Needham [redacted]
**Sent:** Friday, March 20, 2020 1:02 AM
**To:** Carmen Needham <[redacted]
**Subject:**

To Whom It May Concern,

My name is María del Carmen Needham, and I am a concerned citizen, a parent, and a Licensed Specialist in School Psychology.

Schools have been closed to prevent the spread of the Coronavirus (COVID-19). In an effort to provide instructional services to the students, the schools have moved to a virtual school. Because of such, TEA has put out a guidance document indicating that as long as school is in session, which includes a virtual classroom, then the evaluation timelines are active.

School evaluators are being asked to conduct these evaluations despite the recommendation to avoid contact with others during this time of social distancing. In order for the evaluators to obtain reliable data, the evaluators are ethically obligated to meet face-to-face with the student. However, ethically, the evaluator is feeling an obligation to society to avoid a face-to-face meeting with the student.

In order to avoid face-to-face evaluations, a practitioner may consider testing through virtual means. As an LSSP, I am not trained nor do I feel competent to complete evaluations through electronic means. It would be difficult to conduct a cognitive assessment via teleconference. We would be breaking standardized procedures, thus invalidating the data and making eligibility determinations on inaccurate data. Obtaining accurate data is essential to our practice.

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When conducting evaluations, we always want to function in the best interest of the student and we use instruments that will yield the most accurate data. Ethically and legally, our job is to ensure we obtain data that is free of extraneous factors that might confound our assessment data. During this COVID-19 pandemic, licensees have expressed concern that the child might be experiencing anxiety or fear. Therefore, this fear and anxiety could influence the child's performance. Several practitioners have expressed this is their greatest concern since we make significant decisions based on the results of the evaluation. We could have unreliable data that may not support eligibility criteria when under less stressful circumstances, the scores could be different. Therefore, obtaining data under these circumstances seems inappropriate.

I want to act in a responsible manner to our students and society. I would prefer to postpone face-to-face contact for an emotional, behavioral, cognitive and/or academic evaluation for the sake of not contributing to the spread of the virus.

The CDC, the President, and government officials recommend social distancing of at least 6 feet apart, when we conduct evaluations we are within close proximity because we are handling stimulus books and stimulus items (blocks, manipulatives, pencils, response booklets, etc). Some of the students we work with might be immunocompromised or live in multigenerational homes. If we consider the many different disciplines that may need to contribute to the evaluation, you are talking of potentially one or eight evaluators (LSSPs, Educational Diagnosticians, Speech Language Pathologists, Occupational Therapists, Physical Therapists, Vision & Orientations mobility teachers, Teachers to the Visually Impaired, and Teachers of the Deaf and Hard of Hearing), thus increasing the spread of a communicable disease.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

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While I understand the parent's desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA, OSEP, and OCR would consider making an emergency legal waiver that will give school districts the ability to pause the timeline until this pandemic passes and the social distancing practices are lifted.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

María del Carmen Needham, M.S., LSSP
Licensed Specialist in School Psychology

**María del Carmen Needham, M.S., LSSP**
Licensed Specialist in School Psychology
Especialista licenciada en psicología escolar
(210)386-4029
(b)(6)

"If you talk to a man in a language he understands, that goes to his head. If you talk to him in his own language, that goes to his heart."
-Nelson Mandela

AMERICAN OVERSIGHT

**From:** Joy
**Sent:** Fri, 27 Mar 2020 09:03:17 +0000 (UTC)
**To:**
subscriptions@cdc.gov;ADPolicy@cdc.gov;PCDmedia@cdc.gov;media@hhs.gov;COVID-19;media@cdc.gov
**Subject:** RE: America will Recovery but a Hard Nationwide shutdown is needed right now

America will Recovery but a Hard Nationwide shutdown is needed right now
We can't let Fear of loosing cause us to move too fast, its time to Be Still

Dear President Trump Administration and all State and Local government officials,

Let me start by saying "This too shall Pass" and America will make a fully recovery. To President Donald Trump and his administration, I would like to commend you on the outstanding job you are doing helping the Nation through the worst crisis we've had in modern times. I understand that as our President you want to get the Nation back to work because it is important that we set goals to move the Nation forward but right now the entire Nation needs a total shutdown for the Month of April to help stop the Spread of this Virus.

Though we all Love America, we can learn from other Nations that have experienced fighting this invisible enemy called Coronavirus. First ask yourself; How did Wuhan China stop the spread of this virus and get its country back on track? They did a strict total shutdown, cleaned the surface areas of their Cities and worked to find a cure/treatment for this virus. The virus is more contagious than the seasonal flu and it is foolish to down play this contagion.

Mr. President Sir, the Country has invested Trillions(The most in History) to fight back against this invisible evil enemy and now is the time to have a "strict" Nationwide shutdown early so that we can really FLATTEN the curve, get our cities cleaned and work fervently on a cure/treatment. Yes, there is nothing wrong with believing that by Easter things will get better but let not fear of the economy failing cause us to not take the strict measures we need to take right now, in order to "Flatten this curve so Flat that it is Dead".

Yes we love Israel, and we can also learn from our dear friends in Israel. President Netanyahu had the wisdom to have a hard Nationwide shutdown, India has also implemented a hard nationwide shutdown of more that 1.3 Billion People and they did this because that is what Wuhan China did to slow the spread and get a hand up on this invisible enemy. The quicker we shut everything down, the quicker we can get back to normal. This virus can exist for several days on some surfaces and that coupled with its very high contagion rate is why the only way to Slow the Spread and Flatten the Curve is to have strict stay at home protocol for time period of at least 30 days.

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Unlike the seasonal Flu, the Corona virus uses some people as secret carries or hosts and those people display no symptoms to very mild symptoms, thus these people can unknowingly spread the virus to more vulnerable people that can have severe to even deadly reactions to this virus. One of the very healthy Utah Jazz NBA players that was diagnosed with this virus said he felt great and would have never thought he had this virus, even well enough to play a basketball game both before and after he was diagnosed. Mr. President you said that we're at war with an invisible enemy and you are right Sir and the best way to defeat an enemy it to know its strengths, weaknesses and how it hides or camouflages itself to gain the advantage of surprise. This virus is a very sinister and tricky enemy that has proven that it thrives when it is underestimated so as a Nation; let's not let our guards down, but let us instead be watchful, vigilant, prayerful, wise, highly sanitary and extremely cautious. When human lives are at stake you can never be too cautious!

America has some of the bravest people of faith on the Planet and we've done more to help other nations than most but right now we must HUMBLE ourselves under the Mighty hand of God and God will raise us up and we Pray that beginning Easter Week some major breakthroughs will take place and we will begin to win the war against this evil virus from Coast to Coast and Sea to Shining Sea.

Mr. President, you have led this nation well the last almost 4 years and many of the enemies who tried to defeat you have end up loosing. But think for moment, it may be Hell's strategy to play on your fears of loosing your greatest re-election tool "The Strongest Economy in recent years". Sir, don't let your fears cause you not to do what needs to be done and that is to implement a Hard Nationwide shutdown from the highest office in the land.

You're right, America didn't cause this but regardless of who caused this "We're in this Fight NOW, so Let's Win it". As people are scared and people are dying by the hundreds everyday in this Nation "we need our Commander in Chief to be the Comforter in Chief". WE Need Calm, Reassuring and Encouraging Leadership right now.

Mr. President, we believe that God is on our side and that we will win this fight! Keep in mind that God told the Israelite's to "Be Still and know that I am God", sometimes God wants His People to Be Still Sir so we can hear His voice. Our Nation needs a Healing, not just of the Coronavirus but we need a Spiritual awakening and during this time of calmness and stillness God is drawing His People Closer to Him. Think about how divided our Nation was before this crisis came to our shores, now we have people helping each other regardless of their political party or their race. What the enemy did to hurt our Nation, God is going to us it to bring us together and He is going to turn this around for our Good. God promises us this “And we know that all things work together for good to those who love God, to those who are the called according to His purpose.” Romans 8:28

Make the hard decision Sir, to Implement a Hard nationwide shutdown from the Highest office in the Land for the Month of April, with the hopes that beginning close to Easter

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our Country will have a Resurrection of its own and that our Economy start the process to come roaring back like never before after we've paused for a while. Don't be surprised if many people who didn't vote Republican in 2016 are going to vote to re-elect the man who help them through the hardest times our Nation has seen in decades. Many forces have tried to stop you in the White House; the Muller Russian Probe, the Ukrainian Impeachment fiasco, and they all failed. I have Good News for our Nation and you Sir, this latest invisible enemy will fail too, so don't be worried, because "if God is for you, who can be against you" Romans 8:31. God is for the American People and President Trump, this is why we will win!

In God we Trust,

J Shaw

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**From:** FederalStudentAid
**Sent:** Fri, 27 Mar 2020 14:26:57 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** FederalStudentAid
**Subject:** RE: Coronavirus Inquiry

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** Young, Claudette <Claudette.Young@ed.gov>
**Sent:** Wednesday, March 18, 2020 4:48 PM
**To:** Sawyer, Tammi <Tammi.Sawyer@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Minor, Robin <Robin.Minor@ed.gov>
**Subject:** Coronavirus Inquiry

Good Afternoon,

Please see in the below email string, my response to the institution and the institution's Coronavirus inquiry.

Best Regards,

Claudette Young,
Institutional Review Specialist
Program Compliance
US Department of Education
Chicago/ Denver School Participation Division
230 South Dearborn
Chicago Illinois 60604

Office: (312) 730-1540
Fax: (312) 730-1520
claudette.young@ed.gov

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Federal Student Aid
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**From:** Young, Claudette
**Sent:** Wednesday, March 18, 2020 3:38 PM
**To:** financialaid@stewartschool.com
**Subject:** FW: 01013800 Stewart School (Chicago/Denver) Region

Good Afternoon Ms. Carlson,

I understood from our conversation today that you would like to know if further steps are required beyond the notifications provided in your attached email. The Department is in receipt of your question and will respond as soon as possible.

Best Regards,

Claudette Young,
Institutional Review Specialist
Program Compliance
US Department of Education
Chicago/ Denver School Participation Division
230 South Dearborn
Chicago Illinois 60604

Office: (312) 730-1540
Fax: (312) 730-1520
claudette.young@ed.gov

Federal Student Aid
An OFFICE of the U.S. DEPARTMENT of EDUCATION
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**From:** Financial Aid Office <financialaid@stewartschool.com>
**Sent:** Wednesday, March 18, 2020 11:31 AM
**To:** FSA Case Teams <CaseTeams@ed.gov>
**Cc:** 'Matt Fiegen' <(b)(6) [redacted]>; Angela Taylor <angela.taylor@stewartschool.com>; Kristi Cole <KCole@gotodja.com>; Ben Sanders <ben@lsacpafirm.com>
**Subject:** RE: 01013800 Stewart School (Chicago/Denver) Region

Please see our distance education plan. We will keep the Dept. of Ed updated of any plan changes.

Let me know if anything further is required. Thanks!

Angie Carlson
Financial Aid Director

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Stewart School

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**From:** Financial Aid Office
**Sent:** Monday, March 16, 2020 12:29 PM
**To:** 'CaseTeams@ed.gov' <CaseTeams@ed.gov>
**Cc:** 'Matt Fiegen' <(b)(6) >; Angela Taylor <angela.taylor@stewartschool.com>; Kristi Cole <KCole@gotodja.com>; Ben Sanders <ben@lsacpafirm.com>
**Subject:** 01013800 Stewart School (Chicago/Denver) Region

Dept of Ed. –

Please be aware of the following:

To help prevent the spread of COVID-19 and to follow the standard set by the State of South Dakota in closing all public schools, Stewart School will be closed Saturday, March 14 through Saturday, March 21st and reopen on Monday, March 23rd.

We will let you know if this changes.

Emergency contacts are in the E-App; my personal cell is 563-580-2874.

Thanks!

Angie Carlson
Financial Aid Director
Stewart School

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**From:** OESE.titlei-a
**Sent:** Fri, 27 Mar 2020 16:53:45 +0000
**To:** COVID-19;OESE COVID 19;OESE.titlei-a
**Subject:** RE: COVID-19 question that relates to grant S299B160027

HI There

Title I is returning this request and will not be responding as S299B is not one of our CFDA's.

Thanks,
Robert Salley

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov| 202.453.5719

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 27, 2020 10:37 AM
**To:** OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: COVID-19 question that relates to grant S299B160027

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

Thanks

Christine

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**From:** Nancy Engen-Wedin <nengenwedin2@unl.edu>
**Sent:** Thursday, March 26, 2020 3:30 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 question that relates to grant S299B160027

Dear COVID-19 group,

I just got off the phone/Skype meeting with Angela regarding our upcoming Annual Report, and realized I have a question. I am one of the 2016 Grantees, and in this fiscal year we were scheduled, and had some funds attached, to hold a professional development conference that would feature our Indigenous Roots students' and other ROOTS graduate's in a University

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sponsored conference. This was one of the goals of our 2016 grant award, and it is reported in the APR. (We are also celebrating the 20th Anniversary of the Indigenous Roots Teacher Education program).

Our plans developed, and we ended up coordinating an all day "Indian Education for All" conference bringing together the University of Nebraska Lincoln College of Education - my college. - with the Winnebago Tribe. (We also got some additional SPENCER grant funds to support bringing elders, etc. to this gathering.) The current ROOTS students and graduates were presenting at the conference, about their experiences in a number of areas. The ROOTS students/graduates were involved in individual presentations in the morning session, and were leading discussion tables in the afternoon on a variety of topics. National experts in Indian Education for All were also presenting. We had invited people from across the state including the Nebraska Commissioner of Education, school administrators, teachers, professors, and all the graduates, current students to attend and present. The event was to take place April 13, 2020 in Winnebago. Last week this conference was cancelled/postponed. It was a perfect opportunity for professional development for ROOTS students and graduates (in any phase of the program) and for them to sit at the table, and become a part of the Indian Education for All discussion in our state.

The ROOTS grant included funds to pay for a fee and some travel, and of course there was extensive planning and coordination time required by the ROOTS staff to pull this off, with students and graduates coming to the conference from across the state and elsewhere. We were coordinating this event for most of this fiscal year, starting 10/1/2019 to the present. (The conference was also financially supported by the Winnebago Tribe, the Spencer grant, etc.)

The collaborators have talked about re-scheduling this conference to take place next fall or sometime next academic year on a day when there is professional development scheduled for teachers in Northeast Nebraska (Winnebago, Macy, Walthill, Santee and Niobrara) and other school districts. My question to you, would it be possible for these grant funds, including the staffing needs, to be carried over into the next fiscal year so that we might make this work in the 2020/2021 academic year? We would have to do this as part of our no-cost extensions since this is our 4th and final year. We did anticipate requesting a no-cost extension, so perhaps this could be a part of that?

I know I will have other COVID-19 grant questions related to individual students. Thank you for your consideration.

Best,
Nancy Engen-Wedin, Project Director
Indigenous Roots Teacher Education Program
University of Nebraska Lincoln
612-237-4975 - cell
402-472-3856 - voice mail

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nengenwedin2@unl.edu - email

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**From:** Jacobs, Ariel
**Sent:** Fri, 27 Mar 2020 16:16:56 +0000
**To:** Gardner, Ashley;COVID-19
**Subject:** RE: CSP grantee COVID-19 Inquiry - Nevada Department of Education

Thank you. Should I copy you on my emails too?

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**From:** Gardner, Ashley <Ashley.Gardner@ed.gov>
**Sent:** Friday, March 27, 2020 10:22 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Subject:** CSP grantee COVID-19 Inquiry - Nevada Department of Education

Hello,

We received the attached inquiry from our Nevada CSP SEA grantee. We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

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**From:** Webber, Brandon
**Sent:** Fri, 27 Mar 2020 17:10:29 +0000
**To:** Fenton, Christopher;COVID-19;OESE COVID 19
**Subject:** RE: CSP grantee COVID-19 Inquiry - Nevada Department of Education

I entered this one earlier.

**Brandon Webber**
U.S. Department of Education
Office of Elementary and Secondary Education
Office of State and Grantee Relations (SGR)
400 Maryland Avenue, SW
Washington, D.C. 20202
Office: (202) 453-7944 | **E-mail**
Connect. Engage. Empower.

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**From:** Fenton, Christopher <Christopher.Fenton@ed.gov>
**Sent:** Friday, March 27, 2020 12:40 PM
**To:** COVID-19 <COVID-19@ed.gov>; OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>
**Subject:** RE: CSP grantee COVID-19 Inquiry - Nevada Department of Education

There are no attachments to the email. Also no information on the actual inquiry from the stakeholder. I can't log this.

(b)(6)

U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 27, 2020 12:19 PM
**To:** OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: CSP grantee COVID-19 Inquiry - Nevada Department of Education

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

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**From:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Sent:** Friday, March 27, 2020 12:17 PM
**To:** Gardner, Ashley <Ashley.Gardner@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: CSP grantee COVID-19 Inquiry - Nevada Department of Education

Thank you. Should I copy you on my emails too?

---

**From:** Gardner, Ashley <Ashley.Gardner@ed.gov>
**Sent:** Friday, March 27, 2020 10:22 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Subject:** CSP grantee COVID-19 Inquiry - Nevada Department of Education

Hello,

We received the attached inquiry from our Nevada CSP SEA grantee. We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

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**From:** Martin, Gregory
**Sent:** Fri, 27 Mar 2020 21:52:18 +0000
**To:** Dr. Wanda White;Cox, Jack;COVID-19
**Cc:** Miller, Christopher;James "JW" Kelley;Dr. Monty Hickman;Hilsey, Shaina;Musser, David
**Subject:** RE: NC Community College System Coronavirus & Title IV Eligibility Questions

See the embedded. This was written very quickly, so please forgive any typos.

Greg

---

**From:** Dr. Wanda White <whitew@nccommunitycolleges.edu>
**Sent:** Friday, March 27, 2020 4:47 PM
**To:** Cox, Jack <Jack.Cox@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Miller, Christopher <Christopher.Miller@ed.gov>; Martin, Gregory <Gregory.Martin@ed.gov>; James "JW" Kelley <kelleyj@nccommunitycolleges.edu>; Dr. Monty Hickman <hickmanm@nccommunitycolleges.edu>
**Subject:** NC Community College System Coronavirus & Title IV Eligibility Questions

To Whom It May Concern:

Please see below additional questions from NC Community College System financial aid administrators in North Carolina. If possible, please review these questions and provide your responses to me as soon as possible. Additional questions may be submitted to you as they arise.

1. The electronic announcement from March 5th included language that said the following:

   The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.

   QUESTION: What do we do if our campus is not "closing", but moving everything to online courses. Therefore, the students are basically not allowed on campus, but since the college did not "close" I'm not sure that we meet the criteria to continue paying them FWS funds. Any help or guidance we can get about that would be appreciated. Using the

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flexibility is contingent upon the FWS recipient being unable to complete his or her work obligation as a result of a COVID-19 circumstance. You may pay students FWS who are unable to work because they are now attending online.

2. For any addendums to policies and procedures due to COVID-19, I have been using a start date of 3/16/2020 on these addendums in order to ensure we are aware of when these procedural changes occurred. I have used this date because that is the date our college reassessed our situation to determine what changes were needed to accommodate COVID-19. Since we received dated guidance on 3/5/2020 of adjustments that could be made, can I instead use the date of 3/5/2020 or would it be best to stick with 3/16/2020? This is a matter of institutional discretion. The flexibility extends to all payment periods that begin on or between March 5 and June 1, 2020, so either date will work and be compliant.

3. We received guidance this week that a possibility for our students that may choose to withdraw is: Withdrawal and application of tuition to a future term.

   I wanted to make sure I am interpreting this correctly. If this situation occurs, students would withdraw from their classes for this semester and would be subject to R2T4 guidelines. If the student chose to return in the Fall 2020 semester, the student could register for the class withdrawn, and not pay tuition and fees for that class, correct? What an institution refunds or charges students is outside of the Department's purview. Schools may certainly allow students to return in fall and reenroll in classes from which they withdrew without charge. This could be accomplished in one of two ways. The first option would be to not charge at all, the cost for the course(s). In that case the cost of the course(s) must be excluded from the tuition and fee component of the COA. The other option is to charge for the courses but then apply a voucher or waiver to the student's account. The amount of the voucher or waiver would be considered EFA.

   If yes, it would be my assumption that the tuition and fees would not be prorated because the student would have to take the entire class again. That is an institutional decision. So, if the tuition and fees for a 3-hour class is $270.20, the student would receive a full $270.20 credit on their Fall 2020 tuition and fees statement, correct? Again, this is up to each institution. I say the student would receive a credit because there is always the possibility that tuition and fees could increase for the Fall 2020 semester so it may not necessarily be a wash out for the student. As explained above, any credit, voucher, waiver etc. applied to the student's ledger account for next year's charges is considered EFA.

   Because the student was withdrawn for the Spring 2020 semester and subjected to R2T4 guidelines, would I still be able to award the student financial aid for the class during the Fall 2020 semester, even though there is a possibility the student will not be charged any tuition and fees for the class? Yes. The amount of tuition charged has no bearing on whether the student is eligible to receive aid. Even if there was no tuition charge, the

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other elements of the COA would exist. It will, of course, potentially affect the student's financial aid package, i.e., lower costs could lead to less need and/or being eligible for lesser amounts of aid.

This is a loaded question, but I have been unable to find any particular guidance on this and want to make sure I fully understand. Thanks so much!

4. In regard to R2T4's for the COVID-19. We have some programs that are looking to assign students "Incompletes" for their classes, i.e. Cosmetology.

   Would the incomplete constitute an R2T4 since the student will no longer be attending the class for longer than 14 days? Incomplete grades for all classes may not be used as an alternative to considering a student to be withdrawn. The 14-day rule is not a factor here, as there is no doubt as to the last day of attendance and withdrawal date/date of determination. Institutions have 30 days from the date of determination to perform the calculation and 45 days to return funds. That clock begins as of the cessation of classes. It is possible to sort of "hold things in abeyance" for that time, but if classes do not resume, students must be considered withdrawn and funds returned. Assigning incomplete grades will not change this. It is far more practical to put all students on an approved LOA (that is, if the school fully expects classes to resume within 180 days). This provides far more flexibility, and our COVID-19 guidance allows schools to do this for all students even when classes are not being conducted.

   **4. A.** If yes, this would be similar to how we handle an "F" grade, correct? So, the student would still have an "I" for their grade, but we would have to consider them withdrawn from the class because they would not be in attendance in the class for longer than a 14-day period. See above

   **4.B.** If we are able to constitute an appropriate Leave of Absence for the student, I understand the student has 180 days to complete the assignment for the class. An approved LOA is not an incomplete. Accordingly, it is not a time period for students to finish work which they then turn in to have the period of enrollment considered complete. With an approved LOA, there is the presumption that the student come back at a certain point and resume classes at the point he or she left off. Thus the period of enrollment is competed. If the student does not return, he or she must be treated as a withdrawal. An LOA cannot be used to shorten the academic year or the length of classes. Would it be best to still assign the student an "I" in the course? If yes, in this situation, if the student has a legitimate leave of absence, the "I" grade would not be treated as a withdrawal. This is, of course, up to each institution. But it is important to bear in mind the purpose of an I grade. They are generally given where a student has completed, or very nearly completed, the entire class but has not fulfilled all academic requirements; perhaps a final remains to be taken or a paper turned in. If students cease attending all classes, they must be

AMERICAN OVERSIGHT

considered withdrawn. That is why an approved LOA is the better option for those schools that can use it.

5. I know the FWS community waiver for 2020-2021 waiver is open at this time and due by 4/20/2020. We, at Mayland CC, have been blessed with the opportunity to fill this position in years past and haven't required a waiver. However, I worry that given the current circumstances, if this will be more difficult this go around. I wonder, would it be possible that the deadline will be extended on the waiver until we can better know if this will become an issue for us? There is no extension at this time. It might be better to apply for the waiver. There is no problem if you do end up fulfilling the community service expenditure requirement.

   I know everyone is just trying to stay on top of 2019-2020 FWS at this time, but thought I would ask about this since the deadline is in April.

Thanks in advance for your assistance.

Wanda White, Ed.D.

Director of Student Services

NC Community College System

200 West Jones Street

Raleigh, NC 27603

whitew@nccommunitycolleges.edu

919-807-7104

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and shall be disclosed to third parties when required by the statutes (NCGS.Ch.132).

AMERICAN OVERSIGHT

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Act and shall be disclosed to third parties when required by Chapter 132 of the North Carolina General Statutes.

AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Fri, 27 Mar 2020 16:30:52 +0000
**To:** COVID-19
**Cc:** Pinckney, Christine F.;Dennis, Franka
**Subject:** RE: Package delivery
**Attachments:** COVID-19 - Hammer (general inquiry).docx

Hi Chris:

Attached, please see the approved response to the email with tracking #379 – Hammer, received on 3/16/20. It is ready to be sent from the COVID-19 mailbox

Thanks,

Bryan

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Thursday, March 26, 2020 9:26 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Foy Moss, Rita <Rita.Foy.Moss@ed.gov>; Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** RE: Package delivery

Dear COVID-19 Response Team,

Please see attached a draft response to Ms. Hammer.

As directed, I used the template and made as few changes as possible and as applicable. Please note, I recommend changing the narrative order and placed the CDC information up front.

As always, I welcome your feedback.
Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

AMERICAN OVERSIGHT

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 16, 2020 10:46 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Package delivery

Hi Madeline,

Please find attached an email from the Covid-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

---

**From:** Patricia Hammer [redacted]
**Sent:** Monday, March 16, 2020 10:42 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Package delivery

Do I need to do anything to a package and contents (clothing) when it arrives?

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

Dear Ms. Hammer:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Please be assured that the Department is working with the White House and other Federal agencies to ensure learning environments are not disrupted.

Regarding your specific question about the safety of packages, the Centers for Disease Control and Prevention (CDC) states that "in general, because of poor survivability of these coronaviruses on surfaces, there is likely very low risk of spread from products or packaging that are shipped over a period of days or weeks at ambient temperatures." For further guidance and information from the CDC, please visit www.cdc.gov/coronavirus/2019-nCoV.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

The COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Pinckney, Christine F.
**Sent:** Fri, 27 Mar 2020 13:14:46 +0000
**To:** Williams, Bryan;Dennis, Franka
**Cc:** Kesner, Paul;Patrick, Kelly
**Subject:** RE: Quick Question

Ok…. I always thought that FSA should have had their own mailbox. Most of the questions received were for FSA. This box must have been established yesterday, because Shaina or Jack Cox never mentioned this to us. In addition, Jack only asked that we send the emails in bulk, instead of individually. The process below makes more sense.

So, I'm assuming the messages we forwarded within the last couple of days that Jack and Shaina will forward them to the FSA box, and moving forward, we can follow the process below, right?

---

**From:** Williams, Bryan <Bryan.Williams@ed.gov>
**Sent:** Friday, March 27, 2020 8:57 AM
**To:** Pinckney, Christine F. <Christine.Pinckney@ed.gov>; Dennis, Franka <Franka.Dennis@ed.gov>
**Cc:** Kesner, Paul <Paul.Kesner@ed.gov>; Patrick, Kelly <Kelly.Patrick@ed.gov>
**Subject:** FW: Quick Question

Good Morning:

Please see below regarding FSA questions… the instructions indicate that we send these messages to OPE, but apparently they should go the FSA mailbox below.

Thanks,

Bryan

---

**From:** Condie, Caitlin <caitlin.condie@ed.gov>
**Sent:** Friday, March 27, 2020 8:50 AM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** RE: Quick Question

Hi Bryan,

Thanks for getting back to me! So, I was told that all of FSA inquiries should be sent to: federalstudentaid@ed.org and all of the specific program OPE inquiries should be sent to Shaina Hilsey or Jack Cox.

I will forward you the email that I received and you can let me know if I misunderstood, very possibly the case!

Thanks so much!

Caitlin

AMERICAN OVERSIGHT

**From:** Williams, Bryan <Bryan.Williams@ed.gov>
**Sent:** Friday, March 27, 2020 8:44 AM
**To:** Condie, Caitlin <caitlin.condie@ed.gov>
**Subject:** RE: Quick Question

Hi Caitlin:

We've been sending questions related to FSA to Shaina Hilsey and Jack Cox.

Thanks,

Bryan

---

**From:** Condie, Caitlin <caitlin.condie@ed.gov>
**Sent:** Thursday, March 26, 2020 4:31 PM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** Quick Question

Hi Bryan,

When the department COVID gets questions that pertain to FSA who do you send them to? I am going to forward one to FSA and need the name of a contact over there.

Thank you so much!

Caitlin

AMERICAN OVERSIGHT

**From:** Cox, Jack
**Sent:** Fri, 27 Mar 2020 19:27:59 +0000
**To:** Pinckney, Christine F.
**Cc:** Williams, Bryan;Hilsey, Shaina;COVID-19;Huston, John
**Subject:** RE: REMINDER: ACTION REQUIRED: Requesting information from COVID-19 mailbox

Hi Christine,

As of this morning, OPE has received close to 800 inquiries.

We had responded to about 400 inquiries directly. However, with an FAQ published last week that directly answered another 250 inquiries, we have about 150 outstanding questions with no direct or indirect response. I'd say this FAQ section, or "template letter", along with the updated Electronic Announcement, answered at least between 300-500 questions whether they were answered with individual responses prior to its publishing, or awareness to the facts after its publishing.

Out of that 150 still unanswered, roughly 100 should be answered in the next week or so (either because they are less than 2 days old or they have responses being crafted that should be cleared next week).

That leaves about 50 inquiries that are more than two days old and have not received a response that would not fit a template format, as they are more or less one-offs that make for trickier answers.

Ultimately, we have:

- Just over 50% answered directly
- About 80% answered directly/indirectly
- 93% answered directly/indirectly by next week

Please let me know if you'll need any additional information. Thanks for working with us through this gargantuan task.

Best,
Jack

---

**From:** Pinckney, Christine F. <Christine.Pinckney@ed.gov>
**Sent:** Friday, March 27, 2020 3:00 PM
**To:** OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Wexler, Larry <Larry.Wexler@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Corr, Gregg <Gregg.Corr@ed.gov>; Barbara Downing ([redacted] <[redacted]>; Cox, Jack <Jack.Cox@ed.gov>; OCR <OCR@ed.gov>; Mayes, Edgar <Edgar.Mayes@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** REMINDER: ACTION REQUIRED: Requesting information from COVID-19 mailbox
**Importance:** High

AMERICAN OVERSIGHT

Dear COVID-19 Partners:

Thanks so much for your assistance in helping us with the mountain of correspondence that we have received related to COVID-19. As of today, the COVID-19 mailbox has received nearly 1,200 inquiries.

Late yesterday afternoon, Deputy Secretary Zais asked that we contact each of our partners and request the following information:

1. The number of entries received;
2. The number of entries receiving responses; and
3. And, if you have this bit of granular information, those receiving a response that was easily handled by a template letter.

Dr. Zais has asked for our best response by 4 pm this afternoon, so I apologize in advance for this quick turnaround time, but we will need your response by **2 pm**.

If you have any questions, please contact Christine.Pinckney@ed.gov or Bryan.Williams@ed.gov. They are both part of the Office of Safe and Supportive Schools supporting the COVID-19 mailbox.

Sincerely,

Paul Kesner
Director
Office of Safe and Supportive Schools

AMERICAN OVERSIGHT

**From:** Nauss Cipriano, Lynn
**Sent:** Fri, 27 Mar 2020 21:42:32 +0000
**To:** COVID-19;Ramirez, Francisco
**Cc:** Peterson, Glen;'Arellano, Brenda'
**Subject:** RE: Response from U.S. Department of Education - COVID-19
**Importance:** High

Good afternoon,

Thank you so much for your timely response. It seems to speak somewhat specifically to the content area Effective Use of Technology. To clarify:

1. ***Would hotspots and also Chromebooks/tablets/devices required for grantees to establish or ramp up for distance learning be allowed as purchases under Well Rounded and/or Safe and Healthy?***
2. ***If we find that districts meet the conditions you cite below under your Response 1, would hotspots be subject to the special rule*** (15% limitation), or would they be allowed as unlimited (within reason, of course)?

Thank you for your continued support and your responsiveness. We very much appreciate your quick turnaround time.

Best regards,

Best regards,

--Lynn

**CSDE**

**Lynn Nauss Cipriano**
**Education Consultant**
Connecticut State Department of Education
Office of Student Supports and Organizational Effectiveness
860-713-6457 phone
lynn.cipriano@ct.gov

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 27, 2020 12:05 PM
**To:** Nauss Cipriano, Lynn <Lynn.Cipriano@ct.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** Response from U.S. Department of Education - COVID-19
**Importance:** High

Hello Lynn:

AMERICAN OVERSIGHT

Thank you for your questions concerning Title IV-A Student Support and Academic Enrichment (Title IV-A) Programs use of funds to support activities related to COVID-19 ("Coronavirus"). Below are your original questions along with a response from our team.

Connecticut COVID-19 Questions:

1. Would it be acceptable for grantees to use funds for hotspots?

2. Would it be acceptable for grantees to use funds for purchase of devices under Well Rounded and/or Safe and Healthy?

Department's Response:

1. Yes - Title IV-A funds may be used for expenses such as hotspots, if the State educational agency (SEA) determines it is allowable and consistent with the purposes of the effective use of technology content area; if they are reasonable, necessary and allocable to the grant, and supplement, and do not supplant, other State and local fuds that would otherwise be used to pay for the allowable activity.

2. Yes – Title IV-A funds may be used to purchase these devices consistent with the guidance above.

Please note that the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available. The Department has also set-up a COVID-19 specific email address to streamline questions related to COVID-19. Please continue to send emails to both myself francisco.ramirez@ed.gov and the new COVID-19@ed.gov email address so that I can help to keep track of your inquires.

As always, please let us know if you have any questions.

---

**From:** Nauss Cipriano, Lynn <Lynn.Cipriano@ct.gov>
**Sent:** Wednesday, March 25, 2020 12:23 PM
**To:** 'barellano@air.org' <barellano@air.org>; Ramirez, Francisco <Francisco.Ramirez@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Peterson, Glen <Glen.Peterson@ct.gov>
**Subject:** T4PA Questions--Requesting Expedited Response
**Importance:** High

Good morning Brenda and Francisco,

In light of the COVID pandemic, we are getting a number of questions from our grantees. Primarily, they are requests to revise budgets and dedicate grant funds to purchase hotspots and/or purchase devices. Clearly these are based upon new needs assessments, in light of the pandemic.

Q1) Would it be acceptable for grantees to use funds for hotspots? This is critical, especially to our rural locations where internet access is not readily available to many homes. (Sec. 4109(a)(6) could support this use for rural areas; some other areas may also need hotspots.)

Q2) Would it be acceptable for grantees to use funds for purchase of devices under Well Rounded and/or Safe and Healthy? The special rule limits purchases of devices when those purchases are made under the content area Effective Use of Technology, and the rule specifically says ". . .to address readiness shortfalls". However, many of the subsections of 4107(a) could be viewed to support device purchase as districts move to establish and/or ramp up distance-learning programs to deliver instruction under Well Rounded. As well, several of the provisions under 4108(a) could be viewed to support device purchases under Safe and Healthy as grantees seek to: protect student and family health through social distancing; foster safe, healthy, supportive, and drug-free environments that support student academic achievement; establish learning environments and enhance students' effective learning skills that are essential for school readiness and academic success, such as by providing integrated systems of student and family supports; provide mentoring and school counseling to all students, including children who are at *risk of academic failure, dropping out of school*, involvement in criminal or delinquent activities, or drug use and abuse. (It is important to engage students most at risk of dropping out, as these very needy students may not return to school after the pandemic.)

So there are large issues resulting from the pandemic:

- This is now an issue of equity, as students in poverty will not have access to technology that students having more wealth will have.
- This is now related to Well Rounded, as students may have zero access to instruction without technology/distance learning.
- This is now an issue of Safe and Healthy, as schools have closed and students and families have been directed to stay safe, stay home.

We are asking for an expedited review of our two questions, with your answers as soon as possible. We need to advise our grantees.

Thank you so much for your time and assistance,

--Lynn Nauss Cipriano

**CSDE**

AMERICAN OVERSIGHT

**Lynn Nauss Cipriano**
**Education Consultant**
Connecticut State Department of Education
Office of Student Supports and Organizational Effectiveness
860-713-6457 phone
lynn.cipriano@ct.gov

AMERICAN OVERSIGHT

**From:** Ramsey, Tara
**Sent:** Fri, 27 Mar 2020 14:14:36 +0000
**To:** Moore, Crystal
**Cc:** COVID-19
**Subject:** RE: Seeking an extension for 2019-2020 formula grant

Crystal,
Please do not use OESECOVID19@usdedeop.onmicrosoft.com; it is only for internal processing for SGR and OSSS. Please send this to the Department's COVID-19@ed.gov.
Happy to discuss,
Tara

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Friday, March 27, 2020 10:12 AM
**To:** OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>
**Subject:** RE: Seeking an extension for 2019-2020 formula grant

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**From:** ROBERT MELTZ (b)(6)
**Sent:** Friday, March 27, 2020 9:34 AM
**To:** Moore, Crystal <Crystal.Moore@ed.gov>
**Subject:** Seeking an extension for 2019-2020 formula grant

Dear Dr. Moore,

Montgomery County Public Schools in Maryland are closed and the date of re-opening is tentatively scheduled for April 24, although that date is none too certain. Our program has allocated monies for end-of -year test preparation sessions for 8th to 12th graders and a college field trip for students, both of which are now on hold. Would it be possible to request a grant extension through September 30, 2020 for our grant? That would allow time to re-schedule our activities. Thank you for your help in this uncertain time.

Madeleine McElveen

Indian Education Formula

Grant Coordinator

AMERICAN OVERSIGHT

**From:** Moore, Crystal
**Sent:** Fri, 27 Mar 2020 14:17:02 +0000
**To:** Ramsey, Tara
**Cc:** COVID-19
**Subject:** RE: Seeking an extension for 2019-2020 formula grant

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

---

**From:** Ramsey, Tara <Tara.Ramsey@ed.gov>
**Sent:** Friday, March 27, 2020 10:15 AM
**To:** Moore, Crystal <Crystal.Moore@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Seeking an extension for 2019-2020 formula grant

Crystal,
Please do not use OESECOVID19@usdedeop.onmicrosoft.com; it is only for internal processing for SGR and OSSS. Please send this to the Department's COVID-19@ed.gov.
Happy to discuss,
Tara

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Friday, March 27, 2020 10:12 AM
**To:** OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>
**Subject:** RE: Seeking an extension for 2019-2020 formula grant

---

**From:** ROBERT MELTZ <(b)(6)
**Sent:** Friday, March 27, 2020 9:34 AM
**To:** Moore, Crystal <Crystal.Moore@ed.gov>
**Subject:** Seeking an extension for 2019-2020 formula grant

Dear Dr. Moore,

AMERICAN OVERSIGHT

Montgomery County Public Schools in Maryland are closed and the date of re-opening is tentatively scheduled for April 24, although that date is none too certain. Our program has allocated monies for end-of -year test preparation sessions for 8th to 12th graders and a college field trip for students, both of which are now on hold. Would it be possible to request a grant extension through September 30, 2020 for our grant? That would allow time to re-schedule our activities. Thank you for your help in this uncertain time.

Madeleine McElveen

Indian Education Formula

Grant Coordinator

AMERICAN OVERSIGHT

**From:** Ramirez, Francisco
**Sent:** Fri, 27 Mar 2020 15:50:48 +0000
**To:** COVID-19
**Cc:** Williams, Bryan
**Subject:** RE: T4PA Questions--Requesting Expedited Response
**Attachments:** CT_ COVID19_SSAE response_03272020.docx
**Importance:** High

Good morning.

Please see the attached response to address the email from CT.

Bryan has reviewed and approved the response. The response is ready to go out.

Please let me know if you have any questions.

Thank you.

Francisco

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 3:40 PM
**To:** Ramirez, Francisco <Francisco.Ramirez@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>; Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** RE: T4PA Questions--Requesting Expedited Response

Hi Francisco,
Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

---

**From:** Ramirez, Francisco <Francisco.Ramirez@ed.gov>
**Sent:** Wednesday, March 25, 2020 12:33 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: T4PA Questions--Requesting Expedited Response
**Importance:** High

Good afternoon.

Please see the request below from CT.

Thank you.

AMERICAN OVERSIGHT

**From:** Nauss Cipriano, Lynn <Lynn.Cipriano@ct.gov>
**Sent:** Wednesday, March 25, 2020 12:23 PM
**To:** 'barellano@air.org' <barellano@air.org>; Ramirez, Francisco <Francisco.Ramirez@ed.gov>
**Cc:** Peterson, Glen <Glen.Peterson@ct.gov>
**Subject:** T4PA Questions--Requesting Expedited Response
**Importance:** High

Good morning Brenda and Francisco,

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Q1) Would it be acceptable for grantees to use funds for hotspots? This is critical, especially to our rural locations where internet access is not readily available to many homes. (Sec. 4109(a)(6) could support this use for rural areas; some other areas may also need hotspots.)

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AMERICAN OVERSIGHT

CSDE

**Lynn Nauss Cipriano**
**Education Consultant**
Connecticut State Department of Education
Office of Student Supports and Organizational Effectiveness
860-713-6457 phone
lynn.cipriano@ct.gov

AMERICAN OVERSIGHT

Hello Lynn:

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1. *Yes - Title IV-A funds may be used for expenses such as hotspots, if the State educational agency (SEA) determines it is allowable and consistent with the purposes of the effective use of technology content area; if they are reasonable, necessary and allocable to the grant, and supplement, and do not supplant, other State and local fuds that would otherwise be used to pay for the allowable activity.*

2. *Yes – Title IV-A funds may be used to purchase these devices consistent with the guidance above.*

Please note that the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available. The Department has also set-up a COVID-19 specific email address to streamline questions related to COVID-19. Please continue to send emails to both myself francisco.ramirez@ed.gov and the new COVID-19@ed.gov email address so that I can help to keep track of your inquires.

As always, please let us know if you have any questions.

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Fri, 27 Mar 2020 17:22:57 -0700
**To:** COVID-19
**Subject:** RE: The Show Must Go On, Learning Continues Online with Academic Entertainment

Hello! Could you please share this with your area schools, on this webpage?
https://www.ed.gov/coronavirus

We've compiled a list of artists, entertainers, scientists and youth motivational speakers available for online, virtual, and e-learning applications. Contact Academic Entertainment 800-883-9883 or info@academicentertainment.com to schedule dates/times for your students. And please, check back frequently, **more opportunities will be added!**

(b)(6)

(b)(6)

## Music Technology Virtual Movie Trailer Workshops

$1990 half day (up to 2 virtual workshops)
$3250 (full day) up to 5 virtual workshops)
Capacity 15-30 students per virtual workshop. Each workshop is 30-40 minutes in length.

Using your schools existing e-learning applications, Brent Daniels brings the techniques and technology he uses to produce and compose music for some of Hollywood's biggest movie trailers (such as Marvel's Black Panther & Disney's A Wrinkle In Time) to the **virtual classroom**. Program content is variable depending on grade and experience level, making this online workshop suitable for grades 4 - 12, accommodating students with no musical background all the way up to experienced musicians, budding music producers or composers interested in a career in music. In a typical **virtual** workshop for students with little or no musical training, Brent will:

1. Show students one or more of the trailers in which his music is used and play the original music composed and produced for the trailers.
2. Break down sonic and musical components from his music which are synced by trailer editors with the film's visuals.
3. Introduce students to the concepts in sound design, composition, and music production necessary for trailer music production
4. Combine those elements to create a short example of a trailer-style music cue.

Middle and High School music students with some experience in music technology and production may benefit from a more customized or in-depth form of the online workshop, which Brent can provide. They also may have advanced questions about the process of music production or careers in the music industry. Brent's online workshops are an excellent place to find answers and insight.

(b)(6)

## Diversity of Dance Virtual Online Dance Classes Grades 2-12, 45-minutes

Diversity of Dance is now offering virtual dance classes! Choose from the five dance styles performed in their traditional school assemblies: Hip Hop, Bollywood Hip Hop, Latin Hip hop, Hip Hop to Kpop and or Dancehall. Each class includes a warm up, key movements to learn, a dance, and cool down section taught by head instructor, Juliette. These classes are a great way for students to keep physically active while

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learning about both cross-cultural understanding and dance vocabulary. They can also be used as an intro or follow up to the LIVE in-school Assembly Program: Diversity of Dance.

**Recommended for grades 2nd and above.**

**Choose from pre-recorded or live virtual dance classes.**

**Pre-recorded Virtual Dance Classes:**

**$1000/lesson, all grade levels in the school may access the lesson**

**$3955/all five lessons, all grade levels in the school may access all the lessons**

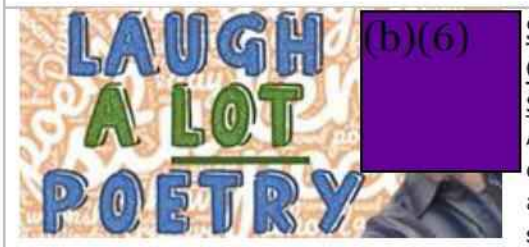
Choose from any of the 5 styles. Your school will get a link to the virtual dance classes you choose with a password. All grade levels in a school may access the same class. Or, choose to purchase all 5 styles of virtual online lessons for a discounted price.

**Live Virtual Dance Classes:**

**$1445/lesson, up to 100 students, 10 students in each 45-minute block**

**$5395/all five lessons, up to 100 students, 10 students in each block**

Taught via Zoom, downloadable for free. Schedule 45-minute blocks for 10 students per block. Each group of 10 students will receive their own meeting link. It's recommended to use a lap top or desktop computer to better view the teacher. Also choose from any of the 5 styles of dance. Purchase all five styles of live virtual dance classes for a discounted price.




## Silly Skype! Chat with the World's Most Funny Poet. Grades K-12. 45-60 minutes.

**$795/session. 1-2 classes per session.**

Any kind of live visit from an author is exciting, even if it's online! Take advantage of all the benefits of technology and allow your students an opportunity to **talk one-on-one or in a small-group** setting with an award-winning author and poet. Students will interact with Darren, allowing all present a chance to participate in the session, and enabling Darren to answer questions, and to reciprocate by asking his own questions of the students. During an online session, Darren shows students his published work and books, he tells where he gets his inspiration and ideas, he performs a few favorite pieces of poetry, acts-out poetry along with your students, and gives them some tips on how to make their poems even more unique and creative. **Skype Sessions with Darren Sardelli** are inspirational for all, and the giggles and laughs are guaranteed!

## Dare to Draw – LIVE Webcast with Mark Kistler

**1 or 2/$1395**

Through the wonders of technology your school can enjoy the experience of a live Dare to Draw! assembly for a deeply discounted price. During **Mark Kister's Live Webcast Assembly**, you'll feel like he is right there with your students! Mark will teach your kids to Draw! Draw! Draw! just like always, except he's in his studio, and you're at your school, classroom or home computer. The lesson is live and personalized, broadcast through your own technology through Facebook or YouTube. He'll answer your questions and talk to your students while he teaches through his live interactive website. It's SO cool! Your school has an opportunity to collaborate with the artist to choose the lessons for your live webcast assemblies from his list of absolutely awesome art inspirations---your students can choose where they want to travel with their imaginations! Will you have Mr. Mark webcasting live from: his Antarctic Penguin Research Station, "The Land of Dinosaurs", OR the surface of the moon?! You can choose to have the students receive the live webcast in your cafeteria, gym, in individual classrooms, or from home. A week prior to your event, you'll work with Mark to test logistics (internet connection, audio, sound, etc.). Just like with Mark's in person **"Dare to Draw!"** school assemblies, at least two FULL HOUR live webcast assemblies are scheduled; one for younger students and one for older students. This way, his lessons can be tailored for the skills and abilities of each age group. And, just like with the in-person program, students and teachers only need pencils, paper and a

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clipboard, slate or book to use as a lap desk if there are not tables or desks to participate in the live webcast. Sitting on the floor also works great! Contact Academic Entertainment 800-883-9883 or info@academicentertainment.com for dates/times.

## Youth Mover – Facing Fear

**$795 or 2/$1195 for 45-minute session. 60 minute leadership edition for Ms/HS $995 or bundle two and save $100 off!**

Youth Mover, Brandon Lee White, delivers a high-energy, entertaining, and effective anti-bullying and character education program for youth. Any of Brandon's assembly speeches, leadership trainings, and workshops can be modified to online/skype (with the exception of the dance workshop). A Skype-talk with Student Council leadership, etc.

**New--Facing Fear!** A student's ability to face fear and develop resilience in times of crisis largely impacts their overall health and success in life. Facing Fear teaches students the following:

- Develop a positive mindset for negative circumstances.
- Build confidence through action in times of uncertainty.
- Utilize resources around you and within you to overcome.
- Learn to respond rather than react.
- Develop a plan for future adversity.
- Become a leader in times of crisis to help others.

(All student will receive a free summary PDF at the end of each presentation.)

## Physics Experience – Interactive Online Demos

**$795 or 2/$1195 (one or two hour-long interactive demos)**

Utilizing ZOOM or Skype or your schools' channel for video conferencing, your students can experience physics like never before! Students will have a chance to interact with a real scientist and choose the demonstrations they would like to see. Every interactive hour features engaging, entertaining, and educational demonstrations of light, motion, heat, sound, electricity, modern physics, plasma, magnetism, and more.

## Geoffrey Castle: Violin Hero!

**$795 or 2/$1195**

**"Who wants to save the world?"**

**When Creativity Meets Knowledge Anything Can Happen**

Utilizing Zoom Video conferencing, Join world-renowned violinist Geoffrey Castle for a fun and inspiring virtual assembly program chock-full of amazing music, great stories, and an even greater message and a performance that the whole family will enjoy! A featured speaker on TEDx Seattle, and with his own Pandora Channel, Geoffrey Castle's Violin Hero Virtual Assembly brings learning outcomes in Geography, History, Science, and Technology along with the true value of education and creativity into your living room.

**Additional information is on our website:** https://www.academicentertainment.com/virtual-online. Call 800-883-9883 or email info@academicentertainment.com

Thank you!
Whitney Aguilar, MBA
Academic Entertainment, Inc.

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800-883-9883

AMERICAN OVERSIGHT

**From:** Rosenboom, Victoria
**Sent:** Fri, 27 Mar 2020 20:36:40 +0000
**To:** Foster, Kelly - KDE Associate Commissioner
**Cc:** OESE.titlei-a;COVID-19
**Subject:** Re: Waiver for three year requirement for 15% carryover
**Attachments:** image001.png

Hi Kelly,

Thank you for reaching out about this potential waiver request. I've passed it along to our COVID-19 Rapid Response team and we'll be in touch soon with more information.

I appreciate your time and patience as we work through these issues together.

Hope you're staying safe and healthy,
Victoria

> On Mar 27, 2020, at 11:26 AM, Foster, Kelly - KDE Associate Commissioner <kelly.foster@education.ky.gov> wrote:
>
> Victoria,
> Due to this unprecedented time, can KDE apply for a waiver on the three year requirement for 15% carryover limitation for LEAs for FY19 funds? Since schools have been closed and may be closed the remaining of the year, I am sure districts will be applying for the 15% carryover waiver. However, there will be some districts which may have requested a wavier previously and be in the three year window. Thanks

<image001.png
>

***Kelly Foster, Ed.D.***
Associate Commissioner
Office of Continuous Improvement and Support

Kentucky Department of Education
300 Sower Blvd, 5th Floor
Frankfort, KY 40601
(502) 564-5130

*The Kentucky Department of*

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*Education would like your input on the agency's customer service efforts. Please take a moment to complete an online survey, which may be accessed here. All responses will remain anonymous. Thank you!*

*This email may contain confidential data or information and is intended solely for the use of the individual or entity to whom it is addressed. If you are not the named addressee you should not disseminate, distribute, or copy this e-mail, and you are requested to notify the sender immediately.*

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**From:** Rosenboom, Victoria
**Sent:** Fri, 27 Mar 2020 20:32:38 +0000
**To:** Gloria Bayouth
**Cc:** Rooney, Patrick;Monty Guthrie;COVID-19;OESE.titlei-a
**Subject:** Re: Waivers
**Attachments:** image001.jpg

Hi Gloria,

We hope you're staying happy, healthy, and safe as well. Thank you for sharing all your questions with us. I've passed them along to our COVID-19 Rapid Response team and we'll be in touch soon with responses.

Thank you,
Victoria

On Mar 27, 2020, at 4:18 PM, Gloria Bayouth <Gloria.Bayouth@sde.ok.gov> wrote:

Victoria,

As all states are preparing to roll out the highly anticipated CARES Act, Oklahoma is carefully examining possible ESSA waiver requests to provide flexibility to the school districts. Will each state submit individual waivers that specifically accommodate their needs? Do states submit a formal letter of request or will USDE provide a template for states to submit to USDE? I understand there is a window of 30 days for states to send the waiver to USDE. When does this process begin, and how long does USDE anticipate an approval response to the states?

I understand all of us are carving a new path to meet these challenging times and know we will get through this together. I appreciate your guidance and direction regarding the waiver process.

Stay happy, healthy, and safe!

Gloria Bayouth, ED
Executive Director
Office of Federal Programs
Oklahoma State Department of Education
2500 N. Lincoln Blvd., Suite 311
Oklahoma City, OK 73105
Office: (405) 522-3249
Gloria.Bayouth@sde.ok.gov

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<image001.jpg>

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AMERICAN OVERSIGHT

# OKLAHOMA Education

ED-20-0731-A-000799

AMERICAN OVERSIGHT

**From:** Gloria Bayouth
**Sent:** Fri, 27 Mar 2020 20:35:08 +0000
**To:** Rosenboom, Victoria
**Cc:** Rooney, Patrick;Monty Guthrie;COVID-19;OESE.titlei-a
**Subject:** RE: Waivers

Thank you Victoria. Have a great weekend.

Gloria Bayouth, ED
Executive Director
Office of Federal Programs
Oklahoma State Department of Education
2500 N. Lincoln Blvd., Suite 311
Oklahoma City, OK 73105
Office: (405) 522-3249
Gloria.Bayouth@sde.ok.gov

OKLAHOMA Education

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**From:** Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>
**Sent:** Friday, March 27, 2020 3:33 PM
**To:** Gloria Bayouth <Gloria.Bayouth@sde.ok.gov>
**Cc:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Monty Guthrie <Monty.Guthrie@sde.ok.gov>; COVID-19 <COVID-19@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** [External] Re: Waivers

Hi Gloria,

We hope you're staying happy, healthy, and safe as well. Thank you for sharing all your questions with us. I've passed them along to our COVID-19 Rapid Response team and we'll be in touch soon with responses.

Thank you,
Victoria

On Mar 27, 2020, at 4:18 PM, Gloria Bayouth <Gloria.Bayouth@sde.ok.gov> wrote:

Victoria,

AMERICAN OVERSIGHT

As all states are preparing to roll out the highly anticipated CARES Act, Oklahoma is carefully examining possible ESSA waiver requests to provide flexibility to the school districts. Will each state submit individual waivers that specifically accommodate their needs? Do states submit a formal letter of request or will USDE provide a template for states to submit to USDE? I understand there is a window of 30 days for states to send the waiver to USDE. When does this process begin, and how long does USDE anticipate an approval response to the states?

I understand all of us are carving a new path to meet these challenging times and know we will get through this together. I appreciate your guidance and direction regarding the waiver process.

Stay happy, healthy, and safe!

Gloria Bayouth, ED
Executive Director
Office of Federal Programs
Oklahoma State Department of Education
2500 N. Lincoln Blvd., Suite 311
Oklahoma City, OK 73105
Office: (405) 522-3249
Gloria.Bayouth@sde.ok.gov

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AMERICAN OVERSIGHT

**From:** Sonny Ramaswamy
**Sent:** Fri, 27 Mar 2020 14:48:23 +0000
**To:** COVID-19
**Cc:** McKissic, Stephanie;Bounds, Herman
**Subject:** Reduced academic year

Dear Sir/Madam.

In regards to the potential for reduced academic year, your guidance states (https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19) states:

*The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.*

As the accreditor for institutions of higher learning in the Pacific Northwest we are receiving requests regarding reduced academic terms (semesters, quarters, etc.).

In light of the USDE guidance noted above and (https://www2.ed.gov/about/offices/list/ope/20-007covid19accreditorsfromomb317s.pdf), can we as the accreditor approve the same or does each institution need to reach out to the School Participation Team?

Thanks for any guidance you may be able to provide.

--
#CloseEquityGaps

Sonny Ramaswamy, President
Northwest Commission on Colleges and Universities
8060 165th Avenue NE | Redmond, WA 98052
Email: sonny@nwccu.org
Tel: 425-558-4224
URL: http://www.nwccu.org
Twitter: @NWCCUSonny

AMERICAN OVERSIGHT

**From:** Pinckney, Christine F.
**Sent:** Fri, 27 Mar 2020 19:00:19 +0000
**To:** OESE COVID 19;VanderPloeg, Laurie;Wexler, Larry;Hilsey, Shaina;Corr, Gregg;Barbara Downing[redacted]Cox, Jack;OCR;Mayes, Edgar
**Cc:** COVID-19
**Subject:** REMINDER: ACTION REQUIRED: Requesting information from COVID-19 mailbox
**Importance:** High

Dear COVID-19 Partners:

Thanks so much for your assistance in helping us with the mountain of correspondence that we have received related to COVID-19. As of today, the COVID-19 mailbox has received nearly 1,200 inquiries.

Late yesterday afternoon, Deputy Secretary Zais asked that we contact each of our partners and request the following information:

1. The number of entries received;
2. The number of entries receiving responses; and
3. And, if you have this bit of granular information, those receiving a response that was easily handled by a template letter.

Dr. Zais has asked for our best response by 4 pm this afternoon, so I apologize in advance for this quick turnaround time, but we will need your response by **2 pm**.

If you have any questions, please contact Christine.Pinckney@ed.gov or Bryan.Williams@ed.gov. They are both part of the Office of Safe and Supportive Schools supporting the COVID-19 mailbox.

Sincerely,

Paul Kesner
Director
Office of Safe and Supportive Schools

AMERICAN OVERSIGHT

**From:** Suzanne Ringle
**Sent:** Fri, 27 Mar 2020 13:51:07 -0700
**To:** COVID-19
**Subject:** Request to Temporarily Move Clock Program to Online Platform
**Attachments:** 00830300 GWCC Request for Approval to Temporarily Move Clock Progs to Online.pdf

To whom it may concern;

I understand how quickly things have been happening with FSA and want you to know that we all appreciate your support and efforts to help us continue to serve our students community. Thank you for all you do for us.

On another note, my Administration is concerned with the Department of Education's response as we move all programs in progress (that can be provided to our students in an online platform), online. Specifically, our Clock programs. Please accept the attached as a letter to request written approval of this move. We have worked quickly, but with diligence to meet DOE requirements for both delivery and attendance taking of Clock delivered online. It is our intent for this to be a temporary move, though our accrediting agency approves online coursework.

**SUZANNE RINGLE**
**GATEWAY COMMUNITY COLLEGE**
Director, Financial Aid
108 N. 40th Street Phoenix, AZ 85034
602-286-8110 | 602-900-4243
ringle@gatewaycc.edu
https://www.gatewaycc.edu/

AMERICAN OVERSIGHT

GATEWAY COMMUNITY COLLEGE
A MARICOPA COMMUNITY COLLEGE

March 26, 2020

U.S. Department Of Education
Office of Postsecondary Education
Lyndon Baines Johnson (LBJ) Building
400 Maryland Avenue, S.W.
Washington, DC 20202

Re: GateWay Community College (00830300) – Request for Distance Learning Approval for Clock Hour Programs

GateWay Community College (00830300) ("GWCC"), as an institution within the statutory authority of the Department of Education ("DoE"), is required to comply with Title IV Higher Education Act (HEA) policies. In addition to credit-based courses, GWCC offers clock hour programs. Title IV provides the requirements for clock hour program eligibility, specific to attendance. As a result of the COVID-19 pandemic and the guidance provided by the CDC, the federal government, and state and local agencies, GWCC has moved all in-person instruction to online formats.

On March 5, 2020, the DoE, Office of Postsecondary Education, published the following guidance, in part:

> The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement (March 5 and updated on March 20) or the following payment period.

In light of this guidance, on behalf of GateWay Community College, I request written approval for GWCC to use online technologies to deliver clock hour instruction. To comply with attendance regulations, the College will develop a process by which instructors can:

1. Visually monitor and track all attendance using online technologies (Ex. Google Hangouts, WebEx, Canvas, etc.) for financial aid eligible programs
2. Complete daily rosters and submit rosters for validation using online technologies
3. Across programs, follow uniform expectations for maintaining compliance of attendance regulations

Please let me know if you require any additional information. If you have any questions or concerns, please contact me at terese.brown@gatewaycc.edu or 602.286.8009.

Respectfully Submitted,

(b)(6)

Terese M. Brown
Dean, Students Affairs



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 12:23:00 +0000
**To:** Desarey Clem
**Cc:** COVID-19
**Subject:** Response from the U.S. Department of Education - COVID-19

Dear Ms. Desarey:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

Regarding your question, school plans be designed to complement other community mitigation strategies to protect high-risk populations, minimize disruption to teaching and learning, and protect students and staff from social stigma and discrimination. Currently, the Centers for Disease Control and Prevention (CDC) recommends persons who are at higher risk to speak with their healthcare providers about possible protective measures. Schools and the families of students with asthma should work together to determine whether a student has rights under Section 504 of the Rehabilitation Act of 1973 (Section 504) or the Individuals With Disabilities Education Act (IDEA), in which case a specific set of accommodations and modifications may be developed to help ensure inclusion to the extent possible under the law, in accordance with CDC guidelines and the healthcare provider recommendations. For the most up-to-date information from the CDC on COVID-19, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

The COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 16:04:53 +0000
**To:** Nauss Cipriano, Lynn
**Cc:** COVID-19
**Subject:** Response from U.S. Department of Education - COVID-19
**Importance:** High

Hello Lynn:

Thank you for your questions concerning Title IV-A Student Support and Academic Enrichment (Title IV-A) Programs use of funds to support activities related to COVID-19 ("Coronavirus"). Below are your original questions along with a response from our team.

Connecticut COVID-19 Questions:

1. Would it be acceptable for grantees to use funds for hotspots?

2. Would it be acceptable for grantees to use funds for purchase of devices under Well Rounded and/or Safe and Healthy?

Department's Response:

1. Yes - Title IV-A funds may be used for expenses such as hotspots, if the State educational agency (SEA) determines it is allowable and consistent with the purposes of the effective use of technology content area; if they are reasonable, necessary and allocable to the grant, and supplement, and do not supplant, other State and local fuds that would otherwise be used to pay for the allowable activity.

2. Yes – Title IV-A funds may be used to purchase these devices consistent with the guidance above.

Please note that the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available. The Department has also set-up a COVID-19 specific email address to streamline questions related to COVID-19. Please continue to send emails to both myself francisco.ramirez@ed.gov and the new COVID-19@ed.gov email address so that I can help to keep track of your inquires.

As always, please let us know if you have any questions.

AMERICAN OVERSIGHT

**From:** Nauss Cipriano, Lynn <Lynn.Cipriano@ct.gov>
**Sent:** Wednesday, March 25, 2020 12:23 PM
**To:** 'barellano@air.org' <barellano@air.org>; Ramirez, Francisco <Francisco.Ramirez@ed.gov>
**Cc:** Peterson, Glen <Glen.Peterson@ct.gov>
**Subject:** T4PA Questions--Requesting Expedited Response
**Importance:** High

Good morning Brenda and Francisco,

In light of the COVID pandemic, we are getting a number of questions from our grantees. Primarily, they are requests to revise budgets and dedicate grant funds to purchase hotspots and/or purchase devices. Clearly these are based upon new needs assessments, in light of the pandemic.

Q1) Would it be acceptable for grantees to use funds for hotspots? This is critical, especially to our rural locations where internet access is not readily available to many homes. (Sec. 4109(a)(6) could support this use for rural areas; some other areas may also need hotspots.)

Q2) Would it be acceptable for grantees to use funds for purchase of devices under Well Rounded and/or Safe and Healthy? The special rule limits purchases of devices when those purchases are made under the content area Effective Use of Technology, and the rule specifically says ". . .to address readiness shortfalls". However, many of the subsections of 4107(a) could be viewed to support device purchase as districts move to establish and/or ramp up distance-learning programs to deliver instruction under Well Rounded. As well, several of the provisions under 4108(a) could be viewed to support device purchases under Safe and Healthy as grantees seek to: protect student and family health through social distancing; foster safe, healthy, supportive, and drug-free environments that support student academic achievement; establish learning environments and enhance students' effective learning skills that are essential for school readiness and academic success, such as by providing integrated systems of student and family supports; provide mentoring and school counseling to all students, including children who are at *risk of academic failure, dropping out of school*, involvement in criminal or delinquent activities, or drug use and abuse. (It is important to engage students most at risk of dropping out, as these very needy students may not return to school after the pandemic.)

So there are large issues resulting from the pandemic:

- This is now an issue of equity, as students in poverty will not have access to technology that students having more wealth will have.
- This is now related to Well Rounded, as students may have zero access to instruction without technology/distance learning.
- This is now an issue of Safe and Healthy, as schools have closed and students and families have been directed to stay safe, stay home.

We are asking for an expedited review of our two questions, with your answers as soon as possible. We need to advise our grantees.

Thank you so much for your time and assistance,

AMERICAN OVERSIGHT

--Lynn Nauss Cipriano

CSDE

**Lynn Nauss Cipriano**
**Education Consultant**
Connecticut State Department of Education
Office of Student Supports and Organizational Effectiveness
860-713-6457 phone
lynn.cipriano@ct.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 13:05:37 +0000
**To:** Melissa Bacchus
**Cc:** COVID-19
**Subject:** Response from U.S. Department of Education - COVID-19

Dear Dr. Bacchus:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

Regarding your questions, please be aware that the Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19 and has provided guidance for school settings for use by State and local education officials and health agencies. This guidance addresses considerations for possible school closures, as well as strategies for those returning from international travel. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

The Department has also established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

The COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 12:53:49 +0000
**To:** Melita Chris
**Cc:** COVID-19
**Subject:** Response from U.S. Department of Education - COVID-19

Dear Mr. Melita:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

While there is currently no vaccine to prevent COVID-19, public health officials are currently taking steps to prevent the spread of this respiratory disease. Schools can play an important role in this effort. Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission.

Please note that the Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your thoughts with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

The COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 27 Mar 2020 12:34:27 +0000
**To:** [redacted]
**Cc:** COVID-19
**Subject:** Response from U.S. Department of Education - COVID-19

Dear Mr. Miller:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

Unfortunately, these are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease.

The Department is committed to helping schools support the continuity of teaching and learning. In recent weeks we have worked with the White House, the Centers for Disease Control and Prevention (CDC), and other Federal agencies to develop guidance to help protect schools, educators, and families. This information can be found on the Department's "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus. Through collaboration and coordination with local health authorities and other agencies, schools can also help disseminate important information about this disease and its potential transmission.

The CDC offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

The COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Pinckney, Christine F.
**Sent:** Fri, 27 Mar 2020 16:33:56 +0000
**To:** Patricia Hammer
**Cc:** COVID-19
**Subject:** Response from U.S. Department of Education - COVID-19

Dear Ms. Hammer:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Please be assured that the Department is working with the White House and other Federal agencies to ensure learning environments are not disrupted.

Regarding your specific question about the safety of packages, the Centers for Disease Control and Prevention (CDC) states that "in general, because of poor survivability of these coronaviruses on surfaces, there is likely very low risk of spread from products or packaging that are shipped over a period of days or weeks at ambient temperatures." For further guidance and information from the CDC, please visit www.cdc.gov/coronavirus/2019-nCoV.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

The COVID-19 Response Team
U.S. Department of Education

---

**From:** Patricia Hammer <[redacted]
**Sent:** Monday, March 16, 2020 10:42 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Package delivery

Do I need to do anything to a package and contents (clothing) when it arrives?

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

**From:** Eastwood, Kristen E.
**Sent:** Fri, 27 Mar 2020 19:05:34 +0000
**To:** COVID-19
**Cc:** Bessette, Nancy A.
**Subject:** Shortened Academic Year

Rhode Island College had to extend spring break by 1 week in order to switch to all online course offerings after the outbreak of COVID19. We are requesting a shortened academic year for 2019-20 to 29 weeks. Please let me know what further information you need. I have cced Nancy Bessette on this email, she is currently our Interim Director of Financial Aid. We are in the process of putting her our PPA so were not sure if she could send this request or if being the secondary person on the PPA I was required to do so.
Thank you.
Kristen Eastwood
Senior Associate Director
Office of Financial Aid
Rhode Island College
phone: 401-456-8033
fax: 401-456-8686

AMERICAN OVERSIGHT

**From:** Chang, Christopher
**Sent:** Fri, 27 Mar 2020 11:06:32 -0400
**To:** COVID-19
**Subject:** Spring Break

Hello,

I'm writing to request permission for our spring break being extended by 1 week for the spring 2020 semester due to the covid-19 situation. The college is Ulster County Community College, school code 002880

Original dates of spring break - 3/9/20-3/13/20
New spring break - 3/9/20-3/20/20

Please let me know if any additional info is needed. Thanks

--
Christopher Chang
Director of Financial Aid and EOP
Ulster County Community College
491 Cottekill Rd.
Stone Ridge, NY 12484
Tel 845.687.5096
Fax 845.687.5172

AMERICAN OVERSIGHT

**From:** Dorcas Conyers
**Sent:** Fri, 27 Mar 2020 19:15:41 +0000
**To:** COVID-19
**Subject:** Student Loan Garnishments

Good Afternoon,

I have read the correspondence regarding ED student loan garnishments. From the reading it indicates that employers should stop the federal student loan garnishments for 60 days from 3/13. We stopped the federal loans for our pay period 3/27. However, I am receiving conflicting information. A counterpart has indicated that we should continue to withheld until we receive notification for each employee directly from ED.

A few questions

1. Should we be waiting to receive documentation from ED before stopping the garnishments for the 60 day period?
2. Will ED refund the deductions received prior to 3/2(date of announcement)?

Thank you in advance for your response.

Dorcas Conyers

Payroll Manager
Sinclair Broadcast Group
10706 Beaver Dam Road
Cockeysville, MD 21040
410-568-1640

AMERICAN OVERSIGHT

**From:** Stephanie Lewis
**Sent:** Fri, 27 Mar 2020 15:43:24 +0000 (UTC)
**To:** COVID-19
**Subject:** Student Loans-Please help

To whom it may concern,

My student loans are with F. H. Cann & Associates. I have tried calling them to see if my federal tax refund was going to be returned (which my family desperately needs right now) and they said they have no information on me. I am very concerned and need help. Can you please point me in the right direction? Thank you so much for your time.

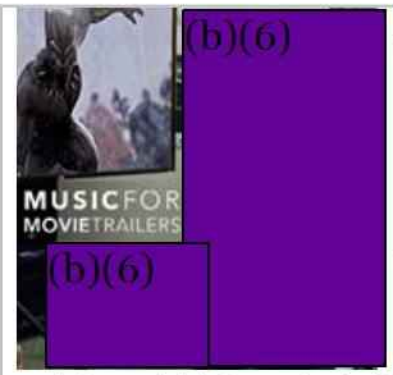
Thank you,
Stephanie Lewis

AMERICAN OVERSIGHT

**From:** Whitney Aguilar
**Sent:** Sat, 28 Mar 2020 00:22:19 +0000
**To:** COVID-19
**Subject:** The Show Must Go On, Learning Continues Online with Academic Entertainment

Hello! Could you please share this with your area schools, on this webpage?
https://www.ed.gov/coronavirus

We've compiled a list of artists, entertainers, scientists and youth motivational speakers available for online, virtual, and e-learning applications. Contact Academic Entertainment 800-883-9883 or info@academicentertainment.com to schedule dates/times for your students. And please, check back frequently, **more opportunities will be added!**




(b)(6)

(b)(6)

## Music Technology Virtual Movie Trailer Workshops

$1990 half day (up to 2 virtual workshops)
$3250 (full day) up to 5 virtual workshops)
Capacity 15-30 students per virtual workshop. Each workshop is 30-40 minutes in length.

Using your schools existing e-learning applications, Brent Daniels brings the techniques and technology he uses to produce and compose music for some of Hollywood's biggest movie trailers (such as Marvel's Black Panther & Disney's A Wrinkle In Time) to the **virtual classroom**. Program content is variable depending on grade and experience level, making this online workshop suitable for grades 4 - 12, accommodating students with no musical background all the way up to experienced musicians, budding music producers or composers interested in a career in music. In a typical **virtual** workshop for students with little or no musical training, Brent will:

1. Show students one or more of the trailers in which his music is used and play the original music composed and produced for the trailers.
2. Break down sonic and musical components from his music which are synced by trailer editors with the film's visuals.
3. Introduce students to the concepts in sound design, composition, and music production necessary for trailer music production
4. Combine those elements to create a short example of a trailer-style music cue.

Middle and High School music students with some experience in music technology and production may benefit from a more customized or in-depth form of the online workshop, which Brent can provide. They also may have advanced questions about the process of music production or careers in the music industry. Brent's online workshops are an excellent place to find answers and insight.

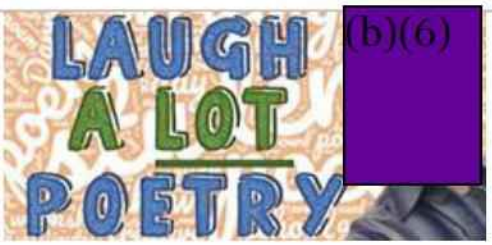
(b)(6)

## Diversity of Dance Virtual Online Dance Classes Grades 2-12, 45-minutes

Diversity of Dance is now offering virtual dance classes! Choose from the five dance styles performed in their traditional school assemblies: Hip Hop, Bollywood Hip Hop, Latin Hip hop, Hip Hop to Kpop and or Dancehall. Each class includes a warm up, key movements to learn, a dance, and cool down section taught by head instructor, Juliette. These classes are a great way for students to keep physically active while learning about both cross-cultural understanding and dance vocabulary.

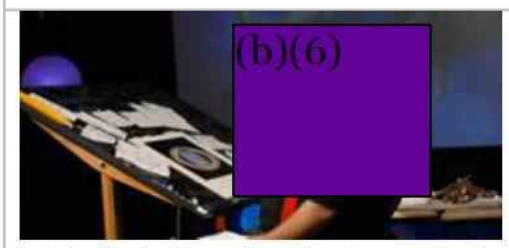
AMERICAN OVERSIGHT

They can also be used as an intro or follow up to the LIVE in-school Assembly Program: Diversity of Dance.
**Recommended for grades 2nd and above.**
**Choose from pre-recorded or live virtual dance classes.**
**Pre-recorded Virtual Dance Classes:**
**$1000/lesson, all grade levels in the school may access the lesson**
**$3955/all five lessons, all grade levels in the school may access all the lessons**
Choose from any of the 5 styles. Your school will get a link to the virtual dance classes you choose with a password. All grade levels in a school may access the same class. Or, choose to purchase all 5 styles of virtual online lessons for a discounted price.
**Live Virtual Dance Classes:**
**$1445/lesson, up to 100 students, 10 students in each 45-minute block**
**$5395/all five lessons, up to 100 students, 10 students in each block**
Taught via Zoom, downloadable for free. Schedule 45-minute blocks for 10 students per block. Each group of 10 students will receive their own meeting link. It's recommended to use a lap top or desktop computer to better view the teacher. Also choose from any of the 5 styles of dance. Purchase all five styles of live virtual dance classes for a discounted price.




## Silly Skype! Chat with the World's Most Funny Poet. Grades K-12. 45-60 minutes.

**$795/session. 1-2 classes per session.**
Any kind of live visit from an author is exciting, even if it's online! Take advantage of all the benefits of technology and allow your students an opportunity to **talk one-on-one or in a small-group** setting with an award-winning author and poet. Students will interact with Darren, allowing all present a chance to participate in the session, and enabling Darren to answer questions, and to reciprocate by asking his own questions of the students. During an online session, Darren shows students his published work and books, he tells where he gets his inspiration and ideas, he performs a few favorite pieces of poetry, acts-out poetry along with your students, and gives them some tips on how to make their poems even more unique and creative. **Skype Sessions with Darren Sardelli** are inspirational for all, and the giggles and laughs are guaranteed!




## Dare to Draw – LIVE Webcast with Mark Kistler

**1 or 2/$1395**
Through the wonders of technology your school can enjoy the experience of a live Dare to Draw! assembly for a deeply discounted price. During **Mark Kister's Live Webcast Assembly**, you'll feel like he is right there with your students! Mark will teach your kids to Draw! Draw! Draw! just like always, except he's in his studio, and you're at your school, classroom or home computer. The lesson is live and personalized, broadcast through your own technology through Facebook or YouTube. He'll answer your questions and talk to your students while he teaches through his live interactive website. It's SO cool! Your school has an opportunity to collaborate with the artist to choose the lessons for your live webcast assemblies from his list of absolutely awesome art inspirations---your students can choose where they want to travel with their imaginations! Will you have Mr. Mark webcasting live from: his Antarctic Penguin Research Station, "The Land of Dinosaurs", OR the surface of the moon?! You can choose to have the students receive the live webcast in your cafeteria, gym, in individual classrooms, or from home. A week prior to your event, you'll work with Mark to test logistics (internet connection, audio, sound, etc.). Just like with Mark's in person **"Dare to Draw!"** school assemblies, at least two FULL HOUR live webcast assemblies are scheduled; one for younger students and one for older students. This way, his lessons can be tailored for the skills and abilities of each age group. And, just like with the in-person program, students and teachers only need pencils, paper and a clipboard, slate or book to use as a lap desk if there are not tables or desks to participate in the live webcast.

AMERICAN OVERSIGHT

Sitting on the floor also works great! Contact Academic Entertainment 800-883-9883 or info@academicentertainment.com for dates/times.

## Youth Mover – Facing Fear

**$795 or 2/$1195 for 45-minute session. 60 minute leadership edition for Ms/HS $995 or bundle two and save $100 off!**

Youth Mover, Brandon Lee White, delivers a high-energy, entertaining, and effective anti-bullying and character education program for youth. Any of Brandon's assembly speeches, leadership trainings, and workshops can be modified to online/skype (with the exception of the dance workshop). A Skype-talk with Student Council leadership, etc.

**New--Facing Fear!** A student's ability to face fear and develop resilience in times of crisis largely impacts their overall health and success in life. Facing Fear teaches students the following:

- Develop a positive mindset for negative circumstances.
- Build confidence through action in times of uncertainty.
- Utilize resources around you and within you to overcome.
- Learn to respond rather than react.
- Develop a plan for future adversity.
- Become a leader in times of crisis to help others.

(All student will receive a free summary PDF at the end of each presentation.)

## Physics Experience – Interactive Online Demos

**$795 or 2/$1195 (one or two hour-long interactive demos)**

Utilizing ZOOM or Skype or your schools' channel for video conferencing, your students can experience physics like never before! Students will have a chance to interact with a real scientist and choose the demonstrations they would like to see. Every interactive hour features engaging, entertaining, and educational demonstrations of light, motion, heat, sound, electricity, modern physics, plasma, magnetism, and more.

## Geoffrey Castle: Violin Hero!

**$795 or 2/$1195**

**"Who wants to save the world?"**

**When Creativity Meets Knowledge Anything Can Happen**

Utilizing Zoom Video conferencing, Join world-renowned violinist Geoffrey Castle for a fun and inspiring virtual assembly program chock-full of amazing music, great stories, and an even greater message and a performance that the whole family will enjoy! A featured speaker on TEDx Seattle, and with his own Pandora Channel, Geoffrey Castle's Violin Hero Virtual Assembly brings learning outcomes in Geography, History, Science, and Technology along with the true value of education and creativity into your living room.

**Additional information is on our website:** https://www.academicentertainment.com/virtual-online. Call 800-883-9883 or email info@academicentertainment.com

Thank you!
Whitney Aguilar, MBA
Academic Entertainment, Inc.

AMERICAN OVERSIGHT

800-883-9883

AMERICAN OVERSIGHT

**From:** Curtis, Patti
**Sent:** Fri, 27 Mar 2020 15:33:44 +0000
**To:** COVID-19
**Subject:** Title IVA funds for distance learning

Greetings
I got a couple questions from the field regarding accessing Title IVA funds to bump up distance learning capacity during school closures.
Any guidance or tips for providers, NGOs. Schools?

Also, numerous inquiries about Title IVB – will providers be supported even though school buildings are closed?

Many thanks,

Patti Curtis
Robert Noyce/Ellen Lettvin STEM Education Fellow
Office of Planning, Evaluation and Policy Development
U.S. Department of Education
www.ed.gov/STEM
Sign Up for ED newsletters, including STEM, here.

AMERICAN OVERSIGHT

**From:** Scott Lange
**Sent:** Fri, 27 Mar 2020 07:41:23 -0500
**To:** COVID-19
**Subject:** Treasury off set taxes

Not sure who to send this question too but can you explain why you are only giving people's treasury offset of taxes back if they filed after march 13? Why are they in more need of keeping their taxes over someone like me that filed my taxes and had them taken for student loans but I am in the same position as the person who filed after march 13 in dealing with this pandemic. I hope someone reads this and realizes that it shouldn't matter when you filed as to if you are going to have your taxes returned when we all are in need of this money so we can provide for our family. I hope to hear some response to this because I am positive I'm not the only one affected by this. Thank you.

AMERICAN OVERSIGHT

**From:** Katie McCaskie
**Sent:** Fri, 27 Mar 2020 11:00:34 -0400
**To:** info@nysteachs.org;COVID-19
**Cc:** Natalia Ruiz-Corrales
**Subject:** urgent request re: shelters and wifi (Bronx)

Good morning,

I'm the liaison for SBECA in the South Bronx and I'm having difficulty connecting several of my families to the free Wifi services. Spectrum is telling them they don't serve the 10455 zip code in which we are located and I'm wondering if you all know of any free services that do, or any other suggestions.

Also, are city family shelters providing wifi for students to be able to complete school work? How can I better advocate for this for my families in a shelter?

Thank you for your assistance.

Best,

**Katie McCaskie, LCSW**
Director of Social Work
South Bronx Early College Academy Charter School
WHEDCo Family Support Department
801 E. 156th Street, Bronx, NY 10455
T: 929-291-7700 x 324
C: 917-574-5538
www.sbecacs.org
www.whedco.org

AMERICAN OVERSIGHT

**From:** Michael Burns-Kaurin
**Sent:** Fri, 27 Mar 2020 11:37:59 -0400
**To:** COVID-19
**Subject:** Waivers for Accreditors

In addition to allowing distance learning, accreditors should be allowed to give a one-week waiver on the length of a semester, so that faculty have time to properly implement the distance learning, without requiring faculty to "make up" the "missing" class days. Given the national emergency, and the effects if faculty did not have time to prepare to go online, such a waiver would be wise.

Michael Burns-Kaurin
Physics Department
Spelman College
Atlanta, Georgia

AMERICAN OVERSIGHT

**From:** Ardith Ferguson
**Sent:** Fri, 27 Mar 2020 10:33:34 -0600
**To:** COVID-19
**Subject:** written parent consent

I am asking this on behalf of a state. May a state allow consents for evaluation, assessments, and EI services to be given verbally over the phone by the parent or do they still need to be provide consent in writing via handwritten or electronic signature?

Ardith Ferguson, M.Ed.
Senior Program Associate
WestEd
Center for Prevention & Early Intervention
Cell: 303-589-2107
www.wested.org
afergus@wested.org

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:46:51 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** Bulk Inquiries- COVID 19
**Attachments:** RE: Georgia Southern University, OPEID 00157200 FW: Message from GEORGIA SOUTHER (99124785413), Seeking guidance, Title IV Disbursement Notices, COVID-19 drops, Re: Length of Academic Year, Touro College Request for Early Graduation of Medical Students, Touro College Request for Early Graduation of Medical Students, COVID-19 questions - pass/fail change, and EFA for relief assistance, OPE ID 02056400 , Medical students & possible early graduation, Verification & C-Code Resolution, Request permission to shorten calendar , COVID-19 questions - pass/fail change, and EFA for relief assistance, Request to Temporarily Move Clock Program to Online Platform, Shortened Academic Year , NC Community College System Coronavirus & Title IV Eligibility Questions, Distance Learning and Virtual Classrooms, Spring Break, COVID-19 questions - pass/fail change, and EFA for relief assistance, Need clarity on this question, Federal Work Study Question, Distance Education , Exceptions to published admissions requirements related to COVID-19, RE: NC Community College System Coronavirus & Title IV Eligibility Questions, LOA, FW: Query regarding disaster pay, Guidance for SUNY System on changes in term structure

Hello

The attached inquiries were received in the COVID-19 mailbox.

Thanks

Christine

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Thu, 26 Mar 2020 19:56:53 +0000
**To:** FSA Case Teams
**Cc:** FederalStudentAid;COVID-19;AtlantaSPD
**Subject:** RE: Georgia Southern University, OPEID 00157200 FW: Message from GEORGIA SOUTHER (99124785413)

Hello.

Please review the following email inquiring about changing and reduced term lengths that I am forwarding to Program Compliance.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Wednesday, March 18, 2020 7:07 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** FW: Georgia Southern University, OPEID 00157200 FW: Message from GEORGIA SOUTHER (99124785413)

Please see below message and attached voicemail for your review and response.

**From:** Gaudio, Renee <Renee.Gaudio@ed.gov>

This is from Tracy Mingo, FAD, Georgia Southern University, OPEID 00157200, 912-478-1263, Tmingo@georgiasouthern.edu

Extended spring break by 1 week, reduces a week in instruction. Asking permission to reduce due to COVID-19.

Renee

AMERICAN OVERSIGHT

**From:** Thayer-Mencke, Laura
**Sent:** Thu, 26 Mar 2020 19:46:53 +0000
**To:** COVID-19
**Subject:** Seeking guidance

At my institution lecture classes have moved online and the campus is open but accessible only to students, staff, and faculty. Staff and faculty have been encouraged to work at home as much as possible. We are a health sciences school and clinicals are still going on at sites as long as the site hasn't cancelled them. Some labs are still taking place on campus and others are being moved online if they can be.

I have some work-study students who are still working. I have other work-study students who are not working for various other reasons – one is pregnant which puts her in a high risk category for COVID-19 and one has moved home to be near her family because of COVID-19. These two students are "unable to work their scheduled hours because of COVID-19 disruptions." Another student has made the decision not to work because she doesn't want to put herself at risk. Since she could work but made the choice not to because of COVID-19 can I pay her? I have other students who have expressed their concern about working when the guidance from the local health department and the CDC is to stay home and social distance. They could work but may also make the choice not to. Can I pay them? None of the work-study positions can be done by other means such as online, remote, or telecommute.

Thanks,
Laura

**Laura Thayer-Mencke**
Director of Student Financial Aid
thayermenckelaura@clarksoncollege.edu
PH 402.552.3470 FX 402.552.3238

Clarkson College
101 South 42 St. Omaha, Neb. 68131-2739
ClarksonCollege.edu | Preparetobethebest.com

In accordance with CDC and WHO guidelines to prevent the spread of coronavirus (COVID-19), I am working remotely. The best way to reach me is through email.

AMERICAN OVERSIGHT

**From:** Geoff Marsh
**Sent:** Thu, 26 Mar 2020 13:19:33 -0700
**To:** COVID-19
**Subject:** Title IV Disbursement Notices

Good afternoon!
Because our office is working remotely, we currently do not have a way to send paper notifications to borrowers (students and parents) who have not provided authorization to send information electronically.
Under the current circumstances, can we send the notices electronically?
If so, can we send parent notices via the student's email if we do not have a parent email?
Thank you for your guidance on this matter.

Geoff Marsh
Senior Director of Financial Aid
Phone: 562-903-4742
Fax: 562-906-4541

AMERICAN OVERSIGHT

**From:** Johnson, Cammy
**Sent:** Thu, 26 Mar 2020 20:23:57 +0000
**To:** COVID-19;AskAFed
**Subject:** COVID-19 drops

With the new regulations for COVID-19 and R2T4 I have a question in regards to if a student drops a course prior to the start date on their own. We have some courses that were 4 week modules that have not yet started that a student could drop and has already received Pell for. Normally we would reduce the Pell and the student would be responsible to repay a portion of the Pell. We are not able to collect a reason at the time of the drop due to our self-service isn't capable of collecting a reason. Are we to contact the student to find out if it is due to COVID-19 OR are we to follow the Pell calculation rules and adjust the aid accordingly for a course that had not yet started?

Thank you in advance?

**Cammy Johnson**
Financial Aid System Analyst

My 5 Strengths:
Achiever | Analytical | Responsibility | Positivity | Consistency

*Every Student • Every Day*
Western Technical College
THE ESSENTIAL EXPERIENCE

PHONE: 608.785.9569 | FAX: 608.789.4760
400 7th St. North, La Crosse, WI 54601 | www.westerntc.edu

AMERICAN OVERSIGHT

**From:** Tiffanie Karcher
**Sent:** Thu, 26 Mar 2020 21:03:45 +0000
**To:** COVID-19
**Cc:** Mary Lou Kutchma;Joe Weglarz
**Subject:** Re: Length of Academic Year

Good afternoon!
Marist College (in New York State) extended spring break by 1 week due to COVID-19. At the end of spring break, instruction will resume online until the scheduled end date of the spring term. Since our start and end dates currently remain the same, we are requesting a temporary reduction in our academic year from 30 weeks of instructional time to 29 weeks (15 weeks of instruction for Fall 2019 and 14 weeks of instruction for Spring 2020).
I left a voice message for our School Participation Team, but am also resending this email as instructed. Please advise.
Thank you,
Tiffanie Karcher
Marist College
Associate Director of Compliance and Analyst
Office of Student Financial Services
Telephone: 845-575-3000 ext 2431
Fax: 845-575-3099

**From:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Sent:** Thursday, March 26, 2020 10:44 AM
**To:** Tiffanie Karcher <Tiffanie.Karcher@marist.edu>
**Subject:** FW: Length of Academic Year

**[EXTERNAL EMAIL]**

Hello,
If the institution suspends classes and is unable to add additional classes at the end of one of its terms to reach at least 30 weeks in the academic year, the institution may need to request a temporary reduction in the length of its academic year definition in order to avoid impacts to students' Title IV aid awards. If you do so, please contact your school participation division or COVID-19@ed.gov.

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 4:44 PM
**To:** Cox, Jack <Jack.Cox@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Length of Academic Year
Hello,
The below inquiry was received in the COVID-19 mailbox.
Thanks,
Kelly

**From:** Tiffanie Karcher <Tiffanie.Karcher@marist.edu>
**Sent:** Wednesday, March 25, 2020 4:05 PM

AMERICAN OVERSIGHT

**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Mary Lou Kutchma <Mary.Lou.Kutchma@marist.edu>
**Subject:** Length of Academic Year

Good afternoon!

I work at a private college that extended spring break by 1 week due to COVID-19. At the end of spring break, instruction will resume online until the scheduled end date of the spring term. Although our start and end dates currently remain the same, are we required to request a temporary reduction in our academic year since the instruction time has effectively been shortened by 1 week? If so, do we start by contacting our School Participation team or do we request approval via the ECAR?

Thank you in advance for your guidance.

Tiffanie Karcher
Marist College
Associate Director of Compliance and Analyst
Office of Student Financial Services
Telephone: 845-575-3000 ext 2431
Fax: 845-575-3099

AMERICAN OVERSIGHT

**From:** Patricia Salkin
**Sent:** Thu, 26 Mar 2020 23:56:48 +0000
**To:** COVID-19
**Cc:** Lieberman, Matthew
**Subject:** Touro College Request for Early Graduation of Medical Students
**Attachments:** Touro College USDOE COM Early Graduation Final.pdf

Good evening,
Please see the attached request.
Sincerely,
Patricia Salkin

Patricia E. Salkin
Provost, Graduate and Professional Divisions

Touro College
500 7th Ave, 4th Floor

New York, New York 10018
Phone: 646-565-6522
psalkin@tourolaw.edu

AMERICAN OVERSIGHT

TOURO COLLEGE

OFFICE OF THE PROVOST FOR THE GRADUATE & PROFESSIONAL DIVISIONS

Patricia E. Salkin, Provost

March 26, 2020

**VIA ELECTRONIC MAIL at COVID-19@ed.gov**
U.S. Department of Education
School Participation Team

RE: Touro College Request for Early Graduation of Medical Students
OPEID 01014200

Good Evening,

With Governor Cuomo's request to higher-education health institutions in New York to assist the State's health systems, Touro College submits this for approval to begin the process of providing eligible students in our DO program the option to graduate early. This early graduation will allow such students to provide additional support to the medical personnel on the front lines of the COVID-19 pandemic.

This option will be made available to students, on a case-by-case basis, who have completed all of the academic requirements necessary to for their degree. All students that are eligible for this option will have met the required minimum of 228 credit hours and 130 weeks as reported to COCA (see Appendix A). This optional, early graduation is approved by our programmatic accreditor and is currently under review by the New York State Department of Education.

Graduation will be on a per student basis as each student completes their requirements. Educational instruction is continuing as scheduled and any students not voluntarily choosing this option or who do not qualify will continue their educational program through the duration of the normally scheduled semester.

We hope that this request is met favorably and request your acknowledgement and approval as quickly as possible. Please do not hesitate to reach out to me directly with any questions that you may have.

Thank you.

Respectfully Submitted,

(b)(6)

Patricia Salkin
Provost

CC: Matthew Lieberman, Director of Regulatory Compliance and Financial Aid

AMERICAN OVERSIGHT

## APPENDIX A

The current breakdown for 4th year students who have completed all 9 senior rotations at the Touro College of Osteopathic Medicine is as follows:

| Year | Credit Hours Earned | Curricular Weeks |
|---|---|---|
| **1** | 58 | 35 |
| **2** | 58 | 33 |
| **3** | 66 | 44 |
| **4** | 54 | 36 |
| **TOTALS** | **236** | **148** |
| **REQUIRED** | **228** | **130** |

At the time we graduate any eligible student, those students would have completed 8 of 9 senior rotations, which would be 48 credits (8 rotations x 6 credits) and 32 weeks (8 rotations x 4 weeks), which meets the minimum requirements mandated by our specialty accreditor COCA. That looks like this:

| Year | Credit Hours Earned | Curricular Weeks |
|---|---|---|
| **1** | 58 | 35 |
| **2** | 58 | 33 |
| **3** | 66 | 44 |
| **4*** | 48 | 32 |
| **TOTALS** | **230** | **144** |
| **REQUIRED** | **228** | **130** |

**Accordingly, with the completion of the 8th rotation, students that are eligible to graduate early will have met the minimum Credit hours and Curricular weeks as required by COCA.**

AMERICAN OVERSIGHT

**From:** Patricia Salkin
**Sent:** Thu, 26 Mar 2020 23:56:48 +0000
**To:** COVID-19
**Cc:** Lieberman, Matthew
**Subject:** Touro College Request for Early Graduation of Medical Students
**Attachments:** Touro College USDOE COM Early Graduation Final.pdf

Good evening,
Please see the attached request.
Sincerely,
Patricia Salkin

Patricia E. Salkin
Provost, Graduate and Professional Divisions

Touro College
500 7th Ave, 4th Floor

New York, New York 10018
Phone: 646-565-6522
psalkin@tourolaw.edu

AMERICAN OVERSIGHT

TOURO COLLEGE

OFFICE OF THE PROVOST FOR THE GRADUATE & PROFESSIONAL DIVISIONS

Patricia E. Salkin, Provost

March 26, 2020

**VIA ELECTRONIC MAIL at COVID-19@ed.gov**
U.S. Department of Education
School Participation Team

RE: Touro College Request for Early Graduation of Medical Students
OPEID 01014200

Good Evening,

With Governor Cuomo's request to higher-education health institutions in New York to assist the State's health systems, Touro College submits this for approval to begin the process of providing eligible students in our DO program the option to graduate early. This early graduation will allow such students to provide additional support to the medical personnel on the front lines of the COVID-19 pandemic.

This option will be made available to students, on a case-by-case basis, who have completed all of the academic requirements necessary to for their degree. All students that are eligible for this option will have met the required minimum of 228 credit hours and 130 weeks as reported to COCA (see Appendix A). This optional, early graduation is approved by our programmatic accreditor and is currently under review by the New York State Department of Education.

Graduation will be on a per student basis as each student completes their requirements. Educational instruction is continuing as scheduled and any students not voluntarily choosing this option or who do not qualify will continue their educational program through the duration of the normally scheduled semester.

We hope that this request is met favorably and request your acknowledgement and approval as quickly as possible. Please do not hesitate to reach out to me directly with any questions that you may have.

Thank you.

Respectfully Submitted,

(b)(6)

Patricia Salkin
Provost

CC: Matthew Lieberman, Director of Regulatory Compliance and Financial Aid

AMERICAN OVERSIGHT

## APPENDIX A

The current breakdown for 4th year students who have completed all 9 senior rotations at the Touro College of Osteopathic Medicine is as follows:

| Year | Credit Hours Earned | Curricular Weeks |
|---|---|---|
| **1** | 58 | 35 |
| **2** | 58 | 33 |
| **3** | 66 | 44 |
| **4** | 54 | 36 |
| **TOTALS** | **236** | **148** |
| **REQUIRED** | **228** | **130** |

At the time we graduate any eligible student, those students would have completed 8 of 9 senior rotations, which would be 48 credits (8 rotations x 6 credits) and 32 weeks (8 rotations x 4 weeks), which meets the minimum requirements mandated by our specialty accreditor COCA. That looks like this:

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| **3** | 66 | 44 |
| **4*** | 48 | 32 |
| **TOTALS** | **230** | **144** |
| **REQUIRED** | **228** | **130** |

**Accordingly, with the completion of the 8th rotation, students that are eligible to graduate early will have met the minimum Credit hours and Curricular weeks as required by COCA.**

AMERICAN OVERSIGHT

**From:** Alicea, Cristen R.
**Sent:** Fri, 27 Mar 2020 13:08:37 +0000
**To:** COVID-19
**Subject:** COVID-19 questions - pass/fail change, and EFA for relief assistance

Good morning! I have a couple more questions related to COVID-19 changes.

Our administration wants to give students the option to change some or all of their courses to pass/fail rather than regular grading. We have not seen any guidance on whether this is permissible or not. Our accreditors are not concerned, and we've made sure that the courses will still count towards the students' degrees. Is there anything that we need to be thinking of or tracking on this other than SAP/unofficial WDs? Is there any guidance about this being allowed or not?

Secondly, one of our programs wants to give grocery store gift cards to students who need assistance purchasing food, as we've had to close our on-campus food pantry. Would the value of these cards need to be counted as estimated financial assistance either this year or next year? If so, could the cost of attendance also be increased due to unexpected expenses related to COVID-19?

Thank you!
Sincerely,

Cristen Alicea | Assistant Director
Office of Financial Assistance
University of the Incarnate Word
4301 Broadway, CPO 308, San Antonio, TX 78209
Office: (210) 805-1238 | Fax: (210) 283-5053
Customer Service: (210) 829-6008 | www.uiw.edu/finaid

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AMERICAN OVERSIGHT

**From:** Gloria Dwyer
**Sent:** Sat, 28 Mar 2020 20:31:08 +0000
**To:** COVID-19
**Cc:** Anthony Fiore
**Subject:** OPE ID 02056400

Good Afternoon,

Regarding our school, Capri Cosmetology Learning Centers, OPE ID 02056400.
Due to the continued state of emergency in New York, our schools will remain closed, temporarily, until Monday, April 20, 2020. If anything changes and we are able to open earlier, we will let you know.

Thank you,

Gloria Dwyer
Director of Financial Aid
Capri Cosmetology Learning Centers

AMERICAN OVERSIGHT

**From:** Lehman, Bobbi - (rll)
**Sent:** Thu, 26 Mar 2020 23:13:44 +0000
**To:** COVID-19
**Subject:** Medical students & possible early graduation

The College of Medicine is considering graduating medical students a few weeks early in order to get them into practice as soon as possible during the COVID19 pandemic. Their AY would still be a total of 36 weeks but their spring term could be as short as 12 weeks depending on the graduation date decided.

What is the threshold for reporting to the School Participation Team for a shortened term?

- If the term remains 14 weeks or longer (based on the November 5, 2019 guidance for flexibility in length of a term) would we need to report a change in length of the program?
- If the total academic year remains longer than 30 instructional weeks but one term is shortened for the graduating class, would we need to report the change in length of the program?

Thank you in advance for your assistance.

Best regards,
Bobbi

**Bobbi Lehman, M.Ed.| Director of Compliance**
The University of Arizona Office of Scholarships and Financial Aid
PO Box 210066 | Tucson, AZ 85721
📞520.626.6338 | FAX: 520.621.9473
rll@email.arizona.edu

**IRS Data Retrieval Tool Tutorial:**
https://www.youtube.com/watch?v=eiNkqyCluro

**7 Easy Steps to the FAFSA Tutorial:**
https://www.youtube.com/watch?v=gH-EWZT65jM

AMERICAN OVERSIGHT

**From:** Brenda Marion
**Sent:** Sat, 28 Mar 2020 18:38:40 +0000
**To:** COVID-19;policy@nasfaa.org
**Subject:** Verification & C-Code Resolution
**Importance:** High

Good afternoon,

I am a financial aid advisor at Salem University (School Code: 003820) and I have had some perspective students unable to complete verification requirements due to closures caused by COVID-19. Here are a few examples.

1. Perspective student lives in NY and was selected for V4 verification on her 2019-20 & 2020-21 FAFSAs. She sent over the front and back copy of her unexpired ID but she is unable to travel due to a shelter-in-place order to get her Statement of Educational Purposes form notarized in person. We have been unable to find any online solutions for this requirement. We are not able to clear the verification without this

2. Perspective student did not register for Selective Service due to being incarcerated. He provided satisfactory documentation to both us and Selective Service however Selective Service's offices closed prior to processing his request. They are not able to generate a Selective Service response letter

3. Perspective student has V4 verification on his 2019-20 FAFSA and has provided all required documentation except for his high school transcript. We ordered the transcript but his school is closed due to the Coronavirus. The Department of Education in that state has not offered any electronic means of sending the documentation.

Thank you in advance for your assistance.

*Brenda Marion*
***Salem University – Financial Aid***
***304-326-1644 – Office***
***463-221-2808-Fax***
bmarion@salemu.edu
***"There's a difference between interest and commitment. When you're interested in doing something, you do it when it is convenient. When you are committed to something, you accept no excuses; only results. – Kenneth Blanchard***

AMERICAN OVERSIGHT

**From:** Wickstrom, Julie
**Sent:** Sat, 28 Mar 2020 17:47:50 +0000
**To:** Marotta, Cheryl
**Cc:** COVID-19;McGuire, Christine W;Hardy Smith, Meaghan R
**Subject:** Request permission to shorten calendar

Hi Cheryl,

As advised by the Department of Education March 5th, 2020, Electronic Announcement we are requesting a temporary reduction in length of our academic calendar for our doctor of medicine program.

> *The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year. –3/6/20 Electronic Announcement*

Massachusetts Health and Human Services Secretary Marylou Sudders asked the four Massachusetts Medical Schools to advance graduation of our fourth-year medical students to a date in April to more rapidly expand the capacity of the medical workforce in the Commonwealth in response to the critical needs of our citizens during this pandemic. We would like to shorten our spring semester for the doctor of medicine program by three weeks; our academic year would still exceed the required 30 weeks.

The Boston University Medical School Student Evaluation and Promotions Committee will review each student status and determine that students have completed all of their requirements for graduation by April 10, 2020 and a virtual graduation is planned on Friday, April 17, 2020 for those who have met requirements.

It's critical that this temporary reduction to our academic calendar for our doctor of medicine program be granted by the Department of Education so that our students can be help meet the urgent need for medical professionals.

Best,

**Julie Wickstrom**
Executive Director

**Boston University** Financial Assistance
881 Commonwealth Avenue, 5th Floor
Boston, Massachusetts 02215
Phone: 617-353-4176
Fax: 617-358-2792
Email: jwickstr@bu.edu
Website: www.bu.edu/finaid

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AMERICAN OVERSIGHT

**From:** Alicea, Cristen R.
**Sent:** Fri, 27 Mar 2020 13:08:37 +0000
**To:** COVID-19
**Subject:** COVID-19 questions - pass/fail change, and EFA for relief assistance

Good morning! I have a couple more questions related to COVID-19 changes.

Our administration wants to give students the option to change some or all of their courses to pass/fail rather than regular grading. We have not seen any guidance on whether this is permissible or not. Our accreditors are not concerned, and we've made sure that the courses will still count towards the students' degrees. Is there anything that we need to be thinking of or tracking on this other than SAP/unofficial WDs? Is there any guidance about this being allowed or not?

Secondly, one of our programs wants to give grocery store gift cards to students who need assistance purchasing food, as we've had to close our on-campus food pantry. Would the value of these cards need to be counted as estimated financial assistance either this year or next year? If so, could the cost of attendance also be increased due to unexpected expenses related to COVID-19?

Thank you!
Sincerely,

Cristen Alicea | Assistant Director
Office of Financial Assistance
University of the Incarnate Word
4301 Broadway, CPO 308, San Antonio, TX 78209
Office: (210) 805-1238 | Fax: (210) 283-5053
Customer Service: (210) 829-6008 | www.uiw.edu/finaid

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**From:** Suzanne Ringle
**Sent:** Fri, 27 Mar 2020 13:51:07 -0700
**To:** COVID-19
**Subject:** Request to Temporarily Move Clock Program to Online Platform
**Attachments:** 00830300 GWCC Request for Approval to Temporarily Move Clock Progs to Online.pdf

To whom it may concern;
I understand how quickly things have been happening with FSA and want you to know that we all appreciate your support and efforts to help us continue to serve our students community. Thank you for all you do for us.
On another note, my Administration is concerned with the Department of Education's response as we move all programs in progress (that can be provided to our students in an online platform), online. Specifically, our Clock programs. Please accept the attached as a letter to request written approval of this move. We have worked quickly, but with diligence to meet DOE requirements for both delivery and attendance taking of Clock delivered online. It is our intent for this to be a temporary move, though our accrediting agency approves online coursework.

**SUZANNE RINGLE**
**GATEWAY COMMUNITY COLLEGE**
Director, Financial Aid
108 N. 40th Street Phoenix, AZ 85034
602-286-8110 | 602-900-4243
ringle@gatewaycc.edu
https://www.gatewaycc.edu/

AMERICAN OVERSIGHT

GATEWAY COMMUNITY COLLEGE
A MARICOPA COMMUNITY COLLEGE

March 26, 2020

U.S. Department Of Education
Office of Postsecondary Education
Lyndon Baines Johnson (LBJ) Building
400 Maryland Avenue, S.W.
Washington, DC 20202

Re: GateWay Community College (00830300) – Request for Distance Learning Approval for Clock Hour Programs

GateWay Community College (00830300) ("GWCC"), as an institution within the statutory authority of the Department of Education ("DoE"), is required to comply with Title IV Higher Education Act (HEA) policies. In addition to credit-based courses, GWCC offers clock hour programs. Title IV provides the requirements for clock hour program eligibility, specific to attendance. As a result of the COVID-19 pandemic and the guidance provided by the CDC, the federal government, and state and local agencies, GWCC has moved all in-person instruction to online formats.

On March 5, 2020, the DoE, Office of Postsecondary Education, published the following guidance, in part:

> The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement (March 5 and updated on March 20) or the following payment period.

In light of this guidance, on behalf of GateWay Community College, I request written approval for GWCC to use online technologies to deliver clock hour instruction. To comply with attendance regulations, the College will develop a process by which instructors can:

1. Visually monitor and track all attendance using online technologies (Ex. Google Hangouts, WebEx, Canvas, etc.) for financial aid eligible programs
2. Complete daily rosters and submit rosters for validation using online technologies
3. Across programs, follow uniform expectations for maintaining compliance of attendance regulations

Please let me know if you require any additional information. If you have any questions or concerns, please contact me at terese.brown@gatewaycc.edu or 602.286.8009.

Respectfully Submitted,

(b)(6)

Terese M. Brown
Dean, Students Affairs



AMERICAN OVERSIGHT

**From:** Eastwood, Kristen E.
**Sent:** Fri, 27 Mar 2020 19:05:34 +0000
**To:** COVID-19
**Cc:** Bessette, Nancy A.
**Subject:** Shortened Academic Year

Rhode Island College had to extend spring break by 1 week in order to switch to all online course offerings after the outbreak of COVID19. We are requesting a shortened academic year for 2019-20 to 29 weeks. Please let me know what further information you need. I have cced Nancy Bessette on this email, she is currently our Interim Director of Financial Aid. We are in the process of putting her our PPA so were not sure if she could send this request or if being the secondary person on the PPA I was required to do so.
Thank you.
Kristen Eastwood
Senior Associate Director
Office of Financial Aid
Rhode Island College
phone: 401-456-8033
fax: 401-456-8686

AMERICAN OVERSIGHT

**From:** Dr. Wanda White
**Sent:** Fri, 27 Mar 2020 20:47:00 +0000
**To:** Cox, Jack;COVID-19
**Cc:** Miller, Christopher;Martin, Gregory;James JW" Kelley";Dr. Monty Hickman
**Subject:** NC Community College System Coronavirus & Title IV Eligibility Questions

To Whom It May Concern:
Please see below additional questions from NC Community College System financial aid administrators in North Carolina. If possible, please review these questions and provide your responses to me as soon as possible. Additional questions may be submitted to you as they arise.

1. The electronic announcement from March 5th included language that said the following:

   The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.

   QUESTION: What do we do if our campus is not "closing", but moving everything to online courses. Therefore, the students are basically not allowed on campus, but since the college did not "close" I'm not sure that we meet the criteria to continue paying them FWS funds. Any help or guidance we can get about that would be appreciated.

2. For any addendums to policies and procedures due to COVID-19, I have been using a start date of 3/16/2020 on these addendums in order to ensure we are aware of when these procedural changes occurred. I have used this date because that is the date our college reassessed our situation to determine what changes were needed to accommodate COVID-19. Since we received dated guidance on 3/5/2020 of adjustments that could be made, can I instead use the date of 3/5/2020 or would it be best to stick with 3/16/2020?

3. We received guidance this week that a possibility for our students that may choose to withdraw is: Withdrawal and application of tuition to a future term.

   I wanted to make sure I am interpreting this correctly. If this situation occurs, students

AMERICAN OVERSIGHT

would withdraw from their classes for this semester and would be subject to R2T4 guidelines. If the student chose to return in the Fall 2020 semester, the student could register for the class withdrawn, and not pay tuition and fees for that class, correct?

If yes, it would be my assumption that the tuition and fees would not be prorated because the student would have to take the entire class again. So, if the tuition and fees for a 3-hour class is $270.20, the student would receive a full $270.20 credit on their Fall 2020 tuition and fees statement, correct? I say the student would receive a credit because there is always the possibility that tuition and fees could increase for the Fall 2020 semester so it may not necessarily be a wash out for the student.

Because the student was withdrawn for the Spring 2020 semester and subjected to R2T4 guidelines, would I still be able to award the student financial aid for the class during the Fall 2020 semester, even though there is a possibility the student will not be charged any tuition and fees for the class?

This is a loaded question, but I have been unable to find any particular guidance on this and want to make sure I fully understand. Thanks so much!

4. In regard to R2T4's for the COVID-19. We have some programs that are looking to assign students "Incompletes" for their classes, i.e. Cosmetology.

   Would the incomplete constitute an R2T4 since the student will no longer be attending the class for longer than 14 days?

   **4. A.** If yes, this would be similar to how we handle an "F" grade, correct? So, the student would still have an "I" for their grade, but we would have to consider them withdrawn from the class because they would not be in attendance in the class for longer than a 14-day period.

   **4.B.** If we are able to constitute an appropriate Leave of Absence for the student, I understand the student has 180 days to complete the assignment for the class. Would it be best to still assign the student an "I" in the course? If yes, in this situation, if the student has a legitimate leave of absence, the "I" grade would not be treated as a withdrawal.

5. I know the FWS community waiver for 2020-2021 waiver is open at this time and due by 4/20/2020. We, at Mayland CC, have been blessed with the opportunity to fill this position in years past and haven't required a waiver. However, I worry that given the current circumstances, if this will be more difficult this go around. I wonder, would it be

AMERICAN OVERSIGHT

possible that the deadline will be extended on the waiver until we can better know if this will become an issue for us?

I know everyone is just trying to stay on top of 2019-2020 FWS at this time, but thought I would ask about this since the deadline is in April.
Thanks in advance for your assistance.

Wanda White, Ed.D.

Director of Student Services

NC Community College System

200 West Jones Street
Raleigh, NC 27603
whitew@nccommunitycolleges.edu
919-807-7104
E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and shall be disclosed to third parties when required by the statutes (NCGS.Ch.132).

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Act and shall be disclosed to third parties when required by Chapter 132 of the North Carolina General Statutes.

AMERICAN OVERSIGHT

**From:** Dave Sanderson
**Sent:** Fri, 27 Mar 2020 20:29:59 -0400
**To:** COVID-19
**Cc:** dave@appliedtechnetronics.com
**Subject:** Distance Learning and Virtual Classrooms

If folks are looking for support for Distance Learning and Virtual Classrooms, please feel free to send them our way – that what we do and it is my professional background. If you would like to view a free demo of our on-demand Basic Electricity video series, click on this link or copy and paste to your browser: https://vimeo.com/382434613 and use the password: Demo100 – related info attached. Please feel free to connect anytime and review links below – especially our Moodle Learning Management System.

Regards,

Dave Sanderson, M.Ed.
President- Chief Knowledge Management Consultant
Applied Technetronics, Ltd.
Center For Workplace Instructional Design
P.O. Box 146
202 Front Street
Cygnet, Ohio 43413 USA
Voice: 419-348-6180
dave@appliedtechnetronics.com
http://www.appliedtechnetronics.com/#contact
http://www.appliedtechnetronics.com/moodle/
LinkedIn Profile: https://www.linkedin.com/pub/dave-sanderson/9/847/30
www.appliedtechnetronics.com
Facebook page: https://www.facebook.com/AppliedTechnetronics/

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

**From:** Chang, Christopher
**Sent:** Fri, 27 Mar 2020 11:06:32 -0400
**To:** COVID-19
**Subject:** Spring Break

Hello,
I'm writing to request permission for our spring break being extended by 1 week for the spring 2020 semester due to the covid-19 situation. The college is Ulster County Community College, school code 002880
Original dates of spring break - 3/9/20-3/13/20
New spring break - 3/9/20-3/20/20
Please let me know if any additional info is needed. Thanks
--
Christopher Chang
Director of Financial Aid and EOP
Ulster County Community College
491 Cottekill Rd.
Stone Ridge, NY 12484
Tel 845.687.5096
Fax 845.687.5172

AMERICAN OVERSIGHT

**From:** Alicea, Cristen R.
**Sent:** Fri, 27 Mar 2020 13:08:37 +0000
**To:** COVID-19
**Subject:** COVID-19 questions - pass/fail change, and EFA for relief assistance

Good morning! I have a couple more questions related to COVID-19 changes.

Our administration wants to give students the option to change some or all of their courses to pass/fail rather than regular grading. We have not seen any guidance on whether this is permissible or not. Our accreditors are not concerned, and we've made sure that the courses will still count towards the students' degrees. Is there anything that we need to be thinking of or tracking on this other than SAP/unofficial WDs? Is there any guidance about this being allowed or not?

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Thank you!
Sincerely,

Cristen Alicea | Assistant Director
Office of Financial Assistance
University of the Incarnate Word
4301 Broadway, CPO 308, San Antonio, TX 78209
Office: (210) 805-1238 | Fax: (210) 283-5053
Customer Service: (210) 829-6008 | www.uiw.edu/finaid

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**From:** TABACHOW, Daisy
**Sent:** Fri, 27 Mar 2020 16:27:54 +0000
**To:** COVID-19
**Subject:** Need clarity on this question

Due to COVID-19, we are going to cancel OCTH547 for the spring 2020 term and movie it to summer 2020.

Because the course has not started yet, the students will receive a withdrawn with no grade.

How does this affect already awarded Title IV funds?

Must I adjust the aid to reflect the number of credits they were awarded for since the course will not be started in the Spring trimester?

**Daisy Tabachow**
Financial Aid Director
Daisy.Tabachow@ahu.edu
407-303-9203

This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and exempt from disclosure under applicable law or may constitute as attorney work product. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, notify us immediately by telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.

AMERICAN OVERSIGHT

**From:** Matt Fortino
**Sent:** Fri, 27 Mar 2020 17:58:55 +0000 (UTC)
**To:** COVID-19
**Subject:** Federal Work Study Question

Hello, if a school closes due to COVID-19 Pandemic can FWS's be paid for hours they have not worked but would have worked if school had not been closed? Does this qualify as a natural disaster? Just want to make sure I am doing the right thing. Please advise.
Thank you,
Matt Fortino, MLS

AMERICAN OVERSIGHT

**From:** Amy Pruitt
**Sent:** Fri, 27 Mar 2020 19:34:20 +0000
**To:** COVID-19
**Subject:** Distance Education

We are working on distance education for our students. I have a couple questions for you:
Full time students are 30 hours per week. If we offer them distance education and they take advantage of it there is no way they would sit in front of a computer 7.5 hours per day for 4 days (which is their typical schedule). We are looking at doing 3.75 hours a day for 4 days a week, which would take them to half time status. I know we would need to adjust their contract and schedules. We would still be able to get financial aid for them because they would not fall below half time. Do I need to adjust NSLDS enrollment reporting to show that they are now half time? Then once we reopen adjust everything back to full time status.
Our part time program is 15 hours per week; if we cut that in half they would fall below half time. I would adjust their contract and schedules. Do I need to report that for NSLDS Enrollment Reporting that they have dropped below half time?
I am not sure if our students will take advantage of this or not; we are sending an email to them today. I just want to make sure we are doing everything correctly. Take care!

Amy Pruitt
Get Outlook for iOS

AMERICAN OVERSIGHT

**From:** Sally Mickelson
**Sent:** Fri, 27 Mar 2020 20:09:31 +0000
**To:** COVID-19
**Subject:** Exceptions to published admissions requirements related to COVID-19

We have a program that requires a standardized exam score (TEAS test)) as part of their admissions criteria. We have been informed that there is a wait of several months to sign up with a third-party proctor to administer those tests online, if at all, but we have a start date in July for that program.

Our program is considering suspending that criteria from our admissions criteria **temporarily**. If they suspend that criteria but do not issue a new catalog addendum (i.e., we document the suspension internally only), would students admitted during that suspension be eligible for Title IV funds? They are NOT admitting them conditionally, but suspending that admissions requirement temporarily.

My understanding is that you must follow your published admissions criteria for a student to be eligible for Title IV funds.

Thanks,
Sally

**Sally Mickelson, BA**
Roseman University of Health Sciences
Financial Aid
Director of Financial Aid
11 Sunset Way, Henderson, NV 89014
Office: 702-968-2004

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SOUTH JORDAN CAMPUS | 10920 S. River Front Parkway | South Jordan | Utah | 84095 | 801-302-2600

AMERICAN OVERSIGHT

**From:** Martin, Gregory
**Sent:** Fri, 27 Mar 2020 21:52:18 +0000
**To:** Dr. Wanda White;Cox, Jack;COVID-19
**Cc:** Miller, Christopher;James JW" Kelley";Dr. Monty Hickman;Hilsey, Shaina;Musser, David
**Subject:** RE: NC Community College System Coronavirus & Title IV Eligibility Questions

See the embedded. This was written very quickly, so please forgive any typos.

Greg

---

**From:** Dr. Wanda White <whitew@nccommunitycolleges.edu>
**Sent:** Friday, March 27, 2020 4:47 PM
**To:** Cox, Jack <Jack.Cox@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Miller, Christopher <Christopher.Miller@ed.gov>; Martin, Gregory <Gregory.Martin@ed.gov>; James "JW" Kelley <kelleyj@nccommunitycolleges.edu>; Dr. Monty Hickman <hickmanm@nccommunitycolleges.edu>
**Subject:** NC Community College System Coronavirus & Title IV Eligibility Questions

To Whom It May Concern:

Please see below additional questions from NC Community College System financial aid administrators in North Carolina. If possible, please review these questions and provide your responses to me as soon as possible. Additional questions may be submitted to you as they arise.

1. The electronic announcement from March 5th included language that said the following:

   The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.

   QUESTION: What do we do if our campus is not "closing", but moving everything to online courses. Therefore, the students are basically not allowed on campus, but since the college did not "close" I'm not sure that we meet the criteria to continue paying them FWS funds. Any help or guidance we can get about that would be appreciated. Using the flexibility is contingent upon the FWS recipient being unable to complete his or her work

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obligation as a result of a COVID-19 circumstance. You may pay students FWS who are unable to work because they are now attending online.

2. For any addendums to policies and procedures due to COVID-19, I have been using a start date of 3/16/2020 on these addendums in order to ensure we are aware of when these procedural changes occurred. I have used this date because that is the date our college reassessed our situation to determine what changes were needed to accommodate COVID-19. Since we received dated guidance on 3/5/2020 of adjustments that could be made, can I instead use the date of 3/5/2020 or would it be best to stick with 3/16/2020? This is a matter of institutional discretion. The flexibility extends to all payment periods that begin on or between March 5 and June 1, 2020, so either date will work and be compliant.

3. We received guidance this week that a possibility for our students that may choose to withdraw is: Withdrawal and application of tuition to a future term.

   I wanted to make sure I am interpreting this correctly. If this situation occurs, students would withdraw from their classes for this semester and would be subject to R2T4 guidelines. If the student chose to return in the Fall 2020 semester, the student could register for the class withdrawn, and not pay tuition and fees for that class, correct? What an institution refunds or charges students is outside of the Department's purview. Schools may certainly allow students to return in fall and reenroll in classes from which they withdrew without charge. This could be accomplished in one of two ways. The first option would be to not charge at all, the cost for the course(s). In that case the cost of the course(s) must be excluded from the tuition and fee component of the COA. The other option is to charge for the courses but then apply a voucher or waiver to the student's account. The amount of the voucher or waiver would be considered EFA.

   If yes, it would be my assumption that the tuition and fees would not be prorated because the student would have to take the entire class again. That is an institutional decision. So, if the tuition and fees for a 3-hour class is $270.20, the student would receive a full $270.20 credit on their Fall 2020 tuition and fees statement, correct? Again, this is up to each institution. I say the student would receive a credit because there is always the possibility that tuition and fees could increase for the Fall 2020 semester so it may not necessarily be a wash out for the student. As explained above, any credit, voucher, waiver etc. applied to the student's ledger account for next year's charges is considered EFA.

   Because the student was withdrawn for the Spring 2020 semester and subjected to R2T4 guidelines, would I still be able to award the student financial aid for the class during the Fall 2020 semester, even though there is a possibility the student will not be charged any tuition and fees for the class? Yes. The amount of tuition charged has no bearing on whether the student is eligible to receive aid. Even if there was no tuition charge, the other elements of the COA would exist. It will, of course, potentially affect the student's

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financial aid package, i.e., lower costs could lead to less need and/or being eligible for lesser amounts of aid.

This is a loaded question, but I have been unable to find any particular guidance on this and want to make sure I fully understand. Thanks so much!

4. In regard to R2T4's for the COVID-19. We have some programs that are looking to assign students "Incompletes" for their classes, i.e. Cosmetology.

Would the incomplete constitute an R2T4 since the student will no longer be attending the class for longer than 14 days? Incomplete grades for all classes may not be used as an alternative to considering a student to be withdrawn. The 14-day rule is not a factor here, as there is no doubt as to the last day of attendance and withdrawal date/date of determination. Institutions have 30 days from the date of determination to perform the calculation and 45 days to return funds. That clock begins as of the cessation of classes. It is possible to sort of "hold things in abeyance" for that time, but if classes do not resume, students must be considered withdrawn and funds returned. Assigning incomplete grades will not change this. It is far more practical to put all students on an approved LOA (that is, if the school fully expects classes to resume within 180 days). This provides far more flexibility, and our COVID-19 guidance allows schools to do this for all students even when classes are not being conducted.

**4. A.** If yes, this would be similar to how we handle an "F" grade, correct? So, the student would still have an "I" for their grade, but we would have to consider them withdrawn from the class because they would not be in attendance in the class for longer than a 14-day period. See above

**4.B.** If we are able to constitute an appropriate Leave of Absence for the student, I understand the student has 180 days to complete the assignment for the class. An approved LOA is not an incomplete. Accordingly, it is not a time period for students to finish work which they then turn in to have the period of enrollment considered complete. With an approved LOA, there is the presumption that the student come back at a certain point and resume classes at the point he or she left off. Thus the period of enrollment is competed. If the student does not return, he or she must be treated as a withdrawal. An LOA cannot be used to shorten the academic year or the length of classes. Would it be best to still assign the student an "I" in the course? If yes, in this situation, if the student has a legitimate leave of absence, the "I" grade would not be treated as a withdrawal. This is, of course, up to each institution. But it is important to bear in mind the purpose of an I grade. They are generally given where a student has completed, or very nearly completed, the entire class but has not fulfilled all academic requirements; perhaps a final remains to be taken or a paper turned in. If students cease attending all classes, they must be considered withdrawn. That is why an approved LOA is the better option for those

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schools that can use it.

5. I know the FWS community waiver for 2020-2021 waiver is open at this time and due by 4/20/2020. We, at Mayland CC, have been blessed with the opportunity to fill this position in years past and haven't required a waiver. However, I worry that given the current circumstances, if this will be more difficult this go around. I wonder, would it be possible that the deadline will be extended on the waiver until we can better know if this will become an issue for us? There is no extension at this time. It might be better to apply for the waiver. There is no problem if you do end up fulfilling the community service expenditure requirement.

   I know everyone is just trying to stay on top of 2019-2020 FWS at this time, but thought I would ask about this since the deadline is in April.

Thanks in advance for your assistance.

Wanda White, Ed.D.

Director of Student Services

NC Community College System

200 West Jones Street

Raleigh, NC 27603

whitew@nccommunitycolleges.edu

919-807-7104

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**From:** Jannice Williams
**Sent:** Fri, 27 Mar 2020 18:36:50 -0500
**To:** COVID-19
**Subject:** LOA

I am from a clock hour school and I was reading the March 5th Covid-19 information. It mentioned that a student could take a leave of absence due to covid-19 correct.

Sent from my iPhone
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The contents of this email message and any attachments are confidential and are intended solely for addressee. The information may also be legally privileged. This transmission is sent in trust for the sole purpose of delivery to the intended recipient. If you have received this transmission in error, any use, reproduction or dissemination of this transmission is strictly prohibited. If you are not the intended recipient, please immediately notify the sender.

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**From:** Frady, Abbey
**Sent:** Fri, 27 Mar 2020 18:30:20 +0000
**To:** COVID-19
**Cc:** Gillette, Lisa;Bentley-Memon, Millicent;Carr, Steven;Martinez, Sarah
**Subject:** FW: Query regarding disaster pay

Hello,

Please see the email below from Miami Dade College. Thank you for your assistance.

Sincerely,

Abbey

(b)(6)

Education Program Specialist
High School Equivalency Program (HEP)
College Assistance Migrant Program (CAMP)
Office of Migrant Education
U.S. Department of Education
400 Maryland Avenue, SW, 3E321
Washington, D.C. 20202

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The mission of the Office of Migrant Education is to provide excellent leadership, technical assistance and financial support to improve the educational opportunities and academic success of migratory children, youth, agricultural workers, fishers and their families.

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**From:** Dalberry, Barbara <bdalberr@mdc.edu>
**Sent:** Friday, March 27, 2020 1:34 PM
**To:** Frady, Abbey <Abbey.Frady@ed.gov>
**Subject:** Query regarding disaster pay

PR # S149A170023-19
Miami Dade College CAMP

Hello Abbey,

How are you doing? I hope you are doing ok during these difficult and unusual circumstances we are facing as a nation. I want you to know that like all other CAMP programs across the

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country, MDC CAMP has moved to the remote environment and is continuing to deliver support services to our students in order to help them through these uncertain times. Our immediate focus in the short run is on retention strategies to keep them engaged in their education and to reduce their struggles with the disruption to their lives on all fronts.

I have a question for you: does the OME allow disaster pay to be billed to the grant? Since generally, only clocked hours worked can be billed to a grant, (but each grant varies and these are extenuating times), we wanted to know if this is allowable. If not, that is fine also. Please let me know.

Stay safe,
Barbara.

Barbara Dalberry
Director - CAMP
College Assistance Migrant Program
MDC Homestead Campus
500 College Terrace, Homestead, FL 33030
305-237-5083 / bdalberr@mdc.edu

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**From:** Hendricken, Kelly
**Sent:** Fri, 27 Mar 2020 18:31:53 +0000
**To:** COVID-19
**Cc:** Thompson, Patricia;Terwilliger, Erika
**Subject:** Guidance for SUNY System on changes in term structure

To Whom it May Concern:

SUNY is seeking clarification on some NASFAA guidance that was produced on changes in term structure. We have questions because the ED guidance was not particular clear on more granular details and scenarios and we want to ensure we are advising our entire system properly. Thank you for your attention to this. See below:

**Changes in term structure (shortening spring 2020 semester)**

Some campuses indicate they extended the 'Spring Break' for spring 2020 semester, which resulted in a shortening of the term. General guidance from NASFAA during their webinar on March 17th advised institutions that a reduction in term length below 15 weeks and below 30 weeks annually would require a campus to request approval from ED by contacting their participation team member. If approved, the campus would not need to recalculate for R2T4 for the Spring 202 semester. One campus noted that ED modified the requirement for a semester to allow for a 14 week semester. This campus also indicted they have a longer fall semester and when added to a 14 week spring semester the annual requirement would not fall below the annual requirement of 30 week.

The questions are:

- If a campus reduces the Spring 2020 semester below 15 weeks to 14 weeks and the annual weeks ***are below*** 30 weeks, do they need to request approval since the Revised Policy for Standard Term Length electronic announcement, **https://ifap.ed.gov/electronic-announcements/110519RevisionGuidelinesApplicableStandardTerms**, indicates semesters and trimesters may now be between 14 and 21 weeks of instruction?
- If a campus reduces the Spring 2020 semester below 15 weeks to 14 weeks and the annual weeks ***are equal to or greater than*** 30 weeks because they had a longer fall 2019 semester, do they need to request approval?

Hope to hear from you soon.

Sincerely,

Kelly Hendricken

**Kelly H. Hendricken, Esq.**
*Assistant Counsel*
Office of General Counsel
The State University of New York

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State University Plaza - Albany, New York 12246
Tel: 518.320.1400 Fax: 518.320.1541
Pronouns: She/Her/Hers

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**ATTORNEY CLIENT PRIVILEGED**

The information contained in this e-mail may be privileged and confidential and is intended only for named recipients.

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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:08:58 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: All APS and New Mexico Schools Closed for the Remainder of the School Year

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**From:** Tullos, Tanya <tanya.tullos@ed.gov>
**Sent:** Friday, March 27, 2020 1:49 PM
**To:** Hernandez-Marshall, Angela <Angela.Hernandez-Marshall@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bianca <Bianca.Williams@ed.gov>
**Subject:** FW: All APS and New Mexico Schools Closed for the Remainder of the School Year

---

**From:** Thompson, Daisy <thompson_dai@aps.edu>
**Sent:** Friday, March 27, 2020 1:36 PM
**To:** Tullos, Tanya <tanya.tullos@ed.gov>
**Subject:** FW: All APS and New Mexico Schools Closed for the Remainder of the School Year

fyi

Dr. Daisy Thompson, Senior Director
Indian Education
Albuquerque Public Schools
6400 Uptown Blvd. NE., Suite 460W
Albuquerque, NM 87110
PH: 505 884 6392 Etx. 80039
CELL: 505 362 7935
FAX: 505 872 8849
Email: Thompson_dai@aps.edu

**From:** Albuquerque Public Schools [mailto:AlbuquerquePublicSchools.no-reply@aps.edu]
**Sent:** Friday, March 27, 2020 10:44 AM
**To:** Thompson, Daisy <thompson_dai@aps.edu>
**Subject:** All APS and New Mexico Schools Closed for the Remainder of the School Year

# All APS schools will be CLOSED FOR THE REMAINDER OF THE SCHOOL YEAR in response

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**to the ongoing international coronavirus pandemic.**

**The closure of all New Mexico public schools was ordered by the New Mexico Public Education Department to reduce the spread of the contagious virus.**

**APS is working on a continuous learning plan for all students for the rest of the school year.**

**In the meantime, supplemental online and printed learning materials are being provided for families.**

**More information and updates are posted on APS.edu.**

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Albuquerque Public Schools would like to continue connecting with you via email. If you are the parent of an APS student and prefer to be removed from our list, please contact your child's school directly to unsubscribe. APS employees with an aps.edu e-mail address cannot unsubscribe. All other recipients may unsubscribe by following this link to stop receiving all e-mail messages distributed through our SchoolMessenger service Unsubscribe

SchoolMessenger is a notification service used by the nation's leading school systems to connect with parents, students, and staff through voice, SMS text, email, and social media.

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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:36:46 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: At-Home Distance Learning Opportunity

Hello

The email below was received in the COVID-19 mailbox.

---

**From:** Tywanna Glapion <TGlapion@thebridgeschool.net>
**Sent:** Friday, March 27, 2020 8:59 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** At-Home Distance Learning Opportunity

The Bridge School offers accredited online educational opportunities to students in grades 6th – 12th. We provide a comprehensive, personalized curriculum that has individual flexibility and encourages students to maximize their academic potential. We are a year round, online, private school offering:

- AP courses and elective courses to support individual student needs
- Individual core courses to augment a student's school-based curricula, including credit recovery *(transferable credit to schools)*
- Coursework for alternative and at-risk students

The Bridge School has achieved the gold standard for credit transferability, diploma recognition, and credibility as an accredited SACS-CASI (Southern Association of Colleges and Schools Council on Accreditation and School Improvement) school. Also, the Bridge School is approved by The Texas Education Agency through TEPSAC (Texas Education Private School Accreditation Commission). Our school number is: 101-232-001

Our core courses are accepted by the NCAA, school code 443636.

Our advanced placement (AP) courses have been recognized by The College Board annually since 2014.

TheBridgeSchool.net
An Accredited Online School for Grades 6-12

Tywanna Glapion, M.Ed.
Project Manager/Enrollment Advisor/AP Mentor
tglapion@thebridgeschool.net

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**The Bridge School**
3333 Bering Drive
Houston, Texas 77057
Phone: 713-974-2066 Fax: 888-825-8573

Sent from Mail for Windows 10

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**From:** Porcha Wright
**Sent:** Sat, 28 Mar 2020 14:34:11 +0000 (UTC)
**To:** COVID-19
**Subject:** Fw: Awareness

----- Forwarded Messag(b)(6)
**From:** Porcha Wright <
**To:** covid-19@slhelp.gov <covid-19@slhelp.gov>
**Sent:** Saturday, March 28, 2020, 10:28:51 AM EDT
**Subject:** Awareness

----- Forwarded Messag
**From:** Porcha Wright <(b)(6)
**To:** covid-19@slhelp.gov <covid-19@slhelp.gov>
**Sent:** Saturday, March 28, 2020, 10:24:21 AM EDT
**Subject:**

Hello, I currently work for a job that consists of us to stay in contact of residents coming in and out of the living community we were told to wear gloves. But at this point I feel as if it is not working. People are still constantly going in and out and I am left to take IDs. Back and forth. I don't feel safe. I just wanted to know. Is it a way that The association can slow down the traffic So if someone has it I will not get infected and send it to my kids. People are doing as much as coughing on their IDs. They are taking it as a joke. And I really do not want to quit my job due to my safety. And not be able to pay my rent. Can someone please help?

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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:14:25 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CARES allocations

Hello

The inquiry below was received in the COVID-19 mailbox.

-----Original Message-----
From: Stephenson, Todd <Todd.Stephenson@ed.gov>
Sent: Friday, March 27, 2020 3:36 PM
To: COVID-19 <COVID-19@ed.gov>
Cc: Rooney, Patrick <Patrick.Rooney@ed.gov>
Subject: FW: CARES allocations

-----Original Message-----
From: Curtin, Robert C (DOE) <robert.c.curtin@state.ma.us>
Sent: Friday, March 27, 2020 3:28 PM
To: Stephenson, Todd <Todd.Stephenson@ed.gov>
Subject: CARES allocations

Todd, any idea when we might have some preliminary CARES Act allocations?

Thanks and hope all is well.

Rob

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 20:11:52 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Choctaw Nation of Oklahoma- S299A160031

Hello,

The inquiry below was received in the COVID-19 mailbox. Please respond.

---

**From:** Marianne Akins <makins@choctawnation.com>
**Sent:** Thursday, March 26, 2020 2:32 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Robin Counce <rcounce@choctawnation.com>; Williams, Bianca <Bianca.Williams@ed.gov>; Kelly Brame <kbrame@choctawnation.com>
**Subject:** Choctaw Nation of Oklahoma- S299A160031

Good Afternoon:

As we face the Covid-19 pandemic, our federal grant program, Project Impact, is also faced with adversity and concern. Below is an email from Chief Batton of the Choctaw Nation of Oklahoma implementing the closure of all administrative offices effective March 24.

Currently, we have been forced to cancel all face to face meetings with grant evaluators and rely solely by email and phone correspondence. Another obstacle we vision is the ability to accurately report financial data due to the accounting department work from home situation. As you may already know, the Oklahoma State Board of Education voted unanimously on Wednesday, March 25, to cancel all public schools for the remaining 2019-2020 school year. Our program has had to cancel numerous events and we are working tirelessly with our school district to provide adequate online instruction methods.

Thank you for your time, and we appreciate any and all consideration for an extension of the May 1 deadline for the Annual Performance Reports.

AMERICAN OVERSIGHT

*Yakoke,*
*Marianne Akins, MS*
**Program Coordinator | Project Impact | TAG**
**Choctaw Nation Career Development**
makins@choctawnation.com | **580.775.7547**
www.choctawcareers.com

---

**From:** Gary Batton <gbatton@choctawnation.com>
**Sent:** Monday, March 23, 2020 3:28 PM
**Subject:** ATTENTION ALL ASSOCIATES

**ATTENTION ALL ASSOCIATES**

Due to the current situation, Choctaw Nation has had to identify positions as mission critical for the purposes of continuity of government and the protection of public health. All personnel not identified as mission critical are required to work from home effective tomorrow, March 24. Mission critical on-site personnel are still required to report to work locations. If you have questions about your position's classification, please contact your supervisor or executive director for specific guidance. Healthcare, public safety and associates required to support operations at Choctaw Nation Travel Plazas, Country Markets and Chili's are considered mission critical on-site personnel. We appreciate how the associates in mission critical positions support the infrastructure of our tribal government, community, state and nation. Your role in providing healthcare, food and other life essential items and services, supporting the transportation infrastructure (truck drivers and operators) and enabling continuity of government are imperative.

Choctaw Nation will be closing its administrative offices to the public on March 24 and encouraging tribal members to contact Member Services departments via phone, email or other distance communication methods. We will be prioritizing Healthcare, Emergency Services, Food Distribution, LIHEAP and other critical member services. Tribal members may expect interruptions and delays to some tribal services during this time.

If you are able to work from home, please continue to do so as you are supporting the continuity of tribal operations. If you are unable to perform your job function from home and are not considered a mission critical function during this time, the Choctaw Nation of Oklahoma will continue to provide full pay and benefits through April 6. We will provide further updates in regards to pay, benefits, and the return to normal operations as we continue to monitor and evaluate this very fluid situation. We encourage all associates to maintain communication with their supervisor and official Choctaw Nation communication channels.

Yakoke,

Gary Batton, Chief

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Choctaw Nation of Oklahoma

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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 20:11:15 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Choctaw Nation of Oklahoma- S299A160031

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AMERICAN OVERSIGHT

*Yakoke,*
*Marianne Akins, MS*
**Program Coordinator | Project Impact | TAG**
**Choctaw Nation Career Development**
makins@choctawnation.com | **580.775.7547**
www.choctawcareers.com

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Choctaw Nation of Oklahoma

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Currently, we have been forced to cancel all face to face meetings with grant evaluators and rely solely by email and phone correspondence. Another obstacle we vision is the ability to accurately report financial data due to the accounting department work from home situation. As you may already know, the Oklahoma State Board of Education voted unanimously on Wednesday, March 25, to cancel all public schools for the remaining 2019-2020 school year. Our program has had to cancel numerous events and we are working tirelessly with our school district to provide adequate online instruction methods.

Thank you for your time, and we appreciate any and all consideration for an extension of the May 1 deadline for the Annual Performance Reports.

AMERICAN OVERSIGHT

*Yakoke,*
*Marianne Akins, MS*
**Program Coordinator | Project Impact | TAG**
**Choctaw Nation Career Development**
makins@choctawnation.com | **580.775.7547**
www.choctawcareers.com

---

**From:** Gary Batton <gbatton@choctawnation.com>
**Sent:** Monday, March 23, 2020 3:28 PM
**Subject:** ATTENTION ALL ASSOCIATES

**ATTENTION ALL ASSOCIATES**

Due to the current situation, Choctaw Nation has had to identify positions as mission critical for the purposes of continuity of government and the protection of public health. All personnel not identified as mission critical are required to work from home effective tomorrow, March 24. Mission critical on-site personnel are still required to report to work locations. If you have questions about your position's classification, please contact your supervisor or executive director for specific guidance. Healthcare, public safety and associates required to support operations at Choctaw Nation Travel Plazas, Country Markets and Chili's are considered mission critical on-site personnel. We appreciate how the associates in mission critical positions support the infrastructure of our tribal government, community, state and nation. Your role in providing healthcare, food and other life essential items and services, supporting the transportation infrastructure (truck drivers and operators) and enabling continuity of government are imperative.

Choctaw Nation will be closing its administrative offices to the public on March 24 and encouraging tribal members to contact Member Services departments via phone, email or other distance communication methods. We will be prioritizing Healthcare, Emergency Services, Food Distribution, LIHEAP and other critical member services. Tribal members may expect interruptions and delays to some tribal services during this time.

If you are able to work from home, please continue to do so as you are supporting the continuity of tribal operations. If you are unable to perform your job function from home and are not considered a mission critical function during this time, the Choctaw Nation of Oklahoma will continue to provide full pay and benefits through April 6. We will provide further updates in regards to pay, benefits, and the return to normal operations as we continue to monitor and evaluate this very fluid situation. We encourage all associates to maintain communication with their supervisor and official Choctaw Nation communication channels.

Yakoke,

Gary Batton, Chief

AMERICAN OVERSIGHT

Choctaw Nation of Oklahoma

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If you have received this message in error, you are hereby notified that we do not consent to any reading, dissemination, distribution or copying of this message. If you have received this communication in error, please notify the sender immediately and destroy the transmitted information. Please note that any view or opinions presented in this email are solely those of the author and do not necessarily represent those of the Choctaw Nation.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:20:25 +0000
**To:** VanderPloeg, Laurie;Wexler, Larry;Corr, Gregg
**Cc:** COVID-19
**Subject:** FW: consent

Hello

The email below was received in the COVID-19 mailbox.

---

**From:** Simpson, Jennifer <Jennifer.Simpson@ed.gov>
**Sent:** Friday, March 27, 2020 9:58 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: consent

See question from GA-C regarding the need to obtain written consent for EI telehealth services. Medicaid says verbal consent is permissible.

---

**From:** Pennington, Lisa <lisa.pennington@dph.ga.gov>
**Sent:** Friday, March 27, 2020 6:54 AM
**To:** Simpson, Jennifer <Jennifer.Simpson@ed.gov>
**Subject:** consent

Hi Jennifer,

We will be implementing telehealth services statewide and are trying to work through the consent piece. Our Medicaid office has released guidance that consent can be verbal. I understood that parental consent should be in writing but wondered during these times, if OSEP is considering any accommodations for that? Thanks!

Lisa Pennington, MS, MA, LPC
Deputy Director, Early Intervention
Division of Health Promotion
Georgia Department of Public Health
2 Peachtree St., NW, 11th Floor/11-453
Atlanta, GA 30303
404-651-5995 (office)
404-326-0448 (cell)
lisa.pennington@dph.ga.gov

DPH online: www.dph.ga.gov
DPH on Facebook: www.facebook.com/GaDPH
DPH on Twitter: www.twitter.com/GaDPH

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 20:20:48 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: Consulta
**Importance:** High

Hello,

The email below was received in the COVID-19 mailbox.

Translation:

The person who wrote the email is from the financial aid office at LA Escuela Technica de Electricidad, (Electricity Technical School).

But the topic is more about distance learning for currently active students (even though they are currently on recess) and if students that were scheduled to start in April would be eligible to also participate, because of the flexibility that the Department has communicated.

**From:** nquinones@etepr.edu <nquinones@etepr.edu>
**Sent:** Wednesday, March 25, 2020 5:02 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Consulta
**Importance:** High

Saludos,

Tengo una duda y deseo aclararla. La institucion para la que trabajo esta en recesso desde el 16 de marzo de 2020 hasta el 30 de marzo de 2020 y se podria extender. Es por esta razon que estamos trabajando un plan por si se extiende este periodo podamos ofrecer las clases a distancias para los grupos activos actualmente.Mi duda es en el caso de grupos nuevos que teniamos prograados para comenzar en el mes de abril esto es posible. Son estudiantes que su primer termino estaba pautado para este mes de abril y ellos no estan activos.Ya que en un comunicado del departamento indica que hay flexibilidad y deseo verificar. Muchas Gracias por la ayuda que puedan brindar.

Cordialmente

Nellyzaida Quinones Arce
Directora Institucional de Asistencia Economica

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 20:02:05 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: Coronavirus and Eligibility/IEP timelines

Hello,

The inquiry below was received in the COVID-19 mailbox. Please respond.

---

**From:** answers <answers@ed.gov>
**Sent:** Thursday, March 26, 2020 2:1[redacted]
**To:** COVID-19 <COVID-19@ed.gov>; (b)(6) [redacted]
**Subject:** FW: Coronavirus and Eligibility/IEP timelines

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

Dear Amanda Glass,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach

AMERICAN OVERSIGHT

U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Amanda Glass <(b)(6)
Sent: Wednesday, March 25, 2020 5:21 PM
To: answers <answers@ed.gov>
Subject: Coronavirus and Eligibility/IEP timelines

Good afternoon,

I am a speech-language pathologist in a school system in Tennessee. Due to the Coronavirus we cannot return school until April 24th. I deeply care about the children I serve and I truly want what is best for them. At this time as special educators we are expected to uphold Eligibility/IEP timelines during these closures. I work at a very low income school and I am hesitant to want to contact my parents during this time. Many are facing unemployment and it seems petty to contact them about school services their child will not receive at the moment. I urge you to consider waiving these timelines until schools are in session. I say this with the utmost respect during these uncertain times. I realize you all have very difficult jobs and are navigating uncharted waters.

Best regards,

Amanda Glass M.S., CCC-SLP

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:16:05 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: Coronavirus loan payment suspension NSLDS Ticket 1392089

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Matt Coen <Matt@pantheonstudentsolutions.com>
**Sent:** Friday, March 27, 2020 3:57 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Coronavirus loan payment suspension NSLDS Ticket 1392089

Hello,

The answer to this question is not on your https://studentaid.gov/announcements-events/coronavirus website or in the FAQs on IFAP as far as I can see.

When the six month loan payment suspension period ends on Oct 1 2020, will a delinquent borrower who is currently X days past due still be X days past due, or will they be considered current on payments (ie, existing delinquency wiped out and zero days past due).

Thank you.

---

**From:** NSLDS <nslds@ed.gov>
**Sent:** Friday, March 27, 2020 12:44 PM
**To:** Matt Coen <Matt@pantheonstudentsolutions.com>
**Subject:** Re: Coronavirus loan payment suspension NSLDS Ticket 1392089

Good Afternoon,

Unfortunately, we do not have any information on this. Because this question is regarding Policy with Department of Education, please contact the School Participation Team in Chicago, Illinois at (312)730-1511.

If you have any questions please contact us by e-mail at nslds@ed.gov or by phone at 1-800-999-8219. We are open from 8am to 9pm Eastern Time, Monday through Friday.

Thank you,

AMERICAN OVERSIGHT

Sarah

NSLDS Customer Service Center

1-800-999-8219

nslds@ed.gov

---

**From:** Matt Coen <Matt@pantheonstudentsolutions.com>
**Sent:** Friday, March 27, 2020 1:59 PM
**To:** NSLDS
**Subject:** FW: Coronavirus loan payment suspension

Hello,

Can NSLDS answer the question below? I was directed to you from FSA (but as you know your support line is all being routed to voicemail right now)

**The current student loan monthly payment suspension is optional for active payers, but is automatic for any borrower who is currently delinquent, or becomes delinquent (31 days past due) during the 2 month period (or potentially a 6 month period pending legislation). So a borrower will not become more delinquent or default during that time, this is clear. But once the payment suspension period is over, will a delinquent borrower still have the same delinquency date? So if I am 300 days past due and my payments "freeze", will I still be 300 days past due when they unfreeze? In other words, this suspension does not wipe out existing delinquent amounts, correct?**

Thanks,

Matt Coen
Pantheon Student Solutions
(b)(6) *mobile*

---

**From:** FSA Schools Default Management <FSA.Schools.Default.Management@ed.gov>
**Sent:** Friday, March 27, 2020 10:42 AM
**To:** Matt Coen <Matt@pantheonstudentsolutions.com>
**Cc:** FSA Schools Default Management <FSA.Schools.Default.Management@ed.gov>; Default Prevention Assistance <DefaultPreventionAssistance@ed.gov>
**Subject:** RE: Coronavirus loan payment suspension

Good Afternoon,

Thank you for contacting the Cohort Default Rate Team with your inquiry. Our office does not handle this issue. Please contact NSLDS at 1-800-999-8219 or nsldsfap.ed.gov.

**Thank you,**

AMERICAN OVERSIGHT

Cohort Default Rate Team
YM
Operations Performance Management Services

---

**From:** Default Prevention Assistance <DefaultPreventionAssistance@ed.gov>
**Sent:** Friday, March 27, 2020 12:18 PM
**To:** FSA Schools Default Management <FSA.Schools.Default.Management@ed.gov>
**Cc:** Default Prevention Assistance <DefaultPreventionAssistance@ed.gov>; Matt@pantheonstudentsolutions.com
**Subject:** FW: Coronavirus loan payment suspension

Hello,

Please assist with email below. If I have sent this to your office in error please inform. Thank you.

---

**From:** Matt Coen <Matt@pantheonstudentsolutions.com>
**Sent:** Thursday, March 26, 2020 1:47 PM
**To:** Default Prevention Assistance <DefaultPreventionAssistance@ed.gov>
**Subject:** RE: Coronavirus loan payment suspension

Hi, have you discovered any info on the question below?

---

**From:** Matt Coen
**Sent:** Monday, March 23, 2020 4:24 PM
**To:** defaultpreventionassistance@ed.gov
**Subject:** Coronavirus loan payment suspension

Hello, I have a question so we can properly advise our borrowers and school clients:

**The current student loan monthly payment suspension is optional for active payers, but is automatic for any borrower who is currently delinquent, or becomes delinquent (31 days past due) during the 2 month period (or potentially a 6 month period pending legislation). So a borrower will not become more delinquent or default during that time, this is clear. But once the payment suspension period is over, will a delinquent borrower still have the same delinquency date? So if I am 300 days past due and my payments "freeze", will I still be 300 days past due when they unfreeze? In other words, this suspension does not wipe out existing delinquent amounts, correct?**

Thanks for your help,

Matt Coen
Pantheon Student Solutions
(b)(6) *mobile*
www.pantheonstudentsolutions.com

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:03:41 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: COVID 19 Impact on Maintenance of Effort

Hello

The email below was received in the COVID-19 mailbox.

---

**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Thursday, March 26, 2020 4:49 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: COVID 19 Impact on Maintenance of Effort

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov | 202.453.5719

---

**From:** Nakia Jason <Nakia.Jason@LA.GOV>
**Sent:** Thursday, March 26, 2020 4:38 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** COVID 19 Impact on Maintenance of Effort

Good afternoon,

I am inquiring on any information or changes in guidance that may be available to assist SEAs regarding overseeing the challenges that LEAs may face to meet the Maintenance of Effort fiscal requirement.

Please share any guidance or information or references.

Thanks,

Nakia Jason
Federal Audit Supervisor
**Louisiana Department of Education**
1201 North Third Street

AMERICAN OVERSIGHT

Baton Rouge, LA 70802
**(225) 342-2092**
Louisiana Believes
https://2020census.gov/

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:07:57 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Covid 19

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Williams, Bianca <Bianca.Williams@ed.gov>
**Sent:** Friday, March 27, 2020 2:03 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Olympia Kyriakidis <olympia.kyriakidis@sdcoe.net>
**Subject:** FW: Covid 19

Please see concern below.

Bianca

---

**From:** Olympia Kyriakidis <olympia.kyriakidis@sdcoe.net>
**Sent:** Friday, March 27, 2020 1:53 PM
**To:** Williams, Bianca <Bianca.Williams@ed.gov>; Staci Block <staci.block@sdcoe.net>
**Subject:** Covid 19

Hi Bianca,

With Covid 19 being a major, ongoing disruption to learning in San Diego county, we are worried about equity in distance learning resources and some of tribal reservations. Would we able to transition some of our funds to support our tribes in distance learning in order to help meet our outcomes?

*Sincerely,*

*Olympia*

Olympia Kyriakidis, Ed.D.

Senior Director, Multilingual Education and Global Achievement

Learning and Leadership Services

AMERICAN OVERSIGHT

San Diego County Office of Education

Phone: 858-569-5491

Cell Phone: 619-507-6521

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 19:58:43 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: COVID-19 and Part C funds

Hello,

The inquiry below was received in the COVID-19 mailbox. Please respond.

---

**From:** Schneer, Matthew <Matthew.Schneer@ed.gov>
**Sent:** Thursday, March 26, 2020 12:04 PM
**To:** Fox, Leslie <Leslie.Fox@ed.gov>; COVID-19 <COVID-19@ed.gov>; Murray, Susan <Susan.Murray@ed.gov>
**Cc:** Moran, Kate <Kate.Moran@ed.gov>; Corr, Gregg <Gregg.Corr@ed.gov>
**Subject:** RE: COVID-19 and Part C funds

We are working on a Q and A about this. For now, just forward it to the COVID 19 email list, and you can use the language that has been sent out informing them what we are doing. Let me know if you need any questions

---

**From:** Fox, Leslie <Leslie.Fox@ed.gov>
**Sent:** Thursday, March 26, 2020 11:56 AM
**To:** COVID-19 <COVID-19@ed.gov>; Schneer, Matthew <Matthew.Schneer@ed.gov>; Murray, Susan <Susan.Murray@ed.gov>
**Cc:** Moran, Kate <Kate.Moran@ed.gov>; Corr, Gregg <Gregg.Corr@ed.gov>
**Subject:** FW: COVID-19 and Part C funds

Good Morning Matt and Susan,

I have received a question from Puerto Rico-C about use of funds. I will review the information Kate has posted in the COVID-19 one notebook to see if I can find potential answers on my own. I'd like to run any potential reply past our fiscal team before I set up a call with Ana to discuss specifics.

I'm assuming we need more information such as:

1. what are the specific new tasks
2. which Part C personnel are involved in the tasks
3. how much money are they wanting to use
4. how do the tasks specifically support the needs of infants, toddlers and families in Part C
5. any anticipated impact on direct service delivery if funds are diverted

Anything else??

AMERICAN OVERSIGHT

Leslie

---

**Subject:** COVID-19 and Part C funds

Good Morning Leslie,

As you know, the Puerto Rico Department of Health is working with the COVID-19 pandemic. Certain professionals are going to be asked to participate in teams as needs arise, such as epidemiologists, social workers, doctors, nurses, program evaluators and program coordinators. We have questions as to whether new tasks related to the public health emergency can be paid with Part C funds. Does OSEP have a guidance on what Part C funds can be used for in the times of the pandemic?

As always, I appreciate your continuous support.

Ana

Ana Marie Ríos López, MS
IDEA Part C Coordinator
Maternal, Child and Adolescent Health Division
Puerto Rico Department of Health

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 19:44:50 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: COVID-19 Inquiries
**Attachments:** Unofficial Withdrawals, RE: Caldwell Community College, OPEID 00483500 FW: Message from CALDWELL COM CO (98287594400), RE: Message from Greensboro Coll (93362177200), RE: Temporary school closure COVID 19, FW: 00979600 South Seattle College Reduced Operations due to COVID-19

Hello,

This below inquiries were received in the COVID-19 mailbox for OPE. Initially, the emails were sent to FSA on Friday, March 27.

---

**From:** COVID-19
**Sent:** Friday, March 27, 2020 1:04 PM
**To:** federalstudentaid@ed.gov
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: COVID-19 Inquiries

Hello,

The inquiries attached were received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

AMERICAN OVERSIGHT

**From:** Johnson, Cammy
**Sent:** Thu, 26 Mar 2020 20:18:40 +0000
**To:** COVID-19;AskAFed
**Subject:** Unofficial Withdrawals

I'm not sure the answer to this is known yet but it is something that has come up with the end of term fast approaching. Our school policy is that if a student stops attending at any point within the term that the instructor gives a grade of an F1 meaning they attended at least once and then did not return. If a student has all F1 grades they are considered an unofficial withdrawal and a R2T4 calculation is then processed at 50% of the term.

If a student is an unofficial withdrawal we have no way of knowing if this was due to COVID-19 or not, do we continue to process R2T4's on these students and then if they contact saying it was due to COVID-19 go back and reverse the adjustment?

Thank you in advance.

**Cammy Johnson**
Financial Aid System Analyst

My 5 Strengths:
Achiever | Analytical | Responsibility | Positivity | Consistency

*Every Student • Every Day*
Western Technical College
THE ESSENTIAL EXPERIENCE

PHONE: 608.785.9569 | FAX: 608.789.4760
400 7th St. North, La Crosse, WI 54601 | www.westerntc.edu

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Thu, 26 Mar 2020 20:07:17 +0000
**To:** FSA Case Teams
**Cc:** FederalStudentAid;COVID-19;AtlantaSPD
**Subject:** RE: Caldwell Community College, OPEID 00483500 FW: Message from CALDWELL COM CO (98287594400)

Hello.

Please review the following email inquiring about changing and reduced term lengths that I am forwarding to Program Compliance.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Wednesday, March 18, 2020 7:11 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** FW: Caldwell Community College, OPEID 00483500 FW: Message from CALDWELL COM CO (98287594400)

Please see below message and attached voicemail message for your review and response

---

**From:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:24 PM
**Subject:** Caldwell Community College, OPEID 00483500 FW: Message from CALDWELL COM CO (98287594400)

This is from Julie Ahouse, Caldwell Community College, OPEID 00483500, 828-726-2715, Question for process to Extend or shorten Academic Calendar.

Renee

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Thu, 26 Mar 2020 20:06:50 +0000
**To:** AtlantaSPD;COVID-19;FederalStudentAid
**Cc:** FSA Case Teams
**Subject:** RE: Message from Greensboro Coll (93362177200)

Hello.

Please review the following email inquiring about changing and reduced term lengths that I am forwarding to Program Compliance.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Wednesday, March 18, 2020 7:15 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** FW: Message from Greensboro Coll (93362177200)

**Please see below message and attached voicemail for your review and response**

---

**From:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:28 PM

**Subject:** FW: Message from Greensboro Coll (93362177200)

This is from Lindsey Latham, Greensboro College, OPEID 00293000, 336-272-8=7102, ext 5253.

Has questions on Extending the Spring Break/Academic Calendar.

Renee

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Thu, 26 Mar 2020 20:04:22 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** FederalStudentAid;AskAFed
**Subject:** RE: Temporary school closure COVID 19

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Wednesday, March 18, 2020 4:37 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** Fw: Temporary school closure COVID 19

please see COVID-19 question below

---

**From:** (b)(6)
**Sent:** Tuesday, March 17, 2020 2:02 PM
**To:** AskAFed <AskAFed@ed.gov>
**Subject:** Temporary school closure COVID 19

Our institution has decided to temporarily close our campus starting tomorrow for 14 days. I have notified both our state agency and our accreditor following the suggested protocol for both. I am looking for guidance on who I should notify within the Department of Education.

School Code # 014064

AMERICAN OVERSIGHT

Respectfully,


# Aimee Ferguson

Director of Admissions/FA
Bus. 916-735-3777

CITRUS HEIGHTS BEAUTY COLLEGE


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AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Thu, 26 Mar 2020 20:02:13 +0000
**To:** FSA Case Teams
**Cc:** COVID-19
**Subject:** FW: 00979600 South Seattle College Reduced Operations due to COVID-19

Hello,

Please see notice re reduction in school's operations.

Thank you

---

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Wednesday, March 11, 2020 11:25 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: 00979600 South Seattle College Reduced Operations due to COVID-19

Please see the COVID-19 inquiry below.

---

**From:** "Soltis, Corinne" <Corinne.Soltis@Seattlecolleges.edu>
**Date:** Wednesday, March 11, 2020 at 2:23 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>, AskAFed <AskAFed@ed.gov>, "Taylor, Nancy" <Nancy.Taylor@ed.gov>
**Subject:** 00979600 South Seattle College Reduced Operations due to COVID-19

I would like to request that someone call me back at (253) 219-8684.

My name is Corinne Soltis, and I am the Director of Financial Aid at South Seattle College in Seattle, WA OPEID: 00970600

I need to report reduced operations due to the COVID-19 virus on my campus and my college's decision to go remote for staff and students. I also need to request regulatory disaster relief in that, while we are working remotely and the college is operational, we cannot use our remote software to use the EdConnect and EDExpress software to exchange files, request or return funds within regulatory periods.

At this time, please do not call my office number (206) 934-6739 as call forwarding to my above cell phone is not yet operational.

Thank you,

AMERICAN OVERSIGHT

Corinne Soltis

Director of Financial Aid

South Seattle College

corinne.soltis@seattlecolleges.edu

www.southseattle.edu/financial-aid/

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:04:18 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: COVID-19 question that relates to grant S299B160027

Hello,

The inquiry below was received in the COVID-19 mailbox.

---

**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Friday, March 27, 2020 12:54 PM
**To:** COVID-19 <COVID-19@ed.gov>; OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** RE: COVID-19 question that relates to grant S299B160027

HI There

Title I is returning this request and will not be responding as S299B is not one of our CFDA's.

Thanks,
Robert Salley

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov| 202.453.5719

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 27, 2020 10:37 AM
**To:** OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: COVID-19 question that relates to grant S299B160027

Hello,

The inquiry below was received in the COVID-19 mailbox. For tracking purposes, please send a copy of the outgoing response to the COVID-19 mailbox.

Thanks

Christine

AMERICAN OVERSIGHT

**From:** Nancy Engen-Wedin <nengenwedin2@unl.edu>
**Sent:** Thursday, March 26, 2020 3:30 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 question that relates to grant S299B160027

Dear COVID-19 group,

I just got off the phone/Skype meeting with Angela regarding our upcoming Annual Report, and realized I have a question. I am one of the 2016 Grantees, and in this fiscal year we were scheduled, and had some funds attached, to hold a professional development conference that would feature our Indigenous Roots students' and other ROOTS graduate's in a University sponsored conference. This was one of the goals of our 2016 grant award, and it is reported in the APR. (We are also celebrating the 20th Anniversary of the Indigenous Roots Teacher Education program).

Our plans developed, and we ended up coordinating an all day "Indian Education for All" conference bringing together the University of Nebraska Lincoln College of Education - my college. - with the Winnebago Tribe. (We also got some additional SPENCER grant funds to support bringing elders, etc. to this gathering.) The current ROOTS students and graduates were presenting at the conference, about their experiences in a number of areas. The ROOTS students/graduates were involved in individual presentations in the morning session, and were leading discussion tables in the afternoon on a variety of topics. National experts in Indian Education for All were also presenting. We had invited people from across the state including the Nebraska Commissioner of Education, school administrators, teachers, professors, and all the graduates, current students to attend and present. The event was to take place April 13, 2020 in Winnebago. Last week this conference was cancelled/postponed. It was a perfect opportunity for professional development for ROOTS students and graduates (in any phase of the program) and for them to sit at the table, and become a part of the Indian Education for All discussion in our state.

The ROOTS grant included funds to pay for a fee and some travel, and of course there was extensive planning and coordination time required by the ROOTS staff to pull this off, with students and graduates coming to the conference from across the state and elsewhere. We were coordinating this event for most of this fiscal year, starting 10/1/2019 to the present. (The conference was also financially supported by the Winnebago Tribe, the Spencer grant, etc.)

The collaborators have talked about re-scheduling this conference to take place next fall or sometime next academic year on a day when there is professional development scheduled for teachers in Northeast Nebraska (Winnebago, Macy, Walthill, Santee and Niobrara) and other school districts. My question to you, would it be possible for these grant funds, including the staffing needs, to be carried over into the next fiscal year so that we might make this work in the 2020/2021 academic year? We would have to do this as part of our no-cost extensions

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since this is our 4th and final year. We did anticipate requesting a no-cost extension, so perhaps this could be a part of that?

I know I will have other COVID-19 grant questions related to individual students. Thank you for your consideration.

Best,
Nancy Engen-Wedin, Project Director
Indigenous Roots Teacher Education Program
University of Nebraska Lincoln
612-237-4975 - cell
402-472-3856 - voice mail
nengenwedin2@unl.edu - email

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:08:40 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: COVID-19-related inquiries

Hello

The email below was received in the COVID-19 mailbox.

---

**From:** Chamberlain, Michael <Michael.Chamberlain@ed.gov>
**Sent:** Thursday, March 26, 2020 5:17 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19-related inquiries

I received the following questions via emails. These were sent to me through Allen Pratt (allen-pratt@utc.edu) of the National Rural Education Association from two state-wide (though not affiliated with state government) organizations: 1) Margaret Buckhorn of Iowa School Finance Information Services and 2) ElRoy Burkle of North Dakota Small Organized Schools.

1. Many school districts in Iowa are continuing to pay staff during our schools COVID-19 shutdown, at least for the first four weeks, and will have to consider options if the shutdown is extended. The way school finance works in Iowa, however, districts will have to use general funds to pay for special education teachers and paras, if there isn't relief from documentation concerning the hours used to provide special education services.

   Schools remain concerned that hourly support staff in particular will search for other work or more affordable living circumstances and may not be available to return when school resumes if they have to live on reduced income levels from unemployment insurance, especially if the shutdown is extended. With many school districts budgeting in survival mode for the last several years, there just aren't sufficient local dollars to supplant the salaries of our special education staff. We need them to be ready to jump in and help make up for missed time and services when school resumes.

   Please consider allowing districts to flexibility use special education funds to continue to pay special education staff, which would include some short term relief from the regulations to document hours and services provided if employees are paid by schools for days of shutdown due to COVID-19.

2. Has the Title II carry over cap been removed?

Thanks,

**Michael Chamberlain**

AMERICAN OVERSIGHT

**Special Assistant for Rural Outreach**
United States Department of Education
202-213-9385 (C)
202-453-7527 (O)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:50:41 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CSP grantee COVID-19 Inquiry - Florida Department of Education

Hello,

The email below was received in the COVID-19 mailbox.

---

**From:** Gardner, Ashley <Ashley.Gardner@ed.gov>
**Sent:** Friday, March 27, 2020 10:18 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Subject:** CSP grantee COVID-19 Inquiry - Florida Department of Education

Hello,

We received the attached inquiry from our Florida CSP SEA grantee. We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes it is likely already in your records as they have also reached out to others in the Department.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:52:36 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CSP grantee COVID-19 Inquiry - Maryland State Department of Education
**Attachments:** MD Check in, USED questions for CSP 20202_03_25.docx, Re: MD Check in

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Sent:** Friday, March 27, 2020 1:21 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Gardner, Ashley <Ashley.Gardner@ed.gov>; Meeley, Kathryn <Kathryn.Meeley@ed.gov>
**Subject:** CSP grantee COVID-19 Inquiry - Maryland State Department of Education

Hello,

We received the attached inquiries from our Maryland CSP SE grantee. We are including these in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,
Ariel

Ariel Jacobs
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E107 | Washington, D.C. 20202
Ariel.Jacobs@ed.gov | 202.453.6071

AMERICAN OVERSIGHT

**From:** Carol Beck -MSDE-
**Sent:** Wed, 25 Mar 2020 14:45:26 -0400
**To:** Jacobs, Ariel
**Subject:** MD Check in
**Attachments:** USED questions for CSP 20202_03_25.docx

Dear Ariel:

I hope this finds you well. I am attaching a starter list of questions related to what is amounting to a slow-down due to school closures and mandatory tele-work. I am sure these are coming in from everywhere, so no response is expected. I am just sharing so that they can be added to the list for consideration as we continue through the emergency.

In Maryland, the Governor and State Superintendent announced an additional four weeks of school closure through April 24. We are on mandatory telework until further notice.

We were able to proceed with the bulk of the monitoring last week, without school visits of course. I would hope that the monitors might be able to see schools in the fall if not sooner. At this point, I have the information from the office and through remote access to complete the APR and the WestEd data collection. The only possible glitch is if I need data from the state's finance system (which is not available to me remotely) that I did not print ahead I may make a note that I need to validate something when I get access. If there is any thought being given to flexibility around the deadline, let us know!

Take care,
Carol

--

Carol Beck
Director, Office of School Innovations
Maryland State Department of Education
Division of Student Support, Academic Enrichment & Educational Policy
200 West Baltimore Street
Baltimore MD 21201

410.767.3678 voice | 410.333.0880 fax
| carol.beck@maryland.gov

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For Charter School Program updates

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3/25/2020

Questions for USED:

**Will the flexibilities listed in the guidance issued by OMB be applied to CSP grantees? To what extent?**

The flexibilities described include continued payment of staff that are supported by the grant; and allowing some expenses as "losses", e.g. conference registrations or booked travel for meetings that are cancelled, if refunds are not available.

**Grantees/SEs:**

- Will there be an opportunity to review and revise program goals in light of delays linked to the COVID-19 emergency? For example, procurement of services necessary to complete some work of the grant will be delayed under Maryland's mandatory telework order.
- Can planned subgrant competitions be delayed?
- Will no-cost extensions be considered if delays in implementing the grant are attributable to the COVID-19 emergency?
- Can a staff person whose salary is supported by the grant continue to work with that salary charged to the grant? In Maryland, there is one recently hired specialist, who is supported by the grant. At present work is able to continue under the requirement for telework in Maryland.

**Subgrantees:**

- For active subgrantees, can the grantee extend the timeframe of the subgrant, if needed? In Maryland, the subgrantee grant performance period is capped at three years. If a school opening is delayed for an active subgrantee, can Maryland, extend the subgrant time period? In this example, a one-year extension would still result in a subgrantee's total subgrant period being under five years. However, the Planning Period might extend beyond 18 months.
- For active subgrantees, can the SE pause or "stop the clock" for the subgrantee project period timeline upon request? This would allow subgrantees to pause activities and expenditures.
- If the delays caused by the COVID-19 emergency result in additional, unanticipated costs, can the SE consider a supplemental subgrant to cover those, assuming a rigorous vetting for the reasons and assuring that proposed additional costs meet the requirements of the grant for allowable costs? Would any supplemental awards only be allowed if the subgrantee has not already received an award that is the maximum allowed (For 2017 SE grantees the subgrant maximum is $900,000)? Could the supplemental award be made if the total awarded to the subgrantee would exceed the maximum allowed?

AMERICAN OVERSIGHT

3/25/2020

Questions for USED:

**Will the flexibilities listed in the guidance issued by OMB be applied to CSP grantees? To what extent?**

The flexibilities described include continued payment of staff that are supported by the grant; and allowing some expenses as "losses", e.g. conference registrations or booked travel for meetings that are cancelled, if refunds are not available.

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AMERICAN OVERSIGHT

**From:** Carol Beck -MSDE-
**Sent:** Wed, 25 Mar 2020 20:30:02 -0400
**To:** Jacobs, Ariel
**Subject:** Re: MD Check in

Thanks, that's helpful. We are polling subgrantees now about status. Things change daily, of course, but trying to line up the tools we may have to lend support.

Best,
Carol

On Wed, Mar 25, 2020 at 3:31 PM Jacobs, Ariel <ariel.jacobs@ed.gov> wrote:

Hello again,

In looking over your questions, one question under subgrantees that I can respond to is about pausing or "stopping the clock" for subgrantee project periods.

What you can do, as your application specifically limited implementation up to 36 months, is pause the subgrant and not count the time the grant is paused as part of the 36 months. So say a subgrant had 30 months of implementation, and you paused it, when un-paused the subgrantee could complete the remaining 6 months (as long as that all kept the grant within 60 months).

If you were to do this we advise all CSP subgrantees should be provided the same option to pause subgrant activities, the pause would be in effect the moment you communicated to them that no costs should be incurred during the time the subgrant is paused. This should be thoroughly documented and tracked in your files.

Best,

Ariel

---

**From:** Jacobs, Ariel
**Sent:** Wednesday, March 25, 2020 2:57 PM
**To:** Carol Beck -MSDE- <carol.beck@maryland.gov>
**Subject:** RE: MD Check in

AMERICAN OVERSIGHT

Hi Carol,

We are working on an expedited waiver process and guidelines related to COVID and CSP that we will share with all grantees when we are able. Thank you for your questions as it will help us refine our next steps.

As for the APR, yes, I'm happy to grant an extension on the APR submission. Right now our preference is to set the new date to April 20th since need to have them completely final by the end of the month to make continuation awards. Is April 20th amenable to you for an extended FY19 APR submission deadline?

Best,

Ariel

**From:** Carol Beck -MSDE- <carol.beck@maryland.gov>
**Sent:** Wednesday, March 25, 2020 2:45 PM
**To:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Subject:** MD Check in

Dear Ariel:

I hope this finds you well. I am attaching a starter list of questions related to what is amounting to a slow-down due to school closures and mandatory tele-work. I am sure these are coming in from everywhere, so no response is expected. I am just sharing so that they can be added to the list for consideration as we continue through the emergency.

In Maryland, the Governor and State Superintendent announced an additional four weeks of school closure through April 24. We are on mandatory telework until further notice.

AMERICAN OVERSIGHT

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Take care,

Carol

--

Carol Beck
Director, Office of School Innovations
Maryland State Department of Education
Division of Student Support, Academic Enrichment & Educational Policy
200 West Baltimore Street
Baltimore MD 21201

410.767.3678 voice | 410.333.0880 fax
| carol.beck@maryland.gov

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--

AMERICAN OVERSIGHT

Carol Beck
Director, Office of School Innovations
Maryland State Department of Education
Division of Student Support, Academic Enrichment & Educational Policy
200 West Baltimore Street
Baltimore MD 21201

410.767.3678 voice | 410.333.0880 fax
| carol.beck@maryland.gov

**Click here to complete a three question customer experience survey**

Connect with the Maryland State Department of Education on Facebook and @MdPublicSchools on Twitter

For Charter School Program updates follow @MSDE_Charter

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:06:18 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CSP grantee COVID-19 Inquiry - Michigan Department of Education
**Attachments:** CSP grant question, RE: CSP grant question, RE: CSP grant question

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Sent:** Friday, March 27, 2020 1:22 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Gardner, Ashley <Ashley.Gardner@ed.gov>; Meeley, Kathryn <Kathryn.Meeley@ed.gov>
**Subject:** CSP grantee COVID-19 Inquiry - Michigan Department of Education

Hello,

We received the attached inquiries from our Michigan CSP SE grantee. We are including these in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,
Ariel

Ariel Jacobs
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E107 | Washington, D.C. 20202
Ariel.Jacobs@ed.gov | 202.453.6071

AMERICAN OVERSIGHT

**From:** Hatfield, Tammy (MDE)
**Sent:** Tue, 17 Mar 2020 11:35:09 +0000
**To:** Jacobs, Ariel;Gardner, Ashley
**Cc:** Beckwith, Neil (MDE)
**Subject:** CSP grant question

Dear Ariel,

The MDE/PSA team have a few questions during the time that our schools are ordered shut down by the governor. We currently have some hard timelines for the subgrantees based on when they started their grant cycle and am concerned this three week shutdown may impact the execution of grant activities. Please let me know if you have any guidance or directives on this.

We are still conducting our peer review in April, but have moved to a virtual meeting to adhere to the state policy.

Thank you,


**Tammy Hatfield**

Manager
Public School Academies Unit

**Office of Educational Supports**
Michigan Department of Education
John A. Hannah Building
608 W Allegan Street
Lansing, Mi 48909
517-335-2797 desk phone
517-488-8191 cell phone

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Jacobs, Ariel
**Sent:** Mon, 23 Mar 2020 14:39:24 +0000
**To:** 'Hatfield, Tammy (MDE)'
**Cc:** 'Beckwith, Neil (MDE)';Gardner, Ashley
**Subject:** RE: CSP grant question

Good morning Tammy,

I've done some digging and I hope I have some helpful guidance for you. What you can do, as your application specifically limited implementation up to 24 months, is pause the subgrant and not count the time the grant is paused as part of the 24 months or 36 months. So say a subgrant had 21 months of implementation, and you paused it, when un-paused the subgrantee could complete the remaining 3 months (as long as that all kept the grant within 60 months).

If you were to do this we advise all CSP subgrantees should be provided the same option to pause subgrant activities, the pause would be in effect the moment you communicated to them that no costs should be incurred during the time the subgrant is paused. This should be thoroughly documented and tracked in your files.

Best,
Ariel

---

**From:** Jacobs, Ariel
**Sent:** Tuesday, March 17, 2020 1:51 PM
**To:** Hatfield, Tammy (MDE) <HatfieldT@michigan.gov>; Gardner, Ashley <Ashley.Gardner@ed.gov>
**Cc:** Beckwith, Neil (MDE) <BeckwithN@michigan.gov>
**Subject:** RE: CSP grant question

Hi Tammy,

Great question! As you can imagine, things are also a little crazy on our end. I'm working with our leadership and hope to provide guidance back to you very soon.

Thanks,
Ariel

---

**From:** Hatfield, Tammy (MDE) <HatfieldT@michigan.gov>
**Sent:** Tuesday, March 17, 2020 7:35 AM
**To:** Jacobs, Ariel <ariel.jacobs@ed.gov>; Gardner, Ashley <Ashley.Gardner@ed.gov>
**Cc:** Beckwith, Neil (MDE) <BeckwithN@michigan.gov>
**Subject:** CSP grant question

Dear Ariel,

AMERICAN OVERSIGHT

The MDE/PSA team have a few questions during the time that our schools are ordered shut down by the governor. We currently have some hard timelines for the subgrantees based on when they started their grant cycle and am concerned this three week shutdown may impact the execution of grant activities. Please let me know if you have any guidance or directives on this.

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Thank you,

**Tammy Hatfield**

Manager
Public School Academies Unit

**Office of Educational Supports**
Michigan Department of Education
John A. Hannah Building
608 W Allegan Street
Lansing, Mi 48909
517-335-2797 desk phone
517-488-8191 cell phone

AMERICAN OVERSIGHT

**From:** Hatfield, Tammy (MDE)
**Sent:** Mon, 23 Mar 2020 14:45:47 +0000
**To:** Jacobs, Ariel
**Cc:** Beckwith, Neil (MDE);Gardner, Ashley
**Subject:** RE: CSP grant question

Thank you Ariel for this information. Our team will discuss how to move forward with this. WE have already been in contact with one subgrantee that had inquired about possibly putting their subgrant on pause.

An additional question relates to how a school may be eligible and be identified as high performing. With the preliminary waiver for statewide assessments, we will not have the three years of trend data to apply for expansion grants. Will we be able to modify the upcoming rounds to two years and then bypass the gap year? Any insight or guidance would be helpful. If possible, maybe Neil and I can have a conference call with you this week regarding this matter.

Thank you,


**Tammy Hatfield**

Manager
Public School Academies Unit

**Office of Educational Supports**
Michigan Department of Education
John A. Hannah Building
608 W Allegan Street
Lansing, Mi 48909
517-335-2797 desk phone
517-488-8191 cell phone

AMERICAN OVERSIGHT

**From:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Sent:** Monday, March 23, 2020 10:39 AM
**To:** Hatfield, Tammy (MDE) <HatfieldT@michigan.gov>
**Cc:** Beckwith, Neil (MDE) <BeckwithN@michigan.gov>; Gardner, Ashley <Ashley.Gardner@ed.gov>
**Subject:** RE: CSP grant question

Good morning Tammy,

I've done some digging and I hope I have some helpful guidance for you. What you can do, as your application specifically limited implementation up to 24 months, is pause the subgrant and not count the time the grant is paused as part of the 24 months or 36 months. So say a subgrant had 21 months of implementation, and you paused it, when un-paused the subgrantee could complete the remaining 3 months (as long as that all kept the grant within 60 months).

If you were to do this we advise all CSP subgrantees should be provided the same option to pause subgrant activities, the pause would be in effect the moment you communicated to them that no costs should be incurred during the time the subgrant is paused. This should be thoroughly documented and tracked in your files.

Best,
Ariel

---

**From:** Jacobs, Ariel
**Sent:** Tuesday, March 17, 2020 1:51 PM
**To:** Hatfield, Tammy (MDE) <HatfieldT@michigan.gov>; Gardner, Ashley <Ashley.Gardner@ed.gov>
**Cc:** Beckwith, Neil (MDE) <BeckwithN@michigan.gov>
**Subject:** RE: CSP grant question

Hi Tammy,

Great question! As you can imagine, things are also a little crazy on our end. I'm working with our leadership and hope to provide guidance back to you very soon.

Thanks,
Ariel

---

**From:** Hatfield, Tammy (MDE) <HatfieldT@michigan.gov>
**Sent:** Tuesday, March 17, 2020 7:35 AM
**To:** Jacobs, Ariel <ariel.jacobs@ed.gov>; Gardner, Ashley <Ashley.Gardner@ed.gov>
**Cc:** Beckwith, Neil (MDE) <BeckwithN@michigan.gov>
**Subject:** CSP grant question

Dear Ariel,

AMERICAN OVERSIGHT

The MDE/PSA team have a few questions during the time that our schools are ordered shut down by the governor. We currently have some hard timelines for the subgrantees based on when they started their grant cycle and am concerned this three week shutdown may impact the execution of grant activities. Please let me know if you have any guidance or directives on this.

We are still conducting our peer review in April, but have moved to a virtual meeting to adhere to the state policy.

Thank you,

**Tammy Hatfield**

Manager
Public School Academies Unit

**Office of Educational Supports**
Michigan Department of Education
John A. Hannah Building
608 W Allegan Street
Lansing, Mi 48909
517-335-2797 desk phone
517-488-8191 cell phone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:22:35 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CSP grantee COVID-19 Inquiry - OSSE

Hello

The email below was received in the COVID-19 mailbox.

---

**From:** Gardner, Ashley <Ashley.Gardner@ed.gov>
**Sent:** Friday, March 27, 2020 10:08 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Subject:** CSP grantee COVID-19 Inquiry - OSSE

Hello,

We received the attached inquiry from our OSSE CSP SEA grantee. We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:49:07 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CSP grantee COVID-19 Inquiry - South Carolina Department of Education

Hello

The email below was received in the COVID-19 mailbox.

---

**From:** Gardner, Ashley <Ashley.Gardner@ed.gov>
**Sent:** Friday, March 27, 2020 10:15 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Subject:** CSP grantee COVID-19 Inquiry - South Carolina Department of Education

Hello,

We received the attached inquiry from our South Carolina CSP SEA grantee. We are including this in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes.

Sincerely,

Ashley

Ashley Gardner
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E113 | Washington, D.C. 20202
Ashley.Gardner@ed.gov | 202.453.6787

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:54:31 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CSP grantee COVID-19 Inquiry - Tennessee Department of Education
**Attachments:** Tennessee Charter School Program Waiver Request, RE: Tennessee Charter School Program Waiver Request

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Jacobs, Ariel <ariel.jacobs@ed.gov>
**Sent:** Friday, March 27, 2020 1:22 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Gardner, Ashley <Ashley.Gardner@ed.gov>; Meeley, Kathryn <Kathryn.Meeley@ed.gov>
**Subject:** CSP grantee COVID-19 Inquiry - Tennessee Department of Education

Hello,

We received the attached inquiries from our Tennessee CSP SEA grantee. We are including these in a larger request, and are working on guidance and response to the larger request with OGC. We will share that response with the COVID-19 Rapid Response team.

I wanted you to have this request for your tracking purposes, though it is likely already in your records as they have also reached out to others in the Department (see second email attached).

Sincerely,
Ariel

Ariel Jacobs
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E107 | Washington, D.C. 20202
Ariel.Jacobs@ed.gov | 202.453.6071

AMERICAN OVERSIGHT

**From:** Eve Carney
**Sent:** Tue, 17 Mar 2020 19:48:10 +0000
**To:** OESE.OSS.Tennessee;frank.brogran@ed.gov;Rooney, Patrick;Roney, Collette;Jacobs, Ariel;Gardner, Ashley
**Cc:** Penny Schwinn;Judy Spencer;Robert Lundin;Drew Harpool
**Subject:** Tennessee Charter School Program Waiver Request
**Attachments:** TN CSP Waiver_Request_17March20.pdf

Good afternoon,
Please see the attached waiver request for period of availability and flexibility for allowable use of funds for Tennessee's Charter School Program award.

Thank you for your consideration of this request.

Respectfully,
Eve Carney

Eve Carney, Ed.D.|Chief Districts and Schools Officer
Andrew Johnson Tower, 12h Floor
710 James Robertson Parkway, Nashville, TN 37243
615-532-1245
Eve.Carney@tn.gov
tn.gov/education
#TNBestforAll

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**BILL LEE**
GOVERNOR

STATE OF TENNESSEE
**DEPARTMENT OF EDUCATION**
NINTH FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

**PENNY SCHWINN**
COMMISSIONER

March 17, 2020

Assistant Secretary Frank Brogan
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

RE: Charter School Program Waiver Request
Section 5204 of the Elementary and Secondary Education Act

Assistant Secretary Brogan:

The Tennessee Department of Education (TDOE) is seeking a waiver pursuant to Secretarial authority under Section 8401 of the Elementary and Secondary Education Act (20 U.S.C §7861) as the state continues to address both the COVID-19 outbreak and the state of emergency resulting from recent tornadoes across Tennessee. TDOE is seeking this waiver and additional accommodations to allow for the deployment of Charter School Program grant funds to assist charter schools in ensuring continued provision of academic and support services to students during and after the period of extended school closure and community recovery.

***Time Period for Using CSP Grant Funds***

Specifically, TDOE is requesting a waiver to extend the total period of availability for all remaining CSP grant funds to September 30, 2022. With extended school closures, this waiver would allow schools time and flexibility to reset and reevaluate how best to support students following the current crises.

Tennessee counties experienced seven EF3 and EF4 tornadoes on March 2 and 3 which destroyed numerous homes, schools, and lives—the second deadliest tornado outbreak in Tennessee history. We are continuing to support our district and school leaders in recovering from this natural disaster, and the impact on communities is significant. On March 3, Governor Bill Lee declared a state of emergency for this natural disaster.

While in this state of emergency, Tennessee continues to have a growing number of districts that have suspended classes over the past week with the number of confirmed cases of COVID-19 continuing to increase daily. Last week alone, schools serving over 50% of the state's 973,659 students have suspended classes. Yesterday, Governor Bill Lee announced that all public schools in Tennessee would close through the end of March—a decision that would be reevaluated and possibly extended later in the month. Districts and charter entities are working to develop and implement continuity of instruction plans; however, many of our largest urban and suburban districts, serving over 500,000 of Tennessee's students, also serve most of the state's highest poverty schools. Many of their students do not have appropriate access to technology in


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their homes, making instructional continuity more challenging. Further, all Tennessee charter schools are located within one of the state's four largest urban districts.

As noted above, the dual challenges of COVID-19 and tornadoes have significantly impacted the ability of the state's 115 charter schools to serve their nearly 40,000 students. Though nominally functioning under the supervisory auspices of a local LEA, these schools operate largely as independent entities with limited access to shared resources. The majority of the state's charter schools do not belong to a larger CMO, and even the largest CMO in the state solely consists of seven campuses. In this uniquely challenging context, it will be critical for charter schools to share resources and systems across geographic boundaries that will allow for continued provision of academic and support services to students and families.

***Expansion of Definition of "Allowable Activities"***

In light of the foregoing, Tennessee is requesting an expansion of the definition of "Allowable Activities" as specified in §5204(f)(3) to allow TDOE to employ grant funds specifically to ensure that Tennessee charter school students retain continued access to academic instruction throughout this period. Potential examples of permissible expenses under these revised criteria could include technology to be deployed directly to students, supplemental consumable curricular resources, software platforms that would allow for distance learning, supplies associated with preparation of instructional materials, and associated expenses.

In addition, Tennessee is seeking expansion of the definition of "Activities" as specified in §5204(f)(6)(b) to allow TDOE to employ grant funds specifically for the development of collaborative structures that will allow students across multiple affected schools continued access to academic instruction throughout this period. Potential examples of permissible expenses under these revised criteria could include virtual learning platforms serving students across multiple charter schools, shared curricular resources, or cross-utilized staff across schools.

Due to the evolving nature and scope of the current crises Tennessee is facing, we did not provide public notice prior to submission of this waiver request. We will actively communicate this request and provide appropriate follow-up communication with stakeholders.

Thank you for consideration of these requests. The waiver and expanded definitions will ensure that the TDOE is equipped to serve our charter schools in recovering from these crises. Please feel free to contact Judy Spencer, by telephone at (615) 253-5493 or at Judy.Spencer@tn.gov if there are questions regarding this request or if additional information is needed.

Best,

(b)(6)

Dr. Penny Schwinn, Ph.D.
Commissioner

CC: Eve Carney, Chief Districts and Schools Office
Drew Harpool, Chief Financial Officer
Robert Lundin, Assistant Commissioner of School Models & Programs

AMERICAN OVERSIGHT

**From:** OESE.SGR.Tennessee
**Sent:** Wed, 18 Mar 2020 11:16:46 +0000
**To:** Roney, Collette
**Cc:** Rooney, Patrick;Jacobs, Ariel;Gardner, Ashley
**Subject:** RE: Tennessee Charter School Program Waiver Request

Thanks, Collette. I'll be forwarding to the Charter office and cc'ing Brittney in the Front Office so she can track it as controlled. I'm cc'ing the team you mentioned here (minus Frank) for awareness.

(b)(6)
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** Roney, Collette <Collette.Roney@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:52 PM
**To:** OESE.SGR.Tennessee <Tennessee.oese@ed.gov>
**Subject:** FW: Tennessee Charter School Program Waiver Request

SGR – can you get this to the right people in OESE, and cc: those of us below so we know you did? Thanks.

---

**From:** Eve Carney <Eve.Carney@tn.gov>
**Sent:** Tuesday, March 17, 2020 3:48 PM
**To:** OESE.OSS.Tennessee <OSS.Tennessee@ed.gov>; frank.brogran@ed.gov; Rooney, Patrick <Patrick.Rooney@ed.gov>; Roney, Collette <Collette.Roney@ed.gov>; Jacobs, Ariel <ariel.jacobs@ed.gov>; Gardner, Ashley <Ashley.Gardner@ed.gov>
**Cc:** Penny Schwinn <Penny.Schwinn@tn.gov>; Judy Spencer <Judy.Spencer@tn.gov>; Robert Lundin <Robert.Lundin@tn.gov>; Drew Harpool <Drew.Harpool@tn.gov>
**Subject:** Tennessee Charter School Program Waiver Request

Good afternoon,
Please see the attached waiver request for period of availability and flexibility for allowable use of funds for Tennessee's Charter School Program award.

Thank you for your consideration of this request.

Respectfully,
Eve Carney

TN Department of Education

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Eve Carney, Ed.D. | Chief Districts and Schools Officer
Andrew Johnson Tower, 12h Floor
710 James Robertson Parkway, Nashville, TN 37243
615-532-1245
Eve.Carney@tn.gov
tn.gov/education
#TNBestforAll

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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 20:00:03 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Distance Learning

---

**From:** answers <answers@ed.gov>
**Sent:** Thursday, March 26, 2020 2:11 PM
**To:** COVID-19 <COVID-19@ed.gov>; (b)(6) @icloud.com
**Subject:** FW: Distance Learning

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 26, 2020

Ruta Puskorius
(b)(6) @icloud.com

Dear Ruta Puskorius,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist

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Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Ruta Puskorius <(b)(6)@icloud.com>
Sent: Wednesday, March 25, 2020 1:14 PM
To: answers <answers@ed.gov>
Subject: Distance Learning

Dear US Dept. of Ed,
We are now undergoing one of the biggest changes to our educational system with distance learning. The statements and support coming from your offices appear weak. What is the Dept of Education doing specifically to support students, educators, schools, and families? We need to hear from you.
Sincerely,
Ruta Puskorius
Washington, DC

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:32:05 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: EASIE Policy - PSC Ticket #20-03858 (AW) – Ventura Unified School District, CA

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Friday, March 27, 2020 4:37 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: EASIE Policy - PSC Ticket #20-03858 (AW) – Ventura Unified School District, CA

Hello,

OIE has not received this type of question in the past. So, I am not sure how to answer this question. Please share any guidance.

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

---

**From:** Alec Walker <alec.walker@aemcorp.com>
**Sent:** Friday, March 27, 2020 4:32 PM
**To:** Moore, Crystal <Crystal.Moore@ed.gov>; Toledo, Annabelle <Annabelle.Toledo@ed.gov>; Sadeghi, Lisa <Lisa.Sadeghi@ed.gov>
**Cc:** Worthington, Kelly <Kelly.Worthington@ed.gov>; Dinardo, Mark <Mark.Dinardo@ed.gov>; Skilling, John (Contractor) <John.Skilling@ed.gov>; Steve Lenker <steve.lenker@aemcorp.com>; Matt K. Boli

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<matt.boli@aemcorp.com>; Karen Madden <karen.madden@aemcorp.com>; Siddarth Appikatla <Siddarth.Appikatla@aemcorp.com>; Sheeba Rooney <Sheeba.Rooney@aemcorp.com>; EDFactsPSC <EDFactsPSC@aemcorp.com>; Nirupama Beesabathani <nirupama.beesabathani@aemcorp.com>; Angela Roessler <angela.roessler@aemcorp.com>; Anu Thampi <anu.thampi@aemcorp.com>
**Subject:** EASIE Policy - PSC Ticket #20-03858 (AW) – Ventura Unified School District, CA

EASIE Team,

**Who:**
Ventura Unified School District, CA

**Issue:**
Robin Jacobs, from Ventura Unified School District in California (PR Award #: S060A190210), contacted PSC inquiring if SY 2019-20 awarded Title VI funds can be used to reimburse travel expenses for a cancelled conference due to COVIDE-19. The user writes:

> I am contacting you to confirm if reimbursing an Indian Ed parents for their travel expenses to join me in attending the California Conference of American Indian Education would be an allowable expense for us under our federal grant, even though the conference was cancelled. The original budget did include this expense.
>
> The problem comes in that the conference was canceled due to the Coronavirus and the money spent for the flight is causing a hardship for the family, who has lost work. The airline will not reimburse them. They purchased tickets through Southwest which now can only be used at a future date and are not transferable.
>
> Can we use our grant funds to reimburse them now to alleviate the financial pressure, assuming the conference will be rescheduled and the parent can attend at the future date?
>
> Thank you in advance for clarifying.
> Robin Jacobs
> Coordinator

*Contact Information:*
Name: Robin Jacobs
Phone: (805) 641-5000 ext. 1193
Email: robin.jacobs@venturausd.org

How would OIE like to respond to the entity?

**School Year:**
SY 2019-20

**ED Program Office:**
OIE

**PSC Additional Notes:**

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PSC confirmed Robin Jacobs does have an active ESS account and is listed as a Project Director with Certify User permissions.

Thank you

**Alec Walker**
ED*Facts* Partner Support Center
alec.walker@aemcorp.com
Office: (703) 464-7030 x8969

AEM Education Services
www.aemcorp.com/education

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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 22:38:37 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Educator question

Hello

The inquiry below was received in the COVID-19 mailbox.

-----Original Message-----
From: Lisa Green <(b)(6)
Sent: Friday, March 27, 2020 12:36 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Educator question

Assuming that the 3 weeks out of school will be extended, will we teachers be expected to present/teach new material to our students? Or should our instruction consist of continuing to reinforce previously taught material? Thank you!

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:05:45 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: Emergency grants

Hello

The email below was received in the COVID-19 mailbox.

---

**From:** Mendoza, Tania <Tania.Mendoza@illinois.gov>
**Sent:** Thursday, March 26, 2020 3:31 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Emergency grants

Hello,

I saw federal guidance indicating that schools **don't** need to adjust COA (or adjust federal student aid eligibility) if they give a student an emergency grant to deal with costs related to COVD-19

Is this true?

Please advise.

---

Tania Mendoza |ISAC-847-831-8496 | tania.mendoza@illinois.gov
http://www.isac.org/
Please consider the environment before printing this e-mail!

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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:27:45 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: Fasfa

Hello

The email below was received in the COVID-19 mailbox.

**From:** Merry M <(b)(6)
**Sent:** Friday, March 27, 2020 5:39 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Fasfa

Due to the economy crash and many losing their assets they had hoped to pay for college with, will Fasfa Allow us to make changes to our assets as that is now extremely misleading to colleges. Mary

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**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:02:08 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: Guidance for Peace Corps volunteers and Perkins cancellation

Hello

The email below was received in the COVID-19 mailbox.

---

**From:** Diana, Louisa <diana@gonzaga.edu>
**Sent:** Thursday, March 26, 2020 4:22 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Guidance for Peace Corps volunteers and Perkins cancellation

Has there been guidance to provide students who were part way through their peace corps service and were sent home.
Will they qualify for a partial Perkins Cancellation based on how much of the year they served?
If they can go back to their Peace Corps position, can the new months served count toward the year of service that was partially completed (even though there will be a break in calendar days) ?
Thanks!

**LOUISA DIANA** | **Gonzaga University** | Associate Director, Financial Aid/Loan Programs, Financial Aid Office | (509) 313-6804

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 20:17:16 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Guidance on grant administration in midst of COVID19 affecting schools

Hello,

The inquiry below was received in the COVID-19 mailbox. Please respond.

---

**From:** Johnson, Patricia <Patricia.Johnson@ed.gov>
**Sent:** Thursday, March 26, 2020 3:04 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Osborne, Joanne <Joanne.Osborne@ed.gov>; Carr, Patrick <Patrick.Carr@ed.gov>
**Subject:** FW: Guidance on grant administration in midst of COVID19 affecting schools

We received the inquiry below from a grantee with the Native Hawaiian Education Program.

Pat O'Connell Johnson
Group Leader, Native Achievement Programs
RINAP
Room 3E230 LBJ
U.S. Department of Education
Washington, DC
Patricia.Johnson@ed.gov
(202) 260-7813

**From:** Michael Maglaya <maglaya@hawaii.edu>
**Sent:** Wednesday, March 18, 2020 2:13 AM
**To:** Osborne, Joanne <Joanne.Osborne@ed.gov>
**Cc:** Aysia Ferrer <aysiaa@hawaii.edu>; Kawai Moss <kmoss@hawaii.edu>; Norelle Quila <aquila@hawaii.edu>
**Subject:** Re: Guidance on grant administration in midst of COVID19 affecting schools

Aloha Joanne,

I hope all is well with you and the team there in DC as we are are here in Hawaii. I am emailing to find out if there is any guidance with respect to the administration of our program in the midst of the Covid-19.

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The recommendations for social distancing at the local and federal levels have directly impacted our ability to implement our programs and events going forward for who knows how long. With talk of cancelling or postponing activities perhaps until August hits us hard as well. These are just some issues.

Will there be any information coming out from your office recommending how to proceed with our project in the midst of the Covid-19 crisis? Let me know.

Stay safe.

Mike Maglaya
Manawa Kupono Native Hawaiian Project

On Mon, Jan 6, 2020 at 10:43 AM Osborne, Joanne <Joanne.Osborne@ed.gov> wrote:

> Aloha Mike- Mahalo for circling back ( been out for a couple of weeks). Puerto Rico is a United States territory and can be considered as domestic travel. I hope this helps.
> joanne
>
> **From:** Michael Maglaya <maglaya@hawaii.edu>
> **Sent:** Monday, January 6, 2020 2:49 PM
> **To:** Osborne, Joanne <Joanne.Osborne@ed.gov>
> **Subject:** Re: Question re: travel
>
> Aloha Joanne,
>
> Wondering if you got an answer for me regarding the NACADA Annual Conference in Puerto Rico?
>
> Mike
>
> Michael H. Maglaya, Director
> College Opportunities Program
> PI, Manawa Kūpono Native Hawaiian Program
> University of Hawai'i at Mānoa
> 2600 Campus Road, QLC 308
> Honolulu, HI 96822
> Ph: (808) 956-6186
> Fax: (808) 956-6837
>
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On Mon, Dec 16, 2019 at 11:27 AM Osborne, Joanne <Joanne.Osborne@ed.gov> wrote:

Aloha Mike- will check on this an get back to you.
joanne
**From:** Michael Maglaya <maglaya@hawaii.edu>
**Sent:** Monday, December 16, 2019 4:16 PM
**To:** Osborne, Joanne <Joanne.Osborne@ed.gov>
**Subject:** Question re: travel

Aloha Joanne,

The National Academic Advising Association (NACADA) will be having their 2020 Annual Conference in Puerto Rico in October 2020. I wanted to see if this location is considered domestic or international for travel purposes. Is this an allowable location for travel?

Mike

Michael H. Maglaya, Director
College Opportunities Program
PI, Manawa Kūpono Native Hawaiian Program
University of Hawai'i at Mānoa
2600 Campus Road, QLC 308
Honolulu, HI 96822
Ph: (808) 956-6186
Fax: (808) 956-6837

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--
Sent from Gmail Mobile

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Sat, 28 Mar 2020 21:32:14 +0000
**To:** VanderPloeg, Laurie;Wexler, Larry;Corr, Gregg
**Cc:** COVID-19
**Subject:** FW: IDEA data question
**Attachments:** Request to Temporarily Move Clock Program to Online Platform

Hello,

The below email was received in the COVID-19 mailbox.

---

**From:** Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>
**Sent:** Friday, March 27, 2020 10:20 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** IDEA data question

---

**From:** Grigg, Bryan <Bryan.Grigg@ed.gov>
**Sent:** Friday, March 27, 2020 10:13 AM
**To:** Wolfsheimer, Jennifer <Jennifer.Wolfsheimer@ed.gov>; Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>
**Subject:** FW: WI questions - Data collection, analysis questions when schools are closed

Greetings my fearless leaders ☺
I was on a call with Wisconsin yesterday and we discussed some pretty tough topics related to next years submission. After our discussion, I asked that they send over a few of the questions via email so that I could forward to our team. Can we find some time to discuss these questions?

Talk soon,

***Bryan G. Grigg***
***Office of Special Education Programs***
***United States Department of Education***

---

**From:** Jenkins, Courtney DPI <Courtney.Jenkins@dpi.wi.gov>
**Sent:** Thursday, March 26, 2020 12:03 PM
**To:** Grigg, Bryan <Bryan.Grigg@ed.gov>
**Cc:** Hartwig, Julia C. DPI <Julia.Hartwig@dpi.wi.gov>; Bishop, Seth A. DPI <Seth.Bishop@dpi.wi.gov>
**Subject:** WI questions - Data collection, analysis questions when schools are closed

Hi Bryan,

We would appreciate guidance from OSEP as we consider the following requirements for data collection, reporting, and identifications:

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Data collection and reporting via the SPP/APR:

1. How should we proceed with cyclical Indicator data collections (i.e., Indicators 8, 11, and 14) while schools are closed due to a public health emergency?
2. How should we proceed with respect to data collections outside of EdFacts (e.g., 7, 12, 13) while schools are closed due to a public health emergency?

Data collection and required annual identifications:

1. Some identifications require statewide comparisons (i.e., 4a and 4b) and we will not have consistent (if even required) data collected for SY19-20 due to the public health emergency declaration by Wisconsin's Governor. What guidance do you have for us related to analyzing such data?
2. LEA determinations rely on data that will not be collected during SY19-20 due to a public health emergency declared by the Wisconsin Governor. What guidance do you have for us in making annual determinations?

Thanks!

**Courtney**

---

**Every child** graduates ready for further education and the workplace

---

Courtney Reed Jenkins, Assistant Director
Special Education Team
Wisconsin Department of Public Instruction
P.O. Box 7841
125 South Webster Street
Madison, WI 53707-7841
608/266-1781 or 800/441-4563 (p)
608/267-3746 (f)

Pronouns: she/her/hers

Click here to schedule a meeting with me

AMERICAN OVERSIGHT

**From:** Suzanne Ringle
**Sent:** Fri, 27 Mar 2020 13:51:07 -0700
**To:** COVID-19
**Subject:** Request to Temporarily Move Clock Program to Online Platform
**Attachments:** 00830300 GWCC Request for Approval to Temporarily Move Clock Progs to Online.pdf

To whom it may concern;
I understand how quickly things have been happening with FSA and want you to know that we all appreciate your support and efforts to help us continue to serve our students community. Thank you for all you do for us.
On another note, my Administration is concerned with the Department of Education's response as we move all programs in progress (that can be provided to our students in an online platform), online. Specifically, our Clock programs. Please accept the attached as a letter to request written approval of this move. We have worked quickly, but with diligence to meet DOE requirements for both delivery and attendance taking of Clock delivered online. It is our intent for this to be a temporary move, though our accrediting agency approves online coursework.

**SUZANNE RINGLE**
**GATEWAY COMMUNITY COLLEGE**
Director, Financial Aid
108 N. 40th Street Phoenix, AZ 85034
602-286-8110 | 602-900-4243
ringle@gatewaycc.edu
https://www.gatewaycc.edu/

AMERICAN OVERSIGHT

GATEWAY COMMUNITY COLLEGE
A MARICOPA COMMUNITY COLLEGE

March 26, 2020

U.S. Department Of Education
Office of Postsecondary Education
Lyndon Baines Johnson (LBJ) Building
400 Maryland Avenue, S.W.
Washington, DC 20202

Re: GateWay Community College (00830300) – Request for Distance Learning Approval for Clock Hour Programs

GateWay Community College (00830300) ("GWCC"), as an institution within the statutory authority of the Department of Education ("DoE"), is required to comply with Title IV Higher Education Act (HEA) policies. In addition to credit-based courses, GWCC offers clock hour programs. Title IV provides the requirements for clock hour program eligibility, specific to attendance. As a result of the COVID-19 pandemic and the guidance provided by the CDC, the federal government, and state and local agencies, GWCC has moved all in-person instruction to online formats.

On March 5, 2020, the DoE, Office of Postsecondary Education, published the following guidance, in part:

> The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement (March 5 and updated on March 20) or the following payment period.

In light of this guidance, on behalf of GateWay Community College, I request written approval for GWCC to use online technologies to deliver clock hour instruction. To comply with attendance regulations, the College will develop a process by which instructors can:

1. Visually monitor and track all attendance using online technologies (Ex. Google Hangouts, WebEx, Canvas, etc.) for financial aid eligible programs
2. Complete daily rosters and submit rosters for validation using online technologies
3. Across programs, follow uniform expectations for maintaining compliance of attendance regulations

Please let me know if you require any additional information. If you have any questions or concerns, please contact me at terese.brown@gatewaycc.edu or 602.286.8009.

Respectfully Submitted,

(b)(6)

Terese M. Brown
Dean, Students Affairs



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 17:18:29 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: MDC HEP, Disaster Relief questions.

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Carr, Steven <Steven.Carr@ed.gov>
**Sent:** Monday, March 30, 2020 12:58 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Bentley-Memon, Millicent <Millicent.Bentley-Memon@ed.gov>; Gillette, Lisa <Lisa.Gillette@ed.gov>; Martinez, Sarah <Sarah.Martinez@ed.gov>
**Subject:** FW: MDC HEP, Disaster Relief questions.

---

**From:** Rosas, Luis A. <lrosas1@mdc.edu>
**Sent:** Friday, March 27, 2020 12:08 PM
**To:** Carr, Steven <Steven.Carr@ed.gov>
**Subject:** MDC HEP, Disaster Relief questions.

Hi Steve,

The college is continuing to transition to a complete remote environment, most services will be restored by 03/30/2020.

As we transition, I have the following questions:

1.- MDC will be paying all employees, including all grant employees disaster relief. Does the HEP Grant covers disaster relieve, or it would only pay for actual worked hours?

2.- As we transition to work remotely, are there any restrictions regarding the ability or the amount of hours my FT staff, PT Instructor, or my self can continue to work offering remote classes, remote tutoring services, remote counseling sessions, and as many other additional services we are able to transition in the next few weeks. We are also working towards having all HEP registration forms available to our students in our website.

The HEP Program is very committed to continue to provide to our students with as many services as we can deliver remotely. I would appreciate your response to these questions, as they would affect how the institution processes payroll, and the services that we can continue to provide to our students.

Thank you,

Luis A. Rosas

AMERICAN OVERSIGHT

HEP Director

On Mar 17, 2020, at 3:15 PM, Carr, Steven <Steven.Carr@ed.gov> wrote:

Hi Luis,

Thank you for your email and update. Please let me know if you have any questions during this time.

Thanks,
Steve

Steven Carr
Office of Migrant Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202
Steven.Carr@ed.gov | 202-260-2067

---

**From:** Rosas, Luis A. <lrosas1@mdc.edu>
**Sent:** Tuesday, March 17, 2020 9:40 AM
**To:** Carr, Steven <Steven.Carr@ed.gov>
**Subject:** Fwd: A Message from the Interim President - Coronavirus Update #5 - Miami Dade College Transitioning to Remote Work

Hi Steve,

I just wanted to let you know that MDC HEP, along with the rest of the college, is moving to a remote work environment (See below). We are committed to our students and are working closely with the college to transition our services and support for all HEP students to remote delivery. Please don't hesitate to contact me if you have any questions.

Regards,

Luis A Rosas
HEP Project Director

Begin forwarded message:

AMERICAN OVERSIGHT

**From:** Rolando Montoya <rmontoya@mdcmessaging.mdc.edu>
**Date:** March 16, 2020 at 12:12:30 PM EDT
**To:** "Rosas, Luis A." <lrosas1@mdc.edu>
**Subject: A Message from the Interim President - Coronavirus Update #5 - Miami Dade College Transitioning to Remote Work**
**Reply-To:** "Rolando Montoya" <reply-fe501071726000747c1d-19469673_HTML-1885564788-10862413-13@mdcmessaging.mdc.edu>

---

CAN'T SEE THIS EMAIL? **VIEW IT IN YOUR BROWSER**

<image001.jpg>

**Monday, March 16, 2020**

Dear MDC Community,
We continue to work closely with state and local authorities and our District Board of Trustees to ensure the well-being of our students and employees, as well as the academic continuity that our students need. There are no current reports of known or suspected College employees having COVID-19. Rest assured that we are committed to keeping everyone safe and healthy within the MDC family and our community at large.
Our initial step was to cancel classes in order to have the space across all our campuses to ensure that students can stay home and avoid large groups and faculty and staff can maintain additional, precautionary social distance. As this situation is constantly changing, we feel that the current environment makes it necessary for us to escalate our preventative steps.
As a result, **effective Tuesday, March 17, Miami Dade College will cease all on campus services as we transition to a primarily remote work environment. Employees who are deemed critical or essential will receive additional information from their supervisors before the close of business today. In addition, other employees may be requested to report onsite in order to ensure continuity of key support services for remote work and learning. All Faculty are expected to work remotely as they prepare for the potential of remote learning. We ask that they be in contact with their department chair on technology and other resource needs before close of business today.** As everyone's health and safety remains our top priority, employees who are required to be physically present at MDC will coordinate with their immediate supervisors on plans to ensure social distancing. Our goal is for those onsite to limit in-person interactions and add physical distance whenever possible. Social distancing is currently the most important factor we can all practice to help slow down the COVID-19 outbreak.

AMERICAN OVERSIGHT

We remind everyone that **all classes remain canceled until March 29** and no assignments can be required during this period. This includes all face-to-face and online classes. During this time, MDC will continue its efforts to prepare for a transition to remote learning which we expect to begin on**March 30**. Also, all college-related activities, athletics, and events are canceled until further notice.

During these times of uncertainty, it is more important than ever that we work together as a College family. I appreciate everyone's patience and flexibility during this constantly changing situation. We will continue monitoring developments very closely and will provide updates as needed.

For the latest information and guidance issued by MDC, as well as access to useful resources and past messages, please visit www.mdc.edu/coronavirus.

Dr. Rolando Montoya
Interim President
Miami Dade College

<image002.jpg>

<image002.jpg>

<image003.jpg><image003.jpg>

Miami Dade College
300 N.E. Second Avenue
Miami, Florida 33132-2297
305-237-8888

<image002.jpg>

©2020 Miami Dade College, ALL RIGHTS RESERVED
300 N.E. Second Ave. Miami, FL, 33132

<image002.jpg>

>

AMERICAN OVERSIGHT

**From:** Brickman, Michael
**Sent:** Mon, 30 Mar 2020 18:27:11 +0000
**To:** King, Robert;Hilsey, Shaina;Mahaffie, Lynn;Weisman, Annmarie;COVID-19
**Subject:** FW: Nice to meet you @ Life Capital DC

All,

Please see below for a question from Marymount. Thanks!

Michael

**From:** Christina Rajmaira <crajmair@marymount.edu>
**Sent:** Monday, March 30, 2020 1:28 PM
**To:** Brickman, Michael <Michael.Brickman@ed.gov>
**Subject:** Nice to meet you @ Life Capital DC

Hello Michael,

I hope this email finds you well. You and I had a chance to meet briefly this Fall at an event about Income Share Agreements where Debra Chromy introduced us. I can imagine your world is quite crazy right now which is why I very much appreciate you taking a moment to answer a quick question I have.

At Marymount, like all other Higher Education institutions, we are watching closely for guidance on the details about the student reimbursement requirements from the CARES Act. As I understand it, your office is the one that will be setting up these guidelines/requirements. Is that an accurate assessment?

If so, do you have any idea when institutions will receive the information?

We are specifically wanting to know if the housing and dining credits we have promised students who have vacated our facilities can be covered by the emergency student aid earmarked in the CARES Act.

Thanks in advance for any information you can share.

Christina

On Tue, Sep 24, 2019 at 10:24 AM Brickman, Michael <Michael.Brickman@ed.gov> wrote:

> Thank you again for the outreach. We really appreciate you sharing your interesting work. We hope to be in touch shortly.
>
> **From:** Christina Rajmaira <crajmair@marymount.edu>
> **Sent:** Tuesday, September 24, 2019 10:14 AM
> **To:** Brickman, Michael <Michael.Brickman@ed.gov>
> **Subject:** Nice to meet you @ Life Capital DC

AMERICAN OVERSIGHT

Hello Michael,

It was nice speaking with you and your colleague at the Life Capital DC event last week. Debra Chromy from the Education Finance Council introduced us briefly and she might have shared that I am the chief strategy officer at Marymount University in Arlington, VA.

Marymount began two ISA programs this year. One for "last mile" funding available to students who maintain a balance at graduation, thus limiting their access to their transcripts and diplomas. The second for financial hardship scenarios whereby students are referred to us because of some life circumstances that might otherwise inhibit their ability to continue at Marymount.

As the DOE explores the ISA landscape, we at Marymount are happy to assist in any way we can.

Have a great week.

Christina

--
Dr. Christina Barnett Rajmaira
Assistant Vice President for Strategic Initiatives
Marymount University
2807 North Glebe Road
Arlington, VA 22207-4299
703.284.1616 (office)

--
Dr. Christina Barnett Rajmaira
Assistant Vice President for Strategic Initiatives
Marymount University
2807 North Glebe Road
Arlington, VA 22207-4299
703.284.1616 (office)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 18:30:07 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: Nice to meet you @ Life Capital DC

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Brickman, Michael <Michael.Brickman@ed.gov>
**Sent:** Monday, March 30, 2020 2:27 PM
**To:** King, Robert <Robert.King@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; Weisman, Annmarie <Annmarie.Weisman@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Nice to meet you @ Life Capital DC

All,

Please see below for a question from Marymount. Thanks!

Michael

**From:** Christina Rajmaira <crajmair@marymount.edu>
**Sent:** Monday, March 30, 2020 1:28 PM
**To:** Brickman, Michael <Michael.Brickman@ed.gov>
**Subject:** Nice to meet you @ Life Capital DC

Hello Michael,

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We are specifically wanting to know if the housing and dining credits we have promised students who have vacated our facilities can be covered by the emergency student aid earmarked in the CARES Act.

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AMERICAN OVERSIGHT

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**From:** Christina Rajmaira <crajmair@marymount.edu>
**Sent:** Tuesday, September 24, 2019 10:14 AM
**To:** Brickman, Michael <Michael.Brickman@ed.gov>
**Subject:** Nice to meet you @ Life Capital DC

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As the DOE explores the ISA landscape, we at Marymount are happy to assist in any way we can.

Have a great week.

Christina

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Dr. Christina Barnett Rajmaira
Assistant Vice President for Strategic Initiatives
Marymount University
2807 North Glebe Road
Arlington, VA 22207-4299
703.284.1616 (office)

--
Dr. Christina Barnett Rajmaira
Assistant Vice President for Strategic Initiatives
Marymount University
2807 North Glebe Road
Arlington, VA 22207-4299
703.284.1616 (office)

AMERICAN OVERSIGHT

**From:** Miley, Jennifer
**Sent:** Mon, 30 Mar 2020 19:50:36 +0000
**To:** COVID-19
**Subject:** FW: NY - Technical Assistance Question - COVID-19 - question from NY Part C

---

**From:** Donohue, Constance L (HEALTH) <constance.donohue@health.ny.gov>
**Sent:** Friday, March 27, 2020 3:57 PM
**To:** Miley, Jennifer <Jennifer.Miley@ed.gov>
**Cc:** Suzanne Bolling <Suzanne.Bolling@nysed.gov>
**Subject:** Re: NY - Technical Assistance Question - COVID-19

Hi Jennifer,

Following up to see if there is any update on our question. As you know, New York has many COVID-19 cases and school closures may go on for some time.

Pasting our question here - thank you for your assistance and perspective. Apologies if FAQs have been issued that cover this - it has been quite a week!

Thank you, Connie

Question from NY -

Can children who have not yet been determined to be Part B eligible (because of school closures) remain in EI past their third birthday during the COVID-19 emergency?

We anticipate that the current declared state of emergency will not resolve quickly. Depending on what happens with the schools and whether children can return this spring, we would likely want to have the ability to serve children in EI until Part B preschool is up and running and actual Part B determinations can be made (even on a case by case basis) or the end of the current school year (6/30/20), whichever comes first.

---

**From:** Miley, Jennifer <Jennifer.Miley@ed.gov>
**Sent:** Monday, March 23, 2020 11:27 AM
**To:** Donohue, Constance L (HEALTH) <constance.donohue@health.ny.gov>
**Cc:** Suzanne Bolling <Suzanne.Bolling@nysed.gov>
**Subject:** RE: NY - Technical Assistance Question - COVID-19

*ATTENTION: This email came from an external source. Do not open attachments or click on links from*

AMERICAN OVERSIGHT

*unknown senders or unexpected emails.*

Good morning Connie;
As of last week, all covid-19 responses are to be forwarded to the Dept's mailbox @ covid-19@ed.gov. Once received, a team member will address your response. I forwarded your response to the mailbox. I will also alert my supervisor of your questions. Stay tuned and stay well.

Thank you,
Jennifer

---

**From:** Donohue, Constance L (HEALTH) <constance.donohue@health.ny.gov>
**Sent:** Monday, March 23, 2020 10:52 AM
**To:** Miley, Jennifer <Jennifer.Miley@ed.gov>
**Cc:** Suzanne Bolling <Suzanne.Bolling@nysed.gov>
**Subject:** NY - Technical Assistance Question - COVID-19

Jennifer –

Good morning. NY is in need of technical assistance for this question:

Can children who have not yet been determined to be Part B eligible (because of school closures) remain in EI past their third birthday during the COVID-19 emergency?

We anticipate that the current declared state of emergency will not resolve quickly. Depending on what happens with the schools and whether children can return this spring, we would likely want to have the ability to serve children in EI until Part B preschool is up and running and actual Part B determinations can be made (even on a case by case basis) or the end of the current school year (6/30/20), whichever comes first.

Copying my Part B colleague, Suzanne Bolling, from the NY State Education Department. Suzanne – please add anything I missed here.

Thank you very much,

Connie

Constance Donohue, Au.D., CCC-A
Director, Bureau of Early Intervention
ESP, Corning Tower Building
Room 208
Albany, NY 12237
(518) 473-7016

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 17:55:16 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: NYCP Grants

Hello OESE,

Please see the email inquiry below.

Thank You,

Franka

-----Original Message-----
From: Rita.locklear (b)(6)
Sent: Monday, March 30, 2020 1:25 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: NYCP Grants

Hello,
I am the Director of a NYCP Grant for the Lumbee Tribe of NC.
We have a US Department Education, OIE, NYCP grant. Our grant programs are all designed to provide opportunities for students. With school out in our state until May I would like to know if the US Dept of Ed. has had any discussion in relation to the Office of Indian Education grants that will address the grant funding and APR deadlines.
Our grantee office staff and staff employed by the grant are all working from home and access to documents and information is limited at this time. All programming has been cancelled except summer programs.
We are very concerned at this time about how this will present problems for our grant funding.
Thanks for any assistance you can provide with guidance on what we need to do.
Sent from my iPhone
Rita Locklear

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 14:30:19 +0000
**To:** VanderPloeg, Laurie;Wexler, Larry;Corr, Gregg
**Cc:** COVID-19
**Subject:** FW: Obligations re: remote IEP meetings

Hello,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Annie Acosta <Acosta@TheArc.org>
**Sent:** Sunday, March 29, 2020 11:32 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Obligations re: remote IEP meetings

Could you please clarify the obligations of schools and districts to provide for remote IEP meetings during school closure when the school is providing educational services? I am hearing from some families that they are being told IEP meetings cannot be conducted online and they are not being provided with any alternatives to in person meetings.

Thank you,

Annie

**Annie Acosta**
Director of Fiscal and Family Support Policy, Public Policy at **The Arc**
A 1825 K Street NW, Suite 1200 | Washington, D.C. 20006
T 202.534-3723 T 800.433.5255 F 202.534.3731
Follow us on Facebook and Twitter. | Make a donation to help build The Arc.

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**From:** Kesner, Paul
**Sent:** Mon, 30 Mar 2020 17:32:15 +0000
**To:** COVID-19
**Subject:** FW: Oregon Dept of Education -FAPE Violation

-----Original Message-----
From: Zais, Mitchell <Mitchell.Zais@ed.gov>
Sent: Monday, March 30, 2020 1:09 PM
To: DeVos, Betsy <Betsy.DeVos@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
Cc: Marcus, Kenneth <Kenneth.Marcus@ed.gov>
Subject: RE: Oregon Dept of Education -FAPE Violation

Paul:
Please add this to the questions received on the Department's email address, acknowledge receipt, and forward to the appropriate office for response.
Thankyou.
Mick

-----Original Message-----
From: Brittany Ruiz <(b)(6)
Sent: Saturday, March 28, 2020 12:57 PM
To: DeVos, Betsy <Betsy.DeVos@ed.gov>
Cc: Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>
Subject: Oregon Dept of Education -FAPE Violation

Dear Ms. Devos,

Many families have been put in a very hard position during a very rough time period.

I'd like to specifically shine a light on the fact that Oregon Department of Education states that it's not equitable to get all kids online so will only be providing ungraded, supplemental education until school resumes.

Even worse, many children on an IEP, with speech and occupational therapy have not been contacted, minimally given instructions to the parents keep their child advancing. This is the true equity issue.

There are many school districts in Oregon that have thought outside of the box and are able to go online with instructional time and continue their education. Oregon Department of Education is saying they cannot do that for many districts.

Oregon Department of Ed also cancelled any family from switching to online as of March 26th only because they're concerned about their funding. They've also informed online schools that they need to provide supplemental education. *I've been told that this is not legal.

I have reviewed the laws under FAPE and this set-up does not conform to those laws.

Why are so many states going online but it's not feasible in Oregon?

I am writing to you as a last resort since it seems ODE and the Governor's office appear to either be in a very tough situation or are not acting fast enough and making fair and accurate decisions for the minority and majority of students.

Can your office help?

AMERICAN OVERSIGHT

Best regards,

Brittany Ruiz
Parental Right's Advocate

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 18:18:48 +0000
**To:** OESE COVID 19;VanderPloeg, Laurie;Wexler, Larry;Corr, Gregg
**Cc:** COVID-19
**Subject:** FW: Oregon Dept of Education -FAPE Violation

Hello,

Please see the email inquiry below.

Thank You,

Franka

-----Original Message-----
From: Kesner, Paul <Paul.Kesner@ed.gov>
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To: COVID-19 <COVID-19@ed.gov>
Subject: FW: Oregon Dept of Education -FAPE Violation

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AMERICAN OVERSIGHT

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Can your office help?

Best regards,

Brittany Ruiz
Parental Right's Advocate

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Rice, Danny
**Sent:** Mon, 30 Mar 2020 19:15:17 +0000
**To:** COVID-19
**Subject:** FW: Part C Program Guidance- State Shut-Downs

---

**From:** Kelty, Noel (MDE) <KeltyN@michigan.gov>
**Sent:** Monday, March 30, 2020 12:47 PM
**To:** Kniseley, Charles <Charles.Kniseley@ed.gov>; Rice, Danny <Danny.Rice@ed.gov>
**Subject:** Part C Program Guidance- State Shut-Downs

Greetings Charlie and Danny-

I hope you are doing well and are safe and healthy.

It is starting to look like schools in Michigan will be closed for the rest of the year, much like other states. The virus has hit our state exceptionally hard, especially those in Detroit. Our Governor should be making a statement in the next few days.

I am wondering if you have or know of any additional guidance that we can use to guide potential service while programs have been closed to in-person contact and we don't have wide guidance to the field on virtual early intervention services (Medicaid does allow it and they have accessible information on their site). I pulled all I could off the ECTA site today and some seems promising, yet there is still some conflicting information out there. ECTA seems to be compiling what other states are doing, but don't have much direct guidance. If you have anything that we might be able to use or adapt for Michigan, or direct folks to, we would really like to have solid guidance to help support the field.

We did send a survey to the field to get an understanding of what they are doing and what supports would be needed if ramping up to virtual services needs to happen. The survey closes on Tuesday. I have had several ISDs tell me that less than 1/3 of their families have technology, access to internet, and/or knowledge to use electronic platforms. This need will be hard to support with existing Part C and 54d funds. I have also had many service area staff inform me that their staff are not equipped to do virtual visits from their home. In rural Michigan, even the availability of having hotspots is useless since there is no available signal in their area. Conversely, a few ISDs have indicated that they are building their virtual support system. I am guessing that Michigan is not alone and think that guidance from OSEP would be extremely helpful- I have been checking the OSEP page daily.

I thank you again for your help and patience!

Best,
Noel
Noel Kelty, Director
Office of Great Start/Early Childhood Development and Family Education
Michigan Department of Education
517-241-7004 (main office)

AMERICAN OVERSIGHT

517-241-0162 (direct line)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 19:21:48 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Part C Program Guidance- State Shut-Downs

Hello OESE,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Rice, Danny <Danny.Rice@ed.gov>
**Sent:** Monday, March 30, 2020 3:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Part C Program Guidance- State Shut-Downs

---

**From:** Kelty, Noel (MDE) <KeltyN@michigan.gov>
**Sent:** Monday, March 30, 2020 12:47 PM
**To:** Kniseley, Charles <Charles.Kniseley@ed.gov>; Rice, Danny <Danny.Rice@ed.gov>
**Subject:** Part C Program Guidance- State Shut-Downs

Greetings Charlie and Danny-

I hope you are doing well and are safe and healthy.

It is starting to look like schools in Michigan will be closed for the rest of the year, much like other states. The virus has hit our state exceptionally hard, especially those in Detroit. Our Governor should be making a statement in the next few days.

I am wondering if you have or know of any additional guidance that we can use to guide potential service while programs have been closed to in-person contact and we don't have wide guidance to the field on virtual early intervention services (Medicaid does allow it and they have accessible information on their site). I pulled all I could off the ECTA site today and some seems promising, yet there is still some conflicting information out there. ECTA seems to be compiling what other states are doing, but don't have much direct guidance. If you have anything that we might be able to use or adapt for Michigan, or direct folks to, we would really like to have solid guidance to help support the field.

We did send a survey to the field to get an understanding of what they are doing and what supports would be needed if ramping up to virtual services needs to happen. The survey closes on Tuesday. I have had several ISDs tell me that less than 1/3 of their families have technology, access to internet,

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and/or knowledge to use electronic platforms. This need will be hard to support with existing Part C and 54d funds. I have also had many service area staff inform me that their staff are not equipped to do virtual visits from their home. In rural Michigan, even the availability of having hotspots is useless since there is no available signal in their area. Conversely, a few ISDs have indicated that they are building their virtual support system. I am guessing that Michigan is not alone and think that guidance from OSEP would be extremely helpful- I have been checking the OSEP page daily.

I thank you again for your help and patience!

Best,
Noel

Noel Kelty, Director
Office of Great Start/Early Childhood Development and Family Education
Michigan Department of Education
517-241-7004 (main office)
517-241-0162 (direct line)

AMERICAN OVERSIGHT

**From:** Murray, Susan
**Sent:** Mon, 30 Mar 2020 12:18:37 +0000
**To:** COVID-19
**Subject:** FW: Question Regarding IDEA Part B Funds During School Closures

**Susan Murray**
*Fiscal Accountability Facilitator/State Lead*
*Office of Special Education Programs*
*U.S. Department of Education*
*202-245-8247*
Susan.Murray@ed.gov

---

**From:** Kay Pugh <kay.pugh@sdcoe.net>
**Sent:** Friday, March 27, 2020 6:18 PM
**To:** Murray, Susan <Susan.Murray@ed.gov>
**Subject:** Question Regarding IDEA Part B Funds During School Closures

Good afternoon Susan –

I have read all of the available guidance/fact sheets regarding the applicability of Federal IDEA funds during the school closures due to COVID19. We have a question here in San Diego that is not covered specifically in the guidance, and I was wondering if you could help us with it.

We are following the directive to continue paying for Non-Public Agency services during this time even though all of our schools in the county are shut down. In the circumstance where services, such as 1:1 aides or interpreter, cannot be used while the schools are closed, we are working with the agencies to continue paying without receiving the services. Our understanding with them is that when schools re-open, we will want the services provided at that time for no cost. We are "pre-paying" for the services to get everyone through this time of school closure.

We have had questions as to whether or not we can use the IDEA Part B federal monies to do this pre-payment. Under the latest Question and Answer guidance (https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf), question number 6 for IDEA Part B seems to imply that a pre-payment would be acceptable. "…funds may be used for activities that directly relate to providing, and ensuring the continuity of, special education and related services to children with disabilities." This could be interpreted to mean that pre-payments would be ensuring the continuity of services for our special education students when the schools re-open by guaranteeing that services can begin immediately.

Can our districts continue to use Federal IDEA Part B funds to pre-pay for Non-Public Agency services during the school closures for COVID19?

Thanks so much,

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Kay Pugh, MSBA
Achiever – Responsibility – Learner – Consistency - Connectedness
Special Education Financial Analyst
North Coastal Consortium for Special Education (NCCSE)
(760) 761-5118
kay.pugh@sdcoe.net
www.nccse.org

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**From:** Willey, Josiah
**Sent:** Mon, 30 Mar 2020 12:41:04 +0000
**To:** COVID-19
**Subject:** FW: questions

***Josiah L. R. Willey, Ed.D.***
Education Program Specialist
Office of Special Education Programs
U.S. Department of Education
550 12th St, SW, Room 5001
Washington DC, 20202
Josiah.Willey@ed.gov
202-245-6247
**www.ed.gov/osers** | **Subscribe**

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**From:** Litzau, Marikay (MDE) <marikay.litzau@state.mn.us>
**Sent:** Sunday, March 29, 2020 7:46 PM
**To:** Willey, Josiah <Josiah.Willey@ed.gov>
**Cc:** Widley, Robyn (MDE) <robyn.widley@state.mn.us>
**Subject:** questions

Hi Josiah. It would be helpful to get guidance regarding situations where the parent has not agreed to the changes in special education services or does not want the services. Does the district continue to seek agreement and during that time do they continue to offer the services and see if the parent accepts.
Thank you.

**Marikay Canaga Litzau**
Director of Compliance and Assistance
she/her/hers
651-582-8459 | marikay.litzau@state.mn.us
**Minnesota Department of Education**
1500 Highway 36 West, Roseville, MN 55113
education.mn.gov

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DEPARTMENT OF EDUCATION

*Our Vision: To provide responsive leadership to support schools and families and to protect the rights of all students.*

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**From:** Karyn Tudor
**Sent:** Mon, 30 Mar 2020 13:28:46 +0000
**To:** COVID-19
**Cc:** Marty Mehringer
**Subject:** FW: Regulatory Leniency

Good morning,

Please see the email string below. I am looking for guidance with the two scenarios I originally provided.

Thank you,

***Karyn Tudor***
***Assistant Director of Financial Aid/Bursar Office***
***Salem University***
***8500 Keystone Crossing, Suite 310***
***Indianapolis, IN. 46240***
***Office: (304) 326-1410***
***E-Mail: karyn.tudor@salemu.edu***

---

**From:** Logan, Chartise [mailto:Chartise.Logan@ed.gov]
**Sent:** Monday, March 30, 2020 9:20 AM
**To:** Karyn Tudor <karyn.tudor@salemu.edu>
**Cc:** Marty Mehringer <marty.mehringer@salemu.edu>; Powers, Michael E. <Michael.E.Powers@ed.gov>
**Subject:** RE: Regulatory Leniency

Good Morning Karyn,

For Scenario #1 & 2, please forward your inquiries to the COVID mailbox COVID-19@ed.gov.

Thanks,

C. Logan

---

**From:** Karyn Tudor [mailto:karyn.tudor@salemu.edu]
**Sent:** Friday, March 27, 2020 3:26 PM
**To:** Logan, Chartise
**Cc:** Marty Mehringer
**Subject:** Regulatory Leniency

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Good afternoon Chartise,

I am looking for some guidance for the following scenarios:

1. For our Distance Learning students who are spread out all across the country, is there any guidance regarding leniency for those students who are selected for V4 and V5 verification groups, but are unable to access a notary for the identity and statement of educational purpose portions because either the institutions that offer a notary service are closed or the student lives in an area that is under a shelter at home order all due to the COVID 19 crisis?
2. For students who need to submit a copy of a valid ID, but have an expired ID, is there any guidance regarding leniency with us accepting an expired ID due to Governors across the country closing all non-essential state offices to include the BMV and giving anyone who needs to renew their ID an extension?

Thank you in advance for your assistance during this unprecedented event.

Best Regards,

***Karyn Tudor***
***Assistant Director of Financial Aid/Bursar Office***
***Salem University***
***8500 Keystone Crossing, Suite 310***
***Indianapolis, IN. 46240***
***Office: (304) 326-1410***
***E-Mail: karyn.tudor@salemu.edu***

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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 16:56:08 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: School Participation Reporting

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Melanie Lechtenberg <mlechtenberg@jwcc.edu>
**Sent:** Monday, March 30, 2020 12:48 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** School Participation Reporting

Can you please clarify when and what information needs to be reported to the School Participation Team when a modification of instruction has occurred at your institution? Where is this information communicated?

Our scenario is a week delayed start after spring break for face to face instructed courses and all online courses continuing as scheduled.

Thank you in advance for your guidance!

**Melanie Lechtenberg**
Dean of Records, Registrar, and Financial aid
**217.641.4310 I mlechtenberg@jwcc.edu**
John Wood Community College
1301 S. 48th Street I Quincy, IL I 62305
jwcc.edu

FAFSA®: Apply for Aid

**https://studentaid.ed.gov/sa/fafsa**

**School Code: JWCC - 012813**

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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 17:09:41 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: School Participation Reporting

Hello FSA,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Melanie Lechtenberg <mlechtenberg@jwcc.edu>
**Sent:** Monday, March 30, 2020 12:48 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** School Participation Reporting

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**School Code: JWCC - 012813**

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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 12:30:16 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: Seeking Guidance
**Attachments:** CODE BLUE TA.jpg, DECLARATION OF CONTINUED PUBLIC HEALTH EMERGENCY AND STATE OF EMERGENCY COVID-19_3_18_20.pdf, PSA 3.23.20.pdf, am_sam_response_nd_action_plan.pdf

Hello

This inquiry was received in the COVID-19 mailbox.

**From:** Roseanne Felise <roseanne.felise@helpinghands-as.org>
**Sent:** Monday, March 23, 2020 7:52 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Wilkins, Brenda <Brenda.Wilkins@ed.gov>
**Subject:** Seeking Guidance

To whom it may concern:

Talofa from American Samoa Part C,

I hope this email finds you well. I am writing to seek your guidance regarding our programs potential protocols during the Covid-19 pandemic outbreak in accordance to our public health and safety guidance from our local government. I have attached here supporting documents for your review. Effective today, our government has declared a Code Blue (please see Declaration of a state of Emergency attached). Just a brief update from our end with Covid-19. As of today, we do not know if we have any confirmed cases. Our tiny island lack medical supplies, medical personnel, quarantine facilities, and other equipment to combat the virus in the event that we get a confirmed case. Unfortunately, our borders are still open. Schools and daycares officially closed today and all mass gatherings have been discouraged until further notice. I will keep you posted with any further information.

For American Samoa Part C program, our proposed service protocols during the Covid-19 outbreak is as follows:

1. Face to face services will be on hold immediately until further notice.
2. Kids on the 45 Day Deadline queue who have not completed intake process will be placed on monitor for 2 months pending coronavirus all clear. Family will be contacted earlier than 2 months to resume services should our island be declared Covid-19 free.
3. If child has been IFSP'd. services will be conducted via zoom and/or phone call unless family opts to hold services for now.

Please advise if these protocols would be appropriate in response to the Covid-19 outbreak. I'll be open to any suggestions or feed back. Please let me know if you need to discuss this further or might need additional information from my end.

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Please stay safe.

Best,

**Roseanne Felise**
Program Coordinator
Helping Hands, Part C
Department of Health
e-mail: roseanne.felise@helpinghands-as.org
roseanne.felise@doh.as
Phone:684-699-6962

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American Samoa
Department of Health
March 23, 2020

For more information contact:
Measles Hotline: (684) 633-5871 or 633-5872
Email: dohcp@doh.as
https://www.facebook.com/asdoh.hotline

# REVISED TRAVEL ADVISORY

## CODE BLUE

Due to the rapid spread of Coronavirus worldwide, the following changes will be effective March 23, 2020 in support of the Governor's Declaration of Continued Public Health Emergency and State of Emergency for COVID-19.

**ALL ENTRY PERMITS ARE SUSPENDED.**

**FLIGHTS BETWEEN AMERICAN SAMOA AND SAMOA, AND FLIGHTS BETWEEN AMERICAN SAMOA AND TONGA HAVE BEEN SUSPENDED.**

NOTE: All charter flights will be denied entry into American Samoa until further notice.

1. All travelers, including US passport, traveling from affected US states entering American Samoa will be subject to the following:
    1. Complete DOH health declaration form.
    2. Public Health screening process.
    3. Will be subject to either a Full Quarantine or a Home Quarantine.

2. All travelers, including US passport, traveling from and transiting through any of the Affected Foreign Countries entering American Samoa will be subject to the following:
    1. Complete DOH health declaration form.
    2. Public Health screening process.
    3. Mandatory Full Quarantine.

3. All travelers from Samoa are subject to a mandatory full quarantine.

NOTE: Monday's (March 23) Hawaiian Airline flight is cancelled. Thursday's (March 26) flight is on schedule.

**Seaport Travel Requirements:**

- Screening requirements for all vessels remain the same at the port.
- NOTE: Cruise ships will not be granted entry into American Samoa until further notice.

Department of Health strongly recommends that all persons intending to travel to any US States and foreign countries affected by the COVID-19 to postpone their travel arrangements. Please advice your family and relatives traveling from affected states that they will be placed on mandatory quarantine of 14 days or more.

This travel advisory is subject to change due to the daily COVID-19 updates.

**Call COVID-19 Hotline (Command Post) 633-5871/5872 for any question or updates.**

(b)(6)

**Motusa Tuileama Nua**
Director, Public Health

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American Samoa
Department of Health
March 23, 2020

For more information contact:
Measles Hotline: (684) 633-5871 or 633-5872
Email: dohcp@doh.as
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**Call COVID-19 Hotline (Command Post) 633-5871/5872 for any question or updates.**

(b)(6) [redacted]

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ED-20-0731-A-000987

Motusa Tuileama Nua
Director, Public Health

LOLO M. MOLIGA
GOVERNOR

OFFICE OF THE GOVERNOR
AMERICAN SAMOA GOVERNMENT
Telephone: (684)633-4116 Fax: (684)633-2289

LEMANU P. MAUGA
LIEUTENANT GOVERNOR

# DECLARATION OF CONTINUED PUBLIC HEALTH EMERGENCY AND STATE OF EMERGENCY FOR COVID-19

WHEREAS, the Office of the Governor and the Department of Health remain prepared to take all necessary measures to protect the health and welfare of residents of American Samoa; and

WHEREAS, the measles outbreak has ended as of March 9, 2020 and the containment measures have proved effective; and

WHEREAS, while measles related restrictions will be lifted, the efforts must now focus on preventing, containing, and responding to the imminent threat posed by the Novel Coronavirus ("covid-19") pandemic; and

WHEREAS, covid-19 is an infectious disease caused by a new virus that had not been previously identified in humans which causes respiratory illness (like the flu) with symptoms such as a cough, fever and in more severe cases, pneumonia and is spread primarily through contact with an infected person when they cough or sneeze, or through droplets of saliva or discharge from the nose; and

WHEREAS, no vaccine or cure for covid-19 currently exists; and

WHEREAS, the exponential speed at which the coronavirus is being propagated throughout the world is aided by carriers who are asymptomatic and the only surefire method of identifying these purveyors of the coronavirus is through testing and, yet, tests administered in the States and some of the U.S. Territories have been very limited due Test-Kit shortages; and

WHEREAS, as of March 18, 2020, 7,048 confirmed cases of coronavirus in the United States and Territories with 116 registered deaths reported since the COVID-19 Declaration was promulgated and eight (8) weeks since the COVID-19 was declared in the United States; and

WHEREAS, the most vulnerable sector of the population is predominantly within the elderly population, particularly those with underlying and chronic health conditions such as blood disorders, chronic kidney disease, chronic liver disease, cancer, recent pregnancy in the last two weeks, endocrine disorders (e.g. diabetes mellitus), metabolic disorders, heart disease, lung disease including asthma or chronic obstructive pulmonary disease (chronic bronchitis or emphysema) or other chronic conditions associated with impaired lung function or that require home oxygen, and neurological, and neurodevelopment conditions (including disorders of the

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brain, spinal cord, peripheral nerve, and muscle such as cerebral palsy, epilepsy, stroke, intellectual dystrophy or spinal cord injury; and

WHEREAS, inordinate challenges expose the Territory of American Samoa to epic vulnerabilities subjecting all its residents to unprecedented health, economic, and social risks being remotely located in the South Pacific with Hawaii the nearest United States Jurisdiction 2,300 miles Northeast with connectivity provided solely by Hawaiian Airlines' two flights weekly along with a weekly Cargo flight; and

WHEREAS, American Samoa's total healthcare service delivery infrastructure is comprised of one acute care hospital and four (4) district health clinics with its operating capacity already being exceeded thus precipitating unparalleled fear over its potential collapse if the spread of the covid-19 mirrors the experience of some of the States; and

WHEREAS, our only acute care hospital, Lyndon Baines Johnson Tropical Medical Center, lacks the physical capacity to appropriately respond to epidemics and pandemics must now divert operating resources to address this emergency need thus causing the potential for medication and health supply shortages and expanding the scope of the health catastrophe; and

WHEREAS, the exclusion of the Territory of American Samoa from receiving test-kits which would empower our clinicians to test symptomatic residents and obtain results in real time cripples our efforts to prevent the spread and rendering immediate treatment to those with severe cases thereby improving health outcomes; and

WHEREAS, our healthcare professionals lack access to clinical and diagnostic tools to reasonably confirm positive coronavirus cases thereby triggering immediate healthcare protocols to ensure positive health outcomes for these individuals, and now must resort to an unacceptably long coronavirus confirmation process which prolongs the period of uncertainty, public panic, and compelling actions which might be deemed excessive; and

WHEREAS, the World Health Organization has declared covid-19 a global public health emergency; and

WHEREAS, President Trump declared a National Emergency Concerning Covid-19 on March 11, 2020; and

WHEREAS, the federal government has imposed travel restrictions nationwide and local governments have instituted "social-distancing" policies including shutting down schools and bars and requiring home isolation of vulnerable populations; and

WHEREAS, the rapid spread of covid-19 and the lack of a vaccine or cure creates an imminent threat of outbreak here in American Samoa; and

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WHEREAS, previous declarations have been issued for covid-19, the situation necessitates an updated and continued response from ASG in order to protect the health of our people; and

WHEREAS, this declaration extends to the entire geographic area of the Territory; and

WHEREAS, the imminent threat of outbreak in American Samoa constitutes a disaster justifying a continued state of emergency and activating all resources necessary to combat the spread of covid-19; and

WHEREAS, this declaration is a continuation of previous declarations and fully incorporates the facts set forth in those prior declarations with regard to covid-19; and

THEREFORE, I, Lolo M. Moliga, Governor of American Samoa, declare a continued public health emergency under ASCA 13.0301 et seq. and a state of emergency under ASCA 26.0101 et seq. for covid-19. The Emergency Operations Center shall continue to be activated to coordinate response efforts.

Pursuant to A.S.C.A. §13.0307 and §26.0105, I further declare that EFFECTIVE MONDAY, MARCH 23, 2020:

All entry permits are suspended until further notice.

American Samoa's response will be guided by a color-coded system to meet the changing threat level. The following provides a guideline for escalating measures according to shifting situations. These restrictions will be initiated to the fullest extent possible but also may be subject to alteration as more information becomes available.

- **Code Blue**: Minimal social disruption with an emphasis on social distancing, hygiene, and cough etiquette.
    - The public is encouraged to avoid touching the face, thoroughly wash hands with soap for 20 seconds or use hand sanitizer of more than 70% alcohol. The public is further advised to use the Comprehensive Sanitation Program for Community Facilities for guidance on disinfecting households.
    - Travelers from affected foreign countries will be on full quarantine on arrival. For covid-19 related workers, quarantines will not be imposed.
    - Travelers from affected US states will be subject to screening and quarantine at the discretion of DOH physicians. For covid-19 related workers, quarantines will not be imposed.
    - US Nationals/Citizens that are local residents and Legal Alien Residents are to show proof of American Samoa residency through local ID, hospital ID, or utility bill. Proof of residency will exempt them from the OK Board process. All requests are to be routed through the Office of the Attorney General with the

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approval authority solely vested in the Attorney General and if she is off-island all OK Board requests will be reviewed and approved by the Governor.
  - Unnecessary travel to affected foreign countries or US states is discouraged.
  - ASG departments are to stagger staffing coverage and use a four (4) day work week for employees (10 hours/day) to ensure sufficient coverage but limited interpersonal exposure.
  - Social distancing methods are to be encouraged such as video conferencing, phone calls, emails for communication.
  - All off-island medical referrals to New Zealand are suspended. The option will be considered only for medical emergencies and be at the discretion of LBJ physicians.
  - All businesses will only be allowed to operate from 6am to 6pm.
  - All public gatherings are suspended until further notice. This includes, but is not limited to, bingo halls, rallies, political events, theaters, traditional gatherings, parks and recreation areas, flight night gatherings, and major sponsored events. Only private family gatherings of no more than ten (10) people will be permitted. DPS is tasked with ensuring that public gatherings disperse. The public is advised that failure to obey this restriction will be prosecuted as a Class A misdemeanor under ASCA § 13.0323.
  - Businesses may remain open but restaurants, bars, and nightclubs will be limited to no more than ten (10) person occupancy. Businesses are encouraged to keep their facilities sanitized.
  - The Territorial Correctional Facility will be closed for visitation.
  - Samoa Airways and Talofa Airways will be restricted to 2 flights per day.

- **Code Yellow**: With 1 confirmed case in American Samoa, this code will continue heightening restrictions to slow the spread of the disease within the Territory.
  - Community awareness continues to be a focus and the public is encouraged to maintain hygiene practices.
  - Families will be encouraged to isolate with 1 designated family member to go to the store.
  - All businesses will only be allowed to operate from 6am to 3pm.
  - All restaurants will be allowed to provide take-out only and no dine-in service.
  - The Hope House and Admitted Patients at LBJ will be closed for visitation.
  - Travel restrictions are increased and all travelers will require an OK Board to enter and entry permits for foreign nationals will continue to be suspended. OK Board requirements will include submission of copies of itinerary, passport (including stamped pages), health clearance, and payment of $50 fee. Work related OK Boards will be considered but applications must include verification from employer. US Nationals/Citizens that are local residents and Legal Alien Residents are to show proof of American Samoa residency through local ID, hospital ID, or utility bill. Proof of residency will exempt them from the OK

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Board process. All requests are to be routed through the Office of the Attorney General.
- Unnecessary travel to affected areas will be limited.
- All public schools, private schools, daycares, and ASCC, will be closed until further notice. The Director of Department of Education is directed to develop and implement plans to continue education for students studying at home.
- Social distancing promotion continues.
- The Commerce Commission is to provide plans and emergency regulations for limiting capacity and implementing social distancing in public transportation.
- All ASG business travel is suspended.
- All ASG departments are to schedule 50% staffing levels and/or provide flex accommodation. Tier One employees will work on Monday/Wednesday. Tier Two employees will work Tuesday/Thursday. All employees will be compensated for 40 hours per week. First responders and essential personnel will be staffed for 24/7 operations.
- A Territorial Curfew of 9pm will be imposed.

- **Code Red**: In the event of severe spread of the disease locally, major protective measures will be enforced.
  - All businesses will only be allowed to operate from 6am to 12pm.
  - All passenger air and sea travel will be suspended.
  - Ports of entry will be closed except for Military and approved air or sea cargo vessels.
  - All public gatherings will be completely shut down.
  - All ASG operations will be suspended except for first responders and essential employees.

The public is advised that the current threat level is CODE BLUE. Furthermore, any changes in Code level and the associated restrictions announced therein, will be fully incorporated into this declaration as if fully set forth in this declaration.

In accordance with ASCA § 26.0105(g)(1), the restrictions on "Hazard Pay" in ASAC § 4.0411(b) are suspended. The Director of Department of Human Resources is tasked with developing a policy to compensate medical personnel, first responders, and all ASG employees that face increased risk and exposure associated with their duties.

In accordance with ASCA § 26.0105(g)(1), the maximum grant of four (4) hours for "Excused Absences" in ASAC § 4.0511(a)(10) is suspended. The Director of Department of Human Resources is tasked with developing a policy to compensate all ASG personnel that are under quarantine or unable to attend work for reasons related to the restrictions imposed.

In accordance with ASCA § 26.0105(g)(1), ASCA § 41.0205(1) is partially suspended to the extent that the Board will temporarily suspend its hearings function as it relates to P5 immigrant

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applications for emergency technical assistance to combat covid-19. The Attorney General is tasked with reviewing and deciding on these applications and in her absence from the Territory the Governor will review and render decisions on requests. The numerical limitations of ASCA § 41.0301 are likewise suspended.

The public is further advised that the covid-19 response is a multi-departmental effort. Each restriction put into place is for the protection of public health. Cooperation and compliance is necessary to prevent and slow down this disease. DOH and DPS will be tasked with coordinating enforcement to ensure the utmost compliance.

This declaration will be in effect for thirty (30) days and will expire on April 17, 2020. Exclusive authority for rendering all final decisions pertaining to the implementation of all prescribed dictates of this Emergency Declaration is vested solely in the Governor of the Territory of American Samoa.

Dated: March 18, 2020

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LOLO M. MOLIGA
Governor

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American Samoa Department of Health

## Public Service Announcement

**The following information is to better inform and continue to protect the communities in American Samoa from the COVID-19 disease. DOH advises the public to please consider and adhere to the guidelines endorsed by Center for Disease Control (CDC).**

**COVID-19 (Coronavirus) symptoms:**

**(A) Fever (B) Cough (C) Shortness of breath and breathing difficulties**

**General Precautions to Prevent the spread of respiratory infections like COVID-19:**

a. Wash your hands with soap and water or alcohol-based hand sanitizer for **20 seconds:**
   a. Before, during, and after preparing food
   b. Before eating food
   c. After using the toilet
   d. After touching an animal/pet, animal feed, or animal waste
   e. Before you touch your face, nose, eyes and mouth
   f. After blowing your nose, coughing, or sneezing
   g. Before and after caring for someone at home who is sick with vomiting or diarrhea
   h. Before and after treating a cut or wound
   i. After changing diapers or cleaning up a child who has used the toilet
   j. After touching garbage

b. Cover your mouth and nose with a tissue or your sleeve (not your hands) when sneezing or coughing, throw tissues in the trash immediately after. Sneeze or cough into your elbow – Not into your hands.
c. Avoid touching your eyes, nose, and mouth with unwashed hands.
d. Avoid close contact with people who are sick.
e. Clean and disinfect frequently touched objects and surfaces with disinfecting agents.
f. Stay home when you are sick, except when medical care is needed.
g. Get your flu shot updated.
h. Keep your home and yards clean.
i. Encourage family members to practice good hygiene measures.
j. Wear a mask if you are sick or improvise by using a clean cloth.

PUBLIC GATHERINGS:
DOH advises the public to avoid **ALL** unnecessary mass gatherings at this time. Practice **social distancing**- at least 6 feet apart from each other.

**For Travelers who are HOME QUARANTINED:**

- MUST stay inside the home for 14 days.
- MUST be isolated from the rest of the family in your household. Use separate bathrooms if possible and stay in a well-ventilated room. Disinfect and wash hands regularly.
- Please CALL THE HOTLINE as soon as you feel symptoms of COVID-19.
- DO NOT go to the LBJ Emergency Room or a Health Center without calling DOH Hotline first.
- DO NOT use public transportation (Aiga buses) to go to ER or a health center.

**Those under quarantine orders may have to be quarantined 14 DAYS OR MORE per discretion of DOH Physician. FAILURE TO COMPLY WITH THE HOME QUARANTINE PROTOCOL, YOU WILL BE SUBJECT TO QUARANTINE AT A DOH FACILTY.**

**What should you do if you develop symptoms?**

- **IMPORTANT: Call the DOH Hotline (Command Post) 633-5871/5872 for any question or updates. DOH physician/nurse will provide instructions of what you can do next before going to the Emergency Room.**

**DOH Clinics:** In an effort to minimize spreading the virus, **effective 23 March 2020**, all DOH clinics will adopt an APPOINTMENT SYSTEM whereby you can only visit the clinics by appointment. Please call to schedule an appointment ahead of time. No more walk-ins allowed starting March 23.

- Tafuna Health Center Telephone: 684-699-6380, 684-699-6381
- Fagaalu Well Baby Clinic: 684-633-3228
- Fagaalu Physical Clinic: 684-633-0821

**Leone and Amouli Clinics:** Are closed until further notice. All residents seeking health services are asked to go to Tafuna Health Center or Fagaalu clinics.

Parents with children needing transportation to the clinics are asked to contact the following number: (684) 633-5871/5872 and (684) 699-6380.

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Motusa Tuileama Nua
Director
Public Health
Pago Pago, American Samoa

**For more information contact:**
Measles Hotline: (684) 633-5871 or 633-5872
Email: measles@doh.as
https://www.facebook.com/asdoh.hotline

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# TERRITORY OF AMERICAN SAMOA'S RESPONSE AND ACTION PLAN TO COMBAT THE CORONAVIRUS PANDEMIC

**Lolo Matalasi Moliga**
**Governor of American Samoa**

American Samoa Government
A.P. Lutali Executive Building
Pago Pago, American Smoa 96799

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LOLO M. MOLIGA
GOVERNOR

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AMERICAN SAMOA GOVERNMENT
Telephone: (684)633-4116 Fax: (684)633-2289

LEMANU P. MAUGA
LIEUTENANT GOVERNOR

March 13, 2020

**Serial: 140**

Honorable David Bernhardt
Secretary
United States Department of the Interior
Washington D.C. 20204

Dear Secretary Bernhardt:

As our Nation struggles to ease the mounting precipitated anguish and fear perpetrated by the escalated spread of the coronavirus in the continental United States and possibly the Territories, we are comforted by the aggressive and bold leadership posture being adopted by President Trump, Vice President Mike Pence and federal leaders reflected in the actions being implemented along with availing financial resources to facilitate the implementation of States and Territories' mitigation strategies to prevent, contain, treat, and improve the health outcomes for all Americans infected by the Coronavirus.

We appreciate the Weekly Briefings conducted by Vice President Mike Pence and the Federal Coronavirus Task Force, as it gives us Governors the opportunity to receive real-time information on the current actions being implemented along with the chance to ask questions and to seek support. We thank you for your leadership and your leadership team in the Department of the Interior and especially the Office of Insular and International Affairs for ensuring that the needs of the territories are not neglected.

Subsequent to my letter to you on March 9, 2020, I am very pleased to submit for your consideration and hopefully your favorable review of the Territory of American Samoa's Response and Action Plan aimed to prevent the spread through aggressive surveillance, monitoring, tracking, isolation, and quarantine of suspected individuals; setting protocols for effective treatment of confirmed cases; comprehensive implementation of our community awareness, community outreach, community education, presenting our financial proposal for funds to empower us to fully implement our mitigation strategy; and our economic development impact assessment of the fiscal repercussions consequential to the coronavirus health storm.

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American Samoa is highly vulnerable because our current healthcare service delivery system grossly lacks the capacity to address the healthcare fallout from epidemics and pandemics. The incidence of accelerated spread of the coronavirus is also very high because of our social structure and cultural edicts which discourages social distancing. There is great fear that our healthcare service delivery system could collapse if the projections and estimates on the percentage of people who will be infected in any community hold true. There is only one hospital in American Samoa and the nearest U.S. Healthcare institution is Hawaii 2,300 miles away, but then given the highly contagious nature of the coronavirus travel might not be a viable option.

In light of these logistical challenges, American Samoa needs to access tools to allow it to determine the degree and level of infection to guide effective implementation of our mitigation strategies, advisories, and guidance. The recommended primary detection measure is TESTING. Regrettably, the Territory of American Samoa is not on the list for Test-Kits distribution. I earnestly implore your intervention in this issue because of the obvious impact on the efficacy of our mitigation and treatment plans.

Our dependency status on imports (95% consumables & 100% healthcare supplies) also adds to our great susceptibility, thus we appreciate the current sensitivity of the federal leaders in the efforts to keep the supply chains open. While this poses another layer of threat to the spread of the coronavirus, the challenge lies in striking a balance between these opposing issues. This will be our challenge as we try to find an acceptable medium to ensure that the health issue will not contribute to the social and economic collapse and does not compromise our ultimate objective of saving lives.

The final component of the Response and Action Plan is the economic assessment of the effect of the coronavirus' fiscal impact on American Samoa's economy with implications on our future prospects and the reciprocal consequences to the American Samoa Government's financial capacity.

We recognize that the major source of public distress stems from the perspective of the unknown and lacking access to information on the nature of the coronavirus and the appropriate actions they must take to prevent being infected. Thus, we have included in our media strategy to get the information out to our people.

Our experience gained from combating the Measles Outbreak with our containment protocols still in place has given us a head start in our fight to prevent and contain the spread of the coronavirus although there is still so much uncertainty surround this pandemic relative to its very nature.

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On behalf of the Leaders and the people of American Samoa I extend to you our gratitude and appreciation for the past and future assistance to empower and embolden our resolve to overcome this health disaster.

Sincerely,

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Lolo M. Moliga
Governor of American Samoa

cc: Honorable Mike Pence, Vice President of the United States of America
Honorable Alex M. Azar II, Secretary, Department of Health and Human Services
Honorable Dr. Robert R. Redfield, Director, Centers for Disease Control and Prevention
Honorable Douglas Domenech, Assistant Secretary, Insular & International Affairs
Honorable Chad F. Wolf, Acting Secretary, Department of Homeland Security
Honorable Lemanu Peleti Mauga, Lieutenant Governor of American Samoa
Honorable Aumua Amata Radewagen, Member of Congress
Honorable Gaoteote Palaie Tofau, President of the Senate
Honorable Savali Talavou Ale, Speaker of the House of Representatives
Honorable Larry Hogan, Chairman, National Governor's Association
Bettilou Taylor, Health and Medicaid Consultant, Washington, D.C.
Muliufi Hannemann, Consultant, National Group of Washington, D.C.

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## EXECUTIVE SUMMARY

The American Samoa's Territorial Wide Response and Action Plan is prepared to clearly outline the required protocols, guidance, and advisories to combat the entry, prevent community spread, and provide the most effective treatment for those infected by the Coronavirus.

As of March 12, 2020, no case of coronavirus has been detected, reported, or confirmed. Thus, while our ultimate desire is to prevent the entry of the coronavirus into our territory supported by the aggressive prevention protocols which have been declared and implemented, American Samoa's Territorial Wide Response and Action Plan is fashioned assuming the posture that the coronavirus has already reached our shores. This perspective has been adopted to forge the assessment of our healthcare infrastructure capacity whether it can respond efficaciously in mitigating the effects of the coronavirus on our people, our community, our economy, and our society.

Moreover, the Territory of American Samoa is located 2,300 miles Southeast of Hawaii which is the nearest U.S. Jurisdiction, and 5,000 miles to the West Coast of the United States Continental. This remote characteristic presents many difficult challenges which compel us to be as self-sufficient as possible and practical. Susceptibility to surface and air transportation is significant heightening our vulnerability and dependence on Hawaii and other states of the Union for assistance as 95% of our consumables and 100% of our medications are imported. The cost differentia of consumables and medication compared to the States is high shrinking our purchasing capacity.

Prompt detection of the coronavirus through the testing is vital to the determination of subsequent protocols to be implemented. The lapsed time between conducting the test and receiving results is paramount. With American Samoa's remote location, it is imperative that testing must be conducted on-site to provide preliminary indication as to the status of the person tested. American Samoa is the last territory that has not been issued Test-Kits, thus immediate detection is impossible. The LBJ Tropical Medical Center has CLIA certification hence it should be accorded the privilege to conduct these tests which by current protocols these tests will be sent to Hawaii for analysis. The response time is set at a minimum of 3 days turn-around. These three (3) days or more are critical as it could translate to more people being infected.

The assessment of our healthcare infrastructural system revealed major deficiencies in our capacity to effectively respond to epidemics and pandemics. Healthcare facilities were built to deliver standard health care services not contagious in nature. Additionally, special supplies, equipment, medication are limited given the rarity of epidemics. Consequently, epidemic related supplies and medication must now be specially ordered and stockpiled to avoid unnecessary interruption or delay in rendering services. Special isolation and quarantine facilities must now be built as current infrastructural configuration didn't account for the needs or to handle epidemics or pandemics.

Although we have embraced the attitude that the coronavirus has reached our shores, we acknowledge the plain fact that the most effective response to prevent the community spread of the coronavirus rests with each resident by practicing and adhering to the common-sense hygiene regimen. Public

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awareness, community outreach, and education is vital to empowering all residents of American Samoa to take ownership of their individual responsibility to prevent the spread of the coronavirus.

Financial resources are critically needed to finance all the planned tasks, activities, construction of facilities, purchase of equipment, supplies, COVID-19 test kits, and recruitment of additional healthcare professions to help alleviate the load assumed by regular physicians, nurses, technicians and all support functions of the LBJ Tropical Medical Center and the Department of Health. The territory has been combating the measles epidemic which exhausted its financial resources crippling it from availing financial resources to accommodate the demands of the coronavirus pandemic.

In light of the growing economic fallout, consequential to actions taken to address the coronavirus, an economic impact assessment has been conducted to estimate the financial and economic damages sustained by the Territory of American Samoa. Clearly, American Samoa is significantly affected and it will take years to recover.

The American Samoa's Territorial Wide Response and Action Plan provides details on the prevention, screening, monitoring, tracing, and isolation protocols. Treatment protocols are also clearly articulated. Advisories and Guidance on special groups have also been defined and incorporated. Community Awareness, Community Outreach, and Community Education Campaign is provided. It also presents the financial proposal outlining the anticipated expenditures which will be incurred in the implementation.

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**Current Situation**

An outbreak of a new coronavirus disease in 2019 (COVID-19) that began in Wuhan, China has been developing since December 2019. This outbreak now includes tens of thousands of infections in China and thousands of confirmed cases in a number of other countries, including hundreds in the United States.

As of 8:00 AM, March 12, 2020 there have been 1,215 total cases detected in 42 states and the District of Columbia. This represents an increase of 792 cases in the past 3 days. Among the identified cases to-date, 125 have been travel-related, 102 were from person-to-person spread, and 988 are still under investigation. An additional 49 cases have been identified among persons repatriated (brought back to the US from abroad) by the US government from Wuhan, China or the Diamond Princess Cruise Ship. There have been 36 total deaths.

**Impact to American Samoa**

As of March 12, 2020, the Territory of American Samoa has no confirmed Covid-19 case, nor anyone is being quarantined for suspected possible infected by the Covid-19. While this is deemed to be a blessing or a reflection of the aggressive actions being implemented by the American Samoa Government to preempt the entry of the virus, we have adopted the posture that the inevitable will happen given the heightened risk connected with travel emanating from states which have been infected by the COVID-19 which have large Samoan Communities.

Based on our belief that the inevitable will indeed happen the American Samoa Government is now assessing the sufficiency of its capacity to effectively and competently respond positively to any outbreak of the coronavirus in American Samoa.

To provide needed oversight to ensure that real time, practical, and functionable information and recommendations are developed and presented for executive decision on the course of actions to

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be pursued to combat the COVID-19, the American Samoa Coronavirus Task Force has been established to assume this responsibility. All major agencies of the American Samoa Government are made members of the American Samoa Coronavirus Task Force (ASCTF).

To support the work of the ASCTF, the Coronavirus Working Group (CWG) is also establish to provide staffing support to conducted need research on best practices in terms of effectiveness are being adopted by States and Territories are available for consideration and possible replication by our local strategies. The CWG will also provide secretariat functions to speed the work of the ASCTF. We have also compelled our D.C. based consultants and lobbyists to ensure that the needs of the Territory of American Samoa are clearly and aggressively articulate to the Congress, the White House, CDC, and the DHHS. General Memorandum No. 135 is included in the Appendix Section of the Response & Action Plan.

The anticipated impact in American Samoa will be overwhelming on our health and economic fallout which is already being felt although no confirmed Coronavirus case has been detected. The primary and immediate impact is on the territory healthcare infrastructure and systems.

***a. Medical personnel***

DOH and LBJ reshuffle personnel to meet the demand of recent measles outbreak mass vaccination. The shortage of healthcare profession to assist in emergency response while maintaining normal health care operations, presents the need to recruit and hire more physicians and nurses, and to compensate personnel involved in emergency response.

The healthcare professionals are already stretched beyond acceptable standards promulgated by CDC given that many healthcare professionals are working very long hours which certainly impact the quality of the service being provided. LBJ Tropical Medical Center is being financially burdened by chronic overtime given the shortage in nurses. The same is prevalent at the Emergency Room of the only Acute Care Facility on island.

***b. Medical Facilities***

The Territory of American Samoa lacks the appropriate facilities to quarantine and to treat those infected by the Coronavirus. LBJ currently does not have the capacity to effectively isolate and treat infected patients without presenting unacceptable risks to non-COVID-19 patients. While LBJ is struggling to make room to accommodate COVID-19 patients the probability of propagation is still high. The ideal option is not to place COVID-19 patients in close proximity to the patient population. Accordingly, LBJ is renovating the Behavioral Health Center to cater to the isolation and treatment of the COVID-19. Patients. The cost of this work is projected in the financial section of the Response & Action Plan.

The Department of Health (DOH) is solely assume the responsibility of isolation, monitoring, and caring for infected patients. This quarantine facility was setup to address isolation of suspected measles patients. The capacity is limited to 10 which is deemed grossly inadequate to accommodate the expected spread of the COVID-19 upon confirmation of one person. New facilities are being renovated to address the anticipate growth in the number suspected COVID-19. A new facility is

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being constructed specifically for isolation and quarantining of suspected COVID-19 cases. The cost of these infrastructural hardening activities is reflected in our funding request.

*c. Medical Supplies*

As of this writing, American Samoa has not been given Test-Kits to facilitate the immediate determination of the infected status of a suspected individual exhibiting the COVID-19 Symptoms. This is crucial as American Samoa is remotely located with Hawaii as the nearest U.S. Health facility 2,300 miles away. We lack the healthcare facilities to accommodate everyone with COVID-19 symptoms given that our borders are open for travel from the United States by U.S. passport holder, U.S. Nationals, and residents of American Samoa recognizing the CDC travel advisory.

Protective gowns are critically needed to protect the healthcare professionals and first responders. CDC approved masks are needed as well for the healthcare givers, first responders, and the general public desiring to use masks.

Equipment are needed particularly those addressing the respiratory issues, laboratory equipment for testing and preliminary diagnosis, obtainment of specimens, handling, and transportation of the same to U.S. designate labs for COVID-19 analysis.

Standard medical supplies are needs as well to ensure maintenance of a sufficient stock to sustain our healthcare response to combat the coronavirus. The cost of facilities, equipment, masks, gowns, and supplies are reflected in the financial request section.

**Current Challenges:**

The geographic location of the Territory of American Samoa creates severe logistical challenges which magnify operational issues exacerbating the status of healthcare infrastructural platform, human resources capacity and capability, operating supplies, financial resources, position within the Pacific Region, status within the federal family hierarchy, and the uniqueness of the cultural setting which ongoing family gatherings.

**American Samoa's COVID-19 Response & Action Plan**

The Response & Action Plan content contains protocols and advisories recommended by the Department of Health, LBJ Tropical Medical Center, Medicaid Office, Department of Education, American Samoa Community College, Department of Human and Social Services. Territorial Administration on Aging, the Department of Public Works, Department of Youth and Women, Department of Treasury, Department of Human Resources, Department of Local Government, Office Planning and Budget, Office of Procurement, Office of Public Information, American Samoa Environmental Protection Agency, Department of Legal Affairs, Department of Port/Airport Administration, Department of Commerce, and the Veterans Administration Health Clinic in American Samoa.

The approval of this Response & Action Plan by the Governor and the Lieutenant Governor will provide guidance to the entire territory regard steps to take to preempt being infected by the

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Coronavirus. Judicious note should be taken that these protocols and advisories will change as the status of the Coronavirus evolves as the entire situation is currently very fluid with continuing metamorphosing. Any changes or amendments to the articulate protocols will be clearly articulated to the entire community.

While focus on building the healthcare capacity to respond effectively and positively to curb the spread of the coronavirus, equal attention is placed on developing and implementing a community awareness and educational campaign to empower all the residents of American Samoa to be vigilant and diligent in adopting all hygiene advisories presented in this Response & Action Plan.

## I. Prevention, Surveillance, Monitoring, Detection, Testing, & Quarantine Protocols:

The success of the prevention of the Novel Coronavirus stems from the enforcement of the situational changing "DOH Travel Advisory" under the authority vested through the Governor's Public Health Emergency declaration and the Title 13 Health Economics Welfare Services, Chapter 2 American Samoa Emergency Health Powers Act, 13.0215.

All Personnel involved in the following procedures will adhere to Prevention and Control measures and PPE Protocols as outlined by the Isolation and Quarantine Plan.

### 1. Basic Epidemiology:

**Infectious Agent**

The 2019 Novel Coronavirus (COVID-19) is a virus (more specifically, a coronavirus) identified as the cause of an outbreak of respiratory illness first detected in Wuhan, China.

**Transmission**

Studies have been conducted to determine the transmission of COVID-19. The studies suggest that the most likely modes of transmission for COVID-19 are droplet and direct person-to-person contact. However, there is evidence that indirect contact and aerosol spread also exist. It also possible that COVID-19 spread from ill people to others through close contact, such as caring for or living with an infected person. Infected people have spread COVID-19 to others in healthcare settings, such as hospitals.

**Incubation Period**

The incubation period of a novel coronavirus causing severe acute respiratory disease depends on the type of novel coronavirus. The incubation period for COVID-19 is still under study but it is estimated to be 2 to 14 days with a median of 5 to 6 days.

**Communicability**

The period of communicability for the COVID-19 is not completely understood. For SARS-CoV, epidemiologic and virologic studies and clinical follow-up during the 2003 epidemic indicated that transmission does not occur before the onset of clinical signs and symptoms and the maximum period of communicability is less than 21 days. The period of communicability of COVID-19 is unknown.

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**Clinical Illness**

The novel coronavirus, COVID-19, can cause acute respiratory illness. For confirmed COVID-19 infections, reported illnesses have ranged from infected people with little to no symptoms, to people being severely ill and dying. Symptoms may include: Fever, Cough, Shortness of breath

2. **Definitions;**

Case definitions for the COVID-19 continues to evolve as clinical and epidemiologic information on these virus changes. Please refer to the novel coronavirus information on CDC's website for the most recent definitions. The CDC COVID-19 case definitions may be found here: https://www.cdc.gov/coronavirus/COVID-19/clinical-criteria.html.

**Clinical Case Definition**

Limited data on the clinical presentation of COVID-19 are available; most published clinical information to date is from critically ill patients. At hospital admission, common signs and symptoms include fever, chills/rigors, headache, non-productive cough, dyspnea and myalgia. Other symptoms can include sore throat, coryza, sputum production, dizziness, nausea and vomiting, diarrhea and abdominal pain. Atypical presentations including mild respiratory illness without fever and diarrheal illness preceding development of pneumonia have been reported.

**Laboratory Confirmation**

- Identification of a novel coronavirus that is different from currently circulating human coronavirus as confirmed by CDC's laboratory, by public health laboratories using CDC-approved protocols for a specific novel strain or by labs using an FDA-approved test for a specific novel strain.
- Confirmatory laboratory testing requires a positive PCR on at least two specific genomic targets or a single positive target with sequencing on a second.
- Other laboratory confirmation criteria may be defined by CDC for the specific novel coronavirus.

**Case Classifications**

- **Confirmed:** A confirmed case is a person with laboratory confirmation of COVID-19 infection.
- **Probable:** A probable case is a Patient Under Investigation (PUI) with absent or inconclusive laboratory results for COVID-19 infection who is a close contact of a laboratory-confirmed COVID-19 case. Examples of laboratory results that may be considered inconclusive include a positive test on a single PCR target, a positive test with an assay that has limited performance data available, or a negative test on an inadequate specimen.

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- **Suspect (Patient Under Investigation [PUI])**: A person who has both clinical features and an epidemiologic risk should be considered a Patient Under Investigation (PUI) based on one of the following scenarios:

- Fever AND pneumonia or acute respiratory distress syndrome (based on clinical or radiological evidence) AND EITHER:

  - A history of travel from countries with known COVID-19 (China, Korea, Japan, Thailand, Philippines, and US) within 14 days before symptom onset,

    **OR**

  - Close contact with a symptomatic traveler who developed fever and acute respiratory illness (not necessarily pneumonia) within 14 days after traveling from countries mentioned above, **OR**

  - A member of a cluster of patients with severe acute respiratory illness (e.g., fever and pneumonia requiring hospitalization) of unknown etiology in which COVID-19 is being evaluated, in consultation with state and local health department, OR

- Fever AND symptoms of respiratory illness (not necessarily pneumonia; e.g., cough, shortness of breath) AND a history of being in a healthcare facility (as a patient, worker or visitor) within 14 days before symptom onset in a country or territory in or near in which recent healthcare-associated cases of COVID-19 have been identified.

- Fever OR symptoms of respiratory illness (not necessarily pneumonia, e.g., cough, shortness of breath) AND close contact with a confirmed MERS case while the case was ill.

## 3. SURVELANCE AND CASE INVESTIGATION

### Case Investigation

Local and regional health departments should investigate all reports of novel coronavirus including COVID-19. Investigations should include an interview of the case or surrogate to obtain a detailed exposure history. The current investigation form is in Appendix 1. Completion of a more detailed investigation form may be required for probable or confirmed cases or in the event of an outbreak or other special situation. This more detailed investigation form will be provided by ASDOH, if needed.

### Suspect (Patient Under Investigation [PUI]) Case Investigation Checklist

- Any suspected novel coronavirus case should be investigated immediately.

- Ensure that appropriate control measures have been implemented (see Prevention and Control Measures, below).

- Determine whether the patient meets the case definition.

  - Obtain medical records, interview the suspected case-patient or surrogate and interview the patient's healthcare provider.

- Notify ASDOH immediately of suspect (PUI) cases of COVID-19.

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- Collect and ship specimens Hawaii State Laboratory
    - Inform the testing laboratory by calling Hawaii State Epidemiologist and Hawaii Currier.
    - Note: Only persons who meet case definition or have been approved by the ASDOH Epidemiologist will be tested for COVID-19.

**Confirmed/Probable Case Investigation Checklist**

- Any confirmed or probable novel coronavirus cases should be investigated immediately.
- Ensure that appropriate control measures have been implemented (see Prevention and Control Measures, below).
- Confirm that laboratory results (if available) meet the case definition.
- For confirmed cases, verify that the laboratory that performed the confirmatory testing is a public health laboratory using CDC-approved protocols for a specific novel strain.
- For probable cases, verify that epidemiologic linkages meet the case definition.
- Notify ASDOH Epidemiologist immediately of probable or confirmed cases of COVID-19.
- For probable cases, collect and ship specimens to the CDC laboratory
- Complete the AMS COVID-19 Investigation Form using medical records and by interviewing the case-patient or surrogate to identify close contacts, risk factors, and other pertinent information. Completion of a more detailed investigation form may be required and will be provided by ASDOH, if needed.
- Identify close contacts and determine if secondary cases have occurred.
    - See the Contact Tracing section below.
    - Inform CDC immediately if the case-patient traveled via airplane while symptomatic.
- Be prepared to enhance surveillance in the local area for respiratory illnesses and respiratory viruses, if requested by CDC.
- Refer to the *Public Health Preparedness, Surveillance, and Response Plan for* American Samoa for a list of responsibilities by department and program area, and for action triggers.
- If applicable, complete the steps in the Managing Special Situations section.
  Fax or send by secure email the novel coronavirus-specific PUI Form and other investigation forms (if provided) to CDC EOC. The PUI form must be faxed or securely emailed to CDC within 48 hours of testing.

**Prevention and Control Measures**

Prevention and control guidelines for COVID-19 are subject to change as disease knowledge evolves. Please refer to the CDC websites provided below for the most recent recommendations.

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***Healthcare Facilities and Healthcare Personnel***

Please see "Interim Infection Prevention and Control Recommendations for Hospitalized Patients with *COVID-19* available at https://www.cdc.gov/coronavirus/COVID-19/clinical-criteria.html

**Infection Control Recommendations**

**Minimize Chance for Exposures**

Ensure facility policies and practices are in place to minimize exposures to respiratory pathogens including COVID-19. Measures should be implemented before patient arrival, upon arrival, and throughout the duration of the affected patient's presence in the healthcare setting.

**Before Arrival**

- When scheduling appointments, instruct patients and persons who accompany them to call ahead or inform LBJ ER upon arrival if they have symptoms of any respiratory infection (e.g., cough, runny nose, fever) and to take appropriate preventive actions (e.g., wear a facemask upon entry to contain cough, follow triage procedure).

**Upon Arrival and During the Visit**

- Take steps to ensure all persons with symptoms of a respiratory infection adhere to respiratory hygiene and cough etiquette, hand hygiene, and triage procedures throughout the duration of the visit. Consider posting visual alerts (e.g., signs, posters) at the entrance and in strategic places (e.g., waiting areas, elevators, cafeterias) to provide patients and Health Care Providers with instructions (in appropriate languages) about hand hygiene, respiratory hygiene, and cough etiquette. Instructions should include how to use facemasks or tissues to cover nose and mouth when coughing or sneezing, to dispose of tissues and contaminated items in waste receptacles, and how and when to perform hand hygiene.

- Provide space and encourage persons with symptoms of respiratory infections to sit as far away from others as possible. If available, facilities may wish to place these patients in a separate area while waiting for care.

- Ensure rapid triage and isolation of patients who might have COVID-19 infection

  - Identify patients at risk for having COVID-19 infection before or immediately upon arrival to the hospital

    Implement triage procedures to detect patients at risk for having COVID-19 infections during or before patient triage or registration (e.g., at the time of patient check-in) and ensure that all patients are asked about the presence of symptoms of a respiratory infection and history of travel to areas experiencing transmission of COVID-19 or contact with possible COVID-19 patients. See the "Interim Guidance for Healthcare Professionals" (https://www.cdc.gov/coronavirus/COVID-19/clinical-criteria.html) for which patients to evaluate for COVID-19.

  - Immediately isolate those identified as at risk for having COVID-19 infection

    Implement Respiratory Hygiene and Cough Etiquette (i.e., placing a

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facemask over the patient's nose and mouth) and isolate those at risk for COVID-19 infection in an Airborne Infection Isolation Room (AIIR). See recommendations for "Patient Placement" below.

- Provide supplies to perform hand hygiene to all patients upon arrival to facility (e.g., at entrances of facility, waiting rooms, at patient check-in) and throughout the entire duration of the visit to the healthcare setting.

**Ensure Adherence to Standard, Contact and Airborne Precautions**

Standard precautions assume that every person is potentially infected or colonized with a pathogen that could be transmitted in the healthcare setting. Elements of standard precautions that apply to patients with respiratory infections, including those caused by COVID-19 are summarized below. Attention should be paid to training and proper donning, doffing and disposal of any personal protective equipment. All aspects of standard precautions (e.g., injection safety) are not emphasized in this document but can be found in the guideline titled Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings. All Health Care Providers who enter the room of a patient with suspected or confirmed COVID-19 should adhere to Standard, Contact, and Airborne precautions, including the following:

- Gloves
  - Put on clean, non-sterile gloves upon entry into the patient room or care area. Change gloves if they become torn or heavily contaminated.
  - Remove and discard gloves immediately upon leaving the patient room or care area. Please see section below on "Using More than one Kind of Personal Protective Equipment (PPE)" for recommended sequence of PPE removal.

- Gowns
  - Put on a clean disposable gown upon entry into the patient room or area. Change the gown if it becomes soiled. Remove and discard the gown immediately upon leaving the patient room or care area.

**Hand Hygiene**

- HCP should perform hand hygiene before and after all patient contact, contact with potentially infectious material, and before putting on and upon removal of PPE, including gloves. Hand hygiene in healthcare settings can be performed by washing with soap and water or using alcohol-based hand rubs. If hands are visibly soiled, use soap and water, not alcohol-based hand rubs.

- Healthcare facilities should ensure that facilities and supplies for performing hand hygiene are readily available to all personnel.

**Personal Protective Equipment**

Employers should select appropriate PPE and provide it to workers in accordance with OSHA's PPE standards (29 CFR 1910 Subpart I). Workers must receive training on and demonstrate an understanding of when to use PPE; what PPE is necessary; how to properly don (put on), use, doff (take off) PPE; how to properly dispose of or disinfect and maintain PPE; and the limitations of PPE. Any reusable PPE must be properly cleaned, decontaminated, and maintained after and between uses.

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- Respiratory Protection
  - Use respiratory protection (i.e., a respirator) that is at least as protective as a fit-tested NIOSH-certified disposable N95 filtering facepiece respirator upon entry to the patient room or care area.
  - The respirator should be the last part of the PPE ensemble to be removed. If reusable respirators are used, they must be cleaned and disinfected according to manufacturer's reprocessing instructions prior to re-use. If disposable respirators are used, they should be removed and discarded after leaving the patient room or care area and closing the door.
  - Respirator use must be in the context of a complete respiratory protection program in accordance with Occupational Safety and Health Administration (OSHA) Respiratory Protection standard (29 CFR 1910.134). Staff should be medically cleared and fit-tested if using respirators with tight-fitting facepieces (e.g., a NIOSH-certified disposable N95) and trained in the proper use of respirators, safe removal and disposal, and medical contraindications to respirator use.
- Eye Protection
  - Put on eye protection (e.g., a disposable face shield) upon entry to the patient room or care area. Remove and discard eye protection immediately upon leaving the patient room or care area. Reusable eye protection (e.g., goggles) must be cleaned and disinfected according to manufacturer's reprocessing instructions prior to re-use.
- Using More than one Kind of Personal Protective Equipment (PPE)
  - Different types of PPE are used together to prevent multiple routes of transmission.
  - The following sequence is a general approach to putting on this PPE combination for respiratory pathogens: first gown; then respirator; then goggles or face shield; then gloves.
  - The following sequence is a general approach to removing PPE for respiratory pathogens: first gloves; then goggles or face shield; then gown; then respirator.
  - Except for respirator, remove PPE at doorway or in anteroom. Remove respirator after leaving patient room and closing door.
  - Careful attention should be given to prevent contamination of clothing and skin during the process of removing PPE.
  - Perform hand hygiene as described above immediately before putting on and after removing all PPE.

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**Patient Placement**

- Place a patient who might be infected with COVID-19 in an Airborne Infection Isolation Room (AIIR) that has been constructed and maintained in accordance with current guidelines.

    - AIIRs are single patient rooms at negative pressure relative to the surrounding areas, and with a minimum of 6 air changes per hour (12 air changes per hour are recommended for new construction or renovation). Air from these rooms should be exhausted directly to the outside or be filtered through a high-efficiency particulate air (HEPA) filter before recirculation. Room doors should be kept closed except when entering or leaving the room, and entry and exit should be minimized. Facilities should monitor and document the proper negative-pressure function of these rooms.

    - If an AIIR is not available, the patient should be transferred as soon as is feasible to a facility where an AIIR is available. Pending transfer, place a facemask on the patient and isolate him/her in an examination room with the door closed. The patient should not be placed in any room where room exhaust is recirculated without high-efficiency particulate air (HEPA) filtration.

- Once in an AIIR, the patient's facemask may be removed; the facemask should remain on if the patient is not in an AIIR. Limit transport and movement of the patient outside of the AIIR to medically-essential purposes. When outside of the AIIR, patients should wear a facemask to contain secretions.

- Only essential personnel should enter the AIIR. Implement staffing policies to minimize the number of HCP who enter the room.

    - Facilities should consider caring for these patients with dedicated HCP to minimize risk of transmission and exposure to other patients and other HCP.

- Facilities should keep a log of all persons who care for OR enter the rooms or care area of these patients.

- Once the patient vacates a room, unprotected individuals, including HCP, should not be allowed in that room until sufficient time has elapsed for enough air changes to remove potentially infectious particles. More information on clearance rates under differing ventilation conditions is available here: http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5417a1.htm?s_cid=rr5417a1_e%20-%20tab1. In addition, the room should undergo appropriate cleaning and surface disinfection before unprotected individuals are allowed to reenter it.

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**Duration of Infection Control Precautions**

- At this time, information is lacking to definitively determine a recommended duration for keeping patients in isolation precautions.
- Duration of precautions should be determined on a case-by-case basis, in conjunction with local, state, and federal health authorities.
- Factors that should be considered include: presence of symptoms related to COVID-19, date symptoms resolved, other conditions that would require specific precautions (e.g., tuberculosis, *Clostridium difficile*) and available laboratory information.

Manage Visitor Access and Movement Within the Facility

Establish procedures for monitoring, managing and training visitors.

All visitors should follow respiratory hygiene and cough etiquette precautions while in the common areas of the facility.

Restrict visitors from entering the COVID-19 patient's room. Facilities can consider exceptions based on end-of-life situations or when a visitor is essential for the patient's emotional well-being and care.

Visitors who have been in contact with the patient before and during hospitalization are a possible source of COVID-19 for other patients, visitors, and staff.

**Visitors to COVID-19 patients should be scheduled and controlled to allow for:**

- Screening visitors for symptoms of acute respiratory illness before entering the hospital.
- Facilities should evaluate risk to the health of the visitor (e.g., visitor might have underlying illness putting them at higher risk for COVID-19) and ability to comply with precautions.
- Facilities should provide instruction, before visitors enter patients' rooms, on hand hygiene, limiting surfaces touched, and use of PPE according to current facility policy while in the patient's room.
- Facilities should maintain a record (e.g., log book) of all visitors who enter patient rooms.
- Visitors should not be present during aerosol-generating procedures.
- Visitors should be instructed to limit their movement within the facility.

Exposed visitors (e.g., contact with symptomatic COVID-19 patient prior to admission) should be advised to report any signs and symptoms of acute illness to their health care provider for a period of at least 14 days after the last known exposure to the sick patient.

Implement Engineering Controls

Consider designing and installing engineering controls to reduce or eliminate exposures by shielding HCP and other patients from infected individuals. Examples of engineering controls include physical barriers or partitions to guide patients through triage areas, curtains between

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patients in shared areas, closed suctioning systems for airway suctioning for intubated patients, as well as appropriate air-handling systems (with appropriate directionality, filtration, exchange rate, etc.) that are installed and properly maintained.

**Monitor and Manage Ill and Exposed Healthcare Personnel**

Health Care Providers who care for patients with COVID-19 should be monitored. They should immediately report any signs (e.g., fever) or symptoms (e.g., cough, shortness of breath) of acute illness to their supervisor or a facility designated person (e.g., occupational health services) for a period of 14 days after the last known contact with a COVID-19 patient, regardless of their use of PPE.

## Interim Guidelines for Collecting, Handling, and Testing Clinical Specimens from Patients Under Investigation (PUIs) for 2019 Novel Coronavirus (COVID-19)

- At this time, diagnostic testing for COVID-19 will be conducted at Hawaii State Lab.
- ASDOH will immediately notify Hawaii State Epidemiologist and CDC Regional Officer to report the PUI and determine whether testing for COVID-19 at Hawaii State Lab is indicated.
- Specimen Type and Priority. To increase the likelihood of detecting infection, CDC recommends:
  - Collection of three specimen types: lower respiratory, upper respiratory and serum specimens for testing is recommended.
  - If possible, additional specimen types (e.g., stool, urine) should be collected and should be stored initially until decision is made by CDC whether additional specimen sources should be tested.
  - Specimens should be collected as soon as possible once a PUI is identified regardless of symptom onset. Maintain proper infection control when collecting specimens.

### General Guidelines

Store specimens at 2-8°C and ship overnight to CDC on ice pack. Label each specimen container with the patient's ID number (e.g., medical record number), unique specimen ID (e.g., laboratory requisition number), specimen type (e.g., serum) and the date the sample was collected. Complete a CDC Form 50.34 for each specimen submitted. In the upper left box of the form, 1) for test requested select "Respiratory virus molecular detection (non-influenza) CDC-10401" and 2) for At CDC, bring to the attention of enter "Stephen Lindstrom: COVID-19 PUI".

**Respiratory Specimens**

Lower respiratory tract

- Bronchoalveolar lavage, tracheal aspirate.
  - Collect 2-3 mL into a sterile, leak-proof, screw-cap sputum collection cup or sterile dry container. Refrigerate specimen at 2-8°C and ship overnight to CDC on ice pack.
- Sputum

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- Have the patient rinse the mouth with water and then expectorate deep cough sputum directly into a sterile, leak-proof, screw-cap sputum collection cup or sterile dry container. Refrigerate specimen at 2-8°C and ship overnight to CDC on ice pack.

Upper respiratory tract

- Nasopharyngeal swab AND oropharyngeal swab (NP/OP swab)
  - Use only synthetic fiber swabs with plastic shafts. Do not use calcium alginate swabs or swabs with wooden shafts, as they may contain substances that inactivate some viruses and inhibit PCR testing. Place swabs immediately into sterile tubes containing 2-3 ml of viral transport media. NP and OP specimens should be kept in separate vials. Refrigerate specimen at 2-8°C and ship overnight to CDC on ice pack.
  - Nasopharyngeal swab: Insert a swab into the nostril parallel to the palate. Leave the swab in place for a few seconds to absorb secretions. Swab both nasopharyngeal areas with the same swab.
  - Oropharyngeal swab (e.g., throat swab): Swab the posterior pharynx, avoiding the tongue.
- Nasopharyngeal wash/aspirate or nasal aspirate
  - Collect 2-3 mL into a sterile, leak-proof, screw-cap sputum collection cup or sterile dry container. Refrigerate specimen at 2-8°C and ship overnight to CDC on ice pack.

**Serum**

Minimum volume required:

- Children and adults: Collect 1 tube (5-10 mL) of whole blood in a serum separator tube.
- Infant: A minimum of 1 mL of whole blood is needed for testing pediatric patients. If possible, collect 1 mL in a serum separator tube.

Serum separator tubes should be stored upright for at least 30 minutes, and then centrifuged at 1000–1300 relative centrifugal force (RCF) for 10 minutes before removing the serum and placing it in a separate sterile tube for shipping (such as a cryovial). Refrigerate the serum specimen at 2-8°C and ship overnight to CDC on ice-pack.

**Shipping**

- Specimens PUI's must be packaged, shipped, and transported according to the current edition of the International Air Transport Association (IATA) Dangerous Goods Regulations external icon.
- Store specimens at 2-8°C and ship overnight to Hawaii State Lab on ice pack. If a specimen is frozen at -70°C ship overnight to Hawaii State Lab on dry ice.

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- Additional useful and detailed information on packing, shipping, and transporting specimens can be found at Interim Laboratory Biosafety Guidelines for Handling and Processing Specimens Associated with 2019 Novel Coronavirus (COVID-19).

**Recommended Prevention Steps for Confirmed Coronavirus Individuals:**

The following prevention steps are recommended for people confirmed to have COVID-19 infection who can receive care at home and do not need to be hospitalized for medical reasons; people being evaluated by a healthcare provider for COVID-19 infection; caregivers and household members of a person confirmed to have, or being evaluated for, COVID-19 infection; and other people who have had close contact with a person confirmed to have, or being evaluated for, COVID-19 infection:

Note: If you are confirmed to have, or being evaluated for, COVID-19 infection you should follow the prevention steps below until a healthcare provider or local or state health department says you can return to your normal activities.

Stay home

- You should restrict activities outside your home, except for getting medical care. Do not go to work, school, or public areas, and do not use public transportation or taxis.

Separate yourself from other people in your home

- As much as possible, you should stay in a different room from other people in your home. Also, you should use a separate bathroom, if available.

Call ahead before visiting your doctor

- Before your medical appointment, call the healthcare provider and tell him or her that you have, or are being evaluated for, COVID-19 infection. This will help the healthcare provider's office take steps to keep other people from getting infected.

Wear a facemask

- You should wear a facemask when you are in the same room with other people and when you visit a healthcare provider. If you cannot wear a facemask, the people who live with you should wear one while they are in the same room with you.

Cover your coughs and sneezes

- Cover your mouth and nose with a tissue when you cough or sneeze, or you can cough or sneeze into your sleeve. Throw used tissues in a lined trash can, and immediately wash your hands with soap and water.

Wash your hands

- Wash your hands often and thoroughly with soap and water. You can use an alcohol-based hand sanitizer if soap and water are not available and if your hands are not visibly dirty. Avoid touching your eyes, nose, and mouth with unwashed hands.

Avoid sharing household items

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- You should not share dishes, drinking glasses, cups, eating utensils, towels, bedding, or other items with other people in your home. After using these items, you should wash them thoroughly with soap and water.

Monitor your symptoms

Seek prompt medical attention if your illness is worsening (e.g., difficulty breathing). Before going to your medical appointment, call the healthcare provider and tell him or her that you have, or are being evaluated for, COVID-19 infection. This will help the healthcare provider's office take steps to keep other people from getting infected. Ask your healthcare provider to call the local or state health department.

**Protocols for Contract Tracing:**

For all confirmed and probable cases of novel coronavirus infection, contact tracing for close contacts (see CDC's close contact definition below) is required. In addition, because COVID-19 and other novel coronaviruses are not fully understood, ASDOH may request that contact tracing activities for confirmed and probable cases include healthcare workers who were wearing recommended PPE but otherwise meet the definition of close contact.

The extent of follow-up required for close contacts of confirmed or probable cases may depend on the number of cases identified, the severity of illness or interest from public health leaders or media. Contract tracing requirements may cease in specific situations (e.g., in the case of an ongoing pandemic), as specified by ASDOH.

**Contact tracing**

- Contact tracing should be done for all probable and confirmed cases.
- Complete the ASDOH Respiratory Disease Contact Tracking and provide a copy to ASDOH
- Advise contacts of signs and symptoms of illness, and refer them to their healthcare providers if they experience any symptoms compatible with novel coronavirus infection within 14 days of their last contact with the confirmed or probable case.
    - Advise ill close contacts to call ahead prior to visiting their healthcare provider and inform their healthcare provider about recent contact with a confirmed or probable case.
    - Close contacts with respiratory or other compatible symptoms should be tested for novel coronavirus.
- Close contacts should be actively monitored for symptoms of novel coronavirus infection for a minimum of 14 days after last contact with the confirmed/probable case (i.e., follow-up should be performed at regular intervals).
- Collect serum specimens or other laboratory specimens on asymptomatic close contacts, when requested (See Laboratory Procedures section)
- Provide close contacts with a disease fact sheet, if available.

**Close contacts definition for COVID-19:**
Close contact is defined as a) being within approximately 6 feet (2 meters), or within the room or care area, of a confirmed COVID-19 case for a prolonged period of time (such as caring for, living with, visiting, or sharing a healthcare waiting area or room with, a confirmed COVID-19 case) while not wearing recommended personal protective equipment or PPE (e.g., gowns, gloves, NIOSH-certified disposable N95 respirator, eye protection); or b) having direct contact with infectious secretions of a confirmed COVID-19 case (e.g., being coughed on) while not wearing recommended personal protective equipment (i.e., gowns, gloves, respirator, eye protection).

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Data to inform the definition of close contact are limited; considerations when assessing close contact include the duration of exposure (e.g., longer exposure time likely increases exposure risk) and the clinical symptoms of the person with COVID-19 (e.g., coughing likely increases exposure risk). At this time, transient interactions, such as walking by a person with COVID-19, are not thought to constitute an exposure; however, final determination should be made in consultation with public health authorities.

**Protocols to Manage Special Situations:**

**Clusters of Patients with Severe Acute Respiratory Illness**

- Clusters of patients with severe acute respiratory illness (e.g., fever and pneumonia requiring hospitalization) without recognized links to a case of COVID-19 infection or to travelers from countries in or near the Arabian Peninsula should be evaluated for common respiratory pathogens.
- If the illnesses remain unexplained, providers should consider testing for COVID-19, in consultation with state and local health departments.
- In accordance with the World Health Organization's guidance for COVID-19, a cluster is defined as two or more persons with onset of symptoms within the same 14 days period, and who are associated with a specific setting such as a classroom, workplace, household, extended family, hospital, other residential institution, military barracks or recreational camp.
- If a cluster of patients with severe acute respiratory illness is identified, notify Command Post **immediately** at **(684) 633-5871 or (684) 633-5872.**

**Multiple Cases/Outbreaks of Novel Coronavirus**

If there is more than one case of novel coronavirus in a household, local area or facility, or an outbreak is suspected, notify Command Post **immediately** at (684) 633-5871 or (684) 633-5872.

The ASDOH EpiNet Teams will:

- Investigate common exposures among the cases and work with any identified facilities or entities.
- Recommend appropriate control measures for the specific entity or setting.
- Perform contact tracing and monitoring for close contacts of confirmed/probable cases.
- Collect specimens from close contacts, if requested.
- Encourage persons with compatible symptoms to be evaluated by a healthcare provider.
- Alert all healthcare providers in the area to be cognizant of possible cases and encourage immediate reporting of suspected cases.
- Collect and ship specimens on all suspected or probable cases to the Hawaii State Lab laboratory or another public health laboratory qualified to perform novel coronavirus testing using CDC-approved protocols for a specific novel strain.
- Enhance respiratory virus surveillance (e.g., case reporting and laboratory testing) in the facility or in a defined geographic area (depending on the specific outbreak situation)

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**Procedures for ASDOH Laboratory:**

Identification of a novel coronavirus such as COVID-19 is available Hawaii State Lab

**Specimen Collection**

Please see https://www.cdc.gov/coronavirus/COVID-19/guidelines-clinical-specimens.html for the most up-to-date guidelines.

Specimen Type and Priority

To date, little is known about pathogenic potential and transmission dynamics of COVID-19. To increase the likelihood of detecting infection, CDC recommends collecting multiple specimens from different sites at different times after symptom onset, if possible.

Points to consider when determining which specimen types to collect from a patient under investigation for COVID-19 include:

- The number of days between specimen collection and symptom onset
- Symptoms at the time of specimen collection

Additional points to consider:

- Maintain proper infection control when collecting specimens
- Use approved collection methods and equipment when collecting specimens
- Handle, store, and ship specimens following appropriate protocols

**Collection of all three specimen types (not just one or two of the three)—lower respiratory, upper respiratory and serum specimens—for testing using the CDC COVID-19 rRT-PCR assay is recommended.** Lower respiratory specimens are preferred, but collecting nasopharyngeal and oropharyngeal (NP/OP) specimens, and serum, is strongly recommended depending upon the length of time between symptom onset and specimen collection. Respiratory specimens should be collected as soon as possible after symptoms begin – ideally within 7 days. However, if more than a week has passed since symptom onset and the patient is still symptomatic, respiratory samples should still be collected, especially lower respiratory specimens since respiratory viruses can still be detected by rRT-PCR. For example,

- If symptom onset for a PUI with respiratory symptoms was less than 14 days ago, a single serum specimen (see Serum section, below), an NP/OP specimen, and a lower respiratory specimen (see Respiratory Specimens section, below) should be collected for CDC MERS **rRT-PCR testing at an authorized state or local public health laboratory**.
- If symptom onset for a PUI with an ongoing respiratory tract infection (especially a lower respiratory tract infection) was 14 or more days ago, a single serum specimen for **serologic testing at CDC** (see Serum section, below) in addition to a lower respiratory specimen and an NP/OP specimen (see Respiratory Specimens section, below) are recommended.

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## General Guidelines

For short periods (≤ 72 hours), most specimens should be held at 2-8°C rather than frozen. For delays exceeding 72 hours, freeze specimens at -70°C as soon as possible after collection (with exceptions noted below). Label each specimen container with the patient's ID number, specimen type and the date the sample was collected.

*Respiratory Specimens*

A. Lower respiratory tract

Bronchoalveolar lavage, tracheal aspirate, or pleural fluid

- Collect 2-3 mL into a sterile, leak-proof, screw-cap sputum collection cup or sterile dry container.
- Refrigerate specimen at 2-8°C if the specimen will arrive at the testing laboratory within 72 hours of collection; if exceeding 72 hours, freeze at -70°C and ship on dry ice.

Sputum

- Have the patient rinse his/her mouth with water and then expectorate (deep cough) sputum directly into a sterile, leak-proof, screw-cap sputum collection cup or sterile dry container.
- Refrigerate specimen at 2-8°C if the specimen will arrive at the testing laboratory within 72 hours of collection; if exceeding 72 hours, freeze at -70°C and ship on dry ice.

B. Upper respiratory tract

Nasopharyngeal AND oropharyngeal swabs (NP/OP swabs)

- Collection of both nasopharyngeal and oropharyngeal swabs, or a combined NP/OP specimen, is recommended.
- Use only synthetic fiber swabs with plastic shafts. Do not use calcium alginate swabs or swabs with wooden shafts, as they may contain substances that inactivate some viruses and inhibit PCR testing.
- Collection technique
  - Nasopharyngeal swabs: Insert a swab into the nostril parallel to the palate. Leave the swab in place for a few seconds to absorb secretions. Swab both nasopharyngeal areas.
  - Oropharyngeal swabs: Swab the posterior pharynx, avoiding the tongue.
- Place swabs immediately into sterile tubes containing 2-3 ml of viral transport media. NP/OP specimens can be combined, placing both swabs in the same vial.
- Refrigerate specimen at 2-8°C if the specimen will arrive at the testing laboratory within 72 hours of collection; if exceeding 72 hours, freeze at -70°C and ship on dry ice.

Nasopharyngeal wash/aspirate or nasal aspirates

- Collect 2-3 mL into a sterile, leak-proof, screw-cap sputum collection cup or sterile dry container.
- Refrigerate specimen at 2-8°C if the specimen will arrive at the testing laboratory within 72 hours of collection; if exceeding 72 hours, freeze at -70°C and ship on dry ice.

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*C. Serum*

**Serum (for serologic testing at CDC)** [Note: Use this serum guidance if the only serum specimen available would be collected 14 or more days after illness onset]

- Because we do not want to delay detection of COVID-19 infection and since the prevalence of COVID-19 in the US is low, serologic testing on a single serum sample collected 14 or more days after symptom onset may still be beneficial. This is in contrast to serologic testing for many other respiratory pathogens which require collection and testing of acute and convalescent serum specimens. Serologic testing is currently available at CDC upon request and approval. Please be aware that the COVID-19 serologic test is for research/surveillance purposes and not for diagnostic purposes - it is a tool developed in response to the COVID-19outbreak. Contact CDC's Emergency Operations Center (EOC) (770-488-7100) for consultation and approval if serologic testing is being considered.

☐ **Serum (for rRT-PCR testing at authorized state or local public health lab)** [Note: Use this serum guidance for specimens collected during the first two weeks of the patient's illness onset]

- For rRT-PCR testing (i.e., detection of the virus and not antibodies), a single serum specimen collected optimally during the first 10-12 days after symptom onset is recommended. Note: The kinetics of COVID-19 are not well understood. Once additional data become available, these recommendations will be updated as needed.
- The minimum amount of serum required for COVID-19 testing (either serologic or rRT-PCR) is 200 µL. If both COVID-19 serology and rRT-PCR tests are planned, the minimum amount of serum required is 400 µL (200 µL for each test). Serum separator tubes should be stored upright for at least 30 minutes, and then centrifuged at 1000–1300 relative centrifugal force (RCF) for 10 minutes before removing the serum and placing it in a separate sterile tube for shipping (such as a cryovial). Refrigerate the serum specimen at 2-8°C and ship on ice-pack; freezing and shipment of serum on dry ice is permissible.
- Children and adults
  - Collect 1 tube (5-10 mL) of whole blood in a serum separator tube.
- Infants
  - A minimum of 1 mL of whole blood is needed for testing pediatric patients.
  - If possible, collect 1 mL in a serum separator tube.

## II. Protocols, Advisories and Guidance for Isolation and Treatment:

**PURPOSE:**

To prevent potential healthcare associated infection (HAI) transmission of COVID-19 to patients, staff or visitor.

**Background:**

Coronaviruses are common in many different species of animals, including camels and bats. Rarely, these coronaviruses can evolve and infect humans and then spread between humans.



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Recent examples of this include Severe Acute Respiratory Syndrome (SARS-CoV) and Middle East Respiratory Syndrome (MERS-CoV).

Most coronaviruses infect animals, but not people. In the future, one or more of these other coronaviruses could potentially evolve and spread to humans, as has happened in the past. We still don't understand why only certain coronaviruses are able to infect people. https://www.cdc.gov/coronavirus/index.html (Jan 26,2020)

2019 Novel Coronavirus (COVID-19) is a virus (more specifically, a coronavirus) identified as the cause of an outbreak of respiratory illness first detected in Wuhan, China. Early on, many of the patients in the outbreak in Wuhan, China reportedly had some link to a large seafood and animal market, suggesting animal-to-person spread. However, a growing number of patients reportedly have not had exposure to animal markets, indicating person-to-person spread is occurring.

At this time, it's unclear how easily or sustainably this virus is spreading between people. Chinese officials report that sustained person-to-person spread in the community is occurring in China. Person-to-person spread in the United States has not yet been detected, but it's likely to occur to some extent. Cases in healthcare settings, like hospitals, may also occur.

**DEFINITIONS:**

**Case Definitions for COVID-19**

1. Severe acute respiratory infection (SARI) in a person, with history of fever and cough requiring admission to hospital, with no other etiology that fully explains the clinical presentation (clinicians should also be alert to the possibility of atypical presentations in patients who are immunocompromised);

   AND any of the following:
   a) A history of travel to Wuhan, Hubei Province China in the 14 days prior to symptom onset; or
   b) the disease occurs in a health care worker who has been working in an environment where patients with severe acute respiratory infections are being cared for, without regard to place of residence or history of travel; or
   c) the person develops an unusual or unexpected clinical course, especially sudden deterioration despite appropriate treatment, without regard to place of residence or history of travel, even if another etiology has been identified that fully explains the clinical presentation.

2. A person with acute respiratory illness of any degree of severity who, within 14 days before onset of illness, had any of the following exposures:
   a) close physical contact[2] with a confirmed case of 2019 n-CoV infection, while that patient was symptomatic: or
   b) a healthcare facility in a country where hospital-associated 2019 n-CoV infections have been reported.



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**Definition of Healthcare Personnel (HCP)** – For the purposes of this guidance, HCP refers to all persons, paid and unpaid, working in healthcare settings engaged in patient care activities, including: patient assessment for triage, entering examination rooms or patient rooms to provide care or clean and disinfect the environment, obtaining clinical specimens, handling soiled medical supplies or equipment, and coming in contact with potentially contaminated environmental surfaces.

**Definition of PATIENT UNDER INVESTIGATION (PUI) for 2019n-CoV:**

Healthcare providers should evaluate patients in the U.S. for MERS-CoV infection if they meet the following criteria, defined as a Patient Under Investigation (PUI). The below criteria serve as guidance for testing; however, patients should be evaluated and discussed with public health departments on a case-by-case basis if their clinical presentation or exposure history is equivocal (e.g., uncertain history of health care exposure).

Table 1

| **Clinical Features** | *And* | **Epidemiologic Risk** |
|---|---|---|
| **Severe illness**<br>Fever *and* pneumonia or acute respiratory distress syndrome (based on clinical or radiological evidence) | *and* | A history of travel from affected countries within 14 days before symptom onset, *or* close contact with a symptomatic traveler who developed fever and acute respiratory illness (not necessarily pneumonia) within 14 days after traveling from affected countries.<br>*– or –*<br>A member of a cluster of patients with severe acute respiratory illness (e.g., fever and pneumonia requiring hospitalization) of unknown etiology. |
| **Milder illness**<br>Fever *and* symptoms of respiratory illness (not necessarily pneumonia; e.g., cough, shortness of breath) | *and* | A history of being in a healthcare facility (as a patient, worker, or visitor) within 14 days before symptom onset in an affected country or territory which recent healthcare-associated cases of 2019n-CoV have been identified. |
| Fever *or* symptoms of respiratory illness (not necessarily pneumonia; e.g., cough, shortness of breath) | *and* | Close contact with a confirmed 2019n-CoV case while the case was ill. |



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**Confirmed Case**

A confirmed case is a person with laboratory confirmation of 2019 n-CoV infection. Confirmatory laboratory testing requires a positive PCR on at least two specific genomic targets or a single positive target with sequencing on a second.

**Probable Case**

A probable case is a PUI with absent or inconclusive laboratory results for 2019 n-CoV infection who is a close contact of a laboratory-confirmed 2019n-CoV case. Examples of laboratory results that may be considered inconclusive include a positive test on a single PCR target, a positive test with an assay that has limited performance data available, or a negative test on an inadequate specimen.

**Table 2. Clinical syndromes associated with COVID-19 infection**

| | |
|---|---|
| **Uncomplicated Illness** | Patients with uncomplicated upper respiratory tract viral infection, may have non-specific symptoms such as fever, cough, sore throat, nasal congestion, malaise, headache, muscle pain or malaise. The elderly and immunosuppressed may present with atypical symptoms. These patients do not have any signs of dehydration, sepsis or shortness of breath. |
| **Mild pneumonia** | Patient with pneumonia and no signs of severe pneumonia. Child with non-severe pneumonia has cough or difficulty breathing + fast breathing: fast breathing (in breaths/min): <2 months, ≥60; 2–11 months, ≥50; 1–5 years, ≥40 and no signs of severe pneumonia. |
| **Severe pneumonia** | Adolescent or adult: fever or suspected respiratory infection, plus one of respiratory rate >30 breaths/min, severe respiratory distress, or SpO2 <90% on room air (adapted from [1]).<br>Child with cough or difficulty in breathing, plus at least one of the following: central cyanosis or SpO2 <90%; severe respiratory distress (e.g. grunting, very severe chest indrawing); signs of pneumonia with a general danger sign: inability to breastfeed or drink, lethargy or unconsciousness, or convulsions. Other signs of pneumonia may be present: chest indrawing, fast breathing (in breaths/min): <2 months, ≥60; 2–11 months, ≥50; 1–5 years, ≥40.2 The diagnosis is clinical; chest imaging can exclude complications. |
| **Acute Respiratory Distress Syndrome** | **Onset:** new or worsening respiratory symptoms within one week of known clinical insult.<br><br>**Chest imaging (radiograph, CT scan, or lung ultrasound):** bilateral opacities, not fully explained by effusions, lobar or lung collapse, or nodules.<br>Origin of oedema: respiratory failure not fully explained by cardiac failure or fluid overload. Need objective assessment (e.g. |



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| | |
|---|---|
| **Sepsis** | echocardiography) to exclude hydrostatic cause of oedema if no risk factor present.<br>**Oxygenation (adults):**<br>• Mild ARDS: 200 mmHg < PaO2/FiO2 ≤ 300 mmHg (with PEEP or CPAP ≥5 cmH2O,7 or non-ventilated8)<br>• Moderate ARDS: 100 mmHg < PaO2/FiO2 ≤200 mmHg with PEEP ≥5 cmH2O,7 or non-ventilated8)<br>• Severe ARDS: PaO2/FiO2 ≤ 100 mmHg with PEEP ≥5 cmH2O,7 or non-ventilated8)<br>• When PaO2 is not available, SpO2/FiO2 ≤315 suggests ARDS (including in non-ventilated patients)<br>Oxygenation (children; note OI = Oxygenation Index and OSI = Oxygenation Index using SpO2):<br>• Bilevel NIV or CPAP ≥5 cmH2O via full face mask: PaO2/FiO2 ≤ 300 mmHg or SpO2/FiO2 ≤264<br>• Mild ARDS (invasively ventilated): 4 ≤ OI < 8 or 5 ≤ OSI < 7.5<br>• Moderate ARDS (invasively ventilated): 8 ≤ OI < 16 or 7.5 ≤ OSI < 12.3<br>• Severe ARDS (invasively ventilated): OI ≥ 16 or OSI ≥ 12.3 |
| **Septic shock** | Adults: life-threatening organ dysfunction caused by a dysregulated host response to suspected or proven infection, with organ dysfunction*. Signs of organ dysfunction include: altered mental status, difficult or fast breathing, low oxygen saturation, reduced urine output, fast heart rate, weak pulse, cold extremities or low blood pressure, skin mottling, or laboratory evidence of coagulopathy, thrombocytopenia, acidosis, high lactate or hyperbilirubinemia.<br>Children: suspected or proven infection and ≥2 SIRS criteria, of which one must be abnormal temperature or white blood cell count.<br><br>Adults: persisting hypotension despite volume resuscitation, requiring vasopressors to maintain MAP ≥65 mmHg and serum lactate level >2 mmol/L.<br>Children (based on [12]): any hypotension (SBP <5th centile or >2 SD below normal for age) or 2-3 of the following: altered mental state; tachycardia or bradycardia (HR <90 bpm or >160 bpm in infants and HR <70 bpm or >150 bpm in children); prolonged capillary refill (>2 sec) or warm vasodilation with bounding pulses; tachypnea; mottled skin or petechial or purpuric rash; increased lactate; oliguria; hyperthermia or hypothermia. |



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## TRANSMISSIONS-BASED PRECAUTIONS (ISOLATION PRECAUTIONS)

### PURPOSE

Transmission-Based Precautions are to be used in addition to Standard Precautions for patients with documented or suspected infection or colonization with highly transmissible or epidemiologically important pathogens for which additional precautions are needed to prevent transmission.

### DEFINITIONS

- The term Airborne Precautions has been supplemented with the term Airborne Infection Isolation Room (AIIR) for consistency with the *Guidelines for Environmental Infection Control in Healthcare Facilities,* the *Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings 2005* and the Facility Guidelines Institute Guidelines for Design and Construction of Hospitals.
- Respirator protection protects staff from hazardous or infectious aerosols, such as *Mycobacterium tuberculosis*. These devices have a sub-micron filter capable of excluding particles that are less than five (5) microns in diameter. Prior to using a respirator, staff must be fit tested for the appropriate size and fit and be in-service on the correct use of the respirator. Staff are responsible for fit checking the respirator before each use. Commonly used respirators in the healthcare setting are:
  - N95 Particulate Respirator
  - N99 Particulate Respirator
  - N100 Particulate Respirator
- Transmission-Based Precautions shall be used in addition to Standard Precautions to prevent the spread of infection throughout the hospital.
- Transmission-Based Precautions include:
  - Contact Precautions
  - Droplet Precautions
  - Airborne Precautions/Airborne Infection Isolation Room (AIIR)

### CONTACT PRECAUTIONS

- Contact Precautions shall be used for patients with known or suspected infections or evidence of syndromes that represent an increased risk for contact transmission. *See also* CDC pathogen-specific recommendations.
- Discontinue Contact Precautions after signs and symptoms of the infection have resolved or according to CDC pathogen-specific recommendations.
  - Patient Placement:
    - Patients who require Contact Precautions shall be placed in a single-patient room when available.
    - When single-patient rooms are in short supply, apply the following principles for making decisions on patient placement shall be used:
    - Patients with conditions that may facilitate transmission (i.e., uncontained drainage, stool incontinence) shall be prioritized for single-patient room placement.
    - Patients who are infected or colonized with the same pathogen and are suitable roommates shall be placed together (cohorted).



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- If it becomes necessary to place a patient who requires Contact Precautions in a room with a patient who is not infected or colonized with the same infectious agent, the following principles shall be followed:
- Avoid placing patients on Contact Precautions in the same room with patients who have conditions that may increase the risk of adverse outcome from infection or that may facilitate transmission (i.e., those who are immunocompromised, have open wounds, or have anticipated prolonged lengths of stay).
- Ensure that patients are physically separated (i.e., greater than three [3] feet apart) from each other. Draw the privacy curtain between beds to minimize opportunities for direct contact.
- Change protective attire and perform hand hygiene between contact with patients in the same room, regardless of whether one or both patients are on Contact Precautions.

- Personal Protective Equipment:
  - Gloves shall be worn whenever touching the patient's intact skin or surfaces and articles in close proximity to the patient (i.e., medical equipment, bed rails). Gloves shall be donned upon entry into the patient's room or cubicle.
  - Gowns shall be worn whenever it is anticipated that clothing will have direct contact with the patient, or potentially contaminated environmental surfaces or equipment in close proximity to the patient. Gown shall be donned upon entry into the room or cubicle. Gown shall be removed, and hand hygiene performed before leaving the patient-care environment.
  - Note: After gown removal, ensure that clothing and skin do not contact potentially contaminated environmental surfaces that could result in possible transfer of microorganism to other patients or environmental surfaces.
- Patient Transport:
  - Patient transport shall be limited to the movement of patients outside of the room for medically necessary purposes.
  - When transport or movement is necessary, the infected or colonized areas of the patient's body shall be contained and covered.
  - Any contaminated PPE shall be removed and disposed, and hand hygiene shall be performed prior to transporting patients on Contact Precautions.
  - Clean PPE shall be donned to handle the patient at the transport destination.
- Patient-Care Equipment and Instruments/Devices:
  - Handle patient-care equipment and instruments/devices according to Standard Precautions.
  - Disposable non-critical patient-care equipment (i.e., blood pressure cuffs) or patient-dedicated equipment shall be used whenever possible for patients on Contact Precautions. If common use of equipment for multiple patients is unavoidable, equipment shall be cleaned and disinfected prior to use on another patient.
- Environmental Measures:
  - Rooms for patients on Contact Precautions shall be prioritized for frequent cleaning and disinfection (i.e., at least daily), with a focus on frequently-touched surfaces (i.e., bed rails, overbed table, bedside commode, lavatory



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surfaces in patient bathrooms, doorknobs) and equipment in the immediate vicinity of the patient.

**DROPLET PRECAUTIONS**

- Droplet Precautions shall be used in accordance with CDC Recommendations for patients known or suspected to be infected with pathogens transmitted by respiratory droplets (i.e., large-particle droplets greater than 5μ in size) that are generated by a patient who is coughing, sneezing or talking.
- Droplet Precautions shall be discontinued after signs and symptoms have resolved or according to CDC pathogen-specific recommendations.

Patient Placement:

- Patients who require Droplet Precautions shall be placed in a single-patient room when available.
- When single-patient rooms are in short supply, the following principles for making decisions on patient placement shall be used:
  - **a.** Prioritize patients who have excessive cough and sputum production for single-patient room placement
  - **b.** Place together in the same room (cohort) patients who are infected with the same pathogen and are suitable roommates
  - **c.** If it becomes necessary to place patients who require Droplet Precautions in a room with a patient who does not have the same infection:
    - Avoid placing patients on Droplet Precautions in the same room with patients who have conditions that may increase the risk of adverse outcome from infection or that may facilitate transmission (i.e., those who are immunocompromised, have or have anticipated prolonged lengths of stay).
    - Ensure that patients are physically separated (i.e., greater than three [3] feet apart) from each other. Draw the privacy curtain between beds to minimize opportunities for close contact.
    - Change protective attire and perform hand hygiene between contact with patients in the same room, regardless of whether one patient or both patients are on Droplet Precautions.

Personal Protective Equipment:

- A face mask shall be donned upon entry into the patient room or cubicle.
- For patients with suspected or proven SARS, avian influenza or pandemic influenza, refer to the CDC website for the most current recommendations.

Patient Transport:

- Patient transport shall be limited to transport and movement of patients outside of the room for medically necessary purposes only.
- If transport or movement in any healthcare setting is necessary, the patient shall be instructed to wear a face mask and follow Respiratory Hygiene/Cough Etiquette.
- Note: No mask is required for persons transporting patients on Droplet Precautions.



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## AIRBORNE PRECAUTIONS

- Airborne Precautions shall be used in accordance with CDC recommendations for patients known or suspected to be infected with infectious agents transmitted person-to-person by the airborne route (i.e., *M tuberculosis*, measles, chickenpox, disseminated herpes zoster).
- Airborne Precautions shall be discontinued according to CDC pathogen-specific recommendations.

Patient Placement:

- In the event of an outbreak or exposure involving large numbers of patients who require Airborne Precautions, the following should be considered:
  - The Infection Preventionist shall be consulted at 633-1222 Ext. 369 before patient placement to determine the safety of alternative room that do not meet engineering requirements for an AIIR.
  - Cohort patients who are presumed to have the same infection (based on clinical presentation and diagnosis when known) in areas of the facility that are away from other patients, especially patients who are at increased risk for infection (i.e., immunocompromised patients).
  - Use temporary portable solutions (i.e., exhaust fan) to create a negative pressure environment in the converted area of the facility. Air shall be directly discharged to the outside, away from people and air intakes, or direct all the air through HEPA filters before it is introduced to other air spaces.

Staff Restrictions:

- Susceptible healthcare staff shall be restricted from entering the rooms of patients known or suspected to have measles (rubeola), varicella (chickenpox), disseminated zoster or smallpox, if other immune healthcare staff are available.

Use of PPE:

- A fit-tested NIOSH-approved N95 or higher-level respirator shall be worn for respiratory protection when entering the room of a patient when the following diseases are suspected or confirmed:
  - Infectious pulmonary or laryngeal tuberculosis, or when infectious tuberculosis skin lesions are present, and procedures that would aerosolize viable organisms (i.e., irrigation, incision and drainage, whirlpool treatments) are performed
  - Smallpox (vaccinated and unvaccinated)
  - Respiratory protection is recommended for all healthcare staff, including those with a documented "take" after smallpox vaccination, due to the risk of a genetically engineered virus against which the vaccine may not provide protection, or of exposure to a very large viral load (i.e., from high-risk aerosol-generating procedures, immunocompromised patients, hemorrhagic or flat smallpox.

Patient Transport:

- Patients on Airborne Precautions shall only be transported for medically necessary purposes only.
- When transport or movement outside an AIIR is necessary, patients shall be instructed to wear a surgical mask, if possible, and observe Respiratory Hygiene/Cough Etiquette.



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- For patients with skin lesions associated with varicella or smallpox, or draining skin lesions caused by *M. tuberculosis*, the affected area shall be covered to prevent aerosolization or contact with the infectious agent in skin lesions.
- Note: Healthcare staff transporting patients who are on Airborne Precautions do not need to wear a mask or respirator during transport if the patient is wearing a mask and infectious skin lesions are covered.

Exposure Management:

- Susceptible persons shall be offered immunization or provided with the appropriate immune globulin as soon as possible following unprotected contact (i.e., exposed) to a patient with measles, varicella or smallpox.
- Administration of measles vaccine (at any interval following exposure) or immune globulin (within six [6] days of exposure, particularly contacts less than or equal to six [6] months of age, pregnant women, and immunocompromised people, for whom the risk of complications is highest) to susceptible contacts.
- Varicella vaccine should be administered to exposed susceptible persons within 120 hours after the exposure, or administer varicella immune globulin (VZIG or alternative product), when available, within 96 hours for high-risk persons in whom vaccine is contraindicated (i.e., immunocompromised patients, pregnant women, newborns whose mother's varicella onset was less than five [5] days before or within 48 hours after delivery).
- Smallpox vaccine should be administered to exposed susceptible persons within four (4) days after exposure.

## PATIENT MOVEMENT IN ISOLATION AREA

- Patient movement and transport outside the isolation area shall be limited to medically necessary purposes.
- Dedicated portable x-ray equipment shall be available in areas designated for cohorting influenza patients.
- If transport or movement is necessary, ensure that the patient wears a surgical or procedure mask.
    - If a mask cannot be tolerated (i.e., due to the patient's age or deteriorating respiratory status), apply the most practical measures to contain respiratory secretions.
- Patients should perform hand hygiene before leaving the room.
- Alternate routes for persons with possible influenza infection and those who have no symptoms of influenza shall be considered in areas where patient transport is common.
- If there is patient contact with surfaces, these surfaces shall be cleaned and disinfected.

## CONTROL MEASURES IN OUTPATIENT CLINICS

Patients with nonemergency symptoms of an influenza-like illness may seek care from their medical provider. Implementation of infection prevention and control measures when these patients present for care will help prevent exposure among other patients and clinical and non-clinical office staff.

Outpatient Clinics:



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Staff shall post visual alerts (in appropriate languages) at the entrance to outpatient offices instructing persons with respiratory symptoms (i.e., patients, persons who accompany them) to:

- Inform reception and staff when they first register for care
- Practice respiratory hygiene/cough etiquette
- Triage patients calling for medical appointments for influenza symptoms:
  - Discourage unnecessary visits to medical facilities
  - Instruct symptomatic patients on infection prevention and control measures to limit transmission in the home and when traveling to necessary medical appointments
  - Symptomatic patients shall be referred to Medical Triage Tent/ER and appointment rescheduled soon as possible to limit their time in common waiting areas.

Staff shall post signs that promote cough etiquette in common areas (i.e. waiting areas, cafeterias, lavatories) where they can serve as reminders to all persons in the healthcare facility.

Signs shall instruct persons to:

- Cover the nose/mouth with tissue or arm when coughing or sneezing
- Dispose of tissues in the nearest waste receptacle after use
- Perform hand hygiene after contact with respiratory secretions

Outpatient offices shall facilitate adherence to respiratory hygiene/cough etiquette and ensure the availability of materials in waiting areas for patients and visitors.

- Provide tissues and no-touch receptacles (i.e., waste containers with pedal-operated lid or uncovered waste container) for used tissue disposal
- Provide conveniently located dispensers of alcohol-based hand rub
- Provide soap and disposable towels for hand washing where sinks are available
- Promote the use of procedure or surgical masks and spatial separation by persons with symptoms of influenza
- Offer and encourage the use of either procedure masks (i.e., with ear loops) or surgical masks (i.e., with ties or elastic) by symptomatic persons to limit dispersal of respiratory droplets.
- Encourage coughing persons to sit at least three (3) feet away from other persons in common waiting areas
- If possible, screen patients for influenza-like illness by phone or before coming into the facility and rescheduling appointments for those whose care is nonemergency

Canceling all nonemergency services when there is pandemic influenza in the community.



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## EMERGENCY MEDICAL SERVICES INFECTIOUS TRANSPORT

**Call Taking**

- Appropriate information from the caller and dispatcher; appropriate protocols for response, clinical care, application of administrative and environmental controls and use of personal protective equipment (PPE) by responding EMS personnel; and transport to the hospital can provide effective evaluation and treatment of the suspected condition.
- Screening for suspected highly infectious pathogens often involves questioning patients about recent travel to endemic areas and presenting signs and symptoms.
- Travel history and/or direct exposure to potential case within the number of days of the incubation period for the illness of interest.
- Specific signs and symptoms of illness
- Consult with Department of Health Epidemiologist and LBJTMC Infection Preventionist to identify required modifications to processes and protocols to ensure consistency with CDC guidance.

**Response**

- Regardless of dispatch information, EMS personnel should be vigilant for travel history and signs and symptoms of communicable disease (e.g., fever, cough, shortness of breath) and use standard precautions and add appropriate transmission-based infection control precautions whenever history or exam findings warrant.
- Implement strict standard and transmission-based precautions based on the patient's clinical information to avoid exposure to potentially infectious bodily fluids, droplets, and airborne particles.
- Identify patients who may be infected with a serious communicable disease by verbal screening and symptoms and recognize the potential hazards.
- Avoid direct contact with a patient who may have a serious communicable disease until you are wearing appropriate PPE.
    - Maintaining a distance of at least six feet may provide protection from transmission of many diseases.
    - Understand and practice with PPE so that you can rapidly and safely don and carefully doff the equipment without cross-contamination.
- Patients or their caregivers may find responders wearing high levels of PPE. Communicating with and calming anxious patients may be more challenging due to PPE as well. Responders should be mindful of this and be prepared to reassure patients and to address their distress and fear.
- Limit the number of EMS providers making contact with a potentially infectious patient to the minimum required to perform tasks safely.
- Hand hygiene (e.g., handwashing with non-antimicrobial soap and water, alcohol-based hand rub, or antiseptic hand wash) is one of the best ways to remove germs, avoid getting sick, and prevent the spread of germs to others.
- Place a surgical mask on a patient with likely infectious cough to significantly limit droplet generation.
    - Patients should cover their nose and mouth when coughing or sneezing; use tissues to contain respiratory secretions and, after use, dispose them in the nearest waste receptacle; and perform hand hygiene after having contact with respiratory



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secretions and contaminated objects or materials.
  - Apply PPE appropriate for the patient's condition prior to making direct patient contact.
- Patients with respiratory illnesses
  - Interview conducted at least 6 feet away from the patient may provide some protection from infectious droplets.
  - Ask any patient with respiratory symptoms to wear a surgical mask if they can tolerate it.
- Keep nonessential equipment away from the patient, so as minimize contamination on the scene and in the ambulance.
- Infection control practices can evolve with novel agents or during infectious disease outbreaks or epidemics.

**Personal Protective Equipment**

- Disposable exam gloves – standard gloves for standard precautions
- Disposable exam gloves – with elongated cuffs for use with barrier gowns/suits
- Cleanable goggles OR face shield
- Surgical masks for patients and providers
- Disposable fluid-resistant gown OR disposable fluid-resistant coverall
- Disposable National Institute for Occupational Safety and Health (NIOSH)-approved, fit-tested N95 or equivalent/higher level respirator (e.g., reusable half-face elastomeric respirator N95 or higher rating mask or PAPR with full hood and HEPA filter)
- Disposable boot/shoe covers
- Full face shield (plus consider head cover)
- Boots (disposable or reusable)
- Fluid-resistant coverall – if service uses gowns for other contact exposures
- Disposable, impermeable apron in addition to fluid-resistant coverall for unstable patients

## EMERGENCY MEDICAL SERVICES SANITIZING VEHICLES

During an influenza pandemic, LBJTMC shall ensure that all emergency transport vehicles shall be cleaned and maintained in accordance with Centers for Disease Control and Prevention's (CDC) guidelines.

**Procedure:**

- LBJTMC shall coordinate with the CDC's Health Alert Network, Public Health Information Network (PHIN) and/or Public Health Information Rapid Exchange (PHIRE), and local agencies to ensure the organization has the most recent information on the pandemic situation, and rapidly and properly disseminates up-to-date clinical standards, treatment protocols and just-in-time training to the EMS coordinator.
- Any interim CDC guidance related to a pandemic shall be incorporated into the organization's infection prevention and control plan which, at a minimum, shall include the consistent practice of basic infection prevention and control procedures, including:



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- Vehicle/equipment decontamination
- Hand hygiene
- Cough and respiratory hygiene
- Proper use of Food and Drug Administration (FDA)-regulated medical personal protective equipment (PPE) regardless of the likelihood of an influenza pandemic

- Routine cleaning methods for emergency transport vehicles shall be employed throughout each vehicle with special attention to the following:
  - Clean and disinfect non-patient care areas of the vehicle according to the vehicle manufacturer's recommendations.
  - Non-patient care areas of the vehicle, such as the driver's compartment, may become indirectly contaminated, such as by touching the steering wheel with a contaminated glove. Staff shall be particularly vigilant to avoid contaminating environmental surfaces that are not directly related to patient care (i.e., steering wheels, light switches).
  - Nonsterile, disposable gloves that are recommended by the manufacturer of the detergent/disinfectant shall be worn while cleaning the patient care compartment and when handling cleaning and disinfecting solutions.
  - Gloves shall be disposed of in a sturdy leak proof (i.e., plastic) bag that is tied shut and not reopened if gloves become damaged or soiled or when cleaning is completed,
  - Frequently touched surfaces in patient care compartments (including stretchers, railings, medical equipment control panels, adjacent flooring, walls, ceilings and work surfaces, door handles, radios, keyboards and cell phones) that become directly contaminated with respiratory secretions and other bodily fluids during patient care, or indirectly by touching the surfaces with gloved hands, shall be cleaned first with detergent and water, and then disinfected using an EPA-registered hospital disinfectant in accordance with the manufacturer's instructions.
    - All safety precautions or other recommendations issued by the manufacturer shall be followed (i.e., allowing adequate ventilation in confined areas, proper disposal of unused product or used containers).
  - Non-porous surfaces in patient care compartments that are not frequently touched shall be cleaned with detergent and water. Large-surface cleaning methods that produce mists or aerosols or disperse dust in patient care areas (i.e., use wet dusting techniques, wipe application of cleaning and/or disinfectant solutions) shall be avoided.
  - Any small spills of bodily fluids (i.e., vomit from an ill patient) shall be cleaned first with detergent and water, followed by disinfection using an EPA-registered hospital disinfectant from EPA List D or E in accordance with the manufacturer's use instructions and safety precautions.
  - Large spills of bodily fluids (i.e., vomit) shall be managed by removing visible organic matter with absorbent material (i.e., disposable paper towels discarded into a leak-



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proof properly labeled container). The spill shall then be cleaned and disinfected as above.

- Contaminated reusable patient care devices and equipment shall be placed in biohazard bags clearly marked for cleaning and disinfection or sterilization as appropriate.
- Reusable devices and equipment shall be clean and disinfected or sterilized according to the manufacturer's recommendations.
- After cleaning, remove and dispose of gloves as instructed in a leak-proof bag or waste container.
- Immediately clean hands with soap and water or an alcohol-based hand gel. Avoid touching the face with gloved or unwashed hands.[1]

## III. Travel Advisories and Guidance:

**Information for Travelers**

General prevention measures for all travelers:

- Wash your hands often with soap and water. If soap and water are not available, use an alcohol-based hand sanitizer.
- Avoid touching your eyes, nose, and mouth. Germs spread this way.
- Avoid close contact with sick people.
- Be sure you are up to date with all of your shots, and if possible, see your health care provider at least 4–6 weeks before travel to get any additional shots.
- Visit CDC's Travelers' Health website (http://wwwnc.cdc.gov/travel/) for more information on healthy travel.
- CDC does not recommend that travelers change their plans because of COVID-19. Most instances of person-to-person spread have occurred in health care workers and other close contacts (such as family members and caregivers) of people sick with COVID-19. If you are concerned about COVID-19, you should discuss your travel plans with your doctor.

**Travelers who are ill:**

- Cover your mouth with a tissue when you cough or sneeze, and throw the tissue in the trash.

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[1] Centers for Disease Control and Prevention (CDC). (October 12, 2018). Influenza (Flu). Retrieved from https://www.cdc.gov/flu/index.htm
Sandoz, Kory L. (n.d.). Pandemic Planning for EMS. Allied Medical Training (AMT). Retrieved from https://alliedmedtraining.com/pandemic-planning-ems/



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- Avoid contact with other people to keep from infecting them. This might mean delaying your travel until you are well.

- Call a doctor if you develop a fever and symptoms of lower respiratory illness, such as cough or shortness of breath, within 14 days after traveling from countries with known COVID-19 transmission l the doctor about your recent travel before you go in for an appointment.

- Tell people who have been in close contact with you to monitor their health for 14 days after the last time they were around you.

    - They should call a doctor and tell them about your illness and travel history and their current symptoms.

- If you get sick while you are traveling, see "Getting Health Care Abroad" (http://wwwnc.cdc.gov/travel/page/getting-health-care-abroad) for information about how to locate medical services overseas.

## IV. Advisory and Guidance for Schools and Daycare Centers

**School/Daycare Exclusion Criteria**

**Policy:**

Children with a fever from any infectious disease cause should be excluded from school and daycare for at least 24 hours after fever subsides without the use of fever-suppressing medications. It is recommended that adults not return to work for at least 24 hours after fever has subsided without the use of fever suppressing medications. Do not exclude close contacts from daily activities such as work or school as long as they have no other reasons for exclusion. In the event of a pandemic the exclusion period may be extended.

**DHSS GENERAL ADVISORY TO ALL CLIENTS:**

The **Department of Human and Social Services (DHSS)** continues to take a proactive stance in prevention and containment of the current public health emergency: Coronavirus Disease 2019 (COVID-19). The following General Advisory are measures to protect the health and welfare of our clients, community members-at-large, as well as our workforce.

**1. Department-Wide**

Anyone who presents with fever, cough, shortness of breath[1] will not be allowed to access DHSS buildings/ Programs[1]. There will be a checkpoint outside of all DHSS offices where you will be asked the following:

a. Do you have a cough? fever? trouble breathing?
b. Have you traveled within the last 14-days?
    i. If yes, where? (Interviewer will have access to a list of affected U.S. states and foreign countries.)



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ii. If yes, are you under self-quarantine?
iii. You will not be allowed access if you answer "yes" to any of these questions.

c. All DHSS clients with underlying medical conditions (ex: heart and kidney disease), acute respiratory illness (ex: lung disease), weak or compromised immune systems, especially those 60 years and older, are required to designate an authorized representative who is in good health to access services/ retrieve benefits on their behalf. (Please see BHS and CFS in part 2 below for exceptions.)

d. DHSS clients are encouraged to first call to make an appointment and get the most current information about accessing our facilities.

1. **Specific to Divisions/ Programs**

A. **ASNAP:** All ASNAP recipients with underlying medical conditions (ex: heart and kidney disease), acute respiratory illness (ex: lung disease), weak or compromised immune systems, especially those 60 years and older, are required to designate an authorized representative who is in good health to access services/ retrieve benefits on the recipient's behalf.

B. **ASDRFA**

i. We will only serve current clients and applicants who have been called to come into our office.
ii. Individuals with pending applications are asked **not to come in** but call these numbers for an update on the status of your application: 633-7506, 633-1156, 633-1571.

C. **ASWIC**

i. All proxies, including those 60 years and older, with underlying medical conditions (ex: heart and kidney disease), acute respiratory illness (ex: lung disease), weak or compromised immune systems are required to designate an alternate who is in good health to access services/ retrieve benefits on the recipient's behalf.
ii. All satellite clinic staff will clean and sanitize frequently touched objects and surfaces (ex: doorknobs, toys, tables, counters, pin and signature pads, keyboards, telephones, personal cell phones, etc.) at least three times daily.

D. **Behavioral Health Services (BHS)** Individuals who present with fever, cough, shortness of breath will not be served, but are encouraged to call or e-mail us for alternative service options.



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E. **Children and Family Services (CFS)**

i. Unless it is an emergency, individuals who present with fever, cough, shortness of breath will not be served, but are encouraged to call or e-mail us for alternative service options.

ii. All shelter facilities staff will clean and sanitize frequently touched objects and surfaces (ex: doorknobs, toys, tables, counters, keyboards, telephones, personal cell phones, etc.) at least three times daily.

F. **Child Care**

i. Providers are required to deny services for children presenting with fever, cough, shortness of breath.

ii. Parents must keep sick children at home.

iii. A child who develops symptoms any time during the day will be quarantined with required supervision and parents will be contacted for immediate pick-up.

iv. Daycare employees will not be allowed to work if presenting with fever, cough, shortness of breath.

v. All daycare centers are required to clean and sanitize frequently touched objects and surfaces (ex: door knobs, toys, tables, counters, biometric scanners and keyboards, telephones, personal cell phones, etc.) at least three times daily.

2. **Specific to Employees**

i. Promote and practice proper handwashing frequently. If soap and water is not immediately available, hand sanitizer with at least 60% alcohol will be used.

ii. Avoid close contact with people who are sick (at least 6 feet is recommended).

iii. Avoid touching your eyes, nose, and mouth.

iv. Practice respiratory etiquette.

1. Cover your mouth and nose with a tissue when you cough, or sneeze then put the used tissue in a waste basket with a lid.
2. If you don't have a tissue, cough or sneeze into your upper sleeve, not your hands.

v. Encourage workers to stay home if they are sick.

vi. At least three times a day, DHSS employees will clean and sanitize frequently touched objects and surfaces (doorknobs, desks, counters, electronic signature pads, telephones, keyboards, personal cell phones, etc.), especially in waiting areas and child-friendly areas with toys.

vii. Employees will occupy/ use space and equipment designated for them (desks, computers, telephones, etc.).

viii. Personal protective equipment will be used if services are required in emergency situations.

ix. All DHSS community outreach activities are cancelled until further notice.



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## V. HUMAN RESOURCES EMPLOYMENT ADVISORIES AND GUIDANCE

This memorandum and outlined protocols provide additional guidance for the American Samoa Government Workforce on how to respond to the impacts of Coronavirus Disease 2019 (COVID-19).

The Department of Health continues to remind the general public that immediate health risk from COVID-19 is considered low. However, it remains critically important that we continue to strengthen our efforts to protect the health and welfare of our employees by ensuring the continuity of operations or Territorial Emergency Response Plan (TEOP) are updated to minimize any disruption in services to the people of American Samoa. In general, it is important to make sure your employees have a clear understanding of their work priorities, a responsibility that Agency Heads and managers can take ownership. Set clear expectations on establishing work hours and task prioritization. Empower team leaders to create management by objectives and deliverables for employees to ensure projects are progressing at no expense to quality production.

Flex accommodation will be unique from one organization to another, but organizations must create policies that are effective to their teams. Therefore, the Department of Human Resources (DHR) is providing the following guidance on COVID-19 to supplement public awareness campaign and brochures currently in mass distribution by the Department of Public Health.

This information may also be accessed on our agency website at www.americansamoa.gov

The protocols highlighted on this memorandum reflect the various inquiries DHR has received from agencies and employees regarding COVID-19 and human resources policies. The topics discussed include:

- Call-In Procedures;
- Annual Leave;
- Sick Leave;
- Flex-Scheduling;

Agencies are strongly encouraged to review and update their employees (call-sheet) and emergency contact information, as needed.

Relative to our educational awareness campaign and prevention measures, the DHR strongly encourages Directors and Agency Heads to enforce these added caveats as per ASAC §4.505(2), which states that, ***"Each department is responsible for administering the annual leave system for their employees and must issue instructions concerning the granting of annual and sick leave."***

If an employee with suspected symptoms of COVID-19 as published by the Department of Health's Response Manual should adhere to the following guidance:



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**Call-In Procedures: (Annual & Sick Leave/Absence Notification)**

An employee must notify your supervisor or the Office of the Director for each sick time or absence from work before the start of the business day at 7:30 a.m. The notification must be received at least fifteen (15) minutes before the start of work with a grace period of fifteen (15) minutes past 7:30 a.m. to be considered **proper notification**.

When providing notification of being sick, an employee must state the reason why they will be absent, whether it is COVID-19 related or instructed by a medical provider to be self-quarantined. While the granting of leave is permitted given all subsections of ASAC §4.0506 are met, it is mandatory that the employee furnish documentary evidence in the form of a medical certificate for periods in excess of 3 consecutive days. However, management may require that the employee furnish such certificate for sick leave involving "any" length of time.

If all sick leave is exhausted, the Agency may charge towards Annual or Compensatory Time.

**Flex-Scheduling:**

The Department of Human Resources is committed to helping and assist employees with work flexibilities given our prevention efforts to combat COVID-19. Flex-Scheduling for employees will be reviewed on a case-by-case basis in situations where self-quarantine or as a caretaker for qualified family members who are classified as suspected, probable, or confirmed with COVID-19 may be granted Flex-Scheduling to accommodate and accomplish both work and personal goals to provide increased productivity at no expense to quality output.

Flexible work arrangements are not appropriate for all employees or positions. The following conditions are also considered for flex-scheduling to be approved: The employee must have a satisfactory history of attendance, meet all performance expectations of his or her current position, and consistently demonstrated the ability to complete tasks and assignments on a timely basis. The nature of the employee's work and responsibilities must be conducive to a flexible work arrangement without causing significant disruption to performance and/or service delivery.

All flex-scheduling and potential work arrangements must be approved with concurrence of the Department of Human Resources prior to announcement or implementation.

For additional information or support, please contact our office at 633-4485. Thank you.

**Frequently Asked Questions (FAQ):**

1. **Generally, how should agencies manage incidences of quarantinable communicable disease, such as COVID-19?**

    a. The constitution of Flex Scheduling for qualified employees promotes "social distancing" and an alternative to sick and annual leave for exposure to quarantinable communicable disease for an employee who is asymptomatic or caring for a qualified immediate family member who is asymptomatic. Agencies



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should have mechanisms in place to monitor and track flexible work arrangements in the event of emergency situations.

2. **Like the Measles epidemic in November 2019, where schools and day care centers were suspended, is it permissible for Flex-Scheduling to perform work from home with a child in the home?**

    a. A department or agency that has a general bar on Flex-Scheduling when there are young children requiring care and supervision as a special exception, such as the COVID-19, would be expected to account for work and non-work hours during the approved period of flex accommodation to take appropriate leave (AL/LWOP) to account for the time spent away from normal work related duties (i.e. to care for child or small children).

3. **If an employee runs out of sick leave, can the agency grant advanced sick leave to an employee who is ill (symptomatic) due to COVID-19, or must care for a family member who is ill?**

    a. No. Advanced sick leave is not an employee entitlement and may only granted with the approval of the Governor.

4. **If an employee is healthy but stays home because his or her asymptomatic family member has been quarantined due to exposure to COVID-19, in what pay/leave status is the employee placed?**

    a. Currently, an employee may use annual, sick, or compensatory time off to care for a family member who is healthy but has been quarantined due to COVID-19.

5. **If the Governor declares COVID-19 to be a pandemic, can an agency order one or more employees to evacuate their offices to work from home?**

    a. It depends. However, it is highly encouraged that Departments and Agencies review their concept of operations to be able to sustain minimal functions on a "skeletal staffing" matrix, either with employees who have been approved for Flex-Scheduling or a team of employees with critical functions to remain unless otherwise instructed by the Office of the Governor.

## VI. ADVISORIES & GUIDANCE FOR SENIOR CITIZENS

The Territory Administration on Agency will use the advisories and guidance provided in the health hygiene protocols to prepare presentations, flyers, and brochures for distribution to the Senior Citizen population of American Samoa who are deemed to be most vulnerable to the coronavirus.



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The Territorial Administration on Aging will closely collaborate with the Department of Health and the LBJ Tropical Medical Center in educating and making the seniors fully aware of the best hygiene practices which they must practice each day.

## TAOA - Fact Sheet

**What do Older Adults and People with Disabilities Need to Know?**

- Early data suggest older people are twice as likely to have serious COVID-19 illness.
- This may be because immune systems change with age, making it harder to fight off diseases and infection.
- Older adults also are more likely to have underlying health conditions that make it harder to cope with and recover from illness.

*In addition, people of all ages, with or without disabilities, seem to be at higher risk for getting very sick from COVID-19 if they have serious chronic medical conditions like heart, lung or kidney disease.*

***Reducing exposure is especially important for people at higher risk of complications!***

If you are at higher risk, Am. Samoa Department of Health recommends that you:

- Stay at home as much as possible if COVID-19 is spreading in your community.
- Make sure you have access to several weeks of medications and supplies in case you need to stay home for prolonged periods of time. CDC has great resources to help you plan.

**Everyday actions to prevent illness**

Everyone, regardless of age or disability, should follow ASDOH's recommendations to help prevent the spread of all respiratory diseases, including colds and flu and COVID-19. For example:

- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose, and mouth.
- Stay home when you are sick.



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**Watch for symptoms and emergency warning signs**

- COVID-19 symptoms include **fever, cough, and shortness of breath**. If you feel like you are developing symptoms, call DOH Command Post at 633-5871/5872.
- If you develop emergency warning signs for COVID-19 get medical attention immediately. These include:
  - Difficulty breathing or shortness of breath
  - Persistent pain or pressure in the chest
  - New confusion or inability to arouse
  - Bluish lips or face
  - ***This list is not all inclusive. Consult your medical provider for any other symptom that is severe or concerning.***

**Follow DOH & LBJ guidance:**

Decisions about community measures will be made by ASDOH Health Officials, in consultation with federal officials as appropriate, based on the scope of the outbreak and the severity of illness. It's important for older adults and people with disabilities, as well as families and the organizations in the aging and disability networks who support them, to pay close attention to information and instructions published by ASDOH.

## VII. DIAL-A-RIDE GUIDANCE AND ADVISORIES

The Dial-A-Ride project administered by the Department of Public Works offers transportation to seniors, physically challenged, and other special population of American Samoa. It is current estimated that 1,400 weekly rides are accommodated by this program. The risk is high for propagation of the coronavirus thus health protocols will be adopted to abate the risk of spreading the coronavirus. Appropriate policy is being developed along with protocols for disclosure and incorporated in this document soon.

## VIII. PUBLIC AWARENESS AND EDUCATION CAMPAIGN

The Department of Health is spearheading the Public Awareness and Education Campaign aimed to inundated the community with information on the coronavirus so they take ownership of self-responsibility to protect themselves from being infected by the coronavirus together with knowing what to do if they suspect that they might be infected.

- Brochures have been developed both in the Samoan and English Languages for immediate distribution.
- Television forums will be conducted by health professionals to ensure that the information delivered to the public is accurate and easy to understand.



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- Radio programs will also be conducted to deliver the same message to the community and will be conducted by the health professionals as well.
- The Department of Health is deploying its comprehensive community campaign wherein all villages are visited by the Department of Health Team to get the word out on the coronavirus.
- The Local Government infrastructure is being compelled to work with the Department of Health and the LBJ Tropical Medical Center to get the message out to the villages to report individuals with possible coronavirus symptoms so appropriate response is activated.
- The Office of Public Information is charge to provide every assistance possible to facilitate implementation of the Community Awareness and Education Program.

## IX. FINANCIAL PROPOSAL

**General Healthcare Capacities:**

The operating capacities of our only acute care facility and our Department of Health are stretched thinly thus precluding launching an effective, aggressive, efficacious, and campaign to combat the spread of the Coronavirus. Our fight relative to containing the spread of the Measles virus is winding down but the financial impact on our financial resources was overwhelming which exacerbated the efforts to respond to this more deadly virus.

The Department of the Interior executed the Congressional Mandate calling for the assessment of the Territory of American Samoa's healthcare system particularly the LBJ Tropical Medicals Center. The assessment was conducted by United States Army Corp of Engineers. The assessment was comprehensive and it identified all of the deficiencies attributed to antiquated physical facilities which we are aggressively attempting to upgrade. We are grateful to you and the Department for continuing provide funds to finance this facility improvement program. The health treatment demands for the Coronavirus find us scrambling to secure space to isolate infected away from the general patient population. Funds are being spent right now with the hope of reimbursement to create an isolation ward to safely treat coronavirus patients. These costs are reflected in our funding request.

Bases for Financial Plan Development:

The healthcare service delivery challenges are clearly document in the earlier sections of this Response & Action Plan. Specifically, testing kits, protective gear, masks, equipment, gowns, medical supplies, and physical facilities are need to quarantine and isolate suspected cases.

The remote geographic location of American Samoa elevates the level of the cost of planned tasks and activities to implement the protocols, advisories, and guidance articulated in this Response & Action Plan. Transporting supplies is a constant challenge, and disruption of service will effectively create a true health crisis for American Samoa. There is already a noticeable shortage in goods because the vessels are being impacted by the Coronavirus.



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The economy is also feeling the adverse impact of the coronavirus which is also negatively affecting the American Samoa Government's revenue posture disabling it from financing all of the planned expenditures connected with combating and mitigating the effects of the Coronavirus.

## X. ECONOMIC IMPACT OF MEASLES & CORONAVIRUS OUTBREAK

Since the Governor of American Samoa first issued a declaration of public health emergency on November 13, 2019, the territorial government has spent approximately $1.6 Million on containment and preventative measures. Additionally, the amendment to the public health emergency that was issued on December 8, 2019 initiated a full closure of schools and daycares and set in place restrictions on public gatherings that lasted until December 16th, 2019. Additional amendments were subsequently issued by the Governor's office in response to the developing, global novel coronavirus (COVID-19) outbreak, which was followed by several additional travel restrictions. A decrease in economic activity followed the December 8th amendment that directly impacted hundreds of private sector businesses and thousands of workers.

The following graph details the breakdown of the direct costs incurred by the American Samoa Government (ASG) during the efforts to contain the measles outbreak and total anticipated expenditures on the containment of COVID-19. Initial costs began to accumulate after the initial declaration of public health emergency on November 13, 2019. Since that time, 443 ASG employees worked nearly 40,000 regular work hours and more than 150,000 overtime hours on Measles containment and several thousand additional hours are expected to be devoted to the COVID-19 containment efforts. Total labor costs that attributed to the outbreaks are estimated to be $1,530,326.



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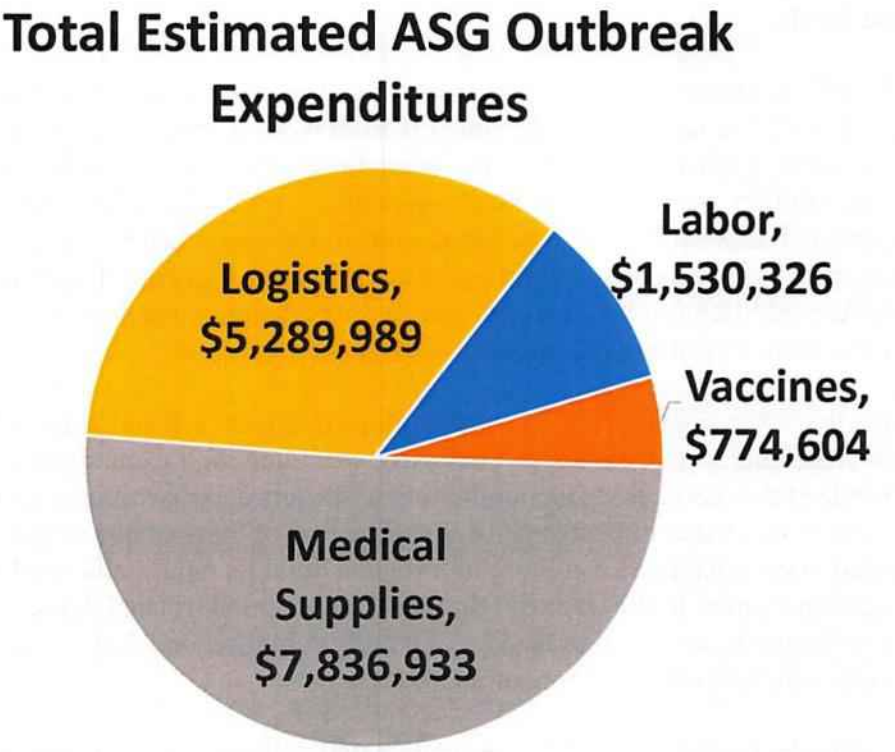


The largest Measles containment expenditure was the purchase of MMR vaccination vials. The total number of individuals requiring this vaccination was estimated to be 15,841. Although the Centers for Disease Control and Prevention (CDC) provided the American Samoa Department of Health (DOH) with 7,000 infant and toddler doses, another 8,841 doses were necessary to inoculate the remaining individuals. The cost of procuring these MMR vials from a private vendor was estimated to be $744,604, with another $46,320 expensed on the procurement of related medical supplies. When additional medical supplies required to combat COVID-19 is factored in, total supply expenditures are anticipated to be $7,836,933. Logistics costs, which included fuel, transportation, public service marketing, and miscellaneous goods and services that are necessary during the containment and disease management efforts, were valued at $5,289,989.

Total estimated containment costs to ASG were $15,042,755. When the value of the MMR vials that were provided by the CDC are included, the total cost of containment increases to $15,389,465, which is roughly equal to 2.4% of American Samoa's 2018 nominal gross domestic product.

The impact to the local economy goes beyond the cost of containment and the preventative costs. These impacts include the effects that school and daycare closures, public gathering restrictions, and travel limitations have had on private businesses and employees. 11,400 pre-school and elementary school aged children and 164 private school staff missed 10 school days during the closure, while 900 children that regularly attend day care and 215 workers missed 22 days or



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more during the measles-related closures, resulting in an estimated income loss of $321,000 for staff and faculty.

Roughly 85% of parents surveyed suggested that at least one gainfully employed adult in the household would be required to take time off from work to care for children during the mandatory school and day care closures. When the average hourly wage and average number of school age children per household are considered, the time taken off of work by parents resulted in an estimated $2.8 Million in foregone regular wages and income in late 2019 and early 2020. This loss of income is expected to drive the average annual in American Samoa down by $87.11 in 2020. Any additional school and daycare closures that may result from COVID-19 would be expected to have a proportional impact.

Additionally, seven passenger leisure cruise ships that were scheduled to visit Pago Pago between December 2019 and March 2020 have cancelled their excursions to the territory as a direct result of the outbreaks. The number of passengers and disembarking crew from these cruise ships is estimated to be nearly 14,000. The loss of these cruise ship passengers and crew is anticipated to have led to $1.5 million in foregone durable, nondurable, and service consumption by cruise ship visitors to the territory. Similarly, an outbreak-related decrease in air visitors to American Samoa is estimated to lead to $2.0 million in foregone durable, nondurable, and service consumption by air visitors in 2020.

In analyzing the impacts of the Measles and COVID-19 outbreaks on territorial gross domestic product (GDP), the revenue and income loses outlined above are partially offset by higher territorial government spending. Specifically, outbreak-related expenditures by the territorial government may be as much as $14.7 million higher in 2020 than expected if the outbreaks had not occurred, while consumer and business spending on goods and services and net exports, combined, are predicted to be approximately $19.7 million lower. As such, 2020 nominal GDP is estimated to be $5.0 million (0.8%) lower in this scenario. Adjusted for inflation, GDP is forecast to be $3.6 million (-0.6%) lower in 2020.

Additional details of the assessed impacts of the 2019-20 Measles and COVID-19 outbreaks on the economy of American Samoa can be found in the following tables.



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## American Samoa Economic Forecast - Measles Outbreak Impact

| American Samoa Economic Forecast Summary | | | | |
|---|---|---|---|---|
| Category | Forecast | | | |
| Year | 2019 | 2020 | 2021 | 2022 |
| AS Nominal Gross Domestic Product ($ Million) | -1.0 | -5.0 | -0.3 | -0.7 |
| Annual Growth (%) | -0.1 | -0.8 | 0.0 | -0.1 |
| AS Real Gross Domestic Product (2009$ Million) | -0.4 | -3.6 | 0.1 | -0.3 |
| Annual Growth (%) | -0.1 | -0.6 | 0.0 | 0.0 |
| AS Average Annual Wage ($/yr) | -87 | -16 | -6 | -1 |
| Annual Growth (%) | -0.6 | -0.1 | 0.0 | 0.0 |
| AS Personal Income ($ Million) | -1.5 | -0.4 | 0.4 | -0.1 |
| Annual Growth (%) | -0.4 | -0.1 | 0.1 | 0.0 |
| ASG Revenues ($ Million) | -0.2 | -0.2 | -0.3 | 0.1 |
| Annual Growth (%) | -0.2 | -0.2 | -0.3 | 0.1 |
| Population | -4 | -1 | -9 | -15 |
| Annual Growth (%) | 0.0 | 0.0 | 0.0 | 0.0 |
| AS Consumer Price Index | 0.0 | -0.1 | -0.1 | -0.1 |
| Annual Growth (%) | 0.0 | -0.1 | -0.1 | -0.1 |
| AS GDP Deflator | -0.1 | -0.2 | -0.1 | -0.1 |
| Annual Growth (%) | -0.1 | -0.2 | -0.1 | -0.1 |
| AS Government Revenues ($Million) | -0.2 | -0.2 | -0.3 | 0.1 |
| Annual Growth (%) | -0.2 | -0.2 | -0.3 | 0.1 |

## American Samoa Economic Forecast - Measles Outbreak Impact

| GDP Components - Current Dollars | | | | |
|---|---|---|---|---|
| Category | Forecast | | | |
| Year | 2019 | 2020 | 2021 | 2022 |
| Nominal Gross Domestic Product ($ Million) | -1.0 | -5.0 | -0.3 | -0.7 |
| Difference (%) | -0.1 | -0.8 | 0.0 | -0.1 |
| Personal Consumption ($ Million) | -1.2 | -5.9 | 0.9 | 0.0 |
| Difference (%) | -0.2 | -1.2 | 0.2 | 0.0 |
| Business Investments ($ Million) | 0.0 | -0.2 | -0.4 | -0.5 |
| Difference (%) | 0.0 | -0.3 | -0.8 | -0.8 |
| Government Spending ($ Million) | 0.6 | 14.7 | 0.6 | 0.0 |
| Difference (%) | 0.2 | 4.4 | 0.2 | 0.0 |
| Net Exports ($ Million) | -0.4 | -13.7 | -1.4 | -0.3 |
| Difference (%) | -0.2 | -6.6 | -0.7 | -0.1 |



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| American Samoa Economic Forecast - Measles Outbreak Impact | | | | |
|---|---|---|---|---|
| GDP Components - Chained 2009 Dollars | | | | |
| Category | Forecast | | | |
| Year | 2019 | 2020 | 2021 | 2022 |
| Real Gross Domestic Product (2009$ Million) | -0.4 | -3.6 | 0.1 | -0.3 |
| Difference (%) | -0.1 | -0.6 | 0.0 | 0.0 |
| Real Personal Consumption (2009$ Million) | -0.5 | -4.1 | 1.1 | 0.3 |
| Difference (%) | -0.1 | -1.1 | 0.3 | 0.1 |
| Real Business Investments (2009$ Million) | 0.0 | -0.1 | -0.3 | -0.4 |
| Difference (%) | 0.0 | -0.3 | -0.8 | -0.8 |
| Real Government Spending (2009$ Million) | 0.5 | 11.5 | 0.4 | 0.0 |
| Difference (%) | 0.2 | 4.4 | 0.2 | 0.0 |
| Real Net Exports (2009$ Million) | -0.4 | -11.0 | -1.1 | -0.3 |
| Difference (%) | 0.4 | 12.8 | 1.5 | 0.4 |

**Economic Policy Recommendations:**

1. Establish a workgroup to assess detailed impacts to businesses by industry.
    a. This would be a collaboration between the Department of Commerce, private sector partners, and other key stakeholders.

2. Establish a separate workgroup to make recommendations/update State of Emergency Powers/Provisions (i.e. Procurement process being streamlined during state of emergency) to include other business/employment sector-facing provisions that help sustain business, build reserves, and support employment. This could include the reduction of excise tax on essential perishable food items; excise tax reduction on supplies and materials used to produce food items (i.e. bottles for locally produced bottled water), etc.; provisions to allow for (government) workers to telecommute to avoid lost wages as a result of school closures (no day care); etc.

3. Assess the feasibility of establishing a local state of emergency Revolving Loan Fund that would be accessible to qualified businesses following emergency declarations. The funding mechanism would ideally be a more streamlined than SBA loans, which are often unavailable in the critical days and weeks following an emergency declaration.

4. Public-Private Partnerships to identify opportunities for the leveraging of resources via agreements/MOU to support response and recovery efforts in times of crises (natural, man-made, and/or epidemic).

5. Creation of a public-private disaster group comprising key businesses and relevant government agencies and immediately activated when necessary to mobilize resources as Federal assistance is pending.



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**Looking Ahead (Post-Recovery): Homeland Security Recommendations**

1. Updating the Territorial Emergency Operations Plan (TEOP) to include response to Outbreaks/Pandemics.

2. Roundtable and Full-scale exercises re: epidemic/pandemics involving critical first responders and community stakeholders.

3. Elevating the potential threats of outbreaks into the Threats and Hazards Identification Risk Assessment (THIRA) to communicate current vulnerabilities, capabilities, and resource gaps to FEMA and relevant entities (CDC).

Tele-Health
Our long-term approach to containing and managing the spread of Coronavirus is the deployment of telecommunications systems and technologies in order to connect local patients with highly trained, off-island healthcare providers. It is possible to provide the residents of American Samoa 24 hours access to doctors in Hawaii via Tele-Health Care Mobile and web-based application. The cost to implement this service is estimated to be up to $1.095 million.

**Coronavirus Budget Proposal:**

| Agency | Personnel | Contractual Services | Equipment | TeleHealth | Supplies | All Others | Facilities | Total |
|---|---|---|---|---|---|---|---|---|
| Health | $1,080,000 | $148,000 | $833,935 | $1,095,000 | $1,151,510 | $1,000,000 | $400,000 | **$5,708,445** |
| LBJ Medical | $1,097,000 | $870,000 | $3,560,675 | | $416,941 | $2,350,000 | $150,000 | **$8,444,616** |
| Public Works | | | $430,000 | | | | $2,390,000 | **$2,820,000** |
| Total | **$2,177,000** | **$1,018,000** | **$4,824,610** | **$1,095,000** | **$1,568,451** | **$3,350,000** | **$2,940,000** | **$16,973,061** |
| | | | | | | | | |

**Department of Health Budget Breakdown**

| Budget Category | Description | Quantity | Total |
|---|---|---|---|
| Personnel | | | |
| | Doctors: $63,000/annual | 8 | $504,000 |
| | Nurses | | |
| | 1. Registered Nurse: $40,000 | 6 | $ 240,000 |
| | 2. Licensed Practical Nurse $25,000 | 6<br>10 | $150,000<br>$120,000 |
| | 3. Certified Nurse Assistants $12,000 | 6 | $66,000 |
| | Support Personnel $11,000 | | |
| Personnel Subtotal | | | $1,080,000 |



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| | | | |
|---|---|---|---|
| Contractual & Training | 1. Proper handling of PPEs<br>2. How to properly transport possible suspected COVID-19 patients to hospital<br>3. Proper decontamination of equipment, vehicles, facilities, etc.<br>4. Tabletop Exercise<br>5. Readiness Operational Capabilities Drill (ROC)<br>6. Leased Vehicles (9 months @2K per month)<br>7. Translation | -<br>-<br>-<br>-<br>-<br><br>6 | $7,000<br>$7,000<br>$7,000<br>$6,000<br>$8,000<br><br>$108,000<br>$5,000 |
| Training Subtotal | | | $148,000 |
| Supplies | 1. Gowns $135.00/case (2x, 3x,4x)<br>2. Masks $119.00/100 per cs<br>3. Face Shields $40.00/bx-5per bx)<br>4. Gloves $99.99/2K per cs (XL)<br>5. Hand sanitizers $24.00 (4/bx)<br>6. Shoe covers $45.00 (150 pairs)<br>7. Oxygen tanks $496.00 (large tank/6x) $60.00 (small tank/6x)<br>8. Oxygen masks $50.00 (Adult & Children Adjustable masks – 20/cs)<br>9. Hazardous Disposable Bags $66.00/case (Large bags)<br>10. Decontamination agents<br>11. Test Kits<br>12. Bed Sheets: $50.00<br>13. Pillowcases: $40.00<br>14. Blankets: $25.00<br>15. Alcohol pads<br>16. Glucometer: $50.00<br>17. Glucometer strips: $65.00/box | 50c<br>100c<br>100bx<br>50c<br>300bx<br>300bx<br>10L;10sm<br><br>100cs<br><br>100cs<br><br>1000cs<br>1,000<br>1,000<br>1,000<br>1,000<br>20cs<br>20<br>2000bx | $6,750<br>$11,900<br>$4,000<br>$5,000<br>$7,200<br>$13,500<br>$5,560<br><br>$5,000<br><br>$6,600<br><br>$200,000<br>$600,000<br>$50,000<br>$40,000<br>$25,000<br>$40,000<br>$1,000<br>$130,000 |
| Supplies Subtotal | | | $1,151,510 |
| Facilities | 1. Additional quarantine facilities<br>2. Isolation Room/Field Hospital | -<br>- | $200,000<br>$200,000 |
| Facilities Subtotal | | | $400,000 |



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| | | | |
|---|---|---|---|
| Equipment | 1. Diagnostic Sets wall-mount (12) $500 | 12 | $6,000 |
| | 2. Diagnostic Set portable (12) $750 | 12 | $9,000 |
| | 3. Field Hospitals (2) 700/month | 2/6mos | $8,400 |
| | 4. Hospital Beds (20) $3,600 (up to 600lbs) | 20 | $72,000 |
| | 5. Pulse oximeter $300.00 | 20 | $3,000 |
| | 6. Blood pressure monitors $650.00 | 20 | $6,500 |
| | 7. Infrared forehead Thermometers $102.00 | 20 | $2,040 |
| | 8. Gurneys $4,500 (up to 600lbs) | 12 | $54,000 |
| | 9. Bariatric Wheelchairs $450 (up to 600lbs) | 10 | $4,500 |
| | 10. IV fluids -Lactated ringers 250cc (10) & 500cc (10)/normal saline 250cc (10) &500cc (10) $125.00/cs | 10cs/ea | $5,000 |
| | 11. IV extensions $109.00/cs (5cs) | 5cs | $545.00 |
| | 12. IV sets $143.00/cs (5cs) | 5cs | $715.00 |
| | 13. Pediatric sets $143.00/cs (5cs) | 5cs | $715.00 |
| | 14. Angio cath (18gauge, 20gauge, 22gauge, 24 gauge) $366/cs (depend on size)- (5cs ea) | 5cs | $7,320 |
| | 15. Suction machines (2x) $1,114.00 (5cs) | 5cs | $5,570 |
| | 16. Vital Signs Monitors (x14) $700 | 5cs | $9,800 |
| | 17. Autoclaves $5,566 (5) | 5cs | $27,830 |
| | 18. Intubation | 5cs | $40,000 |
| | 19. Furniture for quarantine facility (chairs, bed-side tables, etc.) | 60ea | $500,000 |
| | 20. Lancets: $40.00 bx | 100bx | $4,000 |
| | 21. Scales (600lbs capacity): $500.00 | 14 | $7,000 |
| | 22. Thermal Body Scanner | 2 | $60,000 |
| Equipment Subtotal | | | $833,935 |
| Tele-Health | | 1 | $1,095,000 |
| Tele-Health Subtotal | | | $1,095,000 |



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| | | | |
|---|---|---|---|
| Other | Media:<br>1.Public Awareness via radio stations, television, newspaper<br>2. Village outreach-church<br><br>Meals for the quarantine facilities | | <br>$250,000<br><br>$250,000<br><br>$500,000 |
| Other Subtotal | | | $1,000,000 |
| TOTAL BUDGET REQUEST | | | $5,708,445 |

**LBJ Tropical Medical Center Budget Breakdown**

| Budget Category | Description | Quantity | Total |
|---|---|---|---|
| Personnel | | | |
| | Doctors – (4 months contract)<br>Locum Tenens: $100,000.00 - $200,000.00 (per annum) | 8 | $400,000.00 |
| | Nurses (4 months contract)<br>4. Travel Registered Nurses: $<br>5. Local Registered Nurses:<br>6. Infection Disease Consultants | 4<br>4<br>5 | $192,000.00<br>$70,000.00<br>$120,000.00 |
| | Ancillary (4 months)<br>1. Pharmacist<br>2. Pharmacy Technicians<br>3. Phlebotomists<br>4. Laboratory Technologists<br>5. Radiological Technologists | 1<br>2<br>6<br>3<br>3 | $35,000.00<br>$20,000.00<br>$40,000.00<br>$30,000.00<br>$30,000.00 |
| | Support Personnel (4 months)<br>1. Housekeeping / Environmental Services<br>2. Security<br>3. Inventory Staff<br>4. Supply Stocking<br>5. Dietary | 12<br>9<br>2<br>2<br>2 | $60,000.00<br>$60,000.00<br>$15,000.00<br>$15,000.00<br>$10,000.00 |
| Personnel Subtotal | | | $1,097,000.00 |



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| | | | |
|---|---|---|---|
| Contractual & Training | 1. Behavioral Health Building Conversion – Convert Private Rooms to Negative Pressure Rooms (10 Rooms) – Construction | 10 Rooms | $850,000.00 |
| | 2. Education – Training (Staff for COVID-19) | - | $20,000.00 |
| Contractual / Training Subtotal | | | $870,000.00 |
| Supplies | 18. COVID-19 Test Kits | When Available | |
| | 19. COVID-19 Vaccine | When Available | |
| | 20. Scrubs Small | 20 c | $2,000.00 |
| | 21. Scrubs Medium | 40 c | $2,380.00 |
| | 22. Scrubs Large | 40 c | $3,440.00 |
| | 23. Scrubs XL, XXL, 3XL | 4 c/size | $15,960.00 |
| | 24. Stethoscope (Disposable) | 50 pcs | $750.00 |
| | 25. Aneroid Sphygomomanometer | 20 pcs | $1,200.00 |
| | 26. Regular Surgical Mask (s,m,l) | 100 cs/sz | $19,980.00 |
| | 27. N95 Masks (s,m,l) | 100 cs/sz | $19,980.00 |
| | 28. Regular Hospital Gloves – small | 100 cs | $9,100.00 |
| | 29. Regular Hosp Gloves – medium | 100 cs | $8,333.00 |
| | 30. Regular Hosp Gloves – large | 100 cs | $8,750.00 |
| | 31. IV Saline – 0.9% NSS, 250 ml | 100 cs | $42,405.00 |
| | 32. IV Saline – Isolyte | 100 cs | $32,900.00 |
| | 33. IV Saline – LR, 1000ml | 100 cs | $27,000.00 |
| | 34. IV Tubing/SmartSite Inf. Allaris | 100cs | $15,120.00 |
| | 35. Allaris Pmp-Cmb PC Un –Syringe | 40 units | $120,000.00 |
| | 36. Isolation Gowns (Disp) Med | 100 cs | $11,900.00 |
| | 37. Isolation Gowns (Disp) Large | 100 cs | $8,600.00 |
| | 38. Isolation Gowns (Disp) XL | 100 cs | $13,300.00 |
| | 39. Endoctracheal Tubes (All sizes) | 100 cs/sz | $10,000.00 |
| | 40. Blankets / Thermo Reg | 20 units | $15,000.00 |
| | 41. Pillows | 100 pcs | $1,259.00 |
| | 42. IV Catheters – g18 | 100 cs | $3,674.00 |
| | 43. IV Catheters – g20 | 100 cs | $3,612.00 |
| | 44. IV Catheters – g22 | 100 cs | $3,674.00 |
| | 45. IV Catheters – g24 | 100 cs | $3,674.00 |
| | 46. Cassettes for ABG | 50 cs | $12,950.00 |
| Supplies Subtotal | | | $ 416,941.00 |



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| | | | |
|---|---|---|---|
| Facilities | 3. Tents – Negative Pressure Iso Tent<br>4. Medical Triage Tent | 1 unit<br>1 unit | $120,000.00<br>$30,000.00 |
| Facilities Subtotal | | | $150,000.00 |
| Equipment | 23. 40-KW Generators<br>24. Isolation Carts<br>25. Vital Signs Machine (Portable)<br>26. Oxygen Tank Size C<br>27. Suction/Aspirator w 800cc Disp<br>28. Oxygen Gauges – small<br>29. Oxygen Gauges – large<br>30. Pediatric Portable Ventilators<br>31. Cots<br>32. Wheelchairs – regular<br>33. Wheelchairs – Heavy Duty<br>34. Gurneys<br>35. Dial Rates IV Regulators<br>36. Central Lines – Pediatric<br>37. Central Lines – Adults<br>38. Portable Pulse Oximeter<br>39. ABG Portable Reader<br>40. Dialysis machines (Isolation PT)<br>41. Dialysis chairs<br>42. Hospital Beds/Tables/Cabinets<br>43. Oxygen Air Generator<br>44. Medical Air compressor<br>45. Medical Vacuum | 2 units<br>4 units<br>5 pcs<br>20 units<br>20 units<br>20 pcs<br>20 pcs<br>20 units<br>50 pcs<br>10 pcs<br>10 pcs<br>20 pcs<br>20 units<br>50 cs<br>50 cs<br>30 pcs<br>2 units<br>5 units<br>5 units<br>15 units<br>1 unit<br>1 unit<br>1 unit | $90,000.00<br>$18,400.00<br>$27,500.00<br>$60,000.00<br>$10,359.00<br>$7,420.00<br>$7,840.00<br>$700,000.00<br>$25,000.00<br>$5,530.00<br>$6,930.00<br>$360,000.00<br>$9,000.00<br>$65,485.00<br>$76,211.00<br>$96,000.00<br>$50,000.00<br>$150,000.00<br>$25,000.00<br>$450,000.00<br>$480,000.00<br>$190,000.00<br>$650,000.00 |
| Equipment Subtotal | | | $3,560,675.00 |
| Other | 1. Pharmaceuticals – Medication<br>2. Relocation of BH Patients to new location<br>3. Ambulances<br>Meals for the quarantine facilities | -<br>-<br>2 units | $1,000,000.00<br>$650,000.00<br>$700,000.00 |
| Other Subtotal | | | $2,350,000.00 |
| TOTAL BUDGET REQUEST | | | $ 8,444,616.00 |



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LOLO M. MOLIGA
GOVERNOR

OFFICE OF THE GOVERNOR
AMERICAN SAMOA GOVERNMENT
Telephone: (684) 633-4116 Fax: (684) 633-2269

LEMANU P. MAUGA
LIEUTENANT GOVERNOR

March 10, 2020 Serial: 135

To: Secretary of Samoan Affairs, Attorney General, CEOs, Presidents, Directors, & Executive Directors

From: Governor of American Samoa

Subject: The Coronavirus Task Force and Coronavirus Working Group

On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of a public health emergency of international concern. On January 31, 2020, Health and Human Services Secretary Honorable Alex M. Azar II declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to COVID-19.

Since the promulgation of these two declarations, we immediately took steps to prevent and preempt the entry of this virus into American Samoa. The disclosure of this pandemic in the midst of the Measles Outbreak caused the extension of the same protocols and advisories on our initiative to contain the spread of the Coronavirus. Furthermore, a group was appointed to prepare our Coronavirus Action Plan to be submitted to the Department of the Interior, CDC, the White House, DHHS, and our Delegate to Congress articulating our needs.

The speed at which the incidence of the Coronavirus is being propagated throughout the United States gives us cause to formalize the establishment of our Task Force charged with the responsibility to prepare our comprehensive Action Plan aimed to combat the entry, spread, and treatment of the Coronavirus in our territory for review and approval by the Lieutenant Governor and I with intended submission to Honorable David Bernhardt, Secretary of the Interior for subsequent transmittal to CDC, the White House, DHHS, and appropriate agencies of the Federal Government involved with combating the spread of the Coronavirus. The Coronavirus Task Force membership shall include the following heads of the following agencies of the American Samoa Government. The Director of the VA Clinic is included as a member as well to ensure arms-length collaboration and coordination of efforts ensuring inclusion of all members of community.

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Paramount Chief Mauga Tasi Asuega, Secretary of Samoan Affairs
Mitzie Jessop Ta'ase, Attorney General of American Samoa
Faumuina John Faumuina, Chief Executive Officer, LBJ Tropical Medical Center
Motusa Tuileama Nua, Director, Department of Health
Dr. Ruth Matagi Tofiga, Director, Department of Education
Taimalelagi Dr. Claire Tuia Poumele, Director, Department of Port/Airport Administration
Dr. Iotamo Saleapaga, Chief Medical Officer, LBJ Tropical Medical Center
Dr. Saipale Fuimaono, Chief Medical Officer, Department of Health
Dr. Fred J.Uhrle Jr., Director, VA Medical Clinic
HTC Le'i Sonny Thompson, Commissioner of Public Safety
Samana Semo Ve'ave'a, Director, Department of Homeland Security
Sandra King Young, Executive Director, Medicaid Office – Office of the Governor
Dr. Rosevonne M. Pato, President, American Samoa Community College
Ueligitone Tonumaipe'a, Treasurer/Director, Department of Treasury
Fuiavailili Keniseli Lafaele, Director, Department of Commerce
Eseneiaso J. Liu, Director, Department of Human Resources
Catherine Saelua, Director, Office of Program Planning and Budget
Faleosina Voigt, Director, Department of Public Works
Dr. Oreta Crichton, Director, Office of Procurement
Muavaefa'atasi John Suisala, Director, Department of Human & Social Services
Fa'amao Asalele, Excutive Director, American Samoa Environmental Protection Agency
Evelyn Lili'o Satele, Director, Territorial Administration on Aging
Dr. Aifili John Tufa, Chief Epidemiology, Department of Health
Dr. Tuato'o Seakerise Tuato'o, Chief of Staff, LBJ Tropical Center
'Iulogologo Joseph Pereira, Executive Assistant to the Governor

The Coronavirus Task Force shall be chaired by 'Iulogologo J. Pereira with Faumuina and Nua serving as Co-Vice Chairs respectively.

The Coronavirus Working Group serving as staff to the Coronavirus Task Force is also established to perform research, drafting, documentation, and all other tasks assigned by the Coronavirus Task Force. The Coronavirus Working Group is chaired by the Chief of Staff Fiu J. Saelua with membership as follows:

Fuamatu J. Fuamatu, Western District Governor, Office Samoa Affairs
William Ledoux, Legal Counsel, Governor's Office
Dr. Sala Mata'ese Samuelu, Director, Department of Agriculture
Dr. Pa'u Roy Ausage, Acting Director, Department of Youth and Women
Dr. Ti'a Mikaele Etuale, Executive Director, Drug Coalition
Dr. Tapa'au Dan Aga, Executive Director, Political Status, Constitution, & Federal Relations
Tuimavave Tauapa'i Laupola, Director, Office of Public Information (KVZK)
HTC Malaepule L. Moliga, Director, Department of Administrative Services
Sharmain Mageo, Infection Preventionist, LBJ Tropical Medical Center
Simamao Tuato'o, Nursing Director, LBJ Tropical Medical Center
Silia P. Time, Special Programs/CIP Administrator, Governor's Office
Jerome Ierome, Administrator, Grant Management/Oversight/Accountability, Governor's Office

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Recognizing that the availability of financial resources is the key to the implementation of the content of Coronavirus Action Plan, there is also established an Off-Island Coronavirus Consulting Team to ensure that our financial needs are fully articulated in Washington D.C., Federal Agencies and the Congress of the United States. This Off-Island Consulting Team is comprised of the following:

Muliufi Hannemann
National Group in D.C.
Bettilou Taylor, Medicaid and Health Consultant in D.C.
Lydia Faleafine Nomura, DOI Field Representative

(b)(6)

LOLO M. MOLIGA

cc: Honorable Lemanu Peleti Mauga, Lieutenant Governor
Honorable Gaoteote Pala'ie Tofau, President of the Senate
Honorable Savali Talavou Ale, Speaker of the House of Representatives
HTC Fiu J. Saelua, Chief of Staff
Standard Distribution List

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American Samoa Telecommunications Authority

**Chairman**
Iulogologo Joseph Pereira

**CEO**
Lewis Wolman

12 March, 2020 Questions? Contact Lewis Wolman, lewis.wolman@astca.net

**ASTCA is taking the Covid-19 threat very seriously. Bulletin #1.**

American Samoa is a small, remote, isolated, densely populated island community.

ASTCA cannot prevent the virus from arriving on our shores, or spreading throughout the community, but ASTCA can take steps that will slow the number of infections and the speed of the virus's spread.

ASTCA can also take steps to make sure ASTCA is ready to provide reliable telecommunications as American Samoa responds to the Covid-19 threat. ASTCA anticipates a much greater reliance on telecom in the weeks and months ahead, due to the need to communicate more in times of trouble, magnified by the effects of social distancing (e.g., less physical interaction, more working from home with communication devices).

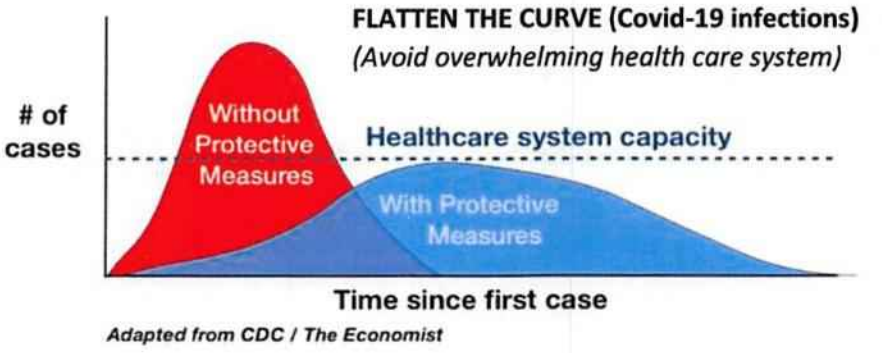
By increasing hygienic measures and practising social distancing, we will do our part to "flatten the curve" (see graphic below) so that when the virus is here, it will spread slowly and not overwhelm our health care system. https://globalnews.ca/news/6665558/coronavirus-flatten-the-curve/

For example,

- We will minimize staff entry to homes and offices where people are sick or self-quarantined. We ask for your cooperation and patience.
- We will curtail unnecessary activities that pose a risk.
- We will take steps to protect staff and customers, in our offices, stores and field work.

We will start to practise social distancing in our own operations. For example,

- Tele-work
- Stepped-up hygiene




*Adapted from CDC / The Economist*

**ASTCA**
Post Office Box M
Pago Pago, AS 96799

Tel +1 684.699.3000
www.astca.net



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TERRITORIAL ADMINISTRATION ON AGING

**TERRITORIAL ADMINISTRATION ON AGING**
*American Samoa Government*
*Pago Pago, American Samoa 96799*
*Phone: (684) 633-1251/1252/1253*
*Fax: (684) 633-2533*

**HONORABLE LOLO M. MOLIGA**
**Governor**

**HONORABLE LEMANU P. MAUGA**
**Lieutenant Governor**

**EVELYN LILI'O-SATELE**
**Director**

**KURESA F. PAOPAO**
**Deputy Director**

March 12, 2020

Iulogologo Joseph Pereira, Chairman
Coronavirus Task Force
Executive Assistant to the Governor
Government of American Samoa
Pago Pago, American Samoa. 96799

Dear Chairman Iulogologo,

In response to the severity of health concerns raised by the COVID-19 virus, and given the fact that TAOA carries the responsibility of ensuring the Senior Citizen population of American Samoa is provided with all information and protective measures available, the following actions have been or will be implemented by TAOA and staff to ensure this is, in fact, the case:

- An emergency meeting has been held to inform all 120 SCSEP workers of risks, protective practices and information regarding the COVID-19 virus. DOH brochures were provided for all attendees.
- SCSEP program/job placement will be temporarily discontinued effective March 16, 2020 until further notice.
- All SCSEP participants placed in health facilities have been reassigned.
- All Congregate Meal program renewal requirements have been suspended for two months. This will not impact meal eligibility but will eliminate a required visit to the TAOA office.
- In partnerships with DYWA, seniors will sew their own reusable protective masks. While it is understood that masks may not prevent the virus, it is believed that masks will serve as a deterrent to the common practice of touching one's face.
- There are no plans at this time to discontinue the Meal Program; however, all meal service duties at centers will be carried out by TAOA staff beginning March 17, 2020.
- Community outreach at all meal centers conducted regularly by TAOA staff and participants.
- Janitorial responsibilities have been upgraded to include frequent wipe-downs and thorough disinfecting of common areas.

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- All employees who show signs of illness/fever are being sent home or told to stay home.
- Congregating amongst staff is discouraged; distancing is encouraged.

We take our unique responsibilities to the Senior Citizens of the Territory very seriously and welcome any additional COVID-19 preventive measures that may be recommended regarding their vulnerability in such times. We continue to monitor the CDC and Administration for Community Living (ACL) websites for additional announcements to ensure our seniors receive sufficient information regarding their health and well-being.

I commend you and the Coronavirus Task Force and the Coronavirus Working Group for the tremendous efforts being made to address the unique challenges presented by the COVID-19 pandemic and the prevention of its entry into American Samoa.

Our prayers for the good health and safety of our island community.

Sincerely,

Evelyn Lili'o-Satele, Director
Territorial Administration on Aging

cc: Fiu Johnny Saelua, Chief of Staff
Coronavirus Working Group Chairman

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**DEPARTMENT OF PUBLIC WORKS**
**TRANSIT DIVISION**
**CORONAVIRUS PREVENTATIVE MEASURES**

**March 11, 2020**

While there are no confirmed cases of COVID-19 in American Samoa, we understand people in our community may feel concern about the safety of using our Dial-a-ride transit service. We want the public to know we take this situation seriously, and are taking actions to help prevent common illnesses from spreading and in the event, we should have a confirmed case.

**Dial-a-ride Service Summary:**

The Dial-a-ride service provides approximately 100-140 weekday trips totaling approximately 500-600 trips per week on 7 transit vehicles. Trip destinations are to the LBJ Medical center for Medical appointments, Health Centers, Financial institutions, Retirement & Social Security office, Food Stamp, TAOA employment and a few grocery shopping. Our ridership registration is currently at 1300 actively serving 600, with 279 riders using wheelchair.

**Strategies for Preventive Measures:**

1) **Drivers & Dispatchers & Support Staff:**
    a. The agency is closely coordinating with the local Coronavirus Task Force on updated information and reporting it back to drivers, dispatchers and transit staff to ensure the health and safety of riders and employees.
    b. Clear protocols and procedures for the cleaning and disinfection of vehicles has been reiterated to all Drivers & dispatchers.
    c. Inspection forms are in place for verifying the completion of tasks. Forms are signed by drivers and verified by shift dispatchers.
    d. Drivers & dispatchers have been equipped with hand sanitizers, Personal Protective Equipment (gloves), tissues for precautionary measures.
    e. Drivers & Dispatchers have been advised to stay home when feeling sick.
2) **Dial-a-ride Vehicles:**
    a. Posters are posted in the vehicles that encourage staying home when sick, cough and sneeze etiquette, proper hand washing techniques, Coronavirus pamphlet from local Dept. of Public Health for rider information.

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b. Agency vehicle cleaning procedures has been updated to include nightly disinfecting of all transit vehicles. Exterior washing of buses has also been upgraded to three times a week.
c. No-touch disposal receptacles are provided in vehicles for use;
d. Vehicles are being sanitized by drivers after each group drop off and periodically throughout the day.

3) **Outbreak response plan will be dependent on directives from Department of Health and Government declarations:**
   a. Continue with preventative measures as outlined above
   b. Vehicles will be used for Emergency response if an outbreak/disaster is declared.

This plan is subject to be updated as new information become available.

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AMERICAN SAMOA
COMMUNITY COLLEGE
PRESIDENT'S OFFICE

March 12, 2020

**AMERICAN SAMOA COMMUNITY COLLEGE MEMORANDUM #016-2020**

TO: General Distribution

FROM: (b)(6) [redacted]
Dr. Rosevonne M. Pato
President, American Samoa Community College

SUBJECT: **ASCC Immediate Action Plan for COVID – 19 Preparations**

In accordance with the American Samoa Community College Governance Policies,

**3016 Responsibility to College**

> "It shall be the primary responsibility of all levels of the American Samoa Community College management to enforce safety procedures to safeguard its employees and clients. Safe practices on the part of all employees must be part of all operations."

and

**3016.1 Emergency Situations**

> "The President shall establish administrative procedures and plans of action to enable the faculty, staff, and students to respond appropriately during emergency situations."

The following Action Plan will take effect immediately to ensure a safe and healthy work environment:

AMERICAN SAMOA COMMUNITY COLLEGE
P.O. Box 2609, Pago Pago, American Samoa 96799
(684) 699-9155 • (684) 699-2062 (fax)

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**Travelers:**

1. All employees of ASCC who have travelled through the ASCC Travel Authorization and are returning to American Samoa and to the ASCC campus workplace (as of the issuance of the *ASG GM -024 Suspension of ASG Travel Due to Coronavirus* and *ASCC Memorandum #014 – 2020 Revised Travel Advisory*), upon return from travel will remain in self quarantine at home for the recommended 14-day period as advised by the ASG Department of Health. The ASCC employee will be issued administrative leave for this period of home quarantine.
2. All employees who travel off island (out of the AS territory) for personal reasons, upon return from travel and to the ASCC campus workplace (as of the issuance of the *ASG GM -024 Suspension of ASG Travel Due to Coronavirus* and *ASCC Memorandum #014 – 2020 Revised Travel Advisory)*, will remain in self quarantine at home for the recommended 14-day period as advised by the ASG Department of Health. The ASCC employee will take sick leave, annual leave or LWOP dependent on the leave accrued. Leave Sharing and Advanced Leave do not apply for this containment period.
3. All ASCC employees and ASCC students have a responsibility to report any off-island travel taken (as of the issuance of the *ASG GM -024 Suspension of ASG Travel Due to Coronavirus* and *ASCC Memorandum #014 – 2020 Revised Travel Advisory)* to the respective supervisor, instructor, or administrator and may need to be issued a self quarantine at home for the 14-day period as advised by the ASG Department of Health.

**Visitors to Campus:**

4. All visitors to campus should report to the Security Office at the Entrance of the Main Quad Area of the campus.
5. Gates will be closed for employees and students on Mondays through Fridays before 7:00am and after 6:00pm. During these hours of gate closure, all persons coming on campus need to park, pick-up, or drop-off at the front of entrance area only.
6. On Saturdays and Sundays the campus will be closed.

**Physical Facilities / Sanitization**

7. All employees will take all necessary measures to provide a clean and sanitary environment for all. All janitorial and custodial personnel will do a thorough cleaning and disinfection of facilities on a regular basis throughout the day,
8. All staff in charge of equipment in the work area or class area (computer labs, etc) will clean and disinfect equipment on a regular basis throughout the day.
9. The College will provide hand sanitizers, cleaning wipes, and disinfectants in restrooms and areas of congregation such as classrooms and laboratories.
10. All employees will encourage and promote and enact the hand washing and hand sanitization for the work staff and students.

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**Symptomatic Precautions**

11. All employees, students, or visitors upon entrance on campus may be subject to a routine check by identified staff for coughing, fever, or shortness of breath or other signs of possible symptoms of COVID – 19 as indicated by the ASG Department of Health. IF positive response for these signs, the individual may be sent home and off campus.
12. Any person who may be experiencing symptoms as indicated should report it immediately and take steps toward social distancing.

**Other Precautionary Measures**

13. Avoid congregating in the halls at work
14. Possibly reduce staff to minimal number that can provide services needed for work from home
15. Encourage and implement teaching of good hygiene
16. Encourage all to practice social distancing (limited physical contact)

**This is the ASCC Immediate Action Plan for COVID – 19 Preparations effective today March 12, 2020. ASCC's Action Plan for instruction, work schedules, and other measures to prepare for COVID – 19 will be forthcoming.**

xc: Board of Higher Education

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NATIONAL PACIFIC INSURANCE

**Private and Confidential**

13th March 2020

Ms Elizabeth Perri
Insurance Commissioner
By Email: eperri.asg.govoffice@gmail.com

Dear Ms Perri,

**Re: Covid-19**

On behalf of our Country Manager, Ms. Agnes Polu, and NPI General Manager, Ms. Joanne Rasmussen, I would like to provide you with a high-level summary relating to our organisational preparedness, business continuity, potential staff impact along with our initial business impact assessment, including re-insurance arrangements.

Organisational Preparedness

As part of Tower Insurance Limited (TIL), NPI American Samoa has a Pandemic Management Plan (PMP). With respect to the World Health Organisation's "continuum of pandemic phases" we have assessed that we are in phase 3. As such, we are undertaking the relevant activities listed in the Appendix: "Preparedness: Phase 3".

From a business continuity perspective, we have an established Crisis Management Plan and a business unit Business Continuity Plan (BCP).

Our BCP seeks to enable (a) continued operations as close to BAU as possible, and in the extreme (b) the bare minimum operational functional to enable the business to remain viable. Due to NPI being part of TIL, we have the advantage of our Pacific Operations Hub in Suva, 7 other Pacific Island jurisdictions along with Tower NZ to provide continuity services in an extreme situation.

Operational Continuity

In American Samoa, the vast majority of our customer interactions are face to face. As such we have undertaken a number of scenario assessments to test our operational continuity in the event:

- A staff member tests positive or has been in close proximity to someone who has tested positive
- Societal restrictions are imposed such as restriction to public transport or closing of schools
- Our government requests or requires that we amend our operating practices, for example, we must ensure that our staff sit a certain distance apart and take other practical measures to mitigate any possible spread
- We are requested or required to close our branches and go to skeleton staff with no public contact
- We are required to keep our staff at home

Our business priorities have been defined at a high level as:

- Ensuring continuation of payroll for our employees

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- Processing claims for our customers
- Processing renewals for our customers
- Maintaining accounts payable on time for our suppliers
- Providing new business services

We are currently investigating the viability of enabling our staff to operate from home through procurement of new hardware and where required reallocation of laptops from non-essential staff to the frontline teams. This will enable us to increase the number of people able to service customers remotely. However, under these circumstances we do expect a degradation in customer service standards. In this case, we will redirect our landlines to company provided mobile telephones and increase public communications via our Facebook page supported by private communications via email. From a customer service perspective, priority will be given to insurance claims, followed by customer service enquires, sales, and then non-essential back office functions.

Potential Staff Impacts

We have and will continue to communicate with our staff through various channels (i.e. emails, our intranet page and people leaders communications). These communications include letting all staff know we have a plan in place, how to stay healthy, our stance on international business travel (we have put a stop to all non-essential international travel), and links to the latest advice from the NZ Ministry of Health and relevant Pacific Island health organisations.

As always, we will continue to monitor the well-being of our staff and provide support as required including flexible working and leave arrangements and directing staff to EAP support as required.

As of this week, all staff have been requested to stay at home if they feel unwell for any reason. We have also communicated that any staff who are off work caring for unwell family members should remain off work until the entire household is fully recovered. Where staff have exceeded their contractual entitlement of sick leave, they will be provided extended paid sick leave.

We are currently investigating the early roll out of our annual flu vaccination, subject to availability.

Staff leave (non-medical related) is being monitored so that the impact to the resourcing levels is minimized in the event of increased absences due to other staff member's illness.

In addition to this, the needs of vulnerable staff members, such as those who are pregnant, have underlying medical conditions and those who live with elderly residents are being managed on an individual basis.

Stress Testing/Business Impact Assessment

A high-level review of our product wordings has been undertaken to understand the potential insurance risks associated with Covid-19. From the analysis done there is no material exposure. Some products may respond but the exposure is considered very limited.

Apart from insurance risk, other potential risks to Tower/NPI include:

- Reduction in GWP – following reduction in turnover within business, there is a potential for reduced GWP where rates are based on turnover,
- Moral hazard – possibility of fraudulent claims where businesses fall into financial difficulties,
- Increased demand on resource – managing queries from customers querying and/or trying to claim on policies that do not respond, and
- Revenue management – risk of customers defaulting on premium payments and/or cancelling their policies to reduce costs, and the cashflow impact of any inability to process premium payments through automated means.

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ED-20-0731-A-001069

NATIONAL PACIFIC INSURANCE

The financial impacts of these risks to Tower/NPI have not been assessed as there isn't enough information to inform reasonable impact estimates. Having said that, the Tower/NPI Product Teams are monitoring the situation to identifying any emerging adverse experience.

Reinsurance Arrangements

As stated above, there is no material risk of increased claims arising from a pandemic. Hence, reinsurance considerations are not relevant to Tower/NPI.

Community

From a community perspective, our office has health notices prominently displayed, along with hand sanitisers. We are increasing the frequency and intensity of our office cleaning rotations. We have commenced the recording of all appointments with external parties and are recording visits by customers, contractors and members of the public via a visitor book so that we can contribute to the national health organisations tracing needs, if required.

In addition to this, we are currently investigating what additional community support we could provide in the event of an outbreak in American Samoa.

Next Steps

Over the coming week, Tower and NPI offices will be continuing to refine the PMP and BCP. If there is any material change to our position in this regard, we will bring this to your attention at the earliest opportunity.

Please do not hesitate to contact me should you require any further information,

Yours sincerely

Paula ter Brake

**General Manager – Pacific**

*Enc. PMP Phase 3*

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**National Pacific Insurance (American Samoa) LTD,** Suite 3, Georgina Building, Fagaima Road, [illegible] Samoa
P O Box 1386, Pago Pago, American Samoa **T.** +684 699 1266 **F.** +684 699 1263

ED-20-0731-A-001070

NATIONAL PACIFIC INSURANCE

## Preparedness: Phase 3

| PLANNING ACTIVITIES | STAFF HEALTH AND SAFETY ACTIVITIES | OPERATIONAL ACTIVITIES | COMMUNICATION ACTIVITIES |
|---|---|---|---|
| • Review BCPs and plan and monitor activities to ensure implementation<br>• Conduct regular situation monitoring and prepare regular status reports (define the distribution list) | • Confirm with cleaning contractor that increased frequencies of cleaning can be provided, especially in the common areas e.g. meeting rooms, kitchens, reception, etc.<br>• Provide notices in washrooms to support good hygiene practices<br>• Train a pool of staff to deal with the special requirements of a pandemic<br>• Provide antiseptic wipes / gels in washrooms.<br>• Prepare health declaration form, temperature log for health screening for staff, contractors, vendors and visitors<br>• Establish employee policies re flexible work arrangements (working from home) or flexible work hours (shift work)<br>• Establish leave policies for sick leave absences unique to a pandemic, including policies on when a previously ill person is no longer infectious and can return to work after illness<br>• Ensure these policies are consistent with NZ Ministry of Health directions<br>• Ensure Managers understand their WH&S responsibilities<br>• Identify the most at risk groups<br>• Appoint a staff member in each department responsible for tracking health records | • Assess business needs for continued face to face contact with customers/ suppliers and consider plans to modify the frequency or type of contact e.g. use teleconference<br>• Prioritise Business Unit processes and identify critical Staff / Skills inventory - review business procedures where necessary to cover Pandemic preparedness<br>• Identify Key suppliers of all goods<br>• Monitor status of sub-contractors.<br>• Identify personnel that may have additional risks associated with their role<br>• Allocate remote access services in quarantine areas (i.e. Home) for critical staff / where required<br>• Review Tower /NPI products to ensure wording reflects position for pandemics | • Arrange talks by medical experts on "staying healthy" - diet, exercise, cleanliness etc.<br>• Establish communications channel to handle staff queries and issues<br>• Develop communication guidelines around interacting with people who are actively managing business continuity activities<br>• Appoint a Pandemic Manager who will monitor the status of the Pandemic and keep the ELT informed.<br>• Pandemic Manager to be notified of all cases identified within Tower/NPI if an employee feels sick at work, employee will be advised to leave work immediately. Pandemic Manager must contact the employee and conduct contact tracing to determine who needs to be contacted regarding a potential exposure to pandemic. |

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| PLANNING ACTIVITIES | STAFF HEALTH AND SAFETY ACTIVITIES | OPERATIONAL ACTIVITIES | COMMUNICATION ACTIVITIES |
|---|---|---|---|
| | • Consider internal quarantining practices - identify ways to increase social distancing in the workplace e.g. reduce staff movements<br>• Implement visitor log for ALL visitors<br>• Develop process for recovered or well staff to return to work in alignment with policy | | |

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**From:** Roney, Collette
**Sent:** Mon, 30 Mar 2020 18:34:26 +0000
**To:** COVID-19
**Cc:** OESE.titlei-a
**Subject:** FW: SIG Question from NYSED

---

**From:** Tracey Johnson <Tracey.Johnson@nysed.gov>
**Sent:** Wednesday, March 25, 2020 1:00 PM
**To:** Roney, Collette <Collette.Roney@ed.gov>
**Cc:** Lesli Myers-Small <Lesli.Myers-Small@nysed.gov>; Antonio Parente <Antonio.Parente@nysed.gov>
**Subject:** SIG Question from NYSED

Good afternoon Collette,

I hope all is well with you.

Districts in NY are inquiring about the use of the unused 2019-20 SIG funds (formally funded under 1003(g)) due to the extended school closures as a result of COVID-19. Is there any guidance from your office about extending the funding for another year or rolling over these funds into the 2020-21 school year?

Your assistance and guidance is greatly appreciated.

Be well,
Tracey Johnson

Associate
Office of Innovation and School Reform
Annex, Room 366
New York State Education Department
89 Washington Avenue
Albany, NY 12234
(518) 408-1071

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This email including all attachments is confidential and intended solely for the use of the individual or entity to which it is addressed. This communication may contain information that is protected from disclosure under State

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and/or Federal law. Please notify the sender immediately if you have received this communication in error and delete this email from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 18:59:03 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: SIG Question from NYSED

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Roney, Collette <Collette.Roney@ed.gov>
**Sent:** Monday, March 30, 2020 2:34 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** FW: SIG Question from NYSED

---

**From:** Tracey Johnson <Tracey.Johnson@nysed.gov>
**Sent:** Wednesday, March 25, 2020 1:00 PM
**To:** Roney, Collette <Collette.Roney@ed.gov>
**Cc:** Lesli Myers-Small <Lesli.Myers-Small@nysed.gov>; Antonio Parente <Antonio.Parente@nysed.gov>
**Subject:** SIG Question from NYSED

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Be well,
Tracey Johnson

Associate
Office of Innovation and School Reform
Annex, Room 366
New York State Education Department
89 Washington Avenue
Albany, NY 12234
(518) 408-1071

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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 18:28:01 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: Spring Break - Second Request

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Antoinette Esposito <aesposito@aepowersolutions.com>
**Sent:** Monday, March 30, 2020 2:22 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Spring Break - Second Request

Good Morning

I know all of you are being bombarded with questions. This such a crazy time. Hang in there – You've got this!

I am working with a school that decided to extend break, but did not notify DOE.

1. What actions need to take place at this point?
2. Does the school need to extend spring term to meet the minimum weeks in the term requirement?

Could you provide the best guidance on how schools convert to a Pass/Fail grading system until things are back to normal?

1. How does effect SAP?
2. How are GPAs impacted?
3. Are there any other ramifications in converting to Pass/Fail

Are schools REQUIRED to refund room/board charges? If a school is past the 60% mark in the term, is the guidance that a school must refund the charges or it is an institutional decision based on their internal guidelines?

Thanks in advance. You are all doing an amazing job!

Take care –
Anboinette

Antoinette H. Esposito
AE Power Solutions, Inc
3074 Westwood Road
Augusta, Georgia 30909
aesposito@aepowersolutions.com
(706) 373-3726

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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 17:04:43 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Title IV Q and A

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Arellano, Brenda <barellano@air.org>
**Sent:** Monday, March 30, 2020 12:52 PM
**To:** Wells, Kelly <kwells@air.org>; Lang, Robin C. <roclang@nd.gov>
**Cc:** T4PACenter <T4PACenter@seiservices.com>; Ramirez, Francisco <Francisco.Ramirez@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Title IV Q and A

Hello Robin,
Thank you for your question on your questions related to developing Federal Title Programs in regards to COVID-19. Since this is a statute related question, we are forwarding your question to your ED Federal Program Officer (FPO), Francisco Ramirez, as well as the new COVID-19 specific email address to streamline questions related to COVID-19 that the Department has set-up. Please note that the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available. Please continue to include both in your emails so we can track these inquiries related to COVID-19.

Also, can you clarify your question(s)? I was not clear on which question(s) that you were seeking answers for: 1) whether paid position can continue to be funded at this time [under COVID-19], or 2) the question under the Q&A that had an missing answer about reallocated funding for activities cancelled due to COVID-19. Please highlight your question in yellow please.

- I am wondering about positions paid with Title IV funds, such as out School Resource Officers. Can they continue being paid during this time if they have worked out a plan with their local districts on how to support students and families during this time? Thoughts?
- Q. Our district applied for reallocated funding for activities that have been canceled due to COVID-19. Will we lose those funds?

Respectfully,
Brenda Arellano

Brenda Arellano, Ph.D
Senior Researcher/T4PA Liaison
American Institutes for Research
**W** 202.403.6602 | **C** 805.689.9480
Mountain time
barellano@air.org | www.air.org

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**From:** Wells, Kelly <kwells@air.org>
**Sent:** Monday, March 30, 2020 10:26 AM
**To:** Lang, Robin C. <roclang@nd.gov>; Arellano, Brenda <barellano@air.org>
**Cc:** T4PACenter <T4PACenter@seiservices.com>
**Subject:** RE: Title IV Q and A

Hi, Robin – Thank you so much for sending this TA request. Brenda Arellano, copied here, is your TA Specialist and she can help you with your questions.

I hope you and your family are doing well.

Best,
Kelly

---

**From:** Lang, Robin C. <roclang@nd.gov>
**Sent:** Monday, March 30, 2020 12:12 PM
**To:** Wells, Kelly <kwells@air.org>
**Subject:** RE: Title IV Q and A

External email alert: Be wary of links & attachments.

Kelly, We have been asked to develop a Federal Title Programs in regards to COVID. I am wondering about positions paid with Title IV funds, such as out School Resource Officers. Can they continue being paid during this time if they have worked out a plan with their local districts on how to support students and families during this time? Thoughts?

**Q. Our school will be implementing a Distance Learning plan with students. Can we still pay our federally funded employees, e.g. Title I, II, III, IV during this time?**

A. Yes. As long as the LEA treats its non-federally funded employees the same as its federally funded employees (2 CPR 200.431(a)), then federally funded staff can continue to be paid as normal despite school closures. This includes certified and non-certified staff, at both public and nonpublic schools.

**Q. Our school is closed but will operate via distance learning. Can we offer Title services in this same manner through our certified Title staff?**

A. Yes. As classroom certified staff are expected to support students during e-learning, so must the federally funded certified staff, including equitable services at non-public schools. The Title I certified staff should collaborate with the administrators and classroom certified staff to determine the best method to carry this out. For example, the Title I staff could be a second set of educators that reach out to ensure e-learning lessons are understood and completed by students. Or Title I staff could conduct small groups virtually with students in need of additional support. This is determined locally, including through consultation for equitable services at non-public schools. However, the LEA may also decide to have Title I staff conduct alternate activities as well, such as participate in virtual professional development, update the Title I schoolwide plan, plan future professional development activities when staff returns, and so on.

**Q. How must the LEA provide services to English learners during school closure?**

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A. If the school is closed and not operating virtually, no services are required for English learners or students with disabilities. However, if the school is operating via e-learning, the LEA must provide services to English Learners. Note the structure and schedule of services may look different from what the school typically offers when meeting in person, but EL staff must collaborate with certified classroom teachers to ensure the e-learning content and delivery are accessible for ELs and that ILPs are followed.

**Q. Our LEA has paid for activities with federal funds, such as professional development conferences under Title II, that are now cancelled, or the LEA does not want to participate due to restrictions. How should we proceed?**

A. The LEA should attempt to recoup all fees paid so that the funding may be repurposed for an alternate activity. In the case that certain funds cannot be recouped due to vendors that will not refund the costs but will provide vouchers, consider rescheduling at a later date within the same project period. If all else fails and certain funds are lost, then keep documentation of the attempt to recoup the costs and the LEA may still charge the lost funds to the federal award. If the LEA later receives a refund from the vendor after already seeking reimbursement from NDDPI, this serves as a rebate or cash on hand, which must be either returned to NDDPI or proportionally reduce the next reimbursement under the same project.

**Q. Our district applied for reallocated funding for activities that have been canceled due to COVID-19. Will we lose those funds?**

**Q. How can federal Title program funding (Title I, II, III, IV) be used to support the district's Distance Learning plan?**

A. A new document outlining how the federal Title funds ben be used to support distance learning can be accessed here.

**Q. If we need further support regarding the federal Title programs, whom do we contact?**

A. A chart listing the contact person for each specific program is posted here.

**Robin C. Lang**
Assistant Director, Educational Equity and Support
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-2265

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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 19:01:27 +0000
**To:** Ramirez, Francisco
**Cc:** Williams, Bryan;COVID-19
**Subject:** FW: Title IV Q and A

Hi Francisco,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Arellano, Brenda <barellano@air.org>
**Sent:** Monday, March 30, 2020 2:33 PM
**To:** Lang, Robin C. <roclang@nd.gov>
**Cc:** Info <Info@T4PACenter.org>; Ramirez, Francisco <Francisco.Ramirez@ed.gov>; COVID-19 <COVID-19@ed.gov>; Wells, Kelly <kwells@air.org>
**Subject:** RE: Title IV Q and A

Hi Robin,
Thank you for clarifying your question under Administration and Program Planning and Funding. Your FPO will reply via email with a response to the following questions:

- I am wondering about positions paid with Title IV funds, such as out School Resource Officers. Can they continue being paid during this time if they have worked out a plan with their local districts on how to support students and families during this time?
- I was wondering if they [LEAs] work with their school to adjust their MOU to reflect what they are doing to support the students, families, and schools during this time if that would be appropriate?

Please note, statute related questions regarding Title IV, Part A should be sent, via email to your assigned FPO.

Best,
Brenda

Brenda Arellano, Ph.D
Senior Researcher/T4PA Liaison
American Institutes for Research
**W** 202.403.6602 | **C** 805.689.9480
Mountain time
barellano@air.org | www.air.org

---

**From:** Lang, Robin C. <roclang@nd.gov>
**Sent:** Monday, March 30, 2020 12:19 PM

AMERICAN OVERSIGHT

**To:** Arellano, Brenda <barellano@air.org>
**Subject:** RE: Title IV Q and A

External email alert: Be wary of links & attachments.

Hi Brenda,

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**Robin C. Lang**
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600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-2265

---

**From:** Arellano, Brenda <barellano@air.org>
**Sent:** Monday, March 30, 2020 11:52 AM
**To:** Wells, Kelly <kwells@air.org>; Lang, Robin C. <roclang@nd.gov>
**Cc:** T4PACenter <T4PACenter@seiservices.com>; 'Ramirez, Francisco' <Francisco.Ramirez@ed.gov>; covid-19@ed.gov
**Subject:** RE: Title IV Q and A

**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hello Robin,
Thank you for your question on your questions related to developing Federal Title Programs in regards to COVID-19. Since this is a statute related question, we are forwarding your question to your ED Federal Program Officer (FPO), Francisco Ramirez, as well as the new COVID-19 specific email address to streamline questions related to COVID-19 that the Department has set-up. Please note that the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update

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**Sent:** Monday, March 30, 2020 10:26 AM
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**Cc:** T4PACenter <T4PACenter@seiservices.com>
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**Subject:** RE: Title IV Q and A

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NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

**Robin C. Lang**
Assistant Director, Educational Equity and Support
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-2265

AMERICAN OVERSIGHT

**From:** Fox, Leslie
**Sent:** Mon, 30 Mar 2020 17:39:51 +0000
**To:** COVID-19
**Subject:** FW: Transition to LEAs at age 3

From LA-C

---

**From:** Brenda Sharp <Brenda.Sharp@LA.GOV>
**Sent:** Monday, March 30, 2020 12:47 PM
**To:** Fox, Leslie <Leslie.Fox@ed.gov>
**Subject:** Transition to LEAs at age 3

Hi Leslie,
We are getting lots of questions about keeping children who turn 3 in Part C because the school systems are closed. The guidance I've seen so far says that whatever the LEAs offer to children without disabilities during the closure should also be provided to children with disabilities, but I suspect that isn't happening with newly transitioning 3 year olds. Our position to date (right or wrong interpretation by me) has been that if the child transitioned and has an IEP that was to begin on the 3rd birthday, they cannot continue with Part C. If the child was a late referral, etc and turns 3 as of the school closure date and after and did not transition to the LEA yet, had an active IFSP, they can stay continue until the end of the school year date specific to their LEA.

Advocates are pushing for children to remain with us, but I feel the LEA should accept responsibility for the children and not expect that they remain with Part C. Summer is always an issue anyway, as you know, since children frequently don't start services during the summer at all. The impact could be significant with extended stay-at-home time if the push includes March-August 3 year olds. I believe ITCA is addressing this with OSEP, but I am hoping I just didn't miss something from OSEP with all the email updates that are going out.

Thanks for any help, Happy Monday, and hope you are still well.
Brenda

Brenda B. Sharp
Program Manager, EarlySteps
Developmental Disabilities
PO Box 3117
Baton Rouge, LA 70821
Phone: 225-342-8853

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 18:23:20 +0000
**To:** VanderPloeg, Laurie;Wexler, Larry;Corr, Gregg
**Cc:** COVID-19
**Subject:** FW: Transition to LEAs at age 3

Hello,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Fox, Leslie <Leslie.Fox@ed.gov>
**Sent:** Monday, March 30, 2020 1:40 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Transition to LEAs at age 3

From LA-C

---

**From:** Brenda Sharp <Brenda.Sharp@LA.GOV>
**Sent:** Monday, March 30, 2020 12:47 PM
**To:** Fox, Leslie <Leslie.Fox@ed.gov>
**Subject:** Transition to LEAs at age 3

Hi Leslie,
We are getting lots of questions about keeping children who turn 3 in Part C because the school systems are closed. The guidance I've seen so far says that whatever the LEAs offer to children without disabilities during the closure should also be provided to children with disabilities, but I suspect that isn't happening with newly transitioning 3 year olds. Our position to date (right or wrong interpretation by me) has been that if the child transitioned and has an IEP that was to begin on the 3rd birthday, they cannot continue with Part C. If the child was a late referral, etc and turns 3 as of the school closure date and after and did not transition to the LEA yet, had an active IFSP, they can stay continue until the end of the school year date specific to their LEA.

Advocates are pushing for children to remain with us, but I feel the LEA should accept responsibility for the children and not expect that they remain with Part C. Summer is always an issue anyway, as you know, since children frequently don't start services during the summer at all. The impact could be significant with extended stay-at-home time if the push includes March-August 3 year olds. I believe ITCA is addressing this with OSEP, but I am hoping I just didn't miss something from OSEP with all the email updates that are going out.

Thanks for any help, Happy Monday, and hope you are still well.
Brenda

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Brenda B. Sharp
Program Manager, EarlySteps
Developmental Disabilities
PO Box 3117
Baton Rouge, LA 70821
Phone: 225-342-8853

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 19:16:58 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: Urgent Foreign School guidance

Should this inquiry be forwarded to OPE?

**From:** Lisa Stone <lstone@getfasolutions.com>
**Sent:** Monday, March 30, 2020 3:14 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Urgent Foreign School guidance

Good afternoon,

Please provide guidance as to whether or not a foreign school can switch from attendance taking to non attendance taking mid-term due to COVID and the changes in education delivery. It is our understanding that is not allowed that the school would still need to find a way to take attendance.

We look forward to your response.

**Lisa Stone**
Director of Compliance
**FA Solutions, LLC**
Phone: 727-565-2048
Email:lstone@getfasolutions.com

**"Sometimes faith will make you look stupid; until it rains." - Noah**

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**Sent:** Mon, 30 Mar 2020 19:16:58 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: Urgent Foreign School guidance

Should this inquiry be forwarded to OPE?

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We look forward to your response.

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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 18:32:42 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: Use of federal funds

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Fredette, Rebecca <Rebecca.Fredette@doe.nh.gov>
**Sent:** Monday, March 30, 2020 2:06 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Barrett-Zitkus, Jennifer <Jennifer.Barrett-Zitkus@ed.gov>
**Subject:** Use of federal funds

Hello
I am wondering if you could give guidance around the use of IDEA funds to pay salaries and hourly employees if school has been closed by the governor. Also should private providers of special education be expected to receive continued tuition for students who are attending remotely or the parent has said they cannot attend the program at the private provider? If staff are working but not the full day as it is now remote, can they still be paid for their normal hours?

Any help or guidance you can provide would be great. As a new director I am seeking as much support as I can get.

Rebecca A. Fredette, M.Ed.
Administrator, Bureau of Student Support
State Director of Special Education
NH Department of Education
101 Pleasant Street
Concord, NH 03301

Phone: (603)271-6693
Fax: (603)271-1099

Rebecca.Fredette@doe.nh.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 19:07:47 +0000
**To:** VanderPloeg, Laurie;Wexler, Larry;Corr, Gregg
**Cc:** COVID-19
**Subject:** FW: Use of federal funds

Hello OESE,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Barrett-Zitkus, Jennifer <Jennifer.Barrett-Zitkus@ed.gov>
**Sent:** Monday, March 30, 2020 3:04 PM
**To:** Fredette, Rebecca <Rebecca.Fredette@doe.nh.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Duos, Laura <Laura.Duos@ed.gov>; Schneer, Matthew <Matthew.Schneer@ed.gov>; Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>
**Subject:** RE: Use of federal funds

Thank you for submitting your question to the Covid-19 mailbox. The Department is working on guidance. Thank you for patience. ECTA and NCSI have resources and supports that you may find helpful.

---

**From:** Fredette, Rebecca <Rebecca.Fredette@doe.nh.gov>
**Sent:** Monday, March 30, 2020 2:06 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Barrett-Zitkus, Jennifer <Jennifer.Barrett-Zitkus@ed.gov>
**Subject:** Use of federal funds

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Rebecca A. Fredette, M.Ed.
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AMERICAN OVERSIGHT

101 Pleasant Street
Concord, NH 03301

Phone: (603)271-6693
Fax: (603)271-1099

Rebecca.Fredette@doe.nh.gov

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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 19:14:33 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: Verification Requirements for V4 and V5

The inquiry below was received in the COVID-19 mailbox. Please let us know if OPE or FSA should receive all related "verification" inquiries.

---

**From:** Lakischa A Brown <LBrown@yorktech.edu>
**Sent:** Monday, March 30, 2020 3:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Sara M Rapp <SRapp@yorktech.edu>
**Subject:** Verification Requirements for V4 and V5

Greetings,

I have a question concerning the HS completion and Identity forms with a valid government ID. With closures of government agencies and other businesses, students are unable to get the forms notarized and sent back to the office. Will there be guidance on leniency for those students selected for V4 and V5 verification? Are we able to utilize video chat tools to witness signatures of students at this time? Please advise.

Thank you,

**Lakischa A Brown**
**Financial Aid Counselor - State Programs**
**Financial Aid**
**York Technical College**
452 S. Anderson Rd., Rock Hill, SC 29730
Tel: 803.323.5988 | Fax: 803.981.7278

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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 19:10:42 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: Verification Requirements for V4 and V5

Hello FSA,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Lakischa A Brown <LBrown@yorktech.edu>
**Sent:** Monday, March 30, 2020 3:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Sara M Rapp <SRapp@yorktech.edu>
**Subject:** Verification Requirements for V4 and V5

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**From:** Hilsey, Shaina
**Sent:** Mon, 30 Mar 2020 20:34:09 +0000
**To:** COVID-19
**Subject:** FW: Verification Requirements for V4 and V5

FYI

---

**From:** Martin, Gregory <Gregory.Martin@ed.gov>
**Sent:** Monday, March 30, 2020 4:32 PM
**To:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Cox, Jack <Jack.Cox@ed.gov>; Weisman, Annmarie <Annmarie.Weisman@ed.gov>
**Subject:** RE: Verification Requirements for V4 and V5

I think they continue to be sent to COVID-19. Hopefully, the new EA will answer most of these. For now, we just tell them to wait on that guidance expected to be posted tomorrow morning.

Greg

---

**From:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Sent:** Monday, March 30, 2020 3:16 PM
**To:** Cox, Jack <Jack.Cox@ed.gov>; Martin, Gregory <Gregory.Martin@ed.gov>; Weisman, Annmarie <Annmarie.Weisman@ed.gov>
**Subject:** RE: Verification Requirements for V4 and V5

Who should receive all verification inquiries?

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 30, 2020 3:15 PM
**To:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Cox, Jack <Jack.Cox@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Verification Requirements for V4 and V5

The inquiry below was received in the COVID-19 mailbox. Please let us know if OPE or FSA should receive all related "verification" inquiries.

---

**From:** Lakischa A Brown <LBrown@yorktech.edu>
**Sent:** Monday, March 30, 2020 3:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Sara M Rapp <SRapp@yorktech.edu>
**Subject:** Verification Requirements for V4 and V5

Greetings,

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Thank you,

**Lakischa A Brown**
**Financial Aid Counselor - State Programs**
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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 16:30:20 +0000
**To:** VanderPloeg, Laurie;Wexler, Larry;Corr, Gregg
**Cc:** COVID-19
**Subject:** FW: Written Parent Consent for Special Circumstances Question (URGENT)

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Crayton, Marion <Marion.Crayton@ed.gov>
**Sent:** Monday, March 30, 2020 11:41 AM
**To:** Mariana Ulibarri-Horan <mariana@inmdiagnostics.com>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Written Parent Consent for Special Circumstances Question (URGENT)

Dr. Mariana Ulibarri-Horan,

I was provided the following information to forward to you. Please see the email below:

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your community and families safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus
Supplemental Fact Sheet Addressing Serving Children with Disabilities during COVID-19 national emergency (March 21, 2020)

Readout of the U.S. Department of Education's Coronavirus Conference Call with Chief State School Officers (March 20, 2020)

Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students (March 16, 2020)

Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak (March 12, 2020)

Regards,
Marion Morton Crayton
**From:** Mariana Ulibarri-Horan <mariana@inmdiagnostics.com>
**Sent:** Friday, March 27, 2020 2:13 PM

AMERICAN OVERSIGHT

**To:** Crayton, Marion <Marion.Crayton@ed.gov>
**Subject:** Written Parent Consent for Special Circumstances Question (URGENT)

Good morning. Please advise on the following:

**What are the flexibilities in obtaining compliant written parent consent for IDEA evaluations, eligibility determinations, or change of service in the following scenarios:**

1) Rural areas do not have house mailboxes; the residents pick up their mail from a centralized post office. Due to COVID-19 health crisis, residents are not going to the post office and/or post masters are on abbreviated face-to-face schedules.

2) Rural areas and environmentally/demographically challenged households do not have internet or media to complete an electronic signature process.

**Please note these example(s):**

Once a parent has been provided (verbal explanation/discussion) with the PARENT AND CHILD RIGHTS IN SPECIAL EDUCATIONPROCEDURAL SAFEGUARDS NOTICE,

1) Can a parent print out an email attachment of the documents, video themselves signing the document, and send this to the LEA or IEP/EDT teams to document the process on the PWN?

2) Can a parent verbally accept the rights and give a verbal consent in a conference call with an IEP team as witness?

Thank you for your guidance. A prompt response would be greatly appreciated.

Dr. Marana Ulibarri-Horan
Indigo Diagnostics, LLC
HC 75 1198
Rutheron, NM 87551
505-699-5315

AMERICAN OVERSIGHT

**From:** Singh, Jyoti (NIH/NIGMS) [E]
**Sent:** Mon, 30 Mar 2020 20:27:57 +0000
**To:** COVID-19
**Subject:** Help Spread NIGMS' Virtual Learning Resources

Dear Department of Education,

To assist with virtual learning during the COVID-19 pandemic, we're hoping you can share the valuable resources the National Institute of General Medical Sciences (NIGMS) with the National Institutes of Health (NIH) supports for STEM and career-related training resources. NIGMS is sharing these resources with our audiences on Twitter and Facebook using the hashtag: #NIGMSVirtualLearning. We've also recently issued the following posts for our blog audiences:

1. BioBeat: Explore Our Virtual Learning STEM Resources -- *highlights STEM/K-12 Resources, including our latest issue of Pathways (w/ Scholastic) on circadian rhythms and Science Education Partnership Award (SEPA) resources related to COVID-19*. There are also two NIH-funded citizen science video games (both now being used to help with COVID-19): FoldIt and EteRNA.

2. Feedback Loop: NIGMS Virtual Learning Resources for Scientists at All Career Stages -- *highlights a variety of training and related resources for undergrads through faculty levels.* These include training modules on rigor and reproducibility, a variety of scientific videos, virtual mentoring opportunities, and more.

Please help us get the word out to the broader scientific community through your webpages and newsletter or by sharing the social media posts mentioned above.

Many thanks,
Jyoti

Jyoti Singh, M.S.
Public Affairs Specialist
Communications and Public Liaison Branch
National Institute of General Medical Sciences
National Institutes of Health
301-480-8125 | jyoti.singh@nih.gov

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A blog about NIGMS funding policies, trends, plans and more.

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**From:** Stephanie Miller
**Sent:** Mon, 30 Mar 2020 18:20:52 +0000
**To:** COVID-19
**Subject:** Identity and Statement of Purpose

Hi!
I may have missed it, but have we received any guidance on confirming Identity in person?
What options do we have for students to sign the form and submit the required documents.
Thank you

*Stephanie Miller*
*Director, Financial Aid*
*Central Alabama Community College*
*Childersburg Campus*
*Phone: (256) 378-4906*
*Alexander City Campus*
*Phone: (256) 215-4251*
*stmiller01@cacc.edu*

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**From:** Cameron Kyle
**Sent:** Mon, 30 Mar 2020 16:56:18 +0200
**To:** COVID-19
**Subject:** Interruption of disbursement - Foreign school

To whom this may concern

I am a US-citizen. Currently studying at a Foreign University abroad full time to complete a Masters degree in Medicine. I am currently enrolled into my 4th semester here and received contacting teaching for the first 5 weeks before COVID-19 situation was initiated a pandemic by the WHO. Quarantine has been issued until 15th of May in which contacting teaching will resume as normal. In the time being online teaching has been instituted as a way to ensure we do not fall behind in our course and can still finish as normal. My university is listed below.

**Masaryk University does not have U.S. tax ID number and therefore cannot provide 1098-T forms for year 2019. We are sorry for the inconvenience.**

- Direct Loan Participation Acknowledgement: Masarykova Univerzita
- OPE ID: **03565300**
- Direct Loan School ID: G35653

My question is as follows: Will I still be-able to receive my 2nd disruptment for my loan as of this crisis ? As I have had contact lesson and will return to them soon and the online teaching aspect is only instigated for a short period.

Kind regards Cameron Kyle Jansen van Rensburg

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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 20:17:46 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** Multiple Emails for OPE
**Attachments:** RE: Question about Proposed Modification to Incomplete Grading, extending permission for distance, online learning during C0vid, FW: Spring Break - Second Request

Hello,

Please see the email inquiry below.

Thank You,

Franka

AMERICAN OVERSIGHT

**From:** James \"JW\" Kelley
**Sent:** Mon, 30 Mar 2020 18:01:05 +0000
**To:** Martin, Gregory;COVID-19
**Cc:** Dr. Wanda White;Joanne Ceres;Sabrina Terry;Patrick Holyfield;Tracy Mancini;Heather Hill;Hilsey, Shaina
**Subject:** RE: Question about Proposed Modification to Incomplete Grading

Thanks, Gregory. I appreciate that help! JW

---

**From:** Martin, Gregory <Gregory.Martin@ed.gov>
**Sent:** Monday, March 30, 2020 11:53 AM
**To:** James "JW" Kelley <kelleyj@nccommunitycolleges.edu>; COVID-19 <COVID-19@ed.gov>
**Cc:** Dr. Wanda White <whitew@nccommunitycolleges.edu>; Joanne Ceres <jceres@cfcc.edu>; Sabrina Terry <terrysj@surry.edu>; Patrick Holyfield <pholyfield8286@stanly.edu>; Tracy Mancini <mancinit@carteret.edu>; Heather Hill <heather.hill@cpcc.edu>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Subject:** RE: Question about Proposed Modification to Incomplete Grading

See the embedded response below.

Greg

---

**From:** James "JW" Kelley <kelleyj@nccommunitycolleges.edu>
**Sent:** Thursday, March 26, 2020 1:19 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Dr. Wanda White <whitew@nccommunitycolleges.edu>; Joanne Ceres <jceres@cfcc.edu>; Sabrina Terry <terrysj@surry.edu>; Patrick Holyfield <pholyfield8286@stanly.edu>; Tracy Mancini <mancinit@carteret.edu>; Heather Hill <heather.hill@cpcc.edu>
**Subject:** Question about Proposed Modification to Incomplete Grading

To Whom It May Concern:

The NC Community College System Office is considering an optional process for colleges to use the Incomplete grade to mitigate the impact of COVID-19. Please see the below scenario and question. Please feel free to elaborate to help us identify other options if this scenario needs to be adjusted. Thanks. JW

James "JW" Kelley, EdD
Associate Vice President
Student Services
NC Community College System Office

---

Scenario: We would like to create a unique incomplete grade for emergency situations (e.g., IE – Incomplete Emergency) to be used with an emergency splitting of the course. For example, welding courses are not available online. So, the faculty member would assign the grade IE to students who

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choose not to withdraw and want to complete in a future semester. The faculty notes their grade at that time. The college creates a Part B to the course that covers the remaining content of the welding course and makes it available either during the Summer 2020 term and/or the Fall 2020 term. The Part B course will have appropriate SHC but will not count toward graduation and not count in the registration credits for financial aid purposes. Students with the IE in the original welding course are eligible to enroll. After the student completes the Part B course, then the faculty member would submit the final grade replacing the IE in the original welding course. Students who do not enroll in the part B course by the college's deadline would receive a final grade as if the Part B content was not completed (e.g., some students may receive a failing grade and some students could receive a passing grade because their grades were "high" before the IE.).

Questions: Would the IE course impact SAP and other financial aid regulations? Would the Part B course impact SAP and other financial aid regulations? Giving an incomplete grade for all classes may not be used as an alternative to withdrawing a student who has ceased attendance during a payment period r period of enrollment. When a student ceases to attend during a payment period he or she must be considered withdrawn, the institution has 30 days from the date of determination and 45 days from the date of determination to perform the R2T4 calculation and make the returns to program funds respectively. You can give the incomplete mark, but at those break points you would have to perform the necessary steps associated with R2T4. It would be easier to place all of these students an approved LOA, which may last up to 180 days and negates their having to be considered withdrawn. For those who do not return, it does mean considering them withdrawn at the point they ceased attending. However passage of the CARES Act may mitigate the effects of thant.

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**From:** Nechama Landesman
**Sent:** Mon, 30 Mar 2020 17:53:45 +0000
**To:** COVID-19
**Subject:** extending permission for distance, online learning during C0vid

I direct an institution that generally offers site based learning. Due to the virus that has affected every institution of learning, as our students went home, we quickly opted for a platform for online instruction, some teleconferencing with strict requirements for attendance (=participation) , assignments and regular student outcomes so that, G-d Willing, when this is all over, there is supporting documentation to assign grades and give credit for a semester that was so abruptly halted.

My question is as follows:

Our accrediting agency does not have authority to review distance learning. How will this affect our student's credits and PEL? We would like to offer our students some real guidance. Our instructors have extended themselves to prepare for the more challenging form of instruction either on line or via phone conference and so far, both students and instructors are pleased that learning has continued uninterrupted. We have extended ourselves financially to serve our students during this time and might change our policy if we knew that no credits could be awarded for the semester. Students would also be reluctant to put in so much work for a semester that will have no credit value as well as a cessation of their PEL grants for those few who are eligible. Our agency doesn't have answers and our students are asking for them. What is general DOE policy in these turbulent times? Would you send me a policy document that would answer this question?

Thank you,

Nechama Chinn

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 18:28:01 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: Spring Break - Second Request

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Antoinette Esposito <aesposito@aepowersolutions.com>
**Sent:** Monday, March 30, 2020 2:22 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Spring Break - Second Request

Good Morning

I know all of you are being bombarded with questions. This such a crazy time. Hang in there – You've got this!

I am working with a school that decided to extend break, but did not notify DOE.

1. What actions need to take place at this point?
2. Does the school need to extend spring term to meet the minimum weeks in the term requirement?

Could you provide the best guidance on how schools convert to a Pass/Fail grading system until things are back to normal?

1. How does effect SAP?
2. How are GPAs impacted?
3. Are there any other ramifications in converting to Pass/Fail

Are schools REQUIRED to refund room/board charges? If a school is past the 60% mark in the term, is the guidance that a school must refund the charges or it is an institutional decision based on their internal guidelines?

Thanks in advance. You are all doing an amazing job!

Take care –
Anboinette

Antoinette H. Esposito
AE Power Solutions, Inc
3074 Westwood Road
Augusta, Georgia 30909
aesposito@aepowersolutions.com
(706) 373-3726

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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 16:37:23 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** Multiple Emails to FSA
**Attachments:** Question Regarding Financial Aid Implications of Offering Early Graduation, NC Community College System Coronavirus & Title IV Eligibility Questions

Hello,

Please see the email inquiry below.

Thank You,

Franka

AMERICAN OVERSIGHT

**From:** Jeremy Jones
**Sent:** Sun, 29 Mar 2020 19:00:30 -0400
**To:** COVID-19
**Cc:** Dan Kallenberger
**Subject:** Question Regarding Financial Aid Implications of Offering Early Graduation

To Whom It May Concern:
Our medical school is being requested by the state of Michigan and our affiliate health system to allow our students that have met graduation requirements to graduate early so that they may begin practice and support the care of infected patients.
While the guidance provided in the March 5, 2020 (updated March 20) Electronic Announcement as well as ED's responses to questions posed by NASFAA regarding this issue are instructive, our question involves compliance with Revised Policy for Standard Term Length.
Question: Does the graduation date need to be at least 14 weeks after the term start date in order to remain compliant with the minimum length specified in the revised policy OR could our school graduate students who meet requirements **before** the 14 weeks and remain compliant given the current unique circumstances COVID-19 has presented?
Many thank in advance for your assistnace with this question.
Regards,
Jeremy Jones
Associate Director
***Confidential counseling services are available 24/7/365 for all OUWB students.**
**Call 866-227-3834 for immediate assistance or visit www.caplife.hmsanet.com**

Regards,
Jeremy Jones, M.Ed.
Associate Director of Financial Services
Oakland University William Beaumont School of Medicine
O'Dowd Hall Rm 216
586 Pioneer Drive
Rochester, MI 48309-4482
Phone: 248-370-3611
FAX: 248-370-4276

AMERICAN OVERSIGHT

**From:** Dr. Wanda White
**Sent:** Sun, 29 Mar 2020 12:38:47 +0000
**To:** COVID-19;Cox, Jack
**Cc:** Martin, Gregory;James JW" Kelley";Dr. Monty Hickman;Dr. John JJ" Evans"
**Subject:** NC Community College System Coronavirus & Title IV Eligibility Questions

To Whom It May Concern:
Please see below additional questions from NC Community College System financial aid administrators in North Carolina. If possible, please review these questions and provide your responses to me as soon as possible. Additional questions may be submitted to you as they arise.

1. If the extra week of break took our academic year from 32 weeks to 31 weeks, do we need to seek Ed approval, or as long as we stay at least 30 weeks, is this okay without School Participation Team approval?

2. My understanding is that we are to pay FWS students based on their scheduled hours. I understand scheduled hours to be the hours the student agreed to work on their FWS contract. If this is the case, what happens if a College over expends their FWS allocation for the year? This could easily happen especially with a college that matches FWS. Please Advise.

Thank you in advance for your assistance.

Wanda White, Ed.D.
Director of Student Services
NC Community College System
200 West Jones Street
Raleigh, NC 27603
whitew@nccommunitycolleges.edu
919-807-7104
E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and shall be disclosed to third parties when required by the statutes (NCGS.Ch.132).

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Act and shall be disclosed to third parties when required by Chapter 132 of the North Carolina General Statutes.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 16:46:00 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** Multiple Emails to OPE
**Attachments:** Question Regarding Financial Aid Implications of Offering Early Graduation, NC Community College System Coronavirus & Title IV Eligibility Questions, Pass/Fail grades

Hello,

Please see the email inquiry below. Sending now because there are no additional emails in the box at the moment.

Thank You,

Franka

AMERICAN OVERSIGHT

**From:** Jeremy Jones
**Sent:** Sun, 29 Mar 2020 19:00:30 -0400
**To:** COVID-19
**Cc:** Dan Kallenberger
**Subject:** Question Regarding Financial Aid Implications of Offering Early Graduation

To Whom It May Concern:
Our medical school is being requested by the state of Michigan and our affiliate health system to allow our students that have met graduation requirements to graduate early so that they may begin practice and support the care of infected patients.
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Question: Does the graduation date need to be at least 14 weeks after the term start date in order to remain compliant with the minimum length specified in the revised policy OR could our school graduate students who meet requirements **before** the 14 weeks and remain compliant given the current unique circumstances COVID-19 has presented?
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Regards,
Jeremy Jones, M.Ed.
Associate Director of Financial Services
Oakland University William Beaumont School of Medicine
O'Dowd Hall Rm 216
586 Pioneer Drive
Rochester, MI 48309-4482
Phone: 248-370-3611
FAX: 248-370-4276

AMERICAN OVERSIGHT

**From:** Dr. Wanda White
**Sent:** Sun, 29 Mar 2020 12:38:47 +0000
**To:** COVID-19;Cox, Jack
**Cc:** Martin, Gregory;James JW" Kelley";Dr. Monty Hickman;Dr. John JJ" Evans"
**Subject:** NC Community College System Coronavirus & Title IV Eligibility Questions

To Whom It May Concern:
Please see below additional questions from NC Community College System financial aid administrators in North Carolina. If possible, please review these questions and provide your responses to me as soon as possible. Additional questions may be submitted to you as they arise.

1. If the extra week of break took our academic year from 32 weeks to 31 weeks, do we need to seek Ed approval, or as long as we stay at least 30 weeks, is this okay without School Participation Team approval?

2. My understanding is that we are to pay FWS students based on their scheduled hours. I understand scheduled hours to be the hours the student agreed to work on their FWS contract. If this is the case, what happens if a College over expends their FWS allocation for the year? This could easily happen especially with a college that matches FWS. Please Advise.

Thank you in advance for your assistance.

Wanda White, Ed.D.
Director of Student Services
NC Community College System
200 West Jones Street
Raleigh, NC 27603
whitew@nccommunitycolleges.edu
919-807-7104
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E-mail correspondence to and from this address may be subject to the North Carolina Public Records Act and shall be disclosed to third parties when required by Chapter 132 of the North Carolina General Statutes.

AMERICAN OVERSIGHT

**From:** Lenora Jackson
**Sent:** Sun, 29 Mar 2020 21:46:46 -0400
**To:** COVID-19
**Subject:** Pass/Fail grades

I have read a lot of information where colleges and universities are going to a pass/fail process for final grades this semester, but couldn't find guidance from Department of Education. Where can I finds that guidance

Regards,

Lenora Jackson
Director of Financial Aid
Spelman College
350 Spelman LN SW
Atlanta, GA 30314

404.270.5209 (Direct)
404.270.5212 (Admin)
404.270.5220 (Fax)

AMERICAN OVERSIGHT

**From:** Rita.locklear
**Sent:** Mon, 30 Mar 2020 13:25:24 -0400
**To:** COVID-19
**Subject:** NYCP Grants

Hello,
I am the Director of a NYCP Grant for the Lumbee Tribe of NC.
We have a US Department Education, OIE, NYCP grant. Our grant programs are all designed to provide opportunities for students. With school out in our state until May I would like to know if the US Dept of Ed. has had any discussion in relation to the Office of Indian Education grants that will address the grant funding and APR deadlines.
Our grantee office staff and staff employed by the grant are all working from home and access to documents and information is limited at this time. All programming has been cancelled except summer programs.
We are very concerned at this time about how this will present problems for our grant funding.
Thanks for any assistance you can provide with guidance on what we need to do.
Sent from my iPhone
Rita Locklear

AMERICAN OVERSIGHT

**From:** Balster, Heidi
**Sent:** Mon, 30 Mar 2020 13:24:57 +0000
**To:** COVID-19
**Subject:** Overlapping Terms

Good morning,

In reviewing the COVID-19 FAQs published, the department is extending the flexibility for institution to extend the length of a term to respond to COVID-19, causing the term to overlap a subsequent term. In this limited circumstance the institution may continue to consider its terms to be standard terms, allowing both the use of a scheduled academic year (SAY) for Direct Loan funds and Pell Grant Formula 1.

Would the above flexibility also be permissible for our upcoming summer term, allowing the term to overlap our fall term, as long as it is due to our response to COVID-19?

I greatly appreciate your time.

Thank you,

**Heidi Balster**
Director of Financial Aid
NWCCD -Sheridan and Gillette College
1 Whitney Way
Sheridan, WY 82801
p. 307.675.0201
f. 307.675.0678
hbalster@sheridan.edu

*2020-2021 FAFSA opens October 1st, 2019!*
*www.fafsa.ed.gov*
*NWCCD school code is 003930*

*NWCCD employee email accounts are subject to the Wyoming Public Records Act.*

*In order to protect student and family Personally Identifiable Information (PII), Northern Wyoming Community College District adheres to stringent data safeguard protocols. Please only submit student/family information to the Financial Aid Office using data security methods which preserve the privacy of your personal information. Secure methods include:*

- *Hand delivering documents to the Financial Aid Office*
- *Faxing documents to the Financial Aid Office using our secure fax number*
- *Mailing documents to the Financial Aid Office via USPS*
- *For FAFSA verification, uploading documents via the NWCCD Verification Portal*

*To help us keep your data uncompromised, please do not email sensitive personal information such as tax documentation or social security numbers to the Financial Aid Office.*

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** RaeChelle Jameson
**Sent:** Mon, 30 Mar 2020 10:48:23 -0500
**To:** COVID-19
**Subject:** Question

I am currently on academic plan through my financial aid office at my college, due to complications with covid-19 issues I am needing to withdraw from some classes that I am afraid I now cannot complete with a passing grade which will put me below fulltime status and I am afraid will cancel any help with financial aid for my continuing semesters what can I do??

RaeChelle Jameson
Connors state college, Warner, Oklahoma

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Jason Rodriguez
**Sent:** Mon, 30 Mar 2020 15:49:37 -0500
**To:** COVID-19
**Subject:** Question on V4 and V5 Verification-Statement of Educational Purpose

Good Afternoon,

I wanted to know if there was some guidance regarding the Statement of Educational Purpose and getting it notarized? During this time of required Social Distancing due to the COVID-19 pandemic I have students that are unable to get the Statement of Educational Purpose notarized due to either businesses near them being closed, no Notary available due to the pandemic, or the fact they are in a self quarantine. Is there a different way they can achieve getting the Statement of Educational Purpose notarized remotely?

Thank you for your time.
--

**Jason Rodriguez | Director-Financial Aid**

150 N. Martingale Road, Suite 300

Schaumburg, IL 60173

P 224.698.2134

F 877.760.4055

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AMERICAN OVERSIGHT

**From:** Falconer, Susan
**Sent:** Mon, 30 Mar 2020 22:03:11 +0000
**To:** COVID-19
**Subject:** Question referral on 3.30

**Received by: Susan Falconer, ED IGA Director susan.falconer@ed.gov**
**Received on: Monday, March 30th, 2020**
**From:** Michael Berson Michael.Berson@arlaw.com> (lobbyist representing many state boards of education)

**Question:** Can a State Superintendent of Education use any of the appropriated funds either in the Elementary and Secondary Education Fund, SERVICES Fund or the Governor's Education Fund to create or purchase a distance or virtual English-learning program for the state's entire K-12 public school system?

AMERICAN OVERSIGHT

**From:** Falconer, Susan
**Sent:** Mon, 30 Mar 2020 20:21:19 +0000
**To:** COVID-19
**Subject:** Question submission on 3.30

**Received by: Susan Falconer, ED IGA Director susan.falconer@ed.gov**
**Received on: Monday, March 30th, 2020**
**From:** Michael Berson Michael.Berson@arlaw.com> (lobbyist representing many state boards of education)

**Question:** Hello / Charter Schools Hi Susan – As I am reading the CARES Act text, it appears that non-profit governing boards of charter schools are eligible for the SBA's Paycheck Protection Program (PPP). Is that how you guys are reading it as well?

AMERICAN OVERSIGHT

**From:** Julie Moore
**Sent:** Mon, 30 Mar 2020 16:14:43 +0000
**To:** COVID-19
**Subject:** R2T4

Good afternoon,

Our school has moved to online instruction for the remainder of the semester. Because of this we have decided to pro-rate meal plans, some mandatory fees, and housing charges.
With these reductions in regards to the R2T4 calculation should I reduce the original charges amount?

Thank you,

**Julie Moore**
Accountant
Financial Aid Office | Gainesville Campus
P: 678.717.2323 | F: 706.717.3673
UNG UNIVERSITY of NORTH GEORGIA

**Complete you FAFSA at https://studentaid.ed.gov/sa/fafsa.**

How did I serve you today?

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Mon, 30 Mar 2020 20:40:25 +0000
**To:** Lakesha Pearson
**Cc:** COVID-19
**Subject:** RE:

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 27, 2020

Dear Lakesha Pearson,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

**From:** Lakesha Pearson (b)(6)
**Sent:** Tuesday, March 24, 2020 10:28 PM
**To:** answers <answers@ed.gov>
**Subject:**

AMERICAN OVERSIGHT

Hello I was speaking to a friend of mine and she told me that if your Tax Refund has been taken then contact you guys about this because of the situation going on in this world at the moment. Can someone please contact me at 504 610 3977 and we can also talk about me getting my payments in order from then on. If this is possible please give me a call so we can work this OUT.
Thank you,
Lakesha p.

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Mon, 30 Mar 2020 12:44:20 +0000
**To:** AskAFed;FSA Case Teams
**Cc:** FederalStudentAid;COVID-19
**Subject:** RE: 01116100 Texas A&M University-Corpus Christi, question regarding Extended Spring Break

Hello,

Please review the following question and answer that External Comms feel best address the issue raised in the email below concerning academic term length.

**Q:** Due to COVID-19, Texas A&M University-Corpus Christi, 011161, has extended our Spring Break one additional week. This has caused our semester to go from a 15 week semester to 14 weeks. What are the next step to getting approval from DOE.

**A:** *The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.*

Please let us know if you have additional questions and review the Electronic Announcement posted on the Department's COVID-19 website at: https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19.

All the best,

**Ronald Roach** | Senior Public Affairs Specialist
Communications & Outreach
Federal Student Aid
P: (202) 377-3397 - C: (202) 394-8338 – Ronald.Roach@ed.gov

---

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Thursday, March 19, 2020 4:46 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** Fw: 01116100 Texas A&M University-Corpus Christi, question regarding Extended Spring Break

COVID-19 question below

---

**From:** Gage, Jeannie <Jeannie.Gage@tamucc.edu>
**Sent:** Thursday, March 19, 2020 4:42 PM
**To:** AskAFed <AskAFed@ed.gov>
**Cc:** Gage, Jeannie <Jeannie.Gage@tamucc.edu>
**Subject:** 01116100 Texas A&M University-Corpus Christi, question regarding Extended Spring Break

AMERICAN OVERSIGHT

Due to COVID-19, Texas A&M University-Corpus Christi, 011161, has extended our Spring Break one additional week. This has caused our semester to go from a 15 week semester to 14 weeks. What are the next step to getting approval from DOE.

Respectfully,

Jeannie Gage
Director of Financial Assistance
Texas A&M University-Corpus Christi
6300 Ocean Drive
Unit 5772
Corpus Christi, Texas 78412
361-825-2332

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Mon, 30 Mar 2020 20:50:35 +0000
**To:** Courtney Wright
**Cc:** COVID-19
**Subject:** RE: About my refund/garnishment for loans

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

March 30, 2020

Dear Courtney Wright,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

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U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

**From:** Courtney Wright <(b)(6)
**Sent:** Thursday, March 26, 2020 1:17 PM

AMERICAN OVERSIGHT

**To:** answers <answers@ed.gov>
**Subject:** About my refund/garnishment for loans

Hello my name is Courtney, I am emailing about my income tax being garnished for student loans . The bill passed about garnishment of student loans . That money was going to help with the lost of my job also I have two small kids to feed . I was requiring when will I receive my refund.

AMERICAN OVERSIGHT

**From:** Roach, Ronald
**Sent:** Mon, 30 Mar 2020 12:32:36 +0000
**To:** AskAFed
**Cc:** COVID-19
**Subject:** RE: Can we adjust Cost of Attendance regarding Room and Board, and how do we handle the credit balance

Hello,

Please review the following questions and answers that External Comms feel best address the issues raised in the email below.

**Q:** Our administrators and directors are meeting this afternoon to discuss the possibility of reimbursing students for room and board. What will be the implications/impact on Title IV funds? Can we adjust the Cost of Attendance? If so, how do we handle the credit balance?

**A:** *If, as a result of the COVID-19 outbreak, your institution provides a refund or waiver of expenses for all or part of a student's tuition, fees, room and board charges, or other institutional charges, or if you become aware that a student has moved off campus for the remainder of the term, the Department will not require a re-evaluation of the student's cost of attendance. Therefore, you are not required to make changes to a student's Title IV awards on the basis of such changes.*

Please let us know if you have additional questions and review the Electronic Announcement posted on the Department's COVID-19 website at: https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19.

Thank you,

**Ronald Roach** | Senior Public Affairs Specialist
Communications & Outreach
Federal Student Aid
P: (202) 377-3397 - C: (202) 394-8338 – Ronald.Roach@ed.gov

---

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Thursday, March 19, 2020 3:06 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** Fw: Can we adjust Cost of Attendance regarding Room and Board, and how do we handle the credit balance

COVID-19 question below

---

**From:** Martinez, Gayle J <gjmartinez@nmhu.edu>
**Sent:** Thursday, March 19, 2020 1:45 PM
**To:** AskAFed <AskAFed@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Chavez, Susan R <srchavez@nmhu.edu>
**Subject:** Can we adjust Cost of Attendance regarding Room and Board, and how do we handle the credit balance

Good morning,

Our administrators and directors are meeting this afternoon to discuss the possibility of reimbursing students for room and board.

What will be the implications/impact on Title IV funds?

Can we adjust the Cost of Attendance?

If so, how do we handle the credit balance?

**Thank you and have a Blessed and Joyous day,**
**Gayle**

**Ms. Gayle Martinez | Financial Aid Analyst**
**Office of Financial Aid & Scholarships**
**New Mexico Highlands University**
**Box 9000, Las Vegas, NM 87701**
**505.454.3429 / FAX 505.454.3398**
**www.nmhu.edu**

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Mon, 30 Mar 2020 20:42:56 +0000
**To:** Sean Paradine
**Cc:** COVID-19
**Subject:** RE: Can we repeat year due to Corona Virus.....

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

March 30, 2020

Dear Sean Paradine,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

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800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

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AMERICAN OVERSIGHT

**From:** Sean Paradine (b)(6)
**Sent:** Wednesday, March 25, 2020 3:21 PM
**To:** answers <answers@ed.gov>
**Subject:** Can we repeat year due to Corona Virus.....

Hi, I know you are going through a very tough time as we all are and I appreciate your help in advance.

Recently the State of Florida issued a statement that parents can decide if they want their child to repeat a grade due to teh Corona Virus. I was wondering is this will be a country wide decision as well. I spoke about it to my son and we both agreed that by going back to freshman year of HS would be extremely beneficial to him again due to this unforeseen event. Do you think that your department will not only allow Florida (and what I am hearing a few others states soon) but others to allow this as well?

Thank you again for your time and your tremendous effort during this time.

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Mon, 30 Mar 2020 12:39:18 +0000
**To:** AskAFed
**Cc:** FederalStudentAid;COVID-19
**Subject:** RE: COVID-19 Guidance

Hello,

Please review the following questions and answers that External Comms feel best address the issues raised in the email below.

**Q:** With the guidance about changes in the academic terms structure presented in November 2019, we were told that terms do not have to be equal length and could be 14-21 weeks. On Tuesday, it was shared by NASFAA that flexibility was granted, due to COVID-19, that we could overlap our term into the summer and where we would normally be considered non-standard because of such, we would not. Is this correct?

***A:*** *Yes, the Department is extending the flexibility described in the March 5, 2020 electronic announcement to schedules that would otherwise be nonterm as well; for example, an extended spring term that will overlap with a summer term. If an institution extends the length of a term to respond to COVID-19, causing the term to overlap a subsequent term, in this limited circumstance the institution may continue to consider its terms to be standard terms, allowing both the use of a scheduled academic year (SAY) for Direct Loan funds and Pell Grant Formula 1.*

**Q:** Is it accurate that although we have guidance to crossover into the next term, it does not eliminate the academic term length guidance - essentially only have one week to utilize to make up the lost week based on our current term length of 20 weeks?

**A***: The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.*

Please let us know if you have additional questions and review the Electronic Announcement posted on the Department's COVID-19 website at: https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19.

All the best,

**Ronald Roach** | Senior Public Affairs Specialist
Communications & Outreach
Federal Student Aid
P: (202) 377-3397 - C: (202) 394-8338 – Ronald.Roach@ed.gov

AMERICAN OVERSIGHT

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Thursday, March 19, 2020 3:14 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** Fw: COVID-19 Guidance

COVID-19 question below

---

**From:** Alford, Keyimani L <klalford@madisoncollege.edu>
**Sent:** Thursday, March 19, 2020 9:01 AM
**To:** AskAFed <AskAFed@ed.gov>
**Subject:** COVID-19 Guidance

Hi AskA Fed,

With the guidance about changes in the academic terms structure presented in November 2019, we were told that terms do not have to be equal length and could be 14-21 weeks. On Tuesday, it was shared by NASFAA that flexibility was granted, due to COVID-19, that we could overlap our term into the summer and where we would normally be considered non standard because of such, we would not. Is this correct? If so, here's a scenario that I'd like you to confirm my accuracy.

We are an institution that has a j-term, a three (3) week session that is attached to our Spring 2020 semester - which is 17 weeks. Therefore, our Spring term is a total of 20 weeks. Due to COVID, our institution wants to extend our spring break next week. However, it wants to make up the instruction in summer. I understand if we do the extended spring break and do nothing it's a reduced academic year which I must get permission from our School Participation Office. Spring ends on May 15, 2020 and Summer begins the next week on May 16, 2020. Is it accurate that although we have guidance to crossover into the next term, it does not eliminate the academic term length guidance - essentially only have one week to utilize to make up the lost week based on our current term length of 20 weeks?

Keyimani

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AMERICAN OVERSIGHT

**From:** Webber, Brandon
**Sent:** Mon, 30 Mar 2020 17:16:09 +0000
**To:** COVID-19;OESE COVID 19
**Subject:** RE: CURRENT STATUS IAUPR HEP AND CAMP

This should be routed to the HEP/CCAMPIS team. Please forward to James.Davis@ed.gov for a response.

**Brandon Webber**
U.S. Department of Education
Office of Elementary and Secondary Education
Office of State and Grantee Relations (SGR)
400 Maryland Avenue, SW
Washington, D.C. 20202
Office: (202) 453-7944 | **E-mail**
Connect. Engage. Empower.

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 30, 2020 1:08 PM
**To:** OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: CURRENT STATUS IAUPR HEP AND CAMP

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Frady, Abbey <Abbey.Frady@ed.gov>
**Sent:** Monday, March 30, 2020 12:56 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Bentley-Memon, Millicent <Millicent.Bentley-Memon@ed.gov>; Carr, Steven <Steven.Carr@ed.gov>; Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** FW: CURRENT STATUS IAUPR HEP AND CAMP

---

**From:** Isabel Cuevas Martinez <isabel_cuevas@intersg.edu>
**Sent:** Monday, March 30, 2020 11:38 AM
**To:** Frady, Abbey <Abbey.Frady@ed.gov>
**Cc:** NYVIA I. ALVARADO RODRIGUEZ <NIALVARA@intersg.edu>; AGNES MOJICA <AMOJICA@intersg.edu>; Ramón Fernández <ramon_fernandez@sangerman.inter.edu>; Amaury Boscio Vargas <aboscio@inter.edu>; CEOFP@INTER.EDU
**Subject:** CURRENT STATUS IAUPR HEP AND CAMP

Hello Abbey Frady,

AMERICAN OVERSIGHT

Greetings from Puerto Rico.

I hope you and the OME staff are safe at this moment.

Attached to this email you can find an official letter explaining our current status for HEP and CAMP programs.

Sincerely,

Isabel Cuevas
HEP/CAMP Director
Inter American University of Puerto Rico
San Germán Campus
(787)264-1912 ext.7610
(787)787-922-9424
isabel_cuevas@intersg.edu

AMERICAN OVERSIGHT

**From:** Webber, Brandon
**Sent:** Mon, 30 Mar 2020 17:35:30 +0000
**To:** COVID-19;OESE COVID 19
**Subject:** RE: CURRENT STATUS IAUPR HEP AND CAMP

Disregard the error regarding the placement of this e-mail. I've entered it into SCOUT.

**Brandon Webber**
U.S. Department of Education
Office of Elementary and Secondary Education
Office of State and Grantee Relations (SGR)
400 Maryland Avenue, SW
Washington, D.C. 20202
Office: (202) 453-7944 | **E-mail**
Connect. Engage. Empower.

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 30, 2020 1:08 PM
**To:** OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: CURRENT STATUS IAUPR HEP AND CAMP

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Frady, Abbey <Abbey.Frady@ed.gov>
**Sent:** Monday, March 30, 2020 12:56 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Bentley-Memon, Millicent <Millicent.Bentley-Memon@ed.gov>; Carr, Steven <Steven.Carr@ed.gov>; Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** FW: CURRENT STATUS IAUPR HEP AND CAMP

---

**From:** Isabel Cuevas Martinez <isabel_cuevas@intersg.edu>
**Sent:** Monday, March 30, 2020 11:38 AM
**To:** Frady, Abbey <Abbey.Frady@ed.gov>
**Cc:** NYVIA I. ALVARADO RODRIGUEZ <NIALVARA@intersg.edu>; AGNES MOJICA <AMOJICA@intersg.edu>; Ramón Fernández <ramon_fernandez@sangerman.inter.edu>; Amaury Boscio Vargas <aboscio@inter.edu>; CEOFP@INTER.EDU
**Subject:** CURRENT STATUS IAUPR HEP AND CAMP

Hello Abbey Frady,

AMERICAN OVERSIGHT

Greetings from Puerto Rico.

I hope you and the OME staff are safe at this moment.

Attached to this email you can find an official letter explaining our current status for HEP and CAMP programs.

Sincerely,

Isabel Cuevas
HEP/CAMP Director
Inter American University of Puerto Rico
San Germán Campus
(787)264-1912 ext.7610
(787)787-922-9424
isabel_cuevas@intersg.edu

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Mon, 30 Mar 2020 20:53:16 +0000
**To:** Rineer, Sheryll
**Cc:** COVID-19
**Subject:** RE: Fed Loans guaranteed by PHEAA

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

March 30, 2020

Dear Sheryll Rineer,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

---

**From:** Rineer, Sheryll <srineer@deloitte.com>
**Sent:** Friday, March 27, 2020 10:10 AM
**To:** answers <answers@ed.gov>

AMERICAN OVERSIGHT

**Subject:** Fed Loans guaranteed by PHEAA
**Importance:** High

Hello,
I am wondering why PHEAA is able to get around the Federal mandate of 0% interest and National Disaster Admin Forbearance? They are telling me because my loans are guaranteed by PHEAA, even though they are Federal Loans, they do not qualify.

Thank you.

**Sheryll A. Rineer, ISTQB, ITIL®Foundation**

DC Solution Specialist
Deloitte Consulting LLC
200 Sterling Parkway, Mechanicsburg, PA-17050
Tel/Direct: 717-695-5794 | Fax: 855-366-7310
srineer@deloitte.com | www.deloitte.com

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AMERICAN OVERSIGHT

**From:** Bob, Sharon
**Sent:** Mon, 30 Mar 2020 18:54:06 +0000
**To:** Cox, Jack;COVID-19
**Cc:** Bob, Sharon
**Subject:** RE: FWS Question Regarding the COVID-19 Disaster

Good Afternoon:

Thank you again. I am writing because a number of other questions have arisen and I believe that ED is in the process of developing additional FAQs.

1. Verification: I spoke to Jackie Butler about this one and she said she would pass it on to you. AVG-90 of the 2019-2020 FSAH states that a student who cannot appear at school must go to a notary public and sign the statement of educational purpose. The statement with the wet signature, a certification form the notary, and a copy of the government issued photo ID must be submitted. If the student must remain at home, how will he/she obtain a notary public certification?
2. Verification: If the student must document his/her high school graduation but the school district or state department is not available to confirm the student's high school graduation, how will the student prove he/she graduated high school particularly since AVG-89 of the 2019-2020 FSAH states a student's self-certification of high school graduation is not acceptable?
3. Early Graduation from Medical School: We understand that NASFAA has confirmed with the Department of Education that institutions have been asked by state authorities to permit 4th year medical students to graduate 3 weeks early to assist on the front lines of the COVID-19 disaster. The semester would remain at 16 weeks in length and the academic year would still exceed 30 weeks of instructional time. We have been advised that ED stated that an offer of early graduation was an institutional decision. It would not impact the student's Direct Loan eligibility as all Direct Loans have been disbursed. Further, ED is not requiring adjustments to loan periods in COD, as would normally be the case. According to NASFAA, ED concluded that if the school will continue to meet academic year requirements, there will be no Title IV aid unintended consequences. Do you agree?
4. Can you advise how and when the Education Relief fund dollars in the COVID-19 Relief bill will be distributed?

Thank you for your assistance. I hope these questions make it into the next FAQs. Please let me know if you have any questions for me. Stay well everyone!

Regards, Sharon

Sharon H. Bob, Ph.D.
Higher Education Specialist on Policy and Regulation
**POWERS**
Powers Pyles Sutter & Verville PC
1501 M Street NW, Seventh Floor
Washington, DC 20005-1700
tel 202.872-6772 | fax 202.785.1756
Sharon.Bob@PowersLaw.com | www.PowersLaw.com

AMERICAN OVERSIGHT

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---

**From:** Cox, Jack <Jack.Cox@ed.gov>
**Sent:** Friday, March 27, 2020 4:18 PM
**To:** Bob, Sharon <Sharon.Bob@PowersLaw.com>
**Subject:** FW: FWS Question Regarding the COVID-19 Disaster

---

**From:** Martin, Gregory <Gregory.Martin@ed.gov>
**Sent:** Friday, March 27, 2020 1:36 PM
**To:** Cox, Jack <Jack.Cox@ed.gov>; Weisman, Annmarie <Annmarie.Weisman@ed.gov>
**Subject:** RE: FWS Question Regarding the COVID-19 Disaster

In circumstances where FWS has been awarded for a payment period that began on or between March 5 and June 1, the school may (provided it has no reason to believe otherwise) make a determination that the student was fulfilling his or her work obligation, and, in fact, intended to work. After such determination, the student may be paid based on scheduled hours even if no hours had actually been worked.

---

**From:** Cox, Jack <Jack.Cox@ed.gov>
**Sent:** Friday, March 27, 2020 12:46 PM
**To:** Martin, Gregory <Gregory.Martin@ed.gov>; Weisman, Annmarie <Annmarie.Weisman@ed.gov>
**Subject:** FW: FWS Question Regarding the COVID-19 Disaster

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Tuesday, March 24, 2020 2:42 PM
**To:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Cox, Jack <Jack.Cox@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: FWS Question Regarding the COVID-19 Disaster

Hello,

Please see the inquiry below.

Thank You,

Franka

AMERICAN OVERSIGHT

**From:** Bob, Sharon <Sharon.Bob@PowersLaw.com>
**Sent:** Tuesday, March 24, 2020 10:20 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Bob, Sharon <Sharon.Bob@PowersLaw.com>
**Subject:** FWS Question Regarding the COVID-19 Disaster

A student is enrolled and in attendance in a term, which has already begun, and was awarded and scheduled for a FWS position that involved offering literacy training. However, the student had not begun her FWS work at the time the institution suspended its on-ground training and moved to a distance education format at the onset of the COVID-19 disaster. The March 5, 2020 guidance states that "the institution may **continue** [emphasis added] paying the student Federal work-study wages during that closure if it occurred after the beginning of the term and the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement." Further, on March 20, 2020, the guidance states: "Yes. The FWS guidance in the Electronic Announcement dated March 5, 2020, applies when the student is unable to work because the school made the decision to move to online/distance education classes and the institution meets the conditions described below."

At the time of the COVID-19 disaster, while the student was scheduled to begin her FWS work, she had not started and therefore, was not paid as yet. Although the student is now unable to work because of the move to the distance education format, may she be paid her FWS wages for the hours for which she was scheduled because she is now unable to begin work?

If the answer is no, can the institution request a waiver of the literacy requirement under 34 C.F.R. § 675.18(g)(1)? The student's position was to be employed in a literacy program and if the student cannot be employed and paid, the institution will not be able to meet the requirement of including employment in a literacy program as part of the community service requirement for FWS positions.

Thank you for your consideration.

Regards, Sharon Bob

Sharon H. Bob, Ph.D.
Higher Education Specialist on Policy and Regulation
**POWERS**
Powers Pyles Sutter & Verville PC
1501 M Street NW, Seventh Floor
Washington, DC 20005-1700
tel 202.872-6772 | fax 202.785.1756
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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** answers
**Sent:** Mon, 30 Mar 2020 20:54:04 +0000
**To:** sarah moyer
**Cc:** COVID-19
**Subject:** RE: Help

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

March 30, 2020

Dear Sarah Moyer,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

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Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

**From:** sarah moyer <(b)(6)
**Sent:** Friday, March 27, 2020 12:29 PM

AMERICAN OVERSIGHT

**To:** answers <answers@ed.gov>
**Subject:** Help

I would like to know if someone can contact me and show a little compassion for a mother of 3. The board of education took my 3,710 dollars that i worked for and i am now a stay at home mother because my kids and my self are dealing with aniexty and this stay at home order due to this coronavirus that is sweeping the nation. As we sit here and try to make the best of our lives runing out of thing and having to buy more but also running out of money because the banks are closed in this small town and no my bank does not have and atm in nor near the building and as a person that can not drive that is dealing with issue of her own. As I ask for the compassion for you to forgive and please give me back the money to support our family. Thank you

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Mon, 30 Mar 2020 20:55:37 +0000
**To:** (b)(6)
**Cc:** COVID-19
**Subject:** RE: K-12 opinion

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

March 30, 2020

Dear Amie Griggs,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

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Sincerely,

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U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

**From:** a(b)(6) (b)(6)
**Sent:** Wednesday, March 25, 2020 12:04 PM

AMERICAN OVERSIGHT

**To:** answers <answers@ed.gov>
**Subject:** K-12 opinion

Hello,

I have seen reports on TV that the kids across the country, mostly in CA & NY are dealing with tremendous amounts of stress trying to do internet learning and dealing with quarantine's etc. I don't understand why these schools aren't just having the kids technically do their Summer out of school during Spring, just switch the 2 and when Summer comes, they go back to school. Or they could temporarily go to a Year round schedule until all are caught up.Just my thoughts. Has anyone else thought of this?

Thank you,
Amie Griggs

AMERICAN OVERSIGHT

**From:** Martin, Gregory
**Sent:** Mon, 30 Mar 2020 13:02:23 +0000
**To:** Dr. Wanda White;COVID-19;Cox, Jack
**Cc:** James "JW" Kelley;Dr. Monty Hickman;Dr. John "JJ" Evans
**Subject:** RE: NC Community College System Coronavirus & Title IV Eligibility Questions

See the embedded responses.

Greg

---

**From:** Dr. Wanda White <whitew@nccommunitycolleges.edu>
**Sent:** Sunday, March 29, 2020 8:39 AM
**To:** COVID-19 <COVID-19@ed.gov>; Cox, Jack <Jack.Cox@ed.gov>
**Cc:** Martin, Gregory <Gregory.Martin@ed.gov>; James "JW" Kelley <kelleyj@nccommunitycolleges.edu>; Dr. Monty Hickman <hickmanm@nccommunitycolleges.edu>; Dr. John "JJ" Evans <jevans@nccommunitycolleges.edu>
**Subject:** NC Community College System Coronavirus & Title IV Eligibility Questions

To Whom It May Concern:

Please see below additional questions from NC Community College System financial aid administrators in North Carolina. If possible, please review these questions and provide your responses to me as soon as possible. Additional questions may be submitted to you as they arise.

1. If the extra week of break took our academic year from 32 weeks to 31 weeks, do we need to seek Ed approval, or as long as we stay at least 30 weeks, is this okay without School Participation Team approval? No.

2. My understanding is that we are to pay FWS students based on their scheduled hours. I understand scheduled hours to be the hours the student agreed to work on their FWS contract. If this is the case, what happens if a College over expends their FWS allocation for the year? This could easily happen especially with a college that matches FWS. Please Advise. As you are aware, Campus-Based allocations consist of a fixed amount of funding. The current situation has not changed that. You can only pay scheduled hours up to the point your funding allows. It may not be possible to pay all students.

Thank you in advance for your assistance.

AMERICAN OVERSIGHT

Wanda White, Ed.D.

Director of Student Services

NC Community College System

200 West Jones Street

Raleigh, NC 27603

whitew@nccommunitycolleges.edu

919-807-7104

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E-mail correspondence to and from this address may be subject to the North Carolina Public Records Act and shall be disclosed to third parties when required by Chapter 132 of the North Carolina General Statutes.

AMERICAN OVERSIGHT

**From:** Hilsey, Shaina
**Sent:** Mon, 30 Mar 2020 18:29:07 +0000
**To:** Brickman, Michael;King, Robert;Mahaffie, Lynn;Weisman, Annmarie;COVID-19
**Subject:** RE: Nice to meet you @ Life Capital DC

Logged in the tracker. Let me know when we have a response.

---

**From:** Brickman, Michael <Michael.Brickman@ed.gov>
**Sent:** Monday, March 30, 2020 2:27 PM
**To:** King, Robert <Robert.King@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; Weisman, Annmarie <Annmarie.Weisman@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Nice to meet you @ Life Capital DC

All,

Please see below for a question from Marymount. Thanks!

Michael

**From:** Christina Rajmaira <crajmair@marymount.edu>
**Sent:** Monday, March 30, 2020 1:28 PM
**To:** Brickman, Michael <Michael.Brickman@ed.gov>
**Subject:** Nice to meet you @ Life Capital DC

Hello Michael,

I hope this email finds you well. You and I had a chance to meet briefly this Fall at an event about Income Share Agreements where Debra Chromy introduced us. I can imagine your world is quite crazy right now which is why I very much appreciate you taking a moment to answer a quick question I have.

At Marymount, like all other Higher Education institutions, we are watching closely for guidance on the details about the student reimbursement requirements from the CARES Act. As I understand it, your office is the one that will be setting up these guidelines/requirements. Is that an accurate assessment?

If so, do you have any idea when institutions will receive the information?

We are specifically wanting to know if the housing and dining credits we have promised students who have vacated our facilities can be covered by the emergency student aid earmarked in the CARES Act.

Thanks in advance for any information you can share.

Christina

AMERICAN OVERSIGHT

On Tue, Sep 24, 2019 at 10:24 AM Brickman, Michael <Michael.Brickman@ed.gov> wrote:

Thank you again for the outreach. We really appreciate you sharing your interesting work. We hope to be in touch shortly.

**From:** Christina Rajmaira <crajmair@marymount.edu>
**Sent:** Tuesday, September 24, 2019 10:14 AM
**To:** Brickman, Michael <Michael.Brickman@ed.gov>
**Subject:** Nice to meet you @ Life Capital DC

Hello Michael,

It was nice speaking with you and your colleague at the Life Capital DC event last week. Debra Chromy from the Education Finance Council introduced us briefly and she might have shared that I am the chief strategy officer at Marymount University in Arlington, VA.

Marymount began two ISA programs this year. One for "last mile" funding available to students who maintain a balance at graduation, thus limiting their access to their transcripts and diplomas. The second for financial hardship scenarios whereby students are referred to us because of some life circumstances that might otherwise inhibit their ability to continue at Marymount.

As the DOE explores the ISA landscape, we at Marymount are happy to assist in any way we can.

Have a great week.

Christina

--
Dr. Christina Barnett Rajmaira
Assistant Vice President for Strategic Initiatives
Marymount University
2807 North Glebe Road
Arlington, VA 22207-4299
703.284.1616 (office)

--
Dr. Christina Barnett Rajmaira
Assistant Vice President for Strategic Initiatives
Marymount University
2807 North Glebe Road
Arlington, VA 22207-4299
703.284.1616 (office)

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Mon, 30 Mar 2020 10:14:25 +0000
**To:** FSA Case Teams
**Cc:** COVID-19;FederalStudentAid;AtlantaSPD
**Subject:** RE: Pearl River Community College

Hello.

Please review the following email inquiring about changing and reduced term lengths that I am forwarding to Program Compliance.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:36 PM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** Pearl River Community College

For your review and response.

---

**From:** Tyia Brooks <tbrooks@prcc.edu>
**Sent:** Tuesday, March 17, 2020 3:03 PM
**To:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Subject:** Permission to shorten the school term

Hello Renee,

I hope you and your family are well. As per guidelines from NASFAA, do I need to get permission from your area to extend our school's spring break.

Doing so it will reduce our instructional time and academic year.

Please advise.

Tyia M. Brooks, M.Ed.
Director
Office of Financial Aid

AMERICAN OVERSIGHT

Pearl River Community College
101 Highway 11 North
Poplarville, MS 39470
Office: 601-403-1029
Fax: 601-403-1036
tbrooks@prcc.edu

AMERICAN OVERSIGHT

**From:** Kress, Richard
**Sent:** Mon, 30 Mar 2020 14:19:17 +0000
**To:** COVID-19
**Cc:** Nash, Elson
**Subject:** RE: Promise Neighborhoods West Philadelphia for Drexel University grant U215N160055

Good morning:

No. Our program attorney wanted me to send this to the COVID mailbox to see if you have any objections about us doing this.

Richard Ivo Kress
Promise Neighborhoods
Team
School Choice and Improvement Division
Office of Elementary and Secondary Education
U.S. Department of Education
202-260-1408

"May we know what and who is best for us, may we realize it at the right time(s) and know how to successfully make use of that information."

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 30, 2020 10:15 AM
**To:** Kress, Richard <Richard.Kress@ed.gov>
**Subject:** FW: Promise Neighborhoods Budget Change to address Coronavirus related starvation issue in West Philadelphia for Drexel University grant U215N160055

Hi Richard

Have you sent this response directly to the writer? Is this to be placed in the completed box?

Thanks

---

**From:** Kress, Richard <Richard.Kress@ed.gov>
**Sent:** Friday, March 27, 2020 1:12 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Promise Neighborhoods Budget Change to address Coronavirus related starvation issue in West Philadelphia for Drexel University grant U215N160055

Hello:

AMERICAN OVERSIGHT

Because of the disruption to USDA supported meals in the West Philadelphia Promise Neighborhood cited in the attached e-mail already referred to the coronavirus mailbox to ask for guidance on how the grantee can address this policy issue with the City and USDA, we are seeking approval to advise the grantee they can use Promise Neighborhood (PN) funds to replace these meals until the matter is resolved.

The West Philadelphia Promise Neighborhood is a food desert, with the average child in the neighborhood consuming only 2.75 servings of fruits and/or vegetables a day" before the onset of the grant. (page e 32 of the original grant application)

While there are corner stores located in the in the footprint, these establishments tend to be more expensive than grocery stores and generally do not offer healthy food choices (page e288)

*Poverty is high with "All students within the Promise Zone are eligible to benefit from free and reduced priced lunch at school. (page e282)*

**To address this, the grantee proposed on page e 97 to**
**Activities: (page e97) "**develop pay-what-you-can food cupboard for Promise Neighborhood families" and "Offer free daily meals for families" as part of their required Non-Federal match.

One of the grantee's proposed and approved outputs is to increase the number of families accessing free healthy meals (page e 101)

Section 4624(d) of the Every Student Suceeds Act (ESSA) authorizes the use of PN funds to implement pipeline services. The definition of these includes, in Section 4622(3)(g), nutrition services. Because we have a GPRA measure on fruit and vegetable consumption such food should, as much as possible, include substantial proportions of fruits and vegetables. This could be in the form of vegetable and fruit juices that do not have added sweeteners

For these reasons, we think the temporary replacement of the USDA meals program until the policy issues relating to their distribution affected by Corona virus related school closure, is an allowable expense under PN and essential to avoid starvation in the area.

Richard Ivo Kress
Promise Neighborhoods
Team
School Choice and Improvement Division
Office of Elementary and Secondary Education
U.S. Department of Education
202-260-1408

AMERICAN OVERSIGHT

"May we know what and who is best for us, may we realize it at the right time(s) and know how to successfully make use of that information."

AMERICAN OVERSIGHT

**From:** Kress, Richard
**Sent:** Mon, 30 Mar 2020 15:11:22 +0000
**To:** COVID-19
**Cc:** Nash, Elson
**Subject:** RE: Promise Neighborhoods West Philadelphia for Drexel University grant U215N160055
**Attachments:** RE: Corona virus related starvation issue

To clarify there are really three asks:

First, do you want to address the interagency issue regarding the City of Philadelphia believing USDA rules prohibit them from providing food under the School Breakfast and School Lunch programs while schools are closed?

Second, we want to know if it is okay to use PN funds to temporarily replace the food usually provided through USDA funds until this policy issue is resolved with or without ED involvement. Our program attorney thinks it is ok to do so if it fits within the original application of this grantee, which it does, but he wanted concurrence from you. (Please see attached note from him. In that note it is the second item)

Third, we want to know if it is okay to send the grantee a link to the USDA websites so they can understand another agency's policy around feeding sites and any flexibilities and also, if they want, to find a contact person with USDA who could perhaps provide further assistance on this policy matter. (Please see attached note from Program attorney. In that note it is the first item)

Richard Ivo Kress
Promise Neighborhoods
Team
School Choice and Improvement Division
Office of Elementary and Secondary Education
U.S. Department of Education
202-260-1408

"May we know what and who is best for us, may we realize it at the right time(s) and know how to successfully make use of that information."

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 30, 2020 10:15 AM
**To:** Kress, Richard <Richard.Kress@ed.gov>
**Subject:** FW: Promise Neighborhoods Budget Change to address Coronavirus related starvation issue in West Philadelphia for Drexel University grant U215N160055

Hi Richard

Have you sent this response directly to the writer? Is this to be placed in the completed box?

AMERICAN OVERSIGHT

Thanks

---

**From:** Kress, Richard <Richard.Kress@ed.gov>
**Sent:** Friday, March 27, 2020 1:12 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Promise Neighborhoods Budget Change to address Coronavirus related starvation issue in West Philadelphia for Drexel University grant U215N160055

Hello:

Because of the disruption to USDA supported meals in the West Philadelphia Promise Neighborhood cited in the attached e-mail already referred to the coronavirus mailbox to ask for guidance on how the grantee can address this policy issue with the City and USDA, we are seeking approval to advise the grantee they can use Promise Neighborhood (PN) funds to replace these meals until the matter is resolved.

The West Philadelphia Promise Neighborhood is a food desert, with the average child in the neighborhood consuming only 2.75 servings of fruits and/or vegetables a day" before the onset of the grant. (page e 32 of the original grant application)

While there are corner stores located in the in the footprint, these establishments tend to be more expensive than grocery stores and generally do not offer healthy food choices (page e288)

*Poverty is high with "All students within the Promise Zone are eligible to benefit from free and reduced priced lunch at school. (page e282)*

**To address this, the grantee proposed on page e 97 to**
**Activities: (page e97) "**develop pay-what-you-can food cupboard for Promise Neighborhood families" and "Offer free daily meals for families" as part of their required Non-Federal match.

One of the grantee's proposed and approved outputs is to increase the number of families accessing free healthy meals (page e 101)

Section 4624(d) of the Every Student Suceeds Act (ESSA) authorizes the use of PN funds to implement pipeline services. The definition of these includes, in Section 4622(3)(g), nutrition services. Because we have a GPRA measure on fruit and vegetable consumption such food should, as much as possible, include substantial proportions of fruits and vegetables. This could be in the form of vegetable and fruit juices that do not have added sweeteners

For these reasons, we think the temporary replacement of the USDA meals program until the policy issues relating to their distribution affected by Corona virus related school closure, is an allowable expense under PN and essential to avoid starvation in the area.

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Richard Ivo Kress
Promise Neighborhoods
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School Choice and Improvement Division
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U.S. Department of Education
202-260-1408

"May we know what and who is best for us, may we realize it at the right time(s) and know how to successfully make use of that information."

AMERICAN OVERSIGHT

**From:** Petracca, Ronald
**Sent:** Fri, 27 Mar 2020 16:16:22 +0000
**To:** Kress, Richard
**Cc:** Nash, Elson
**Subject:** RE: Corona virus related starvation issue

Richard:

On your first question, I think we could share this link with the grantee on the USDA – they might be able to figure out a contact from that: https://www.usda.gov/media/press-releases/2020/03/26/usda-makes-it-easier-feed-kids-and-those-who-need-food-during-covid. It appears that USDA is revising some of its rules, and this happened very recently, which may be of help to your grantee. I think sharing information on what is on another agency's website is ok. But, I'd check in with OESE's front office.

On the use of PN grant funds for this purpose, I'd work with OESE's front office, there is supposed to be a Rapid Response Team responding to questions like this, which might end up going through Department-wide clearance. I think we'd look at their grant application to see how nutrition services fit in to their project, but agree that PN might be uniquely situated to adapt to this kind of situation given the range of services it provides and the goal of integrating those services to improve overall educational performance. So, I think we should check the application and make sure this is in scope. If it is, I think we can approve it.
Ron

---

**From:** Kress, Richard <Richard.Kress@ed.gov>
**Sent:** Friday, March 27, 2020 11:59 AM
**To:** Petracca, Ronald <Ronald.Petracca@ed.gov>
**Cc:** Nash, Elson <Elson.Nash@ed.gov>
**Subject:** Corona virus related starvation issue

Hello Ron:

I hope things are well. My apologies for adding to your tremendous workload during this extremely busy time.

As you will see from the e-mail chain below it appears that City of Philadelphia interpretation of U.S. Department of Agriculture feeding site rules is preventing children from receiving meals under the School Breakfast and School Lunch program due to the virus related closure of schools in the West Philadelphia Promise Neighborhood.

In addition to wanting to make you aware of this issue, which we will also forward to the Coronavirus mailbox, we are wondering whether the rules regarding the

AMERICAN OVERSIGHT

issues to be forwarded to the Corona virus mailbox prevent us from trying to find a contact person at USDA for the grantee to contact?

Furthermore, while we await the resolution of this USDA matter we would like to authorize the grantee to use PN funds to purchase nutritious food that includes fruits and vegetables and therefore meets the PN GPRA measure on nutrition to temporarily replace the USDA meals. Our view is that skipping meals does not further students educational success including in the reading activities this grantee is encouraging during school closures through book distribution. In addition, skipping meals for a consistent period is also likely to lead to long-term health problems that will persist when schools reopens and therefor will likely impact student learning in the long-term.

We believe there is authority for this in in Section 4624(d) of the Every Student Suceeds Act (ESSA) for this as it authorizes the use of PN funds to implement pipeline services. The definition of these includes, in Section 4622(3)(g), nutrition services.

Please let us know your thoughts.

Thanks very much!

Richard Ivo Kress
Promise Neighborhoods
Team
School Choice and Improvement Division
Office of Elementary and Secondary Education
U.S. Department of Education
202-260-1408

"May we know what and who is best for us, may we realize it at the right time(s) and know how to successfully make use of that information."

---

**From:** Ferroni,Joanne <jmh49@drexel.edu>
**Sent:** Friday, March 27, 2020 10:54 AM
**To:** Kress, Richard <Richard.Kress@ed.gov>
**Cc:** Nash, Elson <Elson.Nash@ed.gov>
**Subject:** RE: Coronavirus related budget modification request for the Drexel Promise Neighborhoods grant

AMERICAN OVERSIGHT

Hi Richard,
Yes, they are. We are hearing this from the Deputy Mayor for Children and Families at the City.
Thanks,
Joanne

---

**From:** Kress, Richard <Richard.Kress@ed.gov>
**Sent:** Friday, March 27, 2020 10:53 AM
**To:** Ferroni,Joanne <jmh49@drexel.edu>
**Cc:** Nash, Elson <Elson.Nash@ed.gov>
**Subject:** RE: Coronavirus related budget modification request for the Drexel Promise Neighborhoods grant

**EXTERNAL.**

Hello Joanne:

Thanks very much for your question. Are these meals funded through the U.S. Department of Agriculture School Breakfast and Lunch Program? Also, do you have contact information for the city representative(s) that are citing Federal regulations?

Richard Ivo Kress
Promise Neighborhoods
Team
School Choice and Improvement Division
Office of Elementary and Secondary Education
U.S. Department of Education
202-260-1408

"May we know what and who is best for us, may we realize it at the right time(s) and know how to successfully make use of that information."

---

**From:** Ferroni,Joanne <jmh49@drexel.edu>
**Sent:** Friday, March 27, 2020 10:41 AM
**To:** Kress, Richard <Richard.Kress@ed.gov>
**Cc:** Nash, Elson <Elson.Nash@ed.gov>
**Subject:** RE: Coronavirus related budget modification request for the Drexel Promise Neighborhoods grant

Richard and Elson,
I'm writing to ask for guidance once again. We are struggling to get a feeding site into Mantua through the School District/City. The District is currently only offering meals two times a week and children are getting three meals at a time. They are saying that there are challenges around freezer space and other requirements at the two closest schools and families are expected to travel almost a mile to get meals which is unrealistic. A civic leader has been renting a truck and picking up meals and distributing block by block to families but she is now ill. We are working to creatively provide support through a network of partners but it is not the most efficient solution. The University has offered to rent freezers if needed. We identified a food pantry that was willing to support distribution but the City is citing federal

AMERICAN OVERSIGHT

regulations that prohibit the District from distributing children's meals at non-school sites. Our question is if you know any way to get a waiver for this given that our school-based sites don't meet the criteria and kids are going hungry in a pandemic.
Thanks,
Joanne

AMERICAN OVERSIGHT

**From:** Martin, Gregory
**Sent:** Mon, 30 Mar 2020 15:53:25 +0000
**To:** James "JW" Kelley;COVID-19
**Cc:** Dr. Wanda White;Joanne Ceres;Sabrina Terry;Patrick Holyfield;Tracy Mancini;Heather Hill;Hilsey, Shaina
**Subject:** RE: Question about Proposed Modification to Incomplete Grading

See the embedded response below.

Greg

---

**From:** James "JW" Kelley <kelleyj@nccommunitycolleges.edu>
**Sent:** Thursday, March 26, 2020 1:19 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Dr. Wanda White <whitew@nccommunitycolleges.edu>; Joanne Ceres <jceres@cfcc.edu>; Sabrina Terry <terrysj@surry.edu>; Patrick Holyfield <pholyfield8286@stanly.edu>; Tracy Mancini <mancinit@carteret.edu>; Heather Hill <heather.hill@cpcc.edu>
**Subject:** Question about Proposed Modification to Incomplete Grading

To Whom It May Concern:

The NC Community College System Office is considering an optional process for colleges to use the Incomplete grade to mitigate the impact of COVID-19. Please see the below scenario and question. Please feel free to elaborate to help us identify other options if this scenario needs to be adjusted. Thanks. JW

James "JW" Kelley, EdD
Associate Vice President
Student Services
NC Community College System Office

---

Scenario: We would like to create a unique incomplete grade for emergency situations (e.g., IE – Incomplete Emergency) to be used with an emergency splitting of the course. For example, welding courses are not available online. So, the faculty member would assign the grade IE to students who choose not to withdraw and want to complete in a future semester. The faculty notes their grade at that time. The college creates a Part B to the course that covers the remaining content of the welding course and makes it available either during the Summer 2020 term and/or the Fall 2020 term. The Part B course will have appropriate SHC but will not count toward graduation and not count in the registration credits for financial aid purposes. Students with the IE in the original welding course are eligible to enroll. After the student completes the Part B course, then the faculty member would submit the final grade replacing the IE in the original welding course. Students who do not enroll in the part B course by the college's deadline would receive a final grade as if the Part B content was not completed (e.g., some students may receive a failing grade and some students could receive a passing grade because their grades were "high" before the IE.).

AMERICAN OVERSIGHT

Questions: Would the IE course impact SAP and other financial aid regulations? Would the Part B course impact SAP and other financial aid regulations? Giving an incomplete grade for all classes may not be used as an alternative to withdrawing a student who has ceased attendance during a payment period r period of enrollment. When a student ceases to attend during a payment period he or she must be considered withdrawn, the institution has 30 days from the date of determination and 45 days from the date of determination to perform the R2T4 calculation and make the returns to program funds respectively. You can give the incomplete mark, but at those break points you would have to perform the necessary steps associated with R2T4. It would be easier to place all of these students an approved LOA, which may last up to 180 days and negates their having to be considered withdrawn. For those who do not return, it does mean considering them withdrawn at the point they ceased attending. However passage of the CARES Act may mitigate the effects of thant.

AMERICAN OVERSIGHT

**From:** James \"JW\" Kelley
**Sent:** Mon, 30 Mar 2020 18:01:05 +0000
**To:** Martin, Gregory;COVID-19
**Cc:** Dr. Wanda White;Joanne Ceres;Sabrina Terry;Patrick Holyfield;Tracy Mancini;Heather Hill;Hilsey, Shaina
**Subject:** RE: Question about Proposed Modification to Incomplete Grading

Thanks, Gregory. I appreciate that help! JW

---

**From:** Martin, Gregory <Gregory.Martin@ed.gov>
**Sent:** Monday, March 30, 2020 11:53 AM
**To:** James "JW" Kelley <kelleyj@nccommunitycolleges.edu>; COVID-19 <COVID-19@ed.gov>
**Cc:** Dr. Wanda White <whitew@nccommunitycolleges.edu>; Joanne Ceres <jceres@cfcc.edu>; Sabrina Terry <terrysj@surry.edu>; Patrick Holyfield <pholyfield8286@stanly.edu>; Tracy Mancini <mancinit@carteret.edu>; Heather Hill <heather.hill@cpcc.edu>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Subject:** RE: Question about Proposed Modification to Incomplete Grading

See the embedded response below.

Greg

---

**From:** James "JW" Kelley <kelleyj@nccommunitycolleges.edu>
**Sent:** Thursday, March 26, 2020 1:19 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Dr. Wanda White <whitew@nccommunitycolleges.edu>; Joanne Ceres <jceres@cfcc.edu>; Sabrina Terry <terrysj@surry.edu>; Patrick Holyfield <pholyfield8286@stanly.edu>; Tracy Mancini <mancinit@carteret.edu>; Heather Hill <heather.hill@cpcc.edu>
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James "JW" Kelley, EdD
Associate Vice President
Student Services
NC Community College System Office

---

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AMERICAN OVERSIGHT

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Questions: Would the IE course impact SAP and other financial aid regulations? Would the Part B course impact SAP and other financial aid regulations? Giving an incomplete grade for all classes may not be used as an alternative to withdrawing a student who has ceased attendance during a payment period r period of enrollment. When a student ceases to attend during a payment period he or she must be considered withdrawn, the institution has 30 days from the date of determination and 45 days from the date of determination to perform the R2T4 calculation and make the returns to program funds respectively. You can give the incomplete mark, but at those break points you would have to perform the necessary steps associated with R2T4. It would be easier to place all of these students an approved LOA, which may last up to 180 days and negates their having to be considered withdrawn. For those who do not return, it does mean considering them withdrawn at the point they ceased attending. However passage of the CARES Act may mitigate the effects of thant.

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Act and shall be disclosed to third parties when required by Chapter 132 of the North Carolina General Statutes.

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Mon, 30 Mar 2020 20:30:00 +0000
**To:** Scott Stefansic
**Cc:** COVID-19
**Subject:** RE: Room and board fees at public college

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

March 30, 2020

Dear Scott Stefansic,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Scott Stefansic <(b)(6)
Sent: Wednesday, March 25, 2020 1:31 PM

AMERICAN OVERSIGHT

To: answers <answers@ed.gov>
Subject: Room and board fees at public college

To whom it may concern
My son attends Mississippi State University and has checked out of the dorms as requested by the university for the Coronavirus. Why are schools not refunding partially for food fees not used or rooms that are empty?

Sincerely
Scott Stefansic

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Mon, 30 Mar 2020 20:41:44 +0000
**To:** Scott Stefansic
**Cc:** COVID-19
**Subject:** RE: Room and board fees at public college

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

March 30, 2020

Dear Scott Stefansic,

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800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

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AMERICAN OVERSIGHT

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Sent: Wednesday, March 25, 2020 1:31 PM
To: answers <answers@ed.gov>
Subject: Room and board fees at public college

To whom it may concern
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Sincerely
Scott Stefansic

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Mon, 30 Mar 2020 20:52:19 +0000
**To:** Ashley Cruz
**Cc:** COVID-19
**Subject:** RE: Student loan default refund return

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

March 30, 2020

Dear Ashley Cruz,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

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Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message
From: Ashley Cruz (b)(6)
Sent: Thursday, March 26, 2020 8:54 PM

AMERICAN OVERSIGHT

To: answers <answers@ed.gov>
Subject: Student loan default refund return

Will people who had their Tax refund garnished for student loan default before the stoppage the was made retroactive to March 13, 2020 also receive their refund returned to them? I filed my taxes in January and my taxes were taken in February. Do I qualify for the loan default stoppage and to get my refund back?

Ashley Cobb
□□□□

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Mon, 30 Mar 2020 20:49:44 +0000
**To:** Shuntae Davis
**Cc:** COVID-19
**Subject:** RE: Tax refund return

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

March 30, 2020

Dear Shuntae Davis,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

**From:** Shuntae Davis <(b)(6)
**Sent:** Thursday, March 26, 2020 12:22 AM

AMERICAN OVERSIGHT

**To:** answers <answers@ed.gov>
**Subject:** Tax refund return

Is it true that I can get my tax return back ? It was taken by the irs .

AMERICAN OVERSIGHT

**From:** Arellano, Brenda
**Sent:** Mon, 30 Mar 2020 18:32:39 +0000
**To:** Lang, Robin C.
**Cc:** Info;Ramirez, Francisco;COVID-19;Wells, Kelly
**Subject:** RE: Title IV Q and A

Hi Robin,
Thank you for clarifying your question under Administration and Program Planning and Funding. Your FPO will reply via email with a response to the following questions:

- I am wondering about positions paid with Title IV funds, such as out School Resource Officers. Can they continue being paid during this time if they have worked out a plan with their local districts on how to support students and families during this time?
- I was wondering if they [LEAs] work with their school to adjust their MOU to reflect what they are doing to support the students, families, and schools during this time if that would be appropriate?

Please note, statute related questions regarding Title IV, Part A should be sent, via email to your assigned FPO.

Best,
Brenda

Brenda Arellano, Ph.D
Senior Researcher/T4PA Liaison
American Institutes for Research
**W** 202.403.6602 | **C** 805.689.9480
Mountain time
barellano@air.org | www.air.org

---

**From:** Lang, Robin C. <roclang@nd.gov>
**Sent:** Monday, March 30, 2020 12:19 PM
**To:** Arellano, Brenda <barellano@air.org>
**Subject:** RE: Title IV Q and A

External email alert: Be wary of links & attachments.

Hi Brenda,

I am wondering about positions paid with Title IV funds, such as out School Resource Officers. Can they continue being paid during this time if they have worked out a plan with their local districts on how to support students and families during this time? Thoughts?

I was wondering if they work with their school to adjust their MOU to reflect what they are doing to support the students, families, and schools during this time if that would be appropriate?

AMERICAN OVERSIGHT

NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

**Robin C. Lang**
Assistant Director, Educational Equity and Support
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-2265

**From:** Arellano, Brenda <barellano@air.org>
**Sent:** Monday, March 30, 2020 11:52 AM
**To:** Wells, Kelly <kwells@air.org>; Lang, Robin C. <roclang@nd.gov>
**Cc:** T4PACenter <T4PACenter@seiservices.com>; 'Ramirez, Francisco' <Francisco.Ramirez@ed.gov>; covid-19@ed.gov
**Subject:** RE: Title IV Q and A

**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hello Robin,
Thank you for your question on your questions related to developing Federal Title Programs in regards to COVID-19. Since this is a statute related question, we are forwarding your question to your ED Federal Program Officer (FPO), Francisco Ramirez, as well as the new COVID-19 specific email address to streamline questions related to COVID-19 that the Department has set-up. Please note that the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available. Please continue to include both in your emails so we can track these inquiries related to COVID-19.

Also, can you clarify your question(s)? I was not clear on which question(s) that you were seeking answers for: 1) whether paid position can continue to be funded at this time [under COVID-19], or 2) the question under the Q&A that had an missing answer about reallocated funding for activities cancelled due to COVID-19. Please highlight your question in yellow please.

- I am wondering about positions paid with Title IV funds, such as out School Resource Officers. Can they continue being paid during this time if they have worked out a plan with their local districts on how to support students and families during this time? Thoughts?
- Q. Our district applied for reallocated funding for activities that have been canceled due to COVID-19. Will we lose those funds?

Respectfully,
Brenda Arellano

AMERICAN OVERSIGHT

Brenda Arellano, Ph.D
Senior Researcher/T4PA Liaison
American Institutes for Research
**W** 202.403.6602 | **C** 805.689.9480
Mountain time
barellano@air.org | www.air.org

---

**From:** Wells, Kelly <kwells@air.org>
**Sent:** Monday, March 30, 2020 10:26 AM
**To:** Lang, Robin C. <roclang@nd.gov>; Arellano, Brenda <barellano@air.org>
**Cc:** T4PACenter <T4PACenter@seiservices.com>
**Subject:** RE: Title IV Q and A

Hi, Robin – Thank you so much for sending this TA request. Brenda Arellano, copied here, is your TA Specialist and she can help you with your questions.

I hope you and your family are doing well.

Best,
Kelly

---

**From:** Lang, Robin C. <roclang@nd.gov>
**Sent:** Monday, March 30, 2020 12:12 PM
**To:** Wells, Kelly <kwells@air.org>
**Subject:** RE: Title IV Q and A

External email alert: Be wary of links & attachments.

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**Q. Our school will be implementing a Distance Learning plan with students. Can we still pay our federally funded employees, e.g. Title I, II, III, IV during this time?**

A. Yes. As long as the LEA treats its non-federally funded employees the same as its federally funded employees (2 CPR 200.431(a)), then federally funded staff can continue to be paid as normal despite school closures. This includes certified and non-certified staff, at both public and nonpublic schools.

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**Robin C. Lang**
Assistant Director, Educational Equity and Support
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-2265

AMERICAN OVERSIGHT

**From:** Arellano, Brenda
**Sent:** Mon, 30 Mar 2020 16:52:18 +0000
**To:** Wells, Kelly;Lang, Robin C.
**Cc:** T4PACenter;Ramirez, Francisco;COVID-19
**Subject:** RE: Title IV Q and A

Hello Robin,
Thank you for your question on your questions related to developing Federal Title Programs in regards to COVID-19. Since this is a statute related question, we are forwarding your question to your ED Federal Program Officer (FPO), Francisco Ramirez, as well as the new COVID-19 specific email address to streamline questions related to COVID-19 that the Department has set-up. Please note that the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available. Please continue to include both in your emails so we can track these inquiries related to COVID-19.

Also, can you clarify your question(s)? I was not clear on which question(s) that you were seeking answers for: 1) whether paid position can continue to be funded at this time [under COVID-19], or 2) the question under the Q&A that had an missing answer about reallocated funding for activities cancelled due to COVID-19. Please highlight your question in yellow please.

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Respectfully,
Brenda Arellano

Brenda Arellano, Ph.D
Senior Researcher/T4PA Liaison
American Institutes for Research
**W** 202.403.6602 | **C** 805.689.9480
Mountain time
barellano@air.org | www.air.org

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**From:** Wells, Kelly <kwells@air.org>
**Sent:** Monday, March 30, 2020 10:26 AM
**To:** Lang, Robin C. <roclang@nd.gov>; Arellano, Brenda <barellano@air.org>
**Cc:** T4PACenter <T4PACenter@seiservices.com>
**Subject:** RE: Title IV Q and A

Hi, Robin – Thank you so much for sending this TA request. Brenda Arellano, copied here, is your TA Specialist and she can help you with your questions.

I hope you and your family are doing well.

AMERICAN OVERSIGHT

Best,
Kelly

---

**From:** Lang, Robin C. <roclang@nd.gov>
**Sent:** Monday, March 30, 2020 12:12 PM
**To:** Wells, Kelly <kwells@air.org>
**Subject:** RE: Title IV Q and A

External email alert: Be wary of links & attachments.

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AMERICAN OVERSIGHT

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**Robin C. Lang**
Assistant Director, Educational Equity and Support
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-2265

AMERICAN OVERSIGHT

**From:** Ramirez, Francisco
**Sent:** Mon, 30 Mar 2020 19:22:00 +0000
**To:** COVID-19
**Cc:** Williams, Bryan
**Subject:** RE: Title IV Q and A

I will work to develop a response.

Thank you.

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 30, 2020 3:01 PM
**To:** Ramirez, Francisco <Francisco.Ramirez@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Title IV Q and A

Hi Francisco,

Please see the email inquiry below.

Thank You,

Franka

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**From:** Arellano, Brenda <barellano@air.org>
**Sent:** Monday, March 30, 2020 2:33 PM
**To:** Lang, Robin C. <roclang@nd.gov>
**Cc:** Info <Info@T4PACenter.org>; Ramirez, Francisco <Francisco.Ramirez@ed.gov>; COVID-19 <COVID-19@ed.gov>; Wells, Kelly <kwells@air.org>
**Subject:** RE: Title IV Q and A

Hi Robin,
Thank you for clarifying your question under Administration and Program Planning and Funding. Your FPO will reply via email with a response to the following questions:

- I am wondering about positions paid with Title IV funds, such as out School Resource Officers. Can they continue being paid during this time if they have worked out a plan with their local districts on how to support students and families during this time?
- I was wondering if they [LEAs] work with their school to adjust their MOU to reflect what they are doing to support the students, families, and schools during this time if that would be appropriate?

Please note, statute related questions regarding Title IV, Part A should be sent, via email to your assigned FPO.

Best,

AMERICAN OVERSIGHT

Brenda

Brenda Arellano, Ph.D
Senior Researcher/T4PA Liaison
American Institutes for Research
**W** 202.403.6602 | **C** 805.689.9480
Mountain time
barellano@air.org | www.air.org

---

**From:** Lang, Robin C. <roclang@nd.gov>
**Sent:** Monday, March 30, 2020 12:19 PM
**To:** Arellano, Brenda <barellano@air.org>
**Subject:** RE: Title IV Q and A

External email alert: Be wary of links & attachments.

Hi Brenda,

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NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

**Robin C. Lang**
Assistant Director, Educational Equity and Support
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-2265

---

**From:** Arellano, Brenda <barellano@air.org>
**Sent:** Monday, March 30, 2020 11:52 AM
**To:** Wells, Kelly <kwells@air.org>; Lang, Robin C. <roclang@nd.gov>
**Cc:** T4PACenter <T4PACenter@seiservices.com>; 'Ramirez, Francisco' <Francisco.Ramirez@ed.gov>; covid-19@ed.gov
**Subject:** RE: Title IV Q and A

AMERICAN OVERSIGHT

**CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

Hello Robin,
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**Cc:** T4PACenter <T4PACenter@seiservices.com>
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AMERICAN OVERSIGHT

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600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-2265

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Mon, 30 Mar 2020 20:44:59 +0000
**To:** Jessica Newman
**Cc:** COVID-19
**Subject:** RE: Treasury offset for student loan

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

March 30, 2020

Dear Jessica Newman,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Jessica Newman [(b)(6)

AMERICAN OVERSIGHT

Sent: Wednesday, March 25, 2020 9:10 PM
To: answers <answers@ed.gov>
Subject: Treasury offset for student loan

I saw where the tax refunds that were seized this year would be refunded. I need to know how long that would take and if there was anything I needed to do or call anyone?

Thanks
Jessica Tart
(b)(6)
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Barrett-Zitkus, Jennifer
**Sent:** Mon, 30 Mar 2020 19:03:54 +0000
**To:** Fredette, Rebecca;COVID-19
**Cc:** Duos, Laura;Schneer, Matthew;Tanner-Dean, Angela
**Subject:** RE: Use of federal funds

Thank you for submitting your question to the Covid-19 mailbox. The Department is working on guidance. Thank you for patience. ECTA and NCSI have resources and supports that you may find helpful.

---

**From:** Fredette, Rebecca <Rebecca.Fredette@doe.nh.gov>
**Sent:** Monday, March 30, 2020 2:06 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Barrett-Zitkus, Jennifer <Jennifer.Barrett-Zitkus@ed.gov>
**Subject:** Use of federal funds

Hello
I am wondering if you could give guidance around the use of IDEA funds to pay salaries and hourly employees if school has been closed by the governor. Also should private providers of special education be expected to receive continued tuition for students who are attending remotely or the parent has said they cannot attend the program at the private provider? If staff are working but not the full day as it is now remote, can they still be paid for their normal hours?

Any help or guidance you can provide would be great. As a new director I am seeking as much support as I can get.

Rebecca A. Fredette, M.Ed.
Administrator, Bureau of Student Support
State Director of Special Education
NH Department of Education
101 Pleasant Street
Concord, NH 03301

Phone: (603)271-6693
Fax: (603)271-1099

Rebecca.Fredette@doe.nh.gov

AMERICAN OVERSIGHT

**From:** Crayton, Marion
**Sent:** Mon, 30 Mar 2020 15:41:24 +0000
**To:** Mariana Ulibarri-Horan
**Cc:** COVID-19
**Subject:** RE: Written Parent Consent for Special Circumstances Question (URGENT)

Dr. Mariana Ulibarri-Horan,

I was provided the following information to forward to you. Please see the email below:

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your community and families safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus
Supplemental Fact Sheet Addressing Serving Children with Disabilities during COVID-19 national emergency (March 21, 2020)

Readout of the U.S. Department of Education's Coronavirus Conference Call with Chief State School Officers (March 20, 2020)

Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students (March 16, 2020)

Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak (March 12, 2020)

Regards,
Marion Morton Crayton
**From:** Mariana Ulibarri-Horan <mariana@inmdiagnostics.com>
**Sent:** Friday, March 27, 2020 2:13 PM
**To:** Crayton, Marion <Marion.Crayton@ed.gov>
**Subject:** Written Parent Consent for Special Circumstances Question (URGENT)

Good morning. Please advise on the following:

**What are the flexibilities in obtaining compliant written parent consent for IDEA evaluations, eligibility determinations, or change of service in the following scenarios:**

1) Rural areas do not have house mailboxes; the residents pick up their mail from a centralized post office. Due to COVID-19 health crisis, residents are not going to the post office and/or post masters are on abbreviated face-to-face schedules.

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2) Rural areas and environmentally/demographically challenged households do not have internet or media to complete an electronic signature process.

**Please note these example(s):**

Once a parent has been provided (verbal explanation/discussion) with the PARENT AND CHILD RIGHTS IN SPECIAL EDUCATIONPROCEDURAL SAFEGUARDS NOTICE,

1) Can a parent print out an email attachment of the documents, video themselves signing the document, and send this to the LEA or IEP/EDT teams to document the process on the PWN?

2) Can a parent verbally accept the rights and give a verbal consent in a conference call with an IEP team as witness?

Thank you for your guidance. A prompt response would be greatly appreciated.

Dr. Marana Ulibarri-Horan
Indigo Diagnostics, LLC
HC 75 1198
Rutheron, NM 87551
505-699-5315

AMERICAN OVERSIGHT

**From:** Alicia Amundson
**Sent:** Mon, 30 Mar 2020 12:46:09 -0700
**To:** Fox, Leslie;spp.apr@ed.gov;COVID-19
**Cc:** Heck, Kathleen;Sisnroy, Jenee
**Subject:** Request extension for SSIP submission

To Whom It May Concern,

Arizona Part C would like to request an extension for the SSIP submission this year due to the current state of emergency declared on a state and national level. DES has an extensive internal correspondence control review process for all reports that are sent out externally that must be reviewed by all leaders and approved before submittal. Due to leaders in the organization having a mandatory focus on the emergency COVID-19 response, the review process is delayed due to the availability of leadership.

Our assumption is that the grant application should be submitted timely. However, we also need to formally request an extension to our DMS visit response. Our Corrective Action Response will also need to follow the same extensive internal correspondence control procedures.

Please let us know if you have any questions,

--

**Alicia Amundson**

**Quality Improvement Manager**

Arizona Early Intervention Program

1789 W Jefferson St.

Phoenix, AZ 85007

Phone Number: (480)364-3817

Fax: (602)200-9820

E-mail: asharma@azdes.gov
Mail Drop #2HP1

NOTICE: This e-mail (and any attachments) may contain PRIVILEGED OR CONFIDENTIAL information and is intended only for the use of the specific individual(s) to whom it is addressed. It may contain information that is privileged and confidential under state and federal law. This information may be used or disclosed only in accordance with law, and you may be subject to penalties under law for improper use or

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further disclosure of the information in this e-mail and its attachments. If you have received this e-mail in error, please immediately notify the person named above by reply e-mail, and then delete the original e-mail. Thank you.

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**From:** Graham Primeaux
**Sent:** Mon, 30 Mar 2020 15:22:47 -0500
**To:** COVID-19;Moore, Crystal;Toledo, Annabelle;Indian Education;Julian Guerrero
**Cc:** April Grace;Teresa Wilkerson
**Subject:** Request for Title VI Guidance (Shawnee Public Schools)
**Attachments:** RequestForTitleVIGuidance 3.30.20.pdf

OIE Formula Grant Team,
Attached is a letter requesting Title VI guidance from Shawnee Indian Education Program at Shawnee Public Schools in Shawnee, Oklahoma. If you have any questions or concerns regarding the attached document please let me know.

Sincerely,

Graham Primeaux
Shawnee Public Schools

--
**Graham Primeaux, M.Ed.**
**Shawnee Public School District I-93**
**326 N. Union St.**
**Shawnee, OK 74801**
**Phone (405) 878-1011**
**Fax (405) 273-6818**
**gprimeaux@shawnee.k12.ok.us**

AMERICAN OVERSIGHT

# SHAWNEE PUBLIC SCHOOLS

**Shawnee Indian Education**

326 North Union Shawnee, OK 74801-7099 (405) 878-1030


U.S. Department of Education
400 Maryland Avenue, SW
LBJ Building., 3W101
Washington, D.C. 20202-6335

**Dear OIE Formula Grant Team,**

We at the **Shawnee Public School District** hope this message finds you well and in good health. We are formally requesting interim guidance regarding the impact of the Novel Coronavirus (COVID-19) on Title VI "Indian Education" formula grant implementation. We have legitimate concerns regarding certain flexibilities, waivers, and fiscal management technical assistance that will assist our Indian Education program at this time. We submit the following inquiries to the OIE and OESE office for review:

1. Will grantees be allowed to submit fiscal carryover requests for FY 2019-20 funds unspent due to the impact of COVID-19?
2. Will the formula grant team promulgate technical guidance for carryover requests, particular to any special modifications due to COVID-19?
3. Is it allowed to continue salary expenditures for support personnel assisting with grant implementation?
4. Are districts still expected to conduct open hearings and obtain Indian Parent Committee approvals for FY 2020-2021?
5. What flexibilities exist for Indian Parent Committee signatures obtained via electronic signature or electronic approval via email?
6. What are acceptable formats for conducting the open public hearing for tribal consultation per [20 U.S.C. 7424]?
7. The current ED 506 Forms "Indian Student Eligibility" expired as of 02/29/2020, when does the OIE expect to publish a non-expired version?
8. Will the OIE accept electronically filled ED 506 Forms at this time in order to suppress the potential transmission of COVID-19.

To let you understand the gravity of our concerns, the **Shawnee Public School District** represents **1151** of American Indian/Alaska Native (AI/AN) students. Tribal diversity in our district is substantial as our district represents over **42** tribal affiliations. We appreciate your time and attention to these inquiries and please do not hesitate to contact our office for additional clarifications.

**Respectfully,**

(b)(6)

Graham Primeaux
Title VI Indian Education Director

AMERICAN OVERSIGHT

From: Shawnee Public Schools, Indian Education Coordinator
Graham Primeaux
gprimeaux@shawne.k12.ok.us

To: U.S. Department of Education, COVID-19 General Inquiries
COVID-19@ed.gov

cc: Dr. Crystal Moore
Crystal.Moore@ed.gov

Annabelle Toledo
Annabelle.Toledo@ed.gov

OIE Master Email
Indian.Education@ed.gov

Julian Guerrero Jr.
Julian.Guerrero@sde.ok.gov

AMERICAN OVERSIGHT

**From:** Rivera Laboy, Carmen
**Sent:** Mon, 30 Mar 2020 19:45:40 +0000
**To:** COVID-19
**Subject:** SAP- Covid:19

Can an institution decide not to calculate SAP for the next term base on COVID Emergency?

**Carmen E. Rivera Laboy**
Decana de Estudiantes y Oficial de Cumplimiento
Universidad Carlos Albizu – Recinto de San Juan
PO BOX 9023711
San Juan, PR 00902-3711
crivera@albizu.edu
Ofic. 787.725.6500 ext. 1560

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albizu.edu

AMERICAN OVERSIGHT

**From:** Melanie Lechtenberg
**Sent:** Mon, 30 Mar 2020 16:47:45 +0000
**To:** COVID-19
**Subject:** School Participation Reporting

Can you please clarify when and what information needs to be reported to the School Participation Team when a modification of instruction has occurred at your institution? Where is this information communicated?

Our scenario is a week delayed start after spring break for face to face instructed courses and all online courses continuing as scheduled.

Thank you in advance for your guidance!

**Melanie Lechtenberg**
Dean of Records, Registrar, and Financial aid
**217.641.4310 I mlechtenberg@jwcc.edu**
John Wood Community College
1301 S. 48th Street I Quincy, IL I 62305
jwcc.edu

FAFSA®: Apply for Aid

**https://studentaid.ed.gov/sa/fafsa**

**School Code: JWCC - 012813**

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Antoinette Esposito
**Sent:** Mon, 30 Mar 2020 18:21:38 +0000
**To:** COVID-19
**Subject:** Spring Break - Second Request

Good Morning

I know all of you are being bombarded with questions. This such a crazy time. Hang in there – You've got this!

I am working with a school that decided to extend break, but did not notify DOE.

1. What actions need to take place at this point?
2. Does the school need to extend spring term to meet the minimum weeks in the term requirement?

Could you provide the best guidance on how schools convert to a Pass/Fail grading system until things are back to normal?

1. How does effect SAP?
2. How are GPAs impacted?
3. Are there any other ramifications in converting to Pass/Fail

Are schools REQUIRED to refund room/board charges? If a school is past the 60% mark in the term, is the guidance that a school must refund the charges or it is an institutional decision based on their internal guidelines?

Thanks in advance. You are all doing an amazing job!

Take care –
Anboinette

Antoinette H. Esposito
AE Power Solutions, Inc
3074 Westwood Road
Augusta, Georgia 30909
aesposito@aepowersolutions.com
(706) 373-3726

AMERICAN OVERSIGHT

**From:** GASPARATO, JEAN
**Sent:** Mon, 30 Mar 2020 12:14:46 +0000
**To:** COVID-19
**Subject:** Statement of Educational Purpose Requirement

Current regulations require that a student either show up in person with documentation to meet the SEP requirements and provide a wet signature, or send a notarized copy of the statement to the school, also with a wet signature. In light of school closings due to the Coronavirus, has this requirement been relaxed in any way to assist students and schools?

Thanks for your help.

Regards,

Jean Gasparato
Senior Associate Director
University of South Carolina
Office of Student Financial Aid and Scholarships
1244 Blossom Street, Suite 200
Columbia, SC 29208
803 777-1305
jgaspar@mailbox.sc.edu

AMERICAN OVERSIGHT

**From:** Lari Whitten
**Sent:** Mon, 30 Mar 2020 15:38:29 -0500
**To:** COVID-19
**Subject:** Statement of Educational Purpose

Has any additional guidance been given on the statement of education since students are not able to have this document notarized because of the stay at home orders?

Thank you,

**Larresia Whitten** | *Director of Title IV Compliance*
691 S. Broadway St, Suite B
Boulder, CO 80305
P 303.464.7988
C 512.791.4243

AMERICAN OVERSIGHT

**From:** Miller, Christine (cmiller460@student.cccs.edu)
**Sent:** Mon, 30 Mar 2020 04:18:57 +0000
**To:** COVID-19
**Subject:** Student Internship Question

Good evening,
My name is Christine Miller and I'm a student at Pikes Peak Community College (PPCC) in Colorado Springs, Colorado enrolled in the Paralegal Technician Certificate (PTC), a 2 semester program. Our spring semester is set to end on Tuesday, May 12, 2020. A fellow student forwarded me the 'Guidance for interruptions of study related to Coronavirus' to read, as we have been discussing the disruption that the stay-at-home and spacial distancing orders that of course have disrupted our program/classes with everyone else across the world.
I am currently in my second semester of the PTC and am enrolled in four classes plus an internship worth 3 credits, 15 required credits for graduating this May. Prior to Governor Polis' stay-at-home order for all non-essential businesses, currently to expire on Saturday, April 11, 2020, I have been able to work almost 100 hours of the required 135 hours toward earning the credits for my internship at a local attorney's office. I had contacted my professor the week before last to inquire about what will happen with my internship if the stay-at-home order is extended to April 30, 2020, according to the current suggestion this evening by President Trump and to be confirmed in an announcement this Tuesday. In his response, he mentioned that I have the option to take an incomplete if I am unable to complete the required 135 hours and commended me to looking ahead and asking the questions now.
I, however, shared with him that taking an Incomplete just wasn't a current viable option for my situation and was hoping that he would have further options to accommodate the disruption to the program and internship. In reviewing over the guidelines, I notice that you mention 'internships', but forgive me as I need some additional clarification if possible. I understand that you are immensely busy, but if you could help me to understand possible options I could suggest to my professor that are in accordance with Title IV and in line with your suggestion that on a case by case basis accommodations can be made to a currently enrolled student's class or program. Some possible examples, accept hours worked in the internship program if over a certain base number, have letter written by supervising attorney as to what was taught/learned, is there a project that each student can do to replace some internship hours that remain in line with a full class load. These are just a few ideas that have come to mind thus far.
I greatly appreciate your time and any guidance you can give. Thank you!
Christine Miller
570-690-1865

AMERICAN OVERSIGHT

**From:** Caryn Record
**Sent:** Mon, 30 Mar 2020 21:00:00 +0000
**To:** COVID-19
**Cc:** Moore, Crystal;Toledo, Annabelle;Indian Education;Jimmy Martin;Julian Guerrero
**Subject:** Title VI Guidance Request
**Attachments:** OIE Letter March 2020.pdf

March 30, 2020

Dear OIE Formula Grant Team,

We at Moore Public Schools Title VI Indian Education in Moore, Oklahoma hope this message finds you well and in good health. We are formally requesting interim guidance regarding the impact of the Novel Coronavirus (COVID-19) on Title VI "Indian Education" formula grant implementation. We have legitimate concerns regarding certain flexibilities, waivers, and fiscal management technical assistance that will assist our Indian Education program at this time.

We submit the following inquiries to the OIE and OESE office for review:

1. Will grantees be allowed to submit fiscal carryover requests for FY 2019-20 funds unspent due to the impact of COVID-19?
2. Will the formula grant team promulgate technical guidance for carryover requests, particular to any special modifications due to COVID-19?
3. Is it allowed to continue salary expenditures for support personnel assisting with grant implementation?
4. Are districts still expected to conduct open hearings and obtain Indian Parent Committee approvals for FY 2020-2021?
5. What flexibilities exist for Indian Parent Committee signatures obtained via electronic signature or electronic approval via email?
6. What are acceptable formats for conducting the open public hearing for tribal consultation per [20 U.S.C. 7424]?
7. The current ED 506 Forms "Indian Student Eligibility" expired as of 02/29/2020, when does the OIE expect to publish a non-expired version?
8. Will the OIE accept electronically filled ED 506 Forms at this time in order to suppress the potential transmission of COVID-19.

AMERICAN OVERSIGHT

To let you understand the gravity of our concerns, the Moore Public Schools District represents 3,072 American Indian/Alaska Native (AI/AN) students. Tribal diversity in our district is substantial as our district represents over 70 tribal affiliations. We appreciate your time and attention to these inquiries and please do not hesitate to contact our office for additional clarifications.
*Please see attached signed letter
Respectfully,

Caryn Record
Title VI Indian Education Director
carynrecord@mooreschools.com

Jimmy Martin
Federal Programs Managing Director
jimmymartin@mooreschools.com

*Caryn Record*

Caryn Record, Chickasaw, M.Ed
Moore Public Schools
Indian Education Coordinator
405-735-4301
carynrecord@mooreschools.com
Moore JOM Facebook Page

AMERICAN OVERSIGHT

MOORE Public Schools
LEARNING FOR LIFE ADMINISTRATIVE SERVICE CENTER
1500 S.E. 4th Street • Moore, OK 73160-8232
405.735.4301 • Fax 405.735.4398
Email: carynrecord@mooreschools.com

*Caryn Record*
*Coordinator of Indian Education*
*Title VII and Johnson O'Malley*

U.S. Department of Education
400 Maryland Avenue, SW
LBJ Building., 3W101
Washington, D.C. 20202-6335

March 30, 2020

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AMERICAN OVERSIGHT

MOORE Public Schools
LEARNING FOR LIFE ADMINISTRATIVE SERVICE CENTER
1500 S.E. 4th Street • Moore, OK 73160-8232
405.735.4301 • Fax 405.735.4398
Email: carynrecord@mooreschools.com

*Caryn Record*
*Coordinator of Indian Education*
*Title VII and Johnson O'Malley*

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Respectfully,

(b)(6) [redacted]

Caryn Record
Title VI Indian Education Director
carynrecord@mooreschools.com

(b)(6) [redacted]

Jimmy Martin
Federal Programs Managing Director
jimmymartin@mooreschools.com

AMERICAN OVERSIGHT

**From:** Lisa Stone
**Sent:** Mon, 30 Mar 2020 13:14:09 -0600
**To:** COVID-19
**Subject:** Urgent Foreign School guidance

Good afternoon,

Please provide guidance as to whether or not a foreign school can switch from attendance taking to non attendance taking mid-term due to COVID and the changes in education delivery. It is our understanding that is not allowed that the school would still need to find a way to take attendance.

We look forward to your response.

**Lisa Stone**
Director of Compliance
**FA Solutions, LLC**
Phone: 727-565-2048
Email:lstone@getfasolutions.com

**"Sometimes faith will make you look stupid; until it rains." - Noah**

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AMERICAN OVERSIGHT

**From:** Lisa Stone
**Sent:** Mon, 30 Mar 2020 13:14:09 -0600
**To:** COVID-19
**Subject:** Urgent Foreign School guidance

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We look forward to your response.

**Lisa Stone**
Director of Compliance
**FA Solutions, LLC**
Phone: 727-565-2048
Email:lstone@getfasolutions.com

**"Sometimes faith will make you look stupid; until it rains." - Noah**

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AMERICAN OVERSIGHT

**From:** Fredette, Rebecca
**Sent:** Mon, 30 Mar 2020 18:05:35 +0000
**To:** COVID-19
**Cc:** Barrett-Zitkus, Jennifer
**Subject:** Use of federal funds

Hello
I am wondering if you could give guidance around the use of IDEA funds to pay salaries and hourly employees if school has been closed by the governor. Also should private providers of special education be expected to receive continued tuition for students who are attending remotely or the parent has said they cannot attend the program at the private provider? If staff are working but not the full day as it is now remote, can they still be paid for their normal hours?

Any help or guidance you can provide would be great. As a new director I am seeking as much support as I can get.

Rebecca A. Fredette, M.Ed.
Administrator, Bureau of Student Support
State Director of Special Education
NH Department of Education
101 Pleasant Street
Concord, NH 03301

Phone: (603)271-6693
Fax: (603)271-1099

Rebecca.Fredette@doe.nh.gov

AMERICAN OVERSIGHT

**From:** Lakischa A Brown
**Sent:** Mon, 30 Mar 2020 19:05:17 +0000
**To:** COVID-19
**Cc:** Sara M Rapp
**Subject:** Verification Requirements for V4 and V5

Greetings,

I have a question concerning the HS completion and Identity forms with a valid government ID. With closures of government agencies and other businesses, students are unable to get the forms notarized and sent back to the office. Will there be guidance on leniency for those students selected for V4 and V5 verification? Are we able to utilize video chat tools to witness signatures of students at this time? Please advise.

Thank you,

**Lakischa A Brown**
**Financial Aid Counselor - State Programs**
**Financial Aid**
**York Technical College**
452 S. Anderson Rd., Rock Hill, SC 29730
Tel: 803.323.5988 | Fax: 803.981.7278

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AMERICAN OVERSIGHT

**From:** Dave Phillips
**Sent:** Sun, 29 Mar 2020 09:44:13 -0400
**To:** Kniseley, Charles;Finch, Jennifer
**Cc:** Schneer, Matthew;COVID-19
**Subject:** CIFR #H373F140001: State questions re: Fiscal implications of COVID-19 school closures
**Attachments:** State Fiscal Questions for OSEP from CIFR on Covid 19 Implications 3_24_20.docx

Hi Charlie and Jennifer with a cc; to Matt and the ED COVID-19 email address per his request via the NCSI Fiscal Support Team -

First, I hope you and your loved ones are all doing as well as can be under these circumstances.

Second, I am attaching a summary of questions from states about the impacts of school closures and other state and local actions taken as a result of COVID-19 on the IDEA fiscal requirements.

We gathered these questions last Tuesday on a CIFR Open Doors webinar designed for this purpose. Summarized by topic area, these questions represent current "top-of-mind" questions from over 100 SEA staff with IDEA fiscal responsibilities in regards to the pandemic.

Please reach out if with any questions and happy to discuss further.

Thank you -
Dave

--
Dave Phillips
Project Director
WestEd Special Education Policy & Practice
Phone: 802-951-8206
Email: dphilli2@wested.org

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AMERICAN OVERSIGHT

CIFR
Center for IDEA Fiscal Reporting
WestEd

# State Questions for OSEP on Fiscal Implications of COVID-19 School Closures

March 24, 2020

*The Center for IDEA Fiscal Reporting (CIFR) held an "Open Doors" Community of Practice webinar for SEA staff with IDEA fiscal responsibilities on March 24, 2020. The purpose of the call was to gather state questions about the near and long-term impacts on the IDEA fiscal requirements associated with school closures and other policy and program actions taken by states and districts to address the COVID-19 pandemic. CIFR staff facilitated the conversation with over 100 SEA participants. The questions have been categorized by topic area and per the state's request we have submitted to the ED COVID-19 email on their behalf. Please contact Dave Phillips, CIFR Co-Director, with questions: dphilli2@wested.org.*

**Maintenance of State Financial Support (MFS)**

- Will there be a blanket waiver for all states for MFS because of COVID-19?
- Will OSEP consider multiple-year MFS waivers?

**Local Education Agency Maintenance of Effort (LEA MOE)**

- May a state implement a temporary LEA MOE waiver for LEAs?
- Will OSEP require states to pay back LEA MOE failure amounts for FFY 2019 compliance tests? FFY 2020?
- If LEAs expend additional funds in FFY 2019 to address needs arising from COVID-19 and exceeds the original required MOE, may OSEP and SEAs allow LEAs to use the original FFY 2019 required MOE as the comparison amount the following year?
- If an LEA cannot access data and/or files, may an LEA claim estimated exceptions and be found to meet the eligibility requirement for MOE?

**Coordinated Early Intervening Services (CEIS)**

- What if an LEA fails to spend comprehensive CEIS funds in their period of availability due to COVID-19 school closures?

**OSEP Timelines**

- Are states still required to State Applications by the due date?
- If a state was required to conduct public hearings due to policy changes, may those be virtual due to the COVID-19 closures?



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**Use of IDEA Funds** (salaries, hourly wages, technology)

- With schools closing, are there any issues with continuing to pay salaried staff with IDEA funds?
- What should states consider when deciding whether IDEA funds may be used to pay contractors in order to keep the contractors when actual services have been suspended?
- What should states consider when deciding whether IDEA funds may be used to pay hourly workers? For example, if buses are being used to transport food to students, may IDEA funds be used to pay vendors for transportation costs if some special education related info/homework/etc. is being provided to students with IEPs on the bus route?

**OMB Flexibilities**

*CIFR received several questions about whether the US Department of Education and OSEP will use the flexibilities made availability by OMB on 3/19/20*

- If an LEA has paid for a conference registration fee or plane ticket with IDEA funds for a conference that was cancelled, is the LEA required to recode the expenditure to a non-federal source if they are unable to receive a refund?
- Has USED confirmed that SEAs can delay sending in data files for required federal reporting?
- Due to the unexpected and extended closures of LEAs, will OSEP extend the period of availability for FFY18 and FFY19 IDEA funds?

**Proportionate Share for Equitable Services in Private Schools**

- If an LEA is not providing any services at all, will it not need to provide equitable services?
- If an LEA is providing services, does it need to do consultations with private schools?
- Do LEAs need to provide compensatory services to students in private schools?
- How may proportionate share funds be used if an LEA cannot spend down all of the set aside for proportionate share due to school closures?

**Compensatory Services**

- Can compensatory services take place as part of Extended School Year (ESY) services?
- Many states are concerned about compensatory services with any lapse occurring in IEP services when LEAs are not providing instruction. Does OSEP have any guidance on how compensatory services will be paid for and what monies can be used to pay for such services?


AMERICAN OVERSIGHT

**Monitoring**

- May states adjust their fiscal monitoring timelines and activities due to closures?



AMERICAN OVERSIGHT

**From:** Lydje Lahens
**Sent:** Sun, 29 Mar 2020 09:23:25 -0400
**To:** COVID-19
**Subject:** COVID-19 Funding Opportunities

To whom it may concern,

I am writing to request for information regarding funding opportunities for researchers in context of Covid-19 and its effect om student learning. Has/will the Department issue/d any RFPs? Please direct us to this information at your earliest convenience.

Thank you, Lydje Lahens

AMERICAN OVERSIGHT

**From:** Dr. Wanda White
**Sent:** Sun, 29 Mar 2020 12:38:47 +0000
**To:** COVID-19;Cox, Jack
**Cc:** Martin, Gregory;James "JW" Kelley;Dr. Monty Hickman;Dr. John "JJ" Evans
**Subject:** NC Community College System Coronavirus & Title IV Eligibility Questions

To Whom It May Concern:
Please see below additional questions from NC Community College System financial aid administrators in North Carolina. If possible, please review these questions and provide your responses to me as soon as possible. Additional questions may be submitted to you as they arise.

1. If the extra week of break took our academic year from 32 weeks to 31 weeks, do we need to seek Ed approval, or as long as we stay at least 30 weeks, is this okay without School Participation Team approval?

2. My understanding is that we are to pay FWS students based on their scheduled hours. I understand scheduled hours to be the hours the student agreed to work on their FWS contract. If this is the case, what happens if a College over expends their FWS allocation for the year? This could easily happen especially with a college that matches FWS. Please Advise.

Thank you in advance for your assistance.

Wanda White, Ed.D.
Director of Student Services
NC Community College System
200 West Jones Street
Raleigh, NC 27603
whitew@nccommunitycolleges.edu
919-807-7104

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AMERICAN OVERSIGHT

**From:** Annie Acosta
**Sent:** Sun, 29 Mar 2020 15:31:36 +0000
**To:** COVID-19
**Subject:** Obligations re: remote IEP meetings

Could you please clarify the obligations of schools and districts to provide for remote IEP meetings during school closure when the school is providing educational services? I am hearing from some families that they are being told IEP meetings cannot be conducted online and they are not being provided with any alternatives to in person meetings.

Thank you,

Annie

**Annie Acosta**
Director of Fiscal and Family Support Policy, Public Policy at **The Arc**
A 1825 K Street NW, Suite 1200 | Washington, D.C. 20006
T 202.534-3723 T 800.433.5255 F 202.534.3731

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AMERICAN OVERSIGHT

**From:** Lenora Jackson
**Sent:** Sun, 29 Mar 2020 21:46:46 -0400
**To:** COVID-19
**Subject:** Pass/Fail grades

I have read a lot of information where colleges and universities are going to a pass/fail process for final grades this semester, but couldn't find guidance from Department of Education. Where can I finds that guidance

Regards,

Lenora Jackson
Director of Financial Aid
Spelman College
350 Spelman LN SW
Atlanta, GA 30314

404.270.5209 (Direct)
404.270.5212 (Admin)
404.270.5220 (Fax)

AMERICAN OVERSIGHT

**From:** Jeremy Jones
**Sent:** Sun, 29 Mar 2020 19:00:30 -0400
**To:** COVID-19
**Cc:** Dan Kallenberger
**Subject:** Question Regarding Financial Aid Implications of Offering Early Graduation

To Whom It May Concern:

Our medical school is being requested by the state of Michigan and our affiliate health system to allow our students that have met graduation requirements to graduate early so that they may begin practice and support the care of infected patients.

While the guidance provided in the March 5, 2020 (updated March 20) Electronic Announcement as well as ED's responses to questions posed by NASFAA regarding this issue are instructive, our question involves compliance with Revised Policy for Standard Term Length.

Question: Does the graduation date need to be at least 14 weeks after the term start date in order to remain compliant with the minimum length specified in the revised policy OR could our school graduate students who meet requirements **before** the 14 weeks and remain compliant given the current unique circumstances COVID-19 has presented?

Many thank in advance for your assistnace with this question.

Regards,

Jeremy Jones
Associate Director

***Confidential counseling services are available 24/7/365 for all OUWB students.**
**Call 866-227-3834 for immediate assistance or visit www.caplife.hmsanet.com**

Regards,

Jeremy Jones, M.Ed.
Associate Director of Financial Services
Oakland University William Beaumont School of Medicine
O'Dowd Hall Rm 216
586 Pioneer Drive
Rochester, MI 48309-4482
Phone: 248-370-3611
FAX: 248-370-4276

AMERICAN OVERSIGHT

**From:** Schneer, Matthew
**Sent:** Sun, 29 Mar 2020 17:39:19 +0000
**To:** Dave Phillips;Kniseley, Charles;Finch, Jennifer
**Cc:** COVID-19
**Subject:** RE: CIFR #H373F140001: State questions re: Fiscal implications of COVID-19 school closures

Dave:

It is good to hear from you, and the same goes to you and your family. Thanks for collecting this information it will be helpful as we try to put together the most useful information for the States.

Stay well

Matt

**From:** Dave Phillips <dphilli2@wested.org>
**Sent:** Sunday, March 29, 2020 9:44 AM
**To:** Kniseley, Charles <Charles.Kniseley@ed.gov>; Finch, Jennifer <Jennifer.Finch@ed.gov>
**Cc:** Schneer, Matthew <Matthew.Schneer@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** CIFR #H373F140001: State questions re: Fiscal implications of COVID-19 school closures

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Second, I am attaching a summary of questions from states about the impacts of school closures and other state and local actions taken as a result of COVID-19 on the IDEA fiscal requirements.

We gathered these questions last Tuesday on a CIFR Open Doors webinar designed for this purpose. Summarized by topic area, these questions represent current "top-of-mind" questions from over 100 SEA staff with IDEA fiscal responsibilities in regards to the pandemic.

Please reach out if with any questions and happy to discuss further.

Thank you -
Dave

--
Dave Phillips
Project Director
WestEd Special Education Policy & Practice
Phone: 802-951-8206
Email: dphilli2@wested.org

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AMERICAN OVERSIGHT

**From:** Broady, Cheryl
**Sent:** Mon, 30 Mar 2020 14:04:49 +0000
**To:** COVID-19
**Subject:** Accommodations for Students with "Suspected" Disabilities during COVID-19_Lisa Woodcock-Burroughs_MI

---

**From:** Lisa Woodcock-Burroughs <lwoodcock-burroughs@cnld.org>
**Sent:** Monday, March 30, 2020 7:43 AM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>
**Subject:** Accommodations for Students with "Suspected" Disabilities during COVID-19

Good morning Cheryl,

I hope that you and your family are well as we navigate this time of uncertainty.

As schools in Michigan are currently closed, many people, myself included have questions regarding how supports will be provided to students with special needs.

I have a rather specific question regarding whether or not school districts have to afford students "suspected" of having a disability with provisional accommodations until a formal evaluation can be completed.

- For example, if the school has started their evaluation (but not finished), and schools reopen with a distance learning format, can students be granted accommodations even though their evaluations are not complete?
- Relatedly, if a student was in the process of being evaluated privately (at parent expense), can they receive "provisional" accommodations from the school district. It seems that the answer would be "yes"; however, I know from my many years or work as a school psychologist in a public school setting that people are often bound by organizational constraints that may prohibit them from doing what they believe is right.

Any guidance you can share would be very much appreciated.

Thank you and take care,
Lisa

Lisa Woodcock-Burroughs, Ph.D., L.P., N.C.S.P.

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Center for Neuropsychology, Learning and Development

5864 Interface Drive
Suite D
Ann Arbor, MI 48103

Phone (734) 994-9466, Fax (734)994-9465

lwoodcock-burroughs@cnld.org

www.cnld.org

www.facebook.com/CNLDA2

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AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Mon, 30 Mar 2020 19:08:07 +0000
**To:** COVID-19
**Subject:** Automatic reply: Awareness

Thank you for your message!

I am in a meeting for the remainder fo the day I will respond to our message as soon as I can.

If you need immediate support, please contact the Office of Safe and Supportive Schools (OSSS) at (202) 453-6777.

Sincerely,
Madeline

**Madeline Sullivan**

U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E - 332 ~ Washington, DC 20202-6110

Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/remstacenter

AMERICAN OVERSIGHT

**From:** Vicki Dansberry
**Sent:** Mon, 30 Mar 2020 12:12:47 +0000
**To:** COVID-19;Burton, Sharon;White, Nicole
**Subject:** budget changes, etc.
**Attachments:** M-20-17 (5).pdf

I have read guidance from OMB about potential changes to activities and budgets and reporting due to the changed environment for schools and all of us (one example attached). Is there guidance about how to apply this to our ED grants? For example, what is ED's view of carryover funding due to this disruption? I even can see potential long-term issues that may result in need for No-Cost extensions at the end of some grants…

Alternatively, acute needs have arisen in some areas that may require us to extend critically needed services that we'd not envisioned at the beginning of our projects. What I'm considering, for example, is the need for extended technology support for students (I'm thinking IAL grant here for literacy/STEM support, and potentially for telehealth for Project Prevent's mental health supports) who do not have home access that we'd not anticipated, but additional needs are likely to be identified in the weeks to come. Shifting costs within budget categories is possible in some instances; is there any change in guidance about what is needed to be reported to you all for shifting from one category to another?

Finally, we need direction about reporting, especially for objectives that involve state assessments and other assessments that will not be able to be conducted this year.

Thanks for your support in this challenging time!

Vicki

Vicki Dansberry

***(if you want to reach me by phone during the Coronavirus isolation period: 859-750-1587)***

Northern Kentucky Cooperative for Educational Services
Grants Consortium
5516 East Alexandria Pike
Cold Spring, Ky 41076
859-442-8600 X 13

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEPUTY DIRECTOR
FOR MANAGEMENT

March 19, 2020

M-20-17

MEMORANDUM TO THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Margaret Weichert
Deputy Director of Management (b)(6) [redacted]

SUBJECT: Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19) due to Loss of Operations

On March 9, 2020, OMB issued M-20-11, "*Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly impacted by the Novel Coronavirus (COVID-19)*," to provide agencies with additional flexibilities for grants assisting the response to COVID-19. The scope of the M-20-11 was narrowly crafted to provide flexibility to grant recipients performing essential research and services necessary to carry out the emergency response related to COVID-19.

This memorandum provides similar administrative relief listed in M-20-11 to an expanded scope of recipients affected by the loss of operational capacity and increased costs due to the COVID-19 crisis. Many of the operational impacts and costs are unknowable at this point, as they will depend on the spread of the coronavirus and response dictated by public health needs. This memorandum provides short term relief for administrative, financial management, and audit requirements under 2 CFR Part 200, *Uniform Administrative Requirements, Cost principles and Audit Requirements for Federal Awards*, without compromising Federal financial assistance accountability requirements. As program managers are considering administrative relief, they should be prudent in their stewardship of Federal resources which includes giving consideration to potential offsets—e.g. reduction in training and travel. In addition, the flexibilities provided within this memorandum, agencies are reminded of their existing flexibility to issue exceptions on a case-by-case basis in accordance with 2 CFR § 200.102, *Exceptions.* M-20-11 shall continue to apply, and Appendix A describes the exceptions granted under this memorandum to recipients affected by the loss of operational capacity. These exceptions are time limited and will be reassessed by OMB within 90 days of this Memo.

Questions regarding the above administrative relief provisions should be directed to Office of Federal Financial Management Grant link at GrantsTeam@omb.eop.gov. OMB will continue to provide updates and additional information as the situation unfolds. For the latest information, sign up for the Grants Community of Practice by clicking at: https://www.performance.gov/CAP/grants/

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## Appendix A – Administrative Relief Exceptions for COVID-19 Crisis

Federal awarding agencies are authorized to take the following actions, as they deem appropriate and to the extent permitted by law, with respect to the administrative provisions that apply to recipients grantees affected by the COVID-19 (for both recipients with COVID-19 related grants and other types of Federal grants). Awarding agencies are required to maintain records on the level of particular exceptions provided to recipients. For items 6 and 7, awarding agencies must require recipients to maintain appropriate records and documentation to support the charges against the Federal awards.

**1. Flexibility with SAM registration.** (2 CFR § 200.205)

Awarding agencies can relax the requirement for active System for Award Management (SAM) registration at time of application in order to expeditiously issue funding. At the time of award, the requirements of 2 CFR § 200.205, *Federal awarding agency review of risk posed by applicants*, continue to apply. Current registrants in SAM with active registrations expiring before May 16, 2020 will be afforded a one-time extension of 60 days.

**2. Flexibility with application deadlines.** (2 CFR § 200.202)

Awarding agencies may provide flexibility with regard to the submission of competing applications in response to specific announcements, as well as unsolicited applications. As appropriate, agencies should list specific guidance on their websites and/or provide a point of contact for an agency program official.

**3. Waiver for Notice of Funding Opportunities (NOFOs) Publication.** (2 CFR § 200.203)

For competitive grants and cooperative agreements, awarding agencies can publish emergency Notice of Funding Opportunities (NOFOs) for less than thirty (30) days without separately justifying shortening the timeframe for each NOFO. Awarding agencies would still be required to document and track NOFOs published for less than thirty (30) days under this emergency waiver.

**4. No-cost extensions on expiring awards.** (2 CFR § 200.308)

To the extent permitted by law, awarding agencies may extend awards which were active as of March 31, 2020 and scheduled to expire prior or up to December 31, 2020, automatically at no-cost for a period of up to twelve (12) months. This will allow time for recipient assessments, the resumption of many individual projects, and a report on program progress and financial status to agency staff. Project-specific financial and performance reports will be due 90 days following the end date of the extension. Awarding agencies will examine the need to extend other project reporting as the need arises.



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5. **Abbreviated non-competitive continuation requests.** (2 CFR § 200.308)

For continuation requests scheduled to come in from April 1, 2020 to December 31, 2020, from projects with planned future support, awarding agencies may accept a brief statement from recipients to verify that they are in a position to: 1) resume or restore their project activities; and 2) accept a planned continuation award. Awarding agencies should post any specific instructions on their website. Awarding agencies will examine the need to extend this approach on subsequent continuation award start dates as recipients have an opportunity to assess the situation.

6. **Allowability of salaries and other project activities.** (2 CFR § 200.403, 2 CFR § 200.404, 2 CFR § 200.405)

Awarding agencies may allow recipients to continue to charge salaries and benefits to currently active Federal awards consistent with the recipients' policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal. Awarding agencies may allow other costs to be charged to Federal awards necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the project. Awarding agencies may also evaluate the grantee's ability to resume the project activity in the future and the appropriateness of future funding, as done under normal circumstances—based on subsequent progress reports and other communications with the grantee. Awarding agencies must require recipients to maintain appropriate records and cost documentation as required by 2 CFR § 200.302 – *Financial management* and 2 CFR § 200.333 - *Retention requirement of records* to substantiate the charging of any salaries and other project activities costs related to interruption of operations or services.

7. **Allowability of Costs not Normally Chargeable to Awards.** (2 CFR § 200.403, 2 CFR § 200.404, 2 CFR § 200.405)

Awarding agencies may allow recipients who incur costs related to the cancellation of events, travel, or other activities necessary and reasonable for the performance of the award, or the pausing and restarting of grant funded activities due to the public health emergency, to charge these costs to their award without regard to 2 CFR § 200.403, *Factors affecting allowability of costs*, 2 CFR § 200.404, *Reasonable costs*, and 2 CFR § 200.405, *Allocable costs*. Awarding agencies may allow recipients to charge full cost of cancellation when the event, travel, or other activities are conducted under the auspices of the grant. Awarding agencies must advise recipients that they should not assume additional funds will be available should the charging of cancellation or other fees result in a shortage of funds to eventually carry out the event or travel. Awarding agencies must require recipients to maintain appropriate records and cost documentation as required by 2 CFR § 200.302 – *Financial management* and 2 CFR § 200.333 - *Retention requirement of records*, to substantiate the charging of any cancellation or other fees related to interruption of operations or services. As appropriate, awarding agencies may list additional guidance on specific types of costs on their websites and/or provide a point of contact for an agency program official.



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**8. Prior approval requirement waivers.** (2 CFR § 200.407)

Awarding agencies are authorized to waive prior approval requirements as necessary to effectively address the response. All costs charged to Federal awards must be consistent with Federal cost policy guidelines and the terms of the award, except where specified in this memorandum.

**9. Exemption of certain procurement requirements.** (2 CFR § 200.319(b), 2 CFR § 200.321)

Awarding agencies may waive the procurement requirements contained in 2 CFR § 200.319(b) regarding geographical preferences and 2 CFR § 200.321 regarding contracting small and minority businesses, women's business enterprises, and labor surplus area firms.

**10. Extension of financial, performance, and other reporting.** (2 CFR § 200.327, 2 CFR § 200.328)

Awarding agencies may allow grantees to delay submission of financial, performance and other reports up to three (3) months beyond the normal due date. If an agency allows such a delay, grantees will continue to draw down Federal funds without the timely submission of these reports. However, these reports must be submitted at the end of the postponed period. In addition, awarding agencies may waive the requirement for recipients to notify the agency of problems, delays or adverse conditions related to COVID-19 on a grant by grant basis (200 CFR 200.328(d)(1).

**11. Extension of currently approved indirect cost rates.** (2 CFR § 200.414 (c))

Awarding agencies may allow grantees to continue to use the currently approved indirect cost rates (i.e., predetermined, fixed, or provisional rates) to recover their indirect costs on Federal awards. Agencies may approve grantee requests for an extension on the use of the current rates for one additional year without submission of an indirect cost proposal. Agencies may also approve grantee requests for an extension of the indirect cost rate proposal submission to finalize the current rates and establish future rates.

**12. Extension of closeout.** (2 CFR § 200.343)

Awarding agencies may allow the grantee to delay submission of any pending financial, performance and other reports required by the terms of the award for the closeout of expired projects, provided that proper notice about the reporting delay is given by the grantee to the agency. This delay in submitting closeout reports may not exceed one year after the award expires.



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**13. Extension of Single Audit submission.** (2 CFR § 200.512)

Awarding agencies, in their capacity as cognizant or oversight agencies for audit, should allow recipients and subrecipients that have not yet filed their single audits with the Federal Audit Clearinghouse as of the date of the issuance of this memorandum that have fiscal year-ends through June 30, 2020, to delay the completion and submission of the Single Audit reporting package, as required under Subpart F of 2 CFR § 200.501 – *Audit Requirements*, to six (6) months beyond the normal due date. No further action by awarding agencies is required to enact this extension. This extension does not require individual recipients and subrecipients to seek approval for the extension by the cognizant or oversight agency for audit; however, recipients and subrecipients should maintain documentation of the reason for the delayed filing. Recipients and subrecipients taking advantage of this extension would still qualify as a "low-risk auditee" under the criteria of 2 CFR § 200.520 (a) – *Criteria for a low-risk auditee*.

To receive the latest information on grants, including COVID-19 update, sign up for the Grants Community of Practice by clicking at: https://www.performance.gov/CAP/grants/



AMERICAN OVERSIGHT

**From:** Carol Thomas
**Sent:** Tue, 31 Mar 2020 01:23:41 +0000
**To:** COVID-19
**Subject:** Cancelled Classes Due to COVID-19 Related Issues and R2T4

If our institution switched a class from in classroom to an online class due to COVID-19 issues and subsequently cancelled the class before the end of the semester, would the student and/or the institution have to repay any student or instructional debt due as a result of R2T4? In this case the students would have been in attendance since the start of semester and already received financial aid.
Thank you,
Carol Thomas
Citrus College
Director of Financial Aid
Cthomas@citruscollege.edu

AMERICAN OVERSIGHT

**From:** Larry Chambers
**Sent:** Tue, 31 Mar 2020 01:52:28 +0000
**To:** COVID-19
**Subject:** Change in academic calendar request OPEID 00280600

To Whom It May Concern:

I had contacted the NY Regional Office regarding our decision to extend our spring semester break by one week due to the COVID-19 situation to allow us to migrate to remote learning environment reducing student exposure to COVID-19 and was advised to send an email.

This changed our academic year from a total of 30 weeks to 29 as noted below.

| | Begin/end Dates | Scheduled breaks for R2t4 calc | # of weeks in term for instruction |
|---|---|---|---|
| Fall 2019 | 8/26/19 – 12/18/19 | None | 15 |
| Spring 2020 Old | 1/13/20 – 5/6/20 | 3/8/20 – 3/15/20 | 15 |
| Spring 2020 new | 1/13/20 – 5/6/20 | 3/8/20 – 3/22/20 | 14 |

We are a credit hour school. Please advise of next steps. We are interested in knowing what R2T4 calcs we should be using prior to the decision of extending our spring break. It is our understanding that for students w/d after the new spring break would have a different midpoint or use of Last Date of Academic Related Activity (LDARA).

Thank you. Please feel free to contact me should you have any questions. We are working remotely so my cell phone number is 607-342-8773 if you need to reach me by phone. I do have access to email as well.

Wishing you health and safety in these challenging times in higher ed and our nation.

Best,

**Larry Chambers**
Associate Vice President and Director
Office of Financial Aid and Scholarships
56 Lomb Memorial Drive
Rochester, NY 14623
585-475-2186
Larry.Chambers@rit.edu
www.rit.edu/financialaid

RIT | Rochester Institute of Technology

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**From:** Samuel Trone
**Sent:** Mon, 30 Mar 2020 15:57:38 +0000
**To:** COVID-19
**Subject:** COA Increase Documentation

Good Morning,

In the guidance I see professional judgement is acceptable due to COVID-19 with appropriate documentation. Our students will be completing the spring semester "on time," but due to the school being physically closed for an unknown amount of time, the usual art exhibition by graduating students will be pushed back months. Is it safe to use professional judgement to increase the COA to allow for graduating students to borrow for the additional months they will be in studio until they're able to hold the art show? What documentation is acceptable? Rent/food/utility bills?

So our semester isn't being extended, but students will be in studio when the school is able to reopen, and then use the summer to prepare for the exhibition to graduate.

Thank You,

**SAM TRONE**
Financial Aid Manager
*(Pronouns - He, Him, His)*

Pennsylvania Academy of the Fine Arts
128 N. Broad Street, Philadelphia, PA 19102
215-972-2019 | pafa.edu | pafa.org

Pennsylvania Academy of the Fine Arts PAFA

AMERICAN OVERSIGHT

**From:** Kass Von der Mehden
**Sent:** Mon, 30 Mar 2020 20:09:10 +0000
**To:** COVID-19
**Cc:** FinancialAid
**Subject:** Covid 19 info:Parent Plus and Grad plus loans

Hi,

Thank you for taking our questions!
I have currently enrolled students who are receiving Grad Plus loans, as well as parent borrowers whose children are enrolled.
Are there Covid 19 interest benefits for these borrowers?
Do they need to apply for it, if so?

**Kass Von der Mehden**
**Empire College**
Federal Student Loan Repayment Manager
707/546-4000x 225
kvon@empirecollege.com

AMERICAN OVERSIGHT

**From:** Sells, Jean
**Sent:** Mon, 30 Mar 2020 20:42:45 +0000
**To:** COVID-19
**Subject:** Deadline for submitting the IDC under the Coronavirus (COVID-19) pandemic

Hello.

I am a debt/default advisor with a school that is working on the IDC for the 2017 3YR draft CDR. Due to the COVID-19 pandemic, is there any talk of perhaps extending the 45 day time frame to submit challenges?

Thank you,

**Jean Sells**
*Default Management Advisor*
Financial Aid

*office* 719-502-2355
*fax* 719-502-2074
*main office* 719-502-3000

*Pronouns: She, Her, Hers*

AMERICAN OVERSIGHT

**From:** bcarson@eccc.edu
**Sent:** Mon, 30 Mar 2020 18:35:52 -0500
**To:** COVID-19
**Subject:** Defaulted Perkins Loans and Required Assignment

Due to COVID-19 our college has had an interruption of our normal operations.

Will there be an extension to the deadline for the required assignment of Perkins loans that are in default for two or more years? Our college had received an email on February 5, 2020 with the requirements and a deadline of 90 days from the date of the email to complete all required processes and to submit the loans for assignment.
As part of the assignment process, the college is supposed to send a letter to the defaulted borrowers to let them know about the loan assignment to the U.S. Department of Education and to provide information on where payments should be sent to the college in the meantime. We have not finished that part of the process yet. Will there be a pause on sending letters such as this and/or collection bills to these defaulted borrowers? Will the calculation of interest for defaulted Perkins be affected in any way?

Thank you,

**Brenda G. Carson**
**Director of Financial Aid**
**East Central Community College**
**PO Box 129**
**Decatur, MS 39327**
**Phone: 601-635-6378**
**FAX: 601-635-5216**
**www.eccc.edu**

AMERICAN OVERSIGHT

**From:** Krys Webb
**Sent:** Mon, 30 Mar 2020 08:54:47 -0500
**To:** COVID-19
**Subject:** DocuSign

Good Morning,
We would like to utilize DocuSign due to our current covid-19 situation to limit as much face to face interaction as possible, does DOE have any type of regulation on this? I would appreciate any help you can provide. Thank you so much!

*Thank You,*
*Krys Webb*

Director of Financial Aid
**Main: 806.331.9233**
**Direct Line / Text / Fax: 806.839.6756**

AMERICAN OVERSIGHT

**From:** Chancellor, Johnathan
**Sent:** Mon, 30 Mar 2020 13:26:01 +0000
**To:** COVID-19
**Subject:** Early Graduation and Grace Period

Hello,
If a school approves early graduation for its students, would the grace period for repayment become 6 months from the new conferral date or would it stay the same based on the original graduation date?
Thank you!

Johnathan Chancellor
Director, Financial Aid
NYU Grossman School of Medicine
212-263-5826

AMERICAN OVERSIGHT

**From:** Murphy, Tammy
**Sent:** Mon, 30 Mar 2020 13:40:41 +0000
**To:** COVID-19
**Subject:** EFA

Good Morning,

Our university would like to offer our students assistance during this difficult time and have considered issuing gift cards. Would these gift cards need to be considered EFA? Is the Department issuing any guidance on how emergency assistance is to be treated?

The administration is also considering having meals from a food catering business delivered to students who are experiencing additional financial need, would this also need to be considered estimated financial assistance?

Thank you for any guidance you may give.

TAMMY MURPHY
DIRECTOR OF INSTITUTIONAL FINANCIAL AID

INDIANA WESLEYAN UNIVERSITY
4201 SOUTH WASHINGTON STREET
MARION, IN 46953

AMERICAN OVERSIGHT

**From:** Altsher, Deborah
**Sent:** Mon, 30 Mar 2020 20:50:43 +0000
**To:** COVID-19
**Cc:** Justin Draeger, NASFAA President & CEO
**Subject:** Emergency Funding CARES

Hello,

My administration is thinking about reducing fees across the board for students for the spring and summer semesters, and taking the CARES $$ as the 50% student portion to pay for this. (not the administrative portion)

Is this allowable to use the $ in this way?

Thanks,

Deborah

*Deborah Altsher*
Director of Financial Aid
MGH Institute of Health Professions
Charlestown Navy Yard
36 1st Avenue
Boston MA 02129
617.724.6356

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**From:** Nechama Landesman
**Sent:** Mon, 30 Mar 2020 17:53:45 +0000
**To:** COVID-19
**Subject:** extending permission for distance, online learning during C0vid

I direct an institution that generally offers site based learning. Due to the virus that has affected every institution of learning, as our students went home, we quickly opted for a platform for online instruction, some teleconferencing with strict requirements for attendance (=participation) , assignments and regular student outcomes so that, G-d Willing, when this is all over, there is supporting documentation to assign grades and give credit for a semester that was so abruptly halted.

My question is as follows:

Our accrediting agency does not have authority to review distance learning. How will this affect our student's credits and PEL? We would like to offer our students some real guidance. Our instructors have extended themselves to prepare for the more challenging form of instruction either on line or via phone conference and so far, both students and instructors are pleased that learning has continued uninterrupted. We have extended ourselves financially to serve our students during this time and might change our policy if we knew that no credits could be awarded for the semester. Students would also be reluctant to put in so much work for a semester that will have no credit value as well as a cessation of their PEL grants for those few who are eligible. Our agency doesn't have answers and our students are asking for them. What is general DOE policy in these turbulent times? Would you send me a policy document that would answer this question?

Thank you,

Nechama Chinn

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

**From:** Nancy Conneely
**Sent:** Mon, 30 Mar 2020 17:08:22 +0000
**To:** COVID-19
**Subject:** Financial aid questions

I'm reaching out because we've gotten a few questions from law schools about financial aid. I've looked at the existing ED guidance, but still need a little help filling in the details.

1. A number of law schools have existing emergency funds that they are ready to use to give grants to students, but are worried about bumping up against COA limits. They know that if a student has maxed out his/her aid, the emergency grant will have to go towards paying down the loans.
    a. Is professional judgement the only way to get around this?
    b. The SEOG waiver in the *CARES Act* seems to give schools flexibility in giving that grant to students over COA (i.e., SEOG would not count as financial assistance for the purposes of determining amount of need). Does such a waiver exist for institutional aid/grants? Would ED extend this kind flexibility to schools that have their own emergency grant funds?

2. At least one law school inquired about extending the current spring term for graduating students to August/September. ED's March 20th FAQs seem to indicate that a school can extend the spring term even if it overlaps with a summer term.
    a. How long can the spring term be extended?
    b. Would a school/student be limited to loans up to COA for the school year? In other words, could the school offer more aid to cover living expenses and the cost associated with the online classes?

I really appreciate any guidance you can provide. Schools are ready to act, but want to make sure they are following the rules, so if you could get back to me soon, that would be great.

Best,
Nancy

**Nancy Conneely**
Director of Policy
440 First St. NW, Suite 550 ▪ Washington, DC 20001
**Direct** (202) 596 3203 **Office** (202) 596 3700
**AccessLex.org**

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**From:** Kesner, Paul
**Sent:** Mon, 30 Mar 2020 17:33:23 +0000
**To:** COVID-19
**Subject:** FW: Accommodations for Students with "Suspected" Disabilities during COVID-19_Lisa Woodcock-Burroughs_MI

Please redirect to OSERS.

---

**From:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Sent:** Monday, March 30, 2020 1:08 PM
**To:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Accommodations for Students with "Suspected" Disabilities during COVID-19_Lisa Woodcock-Burroughs_MI

---

**From:** Broady, Cheryl <Cheryl.Broady@ed.gov>
**Sent:** Monday, March 30, 2020 10:05 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Accommodations for Students with "Suspected" Disabilities during COVID-19_Lisa Woodcock-Burroughs_MI

---

**From:** Lisa Woodcock-Burroughs <lwoodcock-burroughs@cnld.org>
**Sent:** Monday, March 30, 2020 7:43 AM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>
**Subject:** Accommodations for Students with "Suspected" Disabilities during COVID-19

Good morning Cheryl,

I hope that you and your family are well as we navigate this time of uncertainty.

As schools in Michigan are currently closed, many people, myself included have questions regarding how supports will be provided to students with special needs.

I have a rather specific question regarding whether or not school districts have to afford students "suspected" of having a disability with provisional accommodations until a formal evaluation can be completed.

- For example, if the school has started their evaluation (but not finished), and schools reopen with a distance learning format, can students be granted accommodations even though their evaluations are not complete?

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- Relatedly, if a student was in the process of being evaluated privately (at parent expense), can they receive "provisional" accommodations from the school district. It seems that the answer would be "yes"; however, I know from my many years or work as a school psychologist in a public school setting that people are often bound by organizational constraints that may prohibit them from doing what they believe is right.

Any guidance you can share would be very much appreciated.

Thank you and take care,
Lisa

Lisa Woodcock-Burroughs, Ph.D., L.P., N.C.S.P.

Center for Neuropsychology, Learning and Development

5864 Interface Drive
Suite D
Ann Arbor, MI 48103

Phone (734) 994-9466, Fax (734)994-9465

lwoodcock-burroughs@cnld.org

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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 14:42:14 +0000
**To:** Mayes, Edgar
**Cc:** COVID-19
**Subject:** FW: America will Recovery but a Hard Nationwide shutdown is needed right now

Hello

The inquiry below was received in the COVID-19 mailbox.

**From:** Joy <joyluv70@aol.com>
**Sent:** Friday, March 27, 2020 5:03 AM
**To:** subscriptions@cdc.gov; ADPolicy@cdc.gov; PCDmedia@cdc.gov; media@hhs.gov; COVID-19 <COVID-19@ed.gov>; media@cdc.gov
**Subject:** RE: America will Recovery but a Hard Nationwide shutdown is needed right now

America will Recovery but a Hard Nationwide shutdown is needed right now
We can't let Fear of loosing cause us to move too fast, its time to Be Still

Dear President Trump Administration and all State and Local government officials,

Let me start by saying "This too shall Pass" and America will make a fully recovery. To President Donald Trump and his administration, I would like to commend you on the outstanding job you are doing helping the Nation through the worst crisis we've had in modern times. I understand that as our President you want to get the Nation back to work because it is important that we set goals to move the Nation forward but right now the entire Nation needs a total shutdown for the Month of April to help stop the Spread of this Virus.

Though we all Love America, we can learn from other Nations that have experienced fighting this invisible enemy called Coronavirus. First ask yourself; How did Wuhan China stop the spread of this virus and get its country back on track? They did a strict total shutdown, cleaned the surface areas of their Cities and worked to find a cure/treatment for this virus. The virus is more contagious than the seasonal flu and it is foolish to down play this contagion.

Mr. President Sir, the Country has invested Trillions(The most in History) to fight back against this invisible evil enemy and now is the time to have a

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"strict" Nationwide shutdown early so that we can really FLATTEN the curve, get our cities cleaned and work fervently on a cure/treatment. Yes, there is nothing wrong with believing that by Easter things will get better but let not fear of the economy failing cause us to not take the strict measures we need to take right now, in order to "Flatten this curve so Flat that it is Dead".

Yes we love Israel, and we can also learn from our dear friends in Israel. President Netanyahu had the wisdom to have a hard Nationwide shutdown, India has also implemented a hard nationwide shutdown of more that 1.3 Billion People and they did this because that is what Wuhan China did to slow the spread and get a hand up on this invisible enemy. The quicker we shut everything down, the quicker we can get back to normal. This virus can exist for several days on some surfaces and that coupled with its very high contagion rate is why the only way to Slow the Spread and Flatten the Curve is to have strict stay at home protocol for time period of at least 30 days.

Unlike the seasonal Flu, the Corona virus uses some people as secret carries or hosts and those people display no symptoms to very mild symptoms, thus these people can unknowingly spread the virus to more vulnerable people that can have severe to even deadly reactions to this virus. One of the very healthy Utah Jazz NBA players that was diagnosed with this virus said he felt great and would have never thought he had this virus, even well enough to play a basketball game both before and after he was diagnosed. Mr. President you said that we're at war with an invisible enemy and you are right Sir and the best way to defeat an enemy it to know its strengths, weaknesses and how it hides or camouflages itself to gain the advantage of surprise. This virus is a very sinister and tricky enemy that has proven that it thrives when it is underestimated so as a Nation; let's not let our guards down, but let us instead be watchful, vigilant, prayerful, wise, highly sanitary and extremely cautious. When human lives are at stake you can never be too cautious!

America has some of the bravest people of faith on the Planet and we've done more to help other nations than most but right now we must HUMBLE ourselves under the Mighty hand of God and God will raise us up and we Pray that beginning Easter Week some major breakthroughs will take place and we will begin to win the war against this evil virus from Coast to Coast and Sea to Shining Sea.

Mr. President, you have led this nation well the last almost 4 years and many of the enemies who tried to defeat you have end up loosing. But think for moment, it may be Hell's strategy to play on your fears of loosing your

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greatest re-election tool "The Strongest Economy in recent years". Sir, don't let your fears cause you not to do what needs to be done and that is to implement a Hard Nationwide shutdown from the highest office in the land.

You're right, America didn't cause this but regardless of who caused this "We're in this Fight NOW, so Let's Win it". As people are scared and people are dying by the hundreds everyday in this Nation "we need our Commander in Chief to be the Comforter in Chief". WE Need Calm, Reassuring and Encouraging Leadership right now.

Mr. President, we believe that God is on our side and that we will win this fight! Keep in mind that God told the Israelite's to "Be Still and know that I am God", sometimes God wants His People to Be Still Sir so we can hear His voice. Our Nation needs a Healing, not just of the Coronavirus but we need a Spiritual awakening and during this time of calmness and stillness God is drawing His People Closer to Him. Think about how divided our Nation was before this crisis came to our shores, now we have people helping each other regardless of their political party or their race. What the enemy did to hurt our Nation, God is going to us it to bring us together and He is going to turn this around for our Good. God promises us this “And we know that all things work together for good to those who love God, to those who are the called according to His purpose.” Romans 8:28

Make the hard decision Sir, to Implement a Hard nationwide shutdown from the Highest office in the Land for the Month of April, with the hopes that beginning close to Easter our Country will have a Resurrection of its own and that our Economy start the process to come roaring back like never before after we've paused for a while. Don't be surprised if many people who didn't vote Republican in 2016 are going to vote to re-elect the man who help them through the hardest times our Nation has seen in decades. Many forces have tried to stop you in the White House; the Muller Russian Probe, the Ukrainian Impeachment fiasco, and they all failed. I have Good News for our Nation and you Sir, this latest invisible enemy will fail too, so don't be worried, because "if God is for you, who can be against you" Romans 8:31. God is for the American People and President Trump, this is why we will win!

In God we Trust,

J Shaw

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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 19:08:06 +0000
**To:** Sullivan, Madeline;Williams, Bryan
**Cc:** COVID-19
**Subject:** FW: Awareness

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Porcha Wright <(b)(6)
**Sent:** Saturday, March 28, 2020 10:34 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Fw: Awareness

----- Forwarded Messag (b)(6)
**From:** Porcha Wright <
**To:** covid-19@slhelp.gov <covid-19@slhelp.gov>
**Sent:** Saturday, March 28, 2020, 10:28:51 AM EDT
**Subject:** Awareness

----- Forwarded Message -----
**From:** Porcha Wright <(b)(6)
**To:** covid-19@slhelp.gov <covid-19@slhelp.gov>
**Sent:** Saturday, March 28, 2020, 10:24:21 AM EDT
**Subject:**

Hello, I currently work for a job that consists of us to stay in contact of residents coming in and out of the living community we were told to wear gloves. But at this point I feel as if it is not working. People are still constantly going in and out and I am left to take IDs. Back and forth. I don't feel safe. I just wanted to know. Is it a way that The association can slow down the traffic So if someone has it I will not get infected and send it to my kids. People are doing as much as coughing on their IDs. They are taking it as a joke. And I really do not want to quit my job due to my safety. And not be able to pay my rent. Can someone please help?

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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 12:52:24 +0000
**To:** White, Nicole
**Cc:** COVID-19;Williams, Bryan
**Subject:** FW: budget changes, etc.
**Attachments:** M-20-17 (5).pdf

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Vicki Dansberry <vicki.dansberry@nkces.org>
**Sent:** Monday, March 30, 2020 8:13 AM
**To:** COVID-19 <COVID-19@ed.gov>; Burton, Sharon <Sharon.Burton@ed.gov>; White, Nicole <Nicole.White@ed.gov>
**Subject:** budget changes, etc.

I have read guidance from OMB about potential changes to activities and budgets and reporting due to the changed environment for schools and all of us (one example attached). Is there guidance about how to apply this to our ED grants? For example, what is ED's view of carryover funding due to this disruption? I even can see potential long-term issues that may result in need for No-Cost extensions at the end of some grants…

Alternatively, acute needs have arisen in some areas that may require us to extend critically needed services that we'd not envisioned at the beginning of our projects. What I'm considering, for example, is the need for extended technology support for students (I'm thinking IAL grant here for literacy/STEM support, and potentially for telehealth for Project Prevent's mental health supports) who do not have home access that we'd not anticipated, but additional needs are likely to be identified in the weeks to come. Shifting costs within budget categories is possible in some instances; is there any change in guidance about what is needed to be reported to you all for shifting from one category to another?

Finally, we need direction about reporting, especially for objectives that involve state assessments and other assessments that will not be able to be conducted this year.

Thanks for your support in this challenging time!

Vicki

Vicki Dansberry

***(if you want to reach me by phone during the Coronavirus isolation period: 859-750-1587)***

Northern Kentucky Cooperative for Educational Services

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Grants Consortium
5516 East Alexandria Pike
Cold Spring, Ky 41076
859-442-8600 X 13

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEPUTY DIRECTOR
FOR MANAGEMENT

March 19, 2020

M-20-17

MEMORANDUM TO THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Margaret Weichert
Deputy Director of Management (b)(6) [redacted]

SUBJECT: Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19) due to Loss of Operations

On March 9, 2020, OMB issued M-20-11, "*Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly impacted by the Novel Coronavirus (COVID-19)*," to provide agencies with additional flexibilities for grants assisting the response to COVID-19. The scope of the M-20-11 was narrowly crafted to provide flexibility to grant recipients performing essential research and services necessary to carry out the emergency response related to COVID-19.

This memorandum provides similar administrative relief listed in M-20-11 to an expanded scope of recipients affected by the loss of operational capacity and increased costs due to the COVID-19 crisis. Many of the operational impacts and costs are unknowable at this point, as they will depend on the spread of the coronavirus and response dictated by public health needs. This memorandum provides short term relief for administrative, financial management, and audit requirements under 2 CFR Part 200, *Uniform Administrative Requirements, Cost principles and Audit Requirements for Federal Awards*, without compromising Federal financial assistance accountability requirements. As program managers are considering administrative relief, they should be prudent in their stewardship of Federal resources which includes giving consideration to potential offsets—e.g. reduction in training and travel. In addition, the flexibilities provided within this memorandum, agencies are reminded of their existing flexibility to issue exceptions on a case-by-case basis in accordance with 2 CFR § 200.102, *Exceptions.* M-20-11 shall continue to apply, and Appendix A describes the exceptions granted under this memorandum to recipients affected by the loss of operational capacity. These exceptions are time limited and will be reassessed by OMB within 90 days of this Memo.

Questions regarding the above administrative relief provisions should be directed to Office of Federal Financial Management Grant link at GrantsTeam@omb.eop.gov. OMB will continue to provide updates and additional information as the situation unfolds. For the latest information, sign up for the Grants Community of Practice by clicking at: https://www.performance.gov/CAP/grants/

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## Appendix A – Administrative Relief Exceptions for COVID-19 Crisis

Federal awarding agencies are authorized to take the following actions, as they deem appropriate and to the extent permitted by law, with respect to the administrative provisions that apply to recipients grantees affected by the COVID-19 (for both recipients with COVID-19 related grants and other types of Federal grants). Awarding agencies are required to maintain records on the level of particular exceptions provided to recipients. For items 6 and 7, awarding agencies must require recipients to maintain appropriate records and documentation to support the charges against the Federal awards.

**1. Flexibility with SAM registration.** (2 CFR § 200.205)

Awarding agencies can relax the requirement for active System for Award Management (SAM) registration at time of application in order to expeditiously issue funding. At the time of award, the requirements of 2 CFR § 200.205, *Federal awarding agency review of risk posed by applicants*, continue to apply. Current registrants in SAM with active registrations expiring before May 16, 2020 will be afforded a one-time extension of 60 days.

**2. Flexibility with application deadlines.** (2 CFR § 200.202)

Awarding agencies may provide flexibility with regard to the submission of competing applications in response to specific announcements, as well as unsolicited applications. As appropriate, agencies should list specific guidance on their websites and/or provide a point of contact for an agency program official.

**3. Waiver for Notice of Funding Opportunities (NOFOs) Publication.** (2 CFR § 200.203)

For competitive grants and cooperative agreements, awarding agencies can publish emergency Notice of Funding Opportunities (NOFOs) for less than thirty (30) days without separately justifying shortening the timeframe for each NOFO. Awarding agencies would still be required to document and track NOFOs published for less than thirty (30) days under this emergency waiver.

**4. No-cost extensions on expiring awards.** (2 CFR § 200.308)

To the extent permitted by law, awarding agencies may extend awards which were active as of March 31, 2020 and scheduled to expire prior or up to December 31, 2020, automatically at no-cost for a period of up to twelve (12) months. This will allow time for recipient assessments, the resumption of many individual projects, and a report on program progress and financial status to agency staff. Project-specific financial and performance reports will be due 90 days following the end date of the extension. Awarding agencies will examine the need to extend other project reporting as the need arises.



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5. **Abbreviated non-competitive continuation requests.** (2 CFR § 200.308)

For continuation requests scheduled to come in from April 1, 2020 to December 31, 2020, from projects with planned future support, awarding agencies may accept a brief statement from recipients to verify that they are in a position to: 1) resume or restore their project activities; and 2) accept a planned continuation award. Awarding agencies should post any specific instructions on their website. Awarding agencies will examine the need to extend this approach on subsequent continuation award start dates as recipients have an opportunity to assess the situation.

6. **Allowability of salaries and other project activities.** (2 CFR § 200.403, 2 CFR § 200.404, 2 CFR § 200.405)

Awarding agencies may allow recipients to continue to charge salaries and benefits to currently active Federal awards consistent with the recipients' policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal. Awarding agencies may allow other costs to be charged to Federal awards necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the project. Awarding agencies may also evaluate the grantee's ability to resume the project activity in the future and the appropriateness of future funding, as done under normal circumstances—based on subsequent progress reports and other communications with the grantee. Awarding agencies must require recipients to maintain appropriate records and cost documentation as required by 2 CFR § 200.302 – *Financial management* and 2 CFR § 200.333 - *Retention requirement of records* to substantiate the charging of any salaries and other project activities costs related to interruption of operations or services.

7. **Allowability of Costs not Normally Chargeable to Awards.** (2 CFR § 200.403, 2 CFR § 200.404, 2 CFR § 200.405)

Awarding agencies may allow recipients who incur costs related to the cancellation of events, travel, or other activities necessary and reasonable for the performance of the award, or the pausing and restarting of grant funded activities due to the public health emergency, to charge these costs to their award without regard to 2 CFR § 200.403, *Factors affecting allowability of costs*, 2 CFR § 200.404, *Reasonable costs*, and 2 CFR § 200.405, *Allocable costs*. Awarding agencies may allow recipients to charge full cost of cancellation when the event, travel, or other activities are conducted under the auspices of the grant. Awarding agencies must advise recipients that they should not assume additional funds will be available should the charging of cancellation or other fees result in a shortage of funds to eventually carry out the event or travel. Awarding agencies must require recipients to maintain appropriate records and cost documentation as required by 2 CFR § 200.302 – *Financial management* and 2 CFR § 200.333 - *Retention requirement of records*, to substantiate the charging of any cancellation or other fees related to interruption of operations or services. As appropriate, awarding agencies may list additional guidance on specific types of costs on their websites and/or provide a point of contact for an agency program official.



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**8. Prior approval requirement waivers.** (2 CFR § 200.407)

Awarding agencies are authorized to waive prior approval requirements as necessary to effectively address the response. All costs charged to Federal awards must be consistent with Federal cost policy guidelines and the terms of the award, except where specified in this memorandum.

**9. Exemption of certain procurement requirements.** (2 CFR § 200.319(b), 2 CFR § 200.321)

Awarding agencies may waive the procurement requirements contained in 2 CFR § 200.319(b) regarding geographical preferences and 2 CFR § 200.321 regarding contracting small and minority businesses, women's business enterprises, and labor surplus area firms.

**10. Extension of financial, performance, and other reporting.** (2 CFR § 200.327, 2 CFR § 200.328)

Awarding agencies may allow grantees to delay submission of financial, performance and other reports up to three (3) months beyond the normal due date. If an agency allows such a delay, grantees will continue to draw down Federal funds without the timely submission of these reports. However, these reports must be submitted at the end of the postponed period. In addition, awarding agencies may waive the requirement for recipients to notify the agency of problems, delays or adverse conditions related to COVID-19 on a grant by grant basis (200 CFR 200.328(d)(1).

**11. Extension of currently approved indirect cost rates.** (2 CFR § 200.414 (c))

Awarding agencies may allow grantees to continue to use the currently approved indirect cost rates (i.e., predetermined, fixed, or provisional rates) to recover their indirect costs on Federal awards. Agencies may approve grantee requests for an extension on the use of the current rates for one additional year without submission of an indirect cost proposal. Agencies may also approve grantee requests for an extension of the indirect cost rate proposal submission to finalize the current rates and establish future rates.

**12. Extension of closeout.** (2 CFR § 200.343)

Awarding agencies may allow the grantee to delay submission of any pending financial, performance and other reports required by the terms of the award for the closeout of expired projects, provided that proper notice about the reporting delay is given by the grantee to the agency. This delay in submitting closeout reports may not exceed one year after the award expires.



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**13. Extension of Single Audit submission.** (2 CFR § 200.512)

Awarding agencies, in their capacity as cognizant or oversight agencies for audit, should allow recipients and subrecipients that have not yet filed their single audits with the Federal Audit Clearinghouse as of the date of the issuance of this memorandum that have fiscal year-ends through June 30, 2020, to delay the completion and submission of the Single Audit reporting package, as required under Subpart F of 2 CFR § 200.501 – *Audit Requirements*, to six (6) months beyond the normal due date. No further action by awarding agencies is required to enact this extension. This extension does not require individual recipients and subrecipients to seek approval for the extension by the cognizant or oversight agency for audit; however, recipients and subrecipients should maintain documentation of the reason for the delayed filing. Recipients and subrecipients taking advantage of this extension would still qualify as a "low-risk auditee" under the criteria of 2 CFR § 200.520 (a) – *Criteria for a low-risk auditee*.

To receive the latest information on grants, including COVID-19 update, sign up for the Grants Community of Practice by clicking at: https://www.performance.gov/CAP/grants/



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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 14:24:42 +0000
**To:** VanderPloeg, Laurie;Wexler, Larry;Corr, Gregg
**Cc:** COVID-19
**Subject:** FW: CIFR #H373F140001: State questions re: Fiscal implications of COVID-19 school closures
**Attachments:** State Fiscal Questions for OSEP from CIFR on Covid 19 Implications 3_24_20.docx

Hello OESE,

Please see the email inquiry below.

Thank You,

Franka

**From:** Dave Phillips <dphilli2@wested.org>
**Sent:** Sunday, March 29, 2020 9:44 AM
**To:** Kniseley, Charles <Charles.Kniseley@ed.gov>; Finch, Jennifer <Jennifer.Finch@ed.gov>
**Cc:** Schneer, Matthew <Matthew.Schneer@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** CIFR #H373F140001: State questions re: Fiscal implications of COVID-19 school closures

Hi Charlie and Jennifer with a cc; to Matt and the ED COVID-19 email address per his request via the NCSI Fiscal Support Team -

First, I hope you and your loved ones are all doing as well as can be under these circumstances.

Second, I am attaching a summary of questions from states about the impacts of school closures and other state and local actions taken as a result of COVID-19 on the IDEA fiscal requirements.

We gathered these questions last Tuesday on a CIFR Open Doors webinar designed for this purpose. Summarized by topic area, these questions represent current "top-of-mind" questions from over 100 SEA staff with IDEA fiscal responsibilities in regards to the pandemic.

Please reach out if with any questions and happy to discuss further.

Thank you -
Dave

--
Dave Phillips
Project Director
WestEd Special Education Policy & Practice
Phone: 802-951-8206

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Email: dphilli2@wested.org

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CIFR
Center for IDEA Fiscal Reporting
WestEd

# State Questions for OSEP on Fiscal Implications of COVID-19 School Closures

March 24, 2020

*The Center for IDEA Fiscal Reporting (CIFR) held an "Open Doors" Community of Practice webinar for SEA staff with IDEA fiscal responsibilities on March 24, 2020. The purpose of the call was to gather state questions about the near and long-term impacts on the IDEA fiscal requirements associated with school closures and other policy and program actions taken by states and districts to address the COVID-19 pandemic. CIFR staff facilitated the conversation with over 100 SEA participants. The questions have been categorized by topic area and per the state's request we have submitted to the ED COVID-19 email on their behalf. Please contact Dave Phillips, CIFR Co-Director, with questions: dphilli2@wested.org.*

**Maintenance of State Financial Support (MFS)**

- Will there be a blanket waiver for all states for MFS because of COVID-19?
- Will OSEP consider multiple-year MFS waivers?

**Local Education Agency Maintenance of Effort (LEA MOE)**

- May a state implement a temporary LEA MOE waiver for LEAs?
- Will OSEP require states to pay back LEA MOE failure amounts for FFY 2019 compliance tests? FFY 2020?
- If LEAs expend additional funds in FFY 2019 to address needs arising from COVID-19 and exceeds the original required MOE, may OSEP and SEAs allow LEAs to use the original FFY 2019 required MOE as the comparison amount the following year?
- If an LEA cannot access data and/or files, may an LEA claim estimated exceptions and be found to meet the eligibility requirement for MOE?

**Coordinated Early Intervening Services (CEIS)**

- What if an LEA fails to spend comprehensive CEIS funds in their period of availability due to COVID-19 school closures?

**OSEP Timelines**

- Are states still required to State Applications by the due date?
- If a state was required to conduct public hearings due to policy changes, may those be virtual due to the COVID-19 closures?



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**Use of IDEA Funds** (salaries, hourly wages, technology)

- With schools closing, are there any issues with continuing to pay salaried staff with IDEA funds?
- What should states consider when deciding whether IDEA funds may be used to pay contractors in order to keep the contractors when actual services have been suspended?
- What should states consider when deciding whether IDEA funds may be used to pay hourly workers? For example, if buses are being used to transport food to students, may IDEA funds be used to pay vendors for transportation costs if some special education related info/homework/etc. is being provided to students with IEPs on the bus route?

**OMB Flexibilities**

*CIFR received several questions about whether the US Department of Education and OSEP will use the flexibilities made availability by OMB on 3/19/20*

- If an LEA has paid for a conference registration fee or plane ticket with IDEA funds for a conference that was cancelled, is the LEA required to recode the expenditure to a non-federal source if they are unable to receive a refund?
- Has USED confirmed that SEAs can delay sending in data files for required federal reporting?
- Due to the unexpected and extended closures of LEAs, will OSEP extend the period of availability for FFY18 and FFY19 IDEA funds?

**Proportionate Share for Equitable Services in Private Schools**

- If an LEA is not providing any services at all, will it not need to provide equitable services?
- If an LEA is providing services, does it need to do consultations with private schools?
- Do LEAs need to provide compensatory services to students in private schools?
- How may proportionate share funds be used if an LEA cannot spend down all of the set aside for proportionate share due to school closures?

**Compensatory Services**

- Can compensatory services take place as part of Extended School Year (ESY) services?
- Many states are concerned about compensatory services with any lapse occurring in IEP services when LEAs are not providing instruction. Does OSEP have any guidance on how compensatory services will be paid for and what monies can be used to pay for such services?


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**Monitoring**

- May states adjust their fiscal monitoring timelines and activities due to closures?



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**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 15:00:44 +0000
**To:** VanderPloeg, Laurie;Wexler, Larry;Corr, Gregg
**Cc:** COVID-19
**Subject:** FW: CIFR #H373F140001: State questions re: Fiscal implications of COVID-19 school closures

Hello,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Schneer, Matthew <Matthew.Schneer@ed.gov>
**Sent:** Sunday, March 29, 2020 1:39 PM
**To:** Dave Phillips <dphilli2@wested.org>; Kniseley, Charles <Charles.Kniseley@ed.gov>; Finch, Jennifer <Jennifer.Finch@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: CIFR #H373F140001: State questions re: Fiscal implications of COVID-19 school closures

Dave:

It is good to hear from you, and the same goes to you and your family. Thanks for collecting this information it will be helpful as we try to put together the most useful information for the States.

Stay well

Matt

**From:** Dave Phillips <dphilli2@wested.org>
**Sent:** Sunday, March 29, 2020 9:44 AM
**To:** Kniseley, Charles <Charles.Kniseley@ed.gov>; Finch, Jennifer <Jennifer.Finch@ed.gov>
**Cc:** Schneer, Matthew <Matthew.Schneer@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** CIFR #H373F140001: State questions re: Fiscal implications of COVID-19 school closures

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Please reach out if with any questions and happy to discuss further.

Thank you -
Dave

--
Dave Phillips
Project Director
WestEd Special Education Policy & Practice
Phone: 802-951-8206
Email: dphilli2@wested.org

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 14:00:52 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: COVID-19 Funding Opportunities

Hello OESE,

Please see the email inquiry below.

Thank You,

Franka

**From:** Lydje Lahens <(b)(6)
**Sent:** Sunday, March 29, 2020 9:23 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 Funding Opportunities

To whom it may concern,

I am writing to request for information regarding funding opportunities for researchers in context of Covid-19 and its effect om student learning. Has/will the Department issue/d any RFPs? Please direct us to this information at your earliest convenience.

Thank you, Lydje Lahens

AMERICAN OVERSIGHT

**From:** Frady, Abbey
**Sent:** Mon, 30 Mar 2020 16:55:36 +0000
**To:** COVID-19
**Cc:** Bentley-Memon, Millicent;Carr, Steven;Gillette, Lisa
**Subject:** FW: CURRENT STATUS IAUPR HEP AND CAMP
**Attachments:** PROGRAM OFFICER LETTER.docx

---

**From:** Isabel Cuevas Martinez <isabel_cuevas@intersg.edu>
**Sent:** Monday, March 30, 2020 11:38 AM
**To:** Frady, Abbey <Abbey.Frady@ed.gov>
**Cc:** NYVIA I. ALVARADO RODRIGUEZ <NIALVARA@intersg.edu>; AGNES MOJICA <AMOJICA@intersg.edu>; Ramón Fernández <ramon_fernandez@sangerman.inter.edu>; Amaury Boscio Vargas <aboscio@inter.edu>; CEOFP@INTER.EDU
**Subject:** CURRENT STATUS IAUPR HEP AND CAMP

Hello Abbey Frady,

Greetings from Puerto Rico.

I hope you and the OME staff are safe at this moment.

Attached to this email you can find an official letter explaining our current status for HEP and CAMP programs.

Sincerely,

Isabel Cuevas
HEP/CAMP Director
Inter American University of Puerto Rico
San Germán Campus
(787)264-1912 ext.7610
(787)787-922-9424
isabel_cuevas@intersg.edu

AMERICAN OVERSIGHT

Inter American University of Puerto Rico
San Germán Campus

March 30, 2020

Ms. Abbey Frady
Education Program Specialist
High School Equivalency Program (HEP)
College Assistance Migrant Program (CAMP)
Office of Migrant Education
U.S. Department of Education
400 Maryland Avenue, SW, 3E321
Washington, D.C. 20202

***RE: IAUPR San Germán Campus, High School Equivalency Program (HEP)(PR/Award # S141A190004) and College Assistance Migrant Program (CAMP)( PR/Award # S149A170018-19)-Impact on Regular Operations due to COVID-19 Lockdown***

Dear Abbey Frady:

Certainly, we are living tough COVID-19 related moments not only in Puerto Rico, but around the world. Through this communication, we inform that the Inter American University of Puerto Rico (IAUPR) has decreed an academic and administrative recess for all its academic units that will be into effect from March 16 to March 30, 2020 or until further notice. This action is in accordance with Puerto Rico's governor Executive Order OE-2020-023 ruling a closure of governmental and private sector operations (lockdown and curfew) in order to combat the effects of coronavirus (COVID-19) and to control the risk of infection on our island. HEP and CAMP programs will remain closed as well to make sure staff and student's stay safe and healthy.

Due to these circumstances, projects activities will be transitioning to a virtual program in order to provide supporting services to our students during the emergency. We are currently working on the revision of our workplan and projects activities in order to minimize the impact on project objectives and ensure effective projects continuation until the end of fiscal year.

Please advise on any available agency guidance we should consider to ensure the continuity of program services, as well as institutional and project compliance and accountability.

Cordially,

Isabel Cuevas
HEP/CAMP Director
Inter American University of Puerto Rico
San Germán Campus
(787)264-1912 ext.7610
isabel_cuevas@intersg.edu

Cc Prof. Agnes Mojica, Chancellor
Dr. Amaury Boscio

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 17:07:36 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CURRENT STATUS IAUPR HEP AND CAMP
**Attachments:** PROGRAM OFFICER LETTER.docx

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Frady, Abbey <Abbey.Frady@ed.gov>
**Sent:** Monday, March 30, 2020 12:56 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Bentley-Memon, Millicent <Millicent.Bentley-Memon@ed.gov>; Carr, Steven <Steven.Carr@ed.gov>; Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** FW: CURRENT STATUS IAUPR HEP AND CAMP

---

**From:** Isabel Cuevas Martinez <isabel_cuevas@intersg.edu>
**Sent:** Monday, March 30, 2020 11:38 AM
**To:** Frady, Abbey <Abbey.Frady@ed.gov>
**Cc:** NYVIA I. ALVARADO RODRIGUEZ <NIALVARA@intersg.edu>; AGNES MOJICA <AMOJICA@intersg.edu>; Ramón Fernández <ramon_fernandez@sangerman.inter.edu>; Amaury Boscio Vargas <aboscio@inter.edu>; CEOFP@INTER.EDU
**Subject:** CURRENT STATUS IAUPR HEP AND CAMP

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Sincerely,

Isabel Cuevas
HEP/CAMP Director
Inter American University of Puerto Rico
San Germán Campus
(787)264-1912 ext.7610

AMERICAN OVERSIGHT

(787)787-922-9424
isabel_cuevas@intersg.edu

AMERICAN OVERSIGHT

Inter American University of Puerto Rico
San Germán Campus

March 30, 2020

Ms. Abbey Frady
Education Program Specialist
High School Equivalency Program (HEP)
College Assistance Migrant Program (CAMP)
Office of Migrant Education
U.S. Department of Education
400 Maryland Avenue, SW, 3E321
Washington, D.C. 20202

***RE: IAUPR San Germán Campus, High School Equivalency Program (HEP)(PR/Award # S141A190004) and College Assistance Migrant Program (CAMP)( PR/Award # S149A170018-19)-Impact on Regular Operations due to COVID-19 Lockdown***

Dear Abbey Frady:

Certainly, we are living tough COVID-19 related moments not only in Puerto Rico, but around the world. Through this communication, we inform that the Inter American University of Puerto Rico (IAUPR) has decreed an academic and administrative recess for all its academic units that will be into effect from March 16 to March 30, 2020 or until further notice. This action is in accordance with Puerto Rico's governor Executive Order OE-2020-023 ruling a closure of governmental and private sector operations (lockdown and curfew) in order to combat the effects of coronavirus (COVID-19) and to control the risk of infection on our island. HEP and CAMP programs will remain closed as well to make sure staff and student's stay safe and healthy.

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Please advise on any available agency guidance we should consider to ensure the continuity of program services, as well as institutional and project compliance and accountability.

Cordially,

Isabel Cuevas
HEP/CAMP Director
Inter American University of Puerto Rico
San Germán Campus
(787)264-1912 ext.7610
isabel_cuevas@intersg.edu

Cc Prof. Agnes Mojica, Chancellor
Dr. Amaury Boscio

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 18:29:59 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: extending permission for distance, online learning during C0vid

Hello FSA,

Please see the email inquiry below. This may also need to be screened by OPE.

Thank You,

Franka

---

**From:** Nechama Landesman <NLandesman@nevey.org>
**Sent:** Monday, March 30, 2020 1:54 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** extending permission for distance, online learning during C0vid

I direct an institution that generally offers site based learning. Due to the virus that has affected every institution of learning, as our students went home, we quickly opted for a platform for online instruction, some teleconferencing with strict requirements for attendance (=participation) , assignments and regular student outcomes so that, G-d Willing, when this is all over, there is supporting documentation to assign grades and give credit for a semester that was so abruptly halted.

My question is as follows:

Our accrediting agency does not have authority to review distance learning. How will this affect our student's credits and PEL? We would like to offer our students some real guidance. Our instructors have extended themselves to prepare for the more challenging form of instruction either on line or via phone conference and so far, both students and instructors are pleased that learning has continued uninterrupted. We have extended ourselves financially to serve our students during this time and might change our policy if we knew that no credits could be awarded for the semester. Students would also be reluctant to put in so much work for a semester that will have no credit value as well as a cessation of their PEL grants for those few who are eligible. Our agency doesn't have answers and our students are asking for them. What is general DOE policy in these turbulent times? Would you send me a policy document that would answer this question?

Thank you,

Nechama Chinn

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 17:25:27 +0000
**To:** FederalStudentAid
**Cc:** COVID-19
**Subject:** FW: Financial aid questions

---

**From:** Nancy Conneely <nconneely@accesslex.org>
**Sent:** Monday, March 30, 2020 1:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Financial aid questions

I'm reaching out because we've gotten a few questions from law schools about financial aid. I've looked at the existing ED guidance, but still need a little help filling in the details.

1. A number of law schools have existing emergency funds that they are ready to use to give grants to students, but are worried about bumping up against COA limits. They know that if a student has maxed out his/her aid, the emergency grant will have to go towards paying down the loans.
    a. Is professional judgement the only way to get around this?
    b. The SEOG waiver in the *CARES Act* seems to give schools flexibility in giving that grant to students over COA (i.e., SEOG would not count as financial assistance for the purposes of determining amount of need). Does such a waiver exist for institutional aid/grants? Would ED extend this kind flexibility to schools that have their own emergency grant funds?

2. At least one law school inquired about extending the current spring term for graduating students to August/September. ED's March 20th FAQs seem to indicate that a school can extend the spring term even if it overlaps with a summer term.
    a. How long can the spring term be extended?
    b. Would a school/student be limited to loans up to COA for the school year? In other words, could the school offer more aid to cover living expenses and the cost associated with the online classes?

I really appreciate any guidance you can provide. Schools are ready to act, but want to make sure they are following the rules, so if you could get back to me soon, that would be great.

Best,
Nancy

AMERICAN OVERSIGHT

**Nancy Conneely**
Director of Policy
440 First St. NW, Suite 550 ▪ Washington, DC 20001
**Direct** (202) 596 3203 **Office** (202) 596 3700
**AccessLex.org**

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AMERICAN OVERSIGHT

**From:** Stephenson, Todd
**Sent:** Mon, 30 Mar 2020 18:47:12 +0000
**To:** COVID-19
**Cc:** OESE.titlei-a
**Subject:** FW: Funding for work from home

**From:** Paula M Harris -MSDE- <paulam.harris@maryland.gov>
**Sent:** Monday, March 30, 2020 2:39 PM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Subject:** Funding for work from home

Hi Todd,
I am writing to get guidance regarding paying folks for working from home on grant-related items (with documentation). I am specifically referencing folks who may be hourly employees potentially working with students. I am also looking for guidance on extending the grant period for all Title I grants.
Thank you in advance
Paula Harris

--

Paula M. Harris, M. Ed.
Director of Title I-Program Improvement &
Family Support
Division of Curriculum, Instructional
Improvement and Professional Learning
Maryland State Department of Education
200 W. Baltimore Street
Baltimore, MD 21201-2595
paulam.harris@maryland.gov
410-767-0321 (office )

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 18:55:01 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Funding for work from home

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Sent:** Monday, March 30, 2020 2:47 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** FW: Funding for work from home

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**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
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Paula Harris

--

Paula M. Harris, M. Ed.
Director of Title I-Program Improvement &
Family Support
Division of Curriculum, Instructional
Improvement and Professional Learning
Maryland State Department of Education
200 W. Baltimore Street
Baltimore, MD 21201-2595
paulam.harris@maryland.gov
410-767-0321 (office )

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 19:06:41 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: FWS Question Regarding the COVID-19 Disaster

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Bob, Sharon <Sharon.Bob@PowersLaw.com>
**Sent:** Monday, March 30, 2020 2:54 PM
**To:** Cox, Jack <Jack.Cox@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Bob, Sharon <Sharon.Bob@PowersLaw.com>
**Subject:** RE: FWS Question Regarding the COVID-19 Disaster

Good Afternoon:

Thank you again. I am writing because a number of other questions have arisen and I believe that ED is in the process of developing additional FAQs.

1. Verification: I spoke to Jackie Butler about this one and she said she would pass it on to you. AVG-90 of the 2019-2020 FSAH states that a student who cannot appear at school must go to a notary public and sign the statement of educational purpose. The statement with the wet signature, a certification form the notary, and a copy of the government issued photo ID must be submitted. If the student must remain at home, how will he/she obtain a notary public certification?
2. Verification: If the student must document his/her high school graduation but the school district or state department is not available to confirm the student's high school graduation, how will the student prove he/she graduated high school particularly since AVG-89 of the 2019-2020 FSAH states a student's self-certification of high school graduation is not acceptable?
3. Early Graduation from Medical School: We understand that NASFAA has confirmed with the Department of Education that institutions have been asked by state authorities to permit 4th year medical students to graduate 3 weeks early to assist on the front lines of the COVID-19 disaster. The semester would remain at 16 weeks in length and the academic year would still exceed 30 weeks of instructional time. We have been advised that ED stated that an offer of early graduation was an institutional decision. It would not impact the student's Direct Loan eligibility as all Direct Loans have been disbursed. Further, ED is not requiring adjustments to loan periods in COD, as would normally be the case. According to NASFAA, ED concluded that if the school will continue to meet academic year requirements, there will be no Title IV aid unintended consequences. Do you agree?
4. Can you advise how and when the Education Relief fund dollars in the COVID-19 Relief bill will be distributed?

Thank you for your assistance. I hope these questions make it into the next FAQs. Please let me know if you have any questions for me. Stay well everyone!

Regards, Sharon

AMERICAN OVERSIGHT

Sharon H. Bob, Ph.D.
Higher Education Specialist on Policy and Regulation
**POWERS**
Powers Pyles Sutter & Verville PC
1501 M Street NW, Seventh Floor
Washington, DC 20005-1700
tel 202.872-6772 | fax 202.785.1756
Sharon.Bob@PowersLaw.com | www.PowersLaw.com

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---

**From:** Cox, Jack <Jack.Cox@ed.gov>
**Sent:** Friday, March 27, 2020 4:18 PM
**To:** Bob, Sharon <Sharon.Bob@PowersLaw.com>
**Subject:** FW: FWS Question Regarding the COVID-19 Disaster

---

**From:** Martin, Gregory <Gregory.Martin@ed.gov>
**Sent:** Friday, March 27, 2020 1:36 PM
**To:** Cox, Jack <Jack.Cox@ed.gov>; Weisman, Annmarie <Annmarie.Weisman@ed.gov>
**Subject:** RE: FWS Question Regarding the COVID-19 Disaster

In circumstances where FWS has been awarded for a payment period that began on or between March 5 and June 1, the school may (provided it has no reason to believe otherwise) make a determination that the student was fulfilling his or her work obligation, and, in fact, intended to work. After such determination, the student may be paid based on scheduled hours even if no hours had actually been worked.

---

**From:** Cox, Jack <Jack.Cox@ed.gov>
**Sent:** Friday, March 27, 2020 12:46 PM
**To:** Martin, Gregory <Gregory.Martin@ed.gov>; Weisman, Annmarie <Annmarie.Weisman@ed.gov>
**Subject:** FW: FWS Question Regarding the COVID-19 Disaster

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Tuesday, March 24, 2020 2:42 PM
**To:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Cox, Jack <Jack.Cox@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: FWS Question Regarding the COVID-19 Disaster

AMERICAN OVERSIGHT

Hello,

Please see the inquiry below.

Thank You,

Franka

---

**From:** Bob, Sharon <Sharon.Bob@PowersLaw.com>
**Sent:** Tuesday, March 24, 2020 10:20 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Bob, Sharon <Sharon.Bob@PowersLaw.com>
**Subject:** FWS Question Regarding the COVID-19 Disaster

A student is enrolled and in attendance in a term, which has already begun, and was awarded and scheduled for a FWS position that involved offering literacy training. However, the student had not begun her FWS work at the time the institution suspended its on-ground training and moved to a distance education format at the onset of the COVID-19 disaster. The March 5, 2020 guidance states that "the institution may **continue** [emphasis added] paying the student Federal work-study wages during that closure if it occurred after the beginning of the term and the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement." Further, on March 20, 2020, the guidance states: "Yes. The FWS guidance in the Electronic Announcement dated March 5, 2020, applies when the student is unable to work because the school made the decision to move to online/distance education classes and the institution meets the conditions described below."

At the time of the COVID-19 disaster, while the student was scheduled to begin her FWS work, she had not started and therefore, was not paid as yet. Although the student is now unable to work because of the move to the distance education format, may she be paid her FWS wages for the hours for which she was scheduled because she is now unable to begin work?

If the answer is no, can the institution request a waiver of the literacy requirement under 34 C.F.R. § 675.18(g)(1)? The student's position was to be employed in a literacy program and if the student cannot be employed and paid, the institution will not be able to meet the requirement of including employment in a literacy program as part of the community service requirement for FWS positions.

Thank you for your consideration.

Regards, Sharon Bob

Sharon H. Bob, Ph.D.
Higher Education Specialist on Policy and Regulation
**POWERS**
Powers Pyles Sutter & Verville PC
1501 M Street NW, Seventh Floor
Washington, DC 20005-1700

AMERICAN OVERSIGHT

tel 202.872-6772 | fax 202.785.1756
Sharon.Bob@PowersLaw.com | www.PowersLaw.com

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AMERICAN OVERSIGHT

**From:** Witt, Elizabeth
**Sent:** Mon, 30 Mar 2020 13:18:00 +0000
**To:** COVID-19
**Cc:** OESE.titleii-a;Muhammad, Faatimah;Richardson, Scott
**Subject:** FW: FY18 question

I am forwarding this IIA question about Tydings waivers from KY.

---

**From:** Jarboe, Kristen - Division of Academic Program Standards <kristen.jarboe@education.ky.gov>
**Sent:** Monday, March 30, 2020 9:07 AM
**To:** Witt, Elizabeth <Elizabeth.Witt@ed.gov>
**Subject:** FY18 question

Good morning! I am the Title II, Part A coordinator for Kentucky. We have had several questions regarding expenditures, including if there will be an automatic extension on FY18 funds due to school closures related to COVID19. Do you have any information about this? Thank you in advance for your help!


***Kris Jarboe M. Ed***
Branch Manager, Title II, Part A
Division of Academic Program Standards
Office of Teaching and Learning
Kentucky Department of Education
Sower Complex, 5th Floor
300 Sower Boulevard
Frankfort, KY 40601
(502) 892-6545
kristen.jarboe@education.ky.gov


*The Kentucky Department of Education would like your input on the agency's customer service efforts. Please take a moment to complete an online survey, which may be accessed at https://www.surveymonkey.com/r/QTSNYD5. All responses will remain anonymous. Thank you!*


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AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 16:44:07 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: FY18 question

Hello OESE,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Witt, Elizabeth <Elizabeth.Witt@ed.gov>
**Sent:** Monday, March 30, 2020 9:18 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Richardson, Scott <scott.richardson@ed.gov>
**Subject:** FW: FY18 question

I am forwarding this IIA question about Tydings waivers from KY.

---

**From:** Jarboe, Kristen - Division of Academic Program Standards <kristen.jarboe@education.ky.gov>
**Sent:** Monday, March 30, 2020 9:07 AM
**To:** Witt, Elizabeth <Elizabeth.Witt@ed.gov>
**Subject:** FY18 question

Good morning! I am the Title II, Part A coordinator for Kentucky. We have had several questions regarding expenditures, including if there will be an automatic extension on FY18 funds due to school closures related to COVID19. Do you have any information about this? Thank you in advance for your help!


***Kris Jarboe M. Ed***
Branch Manager, Title II, Part A
Division of Academic Program Standards
Office of Teaching and Learning
Kentucky Department of Education
Sower Complex, 5th Floor
300 Sower Boulevard


AMERICAN OVERSIGHT

Frankfort, KY 40601
(502) 892-6545
kristen.jarboe@education.ky.gov

*The Kentucky Department of Education would like your input on the agency's customer service efforts. Please take a moment to complete an online survey, which may be accessed at* https://www.surveymonkey.com/r/QTSNYD5. *All responses will remain anonymous. Thank you!*

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 18:38:39 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: Identity and Statement of Purpose

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Stephanie Miller <stmiller01@cacc.edu>
**Sent:** Monday, March 30, 2020 2:21 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Identity and Statement of Purpose

Hi!

I may have missed it, but have we received any guidance on confirming Identity in person? What options do we have for students to sign the form and submit the required documents.

Thank you

*Stephanie Miller*

*Director, Financial Aid*

*Central Alabama Community College*

*Childersburg Campus*

*Phone: (256) 378-4906*

*Alexander City Campus*

*Phone: (256) 215-4251*

*stmiller01@cacc.edu*

AMERICAN OVERSIGHT

**From:** Frady, Abbey
**Sent:** Mon, 30 Mar 2020 16:56:15 +0000
**To:** COVID-19
**Cc:** Carr, Steven;Gillette, Lisa;Bentley-Memon, Millicent
**Subject:** FW: Inquiry
**Importance:** High

---

**From:** Emma Bonilla González <embonilla@uagm.edu>
**Sent:** Monday, March 30, 2020 9:17 AM
**To:** Frady, Abbey <Abbey.Frady@ed.gov>
**Cc:** Mayra M. Ferrán Torres <mferran@uagm.edu>
**Subject:** Inquiry
**Importance:** High

Good morning Dr. Frady,

I hope you are doing well. Due to the pandemic situation of the COVID-19 the HEP team (PR# S141A150029) can't work on-site. Puerto Rico is under quarantine until April 12, 2020. In such a situation, the HEP services need to be offered remotely. The administrative and academics services are and will be offering online. Can I continue to offer HEP services during this quarantine period in this way?

Respectfully,

***Emma H. Bonilla-González***

*HEP Director*

*High School Equivalency Program*

*Universidad Ana G. Méndez*

*Barceloneta, Puerto Rico*

*(787) 884-4414 ext. 1493*

*embonilla@uuagm.edu*

AMERICAN OVERSIGHT

**"Live life to the fullest, and focus on the positive" M. Cameron**

**Emma Bonilla González**
Directora
*High School Equivalency Program*

PO Box 2050
Barceloneta, PR 00617
(787) 884-4414, ext. 1493
embonilla@suagm.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 17:15:54 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Inquiry
**Importance:** High

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**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Carr, Steven <Steven.Carr@ed.gov>; Gillette, Lisa <Lisa.Gillette@ed.gov>; Bentley-Memon, Millicent <Millicent.Bentley-Memon@ed.gov>
**Subject:** FW: Inquiry
**Importance:** High

---

**From:** Emma Bonilla González <embonilla@uagm.edu>
**Sent:** Monday, March 30, 2020 9:17 AM
**To:** Frady, Abbey <Abbey.Frady@ed.gov>
**Cc:** Mayra M. Ferrán Torres <mferran@uagm.edu>
**Subject:** Inquiry
**Importance:** High

Good morning Dr. Frady,

I hope you are doing well. Due to the pandemic situation of the COVID-19 the HEP team (PR# S141A150029) can't work on-site. Puerto Rico is under quarantine until April 12, 2020. In such a situation, the HEP services need to be offered remotely. The administrative and academics services are and will be offering online. Can I continue to offer HEP services during this quarantine period in this way?

Respectfully,

***Emma H. Bonilla-González***

*HEP Director*

*High School Equivalency Program*

*Universidad Ana G. Méndez*

AMERICAN OVERSIGHT

*Barceloneta, Puerto Rico*

*(787) 884-4414 ext. 1493*

*embonilla@uuagm.edu*

**"Live life to the fullest, and focus on the positive" M. Cameron**

AMERICAN OVERSIGHT

**From:** Calderon, Brenda
**Sent:** Mon, 30 Mar 2020 14:27:02 +0000
**To:** COVID-19
**Cc:** Vakil, Mandana
**Subject:** FW: LEAs use of Title III awards

Please see question on extension of T3 funds from IL.

Please route to Title III, Part A team.

---

**From:** NAOLHU SENG <SNAOLHU@isbe.net>
**Sent:** Monday, March 30, 2020 10:23 AM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Subject:** RE: LEAs use of Title III awards

Hello Brenda!

I hope you can assist us with this issue. Illinois State Board of Education (ISBE) has some active carryover Title III SEA activity funds from FY19 that we are about to award as incentive grants to school districts to do some program improvement activities this year. Due to the current situation with the Covid -19, school closures along with the practice of social distance policy, it would be very unlikely that all the proposed plans and the used of the funds can be implemented by the end of this fiscal year. We were wondering if we could extended the use of the funds which due December 2020 for another year, as was granted under the M-20-11 released on March 19, 2020 on No-Cost Extension. If so, do we need to apply for the extension to get the approval and to where should we apply? Or is this automatically granted? Your assistance is much appreciate.

Best Regards,

Seng Naolhu
Principal Consultant
Illinois State Board of Education

---

**From:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Sent:** Wednesday, February 5, 2020 11:28 AM
**To:** NAOLHU SENG <SNAOLHU@isbe.net>
**Cc:** CALOMESE HEATHER <HCALOMES@isbe.net>; CLYDE JOANNE <JCLYDE@isbe.net>; OESE.titleiii-a <OESE.titleiii-a@ed.gov>
**Subject:** RE: LEAs use of Title III awards

Hello Seng,

AMERICAN OVERSIGHT

Thank you for reaching out to the Department of Education regarding providing financial awards to districts that have significantly improved the achievement and progress of ELs. Section 3111(b)(2)(E ) does not list specifically what the financial awards must be used for. Unlike the subgrants to districts, LEAs have greater flexibility in using the award funds so long as they meet the general purpose of Title III which includes any of the allowable activities under Title III.

Regards,

Brenda Calderon, Ph.D.
Office of School Support and Accountability, Formula Grants
Office of Elementary and Secondary Education
Phone: (202) 453-6993
Email: brenda.calderon@ed.gov
Office: LBJ 3C110
Visit our English Learner Resource Page:
https://www2.ed.gov/about/offices/list/oese/oss/technicalassistance/englishlearners.html

---

**From:** NAOLHU SENG <SNAOLHU@isbe.net>
**Sent:** Tuesday, February 4, 2020 1:48 PM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Cc:** CALOMESE HEATHER <HCALOMES@isbe.net>; CLYDE JOANNE <JCLYDE@isbe.net>
**Subject:** LEAs use of Title III awards

Hello Brenda,

If ISBE were to give a financial awards to school districts that demonstrate the greatest improvement in English language development and academic achievement for their English learners, are there any limitations to how districts can use the funds? Could districts use the funds for all activities that are allowed under Title III or are they limited to only certain activities such professional development. Your advise is much appreciated.

See Title III's provision below:

State Activities:

( E ) Providing recognition, which may include providing financial awards, to recipients of subgrants under section 3115 that have significantly improved the achievement and progress of English learners in meeting—

AMERICAN OVERSIGHT

1. the State-designed long-term goals established under section 1111(c)(4)(A)(ii), including measurements of interim progress towards meeting such goals, based on the State's English language proficiency assessment under section 1111(b)(2)(G); and
2. the challenging State academic standards.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 30 Mar 2020 14:59:55 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: LEAs use of Title III awards

Hello

The inquiry below was received in the COVID-19 mailbox.

---

**From:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Sent:** Monday, March 30, 2020 10:27 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vakil, Mandana <mandana.vakil@ed.gov>
**Subject:** FW: LEAs use of Title III awards

Please see question on extension of T3 funds from IL.

Please route to Title III, Part A team.

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**From:** NAOLHU SENG <SNAOLHU@isbe.net>
**Sent:** Monday, March 30, 2020 10:23 AM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Subject:** RE: LEAs use of Title III awards

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Best Regards,

Seng Naolhu
Principal Consultant
Illinois State Board of Education

AMERICAN OVERSIGHT

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Regards,

Brenda Calderon, Ph.D.
Office of School Support and Accountability, Formula Grants
Office of Elementary and Secondary Education
Phone: (202) 453-6993
Email: brenda.calderon@ed.gov
Office: LBJ 3C110
Visit our English Learner Resource Page:
https://www2.ed.gov/about/offices/list/oese/oss/technicalassistance/englishlearners.html

**From:** NAOLHU SENG <SNAOLHU@isbe.net>
**Sent:** Tuesday, February 4, 2020 1:48 PM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Cc:** CALOMESE HEATHER <HCALOMES@isbe.net>; CLYDE JOANNE <JCLYDE@isbe.net>
**Subject:** LEAs use of Title III awards

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AMERICAN OVERSIGHT

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( E ) Providing recognition, which may include providing financial awards, to recipients of subgrants under section 3115 that have significantly improved the achievement and progress of English learners in meeting—

1. the State-designed long-term goals established under section 1111(c)(4)(A)(ii), including measurements of interim progress towards meeting such goals, based on the State's English language proficiency assessment under section 1111(b)(2)(G); and
2. the challenging State academic standards.

AMERICAN OVERSIGHT

**From:** Carr, Steven
**Sent:** Mon, 30 Mar 2020 16:57:59 +0000
**To:** COVID-19
**Cc:** Bentley-Memon, Millicent;Gillette, Lisa;Martinez, Sarah
**Subject:** FW: MDC HEP, Disaster Relief questions.

---

**From:** Rosas, Luis A. <lrosas1@mdc.edu>
**Sent:** Friday, March 27, 2020 12:08 PM
**To:** Carr, Steven <Steven.Carr@ed.gov>
**Subject:** MDC HEP, Disaster Relief questions.

Hi Steve,

The college is continuing to transition to a complete remote environment, most services will be restored by 03/30/2020.

As we transition, I have the following questions:

1.- MDC will be paying all employees, including all grant employees disaster relief. Does the HEP Grant covers disaster relieve, or it would only pay for actual worked hours?

2.- As we transition to work remotely, are there any restrictions regarding the ability or the amount of hours my FT staff, PT Instructor, or my self can continue to work offering remote classes, remote tutoring services, remote counseling sessions, and as many other additional services we are able to transition in the next few weeks. We are also working towards having all HEP registration forms available to our students in our website.

The HEP Program is very committed to continue to provide to our students with as many services as we can deliver remotely. I would appreciate your response to these questions, as they would affect how the institution processes payroll, and the services that we can continue to provide to our students.

Thank you,

Luis A. Rosas
HEP Director

On Mar 17, 2020, at 3:15 PM, Carr, Steven <Steven.Carr@ed.gov> wrote:

Hi Luis,

AMERICAN OVERSIGHT

Thank you for your email and update. Please let me know if you have any questions during this time.

Thanks,
Steve

Steven Carr
Office of Migrant Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202
Steven.Carr@ed.gov | 202-260-2067

---

**From:** Rosas, Luis A. <lrosas1@mdc.edu>
**Sent:** Tuesday, March 17, 2020 9:40 AM
**To:** Carr, Steven <Steven.Carr@ed.gov>
**Subject:** Fwd: A Message from the Interim President - Coronavirus Update #5 - Miami Dade College Transitioning to Remote Work

Hi Steve,

I just wanted to let you know that MDC HEP, along with the rest of the college, is moving to a remote work environment (See below). We are committed to our students and are working closely with the college to transition our services and support for all HEP students to remote delivery. Please don't hesitate to contact me if you have any questions.

Regards,

Luis A Rosas
HEP Project Director

Begin forwarded message:

> **From:** Rolando Montoya <rmontoya@mdcmessaging.mdc.edu>
> **Date:** March 16, 2020 at 12:12:30 PM EDT
> **To:** "Rosas, Luis A." <lrosas1@mdc.edu>
> **Subject: A Message from the Interim President - Coronavirus Update #5 - Miami Dade College Transitioning to Remote Work**
> **Reply-To:** "Rolando Montoya" <reply-fe501071726000747c1d-

AMERICAN OVERSIGHT

19469673_HTML-1885564788-10862413-13@mdcmessaging.mdc.edu>

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CAN'T SEE THIS EMAIL? **VIEW IT IN YOUR BROWSER**

<image001.jpg>

**Monday, March 16, 2020**

Dear MDC Community,
We continue to work closely with state and local authorities and our District Board of Trustees to ensure the well-being of our students and employees, as well as the academic continuity that our students need. There are no current reports of known or suspected College employees having COVID-19. Rest assured that we are committed to keeping everyone safe and healthy within the MDC family and our community at large.
Our initial step was to cancel classes in order to have the space across all our campuses to ensure that students can stay home and avoid large groups and faculty and staff can maintain additional, precautionary social distance. As this situation is constantly changing, we feel that the current environment makes it necessary for us to escalate our preventative steps.
As a result, **effective Tuesday, March 17, Miami Dade College will cease all on campus services as we transition to a primarily remote work environment. Employees who are deemed critical or essential will receive additional information from their supervisors before the close of business today. In addition, other employees may be requested to report onsite in order to ensure continuity of key support services for remote work and learning. All Faculty are expected to work remotely as they prepare for the potential of remote learning. We ask that they be in contact with their department chair on technology and other resource needs before close of business today.** As everyone's health and safety remains our top priority, employees who are required to be physically present at MDC will coordinate with their immediate supervisors on plans to ensure social distancing. Our goal is for those onsite to limit in-person interactions and add physical distance whenever possible. Social distancing is currently the most important factor we can all practice to help slow down the COVID-19 outbreak.
We remind everyone that **all classes remain canceled until March 29** and no assignments can be required during this period. This includes all face-to-face and online classes. During this time, MDC will continue its efforts to prepare for a transition to remote learning which we expect to begin on**March 30**. Also, all college-related activities, athletics, and events are canceled until further notice.
During these times of uncertainty, it is more important than ever that we work together as a

AMERICAN OVERSIGHT

College family. I appreciate everyone's patience and flexibility during this constantly changing situation. We will continue monitoring developments very closely and will provide updates as needed.

For the latest information and guidance issued by MDC, as well as access to useful resources and past messages, please visit www.mdc.edu/coronavirus.

Dr. Rolando Montoya
Interim President
Miami Dade College

<image002.jpg>

<image002.jpg>

<image003.jpg><image003.jpg>

Miami Dade College
300 N.E. Second Avenue
Miami, Florida 33132-2297
305-237-8888

<image002.jpg>

©2020 Miami Dade College, ALL RIGHTS RESERVED
300 N.E. Second Ave. Miami, FL, 33132

<image002.jpg>

>

AMERICAN OVERSIGHT

**From:** Broady, Cheryl
**Sent:** Mon, 30 Mar 2020 14:04:49 +0000
**To:** COVID-19
**Subject:** Accommodations for Students with "Suspected" Disabilities during COVID-19_Lisa Woodcock-Burroughs_MI

---

**From:** Lisa Woodcock-Burroughs <lwoodcock-burroughs@cnld.org>
**Sent:** Monday, March 30, 2020 7:43 AM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>
**Subject:** Accommodations for Students with "Suspected" Disabilities during COVID-19

Good morning Cheryl,

I hope that you and your family are well as we navigate this time of uncertainty.

As schools in Michigan are currently closed, many people, myself included have questions regarding how supports will be provided to students with special needs.

I have a rather specific question regarding whether or not school districts have to afford students "suspected" of having a disability with provisional accommodations until a formal evaluation can be completed.

- For example, if the school has started their evaluation (but not finished), and schools reopen with a distance learning format, can students be granted accommodations even though their evaluations are not complete?
- Relatedly, if a student was in the process of being evaluated privately (at parent expense), can they receive "provisional" accommodations from the school district. It seems that the answer would be "yes"; however, I know from my many years or work as a school psychologist in a public school setting that people are often bound by organizational constraints that may prohibit them from doing what they believe is right.

Any guidance you can share would be very much appreciated.

Thank you and take care,
Lisa

Lisa Woodcock-Burroughs, Ph.D., L.P., N.C.S.P.

AMERICAN OVERSIGHT

Center for Neuropsychology, Learning and Development

5864 Interface Drive
Suite D
Ann Arbor, MI 48103

Phone (734) 994-9466, Fax (734)994-9465

lwoodcock-burroughs@cnld.org

www.cnld.org

www.facebook.com/CNLDA2

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This e-mail is intended for the use of the individual or entity to which it is addressed and may contain information that is patient protected health information, privileged, confidential and/or exempt by law from disclosure. If the reader of this message, and its attachments, is not the intended recipient, any further dissemination, distribution or forwarding of this communication is strictly prohibited. If you have received this communication in error, please contact the sender immediately and destroy the material in its entirety, whether electronic or hard copy. Thank You.

AMERICAN OVERSIGHT

**From:** Samuel Trone
**Sent:** Mon, 30 Mar 2020 15:57:38 +0000
**To:** COVID-19
**Subject:** COA Increase Documentation

Good Morning,

In the guidance I see professional judgement is acceptable due to COVID-19 with appropriate documentation. Our students will be completing the spring semester "on time," but due to the school being physically closed for an unknown amount of time, the usual art exhibition by graduating students will be pushed back months. Is it safe to use professional judgement to increase the COA to allow for graduating students to borrow for the additional months they will be in studio until they're able to hold the art show? What documentation is acceptable? Rent/food/utility bills?

So our semester isn't being extended, but students will be in studio when the school is able to reopen, and then use the summer to prepare for the exhibition to graduate.

Thank You,

**SAM TRONE**
Financial Aid Manager
*(Pronouns - He, Him, His)*

Pennsylvania Academy of the Fine Arts
128 N. Broad Street, Philadelphia, PA 19102
215-972-2019 | pafa.edu | pafa.org

Pennsylvania Academy of the Fine Arts PAFA

AMERICAN OVERSIGHT

**From:** Krys Webb
**Sent:** Mon, 30 Mar 2020 08:54:47 -0500
**To:** COVID-19
**Subject:** DocuSign

Good Morning,
We would like to utilize DocuSign due to our current covid-19 situation to limit as much face to face interaction as possible, does DOE have any type of regulation on this? I would appreciate any help you can provide. Thank you so much!

*Thank You,*
*Krys Webb*
Director of Financial Aid
**Main: 806.331.9233**
**Direct Line / Text / Fax: 806.839.6756**

AMERICAN OVERSIGHT

**From:** Chancellor, Johnathan
**Sent:** Mon, 30 Mar 2020 13:26:01 +0000
**To:** COVID-19
**Subject:** Early Graduation and Grace Period

Hello,
If a school approves early graduation for its students, would the grace period for repayment become 6 months from the new conferral date or would it stay the same based on the original graduation date?
Thank you!

Johnathan Chancellor
Director, Financial Aid
NYU Grossman School of Medicine
212-263-5826

AMERICAN OVERSIGHT

**From:** Murphy, Tammy
**Sent:** Mon, 30 Mar 2020 13:40:41 +0000
**To:** COVID-19
**Subject:** EFA

Good Morning,

Our university would like to offer our students assistance during this difficult time and have considered issuing gift cards. Would these gift cards need to be considered EFA? Is the Department issuing any guidance on how emergency assistance is to be treated?

The administration is also considering having meals from a food catering business delivered to students who are experiencing additional financial need, would this also need to be considered estimated financial assistance?

Thank you for any guidance you may give.

TAMMY MURPHY
DIRECTOR OF INSTITUTIONAL FINANCIAL AID

INDIANA WESLEYAN UNIVERSITY
4201 SOUTH WASHINGTON STREET
MARION, IN 46953

AMERICAN OVERSIGHT

**From:** Karyn Tudor
**Sent:** Mon, 30 Mar 2020 13:28:46 +0000
**To:** COVID-19
**Cc:** Marty Mehringer
**Subject:** FW: Regulatory Leniency

Good morning,

Please see the email string below. I am looking for guidance with the two scenarios I originally provided.

Thank you,

***Karyn Tudor***
***Assistant Director of Financial Aid/Bursar Office***
***Salem University***
***8500 Keystone Crossing, Suite 310***
***Indianapolis, IN. 46240***
***Office: (304) 326-1410***
***E-Mail: karyn.tudor@salemu.edu***

---

**From:** Logan, Chartise [mailto:Chartise.Logan@ed.gov]
**Sent:** Monday, March 30, 2020 9:20 AM
**To:** Karyn Tudor <karyn.tudor@salemu.edu>
**Cc:** Marty Mehringer <marty.mehringer@salemu.edu>; Powers, Michael E. <Michael.E.Powers@ed.gov>
**Subject:** RE: Regulatory Leniency

Good Morning Karyn,

For Scenario #1 & 2, please forward your inquiries to the COVID mailbox COVID-19@ed.gov.

Thanks,

C. Logan

---

**From:** Karyn Tudor [mailto:karyn.tudor@salemu.edu]
**Sent:** Friday, March 27, 2020 3:26 PM
**To:** Logan, Chartise
**Cc:** Marty Mehringer
**Subject:** Regulatory Leniency

AMERICAN OVERSIGHT

Good afternoon Chartise,

I am looking for some guidance for the following scenarios:

1. For our Distance Learning students who are spread out all across the country, is there any guidance regarding leniency for those students who are selected for V4 and V5 verification groups, but are unable to access a notary for the identity and statement of educational purpose portions because either the institutions that offer a notary service are closed or the student lives in an area that is under a shelter at home order all due to the COVID 19 crisis?
2. For students who need to submit a copy of a valid ID, but have an expired ID, is there any guidance regarding leniency with us accepting an expired ID due to Governors across the country closing all non-essential state offices to include the BMV and giving anyone who needs to renew their ID an extension?

Thank you in advance for your assistance during this unprecedented event.

Best Regards,

***Karyn Tudor***
***Assistant Director of Financial Aid/Bursar Office***
***Salem University***
***8500 Keystone Crossing, Suite 310***
***Indianapolis, IN. 46240***
***Office: (304) 326-1410***
***E-Mail: karyn.tudor@salemu.edu***

AMERICAN OVERSIGHT

**From:** Cameron Kyle
**Sent:** Mon, 30 Mar 2020 16:56:18 +0200
**To:** COVID-19
**Subject:** Interruption of disbursement - Foreign school

To whom this may concern
I am a US-citizen. Currently studying at a Foreign University abroad full time to complete a Masters degree in Medicine. I am currently enrolled into my 4th semester here and received contacting teaching for the first 5 weeks before COVID-19 situation was initiated a pandemic by the WHO. Quarantine has been issued until 15th of May in which contacting teaching will resume as normal. In the time being online teaching has been instituted as a way to ensure we do not fall behind in our course and can still finish as normal. My university is listed below.

**Masaryk University does not have U.S. tax ID number and therefore cannot provide 1098-T forms for year 2019. We are sorry for the inconvenience.**

- Direct Loan Participation Acknowledgement: Masarykova Univerzita
- OPE ID: **03565300**
- Direct Loan School ID: G35653

My question is as follows: Will I still be-able to receive my 2nd disruptment for my loan as of this crisis ? As I have had contact lesson and will return to them soon and the online teaching aspect is only instigated for a short period.
Kind regards Cameron Kyle Jansen van Rensburg

AMERICAN OVERSIGHT

**From:** Balster, Heidi
**Sent:** Mon, 30 Mar 2020 13:24:57 +0000
**To:** COVID-19
**Subject:** Overlapping Terms

Good morning,

In reviewing the COVID-19 FAQs published, the department is extending the flexibility for institution to extend the length of a term to respond to COVID-19, causing the term to overlap a subsequent term. In this limited circumstance the institution may continue to consider its terms to be standard terms, allowing both the use of a scheduled academic year (SAY) for Direct Loan funds and Pell Grant Formula 1.

Would the above flexibility also be permissible for our upcoming summer term, allowing the term to overlap our fall term, as long as it is due to our response to COVID-19?

I greatly appreciate your time.

Thank you,

**Heidi Balster**
Director of Financial Aid
NWCCD -Sheridan and Gillette College
1 Whitney Way
Sheridan, WY 82801
p. 307.675.0201
f. 307.675.0678
hbalster@sheridan.edu

*2020-2021 FAFSA opens October 1st, 2019!*
*www.fafsa.ed.gov*
*NWCCD school code is 003930*

*NWCCD employee email accounts are subject to the Wyoming Public Records Act.*

*In order to protect student and family Personally Identifiable Information (PII), Northern Wyoming Community College District adheres to stringent data safeguard protocols. Please only submit student/family information to the Financial Aid Office using data security methods which preserve the privacy of your personal information. Secure methods include:*

- *Hand delivering documents to the Financial Aid Office*
- *Faxing documents to the Financial Aid Office using our secure fax number*
- *Mailing documents to the Financial Aid Office via USPS*
- *For FAFSA verification, uploading documents via the NWCCD Verification Portal*

*To help us keep your data uncompromised, please do not email sensitive personal information such as tax documentation or social security numbers to the Financial Aid Office.*

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** RaeChelle Jameson
**Sent:** Mon, 30 Mar 2020 10:48:23 -0500
**To:** COVID-19
**Subject:** Question

I am currently on academic plan through my financial aid office at my college, due to complications with covid-19 issues I am needing to withdraw from some classes that I am afraid I now cannot complete with a passing grade which will put me below fulltime status and I am afraid will cancel any help with financial aid for my continuing semesters what can I do??

RaeChelle Jameson
Connors state college, Warner, Oklahoma

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Julie Moore
**Sent:** Mon, 30 Mar 2020 16:14:43 +0000
**To:** COVID-19
**Subject:** R2T4

Good afternoon,

Our school has moved to online instruction for the remainder of the semester. Because of this we have decided to pro-rate meal plans, some mandatory fees, and housing charges.
With these reductions in regards to the R2T4 calculation should I reduce the original charges amount?

Thank you,

**Julie Moore**
Accountant
Financial Aid Office | Gainesville Campus
P: 678.717.2323 | F: 706.717.3673

UNG UNIVERSITY of NORTH GEORGIA

**Complete you FAFSA at https://studentaid.ed.gov/sa/fafsa.**

How did I serve you today?

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Mon, 30 Mar 2020 12:44:20 +0000
**To:** AskAFed;FSA Case Teams
**Cc:** FederalStudentAid;COVID-19
**Subject:** RE: 01116100 Texas A&M University-Corpus Christi, question regarding Extended Spring Break

Hello,

Please review the following question and answer that External Comms feel best address the issue raised in the email below concerning academic term length.

**Q:** Due to COVID-19, Texas A&M University-Corpus Christi, 011161, has extended our Spring Break one additional week. This has caused our semester to go from a 15 week semester to 14 weeks. What are the next step to getting approval from DOE.

**A:** *The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.*

Please let us know if you have additional questions and review the Electronic Announcement posted on the Department's COVID-19 website at: https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19.

All the best,

**Ronald Roach** | Senior Public Affairs Specialist
Communications & Outreach
Federal Student Aid
P: (202) 377-3397 - C: (202) 394-8338 – Ronald.Roach@ed.gov

---

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Thursday, March 19, 2020 4:46 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** Fw: 01116100 Texas A&M University-Corpus Christi, question regarding Extended Spring Break

COVID-19 question below

---

**From:** Gage, Jeannie <Jeannie.Gage@tamucc.edu>
**Sent:** Thursday, March 19, 2020 4:42 PM
**To:** AskAFed <AskAFed@ed.gov>
**Cc:** Gage, Jeannie <Jeannie.Gage@tamucc.edu>
**Subject:** 01116100 Texas A&M University-Corpus Christi, question regarding Extended Spring Break

AMERICAN OVERSIGHT

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Respectfully,

Jeannie Gage
Director of Financial Assistance
Texas A&M University-Corpus Christi
6300 Ocean Drive
Unit 5772
Corpus Christi, Texas 78412
361-825-2332

AMERICAN OVERSIGHT

**From:** Roach, Ronald
**Sent:** Mon, 30 Mar 2020 12:32:36 +0000
**To:** AskAFed
**Cc:** COVID-19
**Subject:** RE: Can we adjust Cost of Attendance regarding Room and Board, and how do we handle the credit balance

Hello,

Please review the following questions and answers that External Comms feel best address the issues raised in the email below.

**Q:** Our administrators and directors are meeting this afternoon to discuss the possibility of reimbursing students for room and board. What will be the implications/impact on Title IV funds? Can we adjust the Cost of Attendance? If so, how do we handle the credit balance?

**A:** *If, as a result of the COVID-19 outbreak, your institution provides a refund or waiver of expenses for all or part of a student's tuition, fees, room and board charges, or other institutional charges, or if you become aware that a student has moved off campus for the remainder of the term, the Department will not require a re-evaluation of the student's cost of attendance. Therefore, you are not required to make changes to a student's Title IV awards on the basis of such changes.*

Please let us know if you have additional questions and review the Electronic Announcement posted on the Department's COVID-19 website at: https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19.

Thank you,

**Ronald Roach** | Senior Public Affairs Specialist
Communications & Outreach
Federal Student Aid
P: (202) 377-3397 - C: (202) 394-8338 – Ronald.Roach@ed.gov

---

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Thursday, March 19, 2020 3:06 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** Fw: Can we adjust Cost of Attendance regarding Room and Board, and how do we handle the credit balance

COVID-19 question below

---

**From:** Martinez, Gayle J <gjmartinez@nmhu.edu>
**Sent:** Thursday, March 19, 2020 1:45 PM
**To:** AskAFed <AskAFed@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Chavez, Susan R <srchavez@nmhu.edu>
**Subject:** Can we adjust Cost of Attendance regarding Room and Board, and how do we handle the credit balance

Good morning,

Our administrators and directors are meeting this afternoon to discuss the possibility of reimbursing students for room and board.

What will be the implications/impact on Title IV funds?

Can we adjust the Cost of Attendance?

If so, how do we handle the credit balance?

**Thank you and have a Blessed and Joyous day,**
**Gayle**

**Ms. Gayle Martinez | Financial Aid Analyst**
**Office of Financial Aid & Scholarships**
**New Mexico Highlands University**
**Box 9000, Las Vegas, NM 87701**
**505.454.3429 / FAX 505.454.3398**
**www.nmhu.edu**

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Mon, 30 Mar 2020 12:39:18 +0000
**To:** AskAFed
**Cc:** FederalStudentAid;COVID-19
**Subject:** RE: COVID-19 Guidance

Hello,

Please review the following questions and answers that External Comms feel best address the issues raised in the email below.

**Q:** With the guidance about changes in the academic terms structure presented in November 2019, we were told that terms do not have to be equal length and could be 14-21 weeks. On Tuesday, it was shared by NASFAA that flexibility was granted, due to COVID-19, that we could overlap our term into the summer and where we would normally be considered non-standard because of such, we would not. Is this correct?

***A:*** *Yes, the Department is extending the flexibility described in the March 5, 2020 electronic announcement to schedules that would otherwise be nonterm as well; for example, an extended spring term that will overlap with a summer term. If an institution extends the length of a term to respond to COVID-19, causing the term to overlap a subsequent term, in this limited circumstance the institution may continue to consider its terms to be standard terms, allowing both the use of a scheduled academic year (SAY) for Direct Loan funds and Pell Grant Formula 1.*

**Q:** Is it accurate that although we have guidance to crossover into the next term, it does not eliminate the academic term length guidance - essentially only have one week to utilize to make up the lost week based on our current term length of 20 weeks?

**A***: The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.*

Please let us know if you have additional questions and review the Electronic Announcement posted on the Department's COVID-19 website at: https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19.

All the best,

**Ronald Roach** | Senior Public Affairs Specialist
Communications & Outreach
Federal Student Aid
P: (202) 377-3397 - C: (202) 394-8338 – Ronald.Roach@ed.gov

AMERICAN OVERSIGHT

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Thursday, March 19, 2020 3:14 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** Fw: COVID-19 Guidance

COVID-19 question below

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**From:** Alford, Keyimani L <klalford@madisoncollege.edu>
**Sent:** Thursday, March 19, 2020 9:01 AM
**To:** AskAFed <AskAFed@ed.gov>
**Subject:** COVID-19 Guidance

Hi AskA Fed,

With the guidance about changes in the academic terms structure presented in November 2019, we were told that terms do not have to be equal length and could be 14-21 weeks. On Tuesday, it was shared by NASFAA that flexibility was granted, due to COVID-19, that we could overlap our term into the summer and where we would normally be considered non standard because of such, we would not. Is this correct? If so, here's a scenario that I'd like you to confirm my accuracy.

We are an institution that has a j-term, a three (3) week session that is attached to our Spring 2020 semester - which is 17 weeks. Therefore, our Spring term is a total of 20 weeks. Due to COVID, our institution wants to extend our spring break next week. However, it wants to make up the instruction in summer. I understand if we do the extended spring break and do nothing it's a reduced academic year which I must get permission from our School Participation Office. Spring ends on May 15, 2020 and Summer begins the next week on May 16, 2020. Is it accurate that although we have guidance to crossover into the next term, it does not eliminate the academic term length guidance - essentially only have one week to utilize to make up the lost week based on our current term length of 20 weeks?

Keyimani

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AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Mon, 30 Mar 2020 12:39:18 +0000
**To:** AskAFed
**Cc:** FederalStudentAid;COVID-19
**Subject:** RE: COVID-19 Guidance

Hello,

Please review the following questions and answers that External Comms feel best address the issues raised in the email below.

**Q:** With the guidance about changes in the academic terms structure presented in November 2019, we were told that terms do not have to be equal length and could be 14-21 weeks. On Tuesday, it was shared by NASFAA that flexibility was granted, due to COVID-19, that we could overlap our term into the summer and where we would normally be considered non-standard because of such, we would not. Is this correct?

***A:*** *Yes, the Department is extending the flexibility described in the March 5, 2020 electronic announcement to schedules that would otherwise be nonterm as well; for example, an extended spring term that will overlap with a summer term. If an institution extends the length of a term to respond to COVID-19, causing the term to overlap a subsequent term, in this limited circumstance the institution may continue to consider its terms to be standard terms, allowing both the use of a scheduled academic year (SAY) for Direct Loan funds and Pell Grant Formula 1.*

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All the best,

**Ronald Roach** | Senior Public Affairs Specialist
Communications & Outreach
Federal Student Aid
P: (202) 377-3397 - C: (202) 394-8338 – Ronald.Roach@ed.gov

AMERICAN OVERSIGHT

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Thursday, March 19, 2020 3:14 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** Fw: COVID-19 Guidance

COVID-19 question below

---

**From:** Alford, Keyimani L <klalford@madisoncollege.edu>
**Sent:** Thursday, March 19, 2020 9:01 AM
**To:** AskAFed <AskAFed@ed.gov>
**Subject:** COVID-19 Guidance

Hi AskA Fed,

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Keyimani

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**From:** Martin, Gregory
**Sent:** Mon, 30 Mar 2020 13:02:23 +0000
**To:** Dr. Wanda White;COVID-19;Cox, Jack
**Cc:** James "JW" Kelley;Dr. Monty Hickman;Dr. John "JJ" Evans
**Subject:** RE: NC Community College System Coronavirus & Title IV Eligibility Questions

See the embedded responses.

Greg

---

**From:** Dr. Wanda White <whitew@nccommunitycolleges.edu>
**Sent:** Sunday, March 29, 2020 8:39 AM
**To:** COVID-19 <COVID-19@ed.gov>; Cox, Jack <Jack.Cox@ed.gov>
**Cc:** Martin, Gregory <Gregory.Martin@ed.gov>; James "JW" Kelley <kelleyj@nccommunitycolleges.edu>; Dr. Monty Hickman <hickmanm@nccommunitycolleges.edu>; Dr. John "JJ" Evans <jevans@nccommunitycolleges.edu>
**Subject:** NC Community College System Coronavirus & Title IV Eligibility Questions

To Whom It May Concern:

Please see below additional questions from NC Community College System financial aid administrators in North Carolina. If possible, please review these questions and provide your responses to me as soon as possible. Additional questions may be submitted to you as they arise.

1. If the extra week of break took our academic year from 32 weeks to 31 weeks, do we need to seek Ed approval, or as long as we stay at least 30 weeks, is this okay without School Participation Team approval? No.

2. My understanding is that we are to pay FWS students based on their scheduled hours. I understand scheduled hours to be the hours the student agreed to work on their FWS contract. If this is the case, what happens if a College over expends their FWS allocation for the year? This could easily happen especially with a college that matches FWS. Please Advise. As you are aware, Campus-Based allocations consist of a fixed amount of funding. The current situation has not changed that. You can only pay scheduled hours up to the point your funding allows. It may not be possible to pay all students.

Thank you in advance for your assistance.

AMERICAN OVERSIGHT

Wanda White, Ed.D.

Director of Student Services

NC Community College System

200 West Jones Street

Raleigh, NC 27603

whitew@nccommunitycolleges.edu

919-807-7104

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and shall be disclosed to third parties when required by the statutes (NCGS.Ch.132).

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Act and shall be disclosed to third parties when required by Chapter 132 of the North Carolina General Statutes.

AMERICAN OVERSIGHT

**From:** Martin, Gregory
**Sent:** Mon, 30 Mar 2020 15:53:25 +0000
**To:** James "JW" Kelley;COVID-19
**Cc:** Dr. Wanda White;Joanne Ceres;Sabrina Terry;Patrick Holyfield;Tracy Mancini;Heather Hill;Hilsey, Shaina
**Subject:** RE: Question about Proposed Modification to Incomplete Grading

See the embedded response below.

Greg

---

**From:** James "JW" Kelley <kelleyj@nccommunitycolleges.edu>
**Sent:** Thursday, March 26, 2020 1:19 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Dr. Wanda White <whitew@nccommunitycolleges.edu>; Joanne Ceres <jceres@cfcc.edu>; Sabrina Terry <terrysj@surry.edu>; Patrick Holyfield <pholyfield8286@stanly.edu>; Tracy Mancini <mancinit@carteret.edu>; Heather Hill <heather.hill@cpcc.edu>
**Subject:** Question about Proposed Modification to Incomplete Grading

To Whom It May Concern:

The NC Community College System Office is considering an optional process for colleges to use the Incomplete grade to mitigate the impact of COVID-19. Please see the below scenario and question. Please feel free to elaborate to help us identify other options if this scenario needs to be adjusted. Thanks. JW

James "JW" Kelley, EdD
Associate Vice President
Student Services
NC Community College System Office

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Scenario: We would like to create a unique incomplete grade for emergency situations (e.g., IE – Incomplete Emergency) to be used with an emergency splitting of the course. For example, welding courses are not available online. So, the faculty member would assign the grade IE to students who choose not to withdraw and want to complete in a future semester. The faculty notes their grade at that time. The college creates a Part B to the course that covers the remaining content of the welding course and makes it available either during the Summer 2020 term and/or the Fall 2020 term. The Part B course will have appropriate SHC but will not count toward graduation and not count in the registration credits for financial aid purposes. Students with the IE in the original welding course are eligible to enroll. After the student completes the Part B course, then the faculty member would submit the final grade replacing the IE in the original welding course. Students who do not enroll in the part B course by the college's deadline would receive a final grade as if the Part B content was not completed (e.g., some students may receive a failing grade and some students could receive a passing grade because their grades were "high" before the IE.).

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Questions: Would the IE course impact SAP and other financial aid regulations? Would the Part B course impact SAP and other financial aid regulations? Giving an incomplete grade for all classes may not be used as an alternative to withdrawing a student who has ceased attendance during a payment period r period of enrollment. When a student ceases to attend during a payment period he or she must be considered withdrawn, the institution has 30 days from the date of determination and 45 days from the date of determination to perform the R2T4 calculation and make the returns to program funds respectively. You can give the incomplete mark, but at those break points you would have to perform the necessary steps associated with R2T4. It would be easier to place all of these students an approved LOA, which may last up to 180 days and negates their having to be considered withdrawn. For those who do not return, it does mean considering them withdrawn at the point they ceased attending. However passage of the CARES Act may mitigate the effects of thant.

AMERICAN OVERSIGHT

**From:** GASPARATO, JEAN
**Sent:** Mon, 30 Mar 2020 12:14:46 +0000
**To:** COVID-19
**Subject:** Statement of Educational Purpose Requirement

Current regulations require that a student either show up in person with documentation to meet the SEP requirements and provide a wet signature, or send a notarized copy of the statement to the school, also with a wet signature. In light of school closings due to the Coronavirus, has this requirement been relaxed in any way to assist students and schools?

Thanks for your help.

Regards,

Jean Gasparato
Senior Associate Director
University of South Carolina
Office of Student Financial Aid and Scholarships
1244 Blossom Street, Suite 200
Columbia, SC 29208
803 777-1305
jgaspar@mailbox.sc.edu

AMERICAN OVERSIGHT

## McCampbell, Gregory

**From:** COVID-19
**Sent:** Monday, March 30, 2020 12:48 PM
**To:** Hilsey, Shaina; Cox, Jack
**Cc:** COVID-19
**Subject:** FW: Statement of Educational Purpose Requirement
**Attachments:** RE: COVID-19 Guidance; R2T4; COA Increase Documentation; RE: Question about Proposed Modification to Incomplete Grading; Question ; Interruption of disbursement - Foreign school; Accommodations for Students with "Suspected" Disabilities during COVID-19_Lisa Woodcock-Burroughs_MI; DocuSign; EFA; FW: Regulatory Leniency; Early Graduation and Grace Period; Overlapping Terms; RE: NC Community College System Coronavirus & Title IV Eligibility Questions; RE: 01116100 Texas A&M University-Corpus Christi, question regarding Extended Spring Break; RE: COVID-19 Guidance; RE: Can we adjust Cost of Attendance regarding Room and Board, and how do we handle the credit balance; Statement of Educational Purpose Requirement

Hello

The attached inquiries were received in the COVID-19 mailbox.

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 10 Mar 2020 10:50:31 +0000
**To:** Brogan, Frank
**Cc:** Feldpausch, Sarah
**Subject:** COVID-19 and ESEA Flexibilities document

Frank,

The COVID-19 ESEA Flexibilities document is in your Sharepoint queue. After you approve, it will move forward to Departmental Clearance.

If possible, I would like for this to enter the Exec Sec clearance **first thing this morning**. I will request review by COB by: OS, OGC, OPEPD, OCR, OSEP, OCO.

Please let me know if you'd like any other POCs to take a look. Once it is ready to be published on the website, we will notify OLCA that it is ready.

Please approve 20-002833-COVID-19 and ESEA Flexibilities

Call me if you'd like to follow up.

Thank you

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Thu, 19 Mar 2020 13:00:35 +0000
**To:** Brogan, Frank
**Cc:** Feldpausch, Sarah;Condie, Caitlin
**Subject:** DRAFT email re: final approval/ review of responses to COVID-19 mailbox questions

Frank,

Please see the DRAFT below, which will be sent to: Kent Talbert, Frank Brogan, Phil Rosenfelt, Liz Hill, Aimee Viana, Chris Rinkus, Ruth Ryder

Let me know if you have any additional edits.

Thank you!
Aimee

*Good Morning, everyone!*

*Over the past few days, our team has been making every effort to provide accurate and expeditious responses to large volume of inquiries from the COVID-19 mailbox.*

*Please note that beginning this morning, OESE will start responding to email inquiries using our newly established **Rapid Response Team**. The objective of this coordinated effort is to maximize efficiency, expediency, and clarity by providing following an organized, streamlined process.*

*The **last step of the COVID-19 response team protocol** will be to share the drafted, suggested responses with you —**as a final step**. The intention of this final step is to make certain that this group is aware of the responses being sent out for consistent messaging purposes. **Prior** to being sent to you, the responses will have been drafted and reviewed by **program staff, group leads, program attorneys, and managers**.*

*You will receive this email every evening at approximately **4pm.** It is our request that you review the response each evening, and return any comments or edits **by 9 a.m**. the following morning.*

*Please do not hesitate to reach out if you have additional thoughts or questions.*

*We appreciate your constant support during this critical time.*

*Thank you!*
*Frank*

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 16 Mar 2020 20:56:23 +0000
**To:** Brogan, Frank
**Subject:** DRAFT to OLCA, OCO, and OS: COVID-19 Inquiries Relating to Elementary and Secondary Education

Frank,

See below.

Let me know if you have any feedback or suggestions for edits.

I would like to get this sent out as soon as we are able to streamline our communication with OLCA, OCO, and OS.

Thank you

Dear colleagues,

As you know, we requested COVID-19-related inquiries from the field be sent to COVID-19@ed.gov mailbox. We also understand many questions are being sent directly to ED staff in your respective offices and we want to make sure those are addressed timely and efficiently. Please process accordingly:

1. If you receive a coronavirus related question that has not been addressed in previous communication posted by the Department, respond to the inquiring party acknowledging receipt of the question and informing them that the Department will respond as soon as possible. Please note that if it's unclear whether the question has been addressed by previous Department communication, employees should err on the side of sending the inquiry up the chain.
2. Email the inquiry to Sarah Feldpausch (sarah.feldpausch@ed.gov) and Caitlin Condie (caitlin.condie@ed.gov). You must include information on who the inquiry is from and the intended response format (written or verbal).
3. Inquiries will be logged into our database (with existing Q&As from the COVID-19 mailbox). Relevant subject matter experts, OGC, and senior leadership will work on developing a response if not already established in database.
4. Sarah and/or Caitlin will share the approved response with the staffer who sourced the inquiry and that staffer will respond directly to the inquiring party.

**For questions that you have already received**

Please send all communications you have already received related the Coronavirus using the instructions above. If an employee has already responded to the inquiry, please attach the response.

Please let us know if you have additional questions in the meantime. Thank you all for your work.

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Page 10337

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Please send all communications you have already received related the Coronavirus using the instructions above. If an employee has already responded to the inquiry, please attach the response.

Please let us know if you have additional questions in the meantime. Thank you all for your work.

Best,
Aimee Viana or Frank Brogan

-

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Wed, 1 Apr 2020 18:11:42 +0000
**To:** Bailey, Nathan
**Cc:** Brogan, Frank;Rinkus, Christopher
**Subject:** DRAFT tps

Nate,

FYSA – These DRAFT talking points were provided by the OSSA team to clarify Title I/ CARES funds misconceptions. Don't hesitate to let me know if you would like additional information/ clarification.

Suggested talking points to clarify that Title I requirements do not apply to CARES funds are below:

- SEAs have asked whether they and their LEAs must spend the portion of CARES funds that they receive, called the Elementary and Secondary Relief Fund, in accordance with Title I, Part A requirements.
    - The answer is no.
    - Instead, a LEA may use CARES funds for any activity listed in section 18003(d) of the CARES Act (pages 286-287). Examples from section 18003(d) include but are not limited to:
        - Those that are allowable under multiple Federal education laws, including the ESEA, IDEA, and Perkins;
        - Providing principals and others school leaders with the resources necessary to address the needs of their individual schools; and
        - Purchasing educational technology (including hardware, software, and connectivity) for students to interact with classroom instructors, including low-income students and students with disabilities, which may include assistive technology.
- SEAs have asked whether a LEA must use CARES funds only in its Title I schools.
    - The answer is no.
    - LEAs may use CARES funds in any school for activities listed in section 18003(d).
- So, how does Title I connect to CARES?
    - CARES requires an SEA to use its LEAs' Title I, Part A allocations as the basis to determine the amount of CARES funds that each LEA will receive.
    - Specifically, an SEA must allocate at least 90 percent of its CARES award to LEAs in proportion to the amount of funds each LEA, including charter school LEAs, received

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under Title I, Part A in the most recent fiscal year, i.e. Federal fiscal year 2019 Title I, Part A funds that SEAs allocated to LEAs for school year 2019-2020.

- For example, assume:
  - An SEA allocated $100,000,000 in school year 2019-2020 Title I, Part A funds to LEAs.
  - **LEA A** received a Title I, Part A allocation of $10,000,000 or 10 percent of the total $100,00,000 the SEA allocated to LEAs.
  - **LEA A** will therefore receive 10 percent of the CARES funds than the SEA allocates to its LEAs to use in accordance with section 18003(d) of CARES, not in accordance with Title I, Part A.

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 10 Mar 2020 14:59:30 +0000
**To:** Brogan, Frank
**Subject:** FW: COVID-19 concerns and NHEC mandates

Fyi below.

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Tuesday, March 10, 2020 10:57 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Fwd: COVID-19 concerns and NHEC mandates

Begin forwarded message:

**From:** "Carr, Patrick" <Patrick.Carr@ed.gov>
**Date:** March 10, 2020 at 10:30:12 AM EDT
**To:** "Ryder, Ruth" <Ruth.Ryder@ed.gov>
**Subject: FW: COVID-19 concerns and NHEC mandates**

FYI

---

**From:** Johnson, Patricia <Patricia.Johnson@ed.gov>
**Sent:** Tuesday, March 10, 2020 10:29 AM
**To:** Carr, Patrick <Patrick.Carr@ed.gov>
**Cc:** Osborne, Joanne <Joanne.Osborne@ed.gov>; Tauriainen, Ryan <ryan.tauriainen@ed.gov>
**Subject:** FW: COVID-19 concerns and NHEC mandates

FYI-looks as if HI people are not traveling…

---

**From:** Osborne, Joanne <Joanne.Osborne@ed.gov>
**Sent:** Tuesday, March 10, 2020 9:47 AM
**To:** Johnson, Patricia <Patricia.Johnson@ed.gov>
**Cc:** Tauriainen, Ryan <ryan.tauriainen@ed.gov>
**Subject:** FW: COVID-19 concerns and NHEC mandates

See message below…

---

**From:** Elena Farden <elena@nhec.org>
**Sent:** Monday, March 9, 2020 8:11 PM
**To:** Osborne, Joanne <Joanne.Osborne@ed.gov>
**Cc:** Erika Vincent <erika@nhec.org>
**Subject:** COVID-19 concerns and NHEC mandates

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Aloha e Joanne,
I hope this email finds you healthy and well!

I'm reaching out today to share some updates on NHEC Executive Council direction for our work in March and April due to COVID-19 concerns, and answer any questions or wonderings you might have. Today our Executive Committee had an ad hoc emergency meeting to be proactive in addressing COVID-19 for 1) Staff safety guidelines in place for travel, 2) Councilmember safety for meetings and events, 3) Community safety for any planned consultations and events, and 4) Business continuity to ensure we are communicating and informing US DOE of any plans/deadlines/milestones due to COVID-19.

The following was decided:

**TRAVEL**
The Executive Committee has decided to suspend any Council member travel for NHEC work for March and April 2020, including our April 24 quarterly meeting and community consultation on Hawai'i Island. Instead of an in-person meeting, we will continue our meeting and business over video conference.

At the end of April 2020, the Executive Committee will reassess this for our July scheduled quarterly meeting. At this time our July 17 meeting is planned to be in-person on the island of Maui.

**COMMUNITY CONSULTATION**
Also planned for April 24 was a community consultation on Hawai'i Island that will now be cancelled. We will continue planning to meet our mandate by

1. Adjusting dates and logistics for in-person consultations to be held in May-August; and
2. Designing a virtual community consultation (webinar or live stream interaction) that NHEC can implement should the COVID-19 health concern escalate beyond April.

I'm happy to answer any questions you might have around these decisions that impact our mandate, and if helpful, I'm open to schedule time for us to discuss over a conference call. I'm also curious if you folks have received similar communications from the Native Indian and/or Alaska Native programs you oversee and if there's anything worth sharing that we should also consider?

Mahalo nui,
Elena

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Mon, 20 Apr 2020 18:06:24 +0000
**To:** Viana, Aimee
**Subject:** FW: Draft-GEER Fund Webinar Slides-04.20.2020 Updates.pptx
**Attachments:** Draft-GEER Fund Webinar Slides-04.20.2020 Updates.pptx

---

**From:** Miller, Meredith <Meredith.Miller@ed.gov>
**Sent:** Monday, April 20, 2020 1:30 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: Draft-GEER Fund Webinar Slides-04.20.2020 Updates.pptx

This is the GEER Fund PPT for Wednesday's Webinar.

---

**From:** Miller, Meredith
**Sent:** Monday, April 20, 2020 1:27 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** Draft-GEER Fund Webinar Slides-04.20.2020 Updates.pptx

AMERICAN OVERSIGHT

# GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND UNDER THE EDUCATION STABILIZATION FUND

## APRIL 22, 2020

**CFDA NUMBER: 84.425C**

AMERICAN OVERSIGHT

# AGENDA

- Overview of the Governor's Emergency Education Relief Fund (GEER Fund)Program PurposeAvailable FundingEligible Applicants and Eligible EntitiesApplication TimelinesAllowable Uses of FundsHow to ApplyNext StepsQ&A

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# Overview of the Governor's Emergency Education Relief Fund (GEER Fund)

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# PROGRAM PURPOSE

- Authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) signed March 27, 2020Under the Governor's Emergency Education Relief Fund (GEER Fund), the U.S. Department of Education awards grants to Governors for the purpose of providing local educational agencies (LEAs), institutions of higher education (IHEs), and other education related entities with emergency assistance as a result of COVID-19.

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# PROGRAM PURPOSE

- Under this program, a Governor may provide subgrants to LEAs and IHEs within the State that have been "most significantly impacted by coronavirus" to support their ability to continue to provide educational services to their students and to support the "on-going functionality" of these entities. In addition, a Governor may use program funds to provide support to other LEAs, IHEs, and education-related entities that Governor "deems essential" for carrying out emergency educational services, providing childcare and early childhood education, providing social and emotional support, and protecting education-related jobs.

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# AVAILABLE FUNDING

$2,953,230,000State GEER Allocations are determined as follows: 60% based on the State's population of individuals aged 5 through 24 and40% based on the relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965, as amended (ESEA).State GEER Allocations are provided on the GEER Fund website: https://oese.ed.gov/files/2020/04/GEER-Fund-State-Allocations-Table.pdf

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# ELIGIBLE APPLICANTS & ENTITIES

Eligible ApplicantsThe Governors in all 50 States and the Commonwealth of Puerto Rico, as well as the Mayor of the District of Columbia.Eligible EntitiesThe Governor may award GEER funds to LEAs, IHEs, and education-related entities.

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# APPLICATION TIMELINES

| | |
|---|---|
| April 14, 2020 | GEER Fund Certification and Agreement becomes available |
| April 14 – June 1, 2020 | The Department receives Certification and Agreements on a rolling basis and expects to award funds within **three business days** of receiving a Governor's completed Certification and Agreement |
| June 1, 2020 | Submission deadline |

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# ALLOWABLE USE OF FUNDS

Governors may use the funds to: Provide emergency support through grants to the LEAs that the SEA deems to have been most significantly impacted by coronavirus to support the ability of such LEAs to continue to provide educational services to public and non-public school students and to support the ongoing functionality of the LEA;

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# ALLOWABLE USE OF FUNDS (CONTINUED)

2. Provide emergency support through grants to IHEs serving students within the State that the Governor determines have been most significantly impacted by coronavirus to support the ability of such institutions to continue to provide educational services and support the ongoing functionality of the institution; and

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# ALLOWABLE USE OF FUNDS (CONTINUED)

3. Provide support to any other LEA, IHE or education-related entity within the State that the Governor deems essential for carrying out emergency educational services to students, the provision of childcare and early childhood education, social and emotional support, and the protection of education-related jobs.

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# How to Apply

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# HOW DO I APPLY FOR FUNDING?

- Submit a completed and signed PDF version of the GEER Fund Certification and Agreement, by email, to the U.S. Department of Education (Department) at GEERF@ed.gov no later than June 1, 2020.The term “Certification and Agreement” refers to the Governor’s application for GEER funds as required in section 18002(a). The Certification and Agreement is available at https://oese.ed.gov/offices/education-stabilization-fund/governors-emergency-education-relief-fund/

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# WHAT IS A COMPLETED CERTIFICATION AND AGREEMENT DOCUMENT?

The Certification and Agreement must include the following: A completed Certification and Agreement cover sheet that includes the signature of the Governor or authorized representative (Part A)Programmatic, fiscal and reporting assurances (Part B)Information on the uses of the Governor's Emergency Education Relief Funds (Part C)Other assurances and certifications (Part D)

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# PART A

## Cover Sheet

- Review, signature, and dateDocument must be signed by Governor or Designee

**GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND**
**PART A: CERTIFICATION AND AGREEMENT COVER SHEET**
**(CFDA Nos. 84.425C)**

| | |
|---|---|
| Legal Name (Office of the Governor): | DUNS Number: |
| Address (Street Number and Name, City, State, Zip Code): | Contact Information for State Program Representative:<br>Name:<br>Position & Office:<br>Street Number and Name, City, State, Zip Code:<br>Telephone:<br>Email address: |
| To the best of my knowledge and belief, all of the information and data in this certification and agreement are true and correct. I acknowledge and agree that the failure to comply with all Assurances and Certifications in this Agreement, all relevant provisions and requirements of the Coronavirus Aid, Relief, and Economic Security Act or CARES Act, Pub. L. No. 116-136 (March 27, 2020), or any other applicable law or regulation may result in liability under the False Claims Act, 31 U.S.C. § 3729, *et seq.*; OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and 18 USC § 1001, as appropriate. | |
| Governor or Authorized Representative of the Governor (Typed Name): | Telephone: |
| Signature of Governor or Authorized Representative of the Governor: | Date: |

ED-20-0731-A-001358

Form Approved OMB Number: 1810-0741 Expiration Date: 10/31/2020

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# PART B

## Programmatic, Fiscal & Reporting Assurances

- Review, signature, and dateDocument must be signed by Governor or Designee

**GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND**
**PART B: PROGRAMMATIC, FISCAL, AND REPORTING ASSURANCES**

The Governor or his/her authorized representative assures the following:

- Solely as authorized by Section 18002 of Division B of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. No. 116-136 (March 27, 2020), and subject to all other applicable laws, funds will be used for one or more of the following:
  - To provide emergency support through grants to the local educational agencies (LEAs) that the State educational agency (SEA) deems most significantly impacted by COVID-19 to support the ability of such LEAs to continue to provide educational services to public and non-public school students and to support the on-going functionality of the LEA;
  - To provide emergency support through grants to institutions of higher education (IHEs) serving students within the State that the Governor determines have been most significantly impacted by COVID-19 t
    to continue to provide educational services a
    the institution; and
  - To provide support to any other IHE, LEA,
    State that the Governor deems essential for
    services to students for authorized activities
    CARES Act or the Higher Education Act of
    of childcare and early childhood education,
    protection of education-related jobs.
- The State will comply with the maintenance of effo
  Division B of the CARES Act absent waiver by the
  thereof.
- The State, and each LEA, IHE, and other education-
  will, to the greatest extent practicable, continue to p
  the period of any disruptions or closures related to C
  18006 of Division B of the CARES Act.
- The State will submit to the Department, within 45
  report detailing the State's process for awarding tho
  education-related entities, including the criteria for
  significantly impacted by coronavirus" and/or "esse
  educational services" and a description of the proce
  formulating those criteria.
- The State will use its best efforts to provide grant fu
- The State will comply with all reporting requiremen
  15011(b)(2) of Division B of the CARES Act and s
  Secretary, at such time and in such manner and cont
  may reasonably require in the future. (See also 2 C
  may require additional reporting in the future, whic
  - Specific entities awarded GEER funds by th
  - Uses of funds by the SEA, LEAs, IHEs, or o
    demonstration of their compliance with Sect
    was applied to support addressing digital div
    learning;

4

  - The number of public and non-public schools that received funds or services; and
  - A description of the internal controls the State has in place to ensure that funds were used for allowable purposes and in accordance with cash management principles.
- Generally speaking, the Department does not expect administrative or executive salaries and benefits for IHEs, SEAs, or the other education related entities referenced at § 18002(c)(3) to be a lawful purpose for GEER funds.
- Similarly, the Department does expect increased reporting requirements if thes funds are used for payments to education related entities. If a State, in the exercise of its discretion, allows GEER funds to be used accordingly, then it must report the amount of GEER funds (a) (i) used for, to subsidize, or to offset administrative or executive salaries and benefits and/or (ii) provided to or for the benefit of state, local, or IHE teacher or faculty unions or associations; and (b) a detailed description of the evidence providing a reasoned basis for the determination such funds (if any) are necessary to provide educational services to students and/or to support the on-going functionality of a LEA or IHE, or are otherwise specifically authorized by the plain statutory language and context of § 18002(c)(3) of the CARES Act.
- The State will ensure that an LEA receiving GEER funds will provide equitable services to students and teachers in non-public schools located within the LEA in the same manner as provided under section 1117 of the ESEA, as determined through timely and meaningful consultation with representatives of non-public schools.
  - The State will ensure that a public agency will maintain control of funds for the services and assistance provided to a non-public school under the GEER Fund.
  - The State will ensure that a public agency will have title to materials, equipment, and property purchased with GEER funds.
  - The State will ensure that services to a non-public school with GEER funds will be provided by a public agency directly, or through contract with, another public or private entity.
- The State will ensure that every recipient and subrecipient of GEER funds will cooperate with any examination of records with respect to such funds by making records available for inspection, production, and examination, and authorized individuals available for interview and examination, upon the request of (i) the Department and/or its Inspector General; or (ii) any other federal agency, commission, or department in the lawful exercise of its jurisdiction and authority.
- The State will return to the Secretary any funds received under the GEER Fund that the State does not award within 1 year of receiving such funds.

| Governor or Authorized Representative of the Governor (Typed Name): | |
|---|---|
| Signature: | Date: |

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# PART C

## Anticipated Use of Funds

- Narrative responseAdd additional pages as necessary

**GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND**
**PART C: USES OF GOVERNOR'S EMERGENCY EDUCATION FUNDS**

Section 18002 of Division B of the CARES Act provides in relevant part that grants awarded under the Governor's Emergency Education Relief Fund be used to support the ability of local educational agencies (LEAs) and institutions of higher education (IHEs) to continue to provide educational services to their students. The Department is interested in learning how and to what extent each State intends to use the award, or a portion of the award, to establish, develop, improve, or expand the availability, accessibility, capacity, and use of remote learning techniques and technologies which includes both distance education as defined in section 103(7) of the HEA and distance learning as defined in ESEA section 8101(14). The Department requests the following information:

1. Does the State intend to use any of the awarded funds to support remote learning for all students?
   a. Please describe whether the State considered conducting an assessment of the barriers to implementing effective remote learning for all students, or utilizing an existing assessment, to help target resources toward greatest needs.
   b. With respect to LEAs, please describe how the State intends to use the funds to help students and teachers adopt or improve remote learning that serves all students, including students with disabilities, students from low-income families, charter school students, and non-public school students.
   c. With respect to IHEs, please describe how the State intends to focus expenditures to ensure that all institutions – public and private – have the needed supports to continue executing their missions and educating their students.

2. Does the State intend to use any of the awarded funds to support technological capacity and access – including hardware and software, connectivity, and instructional expertise – to support remote learning for all students? If so, please describe how the State will achieve its goals for both LEAs and IHEs.
   a. Please describe the strategies used to serve disadvantaged populations listed in Sec. 18003(d)(4) of the CARES Act.

3. Does the State intend to use any of the awarded funds to support remote learning by developing new informational and academic resources and expanding awareness of, and access to, best practices and innovations in remote learning and support for students, families, and educators? If so, please identify, generally, the resources, best practices, and innovations that the State intends to develop and expand.



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# PART D

## Other Assurances & Certifications

- Review, signature, and dateDocument must be signed by Governor or Designee

**GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND**
**PART D: OTHER ASSURANCES AND CERTIFICATIONS**

The Governor or his/her authorized representative assures or certifies the following:

- The State will comply with all applicable assurances in OMB Standard Forms 424B and D (Assurances for Non-Construction and Construction Programs), including the assurances relating to the legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood hazards; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and the general agreement to comply with all applicable Federal laws, executive orders, and regulations.

- With respect to the certification regarding lobbying in Department Form 80-0013, no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; the State will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR part 82, Appendix B); and the State will require the full certification, as set forth in 34 CFR part 82, Appendix A, in the award documents for all subawards at all tiers.

- Any LEA receiving funding under this program will have on file with the State a set of assurances that meets the requirements of Section 442 of the General Education Provisions Act (GEPA), 20 U.S.C. 1232e.

- To the extent applicable, an LEA will include in its local application a description of how the LEA will comply with the requirements of Section 427 of GEPA, 20 U.S.C. 1228a. The description must include information on the steps the LEA proposes to take to permit students, teachers, and other program beneficiaries to overcome barriers (including barriers based on gender, race, color, national origin, disability, and age) that impede access to, or participation in, the program.

- The State and other entities will comply with the provisions of all applicable acts, regulations, and assurances; the provisions of the Education Department General Administrative Regulations in 34 CFR parts 75, 76, 77, 81, 82, 84, 86, 97, 98, and 99; the OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

| Governor or Authorized Representative of the Governor (Typed Name): | |
|---|---|
| Signature: | Date: |



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ED-20-0731-A-001361

# Next Steps

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# CERTIFICATION AND AGREEMENT NEXT STEPS

1. Submit a completed and signed PDF version of the GEER Fund Certification and Agreement, by email, to the U.S. Department of Education at GEERF@ed.gov no later than June 1, 2020.Review the GEER Fund website for all GEER Fund materials: https://oese.ed.gov/offices/education-stabilization-fund/governors-emergency-education-relief-fund/ Certification and Agreement (Application)Notice Announcing Availability of Funds

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# HAVE QUESTIONS?

## GEER FUND OFFICE HOURS

- Join the Department for GEER Fund Office Hours on Wednesdays from 3:00-4:00 PM EST in April & May. April: 22nd, 29th May: 6th, 13th, 20th, 27th The GEER Fund website will be updated with registration information as it becomes available: https://oese.ed.gov/offices/education-stabilization-fund/governors-emergency-education-relief-fund/ Information about other technical assistance webinars on the CARES Act will also be posted on the GEER Fund website as it becomes available.

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# AWARD IMPLEMENTATION

| | |
|---|---|
| Within **45 days** of award | Each Governor must submit to the Department, within 45 days of receiving a GEER grant, an **initial report** detailing the State's process for awarding those funds to LEAs, IHEs, or other education-related entities. |
| Within **one year** of award | Each Governor will have one year, from the date of its award, to award funds. Any funds not awarded by the Governor within one year of receiving its award, will be returned to the Department for reallocation. |
| Sept. 30, 2022 | An LEA, IHE, or education-related entity receiving a subaward from the Governor must **obligate** the funds by September 30, 2022. |

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# Questions?

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# CONTACT US

- GEER Fund website: https://oese.ed.gov/offices/education-stabilization-fund/governors-emergency-education-relief-fund/
  Email: GEERF@ed.gov

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**From:** Brogan, Frank
**Sent:** Thu, 11 Jun 2020 13:40:34 +0000
**To:** Viana, Aimee;Miller, Meredith
**Subject:** FW: ED Response to PRDE RMSD Revisions 6-10-20
**Attachments:** ED Response to PRDE RMSD Revisions 6-10-20.docx

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**From:** Stader, Jim <Jim.Stader@ed.gov>
**Sent:** Thursday, June 11, 2020 8:54 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** FW: ED Response to PRDE RMSD Revisions 6-10-20

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**From:** Stader, Jim <Jim.Stader@ed.gov>
**Sent:** Thursday, June 11, 2020 8:19 AM
**To:** Robinson, Mark <Mark.Robinson@ed.gov>
**Cc:** Stader, Jim <Jim.Stader@ed.gov>; Dickerson, Lorena <Lorena.Dickerson@ed.gov>
**Subject:** ED Response to PRDE RMSD Revisions 6-10-20

Thanks- I made a few changes but not much. Very good letter. Please review/see what you think. I also changed the $349 to $321M but OESE needs to confirm this number. Let me know when you flip to Tara so I can alert Frank-Jim

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UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

June XX, 2020

The Honorable Wanda Vázquez Garced
Governor
Commonwealth of Puerto Rico
PO Box 9020082
San Juan, Puerto Rico 00902-0082

The Honorable Eligio Hernández Pérez
Secretary of Education
Puerto Rico Department of Education
PO Box 190759
San Juan, Puerto Rico 00919-0759

Dear Governor Vázquez Garced and Secretary Hernández Pérez:

I am writing to address your response, dated May 30, 2020, regarding the Governor's Emergency Education Relief Fund (GEER) and Elementary and Secondary School Emergency Relief Fund (ESSER) programs under the Coronavirus Aid, Relief and Economic Security Act (CARES Act). We appreciate the urgency with which the issues regarding these funds need to be resolved so the much-needed services can be provided to the students in the Commonwealth of Puerto Rico.

In our letter to you on May 22, 2020, the U.S. Department of Education (the Department) explained the requirements that must be in place to issue funds under the ESSER and GEER programs, which was part of a larger conversation on the procurement of a Third Party Fiduciary Agent (TPFA). PRDE sent a letter and documentation on May 31, 2020 in response to the May 22, 2020 letter. After reviewing documentation, the Department requested further clarification during a conference call with PRDE on June 8, 2020, followed by the submission by PRDE on June 9, 2020 of additional information regarding the 60-day budget period. While the Department requested documentation and information for a 30-day period, PRDE provided a 60-day period instead, explaining that this aligned with the planned start of the TPFA.

After reviewing the documentation submitted including the additional budget information, and in recognition of the circumstances in the Commonwealth due to the Coronavirus, the Department will proceed with awarding the PRDE's ESSER grant as soon as possible. While the entire award amount of $321 million will be posted in the Department's G5 system, PRDE will be limited to draw down only the amount requested for the 60-day budget, $7,318,129.47, until the start of the TPFA. Once the ESSR grant award is issued, you are authorized to immediately draw the $7,318,129.46 to support the programs you requested the funds for. With regards to your internal control plans you provided



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in your May 20, 202 letter, I want to thank you for submitting this important document which lays out the process you will follow over the next 60 days till the TPFA is in place. It is my understanding that you will implement all internal controls as described in their submitted plan and will specifically, for the 60-day expenditures, complete the internal controls described in its plan while also designating a specific staff person to oversee the internal control plan.

With respect to the GEER Funds, the Department will require any portion of the $47 million of GEER funds used for any K-12 related expenditures, whether initiated through PRDE or another public or private entity, to also be managed by a third-party fiduciary agent, since they are federal funds going to the Government of Puerto Rico to support education programs. These funds will not be available for use until a third-party fiduciary agent is in place. A specific condition will be placed on the award with this requirement. If however within the first 60 days of the GEER award a portion of the funds are needed immediately, Puerto Rico shall notify the Department and provide similar budget and internal control documentation, in the same manner and detail as was the case with the request for ESSER funds so we can review your next 60 day needs with the goal of reviewing and approving your immediate draw down needs to support educational requirements that can be executed over the next 60 days.

The Department's decision to require a TPFA for the ESSER funds, as well as the portion of the GEER funds allocated for any K-12 related expenditures, has been difficult but deemed necessary and beneficial. The Department recognizes the challenges associated with PRDE's current fiscal management of federal funds and the impact this is having on effective federal education program implementation. Puerto Rico and PRDE have had longstanding difficulties implementing Federal education programs consistent with the requirements of law, regulation, and financial and administrative guidelines. For the last two decades, the Department has worked closely with the PRDE to resolve a variety of issues and believes that structural issues lie at the core of PRDE's administrative and educational challenges. These issues include the lack of sufficient numbers of capable civil service staff to administer state and local programs and funding and the near absence of rigorous and compliant procurement and contracting practices. The Department has also provided PRDE with extensive technical assistance over the years on program matters to help build PRDE's capacity, with mixed results. The Department firmly believes the requirement for a TPFA will relieve many of these concerns by providing capable and experienced resources to assist PRDE in successfully performing necessary fiscal and management responsibilities that will ultimately benefit the educational opportunities and experience of the students of PRDE.

Due to the high profile, visibility, and oversight by Congress and the Federal inspector general community of CARES Act funds, the Department's intent was always to have these funds placed under the control of a TPFA. As you are aware, the decision to require PRDE to procure a third party fiduciary was agreed to by Governor Rossello and Secretary DeVos and included in the FFY 2019 Departmental specific conditions dated June 28, 2019, well before the Coronavirus pandemic and the subsequent passage of the CARES Act and associated grants. Therefore, the upcoming FFY 2020 specific conditions will also include the requirement for the ESSER and any GEER funds provided for K-12 expenditures to be managed by a third-party fiduciary. The FFY 2020 conditions will also require the TPFA to manage PRDE's FFY 2020 grants, as well as all grants previously awarded by the Department that are still available for obligation or liquidation by PRDE on the date of the FFY 2020 Departmental specific conditions, including the FFY 2019 awards.



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We believe the approach outlined in this letter will not only ensure the accountability and integrity of these vital funds, necessary for Puerto Rico to recover from the impact of the Coronavirus pandemic, but also assist the Commonwealth and PRDE to build capacity to develop, implement, and eventually sustain adequate internal controls and management practices to effectively manage all Department grant funds and programs. As noted in your letter of May 22, 2020, we look forward to your award of the TPFA within 60 days or sooner, to support the technical services that will benefit everyone. The Department maintains our commitment to assist Puerto Rico during these challenging times, as we work together to improve the delivery of Federal education services for the students throughout the Commonwealth.

Sincerely,

Frank T. Brogan
Assistant Secretary
Elementary and Secondary Education



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**From:** Brogan, Frank
**Sent:** Tue, 9 Jun 2020 14:11:50 +0000
**To:** Viana, Aimee
**Subject:** FW: ED Response to PRDE.docx
**Attachments:** ED Response to PRDE.docx

-----Original Message-----
From: Ramsey, Tara <Tara.Ramsey@ed.gov>
Sent: Tuesday, June 9, 2020 9:50 AM
To: Brogan, Frank <Frank.Brogan@ed.gov>
Subject: ED Response to PRDE.docx

Frank,
Not sure how you prefer to look at documents so I included the standalone attachment, but below is the link to the file that everyone has been editing in. I did go through and accept track changes as it was getting unwieldy.

Tara
https://share.ed.gov/teams/OESE/OFFICES/CA/K12%20Emergency%20Relief%20Fund/Awards/PRDE%20Interim%20Award/ED%20Response%20to%20PRDE.docx?web=1

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Page 10373

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Page 10374:

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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**From:** Viana, Aimee
**Sent:** Wed, 11 Mar 2020 23:29:51 +0000
**To:** Washington, Mark
**Cc:** Brogan, Frank
**Subject:** FW: Feedback on COVID-19 Contingency Plans
**Attachments:** Review of COVID plans.docx

Mark,

Thank you for reviewing and making any necessary edits.

Do not hesitate to let me know if I can support in any way.

ty

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**From:** Hairfield, James <James.Hairfield@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:07 AM
**To:** Luczak, Ronald <Ronald.Luczak@ed.gov>; Stanton, Craig <Craig.Stanton@ed.gov>; Adler, Sheryl <Sheryl.Adler@ed.gov>; Morgan, Earl <Earl.Morgan@ed.gov>; Young, Will <Will.Young@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>; Hunter, Tina <Tina.Hunter@ed.gov>; Smith, Richard <Richard.Smith@ed.gov>; Maddox, Keith M. <Keith.Maddox@ed.gov>; McHugh, Erin <Erin.McHugh@ed.gov>; King, Robert <Robert.King@ed.gov>; Winston, Melanie <Melanie.Winston@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Araujo, Liza <Liza.Araujo@ed.gov>; Shields, Trina <Trina.Shields@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>
**Cc:** Zais, Mitchell <Mitchell.Zais@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>; Robb, Carly <Carly.Robb@ed.gov>; Hawley, Colette <Colette.Hawley@ed.gov>; Senecal, Lisa <Lisa.Senecal@ed.gov>
**Subject:** Feedback on COVID-19 Contingency Plans

Good morning. Thank you for the effort you put forth in developing a response to the Deputy Secretary's requirement for a Principal Office Component, COVID-19 Contingency Plan. The results of the review are attached. Please reach out to me or Colette Hawley, ED's Continuity Coordinator, should you have any questions.

James Hairfield
Office of Finance and Operations | U.S. Department of Education
(Desk): 202-453-7545
(Mobile): 202-302-8835

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Review of COVID-19 Contingency Plans

FSA – five-page COVID-19 plan should be read in concert with the POC's BCP.

IES – one of the best COVID-19 specific plans. Covers tiers both in terms of telework and if employees are unable to work.

OCIO – work in progress

OCO – submitted BCP – nothing specific on COVID or pandemic as an appendix or part of the BCP. Please reach out to Colette Hawley for assistance.

OCR – addressed COVID specifically, along with tiers, as an appendix to its BCP.

OCTAE – COVID-19 is addressed as an appendix to POC BCP. Office has approximately 60 employees. For tiers, states BCP is flexible and scalable, and can address implementation of telework. Appendix lists essential functions and employees.

OFO – appendix to BCP does cover all functional areas and tiers.

OIG – only provided BCP. Going to go back and provide the COVID specific plan.

OGC – addressed tiered response in the same way as OCTAE. Has a two-page pandemic flu plan.

OESE – separate appendix, no tiers, although it does reference remote work.

OLCA – submitted BCP, which needs to be updated. Did provide a short addendum on telework. Please reach out to Colette Hawley for assistance.

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OPEPD – BCP has a pandemic flu plan. POC would be able to implement a tiered approach to telework

OPE – telework plans maintained in a separate document – does cover tiers by designating people. Satisfactorily met the requirement.

OS – received 3/10, pending review.

OSERS – COVID-19 specific appendix – 95% can telework.

OELA, NAGB – still to come

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**From:** Viana, Aimee
**Sent:** Mon, 30 Mar 2020 21:17:18 +0000
**To:** Brogan, Frank
**Subject:** FW: For Action - Hiring Flexibilities in Support of COVID-19

Frank,

Below is for your situational awareness.

Let's touch base later this evening.

---

**From:** Miller, Meredith <Meredith.Miller@ed.gov>
**Sent:** Monday, March 30, 2020 5:08 PM
**To:** Washington, Mark <Mark.Washington@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>; Hunter, Tina <Tina.Hunter@ed.gov>
**Subject:** RE: For Action - Hiring Flexibilities in Support of COVID-19

Thanks, Mark. I'm glad folks are thinking about the long term staffing for this work.

The other conversation leadership must have is where the programs will sit that cover both K-12 and higher ed. There's a $300 million discretionary grant and $3 billion Governor's Emergency Education Relief Fund. If these are to be implemented in OESE, that adds more funding and the need for more staff. But I'm not sure who will make this decision. Maybe that's a conversation for you to have with Frank and he can discuss with Bob K. and/or elevate.

I would not recommend any of these programs be implemented in the DRU. Our scope is natural disasters – the man-made disasters and pandemics have been handled by OSSS. That's not to say that group would own these program, but just wanted to make an argument that they don't fit well in the DRU.

Thanks for your consideration.
Meredith

---

**From:** Washington, Mark <Mark.Washington@ed.gov>
**Sent:** Monday, March 30, 2020 4:10 PM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Miller, Meredith <Meredith.Miller@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>; Hunter, Tina <Tina.Hunter@ed.gov>
**Subject:** FW: For Action - Hiring Flexibilities in Support of COVID-19

Ruth and Meredith,

Tina and I have been talking since this guidance below came out, in anticipation of the final stimulus bill that would require ED and OESE to distribute additional funding to entities impacted by COVID-19. Now that we know that our portion is approximately $13.5 billion, I am recommending that we request use of both the authority for the dual compensation reduction waiver (salary offset) and the excepted service appointment authority that will allow us to identify and directly hire staff to respond to the effects of

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COVID-19. My early understanding is that most if not all of the funding will be formula grants in nature. As such, and using our largest formula programs as an example, I think we should consider a range of options in submitting our request to OHR for access to these flexibilities. For instance, the combined Title I, Title II, Title III, 21st Century Learning Centers, Neglected and Delinquent and Homeless programs total roughly $21 billion. The current staffing is 29 for those programs, and Patrick Rooney believes that 38 staff are needed to cover the work sufficiently. By comparison, the Impact Aid programs total roughly $1.5 billion, and they have 20 staff currently and Marilyn Hall believes the needed number is about 24. Finally, the Safe and Supportive Schools programs total about $1.3 billion and the staffing is at 20 as well. Paul Kesner's estimate for sufficient staffing is about 24.

There are a number of drivers that could impact how we process and award the stimulus funds. Certainly, complexity will have an impact, as much as dollar volume and process. That said, none of us knows currently how many "pots" will be filled by these funds. SERV grants is an existing authority that my not require as many hires to add to the current staffing, but entirely new programs created by the CARES Act authority could require much more. With all of that taken together, I recommend the following for your consideration of what we should request:

| Anticipated Need | Authority Requested | Staffing Required |
|---|---|---|
| Policy and program development and alignment; experience with implementing wide-scale funding authorities and formula grants | Dual Compensation Reduction Waiver | 3 |
| Program management, grants administration, program officers, program directors and experience with supervision of formula and other grant making operations; Policy and program development and alignment; experience with implementing wide-scale funding authorities and formula grants | Excepted Service Appointments | 16 |

For additional context, the basis of the three positions I listed for the first authority considered experienced and recently retired individuals who were very involved and experienced in the planning and distribution of ARRA funds and similar wide-scale stimulus efforts (e.g. Jim Butler, Jackie Jackson, Joe Conaty, Sue Betka, Richard Lucas, etc.). Please let me know your thoughts. I'd like to submit our number this evening. I am not even sure of how these programs will land in OESE (OFG? OFG & DRU?), but I think these numbers are reasonable, depending on the size and placement of the programs that will distribute the funds.

Thanks,

Mw

---

**From:** CHCO <CHCO@ed.gov>
**Sent:** Tuesday, March 24, 2020 9:52 AM
**To:** CHCO <CHCO@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Peterman, Charles <Charles.Peterman@ed.gov>; Davis, Wanda <Wanda.Davis@ed.gov>; Harris, Antonia <Antonia.Harris@ed.gov>
**Subject:** For Action - Hiring Flexibilities in Support of COVID-19

**Distribution List**: Assistant Secretaries, Deputy Assistant Secretaries for Management, Executive Officers and HR Liaisons

Greeting Colleagues,

In response to the ongoing public health emergency, the Office of Personnel Management issued guidance regarding flexibilities to address the need for hiring additional staff in response to, or as a result of, COVID-19.

- The first flexibility is an expedited review and approval process for requests by agencies for a delegation of authority for dual compensation reduction (salary off-set) waiver. The delegated authority will allow agencies to rehire retired former employees without a reduction to such employees retirement annuity. For additional information: https://www.opm.gov/policy-data-oversight/hiring-information/dual-compensation-waivers/#url=Guidance.

- The second flexibility authorizes agencies to use excepted service appointments to temporarily fill positions needed **in direct response to the effects of COVID-19**. These appointments may be for up to one (1) year and may be extended up to one (1) additional year if this public health emergency continues. Extensions beyond 24 months may be granted by OPM on a case-by-case basis.

If your office has hiring needs in direct response to the effects of COVID-19 that can be addressed by the use of either of these two hiring flexibilities, please provide a description of the need, the authority being requested, and the number of hires anticipated to Charles Peterman, Acting Director, Human Capital Policy and Accountability, at charles.peterman@ed.gov by March 30, 2020.

As a reminder, this authority may not be used to fill positions that are not directly related to COVID-19.

Thanks in advance,

Antonia T. Harris
Chief Human Capital Officer

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Fri, 1 May 2020 13:23:23 +0000
**To:** Viana, Aimee
**Subject:** FW: For Frank Approval by Noon on Thursday 4/30: ESSER Fund Completed Certification and Agreement-GA, IN, IA, and WA

---

**From:** ESSERF <ESSERF@ed.gov>
**Sent:** Wednesday, April 29, 2020 2:32 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** Automatic reply: For Frank Approval by Noon on Thursday 4/30: ESSER Fund Completed Certification and Agreement-GA, IN, IA, and WA

Thank you for contacting the U.S. Department Education (Department) regarding the Elementary and Secondary School Emergency Relief Fund (ESSER Fund).

**Applications**

If you have submitted an application, we will contact you if we need additional information prior to making ESSER Fund awards. Otherwise, we will notify you when your grant has been awarded.

Please note that only State educational agencies in all 50 States, the District of Columbia, and the Commonwealth of Puerto Rico are eligible for this funding.

**Questions**

If you have emailed the Department a question, we will get back to you as soon as possible.

For the latest information on the ESSER Fund, please visit the Department's website at https://oese.ed.gov/offices/education-stabilization-fund/elementary-secondary-school-emergency-relief-fund/

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 10 Mar 2020 21:45:22 +0000
**To:** Brogan, Frank
**Subject:** FW: For review - communications re: change of plans

fyi

---

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Tuesday, March 10, 2020 4:48 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** RE: For review - communications re: change of plans

Looks good to me!

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Tuesday, March 10, 2020 4:18 PM
**To:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Cc:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** For review - communications re: change of plans

Liz,

Below please see DRAFTS for communicating with stakeholders re: changes of plans (ED/ events and gatherings).

Welcome your feedback/ edits/ comments.

Thank you in advance! More to come…

**Teach to Lead Conference (scheduled for 3/27 – 3/29 in PR – status: postponed)**
The US Department of Education's Office of Elementary and Secondary Education (OESE), along with our partners, ASCD and Teach Plus, are postponing the Teach to Lead Summit in San Juan, Puerto Rico scheduled for March 27 to March 29. Our goal is to reschedule the event for a future date when we can ensure full participation from educators, partners and stakeholders involved in this important work.
We regret any inconvenience. If you have any questions, please contact us at info@teachtolead.org.

**Native Hawaiian Education Grant Review (scheduled for 3/9 – 3/20 – status: will now be conducted virtually)**

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The Native Hawaiian Education Grant Review will be conducted virtually from March 9- 20, 2020, rather than as an on-site review as originally planned. Please continue to work with your Panel Facilitator regarding the panel schedule and teleconference information. If you have any questions, please contact Longevity, the contractor support for the peer review at Karen Gibson-Serrette k.gibson-serrette@longevityconsulting.com, or Joanne Osborne at Joanne.Osborne@ed.gov. We apologize for any inconvenience this may have caused.

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**From:** Brogan, Frank
**Sent:** Wed, 22 Apr 2020 12:24:56 +0000
**To:** Viana, Aimee;Rinkus, Christopher;Ryder, Ruth
**Subject:** FW: GEERF?

Any help here guys?

---

**From:** Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
**Sent:** Wednesday, April 22, 2020 8:21 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Simon, Amy E - ETA <Simon.Amy.E@DOL.gov>
**Subject:** GEERF?

Hello sir…

GEERF is not a term I had heard until yesterday. Snooped around a little and found this. Is there someone on your team that my Chief of Staff can reach out to learn a little more? There is talk of a *possible* workforce stabilization fund in COVID Phase IV and want to get DoEd's take on how your fund came to be, what you have learned in the last month, and how you expect to leverage it to bring about real results. (Sorry if I sound like GAO…not my intention.)

Let me (and Amy cc'd) know.

Thanks,

P.s. – thanks for the kind words yesterday.

**John Pallasch**
**Assistant Secretary**
Employment and Training Administration
U.S. Department of Labor | www.dol.gov
(202) 693-2772 | Room-S2307

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**From:** Viana, Aimee
**Sent:** Tue, 10 Mar 2020 14:17:49 +0000
**To:** Petersen, Molly
**Cc:** Rinkus, Christopher;Feldpausch, Sarah;Brogan, Frank
**Subject:** FW: Hill questions: ED and Coronavirus

Molly,

Thank you for your note.

By way of background, the U.S. Department of Agriculture (USDA) administers Food and Nutrition Service programs, including the Supplemental Nutrition Assistance Program (SNAP); Special Nutrition Program for Women, Infants, and Children (WIC); and the National School Lunch and Breakfast Programs. USDA recently sent a press release (copied below) detailing flexibilities provided though these programs in light of COVID-19. Specifically, they approved a request from California to allow meal service during school closures. These meals are available at no cost to low-income children and are not required to be served in a group setting to ensure kids receive food while schools are temporarily closed.

For more related USDA info, click here.

For future incoming COVID-19 questions, please send to Ruth Ryder, Paul Kesner, and myself.

Best,
Aimee

**USDA Makes It Easier, Safer to Feed Children in California**

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## Amid Coronavirus Outbreak

**WASHINGTON, March 7, 2020** -- The U.S. Department of Agriculture (USDA) has approved a request from California to allow meal service during school closures to minimize potential exposure to the coronavirus. These meals are available at no cost to low-income children – and are not required to be served in a group setting – to ensure kids receive nutritious meals while schools are temporarily closed.

"USDA stands with the people of California as a part of a federal-wide coordinated response," said Brandon Lipps, Deputy Under Secretary for USDA's Food, Nutrition, and Consumer Services. "The flexibility provided by the waiver approved today will help ensure that our children get wholesome meals, safeguarding their health during times of need."

The waiver announced today is effective immediately and will continue through June 30, 2020. USDA stands ready to provide additional assistance to the people of California and other areas impacted by the coronavirus as allowed by law and in coordination with the much larger government-wide response.

All Food and Nutrition Service programs – including the Supplemental Nutrition Assistance Program (SNAP); Special Nutrition Program for Women, Infants, and Children (WIC); and the National School Lunch and Breakfast Programs – have flexibilities and contingencies built-in to allow them to respond to on-the-ground realities in the event of a disaster or emergency situation. For more information about the coronavirus response across USDA, please visit: https://www.usda.gov/coronavirus.

USDA's Food and Nutrition Service administers 15 nutrition assistance programs that

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leverage American's agricultural abundance to ensure children and low-income individuals and families have nutritious food to eat. FNS also co-develops the Dietary Guidelines for Americans, which provide science-based nutrition recommendations and serve as the cornerstone of federal nutrition policy.

#

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**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Tuesday, March 10, 2020 7:38 AM
**To:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** Fwd: Hill questions: ED and Coronavirus

Sarah,

Pls see question below.

Let's connect this am.

Ty

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Monday, March 9, 2020 7:09:55 PM
**To:** Petersen, Molly <Molly.Petersen@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Subject:** Re: Hill questions: ED and Coronavirus

Hello Molly,

Thank you for your email.

For now, please email these questions to Chris and me.

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Is there an expectation/ timeline on the response?

Have a great night,
Aimee

---

**From:** Petersen, Molly <Molly.Petersen@ed.gov>
**Sent:** Monday, March 9, 2020 5:57:16 PM
**To:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Hill questions: ED and Coronavirus

Chris and Aimee – please advise if there is a process you would like for us to use in sending questions related to the Coronavirus to OESE. Below, please find a question and let me know how you would like to handle.

Our office is looking to see what ED has info on what happens to before school programs with breakfast, school lunch, and after school programs with dinner if schools are forced to shut down because of the coronavirus? Is there any guidance or planned financial assistance to come from ED in these instances? I believe Senator Murray mentioned Washington schools closing because of the recent outbreaks. Has there been anything done in this capacity already?

Thank you,

Molly Petersen
Legislative Director

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**From:** Viana, Aimee
**Sent:** Tue, 17 Mar 2020 21:24:18 +0000
**To:** Brogan, Frank
**Subject:** FW: Incoming Questions Update

Nice to get a compliment!

See below.

---

**From:** Falconer, Susan <Susan.Falconer@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:30 PM
**To:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** RE: Incoming Questions Update

Wow. I really appreciate that you were placed at the helm to organize all of this.

Thank you!!!

I have attached an invitation to the OCTAE townhall tomorrow on COVID-19, Mike and Jack from my team will be dialing in to capture the questions and response to see if that information may be helpful to other stakeholders. Presumably the questions on Perkins deadline extension…. OCTAE will have an answer for those.

Susan

---

**From:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:27 PM
**To:** Falconer, Susan <Susan.Falconer@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Incoming Questions Update

Susan –

Quick update: all questions you sent our way are drafted and under review by OGC.

Thanks

**Sarah Feldpausch**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 401-1082
Email: sarah.feldpausch@ed.gov

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**From:** Viana, Aimee
**Sent:** Wed, 18 Mar 2020 14:43:50 +0000
**To:** Brogan, Frank
**Subject:** FW: Incoming Waiver Requests Related to COVID-19
**Attachments:** LDOE Federal Waiver Request.pdf

Frank,

FYA

We will process accordingly.

---

**From:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Sent:** Wednesday, March 18, 2020 10:42 AM
**To:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** RE: Incoming Waiver Requests Related to COVID-19

Brittney –

Attached is another incoming waiver request from Louisiana.

Thank you.

Best,
Sarah

---

**From:** Feldpausch, Sarah
**Sent:** Wednesday, March 18, 2020 9:15 AM
**To:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** Incoming Waiver Requests Related to COVID-19

Brittney –

We have received a few waiver requests related to COVID-19 implications. Because they were sent to different people around the department, I want to make sure these are entered into the system and being processes properly.

Have these already been entered and begun the review process? Also, are there any we received that I'm not aware of?

1. Texas Waiver Request

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Received: March 17, 2020

2. South Carolina Waiver Request

   Received: March 17, 2020

3. Tennessee Waiver Request

   Received: March 16, 2020

Sarah

**Sarah Feldpausch**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 401-1082
Email: sarah.feldpausch@ed.gov

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# LOUISIANA DEPARTMENT OF EDUCATION

March 17, 2020

The Honorable Betsy DeVos
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D. C. 20202

Subject: Request for Waivers Due to School Closures in Response to COVID-19

Dear Secretary DeVos,

On Friday, March 13, 2020, Governor John Bel Edwards issued a proclamation that closed all Louisiana public schools until April 13, 2020, because of growing concerns around the transmission of COVID-19. Due to a substantial loss of quality instructional time and uncertainty regarding when it will be safe to allow students to return to school, the Louisiana Department of Education is requesting that the following requirements outlined in ESEA be waived for the 2019-2020 academic year consistent with your authority under Section 8401 of ESEA.

- **ESEA Section 1111(b)(2) Annual State Academic Assessment Requirements**

  Waive all requirements for annual statewide assessment administration for mathematics and reading or language arts to all students in grades 3-8 and at least once in grades 9 through 12, as well as annual testing in science and social studies as outlined in Louisiana's approved state plan. This waiver request includes all assessment related requirements, including, but not limited to alternate assessments, ELA assessments, and individual student assessment reporting.

  Please note, the LDOE is committed to working to offer optional state assessments, as desired by parents and schools.

- **ESEA Section 1111(c) Statewide Accountability Systems Requirement**

  Waive all requirements relating to administering Louisiana's approved state accountability system. This one-year waiver would include, but not be limited to: the release of school performance scores, subgroup performance scores and school letter grades, 95% participation rate requirements, and identification of new schools under the accountability system.


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ED-20-0731-A-001393

- **ESEA Section 1111(h) Annual Public Report Card Requirement**

  Waive all requirements to publish and disseminate annual state and LEA public report cards no later than December 31, 2020.

Louisiana for many years has been an advocate for a strong assessment and accountability system. Our commitment to these valuable systems remains unchanged. However, the health and well-being of our state's most vulnerable populations must be our first priority in the coming months.

Sincerely,

(b)(6)

Beth Scioneaux
Acting State Superintendent



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**From:** Viana, Aimee
**Sent:** Tue, 18 Feb 2020 14:29:52 +0000
**To:** Brogan, Frank
**Subject:** FW: INVITATION: March 3, 2020 National Summit on Youth Homelessness- Federal Agency Roundtable Discussion

Frank,

Fyi below.

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Sunday, February 16, 2020 3:36 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Condie, Caitlin <caitlin.condie@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** RE: INVITATION: March 3, 2020 National Summit on Youth Homelessness- Federal Agency Roundtable Discussion

I heard back from Faatimah on this. I will do it since Ashley declined on behalf of Frank.

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Sunday, February 16, 2020 3:35 PM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Condie, Caitlin <caitlin.condie@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** Re: INVITATION: March 3, 2020 National Summit on Youth Homelessness- Federal Agency Roundtable Discussion

Thank you, Ruth.

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Sunday, February 16, 2020 12:51:31 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Condie, Caitlin <caitlin.condie@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** FW: INVITATION: March 3, 2020 National Summit on Youth Homelessness- Federal Agency Roundtable Discussion

Hi Aimee

I received this invitation on Friday. I wanted to make sure it is something I should be doing rather than you or Frank.

Thanks
Ruth

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**From:** Darla Bardine <darla.bardine@nn4youth.org>
**Sent:** Friday, February 14, 2020 2:29 PM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Jo Ann Paanio <joann.paanio@nn4youth.org>
**Subject:** INVITATION: March 3, 2020 National Summit on Youth Homelessness- Federal Agency Roundtable Discussion

Dear Deputy Assistant Secretary Ruth Ryder:

On behalf of the National Network for Youth, it is our pleasure to invite you to participate in our 2020 National Summit on Youth Homelessness, March 2nd and 3rd in Washington, DC. This one-of-a-kind event focuses exclusively on how government agencies, policymakers, young leaders, service providers, and other experts can partner together to prevent and respond to youth homelessness.

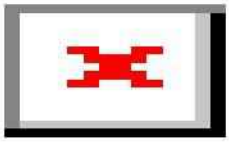
Specifically, we invite you to participate in our **Federal Agency Roundtable Discussion on Tuesday, March 3rd, 2020 from 2:30 pm to 4:30 pm at the Hyatt Regency on Capitol Hill**, 400 New Jersey Ave NW, Washington, DC 20001.. The purpose of this roundtable is to have an action-oriented discussion about the role of each federal agency in collaborating to end youth homelessness.

The formal invitation is attached to this email and provides more detailed information about the objectives of this convening.

We look forward to hearing from you regarding your availability to participate in this event. Please **RSVP to Jo Ann Paanio (joann.paanio@nn4youth.org or 202.783.7949) by Friday, February 21, 2020**.

Sincerely,
Darla

**Darla Bardine, JD**
Executive Director | National Network for Youth
741 8th Street, SE | Washington, DC 20003
202.783.7949 | darla.bardine@nn4youth.org
www.nn4youth.org



**Register today for our National Summit on Youth Homelessness on March 2-3, 2020**
**Join NN4Y in Solving Youth Homelessness by Becoming a 2020 Member!**

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**From:** Brogan, Frank
**Sent:** Wed, 29 Jan 2020 14:54:44 +0000
**To:** Viana, Aimee
**Subject:** FW: Issue Briefing Document - Needed February 5, 2020
**Importance:** High

Talk to you when you get back!

---

**From:** Garcia, Daniela <Daniela.Garcia@ed.gov>
**Sent:** Wednesday, January 29, 2020 8:37 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Cc:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Condie, Caitlin <caitlin.condie@ed.gov>
**Subject:** Issue Briefing Document - Needed February 5, 2020
**Importance:** High

Good Morning Team OESE,

As we prepare for the budget rollout we are also preparing for issue briefings ahead of the Secretary's testimony before the House and Senate Appropriations Sub-Committees.

As such, can your team prepare a briefing document on the 5 top issues that you are working on that could come up in a budget hearing. Please provide background information on the issue and any steps ED is taking to address these issues.

Please have this document to me by COB Wednesday, February 5. This will ensure we have enough time to put the information together for the following week!

Thank you,
Daniela

**Daniela R. García**
Deputy Assistant Secretary for Outreach
U.S. Department of Education
(202) 453-6109 (O)
(202) 701-6019 (C)

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 6 Apr 2020 14:36:35 +0000
**To:** Brogan, Frank
**Subject:** FW: K12 video conference

Frank,

Let's connect on this later.

Thank you

---

**From:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Sent:** Monday, April 6, 2020 10:19 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Re: K12 video conference

Thanks Frank.

Don't worry about logistics and timing. OCO and OS can take that off your plate… these will be led by the Secretary.

Your help on participants and structure is great.

---

**From:** Frank Brogan <Frank.Brogan@ed.gov>
**Date:** Monday, April 6, 2020 at 10:13 AM
**To:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>
**Cc:** Aimee Viana <Aimee.Viana@ed.gov>
**Subject:** RE: K12 video conference

All very helpful and will use this as a guidepost to begin to tease out a structured approach including the actual logistics on setting up the Webinar…..date, time etc.
Will also work on the invitee list of possibilities….
I did reach out to Julie Young to see iif she would be interested in assisting as well as recommending any particular folks to participate, research, best practice hurdles and opportunities etc…..
Will get back to you as I get some of this formed up with possibilities.
I think timing is important based on the fact that this is currently a massive patchwork nationally job with some great examples of success woven in between
Thanks again
Frank

---

**From:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Sent:** Monday, April 6, 2020 10:00 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: K12 video conference

Frank, here's where we stand. Welcome any ideas you have… especially for those in (parenthesis) where I'm still looking for names.

**K-12 EDUCATORS AND INNOVATORS VIDEO CONFERENCE**

**Goals**

1. Share best practices from states that are leading the move to distance
2. Highlight tools available to families during this crisis
3. Cast a vision for how K-12 emerges differently post-coronavirus

*Educators*

- Commissioner Edelblut (NH)
- Commissioner Corcoran (FL)
- Eva Moskowitz, Success Academy
- (Austin Buetner, LA Unified) – pending his call with BDV tomorrow
- (Home School consortium)
- (TBD), Mat-Su Central (Alaska)
- Eddie Conger, International Leadership of Texas
- (Teacher)

- Mary Ann Wolf, Friday Institute for Educational Innovation at NC State (>https://www.fi.ncsu.edu/news/friday-institute-expands-offerings-for-online-professional-learning-for-educators/<)

*Providers*

- Sal Khan, Khan Academy
- (Paul Candland), Age of Learning (ABC Mouse)
- (Richard Robinson), Scholastic
- (Liz Brooke), Rosetta Stone (>https://www.rosettastone.com/freeforstudents/<) – can work through Jose Viana
- (Outschool)
- (GoNoodle)
- Google.org President Jacquelline Fuller

**Guiding Questions**

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**Educators**

- You are up and running. What did you do, and how we were you seeing education evolution, 1/3/5 years ago that set you up for success today?
- What are the major hurdles you still need to jump?
- What advice can you offer to those who aren't up and running?
- Where is current public policy helping, and where is it hurting your efforts?
- Is this an inflection point to think about better uses of personalized learning, adaptive learning, course school and other student-centric delivery models?
- An age-old question: how do we "crack the code" on embedding technology into learning without losing the human touch?

**Providers**

- What resources have you made available to "instant homeschool" students and families?
- How can your tools help bridge the gap for disadvantaged students?
- How do you think about what "school" is moving forward from this crisis?

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Wed, 1 Apr 2020 12:16:01 +0000
**To:** Viana, Aimee
**Subject:** FW: L. Ramirez

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**From:** Carter, Denise <Denise.Carter@ed.gov>
**Sent:** Tuesday, March 31, 2020 5:13 PM
**To:** Bailey, Nathan <Nathan.Bailey@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** L. Ramirez

Lisa Ramirez reached out today and said to let her know if we need anything. She realizes the increased workload associated with getting the supplemental funding out the door and is willing to assist from Texas.

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 17 Mar 2020 21:21:52 +0000
**To:** Brogan, Frank
**Subject:** FW: Letter from Superintendent Spearman to Deputy Secretary Zais REFERRED 3.17 for response
**Attachments:** Ltr to US Dept of Ed re Testing Waivers for COVID-19 3.17.2020 (002).pdf

Frank,

FYI.

We will process.

---

**From:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Sent:** Tuesday, March 17, 2020 4:23 PM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: Letter from Superintendent Spearman to Deputy Secretary Zais REFERRED 3.17 for response

Ruth and Aimee –

This looks like another proactive letter from a state related to waivers. How would you like me to proceed? How was the letter from TN handled yesterday?

Sarah

---

**From:** Falconer, Susan <Susan.Falconer@ed.gov>
**Sent:** Tuesday, March 17, 2020 2:27 PM
**To:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Condie, Caitlin <caitlin.condie@ed.gov>
**Subject:** FW: Letter from Superintendent Spearman to Deputy Secretary Zais REFERRED 3.17 for response

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**From:** Marsh, Jordan <JMarsh@governor.sc.gov>
**Sent:** Tuesday, March 17, 2020 2:17 PM
**To:** Falconer, Susan <Susan.Falconer@ed.gov>
**Cc:** LTRAYWICKED.SC.GOV <LTRAYWICK@ED.SC.GOV>; Barton, Melanie <MBarton@governor.sc.gov>; Reynolds, Cody <Cody.Reynolds@ed.gov>; Swint, Zachariah D. EOP/WHO <Zachariah.D.Swint2@who.eop.gov>
**Subject:** Letter from Superintendent Spearman to Deputy Secretary Zais

Hi Susan,

Please see the attached letter from Superintendent of Education Molly Spearman to Deputy Secretary Zais regarding South Carolina's request for testing waivers due to COVID-19.

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As always, should you have any questions or concerns or need any additional information, please do not hesitate to let me know.

Thank you,

Jordan Marsh
Director of Federal Affairs
Office of Governor Henry McMaster
State of South Carolina
(803) 509-0581
jmarsh@governor.sc.gov

AMERICAN OVERSIGHT

STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION
MOLLY M. SPEARMAN
*STATE SUPERINTENDENT OF EDUCATION*

March 17, 2020

The Honorable Mitchell Zais
Deputy Secretary of Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Deputy Secretary Zais:

The United States and our public school systems are experiencing an unprecedented, historic crisis related to the novel coronavirus, COVID-19. South Carolina joins many other states in statewide closures of our public schools to contain and reduce the contagion, to protect our most valuable assets–the students we serve. We know that hard days still lie ahead as we have yet to feel the impact of this virus on our citizens and society.

On March 15, 2020, I joined South Carolina Governor Henry McMaster, as he issued an Executive Order to close all public schools, from 4k through universities, until March 31, 2020. That date is subject to extension based upon the scientific guidance we receive from the Centers for Disease Control and our South Carolina Department of Health and Environmental Control.

This closure comes as we gear up for how we hold our state, districts, and schools accountable–our end-of-year testing season. At the March 15 press conference, I announced with the support of our Governor, our intent to suspend spring assessments required by the Every Student Succeeds Act (ESSA) and our intent to seek a waiver from the United States Department of Education (USED).

I understand that the USED is continuing to review the impact of COVID-19 on state accountability systems and assessments along with developing processes for statewide waivers, and we look forward to you releasing additional guidance in the coming days. I want to share South Carolina's intent for the following and stand ready to submit any documentation or information as you deem appropriate:

RUTLEDGE BUILDING · 1429 SENATE STREET · COLUMBIA, SC 29201
PHONE: 803-734-8500 · FAX: 803-734-3389 · ED.SC.GOV

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1. South Carolina intends to suspend all federally-required testing during spring 2020 and requests a waiver of those testing requirements, including ESSA's 95 percent assessment participation requirement;
2. South Carolina intends to request a waiver to delay the identification of any school for comprehensive or targeted support and improvement based upon 2019–20;
3. South Carolina intends to apply a hold-harmless provision and keep ratings from the 2018–19 state report cards in place until the 2020–21 school year; and
4. South Carolina may seek additional waivers related to funding and programs, when we determine any impact that COVID-19 may have on the use of ESSA funds.

We hope that the USED will consider broad waivers and expedited approvals so that states and local school districts can focus on ensuring the health and wellness of our students, faculty, and their families, during these unparalleled times.

We appreciate your guidance and leadership.

Sincerely,

(b)(6)

Molly M. Spearman
State Superintendent of Education

cc: The Honorable Henry McMaster, Governor
South Carolina Congressional Delegation



AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Fri, 20 Mar 2020 20:43:57 +0000
**To:** Viana, Aimee;Rinkus, Christopher;Ryder, Ruth;Washington, Mark
**Subject:** FW: Letters from Commissioner Corcoran, FLDOE
**Attachments:** Secretary DeVos Letter from Commissioner Corcoran FLDOE.pdf, CSP Grant Waiver Request from FLDOE.pdf

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**From:** Eitel, Robert <Robert.Eitel@ed.gov>
**Sent:** Friday, March 20, 2020 4:34 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Bailey, Nathan <Nathan.Bailey@ed.gov>; Blew, Jim <James.Blew@ed.gov>
**Subject:** FW: Letters from Commissioner Corcoran, FLDOE

Frank and Aimee:

Would you review these letters and develop draft responses?

---

**From:** Delahunty, Sarah <Sarah.Delahunty@ed.gov>
**Sent:** Friday, March 20, 2020 4:20 PM
**To:** Private - Betsy DeVos <betsy0414@ed.gov>
**Cc:** Bailey, Nathan <Nathan.Bailey@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>
**Subject:** FW: Letters from Commissioner Corcoran, FLDOE

All – Per BDV's request, I am forwarding the attached letters Commissioner Corcoran discussed with Sec. DeVos yesterday when she gave him a call.

Let me know if I can help with anything else.

Sarah

Sarah Delahunty
202-480-1542

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**From:** Hall, Eric <Eric.Hall@fldoe.org>
**Sent:** Friday, March 20, 2020 4:16 PM
**To:** Delahunty, Sarah <Sarah.Delahunty@ed.gov>
**Subject:** Letters from Commissioner Corcoran, FLDOE

Good afternoon Sarah,

Please find attached two letters from Commissioner Corcoran for Secretary DeVos. Please feel free to reach out to me on my cell at 919-215-8209 if you have any questions or need any additional information.

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Thank you,

Eric Hall, Ed.D.
Chancellor for Innovation
Florida Department of Education
850-245-0535

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FLORIDA DEPARTMENT OF EDUCATION
fldoe.org

State Board of Education

Andy Tuck, *Chair*
Marva Johnson, *Vice Chair*
*Members*
Ben Gibson
Tom Grady
Michael Olenick
Ryan Petty
Joe York

Richard Corcoran
Commissioner of Education

March 20, 2020

The Honorable Betsy DeVos
Secretary of Education
United States Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Secretary DeVos:

Along with the rest of the nation and world, Florida officials are closely monitoring the spread of COVID-19 and the constantly evolving situation to ensure we are well positioned to act expeditiously to protect all Floridians' health and safety. In the span of a few days, federal guidance regarding necessary precautions, such as limits on mass gatherings, changed drastically, which is clearly indicative of the unprecedented nature of this disease.

As this situation continues to unfold, our state's students and families will look to their local and state education leaders with the expectation that we have taken measures to plan for and respond to their ongoing needs and to recover from the potentially devastating impacts we are facing.

We are prepared for this responsibility and to formulate innovative approaches to ensure every Floridian has access to a world-class education, so we are asking your agency to afford affected states much-needed flexibility. Specifically, we are requesting flexibility in the utilization of current and future K-12 funding from the following programs for any allowable purpose under a program authorized by the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA):

- Title I, Parts A, C, and D, Improving the Academic Achievement of the Disadvantaged;
- Title II, Part A, Supporting Effective Instruction;
- Title III, Part A, Language Instruction for English Language Learners and Immigrant Students;
- Title IV, Part A, Student Support and Academic Enrichment; or
- Title V, Part B, Rural and Low-Income School Program.

In addition, we request that Title I and other federal funds under ESSA that are used to purchase devices for eligible students or to pay for other costs of transitioning to online instruction would not be determined supplanting, even if school districts use state and local funds to pay for such devices or other costs for non-eligible students, since those purchases are extraordinary.

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We remain steadfast in our dedication to providing high-quality education opportunities, and the State of Florida has already taken monumental containment steps, extending student breaks and requiring school districts and higher education institutions to provide instruction via distance learning while physical campuses are closed. Given the speed at which conditions are shifting, it is imperative that we work swiftly with our federal partners to free up resources that will enable the Department to support students in common sense ways that you have the authority to permit.

We appreciate your attention to this critical matter, and I welcome a conversation to discuss any questions.

Sincerely,

(b)(6) [redacted]

Richard Corcoran
Commissioner

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State Board of Education

Andy Tuck, *Chair*
Marva Johnson, *Vice Chair*
*Members*
Ben Gibson
Tom Grady
Michael Olenick
Ryan Petty
Joe York

Richard Corcoran
Commissioner of Education

**TO:** Frank Brogan, Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education

**FROM:** Richard Corcoran, Commissioner of Education, Florida Department of Education

(b)(6)

**DATE:** March 20, 2020

**SUBJECT:** Application Amendment for 2016 Charter Schools Program SEA Grant and Waiver Request

The Florida Department of Education (FDOE) is seeking to amend its approved application for its 2016 SEA Charter School Program grant (CSP, Award U282A160012) and simultaneously seek a waiver of the statutory and regulatory requirements that govern the CSP. Specifically, the FDOE seeks an amendment to award CSP sub-grants to new and established operators to provide them funds to purchase the hardware and software necessary to enable all of their students to access curriculum and lessons from home. ***As public schools face a growing crisis from the threat of COVID-19 and increasingly plan for virtual instruction for the foreseeable future, the FDOE wants to equip all charter schools in Florida, to the extent possible, with a one-to-one student-to-device ratio***. For that, we would need the Secretary of Education to exercise the waiver authority granted her under both the Every Student Succeeds Act (ESSA) and the No Child Left Behind Act (NCLB, which governs Florida's award).

**Why FDOE is seeking an amendment and a waiver:**

Given the unprecedented impact of the COVID-19 crisis on public education, the CSP grant is ideally suited to quickly provide relief, resources, flexibility and innovation in the charter sector. All public schools are moving into uncharted territory over the next several months, but independent charter schools lack the centralized support enjoyed by school districts. Perhaps the most significant emergency plan for which schools must prepare, is how to keep the instructional momentum successful outside of a brick-and-mortar classroom. Smaller charter schools that serve the most educationally disadvantaged students are themselves disadvantaged. These schools would be the least likely to have a one-to-one student-to-device ratio, much less the ability to link their educational program to their students' homes. The CSP can provide immediate support and relief.

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However, we seek this relief for *all* charter schools, to the extent practicable. The CSP, as it is currently governed by statute, provides one-time start-up support to new schools (or at least those in their first three to five years of operation). Smaller, independent schools that have operated for up to 20 years do not necessarily possess any greater capacity to successfully deliver a high-quality virtual education program than those in their first year of operation. For Florida to provide this relief, we require a waiver from the U.S. Department of Education. The Secretary has broad discretion to "waive any statutory or regulatory requirement over which the Secretary exercises administrative authority." By exercising this authority, the Secretary would enable Florida to help provide the resources necessary to continue the education of our most disadvantaged students during this unprecidented time of crisis.

**What FDOE could accomplish with this waiver:**

With this flexibility, the FDOE can accomplish the following:

- Allow sub-grantees the ability to purchase computers, printers, and other peripherals for their students, particularly those low-income students who do not have access to these materials at home;
- Enable schools to provide students with the software and internet access necessary to access educational programs from their homes; and
- Support all professional development and planning costs associated with implementing and overseeing virtual instruction.

**Florida schools that would benefit:**

While the FDOE aims to target all charter schools that need the support described above, the sub-grant budget from the FDOE's 2016 CSP $71.7 million project is finite (after all obligations to other sub-grant projects are accounted for). With this, the FDOE would prioritize all Title-I eligible, single independent charter schools for this effort, and we would rank order those schools as follows:

1. Those with free and reduced-price lunch populations of 100 percent; then, if funds remain available,
2. Those with free and reduced-price lunch populations between 90 and 99 percent; then, if funds remain available,
3. Those with free and reduced-price lunch populations between 80 and 89 percent; then, if funds remain available,
4. Those with free and reduced-price lunch populations between 70 and 79 percent; then, if funds remain available,
5. All other Title-I eligible single charter, rank-ordered as follows:
    a. Those with free and reduced-price lunch populations between 35 and 69 percent; then
    b. Those with free and reduced-price lunch populations less than 35 percent.

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If available funds remain, the FDOE would next accommodate those charter schools within networks that operate fewer than five charter schools in Florida. If funds remain after that, Title I schools within charter networks that operate more than five schools in Florida would be eligible, using the same rank ordering described above. The vision is to first benefit those schools that serve a disproportionate number of educationally disadvantaged students who lack the access to virtual instruction technologies.

**Budget amendments and other waiver requests:**

The FDOE is proposing no budget amendments, as we plan to offer these sub-grant awards through our existing sub-grants. We would, however, request three additional but relevant waivers:

- Waiving the competitive nature of the CSP: Sub-grant applications would not be externally reviewed, for the sake of expediency, but would instead be evaluated based on the prioritized criteria identified above.
- Waiving the reimbursement requirements: For the further sake of expediency, and to get these materials and training into the hands of students and teachers as quickly as possible, the FDOE asks that the requirement that CSP-related purchases be reimbursed and waived. Instead, the FDOE would ensure that sub-grantees would receive advanced funds only when they can produce an invoice and receive assurance that payment will be made within three days. The FDOE would also conduct desktop monitoring throughout the summer to ensure that inventory is used for the purposes described in this amendment.
- Waiving the requirement that sub-grantees cannot have previously received a CSP award: Eligible schools under this application amendment and waiver request might have been operating for the last 20 years, and could have received a CSP sub-grant award many years ago. However, we will not award schools that have a current CSP project. Those can, if they are eligible, go through the FDOE's budget amendment process to achieve the goals outlined in this request.

**Background on, and summary of, Florida's current 2016 CSP project:**

As 2016 CSP project begins to wind down, the FDOE is poised to drive system-wide improvements to one of the most significant charter school landscapes of any state. As detailed in our approved application, the FDOE has implemented many of the projects aimed at reforming the very building blocks of the charter school space and ensuring that all students, regardless of income or ZIP code, have access to a high-quality public school.

Specifically, the FDOE has undertaken the following projects to help enhance the capacity of charter school authorizers, advance outcome-based accountability and support visionary leaders committed to serve our highest-need children:

***Governing Board Development:*** The FDOE, in partnership with Washington, D.C.-based Charter Board Partners, worked in several districts to match highly skilled executives in industry

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and matched them with the charter school governing boards that would most benefit from their talents. We have worked with many districts, from Hillsborough County (home to City of Tampa) to Polk County and, finally Duval County (home to the City of Jacksonville).

***Charter School Performance Framework:*** The FDOE, in collaboration with authorizers, operators, and national experts, is developing a statewide charter school performance framework that will provide authorizers, schools, and the public with a standardized set of objective measures to evaluate the academic, financial, and organizational performance of public charter schools.

***Authorizer Accountability***:The FDOE conceptualized a statewide authorizer dashboard to evaluate and publicly report on authorizer performance, and it accomplished this with the primary input of the authorizers themselves.

***Authorizer Training and Leadership Development***:The FDOE implemented a successful charter school authorizer fellowship program. We selected two candidates from Florida's authorizers and immersed them in the offices of some of the best authorizers in the nation, including the Massachusetts Department of Education, the State University of New York, Denver Public Schools, and the D.C. Charter School Board. The candidates returned to share with their colleagues what they learned and observed.

Additionally, the FDOE contracted with the National Association of Charter School Authorizers (NACSA) to provide intensive training to authorizers on the Florida Principles and Standards of Quality Charter School Authorizing. Specifically, we immersed trainees in day-long workshops on each of the standards that the FDOE has published.

And, importantly, the FDOE has executed its most rigorous sub-grant award selection process to date. Through an innovative partnership with NACSA, sub-grant applicants under a comprehensive review of the very charter school application they submitted to their authorizer, and they must submit to a face-to-face capacity interview. Altogether, the FDOE has awarded 35 sub-grant awards after its first year of competitions, and is currently reviewing another 31 applications in its most recent competition. The FDOE anticipates hosting at least two more sub-grant competitions before the close of its CSP project.

Lastly, the FDOE has undertaken a sweeping dissemination strategy, anchored by its annual Florida Charter School Conference, which was held in November to 700 participants.

With this, the FDOE has achieved the following goals outlined in its CSP application:

- Increase academic achievement of educationally disadvantaged students.
- Increase academic achievement of all students.
- Decrease the achievement gap.
- Increase access to high-quality charter schools.

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Thu, 23 Apr 2020 12:21:06 +0000
**To:** Viana, Aimee;Ryder, Ruth
**Subject:** FW: Lorena McElwain
**Attachments:** McElwain Resume 2020 language work.docx

---

**From:** Clark, Rebekah <Rebekah.Clark@ed.gov>
**Sent:** Tuesday, April 21, 2020 3:01 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Wilson, Thomas <Thomas.Wilson@ed.gov>
**Subject:** Lorena McElwain

Hi Frank,

It was great catching up with you! Here is Lorena's resume. Have a great rest of your day.

Sincerely,
Rebekah Clark

**Rebekah Clark**
Deputy White House Liaison
United States Department of Education
202.453.7909 C: 202.549.8446

AMERICAN OVERSIGHT

# Lorena Orozco McElwain

(b)(6)

## Political & Civic Engagement

- *Chief of Staff*, Office of the Assistant Secretary for Civil Rights – USDA
- *Latino Strategy and Outreach Volunteer* - Alia Ureste (R) for Congress (TX-23)
- *Volunteer* - Conservative Political Action Conference (CPAC)
- *Get Out the Vote Volunteer* - League of United Latin American Citizens (LULAC)
- *USDA Detail as Senior Policy Advisor* - Office of Congressman Silvestre Reyes (TX-16)
- *Public Policy Research Center Volunteer* - Gov. Bush's Paso del Norte Quadricentennial Celebration
- *Volunteer Public Opinion Analyst* - George W. Bush for Texas Governor Campaign
- *Pi Sigma Alpha Honor Society Committee Member* - U.S. House of Representatives (TX-16) Debates

## Work History

- *Chief of Staff*, Office of the Assistant Secretary for Civil Rights – USDA
- *Director, Business Management & Planning* - Commodity Futures Trading Commission
- *Director, Office of Minority & Women Inclusion* - Commodity Futures Trading Commission
- *Deputy Assistant Administrator for Management* - USDA Food Safety & Inspection Service
- *Assistant Director, Office of Opportunity, Inclusiveness & Compliance* – The Library of Congress
- *Director, Civil Rights Division* – USDA Food & Nutrition Service
- *Special Assistant to the Deputy Administrator for Management* - USDA Food & Nutrition Service
- *Statistician (EEO)* – DOJ Drug Enforcement Administration
- *Survey Statistician (bilingual methodology in census and demographic surveys)* - US Census Bureau

## Skills

- Experienced senior executive providing leadership to public administration operations in the Executive and Legislative branches, applying evaluation methods to enhance agency decision-making and implementing measurable, strategic process improvements
- Fluent in English, Spanish, French, and Italian
- Top Secret Clearance

## Education & Training

- Key Executive Leadership Certificate, American University
- M.A. in Political Science (Political Socialization), The University of Texas at El Paso
- Graduate Certificate in International Affairs & Leadership, Georgetown U School of Foreign Service
- B.A. in Political Science (Border Development), Minor in Linguistics, The University of Texas at El Paso
- Leadership Institute: Campaign Management School, Future Candidate School, TV Workshop

## Affiliations

- Executive Board Member, Federal Training Institute, League of United Latin American Citizens (LULAC)
- Member: Virginia Sports (Hunt) Club, Senior Executives Association, UTEP Alumni Association
- Member: RNC Women, Republican Women's Federal Forum

AMERICAN OVERSIGHT

# Lorena Orozco McElwain

(b)(6)

## Language and Linguistics

*Civil Rights Director* - Food and Nutrition Service

- Provided policy guidance on Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency) to recipient agencies participating in federally-assisted food programs, including the National School Lunch Program and Summer Food Service Program.
- Led the establishment of translation guidelines for public documents and press releases

*Statistician* - U.S. Census Bureau

- First methodologist to conceptualize and measure translation as a source of total survey error
- First methodologist to conceptualize and measure interpretation as source of interviewer variance
- Paved the way for the establishment of pre-testing guidelines for instrument translations and presented innovative research at the Federal Committee on Statistical Methodology, the American Association for Applied Linguistics, and the American Association for Public Opinion Research
- Managed the 2010 Census Language Program, designed a data-driven approach to determining languages selected for translation, pre-testing five bilingual forms for usability, cognitive burden, and affective response
- Developed and tested bilingual computer-assisted instruments for demographic surveys, bilingual field materials and interviewer training
- Developed research-based strategies to eliminate enumeration barriers in linguistically-isolated households and households with limited English Proficiency

*Teaching Assistant* - The University of Texas at El Paso

- Taught undergraduate political science courses in English and Spanish to ESL students

*Bilingual Teacher* - Hatch Valley High School

- Taught ESL II, Reading in the Content Areas II, and Spanish II to migrant students
- Developed curricula and selected textbooks for ESL I-III, Reading in the Content Areas I-III, and Spanish I-III for bilingual high school immersion program
- Incorporated audio-lingual method and linguistics into ESL curriculum
- Presented "The Role of the Audio-Lingual Method in Second Language Acquisition" at the National Association of Bilingual Educators Conference

*Instructor, Translator, Interpreter* - Language Plus, Inc.

- Taught ESL, Spanish and Italian to adult learners in the legal, medical, and manufacturing industries
- Translated a variety of technical, legal and medical documents
- Provided interpretation services in support of legal and medical proceedings
- Assessed the bilingual skills of Fortune 500 applicants using the State Department's 5-point language proficiency scale

## Publication

Carrasco, L. (2003) The American Community Survey (ACS) en Espanol: Using Cognitive Interviews to Test the Functional Equivalency of Questionnaire Translations [PDF File]. Retrieved from https://www.census.gov/library/working-papers/2003/adrm/ssm2003-17.html.

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Thu, 23 Apr 2020 20:14:56 +0000
**To:** Viana, Aimee;Dalton, Ashley
**Subject:** FW: Message from DIBLASSIO NAOMI (93023761957)
**Attachments:** VoiceMessage.wav

Can you guys remind me to follow up on this
Frank

---

**From:** Cisco Unity Connection Messaging System
<unityconnection@dc501fr003cuc01.fr003.ttecfed.com>
**Sent:** Thursday, April 23, 2020 2:29 PM
**To:** frank.brogan@dc501fr003cuc01.fr003.ttecfed.com
**Subject:** Message from DIBLASSIO NAOMI (93023761957)

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Tue, 26 May 2020 20:07:05 +0000
**To:** Viana, Aimee
**Subject:** FW: Notes from Michael Rice call

Hi
Please remind me of this
Frank

---

**From:** Delahunty, Sarah <Sarah.Delahunty@ed.gov>
**Sent:** Tuesday, May 26, 2020 3:25 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Dalton, Ashley <Ashley.Dalton@ed.gov>
**Subject:** FW: Notes from Michael Rice call

Hi Frank – I was out of the office Friday so I'm not sure whether this message got to you. BDV spoke with Michael Rice (MI) on Friday and would like someone from OESE to reach out on the below highlighted topic. Notes from the call are also below.

If you or the appropriate person could reach out (if you haven't already), that would be great.

Thanks!
Sarah

Sarah Delahunty
M: 202-480-1542

---

**From:** Al-Hmoud, Jude <Jude.Al-Hmoud@ed.gov>
**Sent:** Friday, May 22, 2020 5:35 PM
**To:** Delahunty, Sarah <Sarah.Delahunty@ed.gov>
**Subject:** Notes from Michael Rice call

Hi – hope you're enjoying the day off! Here are notes from today's call for you to include with the rest of the notes. Have a great weekend!!!

**Phone Call with Superintendent Michael Rice, Michigan**
CARES funding is helpful. They put out applications for the initial portion and people are applying. The application is streamlined because ED hasn't added many restrictions – so they appreciate it and things are going well.

They've established 90% required to be distributed by the Title I part A formula. They are holding 10% back for an educational equity fund to distribute in areas with greater digital need. Rice asked where ED is with equitable services. BDV let him know that we've interpreted the law to include all students at every kind of school, as consistently referenced in the act because every student has been impacted.

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They heard from CCSSO that there would be a response to the letter and a public comment period around that. BDV let him know that there is something in the works to provide more guidance. She told him the goal is for the state leaders and the district leaders to talk with their counterparts at nonpublic schools – the hope is that there will be dialogue for all students to be supported. Rice asked when ED sees the process for input and guidance to be put into play – **BDV offered to have someone from OESE get in touch with him to give a timeline from the department.**

BDV said her hope is that educators work together to address all student's needs. Rice said typically equitable services has been narrowly drawn. BDV told him equitable services has been focused on Title I students, but the act was written to address the needs for all impacted. Rice said it's subjected to interpretation. Rice said they got legal guidance on the act and believes the department is not right in that regard. He hopes to move into a period of public comment relatively quickly so he can minimally reference it and say they are letting the comment period play out before making any quick judgements.

Rice said the burden is mostly on the LEA's (??) and SEA's (??) He believes the pressure has been put on them to make a determination. He would like to be able to point to the process and do something more definitive.

**Jude Al-Hmoud**
Office of the Secretary
U.S. Department of Education
C: 202-257-2459

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 10 Mar 2020 17:48:30 +0000
**To:** Brogan, Frank
**Subject:** FW: NYT Inquiry: Upcoming Corona Guidance

Fyi below

---

**From:** Viana, Aimee
**Sent:** Tuesday, March 10, 2020 1:47 PM
**To:** Morabito, Angela <Angela.Morabito@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>; Lustig, Amy <Amy.Lustig@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Harris, Lisa (OGC) <Lisa.Harris@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>
**Cc:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Falconer, Susan <Susan.Falconer@ed.gov>
**Subject:** RE: NYT Inquiry: Upcoming Corona Guidance

Angela –

OESE has two documents.

You currently have listed "Fact Sheet on Impact of COVID-19 on Assessments and Accountability (in process)". I recommend renaming to "Fact Sheet on Impact of COVID-19 on Assessments and Accountability under the ESEA (in process)"

Also, please add "Guidance on Flexibility and Waivers for Schools, SEAs, LEAs, Postsecondary Institutions, and other Program Participants Responding to COVID-19 (in process)"

Thank you!
Aimee

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**From:** Morabito, Angela <Angela.Morabito@ed.gov>
**Sent:** Tuesday, March 10, 2020 1:15 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>; Lustig, Amy <Amy.Lustig@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Harris, Lisa (OGC) <Lisa.Harris@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>
**Cc:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Falconer, Susan <Susan.Falconer@ed.gov>
**Subject:** RE: NYT Inquiry: Upcoming Corona Guidance

Hello all,

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Here are the guidance docs and fact sheets – either existing or upcoming – that I have on the list so far:

- Higher education (already posted)
- Civil rights letter (already posted)
- FERPA guidance (in final clearance with COS)
- Q and A on Services to Students with Disabilities (in process)
- Fact Sheet on Impact of COVID-19 on Assessments and Accountability (in process)
- Fact Sheet on Addressing Risk of COVID-19 in Schools While Protecting Civil Rights of Students (in process)

If you are working on a guidance doc not listed here, please let me know. In addition, we have a reporter asking if the department planning to issue any guidance on refunding of room and board paid using Title IV funds, or any guidance regarding international students specifically. The CDC's higher ed guidance has some information on student housing, but nothing about refunds. Is anyone working on guidance that will include these two topics?

Thanks,

Angela

---

**From:** Morabito, Angela
**Sent:** Monday, March 9, 2020 4:09 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>; Lustig, Amy <Amy.Lustig@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Harris, Lisa (OGC) <Lisa.Harris@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>
**Cc:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Falconer, Susan <Susan.Falconer@ed.gov>
**Subject:** NYT Inquiry: Upcoming Corona Guidance

Good afternoon,

A reporter from the New York Times is working on a piece about the Department's response to the corona virus. To help her get a full picture, we'd like to provide her with a list of guidance documents that are currently in the clearance process. If you could please reply all with the names/topics of any guidance docs you are working on, I'd greatly appreciate it. Thanks!

Best,

**Angela L. Morabito**
**United States Department of Education**
Press Secretary
T: 202.445.4885
E: angela.morabito@ed.gov

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**From:** Viana, Aimee
**Sent:** Sun, 29 Mar 2020 21:47:04 +0000
**To:** Brogan, Frank
**Subject:** FW: OESE Agency Priority Goal (APG)

Frank,

For follow up.

---

**From:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Sent:** Wednesday, March 25, 2020 4:06 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: OESE Agency Priority Goal (APG)

Aimee –

Please review the below information and advise. This is now urgent. Sandy Battle informed us today that the Data Call for Quarter 2 is open tomorrow. We need a plan for moving forward.

I am proposing we request milestone 3 to be removed. Reporting on Milestones 1 and 2 adequately capture the intended information needed to report ED metrics on APG 1: "Support state and local efforts to improve learning outcomes for all P-12 students in every community." Kim checked in with Sandy on this possibility and she asked we draft a short justification. Are you comfortable with this?

Sarah

---

**From:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Sent:** Monday, March 9, 2020 3:06 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** OESE Agency Priority Goal (APG)

Aimee –

As you know, OESE is responsible for Agency Priority Goal (APG) 1: "Support state and local efforts to improve learning outcomes for all P-12 students in every community."

We have 3 "milestones" we are aiming to reach in order to achieve our goal (these are what we used to establish our metrics). OMB maintains these metrics and ED is responsible for reporting on our advancement throughout the year:

1. Continue to release resources on education freedom scholarships.
2. Provide outreach to states on education freedom scholarships, state-based vouchers, tax-credit scholarships, and education savings accounts programs.
3. Provide technical assistance, as appropriate, to Congress and other policymakers on the Department's education freedom scholarship proposal.

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To complete our records for the first Quarterly Performance Review (QPR), we attempted to gather information from senior leaders in each POC but ran into some issues, particularly around milestone 3. In order to quantify this milestone, ED would have to report the number of **meetings with Congress and other policymakers** in which education freedom scholarships, state-based vouchers, tax-credit scholarships, and education savings accounts programs may have been mentioned. The nature of this type of information request is necessarily unreliable, as the definition of "technical assistance" is subject to interpretation. Separately, this is also a considerable reporting burden on staff because volume of formal and informal discussion with policymakers is significant and sometimes not documented.

I am proposing we request milestone 3 to be removed. Reporting on Milestones 1 and 2 adequately capture the intended information needed to report ED metrics on APG 1: "Support state and local efforts to improve learning outcomes for all P-12 students in every community."

Kim checked in with Sandy on this possibility and she asked we draft a short justification. Are you comfortable with this?

**Sarah Feldpausch**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 401-1082
Email: sarah.feldpausch@ed.gov

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 9 Mar 2020 14:01:02 +0000
**To:** Carter, Denise
**Cc:** Brogan, Frank
**Subject:** FW: OESE Contingency Plan

Denise,

See below for situational awareness, re: travel.

Thank you,
Aimee

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**From:** Washington, Mark <Mark.Washington@ed.gov>
**Sent:** Sunday, March 8, 2020 9:01 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Hunter, Tina <Tina.Hunter@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** Re: OESE Contingency Plan

Good morning,

Just sent in a separate email. Also, I reached Debbie Little (Seattle) and Julie Coplin (NYC) yesterday and encouraged them to telework for the next 14 days (beginning Monday). I called and left messages for Miriam Lund (Seattle), but have yet to hear from her. I will continue today, beginning at 9:00 a.m. I also notified Ruth and Patrick Rooney, the supervisor for all of them.

I also advised that Julie and Miriam should NOT travel to planned monitoring visits to Harrisburg, PA and Atlanta, GA on Monday. They should stay close—and I believed it to be incongruent that we would require them to stay from the physical workplace, but require them to represent us out of state.

I'll keep you posted on Miriam throughout the day. Please let me know if you need anything else. Mw

Sent from my iPhone

On Mar 8, 2020, at 8:15 AM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Mark,

Please provide an update re: OESE Contingency Plan.

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To whom was the updated plan submitted?

Ty

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**Mark Washington**
**Deputy Assistant Secretary for Administration**
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW|Washington, DC 20202
Desk: (202) 205-0167|Email: mark.washington@ed.gov

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Wed, 18 Mar 2020 19:24:51 +0000
**To:** Viana, Aimee;Rinkus, Christopher;Ryder, Ruth
**Subject:** FW: Orthodox Union and Council for American Private Education Recommendations Regarding COVID-19
**Attachments:** CAPE COVID-19 recommentations 03-18-20.pdf, Memo re Covid Education Response Bill.docx

---

**From:** Dowling, Maureen <Maureen.Dowling@ed.gov>
**Sent:** Wednesday, March 18, 2020 3:12 PM
**To:** Blew, Jim <James.Blew@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** Orthodox Union and Council for American Private Education Recommendations Regarding COVID-19

Jim and Frank,

For situational awareness, I am sending along the recommendations of the Council for American Private Education and the Orthodox Union regarding COVID-19 related legislative proposals. I have also shared this with McKenzie.

Maureen

**MAUREEN DOWLING, ED.D.**
**DIRECTOR**
OFFICE OF NON-PUBLIC EDUCATION
OFFICE OF THE SECRETARY | U.S. DEPARTMENT OF EDUCATION
400 MARYLAND AVE, SW | WASHINGTON, DC 20202 | 202-260-7820
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Office of
Non-Public
Education

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CAPE | Council for American Private Education

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Washington, DC 20004
844-883-CAPE(tel)

www.capenet.org

CAPE member organizations:

Agudath Israel of America
American Montessori Society
Association Montessori International–USA
Association of Christian Teachers and Schools
Association of Christian Schools International
Association of Waldorf Schools of N.A.
Christian Schools International
Council of Islamic Schools in North America
Council on Educational Standards and Accountability
Evangelical Lutheran Church in America
Friends Council on Education
Islamic Schools League of America
Jesuit Schools Network
Lutheran Church–Missouri Synod
National Association of Episcopal Schools
National Association of Independent Schools
National Catholic Educational Association
National Christian School Association
Office for Lasallian Education, Christian Brothers Conference
Oral Roberts University Educational Fellowship
Seventh-day Adventist Board of Education
United States Conference of Catholic Bishops
Wisconsin Evangelical Lutheran Synod Schools
Affiliated State Organizations

March 18, 2020

The Honorable Richard Shelby
Chairman
Committee on Appropriations
United States Senate
Room S-128, The Capitol
Washington, DC 20510

The Honorable Patrick Leahy
Vice Chairman
Committee on Appropriations
United States Senate
Room S-128, The Capitol
Washington, DC 20510

The Honorable Lamar Alexander
Chairman
Committee on Health, Education, Labor and Pensions
United States Senate
428 Senate Dirksen Office Building
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education, Labor and Pensions
United States Senate
428 Senate Dirksen Office Building
Washington, DC 20510

Dear Senators:

As the Senate crafts legislation responding to the coronavirus pandemic, the Council for Private Education (CAPE) would like to take this opportunity to offer the following suggestions in the area of K-12 education. CAPE is a coalition of national organizations and state affiliates serving private elementary and secondary schools. There are over 33,000 private schools in America. One in four of the nation's schools is a private school. More than five million students attend these schools. CAPE member organizations represent more than 80 percent of private school enrollment nationwide.

**SUMMARY**

The non-public school community is grateful for inclusion in the proposed Supporting Students in Response to Coronavirus Act (S. 3489). We appreciate language that requires "assurance" that the Local Education Agency (LEA) "has taken the needs of…non-public schools into account" and that non-public schools receive notification of funds awarded to the LEA. We also support the "Control of Funds" language.

However, in practice, we have seen from experience that if the LEAs do not officially count the non-public school community in the grant request, they are almost certain to not include non-public schools in the expediting of services or materials purchased with awarded funds. LEAs are familiar with this element of equity in other federal education programs, and the use of already existing language would aid in ensuring smooth implementation of a new relief package. In the Every Student Succeeds Act



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(ESSA), this fairness is referred to as "equitable services," and in the Individuals with Disabilities Education Act (IDEA), this is referred to as a "proportionate share."

It is vital that the language in the relief bill direct the grant writing entity (presumably a state's department of education) to include a count of non-public schools and a child count of students attending non-public schools in the grant application itself. With this count, an equitable funding share can be determined.

**HISTORICAL REFERENCE**

In addition to ESSA and IDEA, there is historical precedent for such language in an emergency relief package, dating back to the Katrina Relief package in 2006 (PL 109-148):

SEC. 102. IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.

(a) Purpose.--It is the purpose of this section--

(1) to provide immediate services or assistance to local educational agencies and non-public schools in Louisiana, Mississippi, Alabama, and Texas that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita; and

(2) to assist school administrators and personnel of such agencies or non-public schools with expenses related to the restart of operations in, the re-opening of, and the re-enrollment of students in, elementary schools and secondary schools in such areas.

(b) Payments Authorized.--From amounts appropriated to carry out this subtitle, the Secretary of Education is authorized to make payments, on such basis as the Secretary determines appropriate, taking into consideration the number of students who were enrolled, during the 2004-2005 school year, in elementary schools and secondary schools that were closed on September 12, 2005, as a result of Hurricane Katrina or on October 7, 2005, as a result of Hurricane Rita, to State educational agencies in Louisiana, Mississippi, Alabama, and Texas to enable such agencies to provide services or assistance to local educational agencies or non-public schools serving an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita.

(c) Eligibility, Consideration, and Equity.--

(1) Eligibility and consideration.--From the payment provided by the Secretary of Education under subsection (b), the State educational agency shall provide services and assistance to local educational agencies and non-public schools, consistent with the provisions of this section. In determining the amount to be provided for services or assistance under this section, the State educational agency shall consider the following:

(A) The number of school-aged children served by the local educational agency or non-public school in the academic year preceding the academic year for which the services or assistance are provided.

(B) The severity of the impact of Hurricane Katrina or Hurricane Rita on the local educational agency or non-public school and the extent of the needs in each local educational agency or non-public school in Louisiana, Mississippi, Alabama, and Texas that is in an



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area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita.

(2) Equity.--Educational services and assistance provided for eligible non-public school students under paragraph (1) shall be equitable in comparison to the educational services and other benefits provided for public school students under this section, and shall be provided in a timely manner.

## NEEDS TAKEN INTO ACCOUNT

Below are some suggestions for stronger language to ensure non-public schools are included in the grant application, rather than simply having their "needs taken into account."

SEC. 2. EDUCATION PREPAREDNESS AND SUPPORT GRANTS.

(d) USE OF FUNDS; SUBGRANTS.—

(2) APPLICATION.—An eligible entity desiring to receive a subgrant under this section shall submit to the State, or the Bureau of Indian Education, as applicable, an application containing—

(D) in the case of an eligible entity that is a local educational agency, an assurance that the local educational agency—

(i) has taken the needs of public schools and non-public schools into account prior to the application for funds;

a. has included a count of the number of non-public schools and students attending non-public schools in the boundary of the LEA in order to determine and allocate the equitable share of grant funds to serve non-public schools;

b. has consulted with non-public school representatives to determine the needs of non-public schools, students and teachers;

(ii) will notify all public schools and non-public schools in its boundaries of the receipt of grant funds under this section;

a. Will notify non-public schools of the equitable share of funds available for non-public schools

(iii) based on the severity of impact and demonstrated need, will equitably address the needs of both public schools and non-public schools in its boundaries; and

(g) PUBLIC CONTROL OF FUNDS.—For an eligible entity that is a local educational agency—

(1) the control of funds for the services and assistance provided to a non-public school under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide such services (or may contract for the provision of such services with a public or private entity);

(2) when carrying out subsection (e), the local educational agency must equitably serve non-public schools based on demonstrated need and impact

(h) REPORTING.—

(1) REPORT TO THE SECRETARY.—At the end of the grant period, a grantee shall prepare and submit to the Secretary a report containing the following information:

(A) The number of subgrants awarded, disaggregated by the type of eligible entity.

(B) A list of subgrantees.

(C) The average subgrant award amount.

(D) The number of subgrant applicants.



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(E) A summary of the activities that eligible entities carried out using subgrant funds.

i. The equitable share of funds that served non-public schools for each subgrant that is an LEA and how that equitable share was determined.

**USE OF FUNDS**

Finally, in the section regarding eligible use of funds, we request clarification that technology can include hardware, software, and online connectivity to address the need to serve students from home for long periods of time.

(e) USES OF FUNDS FOR SUBGRANTS.—An eligible entity receiving a subgrant under this section shall use subgrant funds to carry out one or more of the following activities:

(9) Purchasing educational technology (including hardware, software and connectivity) for students who are served by the eligible entity, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

**CONCLUSION**

Thank you very much of your consideration of these suggestions. I can be reached at michael@capenet.org for further information.

Sincerely,

(b)(6)

Michael Schuttloffel
Executive Director



AMERICAN OVERSIGHT

ORTHODOX UNION
ADVOCACY CENTER

To: Senator Lamar Alexander,
Chairman - Senate Health, Education, Labor & Pensions Committee
Senator Roy Blunt,
Chairman – Senate Appropriations Subcmte. for Labor, Education & HHS
Senator Patty Murray,
Ranking Democrat – HELP Committee and Appropriations Subcmte.
From: Union of Orthodox Jewish Congregations of America – Advocacy Center
Date: March 17, 2020
Re: Federal Response to CoronaVirus Pandemic and Its Impact on K-12 Schools

The Union of Orthodox Jewish Congregations of America is the nation's largest Orthodox Jewish umbrella organization, representing hundreds of synagogues and non-public Jewish K-12 day schools across the United States.

## SUMMARY

The Non-Public schools community is grateful for inclusion in the Supporting Students in Response to Coronavirus Act (S.3489), introduced by Sen. Murray. We appreciate language that requires "assurance" that the non-public schools' needs to be taken into account, and that non-public schools receive notification of funds awarded to the Local Education Agencies (LEA). We also support the "Control of Funds" language. However, in practice, we have seen from experience, that if they LEAs do not officially count the non-public school community in the grant request, they are almost certain to not include non-public schools in the expediting of services or materials purchases with awarded funds.

LEAs are familiar with this element of equity in other federal education programs, and the use of familiar language would aid in ensuring smooth implementation of a new relief package. In The Every Student Succeeds Act (ESSA), this fairness is referred to as "Equitable Services" and in The Individuals with Disabilities Education Act (IDEA), this is referred to as a "Proportionate Share."


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It is vital that the language in the relief bill direct the grant writing entity (presumably the Department of Education) to include a count of non-public schools and or/a child count of students attending non-public schools in the grant application itself. With this count, an equitable funding share can be determined.

## HISTORICAL REFERENCE

In addition to ESSA and IDEA, we do have historical reference for such language in an emergency relief package, dating back to the Katrina Relief package in 2006.

**Katrina Relief (PL 109-148):**

SEC. 102. IMMEDIATE AID TO RESTART SCHOOL OPERATIONS.

(a) Purpose.--It is the purpose of this section--

(1) to provide immediate services or assistance to local educational agencies and non-public schools in Louisiana, Mississippi, Alabama, and Texas that serve an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita; and

(2) to assist school administrators and personnel of such agencies or non-public schools with expenses related to the restart of operations in, the re-opening of, and the re-enrollment of students in, elementary schools and secondary schools in such areas.

(b) Payments Authorized.--From amounts appropriated to carry out this subtitle, the Secretary of Education is authorized to make payments, on such basis as the Secretary determines appropriate, taking into consideration the number of students who were enrolled, during the 2004-2005 school year, in elementary schools and secondary schools that were closed on September 12, 2005, as a result of Hurricane Katrina or on October 7, 2005, as a result of Hurricane Rita, to State educational agencies in Louisiana, Mississippi, Alabama, and Texas to enable such agencies to provide services or assistance to local educational agencies or non-public schools serving an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita.

(c) Eligibility, Consideration, and Equity.--

(1) Eligibility and consideration.--From the payment provided by the Secretary of Education under subsection (b), the State educational agency shall provide services and assistance to local educational agencies and non-public schools, consistent with the provisions of this section. In determining the amount

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to be provided for services or assistance under this section, the State educational agency shall consider the following:

(A) The number of school-aged children served by the local educational agency or non-public school in the academic year preceding the academic year for which the services or assistance are provided.

(B) The severity of the impact of Hurricane Katrina or Hurricane Rita on the local educational agency or non-public school and the extent of the needs in each local educational agency or non-public school in Louisiana, Mississippi, Alabama, and Texas that is in an area in which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), related to Hurricane Katrina or Hurricane Rita.

(2) Equity.--Educational services and assistance provided for eligible non-public school students under paragraph (1) shall be equitable in comparison to the educational services and other benefits provided for public school students under this section, and shall be provided in a timely manner.

## MURRAY BILL (S.3489) TEXT SUGESTIONS

Below are some suggestions on stronger language to ensure non-public schools are included in the grant application, rather than simply having their "needs taken into account."

SEC. 2. EDUCATION PREPAREDNESS AND SUPPORT GRANTS.

(d) USE OF FUNDS; SUBGRANTS.—

(2) APPLICATION.—An eligible entity desiring to receive a subgrant under this section shall submit to the State, or the Bureau of Indian Education, as applicable, an application containing—

(D) in the case of an eligible entity that is a local educational agency, an assurance that the local educational agency—

(i) has taken the needs of public schools and non-public schools into account prior to the application for funds;

a. has included a count of the number of non-public schools in the boundary of the LEA in order to determine and allocate the equitable share of grant funds for non-public schools;

b. has consulted with non-public school representatives to determine the needs of non-public schools, students and teachers;

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(ii) will notify all public schools and non-public schools in its boundaries of the receipt of grant funds under this section;

and (iii) will notify non-public schools of the equitable share of funds available for non-public schools based on the severity of impact and demonstrated need, will equitably address the needs of both public schools and non-public schools in its boundaries and allocate a share of received funds to serve the non-public schools within the boundaries of the eligible entity based upon the proportion of the non-public student population in the student population as a whole; and

(g) PUBLIC CONTROL OF FUNDS.—For an eligible entity that is a local educational agency—

(1) the control of funds for the services and assistance provided to a non-public school under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide such services (or may contract for the provision of such services with a public or private entity);

(2) when carrying out subsection (e), the local educational agency must equitably serve non-public schools based on demonstrated need and impact

(h) REPORTING.—

(1) REPORT TO THE SECRETARY.—At the end of the grant period, a grantee shall prepare and submit to the Secretary a report containing the following information:

(A) The number of subgrants awarded, disaggregated by the type of eligible entity.

(B) A list of subgrantees.

(C) The average subgrant award amount.

(D) The number of subgrant applicants.

(E) A summary of the activities that eligible entities carried out using subgrant funds.

(F) The equitable share of allocated funds that served non-public schools for each subgrant that is an LEA and how that equitable share was determined.

<u>USE OF FUNDS</u>

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Finally, in the section regarding eligible use of funds, we request clarification that technology that can include both hardware and software to address needs of serving students from home for long periods of time.

(e) USES OF FUNDS FOR SUBGRANTS.—An eligible entity receiving a subgrant under this section shall use subgrant funds to carry out one or more of the following activities:

(9) Purchasing educational technology (including hardware and software) for students who are served by the eligible entity, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Fri, 24 Apr 2020 16:06:49 +0000
**To:** Viana, Aimee;King, Robert
**Subject:** FW: Outlying Areas/Puerto Rico call
**Attachments:** CARES Act Recommendations per 4-23-20 Con Call.docx

---

**From:** Robinson, Mark <Mark.Robinson@ed.gov>
**Sent:** Thursday, April 23, 2020 8:08 PM
**To:** Stader, Jim <Jim.Stader@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Miller, Meredith <Meredith.Miller@ed.gov>
**Subject:** RE: Outlying Areas/Puerto Rico call

Good Evening All,

Attached is what I captured from our discussion. Not sure I captured a consensus for PR however. We discussed several options; full third party, allowing pre-third party draws, so I included what I believe was the overall consensus. Of course feel free to change as required. Note I did not include the approach for paying for the interim third party.

Let me know if you have questions or comments.

Enjoy your evening.

---

**From:** Stader, Jim <Jim.Stader@ed.gov>
**Sent:** Thursday, April 23, 2020 6:20 PM
**To:** Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Miller, Meredith <Meredith.Miller@ed.gov>; Robinson, Mark <Mark.Robinson@ed.gov>
**Subject:** RE: Outlying Areas/Puerto Rico call

We will update the matrix/recommendations paper/bullets your team helped us with the other day.

---

**From:** Koeppel, Dennis <Dennis.Koeppel@ed.gov>
**Sent:** Thursday, April 23, 2020 6:18 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Miller, Meredith <Meredith.Miller@ed.gov>; Robinson, Mark <Mark.Robinson@ed.gov>; Stader, Jim <Jim.Stader@ed.gov>
**Subject:** Outlying Areas/Puerto Rico call

I'm very sorry but my Internet went down at the very end of the call. I was unable to get connectivity until now. At the time I was disconnected, we were discussing how RMSD would draft a brief outline of the recommendations for each of the outlying areas and Puerto Rico. If there is anything I missed, please let me know.

I will update Phil on what we discussed.

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Thanks, everyone, for including me in the conversation. Have a good evening.

Dennis

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# Recommended Approach for CARES Act Funds

| Entity | ED Designation | | | Specific Conditions Imposed On: | |
|---|---|---|---|---|---|
| | High Risk | Departmental Specific Conditions | Third-Party | SEA | GOV/Other Agencies |
| Puerto Rico (PR) | | ✓ | ✓ * | ✓ | |
| Virgin Islands (VI) | ✓ | ✓ | ✓ | ✓ | ✓ |
| Guam (GU) | ✓ | ✓ | ✓ | ✓ | |
| American Samoa (AS) | ✓ | ✓ | | ✓ | ✓ |
| Commonwealth of Northern Mariana Islands (CNMI) | | ✓ | | ✓ | |

*Pending

**American Samoa (AS) and Commonwealth of the Norther Marianas (CNMI)** – All CARES Act funds will be made available to both entities without any additional conditions or a third-party fiduciary requirement including the Governor's funds, K-12, and Higher ED.

Rational – The total amount of funds (AS - $47M, CNMI - $29M) are small enough, relatively, and the risk is low enough to justify their release in this manner.

**Virgin Islands** – All Governor's and K-12 CARES Act funds will be managed by the third-party fiduciary currently in place.

Rational – The Departmental specific conditions already include the requirement for the third party to manage ED funds awarded to the Government as well as the Department of Education.

Note Higher Education funds are NOT currently covered by the VI third-party fiduciary. Revisions to the Departmental specific conditions would have to occur if these funds were to be included.

**Guam** – K-12 CARES Act funds, and any funds provided from the Governor's CARES Act funds to the Guam Department of Education, will be managed by the third-party fiduciary. Remaining Governor's funds will be available via route payment.

Rational - The Departmental specific conditions already include the requirement for the third party to manage funds awarded to the Department of Education, but not the Governor's Office. The route payment option for the Governor's funds will provide the means for ED staff to review expenditures before funds are released to Guam.

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Note Higher Education funds are NOT currently covered by the Guam third-party fiduciary. Revisions to the Departmental specific conditions would have to occur if these funds were to be managed by a third-party fiduciary, or made available via route payment.

**Puerto Rico** – Request Puerto Rico voluntarily agree that all CARES Act funds are to be managed by a third-party fiduciary. PRDE required to procure a third party fiduciary agent (TPFA) in June 2019. Contract is expected to be signed in May 2020, which may be after the CARES Act grants are awarded.

Rational – Puerto Rico has significant fiscal issues:

- Filed for Bankruptcy in May 2017; largest municipal bankruptcy in U.S. history ($123B).
- Multiple federal indictments of high-level Government and Education officials, most recent Dec 2019.
- Inability to timely and effectively spend ED funds – large available balances currently exist (~$2B), including Hurricane Relief funds (Restart grant balance as of 4/23/20 = $444M).

If Puerto Rico does not have third party in place by time CARES Act grants are awarded:

- ED independently procures a short term third party to manage CARES Act funds, until TPFA contract is signed.
- Once TPFA contract signed, management of CARES Act funds would convert to the TPFA.

Note Higher Education funds are NOT currently anticipated to be covered by the Puerto Rico third-party fiduciary. Revisions to the Departmental specific conditions would have to occur if these funds were to be included.

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**From:** Viana, Aimee
**Sent:** Thu, 12 Mar 2020 16:54:10 +0000
**To:** Brogan, Frank
**Subject:** FW: pdfs of guidance
**Attachments:** FERPA_Coronavirus FINAL 3.12.20.pdf, OSERS Coronavirus FINAL 3.12.20.pdf, COVID 19 OESE FINAL 3.12.20.pdf

Frank,

Fyi below.

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**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Thursday, March 12, 2020 12:24 PM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Surprenant, Kala <Kala.Surprenant@ed.gov>
**Subject:** pdfs of guidance

I still don't know if these have been posted yet but down the road if you end up sharing the guidance as a document, use a pdf (attached) rather than WORD document given metadata issues. The link on our web page, once done, will not have metadata, fyi is my understanding.

So the pdfs can be used if you like in addition to the Coronavirus page once Liz gives all clear.

Kent

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# STUDENT PRIVACY POLICY OFFICE
## FERPA & Coronavirus Disease 2019 (COVID-19)
## Frequently Asked Questions (FAQs)
## March 2020

**Introduction**

The United States (U.S.) Department of Education (Department) is issuing these Frequently Asked Questions (FAQs) regarding the Family Educational Rights and Privacy Act (FERPA) and the coronavirus disease 2019, abbreviated as "COVID-19" and more commonly referred to as "coronavirus."[1] We are working with our Federal partners including the Centers for Disease Control and Prevention (CDC), which is leading the Federal effort to address coronavirus or COVID-19. The U.S. Department of Health and Human Services (HHS) issued on January 31, 2020, a declaration of a Public Health Emergency regarding coronavirus or COVID-19.[2]

The Department's Student Privacy Policy Office (SPPO) prepared this document to assist school officials working with public health officials in managing public health issues related to COVID-19, while protecting the privacy of students' education records. Understanding FERPA helps enable school officials to act quickly and with certainty when confronting challenges that affect the health or safety of students or other individuals.

Educational agencies and institutions, such as school districts, schools, colleges and universities, can play an important role in slowing the spread of COVID-19 in U.S. communities. Through information sharing and coordination with public health departments, educational agencies and institutions can help protect their schools and communities.

The purpose of this document is to assist school officials in protecting student privacy in the context of COVID-19 as they consider the disclosure of personally identifiable information (PII) from student education records to individuals and entities who may not already have access to that information. School officials should work with their State and local public health officials to determine the information needed to address this public health concern. Understanding how, what, and when information can be shared is a critical part of preparedness.

**Background**

FERPA is a Federal law that protects the privacy of student education records. (20 U.S.C. § 1232g; 34 C.F.R. Part 99) The law applies to all educational agencies and institutions that receive funds under any program administered by the Secretary of Education. The term "educational agencies and institutions" under FERPA generally includes school districts and public schools at the elementary and secondary levels, as well as private and public institutions of postsecondary

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[1] Please note that this FERPA & Coronavirus Disease 2019 (COVID-19) FAQ document updates the Department's 2009 FERPA & H1N1 document. Other than statutory and regulatory requirements included in the document, the contents of the guidance do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. This document will be posted at https://studentprivacy.ed.gov and https://www.ed.gov/coronavirus.

[2] HHS declaration posted at https://www.hhs.gov/about/news/2020/01/31/secretary-azar-declares-public-health-emergency-us-2019-novel-coronavirus.html.

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education. Private schools at the elementary and secondary levels generally do not receive funds from the Department and are, therefore, not subject to FERPA.

FERPA gives parents certain rights with respect to their children's education records at educational agencies and institutions to which FERPA applies. These rights transfer to the student when he or she reaches the age of 18 or attends an institution of postsecondary education at any age (thereby becoming an "eligible student"). 20 U.S.C. § 1232g(d); 34 C.F.R. § 99.5(a)(1). Under FERPA, a parent or eligible student must provide a signed and dated written consent before an educational agency or institution discloses PII from education records, unless an exception to this general consent requirement applies. 34 C.F.R. § 99.30(a). Exceptions to the general consent requirement are set forth in 20 U.S.C. §§ 1232g(b)(1), (b)(2), (b)(3), (b)(5), (b)(6), (h), (i), and (j) and 34 C.F.R. § 99.31. The term "education records" is defined, with certain exceptions, as those records that are: (1) directly related to a student; and (2) maintained by an educational agency or institution, or by a party acting for the agency or institution. 20 U.S.C. § 1232g(a)(4); 34 C.F.R. § 99.3, "Education records." Accordingly, immunization and other health records, as well as records on services provided to students under the Individuals with Disabilities Education Act (IDEA), which are directly related to a student and maintained by an educational agency or institution are "education records" under FERPA.[3] The term "PII" refers to a student's name or identification number, as well as other information that can be used to distinguish or trace an individual's identity either directly or indirectly through linkages with other information. 34 C.F.R. § 99.3, "Personally identifiable information."

FERPA prohibits educational agencies (e.g., school districts) and institutions (i.e., schools) from disclosing PII from students' education record without the prior written consent of a parent or "eligible student," unless an exception to FERPA's general consent rule applies. 20 U.S.C. §§ 1232g(b)(1) and (b)(2); 34 C.F.R. §§ 99.30 and 99.31. For instance, pursuant to one such exception, the "health or safety emergency" exception, educational agencies and institutions may disclose to a public health agency PII from student education records, without prior written consent in connection with an emergency if the public health agency's knowledge of the information is necessary to protect the health or safety of students or other individuals. 20 U.S.C. § 1232g(b)(1)(I); 34 C.F.R. §§ 99.31(a)(10) and 99.36.

For all other situations where an exception to FERPA's general consent requirement does not apply, educational agencies and institutions must obtain prior written consent of a parent or eligible student to disclose PII from student education records. 20 U.S.C. §§ 1232g(b)(1) and (b)(2); 34 C.F.R. §§ 99.30 and 99.31. We have attached a model consent form at the end of this document. We have also listed the email and contact information for SPPO, the Department office responsible for implementing and enforcing FERPA, if school officials have questions that are not covered in this document.

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[3] Parts B and C of the IDEA contain separate privacy regulations that incorporate FERPA provisions and exceptions, including the health or safety emergency exception that is the primary subject of these FAQs. Where a student is placed in a private school for the provision of Individualized Education Program (IEP) services on behalf of a school or school district subject to FERPA, the education records of the privately placed student that are maintained by the private school are subject both to FERPA and to the confidentiality requirements under Part B of the IDEA.



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**Questions and Answers on the Applicability of FERPA to Disclosures Related to COVID-19 ("Coronavirus")**

1. Do parents and eligible students have to provide consent before an educational agency or institution discloses PII from education records?

Generally, yes. A parent or eligible student must provide written consent before an educational agency or institution discloses PII from a student's education records, unless one of the exceptions to FERPA's general consent rule applies. 20 U.S.C. §§ 1232g(b)(1) and (b)(2); 34 C.F.R. §§ 99.30 and 99.31. FERPA requires that a consent form be signed and dated by a parent or eligible student and (1) specify the records that may be disclosed; (2) state the purpose of the disclosure; and (3) identify the party or class of parties to whom the disclosure may be made. 34 C.F.R. § 99.30(a) and (b). At the conclusion of this document, we have included a sample FERPA consent form.

2. How does the health or safety emergency exception to FERPA's consent requirement permit an educational agency or institution to disclose PII from the education records of affected students?

Although educational agencies and institutions can often address threats to the health or safety of students or other individuals in a manner that does not identify a particular student, FERPA permits educational agencies and institutions to disclose, without prior written consent, PII from student education records to appropriate parties in connection with an emergency, if knowledge of that information is necessary to protect the health or safety of a student or other individuals. 20 U.S.C. § 1232g(b)(1)(I); 34 C.F.R. §§ 99.31(a)(10) and 99.36. This "health or safety emergency" exception to FERPA's general consent requirement is limited in time to the period of the emergency and generally does not allow for a blanket release of PII from student education records. Typically, law enforcement officials, public health officials, trained medical personnel, and parents (including parents of an eligible student) are the types of appropriate parties to whom PII from education records may be disclosed under this FERPA exception.

For purposes of FERPA's health or safety emergency exception, the determination by an educational agency or institution that there is a specific emergency is not based on a generalized or distant threat of a possible or eventual emergency for which the likelihood of occurrence is unknown, such as would be addressed in general emergency preparedness activities. If local public health authorities determine that a public health emergency, such as COVID-19, is a significant threat to students or other individuals in the community, an educational agency or institution in that community may determine that an emergency exists as well.

Under the FERPA health or safety emergency exception, an educational agency or institution is responsible for making a determination, on a case-by-case basis, whether to disclose PII from education records, and it may take into account the totality of the circumstances pertaining to the threat. *See* 34 C.F.R. § 99.36(c). If the educational agency or institution determines that there is an articulable and significant threat to the health or safety of the student or another individual and that certain parties need the PII from education records, to protect the health or safety of the



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student or another individual, it may disclose that information to such parties without consent. This is a flexible standard under which the Department will not substitute its judgment for that of the educational agency or institution so that the educational agency or institution may bring appropriate resources to bear on the situation, provided that, based on the information available at the time of the educational agency's or institution's determination, there is a rational basis for such determination. We note also that, within a reasonable period of time after a disclosure is made under this exception, an educational agency or institution must record in the student's education records the articulable and significant threat that formed the basis for the disclosure and the parties to whom information was disclosed. 34 C.F.R. § 99.32(a)(5).

3. May student education records, such as health records, maintained by an educational agency or institution be disclosed, without consent, to public health departments if the educational agency or institution believes that the virus that causes COVID-19 poses a serious risk to the health or safety of an individual student in attendance at the educational agency or institution?

Yes. If an educational agency or institution, taking into account the totality of the circumstances, determines that an articulable and significant threat exists to the health or safety of a student in attendance at the agency or institution (or another individual at the agency or institution) as a result of the virus that causes COVID-19, it may disclose, without prior written consent, PII from student education records to appropriate officials at a public health department who need the information to protect the health or safety of the student (or another individual). Public health department officials may be considered "appropriate parties" by an educational agency or institution under FERPA's health or safety emergency exception, even in the absence of a formally declared health emergency. Typically, public health officials and trained medical personnel are among the types of appropriate parties to whom PII from education records, may be non-consensually disclosed under FERPA's health or safety emergency exception.

4. If an educational agency or institution learns that student(s) in attendance at the school are out sick due to COVID-19, may it disclose information about the student's illness under FERPA to other students and their parents in the school community without prior written parental or eligible student consent?

It depends, but generally yes, but only if that information is in a non-personally identifiable form. Specifically, the the educational agency or institution must make a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information. *See* 34 C.F.R. § 99.31(b)(1). If an educational agency or institution discloses information about students in non-personally identifiable form, then consent by the parents or eligible students is not needed under FERPA. For example, if an educational agency or institution releases the fact that individuals are absent due to COVID-19 (but does not disclose their identities), this would generally not be considered personally identifiable to the absent students under FERPA as long as there are other individuals at the educational agency or institution who are absent for other reasons. However, we caution educational agencies or institutions to ensure that in releasing such facts, they do so in a manner that does not disclose other information that, alone or in combination, would allow a reasonable



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person in the school community to identify the students who are absent due to COVID-19 with reasonable certainty.

5. May educational agencies and institutions disclose without consent the names, addresses, and phone numbers of absent students to the public health department so that the health department may contact their parents in order to assess the students' illnesses?

FERPA permits educational agencies and institutions to non-consensually disclose PII from education records in the form of contact information of absent students to the public health department in specific circumstances, such as in connection with a health or safety emergency (20 U.S.C. § 1232g(b)(1)(I); 34 C.F.R. §§ 99.31(a)(10) and 99.36) or pursuant to other applicable exceptions.

While FERPA generally permits the nonconsensual disclosure of properly designated "directory information" (e.g., name, address, phone number, grade level) when parents or eligible students have not opted out of such a disclosure, it does not permit an educational agency or institution to disclose "directory information" on students that is linked to non-directory information (such as information regarding a student's illness). For instance, an educational agency or institution may not disclose directory information on all students who are receiving special education services or those who have been absent from school.

Therefore, unless a specific FERPA exception applies, educational agencies and institutions should prepare consent forms for parents and eligible students to sign to allow the potential sharing of this type of information if they create, or intend to create, a tracking or monitoring system to identify an outbreak before an emergency is recognized.

6. If an educational agency or institution determines that a health or safety emergency exists, may it disclose, without consent, PII from student education records to the media?

No. As explained previously, FERPA only permits nonconsensual disclosures of PII from students' education records under the health or safety emergency exception to "appropriate parties" (such as public health officials) whose knowledge of the information is necessary to protect the health or safety of students or other individuals. While the media may have a role in alerting the community of an outbreak, they are not "appropriate parties" under FERPA's health or safety emergency exception because they generally do not have a role in protecting individual students or other individuals at the educational agency or institution. "Appropriate parties" in this context are normally parties who provide specific medical or safety attention, such as public health and law enforcement officials.

7. May the school identify a particular student, a teacher, or other school official as having COVID-19 to parents of other students in the school?

In most cases, it is sufficient to report the fact that an individual in the school has been determined to have COVID-19, rather than specifically identifying the student who is infected. School notification is an effective method of informing parents and eligible students of an illness



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in the school. For settings in which parents are primarily doing drop-offs and pick-ups, posting signs on the doors may be effective. In other settings, sending home or e-mailing a notification may also be effective. These methods serve to notify parents and eligible students of a potential risk, which may be particularly important for students who may be more susceptible to infection or to developing severe complications from an infection, and to alert parents to look for symptoms in their own children and eligible students to more closely monitor themselves for symptoms.

Nothing in FERPA prevents schools from telling parents and students that a specific teacher or other school official has COVID-19 because FERPA applies to students' education records, not records on school officials. However, there may be State laws that apply in these situations.

There may be a rare situation during a health or safety emergency, however, in which schools may determine (in conjunction with health, law enforcement, or other such officials) that parents of students or eligible students are appropriate parties to whom to disclose identifiable information about a student with COVID-19. For example, school officials may determine that it is appropriate to disclose identifiable information about of a student with COVID-19 to parents of other students if parents need to know this information to take appropriate action to protect the health or safety of their children. For example if a student with COVID-19 is a wrestler and has been in direct and close contact with other students who are on the team or who are in the school and have higher health risks, school officials may determine it necessary to disclose the identity of the diagnosed student to the parents of the other students. In these limited situations, parents and eligible students may need to be aware of this information in order to take appropriate precautions or other actions to ensure the health or safety of their child or themselves, especially if their child or they may have a higher risk of susceptibility to COVID-19 or of developing severe complications from COVID-19.[4] School officials should make the determination on a case-by-case basis whether a disclosure of the student's name is absolutely necessary to protect the health or safety of students or other individuals or whether a general notice is sufficient, taking into account the totality of the circumstances, including the needs of such students or other individuals to have such information in order to take appropriate protective action(s) and the risks presented to the health or safety of such students or other individuals.

8. May an educational agency or institution disclose PII from an eligible student's education records to the student's parents if the eligible student has been determined to have COVID-19?

Yes, for dependent students and generally yes, but see below. Under FERPA, an educational agency or institution, including an institution of postsecondary education, may disclose, without the eligible student's written consent, PII from an eligible student's education records to his or her parents under certain conditions. For example, a university physician treating an eligible student for COVID-19 might determine that the student's treatment records should be disclosed to the student's parents. This disclosure may be made, without consent of the eligible student, if the parents claim the eligible student as a dependent under section 152 of the Internal Revenue Code of

[4] For helpful information on risk, please see the Centers for Disease Control and Prevention's current risk assessment, which is available at: https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/children-faq.html.



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1986. 20 U.S.C. § 1232g(b)(1)(H); 34 C.F.R. § 99.31(a)(8). If the parents do not claim the eligible student as a dependent, then the disclosure may be made to the parents, without the eligible student's written consent, if the disclosure is in connection with a health or safety emergency provided certain conditions are satisfied (as discussed in the response to question two above). 20 U.S.C. § 1232g(b)(1)(I); 34 C.F.R. §§ 99.31(a)(10) and 36.

9. What if a parent of a student who is not an eligible student refuses to provide written consent to permit the release of PII contained in student education records to the public health department?

FERPA permits educational agencies and institutions to release information from education records without consent after the removal of all PII, provided that the agency or institution has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information. 34 C.F.R. § 99.31(b)(1). Thus, it would be problematic to disclose that every student in a particular class or grade level is absent if there is, for instance, a directory with the names of every student in that class or grade. Therefore, it is prudent that educational agencies or institutions obtain written consent to permit the disclosure of PII from students' education records to the public health department. If the parent or eligible student will not provide written consent for the disclosure of the PII, then the educational agency or institution may not make the disclosure unless it has determined that there is an applicable exception to the general requirement of consent that permits the disclosure, such as if a health or safety emergency exists and the PII is disclosed to an appropriate party whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

10. Is an educational agency or institution required to record disclosures of PII from student education records submitted to the public health department or other outside parties, even in connection with a health or safety emergency?

Yes. FERPA generally requires educational agencies and institutions to maintain a record of each request for access to and each disclosure of PII from the education records of each student. 34 C.F.R. § 99.32(a)(1). Moreover, when making a disclosure under the health or safety emergency provision in FERPA, educational agencies and institutions are specifically required to record the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure and the parties to whom the agency or institution disclosed the information. 34 C.F.R. § 99.32(a)(5). The record of each request for access to and each disclosure of PII from student education records must be maintained with the education records of each student as long as the records are maintained. 34 C.F.R. § 99.32(a)(2). This requirement enables parents and eligible students who do not provide written consent for disclosure of education records to see the circumstances under which and the parties to whom their information was disclosed. However, educational agencies and institutions are not required to record disclosures for which the parent or eligible student has provided written consent. 34 C.F.R. § 99.32(d)(3).

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The Department's Student Privacy Policy Office or SPPO is the office that administers FERPA. SPPO is available to respond to questions school officials may have about FERPA. School officials may e-mail questions to SPPO at FERPA@ed.gov. You may also call us at (202) 260-3887. Additional information and guidance on FERPA is available on SPPO's website at: https://studentprivacy.ed.gov/.

The Department has a list of resources regarding COVID-19 (coronavirus) on our website at https://www.ed.gov/coronavirus. Questions related to the coronavirus may be emailed to the Department at COVID-19@ed.gov.

In December 2019, the U.S. Department of Education, along with HHS, issued guidance on the applicability of FERPA and the HIPAA to student health records, the "Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) To Student Health Records." *See* https://studentprivacy.ed.gov/sites/default/files/resource_document/file/2019%20HIPAA%20FERPA%20Joint%20Guidance%20508.pdf. This 2019 document updated the Department's 2008 guidance and explained that the HIPAA Privacy Rule does not apply to education records that are protected by FERPA. Student health records that are maintained by a public elementary and secondary educational agency or institution or by a party acting for the agency or institution are "education records" subject to FERPA, and school officials must follow the requirements of FERPA in making any disclosures of the PII from these records. At the postsecondary level, FERPA applies to most public and private institutions of postsecondary education and to the student health records that they maintain. Such student health records may either constitute "education records" or "treatment records," if certain conditions are met, but in either case they are subject to FERPA and not the HIPAA Privacy Rule.

For more information on the HIPAA Privacy Rule, please visit HHS' HIPAA Privacy Rule website at: http://www.hhs.gov/ocr/privacy/. The website offers a wide range of helpful information about the HIPAA Privacy Rule, including frequently asked questions.



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**[Sample FERPA Consent Form]**

**Disclosure of Information Protected by the Family Educational Rights and Privacy Act by _____ [Name of School/School District] to [Name of Appropriate Authority]**

Pursuant to the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 C.F.R. part 99), the written consent of a parent or eligible student is required before the education records of a student, or personally identifiable information contained therein, may be disclosed to a third party, unless an exception to this general requirement of written consent applies. If a student is age 18 years or older, or is enrolled in an institution of postsecondary education, he or she is an "eligible student" and must provide written consent for the disclosure of his or her education records or personally identifiable information contained therein.

I,_____, hereby agree to allow _____ [SCHOOL OR DISTRICT NAME] to disclose the following personally identifiable information or education records:
_____ [Specify education records or personally identifiable information that may be disclosed] on _____ [Name of Student] to _____ [Name of Appropriate Authority] for the purpose of [State purpose of disclosure] _____.

You may withdraw your consent to share this information at any time. A request to withdraw your consent should be submitted in writing and signed.

_____
Signature of Parent, Guardian, or Eligible Student

Date:_____



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# QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK

**MARCH 2020**

The Centers for Disease Control and Prevention (CDC) is responding to an outbreak of respiratory disease caused by a new coronavirus named coronavirus disease 2019 (COVID-19). The CDC has issued interim guidance to help administrators of public and private childcare programs and K-12 schools plan for and prevent the spread of COVID-19 among students and staff. *See* Interim Guidance for Administrators of US Childcare Programs and K-12 Schools to Plan, Prepare, and Respond to Coronavirus Disease 2019 available at: https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html

This Questions and Answers document outlines states' responsibilities to infants, toddlers, and children with disabilities and their families, and to the staff serving these children. During an outbreak of COVID-19, local educational agencies (LEAs) and early intervention service (EIS) programs will need to collaborate with their state educational agency (SEA), Bureau of Indian Education (BIE), or local public health department, as appropriate, to address questions about how, what, and when services should be provided to children with disabilities.[1] It does not create or confer any rights for or on any person. This Q & A document does not impose any additional requirements beyond those included in applicable law and regulations. The responses presented in this document generally constitute informal guidance representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented here and are not legally binding. The Q & As in this document are not intended to be a replacement for careful study of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations. The *IDEA*, its implementing regulations, and other important documents related to the *IDEA* can be found at http://sites.ed.gov/idea. For more information on the

[1] This document does not address when to dismiss a child or close a school or Part C state lead agency because school officials should work with their local health departments to make those decisions. School personnel and Part C EIS programs and providers, however, may consult the Centers for Disease Control and Prevention's (CDC's) guidance for recommendations regarding social distancing and school closure. The CDC's Web site contains information addressing both state and local public health officials and school administrators for school (K-12) responses to COVID-19 and resources for child care and early childhood programs. These documents, along with other recommendations, may be accessed at https://www.cdc.gov/coronavirus/2019-ncov/community/index.html.

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requirements of Section 504 and Title II, and their implementing regulations, please consult https://www2.ed.gov/policy/rights/guid/ocr/disabilityoverview.html.



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## A. Implementing Part B of the *IDEA* and Section 504 during a COVID-19 outbreak

**Question A-1:** Is an LEA required to continue to provide a free appropriate public education (FAPE) to students with disabilities during a school closure caused by a COVID-19 outbreak?

**Answer**: The IDEA, Section 504, and Title II of the ADA do not specifically address a situation in which elementary and secondary schools are closed for an extended period of time (generally more than 10 consecutive days) because of exceptional circumstances, such as an outbreak of a particular disease.

If an LEA closes its schools to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The Department understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements.

If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. (34 CFR §§ 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)). SEAs, LEAs, and schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP developed under IDEA, or a plan developed under Section 504. (34



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CFR §§ 300.101 and 300.201 (IDEA), and 34 CFR § 104.33 (Section 504)).

**Question A-2:** Must an LEA provide special education and related services to a child with a disability who is absent for an extended period of time because the child is infected with COVID-19, while the schools remain open?

**Answer**: Yes. It has long been the Department's position that when a child with a disability is classified as needing homebound instruction because of a medical problem, as ordered by a physician, and is home for an extended period of time (generally more than 10 consecutive school days), an individualized education program (IEP) meeting is necessary to change the child's placement and the contents of the child's IEP, if warranted. Further, if the IEP goals will remain the same and only the time in special education will change, then the IEP Team may add an amendment to the IEP stating specifically the amount of time to be spent in special education. If a child with a disability is absent for an extended period of time because of a COVID-19 infection and the school remains open, then the IEP Team must determine whether the child is available for instruction and could benefit from homebound services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available. In so doing, school personnel should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. The Department understands there may be exceptional circumstances that could affect how a particular service is provided.

If a child does not receive services after an extended period of time, a school must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.

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**Question A-3:** What services must an LEA provide if a public school for children with disabilities is selectively closed due to the possibility of severe complications from a COVID-19 outbreak?

**Answer:** If a public school for children with disabilities is closed solely because the children are at high risk of severe illness and death, the LEA must determine whether each dismissed child could benefit from online or



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virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available. In so doing, school personnel should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. The Department understands there may be exceptional circumstances that could affect how a particular service is provided.

If a child does not receive services during a closure, a child's IEP team (or appropriate personnel under Section 504) must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.

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**Question A-4:** If a child with a disability at high risk of severe medical complications is excluded from school during an outbreak of COVID-19 and the child's school remains open, is the exclusion considered a change in educational placement subject to the protections of 34 CFR §§ 300.115 and 300.116 and 34 CFR §§ 104.35 and 104.36.

**Answer:** If the exclusion is a temporary emergency measure (generally 10 consecutive school days or less), the provision of services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available, is not considered a change in placement. During this time period, a child's parent or other IEP team member may request an IEP meeting to discuss the potential need for services if the exclusion is likely to be of long duration (generally more than 10 consecutive school days). For long-term exclusions, an LEA must consider placement decisions under the *IDEA*'s procedural protections of 34 CFR §§ 300.115 – 300.116, regarding the continuum of alternative placements and the determination of placements.

Under 34 CFR § 300.116, a change in placement decision must be made by a group of persons, including the parents and other persons knowledgeable about the child and the placement options. If the placement group determines that the child meets established high-risk criteria and, due to safety and health concerns, the child's needs could be met through homebound instruction, then under 34 CFR §300.503(a)(1), the public agency must issue a prior written notice



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proposing the change in placement. A parent who disagrees with this prior written notice retains all of the due process rights included in 34 CFR §§ 300.500-300.520.

For children with disabilities protected by Section 504 who are dismissed from school during an outbreak of COVID-19 because they are at high risk for health complications, compliance with the procedures described above and completion of any necessary evaluations of the child satisfy the evaluation, placement and procedural requirements of 34 CFR §§ 104.35 and 104.36. The decision to dismiss a child based on his or her high risk for medical complications must be based on the individual needs of the child and not on perceptions of the child's needs based merely on stereotypes or generalizations regarding his or her disability.

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**Question A-5:** May an IEP Team consider a distance learning plan in a child's IEP as a contingency plan in the event of a COVID-19 outbreak that requires the school's closure?

**Answer:** Yes. IEP teams may, but are not required to, include distance learning plans in a child's IEP that could be triggered and implemented during a selective closure due to a COVID-19 outbreak. Such contingent provisions may include the provision of special education and related services at an alternate location or the provision of online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, and may identify which special education and related services, if any, could be provided at the child's home.

Creating a contingency plan before a COVID-19 outbreak occurs gives the child's service providers and the child's parents an opportunity to reach agreement as to what circumstances would trigger the use of the child's distance learning plan and the services that would be provided during the dismissal.

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**Question A-6:** What activities other than special education and related services may and may not be provided with *IDEA* Part B funds both prior to and during a COVID-19 outbreak?

**Answer:** *IDEA* Part B funds may be used for activities that directly relate to providing, and ensuring the continuity of, special education and related



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services to children with disabilities. For example, an LEA may use *IDEA* Part B funds to disseminate health and COVID-19 information that is specifically related to children with disabilities, to develop emergency plans for children with disabilities, or to provide other information (e.g., guidance on coordination of the provision of services in alternate locations as described in Question A-5) to parties who may need such information, including school staff responsible for implementing IEPs, parents of eligible children, and staff in alternate locations where special education and related services may be provided. LEAs, however, may not use *IDEA* Part B funds to develop or distribute general COVID-19 guidance or to carry out activities that are not specific to children with disabilities (e.g., general COVID-19 activities for all children and staff). Additionally, LEAs may not use *IDEA* Part B funds to administer future COVID-19 vaccinations to any children, including children with disabilities.



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## B. *IDEA* Part C and COVID-19

**Question B-1:** Must a state lead agency continue to provide early intervention services to infants and toddlers with disabilities during a COVID-19 outbreak if the offices are closed?

**Answer:** If the offices of the state lead agency or the EIS program or provider are closed, then Part C services would not need to be provided to infants and toddlers with disabilities and their families during that period of time. If the lead agency's offices are open but the offices of the EIS program or provider in a specific geographical area are closed due to public health and safety concerns as a result of a COVID-19 outbreak in that area, the EIS program or provider would not be required to provide services during the closure. If the offices remain open, but Part C services cannot be provided in a particular location (such as in the child's home), by a particular EIS provider, or to a particular child who is infected with COVID-19, then the lead agency must ensure the continuity of services by, for example, providing services in an alternate location, by using a different EIS provider, or through alternate means, such as consultative services to the parent.

Additionally, once the offices re-open, the service coordinator and EIS providers for each child must determine if the child's service needs have changed and determine whether the individualized family service plan (IFSP) team needs to meet to review the child's IFSP to determine whether any changes are needed. If offices are closed for an extended period and services are not provided for an extended period, the IFSP team must meet under 34 CFR § 303.342(b)(1) to determine if changes are needed to the IFSP and to determine whether compensatory services are needed to address the infant or toddler's developmental delay.

---

**Question B-2:** What should a state lead agency or EIS program provider do to provide Part C services if its offices are open, but it cannot provide services in accordance with an infant's or toddler's IFSP during a COVID-19 outbreak?

**Answer:** If the offices remain open, but Part C services cannot be provided in a particular location (such as in the child's home), by a particular EIS provider, or to a particular child who is infected with COVID-19, then



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the lead agency must ensure the continuity of services, on a case-by-case basis and consistent with protecting the health and safety of the student and those providing services to the student. As an example, the lead agency may consider providing services in an alternate location, by using a different EIS provider, or through alternate means, such as consultative service to the parent. Once services are fully resumed, the service coordinator and EIS providers for each child must assess the child to determine if the child's service needs have changed and to determine whether the IFSP Team needs to meet to review the child's IFSP to identify whether changes to the IFSP are needed. If the offices are closed and services are not provided for an extended period, the IFSP Team must meet under 34 CFR § 303.342(b)(1) to determine if changes are needed to the IFSP and to determine whether compensatory services are needed.

If an EIS provider cannot provide Part C services in the child's home during a COVID-19 outbreak, but the EIS program or provider determines that it is safe to provide face-to-face Part C services in another environment such as a hospital or medical clinic, then the child could receive temporary services at the hospital or clinic. Additionally, if the lead agency or EIS provider determines that face-to-face Part C services should not be provided for a period of time, then the EIS provider or service coordinator may consult with the parent through a teleconference or other alternative method (such as e-mail or video conference), consistent with privacy interests, to provide consultative services, guidance, and advice as needed. However, determining how to provide Part C services in a manner that is consistent with the most updated public health and safety guidance is left to the discretion of the lead agency and the EIS program and provider serving a particular child and family.

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**Question B-3:** What activities other than service provision may and may not be provided with *IDEA* Part C funds both prior to and during a potential COVID-19 outbreak?

**Answer:** *IDEA* Part C funds may be used for activities that directly relate to providing, and ensuring the continuity of, Part C services to eligible children and their families. The state may use *IDEA* Part C funds to disseminate health and COVID-19 information to relevant parties, develop emergency plans to support the provision and continuity of



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Part C services, or provide other information (e.g., how the lead agency staff or EIS programs or providers may provide alternate services or services in alternate locations as described in Question B-2) to relevant parties who need this information. Relevant parties may include parents of eligible children, childcare centers, staff in other locations where early intervention services are provided, EIS programs and providers, and primary referral sources. Other activities that relate to service provision, including the provision of service coordination, evaluations, and assessments, may also be funded. The state may not, however, use *IDEA* Part C funds to administer future COVID-19 vaccinations as it is a medical service under 34 CFR §303.13(c)(3).



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March 12, 2020

# Fact Sheet: Impact of COVID-19 on Assessments and Accountability under the Elementary and Secondary Education Act

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This fact sheet discusses the potential implications of novel coronavirus disease 2019 (COVID-19) on State assessment and accountability systems. This fact sheet also addresses other considerations regarding the use of Federal funds under the Elementary and Secondary Education Act of 1965, as amended (ESEA). We know that you are doing all in your power to support your districts and schools to ensure the health and well-being of students and educators. Like you, we are closely monitoring the situation around the country and will provide additional information as warranted. We encourage you to review information from the Centers for Disease Control and Prevention (CDC), which can be found on the U.S. Department of Education's (Department's) COVID-19 website at: https://www.ed.gov/coronavirus. In particular, the CDC has issued interim guidance to help K-12 schools and childcare programs plan for and prevent the spread of COVID-19 among students and staff. See *Interim Guidance for Administrators of US Childcare Programs and K-12 Schools to Plan, Prepare, and Respond to Coronavirus Disease 2019* available at: https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html.

As you know, the ESEA requires each State to annually administer assessments in reading/language arts, mathematics, and science to all students in tested grades and to administer an annual assessment of English language proficiency to all English learners. The Individuals with Disabilities Education Act (IDEA) also requires that all students with disabilities be included in all general State and district-wide assessment programs, including assessments required under the ESEA. Under the ESEA, the results of the required assessments are combined with other indicators of a school's performance to produce a State's accountability determination for each public school. Spring is typically when most States administer their statewide assessments. As a result, we want to provide some general information for States and districts now. Importantly, we want you to know that the Department will work to support you during this situation and that you may reach out to us at any time to talk about individual situations.

Section 8401 of the ESEA (20 U.S.C. § 7861) permits the Secretary to grant waivers of certain ESEA requirements and, thus, allows the Department to provide some flexibility to schools, districts, and States that may be necessary due to the impact of COVID-19 on the provision of educational services. References to waivers in the paragraphs below refer to such 8401 waivers. Please note that States with Education Flexibility (Ed-Flex) program authority are not authorized to waive statutory or regulatory requirements related to standards, assessments, and accountability under section 1111 of the ESEA. The Department may, however, consider such waivers under the section 8401 waiver authority.

## Assessments

The Department generally does not grant statewide waivers of assessment requirements under section 1111(b)(2) of the ESEA. The reason is that assessments provide important information to parents, educators, and the public about how well students are doing at mastering a State's content for each tested grade and subject. In cases where a school has been closed for a period of time, the assessment results still provide useful information about where individual students and groups of students will need support in the following school year. However, due to the unique circumstances that may arise as a result of COVID-19, such as a school closing during the entire testing window, it may not be feasible for a State to administer some or all of its assessments, in which case the Department would consider a targeted one-year waiver of the assessment requirements for those schools impacted by the extraordinary circumstances. States with schools that must close due to the COVID-19 may also want to consider whether it is possible to adjust or extend the testing window to accommodate as many students as possible, including students in schools that were closed for some period.



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Accountability determinations

The ESEA affords each State the flexibility to design, within certain statutory parameters, an accountability system that best meets the needs of the State. Accordingly, impact from COVID-19 will affect each State's accountability system differently. If needed, the Department would consider a targeted one-year waiver of the requirement to identify a school for comprehensive or targeted support and improvement if the reason for the identification was related to the school being closed for a significant portion of the school year.

Accountability components

A State may be able to administer its assessments and may have data that it considers sufficient to produce accountability determinations but still require some flexibility around other components of its accountability system. Below we identify two areas that are most likely to be impacted by COVID-19, though we recognize that each State has a unique accountability system and that there may be other affected areas as well.

- 95 percent assessment participation rate
  The ESEA requires that all students in the tested grades be assessed annually and requires that, when calculating the Academic Achievement indicator, the denominator be based on the number of students assessed in reading/language arts and mathematics or 95 percent of the student population, whichever is greater. We recognize that students may be absent during the test window, leading to a participation rate below 95 percent. In such a case, the Department would consider a targeted one-year waiver for an impacted school to not factor the participation rate into its Academic Achievement indicator.

- Chronic absenteeism
  As noted above, a State has discretion in the design of its accountability system. One of the most common indicators that States have included in their accountability system is chronic absenteeism. This indicator is perhaps the most likely to be impacted by COVID-19 due to school closures or student absences. For this reason, the Department would consider a one-year waiver to exclude this indicator from a State's accountability system.

In addition to the potential impact on assessment and accountability systems, we recognize that districts could face challenges meeting certain ESEA fiscal requirements, such as: maintenance of effort; the requirement to obligate funds in the current Federal fiscal year for providing equitable services to eligible private school students, teachers, and families; and the limitation on carrying over no more than 15 percent of Title I, Part A funds. Should any of these issues or other topics be a concern, we encourage you to reach out to your contacts in the Department so that we can assist you. In addition, while this fact sheet focuses only on ESEA assessments and accountability, as earlier noted, the Department has created a website dedicated to COVID-19 information as it relates to many of our other programs at: https://www.ed.gov/coronavirus. ED will regularly update this page as more information and resources become available.

If you or your staff have a question or concern about circumstances impacting your State or your districts and schools with regard to assessments; accountability; Title I, Part A fiscal issues; and other ESEA program concerns, please contact the Department at the following e-mail addresses.

- State-specific mailbox: [State].oese@ed.gov (e.g., Iowa.oese@ed.gov)
- Assessments: ESEA.Assessment@ed.gov
- Accountability and other Title I, Part A questions: OESE.titlei-a@ed.gov



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**From:** Brogan, Frank
**Sent:** Thu, 4 Jun 2020 14:41:09 +0000
**To:** Viana, Aimee
**Subject:** FW: Phase one

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**From:** Brogan, Frank
**Sent:** Thursday, June 4, 2020 10:27 AM
**To:** Washington, Mark <Mark.Washington@ed.gov>
**Subject:** Phase one

Hi Mark.....I have been thinking that it might be nice to plan something for the return of the phase- one folks the first day of their return.
I know that so many people will not be here still and will return slowly over time but I though the actual day one welcome back could stand as a symbol to all?
Signs at both elevator access points? Donuts and coffee?
Thoughts?

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**From:** Brogan, Frank
**Sent:** Wed, 6 May 2020 11:16:32 +0000
**To:** Viana, Aimee;Rinkus, Christopher;Ryder, Ruth;Miller, Meredith;Bailey, Nathan
**Subject:** FW: PRDE Request for additional waivers
**Attachments:** PRDE Request for additional waivers.pdf

FYI

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**From:** Francisco J. Martinez Oronoz <martinezof@de.pr.gov>
**Sent:** Tuesday, May 5, 2020 8:43 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>; OESE.titleii-a <OESE.titleii-a@ed.gov>; OESE.titleiii-a <OESE.titleiii-a@ed.gov>; Calderon, Brenda <Brenda.Calderon@ed.gov>; Jaime, Ivonne <Ivonne.Jaime@ed.gov>; Weber, Keely <Keely.Weber@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; Witt, Elizabeth <Elizabeth.Witt@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Budman, Molly <Molly.Budman@ed.gov>; Rowan, Maria <maria.rowan@ed.gov>; Eligio Hernández Pérez <Hernandez_eli@de.pr.gov>; Beatriz Acevedo Díaz <acevedo_b@de.pr.gov>
**Subject:** PRDE Request for additional waivers

Greetings Mr. Brogan and USDE Team:

PRDE hereby respectfully submits a request for additional waivers, including a no cost extension for an additional period of time of 12 months for all awards that were active as of March 31st, 2020, among other flexibilities. We have utilized the template provided by the USDE for the fiscal waiver, the assessment template and others for the Perkins and WIOA grants. All were submitted by PRDE and responded by the USDE.

However, the fiscal template contemplates to provide an additional year to use 2018-2019 awards, but it does not include 2017-2018 funds. PRDE has several 17-18 grants that were active as of March 31st, 2020, so through this petition, we want to cover all active grants at the date established having in mind FY 2017-2018 too.

Additionally, PRDE seeks other waivers that were not included in neither of the templates provided, but that we understand will greatly benefit the Agency that has been affected due to various emergencies (such as earthquakes and COVID19 pandemic this 2020).

To comply with the requirement, we posted a notice in PRDE's webpage and provided enough time for the public and stakeholders to submit their input about it.

Also, we have copied the program officers to notify them of this request.

We appreciate your consideration over this matter.

Best,

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**Francisco J. Martínez Oronoz, Ph.D., MPA**

Auxiliary Secretary of Federal Affairs

Puerto Rico Department of Education

Cel: 919.889.9426

Office: 787.773.2003

Email: Martinezof@de.pr.gov

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GOVERNMENT OF PUERTO RICO

DEPARTMENT OF EDUCATION
Auxiliary Secretariat of Federal Affairs

May 5, 2020

The Honorable Frank T. Brogan
Assistant Secretary for Elementary and
Secondary Education Office of Elementary
and Secondary Education
U.S. Department of Education 400
Maryland Avenue, SW Washington,
DC 20202
Frank.Brogan@ed.gov

Dear Assistant Secretary Brogan:

On March 19, 2020, the federal Office of Management and Budget (OMB) issued M-20-17, *"Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19) due to Loss of Operations,"* to provide flexibilities for grants to agencies affected by the loss of operational capacity and increased costs due to the COVID-19 crisis. This memorandum provides short term relief for administrative, financial management, and audit requirements under 2 CFR Part 200, *Uniform Administrative Requirements, Cost principles and Audit Requirements for Federal Awards,* without compromising Federal financial assistance accountability requirements.

For the flexibilities provided within the memorandum, agencies are reminded of their existing flexibility to issue exceptions on a case-by-case basis in accordance with 2 CFR § 200.102, *Exceptions.* In early April, the U.S. Department of Education released a template for waiver requests under Every Student Succeeds Act. The Puerto Rico Department of Education (PRDE) has submitted a request utilizing that template. However, there are flexibilities included in the OMB memo that were not covered by that template.

Appropriately, PRDE is writing to request waivers, of the requirement(s) enumerated below on behalf of the State Educational Agency (SEA) and its subgrantees:

☒ **Flexibility with SAM registration.** (2 CFR § 200.205)
PRDE is seeking flexibility of the requirement for active System for Award Management (SAM) registration at time of application in order to expeditiously issue funding. Under that OMB guidance, current registrants in SAM with active registrations expiring before May 16, 2020 can be afforded a one-time extension of 60 days.



The Department of Education does not discriminate under any circumstance on the grounds of age, race, color, gender, birth, religion, veteran status, political ideals, sexual orientation, gender identity, social condition or background, physical or mental incapacity; or for being victim of aggression, harassment, or domestic violence.

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☒ **Allowability of salaries and other project activities.** (2 CFR § 200.403, 2 CFR § 200.404, 2 CFR § 200.405)
PRDE would like to continue to charge salaries and benefits to currently active Federal awards consistent with our policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal. PRDE would charge other costs to Federal awards necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the project. PRDE will continue to maintain appropriate records and cost documentation as required by 2 CFR § 200.302 -*Financial management* and 2 CFR § 200.333 - *Retention requirement of records* to substantiate the charging of any salaries and other project activities costs related to interruption of operations or services.

☒ **Allowability of Costs not Normally Chargeable to Awards.** (2 CFR § 200.403, 2 CFR § 200.404, 2 CFR § 200.405)
PRDE has incurred costs related to the cancellation of events, travel, or other activities necessary and reasonable for the performance of the award, or the pausing and restarting of grant funded activities due to the public health emergency, and is requesting approval to charge these costs to our awards without regard to 2 CFR § 200.403, *Factors affecting allowability of costs,* 2 CFR § 200.404, *Reasonable costs,* and 2 CFR § 200.405, *Allocable costs.* PRDE is requesting approval to charge full costs of cancellation when the event, travel, or other activities are conducted under the auspices of the grant. PRDE will continue to maintain appropriate records and cost documentation as required by 2 CFR § 200.302 - *Financial management* and 2 CFR § 200.333 *Retention requirement of records,* to substantiate the charging of any cancellation or other fees related to interruption of operations or services.

☒ **No-cost extensions on expiring awards.** (2 CFR § 200.308)
To the extent permitted by law, PRDE is requesting an extension for awards which were active as of **March 31, 2020** and scheduled to expire prior or up to December 31, 2020, automatically at no cost for a period of up to twelve (12) months. This will allow time for PRDE assessments, the resumption of many individual projects, and a report on program progress and financial status to agency staff. PRDE understands that project-specific financial and performance reports will be due 90 days following the end date of the extension, unless the U.S. Department of Education (ED) says otherwise.

☒ **Extension of financial, performance, and other reporting.** (2 CPR§ 200.327, 2 CPR§ 200.328)
PRDE is seeking permission to delay submission of financial, performance and other reports up to three (3) months beyond the normal due date. These reports will be submitted at the end of the postponed period. In addition, we are asking that ED waive the requirement for PRDE to notify the agency of problems, delays or adverse conditions related to COVID-19 on all grants (200 CPR 200.328(d)(l).

☒ **Extension of currently approved indirect cost rates.** (2 CPR§ 200.414 (c))
PRDE is asking ED to allow us to continue to use the currently approved indirect cost rates (i.e., predetermined, fixed, or provisional rates) to recover our indirect costs on Federal awards, for one additional year without submission of an indirect cost proposal. PRDE is also requesting an extension of the indirect cost rate proposal submission to finalize the current rates and establish future rates.

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☒ **Extension of closeout.** (2 CPR§ 200.343)
PRDE is also asking for authority to delay submission of any pending financial, performance and other reports required by the terms of the award for the closeout of expired projects for one year after the award expires, provided that PRDE gives proper notice to ED about the reporting delay.

In seeking these waivers, PRDE assures that:

☒ The SEA will use, and ensure that its subgrantees use, funds under the respective programs in accordance with the provisions of all applicable statutes, regulations, program plans, and applications not subject to these waivers.

☒ The SEA will work to mitigate, and ensure that its subgrantees work to mitigate, any negative effects, if any, that may occur as a result of the requested waivers.

☒ The SEA will provide the public in the State with notice of, and the opportunity to comment on, this request by posting information regarding the waiver request and the process for commenting on the PRDE website.

Thank you for your consideration.

Sincerely,

(b)(6)

**Dr. Eligio Hernández Pérez**
PRDE Secretary

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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Tue, 19 May 2020 14:57:00 +0000
**To:** Viana, Aimee
**Subject:** FW: Puerto Rico CARES Act Allocation
**Attachments:** Letter - Gov Vazquez Garced to the Hon. Betsy DeVos - 5-18-2020.pdf

Hi
Wanted you to have this ASAP
Where is our letter that has been making the rounds which goes to Puerto Rico?
Frank

---

**From:** Brogan, Frank
**Sent:** Tuesday, May 19, 2020 10:49 AM
**To:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Subject:** FW: Puerto Rico CARES Act Allocation

Hi Nate
Just got this from Jim Stader
Jim and his folks are meeting with OGC this afternoon to determine the source of PRDE funds to pay for the immediate Third Party while the bigger contract gets worked out
In the meantime again the plan is to require Puerto Rico to provide spending priorities and dollar requests associated, to begin their flow of funds until the new TPFiduciary contract is finalized which should take two to three weeks according to Jim.
Will keep you up to date
Frank

---

**From:** Stader, Jim <Jim.Stader@ed.gov>
**Sent:** Tuesday, May 19, 2020 10:24 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>
**Cc:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>
**Subject:** FW: Puerto Rico CARES Act Allocation

Good morning- this just came in from PR to the Secretary. Jim

---

**From:** Wilson, Linda <Linda.Wilson@ed.gov>
**Sent:** Tuesday, May 19, 2020 9:43 AM
**To:** Stader, Jim <Jim.Stader@ed.gov>; Robinson, Mark <Mark.Robinson@ed.gov>
**Cc:** Miller, Meredith <Meredith.Miller@ed.gov>
**Subject:** FW: Puerto Rico CARES Act Allocation

FYI if you haven't seen this. I got a copy from the Congresswoman's office.

AMERICAN OVERSIGHT

Governor of Puerto Rico
WANDA VÁZQUEZ GARCED

May 18, 2020

The Honorable Betsy DeVos
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary DeVos,

Thank you for the support the U.S. Department of Education (USDE) has provided to Puerto Rico as we work together to combat this global pandemic of COVID-19. On behalf of Puerto Rico's student population, I thank you for the continued assistance that USDE has provided to the island during this heightened time.

I write today to seek your assistance in ensuring that the Puerto Rico Department of Education (PRDE) has immediate access to the emergency funding provided under the Coronavirus Aid, Relief, and Economic Security (CARES) Act so that we may provide urgently needed assistance to students, schools, and staff as we, like the other states and territories, navigate the challenges presented by long-distance learning. Under the CARES Act, Puerto Rico is to receive $349,113,000 from the Elementary and Secondary School Emergency Relief (ESSER) Fund and $47,812,236 from the Governor's Emergency Education Relief Fund (GEER Fund). Yet, PRDE was recently notified by USDE's Risk Management Services that Puerto Rico will not be allowed to access its CARES Act funding until a third-party fiduciary agent (TFPA) is in place. For the reasons outlined below, I urge you to reconsider this determination and ask that you provide me, as Governor, and the PRDE with immediate access to the CARES Act funding so that the effects of the COVID-19 pandemic do not take an even greater toll on our student population.

At the onset of the coronavirus in the United States, I took bold action to protect the 3.2 million U.S. citizens of Puerto Rico by, among other things, instituting the first mandatory lock-down in the nation. My efforts to protect the people of Puerto Rico were bolstered by the actions of the Trump Administration and Congress, who worked together to enact emergency legislation to protect our nation from both the immediate and long-term effect of the virus. The CARES Act, was enacted to provide urgently needed assistance to students, schools, institutions, and states across the country when so many schools were forced to close their brick and mortar campuses for the balance of the school year in order to keep people safe. As such, the bill provides state educational agencies (SEAs) and local educational agencies (LEAs) with immediate emergency relief funds to address the impact of COVID-19 on elementary and secondary schools, their students, and their staff. Two critical sources of funding included in

63 Fortaleza, San Juan, PR 00901 | PO Box 9020082, San Juan, PR 00902-0082
gobernadora@fortaleza.pr.gov | 787.721.7000

AMERICAN OVERSIGHT

the CARES Act are the ESSER Fund, which states can use for a wide range of purposes, including purchasing computers and hot spot devices for online learning; purchasing supplies for cleaning and sanitization, supporting professional development for educators, and supporting access to quality instruction for students with disabilities; and the GEER Fund, which Governors can use at their discretion and which I intend to use this summer to meet and improve the current educational and health related needs of students and faculty.

GEER Funds were provided by Congress to empower governors to decide how best to meet the current needs during this pandemic. They stand in contrast with most of the other emergency monies under the Education Stabilization Fund, which are more particularly directed at state and local educational agencies because these funds were given directly to all governors. Section 18002(a) of the CARES act clearly states that GEER fund is provided to the governor and the grant notices states that only governors (and the mayor of the District of Columbia) are eligible to receive funding.

Yet, even though Congress intended for these funds to provide immediate relief to students and schools during this global pandemic, we are being denied immediate access to these funds. This delay in access to funding is at odds with the spirit and intent of the CARES Act, which was written in order to provide the greatest immediate impact, and as such, I urge you to reconsider this determination. Moreover, this decision makes Puerto Rico the only SEA in the Nation that does not have access to these emergency funds at a time when access to funding is critical for Puerto Rico. The students of Puerto Rico have suffered two hurricanes, seen their schools collapsed by a series of earthquakes and now have experienced the anxiety and the uncertainty of the Covid 19 pandemic.

Our children should suffer no more. A boy or a girl in fourth grade may think that pandemics, earthquakes, and hurricanes are normal events in everyone's lives since they have become seemingly normal events in their short lives. I want to take care of the mental and behavioral health of our children, provide remedial education, improve distance learning, obtain protective material for teachers and students, and provide access to technology, and to educational materials. Along with the PRDE we need to establish guidance and best practices for provision of emergency care and develop comprehensive plans for reopening school programs.

Like you, I have been working around the clock to ensure these federal resources provided to Puerto Rico are in the hands of those who need them most and for whom these funds will have the greatest immediate impact. I am committed to ensuring that our 295,000 students do not fall behind and have access to meaningful learning options.

Denying Puerto Rico access to ESSER and GEER Funds under the CARES Act puts Puerto Rico's students at even greater risk of falling behind. With schools and administrative offices shut down across the island, Puerto Rico is following most other States in providing instruction to students remotely. Unfortunately, given our previous natural disasters, many students across the island still do not have access to the resources necessary for full virtual learning. The ESSER and GEER Funds are critical to ensuring students in Puerto Rico receive a free and appropriate education, as required by federal law.

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While USDE and PRDE continue to work through the FY2019 Specific Conditions placed on all new grant money awarded to PRDE, including the procurement of a TPFA, the unfortunate reality of the situation in front of us is that the COVID-19 crisis has significantly delayed PRDE's ability to finalize the fulfillment of these specific conditions. Travel restrictions, continued lockdowns, and remote working – necessary precautions to keep the people of Puerto Rico safe – add layers of complication that no one could foresee. As such, USDE's delaying PRDE's access to these much-needed emergency funds provided by the CARES Act will only continue to further harm students across the island. Due to this unforeseen emergency, we simply do not have the luxury of time.

In light of the emergency situation facing our students, I am respectfully requesting that PRDE gain immediate access to the funding provided under the CARES Act and that I gain access to the GEER Funds allocated to Puerto Rico for emergency education relief, as intended by Congress. In obligating and expending CARES Act funding, PRDE will stay in constant contact with USDE officials, as is the common practice in my administration, updating information regularly and ensuring that all costs incurred are allowable under the specific funding streams. If USDE has any questions or concerns regarding the allowability of costs, PRDE will move to address those concerns immediately to ensure compliance with federal statutes, rules, and regulations. PRDE is also happy to consider other requests for information or practicable special procedures that would help you and USDE staff feel comfortable with moving forward on this spending.

I thank you in advance for your attention to this matter, and look forward to working with you on a swift resolution. If you have any questions or concerns, please do not hesitate to contact Jennifer M. Storipan, Esq., Executive Director of the Puerto Rico Federal Affairs Administration at 202-778-0710 or jstoripan@prfaa.pr.gov.

(b)(6)

Wanda Vázquez Garced
Governor of Puerto Rico

c: The Honorable Nancy Pelosi, Speaker of the House
The Honorable Mitch McConnell, Senate Majority Leader
The Honorable Kevin McCarthy, House Republican Leader
The Honorable Chuck Schumer, Senate Democratic Leader
The Honorable Robert "Bobby" Scott, Chairman, House Committee on Education & Labor
The Honorable Virginia Foxx, Ranking Member, House Committee on Education & Labor
The Honorable Lamar Alexander, Chairman, Senate Committee on Health, Education, Labor, and Pensions
The Honorable Patty Murray, Ranking Member, Senate Committee on Health, Education, Labor & Pensions
The Honorable Jenniffer González-Colón (PR-At-Large)

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 16 Mar 2020 21:12:13 +0000
**To:** Brogan, Frank
**Subject:** FW: Rapid Response Team
**Attachments:** rr-COVID-19 response teamv3 (002).docx

Frank,

Attached is FYI. This is the process that will be used INTERNALLY as OESE continues to increase efficiency and answer all requests that are received via the Covid-19 email address.

We would like to provide this to the OESE team as soon as possible in order to implement this process moving forward.

Please advise re: edits and or suggestions.

*One item I would like your thoughts on: whether questions and responses should be posted on a regular basis (either bi-weekly or weekly) on www.ed.gov/coronavirus in a manner that is consistent with FERPA.

Thank you

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Monday, March 16, 2020 1:45 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** Rapid Response Team

Revised per your requests.

**Ruth E. Ryder**
**Deputy Assistant Secretary for Formula Grants**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5570
Email: ruth.ryder@ed.gov

AMERICAN OVERSIGHT

**OESE COVID-19 Mailbox Rapid Response Team**
March 13, 2020

OESE will create a small, rapid-response team (response team) to coordinate the response to all COVID-19 questions coming into the COVID-19@ed.gov mailbox[1]. It will consist of a small team of 8-10 individuals (including staff working on formula and discretionary grants, and one staff member from OSEP) who can dedicate a significant portion of their time over at least the next month to this activity (approximately 50 percent, though that may change depending on the scale of questions received). In addition, at least two Office of the General Counsel (OGC) program attorneys will need to be on this team.

Proposed Staff: Co-Leads – Evan Skloot and Sarah Feldpausch

Process:

1. All incoming email is sent to COVID-19@ed.gov. If staff receive COVID-19 related emails, send them to COVID-19@ed.gov. Staff manning the COVID-19@ed.gov mailbox will route OESE-related questions to OESECOVID19@ed.gov .
2. An SGR staff member logs each question from the OESECOVID19@ed.gov email into SCOUT.
3. An OESE staff member sends a generic response from the COVID-19@ed.gov mailbox along the lines of:
    a. Thank you for your inquiry. We will respond to you as soon as possible. In the meantime, be safe and review the information from the Center for Disease Control and Prevention (CDC) and your local health officials. The Department will continue to provide information at: www.ed.gov/coronavirus .
4. An SGR staff member delivers a report to the response team lead by 8 am daily of questions received since the previous day and any questions that have not yet received responses.
5. The OESE response team meets each morning at 9 am to discuss the questions and make assignments of questions. An SGR staff member will log the assignment in SCOUT.
6. Questions will be assigned a level:
    a. Level 1: Already answered. These are questions that have already been answered through a formal vetted process; if the response team agrees that the question is a level 1 question, the already-cleared answer can be used to respond (see step 8)
    b. Level 2: Program-specific question. These questions are not Level 1 and impact only one program. The response team member assigned will work with the program office to draft a response.
    c. Level 3: OESE- or ED-wide question. These questions are not Level 1 and have applicability across OESE (and potentially across ED). The group should identify the range of programs that are applicable. The response team member will draft a response for review by the program attorneys and group leaders for the applicable programs.
    d. Level 4: Federal government-wide questions. These are questions that include the uniform guidance or another aspect that spans beyond the U.S. Department of Education. If appropriate, questioner could be referred to CDC, USDA or FCC. Other questions could be referred to the ED Coronavirus Task Force led by Deputy Secretary Zais. Aimee Viana can facilitate this process.
7. Once drafted, the response team member, a program attorney and relevant group leader(s) will review the draft response. No more than 24 hours is given to review the response.

[1] A separate process will be led by Sarah Feldpausch to intake and respond to requests coming from OCO and IGA. She will ensure coordination with the response team, including responses being logged into SCOUT.

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8. Once step 7 is complete, the response team member will mark the response ready for senior leader review.
9. Daily at 4 pm, questions and proposed responses will be sent to the Senior Staff Review group. These responses could be sent as a SharePoint link to facilitate the review. The Senior Staff Review group consists of:
    a. Kent Talbert, Frank Brogan, Aimee Viana, Phil Rosenfelt, Liz Hill, and Ruth Ryder
    b. Each member of the Senior Staff Review group will complete their review by 8 am the following day.
    c. If there are conflicting comments, Aimee will quickly convene a short meeting to resolve the comments.
10. Following step 9, an OESE staff member will send the approved response from COVID-19@ed.gov to the original questioner, copying the relevant group leader, director, and others as appropriate.
11. An SGR team member will log the response and mark the item complete.
12. All questions and responses are posted on a regular basis (bi-weekly or weekly) on www.ed.gov/coronavirus in a manner that is consistent with FERPA.

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Wed, 20 May 2020 17:45:36 +0000
**To:** Viana, Aimee
**Subject:** FW: Remote Learning for Middle / High School

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**From:** DeVos, Betsy <Betsy.DeVos@ed.gov>
**Sent:** Wednesday, May 20, 2020 1:40 PM
**To:** George <(b)(6)
**Cc:** LaVern.Chester@ed.gov; Brogan, Frank <Frank.Brogan@ed.gov>; Dalton, Ashley <Ashley.Dalton@ed.gov>; Hunter, Tina <Tina.Hunter@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>
**Subject:** RE: Remote Learning for Middle / High School

**This acknowledgement is sent on behalf of Secretary of Education Betsy DeVos.**
Dear Mr. Russo:
Thank you for your e-mail to Secretary of Education Betsy DeVos. We appreciate hearing from you.
Your communication has been forwarded to the appropriate staff member for review and further handling.
Thank you again for contacting us.
Sincerely,
Edgar Mayes

Director, Correspondence and
Communications Control Unit
Office of the Secretary
U.S. Department of Education
Washington, DC 20202

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**From:** George <(b)(6)
**Sent:** Wednesday, May 20, 2020 1:21 PM
**To:** DeVos, Betsy <Betsy.DeVos@ed.gov>
**Cc:** LaVern.Chester@ed.gov; Brogan, Frank <Frank.Brogan@ed.gov>; Dalton, Ashley <Ashley.Dalton@ed.gov>; Hunter, Tina <Tina.Hunter@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>
**Subject:** Remote Learning for Middle / High School

Dear Madam Secretary DeVos,

AMERICAN OVERSIGHT

Teaching Middle School Mathematics as a second career in a Title I district has me concerned about the viability of remote teaching. Many students I teach don't have the technology at home for it. Even if the district gives them a chrome book, they do not have internet in their home. Another issue is they don't have the support structure within their home to get help they may need. I can go on and on but I would rather try to provide a solution to the problem instead of complaining about it.

I would like to make a couple of suggestions on ways to possibly get schools functional even if we are still locked down in September. I do not believe we can let kids back into schools in high volumes until a vaccine is found or the virus is totally controlled.

There are three subjects I feel need to be taught in person Math, Language Arts and Science the rest can be taught remotely. You cannot have Lunch, Gym and class changes due to the students being on top of one another in the hallways when transferring classes. My solution is to have students come in for 3 hours at a time limiting them to approx. 10 - 12 students per class. We can even put up dividers between rows as an extra precaution along with face masks whatever is necessary. The teachers move to the students, they stay in the same classroom for the day where they can still get their free lunches at the end of the day and eat in the classroom. They would then be dismissed and a new group would come in and start their day with their free lunch.

I realize this plan still needs tweaking but do feel it is a viable option for Title I districts.

Another option for remote learning is to have all the technology issues worked out which would not be as difficult of a problem in more affluent districts. Teachers co-teach a lesson for the entire grade level in an empty classroom broadcast live and videotaped so all the students in math get the same lesson. Students then submit their work and give real time feedback but still bring students in on specific days to review work, complete science labs etc. This option would allow the teachers more time to work with struggling students that need the help.

This has issues that need to be addressed but I believe it is one of the best way to maximize teachers time in a smaller social distancing environment.

I write this for one reason the current method is not working and the students deserve better. Teachers were not prepared to do home teaching and it shows. I am convinced that not all home teaching can be done the same way across all districts. We need the government to give us guidance on options we still have over 100 days before school reopens let's not waste this valuable time. Please let me help, call me or write I would like to give you my expertise as a project manager at AT&T for twenty-two years and a teacher of middle school in a Title I district for the last fifteen years. The children are our future let's play the cards we are dealt and beat this virus by continuing to give a top quality education to our children.

Thank You for your valuable time and for reading my suggestions.

AMERICAN OVERSIGHT

George Russo

200 Charles Street

Westfield, NJ 07090

(b)(6)

(b)(6)

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 16 Mar 2020 20:38:38 +0000
**To:** Brogan, Frank
**Subject:** FW: Rep. Van Taylor - Letter to Sec. DeVos - Waiver from Federal Standardized Testing Requirements for Texas - COVID-19
**Attachments:** 2020.03.16 - DeVos Standardized Testing Letter.pdf

Frank,

The attached is for your awareness.

I will keep you posted. We have not been assigned to draft a response yet, but will inform the OSSA team.

Thank you

---

**From:** Petersen, Molly <Molly.Petersen@ed.gov>
**Sent:** Monday, March 16, 2020 4:08 PM
**To:** Mayes, Edgar <Edgar.Mayes@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
**Subject:** FW: Rep. Van Taylor - Letter to Sec. DeVos - Waiver from Federal Standardized Testing Requirements for Texas - COVID-19

Please see letter attached for the Secretary concerning testing waivers. Copying others for awareness.

Molly Petersen
Legislative Director

---

**From:** Riley, Mary Christina <MaryChristina.Riley@ed.gov>
**Sent:** Monday, March 16, 2020 1:47 PM
**To:** Thompson, Jett <Jett.Thompson@mail.house.gov>; OLCA Inquiries <OLCAInquiries@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Cc:** Dietz, Lonnie <Lonnie.Dietz@mail.house.gov>; Coleman Jones, Sable <Sable.ColemanJones@mail.house.gov>; McCormack, Anna <Anna.McCormack@mail.house.gov>
**Subject:** RE: Rep. Van Taylor - Letter to Sec. DeVos - Waiver from Federal Standardized Testing Requirements for Texas - COVID-19

Thanks, Jett! Including my colleague, Molly Petersen, as well.

We will ensure the Secretary's office receives the letter.

Also including this link the ED's COVID19 webpage which is being updated as new information and resources become available.

AMERICAN OVERSIGHT

Best,
Mary Christina

**Mary Christina Riley**
Office of Legislation and Congressional Affairs (OLCA)
U.S. Department of Education
(202)-453-7537

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**From:** Thompson, Jett <Jett.Thompson@mail.house.gov>
**Sent:** Monday, March 16, 2020 1:37 PM
**To:** Riley, Mary Christina <MaryChristina.Riley@ed.gov>; OLCA Inquiries <OLCAInquiries@ed.gov>
**Cc:** Dietz, Lonnie <Lonnie.Dietz@mail.house.gov>; Coleman Jones, Sable <Sable.ColemanJones@mail.house.gov>; McCormack, Anna <Anna.McCormack@mail.house.gov>
**Subject:** Rep. Van Taylor - Letter to Sec. DeVos - Waiver from Federal Standardized Testing Requirements for Texas - COVID-19

Mary Christina,

Congressman Van Taylor is sending the attached letter to Secretary DeVos today urging that she grant a waiver to the State of Texas from Federal standardized testing requirements in light of the COVID-19 pandemic. We are sending a physical copy by mail today as well.

Please don't hesitate to follow up with me.

Thank you!

-Jett

--
**Jett Thompson**
Legislative Director
Rep. Van Taylor (TX-03)

AMERICAN OVERSIGHT

VAN TAYLOR
3RD DISTRICT, TEXAS

COMMITTEE ON
HOMELAND SECURITY

COMMITTEE ON EDUCATION
AND LABOR

# Congress of the United States
## House of Representatives
Washington, DC 20515–4303

March 16, 2020

The Honorable Betsy DeVos
*Secretary of Education*
Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Secretary DeVos,

I write to you today on behalf of students, teachers, parents, and other education leaders who are facing tremendous uncertainty as our nation grapples with the COVID-19 pandemic. Many schools across the state of Texas are currently closed, and we are concerned that federally-mandated standardized testing may no longer feasible this spring for every district.

As you are aware, 20 U.S.C. § 7861 permits the Secretary of Education to grant waivers of certain federal requirements for states, including the requirement to administer standardized testing. In consultation with local school boards, our state legislative delegation, and parents, I urge you to provide a waiver to the State of Texas in order to provide flexibility to schools and school districts on a case by case basis in Texas during this emergency.

While we believe in assessment and accountability, during this uncertain time we feel it could be tremendously difficult, and possibly dangerous to public health to move forward with standardized testing this spring for every school. It is for these reasons that I ask that you to grant a waiver from these requirements to the State of Texas without delay.

Thank you for your thoughtful consideration of this request.

Sincerely,

(b)(6) [redacted]

VAN TAYLOR
Member of Congress

WASHINGTON
1404 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4201

VANTAYLOR.HOUSE.GOV

COLLIN COUNTY
5600 TENNYSON PARKWAY, #275
PLANO, TX 75024
[illegible]-4150

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Thu, 23 Jan 2020 19:42:55 +0000
**To:** Dalton, Ashley
**Cc:** Brogan, Frank
**Subject:** FW: Request workflow for Frank's signature - NACIE - time sensitive

Ashley,

Please see below regarding Frank's hand signature and digital signature in Word.

Is this something you can help us expedite?

Thanks!

---

**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Thursday, January 23, 2020 1:20 PM
**To:** Boulley, Angeline <Angeline.Boulley@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Re: Request workflow for Frank's signature - NACIE - time sensitive

Tomorrow morning upon my return ok?
Frank

Sent from my iPhone

On Jan 23, 2020, at 8:42 AM, Boulley, Angeline <Angeline.Boulley@ed.gov> wrote:

I received clarification that the transmittal memo needs a hand signature and the federal register notice needs a digital signature in Word.

Angeline Boulley
Office of Indian Education
(o) 202-453-7042
(c) 202-227-9660

On Jan 22, 2020, at 8:11 PM, Ryder, Ruth <Ruth.Ryder@ed.gov> wrote:

Wow, thank you all for the really quick turnaround!! Adding Angeline.

---

**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Wednesday, January 22, 2020 5:04 PM
**To:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Re: Request workflow for Frank's signature - NACIE - time sensitive

AMERICAN OVERSIGHT

Approved for auto pen
Frank Brogan

Sent from my iPhone

On Jan 22, 2020, at 3:54 PM, Lovitt, Brittney <Brittney.Lovitt@ed.gov> wrote:

Hello,

I wanted to flag this request since it is time sensitive and requesting a digital signature. I just started the sharepoint workflow.

Thank you,
Brittney Lovitt

---

**From:** Boulley, Angeline <Angeline.Boulley@ed.gov>
**Sent:** Wednesday, January 22, 2020 4:39 PM
**To:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** Request workflow for Frank's signature - NACIE - time sensitive

Hi Brittney,

REQUEST DIGITAL SIGNATURE BY 12:00PM FRIDAY (JAN. 24)

I am requesting a workflow to go through Ruth to Aimee to Frank for Frank's digital signature on the attached transmittal memo for the Federal Register Notice for the upcoming NACIE meeting. I've also attached the Federal Register Notice, which has been reviewed by Jill Martin and Lauren Friedrich (OGC) and Karen Akins, Committee Management Officer (OS).

ATTACHMENT: (2)

- TRANSMITTAL MEMO – NEEDS FRANK'S ELECTRONIC SIGNATURE
- FEDERAL REGISTER NOTICE – TO REVIEW

DEADLINE FOR FEDERAL REGISTER SUBMISSION: 2:00PM FRIDAY, JANUARY 24, 2020 TO POST BY WEDNESDAY, JANUARY 29 (15 DAYS PRIOR TO FEBRUARY 13 MEETING START DATE).

Miigwetch (Thank you),
*Angeline Boulley*
(Bahweting Anishinaabe)
Director, Office of Indian Education
U.S. Department of Education
400 Maryland Ave., SW
Office 3W101
Washington, DC 20202
(Office) (202) 453-7042
(Cell) (202) 227-9660

AMERICAN OVERSIGHT

Angeline.Boulley@ed.gov

<NACIE Transmittal Memo February 2020.docx>
<OGC CMO Edits NACIE FR Notice February 2020 Meeting.docx>

AMERICAN OVERSIGHT

We kindly request you reply to WhiteHouseFellows@who.eop.gov no later than Friday, September 27. Our office will follow up with a WAVES link for those who need access to the complex.

Thank you so much for your support of the White House Fellows!

Best regards,
Elizabeth

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Thu, 26 Mar 2020 16:59:39 +0000
**To:** Rosenfelt, Phil
**Cc:** Brogan, Frank
**Subject:** FW: RESPONSE NEEDED Fwd: SY 2018-19 CSPR APR Tool Webinar Presentation
**Attachments:** 18-19 CSPR APR Tool Webinar_3.24.pptx

Phil,

This seems to be a cross-cutting issue with implications for both the field and the agency – Timelines for Consolidated State Performance Reports (CSPR).

This presentation has been planned by one of our offices, in order to provide information to the field re: Timelines for CSPR. My understanding is that its objective is to support data collections, and is strictly technical. It is also my current understanding that these timelines have not been modified due to the virus.

I provide the presentation and message below for your review / feedback prior to the webinar posting. It has been reviewed previously by Mike Anderson.

Please don't hesitate to reach out with questions or for additional clarification.

Thank you for all your efforts to support our work.

The team would like to provide this message at the top of the webinar:
*"Welcome to the SY 2018-19 Consolidated State Performance Report Technical Webinar. If you are here for this presentation you are in the right place.*
*First, we want to acknowledge that these are challenging times for you, for your families, and for students and educators in your state. We also understand that the novel Coronavirus disease 2019 (COVID-19) has caused widespread school closures, which has impacted some state agency operations. We appreciate your continued efforts to help students and families while providing for their health and safety and that of or your staff. They are counting on all of us to keep things going as normally as possible, and to provide needed information and resources, and to approach new challenges as opportunities to demonstrate resilience, ingenuity, and creativity. Please know that the U.S. Department of Education is committed to supporting you with every tool at our disposal and extending all flexibilities within our control. If you have any concerns about reporting this year, please contact the Partner Support Center at the contact information, below."*

---

**From:** Washington, Mark <Mark.Washington@ed.gov>
**Sent:** Tuesday, March 24, 2020 10:53 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Okahara, Kim <Kim.Okahara@ed.gov>
**Subject:** FW: RESPONSE NEEDED Fwd: SY 2018-19 CSPR APR Tool Webinar Presentation

Hi Frank and Aimee,

AMERICAN OVERSIGHT

Please see the note below from Kim, who has been working with Sarah (Newman), Amanda (Hoffman), our data team and NCES' team to modify plans for a webinar that will inform the field of what to expect related to our ongoing efforts to manage the Consolidated State Performance Report and other data collection efforts, while providing the states with as much flexibility as possible. I made a couple of minor edits to the introductory paragraph Kim proposed. As you know, the data that we collect have an ultimate impact on the allocation of resources we give to SEAs and LEAs. Although I support Kim's and the team's recommendation to continue the effort to provide the webinar—given that there are states who are capable of and want to provide data that they can currently report—we have made these adjustments as well:

- Eliminated the live broadcast of the webinar that would have required attendance on a specific date and time (i.e., yesterday);
- Rescheduled the broadcast to a later time (now Wednesday), but will record it so that it can be viewed again at the leisure and convenience of stakeholders;
- Eliminated a Q&A segment of the webinar, and have focused only on the technical information that stakeholders will need to engage the system;
- Continuing review of current requirements and flexibilities that ED can provide, and consideration of delay scenarios and the implications of them; and
- Pointing stakeholders to the Secretary's most recent guidance on flexibilities and to the Partner Support Center (PSC) for help with any additional questions or waiver flexibility they need now.

I have not seen the script entirely, but I have talked with time about it and am satisfied that it is sufficiently technical in nature, and does not set any policy or undermine any of the Secretary's published guidance. I also think that our decision to cut out the Q&A segment of the recorded webinar will help to ensure that our messages remain aligned with hers.

**I am sending you the Powerpoint that Kim sent me, with hopes that you can help us get a "go/no go" decision today on whether we can move ahead with launching the webinar tomorrow.** Please let me know if you need anything more to support and make a decision.

Thanks,

Mw

---

**From:** Okahara, Kim <Kim.Okahara@ed.gov>
**Sent:** Tuesday, March 24, 2020 9:06 AM
**To:** Washington, Mark <Mark.Washington@ed.gov>
**Subject:** FW: RESPONSE NEEDED Fwd: SY 2018-19 CSPR APR Tool Webinar Presentation

Hi Mark,

A quick update. We were able to change the "live" Monday webinar to a recorded presentation. States are still invited to listen in tomorrow 3/25 at 4 pm ET but there will be no Q&A. Also, the recording will be posted on the website for States that aren't able to join.

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Issue: the script for the webinar is quite long and much of the information is about the new APR tool. I added a paragraph to the introductory text (below) that acknowledges COVID-19 and hopefully conveys the Department's position on flexibilities for States.

**Question for you:** Could you, Aimee, or Frank approve the below for today's recording?

*"Welcome to the SY 2018-19 Consolidated State Performance Report Technical Webinar. If you are here for this presentation you are in the right place.*
*First, we want to acknowledge that these are challenging times for you, for your families, and for students and educators in your state. We also understand that the novel Coronavirus disease 2019 (COVID-19) has caused widespread school closures, which has impacted some state agency operations. We appreciate your continued efforts to help ~~the rising generation succeed~~ students and families while providing for their health and safety and that of ~~students and~~ or your staff. They are counting on all of us to keep ~~our work~~ things going as normally as possible, and to provide needed information and resources, and to approach new challenges as opportunities to demonstrate resilience, ingenuity, and creativity. Please know that the U.S. Department of Education is committed to supporting you with every tool at our disposal and extending all flexibilities within our control. If you have any concerns about reporting this year, please contact the Partner Support Center at the contact information, below."*

**Partner Support Center (PSC)**
**Telephone: 877-457-3336 (877-HLP-EDEN)**
**Federal Relay Service: 800-877-0996 (Voice/TTY) / federalrelay@sprint.com**

PSC is open Monday-Friday from 8:00 a.m. - 6:00 p.m., ET excluding federal holidays.
***Note!*** On the due date of CSPR Parts I and II, PSC will be available via email until 8:00 p.m ET.

I've also attached their draft PPT so you have a sense of the topics covered.

Thanks in advance for your help with this,
Kim

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# SY 2018-19 CSPR Webinar

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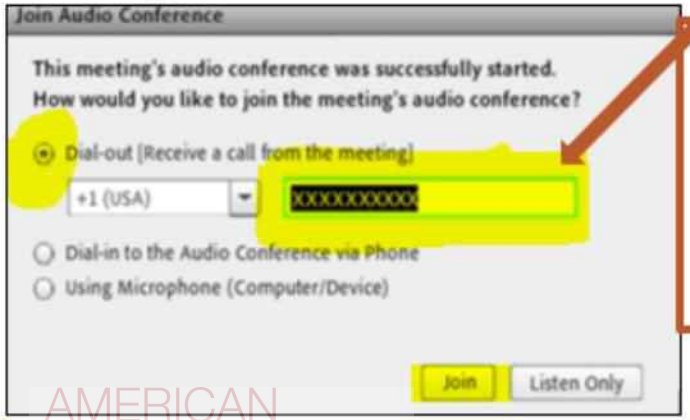
# Welcome to the SY 2018-19 CSPR Webinar!

The presentation will begin at 4:00 p.m. ET.

***NEW!*** For the best experience, please have the Adobe Room **call you back** to connect with the audio for this session:




**Enter your own cell phone or desk phone number here and you'll receive a direct call from the meeting.**

**Follow the prompts for entering this meeting using your phone key pad.**

Audio InformationDial in: 1-844-419-4704
Conference Code: 1441303097

During the question and answer portion of this presentation, type your question into the Q&A panel.

At the end of this presentation, a **SurveyMonkey** link will be provided; please complete it to send your thoughts/feedback for PSC to improve future webinars!

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# Introduction

**Presenters and ParticipantsPresentersSarah Newman, OESEAmanda Hoffman, OESEJoe Murphy Administrative Data Division, ESBDavid Lee, Administrative Data Division, ESBJess Greene, EDFacts Partner Support Center (PSC)**

**ParticipantsCSPR CoordinatorsEDFacts CoordinatorIDEA Part B Data ManagerState Assessment DirectorState Program Office Personnel**

IDEAs that Work

Office of Special Education Programs
U.S. Department of Education

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# Agenda

- What is New?What is the APR Tool?CSPR TimelineAPR Tool EnhancementsState DashboardUser Accounts and RolesProcess Changes Recorded DemonstrationERS ReportsFAQsPSC ResourcesQuestion and Answer

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# What is New?

Same data…new collection platform, processes, and user experience!

- CSPR now collected via the Annual Performance Report (APR) Tool within E*MAPS*!
  - E*MAPS* User Accounts and Roles
  - Certify button replaced with *SUBMIT*!
  - Detailed State Dashboard
  - Informational Help Tab
  - Renumbered Sections
- ERS Reports include LEA level data
- System-generated CSPR status/reminder emails
- Most business rules have been removed from the CSPR application and are now applied to the data during the CDQR process

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# What is the APR Tool?

The Annual Performance Report (APR) tool is a Web-based application that allows state education agencies (SEAs) to report and maintain information that aids in the analysis of data collected as part of the EDFacts Initiative. The APR Tool was built within EMAPS.The APR tool will work in all browsers. However,Chrome is recommended for the best performance. NOTE! EMAPS is unavailable from 8:00 a.m. ET until 2:00 p.m. ET on Saturdays for regularly s ce.

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# What is the CSPR?

The Consolidated State Performance Report (CSPR) is the required annual reporting tool for each State, the Bureau of Indian Education, District of Columbia, and Puerto Rico as authorized under Section 8303 of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015(ESSA) .
SEC.8303. Consolidated Reporting – (a) In general: In order to simplify reporting requirements and reduce reporting burdens, the Secretary shall establish procedures and criteria under which a State educational agency, in consultation with the Governor of the State, may submit a consolidated State annual report. (b) Contents: The report shall contain information about the programs included in the report, including the performance of the State under those programs, and other matters as the Secretary determines are necessary, such as monitoring activities. (c) Replacement: The report shall replace separate individual annual reports for the programs included in the consolidated State annual report.All citations to the ESEA in this document are to the ESEA, as amended by the ESSA.

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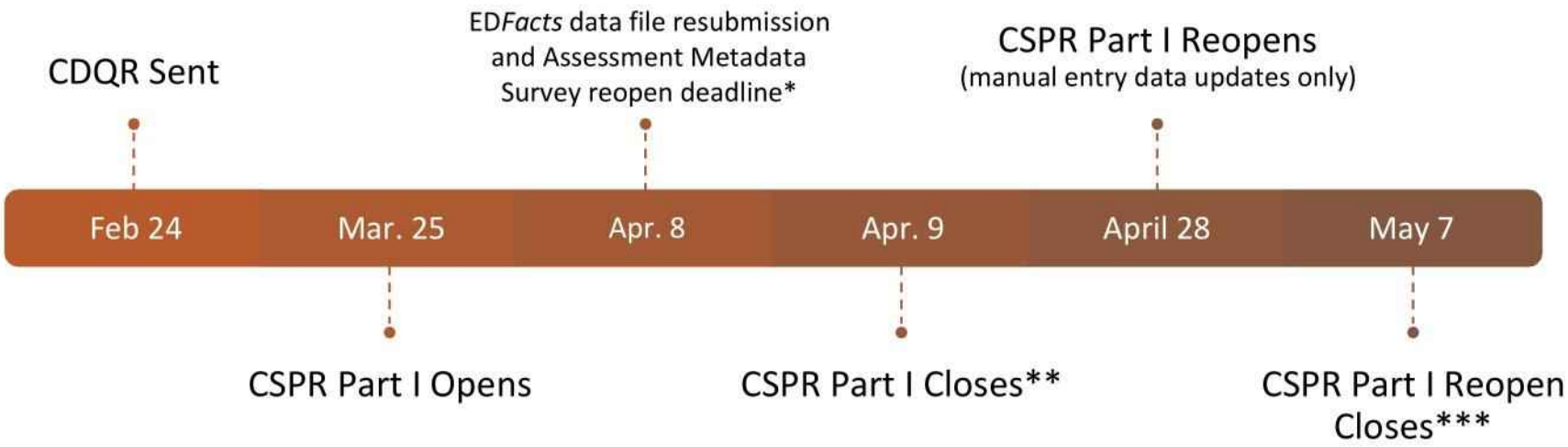
# CSPR Timeline – Part I




*April 8, 2020: EDFacts file resubmissions due @ 11:59 PM ET and Assessment Metadata Survey reopen deadline

**April 9, 2020: CSPR Part I closes at 5:00 p.m. ET

***May 7, 2020: CSPR Part I reopen closes at 5:00 p.m. ET

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# CSPR Timeline

Scenario 1

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# CSPR Timeline

## Scenario 1

- Data are uploaded to ESS and reviewed in CSPR by state for accuracy
- No additional data files are uploaded between review and certification of the CSPR
- April 8, 2020 Data Snapshot begins at 11:59 PM ET
- April 9, 2020 CSPR Part I is Certified
- April 28, 2020 CSPR Part I reopens and prepopulated data certified in initial open are displayed

## Scenario 2

- Data are uploaded to ESS and reviewed in CSPR by state for accuracy
- April 4, 2020 State reviews data and CSPR Part I is certified
- April 6 State reviews certified CSPR and notices inaccurate data – resubmits data files (New version *is not created* nor recertified)
- April 8, 2020 Data Snapshot begins at 11:59 PM ET
- April 28, 2020 CSPR Part I reopens and populated data in CSPR is inconsistent with what was certified in the initial open

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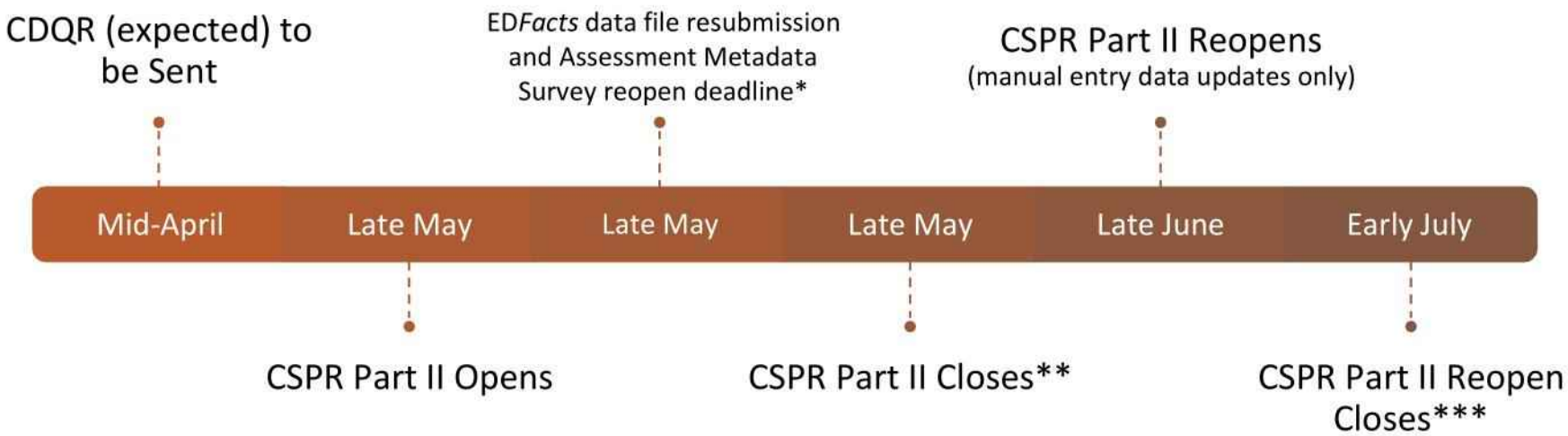
# CSPR Timeline – Part II




*Please note that these dates are tentative and not final! Exact CSPR Part II dates will be communicated by PSC once approved by ED.*

*EDFacts file resubmissions due @ 11:59 PM ET

**CSPR Part II closes at 5:00 p.m. ET

***CSPR Part II reopen closes at 5:00 p.m. ET

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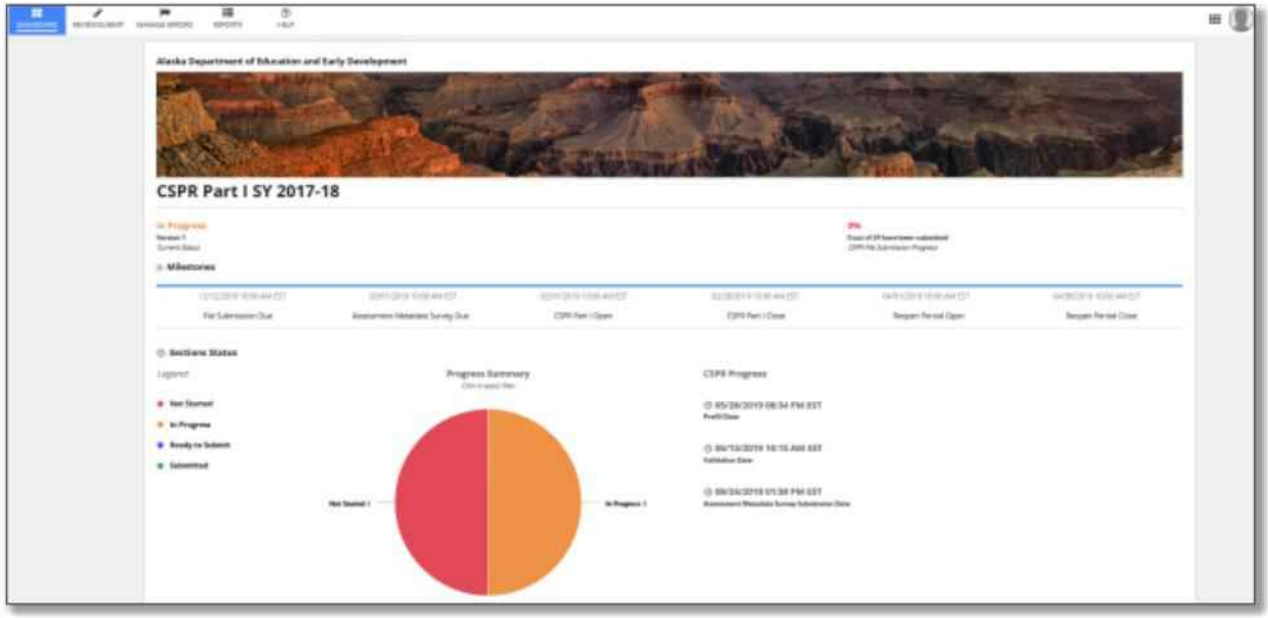
# State Dashboard

Detailed information about your state's CSPR!Current StatusVersion #Last Submitted DateCSPR File Submission ProgressMilestonesSection Status Pie ChartCSPR ProgressSections and Status




| Sections | Status | Warnings | Errors | Fatal Errors | Explained |
|---|---|---|---|---|---|
| + 1.1 GENERAL INFORMATION | IN PROGRESS | 0 | 0 | 0 | 0 |
| + 1.2 STUDENT ACADEMIC ACHIEVEMENT AND PARTICIPATION IN STATE ASSESSMENTS | IN PROGRESS | 1 | 634 | 0 | 0 |
| + 1.3 TEACHERS | NOT STARTED | 0 | 0 | 0 | 0 |
| + 1.4 TITLE III AND LANGUAGE INSTRUCTIONAL PROGRAMS | IN PROGRESS | 0 | 2 | 0 | 0 |
| 1.5 PERSISTENTLY DANGEROUS SCHOOLS | NOT STARTED | 0 | 0 | 0 | 0 |
| + 1.6 EDUCATION FOR HOMELESS CHILDREN AND YOUTHS PROGRAM | NOT STARTED | 0 | 0 | 0 | 0 |

+ CSPR Disclaimer

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# Renumbered Sections

## CSPR Part I

- 1.1 General Information
- 1.2 Student Academic Achievement and Participation in State Assessments
- 1.3 Teachers
- 1.4 Title III and Language Instructional Programs
- 1.5 Persistently Dangerous Schools
- 1.6 Education for Homeless Children and Youths Program

## CSPR Part II

- 2.1 Accountability
- 2.2 Graduation Rates and Postsecondary Enrollment
- 2.3 Title I, Part A Program Participation
- 2.4 Education of Migratory Children
- 2.5 Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk
- ***New!*** 2.6 Student Support and Academic Enrichment Grants (Title IV, Part A)
- 2.7 Funding Transferability for State and Local Educational Agencies (Title V, Part A
- ***Previously Section 2.6!*** 2.8 Rural Education Achievement Program (REAP)

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# User Accounts

PSC sent the CSPR Coordinator a list of current CSPR users based on the legacy system (ESS) on March 4th for review.

What kind of CSPR user are you?

One with an existing *EMAPS* account

You have nothing to worry about… You'll have access to your state's CSPR automatically by March 25th!

NEW User without an *EMAPS* account

User account information will be sent by March 24th to you directly.

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# User Roles

**View User: Allows state staff to view CSPR data via the APR Tool; view/print a report of the state submitted data, but they cannot enter or submit CSPR data. Data Entry User: Allows state staff to view, enter, and update CSPR data via the APR Tool; view/print a report of the state submitted data, but they cannot enter or submit CSPR data. Submission Release User: Allows state staff to view and submit the APR and view/print a report of the state submitted data; can not enter or update dataSuper User: Allows state staff to view, enter, update, and submit the CSPR via the APR Tool; view/print a report of the state submitted data.**

***Note!*** "Reports" reference the DOCX and Excel versions of the CSPR available for downloading and printing on the *Reports* tab within the APR Tool.

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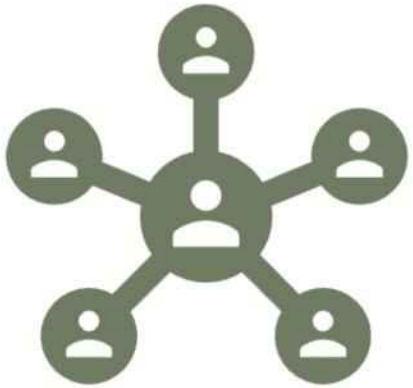
# New CSPR Users Going Forward



NEW PROCESS! The CSPR Coordinator must notify PSC to obtain an APR Tool account for additional users going forward or to adjust access levels, as needed. Be prepared to provide the following information to PSC via phone or email for the new user(s): NameEmailPhoneUser Role

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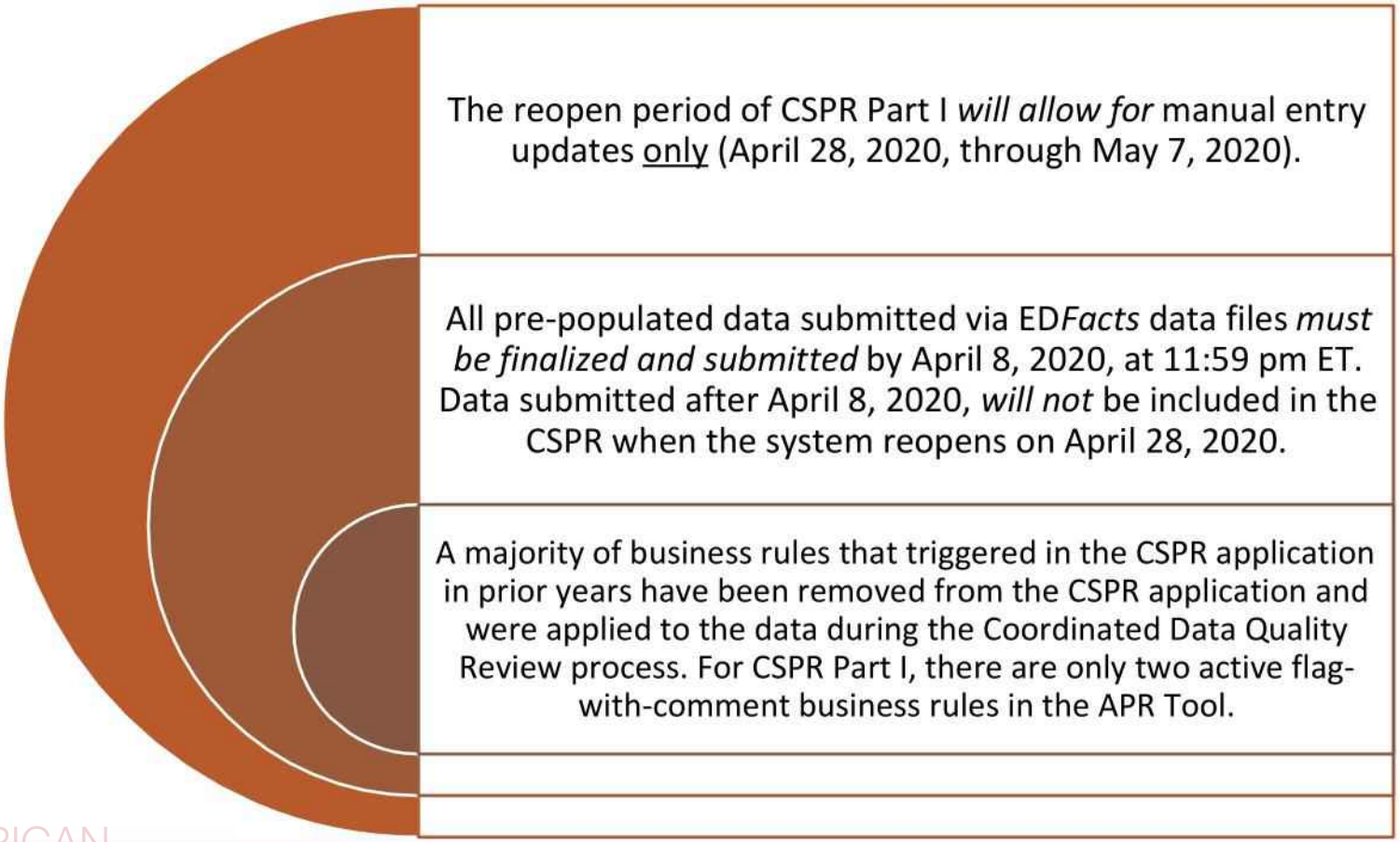
# Process Changes for Part I

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# Process Changes for Part II

Manual entry **Migrant data** for SY 2018-19 will be collected outside of the tool. Spreadsheets were sent to SEAs on March 9, 2020, and due to be completed and returned to PSC by Friday, April 3, 2020. For the sake of publication of the data, and also for year-to-year comparisons in future years, these same Migrant data will also need to be submitted into the CSPR.

***Note!*** The reason for the spreadsheets is because the Office of Migrant Education (OME) needs to use these data to make their determinations prior to the close of CSPR Part II.

The only active business rules enabled in the APR Tool for CSPR Part II are for manual-entry fields and fatal errors.

2.8.1 LEA Use of Rural Low-Income Schools Program (RLIS) (Title VI, Part B, Subpart 2) Grant Funds 5 NEW sub-sections collecting data on RLIS programs including LEAs Awarded Funds being collected outside of the CSPR data collection

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# Recorded Demonstration

## Navigating the APR Tool to submit the SY 2018-19 CSPR

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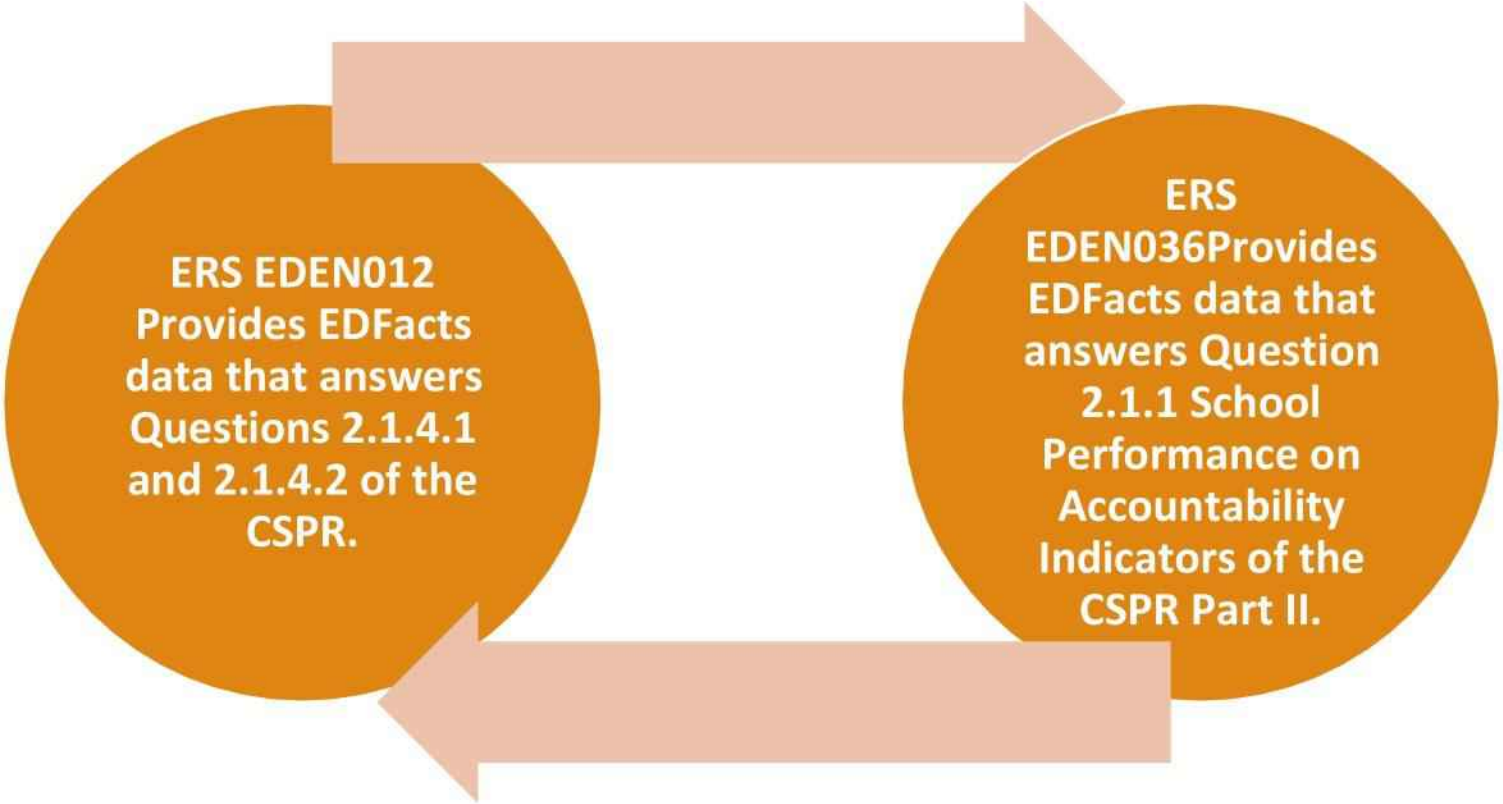
# ERS Reports

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# CSPR Documentation

**Available on ED*Facts* Initiatives Website (ED.gov)**

- Business Rules Single Inventory (BRSI)
  - Includes CSPR edits
- CSPR Part I and II Data Keys

**Available within the APR Tool:**

- CSPR User Guide (technical)
- FAQs

**Available on ED*Facts* CoP Website**

- CSPR Part I and II Word Documents
- CSPR TA Docs

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# Frequently Asked Questions

**Q:** What if prefilled data are displaying incorrectly in my CSPR?

**A:** ED*Facts* files can be resubmitted during the resubmission window (CDQR) and will refresh nightly during the initial CSPR open period (3/25 - 4/8). Data resubmitted after 4/8 *will not be included* in the CSPR during the reopen period. Please submit a comment to explain discrepancies during the reopen period, if applicable.

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# Frequently Asked Questions

**Q:** Will information provided in the CSPR comment fields be shared publicly?

**A:** Yes, the information included in the CSPR comment fields will be included in the final CSPR.

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# Frequently Asked Questions

**Q:** How many characters can my comment be in the APR Tool?

**A: What is the character limit for response and text boxes in the APR Tool?For questions that require a text response, the character limit is 8,000.Each question also has a comment box to allow for states to add additional input, if needed. The character limit for these is 4,000.**

***Note!*** The form cannot be saved as a draft and data entry cannot continue until the character count is less than the allowed amount. To validate that the response does not exceed the 4,000 or 8,000-character limit, use the *with spaces* count in Microsoft Word, or enter the text into Notepad++.

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# PSC Support

All questions regarding policy, navigating APR Tool, or user accounts may be directed to:Partner Support Center (PSC)Telephone: 877-457-3336 (877-HLP-EDEN)Federal Relay Service: 800-877-0996 (Voice/TTY) / federalrelay@sprint.com
PSC is open Monday-Friday from 8:00 a.m. - 6:00 p.m., ET excluding federal holidays.
Note! On the due date of CSPR Parts I and II, PSC will be available via email until 8:00 p.m ET.

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# Questions & Answers

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**PRAXIS and Teacher Certification**

Praxis I (Sometimes called "Praxis Core Academic Skills for Educators") is a general knowledge test that measures basic ability in Mathematics, Reading, and Writing. The content asked is anywhere from a 3rd to 6th grade level. Twenty-Seven states require their teachers receive a passing score on this exam prior to certification. Passing scores are determined by each state (listed below). Generally, the minimum scores are 150 (Math), 156 (Reading), 162 (Writing) – where a 100 is the lowest possible score and a 200 is the highest. A score of 150 should be seen as exactly average, similar to receiving a "C" on a test.

All states that require the Praxis I, also require a number of Praxis Subject Tests to be passed as well. These can focus on pedagogy, curriculum/instruction/assessment, or specific content knowledge (ex. Chemistry).

Some states do not require the Praxis I to be taken and either:

1) Require a test specific to their state be taken and passed with a score the state determines
2) Require the teacher to take *only* the Praxis Subject Test(s) tied to their specialty
3) A mix of a state specific test and Praxis Subject Tests

Beyond these tests, states will have additional requirements such as earning a bachelor's degree, completing an approved educator preparation program, and passing a background check. Some states have further requirements, for example Wyoming requires demonstrated knowledge of the US and Wyoming constitutions.

Praxis Use by State
(Praxis II scores for Elementary Knowledge listed in parentheses)

| State | Praxis I Required | Math Minimum | Reading Minimum | Writing Minimum | Other Notes |
|---|---|---|---|---|---|
| Alabama | Yes | 150 | 156 | 162 | |
| Alaska | Yes | 150 | 156 | 162 | |
| Arizona | No – AEPA | - | - | - | |
| Arkansas | No – edTPA | - | - | - | |
| California | No – CBEST | - | - | - | |
| Colorado | No – PLACE | - | - | - | |
| Connecticut | Yes | 150 | 156 | 162 | |
| Delaware | Yes | 150 | 156 | 162 | |
| DC | Yes | 150 | 156 | 162 | |
| Florida | No – FTCE | - | - | - | |
| Georgia | No – GACE | - | - | - | |
| Hawaii | Yes | 150 | 156 | 162 | |
| Idaho | No – PRAXIS II | (157) | (157) | | |
| Illinois | No – ILTS | - | - | - | |
| Indiana | No – CORE | - | - | - | |
| Iowa | No – PRAXIS II | (151) | (151) | | |
| Kansas | No – PRAXIS II | | | | |
| Kentucky | Yes | 150 | 156 | 162 | |
| Louisiana | Yes | 150 | 156 | 162 | |

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| | | | | | |
|---|---|---|---|---|---|
| Maine | Yes | 150* | 156* | 162* | 468 Combined |
| Maryland | Yes | 150 | 156 | 162 | |
| Massachusetts | No – MTEL | - | - | - | |
| Michigan | No – MTTC | - | - | - | |
| Minnesota | Yes | 150 | 156 | 162 | |
| Mississippi | Yes | 150 | 156 | 162 | |
| Missouri | No – CBASE | - | - | - | |
| Montana | No – PRAXIS II | (163) | (163) | | |
| Nebraska | Yes | 150 | 156 | 162 | |
| Nevada | Yes | 150 | 156 | 162 | |
| New Hampshire | Yes | 150 | 156 | 162 | |
| New Jersey | Yes | 150 | 156 | 162 | |
| New Mexico | No – NMTA | - | - | - | |
| New York | No – NYSTCE | - | - | - | |
| North Carolina | Yes | 150 | 156 | 162 | |
| North Dakota | Yes | 150* | 156* | 160* | 466 Combined |
| Ohio | No – OAE | - | - | - | |
| Oklahoma | No – OGET | - | - | - | |
| Oregon | Yes | 150 | 156 | 162 | |
| Pennsylvania | Yes | 142 | 156 | 162 | |
| Rhode Island | No – PRAXIS II | (157) | (157) | | |
| South Carolina | Yes | 142 | 156 | 158 | |
| South Dakota | No – PRAXIS II | (146) | (150) | | |
| Tennessee | Yes | 150 | 156 | 162 | |
| Texas | No – TexES | - | - | - | |
| Utah | No – PRAXIS II | (157) | (157) | | |
| Vermont | Yes | 150 | 156 | 162 | |
| Virginia | Yes | 150 | 156 | 162 | |
| Washington | Yes | 142 | 156 | 158 | |
| West Virginia | Yes | 150 | 156 | 162 | |
| Wisconsin | Yes | 150 | 156 | 162 | |
| Wyoming | No – PRAXIS II | (157) | (157) | | |

* These states allow for a test taker to "fail" subject tests if the combined score meets a particular threshold.

*Of the states that require PRAXIS exams, Montana has the most rigorous cut-off scores. South Carolina and Washington have the least rigorous cut-off scores.*

**Praxis I Score Ranges: 100 – 200**

In the United States…

Math Median: 156 Ave Range: 142-168

Reading Median: 172 Ave Range: 162-184

Writing Median: 164 Ave Range: 158-170

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**From:** Brogan, Frank
**Sent:** Tue, 24 Mar 2020 14:23:14 +0000
**To:** Viana, Aimee
**Subject:** FW: tomorrow's School House Connection/U.S. Department of Education/CDC/USDA/USICH call, 4-6 p.m.

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**From:** Darren Franklin <darren.g.franklin@usich.gov>
**Sent:** Tuesday, March 24, 2020 10:13 AM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Condie, Caitlin <caitlin.condie@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>; Robert Marbut, Jr. <robert.marbut@usich.gov>; Rexanah Wyse <Rexanah.Wyse@usich.gov>
**Subject:** tomorrow's School House Connection/U.S. Department of Education/CDC/USDA/USICH call, 4-6 p.m.

Good morning – We're looking forward to our call tomorrow as indicated above. I am finalizing the agenda today and need a point person from Education to speak to the Department's COVID-19 response thus far as well as someone to field questions.

Please let me know who that should be.

Thanks,

Darren G. Franklin
Chief Operating Officer
USICH
202-262-6018 (best number)

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***OESE Organizational Statement:*** *To empower States, districts, and other organizations to meet the diverse needs of every student by providing leadership, technical assistance, and financial support*

***OESE Values:*** *Collaboration, Accountability, Diversity, Integrity and Excellence*

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# OESE made *985* discretionary awards—over $1.5 billion!

Frank Brogan, OESE Assistant Secretary

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# AGENDA

## Frank Brogan, OESE Assistant Secretary

- **Welcome, Announcements & New Staff**
  **GrantmakingOESE**
  **ContractsCybersecurity or ED Data Express**

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# ANNOUNCEMENTS

## Aimee Viana, Principal Deputy Assistant Secretary

- **OESE's New Organizational StructureFrequency of OESE All Staff MeetingsNominate Your Colleagues as "Difference Makers"Nominations close Friday, November 1January 14--OESE Difference Makers Award Ceremony**

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# NEW STAFF
## Aimee Viana

| NAME | OFFICE |
|---|---|
| Abbey Frady | Office of Migrant Education |
| Anastacia (Staci) Cummins | Office of Formula GrantsRural, Insular & Native Achievement Programs |
| Ashley Johnson | Office of AdministrationExecutive Office/Grants Team |
| Chaz Gipson | Office of Evidence-Based Practices Effective Teaching and Social Emotional Learning |
| Christopher Hill | Office of Migrant Education |
| Cynthia O'Brien | Office of Evidence-Based Practices Effective Teaching and Social Emotional Learning |
| Daniel Schreier | Office of AdministrationManagement Support Office/Audit Team |
| Esley Newton | Office of Discretionary Grants & Support ServicesProgram & Grantee Support Services |

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# NEW STAFF

## Aimee Viana

| NAME | OFFICE |
|---|---|
| Karen Ford-Jackson | Office of Discretionary Grants & Support Services Effective Educator Development Programs |
| Matthew Hensell | Office of Formula GrantsRural, Insular & Native Achievement Programs |
| Rebekka Meyer | Office of Discretionary Grants & Support Services Program & Grantee Support Services |
| Ryan Tauriainen | Office of the Assistant Secretary |
| Samantha Lewis | Office of AdministrationManagement Support Office/Data Team |
| Tanya Tullos | Office of Indian Education |
| Victoria Rosenboom | Office of Formula GrantsOffice for School Support & Accountability |

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# Lessons Learned

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# PLANNED ACTIONS—FISCAL YEAR (FY) 2020

## Mark Washington, Deputy Assistant Secretary

| Activity | Number |
|---|---|
| **Fiscal Year 2020 *NEW* Grant Competitions** | **21** |

1. Comprehensive Literacy Development Outlying Area GrantsCollege Assistance Migrant Program (CAMP) (FY 2020 Cohort)High School Equivalency Program (HEP) (FY 2020 Cohort)Consortium Incentive Grants (CIG) (FY 2020 Cohort)Teacher Quality PartnershipsNative American Language (NAL@ED) (FY 2020 Cohort)State Tribal Education Partnerships (STEP) (FY 2020 Cohort)
8. Demonstration Grants (FY 2020 Cohort)Professional Development Grants (FY 2020 Cohort)DC Opportunity Scholarships grant (program operator)2020 EIR Competition (New Awards)Javits Gifted and Talented Education—National Research Center on the Gifted and TalentedMagnet Schools Assistance (FY 2020 Cohort)Ready-to-Learn (FY 2020 Cohort)
15. Teacher and School Leader Incentive Grants (FY 2020 New Awards)Full-service Community Schools (FY 2020 Awards)Project SERV (School Emergency Response to Violence)FY 2020 Education for Native Hawaiian grant awardsNative Hawaiian CouncilCompetitive Assessment Grants (FY21Student Support and Academic Enrichment Grants National Activities—Capacity Building Grants

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# OESE CONTRACTS

## Angela Arrington

Office of Administration/ Executive Office

-- Organizational Development & Training

--SharePoint Services

--Data Quality Support

--Website

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# ORGANIZATIONAL DEVELOPMENT & TRAINING CONTRACT

Contractor—**Chickasaw Health** (replaces the Melco contract)

OESE Contracting Officer's Representative—**Stacie Jackson**

Contract Tasks—

- **--Organizational development services** (e.g., leadership retreats, leadership development programs)
- **--Training services**

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## SHAREPOINT SERVICES

Contractor—**Harmonia Holdings Group, LLC**

OESE Contracting Officer's Representative—**Cathy Pugh**

Selected Contract Tasks—

--Develop, implement, and maintain the **overall site architecture** for all OESE SharePoint sites

--Create and help maintain OESE SharePoint sites, pages, libraries, lists, workflows, etc.

--Monitor system performance and perform an operations and maintenance function

--Coordinate SharePoint site permissions (roles/responsibilities/capabilities)

--**Train OESE SharePoint users & provide direct support to individual users**

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# DATA QUALITY SUPPORT

Contract—**PARQA IV (acronym for PPSS Analysis, Resources and Quality Assurance)**
Contractor—**American Institutes for Research**

ED's Contracting Officer's Representative—**Joanne Bogart**
OESE's Technical Task Monitor—**Sarah Newman**

Selected Contract Tasks—**Provide analytic support to PPSS (soon to be OCDO) and other ED offices on issues regarding data quality, analysis and support**

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**WEBSITE SERVICES** (OESE.ed.gov website)

Contractor—**Navigation North**

OESE Contracting Officer's Representative—**Dramon Turner**

Selected Contract Tasks—

- **Maintain externally-facing websites (oese.ed.gov**, tech.ed.gov)
- **Customize pages on the public-facing OESE.ed.gov website**
- **Work with OESE staff to make routine content updates**
- **Use analytic and search capabilities in the ed.gov environment**

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# Cybersecurity

**MARIA HISHIKAWA**

Information System Security Officer (ISSO)

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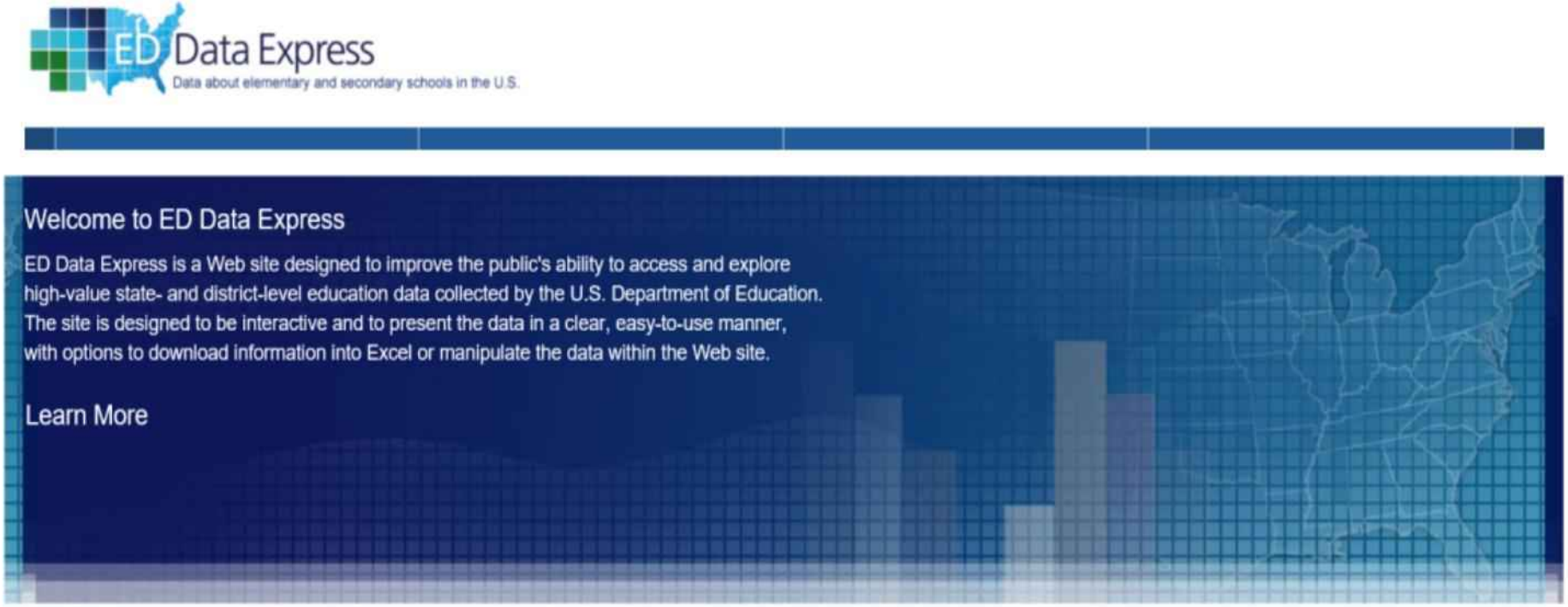
# ED Data Express

**SARAH NEWMANOffice of Administration/Management Support Office/Data Team**

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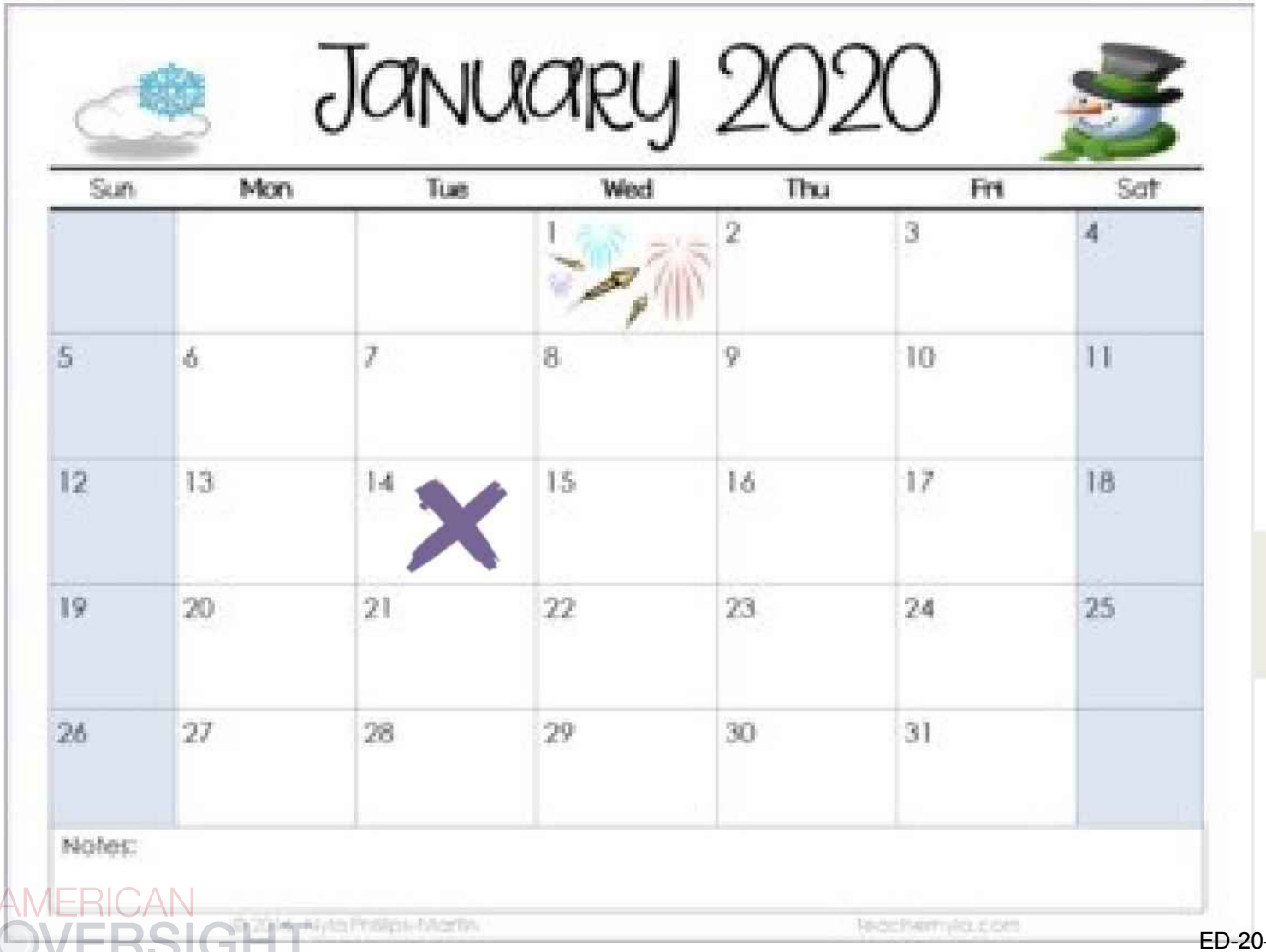
# Next Meeting

## Frank Brogan or Aimee Viana




**January14th**

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**See you next time!**

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**From:** Brogan, Frank
**Sent:** Fri, 20 Mar 2020 20:47:53 +0000
**To:** Viana, Aimee;Rinkus, Christopher;Ryder, Ruth;Washington, Mark
**Subject:** FW: URGENT: OS document clearance request (20-0082) 6:00 PM today

fyi

---

**From:** Rubinstein, Reed <Reed.Rubinstein@ed.gov>
**Sent:** Friday, March 20, 2020 3:45 PM
**To:** Guenther, Margaret <Margaret.Guenther@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Blew, Jim <James.Blew@ed.gov>
**Cc:** St.Pierre, Tracey <Tracey.StPierre@ed.gov>; ExecSec_OSClearance <ExecSec_OSClearance@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Richey, Kimberly <Kimberly.Richey@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>
**Subject:** RE: URGENT: OS document clearance request (20-0082) 6:00 PM today

Clear for sufficiency.

---

**From:** Guenther, Margaret <Margaret.Guenther@ed.gov>
**Sent:** Friday, March 20, 2020 3:37 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Blew, Jim <James.Blew@ed.gov>
**Cc:** St.Pierre, Tracey <Tracey.StPierre@ed.gov>; ExecSec_OSClearance <ExecSec_OSClearance@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Richey, Kimberly <Kimberly.Richey@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>
**Subject:** URGENT: OS document clearance request (20-0082) 6:00 PM today
**Importance:** High

Please review the attached document(s), noting any suggested changes. Thank you.

**Document Information**
Subject: Supplemental Fact Sheet: Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities
Prepared by: OCR and OSERS
Contact in Originating Office: Ken Marcus
Due Date for Review: TODAY, 6:00 PM
Control Number: 20-0082

Please respond by e-mail to MARGARET WEST GUENTHER with a cc: to ExecSec_OSClearance. In responding to the Executive Secretariat, please complete the following: (Check one or more that apply.)

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___ Clears the document as written.
___ Comments on the document in the office's unique area of responsibility that must be addressed.
___ Comments on the document to improve the document's quality, clarity, and integrity.
Reviewed by: _____

Other:
___ Declines review/not going to review this document.
___ Defers to _____ (name of office) on this document.

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**From:** Brogan, Frank
**Sent:** Fri, 5 Jun 2020 20:11:24 +0000
**To:** Viana, Aimee;Condie, Caitlin
**Subject:** FW: USICH strategic plan update, 2020 - stakeholder input calls
**Attachments:** POL_USICH Strategic Plan Update_Stakeholder Input Calls Agenda_2020.pdf, POL_USICH Strategic Plan Update_Stakeholder Input Calls Background and Prep_2020.pdf, POL_USICH Strategic Plan Stakeholder Input Bios.pdf
**Importance:** High

---

**From:** Darren Franklin <darren.g.franklin@usich.gov>
**Sent:** Friday, June 5, 2020 4:04 PM
**To:** Dtucker-sorini@cns.gov; Kevin.smith@fema.dhs.gov; karen.battle@census.gov; Tamre.h.newton.civ@mail.mil; Kelly.Mitchell@hq.doe.gov; Mark_cruz@ios.doi.gov; Michael.costigan@usdoj.gov; Loren.Smith@dot.gov; Gibbs, John <John.Gibbs@hud.gov>; Jessica.salmoiraghi@gsa.gov; Hobbs, Benjamin R. EOP/WHO <Benjamin.R.Hobbs@who.eop.gov>; Mike.Korbey@ssa.gov; Edward.a.wohlganger@usps.gov; monica.diaz@va.gov; Amanda.H.Robbins@who.eop.gov; Bradley F. Hayes <Bradley.F.Hayes@omb.eop.gov>
**Cc:** Owens, Arne (HHS/ASPE) <Arne.Owens@hhs.gov>; Chrischanne Smith <chrischanne.smith@usich.gov>; Robert Marbut, Jr. <robert.marbut@usich.gov>; Rexanah Wyse <Rexanah.Wyse@usich.gov>; 'John Kashuba' <Kashuba.John.C@dol.gov>; Pallasch.John.P@dol.gov; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** USICH strategic plan update, 2020 - stakeholder input calls
**Importance:** High

Good afternoon – I hope this email finds you all doing well. As shared by DOL Assistant Secretary and USICH Chair Pallasch at our last Council meeting, USICH is beginning the process of updating our strategic plan. The initial phase of that process is stakeholder input in order to help inform the plan update. A part of this work will be a series of (currently) 6 stakeholder input calls, beginning next week.

The first two of these calls are scheduled for Tuesday, June 9. Chrischanne Smith of our staff will be reaching out today via calendar invites for all scheduled calls so that all council member agencies have opportunity, from the outset, to be an active part of this process.

In the interim, please see the attached for the agenda we're using for these stakeholder input calls. Also attached is a document that outlines the purpose, intent, and asks of the stakeholders, as well as useful background information. Lastly, I'm sending all of the stakeholders' bios here, as well. (This list is currently being updated, FYA, to include other, pertinent stakeholder groups.)

I'm here for any questions/concerns. We look forward to your continued partnership throughout the plan update process.

Best Regards,

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**Darren G. Franklin**
*Chief Operating Officer*
United States Interagency Council on Homelessnes
darren.g.franklin@usich.gov | 202-262-6018

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**Trauma-Informed Care + Affordable Housing = Housing Stability**

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**From:** Rosenoff, Emily (HHS/ASPE) <Emily.Rosenoff@HHS.GOV>
**Sent:** Thursday, June 4, 2020 4:56 PM
**To:** Darren Franklin <darren.g.franklin@usich.gov>
**Cc:** Owens, Arne (HHS/ASPE) <Arne.Owens@hhs.gov>; Smith, Goldwyn (HHS/ASPE/DALTCP) <Goldwyn.Smith@hhs.gov>
**Subject:** RE: got your voicemail.

Hi Darren-
Goldwyn helps with Arne's schedule- she's cc'ed here.

And Arne- FYI about June 8th meeting moving.
.
Thanks!
Emily

---

**From:** Darren Franklin <darren.g.franklin@usich.gov>
**Sent:** Thursday, June 4, 2020 4:53 PM
**To:** Rosenoff, Emily (HHS/ASPE) <Emily.Rosenoff@HHS.GOV>
**Subject:** RE: got your voicemail.

Hey again, Emily – No worries. Working on finalizing all of that now.

In the meantime, we're going to need to move Arne's June 8 call, to a later date; so we'll be starting on June 9, which gives us all an additional day of prep ☺.

I know you don't do his scheduling, but it'd be great if I could get connected to whoever does so that we can get that June 8 call rescheduled. (He gave me the original dates we worked from; so if I need to, I can reach out to him directly.)

Thanks so much,

Darren

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**From:** Rosenoff, Emily (HHS/ASPE) <Emily.Rosenoff@HHS.GOV>
**Sent:** Thursday, June 4, 2020 4:42 PM
**To:** Darren Franklin <darren.g.franklin@usich.gov>
**Subject:** got your voicemail.

Hi Darren-
Sorry it's been a busy day. I got your voicemail. If you are sending out background material, that's great. I'll wait for that and then just give you a call if we have questions after looking at that material.

Thanks!
Emily

Emily Rosenoff
Acting Division Director for Long-Term Care
Office of Disability, Aging and Long-Term Care Policy
HHS Office of the Assistant Secretary for Planning and Evaluation (ASPE)
202-619-1719
Emily.rosenoff@hhs.gov

AMERICAN OVERSIGHT

June 2020

# Revising and Strengthening the Federal Strategic Plan to Prevent and End Homelessness, 2020

## Stakeholder Input Calls Agenda

Welcome and Call to Order – USICH Chair/Vice Chair

Call Framing and Housekeeping – Darren Franklin, COO, USICH

Stakeholders' Self-Introduction and Presentation – Darren Franklin

Questions and Answers – Robert Marbut, Executive Director, USICH

Next Steps in Plan Update Process – Darren Franklin

Close-out of call – USICH Chair/Vice Chair



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June 2020

# Revising and Strengthening the Federal Strategic Plan to Prevent and End Homelessness, 2020

## Stakeholder Input Calls

### Purpose and Intent

USICH has been tasked by its current Chair, Department of Labor Assistant Secretary John Pallasch, to update the strategic plan by Fall, 2020. USICH Executive Director Marbut and staff are supporting Chairman Pallasch in this effort.

USICH's statute calls for us to coordinate the Federal response to homelessness as well as create a national partnership at every level of government and with the private sector to end homelessness. In that spirit of partnership, the intent of the calls is to gather stakeholder input to help inform our strategic plan.

### Background

The last federal strategic plan, *Home Together*, was adopted in 2018 and included goals towards ending homelessness among Veterans, people with disabilities, families with children, unaccompanied youth, and homelessness among all other individuals. The plan also included objectives that supported communities in implementing systemic responses to homelessness.

Prior to *Home Together*, USICH's original strategic plan, *Opening Doors*, was issued in 2010, and included specific goals towards preventing and/or ending homelessness by population groups including Veterans, chronic, families, youth and children, and all other types of homelessness. Between 2010 and 2018, *Opening Doors* was amended twice to further strengthen its effectiveness.

### Asks

USICH requests and welcomes your input as we begin the process of revising our federal strategic plan.

We ask that you use the following questions to guide your input. Both your written input as well as your participation in stakeholder input calls (see below):

1- If you were to propose one new initiative that the federal government is not doing now what would it be?
2- Outside of prior USICH federal strategic plan focuses, what else might the federal government do to prevent and/or reduce homelessness?
3- What is one activity the federal government is doing that you believe should be deprioritized?
4- What is one activity that the federal government is doing well and that should be prioritized?
5- Overall, what would you say the top 3 federal priorities should be as they relate to preventing and ending homelessness?
6- In terms of homelessness, what areas are in need of greater attention at the federal, state and local levels?
7- Anything else you wish to add?

We ask that you join our stakeholder input calls. USICH staff member, Chrischanne Smith, will be conducting outreach to schedule the calls. The agenda for the calls will be sent separately.



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And, finally, we ask that you respond to the questions above in written form at least one day before the call. You can send your responses directly to darren.g.franklin@usich.gov. In addition to your written responses, you will have time during the calls to provide a summary of your responses. There will also be opportunity after the call for further input via our online portal. Participants will be informed when the portal goes live.

If you have questions or concerns, please contact USICH's Chief Operating Officer, Darren Franklin. His email address is provided above, and his phone number is 202-262-6018.

Thank you for your support of our work to revise and strengthen our strategic plan.



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# USICH Strategic Plan Stakeholder Bios

## Family and Youth

**National Network for Youth** mobilizes the collective power and expertise of our national community to influence public policy and strengthen effective responses to youth homelessness. **NN4Y** has been a public education and policy advocacy organization dedicated to the prevention and eradication of youth homelessness in America for over 40 years.

- **Darla Bardine** is a public interest attorney serving as Executive Director of the National Network for Youth (NN4Y). She has dedicated her career to young people and families who experience homelessness, poverty, violence and exploitation. Before joining NN4Y, Darla created and launched the Fight Child Exploitation in Tourism Initiative in South Africa and worked to reform foster care in Washington, DC. As a federal policy advocate, she fought to secure assistance for families navigating the complex criminal justice and child welfare systems. During this time, Darla established her reputation as an exceptional leader, policy advocate and grassroots organizer.
- In 2013, Dara helped re-launch and re-structure NN4Y. As Policy Director, she established an unprecedented coalition of homeless youth providers, advocates, experts and young leaders from across the country. She also launched NN4Y's 2013-2015 RHYA Reauthorization Working Group, the National Youth Advisory Council and the National Summit on Youth Homelessness. Since becoming Executive Director in 2014, Darla has continued to expand the width and depth of NN4Y's advocacy agenda. Moreover, she has strengthened the capacity of individuals and organizations to advocate on behalf of young people experiencing homelessness. Ms. Bardine holds a B.S. in Criminal Justice from Pennsylvania State University, an M.A. in Nonprofit Management from the University of Roehampton and a J.D. from Georgetown University Law Center.

**SchoolHouse Connection** is a national non-profit organization working to overcome homelessness through education. Schoolhouse Connection provides strategic advocacy and practical assistance in partnership with early childhood programs, schools, institutions of higher education, service providers, families, and youth. Schoolhouse Connection believes education is the only permanent solution to homelessness. Schoolhouse Connection's vision is that children and youth experiencing homelessness have full access to quality learning, birth through higher education, so they will never be homeless as adults, and the next generation will never be homeless.

- **Barbara Duffield** is Executive Director of SchoolHouse Connection. For more than 20 years, she has bridged policy and practice in early care, education, housing, and homelessness. Barbara began her career as a tutor for children experiencing homelessness in Washington DC in 1990. She was the Director of Education for the National Coalition for the Homeless from 1994-2003, where she collaborated with service providers, educators, federal agencies, and Congressional offices to address children's issues. She served as the Director of Policy and Programs at the National

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Association for the Education of Homeless Children and Youth in Washington D.C from 2003-2016, leading national efforts to strengthen federal protections and services for children and youth experiencing homelessness, from early childhood through higher education. Barbara helped to establish and develop the NAEHCY Scholarship Program, a comprehensive scholarship program for youth who have experienced homelessness and wish to pursue higher education. She has conducted technical assistance trainings, authored policy reports, appeared on television and radio shows, and has been quoted by various media outlets such as *The New York Times* and *Education Week.* Her academic work can be found in *Educational Studies, Early Childhood Research Quarterly*, and *Families in Society: The Journal of Contemporary Social Services.* Barbara has served on numerous commissions and advisory groups, including Sesame Street Workshop's Trauma Initiative and the National Commission on Children and Disasters education group. She received her Bachelor's degree *summa cum laude* in Political Science from the University of Michigan.

**Family Promise's** mission is to help homeless and low-income families achieve sustainable independence through a community-based response. Family Promise coordinated local efforts that bring communities together to help homeless families regain their housing, their independence, and their dignity.

- **Claas Ehlers** is the Chief Executive Officer of Family Promise, the national nonprofit leader on the issue of family homelessness. Born in New York State, he lived in multiple household settings in his first six years, impressing on him the critical need for stability for children and families. A graduate of New York University, Claas worked in video production, publishing, business development, and advertising while also teaching English as an adjunct professor at two local community colleges. From his work with low-income students, he saw first-hand the struggle of families to change their economic circumstances.
- In 2002, he was able to align his passion for social justice with his career, joining Family Promise to lead a project to diversify the faith groups involved in its programs. In 2003 he accepted the role of Director of Affiliate Development and later Affiliate Services, and in January of 2016 became the second president in the organization's 28-year history. His primary goals are to implement new strategies to empower families, deepen and broaden existing services, and increase the participation of volunteers outside the faith community. Claas frequently presents on the issues of family homelessness and volunteer engagement.
- Outside of work, Claas's interests include running, hiking, the New York Mets, music, and cooking. He lives in Mountainside, NJ with his wife, Ellen Pluta, a professor at Stern School of Business at NYU and has three children: Arabella, Luke, and Colette. He is known around the Family Promise office for his ability to identify any US town of more

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than 10,000 people, pathological timeliness and indecipherable handwriting, which he blames on a vast right-handed conspiracy.

## National Providers

**Salvation Army** The Salvation Army, an international movement, is an evangelical part of the universal Christian Church. Its message is based on the Bible. Its ministry is motivated by the love of God. Its mission is to preach the gospel of Jesus Christ and to meet human needs in His name without discrimination.

- **General Brian Peddle and Commissioner Rosalie Peddle** Commissioned and ordained as a Salvation Army officer in 1977 as a member of the Companions of Christ Session, General Brian Peddle has served in partnership with his wife, Commissioner Rosalie Peddle, since their marriage in 1978. Initial service in his home territory of Canada and Bermuda, included corps, divisional and training college appointments. The General's first international appointment was to Auckland, in the New Zealand, Fiji and Tonga Territory, as divisional commander. He was transferred to territorial headquarters in the United Kingdom with the Republic of Ireland Territory to serve as chief secretary, with the rank of colonel. A return to the Canada and Bermuda Territory followed in 2011, to take up leadership as territorial commander, with promotion to the rank of commissioner.
- Service at International Headquarters initially came on 1 September 2014 as International Secretary for Americas and Caribbean, prior to his appointment as Chief of the Staff on 1 November 2015. It was on 25 May 2018 that Commissioner Brian Peddle was elected as the 21st General of The Salvation Army, to assume office on 3 August that same year. Outside of his ministry, the General enjoys kayaking, cycling, hiking and fishing. The General and Commissioner Peddle have two daughters, Stephanie and Krista, as well as five grandchildren. The General has a strong sense of calling as a Salvation Army officer, fueled by his conviction that God continues to use The Salvation Army to impact the world. The General and Commissioner Peddle are convinced of their responsibility to preach the gospel, encourage the saints and serve those in need.

**Catholic Charities** Catholic Relief Services carries out the commitment of the Bishops of the United States to assist the poor and vulnerable overseas. We are motivated by the Gospel of Jesus Christ to cherish, preserve and uphold the sacredness and dignity of all human life, foster charity and justice, and embody Catholic social and moral teaching as we act to: PROMOTE HUMAN DEVELOPMENT by responding to major emergencies, fighting disease and poverty, and nurturing peaceful and just societies; and, SERVE CATHOLICS IN THE UNITED STATES as they live their faith in solidarity with their brothers and sisters around the world. As part of the universal mission of the Catholic Church, we work with local, national and international Catholic institutions and structures, as well as other organizations, to assist people on the basis of need, not creed, race or nationality.

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- **Sean Callahan** is President & CEO of Catholic Relief Services, the official international humanitarian agency of the Catholic community in the United States. He is a 31-year agency veteran who has held a wide variety of leadership roles overseas and at agency headquarters in Baltimore, Maryland. From 2012 to 2016, Sean served as the chief operating officer for Catholic Relief Services, responsible for Overseas Operations, U.S. Operations and Human Resources, and for ensuring CRS' fidelity to its mission to cherish, preserve and uphold the sacredness and dignity of all human life, foster charity and justice, and embody Catholic social and moral teaching. His role was to enhance performance, stimulate innovation and position CRS for the future. Sean was executive vice president for Overseas Operations from June 2004 to September 2012. He provided oversight for a program and management portfolio which grew to more than $700 million, serving people in more than 100 countries and engaging a team of more than 5,000 staff.

**Citygate Network** exists to provide the envisioning, education, training, resources, guidance, representation, and nexus for missions and kindred ministries that are striving to move people in destitute conditions or desperate situations from human suffering to human flourishing through the process of gospel-powered life transformation.

- **John Ashmen** is President of the Association of Gospel Rescue Missions, North America's oldest and largest network of independent ministries providing radical hospitality for the poor and powerless. With more than 20 years of association leadership experience, he holds a B.S. in Bible, with a Social Work emphasis, and an M.A. in Organizational Management. His writings have appeared in numerous books, journals, and websites, and he speaks and teaches around the world.

**YUSA** The Y is the leading nonprofit committed to strengthening community by connecting all people to their potential, purpose and each other. Working locally, we focus on empowering young people, improving health and well-being and inspiring action in and across communities.

- **Kevin Washington**, A 40-year YMCA professional, Kevin Washington is the 14th person and first African American to lead the Y in the United States. ... He was Chief Operating Officer for the YMCA of Metropolitan Chicago from 1995 to 2000, and previously held other executive roles with the Chicago YMCA and the Philadelphia Freedom Valley YMCA. He came to YMCA of the USA (Y-USA) in February 2015 from the YMCA of Greater Boston, where as President and CEO from 2010 to 2014 he expanded membership and access by reducing rates, increased diversity and engagement among the Board of Directors to better reflect the community and implemented a childhood-education quality initiative that benefits thousands of children and families throughout eastern Massachusetts. Prior to Boston, Washington served as President and CEO of the YMCA of Greater Hartford from 2000 to 2010. Under his leadership the Hartford YMCA invested more than $60 million to develop or expand eight facilities and camps. He was

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Chief Operating Officer for the YMCA of Metropolitan Chicago from 1995 to 2000, and previously held other executive roles with the Chicago YMCA and the Philadelphia Freedom Valley YMCA. He got his start in the Y as Youth Program Director at the Philadelphia YMCA's Christian Street branch in 1978. Washington earned a bachelor's degree in history from Temple University.

## Large Independent

**Healthcare for the Homeless** The mission of Health Care for the Homeless is to prevent and end homelessness for vulnerable individuals and families by providing quality, integrated health care and promoting access to affordable housing and sustainable incomes through direct service, advocacy and community engagement.

- **Bobby Watts**, MPH, MS, CPH Chief Executive Officer G. Robert ("Bobby") Watts is the chief executive officer of the National Health Care for the Homeless Council and oversees all aspects of the Council's activity in advocacy, training, technical assistance, research, peer support, organizing, and fund development. A nationally recognized advocate and leader in meeting the health needs of people without homes, Watts has more than 25 years of experience in administration, direct service, and implementation of homeless health services. He began his work with people experiencing homelessness as a live-in staff member of the New York City Rescue Mission in Manhattan.

**National Alliance to End Homelessness** is a nonpartisan, nonprofit organization whose sole purpose is to end homelessness in the United States. We use research and data to find solutions to homelessness; we work with federal and local partners to create a solid base of policy and resources that support those solutions; and then we help communities implement them. Our strength is that we are an outcome-driven organization. Starting with our name and continuing with how we choose the work we do, allocate staff time, and use our resources, we focus on one thing: ending homelessness.

- **Nan Roman** is President and CEO of the National Alliance to End Homelessness, a public education, advocacy and capacity-building organization. She is a leading national voice on the issue of homelessness. Under her guidance, the Alliance has successfully identified and promoted innovative strategies for ending homelessness that have been adopted by communities across the country. In her role, Ms. Roman works closely with members of Congress and the Administration, as well as with officials and advocates at the state and local levels. She collaborates with Alliance partners to educate the public about the real nature of homelessness and effective solutions. She has researched and written on the issue of homelessness, regularly speaks at events around the country and frequently serves as an expert on the issue for the media. Her perspective on

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homelessness and its solutions comes from more than 20 years of local and national experience in the areas of poverty and community-based organizations.

**Funders Together to End Homelessness** - will mobilize its members to utilize the voice, influence, and expertise of philanthropy in ways that will advance lasting solutions to ending homelessness, including addressing its underlying causes like structural and racial inequities, and helping create policies and systems that center people with lived expertise.

- **Amanda Misiko Andere, CEO** Amanda Andere has spent over fifteen years working in the nonprofit and public sector as a leader committed to racial equity, social justice, and housing affordability through advocacy for systemic change. Prior to joining Funders Together to End Homelessness as their CEO, she served as the CEO of Wider Opportunities for Women, a national advocacy organization. Currently, she serves as a board member of the United Philanthropy Forum, the James Madison Political Science Alumni and Co-Chair of A Way Home America, a national movement to end youth homelessness. She is also a member of the steering committee for The Campaign for Housing and Community Development Funding. Previously she served as an adjunct professor at George Mason University teaching Nonprofit Management, Executive Director of FACETS, and Vice President of Cornerstones; who have similar missions of preventing and ending homelessness and breaking the cycle of poverty.

**National Coalition for Homeless Veterans** The National Coalition for Homeless Veterans (NCHV) – a 501(c)(3) nonprofit organization governed by a 23-member board of directors – is the resource and technical assistance center for a national network of community-based service providers and local, state and federal agencies that provide emergency and supportive housing, food, health services, job training and placement assistance, legal aid and case management support for hundreds of thousands of homeless veterans each year

- **Kathryn Monet** Chief Executive Officer of the National Coalition for Homeless Veterans. In this role, she focuses on the execution of NCHV's strategic policy and technical assistance agenda, and on expanding NCHV's strategic partnerships to more effectively end veteran homelessness. Kathryn has spent over eight years in the public and nonprofit sector working to address housing instability and homelessness among veterans. Prior to joining NCHV, she was with the National Alliance to End Homelessness focusing on the promotion of data-driven, evidence-based interventions to end homelessness, particularly among veterans. Kathryn also was involved in veteran homelessness in a legislative capacity during her time at the Senate Committee on Veterans' Affairs. She earned a Masters of Public Administration from Villanova University and a Bachelor of Science in Diplomacy and International Relations from Seton Hall University.

**Women of Color Network, Inc**. the mission of WOCN, Inc. is to eliminate violence against ALL women and their communities by centralizing the voices and promoting the leadership of women of color across the Sovereign Nations, the United States and U.S. Territories.

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- **Tonya Lovelace, MA**, CEO Tonya recently led the exciting and successful spin-off of WOCN, Inc. from the National Resource Center on Domestic Violence effective September 30, 2014. As CEO, she oversees the overall operations and programming of WOCN, Inc., generates funds for new initiatives, and provides vision and direction for the national training, technical assistance, programming and support provided to WOCN, Inc. constituents and colleagues by staff, Board, and consultants across the country.

**NVOAD** National Voluntary Organizations Active in Disasters, an association of organizations that mitigate and alleviate the impact of disasters, provides a forum promoting cooperation, communication, coordination and collaboration; and fosters more effective delivery of services to communities affected by disaster. National VOAD will be the recognized non-governmental leader of the disaster preparedness, response, and recovery sector. National VOAD members and partners represent a powerful force of goodwill in America. Through the VOAD network, WE provide the leadership that makes our communities stronger and more resilient. In times of need, WE deliver hope for a more positive future.

- **Gregory A. Forrester,** President and CEO has been working with volunteers, community development, and disaster response/recovery for over 30 years. Previous to leading NVOAD, Greg served as a New York State Trooper, led the United Methodist Volunteers In Mission (UMVIM) program for the Northeast, and was the Executive for the United Methodist Committee on Relief (UMCOR) U.S. Disaster response program. He has led humanitarian aid teams to over 40 countries and to most declared US disasters since 2000. In addition, Greg still operates several small businesses in the upstate NY town of Cortland, where he resides with his family.

**Haven for Hope's** mission is to offer a place of hope and new beginnings. We do this by providing, coordinating and delivering an efficient system of care for people experiencing homelessness in San Antonio.

- **Kenny Wilson**, President and CEO joined Haven for Hope as president and CEO in April 2016. He leads Haven for Hope's 200-plus employee workforce in our mission to transform the lives of people who are experiencing homelessness. Prior to Haven for Hope, Wilson served as Market President for Bank of America in San Antonio, a position he held since 2000. He also served U.S. Trust, Bank of America Private Wealth Management, as Managing Director and Market Executive, overseeing the investment management, credit, trust, and banking services for high net worth individuals and families in San Antonio, Austin, and Midland.

**Chapmen Partnership** Provide comprehensive programs and services in collaboration with others that empower our residents with dignity and respect to overcome homelessness, and achieve and maintain long-term self-sufficiency.

AMERICAN OVERSIGHT

- **Peter T. Pruitt** Chairman of the Board, Pruitt is a long-standing member of the Chapman Partnership Board of Trustees and Executive Committee, serving the organization since 2012. Throughout his years of service, he has dedicated himself to delivering Alvah Chapman Jr.'s vision of ending homelessness in our community. With more than 34 years of experience, Pruitt is an accomplished business professional and a devoted civic leader. He has a passion for helping those less fortunate and increasing the quality of life for the residents in Miami. At Chapman Partnership, Pruitt served as Chair-Elect for one year prior to becoming chair and has served on the audit and financial committee, community support, and enterprise risk management for the organization. Pruitt was the Past President and Chairman of the Orange Bowl Committee and served on the Advisory Board of the United Way of Miami-Dade County. He holds a Bachelor of Science from the University of Pennsylvania Wharton School of Business.

**Central Arizona Shelter Services (CASS)** mission is to prevent and end homelessness among individuals and families while advancing compassionate community solutions.

- **Lisa Glow, JD** Chief Executive Officer with more than two decades experience in nonprofit leadership, Ms. Glow is a graduate of the James E. Rogers College of Law at the University of Arizona. Early in her career she practiced law with the international law firms of Gibson Dunn & Crutcher, and Steptoe & Johnson. Working for former Arizona Governor Janet Napolitano as a senior policy advisor and director of the Governor's Office for Children, Youth and Families, she was able to see firsthand the needs of our citizens. Ms. Glow recently ran a consulting firm providing resources and sustainability solutions to nonprofits.

**Father's Joe Village** The mission of Father Joe's Villages (St. Vincent de Paul Village) is to prevent and end homelessness one life at a time. We achieve our mission by providing outcome-based programs in the spirit of our CREED (Compassion, Respect, Empathy, Empowerment, Dignity).

- **Deacon Jim Vargas President & CEO** Deacon Jim F. Vargas brings to Father Joe's Village more than 30 years of broad management and human resources experience at companies like The Copley Press, Inc. and Citicorp/Citibank. In the past, Deacon Vargas oversaw human resource operations for 5,000 employees across a chain of newspapers with news bureaus in multiple U.S. locations and Mexico. He also led human resource development for publishing companies at KIII Communications. At Citicorp/Citibank, Deacon Vargas served in various director and vice president positions of human resources within its bankcard, private bank, real estate, information systems, and investment divisions. Deacon Vargas is a past board chairman of the Rady Children's Hospital of San Diego Foundation, founding chair of Epiphany Prep Charter School of San Diego, current chair of Totus Pro Deo and Casa Cornelia Law Center and serves on the board of The Resource Center for Community Development. He is a deacon of the

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AMERICAN OVERSIGHT

Roman Catholic Diocese of San Diego serving the community of Mary, Star of the Sea in La Jolla, previously having served the community of Our Lady of Angels in downtown San Diego.

**Star of Hope** a Christ-centered community dedicated to meeting the needs of homeless men, women and their children. Positive life changes are encouraged through structured programs which focus on spiritual growth, education, employment, life management and recovery from substance abuse.

- **Hank Rush** President & CEO has been engaged in the Houston business and civic community for the past 40 years. He is a graduate of The Center for Houston's Future. He is active in service and leadership roles at the Second Baptist Church of Houston. Hank has served as Star of Hope's President & CEO since 2008.

**American Bar Association's** mission is to serve equally our members, our profession and the public by defending liberty and delivering justice as the national representative of the legal profession

- **Kelly Russo** Director American Bar Association Commission on Homelessness & Poverty

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Wed, 15 Apr 2020 14:20:54 +0000
**To:** Viana, Aimee;Ryder, Ruth;Rinkus, Christopher;Washington, Mark;Ryder, Ruth;Feldpausch, Sarah;Condie, Caitlin;Dalton, Ashley
**Subject:** FW: Voicemail Instructions - Work Cell
**Attachments:** Voicemail configuration.docx, ATT00001.htm

Please make sure your voicemails are functioning and are purged regularly to assure that they are not "full"
Please remind any of your folks who need this info as well
Frank

---

**From:** Simmons, Lee (Dougie) <LeeD.Simmons@ed.gov>
**Sent:** Wednesday, April 15, 2020 10:13 AM
**To:** Simmons, Lee (Dougie) <LeeD.Simmons@ed.gov>
**Cc:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Subject:** Voicemail Instructions - Work Cell

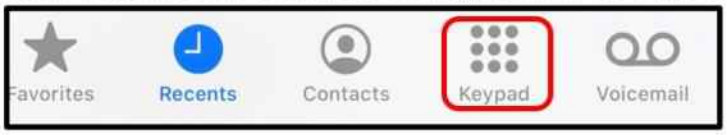
Hi all –

Hope everyone is off to a great Wednesday.
Just a friendly reminder that everyone should have voicemail set up on their work cell phones.
I have attached instructions if you have not done so already.
We strongly encourage everyone to do this especially since we are all teleworking and working from our work cells.
If you have any issues – please reach out to your POC's IT contact or the Help Desk.
Thanks so much!
Dougie

AMERICAN OVERSIGHT

To set up the voicemail on your new phone, follow the instructions below:

1. Go to the phone icon and
2. At the bottom of the screen choose keypad from the buttons at the bottom.




3. Tap and hold 1 on your device and you will be directed to the voicemail set up.

4. Follow the voice prompts.
5. Once complete, you will hear "Your voice mailbox is now set up and ready to use."

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Viana, Aimee
**Sent:** Sun, 8 Mar 2020 23:35:45 +0000
**To:** Carter, Denise
**Cc:** Brogan, Frank
**Subject:** Fwd: All Contacts Made

Denise,

Thanks again for your time yesterday.

Please see below for your awareness/ review.

Moving forward, Frank would like to approve all messages that are distributed or communicated to our team regarding protocol - internally or externally - with respect to telework, etc.

Thank you in advance for providing language to us for any further messaging that we would need in order to communicate with staff regarding these telework situations.

Let me know if you're available for follow up.

Have a good week,
Aimee

**From:** Washington, Mark <Mark.Washington@ed.gov>
**Sent:** Sunday, March 8, 2020 6:28 PM
**To:** Viana, Aimee; Brogan, Frank
**Cc:** Ryder, Ruth; Hunter, Tina; Rooney, Patrick; Talbert, Kent
**Subject:** All Contacts Made

Hi Aimee and Frank,

I just want to confirm that I have spoken with and informed Miriam Lund, Debbie Little and Julie Coplin of the request doe them to telework for the next 14 days. All were amenable and understanding of the protocol.

Please let me know if you have any additional questions or concerns.

Thank you,

Mw

Get Outlook for iOS

AMERICAN OVERSIGHT

O: 202.453.6918
E:eric.ventimiglia@ed.gov

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Mon, 13 Apr 2020 23:20:49 +0000
**To:** Viana, Aimee;Rinkus, Christopher
**Subject:** Fwd: BDV BP
**Attachments:** OCR - OSERS Waivers BP + kdt edits eitel.docx, ATT00001.htm

Anyone?

Sent from my iPhone

Begin forwarded message:

**From:** "Eitel, Robert" <Robert.Eitel@ed.gov>
**Date:** April 13, 2020 at 6:41:57 PM EDT
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>, "Rinkus, Christopher" <Christopher.Rinkus@ed.gov>, "Snow, McKenzie" <McKenzie.Snow@ed.gov>
**Subject: BDV BP**

I need someone in OESE to review these comments right now so we can get this to the Secretary.

The bullets highlighted by Kent make no sense.

Senior Counselor to the Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
7th Floor
Washington, D.C. 20202
(202) 453-6278

AMERICAN OVERSIGHT

Page 10559

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

Page 10560

Withheld pursuant to exemption

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**ATTACHMENT A**

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Page 10562

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Page 10563

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Page 10565

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**ATTACHMENT B**

AMERICAN OVERSIGHT

Page 10567:

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Page 10568

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Page 10570

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Page 10571:

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Page 10572

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**ATTACHMENT C**

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Page 10574:

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Page 10575

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of the Freedom of Information and Privacy Act

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Mick

**Noah Mitchell on behalf of Deputy Secretary Mick Zais**
Office of the Deputy Secretary
United States Department of Education
400 Maryland Avenue, SW | Washington, DC 20202

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 9 Mar 2020 00:02:56 +0000
**To:** Carter, Denise
**Cc:** Brogan, Frank
**Subject:** Fwd: Call

Denise,

Sharing the message below (from yesterday) for your situational awareness.

Thanks again for your time and support.

Aimee

**From:** Washington, Mark <Mark.Washington@ed.gov>
**Sent:** Saturday, March 7, 2020 4:45 PM
**To:** Viana, Aimee
**Subject:** RE: Call

Hey Aimee,

Quick update regarding notifications today. I didn't reach Tina so I just called people myself. I was able to reach Debbie Little-one of the two women who traveled to Seattle. I called Miriam Lund, the other one, but could only leave her a message to call me. I also called Julie Copeland, another member of that team who had gone on a monitoring visit to New York as well. I will let both Miriam and Julie know about the request to follow the 14-day telework protocol when we connect.

I also called Ruth and Patrick to advise them of the same. The team that Miriam supervises (and that both Debbie and Julie are a part of) is the 21st Century Community Learning Centers, which is a part of OSSA.

I'll confirm with you after I have spoken with everyone to advise them of the situation.

Thanks,

Mw

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Saturday, March 7, 2020 10:35 AM
**To:** Washington, Mark <Mark.Washington@ed.gov>
**Subject:** Call

Mark,

I hope you had a safe trip!

AMERICAN OVERSIGHT

Pls give me a call at your convenience.

Thank you.

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Tue, 25 Feb 2020 20:37:24 +0000
**To:** Viana, Aimee
**Subject:** Fwd: Catching Up + Potential Detail

We should talk about this soon
Frank

Sent from my iPhone

Begin forwarded message:

**From:** "Sweeney, Tara M" <Tara_Sweeney@ios.doi.gov>
**Date:** February 25, 2020 at 10:34:24 AM EST
**To:** "Frank.Brogan@ed.gov" <Frank.Brogan@ed.gov>
**Subject: Catching Up + Potential Detail**

Hi Frank,

I hope this email finds you well. I understand our offices are trying to connect us on several fronts. I am hopeful we can connect soon!

I wanted to follow up on an earlier discussion we had about detailing an individual to BIE. As I work with BIE to improve services to our schools and students, capacity continues to be an issue. They are improving their capacity but external expertise is crucial. There seems to be some level of interest in detailing specifically one of your ED OESE staff members, Robert Salley. After talking with my team, he has provided an invaluable program support for BIE over the last several years, and as BIE works to address special education issues and implement their Standards, Assessment, and Accountability System (SAAS) and Agency Plan, his expertise and support could ensure BIE is successful. Is this something you would be willing to consider?

If I had my way, a year-long detail would be ideal, but I am open to what ED can sustain- fully understanding that you have capacity issues of your own.

I have made sure that BIE is prepared to provide the funds for a lateral transfer for Mr. Salley and that space is available to him at Main Interior. From my understanding, this would be in line with similar formal details under prior administrations.

I see this as a joint win for ED and DOI as BIE rolls out its SAAS and goes to public consultation on their agency plan. We could even make a public announcement of this partnership. Mr. Salley's unique understanding of BIE helps us all get one step closer to improving Indian education. If due to circumstances Mr. Salley is unavailable, I welcome further recommendations.

Looking forward to your thoughts and consideration.

All the best,

AMERICAN OVERSIGHT

Tara

***Katuk***
Tara M. Sweeney
Assistant Secretary, Indian Affairs
U.S. Department of the Interior
(202) 208-7163

@ASIndianAffairs

To schedule a meeting, please follow this link: https://www.bia.gov/node/add/meeting-request

**E-MAILS SENT OR RECEIVED MAY BE SUBJECT TO THE FREEDOM OF INFORMATION ACTION (FOIA)**

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Wed, 17 Jun 2020 21:58:19 +0000
**To:** Viana, Aimee;Ryder, Ruth;Rinkus, Christopher
**Subject:** Fwd: Colorado Commissioner: Question on ESF-REM grants

Sent from my iPhone

Begin forwarded message:

**From:** "Zais, Mitchell" <Mitchell.Zais@ed.gov>
**Date:** June 17, 2020 at 5:23:28 PM EDT
**To:** "Anthes, Katy" <Anthes_K@cde.state.co.us>
**Cc:** "Pearson, Alyssa" <Pearson_A@cde.state.co.us>, "Brogan, Frank" <Frank.Brogan@ed.gov>, "Maramba, Angela" <Maramba_A@cde.state.co.us>
**Subject: RE: Colorado Commissioner: Question on ESF-REM grants**

Katy:

Hope you are well in these troubled times.

I'll do some research and get back to you tomorrow.

Mick

---

**From:** Anthes, Katy <Anthes_K@cde.state.co.us>
**Sent:** Wednesday, June 17, 2020 4:05 PM
**To:** Zais, Mitchell <Mitchell.Zais@ed.gov>
**Cc:** Pearson, Alyssa <Pearson_A@cde.state.co.us>; Maramba, Angela <Maramba_A@cde.state.co.us>
**Subject:** Colorado Commissioner: Question on ESF-REM grants
**Importance:** High

Dear Assistant Secretary Zais,

You have always been so kind as to offer your services if we have any questions. We have been having some trouble getting clarity on the ESF-REM grant program.

Is there someone on your staff who we could call directly? Someone who knows a lot about this program? The written clarifications we have received are still challenging to navigate.

Thank you!

Sincerely,

AMERICAN OVERSIGHT

Katy Anthes, Ph.D.
Commissioner

EVERYONE COUNTS Census 2020

P 303.866.6646
201 E. Colfax Ave. Room 500, Denver, CO 80203
Anthes_K@cde.state.co.us | www.cde.state.co.us

*Email cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, email cannot be used to transfer files containing personally identifiable information of educators or students. Contact the intended recipient to mutually determine enhanced security options for transferring such information.*

**From:** Pearson, Alyssa <Pearson_A@cde.state.co.us>
**Sent:** Wednesday, June 17, 2020 1:39 PM
**To:** ESF-REM <ESF-REM@ed.gov>; Jennifer.Todd@ed.gov
**Cc:** Anthes, Katy <Anthes_K@cde.state.co.us>; Maramba, Angela <Maramba_A@cde.state.co.us>
**Subject:** RE: question of definition of subgrantees
**Importance:** High

Hello,

Our state board just voted to submit a specific idea for the ESF-REM grant. They asked for clarification on whether the idea (attached) is allowable under the grant parameters, related to our earlier question below. If it is not allowable and cannot be adjusted to be allowable, then the board directed us to submit a different idea.

Can you please help us get in touch with someone that we can we talk to in order to better understand the requirements?

Thanks,
Alyssa

Alyssa Pearson
Deputy Commissioner
Office of the Commissioner

EVERYONE COUNTS Census 2020

P 303.866.6855
201 East Colfax Avenue, Room 500, Denver, CO 80203
Pearson_A@cde.state.co.us | www.cde.state.co.us

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**From:** Anthes, Katy <Anthes_K@cde.state.co.us>
**Sent:** Friday, May 22, 2020 10:47 AM
**To:** ESF-REM <ESF-REM@ed.gov>; Pearson, Alyssa <Pearson_A@cde.state.co.us>
**Subject:** RE: question of definition of subgrantees

Thank you for your answer. We are still a bit confused. Is there someone we can talk to via the phone?

Thank you,

Katy

Katy Anthes, Ph.D.
Commissioner

P 303.866.6646
201 E. Colfax Ave. Room 500, Denver, CO 80203
Anthes_K@cde.state.co.us | www.cde.state.co.us

*Email cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, email cannot be used to transfer files containing personally identifiable information of educators or students. Contact the intended recipient to mutually determine enhanced security options for transferring such information.*

**From:** ESF-REM <ESF-REM@ed.gov>
**Sent:** Friday, May 22, 2020 8:29 AM
**To:** Pearson, Alyssa <Pearson_A@cde.state.co.us>
**Cc:** Anthes, Katy <Anthes_K@cde.state.co.us>
**Subject:** RE: question of definition of subgrantees

Thank you for your interest in the Education Stabilization Fund-Rethink K-12 Education Models (ESF-REM) Discretionary Grant Program. Please note that State Educational Agencies (SEAs) are the only eligible entities that can apply for ESF-REM grant funds. SEAs are defined as the agency primarily responsible for the State supervision of public elementary or secondary schools.

AMERICAN OVERSIGHT

You are correct that the NIA for the ESF-REM program prohibits awarding subgrants to entities to directly carry out project activities described in its application. In all cases in which the eligible applicant proposes to pay another party for goods and services to carry out its grant, as opposed to delivering the goods and services itself, the applicant must describe how they propose to procure the goods and services needed to implement proposed project activities. Procurement transactions made with ESF-REM grant funds must be conducted in a manner providing full and open competition, consistent with their state procurement procedures standards in 2 CFR sections 200.317-326 which requires that grantees use their own procurement procedures to select contractors, provided that those procedures meet certain standards.

Because grantees must use appropriate procurement procedures to select contractors, applicants should generally not include information in their grant applications about specific contractors that may be used to provide goods or services for the proposed project if a grant is awarded. Instead, applicants should describe qualities and requirements needed from a service provider to carry out activities as proposed in the grant, but not name a specific contractor or vendor.

ESF-REM Team
Office of Elementary and Secondary Education
U.S. Department of Education

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**From:** Pearson, Alyssa <Pearson_A@cde.state.co.us>
**Sent:** Wednesday, May 20, 2020 3:07 PM
**To:** ESF-REM <ESF-REM@ed.gov>
**Cc:** Anthes, Katy <Anthes_K@cde.state.co.us>
**Subject:** question of definition of subgrantees

Hello-

We have been reviewing the NIA for the ESF-REM grant.

Can you clarify the definition of grantee for this grant for us? Is the SEA the grantee?

Per the NIA, it says:
*3. Subgrantees: A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application.*

We are trying to understand if CDE were to receive the grant, if we could award grants to other entities to carry out the project activities.

If it is easier to talk through this, please feel free to call me at 720-245-7896.

Thanks,
Alyssa

**Alyssa Pearson**
**Deputy Commissioner**
Office of the Commissioner

AMERICAN OVERSIGHT

P 303.866.6855
201 East Colfax Avenue, Room 500, Denver, CO 80203
Pearson_A@cde.state.co.us | www.cde.state.co.us

*Email cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, email cannot be used to transfer files containing personally identifiable information of educators or students. Contact the intended recipient to mutually determine enhanced security options for transferring such information.*

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 10 Mar 2020 16:47:03 +0000
**To:** Brogan, Frank
**Subject:** Fwd: Concerns about Coronavirus

FYI below
**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Tuesday, March 10, 2020 12:32:56 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: Concerns about Coronavirus

Just FYI

---

**From:** Ramsey, Tara <Tara.Ramsey@ed.gov>
**Sent:** Tuesday, March 10, 2020 12:31 PM
**To:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Cc:** Hunter, Tina <Tina.Hunter@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** Concerns about Coronavirus

Chris,

I just wanted to let you know that as a sign of concern for employees, I held a brief meeting with staff to hear their concerns about the recent news from OCFO regarding a contracted employee in UCP and other virus-related events. Below is a highlight of our discussion. I am just sharing them with you for awareness (in no particular order).

- The possibility of parking passes available so that staff could avoid the metro.
- More ideas about social distancing while we are at work: encouraging staff, even on site, to attend meetings virtually.
- Remind people to put Skype links on all meetings.
- One asked about using FMLA for sickness or for taking care of a sick person and I said FMLA was something they could always request under the appropriate conditions, virus illness or not.
- Someone wanted to know if we could order face mask; other said it wasn't necessary or it would be keeping them form people who really need them.
- Should the take their GFE home regularly to be prepared for a sudden required telework day—I told them that was always something they could do.

Thanks,
Tara

**Tara Ramsey**
Director
Office of State and Grantee Relations (SGR)

AMERICAN OVERSIGHT

Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave SW, Room 3W203
Washington DC 20202
Phone: 202-260-2063
Email: tara.ramsey@ed.gov
Website: oese.ed.gov

*SGR Vision: Empowered and Engaged Stakeholders Serving All Students*
*OESE Vision: Educational Excellence and Equity for All Students*

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Mon, 6 Apr 2020 22:32:41 +0000
**To:** Viana, Aimee
**Subject:** Fwd: COVID-19 Mailbox Inquiries by POC Week of March 30 to April 3 (003)
**Attachments:** COVID-19 Mailbox Inquiries by POC Week of March 30 to April 3 (003).docx, ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Zais, Mitchell" <Mitchell.Zais@ed.gov>
**Date:** April 6, 2020 at 6:26:23 PM EDT
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>, "King, Robert" <Robert.King@ed.gov>, "Marcus, Kenneth" <Kenneth.Marcus@ed.gov>, "Schultz, Mark" <Mark.Schultz@ed.gov>, "Brown, Mark" <Mark.Brown@ed.gov>, "Dowling, Maureen" <Maureen.Dowling@ed.gov>
**Cc:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>, "Eitel, Robert" <Robert.Eitel@ed.gov>, "Talbert, Kent" <Kent.Talbert@ed.gov>, "Robb, Carly" <Carly.Robb@ed.gov>
**Subject: FW: COVID-19 Mailbox Inquiries by POC Week of March 30 to April 3 (003)**

Assistant Secretaries & Office Directors:

Attached is a spreadsheet showing the number of queries to our email, COVID-19@ed.gov, broken down by office.

Our goal is to respond as expeditiously as possible. Take a look at your numbers. If they are not what you would like them to be, follow up as necessary.

These data are prepared by Paul Kesner, Director of the Office of Safe and Supportive Schools, OESE. If you have questions his email is below and his mobile number is (b)(6) (b)(6)

Thank you for your hard work in these harried times.

Mick

---

**From:** Kesner, Paul <Paul.Kesner@ed.gov>
**Sent:** Monday, April 6, 2020 6:02 PM
**To:** Zais, Mitchell <Mitchell.Zais@ed.gov>
**Subject:** COVID-19 Mailbox Inquiries by POC Week of March 30 to April 3 (003)

AMERICAN OVERSIGHT

Dr. Zais,

Here is the report for last week. A couple of things to note:

- Prior to this week, we were instructed to send all of FSA and OPE inquiries to OPE. Last week, working with OPE, our team was given guidance which inquiries should be sent directly to FSA.

- The period ending Friday, April 3, was before the new round of waiver guidance for ESEA went out. There are questions that will be inherently closed because of that guidance, but not reflected in this report.

- The information in the table is based on data submitted to the COVID-19 team by each POC.

Let us know if you have any questions.

Best, Paul

AMERICAN OVERSIGHT

## COVID-19 Inquiry Report by POC

## Week of March 30 - April 3, 2020

| PROGRAM OFFICE | Total New Inquiries Received (this week) | Total New Inquiries Closed (this week) | Cumulative Total Inquiries Received | Cumulative Total Inquiries Closed | % Cumulative Total Closed |
|---|---|---|---|---|---|
| OPE | 225 | 131 | 1,024 | 775 | 75.6% |
| OCR | 7 | 0 | 45 | 16 | 36% |
| ONPE | 7 | 4 | 13 | 6 | 46% |
| OESE | 92 | 10 | 383* | 138 | 36%** |
| OSERS | 17 | 0 | 226 | 45 | 20% |
| FSA | 129 *** | No Data Received | | | |

*This does not include all inquiries that may have come into program offices and were closed by the program offices, not going through the Rapid Response Team.

**This includes several that are open, awaiting ED-wide policy decisions.

***This is the first week some inquiries were sent directly to FSA.

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- Patrick Rooney is returning to his role as director of the School Support and Accountability (SSA) division. I want to thank Patrick for his admirable service in his dual role since early this year, and am excited for him to focus exclusively on the ESEA Title programs that are of critical importance.
- Venitia Richardson is the new director of the Effective Educator Development (EED) division. The School Ambassador Fellows program and the Teach to Lead program will also be relocated to EED, which will bring together all of our educator support and engagement activities into one place under Venitia's leadership.
- David Cantrell and the Program & Grantee Support Services division (PGSS) is now part of the Office of Formula Grants, which will more closely align our TA center contract and other TA efforts with many of the most frequent TA users.
- Anna Hinton is also serving as acting Director for School Choice and Improvement Programs division until Norris Dickard returns from detail. Jennifer Todd is serving as acting group leader for magnet school programs until the group leader returns from leave.
- Lastly, the Office of Discretionary Grants and Support Services (ODGSS) is now called the Office of Innovative Grant Programs (IGP). This new name pays homage to many of these grants originating in the former Office of Innovation & Improvement and more accurately represents the nature of these programs: advancing innovative practices in the field to improve student outcomes.

Please let me know if you have any questions. Thank you for all that you do each and every day.

Frank Brogan

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<image001.p
ng>

**Christopher Rinkus**
**Deputy Assistant Secretary for Evidence-Based Practices and Policy**
Office of Elementary & Secondary Education| United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5796
Email:christopher.rinkus@ed.gov

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Tue, 14 Jan 2020 17:12:03 +0000
**To:** Viana, Aimee
**Subject:** Fwd: Dyslexia Meeting with Senator Cassidy
**Attachments:** Letter to Secretary DeVos - Dyslexia Demo Project - Nov. 21.pdf, ATT00001.htm

Call me on this
Frank

Sent from my iPhone

Begin forwarded message:

**From:** "Zais, Mitchell" <Mitchell.Zais@ed.gov>
**Date:** January 14, 2020 at 10:55:51 AM CST
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>, "Viana, Aimee" <Aimee.Viana@ed.gov>
**Cc:** "Schneider, Mark" <Mark.Schneider@ed.gov>, "Robb, Carly" <Carly.Robb@ed.gov>, "Harding, Jordan" <Jordan.Harding@ed.gov>
**Subject: FW: Dyslexia Meeting with Senator Cassidy**

Frank:

Read the email chain below.

According to Mark Schneider, OESE has responsibility for the National Center for Increasing Literacy. Who should represent them at this meeting to respond to Senator Cassidy's concerns?

Mick

**Noah Mitchell on behalf of Deputy Secretary Mick Zais**
Office of the Deputy Secretary
United States Department of Education
400 Maryland Avenue, SW | Washington, DC 20202

---

**From:** Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>
**Sent:** Tuesday, January 14, 2020 11:21 AM
**To:** Mitchell, Noah <Noah.Mitchell@ed.gov>; Robb, Carly <Carly.Robb@ed.gov>
**Subject:** RE: Dyslexia Meeting with Senator Cassidy

Here's the reason:

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Cassidy has frequently cited this 2015 report called "Evaluation of Response to Intervention Practices for Elementary School Reading," and highlights its finding that the study "demonstrated the weaknesses and shortcomings of RtI, going as far as to say 'for those students just below the school-determined eligibility cut point in Grade 1, assignment to receive reading interventions did not improve reading outcomes; it produced negative impacts." This conclusion aligns with Cassidy's own feelings on RtI. With that in mind, Gen. Zais is reaching out to Mark Schneider to join us in the pre-meet.

Note that the way I see this playing out when we have the in-person meeting with Cassidy is that he will raise the report in support of his stance, and we just need a talking point to response to him. I would not recommend we have Mark Schneider attend the in person meeting with Cassidy.

Let me know if you have questions. thanks

https://ies.ed.gov/ncee/pubs/20164000/pdf/20164000.pdf

---

**From:** Schneider, Mark <Mark.Schneider@ed.gov>
**Sent:** Tuesday, January 14, 2020 11:15 AM
**To:** Zais, Mitchell <Mitchell.Zais@ed.gov>
**Cc:** Schultz, Mark <Mark.Schultz@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Robb, Carly <Carly.Robb@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>
**Subject:** Re: Dyslexia Meeting with Senator Cassidy

IES is not involved with NCIL at all. Funding comes from OESE and OSEP.

Mark

Sent from my iPad

On Jan 14, 2020, at 9:02 AM, Zais, Mitchell <Mitchell.Zais@ed.gov> wrote:

Mark and Mark:

Senator Cassidy, MD, (R-LA), wrote a letter (attached) on November 19, 2019, that was enormously critical of two things:

1. The National Center on Improving Literacy (NCIL) produced a report, "Screening for Dyslexia," which the Senator described as "schlock" (trash, garbage). He said funding to NCIL "should be terminated due to poor performance."
2. The Notice of Intent to Award (NIA) a grant for a *Model Demonstration Project for Early Identification of Students with Dyslexia in Elementary School* which the Senator described as "deeply flawed," lacking "objective criteria," and "ultimately [rather than] comparing apples to apples, … compares apples to oranges to bananas."

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Mark and Mark, there is a prebrief to me scheduled for Thursday, January 16, at 1:00pm in my office. Please be there.

Mark Schneider, please bring the person most responsible for the report prepared by NCIL, the "action officer," if you will.

Mark Schultz, please bring the person responsible for preparing the NIA.

Mark and Mark, please be prepared to answer the nine specific questions asked by Senator Cassidy on page 3 of his attached letter.

Thank You.

Mick

**Noah Mitchell on behalf of Deputy Secretary Mick Zais**
Office of the Deputy Secretary
United States Department of Education
400 Maryland Avenue, SW | Washington, DC 20202

<Letter to Secretary DeVos - Dyslexia Demo Project - Nov. 21.pdf>

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The Demonstration Project is deeply flawed. I expressed my concerns with the NIA to former Assistant Secretary Collett on a phone call, then in two letters dated July 22 and July 31. I emphasized that the NIA did not properly define dyslexia (and if NCIL was to be the standard, their definition is outdated), instructed grantees to screen numerous times for being at risk of dyslexia (screening only needs to be done once if the screening tool is psychometrically valid), did not require the diagnosis to be confirmed (which would differentiate the dyslexic from the non-dyslexic struggling reader), included progress monitoring (which is not part of screening, implies the use of a response to intervention (RTI) curriculum which ED has previously determined to be harmful to a student's educational achievement[1], and lacks objective criteria as to what constitutes progress), and lacked the confirmation of a diagnosis (inherent in screening is confirming a diagnosis with more specific follow up testing).

Since the intent was to screen for dyslexia so as to compare the prevalence of dyslexia in four different geographic regions, the NIA should have included a standard definition of dyslexia using the latest science and a standard, evidenced based screener using proven psychometrics shown to be efficient, low cost and user friendly for teachers. Standardization would have allowed uniform presentation of data for ED to analyze.

Instead, the NIA allows each site to use their own screener, with no standardization. It also incorporates progress monitoring, which is not part of screening and has nothing to do with prevalence. So, instead of using a standard definition and following criteria similar to that which is laid out above, ultimately comparing apples to apples, the Demonstration Project compares apples to oranges to bananas.

As I have continued to ask myself, how could this have been so mis-handled, possible explanations arose. I am aware that this project is handled by specific ED staff who have relationships with consultants. I am concerned that ED staff were influenced by the NCIL or NCIL's faculty in drafting the NIA despite the NCIL's demonstrated incompetence with the "Screening for Dyslexia" paper.

Looking at the resume of Jack Fletcher, one of the co-authors of "Screening for Dyslexia," reveals that he is also a consultant to the Department of Education on dyslexia and a University of Houston (UH) faculty colleague of a Model Demonstration Project awardee. While I understand that Dr. Fletcher is not the Project Director for UH's Demonstration Project, his research includes educational interventions for children with learning disabilities and has previously published with the UH Project Director. It is reasonable to assume he and the awardee communicate regularly on these issues.

This leads to several questions:

---

[1] [1]Rekha Balu, et al., *Evaluation of Response to Intervention Practices for Elementary School Reading* (National Center for Education Evaluation and Regional Assistance, 2015), 17. https://ies.ed.gov/ncee/pubs/20164000/pdf/20164000.pdf.

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- Regarding the overall project, what is ED's goal for the Demonstration Project? How does ED envision reconciling the lack of standards with their final project analysis?

- Did the NCIL and/or their contributors have **any** involvement with ED staff in drafting, reviewing or any other stage of the preparation and awarding of the NIA for the Demonstration Project?

- If NCIL was involved in consulting or drafting the NIA, did anyone affiliated with the NCIL, either directly or indirectly, have advanced notice of any specific criteria for the Demonstration Project, including submission dates of applications? If so, were they instructed to treat the information as embargoed or, in other words, instructed to not share with others?

- Were any reviewers of applications for the Demonstration Project affiliated with successful applicants, either as current or former coauthors, faculty, or professional colleagues?

- Specifically regarding Dr. Fletcher, did he have any involvement with staff at ED, either in consulting or in drafting the NIA and in any other role regarding the Demonstration Project?

- Did Dr. Fletcher help in the decision making process at ED to decide that NCIL would be the original recipient of the NCIL grant?

- Does Dr. Fletcher have a current working relationship with career or political staff at ED?

- Can Dr. Fletcher assure ED that he did not have prior knowledge of the NIA? If he did, can he assure ED that he did not inform his University of Houston colleague in advance that the NIA was being released before others or the general public would know?

It is critical that grant applications awarded by the Federal government are reviewed by an impartial, non-biased set of reviewers and that all applicants have equal and fair access to simultaneous information. It is an unfair advantage if an applicant has advance notice of a grant opportunity.

Madam Secretary, thank you for looking into this matter and for engaging on the importance of identifying students with dyslexia at an early age. Please do not hesitate to contact with questions regarding the above. I look forward to your reply.

Respectfully,

(b)(6)

Bill Cassidy, M.D.
United States Senator

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**From:** Brogan, Frank
**Sent:** Thu, 14 May 2020 23:18:47 +0000
**To:** Viana, Aimee
**Subject:** Fwd: Education Stabilization Fund
**Attachments:** BOE-PSS ltr to Brogan, USDE (05.14.2020).pdf, ATT00001.htm

At least someone is grateful
That says a great deal about our whole team!

Sent from my iPhone

Begin forwarded message:

**From:** Tim Thornburgh <tim.thornburgh@cnmipss.org>
**Date:** May 14, 2020 at 5:01:12 PM EDT
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>
**Subject: Education Stabilization Fund**

Dear Frank:

Please see attached letter from the Commissioner of Education and the Chair of the Board of Education.

Thank you for your continued support and assistance.

Sincerely,

Tim

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COMMONWEALTH of the NORTHERN MARIANA ISLANDS
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Non-Public School Rep.
Dionne Monique Sakisat Torres
Student Representative

Alfred B. Ada, Ed.D.
COMMISSIONER OF EDUCATION
pss.coe@cnmipss.org

May14, 2020

The Honorable Frank T. Brogan
Assistant Secretary for
Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave. S.W. 20202

Reference: Education Stabilization Fund

Dear Assistant Secretary Brogan:

Thank you for the Education Stabilization Fund grant award to the CNMI Public School System (SEA and LEA for the CNMI) in the amount of 23,163,734. This is so timely as it enables the PSS to retain teaching and school support staff.

Further, the Education Stabilization Fund grant provides the needed funds to train our teachers and school leaders for remote learning. We have an ambitious six week training planned for this summer and will be training both public school teachers and school leaders as well as private non-profit teachers and school leaders.

Thank you for all you do for public education.

Sincerely,

(b)(6)

Janice A. Tenorio, M.Ed.
Chair, Board of Education

Alfred B. Ada, Ed.D.
Commissioner of Education

xc Congressman Sablan
Governor Torres
Members, Board of Education



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*All CNMI Public Schools are accredited by the North Central Association Commission on Accreditation and School Improvement, an accreditation division of Advance ED.

<ATPFile_CE6EEE48-3663-4393-AEBB-9A55F7C1723F.token>

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Page 10605

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Page 10606

Withheld pursuant to exemption

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Page 10607

Withheld pursuant to exemption

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Page 10609

Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act

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Page 10610

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Thanks so much!
Dougie

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**From:** Viana, Aimee
**Sent:** Mon, 9 Mar 2020 23:15:13 +0000
**To:** Brogan, Frank
**Subject:** Fwd: Follow up to meeting with Gen Zais this afternoon

Fyi
**From:** Kesner, Paul <Paul.Kesner@ed.gov>
**Sent:** Monday, March 9, 2020 5:16:16 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** Follow up to meeting with Gen Zais this afternoon

Aimee, the call was with Jilian Balow, WY State Supt of Schools, and President of CCSSO. Gen. Zais' purpose was to establish a direct line of communication between the organization and himself. The call lasted about 15 minutes. Topics discussed:

- Most states are having conversations with districts and stakeholder groups, just to keep in contact, particularly teacher, auxiliary, and professional personnel groups
- CCSSO is advocating that districts be in close contact with their state and local health departments to guide them
- CCSSO is willing to be our partner both in sharing information and being a thought partner
- Especially as assessment season is coming, the guidance as to flexibilities and waivers is very important
- It would be helpful to them to have that guidance this week. There is a call on Thursday with CCSSO membership and Gen Zais.

Let me know if you have any questions. Thanks, paul

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**From:** Brogan, Frank
**Sent:** Tue, 7 Jan 2020 00:55:08 +0000
**To:** Viana, Aimee
**Subject:** Fwd: For Review: Executive Order - Combating Human Trafficking
**Attachments:** EO Combating Human Trafficking_V1.docx, ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>
**Date:** January 6, 2020 at 4:41:54 PM EST
**To:** "Viana, Aimee" <Aimee.Viana@ed.gov>, "Brogan, Frank" <Frank.Brogan@ed.gov>
**Cc:** "Paciorek, Sarah" <Sarah.Paciorek@ed.gov>
**Subject: Fwd: For Review: Executive Order - Combating Human Trafficking**

Let me know if you have any concerns or edits on this

Sent from my iPhone

Begin forwarded message:

**From:** Staff Secretary (b)(6)
**Date:** January 2, 2020 at 3:16:14 PM EST
**To:** "Comstock, Earl (Federal)" <EComstock@doc.gov>, "Walsh, Michael (Federal)" <MWalsh@doc.gov>, "Rabbitt, Brian (OAG)" <Brian.Rabbitt@usdoj.gov>, "Moran, John (OAG)" <John.Moran@usdoj.gov>, "SBAExecSec@sba.gov" <SBAExecSec@sba.gov>, "Praveen, Parigna - ASP" <Praveen.Parigna@dol.gov>, "Syrek, Christopher D. (Chris)" <Christopher.Syrek@va.gov>, "Agnew, Ann (HHS/IOS)" <Ann.Agnew@hhs.gov>, "beatrice.disman@ssa.gov" <beatrice.disman@ssa.gov>, "bstone@nsf.gov" <bstone@nsf.gov>, "'Lewis, Oliver CAPT SD'" <Oliver.Lewis@sd.mil>, "'Blackwell, Juliana'" <juliana.blackwell@hq.dhs.gov>, "Sneed, John" <john.sneed@hq.doe.gov>, "Cato, Sierra" <sierra.cato@hq.doe.gov>, "Bailey, Nathan" <Nathan.Bailey@ed.gov>, Todd Willens <todd_willens@ios.doi.gov>, "Mehrens, Nathan P - OSEC" <Mehrens.Nathan.P@DOL.gov>, "bartley.catherine@dol.gov" <bartley.catherine@dol.gov>, "jackson.ryan@epa.gov" <jackson.ryan@epa.gov>, "robert.borden@gsa.gov" <robert.borden@gsa.gov>, "'Harrison, Brian (HHS/IOS)'" <Brian.Harrison@hhs.gov>, "Pace, Scott N. EOP/WHO" <Scott.N.Pace@who.eop.gov>, "tom.cremins-1@nasa.gov" <tom.cremins-1@nasa.gov>, "York, John W." <John.York@opm.gov>, "Morgen, Hunter M. EOP/WHO" (b)(6), White House Clearances <WhiteHouseClearances@state.gov>, "Buangan , Richard EOP" <buanganrl@state.gov>, "Young, Joby - OSEC, Washington, DC" <joby.young@usda.gov>, "Ghee, Hailey - OSEC, Washington, DC" <hailey.ghee@usda.gov>, "David.Dwyer@treasury.gov"

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<David.Dwyer@treasury.gov>, "Greer, Jamieson L. EOP/USTR"
(b)(6) "Dorval, Haley M. EOP/USTR"

**Cc:** Staff Secretary <staffsecretary@who.eop.gov>
**Subject: For Review: Executive Order - Combating Human Trafficking**

Attached for your close-hold review is a draft Executive Order titled Combating Human Trafficking and Online Child Exploitation in the United States.

Affirmative clearance is requested from **HHS, DHS, DOJ, DOL, and State**. All others are welcome to comment.

Please review and send all edits and clearances to Staff Sec by **6:30 pm Tuesday, January 7**.

Thank you,

Staff Sec

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**From:** Brogan, Frank
**Sent:** Fri, 28 Feb 2020 23:01:48 +0000
**To:** Viana, Aimee
**Subject:** Fwd: FYI UPDATED: Education Department releases new details on coronavirus task force

Sent from my iPhone

Begin forwarded message:

**From:** "Hill, Elizabeth" <Liz.Hill@ed.gov>
**Date:** February 28, 2020 at 5:20:04 PM EST
**To:** "Eitel, Robert" <Robert.Eitel@ed.gov>, "King, Robert" <Robert.King@ed.gov>, "Zais, Mitchell" <Mitchell.Zais@ed.gov>, "Brogan, Frank" <Frank.Brogan@ed.gov>
**Cc:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>, "Talbert, Kent" <Kent.Talbert@ed.gov>
**Subject: FYI UPDATED: Education Department releases new details on coronavirus task force**

---

**From:** POLITICO Pro <politicoemail@politicopro.com>
**Sent:** Friday, February 28, 2020 5:17 PM
**To:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Subject:** UPDATED: Education Department releases new details on coronavirus task force

**UPDATED: Education Department releases new details on coronavirus task force**

By Nicole Gaudiano

02/28/2020 04:09 PM EST

The Department of Education Friday afternoon released new details on its coronavirus task force members after rolling out a web page with guidance for schools on the disease.

Frank Brogan, the assistant secretary for elementary and secondary education, is leading the K-12 response, and Bob King, the assistant secretary for postsecondary education, is leading the higher education response, including Federal Student Aid, Liz Hill, a department spokesperson, wrote in an email.

Secretary Betsy DeVos announced at a congressional hearing Thursday that she set up the task force, led by her top deputy, Mick Zais, to coordinate the department's response to the disease.

"Every principal office will report up through this structure," Hill wrote.

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Along with leading the department's working group, Zais is also the department's liaison for the interagency coronavirus task force, Hill wrote.

The web page, www.ed.gov/coronavirus, which went live at 4 p.m., has the latest guidance from the Centers for Disease Control and Prevention for administrators of child care programs and K-12 schools. It will also include any guidance to the field from the Education Department, if needed, Hill wrote.

The page is also accessible from the department's homepage under "Coronavirus information."

On Friday, Mick Mulvaney, the acting White House chief of staff, warned of potential school shutdowns during the Conservative Political Action Conference.

"Are you going to see some schools shut down? Probably. May you see impacts on public transportation? Sure. But we do this. We know how to handle this," Mulvaney said.

Federal public health officials have urged schools to brace for more cases of the virus in the U.S. The Centers for Disease Control and Prevention has recommended that schools across the country develop contingency plans for school dismissals and closures, as well as the continuation of classes online.

President Donald Trump said during a news conference on Wednesday that "schools should be preparing and get ready, just in case."

*Michael Stratford contributed to this report.*

*To view online*:
https://subscriber.politicopro.com/education/whiteboard/2020/02/education-department-unveils-coronavirus-webpage-for-schools-1886200

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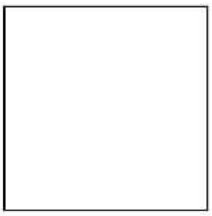

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**From:** Brogan, Frank
**Sent:** Sun, 9 Feb 2020 21:44:16 +0000
**To:** Viana, Aimee;Condie, Caitlin
**Subject:** Fwd: Governor DeSantis and FL DOE quotes

Sent from my iPhone

Begin forwarded message:

**From:** "Fenske, Taryn" <Taryn.Fenske@fldoe.org>
**Date:** February 9, 2020 at 4:05:34 PM EST
**To:** "frank.brogan@ed.gov" <frank.brogan@ed.gov>
**Cc:** "Kelly, Alex" <Alex.Kelly@fldoe.org>
**Subject: Governor DeSantis and FL DOE quotes**

Hi Secretary Brogan -
Wanted to share the below quotes with you from Governor DeSantis, Commissioner Corcoran, and Chair Tuck for the announcement tomorrow. Let me know if there's anything else we can be helpful with!
Thank you,
Taryn
"Improving the quality and effectiveness of education for Florida's students is a priority of my administration and I am pleased that President Donald J. Trump and U.S. Department of Education Secretary Betsy DeVos are supportive of our efforts," said Governor Ron DeSantis. "Every state has unique needs and challenges and Florida is well equipped to determine the best use of education resources that will lead to the ultimate goal of increased student outcomes."
"President Trump and Secretary DeVos have repeatedly made a strong commitment to spending taxpayer dollars wisely by consolidating duplicative federal programs that are better implemented at the state and local level. They truly understand that each student is unique, and have empowered the nation, and Florida, to make great decisions that best serve individual students' needs. This plan puts students first and returns the freedom and power of a quality education to where it belongs: with families throughout our nation," said Chairman of the Florida State Board of Education, Andy Tuck.

"President Trump and Secretary DeVos have truly made educational freedom the foundation of education throughout our nation, and have empowered states to make decisions that best serve students. Receiving a great education creates life-long learners, and develops all students to have strong character. All students throughout the nation deserve the chance to receive a world-class education, be successful, and be civically engaged members of society, and I am proud to support this plan. This powerful collaboration with states enables educational opportunities to be placed back in the hands of states, local districts, and most importantly parents, the people that

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know their children the best," said Florida Commissioner of Education, Richard Corcoran.

Taryn Fenske
Communications Director
Florida Department of Education
C: 904-945-8400

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Sat, 25 Jan 2020 00:25:19 +0000
**To:** Brogan, Frank
**Subject:** Fwd: Great Job! Onward to Pennsylvania- again!

FYI below...
**From:** Falconer, Susan <Susan.Falconer@ed.gov>
**Sent:** Friday, January 24, 2020 6:54:54 PM
**To:** Chamberlain, Michael <Michael.Chamberlain@ed.gov>; Willox, Kendyl <Kendyl.Willox@ed.gov>; Mabrey, Jack <John.Mabrey@ed.gov>
**Cc:** Tauriainen, Ryan <ryan.tauriainen@ed.gov>; Condie, Caitlin <caitlin.condie@ed.gov>; Dalton, Ashley <Ashley.Dalton@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** Great Job! Onward to Pennsylvania- again!

Team,

I just wanted to drop you a quick note recapping how we got to where we are presently on extended travel to Pennsylvania today.

1. Ryan identified two OESE grant receiving charter school recipients in Pennsylvania
2. Kendyl researched the schools and set up school visits
3. Kendyl and Mike provided strategic staff support during today's visits
4. Our Principal Deputy Assistant Secretary was on point and knocked the visits out of the park!!!

So you might be thinking… thanks for the recap, where are we planning travel to next???

I wanted to update you on what occurred as an extension of above. Mid-morning today, press outlets were reporting that the 'National School Choice Celebration Rally' scheduled for THIS Tuesday in Allentown, Pennsylvania at Executive Education Academy Charter School had over 1,500 confirmed student, parent, education leader and related stakeholder RSVPs. Our boss decided that she wanted to get Assistant Secretary Frank Brogan to this rally (note it's this Tuesday!!) and I began a Friday afternoon effort of trying to see if there was any possible way that our Assistant Secretary could be recognized for being in attendance at the event.

Well… the response that I got was immediate. They said if our Assistant Secretary was anywhere close to as fantastic as Aimee was today in Pennsylvania, then they would amend their agenda to extend Frank the opportunity to be the keynote speaker and he will be the only government official permitted the opportunity to speak!!! So that leaves Jack here tonight finalizing briefing papers to make this happen and happy to do it! **This opportunity, at this significant of a level may not have been extended to Frank to support the Secretary's top legislative priority, if we had not made such a successful school tour happen today in Pennsylvania with Aimee at the helm.** How things come full circle!

Great work all around!! Really proud to serve on this team, keep up the fantastic work!

Sincerely,

Susan Falconer

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Fri, 17 Jan 2020 23:20:05 +0000
**To:** Viana, Aimee
**Subject:** Fwd: Guidance Review Follow-up
**Attachments:** Executive Order 13891.pdf, ATT00001.htm, M-20-02-Guidance-Memo.pdf, ATT00002.htm, Interim Guidance Plan.pdf, ATT00003.htm

Have we done this yet?
Frank

Sent from my iPhone

Begin forwarded message:

**From:** "Eitel, Robert" <Robert.Eitel@ed.gov>
**To:** "Marcus, Kenneth" <Kenneth.Marcus@ed.gov>, "Brogan, Frank" <Frank.Brogan@ed.gov>, "King, Robert" <Robert.King@ed.gov>, "Blew, Jim" <James.Blew@ed.gov>, "Stump, Scott" <Scott.Stump@ed.gov>, "Jones, Diane" <Diane.Jones@ed.gov>
**Cc:** "Richey, Kimberly" <Kimberly.Richey@ed.gov>, "Viana, Aimee" <Aimee.Viana@ed.gov>, "McCaghren, Christopher" <Christopher.McCaghren@ed.gov>, "Slack, Emily" <Emily.Slack@ed.gov>, "Sacks, Casey" <Casey.Sacks@ed.gov>, "Brickman, Michael" <Michael.Brickman@ed.gov>, "Carter, Denise" <Denise.Carter@ed.gov>, "Rubinstein, Reed" <Reed.Rubinstein@ed.gov>, "Malawer, Hilary" <Hilary.Malawer@ed.gov>, "Schultz, Mark" <Mark.Schultz@ed.gov>, "Helwink, Jonathan" <Jonathan.Helwink@ed.gov>
**Subject: Guidance Review Follow-up**

All:

As a follow-up to our guidance review discussion, please provide the name of your POC project manager(s) as soon as possible. Working with OS and OGC, these POC project managers will form a Guidance Review Working Group that will meet monthly (or as needed) and report to ED leadership (Reed, Hilary, Diane, Jim, and me) about each POC's progress in complying with E.O. 13891, *Promoting the Rule of Law Through Improved Agency Guidance Documents.*

Please provide that designee as soon as possible. Hilary and I would like to meet with the Guidance Review Working Group, as soon as possible and preferably on Wednesday, January 22.

Mark, I have your designee in hand.

Thanks,
Bob

Senior Counselor to the Secretary

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U.S. Department of Education
400 Maryland Avenue, S.W.
7th Floor
Washington, D.C. 20202
(202) 453-6278

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**From:** Viana, Aimee
**Sent:** Mon, 9 Mar 2020 23:10:19 +0000
**To:** Brogan, Frank
**Subject:** Fwd: Hill questions: ED and Coronavirus

FYI below.
**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Monday, March 9, 2020 7:09:55 PM
**To:** Petersen, Molly <Molly.Petersen@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Subject:** Re: Hill questions: ED and Coronavirus

Hello Molly,
Thank you for your email.
For now, please email these questions to Chris and me.
Is there an expectation/ timeline on the response?
Have a great night,
Aimee
**From:** Petersen, Molly <Molly.Petersen@ed.gov>
**Sent:** Monday, March 9, 2020 5:57:16 PM
**To:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Hill questions: ED and Coronavirus

Chris and Aimee – please advise if there is a process you would like for us to use in sending questions related to the Coronavirus to OESE. Below, please find a question and let me know how you would like to handle.

Our office is looking to see what ED has info on what happens to before school programs with breakfast, school lunch, and after school programs with dinner if schools are forced to shut down because of the coronavirus? Is there any guidance or planned financial assistance to come from ED in these instances? I believe Senator Murray mentioned Washington schools closing because of the recent outbreaks. Has there been anything done in this capacity already?

Thank you,

Molly Petersen
Legislative Director

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**From:** Brogan, Frank
**Sent:** Wed, 4 Mar 2020 01:10:10 +0000
**To:** Viana, Aimee
**Subject:** Fwd: How to talk to K-12 students about coronavirus

Sent from my iPhone

Begin forwarded message:

**From:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>
**Date:** March 3, 2020 at 5:57:10 PM EST
**To:** "Talbert, Kent" <Kent.Talbert@ed.gov>, "Robb, Carly" <Carly.Robb@ed.gov>, "Zais, Mitchell" <Mitchell.Zais@ed.gov>, "Brogan, Frank" <Frank.Brogan@ed.gov>, "Viana, Aimee" <Aimee.Viana@ed.gov>
**Cc:** "Hill, Elizabeth" <Liz.Hill@ed.gov>
**Subject: FW: How to talk to K-12 students about coronavirus**

---

**From:** POLITICO Pro Education <politicoemail@politicopro.com>
**Reply-To:** POLITICO subscriptions <reply-fe971c727160017c75-553241_HTML-791892080-1376319-277977@politicoemail.com>
**Date:** Tuesday, March 3, 2020 at 5:24 PM
**To:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>
**Subject:** How to talk to K-12 students about coronavirus

**How to talk to K-12 students about coronavirus**

By Nicole Gaudiano

03/03/2020 05:20 PM EST

School psychologists are worried about coronavirus anxiety among kids in K-12 schools.

"It's a stressor, and how individuals perceive it is really kind of unique," said Stephen E. Brock, professor and school psychology program coordinator at California State University, Sacramento. "We're prepared for it to have an effect on students."

The National Association of School Psychologists is offering guidance to school mental health professionals, administrators, school crisis response teams and parents on how to help staff and students cope with the virus, called COVID-19.

Brock, a past president of NASP who wrote some of the guidance, said educators and psychologists can expect questions, and how they respond should depend on the developmental

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level of the students. In an interview with POLITICO, he offered some advice on how to talk with students about coronavirus.

*This transcript has been edited for length and clarity.*

**What type of impact are you seeing on kids?**

What is being reported to us is consistent with kids asking questions and being somewhat anxious, nervous, worried about the extent to which this could affect them. It's too soon to be really specific regarding the extent to which this is impacting students. Young children are going to be more likely impacted and affected by adult reactions. Older students, conversely, are going to be in a position to more accurately gauge independently the threat presented by COVID-19.

**How should school administrators, teachers and psychologists talk to students about this virus? Should they talk about it at all?**

It's going to vary depending upon developmental level. I would suggest that especially for the younger kids, we want their questions to be our guide. So beyond making sure my younger kids are engaging in behaviors that are going to keep them healthy and safe, I'm not going to give them a lot of unasked-for information about things like mortality statistics. ... The other thing that I'll be careful about with younger kids is screening media. There is an appropriate degree of attention to this being given by the media, but younger children may not be able to accurately interpret that.

**What about for middle and high school students?**

For older kids, actually, I like to make available well-crafted media reports to help them understand the objective threat that's being presented to them.

**What if students start asking more detailed questions?**

The answer that I'm going to give for 'What is COVID-19?' is going to be different for a second-grader than it is going to be for a high school science class. In high school science class, we're probably going to talk about viruses. Maybe a good teacher might even use this as a teachable moment, work it into the curriculum. For the younger child, it's more like, 'Yeah, there's this flu that's going around, and it's a new flu, so we're kind of worried about it. Do you have any questions about the new flu?'

**Are there any concerns about this virus creating stigmas in a school setting?**

We have seen that kind of thing in the past where people try to find someone or something to blame. Sometimes that is associated with behaviors that could be labeled bullying. And we do our best to try to mitigate that because it's just not helpful. For the kid that's bullied, now they're stressed about being sick and they're being bullied on top of it. For the bully, it's just not an adaptive behavior.

**Brock provided some questions he expects from young children and how he would**

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**respond:**

**Question**: Will I get sick?

**Answer**: We don't know. I can't promise you that you will not get sick, but there are some very important things you can do to help keep yourself and others healthy [and then list guidance offered by the CDC].

**Question:** What will happen if I get sick?

**Answer:** When people get this virus they will have a temperature, a cough, and it might be difficult for them to catch their breath. Very few children are getting sick, but when they do, parents, doctors and other adults are able to help them feel better [CDC].

**Statement**: I am scared of coronavirus!

**Response**: During cold and flu season people do get sick, and sometimes so sick they need to see a doctor. It is a very good idea to do what we can to stay healthy. In our community … [and then offer any specific guidance from local health officials regarding whether or not a given community is at risk]. Here are things you can to do to keep from getting sick [and then list guidance offered by the CDC].

**Question**: Why is everyone talking so much about coronavirus?

**Answer**: Because it is new and for some people who are very old and not in good health it might cause them to see a doctor and go to the hospital.

**Question:** Will I die?

**Answer:** So far very few children are getting sick, and no young children have died. [If you are talking to a child 9 years of age or younger you could say: "So far no child your age has died." I have been referring to World Meter and JAMA].

*To view online*:
https://subscriber.politicopro.com/education/article/2020/03/how-to-talk-to-k-12-students-about-coronavirus-1887597

**You received this POLITICO Pro content because your customized settings include: K-12 Schooling. To change your alert settings, please go to https://subscriber.politicopro.com/settings.**

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POLITICO, LLC
1000 Wilson Blvd.
Arlington, VA 22209
USA

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**From:** Brogan, Frank
**Sent:** Tue, 17 Mar 2020 14:50:24 +0000
**To:** Viana, Aimee;Rinkus, Christopher;Viana, Aimee;Ryder, Ruth;Washington, Mark
**Subject:** Fwd: Information for OMB Daily report today
**Attachments:** OMB rept 3.15.20.pdf, ATT00001.htm, OMB rept 3.16.20.pdf, ATT00002.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Talbert, Kent" <Kent.Talbert@ed.gov>
**Date:** March 17, 2020 at 10:37:14 AM EDT
**To:** "Brown, Mark" <Mark.Brown@ed.gov>, "Jones, Diane" <Diane.Jones@ed.gov>, "King, Robert" <Robert.King@ed.gov>, "Brogan, Frank" <Frank.Brogan@ed.gov>, "Schultz, Mark" <Mark.Schultz@ed.gov>, "Marcus, Kenneth" <Kenneth.Marcus@ed.gov>, "Hill, Elizabeth" <Liz.Hill@ed.gov>, "Carter, Denise" <Denise.Carter@ed.gov>
**Cc:** "Zais, Mitchell" <Mitchell.Zais@ed.gov>, "Rogers, James" <James.Rogers@ed.gov>, "Mitchell, Noah" <Noah.Mitchell@ed.gov>
**Subject: Information for OMB Daily report today**

As you know from our daily calls, all federal agencies submit daily reports to OMB on Coronavirus activities. The template includes four categories:

(1) Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)
(2) Guidance, Communication and Outreach with Stakeholders
(3) Actions that Affect Federal Facilities and Personnel
(4) Other Notable Responses

Your principal offices are the key ones thus far on guidance and employee notifications.

I have attached the reports of Sunday and Monday as examples and you will see the reports are a recap of what we have done on the given day, and then the things coming in the near term (next several days).

Would you please provide me two or three bullets in your subject matter areas by **no later than 2:00 PM TODAY** (sorry for short timeline) that I can review as I put today's report together. If you have nothing that rises to the level of reporting please let me know that as well.

Many thanks and please let me know if questions.

Kent
202-403-4206

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**COVID-19—Agency Response**
**March 15, 2020**
**Department of Education (ED)**

**Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)**

- **K-12 Guidance (Office of Elementary and Secondary Education).** On March 12, the Department posted to its Coronavirus website and distributed to stakeholders a Fact Sheet on testing and other accountability flexibilities available to States and school districts under the Elementary and Secondary Education Act (ESEA).

  During the week of March 16, the Department expects to finalize, clear, post, and distribute a detailed Question and Answer document titled "Non-Regulatory Guidance on Flexibility and Waivers for Grantees and Program Participants." The scope covers multiple programs in the Department.

  During the week of March 23 or March 30, the Department expects to finalize, clear, post, and distribute Continuity of Learning Guidance under elementary and secondary education programs.

- **Disabilities Guidance (Office of Special Education and Rehabilitative Services)**. On March 12, the Department posted to its Coronavirus website and distributed to stakeholders, Frequently Asked Questions Guidance on Providing Services to Children With Disabilities During the Coronavirus Outbreak.

- **Office for Civil Rights Guidance**. Early in the week of March 16, the Department expects to post to its Coronavirus website a Fact Sheet "Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students," as well as a webinar video on the same topic. Both will be distributed to education stakeholders.

- **Higher Education (Office of Postsecondary Education and Federal Student Aid) Guidance.** Early during the week of March 16, the Department expects to receive final clearance from OMB of draft guidance titled "Information for Accrediting Agencies Regarding Temporary Flexibilities Provided to Coronavirus-Impacted Institutions or Accrediting Agencies." This will be posted to the Department's Coronavirus website and distributed to institutions of higher education and other stakeholders.

**Guidance, Communication and Outreach with Stakeholders**

- **See Guidance referenced above**.

- **Conference Call with Chief State School Officers**. The Deputy Secretary and other senior Department officers hosted a one-hour, multi-agency (Department of Education, Centers for Disease Control and Prevention, Department of Agriculture, and Federal Communications Commission) briefing/question and answer conference call with State Superintendents of Education and their staffs on March 12.

- **National Association of State Boards of Education and National School Boards Association**. During the week of March 16, the Department intends to host additional multi-agency conference calls with the National Association of State Boards of Education and National School Boards Association.



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**Actions That Affect Federal Facilities and Personnel**

- **Communication to all Department Employees**: On March 11, Deputy Secretary Mick Zais communicated via email to all employees the actions the Department had taken to help ensure the health and wellness of staff. The notice advised of coordination with the Office of Management and Budget and other partner agencies, the refinement of principal office Business Continuity Plans, guidance of the Office of Personnel Management and the Centers for Disease Control and Prevention, the need to be telework ready, and business travel.

  On March 13, the Deputy Secretary provided updated telework guidance based on the most recent OMB guidance. The update focused on telework for older adults, those with chronic underlying health conditions, CDC-identified special populations, those affected by school closings and mass transportation changes, and further advised of the importance of performance management and record keeping.

- **Travel Communication to all Department Employees on March 16.** The Deputy Secretary will communicate the latest employee travel guidance from OMB on March 16 as well as any additional forthcoming guidance from OMB on telework.

**Other Notable Responses**

- **Student Loan Interest Waiver**. In accord with President Trump's announcement of the waiver of interest on student loans, the Office of Federal Student Aid convened a team of internal subject matter experts as well as representatives of each of FSA's servicing platforms to determine how to best effect this change.

  The new policy will affect 40.8 million borrowers with Department-managed loans.

  While the term "waiving interest" implies that interest accrues and then is forgiven, the most effective way to achieve the stated objective is to reset borrower interest rates to zero, as opposed to assessing interest or allowing interest to accrue, and then forgive it.

  While interest will be eliminated effective March 13, 2020 until further notice, borrower payments will not be reduced. Rather, the entirety of borrowers' monthly payments will be applied to principal once any outstanding interest has been satisfied.

  On Friday evening, March 13, the FSA team drafted requirements to present to the loan servicers. FSA is also working on scheduling a conference call with all servicers on March 16 to discuss the plan and respond to any questions.

  FSA expects to finalize the technical requirements on March 16 and issue formal guidance to loan servicers early in the week to make changes to all Department-held loans, regardless of status (e.g. in-school, grace, repayment, default, etc.), program (Direct Loans, Federal Family Education Loans, Perkins Loans), or repayment plan, retroactive to March 13.



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**COVID-19—Agency Response**
**March 16, 2020**
**Department of Education (ED)**

**Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)**

- **Office for Civil Rights Guidance and Webinar**. On today, March 16, the Department will post to its Coronavirus website a Fact Sheet "Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students," as well as post a webinar on ensuring web accessibility for students with disabilities for schools utilizing online learning. Both will be distributed to education stakeholders.

- **Higher Education (Office of Postsecondary Education and Federal Student Aid) Accreditation Guidance.** The Office of Management and Budget is expected to give final clearance today to draft guidance titled "Information for Accrediting Agencies Regarding Temporary Flexibilities Provided to Coronavirus-Impacted Institutions or Accrediting Agencies." Once cleared, the guidance will be posted to the Department's Coronavirus website and distributed to institutions of higher education and other stakeholders.

**Guidance, Communication and Outreach with Stakeholders**

- **See Guidance referenced above**.

- **National Governors Association, National Association of State Boards of Education, National School Boards Association and Others**. On Friday, March 20, the Department will host a multi-agency conference call (ED, CDC, AG, FCC) with the National Governors Association, the National Association of State Boards of Education, the National School Boards Association and other K-12 stakeholders.

**Actions That Affect Federal Facilities and Personnel**

- **Communication to all Department Employees**: On today, March 16, the Office of Finance and Operations communicated via email to all employees updated telework guidance in accord with OMB's guidance of March 15.

- **Travel Communication to all Department Employees.** On today, March 16, the Acting Assistant Secretary of Finance and Operations communicated the latest employee travel guidance to all employees, in accord with updated OMB travel guidance.

**Other Notable Responses**

- **Student Loan Interest Waiver**. In accord with President Trump's announcement of the waiver of interest on student loans, the Office of Federal Student Aid continues in its implementation.

  FSA expects to finalize the technical requirements later today and issue formal guidance to loan servicers to make changes to all Department-held loans, regardless of status (e.g. in-school, grace, repayment, default, etc.), program (Direct Loans, Federal Family Education Loans, Perkins Loans), or repayment plan, retroactive to March 13.



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**From:** Brogan, Frank
**Sent:** Tue, 31 Mar 2020 21:18:39 +0000
**To:** Viana, Aimee
**Subject:** Fwd: L. Ramirez

Sent from my iPhone

Begin forwarded message:

**From:** "Carter, Denise" <Denise.Carter@ed.gov>
**Date:** March 31, 2020 at 5:12:57 PM EDT
**To:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>, "Brogan, Frank" <Frank.Brogan@ed.gov>
**Subject: L. Ramirez**

Lisa Ramirez reached out today and said to let her know if we need anything. She realizes the increased workload associated with getting the supplemental funding out the door and is willing to assist from Texas.

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**From:** Brogan, Frank
**Sent:** Wed, 26 Feb 2020 11:03:34 +0000
**To:** Viana, Aimee
**Subject:** Fwd: Latina Mental Health Letter (19-008189)

You good with this letter

Sent from my iPhone

Begin forwarded message:

**From:** "Brogan, Frank" <Frank.Brogan@ed.gov>
**Date:** February 26, 2020 at 5:50:42 AM EST
**To:** "Washington, Mark" <Mark.Washington@ed.gov>
**Cc:** "Viana, Aimee" <Aimee.Viana@ed.gov>
**Subject: Re: Latina Mental Health Letter (19-008189)**

Approved for auto pen
Frank Brogan

Sent from my iPhone

On Feb 25, 2020, at 11:05 PM, Washington, Mark <Mark.Washington@ed.gov> wrote:

Hi Frank,
Jordan Harding (OLCA) is trying to get the attached Congressional response up to the Hill before the Secretary's budget hearing on Thursday. The matter relates to mental health for Latina girls. Kent Talbert believes you should be a signer on the letter, along with HHS Secretary Azar. Kent made a couple of additional edits which we will accept, and both Jordan and OGC attorneys have reviewed and approved. If you agree, would you please approve for our use of the autopen on your behalf?
Thanks for your consideration,
Mw
Get Outlook for iOS
**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Tuesday, February 25, 2020 5:59 PM
**To:** Crum, Laurette
**Cc:** Lovitt, Brittney; Washington, Mark; Harding, Jordan; Buettner-Connelly, Sara
**Subject:** RE: Latina Mental Health Letter (19-008189)

I have attached the redline.

Please let me know if questions.

Kent

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19-008189.letter.clean + kdt edits, 2.25.20, 5 56 PM.docx

---

**From:** Crum, Laurette <Laurette.Crum@ed.gov>
**Sent:** Tuesday, February 25, 2020 2:33 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>
**Cc:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>
**Subject:** Latina Mental Health Letter (19-008189)
**Importance:** High

Hi Kent,

The correct version is attached. Please send your feedback to us as soon as possible, preferably by the end of the day.

Thank you,
Laurette

Incoming –

<< File: 19-008189.incoming.pdf >>
Clean (for your review) –

<< File: 19-008189.letter.clean.docx >>

Track changes (compares clean version with previous version) –

<< File: 19-008189.letter.trackchanges.docx >>

Response to reviewer comments (OESE's responses to reviewer feedback) –

<< File: 19-008189.letter.ResponseToReviewerComments.docx >>

List (FYI) –

<< File: 19-008189.list.docx >>

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Tuesday, February 25, 2020 1:58 PM
**To:** Crum, Laurette <Laurette.Crum@ed.gov>
**Subject:** RE: Urgent Request - Congressional Correspondence

Okay

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**From:** Crum, Laurette <Laurette.Crum@ed.gov>
**Sent:** Tuesday, February 25, 2020 1:39 PM
**To:** Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>
**Cc:** Harding, Jordan <Jordan.Harding@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Subject:** RE: Urgent Request - Congressional Correspondence

This is not the correct version.

**From:** Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
**Sent:** Tuesday, February 25, 2020 1:30 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>
**Cc:** Harding, Jordan <Jordan.Harding@ed.gov>; Crum, Laurette <Laurette.Crum@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Subject:** RE: Urgent Request - Congressional Correspondence

Kent, Enclosed is a combined response to comments from all POCs involved (and a clean version which incorporates an edit that Laurette pointed out). Jordan already reviewed it and defers to you.

**Sara B. Connelly**
ED/OLCA | LBJ-Rm 6W352
O: 202-453-5558

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Tuesday, February 25, 2020 1:11 PM
**To:** Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>
**Subject:** RE: Urgent Request - Congressional Correspondence

Please make sure exec secty has all versions from the various POCS. I please need one consolidated updated letter.

Kent

**From:** Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
**Sent:** Tuesday, February 25, 2020 12:18 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>
**Subject:** RE: Urgent Request - Congressional Correspondence

FYI OESE has shared the latest draft with you both for final review. Probably from Brittney Lovitt.

**Sara B. Connelly**
ED/OLCA | LBJ-Rm 6W352
O: 202-453-5558

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**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Tuesday, February 25, 2020 11:44 AM
**To:** Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Richey, Kimberly <Kimberly.Richey@ed.gov>
**Cc:** Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>; Crum, Laurette <Laurette.Crum@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; March, Greg <Greg.March@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>; Patrick, Kelly <Kelly.Patrick@ed.gov>
**Subject:** RE: Urgent Request - Congressional Correspondence

I will await from exec secty a full updated version with everyone's edits from all relevant POCS.

Kent

**From:** Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>
**Sent:** Tuesday, February 25, 2020 11:40 AM
**To:** Harding, Jordan <Jordan.Harding@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Richey, Kimberly <Kimberly.Richey@ed.gov>
**Cc:** Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>; Crum, Laurette <Laurette.Crum@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; March, Greg <Greg.March@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Patrick, Kelly <Kelly.Patrick@ed.gov>
**Subject:** RE: Urgent Request - Congressional Correspondence

Hello:

Attached are OSERS edits to Q1, Q4, and Q7.

Looping in Kelly Patrick.

Please let us know if you have any questions,
Mary Louise

**From:** Harding, Jordan <Jordan.Harding@ed.gov>
**Sent:** Monday, February 24, 2020 6:12 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Richey, Kimberly <Kimberly.Richey@ed.gov>
**Cc:** Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>; Crum, Laurette <Laurette.Crum@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; March, Greg <Greg.March@ed.gov>; Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>
**Subject:** Urgent Request - Congressional Correspondence
**Importance:** High

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**From:** Brogan, Frank
**Sent:** Fri, 5 Jun 2020 09:01:17 +0000
**To:** Viana, Aimee
**Subject:** Fwd: Letter from Gila River Indian Community regarding disbursement of BIE funding
**Attachments:** Ltr to Bernhardt DOI_DeVos DOE.pdf, ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>
**Date:** June 4, 2020 at 10:09:19 PM EDT
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>, "Viana, Aimee" <Aimee.Viana@ed.gov>, "Blew, Jim" <James.Blew@ed.gov>, "Rubinstein, Reed" <Reed.Rubinstein@ed.gov>
**Subject: FW: Letter from Gila River Indian Community regarding disbursement of BIE funding**

---

**From:** "Desiderio, Denise" <ddesiderio@akingump.com>
**Date:** Thursday, June 4, 2020 at 7:58 PM
**To:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>, Bob Eitel <Robert.Eitel@ed.gov>, "Sherman, Brandon" <Brandon.Sherman@ed.gov>
**Subject:** RE: Letter from Gila River Indian Community regarding disbursement of BIE funding

With apologies. The attached letter is actually from the Gila River Indian Community.

**Denise A. Desiderio** | Senior Policy Advisor
**AKIN GUMP STRAUSS HAUER & FELD LLP**
Direct: +1 202.887.4216 | Internal: 24216

---

**From:** Desiderio, Denise
**Sent:** Thursday, June 4, 2020 7:13 PM
**To:** 'nathan.bailey@ed.gov' <nathan.bailey@ed.gov>; 'robert.eitel@ed.gov' <robert.eitel@ed.gov>; 'brandon.sherman@ed.gov' <brandon.sherman@ed.gov>
**Subject:** Letter from Gila River Indian Community regarding disbursement of BIE funding

Good afternoon. I am writing on behalf of Governor Stephen Roe Lewis of the Gila River Indian Community to provide the attached letter requesting immediate disbursement of the BIE funding contained in the CARES Act. The Community has three BIE schools and its students, teachers and Administrators are relying on the funding to ensuring their students' needs are met during this pandemic. Please call me with any questions or comments.

AMERICAN OVERSIGHT

**Denise A. Desiderio** | Senior Policy Advisor
**AKIN GUMP STRAUSS HAUER & FELD LLP**
2001 K Street N.W. | Washington, DC 20006 | USA | Direct: +1 202.887.4216 | Internal: 24216
Fax: +1 202.887.4288 | ddesiderio@akingump.com | akingump.com

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# GILA RIVER INDIAN COMMUNITY

*Executive Office of the Governor & Lieutenant Governor*

"Putting Our People First"

*Stephen Roe Lewis*
Governor

*Robert Stone*
Lieutenant Governor

June 3, 2020

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington D.C. 20240

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington D.C. 20202

Dear Secretary Bernhardt and Secretary DeVos:

I am writing on behalf of the Gila River Indian Community to urge the prompt disbursement of the relief funding for Bureau of Indian Education (BIE) and Tribally-Controlled Schools contained in the Coronavirus Aid, Relief, and Economic Security (CARES) Act which was enacted on March 27, 2020.

The CARES Act contained two significant provisions related to funding for BIE and tribally-controlled schools. First is $69 million to BIE schools and Tribal Colleges and Universities (TCUs) of which $46 million is designated to BIE schools to address the costs of closing schools, to ensure both students and teachers have the curriculum and equipment necessary for distance learning, and for other COVID-19 related expenses.

The second funding specific to BIE schools is through the Education Stabilization Fund at the Department of Education which contained $153.7 million for BIE-funded programs and TCUs. This funding is to be used for COVID-related needs such as: purchasing education technology hardware, software, and connectivity; prevention and response efforts related to COVID; providing mental health services and services specific to the unique needs of minorities and low-income children; planning summer learning and online learning during summer months; and cleaning and sanitizing school facilities.

The Gila River Indian Community has three BIE/Tribally-Controlled Schools: the Blackwater Community School, the Gila Crossing Community School, and the Casa Blanca Community School. The total student count of these three schools is 1,170.

The CARES Act was passed over two months ago, and to date, the BIE-specific funding has not been allocated to any of the BIE schools. This means that funding intended to assist our students and teachers with distance learning for the past two months of the school year was not allocated. With only 30% of our students able to access online programming, this funding is critical.

525 West Gu u Ki · P.O. Box 97 · Sacaton, Arizona 85147
Telephone: 520-562-9841 · Fax: 520-562-9849 · Email: executivemail@gric.nsn.us

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Summer school is starting this week but the Community has not received the CARES Act funding that is intended to assist with summer programming and technology needs. And, if funding is not disbursed immediately, our BIE schools will not have time to order and install the safety equipment needed to operate in a safe manner this Fall in the event of reopening, and will be ill-prepared should there be another outbreak of the coronavirus during the school year. These are just some of the immediate and critical needs our BIE schools have for this funding. I am certain the same is true for BIE schools across Indian Country.

The Community is appreciative that funding has been designated to ensure our BIE students have what they need to continue their education given the unprecedented circumstances related to COVID-19. However, because of delayed funding, we have missed opportunities to ensure our students, teachers and administrations have what they need to make sure every child is still receiving a quality education and to prepare for their return to school in a way that safeguards their health and safety.

With this letter, I am requesting the immediate disbursement of the funding from the Department of the Interior and the Department of Education that is intended for our BIE students. This pandemic has already been difficult for our students and their families. They should not also have to worry about falling behind and not receiving the educational support they need during this pandemic.

I am happy to discuss this with you further and answer any questions you may have.

Sincerely,

(b)(6)

Stephen Roe Lewis
Governor

cc: Tony Dearman, Director – Bureau of Indian Education
Mark Cruz, Deputy Assistant Secretary – Department of the Interior

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**From:** Brogan, Frank
**Sent:** Tue, 21 Apr 2020 19:03:47 +0000
**To:** Viana, Aimee
**Subject:** Fwd: Lorena McElwain
**Attachments:** image001.png, ATT00001.htm, McElwain Resume 2020 language work.docx, ATT00002.htm

I will call you
Frank

Sent from my iPhone

Begin forwarded message:

**From:** "Clark, Rebekah" <Rebekah.Clark@ed.gov>
**Date:** April 21, 2020 at 3:01:25 PM EDT
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>
**Cc:** "Wilson, Thomas" <Thomas.Wilson@ed.gov>
**Subject: Lorena McElwain**

Hi Frank,

It was great catching up with you! Here is Lorena's resume. Have a great rest of your day.

Sincerely,
Rebekah Clark

**Rebekah Clark**
Deputy White House Liaison
United States Department of Education
202.453.7909 C: 202.549.8446

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# Lorena Orozco McElwain

(b)(6) (b)(6)

## Political & Civic Engagement

- *Chief of Staff*, Office of the Assistant Secretary for Civil Rights – USDA
- *Latino Strategy and Outreach Volunteer* - Alia Ureste (R) for Congress (TX-23)
- *Volunteer* - Conservative Political Action Conference (CPAC)
- *Get Out the Vote Volunteer* - League of United Latin American Citizens (LULAC)
- *USDA Detail as Senior Policy Advisor* - Office of Congressman Silvestre Reyes (TX-16)
- *Public Policy Research Center Volunteer* - Gov. Bush's Paso del Norte Quadricentennial Celebration
- *Volunteer Public Opinion Analyst* - George W. Bush for Texas Governor Campaign
- *Pi Sigma Alpha Honor Society Committee Member* - U.S. House of Representatives (TX-16) Debates

## Work History

- *Chief of Staff*, Office of the Assistant Secretary for Civil Rights – USDA
- *Director, Business Management & Planning* - Commodity Futures Trading Commission
- *Director, Office of Minority & Women Inclusion* - Commodity Futures Trading Commission
- *Deputy Assistant Administrator for Management* - USDA Food Safety & Inspection Service
- *Assistant Director, Office of Opportunity, Inclusiveness & Compliance* – The Library of Congress
- *Director, Civil Rights Division* – USDA Food & Nutrition Service
- *Special Assistant to the Deputy Administrator for Management* - USDA Food & Nutrition Service
- *Statistician (EEO)* – DOJ Drug Enforcement Administration
- *Survey Statistician (bilingual methodology in census and demographic surveys)* - US Census Bureau

## Skills

- Experienced senior executive providing leadership to public administration operations in the Executive and Legislative branches, applying evaluation methods to enhance agency decision-making and implementing measurable, strategic process improvements
- Fluent in English, Spanish, French, and Italian
- Top Secret Clearance

## Education & Training

- Key Executive Leadership Certificate, American University
- M.A. in Political Science (Political Socialization), The University of Texas at El Paso
- Graduate Certificate in International Affairs & Leadership, Georgetown U School of Foreign Service
- B.A. in Political Science (Border Development), Minor in Linguistics, The University of Texas at El Paso
- Leadership Institute: Campaign Management School, Future Candidate School, TV Workshop

## Affiliations

- Executive Board Member, Federal Training Institute, League of United Latin American Citizens (LULAC)
- Member: Virginia Sports (Hunt) Club, Senior Executives Association, UTEP Alumni Association
- Member: RNC Women, Republican Women's Federal Forum

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# Lorena Orozco McElwain

(b)(6) (b)(6)

## Language and Linguistics

*Civil Rights Director* - Food and Nutrition Service

- Provided policy guidance on Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency) to recipient agencies participating in federally-assisted food programs, including the National School Lunch Program and Summer Food Service Program.
- Led the establishment of translation guidelines for public documents and press releases

*Statistician* - U.S. Census Bureau

- First methodologist to conceptualize and measure translation as a source of total survey error
- First methodologist to conceptualize and measure interpretation as source of interviewer variance
- Paved the way for the establishment of pre-testing guidelines for instrument translations and presented innovative research at the Federal Committee on Statistical Methodology, the American Association for Applied Linguistics, and the American Association for Public Opinion Research
- Managed the 2010 Census Language Program, designed a data-driven approach to determining languages selected for translation, pre-testing five bilingual forms for usability, cognitive burden, and affective response
- Developed and tested bilingual computer-assisted instruments for demographic surveys, bilingual field materials and interviewer training
- Developed research-based strategies to eliminate enumeration barriers in linguistically-isolated households and households with limited English Proficiency

*Teaching Assistant* - The University of Texas at El Paso

- Taught undergraduate political science courses in English and Spanish to ESL students

*Bilingual Teacher* - Hatch Valley High School

- Taught ESL II, Reading in the Content Areas II, and Spanish II to migrant students
- Developed curricula and selected textbooks for ESL I-III, Reading in the Content Areas I-III, and Spanish I-III for bilingual high school immersion program
- Incorporated audio-lingual method and linguistics into ESL curriculum
- Presented "The Role of the Audio-Lingual Method in Second Language Acquisition" at the National Association of Bilingual Educators Conference

*Instructor, Translator, Interpreter* - Language Plus, Inc.

- Taught ESL, Spanish and Italian to adult learners in the legal, medical, and manufacturing industries
- Translated a variety of technical, legal and medical documents
- Provided interpretation services in support of legal and medical proceedings
- Assessed the bilingual skills of Fortune 500 applicants using the State Department's 5-point language proficiency scale

## Publication

Carrasco, L. (2003) The American Community Survey (ACS) en Espanol: Using Cognitive Interviews to Test the Functional Equivalency of Questionnaire Translations [PDF File]. Retrieved from https://www.census.gov/library/working-papers/2003/adrm/ssm2003-17.html.

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**From:** Brogan, Frank
**Sent:** Sat, 15 Feb 2020 01:57:27 +0000
**To:** Viana, Aimee;Dalton, Ashley
**Subject:** Fwd: meeting request
**Attachments:** CAPE 2021 budget meeting request.pdf, ATT00001.htm

I am traveling for the next two weeks
Frank

Sent from my iPhone

Begin forwarded message:

**From:** <michael@capenet.org>
**Date:** February 14, 2020 at 11:00:44 AM EST
**To:** <frank.brogan@ed.gov>
**Subject: meeting request**

Dear Assistant Secretary Brogan,

A group of us at CAPE would like to sit down with you, Jim Blew, and Maureen Dowling to discuss the recently unveiled budget request. See the attached for more information.

Looking forward to hearing back from you.

Best regards,

Michael

---

Michael Schuttloffel
Executive Director
Council for American Private Education (CAPE)
Tel - (844) 883-CAPE
E-Mail - michael@capenet.org
Web - www.capenet.org

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CAPE | Council for American Private Education

1300 Pennsylvania Ave., NW
#190-433
Washington, DC 20004
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cape@capenet.org

www.capenet.org

CAPE member organizations:

Agudath Israel of America
American Montessori Society
Association Montessori International–USA
Association of Christian Teachers and Schools
Association of Christian Schools International
Association of Waldorf Schools of N.A.
Christian Schools International
Council of Islamic Schools in North America
Council on Educational Standards and Accountability
Evangelical Lutheran Church in America
Friends Council on Education
Islamic Schools League of America
Jesuit Schools Network
Lutheran Church–Missouri Synod
National Association of Episcopal Schools
National Association of Independent Schools
National Catholic Educational Association
National Christian School Association
Office for Lasallian Education, Christian Brothers Conference
Oral Roberts University Educational Fellowship
Seventh-day Adventist Board of Education
United States Conference of Catholic Bishops
Wisconsin Evangelical Lutheran Synod Schools
Affiliated State Organizations

February 13, 2020

The Honorable James Blew
Assistant Secretary
Office of Planning, Evaluation and Policy Development
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

The Honorable Frank Brogan
Assistant Secretary
Office of Elementary and Secondary Education
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Maureen Dowling
Director
Office of Non-Public Education
Office of the Secretary
US Department of Education
400 Maryland Ave, SW
Washington, DC 20202

Dear Assistant Secretary Blew, Assistant Secretary Brogan, and Director Dowling:

This week, President Trump released his proposed fiscal year 2021 budget for the Department of Education. We appreciate the inclusion of funding for Education Freedom Scholarships in the budget and look forward to continuing to work with you to expand educational opportunities for all Americans. However, we have questions about, and some concerns over, the Administration's proposal to consolidate federal K-12 programs into block grants to the states. A group of legislative directors from CAPE member organizations would like to request a meeting with the three of you to discuss the implications of these proposed changes.

In particular, we are eager to learn more about what this significant change would mean for private school participation in federal education programs. It did not escape the attention of private school leaders who watched the February 10 budget briefing that no mention appeared to be made of protecting equitable services for private schools and their students. Equitable services are a matter of core concern for CAPE's member organizations (listed to the left on this page). We are also interested in learning what this proposal would mean for the long-awaited Title VIII guidance that private school officials hope is forthcoming.

We would be grateful if you would be willing to meet with us for a conversation about the proposed changes. I have included the names of the individuals who would be part of our delegation on the next page. Thank you very much for your consideration of this request.

Sincerely,

(b)(6)

Michael Schuttloffel
Executive Director

*Voice of America's Private Schools*

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Abba Cohen
Vice President for Federal Affairs
Agudath Israel of America

Jennifer Daniels
Associate Director for Public Policy
Secretariat of Catholic Education
United States Conference of Catholic Bishops

Dale McDonald
Director of Public Policy
National Catholic Educational Association

Michael Schuttloffel
Executive Director
Council for American Private Education

Wendy Shenk-Evans
Executive Director
Montessori Public Policy Initiative

Whitney Silverman
Staff Attorney
National Association of Independent Schools

George Tryfiates
Director for Government Affairs
Association of Christian Schools International

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**From:** Brogan, Frank
**Sent:** Tue, 17 Mar 2020 15:07:24 +0000
**To:** Viana, Aimee
**Subject:** Fwd: nearly 10K email campaign
**Attachments:** Grant a Blanket Waiver from Testing.eml, ATT00001.htm

I spoke to Liz and told her what we are working on
She will direct the response on this to the email reply to be that we are working on a plan regarding broad waiver authority to be released in the coming days
I told her to expect it sooner than that for internal review

Sent from my iPhone

Begin forwarded message:

**From:** "Hill, Elizabeth" <Liz.Hill@ed.gov>
**Date:** March 17, 2020 at 10:59:46 AM EDT
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>, "Talbert, Kent" <Kent.Talbert@ed.gov>, "Viana, Aimee" <Aimee.Viana@ed.gov>, "Zais, Mitchell" <Mitchell.Zais@ed.gov>, "Bailey, Nathan" <Nathan.Bailey@ed.gov>, "Eitel, Robert" <Robert.Eitel@ed.gov>
**Cc:** "Morabito, Angela" <Angela.Morabito@ed.gov>
**Subject: Fwd: nearly 10K email campaign**

FYI, the call center is getting inundated with calls for the secretary to grant broad waiver authority for K-12 schools. I know we're working on this. Does anyone have an estimated time frame or TPs I can provide the call center?

Liz Hill
Communications Director
U.S. Department of Education
202-465-0509
Sent from my iPhone

Begin forwarded message:

**From:** "Bates, Monica" <Monica.Bates@ed.gov>
**Date:** March 17, 2020 at 10:16:58 AM EDT
**To:** "Hill, Elizabeth" <Liz.Hill@ed.gov>, "Morabito, Angela" <Angela.Morabito@ed.gov>, "Garcia, Daniela" <Daniela.Garcia@ed.gov>, "Mould, Jim" <Jim.Mould@ed.gov>
**Subject: nearly 10K email campaign**

Good Morning,

We may need some talking points on how to address these campaign calls that I expect our team will receive. We are in a team site team meeting right now so the phones aren't on for the day just yet

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however they will be shortly and I want the team to be prepared. Our email inbox has nearly 10K emails about these blanket waivers.

Thank you,

**Monica Bates**

Press and Customer Relations Division | Office of Communications and Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
202.453.5561 (phone)| 202.401.0689 (fax) | 800.USA.LEARN | Monica.Bates@ed.gov

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**From:** Stewart Bloom
**Sent:** Mon, 16 Mar 2020 21:44:39 +0000
**To:** answers
**Subject:** Grant a Blanket Waiver from Testing

Betsy DeVos,

I am deeply disappointed by Secretary DeVos's recent statement that she "may consider" testing waivers to areas hard hit by COVID 19. More than half of all states and nearly all large cities have shut down their schools, in some cases, for an indefinite period of time.

The last thing our students and teachers need is to worry about the stress of high-stakes tests.

I ask that the Secretary grant a blanket waiver to allow states to be exempt from all testing requirements.

Students' health and safety come first. Shut down the tests.

Stewart Bloom

(b)(6)

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**From:** Brogan, Frank
**Sent:** Sun, 29 Mar 2020 18:37:37 +0000
**To:** Viana, Aimee;Ryder, Ruth
**Subject:** Fwd: New waiver template + letter to Chiefs

Guys?

Sent from my iPhone

Begin forwarded message:

**From:** "Talbert, Kent" <Kent.Talbert@ed.gov>
**Date:** March 29, 2020 at 1:48:26 PM EDT
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>
**Cc:** "Ryder, Ruth" <Ruth.Ryder@ed.gov>, "Viana, Aimee" <Aimee.Viana@ed.gov>, "Rosenfelt, Phil" <Phil.Rosenfelt@ed.gov>, "Eitel, Robert" <Robert.Eitel@ed.gov>
**Subject: New waiver template + letter to Chiefs**

Hi Frank,

I and Phil Rosenfelt have reviewed the new draft waiver template and draft cover letter to Chiefs and they both generally look good.

Given the new governance structure that was put together for implementation of the CARES Act late last week, and given the waivers are based on the CARES Act, have you had a chance to run the template and letter through the new governance and signoff process?

Thanks.

Kent

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**From:** Brogan, Frank
**Sent:** Tue, 11 Feb 2020 19:04:33 +0000
**To:** Viana, Aimee
**Subject:** Fwd: OELA

Sent from my iPhone

Begin forwarded message:

**From:** "Talbert, Kent" <Kent.Talbert@ed.gov>
**Date:** February 11, 2020 at 1:18:04 PM EST
**To:** "Ventimiglia, Eric" <Eric.Ventimiglia@ed.gov>
**Cc:** "Paciorek, Sarah" <Sarah.Paciorek@ed.gov>, "Brogan, Frank" <Frank.Brogan@ed.gov>, "Viana, Aimee" <Aimee.Viana@ed.gov>, "Carter, Denise" <Denise.Carter@ed.gov>, "Rogers, James" <James.Rogers@ed.gov>
**Subject: RE: OELA**

Eric,

Before we get the paperwork rolling, I think a quick, 10-minute meeting may be in good order for later this week between you, me, Frank, Aimee, and Denise Carter.

Denise has some knowledge of one matter as do I.

I will ask James to set up.

Kent

---

**From:** Ventimiglia, Eric <Eric.Ventimiglia@ed.gov>
**Sent:** Tuesday, February 11, 2020 12:39 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>
**Cc:** Paciorek, Sarah <Sarah.Paciorek@ed.gov>
**Subject:** OELA

Hey, we are moving forward with Lorena Orozco McElwain for the Assistant Deputy Secretary & Director of OELA. Before I start the paperwork process, I wanted to make sure to give you the opportunity to speak with anyone necessary to let them know. When I initiate the action, word is likely to spread and I wouldn't want anyone to be caught off guard.

Please send me an email to let me know when you are OK with me initiating the action.

**Eric Ventimiglia**

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**United States Department of Education**
400 Maryland Avenue, SW | 7C111 | Washington, DC 20202
O: 202.453.6918
E: eric.ventimiglia@ed.gov

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**From:** Brogan, Frank
**Sent:** Mon, 22 Jun 2020 15:24:24 +0000
**To:** Viana, Aimee
**Subject:** Fwd: OESE & OPE Response for Congressional
**Attachments:** 6.5.20 LTR to Sec. DeVos re CARES Act Funding.pdf, ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Robb, Carly" <Carly.Robb@ed.gov>
**Date:** June 22, 2020 at 11:19:35 AM EDT
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>, "King, Robert" <Robert.King@ed.gov>
**Cc:** "Zais, Mitchell" <Mitchell.Zais@ed.gov>, "Willox, Kendyl" <Kendyl.Willox@ed.gov>
**Subject: OESE & OPE Response for Congressional**

Hi Frank and Bob –

The Deputy has been assigned the response for the attached congressional. As this letter included both K12 and higher ed, I will need the expertise of your staff to respond accordingly. Can you let me know who I should work with?

Thank you!

Carly

Carly Robb
Office of the Secretary
U.S. Department of Education
O: 202.453.5573
C: 202.679.7229

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# Congress of the United States
Washington, DC 20515

June 5, 2020

The Honorable Betsy DeVos
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary DeVos,

We write with urgent concern regarding the Department of Education's misallocation of funds from the Elementary and Secondary School Emergency Relief (ESSER) Fund and the Higher Education Emergency Relief (HEER) Fund. Congress created these funds through the CARES Act to help our nation's hardworking students and teachers survive the COVID-19 pandemic, not to support your personal political agenda. The Department of Education must stop misappropriating these funds.

The CARES Act directs the Department of Education to distribute the $13 billion ESSER Fund to state and local educational agencies (LEAs) based on their Title I, Part A allocation under the Elementary and Secondary Education Act (ESEA). Title I, Part A of the ESEA funding is primarily based on the number and concentration of low-income students within the LEA attendance area. Section 18005(a) of the CARES Act directs LEAs to provide equitable services in the same manner as Section 1117 of the ESEA, which clearly requires LEAs to serve private school students based on the number of low-income students who reside in the school attendance area of Title I-A participating public schools in the LEA.

In violation of the CARES Act and the intent of Congress, the Department of Education published guidance and intends to publish a rule directing LEAs to calculate equitable services based on the total enrollment in private schools, regardless of income.[1] The Department of Education justified this illegal guidance by arguing that "if school districts were to count only poor students, 'they would be placing nonpublic school students and teachers at a disadvantage that Congress did not intend'" because the CARES Act allows schools to use these funds in ways that do not exclusively benefit low-income students.[2] It is not uncommon for the requirements that govern the allocation of funds to differ from the requirements that govern the use of funds. In fact, 95 percent of students who receive Title I-A services, funding that is allocated based on low-income student population, receive them through schoolwide Title I-A programs that serve

[1] https://oese.ed.gov/files/2020/04/FAQs-Equitable-Services.pdf and https://blogs.edweek.org/edweek/campaign-k-12/Secretary%20DeVos%20Response%20to%20Carrisa%20Moffat%20Miller%205%2022%2020.pdf
[2] https://www.nytimes.com/2020/05/15/us/politics/betsy-devos-coronavirus-religious-schools.html?referringSource=articleShare

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to improve the academic achievement of all students in the school.[3] This means that although all students can benefit from schoolwide Title I-A programs, it does not change the fact that the school receives their Title I-A allocation based on the number of low-income students enrolled.

Allocating funds from the ESSER Fund according to total enrollment of private schools will disproportionately harm low-income, Black, and Latino students. Pennsylvania Education Secretary Pedro Rivera contends that the guidance would lead to "clearly inequitable" outcomes in which 53 percent more funds would flow from the "most disadvantaged to more advantaged students" in diverse urban districts such as Philadelphia while 932 percent more funds would flow towards more advantaged students in white rural communities such as Northeast Bradford.[4] It is ironic but not surprising that a guidance meant to ensure no student is "disadvantaged" takes money from the most disadvantaged students. Not even a pandemic can stop this Administration's unrelenting crusade to take funding and support away from low-income and communities of color.

The CARES Act directs the Department of Education to allocate 2.5 percent of the HEER Fund, approximately $350 million, to institutions of higher education (IHEs) with the "greatest unmet needs related to coronavirus." Section 18004(d) of the CARES Act also directs the Department to give priority to institutions that have not received at least $500,000 from other provisions of the CARES Act and have "significant unmet needs."

In another blatant violation of the CARES Act, the Department of Education is using these funds to ensure every institution receives at least $500,000 in funding, regardless of need. The Department has given IHEs until August 1, 2020 to apply for these funds, after which remaining funds will be reallocated through a competitive grant process. This need-blind allocation strategy gives small institutions absurdly high per capita funding while forcing struggling institutions to fight for scraps. With 12 students, Montessori Casa International is eligible to receive $41,000 in CARES Act funding per student.[5] With more than 20,000 students and located in a COVID-19 hotspot, Delgado Community College is eligible to receive about $550 in CARES Act funding per student.[6] The Department's haphazard distribution method has left schools that do not need government assistance flush with cash while other institutions struggle to scrape by. Instead of following the letter of the law, your department has created a convoluted funding process that forces hard hit IHEs to wait until August to apply for funds that Congress approved in March.

Our schools are in crisis; the costs of responding to the COVID-19 pandemic are skyrocketing and state revenue and public education funding will likely plummet.[7] Breaking the law and giving wealthy private schools and IHEs federal funding they do not need will not save the

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[3] https://nces.ed.gov/pubs2019/titlei/summary.asp
[4] https://blogs.edweek.org/edweek/campaign-k-12/Letter%20to%20Seetary%20Brogan%20%282%29.pdf
[5] https://www.insidehighered.com/news/2020/05/07/small-colleges-get-millions-while-other-colleges-struggle#.XrQZ_cKvTlA.twitter
[6] Ibid.
[7] https://learningpolicyinstitute.org/blog/what-will-it-take-stabilize-schools-time-covid-19

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American education system, helping those in need will. We urge you to reverse course and bring your department in line with Congressional intent and statutory requirements of the CARES Act.

We look forward to your response.

Sincerely,

(b)(6)

Joseph P. Kennedy, III
Member of Congress

Pramila Jayapal
Member of Congress

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**From:** Brogan, Frank
**Sent:** Tue, 14 Jan 2020 16:15:53 +0000
**To:** Viana, Aimee
**Subject:** Fwd: OESE 2020
**Attachments:** 2020 Workplan OESE.xlsx, ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Eitel, Robert" <Robert.Eitel@ed.gov>
**Date:** January 14, 2020 at 8:36:52 AM CST
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>, "Viana, Aimee" <Aimee.Viana@ed.gov>
**Subject: OESE 2020**

Frank and Aimee:
Would you review and provide any revisions or additions, such as dates and staff?
I also think that it would be worth adding the CSP Guidance that Chris is working on to the list of 2020 priorities.
Thanks,
Bob

Senior Counselor to the Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
7th Floor
Washington, D.C. 20202
(202) 453-6278

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**Purpose:** 2020 Workplan CONFIDENTIAL, DELIBERATIVE DOCUMENT EXEMPT FROM FOIA RESPONSES AND PRODUCTION IN LITIGATION

| | | Estimated completion date of activity | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Q1 2020 | | | Q2 2020 | | | Q3 2020 | | | Q4 2020 | | | | | |
| **POC** | **Activity** | **January** | **February** | **March** | **April** | **May** | **June** | **July** | **August** | **September** | **October** | **November** | **December** | **STAFFING** | **PARTNERS** | **STATUS** |
| **OESE 2020 Priorities** | | | | | | | | | | | | | | | | |
| | Regulatory review per Executive Order 13891. | | | | Reg Review done by April 30 | | | | | | | | | Aimee Viana<br>Chris Rinkus | OGC | |
| | Grant Improvement | ONGOING: Improve, streamline, and reform grant making process Transform and increase transparency of internal processes that enable staff to increase customer satisfaction. Improve peer review selection Make certain to | | | | | | | | | | | | Aimee Viana | | |
| | Disaster Recovery Unit | ONGOING: Continue to support the newly formed Disaster Recovery Unite to more quickly mobilize ED recourse immediately following a natural disaster | | | | | | | | | | | | Frank Brogan<br>Aimee Viana | | |
| | ESSA-School Tour, Lowest 5% | ONGOING: Identify and plan school visits to the lowest 5% performing schools | | | | | | | | | | | | Frank Brogan<br>OESE Team-Identify the schools | OCO-Liz Hill, Daniela Garcia | |
| | Bureau of Indian Education | ONGOING: Continue to work with BIE to support tribes in becoming ESSA compliant, while also providing flexibility in addressing low preforming schools. | | | | | | | | | | | | | | |
| | Website | Further improving the OESE website to be more family-friendly and transparant | | | | | | | | | | | | | | |
| **OESE-2020 Priorities-Re-elected** | | | | | | | | | | | | | | | | |
| | Reform Teach to Lead | ONGOING: Redesign the Teach to Lead program and associated annual event agenda | | | | | | | | | | | | Frank Brogan<br>Aimee Viana | OCO-Liz Hill, Daniela Garcia | |
| | K-12 Proposal/Agenda | Work with OESE staff and OPEPD to develop an ideal K-12 proposal and agenda | | | | | | | | | | | | Frank Brogan<br>Aimee Viana | OPEPD-Jim Blew | |
| **OESE-2020 Priorities-Not Re-elected** | | | | | | | | | | | | | | | | |

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**From:** Brogan, Frank
**Sent:** Tue, 31 Mar 2020 22:28:18 +0000
**To:** Viana, Aimee
**Subject:** Fwd: OMB Revised Daily Reporting Template
**Attachments:** Agency Reporting COVID 19 3-31-20.docx, ATT00001.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Zais, Mitchell" <Mitchell.Zais@ed.gov>
**Date:** March 31, 2020 at 6:11:04 PM EDT
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>, "King, Robert" <Robert.King@ed.gov>, "Marcus, Kenneth" <Kenneth.Marcus@ed.gov>, "Rubinstein, Reed" <Reed.Rubinstein@ed.gov>, "Schultz, Mark" <Mark.Schultz@ed.gov>, "Gray, Jason" <Jason.Gray@ed.gov>, "Brown, Mark" <Mark.Brown@ed.gov>, "Schneider, Mark" <Mark.Schneider@ed.gov>, "Carter, Denise" <Denise.Carter@ed.gov>, "Jones, Diane" <Diane.Jones@ed.gov>, "Harding, Jordan" <Jordan.Harding@ed.gov>, "Hill, Elizabeth" <Liz.Hill@ed.gov>
**Cc:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>, "Eitel, Robert" <Robert.Eitel@ed.gov>, "Talbert, Kent" <Kent.Talbert@ed.gov>, "Robb, Carly" <Carly.Robb@ed.gov>, "Gray, Jason" <Jason.Gray@ed.gov>, "Blew, Jim" <James.Blew@ed.gov>
**Subject: OMB Revised Daily Reporting Template**

Principal Office Chiefs:

Just a reminder of the kinds of things that Kent is required to report on a daily basis to the VP's TF on the CV. Of course, to do so, he needs your input.

Thanks.

Mick

---

**From:** Daphnis, Kristy L. EOP/OMB <(b)(6)
**Sent:** Tuesday, March 31, 2020 4:04 PM
**To:** Daphnis, Kristy L. EOP/OMB (b)(6)
**Cc:** DL OMB Dir Office OMB_COVID19OPS(b)(6)
**Subject:** PMC - Revised Daily Reporting Template

PMC –

**Revised Daily Reporting Template.** Attached is a revised daily reporting template that includes a **new section to flag key activities and milestones related to the implementation of the CARES**

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**ACT** (and other supplementary funding that Congress has provided for COVID-response). Please begin using this as soon as possible for your daily reports.

Thank you.

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**Agency Reporting – Response to COVID-19**

**INSTRUCTIONS:**

To facilitate coordination and communication with the President's Coronavirus Task Force, agencies are asked to provide daily updates on policy actions and other steps in response to the COVID-19 virus. OMB is collecting this information on behalf of the Task Force.

Note that this data collection is not intended to be redundant with information that is being exchanged daily among the lead response agencies and the Task Force. Rather, it should capture agency actions not directly related to the immediate health response, but are related to broader impacts that coronavirus may be having on the agency's internal and external stakeholders. For example, agencies should highlight upcoming program announcements, waivers to certain program requirements or other policy changes, and other significant actions affecting their programs. Similarly, agencies should highlight planned guidance to stakeholders on major changes to how Federal programs outside of the public health sphere will operate, and significant actions affecting the agency's facilities and workforce (i.e., invoking agency COOP plans, closing facilities).

Please complete the attached template each day, and share it with your OMB representative in the Resource Management Offices (RMOs) by no later than 1PM. PMC agencies should also upload this information to the PMC MAX site. Please provide more regular updates when necessary, on other major actions identified throughout the week. OMB will then share this information with the Task Force and White House offices, as appropriate, and follow up with next steps if necessary.

For each item, provide no more than five sentences describing the planned agency response, the anticipated date of any public release, and the policy official lead (provide attachments, website links and other supplemental materials as appropriate). When applicable, please also indicate when the agency plans to share information with OMB and the White House for vetting or policy consideration, or if there are areas where the agency seeks specific guidance.

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**COVID-19 – Agency Response**
**[Date]**
**Department of XXXXX**

**Administrative Actions, Waivers, and Other Programmatic Changes that Will Impact Agency Provision of Service or Mission Delivery (Externally Facing)**

- [Description of planned action.]
- [Description of planned action.]
- [Description of planned action.]

**[NEW] CARES ACT IMPLEMENTATION – KEY ACTIVITIES AND MILESTONES**
**(Please also include activities related to the implementation of other COVID-related supplementary funding legislation, including P.L. 116-127 and P.L. 116-123)**

- [Description of activities (planned and completed), as well as upcoming decisions that will require policy attention

**Major upcoming decisions that require POTUS or Task Force-level decisions (only the biggest, most sensitive items should be included here, many agencies may not have anything to report in this section)**

- [Description of future decision]

**Actions That Affect Federal Facilities and Personnel**
***(Please include actions that would affect your agency, and other Federal agencies.)***

- [Description of planned action.]
- [Description of planned action.]
- [Description of planned action.]

**Other Notable Responses**

- [Description of planned action.]
- [Description of planned action.]
- [Description of planned action.]

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**From:** Brogan, Frank
**Sent:** Tue, 16 Jun 2020 23:13:29 +0000
**To:** Viana, Aimee
**Subject:** Fwd: On Behalf of Dr. Van Dahlen: PREVENTS Roadmap Launch

Sent from my iPhone

Begin forwarded message:

**From:** "Mattingly, Erin O. (ERPi)" <Erin.Mattingly@va.gov>
**Date:** June 16, 2020 at 4:22:59 PM EDT
**Cc:** "Barnes, Sandra Elizabeth (Liz) CIV DODHRA DSPO (US)" <sandra.e.barnes2.civ@mail.mil>, "Migdail, Karen J." <Karen.Migdail@va.gov>, "Van Dahlen, Barbara L." <Barbara.VanDahlen@va.gov>
**Subject: On Behalf of Dr. Van Dahlen: PREVENTS Roadmap Launch**

On behalf of Dr. Van Dahlen:

Good afternoon, PREVENTS Stakeholders,

I am pleased to announce that the PREVENTS Roadmap will be launched by President Trump tomorrow, June 17. If you would like to watch the launch event live, you can watch it here or via Facebook Live. As you know, the Roadmap is the culmination of a year-long collaboration with over 150 public and private stakeholders. I am extremely proud of what has been accomplished thus far and grateful for your contributions to this first of its kind, all-of-nation approach to prevent suicide.

Following the launch by the President, the Roadmap will be available for your review on our recently updated PREVENTS website: www.va.gov/PREVENTS. We will also post the Supplemental Materials for the Roadmap, a companion document that provides additional information about specific elements of the Roadmap as well a description of the process that we followed during this effort.

I am also excited to announce that we will host *PREVENTS Week* beginning July 6 which will feature a number of events focused on some of our key areas of focus as we begin to engage America in this work. Please stay tuned for the announcement of specific events. I look forward to your participation and engagement.

Again, thank you for contributing to this critical effort. I look forward to your continued partnership.

Our work together has just begun.

Take care,
Barbara

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Barbara Van Dahlen, Ph.D.
Executive Director
PREVENTS Executive Order Task Force
Office of the Secretary
Department of Veterans Affairs
Barbara.VanDahlen@VA.Gov

**PREVENTS**

**The President's Roadmap to Empower Veterans and End a National Tragedy of Suicide**

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**From:** Brogan, Frank
**Sent:** Tue, 14 Jan 2020 16:14:14 +0000
**To:** Viana, Aimee
**Subject:** Fwd: Rec. Letter school ambassador fellowship - Amy Whittington
**Attachments:** Letter of Recommendation for Amy Whittington 01 13 2020[1].pdf, ATT00001.htm

Let's talk to Caitlin
Frank

Sent from my iPhone

Begin forwarded message:

**From:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>
**Date:** January 14, 2020 at 8:39:08 AM CST
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>, "Viana, Aimee" <Aimee.Viana@ed.gov>
**Subject: FW: Rec. Letter school ambassador fellowship - Amy Whittington**

fyi

---

**From:** "Candice McQueen (cmcqueen@niet.org)" <cmcqueen@niet.org>
**Date:** Monday, January 13, 2020 at 10:07 PM
**To:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>
**Cc:** "Mayes, Edgar" <Edgar.Mayes@ed.gov>, "O'Brien, Cynthia" <Cynthia.OBrien@ed.gov>, "Kristan Van Hook (kvanhook@niet.org)" <kvanhook@niet.org>
**Subject:** Rec. Letter school ambassador fellowship - Amy Whittington

Nate,

Attached please find a letter to Secretary DeVos recommending Amy Whittington for the Department's School Ambassador Fellowship.

Thank you for your consideration.

Best,
Candice

Candice McQueen, Ph.D. | Chief Executive Officer

NIET | National Institute for Excellence in Teaching
1801 West End Ave., Suite 920 | Nashville, TN 37203
www.niet.org<http://www.niet.org/>
@NIETteach

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Take a look at our 2019 Annual Report<https://bit.ly/NIET-Now-2019>

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NIET | NATIONAL INSTITUTE FOR EXCELLENCE IN TEACHING

January 13, 2020

Secretary Betsy DeVos
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC

Dear Secretary DeVos,

I am writing to bring to your attention an outstanding educator from Iowa who is applying for the Department's School Ambassador Fellowship, Part-Time Campus position.

I got to know Amy Whittington through her participation in our Educator Advisory Board, on which she has served for two years. She currently serves as Principal of two elementary schools in one of the most rural districts in Iowa, the Central Decatur Community School District. I am recommending Amy based on the strength of her instructional leadership skills, her ability to improve teaching and learning in her schools, and her ability to effectively analyze and communicate how issues of practice are impacted by policy decisions. I believe she would be a highly effective School Ambassador Fellow.

Central Decatur was an early participant in the Teacher Incentive Fund grant program, working in partnership with my organization on a TIF STEM grant awarded in 2012. Amy's leadership was a key factor in enabling her district to transform teaching and learning through the grant. She was skilled in building school leadership teams that included instructionally focused teacher leadership roles. Her use of teacher leaders as part of school leadership teams improved classroom instruction and increase student learning. The changes supported by the grant were fully embedded in schools, and continue to drive improvement.

The work to build more effective leadership teams and train teacher leaders as a key lever for change in Central Decatur played an important role in informing the development of Governor Branstad's Teacher Leadership and Compensation System. The TLC System provides districts across the state with funding for teacher leadership roles.

Amy's ability and willingness to reflect on, and to share, her learning led us to feature her work in our publication Unleashing Teacher Leadership: How Formal Teacher Leader Roles Can Improve Instruction. NIET selected Amy to participate in the recent National Summit on School Leadership hosted by the U.S. Department of Education where she engaged with other participants on her work to address adverse childhood experiences and trauma in her high need, rural district.

I believe Amy is a strong candidate for the School Ambassador Fellowship and would make a valuable contribution to the work of the Department of Education. Thank you for your consideration of her application.

Sincerely,

(b)(6)

Candice McQueen



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**From:** Brogan, Frank
**Sent:** Sat, 15 Feb 2020 02:04:19 +0000
**To:** Viana, Aimee;Dalton, Ashley
**Subject:** Fwd: Request to Meet with CA Parent Teacher Association Leaders the Week of March 9, 2020

Traveling for the next two weeks

Sent from my iPhone

Begin forwarded message:

**From:** Sherry Griffith <sgriffith@capta.org>
**Date:** February 13, 2020 at 6:02:29 PM EST
**To:** "frank.brogan@ed.gov" <frank.brogan@ed.gov>
**Subject: Request to Meet with CA Parent Teacher Association Leaders the Week of March 9, 2020**

February 13, 2020

Dear Mr. Brogan,
On behalf of more than 700,000 members of the Parent Teacher's Association (PTA) in California we would like to request a meeting with you and your team sometime the week of March 9 when we are in Washington D.C. attending and participating with our national affiliate the National Parent Teachers Association. From California will be the president and 5 other state leaders and board members. We are very interested in sharing with you some of the important policy work in K-12 education in California and we are eager to hear from you and your team about the goals you and the administration have in education. Happy to work with your scheduling team. My email is sgriffith@capta.org and my cell phone is (b)(6). Sincerely, Sherry Skelly Griffith, Executive Director

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**From:** Brogan, Frank
**Sent:** Sun, 26 Apr 2020 20:01:23 +0000
**To:** Viana, Aimee
**Subject:** Fwd: tick-tock for two rollouts tomorrow?

Hi
Are we in this?
Who?

Sent from my iPhone

Begin forwarded message:

**From:** "Blew, Jim" <James.Blew@ed.gov>
**Date:** April 26, 2020 at 3:41:12 PM EDT
**To:** "Hill, Elizabeth" <Liz.Hill@ed.gov>, "Harding, Jordan" <Jordan.Harding@ed.gov>, "Garcia, Daniela" <Daniela.Garcia@ed.gov>, "Talbert, Kent" <Kent.Talbert@ed.gov>, "Jones, Diane" <Diane.Jones@ed.gov>, "Rinkus, Christopher" <Christopher.Rinkus@ed.gov>, "Stump, Scott" <Scott.Stump@ed.gov>, "Eitel, Robert" <Robert.Eitel@ed.gov>, "Brogan, Frank" <Frank.Brogan@ed.gov>
**Cc:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>
**Subject: Re: tick-tock for two rollouts tomorrow?**

The waivers doc is cleared and you can do that one first. It is technically a report to Congress, so the press release should be timed to coincide with its submission or soon after. Look to Kent or Hilary for the final doc. It probably only needs to be posted to our Coronavirus site.
The discretionary grants roll-out should be good for 2 pm or later. OMB promised passback by 11, and were not expecting many issues, if any.
**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Sunday, April 26, 2020 12:09 PM
**To:** Blew, Jim; Harding, Jordan; Garcia, Daniela; Talbert, Kent; Jones, Diane; Rinkus, Christopher; Stump, Scott; Eitel, Robert; Brogan, Frank
**Cc:** Bailey, Nathan
**Subject:** tick-tock for two rollouts tomorrow?

I know we're crunching down to the wire with OMB on the two items that we want to rollout tomorrow, but I wanted to go ahead and try to get a sense of timing for the rollout and try to capture all of the moving parts.

Jim/Kent—do we have everything we need from OMB in order to rollout both the waivers to Congress and the discretionary grant announcement? If so, in what order should we rollout these out? Waivers first then discretionary grants?

Jordan—how much time do you want for Congressional notifications for each? 30 mins? An hour?

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Daniela—which rollout involves a stakeholder call? Just the discretionary grants rollout? If so, what time is that scheduled for and is the Secretary participating?

Frank/Chris and Diane/Scott—who in your POCS will be posting the necessary documents for the discretionary grants announcements and who will be in charge of sending them to OCO for the press release?

Kent/Bob E—Where should the waiver request to Congress live on the website? If there a particular POC or place that it fits within the Department? Or should it just live on the temporary COVID-19 website in PDF form?

I think those are all the questions I have ☺ Once I hear back from everyone, I'll work on the tick-tocks.

Thanks!
Liz

**Liz Hill**
Delegated to perform the duties of the Assistant Secretary
Communications Director
Office of Communications and Outreach
U.S. Department of Education
202-453-7877 (work)
202-465-0509 (cell)

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**From:** Brogan, Frank
**Sent:** Fri, 22 May 2020 21:05:23 +0000
**To:** Viana, Aimee
**Subject:** Fwd: Time Sensitive - Early Childhood back to school

Sent from my iPhone

Begin forwarded message:

**From:** Cheryl Sims <[redacted]
**Date:** May 22, 2020 at 3:58:12 PM EDT
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>
**Subject: Time Sensitive - Early Childhood back to school**

Mr. Brogan,
Good afternoon! First of all, I want to thank you for leading the Elementary and Secondary Education. I have been reading and researching everything I can find about returning to school again in the fall. After reading this- I knew that I need to write and share with you...

The American Federation of Teachers (AFT) recently released a report detailing its suggestions for school districts to consider, according to a report on RochesterFirst.com.

The report, which was realized with the advice of educators, healthcare professionals, and parents, suggests limiting the number of students in a classroom, staggering schedules, placing a cap on the number of visitors to school at any given time, and regularly taking the temperature of all students, faculty and staff.

"This has to be a living document," said Randi Weingarten, the President of AFT. "**People are going to have more ingenious ideas but this was a way to plan for this coming school year where we reopen carefully and responsibly."**

I have been working on a proposal to present **in response to COVID-19 specifically for Early Childhood Educators/Primary Schools/Pre-schools.**

I would appreciate sharing with you or someone on your team, my new and innovated ideas. Also, to seek advice on how to proceed as an individual with a young company that has an incredibly needed new safety product group to **give America's children the best opportunity to return to school this fall.**

I appreciate your time and attention and would really appreciate any guidance you could give me.

Sincerely,
Cheryl Sims

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407-947-529

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**From:** Brogan, Frank
**Sent:** Sat, 7 Mar 2020 22:17:17 +0000
**To:** Viana, Aimee
**Subject:** Fwd: Update on Insular Areas meeting

Looks like Ruth and Phil are still out of the loop

Sent from my iPhone

Begin forwarded message:

**From:** "Ryder, Ruth" <Ruth.Ryder@ed.gov>
**Date:** March 7, 2020 at 5:06:26 PM EST
**To:** "Rosenfelt, Phil" <Phil.Rosenfelt@ed.gov>
**Cc:** "Brogan, Frank" <Frank.Brogan@ed.gov>, "Viana, Aimee" <Aimee.Viana@ed.gov>, "Talbert, Kent" <Kent.Talbert@ed.gov>, "Carter, Denise" <Denise.Carter@ed.gov>
**Subject: RE: Update on Insular Areas meeting**

I can talk when you have time. 202-657-2919

---

**From:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>
**Sent:** Saturday, March 7, 2020 10:27 AM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>
**Subject:** RE: Update on Insular Areas meeting

Ruth: Good morning. I really appreciate the update. I have some ideas about the location options for the in-person sessions that may be best discussed in a phone call. I would be glad to talk at your convenience. Thanks again.

Phil

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Saturday, March 7, 2020 10:16 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>
**Subject:** Update on Insular Areas meeting

At this point it appears that some of the Insular Areas (IAs) are continuing their travel to DC despite our guidance. Guam, Palau and CNMI made the decision to continue even though they were in Hawaii at the time of receiving our message. (BTW, I heard on the radio this morning that HI now has a confirmed case of coronavirus. I have not been able to verify that on the CDC website.)

Guam may have sent some of their delegation back to Guam (originally 19 were coming) but Jon Hernandez and others will continue on. Jon indicated that he has meetings with Frank, RMS and OSEP

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as a justification for continuing on. Palau and CNMI seem to be sending their entire team, although I'm not sure how many are in each group.
Phil and I crafted a message last night that Patrick sent to them – it said: "Thank you for responding. While it would be best if you were able to turn back (based on the factors mentioned in our earlier email), if you are not able to turn back, we will plan to have your quarterly progress check, and a condensed version of selected sessions we had planned. We appreciate you contacting us with your questions, and look forward to hearing of your decision."
We have decided that doing a condensed version of some of the sessions would not be fair to the IAs that followed our health-related guidance to turn back. (VI was initially pushing back due to hotel and airline fees but ultimately decided to not send their team.) We will do the quarterly progress updates and I will do a listening session with each group and it will also be offered via teleconference for the other IAs.

After considerable messages going back and forth last night Patrick sent the following message:
"We will be in touch on Monday morning with additional scheduling details, but anticipate we will complete progress updates and any other activities on Tuesday.
If you have any questions over the weekend, please feel to reach out directly."

Finally, an issue that came up when we met Friday afternoon about concern with having the IA travelers in the building. Would appreciate your thoughts on this. We have not yet made arrangements for a room outside of LBJ but I could ask the team to look into it. On the other hand, if IA folks are meeting Frank and others, they'll be in the building anyway.

And just want to note that Patrick and Tiffany have been great in dealing with this disruption. Tiffany had planned a great agenda and I'm sure it's a disappointment to her to have to postpone and she is concerned that the postponement reflects badly on her. Frank and Aimee, if you get a chance to send her a note recognizing her work, that would be great.

Have a good weekend.

**Ruth E. Ryder**
**Deputy Assistant Secretary for Formula Grants**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5570
Email: ruth.ryder@ed.gov

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Mon, 24 Feb 2020 23:24:35 +0000
**To:** Viana, Aimee
**Subject:** Fwd: Urgent Request - Congressional Correspondence
**Attachments:** 19-008189 Scanlon Incoming.pdf, ATT00001.htm, RE Mental health and Latina high school girls.eml, ATT00002.htm

Ok?

Sent from my iPhone

Begin forwarded message:

**From:** "Harding, Jordan" <Jordan.Harding@ed.gov>
**Date:** February 24, 2020 at 6:11:31 PM EST
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>, "Viana, Aimee" <Aimee.Viana@ed.gov>, "Schultz, Mark" <Mark.Schultz@ed.gov>, "Richey, Kimberly" <Kimberly.Richey@ed.gov>
**Cc:** "Buettner-Connelly, Sara" <S.Buettner-Connelly@ed.gov>, "Crum, Laurette" <Laurette.Crum@ed.gov>, "Levorse, Audrey" <Audrey.Levorse@ed.gov>, "March, Greg" <Greg.March@ed.gov>, "Dirrigl, Mary Louise" <Mary.Louise.Dirrigl@ed.gov>, "Lovitt, Brittney" <Brittney.Lovitt@ed.gov>, "Washington, Mark" <Mark.Washington@ed.gov>, "Talbert, Kent" <Kent.Talbert@ed.gov>
**Subject: Urgent Request - Congressional Correspondence**

Frank, Aimee, Mark and Kim,

I know OLCA's correspondence manager has been in touch with each of yours, but I wanted to reach out to ensure this letter meets the noon deadline tomorrow and can be closed out in advance of the Secretary's hearing on Thursday.

As background, ED received this letter in **June 2019** and it has undergone **five rounds of Department clearance**. We need to get this out the door.

My understanding is that Kent has provided comments (which are attached), but now it's been assigned to OESE for rewrite. Since this involves OSERS and OCR as well, I wanted to make sure all POCS were on this email chain. **Please have this letter back to me and Kent by noon tomorrow, February 25th**.

I'm sorry for the short turnaround, but we must be able to close out a June 2019 letter in advance of the Secretary's budget hearing on Thursday.

Let me know if you have any questions and thank you in advance!

**Jordan Forbes Harding**
*Principal Deputy Assistant Secretary*
Office of Legislation and Congressional Affairs
United States Department of Education

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400 Maryland Avenue, SW | Washington, DC 20202
O: 202-453-6253

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**From:** Talbert, Kent
**Sent:** Fri, 21 Feb 2020 21:57:21 +0000
**To:** Crum, Laurette
**Cc:** Robb, Carly;Stevens, Sharon;Rogers, James;Lovitt, Brittney;Washington, Mark
**Subject:** RE: Mental health and Latina high school girls
**Attachments:** 19-008189, Latina girls, + kdt edits, 2.21.2020.docx

I have additional edits and comments. It's getting closer to completion.
Once you have an updated version, I would like to review again.
Kent

---

**From:** Crum, Laurette <Laurette.Crum@ed.gov>
**Sent:** Thursday, February 20, 2020 4:10 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>
**Cc:** Robb, Carly <Carly.Robb@ed.gov>; Stevens, Sharon <Sharon.Stevens@ed.gov>; Rogers, James <James.Rogers@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>
**Subject:** RE: Mental health and Latina high school girls
Hi Kent,
Please see the attached for the revised letter. If possible, please send your feedback to Sharon Stevens and to me by Tuesday, February 25.
The following individuals have reviewed this letter – OGC (Weiss, Lopez, L. Harris, Ellis), Budget (Cordes, Cohen), OSERS (Teppara, Dirrigl, March), OLCA (Zarish-Becknell, Wilson, Buettner-Connelly), OCR (Greczek, Greenspahn), OELA (Escalante, Sepulveda), OS (Snow), OPEPD (Patillo, Morrow), OCO (Hill, Hahn), WHIEEH (Caudillo).
Please let us know if you have any questions.
Thank you,
Laurette
<< File: 19-008189.letter.docx >> << File: 19-008189.list.docx >> << File: 19-008189.incoming.pdf >>

---

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Friday, January 31, 2020 2:52 PM
**To:** Crum, Laurette <Laurette.Crum@ed.gov>; Stevens, Sharon <Sharon.Stevens@ed.gov>; Rogers, James <James.Rogers@ed.gov>
**Subject:** RE: Mental health and Latina high school girls
I have several edits, and some comments and questions. We're almost there.
See attachment.
Thanks.
Kent

---

**From:** Crum, Laurette <Laurette.Crum@ed.gov>
**Sent:** Tuesday, January 28, 2020 2:12 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Stevens, Sharon <Sharon.Stevens@ed.gov>; Rogers, James <James.Rogers@ed.gov>
**Subject:** RE: Mental health and Latina high school girls
Hi Kent,
Here's the most recent version of the letter for your review –

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<< Message: Revised Scanlon Letter Response for Review -- Due Thursday, January 30 -- 19-008189 >>
Please let me know if you have any questions about the request.
Laurette
**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Tuesday, January 28, 2020 2:09 PM
**To:** Stevens, Sharon <Sharon.Stevens@ed.gov>; Crum, Laurette <Laurette.Crum@ed.gov>; Houser, Jim <Jim.Houser@ed.gov>; Rogers, James <James.Rogers@ed.gov>
**Subject:** Mental health and Latina high school girls
Did the response letter ever get cleaned up and go out? This was an OESE letter from several members of Congress and I had quite a number of edits to the OESE draft some time back.
Many thanks.
Kent
<< File: 19-008189.letter.clean + kdt edits, Latina girls, 1.31.20.docx >>

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Page 10694

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Page 10695

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Page 10697:

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Page 10698

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

Page 10629

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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**From:** Brogan, Frank
**Sent:** Tue, 28 Jan 2020 23:22:47 +0000
**To:** Viana, Aimee;Dalton, Ashley
**Subject:** Fwd: Visit to Liberty Common School - CO

Sent from my iPhone

Begin forwarded message:

**From:** "Newman, Jessica" <Jessica.Newman@ed.gov>
**Date:** January 28, 2020 at 4:18:32 PM EST
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>, "Viana, Aimee" <Aimee.Viana@ed.gov>, "Dalton, Ashley" <Ashley.Dalton@ed.gov>
**Cc:** "Simmons, Lee (Dougie)" <LeeD.Simmons@ed.gov>, "Delahunty, Sarah" <Sarah.Delahunty@ed.gov>, "Paciorek, Sarah" <Sarah.Paciorek@ed.gov>, "Neumann, Kara" <Kara.Neumann@ed.gov>, "Al-Hmoud, Jude" <Jude.Al-Hmoud@ed.gov>
**Subject: RE: Visit to Liberty Common School - CO**

Hi OESE! Do you have an ETA on when we will receive this BP?

Thanks,
Jessica

---

**From:** Newman, Jessica
**Sent:** Friday, January 24, 2020 3:59 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee (Aimee.Viana@ed.gov) <Aimee.Viana@ed.gov>; Dalton, Ashley <Ashley.Dalton@ed.gov>
**Cc:** Simmons, Lee (Dougie) <LeeD.Simmons@ed.gov>; Delahunty, Sarah <Sarah.Delahunty@ed.gov>; Paciorek, Sarah <Sarah.Paciorek@ed.gov>; Neumann, Kara <Kara.Neumann@ed.gov>; Al-Hmoud, Jude <Jude.Al-Hmoud@ed.gov>
**Subject:** Visit to Liberty Common School - CO

Hi OESE,

We are working on a visit for the Secretary to Liberty Common School in Fort Collins, CO for Thursday, January 30 from 10:00am-11:00am MST with Congressman Ken Buck. Here is the website for the school http://www.libertycommon.org/

WE are still working out the specifics on the visit, but it will likely be a tour and a classroom visit. I wanted to give you all a heads up on this since we will need a BP. As soon as I get more information I will pass it along, but feel free to get started on what we have right now ☺

The BP will be due on Tuesday, Jan 28 by 12pm.

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Thanks,
Jess

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Tue, 26 May 2020 17:31:41 +0000
**To:** Viana, Aimee
**Subject:** Fwd: Welcome Deputy Secretary McElwain

Sent from my iPhone

Begin forwarded message:

**From:** NAELPA <directors@naelpa.org>
**Date:** May 26, 2020 at 1:08:01 PM EDT
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>, "Rooney, Patrick" <Patrick.Rooney@ed.gov>, "McElwain, Lorena" <lorena.mcelwain@ed.gov>
**Cc:** "megan.alubicki" <megan.alubicki@ct.gov>, (b)(6)
Marshall Foster <marshall.foster@dpi.nc.gov>
**Subject: Welcome Deputy Secretary McElwain**

May 26, 2020

From: National Association of English Learner Program Administrators (NAELPA)

Dear Assistant Secretary Brogan, Deputy Secretary McElwain, and Deputy Director Rooney,

The National Association of English learner Program Administrators (NAELPA) would like to take this opportunity to welcome Lorena Orozco McElwain to the Assistant Deputy Secretary and Director of OELA position. NAELPA has enjoyed a mutually beneficial, collaborative relationship with both the Office on English Language Acquisition (OELA) and the Office of Elementary and Secondary Education for many years and looks forward to continuing and enhancing this relationship.

The members of NAELPA are deeply involved in the responses of the education systems at the state and local levels to the COVID-19 pandemic throughout the country. As we have engaged with students, parents, school and district administrators, as well as with colleagues at the state and national level we have been made aware, more than ever, of the particularly inequitable and fragile systems that are failing to provide for English learner (EL) success.

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The NAELPA Executive Board and membership are especially interested in exploring ways that NAELPA and USED can work together to help address the challenges and opportunities of English learners in these changing times. Addressing the unique issues related to equitably serving ELS in a distance learning environment will ultimately help address these issues in any learning environment. At this time, some of the needs felt throughout the country include the need for:

- Adequate software, devices, and internet connection for engaging in distance learning;
- Professional learning and appropriate instructional strategies for teaching ELs for both content teachers and teachers of English language proficiency (ELP) through online/distance learning;
- Materials and communications in a language ELs and their families can understand in a distance learning environment, including but not limited to; appropriate training and guidance for families to support students at home, setting up devices and installing software and hardware as needed, as well as, ensuring families understand instructional expectations of students;
- Guidance, strategies, and methodologies for assessing ELs in content areas and ELP (both the annual ELP assessment and screening assessments use for EL identification);
- Appropriate distance learning platforms that address all English language domains, engage students, and meet federal expectations of ELD programming.

At the heart of our mission is to communicate and collaborate with USED on issues of mutual interest such as these. We look forward to hearing from you and stand ready to work directly with the Department on the responses to these and other issues related to the success of English learners.

Sincerely,

Morgan Cox, NAELPA President for the NAELPA Executive Board

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Sun, 3 May 2020 23:34:19 +0000
**To:** Viana, Aimee;Condie, Caitlin
**Subject:** Fwd: White House Teacher Appreciation Outreach - Quick Turnaround

How about our part time teacher fellows
Quick turnaround

Sent from my iPhone

Begin forwarded message:

**From:** "Simmons, Lee (Dougie)" <LeeD.Simmons@ed.gov>
**Date:** May 3, 2020 at 6:40:03 PM EDT
**To:** "Rinkus, Christopher" <Christopher.Rinkus@ed.gov>, "Viana, Aimee" <Aimee.Viana@ed.gov>, "Brogan, Frank" <Frank.Brogan@ed.gov>, "Condie, Caitlin" <caitlin.condie@ed.gov>, "Schultz, Mark" <Mark.Schultz@ed.gov>
**Cc:** "Garcia, Daniela" <Daniela.Garcia@ed.gov>, "Bailey, Nathan" <Nathan.Bailey@ed.gov>
**Subject: White House Teacher Appreciation Outreach - Quick Turnaround**

Hi OESE and Mark -
Mrs. Trump's office has reached out to see if we could help identify 5-7 outstanding teachers that she could call this week in support of Teacher Appreciation Week. It sounds like these would be off the record phone calls that she will make on her own. I am hoping that OESE could identify 1 -2 elementary school teachers, 1-2 middle school teachers and 1-2 high school teachers. I am hoping OSERS could help identify 1-2 outstanding special Ed teachers. They weren't specific on states/locations of teachers or what school type where each teaches (public, private, etc).

If you all want to send me a few names for each and we can pass along that would be great.

They would like to present options to Mrs. Trump tomorrow at some point so this would be a quick turnaround.

Name
School
City, State
Brief Background of how we know/identified this teacher
Contact info - if you don't have this on hand - we can work on it with you.

Let me know your thoughts and thanks so much!
Dougie

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 10 Mar 2020 14:42:46 +0000
**To:** Brogan, Frank
**Subject:** fyi - School Closures

https://www.edweek.org/ew/section/multimedia/map-coronavirus-and-school-closures.html

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**From:** Viana, Aimee
**Sent:** Tue, 17 Mar 2020 02:23:36 +0000
**To:** Brogan, Frank
**Cc:** Feldpausch, Sarah
**Subject:** guidance - Waivers and Flexibilities during COVID-19 document

Frank,

The document 20-002915 Waivers and Flexibilities during COVID-19 outbreak guidance is in your Sharepoint queue.

Upon your approval, the document will begin ED clearance.

Thank you.

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 3 Feb 2020 20:23:47 +0000
**To:** Miller, Meredith
**Cc:** Feldpausch, Sarah;Brogan, Frank
**Subject:** Issue briefing

Meredith,

As we discussed, OESE is providing information to OS on the top issues we are currently working on. (Please note that the deadline for submission has been moved up to tomorrow.)

For now, please focus on the following topics:

1. Disaster Recovery Work

Please provide the following for each:

1. General topic/ issue overview (Please keep to 2-3 bullets, short paragraphs)

2. Current actions in this area (Please keep to 2-3 bullets, short paragraphs)

3. Other important points on the topic (2-4 bullet points, short paragraphs)

Thank you for all you do.
Aimee

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**From:** Viana, Aimee
**Sent:** Tue, 10 Mar 2020 23:11:41 +0000
**To:** Brogan, Frank
**Subject:** Let's connect

Frank,

Let's connect on the message below:

Over the last year, the Department undertook an extensive review of its processes for awarding Rural Education Achievement Program (REAP) funds through the Small, Rural School Achievement (SRSA) and Rural Low Income Schools (RLIS) programs, authorized under Title V, Part B of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA). As a result of that review, the Department discovered that, in the past, some LEAs were erroneously determined to be eligible for RLIS funding on the basis of alternative poverty measures, instead of the U.S. Census Bureau's Small Area Income and Poverty Estimates (SAIPE) data, as required in section 5221(b)(1)(A)(i) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA). Knowing that some States have relied on the Department's past practice, we are working expeditiously to address this issue and will provide additional guidance soon related to RLIS eligibility for fiscal year 2020 awards. At this time, we do not anticipate States will need to submit updated eligibility data. Additionally, if we do request additional data to make RLIS awards for fiscal year 2020, we will only request that data after we provide updated guidance related to fiscal year 2020 RLIS eligibility in order to ensure all technical specifications are adhered to. If you have additional questions, please contact your REAP program officer or reap@ed.gov.

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Thu, 23 Apr 2020 15:28:38 +0000
**To:** Viana, Aimee
**Cc:** Ryder, Ruth
**Subject:** OELA

Aimee
Should we consider a Skype call with Lorena on Monday afternoon (since she may be clearing onboarding) just to welcome her to the role and offer support and assistance as well as consider what short and longer term steps she may want to consider taking
Especially since everything she will do will have to be done virtually
Including a chat with the interim
Message to the staff
Message to the stakeholder communities etc.
Just thoughts

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**From:** Viana, Aimee
**Sent:** Sun, 8 Mar 2020 12:15:47 +0000
**To:** Washington, Mark
**Cc:** Brogan, Frank
**Subject:** OESE Contingency Plan

Mark,

Please provide an update re: OESE Contingency Plan.

To whom was the updated plan submitted?

Ty

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**From:** Brogan, Frank
**Sent:** Thu, 4 Jun 2020 15:05:46 +0000
**To:** Viana, Aimee;Washington, Mark;Ryder, Ruth;Rinkus, Christopher;Miller, Meredith
**Subject:** Phase one return

Hey Gang
Talked to Mark about a celebration of phase one return of staff....can cover the other phases of time
Thought we could do some signage at the third floor elevators...donuts and coffee etc
Would need to put the bite on ya if you can help to pay for this...
Will give you some idea of cost once we have further internal conversations!
Thanks in advance
Frank

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**From:** Viana, Aimee
**Sent:** Mon, 9 Mar 2020 16:06:35 +0000
**To:** Kesner, Paul;Ryder, Ruth
**Cc:** Feldpausch, Sarah;Brogan, Frank
**Subject:** Pls confirm accuracy

Paul and Ruth,

There was a press inquiry about connectivity issues/ distance learning opportunities. See below. Pls confirm accuracy of the response:

Question:
I'm writing today about how the digital divide could be devastating to kids without home internet access or computers if their schools close because of the coronavirus.

What is ED's plan for addressing this issue?

Proposed response:
"State and local education authorities know their students the best, and they are best equipped to make decisions about if, and how, distance learning will take place. Title IV ESSA funds can be used to support distance learning, and we encourage education leaders to make use of that flexibility as they see fit."

Thank you!

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**From:** Viana, Aimee
**Sent:** Fri, 3 Apr 2020 17:32:29 +0000
**To:** Ryder, Ruth;Rinkus, Christopher
**Cc:** Brogan, Frank
**Subject:** Pls review and advise asap

Ruth and Chris,

I submitted the language below (you had confirmed for accuracy last night) for the OMB report.

Kent requested that the bullet updated because these are waivers under the CARES Act. Please review and advise asap.

**Waivers for Flexibility in Fiscal Management**. Today the Department expects to issue a letter inviting state waiver requests, and an accompanying waiver template, for states to request flexibility in the use of funds under section 421(b) of the General Education Provisions Act (GEPA) and the Elementary and Secondary Education Act of 1965 (ESEA). Requirements related to Title I, Part A and Title IV, Part A of the ESEA are addressed.

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**From:** Viana, Aimee
**Sent:** Sat, 4 Apr 2020 15:35:39 +0000
**To:** Rinkus, Christopher
**Cc:** Ryder, Ruth;Brogan, Frank
**Subject:** RE: 2nd template waiver + 2nd cover letter to chiefs

Great, thank you.

---

**From:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Sent:** Saturday, April 4, 2020 11:34 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** Re: 2nd template waiver + 2nd cover letter to chiefs

It's being sent to chiefs at noon

On Apr 4, 2020, at 11:30 AM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Team,

Do we have an update on this? I need to update the omb report accordingly (noon deadline).

Thanks

---

**From:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Sent:** Friday, April 3, 2020 5:15 PM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** RE: 2nd template waiver + 2nd cover letter to chiefs

Sorry, things changed. OCO wants to send it tomorrow. Has to do with press coverage. So we need Frank's signature on the letter and Adam to send signed letter to state chiefs on Saturday, not tonight. Press release on Monday.

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Friday, April 3, 2020 5:10 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Subject:** FW: 2nd template waiver + 2nd cover letter to chiefs

Here are the final versions of the documents which are the same as what you last saw. Patrick is working with Brittney to get Frank's signature. Letters will go to chiefs tonight and will be followed on Monday morning early with a press release. Chris, fill in anything I missed.

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**From:** Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>
**Sent:** Friday, April 3, 2020 5:03 PM
**To:** Hill, Elizabeth <Liz.Hill@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Morabito, Angela <Angela.Morabito@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; St.Pierre, Tracey <Tracey.StPierre@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>
**Subject:** RE: 2nd template waiver + 2nd cover letter to chiefs

Hello all:

The approved documents are attached.

Mary Louise

---

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Friday, April 3, 2020 4:14 PM
**To:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Morabito, Angela <Angela.Morabito@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; St.Pierre, Tracey <Tracey.StPierre@ed.gov>; Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>
**Subject:** RE: 2nd template waiver + 2nd cover letter to chiefs

Where's the final approved doc? Who has it to provide to Chris's team? For situational awareness, if we don't get this out by 4:30 WH will require us to hold until after the podium briefing is complete.

---

**From:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Sent:** Friday, April 3, 2020 4:09 PM
**To:** Hill, Elizabeth <Liz.Hill@ed.gov>; Morabito, Angela <Angela.Morabito@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; St.Pierre, Tracey <Tracey.StPierre@ed.gov>; Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>
**Subject:** RE: 2nd template waiver + 2nd cover letter to chiefs

Hey Liz – to respond to your question – this is the URL https://oese.ed.gov/files/2020/04/template-covid-fiscal-waiver-19-2020.pdf

It is not live yet and won't be live until we have the final approved document (which we don't yet have)

---

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Friday, April 3, 2020 4:01 PM
**To:** Morabito, Angela <Angela.Morabito@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; St.Pierre, Tracey <Tracey.StPierre@ed.gov>; Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>

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**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>
**Subject:** RE: 2nd template waiver + 2nd cover letter to chiefs

This version does not contain the Secretary's edit. Please do not send this version around. Updated version coming

---

**From:** Morabito, Angela <Angela.Morabito@ed.gov>
**Sent:** Friday, April 3, 2020 4:00 PM
**To:** Hill, Elizabeth <Liz.Hill@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; St.Pierre, Tracey <Tracey.StPierre@ed.gov>; Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>
**Subject:** RE: 2nd template waiver + 2nd cover letter to chiefs

The updated press release is attached.

---

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Friday, April 3, 2020 3:54 PM
**To:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; St.Pierre, Tracey <Tracey.StPierre@ed.gov>; Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>; Morabito, Angela <Angela.Morabito@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>
**Subject:** RE: 2nd template waiver + 2nd cover letter to chiefs

Just checking in on the link. What's the ETA? BDV had a minor edit to the press release, so Angela should be sending a new copy around soon.

---

**From:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Sent:** Friday, April 3, 2020 2:56 PM
**To:** Hill, Elizabeth <Liz.Hill@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; St.Pierre, Tracey <Tracey.StPierre@ed.gov>; Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>; Morabito, Angela <Angela.Morabito@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>
**Subject:** RE: 2nd template waiver + 2nd cover letter to chiefs

Yes I can let you know once the forms are final and once we've posted it to the website.

---

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Friday, April 3, 2020 2:52 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; St.Pierre, Tracey <Tracey.StPierre@ed.gov>; Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>; Morabito, Angela <Angela.Morabito@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Rosenfelt,

AMERICAN OVERSIGHT

Phil <Phil.Rosenfelt@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>
**Subject:** RE: 2nd template waiver + 2nd cover letter to chiefs

Great! Looping in Angela and Daniela for awareness. Who can let us know that Nate has signed off and the waiver form is live on the website? Chris—can you do that?

Also, will OESE be posting the letter to state chiefs to the website? If so, I'd like to link to the letter as well.

Thanks!
Liz

---

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Friday, April 3, 2020 2:49 PM
**To:** St.Pierre, Tracey <Tracey.StPierre@ed.gov>; Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>
**Subject:** 2nd template waiver + 2nd cover letter to chiefs

OMB has signed off on the two documents as drafted. These two are good to go to Nate for his approval.

I believe you already have the earlier redline versions for the package.

I will assume Liz and the OESE staff will coordinate on timing and sequencing of press release and posting to web once Nate signs off.

Please let me know if questions.

Kent

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Wed, 25 Mar 2020 19:08:47 +0000
**To:** Brogan, Frank
**Subject:** RE: 5 minutes

Thanks!

---

**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Wednesday, March 25, 2020 3:08 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** RE: 5 minutes

yep

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Wednesday, March 25, 2020 3:06 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** RE: 5 minutes

Y pls.

Can you as soon as you are able?

---

**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Wednesday, March 25, 2020 3:05 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** RE: 5 minutes

Hi
On a conference call with Arizona State Univ rep
Will call you in a few minutes?

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Wednesday, March 25, 2020 3:04 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** 5 minutes

Frank,

Do you have 5 minutes to connect?

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 16 Mar 2020 20:54:44 +0000
**To:** Delahunty, Sarah;Brogan, Frank;Rinkus, Christopher
**Subject:** RE: 5:15pm ET Call with Jillian Balow

Thank you, Sarah.

---

**From:** Delahunty, Sarah <Sarah.Delahunty@ed.gov>
**Sent:** Monday, March 16, 2020 4:53 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Subject:** 5:15pm ET Call with Jillian Balow

Hi Team OESE – I just sent out a calendar invite for a call with Jillian Balow at 5:15pm. Not sure if all three of you need to be on the call, but I sent it just in case.

Thanks,
Sarah

Sarah Delahunty
Office of the Secretary
O: 202-453-5615
C: 202-480-1542

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Fri, 27 Mar 2020 22:55:55 +0000
**To:** Hill, Elizabeth
**Cc:** Brogan, Frank
**Subject:** RE: 20-003721 April 2020 SGPS Newsletter: Due by: 4/1/20

Great.

Thank you, Liz.

---

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Friday, March 27, 2020 6:55 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** Re: 20-003721 April 2020 SGPS Newsletter: Due by: 4/1/20

Looks good to me! Thanks for the chance to review!

Liz Hill
Communications Director
U.S. Department of Education
202-465-0509
Sent from my iPhone

On Mar 27, 2020, at 6:51 PM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Liz,

I provide the attached for your review because the top section is a COVID-19 related message (from Ruth).

The newsletter is sent at the beginning of each month to grantees and other stakeholders by the Formula Grants Office.

Please let me know if you have any suggestions or edits – or if its ready to go.

Thank you for everything you're doing!

---

**From:** Coley, Jerine <Jerine.Coley@ed.gov>
**Sent:** Friday, March 27, 2020 4:47 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Dalton, Ashley <Ashley.Dalton@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
**Subject:** 20-003721 April 2020 SGPS Newsletter: Due by: 4/1/20

To: Aimee Viana
Frank Brogan

Please see that a workflow approval process has started in sharepoint for the attached document - 20-003721 April 2020 SGSP Newsletter, Due date: 1 April 2020.

Thanks, Jerine

<DRAFT April 2020 SGPS Newsletter OCO changes accepted for final review.docx>

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Thu, 12 Mar 2020 10:31:49 +0000
**To:** Ryder, Ruth;Brogan, Frank
**Subject:** RE: 40 requests from Governor Brown COVID-19, though only 6 for us

Thank you for forwarding, Ruth.

If in fact Frank holds a call with the governor:
- the answers should be written out for Frank
- vetted by OGC

Please keep me posted on Susan's request and any decisions.

Sarah is happy to help coordinate or assist with drafting, etc.

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Wednesday, March 11, 2020 7:54 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** FW: 40 requests from Governor Brown COVID-19, though only 6 for us

---

**From:** Falconer, Susan <Susan.Falconer@ed.gov>
**Sent:** Wednesday, March 11, 2020 5:58 PM
**To:** Kesner, Paul <Paul.Kesner@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** 40 requests from Governor Brown COVID-19, though only 6 for us

Paul,

Can you take a look at how I itemized these questions/concerns below from Governor Kate Brown. Also, I'm inclined to think instead of providing a written response, assuming you agree with how I broke these up, then I may just have Frank call and provide comment on the OESE ones. Thoughts?

Susan Falconer

1. Education & Early Learning 29. Cover School Day Recovery and Labor Force Maintenance Costs: I ask the Department of Education to consider covering the cost of making-up school days to ensure student learning after the COVID-19 outbreak has subsided. This also anticipates provisions for the absence of permanent staff related to COVID-19-related illness. Additionally, I ask the DoED to provide additional funding to cover increased costs associated with hiring substitute teachers and other school personnel. Additional Congressional appropriations for this may be necessary. OLCA

2. Cover Additional School Nurses: I request that the DoED provide additional funding to cover the additional costs for higher levels of staffing of school nurses. This is to address health concerns of all students and also increased needs of students with a 504 plan or with IEPs who require nursing services.

AMERICAN OVERSIGHT

Additional Congressional appropriations may be necessary. (Who is the initial funding source of school nurses, I didn't realize it was us, this might be an allowable expense within the CDC appropriation) OLCA

3. One-Time School Cleaning Costs: I request that the DoED provide additional funding to cover the costs incurred by schools that have closed due to the spread of the virus. These funds would cover the cost of deep cleaning of schools should it be forced to close due to circumstances that may suggest there is a risk of contamination for returning students. While this would only be a short-term solution, it does provide for reassurance to students, parents, and staff that extra precautions have been taken. This combined with additional ongoing cleaning (see next cost driver), would reduce the overall risk. Additional Congressional appropriations for this may be necessary. OLCA

4. On-Line Learning Options: I ask the DoED to provide additional funding to cover costs associated with providing online learning options to students. These costs include hardware, software and internet services. Currently, many Oregon LEAs do not have the capability to provide on-line learning options to all students. Additional Congressional appropriations for this may be necessary. (OESE could communicate the programs that might provide funding)

5. Provide guidance for Delivery of Education and Services to Students with Individualized Education Plans or ADA 504 Plans: Students with underlying health conditions may not come to school during a COVID-19 outbreak. I request that the DoED provide guidance to states about delivery of instruction and services for students that are not onsite. (OESE)

6. Provide flexibility for certain requirements of the Every Students Succeeds Act (ESSA) and Provisions of State ESSA Plans: I ask that the DoED ensure that attendance is not required as an accountability measure for schools and districts impacted by COVID-19 absences or school closures. I further request that the DoED ensure that assessment participation is not required as an accountability measure for schools and districts impacted by COVID-19 absences or school closures. (OESE)

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Sun, 8 Mar 2020 23:58:49 +0000
**To:** Carter, Denise
**Cc:** Brogan, Frank
**Subject:** Re: All Contacts Made

Thank you, Denise.
We appreciate your, and your team's, effort on this.
**From:** Carter, Denise <Denise.Carter@ed.gov>
**Sent:** Sunday, March 8, 2020 7:56:21 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** Re: All Contacts Made

Hi Aimee,
HR and OGC are working on language that we can communicate to all employees regarding returning from travel in affected areas. This will assist us in establishing a standard for everyone.

Thanks,
Denise

On Mar 8, 2020, at 7:35 PM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Denise,
Thanks again for your time yesterday.
Please see below for your awareness/ review.
Moving forward, Frank would like to approve all messages that are distributed or communicated to our team regarding protocol - internally or externally - with respect to telework, etc.
Thank you in advance for providing language to us for any further messaging that we would need in order to communicate with staff regarding these telework situations.
Let me know if you're available for follow up.
Have a good week,
Aimee
**From:** Washington, Mark <Mark.Washington@ed.gov>
**Sent:** Sunday, March 8, 2020 6:28 PM
**To:** Viana, Aimee; Brogan, Frank
**Cc:** Ryder, Ruth; Hunter, Tina; Rooney, Patrick; Talbert, Kent
**Subject:** All Contacts Made

Hi Aimee and Frank,
I just want to confirm that I have spoken with and informed Miriam Lund, Debbie Little and Julie Coplin of the request doe them to telework for the next 14 days. All were amenable and understanding of the protocol.
Please let me know if you have any additional questions or concerns.

AMERICAN OVERSIGHT

Thank you,
Mw
Get Outlook for iOS

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 24 Mar 2020 15:57:29 +0000
**To:** Ryder, Ruth;Brogan, Frank;Rinkus, Christopher
**Subject:** RE: Assessment waiver update

Thank you, Ruth.

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Tuesday, March 24, 2020 11:53 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Subject:** FW: Assessment waiver update

FYI

---

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Tuesday, March 24, 2020 11:51 AM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Falconer, Susan <Susan.Falconer@ed.gov>
**Subject:** RE: Assessment waiver update

Susan – as of now (just about noon Tuesday), we have received 38 requests and have approved 37 (all but MT). The list is below. I defer to OCO on whether we want CCSSO to share this list versus ED putting this information out directly.

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AMERICAN OVERSIGHT

SD
OK
KY
AK
VT
ND
PR
IN
MT
NC
AR
WI
BIE
IL
DC
CO
DE
ID
NM
FL

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Tuesday, March 24, 2020 10:44 AM
**To:** Falconer, Susan <Susan.Falconer@ed.gov>
**Cc:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Subject:** RE: Assessment waiver update

Looping in Patrick Rooney.

---

**From:** Falconer, Susan <Susan.Falconer@ed.gov>
**Sent:** Tuesday, March 24, 2020 10:43 AM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** RE: Assessment waiver update

Ruth,

CCSSO wanted to send out an email to their membership today indicating states that have been approved. Is it possible for you to provide me an early afternoon update as to whether or not we have approved any additional states?

Susan

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Monday, March 23, 2020 8:37 PM

AMERICAN OVERSIGHT

**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Falconer, Susan <Susan.Falconer@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>
**Cc:** Peasley, Donald <Donald.Peasley@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** RE: Assessment waiver update

Thank you Patrick. And thanks to your team for all of their work!

---

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Monday, March 23, 2020 4:51 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Falconer, Susan <Susan.Falconer@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>
**Cc:** Peasley, Donald <Donald.Peasley@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** Assessment waiver update

Nate, Frank, Liz, Susan, Aimee, Ruth, and Chris,

As of 4 pm today, ED has received 30 requests using our template; 29 have received an email with our initial approval (all but MT, which did not use our template, originally, and the state is going to resubmit using our template). Below is the list.

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OR
MI
HI
AL

AMERICAN OVERSIGHT

MS
SD
OK
KY
AK
VT
ND
PR
IN
MT
NC
AR
WI

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 3 Feb 2020 20:28:45 +0000
**To:** Ryder, Ruth
**Cc:** Feldpausch, Sarah;Brogan, Frank
**Subject:** RE: Briefing Paper

Thank you, Ruth.

We appreciate all that you – and your team- do.

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Monday, February 3, 2020 3:28 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** RE: Briefing Paper

We can do this but just want to make sure you are aware that we are getting frequent contacts from OLCA asking the same questions. They seem to be working on something similar. Kim Zarish-Becknell is the primary contact at this point.

I'll get people started on the other topics.

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Monday, February 3, 2020 3:21 PM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** Briefing Paper

Ruth,

As we discussed, OESE is providing information to OS on the top 5 issues we are currently working on. (Please note that the deadline for submission has been moved up to tomorrow.)

For now, please focus on the following topics:

1. School Safety
2. Title I (a refresher, perhaps on persistent issues)

Please provide the following for each:

1. General topic/ issue overview (Please keep to 2-3 bullets, short paragraphs)

2. Current actions in this area (Please keep to 2-3 bullets, short paragraphs)

3. Other important points on the topic (2-4 bullet points)

AMERICAN OVERSIGHT

*Also, please advise on whether there is another important topic (or additional information) we should consider.

Thank you for all you do.
Aimee

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 17 Mar 2020 13:59:34 +0000
**To:** Brogan, Frank
**Subject:** RE: Call

Hi Frank.

I apologize - I just got to this note on my email.

I'll fill you in.

-----Original Message-----
From: Brogan, Frank <Frank.Brogan@ed.gov>
Sent: Tuesday, March 17, 2020 8:23 AM
To: Viana, Aimee <Aimee.Viana@ed.gov>
Subject: Call

Send me the call in for 8:30 call
Don't worry
Just want to listen

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 16 Mar 2020 19:37:11 +0000
**To:** Brogan, Frank
**Subject:** RE: Call me Frank

On a call now, will call in a few minutes.

-----Original Message-----
From: Brogan, Frank <Frank.Brogan@ed.gov>
Sent: Monday, March 16, 2020 3:21 PM
To: Viana, Aimee <Aimee.Viana@ed.gov>
Subject: Call me Frank

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Sat, 7 Mar 2020 11:28:25 +0000
**To:** Carter, Denise;Talbert, Kent
**Cc:** Brogan, Frank
**Subject:** Re: Call tomorrow morning

Good morning.
10 am works well.
I'll send info on a call-in #.
**From:** Carter, Denise <Denise.Carter@ed.gov>
**Sent:** Saturday, March 7, 2020 5:39:46 AM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** Re: Call tomorrow morning

Good morning,

I can do 10:00 or later as well.

> On Mar 7, 2020, at 4:59 AM, Talbert, Kent <Kent.Talbert@ed.gov> wrote:
>
> I have a breakfast meeting at 8 that will extend to that time. I could do 10 or later to be safe. Possibly 9:30 if done.
>
> Sent from my iPhone
>
>> On Mar 6, 2020, at 11:48 PM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:
>>
>>
>> Hello Kent and Denise,
>>
>> Frank would like to have a phone call tomorrow morning to discuss further the cancelled Insular Area meeting.
>>
>> Please indicate whether you would be available at 9am.
>>
>> Thank you.

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Wed, 18 Mar 2020 11:57:34 +0000
**To:** Brogan, Frank
**Subject:** Re: Call

Frank,
The DRAFTs went into Sharepoint last night. I had trouble accessing the link, but will resolve this am.
I'll advise when it's ready for your review. Hopefully we will be able to push out this pm.
Other items to discuss this am before your call with LA (at 10am) are monitoring and talking points re: waivers.
Also to discuss: possible revision of FACT SHEET posted last week. (It was developed under last week's circumstances, which have significantly changed over the past week).
Larger guidance document is making its way through clearance, but waivers have taken priority.
Happy to discuss further. Pls fell free to call at your convenience.
Get Outlook for iOS
**From:** Viana, Aimee
**Sent:** Tuesday, March 17, 2020 8:30:29 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** RE: Call

Frank,

Quick update:
The OSSA and OGC teams have been working to develop a DRAFT that will be entered into clearance tomorrow. The goal was to have something this evening.

The DRAFT has not made it to my inbox, so the following information is meant for your awareness, until we have a final document to review.

A waiver template is being developed/ drafted, which would allow states to review, determine, and select different options listed.
-The template will have 3 parts.
-One part will offer options to waive requirements for academic and ELP assessments.
-The second part will offer options to waive accountability and identification requirements.
-The third part will offer the option to waive certain reporting requirements. (Select requirements in this section will likely remain, such as graduation rates and PPE).

It will be accompanied by a cover letter.
-Three fiscal provisions will be discussed in the cover letter.
-The first will be specific to Title programs.
-The second will discuss the extension of the period of availability of ESEA funds.
-The last one will discuss ESEA maintenance of effort requirements.

(One item to note – it is often assumed McKinney Vento is part of ESEA but it is not.)

Talking points will be developed and reviewed by OGC for you to share as soon as we have the final draft.

AMERICAN OVERSIGHT

Thank you for your support and patience as the team worked to develop this.

I'm happy to connect and discuss further. Let me know if you'd like a call.

-----Original Message-----
From: Viana, Aimee
Sent: Tuesday, March 17, 2020 10:56 AM
To: Brogan, Frank <Frank.Brogan@ed.gov>
Subject: RE: Call

Thank you, Frank.

I just tried giving you a call. Feel free to give me a call for an update anytime that works for you.

The team is working as expeditiously as possible.

-OSSA and OGC are working toward providing waiver options to us asap. I will provide approved draft(s) as soon as it is available.

-My understanding is that Nate was going to assume responsibility for the suggestions to Congress. I will check with him on any updates.

-I will also be scheduling a daily check-in with Daniela and OCO/ IGA team in order to efficiently and comprehensively communicate.

-Ashley will attempt to reschedule today's OESE Sr. Leadership meeting for a time during which you can participate.

-We will schedule a daily OESE Sr. Leadership check-in to ensure good communication and updates are available on a regular basis.

I am very grateful for your support.

Safe travels - and don't hesitate to call if you need to touch base.

-----Original Message-----
From: Brogan, Frank <Frank.Brogan@ed.gov>
Sent: Tuesday, March 17, 2020 10:35 AM
To: Viana, Aimee <Aimee.Viana@ed.gov>
Subject: Re: Call

Not necessary
By 4:00 or before I want to see two things in my in-box:
A draft multi-issue waiver application .
Simple, concise and reviewed by OGC as legal

Second, a draft plan of the funding flexibility plan (block grants) with options available as to how it might be presented to Congress

Again, I will be on the 1:00 call and have received my script for it from OCO

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I am now en route to the airport so that I can work from there until flight time I do not get into DC however until tonight so would expect any emails regarding important issues sent to me immediately

Sent from my iPhone

> On Mar 17, 2020, at 9:59 AM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:
>
> Hi Frank.
>
> I apologize - I just got to this note on my email.
>
> I'll fill you in.
>
> -----Original Message-----
> From: Brogan, Frank <Frank.Brogan@ed.gov>
> Sent: Tuesday, March 17, 2020 8:23 AM
> To: Viana, Aimee <Aimee.Viana@ed.gov>
> Subject: Call
>
> Send me the call in for 8:30 call
> Don't worry
> Just want to listen
>
> Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Tue, 2 Jun 2020 17:32:04 +0000
**To:** Viana, Aimee
**Subject:** RE: Calls to OESE Staff

Isnt that a lot of people?

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Tuesday, June 2, 2020 1:20 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** RE: Calls to OESE Staff

Absolutely.

Maybe also the individuals that have been helping Meredith with processing the ESSER and GEER funds?

---

**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Tuesday, June 2, 2020 12:16 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: Calls to OESE Staff

Meredith miller and Chris Rinkus for sure
Thoughts?

---

**From:** Delahunty, Sarah <Sarah.Delahunty@ed.gov>
**Sent:** Tuesday, June 2, 2020 10:38 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** Calls to OESE Staff

Hi Frank – hope you're doing well. The Sec would like to reach out to some of your OESE staff to say thank you for their excellent work, particularly in getting CARES Act money to states so quickly. She's spoken with several state chiefs and all have been highly complimentary of you and OESE staff.

If you have any staff you would like to recognize, please send me those names and I'll get them to the Secretary so she can personally thank them.

Thanks!
Sarah

Sarah Delahunty
Office of the Secretary
C: 202-480-1542

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Tue, 21 Apr 2020 18:18:18 +0000
**To:** Viana, Aimee
**Subject:** Re: Can you join the call w Ruth?

What call

Sent from my iPhone

On Apr 21, 2020, at 2:08 PM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

---

Join Skype Meeting

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 25 Feb 2020 20:39:35 +0000
**To:** Brogan, Frank
**Subject:** Re: Catching Up + Potential Detail

Yes, we should touch base.
**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Tuesday, February 25, 2020 3:37:24 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Fwd: Catching Up + Potential Detail

We should talk about this soon
Frank

Sent from my iPhone

Begin forwarded message:

**From:** "Sweeney, Tara M" <Tara_Sweeney@ios.doi.gov>
**Date:** February 25, 2020 at 10:34:24 AM EST
**To:** "Frank.Brogan@ed.gov" <Frank.Brogan@ed.gov>
**Subject: Catching Up + Potential Detail**

Hi Frank,

I hope this email finds you well. I understand our offices are trying to connect us on several fronts. I am hopeful we can connect soon!

I wanted to follow up on an earlier discussion we had about detailing an individual to BIE. As I work with BIE to improve services to our schools and students, capacity continues to be an issue. They are improving their capacity but external expertise is crucial. There seems to be some level of interest in detailing specifically one of your ED OESE staff members, Robert Salley. After talking with my team, he has provided an invaluable program support for BIE over the last several years, and as BIE works to address special education issues and implement their Standards, Assessment, and Accountability System (SAAS) and Agency Plan, his expertise and support could ensure BIE is successful. Is this something you would be willing to consider?

If I had my way, a year-long detail would be ideal, but I am open to what ED can sustain- fully understanding that you have capacity issues of your own.

I have made sure that BIE is prepared to provide the funds for a lateral transfer for Mr. Salley and that space is available to him at Main Interior. From my understanding, this would be in line with similar formal details under prior administrations.

I see this as a joint win for ED and DOI as BIE rolls out its SAAS and goes to public consultation on their agency plan. We could even make a public announcement of this partnership. Mr. Salley's unique

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understanding of BIE helps us all get one step closer to improving Indian education. If due to circumstances Mr. Salley is unavailable, I welcome further recommendations.

-
Looking forward to your thoughts and consideration.

All the best,
Tara

***Katuk***
Tara M. Sweeney
Assistant Secretary, Indian Affairs
U.S. Department of the Interior
(202) 208-7163

@ASIndianAffairs

To schedule a meeting, please follow this link: https://www.bia.gov/node/add/meeting-request

**E-MAILS SENT OR RECEIVED MAY BE SUBJECT TO THE FREEDOM OF INFORMATION ACTION (FOIA)**

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Thu, 19 Mar 2020 13:16:55 +0000
**To:** Brogan, Frank;Ryder, Ruth
**Cc:** Rinkus, Christopher
**Subject:** RE: CCSSO call

Absolutely.

I'll try to hop on to listen to CCSSO after I'm done with the Covid-19 call.

---

**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Thursday, March 19, 2020 9:14 AM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Re: CCSSO call

Aimee can you cover the Covid-19 workgroup
meeting at 3:30 and Ashley will set up a
3:30 pre-meet with Chris and Ruth and I to prep for the CCSSO call at 4?
Frank
Sent from my iPhone

On Mar 19, 2020, at 8:55 AM, Ryder, Ruth <Ruth.Ryder@ed.gov> wrote:

I would like to be on the CCSSO call since that work is in my shop. Thank you.

<image001.p
ng>

**Ruth E. Ryder**
**Deputy Assistant Secretary for Formula Grants**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5570
Email: ruth.ryder@ed.gov

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Wed, 29 Jan 2020 20:52:39 +0000
**To:** Brogan, Frank
**Subject:** RE: CHARTER SCHOOL RALLY | Season 2020 | PBS39 News Reports | PBS

Great!!!

-----Original Message-----
From: Brogan, Frank <Frank.Brogan@ed.gov>
Sent: Wednesday, January 29, 2020 2:04 PM
To: Viana, Aimee <Aimee.Viana@ed.gov>
Subject: FW: CHARTER SCHOOL RALLY | Season 2020 | PBS39 News Reports | PBS

-----Original Message-----
From: Falconer, Susan <Susan.Falconer@ed.gov>
Sent: Wednesday, January 29, 2020 9:55 AM
To: Brogan, Frank <Frank.Brogan@ed.gov>
Subject: CHARTER SCHOOL RALLY | Season 2020 | PBS39 News Reports | PBS

https://www.pbs.org/video/charter-school-rally-ifrdxy/

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Sat, 28 Mar 2020 22:33:30 +0000
**To:** Bailey, Nathan
**Cc:** Brogan, Frank
**Subject:** RE: Chief calls

Nate,

FYSA

**-BIA**
OESE Office of Indian Education is developing a new contract to support technical assistance to grantees that administer Indian Education related programs. Currently approximately $200,000 is designated to support supporting distance learning in tribal communities.

**-State Systematic Plan**
This is an OSEP-specific plan.

**-Title Funding Flexibilities**
Waiver template and letter are set to go into clearance early next week inviting applications for waivers that offer additional flexibilities under the CARES Act.

---

**From:** Viana, Aimee
**Sent:** Thursday, March 26, 2020 11:39 AM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>
**Subject:** RE: Chief calls

Thank you, Nate.

OESE will follow up on:

-BIA (SD)

-State Systematic Plan due April 1 (ND).

-Title funding flexibilities (CO). (Note: There is a waiver template and cover letter that being finalized for this purpose.)

Our team appreciates the ongoing support!

---

**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Wednesday, March 25, 2020 7:04 PM

AMERICAN OVERSIGHT

**To:** Bailey, Nathan <Nathan.Bailey@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>
**Subject:** RE: Chief calls

Nate,

The State Systemic Plan issue is one that OSERS will follow up on.

We continue to work with states that have concerns about FAPE provision and particularly the IDEA timelines. We are working with OGC to develop a series of fact sheets on the most critical topics and will begin moving those into clearance soon. Additional information on FAPE and IDEA timelines are the top priority.

Mark

---

**From:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Sent:** Wednesday, March 25, 2020 5:16 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>
**Subject:** FW: Chief calls

Please see feedback from outreach to Chiefs below. I've highlighted a couple follow-up actions. Please let me know if you need anything from me to see those thru.

But please also take a moment to enjoy the well-deserved accolades. We are doing great work!

---

**From:** Private - Betsy DeVos
**Date:** Wednesday, March 25, 2020 at 4:25 PM
**To:** Sarah Delahunty <Sarah.Delahunty@ed.gov>, "Bailey, Nathan" <Nathan.Bailey@ed.gov>
**Subject:** Chief calls

Hi - I connected with:

1) Ben Jones (SD) -
- going well...."we are innovating here"
- concerns: some folks/districts paralyzed around FAPE, IDEA. Encouraged reach out to OSERS/Mark with specific issues/questions
- BIA - concerned about whether/how they will implement distance learning. Encouraged whatever we can do to help that.
- sharing great stories via Facebook - many already engaged with that

2) Kirsten Baesler (ND)
- "you and your team a doing VERY well. Thanks us. Responsive. Helpful.

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- OSERS issues have been much better this week. Communication on Saturday was extremely helpful. Special Ed teams are now mobilized, not paralyzed.
- "although buildings are closed, learning will continue for our students"
- April 1 - distance learning begins across state. 99% homes have broadband, just fyi.
***FOR FOLLOW UP: State Systemic Plan due April 1. Can get it done, but a couple weeks of grace would be appreciated as their small team is mostly focused on Special Ed needs right now. OESE to follow up?

3) Eric Mackey (AL)
-"things are going fine here in Alabama"
_"in all my years in education, department has NEVER been so responsive and good. Clear guidance. Clear answers."
- Sunday OSERS letter relieved a lot of tension for those who had been stuck.
- so many great stories: meal delivery by busses; teachers posting great video lessons for everyone - beyond their own students
**GREAT STORY - Principal at Saraland Elementary (very small school) near Mobile is going online every morning to do morning announcements, Pledge of Allegiance and Moment of Silence.

4) Katy Anthes (CO)
- "thrilled" by dept team's responsiveness
- speed for waiver process was "awesome"
- would like to have flexibility around Title funding - assured her we are urging that as well
-lots of great stories: many districts have shared links to how they're implementing distance learning; several small mountain communities without broadband access have begun putting weekly learning packets together, parents are picking them up, and teachers are holding regular "office hours" via phone.

Sent from my iPad

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Thu, 12 Mar 2020 14:03:09 +0000
**To:** Zais, Mitchell
**Cc:** Brogan, Frank;Mitchell, Noah;Feldpausch, Sarah
**Subject:** RE: College and Career Readiness

Thank you, Dr. Zais.

I am happy talk with you today.

Noah,

Please work with Ashley Dalton to schedule the necessary time.

I look forward to our conversation.

Aimee

---

**From:** Mitchell, Noah <Noah.Mitchell@ed.gov> **On Behalf Of** Zais, Mitchell
**Sent:** Thursday, March 12, 2020 9:47 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** College and Career Readiness

Aimee:

I need to talk to you and whoever is the South Carolina point person on ESSA.

Please schedule 20 minutes with Noah.

Thank you.

Mick

**Noah Mitchell on behalf of Deputy Secretary Mick Zais**
Office of the Deputy Secretary
United States Department of Education
400 Maryland Avenue, SW | Washington, DC 20202

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 30 Mar 2020 21:26:00 +0000
**To:** Anand, Supreet;Stader, Jim
**Cc:** Carter, Denise;Brogan, Frank
**Subject:** RE: Coronavirus Workgroup Meeting Follow-up - Response Requested By: Close of Business Monday, March 30, 2020

Thank you for the reminder, Jim.

OESE's POC-wide comments were sent earlier today by Anna Hinton to Ayisa Crowe.

We appreciate the opportunity to provide feedback.

Don't hesitate to reach out with any additional questions or for clarification.

Have a great evening.
Aimee

---

**From:** Anand, Supreet <Supreet.Anand@ed.gov>
**Sent:** Monday, March 30, 2020 4:44 PM
**To:** Stader, Jim <Jim.Stader@ed.gov>
**Cc:** Carter, Denise <Denise.Carter@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** RE: Coronavirus Workgroup Meeting Follow-up - Response Requested By: Close of Business Monday, March 30, 2020

Thank you for reaching out Jim.
OELA does not have any additional feedback.

Supreet

---

**From:** Stader, Jim <Jim.Stader@ed.gov>
**Sent:** Monday, March 30, 2020 12:01 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Anand, Supreet <Supreet.Anand@ed.gov>
**Cc:** Carter, Denise <Denise.Carter@ed.gov>; Stader, Jim <Jim.Stader@ed.gov>
**Subject:** Coronavirus Workgroup Meeting Follow-up - Response Requested By: Close of Business Monday, March 30, 2020
**Importance:** High

Afternoon Frank, Aimee, Supreet-

Just as a follow-up to our meeting with the Deputy at 0830 this morning, I want to make sure you know that we are looking forward in receiving your team's input regarding the draft guidance we all have been working so it can be fully vetted/coordinated. Your team has been great here!! Vetting this is a theme OS has asked us to work so your help in this area is critical for us and the grants POC's to ensure our

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draft guidance hits the mark. The POC's are starting to provide their input, we have received great feedback and comments from OSERS/RSA and OPE to date, and we need your input so it helps shape the collective body of work we have all been working on. The key document your team is reviewing is the draft Policy Bulletin. Your staff up to this point has been great in supporting this effort and working with us. I wanted to make sure you saw the actual document we are all working toward.

I Look forward in receiving your input today. Let me know if your team needs any help so our team can assist. Jim

---

**From:** Crowe, Ayisa <Ayisa.Crowe@ed.gov>
**Sent:** Thursday, March 26, 2020 5:49 PM
**To:** Washington, Mark <Mark.Washington@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>; Smith, Richard <Richard.Smith@ed.gov>; Shields, Trina <Trina.Shields@ed.gov>; McCaghren, Christopher <Christopher.McCaghren@ed.gov>; Winston, Melanie <Melanie.Winston@ed.gov>; Anand, Supreet <Supreet.Anand@ed.gov>; Malawer, Hilary <Hilary.Malawer@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Ramakis, Jessica <Jessica.Ramakis@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>; Shanefelter, Chris <Chris.Shanefelter@ed.gov>; Petracca, Ronald <Ronald.Petracca@ed.gov>
**Cc:** Lagaard, Soren <Soren.Lagaard@ed.gov>; Lovley, Mary <Mary.Lovley@ed.gov>; Wexler, Larry <Larry.Wexler@ed.gov>; Solares, Grace <Grace.Solares@ed.gov>; Byrd-Johnson, Linda <Linda.Byrd-Johnson@ed.gov>; Gibbs, Cheryl <Cheryl.Gibbs@ed.gov>; Huston, John <John.Huston@ed.gov>; Green-Millner, Joyce <Joyce.Green-Millner@ed.gov>; Albro, Elizabeth <Elizabeth.Albro@ed.gov>; Byrd, Steven <Steven.Byrd@ed.gov>; Cohen, Larry <Larry.Cohen@ed.gov>; Holte, Allison <Allison.Holte@ed.gov>; Tuia, Justis <Justis.Tuia@ed.gov>; Rieser, Sheila <Sheila.Rieser@ed.gov>; Dawkins, Pamela <Pamela.Dawkins@ed.gov>; Clark, Holly <Holly.Clark@ed.gov>; McHugh, Erin <Erin.McHugh@ed.gov>; Terpak, Kelly <Kelly.Terpak@ed.gov>; Rodriguez, Blanca <Blanca.Rodriguez@ed.gov>; Holloman, Ronelle <Ronelle.Holloman@ed.gov>; Downey, David <David.Downey@ed.gov>; Alston, Tamara <Tamara.Alston@ed.gov>; Romero, Pedro <Pedro.Romero@ed.gov>; Smith, Patrick <Patrick.Smith@ed.gov>; Hylton, Andre <Andre.Hylton@ed.gov>; Goetz, Braden <Braden.Goetz@ed.gov>; Hunter, Tina <Tina.Hunter@ed.gov>; Brunson, Miryam <Miryam.Brunson@ed.gov>; Luczak, Ronald <Ronald.Luczak@ed.gov>; Shields, Trina <Trina.Shields@ed.gov>; Robinson, Mark <Mark.Robinson@ed.gov>; Guo, Lihong <Lihong.Guo@ed.gov>; Graham, Kayon <kayon.graham@ed.gov>; Hammer, Victoria <Victoria.Hammer@ed.gov>; Hinton, Anna <Anna.Hinton@ed.gov>; Stader, Jim <Jim.Stader@ed.gov>; Pettiford, Alfreida <Alfreida.Pettiford@ed.gov>; Turnbull, Ashley <ashley.turnbull@ed.gov>; Ayegbusi, Mary <mary.ayegbusi@ed.gov>
**Subject:** Coronavirus Workgroup Meeting Follow-up - Response Requested By: Close of Business Monday, March 30, 2020
**Importance:** High

Good afternoon Colleagues,

Thank you for participating in today's meeting. We appreciate your commitment to providing our applicants and grantees with timely relief and flexibilities to support their efforts to continue operations during this time of uncertainty. As I mentioned today, our goal is to implement ED-wide policy and guidance on administrative relief commensurate with the Secretary's Policy

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Principles for ED's grantees and applicants directly impacted by COVID-19 due to loss of operations.

Attached is the draft Grant Policy Bulletin (Bulletin) we discussed today. Now we need your contributions to inform the draft Bulletin based on your professional expertise and current information gathered from our grantees. Also attached is the Policy Principles issued by OPEPD/GPO and OMB issued Memorandum 20-17, to assist in your review.

We ask that each office provide one set of comments by close of business on Monday, March 30, 2020. You are encouraged to send your feedback using the track change feature and include comments in the document. Please provide your comments to Ronelle.Holloman@ED.gov and Ayisa.Crowe@ED.gov.

OGA is committed to providing grant administrative policy support and guidance to program offices in this time of national crisis. Please feel free to contact your Grant Policy Liaison for assistance: https://share.ed.gov/teams/grants/disc/Pages/Home.aspx.

If you have questions and or comments regarding the Grant Policy Principles document, please contact Jessica.Ramakis@ED.gov or one of the OPEPD/GPO Team Members: https://share.ed.gov/teams/grants/disc/OPEPD/Pages/Home.aspx

Kindly,

Ayisa

**Ayisa Crowe, Director**
Grants Policy and Training Division
Office of Grants Administration
Office of Finance and Operations
U.S. Department of Education
ayisa.crowe@ED.gov
202-245-6154
**Checkout the updated GrantsMAT, now including both the Formula and Discretionary sites!**

Stay up-to-date on Department-wide grants administrative policy, guidance, & training by joining the *"Grant Connections Listerv"*
**How to subscribe to the listserv?** Address email to: listserv@listserv.ed.gov and write in the email message's body: subscribe Grant-Connection your name (For example: subscribe Grant-Connection George Bailey) –**NOTE**: Listserv is internal to ED only. DON'T include any additional text in the email, such as your office, phone number, &/or automatic email signature or the listserv may not be able to understand your request.

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 10 Mar 2020 13:02:45 +0000
**To:** Brogan, Frank
**Cc:** Feldpausch, Sarah
**Subject:** Re: COVID-19 and ESEA Flexibilities document

Sarah,
Please reach out to Melika and ask her to move this into ED Clearance.
Ty
**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Tuesday, March 10, 2020 8:56:24 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** Re: COVID-19 and ESEA Flexibilities document

Approved for auto pen
Frank Brogan

Sent from my iPhone

On Mar 10, 2020, at 6:50 AM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Frank,

The COVID-19 ESEA Flexibilities document is in your Sharepoint queue. After you approve, it will move forward to Departmental Clearance.

If possible, I would like for this to enter the Exec Sec clearance **first thing this morning**. I will request review by COB by: OS, OGC, OPEPD, OCR, OSEP, OCO.

Please let me know if you'd like any other POCs to take a look. Once it is ready to be published on the website, we will notify OLCA that it is ready.

Please approve 20-002833-COVID-19 and ESEA Flexibilities

Call me if you'd like to follow up.

Thank you

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Wed, 20 May 2020 22:10:05 +0000
**To:** Viana, Aimee
**Cc:** Harding, Jordan
**Subject:** Re: Director of Indian Education at the Dept of Ed.

I can assure everyone that it is being handled by the numbers
The same process we used to hire Angeline Boulley who was great
Frank

Sent from my iPhone

On May 20, 2020, at 3:43 PM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Hi Jordan,

I touched base with Ruth, and I think it's best to participate in a call with the Senator's staff in order to answer any questions they may have about the OIE PD competition.

Let me know how we can best help.

Thank you,
Aimee

---

**From:** Harding, Jordan <Jordan.Harding@ed.gov>
**Sent:** Wednesday, May 20, 2020 10:21 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** RE: Director of Indian Education at the Dept of Ed.

Thank you, Aimee!

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Wednesday, May 20, 2020 10:20 AM
**To:** Harding, Jordan <Jordan.Harding@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** RE: Director of Indian Education at the Dept of Ed.

Jordan,

Below is the current status. Feel free to summarize for your update to WH Leg Affairs.

Don't hesitate to reach out if you need any additional information.
Aimee

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The NACIE subcommittee is interviewing candidates this week. They are interviewing 8 candidates that were referred to us by HR. The Designated Federal Official (DFO) for ED is managing the interview process.

The subcommittee plans to take their recommendations to the full NACIE membership on May 27th. The subcommittee will present their selections to the full NACIE membership who will vote to forward the top 3 candidates to ED for review.

An interview panel at ED will then interview the candidates and make recommendations to Frank (who we assume will act on behalf of the Secretary.)

If everything goes as planned we will have the process completed by mid-June.

---

**From:** Harding, Jordan <Jordan.Harding@ed.gov>
**Sent:** Tuesday, May 19, 2020 6:15 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Fwd: Director of Indian Education at the Dept of Ed.

Hi Frank and Aimee! Do y'all have any intel on this position? WH leg affairs is inquiring. Nate suggested I check in with both of you.

Thanks so much!

Sent from my iPhone

Begin forwarded message:

**From:** "McMillin, Virginia D. EOP/WHO" <Virginia.D.McMillin@who.eop.gov>
**Date:** May 15, 2020 at 10:38:43 AM EDT
**To:** "Harding, Jordan" <Jordan.Harding@ed.gov>, "Riley, Mary Christina" <MaryChristina.Riley@ed.gov>
**Subject: FW: Director of Indian Education at the Dept of Ed.**

Hi Jordan and Mary Christina, happy Friday!

Would you be able to help me with this inquiry from the Staff Director at Indian Affairs? Happy to loop you both in if that makes the most sense.

Thank you!

Virginia Heppner McMillin
Special Assistant to the President
Office of Legislative Affairs
(202) 881-6454

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**From:** Andrews, Mike (Indian Affairs) <Mike_Andrews@indian.senate.gov>
**Sent:** Thursday, May 14, 2020 2:10 PM
**To:** McMillin, Virginia D. EOP/WHO <Virginia.D.McMillin@who.eop.gov>
**Subject:** Director of Indian Education at the Dept of Ed.

Virginia,
Hello. Attached is a letter from a constituent from North Dakota. Monsignor Shea is a good friend of Senator Hoeven and the Administration. They are inquiring about a political appointee vacancy at the Department of Education. I was looking into this request to see if this is on the administrations radar. I assume there is an acting person in this role. Truthfully, we deal with Bureau of Indian Education at Interior a lot more then at Ed. So I take some blame for not paying attention. Anyway, if you could look into this position, It would be appreciated. I owe the President of Univ of Mary a response back.

Thanks and I hope your doing well,

Mike

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 7 Apr 2020 13:50:40 +0000
**To:** Bailey, Nathan
**Cc:** Brogan, Frank;Rinkus, Christopher
**Subject:** RE: DoED Press Conference Info

Checking with the team.

Hope to have something to you before noon.

---

**From:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Sent:** Tuesday, April 7, 2020 9:31 AM
**To:** Blew, Jim <James.Blew@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Schneider, Mark <Mark.Schneider@ed.gov>; King, Robert <Robert.King@ed.gov>; McCaghren, Christopher <Christopher.McCaghren@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Huston, John <John.Huston@ed.gov>; Morrow, Jean <Jean.Morrow@ed.gov>
**Cc:** Paciorek, Sarah <Sarah.Paciorek@ed.gov>
**Subject:** Re: DoED Press Conference Info

Quick update: apparently they are indeed most interested in high schools (see below).

Speechwriting indicated they would be interested in both. They apparently got some information the other day on post-secondary (universities), so first priority is secondary – high schools. They ask, how are high schools adjusting and shifting online?

---

**From:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>
**Date:** Tuesday, April 7, 2020 at 9:28 AM
**To:** "James "Jim" Blew" <James.Blew@ed.gov>, McKenzie Snow <McKenzie.Snow@ed.gov>, Frank Brogan <Frank.Brogan@ed.gov>, "Rinkus, Christopher" <Christopher.Rinkus@ed.gov>, Aimee Viana <Aimee.Viana@ed.gov>, Bob Eitel <Robert.Eitel@ed.gov>, "Hill, Elizabeth" <Liz.Hill@ed.gov>, "Garcia, Daniela" <Daniela.Garcia@ed.gov>, Diane Jones <Diane.Jones@ed.gov>, "Schneider, Mark" <Mark.Schneider@ed.gov>, "King, Robert" <Robert.King@ed.gov>, "McCaghren, Christopher" <Christopher.McCaghren@ed.gov>, Michael Brickman <Michael.Brickman@ed.gov>, "Huston, John" <John.Huston@ed.gov>, Jean Morrow <Jean.Morrow@ed.gov>
**Cc:** "Paciorek, Sarah" <Sarah.Paciorek@ed.gov>
**Subject:** FW: DoED Press Conference Info

I have asked them to clarify if they're looking for ESE and post-sec, or what exactly they want… but that notwithstanding, does anyone have relevant data points at hand they could share? Bullet points with hard stats included in them.

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Note **noon today** deadline.

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**From:** Staff Secretary (b)(6)
**Date:** Tuesday, April 7, 2020 at 9:16 AM
**To:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>
**Cc:** Staff Secretary (b)(6)
**Subject:** RFI: DoED Press Conference Info

Hello,

Speechwriting would appreciate the information below to help inform the President's press conference remarks today. Are you able to provide by noon today? Thank you.

**Dept of Education**:
Speechwriting wants to communicate that the American people are engaged in serious mitigation of the pandemic (i.e. saving the lives of their fellow citizens) and we want to do that with facts and figures from different aspects of American life. In particular, we want to communicate the shift to online education at the secondary level due to the Pandemic. Can DOEd provide us with any data to describe the shift underway? 2-3 key facts are far more compelling than 2-3 paragraph describing generally that secondary schools are moving online (data on primary school moves online would be good). We want to convey that Americans are mitigating to stop the spread of the virus through adaptation to online learning.

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Fri, 1 May 2020 21:49:23 +0000
**To:** Viana, Aimee
**Subject:** Re: DRAFT 3

Go

Sent from my iPhone

On May 1, 2020, at 5:18 PM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

<20-004261-tn science assessment waiver letter2020revise423 rev3.docx>

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Thu, 19 Mar 2020 13:09:27 +0000
**To:** Viana, Aimee
**Cc:** Feldpausch, Sarah;Condie, Caitlin
**Subject:** Re: DRAFT email re: final approval/ review of responses to COVID-19 mailbox questions

Looks great!
Thanks Aimee

Sent from my iPhone

On Mar 19, 2020, at 9:00 AM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Frank,

Please see the DRAFT below, which will be sent to: Kent Talbert, Frank Brogan, Phil Rosenfelt, Liz Hill, Aimee Viana, Chris Rinkus, Ruth Ryder

Let me know if you have any additional edits.

Thank you!
Aimee

*Good Morning, everyone!*

*Over the past few days, our team has been making every effort to provide accurate and expeditious responses to large volume of inquiries from the COVID-19 mailbox.*

*Please note that beginning this morning, OESE will start responding to email inquiries using our newly established **Rapid Response Team**. The objective of this coordinated effort is to maximize efficiency, expediency, and clarity by providing following an organized, streamlined process.*

*The **last step of the COVID-19 response team protocol** will be to share the drafted, suggested responses with you —**as a final step**. The intention of this final step is to make certain that this group is aware of the responses being sent out for consistent messaging purposes. **Prior** to being sent to you, the responses will have been drafted and reviewed by **program staff, group leads, program attorneys, and managers**.*

*You will receive this email every evening at approximately **4pm.** It is our request that you review the response each evening, and return any comments or edits **by 9 a.m**. the following morning.*

*Please do not hesitate to reach out if you have additional thoughts or questions.*

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*We appreciate your constant support during this critical time.*

*Thank you!*
*Frank*

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Page 10761

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Meeting (the Meeting)" due to an abundance of caution concerning travel impediments related to the Novel Coronavirus Disease (COVID-19), RINAP plans to conduct the individual Quarterly Progress Updates and, if possible, the Leadership Listening Session on Tuesday, March 10, 2020. In order to determine scheduling, please respond with how many individuals from your delegation are onsite in Washington, DC.

We sincerely apologize for the inconvenience and appreciate your understanding, cooperation, and interest in the Meeting. If you have any questions about this matter, please feel free to contact Patrick Carr, RINAP Director at Patrick.carr@ed.gov.

---

**From:** Forrester, Tiffany <Tiffany.Forrester@ed.gov>
**Sent:** Monday, March 9, 2020 8:38 AM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Carr, Patrick <Patrick.Carr@ed.gov>
**Subject:** Draft: Monday message to Insular Areas

Good morning:

Please see the draft message to be sent to the Insular Areas who have teams onsite (Guam, CNMI, and Palau). Given the responses received thus far asking if this is final and if the decision can be reconsidered, I recommend this correspondence come from senior leadership. If not, this decision comes across as an isolated RINAP decision and not a collective OESE or Department decision.

Dear Colleagues:

I am writing to follow up on the meeting cancelation notice you received from Patrick Carr, Director of Rural, Insular, and Native Achievement Programs (RINAP) on Friday, March 6, 2020. Although Department senior leadership has made the decision to cancel the "2020 Insular Area and Palau Grant Technical Assistance Meeting (the Meeting)" due to an abundance of caution concerning the Novel Coronavirus Disease (COVID-19), RINAP hopes to still host the Quarterly Progress Updates and Leadership Listening Session on Tuesday, March 10, 2020. In order to determine scheduling, please respond with how many individuals from your delegation are onsite in Washington, DC.

We sincerely apologize for the inconvenience and appreciate your understanding, cooperation, and interest in the Meeting. If you have any questions about this matter, please feel free to contact Patrick Carr, RINAP Director at Patrick.carr@ed.gov.

**Dr. Tiffany T. Forrester**

Group Leader, Insular Areas
Rural, Insular, and Native Achievement Programs
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW | Washington, DC 20202
tiffany.forrester@ed.gov | 202.205.0940

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Brogan, Frank
**Sent:** Wed, 8 Apr 2020 18:54:55 +0000
**To:** Viana, Aimee
**Subject:** RE: ED-Approved MOU for Elyse Robertson Detail

I am still unclear as to what created the very long delay in her onboarding to begin with?
Us or them?
Frank

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Wednesday, April 8, 2020 2:51 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** FW: ED-Approved MOU for Elyse Robertson Detail

Frank,

As we discussed this morning.

Scroll down for note from (EOP/ ONDCP)

---

**From:** Washington, Mark <Mark.Washington@ed.gov>
**Sent:** Wednesday, April 8, 2020 8:00 AM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Re: ED-Approved MOU for Elyse Robertson Detail

Good morning. I am following up on this. I met with Paul and Bryan and they made clear that they really do need Elyse at key points to cover her competition and other work, and cannot go with an open-ended detail for her at ONDCP. I meeting with the HR guy at ONDCP at 5:00 p.m. today to try to barter this, but I am advising again that we give Nate a heads up about this, because they may come to him again to appeal if they don't find my options to be palatable. We discussed how OSSS could make something work through October, but cannot sacrifice during the critical late September period.

Please let me know if you'd like to discuss further.

Have a good day,

Mw

Get Outlook for iOS

---

**From:** Washington, Mark <Mark.Washington@ed.gov>
**Sent:** Wednesday, April 1, 2020 3:18 PM
**To:** Ryder, Ruth; Viana, Aimee (Aimee.Viana@ed.gov)
**Subject:** FW: ED-Approved MOU for Elyse Robertson Detail

AMERICAN OVERSIGHT

Ruth and Aimee,

I am sending this for your awareness. ONDCP is (more or less) now asking for an open-ended arrangement for when we wind down Elyse's detail, because they cannot start her when expected. I balked at that today, getting a sense from Paul earlier that that would be untenable. I am fine just saying that she has to be back by September. But I know that will likely mean they'll go to Nate again. I want to give you time and cover to get to Nate before I respond on Friday—if you concur that we should hold firm this time. I am meeting with Paul and Bryan tomorrow to just be clear that I understand the impacts clearly, and what they really need most. Ruth, you can certainly join that meeting if you want, or Paul or I can update you. Just wanted to be sure you were looped in about this.

Thanks,

Mw

---

**From:** Kesner, Paul <Paul.Kesner@ed.gov>
**Sent:** Wednesday, April 1, 2020 2:49 PM
**To:** Washington, Mark <Mark.Washington@ed.gov>; Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** RE: ED-Approved MOU for Elyse Robertson Detail

Thanks, Mark. This is something Bryan and I had discussed, that is, we need her at the end of the FY and the beginning of the new one, given she will have a new cohort of grantees. Any chance the three of us can talk about this before you have to call Sebastian?

---

**From:** Washington, Mark <Mark.Washington@ed.gov>
**Sent:** Wednesday, April 1, 2020 10:07 AM
**To:** Parker-Vaughan, Sebastian A. EOP/ONDCP (b)(6)
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Robertson, Elyse <Elyse.Robertson@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Hunter, Tina <Tina.Hunter@ed.gov>; Mansaray, Saibatu I. EOP/ONDCP (b)(6); Hackett, Jacqueline E. EOP/ONDCP (b)(6); Gagne, Martha M. EOP/ONDCP (b)(6)
**Subject:** Re: ED-Approved MOU for Elyse Robertson Detail

Hi Sebastian,

Thanks for the follow up note and my apologies for the silence on our end. We can certainly be flexible on the front end to accommodate your onboarding process. I am trying to determine how much flexibility we have on the end date. Elyse is in a new position and has a critical role. Her program manager was amenable to making the arrangement work for the adjusted times that ONDCP requested earlier. However, depending on the timing of the current request for flexibility for an end date, we need to discern the impact and how best to cover for Elyse's significant contribution in September, which is the busiest and heaviest (volume) time of our fiscal year. I hope to circle back by Friday with an answer. I will call you directly then.

AMERICAN OVERSIGHT

Thanks,

Mw

Sent from my iPhone

On Mar 25, 2020, at 3:31 PM, Parker-Vaughan, Sebastian A. EOP/ONDCP (b)(6) wrote:

Hi All,

Please find attached the counter-signed MOU; I'm not sure I sent it to you all earlier. The good news is that Elyse has passed her background investigation.

However, the issue now is onboarding Elyse during the daily evolving COVID-19 situation. At this time, with our agency only semi-functioning onsite, ONDCP would like to refrain from completing Elyse's onboarding process until there's more clarity about operating statuses in the DC metro region.

Per the MOU, ED and ONDCP are able to modify the agreement through simple email communications/agreement, and we're hoping to leverage this flexibility as it pertains to Elyse's planned start/end dates. Ideally ONDCP will be able to provide ED 30 days' notice when we're able to re-initiate the onboarding process. Please let me know if such flexibility on dates works for ED and for you as well, Elyse, and let me know if you have any questions.

Everyone's understanding is really appreciated during this unprecedented situation.

Best,

Sebastian Parker-Vaughan
Human Capital Specialist
EOP/ONDCP
18th and G, Rm 9162
O: (202) 395-6746

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 17 Mar 2020 02:25:53 +0000
**To:** Brogan, Frank
**Cc:** Ryder, Ruth
**Subject:** RE: Equitable treatment for waivers

Frank,

For your awareness, the guidance document that is making its way through clearance also references equitable services.

Let me know if we can provide additional information.

Thank you

---

**From:** Blew, Jim <James.Blew@ed.gov>
**Sent:** Monday, March 16, 2020 8:12 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Dowling, Maureen <Maureen.Dowling@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>
**Subject:** Equitable treatment for waivers

Frank,
Just a heads-up that I've now gotten a couple of calls (that's a pattern, right?) from school choice advocates worried that ED is going to issue ESSA waivers without any safeguards that private schools in their states are being treated equitably under federal law. As you work through the template/quick waiver approval concept, I hope you'll remember that some SEAs – especially in states with rich school-choice environments – need to improve their performance in this area. Happy to discuss more as you refine your waiver process.
Thanks, Jim

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Tue, 28 Apr 2020 19:49:25 +0000
**To:** Viana, Aimee
**Subject:** Re: ESF-REM application package

I told Meredith it is good to go

Sent from my iPhone

On Apr 28, 2020, at 3:40 PM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Frank,

Re-sending so that this is at the top of your inbox.

---

**From:** Miller, Meredith <Meredith.Miller@ed.gov>
**Sent:** Tuesday, April 28, 2020 2:37 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Subject:** RE: ESF-REM application package
**Importance:** High

Hi Frank – I know you're probably in meetings all day so I'm sorry to pester about this again. Amy and Chris reviewed. Do you defer to them or do you want to review this letter for the K12 discretionary grant? I need to get it to Liz, SC and OMB. Thanks!

---

**From:** Miller, Meredith <Meredith.Miller@ed.gov>
**Sent:** Tuesday, April 28, 2020 11:13 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Miller, Meredith <Meredith.Miller@ed.gov>
**Subject:** FW: ESF-REM application package
**Importance:** High

Frank, can you please review as soon as you are able so that we can get this to Liz for review? We are close to being able to post the application package for the K12 discretionary grant, and this letter would go with it.

Thanks.
Meredith

---

**From:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Sent:** Tuesday, April 28, 2020 11:10 AM
**To:** Miller, Meredith <Meredith.Miller@ed.gov>; Hinton, Anna <Anna.Hinton@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Malawer, Hilary <Hilary.Malawer@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Brake, Andrew <Andrew.Brake@ed.gov>; Terpak, Kelly <Kelly.Terpak@ed.gov>
**Subject:** RE: ESF-REM application package

Yes. See attached. How should we begin clearance?

---

**From:** Miller, Meredith <Meredith.Miller@ed.gov>
**Sent:** Tuesday, April 28, 2020 9:58 AM
**To:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Hinton, Anna <Anna.Hinton@ed.gov>
**Cc:** Malawer, Hilary <Hilary.Malawer@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Brake, Andrew <Andrew.Brake@ed.gov>; Terpak, Kelly <Kelly.Terpak@ed.gov>
**Subject:** RE: ESF-REM application package

Are you going to have a cover letter for this application package, Chris?

---

**From:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Sent:** Tuesday, April 28, 2020 9:40 AM
**To:** Hinton, Anna <Anna.Hinton@ed.gov>; Miller, Meredith <Meredith.Miller@ed.gov>
**Cc:** Malawer, Hilary <Hilary.Malawer@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Brake, Andrew <Andrew.Brake@ed.gov>; Terpak, Kelly <Kelly.Terpak@ed.gov>
**Subject:** RE: ESF-REM application package

I've reviewed this and nothing seems inconsistent with what we included in the NIA. I think it is ready for final review/clearance and posting. Hilary, since this does not need to go to the SC, would that be you?

---

**From:** Hinton, Anna <Anna.Hinton@ed.gov>
**Sent:** Monday, April 27, 2020 9:17 PM
**To:** Miller, Meredith <Meredith.Miller@ed.gov>
**Cc:** Malawer, Hilary <Hilary.Malawer@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Brake, Andrew <Andrew.Brake@ed.gov>; Terpak, Kelly <Kelly.Terpak@ed.gov>
**Subject:** Re: ESF-REM application package

Will do.

Sent from my iPhone

On Apr 27, 2020, at 7:35 PM, Miller, Meredith <Meredith.Miller@ed.gov> wrote:

Anna – once you've had this reviewed, please let me know who you have looking at it (since it seems like a smaller group). Thanks.

---

**From:** Malawer, Hilary <Hilary.Malawer@ed.gov>
**Sent:** Monday, April 27, 2020 4:44 PM

AMERICAN OVERSIGHT

**To:** Hinton, Anna <Anna.Hinton@ed.gov>
**Cc:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Brake, Andrew <Andrew.Brake@ed.gov>; Terpak, Kelly <Kelly.Terpak@ed.gov>; Miller, Meredith <Meredith.Miller@ed.gov>
**Subject:** RE: ESF-REM application package

McKenzie, are you planning to review?

Thanks,

Hilary

---

**From:** Hinton, Anna <Anna.Hinton@ed.gov>
**Sent:** Monday, April 27, 2020 4:26 PM
**To:** Malawer, Hilary <Hilary.Malawer@ed.gov>
**Cc:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Brake, Andrew <Andrew.Brake@ed.gov>; Terpak, Kelly <Kelly.Terpak@ed.gov>; Miller, Meredith <Meredith.Miller@ed.gov>
**Subject:** ESF-REM application package

Hilary,

Attached is the application package for the ESF-REM program. Once it's cleared we'll turn the entire doc into a pdf for posting. Let me know if you have questions.

Thanks,
Anna

Anna Hinton, PhD
Director
Evidence-Based Policy for Discretionary Grants
Office of Elementary and Secondary Education
U.S. Department of Education
Washington, DC 20001
Office location: 3E231
Office phone: 202-260-1816
Work Cell: 202-590-7692

<K12 DG Letter to CSSOs v2 rev av.docx>

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Thu, 12 Mar 2020 10:08:49 +0000
**To:** Washington, Mark;Brogan, Frank
**Cc:** Hunter, Tina
**Subject:** RE: Feedback on COVID-19 Contingency Plans

Thank you, Mark.

I appreciate the time and effort that you and your team have committed to the Contingency Plan.

Has it been resubmitted?

Don't hesitate to let us know if we can provide any support as we work toward a final draft.

Have a great day.

---

**From:** Washington, Mark <Mark.Washington@ed.gov>
**Sent:** Thursday, March 12, 2020 2:59 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Hunter, Tina <Tina.Hunter@ed.gov>
**Subject:** Fwd: Feedback on COVID-19 Contingency Plans

Hi Aimee and Frank,

Please see the updates that Tina did on our COVID-19 plan addendum to our current Business Continuity Plan (BCP). The only substantive response to our earlier submission last week was that we didn't reflect the tiers or waves of people we would allow to telework as a crises escalates. So you will see that addition has been made. You'll also see Tina's note asking for feedback on any other features of the addendum that should be addressed. There really wasn't strong guidance for how these plans should have been formatted—which allowed for flexibility. But the feedback seemed to suggest that there was a rubric or set of criteria against which the plans were scored. Anyway, I am sure that they will let us know if there are any additional edits needed.

Please let us know if you have any related questions.

Thanks,

Mw

Get Outlook for iOS

---

**From:** Hunter, Tina <Tina.Hunter@ed.gov>
**Sent:** Thursday, March 12, 2020 12:38:38 AM
**To:** Washington, Mark <Mark.Washington@ed.gov>
**Subject:** FW: Feedback on COVID-19 Contingency Plans

AMERICAN OVERSIGHT

Good Morning Mark,

I went ahead and added the tiers to our plan since that is the only thing mentioned missing and forwarded it to Colette so we can be checked off. See my below message to her.

Tina

---

**From:** Hunter, Tina
**Sent:** Thursday, March 12, 2020 12:27 AM
**To:** Hawley, Colette <Colette.Hawley@ed.gov>
**Subject:** FW: Feedback on COVID-19 Contingency Plans

Good Morning Colette,

I have revised OESE's BCP in response to the following comments included in the attached review:
**OESE – separate appendix, no tiers, although it does reference remote**

I have added the following items to our BCP:

**Tiers on page 61**

I also noticed a comment about the separate appendix but, no elaboration. Is this okay or should I make a change.

Thanks for your feedback.

Best,
Tina

Tina M. Hunter, MS, MBA
Executive Officer
U.S. Department of Education
Office of Elementary & Secondary Education
and Office of English Language Acquisition
400 Maryland Ave., S.W. Room 3W304
Washington, DC 20202
O – 202-205-8527

AMERICAN OVERSIGHT

F – 202-205-0310
E-mail: tina.hunter@ed.gov

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*OESE Vision: Educational Excellence and Equity for All Students*
*OESE Organizational Statement: To empower States, districts, and other organizations to meet the diverse needs of every student by providing leadership, technical assistance, and financial support*
*OESE Values: Collaboration, Accountability, Diversity, Integrity, and Excellence*

---

**From:** Hairfield, James <James.Hairfield@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:07 AM
**To:** Luczak, Ronald <Ronald.Luczak@ed.gov>; Stanton, Craig <Craig.Stanton@ed.gov>; Adler, Sheryl <Sheryl.Adler@ed.gov>; Morgan, Earl <Earl.Morgan@ed.gov>; Young, Will <Will.Young@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>; Hunter, Tina <Tina.Hunter@ed.gov>; Smith, Richard <Richard.Smith@ed.gov>; Maddox, Keith M. <Keith.Maddox@ed.gov>; McHugh, Erin <Erin.McHugh@ed.gov>; King, Robert <Robert.King@ed.gov>; Winston, Melanie <Melanie.Winston@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Araujo, Liza <Liza.Araujo@ed.gov>; Shields, Trina <Trina.Shields@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>
**Cc:** Zais, Mitchell <Mitchell.Zais@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>; Robb, Carly <Carly.Robb@ed.gov>; Hawley, Colette <Colette.Hawley@ed.gov>; Senecal, Lisa <Lisa.Senecal@ed.gov>
**Subject:** Feedback on COVID-19 Contingency Plans

Good morning. Thank you for the effort you put forth in developing a response to the Deputy Secretary's requirement for a Principal Office Component, COVID-19 Contingency Plan. The results of the review are attached. Please reach out to me or Colette Hawley, ED's Continuity Coordinator, should you have any questions.

James Hairfield
Office of Finance and Operations | U.S. Department of Education
(Desk): 202-453-7545
(Mobile): 202-302-8835

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Fri, 7 Feb 2020 03:10:26 +0000
**To:** Ryder, Ruth;Brogan, Frank
**Cc:** Cummins, Staci;Carr, Patrick
**Subject:** Re: Feedback on New Process

Excellent!
Many thanks to you and your team.
**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Thursday, February 6, 2020 5:34:23 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Cummins, Staci <anastasia.cummins@ed.gov>; Carr, Patrick <Patrick.Carr@ed.gov>
**Subject:** RE: Feedback on New Process

Good news! Thanks to Patrick and his team we have a bunch of happy customers.

-----Original Message-----
From: Carr, Patrick <Patrick.Carr@ed.gov>
Sent: Thursday, February 6, 2020 3:51 PM
To: Ryder, Ruth <Ruth.Ryder@ed.gov>
Cc: Cummins, Staci <anastasia.cummins@ed.gov>
Subject: Feedback on New Process

Hi Ruth,

I thought you would appreciate seeing some of the positive comments we received from webinar attendees on Tuesday. Thanks to Staci (cc'ed) for compiling.

- Patrick

*****
from Breean Brown
This is so easy! Thank you so much!

from Kim Hawk
Thank you so much for your work on making this process easier for us! It is very much appreciated!!

from Janine McLauchlan
Thank you for this new way of submitting for SRSA. I completed my application while following along with your presentation!

from Susan Vickers
LLLOOOVVVVVEEEEEEE the new application process.

from Debbie Haertling
This was so easy!!

from Tyler Kinnunen
This was how all federal funding applications should be. Thanks Dept of Ed for making our lives easier.

AMERICAN OVERSIGHT

from Bonita Basty
This is awesome!  Thank you!!!

from Susan Stilwell
Well done! Much easier for busy educators!

from John Rumelhart
Wow! I just submitted two LEA applications during this webinar! I LOVE this new application! Thanks!

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Mon, 15 Jun 2020 16:33:27 +0000
**To:** Viana, Aimee
**Subject:** RE: For Review: OMB Waiver/No-Cost Extension Request for AHCY

ok

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Monday, June 15, 2020 12:13 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** FW: For Review: OMB Waiver/No-Cost Extension Request for AHCY

Frank,

FYSA.

I am going to give the ok to send to OMB.

I'll follow up with you later on any questions you may have.

---

**From:** Rowan, Maria <maria.rowan@ed.gov>
**Sent:** Monday, June 15, 2020 10:15 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Miller, Meredith <Meredith.Miller@ed.gov>; Budman, Molly <Molly.Budman@ed.gov>
**Subject:** For Review: OMB Waiver/No-Cost Extension Request for AHCY

Aimee,

In response to Puerto Rico and Florida requesting non-cost extensions for their Hurricane Assistance for Homeless Children and Youth (AHCY) awards, DRU plans to request from OMB approval for a 3-month performance period extension for the AHCY program.

PR and FL are requesting extensions due to COVID19 disrupting program operations; DRU supports the no-cost extensions requests.

OGC has reviewed and cleared on the attached request. Can you please let us know if you have any edits to or questions about the request? We hope to send this to OMB today or tomorrow.

Thank you,

Maria

**Maria Rowan**
Disaster Recovery Unit
Office of Elementary and Secondary Education
U.S. Department of Education

AMERICAN OVERSIGHT

202-453-7117
Maria.Rowan@ed.gov

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Tue, 23 Jun 2020 22:15:30 +0000
**To:** Viana, Aimee
**Cc:** Ryan, Sam;Viana, Aimee
**Subject:** Re: Format and Signature

Approved for auto pen
Frank Brogan
Sent from my iPhone

On Jun 23, 2020, at 6:14 PM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Thank you, Sam.

OLCA reached out this evening to ask if we can have the same letter formatted and signed for Ranking Member Murray.

I appreciate your help with this request, so that we can send tomorrow.

Have a restful evening.

---

**From:** Ryan, Sam <Sam.Ryan@ed.gov>
**Sent:** Tuesday, June 23, 2020 1:45 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** RE: Format and Signature

My pleasure, attached is the final document with Frank's signature ready for transmittal.

Sincerely,

Sam

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Tuesday, June 23, 2020 1:42 PM
**To:** Ryan, Sam <Sam.Ryan@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** RE: Format and Signature

Hello Sam,

Thank you for your prompt reply.

Please prepare for Frank's signature.

AMERICAN OVERSIGHT

**From:** Ryan, Sam <Sam.Ryan@ed.gov>
**Sent:** Tuesday, June 23, 2020 12:01 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** RE: Format and Signature

Good morning Aimee,

I have formatted the letter on OESE Letterhead and provided both a clean version and a version with Sarah's edits. Would you like me to put this through the OAS Clearance process or has this already been approved by you and Frank? If so, I will prepare for Frank's signature.

Sincerely,

Sam

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Tuesday, June 23, 2020 11:36 AM
**To:** Ryan, Sam <Sam.Ryan@ed.gov>
**Cc:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Dalton, Ashley <Ashley.Dalton@ed.gov>
**Subject:** Format and Signature

Hello Sam,

Attached please find a letter that we are working on with OLCA.

They have requested that this letter be formatted on OESE letter head and moved forward for Frank's signature.

Do not hesitate to reach out with any questions.

Thank you for your help with this.

Aimee

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Tue, 17 Mar 2020 04:19:42 +0000
**To:** Viana, Aimee
**Cc:** Feldpausch, Sarah
**Subject:** Re: guidance - Waivers and Flexibilities during COVID-19 document

Approved for auto pen
Frank Brogan

Sent from my iPhone

On Mar 16, 2020, at 10:23 PM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Frank,

The document 20-002915 Waivers and Flexibilities during COVID-19 outbreak guidance is in your Sharepoint queue.

Upon your approval, the document will begin ED clearance.

Thank you.

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 21 Jan 2020 04:39:12 +0000
**To:** Eitel, Robert;Brogan, Frank
**Subject:** Re: Guidance Review Follow-up

Hello Bob,
I will be managing the project, with support from Chris.
Have a restful night,
Aimee
**From:** Eitel, Robert <Robert.Eitel@ed.gov>
**Sent:** Monday, January 20, 2020 7:44:34 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Fwd: Guidance Review Follow-up

Frank and Aimee:
Who will be OESE's project manager on the guidance review?

We have a meeting set for Wednesday that he or she need to attend. Thanks.
Robert S. Eitel
Senior Counselor to the Secretary
U.S. Department of Education

Begin forwarded message:

**From:** "Eitel, Robert" <Robert.Eitel@ed.gov>
**Date:** January 17, 2020 at 4:52:00 PM EST
**To:** "Marcus, Kenneth" <Kenneth.Marcus@ed.gov>, "Brogan, Frank" <Frank.Brogan@ed.gov>, "King, Robert" <Robert.King@ed.gov>, "Blew, James (James.Blew@ed.gov)" <James.Blew@ed.gov>, "Stump, Scott" <Scott.Stump@ed.gov>, "Jones, Diane" <Diane.Jones@ed.gov>
**Cc:** "Richey, Kimberly (Kimberly.Richey@ed.gov)" <Kimberly.Richey@ed.gov>, "Viana, Aimee" <Aimee.Viana@ed.gov>, "Christopher McCaghren (Christopher.McCaghren@ed.gov)" <Christopher.McCaghren@ed.gov>, "Emily Slack (ed.gov)" <Emily.Slack@ed.gov>, "Sacks, Casey" <Casey.Sacks@ed.gov>, "Brickman, Michael" <Michael.Brickman@ed.gov>, "Carter, Denise" <Denise.Carter@ed.gov>, "Rubinstein, Reed" <Reed.Rubinstein@ed.gov>, "Malawer, Hilary" <Hilary.Malawer@ed.gov>, "Schultz, Mark" <Mark.Schultz@ed.gov>, "Helwink, Jonathan" <Jonathan.Helwink@ed.gov>
**Subject: Guidance Review Follow-up**

All:

As a follow-up to our guidance review discussion, please provide the name of your POC project manager(s) as soon as possible. Working with OS and OGC, these POC project managers will form a Guidance Review Working Group that will meet monthly (or as needed) and report to ED leadership (Reed, Hilary, Diane, Jim, and me) about

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each POC's progress in complying with E.O. 13891, *Promoting the Rule of Law Through Improved Agency Guidance Documents.*

Please provide that designee as soon as possible. Hilary and I would like to meet with the Guidance Review Working Group, as soon as possible and preferably on Wednesday, January 22.

Mark, I have your designee in hand.

Thanks,
Bob

Senior Counselor to the Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
7th Floor
Washington, D.C. 20202
(202) 453-6278

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Fri, 3 Apr 2020 17:25:26 +0000
**To:** Ryder, Ruth;Brogan, Frank
**Cc:** Rinkus, Christopher
**Subject:** RE: Heads Up: 2nd waiver letter and template

Ruth and Chris,

I spoke with OCO this morning, and they are also willing to pull together a call with CCSSO this afternoon, if it to be an efficient vehicle for providing the information.

Let's connect on whether you recommend this approach – and if so, whether we would have OGC approved tps to utilize.

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Friday, April 3, 2020 1:19 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Subject:** Heads Up: 2nd waiver letter and template

Wanted to let you know that we are getting close to finalizing the 2nd waiver letter and template. There is a possibility that it will go out this afternoon. Remaining steps include sign off from Nate, OMB approval (it's at OMB now) and Hill notification, scheduled for 2:00 this afternoon.

OCO is aware and has a proposed press release. Adam Honeysett is prepared to issue. Our web team is alerted to the potential that this will move today.

At this point it is still for your signature Frank.

**Ruth E. Ryder**
**Deputy Assistant Secretary for Formula Grants**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5570
Email: ruth.ryder@ed.gov

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**From:** Brogan, Frank
**Sent:** Mon, 27 Apr 2020 13:34:16 +0000
**To:** Viana, Aimee;Ryder, Ruth
**Cc:** Rooney, Patrick;Peasley, Donald
**Subject:** RE: HI IADA letter

Yep
Lets Brief

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Monday, April 27, 2020 9:17 AM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>
**Subject:** RE: HI IADA letter

Yes, Ruth.

Let's get a briefing scheduled.

Thank you

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Monday, April 27, 2020 8:43 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>
**Subject:** HI IADA letter

Heads up that I cleared the HI IADA letter this morning with a few minor edits. Our response to the State is due today.

I did want to point out however, that we are denying HI's request and I'm happy to arrange a briefing with Patrick and Don if that would be helpful. It's always good to meet the timeline but more important that you are comfortable with the response.

**Ruth E. Ryder**
**Deputy Assistant Secretary for Formula Grants**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5570
Email: ruth.ryder@ed.gov

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**From:** Viana, Aimee
**Sent:** Tue, 10 Mar 2020 14:27:30 +0000
**To:** Petersen, Molly
**Cc:** Rinkus, Christopher;Feldpausch, Sarah;Brogan, Frank
**Subject:** RE: Hill questions: ED and Coronavirus

Molly,

USDA provides after-school snacks to school children through either its National School Lunch Program (NSLP) or the Child and Adult Care Food Program (CACFP) – ED does not.

Don't hesitate to reach out with any additional questions.

---

**From:** Petersen, Molly <Molly.Petersen@ed.gov>
**Sent:** Tuesday, March 10, 2020 10:19 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** RE: Hill questions: ED and Coronavirus

Thanks, will do. Have we done anything related to after school programs?

Molly Petersen
Legislative Director

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Tuesday, March 10, 2020 10:18 AM
**To:** Petersen, Molly <Molly.Petersen@ed.gov>
**Cc:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** FW: Hill questions: ED and Coronavirus

Molly,

Thank you for your note.

By way of background, the U.S. Department of Agriculture (USDA) administers Food and Nutrition Service programs, including the Supplemental Nutrition Assistance Program (SNAP); Special Nutrition Program for Women, Infants, and Children (WIC); and the National School Lunch and Breakfast Programs. USDA recently sent a press release (copied below) detailing flexibilities provided though these programs in light of COVID-19. Specifically, they approved a request from California to allow meal service during school closures. These meals are available at no cost to low-income children and are not required to be served in a group setting to ensure kids receive food while schools are temporarily closed.

For more related USDA info, click here.

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For future incoming COVID-19 questions, please send to Ruth Ryder, Paul Kesner, and myself.

Best,
Aimee

## USDA Makes It Easier, Safer to Feed Children in California Amid Coronavirus Outbreak

**WASHINGTON, March 7, 2020** -- The U.S. Department of Agriculture (USDA) has approved a request from California to allow meal service during school closures to minimize potential exposure to the coronavirus. These meals are available at no cost to low-income children – and are not required to be served in a group setting – to ensure kids receive nutritious meals while schools are temporarily closed.

"USDA stands with the people of California as a part of a federal-wide coordinated response," said Brandon Lipps, Deputy Under Secretary for USDA's Food, Nutrition, and Consumer Services. "The flexibility provided by the waiver approved today will help ensure that our children get wholesome meals, safeguarding their health during times of need."

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The waiver announced today is effective immediately and will continue through June 30, 2020. USDA stands ready to provide additional assistance to the people of California and other areas impacted by the coronavirus as allowed by law and in coordination with the much larger government-wide response.

All Food and Nutrition Service programs – including the Supplemental Nutrition Assistance Program (SNAP); Special Nutrition Program for Women, Infants, and Children (WIC); and the National School Lunch and Breakfast Programs – have flexibilities and contingencies built-in to allow them to respond to on-the-ground realities in the event of a disaster or emergency situation. For more information about the coronavirus response across USDA, please visit: https://www.usda.gov/coronavirus.

USDA's Food and Nutrition Service administers 15 nutrition assistance programs that leverage American's agricultural abundance to ensure children and low-income individuals and families have nutritious food to eat. FNS also co-develops the Dietary Guidelines for Americans, which provide science-based nutrition recommendations and serve as the cornerstone of federal nutrition policy.

#

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**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Tuesday, March 10, 2020 7:38 AM
**To:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** Fwd: Hill questions: ED and Coronavirus

Sarah,

Pls see question below.

Let's connect this am.

Ty

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Monday, March 9, 2020 7:09:55 PM
**To:** Petersen, Molly <Molly.Petersen@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Subject:** Re: Hill questions: ED and Coronavirus

Hello Molly,

Thank you for your email.

For now, please email these questions to Chris and me.

Is there an expectation/ timeline on the response?

Have a great night,
Aimee

---

**From:** Petersen, Molly <Molly.Petersen@ed.gov>
**Sent:** Monday, March 9, 2020 5:57:16 PM
**To:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Hill questions: ED and Coronavirus

Chris and Aimee – please advise if there is a process you would like for us to use in sending questions related to the Coronavirus to OESE. Below, please find a question and let me know how you would like to handle.

Our office is looking to see what ED has info on what happens to before school programs with breakfast, school lunch, and after school programs with dinner if schools are forced to shut down because of the coronavirus? Is there any guidance or planned financial assistance to come from ED in these instances? I believe Senator Murray mentioned Washington schools closing because of the recent outbreaks. Has there been anything done in this capacity already?

Thank you,

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Molly Petersen
Legislative Director

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**From:** Viana, Aimee
**Sent:** Mon, 16 Mar 2020 20:12:46 +0000
**To:** Simmons, Lee (Dougie);Brogan, Frank
**Subject:** RE: IMPT: OESE Issue

Thanks, Dougie.

I am aware and will reach out to ensure we are being as responsive as possible.

-----Original Message-----
From: Simmons, Lee (Dougie) <LeeD.Simmons@ed.gov>
Sent: Monday, March 16, 2020 4:11 PM
To: Viana, Aimee <Aimee.Viana@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
Subject: IMPT: OESE Issue

Could you all make sure that your junior staffers are answering emails and phone calls? I have received a few complaints from different folks today that two members of your team are not answering emails or phone calls. Thanks so much!

Sent from my iPhone

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**From:** Viana, Aimee
**Sent:** Tue, 17 Mar 2020 17:08:25 +0000
**To:** Ryder, Ruth;Brogan, Frank;Rinkus, Christopher;Washington, Mark
**Subject:** RE: Information for OMB Daily report today

Thank you for drafting, Ruth.

I propose that we send the sentence over to Kent and Phil for them to review and advise.

Team – anything else to include in the report? He has a 2pm deadline.

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Tuesday, March 17, 2020 12:31 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>
**Subject:** RE: Information for OMB Daily report today

Proposed addition for your consideration. I used the document Kent provided as a model and tried to leave it a little open ended since we are not certain how this will be finalized, e.g., template to request vs just granting vs something in between. We are looking at fiscal accountability as well but that may be a phase 2.

During the week of March 16, the Department expects to finalize, clear, distribute and post information related to broad waiver authority provided to States related to ESEA accountability and assessment provisions.

---

**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Tuesday, March 17, 2020 10:50 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>
**Subject:** Fwd: Information for OMB Daily report today

Sent from my iPhone

Begin forwarded message:

**From:** "Talbert, Kent" <Kent.Talbert@ed.gov>
**Date:** March 17, 2020 at 10:37:14 AM EDT
**To:** "Brown, Mark" <Mark.Brown@ed.gov>, "Jones, Diane" <Diane.Jones@ed.gov>, "King, Robert" <Robert.King@ed.gov>, "Brogan, Frank" <Frank.Brogan@ed.gov>, "Schultz, Mark" <Mark.Schultz@ed.gov>, "Marcus, Kenneth" <Kenneth.Marcus@ed.gov>, "Hill, Elizabeth" <Liz.Hill@ed.gov>, "Carter, Denise" <Denise.Carter@ed.gov>

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**Cc:** "Zais, Mitchell" <Mitchell.Zais@ed.gov>, "Rogers, James" <James.Rogers@ed.gov>, "Mitchell, Noah" <Noah.Mitchell@ed.gov>
**Subject: Information for OMB Daily report today**

As you know from our daily calls, all federal agencies submit daily reports to OMB on Coronavirus activities. The template includes four categories:

(1) Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)
(2) Guidance, Communication and Outreach with Stakeholders
(3) Actions that Affect Federal Facilities and Personnel
(4) Other Notable Responses

Your principal offices are the key ones thus far on guidance and employee notifications.

I have attached the reports of Sunday and Monday as examples and you will see the reports are a recap of what we have done on the given day, and then the things coming in the near term (next several days).

Would you please provide me two or three bullets in your subject matter areas by **no later than 2:00 PM TODAY** (sorry for short timeline) that I can review as I put today's report together. If you have nothing that rises to the level of reporting please let me know that as well.

Many thanks and please let me know if questions.

Kent
202-403-4206

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**From:** Viana, Aimee
**Sent:** Tue, 7 Apr 2020 13:32:33 +0000
**To:** Thompson, Farnaz;Brogan, Frank
**Cc:** lfornash@mwcllc.com;Dalton, Ashley
**Subject:** RE: Introductions

Thank you, Farnaz.

Good morning, Laura.
It is nice to meet you (virtually).

Ms. Ashley Dalton will work find a time for us to connect.

I hope all are safe and healthy.

Best always,
Aimee Viana

---

**From:** Thompson, Farnaz <Farnaz.Thompson@ed.gov>
**Sent:** Tuesday, April 7, 2020 9:12 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** lfornash@mwcllc.com; Dalton, Ashley <Ashley.Dalton@ed.gov>
**Subject:** Introductions

Frank and Aimee,

I hope you are doing well and staying healthy. I would like to introduce you by e-mail to Laura Fornash, the former Secretary of Education in the Commonwealth of Virginia under Governor Bob McDonnell. Laura is currently working as a Senior Vice President for State Government Relations at McGuireWoods Consulting LLC, and her biography may be found here. She would like to speak with one of you when you have a few minutes. I know how busy you are and appreciate any time you may have to connect with her. I am copying Laura on this e-mail as well as your assistant, Ashley Dalton. Thank you.

Best wishes,
Farnaz

**Farnaz F. Thompson**
*Deputy General Counsel*
*Office of the General Counsel*
U.S. Department of Education
400 Maryland Avenue S.W.
Washington, D.C. 20202
(202) 453-7063
Farnaz.Thompson@ed.gov

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**From:** Viana, Aimee
**Sent:** Wed, 5 Feb 2020 04:17:40 +0000
**To:** Garcia, Daniela
**Cc:** Feldpausch, Sarah;Brogan, Frank
**Subject:** RE: Issue Briefing Document - Expedited Timeline
**Attachments:** Issue Briefing Papers CSP CR Edits FINAL.docx, Issue Briefing Papers- Disaster Recover Unit FINAL.docx

Daniela,

Attached please find two briefing documents from OESE (first two issues.)

I anticipate having the next two issues sent to you tomorrow before noon. (Several staff are traveling, and are making final reviews/ edits asap).

Don't hesitate to call if you need additional information or clarification.

Thank you for your work on this. I appreciate your patience and assistance.

Aimee

---

**From:** Garcia, Daniela <Daniela.Garcia@ed.gov>
**Sent:** Monday, February 3, 2020 10:42 AM
**To:** Jones, Diane <Diane.Jones@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Adair, Lucas (John) <John.Adair@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Slack, Emily <Emily.Slack@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>; Pettey, Richard <Richard.Pettey@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>; Brinton, Jed <Jed.Brinton@ed.gov>; Brinson, Christopher <Christopher.Brinson@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Richey, Kimberly <Kimberly.Richey@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>
**Cc:** Linde, Jonas <Jonas.Linde@ed.gov>; Baney, Drew <Drew.Baney@ed.gov>
**Subject:** Issue Briefing Document - Expedited Timeline
**Importance:** High

Good Morning,

I am sorry to do this to everyone but we need to expedite the issue briefing document deadline to **tomorrow COB, Tuesday, February 4.** I have attached the example document for your use. We understand if you have less than 5 topics to cover and we also understand if you have a few more than 5 issues. Please remember that this is a lot of information to digest so please make sure to include only essential information.

Thank you,

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Daniela

**Daniela R. García**
Deputy Assistant Secretary for Outreach
U.S. Department of Education
(202) 453-6109 (O)
(202) 701-6019 (C)

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Page 10798

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Page 10799

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Page 10800

Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act

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Page 10301

Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act

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Page 10802

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Page 10803

Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act

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Page 10804

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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**From:** Viana, Aimee
**Sent:** Mon, 16 Mar 2020 20:21:51 +0000
**To:** Garcia, Daniela
**Cc:** Falconer, Susan;Brogan, Frank
**Subject:** RE: just tried you, please call my desk line.

Thank you.

---

**From:** Garcia, Daniela <Daniela.Garcia@ed.gov>
**Sent:** Monday, March 16, 2020 4:21 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Falconer, Susan <Susan.Falconer@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** RE: just tried you, please call my desk line.

Thank you so much, Aimee. I have taken the liberty of writing remarks for Frank that are very fact based (request of the WH) on what ED has done to proactively approach the COVID-19 outbreak. I will send them shortly after we have posted some additional information to our website.

Daniela

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Monday, March 16, 2020 4:15 PM
**To:** Garcia, Daniela <Daniela.Garcia@ed.gov>
**Cc:** Falconer, Susan <Susan.Falconer@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** RE: just tried you, please call my desk line.

Daniela,

I just confirmed with Frank. He is available to do the call at 1pm on Wednesday.

Do not hesitate to let me know how we can be supportive and/or assist as you develop his talking points.

---

**From:** Garcia, Daniela <Daniela.Garcia@ed.gov>
**Sent:** Monday, March 16, 2020 12:55 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Falconer, Susan <Susan.Falconer@ed.gov>
**Subject:** RE: just tried you, please call my desk line.
**Importance:** High

Thank you, Aimee.

So am I to understand you spoke with Ashley and we can now confirm the 1 p.m. call for Frank on Wednesday?

Daniela

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**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Monday, March 16, 2020 11:49 AM
**To:** Garcia, Daniela <Daniela.Garcia@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** RE: just tried you, please call my desk line.

Thank you for your time, Daniela.

I followed up with Ashley via email re: Frank's availability and touched base with Sarah regarding the outstanding request.

We are currently working on the finalization of our process for responses to inquiries of our team. I will share it asap.

I am grateful to be working together on these important questions during this challenging time!

Don't hesitate to give me a call anytime.

---

**From:** Garcia, Daniela <Daniela.Garcia@ed.gov>
**Sent:** Monday, March 16, 2020 11:02 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** just tried you, please call my desk line.

Daniela

**Daniela R. García**
Deputy Assistant Secretary for Outreach
U.S. Department of Education
(202) 453-6109 (O)
(202) 701-6019 (C)

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**From:** Viana, Aimee
**Sent:** Thu, 12 Mar 2020 17:52:28 +0000
**To:** Hill, Elizabeth;Brogan, Frank;Rinkus, Christopher;Petersen, Molly
**Cc:** Morabito, Angela;Talbert, Kent
**Subject:** RE: K-12 Fact Sheet

The document will be posted here:

https://oese.ed.gov/guidance/

---

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Thursday, March 12, 2020 1:28 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Cc:** Morabito, Angela <Angela.Morabito@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>
**Subject:** RE: K-12 Fact Sheet
**Importance:** High

Hi guys,

You might of responded to Angela already, but I haven't seen a response. Where is this guidance doc going to go on your website?

---

**From:** Hill, Elizabeth
**Sent:** Thursday, March 12, 2020 12:13 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Cc:** Morabito, Angela <Angela.Morabito@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>
**Subject:** FW: K-12 Fact Sheet
**Importance:** High

Hi team OESE,

I understand from Kent that the attached doc is the OMB approved guidance to the field around ESSA flexibilities. If that's the case, we will include this in our round-up of items for Molly to notify the Hill about.
Where on the OESE website will this live? And who will be posting it for you?

Liz

---

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Thursday, March 12, 2020 11:58 AM
**To:** Morabito, Angela <Angela.Morabito@ed.gov>
**Cc:** Hill, Elizabeth <Liz.Hill@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>
**Subject:** K-12 Fact Sheet
**Importance:** High

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The two-page ESEA fact sheet has been approved by OMB with no changes. It is ready to posted and notifications given.

Please let me know if questions.

Kent

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**From:** Brogan, Frank
**Sent:** Mon, 6 Apr 2020 14:38:30 +0000
**To:** Viana, Aimee
**Subject:** Re: K12 video conference

Sent from my iPhone

On Apr 6, 2020, at 10:36 AM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Frank,

Let's connect on this later.

Thank you

---

**From:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Sent:** Monday, April 6, 2020 10:19 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Re: K12 video conference

Thanks Frank.

Don't worry about logistics and timing. OCO and OS can take that off your plate… these will be led by the Secretary.

Your help on participants and structure is great.

---

**From:** Frank Brogan <Frank.Brogan@ed.gov>
**Date:** Monday, April 6, 2020 at 10:13 AM
**To:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>
**Cc:** Aimee Viana <Aimee.Viana@ed.gov>
**Subject:** RE: K12 video conference

All very helpful and will use this as a guidepost to begin to tease out a structured approach including the actual logistics on setting up the Webinar…..date, time etc.
Will also work on the invitee list of possibilities….
I did reach out to Julie Young to see iif she would be interested in assisting as well as recommending any particular folks to participate, research, best practice hurdles and opportunities etc…..
Will get back to you as I get some of this formed up with possibilities.
I think timing is important based on the fact that this is currently a massive patchwork nationally job with some great examples of success woven in between

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Thanks again
Frank

---

**From:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Sent:** Monday, April 6, 2020 10:00 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: K12 video conference

Frank, here's where we stand. Welcome any ideas you have… especially for those in (parenthesis) where I'm still looking for names.

**K-12 EDUCATORS AND INNOVATORS VIDEO CONFERENCE**

**Goals**

1. Share best practices from states that are leading the move to distance
2. Highlight tools available to families during this crisis
3. Cast a vision for how K-12 emerges differently post-coronavirus

*Educators*

- Commissioner Edelblut (NH)
- Commissioner Corcoran (FL)
- Eva Moskowitz, Success Academy
- (Austin Buetner, LA Unified) – pending his call with BDV tomorrow
- (Home School consortium)
- (TBD), Mat-Su Central (Alaska)
- Eddie Conger, International Leadership of Texas
- (Teacher)

- Mary Ann Wolf, Friday Institute for Educational Innovation at NC State (>https://www.fi.ncsu.edu/news/friday-institute-expands-offerings-for-online-professional-learning-for-educators/<)

*Providers*

- Sal Khan, Khan Academy
- (Paul Candland), Age of Learning (ABC Mouse)
- (Richard Robinson), Scholastic

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- (Liz Brooke), Rosetta Stone (>https://www.rosettastone.com/freeforstudents/<) – can work through Jose Viana
- (Outschool)
- (GoNoodle)
- Google.org President Jacquelline Fuller

**Guiding Questions**

**Educators**

- You are up and running. What did you do, and how we were you seeing education evolution, 1/3/5 years ago that set you up for success today?
- What are the major hurdles you still need to jump?
- What advice can you offer to those who aren't up and running?
- Where is current public policy helping, and where is it hurting your efforts?
- Is this an inflection point to think about better uses of personalized learning, adaptive learning, course school and other student-centric delivery models?
- An age-old question: how do we "crack the code" on embedding technology into learning without losing the human touch?

**Providers**

- What resources have you made available to "instant homeschool" students and families?
- How can your tools help bridge the gap for disadvantaged students?
- How do you think about what "school" is moving forward from this crisis?

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**From:** Viana, Aimee
**Sent:** Wed, 26 Feb 2020 14:22:20 +0000
**To:** Brogan, Frank
**Subject:** Re: Latina Mental Health Letter (19-008189)

Y, its been through several rounds of clearance.

**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Wednesday, February 26, 2020 6:03:34 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Fwd: Latina Mental Health Letter (19-008189)

You good with this letter

Sent from my iPhone

Begin forwarded message:

**From:** "Brogan, Frank" <Frank.Brogan@ed.gov>
**Date:** February 26, 2020 at 5:50:42 AM EST
**To:** "Washington, Mark" <Mark.Washington@ed.gov>
**Cc:** "Viana, Aimee" <Aimee.Viana@ed.gov>
**Subject: Re: Latina Mental Health Letter (19-008189)**

Approved for auto pen
Frank Brogan

Sent from my iPhone

On Feb 25, 2020, at 11:05 PM, Washington, Mark <Mark.Washington@ed.gov> wrote:

Hi Frank,

Jordan Harding (OLCA) is trying to get the attached Congressional response up to the Hill before the Secretary's budget hearing on Thursday. The matter relates to mental health for Latina girls. Kent Talbert believes you should be a signer on the letter, along with HHS Secretary Azar. Kent made a couple of additional edits which we will accept, and both Jordan and OGC attorneys have reviewed and approved. If you agree, would you please approve for our use of the autopen on your behalf?

Thanks for your consideration,

Mw

Get Outlook for iOS

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**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Tuesday, February 25, 2020 5:59 PM
**To:** Crum, Laurette
**Cc:** Lovitt, Brittney; Washington, Mark; Harding, Jordan; Buettner-Connelly, Sara
**Subject:** RE: Latina Mental Health Letter (19-008189)

I have attached the redline.

Please let me know if questions.

Kent

19-008189.letter.clean + kdt edits, 2.25.20, 5 56 PM.docx

---

**From:** Crum, Laurette <Laurette.Crum@ed.gov>
**Sent:** Tuesday, February 25, 2020 2:33 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>
**Cc:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>
**Subject:** Latina Mental Health Letter (19-008189)
**Importance:** High

Hi Kent,

The correct version is attached. Please send your feedback to us as soon as possible, preferably by the end of the day.

Thank you,
Laurette

Incoming –

<< File: 19-008189.incoming.pdf >>
Clean (for your review) –

<< File: 19-008189.letter.clean.docx >>

Track changes (compares clean version with previous version) –

<< File: 19-008189.letter.trackchanges.docx >>

Response to reviewer comments (OESE's responses to reviewer feedback) –

<< File: 19-008189.letter.ResponseToReviewerComments.docx >>

List (FYI) –

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<< File: 19-008189.list.docx >>

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Tuesday, February 25, 2020 1:58 PM
**To:** Crum, Laurette <Laurette.Crum@ed.gov>
**Subject:** RE: Urgent Request - Congressional Correspondence

Okay

**From:** Crum, Laurette <Laurette.Crum@ed.gov>
**Sent:** Tuesday, February 25, 2020 1:39 PM
**To:** Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>
**Cc:** Harding, Jordan <Jordan.Harding@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Subject:** RE: Urgent Request - Congressional Correspondence

This is not the correct version.

**From:** Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
**Sent:** Tuesday, February 25, 2020 1:30 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>
**Cc:** Harding, Jordan <Jordan.Harding@ed.gov>; Crum, Laurette <Laurette.Crum@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Subject:** RE: Urgent Request - Congressional Correspondence

Kent, Enclosed is a combined response to comments from all POCs involved (and a clean version which incorporates an edit that Laurette pointed out). Jordan already reviewed it and defers to you.

**Sara B. Connelly**
ED/OLCA | LBJ-Rm 6W352
O: 202-453-5558

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Tuesday, February 25, 2020 1:11 PM
**To:** Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>
**Subject:** RE: Urgent Request - Congressional Correspondence

Please make sure exec secty has all versions from the various POCS. I please need one consolidated updated letter.

Kent

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**From:** Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
**Sent:** Tuesday, February 25, 2020 12:18 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>
**Subject:** RE: Urgent Request - Congressional Correspondence

FYI OESE has shared the latest draft with you both for final review. Probably from Brittney Lovitt.

**Sara B. Connelly**
ED/OLCA | LBJ-Rm 6W352
O: 202-453-5558

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Tuesday, February 25, 2020 11:44 AM
**To:** Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Richey, Kimberly <Kimberly.Richey@ed.gov>
**Cc:** Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>; Crum, Laurette <Laurette.Crum@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; March, Greg <Greg.March@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>; Patrick, Kelly <Kelly.Patrick@ed.gov>
**Subject:** RE: Urgent Request - Congressional Correspondence

I will await from exec secty a full updated version with everyone's edits from all relevant POCS.

Kent

**From:** Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>
**Sent:** Tuesday, February 25, 2020 11:40 AM
**To:** Harding, Jordan <Jordan.Harding@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Richey, Kimberly <Kimberly.Richey@ed.gov>
**Cc:** Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>; Crum, Laurette <Laurette.Crum@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; March, Greg <Greg.March@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Patrick, Kelly <Kelly.Patrick@ed.gov>
**Subject:** RE: Urgent Request - Congressional Correspondence

Hello:

Attached are OSERS edits to Q1, Q4, and Q7.

Looping in Kelly Patrick.

Please let us know if you have any questions,
Mary Louise

AMERICAN OVERSIGHT

**From:** Harding, Jordan <Jordan.Harding@ed.gov>
**Sent:** Monday, February 24, 2020 6:12 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Richey, Kimberly <Kimberly.Richey@ed.gov>
**Cc:** Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>; Crum, Laurette <Laurette.Crum@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; March, Greg <Greg.March@ed.gov>; Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>
**Subject:** Urgent Request - Congressional Correspondence
**Importance:** High

Frank, Aimee, Mark and Kim,

I know OLCA's correspondence manager has been in touch with each of yours, but I wanted to reach out to ensure this letter meets the noon deadline tomorrow and can be closed out in advance of the Secretary's hearing on Thursday.

As background, ED received this letter in**June 2019** and it has undergone **five rounds of Department clearance**. We need to get this out the door.

My understanding is that Kent has provided comments (which are attached), but now it's been assigned to OESE for rewrite. Since this involves OSERS and OCR as well, I wanted to make sure all POCS were on this email chain. **Please have this letter back to me and Kent by noon tomorrow, February 25th**.

I'm sorry for the short turnaround, but we must be able to close out a June 2019 letter in advance of the Secretary's budget hearing on Thursday.

Let me know if you have any questions and thank you in advance!

**Jordan Forbes Harding**
*Principal Deputy Assistant Secretary*
Office of Legislation and Congressional Affairs
United States Department of Education
400 Maryland Avenue, SW | Washington, DC 20202
O: 202-453-6253

<19-008189.letter.clean + kdt edits, 2.25.20, 5 56 PM.docx>

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Sat, 28 Mar 2020 20:56:54 +0000
**To:** Brogan, Frank
**Subject:** RE: Let's touch base later this pm

Hi Frank,

I hope you're well.

Let's touch base tomorrow, or early Monday morning before the stand-up call/ coronavirus call.

---

**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Thursday, March 26, 2020 2:52 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Re: Let's touch base later this pm

Sent from my iPhone

On Mar 26, 2020, at 2:16 PM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

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**From:** Viana, Aimee
**Sent:** Fri, 20 Mar 2020 21:33:33 +0000
**To:** Eitel, Robert;Brogan, Frank
**Cc:** Bailey, Nathan;Blew, Jim
**Subject:** RE: Letters from Commissioner Corcoran, FLDOE

Thank you, Bob.

We will start working on a response.

---

**From:** Eitel, Robert <Robert.Eitel@ed.gov>
**Sent:** Friday, March 20, 2020 4:34 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Bailey, Nathan <Nathan.Bailey@ed.gov>; Blew, Jim <James.Blew@ed.gov>
**Subject:** FW: Letters from Commissioner Corcoran, FLDOE

Frank and Aimee:

Would you review these letters and develop draft responses?

---

**From:** Delahunty, Sarah <Sarah.Delahunty@ed.gov>
**Sent:** Friday, March 20, 2020 4:20 PM
**To:** Private - Betsy DeVos <betsy0414@ed.gov>
**Cc:** Bailey, Nathan <Nathan.Bailey@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>
**Subject:** FW: Letters from Commissioner Corcoran, FLDOE

All – Per BDV's request, I am forwarding the attached letters Commissioner Corcoran discussed with Sec. DeVos yesterday when she gave him a call.

Let me know if I can help with anything else.

Sarah

Sarah Delahunty
202-480-1542

---

**From:** Hall, Eric <Eric.Hall@fldoe.org>
**Sent:** Friday, March 20, 2020 4:16 PM
**To:** Delahunty, Sarah <Sarah.Delahunty@ed.gov>
**Subject:** Letters from Commissioner Corcoran, FLDOE

Good afternoon Sarah,

Please find attached two letters from Commissioner Corcoran for Secretary DeVos. Please feel free to reach out to me on my cell at 919-215-8209 if you have any questions or need any additional information.

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Thank you,

Eric Hall, Ed.D.
Chancellor for Innovation
Florida Department of Education
850-245-0535

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Sun, 16 Feb 2020 20:38:31 +0000
**To:** Brogan, Frank;Dalton, Ashley
**Subject:** Re: meeting request

Frank/ Ashley,

Please let me know how I can be of assistance. Happy to help in any way I can.

**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Friday, February 14, 2020 8:57:27 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Dalton, Ashley <Ashley.Dalton@ed.gov>
**Subject:** Fwd: meeting request

I am traveling for the next two weeks
Frank

Sent from my iPhone

Begin forwarded message:

**From:** <michael@capenet.org>
**Date:** February 14, 2020 at 11:00:44 AM EST
**To:** <frank.brogan@ed.gov>
**Subject: meeting request**

Dear Assistant Secretary Brogan,

A group of us at CAPE would like to sit down with you, Jim Blew, and Maureen Dowling to discuss the recently unveiled budget request. See the attached for more information.

Looking forward to hearing back from you.

Best regards,

Michael

---

Michael Schuttloffel
Executive Director
Council for American Private Education (CAPE)
Tel - (844) 883-CAPE
E-Mail - michael@capenet.org
Web - www.capenet.org

Facebook, Twitter, YouTube
Subscribe to CAPE Outlook for Free

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**From:** Viana, Aimee
**Sent:** Fri, 31 Jan 2020 19:49:38 +0000
**To:** Newman, Jessica;Brogan, Frank;Dalton, Ashley
**Cc:** Simmons, Lee (Dougie);Delahunty, Sarah;Neumann, Kara;Al-Hmoud, Jude
**Subject:** Re: Meeting with Mario Rossero

Thanks, Jess.
Absolutely.
We will get working on that.
Have a great weekend,
Aimee
**From:** Newman, Jessica <Jessica.Newman@ed.gov>
**Sent:** Friday, January 31, 2020 2:09:59 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Dalton, Ashley <Ashley.Dalton@ed.gov>
**Cc:** Simmons, Lee (Dougie) <LeeD.Simmons@ed.gov>; Delahunty, Sarah <Sarah.Delahunty@ed.gov>; Neumann, Kara <Kara.Neumann@ed.gov>; Al-Hmoud, Jude <Jude.Al-Hmoud@ed.gov>
**Subject:** Meeting with Mario Rossero

Hi OESE,

The Secretary is meeting with Mario Rossero on Tuesday, February 11 at 1:15pm. He used to be at the Kennedy Center and reached out to catch up with the Secretary. He is now the Executive Director of the National Art Education Association. Could you all pull a bio for him and also include information on what NAEA does and some on their policy positions so we can have background in case the meeting moves from catch up to information on Mario's new position?

This is due on Friday, February 7 by 12pm. I need to check if we will have staff for this meeting, stay tuned!

Thank you,
Jessica

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**From:** Brogan, Frank
**Sent:** Fri, 15 May 2020 19:08:39 +0000
**To:** Viana, Aimee
**Cc:** Malawer, Hilary
**Subject:** Re: Meredith Miller

I will simply say.....
I could not agree more
Frank

Sent from my iPhone

On May 15, 2020, at 2:42 PM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Thank you, Hilary.

Please know that we are also grateful for you and for your good work!

---

**From:** Malawer, Hilary <Hilary.Malawer@ed.gov>
**Sent:** Friday, May 15, 2020 10:12 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Meredith Miller

Hi Frank and Aimee--

I just want to take a moment to say Meredith has done outstanding work on the CARES Act. She works tirelessly to ensure the process works smoothly. In addition to her project management savvy and organization, she ensures a supportive environment for all involved, which facilitates success.

I am very impressed by her approach and work ethic, and greatly appreciate her time and skills.

Hilary Malawer
202-401-6148
Deputy General Counsel
Ethics, Legislation, and Regulations
Office of the General Counsel
U.S. Department of Education

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**From:** Viana, Aimee
**Sent:** Tue, 10 Mar 2020 17:46:43 +0000
**To:** Morabito, Angela;Talbert, Kent;Zais, Mitchell;Brogan, Frank;Ryder, Ruth;Kesner, Paul;Foy Moss, Rita;Lustig, Amy;Rigling, Kay;Harris, Lisa (OGC);Koeppel, Dennis
**Cc:** Rosenfelt, Phil;Hill, Elizabeth;Falconer, Susan
**Subject:** RE: NYT Inquiry: Upcoming Corona Guidance

Angela –

OESE has two documents.

You currently have listed "Fact Sheet on Impact of COVID-19 on Assessments and Accountability (in process)". I recommend renaming to "Fact Sheet on Impact of COVID-19 on Assessments and Accountability under the ESEA (in process)"

Also, please add "Guidance on Flexibility and Waivers for Schools, SEAs, LEAs, Postsecondary Institutions, and other Program Participants Responding to COVID-19 (in process)"

Thank you!
Aimee

---

**From:** Morabito, Angela <Angela.Morabito@ed.gov>
**Sent:** Tuesday, March 10, 2020 1:15 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>; Lustig, Amy <Amy.Lustig@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Harris, Lisa (OGC) <Lisa.Harris@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>
**Cc:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Falconer, Susan <Susan.Falconer@ed.gov>
**Subject:** RE: NYT Inquiry: Upcoming Corona Guidance

Hello all,

Here are the guidance docs and fact sheets – either existing or upcoming – that I have on the list so far:

- Higher education (already posted)
- Civil rights letter (already posted)
- FERPA guidance (in final clearance with COS)
- Q and A on Services to Students with Disabilities (in process)
- Fact Sheet on Impact of COVID-19 on Assessments and Accountability (in process)
- Fact Sheet on Addressing Risk of COVID-19 in Schools While Protecting Civil Rights of Students (in process)

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If you are working on a guidance doc not listed here, please let me know. In addition, we have a reporter asking if the department planning to issue any guidance on refunding of room and board paid using Title IV funds, or any guidance regarding international students specifically. The CDC's higher ed guidance has some information on student housing, but nothing about refunds. Is anyone working on guidance that will include these two topics?

Thanks,

Angela

---

**From:** Morabito, Angela
**Sent:** Monday, March 9, 2020 4:09 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>; Lustig, Amy <Amy.Lustig@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Harris, Lisa (OGC) <Lisa.Harris@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>
**Cc:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Falconer, Susan <Susan.Falconer@ed.gov>
**Subject:** NYT Inquiry: Upcoming Corona Guidance

Good afternoon,

A reporter from the New York Times is working on a piece about the Department's response to the corona virus. To help her get a full picture, we'd like to provide her with a list of guidance documents that are currently in the clearance process. If you could please reply all with the names/topics of any guidance docs you are working on, I'd greatly appreciate it. Thanks!

Best,

**Angela L. Morabito**
**United States Department of Education**
Press Secretary
T: 202.445.4885
E: angela.morabito@ed.gov

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Thu, 23 Jan 2020 22:12:01 +0000
**To:** Eitel, Robert;Brogan, Frank
**Cc:** Pena, Alexandra;Feldpausch, Sarah
**Subject:** RE: OESE 2020
**Attachments:** FINAL 2020 Workplan OESE.xlsx

2nd attempt.

---

**From:** Eitel, Robert <Robert.Eitel@ed.gov>
**Sent:** Thursday, January 23, 2020 5:11 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Pena, Alexandra <Alexandra.Pena@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** RE: OESE 2020

Thanks!

A, please include the big spreadsheet.

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Thursday, January 23, 2020 5:09 PM
**To:** Eitel, Robert <Robert.Eitel@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Pena, Alexandra <Alexandra.Pena@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** RE: OESE 2020

Hello Bob,

Attached please find the tentative workplan for OESE with dates and staff as requested.

The CSP guidance is also included.

Do not hesitate to let me know if you have any additional questions or items for clarification.

Have a great night.
Aimee

---

**From:** Eitel, Robert <Robert.Eitel@ed.gov>
**Sent:** Tuesday, January 14, 2020 9:37 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** OESE 2020

Frank and Aimee:
Would you review and provide any revisions or additions, such as dates and staff?
I also think that it would be worth adding the CSP Guidance that Chris is working on to the list of 2020 priorities.

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Thanks,
Bob

Senior Counselor to the Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
7th Floor
Washington, D.C. 20202
(202) 453-6278

AMERICAN OVERSIGHT

**Purpose:** **2020 Workplan** CONFIDENTIAL, DELIBERATIVE DOCUMENT EXEMPT FROM FOIA RESPONSES AND PRODUCTION IN LITIGATION

| | | Estimated completion date of activity | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Q1 2020 | | | Q2 2020 | | | Q3 2020 | | | Q4 2020 | | | | | |
| POC | Activity | January | February | March | April | May | June | July | August | September | October | November | December | STAFFING | PARTNERS | STATUS |
| **OESE 2020 Priorities** | | | | | | | | | | | | | | | | |
| | Prioritize Media per Director Order (OER) | | Analyze and refine guidance website that will be rolled to the ED Portal | Collect and review of guidance documents, categories these activities, monthly to revised Order is tentative (needed by OR) | Before 4/30: Reg Review completed | Support development of Agency Report due June 29th, as requested | Support development of regulatory Rev Aug 28th, as requested | | | | | | | Aimee Vona<br>Chris Rickey | OGC | |
| | Grant Management | ONGOING: Improve, streamline, and reform grant making process<br>Transfer and increase transparency of internal processes that enable staff to increase customer satisfaction improve peer review retention<br>Make current or recommend secretary priorities<br>*Participate in monthly "Grants Status" meeting between OESE, OL, and OPEPD. | Before 2/28: OGC gives final approval of the OESE drafted "Generic Application Package." Award to ensure that the preparation for grant competition. This timeline will add efficiency throughout all POCs. *Participate in monthly "Grants Status" meeting between OESE, OL, and OPEPD. Before 2/28: OESE publishes an announcement Notice in the Federal Register to increase awareness and solicit peer reviewers for upcoming OESE FY 2020 competitions. SOP begins distributing incoming requests to program offices | Before 3/13: OESE identifies department approval process. *Participate in monthly "Grants Status" meeting between OESE, OL, and OPEPD. | *Participate in monthly "Grants Status" meeting between OESE, OL, and OPEPD. | Before 5/31: Departments approves "Generic Application Package". *Participate in monthly "Grants Status" meeting between OESE, OL, and OPEPD. | *Participate in monthly "Grants Status" meeting between OESE, OL, and OPEPD. | Before 7/31: All POCs review department approved "Generic Application Package" for acceptable for use in FY2021 grant competition competition *Participate in monthly "Grants Status" meeting between OESE, OL, and OPEPD. | All POCs use "Generic Application Package" for FY2021 grant competitions. *Participate in monthly "Grants Status" meeting between OESE, OL, and OPEPD. | *Participate in monthly "Grants Status" meeting between OESE, OL, and OPEPD. | | | | Aimee Vona<br>Ryan Tarazano<br>Ruth Ryder | OGC | |
| | Disaster Recovery Unit | ONGOING: Continue to support the newly formed Disaster Recovery Unit to more quickly mobilize ED resource immediately following a natural disaster | | Before 3/31: identify external partners and develop a strategy to effectively leverage their expertise and resources in natural disaster recovery | Before 4/30: Create a communications strategy that includes effective methods for internal and external communication, and processes for selecting and using ongoing feedback. Before 4/30: Create a plan to regularly review the DRU's performance and continuously improve the delivery of resources and support to grantees | Before 5/31: Create an coordinated and differentiated technical assistance approach for DRU grantees. Before 5/31: Complete monitoring of 2018 grantees. | Before 6/30: Finalize the DRU plan for mobilization of ED resources immediately following a natural disaster. | | | | | | | Frank Brogan<br>Aimee Vona<br>Meredith Miller | OGC, OCO | |
| | ESSA School Tour Lessons Pilot | ONGOING: Identify and plan school visits to the Based 5% performing schools | Before 2/28: School visit(s) to Florida following visit. OESE and OCO meet to discuss success and ways for improvement. | Before 3/14: OESE and OPPE are view guidance and advice to determine which schools to visit. Setting and Selection of schools through OESE and OCO begins. OESE and OESE begin with state personnel for visit #1 | Before 4/30: Plan visit #2. Following visit #2: OESE and OCO meet to develop more formal process for considering state targets and setting expectations | | | | | | | | | | | OESE, OCO, Damian Garcia |
| | Review of Indian Education | ONGOING: Continue to work with BIE to support tribes in achieving NCLB compliant, while also providing flexibility in addressing low performing schools. 1/21: OESE sent BIE Corrective Action Plan. Before 1/31: BIE must report how they are providing supports and interventions to the schools on the list of identified schools, including schools identified for ED in school year 2019-2020 | Before 2/14: BIE would submit description of the accountability system that will be used to provide accountability determinations for BIE schools in the beginning of school year 2020-2021. Before 2/21: BIE must submit a draft of the accountability system that includes all indicators required under the ESEA, as amended by ESSA. Had BIE progress in use the accountability determination to make in the beginning of school year 2021-2022. *Bi-monthly meeting to review BIE progress on CAP and tasks needed to | | Before 4/30: BIE must submit evidence BIE is taking steps to implement a new assessment system covering all required assessments. Before 4/30: BIE must publish post-Title and CA report cards for school year 2018-2019. *Bi-monthly meeting to review BIE progress on CAP and tasks needed to fully implement ESSA | Before 5/31: BIE's Against Plan that contract the accountability system must BIE add/implement in school year 2021-2022. Before 5/31: BIE must ensure delivered state of reading/language arts, mathematics, science as such as the required alternate assessments in these subjects, and ELP assessments to all schools. | *Bi-monthly meeting to review BIE progress on CAP and tasks needed to fully implement ESSA | | Before 8/31: BIE must approve applications for 18-0414 funds, spend funds, and continue to provide supports and improvement for its identified schools. *Bi-monthly meeting to review BIE progress on CAP and tasks needed to fully implement ESSA | | *Bi-monthly meeting to review BIE progress on CAP and tasks needed to fully implement ESSA | *Bi-monthly meeting to review BIE progress on CAP and tasks needed to fully implement ESSA | | | Frank Brogan<br>Ruth Ryder | |
| | Website | Further improving the OESE website to be more family friendly and transparent. Before 1/27: Website content analysis by departmental sections | Before 2/14: Content transformed into multimedia videos in house | Before 3/13: Approved videos and content populated into family friendly website. Before 3/14: OESE and OCO determine final launch notification strategy | | | | | | | | | | Aimee Vona<br>Caitlin Candia<br>Ryan Tarazano | OCO, OLL, OPE | |
| | Charter Schools Program (CSP) Guidance | ONGOING: OESE is engaged in listening sessions with CSP grantees and other stakeholders regarding updates to the CSP non-regulatory guidance, which have been updated since 2015. June 2020: and evaluation number of various guidance documents (Dear Colleague letters, etc. | | | | | Before 6/30: have updated CSP non-regulatory guidance. | | Before 8/31: Revised non-regulatory guidance documents that would be corrections since new guidance is issued. | | | | | Chris Rickey | | |
| **OESE-2020 Priorities-Re-elected** | | | | | | | | | | | | | | | | |
| | Rebuild Teach for Land | ONGOING: Reboot the Teach to Land program and expanded annual report process | 2/10: Applications for Spring 2020 Summit close. Application review begins (based on endorsed criteria for consideration) | 3/1: Applicants notified of acceptance. 2/27-3/19: Teach to Land summit – Puerto Rico | 4/3: Application for Fall 2020 Summit reports | | 6/1: Applications for Fall 2020 Summit close. Application review begins (based on endorsed criteria for consideration) | 7/10: Applicants notified of acceptance | Before 8/31: Applicants confirm attendance and project proposal | 8/24-8/28: Teach to Land summit New Mexico | | | | Frank Brogan<br>Aimee Vona<br>Caitlin Candia | OCO, OLL, OPE, Damian Garcia | |
| | Reform School Ambassador Fellowship Program | ONGOING: Reboot the School Ambassador Fellowship program and expand pool annual report agenda. 1/6-1/14: 1st round of application review. 1/16: Selection of second candidates | 1/27 - 2/7: OESE conducts virtual interviews. 2/12 - 2/21: Review and score second round candidates. 2/14: Final selection of second round candidates. | 3/7: In-person final round interviews. 3/9: OESE finalizes scores and select 2020 cohort. 3/12-3/16: Inform selected candidates and their school districts. 3/30: Connect candidates with their office to begin onboarding process. Connect candidates with security office to begin clearance process. 4/13 - 4/30: Notify fellows of start date | | | | | Before 8/30: 2020 cohort begins | | | | | Frank Brogan<br>Aimee Vona<br>Caitlin Candia | | |
| | K-12 Proposals/Agenda | Work with OESE staff and OPEPD to develop an deal K-12 agenda and agenda | | | | | | | | | | | | Frank Brogan<br>Aimee Vona | OPEPD and Other | |
| **OESE-2020 Priorities-Not Re-elected** | | | | | | | | | | | | | | | | |

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Thu, 2 Apr 2020 16:07:43 +0000
**To:** Viana, Aimee
**Subject:** Re: OESE Agency Priority Goal (APG)
**Attachments:** image001.png

Sent from my iPhone

On Apr 2, 2020, at 11:59 AM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Frank,

Let's connect on this later.

---

**From:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Sent:** Thursday, April 2, 2020 11:23 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** RE: OESE Agency Priority Goal (APG)

Follow up:

This is the suggested request we would ask Sandy to submit to OMB:

> "The Office of Elementary and Secondary Education is responsible for the Department of Education's (Department) Agency Priority Goal (APG) 1: "Support state and local efforts to improve learning outcomes for all P-12 students in every community."
> We have 3 milestones we are aiming to reach in order to achieve our goal:
> 1) Continue to release resources on education freedom scholarships.
> 2) Provide outreach to states on education freedom scholarships, state-based vouchers, tax-credit scholarships, and education savings accounts programs.
> 3) Provide technical assistance, as appropriate, to Congress and other policymakers on the Department's education freedom scholarship proposal.
>
> We are requesting Milestone 3 to be removed. In order to quantify this milestone, as required, the Department must report the **number of meetings with Members of Congress and other policymakers** in which education freedom scholarships, state-based vouchers, tax-credit scholarships, and education savings accounts programs *may* have been mentioned. The nature of this type of information request is necessarily unreliable, as the definition of "technical assistance" is subject to interpretation. Similarly, the volume of formal and informal discussion with policymakers is significant and sometimes not documented, rendering the data flawed.

AMERICAN OVERSIGHT

Reporting on Milestones 1 and 2 will adequately capture the intended information needed to report the Department's metrics on APG 1: "Support state and local efforts to improve learning outcomes for all P-12 students in every community.""

---

**From:** Feldpausch, Sarah
**Sent:** Thursday, April 2, 2020 11:01 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: OESE Agency Priority Goal (APG)

Aimee –

Have you talked with Frank on this?

Sarah

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Thursday, March 26, 2020 11:58 AM
**To:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** RE: OESE Agency Priority Goal (APG)

Thank you, Sarah.

Let's discuss during our check in today.

---

**From:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Sent:** Wednesday, March 25, 2020 4:06 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: OESE Agency Priority Goal (APG)

Aimee –

Please review the below information and advise. This is now urgent. Sandy Battle informed us today that the Data Call for Quarter 2 is open tomorrow. We need a plan for moving forward.

I am proposing we request milestone 3 to be removed. Reporting on Milestones 1 and 2 adequately capture the intended information needed to report ED metrics on APG 1: "Support state and local efforts to improve learning outcomes for all P-12 students in every community." Kim checked in with Sandy on this possibility and she asked we draft a short justification. Are you comfortable with this?

Sarah

---

**From:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Sent:** Monday, March 9, 2020 3:06 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** OESE Agency Priority Goal (APG)

AMERICAN OVERSIGHT

Aimee –

As you know, OESE is responsible for Agency Priority Goal (APG) 1: "Support state and local efforts to improve learning outcomes for all P-12 students in every community."

We have 3 "milestones" we are aiming to reach in order to achieve our goal (these are what we used to establish our metrics). OMB maintains these metrics and ED is responsible for reporting on our advancement throughout the year:

1. Continue to release resources on education freedom scholarships.
2. Provide outreach to states on education freedom scholarships, state-based vouchers, tax-credit scholarships, and education savings accounts programs.
3. Provide technical assistance, as appropriate, to Congress and other policymakers on the Department's education freedom scholarship proposal.

To complete our records for the first Quarterly Performance Review (QPR), we attempted to gather information from senior leaders in each POC but ran into some issues, particularly around milestone 3. In order to quantify this milestone, ED would have to report the number of **meetings with Congress and other policymakers** in which education freedom scholarships, state-based vouchers, tax-credit scholarships, and education savings accounts programs may have been mentioned. The nature of this type of information request is necessarily unreliable, as the definition of "technical assistance" is subject to interpretation. Separately, this is also a considerable reporting burden on staff because volume of formal and informal discussion with policymakers is significant and sometimes not documented.

I am proposing we request milestone 3 to be removed. Reporting on Milestones 1 and 2 adequately capture the intended information needed to report ED metrics on APG 1: "Support state and local efforts to improve learning outcomes for all P-12 students in every community."

Kim checked in with Sandy on this possibility and she asked we draft a short justification. Are you comfortable with this?

<image001.png>

**Sarah Feldpausch**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 401-1082
Email: sarah.feldpausch@ed.gov

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Sun, 8 Mar 2020 13:39:31 +0000
**To:** Washington, Mark
**Cc:** Brogan, Frank;Talbert, Kent;Hunter, Tina;Ryder, Ruth
**Subject:** Re: OESE Contingency Plan

Thank you, Mark.

**From:** Washington, Mark <Mark.Washington@ed.gov>
**Sent:** Sunday, March 8, 2020 9:01:04 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Hunter, Tina <Tina.Hunter@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** Re: OESE Contingency Plan

Good morning,
Just sent in a separate email. Also, I reached Debbie Little (Seattle) and Julie Coplin (NYC) yesterday and encouraged them to telework for the next 14 days (beginning Monday). I called and left messages for Miriam Lund (Seattle), but have yet to hear from her. I will continue today, beginning at 9:00 a.m. I also notified Ruth and Patrick Rooney, the supervisor for all of them.
I also advised that Julie and Miriam should NOT travel to planned monitoring visits to Harrisburg, PA and Atlanta, GA on Monday. They should stay close—and I believed it to be incongruent that we would require them to stay from the physical workplace, but require them to represent us out of state.
I'll keep you posted on Miriam throughout the day. Please let me know if you need anything else. Mw

Sent from my iPhone

On Mar 8, 2020, at 8:15 AM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Mark,
Please provide an update re: OESE Contingency Plan.
To whom was the updated plan submitted?
Ty

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Wed, 29 Jan 2020 16:45:47 +0000
**To:** Ryder, Ruth;Brogan, Frank
**Subject:** Re: OIE Options Memo

Thank you, Ruth.
I am connecting w Jim tomorrow at 12pm.
Let's talk tomorrow afternoon.
**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Wednesday, January 29, 2020 11:39:14 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** OIE Options Memo

Per our conversation. Turns out we need a decision ASAP in order to finalize peer review contracts. Thoughts on how to proceed?

**Ruth E. Ryder**
**Deputy Assistant Secretary for Formula Grants**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5570
Email: ruth.ryder@ed.gov

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Thu, 11 Jun 2020 19:51:24 +0000
**To:** Viana, Aimee
**Cc:** Ryder, Ruth;Rooney, Patrick
**Subject:** Re: OR Grant Condition for non-compliance

Sorry Ruth
That's what I heard
Frank

Sent from my iPhone

On Jun 11, 2020, at 3:02 PM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Yes, Ruth.

I asked Ashley to cancel it.

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Thursday, June 11, 2020 3:02 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Subject:** RE: OR Grant Condition for non-compliance

Was this meeting going to be cancelled given our conversation this morning?

-----Original Appointment-----
**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Tuesday, June 9, 2020 11:33 AM
**To:** Brogan, Frank; Ryder, Ruth; Viana, Aimee; Rooney, Patrick
**Subject:** OR Grant Condition for non-compliance
**When:** Thursday, June 11, 2020 3:00 PM-3:30 PM (UTC-05:00) Eastern Time (US & Canada).
**Where:** Skype Meeting

.....

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AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Fri, 3 Apr 2020 17:35:52 +0000
**To:** Rinkus, Christopher;Ryder, Ruth
**Cc:** Brogan, Frank
**Subject:** RE: Pls review and advise asap

Thanks, Chris.

Should the title be edited?

---

**From:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Sent:** Friday, April 3, 2020 1:35 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** RE: Pls review and advise asap

What you submitted is factually accurate. If you want to add the language in red, that's fine

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Friday, April 3, 2020 1:32 PM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** Pls review and advise asap

Ruth and Chris,

I submitted the language below (you had confirmed for accuracy last night) for the OMB report.

Kent requested that the bullet updated because these are waivers under the CARES Act. Please review and advise asap.

**Waivers for Flexibility in Fiscal Management**. Today the Department expects to issue a letter inviting state waiver requests, and an accompanying waiver template, for states to request flexibility in the use of funds under section 421(b) of the General Education Provisions Act (GEPA) and the Elementary and Secondary Education Act of 1965 (ESEA), as authorized under CARES Act sec. 3511(b)(2) . Requirements related to Title I, Part A and Title IV, Part A of the ESEA are addressed.

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 9 Mar 2020 15:19:27 +0000
**To:** Hill, Elizabeth;Talbert, Kent;Brogan, Frank
**Cc:** Falconer, Susan;Zais, Mitchell;Morabito, Angela
**Subject:** RE: POLITICO query re: digital divide

Hi Liz,

The fact sheet that is currently working its way through clearance addresses the potential impact on assessments and accountability, specifically under ESSA.

It does not address connectivity issues.

Let me know if there is anything else I can help you with.
Aimee

---

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Monday, March 9, 2020 10:46 AM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Falconer, Susan <Susan.Falconer@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; Morabito, Angela <Angela.Morabito@ed.gov>
**Subject:** FW: POLITICO query re: digital divide

Aimee/Frank,

Will the flexibility doc you guys are working on for K-12 address home internet connectivity issues at all? See question from reporter below

---

**From:** Nicole Gaudiano <ngaudiano@politico.com>
**Sent:** Monday, March 9, 2020 10:22 AM
**To:** Morabito, Angela <Angela.Morabito@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Press <Press@ed.gov>
**Subject:** POLITICO query re: digital divide

Hi all,

I'm writing today about how the digital divide could be devastating to kids without home internet access or computers if their schools close because of the coronavirus.

What is ED's plan for addressing this issue?

Thanks,

Nicole Gaudiano
Education writer, K-12

AMERICAN OVERSIGHT

POLITICO
POLITICO*Pro*
(703) 967-6816 – Cell
ngaudiano@politico.com
@ngaudiano

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Thu, 19 Mar 2020 19:36:43 +0000
**To:** Hill, Elizabeth;Rinkus, Christopher
**Cc:** WEB;Brogan, Frank;Chin, David;Arrington, Angela;Harris, Sally
**Subject:** RE: Posting on coronavirus page

Thanks, team.

Hold for now and wait for further instructions.

---

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Thursday, March 19, 2020 3:35 PM
**To:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Cc:** WEB <WEB@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Chin, David <David.Chin@ed.gov>; Arrington, Angela <Angela.Arrington@ed.gov>; Harris, Sally <Sally.Harris@ed.gov>
**Subject:** Re: Posting on coronavirus page

That's fine but we can post these to the COVID page until they are ready to go.

Liz Hill
Communications Director
U.S. Department of Education
202-465-0509
Sent from my iPhone

On Mar 19, 2020, at 3:34 PM, Rinkus, Christopher <Christopher.Rinkus@ed.gov> wrote:

Hey Liz – these are just blank, placeholder PDFs – we were trying to get ahead of creating URLs since a press release may need one and since we sometimes do these on short notice and the web posting can lag behind

---

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Thursday, March 19, 2020 3:32 PM
**To:** WEB <WEB@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Cc:** Chin, David <David.Chin@ed.gov>; Arrington, Angela <Angela.Arrington@ed.gov>; Harris, Sally <Sally.Harris@ed.gov>
**Subject:** Re: Posting on coronavirus page

Thank you so much for flagging this, web team!
David—there's a rollout to take into consideration here before we publish these items.
Looping in Frank, Aimee and Chris.

AMERICAN OVERSIGHT

Liz Hill
Communications Director
U.S. Department of Education
202-465-0509
Sent from my iPhone

On Mar 19, 2020, at 3:30 PM, WEB <WEB@ed.gov> wrote:

Thank you for your interest. Liz Hill is coordinating updates to this top level page. We're including her on this e-mail to make her aware of this request and will apply the updates upon her approval.

The Web Team

---

**From:** David Chin <David.Chin@ed.gov>
**Date:** Thursday, March 19, 2020 at 3:25 PM
**To:** WEB <WEB@ed.gov>
**Cc:** "Arrington, Angela" <Angela.Arrington@ed.gov>
**Subject:** FW: Posting on coronavirus page

Hi Web Team,

Sorry for the short notice. Please make the following updates to the www.ed.gov/coronavirus page as soon as possible.

The documents should have the following labels and make these the first two bullets on the list of resources:

- Invitation to waiver of assessments, accountability and reporting for the 2019-2020 school year (March 19, 2020) https://oese.ed.gov/files/2020/03/template-assessmentwaiver-19-20.pdf
- Optional State template to review assessments, accountability and reporting waiver for the 2019-2020 school year (March 19, 2020) https://oese.ed.gov/files/2020/03/assessmentwaiver-19-20.pdf

Thanks.
David

---

**From:** Turner, Dramon <Dramon.Turner@ed.gov>
**Sent:** Thursday, March 19, 2020 3:10 PM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Chin, David <David.Chin@ed.gov>; Arrington, Angela <Angela.Arrington@ed.gov>; Pugh, Catherine <Catherine.Pugh@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
**Subject:** RE: Posting on coronavirus page

AMERICAN OVERSIGHT

https://oese.ed.gov/files/2020/03/template-assessmentwaiver-19-20.pdf
https://oese.ed.gov/files/2020/03/assessmentwaiver-19-20.pdf

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**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Thursday, March 19, 2020 1:01 PM
**To:** Chin, David <David.Chin@ed.gov>; Arrington, Angela <Angela.Arrington@ed.gov>; Pugh, Catherine <Catherine.Pugh@ed.gov>; Turner, Dramon <Dramon.Turner@ed.gov>
**Cc:** OESE.WebTeam <OESE.WebTeam@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
**Subject:** RE: Posting on coronavirus page

Following up on our conversation just now, the OESE web team is going to create the URL for the two documents that we will then post on this page:

https://oese.ed.gov/guidance/guidance-documents/

The documents should have the following labels:

- Invitation to waiver of assessments, accountability and reporting for the 2019-2020 school year (March 19, 2020)
- Optional State template to review assessments, accountability and reporting waiver for the 2019-2020 school year (March 19, 2020)

And then we should use the same labels for the bullets on www.ed.gov/coronavirus page (and make these the first two bullets on the list of resources.

For what it's worth, I would recommend that the URLs be something somewhat short, like perhaps "assessmentwaiver-19-20" and "template-assessmentwaiver-19-20"

Thanks.

-Patrick

---

**From:** Rooney, Patrick
**Sent:** Wednesday, March 18, 2020 3:03 PM
**To:** Chin, David <David.Chin@ed.gov>; Arrington, Angela <Angela.Arrington@ed.gov>; Pugh, Catherine <Catherine.Pugh@ed.gov>; Turner, Dramon <Dramon.Turner@ed.gov>
**Cc:** OESE.WebTeam <OESE.WebTeam@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
**Subject:** RE: Posting on coronavirus page

David – we have two documents that we are going to want to post. I don't have the final versions available yet, but I believe we need to post them on oese.ed.gov and then OCO cross-posts them on the coronavirus page. Is that correct?

If so, I want the two documents posted on: https://oese.ed.gov/guidance/guidance-documents/.

AMERICAN OVERSIGHT

I think we want both documents to be in the same row of the table on this page, if possible (since they are linked and it seems prudent to keep them together. Do you need the final documents to prepare the page for the posting and create the URL for the two documents? Can you do that in advance of the documents being final?

-Patrick

---

**From:** Chin, David <David.Chin@ed.gov>
**Sent:** Wednesday, March 18, 2020 12:38 PM
**To:** Arrington, Angela <Angela.Arrington@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>; Pugh, Catherine <Catherine.Pugh@ed.gov>; Turner, Dramon <Dramon.Turner@ed.gov>
**Cc:** OESE.WebTeam <OESE.WebTeam@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
**Subject:** RE: Posting on coronavirus page

Please send me the request and I will forward it to the OCO Web Team. Thanks.

---

**From:** Arrington, Angela <Angela.Arrington@ed.gov>
**Sent:** Wednesday, March 18, 2020 12:30 PM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Pugh, Catherine <Catherine.Pugh@ed.gov>; Turner, Dramon <Dramon.Turner@ed.gov>
**Cc:** OESE.WebTeam <OESE.WebTeam@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; Chin, David <David.Chin@ed.gov>
**Subject:** RE: Posting on coronavirus page

Patrick,
If you want the documents posted on www.ed.gov/coronavirus, OCO will need to post them.

David, are you able to help with this request?

Angela

---

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Wednesday, March 18, 2020 12:25 PM
**To:** Arrington, Angela <Angela.Arrington@ed.gov>; Pugh, Catherine <Catherine.Pugh@ed.gov>; Turner, Dramon <Dramon.Turner@ed.gov>
**Cc:** OESE.WebTeam <OESE.WebTeam@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
**Subject:** Posting on coronavirus page

Hi web team – we are working on a letter from Frank and template for states that we are hoping to release, possibly as early as COB today. (Still working through the layers of approval.) We will want the documents posted on www.ed.gov/coronavirus. Can you post items on that site or do we need OCO/OCIO to do that?

AMERICAN OVERSIGHT

I don't have the documents ready just yet but want to make sure we know how to post things once they are approved and who can be the point for making that happen quickly.

Thanks.

-Patrick

**Patrick Rooney**
U.S. Department of Education
400 Maryland Ave. SW | Rm. 3W202 | Washington, DC 20202
patrick.rooney@ed.gov | O: 202.453.5514 | C: 202.538.9961

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Fri, 19 Jun 2020 21:26:29 +0000
**To:** Viana, Aimee
**Subject:** Re: PR SERV

How much are we talking about Meredith?

Sent from my iPhone

On Jun 19, 2020, at 5:21 PM, Brogan, Frank <Frank.Brogan@ed.gov> wrote:

How much is it?

Sent from my iPhone

On Jun 19, 2020, at 5:13 PM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Frank,

Fysa below.

---

**From:** Miller, Meredith <Meredith.Miller@ed.gov>
**Sent:** Friday, June 19, 2020 5:12 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Booth, Lindsay <Lindsay.Booth@ed.gov>; Budman, Molly <Molly.Budman@ed.gov>
**Subject:** PR SERV

As we talked about on our call, we think there are three options for the PR SERV award:

A. Hold the grant and only obligate it once the TPFA is in place (which is what we told PR we would do – and what we have been doing for a month or so)
B. Obligate the grant with the condition that PRDE not draw any SERV funds until the TPFA is in place
C. Obligate the award, and as with ESSER and GEER, allow PRDE to draw down what they need in the next 60 days (Frank's suggestion)

So I was able to reach Mark Robinson today, after all. He confirmed my suspicion that the TPFA would only be managing funds not yet drawn down from G5. If we obligate the SERV grant now, and allow them to draw down some or all of the SERV funds before the TPFA is in place (option C), they could easily draw it all down in the next 60 days since it's all reimbursement and none of it would be under the TPFA. Mark believes it would be most consistent to obligate the SERV grant with the condition that they do not draw any funds until the TPFA is in place (Option B). I agree.

Aimee – in my absence, Lindsay and Molly can connect with you so that we can implement whatever option OESE leadership prefers. They'll need to work with OGC on the conditions.

AMERICAN OVERSIGHT

Thanks,
Meredith

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 16 Mar 2020 16:10:33 +0000
**To:** King, Robert;Brogan, Frank;Ryder, Ruth
**Cc:** Jones, Diane
**Subject:** RE: proposed flexibility for grantees

Bob,

Thank you for following up.

Hope to have it available sometime today.

Will be in touch with any updates.

---

**From:** King, Robert <Robert.King@ed.gov>
**Sent:** Monday, March 16, 2020 12:07 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Jones, Diane <Diane.Jones@ed.gov>
**Subject:** proposed flexibility for grantees

All: during the call this morning there was reference to a document OESE is preparing on grant and grantee flexibility. You referenced the fact that higher ed is included in the document which is based on past disaster and H1N1 departmental determinations. Can you forward that to me so I can get our troops to review and comment? Thanks, Bob

Robert L. King
Assistant Secretary for Postsecondary Education
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Tue, 19 May 2020 15:13:17 +0000
**To:** Viana, Aimee
**Subject:** RE: Puerto Rico CARES Act Allocation

Right
That I knew but want to get it to them ASAP
I sent their letter to Nate and gave a brief explanation of where this all is

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Tuesday, May 19, 2020 11:11 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** RE: Puerto Rico CARES Act Allocation

Thanks.

I will ask Meredith about the letter – but I believe it was sent before Jim Stader's meeting with PRDE.

---

**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Tuesday, May 19, 2020 10:57 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: Puerto Rico CARES Act Allocation

Hi
Wanted you to have this ASAP
Where is our letter that has been making the rounds which goes to Puerto Rico?
Frank

---

**From:** Brogan, Frank
**Sent:** Tuesday, May 19, 2020 10:49 AM
**To:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Subject:** FW: Puerto Rico CARES Act Allocation

Hi Nate
Just got this from Jim Stader
Jim and his folks are meeting with OGC this afternoon to determine the source of PRDE funds to pay for the immediate Third Party while the bigger contract gets worked out
In the meantime again the plan is to require Puerto Rico to provide spending priorities and dollar requests associated, to begin their flow of funds until the new TPFiduciary contract is finalized which should take two to three weeks according to Jim.
Will keep you up to date
Frank

---

**From:** Stader, Jim <Jim.Stader@ed.gov>
**Sent:** Tuesday, May 19, 2020 10:24 AM

AMERICAN OVERSIGHT

**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>
**Cc:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>
**Subject:** FW: Puerto Rico CARES Act Allocation

Good morning- this just came in from PR to the Secretary. Jim

---

**From:** Wilson, Linda <Linda.Wilson@ed.gov>
**Sent:** Tuesday, May 19, 2020 9:43 AM
**To:** Stader, Jim <Jim.Stader@ed.gov>; Robinson, Mark <Mark.Robinson@ed.gov>
**Cc:** Miller, Meredith <Meredith.Miller@ed.gov>
**Subject:** FW: Puerto Rico CARES Act Allocation

FYI if you haven't seen this. I got a copy from the Congresswoman's office.

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Thu, 23 Jan 2020 23:55:04 +0000
**To:** Bailey, Nathan;Brogan, Frank;Kesner, Paul
**Subject:** Re: Quick Request - Human Trafficking EO

I have no concerns.
**From:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Sent:** Thursday, January 23, 2020 5:53:07 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: Quick Request - Human Trafficking EO

Any concerns with the language below?

---

**From:** "Collins, Rachel E. EOP/WHO" <Rachel.E.Collins@who.eop.gov>
**Date:** Thursday, January 23, 2020 at 5:37 PM
**To:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>
**Cc:** "Lichter, Jennie B. EOP/WHO" <Jennifer.B.Lichter@who.eop.gov>
**Subject:** RE: Quick Request - Human Trafficking EO

Nate – We went ahead and included ED in the section because we didn't want to miss the opportunity to do so. Please let me know if you have any edits to this language or do not want ED included. Thank you!

Sec. 5. Preventing Human Trafficking and Child Exploitation Through Education Partnerships. The Department of Justice and the Department of Homeland Security, in coordination with the Department of Education, shall partner with State, local, and tribal law enforcement entities to fund human trafficking and child exploitation prevention programs for our Nation's youth in schools.

*Rachel Collins*
Domestic Policy Council
Cell 202-881-9375 | Office 202-456-8281

---

**From:** Collins, Rachel E. EOP/WHO
**Sent:** Thursday, January 23, 2020 12:45 PM
**To:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Subject:** Quick Request - Human Trafficking EO
**Importance:** High

Hi Nate – I'm working on the Human Trafficking EO for DPC. In one section, we discuss prevention education in schools. DOJ and DHS are currently the agencies listed because the section says they will partner with law enforcement entities to fund prevention programs in schools. The Department of State raised a great point that ED has prevention programs as well. Would you like ED to be included? I've

AMERICAN OVERSIGHT

attached the full EO and copied the specific section below. We are on an extremely tight deadline and need an answer by 5 PM today. My apologies for such a tight turn. Please let me know if you have any questions!

Sec. 5. Preventing Human Trafficking and Child Exploitation Through Education Partnerships. The Department of Justice and the Department of Homeland Security shall partner with State, local, and tribal law enforcement entities to fund human trafficking and child exploitation prevention programs for our Nation's youth in schools.

*Rachel Collins*
Domestic Policy Council
Cell 202-881-9375 | Office 202-456-8281

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Wed, 20 May 2020 18:39:56 +0000
**To:** Viana, Aimee
**Subject:** RE: Remote Learning for Middle / High School

Just the attached note

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**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Wednesday, May 20, 2020 2:22 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** RE: Remote Learning for Middle / High School

Have we been assigned a response?

---

**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Wednesday, May 20, 2020 1:46 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: Remote Learning for Middle / High School

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**From:** DeVos, Betsy <Betsy.DeVos@ed.gov>
**Sent:** Wednesday, May 20, 2020 1:40 PM
**To:** George <georusso@verizon.net>
**Cc:** LaVern.Chester@ed.gov; Brogan, Frank <Frank.Brogan@ed.gov>; Dalton, Ashley <Ashley.Dalton@ed.gov>; Hunter, Tina <Tina.Hunter@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>
**Subject:** RE: Remote Learning for Middle / High School

**This acknowledgement is sent on behalf of Secretary of Education Betsy DeVos.**
Dear Mr. Russo:
Thank you for your e-mail to Secretary of Education Betsy DeVos. We appreciate hearing from you.
Your communication has been forwarded to the appropriate staff member for review and further handling.
Thank you again for contacting us.
Sincerely,
Edgar Mayes

Director, Correspondence and
Communications Control Unit
Office of the Secretary
U.S. Department of Education
Washington, DC 20202

AMERICAN OVERSIGHT

**From:** George (b)(6)
**Sent:** Wednesday, May 20, 2020 1:21 PM
**To:** DeVos, Betsy <Betsy.DeVos@ed.gov>
**Cc:** LaVern.Chester@ed.gov; Brogan, Frank <Frank.Brogan@ed.gov>; Dalton, Ashley <Ashley.Dalton@ed.gov>; Hunter, Tina <Tina.Hunter@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>
**Subject:** Remote Learning for Middle / High School

Dear Madam Secretary DeVos,

Teaching Middle School Mathematics as a second career in a Title I district has me concerned about the viability of remote teaching. Many students I teach don't have the technology at home for it. Even if the district gives them a chrome book, they do not have internet in their home. Another issue is they don't have the support structure within their home to get help they may need. I can go on and on but I would rather try to provide a solution to the problem instead of complaining about it.

I would like to make a couple of suggestions on ways to possibly get schools functional even if we are still locked down in September. I do not believe we can let kids back into schools in high volumes until a vaccine is found or the virus is totally controlled.

There are three subjects I feel need to be taught in person Math, Language Arts and Science the rest can be taught remotely. You cannot have Lunch, Gym and class changes due to the students being on top of one another in the hallways when transferring classes. My solution is to have students come in for 3 hours at a time limiting them to approx. 10 - 12 students per class. We can even put up dividers between rows as an extra precaution along with face masks whatever is necessary. The teachers move to the students, they stay in the same classroom for the day where they can still get their free lunches at the end of the day and eat in the classroom. They would then be dismissed and a new group would come in and start their day with their free lunch.

I realize this plan still needs tweaking but do feel it is a viable option for Title I districts.

Another option for remote learning is to have all the technology issues worked out which would not be as difficult of a problem in more affluent districts. Teachers co-teach a lesson for the entire grade level in an empty classroom broadcast live and videotaped so all the students in math get the same lesson. Students then submit their work and give real time feedback but still bring students in on specific days to review work, complete science labs etc. This option would allow the teachers more time to work with struggling students that need the help.

This has issues that need to be addressed but I believe it is one of the best way to maximize teachers time in a smaller social distancing environment.

AMERICAN OVERSIGHT

I write this for one reason the current method is not working and the students deserve better. Teachers were not prepared to do home teaching and it shows. I am convinced that not all home teaching can be done the same way across all districts. We need the government to give us guidance on options we still have over 100 days before school reopens let's not waste this valuable time. Please let me help, call me or write I would like to give you my expertise as a project manager at AT&T for twenty-two years and a teacher of middle school in a Title I district for the last fifteen years. The children are our future let's play the cards we are dealt and beat this virus by continuing to give a top quality education to our children.

Thank You for your valuable time and for reading my suggestions.

George Russo

(b)(6)

AMERICAN OVERSIGHT

**Subject: Request - Secretary DeVos - Sept. 11**

Dear Jessica,

I've attached a request for Secretary DeVos to provide a welcome between 9:00 – 9:30 am at the National Advisory Council on Indian Education (NACIE) Meeting, on September 11 at LBJ Building, Room 1W113. Please let me know if you have any questions.

Miigwetch (Thank you),

*Angeline Boulley*
(Bahweting Anishinaabe)
Director, Office of Indian Education
U.S. Department of Education
400 Maryland Ave., SW
Office 3W101
Washington, DC 20202
(Office) (202) 453-7042
(Cell) (202) 227-9660
Angeline.Boulley@ed.gov

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 7 Apr 2020 14:54:00 +0000
**To:** Rinkus, Christopher;Ryder, Ruth;Kesner, Paul
**Cc:** Brogan, Frank;Feldpausch, Sarah
**Subject:** RE: Request for Data

Thank you, Chris.

Team,

Feel free to add any other data points that may be helpful.

Thanks.

---

**From:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Sent:** Tuesday, April 7, 2020 10:04 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** RE: Request for Data

- All 50 States and the District of Columbia have cancelled federally mandated standardized testing in effort to avoid large convenings and to focus on essential learning
- In an early study, over half of school districts distributed technology to students, including mobile hotspots, laptops and tablets. (See https://www.crpe.org/thelens/school-systems-make-slow-transition-classroom-cloud)
- In New York City, site of one of the country's most severe outbreaks, Success Academy Public Charter Schools have fully transitioned to distance learning, including teachers making daily contact with students by email, phone and virtual platforms, making reading the top priority by offering multiple digital and analog options, and emphasizing flexibility for educators and parents. (See https://fordhaminstitute.org/national/commentary/every-minute-counts-inside-success-academys-virtual-schools)

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Tuesday, April 7, 2020 9:50 AM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** Request for Data
**Importance:** High

Team,

We have received a request from WH **by noon today**:

AMERICAN OVERSIGHT

They would like information on the shift to online education at the secondary level (high school) due to the Pandemic.

Can our team provide 2-3 key facts with any data to describe the shift and illustrate the adaptation to online learning that is underway (preferably in bullet points with data/ numbers included in them)?

Thank you for providing any current, relevant information!

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Sun, 16 Feb 2020 20:39:21 +0000
**To:** Brogan, Frank;Dalton, Ashley
**Subject:** Re: Request to Meet with CA Parent Teacher Association Leaders the Week of March 9, 2020

Please let me know how I can help.
**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Friday, February 14, 2020 9:04:19 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Dalton, Ashley <Ashley.Dalton@ed.gov>
**Subject:** Fwd: Request to Meet with CA Parent Teacher Association Leaders the Week of March 9, 2020

Traveling for the next two weeks

Sent from my iPhone

Begin forwarded message:

**From:** Sherry Griffith <sgriffith@capta.org>
**Date:** February 13, 2020 at 6:02:29 PM EST
**To:** "frank.brogan@ed.gov" <frank.brogan@ed.gov>
**Subject: Request to Meet with CA Parent Teacher Association Leaders the Week of March 9, 2020**

February 13, 2020

Dear Mr. Brogan,
On behalf of more than 700,000 members of the Parent Teacher's Association (PTA) in California we would like to request a meeting with you and your team sometime the week of March 9 when we are in Washington D.C. attending and participating with our national affiliate the National Parent Teachers Association. From California will be the president and 5 other state leaders and board members. We are very interested in sharing with you some of the important policy work in K-12 education in California and we are eager to hear from you and your team about the goals you and the administration have in education. Happy to work with your scheduling team. My email is sgriffith@capta.org and my cell phone is (b)(6) Sincerely, Sherry Skelly Griffith, Executive Director

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Thu, 23 Jan 2020 12:38:04 +0000
**To:** Lovitt, Brittney;Ryder, Ruth;Brogan, Frank
**Subject:** Re: Request workflow for Frank's signature - NACIE - time sensitive

Thank you, Brittney.
**From:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Sent:** Wednesday, January 22, 2020 4:54:48 PM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** FW: Request workflow for Frank's signature - NACIE - time sensitive

Hello,

I wanted to flag this request since it is time sensitive and requesting a digital signature. I just started the sharepoint workflow.

Thank you,
Brittney Lovitt

---

**From:** Boulley, Angeline <Angeline.Boulley@ed.gov>
**Sent:** Wednesday, January 22, 2020 4:39 PM
**To:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** Request workflow for Frank's signature - NACIE - time sensitive

Hi Brittney,

REQUEST DIGITAL SIGNATURE BY 12:00PM FRIDAY (JAN. 24)

I am requesting a workflow to go through Ruth to Aimee to Frank for Frank's digital signature on the attached transmittal memo for the Federal Register Notice for the upcoming NACIE meeting. I've also attached the Federal Register Notice, which has been reviewed by Jill Martin and Lauren Friedrich (OGC) and Karen Akins, Committee Management Officer (OS).

ATTACHMENT: (2)

- TRANSMITTAL MEMO – NEEDS FRANK'S ELECTRONIC SIGNATURE
- FEDERAL REGISTER NOTICE – TO REVIEW

DEADLINE FOR FEDERAL REGISTER SUBMISSION: 2:00PM FRIDAY, JANUARY 24, 2020 TO POST BY WEDNESDAY, JANUARY 29 (15 DAYS PRIOR TO FEBRUARY 13 MEETING START DATE).

Miigwetch (Thank you),
*Angeline Boulley*
(Bahweting Anishinaabe)
Director, Office of Indian Education

AMERICAN OVERSIGHT

U.S. Department of Education
400 Maryland Ave., SW
Office 3W101
Washington, DC 20202
(Office) (202) 453-7042
(Cell) (202) 227-9660
Angeline.Boulley@ed.gov

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 24 Mar 2020 14:56:04 +0000
**To:** Washington, Mark;Brogan, Frank
**Cc:** Okahara, Kim
**Subject:** Re: RESPONSE NEEDED Fwd: SY 2018-19 CSPR APR Tool Webinar Presentation

Mark,
Is there an OGC contact that you work with regularly on data issues?
If so, have they reviewed?
Get Outlook for iOS
**From:** Washington, Mark <Mark.Washington@ed.gov>
**Sent:** Tuesday, March 24, 2020 10:52:47 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Okahara, Kim <Kim.Okahara@ed.gov>
**Subject:** FW: RESPONSE NEEDED Fwd: SY 2018-19 CSPR APR Tool Webinar Presentation

Hi Frank and Aimee,

Please see the note below from Kim, who has been working with Sarah (Newman), Amanda (Hoffman), our data team and NCES' team to modify plans for a webinar that will inform the field of what to expect related to our ongoing efforts to manage the Consolidated State Performance Report and other data collection efforts, while providing the states with as much flexibility as possible. I made a couple of minor edits to the introductory paragraph Kim proposed. As you know, the data that we collect have an ultimate impact on the allocation of resources we give to SEAs and LEAs. Although I support Kim's and the team's recommendation to continue the effort to provide the webinar—given that there are states who are capable of and want to provide data that they can currently report—we have made these adjustments as well:

- Eliminated the live broadcast of the webinar that would have required attendance on a specific date and time (i.e., yesterday);
- Rescheduled the broadcast to a later time (now Wednesday), but will record it so that it can be viewed again at the leisure and convenience of stakeholders;
- Eliminated a Q&A segment of the webinar, and have focused only on the technical information that stakeholders will need to engage the system;
- Continuing review of current requirements and flexibilities that ED can provide, and consideration of delay scenarios and the implications of them; and
- Pointing stakeholders to the Secretary's most recent guidance on flexibilities and to the Partner Support Center (PSC) for help with any additional questions or waiver flexibility they need now.

I have not seen the script entirely, but I have talked with time about it and am satisfied that it is sufficiently technical in nature, and does not set any policy or undermine any of the Secretary's published guidance. I also think that our decision to cut out the Q&A segment of the recorded webinar will help to ensure that our messages remain aligned with hers.

AMERICAN OVERSIGHT

**I am sending you the Powerpoint that Kim sent me, with hopes that you can help us get a "go/no go" decision today on whether we can move ahead with launching the webinar tomorrow.** Please let me know if you need anything more to support and make a decision.

Thanks,

Mw

---

**From:** Okahara, Kim <Kim.Okahara@ed.gov>
**Sent:** Tuesday, March 24, 2020 9:06 AM
**To:** Washington, Mark <Mark.Washington@ed.gov>
**Subject:** FW: RESPONSE NEEDED Fwd: SY 2018-19 CSPR APR Tool Webinar Presentation

Hi Mark,

A quick update. We were able to change the "live" Monday webinar to a recorded presentation. States are still invited to listen in tomorrow 3/25 at 4 pm ET but there will be no Q&A. Also, the recording will be posted on the website for States that aren't able to join.

Issue: the script for the webinar is quite long and much of the information is about the new APR tool. I added a paragraph to the introductory text (below) that acknowledges COVID-19 and hopefully conveys the Department's position on flexibilities for States.

**Question for you:** Could you, Aimee, or Frank approve the below for today's recording?

*"Welcome to the SY 2018-19 Consolidated State Performance Report Technical Webinar. If you are here for this presentation you are in the right place.*
*First, we want to acknowledge that these are challenging times for you, for your families, and for students and educators in your state. We also understand that the novel Coronavirus disease 2019 (COVID-19) has caused widespread school closures, which has impacted some state agency operations. We appreciate your continued efforts to help ~~the rising generation succeed~~ students and families while providing for their health and safety and that of ~~students and~~ or your staff. They are counting on all of us to keep ~~our work~~ things going as normally as possible, and to provide needed information and resources, and to approach new challenges as opportunities to demonstrate resilience, ingenuity, and creativity. Please know that the U.S. Department of Education is committed to supporting you with every tool at our disposal and extending all flexibilities within our control. If you have any concerns about reporting this year, please contact the Partner Support Center at the contact information, below."*

**Partner Support Center (PSC)**
**Telephone: 877-457-3336 (877-HLP-EDEN)**
**Federal Relay Service: 800-877-0996 (Voice/TTY) / federalrelay@sprint.com**

PSC is open Monday-Friday from 8:00 a.m. - 6:00 p.m., ET excluding federal holidays.
***Note!*** On the due date of CSPR Parts I and II, PSC will be available via email until 8:00 p.m ET.

I've also attached their draft PPT so you have a sense of the topics covered.

AMERICAN OVERSIGHT

Thanks in advance for your help with this,
Kim

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Sat, 14 Mar 2020 02:12:38 +0000
**To:** Rinkus, Christopher
**Cc:** Brogan, Frank
**Subject:** Re: RLIS draft (004) OGC.docx

Thank you, Chris.

The check in with Nate was rescheduled to Monday.

I'll let you know as soon as he approves.

Have a great weekend.

Sent from my iPhone

> On Mar 13, 2020, at 3:07 PM, Rinkus, Christopher <Christopher.Rinkus@ed.gov> wrote:
>
> Hey Aimee. This is the OESE and OGC approved RLIS letter. I would suggest sharing with Nate during check-in today. I can dial in if you'd like. Once approved, it should be ready to release.
>
> <RLIS draft (004) OGC.docx>

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Fri, 1 May 2020 15:02:50 +0000
**To:** Viana, Aimee
**Subject:** RE: RLIS Next Step

I am stuck on a call
Will be late to the call

---

**From:** Viana, Aimee <Aimee.Viana@ed.gov>
**Sent:** Friday, May 1, 2020 7:51 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** Fwd: RLIS Next Step

Frank,

FYSA below.

Get Outlook for iOS

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Friday, May 1, 2020 7:08:56 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: RLIS Next Step

JUST FYI – this sets out the roll out of the RLIS letter.

---

**From:** Falconer, Susan <Susan.Falconer@ed.gov>
**Sent:** Thursday, April 30, 2020 11:34 PM
**To:** Carr, Patrick <Patrick.Carr@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Honeysett, Adam <Adam.Honeysett@ed.gov>; Chamberlain, Michael <Michael.Chamberlain@ed.gov>
**Subject:** Re: RLIS Next Step

Your late night work and senior leadership is greatly appreciated!!!

Susan

Get Outlook for iOS

---

**From:** Carr, Patrick <Patrick.Carr@ed.gov>
**Sent:** Thursday, April 30, 2020 8:59:56 PM
**To:** Wilson, Linda <Linda.Wilson@ed.gov>; Pasternak, Sharone <Sharone.Pasternak@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Simons, Jane <Jane.Simons@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Zawada, Michael <MICHAEL.ZAWADA@ed.gov>

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**Cc:** Poynter, Leslie <Leslie.Poynter@ed.gov>; Honeysett, Adam <Adam.Honeysett@ed.gov>; Falconer, Susan <Susan.Falconer@ed.gov>; Chamberlain, Michael <Michael.Chamberlain@ed.gov>
**Subject:** RE: RLIS Next Step

Hi all (+Leslie, Adam, Susan, and Mike),

Susan let us know that Nate approved the RLIS CSSO letter for release tomorrow (5/1). The PDF and Word versions are attached for distribution and we have updated the master eligibility spreadsheet (see here) to match the table in the letter. Linda will send the letter to the Big 4 first, after which Adam H. will send to CSSOs, cc'ing state rural coordinators (contact list copied below). The REAP team will then take the following steps:

1. Post the CSSO letter on the RLIS eligibility website
2. Send an email with instructions for LEAs with eligibility changes (email reviewed by OGC and aligned with CSSO letter)
3. Send an email to State coordinators with additional information for LEAs with eligibility changes (email reviewed by OGC and aligned with CSSO letter)
4. Post the CSSO letter and updated master eligibility spreadsheet on OMB Max REAP Community page for state rural coordinators
5. Phone/email outreach to LEAs with eligibility changes to confirm program selection
6. During final SRSA application webinar – May 12 – provide an explanation of eligibility changes to dual eligible LEAs (slides and TPs reviewed by OGC and aligned with CSSO letter)

As of 8:00 PM tonight we have accepted 3,775 FY 2020 SRSA applications, so we are approaching our anticipated ~4,000 SRSA applications with 15 days till the application period closes. If you have any questions, please let me or Leslie know. Leslie started on Monday as the new REAP group leader, but I'll continue to support the RLIS eligibility work moving forward.

- Patrick

**State RLIS Coordinators**

| State | RLIS Contact First Name | RLIS Contact Last Name | RLIS Contact email |
|---|---|---|---|
| AL | Peggy | Haveard | phaveard@alsde.edu |
| AK | Jessica | Paris | jessica.paris@alaska.gov |
| AZ | Keith | Snyder | keith.snyder@azed.gov |
| AR | April | Cooper | april.cooper@arkansas.gov |
| CA | Patricia | Ramirez | pramirez@cde.ca.gov |
| CO | Kirsten | Collins | collins_k@cde.state.co.us |
| CT | James | Dargati | james.dargati@ct.gov |
| DE | John | Hulse | john.hulse@doe.k12.de.us |
| FL | Alvita | Howard | alvita.howard@fldoe.org |
| GA | Cathy | Buescher | cbuesche@doe.k12.ga.us |
| ID | Lisa | English | lenglish@sde.idaho.gov |

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| | | | |
|---|---|---|---|
| IL | Annie | Brooks | abrooks@isbe.net |
| IN | Austin | Dietrich | adietrich@doe.in.gov |
| IA | Jay | Pennington | jay.pennington@iowa.gov |
| KS | Nicole | Clark | nclark@ksde.org |
| KY | David | Millanti | david.millanti@education.ky.gov |
| LA | Melanie | Mayeux | melanie.mayeux@la.gov |
| ME | Daniel | Weeks | Daniel.R.Weeks@maine.gov |
| MD | Michelle | Daley | michelle.daley@maryland.gov |
| MA | Alex | Lilley | alilley@doe.mass.edu |
| MI | Shoua | Vang | VangS1@michigan.gov |
| MN | Alicia | Waeffler | alicia.waeffler@state.mn.us |
| MS | Diona | Thomas | dithomas@mdek12.org |
| MO | Kim | Oligschlaeger | Kim.Oligschlaeger@dese.mo.gov |
| MT | Jack | O'Connor | joconnor2@mt.gov |
| NE | Beth | Wooster | beth.wooster@nebraska.gov |
| NV | Rhonda | Hutchins | rhutchins@doe.nv.gov |
| NH | Marcia | McCaffrey | marcia.mccaffrey@doe.nh.gov |
| NJ | Francine | Stromberg | francine.stromberg@doe.nj.gov |
| NM | Gabriel | Baca | gabriel.baca2@state.nm.us |
| NY | William | Raymer | william.raymer@nysed.gov |
| NC | Alex | Charles | alex.charles@dpi.nc.gov |
| ND | Shauna | Greff | sfgreff@nd.gov |
| OH | Diane | Neal | diane.neal@education.ohio.gov |
| OK | Kay | Townsend | kay.townsend@sde.ok.gov |
| OR | Lisa | Plumb | lisa.plumb@state.or.us |
| PA | Thomas | McKissick | tmckissick@pa.gov |
| RI | Mary | Keenan | Mary.Keenan@ride.ri.gov |
| SC | Evelyn | Towns | etowns@ed.sc.gov |
| SD | Robyn | Huffman | robyn.huffman@state.sd.us |
| TN | George | Amin | george.amin@tn.gov |
| TX | Didi | Garcia | didi.garcia@tea.state.tx.us |
| UT | Sandi | Grant | Sandra.grant@schools.utah.gov |
| VT | Jesse | Roy | jesse.roy@vermont.gov |
| VA | Latonia | Anderson | latonia.anderson@doe.virginia.gov |
| WA | Timothy | McNeely | timothy.mcneely@k12.wa.us |
| WV | Melanie | Purkey | mpurkey@k12.wv.us |
| WI | Christine | Tiedje | christine.tiedje@dpi.wi.gov |
| WY | Jessica | Binning | jess.binning@wyo.gov |

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**From:** Wilson, Linda <Linda.Wilson@ed.gov>
**Sent:** Friday, March 6, 2020 4:09 PM
**To:** Pasternak, Sharone <Sharone.Pasternak@ed.gov>; Carr, Patrick <Patrick.Carr@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Simons, Jane <Jane.Simons@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Zawada, Michael <MICHAEL.ZAWADA@ed.gov>
**Subject:** RE: RLIS Next Step

And when it's final and we're posting, please let me know so we can share w/Big 4. Thnx

---

**From:** Wilson, Linda
**Sent:** Friday, March 6, 2020 3:39 PM
**To:** Pasternak, Sharone <Sharone.Pasternak@ed.gov>; Carr, Patrick <Patrick.Carr@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Simons, Jane <Jane.Simons@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Zawada, Michael <MICHAEL.ZAWADA@ed.gov>
**Subject:** RE: RLIS Next Step

See comment. Can we go a little bit further to explain our change of heart?

---

**From:** Pasternak, Sharone <Sharone.Pasternak@ed.gov>
**Sent:** Friday, March 6, 2020 3:15 PM
**To:** Carr, Patrick <Patrick.Carr@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Simons, Jane <Jane.Simons@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Zawada, Michael <MICHAEL.ZAWADA@ed.gov>
**Subject:** RE: RLIS Next Steps

Some edits from Kay and I for your consideration.

---

**From:** Carr, Patrick <Patrick.Carr@ed.gov>
**Sent:** Friday, March 6, 2020 2:59 PM
**To:** Cordes, Bill <Bill.Cordes@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Simons, Jane <Jane.Simons@ed.gov>; Pasternak, Sharone <Sharone.Pasternak@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Zawada, Michael <MICHAEL.ZAWADA@ed.gov>
**Subject:** RE: RLIS Next Steps

We are working on fiscal estimates and will send to Mike Z. by COB, but the number of total eligible RLIS LEAs is approximately 3,600 under option 1 (FY 20 + 198 LEAs) and 3,900 under option 2 (all FY19 recipients eligible for FY20 + the newly eligible FY20 districts based on SAIPE data).

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Any feedback on the attached statement for State rural coordinators that we would like to post today?

---

**From:** Cordes, Bill <Bill.Cordes@ed.gov>
**Sent:** Friday, March 6, 2020 2:31 PM
**To:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Carr, Patrick <Patrick.Carr@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Simons, Jane <Jane.Simons@ed.gov>; Pasternak, Sharone <Sharone.Pasternak@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Zawada, Michael <MICHAEL.ZAWADA@ed.gov>
**Subject:** RE: RLIS Next Steps

Thanks, Chris; keeping my fingers crossed that the newly eligible districts will average on the small side.

---

**From:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Sent:** Friday, March 6, 2020 2:30 PM
**To:** Carr, Patrick <Patrick.Carr@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Simons, Jane <Jane.Simons@ed.gov>; Pasternak, Sharone <Sharone.Pasternak@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>; Zawada, Michael <MICHAEL.ZAWADA@ed.gov>
**Subject:** RE: RLIS Next Steps

So I spoke with Nate and he was favorably inclined towards the option of making all FY19 recipients eligible for FY20 + the newly eligible FY20 districts based on SAIPE data. He did want to see the data and come to a final decision on Monday. He said one thing that might dissuade him is if the size of the haircut that the average district might take in FY20 is significant; I understand that's tricky to estimate but it would be helpful if we could describe impact.

-----Original Appointment-----
**From:** Carr, Patrick <Patrick.Carr@ed.gov>
**Sent:** Tuesday, March 3, 2020 4:10 PM
**To:** Carr, Patrick; Wilson, Linda; Rinkus, Christopher; Ryder, Ruth; Koeppel, Dennis; Rigling, Kay; Simons, Jane; Pasternak, Sharone; Petersen, Molly; Rosenfelt, Phil; Cordes, Bill; Zawada, Michael
**Subject:** RLIS Next Steps
**When:** Friday, March 6, 2020 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).
**Where:** 3W224 and Skype Meeting

Agenda:

- Congressional response
- Upcoming briefings
- Communication with field
- SRSA application implications

---

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**From:** Viana, Aimee
**Sent:** Fri, 3 Apr 2020 19:32:42 +0000
**To:** Rinkus, Christopher
**Cc:** Brogan, Frank
**Subject:** RE: Round 1 Comments FW: 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

Chris,

Do we know if there were changes to this?

---

**From:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Sent:** Thursday, April 2, 2020 4:53 PM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** RE: Round 1 Comments FW: 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

Attached is the draft press release. It hasn't been approved by Nate so likely to still change.

This won't go out today. I was hoping to create some urgency in effort to have it ready for tmrw morning. I think tomorrow midday or afternoon is more likely at this point.

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Thursday, April 2, 2020 4:52 PM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** RE: Round 1 Comments FW: 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

This is really helpful – thanks!

Chris has drafted a press release that he sent to OCO.

---

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Thursday, April 2, 2020 4:48 PM
**To:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** RE: Round 1 Comments FW: 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

I would encourage us not to try to push this out today. I'm worried we are going to rush and make a mistake somewhere. Is OCO creating a rollout plan?

I think we need to do the following:

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1. Get the final ok and have Brittney autopen (assuming it's still for Frank to sign)
2. Get the document posted on www.ed.gov/coronavirus and also on oese.ed.gov (neither is queued up to do this)
3. Draft a press release (I don't know if OCO is working on this)
4. Alert the Hill that we are doing this?
5. Alert CCSSO that we are doing this?
6. Tee up Adam to send out to the chiefs (I'm emailing him now to alert him)
7. Post documents and send out announcement

-Patrick

---

**From:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Sent:** Thursday, April 2, 2020 4:26 PM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Subject:** RE: Round 1 Comments FW: 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Thursday, April 2, 2020 3:19 PM
**To:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Subject:** RE: Round 1 Comments FW: 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

Thanks for your help Brittney. Have we heard anything?

---

**From:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Sent:** Thursday, April 2, 2020 2:41 PM
**To:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Subject:** RE: Round 1 Comments FW: 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

Yes will do,

Per Mary Louise Dirrigl: Thank you. I'll move these on to Kent, Bob, and Phil. Once I have their approval, I'll move it on the Tracey and Nate.

Mary Louise

She also set a 2 pm deadline for today.

Brittney

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**From:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Sent:** Thursday, April 2, 2020 2:37 PM
**To:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Subject:** RE: Round 1 Comments FW: 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

Hey Brittney – around 3pm, if we haven't heard back from Mary Louise, could you pls follow up with her? If we don't get it cleared by then there's probably no chance at getting it out today

---

**From:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Sent:** Thursday, April 2, 2020 10:50 AM
**To:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Subject:** RE: Round 1 Comments FW: 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

Thanks, I have forwarded the revisions and the notes about the urgency of getting this cleared. I also requested the 2 or 3 pm deadline.

Brittney Lovitt

---

**From:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Sent:** Thursday, April 2, 2020 10:38 AM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Cc:** Viana, Aimee <Aimee.Viana@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Subject:** RE: Round 1 Comments FW: 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

Hey Brittney – if we can propose a closing time, I think 2 or 3pm today would be good

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Thursday, April 2, 2020 9:53 AM
**To:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Cc:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Subject:** RE: Round 1 Comments FW: 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

Good morning Brittney

Attached are the revised 2nd waiver letter and template. There were no UAR comments so I'm hoping we can send this only to Bob Eitel, Kent Talbert and Phil Rosenfelt for final review and clearance. It will also need to go to Nate and I defer to Aimee and Chris on how to best accomplish that.

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We ae getting a lot of questions from States in the COVID mail box on how to access these waivers so there is some urgency to get this out today or tomorrow at the latest.

Thank you for your help with this and let me know if you have any questions.

Best
Ruth

---

**From:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Sent:** Wednesday, April 1, 2020 4:46 PM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Subject:** RE: Round 1 Comments FW: 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

Updated information from our Exec Sec Contact Mary Louise Dirrigl:

Bob Eitel would like to review the next version. I suggest OESE develop the next version based on OLCA, OSERS, and OPEPD edits/comments. Please send it to me when completed, and I'll send to Kent, Bob, and OGC. Please let me know if there are any concerns with this approach.

Thank you -- Mary Louise

---

**From:** Lovitt, Brittney
**Sent:** Wednesday, April 1, 2020 2:48 PM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Subject:** Round 1 Comments FW: 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template
**Importance:** High

Hello,

Please see the attached and below for feedback from this clearance.

Thanks,
Brittney Lovitt

---

**From:** Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>
**Sent:** Wednesday, April 1, 2020 2:36 PM
**To:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Cc:** Washington, Mark <Mark.Washington@ed.gov>
**Subject:** RE: 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

Hi Brittney:

OCTAE – clears (they requested to review);
OCO – clears;
OLCA – minor edits attached;

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OSERS – one comment attached; and
OPEPD – comments from Jessica McKinney and Jean Morrow attached.

I have reached out to OGC, Kent, and Bob E. I will let you know when I hear back from them.

Mary Louise

---

**From:** Dirrigl, Mary Louise
**Sent:** Tuesday, March 31, 2020 2:13 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Blew, Jim <James.Blew@ed.gov>; McHugh, Erin <Erin.McHugh@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>
**Cc:** Rogers, James <James.Rogers@ed.gov>; Willox, Kendyl <Kendyl.Willox@ed.gov>; Pena, Alexandra <Alexandra.Pena@ed.gov>; Canada, June <June.Canada@ed.gov>; Canty, Waquesha <Waquesha.Canty@ed.gov>; March, Greg <Greg.March@ed.gov>; Patillo, Ashley <Ashley.Patillo@ed.gov>; Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>; Bates, Monica <Monica.Bates@ed.gov>; Goetz, Braden <Braden.Goetz@ed.gov>; St.Pierre, Tracey <Tracey.StPierre@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>; ExecSec_OSClearance <ExecSec_OSClearance@ed.gov>
**Subject:** 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

Please review the attached documents, noting any suggested changes.

**Document Information**

**Subject: COVID-19 2nd Waiver Invitation and Template for Waivers under ESEA**
**Prepared by: OESE**
**Contact in Originating Office: Chris Rinkus**
**Due Date for Review: Tomorrow - Wednesday, April 1, 2020 @ 2:00pm**
**Control Number: 20-0098**
**Offices Reviewing Document: OS, OGC, OPEPD, OCO, OSERS, OLCA, OCTAE**
**Offices Receiving Document for Information:**

If there are other offices that should also review this document (in addition to those listed above), please let us know ASAP.

Please respond by e-mail with comments/edits to Mary Louise Dirrigl with a cc: ExecSec_OSClearance@ed.gov.

In responding to the Executive Secretariat, please complete the following: (Check one or more that apply.)

____ Clears the document as written.
____ Comments on the document in the office's unique area of responsibility that must be addressed.

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____ Comments on the document to improve the document's quality, clarity, and integrity.

Reviewed by: _____

Other:

____ Declines review/not going to review this document.

____ Defers to _____ (name of office) on this document.

Thank you.
Mary Louise Dirrigl
OS/Exec Sec

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**From:** Viana, Aimee
**Sent:** Sat, 25 Jan 2020 00:57:51 +0000
**To:** Blew, Jim;Brogan, Frank;Dalton, Ashley;Simpson, Elizabeth
**Cc:** McHugh, Erin
**Subject:** Re: RTL and FSCS

I also apologize for any confusion, Jim.
I was traveling today visiting charter schools in PA.
I look forward to our next opportunity to discuss.
**From:** Blew, Jim <James.Blew@ed.gov>
**Sent:** Friday, January 24, 2020 2:41:13 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Dalton, Ashley <Ashley.Dalton@ed.gov>; Simpson, Elizabeth <Elizabeth.Simpson@ed.gov>
**Cc:** McHugh, Erin <Erin.McHugh@ed.gov>
**Subject:** RE: RTL and FSCS

Hi, I'm disappointed you didn't show for this call. Let's try to find a time early next week to go over these items plus EIR.
Enjoy the weekend,
Jim

-----Original Appointment-----
**From:** Simpson, Elizabeth **On Behalf Of** Blew, Jim
**Sent:** Tuesday, January 21, 2020 3:43 PM
**To:** Blew, Jim; Frank Brogan; Viana, Aimee
**Cc:** Erin McHugh
**Subject:** RTL and FSCS
**When:** Friday, January 24, 2020 2:30 PM-3:15 PM (UTC-05:00) Eastern Time (US & Canada).
**Where:** Skype Meeting Dial: 202-991-0393 Code: (b)(6)

Join Skype Meeting
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AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Wed, 1 Apr 2020 21:40:15 +0000
**To:** Zais, Mitchell
**Cc:** Brogan, Frank;Robb, Carly
**Subject:** RE: SC Follow UP

Good evening, Dr. Zais.

The call with Dr. Knight took place this morning.

Rainey expressed her gratitude to our team members for answering her questions and discussing accountability measures.

Do not hesitate to let me know if our team can provide further assistance.

Best always,
Aimee

---

**From:** Viana, Aimee
**Sent:** Tuesday, March 31, 2020 4:29 PM
**To:** Zais, Mitchell <Mitchell.Zais@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>; Robb, Carly <Carly.Robb@ed.gov>
**Subject:** RE: SC Follow UP

Thank you for following up, Dr. Zais.

The conversation with Dr. Knight is scheduled to take place tomorrow morning at 11 am.

I will be sure to provide an update to you once we connect.

Aimee

---

**From:** Zais, Mitchell <Mitchell.Zais@ed.gov>
**Sent:** Monday, March 30, 2020 8:13 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>; Robb, Carly <Carly.Robb@ed.gov>
**Subject:** SC Follow UP

Aimee:
Did you ever close the loop and speak with Dr Knight?
Mick

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Fri, 17 Apr 2020 15:10:22 +0000
**To:** Viana, Aimee
**Subject:** RE: Sharing session proposal

Looks good to me?

-----Original Message-----
From: Viana, Aimee <Aimee.Viana@ed.gov>
Sent: Friday, April 17, 2020 9:55 AM
To: Brogan, Frank <Frank.Brogan@ed.gov>
Subject: FW: Sharing session proposal

Frank,

We should connect on this.

-----Original Message-----
From: Ryder, Ruth <Ruth.Ryder@ed.gov>
Sent: Friday, April 17, 2020 8:25 AM
To: Viana, Aimee <Aimee.Viana@ed.gov>
Subject: Sharing session proposal

We'd like to move forward with this next week. The participants in this sharing session will be State MEP coordinators and their staff (to the extent they have staff). We plan to use this model with other populations such as homeless, foster care and neglected and delinquent.

Let me know if you have any issues. I think this will be viewed very positively by the field.

Thanks
Ruth

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**From:** Brogan, Frank
**Sent:** Mon, 13 Apr 2020 17:38:37 +0000
**To:** Viana, Aimee
**Subject:** Re: Southern Tornadoes

Good news

Sent from my iPhone

On Apr 13, 2020, at 1:35 PM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Frank,

Info on the tornadoes below.

Based on initial research, no schools were named in the damage and nobody was in the schools at the time.

---

**From:** Booth, Lindsay <Lindsay.Booth@ed.gov>
**Sent:** Monday, April 13, 2020 10:02 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: Southern Tornadoes

FYSA

---

**From:** Miller, Meredith <Meredith.Miller@ed.gov>
**Sent:** Monday, April 13, 2020 10:00 AM
**To:** Booth, Lindsay <Lindsay.Booth@ed.gov>; Budman, Molly <Molly.Budman@ed.gov>; Rowan, Maria <maria.rowan@ed.gov>; Tate, Christopher <christopher.tate@ed.gov>
**Subject:** RE: Southern Tornadoes

Thanks, Lindsay. You may want to share this with Aimee.

---

**From:** Booth, Lindsay <Lindsay.Booth@ed.gov>
**Sent:** Monday, April 13, 2020 9:08 AM
**To:** Budman, Molly <Molly.Budman@ed.gov>; Miller, Meredith <Meredith.Miller@ed.gov>; Rowan, Maria <maria.rowan@ed.gov>; Tate, Christopher <christopher.tate@ed.gov>
**Subject:** Southern Tornadoes

Good morning team,

Over the weekend tornadoes touched down in Mississippi, Louisiana and Texas. There was significant damage to homes and other structures as well as some deaths. Based on initial research, no schools were named in the damage. Further, nobody is in the schools at this time.

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No action is needed from the DRU at this time. Feel free to send a "thinking about you during this time" e-mail if one of these is your states, but you should not make any requests or offer SERV funding.

I will continue to listen in to FEMA daily calls and read the daily reports but do not expect that we will be the response to this event.

Thank you,

**Lindsay Booth**
Disaster Recovery Unit (DRU)
Office of Elementary and Secondary Education
U.S. Department of Education
(202) 453-6931

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 9 Mar 2020 16:16:18 +0000
**To:** Hill, Elizabeth
**Cc:** Feldpausch, Sarah;Brogan, Frank
**Subject:** RE: stakeholder calls

Liz,

Pls let me know when/ how the calls for NASBE and AASA are scheduled.

Ashley mentioned to me today that she had not received any scheduling requests for the calls.

We want to make sure we don't miss anything.

Thank you!

---

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Tuesday, March 3, 2020 2:51 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Falconer, Susan <Susan.Falconer@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>; Robb, Carly <Carly.Robb@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; King, Robert <Robert.King@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Zais, Mitchell <Mitchell.Zais@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** stakeholder calls

The attached list contains requests for information on Ed's response to coronavirus. I've addressed them one at a time below. We should make sure any and all calls are PROPERLY staffed with SMEs from our POCs including OESE, OCR, OPE and FSA. These are just my thoughts. I hope they are helpful. Someone on Zais's team should coordinate with Susan Falconer on getting these items scheduled or responded to.

**ACE (American Council of Education)**

- What they've requested:
  - Would like to touch base with Deputy Secretary Zais
  - Currently keeping a running list of specific questions raised by institutions
- What we should do:
  - When our EA going to colleges and universities is ready to go, Zais (or someone from his team) should give their leadership a call and be staffed by Bob King (or someone from his team). Let them know of the following resources:
    - Provide them the link to CDC resources published yesterday for IHEs
    - Our EA
    - If they have specific questions, we can write them down and get back to them

**CCSSO (Chief State School Officers):**

- What they've requested:
  - Deputy Secretary Zais host a stakeholder call early next week with State Chiefs.

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    - State Chiefs would like to hear from him the purpose of the task force and have the opportunity to share with him their immediate concerns which as of today are school meals and testing windows.
- What we should do:
    - Dep Sec Zais should make the call and be staffed by OESE (Ruth Ryder, Frank Brogan)
        - We should probably have some kind of K-12 deliverable ready to go re: flexibilities around testing etc.
    - We should see if anyone from CDC can join the call to talk about their guidance to K-12 schools
    - We should reach out to AG to see if they would join as well since they are concerned about school meals
    - This call should not happen until we have it properly staffed

**State Education Technology Directors Association:**

- What they've requested:
    - Formally request Deputy Secretary Zais to host a conversation with their membership regarding his role on Coronavirus. They wish to communicate that their membership has done a lot of work on using digital learning and want to be helpful in avoiding learning time loss.
- What we should do:
    - Zais should give them a call and listen to what they have to say

**National Governors Association:**

- What they've requested:
    - Looking for information on Zais role
- What we should do:
    - Someone from Zais's team to give them a call and explain our internal working group to them

**National Association of State Board of Educators (NASBE)**

- What they've requested:
    - Looking for confirmation on Zais and taskforce and timeline on resource roll out
- Someone needs to give them a call or shoot them an email with information on our task force, provide them a link to our coronavirus webpage and email address
- Take down their questions and concerns and let them know that their input will help inform any guidance we put out to the field
- Let's make sure someone from OESE is on this call

**Governor's Education Policy Advisors (GEPA)**

- What they've requested:
    - Multiple Washington, DC based state policy advisors seek meeting with Zais or his team.
- What we should do:
    - I don't know this group, but if you are comfortable, we should set up a meeting

**AASA, The School Superintendents Association:**

- What they've requested:

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    - Executive Director Noelle Ng formally requests Zais join the senior official they have confirmed from CDC for their corona-related webinar for their stakeholders.
- What we should do:
    - Find out when the call is and make sure that we have folks who can join the call from OESE including Ruth Ryder and Frank Brogan

**National School Board Association (NSBA)**

- What they've requested:
    - Austin Lustig, Director for Safe Schools reached out about Zais providing remarks for a multi-agency webinar
- What we should do:
    - Get more information

I hope this is helpful. Let me know if you have any questions or concerns.

Liz

Liz Hill
Delegated to perform the duties of the Assistant Secretary
Communications Director
Office of Communications and Outreach
U.S. Department of Education
202-453-7877 (work)
202-465-0509 (cell)

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I met with Angeline, Budget and OGC today and they raised a number of areas where we will need clarification.

1. Does this duplicate any BIE-funded projects (TED grants)? If a tribe is getting TED funds, cant get STEP funds per statute.
2. Are the Sovereignty in Education (SIE) grants still in existence which could be another area of overlap.
3. If we proceed with Tribal consultation, it was suggested that someone from OS to attend and present on the proposal.
4. There was a question about substituting the above Absolute Priorities for the previous APs. We have to use the previous Aps because they are in statute but can use the new APs in addition.

Next steps is to have a larger meeting to discuss these issues and determine direction. Please let me know if you'd like us to proceed or to wait until you meet with Nate.

Let me know if you'd like to discuss.

**Ruth E. Ryder**
**Deputy Assistant Secretary for Formula Grants**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5570
Email: ruth.ryder@ed.gov

---

[1] Section 3(23) of the Workforce Innovation and Opportunity Act of 2014 (WIOA) defines the term "in-demand industry sector or occupation" as (i) an industry sector that has a substantial current or potential impact (including through jobs that lead to economic self-sufficiency and opportunities for advancement) on the State, regional, or local economy, as appropriate, and that contributes to the growth or stability of other supporting businesses, or the growth of other industry sectors; or (ii) an occupation that currently has or is projected to have a number of positions (including positions that lead to economic self-sufficiency and opportunities for advancement) in an industry sector so as to have a significant impact on the State, regional, or local economy, as appropriate. Under section 3(23) of WIOA, the State board, or local board, as appropriate, determine whether an industry sector or occupation is in-demand using State and regional business and labor market projects, including the use of labor market information.

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**From:** Viana, Aimee
**Sent:** Wed, 12 Feb 2020 10:42:28 +0000
**To:** Miller, Meredith;Dalton, Ashley
**Cc:** Brogan, Frank
**Subject:** Re: still sick

Thank you, Meredith.
I hope you're feeling better soon!
**From:** Miller, Meredith <Meredith.Miller@ed.gov>
**Sent:** Tuesday, February 11, 2020 8:27:47 AM
**To:** Dalton, Ashley <Ashley.Dalton@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** still sick

Hi. I'm doing better today but my pink eye (in both eyes!) is probably still contagious. Christopher dropped off my computer so I'm going to work from home. Depending on how I feel, I may not put in a full day so Christopher will be acting. But I'll monitor email.

Meredith

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**From:** Viana, Aimee
**Sent:** Tue, 10 Mar 2020 13:25:24 +0000
**To:** Ryder, Ruth
**Cc:** Feldpausch, Sarah;Brogan, Frank
**Subject:** Re: Talking points for Tiffany and her staff: with OGC edits

Ruth,

Tiffany and her team may use the updated version of the tp's during today's mtgs.

Ty
**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Tuesday, March 10, 2020 8:04 AM
**To:** Viana, Aimee
**Subject:** Talking points for Tiffany and her staff: with OGC edits

Phil provided edits to these talking points. I've attached his mark up for your information.

I will be at HHS all morning at a meeting on missing and exploited children. When these are approved, could you forward them to Patrick Carr and Tiffany Forrester. Thank you

**********
**********

**Why was the meeting cancelled? And why did it happen so late after many of us had started our trips to DC?**

We became aware of travel impediments for one of the Insular Areas and thought others might face similar or other travel challenges and felt that it was best to cancel the meeting. We didn't receive the information about the travel impediments until Friday afternoon. We apologize for the inconvenience to some travelers.

**Will we be provided with the information that was to be provided at the meeting?**

Yes, we will be looking for alternative strategies to provide the information effectively.

**Why is the Department not delivering the information to those Insular Areas that chose to continue on to DC?**

We appreciate the efforts of those who travelled to DC, and hope that the progress updates in person will be very helpful. In fairness to those Insular Areas that were not able to travel or heeded the Department's request to not come or DC, we will wait and provide the information in an equitable and effective way to all Insular Areas at the same time.

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**Ruth E. Ryder**
**Deputy Assistant Secretary for Formula Grants**
Office of Elementary & Secondary Education| United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5570
Email:ruth.ryder@ed.gov

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**From:** Brogan, Frank
**Sent:** Tue, 4 Feb 2020 16:59:54 +0000
**To:** Blew, Jim;Viana, Aimee
**Cc:** McHugh, Erin;Cordes, Bill;Slack, Emily
**Subject:** RE: Talking Points

Thanks For the Talking Points!
Frank

---

**From:** Blew, Jim <James.Blew@ed.gov>
**Sent:** Tuesday, February 4, 2020 11:55 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** McHugh, Erin <Erin.McHugh@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>; Slack, Emily <Emily.Slack@ed.gov>
**Subject:** Talking Points

Frank,
You'd asked us to prepare some talking points for your stakeholder presentation. See attached, courtesy of Bill Cordes mostly. We imagined you'd use it for the dress rehearsal on Thursday. (BTW, will you want to use slides, and do you have someone there to help with that?)
Let us know if you have any questions concerns. We're also putting together a separate document that anticipates some audience questions and gives you some additional details.
Thanks,

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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Mon, 22 Jun 2020 20:54:46 +0000
**To:** Viana, Aimee
**Cc:** Lovitt, Brittney;Feldpausch, Sarah
**Subject:** Re: Tasks - Please approve 20-006332 Report to Congress on the Implementation of the Education for Homeless Children and Youth Program

Approved for auto pen
Frank Brogan

Sent from my iPhone

On Jun 22, 2020, at 2:09 PM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Thank you, Brittney.

---

**From:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Sent:** Monday, June 22, 2020 2:08 PM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Subject:** FW: Tasks - Please approve 20-006332 Report to Congress on the Implementation of the Education for Homeless Children and Youth Program
**Importance:** High

Hello,

Please note that today Patrick Rooney requested an updated version replace the original document in clearance- Josie Skinner in OGC provided some additional minor edits to this report after we submitted it last week. All of the edits are non-substantive but improve the read of the report.

I have uploaded a redline and clean version of the folder, could you please review and approved the documents titled "REVISED" to go to Exec Sec for Department clearance.

Thank you,
Brittney Lovitt

---

**From:** Office of Elementary and Secondary Education <share-alerts-no-reply@ed.gov>
**Sent:** Monday, June 22, 2020 8:48 AM
**To:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Subject:** Tasks - Please approve 20-006332 Report to Congress on the Implementation of the Education for Homeless Children and Youth Program

Task assigned by Lovitt, Brittney on 6/22/2020.

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Due by None

Approval started by Lovitt, Brittney on 6/12/2020 11:29 AM
Comment: 20-006332 Report to Congress on the Implementation of the Education for Homeless Children and Youth Program. For approval to send to Exec Sec for Department clearance

Approved by Ryan, Sam on 6/12/2020 1:07 PM
Comment:

Approved by Ryder, Ruth on 6/16/2020 9:28 PM
Comment:

Approved by Viana, Aimee on 6/19/2020 5:36 PM
Comment:

Approved by Brogan, Frank on 6/22/2020 8:48 AM
Comment:

---

To complete this task:
1. Review 20-006332 Report to Congress on the Implementation of the Education for Homeless Children and Youth Program.
2. Perform the specific activities required for this task.
3. Use the **Open this task** button to mark the task as completed. (If you cannot update this task, you might not have access to it.)

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 30 Mar 2020 01:12:39 +0000
**To:** Ryder, Ruth;Brogan, Frank
**Subject:** RE: template and letter

Thank you, Ruth.

Is the directive from Kent to wait until the new clearance process is established?

I appreciate all of the work you've done this weekend!

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Sunday, March 29, 2020 8:53 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: template and letter

As of this evening.

---

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Sunday, March 29, 2020 8:52 PM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** template and letter

Here is what I have.

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**From:** Viana, Aimee
**Sent:** Thu, 26 Mar 2020 14:57:19 +0000
**To:** Ryder, Ruth;Brogan, Frank
**Subject:** RE: Template for formal waiver approval

Thank you, Ruth.

Great work. I assume these have been reviewed by OGC?

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Thursday, March 26, 2020 9:29 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** FW: Template for formal waiver approval

We will start processing the letters as soon as we get your OK on this template.

---

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Tuesday, March 24, 2020 3:21 PM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Peasley, Donald <Donald.Peasley@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
**Subject:** Template for formal waiver approval

Ruth – as I mentioned earlier this afternoon, attached is the template we will use to formally approve the letters. Our plan is to use mail merge to reduce administrative burden of generating 50 identical letters. We want to get this template approved and then we will use it to create the letters. Once we have the ok on this template, it will be important that no one be able to edit the final letters when they come through the system officially for signature.

We would like to send forward the first batch Thursday, if possible.

Thanks.

-Patrick

**Patrick Rooney**
U.S. Department of Education
400 Maryland Ave. SW | Rm. 3W202 | Washington, DC 20202
patrick.rooney@ed.gov | O: 202.453.5514 | C: 202.538.9961

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Fri, 20 Mar 2020 20:19:38 +0000
**To:** Harding, Jordan;Brogan, Frank;Rinkus, Christopher
**Cc:** Zarish-Becknell, Kim;Petersen, Molly
**Subject:** Re: Testing Waiver Request-Montana

Thank you, Jordan.

Will do forward to our OSSA team.

Get Outlook for iOS
**From:** Harding, Jordan <Jordan.Harding@ed.gov>
**Sent:** Friday, March 20, 2020 4:08 PM
**To:** Brogan, Frank; Rinkus, Christopher; Viana, Aimee
**Cc:** Zarish-Becknell, Kim; Petersen, Molly
**Subject:** FW: Testing Waiver Request-Montana

Team OESE,

Please see attached waiver document from the state of Montana. Let me know if you need anything else from me.

---

**From:** Parsons, William (Daines) <William_Parsons@daines.senate.gov>
**Sent:** Friday, March 20, 2020 12:17 PM
**To:** Harding, Jordan <Jordan.Harding@ed.gov>
**Subject:** FW: Testing Waiver Request-Montana

Good afternoon Jordan,

I hope you are holding up alright. I am forwarding testing waiver request from our state education agency. If there is someone else in ED I should share this with please let me know!

All the best,
Will

---

**From:** Klapmeier, Dylan [mailto:Dylan.Klapmeier@mt.gov]
**Sent:** Thursday, March 19, 2020 7:38 PM
**To:** Montana.oese@ed.gov
**Cc:** McGrath, Ashley <AMcGrath@mt.gov>; Flynn, McCall <MFlynn@mt.gov>; Darlene Schottle (b)(6); Donovan, Peter <PDonovan@mt.gov>; Parsons, William (Daines) <William_Parsons@daines.senate.gov>; Rubinger, Katie (Tester) <Katie_Rubinger@tester.senate.gov>; Carraco, Will <Will.Carraco@mail.house.gov>
**Subject:** Testing Waiver Request-Montana

Hello,

AMERICAN OVERSIGHT

Please see the attached request from Montana Superintendent of Public Instruction Elsie Arntzen and please forward it to the appropriate entity within US ED.

Thank you,

**Dylan Klapmeier**
Director of Communications & Federal Relations
Montana Office of Public Instruction

- Phone: 406-444-3559
- Mobile: 406-438-7442
- Website: www.mt.gov
- Email: Dylan.klapmeier@mt.gov

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Wed, 18 Mar 2020 12:50:58 +0000
**To:** Ryder, Ruth;Brogan, Frank;Rinkus, Christopher;Washington, Mark
**Cc:** Talbert, Kent
**Subject:** Re: Texas Waiver from testing?

Thanks, all.

Please confirm that the TX letter has been entered into our OESE system by the correspondence team.

Other letters that we have received have been directed to Brittney to log and enter in order to track accordingly.

Get Outlook for iOS
**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Wednesday, March 18, 2020 8:24:30 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>
**Cc:** Talbert, Kent <Kent.Talbert@ed.gov>
**Subject:** RE: Texas Waiver from testing?

Found it. It went to Melissa.

---

**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Wednesday, March 18, 2020 8:18 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>
**Cc:** Talbert, Kent <Kent.Talbert@ed.gov>
**Subject:** Texas Waiver from testing?

Has anyone seen a waiver from Texas regarding testing?
I have not
Frank

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**From:** Viana, Aimee
**Sent:** Fri, 31 Jan 2020 14:18:00 +0000
**To:** Ryder, Ruth
**Cc:** Brogan, Frank;Blew, Jim;McHugh, Erin
**Subject:** RE: Title IV-A National Activities

Good morning, Ruth.

Frank, Jim, Erin, and I met yesterday and I am following up to confirm that it is ok to move forward on OET.

Thank you for all you do.
Aimee

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Thursday, January 30, 2020 8:31 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Title IV-A National Activities

Attached is the budget page for the National Activities funds – the first page is Title IV-A. At the bottom are the funds in question. I've spoken with Kelly Rhoads and Jessica McKinney and we all think we are OK to go forward with the OET Data Privacy work, assuming that it is a priority for the Secretary, as we've been told. Although it looks like we have a shortfall, which we do, we are not certain that we will be able to fully use the course access or student centered funding funds, i.e., not sure we will get enough applications. Given that, I recommend we move forward with all three proposals and sort out the funds as we go along. Of course there is some risk that we get a lot of fundable applications and then we will have to re-group.

One thing to remember about these funds is that they are formula-like, in that we are working now with FY 19 funds. On July 1 we will get FY 2020 funds and those included a little bump to Title IV-A and hence a bump to the 2% set-aside.

For your convenience I have attached the OIE PD vs STEP memo so you have everything in one place.

---

**From:** Steel, Jake <Jake.Steel@ed.gov>
**Sent:** Friday, January 24, 2020 4:33 PM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** RE: Follow-up

Ruth, below is the student data privacy course project objectives (short write-up) that you can share with OGC to make sure we're on solid ground. I know neither of us expect this project to be bumped, but if it is I assume it's how I wrote it more than the concept. Phil was the first to come to me after the Policy Committee conversation to tell me how much he supports this idea.

We could chunk the work and write other tasks as options, however we'll fall short if those options are not completed. The smallest reasonable number that I currently believe will build an adequate course is

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$500K, which can reach one or two stakeholders. My original goal was to fund this project to hit the primary stakeholders and write in options to reach the others depending on funding and course use. To be clear, not each stakeholder group is $500K, content will overlap so the more stakeholders we target the cheaper it becomes to the point that we can target stakeholders through personalization without having to build new content.

It's not my money to get in the middle of, but would cutting back $1M from course choice have a major impact on the initiative? Has OS set a floor on course choice? I like the idea, but I do wonder if we could gain more by putting $1M into data privacy training than we'll lose if course choice is $1M less than planned. Just a thought that I share privately.

Happy to meet with you any time you need.

**Student Data Privacy Courses Project Objectives**:
Systems and applications that are used in schools to collect student data are growing rapidly. The Secretary has recognized the need to better inform families and educational stakeholders about data privacy by building capacity around best practices for maintaining the safety and security of that data. OET in connection with SPPO is building a contract to design a suite of courses that help stakeholders understand both the legal requirements and best practices around privacy and information security. These courses are both personalized and competency based.

| **Stakeholder groups who could benefit** |
| --- |
| K-12 Teachers |
| Para-educators/Office staff |
| K-12 IT |
| Post-secondary IT |
| LEA administrators |
| K-12 Principals |
| K-12 parents |
| Registrar/University Administration |
| University instructors |
| SEA administrators |
| Higher Education Students |
| 3rd party vendors |
| Volunteers- Community orgs |
| Outsourced |
| School officials and authorized reps |

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 24 Mar 2020 15:53:29 +0000
**To:** Brogan, Frank
**Subject:** RE: tomorrow's School House Connection/U.S. Department of Education/CDC/USDA/USICH call, 4-6 p.m.

Frank,

From the email below: "…need a point person from Education to speak to the Department's COVID-19 response thus far as well as someone to field questions"

Do you have the information you need to field questions related to homeless students in the COVID-19?

Let me know how we can help.

---

**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Tuesday, March 24, 2020 10:23 AM
**To:** Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: tomorrow's School House Connection/U.S. Department of Education/CDC/USDA/USICH call, 4-6 p.m.

---

**From:** Darren Franklin <darren.g.franklin@usich.gov>
**Sent:** Tuesday, March 24, 2020 10:13 AM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Condie, Caitlin <caitlin.condie@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>; Robert Marbut, Jr. <robert.marbut@usich.gov>; Rexanah Wyse <Rexanah.Wyse@usich.gov>
**Subject:** tomorrow's School House Connection/U.S. Department of Education/CDC/USDA/USICH call, 4-6 p.m.

Good morning – We're looking forward to our call tomorrow as indicated above. I am finalizing the agenda today and need a point person from Education to speak to the Department's COVID-19 response thus far as well as someone to field questions.

Please let me know who that should be.

Thanks,

Darren G. Franklin
Chief Operating Officer
USICH
202-262-6018 (best number)

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 6 Apr 2020 12:27:08 +0000
**To:** Condie, Caitlin;Brogan, Frank
**Subject:** RE: Traveling Home

Safe travels, Caitlin.

Be well!

---

**From:** Condie, Caitlin <caitlin.condie@ed.gov>
**Sent:** Sunday, April 5, 2020 8:36 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Traveling Home

Hi Frank and Aimee,

I hope you both had a nice weekend. I just wanted to let you both know that for the first half of tomorrow, I will be in the car driving to meet up with my family. I will be available on my phone the entire time and with email. By the afternoon, I should be back on my computer. I have reached out to Matt and Sarah, so they are aware as well. I apologize for the late notice.

Talk to you tomorrow on the 9:15 call.

Thanks!

Caitlin

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Wed, 15 Jan 2020 21:35:21 +0000
**To:** Ryder, Ruth;Feldpausch, Sarah;Brogan, Frank
**Subject:** Re: Urgent questions for HELP

Thank you, Ruth!
**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Wednesday, January 15, 2020 4:34:55 PM
**To:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** FW: Urgent questions for HELP

Talked with Molly. We could answer one of her questions but need to see the bill language in order to respond to the others. She's going to send us the current bill language and she'll follow up with the Hill to schedule a call for tomorrow.

---

**From:** Petersen, Molly <Molly.Petersen@ed.gov>
**Sent:** Wednesday, January 15, 2020 4:05 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Dalton, Ashley <Ashley.Dalton@ed.gov>
**Subject:** Urgent questions for HELP

Frank, Ruth, or Aimee – we have some urgent requests from the HELP committee majority and I need to speak with one of you who would know about the school safety commission and our engagement with DHS. Please give me a call as soon as possible.

Thank you,

Molly Petersen
Legislative Director
U.S. Department of Education
202-453-5707
202-763-8035 (cell)

AMERICAN OVERSIGHT

**Jordan Forbes Harding**
*Principal Deputy Assistant Secretary*
Office of Legislation and Congressional Affairs
United States Department of Education
400 Maryland Avenue, SW | Washington, DC 20202
O: 202-453-6253

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 16 Mar 2020 13:59:41 +0000
**To:** Hill, Elizabeth;Brogan, Frank
**Cc:** Feldpausch, Sarah
**Subject:** RE: URGENT REQUEST
**Attachments:** CCSSO_Frank remarks OGCApproved.pdf, CCSSO COVID-19 Questions and Responses_(2)ogcapproved.pdf

Liz,

Attached is:

1. Final OESE Q&A doc prepared for the CCSSO call on 3/12
2. Frank's prepared remarks for the CCSSO call on 3/12

*These document contain answers that were approved by OGC with the understanding this information would be communicated verbally, if prompted. Should these Q&As and script be turned into something more formal for dissemination, they should be reviewed by OGC with that in mind.*

Don't hesitate to let me know if there is anything else we can help with.

Thank you!

---

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Monday, March 16, 2020 9:36 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** URGENT REQUEST

Can you send me Frank's TPs for the CCSSO call that happened this week. I need them for the Secretary.

Liz Hill
Delegated to perform the duties of the Assistant Secretary
Communications Director
Office of Communications and Outreach
U.S. Department of Education
202-453-7877 (work)
202-465-0509 (cell)

AMERICAN OVERSIGHT

Page 10005

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

Page 10006

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Sat, 28 Mar 2020 15:18:37 +0000
**To:** Ryder, Ruth;Brogan, Frank
**Subject:** RE: URGENT: 2nd batch of OESE waivers

Thank you, Ruth.

So grateful for your – and your team's - hard work.

Let me know when we get a response from OGC.

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Saturday, March 28, 2020 9:48 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: URGENT: 2nd batch of OESE waivers

FYI and your review at the links below.

Let me if you have any questions or want to discuss.

---

**From:** Rigling, Kay <Kay.Rigling@ed.gov>
**Sent:** Saturday, March 28, 2020 9:45 AM
**To:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Peternith, Rachel <Rachel.Peternith@ed.gov>; Harris, Lisa (OGC) <Lisa.Harris@ed.gov>; Skinner, Josie <Josie.Skinner@ed.gov>; Barlow, Christine <Christine.Barlow@ed.gov>; Simons, Jane <Jane.Simons@ed.gov>; Lagaard, Soren <Soren.Lagaard@ed.gov>; Lustig, Amy <Amy.Lustig@ed.gov>
**Subject:** URGENT: 2nd batch of OESE waivers

Hi Phil

Ruth, Patrick, and I have prepared a new waiver template and accompanying letter in response to the waiver authority in the CARES Act. The template addresses all of the specified requirements (not already addressed by the first set of assessment, accountability, and reporting waivers) with the exception of two that we did not believe necessary: (1) 1111(b)(3), which concerns assessments and accountability for recently arrived Els, which we believe is covered by the general waivers of assessments and accountability; and (2) 1114(a)(1), which is the poverty threshold for schoolwide programs that States may already waive.

The letter is currently for Frank's signature. Although the CARES Act waiver authority has not yet been delegated to the Assistant Secretaries, my understanding is that Frank may offer the waivers and a subsequent delegation would cover him. Correct?

As we discussed yesterday, this set of waivers only covers programs under Frank's jurisdiction. Accordingly, it does not waive the Tydings amendment for programs such as Perkins V and IDEA, which

AMERICAN OVERSIGHT

we believe is authorized. We thought ease of approving the waivers merited limiting them to just OESE. Please let us know if you think a different action is preferable.

We hope this is ready for your review and, hopefully, OMB's this weekend. For the attorneys on this email, please feel free to make edits that we can incorporate while other review is occurring.

Here are the links:

Here's a OneDrive link to Second ESEA Waiver Template-Draft 3-24-20.docx.

Here's a OneDrive link to 2nd Waiver Invitation Letter to Chiefs 3-24-2020.docx.

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 17 Mar 2020 20:32:47 +0000
**To:** Eitel, Robert;Talbert, Kent;Zais, Mitchell;Hill, Elizabeth;Carter, Denise;Jones, Diane;King, Robert;Brogan, Frank;Brown, Mark
**Cc:** Bailey, Nathan
**Subject:** RE: URGENT: Quick clearance of today's OMB report
**Attachments:** ED_3.17.20_COVID19 daily report eitel av.docx

Thank you, Kent.

Minor edit on the attached.

---

**From:** Eitel, Robert <Robert.Eitel@ed.gov>
**Sent:** Tuesday, March 17, 2020 4:24 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; King, Robert <Robert.King@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>
**Cc:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Subject:** RE: URGENT: Quick clearance of today's OMB report

Attached minor edits and comment.

---

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Tuesday, March 17, 2020 4:12 PM
**To:** Zais, Mitchell <Mitchell.Zais@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; King, Robert <Robert.King@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>
**Cc:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Subject:** URGENT: Quick clearance of today's OMB report
**Importance:** High

Please find attached today's draft OMB report for your quick review. It is due to OMB no later than 5:00 PM. Apologies for quick turn around.

Thank you.

Kent

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 23 Mar 2020 16:10:19 +0000
**To:** Talbert, Kent
**Cc:** Brogan, Frank
**Subject:** RE: URGENT: draft OMB report for review no later than 12:45 PM TO

Kent,

Sorry for the delay.
Bullet on waiver data below:

As of 8pm on Sunday, March 22: ED received 26 state requests for waivers of assessments, accountability and school identification, and reporting requirements under the Elementary and Secondary Education Act of 1965, as amended. An initial approval has been sent to 25 of these.

---

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Monday, March 23, 2020 12:08 PM
**To:** Zais, Mitchell <Mitchell.Zais@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; King, Robert <Robert.King@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Bailey, Nathan <Nathan.Bailey@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** URGENT: draft OMB report for review no later than 12:45 PM TO
**Importance:** High

For review by all.

Frank and Amy, do you have a bullet on waiver data that you would like in the report?

Kent

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Wed, 29 Jan 2020 03:05:40 +0000
**To:** Newman, Jessica;Brogan, Frank;Dalton, Ashley
**Cc:** Simmons, Lee (Dougie);Delahunty, Sarah;Paciorek, Sarah;Neumann, Kara;Al-Hmoud, Jude
**Subject:** Re: Visit to Liberty Common School - CO

Hello Jess,

I will check with Ashley regarding the status of the BP first thing tomorrow morning.

Thank you for your patience,
Aimee

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 30 Mar 2020 22:17:40 +0000
**To:** Brogan, Frank;Ryder, Ruth
**Subject:** RE: Waiver On Assessments and Letter

Thanks for the update!

-----Original Message-----
From: Brogan, Frank <Frank.Brogan@ed.gov>
Sent: Monday, March 30, 2020 5:58 PM
To: Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
Subject: Waiver On Assessments and Letter

Just talked again to Kent
He spoke as I mentioned earlier to Bob Eitel They agreed that we can put it through a quick (maybe one day) process and get it out Kent said he would call you Ruth and close the loop
😜

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Fri, 19 Jun 2020 21:11:44 +0000
**To:** Viana, Aimee
**Subject:** Re: Webinar

Nothing yet
Will let you know

Sent from my iPhone

On Jun 19, 2020, at 3:34 PM, Viana, Aimee <Aimee.Viana@ed.gov> wrote:

Frank,

Did he reply?

Let me know how I can help.

---

**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Friday, June 19, 2020 10:07 AM
**To:** Condie, Caitlin <caitlin.condie@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** FW: Webinar

---

**From:** Brogan, Frank
**Sent:** Friday, June 19, 2020 10:07 AM
**To:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Subject:** Webinar

Good morning Nate,
I am sorry to pester you on your last day prior to some very well-deserved time off but wanted to see if you had time to look at the proposed webinar series, topics etc.
As you can see the first of the series on Technology is proposed for late June and if it is a go we would need to begin work on it immediately.
Also want you to know as always, the Secretary has a standing invitation to participate in any of these events and be involved in any way and for whatever time her schedule permits.
So if we can get a thumbs up or input regarding changes we can begin to put together the June event as well as begin to advertise that event and even the entire series, for "save the dates."
Again, sorry for the nudge today of all days and if you would like to discuss just give me a call
Thanks
Frank

AMERICAN OVERSIGHT

**From:** Frank.Brogan@ed.gov
**Sent:** Mon, 13 Jan 2020 15:22:11 -0600
**To:** Viana, Aimee
**Subject:** Remind me

Hey when we talk please remind me to ask you about red ribbon
Frank
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 7 Apr 2020 13:50:01 +0000
**To:** Ryder, Ruth;Kesner, Paul
**Cc:** Brogan, Frank;Rinkus, Christopher;Feldpausch, Sarah
**Subject:** Request for Data
**Importance:** High

Team,

We have received a request from WH **by noon today**:

They would like information on the shift to online education at the secondary level (high school) due to the Pandemic.

Can our team provide 2-3 key facts with any data to describe the shift and illustrate the adaptation to online learning that is underway (preferably in bullet points with data/ numbers included in them)?

Thank you for providing any current, relevant information!

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Thu, 7 May 2020 13:09:43 +0000
**To:** Viana, Aimee
**Subject:** Rough Draft for tomorrow ....thoughts?

Good Morning OESE Family,

I wanted to take the opportunity as this week comes to a close to add my sentiments to the chorus of others who have helped to recognize and celebrate your efforts during Public Service Week.
These efforts are worthy of celebration regularly, but considering OESE's response during this unprecedented period, created by the Global Pandemic and our National Emergency, the response has been nothing short of amazing.
While working remotely and quickly moving to a "Stay Home" environment including entire families, our own OESE family jumped into action in contributing to the on-going effort to make certain that America's students have educational opportunities provided everywhere and to everyone.
Through it all we have provided the ability to secure unprecedented flexibility for states, and local communities when this is most desperately needed during this period of great uncertainty .
OESE has expedited rapid turn-around when considering and approving waivers, technical assistance to support those in need of urgent information and major efforts in communicating with stakeholders everywhere, working to see after their children. All of this without losing sight of the need to still maintain high standards of necessary accountability.

Yet another major example of the work contributing to this support effort has been the incredible response by the Department regarding the CARES ACT passed by Congress and signed into law by the President. Our work contributed directly to the ability to quickly, nimbly and with high attention to law, rule and regulation, assure that "the people's money" (over 30 Billion dollars) is distributed across America to support our most important constituency.... students.
Never, has there been such an organized effort by the Department of Education in support of all of education, at all levels, in such a remarkable way and especially in such a compressed period of time.

OESE should be very proud to be members of such a great team of professionals throughout the Department as well as being tremendous contributors to this successful effort.
Your hard work during very difficult times is recognized and appreciated!

As a small token of appreciation I would like to offer you a fifty-nine minute "departure" from your normal end-of-day responsibilities today! Relax, enjoy the family and know that you are truly valued as members of a great team!
Remain safe and GO OESE!
Frank

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Thu, 4 Jun 2020 14:08:16 +0000
**To:** Viana, Aimee
**Subject:** Rough Draft

Dear OESE Colleagues,

While planning continues as to how and when the Department of Education will begin the phased re-opening of our buildings nationwide, it is at the same time very appropriate to consider the here and now and the wonderful work which continues to be carried out by our employees every single day.

Like you, I chose to come to work for this particular agency when I had the honor of being invited to join. Not only because I am a lifetime educator who has always believed passionately, that every child in America has
the right but also the incredible need to have access to the finest quality education experience that can be provided. And by the way, a right which must never be less available, regardless of life's circumstances. The need as well, cannot be subject to only the good times
nor just times of great difficulty. Truth be known however, the paramount urgency to continue access to world class education rises to even a greater level when times are the toughest. It is especially then that we must make certain the needs of students are met, thus ensuring them the greatest future possible. How could we do less?
If we really do want every American to have the chance to live their share of the great American dream, to actually become everything we know they are capable of being, then how powerful our efforts truly are and therefore, must be forever advanced.

As I have traveled the country on behalf of the Department since my arrival in Washington D.C. the most glaring observation resides in the differences I have witnessed from place to place. One state to another, one community to another, one educational approach to another, it is indeed the differences which I have found so striking. However, all of these differences represent anything but chaos. This is America. In spite of all of those differences however, there is one constant cohort upon whose future upon who we will all ultimately rely.....our students. They are indeed America's students. They are every color of the world, every possible native tongue, every socio-economic status and family structure. They are America today and they will be America's leaders tomorrow. It is their lives through education for which we in the Department toil. Regardless of the jobs we perform, or the place from which that work emanates, we must and will continue to shoulder that sacred trust which each of us has accepted. We along with so many others, have the awesome responsibility of helping our students overcome everything from the soft bigotry of low expectations and even outright bigotry wherever it exists, in all of its worst forms. Our students, their families and our country rely on us as allies in this effort. The stakes could not be higher for those of us serving America's students.

I continue to be so proud of the work that the OESE Team does each and every day and while I long to see all of you face-to-face very soon, I wanted you to know that you are even now with me each day in this effort. A unified team working to see after our country's greatest trust.
Thank you for your continued efforts on behalf of every one of our country's children and keep up the great work.
For the students,
Frank Brogan

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Mon, 16 Mar 2020 15:20:28 +0000
**To:** Dalton, Ashley
**Cc:** Feldpausch, Sarah;Brogan, Frank
**Subject:** Scheduling request from OCO
**Importance:** High

Ashley,

OCO mentioned to me that they contacted you via email re: Frank's availability for a call with the WH re: coronavirus.

Please copy me on the response, and add to my calendar as well.

Thank you!

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Test

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Wed, 18 Mar 2020 12:18:23 +0000
**To:** Viana, Aimee;Rinkus, Christopher;Ryder, Ruth;Washington, Mark
**Cc:** Talbert, Kent
**Subject:** Texas Waiver from testing?

Has anyone seen a waiver from Texas regarding testing?
I have not
Frank

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Wed, 1 Apr 2020 19:34:45 +0000
**To:** Brogan, Frank
**Subject:** Update

Frank,

As an FYI - ONDCP is now asking for an extended/ open-ended arrangement for when Elyse's detail will end, because they cannot start her when expected due to the coronavirus.

Let's connect later.

AMERICAN OVERSIGHT

**From:** Frank.Brogan@ed.gov
**Sent:** Mon, 30 Mar 2020 17:58:09 -0400
**To:** Viana, Aimee;Ryder, Ruth
**Subject:** Waiver On Assessments and Letter

Just talked again to Kent
He spoke as I mentioned earlier to Bob Eitel
They agreed that we can put it through a quick (maybe one day) process and get it out
Kent said he would call you Ruth and close the loop
😄

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Brogan, Frank
**Sent:** Fri, 20 Mar 2020 20:54:41 +0000
**To:** Viana, Aimee;Rinkus, Christopher;Ryder, Ruth;Washington, Mark
**Cc:** Bailey, Nathan;Hill, Elizabeth
**Subject:** waivers

Sounds like we are already beginning to receive waivers
We just need to be careful that they are all getting to the correct place and that the counts are accurate
Each night beginning tonight we should share what we have with Nate and Liz Hill as well
Should be interesting
Thanks
Frank

AMERICAN OVERSIGHT

**From:** Frank.Brogan@ed.gov
**Sent:** Fri, 20 Mar 2020 15:01:17 -0400
**To:** Viana, Aimee;Condie, Caitlin;Ryder, Ruth;Rinkus, Christopher;Washington, Mark;Dalton, Ashley;Miller, Meredith
**Subject:** Weekend

Hi All
Thanks for your hard and high quality work this week
I know we are headed into the weekend but I would beg that we all keep our phones close to us at all times, make certain that voicemail is set up and available (not full) at all times
Also be careful what you put into any written communication
All forward facing information must be cleared first and as always all communications internal or external may be subject to FOIA requests
Again, thank you all for your great work as we continue to help people work through this very difficult time
Thanks my friends
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Viana, Aimee
**Sent:** Tue, 2 Jul 2019 20:41:31 +0000
**To:** Brogan, Frank
**Subject:** 59 minutes

Frank,

Let's connect on this, please.

AMERICAN OVERSIGHT

**From:** Frank.Brogan@ed.gov
**Sent:** Thu, 30 Apr 2020 16:25:03 -0400
**To:** Viana, Aimee
**Subject:** 2020-04-30 DRB Recommendation Memo - SY2018-19 SEA and LEA Level FS141 Data.pdf
**Attachments:** 2020-04-30 DRB Recommendation Memo - SY2018-19 SEA and LEA Level FS141 Data.pdf, ATT00001.txt

AMERICAN OVERSIGHT

**April 30, 2020**

**To:** Frank Brogan
Assistant Secretary of Elementary and Secondary Education

**From:** Benjamin Ferraro
Co-Chair, Disclosure Review Board

Benjamin Ferraro
Digitally signed by Benjamin Ferraro
Date: 2020.04.30 16:10:08 -04'00'

**RE:** **Privacy Protections for the Public Release of "SY2018-19 SEA and LEA Level FS141"**

**Overview**

The Office of Elementary and Secondary Education requested that the Disclosure Review Board (DRB) review the privacy protections planned for the public release of the "**SY2018-19 SEA and LEA Level FS141"**. The data is presented at the State Education Agency (SEA) and Local Education Agency (LEA) levels. Appendix A and B present the general table structures that the data will be presented at the different levels. All fifty states as well as BIE and Puerto Rico are represented in this release.

FS141 is composed of one data group, DG678. DG678 is defined as the unduplicated number of English learner (EL) students enrolled in an elementary or secondary school. The data are collected at the SEA, LEA and school-levels and released at the SEA and LEA-levels. The data are collected by an education unit total (total of all students) and by the following category sets:

Category Set A: Grade Level (Basic w13)

Category Set B: Language (Native)

Category Set C: Racial Ethnic Category Set D: Disability Status (Only)

The education unit total and language (native) data have been released in the past at the SEA-level in the CSPR and on ED Data Express. On ED Data Express, all disaggregations will be released at the SEA-level. In the past, the education unit total has been released at the LEA-level in the Common Core of Data. Beginning in SY2017-18, the education unit total and all disaggregations were released at the LEA-level on ED Data Express.

Some of the data from which these data elements are derived are "education records" within the meaning of the Family Educational Rights and Privacy Act (FERPA (20 U.S.C. §1232g; 34 CFR Part 99)), and are therefore protected by FERPA.

**Disclosure Risk Analysis**



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It has previously been determined that no privacy protections are needed at the SEA-level. The data do not contain any individual-level information. Because there are a number of non-observable factors that may affect whether an individual student is (or is not) included in these program participation counts when aggregated to the state-level, the ED-DRB has determined that the potential for disclosure is minimal and no privacy protections are required.

At the LEA-level, there is an increased risk of disclosure when there is a very small count of students reported or the count approaches the number of students in the school. These data are also released at the LEA-level at the education unit total in the Common Core of Data so it is recommended to align privacy protections to minimize risk of disclosure as a result of interactions between the two releases. This release will release LEA-level disaggregations in the data by grade level (basic w13), racial ethnic, language (native) (top 5 only), and disability status (only) for the first time. It is recommended that privacy protections match other LEA-level CSPR releases for consistency.

In addition, the ED-DRB considered the LEA-level release's interactions with the SEA-level data release and determined minimal risk because of differences in reporting between the two levels. At the SEA-level, student counts are unduplicated. At the LEA-level, States are instructed to report students at each LEA they are served at throughout the school year. When aggregated to the SEA-level, the LEA level count may be duplicated increasing the ambiguity of the data.

**Disclosure Avoidance Methods Applied:**

The SEA-level decision does not differ from the decision in previous years. Note that the disclosure avoidance methods are applied after any needed data quality suppression.

State-level Methodology:
The ED-DRB determined that no privacy protections are required for these data when reported at the State level.

LEA-level Methodology:
Because the education unit total has been released by the Common Core of Data, privacy protections have been aligned in order to stay consistent.

1) If education unit total is 1 or 2, set the education unit total to 3.

2) If membership (FS052) is zero, set the education unit total and all other values for the LEA to zero.

3) If membership (FS052) is not zero and the education unit total in FS141 is greater than membership minus 3, suppress the education unit total and all other values for the LEA.

For disaggregations in FS141, the steps are:



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4) For breakdown by age/grade, racial/ethnic, top five languages, and disability status, suppress ("S") any cell if the count is blank, a reported zero, 1 or 2.

5) If only one age/grade category is suppressed, suppress the next lowest.

6) If only one racial/ethnic category is suppressed, suppress the next lowest.

7) If only one top five language is suppressed and it equals the education unit total, suppress the next lowest.

8) If children with disabilities count is greater than the education unit total minus 3, suppress children with disabilities count.

9) If the total CWD count reported in FS002/089 and released in the Common Core of Data is zero, suppress the children with disabilities count in FS141.

10) If the CWD count reported in FS002/089 is not zero and the children with disabilities count is greater than the CWD count (FS002/089) minus three, suppress the children with disabilities count in FS141.

For all disaggregations (except for the top five languages), if only one LEA in the State was suppressed, suppress the same category of data in another LEA.

**Recommendation**:

It is the consensus of the DRB that the "SY2018-19 SEA and LEA Level FS141" is safe for public release under FERPA. (*Note: The DRB did not review the proposed release for accuracy, validity, or data quality.)*

attachment: DRB Meeting Attendees

cc: Sarah Newman (OESE)
Kala Surprenant (SPPO)
Frank Miller (SPPO)
DRB Members



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**Disclosure Review Board**

**Disclosure Avoidance Review of the Office of Elementary and Secondary Education "SY2018-19 SEA and LEA Level FS141"**

**January 28, 2020**

**Meeting Attendees:**

- Jean Yan (PPSS)
- Shelley Bruns (NCES) [vote via email]
- Stefanie McDonald (OCR)
- Janis Brown (OCR)
- Emory Morrison (OPE)
- Marie Marcum (EdFacts)
- Sarah Newman (OESE)
- Julia Bloom-Weltman (SPPO)
- Bayan Khasawneh (SPPO)
- Benjamin Ferraro (SPPO)

The DRB Recommendation was reached by consensus of the members listed above during the January 28, 2020 meeting.



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Appendix A. Table Structure: SEA-level data in the CSPR

**1.6.2 Student Demographic Data**

**1.6.2.1 Number of ALL LEP Students in the State**

In the table below, provide the October 1 count of ALL LEP students in the State who meet the LEP definition under Section 9101(25).

- Include newly enrolled (recent arrivals to the U.S.) and continually enrolled LEP students, whether or not they receive services in a Title III language instruction educational program.
- Do not include Former LEP students (as defined in Section 200.39(b)(2) of the Title I regulation) and monitored Former LEP students (as defined under Section 3121(a)(4) of Title III) in the ALL LEP student count in this table.

| | |
|---|---|
| Number of ALL LEP students in the State | 20,215 |
| **Comments:** The response is limited to 4,000 characters.N/A | |

**1.6.2.2 Number of LEP Students Who Received Title III Language Instruction Educational Program Services**

In the table below, provide the October 1 count of LEP students in the State who received services in Title III language instructional education programs.

| LEP Students Receiving Services | # |
|---|---|
| LEP students who received services in a Title III language instruction educational program in grades K through 12 for this reporting year. | 18,887 |
| **Comments:** The response is limited to 4,000 characters.N/A | |

**1.6.2.3 Most Commonly Spoken Languages in the State**

In the table below, provide the five most commonly spoken languages other than English in the State (for all LEP students, not just LEP students who received Title III services). The top five languages should be determined by the highest number of students speaking each of the languages listed.

| Language | # LEP Students |
|---|---|
| Spanish; Castilian | 16,018 |
| Korean | 439 |
| Arabic | 427 |
| Chinese | 322 |
| Vietnamese | 295 |

Report additional languages with significant numbers of LEP students in the comment box below.

The response is limited to 8,000 characters.

| |
|---|
| N/A |

Appendix B. Table Structure: LEA-level data in ED Data Express and CSPR

| State | NCES LEA ID | State LEA ID | Local Educational Agency Name | Title I Program Type | Student Count |
|---|---|---|---|---|---|
| Alabama | 010005 | 101 | Albertville City | Kindergarten | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Grade 01 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Grade 02 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Grade 03 | Lowest level of disaggregation |



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| | | | | | |
|---|---|---|---|---|---|
| Alabama | 010005 | 101 | Albertville City | Grade 04 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Grade 05 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Grade 06 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Grade 07 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Grade 08 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Grade 09 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Grade 10 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Grade 11 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Grade 12 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Grade 13 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Ungraded | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | American Indian or Alaska Native | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Asian | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Black or African American | Lowest level of disaggregation |



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| | | | | | |
|---|---|---|---|---|---|
| Alabama | 010005 | 101 | Albertville City | Hispanic/Latino | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Native Hawaiian or other Pacific Islander | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | White | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Two or more races | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Children with disabilities | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Language #1 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Language #2 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Language #3 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Language #4 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Language #5 | Lowest level of disaggregation |
| Alabama | 010005 | 101 | Albertville City | Education Unit Total | Reported total |



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Sent from my iPhone

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**From:** Brogan, Frank
**Sent:** Mon, 27 Apr 2020 20:12:28 +0000
**To:** Viana, Aimee
**Subject:** A Viana - DoED SES Performance Appraisal Form (2020) FTB(002).pdf
**Attachments:** A Viana - DoED SES Performance Appraisal Form (2020) FTB(002).pdf

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# UNITED STATES DEPARTMENT OF EDUCATION
## SES Performance Management System
## Executive Performance Plan

### PART 1. CONSULTATION

***Section Purpose:*** Senior executive performance management systems must provide for consulting with senior executives on the development of performance elements and requirements [5 CFR 430.304(b)(2)]. This section provides documentation that the senior executive was consulted.

***Instructions:*** Both the senior executive and rating official must sign and date the plan on their respective lines. The title of the rating official should also be provided. The appointment type of the senior executive is indicated by selecting the appropriate drop down selection (CA = Career; NC = Non-Career; LT/LE = Limited Term/Limited Emergency).

### PART 2. PROGRESS REVIEW

***Section Purpose:*** The supervisor must hold a progress review for each senior executive at least once during the appraisal period [5 CFR 430.306(b)]. This section provides documentation for that review.

***Instructions:*** Following the senior executive's progress review, the supervisor, senior executive, and reviewing official (optional), sign and date the plan on their respective lines.

### PART 3. SUMMARY RATING

***Section Purpose:*** The supervisor must develop a written Initial Summary Rating of the senior executive's performance and share that rating with the senior executive [5 CFR 430.308(a)]. This section displays the supervisor's initial summary rating.

***Instructions:*** An Initial Summary Rating is determined based on the appraisal of the critical elements and performance requirements in Part 5 and the derivation formula in Part 4. The rating official, senior executive and reviewing official (optional) sign and date the plan on their respective lines.

In the event a higher level review is requested, the request checkbox in the *Higher Level Review* section is selected and the senior executive initials and dates accordingly. Completion of the higher level review is indicated by selecting the completion checkbox. The higher level reviewer signs and dates the plan.

The Performance Review Board's (PRB) recommended rating is indicated by selecting the appropriate checkbox and a PRB member signs and dates the plan. The appointing authority must then assign the *Annual Summary Rating* of the senior executive's performance after considering the PRB's recommendation. The *Annual Summary Rating* indicated on this line of the plan is the *Official Rating*.

### PART 4. DERIVATION FORMULA AND CALCULATION OF ANNUAL SUMMARY RATING

***Section Purpose:*** Agencies must have a method for deriving Summary Ratings from appraisals of performance against performance requirements [5 CFR 430.304(c)(3)]. This section provides standardized Summary Level Ranges and a table for calculations.

***Instructions:*** The supervisor will rate each individual critical element (see Part 5) and then record the point value corresponding to each element's rating in the first column of the derivation table (*Initial*). Point values (found in Part 5) for the five performance levels are as follows:

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| Level 5 = 5 Points | Level 4 = 4 Points | Level 3 = 3 Points | Level 2 = 2 Points | Level 1 = 0 Points |
|---|---|---|---|---|

Each critical element's initial point value is then multiplied by its assigned weight. It is important that weighting percentages in the *Weight* column are recorded as whole numbers, not decimals (e.g., 30% is recorded as 30 and not .30). The product of the initial element's point value and the weight becomes the *Initial Element Score*. All the critical elements' *Initial Element Scores* are then summed to derive the *Total Score*. The *Total Score* for all of the critical elements is compared with the *Summary Level Ranges*.

The appointing authority will consider recommendations from the supervisor, higher level reviewer (if applicable), and the PRB to derive the *Annual Summary Rating*. The appointing authority will record any change to an *Element Rating* in the second column of the derivation table (*Final (if changed)*). Changing an *Element Rating* will require recalculating the *Total Score* and comparing the new score with the *Summary Level Ranges* to derive the *Annual Summary Rating* (recorded in Part 3).

## PART 5. PERFORMANCE STANDARDS AND CRITICAL ELEMENTS

***Section Purpose:*** A senior executive performance plan must include the individual and organizational expectations for the appraisal period and the *Performance Requirements* against which performance will be evaluated [5 CFR 430.305]. This section includes defined *Performance Standards* for each of the five performance levels in the appraisal system. This section also contains the required *Performance Requirements* for each critical element.

***Instructions:*** The supervisor may expand on the mandatory *Performance Requirements* of any critical element by adding additional *Agency-Specific Performance Requirements* (which may be written as competencies or specific results/commitments associated with the element). The mandatory *Performance Requirements* of the Basic SES Performance Plan describe the Level 3 performance level, as established in the *Performance Standards*. Additional *Agency-Specific Performance Requirements* also must be written at the Level 3 performance level. Agencies are encouraged to develop requirements that set *Performance Requirements* for performance at Levels 5 and 2 as well, especially when describing expected results.

Critical element 5 is the *Results Driven* element. This critical element includes specific performance results expected from the executive during the appraisal period, focusing on measurable outcomes from the strategic plan or other measurable outputs and outcomes clearly aligned to organizational goals and objectives. The performance plan must have at least three performance requirements (including measures, targets, timelines, or quality descriptions, as appropriate) describing the range of performance at Level 3 for each result specified. Agencies may allow no more than five performance requirements. It is recommended to establish threshold measures/targets for Levels 5 and 2 as well. Each result in this section must have a relevant goal/objective from the Strategic Plan to which it aligns. *Strategic Alignment* requires citing the relevant goal(s)/ objective(s) (and page numbers where they can be found) in the Strategic Plan, Congressional Budget Justification/Annual Performance Plan, or other organizational planning document.

The supervisor should ensure that the weights are appropriately set (i.e., the *Results Driven* critical element is weighted 20% or higher; all other critical elements are weighted 5% or higher, and no individual critical element is weighted more than the *Results Driven* critical element) so that the total weight of all the critical elements is equal to 100%.

After evaluating the executive's performance, the supervisor selects a *Critical Element Rating* by checking the appropriate checkbox below each critical element. After all critical elements have been rated, the critical element rating points and weights are automatically populated in the Derivation Formula Table (see Part 4) and the *Initial Total Score* is calculated.

## PART 6: SUMMARY RATING NARRATIVE *(Mandatory)*

***Section Purpose:*** This section provides feedback for the senior executive, as well as performance information for a higher level reviewer (if requested) and the PRB (if necessary).

***Instructions:*** Along with the *Initial Summary Rating*, the supervisor also provides a written *Summary Rating Narrative,* which is a written assessment describing the senior executive's performance. Information that helps justify the *Initial Summary Rating* should be included in this narrative.

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## Part 7: EXECUTIVE'S ACCOMPLISHMENT NARRATIVE *(Optional)*

***Section Purpose:*** The *Executive's Accomplishment Narrative* allows the senior executive to provide a description of his/her accomplishments over the course of the rating period. This information is beneficial for the supervisor when rating and may be required by some agency appraisal systems.

***Instructions:*** The senior executive should consider his/her performance over the course of the rating cycle and list/describe his/her accomplishments, particularly in terms of meeting or exceeding assigned performance requirements.

## PART 8: EXECUTIVE DEVELOPMENT *(Optional)*

***Section Purpose:*** This section should address any training or development activities the executive completed during the rating cycle that enhanced a specified leadership competency. In section 8a, the executive should identify training/development commitments at the beginning of the rating cycle. In section 8b, the executive should address what development activities were accomplished and how they related to enhancing or refining the identified competency. While this section is not required; it is highly recommended that the executive complete this portion and that the rating official take the activities into consideration when assessing critical performance elements.

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**From:** Brogan, Frank
**Sent:** Thu, 13 Feb 2020 01:32:00 +0000
**To:** Condie, Caitlin
**Subject:** Fwd: Follow-up

Sent from my iPhone

Begin forwarded message:

**From:** "Pallasch, John P - ETA" <Pallasch.John.P@dol.gov>
**Date:** February 12, 2020 at 6:48:24 PM EST
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>
**Cc:** "Simon, Amy E - ETA" <Simon.Amy.E@DOL.gov>
**Subject: FW: Follow-up**

(b)(5)

Thanks,

John Pallasch
202-693-2772

**From:** Natalie Chan <natalie@ownacademy.co>
**Sent:** Tuesday, February 11, 2020 3:17 AM
**To:** Pallasch, John P - ETA <Pallasch.John.P@dol.gov>
**Subject:** Re: Follow-up

Dear John

Hope you are well, I will return to Hong Kong end of February, so I'm following up to see if we can schedule a call the week of February 24th? Feel free to suggest a few time slots.

Looking forward to hearing from you.

Thank you so much.

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Warmest Regards,

NATALIE.CHAN
FOUNDER&CEO

OWN Academy 自由學園 | Facebook | Instagram
Office: +852 2850 4207 | Cell: +852 9474 0009

A Macallan Conversation with the South China Morning Post
Click here to watch an amazing video Drew Binsky made for us in 2018 and he made another video in 2019
Find out more about our7 takeaways returning from the World Economic Forum 2019

On Mon, Feb 3, 2020 at 8:43 PM Natalie Chan <natalie@ownacademy.co> wrote:

Dear John

Thank you for your email and apologies for the delay in response as I just returned to Hong Kong and the coronavirus has been disruptive to say the least. Regardless, it was great to meet you and find out more about your work and your goal with education.

You may have checked out what we do at OWN Academy We are focus on bridging the gap between school and industry. We seek partnerships with corporates then work with schools or organizations as consultants or to help with program design, management and execution.

I have attached a proposal I sent to schools for your reference and you will find links in there to videos from the stakeholders of our program. Happy to schedule a call with you to share more and understand further your intention and how we may work together.

I will be travelling next week, can we set a time for for the week of the 17th? I can be flexible to talk either in the early AM or late PM time, so let me know a few options that would work for you.

Thank you for your time. Looking forward to it.

Warmest Regards,

NATALIE.CHAN
FOUNDER&CEO

AMERICAN OVERSIGHT

OWN Academy 自由學園 | Facebook | Instagram
Office: +852 2850 4207 | Cell: +852 9474 0009

A Macallan Conversation with the South China Morning Post
Click here to watch an amazing video Drew Binsky made for us!
Find out more about our7 takeaways returning from the World Economic Forum 2019

On Fri, Jan 24, 2020 at 10:53 PM Pallasch, John P - ETA <Pallasch.John.P@dol.gov> wrote:

Natalie,

It was a pleasure speaking with you this morning and I was intrigued by your work on experiential and work-based learning. As we discussed, much of my motivation for coming to Davos was to learn and better understand the Swiss and German apprenticeship models and how multi-national companies are using the tenets of these models in their workforce efforts in the United States. I would like to learn more about the programs you have developed and how we might be able to transplant them to innovative schools and districts in the U.S.

Given travel schedules and the time difference, connecting may be difficult, but I hope we can continue the conversation.

Thanks in advance,

**John Pallasch**
**Assistant Secretary**
Employment and Training Administration
U.S. Department of Labor | www.dol.gov
(202) 693-2772 | Room-S2307

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**From:** Brogan, Frank
**Sent:** Fri, 28 Feb 2020 23:01:48 +0000
**To:** Viana, Aimee
**Subject:** Fwd: FYI UPDATED: Education Department releases new details on coronavirus task force

Sent from my iPhone

Begin forwarded message:

> **From:** "Hill, Elizabeth" <Liz.Hill@ed.gov>
> **Date:** February 28, 2020 at 5:20:04 PM EST
> **To:** "Eitel, Robert" <Robert.Eitel@ed.gov>, "King, Robert" <Robert.King@ed.gov>, "Zais, Mitchell" <Mitchell.Zais@ed.gov>, "Brogan, Frank" <Frank.Brogan@ed.gov>
> **Cc:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>, "Talbert, Kent" <Kent.Talbert@ed.gov>
> **Subject: FYI UPDATED: Education Department releases new details on coronavirus task force**

---

**From:** POLITICO Pro <politicoemail@politicopro.com>
**Sent:** Friday, February 28, 2020 5:17 PM
**To:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Subject:** UPDATED: Education Department releases new details on coronavirus task force

**UPDATED: Education Department releases new details on coronavirus task force**

By Nicole Gaudiano

02/28/2020 04:09 PM EST

The Department of Education Friday afternoon released new details on its coronavirus task force members after rolling out a web page with guidance for schools on the disease.

Frank Brogan, the assistant secretary for elementary and secondary education, is leading the K-12 response, and Bob King, the assistant secretary for postsecondary education, is leading the higher education response, including Federal Student Aid, Liz Hill, a department spokesperson, wrote in an email.

Secretary Betsy DeVos announced at a congressional hearing Thursday that she set up the task

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force, led by her top deputy, Mick Zais, to coordinate the department's response to the disease.

"Every principal office will report up through this structure," Hill wrote.

Along with leading the department's working group, Zais is also the department's liaison for the interagency coronavirus task force, Hill wrote.

The web page, www.ed.gov/coronavirus, which went live at 4 p.m., has the latest guidance from the Centers for Disease Control and Prevention for administrators of child care programs and K-12 schools. It will also include any guidance to the field from the Education Department, if needed, Hill wrote.

The page is also accessible from the department's homepage under "Coronavirus information."

On Friday, Mick Mulvaney, the acting White House chief of staff, warned of potential school shutdowns during the Conservative Political Action Conference.

"Are you going to see some schools shut down? Probably. May you see impacts on public transportation? Sure. But we do this. We know how to handle this," Mulvaney said.

Federal public health officials have urged schools to brace for more cases of the virus in the U.S. The Centers for Disease Control and Prevention has recommended that schools across the country develop contingency plans for school dismissals and closures, as well as the continuation of classes online.

President Donald Trump said during a news conference on Wednesday that "schools should be preparing and get ready, just in case."

*Michael Stratford contributed to this report.*

*To view online*:
https://subscriber.politicopro.com/education/whiteboard/2020/02/education-department-unveils-coronavirus-webpage-for-schools-1886200

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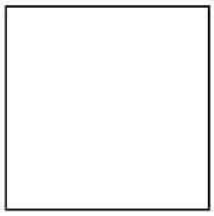

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USA

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**From:** Brogan, Frank
**Sent:** Sat, 7 Mar 2020 22:17:17 +0000
**To:** Viana, Aimee
**Subject:** Fwd: Update on Insular Areas meeting

(b)(5)

Sent from my iPhone

Begin forwarded message:

**From:** "Ryder, Ruth" <Ruth.Ryder@ed.gov>
**Date:** March 7, 2020 at 5:06:26 PM EST
**To:** "Rosenfelt, Phil" <Phil.Rosenfelt@ed.gov>
**Cc:** "Brogan, Frank" <Frank.Brogan@ed.gov>, "Viana, Aimee" <Aimee.Viana@ed.gov>, "Talbert, Kent" <Kent.Talbert@ed.gov>, "Carter, Denise" <Denise.Carter@ed.gov>
**Subject: RE: Update on Insular Areas meeting**

I can talk when you have time. 202-657-2919

---

**From:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>
**Sent:** Saturday, March 7, 2020 10:27 AM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>
**Subject:** RE: Update on Insular Areas meeting

Ruth: (b)(5)
(b)(5) I would be glad to talk at your convenience. Thanks again.

Phil

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Saturday, March 7, 2020 10:16 AM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>
**Subject:** Update on Insular Areas meeting

(b)(5)

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(b)(5)

Have a good weekend.

**Ruth E. Ryder**
**Deputy Assistant Secretary for Formula Grants**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5570
Email: ruth.ryder@ed.gov

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**From:** Brogan, Frank
**Sent:** Fri, 6 Mar 2020 22:22:57 +0000
**To:** Hunter, Tina
**Cc:** Washington, Mark
**Subject:** Re: OESE BCP

Approved for auto pen
Frank Brogan

Sent from my iPhone

On Mar 6, 2020, at 5:11 PM, Hunter, Tina <Tina.Hunter@ed.gov> wrote:

Hi Frank,

(b)(5)

Thanks,
Tina

Tina M. Hunter, MS, MBA
Executive Officer
U.S. Department of Education
Office of Elementary & Secondary Education
and Office of English Language Acquisition
400 Maryland Ave., S.W. Room 3W304
Washington, DC 20202
O – 202-205-8527
F – 202-205-0310
E-mail: tina.hunter@ed.gov

---

*OESE Vision: Educational Excellence and Equity for All Students*
*OESE Organizational Statement: To empower States, districts, and other organizations to meet the diverse needs of every student by providing leadership, technical assistance, and financial support*
*OESE Values: Collaboration, Accountability, Diversity, Integrity, and Excellence*

<OESE BCP 03-06-20.doc>

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**From:** Brogan, Frank
**Sent:** Wed, 4 Mar 2020 12:25:43 +0000
**To:** Talbert, Kent;Zais, Mitchell;Schultz, Mark;Ryder, Ruth;Kesner, Paul;King, Robert;Brown, Mark;Jones, Diane;Hill, Elizabeth;Morabito, Angela;Falconer, Susan;Carter, Denise;Hairfield, James;Gray, Jason;Marcus, Kenneth;Robb, Carly;Rosenfelt, Phil
**Cc:** Bailey, Nathan;Harding, Jordan;Eitel, Robert
**Subject:** RE: Transcript from HELP Hearing yesterday on Coronavirus

Thanks Kent

---

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Wednesday, March 4, 2020 6:55 AM
**To:** Zais, Mitchell <Mitchell.Zais@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; King, Robert <Robert.King@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Morabito, Angela <Angela.Morabito@ed.gov>; Falconer, Susan <Susan.Falconer@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>; Hairfield, James <James.Hairfield@ed.gov>; Gray, Jason <Jason.Gray@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Robb, Carly <Carly.Robb@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>
**Cc:** Bailey, Nathan <Nathan.Bailey@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>
**Subject:** Transcript from HELP Hearing yesterday on Coronavirus

Coronavirus Working Group,

Please find attached a copy of the transcript (106 pages) from yesterday's hearing in the Senate HELP Committee on the coronavirus. Note the mention of education, schools, etc.

Witnesses were:

**Dr. Anne Schuchat, Deputy Director of CDC**

**Dr. Anthony Fauci, Director of the Natl Inst of Allergy and Infectious Diseases**

**Dr. Robert Kadlec, the Asst. Secty for Preparedness and Response of HHS**

**Dr. Stephen Hahn, FDA Commissioner**

I have also included a link from the HELP page here with video, https://www.help.senate.gov/hearings/an-emerging-disease-threat-how-the-us-is-responding-to-covid-19-the-novel-coronavirus

Kent

AMERICAN OVERSIGHT

**From:** Feigert, Kendra
**Sent:** Tue, 10 Mar 2020 14:44:16 +0000
**To:** COVID-19
**Cc:** Petritsch, Jeff;Russell, Jill
**Subject:** Clarifying Question

Good morning,
I'm hoping you can provide clarification on the Foreign Schools section of the recently issued guidance.

We have students who returned to the U.S. from studying abroad at the Umbra Institute in Italy last week. The institute closed due to COVID-19. The students completed approximately 54% of the semester in Italy in-classroom. They will be finishing the remainder of their coursework through distance education taught by the Umbra Institute.

Given the guidance in the Foreign Schools section, it appears these students are no longer eligible for Title IV aid since the remaining coursework is through DE and being taught by a foreign school. However, since the students completed approximately 54% of the coursework in classroom and the remaining 46% via distance education, may we consider the coursework as hybrid? This would then mean a R2T4 calculation is NOT required.

Thank you for your assistance.

Kendra M. Feigert
Director of Financial Aid
Lebanon Valley College
101 N. College Avenue
Annville, PA 17003
Phone: 717-867-6126
Fax: 717-867-6027
feigert@lvc.edu

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AMERICAN OVERSIGHT

**From:** Troy Davis
**Sent:** Thu, 12 Mar 2020 13:58:38 -0400
**To:** COVID-19
**Subject:** 3 policy/processing questions

Good afternoon,

I have a few questions related to COVID-19 & student financial aid.

1. We need to apply/petition for a shortened academic year related to COVID-19. The College has decided to extend the spring break by one week without adding educational activities. What are the steps involved in securing approval for a shortened academic year?

2. Since the College has extended the spring break, that will change the percentage of the semester completed for R2T4 calculations. Do we need to recalculate those already completed or use the new break days going forward?

3. There is a possibility that the College will refund resident students a portion of the room and board for the period of the extended spring break. Do we need to adjust the COA?

Thank you for your help,

Troy
--

**Troy A. W. Davis | Director of Financial Aid**

Springfield College
Financial Aid Office

263 Alden Street
Springfield, MA 01109

springfield.edu | p: (413) 748-3108
tdavis10@springfield.edu

AMERICAN OVERSIGHT

**From:** Klemens, Kristina R
**Sent:** Fri, 13 Mar 2020 16:04:44 +0000
**To:** COVID-19
**Subject:** Academic Period Shortened

Hello-

Our institution has made the decision to be closed for two weeks and then converting to online. The result of this decision is that our spring semester is now 13 weeks in length which no longer meets the definition of standard term.

I have two questions then.

1- Since we treat our 'winter' non-standard term which is 4 weeks as part of spring, would we be 'ok' from a term definition given that we are 17 total weeks with that winterim term included?
2- Do we need to request a waiver for the shortening of our academic period given that we are no longer the 14-21 week definition of standard term?

If all else fails, we may decide as an institution to push our spring into our summer term dates, but given that it would result in a lot of class cancelations, I know that as an institution, that would be a tough decision.

Thank you for your assistance!

UNIVERSITY OF WISCONSIN PARKSIDE

**Kristina Klemens**
Director of Scholarships and Financial Aid
klemens@uwp.edu | 262-595-2004

900 Wood Road, Kenosha, WI 53144 | 262-595-2216 (fax) | studentaid.ed.gov

AMERICAN OVERSIGHT

**From:** Bryan Karazsia
**Sent:** Fri, 13 Mar 2020 23:52:23 +0000
**To:** COVID-19
**Subject:** Academic Probation Flexibilities

To Whom It May Concern:
Thank you for the information that you have offered to guide higher education leaders during this time of continual changes. I am writing to request guidance on grading of courses that began in-person, then experienced a pause, and then resumed in alternative delivery (such as online). Some faculty may find it difficult to assess and evaluate students fairly, systematically, and consistently in this context of change. One potential solution is to move all classes to an automatic pass-fail (S/NC or S/U) grading scheme. One limitation, however, is this would preclude an opportunity for a student to increase their GPA…and in some instances this would automatically lead to continuation of a student on Academic Probation (I.e., not in good academic standing) by the qualitative standard. This could lead to situations where students are continued become ineligible for federal financial aid.
Is there flexibility in any of the financial aid policies to permit flexible grading this semester?
Thank you,
Bryan
--
Bryan T. Karazsia, Ph.D.
Dean for Curriculum and Academic Engagement
Associate Professor of Psychology
The College of Wooster
Wooster, OH 44691
phone: 330-263-2008
e-mail: bkarazsia@wooster.edu

AMERICAN OVERSIGHT

**From:** Killen, Kris
**Sent:** Thu, 12 Mar 2020 17:56:59 +0000
**To:** COVID-19
**Subject:** Adjusting COA

Hello,

I have been referred to this email address for an answer to a pressing question. Will we be required to adjust Cost of Attendance at this point in the semester for students who receive a partial room/board credit for time that they are being asked to stay at home during the COVID-19 outbreak? This is presuming that the student is still enrolled at the status on which their award is based, and began attendance in the number of classes required for the aid they received. If the only change is that the student receives a partial room/board credit, months after their original award disbursed, are we required to make COA adjustments to account for the reduced room/board charges, and potentially have to return aid due to over award?

Thank you,

Kris

---

**KRISTINA D. KILLEN**
Associate Director of Financial Aid
Office of Student Financial Services
killenk@xavier.edu
**T** 513-745-2988
**F** 513-745-2806
**Xavier University**
3800 Victory Pkwy, Cincinnati, OH 45207

AMERICAN OVERSIGHT

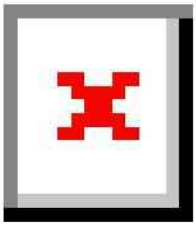
**From:** Teresa Rhyne
**Sent:** Fri, 13 Mar 2020 11:52:42 -0400
**To:** COVID-19
**Subject:** Adjusting Cost of Attendance

We are currently looking at going to online classes after our spring break ends on March 22. If we prorate and give refunds for housing/meals, will we need to adjust this semester housing budget?

If yes and due to this change a student is overawarded, will we need to return funds? or if it changes a portion of their Subdsidized loan to Unsubsidized, will this need to happen even if we have disbursed their full loan eligibility?

Thank you for your time and assistance.

**Teresa Rhyne '92**
Director of Financial Aid
Virginia Wesleyan University
5817 Wesleyan Drive
Virginia Beach, Virginia 23455
Phone: 757.455.5733
Email: trhyne@vwu.edu
Web: www.vwu.edu
Social: Facebook | Twitter | Instagram



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AMERICAN OVERSIGHT

**From:** Kishbaugh, Amanda
**Sent:** Thu, 12 Mar 2020 14:31:52 +0000
**To:** COVID-19
**Subject:** adjustment of COA

Good morning,

Our campus is considering transitioning all coursework to alternative delivery methods and not allowing students to return to their dorms. We would be refunding a prorated amount of their housing and meals based on the number of weeks. Would we be required to adjust their COAs and aid if this occurs?

Thank you,
Amanda

Amanda L. Kishbaugh
Director
Bloomsburg University | Office of Financial Aid
119 Warren Student Services Center | 400 East Second Street | Bloomsburg, PA 17815
Ph. 570-389-4297 | Fx. 570-389-4795

AMERICAN OVERSIGHT

**From:** Julia Martin
**Sent:** Thu, 12 Mar 2020 00:54:06 +0000
**To:** COVID-19
**Subject:** allowable costs question - cancelled activities

Hello,

I have a question about allocability and allowability of expenditures when activities are cancelled due to the COVID-19 pandemic:

> If SEAs and LEAs have travel scheduled to conferences which are now cancelled, and the hotel and/or airline will not refund the costs, can they still charge it to the federal grant?

For the most part, conferences themselves refund registration fees. However, airlines and hotels are either refusing to refund purchased tickets or reservations. Had the travel occurred, costs would have been allowable and allocable to one or more federal cost objectives.

Guidance regarding the allowability of cancelled travel would be most helpful, but information on how to deal with tickets that become a "travel credit" for use within a certain period would also be appreciated.

Many thanks,

Julia Martin
Legislative Director
Brustein & Manasevit, PLLC
1023 15th Street NW
Suite 500
Washington, DC 20005
202-965-3652
jmartin@bruman.com

AMERICAN OVERSIGHT

**From:** Mayan McDermott
**Sent:** Fri, 13 Mar 2020 08:40:38 -0700
**To:** COVID-19
**Subject:** Anticipated changes/interruptions to school funding?

Hello,

I'm wondering if the USDOE anticipates that states, districts, or schools will have an impact on their school budget allocations? We partner with many districts in the procurement process and, while some have postponed decision-making on open procurement opportunities, we're wondering if there is any anticipated guidance going to states, districts, or schools about the potential impact to their funding.

Thank you for any guidance you can provide,
Mayan McDermott

--
Mayan McDermott | **RYE Consulting**
Cell: 805.340.6583
www.RYEconsult.com
LinkedIn | Twitter

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AMERICAN OVERSIGHT

**From:** (b)(6) @att.net
**Sent:** Fri, 13 Mar 2020 19:34:29 -0400
**To:** COVID-19
**Subject:** Attendance
**Importance:** Normal

Will students have to make up school days, potentially extending the school year, if they go over the maximum amount of days allowed missed?

AMERICAN OVERSIGHT

**From:** Bologna, Brynn
**Sent:** Thu, 12 Mar 2020 17:55:33 +0000
**To:** COVID-19
**Cc:** Uden, Jayme
**Subject:** Breaks in enrollment due to Virus
**Importance:** High

We are looking at extending our Spring break for an additional week for all face to face classes. How will this impact Title IV eligibility, given the natural of the break is their flexibility being granted to schools to do this? Thanks

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AMERICAN OVERSIGHT

**From:** Dawn Brandt
**Sent:** Wed, 11 Mar 2020 15:19:01 +0000
**To:** COVID-19
**Subject:** Calendar adjustment guidelines?

Greetings.

I'm contacting you to inquire whether there is any specific guidance available for colleges interested in adjusting/reducing the academic calendar due to the coronavirus?

Thank you.

Dawn Brandt
Compliance Coordinator
Office for Institutional Effectiveness
DBrandt@lbc.edu
office: 717.560.8237
fax: 717.560.8265

LANCASTER BIBLE COLLEGE
901 Eden Road | Lancaster, PA 17601-5036
717.569.7071 | www.lbc.edu

AMERICAN OVERSIGHT

**From:** Strutz, Deidre (dstrutz)
**Sent:** Thu, 12 Mar 2020 13:54:07 +0000
**To:** COVID-19
**Subject:** Campus Based Aid Administration during COVID19 Outbreak

Good Morning-

Will there be guidance issued to higher education institutions pertaining to how they can administer campus-based funds (work-study) during this time when their campus has moved to online instruction and therefore students are not physically here to work? This will significantly impact a school's ability to spend down their allocation and thus impact FISAP reporting and potential future allocations.

Will the DOE be making an exception for this current year due to the COVID19 outbreak?

Our school has sent students home, but we are still operating with online course work so the college itself is not "closed or shut-down" therefore I do not believe we qualify for the guidance that was issued since the college as a whole is not closed, staff are still to report and classes are still happening.

Any insight is greatly appreciated.

**Deidre Strutz**
she/her/hers
Assistant Director of Financial Aid

SUNY Brockport
350 New Campus Drive
Brockport NY 14420
Office: (585) 395-2501| Fax: (585) 395-5445

The College at
BROCKPORT
STATE UNIVERSITY OF NEW YORK

AMERICAN OVERSIGHT

**From:** Kevin McDonald
**Sent:** Thu, 5 Mar 2020 11:30:27 -0500
**To:** COVID-19
**Subject:** CDC Contacts

Greetings,
KeynectUp works with colleges nationwide providing safety communication tools for traveling students.

We built the below tool to save the CDC Coronavirus contact info directly to a cell.
We've opened it to the general public.

Feel free to share.

**Kevin McDonald**

President

781.856.4934

keynectup

GoGreen

AMERICAN OVERSIGHT

**From:** Freels, Ean N
**Sent:** Wed, 11 Mar 2020 20:06:37 +0000
**To:** COVID-19
**Subject:** Changing Term Dates

Good Afternoon,

Thank you for the invaluable guidance provided in the Electronic Announcement on March 5th. It has proven very helpful.

I have a couple of additional questions regarding a change my institution is considering in response to COVID-19. We are a standard term school consisting of two 16 week semesters delivered over the Fall and Spring. The institution has a scheduled break during the spring term of five days for Spring Break (causing it to be a total of 9 days within a return calculation). The school is considering extending Spring Break for an additional week in order to prepare for a switch to online delivery. This would cause the schedule break to increase to 16 days as no classes would be in session. However, the institution is **not** considering extending the term an additional week at the end of the term. Therefore, the term would now be defined as 15 weeks rather than 16.

I understand that this change alone will not make us non-standard. I also understand that this change would have no impact on our ability to meet the definition of an academic year. Here are my questions:

1. Because the number of weeks in the term is reduced, do I need to recalculate the costs of attendance for all students enrolled in the term?
2. If the student previously received aid based on the inclusion of the additional week within the COA, will I need to recalculate the student's aid eligibility and potentially resolve and resulting overawards?
3. If the change is made, I understand that any return calculation should reflect the number of scheduled days on the date of withdrawal. This would include the new number of days within the extended scheduled break. However, would I have to perform any recalculations for returns already calculated and processed prior to today (for the spring term)?
4. Can you think of anything else I should be concerned with in light of this potential change at DMACC?

Thanks for all your help!!!!

Respectfully,

Ean

**Ean Freels**
Financial Aid Director
Des Moines Area Community College
2006 South Ankeny Blvd
Ankeny, IA 50023-8995
*Phone:* 515.964.6514

AMERICAN OVERSIGHT

*Fax:* 515.965.7124
DMACC Customer Service Survey

AMERICAN OVERSIGHT

**From:** Mia Abela
**Sent:** Fri, 13 Mar 2020 07:19:12 -0400
**To:** COVID-19
**Subject:** Christine Valmy in New York

I am disappointed that the Federal Department of Education is not allowing Christine Valmy close due to COVID-19.

Christine Valmy is a unique learning institution in the heart of Time Square. A high traffic area that receives over 330,000 visitors daily. Not only that, but many students and staff use mass public transportation daily to reach this location.

While the state of New York is taking precautions and even shutting down Broadway, which is the street the Christine Valmy is located on, it is not enough. The CDC and WHO are telling the public to avoid touching their faces. Christine Valmy is an institution that specializes in teaching people to touch faces.

The concept of staying home if you don't feel well is not enough. The virus can spread asymptomatically. This is putting not only students, staff, and clients at risk, but also any high risk individuals we come in contact with.

I understand there's finances involved in the decision to allow a school to close, but will the funds matter at the end of the day when people are hospitalized? Let's do our part to contain this virus so students can get the proper education we deserve.

Sincerely,
Maria Abela

AMERICAN OVERSIGHT

**From:** Eileen Flood
**Sent:** Mon, 9 Mar 2020 17:50:31 +0000
**To:** COVID-19
**Subject:** Clarification need on Work-Study Guidance for 00282300

St. John's University, Queens New York OPE ID: 00282300 is planning to have all students attend online classes this Thursday and Friday and this will impact our Work Study Students.

In the face of COVID-19 and New York State's State of Emergency the University is planning for academic continuity. We are finalizing preparation to move courses online should that become necessary. Since transitioning our courses to an online format on a University scale has not been attempted before, we wish to test our systems this week. On Thursday, March 12 and Friday March 13 we will begin our trial run and deliver all classes via electronic channels. Students and faculty will not be required to be on campus for classes these days.

Our question based on this test scenario, under the recent release guidance can we pay Federal College Work-study students based on the hours they were scheduled to work even though administrative office will be open. Since courses will be online it would not be feasible for students to work since their work schedules are set around their class schedule.

We appreciate your guidance on this ever evolving issue.

Regards,
Eileen Flood

**Eileen Flood, J.D.**
Director of Financial Aid
Office of Student Financial Services
St. John's University
718-990-5741
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AMERICAN OVERSIGHT

**From:** Bradley, Rebecca L
**Sent:** Fri, 13 Mar 2020 17:17:01 +0000
**To:** FederalStudentAid;COVID-19
**Cc:** Murr, Christopher D
**Subject:** Clarification Needed
**Importance:** High

Good Afternoon,

I have verbally been instructed by our Dallas School Participation Team to direct clarification questions regarding the COVID-19 guidance published on 3/5/20 to this email address (federalstudentaid@ed.gov). I am also sending to COVID-19@ed.gov due to guidance received from the National Association of Student Financial Aid Administrators (NASFAA).

In the electronic announcement, it states that "If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year." Our institution, as well as many others, have decided to extend spring break (cancel classes) for an additional week and to offer classes remotely only for the two weeks following that break. For now, the plan is to begin offering normal classes after that timeframe but, as you know, that depends on how our community is effected by COVID-19. Also, if institutions are required to notify the Department of their closure plans, please know you can find that evolving information for our institution anytime at https://www.txstate.edu/coronavirus.

The question we have is do we have to extend our term end date to make up those days classes are cancelled? Or is the intent of this Electronic Announcement flexibility there to enable institutions to end on the original term end date (essentially it will shorten the term)?

Please know that we are aware of and have educated ourselves on the published guidance from ED thus far, including the COVID-19 ("Coronavirus") Information and Resources for Schools and School Personnel Website. This clarification would be most helpful to enable institutions to make decisions that will ultimately effect students' educational future.

**Rebecca Bradley**
Assistant Director
Financial Aid & Scholarships
finaid.txstate.edu
Phone: 512.245.6574

AMERICAN OVERSIGHT

**From:** McKeen, Jerry
**Sent:** Thu, 5 Mar 2020 19:14:27 +0000
**To:** COVID-19
**Subject:** clarification on students in cancelled study-abroad programs

Good morning,

I am seeking some clarification regarding adjusting educational accommodations due to COVID-19; specifically regarding students affected by the cancellation of study abroad programs.

(I copied specific excerpts from the guidance published March 5, 2020)

In the section regarding foreign schools not being able to offer online courses to students (using Title IV), is that referring to Foreign Schools that have been approved to use Title IV funds? Or, is it including ANY foreign school that a student is attending—even in the case of study abroad programs where we, the home school, is administering the aid to those affected students.

For example, student A is enrolled at our institution but participating in a study abroad program in Italy and attending a school in Italy. The program has been cancelled but the Italian school wishes to allow the student to complete classes via online. The student is receiving a direct loan, but we, the home school, administered and disbursed that aid. The student will earn their degree from our school. Can the student take this online course(s) to complete the study abroad term?

Accommodating Students Whose Enrollment is Disrupted by Coronavirus
Our goal is to work with institutions and find ways to enable you to accommodate students and help them continue their education despite interruptions caused by COVID-19. For many institutions, online education will provide a viable option for continuing to teach students through COVID-19-related interruptions. In some instances, students enrolled in ground-based programs at campuses that must temporarily close could participate in distance education for a period of time and then resume ground-based attendance when the campus reopens. In other instances, an institution may provide online learning opportunities for a student who was recalled from a travel-abroad program but the student is too late into the semester

AMERICAN OVERSIGHT

to enroll in other classes offered by the home campus, or the student who arrived in a foreign country intending to complete a travel abroad experience finds that the program has now been cancelled or temporarily suspended. We are providing the following flexibilities to institutions to help them understand what options they can make available to students and remain in compliance with Title IV requirements.

Approval to Offer Distance Education

….Finally, because we understand that some students may have been recalled from travel abroad programs or canceled-out of experiential learning opportunities after the semester began, institutions may offer courses to those students on a schedule that would otherwise be considered a non-standard term, if doing so enables those students to complete the term. These flexibilities will also be provided to institutions, or their additional locations or programs, that must temporarily close as a result of COVID-19.

Foreign Schools
We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

Hopefully I am clear in my question. If you need further clarification please let me know.

Thank you very much.

**Jerry McKeen**
*Director of Financial Aid*

California Lutheran University

60 West Olsen Road #1375 | Thousand Oaks, CA 91360
Phone: (805) 493-3139 | Fax: (805) 493-3114
CalLutheran.edu

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

**From:** Carrie Shaw
**Sent:** Thu, 12 Mar 2020 17:08:23 +0000
**To:** COVID-19
**Subject:** clarification on work-study

Our campus is not officially closing as administrative office plan to remain open, at least for now. However, ALL courses are moving to online, and no courses will be offered on campus for at least three weeks. Under these guideline, can we still pay students federal work study if they are not actually working on campus?

The guidelines state they are addressing this exact scenario:

- A campus temporarily stops offering ground-based classes in order to prevent the spread of COVID-19;

However, in the Federal work-study section it states 'if a campus must close' then we can pay work-study.

Does the temporary stoppage of ground-based classes count as a closure, per these regulations??

**Carrie Shaw**
Director, Student Financial Services
Western Colorado University

970.943.3085
www.western.edu
cshaw@western.edu

AMERICAN OVERSIGHT

**From:** Barrett, Pam
**Sent:** Thu, 12 Mar 2020 11:04:27 -0400
**To:** COVID-19
**Subject:** Clarification: Coronavirus Electronic Accouncement 03.05.20

Hello-

We have a question regarding the guidance provided in the EA referenced above pertaining to students employed under the Federal Work-Study program, and implications of temporary school closures on their potential earnings. The EA indicates institutions may continue to pay students who were working prior to the temporary closure (assuming it continues to pay its regular employees); however, if students are in positions for which they have no opportunity to continue to work during a closure, how would the institution determine how much to pay the students going forward? Is the guidance truly saying that the students could be paid when they are not performing work? If so,would institutions pay the students based on the hours they would typically work in a pay period? What about a student whose work hours vary widely across pay periods?

Any additional guidance you could provide would be appreciated.

Thank you,

Pam Barrett
Associate Vice President and
Director of Financial Aid
Brenau University
Phone: 770.534.6176
Fax: 770.538.4306

**Office Hours:**
**Monday-Friday 8:30-5:00**

AMERICAN OVERSIGHT

**From:** Whitcomb, Sabrina Marie (b)(6)
**Sent:** Tue, 10 Mar 2020 17:39:16 +0000
**To:** COVID-19
**Subject:** clarification: foreign schools and distance learning

Good afternoon,

We are requesting clarification regarding the information about foreign schools and distance education contained in the electronic announcement.

We have students on a study abroad program for the spring 2020 term. The students began attendance in classes at the foreign institution but due to COVID-19, they are now taking only online classes. The classes are offered by the foreign institution. The students will be completing their coursework for the term in the online format. Is this an example of a foreign school providing distance learning and thus ineligible to receive Title IV aid?

Thank you.
Sabrina

AMERICAN OVERSIGHT

**From:** Aubrey Hill
**Sent:** Mon, 9 Mar 2020 16:40:57 +0000
**To:** COVID-19
**Cc:** Julie Jones
**Subject:** Clarifying on FWS Disaster Provisions
**Importance:** High

Hello,

I have two clarifying questions regarding your "Guidance for interruptions of study related to Coronavirus (COVID-19)" posted on 3/5/2020. For the provision on FWS and disaster-affected students I wanted to know more about the language of **closure**. Does an institution have to be fully closed for the disaster provisions to apply or can the provisions apply when school stays in session in whole or in part but FWS student workers are no longer able to do their jobs because they can't be done remotely/because they have been instructed to stay home because they are not designated critical staff?

Further, regarding the phrase "For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement." I assume the yellow highlighted portion is supposed to be allowing for students in FWS positions with off-campus employers (IE Community Service FWS positions) to get paid. Does this provision apply if their FWS site/organization closes, but they are technically university employees, and the university stays open?

Thanks for clarifying!

**Aubrey Hill**
Pronouns: She/Her/Hers (What's this?)
Student Employment Coordinator
American University Career Center
Butler Pavilion 5th Floor
202.885.1807

AMERICAN OVERSIGHT

**From:** Stacy Brinkerhoff
**Sent:** Thu, 12 Mar 2020 13:10:09 +0000
**To:** COVID-19
**Subject:** Corona Guidance

Hello,
We are a small private, K-12 special needs school which depends on State checks to keep our educational facility open. We've been taking a wait and see approach and plan to follow the lead of our local School Board and directives from the County Health Department.
We do not have enough funding to continue to pay teachers for time off if our school is made to close for several weeks. Will there be emergency funding for a circumstance like this? If there's a chance schools close for the remainder of the year, will we still receive our 4th quarter scholarship checks? Will the 170 day attendance minimum be lifted?
Parents are asking, teachers are asking. We've done our part to clean at the school, put up appropriate hand washing and personal hygiene signs, but administration is being looked to for more defined plans at this point. I called the school choice office yesterday and was told there are not plans which have been announced yet.
Please advise,
Stacy

_____

Stacy Brinkerhoff
Executive Administrator
Our Career Centered Academy, Inc.
515 E Haines Blvd.
Lake Alfred, FL 33850
(863) 800-0755

AMERICAN OVERSIGHT

**From:** Stephanie Barlow
**Sent:** Wed, 11 Mar 2020 12:53:23 +0000
**To:** COVID-19
**Subject:** Corona Question

Good Morning,

I'm looking for clarification as I'm interpreting the language from two articles differently:

On the http://www.nasfaa.org/news-item/21105 article:

Finally, ED **cannot provide relief** for coronavirus-related enrollment status changes — for instance, **when a student drops from full-time to three-quarter time status** because an internship location closes due to coronavirus-related issues. **Students in those situations would have to be treated as three-quarter time for financial aid purposes, such as their Pell Grant amount.**

Compared to the IFAP announcement:

Enrollment Status Changes
We do not have the authority to waive the requirement to award or disburse Title IV funds based on a student's actual enrollment status. For example, assuming an institution defines full-time enrollment as 12 credit hours, when a full-time student enrolled for 12 credit hours drops or withdraws from three credits, that student is now enrolled at three-quarter time status. However, we remind institutions that for Direct Loans, the institution must only confirm at least half-time enrollment status as of the time of disbursement. It is not necessary to recalculate a student's Direct Loan eligibility based on changes in enrollment status that occur after the institution originates a Direct Loan. **For enrollment status changes that occur after an institution's established Pell Grant recalculation (census) date, we do not require recalculation. Note that the student must have begun attendance in all courses comprising the enrollment status on which the Pell Grant payment was based.**

I want to confirm if it's past our school's census date and a student drops below 12 credits, we are not required to recalculate Pell?

Thank you for you guidance,

Stephanie Barlow
Financial Aid Coordinator
St. Joseph's College of Nursing

stephanie.barlow@sjhcon.edu
**W** 315.448.5266
**F** 315.448.5745

206 Prospect Avenue
Syracuse, NY 13203

sjhcon.edu | Facebook | Twitter | LinkedIn

-

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Elisa Hertz
**Sent:** Thu, 12 Mar 2020 17:09:37 +0000
**To:** COVID-19
**Subject:** Corona-related Academic Year & Credit Hours Question

I have two questions about the Guidance for interruptions of study related to Coronavirus (COVID-19)

1. The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. Is a temporary five day "instructional recess" to transition from in-person to distance education courses considered a reduction in the length of the semester. If so, please provide me with the contact information of who my institution may need to inform.

2. Is the Department authorized to approve granting a semester hour of credit for fewer hours of instruction? For example, New York State Education Department has a provision that if the State or local government temporarily closes an institution due to a disaster (including an epidemic), section 52.2(c)(4) of the Regulations of the Commissioner of Education provides regulatory relief concerning the granting of a semester hour of credit for fewer hours of instruction.

Thank you for providing such useful information.

Sincerely,

Elisa

STELLA AND CHARLES GUTTMAN COMMUNITY COLLEGE

Elisa Hertz
Assistant Dean of Institutional Effectiveness & Strategic Planning
The Center for College Effectiveness
50 West 40th Street
New York, NY 10018
Tel: +16463138016
Email: Elisa.Hertz@guttman.cuny.edu

AMERICAN OVERSIGHT

**From:** Peterson, Amanda M.
**Sent:** Mon, 9 Mar 2020 19:08:20 +0000
**To:** COVID-19
**Subject:** Coronavirus - Action plan questions

Greetings,

We are developing an action plan to avoid disruption of study due the Coronavirus.

We have read the 3/5/20 Electronic Announcement but we are hoping you can answer a few questions:

- If we switch our brick-and-mortar classes to distance learning due to the coronavirus, are there any additional requirements to monitor attendance or withdrawals? We currently have distance learning programs and since we are school that is not required to take attendance, we use academically-related activities to document attendance. The possible lack of documentation supporting attendance has us concerned.

- If enrollment is interrupted for a few weeks (no distance learning) and we have plans to reopen, can you confirm that this is not a withdrawal. What happens if we do not reopen due to ongoing coronavirus concerns? Would this be considered a withdrawal or would we call the School Participation team to request a reduced academic year?

- We have multiple campuses and students that come from all over the tristate NY area. Can you confirm that we can be selective on which campuses or programs we migrate from brick-and-mortar classes to distance learning?

Thank you for your guidance.

Amanda Peterson
Financial Aid, Compliance Manager
Pace University
914-923-2294
914-923-2813 fax

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AMERICAN OVERSIGHT

**From:** Financial Aid
**Sent:** Sat, 7 Mar 2020 19:41:06 +0000
**To:** COVID-19
**Subject:** Coronavirus Best Practices

Should schools cancel Graduation Ceremonies as a precaution due to the increased risk of the spread of the coronavirus?

**James Cussen**
**V.P. Operations and Financial Aid**
**THE SOMA INSTITUTE**
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AMERICAN OVERSIGHT

**From:** Evin Schwartz
**Sent:** Fri, 6 Mar 2020 11:45:16 -0500
**To:** COVID-19
**Subject:** Coronavirus Education Impact

To Whom It May Concern,

I came across your recent Coronavirus information on the Ed.gov site and wanted to reach out and introduce myself.

I'm the CEO at Belouga, a free digital platform providing K-12 teachers and students with a personalized learning journey through connection, communication and collaboration with peers around the world. The Belouga network spans educational communities in over 100+ countries with over 20,000 hours of real-world subject aligned material.

In the wake of the virus outbreak we have seen schools worldwide turn to Belouga as a digital solution to continue learning during these unprecedented times. We will be releasing numerous use cases over the upcoming week and would be more than happy to share these with you to help support additional schools around the world.

I'm open to all thoughts on your side and look forward to hearing from you. Stay well and enjoy the weekend.

Best,

Evin

--
Evin Schwartz
CEO/Founder
http://belouga.org

AMERICAN OVERSIGHT

**From:** Ryan Weber
**Sent:** Thu, 12 Mar 2020 12:48:20 -0500
**To:** COVID-19
**Subject:** Coronavirus Podcast Interview

Hello-

I host a podcast about technical communication and would love to take 10 minutes to talk to someone at The US Department of Education about your strategies for communicating about COVID-19. I can only imagine that you are extremely busy right now, so I can conduct the interview remotely at an expert's convenience. I promote this podcast to university instructors, who will likely share it with their students, so this could be a good way to reach college students who have moved online due to COVID-19.

Thank you for your time and your important work.
Dr. Ryan Weber

AMERICAN OVERSIGHT

**From:** DeFrates, Bruce
**Sent:** Wed, 11 Mar 2020 22:19:33 +0000
**To:** COVID-19
**Cc:** Flynn, Shannon;Teeters, Kandi;DeFrates, Bruce
**Subject:** Cost of Attendance Changes Due to COVID-19

Our cost of attendance budget for on-campus students is significantly higher than our "off-campus" and "living with parents" budgets. If our institution decides to move our spring quarter to "online only" instruction and students receive housing and dining refunds for the spring term, are we required to: 1) query the students to determine their new living status, 2) recalculate all 1600+ budgets, and 3) repackage aid for all of those students? Our spring term starts on March 30th. Thanks.

**Bruce DeFrates** | Director of Financial Aid and Scholarships
Eastern Washington University
Financial Aid and Scholarship Office
333 Eagle LN
102 Sutton Hall
Cheney, WA 99004
[p] 509.359 2314
bdefrates@ewu.edu ■ www.ewu.edu/financialaid

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AMERICAN OVERSIGHT

**From:** Paula J Lehrberger
**Sent:** Fri, 13 Mar 2020 13:31:50 +0000
**To:** COVID-19
**Subject:** Cost of Attendance Component adjustment due to students leaving the residence halls

Greetings,
Like many others, our institution is asking students to vacate the residence halls and to continue their Spring 2020 Semester classes in an online format. Are we required to adjust the room and board components of each student's cost of attendance to reflect when they left the residence halls and when they changed to living off campus? Can we add to the personal/miscellaneous component of the cost of attendance an allowance for the cost associated with possibly purchasing a computer, obtaining or upgrading internet service, purchasing a camera so they can participate in video conferencing etc.?

Thank you for your time.
Paula

Paula J. Lehrberger
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AMERICAN OVERSIGHT

**From:** Turner, Keith
**Sent:** Fri, 13 Mar 2020 15:28:16 +0000
**To:** COVID-19
**Subject:** Cost Of Attendance

Our school has recently ceased in person classes, and will be going all online during the COVID-19. Students will moving out of the dorms, and their charges for housing and meals will be prorated. We are past the census date and aid has disbursed. Are we as an institution required to update the Cost of Attendance if charges are prorated which means students could be in a overaward situation? Enrollment hours have not changed.

**Keith Turner | Assistant Director – Financial Aid**
(p) 773-508-7704
(f) 773-508-3397
(e) lufinaid@luc.edu

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AMERICAN OVERSIGHT

**From:** McMillan, Jesse
**Sent:** Wed, 11 Mar 2020 13:04:19 +0000
**To:** COVID-19
**Subject:** Class Cancellation and Academic Calendar

If an institution temporarily cancels all classes resulting in a new 5 consecutive day break within a payment period, must those 5 days be reduced from the total length of days within the payment period and subsequently both the numerator and denominator of any R2T4 calculations to be completed after the fact? And must all previously completed R2T4 calculations be re-completed based on the new length of the payment period?

Jesse McMillan, MSAE | Assistant Director | p 614-236-6950
**CapitalUniversity** | Office of Financial Aid | f 614-236-6926

AMERICAN OVERSIGHT

**From:** Ruth Carlson
**Sent:** Wed, 11 Mar 2020 21:16:21 +0000
**To:** COVID-19
**Subject:** Clinics and Labs

Good evening,

Clinics and Labs are discussed in the guidance provide on March 5 but there isn't much specific information. We have a Welding program at our school and may not be able to find an option to offer that online. Can we treat programs differently during this situation? Where someone in Communication could go online but Welding would have more of a Leave of Absence experience.

Thanks so much for all your help with this situation.

Thanks,
Ruthie

Ruth Carlson
Director of Financial Aid
Bay College
2001 North Lincoln Rd
Escanaba MI 49829

Phone: (906) 217-4032
Fax: (906) 217-1622

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AMERICAN OVERSIGHT

**From:** Brodie, Katherine D.
**Sent:** Thu, 5 Mar 2020 16:29:33 +0000
**To:** COVID-19
**Subject:** Clock Hour Programs Online

Dear Department COVID-19 Task Force:

On behalf of a cosmetology school client, we have a question related to response to COVID-19. The school offers clock hour based programs for which students earn clock hours for both theory (in class learning) and part practical (clinic) training hours. Traditionally, these programs have not offered any part of the education online. In light of the risks posed regionally by the COVID-19 virus, cosmetology schools are working to prepare contingency plans as recommended by USDE to avoid operational disruptions and to allow students to continue their education uninterrupted to the fullest extent possible if a locality or state mandates closure of institutions of education for any period, or if a school makes a decision on a temporary basis to close due to threat of illness.

We seek guidance on whether the Department would accept temporary online provision of educational services to replace in person theory or clinical instruction, and whether there are any limitations on that for Title IV purposes. Is a school required to obtain accreditor approval for online curriculum prior to offering, which can be a very lengthy process in particular for accreditors who are not experienced in evaluating these programs in an online format? Since these schools would not be seeking permanent offering of online forms of these programs, nor would they be marketed as such, accreditor approval would be burdensome and an impediment to adaptation to an emergency situation. Is USDE providing flexibility for schools to convert their state and accreditor approved program content to online or remote/live stream models for temporary purposes to meet the needs of students during any forced closure? What are the limitations or conditions of which schools should be aware, including around documenting attendance?

We urge the Department to take into consideration the needs of clock hour models and to provide the greatest flexibility possible to allow these schools to innovate to meet short term emergency needs.

Please let us know if there is a Department official that we can speak with on behalf of AACS to discuss in greater detail.

**Katherine D. Brodie**
Partner and Co-Lead, Education Industry Group

**Duane Morris LLP**
**P:** +1 202 776 5241
**C:** +1 202 365 5114

505 9th Street NW, Suite 1000
Washington, DC 20004-2166

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Baeumel, Joy
**Sent:** Wed, 11 Mar 2020 13:14:20 +0000
**To:** COVID-19
**Subject:** Clock-Hour School guidance

Hello,

I am seeking guidance for Clock-Hour schools in Ohio in regards to handling Title IV funding properly during a potential shut-down of our school. I have read over the Guidance for interruptions of study related to Coronavirus issued on March 5, 2020. We are a Career Technical school with hands-on training that will not be conducive to allowing online as an option.

With Ohio's governor taking the stance he is, and all public Universities going to fully online studies; we feel it is only a matter of time before K-12 schools will also move to this; and we would be required to follow their lead.

If we do a full shut-down of courses; would it be acceptable to put all Title IV students on an approved LOA status in NSLDS until we can resume operations? We would likely need to adjust and extend all their loan period and academic year dates in order to accommodate the completion of their programs once we are able to resume full operational status.

We would appreciate your consideration in including specific guidance for Clock Hour schools as electronic announcements are issued for this extreme health concern.

Thank you,

Joy E. Baeumel
Financial Aid Specialist/Student Services Manager
Phone: 419-998-2990
Fax: 419-998-2994
Normal Office Hours: Monday – Thursday 8:00 – 4:00
Friday 8:00 – 3:00
Evening Hours until 6:30p.m. on the following dates:
Monday, March 16th
Tuesday, March 24th

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AMERICAN OVERSIGHT

**From:** Hess, Abigail (NBCUniversal)
**Sent:** Tue, 3 Mar 2020 17:10:09 +0000
**To:** COVID-19
**Subject:** CNBC Article about Department of Ed Response to Coronavirus

Hello,

My name is Abigail Hess and I am a reporter for CNBC. I am working on an article about the Department of Education's response to Coronavirus. Could you connect me with someone from your organization who can provide a statement on the topic?

Does the Department of Education expect more schools to close?

Thanks in advance for your time.

Best,
Abigail

AMERICAN OVERSIGHT

**From:** Karen Belling
**Sent:** Thu, 12 Mar 2020 14:28:17 +0000
**To:** COVID-19
**Subject:** COA adjustments

Good morning,

Our school has decided to extend our spring break another week and then classes will resume online. We are in discussion about offering prorated refunds on room and board charges and are wondering how we treat those refunds? Do we treat them as a "scholarship" or do we have to adjust the COA? We have a different COA budget for on-campus students and students living at-home as commuters but since this will be the first time we will be having remote online classes we have not had a different COA for students in this status. Can we leave the COA the same understanding that the students may have comparable food and housing expenses, even though they will not be paying the college directly?

Thank you for your help.
Karen

Karen Belling
Director of Student Financial Services
Wheaton College

P. 630.752.5307

AMERICAN OVERSIGHT

**From:** Mary Anne Stano
**Sent:** Wed, 11 Mar 2020 21:40:56 +0000
**To:** COVID-19
**Subject:** COA Adjustments

If we replace face-to-face instruction with online options and require students to move off campus for the remainder of the semester, are we required to adjust COA if we offer pro-rated refunds for room and board?

Thank you,

**Mary Anne**

\\\ **Mary Anne Stano**
Director | Office of Financial Aid

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410-617-2576 \ financialaid@loyola.edu

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AMERICAN OVERSIGHT

**From:** Janice Scheutzow
**Sent:** Thu, 12 Mar 2020 13:06:25 -0400
**To:** COVID-19;Hilsey, Shaina;Martin, Gregory
**Cc:** Scheutzow, Janice
**Subject:** COA and R&B reduction of charges

Hello DOE,

Our campus is going to reduce some R&B charges because we are asking students to leave and we are moving to distance learning. I read the 3/5/20 DOE guidance but I do not see a specific COA overaward reference under COVID-19. My concern is that we may have a lot of overawards/over COA because students have borrowed PLUS /private loans up to the spring COA.

Here are my questions under the current COVID-19 environment:

1. Do we have to reduce the R&B COA allowance, for on-campus students, by the amount of the rebate? Or, can we change them to our " off-campus" estimate of the same $7200, thus preventing an overaward?

- We use estimated Room & Board charges for on-campus living ($ 7200)
- We use the same estimated cost of apartment living ( $7200)
- We use a reduced estimated cost for living with a parent ( $1600)

2. If we reduce charges, we may have an overaward/over COA situation.

- Pell- It is our understanding that if the student's enrollment does not change, we do not have to adjust PELL, even though they may be over COA.
- Direct LOAN/PLUS- If the DL has fully disbursed, we do not have to reduce loans, even though they may be over need/COA.
- SEOG- we may have to reduce SEOG over a $300 allowance if we are over need/COA?
- CWS- Like SEOG, we may have to reduce CWS over a $300 tolerance? But then continue to allow them to earn this reduced amount, under the 3/5/20 DOE guidance letter.

Please advise!

Many thanks,

Jan

--

Janice M. Scheutzow
Director of Financial Aid
Nazareth College . 4245 East Avenue. Rochester, NY 14618

AMERICAN OVERSIGHT

Phone: 585 389-2310 Fax: 585 389-2317 E-mail: jscheut1@naz.edu
NAZARETH COLLEGE

AMERICAN OVERSIGHT

**From:** Amaya, Mercedes
**Sent:** Fri, 13 Mar 2020 19:06:47 +0000
**To:** COVID-19
**Cc:** De Leon, Berta
**Subject:** College Work Study

Good Afternoon,

I am requesting additional guidance pertaining to the Work Study Program.

Scenario: The College activated the disaster pay for individuals who qualify for absences based on the advised of a medical professional (exhibit symptoms or may be at risk due to existing health condition). Can the College follow the same guidelines for student workers and continue paying the students even if they are unable to return to work during the time specified by the medical professional ?

**Federal Work Study (FWS)**

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award.
For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement

*Mercedes Amaya*

Associate Vice Provost, Student Financial Services
Miami Dade College

T: (305) 237-0382/ F:(305) 237-2787

E: Mercedes.Amaya@mdc.edu

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Amaya, Mercedes
**Sent:** Fri, 13 Mar 2020 19:06:47 +0000
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**Cc:** De Leon, Berta
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*Mercedes Amaya*

Associate Vice Provost, Student Financial Services
Miami Dade College

T: (305) 237-0382/ F:(305) 237-2787

E: Mercedes.Amaya@mdc.edu

AMERICAN OVERSIGHT

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**Please Note**: Due to Florida's very broad public records law, most written communications to or from College employees regarding College business are public records, available to the public and media upon request. Therefore, this e-mail communication may be subject to public disclosure.

AMERICAN OVERSIGHT

**From:** Amaya, Mercedes
**Sent:** Fri, 13 Mar 2020 09:14:34 +0000
**To:** COVID-19
**Cc:** De Leon, Berta
**Subject:** College Work Study

Good Morning,
I am requesting additional guidance pertaining to the Work Study Program.
Scenario: The College changes the teaching modality to online classes only but remains open to the college employees. In this case, will the students have to report to work?

**Federal Work Study (FWS)**

> Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement

Thanks
Mercedes Amaya

AMERICAN OVERSIGHT

**From:** Christie Dittmer
**Sent:** Fri, 13 Mar 2020 19:40:42 -0400
**To:** COVID-19
**Subject:** Communication

Hello,

Could we please be put on your email list to receive updates and recommendations regarding how schools should respond to coronavirus? I'm seeing that public schools have been advised by DOE to close through March 27, but I haven't received any information about what is advised for private schools. Also, I'm not seeing such advice on the http://www.fldoe.org/em-response/index.stml. We would be very grateful for any information you could provide to keep us informed.

Sincerely,

Christie Dittmer
Admissions Director
NORTHBAY
Christian Academy

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Fri, 6 Mar 2020 05:35:56 +0000
**To:** COVID-19
**Subject:** Concern re: Pre-School tooth brushing protocol and covid

I'm concerned about the potential of covid transmission in the tooth brushing protocol that is part of the public school pre-school program. After elementary schools, in the pre-school level, students brush their teeth together at a table and then place the dirty tooth brushes on a flat strainer. Then tap water is sprayed or poured over the brushes, allowing dirty water contact upon other brushes and sometimes brush to brush contact.
Could this practice be evaluated in light of the concern about community spread?
I'm not a school administrator and do not want my named to be used, because my status is as a substitite teacher, having experience with tooth brushing practice in the pre-school level.
If you're able to look into this, I'd sure love to hear back from you.
Thank you!
(b)(6)

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Fri, 13 Mar 2020 10:29:19 -0600
**To:** COVID-19
**Subject:** Concerned Parent about virus

I am writing as a concerned parent about the coronavirus outbreak. The incubation period is two weeks, please consider this as you discuss closing schools. I am in the rare minority of families with a child who has had an organ transplant and with children who have asthma. When this illness spreads, children like mine are at greater risk than the general population. Please consider closing schools to help keep my children and others safe. I am also concerned for teachers and staff who have medical issues. Two of teachers at our local middle school have medical conditions that weaken their immune system and one is on the waiting list for an organ transplant. Please consider closing schools to help slow the spread of this illness so that medical resources will be available for those that need help the most.

Sincerely,

(b)(6)

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Mon, 9 Mar 2020 07:03:04 -0700
**To:** COVID-19
**Subject:** Concerned Parent with child who is high risk, has chronic respiratory disease

Hi,
I would like to thank everyone in the Dept of Education for their hard work and dedication to the future of America, our children. I know that everyone is busy and overwhelmed with all of the Covid-19 developments and are doing an outstanding job of protecting the health and safety of our students. I must ask, my student has chronic asthma, and he has a history of becoming extremely ill due to colds and flu, croup, and other respiratory infections. What provisions is the Dept of Education recommending for these sensitive group students??? I would like to know that students that have these conditions will be pulled from campus, if any risk of exposure is present. I am uncomfortable with the current guidelines, they do not address the needs of this vulnerable population within our school community. Thank you
(b)(6)

AMERICAN OVERSIGHT

**From:** Kermith Walters
**Sent:** Thu, 12 Mar 2020 09:05:39 -0700
**To:** COVID-19
**Cc:** Kermith Walters
**Subject:** Conference call on 3/11

Yesterday on the phone conference it was stated that there would be a follow up email sent with a summary of our call and other information concerning the coronavirus. When do you think that might be sent?
Thank you,
Kermith

--

Kermith Walters, County Superintendent
Siskiyou County Office of Education
609 South Gold Street, Yreka CA 96097-3110
530.842.8400 - 530.842.8436 Fax
http://www.siskiyoucoe.net

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AMERICAN OVERSIGHT

**From:** Ray Stevens
**Sent:** Thu, 12 Mar 2020 14:41:45 -0400
**To:** COVID-19
**Subject:** Continuing to pay students FWS

Hello,

I am the Student Employment Coordinator at Bennington College. I've read over the helpful COVID-19 guidance issued on March 5th, and have a few questions about how to interpret the guidance should we decide to shift to remote operations. Assuming we do so, and want to continue supporting our students whose jobs would be affected by a closure/move to online learning:

1. Does the Department have guidance on how to calculate how many hours to pay each student for? Would we need to find out the respective average hours per week of each student worker and pay them based on this?
2. If not, could we establish a flat number of hours per week to pay all student workers for in their absence, based perhaps on the average number of hours per week needed for a student worker to meet their FWS allotment?
3. Am I correct in understanding that if we opt to continue supporting our student workers with work study, we must also continue to pay all of our staff—non-work study students, regular staff, and faculty?

I'm very grateful for any advice you can offer.

Thank you,
Ray Stevens

--
Ray Stevens
Student Employment Coordinator
Bennington College
One College Drive, Bennington, VT 05201
802-440-4874 | raystevens@bennington.edu

AMERICAN OVERSIGHT

**From:** Debbie Eno
**Sent:** Mon, 9 Mar 2020 15:27:49 -0500
**To:** COVID-19
**Cc:** Frankie Rose
**Subject:** Continuity of Teaching Documentation

Department of Education,

I work at Union College in Lincoln, NE, and I need clarification on what documentation requirements colleges and universities will need to complete should we have to temporarily suspend our brick and mortar classes and move those classes into a distance education/online method of teaching due to the COVID-19. Any guidance would be appreciated.

Respectfully,

Debbie Eno, RN, MSN, CNE
Assistant Vice President for Academic Operations
Union College
402-486-2600 ext. 2342

Relator Learner Responsibility Deliberative Restorative

AMERICAN OVERSIGHT

**From:** Rodarte, Rita
**Sent:** Fri, 13 Mar 2020 23:42:58 +0000
**To:** COVID-19
**Cc:** Grafton, Cindy;Rochin, Blanca
**Subject:** COVID-19 -school closure and new enrollees

Greetings,

Downey Adult School's Administration has advised me to ask ED for clarification regarding flexibilities afforded to institutions as a result of our on-campus school closure due to COVID-19.

Background:
Our school district has moved to provide instruction via an online modality. As a non-term, clock-hours school, we have received approval from the licensure bodies (BVNPT, EMS, and CAMTC) which typically prohibit online instruction, to temporarily provide online instruction during our school closure. In addition, we have amended a few policies which align with the guidelines and flexibilities afforded to us through the *ELECTRONIC ANNOUNCEMENTS March 05, 2020 (OPE Announcements) Subject: Guidance for interruptions of study related to Coronavirus (COVID-19).* Many of our non-term, clock hour programs offer new start dates (points of entry) that begin approximately every 5 weeks.

We need specific clarification on the following:
Since these programs are already approved for online instruction by our accreditor, The Council on Occupational Education, can we still allow new students to begin their respective programs on start dates that fall within the period of our school's closure? The "new" student would begin their instruction through the already-approved online modality. Furthermore, are institutions allowed to extend the flexibilities allowed by ED to students who begin instruction on a date after March 5th, 2020, which is the release of the *ELECTRONIC ANNOUNCEMENTS March 05, 2020 (OPE Announcements) Subject: Guidance for interruptions of study related to Coronavirus (COVID-19)*?

Your guidance is greatly appreciated.

Thank you,

Rita Rodarte-Myers
Financial Aid Administrator/Career Counseling
VA School Certifying Official
**Financial Aid/VA Services Department -Building H61**
**DAS Career and Education Center**
(562) 940-6247

AMERICAN OVERSIGHT

(562) 940-6256 fax
www.das.edu

"You can´t have a perfect day without doing something for someone who will never be able to repay you." - John Wooden

AMERICAN OVERSIGHT

**From:** SANDS, BRIAN K
**Sent:** Sun, 8 Mar 2020 23:11:11 +0000
**To:** COVID-19
**Cc:** SANDS, BRIAN K
**Subject:** COVID-19 School Closures

Dept of Education: I am emailing to see if there is a regularly updated list of school closures for the US that you are posting? I work for AT&T Human Resources and we are trying to track them as we research and/or collect from our employee reporting to ensure can address needs for our employees. Please let me know or direct me to anyplace you might know of.

Thanks,

Brian Sands
Associate Director - Benefits, Corporate Attendance and Leave Management (CALM)
Sr. Program Project Manager - Global HR Service Delivery Technology Transformation
105 Auditorium Circle, 12-H-30
San Antonio, TX 78205
469-276-4713 Skype
210-222-5736 Fax

"Loyalty is a consequence of leadership and leadership is a touchstone of competence."

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AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Thu, 12 Mar 2020 11:49:00 -0500
**To:** COVID-19
**Subject:** Covid-19

I had a few questions, our university has not addressed a few things. We are currently in Texas, where recently a man tested positive who did not leave the state or come into contact with any known persons to have traveled.

We have students who live in this area, around this area, and some who have traveled outside of the state as well as the country for spring break.

Out university notified us that only mission trips/study abroad to China was cancelled, all other trips remained.

Additionally, as a nursing student we are in one of the largest hospitals in Texas for our clinical and are in ICU and ED departments for 36 hours a week. How does the Department of Education plan to addresses students in the hospital settings?

Thank you

(b)(6)

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Fri, 13 Mar 2020 01:08:25 +0000 (UTC)
**To:** COVID-19
**Subject:** Custodians

Good evening.
I'm very concerned about my relative who is a custodian having to clean up the school during the 2-week break and possibly being infected and bringing the illness home to the rest of the family.
Can you please advise me of his rights as an NJEA member regarding this situation as soon as possible? Will he be forced to do this work? What if he opts out?
Thank you.

AMERICAN OVERSIGHT

**From:** Erica Mauro
**Sent:** Fri, 13 Mar 2020 17:28:35 +0000
**To:** COVID-19
**Subject:** Deferment status

To whom it may concern,

What happens to a student's loans when they currently deferred as full time but then may be reduced to the less than the half time student status requirement because a class is cancelled due to COVID-19? Is there any administrative option to continue the deferment as though still a full time student or minimum half time student? Would students with no grace period be given a grace until they are able to re-enroll for the necessary minimum requirement?

The website (which is great by the way, thank you for that!!) indicated what happens when the student withdraws but doesn't mention this type of scenario. Should we follow the same guidance as though the student is considered withdrawn and defer from reporting?

Please do not hesitate to contact me with any further questions or concerns.

**Sincerely,**
**Erica Mauro**
Erica Mauro
Assistant Director for Collections
Massachusetts Institute of Technology
77 Massachusetts Avenue, Building 11-120
Cambridge, MA 02139-4307
Tel: 617-258-5663
Fax: 617-648-9968

AMERICAN OVERSIGHT

**From:** Phil Dunn
**Sent:** Thu, 12 Mar 2020 15:30:45 +0000
**To:** COVID-19
**Subject:** Distance Education Question - Non Traditional Start Dates

Good morning,

We were advised from our accrediting body to reach out to ED for clarification on a few things. We do not run on a traditional/semester schedule. We begin programs every five weeks. Per the IFAP Announcement on 3/5, it references, "These instructions do not contemplate accommodations for students who have not yet enrolled or whose term has not yet begun, with certain exceptions."

We began a new term on 3/9/2020, just days after the announcement. We are currently in the process of determining if/when/how we transition to some distance education options. Per the announcement, it refers to the "certain exceptions." Is there any clarification on "certain exceptions"? If we decide to implement some distance learning options, are the students from the 3/9/2020 start date able to receive those accommodations.

Also, we have a start date of 4/20/2020. It is my understanding we should anticipate the institution and classes running like "normal" until any other determination from ED has been communicated?

I appreciate any feedback and guidance as I know you are probably swamped.

Kindest Regards,

Phil Dunn *Director of Compliance*
Career Quest Learning Centers www.careerquest.edu
Direct Line: 517-853-7245
3215 S. Pennsylvania Ave, Lansing, MI 48910
Facebook | Instagram | YouTube | LinkedIn

AMERICAN OVERSIGHT

**From:** Sigrun Olafsdottir
**Sent:** Wed, 11 Mar 2020 16:19:19 +0100
**To:** COVID-19
**Subject:** Distance learning for Foreign Schools

Good morning.

I am emailing to enquire as to whether the government has considered allowing US Foreign Schools to utilize some distance learning components during this crisis? Our school is located on the Swiss-Italian border and as such, is quite close to quarantined Italy. The closest airport and the one we use the most is in Milan and is currently completely closed. Our students are composed of 60% US student and 40% students from all over the world. As this crisis continues to rise around the world, it would greatly enhance our likelihood of enrolling our class for 2020-2021 if we can offer some alternatives to travelling abroad at this time.

Please consider this a desperate plea and advise.

Warm regards,
Sigrun O.

**Ms. Sigrun Olafsdottir**
Director of Financial Aid
Franklin University Switzerland

Phone: +1.386.490.4275
Email: solafsdottir@fus.edu
Skype: sigrun.fus.edu

Office hours; Mon-Fri 8-4pm EST
Other times available by appointment
Alternate email: finaid@fus.edu

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AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Thu, 12 Mar 2020 13:47:50 -0400
**To:** COVID-19
**Subject:** Dobbs Ferry High School

Dear NY state Dept. of Education,

My name is (b)(6) and I am a senior at Dobbs Ferry High School. I was wondering what is going to happen in our school as COVID-19 spreads. It has already been confirmed in our town after a professor at Mercy College tested positive for it and now there is a student in our grade who is being tested.

Sincerely, (b)(6)

AMERICAN OVERSIGHT

**From:** Kristine Gripp
**Sent:** Wed, 11 Mar 2020 14:15:04 +0000
**To:** COVID-19
**Subject:** Does a reduced cost of attendance mid-semester require schools to return FSA funds already disbursed?
**Importance:** High

Hello,

Our school has just notified students of a temporary, and possible indefinite school closure. We are intending for most classes to continue via online/distance education classes, so enrollment itself will hopefully not be too impacted. Our students are on spring break this week. Some students may home instead of returning to Cleveland either on or off campus. In the event we may need to credit student billing accounts for a partial refund of meal plans and/or on campus housing cost, or tuition itself, do we need to formally reduce the COA for financial aid purposes and subsequently reduce Direct or PLUS Loans or other FSA aid if the lower adjusted actual cost now results in total aid exceeding total cost? This assumes all aid to the student has already been disbursed.

Is the answer different depending if such adjustments are applicable before or after on 60% point in time of the term? My scenario assumes no change to the student's enrollment activities, that they are continuing to participate in the temporary distance/online coursework.

We do not yet know if we will be doing such adjustments, but we want to understand how/if this will impact the already disbursed student aid.

Thank you,

Kristie

Kristie Gripp
Director of Financial Aid
Cleveland Institute of Music
FAFSA code 003031 / CSS PROFILE code 1124
11021 East Blvd., Cleveland, OH 44106
ph (216) 795-3192; fax (216) 791-1530
https://www.cim.edu/admissions/financialaid/how-to-apply
https://netpartner.cim.edu

AMERICAN OVERSIGHT

**From:** Bizzozzaro, Joseph
**Sent:** Fri, 13 Mar 2020 19:07:30 -0400
**To:** COVID-19
**Subject:** Does this affect private school?

Is this action to close schools until March 30th for ALL schools operating in the state of Florida, including private schools?

--

**Very Respectfully,**

**Mr. Bizzozzaro**
American History - Social Studies Department
Flagler Palm Coast High School

*Contact Information*
bizzozzaroj@flaglerschools.com
**386-437-7540 - EXT 3261**

*"A lie does not become truth, wrong does not become right, and evil does not become good just because it is accepted by a majority"* - Booker T. Washington

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Thu, 12 Mar 2020 09:55:04 -0400
**To:** COVID-19
**Subject:** early graduation
**Importance:** Normal

I would like you to seriously consider early graduation for all senior students in all healthcare related field immediately. Grandfather them in and license them.

Sent from (b)(6)

AMERICAN OVERSIGHT

**From:** Ashley Fetters
**Sent:** Tue, 3 Mar 2020 16:12:05 -0500
**To:** COVID-19;Hill, Elizabeth
**Subject:** couple of questions for an Atlantic story

Hi there—

I'm Ashley Fetters, a reporter for The Atlantic. I write about kids and education, and I'm working on a story about how schools are dealing with and/or preparing for the spread of COVID-19. (Liz, cc'ing you on the recommendation of my terrific colleague Adam Harris.)

My coauthor and I are hoping to gain some insight as to what prolonged school closures would look like in the United States, and of course we want to include as much direct information from the Department of Education as we can. I've looked over some of the materials on the COVID-19 section of the ed.gov website, and I have a couple of quick additional questions — so I'm writing in hopes that someone from the Department of Education might be able to shed some light. Here's what I'm wondering:

- I've read about some schools considering adding extra time to the school day for students to periodically wash their hands. Does the Education Department have any specific stance or policy on this measure?
- Kids in Hong Kong have been home for several weeks now and are facing the question of how to make up for the weeks of school the students have now missed. Has the Department of Education released any guidelines, or are there any existing policies, regarding how schools should make up for days lost to school closure? (i.e., at what point should days be added onto the end of the year?)
- What is the Department of Education's stance on e-learning/online lessons? Under what circumstances, if any, would the Department advise school administrators to implement it?
- If school closures continue later into the spring, is there a federal-level plan in place for how to handle standardized testing, or college-entrance exams like the SAT and ACT?
- Are there any other contingency plans that are in the works or yet to be announced that I should look out for?

I'm hoping to file my story by the end of the day on Thursday, so let me know if there's someone who can help me learn a little more about this. Short turnaround, I know—and I apologize, as I know this must be an unbelievably busy time!—so I'm happy to hop on the phone, too, if that's easier. Thank you, talk soon,

Ashley

--

AMERICAN OVERSIGHT

**Ashley Fetters** *(she/her/hers)*
Staff Writer, *The Atlantic*
60 Madison Ave., New York, NY 10010
@AshleyFetters

AMERICAN OVERSIGHT

**From:** Colleen Lassiter
**Sent:** Fri, 13 Mar 2020 14:53:31 +0000
**To:** COVID-19
**Subject:** COV-19 Study Abroad and Distance Education

Good morning,

I apologize for requesting a very short turn around time but I need an answer as soon as possible. I have a student who is currently studying abroad in Austria. Based on the ban of incoming flights from Europe she has chosen to return to the United States. The program that she is attending is modular. Her module 1 and two classes were schedule on site in Austria. Due to the coronavirus they are offering the module 2 classes via distance learning. She completed 2 classes offered in module 1 at the institution in Austria. Her 2nd module 2 classes are scheduled to begin on Monday March 16, 2020. She would like to attend the classes in module 2 via distance learning video conferencing. I understand from the guidance dated March 5 that students attending a foreign institution cannot participate in a distance learning program.

To further complicate the issue, while in Austria she took 2 online classes offered at her home institution Shorter University. She completed the class in module 1 and will begin the module 2 class that is starting this week. So in essence she will be enrolled for the entire semester. Since she will be enrolled for the entire semester I am not required to perform the R2T4 but I am unsure how to proceed with the 2nd module of classes that she wants to take via distance learning in Austria?

Shorter University charges students using a block rate so her charges with us will not change. Can she attend the 2nd module of classes being offered via distance learning in Austria? The institution aid that she received at Shorter University will cover the cost of the two distance learning classes?

Colleen Lassiter
Director of Financial Aid
Shorter University
Rome, GA 30165
PH: (706)233-7337
Fax: (706)233-7314

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AMERICAN OVERSIGHT

**From:** Annette Linders
**Sent:** Thu, 12 Mar 2020 16:09:41 -0700
**To:** COVID-19
**Subject:** COVID 19 and Federal Work Study

Good afternoon,

I have a question regarding the guidance issued on COVID19 in relation to Federal Work Study. Our campus is on spring break this week, our leadership has decided to close our campuses for instruction next week and offer distance learning to our students due to COVID19. Our campuses will be open for student services and our offices will be staffed with regular full time and part time staff. In this case, would we allow FWS students to physically work at the campuses during the instructional closure or would we be eligible to pay students FWS wages based on the instructional closure due to COVID19? Thank you for your guidance, please let me know if you need clarification. Thank you.

Annette

Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that

AMERICAN OVERSIGHT

period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

--

**Annette M. Linders, MBA**
**MARICOPA COMMUNITY COLLEGES**
District Director, Financial Aid Compliance
Office of Student Affairs | Office of the General Counsel
2411 West 14th Street, Tempe, AZ 85281
annette.linders@domail.maricopa.edu
https://www.maricopa.edu/
O: 623-845-3377 O: 480-784-0696| M: (b)(6)
LinkedIn | Twitter | Facebook

AMERICAN OVERSIGHT

**From:** Yancey, Michael
**Sent:** Tue, 3 Mar 2020 16:09:19 +0000
**To:** COVID-19
**Subject:** COVID 19 email list?

To whom it may concern,

If the Dept of Ed has an email blast for what its doing to prevent the spread of COVID19 in schools, please put me on that list. Thank you.

**Michael C. Yancey**|Legislative Assistant
Dr. Michael C. Burgess (TX-26)|2161 Rayburn House Office Building
Office: (202) 225-7772|Email: michael.yancey@mail.house.gov

AMERICAN OVERSIGHT

**From:** Michael DiPasquale
**Sent:** Thu, 12 Mar 2020 19:11:34 +0000
**To:** COVID-19
**Subject:** COVID

Good afternoon,

We are a small vocational school in the Rochester, NY area that has 3 programs (HVAC, Medical Office Assistant and Dental Assistant) that are Non-Standard, Clock hour courses with hands on job shadows. Our programs are for non-licensed certificates.

We have not seen any guidance for programming like ours and have a few questions.

Would we be able to switch to online video conferencing and if so would we still need to have the hands on portion?
If we are to shut down and are un able to switch to online video conferencing what would the effect be on to our students?
Is there a new general guide coming that will go over programs such as ours?

Michael DiPasquale
Financial Analyst
Monroe 2-Orleans BOCES
Phone: (585) 349-9106
E-mail: mdipasqu@monroe2boces.org

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AMERICAN OVERSIGHT

**From:** Mindy Renwand
**Sent:** Thu, 12 Mar 2020 14:35:56 -0400
**To:** COVID-19
**Subject:** COVID-19 and Distance Education

Good afternoon,
I am the financial aid officer at EHOVE in Ohio. Due to COVID-19, it is a possibility that we may have to close campus for a period of time. We are not approved to offer distance education and we've never had to do it before, but we are realizing that may be a reality in the near future.

**Questions I have**:
Is this a possibility for us even though we are not approved to do so?

Due to being a clock-hour school, we have to track hours that students sit in class. Are there restrictions or regulations in place to tell us how we would go about tracking attendance?

Most of our programs are mainly hands-on and distance learning is not a good option for them. What are our options with those programs regarding financial aid? Would extending academic years be an option if classes take several weeks off and need to move the end date back?

I'm somewhat new to this position, so this is all very new to me!
Any help would be greatly appreciated!
Thank you!

Melinda Renwand
Financial Aid Officer
P: 419-499-4663 ext. 213
F: 419-499-5391

AMERICAN OVERSIGHT

**From:** Taj, Asia
**Sent:** Fri, 13 Mar 2020 16:11:29 -0400
**To:** COVID-19
**Cc:** Ivon Nunez
**Subject:** COVID-19 and Federal Work Study (FWS)

Good afternoon,
According to the March 5, 2020 guidance, we may continue to pay FWS students in case of a campus closure. We are not closed but are moving to distance education and our staff for the most part will work remotely. The offices will still be open with skeletal essential staff. Our understanding of the guidance is that we may pay FWS students if they are unable to work. However, we are not clear about the highlighted statement below:

"For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."

We have student workers who receive institutional work study funds. In addition, we have some part time employees who will not be paid. Does this sentence mean that if we do not pay our institutional work study student employees and part-time employees without work, we cannot pay our FWS students if they don't work. We appreciate your help and input!

Federal Work Study (FWS)
Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

Thank you.

Asia Taj
Associate Director/Compliance Officer
Student Mall
New Jersey Institute of Technology
University Heights
Newark, NJ 07102-1982

AMERICAN OVERSIGHT

Tel: 973-596-3474
Fax: 973-596-2460
asia.taj@njit.edu

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Thu, 12 Mar 2020 13:50:52 -0400
**To:** COVID-19
**Subject:** COVID-19 at Dobbs Ferry Highschool

Dear NY state Dept. of Education,

My name is (b)(6) and I am a senior at Dobbs Ferry High School in Westchester, NY. I was wondering what is going to happen in our school as COVID-19 spreads. It has already been confirmed in our town after a professor at Mercy College tested positive for it and now there is a student in our grade who is being tested.

Sincerely, (b)(6)

AMERICAN OVERSIGHT

**From:** CoraBeth Halverson
**Sent:** Thu, 12 Mar 2020 01:09:43 +0000
**To:** COVID-19
**Subject:** COVID-19 Clarifying Question

Good Evening,

I hope you are well. I have a clarifying question on the following section of the COVID-19 guidance, specifically the non-standard term section.
If we have to cancel clinical, internships or other experiential learning due to COVID-19, would we be able to offer those classes in a format that they would overlap terms (typically making the program non-term) and still be able to remain standard term? So, for example, we would offer a clinical that starts in the Spring 2020 term, and runs through part of the Summer 2020 and/or Fall 2020 terms? Or, that starts in the Summer 2020 term and overlaps into the Fall 2020 term?

In addition, is this guidance below limited to clinical/internship type courses, or does it extent to courses, where moving to an online format isn't a viable completion option?

https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

Finally, because we understand that some students may have been recalled from travel abroad programs or canceled-out of experiential learning opportunities after the semester began, institutions may offer courses to those students on a schedule that would otherwise be considered a non-standard term, if doing so enables those students to complete the term. These flexibilities will also be provided to institutions, or their additional locations or programs, that must temporarily close as a result of COVID-19.

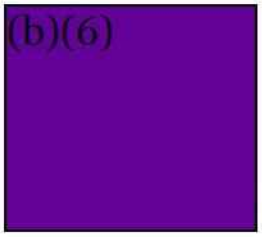
Thanks!

**CoraBeth Halverson**
Financial Aid Manager
608.822.2316
chalverson@swtc.edu

Southwest Tech
www.swtc.edu
1800 Bronson Blvd.
Fennimore, WI 53809

**Reminder: Starting October 1st, complete the 2020-2021 FAFSA at www.studentaid.gov with 2018 tax information.**

AMERICAN OVERSIGHT




**CoraBeth Halverson**
Financial Aid Manager
608.822.2316
chalverson@swtc.edu

Southwest Tech
www.swtc.edu
1800 Bronson Blvd.
Fennimore, WI 53809

**Reminder: Starting October 1st, complete the 2020-2021 FAFSA at www.studentaid.gov with 2018 tax information.**

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Fri, 13 Mar 2020 14:26:16 -0500
**To:** COVID-19
**Subject:** covid-19 concerns

To whom it may concern,

I am a 2nd year student from Cincinnati, Ohio attending Tennessee State University, which has just cancelled its in-person meetings indefinitely. This is obviously a major transition to moving all credit hours online & removes the necessity of being on campus. With all the confusion and chaos going on due to the COVID-19, a lot of parents are sending for their children or the student is choosing to evacuate themselves due to the risk of contamination, the lack of supplies due to public panic and lack of required stay. I was listening to a broadcast called "Full Force" and heard about the government offering students who receive Financial Aid additional monetary assistance in order to travel home/make alternative housing arrangements so I wished to see how true those statements were.

Best regards,

(b)(6)

(b)(6)

AMERICAN OVERSIGHT

**From:** Tina Russell
**Sent:** Tue, 10 Mar 2020 13:06:30 -0400
**To:** COVID-19
**Subject:** COVID-19 Guidance Request

Good afternoon,

Can you please advise on what the impact would be for Title IV aid recipients if our campus ends the spring semester early in an effort to prevent the spread of COVID-19?

As I understand it, this would be a change to our academic calendar which would impact all of our return of title IV calculations. Is this correct?

Thanks,
Tina Russell

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CHRISTOPHER NEWPORT UNIVERSITY
Tina Russell
Director of Financial Aid
1 Avenue of the Arts, Newport News, VA 23606
(p) 757-594-7170 | (f) 757-594-7113
http://cnu.edu/financialaid/

AMERICAN OVERSIGHT

**From:** Megan Chan
**Sent:** Tue, 10 Mar 2020 19:21:19 +0000
**To:** COVID-19
**Subject:** COVID-19 guidance

Hello,

I would like to discuss the temporary reduction of the length of the academic year due to COVID-19 and potential downstream impacts. One proposal is to shorten our 17-week Spring term to 15 weeks. I would like to confirm that:

1. We would not need an exception for this reduction because we would still be over 30 weeks in the academic year.
2. For students who withdraw after the term has been reduced, their 60% mark for R2T4 would be calculated off of the new dates (making it arrive sooner).

Thank you,
Megan

**Megan Chan**
*Associate Dean, Financial Aid*

**University of Southern California**
John Hubbard Hall MC 0914
Los Angeles, CA 90089-0914
T: (213) 740-9580 F: (213) 821-3738
Email: chanmega@usc.edu
Web: financialaid.usc.edu

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**From:** Schultz, Renee <Renee.Schultz@ed.gov>
**Sent:** Monday, March 9, 2020 5:28 PM
**To:** Megan Chan <chanmega@usc.edu>
**Subject:** RE: Quick call re COVID-19 guidance

Hi Megan,

You would be correct- we're getting a lot of questions. Take a look at the EA released last week and send an e-mail to the address provided. Policy is reviewing that mailbox and can give you guidance. (b)(6)

Hope you're well!

Renee

AMERICAN OVERSIGHT

**Renée Schultz** *(formerly Gullotto)*
U.S. Department of Education | Federal Student Aid
(415) 486-5367 Office | (415) 486-5676 fax
Renee.schultz@ed.gov

Federal Student Aid
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**From:** Megan Chan <chanmega@usc.edu>
**Sent:** Monday, March 9, 2020 12:20 PM
**To:** Schultz, Renee <Renee.Schultz@ed.gov>
**Subject:** Quick call re COVID-19 guidance

Hello Renee,

I would like to discuss the temporary reduction of the length of the academic year due to COVID-19 and potential downstream impacts. In particular, we are wondering if this would impact the 60% mark for R2T4.

I'm sure you are getting a lot of contact from schools. Please let me know if you have availability for a quick call.

Best,
Megan

**Megan Chan**
*Associate Dean, Financial Aid*

USC University of Southern California

**University of Southern California**
John Hubbard Hall MC 0914
Los Angeles, CA 90089-0914
T: (213) 740-9580 F: (213) 821-3738
Email: chanmega@usc.edu
Web: financialaid.usc.edu

AMERICAN OVERSIGHT

**From:** John Gudvangen
**Sent:** Thu, 12 Mar 2020 22:19:29 +0000
**To:** COVID-19
**Subject:** COVID-19 guidelines and study abroad

We have several students who are hoping to complete their spring term abroad through distance education because the study abroad program has moved the courses to online education as a result of COVID-19. Some of these study abroad students attend foreign schools who are federally aid eligible. Are these students not eligible for their federal aid? The guidelines seem to indicate that these students are not eligible for federal aid. The programs are accommodating the students much like many U.S.-based schools by offering the remainder of the program online. Thank you.

John Gudvangen
Associate Vice Chancellor for Enrollment and Director of Financial Aid
University of Denver
303-871-4857 | john.gudvangen@du.edu | www.du.edu/financialaid

AMERICAN OVERSIGHT

**From:** Stephen White
**Sent:** Fri, 13 Mar 2020 15:09:58 +0000
**To:** COVID-19
**Cc:** Leann Eaton;Charles I. Jones
**Subject:** COVID-19 Impact on R2T4 and breaks

Dear Colleage:

Our Spring Semester of 2020 start / end dates are 1/21/20 – 5/7/20. The scheduled spring break was 3/8/20 – 3/15/20. Due to COVID-19, the spring break has been extended through 3/22/20 to allow time for on-ground courses to be converted to an on-line format so that students have an opportunity to complete the semester.

For Federal Return to Title IV (R2T4) purposes, we are required to exclude scheduled breaks of => 5 days. Normally, we would have excluded 8 days in the R2T4 calculation.

- Do we continue to exclude 8 days in the R2T4 calculation since the extension reflects a temporary closure beyond the control of the institution (ex: due to weather, natural disaster, etc.) or must we exclude 15 days?

- If we have to exclude 15 days, are we required to recalculate R2T4 calculations completed prior to the decision to extend the spring break or does it only apply to total withdrawals beyond the decision date to extend the spring break?

Thanks for your guidance!
Stephen

Stephen White
Director of Financial Aid
Middle Tennessee State University (OPE ID: 00351000)
615-898-2422

AMERICAN OVERSIGHT

**From:** Tina Russell
**Sent:** Wed, 11 Mar 2020 08:39:19 -0400
**To:** COVID-19
**Subject:** COVID-19 Potential Closing Guidance Request

Good morning,

Our campus is considering options for preventing the spread of COVID-19 and need some guidance on the potential impact of the following scenarios:

1. Institutionally scheduled breaks of five or more consecutive days are excluded from the R2T4 calculation as periods of nonattendance. If we were to suspend classes for the spring semester, would this be defined as a "scheduled" break and would this rule apply? Are there other implications we need to consider?
2. What would be the impact of changing our academic calendar by moving up the end date of the spring semester? In this case, students would still be completing the semester; however, it would be shorter.
3. If there is a suspension of classes for more than five consecutive days or we change our academic calendar to end the semester early, would their be any impact on R2T4 calculations that were processed prior to this change?
4. If there is a change to our academic calendar to end the semester early, do we need to update the loan periods for loans that have already been disbursed for the aid year? What other implications do we need to consider?

Thank you in advance for your assistance.

Best regards,
Tina Russell

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CHRISTOPHER NEWPORT UNIVERSITY
Tina Russell
Director of Financial Aid
1 Avenue of the Arts, Newport News, VA 23606
(p) 757-594-7170 | (f) 757-594-7113
http://cnu.edu/financialaid/

AMERICAN OVERSIGHT

| Tracking Number | How Received | Date Received | Received From First Name | Received From Last Name | Email | Phone | State | Category | SUMMARY | URL Link | Name(s) Assigned to SSS Staff | Date Reecived Draft from SSS Staff | Name(s) Assigned to other POC | POCs | Ruth (sending Incoming/ Draft) | Approval (Yes/No) | Date Reply to Customer | Date FWD/ Completed |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | COVID-19@ed.gov | 2/28/20 | (b)(6) | | | | | Parent | Clear definition of a fever | | (b)(5) | | (b)(5) | OESE-SSS | | | 3/6/20 | 3/6/20 |
| 2 | COVID-19@ed.gov | 2/29/20 | Alex | oss | ahowland@virbela.com | | | Resource | Online education and remote work | https://www.virbela.com/ | | | | | | | | 3/6/20 |
| 3 | COVID-19@ed.gov | 3/2/20 | Bill | Chappell | Bill.Chappell@citrix.com | | | Resource | Using Technology and Social Media to reduce the risk of virus and future virus | https://www.linkedin. | | | | | | | | 3/6/20 |
| 4 | COVID-19@ed.gov | 3/3/20 | Michael | Yancey | michael.yancey@mail.house.gov | 202-225-7771 | | Congressional | Email List - info on prevent the spread | | | | | OLCA | | | | 3/3/20 |
| 5 | COVID-19@ed.gov | 3/3/20 | Abigail | Hess | Abigail.Hess@nbcuni.com | | | Press | Article for CNBC about schools to close | | | | | OCO | | | | 3/3/20 |
| 6 | OESE.SGR.Alaska | 3/3/20 | Isaac | Paulson | saac.paulson@alaska.gov | 907-465-8431 | AK | SEA | Assessment if schools need to be closed during the testing window or if schools are closed for large portions of the academic year prior to testing | | | | | OESE-SSS | | | | 3/16/20 |
| 7 | COVID-19@ed.gov | 3/3/20 | Ashley | Fetters | afetters@theatlantic.com | | NY | Press | Article for the Atlantic - how schools are dealing with and/or preparing for the spread | | | | | OCO | | | | 3/3/20 |
| 8 | COVID-19@ed.gov | 3/3/20 | (b)(6) | | | | | Parent | Son returing from Italy - Self isolation and family members | | | | | OESE-SSS | | | 3/5/20 | 3/5/20 |
| 9 | COVID-19@ed.gov | 3/3/20 | Marybeth | Tonkery | mtonkery@honeoye.org | | | Student | NYSED has advised no traveling for students in schools | | | | | OESE-SSS | | | 3/5/20 | 3/5/20 |
| 10 | COVID-19@ed.gov | 3/5/20 | Ashutosh | Mishra | (b)(6) | | | Other | FYI email - The blood sample of Past Infected People, Because they have the Antibodies for Corona Virus | | | | | | | | | 3/5/20 |
| 11 | Secretary Mail | 3/5/20 | (b)(6) | | | | | Parent | Rice University is already quarantining. Start implementing online classes so healthy children and families can begin sheltering in place without anyone missing any school should they choose. | | | | | OESE-SSS | | | 3/6/20 | 3/6/20 |
| 12 | COVID-19@ed.gov | 3/5/20 | Brandy | Whitney | (b)(6) | | | Suggestion | USA teachers should prepare 10 days ( two school weeks) of lessons for our students to be able to do from home | | | | | OESE-SSS | | | 3/6/20 | 3/6/20 |
| 13 | COVID-19@ed.gov | 3/5/20 | Katherine | Brodie | KDBrodie@duanemorris.com | 202-776-5241 | DC | IHE | School offers clock hour based programs for which students earn clock hours for both theory (in class learning) and part practical (clinic) training hours. | | | | | OPE | | | | 3/6/20 |
| 14 | COVID-19@ed.gov | 3/5/20 | Kevin | McDonald | kevin@keynectup.com | 781-856-4934 | | Resource | KeynectUp works with colleges nationwide providing safety communication tools for traveling students | | | | | | | | | 3/6/20 |
| 15 | COVID-19@ed.gov | 3/5/20 | Sarah | Swenson | financialaid@saci-florence.edu | | NY | IHE | Professional Judgment element be increasing an award because of unexpected additional airfare resulting from school closure due | | | | | OPE | | | | 3/6/20 |
| 16 | COVID-19@ed.gov | 3/5/20 | Sarah | Swenson | financialaid@saci-florence.edu | | NY | IHE | Temporary reduction in academic year | | | | | OPE | | | | 3/6/20 |
| 17 | COVID-19@ed.gov | 3/5/20 | Jerry | McKeen | jmckeen@callutheran.edu | 805-493-3139 | CA | IHE | Clarification on students in cancelled study-abroad programs | | | | | OPE | | | | 3/5/20 |
| 18 | COVID-19@ed.gov | 3/5/20 | Holly | Furdyna | (b)(6) | | MD | Suggestion | schools start on a delayed morning time schedule? | | | | | OESE-SSS | | | 3/17/20 | 3/6/20 |
| 19 | COVID-19@ed.gov | 3/5/20 | Sue | Standley | suestandley@augustana.edu | 309-794-7207 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/6/20 |
| 20 | COVID-19@ed.gov | 3/5/20 | Cynthia | Grunden | cgrunden@colum.edu | | | IHE | Study abroad | | | | | OPE | | | | 3/6/20 |
| 21 | COVID-19@ed.gov | 3/5/20 | Scott | Seibring | seibring@iwu.edu | 309-556-3393 | IL | IHE | Recent guidance related to federal aid and coronavirus | | | | | OPE | | | | 3/6/20 |
| 22 | COVID-19@ed.gov | 3/6/20 | Greg | Becher | gbecher@thomasaquinas.edu | | CA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/6/20 |
| 23 | COVID-19@ed.gov | 3/6/20 | Brian | Green | bgreen@coursera.org | 202-262-0242 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/6/20 |
| 24 | COVID-19@ed.gov | 3/6/20 | Mark | Kantrowitz | (b)(6) | | IL | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/6/20 |
| 25 | COVID-19@ed.gov | 3/6/20 | S | Smiley | (b)(6) | | | Suggestion | Pre-School tooth brushing protocol | | | | | OESE-SSS | | | 3/6/20 | 3/6/20 |

AMERICAN OVERSIGHT

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 26 | COVID-19@ed.gov | 3/6/20 | Amanda | Nelson | aenelson@kpmg.com | 202-533-5560 | | IHE | Single audit. To incorporate into the Compliance Supplement—whether it could be an "other information" section at the back of the SFA section or whether there could be grey boxes inserted within the applicable sections. | | (b)(5) | | (b)(5) | OPE | | | | 3/6/20 |
| 27 | COVID-19@ed.gov | 3/6/20 | Paige | Skweres | paige.skweres@cnu.edu | | | IHE | Study Abroad and Remote Classes | | | | | OPE | | | | 3/6/20 |
| 28 | COVID-19@ed.gov | 3/6/20 | Marjorie | Facio | mfacio@sbctc.edu | 360-704-1836 | WA | IHE | Applies to populations typically restricted from taking online classes | | | | | OPE | | | | 3/6/20 |
| 29 | COVID-19@ed.gov | 3/6/20 | Mindy | Schaffer | schafferm@cua.edu | 202-319-6369 | DC | IHE | Foreign school - students studying at foreign schools who wish to come home | | | | | OPE | | | | 3/6/20 |
| 30 | COVID-19@ed.gov | 3/6/20 | Evin | Schwartz | evin@belouga.org | | | Other | Person Introduction thmeselve to Dept. | | | | | OESE-SS | | | N/A | 3/6/20 |
| 31 | COVID-19@ed.gov | 3/6/20 | Ahlam | Ibrahim | ahlam.ibrahim@blu.ac.il | | | IHE | Annual Reporting Requirements for Compliance Audit Reports and Audited Financial Statements | | | | | OPE | | | | 3/6/20 |
| 32 | COVID-19@ed.gov | 3/6/20 | Emily | Baker | emily_baker@redlands.edu | 909-748-8266 | CA | IHE | Guidance for interruptions of study | | | | | OPE | | | | 3/6/20 |
| 33 | COVID-19@ed.gov | 3/6/20 | Cleary | Douglas | doug.cleary@kctcs.edu | 859-256-3215 | KY | IHE | Extends the academic term by 2 weeks to make up for the lost time and that in turn creates overlapping terms | | | | | OPE | | | | 3/6/20 |
| 34 | Secretary Mail | 3/6/20 | Sapna | Tauro | (b)(6) | | | Parent | Schools closed at least for a couple of weeks till the testing kits are available and until threat has lowered | | | 3/18/20 | | OESE-SSS | | | 3/16/20 | 3/16/20 |
| 35 | COVID-19@ed.gov | 3/6/20 | Kimberly | Geer | kimberly.geer@lwtech.edu | 425-739-8119 | WA | IHE | FWS students still submit a timesheet for the hours they were already scheduled to work for any days that the college is closed? | | | | | OPE | | | | 3/6/20 |
| 36 | COVID-19@ed.gov | 3/7/20 | Crystal | Stroupe | crystal.m.stroupe@bofa.com | 704-919-4058 | NC | Other | School closures list | | | 3/18/20 | | OESE-SSS | | Yes | 3/24/20 | 3/24/20 |
| 37 | COVID-19@ed.gov | 3/8/20 | Brian | Sands | (b)(6) | 469-276-4713 | TX | Other | School closures list | | | 3/18/20 | | OESE-SSS | | Yes | 3/24/20 | 3/24/20 |
| 38 | COVID-19@ed.gov | 3/9/20 | Mary | Foelster | Mary.Foelster@aicpa-cima.com | 202-434-9259 | DC | IHE | For-Profit Audits | | | | | OPE | | | | 3/9/20 |
| 39 | COVID-19@ed.gov | 3/9/20 | Taryn | Anderson | taryn@udallas.edu | 972-721-5266 | | IHE | Financial Aid Cost of attendance | | | | | OPE | | | | 3/9/20 |
| 40 | COVID-19@ed.gov | 3/9/20 | James | Cussen | financialaid@soma.edu | 312-878-4638 | | IHE | Best Practices and graduation | | | | | OPE | | | | 3/9/20 |
| 41 | COVID-19@ed.gov | 3/9/20 | Harold | Sheinman | (b)(6) | | | Other | Mandatory attendance - Can you be penalized for not attending this typically mandatory function? | | | | | OESE-SSS | | Yes | | 3/17/20 |
| 42 | COVID-19@ed.gov | 3/9/20 | (b)(6) | | | | | Parent | Concerned Parent with child who is high risk, has chronic respiratory disease | | | 3/25/20 | | OESE-SSS | | Yes | 3/27/20 | 3/27/20 |
| 43 | COVID-19@ed.gov | 3/9/20 | Linda | Mendel | (b)(6) | | | Other | Should teachers over the age of 60 or with health problems avoid going to work | | | | | OESE-SSS | | Yes | | 3/17/20 |
| 44 | Secretary Mail | 3/9/20 | (b)(6) | | | | | Other | Seeks sanitary supplies | | | 3/25/20 | | OESE-SSS | | Yes | 3/26/20 | 3/26/20 |
| 45 | COVID-19@ed.gov | 3/9/20 | Stacey | Faraci | sfaraci@barnard.edu | 646-745-8359 | NY | IHE | Guidance - Seeking Clarification | | | | | OPE | | | | 3/9/20 |
| 46 | COVID-19@ed.gov | 3/9/20 | Beth | Jones | bjones@barrington220.org | 847-842-3506 | | Other | Students with IEPs | | | | | OSERS | | | | 3/9/20 |
| 47 | COVID-19@ed.gov | 3/9/20 | Aubrey | Hill | aubreyh@american.edu | 202-885-1807 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/9/20 |
| 48 | COVID-19@ed.gov | 3/9/20 | Eilee | Flood | floode@stjohns.edu | 718-990-5741 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/9/20 |
| 49 | COVID-19@ed.gov | 3/9/20 | Christina | Majors | cris@williamsoncc.edu | 615-771-7821 | TN | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/9/20 |
| 50 | COVID-19@ed.gov | 3/9/20 | David | Horne | dhorne@towson.edu | 410-704-6242 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/9/20 |
| 51 | COVID-19@ed.gov | 3/9/20 | Amanda | Peterson | apeterson3@pace.edu | 914-923-2294 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/9/20 |
| 52 | COVID-19@ed.gov | 3/9/20 | Lisa | Morrison | lmorrison@iwcc.edu | 712-325-3287 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/9/20 |
| 53 | COVID-19@ed.gov | 3/9/20 | Debbie | Eno | debbie.eno@ucollege.edu | 402-486-2600 X2342 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/9/20 |
| 54 | COVID-19@ed.gov | 3/9/20 | Shelby | Jeff | shelby@stanford.edu | 650-725-0251 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/9/20 |
| 55 | COVID-19@ed.gov | 3/10/20 | Angela | Schmiede | angela.schmiede@menlo.edu | 650-543-3905 | CA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/10/20 |

AMERICAN OVERSIGHT

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 56 | COVID-19@ed.gov | 3/10/20 | Stephaine | Mealy | mealy@msoe.edu | 414-277-7223 | WI | IHE | Guidance for interruptions of study or FSA | | | | (b)(5) | OPE | | | | 3/10/20 |
| 57 | COVID-19@ed.gov | 3/10/20 | Lynn | Higinbotham | lynn.higinbotham@nyu.edu | 212-998-4172 | NY | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/10/20 |
| 58 | COVID-19@ed.gov | 3/10/20 | Kristen | Rogerson | krogerson@johncabot.edu | 855-528-7662 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/10/20 |
| 59 | COVID-19@ed.gov | 3/10/20 | Karen | Hauser | k.hauser@Vanderbilt.Edu | 615-343-1419 | TN | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/10/20 |
| 60 | COVID-19@ed.gov | 3/10/20 | Kendra | Feigert | feigert@lvc.edu | 717-867-6126 | PA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/10/20 |
| 61 | COVID-19@ed.gov | 3/10/20 | Robert | Bode | robert.bode@uwrf.edu | 715-425-3141 | WI | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/10/20 |
| 62 | COVID-19@ed.gov | 3/10/20 | Star | Atkeson | (b)(6) | | | Parent | Teaching - Hand washing | | (b)(5) | 3/26/20 | | OESE-SSS | | Yes | 3/26/20 | 3/26/20 |
| 63 | COVID-19@ed.gov | 3/10/20 | Patel | Gaurang | gaurang@aimseducation.edu | 908-222-0002 X 337 | NJ | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/10/20 |
| 64 | COVID-19@ed.gov | 3/10/20 | Juliette | Biondi | juliette.biondi@wgu.edu | 385-428-8274 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/10/20 |
| 65 | COVID-19@ed.gov | 3/10/20 | Delicia | Lucky | DLUCKY@emory.edu | 404-727-6039 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/10/20 |
| 66 | COVID-19@ed.gov | 3/10/20 | Tina | Russell | christina.russell@cnu.edu | 757-594-7170 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/10/20 |
| 67 | COVID-19@ed.gov | 3/10/20 | Marisol | Mendoza | Marisol.Mendoza@ed.gov | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/10/20 |
| 68 | COVID-19@ed.gov | 3/10/20 | Maria | Whitcomb | smw7t@virginia.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/10/20 |
| 69 | COVID-19@ed.gov | 3/10/20 | Heather | Lacy | Heather.Lacy@foxnews.com | | | Other | Email List - info on COVID-19 updates | | | | | OCO | | | | 3/10/20 |
| 70 | COVID-19@ed.gov | 3/10/20 | Megan | Chan | chanmega@usc.edu | 213-740-9580 | CA | IHE | Guidance for interruptions of study | | | | | OPE | | | | 3/10/20 |
| 71 | OESE Staff | 3/10/20 | RSFLG | | RSFLG@fema.dhs.gov | | | Resource | FYI - NDRF Regional Contacts and COVID-19 Resource Hub | | | | | | | | N/A | 3/10/20 |
| 72 | COVID-19@ed.gov | 3/10/20 | Jean | Gasparato | JGASPAR@mailbox.sc.edu | 803-777-1305 | SC | IHE | Guidance for interruptions of study | | | | | OPE | | | | 3/10/20 |
| 73 | COVID-19@ed.gov | 3/10/20 | Robert | Brownyn | BRoberts@seiservices.com | | | Other | REMS TA support for T4PA - relief for grantees concerned about travel. | | (b)(5) | | | OESE-SSS | | Yes | 3/10/20 | 3/10/20 |
| 74 | COVID-19@ed.gov | 3/10/20 | Calvin | Ghanoo | ghanoo@fordham.edu | 718-817-3811 | NY | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/10/20 |
| 75 | COVID-19@ed.gov | 3/10/20 | Tommy | Screen | tscreen@loyno.edu | 504-864-7082 | | IHE | University Mandatory Report | | | | | OPE | | | | 3/10/20 |
| 76 | COVID-19@ed.gov | 3/10/20 | Liza | Araujo | Liza.Araujo@ed.gov | | | Other | Telework how to handle interns | | | | | HR | | | | 3/10/20 |
| 77 | OESE Email | 3/11/20 | Margaret | Applebaum | margaret.applebaum@usda.gov | | | Other | FYI - USDA/FNS: School Closures | | | | | OESE-SSS | | | | 3/25/20 |
| 78 | COVID-19@ed.gov | 3/11/20 | Araujo-Rouse | Liza | Liza.Araujo@ed.gov | | | Travel | Employees who have recently taken or who plan to take vacations to foreign destinations? Should they self quarantine on their return, particularly if they are traveling to countries in question? | | | | | HR | | | | 3/11/20 |
| 79 | COVID-19@ed.gov | 3/11/20 | David | Horne | dhorne@towson.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 80 | COVID-19@ed.gov | 3/11/20 | Megan | Chan | chanmega@usc.edu | 216-795-3192 | OH | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 81 | COVID-19@ed.gov | 3/11/20 | Jessica | Johnson | jessica.johnson@morgan.edu | 848-932-2611 | NJ | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 82 | COVID-19@ed.gov | 3/11/20 | Jessica | Farrell | jfarrell@johnson.edu | 570-702-8914 | PA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 83 | COVID-19@ed.gov | 3/11/20 | Eileen | Flood | floode@stjohns.edu | 718-990-5741 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 84 | COVID-19@ed.gov | 3/11/20 | Bob | Covey-Robbins | RCOVEY@wcupa.edu | 610-436-1009 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 85 | COVID-19@ed.gov | 3/11/20 | Joy | Barumel | joy.baeumel@apollocc.org | 419-998-2990 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 86 | COVID-19@ed.gov | 3/11/20 | Jesse | McMillan | jmcmillan@capital.edu | 614-236-6950 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 87 | COVID-19@ed.gov | 3/11/20 | Stephaine | Barlow | Stephanie.Barlow@sjhcon.edu | 315-448-5268 | NY | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 88 | COVID-19@ed.gov | 3/11/20 | Colleen | Woods | cwoods@Fisher.edu | 617-670-4527 | MA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 89 | COVID-19@ed.gov | 3/11/20 | Julia | Henry | jhenry@stone.edu | 860-569-0618 | CT | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |

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| Tracking Number | How Received | Date Received | Received From First Name | Received From Last Name | Email | Phone | State | Category | SUMMARY | URL Link | Name(s) Assigned to SSS Staff | Date Reecived Draft from SSS Staff | Name(s) Assigned to other POC | POCs | Ruth (sending Incoming/ Draft) | Approval (Yes/No) | Date Reply to Customer | Date FWD/ Completed |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 90 | COVID-19@ed.gov | 3/11/20 | Tina | Russell | christina.russell@cnu.edu | 757-594-7170 | VA | IHE | Guidance for interruptions of study or FSA | | | | (b)(5) | OPE | | | | 3/11/20 |
| 91 | COVID-19@ed.gov | 3/11/20 | Jennifer | Ricciardi | jricciardi@suffolk.edu | 617-573-8470 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 92 | COVID-19@ed.gov | 3/11/20 | Ewa | Stankiewicz | ewa.stankiewicz@uj.edu.pl | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 93 | COVID-19@ed.gov | 3/11/20 | Roche | Agnes | AROCHE2@depaul.edu | 312-362-5024 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 94 | COVID-19@ed.gov | 3/11/20 | Jayne | Rivers | jrivers@marlboro.edu | 802-258-9312 | VT | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 95 | COVID-19@ed.gov | 3/11/20 | Shannon | Amundson | samundson@coloradocollege.edu | 719-389-6651 | CO | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 96 | COVID-19@ed.gov | 3/11/20 | Sigrun | Olafsdottir | solafsdottir@fus.edu | 386-490-4275 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 97 | COVID-19@ed.gov | 3/11/20 | Dawn | Brandt | DBrandt@lbc.edu | 717-560-8237 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 98 | COVID-19@ed.gov | 3/11/20 | Araujo-Rouse | Liza | Liza.Araujo@ed.gov | | | Other | Sick leave or consider teleworking | | | | | HR | | | | 3/11/20 |
| 99 | OPE Email | 3/11/20 | Richard | Liebowitz | rliebowi@sgu.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 100 | COVID-19@ed.gov | 3/11/20 | Nicholas | Salinas | nsalinas@sarahlawrence.edu | 914-395-2570 | NY | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 101 | COVID-19@ed.gov | 3/11/20 | Eilleen | Flood | floode@stjohns.edu | 718-990-5741 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 102 | COVID-19@ed.gov | 3/11/20 | Caron | Fonoroff | caron@christinevalmy.com | 973-575-1050 X 107 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 103 | COVID-19@ed.gov | 3/11/20 | Nicholas | Salinas | nsalinas@sarahlawrence.edu | 914-395-2570 | NY | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 104 | COVID-19@ed.gov | 3/11/20 | Eilleen | Flood | floode@stjohns.edu | 718-990-5741 | | IHE | Duplicate - Guidance for interruptions of study | | | | | OPE | | | | 3/11/20 |
| 105 | COVID-19@ed.gov | 3/11/20 | Michelle | McNier | mcnierml@alma.edu | 989-463-7347 | MI | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 106 | COVID-19@ed.gov | 3/11/20 | Molly | Groyer | Molly.Groyer@csulb.edu | 562-985-2326 | CA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 107 | COVID-19@ed.gov | 3/11/20 | Candi | Frzier | Candi.Frazier@mail.wvu.edu | 304-293-1988 | WV | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 108 | OESE Email | 3/11/20 | Cindy | Heislen | Cindy.Heislen@dese.mo.gov | 573-526-9761 | | Travel | Guidance for expenditure impacts 21st CCLC grantees and subgrantees - National Afterschool Association (NAA) Conference | | | | | OESE | | | | 3/19/20 |
| 109 | COVID-19@ed.gov | 3/11/20 | Debbie | Jackson | dsjackson@fsmail.bradley.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 110 | COVID-19@ed.gov | 3/11/20 | Zelotes | Smith | zelotes.smith@dominican.edu | 415-458-3793 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 111 | COVID-19@ed.gov | 3/11/20 | Kelly | Griffith | kgriffith@talbotschools.org | 410-822-0330 | MD | SEA | Close a public school | | (b)(5) | | | OESE-SSS | | Yes | 4/8/20 | 4/8/20 |
| 112 | COVID-19@ed.gov | 3/11/20 | Mark | Messingschlager | messinm@thomasmore.edu | 859-244-3506 | KY | IHE | Guidance for interruptions of study | | | | | OPE | | | | 3/11/20 |
| 113 | COVID-19@ed.gov | 3/11/20 | Melody | DeFlorio | MDeFlorio@vermontlaw.edu | 802-831-1037 | VT | IHE | Guidance for interruptions of study | | | | | OPE | | | | 3/11/20 |
| 114 | COVID-19@ed.gov | 3/11/20 | Jubal | Yennie | jyennie@acsd1.org | | | SEA | International trips scheduled for students | | | | | | | | | 3/11/20 |
| 115 | COVID-19@ed.gov | 3/11/20 | (b)(6) | | (b)(6) | | | SEA | High school closes - teacher must report | | | | | OESE-SSS | | | | 3/11/20 |
| 116 | COVID-19@ed.gov | 3/11/20 | Patricia | Reilly | Patricia.Reilly@tufts.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 117 | COVID-19@ed.gov | 3/11/20 | Kathy | Dray | (b)(6) | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 118 | COVID-19@ed.gov | 3/11/20 | Robin | Thompson | Robin.Thompson@pomona.edu | 909-621-8205 | CA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 119 | COVID-19@ed.gov | 3/11/20 | Rob | Carroll | rob.carroll@kastapp.co | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 120 | COVID-19@ed.gov | 3/11/20 | Myra | Phillips | mphillips@vsu.edu | 804-524-6818 | VA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 121 | COVID-19@ed.gov | 3/11/20 | Ruth | Carlson | ruth.carlson@baycollege.edu | 906-217-4032 | MI | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 122 | COVID-19@ed.gov | 3/11/20 | Kathy | Dray | kpdray@k12.wv.us | 304-564-3337 X 116 | WV | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 123 | COVID-19@ed.gov | 3/11/20 | Patricia | Reilly | Patricia.Reilly@tufts.edu | 617-627-2000 | MA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 124 | COVID-19@ed.gov | 3/11/20 | Mary | Nucciarone | mnucciar@nd.edu | 574-631-6436 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |

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| Tracking Number | How Received | Date Received | Received From First Name | Received From Last Name | Email | Phone | State | Category | SUMMARY | URL Link | Name(s) Assigned to SSS Staff | Date Reecived Draft from SSS Staff | Name(s) Assigned to other POC | POCs | Ruth (sending Incoming/ Draft) | Approval (Yes/No) | Date Reply to Customer | Date FWD/ Completed |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 125 | COVID-19@ed.gov | 3/11/20 | Juile | Wickstrom | jwickstr@bu.edu | 617-353-4176 | MA | IHE | Guidance for interruptions of study or FSA | | | | (b)(5) | OPE | | | | 3/11/20 |
| 126 | COVID-19@ed.gov | 3/11/20 | Ean | Freels | enfreels@dmacc.edu | 515-964-7124 | IA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 127 | COVID-19@ed.gov | 3/11/20 | Courtney | Rogerson | Courtney.Rogers@mail.house.gov | | | Congressional | IDEA requirements | | | | | OLCA | | | | 3/11/20 |
| 128 | COVID-19@ed.gov | 3/11/20 | Ruth | Carlson | ruth.carlson@baycollege.edu | 906-217-4032 | MI | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 129 | COVID-19@ed.gov | 3/11/20 | Isa | Dayna | disa@hawaii.edu | 808-235-7471 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 130 | COVID-19@ed.gov | 3/11/20 | Christopher | Lewis | clewis@rcc.mass.edu | 857-701-1223 | MA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 131 | COVID-19@ed.gov | 3/11/20 | Shirleyne | McDonald | smcdonal@american.edu | 202-885-6027 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 132 | COVID-19@ed.gov | 3/11/20 | Mary | Stano | mastano@loyola.edu | 410-617-2576 | MD | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 133 | COVID-19@ed.gov | 3/11/20 | Lenora | Jackson | (b)(6) | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 134 | COVID-19@ed.gov | 3/11/20 | Bruce | DeFrates | bdefrates@ewu.edu | 509-359-2314 | WA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 135 | COVID-19@ed.gov | 3/11/20 | Jessica | Rafeld | jessica.rafeld@snc.edu | 920-403-3071 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 136 | COVID-19@ed.gov | 3/11/20 | Kim | Korinke | kkorinke@vcccd.edu | 805-378-1463 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/11/20 |
| 137 | COVID-19@ed.gov | 3/12/20 | Julia | Martin | jmartin@bruman.com | 202-965-3652 | DC | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 138 | COVID-19@ed.gov | 3/12/20 | Dalen | Kirchner | dalenk@FISD.org | 210-859-7728 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 139 | COVID-19@ed.gov | 3/12/20 | David | Alexander | david@webmarketingpromote.com | | | Resource | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/19/20 |
| 140 | COVID-19@ed.gov | 3/12/20 | Ahshley | Williams | awilliams@sussex.edu | 973-300-2270 | NJ | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 141 | COVID-19@ed.gov | 3/12/20 | Matt | Mills | mills@charter.net | | | Student | Early graduation | | | | | OESE | | | | 3/19/20 |
| 142 | COVID-19@ed.gov | 3/12/20 | Michael | Hechme | (b)(6) | | | IHE | Total Image Beauty Academy - decided to close temporarily | | | | | OPE | | | | 3/26/20 |
| 143 | OESE.OSS.New Hampshire | 3/12/20 | Ashley | Frame | ashley.frame@doe.nh.gov | 603-271-6579 | | SEA | Funding positions with federal grants | | | | | OESE | | | | 3/16/20 |
| 144 | OESE.SGR.West Virginia | 3/12/20 | Melanie | Purkey | mpurkey@k12.wv.us | 304-558-7805 | | SEA | Status of future USED Meetings with SEA Program Staff | | | | | OESE | | | | 3/19/20 |
| 145 | COVID-19@ed.gov | 3/12/20 | Sophia | Peixoto | sdiaspei@mdc.edu | 305-237-8742 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 146 | COVID-19@ed.gov | 3/12/20 | CoraBeth | Halverson | chalverson@swtc.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 147 | COVID-19@ed.gov | 3/12/20 | (b)(6) | Rathi | (b)(6) | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 148 | COVID-19@ed.gov | 3/12/20 | Megan | Chan | chanmega@usc.edu | 213-740-9580 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 149 | COVID-19@ed.gov | 3/12/20 | David | Futrell | futrelld@nasfaa.org | 202-785-6971 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 150 | COVID-19@ed.gov | 3/12/20 | Mary Beth | Gallagher | MGallagher@wcc.vccs.edu | 276-223-4765 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 151 | COVID-19@ed.gov | 3/12/20 | Jean | Gasparato | JGASPAR@mailbox.sc.edu | 803-777-1305 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 152 | COVID-19@ed.gov | 3/12/20 | Cathy | Hurd-Crank | cathy.hurdcrank@kctcs.edu | 606-889-4967 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 153 | COVID-19@ed.gov | 3/12/20 | Jennifer | Beck | jbeck@stedwards.edu | 512-448-8516 | TX | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 154 | COVID-19@ed.gov | 3/12/20 | Nicole | Hall | nrhall@uncg.edu | 336-334-5454 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 155 | COVID-19@ed.gov | 3/12/20 | Jessica | Farrell | jfarrell@johnson.edu | 570-702-8914 | PA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 156 | COVID-19@ed.gov | 3/12/20 | Robert | Bode | robert.bode@uwrf.edu | 715-425-3141 | WI | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 157 | COVID-19@ed.gov | 3/12/20 | Nathan | Wright | nwright@css.edu | 218-723-6146 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 158 | COVID-19@ed.gov | 3/12/20 | Aubree | Armezzani | aarmezzani@johnson.edu | 570-702-8938 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 159 | COVID-19@ed.gov | 3/12/20 | Amy | Berrier | alberrie@uncg.edu | 336-334-5702 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 160 | COVID-19@ed.gov | 3/12/20 | Cindy | Peachey | CPEACHEY@mailbox.sc.edu | 803-777-8134 | SC | IHE | Guidance for interruptions of study or FSA | | | | (b)(5) | OPE | | | | 3/12/20 |
| 161 | COVID-19@ed.gov | 3/12/20 | Teresa | Buchmann | TBuchmann@greenriver.edu | 253-833-9111 X 3326 | WA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 162 | COVID-19@ed.gov | 3/12/20 | Deidre | Strutz | dstrutz@brockport.edu | 585-395-2501 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 163 | COVID-19@ed.gov | 3/12/20 | Sue | Vickers | svickers@fsu.edu | 850-644-1019 | FL | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 164 | COVID-19@ed.gov | 3/12/20 | Matrtha | Cotto | mcotto@ice.edu | 212-847-0762 | NY | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 165 | COVID-19@ed.gov | 3/12/20 | Teri | Eldred | eldredte@udmercy.edu | 313-993-1406 | MI | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 166 | COVID-19@ed.gov | 3/12/20 | Jose | Rivera | jrivera@barnard.edu | 212-854-2154 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 167 | COVID-19@ed.gov | 3/12/20 | Katherine | Christie | Katherine.Christie@adtalem.com | 630-353-8842 | IL | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 168 | COVID-19@ed.gov | 3/12/20 | Karen | Belling | karen.belling@wheaton.edu | 630-752-5307 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 169 | COVID-19@ed.gov | 3/12/20 | Amanda | Kishbaugh | akishba2@bloomu.edu | 570-389-4297 | PA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 170 | COVID-19@ed.gov | 3/12/20 | Erin | Glass | erin.glass@urbana.edu | | OH | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 171 | COVID-19@ed.gov | 3/12/20 | Pam | Barrett | pbarrett@brenau.edu | 770-534-6176 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 172 | COVID-19@ed.gov | 3/12/20 | Tom | Pinkl | pinklt1@lasalle.edu | 215-951-1070 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 173 | COVID-19@ed.gov | 3/12/20 | Phil | Dunn | pdunn@careerquest.edu | 517-853-7245 | MI | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 174 | COVID-19@ed.gov | 3/12/20 | Jesse | Randall | jrandall@ursinus.edu | 610-409-3648 | PA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 175 | COVID-19@ed.gov | 3/12/20 | Sherry | Gray | Sherry.Gray@PowersLaw.com | 202-872-6778 | DC | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 176 | COVID-19@ed.gov | 3/12/20 | Michelle | Hare | harem@winthrop.edu | 803-323-2189 | SC | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 177 | COVID-19@ed.gov | 3/12/20 | Cynthia | Heaton | cch16@psu.edu | 814-867-0603 | PA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 178 | COVID-19@ed.gov | 3/12/20 | Lane | Smith | lsmith1@samford.edu | 205-726-2905 | AL | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 179 | COVID-19@ed.gov | 3/12/20 | Camila | Obermiller | cobermiller@csusm.edu | 760-750-4703 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 180 | COVID-19@ed.gov | 3/12/20 | Blair | Springer | (b)(6) | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 181 | COVID-19@ed.gov | 3/12/20 | Clayton | Bailey | csb78@drexel.edu | 215-571-4656 | PA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 182 | COVID-19@ed.gov | 3/12/20 | Richard | Brand | rjbrand@king.edu | 423-652-4728 | TN | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 183 | COVID-19@ed.gov | 3/12/20 | Janice | Scheutzow | jscheut1@naz.edu | 585-389-2310 | NY | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 184 | COVID-19@ed.gov | 3/12/20 | Carrie | Shaw | cshaw@western.edu | 970-943-3085 | CO | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 185 | COVID-19@ed.gov | 3/12/20 | Amy | Wood | awood7@tnstate.edu | 615-963-7548 | TN | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 186 | COVID-19@ed.gov | 3/12/20 | Terri | LeGrand | legrante@wfu.edu | 336-758-5179 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 187 | COVID-19@ed.gov | 3/12/20 | Elisa | Hertz | elisa.hertz@guttman.cuny.edu | 646-313-8016 | NY | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 188 | COVID-19@ed.gov | 3/12/20 | Celena | Tulloss | ctulloss@utk.edu | 865-974-1111 | TN | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 189 | COVID-19@ed.gov | 3/12/20 | Jen | Amaya | jennifer_amaya@fas.harvard.edu | 617-496-5250 | MA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 190 | COVID-19@ed.gov | 3/12/20 | Myra | Pfannenstiel | pfannenstielm@newmanu.edu | 316-942-4291 X 2103 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 191 | COVID-19@ed.gov | 3/12/20 | Jesse | Barnett | jesse.barnett@dfsd.org | | NY | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 4/8/20 |
| 192 | COVID-19@ed.gov | 3/12/20 | Carrie | Shaw | cshaw@western.edu | 970-943-3085 | CO | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 193 | COVID-19@ed.gov | 3/12/20 | Ryan | Weber | rw0019@uah.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 194 | COVID-19@ed.gov | 3/12/20 | Bologna | Bryan | brynn.bologna@park.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 195 | COVID-19@ed.gov | 3/12/20 | Kristina | Killen | killenk@xavier.edu | 513-745-2988 | OH | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |

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| Tracking Number | How Received | Date Received | Received From First Name | Received From Last Name | Email | Phone | State | Category | SUMMARY | URL Link | Name(s) Assigned to SSS Staff | Date Reecived Draft from SSS Staff | Name(s) Assigned to other POC | POCs | Ruth (sending Incoming/ Draft) | Approval (Yes/No) | Date Reply to Customer | Date FWD/ Completed |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 196 | COVID-19@ed.gov | 3/12/20 | Stacy | Brinkerhoff | stacy.brink@ourcareer.org | 863-800-0755 | FL | IHE | Guidance for interruptions of study or FSA | | | | (b)(5) | OPE | | | | 3/12/20 |
| 197 | COVID-19@ed.gov | 3/12/20 | Troy | Davis | tdavis10@springfieldcollege.edu | 413-748-3108 | MA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 198 | COVID-19@ed.gov | 3/12/20 | Jesse | Barnett | (b)(6) | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 199 | COVID-19@ed.gov | 3/12/20 | Jean | Gasparato | JGASPAR@mailbox.sc.edu | 803-777-1305 | SC | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 200 | COVID-19@ed.gov | 3/12/20 | Carmen | Rivera | crivera@albizu.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 201 | COVID-19@ed.gov | 3/12/20 | Christine | Katsapis | (b)(6) | | VA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 202 | COVID-19@ed.gov | 3/12/20 | Mindy | Renwand | (b)(6) | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 203 | COVID-19@ed.gov | 3/12/20 | Ray | Stevens | raystevens@bennington.edu | 802-440-4874 | VT | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 204 | COVID-19@ed.gov | 3/12/20 | Kermith | Walters | (b)(6) | | CA | IHE | Conference Call on 3/11 - To find out what call customer is referring too | | (b)(5) | | | OESE-SSS | | | 3/17/20 | 3/12/20 |
| 205 | COVID-19@ed.gov | 3/12/20 | Korinne | Peterson | kpeterson1@umassd.edu | 508-999-8643 | MA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 206 | COVID-19@ed.gov | 3/12/20 | Michelle | Cooper | mcooper@johnmarshall.edu | 678-916-2675 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 207 | COVID-19@ed.gov | 3/12/20 | Michael | DiPasquale | mdipasqu@monroe2boces.org | 585-349-9106 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 208 | COVID-19@ed.gov | 3/12/20 | Stephaine | Trapp | lees@lcc.edu | 517-483-1304 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 209 | COVID-19@ed.gov | 3/12/20 | Donald | Ronan | dronan@antioch.edu | 317-504-6337 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 210 | COVID-19@ed.gov | 3/12/20 | Nikki | Butler | NButler@conciergehomecarefl.com | 352-435-0101 | FL | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 211 | COVID-19@ed.gov | 3/12/20 | James | Gaeta | gaetaj@southwestern.edu | 512-863-1259 | TX | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 212 | COVID-19@ed.gov | 3/12/20 | Deb | Dew | dewd@beloit.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 213 | OESE Email | 3/12/20 | Gail | Payne | Gail.Payne@ed.gov | | | SEA | SEA - Flood of questions | | | | | OESE | | | | 3/19/20 |
| 214 | COVID-19@ed.gov | 3/12/20 | Timothy | Baird | trbaird@geneva.edu | 724-847-5568 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 215 | COVID-19@ed.gov | 3/12/20 | Douglas | Cleary | doug.cleary@kctcs.edu | 859-256-3215 | KY | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 216 | COVID-19@ed.gov | 3/12/20 | Carla | Minchello | cminchello@framingham.edu | 508-626-4535 | MA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 217 | COVID-19@ed.gov | 3/12/20 | Kim | Beveridge | kbeverid@scad.edu | 912-525-6130 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 218 | COVID-19@ed.gov | 3/12/20 | Ashley | Williams | awilliams@sussex.edu | 973-300-2270 | NJ | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 219 | COVID-19@ed.gov | 3/12/20 | Bruce | DeFrates | bdefrates@ewu.edu | 509-359-2314 | WA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 220 | COVID-19@ed.gov | 3/12/20 | Darlene | Wilson | Darlene.Wilson@lmu.edu | 310-338-1852 | CA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 221 | COVID-19@ed.gov | 3/12/20 | Kermith | Walters | kwalters@siskiyoucoe.net | | | Other | Conference Call on 3/11 White House Briefing | | (b)(5) | | | OESE-SSS | | | | 3/17/20 |
| 222 | COVID-19@ed.gov | 3/12/20 | Greg | Becher | gbecher@thomasaquinas.edu | | NE | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 223 | COVID-19@ed.gov | 3/12/20 | Frederick | Holding | holdingf@uncw.edu | 910-962-3851 | NC | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 224 | COVID-19@ed.gov | 3/12/20 | Mary | Stano | mastano@loyola.edu | 410-617-2576 | MD | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 225 | COVID-19@ed.gov | 3/12/20 | John | Gudvangen | John.Gudvangen@du.edu | 303-871-4857 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 226 | COVID-19@ed.gov | 3/12/20 | Cheryl | Gillies | Cheryl.Gillies@Artcenter.edu | 626-396-2204 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 227 | COVID-19@ed.gov | 3/12/20 | John | Gudvangen | John.Gudvangen@du.edu | 303-871-4857 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 228 | COVID-19@ed.gov | 3/12/20 | Mary | Stano | mastano@loyola.edu | 410-617-2576 | MD | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/12/20 |
| 229 | COVID-19@ed.gov | 3/12/20 | Stefanie | Seaborne | Stefanie.Seaborne@ed.gov | 202-260-4844 | | Other | propose to manage containment and HIPAA laws | | | | | HR | | | | 3/12/20 |
| 230 | COVID-19@ed.gov | 3/13/20 | (b)(6) | | | | | LEA | Custodians - Custodians- clean up the school during the 2-week break | | (b)(5) | | | OESE-SSS | | Yes | | 3/17/20 |
| 231 | COVID-19@ed.gov | 3/13/20 | | | | | | SEA | Christine Valmy in NY - not allowing Christine Valmy close | | | | | OESE-SSS | | Yes | | 3/17/20 |
| 232 | COVID-19@ed.gov | 3/13/20 | Raquel | Gwynn | raquel.gwynn@state.or.us | | | Other | Grantee - 21st CCLC Guidance | | | | | OESE | | | | 3/19/20 |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 233 | COVID-19@ed.gov | 3/13/20 | Laurie | Tretter-Larkin | tretter-larkinl@msdr9.org | 314-467-5157 | | Other | Grantee - 21st CCLC Guidance | | | | (b)(5) | OESE | | | | 3/19/20 |
| 234 | OESE Email | 3/13/20 | Greg | Windham | jgwindham@nemcc.edu | | | | Temp School Closure | | | | | OESE | | | | 3/19/20 |
| 235 | OESE Email | 3/13/20 | Jesse | Roy | jesse.roy@vermont.gov | | | | Reimbursing Spending for Interrupted Professional Development | | | | | OESE | | | | 3/16/20 |
| 236 | COVID-19@ed.gov | 3/13/20 | Annette | Linders | annette.linders@domail.maricopa.edu | 623-845-3377 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 237 | COVID-19@ed.gov | 3/13/20 | Gilma | Lopez | glopez@hmc.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 238 | COVID-19@ed.gov | 3/13/20 | Odalys | Portela | oportela@mdc.edu | 305-237-0870 | FL | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 239 | COVID-19@ed.gov | 3/13/20 | Deborah | Northcrass | (b)(6) | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 240 | COVID-19@ed.gov | 3/13/20 | Sirirat | Chaunkamnerdkarn | S.Chaunkamnerdkarn@latrobe.edu.au | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 241 | COVID-19@ed.gov | 3/13/20 | Mercedes | Amaya | mamaya@mdc.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 242 | COVID-19@ed.gov | 3/13/20 | Keri | Lupachino-Maynard | LupachinoK@ccsu.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 243 | COVID-19@ed.gov | 3/13/20 | Courtney | Thompson-Ballard | Courtney.Thompson@lr.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 244 | COVID-19@ed.gov | 3/13/20 | Kandi | Molder | kmolder@okwu.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 245 | COVID-19@ed.gov | 3/13/20 | Christopher | Rodriguez | CGRodriguez@middlesexcc.edu | 732-548-6000 X 3030 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 246 | COVID-19@ed.gov | 3/13/20 | Lorrie | Allen | (b)(6) | | FL | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 247 | COVID-19@ed.gov | 3/13/20 | Payroll Department | | Garnishments@fultonschools.org | 470-354-6849 | GA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 248 | COVID-19@ed.gov | 3/13/20 | Janelle | Rubio | jrubio@defiance.edu | 419-783-2364 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 249 | COVID-19@ed.gov | 3/13/20 | Michelle | Standridge | mstandridge@spalding.edu | 502-873-4333 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 250 | COVID-19@ed.gov | 3/13/20 | Ron | Herrell | rherrell@defiance.edu | 419-783-2376 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 251 | COVID-19@ed.gov | 3/13/20 | Paula | Lenrberger | pjlehrberger@widener.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 252 | COVID-19@ed.gov | 3/13/20 | Justin | Mumford | justin.mumford@wisc.edu | 608-263-6896 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 253 | COVID-19@ed.gov | 3/13/20 | Thomas | Schulte | tschulte@monroe2boces.org | 585-349-9100 | NY | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 254 | COVID-19@ed.gov | 3/13/20 | Reba | Bartrug | rbartrug@wscc.edu | 740-374-8716 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 255 | COVID-19@ed.gov | 3/13/20 | Anita | Elliott | arelliott@gardner-webb.edu | 704-406-4247 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 256 | COVID-19@ed.gov | 3/13/20 | Jose | Rivera | jrivera@barnard.edu | 212-854-2154 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 257 | COVID-19@ed.gov | 3/13/20 | Leigh | Hussey | lhussey@westga.edu | 678-839-6421 | GA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 258 | COVID-19@ed.gov | 3/13/20 | USFinancial Aid | | usfinancialaid@londonmet.ac.uk | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 259 | COVID-19@ed.gov | 3/13/20 | Ashley | Griffith | griffi35@students.rowan.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 260 | COVID-19@ed.gov | 3/13/20 | Scott | Lehman | slehman@starkstate.edu | | OH | IHE | Guidance for interruptions of study | | | | | OPE | | | | 3/13/20 |
| 261 | COVID-19@ed.gov | 3/13/20 | Ash | Taylor | superjtaylor@outlook.com | | | Other | spring break by one week for these children to give everyone a chance to be home and wait to see if anyone has been infected | | (b)(5) | | | OESE-SSS | | Yes | | 3/17/20 |
| 262 | OESE Email | 3/13/20 | RSFLG | | rsflg@fema.dhs.gov | | | Resource | FYI - SBA Loan Assistance is available to Small Businesses | | | | | OESE-SSS | | | | 3/16/20 |
| 263 | COVID-19@ed.gov | 3/13/20 | Erinn | Brown | browne@mpcc.edu | 308-345-8112 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 264 | COVID-19@ed.gov | 3/13/20 | Beth | Diekmann | beth.diekmann@rctc.edu | 507-285-7467 | MN | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 265 | COVID-19@ed.gov | 3/13/20 | Colleen | Lassiter | classiter@shorter.edu | 706-233-7337 | GA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 266 | COVID-19@ed.gov | 3/13/20 | Kristine | Hibbard | Kristine.hibbard@fscj.edu | 904-633-8187 | FL | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 267 | COVID-19@ed.gov | 3/13/20 | Angie | Gutierrez | agutierrez@ama.edu | 305-271-6555 | FL | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 268 | COVID-19@ed.gov | 3/13/20 | Odalys | Portela | oportela@mdc.edu | 305-237-0870 | FL | IHE | Guidance for interruptions of study or FSA | | | | (b)(5) | OPE | | | | 3/13/20 |
| 269 | COVID-19@ed.gov | 3/13/20 | Stephen | White | Stephen.White@mtsu.edu | 615-898-2422 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 270 | COVID-19@ed.gov | 3/13/20 | Kristina | Killen | killenk@xavier.edu | 513-745-2988 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 271 | OESE Email | 3/13/20 | Tracey | Hawk | Tracey.Hawk@tn.gov | | TN | LEA | FYI - Federal funds during reshuffling/adjustments. | | | | | OESE | | | | 3/16/20 |
| 272 | COVID-19@ed.gov | 3/13/20 | Keith | Turner | dturner9@iuc.edu | 773-508-7704 | CO | IHE | ESEA fiscal requirements | | | | | OPE | | | | 3/13/20 |
| 273 | COVID-19@ed.gov | 3/13/20 | Mayan | McDermott | (b)(6) | | CA | Other | Anticipated changes/interruptions to school funding | | | | | OESE | | | | 3/23/20 |
| 274 | COVID-19@ed.gov | 3/13/20 | Chad | Kisner | chad@bcscpa.com | 423-282-4511 | TN | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 275 | COVID-19@ed.gov | 3/13/20 | Teresa | Rhyne | trhyne@vwu.edu | 757-455-5733 | VA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 276 | COVID-19@ed.gov | 3/13/20 | Laurie | Menture | lmenture@essex.edu | | | Other | Special ED - IEP | | | | | OSERS | | | | 3/13/20 |
| 277 | COVID-19@ed.gov | 3/13/20 | Kimberly | NewMyer | (b)(6) | | | Parent | Consider this as you discuss closing schools. | | (b)(5) | | | OESE-SSS | | | 3/17/20 | 3/17/20 |
| 278 | COVID-19@ed.gov | 3/13/20 | Kristina | Klemens | klemens@uwp.edu | 262-595-2004 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 279 | COVID-19@ed.gov | 3/13/20 | Angelina | Arzate | aarzate@palomar.edu | 760-744-1150 X 3249 | CA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 280 | COVID-19@ed.gov | 3/13/20 | Tammy | Oranje | toranje@losmedanos.edu | 925-473-7518 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 281 | COVID-19@ed.gov | 3/13/20 | Terry | Jones | (b)(6) | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 282 | COVID-19@ed.gov | 3/13/20 | Shasta | Hanson | shanson@vcccd.edu | 805-289-6575 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 283 | COVID-19@ed.gov | 3/13/20 | Carol | Masse | carolmasse@miad.edu | 414-847-3270 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 284 | COVID-19@ed.gov | 3/13/20 | Tonya | Williams | twilliams@cheyney.edu | 610-399-2278 | PA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 285 | COVID-19@ed.gov | 3/13/20 | Theresa | Eiler | TEiler@galencollege.edu | 502-410-6214 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 286 | AtlantaSPD | 3/13/20 | Tara | Jones | tjones33@ju.edu | 904-256-7562 | FL | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 287 | COVID-19@ed.gov | 3/13/20 | Johnathan | Button | johnathan.button@tbr.edu | 615-366-3987 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 288 | COVID-19@ed.gov | 3/13/20 | Jim | Ayers | James.P.Ayers@medaille.edu | 716-880-2179 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 289 | COVID-19@ed.gov | 3/13/20 | Kathleen | Ellis-Foultz | kellisfo@rcsj.edu | | NJ | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 290 | COVID-19@ed.gov | 3/13/20 | Debbie | Gronback | debbie_gronback@harvard.edu> | | NJ | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 291 | COVID-19@ed.gov | 3/13/20 | Rebecca | Bradley | rm1104@txstate.edu> | 512-245-6574 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 292 | COVID-19@ed.gov | 3/13/20 | Mauro | Erica | emauro@mit.edu | 617-258-5663 | MA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 293 | COVID-19@ed.gov | 3/13/20 | Kathleen | Clark | katclark@chapman.edu | 714-628-2510 | CA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 294 | COVID-19@ed.gov | 3/13/20 | Caprice | Odom | codom@cia.edu | 216-241-7425 | OH | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 295 | COVID-19@ed.gov | 3/13/20 | Deborah | Dew | dewd@beloit.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 296 | OESE Email | 3/13/20 | Craig | Weller | crweller@pa.gov | 717-525-5825 | | ESEA | Pennsylvania State Large-Scale Assessment Monitoring Program Requirements/Waiver Request | | | | | OESE-SSA | | | | 3/16/20 |
| 297 | COVID-19@ed.gov | 3/13/20 | Rivera | Yolanda | yolanda.rivera3@upr.edu | | | IHE | Folow-up on Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 298 | COVID-19@ed.gov | 3/13/20 | Allen | Karen | Karen.Allen@ucf.edu | 407-882-3282 | FL | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 299 | COVID-19@ed.gov | 3/13/20 | Amber | Gallagher | agallagher4@saddleback.edu | 949-582-4865 | CA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 300 | COVID-19@ed.gov | 3/13/20 | Hyman | Briah | (b)(6) | | | IHE | Follow-up on Guidance for interruptions of study | | | | | OPE | | | | 3/13/20 |
| 301 | COVID-19@ed.gov | 3/13/20 | Melinda | Dyer | Melinda.Dyer@k12.wa.us | 360-725-6505 | WA | MCV | Guidance on McKinney-Vento WA | | | | | OESE-SSA | | | | 3/16/20 |
| 302 | OESE Email | 3/13/20 | Jess | Binning | jess.binning@wyo.gov | 307-777-6208 | WY | ESEA | Dying federal funds | | | | | OESE-SGR | | | | 3/16/20 |
| 303 | COVID-19@ed.gov | 3/13/20 | (b)(6) | | | | | Parent | Concerned for my kids health and school closings | | (b)(5) | | | OESE-SSS | | | 3/17/20 | 3/17/20 |

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| Tracking Number | How Received | Date Received | Received From First Name | Received From Last Name | Email | Phone | State | Category | SUMMARY | URL Link | Name(s) Assigned to SSS Staff | Date Reecived Draft from SSS Staff | Name(s) Assigned to other POC | POCs | Ruth (sending Incoming/ Draft) | Approval (Yes/No) | Date Reply to Customer | Date FWD/ Completed |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 304 | COVID-19@ed.gov | 3/13/20 | Kim | Hinton | (b)(6) | | | IHE | Guidance for interruptions of study or FSA | | | | (b)(5) | OPE | | | | 3/13/20 |
| 305 | COVID-19@ed.gov | 3/13/20 | Tiffany | Gutierrez | Tiffany.Gutierrez@acphs.edu | | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 306 | COVID-19@ed.gov | 3/13/20 | Webster | Kim | (b)(6) | | | IHE | Follow-up on Guidance for interruptions of study | | | | | OPE | | | | 3/13/20 |
| 307 | COVID-19@ed.gov | 3/13/20 | Tiffany | Gutierrez | Tiffany.Gutierrez@acphs.edu | 518-694-7254 | NY | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 308 | COVID-19@ed.gov | 3/13/20 | Alexander | Vo | avo@nycda.edu | 212-812-4090 | NY | IHE | Follow-up on Guidance for interruptions of study | | | | | OPE | | | | 3/13/20 |
| 309 | COVID-19@ed.gov | 3/13/20 | Hyman | Jabriah | (b)(6) | | | IHE | Follow-up on Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 310 | COVID-19@ed.gov | 3/13/20 | Nigel | Edwards | nigel.edwards@famu.edu | 850-412-7486 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 311 | COVID-19@ed.gov | 3/13/20 | MacMullin | Annette | macmullina@merrimack.edu | 978-837-5112 | MA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 312 | COVID-19@ed.gov | 3/13/20 | Myra | Pfannenstiel | pfannenstielm@newmanu.edu | 316-831-1135 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 313 | COVID-19@ed.gov | 3/13/20 | Asia | Taj | asia.taj@njit.edu | 973-596-3474 | NJ | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 314 | COVID-19@ed.gov | 3/13/20 | Gisella | Baker | gisella.baker@hawkeyecollege.edu | 319-296-4465 | IA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 315 | COVID-19@ed.gov | 3/13/20 | Abbey | Nagle-Kuch | abbey.nagle-kuch@palmer.edu | 563-884-5137 | IA | IHE | Follow-up on Guidance for interruptions of study | | | | | OPE | | | | 3/13/20 |
| 316 | COVID-19@ed.gov | 3/13/20 | Lorie | Warren | Lori.Warren@ChattanoogaState.EDU | 423-697-3292 | | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 317 | COVID-19@ed.gov | 3/13/20 | Arsenia | Brickley | (b)(6) | | | Other | State closed all Public schools | | | | | OESE-SSS | | | 3/17/20 | 3/17/20 |
| 318 | COVID-19@ed.gov | 3/13/20 | Bob | Hoffman | bhoffman@coe.edu | 319-399-8540 | IA | IHE | Guidance for interruptions of study or FSA | | | | | OPE | | | | 3/13/20 |
| 319 | OESE Email | 3/13/20 | Jonathan | Harwitz | jharwitz@liifund.org | 202-677-4287 X 287 | DC | Other | Department that clarifies whether authorizers can/must continue capitation payments based on enrollment vs. attendance in case of a loca/state/federal emergency? | | | | | OESE | | | | 3/16/20 |
| 320 | COVID-19@ed.gov | 3/13/20 | Kimberly | Wyatt | kwyatt@sbgtv.com | 850-266-6997 | | Press | ABC New - Are all Florida school closing for two weeks? Can we get a news release ? | | | | | OCO | | | | 3/13/20 |
| 321 | COVID-19@ed.gov | 3/13/20 | (b)(6) | | | | | Other | why would the teachers and staff still be required to come to work? | | | | | OESE | | | | 3/19/20 |
| 322 | COVID-19@ed.gov | 3/13/20 | | | | | | LEA | School closures | | | | | OESE | | | | 3/19/20 |
| 323 | COVID-19@ed.gov | 3/13/20 | | | | | | LEA | closure exempt from the 180 day federal mandate of days in school due to the nature of the situation | | | | | OESE | | | | 3/19/20 |
| 324 | COVID-19@ed.gov | 3/13/20 | | | | | | LEA | Does this affect private school | | | | | OESE | | | | 3/19/20 |
| 325 | COVID-19@ed.gov | 3/13/20 | | | | | | Other | Will students have to make up school days, potentially extending the school year, if they go over the maximum amount of days allowed missed? | | | | | OESE | | | | 3/19/20 |
| 326 | COVID-19@ed.gov | 3/13/20 | | | | | | Other | Email List or newsletter | | (b)(5) | 3/25/20 | | OESE-SSS | | Yes | | 3/26/20 |

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| Topics | States | Name(s) Assigned to other POC | POCs | SSS Staff Names |
|---|---|---|---|---|
| Congressional | AK | (b)(5) | IHE | (b)(5) |
| IHE | AR | | OCO | |
| MCV | CA | | HR | |
| Parent | CT | | OESE Program | |
| Press | DC | | OESE-SSS | |
| Other | CO | | ONPE | |
| LEA | AZ | | OSERS | |
| ESEA | AL | | OPE | |
| Resource | DE | | OSEP | |
| School | FL | | OESE | |
| SEA | GA | | FSA | |
| Student | HI | | OS | |
| Suggestion | IA | | | |
| Travel | ID | | | |
| Vendor | IL | | | |
| Special ED | IN | | | |
| OESE Program | KS | | | |
| ESSA | KY | | | |
| White House | LA | | | |
| Connectivity, technology, digital learning | MA | | | |
| | MD | | | |
| | ME | | | |
| | MI | | | |
| | MN | | | |
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**From:** Jessica Rafeld
**Sent:** Wed, 11 Mar 2020 17:28:54 -0500
**To:** COVID-19
**Subject:** COVID-19 Question and Study Abroad

Good evening,

We have students currently studying abroad in Italy who will be returning to the US. Their host school (a foreign institution) is able to continue to provide their coursework/materials by providing online instruction. Is this permissible for students receiving Title IV aid?

I've read that there is an exclusion that prohibits foreign schools to provide distance education, which would seem to be the scenario I mentioned - however, another article mentioned that this only applies to foreign institutions who receive Title IV aid. In this case, the foreign institution is not receiving Title IV aid, rather it is our college that is receiving the Title IV aid due to our students participating in their program.

Can you please clarify this?

Thank you!
Jessica

--
Jessica Rafeld
Director of Financial Aid
St. Norbert College
Ph: (920) 403-3071
Fx: (920) 403-3062

AMERICAN OVERSIGHT

**From:** Seaborne, Stefanie
**Sent:** Thu, 12 Mar 2020 22:41:50 +0000
**To:** COVID-19
**Subject:** Covid-19 Question

(b)(5)

Stefanie Seaborne
Office of the General Counsel
Office:(202)260-4844
Mobile:(202)538-9702

AMERICAN OVERSIGHT

**From:** Anita Elliott
**Sent:** Fri, 13 Mar 2020 13:50:54 +0000
**To:** COVID-19
**Subject:** COVID-19 Questions; Gardner-Webb University, 00292900

Greetings,

On behalf of Gardner-Webb University's Senior Leadership, I am seeking guidance on our traditional ground-based undergraduate program due to actions taken for COVID-19. Most of our students in this traditional program are residential students. In general we have extended our spring break until Wednesday, March 18th and will begin transition to online coursework on that day. Those students who reside on campus have the option of returning to campus housing or remaining at home to complete their spring term coursework. We will reevaluate this temporary school "closure" on April 2nd.

Please see the following questions below. Your guidance is greatly appreciated, and your prompt attention is needed.

- With our extension of spring break and thus changing the break days in the R2T4 calculation, do we need to review all previous R2T4 calculations done thus far for spring term, or can the adjustments be made for any future calculations needed for the term once we transition to online on March 18th?

- If a decision to make reductions or discount housing or meals for this time period is made (and thus changes our cost of attendance for this population), does it follow whether or not the request and reduction is handled on an individual basis or if we apply the reduction across the residential population? Are there any exceptions if we resume normal ground-based classes before the normal end of the term in May?

- Since our traditional undergraduate population is defined as a ground-based program, do we need students to return to campus for spring term for this guidance to be valid, and if they don't, is it automatically a closure?

- Can the online environment be extended to our ground-based programs for a future enrollment such as summer or is this guidance only valid for the current term/payment period?

As always, thanks again for your guidance and prompt attention.

Regards,
Anita

**Anita Elliott**
**Director of Financial Planning**

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PO Box 7312
P (704) 406-4247

*Where Bright Futures Ignite*

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Thu, 12 Mar 2020 19:44:20 +0000
**To:** COVID-19
**Subject:** COVID-19 school closing question

I have a student that attends University of Florida and they were instructed that classes will transition to remote instruction immediately. According to the State University System of Florida website, they are directing the state universities to take steps to minimize the health and safety risks to students, faculty, staff and their communities.

This is what is on the University of Florida website:

REMOTE INSTRUCTION Effective immediately, all universities will make plans to transition to remote instruction as soon as possible.

UNIVERSITIES WITH STUDENTS CURRENTLY ON CAMPUS State universities with students who have returned from spring break, which includes Florida Gulf Coast University, Florida International University, Florida Polytechnic University, and the University of Florida, should implement a process to transition to remote instruction immediately and encourage students to return home for at least 2 weeks. Each university will provide detailed information to their students, faculty, and staff at the earliest possible time regarding this transition.

I have another student that attends Santa Fe College and according to the college they are following the recommendations from the Florida College System.

This is what is on the SF College website:

March 12, 2020, 8:08 a.m. - Santa Fe College is taking the threat of COVID-19 seriously and, is following the recommendations of the CDC, the Florida Department of Health and local emergency management. The college's emergency management team is meeting regularly like many colleges across the country and is preparing to move instruction online should the situation warrant it.

The college is following recommendations from the Florida College System and remains open at this time.

The SF college students were also on spring break at the same time University of Florida students were so what makes these students different than the University of Florida students?

I have a few concern with the recommendations of the Florida College System. Why are your recommendations different than the State University System of Florida? The

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health and safety of students within the State University System is their top priority. Why is it not yours?

I am a pediatric RN. I know the importance of handwashing and I understand the CDC has said that children are less likely to become infected, or their symptoms were so mild that their infection escaped detection but they can still become a carrier of the virus and infect others. (b)(6)

(b)(6)

(b)(6) Why is the Florida College System not implementing the same process for Santa Fe College as the State University System of Florida is implementing at the University of Florida? I don't see why the Santa Fe College students differ from University of Florida students.

I am sure that the University of Florida is working diligently with the Florida Department of Health and Centers for Disease Control and Prevention (CDC) to monitor COVID-19 as is the Florida College System but as said previously, why have you not made the same implementations for remote instruction at Santa Fe College?

The University of Florida is only 2 miles north and 5 mile west of Santa Fe College. The Gainesville, Fl community is a college town and is rather small and UF and Santa Fe students live, study, and work together, so with the virus rapidly spreading among the US and a confirmed case of the corona virus in Alachua county, wouldn't you want to protect the health and safety of students within the Florida College System and make it a top priority as well? As the State University System website states it has become clear that to protect the students and the residents of our state, proactive rather than reactive guidance to universities is necessary. Why is it not necessary for the Florida College System?

I would like for my concerns to be addressed and will be awaiting a reply. Thank you for your attention to this matter.

(b)(6)

(b)(6)

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Concierge HOME CARE

**Confidentiality Notice:** The information and all attachments contained in this electronic communication contain confidential information and/or otherwise exempt from disclosure under applicable state and federal law, including, but not limited to, privacy standards imposed pursuant to the federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and Florida's Information Protection Act ("FIPA"). Receipt by anyone other than the named recipient(s) is not a waiver of any applicable privilege, and are intended only for the use of the recipients named above. If you are not an intended recipient or responsible for the delivery to the intended recipient, please do not read the contents of this communication and you are notified hereby that (i) any review, use, dissemination, distribution or copying of this communication is strictly prohibited, (ii) you should not retain any copies, whether in electronic or physical form or otherwise, and (iii) any copies of this message should be permanently removed from your system.

AMERICAN OVERSIGHT

**From:** Nicole Hall
**Sent:** Thu, 12 Mar 2020 09:18:46 -0400
**To:** COVID-19
**Subject:** Federal Work Study Information Requested

Good morning,

Will there be additional guidance on this statement in the current "Guidance for interruptions of study related to Coronavirus (COVID-19)":

The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award.

Our campus is not closing, but is instead shifting all classes to online. Faculty and staff will continue to be paid and we need to understand if we are permitted to allow Federal Work Study students to engage in work remotely and receive their funding during this time period.

Thank you for your assistance.

Nicole Hall

--
Nicole R. Hall, MBA
Director, Career & Professional Development
Main Office: 336-334-5454
Personal Line: 336-334-4174
nrhall@uncg.edu
http://cpd.uncg.edu

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Fri, 13 Mar 2020 18:35:52 +0000
**To:** COVID-19
**Cc:** (b)(6) @gmail.com
**Subject:** Federal Work Study Program and the COVID-19 at the University of Maryland, College Park MD

Greetings,
My son is a Sophomore at the University of Maryland, College Park and apart of his financial aid packet included work study. When he was informed that the school would be closing for two weeks he asked his supervisor if he would be able to work. He was informed that IF someone was working in the office, then he would be able to work. My concern is, IF someone is not in the office, will he still get paid for the week he was not able to work? According to your guidelines listed on https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19,, it indicates that he should still be able to get paid. If so, what would his supervisors need to do in order to abide by these guidelines. As you can imagine, the money he receives from the work-study program is necessary in order to pay his bills. Not receiving these benefits, that were already approved and allocated, will cause a huge financial burden on him and on his family.
Can you help us navigate through this process?
Thank you,
(b)(6)

AMERICAN OVERSIGHT

**From:** Ayers,James
**Sent:** Fri, 13 Mar 2020 16:59:15 +0000
**To:** COVID-19
**Subject:** Federal Work Study Question

Hello,

Thank you for the guidance, but I have one follow up question.

*Jim Ayers*
Director of Financial Aid
Medaille College
**Office:** 716-880 2179
**Fax:** 716-880-2510

AMERICAN OVERSIGHT

**From:** DeFrates, Bruce
**Sent:** Thu, 12 Mar 2020 20:44:17 +0000
**To:** COVID-19
**Subject:** Federal Work Study Question

We have a situation that does not appear to be covered by the March 4th guidance. We are a standard term quarter school with limited online offerings. We were able to finish out winter quarter; however, due to COVID-19, all of our spring quarter courses will be taught online. We are not sure if campus offices will be open yet, but if they are, some students may be able to work, and some, who remain at home with the parents, will not be able to work. In a case like this, is it permissible to pay the students who cannot work on the same basis as those who can work? These students would be enrolled in either case.

Thanks…

**Bruce DeFrates** | Director of Financial Aid and Scholarships
Eastern Washington University
Financial Aid and Scholarship Office
333 Eagle LN
102 Sutton Hall
Cheney, WA 99004
[p] 509.359 2314
bdefrates@ewu.edu ■ www.ewu.edu/financialaid

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AMERICAN OVERSIGHT

**From:** Brown, Erinn
**Sent:** Fri, 13 Mar 2020 14:50:04 +0000
**To:** COVID-19
**Subject:** Federal Work Study question

Our school has decided to go to remote courses except for lab and hands-on technical classes (welding, automotive, etc.). Do our work study students qualify to be paid even if they can't work their hours? Our campus technically isn't closed. Specifically, several of our students work supervising the fitness centers on campus. The fitness centers have been closed so those workers have been displaced. Can they still be paid for their regular hours?

Thanks!

Erinn Brown
Area Director of Financial Aid
Mid-Plains Community College
browne@mpcc.edu
office: (308) 345-8112

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**From:** Ayers,James
**Sent:** Fri, 13 Mar 2020 16:59:15 +0000
**To:** COVID-19
**Subject:** Federal Work Study Question

Hello,

Thank you for the guidance, but I have one follow up question.

*Jim Ayers*
Director of Financial Aid
Medaille College
**Office:** 716-880 2179
**Fax:** 716-880-2510

AMERICAN OVERSIGHT

**From:** Brown, Erinn
**Sent:** Fri, 13 Mar 2020 14:50:04 +0000
**To:** COVID-19
**Subject:** Federal Work Study question

Our school has decided to go to remote courses except for lab and hands-on technical classes (welding, automotive, etc.). Do our work study students qualify to be paid even if they can't work their hours? Our campus technically isn't closed. Specifically, several of our students work supervising the fitness centers on campus. The fitness centers have been closed so those workers have been displaced. Can they still be paid for their regular hours?

Thanks!

Erinn Brown
Area Director of Financial Aid
Mid-Plains Community College
browne@mpcc.edu
office: (308) 345-8112

AMERICAN OVERSIGHT

**From:** Lupachino, Keri (Financial Aid)
**Sent:** Fri, 13 Mar 2020 11:12:17 +0000
**To:** COVID-19
**Subject:** Federal Work Study

Good Morning,
Looking for guidance on paying federal work study to students while our institution has moved to online classes and staff is working from home. We are not closed but the work study students can not go to their places of employment. Are we still able to pay them? The guidance references a school closing so I want to be clear before making this offer.
Thank you so much for assistance during this confusing time.
Keri
Keri Lupachino- Maynard
Interim Director
CCSU Office of Financial Aid
Get Outlook for iOS

AMERICAN OVERSIGHT

**From:** Korinne Peterson
**Sent:** Thu, 12 Mar 2020 18:46:29 +0000
**To:** COVID-19
**Subject:** Federal Workstudy - Work form home

Hello:
Will FWS students be able to work from home in the case in which students are not allowed back to campus (but the University is still remaining open for business)?
Best,

***Korinne Peterson, MS***
Director, Financial Aid Services
University of Massachusetts Dartmouth
*Private University Experience. Public University Value.*
Phone: 508.999.8643 | Fax: 508.999.8935
Foster Administration Building | RM 105
Pronouns in use: She, her, hers

AMERICAN OVERSIGHT

**From:** Lucky, Delicia
**Sent:** Tue, 10 Mar 2020 16:56:39 +0000
**To:** COVID-19
**Cc:** Collier, Stacey L.
**Subject:** Electronic Announcement

I would like to clarify the electronic announcement dated March 5th about the Guidance for interruption of study related to Coronavirus. Under the Federal Work Study section, the statement:

For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.

To confirm that we can continue to pay the student FWS **without** hours worked (clocked in and out)? How does the school determine the hours? Do we base it on the average hours worked for the spring semester or do we just pay the maximum of 20 hours?

If you can please provide guidance on this.

Ms. Delicia Lucky
Associate Director
Emory Financial Aid
404-727-6039

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**From:** Ewa Stankiewicz
**Sent:** Wed, 11 Mar 2020 07:45:47 +0000
**To:** COVID-19
**Cc:** Vu, Larry;Dział Obsługi Studiów
**Subject:** Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,

I am writing in connection with the Office of Postsecondary Education' electronic announcement of March 05, 2020 and the part regarding foreign schools: "We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Due to the spread of Coronavirus (COVID-19) in Europe and following the safety recommendations of the Chief Sanitary Inspectorate, JU Rector Prof. Wojciech Nowak has cancelled all lectures conducted at Jagiellonian University. Wherever applicable, lectures should be made available online. Other classes (which take place in a smaller groups) will be held as per usual, with any additional restrictions to be introduced by the Faculties.

Please let me know if the above regulations (authorizing distance learning at programs which are not usually distance) do have an impact on students' eligibility for Title IV funds in the 2019-2020 summer semester and should we withhold the disbursements for this semester. Please note that these are exceptional circumstances and all decisions have been made to ensure student safety.

I would appreciate a reply asap as we have just evaluated students' Satisfactory Academic Progress after winter semester and we are ready to make the Title IV funds disbursements for the second semester.

Thank you,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

**From:** Gronback, Debbie
**Sent:** Fri, 13 Mar 2020 17:14:30 +0000
**To:** COVID-19
**Subject:** Enrollment level

Good afternoon,

I'm writing to confirm the guidance on Enrollment Status Changes. Scenario: a student was enrolled full-time in an on-campus program. Due to COVID-19 the IHE has moved all students out of their dorms to return home for the remainder of the spring term. All classes that can be taught by distance learning will, however, if a student's classes aren't all offered online and the student is now enrolled less than half-time, through no fault of his/her own, is the student now considered less than half-time? I assume from the guidance that yes, the student is less than half-time and will enter repayment on prior loans.

Thank you,

Debbie Gronback
Manager, University Financial Aid Liaison Office
Harvard University
Richard A. and Susan F. Smith Campus Center, Room 837
1350 Massachusetts Avenue
Cambridge, MA 02138
617.495.7704 (office)

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AMERICAN OVERSIGHT

**From:** Wright, Nathan
**Sent:** Thu, 12 Mar 2020 08:36:42 -0500
**To:** COVID-19
**Subject:** Extended spring break due to Coronavirus - What to do with R2T4 calendar?

My school is currently on the spring break that had been scheduled. However, as of yesterday, my college chose to extend spring break due to cironavirus concerns by another week. What do I do for R2T4'S? I hope I do not have to go back and change all of the previously completed R2T4's. Do I even need to change my upcoming R2T4's since this was not an expected break for students and would negatively affect the earned aid they can keep?

**Nathan Wright**, *Associate Director of Financial Aid*

The College of St. Scholastica

800-447-5444 ext. 6146

(218) 723-6146

nwright@css.edu

Title IV code for FAFSA = 002343

AMERICAN OVERSIGHT

**From:** Ellis-Foultz, Kathleen T
**Sent:** Fri, 13 Mar 2020 17:06:25 +0000
**To:** COVID-19
**Cc:** Chando, Michael J
**Subject:** Extended Spring Break question

Hello,

Our school has extended the spring break (one week) for an additional week. At the end of all classes will be converted to online.

Do we have to recalculate the R2T4's prior to this increase in the days for spring break?

If the schools gives an Incomplete for all courses do we have to complete R2T4?

If the students are reimbursed dormitory cost do we have to adjust our Cost of Attendance (COA)?

Do we have to adjust all the COA's due to the shortened semester?

Do we have to adjust all the COA's transportation component due to all classes are on line for the duration of the semester?

Thank for you time in this matter.

**Kathleen Ellis-Foultz, M.S.M.**
**Director of Financial Aid- Gloucester Campus**

**Rowan College South Jersey**
1400 Tanyard Road
Sewell, New Jersey 08080

AMERICAN OVERSIGHT

**From:** Curl, Bridget
**Sent:** Thu, 12 Mar 2020 19:01:07 +0000
**To:** COVID-19
**Subject:** Extension of spring break period

Our students are currently on spring break. If we extend our spring break one week in order for our campus to prepare for transition to temporary online courses for 2-3 weeks, is this considered a reduction in the length of academic year? Are we required to seek approval for a temporary reduction in the length of our academic year?

Thank you,

Bridget Curl
Director of Financial Aid
Illinois State University
Campus Box 2320
(309) 438-2236
kbcurl@IllinoisState.edu

STATE
your passion.

AMERICAN OVERSIGHT

**From:** Aubree Armezzani
**Sent:** Thu, 12 Mar 2020 13:40:33 +0000
**To:** COVID-19
**Subject:** Extension of Spring Break

Hello,

Currently our campus, Johnson College, is expanding our spring break until March 23. Is there any documentation that the college will need to provide to DOE in regards to this extension.

Should we decide to move online, will the campus need to provide any additional documentation.

Thank you,
Aubree Armezzani

Aubree Armezzani
**Associate Director of Academics**
Johnson College
Phone: 570-702-8938
Email: aarmezzani@johnson.edu

AMERICAN OVERSIGHT

**From:** Stephen White
**Sent:** Fri, 13 Mar 2020 20:05:59 +0000
**To:** COVID-19
**Subject:** Federal Work Study - What if students cannot work because the campus is shut down?

Earlier today, I sent the email below to Ms. Hilsey. Since she has already responded to another email sent to COVID-19@ed.gov regarding a different matter, I was concerned that she may have missed the email below since I did not send it directly to COVID-19@ed.gov. Therefore, I am resending to COVID-19@ed.gov.

She may already be working on a response. I was hoping to send guidance to FWS supervisors / FWS students so that they will know how to proceed with FWS next week. I'm sure you guys are getting many questions!

Thanks for all that you're doing,
Stephen

Stephen White
Director of Financial Aid
Middle Tennessee State University
615-898-2422

---

**From:** Stephen White
**Sent:** Friday, March 13, 2020 7:36 AM
**To:** Shaina.Hilsey@ed.gov
**Subject:** Federal Work Study - What if students cannot work because the campus is shut down?

Good morning Ms. Hilsey…

My colleague (Amy Wood) from TSU forwarded your response as noted below. I want to ensure that I understand your guidance. Prior to my remarks, I acknowledge the following guidance provided in the March 5, 2020 Federal EA regarding FWS:

> Federal Work Study (FWS)
> Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result

AMERICAN OVERSIGHT

of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

Our scheduled spring break was March 9 – 13, 2020. Due to COVID-19, we have extended the spring break through March 22, 2020. Students will resume classes on March 23, 2020. However, some classes that were already scheduled as on-line coursework may resume next week. During the week of March 16, on-ground coursework will be converted to on-line coursework to the extent possible. At this point, our on-campus housing will remain open. On-campus meals will still be provided. However, for an interim period, we are trying to promote social distancing by not offering on-ground classes, cancelling sport events, etc.

You indicated below "You may pay FWS wages to students who are unable to work due to classes being offered via distance education the same as would be able to pay them if the institution were closed." Please refer to the section highlighted in blue above. I'm having difficulty understanding what "close" means. Our campus will still be open to students except for the library and recreation center. Students can still drop by administrative offices for routine business. Except for the two locations just mentioned, students still have the option to continue working in their FWS positions. However, given the extended spring break and the fact that we will be converting to on-line coursework, some students may choose to not return to campus until on-ground coursework resumes. So…

Am I correct that we can either pay FWS students for actual hours worked if they choose to come to campus to work as normally scheduled and that we also have the option to pay other FWS students who choose not to return to campus during the interim period based on what they could have earned based on their normal scheduled hours? Or, must we be consistent and indicate to all FWS students that either they will only be paid if they come back to campus and work normal scheduled hours (since most locations are open) or that we will not allow any of them to work given the interim impact of COVID-19 but will nonetheless pay them based on their normal scheduled hours?

And based on your response to the above question, how does the library and recreation center factor into the equation since they will be closed to students and thus FWS students who work at these locations will not have the option to work?

Thanks so much for your guidance!
Stephen

Stephen White
Director of Financial Aid
Middle Tennessee State University
615-898-2422

AMERICAN OVERSIGHT

**From:** Wood, Amy <awood7@Tnstate.edu>
**Sent:** Thursday, March 12, 2020 5:42 PM
**To:** Stephen White <Stephen.White@mtsu.edu>
**Subject:** [EXTERNAL] FW: Federal Work Study - What if students cannot work because the campus is shut down?

answers

Regards,

***Amy Boles Wood***
***Assistant V.P. for Financial Aid***
**Room 343, Floyd Payne Campus Center**
P:(615) 963-7548
F: (615) 963-7540
awood7@tnstate.edu
www.tnstate.edu/Financial_Aid
TENNESSEE STATE UNIVERSITY

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**From:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Sent:** Thursday, March 12, 2020 3:01 PM
**To:** Wood, Amy <awood7@Tnstate.edu>
**Subject:** FW: Federal Work Study - What if students cannot work because the campus is shut down?

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Hello,

Please see our answers embedded below.

**Subject:** Federal Work Study - What if students cannot work because the campus is shut down?
**Importance:** High

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1. Has there been any administrative guidance on what to do if students are unable to complete planned FWS due to campuses moving to on-line only classes? Yes. You may pay FWS wages to students who are unable to work due to classes being offered via distance education the same as would be able to pay them if the institution were closed.
2. If the campus remains open, can we allow students to work any hours since technically they have no firm class schedules? Yes. With no firm class schedule, it would no longer be apparent where work hours might conflict with a student's classes. Students should be informed that they should not schedule work hours for time periods where they know, given revised schedules, they are supposed to be in class/lab etc. This pretty much puts students on their honor, with the school not being responsible if a student does end up working during a class.

3. Will we be able to receive a waiver if students are not able to earn enough to meet our commitment of required paid amounts due to campus closure or limited activity? No waiver exists as of yet . However, we are still exploring areas where relief may be necessary and what means or authority is at our disposal to grant such relief. We certainly will consider this.

Any assistance is appreciated.

Regards,

***Amy Boles Wood***
***Assistant V.P. for Financial Aid***
**Room 343, Floyd Payne Campus Center**
**Tennessee State University**
**3500 John A. Merritt Boulevard**
**Nashville, TN 37209**
P:(615) 963-7548
F: (615) 963-7540
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AMERICAN OVERSIGHT

**From:** Stephen White
**Sent:** Fri, 13 Mar 2020 20:05:59 +0000
**To:** COVID-19
**Subject:** Federal Work Study - What if students cannot work because the campus is shut down?

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She may already be working on a response. I was hoping to send guidance to FWS supervisors / FWS students so that they will know how to proceed with FWS next week. I'm sure you guys are getting many questions!

Thanks for all that you're doing,
Stephen

Stephen White
Director of Financial Aid
Middle Tennessee State University
615-898-2422

---

**From:** Stephen White
**Sent:** Friday, March 13, 2020 7:36 AM
**To:** Shaina.Hilsey@ed.gov
**Subject:** Federal Work Study - What if students cannot work because the campus is shut down?

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And based on your response to the above question, how does the library and recreation center factor into the equation since they will be closed to students and thus FWS students who work at these locations will not have the option to work?

Thanks so much for your guidance!
Stephen

Stephen White
Director of Financial Aid
Middle Tennessee State University
615-898-2422

AMERICAN OVERSIGHT

**From:** Wood, Amy <awood7@Tnstate.edu>
**Sent:** Thursday, March 12, 2020 5:42 PM
**To:** Stephen White <Stephen.White@mtsu.edu>
**Subject:** [EXTERNAL] FW: Federal Work Study - What if students cannot work because the campus is shut down?

answers

Regards,

***Amy Boles Wood***
***Assistant V.P. for Financial Aid***
**Room 343, Floyd Payne Campus Center**
P:(615) 963-7548
F: (615) 963-7540
awood7@tnstate.edu
www.tnstate.edu/Financial_Aid
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**From:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Sent:** Thursday, March 12, 2020 3:01 PM
**To:** Wood, Amy <awood7@Tnstate.edu>
**Subject:** FW: Federal Work Study - What if students cannot work because the campus is shut down?

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**Importance:** High

AMERICAN OVERSIGHT

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Regards,

***Amy Boles Wood***
***Assistant V.P. for Financial Aid***
**Room 343, Floyd Payne Campus Center**
**Tennessee State University**
**3500 John A. Merritt Boulevard**
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AMERICAN OVERSIGHT

**From:** Ayers,James
**Sent:** Fri, 13 Mar 2020 17:05:23 +0000
**To:** COVID-19
**Subject:** Federal Work Study

Hello,

Thank you for the guidance but I have one follow up question.

Our school is transitioning all of our campus based students to online courses due to Covid-19. Some personnel is still to report, but most are not, including Federal Work Studies. In reference to the March 5th guidance, does this constitute a closure and therefor it is OK for Medaille College to pay its federal Work Studies for hours that they would have worked according to their schedules?

Sincerely,

Jim Ayers
Director of Financial Aid
Medaille College 002678
**Office:** 716-880 2179
**Fax:** 716-880-2510

Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the

AMERICAN OVERSIGHT

term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

AMERICAN OVERSIGHT

**From:** Thomas Pinkl
**Sent:** Thu, 12 Mar 2020 15:07:50 +0000
**To:** COVID-19
**Subject:** Federal Work Study

Good morning,

My name is Tom Pinkl from the Financial Aid Office at La Salle University (School code 003287). I had a question about the announcement that went out on March 5th regarding Coronavirus.

Federal Work Study (FWS)
Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

La Salle University's spring break starts tomorrow March 13th, and will go until Sunday, March 22nd. The University is canceling face-to-face courses on campus for one week, from Monday, March 23 – Friday, March 27. Courses will resume through remote learning from Monday, March 30 – Friday, April 3. Face-to-face instruction on campus will resume no earlier than Monday, April 6. Based on the announcement above, I understand that students can still be paid FWS while face-to-face courses are cancelled. I was hoping for some clarification though. La Salle was granted a title III/IV waiver for the 2019-20 academic year and will not be doing an institutional match for FWS. Because we are not required to meet the institutional match requirement, can we still pay students FWS during the two week period that face-to-face courses are cancelled?

Any guidance would be greatly appreciated.

Thanks,

Tom Pinkl

AMERICAN OVERSIGHT

Assistant Director, Financial Aid
La Salle University
1900 West Olney Ave
Philadelphia, PA 19141
(215) 951-1070 (phone)
(215) 951- 5098 (fax)
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AMERICAN OVERSIGHT

**From:** Holding, Frederick K.
**Sent:** Thu, 12 Mar 2020 21:27:01 +0000
**To:** COVID-19
**Subject:** Federal Work Study

Greetings!

We haven't closed (yet), but we're extending spring break a week in order to shore up the on-line instruction process for the campus. I would conclude that paying students for the week that they are required to be away is acceptable since they cannot return to campus. Then, students will be able to return to campus and have limited access to what and where they go (e.g. no face to face classes unless required, etc.) which may include not working in campus departments, etc. Is there flexibility here to continue to pay student workers if they are not being allowed to work (in order to reduce the likelihood of transmitting illness, etc.)? Administrative Offices may even restrict student visits to scheduling appointments.

Thanks for your feedback.

Best,
Fred

*Federal Work Study (FWS)*
*Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.*

AMERICAN OVERSIGHT

Frederick "Fred" Holding, Director
Office of Scholarships & Financial Aid

Warwick Center | 601 S. College Road
Wilmington, NC 28403-5951
910.962.1123 – Direct | 910.962.3851 - Fax
holdingf@uncw.edu | http://www.uncw.edu/finaid/ | Office Feedback

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AMERICAN OVERSIGHT

**From:** Lupachino, Keri (Financial Aid)
**Sent:** Fri, 13 Mar 2020 11:12:17 +0000
**To:** COVID-19
**Subject:** Federal Work Study

Good Morning,
Looking for guidance on paying federal work study to students while our institution has moved to online classes and staff is working from home. We are not closed but the work study students can not go to their places of employment. Are we still able to pay them? The guidance references a school closing so I want to be clear before making this offer.
Thank you so much for assistance during this confusing time.
Keri
Keri Lupachino- Maynard
Interim Director
CCSU Office of Financial Aid
Get Outlook for iOS

AMERICAN OVERSIGHT

**From:** Ayers,James
**Sent:** Fri, 13 Mar 2020 17:05:23 +0000
**To:** COVID-19
**Subject:** Federal Work Study

Hello,

Thank you for the guidance but I have one follow up question.

Our school is transitioning all of our campus based students to online courses due to Covid-19. Some personnel is still to report, but most are not, including Federal Work Studies. In reference to the March 5th guidance, does this constitute a closure and therefor it is OK for Medaille College to pay its federal Work Studies for hours that they would have worked according to their schedules?

Sincerely,

Jim Ayers
Director of Financial Aid
Medaille College 002678
**Office:** 716-880 2179
**Fax:** 716-880-2510

Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the

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term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

AMERICAN OVERSIGHT

**From:** Oranje, Tammy
**Sent:** Fri, 13 Mar 2020 16:15:07 +0000
**To:** COVID-19
**Subject:** Federal Work Study (FWS)

Good morning,

After reading the electronic announcement dated March 05, 2020 "Subject Guidance for interruptions of study related to Coronavirus (COVID-19)" in regards to Federal Work Study, can you provide me with some additional guidance on the following:

The guidance indicates "For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."

What about in the event of a partial closure? Currently, our college is in discussion of moving all/most lecture classes to online? Some of our Student Services Departments and staff members may be working remotely. Another possible scenarios is that the colleges suspends all face-to-face classes and student services are suspended. Both of these scenarios can impact our FWS students. Would either of the scenarios still be within the guidance above to continue paying our FWS students?

***Tammy Oranje***
Interim Financial Aid Supervisor
Office of Financial Aid
Los Medanos Community College
925-473-7518

AMERICAN OVERSIGHT

**From:** Oranje, Tammy
**Sent:** Fri, 13 Mar 2020 16:15:07 +0000
**To:** COVID-19
**Subject:** Federal Work Study (FWS)

Good morning,

After reading the electronic announcement dated March 05, 2020 "Subject Guidance for interruptions of study related to Coronavirus (COVID-19)" in regards to Federal Work Study, can you provide me with some additional guidance on the following:

The guidance indicates "For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."

What about in the event of a partial closure? Currently, our college is in discussion of moving all/most lecture classes to online? Some of our Student Services Departments and staff members may be working remotely. Another possible scenarios is that the colleges suspends all face-to-face classes and student services are suspended. Both of these scenarios can impact our FWS students. Would either of the scenarios still be within the guidance above to continue paying our FWS students?

***Tammy Oranje***
Interim Financial Aid Supervisor
Office of Financial Aid
Los Medanos Community College
925-473-7518

AMERICAN OVERSIGHT

**From:** Teresa Buchmann
**Sent:** Thu, 12 Mar 2020 13:51:49 +0000
**To:** COVID-19
**Subject:** Federal Work Study and change of length of academic year

Good morning,
Our school is located in King County, near Seattle. Based on the recent developments we are considering delaying the start of our spring quarter. We moved most classes for the remainder of the winter quarter to alternate modalities to encourage social distancing.

I am meeting with the executive team later today and I'm trying to gather any information that would influence our decision for spring quarter. The recent Electronic Annourcement, dated March 5, 2020, states that schools can request a reduced academic year. Is there a specific process for this? What is the best way to contact the School Participation team? Our proposal would be to reduce the academic year by 2 weeks (making spring quarter an 8 week quarter instead of the typical 10).

Also, regarding FWS. If the school campus is closed to the public but classes are still running in alternate modalities at the beginning of the quarter, would the guidance of allowing FWS to be paid (provided we continue with the institutional share) still be applicable? What about if the closure is during the break? I would assume we could pay if the student was registered for spring quarter as we would during other breaks. Are there any additional considerations I need to take into account? At this point we don't have plans to completely close to the public, but we are making contingency plans.

Thank you for your assistance during this difficult time.

Teresa Buchmann
**she/her/hers pronouns**
Director of Student Financial Aid
Green River College
12401 SE 320th St
Auburn, WA 98092
(253) 833-9111 ext. 3326
Fax: (253) 288-3473

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AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Thu, 12 Mar 2020 00:51:51 +0000
**To:** COVID-19
**Subject:** Federal Work Study Employees

Good evening,
With growing concerns over the COVID-19, I was wondering what actions will be taken for students like me who work under the Federal a Work Study. Will we be given sick days? Will we still be working remotely if our campus closes? I can't afford not working right now.
Thank you.
Best,

(b)(6)
**Student Life Assistant**
Miami Dade College, Hialeah Campus
1780 W 49th St, Hialeah, FL 33012
*Dept. Location:* 2102
*Dept. Phone:* (305)-237-8742
*Campus Website:* Miami Dade College, Hialeah Campus

Note: Due to Florida's very broad public records law, most written communications to or from College employees regarding College business are public records, available to the public and media upon request. Therefore, this e-mail communication may be subject to public disclosure.

AMERICAN OVERSIGHT

**From:** Hurd-Crank, Cathy A (Big Sandy)
**Sent:** Thu, 12 Mar 2020 12:28:08 +0000
**To:** COVID-19
**Subject:** Federal Work Study Funds

Is there an established formula to determine the amount of wages to pay work study students in the event of a school moving to all online education?

Cathy Hurd-Crank
Director of Financial Aid
Big Sandy Community and Technical College
One Bert Combs Drive
Prestonsburg, KY 41653
1-606-889-4967
FAX 606-886-6943
cathy.hurdcrank@kctcs.edu

AMERICAN OVERSIGHT

**From:** Lynn E Higinbotham
**Sent:** Mon, 9 Mar 2020 19:40:55 -0400
**To:** COVID-19
**Subject:** Federal Work Study Guidance

Dear Dept of ED Colleague -

Regarding ED's guidance below we wanted to get confirmation that as an institution which does not intend on formally closing at this time due to COVID-19, *but which is going to provide alternative/remote instruction*, that the FWS allowance as described below is applicable.

Thank you for your flexibility during this time,

Lynn Higinbotham

*ED addressed specific impacts on the Federal Work-Study (FWS) program if disruptions from the coronavirus occur. Currently, federal law allows institutions to continue making FWS payments in certain circumstances to students in disaster-impacted areas if the student is not able to continue working. While ED said it is "unlikely that an entire region would be declared a federal disaster area," due to the coronavirus, for students enrolled at an institution that has to close temporarily, "the loss of this important form of financial aid can be devastating."*

*"The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award," ED continued.*

*In those circumstances — for FWS students enrolled at an institution that closes temporarily due to the coronavirus, or for those whose employer closes as a result of the coronavirus — the institution will be permitted to continue paying the FWS wages "if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."*

--
Lynn E. Higinbotham
Associate Vice President for Enrollment Management
New York University
lynn.higinbotham@nyu.edu
(212) 998-4172

*Please be aware that this message, and attachments if any, is sent in confidence for the addressee(s) only. It may contain legally privileged information. The contents are not to be disclosed to anyone other than the addressee. Unauthorized recipients are requested to preserve this confidentiality and to advise the sender immediately of any error in transmission. Thank you.*

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 15:20:54 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Calendar adjustment guidelines?

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Dawn Brandt <DBrandt@lbc.edu>
**Sent:** Wednesday, March 11, 2020 11:19 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Calendar adjustment guidelines?

Greetings.

I'm contacting you to inquire whether there is any specific guidance available for colleges interested in adjusting/reducing the academic calendar due to the coronavirus?

Thank you.

Dawn Brandt
Compliance Coordinator
Office for Institutional Effectiveness
DBrandt@lbc.edu
office: 717.560.8237
fax: 717.560.8265

LANCASTER BIBLE COLLEGE
901 Eden Road | Lancaster, PA 17601-5036
717.569.7071 | www.lbc.edu

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:42:17 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Campus Based Aid Administration during COVID19 Outbreak

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

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**From:** Strutz, Deidre (dstrutz) <dstrutz@brockport.edu>
**Sent:** Thursday, March 12, 2020 9:54 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Campus Based Aid Administration during COVID19 Outbreak

Good Morning-

Will there be guidance issued to higher education institutions pertaining to how they can administer campus-based funds (work-study) during this time when their campus has moved to online instruction and therefore students are not physically here to work? This will significantly impact a school's ability to spend down their allocation and thus impact FISAP reporting and potential future allocations.

Will the DOE be making an exception for this current year due to the COVID19 outbreak?

Our school has sent students home, but we are still operating with online course work so the college itself is not "closed or shut-down" therefore I do not believe we qualify for the guidance that was issued since the college as a whole is not closed, staff are still to report and classes are still happening.

Any insight is greatly appreciated.

**Deidre Strutz**
she/her/hers
Assistant Director of Financial Aid

SUNY Brockport
350 New Campus Drive
Brockport NY 14420
Office: (585) 395-2501| Fax: (585) 395-5445

AMERICAN OVERSIGHT

The College at
BROCKPORT
STATE UNIVERSITY OF NEW YORK

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 21:37:56 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Changing Term Dates

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

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**From:** Freels, Ean N <enfreels@dmacc.edu>
**Sent:** Wednesday, March 11, 2020 4:07 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Changing Term Dates

Good Afternoon,

Thank you for the invaluable guidance provided in the Electronic Announcement on March 5th. It has proven very helpful.

I have a couple of additional questions regarding a change my institution is considering in response to COVID-19. We are a standard term school consisting of two 16 week semesters delivered over the Fall and Spring. The institution has a scheduled break during the spring term of five days for Spring Break (causing it to be a total of 9 days within a return calculation). The school is considering extending Spring Break for an additional week in order to prepare for a switch to online delivery. This would cause the schedule break to increase to 16 days as no classes would be in session. However, the institution is **not** considering extending the term an additional week at the end of the term. Therefore, the term would now be defined as 15 weeks rather than 16.

I understand that this change alone will not make us non-standard. I also understand that this change would have no impact on our ability to meet the definition of an academic year. Here are my questions:

1. Because the number of weeks in the term is reduced, do I need to recalculate the costs of attendance for all students enrolled in the term?
2. If the student previously received aid based on the inclusion of the additional week within the COA, will I need to recalculate the student's aid eligibility and potentially resolve and resulting overawards?
3. If the change is made, I understand that any return calculation should reflect the number of scheduled days on the date of withdrawal. This would include the new number of days within the extended scheduled break. However, would I have to perform any recalculations for returns already calculated and processed prior to today (for the spring term)?

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4. Can you think of anything else I should be concerned with in light of this potential change at DMACC?

Thanks for all your help!!!!

Respectfully,

Ean

**Ean Freels**
Financial Aid Director
Des Moines Area Community College
2006 South Ankeny Blvd
Ankeny, IA 50023-8995
*Phone:* 515.964.6514
*Fax:* 515.965.7124
DMACC Customer Service Survey

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 16:33:46 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Christine Valmy 041845 - COVID-19

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ortiz-Velazquez, Judith <Judith.Ortiz-Velazquez@ed.gov>
**Sent:** Wednesday, March 11, 2020 12:01 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Christine Valmy 041845 - COVID-19

---

**From:** Ortiz-Velazquez, Judith
**Sent:** Wednesday, March 11, 2020 10:09 AM
**To:** Curry, Christopher <Christopher.Curry@ed.gov>
**Subject:** Christine Valmy 041845 - COVID-19

Ms. Caron Fonoroff, FAD, wants to know if school closes or student's choose to take LOA due to COVID-19 and they go over the 180 days, will US ED give allowances to students?

She can be reached at caron@christinevalmy.com and (973) 575-3003 or (973) 575-1050 x107.

Judith Ortiz-Velazquez
Institutional Review Specialist
U.S. Department of Education
Program Compliance
32 Old Slip, 25th Floor
New York, New York 10005
Tel. #646-428-3747
Fax # 646-428-3742
Judith.ortiz-velazquez@ed.gov

AMERICAN OVERSIGHT

**From:** Ortiz-Velazquez, Judith
**Sent:** Fri, 13 Mar 2020 15:03:00 +0000
**To:** COVID-19
**Subject:** FW: Christine Valmy 041845 - COVID-19

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**From:** Ortiz-Velazquez, Judith
**Sent:** Wednesday, March 11, 2020 10:09 AM
**To:** Curry, Christopher <Christopher.Curry@ed.gov>
**Subject:** Christine Valmy 041845 - COVID-19

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Institutional Review Specialist
U.S. Department of Education
Program Compliance
32 Old Slip, 25th Floor
New York, New York 10005
Tel. #646-428-3747
Fax # 646-428-3742
Judith.ortiz-velazquez@ed.gov

AMERICAN OVERSIGHT

**From:** Ortiz-Velazquez, Judith
**Sent:** Fri, 13 Mar 2020 15:03:00 +0000
**To:** COVID-19
**Subject:** FW: Christine Valmy 041845 - COVID-19

---

**From:** Ortiz-Velazquez, Judith
**Sent:** Wednesday, March 11, 2020 10:09 AM
**To:** Curry, Christopher <Christopher.Curry@ed.gov>
**Subject:** Christine Valmy 041845 - COVID-19

Ms. Caron Fonoroff, FAD, wants to know if school closes or student's choose to take LOA due to COVID-19 and they go over the 180 days, will US ED give allowances to students?

She can be reached at caron@christinevalmy.com and (973) 575-3003 or (973) 575-1050 x107.

Judith Ortiz-Velazquez
Institutional Review Specialist
U.S. Department of Education
Program Compliance
32 Old Slip, 25th Floor
New York, New York 10005
Tel. #646-428-3747
Fax # 646-428-3742
Judith.ortiz-velazquez@ed.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 9 Mar 2020 18:03:02 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Clarification need on Work-Study Guidance for 00282300

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Eileen Flood <floode@stjohns.edu>
**Sent:** Monday, March 9, 2020 1:51 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Clarification need on Work-Study Guidance for 00282300

St. John's University, Queens New York OPE ID: 00282300 is planning to have all students attend online classes this Thursday and Friday and this will impact our Work Study Students.

In the face of COVID-19 and New York State's State of Emergency the University is planning for academic continuity. We are finalizing preparation to move courses online should that become necessary. Since transitioning our courses to an online format on a University scale has not been attempted before, we wish to test our systems this week. On Thursday, March 12 and Friday March 13 we will begin our trial run and deliver all classes via electronic channels. Students and faculty will not be required to be on campus for classes these days.

Our question based on this test scenario, under the recent release guidance can we pay Federal College Work-study students based on the hours they were scheduled to work even though administrative office will be open. Since courses will be online it would not be feasible for students to work since their work schedules are set around their class schedule.

We appreciate your guidance on this ever evolving issue.

Regards,
Eileen Flood

**Eileen Flood, J.D.**
Director of Financial Aid

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Office of Student Financial Services
St. John's University
718-990-5741
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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:23:54 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Clarification Needed
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Bradley, Rebecca L <rm1104@txstate.edu>
**Sent:** Friday, March 13, 2020 1:17 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Murr, Christopher D <murr@txstate.edu>
**Subject:** Clarification Needed
**Importance:** High

Good Afternoon,

I have verbally been instructed by our Dallas School Participation Team to direct clarification questions regarding the COVID-19 guidance published on 3/5/20 to this email address (federalstudentaid@ed.gov). I am also sending to COVID-19@ed.gov due to guidance received from the National Association of Student Financial Aid Administrators (NASFAA).

In the electronic announcement, it states that "If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year." Our institution, as well as many others, have decided to extend spring break (cancel classes) for an additional week and to offer classes remotely only for the two weeks following that break. For now, the plan is to begin offering normal classes after that timeframe but, as you know, that depends on how our community is effected by COVID-19. Also, if institutions are required to notify the Department of their closure plans, please know you can find that evolving information for our institution anytime at https://www.txstate.edu/coronavirus.

The question we have is do we have to extend our term end date to make up those days classes are cancelled? Or is the intent of this Electronic Announcement flexibility there to enable institutions to end on the original term end date (essentially it will shorten the term)?

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Please know that we are aware of and have educated ourselves on the published guidance from ED thus far, including the COVID-19 ("Coronavirus") Information and Resources for Schools and School Personnel Website. This clarification would be most helpful to enable institutions to make decisions that will ultimately effect students' educational future.

**Rebecca Bradley**
Assistant Director
Financial Aid & Scholarships
finaid.txstate.edu
Phone: 512.245.6574

AMERICAN OVERSIGHT

**From:** Valentine, Ingrid
**Sent:** Fri, 6 Mar 2020 17:43:13 +0000
**To:** COVID-19
**Subject:** FW: clarification on students in cancelled study-abroad programs

(b)(5)

Ingrid

---

**From:** Fosker, Erik <Erik.Fosker@ed.gov>
**Sent:** Thursday, March 5, 2020 5:50 PM
**To:** Fernandez-Rosario, Martina <Martina.Fernandez-Rosario@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Cc:** Mendoza, Marisol <Marisol.Mendoza@ed.gov>
**Subject:** FW: clarification on students in cancelled study-abroad programs

(b)(5)

Erik

---

**From:** Fosker, Erik
**Sent:** Thursday, March 5, 2020 2:49 PM
**To:** jmckeen@callutheran.edu
**Cc:** Mendoza, Marisol <Marisol.Mendoza@ed.gov>
**Subject:** RE: clarification on students in cancelled study-abroad programs

Mr. McKeen,

Please see the electronic announcement posted at https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19. If you have further questions after reviewing the electronic announcement, please contact Ms. Marisol Mendoza of our office by email (she is copied on this message) or by phone at (415) 486-5506.

Sincerely,

Erik Fosker
Compliance Manager
San Francisco/Seattle School Participation Division
Program Compliance

Office: (415) 486-5606
Fax: (415) 486-5676
Erik.Fosker@ed.gov

AMERICAN OVERSIGHT

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**From:** McKeen, Jerry <jmckeen@callutheran.edu>
**Sent:** Thursday, March 5, 2020 2:14 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** clarification on students in cancelled study-abroad programs

Good morning,

I am seeking some clarification regarding adjusting educational accommodations due to COVID-19; specifically regarding students affected by the cancellation of study abroad programs.

(I copied specific excerpts from the guidance published March 5, 2020)

In the section regarding foreign schools not being able to offer online courses to students (using Title IV), is that referring to Foreign Schools that have been approved to use Title IV funds? Or, is it including ANY foreign school that a student is attending—even in the case of study abroad programs where we, the home school, is administering the aid to those affected students.

For example, student A is enrolled at our institution but participating in a study abroad program in Italy and attending a school in Italy. The program has been cancelled but the Italian school wishes to allow the student to complete classes via online. The student is receiving a direct loan, but we, the home school, administered and disbursed that aid. The student will earn their degree from our school. Can the student take this online course(s) to complete the study abroad term?

Accommodating Students Whose Enrollment is Disrupted by Coronavirus
Our goal is to work with institutions and find ways to enable you to accommodate students and help them continue their education despite interruptions caused by COVID-19. For many institutions, online education will provide a viable option for continuing to teach students through COVID-

AMERICAN OVERSIGHT

19-related interruptions. In some instances, students enrolled in ground-based programs at campuses that must temporarily close could participate in distance education for a period of time and then resume ground-based attendance when the campus reopens. In other instances, an institution may provide online learning opportunities for a student who was recalled from a travel-abroad program but the student is too late into the semester to enroll in other classes offered by the home campus, or the student who arrived in a foreign country intending to complete a travel abroad experience finds that the program has now been cancelled or temporarily suspended. We are providing the following flexibilities to institutions to help them understand what options they can make available to students and remain in compliance with Title IV requirements.

Approval to Offer Distance Education

….Finally, because we understand that some students may have been recalled from travel abroad programs or canceled-out of experiential learning opportunities after the semester began, institutions may offer courses to those students on a schedule that would otherwise be considered a non-standard term, if doing so enables those students to complete the term. These flexibilities will also be provided to institutions, or their additional locations or programs, that must temporarily close as a result of COVID-19.

Foreign Schools
We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

Hopefully I am clear in my question. If you need further clarification please let me know.

Thank you very much.

AMERICAN OVERSIGHT

**Jerry McKeen**
*Director of Financial Aid*

California Lutheran University

60 West Olsen Road #1375 | Thousand Oaks, CA 91360
Phone: (805) 493-3139 | Fax: (805) 493-3114
CalLutheran.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 5 Mar 2020 20:25:10 +0000
**To:** Valentine, Ingrid
**Cc:** COVID-19
**Subject:** FW: clarification on students in cancelled study-abroad programs

Hi Ingrid,

The COVID-19 mailbox received an inquiry about FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** McKeen, Jerry <jmckeen@callutheran.edu>
**Sent:** Thursday, March 5, 2020 2:14 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** clarification on students in cancelled study-abroad programs

Good morning,

I am seeking some clarification regarding adjusting educational accommodations due to COVID-19; specifically regarding students affected by the cancellation of study abroad programs.

(I copied specific excerpts from the guidance published March 5, 2020)

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For example, student A is enrolled at our institution but participating in a study abroad program in Italy and attending a school in Italy. The program has been cancelled but the Italian school wishes to allow the student to complete classes via online. The student is receiving a direct loan, but we, the home school, administered and disbursed that aid. The student will earn their degree from our school. Can the student take this online course(s) to complete the study abroad term?

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Accommodating Students Whose Enrollment is Disrupted by Coronavirus
Our goal is to work with institutions and find ways to enable you to accommodate students and help them continue their education despite interruptions caused by COVID-19. For many institutions, online education will provide a viable option for continuing to teach students through COVID-19-related interruptions. In some instances, students enrolled in ground-based programs at campuses that must temporarily close could participate in distance education for a period of time and then resume ground-based attendance when the campus reopens. In other instances, an institution may provide online learning opportunities for a student who was recalled from a travel-abroad program but the student is too late into the semester to enroll in other classes offered by the home campus, or the student who arrived in a foreign country intending to complete a travel abroad experience finds that the program has now been cancelled or temporarily suspended. We are providing the following flexibilities to institutions to help them understand what options they can make available to students and remain in compliance with Title IV requirements.

Approval to Offer Distance Education

….Finally, because we understand that some students may have been recalled from travel abroad programs or canceled-out of experiential learning opportunities after the semester began, institutions may offer courses to those students on a schedule that would otherwise be considered a non-standard term, if doing so enables those students to complete the term. These flexibilities will also be provided to institutions, or their additional locations or programs, that must temporarily close as a result of COVID-19.

Foreign Schools
We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

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Hopefully I am clear in my question. If you need further clarification please let me know.

Thank you very much.

**Jerry McKeen**
*Director of Financial Aid*

California Lutheran University

60 West Olsen Road #1375 | Thousand Oaks, CA 91360
Phone: (805) 493-3139 | Fax: (805) 493-3114
CalLutheran.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 17:55:34 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: clarification on work-study

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Carrie Shaw <cshaw@western.edu>
**Sent:** Thursday, March 12, 2020 1:44 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: clarification on work-study

And a bit more info.....most of our students are NOT local; their homes are at least 65 miles away. So they will be leaving campus tomorrow for spring break, and will not be returning to campus until ground-based classes resume. It will not be possible for them to work, even if offices remain open.

**Carrie Shaw**
Director of Student Financial Services
Western Colorado University
970.943.3085

---

**From:** Carrie Shaw
**Sent:** Thursday, March 12, 2020 11:08 AM
**To:** 'COVID-19@ed.gov' <COVID-19@ed.gov>
**Subject:** clarification on work-study

Our campus is not officially closing as administrative office plan to remain open, at least for now. However, ALL courses are moving to online, and no courses will be offered on campus for at least three weeks. Under these guideline, can we still pay students federal work study if they are not actually working on campus?

The guidelines state they are addressing this exact scenario:

- A campus temporarily stops offering ground-based classes in order to prevent the spread of COVID-19;

However, in the Federal work-study section it states 'if a campus must close' then we can pay work-study.

Does the temporary stoppage of ground-based classes count as a closure, per these regulations??

AMERICAN OVERSIGHT

**Carrie Shaw**
Director, Student Financial Services
Western Colorado University

970.943.3085
www.western.edu
cshaw@western.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 17:22:31 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: clarification on work-study

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Carrie Shaw <cshaw@western.edu>
**Sent:** Thursday, March 12, 2020 1:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** clarification on work-study

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The guidelines state they are addressing this exact scenario:

- A campus temporarily stops offering ground-based classes in order to prevent the spread of COVID-19;

However, in the Federal work-study section it states 'if a campus must close' then we can pay work-study.

Does the temporary stoppage of ground-based classes count as a closure, per these regulations??

**Carrie Shaw**
Director, Student Financial Services
Western Colorado University

970.943.3085
www.western.edu
cshaw@western.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:49:13 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Clarification: Coronavirus Electronic Accouncement 03.05.20

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Barrett, Pam <pbarrett@brenau.edu>
**Sent:** Thursday, March 12, 2020 11:04 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Clarification: Coronavirus Electronic Accouncement 03.05.20

Hello-

We have a question regarding the guidance provided in the EA referenced above pertaining to students employed under the Federal Work-Study program, and implications of temporary school closures on their potential earnings. The EA indicates institutions may continue to pay students who were working prior to the temporary closure (assuming it continues to pay its regular employees); however, if students are in positions for which they have no opportunity to continue to work during a closure, how would the institution determine how much to pay the students going forward? Is the guidance truly saying that the students could be paid when they are not performing work? If so,would institutions pay the students based on the hours they would typically work in a pay period? What about a student whose work hours vary widely across pay periods?

Any additional guidance you could provide would be appreciated.

Thank you,

Pam Barrett
Associate Vice President and
Director of Financial Aid
Brenau University
Phone: 770.534.6176
Fax: 770.538.4306

**Office Hours:**
**Monday-Friday 8:30-5:00**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 9 Mar 2020 16:46:08 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Clarifying on FWS Disaster Provisions
**Importance:** High

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Aubrey Hill <aubreyh@american.edu>
**Sent:** Monday, March 9, 2020 12:41 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Julie Jones <juliej@american.edu>
**Subject:** Clarifying on FWS Disaster Provisions
**Importance:** High

Hello,

I have two clarifying questions regarding your "Guidance for interruptions of study related to Coronavirus (COVID-19)" posted on 3/5/2020. For the provision on FWS and disaster-affected students I wanted to know more about the language of **closure**. Does an institution have to be fully closed for the disaster provisions to apply or can the provisions apply when school stays in session in whole or in part but FWS student workers are no longer able to do their jobs because they can't be done remotely/because they have been instructed to stay home because they are not designated critical staff?

Further, regarding the phrase "For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement." I assume the yellow highlighted portion is supposed to be allowing for students in FWS positions with off-campus employers (IE Community Service FWS positions) to get paid. Does this provision apply if their FWS site/organization closes, but they are technically university employees, and the university stays open?

Thanks for clarifying!

**Aubrey Hill**

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Pronouns: She/Her/Hers (What's this?)
Student Employment Coordinator
American University Career Center
Butler Pavilion 5th Floor
202.885.1807

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 14:52:34 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Clarifying Question

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Feigert, Kendra <feigert@lvc.edu>
**Sent:** Tuesday, March 10, 2020 10:44 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Petritsch, Jeff <petritsc@lvc.edu>; Russell, Jill <russell@lvc.edu>
**Subject:** Clarifying Question

Good morning,
I'm hoping you can provide clarification on the Foreign Schools section of the recently issued guidance.

We have students who returned to the U.S. from studying abroad at the Umbra Institute in Italy last week. The institute closed due to COVID-19. The students completed approximately 54% of the semester in Italy in-classroom. They will be finishing the remainder of their coursework through distance education taught by the Umbra Institute.

Given the guidance in the Foreign Schools section, it appears these students are no longer eligible for Title IV aid since the remaining coursework is through DE and being taught by a foreign school. However, since the students completed approximately 54% of the coursework in classroom and the remaining 46% via distance education, may we consider the coursework as hybrid? This would then mean a R2T4 calculation is NOT required.

Thank you for your assistance.

Kendra M. Feigert
Director of Financial Aid
Lebanon Valley College
101 N. College Avenue
Annville, PA 17003
Phone: 717-867-6126
Fax: 717-867-6027
feigert@lvc.edu

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 14:34:19 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Class Cancellation and Academic Calendar

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** McMillan, Jesse <jmcmillan@capital.edu>
**Sent:** Wednesday, March 11, 2020 9:04 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Class Cancellation and Academic Calendar

If an institution temporarily cancels all classes resulting in a new 5 consecutive day break within a payment period, must those 5 days be reduced from the total length of days within the payment period and subsequently both the numerator and denominator of any R2T4 calculations to be completed after the fact? And must all previously completed R2T4 calculations be re-completed based on the new length of the payment period?

Jesse McMillan, MSAE | Assistant Director | p 614-236-6950
**CapitalUniversity** | Office of Financial Aid | f 614-236-6926

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 21:45:05 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Clinics and Labs

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ruth Carlson <ruth.carlson@baycollege.edu>
**Sent:** Wednesday, March 11, 2020 5:16 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Clinics and Labs

Good evening,

Clinics and Labs are discussed in the guidance provide on March 5 but there isn't much specific information. We have a Welding program at our school and may not be able to find an option to offer that online. Can we treat programs differently during this situation? Where someone in Communication could go online but Welding would have more of a Leave of Absence experience.

Thanks so much for all your help with this situation.

Thanks,
Ruthie

Ruth Carlson
Director of Financial Aid
Bay College
2001 North Lincoln Rd
Escanaba MI 49829

Phone: (906) 217-4032
Fax: (906) 217-1622

"It's fun to do the impossible" ~~Walt Disney

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**From:** Booth, Lindsay
**Sent:** Fri, 6 Mar 2020 14:44:31 +0000
**To:** COVID-19
**Cc:** Miller, Meredith
**Subject:** FEMA Support to Coronavirus Response
**Attachments:** FEMA_Advisory_COVID Response_20200304.docx, FEMA_FactSheet_COVID Response_03.04.20.pdf

Hello-

This may be duplicative information, but wanted to pass it along. Please find the attached advisory and fact sheet regarding FEMA's support to Coronavirus Response.

**Lindsay Booth**
Disaster Recovery Unit (DRU)
Office of Elementary and Secondary Education
U.S. Department of Education
(202) 453-6931

AMERICAN OVERSIGHT

Advisory

# FEMA Support to Coronavirus Response

The federal government is taking aggressive and proactive steps to address the Coronavirus (COVID-19) threat working closely with state and local partners to protect the public's health and keep the public informed as the situation evolves domestically and globally. To that end, President Trump formed the White House Coronavirus Task Force, led by Vice President Pence, which leads coordinated federal efforts to contain the spread and mitigate the effects of the virus.

Consistent with *Presidential Policy Directive-44: Enhancing Domestic Incident Response*, the U.S. Department of Health and Human Services (HHS) is the *lead federal agency* for public health responses. The Federal Emergency Management Agency (FEMA) – through a Crisis Action Task Force located at the HHS Secretary's Operations Center– provides support to HHS through delivery of crisis action planning, situational awareness reporting, interagency coordination, course of action development, and logistics supply chain analysis.

Please reference the attached Fact Sheet for more information.

###

FEMA



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FACT SHEET

# FEMA Support to Coronavirus Response

The federal government is taking aggressive and proactive steps to address the Coronavirus (COVID-19) threat working closely with state and local partners to protect the public's health and keep the public informed as the situation evolves domestically and globally.

## White House Task Force

- On January 29, 2020 President Trump announced the formation of the White House Coronavirus Task Force.
- On February 26, 2020, President Trump announced Vice President Pence would lead the Task Force. Additionally, Ambassador Deborah Birx will serve as the White House Coronavirus Response Coordinator. The Task Force will lead the Administration's efforts to contain the spread and mitigate the effects of the virus, while ensuring that the American people have the most accurate and up-to-date health and travel information.
- The Task Force is composed of subject matter experts from the White House and several United States Government agencies, including the U.S. Department of Health and Human Services whom is serving as the lead federal agency for coronavirus response. Task Force membership can be found on the White House website.

## Federal Interagency Coordination

Lead Federal Agency

- *Presidential Policy Directive-44: Enhancing Domestic Incident Response* designates HHS as the *lead federal agency* for public health responses utilizing authority established through:
  - Pandemic and All Hazards Preparedness Act (PAHPA)
  - Public Health Service Act
  - National Response Framework (NRF) and associated operational plans.
- The Congress-designated appropriation for this mission is the Public Health Emergency Fund for coordinating and delivering assistance.
- Currently, Congress is considering a supplemental appropriation to support public health preparedness and response efforts.

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FEMA Role

FEMA is a supporting agency to HHS currently delivering crisis action planning, situational awareness reporting, interagency coordination, course of action development and logistics supply chain analysis through a Crisis Action Task Force located at the HHS Secretary's Operations Center.

- FEMA began planning and coordination with HHS in late January, including the assessment of the government's Pandemic Crisis Action Plan.
- Additionally, FEMA is readying over fifty teams to respond and support states and territories that may need assistance.

At this time, FEMA is not preparing an emergency declaration in addition to the Public Health Emergency declared by HHS on January 31, 2020.

Emergency Support Functions (ESF)

- The NRF and Response Federal Interagency Operational Plan (FIOP) are always in effect.
- In accordance with the NRF, HHS – under its ESF#8 Primary Authority for Public Health and Medical issues – has sixteen Supporting Agencies to initiate federal interagency coordination in the presence or absence of a Stafford Act declaration.
- Under a Non-Stafford Event, HHS – under the Economy Act – may request specific core capabilities from each (and appropriate) Federal Departments/Agencies through both a Memorandum of Agreement (MOA) and reimbursable Inter Agency Agreement (IAA);
- The Emergency Support Function Leadership Group (ESFLG) is convened at the request of HHS (or any other Lead Federal Agency for a given large-scale incident) at any time. FEMA can facilitate use of ESFLG using the Interagency Video Teleconference (VTC) format used during Stafford incidents
- Currently, HHS develops and provides a daily Senior Leadership Brief (SLB) reflecting interagency actions and lifeline impacts.

Pandemic Crisis Action Plan (PanCAP)

- Represents response to a 2013 avian influenza in China (H7N9) and a coronavirus in the Middle East (MERS-CoV)
- Provides a process that outlines Public Health and emergency management response activities with defined triggers for movement between threat phases.
- Provides a sample coordination structure for each phase, which has been modified for COVID-19 (FEMA, ASPR, CDC).



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## State/Territorial/ Tribal/ Local Assistance

The primary form of assistance to States, Territories, Tribes and Localities may come in the form of federal guidance, funding to support enhanced mitigation measures, logistics supply chain analysis, and regulatory relief facilitated through HHS.

Some federal medical team capabilities may be deployed to support specific federal mission requirements (e.g., Incident Management Teams, Disaster Medical Assistance Teams) however these are expected to be limited as the virus becomes more widespread.

Public Health and Medical Assistance

- In a declared Public Health Emergency, the Secretary of HHS can initiate several actions to facilitate SLTT response including waiving certain regulatory requirements and authorizing federal Public Health Grantees to use grant funds towards a response to COVID-19.

- Guidance or assistance, in the form of technical assistance, during a biological incident may occur through the Centers for Disease Control and Prevention (CDC) under its legislative authorities and is anticipated to be the primary form of requested assistance.

- HHS manages the provision and development of vaccines and medications against this disease.

- The extent of additional HHS assistance to be available for States to manage the COVID-19 response is pending supplemental funding determinations from Congress.

Grant Assistance

FEMA Administrator, through the Grants Program Directorate, may direct emergency management grantees the use of awarded funds towards non-public health and non-medical capabilities to prepare and/or to respond to a biological incident whether directly impacted or not.

On March 3, 2020, the FEMA Grants Program Directorate provided notification to grant recipients and subrecipients to remind them of the cost allowability requirements of the Emergency Management, Homeland Security, and Tribal Homeland Security grant programs. Currently, FEMA is not proposing to expand allowability under any grant program.

- Emergency Management Performance Grant (EMPG): The purpose of the EMPG Program is to provide federal funds to states to assist state, local, territorial, and tribal governments in preparing for all hazards. EMPG funding can be used to support emergency preparedness and response capabilities for COVID-19.

  Allowable activities include, but are not limited to, strengthening public health incident management and emergency operations coordination to enable jurisdictions to provide emergency management response support that exceeds normal capacity; Strengthening information management and sharing; Strengthening



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community recovery and resilience; Vector control and surveillance; Health surveillance and epidemiological investigation; Laboratory testing and support services; and Blood safety.

- Homeland Security Grant Program (HSGP): The HSGP includes a suite of risk-based grants, including the State Homeland Security Program (SHSP) and Urban Area Security Initiative (UASI), designed to assist SLTT efforts in preventing, preparing for, protecting against, and responding to acts of terrorism.

  For both SHSP and UASI many activities that support the achievement of core capabilities related to terrorism preparedness may simultaneously support enhanced preparedness for hazards unrelated to acts of terrorism. However, all SHSP- and UASI-funded projects must assist recipients and subrecipients in achieving core capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism. States and high-risk urban areas must justify proposed expenditures of SHSP or UASI funds in their Investment Justification submissions.

- Tribal Homeland Security Grant Program (THSGP): Like HSGP, the THSGP assists directly eligible tribal governments with efforts related to preventing, preparing for, protecting against, and responding to acts of terrorism.

  Activities funded under THSGP that support the achievement of core capabilities related to terrorism preparedness may simultaneously support enhanced preparedness for hazards unrelated to acts of terrorism. However, all THSGP-funded projects must assist recipients in achieving core capabilities related to preventing, preparing for, protecting against, or responding to acts of terrorism. Tribal governments must justify proposed expenditures of THSGP funds in their Investment Justification submissions.

###



AMERICAN OVERSIGHT

**From:** Tom Harnisch
**Sent:** Wed, 11 Mar 2020 19:46:26 +0000
**To:** COVID-19
**Subject:** FERPA Changes

ED Colleagues,

Good afternoon. I was on a call this afternoon with the White House, and they mentioned that there could be changes to FERPA with respect to the COVID-19. Do you have a sense of when those changes will be released?

Thank you for your help!

Tom

Thomas L. Harnisch, Ed.D.
Vice President of Government Relations
State Higher Education Executive Officers Association (SHEEO)
Washington, D.C.
Phone: 303.541.1620
Cell: 608.239.4126
Web: www.sheeo.org
Twitter: @sheeoed

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Fri, 28 Feb 2020 18:50:37 -0500
**To:** COVID-19
**Subject:** Fever

Provide a clear definition for a fever instead of beating around the bush. Anyone at 100 needs to stay home, at 100.4 you are already sick and spreading illness.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:20:49 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FHi OPE, Study

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ayers,James <James.P.Ayers@medaille.edu>
**Sent:** Friday, March 13, 2020 1:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study

Hello,

Thank you for the guidance but I have one follow up question.

Our school is transitioning all of our campus based students to online courses due to Covid-19. Some personnel is still to report, but most are not, including Federal Work Studies. In reference to the March 5th guidance, does this constitute a closure and therefor it is OK for Medaille College to pay its federal Work Studies for hours that they would have worked according to their schedules?

Sincerely,

Jim Ayers
Director of Financial Aid
Medaille College 002678
**Office:** 716-880 2179
**Fax:** 716-880-2510

Federal Work Study (FWS)
Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students

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who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

AMERICAN OVERSIGHT

**From:** Taryn Anderson
**Sent:** Fri, 6 Mar 2020 18:08:00 -0600
**To:** COVID-19
**Subject:** Financial Aid Cost of attendance question

My University has a campus in Italy which we have closed. Students are completing courses for the semester online. I have reviewed the Electronic Announcement from March 5, 2020 and have a follow-up question regarding Cost of Attendance. Students are awarded on a Cost of Attendance that is enhanced to consider additional costs for travel, room, board, international flights, and supplies. Since the students had to return home and did not participate in much of the travel for the semester do we need to make a Cost of Attendance adjustment? We are refunding students for room, board, and class trips on a prorated basis. Do we need to then reduce the cost of attendance used to calculate Title IV eligibility to take these adjustments into account? We do have several students with up-to-cost loans that we are most concerned about. Thank you for your assistance in this matter.

Sincerely,

Taryn Anderson
Director of Financial Aid
**University of Dallas**
taryn@udallas.edu
1-800-628-6999
972-721-5266
Fax: 972-721-5074
www.udallas.edu

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**From:** Jose Rivera
**Sent:** Fri, 13 Mar 2020 10:00:00 -0400
**To:** COVID-19
**Cc:** Nanette DiLauro
**Subject:** Financial Aid-Budget Adjustments
**Importance:** High

Good morning,

Can ED provide guidance about financial aid budget adjustments allowed during Coronavirus emergency? We are encountering a number of students with unique circumstances due to this emergency. How much flexibility are we allowed for adjustments to: travel expenses increase/decrease, housing increase/decrease, meal plan increase/decrease, personal expenses increase, etc.

Thank you,

Jose C. Rivera
Senior Associate Director
Office of Financial Aid
Barnard College
Phone: 212-854-2154
Fax: 212-280-8794
finaid@barnard.edu

---

This email is for informational purposes only and not meant to bind the sender or Barnard College.

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**From:** Sue Vickers
**Sent:** Thu, 12 Mar 2020 14:07:38 +0000
**To:** COVID-19
**Cc:** Somnath Chatterjee;Sue Vickers
**Subject:** Florida State University 00148900 - COVID-19 Inquiry

Good morning,

Florida State University has proactively monitored and responded to daily developments as the novel coronavirus (COVID-19) has spread in Florida and across the United States. Therefore, we will be shifting to an online instruction mode for a temporary period of two weeks beginning March 23rd. During this time our campus will be open, but students are encouraged to leave campus but are not required to do so. We are requesting additional guidance and clarity on the language released by the USDOE recently:https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

We would like to know whether in our situation, we can continue to pay our FWS students without the need for them to be present and working on campus.
We do greatly appreciate your guidance.

*Federal Work Study (FWS)*
*Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating.The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.*

Thanks,

AMERICAN OVERSIGHT

**Sue Vickers**
Sr. Associate Director

Office of Financial Aid
Florida State University
282 Champions Way
Tallahassee, FL 32306
850.644.1019
svickers@fsu.edu
financialaid.fsu.edu

FLORIDA STATE UNIVERSITY

AMERICAN OVERSIGHT

**From:** Megan Chan
**Sent:** Tue, 10 Mar 2020 23:49:35 +0000
**To:** COVID-19
**Subject:** Foreign institutions and distance education

Hello,

We have another question related to COVID-19. Some of our students who have returned from study abroad programs (*e.g.* Italy) who received Title IV aid via consortium agreements are continuing their programs online with the foreign school providing the instruction. This makes the most sense for academic continuity, although we recognize that 20 USC 1088(b)(3) prohibits Title IV aid for distance education provided by foreign schools.

Our questions are:

1. For financial aid purposes, can the foreign institution shorten the academic calendar for the term to exclude the online portion of the program so that students reach the 60% mark and keep aid that has disbursed?
2. Can we apply a R2T4-like calculation to allow students to keep the aid that they earned while they were physically present in the foreign country receiving in person instruction and return any unearned/online amounts?
3. Can we offer a 1- or 2-unit online course as the U.S. institution to enable students to keep their Title IV aid for the term?
4. When can we expect future guidance about "any other flexibilities" mentioned in the IFAP Electronic Announcement?

Thank you,
Megan

**Megan Chan**
*Associate Dean, Financial Aid*

USC University of Southern California

**University of Southern California**
John Hubbard Hall MC 0914
Los Angeles, CA 90089-0914
T: (213) 740-9580 F: (213) 821-3738
Email: chanmega@usc.edu
Web: financialaid.usc.edu

AMERICAN OVERSIGHT

**From:** Mindy Schaffer
**Sent:** Fri, 6 Mar 2020 11:41:03 -0500
**To:** COVID-19
**Cc:** Tatjana Reese;Grace Schneider
**Subject:** Foreign School question

Dear Title IV Expert, We have reached the 60% point of the term and have students studying at foreign schools who wish to come home.The foreign school is allowing the student(s) to complete the remaining 40% of the course via electronic means.

Are the students still Title IV eligible for this term?

Thank you, Mindy

--
Mindy M. Schaffer
Executive Director of Student Financial Assistance
Catholic University of America
Washington, DC 20064
202-319-6369

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Wed, 11 Mar 2020 18:43:41 +0000
**To:** COVID-19
**Subject:** fresh produce and COVID-19

I am seeking information on how long COVID-19 can live on fresh produce that is not cooked or frozen such as fresh strawberries. Thank you for your reply.

(b)(6)

Sent from Outlook

AMERICAN OVERSIGHT

**From:** Clark, Kathleen
**Sent:** Fri, 13 Mar 2020 17:34:11 +0000
**To:** COVID-19
**Subject:** future term guidance

Morning,

According to the guidance we are authorized to move to an online format due to COVID-19 for the current term.

We have a trimester program due to begin May 4th. Will this authorization be extended to the next enrollment period?

Please advise.

**Kathleen Clark**
*Director Graduate Financial Aid*
**Chapman University**
One University Drive, Orange, CA 92866
(714) 628-2510
Chapman.edu/

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 21:23:35 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: clock hours

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** kathy dray <outlook_EDB065779F84F7BE@outlook.com>
**Sent:** Wednesday, March 11, 2020 2:38 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:**

I am the coordinator of a Practical Nursing program at a vocational center. We use clock hours for financial aid. My question is if WVDE closes school is our hours dependent on the student literally be in the school in their seat or can we assign assignments, due virtual clinical etc. to meet those clock hours as long as I can account for those hours? Hoping we don't have to address this.
Thank you for your assistance.
Kathy Dray

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:37:27 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW:

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Allen, Lorrie <Allen.Lorrie@mybradford.us>
**Sent:** Friday, March 13, 2020 8:34 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:**

Good morning!

I have a few questions about the guidance for, interruptions of study related to the Coronavirus that we received through the electronic announcements from IFAP on 3-9-2020.

If our college is closed due to the Coronavirus, I just want to verify that all colleges, even a clock hour school like ours, are allowed to offer distance education? If so, what about attendance?

Also, programs that are more lab oriented than classroom time, it would be difficult to have distance education for those programs. For example: Welding. What would we do about those programs?

If I am reading this guidance correctly we could also offer a Leave of Absence, or a student could withdraw.

I appreciate your assistance with this issue.

Thank you!
Lorrie Allen

***Lorrie Allen***
Student Financial Aid Coordinator
Veterans' Certifying Official

**North Florida Technical College**
609 North Orange Street

AMERICAN OVERSIGHT

Starke, FL 32091
904-966-6765

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 18:25:04 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: 3 policy/processing questions

Hi Shaina,

The COVID-19 mailbox received an inquiry about K-12 special needs school. Below is the inquiry.

Thanks,
Kelly

**From:** Troy Davis <tdavis10@springfieldcollege.edu>
**Sent:** Thursday, March 12, 2020 1:59 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** 3 policy/processing questions

Good afternoon,

I have a few questions related to COVID-19 & student financial aid.

1. We need to apply/petition for a shortened academic year related to COVID-19. The College has decided to extend the spring break by one week without adding educational activities. What are the steps involved in securing approval for a shortened academic year?

2. Since the College has extended the spring break, that will change the percentage of the semester completed for R2T4 calculations. Do we need to recalculate those already completed or use the new break days going forward?

3. There is a possibility that the College will refund resident students a portion of the room and board for the period of the extended spring break. Do we need to adjust the COA?

Thank you for your help,

Troy
--

**Troy A. W. Davis | Director of Financial Aid**

Springfield College
Financial Aid Office

AMERICAN OVERSIGHT

263 Alden Street
Springfield, MA 01109

springfield.edu | p: (413) 748-3108
tdavis10@springfield.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 16:59:19 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Academic Period Shortened

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Klemens, Kristina R <klemens@uwp.edu>
**Sent:** Friday, March 13, 2020 12:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Academic Period Shortened

Hello-

Our institution has made the decision to be closed for two weeks and then converting to online. The result of this decision is that our spring semester is now 13 weeks in length which no longer meets the definition of standard term.

I have two questions then.

1. Since we treat our 'winter' non-standard term which is 4 weeks as part of spring, would we be 'ok' from a term definition given that we are 17 total weeks with that winterim term included?
2. Do we need to request a waiver for the shortening of our academic period given that we are no longer the 14-21 week definition of standard term?

If all else fails, we may decide as an institution to push our spring into our summer term dates, but given that it would result in a lot of class cancelations, I know that as an institution, that would be a tough decision.

Thank you for your assistance!

UNIVERSITY OF WISCONSIN PARKSIDE

**Kristina Klemens**
Director of Scholarships and Financial Aid
klemens@uwp.edu | 262-595-2004

900 Wood Road, Kenosha, WI 53144 | 262-595-2216 (fax) | studentaid.ed.gov

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**From:** Musser, David
**Sent:** Tue, 10 Mar 2020 17:43:26 +0000
**To:** COVID-19
**Cc:** Hilsey, Shaina;Martin, Gregory
**Subject:** FW: Action Required: COVID-19 & Study Abroad
**Importance:** High

(b)(5)

---

**From:** Hammond, Cynthia <Cynthia.Hammond@ed.gov>
**Sent:** Tuesday, March 10, 2020 11:34 AM
**To:** Martin, Gregory <Gregory.Martin@ed.gov>; Musser, David <David.Musser@ed.gov>
**Subject:** FW: Action Required: COVID-19 & Study Abroad
**Importance:** High

Do one of you want to answer? I think you have received this question before.

---

**From:** Mendoza, Marisol <Marisol.Mendoza@ed.gov>
**Sent:** Tuesday, March 10, 2020 12:11 PM
**To:** Hammond, Cynthia <Cynthia.Hammond@ed.gov>
**Cc:** Fosker, Erik <Erik.Fosker@ed.gov>
**Subject:** Action Required: COVID-19 & Study Abroad
**Importance:** High

Hi Cynthia,

(b)(5)

**Marisol Mendoza**
Sr. Institutional Review Specialist
U.S. Department of Education | Federal Student Aid
50 United Nations Plaza – Mailbox 1200 – Room 1273 | San Francisco, CA 94102

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Office: 415-486-5506

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 17:57:52 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Adjusting COA

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Killen, Kris <killenk@xavier.edu>
**Sent:** Thursday, March 12, 2020 1:57 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Adjusting COA

Hello,

I have been referred to this email address for an answer to a pressing question. Will we be required to adjust Cost of Attendance at this point in the semester for students who receive a partial room/board credit for time that they are being asked to stay at home during the COVID-19 outbreak? This is presuming that the student is still enrolled at the status on which their award is based, and began attendance in the number of classes required for the aid they received. If the only change is that the student receives a partial room/board credit, months after their original award disbursed, are we required to make COA adjustments to account for the reduced room/board charges, and potentially have to return aid due to over award?

Thank you,

Kris

---

**KRISTINA D. KILLEN**
Associate Director of Financial Aid
Office of Student Financial Services
killenk@xavier.edu
**T** 513-745-2988
**F** 513-745-2806
**Xavier University**
3800 Victory Pkwy, Cincinnati, OH 45207

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 15:58:57 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Adjusting Cost of Attendance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Teresa Rhyne <trhyne@vwu.edu>
**Sent:** Friday, March 13, 2020 11:53 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Adjusting Cost of Attendance

We are currently looking at going to online classes after our spring break ends on March 22. If we prorate and give refunds for housing/meals, will we need to adjust this semester housing budget?

If yes and due to this change a student is overawarded, will we need to return funds? or if it changes a portion of their Subdsidized loan to Unsubsidized, will this need to happen even if we have disbursed their full loan eligibility?

Thank you for your time and assistance.

**Teresa Rhyne '92**
Director of Financial Aid
Virginia Wesleyan University
5817 Wesleyan Drive
Virginia Beach, Virginia 23455

Phone: 757.455.5733
Email: trhyne@vwu.edu
Web: www.vwu.edu
Social: Facebook | Twitter | Instagram

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:48:35 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: adjustment of COA

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kishbaugh, Amanda <akishba2@bloomu.edu>
**Sent:** Thursday, March 12, 2020 10:32 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** adjustment of COA

Good morning,

Our campus is considering transitioning all coursework to alternative delivery methods and not allowing students to return to their dorms. We would be refunding a prorated amount of their housing and meals based on the number of weeks. Would we be required to adjust their COAs and aid if this occurs?

Thank you,
Amanda

Amanda L. Kishbaugh
Director
Bloomsburg University | Office of Financial Aid
119 Warren Student Services Center | 400 East Second Street | Bloomsburg, PA 17815
Ph. 570-389-4297 | Fx. 570-389-4795

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 17:57:13 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Breaks in enrollment due to Virus
**Importance:** High

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Bologna, Brynn <brynn.bologna@park.edu>
**Sent:** Thursday, March 12, 2020 1:56 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Uden, Jayme <jayme.uden@park.edu>
**Subject:** Breaks in enrollment due to Virus
**Importance:** High

We are looking at extending our Spring break for an additional week for all face to face classes. How will this impact Title IV eligibility, given the natural of the break is their flexibility being granted to schools to do this? Thanks

Park University Legal Disclaimer

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:33:26 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: College Work Study

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Amaya, Mercedes <mamaya@mdc.edu>
**Sent:** Friday, March 13, 2020 5:15 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** De Leon, Berta <bdeleon@mdc.edu>
**Subject:** College Work Study

Good Morning,

I am requesting additional guidance pertaining to the Work Study Program.

Scenario: The College changes the teaching modality to online classes only but remains open to the college employees. In this case, will the students have to report to work?

**Federal Work Study (FWS)**

> Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement

AMERICAN OVERSIGHT

Thanks

Mercedes Amaya

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 18:59:44 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Continuing to pay students FWS

Hi Shaina,

The COVID-19 mailbox received an inquiry about K-12 special needs school. Below is the inquiry.

Thanks,
Kelly

**From:** Ray Stevens <raystevens@bennington.edu>
**Sent:** Thursday, March 12, 2020 2:42 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Continuing to pay students FWS

Hello,

I am the Student Employment Coordinator at Bennington College. I've read over the helpful COVID-19 guidance issued on March 5th, and have a few questions about how to interpret the guidance should we decide to shift to remote operations. Assuming we do so, and want to continue supporting our students whose jobs would be affected by a closure/move to online learning:

1. Does the Department have guidance on how to calculate how many hours to pay each student for? Would we need to find out the respective average hours per week of each student worker and pay them based on this?
2. If not, could we establish a flat number of hours per week to pay all student workers for in their absence, based perhaps on the average number of hours per week needed for a student worker to meet their FWS allotment?
3. Am I correct in understanding that if we opt to continue supporting our student workers with work study, we must also continue to pay all of our staff—non-work study students, regular staff, and faculty?

I'm very grateful for any advice you can offer.

Thank you,
Ray Stevens

--
Ray Stevens
Student Employment Coordinator
Bennington College
One College Drive, Bennington, VT 05201

AMERICAN OVERSIGHT

802-440-4874 | raystevens@bennington.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 9 Mar 2020 20:31:39 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Continuity of Teaching Documentation

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

**From:** Debbie Eno <debbie.eno@ucollege.edu>
**Sent:** Monday, March 9, 2020 4:28 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Frankie Rose <frankie.rose@ucollege.edu>
**Subject:** Continuity of Teaching Documentation

Department of Education,

I work at Union College in Lincoln, NE, and I need clarification on what documentation requirements colleges and universities will need to complete should we have to temporarily suspend our brick and mortar classes and move those classes into a distance education/online method of teaching due to the COVID-19. Any guidance would be appreciated.

Respectfully,

Debbie Eno, RN, MSN, CNE
Assistant Vice President for Academic Operations
Union College
402-486-2600 ext. 2342

Relator Learner Responsibility Deliberative Restorative

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 17:59:14 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: Corona Guidance

Hi Shaina,

The COVID-19 mailbox received an inquiry about K-12 special needs school. Below is the inquiry.

Thanks,
Kelly

---

**From:** Stacy Brinkerhoff <stacy.brink@ourcareer.org>
**Sent:** Thursday, March 12, 2020 9:10 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Corona Guidance

Hello,

We are a small private, K-12 special needs school which depends on State checks to keep our educational facility open. We've been taking a wait and see approach and plan to follow the lead of our local School Board and directives from the County Health Department.

We do not have enough funding to continue to pay teachers for time off if our school is made to close for several weeks. Will there be emergency funding for a circumstance like this? If there's a chance schools close for the remainder of the year, will we still receive our 4th quarter scholarship checks? Will the 170 day attendance minimum be lifted?

Parents are asking, teachers are asking. We've done our part to clean at the school, put up appropriate hand washing and personal hygiene signs, but administration is being looked to for more defined plans at this point. I called the school choice office yesterday and was told there are not plans which have been announced yet.

Please advise,

Stacy

_____

Stacy Brinkerhoff
Executive Administrator

AMERICAN OVERSIGHT

Our Career Centered Academy, Inc.
515 E Haines Blvd.
Lake Alfred, FL 33850
(863) 800-0755

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 14:34:39 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Corona Question

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Stephanie Barlow <Stephanie.Barlow@sjhcon.edu>
**Sent:** Wednesday, March 11, 2020 8:53 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Corona Question

Good Morning,

I'm looking for clarification as I'm interpreting the language from two articles differently:

On the http://www.nasfaa.org/news-item/21105 article:

Finally, ED **cannot provide relief** for coronavirus-related enrollment status changes — for instance, **when a student drops from full-time to three-quarter time status** because an internship location closes due to coronavirus-related issues. **Students in those situations would have to be treated as three-quarter time for financial aid purposes, such as their Pell Grant amount.**

Compared to the IFAP announcement:

Enrollment Status Changes
We do not have the authority to waive the requirement to award or disburse Title IV funds based on a student's actual enrollment status. For example, assuming an institution defines full-time enrollment as 12 credit hours, when a full-time student enrolled for 12 credit hours drops or withdraws from three credits, that student is now enrolled at three-quarter time status. However, we remind institutions that for Direct Loans, the institution must only confirm at least half-time enrollment status as of the time of disbursement. It is not necessary to recalculate a student's Direct Loan eligibility based on changes in enrollment status that occur after the institution originates a Direct Loan. **For enrollment status changes that occur after an institution's established Pell Grant recalculation (census) date, we do not require recalculation. Note that the student must have begun attendance in all courses comprising the enrollment status on which the Pell Grant payment was based.**

I want to confirm if it's past our school's census date and a student drops below 12 credits, we are not required to recalculate Pell?

Thank you for you guidance,

AMERICAN OVERSIGHT

Stephanie Barlow
Financial Aid Coordinator
St. Joseph's College of Nursing

stephanie.barlow@sjhcon.edu
**W** 315.448.5266
**F** 315.448.5745

206 Prospect Avenue
Syracuse, NY 13203

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 17:23:28 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Corona-related Academic Year & Credit Hours Question

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Elisa Hertz <elisa.hertz@guttman.cuny.edu>
**Sent:** Thursday, March 12, 2020 1:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Corona-related Academic Year & Credit Hours Question

I have two questions about the Guidance for interruptions of study related to Coronavirus (COVID-19)

1. The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. Is a temporary five day "instructional recess" to transition from in-person to distance education courses considered a reduction in the length of the semester. If so, please provide me with the contact information of who my institution may need to inform.

2. Is the Department authorized to approve granting a semester hour of credit for fewer hours of instruction? For example, New York State Education Department has a provision that if the State or local government temporarily closes an institution due to a disaster (including an epidemic), section 52.2(c)(4) of the Regulations of the Commissioner of Education provides regulatory relief concerning the granting of a semester hour of credit for fewer hours of instruction.

Thank you for providing such useful information.

Sincerely,

Elisa

STELLA AND CHARLES GUTTMAN COMMUNITY COLLEGE

Elisa Hertz
Assistant Dean of Institutional Effectiveness & Strategic Planning
The Center for College Effectiveness
50 West 40th Street
New York, NY 10018
Tel: +16463138016
Email: Elisa.Hertz@guttman.cuny.edu

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 9 Mar 2020 19:54:03 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Coronavirus - Action plan questions

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Peterson, Amanda M. <apeterson3@pace.edu>
**Sent:** Monday, March 9, 2020 3:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Coronavirus - Action plan questions

Greetings,

We are developing an action plan to avoid disruption of study due the Coronavirus.

We have read the 3/5/20 Electronic Announcement but we are hoping you can answer a few questions:

- If we switch our brick-and-mortar classes to distance learning due to the coronavirus, are there any additional requirements to monitor attendance or withdrawals? We currently have distance learning programs and since we are school that is not required to take attendance, we use academically-related activities to document attendance. The possible lack of documentation supporting attendance has us concerned.

- If enrollment is interrupted for a few weeks (no distance learning) and we have plans to reopen, can you confirm that this is not a withdrawal. What happens if we do not reopen due to ongoing coronavirus concerns? Would this be considered a withdrawal or would we call the School Participation team to request a reduced academic year?

- We have multiple campuses and students that come from all over the tristate NY area. Can you confirm that we can be selective on which campuses or programs we migrate from brick-and-mortar classes to distance learning?

Thank you for your guidance.

Amanda Peterson
Financial Aid, Compliance Manager
Pace University
914-923-2294
914-923-2813 fax

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 18:57:31 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Coronavirus

FYI about IHE. I'm not sure if anyone in OPE has answered this inquiry yet.

Kelly

---

**From:** Thomas, Nathaniel <Nathaniel.Thomas@ed.gov>
**Sent:** Thursday, March 12, 2020 2:35 PM
**To:** Rivera Laboy, Carmen <crivera@albizu.edu>
**Cc:** Santiago, Eric <Eric.Santiago@ed.gov>; Coughlin, Betty <Betty.Coughlin@ed.gov>; Ortiz-Velazquez, Judith <Judith.Ortiz-Velazquez@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Coronavirus

Hi Carmen,

Please email all questions to COVID-19@ed.gov And someone from our Office of Postsecondary Education will be able to assist you.

All the best,

Nate

**Nate Thomas**
*Management Program Analyst*
New York/Boston School Participation Division
Program Compliance – School Eligibility Service Group (SESG)

---

**From:** Rivera Laboy, Carmen <crivera@albizu.edu>
**Sent:** Thursday, March 12, 2020 2:26 PM
**To:** Thomas, Nathaniel <Nathaniel.Thomas@ed.gov>
**Cc:** Santiago, Eric <Eric.Santiago@ed.gov>; Coughlin, Betty <Betty.Coughlin@ed.gov>
**Subject:** RE: Coronavirus

Dear Mr. Thomas:

The institution is not closing, the institution decided move the courses on line. Students working under FWSP cannot performed their job, can we continue paying the students? In the Electronic Announce of March 5 explained about "a campus that must close"

Appreciate your guidance to this matter.

AMERICAN OVERSIGHT

Carmen

---

**From:** Thomas, Nathaniel [mailto:Nathaniel.Thomas@ed.gov]
**Sent:** Friday, March 6, 2020 1:14 PM
**To:** Rivera Laboy, Carmen <crivera@albizu.edu>
**Cc:** Santiago, Eric <Eric.Santiago@ed.gov>; Coughlin, Betty <Betty.Coughlin@ed.gov>
**Subject:** RE: Coronavirus

Dear Ms. Rivera Laboy,

We wanted to let you know that the Department of Education has identified staff who will be able to answer your questions regarding COVID-19 (coronavirus). If you have any questions or need any further guidance, please email COVID-19@ed.gov.

All the best,

Nate

---

**Nate Thomas**
*Management Program Analyst*
New York/Boston School Participation Division
Program Compliance – School Eligibility Service Group (SESG)

---

**From:** Thomas, Nathaniel
**Sent:** Wednesday, March 4, 2020 11:49 AM
**To:** Rivera Laboy, Carmen <crivera@albizu.edu>
**Cc:** Santiago, Eric <Eric.Santiago@ed.gov>
**Subject:** RE: Coronavirus

Good afternoon,

We recommend that you follow the guidance and procedures issued by local authorities and the Center for Disease Control.

All the best,

Nate

---

**Nate Thomas**
*Management Program Analyst*
New York/Boston School Participation Division
Program Compliance – School Eligibility Service Group (SESG)

AMERICAN OVERSIGHT

**From:** Rivera Laboy, Carmen <crivera@albizu.edu>
**Sent:** Wednesday, March 4, 2020 10:02 AM
**To:** Thomas, Nathaniel <Nathaniel.Thomas@ed.gov>
**Cc:** Santiago, Eric <Eric.Santiago@ed.gov>
**Subject:** Coronavirus

Dear Thomas:
As you know our country is in maximum alert for the possible impact of the Coronavirus in our IHE's. I'm wondering if the USDE have any information or guidance related how to handle requirements and process of Title IV in our institutions.

Appreciate your comments or recommendations.

**Carmen E. Rivera Laboy**
Dean of Students Affairs and Compliance Officer
Carlos Albizu University- San Juan Campus
PO BOX 9023711
San Juan, PR 00902-3711
crivera@albizu.edu
Ofic. 787.725.6500 ext. 1560

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FUNDADA EN 1966

albizu.edu

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**From:** COVID-19
**Sent:** Mon, 9 Mar 2020 14:16:33 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Coronavirus Best Practices

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Financial Aid <financialaid@soma.edu>
**Sent:** Saturday, March 7, 2020 2:41 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Coronavirus Best Practices

Should schools cancel Graduation Ceremonies as a precaution due to the increased risk of the spread of the coronavirus?

**James Cussen**
**V.P. Operations and Financial Aid**
**THE SOMA INSTITUTE**
312.878.4638 DIRECT
312.939.0171 FAX
financialaid@soma.edu

55 East Jackson Boulevard
Suite 300
Chicago, IL 60604
www.soma.edu

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Scanned by McAfee and confirmed virus-free.

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 15:07:38 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Coronavirus IFAP Notification Questions

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Friday, March 13, 2020 11:03 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>; agutierrez@ama.edu
**Subject:** FW: Coronavirus IFAP Notification Questions

Thank you for your question. I am forwarding your email to our COVID-19 response mailbox, COVID-19@ed.gov for review and response.

**From:** Angie Gutierrez <agutierrez@ama.edu>
**Sent:** Thursday, March 12, 2020 4:17 PM
**To:** AtlantaSPD <AtlantaSPD@ed.gov>; Lazara Rodriguez <lrodriguez@ama.edu>
**Cc:** Angie Gutierrez <agutierrez@ama.edu>
**Subject:** Coronavirus IFAP Notification Questions

Good afternoon,

In lieu of the current situation with the Coronavirus, American Medical Academy is looking at options to continue education while maintaining the safety of our students/ faculty/ staff and our community. After reading the publications posted on Ifap, we have a few questions and hope you can clarify for us.

1. What are the steps we need to take to receive approval for temporary online teaching for currently enrolled students attending a clock hour program?
2. Students attending clock hour programs must also complete externships outside the school. Unfortunately, these externships done at the hospitals or city rescue have been temporarily suspended by our affiliates in order to protect Patients/EMS personnel/Students. This portion of the program will have to continue after the restrictions are lifted. How will this affect the student's SAP? Should we re-do students' schedules to not reflect these hours and add them once the restrictions are lifted?
3. In the event a student is currently enrolled and attending the school and on the verge of starting a new semester/payment period, how will this affect the ability of getting disbursed?

AMERICAN OVERSIGHT

Thank you in advance for all your help in this matter.

Best Regards,

*Angie Gutierrez*
President

**12215 SW 112 Street**
**Miami, Florida 33186-4830**
**305.271.6555 Tel**
**305.271.6556 Fax**
**www.AMA.edu**

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 15:07:38 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Coronavirus IFAP Notification Questions

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

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**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>; agutierrez@ama.edu
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**Sent:** Thursday, March 12, 2020 4:17 PM
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**Subject:** Coronavirus IFAP Notification Questions

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AMERICAN OVERSIGHT

Thank you in advance for all your help in this matter.

Best Regards,

*Angie Gutierrez*
President

**12215 SW 112 Street**
**Miami, Florida 33186-4830**
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**www.AMA.edu**

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**From:** AtlantaSPD
**Sent:** Fri, 13 Mar 2020 15:03:09 +0000
**To:** COVID-19
**Cc:** AtlantaSPD;agutierrez@ama.edu
**Subject:** FW: Coronavirus IFAP Notification Questions

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**From:** Angie Gutierrez <agutierrez@ama.edu>
**Sent:** Thursday, March 12, 2020 4:17 PM
**To:** AtlantaSPD <AtlantaSPD@ed.gov>; Lazara Rodriguez <lrodriguez@ama.edu>
**Cc:** Angie Gutierrez <agutierrez@ama.edu>
**Subject:** Coronavirus IFAP Notification Questions

Good afternoon,

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3. In the event a student is currently enrolled and attending the school and on the verge of starting a new semester/payment period, how will this affect the ability of getting disbursed?

Thank you in advance for all your help in this matter.

Best Regards,

*Angie Gutierrez*
President
AMA American Medical Academy
**12215 SW 112 Street**

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**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:18:22 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Coronavirus Impact
**Attachments:** ED's announcement on COVID-19, RE: ED's announcement on COVID-19

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Vierling, Christian <Christian.Vierling@ed.gov>
**Sent:** Friday, March 6, 2020 12:57 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Coronavirus Impact

This email is related to the attached email, *titled ED's announcement on COVID-19,* that was forwarded earlier. The other attached email, titled *RE: ED's announcement on COVID-19* , is from OMB titled *RE: ED's announcement on COVID-19*

---

**From:** Mary Foelster <Mary.Foelster@aicpa-cima.com>
**Sent:** Friday, March 6, 2020 11:38 AM
**To:** aenelson@kpmg.com (Aenelson@Kpmg.Com) <aenelson@kpmg.com>; Vierling, Christian <Christian.Vierling@ed.gov>
**Subject:** FW: Coronavirus Impact

Hi…I wanted you both to see that I had just written to Gil as we got his message. See below. I think what needs to be addressed is 3-pronged as I describe below. I'm sure Education will not be the only one to provide relief on certain compliance requirements as it relates to this and we'll need to figure out how to eventually explain to auditors what they need to look for to determine compliance in their 2020 single audits. I'm hopeful that he and I will connect early next week.

Mary

---

**From:** Mary Foelster
**Sent:** Friday, March 06, 2020 11:28 AM
**To:** Gil Tran (Hai_M._Tran@omb.eop.gov) <Hai_M._Tran@omb.eop.gov>
**Cc:** Jim Brackens <Jim.Brackens@aicpa-cima.com>
**Subject:** Coronavirus Impact

AMERICAN OVERSIGHT

Gil…I know you are traveling, but can we add the items below to the call request I asked you about for early next week? Let me know when you are free. We are starting to hear from a lot of members asking for our help, especially on the immediate deadline issue.

Single audit deadline extension – Some single audit clients closed in parts of the country. Local governments in the Pacific Northwest suggesting people stay home from work. Some clients require air travel to get to and some audit team members reluctant to go. While 3/31 is the most immediate deadline, I think flexibility considerations will need to go beyond that.

Effect of Agency Compliance Relief Guidance on 2020 Single Audits - See guidance at link below from Education. They are providing relief to certain requirements relating to SFA. Question is how will the 2020 Supplement address these types of things for 2020 single audits? For example, if an auditor is using the Supplement to audit SFA for a June 30, 2020, year-end single audit, how will they know that when they audit distance learning that ED has waived certain requirements and that they are recommending that institutions document, as contemporaneously as possible, any actions taken as a result of COVID-19 (i.e., that would change the scope of what the auditor would be looking for to determine compliance). I'm guessing ED won't be the only agency to take this kind of action so we need to think more broadly about how these types of changes will be communicated for the eventual single audits. Not sure you will want to hold 2020 Supplement for all of this, but, if not, maybe an addendum that will address all things coronavirus?

Coronavirus Spending – Not sure how the 8.3 billion will be provided. But wondering if the funds will be subject to single audit. If so, since funds will start being spent soon, will need to understand impact on 2020 single audits.

ED Guidance:
https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19?fbclid=IwAR26ID1OBiBMPGgV1vihueMRlY_XI4DoRuMy-jwkK_PwNbZBMCU3y9ihNNU%3Chttps://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Fifap.ed.gov%2Felectronic-announcements%2F030520Guidance4interruptionsrelated2CoronavirusCOVID19%3Ffbclid%3DIwAR26ID1OBiBMPGgV1vihueMRlY_XI4DoRuMy-jwkK_PwNbZBMCU3y9ihNNU&data=02%7C01%7Cmichelea%40ku.edu%7C6c58780a854448bd906d08d7c11b63fa%7C3c176536afe643f5b96636feabbe3c1a%7C0%7C0%7C637190195695274011&sdata=Hhe13kl8IHpBr4vyDPU%2FnRRDcDiTLcOiGpy4PWI4Vzo%3D&reserved=0

Mary M. Foelster, CPA, CGMA
Senior Director, Governmental Auditing and Accounting — Public Accounting Association | AICPA | CIMA
T: +1.202.434.9259 | M: +1.202.297.9596
Mary.Foelster@aicpa-cima.com
1455 Pennsylvania Ave., NW, 10th Floor, Washington, DC 20004
AICPA Member Service: 888.777.7077 or service@aicpa.org
CIMA: cimaglobal.com/Contact-us/

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**From:** Nelson, Amanda E (US/DPP)
**Sent:** Fri, 6 Mar 2020 15:26:20 +0000
**To:** Vierling, Christian
**Cc:** mfoelster@aicpa.org
**Subject:** ED's announcement on COVID-19

Chris

I was just reading yesterday's electronic announcement on COVID-19. I appreciate there are a lot of moving parts, but my initial thoughts are that the considerations included in the announcement will need to be addressed for the single audit. I am not sure of the best way to incorporate into the Compliance Supplement—whether it could be an "other information" section at the back of the SFA section or whether there could be grey boxes inserted within the applicable sections.

I am sure that if you want to brainstorm, Mary could put together a small group from the GAQC.

Mandy

Amanda Nelson
Partner, KPMG LLP
Department of Professional Practice
202-533-5560

---

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**From:** Tran, Hai M. EOP/OMB
**Sent:** Fri, 6 Mar 2020 16:26:00 +0000
**To:** Nelson, Amanda E (US/DPP);Vierling, Christian
**Cc:** mfoelster@aicpa.org
**Subject:** RE: ED's announcement on COVID-19

Hi, OMB is developing a COVID-19 relief memo right now. It will apply government-wide. Yes, we will include any relief measure in the 2020 Compliance Supplement.

Thanks for checking.

Regards,
Gilbert Tran
Executive Office of The President
OMB/OFFM - 202-395-3052

---

**From:** Nelson, Amanda E (US/DPP) <aenelson@kpmg.com>
**Sent:** Friday, March 6, 2020 10:48 AM
**To:** Vierling, Christian <Christian.Vierling@ed.gov>
**Cc:** mfoelster@aicpa.org; Tran, Hai M. EOP/OMB <Hai_M._Tran@omb.eop.gov>
**Subject:** [EXTERNAL] RE: ED's announcement on COVID-19

Chris,

Let me clarify. I was referring to how auditors would know about the relief or accommodations granted to the colleges not how to audit.

Mandy

Mandy
Amanda Nelson
Partner, KPMG LLP
Department of Professional Practice
202-533-5560

---

**From:** Vierling, Christian [mailto:Christian.Vierling@ed.gov]
**Sent:** Friday, March 6, 2020 10:33 AM
**To:** Nelson, Amanda E (US/DPP) <aenelson@kpmg.com>

AMERICAN OVERSIGHT

**Cc:** mfoelster@aicpa.org; Tran, Hai M. EOP/OMB <Hai_M._Tran@omb.eop.gov>
**Subject:** RE: ED's announcement on COVID-19

Mandy, It would seem to me that OMB and AICPA should be developing guidance for the audit community as a whole because ED is not going to be only agency providing relief to non-Federal entities. The implications for audit are nation-wide. It would also seem that the primary audit standard setting bodies for audit (GAO and AICPA) should be looking at what should be done. We have already gotten questions on whether auditors are required to do site visits. Chris

---

**From:** Nelson, Amanda E (US/DPP) <aenelson@kpmg.com>
**Sent:** Friday, March 6, 2020 10:26 AM
**To:** Vierling, Christian <Christian.Vierling@ed.gov>
**Cc:** mfoelster@aicpa.org
**Subject:** ED's announcement on COVID-19

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Mandy

Amanda Nelson
Partner, KPMG LLP
Department of Professional Practice
202-533-5560

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**********

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**From:** COVID-19
**Sent:** Mon, 9 Mar 2020 14:17:34 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Coronavirus Impact on For-Profit Audits

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Vierling, Christian <Christian.Vierling@ed.gov>
**Sent:** Monday, March 9, 2020 9:31 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Coronavirus Impact on For-Profit Audits

---

**From:** Priebe, Mark <Mark.Priebe@ed.gov>
**Sent:** Monday, March 9, 2020 8:57 AM
**To:** Vierling, Christian <Christian.Vierling@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Subject:** FW: Coronavirus Impact on For-Profit Audits

Wanted you to be aware the AICPA's concerns.

Mark

*Mark Priebe*
*Director Non-Federal Audit Team*
*U.S. Department of Education*
*Office of Inspector General*
*O: 202-245-8255*
*C: 202-431-3192*

---

**From:** Mary Foelster <Mary.Foelster@aicpa-cima.com>
**Sent:** Friday, March 6, 2020 5:24 PM
**To:** Karen Cookson - HUD - Office of Inspector General for Audit (kcookson@hudoig.gov) <kcookson@hudoig.gov>; 'BAUGH, MARBIE (MARBIE.BAUGH@oig.usda.gov)' <MARBIE.BAUGH@oig.usda.gov>; Fairley, Ronnie <Ronnie.Fairley@hud.gov>; Priebe, Mark <Mark.Priebe@ed.gov>; Brown, Tammie S (OIG/OAS) <Tammie.Brown@oig.hhs.gov>
**Cc:** Jim Brackens <Jim.Brackens@aicpa-cima.com>; Rafael Roman <Rafael.Roman@aicpa-cima.com>;

AMERICAN OVERSIGHT

Teresa Bordeaux <Teresa.Bordeaux@aicpa-cima.com>; McCormick, Kim <Kim.Mccormick@us.gt.com>
**Subject:** Coronavirus Impact on For-Profit Audits

Hi All: I am wondering if your agencies will be taking any action relating to the coronavirus in following areas. Note that the context for this is not single audits (I've already been in touch with Gil on that front), but rather audit requirements for for-profit entities. Not sure if you are right people to ask....please forward if not.

Extending audit deadlines. We have begun hearing from members in certain parts of the country that are being challenged in performing/completing their audits. For example, some audit clients are now closed in parts of the country. Local governments in the Pacific Northwest are suggesting people stay home from work in entire areas. Some clients require air travel by the audit firm and some audit team members are reluctant to go. While 3/31 is the most immediate deadline, I think deadline flexibility considerations may need to go beyond that. Are any of your agencies considering extending audit deadlines, even if based on certain criteria?

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Please let me know. I just want to stay in the loop and be able to communicate to the auditor community the latest developments on this as the concerns seem to be growing with each day.

Thanks.

ED Guidance:
https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19?fbclid=IwAR26ID1OBiBMPGgV1vihueMRlY_XI4DoRuMy-jwkK_PwNbZBMCU3y9ihNNU%3Chttps://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Fifap.ed.gov%2Felectronic-announcements%2F030520Guidance4interruptionsrelated2CoronavirusCOVID19%3Ffbclid%3DIwAR26ID1OBiBMPGgV1vihueMRlY_XI4DoRuMy-jwkK_PwNbZBMCU3y9ihNNU&data=02%7C01%7Cmichelea%40ku.edu%7C6c58780a854448bd906d08d7c11b63fa%7C3c176536afe643f5b96636feabbe3c1a%7C0%7C0%7C637190195695274011&sdata=Hhe13kl8IHpBr4vyDPU%2FnRRDcDiTLcOiGpy4PWI4Vzo%3D&reserved=0

Mary

Mary M. Foelster, CPA, CGMA
Senior Director, Governmental Auditing and Accounting — Public Accounting Association | AICPA | CIMA
T: +1.202.434.9259 | M: +1.202.297.9596
Mary.Foelster@aicpa-cima.com
1455 Pennsylvania Ave., NW, 10th Floor, Washington, DC 20004

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AICPA Member Service: 888.777.7077 or service@aicpa.org
CIMA: cimaglobal.com/Contact-us/

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AMERICAN OVERSIGHT

**From:** Vierling, Christian
**Sent:** Mon, 9 Mar 2020 13:31:21 +0000
**To:** COVID-19
**Subject:** FW: Coronavirus Impact on For-Profit Audits

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**From:** Priebe, Mark <Mark.Priebe@ed.gov>
**Sent:** Monday, March 9, 2020 8:57 AM
**To:** Vierling, Christian <Christian.Vierling@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Subject:** FW: Coronavirus Impact on For-Profit Audits

Wanted you to be aware the AICPA's concerns.

Mark

*Mark Priebe*
*Director Non-Federal Audit Team*
*U.S. Department of Education*
*Office of Inspector General*
*O: 202-245-8255*
*C: 202-431-3192*

---

**From:** Mary Foelster <Mary.Foelster@aicpa-cima.com>
**Sent:** Friday, March 6, 2020 5:24 PM
**To:** Karen Cookson - HUD - Office of Inspector General for Audit (kcookson@hudoig.gov) <kcookson@hudoig.gov>; 'BAUGH, MARBIE (MARBIE.BAUGH@oig.usda.gov)' <MARBIE.BAUGH@oig.usda.gov>; Fairley, Ronnie <Ronnie.Fairley@hud.gov>; Priebe, Mark <Mark.Priebe@ed.gov>; Brown, Tammie S (OIG/OAS) <Tammie.Brown@oig.hhs.gov>
**Cc:** Jim Brackens <Jim.Brackens@aicpa-cima.com>; Rafael Roman <Rafael.Roman@aicpa-cima.com>; Teresa Bordeaux <Teresa.Bordeaux@aicpa-cima.com>; McCormick, Kim <Kim.Mccormick@us.gt.com>
**Subject:** Coronavirus Impact on For-Profit Audits

Hi All: I am wondering if your agencies will be taking any action relating to the coronavirus in following areas. Note that the context for this is not single audits (I've already been in touch with Gil on that front), but rather audit requirements for for-profit entities. Not sure if you are right people to ask....please forward if not.

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Please let me know. I just want to stay in the loop and be able to communicate to the auditor community the latest developments on this as the concerns seem to be growing with each day.

Thanks.

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Mary

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AMERICAN OVERSIGHT

**From:** Vierling, Christian
**Sent:** Fri, 6 Mar 2020 17:57:15 +0000
**To:** COVID-19
**Subject:** FW: Coronavirus Impact
**Attachments:** ED's announcement on COVID-19, RE: ED's announcement on COVID-19

This email is related to the attached email, *titled ED's announcement on COVID-19,* that was forwarded earlier. The other attached email, titled *RE: ED's announcement on COVID-19* , is from OMB titled *RE: ED's announcement on COVID-19*

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**From:** Mary Foelster <Mary.Foelster@aicpa-cima.com>
**Sent:** Friday, March 6, 2020 11:38 AM
**To:** aenelson@kpmg.com (Aenelson@Kpmg.Com) <aenelson@kpmg.com>; Vierling, Christian <Christian.Vierling@ed.gov>
**Subject:** FW: Coronavirus Impact

Hi…I wanted you both to see that I had just written to Gil as we got his message. See below. I think what needs to be addressed is 3-pronged as I describe below. I'm sure Education will not be the only one to provide relief on certain compliance requirements as it relates to this and we'll need to figure out how to eventually explain to auditors what they need to look for to determine compliance in their 2020 single audits. I'm hopeful that he and I will connect early next week.

Mary

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**From:** Mary Foelster
**Sent:** Friday, March 06, 2020 11:28 AM
**To:** Gil Tran (Hai_M._Tran@omb.eop.gov) <Hai_M._Tran@omb.eop.gov>
**Cc:** Jim Brackens <Jim.Brackens@aicpa-cima.com>
**Subject:** Coronavirus Impact

Gil…I know you are traveling, but can we add the items below to the call request I asked you about for early next week? Let me know when you are free. We are starting to hear from a lot of members asking for our help, especially on the immediate deadline issue.

Single audit deadline extension – Some single audit clients closed in parts of the country. Local governments in the Pacific Northwest suggesting people stay home from work. Some clients require air travel to get to and some audit team members reluctant to go. While 3/31 is the most immediate deadline, I think flexibility considerations will need to go beyond that.

Effect of Agency Compliance Relief Guidance on 2020 Single Audits - See guidance at link below from Education. They are providing relief to certain requirements relating to SFA. Question is how will the 2020 Supplement address these types of things for 2020 single audits? For example, if an auditor is using the Supplement to audit SFA for a June 30, 2020, year-end single audit, how will they know that when they audit distance learning that ED has waived certain requirements and that they are recommending that institutions document, as contemporaneously as possible, any actions taken as a result of COVID-19 (i.e., that would change the scope of what the auditor would be looking for to

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determine compliance). I'm guessing ED won't be the only agency to take this kind of action so we need to think more broadly about how these types of changes will be communicated for the eventual single audits. Not sure you will want to hold 2020 Supplement for all of this, but, if not, maybe an addendum that will address all things coronavirus?

Coronavirus Spending – Not sure how the 8.3 billion will be provided. But wondering if the funds will be subject to single audit. If so, since funds will start being spent soon, will need to understand impact on 2020 single audits.

ED Guidance:
https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19?fbclid=IwAR26ID1OBiBMPGgV1vihueMRlY_XI4DoRuMy-jwkK_PwNbZBMCU3y9ihNNU%3Chttps://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Fifap.ed.gov%2Felectronic-announcements%2F030520Guidance4interruptionsrelated2CoronavirusCOVID19%3Ffbclid%3DIwAR26ID1OBiBMPGgV1vihueMRlY_XI4DoRuMy-jwkK_PwNbZBMCU3y9ihNNU&data=02%7C01%7Cmichelea%40ku.edu%7C6c58780a854448bd906d08d7c11b63fa%7C3c176536afe643f5b96636feabbe3c1a%7C0%7C0%7C637190195695274011&sdata=Hhe13kl8IHpBr4vyDPU%2FnRRDcDiTLcOiGpy4PWI4Vzo%3D&reserved=0

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AMERICAN OVERSIGHT

**From:** Nelson, Amanda E (US/DPP)
**Sent:** Fri, 6 Mar 2020 15:26:20 +0000
**To:** Vierling, Christian
**Cc:** mfoelster@aicpa.org
**Subject:** ED's announcement on COVID-19

Chris

I was just reading yesterday's electronic announcement on COVID-19. I appreciate there are a lot of moving parts, but my initial thoughts are that the considerations included in the announcement will need to be addressed for the single audit. I am not sure of the best way to incorporate into the Compliance Supplement—whether it could be an "other information" section at the back of the SFA section or whether there could be grey boxes inserted within the applicable sections.

I am sure that if you want to brainstorm, Mary could put together a small group from the GAQC.

Mandy

Amanda Nelson
Partner, KPMG LLP
Department of Professional Practice
202-533-5560

---

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**From:** Tran, Hai M. EOP/OMB
**Sent:** Fri, 6 Mar 2020 16:26:00 +0000
**To:** Nelson, Amanda E (US/DPP);Vierling, Christian
**Cc:** mfoelster@aicpa.org
**Subject:** RE: ED's announcement on COVID-19

Hi, OMB is developing a COVID-19 relief memo right now. It will apply government-wide. Yes, we will include any relief measure in the 2020 Compliance Supplement.

Thanks for checking.

Regards,
Gilbert Tran
Executive Office of The President
OMB/OFFM - 202-395-3052

---

**From:** Nelson, Amanda E (US/DPP) <aenelson@kpmg.com>
**Sent:** Friday, March 6, 2020 10:48 AM
**To:** Vierling, Christian <Christian.Vierling@ed.gov>
**Cc:** mfoelster@aicpa.org; Tran, Hai M. EOP/OMB <Hai_M._Tran@omb.eop.gov>
**Subject:** [EXTERNAL] RE: ED's announcement on COVID-19

Chris,

Let me clarify. I was referring to how auditors would know about the relief or accommodations granted to the colleges not how to audit.

Mandy

Mandy
Amanda Nelson
Partner, KPMG LLP
Department of Professional Practice
202-533-5560

---

**From:** Vierling, Christian [mailto:Christian.Vierling@ed.gov]
**Sent:** Friday, March 6, 2020 10:33 AM
**To:** Nelson, Amanda E (US/DPP) <aenelson@kpmg.com>

AMERICAN OVERSIGHT

**Cc:** mfoelster@aicpa.org; Tran, Hai M. EOP/OMB <Hai_M._Tran@omb.eop.gov>
**Subject:** RE: ED's announcement on COVID-19

Mandy, It would seem to me that OMB and AICPA should be developing guidance for the audit community as a whole because ED is not going to be only agency providing relief to non-Federal entities. The implications for audit are nation-wide. It would also seem that the primary audit standard setting bodies for audit (GAO and AICPA) should be looking at what should be done. We have already gotten questions on whether auditors are required to do site visits. Chris

---

**From:** Nelson, Amanda E (US/DPP) <aenelson@kpmg.com>
**Sent:** Friday, March 6, 2020 10:26 AM
**To:** Vierling, Christian <Christian.Vierling@ed.gov>
**Cc:** mfoelster@aicpa.org
**Subject:** ED's announcement on COVID-19

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Mandy

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202-533-5560

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**********

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 17:56:12 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Coronavirus Podcast Interview

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Ryan Weber <rw0019@uah.edu>
**Sent:** Thursday, March 12, 2020 1:48 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Coronavirus Podcast Interview

Hello-

I host a podcast about technical communication and would love to take 10 minutes to talk to someone at The US Department of Education about your strategies for communicating about COVID-19. I can only imagine that you are extremely busy right now, so I can conduct the interview remotely at an expert's convenience. I promote this podcast to university instructors, who will likely share it with their students, so this could be a good way to reach college students who have moved online due to COVID-19.

Thank you for your time and your important work.
Dr. Ryan Weber

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**From:** Meeley, Kathryn
**Sent:** Fri, 13 Mar 2020 21:13:24 +0000
**To:** COVID-19
**Cc:** Jones, Clifton
**Subject:** FW: coronavirus question
**Importance:** High

Good afternoon,

One of our program officers received a question from a grantee asking about capitation payments based on enrollment vs. attendance if public schools close. This goes beyond the statute of our program and we are not clear on how to respond. We are hoping that perhaps another office has received a similar inquiry. Please advise.

Sincerely,

Kathryn Meeley
Acting Director
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E313 | Washington, D.C. 20202
Kathryn.Meeley@ed.gov | 202.453.6818

---

**From:** Jones, Clifton <Clifton.Jones@ed.gov>
**Sent:** Friday, March 13, 2020 4:29 PM
**To:** Meeley, Kathryn <Kathryn.Meeley@ed.gov>
**Subject:** FW: coronavirus question
**Importance:** High

Kate,

(b)(5)

Respectfully,
Clif

---

**From:** Jonathan Harwitz <jharwitz@liifund.org>
**Sent:** Friday, March 13, 2020 4:22 PM
**To:** Jones, Clifton <Clifton.Jones@ed.gov>
**Subject:** coronavirus question
**Importance:** High

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Clif,

Can you tell me if there is any guidance from the Department that clarifies whether authorizers can/must continue capitation payments based on enrollment vs. attendance in case of a loca/state/federal emergency?

Questions are arising as to whether charters will be negatively affected if all public schools are closed?

Many thanks!!

**Jonathan Harwitz**
Director, Federal Policy & Government Affairs
jharwitz@liifund.org | 202.677.4287 Ext 287

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:40:35 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Cost of Attendance Component adjustment due to students leaving the residence halls

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

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**From:** Paula J Lehrberger <pjlehrberger@widener.edu>
**Sent:** Friday, March 13, 2020 9:32 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Cost of Attendance Component adjustment due to students leaving the residence halls

Greetings,
Like many others, our institution is asking students to vacate the residence halls and to continue their Spring 2020 Semester classes in an online format. Are we required to adjust the room and board components of each student's cost of attendance to reflect when they left the residence halls and when they changed to living off campus? Can we add to the personal/miscellaneous component of the cost of attendance an allowance for the cost associated with possibly purchasing a computer, obtaining or upgrading internet service, purchasing a camera so they can participate in video conferencing etc.?

Thank you for your time.
Paula

Paula J. Lehrberger
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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 15:31:33 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Cost Of Attendance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Turner, Keith <dturner9@luc.edu>
**Sent:** Friday, March 13, 2020 11:28 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Cost Of Attendance

Our school has recently ceased in person classes, and will be going all online during the COVID-19. Students will moving out of the dorms, and their charges for housing and meals will be prorated. We are past the census date and aid has disbursed. Are we as an institution required to update the Cost of Attendance if charges are prorated which means students could be in a overaward situation? Enrollment hours have not changed.

**Keith Turner | Assistant Director – Financial Aid**
(p) 773-508-7704
(f) 773-508-3397
(e) lufinaid@luc.edu

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**From:** COVID-19
**Sent:** Tue, 3 Mar 2020 22:05:09 +0000
**To:** Webb, Jo Ann
**Cc:** COVID-19
**Subject:** FW: couple of questions for an Atlantic story

Hi JoAnn,

The COVID-19 mailbox received an inquiry from a reporter. Below is the inquiry.

Thanks,
Kelly

**From:** Ashley Fetters <afetters@theatlantic.com>
**Sent:** Tuesday, March 3, 2020 4:12 PM
**To:** COVID-19 <COVID-19@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>
**Subject:** couple of questions for an Atlantic story

Hi there—

I'm Ashley Fetters, a reporter for The Atlantic. I write about kids and education, and I'm working on a story about how schools are dealing with and/or preparing for the spread of COVID-19. (Liz, cc'ing you on the recommendation of my terrific colleague Adam Harris.)

My coauthor and I are hoping to gain some insight as to what prolonged school closures would look like in the United States, and of course we want to include as much direct information from the Department of Education as we can. I've looked over some of the materials on the COVID-19 section of the ed.gov website, and I have a couple of quick additional questions — so I'm writing in hopes that someone from the Department of Education might be able to shed some light. Here's what I'm wondering:

- I've read about some schools considering adding extra time to the school day for students to periodically wash their hands. Does the Education Department have any specific stance or policy on this measure?
- Kids in Hong Kong have been home for several weeks now and are facing the question of how to make up for the weeks of school the students have now missed. Has the Department of Education released any guidelines, or are there any existing policies, regarding how schools should make up for days lost to school closure? (i.e., at what point should days be added onto the end of the year?)
- What is the Department of Education's stance on e-learning/online lessons? Under what circumstances, if any, would the Department advise school administrators to implement it?
- If school closures continue later into the spring, is there a federal-level plan in place for how to handle standardized testing, or college-entrance exams like the SAT and ACT?
- Are there any other contingency plans that are in the works or yet to be announced that I should look out for?

I'm hoping to file my story by the end of the day on Thursday, so let me know if there's someone who can help me learn a little more about this. Short turnaround, I know—and I apologize, as I know this

AMERICAN OVERSIGHT

must be an unbelievably busy time!—so I'm happy to hop on the phone, too, if that's easier. Thank you, talk soon,

Ashley

--

**Ashley Fetters** *(she/her/hers)*
Staff Writer, *The Atlantic*
60 Madison Ave., New York, NY 10010
@AshleyFetters

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 15:04:44 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COV-19 Study Abroad and Distance Education

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Colleen Lassiter <classiter@shorter.edu>
**Sent:** Friday, March 13, 2020 10:54 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COV-19 Study Abroad and Distance Education

Good morning,

I apologize for requesting a very short turn around time but I need an answer as soon as possible. I have a student who is currently studying abroad in Austria. Based on the ban of incoming flights from Europe she has chosen to return to the United States. The program that she is attending is modular. Her module 1 and two classes were schedule on site in Austria. Due to the coronavirus they are offering the module 2 classes via distance learning. She completed 2 classes offered in module 1 at the institution in Austria. Her 2nd module 2 classes are scheduled to begin on Monday March 16, 2020. She would like to attend the classes in module 2 via distance learning video conferencing. I understand from the guidance dated March 5 that students attending a foreign institution cannot participate in a distance learning program.

To further complicate the issue, while in Austria she took 2 online classes offered at her home institution Shorter University. She completed the class in module 1 and will begin the module 2 class that is starting this week. So in essence she will be enrolled for the entire semester. Since she will be enrolled for the entire semester I am not required to perform the R2T4 but I am unsure how to proceed with the 2nd module of classes that she wants to take via distance learning in Austria?

Shorter University charges students using a block rate so her charges with us will not change. Can she attend the 2nd module of classes being offered via distance learning in Austria? The institution aid that she received at Shorter University will cover the cost of the two distance learning classes?

Colleen Lassiter
Director of Financial Aid

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Shorter University
Rome, GA 30165
PH: (706)233-7337
Fax: (706)233-7314

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:28:19 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID 19 and Federal Work Study

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Annette Linders <annette.linders@domail.maricopa.edu>
**Sent:** Thursday, March 12, 2020 7:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID 19 and Federal Work Study

Good afternoon,

I have a question regarding the guidance issued on COVID19 in relation to Federal Work Study. Our campus is on spring break this week, our leadership has decided to close our campuses for instruction next week and offer distance learning to our students due to COVID19. Our campuses will be open for student services and our offices will be staffed with regular full time and part time staff. In this case, would we allow FWS students to physically work at the campuses during the instructional closure or would we be eligible to pay students FWS wages based on the instructional closure due to COVID19? Thank you for your guidance, please let me know if you need clarification. Thank you.

Annette

Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a

AMERICAN OVERSIGHT

FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

--

**Annette M. Linders, MBA**
**MARICOPA COMMUNITY COLLEGES**
District Director, Financial Aid Compliance
Office of Student Affairs | Office of the General Counsel
2411 West 14th Street, Tempe, AZ 85281
annette.linders@domail.maricopa.edu
https://www.maricopa.edu/
O: 623-845-3377 O: 480-784-0696| M: 813-778-3831
LinkedIn | Twitter | Facebook

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 3 Mar 2020 19:40:30 +0000
**To:** Wilson, Linda
**Cc:** COVID-19
**Subject:** FW: COVID 19 email list?

Hi Linda,

The below email was received in the COVID-19 mailbox. This is from Congressman Burgess staff.

Thanks,
Kelly

---

**From:** Yancey, Michael <Michael.Yancey@mail.house.gov>
**Sent:** Tuesday, March 3, 2020 11:09 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID 19 email list?

To whom it may concern,

If the Dept of Ed has an email blast for what its doing to prevent the spread of COVID19 in schools, please put me on that list. Thank you.

**Michael C. Yancey**|Legislative Assistant
Dr. Michael C. Burgess (TX-26)|2161 Rayburn House Office Building
Office: (202) 225-7772|Email: michael.yancey@mail.house.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 15:05:41 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID 19 guidance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Friday, March 13, 2020 10:57 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>; kristine.hibbard@fscj.edu
**Subject:** FW: COVID 19 guidance

Thank you for your question. I am forwarding your email to our COVID-19 response mailbox, COVID-19@ed.gov for review and response.

---

**From:** Hibbard, Kristine R. <kristine.hibbard@fscj.edu>
**Sent:** Thursday, March 12, 2020 3:34 PM
**To:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** COVID 19 guidance

Good afternoon,
In light of the recent announcement, my institution is requesting some additional guidance as it relates to our Clock Hour instruction. We are potentially going to move our classes to an online format, and was wondering if the guidance allowed for courses measured in clock hours to be afforded the opportunity of moving to an online format for at least two weeks' worth of instructional time.

https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

Any guidance or assistance is greatly appreciated.

Thanks,

Kristine Hibbard
Director of Financial Aid
Office of Financial Aid and Scholarships
601 W. State Street

AMERICAN OVERSIGHT

Jacksonville, FL 32202
Kristine.hibbard@fscj.edu
(904)633-8187

** Please note that under Florida's very broad public records law, electronic mail and recorded voicemail messages to and from College employees may be subject to public disclosure.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 15:05:41 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
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Kelly

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**From:** AtlantaSPD <AtlantaSPD@ed.gov>
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**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>; kristine.hibbard@fscj.edu
**Subject:** FW: COVID 19 guidance

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**From:** Hibbard, Kristine R. <kristine.hibbard@fscj.edu>
**Sent:** Thursday, March 12, 2020 3:34 PM
**To:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** COVID 19 guidance

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(904)633-8187

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AMERICAN OVERSIGHT

**From:** AtlantaSPD
**Sent:** Fri, 13 Mar 2020 14:57:15 +0000
**To:** COVID-19
**Cc:** AtlantaSPD;kristine.hibbard@fscj.edu
**Subject:** FW: COVID 19 guidance

Thank you for your question. I am forwarding your email to our COVID-19 response mailbox, COVID-19@ed.gov for review and response.

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Any guidance or assistance is greatly appreciated.

Thanks,

Kristine Hibbard
Director of Financial Aid
Office of Financial Aid and Scholarships
601 W. State Street
Jacksonville, FL 32202
Kristine.hibbard@fscj.edu
(904)633-8187

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 19:38:04 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Michael DiPasquale <mdipasqu@monroe2boces.org>
**Sent:** Thursday, March 12, 2020 3:12 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID

Good afternoon,

We are a small vocational school in the Rochester, NY area that has 3 programs (HVAC, Medical Office Assistant and Dental Assistant) that are Non-Standard, Clock hour courses with hands on job shadows. Our programs are for non-licensed certificates.

We have not seen any guidance for programming like ours and have a few questions.

Would we be able to switch to online video conferencing and if so would we still need to have the hands on portion?
If we are to shut down and are un able to switch to online video conferencing what would the effect be on to our students?
Is there a new general guide coming that will go over programs such as ours?

Michael DiPasquale
Financial Analyst
Monroe 2-Orleans BOCES
Phone: (585) 349-9106
E-mail: mdipasqu@monroe2boces.org

---

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:20:25 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Clock Hour Programs Online

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Brodie, Katherine D. <KDBrodie@duanemorris.com>
**Sent:** Thursday, March 5, 2020 11:30 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Clock Hour Programs Online

Dear Department COVID-19 Task Force:

On behalf of a cosmetology school client, we have a question related to response to COVID-19. The school offers clock hour based programs for which students earn clock hours for both theory (in class learning) and part practical (clinic) training hours. Traditionally, these programs have not offered any part of the education online. In light of the risks posed regionally by the COVID-19 virus, cosmetology schools are working to prepare contingency plans as recommended by USDE to avoid operational disruptions and to allow students to continue their education uninterrupted to the fullest extent possible if a locality or state mandates closure of institutions of education for any period, or if a school makes a decision on a temporary basis to close due to threat of illness.

We seek guidance on whether the Department would accept temporary online provision of educational services to replace in person theory or clinical instruction, and whether there are any limitations on that for Title IV purposes. Is a school required to obtain accreditor approval for online curriculum prior to offering, which can be a very lengthy process in particular for accreditors who are not experienced in evaluating these programs in an online format? Since these schools would not be seeking permanent offering of online forms of these programs, nor would they be marketed as such, accreditor approval would be burdensome and an impediment to adaptation to an emergency situation. Is USDE providing flexibility for schools to convert their state and accreditor approved program content to online or remote/live stream models for temporary purposes to meet the needs of students during any forced closure? What are the limitations or conditions of which schools should be aware, including around documenting attendance?

We urge the Department to take into consideration the needs of clock hour models and to provide the greatest flexibility possible to allow these schools to innovate to meet short term emergency needs.

Please let us know if there is a Department official that we can speak with on behalf of AACS to discuss in greater detail.

AMERICAN OVERSIGHT

**Katherine D. Brodie**
Partner and Co-Lead, Education Industry Group

**Duane Morris LLP**
**P:** +1 202 776 5241
**C:** +1 202 365 5114

505 9th Street NW, Suite 1000
Washington, DC 20004-2166

KDBrodie@duanemorris.com
www.duanemorris.com

For more information about Duane Morris, please visit http://www.DuaneMorris.com

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 5 Mar 2020 18:14:40 +0000
**To:** COVID-19
**Subject:** FW: Clock Hour Programs Online

**From:** COVID-19
**Sent:** Thursday, March 5, 2020 1:14 PM
**To:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Subject:** FW: Clock Hour Programs Online

Hi Ingrid,

The COVID-19 mailbox received an inquiry about FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Brodie, Katherine D. <KDBrodie@duanemorris.com>
**Sent:** Thursday, March 5, 2020 11:30 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Clock Hour Programs Online

Dear Department COVID-19 Task Force:

On behalf of a cosmetology school client, we have a question related to response to COVID-19. The school offers clock hour based programs for which students earn clock hours for both theory (in class learning) and part practical (clinic) training hours. Traditionally, these programs have not offered any part of the education online. In light of the risks posed regionally by the COVID-19 virus, cosmetology schools are working to prepare contingency plans as recommended by USDE to avoid operational disruptions and to allow students to continue their education uninterrupted to the fullest extent possible if a locality or state mandates closure of institutions of education for any period, or if a school makes a decision on a temporary basis to close due to threat of illness.

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AMERICAN OVERSIGHT

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**Duane Morris LLP**
**P:** +1 202 776 5241
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505 9th Street NW, Suite 1000
Washington, DC 20004-2166

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 14:34:00 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Clock-Hour School guidance

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Baeumel, Joy <joy.baeumel@apollocc.org>
**Sent:** Wednesday, March 11, 2020 9:14 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Clock-Hour School guidance

Hello,

I am seeking guidance for Clock-Hour schools in Ohio in regards to handling Title IV funding properly during a potential shut-down of our school. I have read over the Guidance for interruptions of study related to Coronavirus issued on March 5, 2020. We are a Career Technical school with hands-on training that will not be conducive to allowing online as an option.

With Ohio's governor taking the stance he is, and all public Universities going to fully online studies; we feel it is only a matter of time before K-12 schools will also move to this; and we would be required to follow their lead.

If we do a full shut-down of courses; would it be acceptable to put all Title IV students on an approved LOA status in NSLDS until we can resume operations? We would likely need to adjust and extend all their loan period and academic year dates in order to accommodate the completion of their programs once we are able to resume full operational status.

We would appreciate your consideration in including specific guidance for Clock Hour schools as electronic announcements are issued for this extreme health concern.

Thank you,
Joy E. Baeumel
Financial Aid Specialist/Student Services Manager
Phone: 419-998-2990
Fax: 419-998-2994
Normal Office Hours: Monday – Thursday 8:00 – 4:00
Friday 8:00 – 3:00
Evening Hours until 6:30p.m. on the following dates:

AMERICAN OVERSIGHT

Monday, March 16th

Tuesday, March 24th

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 3 Mar 2020 18:09:04 +0000
**To:** Webb, Jo Ann
**Cc:** COVID-19
**Subject:** FW: CNBC Article about Department of Ed Response to Coronavirus

Hi JoAnn,

The COVID-19 mailbox received an inquiry from a reporter. Below is the inquiry.

Thanks,
Kelly

---

**From:** Hess, Abigail (NBCUniversal) <Abigail.Hess@nbcuni.com>
**Sent:** Tuesday, March 3, 2020 12:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** CNBC Article about Department of Ed Response to Coronavirus

Hello,

My name is Abigail Hess and I am a reporter for CNBC. I am working on an article about the Department of Education's response to Coronavirus. Could you connect me with someone from your organization who can provide a statement on the topic?

Does the Department of Education expect more schools to close?

Thanks in advance for your time.

Best,
Abigail

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:48:21 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COA adjustments

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Karen Belling <karen.belling@wheaton.edu>
**Sent:** Thursday, March 12, 2020 10:28 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COA adjustments

Good morning,

Our school has decided to extend our spring break another week and then classes will resume online. We are in discussion about offering prorated refunds on room and board charges and are wondering how we treat those refunds? Do we treat them as a "scholarship" or do we have to adjust the COA? We have a different COA budget for on-campus students and students living at-home as commuters but since this will be the first time we will be having remote online classes we have not had a different COA for students in this status. Can we leave the COA the same understanding that the students may have comparable food and housing expenses, even though they will not be paying the college directly?

Thank you for your help.
Karen

Karen Belling
Director of Student Financial Services
Wheaton College

P. 630.752.5307

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 21:49:05 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COA Adjustments

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Mary Anne Stano <mastano@loyola.edu>
**Sent:** Wednesday, March 11, 2020 5:41 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COA Adjustments

If we replace face-to-face instruction with online options and require students to move off campus for the remainder of the semester, are we required to adjust COA if we offer pro-rated refunds for room and board?

Thank you,

**Mary Anne**

\\\ **Mary Anne Stano**
Director | Office of Financial Aid

LOYOLA
UNIVERSITY MARYLAND

4501 North Charles Street, Baltimore, MD 21210
410-617-2576 \ financialaid@loyola.edu

**MORE THAN READY. LOYOLA READY.**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 17:22:16 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COA and R&B reduction of charges

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Janice Scheutzow <jscheut1@naz.edu>
**Sent:** Thursday, March 12, 2020 1:06 PM
**To:** COVID-19 <COVID-19@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Martin, Gregory <Gregory.Martin@ed.gov>
**Cc:** Scheutzow, Janice <jscheut1@naz.edu>
**Subject:** COA and R&B reduction of charges

Hello DOE,

Our campus is going to reduce some R&B charges because we are asking students to leave and we are moving to distance learning. I read the 3/5/20 DOE guidance but I do not see a specific COA overaward reference under COVID-19. My concern is that we may have a lot of overawards/over COA because students have borrowed PLUS /private loans up to the spring COA.

Here are my questions under the current COVID-19 environment:

1. Do we have to reduce the R&B COA allowance, for on-campus students, by the amount of the rebate? Or, can we change them to our " off-campus" estimate of the same $7200, thus preventing an overaward?

- We use estimated Room & Board charges for on-campus living ($ 7200)
- We use the same estimated cost of apartment living ( $7200)
- We use a reduced estimated cost for living with a parent ( $1600)

2. If we reduce charges, we may have an overaward/over COA situation.

AMERICAN OVERSIGHT

- Pell- It is our understanding that if the student's enrollment does not change, we do not have to adjust PELL, even though they may be over COA.
- Direct LOAN/PLUS- If the DL has fully disbursed, we do not have to reduce loans, even though they may be over need/COA.
- SEOG- we may have to reduce SEOG over a $300 allowance if we are over need/COA?
- CWS- Like SEOG, we may have to reduce CWS over a $300 tolerance? But then continue to allow them to earn this reduced amount, under the 3/5/20 DOE guidance letter.

Please advise!

Many thanks,

Jan

--

Janice M. Scheutzow
Director of Financial Aid
Nazareth College . 4245 East Avenue. Rochester, NY 14618
Phone: 585 389-2310 Fax: 585 389-2317 E-mail: jscheut1@naz.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 19:29:33 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: College Work Study

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

---

**From:** Amaya, Mercedes <mamaya@mdc.edu>
**Sent:** Friday, March 13, 2020 3:07 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** De Leon, Berta <bdeleon@mdc.edu>
**Subject:** College Work Study

Good Afternoon,

I am requesting additional guidance pertaining to the Work Study Program.

Scenario: The College activated the disaster pay for individuals who qualify for absences based on the advised of a medical professional (exhibit symptoms or may be at risk due to existing health condition). Can the College follow the same guidelines for student workers and continue paying the students even if they are unable to return to work during the time specified by the medical professional ?

**Federal Work Study (FWS)**

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award.
For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement

AMERICAN OVERSIGHT

*Mercedes Amaya*

Associate Vice Provost, Student Financial Services
Miami Dade College

T: (305) 237-0382/ F:(305) 237-2787

E: Mercedes.Amaya@mdc.edu

Have questions about financial aid at Miami Dade College? Learn more about financial aid through short videos on our FATV website

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**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: College Work Study

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Thanks,
Kelly

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**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** De Leon, Berta <bdeleon@mdc.edu>
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AMERICAN OVERSIGHT

*Mercedes Amaya*

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Miami Dade College

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E: Mercedes.Amaya@mdc.edu

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 17:12:59 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Electronic Announcement

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Lucky, Delicia <DLUCKY@emory.edu>
**Sent:** Tuesday, March 10, 2020 12:57 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Collier, Stacey L. <stacey.collier@emory.edu>
**Subject:** Electronic Announcement

I would like to clarify the electronic announcement dated March 5th about the Guidance for interruption of study related to Coronavirus. Under the Federal Work Study section, the statement:

For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.

To confirm that we can continue to pay the student FWS **without** hours worked (clocked in and out)? How does the school determine the hours? Do we base it on the average hours worked for the spring semester or do we just pay the maximum of 20 hours?

If you can please provide guidance on this.

Ms. Delicia Lucky
Associate Director
Emory Financial Aid
404-727-6039

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 14:38:16 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ewa Stankiewicz <ewa.stankiewicz@uj.edu.pl>
**Sent:** Wednesday, March 11, 2020 3:46 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,

I am writing in connection with the Office of Postsecondary Education' electronic announcement of March 05, 2020 and the part regarding foreign schools: "We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Due to the spread of Coronavirus (COVID-19) in Europe and following the safety recommendations of the Chief Sanitary Inspectorate, JU Rector Prof. Wojciech Nowak has cancelled all lectures conducted at Jagiellonian University. Wherever applicable, lectures should be made available online. Other classes (which take place in a smaller groups) will be held as per usual, with any additional restrictions to be introduced by the Faculties.

Please let me know if the above regulations (authorizing distance learning at programs which are not usually distance) do have an impact on students' eligibility for Title IV funds in the 2019-2020 summer semester and should we withhold the disbursements for this semester. Please note that these are exceptional circumstances and all decisions have been made to ensure student safety.

I would appreciate a reply asap as we have just evaluated students' Satisfactory Academic Progress after winter semester and we are ready to make the Title IV funds disbursements for the second semester.

Thank you,

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Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:21:41 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Enrollment level

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Gronback, Debbie <debbie_gronback@harvard.edu>
**Sent:** Friday, March 13, 2020 1:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Enrollment level

Good afternoon,

I'm writing to confirm the guidance on Enrollment Status Changes. Scenario: a student was enrolled full-time in an on-campus program. Due to COVID-19 the IHE has moved all students out of their dorms to return home for the remainder of the spring term. All classes that can be taught by distance learning will, however, if a student's classes aren't all offered online and the student is now enrolled less than half-time, through no fault of his/her own, is the student now considered less than half-time? I assume from the guidance that yes, the student is less than half-time and will enter repayment on prior loans.

Thank you,

Debbie Gronback
Manager, University Financial Aid Liaison Office
Harvard University
Richard A. and Susan F. Smith Campus Center, Room 837
1350 Massachusetts Avenue
Cambridge, MA 02138
617.495.7704 (office)

Please consider the environment before printing this email

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**From:** Fenton, Christopher
**Sent:** Fri, 13 Mar 2020 15:28:06 +0000
**To:** OESE.titlei-a;COVID-19
**Cc:** OESE.SGR.Tennessee
**Subject:** FW: ESEA fiscal requirements COVID-19

Good morning, All-

Please see below for an inquiry from Tennessee regarding Federal funds during some of the COVID-19 reshuffling/adjustments. I also asked Tracey to provide a list of possible Federal programs, as the inquiry was general.

I figured Title I & the COVID team would be a good place to get the ball rolling for a timely response, so here we go!

Please copy the SGR Tennessee mailbox on any final replies to the State.

Thank you.

Best regards,

*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** OESE.SGR.Tennessee
**Sent:** Friday, March 13, 2020 11:25 AM
**To:** Tracey Hawk <Tracey.Hawk@tn.gov>
**Subject:** RE: ESEA fiscal requirements COVID-19

Good morning, Tracey-

If you can give me a list of which particular Federal programs might be involved, that might help me route your inquiry for a more timely response.

In the meantime I'll go ahead and forward this along to Title I team, as well as to the general COVID-19 inquiry email.

Thank you for your inquiry.

Best regards,

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*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** Tracey Hawk <Tracey.Hawk@tn.gov>
**Sent:** Friday, March 13, 2020 11:19 AM
**To:** OESE.SGR.Tennessee <Tennessee.oese@ed.gov>
**Subject:** ESEA fiscal requirements COVID-19

We have LEAs who have purchased airline tickets with federal funds to attend conferences that have now been canceled due to COVID-19. Do we have guidance from a reimbursement/audit standpoint on what to do in this situation?

Thanks for any help.

-Tracey

TN Department of Education
**Tracey Hawk**| ESSA Grants Director
Office of the Chief Financial Officer
Andrew Johnson Tower, 10th Floor
710 James Robertson Parkway, Nashville TN 37243
C: (615) 487-1062
O: (615) 291-5911
Tracey.Hawk@tn.gov
tn.gov/education
**#TNBestforAll**

*We will set all students on a path to success.*

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:40:16 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Extended spring break due to Coronavirus - What to do with R2T4 calendar?

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Wright, Nathan <nwright@css.edu>
**Sent:** Thursday, March 12, 2020 9:40 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Re: Extended spring break due to Coronavirus - What to do with R2T4 calendar?

I am specifically asking if I need to change my calendars used in the R2T4 calculation to include these additional "scheduled" break days even though they technically were "unscheduled".

**Nathan Wright**, *Associate Director of Financial Aid*

800-447-5444 ext. 6146

(218) 723-6146

nwright@css.edu

Title IV code for FAFSA = 002343

On Thu, Mar 12, 2020 at 8:36 AM Wright, Nathan <nwright@css.edu> wrote:

> My school is currently on the spring break that had been scheduled. However, as of yesterday, my college chose to extend spring break due to cironavirus concerns by another week. What do I do for R2T4'S? I hope I do not have to go back and change all of the previously completed R2T4's. Do I even need to change my upcoming R2T4's since this was not an expected break for students and would

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negatively affect the earned aid they can keep?

**Nathan Wright**, *Associate Director of Financial Aid*

800-447-5444 ext. 6146

(218) 723-6146

nwright@css.edu

Title IV code for FAFSA = 002343

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:21:11 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Extended Spring Break question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ellis-Foultz, Kathleen T <kellisfo@rcsj.edu>
**Sent:** Friday, March 13, 2020 1:06 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Chando, Michael J <mchando@rcsj.edu>
**Subject:** Extended Spring Break question

Hello,

Our school has extended the spring break (one week) for an additional week. At the end of all classes will be converted to online.

Do we have to recalculate the R2T4's prior to this increase in the days for spring break?

If the schools gives an Incomplete for all courses do we have to complete R2T4?

If the students are reimbursed dormitory cost do we have to adjust our Cost of Attendance (COA)?

Do we have to adjust all the COA's due to the shortened semester?

Do we have to adjust all the COA's transportation component due to all classes are on line for the duration of the semester?

Thank for you time in this matter.

**Kathleen Ellis-Foultz, M.S.M.**
**Director of Financial Aid- Gloucester Campus**

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**Rowan College South Jersey**
1400 Tanyard Road
Sewell, New Jersey 08080

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:40:38 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Extension of Spring Break

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Aubree Armezzani <aarmezzani@johnson.edu>
**Sent:** Thursday, March 12, 2020 9:41 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Extension of Spring Break

Hello,

Currently our campus, Johnson College, is expanding our spring break until March 23. Is there any documentation that the college will need to provide to DOE in regards to this extension.

Should we decide to move online, will the campus need to provide any additional documentation.

Thank you,
Aubree Armezzani

Aubree Armezzani
**Associate Director of Academics**
Johnson College
Phone: 570-702-8938
Email: aarmezzani@johnson.edu

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 21:30:43 +0000
**To:** COVID-19
**Subject:** FW: Extension of the semester

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ruth Carlson <ruth.carlson@baycollege.edu>
**Sent:** Wednesday, March 11, 2020 3:13 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Extension of the semester

Good afternoon,

Our campus is looking at different scenarios of how to address the best way to handle the COVID-19. One of the scenarios is to possibly close for a week but then extend the semester one week. In the guidance provided it talks about reducing the semester but not about extending the semester. Is this an option that would be allowed? We currently have a 16 week semester and that may extend it to 17 or more.

Thanks for the information.

Thanks,
Ruthie

Ruth Carlson
Director of Financial Aid
Bay College
2001 North Lincoln Rd
Escanaba MI 49829

Phone: (906) 217-4032
Fax: (906) 217-1622

"It's fun to do the impossible" ~~Walt Disney

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**From:** OESE.SGR.Alaska
**Sent:** Tue, 3 Mar 2020 18:09:24 +0000
**To:** COVID-19
**Cc:** Ramsey, Tara;Hodgdon, Jane;McKenzie, Lakesha
**Subject:** FW: COVID-19 and Assessments
**Importance:** High

Good afternoon,

The message below came into SGR's Alaska e-mailbox, and the program office responded.

Corrinne Callins
Office of State and Grantee Relations
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202
Email: Corrinne.Callins@ed.gov
Phone: 202-453-5795
Website: oese.ed.gov

---

**From:** OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
**Sent:** Tuesday, March 3, 2020 12:59 PM
**To:** Paulson, Isaac J (EED) <isaac.paulson@alaska.gov>; OESE.SGR.Alaska <Alaska.oese@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
**Cc:** Riddle, Deborah A (EED) <deborah.riddle@alaska.gov>; Van Wyhe, Tamara L (EED) <tamara.vanwyhe@alaska.gov>
**Subject:** RE: COVID-19 and Assessments

Hello:
At this time no Department specific guidance has been issued.

In the past, States that had schools missing assessment due to extraordinary events have requested waivers from the assessment requirements. The Department has approved some of these waivers. The Department does not, however, approve such waivers pre-emptively.

Don
Donald Peasley, Ph.D.
Assessment Team Lead, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Donald.peasley@ed.gov Ph. 202 453 7982
Email the OESE Assessment team at ESEA.Assessment@ed.gov

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See ED Standards and Assessments Information at
https://www2.ed.gov/admins/lead/account/saa.html#Standards_and_Assessments_Peer_Review_

---

**From:** Paulson, Isaac J (EED) <isaac.paulson@alaska.gov>
**Sent:** Tuesday, March 3, 2020 12:10 PM
**To:** OESE.SGR.Alaska <Alaska.oese@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
**Cc:** Peasley, Donald <Donald.Peasley@ed.gov>; Riddle, Deborah A (EED) <deborah.riddle@alaska.gov>; Van Wyhe, Tamara L (EED) <tamara.vanwyhe@alaska.gov>
**Subject:** COVID-19 and Assessments

Good morning,

As our State Department of Education coordinates our response to the possibility of COVID-19 in Alaksa, the question has come up about what to do about large scale assessment if schools need to be closed during the testing window or if schools are closed for large portions of the academic year prior to testing. Has U.S. ED developed any guidance for states COVID-19 and school closures, specifically related to assessment, beyond what is available on the CDC web site and the U.S. ED COVID-19 page? Is there a possibility for waivers, etc., for states that suspend testing due to virus-related school closures?

Thank you,

**Isaac Paulson**
Assessment Administrator
Alaska Department of Education & Early Development
PO Box 110500, Juneau, AK 99811-0500
Phone 907.465.8431

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 18:59:11 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 and Distance Education

Hi Shaina,

The COVID-19 mailbox received an inquiry about K-12 special needs school. Below is the inquiry.

Thanks,
Kelly

**From:** Mindy Renwand <mrenwand@ehove.net>
**Sent:** Thursday, March 12, 2020 2:36 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 and Distance Education

Good afternoon,
I am the financial aid officer at EHOVE in Ohio. Due to COVID-19, it is a possibility that we may have to close campus for a period of time. We are not approved to offer distance education and we've never had to do it before, but we are realizing that may be a reality in the near future.

**Questions I have**:
Is this a possibility for us even though we are not approved to do so?

Due to being a clock-hour school, we have to track hours that students sit in class. Are there restrictions or regulations in place to tell us how we would go about tracking attendance?

Most of our programs are mainly hands-on and distance learning is not a good option for them. What are our options with those programs regarding financial aid? Would extending academic years be an option if classes take several weeks off and need to move the end date back?

I'm somewhat new to this position, so this is all very new to me!
Any help would be greatly appreciated!
Thank you!

Melinda Renwand
Financial Aid Officer
P: 419-499-4663 ext. 213
F: 419-499-5391

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**From:** OESE.SGR.Wyoming
**Sent:** Fri, 13 Mar 2020 18:44:45 +0000
**To:** COVID-19
**Cc:** OESE.SGR.Wyoming;McKenzie, Lakesha
**Subject:** FW: COVID-19 and dying federal funds

Hello,

The below email was sent to the SGR state mailbox. The agency would like to know how to request a longer period of availability for dying grant funds.

Respectfully,

Lear Cook
State and Grantee Relations
Office of Elementary and Secondary Education
U.S. Department of Education
202.205.9085
OESE@ed.gov

**From:** Jess Binning (WDE) <jess.binning@wyo.gov>
**Sent:** Friday, March 13, 2020 12:10 PM
**To:** OESE.OSS.Wyoming <OSS.Wyoming@ed.gov>
**Cc:** Mark Bowers <mark.bowers@wyo.gov>; Les Koch <les.koch1@wyo.gov>; Jessica Fancher <jessica.fancher3@wyo.gov>; Diana Thompson <diana.thompson@wyo.gov>; Shannon Cranmore <shannon.cranmore@wyo.gov>
**Subject:** COVID-19 and dying federal funds

Support Contacts at US Department of Education:

we have some school districts reaching out about 2018-2019 grant funds that will expire at the end of September. Some districts have grant balances from funds that started July 1, 2018. They have plans that have been in place and approved for using the funds, but some of the activities were to be executed through this school year and summer.

What can we do as an agency to request a longer period of availability (if that is even an option) for these dying grant funds? Or, will the US Department of Education be understanding if states have to return grant funds that were unused because of the current circumstances that are causing disruptions?

The best examples I can share:
Cancelled Professional Development that uses Title II-A funds.
Cancelled additional tutoring services provided using Title I-A funds.
Cancelled Parent and Family Engagement activities that use Title I-A, and Title III funds.

Thank you so much for a quick response so that we can support our districts.

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Sincerely,
Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
**Cheyenne, WY 82002**

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 20:39:37 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 and Federal Work Study (FWS)

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

---

**From:** Taj, Asia <asia.taj@njit.edu>
**Sent:** Friday, March 13, 2020 4:11 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Ivon Nunez <ivon.nunez@njit.edu>
**Subject:** COVID-19 and Federal Work Study (FWS)

Good afternoon,
According to the March 5, 2020 guidance, we may continue to pay FWS students in case of a campus closure. We are not closed but are moving to distance education and our staff for the most part will work remotely. The offices will still be open with skeletal essential staff. Our understanding of the guidance is that we may pay FWS students if they are unable to work. However, we are not clear about the highlighted statement below:

"For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."

We have student workers who receive institutional work study funds. In addition, we have some part time employees who will not be paid. Does this sentence mean that if we do not pay our institutional work study student employees and part-time employees without work, we cannot pay our FWS students if they don't work. We appreciate your help and input!

Federal Work Study (FWS)
Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing

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to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

Thank you.

Asia Taj
Associate Director/Compliance Officer
Student Mall
New Jersey Institute of Technology
University Heights
Newark, NJ 07102-1982
Tel: 973-596-3474
Fax: 973-596-2460
asia.taj@njit.edu

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:17:43 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 Clarifying Question

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** CoraBeth Halverson <chalverson@swtc.edu>
**Sent:** Wednesday, March 11, 2020 9:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 Clarifying Question

Good Evening,

I hope you are well. I have a clarifying question on the following section of the COVID-19 guidance, specifically the non-standard term section.
If we have to cancel clinical, internships or other experiential learning due to COVID-19, would we be able to offer those classes in a format that they would overlap terms (typically making the program non-term) and still be able to remain standard term? So, for example, we would offer a clinical that starts in the Spring 2020 term, and runs through part of the Summer 2020 and/or Fall 2020 terms? Or, that starts in the Summer 2020 term and overlaps into the Fall 2020 term?

In addition, is this guidance below limited to clinical/internship type courses, or does it extent to courses, where moving to an online format isn't a viable completion option?

https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

Finally, because we understand that some students may have been recalled from travel abroad programs or canceled-out of experiential learning opportunities after the semester began, institutions may offer courses to those students on a schedule that would otherwise be considered a non-standard term, if doing so enables those students to complete the term. These flexibilities will also be provided to institutions, or their additional locations or programs, that must temporarily close as a result of COVID-19.

Thanks!

AMERICAN OVERSIGHT

(b)(6)

**CoraBeth**
**Halverson**
Financial Aid Manager
608.822.2316
chalverson@swtc.edu

Southwest Tech
www.swtc.edu
1800 Bronson Blvd.
Fennimore, WI 53809

**Reminder: Starting October 1st, complete the 2020-2021 FAFSA at www.studentaid.gov with 2018 tax information.**

(b)(6)

**CoraBeth**
**Halverson**
Financial Aid Manager
608.822.2316
chalverson@swtc.edu

Southwest Tech
www.swtc.edu
1800 Bronson Blvd.
Fennimore, WI 53809

**Reminder: Starting October 1st, complete the 2020-2021 FAFSA at www.studentaid.gov with 2018 tax information.**

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 19:34:05 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: covid-19 concerns

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

---

**From:** (b)(6) @icloud.com>
**Sent:** Friday, March 13, 2020 3:26 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** covid-19 concerns

To whom it may concern,

I am a 2nd year student from Cincinnati, Ohio attending Tennessee State University, which has just cancelled its in-person meetings indefinitely. This is obviously a major transition to moving all credit hours online & removes the necessity of being on campus. With all the confusion and chaos going on due to the COVID-19, a lot of parents are sending for their children or the student is choosing to evacuate themselves due to the risk of contamination, the lack of supplies due to public panic and lack of required stay. I was listening to a broadcast called "Full Force" and heard about the government offering students who receive Financial Aid additional monetary assistance in order to travel home/make alternative housing arrangements so I wished to see how true those statements were.

Best regards,

(b)(6)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 18:56:11 +0000
**To:** COVID-19
**Subject:** FW: COVID-19 Emails for Guidance for interruptions of study related to Coronavirus

FYI

---

**From:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Sent:** Friday, March 6, 2020 1:53 PM
**To:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Subject:** RE: COVID-19 Emails for Guidance for interruptions of study related to Coronavirus

Hello Kelly,

Please send them directly to me.

---

**From:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Sent:** Friday, March 6, 2020 12:56 PM
**To:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Cc:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Subject:** COVID-19 Emails for Guidance for interruptions of study related to Coronavirus
**Importance:** High

Hi Shaina,

(b)(5)

Thanks,
Kelly Patrick
Office of Safe and Supportive Schools
Office of Elementary and Secondary Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 17:13:27 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 Guidance Request

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Tina Russell <christina.russell@cnu.edu>
**Sent:** Tuesday, March 10, 2020 1:07 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 Guidance Request

Good afternoon,

Can you please advise on what the impact would be for Title IV aid recipients if our campus ends the spring semester early in an effort to prevent the spread of COVID-19?

As I understand it, this would be a change to our academic calendar which would impact all of our return of title IV calculations. Is this correct?

Thanks,
Tina Russell

--

Tina Russell
Director of Financial Aid
1 Avenue of the Arts, Newport News, VA 23606
(p) 757-594-7170 | (f) 757-594-7113
http://cnu.edu/financialaid/

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 19:41:54 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 guidance

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Megan Chan <chanmega@usc.edu>
**Sent:** Tuesday, March 10, 2020 3:21 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 guidance

Hello,

I would like to discuss the temporary reduction of the length of the academic year due to COVID-19 and potential downstream impacts. One proposal is to shorten our 17-week Spring term to 15 weeks. I would like to confirm that:

1. We would not need an exception for this reduction because we would still be over 30 weeks in the academic year.
2. For students who withdraw after the term has been reduced, their 60% mark for R2T4 would be calculated off of the new dates (making it arrive sooner).

Thank you,
Megan

**Megan Chan**
*Associate Dean, Financial Aid*

**University of Southern California**
John Hubbard Hall MC 0914
Los Angeles, CA 90089-0914
T: (213) 740-9580 F: (213) 821-3738
Email: chanmega@usc.edu
Web: financialaid.usc.edu

AMERICAN OVERSIGHT

**From:** Schultz, Renee <Renee.Schultz@ed.gov>
**Sent:** Monday, March 9, 2020 5:28 PM
**To:** Megan Chan <chanmega@usc.edu>
**Subject:** RE: Quick call re COVID-19 guidance

Hi Megan,

You would be correct- we're getting a lot of questions. Take a look at the EA released last week and send an e-mail to the address provided. Policy is reviewing that mailbox and can give you guidance. My other issue, I'm out on Jury Duty, possibly until the end of the month.

Hope you're well!

Renee

**Renée Schultz *(formerly Gullotto)***
U.S. Department of Education | Federal Student Aid
(415) 486-5367 Office | (415) 486-5676 fax
Renee.schultz@ed.gov

Federal Student Aid
An OFFICE of the U.S. DEPARTMENT of EDUCATION
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**From:** Megan Chan <chanmega@usc.edu>
**Sent:** Monday, March 9, 2020 12:20 PM
**To:** Schultz, Renee <Renee.Schultz@ed.gov>
**Subject:** Quick call re COVID-19 guidance

Hello Renee,

I would like to discuss the temporary reduction of the length of the academic year due to COVID-19 and potential downstream impacts. In particular, we are wondering if this would impact the 60% mark for R2T4.

I'm sure you are getting a lot of contact from schools. Please let me know if you have availability for a quick call.

Best,
Megan

**Megan Chan**
*Associate Dean, Financial Aid*

USC University of Southern California

**University of Southern California**

AMERICAN OVERSIGHT

John Hubbard Hall MC 0914
Los Angeles, CA 90089-0914
T: (213) 740-9580 F: (213) 821-3738
Email: chanmega@usc.edu
Web: financialaid.usc.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 22:33:55 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 guidelines and study abroad

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** John Gudvangen <John.Gudvangen@du.edu>
**Sent:** Thursday, March 12, 2020 6:19 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 guidelines and study abroad

We have several students who are hoping to complete their spring term abroad through distance education because the study abroad program has moved the courses to online education as a result of COVID-19. Some of these study abroad students attend foreign schools who are federally aid eligible. Are these students not eligible for their federal aid? The guidelines seem to indicate that these students are not eligible for federal aid. The programs are accommodating the students much like many U.S.-based schools by offering the remainder of the program online. Thank you.

John Gudvangen
Associate Vice Chancellor for Enrollment and Director of Financial Aid
University of Denver
303-871-4857 | john.gudvangen@du.edu | www.du.edu/financialaid

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 15:27:34 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 Impact on R2T4 and breaks

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Stephen White <Stephen.White@mtsu.edu>
**Sent:** Friday, March 13, 2020 11:10 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Leann Eaton <Leann.Eaton@mtsu.edu>; Charles I. Jones <Charles.Jones@mtsu.edu>
**Subject:** COVID-19 Impact on R2T4 and breaks

Dear Colleage:

Our Spring Semester of 2020 start / end dates are 1/21/20 – 5/7/20. The scheduled spring break was 3/8/20 – 3/15/20. Due to COVID-19, the spring break has been extended through 3/22/20 to allow time for on-ground courses to be converted to an on-line format so that students have an opportunity to complete the semester.

For Federal Return to Title IV (R2T4) purposes, we are required to exclude scheduled breaks of => 5 days. Normally, we would have excluded 8 days in the R2T4 calculation.

- Do we continue to exclude 8 days in the R2T4 calculation since the extension reflects a temporary closure beyond the control of the institution (ex: due to weather, natural disaster, etc.) or must we exclude 15 days?

- If we have to exclude 15 days, are we required to recalculate R2T4 calculations completed prior to the decision to extend the spring break or does it only apply to total withdrawals beyond the decision date to extend the spring break?

Thanks for your guidance!
Stephen

Stephen White
Director of Financial Aid
Middle Tennessee State University (OPE ID: 00351000)
615-898-2422

AMERICAN OVERSIGHT

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OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 14:36:42 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 Potential Closing Guidance Request

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Tina Russell <christina.russell@cnu.edu>
**Sent:** Wednesday, March 11, 2020 8:39 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 Potential Closing Guidance Request

Good morning,

Our campus is considering options for preventing the spread of COVID-19 and need some guidance on the potential impact of the following scenarios:

1. Institutionally scheduled breaks of five or more consecutive days are excluded from the R2T4 calculation as periods of nonattendance. If we were to suspend classes for the spring semester, would this be defined as a "scheduled" break and would this rule apply? Are there other implications we need to consider?
2. What would be the impact of changing our academic calendar by moving up the end date of the spring semester? In this case, students would still be completing the semester; however, it would be shorter.
3. If there is a suspension of classes for more than five consecutive days or we change our academic calendar to end the semester early, would their be any impact on R2T4 calculations that were processed prior to this change?
4. If there is a change to our academic calendar to end the semester early, do we need to update the loan periods for loans that have already been disbursed for the aid year? What other implications do we need to consider?

Thank you in advance for your assistance.

Best regards,
Tina Russell

--

Tina Russell

AMERICAN OVERSIGHT

Director of Financial Aid
1 Avenue of the Arts, Newport News, VA 23606
(p) 757-594-7170 | (f) 757-594-7113
http://cnu.edu/financialaid/

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 22:58:30 +0000
**To:** Benefits and Work/Life
**Cc:** COVID-19
**Subject:** FW: Covid-19 Question

Hello,

The COVID-19 mailbox received an inquiry about Agency propose to manage containment and HIPAA laws. Below is the inquiry.

Thanks,
Kelly
-----Original Message-----
From: Seaborne, Stefanie <Stefanie.Seaborne@ed.gov>
Sent: Thursday, March 12, 2020 6:42 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Covid-19 Question

How does the Agency propose to manage containment of Covid-19 at ED should an employee that may have unknowingly been exposed to the virus comes to work before knowing they have the virus or prior to being diagnosed and chooses not to notify the Agency? Wouldn't HIPAA laws still stand? At that point, this could cause an outbreak at the Department could it not? It seems the Agency is taking a reactive stance vs a proactive one. I'm a little worried!

Stefanie Seaborne
Office of the General Counsel
Office:(202)260-4844
Mobile:(202)538-9702

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:43:11 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 Questions; Gardner-Webb University, 00292900

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Anita Elliott <arelliott@gardner-webb.edu>
**Sent:** Friday, March 13, 2020 9:51 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 Questions; Gardner-Webb University, 00292900

Greetings,

On behalf of Gardner-Webb University's Senior Leadership, I am seeking guidance on our traditional ground-based undergraduate program due to actions taken for COVID-19. Most of our students in this traditional program are residential students. In general we have extended our spring break until Wednesday, March 18th and will begin transition to online coursework on that day. Those students who reside on campus have the option of returning to campus housing or remaining at home to complete their spring term coursework. We will reevaluate this temporary school "closure" on April 2nd.

Please see the following questions below. Your guidance is greatly appreciated, and your prompt attention is needed.

- With our extension of spring break and thus changing the break days in the R2T4 calculation, do we need to review all previous R2T4 calculations done thus far for spring term, or can the adjustments be made for any future calculations needed for the term once we transition to online on March 18th?

- If a decision to make reductions or discount housing or meals for this time period is made (and thus changes our cost of attendance for this population), does it follow whether or not the request and reduction is handled on an individual basis or if we apply the reduction across the residential population? Are there any exceptions if we resume normal ground-based classes before the normal end of the term in May?

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- Since our traditional undergraduate population is defined as a ground-based program, do we need students to return to campus for spring term for this guidance to be valid, and if they don't, is it automatically a closure?

- Can the online environment be extended to our ground-based programs for a future enrollment such as summer or is this guidance only valid for the current term/payment period?

As always, thanks again for your guidance and prompt attention.

Regards,
Anita

**Anita Elliott**
**Director of Financial Planning**
**PO Box 7312**
**P (704) 406-4247**

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AMERICAN OVERSIGHT

**From:** Rooney, Patrick
**Sent:** Wed, 11 Mar 2020 16:45:46 +0000
**To:** COVID-19
**Cc:** Peternith, Rachel;Petracca, Ronald;Lund, Miriam
**Subject:** FW: COVID19 Travel Guidance

(b)(5)

-Patrick

---

**From:** Heislen, Cindy <Cindy.Heislen@dese.mo.gov>
**Sent:** Wednesday, March 11, 2020 12:11 PM
**To:** Lund, Miriam <Miriam.Lund@ed.gov>; Little, Debra <Debra.Little@ed.gov>
**Subject:** COVID19 Travel Guidance

Do you know if your Department will be releasing any guidance on travel expenditure impacts due to the Coronavirus? As you know the National Afterschool Association (NAA) Conference was scheduled to begin on Sunday at the Gaylord there, but they changed that to a virtual platform as of yesterday. Some airlines are making exceptions to cancellation fees, etc. and others are not but I think you can still cancel a flight and just apply that money to another upcoming flight within a year (to which they could then attend another allowable afterschool event, etc.). One of the other hotels there in DC for the conference had a seven-day cancellation policy and don't want to budge on cancellation policies, but one of my sub-grantees was able to get the hotel to make a 50% refund but no more. Our CFO suggested contacting federal departments to see if you have any suggestions on what would be allowable for our sub grantees affected by travel costs, what should be refunded to states/federal, etc.

Thank you for any help you can provide.

Cindy Heislen | Director, Extended Learning/Afterschool Programs | Missouri Department of Elementary and Secondary Education | 573.526.9761

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:59:25 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Covid-19

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: (b)(6) (b)(6) @gmail.com>
Sent: Thursday, March 12, 2020 12:49 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Covid-19

I had a few questions, our university has not addressed a few things. We are currently in Texas, where recently a man tested positive who did not leave the state or come into contact with any known persons to have traveled.

We have students who live in this area, around this area, and some who have traveled outside of the state as well as the country for spring break.

Out university notified us that only mission trips/study abroad to China was cancelled, all other trips remained.

Additionally, as a nursing student we are in one of the largest hospitals in Texas for our clinical and are in ICU and ED departments for 36 hours a week. How does the Department of Education plan to addresses students in the hospital settings?

Thank you

(b)(6)
(b)(6)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:32:06 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Deferment status

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Erica Mauro <emauro@mit.edu>
**Sent:** Friday, March 13, 2020 1:29 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Deferment status

To whom it may concern,

What happens to a student's loans when they currently deferred as full time but then may be reduced to the less than the half time student status requirement because a class is cancelled due to COVID-19? Is there any administrative option to continue the deferment as though still a full time student or minimum half time student? Would students with no grace period be given a grace until they are able to re-enroll for the necessary minimum requirement?

The website (which is great by the way, thank you for that!!) indicated what happens when the student withdraws but doesn't mention this type of scenario. Should we follow the same guidance as though the student is considered withdrawn and defer from reporting?

Please do not hesitate to contact me with any further questions or concerns.

**Sincerely,**
**Erica Mauro**
Erica Mauro
Assistant Director for Collections
Massachusetts Institute of Technology
77 Massachusetts Avenue, Building 11-120
Cambridge, MA 02139-4307
Tel: 617-258-5663
Fax: 617-648-9968

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:51:58 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Distance Education Question - Non Traditional Start Dates

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Phil Dunn <pdunn@careerquest.edu>
**Sent:** Thursday, March 12, 2020 11:31 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Distance Education Question - Non Traditional Start Dates

Good morning,

We were advised from our accrediting body to reach out to ED for clarification on a few things. We do not run on a traditional/semester schedule. We begin programs every five weeks. Per the IFAP Announcement on 3/5, it references, "These instructions do not contemplate accommodations for students who have not yet enrolled or whose term has not yet begun, with certain exceptions."

We began a new term on 3/9/2020, just days after the announcement. We are currently in the process of determining if/when/how we transition to some distance education options. Per the announcement, it refers to the "certain exceptions." Is there any clarification on "certain exceptions"? If we decide to implement some distance learning options, are the students from the 3/9/2020 start date able to receive those accommodations.

Also, we have a start date of 4/20/2020. It is my understanding we should anticipate the institution and classes running like "normal" until any other determination from ED has been communicated?

I appreciate any feedback and guidance as I know you are probably swamped.

Kindest Regards,

Phil Dunn *Director of Compliance*
Career Quest Learning Centers www.careerquest.edu
Direct Line: 517-853-7245
3215 S. Pennsylvania Ave, Lansing, MI 48910
Facebook | Instagram | YouTube | LinkedIn

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 15:20:31 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Distance learning for Foreign Schools

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Sigrun Olafsdottir <solafsdottir@fus.edu>
**Sent:** Wednesday, March 11, 2020 11:19 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Distance learning for Foreign Schools

Good morning.

I am emailing to enquire as to whether the government has considered allowing US Foreign Schools to utilize some distance learning components during this crisis? Our school is located on the Swiss-Italian border and as such, is quite close to quarantined Italy. The closest airport and the one we use the most is in Milan and is currently completely closed. Our students are composed of 60% US student and 40% students from all over the world. As this crisis continues to rise around the world, it would greatly enhance our likelihood of enrolling our class for 2020-2021 if we can offer some alternatives to travelling abroad at this time.

Please consider this a desperate plea and advise.

Warm regards,
Sigrun O.

**Ms. Sigrun Olafsdottir**
Director of Financial Aid
Franklin University Switzerland

Phone: +1.386.490.4275
Email: solafsdottir@fus.edu
Skype: sigrun.fus.edu

Office hours; Mon-Fri 8-4pm EST
Other times available by appointment
Alternate email: finaid@fus.edu

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UNIVERSITY SWITZERLAND

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 14:29:53 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Does a reduced cost of attendance mid-semester require schools to return FSA funds already disbursed?
**Importance:** High

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kristine Gripp <Kristine.Gripp@cim.edu>
**Sent:** Wednesday, March 11, 2020 10:15 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Does a reduced cost of attendance mid-semester require schools to return FSA funds already disbursed?
**Importance:** High

Hello,

Our school has just notified students of a temporary, and possible indefinite school closure. We are intending for most classes to continue via online/distance education classes, so enrollment itself will hopefully not be too impacted. Our students are on spring break this week. Some students may home instead of returning to Cleveland either on or off campus. In the event we may need to credit student billing accounts for a partial refund of meal plans and/or on campus housing cost, or tuition itself, do we need to formally reduce the COA for financial aid purposes and subsequently reduce Direct or PLUS Loans or other FSA aid if the lower adjusted actual cost now results in total aid exceeding total cost? This assumes all aid to the student has already been disbursed.

Is the answer different depending if such adjustments are applicable before or after on 60% point in time of the term? My scenario assumes no change to the student's enrollment activities, that they are continuing to participate in the temporary distance/online coursework.

We do not yet know if we will be doing such adjustments, but we want to understand how/if this will impact the already disbursed student aid.

Thank you,

Kristie

Kristie Gripp

AMERICAN OVERSIGHT

Director of Financial Aid
Cleveland Institute of Music
FAFSA code 003031 / CSS PROFILE code 1124
11021 East Blvd., Cleveland, OH 44106
ph (216) 795-3192; fax (216) 791-1530
https://www.cim.edu/admissions/financialaid/how-to-apply
https://netpartner.cim.edu

AMERICAN OVERSIGHT

**From:** Vierling, Christian
**Sent:** Fri, 6 Mar 2020 16:10:51 +0000
**To:** COVID-19
**Subject:** FW: ED's announcement on COVID-19

---

**From:** Nelson, Amanda E (US/DPP) <aenelson@kpmg.com>
**Sent:** Friday, March 6, 2020 10:26 AM
**To:** Vierling, Christian <Christian.Vierling@ed.gov>
**Cc:** mfoelster@aicpa.org
**Subject:** ED's announcement on COVID-19

Chris

I was just reading yesterday's electronic announcement on COVID-19. I appreciate there are a lot of moving parts, but my initial thoughts are that the considerations included in the announcement will need to be addressed for the single audit. I am not sure of the best way to incorporate into the Compliance Supplement—whether it could be an "other information" section at the back of the SFA section or whether there could be grey boxes inserted within the applicable sections.

I am sure that if you want to brainstorm, Mary could put together a small group from the GAQC.

Mandy

Amanda Nelson
Partner, KPMG LLP
Department of Professional Practice
202-533-5560

---

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**********

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 20:52:29 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study Question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** DeFrates, Bruce <bdefrates@ewu.edu>
**Sent:** Thursday, March 12, 2020 4:44 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study Question

We have a situation that does not appear to be covered by the March 4th guidance. We are a standard term quarter school with limited online offerings. We were able to finish out winter quarter; however, due to COVID-19, all of our spring quarter courses will be taught online. We are not sure if campus offices will be open yet, but if they are, some students may be able to work, and some, who remain at home with the parents, will not be able to work. In a case like this, is it permissible to pay the students who cannot work on the same basis as those who can work? These students would be enrolled in either case.

Thanks…

**Bruce DeFrates** | Director of Financial Aid and Scholarships
Eastern Washington University
Financial Aid and Scholarship Office
333 Eagle LN
102 Sutton Hall
Cheney, WA 99004
[p] 509.359 2314
bdefrates@ewu.edu ■ www.ewu.edu/financialaid

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 15:03:29 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Brown, Erinn <browne@mpcc.edu>
**Sent:** Friday, March 13, 2020 10:50 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study question

Our school has decided to go to remote courses except for lab and hands-on technical classes (welding, automotive, etc.). Do our work study students qualify to be paid even if they can't work their hours? Our campus technically isn't closed. Specifically, several of our students work supervising the fitness centers on campus. The fitness centers have been closed so those workers have been displaced. Can they still be paid for their regular hours?

Thanks!

Erinn Brown
Area Director of Financial Aid
Mid-Plains Community College
browne@mpcc.edu
office: (308) 345-8112

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 15:03:29 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Brown, Erinn <browne@mpcc.edu>
**Sent:** Friday, March 13, 2020 10:50 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study question

Our school has decided to go to remote courses except for lab and hands-on technical classes (welding, automotive, etc.). Do our work study students qualify to be paid even if they can't work their hours? Our campus technically isn't closed. Specifically, several of our students work supervising the fitness centers on campus. The fitness centers have been closed so those workers have been displaced. Can they still be paid for their regular hours?

Thanks!

Erinn Brown
Area Director of Financial Aid
Mid-Plains Community College
browne@mpcc.edu
office: (308) 345-8112

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:33:41 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Lupachino, Keri (Financial Aid) <LupachinoK@ccsu.edu>
**Sent:** Friday, March 13, 2020 7:12 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study

Good Morning,

Looking for guidance on paying federal work study to students while our institution has moved to online classes and staff is working from home. We are not closed but the work study students can not go to their places of employment. Are we still able to pay them? The guidance references a school closing so I want to be clear before making this offer.

Thank you so much for assistance during this confusing time.

Keri
Keri Lupachino- Maynard
Interim Director
CCSU Office of Financial Aid

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 19:07:54 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Workstudy - Work form home

Hi Shaina,

The COVID-19 mailbox received an inquiry about K-12 special needs school. Below is the inquiry.

Thanks,
Kelly

COVID-19 Response Team
U.S. Department of Education

---

**From:** Korinne Peterson <kpeterson1@umassd.edu>
**Sent:** Thursday, March 12, 2020 2:46 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Workstudy - Work form home

Hello:

Will FWS students be able to work from home in the case in which students are not allowed back to campus (but the University is still remaining open for business)?

Best,

***Korinne Peterson, MS***
Director, Financial Aid Services
University of Massachusetts Dartmouth
*Private University Experience. Public University Value.*
Phone: 508.999.8643 | Fax: 508.999.8935
Foster Administration Building | RM 105

Pronouns in use: She, her, hers

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 9 Mar 2020 14:15:41 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Financial Aid Cost of attendance question

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

**From:** Taryn Anderson <taryn@udallas.edu>
**Sent:** Friday, March 6, 2020 7:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Financial Aid Cost of attendance question

My University has a campus in Italy which we have closed. Students are completing courses for the semester online. I have reviewed the Electronic Announcement from March 5, 2020 and have a follow-up question regarding Cost of Attendance. Students are awarded on a Cost of Attendance that is enhanced to consider additional costs for travel, room, board, international flights, and supplies. Since the students had to return home and did not participate in much of the travel for the semester do we need to make a Cost of Attendance adjustment? We are refunding students for room, board, and class trips on a prorated basis. Do we need to then reduce the cost of attendance used to calculate Title IV eligibility to take these adjustments into account? We do have several students with up-to-cost loans that we are most concerned about. Thank you for your assistance in this matter.

Sincerely,

Taryn Anderson

AMERICAN OVERSIGHT

Director of Financial Aid
**University of Dallas**
taryn@udallas.edu
1-800-628-6999
972-721-5266
Fax: 972-721-5074
www.udallas.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:43:26 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Financial Aid-Budget Adjustments
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jose Rivera <jrivera@barnard.edu>
**Sent:** Friday, March 13, 2020 10:00 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Nanette DiLauro <ndilauro@barnard.edu>
**Subject:** Financial Aid-Budget Adjustments
**Importance:** High

Good morning,

Can ED provide guidance about financial aid budget adjustments allowed during Coronavirus emergency? We are encountering a number of students with unique circumstances due to this emergency. How much flexibility are we allowed for adjustments to: travel expenses increase/decrease, housing increase/decrease, meal plan increase/decrease, personal expenses increase, etc.

Thank you,

Jose C. Rivera
Senior Associate Director
Office of Financial Aid
Barnard College
Phone: 212-854-2154
Fax: 212-280-8794
finaid@barnard.edu

---

This email is for informational purposes only and not meant to bind the sender or Barnard College.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:44:06 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Florida State University 00148900 - COVID-19 Inquiry

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Sue Vickers <svickers@fsu.edu>
**Sent:** Thursday, March 12, 2020 10:08 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Somnath Chatterjee <somnath@fsu.edu>; Sue Vickers <svickers@fsu.edu>
**Subject:** Florida State University 00148900 - COVID-19 Inquiry

Good morning,

Florida State University has proactively monitored and responded to daily developments as the novel coronavirus (COVID-19) has spread in Florida and across the United States. Therefore, we will be shifting to an online instruction mode for a temporary period of two weeks beginning March 23rd. During this time our campus will be open, but students are encouraged to leave campus but are not required to do so. We are requesting additional guidance and clarity on the language released by the USDOE recently:https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

We would like to know whether in our situation, we can continue to pay our FWS students without the need for them to be present and working on campus.
We do greatly appreciate your guidance.

*Federal Work Study (FWS)*
*Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating.The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet*

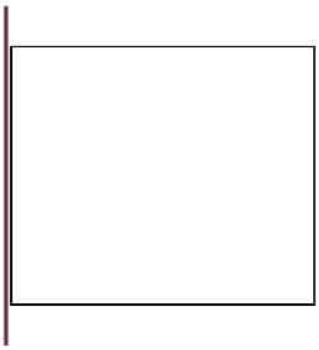
AMERICAN OVERSIGHT

*its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.*

Thanks,

**Sue Vickers**
Sr. Associate Director

Office of Financial Aid
Florida State University
282 Champions Way
Tallahassee, FL 32306
850.644.1019
svickers@fsu.edu
financialaid.fsu.edu



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 14:28:34 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Foreign institutions and distance education

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Megan Chan <chanmega@usc.edu>
**Sent:** Tuesday, March 10, 2020 7:50 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Foreign institutions and distance education

Hello,

We have another question related to COVID-19. Some of our students who have returned from study abroad programs (*e.g.* Italy) who received Title IV aid via consortium agreements are continuing their programs online with the foreign school providing the instruction. This makes the most sense for academic continuity, although we recognize that 20 USC 1088(b)(3) prohibits Title IV aid for distance education provided by foreign schools.

Our questions are:

1. For financial aid purposes, can the foreign institution shorten the academic calendar for the term to exclude the online portion of the program so that students reach the 60% mark and keep aid that has disbursed?
2. Can we apply a R2T4-like calculation to allow students to keep the aid that they earned while they were physically present in the foreign country receiving in person instruction and return any unearned/online amounts?
3. Can we offer a 1- or 2-unit online course as the U.S. institution to enable students to keep their Title IV aid for the term?
4. When can we expect future guidance about "any other flexibilities" mentioned in the IFAP Electronic Announcement?

Thank you,
Megan

**Megan Chan**
*Associate Dean, Financial Aid*

AMERICAN OVERSIGHT

USC University of Southern California

**University of Southern California**
John Hubbard Hall MC 0914
Los Angeles, CA 90089-0914
T: (213) 740-9580 F: (213) 821-3738
Email: chanmega@usc.edu
Web: financialaid.usc.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:18:37 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Foreign School question

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

**From:** Mindy Schaffer <schafferm@cua.edu>
**Sent:** Friday, March 6, 2020 11:41 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Tatjana Reese <reese@cua.edu>; Grace Schneider <schneiderg@cua.edu>
**Subject:** Foreign School question

Dear Title IV Expert, We have reached the 60% point of the term and have students studying at foreign schools who wish to come home.The foreign school is allowing the student(s) to complete the remaining 40% of the course via electronic means.

Are the students still Title IV eligible for this term?

Thank you, Mindy

--
Mindy M. Schaffer
Executive Director of Student Financial Assistance
Catholic University of America
Washington, DC 20064
202-319-6369

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:34:47 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: future term guidance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Clark, Kathleen <katclark@chapman.edu>
**Sent:** Friday, March 13, 2020 1:34 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** future term guidance

Morning,

According to the guidance we are authorized to move to an online format due to COVID-19 for the current term.

We have a trimester program due to begin May 4th. Will this authorization be extended to the next enrollment period?

Please advise.

**Kathleen Clark**
*Director Graduate Financial Aid*
**Chapman University**
One University Drive, Orange, CA 92866
(714) 628-2510
Chapman.edu/

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:33:34 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS - "continuing to pay its other employees"

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Megan Chan <chanmega@usc.edu>
**Sent:** Thursday, March 12, 2020 1:15 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS - "continuing to pay its other employees"

Hello,

Some questions have come up about what it means for an institution to "continu[e] to pay its other employees (including faculty and staff)" to be eligible to pay FWS students at a campus that closes due to COVID-19:

1. Does the institution need to pay its employees 100% of their salary or hourly pay to satisfy this requirement? One proposal is to pay a percentage of the employee's pay (similar to disability) or pay based on reduced hours for certain positions until the institution reopens.

2. Would requiring employees to exhaust sick or vacation time before paying for hours they did not work qualify as "continuing to pay [] other employees"?

3. How long does the institution need to pay employees? For the duration of the closure, end of the term, or until the FWS students have completely earned their FWS award? Plans for paying employees may change depending on the length of the closure.

4. Does this apply to all employees, including non-FWS student workers, or just faculty and staff? Our institution is concerned about costs associated with paying non-FWS student wages just so we are able to pay FWS student wages.

Thank you in advance for your guidance on these topics.

Megan

**Megan Chan**

AMERICAN OVERSIGHT

*Associate Dean, Financial Aid*

**University of Southern California**
John Hubbard Hall MC 0914
Los Angeles, CA 90089-0914
T: (213) 740-9580 F: (213) 821-3738
Email: chanmega@usc.edu
Web: financialaid.usc.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 19:30:03 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS - 25% Institutional Share Detail

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

---

**From:** Alexander Vo <avo@nycda.edu>
**Sent:** Friday, March 13, 2020 3:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS - 25% Institutional Share Detail

Hello COVID DOE Team,

I'm planning out title iv details to our president and needed to know a finite detail. We have students who would not be able to work if we switch to online classes. I understand we're authorized to continue paying students an average of their hours worked for the remainder of the semester.

Financially we are a 25% institutional share school of the FWS. For FWS students who can't continue to work, I'm assuming this rule remains?

Thanks for all your efforts during this time.

**Alexander Vo**
*Senior Director of Financial Aid*
**THE NEW YORK CONSERVATORY FOR DRAMATIC ARTS**
39 W 19th St
New York, NY 10011
T: 212-812-4090
F: 212-645-0641
nycda.edu
@nyconservatory

My Portal for Admissions Paperwork
My Portal for Financial Aid Paperwork and Accepting Awards

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 15:59:21 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS - COVID19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Menture, Laura <lmenture@essex.edu>
**Sent:** Friday, March 13, 2020 11:58 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Smedley, David <dsmedley@essex.edu>; Howard, Patty <howard@essex.edu>
**Subject:** FWS - COVID19

Good Morning,

I have a question/scenario regarding the current state of our institution as it relates to Federal Work Study (FWS) students and COVID-19. As of today, our president put the institution on a 'recess' wherein majority of in-person classes are suspended until March 23rd. All staff are still to report to work as all departments will run as normal. The institution is still open to students and visitors on campus as we are still providing services which includes advisement, tutoring, admissions, financial aid and the like. Majority of our in-person classes are not being held during this time with the exception of allied health and all fully online courses are still running as normal. On the 23rd, the institution will resume normal operation, including all in-person classes.

According to how we are reading the COVID-19 regulations as it pertains to school closing and FWS payment is that we are able to pay FWS students if the institution is closed due to COVID-19 or transitioned to fully online operation which would prevent students from working. Our situation does not appear to directly fit the criteria, however we want to have clarification concerning if our situation would qualify for students to be paid and not physically work the hours during this period even though the institution itself is open, but that in-person courses are not running with some exceptions.

Thank you for your time and attention,

AMERICAN OVERSIGHT

**LAURA MENTURE**
*Financial Aid Officer/FWS Coordinator*
Financial Aid Department

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:34:38 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS and Coronavirus

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** David Futrell <futrelld@nasfaa.org>
**Sent:** Thursday, March 12, 2020 8:12 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** David Futrell <futrelld@nasfaa.org>
**Subject:** FWS and Coronavirus

Can you please confirm that the guidance in the March 5, Electronic Announcement under the Federal Work-Study (FWS) heading also applies in this scenario? We think the answer is, Yes.

Our campus, however, will not be "closing", just moving to an online format. Since the campus will not technically close and cease operations, are will still allowed to pay FWS for students who cannot continue in their positions.

Thank you very much!

*~david*

---

**David L. Futrell** | NASFAA | AskRegs Manager | 202.785.6971
Join us on Facebook, Twitter and LinkedIn
Register Now: NASFAA 2020, June 29 - July 2 in Las Vegas, NV

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:14:31 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS and partial closures

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Arzate, Angelina <AArzate@palomar.edu>
**Sent:** Friday, March 13, 2020 12:09 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS and partial closures

Good morning,

We are trying to get/confirm guidance on partial closures related to COVID-19 protocols at our school.

If we have specific departments close as a precaution/protocol for the virus, would we be able to pay FWS students employed on campus at those locations. They would be labs and may include in-person tutoring services. I am not sure if the highlighted text below refers to FWS students that are working off-campus only.

The campus would remain open and be providing online learning and limited in-class instruction. Staff, in general, are expected to continue working.

Thank you in advance,

For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.

**Angelina Arzate** | Business Systems Analyst | Palomar College | Financial Aid, Veterans & Scholarship Services |
1140 West Mission Road | San Marcos, CA 92069 | ☎: 760-744-1150 Ext. 3249 | 7: 760-591-0681 | aarzate@palomar.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 20:36:36 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS clarification needed

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kim Beveridge <kbeverid@scad.edu>
**Sent:** Thursday, March 12, 2020 4:29 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS clarification needed

Greetings!

I was hoping to get some clarification on the instances when an FWS-eligible student may still receive FWS pay despite not being able to work any hours.

We will begin and complete our spring term completely online in an effort to minimize student travel to campus, therefore our students will be enrolled AND will continue to incur and pay tuition. Your guidance indicates that students may only receive FWS payments for non-working hours for closures that occurred after the beginning of the term. However, if I am understanding the intention behind the guidance, because the student remains enrolled in the quarter, continues attendance, and pays tuition for which they rely on the FWS payments to help offset, it would seem that we would be able to pay them for hours not worked throughout our online spring term. Am I reading too much into the guidance?

Thanks for your help!

**Kim Beveridge**
Director of Financial Aid
Savannah College of Art and Design ®

office: 912.525.6130 / fax: 912.525.6173
kbeverid@scad.edu / www.scad.edu

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SCAD: The University for Creative Careers ®
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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:46:52 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS --Coronavirus Guidance
**Importance:** High

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jose Rivera <jrivera@barnard.edu>
**Sent:** Thursday, March 12, 2020 10:18 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS --Coronavirus Guidance
**Importance:** High

Good morning,

**From ED Guidance:** "For FWS students enrolled at an institution that **closes** temporarily due to the coronavirus, or for those whose employer **closes** as a result of the coronavirus — the institution will be permitted to continue paying the FWS wages "if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."

**Question:** Can ED clarify or give guidance about the definition of **"closes"** under these circumstances? If an institution temporarily suspended classes on campus but offers classes online, is that institution considered to be closed for purposes of FWS payments?

Sincerely,

Jose C. Rivera
Senior Associate Director
Office of Financial Aid
Barnard College
Phone: 212-854-2154
Fax: 212-280-8794
finaid@barnard.edu

---

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 19:29:07 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS eligibility

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

---

**From:** Gutierrez, Tiffany <Tiffany.Gutierrez@acphs.edu>
**Sent:** Friday, March 13, 2020 2:57 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS eligibility

Hello,
ACPHS will temporarily offer all coursework via distance technology for the remainder of this semester due to the onset of the COVID-19 pandemic. After reviewing the SFA notice dated March 05, 2020 with the Subject: Guidance for interruptions of study related to Coronavirus (COVID-19)", a question has arisen in regards to the institution surrounding the term "closed". Specifically, the guidance noted is:

"For students enrolled and performing FWS at a campus that must **close** due to COVID-19, or for a FWS student who is employed by an employer that **closes** as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that **closure** if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."

Technically, the college will not be "closed", rather we will offer distance technology to students to continue their studies while maintaining social distancing and other recommendations of the CDC. Can FWS students continue to work for the College in positions that may be performed via distance technology? Are we able to continue their FWS employment in this way if the college is not "closed"?

Kindly provide some clarity on how we may best serve our students during this unfortunate hardship.
We appreciate your help greatly!
Regards,
Tiffany

TIFFANY GUTIERREZ, MBA
VICE PRESIDENT OF ENROLLMENT MANAGEMENT

Albany College of Pharmacy and Health Sciences
106 New Scotland Avenue

AMERICAN OVERSIGHT

Albany, NY 12208
Work: (518) 694-7254
tiffany.gutierrez@acphs.edu
www.acphs.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 20:35:14 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS funds

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Timothy Baird <trbaird@geneva.edu>
**Sent:** Thursday, March 12, 2020 4:19 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS funds

If we are not able to meet the 10% Community Service requirement for the FWS Funds because of the impact of COVID-19, will the Department of Ed grant grace or exceptions?

**Tim Baird**
Vice President of Business and Finance
O: 724.847.5568 | C: 215.280.8808

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:43:48 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Guidance needed

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Leigh Ann Hussey <lhussey@westga.edu>
**Sent:** Friday, March 13, 2020 10:02 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS Guidance needed

Hello –

I am seeking guidance on the provision given for paying FWS employees. The provision indicates that we can pay FWS if they do not work ***only*** if we pay other employees (including faculty and staff). Does this mean we have to pay our non-FWS student assistants/employees if we pay our FWS students?

Thanks,

**Leigh Ann Hussey**
*Director*
Financial Aid

**University of West Georgia**
1601 Maple Street, Carrollton, GA 30118
p: 678-839-6421
f: 678-839-6422
lhussey@westga.edu

UWG | Student Affairs and Enrollment Management

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:15:57 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS hours if campus is closed
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Shasta Hanson <shanson@vcccd.edu>
**Sent:** Friday, March 13, 2020 12:44 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS hours if campus is closed
**Importance:** High

Hello,

I have a question about work study pay when a school has closed and students are asked not to come to campus. In this event, how do we determine how many hours the student will be paid for? Is it a flat 20 because that is the max, or is it an average of how many hours they typically work, or should we get something from the supervisor that tells us how many hours they would have been scheduled for?

Also, if the campus is closed to students and has moved online, but student services (financial aid) is still at campus and working, is it up to the campus/ supervisor's discretion as to whether FWS students working in student services will continue to come to campus and work?

Thank you,

**Shasta Hanson**
**Financial Aid Specialist & Veterans Liaison**
Ventura College
805-289-6575 Direct

The best ways to prevent the spread of respiratory infections, including COVID-19, are:
**Stay home if you are sick. Sick people make well people sick.**

AMERICAN OVERSIGHT

VENTURA COUNTY
PUBLIC HEALTH

A Department of Ventura County Health Care Agency

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 21:48:32 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Inquiry

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Shirleyne Mcdonald <smcdonal@american.edu>
Sent: Wednesday, March 11, 2020 5:27 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: FWS Inquiry

To Whom It May Concern:

At American University (00143400), Federal Work Study recipients have the ability to work with external employers and receive FWS wage. The external employer pays the wage share. The external employer submit time sheets and payment are processed through American University. The student receives payment and a W2 from American University. If the external employer closes and is not paying its employees, can American University pay the FWS recipient by assuming the wage share of the external employer?

Are we allowed to pay FWS recipients who have been hired but has not yet worked, if the university ceases on campus operations?

Thank you for your assistance.

Sincerely,

Shirleyne McDonald
Financial Aid Office
American University
(202) 885-6027

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 17:24:18 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Payments - Remote Work

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Amaya, Jennifer <jennifer_amaya@fas.harvard.edu>
**Sent:** Thursday, March 12, 2020 1:13 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS Payments - Remote Work

Good afternoon,

Can you please provide guidance on whether or not FWS students can work remotely? If they can, what additional documentation or tracking- if any- is needed?

Best,
Jen

**Jen Amaya**
*Associate Director of Financial Aid for Federal and State Programs*
*University Director of the Federal Work Study Program*

Harvard College Admissions & Financial Aid
86 Brattle Street Cambridge, MA 02138
P: 617-496-5250

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:54:13 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Provision Exception
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Caprice Odom <codom@cia.edu>
**Sent:** Friday, March 13, 2020 1:40 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Martin J. Carney Jr. <mcarney@cia.edu>; Delores Hall <dhall@cia.edu>
**Subject:** FWS Provision Exception
**Importance:** High

To whom it may concern:

Are there are any exceptions to the COVID-19 FWS provision to pay FWS employees who are not working. The exception to which I am referring is whether or not FWS Peer-Tutors are allowed to remotely (no face-to face contact) tutor or take notes for fellow classmates while classes on campus are suspended.

**Caprice Odom** | Financial Aid Counselor/Survey Coordinator
**Office of Financial Aid 11610 Euclid Avenue, Cleveland, OH 44106**
Voice: 216.421.7425 Fax: 216.754.3634 | financialaid@cia.edu | **www.cia.edu**
Cleveland Institute of Art

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 17:22:53 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study - What if students cannot work because the campus is shut down?
**Importance:** High

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Wood, Amy <awood7@Tnstate.edu>
**Sent:** Thursday, March 12, 2020 1:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study - What if students cannot work because the campus is shut down?
**Importance:** High

1. Has there been any administrative guidance on what to do if students are unable to complete planned FWS due to campuses moving to on-line only classes?
2. If the campus remains open, can we allow students to work any hours since technically they have no firm class schedules?

3. Will we be able to receive a waiver if students are not able to earn enough to meet our commitment of required paid amounts due to campus closure or limited activity?

Any assistance is appreciated.

Regards,
***Amy Boles Wood***
***Assistant V.P. for Financial Aid***
**Room 343, Floyd Payne Campus Center**
**Tennessee State University**
**3500 John A. Merritt Boulevard**
**Nashville, TN 37209**
P:(615) 963-7548
F: (615) 963-7540
awood7@tnstate.edu
www.tnstate.edu/Financial_Aid

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*"Think. Work. Serve."*

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:49:30 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Thomas Pinkl <pinklt1@lasalle.edu>
**Sent:** Thursday, March 12, 2020 11:08 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study

Good morning,

My name is Tom Pinkl from the Financial Aid Office at La Salle University (School code 003287). I had a question about the announcement that went out on March 5th regarding Coronavirus.

Federal Work Study (FWS)
Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

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La Salle University's spring break starts tomorrow March 13th, and will go until Sunday, March 22nd. The University is canceling face-to-face courses on campus for one week, from Monday, March 23 – Friday, March 27. Courses will resume through remote learning from Monday, March 30 – Friday, April 3. Face-to-face instruction on campus will resume no earlier than Monday, April 6. Based on the announcement above, I understand that students can still be paid FWS while face-to-face courses are cancelled. I was hoping for some clarification though. La Salle was granted a title III/IV waiver for the 2019-20 academic year and will not be doing an institutional match for FWS. Because we are not required to meet the institutional match requirement, can we still pay students FWS during the two week period that face-to-face courses are cancelled?

Any guidance would be greatly appreciated.

Thanks,

Tom Pinkl
Assistant Director, Financial Aid
La Salle University
1900 West Olney Ave
Philadelphia, PA 19141
(215) 951-1070 (phone)
(215) 951- 5098 (fax)
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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 22:31:59 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Holding, Frederick K. <holdingf@uncw.edu>
**Sent:** Thursday, March 12, 2020 5:27 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study

Greetings!

We haven't closed (yet), but we're extending spring break a week in order to shore up the on-line instruction process for the campus. I would conclude that paying students for the week that they are required to be away is acceptable since they cannot return to campus. Then, students will be able to return to campus and have limited access to what and where they go (e.g. no face to face classes unless required, etc.) which may include not working in campus departments, etc. Is there flexibility here to continue to pay student workers if they are not being allowed to work (in order to reduce the likelihood of transmitting illness, etc.)? Administrative Offices may even restrict student visits to scheduling appointments.

Thanks for your feedback.

Best,
Fred

*Federal Work Study (FWS)*
*Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial*

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*aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.*

Frederick "Fred" Holding, Director
Office of Scholarships & Financial Aid

Warwick Center | 601 S. College Road
Wilmington, NC 28403-5951
910.962.1123 – Direct | 910.962.3851 - Fax
holdingf@uncw.edu | http://www.uncw.edu/finaid/ | Office Feedback
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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:33:41 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Lupachino, Keri (Financial Aid) <LupachinoK@ccsu.edu>
**Sent:** Friday, March 13, 2020 7:12 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study

Good Morning,

Looking for guidance on paying federal work study to students while our institution has moved to online classes and staff is working from home. We are not closed but the work study students can not go to their places of employment. Are we still able to pay them? The guidance references a school closing so I want to be clear before making this offer.

Thank you so much for assistance during this confusing time.

Keri
Keri Lupachino- Maynard
Interim Director
CCSU Office of Financial Aid

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:14:43 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study (FWS)

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Oranje, Tammy <toranje@losmedanos.edu>
**Sent:** Friday, March 13, 2020 12:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study (FWS)

Good morning,

After reading the electronic announcement dated March 05, 2020 "Subject Guidance for interruptions of study related to Coronavirus (COVID-19)" in regards to Federal Work Study, can you provide me with some additional guidance on the following:

The guidance indicates "For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."

What about in the event of a partial closure? Currently, our college is in discussion of moving all/most lecture classes to online? Some of our Student Services Departments and staff members may be working remotely. Another possible scenarios is that the colleges suspends all face-to-face classes and student services are suspended. Both of these scenarios can impact our FWS students. Would either of the scenarios still be within the guidance above to continue paying our FWS students?

***Tammy Oranje***
Interim Financial Aid Supervisor
Office of Financial Aid
Los Medanos Community College
925-473-7518

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:14:43 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study (FWS)

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Oranje, Tammy <toranje@losmedanos.edu>
**Sent:** Friday, March 13, 2020 12:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study (FWS)

Good morning,

After reading the electronic announcement dated March 05, 2020 "Subject Guidance for interruptions of study related to Coronavirus (COVID-19)" in regards to Federal Work Study, can you provide me with some additional guidance on the following:

The guidance indicates "For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."

What about in the event of a partial closure? Currently, our college is in discussion of moving all/most lecture classes to online? Some of our Student Services Departments and staff members may be working remotely. Another possible scenarios is that the colleges suspends all face-to-face classes and student services are suspended. Both of these scenarios can impact our FWS students. Would either of the scenarios still be within the guidance above to continue paying our FWS students?

***Tammy Oranje***
Interim Financial Aid Supervisor
Office of Financial Aid
Los Medanos Community College
925-473-7518

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:41:57 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study and change of length of academic year

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Teresa Buchmann <TBuchmann@greenriver.edu>
**Sent:** Thursday, March 12, 2020 9:52 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study and change of length of academic year

Good morning,
Our school is located in King County, near Seattle. Based on the recent developments we are considering delaying the start of our spring quarter. We moved most classes for the remainder of the winter quarter to alternate modalities to encourage social distancing.

I am meeting with the executive team later today and I'm trying to gather any information that would influence our decision for spring quarter. The recent Electronic Annourcement, dated March 5, 2020, states that schools can request a reduced academic year. Is there a specific process for this? What is the best way to contact the School Participation team? Our proposal would be to reduce the academic year by 2 weeks (making spring quarter an 8 week quarter instead of the typical 10).

Also, regarding FWS. If the school campus is closed to the public but classes are still running in alternate modalities at the beginning of the quarter, would the guidance of allowing FWS to be paid (provided we continue with the institutional share) still be applicable? What about if the closure is during the break? I would assume we could pay if the student was registered for spring quarter as we would during other breaks. Are there any additional considerations I need to take into account? At this point we don't have plans to completely close to the public, but we are making contingency plans.

Thank you for your assistance during this difficult time.

Teresa Buchmann
**she/her/hers pronouns**
Director of Student Financial Aid
Green River College
12401 SE 320th St
Auburn, WA 98092
(253) 833-9111 ext. 3326

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Fax: (253) 288-3473

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:16:24 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study Employees

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** (b)(6) @mdc.edu>
**Sent:** Wednesday, March 11, 2020 8:52 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study Employees

Good evening,

With growing concerns over the COVID-19, I was wondering what actions will be taken for students like me who work under the Federal a Work Study. Will we be given sick days? Will we still be working remotely if our campus closes? I can't afford not working right now.

Thank you.

Best,

(b)(6)

**Student Life Assistant**

Miami Dade College, Hialeah Campus

1780 W 49th St, Hialeah, FL 33012

*Dept. Location:* 2102

*Dept. Phone:* (305)-237-8742

*Campus Website:* Miami Dade College, Hialeah Campus

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:36:19 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study Funds

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Hurd-Crank, Cathy A (Big Sandy) <cathy.hurdcrank@kctcs.edu>
**Sent:** Thursday, March 12, 2020 8:28 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study Funds

Is there an established formula to determine the amount of wages to pay work study students in the event of a school moving to all online education?

Cathy Hurd-Crank
Director of Financial Aid
Big Sandy Community and Technical College
One Bert Combs Drive
Prestonsburg, KY 41653
1-606-889-4967
FAX 606-886-6943
cathy.hurdcrank@kctcs.edu

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**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 14:29:42 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study Guidance

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Lynn E Higinbotham <lynn.higinbotham@nyu.edu>
**Sent:** Monday, March 9, 2020 7:41 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study Guidance

Dear Dept of ED Colleague -

Regarding ED's guidance below we wanted to get confirmation that as an institution which does not intend on formally closing at this time due to COVID-19, *but which is going to provide alternative/remote instruction*, that the FWS allowance as described below is applicable.

Thank you for your flexibility during this time,

Lynn Higinbotham

*ED addressed specific impacts on the Federal Work-Study (FWS) program if disruptions from the coronavirus occur. Currently, federal law allows institutions to continue making FWS payments in certain circumstances to students in disaster-impacted areas if the student is not able to continue working. While ED said it is "unlikely that an entire region would be declared a federal disaster area," due to the coronavirus, for students enrolled at an institution that has to close temporarily, "the loss of this important form of financial aid can be devastating."*

*"The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying*

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*tuition, but the student loses FWS as an important part of their financial aid award," ED continued.*

*In those circumstances — for FWS students enrolled at an institution that closes temporarily due to the coronavirus, or for those whose employer closes as a result of the coronavirus — the institution will be permitted to continue paying the FWS wages "if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."*

--

Lynn E. Higinbotham
Associate Vice President for Enrollment Management
New York University
lynn.higinbotham@nyu.edu
(212) 998-4172

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:37:35 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study Information Requested

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Nicole Hall <nrhall@uncg.edu>
**Sent:** Thursday, March 12, 2020 9:19 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study Information Requested

Good morning,

Will there be additional guidance on this statement in the current "Guidance for interruptions of study related to Coronavirus (COVID-19)":

The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award.

Our campus is not closing, but is instead shifting all classes to online. Faculty and staff will continue to be paid and we need to understand if we are permitted to allow Federal Work Study students to engage in work remotely and receive their funding during this time period.

Thank you for your assistance.

Nicole Hall

--
Nicole R. Hall, MBA
Director, Career & Professional Development
Main Office: 336-334-5454
Personal Line: 336-334-4174
nrhall@uncg.edu
http://cpd.uncg.edu

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 19:25:08 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study Program and the COVID-19 at the University of Maryland, College Park MD

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

---

**From** (b)(6) y@hotmail.com>
**Sent:** Friday, March 13, 2020 2:36 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc** (b)(6) @gmail.com
**Subject:** Federal Work Study Program and the COVID-19 at the University of Maryland, College Park MD

Greetings,

My son is a Sophomore at the University of Maryland, College Park and apart of his financial aid packet included work study. When he was informed that the school would be closing for two weeks he asked his supervisor if he would be able to work. He was informed that IF someone was working in the office, then he would be able to work. My concern is, IF someone is not in the office, will he still get paid for the week he was not able to work? According to your guidelines listed on https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19,, it indicates that he should still be able to get paid. If so, what would his supervisors need to do in order to abide by these guidelines. As you can imagine, the money he receives from the work-study program is necessary in order to pay his bills. Not receiving these benefits, that were already approved and allocated, will cause a huge financial burden on him and on his family.

Can you help us navigate through this process?

Thank you,
(b)(6)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 15:03:58 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS: Continuation of pay for non-worked hours

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Diekmann, Beth J <beth.diekmann@rctc.edu>
**Sent:** Friday, March 13, 2020 10:52 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS: Continuation of pay for non-worked hours

A student was being paid from our STATE Work Study allocation, but this funding has now been exhausted. Normally we would move the student to FEDERAL Work Study funding and allow them to finish out the semester.

Can I still move the student to a Federal Work Study award and continue the student's pay under the FWS rules? Or did the student have to be on FWS before my campus moved to online learning due to the COVID-19 pandemic?

Beth


**BETH DIEKMANN**
**Director of Financial Aid**
Rochester Community and Technical College
*Financial Aid Office*
851 30th Ave. SE, Rochester, MN 55904
(o) 507-285-7467 | beth.diekmann@rctc.edu
www.rctc.edu | https://rctc.edu/financialaid/

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 17:24:01 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS/Closure

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Tulloss, Celena Rader <ctulloss@utk.edu>
**Sent:** Thursday, March 12, 2020 1:11 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS/Closure

Hello,

For the guidance letter that was released on 3/5, if your school has moved to online instruction for a period of time, is that considered a "closure"? We are trying to determine if we will be able to pay federal work students who have moved away from campus during this time.

Thank you,

Celena Tulloss
Senior Associate Director
Office of Financial Aid and Scholarships
University of Tennessee
116 Student Services Bldg.
Knoxville, TN 37996
865-974-1111
ctulloss@utk.edu

Big Orange. Big Ideas.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 18:59:27 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWSP

Hi Shaina,

The COVID-19 mailbox received an inquiry about K-12 special needs school. Below is the inquiry.

Thanks,
Kelly

---

**From:** Rivera Laboy, Carmen <crivera@albizu.edu>
**Sent:** Thursday, March 12, 2020 2:37 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWSP

The institution is not closing, the institution decided move the courses on line. Students working under FWSP cannot performed their job, can we continue paying the students? In the Electronic Announce of March 5 explained about "a campus that must close"

Appreciate your guidance to this matter.

**Carmen E. Rivera Laboy**
Dean of Students Affairs and Compliance Officer
Carlos Albizu University- San Juan Campus
PO BOX 9023711
San Juan, PR 00902-3711
crivera@albizu.edu
Ofic. 787.725.6500 ext. 1560

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albizu.edu

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 20:42:10 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: GI Bill - Post 9/11 Q:

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

---

**From:** Lori Warren <Lori.Warren@ChattanoogaState.EDU>
**Sent:** Friday, March 13, 2020 4:38 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Renee Phifer <Renee.Kennebrew@ChattanoogaState.EDU>
**Subject:** GI Bill - Post 9/11 Q:

Hello,

I was just reading the U.S. Department of Education Newsletter and I was wondering if any adjustments will be made for our Veterans enrolled in college courses. I was speaking to our Veterans Affairs Coordinator this morning and I was told that these resources required our Veterans to participate in at least one on-ground course to keep their funding. Since the Covid-19 pandemic has occurred, our college is in the process of moving all of our on-ground courses to online courses until further notice. Will our Veterans loose their funds? Do you know if anything is in the works for this?

Thank you for your assistance in finding the answer to my questions,

Lori Warren

Librarian I, Lead Librarian for eLearning and Distance Services
Education, Kimball, and Dayton Library Liaison
Office: 423-697-3292

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Fri, 13 Mar 2020 18:56:35 +0000
**To:** COVID-19
**Subject:** FW: Global pandemic/concerned parent

-----Original Message-----
From: (b)(6) @me.com>
Sent: Wednesday, March 11, 2020 1:38 PM
To: answers <answers@ed.gov>
Subject: Global pandemic/concerned parent

Hello
I'm writing because I am concerned for my kids health. I'm wondering how it is that the cdc and the govt are advising against large gatherings colleges are closing large businesses are having employees work from home sports teams are playing to empty stadiums Entire cities are shut down government officials are quarantined presidential candidates are canceling rallies there is an actual global pandemic yet our children are still sitting in public schools which are essentially large gatherings all day long. As A parents in the year 2020 And the age of technology that we live in I believe we should have the option to keep our kids home in the middle of a global health emergency. I believe that every state should have a blanket option for kids to do their schoolwork from home.we are about an hour and a half past washing hands and cleaning desks at this point. Those Of you in charge of the education system at the top should wake up and do something to protect our children because it seems everyone's being protected except our kids. The idea that my child is sitting in crowded classrooms all day currently in the middle of this global health crisis is total insanity. It is past time to close schools until It is no longer a health risk for our children to go and sit in crowded classrooms all day.
Thank you for your time
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:58:52 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Grant Personnel Payment/ COVID-19 Concerns

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Camila Obermiller <cobermiller@csusm.edu>
**Sent:** Thursday, March 12, 2020 12:49 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Grant Personnel Payment/ COVID-19 Concerns

Hello ED,

Due to the concerns of the coronavirus spread, the California State University of San Marcos would like to know if Personnel can continue getting funded by Department of Education during the period of quarantine or when the State is declaring all schools to be closed down and/ or employees to be working remotely. Can personnel still be funded even when working remotely?

Many Thanks,

Camila

**Camila Obermiller, MBA, Sponsored Projects Analyst**
Office of Sponsored Projects
*Office:* 760-750-4703 | sponsoredprojects@csusm.edu
California State University SAN MARCOS | CSUSM Corporation

333 S. Twin Oaks Valley Road
San Marcos, CA 92096

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:18:42 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Guidance as it applies to populations typically restricted from taking online classes

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Marjorie Facio <mfacio@sbctc.edu>
**Sent:** Friday, March 6, 2020 11:41 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Guidance as it applies to populations typically restricted from taking online classes

Good morning,

Is there published specific guidance regarding flexibility for the following two student populations typically restricted from taking online classes?

- International Students – limits on eLearning
- Veteran Students – limits on eLearning

Thank you,

Marjorie Facio
Functional Analyst, Campus Solutions (Financial Aid)
Education Division
Washington State Board for Community and Technical Colleges
1300 Quince Street SE
Olympia, WA 98504-2495
mfacio@sbctc.edu • o: 360-704-1836
sbctc.edu • Twitter: @SBCTCWashington • Facebook: @WASBCTC

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:18:32 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Guidance as it applies to populations typically restricted from taking online classes

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Marjorie Facio <mfacio@sbctc.edu>
**Sent:** Friday, March 6, 2020 11:41 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Guidance as it applies to populations typically restricted from taking online classes

Good morning,

Is there published specific guidance regarding flexibility for the following two student populations typically restricted from taking online classes?

- International Students – limits on eLearning
- Veteran Students – limits on eLearning

Thank you,

Marjorie Facio
Functional Analyst, Campus Solutions (Financial Aid)
Education Division
Washington State Board for Community and Technical Colleges
1300 Quince Street SE
Olympia, WA 98504-2495
mfacio@sbctc.edu • o: 360-704-1836
sbctc.edu • Twitter: @SBCTCWashington • Facebook: @WASBCTC

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 9 Mar 2020 18:36:52 +0000
**Cc:** COVID-19
**Subject:** FW: Guidance for interruptions of study related to COVID-19

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Cris Majors <cris@williamsoncc.edu>
**Sent:** Monday, March 9, 2020 2:30 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Guidance for interruptions of study related to COVID-19

Hello. Our graduate program has a required course trip to Brussels scheduled for March 27-April 5. The college is considering postponing the trip amid health concerns and believes this scenario falls into the one referenced in the electronic announcement on March 5th .

- A student was enrolled or was supposed to begin a travel-abroad experience and either the student has been called back to the U.S. or was never able to begin the travel abroad experience;

Several students have borrowed federal student loans to pay for the course/trip, and I want to ensure their aid will not be negatively impact by postponing the trip a few months out. Also, since the aid had already been disbursed onto their student accounts, will the college need to make any changes regarding disbursement, academic year, loan periods/payment periods, etc. to adjust for those 12 days?

Please advise.

Thank you,

**CRISTINA MAJORS** | Director of Financial Aid
Office: 615.550.3170

**WILLIAMSON COLLEGE**
274 Mallory Station Road
Franklin, TN 37067
615.771.7821

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:18:46 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Guidance for Study Abroad and Remote Classes for COVID-19

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

**From:** Paige Skweres <paige.skweres@cnu.edu>
**Sent:** Friday, March 6, 2020 11:13 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Tina Russell <christina.russell@cnu.edu>
**Subject:** Guidance for Study Abroad and Remote Classes for COVID-19

Good morning,

I am hoping you can provide me with some guidance on students working remote due to study abroad program interruptions caused by the COVID-19. We currently have students abroad and choosing to remain abroad but are working remotely through their program as the University in that country has shut down. Other students have chosen to return to the U.S. and complete their course work remotely from home. We are looking for guidance on if these students are eligible to continue to receive Title IV funding while working remotely.

Thank you,
Paige Skweres

--
Paige Skweres
Assistant Director of Financial Aid and Scholarships
1 Avenue of the Arts, Newport News, VA 23606

http://cnu.edu/financialaid/

*Students, please include your student ID number in all email correspondence. Thank you!*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 18:58:55 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Guidance for U.S. Department of Education's Existing Grantees

Hi Shaina,

The COVID-19 mailbox received an inquiry about K-12 special needs school. Below is the inquiry.

Thanks,
Kelly

**From:** (b)(6) @gmail.com>
**Sent:** Thursday, March 12, 2020 2:39 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Guidance for U.S. Department of Education's Existing Grantees

Can you please provide FAQ's for project directors of US Department of Education grants that are currently funded - all existing grants and scholarship programs? The NSF has a comprehensive list that addresses their expectations of grantees and because the nature of ED grants is so different, it would be very helpful for program directors to have something to share with their project directors at schools and universities nationwide.

---

(b)(6)

(b)(6) (mobile)
(b)(6) @gmail.com

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 19:39:07 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Guidance Questions Related to COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Stephanie Trapp <lees@lcc.edu>
**Sent:** Thursday, March 12, 2020 3:27 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Stephanie Trapp <lees@lcc.edu>
**Subject:** Guidance Questions Related to COVID-19

After reading the March 5, 2020 Guidance for interruptions of study related to Coronavirus (COVID-19), we have the following questions, which are highlighted in green below.

-
Accommodating Students Whose Enrollment is Disrupted by Coronavirus
Our goal is to work with institutions and find ways to enable you to accommodate students and help them continue their education despite interruptions caused by COVID-19. For many institutions, online education will provide a viable option for continuing to teach students through COVID-19-related interruptions. In some instances, students enrolled in ground-based programs at campuses that must temporarily close could participate in distance education for a period of time and then resume ground-based attendance when the campus reopens. In other instances, an institution may provide online learning opportunities for a student who was recalled from a travel-abroad program but the student is too late into the semester to enroll in other classes offered by the home campus, or the student who arrived in a foreign country intending to complete a travel abroad experience finds that the program has now been cancelled or temporarily suspended. We are providing the following flexibilities to institutions to help them understand what options they can make available to students and remain in compliance with Title IV requirements.

- Based on the highlighted statement, can we get clarification that elsewhere in the document when the department talks about relief provided to institutions/students in the event of a closure, that a move to online instruction for most/all courses is equal to a closure?
- If a student is unable to participate in online courses (e.g. no home internet, no computer, not able to learn in that format, etc.), does the relief extend to that student because of the change in mode of instruction?

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Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

- If the campus continues to be open for online instruction but an FWS student's job functions are no longer relevant due to this (e.g. a lab assistant where the lab is not meeting in person or a tutor), can this student continue to be paid when other student staff may be still working in their positions (e.g. an assistant in the Payroll Office).

Students Who Did Not Begin Attendance

We are aware that many U.S. students enrolled in eligible foreign institutions and in study abroad programs offered by domestic institutions have already been affected by local outbreaks of COVID-19 and the measures taken by institutions in response. Of immediate concern are those students who travelled to overseas destinations but were unable to begin classes due to school closures. There may also be instances where students at domestic institutions are similarly affected and unable to begin classes. Because these students did not begin attendance in a payment period or period of enrollment, 34 CFR § 668.21 (rather than Return of Title IV Funds) applies. In such a situation, the institution must return all Title IV grant funds disbursed for the payment period or period of enrollment and all Direct Loan funds that were credited to the student's account at the institution for that period. The institution must also return Direct Loan funds in the amount of payments made directly by or on behalf of the student to the institution for the period, up to the total amount of the loan funds disbursed. The institution is not responsible for returning Direct Loan funds that were disbursed directly to the student in the form of a credit balance as long as the institution was not aware that the student would not attend prior to the disbursement, and students will be able to repay those funds as a part of their educational loans. In these circumstances, institutions are permitted, but not required, to return all of a student's Direct Loan funds, including the amount comprising the credit balance.

Normally institutions, once aware that a student will not begin or has not begun attendance, must notify the loan servicer which results in issuance of a final demand letter to the borrower.

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However, we have determined that in the case where a student was unable to begin attendance due to a COVID-19-related school closure, the provisions of 34 CFR § 668.21(a)(2)(ii), requiring the institution to notify the servicer of that student's failure to begin attendance, do not apply because the option for the student to begin attendance did not exist. Accordingly, the institution should not notify the servicer that the student did not begin attendance. He or she will be permitted to repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption

- If Pell is reduced due to a change in enrollment status (e.g. the student was enrolled full-time and does not begin attendance in one course forcing a Pell reduction to three quarter time), can the institution give the student SEOG funds even if the student is not a 0 EFC and not all 0 EFC students have been awarded SEOG because the institution determines that the student fits the "highest need" population based on the circumstances?
- What documentation is required to confirm that the student did not begin attendance due to COVID-19?
- If the school does not fully close but goes to online instruction only, does this guidance still apply?

Stephanie Bogard Trapp
Lansing Community College
Senior Director of Financial Aid & Title IV Compliance
Phone: (517) 483-1304
Fax: (517) 483-1170
Email: S.Bogard.Trapp@lcc.edu

*LCC provides high quality education ensuring that all students successfully complete their educational goals while developing life skills necessary for them to enrich and support themselves, their families, and their community as engaged global citizens.*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:56:36 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS question

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

**From:** Deb Dew <dewd@beloit.edu>
**Sent:** Friday, March 13, 2020 1:47 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Fwd: FWS question

Dear Colleagues,

I've forwarded a question to you that I sent yesterday. I know you have been responding quickly to questions but I haven't received an answer yet.

I eagerly await your response, since our institution needs to make a decision on what we are doing.

Thanks!

Deb

Deborah A. Dew

**Director of Financial Aid**
**Beloit College**

---------- Forwarded message ---------
From: **Deb Dew** <dewd@beloit.edu>
Date: Thu, Mar 12, 2020 at 3:21 PM
Subject: FWS question
To: <COVID-19@ed.gov>

I have read the guidance contained in the March 5th Electronic Announcement regarding the payment of FWS students during the closure of a school due to COVID-19. However, I need clarification of the following:

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> *...the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.*

Can you please explain what the highlighted portion means? Do you mean the institution is continuing to pay its other employees while they are **not** working? If so, would we need to pay the other employees and not require them to use PTO or sick time?

Thanks for your help.

Deborah A. Dew

**Director of Financial Aid**
**Beloit College**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 18:26:39 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Question

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

---

**From:** Amber Gallagher <agallagher4@saddleback.edu>
**Sent:** Friday, March 13, 2020 2:22 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS Question

Greetings,

In the event a college has moved its courses online for all students but the college is continuing to allow employees (and FWS students) to work on campus, can the FWS student now work during the time that their on ground class was scheduled for during the time frame that that class is only online?

Example: Student takes class Math 101 on Monday and Wednesday from 8am to 10am. During normal circumstances the fws student could not work during 8am to 10am. However, Math 101 has now been moved to online format for an undetermined amount of time. Can this student now work on campus from 8am to 10am given the class is online?

Thank you,

**Amber Gallagher**
**Director, Financial Aid**
Saddleback College
28000 Marguerite Parkway, SSC 106
Mission Viejo, CA. 92692
Work: (949)582-4865
Email: agallagher4@saddleback.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 15:48:53 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Question

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Nicholas Salinas <nsalinas@sarahlawrence.edu>
**Sent:** Wednesday, March 11, 2020 11:46 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS Question

Hello,
I have a question regarding the FWS statement in the Electonic Announcement dated 3/5 below.

Scenario: An institution used all of their FWS allocation to pay their students and their earnings are now being paid by institutional student employment dollars. Because students are no longer being paid via FWS dollars, if the institution closes, the institution would not be obligated to continue to pay the students under the below circumstances, correct?

In those circumstances — for FWS students enrolled at an institution that closes temporarily due to the coronavirus, or for those whose employer closes as a result of the coronavirus — the institution will be permitted to continue paying the FWS wages "if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."

Any guidance would be appreciated.

Thanks you,
Nick

**Nicholas Salinas**
Director of Financial Aid
T. 914.395.2570
F. 914.395.2676
New Undergraduate Applicant Portal
New Graduate Applicant Portal
Returning Student Financial Aid Portal

AMERICAN OVERSIGHT

Sarah Lawrence College
1 Mead Way
Bronxville, NY 10708
sarahlawrence.edu

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**From:** Brand, Richard J
**Sent:** Thu, 12 Mar 2020 16:50:08 +0000
**To:** COVID-19
**Subject:** FW: FWS Question
**Importance:** High

King University just made a decision to move all traditional classes to on line. Students are not being allowed to return to campus except for some exceptions. Of course this has created many questions.

I would like your interpretation of the FWS section in the electronic announcement -> https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19?fbclid=IwAR163zEacV7Oo0fbWo7LzTAK6cHP6j3ETqSdb5udVpsKsh6_gBv6dIOgn2U

Questions?

Do we have to continue to pay FWS students? Is it an Institutional option?

It says that we must be paying others including faculty and staff, do we have to continue paying our King Institutional Works Study students?

How do we determine what they get paid? Would it be ok to use their average?

Do we need any approval to do this? (Pay FWS Students)

## Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the

AMERICAN OVERSIGHT

term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

**Richard J. Brand**
Director of Financial Aid
1350 King College Road
Bristol, TN 37620
Bristol: 423.652.4728
Knoxville: 865.769.3144

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 17:21:22 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Question
**Importance:** High

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Brand, Richard J <rjbrand@king.edu>
**Sent:** Thursday, March 12, 2020 12:50 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: FWS Question
**Importance:** High

King University just made a decision to move all traditional classes to on line. Students are not being allowed to return to campus except for some exceptions. Of course this has created many questions.

I would like your interpretation of the FWS section in the electronic announcement -> https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19?fbclid=IwAR163zEacV7Oo0fbWo7LzTAK6cHP6j3ETqSdb5udVpsKsh6_gBv6dIOgn2U

Questions?

Do we have to continue to pay FWS students? Is it an Institutional option?

It says that we must be paying others including faculty and staff, do we have to continue paying our King Institutional Works Study students?

How do we determine what they get paid? Would it be ok to use their average?

Do we need any approval to do this? (Pay FWS Students)

AMERICAN OVERSIGHT

Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

**Richard J. Brand**
Director of Financial Aid
1350 King College Road
Bristol, TN 37620
Bristol: 423.652.4728
Knoxville: 865.769.3144

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 20:35:27 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Deb Dew <dewd@beloit.edu>
**Sent:** Thursday, March 12, 2020 4:22 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS question

I have read the guidance contained in the March 5th Electronic Announcement regarding the payment of FWS students during the closure of a school due to COVID-19. However, I need clarification of the following:

> *...the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.*

Can you please explain what the highlighted portion means? Do you mean the institution is continuing to pay its other employees while they are **not** working? If so, would we need to pay the other employees and not require them to use PTO or sick time?

Thanks for your help.

Deborah A. Dew

**Director of Financial Aid**
**Beloit College**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:16:23 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Tonya Williams <twilliams@cheyney.edu>
**Sent:** Friday, March 13, 2020 12:47 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS Question

If the University has decided to extend Spring Break for another week to prepare students, faculty and for the possibility of moving to online/remote classes, must the University pay FWS for the extended week of Spring Break.

Thank you,
Tonya

**Tonya Williams, MS.Ed., MBA**
Director of Student Financial Services
Cheyney University of Pennsylvania
1837 University Circle | P.O. Box 200
Cheyney, Pennsylvania 19319-0200
Email: twilliams@cheyney.edu
Tel: (610) 399-2278 | Fax: (610) 399-2411

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:56:36 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS question

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

**From:** Deb Dew <dewd@beloit.edu>
**Sent:** Friday, March 13, 2020 1:47 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Fwd: FWS question

Dear Colleagues,

I've forwarded a question to you that I sent yesterday. I know you have been responding quickly to questions but I haven't received an answer yet.

I eagerly await your response, since our institution needs to make a decision on what we are doing.

Thanks!

Deb

Deborah A. Dew

**Director of Financial Aid**
**Beloit College**

---------- Forwarded message ---------
From: **Deb Dew** <dewd@beloit.edu>
Date: Thu, Mar 12, 2020 at 3:21 PM
Subject: FWS question
To: <COVID-19@ed.gov>

I have read the guidance contained in the March 5th Electronic Announcement regarding the payment of FWS students during the closure of a school due to COVID-19. However, I need clarification of the following:

AMERICAN OVERSIGHT

> *...the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.*

Can you please explain what the highlighted portion means? Do you mean the institution is continuing to pay its other employees while they are **not** working? If so, would we need to pay the other employees and not require them to use PTO or sick time?

Thanks for your help.

Deborah A. Dew

**Director of Financial Aid**
**Beloit College**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 18:26:39 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Question

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

---

**From:** Amber Gallagher <agallagher4@saddleback.edu>
**Sent:** Friday, March 13, 2020 2:22 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS Question

Greetings,

In the event a college has moved its courses online for all students but the college is continuing to allow employees (and FWS students) to work on campus, can the FWS student now work during the time that their on ground class was scheduled for during the time frame that that class is only online?

Example: Student takes class Math 101 on Monday and Wednesday from 8am to 10am. During normal circumstances the fws student could not work during 8am to 10am. However, Math 101 has now been moved to online format for an undetermined amount of time. Can this student now work on campus from 8am to 10am given the class is online?

Thank you,

**Amber Gallagher**
**Director, Financial Aid**
Saddleback College
28000 Marguerite Parkway, SSC 106
Mission Viejo, CA. 92692
Work: (949)582-4865
Email: agallagher4@saddleback.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:34:36 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Question
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Thompson, Courtney <Courtney.Thompson@lr.edu>
**Sent:** Friday, March 13, 2020 7:45 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Hewitt, Shana <Shana.Hewitt@lr.edu>
**Subject:** FWS Question
**Importance:** High

FWS-

Our campus is looking to move our face to face instruction to online only in the very near future. We will also be requiring that students leave campus. My question is related to our FWS allocation. We pay our students (undergraduates) in a bi-weekly pay check based on the number of hours worked. If students are unable to come to campus to work, I'm concerned that we will be underspent in our FWS allocation. Does the department have any guidance around this?

***Courtney Thompson-Ballard***
***Director of Financial Aid***
***Lenoir Rhyne University***
***828-328-7182***
***courtney.thompson@lr.edu***

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:16:23 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Tonya Williams <twilliams@cheyney.edu>
**Sent:** Friday, March 13, 2020 12:47 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS Question

If the University has decided to extend Spring Break for another week to prepare students, faculty and for the possibility of moving to online/remote classes, must the University pay FWS for the extended week of Spring Break.

Thank you,
Tonya

**Tonya Williams, MS.Ed., MBA**
Director of Student Financial Services
Cheyney University of Pennsylvania
1837 University Circle | P.O. Box 200
Cheyney, Pennsylvania 19319-0200
Email: twilliams@cheyney.edu
Tel: (610) 399-2278 | Fax: (610) 399-2411

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 22:32:42 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Questions

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Mary Anne Stano <mastano@loyola.edu>
**Sent:** Thursday, March 12, 2020 5:41 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS Questions

I've read the guidance concerning FWS in the March 5th OPE guidance, but my institution has many questions so I'm in need of additional clarification.

We've stopped face-to-face instruction as of March 11th and will resume instruction on March 18th via online options. Faculty are being given this time to convert their classes to online options. We hope to resume face-to-face instruction April 1st, but will make that determination toward the end of March. **The University is open** during this time but **students are being told to go home** until March 31st **unless there is a compelling reason** for them to stay in campus housing. Many of our students are FWS recipients.

Based on this scenario, my questions are as follows:

1. May we pay our FWS students for hours they did not work with federal funds based on their pre-established work schedules for the period of March 11th through March 31st ?
2. May a FWS student who remains on campus because they are unable to return home be paid FWS funds if they do not work during this time period, 3/11 to 3/31?
3. May a FWS student who remains on campus because they are unable to return home be **prevented** from doing their work-study job during this time period, 3/11 to 3/31?
4. May a FWS student who remains on campus because they are unable to return home be allowed to do their work-study job during this time period, 3/11 to 3/31?
5. If the university decides to continue instruction via online options only from April 1st through the end of the semester, but the students are allowed to return to campus housing, must FWS recipients work in order to get paid for the period of 4/1 to 5/8?
6. Do you have any additional guidance I haven't thought to ask about?

I apologize for all the questions, but I want to make sure I advise my university accurately.

AMERICAN OVERSIGHT

Thank you so much for your time and consideration,

**Mary Anne**

\\\ **Mary Anne Stano**
Director | Office of Financial Aid

4501 North Charles Street, Baltimore, MD 21210
410-617-2576 \ financialaid@loyola.edu

**MORE THAN READY. LOYOLA READY.**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:41:16 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS related COVID question Fwd: Guidelines update, related to COVID-19

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Amy Berrier <alberrie@uncg.edu>
**Sent:** Thursday, March 12, 2020 9:41 AM
**To:** COVID-19 <COVID-19@ed.gov>; Amy Berrier <alberrie@uncg.edu>
**Subject:** FWS related COVID question Fwd: Guidelines update, related to COVID-19

Since classes are suspended for a week and students are being encouraged to move out of the residence halls, it doesn't seem right to require them to come to campus to work to earn these needed funds. Since the EA only addresses a school closure, what about this type of disruption I just mentioned? Will ED be coming out with additional guidance on this topic? I've seen many things float around on finaid L that doesn't seem accurate.

---------- Forwarded message ---------
From: **Bartnicki, David** <David.Bartnicki@ed.gov>
Date: Thu, Mar 12, 2020 at 9:38 AM
Subject: RE: Guidelines update, related to COVID-19
To: Amy Berrier <alberrie@uncg.edu>

## Customer Service:

Please provide any comments or feedback in regard to the assistance received today, to David.Musser@ed.gov. FSA is committed to providing the best possible customer service. Help us, help you!

---------- Forwarded message ---------
From: **UNCG University Messages** <uncgmsgs@uncg.edu>
Date: Wed, Mar 11, 2020, 7:09 PM
Subject: Guidelines update, related to COVID-19
To: <alberrie@uncg.edu>

AMERICAN OVERSIGHT

# *Guidelines update, related to COVID-19*

Faculty and staff,

After close consultation with state and federal authorities, emergency management, and public health experts, the UNC System Office has announced several guidelines for all UNC System schools in order to minimize the impact of COVID-19. This memo provides important and immediate actions that our campus will be taking in reaction to these guidelines. **There are no confirmed cases at UNCG at this time.**

This is a public health response and based on best practices. We must be proactive and do what is best to protect our students, our employees, and our extended community of families, friends, and neighbors.

**We have notified students that all face-to-face** classes will be suspended **March 16 - 20** in order to prepare as many courses as possible to transition to an online format beginning Monday, March 23rd. Note that some classes cannot be delivered online and those courses will continue to be delivered face-to-face. More information about specific courses will be forthcoming. Though students will be encouraged to leave campus next week, some students will remain on campus, and many students may return the week of March 23rd.

**UNCG will remain open as normal for the rest of the week of March 9th.** Employees are expected to report to work as usual.

Effective immediately, supervisors are **encouraged to explore teleworking arrangements** for employees who can effectively complete their job assignments from a remote location.

Additionally, based on UNC System guidance, **all events and programs with over 100 attendees that are scheduled to be held between now and March 30, must be cancelled or postponed,** unless otherwise authorized by the Chancellor or Provost. It is likely that this time horizon will be extended, so look for subsequent communications on this matter.

**University-sponsored travel outside of North Carolina, or within the state to gatherings of 100 people or more, shall be suspended unless prior written authorization to travel is given by the Chancellor or Provost.** This prohibition includes student organizations.

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Staff and faculty are encouraged to **avoid travel to areas with active community transmission.** See the University's Novel COVID-19 Information Page for links to information about affected areas.

These steps are designed to mitigate risk – reduce large groups, slow virus transmission, and provide a safer environment. UNCG employees should also practice smart hygiene and social distancing techniques. More information and guidance is available here. This includes:

- Wash your hands for 20 seconds with soap and water or use an alcohol-based hand sanitizer.
- Avoid shaking hands.
- Cover your cough with a tissue or sneeze/cough into your elbow.
- Do not share food.
- Keep exercise equipment and other shared assets clean.
- Disinfect frequently touched objects using a regular household cleaning spray or wipe.
- Stay home when you are sick and avoid close contact with those who are sick.
- Avoid touching your eyes, nose, and mouth.

UNCG is not closing, and we are moving forward with our semester, albeit under some unique circumstances. We recognize these actions will invariably lead to questions and new challenges. We appreciate your commitment, dedication, and focus on our mission. Please ensure you stay informed by monitoring email, following @UNCG social media channels, downloading our UNCG Mobile app (iTunes and Google Apps), and regularly visiting our dedicated coronavirus website.

This email is an official communication from The University of North Carolina at Greensboro. You may verify official university emails by checking the Verified Campus Communications Repository. If you have questions about the VCCR or the authenticity of an email message you have received, please contact the sender of the message or search the UNCG website for "VCCR."

Share this email:

AMERICAN OVERSIGHT

PO Box 26170
Greensboro, NC | 27402 US

--

Amy L .Berrier (She/Her/Hers What is this?)
Assistant Director for Operations
UNCG Financial Aid Office
159 Mossman Building
(336) 334-5702 Voice
(336) 334-3010 Fax
fia.uncg.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 19:44:11 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Donald Ronan <dronan@antioch.edu>
**Sent:** Thursday, March 12, 2020 3:39 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS

We have moved all campus-based courses to an online delivery method, so we will pay FWS students per instructions. The announcement states we can pay if the closure happens after the start of a term. Are we able to continue paying if this temporary online delivery carries into the next term?

Thanks,

--
Donnie Ronan
University Director, Financial Aid
Antioch University
317-504-6337
dronan@antioch.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:16:58 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Jacksonville University

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Friday, March 13, 2020 12:54 PM
**To:** COVID-19 <COVID-19@ed.gov>; tjones33@ju.edu
**Subject:** FW: Jacksonville University

I am forwarding your information to our COVID-19@ed.gov mailbox for review and response.

---

**From:** Jones, Tara <tjones33@ju.edu>
**Sent:** Friday, March 13, 2020 12:21 PM
**To:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Subject:** Jacksonville University

Hi Ms. Gaudio,
I have not seen guidance requiring universities to notify DOE of changing the method of instructional delivery, however, I thought out of an abundance of caution I would send you a notification.

Jacksonville University has made the decision to switch to online instruction for all classes that were previously delivered in the classroom beginning March 16 through April 3 at this point. Since this week was spring break for students, they have been given the option to stay home during this time, or they can return to campus.

Please let me know if you require additional information.

Tara
Tara M. Jones
AVP of Enrollment and Chief Student Financial Aid Officer

AMERICAN OVERSIGHT

(904)256-7562
Jacksonville University

AMERICAN OVERSIGHT

**From:** AtlantaSPD
**Sent:** Fri, 13 Mar 2020 16:53:53 +0000
**To:** COVID-19;tjones33@ju.edu
**Subject:** FW: Jacksonville University

I am forwarding your information to our COVID-19@ed.gov mailbox for review and response.

---

**From:** Jones, Tara <tjones33@ju.edu>
**Sent:** Friday, March 13, 2020 12:21 PM
**To:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Subject:** Jacksonville University

Hi Ms. Gaudio,
I have not seen guidance requiring universities to notify DOE of changing the method of instructional delivery, however, I thought out of an abundance of caution I would send you a notification.

Jacksonville University has made the decision to switch to online instruction for all classes that were previously delivered in the classroom beginning March 16 through April 3 at this point. Since this week was spring break for students, they have been given the option to stay home during this time, or they can return to campus.

Please let me know if you require additional information.

Tara
Tara M. Jones
AVP of Enrollment and Chief Student Financial Aid Officer

(904)256-7562
Jacksonville University

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 9 Mar 2020 20:19:43 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Length of Academic Year Question

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Morrison, Lisa <lmorrison@iwcc.edu>
**Sent:** Monday, March 9, 2020 4:17 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Length of Academic Year Question

My VP is asking if we were to close for a few weeks, could we extend our semester by a couple of weeks? Would this be allowable? I see in the guidance information about reducing the academic year, but nothing about extending it. We are a traditional 16 week semester standard term school. Our spring semester ends May 15th. My concern would be that currently our summer interim starts May 18th and goes until May 29th. If we extend the spring these semester overlap. Would we have to cancel our summer interim?

Thank you for your help

**Lisa Morrison**
Director of Financial Aid
Iowa Western Community College
712-325-3287

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 20:35:39 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Lengthening the academic year

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

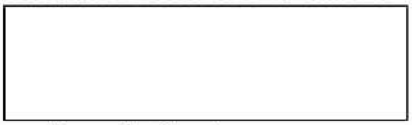
**From:** MacMullin, Annette <macmullina@merrimack.edu>
**Sent:** Friday, March 13, 2020 3:58 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Lengthening the academic year

Hello,

If a college campus decides to extend the academic year due to an extended spring break, would the new end of year date need to be changed and reported to COD for Direct Loan borrowers?

Thank you,

Annette MacMullin
Associate Director of Financial Aid



315 Turnpike Street
North Andover, MA 01845
www.merrimack.edu
978-837-5112 (P)
978-837-5067 (F)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:46:29 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Lengthening the term

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Lehman, Scott <SLehman@STARKSTATE.EDU>
**Sent:** Friday, March 13, 2020 10:43 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Brewer, Lucas <LBrewer@STARKSTATE.EDU>
**Subject:** Lengthening the term

What are the Title-IV implications if we decide to lengthen the semester due to the COVID-19 outbreak?

**Scott Lehman**
Assistant Director, Financial Aid • Enrollment Services

330-494-6170 ext 4959 • M-108S
slehman@starkstate.edu • starkstate.edu
6200 Frank Ave NW • North Canton, OH 44720

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:14:55 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: mailto:COVID-19@ed.gov

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Terry Jones <tjones.faservicer@yahoo.com>
**Sent:** Friday, March 13, 2020 12:18 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** mailto:COVID-19@ed.gov

Concern: We are a clock hour school that unlike traditional schools is on a "continues enrollment" basis. We have several that have signed an enrollment contract but have not yet begun their program of study. To clarify, these students would not be eligible for the flexibilities as described in ea:3-05-2020. Are we correct in this thinking?

Thank you,
Terry Jones
Baldwin Beauty Schools

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 21:35:01 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Mandatory Report

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: tommy screen <tscreen@loyno.edu>
Sent: Tuesday, March 10, 2020 5:30 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Mandatory Report

Are university's allowed to mandate that a student self-report an illness to the university as part of our efforts to manage potential outbreak on campus?

Tommy Screen
Director
Office of Government & Legal Affairs
(504) 864-7082
tscreen@loyno.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:20:52 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: March 5 2020 Guidance for interruptions of study related to COVID-19

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

**From:** Standley, Sue <suestandley@augustana.edu>
**Sent:** Thursday, March 5, 2020 4:57 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** March 5 2020 Guidance for interruptions of study related to COVID-19

Hi,

I have a question related to the reference on page 8 of today's letter when a student does not begin attendance as a result of COVID-19. I've included the paragraph below with highlighted areas.

Federal Student Aid - IFAP: 030520Guidance4interruptionsrelated2CoronavirusCOVID19

Normally institutions, once aware that a student will not begin or has not begun attendance, must notify the loan servicer which results in issuance of a final demand letter to the borrower. However, we have determined that in the case where a student was unable to begin attendance due to a COVID-19-related school closure, the provisions of 34 CFR § 668.21(a)(2)(ii), requiring the institution to notify the servicer of that student's failure to begin attendance, do not apply because the option for the student to begin attendance did not exist. Accordingly, the institution should not notify the servicer that the student did not begin attendance. He or she will be permitted to repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption.

My question is regarding reporting to NSLDS when a student does not begin attendance. Does this exception apply ONLY when the foreign school closes or does it also apply if the home institution cancels the program, even though the foreign

AMERICAN OVERSIGHT

institution did not close, prior to the students beginning attendance? An item of clarification-no TIV funds were disbursed.

Thank you for your help and clarification
Sue

Sue Standley '83
Associate Vice President of Enrollment
Director of Financial Aid
Augustana College
Phone: 309-794-7207
Fax: 309-794-7174

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 5 Mar 2020 21:59:56 +0000
**To:** COVID-19
**Subject:** FW: March 5 2020 Guidance for interruptions of study related to COVID-19

**From:** COVID-19
**Sent:** Thursday, March 5, 2020 4:59 PM
**To:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Subject:** FW: March 5 2020 Guidance for interruptions of study related to COVID-19

Hi Ingrid,

The COVID-19 mailbox received an inquiry about FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Standley, Sue <suestandley@augustana.edu>
**Sent:** Thursday, March 5, 2020 4:57 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** March 5 2020 Guidance for interruptions of study related to COVID-19

Hi,

I have a question related to the reference on page 8 of today's letter when a student does not begin attendance as a result of COVID-19. I've included the paragraph below with highlighted areas.

Federal Student Aid - IFAP: 030520Guidance4interruptionsrelated2CoronavirusCOVID19

Normally institutions, once aware that a student will not begin or has not begun attendance, must notify the loan servicer which results in issuance of a final demand letter to the borrower. However, we have determined that in the case where a student was unable to begin attendance due to a COVID-19-related school closure, the provisions of 34 CFR § 668.21(a)(2)(ii), requiring the institution to notify the servicer of that student's failure to begin attendance, do not apply because the option for the student to begin attendance did not exist. Accordingly, the institution should not notify the servicer that the student did not begin attendance. He or she will be permitted to repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption.

AMERICAN OVERSIGHT

My question is regarding reporting to NSLDS when a student does not begin attendance. Does this exception apply ONLY when the foreign school closes or does it also apply if the home institution cancels the program, even though the foreign institution did not close, prior to the students beginning attendance? An item of clarification-no TIV funds were disbursed.

Thank you for your help and clarification
Sue

Sue Standley '83
Associate Vice President of Enrollment
Director of Financial Aid
Augustana College
Phone: 309-794-7207
Fax: 309-794-7174

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 9 Mar 2020 16:05:42 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: March 5, 2020 Guidance - Seeking Clarification

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

**From:** Stacey Faraci <sfaraci@barnard.edu>
**Sent:** Monday, March 9, 2020 11:59 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** March 5, 2020 Guidance - Seeking Clarification

Hello:

I am writing to request clarification on your March 5, 2020 Guidance for Interruption of Study Related to Coronavirus (COVID-19).

Specifically, in the section entitled "Foreign Schools" you indicate that you "cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs." Does this limitation refer only to foreign schools directly receiving Title IV funds? Does the limitation apply to study abroad programs where the foreign school does not directly receive Title IV funds? Thank you in advance for any clarification you can provide.

Regards,

--
Stacey Faraci

Associate General Counsel
Barnard College
3009 Broadway
New York, NY 10027
direct: 646-745-8359
office: 646-745-8366
sfaraci@barnard.edu

This message and any attached documents contain information which may be

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confidential, subject to privilege or exempt disclosure under applicable law. These materials are intended only for the use of the intended recipient. Delivery of this message to any person other than the intended recipient shall not compromise or waive such confidentiality, privilege or exemption from disclosure as to this communication.

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 22:13:00 +0000
**To:** Webb, Jo Ann
**Cc:** COVID-19
**Subject:** FW: MEDIA QUESTION

Hi JoAnn

The COVID-19 mailbox received from the press. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kimberly Wyatt <kwyatt@sbgtv.com>
**Sent:** Friday, March 13, 2020 6:04 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** MEDIA QUESTION

Are all Florida school closing for two weeks? Can we get a news release ?

***Kimberly Wyatt***
**News Director l WEAR-TV | Pensacola, Fla.**
**O: 850-266-6997**
**www.weartv.com**

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 14:29:36 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Morgan State University FWS

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Jessica Johnson <jessica.johnson@morgan.edu>
**Sent:** Wednesday, March 11, 2020 10:17 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Morgan State University FWS

Hello,

My name is Jessica Johnson and I am the Employment Coordinator in the Office of Federal Work Study at Morgan State University. I wanted to reach out about clarity regarding our FWS Students.

In the event that Morgan State University closes its campus, where no students, staff, or faculty are present, what documents will be needed to continue to pay our FWS students? Also, are we to pay them based on their individual FWS contracts or is there a different pay scale or standard pay that should be paid?

If you need more clarification on these questions, please feel free to contact me at 443.885.4559.

Thank you for your time and I hope to hear from you soon.

Best regards,
--
Jessica Johnson
**America Challenges Tutorial program**
**Employment Coordinator**
**Office of Student Employment**
Morgan State University
Montebello Complex, A223
1700 E. Cold Spring Lane
Baltimore, Maryland 21251
**443-885-4559**
Jessica.Johnson@morgan.edu

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**From:** Booth, Lindsay
**Sent:** Tue, 10 Mar 2020 19:56:24 +0000
**To:** COVID-19;Sullivan, Madeline
**Cc:** Miller, Meredith
**Subject:** FW: NDRF Regional Contacts and COVID-19 Resource Hub
**Attachments:** NDRF_Regional Contacts_032020.pdf

I am happy to respond with ED's COVID-19 website. Any other resources I should share?

Thank you
Lindsay

---

**From:** RSFLG <rsflg@fema.dhs.gov>
**Sent:** Tuesday, March 10, 2020 3:43 PM
**To:** RSFLG <rsflg@fema.dhs.gov>
**Subject:** NDRF Regional Contacts and COVID-19 Resource Hub

Good afternoon RSFLG Partners,

Please find attached the most up-to-date contact list for our National Disaster Recovery Framework (NDRF) Regional Coordinators and RSF National Coordinators.

Also, the Council on Foundations (COF) has released a COVID-19 Resource Hub. If you would like to broadcast any of your Department/Agency's COVID-19 resources on the Resource Hub page, please email the RSFLG Secretariat and we will forward your information on to COF.

As always, please do not hesitate to reach out to the RSFLG Secretariat at RSFLG@fema.dhs.gov if you have any questions.

Thank you,

RSFLG Secretariat
Interagency Coordination Division
Recovery Directorate
Office of Response and Recovery, FEMA
500 C Street SW | Washington, DC 20472
(e) RSFLG@fema.dhs.gov

LAF

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| REGION | REGIONAL FDRC | REGIONAL RECOVERY DIRECTOR | REGIONAL DEPUTY RECOVERY DIRECTOR | REGIONAL CPCB COORDINATOR |
|---|---|---|---|---|
| **REGION I (Boston)**<br>99 High St., 6th Floor\| Boston, MA 02110<br>[T] 617-956-7555 | **James McPherson**<br>james.mcpherson@fema.dhs.gov [o] 617-832-4744 \| [c] 857-205-3482 | **Robert Grimley**<br>robert.grimley@fema.dhs.gov<br>[o] 617-956-7634 \| [c] 617-276-5050 | **George (Fred) Vanderschmidt**<br>george.vanderschmidt@fema.dhs.gov[o] 617-832-4784 \| [c] 617-447-0485 | **Regina Marotto**<br>regina.marotto.2@fema.dhs.gov<br>[o] 617-956-7674 \| [c] 202-709-0782 |
| **REGION II (New York)**<br>One World Trade Center, 52nd /53rdFl<br>285 Fulton St. \| New York, NY 10007<br>[T] 212-680-3612 | **Vacant** | **Claude Hyacinthe**<br>Claude.Hyacinthe@fema.dhs.gov<br>[c] 732-460-6233 | **Ana Morales**<br>ana.morales@fema.dhs.gov<br>[c] 787-379-2533 | **Shannon McLachlan**<br>shannon.mclachlan@fema.dhs.gov<br>[o] 347-551-3818 |
| **REGION III (Philadelphia)**<br>One Independence Mall, 6th Floor<br>615 Chestnut St. \| Philadelphia, PA 19106 -4404<br>[T] 215-931-5608 | **Kevin Snyder**<br>kevin.snyder@fema.dhs.gov<br>[o] 215-931-5731 \| [c] 202-340-7065 | **Michael Senycz**<br>michael.senycz@fema.dhs.gov<br>[o] 215-931-5632 \| [c] 703-946-2330 | **James Falone**<br>James.Falone@fema.dhs.gov<br>[c] 267-319-6328 | **Wynne Kwan**<br>Wynne.kwan@fema.dhs.gov<br>[c] 202-856-1985 |
| **REGION IV (Atlanta)**<br>3003 Chamblee-Tucker Rd<br>Atlanta, GA 30341<br>[T] 770-220-5200 | **Bob Haywood**<br>robert.haywood2@fema.dhs.gov<br>[o] 770-220-5670 \| [c] 205-910-5562<br><br>**Leda Khoury**<br>leda.khoury@fema.dhs.gov<br>[c] 312-659-2987 | **Terry L. Quarles**<br>terry.quarles@fema.dhs.gov<br>[o] 770-220-5301 \| [c] 202-657-9300 | **Gary Bruey**<br>gary.bruey@fema.dhs.gov<br>[o] 770-220-5331 \| [c] 404-909-5204 | **Jim Corcoran**<br>james.corcoran@fema.dhs.gov<br>[o] 770-220-5331 |
| **REGION V (Chicago)**<br>536 S. Clark St. Chicago, IL 60605<br>[T] 312-408-5500 | **John Boyle**<br>john.boyle@fema.dhs.gov<br>[o] 312-408-5305 \| [c] 202-705-0578 | **Fredric Kaehler**<br>fredric.kaehler@fema.dhs.gov<br>[o] 312-408-5589 \| [c] 312-718-6459 | **Vacant** | **Vacant** |
| **REGION VI (Denton)**<br>Federal Regional Center<br>800 N. Loop 288<br>Denton, TX 76209-3698<br>[T] 940-898-5104 | **Sandy Eslinger**<br>Sandra.Eslinger@fema.dhs.gov<br>[c] 202-834-4472 | **Traci Brasher**<br>traci.brasher@fema.dhs.gov<br>[o] 940-898-5436 \|[c] 202-702-5138 | **David Lebsack**<br>david.lebsack@fema.dhs.gov<br>[o] 940-898-5339 \| [c] 940-235-0813 | **Rick Martin**<br>richard.martinjr@fema.dhs.gov<br>[o] 940-297-0148 [c] 202-706-4943<br><br>**Jett Tullos**<br>Jett.Tullos@fema.dhs.gov<br>[o] 940-297-0261 \| [c] 202-913-5412 |
| **REGION VII (Kansas City)**<br>9221 Ward Parkway, Ste. 300<br>Kansas City, MO 64114-3372<br>[T] 816-283-7060 | **Vacant** | **Heather Smith**<br>heather.smith@fema.dhs.gov<br>[o] 816-283-7032 \| [c] 202-380-2339 | **Patrick Carnahan**<br>patrick.carnahan@fema.dhs.gov<br>[c] 816-313-7746 | **Collette Linder**<br>Collette.Linder@fema.dhs.gov<br>[c] 816-394-6859 |
| **REGION VIII (Denver)**<br>Denver Federal Center \| Bldg. 710, Box 25267 Denver, CO 80225-0267<br>[T] 303-235-4812 | **Alana Kuhn**<br>alana.kuhn@fema.dhs.gov<br>[c] 202-718-3363 | **Tom Carroll**<br>thomas.carroll@fema.dhs.gov<br>[o] 303-235-4910 \| [c] 303-720-2238 | **Donovan Puffer**<br>donovan.puffer@fema.dhs.gov<br>[o] 303-235-4632\| [c] 303-746-7606 | **Tim Gelston**<br>timothy.gelston@fema.dhs.gov<br>[o] 303-235-4806<br><br>**Sheila Doll**<br>Sheila.doll@fema.dhs.gov<br>[o] 202-394-7125 |
| **REGION IX (Oakland)**<br>1111 Broadway, Ste. 1200 \| Oakland, CA 94607-4052<br>[T] 510-627-7100 | **Robert Troy**<br>robert.troy@fema.dhs.gov<br>[o] 510-627-7232 \| [c] 202-702-3083 | **Robert Pesapane**<br>Robert.Pesapane@fema.dhs.gov<br>[o] (510) 627-7037 \| [c] 510-701-0982 | **Mark Wingate**<br>mark.wingate@fema.dhs.gov<br>[c] 202-717-3706 | **Tan Hoang**<br>Tan.T.Hoang@fema.dhs.gov<br>[o] 510-627-7075 \| [c] 202-568-2037 |
| **REGION X (Seattle)**<br>Federal Regional Center<br>130 228th St. SW \| Bothell, WA 98021-9796<br>[O] 425-487-4643 | **Joan Rave**<br>joan.rave@fema.dhs.gov<br>[o] 425-487-4604 \| [c] 202-870-4493 | **Lisa Davidson (Acting)**<br>Lisa.davidson@fema.dhs.gov<br>[o] 425-487-4501 \| [c] 202-615-7465 | **Vacant** | **Thomas Donnelly**<br>thomas.donnelly@fema.dhs.gov<br>[o] 425-487-4578 |
| | **ASSISTANT ADMINISTRATOR FIELD OPERATIONS DIRECTORATE** | **ASSISTANT ADMINISTRATOR RECOVERY DIRECTORATE** | **DIRECTOR OPERATIONAL COORDINATION DIVISION** | **DIRECTOR INTERAGENCY COORDINATION DIVISION** |
| **FEMA HEADQUARTERS**<br>500 C St. SW \| Washington, DC 20472 | **John Rabin**<br>john.rabin@fema.dhs.gov<br>[o]202-786-9977 \| [c] 202-368-5994 | **Keith Turi**<br>keith.turi@fema.dhs.gov<br>[o] 202-646-4077 \| [c] 202-725-6389 | **Vacant**<br>For assistance please contact Maite Roca: Maite.Roca@fema.dhs.gov | **Gerilee Bennett**<br>Gerilee.Bennet@fema.dhs.gov<br>[o] 202-646-4173 \| [c] 202-641-3267 |

## RSF NATIONAL COORDINATORS

**ECONOMIC**
Economic Development Administration
Naomi Friedman
[o] 202-482-1978 | [c] 202-510-4766 | nfriedman@eda.gov

**COMMUNITY PLANNING + CAPACITY BUILDING**
Federal Emergency Management Agency (FEMA)
Matt Campbell
[o] 202-646-3306 | [c] 202-870-4495
matt.campbell@fema.dhs.gov

**HEALTH + SOCIAL SERVICES**
U.S. Department of Health and Human Services (HHS)
Commander Jonathan White
[o] 202-730-8585 | [c] 202-510-5019 | Jonathan.White@hhs.gov

**HOUSING**
U.S. Department of Housing and Urban Development (HUD)
Janet Golrick
[o] 202-402-3998 | janet.m.golrick@hud.gov

**INFRASTRUCTURE SYSTEMS**
U.S. Army Corps of Engineers (USACE)
Tyrone Brumfield
[c ] 202-279-0515 | tyrone.j.brumfield@usace.army.mil

**NATURAL + CULTURAL RESOURCES**
U.S. Department of the Interior (DOI)
Ryan Potosnak
[o] 202-208-7564 | [c] 202-306-6013 |
Ryan_Potosnak@ios.doi.gov

## NATIONAL UNIFIED FEDERAL REVIEW

Federal Emergency Management Agency (FEMA)
Vacant
For more info: Federal-Unified-Review@fema.dhs.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:18:51 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Offer of Support for COVID-19

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

**From:** Brian Green <bgreen@coursera.org>
**Sent:** Thursday, March 5, 2020 11:40 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Offer of Support for COVID-19

Department of Education Staff -

Good morning. I just reviewed the guidance provided by the Dept. of ED on combating the COVID-19 virus. The briefing that I'm referring to was provided by IFAP.

https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

**Coursera** is the leading provider of digital learning provided by leading academic institutions - *Duke, Johns Hopkins, Yale, Georgia Tech, Northwestern, Univ. of MI, Univ. of MD, Univ. of VA* and 160+ others around the world. 49M learners around the world have developed their skills on our platform, with the assistance of the best educators in the world.

The two policies from your briefing that I'd like to discuss are:

1. **Approval to Offer Distance Education**
   The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in the event that an institution is otherwise required to seek Departmental approval for the use or expansion of distance learning programs. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner

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requiring the Department's approval after that point, it must seek approval under the Department's normal process.

2. Institutions may also enter into temporary consortium agreements with other institutions so that students can complete courses at other institutions but be awarded credit by their home institution. In addition, in instances where accrediting agencies require students to complete a final number or percentage of credits in residence at the institution, accrediting agencies may waive that requirement for students impacted by COVID-19 without objection by the Department.

**Coursera** is committed to assisting the nation during this crisis. We have the content, the scalability and the global past performance to serve as a strategic partner of the Department of Education and its learning leaders around the nation to help mitigate this crisis.

Please advise who I should contact to determine how we can help.

Warm regards,

**Brian Green | Portfolio Executive, Public Sector Global Partnerships**
**202-262-0242 | bgreen@coursera.org**

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**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 14:58:02 +0000
**To:** Valentine, Ingrid
**Cc:** COVID-19
**Subject:** FW: Offer of Support for COVID-19

Hi Ingrid,

The COVID-19 mailbox received an inquiry about FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Brian Green <bgreen@coursera.org>
**Sent:** Thursday, March 5, 2020 11:40 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Offer of Support for COVID-19

Department of Education Staff -

Good morning. I just reviewed the guidance provided by the Dept. of ED on combating the COVID-19 virus. The briefing that I'm referring to was provided by IFAP.

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requiring the Department's approval after that point, it must seek approval under the Department's normal process.

2. Institutions may also enter into temporary consortium agreements with other institutions so that students can complete courses at other institutions but be awarded credit by their home institution. In addition, in instances where accrediting agencies require students to complete a final number or percentage of credits in residence at the institution, accrediting agencies may waive that requirement for students impacted by COVID-19 without objection by the Department.

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Please advise who I should contact to determine how we can help.

Warm regards,

**Brian Green | Portfolio Executive, Public Sector Global Partnerships**
**202-262-0242 | bgreen@coursera.org**

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**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:18:17 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Office of Postsecondary Education Guidance for interruptions of study related to Coronavirus (COVID-19)

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Baker, Emily <emily_baker@redlands.edu>
**Sent:** Friday, March 6, 2020 2:26 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Office of Postsecondary Education Guidance for interruptions of study related to Coronavirus (COVID-19)

Good Afternoon,

I am the Director of Student Financial Services at University of Redlands, OPEID 001322-00. As we prepare to assist a small number of students who are returning from study abroad to the United States to complete their coursework, I want to make sure I understand our flexibility in working with our Study Abroad Partners. Can you confirm that the below situation would not impact a student's eligibility to continue receiving Federal Financial Aid Funding.

- A student was studying abroad in Italy through an IES Study Abroad program. They are now returning to the United States due to COVID-19 and the program they are studying with is allowing them to complete their coursework online. Would that student continue to be eligible for TIV funding?

Thank you very much for any clarification you can offer.

Sincerely,
Emily

**Emily Baker**
*Director | Student Financial Services*
P: (909) 748-8266 | F: (909) 335-5399

UNIVERSITY OF Redlands

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1200 East Colton Avenue | PO Box 3080 Redlands, CA | 92373-0999

***Please note: if you are submitting any supporting documentation or information requested by the SFS department via e-mail or other unsecured means, all sensitive personally identifiable information (i.e. social security numbers) should be redacted for security purposes. We encourage students to use their University issued student ID as a reference point on all correspondence.***

**From:** Graduate Professional Listserv <GRADPROF-L@LISTSERV.NASFAA.ORG> **On Behalf Of** Sozzo, Anthony
**Sent:** Friday, March 6, 2020 7:47 AM
**To:** GRADPROF-L@LISTSERV.NASFAA.ORG
**Subject:** Office of Postsecondary Education Guidance for interruptions of study related to Coronavirus (COVID-19)

EXTERNAL EMAIL: Proceed with caution when clicking on links or opening attachments.

https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19?fbclid=IwAR26ID1OBiBMPGgV1vihueMRlY_XI4DoRuMy-jwkK_PwNbZBMCU3y9ihNNU%3Chttps://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Fifap.ed.gov%2Felectronic-announcements%2F030520Guidance4interruptionsrelated2CoronavirusCOVID19%3Ffbclid%3DIwAR26ID1OBiBMPGgV1vihueMRlY_XI4DoRuMy-jwkK_PwNbZBMCU3y9ihNNU&data=02%7C01%7Cmichelea%40ku.edu%7C6c58780a854448bd906d08d7c11b63fa%7C3c176536afe643f5b96636feabbe3c1a%7C0%7C0%7C637190195695274011&sdata=Hhe13kl8IHpBr4vyDPU%2FnRRDcDiTLcOiGpy4PWI4Vzo%3D&reserved=0

Posted Date

March 05, 2020
Author

Office of Postsecondary Education
Subject

Guidance for interruptions of study related to Coronavirus (COVID-19)
This electronic announcement addresses concerns expressed by higher education leaders regarding how they should comply with Title IV, Higher Education Act (HEA) policies for students whose activities are impacted by Coronavirus (COVID-19), either directly because the student is ill or quarantined, or indirectly because the student was recalled from travel-

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abroad experiences, can no longer participate in internships or clinical rotations, or attends a campus that temporarily suspended operations. This information provides flexibilities for schools that are working to help students complete the term in which they are currently enrolled.

These instructions do not contemplate accommodations for students who have not yet enrolled or whose term has not yet begun, with certain exceptions. We will continue to monitor the situation and make a later determination of what accommodations may be necessary should longer-term interruptions become likely. We will continue to provide updates to this information as appropriate.

We encourage institutions to visit the Department's Coronavirus webpage, https://www.ed.gov/coronavirus?src=feature, on this topic frequently, as we will post updates as they become available. In addition, the Department's webpage has links to guidance from the Centers for Disease Control and Prevention, including for how Institutions of Higher Education should manage human health risks associated with Coronavirus.

We address five potential student and campus scenarios: that may prompt an institution to have questions about how to comply with Title IV, HEA requirements if the Coronavirus impacts a student or a campus:

- A student was enrolled or was supposed to begin a travel-abroad experience and either the student has been called back to the U.S. or was never able to begin the travel abroad experience;
- A student was enrolled in a program and met the requirements for full-time enrollment; however, due to the COVID-19, one or more classes – such as an internship, a clinical rotation, student teaching or fieldwork – have been cancelled and now the student has fallen below the 12 credit hour minimum and is no longer considered to be a full-time student;
- A student is quarantined and misses class or a student is incapacitated due to COVID-19 illness;
- A campus temporarily stops offering ground-based classes in order to prevent the spread of COVID-19;
- A foreign school that serves U.S. students who participate in title IV programs temporarily suspends operations due to COVID-19.

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We offer information below about options we are making available to institutions under our current statutory authority to provide as much flexibility as possible so that you can continue to serve students. In some instances, we have been asked to consider providing flexibilities that are beyond our statutory authority. As a result, we cannot provide those flexibilities. If you have questions about the information provided in this electronic announcement, or you are encountering a scenario that we have not addressed, please email the Department at COVID-19@ed.gov.

We recommend that institutions document, as contemporaneously as possible, any actions taken as a result of COVID-19, including those actions described in this document.

Accommodating Students Whose Enrollment is Disrupted by Coronavirus

Our goal is to work with institutions and find ways to enable you to accommodate students and help them continue their education despite interruptions caused by COVID-19. For many institutions, online education will provide a viable option for continuing to teach students through COVID-19-related interruptions. In some instances, students enrolled in ground-based programs at campuses that must temporarily close could participate in distance education for a period of time and then resume ground-based attendance when the campus reopens. In other instances, an institution may provide online learning opportunities for a student who was recalled from a travel-abroad program but the student is too late into the semester to enroll in other classes offered by the home campus, or the student who arrived in a foreign country intending to complete a travel abroad experience finds that the program has now been cancelled or temporarily suspended. We are providing the following flexibilities to institutions to help them understand what options they can make available to students and remain in compliance with Title IV requirements.

Approval to Offer Distance Education

The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in the event that an institution is otherwise required to seek Departmental approval for the use or expansion of distance learning programs. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner

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requiring the Department's approval after that point, it must seek approval under the Department's normal process.

We are also permitting accreditors to waive their distance education review requirements for institutions working to accommodate students whose enrollment is otherwise interrupted as a result of COVID-19. We currently are limiting that permission to distance learning opportunities developed for the purpose of serving students who were already in attendance, but whose attendance was interrupted by COVID-19. Please note that this flexibility is not available for clock-hour courses that lead to licensure if the licensure body will not accept distance learning courses or hours or give credit for them toward the number of hours a student must complete.

We want to make clear to institutions that for Title IV, HEA purposes, distance learning does not require the use of sophisticated learning management systems or online platforms, though accreditors may have additional standards included in their review of distance learning programs. We are, however, permitting accreditors to waive those standards for schools implementing distance learning programs solely for the purpose of allowing currently enrolled students to complete a term that is interrupted by COVID-19 closures. To meet the Department's requirements for providing distance education, an institution must communicate to students through one of several types of technology – including email – described under 34 CFR § 600.2, and instructors must initiate substantive communication with students, either individually or collectively, on a regular basis. In other words, an instructor could use email to provide instructional materials to students enrolled in his or her class, use chat features to communicate with students, set up conference calls to facilitate group conversations, engage in email exchanges or require students to submit work electronically that the instructor will evaluate.

Institutions may provide distance learning temporarily to accommodate students as a result of a COVID-19 interruption, including in cases where students began attendance in classes offered in a brick-and-mortar setting but were transitioned to a distance education format in the middle of the term. In these cases, we will accept the accreditation and state authorization of the institution for the programs in which those students were enrolled prior to the interruption due to COVID-19 to enable students to complete the current term.

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Institutions may also enter into temporary consortium agreements with other institutions so that students can complete courses at other institutions but be awarded credit by their home institution. In addition, in instances where accrediting agencies require students to complete a final number or percentage of credits in residence at the institution, accrediting agencies may waive that requirement for students impacted by COVID-19 without objection by the Department.

The Department will permit students who wish to take an approved leave of absence for COVID-19-related concerns or limitations (such as interruption of a travel-abroad program), to take such leave, even if the student notifies the institution in writing after the approved leave of absence has begun. In such a case, the institution may retain those Title IV funds to apply when the student continues enrollment. If the student does not return to complete their program within 180 days, the school would then be expected to perform the Return of Title IV funds calculation based on the date on which the leave-of-absence began. Note that in term-based programs, if a student takes an approved leave of absence from a term-based program, the institution must ensure that the student is permitted to complete the coursework he or she began prior to the leave of absence.

Finally, because we understand that some students may have been recalled from travel abroad programs or canceled-out of experiential learning opportunities after the semester began, institutions may offer courses to those students on a schedule that would otherwise be considered a non-standard term, if doing so enables those students to complete the term. These flexibilities will also be provided to institutions, or their additional locations or programs, that must temporarily close as a result of COVID-19.

Foreign Schools

We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students

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who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

Length of Academic Year

The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

Professional Judgement

Financial aid administrators (FAA) have statutory authority to use professional judgement to make adjustments on a case-by-case basis to the cost of attendance or to the data elements used in calculating the EFC to reflect a student's special circumstances. The use of professional judgement where students and/or their families have been affected by COVID-19 is permitted, such as in the case where an employer closes for a period of time as a result of COVID-19. In making professional judgement

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determinations, FAAs must obtain documentation and retain it in each student's file. This documentation must substantiate the reason for any adjustment. Institutions are reminded that, regardless of how broadly an event may affect its student population, professional judgement determinations must be made and documented on a case-by-case basis.

Satisfactory Academic Progress (SAP)

An institution's SAP appeal policy (34 CFR § 668.34(a)(9)) must, among other things, describe the basis on which a student may file an appeal: the death of a relative, an injury or illness of the student, or other special circumstances. Circumstances related to an outbreak of COVID-19, including, but not limited to, the illness of a student or family member, compliance with a quarantine period, or the general disruption resulting from

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**From:** Baker, Emily
**Sent:** Fri, 6 Mar 2020 19:26:05 +0000
**To:** COVID-19
**Subject:** FW: Office of Postsecondary Education Guidance for interruptions of study related to Coronavirus (COVID-19)

Good Afternoon,

I am the Director of Student Financial Services at University of Redlands, OPEID 001322-00. As we prepare to assist a small number of students who are returning from study abroad to the United States to complete their coursework, I want to make sure I understand our flexibility in working with our Study Abroad Partners. Can you confirm that the below situation would not impact a student's eligibility to continue receiving Federal Financial Aid Funding.

- A student was studying abroad in Italy through an IES Study Abroad program. They are now returning to the United States due to COVID-19 and the program they are studying with is allowing them to complete their coursework online. Would that student continue to be eligible for TIV funding?

Thank you very much for any clarification you can offer.

Sincerely,
Emily

**Emily Baker**
*Director | Student Financial Services*
P: (909) 748-8266 | F: (909) 335-5399

UNIVERSITY OF Redlands

1200 East Colton Avenue l PO Box 3080 Redlands, CA l 92373-0999

***Please note: if you are submitting any supporting documentation or information requested by the SFS department via e-mail or other unsecured means, all sensitive personally identifiable information (i.e. social security numbers) should be redacted for security purposes. We encourage students to use their University issued student ID as a reference point on all correspondence.***

---

**From:** Graduate Professional Listserv <GRADPROF-L@LISTSERV.NASFAA.ORG> **On Behalf Of** Sozzo, Anthony
**Sent:** Friday, March 6, 2020 7:47 AM
**To:** GRADPROF-L@LISTSERV.NASFAA.ORG

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**Subject:** Office of Postsecondary Education Guidance for interruptions of study related to Coronavirus (COVID-19)

EXTERNAL EMAIL: Proceed with caution when clicking on links or opening attachments.

https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19?fbclid=IwAR26ID1OBiBMPGgV1vihueMRlY_XI4DoRuMy-jwkK_PwNbZBMCU3y9ihNNU%3Chttps://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Fifap.ed.gov%2Felectronic-announcements%2F030520Guidance4interruptionsrelated2CoronavirusCOVID19%3Ffbclid%3DIwAR26ID1OBiBMPGgV1vihueMRlY_XI4DoRuMy-jwkK_PwNbZBMCU3y9ihNNU&data=02%7C01%7Cmichelea%40ku.edu%7C6c58780a854448bd906d08d7c11b63fa%7C3c176536afe643f5b96636feabbe3c1a%7C0%7C0%7C637190195695274011&sdata=Hhe13kl8IHpBr4vyDPU%2FnRRDcDiTLcOiGpy4PWI4Vzo%3D&reserved=0

Posted Date

March 05, 2020
Author

Office of Postsecondary Education
Subject

Guidance for interruptions of study related to Coronavirus (COVID-19)
This electronic announcement addresses concerns expressed by higher education leaders regarding how they should comply with Title IV, Higher Education Act (HEA) policies for students whose activities are impacted by Coronavirus (COVID-19), either directly because the student is ill or quarantined, or indirectly because the student was recalled from travel-abroad experiences, can no longer participate in internships or clinical rotations, or attends a campus that temporarily suspended operations. This information provides flexibilities for schools that are working to help students complete the term in which they are currently enrolled.

These instructions do not contemplate accommodations for students who have not yet enrolled or whose term has not yet begun, with certain exceptions. We will continue to monitor the situation and make a later determination of what accommodations may be necessary should longer-term interruptions become likely. We will continue to provide updates to this information as appropriate.

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We encourage institutions to visit the Department's Coronavirus webpage, https://www.ed.gov/coronavirus?src=feature, on this topic frequently, as we will post updates as they become available. In addition, the Department's webpage has links to guidance from the Centers for Disease Control and Prevention, including for how Institutions of Higher Education should manage human health risks associated with Coronavirus.

We address five potential student and campus scenarios: that may prompt an institution to have questions about how to comply with Title IV, HEA requirements if the Coronavirus impacts a student or a campus:

- A student was enrolled or was supposed to begin a travel-abroad experience and either the student has been called back to the U.S. or was never able to begin the travel abroad experience;
- A student was enrolled in a program and met the requirements for full-time enrollment; however, due to the COVID-19, one or more classes – such as an internship, a clinical rotation, student teaching or fieldwork – have been cancelled and now the student has fallen below the 12 credit hour minimum and is no longer considered to be a full-time student;
- A student is quarantined and misses class or a student is incapacitated due to COVID-19 illness;
- A campus temporarily stops offering ground-based classes in order to prevent the spread of COVID-19;
- A foreign school that serves U.S. students who participate in title IV programs temporarily suspends operations due to COVID-19.

We offer information below about options we are making available to institutions under our current statutory authority to provide as much flexibility as possible so that you can continue to serve students. In some instances, we have been asked to consider providing flexibilities that are beyond our statutory authority. As a result, we cannot provide those flexibilities. If you have questions about the information provided in this electronic announcement, or you are encountering a scenario that we have not addressed, please email the Department at COVID-19@ed.gov.

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We recommend that institutions document, as contemporaneously as possible, any actions taken as a result of COVID-19, including those actions described in this document.

Accommodating Students Whose Enrollment is Disrupted by Coronavirus

Our goal is to work with institutions and find ways to enable you to accommodate students and help them continue their education despite interruptions caused by COVID-19. For many institutions, online education will provide a viable option for continuing to teach students through COVID-19-related interruptions. In some instances, students enrolled in ground-based programs at campuses that must temporarily close could participate in distance education for a period of time and then resume ground-based attendance when the campus reopens. In other instances, an institution may provide online learning opportunities for a student who was recalled from a travel-abroad program but the student is too late into the semester to enroll in other classes offered by the home campus, or the student who arrived in a foreign country intending to complete a travel abroad experience finds that the program has now been cancelled or temporarily suspended. We are providing the following flexibilities to institutions to help them understand what options they can make available to students and remain in compliance with Title IV requirements.

Approval to Offer Distance Education

The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in the event that an institution is otherwise required to seek Departmental approval for the use or expansion of distance learning programs. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner requiring the Department's approval after that point, it must seek approval under the Department's normal process.

We are also permitting accreditors to waive their distance education review requirements for institutions working to accommodate students whose enrollment is otherwise interrupted as a result of COVID-19. We currently are limiting that permission to distance learning opportunities developed for the purpose of serving students who were already in attendance, but whose attendance was interrupted by COVID-19. Please note that this flexibility is not available for clock-hour courses that lead to licensure if the

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licensure body will not accept distance learning courses or hours or give credit for them toward the number of hours a student must complete.

We want to make clear to institutions that for Title IV, HEA purposes, distance learning does not require the use of sophisticated learning management systems or online platforms, though accreditors may have additional standards included in their review of distance learning programs. We are, however, permitting accreditors to waive those standards for schools implementing distance learning programs solely for the purpose of allowing currently enrolled students to complete a term that is interrupted by COVID-19 closures. To meet the Department's requirements for providing distance education, an institution must communicate to students through one of several types of technology – including email – described under 34 CFR § 600.2, and instructors must initiate substantive communication with students, either individually or collectively, on a regular basis. In other words, an instructor could use email to provide instructional materials to students enrolled in his or her class, use chat features to communicate with students, set up conference calls to facilitate group conversations, engage in email exchanges or require students to submit work electronically that the instructor will evaluate.

Institutions may provide distance learning temporarily to accommodate students as a result of a COVID-19 interruption, including in cases where students began attendance in classes offered in a brick-and-mortar setting but were transitioned to a distance education format in the middle of the term. In these cases, we will accept the accreditation and state authorization of the institution for the programs in which those students were enrolled prior to the interruption due to COVID-19 to enable students to complete the current term.

Institutions may also enter into temporary consortium agreements with other institutions so that students can complete courses at other institutions but be awarded credit by their home institution. In addition, in instances where accrediting agencies require students to complete a final number or percentage of credits in residence at the institution, accrediting agencies may waive that requirement for students impacted by COVID-19 without objection by the Department.

The Department will permit students who wish to take an approved leave of absence for COVID-19-related concerns or limitations (such as interruption of a travel-abroad program), to take such leave, even if the student notifies

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the institution in writing after the approved leave of absence has begun. In such a case, the institution may retain those Title IV funds to apply when the student continues enrollment. If the student does not return to complete their program within 180 days, the school would then be expected to perform the Return of Title IV funds calculation based on the date on which the leave-of-absence began. Note that in term-based programs, if a student takes an approved leave of absence from a term-based program, the institution must ensure that the student is permitted to complete the coursework he or she began prior to the leave of absence.

Finally, because we understand that some students may have been recalled from travel abroad programs or canceled-out of experiential learning opportunities after the semester began, institutions may offer courses to those students on a schedule that would otherwise be considered a non-standard term, if doing so enables those students to complete the term. These flexibilities will also be provided to institutions, or their additional locations or programs, that must temporarily close as a result of COVID-19.

Foreign Schools

We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-

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study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

Length of Academic Year

The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

Professional Judgement

Financial aid administrators (FAA) have statutory authority to use professional judgement to make adjustments on a case-by-case basis to the cost of attendance or to the data elements used in calculating the EFC to reflect a student's special circumstances. The use of professional judgement where students and/or their families have been affected by COVID-19 is permitted, such as in the case where an employer closes for a period of time as a result of COVID-19. In making professional judgement determinations, FAAs must obtain documentation and retain it in each student's file. This documentation must substantiate the reason for any adjustment. Institutions are reminded that, regardless of how broadly an event may affect its student population, professional judgement determinations must be made and documented on a case-by-case basis.

Satisfactory Academic Progress (SAP)

An institution's SAP appeal policy (34 CFR § 668.34(a)(9)) must, among other things, describe the basis on which a student may file an appeal: the death of a relative, an injury or illness of the student, or other special circumstances. Circumstances related to an outbreak of COVID-19, including, but not limited to, the illness of a student or family member,

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compliance with a quarantine period, or the general disruption resulting from

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**From:** Rooney, Patrick
**Sent:** Fri, 13 Mar 2020 12:07:13 +0000
**To:** Peternith, Rachel;Petracca, Ronald;Rigling, Kay;Simons, Jane;COVID-19
**Cc:** Lund, Miriam
**Subject:** FW: Oregon School Closures- 21st CCLC Guidance Needed

(b)(5)

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**From:** GWYNN Raquel - ODE <raquel.gwynn@state.or.us>
**Sent:** Friday, March 13, 2020 2:15 AM
**To:** Little, Debra <Debra.Little@ed.gov>; Lund, Miriam <Miriam.Lund@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** KALTENBACH Ann - ODE <ann.kaltenbach@state.or.us>; PELT Candace - ODE <candace.pelt@state.or.us>; deb.lange@state.or.us; PLUMB Lisa - ODE <lisa.plumb@state.or.us>
**Subject:** Oregon School Closures- 21st CCLC Guidance Needed

Hello Patrick, Miriam and Debbie,

Our Governor announced a statewide closure of all Oregon schools from March 16th through March 31st due to the public health threat of coronavirus. Our agency's director confirmed this includes 21st CCLC programs across our state. Is it allowable for hourly 21st CCLC staff to be paid during the closure? These are people who are counting on a paycheck to support themselves and their families. Also, does the Department have any guidance for SEAs in the event a program is unable to fulfill the required number of program hours in a school year?

I've included a message sent out to Superintendents and Principals tonight:

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**Date:** March 12, 2020 (8:30 PM)

**To:** Superintendents and Principals

**From**: Colt Gill, Director of the Oregon Department of Education and Deputy Superintendent of Public Instruction

**RE:** Governor Kate Brown Announces Statewide School Closure for Students in Oregon from Monday, March 16 through Tuesday, March 31

In consideration of staffing challenges and health concerns due to the public health threat of coronavirus, Governor Kate Brown today announced a statewide closure of Oregon K-12 schools from Monday, March 16 through Tuesday, March 31.

"Schools are critical institutions that provide important services for all our students, but especially our most vulnerable, and during this crisis I have worked hard to ensure those critical services continue. So many of our families depend on school in order for parents to go to their jobs, and for students to access health care and receive nutrition assistance," said Governor Brown.

"However, I have heard from superintendents, school board members, teachers, parents, and students that it has now become impossible to functionally operate schools due to workforce issues and student absences. Schools are experiencing critical shortages in staff, and superintendents are concerned for school personnel who are at elevated risk such as those over age 60 and those with underlying medical issues.

"I want to be very clear: sending Oregon children home will not stop the spread of the coronavirus. While children are home, when at all possible, they should not be in the care of older adults or those with underlying health issues that are most at-risk from COVID-19.

"This is a trying time for our community and I am reluctant to increase the burden on families who are already struggling to adapt to and stay healthy during this crisis. However, we are left with little choice in light of school districts' staff capacity and operational concerns. I want to thank all of the teachers and school employees who have worked hard to keep our schools open until now."

Per the Governor's directives and with the support of the Oregon Department of Education and the state's Early Learning Division, during the closure:

- School districts are directed to develop plans for returning to school that accommodate ongoing impacts of coronavirus. Staff should utilize the final two days of March to finalize plans for operating schools under updated measures, with students expected to return on Wednesday, April 1.
- Districts are tasked with developing plans to continue nutrition services during the closure.
- The Oregon Department of Education will examine the impact the closure will have on instructional time.
- School districts will ensure adequate cleaning supplies for increased cleaning protocols following the closure.
- The Early Learning Division will support child care programs and will work to identify resources to support child care needs for our most vulnerable families, as well as health care professionals and first responders.

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"We are in close communication with school districts across the state, and they will be communicating regularly with their school communities throughout the closure period," said Colt Gill, Director of the Oregon Department of Education. "Due to the evolving nature of this crisis, these timelines will be reevaluated in late March in consultation with school administrators."

**Governor Brown will be available to answer questions in a teleconference tomorrow, March 13, at 11:00 am with state agency directors and superintendents.** A teleconference number will be provided in a morning advisory.

Thank you for your guidance in this matter.
Kind regards,
Raquel

Raquel Gwynn
Education Specialist
Federal Systems | Office of Enhancing Student Opportunities
503-947-5785
raquel.gwynn@state.or.us

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**From:** Little, Debra <Debra.Little@ed.gov>
**Sent:** Thursday, March 12, 2020 1:23 PM
**To:** GWYNN Raquel - ODE <raquel.gwynn@state.or.us>; Lund, Miriam <Miriam.Lund@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** KALTENBACH Ann - ODE <ann.kaltenbach@state.or.us>; deb.lange@state.or.us; PLUMB Lisa - ODE <lisa.plumb@state.or.us>
**Subject:** RE: Jefferson County SD

Hi Raquel,

How are you doing? I am in receipt of your email. We are definitely aware that many individuals across America are experiencing these same impacts due to CO-VIR-19. I've looped in Patrick as he is working with leadership on this issue. As soon as we can respond; we will. I hope to provide you with some guidelines soon. Thank you.

Debbie

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**From:** GWYNN Raquel - ODE <raquel.gwynn@state.or.us>
**Sent:** Thursday, March 12, 2020 1:22 PM
**To:** Little, Debra <Debra.Little@ed.gov>
**Cc:** KALTENBACH Ann - ODE <ann.kaltenbach@state.or.us>; deb.lange@state.or.us; PLUMB Lisa - ODE <lisa.plumb@state.or.us>
**Subject:** Fwd: Jefferson County SD

Hi Debbie,

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Can you give me some guidance on the potential closing of programs for Coronavirus? Do you believe 21st CCLC should be consider an "essential" or "non-essential" program (See our Governor's statement below). Your thoughts on this would be helpful as we determine guidance for our programs.
Thanks,
Raquel

Begin forwarded message:

**From:** Katie Boyle <kboyle@509j.net>
**Date:** March 12, 2020 at 8:56:14 AM PDT
**To:** GWYNN Raquel - ODE <raquel.gwynn@state.or.us>
**Subject: Jefferson County SD**

Good Morning Raquel,

Is there somewhere I can go to find more specific information about continuing afterschool programs? I'm not sure if the state considers 21st Century programs as essential or non-essential in regard to the Governor's press release.

I am having community partners pull out daily, as well as feilding emails and phone calls from parents and community members about the mesures we are taking to prevent the COVID-19 in the after school program.

Thanks for any assistance you can give me.

"The governor's new measures affect large gatherings, schools, workplaces and long-term care and assisted-living facilities. A statement from Brown's office included the following list:

1. **Large gatherings:** All large gatherings over 250 people will be canceled statewide effective immediately for four weeks. A gathering is defined as any event in a space in which appropriate social distancing of a minimum of three feet cannot be maintained.
2. **Schools:** In addition to previous guidance issued on March 8, 2020 to keep schools open, all non-essential school-associated gatherings and group activities should be canceled — such as group parent meetings, field trips, and competitions."

--
Katie Boyle
Dean of Students- Bridges High School

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Director-21st Century Community Learning Centers
kboyle@509j.net
541-475-0388 ext 2605

Confidentiality Notice: This email message may contain confidential and/or privileged information. Please do not copy or forward it without the acknowledgement and express permission of the sender.

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 22:28:26 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Paying FWS

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Wilson, Darlene <Darlene.Wilson@lmu.edu>
**Sent:** Thursday, March 12, 2020 5:02 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Paying FWS

If a campus provided students to learn online, but administration offices remain open, is that campus considered as "temporarily closed" for the purpose of the guidance to pay federal work study students?

**Darlene M Wilson**
**Associate Director**
**Compliance and Processing**

Financial Aid Office

Von der Ahe 270
1 LMU Drive
Los Angeles, CA 90045-2659
www.lmu.edu | Privacy + Legal

**Office** 310.338.1852
**Fax** 310.338.2793
**Email** dwilson@lmu.edu

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OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 14:28:31 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Paying FWS Students

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Horne, David <dhorne@towson.edu>
**Sent:** Tuesday, March 10, 2020 9:58 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Paying FWS Students

We are evaluating if we should pay FWS students who aren't working during the scenario below.

These FWS students already began attending their classes and already began earning FWS funds. Because of the virus, we cancelled classes for a few days and are switching to online classes for at least several weeks. During these weeks, students will not be able to live on campus and there will be reductions in some campus functions. These changes will prevent many FWS students from earning their FWS funds. During these weeks, we will continue to pay permanent staff, but may or may not be paying other non-FWS student employees who are employed in similar positions.

Is our ability to pay FWS earnings to these students contingent on the decisions we make about whether we will be paying other non-FWS student employees in similar positions?

Excerpt from announcement:

> *"For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."*

Thank you


TOWSON UNIVERSITY

**David Horne**
Director | Financial Aid Office

P: 410-704-4236 | F: 410-704-2584
dhorne@towson.edu | www.towson.edu/finaid


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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 23:19:17 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Paying students FWS

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Jessica Rafeld <jessica.rafeld@snc.edu>
**Sent:** Wednesday, March 11, 2020 6:37 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Paying students FWS

Good evening,

Our campus is not closed but students have been asked to move out of the residence halls and all instruction is moving online for several weeks (possibly more). I've read that we can continue to pay students FWS, however, could you please provide additional details as to how we would go about doing this

- Some students may be able to work remotely and still be able to report scheduled/worked hours. For these students, I would assume "business as usual" - they can report their hours worked and be paid for these hours.

- Other students may not have the flexibility to do this - would we pay them for their regularly scheduled hours, and in the event that their schedule is varied, have them report & pay an average of their hours worked over the semester (or for the period of time they've been employed)?

Thank you!
Jessica

--
Jessica Rafeld
Director of Financial Aid
St. Norbert College

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Ph: (920) 403-3071
Fx: (920) 403-3062

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:18:48 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: HEROES Act

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

**From:** Mark Kantrowitz <mark@kantrowitz.com>
**Sent:** Friday, March 6, 2020 7:03 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** HEROES Act

I was a bit surprised that the guidance issued yesterday did not make reference to the Higher Education Relief Opportunities For Students (HEROES) Act of 2003 (Public Law 108-76). If the president were to declare a national emergency, certain flexibilities would become available, such as a waiver of the requirement to exercise professional judgment on a case-by-case basis, a waiver of the requirement to return grant funds under R2T4, allowing oral requests to substitute for written requests, exclusion of interruptions from the in-school and grace period and a waiver of parental signature requirements.

It would have been appropriate for the guidance to include a sentence along the lines of "In the event the President declares a national emergency, additional flexibility would become available under the HEROES Act of 2003 and the U.S. Department of Education would issue supplemental guidance at that time."

Mark Kantrowitz
Publisher and VP of Research
Savingforcollege.com

mark@kantrowitz.com
1-847-423-2357
1-724-538-4500 mobile

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 15:08:04 +0000
**To:** Valentine, Ingrid
**Cc:** COVID-19
**Subject:** FW: HEROES Act

Hi Ingrid,

The COVID-19 mailbox received an inquiry about FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Mark Kantrowitz <mark@kantrowitz.com>
**Sent:** Friday, March 6, 2020 7:03 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** HEROES Act

I was a bit surprised that the guidance issued yesterday did not make reference to the Higher Education Relief Opportunities For Students (HEROES) Act of 2003 (Public Law 108-76). If the president were to declare a national emergency, certain flexibilities would become available, such as a waiver of the requirement to exercise professional judgment on a case-by-case basis, a waiver of the requirement to return grant funds under R2T4, allowing oral requests to substitute for written requests, exclusion of interruptions from the in-school and grace period and a waiver of parental signature requirements.

It would have been appropriate for the guidance to include a sentence along the lines of "In the event the President declares a national emergency, additional flexibility would become available under the HEROES Act of 2003 and the U.S. Department of Education would issue supplemental guidance at that time."

Mark Kantrowitz
Publisher and VP of Research
Savingforcollege.com

mark@kantrowitz.com
1-847-423-2357
1-724-538-4500 mobile

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 14:32:25 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Housing Students and Refunds

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jessica Farrell <jfarrell@johnson.edu>
**Sent:** Wednesday, March 11, 2020 9:54 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Housing Students and Refunds

Good morning-

If a campus decided to close and move all of the course work online, how would a school address refunding room and board and the aid that is used to pay for that room and board. Should the school prorate charges or just leave all charges and aid alone as if school was still in session?

Thank you,

Jessica Farrell
Director of Financial Aid and Certifying Veterans Official
Johnson College
3427 North Main Ave.Scranton, PA 18508
Phone: 570-702-8914
Secure Fax: 570-800-1235
Richmond Hall, Room 106
Johnson College Website: www.johnson.edu

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:38:57 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Housing

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ron Herrell <rherrell@defiance.edu>
**Sent:** Friday, March 13, 2020 9:31 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Housing

How do we handle students financial aid packages if they are asked to vacate housing, does housing need to be adjusted in the student's COA? For COVID-19

Thank you,

**Ron Herrell**
Director of Financial Aid
Email – rherrell@defiance.edu
Defiance College
Serrick Building 204D
Phone – 419-783-2376
Fax – 419-783-2579

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 21:29:51 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Housing/Board/Cost of Attendance Adjustments

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Robin Thompson <Robin.Thompson@pomona.edu>
**Sent:** Wednesday, March 11, 2020 2:56 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Housing/Board/Cost of Attendance Adjustments

Hello-

I appreciate that there is an email address for assistance given we are currently trying to work through some policy implications on our end. ED has provided some guidance about school closures and distance ed, which is appreciated. I'm hope to get some guidance about a few other questions.

1. If students are sent home to continue their courses via distance learning, is there guidance regarding the adjustment of room, board and the cost of attendance.
    a. Our campus is primarily residential; most students live in the residence halls with a fixed cost of a meal plan and room charges. If they were to be sent home, and a pro-rated refund were provided, it is up to the school to determine the amount to pro-rate as a refund. Is there any "best practice" or guidance about this pro-rated refund?

    b. If a refund of 50% is provided for room & board, the question of adjusting our cost of attendance would need to be evaluated. In normal circumstances, we have a budget based on a standard room and standard meal plan. If students live at home with parents, we have a lower cost of attendance for housing on food. Is it necessary to use an amended cost of attendance for those students who return home that might represent partial on campus expenses and partial at home expenses? Or could we determine we will use the same on campus budget given that we are already almost at the 60% mark in the semester.

2. Is there additional consideration if spring break were to be lengthened to help assist with students' transition to their primary home if the school is closed?

Thank you in advance,

AMERICAN OVERSIGHT

Sincerely,

Robin Thompson
*Director of Financial Aid*
Pomona College
Sumner Hall | 333 N. College Way, Claremont, CA 91711
(909) 621-8205 | Fax: (909) 607-9842 | Email: financial.aid@pomona.edu
Office of Financial Aid | Applications & Deadlines | MyinTuition Cost Calculator

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 17:34:49 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Housing/Meal Plan Budgets

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Smith, Zelotes <zelotes.smith@dominican.edu>
**Sent:** Wednesday, March 11, 2020 1:32 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Kevin Ow <kevin.ow@dominican.edu>
**Subject:** Housing/Meal Plan Budgets

Hello,

If an institution moves all classes online or shuts down due to COVID-19, does the institution need to adjust budgets for student who must relocate to off-campus housing if they were previously budgeted for on-campus housing.

Thank you,

***Zelotes Smith, M.S.***
***Director of Financial Aid***
*Dominican University of California*
Phone: 415.458.3793
Website: https://www.dominican.edu/

***"If you are always trying to be normal, you will never know how amazing you can be" ~ Marguerite Annie Johnson aka Dr. Maya Angelou***

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 14:53:00 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Housing/Meal Proration and Federal Student Aid

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Jayne Rivers <jrivers@marlboro.edu>
**Sent:** Wednesday, March 11, 2020 10:49 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Housing/Meal Proration and Federal Student Aid

Good Morning,

Is there information available to provide guidance for colleges that will close housing (for the term or temporarily) and moving to online teaching regarding how to handle housing prorations and potential overawards, etc? The prior guidance didn't seem to detail this exact scenario.

Regards,
Jayne Rivers

Jayne Rivers
Asst. Director of Financial Aid
finaid@marlboro.edu

Marlboro College
P.O. Box A, 2582 South Rd.
Marlboro, VT 05344-0300
Phone: 802-258-9312
Fax: 802-258-9300

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 21:30:26 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: How do we handle charges?
**Importance:** High

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Myra Phillips <mphillips@vsu.edu>
**Sent:** Wednesday, March 11, 2020 3:13 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Henry DeBose <hdebose@vsu.edu>; Cassondra S. Costa <ccosta@vsu.edu>; Robert N. Corley <rcorley@vsu.edu>
**Subject:** How do we handle charges?
**Importance:** High

Good afternoon,

If we move to distance education for the rest of the semester, what do we about the housing charges, meals and comp fees not used?

**Myra H. Phillips, M. Ed.**
Director of Financial Aid| Virginia State University
P.O. Box 9031| Petersburg, VA 23806
Phone: 804.524.5352
Fax: 804.524.6818

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**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 21:53:33 +0000
**To:** Carter, Denise
**Cc:** COVID-19
**Subject:** FW: How to Handle Interns

Hi Denise,

The COVID-19 mailbox received an inquiry about HR. Below is the inquiry.

Thanks,
Kelly

---

**From:** Araujo, Liza <Liza.Araujo@ed.gov>
**Sent:** Tuesday, March 10, 2020 5:43 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** How to Handle Interns

Good Afternoon,

OGC and OLCA have a number of interns onboard. It has not been our practice to allow interns to telework. However, in the event that the Agency has to move to have employees telework for an extended period of time, is it possible to allow interns to telework? Many of our interns receive course credit for their work with the agency. If they are unable to fulfill their course requirements (which typically translate to a certain number of work hours), it could significantly impact their ability to receive course credit and/or be eligible to graduate. Any guidance you can provide on this issue would be very helpful.

In addition, I recognize that the telework policy indicates that a new employee should be onboard for at least 120 days before applying for telework. In light of the situation, do we have the discretion to allow new employees to have a situational telework agreement?

Liza Araujo-Rouse
Executive Officer

AMERICAN OVERSIGHT

U.S. Department of Education
Office of the General Counsel & the Office of
Legislation and CongressionalAffairs
400 Maryland Avenue, SW
Room 6E343
Washington DC, 20202
Phone: 202-260-4008

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 21:39:06 +0000
**To:** Wilson, Linda
**Cc:** COVID-19
**Subject:** FW: IDEA and Coronavirus

Hi Linda,

The COVID-19 mailbox received an inquiry from congressional. Below is the inquiry.

Thanks,
Kelly

---

**From:** Rogers, Courtney <Courtney.Rogers@mail.house.gov>
**Sent:** Wednesday, March 11, 2020 4:14 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** IDEA and Coronavirus

Greetings,

We are hoping to gain an understanding of if schools will have flexible options (hours and computer curriculums) for IDEA requirements if schools close due to public health concerns surrounding the coronavirus? If possible, I would like to schedule a call to discuss a few other related concerns regarding students with disabilities and student's whom English is their second language.

Best,

**Courtney Rogers**
Legislative Assistant | Congresswoman Jennifer Wexton (VA-10)
1217 Longworth House Office Building
Phone: (202) 225-5136
Fax: (202) 225-0437
www.wexton.house.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:54:31 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Inquiries regarding March 5 guidance

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Gray, Sherry <Sherry.Gray@PowersLaw.com>
**Sent:** Thursday, March 12, 2020 12:03 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Inquiries regarding March 5 guidance

Thank you very much for the Department's guidance issued on March 5. We have two questions regarding that guidance.

**Question 1:** The guidance states on page 3 that institutions may use online technologies to accommodate students on a temporary basis without seeking Departmental approval for the expansion of distance learning programs. The guidance then states that "[t]his flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner requiring the Department's approval after that point, it must seek approval under the Department's normal process."

Should the highlighted "or" be read as "and"? We presume ED reasonably did not know when the current Covid-19 impact will end, and so intended the guidance to apply to the current payment period AND the next (i.e., for many schools, the summer term).

If this is not what the Department meant, then we would like to confirm the following specific application of the guidance: School A, which already has authorization to offer some courses via distance learning but may need to expand the extent to which it is offering such instruction to currently enrolled students, has a quarter term ending on March 27. The next quarter term (i.e., the next payment period) will begin on April 1. We presume ED's March 5 guidance was intended to extend into the April 1 payment period because the Covid-19 impact is unlikely to be resolved in the next three weeks, but we would appreciate your confirmation of this fact.

**Question 2:** An institution currently offers certain graduate programs via hybrid modality – offering a portion of instruction residentially once per month and offering a portion of the instruction online. One of the programs at issue began a new term (with some newly enrolled students) this week (i.e., after March 5). The students are attending the online portion of instruction now. They will be required to

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attend the first residential session in mid-April. The school currently plans to hold the residential session but cannot predict what, if any, limitations will be placed on them by local or state health authorities in mid-April. If they cannot hold the residential session in mid-April, then some new students, who were not enrolled in school as of March 5, will be the subject of "expanded" distance learning efforts. We assume this is valid because, at the time students began their program, the school intended to hold the residential session. Could you please confirm?

Please let me know if you need any additional information to answer these questions.

Thank You!

Regards,
Sherry

Sherry Mastrostefano Gray, Principal
**POWERS**
Powers Pyles Sutter & Verville PC
1501 M Street NW, Seventh Floor
Washington, DC 20005-1700
tel 202-872-6778 | fax 202-785-1756
Sherry.Gray@PowersLaw.com | www.PowersLaw.com

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:30:39 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Inquiry not addressed in the March 5th EA re: Coronavirus

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** DEBORAH NORTHCROSS <dnorthcross@comcast.net>
**Sent:** Thursday, March 12, 2020 10:49 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Deborah Northcross <dnorthcross@saeopp.org>
**Subject:** Inquiry not addressed in the March 5th EA re: Coronavirus

TWIMC:
I have an inquiry that is not addressed in the March 5th EA. I am a grantee of the ***Traning Program for Federal TRIO Programs*** with a Priority 6 Training workshop scheduled April 14-16. Due to national developments and rapidly changing conditions related to COVID-19, I have experienced multiple cancelations, many related to university travel restrictions.

***I am seeking permission to postpone the April Training and reschedule it in the same location prior to September 30th***. Your approval is appreciated at your earliest convenience.

Thank you,

***Deborah Northcross, Executive Director***
***SAEOPP Center***

***470-823-4976 [Office]***

***404-229-9591 [Cell]***

***901-272-2070 [Fax]***

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 14:28:27 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Interruption of study / changing modalities during payment period
**Attachments:** image004.jpg, image003.jpg, image005.jpg, image002.jpg

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Angela Schmiede <angela.schmiede@menlo.edu>
**Sent:** Monday, March 9, 2020 6:23 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Steven Weiner <steven.weiner@menlo.edu>
**Subject:** Interruption of study / changing modalities during payment period

Good afternoon,

We are updating our emergency response plans for COVID-19 and are reviewing financial aid policies.

In the Interruption of Study Guidance communication sent by the Department of Education on March 5, 2020, it states the following:

"If an institution ceases operation during a payment period and fails to reopen by the end of that payment period, its students are considered no longer in attendance and must be considered withdrawn for that payment period or period of enrollment, and would be subject to Return of Title IV funds requirements."

Could you please clarify how ED is defining "ceases operation?" Would it include switching to online modality, if we cease in-person, on-campus classes?

Thank you,
Angela Schmiede

cc: President Steven Weiner

**Angela Schmiede, Ph.D.**
Vice President for Student Success
Menlo College
1000 El Camino Real, Atherton, CA 94027-4301

AMERICAN OVERSIGHT

Office: (650) 543-3905

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You
Tube

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:16:58 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Jacksonville University

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Friday, March 13, 2020 12:54 PM
**To:** COVID-19 <COVID-19@ed.gov>; tjones33@ju.edu
**Subject:** FW: Jacksonville University

I am forwarding your information to our COVID-19@ed.gov mailbox for review and response.

---

**From:** Jones, Tara <tjones33@ju.edu>
**Sent:** Friday, March 13, 2020 12:21 PM
**To:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Subject:** Jacksonville University

Hi Ms. Gaudio,
I have not seen guidance requiring universities to notify DOE of changing the method of instructional delivery, however, I thought out of an abundance of caution I would send you a notification.

Jacksonville University has made the decision to switch to online instruction for all classes that were previously delivered in the classroom beginning March 16 through April 3 at this point. Since this week was spring break for students, they have been given the option to stay home during this time, or they can return to campus.

Please let me know if you require additional information.

Tara
Tara M. Jones
AVP of Enrollment and Chief Student Financial Aid Officer

AMERICAN OVERSIGHT

(904)256-7562
Jacksonville University

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 14:33:11 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question on Title Three Waiver of contribution to Work-study Program on Guidance

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Eileen Flood <floode@stjohns.edu>
**Sent:** Wednesday, March 11, 2020 9:54 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question on Title Three Waiver of contribution to Work-study Program on Guidance

If a Title III designated school has a waiver of the institutional share may they still pay Work-study students under the recent guidance?

Eileen Flood
Opeid 00282300

**Eileen Flood, J.D.**
Director of Financial Aid
Office of Student Financial Services
St. John's University
718-990-5741
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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 20:15:36 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question re: Foreign Schools

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Deb Dew <dewd@beloit.edu>
**Sent:** Thursday, March 12, 2020 4:13 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question re: Foreign Schools

Dear Colleagues,

I have read the guidance in the March 5th Electronic Announcement regarding Foreign Schools but I need additional guidance.

If I have a student who has returned from a study abroad program at Lorenzo de Medici, which is a branch campus of Marist College, is it possible for Marist College (in the U.S.) to offer the distance education so the student can complete their coursework remotely?

Also, if I have other students who have returned from study abroad programs, is it possible for faculty from our school to provide instruction to those students remotely?

Lastly, does it matter if the study abroad programs were through an exchange program between our school and a foreign school, or if we have a consortium agreement with the foreign school?

Thanks for your help.

Deborah A. Dew

**Director of Financial Aid**
**Beloit College**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 20:07:41 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question re: moving our students online to finish the semester

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** James Gaeta <gaetaj@southwestern.edu>
**Sent:** Thursday, March 12, 2020 3:49 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question re: moving our students online to finish the semester

Hello -

I've reviewed the **Guidance for interruptions of study related to Coronavirus (COVID-19)** and have a question that wasn't specifically addressed in it.

Our leadership is considering all possible scenarios, including one where students will be moved to completing their semester coursework via online instruction. Most of our students live on campus, and if we went to online instruction then we would be sending those students back home to finish their courses online. In this scenario, they would be asked to vacate the residence halls.

If this scenario were to happen, we are also considering whether we would pro-rate student's housing and meal plan charges for the unused portion of each of these. If we did this, would there be any impact to an existing financial aid award? Would we have to adjust each student's COA to reflect the prorated charge? Or are we far enough into the semester where we won't need to do anything?

At this point we are not looking to end the semester right now. Rather, we are trying to find ways to allow our students to complete the semester.

Any information you can provide would be most appreciated. If you need to discuss this over the phone I'm available at 512-863-1267.

Sincerely,

James Gaeta
Associate Dean of Enrollment Services

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Southwestern University
Georgetown, TX 78626
512-863-1259 | 512-863-1507 (Fax)
Visit | About SU | Financial Aid

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 17:08:44 +0000
**To:** Carter, Denise
**Cc:** COVID-19
**Subject:** FW: question re: Sick Employees

Hi Denise,

The COVID-19 mailbox received an inquiry about sick leave and teleworking. Below is the inquiry.

Thanks,
Kelly

---

**From:** Araujo, Liza <Liza.Araujo@ed.gov>
**Sent:** Wednesday, March 11, 2020 11:30 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** question re: Sick Employees

Good Morning,

Can you please share more guidance on how to handle sick employees, if it is available. I am aware that we cannot make employees who come to work sick go home. However, several of our managers are concerned about employees who have come in and have self reported that they have a fever and a cough. Outside of sharing with them their options to take sick leave or consider teleworking, do managers have any other recourse? Also, please confirm that we cannot inquire with employees whether they have been tested for the flu or COVID-19 virus. I have indicated that due to privacy concerns this isn't an action that managers should take, but want to be sure there isn't a change that I am not aware of.

Thank you!

Liza Araujo-Rouse
Executive Officer
U.S. Department of Education
Office of the General Counsel & the Office of

AMERICAN OVERSIGHT

Legislation and CongressionalAffairs
400 Maryland Avenue, SW
Room 6E343
Washington DC, 20202
Phone: 202-260-4008

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 15:58:30 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question Regarding - Room & Board Adjustment(s) and Related Impact

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Chad T. Kisner <chad@bcscpa.com>
**Sent:** Friday, March 13, 2020 11:48 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Chad T. Kisner <chad@bcscpa.com>
**Subject:** Question Regarding - Room & Board Adjustment(s) and Related Impact

**Good morning,**

**We have two institutions that we audit that both have a question that we are unable to find guidance on at this time.**

**The question relates to the institution refunding a portion of room and board (or one or the other) due a period that students are required to depart from the physical institution. If schools do this, will they be required to adjust cost of attendance (COA)? If the COA is adjusted will schools be required to return Title IV funds so students are not over-awarded (presuming that is a result of such adjustment)?**

**We appreciate your guidance during these every changing times.**

**Kind regards,**

**Chad T. Kisner, CPA.CISA.CITP | Blackburn, Childers & Steagall, CPAs**
BCScpa.com | 423.282.4511 | Fax: 423.262.0077
801B Sunset Drive | Johnson City, TN 37604
Click Here to send me documents securely

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 20:50:07 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question Regarding COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ashley Williams <awilliams@sussex.edu>
**Sent:** Thursday, March 12, 2020 8:13 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question Regarding COVID-19

HI

I was wondering if our institution were to close due to the coronavirus, would we be able to work from home? My concern is students privacy and confidentiality. I couldn't find anything in the FSA handbook about privacy.

Thanks!
Ashley

Ashley Williams
Financial Aid Loan Specialist
Sussex County Community College
One College Hill
Newton NJ 07860
p 973-300-2270

Office Hours
Monday – 8am to 6:30pm
Tuesday thru Friday – 8am to 5:00pm
(Closed Saturday and Sunday)

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:56:51 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question regarding FWS and the IFAP Announcement dated 03-05-2020

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Heaton, Cynthia Carole <cch16@psu.edu>
**Sent:** Thursday, March 12, 2020 12:11 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question regarding FWS and the IFAP Announcement dated 03-05-2020

Hello-

We have a question regarding the Federal Work-Study (FWS) excerpt below from the IFAP Announcement dated 03-05-2020 concerning interruptions of study related to Coronavirus (COVID-19).

Our institution has not closed but has declared that all spring semester classes already in progress will be held remotely via distance education from March 16, 2020 through at least April 3, 2020. We are also strongly discouraging our students from returning to campus, off-campus locations, and group dwellings (e.g., apartments and fraternities), and we are advising them to return to, or remain at, home during this time period.

**Question:** Regarding the highlighted part of the FWS excerpt below, may we continue to pay those students, who are unable to continue working because of this situation, FWS wages during this temporary move from ground-based to remote classes, even though our institution has not closed?

We appreciate your assistance and look forward to hearing from you.

Cynthia C. Heaton
Director for Student Aid Compliance and Training
The Pennsylvania State University
Office of Student Aid
University Park, PA 16802
phone: 814-867-0603

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==========

**Excerpt from 3/5/20 IFAP Announcement:**

Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:16:35 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question Regarding Loan Period/Academic Year Dates

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Theresa Eiler <TEiler@galencollege.edu>
**Sent:** Friday, March 13, 2020 12:51 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question Regarding Loan Period/Academic Year Dates

Hello,

Amid the COVID-19 issues, our school may be considering moving the start of our next term a week or two (we would still meet the requirements of our academic year definition); however, all the students' loans were packaged and originated with the original start date of 4/2/20 – the students would have a loan period and academic year start date of 4/2/20; however, if the term start was moved to 4/9/20 or 4/16/20, would we need to update every loan period and academic year?

Also, note that we do not pay disbursements until students post attendance, so it would not be an issue of students receiving funds too early.

I can't seem to find a way for our system to do this, and it appears it may be a manual thing we would have to do for thousands of students.

Thank you,

Theresa Eiler
Assistant Director of Financial Aid
Office: 502.410.6214

*We change the life of one to care for the lives of many.*

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 17:24:39 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question regarding specific scenario in response to COVID-19

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Myra Pfannenstiel <pfannenstielm@newmanu.edu>
**Sent:** Thursday, March 12, 2020 1:12 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question regarding specific scenario in response to COVID-19

Good morning,

I have two questions:

1. If a colleges extends spring break by 1 week for student attending only on-ground (face to face) courses. However if the student is enrolled in an online course, they are expected to attend that course/s as scheduled. A. Would this one week extension impact the length of our academic year for those student enrolled only in face-to-face courses? If so, what steps would we need to take to notify our regional office of this change.
   B. Would this impact the loan period for borrowers in face-to-face courses only?

Thank you,
Myra

**Myra Pfannenstiel**
*Director of Financial Aid*
Financial Aid
Office: SH230
316-942-4291, ext. 2103
Direct: 316-831-1135
*A Degree of Difference*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:18:58 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question regarding study abroad

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Grunden, Cynthia <cgrunden@colum.edu>
**Sent:** Thursday, March 5, 2020 4:55 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question regarding study abroad

Greetings,

We have a student who received Title IV funds to study abroad at a foreign institution in Florence, Italy. Unfortunately and due to Coronavirus, the institution has temporarily closed and the student is on her way back to the U.S.

The foreign institution is making arrangements for the student to complete her coursework for the term online. It is the foreign institution (and not the home institution) that will be providing the instruction.

Whereas we understand that students are not permitted to receive Title IV funds for online instruction from foreign schools, does this also mean that we need to perform a R2T4 calculation for the student because she is no longer enrolled in Title IV eligible coursework? Her aid was already fully disbursed for the term, and we are unclear as to if a R2T4 calculation is required only because the method of instruction changed for a student who is still enrolled.

Again, she is still enrolled in the same courses upon which her Title IV disbursement was based. The method of instruction has just changed mid-way through the term due to this special circumstance. Assuming the student completes her coursework, she will still be receiving academic credit through her home institution.

I appreciate any clarity you can provide.

Regards,
Cynthia

Cynthia Grunden
Assistant Vice President

AMERICAN OVERSIGHT

Student Financial Services
Pronouns: she/her/hers

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 5 Mar 2020 21:57:32 +0000
**To:** Valentine, Ingrid
**Cc:** COVID-19
**Subject:** FW: Question regarding study abroad

Hi Ingrid,

The COVID-19 mailbox received an inquiry about FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Grunden, Cynthia <cgrunden@colum.edu>
**Sent:** Thursday, March 5, 2020 4:55 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question regarding study abroad

Greetings,

We have a student who received Title IV funds to study abroad at a foreign institution in Florence, Italy. Unfortunately and due to Coronavirus, the institution has temporarily closed and the student is on her way back to the U.S.

The foreign institution is making arrangements for the student to complete her coursework for the term online. It is the foreign institution (and not the home institution) that will be providing the instruction.

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Again, she is still enrolled in the same courses upon which her Title IV disbursement was based. The method of instruction has just changed mid-way through the term due to this special circumstance. Assuming the student completes her coursework, she will still be receiving academic credit through her home institution.

I appreciate any clarity you can provide.

Regards,
Cynthia

Cynthia Grunden
Assistant Vice President

AMERICAN OVERSIGHT

Student Financial Services
Pronouns: she/her/hers

AMERICAN OVERSIGHT

**From:** OESE.ESEA.Assessment
**Sent:** Fri, 13 Mar 2020 18:17:50 +0000
**To:** COVID-19
**Subject:** FW: Pennsylvania State Large-Scale Assessment Monitoring Program Requirements/Waiver Request

(b)(5)

Don
Donald Peasley, Ph.D.
Assessment Team Lead, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Donald.peasley@ed.gov Ph. 202 453 7982
Email the OESE Assessment team at ESEA.Assessment@ed.gov
See ED Standards and Assessments Information at https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/standards-and-assessments/

---

**From:** Weller, Craig <crweller@pa.gov>
**Sent:** Friday, March 13, 2020 1:49 PM
**To:** OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
**Cc:** Truesdale, Brian <btruesdale@pa.gov>
**Subject:** Pennsylvania State Large-Scale Assessment Monitoring Program Requirements/Waiver Request

Due to the COVID-19 emergency, The Pennsylvania Department of Education (PDE) is inquiring about the requirements for monitoring state-wide assessments under ESEA. It is the recommendation of PDE to suspend all upcoming on-site monitoring activities for the Pennsylvania System of School Assessments (PSSAs) and Keystone Exams (EOC) for Spring 2020 (April & May). This would allow for less physical interactions between PDE monitoring staff and students/faculty out in the PA public school system (as would normally take place during monitoring activities). We are also wondering about how a federal monitoring requirement waiver (if granted) would impact Auditor General audits here in Pennsylvania due to no monitoring taking place (due to an ESSA waiver).

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A quick response would be appreciated,

Thanks, Craig

**Craig A. Weller, M.A., M.S.E.** | Basic Education Associate 2
Keystone Exams/PSSA On-Site Monitoring Program (OMP) Director
PA Science Assessment Advisor
CSPR Audit Coordinator
Pennsylvania Department of Education
Bureau of Curriculum, Assessment and Instruction
Division of Assessment and Accountability
333 Market Street – 5th Floor | Harrisburg PA 17126-0333
Phone: 717.525.5825 | Fax: 717.705.8021
crweller@pa.gov | www.education.pa.gov

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 18:24:12 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Please waive the direct supervision requirement

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

---

**From:** Karen Allen <Karen.Allen@ucf.edu>
**Sent:** Friday, March 13, 2020 2:17 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Please waive the direct supervision requirement

Please waive the direct supervision requirement for Federal Work Study students.

Our students have transitioned to on-line learning and are staying in their homes out of the area. Although we can allow them to come to work, we have populations that are high risk.

These vulnerable students are missing out on their aid (for 3 out of 4 weeks this month).

If the direct supervision requirement was waived, we could give them work to do remotely.

**Karen Allen**
Florida Institute of Government
University of Central Florida
12443 Research Parkway, Ste. 402
Orlando, FL 32826-3282
407.882.3960

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 21:46:21 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Possible Adjustment to Academic Year due to Coronavirus

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Christopher Lewis <clewis@rcc.mass.edu>
**Sent:** Wednesday, March 11, 2020 5:26 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Possible Adjustment to Academic Year due to Coronavirus

Good Evening,

I hope this message finds you well!
Roxbury Community College is trying to come up with different alternatives in regards to interruption of study due to Coronavirus. We are trying to consider all option and make sure we know how it will affect students title IV funds. If we decide to reduce the academic year what will we have to do? Reading the memo that was sent out on March 5, 2020 it states that we would have to contact the Schools participation team. Please feel free to email back or if its someone in particular that I can speak with over the phone feel free to provide the phone number.

Thanks,
Chris Lewis

**Christopher Lewis**
Director of Financial Aid
Tel: +1-857-701-1223 | Fax: 855-647-9618 | clewis@rcc.mass.edu
ROXBURY COMMUNITY COLLEGE
1234 Columbus Ave, Roxbury Crossing, MA, 02120 | www.rcc.mass.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 20:39:21 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Program Accreditation Application Fee

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

---

**From:** Myra Pfannenstiel <pfannenstielm@newmanu.edu>
**Sent:** Friday, March 13, 2020 4:07 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Program Accreditation Application Fee

Good afternoon,
Based on the current state of affairs surrounding COVID-19, we are looking at moving our courses to online. A question came up in regards to accreditations for specific programs.
We have one program accrediting body which is requesting an application fee to approve online courses. My question based on the guidance ED provided, should the accreditor be charging this application fee?
This is not a clock-hour program and the accreditor does allow for distance learning courses.
Thanks in advance.
Myra

**Myra Pfannenstiel**
*Director of Financial Aid*
Financial Aid
Office: SH230
316-942-4291, ext. 2103
Direct: 316-831-1135
*A Degree of Difference*
newmanu.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:53:52 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Proration of Charges and Effect on COA/Student Budget

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Randall, Jesse <jrandall@ursinus.edu>
**Sent:** Thursday, March 12, 2020 11:44 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Curcio, Ellen <ecurcio@ursinus.edu>
**Subject:** Proration of Charges and Effect on COA/Student Budget

To whom it may concern:

In light of the COVID-19 outbreak and the way colleges and universities, including ours, are reacting to the outbreak, there are some questions that I have that do not appear to be answered through the electronic announcement released 3/5/2020 to provide guidance to FAAs. In our administration's decision to temporarily shift to remote education, there have also been talks of refunding a portion of room and board to students for the time that students are not able to return to campus. Is there any special guidance surrounding such adjustments in light of this outbreak? Or would a school who made the decision to refund a portion of room and board to students be required to process such an adjustment as either a reduction in COA or by processing such a credit as a component of financial aid?

Thank you for your assistance and guidance in this matter. I have CC'd our director of Student Financial Services, Ellen Curcio, so that she can be aware of any guidance provided in response to my questions.

Sincerely,

Jesse Randall

**Jesse Randall**
Associate Director of Student Financial Services - Aid & Technology
Student Financial Services

Phone: 610-409-3648
jrandall@ursinus.edu

Ursinus College

AMERICAN OVERSIGHT

My Profile

College, 601 E. Main Street, Collegeville, PA 19426-1000

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 21:30:07 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Providing on-line support for displaced students

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Rob Carroll <rob.carroll@kastapp.co>
**Sent:** Wednesday, March 11, 2020 3:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Providing on-line support for displaced students

Hello,

I wanted to see who we could contact to help provide online streaming and study group options for students that are displaced during the crisis. Our company is a social streaming platform that works great for supporting online communities. We're currently helping a number of business conferences that needed to cancel and I wanted to see if we can help support any of the schools that canceled classes as well.

Thanks,
Rob

--
**Rob Carroll**
**Kast - Director of Business Development**
rob.carroll@kastapp.co
+1.415.652.5384
KAST: Leviathan
www.kastapp.co

**Play Together. Watch Together. Be Together.**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 22:10:00 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question about 3-5-2020 guidance

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Geer, Kimberly <Kimberly.Geer@lwtech.edu>
**Sent:** Friday, March 6, 2020 5:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question about 3-5-2020 guidance

So, assuming we fit the criteria listed, we would simply have FWS students still submit a timesheet for the hours they were already scheduled to work for any days that the college is closed?

Do we need to submit anything to DOE documenting our closure?

~Kim

**Kimberly Geer**
Director, Financial Aid and Veteran Services

LAKE WASHINGTON INSTITUTE OF TECHNOLOGY™
LWTech.edu

**Financial Aid and Veteran Services**
West Building, Room 209 | 11605 132nd Ave NE | Kirkland, WA 98034
T: (425) 739-8119 | kimberly.geer@lwtech.edu

***Check your financial aid status online on our student portal!***

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:18:35 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: question about Professional Judgement

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

**From:** SACI Federal Financial Aid <financialaid@saci-florence.edu>
**Sent:** Thursday, March 5, 2020 11:56 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** question about Professional Judgement

Greetings
Could a logical Professional Judgment element be increasing
an award because of unexpected additional airfare resulting
from school closure due to Covid-19
? As a Foreign School, a RT ticket to the states
could be considerable $$.

*Professional Judgement*
*Financial aid administrators (FAA) have statutory authority to use professional judgement to make adjustments on a case-by-case basis to the cost of attendance or to the data elements used in calculating the EFC to reflect a student's special circumstances. The use of professional judgement where students and/or their families have been affected by COVID-19 is permitted, such as in the case where an employer closes for a period of time as a result of COVID-19. In making professional judgement determinations, FAAs must obtain documentation and retain it in each student's file. This documentation must substantiate the reason for any adjustment. Institutions are reminded that, regardless of how broadly an event may affect its student population, professional judgement determinations must be made and documented on a case-by-case basis.*

Thanks
**SS**

**Sarah Swenson**
Federal Financial Aid Administrator/SACI

AMERICAN OVERSIGHT

***

NEVER INCLUDE STUDENT IDs IN EMAILS

**Send personal and financial information to me using this secure link:**
**https://www.sendsafely.com/u/financialaid%40saci-florence.edu**

.....

*Protect your personal and financial information - never use email for application materials*

.....

**Sarah Swenson**
Federal Financial Aid Administrator
**SACI - College of Art & Design**
454 West 19th Street
New York, NY 10011 USA
financialaid@saci-florence.edu
www.saci-florence.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:18:55 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question about reducing academic year due to Corona virus

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Greg Becher <gbecher@thomasaquinas.edu>
**Sent:** Thursday, March 5, 2020 6:40 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question about reducing academic year due to Corona virus

Dear Department of Education:

After reviewing the Department of Education's Electronic Announcement about interruptions of study due to the Corona virus (issued today, March 5, 2020), our college is planning for the various contingencies that may arise.

Our college is Thomas Aquinas College (OPE-ID 023580). Our main campus is located in Santa Paula, California. Today, the state of California has declared a state of emergency. Los Angeles County, which is adjacent to our county (Ventura County) has also declared a state of emergency.

Our fall semester was 17 weeks long. Our spring semester is also 17 weeks long, although it spans 18 weeks, with one week off for Easter (closed from Thursday, April 9, 2020 through Wednesday, April 15, 2020).

**Could we reduce our spring semester to 12.5 weeks of instruction on campus (Monday, January 13, 2020 through Wednesday, April 8, 2020), followed by 1.0 week of exams taken at home after the Easter break (Thursday, April 16, 2020 through Wednesday, April 22, 2020)?** The students would be asked to return their written exams by e-mail or paper mail. Under this scenario, our academic year will total 30.5 weeks (17 weeks in the fall plus 13.5 weeks in the spring).

Thank you.

Gregory Becher

**Gregory Becher**
Director of Financial Aid
Thomas Aquinas College
California | New England

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 14:56:38 +0000
**To:** Valentine, Ingrid
**Cc:** COVID-19
**Subject:** FW: Question about reducing academic year due to Corona virus

Hi Ingrid,

The COVID-19 mailbox received an inquiry about FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Greg Becher <gbecher@thomasaquinas.edu>
**Sent:** Thursday, March 5, 2020 6:40 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question about reducing academic year due to Corona virus

Dear Department of Education:

After reviewing the Department of Education's Electronic Announcement about interruptions of study due to the Corona virus (issued today, March 5, 2020), our college is planning for the various contingencies that may arise.

Our college is Thomas Aquinas College (OPE-ID 023580). Our main campus is located in Santa Paula, California. Today, the state of California has declared a state of emergency. Los Angeles County, which is adjacent to our county (Ventura County) has also declared a state of emergency.

Our fall semester was 17 weeks long. Our spring semester is also 17 weeks long, although it spans 18 weeks, with one week off for Easter (closed from Thursday, April 9, 2020 through Wednesday, April 15, 2020).

**Could we reduce our spring semester to 12.5 weeks of instruction on campus (Monday, January 13, 2020 through Wednesday, April 8, 2020), followed by 1.0 week of exams taken at home after the Easter break (Thursday, April 16, 2020 through Wednesday, April 22, 2020)?** The students would be asked to return their written exams by e-mail or paper mail. Under this scenario, our academic year will total 30.5 weeks (17 weeks in the fall plus 13.5 weeks in the spring).

Thank you.

Gregory Becher

**Gregory Becher**
Director of Financial Aid
Thomas Aquinas College
California | New England

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:44:59 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question concerning a leave of absence

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Martha Cotto <MCotto@ice.edu>
**Sent:** Thursday, March 12, 2020 10:10 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question concerning a leave of absence

Good Morning-

What are some examples of COVID-19-related concerns that can be considered in approving a leave of absence (other than travel-abroad restrictions or being quarantined/incapacitated due to COVID-19 illness)?

Thanking you in advance-

*Martha C.*
**Martha Cotto** | Chief Registrar
**Institute of Culinary Education** | 225 Liberty Street | New York, NY 10281
P: 212.847.0762| F: 212.847.0739
mcotto@ice.edu | www.ice.edu | **@iceculinary**

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 20:40:31 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question for New Students

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

---

**From:** Abbey Nagle-Kuch <abbey.nagle-kuch@palmer.edu>
**Sent:** Friday, March 13, 2020 4:31 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question for New Students

Good afternoon and thanks for the information already offered in the EA on March 5.

We have two branch campuses that are on a quarter based system, set to begin a new term the second week of April. If we were still offering our classed in an online or distance education format under the new guidance, are we able to enroll those new students in an online model?

Thank you in advance for any information.

Abbey

**Abbey Nagle-Kuch** | Senior Director | Financial Planning | 1000 Brady St., Davenport, IA 52803 | Office: 563-884-5137 | Fax: 563-884-5299 | www.palmer.edu

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**From:** Rooney, Patrick
**Sent:** Wed, 11 Mar 2020 13:55:08 +0000
**To:** COVID-19
**Subject:** FW: Question from USDA/FNS: School Closures

---

**From:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:37 AM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** Siry, Melissa <Melissa.Siry@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** Question from USDA/FNS: School Closures

Hi Patrick,

(b)(5)

Todd

---

**From:** Applebaum, Margaret - FNS <margaret.applebaum@usda.gov>
**Sent:** Wednesday, March 11, 2020 9:28 AM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Subject:** School Closures

Hi Todd –

I hope this email finds you well!

I do not think this questions is for you but hoping you can point us in the right direction. Is Department of Ed tracking school closures due to COVID19? If so, is this type of data something you can share with us?

Thanks so much!

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Maggie

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**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 15:36:22 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question on enrollment status changes related to COVID-19

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Robert Bode <robert.bode@uwrf.edu>
**Sent:** Tuesday, March 10, 2020 11:20 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question on enrollment status changes related to COVID-19

Hello again,

We are an institution with a Pell census date and we do not recalculate enrollment status for enrollment changes after the census date (unless we cannot document the student began attendance in a course.) For Pell Grant recipients who were enrolled on the census date but did not begin attendance in some or all of their classes due to cancellations related to COVID-19, may the institution treat courses which the student adds after the census date and begins attendance within the same term as courses in which the student was enrolled prior to the census date?

Best Regards,

Robert Bode, MBA
Director of Financial Aid and
Military/Veteran Student Services
**University of Wisconsin River Falls**
133 Rodli Hall
410 S. Third Street
River Falls, WI 54022-5001
(715) 425-3141

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:35:09 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question on R2T4

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Mary Beth Gallagher <MGallagher@wcc.vccs.edu>
**Sent:** Thursday, March 12, 2020 8:15 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question on R2T4

If on spring break this week (break of 5 days) and they extend the spring break then we would need to re-do our calendar for the spring break calculation?

Mary Beth Gallagher
Financial Aid Coordinator
Wytheville Community College
276-223-4765
mgallagher@wcc.vccs.edu
**For 24/7 assistance please contact our Support Center:**
1(855)877-3948
Live Chat and website: https://mysupport.wcc.vccs.edu

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**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 16:46:42 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question on Remote Instruction Arrangements for a clock Hours School

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Gaurang Patel <gaurang@aimseducation.edu>
**Sent:** Tuesday, March 10, 2020 11:51 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question on Remote Instruction Arrangements for a clock Hours School

Good Morning,

Our school is reviewing alternate methods of instructions in case we are required to suspend face-to-face instructions due to COVID-19. We are a clock hour school and wishes to clarify how do we calculate and document number of clock hours scheduled and earned by students, in case face to face instructions are suspended and instructions were given via online tools, such as Google Class, Microsoft Team, etc. We need your advise on…

- If our face to face classroom duration is 5 hour session, should we require instructors and students be on the "remote class" for 5 clock hours with required breaks ? Or Instructors can send presentations, video tutorials and require students to complete assignments, that can be counted for number of clock hours required as per our daily schedule, i.e. 5 hours/day ?

- Currently we use classroom paper timesheets. Instructors are taking attendance and students & instructors both initial on the paper timesheets. In case of remote instructions, can Instructors complete the classroom timesheet and report to administration ?

Appreciate your quick attention and guidance. If required, advise me I should call to go over it for a quick discussion. You may contact me at 908-222-0002, extn: 337.

Thanks,

Best Regards,

**Gaurang Patel** | Finance Department

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email: Gaurang@Aimseducation.edu | off: (908) 222-0002 ext: 337 | efax: (908) 450-6111

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 15:08:58 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question on semester length

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Shannon Amundson <samundson@coloradocollege.edu>
**Sent:** Wednesday, March 11, 2020 11:06 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question on semester length

Good morning,

Our school is considering extending our semester into the summer. This is not how it was originally set up, but I know the length of semester restrictions have been reduced, so this is possible, but I am not sure if I can do it mid-semester. The guidance on the virus discusses shortening a semester, but not lengthening it so we can offer summer as part of the spring to ensure full time offerings.

Is there any guidance you could direct me to that would help me see what is possible?

**SHANNON AMUNDSON**
Director of Financial Aid
**Office of Financial Aid and Student Employment**
Spencer Center

samundson@coloradocollege.edu
**o** (719) 389-6651
**tf** (800) 260-6458

**COLORADO COLLEGE**
14 E. Cache La Poudre St.
Colorado Springs, CO 80903
www.coloradocollege.edu

AMERICAN OVERSIGHT

**From:** Ortiz-Velazquez, Judith
**Sent:** Wed, 11 Mar 2020 16:00:40 +0000
**To:** COVID-19
**Subject:** FW: Question on Title Three Waiver of contribution to Work-study Program on Guidance

---

**From:** Eileen Flood <floode@stjohns.edu>
**Sent:** Wednesday, March 11, 2020 10:07 AM
**To:** Ortiz-Velazquez, Judith <Judith.Ortiz-Velazquez@ed.gov>
**Subject:** Question on Title Three Waiver of contribution to Work-study Program on Guidance

St. John's University, Queens New York OPE ID: 00282300

The University has moved to offering students coursework in an online format and we are currently considering the option of paying work study student that had started to work in the spring semester based on their existing scheduled. From the guidance we understand that the option to pay exist if we continue to pay other employees. Our question centers around the notation in the guidance with regard to the institutional share. St. John's is a title III designated institution and has a waiver of the institutional share. Our question is if we choose may we still take advantage of ED's guidance even if we do not contribute an institutional share?

We appreciate your assistance.

Regards,
Eileen Flood

**Eileen Flood, J.D.**
Director of Financial Aid
Office of Student Financial Services
St. John's University
718-990-5741
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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 16:27:54 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question on Title Three Waiver of contribution to Work-study Program on Guidance

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ortiz-Velazquez, Judith <Judith.Ortiz-Velazquez@ed.gov>
**Sent:** Wednesday, March 11, 2020 12:01 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Question on Title Three Waiver of contribution to Work-study Program on Guidance

---

**From:** Eileen Flood <floode@stjohns.edu>
**Sent:** Wednesday, March 11, 2020 10:07 AM
**To:** Ortiz-Velazquez, Judith <Judith.Ortiz-Velazquez@ed.gov>
**Subject:** Question on Title Three Waiver of contribution to Work-study Program on Guidance

St. John's University, Queens New York OPE ID: 00282300

The University has moved to offering students coursework in an online format and we are currently considering the option of paying work study student that had started to work in the spring semester based on their existing scheduled. From the guidance we understand that the option to pay exist if we continue to pay other employees. Our question centers around the notation in the guidance with regard to the institutional share. St. John's is a title III designated institution and has a waiver of the institutional share. Our question is if we choose may we still take advantage of ED's guidance even if we do not contribute an institutional share?

We appreciate your assistance.

Regards,
Eileen Flood

**Eileen Flood, J.D.**
Director of Financial Aid
Office of Student Financial Services
St. John's University
718-990-5741

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 15:00:23 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Questions regarding leave of absence related to COVID-19

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Robert Bode <robert.bode@uwrf.edu>
**Sent:** Tuesday, March 10, 2020 10:57 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions regarding leave of absence related to COVID-19

Hello,

Thank you for providing this guidance on interruptions related to COVID-19. It is very helpful. I have two questions related to leaves of absence:

1. In paragraph 13, where it discusses leaves of absence, will leaves of absence be allowed even if the institution does not currently have a leave of absence policy in place?*
2. Should term-based schools still follow the current guidance in the FSA Handbook (Vol 5, page 16) and contact the School Participation team prior to instituting a leave of absence procedure for COVID-19 impacted students?

**Note – Development of such a policy for many schools will require consultation with faculty governing entities, which may not be expedient/feasible in current circumstances.*

Thank you for your assistance.

Best Regards,

Robert Bode, MBA
Director of Financial Aid and
Military/Veteran Student Services
**University of Wisconsin River Falls**

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133 Rodli Hall
410 S. Third Street
River Falls, WI 54022-5001
(715) 425-3141

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**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 20:31:35 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Questions regarding the March 5, 2020 Guidance for interruptions of study related to Coronavirus (COVID-19)

---

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** GASPARATO, JEAN <JGASPAR@mailbox.sc.edu>
**Sent:** Tuesday, March 10, 2020 4:23 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions regarding the March 5, 2020 Guidance for interruptions of study related to Coronavirus (COVID-19)

Hi,

I have a few questions regarding the guidance below provided in the March 5th COVID-19 guidance document.

*Finally, because we understand that some students may have been recalled from travel abroad programs or cancelled out of experiential learning opportunities after the semester began, institutions may offer courses to those students on a schedule that would otherwise be considered a non-standard term, if doing so enables those students to complete the term. These flexibilities will also be provided to institutions, or their additional locations or programs, that must temporarily close as a result of COVID-19.*

Our institution is looking to extend the end date of some courses in order to accommodate students whose enrollment was affected by COVID-19. We know that if a course is scheduled to be more than 2 weeks outside the standard semester begin and end dates, we would normally be dealing with a non-standard term situation.

1. We're interpreting the flexibility stated above to mean we can, for example, offer courses that extend more than 2 weeks beyond the end of the term without now being considered a non-standard term, is that correct?

2. We're also interpreting that this flexibility can only be applied to students affected by COVID-19, correct?

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3. Since there's no mention of flexibility to situations that would otherwise be considered non-term, is it correct that we still cannot allow courses to overlap other terms without now being considered non-term?

4. If we offer these students courses that extend beyond the standard end of term date, do we need to update our R2T4 calculations for those students since the days of attendance and days in the semester are different?

Thanks for any assistance you can provide.

Regards,
Jean

Jean Gasparato
Sr. Associate Director of Federal Aid Administration and Compliance
Office of Student Financial Aid and Scholarships
University of South Carolina - Columbia
1244 Blossom Street, Suite 200
Columbia, South Carolina 29208

Phone 803.777.1305 / Fax 803.777.0941
http://www.sc.edu/financialaid

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 20:40:13 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Questions

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

**From:** Gisella Baker <gisella.baker@hawkeyecollege.edu>
**Sent:** Friday, March 13, 2020 4:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions

Good Day,
Please see my questions below after reading the guidance received on this topic:

FWS - Is is truly up to each institution if we pay or not pay our work-study students?
R2T4 calcs - Would there be a relief as to how many days institutions would have to make these calculations?
ENDING TERM EARLY -- Are we to just call our School Participation Agreement to request this when the decision is made? If so, how long will it take to get an answer? And if time is not on our favor and we cannot wait for that response, could we just inform them?

We will watch the upcoming NASFAA webinar but it would be nice to also have something coming directly from the Federal Dpt of Education. Perhaps there will be somebody from the FDOE in that webinar too to answer any additional questions?

Thank you,
Gisella

**Gisella Baker**

**Director of Financial Aid**

**1501 E. Orange Rd. P.O. Box 8015,**
**Waterloo, IA 50704-8015**
**(319)296-4465 (319)296-4495 fax**

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 21:54:08 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4 and COA question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Hoffman, Barb <bhoffman@coe.edu>
**Sent:** Friday, March 13, 2020 5:50 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** R2T4 and COA question

Hello

1) Our regular spring break starts on March 14th and ends March 22nd. The college has decided to extend the break by 7 days. I understand that I must reduce the denominator in my refund calc by the 7 additional days, but I need some guidance as to when I must use the reduced denominator in my refund calculations.

A student withdrew today - the last day of classes before the regularly scheduled spring break. Do I need to use the reduce denominator for this student's calculation?

2) Do I have to adjust the Cost of Attendance for students whose room or board charges are reduced due to the extended break period?

Thank you for your help. I can't just imagine how busy you are, and your assistance is much appreciated.

Barb

--
Barbara Hoffman, Director of Financial Aid
Coe College Office of Student Financial Services
1220 First Ave NE, Cedar Rapids, IA 52402
OFFICE: 319.399.8540 | FAX: 319.399.8886 | TOLL-FREE: 877.CALL.COE

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**W2s. You should mail, fax or upload such information. Use of the Upload Portal requires my.coe log in credentials. (new students can find credentials to my.coe in "A Kohawks Guide to Success")**

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:46:23 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4 COVID19

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Teri Eldred <eldredte@udmercy.edu>
**Sent:** Thursday, March 12, 2020 10:13 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Kimberly Vanassche <collinki@udmercy.edu>; Jessica Rouser <rouserjm@udmercy.edu>
**Subject:** R2T4 COVID19

Hello,

How are we to handle days in the payment period as a result of a school closure for 5 consecutive days in response to COVID-19? We are closed for 5 consecutive days as our faculty train and transition to online course work. Would this be considered a scheduled break in the R2T4?

If yes, I assume we would **not** need to go back and adjust previously completed R2T4s with the new number of days in the term (due to the scheduled break) and just adjust any R2T4s moving forward?

Regards,

***Teri Eldred***

**Associate Director of Financial Aid - Systems**
University of Detroit Mercy | Office of Scholarships & Financial Aid
4001 W. McNichols | Detroit, MI 48221-3038
(313) 993-1406 office - (313) 993-3347 Fax

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 17:58:32 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4 impacts

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Messingschlager, Mark Anthony <messinm@thomasmore.edu>
**Sent:** Wednesday, March 11, 2020 1:55 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** R2T4 impacts

Hello,

My school may close for a week to prepare all classes for online instruction for the remainder of the payment period. With the closure, we will still have 15 weeks of instructional time in the payment period, but it will be a break in enrollment for R2T4 purposes. Would I need to recalculate aid for students who have already withdrawn in the payment period prior to this decision to include the break in enrollment in their R2T4 calculations?

Thank you,

**Mark Messingschlager, MBA**
*Director of Financial Aid*
**Thomas More University**
333 Thomas More Parkway
Crestview Hills, KY 41017
P: 859.344.3506
F: 859.344.4050

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:16:09 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4 Question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Carol Masse <carolmasse@miad.edu>
**Sent:** Friday, March 13, 2020 12:46 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** R2T4 Question

How is the 60% point of the semester calculated to know if a R2T4 is required if the student withdraws after the extended break?

Thank you
*Carol Masse*
Executive Director of Financial Aid
Milwaukee Institute of Art & Design
273 E Erie Street
Milwaukee WI 53202
Tel. 414-847-3270 Fax. 414-847-3332
carolmasse@miad.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:35:33 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4 Question
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Thompson, Courtney <Courtney.Thompson@lr.edu>
**Sent:** Friday, March 13, 2020 7:59 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Hewitt, Shana <Shana.Hewitt@lr.edu>
**Subject:** R2T4 Question
**Importance:** High

Our campus is looking to add an additional week of Spring Break for our students to allow the campus (faculty and staff) time to prepare for the full implementation of online only instruction. My question is will we be required to add this extra week in to the R2T4 calculation as a break of 5 days or more? If we have to add this additional week to the calculation, how do we treat those students who withdrew prior to the addition of this extra week? Their adjustments would have been calculated correctly previously.

Our university's Fall/Spring semesters are 16 weeks in length.

***Courtney Thompson-Ballard***
***Director of Financial Aid***
***Lenoir Rhyne University***
***828-328-7182***
***courtney.thompson@lr.edu***

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:16:09 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4 Question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Carol Masse <carolmasse@miad.edu>
**Sent:** Friday, March 13, 2020 12:46 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** R2T4 Question

How is the 60% point of the semester calculated to know if a R2T4 is required if the student withdraws after the extended break?

Thank you
*Carol Masse*
Executive Director of Financial Aid
Milwaukee Institute of Art & Design
273 E Erie Street
Milwaukee WI 53202
Tel. 414-847-3270 Fax. 414-847-3332
carolmasse@miad.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:35:33 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4 Question
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Thompson, Courtney <Courtney.Thompson@lr.edu>
**Sent:** Friday, March 13, 2020 7:59 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Hewitt, Shana <Shana.Hewitt@lr.edu>
**Subject:** R2T4 Question
**Importance:** High

Our campus is looking to add an additional week of Spring Break for our students to allow the campus (faculty and staff) time to prepare for the full implementation of online only instruction. My question is will we be required to add this extra week in to the R2T4 calculation as a break of 5 days or more? If we have to add this additional week to the calculation, how do we treat those students who withdrew prior to the addition of this extra week? Their adjustments would have been calculated correctly previously.

Our university's Fall/Spring semesters are 16 weeks in length.

***Courtney Thompson-Ballard***
***Director of Financial Aid***
***Lenoir Rhyne University***
***828-328-7182***
***courtney.thompson@lr.edu***

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 9 Mar 2020 19:47:16 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Recalling Students from Study Abroad Experiences

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Horne, David <dhorne@towson.edu>
**Sent:** Monday, March 9, 2020 3:33 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Recalling Students from Study Abroad Experiences

We have students who are currently studying abroad in programs that we approved, and that they have already begun attending, and that are still continuing to provide all instruction as originally planned.

What happens if the university recalls students from an ongoing study abroad program, but the student refuses to stop attending and return home? Do we have the authority to administratively withdraw them from the semester and then adjust their aid based on an R2T4 calculation if they insist on continuing to attend despite our recall?

Thank you.

TOWSON UNIVERSITY

**David Horne**
Director | Financial Aid Office

P: 410-704-6242 | F: 410-704-2584
dhorne@towson.edu | www.towson.edu/finaid

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:19:02 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: recent update

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

**From:** Scott Seibring <seibring@iwu.edu>
**Sent:** Thursday, March 5, 2020 6:03 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Fwd: recent update

With the recent guidance related to federal aid and coronavirus., I have a question regarding this situation.
We received this update for one of our students who is suppose to leave in a week. With coronavirus, IES is offering students the options to defer or withdraw for a program in Tokyo. So, technically this student is able to attend but it sounds like there are many people who are encouraging the student not attend. It is now too late to enroll in spring semester on campus. Does this student lose her grace period and go into repayment the same way a student who just doesn't return for spring semester?

Normally institutions, once aware that a student will not begin or has not begun attendance, must notify the loan servicer which results in issuance of a final demand letter to the borrower. However, we have determined that in the case where a student was unable to begin attendance due to a COVID-19-related school closure, the provisions of 34 CFR § 668.21(a)(2)(ii), requiring the institution to notify the servicer of that student's failure to begin attendance, do not apply because the option for the student to begin attendance did not exist. Accordingly, the institution should not notify the servicer that the student did not begin attendance. He or she will be permitted to repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption.

AMERICAN OVERSIGHT

**SCOTT SEIBRING '85**
DIRECTOR OF FINANCIAL AID
ILLINOIS WESLEYAN
UNIVERSITY
1312 Park Street, Bloomington, IL 61701
(309) 556-3393

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 14:31:36 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Recertification - John Cabot University 03329300

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Johnson, Michelle <Michelle.Johnson@ed.gov>
**Sent:** Tuesday, March 10, 2020 9:05 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Recertification - John Cabot University 03329300

FYI, see highlighted portion below for a question from an institution below. Also told school to write to the email inbox.

Ms. Michelle Johnson
Institutional Review Specialist
Multi-Regional and Foreign Schools Participation Division
Program Compliance

Office: (202) 377-3983
michelle.johnson@ed.gov
StudentAid.gov

Federal Student Aid
An OFFICE of the U.S. DEPARTMENT of EDUCATION
PROUD SPONSOR of the AMERICAN MIND™

---

**From:** Kirsten Rogerson [mailto:krogerson@johncabot.edu]
**Sent:** Friday, March 6, 2020 6:22 AM
**To:** Johnson, Michelle
**Subject:** RE: Recertification - John Cabot University 03329300

Dear Michelle,

I wanted to touch base with you on our Recertification application and let you know that our supporting documents should have arrived to the Dept. earlier this week.

AMERICAN OVERSIGHT

Also, I also would like to confirm with you that, despite the Italian decree to close schools until March 15, administrative staff is still allowed to report to work and we are doing so. Therefore, as of now there is no interruption to my availability to continue the recert process.

Hope you are well, too. Look forward to hearing back.

Best,
Kirsten Rogerson
*Financial Aid Supervisor*
Office of Financial Aid

**John Cabot University**
Caroline Critelli Guarini Campus
Piazza Giuseppe Gioachino Belli, 11
00153 Rome, Italy

krogerson@johncabot.edu
Tel: +39 06 68191293
Toll Free: 1 (855) JCU-ROMA
www.johncabot.edu
c.f. 01476880586

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---

**From:** Johnson, Michelle <Michelle.Johnson@ed.gov>
**Sent:** Wednesday, February 26, 2020 4:17 PM
**To:** Kirsten Rogerson <krogerson@johncabot.edu>
**Subject:** RE: Recertification - John Cabot University 03329300

Hi Kirsten,

The electronically submitted application was received here successfully, and I will alert you when we receive mailed/shipped documentation.

Thanks!

--Michelle

---

**From:** Kirsten Rogerson <krogerson@johncabot.edu>
**Sent:** Wednesday, February 26, 2020 9:58 AM

AMERICAN OVERSIGHT

**To:** Johnson, Michelle <Michelle.Johnson@ed.gov>
**Subject:** RE: Recertification - John Cabot University 03329300

Dear Ms. Johnson,

I writing to confirm that JCU's E-App was submitted on Monday and the supporting documentation for Sec. M was sent to the Dept. via UPS today.

Many thanks,
Kirsten Rogerson
*Financial Aid Supervisor*
Office of Financial Aid

**John Cabot University**
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Piazza Giuseppe Gioachino Belli, 11
00153 Rome, Italy

krogerson@johncabot.edu
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---

**From:** Kirsten Rogerson
**Sent:** Friday, February 14, 2020 3:10 PM
**To:** Johnson, Michelle <Michelle.Johnson@ed.gov>
**Subject:** RE: Recertification - John Cabot University 03329300

Dear Ms. Johnson,

Hello, I am very happy to have connected with you and am eager to get started on the recertification process. Thank you for your quick reply and for your assistance with these questions. I have made the updates as you instructed and should be ready to submit the app electronically next week.

I look forward to working with you and the Foreign Schools Team on this endeavor.

All the best,
Kirsten Rogerson
*Financial Aid Supervisor*
Office of Financial Aid

AMERICAN OVERSIGHT

**John Cabot University**
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---

**From:** Johnson, Michelle <Michelle.Johnson@ed.gov>
**Sent:** Thursday, February 13, 2020 11:32 PM
**To:** Kirsten Rogerson <krogerson@johncabot.edu>
**Subject:** FW: Recertification - John Cabot University 03329300

Dear Ms. Rogerson,

Your question was forwarded to me, and I am happy to respond. I am the analyst assigned to your upcoming recertification application, so it is good that we are corresponding now.

I have responded to your questions in blue below. Let me know if you have additional questions or concerns.

--Michelle

Ms. Michelle Johnson
Institutional Review Specialist
Multi-Regional and Foreign Schools Participation Division
Program Compliance

Office: (202) 377-3983
michelle.johnson@ed.gov
StudentAid.gov

AMERICAN OVERSIGHT

Federal Student Aid
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**From:** Kirsten Rogerson
**Sent:** Monday, February 10, 2020 5:28 PM
**To:** ssa.Foreign.Schools.Team@ed.gov
**Subject:** Recertification - John Cabot University 03329300

Dear Foreign Schools Team,

Greetings from Rome! We have begun compiling our E-App for Recertification. May I please request your guidance on the following questions?

1. Section C, question 20
    a. JCU has more than 10 members on the Board of Trustees and the app has been updated to include the Executive Committee. However, there are five current board members on there who were previously listed but who are not, or are no longer, on the Executive Committee; shall I remove them at this time? If so, how should I go about making that update?

➢ Navigate to Section C, question 20. For any board members who were there before this application, enter an End Date. For board members whom you entered on this application but now want to delete, click the box under "Delete Board Member." Do not type over the names of former board members.

**Note:** Do not type over the name of former board members. Enter an end date for board members listed below who are no longer on your board. Enter new board members in an empty row.

| Prefix | First name | MI | Last name | Suffix | End Date (mm/dd/yyyy) | Delete Board Member |
|---|---|---|---|---|---|---|
| Mr | Stefano | | Acunto | | | |
| Ms | Rosemary | | Alito | Esq | | |
| Mr | Ali Reza | | Arabnia | | | |
| Mrs | Vivian | | Cardia | | | |
| Mr | Salvatore | | Davino | | | |
| Mr | Frank | | Desiderio | | | |
| Mr | John | F | Dunlap | Esq | | |
| Mr | Frank | L | Fekete | | | |
| Mrs | Paula | | Frohring | | | |
| Mr | Angelo | | Genova | Esq | | |
| Honorable | Frank | | Guarini | | | |
| Mrs | Kristin | | Kushlan | | | |
| Ms | Regina | | Lee | | | |
| Honorable | William | J | Martini | | | |
| Ms | Amy | | Mazzolin | | | |
| Dr | Portia | | Prebys | | | |
| Mrs | Ruth | | Rabb | | | |
| Mr | Sal | | Salibello | | | |
| Honorable | Frederick | | Vreeland | | | |

AMERICAN OVERSIGHT

2. Section E, question 27a,b,c
    a. In this section, must I insert all the degree programs (AA, BA, MA) we currently have? It is not clear if our current degree programs are already registered within the E-App.

➢ As a fully certified institution, you do not have to report individual degree programs for approval at this time. However, if you were to add a program leading to a diploma or certificate (a "Gainful Employment" program), you would need to report that, or if you were to add a new *level* of approval (such as First Professional if you didn't already have it, etc.).

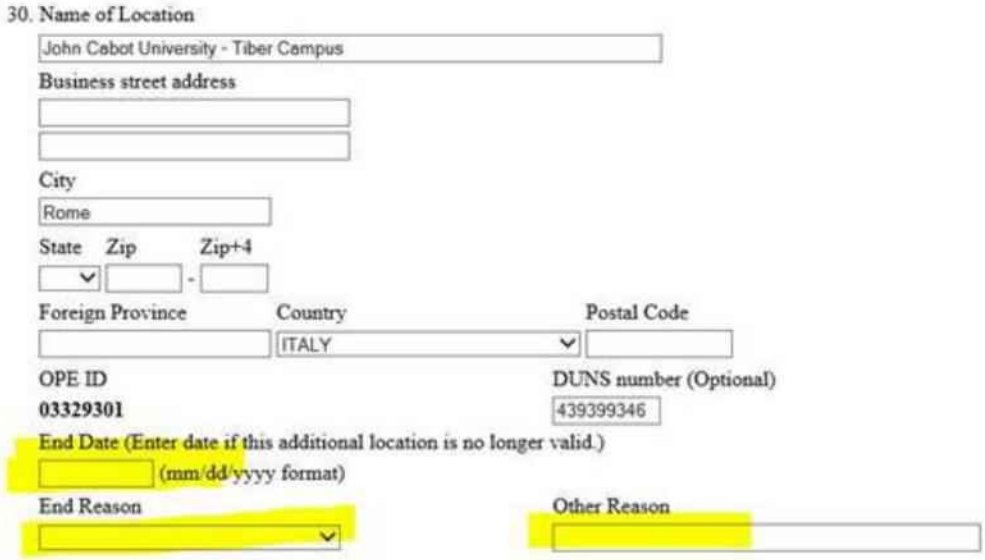
    b. We will start a new BA in Psychological Science in FA20 and a new MA in International Affairs in FA21; shall I add those programs to the E-App now?

➢ As a fully certified institution, you do not have to report individual degree programs for approval at this time.

3. Section F, question 30
    a. The Tiber Campus is only an additional building and not to be considered a separate location. However, it was reported and approved as a separate location on a previous recertification. We were advised by Mike Stein to not remove it during recent updates as it would cause issues down the road. Should we take this opportunity to remove this from the E-App so the application accurately reflects how many locations we have?

➢ End-date the location and include an explanation in Question 69. You will likely receive questions from me/a colleague about whether this is a closure of a location.

➢ Navigate to Section F, Question 30. Add an end date and end reason.


30. Name of Location
John Cabot University - Tiber Campus
Business street address
City
Rome
State Zip Zip+4
Foreign Province Country Postal Code
ITALY
OPE ID
03329301
DUNS number (Optional)
439399346
End Date (Enter date if this additional location is no longer valid.)
(mm/dd/yyyy format)
End Reason
Other Reason

4. Section K, question 70
    a. I am having trouble removing a name of a former employee from this section. Her name appears twice in fact. Can you advise how to delete these?

AMERICAN OVERSIGHT

- This is likely a system issue. Add in Question 69 that the specific person is no longer at the school and should be end-date, and include the end date. I will use your response to fix the final product on this end.

Thank you for your kind assistance!

Warm regards,

Kirsten Rogerson
*Financial Aid Supervisor*
Office of Financial Aid

**John Cabot University**
Caroline Critelli Guarini Campus
Piazza Giuseppe Gioachino Belli, 11
00153 Rome, Italy

krogerson@johncabot.edu
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AMERICAN OVERSIGHT

**From:** Johnson, Michelle
**Sent:** Tue, 10 Mar 2020 13:05:16 +0000
**To:** COVID-19
**Subject:** FW: Recertification - John Cabot University 03329300

FYI, see highlighted portion below for a question from an institution below. Also told school to write to the email inbox.


Ms. Michelle Johnson
Institutional Review Specialist
Multi-Regional and Foreign Schools Participation Division
Program Compliance

Office: (202) 377-3983
michelle.johnson@ed.gov
StudentAid.gov

---

**From:** Kirsten Rogerson [mailto:krogerson@johncabot.edu]
**Sent:** Friday, March 6, 2020 6:22 AM
**To:** Johnson, Michelle
**Subject:** RE: Recertification - John Cabot University 03329300

Dear Michelle,

I wanted to touch base with you on our Recertification application and let you know that our supporting documents should have arrived to the Dept. earlier this week.

Also, I also would like to confirm with you that, despite the Italian decree to close schools until March 15, administrative staff is still allowed to report to work and we are doing so. Therefore, as of now there is no interruption to my availability to continue the recert process.

Hope you are well, too. Look forward to hearing back.

Best,
Kirsten Rogerson
*Financial Aid Supervisor*
Office of Financial Aid


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00153 Rome, Italy

krogerson@johncabot.edu


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---

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**Sent:** Wednesday, February 26, 2020 4:17 PM
**To:** Kirsten Rogerson <krogerson@johncabot.edu>
**Subject:** RE: Recertification - John Cabot University 03329300

Hi Kirsten,

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Thanks!

--Michelle

---

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**Sent:** Wednesday, February 26, 2020 9:58 AM
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**Subject:** RE: Recertification - John Cabot University 03329300

Dear Ms. Johnson,

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Many thanks,
Kirsten Rogerson
*Financial Aid Supervisor*
Office of Financial Aid

**John Cabot University**
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Piazza Giuseppe Gioachino Belli, 11
00153 Rome, Italy

AMERICAN OVERSIGHT

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I look forward to working with you and the Foreign Schools Team on this endeavor.

All the best,
Kirsten Rogerson
*Financial Aid Supervisor*
Office of Financial Aid

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AMERICAN OVERSIGHT

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**Sent:** Thursday, February 13, 2020 11:32 PM
**To:** Kirsten Rogerson <krogerson@johncabot.edu>
**Subject:** FW: Recertification - John Cabot University 03329300

Dear Ms. Rogerson,

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I have responded to your questions in blue below. Let me know if you have additional questions or concerns.

--Michelle

Ms. Michelle Johnson
Institutional Review Specialist
Multi-Regional and Foreign Schools Participation Division
Program Compliance

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michelle.johnson@ed.gov
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**Sent:** Monday, February 10, 2020 5:28 PM
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**Subject:** Recertification - John Cabot University 03329300

Dear Foreign Schools Team,

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AMERICAN OVERSIGHT

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    a. JCU has more than 10 members on the Board of Trustees and the app has been updated to include the Executive Committee. However, there are five current board members on there who were previously listed but who are not, or are no longer, on the Executive Committee; shall I remove them at this time? If so, how should I go about making that update?

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**Note:** Do not type over the name of former board members. Enter an end date for board members listed below who are no longer on your board. Enter new board members in an empty row.

| Prefix | First name | MI | Last name | Suffix | End Date (mm/dd/yyyy) | Delete Board Member |
|---|---|---|---|---|---|---|
| Mr | Stefano | | Acunto | | | |
| Ms | Rosemary | | Alito | Esq | | |
| Mr | Ali Reza | | Arabnia | | | |
| Mrs | Vivian | | Cardia | | | |
| Mr | Salvatore | | Davino | | | |
| Mr | Frank | | Desiderio | | | |
| Mr | John | F | Dunlap | Esq | | |
| Mr | Frank | L | Fekete | | | |
| Mrs | Paula | | Frohring | | | |
| Mr | Angelo | | Genova | Esq | | |
| Honorable | Frank | | Guarini | | | |
| Mrs | Kristin | | Kushlan | | | |
| Ms | Regina | | Lee | | | |
| Honorable | William | J | Martini | | | |
| Ms | Amy | | Mazzolin | | | |
| Dr | Portia | | Prebys | | | |
| Mrs | Ruth | | Rabb | | | |
| Mr | Sal | | Salibello | | | |
| Honorable | Frederick | | Vreeland | | | |

2. Section E, question 27a,b,c
    a. In this section, must I insert all the degree programs (AA, BA, MA) we currently have? It is not clear if our current degree programs are already registered within the E-App.

➢ As a fully certified institution, you do not have to report individual degree programs for approval at this time. However, if you were to add a program leading to a diploma or certificate (a "Gainful Employment" program), you would need to report that, or if you were to add a new *level* of approval (such as First Professional if you didn't already have it, etc.).

    b. We will start a new BA in Psychological Science in FA20 and a new MA in International Affairs in FA21; shall I add those programs to the E-App now?

➢ As a fully certified institution, you do not have to report individual degree programs for approval at this time.

3. Section F, question 30
    a. The Tiber Campus is only an additional building and not to be considered a separate location. However, it was reported and approved as a separate location on a previous

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recertification. We were advised by Mike Stein to not remove it during recent updates as it would cause issues down the road. Should we take this opportunity to remove this from the E-App so the application accurately reflects how many locations we have?

- End-date the location and include an explanation in Question 69. You will likely receive questions from me/a colleague about whether this is a closure of a location.
- Navigate to Section F, Question 30. Add an end date and end reason.

30. Name of Location

John Cabot University - Tiber Campus

Business street address

City

Rome

State Zip Zip+4

Foreign Province Country Postal Code

ITALY

OPE ID

03329301

DUNS number (Optional)

439399346

End Date (Enter date if this additional location is no longer valid.)

(mm/dd/yyyy format)

End Reason

Other Reason

4. Section K, question 70
   a. I am having trouble removing a name of a former employee from this section. Her name appears twice in fact. Can you advise how to delete these?

- This is likely a system issue. Add in Question 69 that the specific person is no longer at the school and should be end-date, and include the end date. I will use your response to fix the final product on this end.

Thank you for your kind assistance!

Warm regards,

Kirsten Rogerson
*Financial Aid Supervisor*
Office of Financial Aid

**John Cabot University**
Caroline Critelli Guarini Campus
Piazza Giuseppe Gioachino Belli, 11
00153 Rome, Italy

krogerson@johncabot.edu
Tel: +39 06 68191293
Toll Free: 1 (855) JCU-ROMA

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www.johncabot.edu
c.f. 01476880586

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:29:12 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Gilma Lopez <glopez@hmc.edu>
**Sent:** Thursday, March 12, 2020 8:13 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question

Hello!

We're in a brick-and-mortar setting and will be using online technologies to accommodate students on a temporary basis until a decision is made in April, 2020. Some students are choosing to go home for the rest of the Spring 2020 semester and complete classes online. We are primarily a residential campus and give them allowances for on-campus room and board charges on their Cost of Attendance (COA) budget. Do we have to adjust their COA budget if they go home, to relatives, to friends, etc. for the rest of the Spring 2020 semester and if they receive a refund on their board charges? Students will incur food expenses whether they're on-campus or at home or wherever they decide to stay for the rest of Spring 2020. Or, do we have broad approval to leave the COA board charges as if they're on campus?

Thanks!

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 22:33:36 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Questions - Temporary Stops Offering Ground Based Classes

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Cheryl Gillies <Cheryl.Gillies@Artcenter.edu>
**Sent:** Thursday, March 12, 2020 6:18 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions - Temporary Stops Offering Ground Based Classes

Hi,

Thank you for your communication.

Our school has temporarily stopped offering ground based classes and the campus is closed to students.

However, our HR has indicated that students may come to work on campus if the department has work for them.

If a department does not have work for all students due to the closure, are we still able to pay the ones who do not work under the new guidance for COVID-19?

Thank you.

Cheryl Gillies

Cheryl Gillies
Managing Director, Financial Aid
ArtCenter College of Design
http://www.artcenter.edu
(626) 396-2204

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 20:35:43 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Questions

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Cleary, Douglas B (KCTCS) <doug.cleary@kctcs.edu>
**Sent:** Thursday, March 12, 2020 4:20 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions

I have couple of questions related to your guidance.

- If an institution switches to on-line teaching but the campus remains open for faculty and staff, can the institution pay FWS, since it is essentially closed to students? Your guidance refers to campus closure but does that mean total closure, faculty, staff and students or can I assume in my scenario that it is permissible to pay students since they are not permitted to be on campus due to COVID-19?
- Institution extends spring two days to switch to on-line learning format so there will be a loss of two days of instruction for R2T4 purposes. We would need to adjust the calculations to account for the loss of those two days going forward but would we need to recalculate R2T4s prior to the COVID-19 crisis?

DOUG

Douglas Cleary
System Director of Financial Aid
Kentucky Community and Technical College System
300 N. Main Street
Versailles, KY 40383

Office: 859-256-3215
Cell: 859-753-1550

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 20:40:13 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Questions

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

**From:** Gisella Baker <gisella.baker@hawkeyecollege.edu>
**Sent:** Friday, March 13, 2020 4:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions

Good Day,
Please see my questions below after reading the guidance received on this topic:

FWS - Is is truly up to each institution if we pay or not pay our work-study students?
R2T4 calcs - Would there be a relief as to how many days institutions would have to make these calculations?
ENDING TERM EARLY -- Are we to just call our School Participation Agreement to request this when the decision is made? If so, how long will it take to get an answer? And if time is not on our favor and we cannot wait for that response, could we just inform them?

We will watch the upcoming NASFAA webinar but it would be nice to also have something coming directly from the Federal Dpt of Education. Perhaps there will be somebody from the FDOE in that webinar too to answer any additional questions?

Thank you,
Gisella

**Gisella Baker**

**Director of Financial Aid**

**1501 E. Orange Rd. P.O. Box 8015,**
**Waterloo, IA 50704-8015**
**(319)296-4465 (319)296-4495 fax**

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 20:36:08 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Questions about academic calendars and room and board cost

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Carla Minchello <cminchello@framingham.edu>
**Sent:** Thursday, March 12, 2020 4:18 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions about academic calendars and room and board cost

Dear U.S. Department of Education Representatives:

Like many institutions of higher education, ours is determining how best to handle the COVID-19 crisis and protect our students. I have read the Title IV guidance issued last week, and I have some follow up questions. I am sure you are bombarded with these right now, so I apologize and appreciate any help you can give.

- Our school has extended our spring break by one week, and is deciding how to handle the rest of the semester. I see that we should contact our School Participation Team if this results in a reduced spring semester term (I think I understand how this affects R2T4 calculations going forward). But what happens if we decide to extend the spring semester by a week? Is that allowable, and should we notify the School Participation team? If this results in overlap with our summer session (which is scheduled to start in late May) is that a problem, given the unusual circumstances? (Our summer term is not required, and only some students take classes during that payment period).
- If students are no longer on campus and unable to work in FWS jobs, if we decide to continue to pay them wages under the guidance that has been provided, does the school decide how much to pay them per week? Would we do that using their average weekly wages earned from previous weeks? If the school is still open but students can no longer live on campus, is this still a possibility?
- Like many schools, we are considering teaching online, which may result in students moving out of the dorms early. I want to check on prorated room and board charges and the need to adjust the cost of attendance for these students. What financial aid would need to be adjusted in this case, assuming that the students remain enrolled full time? If the aid has already been disbursed for the semester and enrollment status has not changed, can students keep the financial aid they have already received, even if they receive an institutional refund of room and board charges?

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Thank you for your help!

Sincerely,

Carla Minchello
Director of Financial Aid
Framingham State University
100 State Street, PO Box 9101
Framingham, MA 01701-9101
(508) 626-4535

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 21:45:25 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Questions about the impact of COVID-19

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Dayna Isa <disa@hawaii.edu>
**Sent:** Wednesday, March 11, 2020 5:18 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions about the impact of COVID-19

To Whom it May Concern,

I work at Windward Community College (part of the University of Hawaii System), and although there is currently no concrete talks of moving our classes to an online platform just yet, I wanted to reach out for guidance about what we can do now to plan for such an event.

- If we were to close our campus, will there be contingencies in place to allow workers to be able to access the federal sites (NSLDS, COD, FAA Access, etc.) remotely (from a location or IP addresses NOT associated with the school)? I don't see how we could continue with our daily work if the school closes or if employees are under quarantine, if we are not able to access these sites from another location not associated with the school itself.
- Will any of the normal regulatory timeframes like Loan Exits (30-day regulation), R2T4, etc., be extended or not held to the normal regulatory timeframe to take into account entire offices that may have to be quarantined or in the event that the campuses close or if employees are at home and not at work?

I look forward to hearing from you.

Thank you,
Dayna Isa

Financial Aid Officer
Windward Community College
Phone: (808) 235-7471

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:19:56 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Questions Concerning FWS Processing and COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Johnathan Button <johnathan.button@tbr.edu>
**Sent:** Friday, March 13, 2020 1:02 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions Concerning FWS Processing and COVID-19

Good morning,

We have several institutions who are currently extending spring breaks and transitioning to online course delivery. These transitions are currently only scheduled for a period of weeks, but may extend to the entire payment period as the situation further develops. Two questions have been posed to our office I hope you all can assist with.

1. The current guidance we read indicates payments to FWS eligible students is permitted in the event a campus closes or transitions to distance education "for the remainder of the payment period." Does this guidance also apply in situations where a school is temporarily moving to online instruction and is encouraging students to not visit campus for a period of weeks?
2. In scenarios where institutions are extending spring break for an additional week and encouraging students to not visit campuses, can we also follow the FWS guidance and pay those students who would have worked during that week but will not be on campus?

Thank you,

JB

tbr
THE COLLEGE SYSTEM
of TENNESSEE

Johnathan Button
Student Success
Assistant Vice Chancellor for Enrollment Management, Tennessee Board of Regents
p: (615) 366-3987 a: 1 Bridgestone Park, Nashville, TN 37214
w: www.tbr.edu e: johnathan.button@tbr.edu

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 23:19:34 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: questions on moving classes online

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kimberly Korinke <KKorinke@vcccd.edu>
**Sent:** Wednesday, March 11, 2020 6:40 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** questions on moving classes online

Thank you for the guidance for interruptions of study related to Coronavirus (COVID-19). We have a question.
Is the guidance provided applicable if our institution moves classes to an online format if our local department of public health has NOT declared a state of emergency?
If students, out of an abundance of caution, want to move to online for a current course and we can provide that accommodation is that permissible?

Best,

Kim Korinke
Financial Aid Officer

Moorpark College
(805)378-1463
kkorinke@vcccd.edu

Almost everyone—regardless of income—qualifies for financial assistance.

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https://moorparkcollege.financialaidtv.com/

https://www.cashcourse.org

Moorpark College: #1 in California for its student completion of degrees and certificates AND "A Champion of Higher Education" for its excellence in transfer

#1 Community College (2017, BestColleges.com)

#4 Community College in the US (2015, Hufffington Post)

#2 in California Community Colleges for transfer to a UC/CSU

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 14:34:57 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Questions re: Title IV compliance

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Colleen Woods <cwoods@Fisher.edu>
**Sent:** Wednesday, March 11, 2020 8:51 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions re: Title IV compliance

Good morning,

I hope this email finds you well. I'm writing from Fisher College in Boston, MA with Title IV compliance questions relating to emergency planning for our institution as a result of COVID-19.

- If a school moves courses completely online and students are forced to move out of the dorms, is the institution responsible to refund their housing charges and in turn, adjust their cost of attendance (as this would result in student eligibility for funds)?
- If a school decides to extend their scheduled spring break, are there flexibilities for the length of the academic year and how would that impact Return to Title IV calculations?
- Are there any plans to release additional Federal funding to support institutions and their students?
- Will additional guidance be available to address Title IV compliance concerns?

Many thanks in advance for your time and assistance,

Colleen Woods

**Colleen B. Woods, M.Ed**
Director of Title IV Compliance
Fisher College

118 Beacon Street
Boston, MA 02116
617-670-4527
cwoods@fisher.edu

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 21:23:04 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Revised awards in cases where we refund housing charges

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Reilly, Patricia <Patricia.Reilly@tufts.edu>
**Sent:** Wednesday, March 11, 2020 2:23 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Revised awards in cases where we refund housing charges

If we refund a portion of a student's housing charge (because we are closing the dorms and going on line), are we required to retroactively go back, change the cost of attendance and take away campus based funding that has already been disbursed and/or earned?

Thanks for your help,

*Patricia Reilly*
Associate Dean of Financial Aid l Tufts University
419 Boston Ave l Medford MA 02155
Phone: 617-627-2000 l Fax: 617-627-3987
Website: go.tufts.edu/finaid

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:35:16 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Room and Board Question
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Thompson, Courtney <Courtney.Thompson@lr.edu>
**Sent:** Friday, March 13, 2020 8:05 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Hewitt, Shana <Shana.Hewitt@lr.edu>
**Subject:** Room and Board Question
**Importance:** High

If our university requires students to leave campus are we required to refund any portion of the students room and board cost?

If the university does refund a portion of students room and board cost, are we required to adjust their COA for the effected semester to meet the revised actual cost?

***Courtney Thompson-Ballard***
***Director of Financial Aid***
***Lenoir Rhyne University***
***828-328-7182***
***courtney.thompson@lr.edu***

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Fri, 13 Mar 2020 15:17:20 +0000
**To:** Booth, Lindsay;COVID-19;Dowling, Maureen
**Subject:** FW: SBA Loan Assistance is available to Small Businesses impacted by COVID-19
**Attachments:** 20-24 SBA to Provide Small Businesses Impacted by Coronavirus Up to $2 Million in Disaster Assistance Loans.docx, HANDOUT_SBA Disaster Assistance_Resources for Businesses.pdf

Thank you!

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** Booth, Lindsay <Lindsay.Booth@ed.gov>
**Sent:** Friday, March 13, 2020 11:02 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Subject:** FW: SBA Loan Assistance is available to Small Businesses impacted by COVID-19

Just sharing resources. Please distribute as you see necessary.

---

**From:** RSFLG <rsflg@fema.dhs.gov>
**Sent:** Friday, March 13, 2020 10:58 AM
**To:** RSFLG <rsflg@fema.dhs.gov>
**Subject:** SBA Loan Assistance is available to Small Businesses impacted by COVID-19

On behalf of the Small Business Administration (SBA):

As you are aware, President Donald J. Trump announced on Wednesday that at his direction the **Small Business Administration (SBA) will offer Small Businesses impacted by Coronavirus (COVID-19) up to $2 million in Economic Injury Disaster Loan Assistance (EIDL).** Under our EIDL program the SBA makes loans available to small businesses and private non-profit organizations in designated areas of a state or territory to help alleviate economic injury caused by the Coronavirus (COVID-19).

Attached you will find a copy of SBA's Press Release along with an SBA handout. Please do not hesitate to share the attachments with your distribution lists. We recognize the importance of sharing this information with all of our partners.

AMERICAN OVERSIGHT

Lynda Lowe
Program Analyst,

Preparedness, Communication and Coordination
Office of Disaster Assistance
**U.S. Small Business Administration**
lynda.lowe@sba.gov

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RSFLG Secretariat
Interagency Coordination Division
Recovery Directorate
Office of Response and Recovery, FEMA
500 C Street SW | Washington, DC 20472
(e) RSFLG@fema.dhs.gov

LAF

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U.S. Small Business Administration

# NEWS RELEASE

## PRESS OFFICE

**Release Date**: March 12, 2020 **Contact**: Jennifer.Kelly@sba.gov (202)205-7036
**Release Number**: 20-24 **Follow us on**: Twitter, Facebook, Blogs & Instagram

## SBA To Provide Small Businesses Impacted by Coronavirus (COVID-19) Up to $2 Million in Disaster Assistance Loans

**WASHINGTON –** SBA Administrator Jovita Carranza issued the following statement today in response to the President's address to the nation:

"The President took bold, decisive action to make our 30 million small businesses more resilient to Coronavirus-related economic disruptions. Small businesses are vital economic engines in every community and state, and they have helped make our economy the strongest in the world. Our Agency will work directly with state Governors to provide targeted, low-interest disaster recovery loans to small businesses that have been severely impacted by the situation. Additionally, the SBA continues to assist small businesses with counseling and navigating their own preparedness plans through our network of 68 District Offices and numerous Resource Partners located around the country. The SBA will continue to provide every small business with the most effective and customer-focused response possible during these times of uncertainty."

**Process for Accessing SBA's Coronavirus (COVID-19) Disaster Relief Lending**

- The U.S. Small Business Administration is offering designated states and territories low-interest federal disaster loans for working capital to small businesses suffering substantial economic injury as a result of the Coronavirus (COVID-19). Upon a request received from a state's or territory's Governor, SBA will issue under its own authority, as provided by the Coronavirus Preparedness and Response Supplemental Appropriations Act that was recently signed by the President, an Economic Injury Disaster Loan declaration.

- Any such Economic Injury Disaster Loan assistance declaration issued by the SBA makes loans available to small businesses and private, non-profit organizations in designated areas of a state or territory to help alleviate economic injury caused by the Coronavirus (COVID-19).

- SBA's Office of Disaster Assistance will coordinate with the state's or territory's Governor to submit the request for Economic Injury Disaster Loan assistance.

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- Once a declaration is made for designated areas within a state, the information on the application process for Economic Injury Disaster Loan assistance will be made available to all affected communities.

- SBA's Economic Injury Disaster Loans offer up to $2 million in assistance and can provide vital economic support to small businesses to help overcome the temporary loss of revenue they are experiencing.

- These loans may be used to pay fixed debts, payroll, accounts payable and other bills that can't be paid because of the disaster's impact. The interest rate is 3.75% for small businesses without credit available elsewhere; businesses with credit available elsewhere are not eligible. The interest rate for non-profits is 2.75%.

- SBA offers loans with long-term repayments in order to keep payments affordable, up to a maximum of 30 years. Terms are determined on a case-by-case basis, based upon each borrower's ability to repay.

- SBA's Economic Injury Disaster Loans are just one piece of the expanded focus of the federal government's coordinated response, and the SBA is strongly committed to providing the most effective and customer-focused response possible.

For additional information, please contact the SBA disaster assistance customer service center. Call 1-800-659-2955 (TTY: 1-800-877-8339) or e-mail disastercustomerservice@sba.gov.

###

**About the U.S. Small Business Administration**
The U.S. Small Business Administration helps power the American dream of business ownership. As the only go-to resource and voice for small businesses backed by the strength of the federal government, the SBA empowers entrepreneurs and small business owners with the resources and support they need to start, grow or expand their businesses, or recover from a declared disaster. It delivers services through an extensive network of SBA field offices and partnerships with public and private organizations. To learn more, visit www.sba.gov.

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U.S. Small Business Administration

# SBA Disaster Assistance in Response to the Coronavirus

- The U.S. Small Business Administration is offering designated states and territories low-interest federal disaster loans for working capital to small businesses suffering substantial economic injury as a result of the Coronavirus (COVID-19). Upon a request received from a state's or territory's Governor, SBA will issue under its own authority, as provided by the Coronavirus Preparedness and Response Supplemental Appropriations Act that was recently signed by the President, an Economic Injury Disaster Loan declaration.

- Any such Economic Injury Disaster Loan assistance declaration issued by the SBA makes loans available to small businesses and private, non-profit organizations in designated areas of a state or territory to help alleviate economic injury caused by the Coronavirus (COVID-19).

- SBA's Office of Disaster Assistance will coordinate with the state's or territory's Governor to submit the request for Economic Injury Disaster Loan assistance.

- Once a declaration is made for designated areas within a state, the information on the application process for Economic Injury Disaster Loan assistance will be made available to all affected communities as well as updated on our website: SBA.gov/disaster.

- SBA's Economic Injury Disaster Loans offer up to $2 million in assistance and can provide vital economic support to small businesses to help overcome the temporary loss of revenue they are experiencing.

- These loans may be used to pay fixed debts, payroll, accounts payable and other bills that can't be paid because of the disaster's impact. The interest rate is 3.75% for small businesses without credit available elsewhere; businesses with credit available elsewhere are not eligible. The interest rate for non-profits is 2.75%.

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- For additional information, please contact the SBA disaster assistance customer service center. Call 1-800-659-2955 (TTY: 1-800-877-8339) or e-mail disastercustomerservice@sba.gov.

- Visit SBA.gov/disaster for more information.

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Fri, 13 Mar 2020 15:17:20 +0000
**To:** Booth, Lindsay;COVID-19;Dowling, Maureen
**Subject:** FW: SBA Loan Assistance is available to Small Businesses impacted by COVID-19
**Attachments:** 20-24 SBA to Provide Small Businesses Impacted by Coronavirus Up to $2 Million in Disaster Assistance Loans.docx, HANDOUT_SBA Disaster Assistance_Resources for Businesses.pdf

Thank you!

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** Booth, Lindsay <Lindsay.Booth@ed.gov>
**Sent:** Friday, March 13, 2020 11:02 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Subject:** FW: SBA Loan Assistance is available to Small Businesses impacted by COVID-19

Just sharing resources. Please distribute as you see necessary.

---

**From:** RSFLG <rsflg@fema.dhs.gov>
**Sent:** Friday, March 13, 2020 10:58 AM
**To:** RSFLG <rsflg@fema.dhs.gov>
**Subject:** SBA Loan Assistance is available to Small Businesses impacted by COVID-19

On behalf of the Small Business Administration (SBA):

As you are aware, President Donald J. Trump announced on Wednesday that at his direction the **Small Business Administration (SBA) will offer Small Businesses impacted by Coronavirus (COVID-19) up to $2 million in Economic Injury Disaster Loan Assistance (EIDL).** Under our EIDL program the SBA makes loans available to small businesses and private non-profit organizations in designated areas of a state or territory to help alleviate economic injury caused by the Coronavirus (COVID-19).

Attached you will find a copy of SBA's Press Release along with an SBA handout. Please do not hesitate to share the attachments with your distribution lists. We recognize the importance of sharing this information with all of our partners.

AMERICAN OVERSIGHT

Lynda Lowe
Program Analyst,

Preparedness, Communication and Coordination
Office of Disaster Assistance
**U.S. Small Business Administration**
lynda.lowe@sba.gov

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RSFLG Secretariat
Interagency Coordination Division
Recovery Directorate
Office of Response and Recovery, FEMA
500 C Street SW | Washington, DC 20472
(e) RSFLG@fema.dhs.gov

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U.S. Small Business Administration

# NEWS RELEASE

## PRESS OFFICE

**Release Date**: March 12, 2020 **Contact**: Jennifer.Kelly@sba.gov (202)205-7036
**Release Number**: 20-24 **Follow us on**: Twitter, Facebook, Blogs & Instagram

## SBA To Provide Small Businesses Impacted by Coronavirus (COVID-19) Up to $2 Million in Disaster Assistance Loans

**WASHINGTON –** SBA Administrator Jovita Carranza issued the following statement today in response to the President's address to the nation:

"The President took bold, decisive action to make our 30 million small businesses more resilient to Coronavirus-related economic disruptions. Small businesses are vital economic engines in every community and state, and they have helped make our economy the strongest in the world. Our Agency will work directly with state Governors to provide targeted, low-interest disaster recovery loans to small businesses that have been severely impacted by the situation. Additionally, the SBA continues to assist small businesses with counseling and navigating their own preparedness plans through our network of 68 District Offices and numerous Resource Partners located around the country. The SBA will continue to provide every small business with the most effective and customer-focused response possible during these times of uncertainty."

**Process for Accessing SBA's Coronavirus (COVID-19) Disaster Relief Lending**

- The U.S. Small Business Administration is offering designated states and territories low-interest federal disaster loans for working capital to small businesses suffering substantial economic injury as a result of the Coronavirus (COVID-19). Upon a request received from a state's or territory's Governor, SBA will issue under its own authority, as provided by the Coronavirus Preparedness and Response Supplemental Appropriations Act that was recently signed by the President, an Economic Injury Disaster Loan declaration.

- Any such Economic Injury Disaster Loan assistance declaration issued by the SBA makes loans available to small businesses and private, non-profit organizations in designated areas of a state or territory to help alleviate economic injury caused by the Coronavirus (COVID-19).

- SBA's Office of Disaster Assistance will coordinate with the state's or territory's Governor to submit the request for Economic Injury Disaster Loan assistance.

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- Once a declaration is made for designated areas within a state, the information on the application process for Economic Injury Disaster Loan assistance will be made available to all affected communities.

- SBA's Economic Injury Disaster Loans offer up to $2 million in assistance and can provide vital economic support to small businesses to help overcome the temporary loss of revenue they are experiencing.

- These loans may be used to pay fixed debts, payroll, accounts payable and other bills that can't be paid because of the disaster's impact. The interest rate is 3.75% for small businesses without credit available elsewhere; businesses with credit available elsewhere are not eligible. The interest rate for non-profits is 2.75%.

- SBA offers loans with long-term repayments in order to keep payments affordable, up to a maximum of 30 years. Terms are determined on a case-by-case basis, based upon each borrower's ability to repay.

- SBA's Economic Injury Disaster Loans are just one piece of the expanded focus of the federal government's coordinated response, and the SBA is strongly committed to providing the most effective and customer-focused response possible.

For additional information, please contact the SBA disaster assistance customer service center. Call 1-800-659-2955 (TTY: 1-800-877-8339) or e-mail disastercustomerservice@sba.gov.

###

**About the U.S. Small Business Administration**
The U.S. Small Business Administration helps power the American dream of business ownership. As the only go-to resource and voice for small businesses backed by the strength of the federal government, the SBA empowers entrepreneurs and small business owners with the resources and support they need to start, grow or expand their businesses, or recover from a declared disaster. It delivers services through an extensive network of SBA field offices and partnerships with public and private organizations. To learn more, visit www.sba.gov.

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U.S. Small Business Administration

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**From:** Booth, Lindsay
**Sent:** Fri, 13 Mar 2020 15:01:34 +0000
**To:** COVID-19
**Cc:** Sullivan, Madeline
**Subject:** FW: SBA Loan Assistance is available to Small Businesses impacted by COVID-19
**Attachments:** 20-24 SBA to Provide Small Businesses Impacted by Coronavirus Up to $2 Million in Disaster Assistance Loans.docx, HANDOUT_SBA Disaster Assistance_Resources for Businesses.pdf

Just sharing resources. Please distribute as you see necessary.

---

**From:** RSFLG <rsflg@fema.dhs.gov>
**Sent:** Friday, March 13, 2020 10:58 AM
**To:** RSFLG <rsflg@fema.dhs.gov>
**Subject:** SBA Loan Assistance is available to Small Businesses impacted by COVID-19

On behalf of the Small Business Administration (SBA):

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Lynda Lowe
Program Analyst,

Preparedness, Communication and Coordination
Office of Disaster Assistance
**U.S. Small Business Administration**
lynda.lowe@sba.gov

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U.S. Small Business Administration

# NEWS RELEASE

## PRESS OFFICE

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U.S. Small Business Administration

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:48:05 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: scheduled break option
**Importance:** High

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Christie, Katherine <Katherine.Christie@adtalem.com>
**Sent:** Thursday, March 12, 2020 10:23 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** scheduled break option
**Importance:** High

As a special COVID-19 related accommodation, in the event a term-based school must temporarily close for COVID isolation after a semester has begun, without alternative education delivery modality either available or permitted, may the school treat the period of closure as an institutionally scheduled break? This seems like a reasonable solution that would apply to all students at the campus, particularly as the effect on students who do not return as scheduled would essentially be the same that for students who seek and secure either an LOA or provide written intent to return – that is, they would still be subject to withdrawal if they fail to return, and the days spent in the break (which would undoubtedly last longer than 5 consecutive days), LOA or absence with intent to return would all be treated in the same manner in an R2T4.

Allowing for an emergency-oriented institutional scheduled break would avert the burden to thousands of students of the need to submit LOA requests or written intent to return, especially during a time of stress and uncertainty, and relieve staff of an overwhelming volume of leave requests and withdrawals, only to undo the vast majority of those R2T4s.

**Katherine (Kathy) Christie** | *Director, Regulatory Affairs, Funding*
Remote – Arizona
**P** 630.353.8842 | **M** 480.310.1954 | **E** Katherine.Christie@adtalem.com
3005 Highland Parkway | Downers Grove, IL 60515 | adtalem.com

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 19:08:34 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Scheduled Semester Break Extented due to COVID-19

Hi Shaina,

The COVID-19 mailbox received an inquiry about K-12 special needs school. Below is the inquiry.

Thanks,
Kelly

**From:** Cooper, Michelle <mcooper@johnmarshall.edu>
**Sent:** Thursday, March 12, 2020 2:47 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Scheduled Semester Break Extented due to COVID-19

Hello,

Effective today, March 12, 2020, our spring break as been extended from March 16, 2020 - March 22, 2020 to March 12, 2020 to March 22, 2020 due to the concerns surrounding COVID-19.

Would I need to update our scheduled break on the R2T4 calendar in COD to what it as been extended to? If so, would any R2T4s that have been performed for this semester need to be adjusted and re-submitted?

Thank you,

Michelle Cooper
*Director of Financial Aid*
**Atlanta's John Marshall Law School, Savannah Law School**
p: (678) 916-2675
e: mcooper@johnmarshall.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 16:29:30 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: School Closure

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Michelle L. McNier <mcnierml@alma.edu>
**Sent:** Wednesday, March 11, 2020 12:21 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** School Closure

Good Afternoon,

I am reaching out as the current information does not address my concerns in enough detail to competently advise those making decisions on remaining open. Below I will detail our situation and will list the questions I have regarding the possible decision.

- We have 2 semesters of approximately 15 weeks in length.
- 4 year private not for profit institution
- Fall 9/3/19 – 12/13/19 Winter 1/6/20 – 4/17/20 break 2/24/20 – 2/28/20

Currently there is talk of ending the winter semester early. We would then not re-open until fall. There would be no on-line continuation of classes. I see the guidance about seeking approval for a shortened semester. When I refer to 34 CFR § 668.3 is indicates shortened would be 26 to 29 weeks. We would be looking at a much shorter period than this.

1. How would this effect out enrollment status reporting to NSLDS?
2. Would this require R2T4 calculations for every student receiving federal aid?
3. We still have families that may apply for plus loans for the current year so my understanding is if they apply after a closure we would not be able to process these loans. Is this correct?
4. Would our situation qualify for an approval of a shortened academic year? If it does would we need to update anything for the students?

Thank You
Michelle McNier

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**Michelle McNier**
Director of Financial Aid
**Alma College**
614 W. Superior, Alma, MI 48801
**P** (989) 463-7347 **F** (989) 463-7993

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**From:** Rooney, Patrick
**Sent:** Thu, 12 Mar 2020 20:25:12 +0000
**To:** COVID-19
**Cc:** Lund, Miriam
**Subject:** FW: SEA - Flood of questions.....

---

**From:** Payne, Gail <Gail.Payne@ed.gov>
**Sent:** Thursday, March 12, 2020 4:10 PM
**To:** Lund, Miriam <Miriam.Lund@ed.gov>
**Cc:** Weber, Keely <Keely.Weber@ed.gov>; Coplin, Julie <Julie.Coplin@ed.gov>
**Subject:** SEA - Flood of questions.....
**Importance:** High

Hi Miriam,

(b)(5)

Connecticut – Shelby Pon Question:

1. During school and program closings due to the COVID-19, may subgrantee staff continue to be paid?
2. Can subgrantee staff take online Y4Y courses to keep their time running while working off-site?

Illinois – Kristy Jones ask the same question. Also, Illinois is also undergoing travel restrictions and unable to complete monitoring schedule for 2020.

Gail Payne
U.S. Department of Education
Office of Elementary and Secondary Education (OESE)
Office for School Support and Accountability (OSSA)
**21st Century Community Learning Centers Group**
Program Specialist
400 Maryland Avenue, SW
Office: (202) 401-9504
Email: Gail.Payne@ed.gov

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:33:12 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Seek advice - impact of COVID-19 on student
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Sirirat Chaunkamnerdkarn <S.Chaunkamnerdkarn@latrobe.edu.au>
**Sent:** Friday, March 13, 2020 3:13 AM
**To:** COVID-19 <COVID-19@ed.gov>; jorge.matos@edu.gov
**Cc:** US Financial Aid <USFinancialAid@latrobe.edu.au>; FSA Foreign Schools Team <FSA.Foreign.Schools.Team@ed.gov>
**Subject:** Seek advice - impact of COVID-19 on student
**Importance:** High

Dear Department,

I write on behalf of the University to seek advice from the US Department of Education.
La Trobe University is closely monitoring the Covid-19 situation here with our Critical Incident Management team. We continue to communicate with our students via our internal communication channels.

At present, it is 'business as usual', but as the situation is dynamic and changing rapidly. We continue to plan for various scenarios. Our University community is our top priority, and we are pleased that Semester 1 has commenced and is in full swing.

I write to seek advice in the case of the campus closure. Giving the COVID-19 situation is beyond anyone's control, a campus may need to temporarily stop offering ground-based classes to prevent the spread of COVID-19.

Refer to https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19, our questions are:

1. Students who are currently enrolled in ground-based programs at the campus will need to participate in distance education for a period of time and then resume ground-based attendance when the campus reopens. Being a foreign school, do we need further approval in addition to a broad approval provided by the Department? This related to the legislative compliance with Title IV requirements.
2. In the event where all enrolled subjects are not offered online, can you please provide guidance on any action required from the Foreign School?
    a. What happens if students enrolment falls below half-time? Will they still be considered entitled to the amount disbursed?
    b. Would this require a reassessment of their eligibility and entitlement?

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c. Would it involve returning Title IV funds considering the exceptional circumstances are beyond their control?
d. Would it be the Department's preferred option that students take a leave of absence if their enrolment falls below half-time? +

I look forward to receiving guidance from you shortly.

Kind regards,
Ms Sirirat Chaunkamnerdkarn
Manager, International Relations
La Trobe International |La Trobe University | Bundoora VIC 3086
T: +61 3 9479 6513| M: 0439 795 324
E: s.chaunkamnerdkarn@latrobe.edu.au
W: www.latrobe.edu.au/international | www.latrobe.edu.au
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Rated in the top 1.1% of universities worldwide*

* Times Higher Education (THE), 2019, World University Rankings 2020; CSIC, 2019

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:36:38 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Seeking clarification on Study Abroad

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jennifer Beck <jbeck@stedwards.edu>
**Sent:** Thursday, March 12, 2020 8:49 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Seeking clarification on Study Abroad

Good morning,
I wanted to get clarification on the recent guidance as it pertain to Study Abroad students. For our student aboard students who are attending host schools, where the institution has an agreement, are the students able to take advantage of distance learning opportunities provided by the host institution and receive Title IV? In reading the section on foreign institution below it appears No.

Foreign Schools
We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

Thanks,
Jennifer Beck

Jennifer M. Beck
Sr. Director of Student Financial Aid
Student Financial Services | St. Edward's University About Us
3001 South Congress Avenue | MB 204 | Austin, TX 78704-6489
PH: 512.448.8516 | FAX: 512.416.**5837**| Campus Mailbox 16
EMAIL: jbeck@stedwards.edu
"Take On Your World"

Have you filed your FAFSA? Please remember to include St. Edward's school code: 003621

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 17:08:04 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: Special Education Timeline

Hi Laurie,

The COVID-19 mailbox received an inquiry about IEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Morgan, Lisa <lmorgan@rcs.k12.in.us>
**Sent:** Friday, March 13, 2020 12:06 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Special Education Timeline

Hello,

Is there any plan to waive timelines for IEP due dates for schools that are closed completely? Meaning being able to miss an annual date and hold the conference upon return.

Lisa Morgan
Inclusion Math Teacher
Richmond High School
380 Hub Etchison Parkway
Richmond, IN 47374
(765) 973-3424 ext: 3216
lmorgan@rcs.k12.in.us

---

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**From:** Fenton, Christopher
**Sent:** Thu, 12 Mar 2020 15:31:39 +0000
**To:** OESE Foster Care;OESE.titlei-a;OESE.titleiii-a
**Cc:** COVID-19;OESE.SGR.West Virginia;Ramsey, Tara;Hodgdon, Jane;Cook, Lear
**Subject:** FW: Status of future USED Meetings with SEA Program Staff

Good morning, all-

SGR received an inquiry yesterday from West Virginia regarding upcoming conferences/meetings with respect to COVID-19 issues.

Please copy the West Virginia SGR mailbox on any final replies to the State.

If you have questions, please let me know!

Thank you,

*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** OESE.SGR.West Virginia <WestVirginia.oese@ed.gov>
**Sent:** Wednesday, March 11, 2020 4:06 PM
**To:** Melanie Purkey <mpurkey@k12.wv.us>; OESE.SGR.West Virginia <WestVirginia.oese@ed.gov>
**Cc:** Michele Blatt <mlblatt@k12.wv.us>; Fenton, Christopher <Christopher.Fenton@ed.gov>
**Subject:** RE: Status of future USED Meetings with SEA Program Staff

Hi, Melanie-

We'll check in on that and let you know as soon as we can.

Thanks,

*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** Melanie Purkey <mpurkey@k12.wv.us>
**Sent:** Wednesday, March 11, 2020 3:15 PM

AMERICAN OVERSIGHT

**To:** OESE.SGR.West Virginia <WestVirginia.oese@ed.gov>
**Cc:** Michele Blatt <mlblatt@k12.wv.us>
**Subject:** Status of future USED Meetings with SEA Program Staff

In light of the need to take precautions to prevent the spread of coronavirus, our agency is closely examining staff travel for the next few months. Can you tell me if the USDE has plans to cancel or postpone some of the upcoming meetings for SEA project staff? Specifically, we have staff registered for two meetings at this time:

1. SEA Foster Care POCs, March 25-26 in Arlington, VA
2. Title III State Directors, May 27-29 in Washington, DC

Any information that you can provide will be most helpful. Thank you,

**Melanie**

**Melanie B. Purkey**
Senior Administrator
Office of Federal Programs

1900 Kanawha Boulevard, East B-700
Charleston, WV 25305-0330
304.558.7805 P
304.558.6268 F
wvde.us

f | t | YT

The information contained in this e-mail message may be confidential information, and may also be privileged. If you are not the intended recipient, any use, interference with, disclosure or copying of this material is unauthorized and prohibited. If you have received this message in error, please notify us by return email and delete the original message.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 16:47:13 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Student Documentation Guidance

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Juliette Biondi <juliette.biondi@wgu.edu>
**Sent:** Tuesday, March 10, 2020 12:43 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Student Documentation Guidance

Greetings,

We are hoping to get some guidance on what type of documentation would be ADA and FERPA compliant in terms of students that may be impacted by COVID 19. Situations that we may need to document at WGU include the following:

- Students that may themselves have contracted the virus
- Students that have increased work hours in hospitals in order to meet national needs
- Students that are not able to complete Clinical Experience due to COVID
- Students who are having to care for members of their family due to COVID including childcare, elderly care etc.

As we prepare to support our students we are balancing the need to justify term extensions and accommodations, while also ensuring student privacy.

Thanks for any guidance you can provide.

**Juliette Biondi, MPS**
Program Experience Manager, College of Health Professions

**Western Governors University**
Toll Free 1.877.435.7948 Ext. 8274 I Direct 1.385.428.8274 I Mobile 1.385.428.9720
juliette.biondi@wgu.edu

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WGU

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 22:12:29 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Student Teaching

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Lenora Jackson <(b)(6) @icloud.com>
Sent: Wednesday, March 11, 2020 6:10 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Student Teaching

Good Afternoon,

How should we handle financial aid for students are currently doing their student teaching and the school they are performing their student teaching closes due to Coronavirus? Also how do we handle room and board charges for students should we decide to close prior to the 60% rate of completion date which is March 26th. Even though we close, we will continue to teach all students via some type of technology? Would we have to prorate those charges? These answers are needed immediately as we try to plan for what actions we may take due to Coronavirus. Thank you!

Best regards,

Lenora Jackson
Spelman College
Director of Financial Aid

404.270.5209 (Direct)
404.270.5220 (Fax)
404.270.5212 (Admin)

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:45:56 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Student teaching/ clinical practice

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** (b)(6) @students.rowan.edu>
**Sent:** Friday, March 13, 2020 10:14 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Student teaching/ clinical practice

Hello, i am a student in my 2 day a week clinical practice for student teaching. My college has already moved to online and now the school i am placed in might be closing for a little while as well. What does this mean for students like me, and myself in terms of getting all of our work and hours we need to complete?

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**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:39:09 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Refunds of study abroad costs and adjustments to COA

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Robert Bode <robert.bode@uwrf.edu>
**Sent:** Thursday, March 12, 2020 9:34 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Refunds of study abroad costs and adjustments to COA

Hello,

With the cancellation of many of our study abroad classes for Spring semester, we will be issuing refunds of the non-instructional costs to students. These costs have previously been used to increase the Cost of Attendance for the semester to support increased financial aid awards.

As we refund these costs to the student, will we be required to remove those costs from the Cost of Attendance, and recalculate awards to reduce any resulting overaward?

Robert Bode

Director of Financial Aid

and Veteran Services

University of Wisconsin River Falls

315 North Hall

410 S. 3rd Street

River Falls, WI 54022-5001

715-425-3141

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 21:36:35 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Relief on changing to cost of attendance

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Mary Nucciarone <mnucciar@nd.edu>
**Sent:** Wednesday, March 11, 2020 3:26 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Relief on changing to cost of attendance

Dear Colleagues,

Our campus leaders announced this afternoon that we would suspend in-classroom course delivery and that class would be delivered through distance education.

If there is a decision to return a portion of room & board charged to our on-campus students because they will not be here, are we required to reduce that portion of their COA and therefore adjust their aid. Could relief be provided to schools since this likely effects many students at many schools?

I appreciate your consideration and guidance so that I may advise our leadership team about the administrative responsibility.

With best regards,

Mary

*Mary Nucciarone*

Director Financial Aid
Office of Financial Aid
115 Main Building
University of Notre Dame
574-631-6436

**Confidentiality Requirement:** This email message, including any attachment(s), is for the sole use of the intended recipient(s) and may contain confidential information. Any unauthorized review, use, disclosure or distribution is strictly prohibited. If you are not the intended recipient, please immediately contact the sender by email.

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*To support the security of the information you are providing to the Office of Financial Aid, we are no longer accepting documents via fax. If you are sending documents to us with Personally Identifiable Information (i.e., Social Security Number, Driver's License or State ID Number, Alien Registration Number, Date of Birth), we suggest that you take several steps to secure your data. Social Security Numbers should be redacted / blackened out and the message you are sending should be encrypted.*

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**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:18:25 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Reminder Notice – Annual Reporting Requirements for Compliance Audit Reports and Audited Financial Statements

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Busskohl, Mark <Mark.Busskohl@ed.gov>
**Sent:** Friday, March 6, 2020 12:55 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Subject:** FW: Reminder Notice – Annual Reporting Requirements for Compliance Audit Reports and Audited Financial Statements

Hi,

We received a compliance audit extension request from Bar-Illan, a foreign school located in Israel. See email reqest below. The school is citing the corona virus as the reason for not being able to complete and submit their compliance audit timely. The schools audits are due 03/31/2020.

Thank you

Mark Busskohl
Compliance Manager
U.S. Department of Education
Multi-Regional and Foreign Schools Participation Division

Office: (202) 377-4572
Fax: (202) 275-3486
mark.busskohl@ed.gov

---

**From:** Devito, Linda <Linda.Devito@ed.gov>
**Sent:** Friday, March 6, 2020 8:40 AM
**To:** Busskohl, Mark <Mark.Busskohl@ed.gov>
**Subject:** FW: Reminder Notice – Annual Reporting Requirements for Compliance Audit Reports and Audited Financial Statements

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Dear Mark,

FYI.

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**From:** Ahlam Ibrahim <ahlam.ibrahim@biu.ac.il>
**Sent:** Friday, March 6, 2020 12:50 AM
**To:** Matos, Jorge <Jorge.Matos@ed.gov>; Devito, Linda <Linda.Devito@ed.gov>
**Subject:** Fwd: Reminder Notice – Annual Reporting Requirements for Compliance Audit Reports and Audited Financial Statements

Hi
I need a response . Due to the coronavirus, the universities in Israel are not working properly and we are asking for an extension.
Please take this into consideration.

00914300

Get Outlook for Android

---

**From:** ??????? ?????
**Sent:** Wednesday, March 4, 2020 2:37:12 PM
**To:** Matos, Jorge <Jorge.Matos@ed.gov>
**Subject:** RE: Reminder Notice – Annual Reporting Requirements for Compliance Audit Reports and Audited Financial Statements

HI Matos,

Is it possible to have an extension?

The coronavirus is affecting our progress to a great extent.

-----Original Message-----
From: Matos, Jorge <Jorge.Matos@ed.gov>
Sent: Friday, February 28, 2020 2:51 PM
To: אחלאם אברהים <ahlam.ibrahim@biu.ac.il>
Subject: Reminder Notice – Annual Reporting Requirements for Compliance Audit Reports and Audited Financial Statements

Dear Colleague:

This letter is a friendly reminder of the due date for your institution's compliance annual audit report, and, if required, audited financial statement for the fiscal year ended September 30, 2019. This letter also contains instructions for the electronic submission of your reports. Compliance audits and financial statements are due within six months of the end of each fiscal year. Your institution's compliance audit report and audited financial statements are due by March 31, 2020. Compliance audit reports are required

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for any year in which an institution receives Title IV funds. Financial statements are only needed if:

1) Title IV disbursement volume exceeded U.S. $500,000 in the fiscal year, or;
2) Your institution has a letter of credit on file with the Department or is participating under the Zone Alternative due to a previous low composite financial score or;
3) Your institution is in its initial period of participation and received funding.

General audit submission requirements for foreign institutions are provided in U.S. Department of Education regulations at 34 C.F.R. § 668.23. The attached enclosure gives more details.

Electronic Submission
You now have the option to submit your compliance audit and financial statement electronically, provided any personal identifiable information or PII is duly protected by encryption. If you submit electronically, you are not required to send hard copies. Submission can be sent to fsaforeignschoolaudits@ed.gov. This address is only for the submission of your compliance audit and financial statements. Please include in the subject line of your email the following:

- Name of your institution;
- OPEID ID number; and
- Name of each document - clearly labelled

Passwords must be sent separately, with the same school identifiers in the subject line.
Protect Personal Identifiable Information and Encryption Instructions

Compliance audit reports and audited financial statements containing any Personal Identifiable Information (PII), as defined below, must be protected. PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, birth date, and place of birth) before transmitting the document electronically. PII submitted electronically or on media must be submitted in a WinZip file (.zip file extension) encrypted with Advanced Encryption Standard (AES) encryption (256-bit is preferred). The Department uses WinZip. However, files created with other encryption software are acceptable provided that they are compatible with WinZip and are encrypted with AES encryption. Also, the Department must receive an access password to view the encrypted information. The password must be e-mailed separately from the encrypted data. Please select a complex password at least 12 characters in length and which uses three of the following characters: upper case letter, lower case letter, number, special character. A manifest must be included with the e-mail that lists the types of files being sent (a copy of the manifest must be retained by the sender).

Please see the attached PDF File.

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**From:** Busskohl, Mark
**Sent:** Fri, 6 Mar 2020 17:55:22 +0000
**To:** COVID-19
**Cc:** Valentine, Ingrid
**Subject:** FW: Reminder Notice – Annual Reporting Requirements for Compliance Audit Reports and Audited Financial Statements

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U.S. Department of Education
Multi-Regional and Foreign Schools Participation Division

Office: (202) 377-4572
Fax: (202) 275-3486
mark.busskohl@ed.gov

---

**From:** Devito, Linda <Linda.Devito@ed.gov>
**Sent:** Friday, March 6, 2020 8:40 AM
**To:** Busskohl, Mark <Mark.Busskohl@ed.gov>
**Subject:** FW: Reminder Notice – Annual Reporting Requirements for Compliance Audit Reports and Audited Financial Statements

Dear Mark,

FYI.

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**Sent:** Friday, March 6, 2020 12:50 AM
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Please see the attached PDF File.

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 14:47:02 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: requesting additional guidance

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Roche, Agnes <AROCHE2@depaul.edu>
**Sent:** Wednesday, March 11, 2020 10:40 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** requesting additional guidance

We are asking for additional guidance on a particular issue, specifically, if a school needs to temporarily shut down* due to the Corona Virus. How will the school meet the 14-day requirement of issuing credit balances via physical checks?

Although we do offer to the student and parents the direct deposit and other electronic means of issuing credit balances, there are students/parents that choose not to enroll in the electronic means. A complete shutdown of a campus would mean that we would not be able to issue the physical credit balance check timely. Has FSA considered options for schools that are in this situation?

One possible solution would be to make it mandatory for student/parents to sign up for an electronic means of receiving the credit balance. However, if a student/parent continues to ignore the request what guidance can be provided?

*Please note that a shutdown would mean no person on campus but that does not mean that education would be halted.

Volume 4—Processing Aid and Managing FSA Funds, 2019–2020, pp 4-53

*A school that is paying a student his or her credit balance with a direct disbursement must pay the student within the 14-day time frame. A school can, within that 14-day period, do a number of things, including sending a notice to the student that his or her money is available. A school that does that is considered to have met the 14-day requirement to give the student his or her credit balance, as long as the school's process complies with the rest of the regulation. That is, the school must be able to give the student a check when the student comes to the office within the 14-day time frame. If a student is told (within the 14-day period) to come to the business office to pick up his or her credit balance, the student must be able to leave the business office with the funds in some form (e.g., a check, cash, or an*

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*appropriate stored-value card), and not be told that a check will be mailed to him or her. A school may hold the check for up to 21 days after the date it notifies the student. If the student does not pick up the check within this 21-day period, the institution must immediately mail the check to the student or parent, initiate an EFT to the student's or parent's bank account, or return the funds to the appropriate FSA program.*

Sincerely,
Agnes

Agnes Roche | Director of Compliance, Office of Financial Aid | DePaul University
1 E. Jackson Blvd., Suite 1100, Chicago, IL 60604 | ☎312. 362-5024 | ✉:aroche2@depaul.edu

AMERICAN OVERSIGHT

**From:** AtlantaSPD
**Sent:** Fri, 13 Mar 2020 15:06:42 +0000
**To:** COVID-19
**Cc:** AtlantaSPD;mamaya@mdc.edu
**Subject:** FW: Requesting guidance

Thank you for your question. I am forwarding your email to our COVID-19 response mailbox, COVID-19@ed.gov for review and response.

---

**From:** Portela, Odalys <oportela@mdc.edu>
**Sent:** Thursday, March 12, 2020 8:45 PM
**To:** AtlantaSPD <AtlantaSPD@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Amaya, Mercedes <mamaya@mdc.edu>
**Subject:** Requesting guidance

Good evening,

As institutions are determining whether the need to close temporarily due to COVID-19 is necessary, we are seeking guidance regarding submission of the Statement of Educational Purpose, proof of U.S. Citizenship and proof of immigration status for eligible noncitizen students who are currently attending or planning to attend the College and need to complete the financial aid process.

***Statement of Educational Purpose***

The FSA handbook states

*"A student who is unable to appear at your school must go to a notary public and sign the statement of educational purpose. He must then submit to your office that statement (again, with the "wet" signature), a certification from the notary that he appeared before her and presented a government issued photo ID confirming his identity, and a copy of the same ID."*

**Question:** If an institution temporarily closes due to COVID-19, would students be able to upload the Statement of Educational Purpose, a copy of their ID and the notary certification via the institutions secure website or would the student have to mail in the documents? If not, what should institutions do to help facilitate the process for students while they are closed?

***Proof of U.S. Citizenship and Immigration Documents for Eligible Noncitizens***

DCL GEN 15-08 states

*"Accepting Photocopies or Other Images*

*Consistent with the guidance that reproduction of these documents is lawful if it is for the limited purpose of applying for Title IV, HEA student financial assistance, an institution may provide additional guidance, as it deems appropriate, on how (e.g. time, place, and media) a student should submit photocopies or other images of his or her*

AMERICAN OVERSIGHT

*immigration or citizenship documentation. If the institution chooses to allow a student to submit a hard copy or electronic image of an original document, the institution should have a process in place to ensure that a student is submitting an exact copy, such as an affidavit. We are providing a sample copy of an affidavit with this letter that schools may choose to use for this purpose.*

*The institution must maintain, in the student's financial aid file, copies of the documentation provided by the student, including any affidavit, and, for eligible noncitizens, the completed DHS-USCIS Form G-845."*

**Question:** Would institutions follow this guidance and request that students submit an affidavit with certification from a notary to be able to upload copies of their citizenship or immigration documents, via the institutions secured website, when the institution is temporarily closed due to COVID-19? If not, what should institutions do to help facilitate the process for students while they are closed?

Sincerely,

Odalys Portela
Director of Financial Aid
Miami Dade College – Kendall Campus
11011 SW 104th Street, Room R340
Miami, Florida 33176
Office: 305-237-0870

**Have questions about financial aid at Miami Dade College?** Learn more about financial aid through short videos on our FATV website

**Please Note:**
Due to Florida's very broad public records law, most written communications to or from College employees regarding College business are public records, available to the public and media upon request. Therefore, this e-mail communication may be subject to public disclosure.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 15:08:28 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Requesting guidance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Friday, March 13, 2020 11:07 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>; mamaya@mdc.edu
**Subject:** FW: Requesting guidance

Thank you for your question. I am forwarding your email to our COVID-19 response mailbox, COVID-19@ed.gov for review and response.

---

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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DCL GEN 15-08 states

*"Accepting Photocopies or Other Images*

*Consistent with the guidance that reproduction of these documents is lawful if it is for the limited purpose of applying for Title IV, HEA student financial assistance, an institution may provide additional guidance, as it deems appropriate, on how (e.g. time, place, and media) a student should submit photocopies or other images of his or her*

AMERICAN OVERSIGHT

*immigration or citizenship documentation. If the institution chooses to allow a student to submit a hard copy or electronic image of an original document, the institution should have a process in place to ensure that a student is submitting an exact copy, such as an affidavit. We are providing a sample copy of an affidavit with this letter that schools may choose to use for this purpose.*

*The institution must maintain, in the student's financial aid file, copies of the documentation provided by the student, including any affidavit, and, for eligible noncitizens, the completed DHS-USCIS Form G-845."*

**Question:** Would institutions follow this guidance and request that students submit an affidavit with certification from a notary to be able to upload copies of their citizenship or immigration documents, via the institutions secured website, when the institution is temporarily closed due to COVID-19? If not, what should institutions do to help facilitate the process for students while they are closed?

Sincerely,

Odalys Portela
Director of Financial Aid
Miami Dade College – Kendall Campus
11011 SW 104th Street, Room R340
Miami, Florida 33176
Office: 305-237-0870

**Have questions about financial aid at Miami Dade College?** Learn more about financial aid through short videos on our FATV website

**Please Note:**
Due to Florida's very broad public records law, most written communications to or from College employees regarding College business are public records, available to the public and media upon request. Therefore, this e-mail communication may be subject to public disclosure.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 15:08:28 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Requesting guidance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Friday, March 13, 2020 11:07 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>; mamaya@mdc.edu
**Subject:** FW: Requesting guidance

Thank you for your question. I am forwarding your email to our COVID-19 response mailbox, COVID-19@ed.gov for review and response.

---

**From:** Portela, Odalys <oportela@mdc.edu>
**Sent:** Thursday, March 12, 2020 8:45 PM
**To:** AtlantaSPD <AtlantaSPD@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Amaya, Mercedes <mamaya@mdc.edu>
**Subject:** Requesting guidance

Good evening,

As institutions are determining whether the need to close temporarily due to COVID-19 is necessary, we are seeking guidance regarding submission of the Statement of Educational Purpose, proof of U.S. Citizenship and proof of immigration status for eligible noncitizen students who are currently attending or planning to attend the College and need to complete the financial aid process.

***Statement of Educational Purpose***

The FSA handbook states

*"A student who is unable to appear at your school must go to a notary public and sign the statement of educational purpose. He must then submit to your office that statement (again, with the "wet" signature), a certification from the notary that he appeared before her and presented a government issued photo ID confirming his identity, and a copy of the same ID."*

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**Question:** If an institution temporarily closes due to COVID-19, would students be able to upload the Statement of Educational Purpose, a copy of their ID and the notary certification via the institutions secure website or would the student have to mail in the documents? If not, what should institutions do to help facilitate the process for students while they are closed?

***Proof of U.S. Citizenship and Immigration Documents for Eligible Noncitizens***

DCL GEN 15-08 states

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Odalys Portela

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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:29:44 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Requesting guidance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Portela, Odalys <oportela@mdc.edu>
**Sent:** Thursday, March 12, 2020 8:45 PM
**To:** AtlantaSPD <AtlantaSPD@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Amaya, Mercedes <mamaya@mdc.edu>
**Subject:** Requesting guidance

Good evening,

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*"A student who is unable to appear at your school must go to a notary public and sign the statement of educational purpose. He must then submit to your office that statement (again, with the "wet" signature), a certification from the notary that he appeared before her and presented a government issued photo ID confirming his identity, and a copy of the same ID."*

**Question:** If an institution temporarily closes due to COVID-19, would students be able to upload the Statement of Educational Purpose, a copy of their ID and the notary certification via the institutions secure website or would the student have to mail in the documents? If not, what should institutions do to help facilitate the process for students while they are closed?

***Proof of U.S. Citizenship and Immigration Documents for Eligible Noncitizens***

DCL GEN 15-08 states

*"Accepting Photocopies or Other Images*

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**Question:** Would institutions follow this guidance and request that students submit an affidavit with certification from a notary to be able to upload copies of their citizenship or immigration documents, via the institutions secured website, when the institution is temporarily closed due to COVID-19? If not, what should institutions do to help facilitate the process for students while they are closed?

Sincerely,

Odalys Portela
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11011 SW 104th Street, Room R340
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**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:38:29 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Residential Students

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Janelle Rubio <jrubio@defiance.edu>
**Sent:** Friday, March 13, 2020 8:57 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Residential Students

Good Morning. Would there be any federal financial aid implications with closing the residence halls and dining options for students mid-semester?
Would we have to reduce budgets and re-award (if over) if we decided to pro-rate charges? Any insight would be helpful as we are being asked to research these types of questions regarding COVID-19.

Thank you,
Janelle

**Janelle Rubio**
**Associate Director of Financial Aid**
**Defiance College**
**419-783-2364 Phone**
**419-783-2579 Fax**
**financialaid@defiance.edu**

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Thank you for your assistance.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 16:43:01 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Return to Title IV Policy Question due to COVID-19

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Molly Groyer <Molly.Groyer@csulb.edu>
**Sent:** Wednesday, March 11, 2020 12:36 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Return to Title IV Policy Question due to COVID-19

Good morning,

I am the Assistant Director at California State University, Long Beach and oversee our Return to Title IV program. In response to COVID-19, we received guidance from our President this morning regarding new temporary changes in how courses are offered on our campus. As part of the guidance, our campus has suspended face-to-face courses and will provide alternative instruction in the form of online courses. To prepare for this change in instruction delivery, the campus is cancelling face-to-face classes for 6 days (Thursday, March 12 – Tuesday, March 17), but are keeping online courses open during this period. All classes will resume online on March 18. I have listed our President's guidance below.

"Dear Beach Community:

As we've communicated over the past few weeks, we've been engaged in ongoing planning since the emergence of novel coronavirus, or COVID-19. While there are no cases of COVID-19 related to our campus, as a preventative measure and with trusted medical advice, **we are temporarily suspending the in-person, on-campus convening of classes.**

This action is a proactive step being taken because of our commitment to your health and safety and supports the concept of "social distancing." Research shows that reducing the concentration of people in an area can lower the infection risk for everyone involved. As the number of cases grow in Los Angeles County, this step very well may save lives and it is on the advice of our medical professionals that we take this step.

**To allow our faculty to make final preparations for alternative delivery of instruction, face-to-face classes are canceled from Thursday, March 12 through**

AMERICAN OVERSIGHT

**Tuesday, March 17, although the campus will remain open. Alternative instruction will begin on Wednesday, March 18. Online classes will continue as scheduled.**

Some courses will continue to meet in person if alternative instruction is not appropriate, such as *some* laboratory, performing-arts, and physical-education courses. Accommodations associated with social distancing will be implemented in these courses."

As online classes are currently continuing, we would like to confirm that we do not need to adjust our "total days" for this term for R2T4 purposes to account for the break of 6 days of in-person instruction.

If I can provide any additional information, please let me know.

Best,

Molly Groyer
Assistant Director | Processing and Programs
Financial Aid | Enrollment Services
1250 Bellflower Boulevard, Brotman Hall 176
Long Beach CA 90840 | 562.985.2326
www.csulb.edu/enrollment-services

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 21:36:18 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Revised awards in cases where we refund housing charges

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Reilly, Patricia <Patricia.Reilly@tufts.edu>
**Sent:** Wednesday, March 11, 2020 2:23 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Revised awards in cases where we refund housing charges

If we refund a portion of a student's housing charge (because we are closing the dorms and going on line), are we required to retroactively go back, change the cost of attendance and take away campus based funding that has already been disbursed and/or earned?

Thanks for your help,

*Patricia Reilly*
Associate Dean of Financial Aid l Tufts University
419 Boston Ave l Medford MA 02155
Phone: 617-627-2000 l Fax: 617-627-3987
Website: go.tufts.edu/finaid

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 22:28:42 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: The impact of shortening the spring semester due to Coronavirus concerns

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Greg Becher <gbecher@thomasaquinas.edu>
**Sent:** Thursday, March 12, 2020 5:02 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Schultz, Renee <Renee.Schultz@ed.gov>; John Goyette <jgoyette@thomasaquinas.edu>; Dennis McCarthy <DMcCarthy@thomasaquinas.edu>
**Subject:** The impact of shortening the spring semester due to Coronavirus concerns

Dear Department of Education:

This e-mail contains two additional questions which I am adding to the original question our institution sent on March 5, 2020. That original question has not been answered and can be found below this e-mail.

In the March 5, 2020 Electronic Announcement ("Guidance for interruptions of study related to Coronavirus COVID-19"), the Department of Education (ED) wrote,

> Length of Academic Year
> The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

In that same announcement, ED wrote,

> Definition of a Withdrawal Date
> If an institution ceases operation during a payment period and fails to reopen by the end of that payment period, its students are considered no longer in attendance and must be considered withdrawn for that payment period or period of enrollment, and would be subject to Return of Title IV funds requirements.

That raises two questions for our institution:

Question #1: If the institution receives an approval from the School Participation team to reduce the length of the spring semester due to a health emergency, is it correct to assume that the students who attend through the end of that reduced term will NOT be considered as withdrawn and will NOT be subject to Return to Title IV funds requirements?

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Question #2: If the above assumption is correct, will the institution be required to revise its previously stated Cost of Attendance (COA) for the academic year (fall + spring) and recalculate each student's eligibility for federal student-based aid (Pell Grants and Federal Direct Student Loans) based on the revised COA?

Thank you.

Gregory Becher

**Gregory Becher**
Director of Financial Aid
Thomas Aquinas College
OPE ID: 023580
California | New England

---

**From:** Greg Becher
**Sent:** Thursday, March 5, 2020 3:40 PM
**To:** 'COVID-19@ed.gov'
**Subject:** Question about reducing academic year due to Corona virus

Dear Department of Education:

After reviewing the Department of Education's Electronic Announcement about interruptions of study due to the Corona virus (issued today, March 5, 2020), our college is planning for the various contingencies that may arise.

Our college is Thomas Aquinas College (OPE-ID 023580). Our main campus is located in Santa Paula, California. Today, the state of California has declared a state of emergency. Los Angeles County, which is adjacent to our county (Ventura County) has also declared a state of emergency.

Our fall semester was 17 weeks long. Our spring semester is also 17 weeks long, although it spans 18 weeks, with one week off for Easter (closed from Thursday, April 9, 2020 through Wednesday, April 15, 2020).

**Could we reduce our spring semester to 12.5 weeks of instruction on campus (Monday, January 13, 2020 through Wednesday, April 8, 2020), followed by 1.0 week of exams taken at home after the Easter break (Thursday, April 16, 2020 through Wednesday, April 22, 2020)?** The students would be asked to return their written exams by e-mail or paper mail. Under this scenario, our academic year will total 30.5 weeks (17 weeks in the fall plus 13.5 weeks in the spring).

Thank you.

Gregory Becher

**Gregory Becher**
Director of Financial Aid
Thomas Aquinas College
California | New England

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:41:48 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Title IV Questions

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Reba Bartrug <rbartrug@wscc.edu>
**Sent:** Friday, March 13, 2020 9:43 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Title IV Questions

We have several questions about how disbursement and regulation of title IV aid may be impacted due to school closures or delays. Is there a specific email we should be reaching out to for these types of questions?

--

**Reba Bartrug** | *Director of Financial Aid*
Washington State Community College
710 Colegate Drive | Marietta, OH 45750
tel 740-374-8716 | fax 740-376-0257 | ext 1402
website | map | email

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:32:48 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Travelling back home

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: (b)(6) @gmail.com>
Sent: Wednesday, March 11, 2020 11:35 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Travelling back home

Hey,
I'm a student studying at Penn State. My university suspended in-person classes until at least April 3rd which is why I'm going back to my country (India). I'm concerned about not being able to come back to the states if my university chooses to resume in-person classes after April 3rd. If that is to happen, could I be assured in any way that my semester won't be compromised?

Thank you,
(b)(6)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 14:33:41 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Two questions

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Covey Robbins, Robert <RCOVEY@wcupa.edu>
**Sent:** Wednesday, March 11, 2020 9:20 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Two questions

1. Our school is shutting down for 2 weeks, during which faculty will prepare to finish the term with alternate methods of instruction. The physical classrooms will be closed for the remainder of the semester. Seven (7) weeks were completed before our Spring Break. The decision to close the campus will result in 5 additional weeks for the term.
    a. Will we be required to make cost of attendance adjustments for the shortened semester, and to reflect 7 weeks of on-campus housing and 5 weeks of off campus housing?
2. For students who withdrew prior to the shortened semester decision and for whom R2T4 calculations were already performed, will we be required to recalculate for the shortened term?

Thank you

**Bob Covey-Robbins**
Interim Assistant Vice President of Financial Aid
West Chester University

rcoveyrobbins@wcupa.edu
610-436-1009
wcupa.edu

*P.S. Have your questions answered 24/7 with Ask Rammy! Find the message icon on the bottom right of any page on the Financial Aid website.*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 18:23:47 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: University of Puerto Rico - Academic Recess

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

**From:** Yolanda I Rivera Rolon <yolanda.rivera3@upr.edu>
**Sent:** Friday, March 13, 2020 2:11 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** University of Puerto Rico - Academic Recess

# Good afternoon:

The administration of the University of Puerto Rico has decreed an academic recess until March 23, 2020 to prevent the spread of COVID-19 in students. According to the statement from the Department of Education, students who are working in the Federal Work Study can collect their payroll for the period when they are not personally attending classes.

In the case of our institution that the recess so far is only academic and not administrative, that is to say that the employees will continue to attend our offices. The question is, although our offices will be open, students do not have to go to the areas where they work for FWS and can we pay them correct?

AMERICAN OVERSIGHT

I await your prompt response to this matter.

Thank you

--

**Yolanda I. Rivera Rolón**
**Directora de Asistencia Económica**
**Recinto de Ciencias Médicas - UPR**
**Tel. 787-758-2525 ext. 5205, 5206**

AMERICAN OVERSIGHT

**From:** Jones, Diane
**Sent:** Wed, 11 Mar 2020 15:43:02 +0000
**To:** Hilsey, Shaina;COVID-19
**Cc:** King, Robert;Mahaffie, Lynn;Martin, Gregory;Brickman, Michael;Musser, David
**Subject:** FW: Urgent Request
**Attachments:** USDOE.pdf

(b)(5)

(b)(5)

Diane

---

**From:** Richard Liebowitz <rliebowi@sgu.edu>
**Sent:** Wednesday, March 11, 2020 9:54 AM
**To:** Jones, Diane <Diane.Jones@ed.gov>; Busskohl, Mark <Mark.Busskohl@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Glass, Jonathon <jglass@cooley.com>
**Subject:** Urgent Request

Dear Acting Under Secretary Jones,
Please see the attached.
Thank you,

Richard S Liebowita, MD MHSC
Vice Chancellor St. George's University

========== This e-mail is intended to be a private and confidential communication. This message (and any attachments) contains information that is confidential and privileged and protected from disclosure. It is intended solely for the use of the individual(s) or entity(ies) to whom it is addressed and others authorized to receive it. If you are not the intended recipient of this message or any parts of it, please immediately contact the sender and delete the message from your system. No other person is authorized to copy, forward or disclose, distribute or retain this message in any form. The sender shall not be liable for the incomplete transmission of this message nor for any delay in its receipt and does not guarantee that this communication is free of viruses, interceptions or interference.

AMERICAN OVERSIGHT

# St. George's University

**Richard Liebowitz, MD**
Vice Chancellor

VIA EMAIL

March 11, 2020

Ms. Diane Auer Jones
Acting Under Secretary
United States Department of Education
400 Maryland Ave SW
Washington, DC 20202
Attn: Mark Busskohl, Foreign Schools Case Team

Re: Safety and Education for U.S. Students in Grenada during Coronavirus (COVID-19) Outbreak

Dear Under Secretary Jones:

I am writing on behalf of the students and faculty of St. George's University in Grenada and particularly the Schools of Medicine (OPEID 022000) and Veterinary Medicine (OPEID 03974300), which qualify as eligible foreign institutions participating in the Title IV loan program.

The schools have approximately 3,300 U.S. students who are Title IV-eligible and who are currently in the middle of their education programs at the SGU campus in Grenada, West Indies. Like many institutions in the United States, we are considering possible short-term contingency plans in order to prepare for the impacts of COVID-19 on our community and ensure that our students can continue their education programs in a safe manner. We write to you to seek your assistance to ensure that the Title IV rules are not construed in a way that prevents SGU from adequately serving its students in a safe environment, and we hope that we can meet or speak with you to discuss these urgent issues today or within the next day or two.

The rapid spread of the COVID-19 virus is an unprecedented global crisis that poses a unique threat to both Grenada's healthcare system and SGU's students. Our most pressing concern is that the medical system in Grenada may be overburdened by treatment for both its citizens and our students,

University Centre, Grenada, West Indies

NORTH AMERICAN CORRESPONDENCE: c/o University Support Services, LLC, 3500 Sunrise Highway, Building 300, Great River, NY 11739
Phone: +1 (631) 665-8500 ✦ In US and Canada: 1 (800) 899-6337 ✦ In UK: 08001699061 ✦ In Caribbean (473) 439-2000
www.sgu.edu

AMERICAN OVERSIGHT

faculty, and staff in the event that there is an outbreak of the virus on the island. We do not want our large student population to be an additional burden during this epidemic. As an institution of doctors and medical educators, we believe we have a moral and ethical obligation to take proactive steps to protect the health of our students, faculty, staff and the greater Grenada community. Like many universities in the United States, we feel compelled to allow U.S. students and others to return home until the imminent threat subsides.

At the same time, we want to be sure that we do not disrupt our students' academic programs. We have watched closely as schools in the United States have closed campuses, canceled in-person classes, and transitioned to online delivery methods in response to concerns over student safety. We have also closely reviewed the Department's March 5 COVID-19 Guidance providing flexibilities for schools to help students whose activities are impacted by Coronavirus complete the term in which they are currently enrolled. In particular, we note that in its Guidance, ED stated it will "continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

We are requesting a meeting (in person or by phone) today or as soon as possible to discuss possible options that would enable SGU to implement temporary adjustments to its operations so that U.S. students, faculty, and staff can return to the United States if they wish with minimal disruption to their programs.

We would like to use the meeting to outline steps we are implementing to limit in-person interaction for students while in Grenada and further explore how SGU can, in a manner consistent with the Department's regulations, leverage the use of telecommunication technologies to supplement and support regular instruction via distance education for a temporary period for students who may choose to return to the United States until the imminent threat of the COVID-19 virus subsides.

As you know, the Department's regulations allow a level of flexibility for telecommunications or online delivery for eligible foreign institutions. Specifically, under 34 C.F.R. 600.51(d) as well as in the Federal Student Aid Foreign Schools Handbook, it is clear that Title IV-eligible foreign schools

University Centre, Grenada, West Indies

NORTH AMERICAN CORRESPONDENCE: c/o University Support Services, LLC, 3500 Sunrise Highway, Building 300, Great River, NY 11739
Phone: 631-665-8500 ♣ Fax: 631-665-5590 ♣ In US and Canada: 1-800-899-6337
In UK: 08001699061 ♣ In Caribbean 473-444-4680

AMERICAN OVERSIGHT

may use "telecommunications technologies . . . to supplement and support instruction that is offered in a classroom located in the foreign country where the students and instructor are physically present." We expect that some students and faculty will remain in Grenada fulfilling this requirement.

Both the Medical and Veterinary Schools currently use technology to supplement and support our classroom instruction. We also use technology for two of our non-Title IV-eligible graduate programs -- a U.S.-accredited master of public health program and a master of business administration program, that are taught primarily online. These are robust and innovative programs and we have developed sophisticated technology to support them. Accordingly, we have experience and the existing capacity to effectively educate our students using telecommunications and electronic education technology.

In close consultation with our deans and faculty, we have developed plans to expand our use of these technologies to facilitate effective online delivery of our medical and veterinary school programs. We are confident that we can provide the same high-quality education using technology to supplement and support classroom instruction for the Medical School and Veterinary School. Importantly, SGU would expect to continue classroom instruction on the campus in Grenada for those U.S. students and non-U.S. students who choose to remain in Grenada, thereby meeting the letter and the spirit of the Department's requirement. This temporary option can, if necessary, be in place for the balance of this existing term, so that students can complete their courses without interruption while also minimizing medical risk posed by COVID-19. We believe these are prudent steps that will protect our students, staff and faculty, while maintaining educational quality, all consistent with the "supplement and support" flexibility that is provided in the existing foreign school regulations.

This is our preferred contingency option, and the option that we have explored most thoroughly, but we would welcome the opportunity to discuss alternative solutions in this unique international medical crisis. It would be contrary to the interests of our U.S. students if the Title IV restrictions on foreign schools forced our U.S. students to disrupt their medical program, particularly in this

University Centre, Grenada, West Indies

NORTH AMERICAN CORRESPONDENCE: c/o University Support Services, LLC, 3500 Sunrise Highway, Building 300, Great River, NY 11739
Phone: 631-665-8500 ♣ Fax: 631-665-5590 ♣ In US and Canada: 1-800-899-6337
In UK: 08001699061 ♣ In Caribbean 473-444-4680

AMERICAN OVERSIGHT

# St. George's University

case where SGU is capable of delivering quality education remotely for a temporary period. As the provider of the most new doctors to the U.S. healthcare system over the last ten years, St. George's University School of Medicine is an essential source of training for the current and future U.S. physician workforce. It is imperative, especially in light of this current pandemic, that these future physicians continue their medical education uninterrupted so that they are prepared to provide healthcare to local communities throughout the United States.

We know that the Department shares our concern for student welfare at this challenging time. Accordingly, we ask the Department to meet with us to further discuss these and other possible contingency plans that will protect students and allow them to continue their studies without any adverse determination regarding the Medical School's or Veterinary School's eligibility to continue to participate in the Title IV loan program.

We appreciate your understanding of the urgency of this situation and can be available today or over the coming days to meet to discuss these critical issues.

Sincerely,

Richard Liebowitz, M.D.
Vice Chancellor
St. George's University

University Centre, Grenada, West Indies

NORTH AMERICAN CORRESPONDENCE: c/o University Support Services, LLC, 3500 Sunrise Highway, Building 300, Great River, NY 11739
Phone: 631-665-8500 ✦ Fax: 631-665-5590 ✦ In US and Canada: 1-800-899-6337
In UK: 08001699061 ✦ In Caribbean 473-444-4680

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:41:34 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: URGENT: Financial Aid Impact on clock hour programs due to COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Thomas Schulte <tschulte@monroe2boces.org>
**Sent:** Friday, March 13, 2020 9:39 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** URGENT: Financial Aid Impact on clock hour programs due to COVID-19

Good morning-

I am seeking guidance on a critical issue as it relates to our current aid eligible programs. We are clock-hour based and may find ourselves in the positon of having to postpone our programs due to COVID-19 concerns. If we postpone our classes are program end dates will change. What impact would the changing of our program end dates have an the financial aid status of our students? These programs include hands-on lab experiences and internships as part of their clock hour calculation.

Thank you for any guidance you can provide.

Best regards,

***Thomas Schulte***
**Director**
**Monroe 2-Orleans BOCES**
**Center for Workforce Development**
Rochester Tech Park
160 Wallace Way, Bldg. 9, 2nd floor
Rochester, NY 14624
O: (585) 349-9100
C: (585) 694-5266

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:41:15 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: UW-Madison Federal Work-Study Clarification
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Justin Mumford <justin.mumford@wisc.edu>
**Sent:** Friday, March 13, 2020 9:35 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Shane Maloney <shane.maloney@wisc.edu>; Lauren Klink <lauren.klink@wisc.edu>; CORI SPLAIN <cori.splain@wisc.edu>
**Subject:** UW-Madison Federal Work-Study Clarification
**Importance:** High

Good Morning,

We are seeking clarification on the guidance released on March 5th, 2020 concerning the provision to allow FWS payments to disaster-affected students unable to continue working. While UW-Madison has not officially closed, our campus has moved to virtual learning through at least April 10th and has strongly encouraged all students living on-campus to return to their permanent residence. In addition, we also have concerns for our students earning FWS at community-based organizations, who are beginning to decide to close. Both scenarios put students earning FWS at great potential risk without the ability to earn their FWS. As a result, we have three questions to seek clarification on our options to provide necessary support to these students:

1. Is it permissible to allow FWS payments to disaster-affected students at 100% federal share across our community-based non-profit organizations?
2. Is it permissible to allow FWS payments to disaster-affected students who were encouraged to return to their permanent residence and therefore cannot continue to hold a campus job, assuming campus continues to pay the institutional share of those FWS payments?
3. In the event the University updates its status to CLOSED, is it permissible to allow FWS payments to disaster-affected students regardless of the Universities ability to offer closure pay for all other (non-FWS) University Faculty/Staff/Students, assuming the Institution still continues to pay the institutional share of FWS payments?

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We would like to have the ability to take potential action on all 3 items above and believe it is an extremely important measure for the health & wellbeing of all involved. I understand you are likely overwhelmed with questions, but very much appreciate your attention and guidance on this.

Best,

**Justin Mumford –Assistant Director for Student Engagement**
*Director for Member Engagement, National Student Employment Association (NSEA)*
**Special Awards | Office of Student Financial Aid | University of Wisconsin-Madison**
333 East Campus Mall #9701 | Madison, WI 53715-1382
608.263.6896 | justin.mumford@wisc.edu
www.financialaid.wisc.edu | www.studentjobs.wisc.edu | Facebook | Twitter | Instagram | GradReady

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 14:32:04 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Vanderbilt University: Policy Question

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Wyant, Jim <Jim.Wyant@ed.gov>
**Sent:** Tuesday, March 10, 2020 9:23 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Vanderbilt University: Policy Question

Following is a question from a school related to COVID-19.

**Jim Wyant**
**Institutional Improvement Specialist**
Kansas City School Participation Division
Federal Student Aid
United States Department of Education
1010 Walnut Street, Suite 336
Kansas City, MO 64106-2147
816-268-0431 Direct
816-268-0444 Fax

---

**From:** Hauser, Karen D> <k.hauser@Vanderbilt.Edu>
**Sent:** Monday, March 9, 2020 1:55 PM
**To:** Wyant, Jim <Jim.Wyant@ed.gov>
**Subject:** Vanderbilt University: Policy Question

Dear Jim,

I left you a voice message today at 1:45 pm. CST. I have been asked to inquire about the "how" and guidance to ensure compliance with the Department should the university need to close as a result of COVID 19. Per the EA received last week:
Length of Academic Year
The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point

AMERICAN OVERSIGHT

an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

Thank you in advance for your input.

Best,
Karen

**Karen Hauser**
Associate Director, Student Financial Aid and Scholarships
University Enrollment Affairs | Vanderbilt University
615-343-1419 | k.hauser@Vanderbilt.Edu
PMB 407810, 2309 West End Ave.
Nashville, TN 37240-7810

AMERICAN OVERSIGHT

**From:** Wyant, Jim
**Sent:** Tue, 10 Mar 2020 13:22:50 +0000
**To:** COVID-19
**Subject:** FW: Vanderbilt University: Policy Question

Following is a question from a school related to COVID-19.

**Jim Wyant**
**Institutional Improvement Specialist**
Kansas City School Participation Division
Federal Student Aid
United States Department of Education
1010 Walnut Street, Suite 336
Kansas City, MO 64106-2147
816-268-0431 Direct
816-268-0444 Fax

---

**From:** Hauser, Karen D> <k.hauser@Vanderbilt.Edu>
**Sent:** Monday, March 9, 2020 1:55 PM
**To:** Wyant, Jim <Jim.Wyant@ed.gov>
**Subject:** Vanderbilt University: Policy Question

Dear Jim,

I left you a voice message today at 1:45 pm. CST. I have been asked to inquire about the "how" and guidance to ensure compliance with the Department should the university need to close as a result of COVID 19. Per the EA received last week:

Length of Academic Year

The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

Thank you in advance for your input.

Best,
Karen

**Karen Hauser**
Associate Director, Student Financial Aid and Scholarships
University Enrollment Affairs | Vanderbilt University
615-343-1419 | k.hauser@Vanderbilt.Edu
PMB 407810, 2309 West End Ave.
Nashville, TN 37240-7810

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 18:20:30 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Vermont Law School - campus closure and online programs

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Melody DeFlorio <MDeFlorio@vermontlaw.edu>
**Sent:** Wednesday, March 11, 2020 2:18 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Vermont Law School - campus closure and online programs

Hello,

I am the Director of Financial Aid at Vermont Law School and we are planning on closing our campus for at least two weeks, possibly longer, starting next week in response to the COVID-19 pandemic. We currently offer online classes as part of our standard term programs and would like to be able to expand our offerings to accommodate students needing to study remotely. In doing so, we might find ourselves in a situation where our Spring semester overlaps with our Summer semester by more than 2 weeks. In this instance, would we be able to continue awarding aid for these programs as standard term programs?

**Melody DeFlorio**
*Director of Financial Aid and Online Enrollment Services at Vermont Law School*
164 Chelsea Street, P.O. Box 96, South Royalton, VT 05068
T: 802-831-1037

vermontlaw.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 21:31:07 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: virus

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kathy Dray <kpdray@k12.wv.us>
**Sent:** Wednesday, March 11, 2020 2:39 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** virus

I am the coordinator of a Practical Nursing program at a vocational center. We use clock hours for financial aid. My question is if WVDE closes school is our hours dependent on the student literally be in the school in their seat or can we assign assignments, due virtual clinical etc. to meet those clock hours as long as I can account for those hours? Hoping we don't have to address this.
Thank you for your assistance.
Kathy Dray
LPN Coordinator
John D Rockefeller IV Career Center
New Cumberland, WV 26047
304-564-3337 (116)
304-564-4085 (fax)
kpdray@k12.wv.us

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 9 Mar 2020 16:41:40 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: Students with IEPs

Hi Laurie,

The COVID-19 mailbox received an inquiry about IEPs. Below is the inquiry.

Thanks,
Kelly

**From:** Beth Jones <bjones@barrington220.org>
**Sent:** Monday, March 9, 2020 12:19 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Students with IEPs

Good morning,
Do you have any guidance for students with IEPs who are participating in long term online learning in the event that a school district is forced to close?
Thank you,
Beth Jones

--
Beth Jones
Assistant Superintendent for Student Services
Office phone: 847-842-3506

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 9 Mar 2020 16:33:15 +0000
**To:** Dirrigl, Mary Louise
**Cc:** COVID-19
**Subject:** FW: Students with IEPs

Hi Mary Louise,

The COVID-19 mailbox received an inquiry about IEPs. Below is the inquiry.

Thanks,
Kelly

**From:** Beth Jones <bjones@barrington220.org>
**Sent:** Monday, March 9, 2020 12:19 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Students with IEPs

Good morning,
Do you have any guidance for students with IEPs who are participating in long term online learning in the event that a school district is forced to close?
Thank you,
Beth Jones

--
Beth Jones
Assistant Superintendent for Student Services
Office phone: 847-842-3506

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 22:34:18 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Study Abroad Questions

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Mary Anne Stano <mastano@loyola.edu>
**Sent:** Thursday, March 12, 2020 6:31 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Study Abroad Questions

We are converting all of our classes to online as of March 18th. We hope to resume face-to-face instruction on April 1st but realize it's very possible that we will remain online for the remainder of the semester. We are trying to accommodate our study abroad students who are being recalled and/or had begun study abroad programs that are now being closed through our online course conversion.

Questions

1. If a study abroad student is unable to complete all of their credits during the spring semester because the school closed or the student was required to come home early, can we allow them to finish their courses in a Maymester or summer session immediately following the spring semester without penalty? What about SAP?
2. If a study abroad student must withdraw from all their courses because we are unable to offer equivalent courses during the same semester, I'm assuming this student would be subject to R2T4, correct?
3. May we extend the spring semester beyond 15 weeks to allow study abroad students to complete online equivalent courses?
4. Is there any additional guidance or clarification you can provide beyond that which is stated in the March 5th OPE guidance?

Thank you once again for your time and consideration.

Sincerely,

**Mary Anne**

\\\ **Mary Anne Stano**
Director | Office of Financial Aid

AMERICAN OVERSIGHT

LOYOLA
UNIVERSITY MARYLAND

4501 North Charles Street, Baltimore, MD 21210
410-617-2576 \ financialaid@loyola.edu

**MORE THAN READY. LOYOLA READY.**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 18:50:43 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Study Abroad students who receive TIV aid but need to return to the U.S.

Hi Shaina,

The COVID-19 mailbox received an inquiry about K-12 special needs school. Below is the inquiry.

Thanks,
Kelly

---

**From:** GASPARATO, JEAN <JGASPAR@mailbox.sc.edu>
**Sent:** Thursday, March 12, 2020 2:27 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Study Abroad students who receive TIV aid but need to return to the U.S.

Good afternoon,

We have students attending foreign institutions in a study abroad program and are looking for some guidance. If a student returns to the U.S. either because the foreign institution closes down or simply because the student no longer feels safe staying there, and enrolls in classes here at our institution for the current semester (the same semester he/she was on study abroad), what are the TIV implications?

Thank you so much for your guidance on a very complicated matter in unchartered waters.

Regards,

Jean Gasparato
Sr. Associate Director of Federal Aid Administration and Compliance
Office of Student Financial Aid and Scholarships
University of South Carolina - Columbia
1244 Blossom Street, Suite 200
Columbia, South Carolina 29208

Phone 803.777.1305 / Fax 803.777.0941
http://www.sc.edu/financialaid

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 14:29:08 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Study Abroad Trip at the End of a quarter

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Mealy, Stephanie <mealy@msoe.edu>
**Sent:** Monday, March 9, 2020 6:24 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Study Abroad Trip at the End of a quarter

Hello,

I am not sure I should reach out to our school participation team but we have a course that is offered with a study abroad trip that falls within two weeks at the end of the term. Since the trip is no longer occurring due to COVID-19, the program wishes to reschedule the trip for the upcoming fall, but still hold the instructional portion during the spring term. Since we have not made the adjustments to the Cost of Attendance, can we offer this trip in the fall and leave the instructional in spring? Would the trip still qualify for financial aid and we could still increase the students budget in the fall since this is a unique situation? Or would we no longer be able to offer aid for students who are attending this trip as part of the spring course.

Let me know if there are any options that I would be able to offer. Thank you for your time.

Stephanie Mealy | **Director of Financial Aid**
MSOE Student Financial Services
Financial Aid Office
1025 N Broadway | Milwaukee, WI 53202
Office: 414.277.7223 | Direct: 414.277.7224
Office Hours: Monday – Friday 8:00am – 4:30pm

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 17:34:11 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Study Abroad

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Deb Jackson <dsjackson@fsmail.bradley.edu>
**Sent:** Wednesday, March 11, 2020 1:32 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Study Abroad

Good morning,

My question is concerning the following passage:

We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

We have a few students who were enrolled full time in a study abroad experience in Italy for 2020 spring. They started their experience in January; due to COVID-19, these students were sent home to the U.S. in the last couple of weeks and they are finishing their courses online. Some of these students were awarded a Direct sub or unsub loan. Do we return these federal loans,based on the above passage? Thank you very much.

--
**Deb Jackson**
**Director of Financial Assistance**

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 14:37:13 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Suffolk University- transition to all online instruction

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jennifer H. Ricciardi <jricciardi@suffolk.edu>
**Sent:** Wednesday, March 11, 2020 7:36 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Suffolk University- transition to all online instruction

Good morning,

Yesterday, Suffolk University made the difficult decision to transition to all online instruction for the remainder of the spring semester. All students will be allowed to complete the term. To allow enough time for this transition, our normally scheduled spring break will be extended by two additional days.

Given these decisions, can you please notify me of any requirements the University has under these extraordinary circumstances?

thank you very much,
Jennifer

Jennifer Ricciardi
Assistant Vice President of Enrollment
Director of Student Financial Services
Suffolk University
(617)573-8470
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New Freshman/Transfer student for the Fall 2020 semester? Be sure to join us at one of our Showcases for Undergraduate Admitted Students on **Sunday, March 1st, Sunday April 5th, or Saturday, April 18th**! Register at suffolk.edu/admitted

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:45:20 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Temporarily closure

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** USFinancial Aid <usfinancialaid@londonmet.ac.uk>
**Sent:** Friday, March 13, 2020 10:04 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Temporarily closure

Hi,

The university has made a conscious decision to close the campus for temporary period, this is a precautionary measure in light to the Coronavirus outbreak. Having read your guidance published on the 05th MArch , please can you confirm , if any, the implication it will have on university as a foreighn school currently admistrating Title IV

Financial Aid Administrator | Student Fees Office | London Metropolitan University | 166 - 220 Holloway Road | London N7 8DB

T: +44 (0)20 7133 4017

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:19:50 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: temporary reduction in academic year?

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

**From:** SACI Federal Financial Aid <financialaid@saci-florence.edu>
**Sent:** Thursday, March 5, 2020 12:53 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** temporary reduction in academic year?

Greetings

I don't understand what this ruling means:

*The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.*

Does it mean the school would not be liable to return Title IV funds if it closes, temporarily or permanently? And what would a temporary reduction in academic year mean with respect to Title IV funds, already issued or pending?

*Thanking you in advance.*
*Sarah Swenson*

**Sarah Swenson**
Federal Financial Aid Administrator/SACI

***
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.....
**Sarah Swenson**
Federal Financial Aid Administrator

AMERICAN OVERSIGHT

**SACI - College of Art & Design**
454 West 19th Street
New York, NY 10011 USA
financialaid@saci-florence.edu
www.saci-florence.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 5 Mar 2020 18:12:24 +0000
**To:** Valentine, Ingrid
**Cc:** COVID-19
**Subject:** FW: temporary reduction in academic year?

Hi Ingrid,

The COVID-19 mailbox received an inquiry about FSA. Below is the inquiry.

Thanks,
Kelly

**From:** SACI Federal Financial Aid <financialaid@saci-florence.edu>
**Sent:** Thursday, March 5, 2020 12:53 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** temporary reduction in academic year?

Greetings

I don't understand what this ruling means:

*The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.*

Does it mean the school would not be liable to return Title IV funds if it closes, temporarily or permanently? And what would a temporary reduction in academic year mean with respect to Title IV funds, already issued or pending?

*Thanking you in advance.*
*Sarah Swenson*

**Sarah Swenson**
Federal Financial Aid Administrator/SACI

***
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**Send personal and financial information to me using this secure link:**
**https://www.sendsafely.com/u/financialaid%40saci-florence.edu**
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.....
**Sarah Swenson**
Federal Financial Aid Administrator

AMERICAN OVERSIGHT

**SACI - College of Art & Design**
454 West 19th Street
New York, NY 10011 USA
financialaid@saci-florence.edu
www.saci-florence.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 21:18:27 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Temporary shutdown of campus

Hi Shaina,

The COVID-19 mailbox received an inquiry about IEH. Below is the inquiry.

Thanks,
Kelly

---

**From:** Cleary, Douglas B (KCTCS) <doug.cleary@kctcs.edu>
**Sent:** Friday, March 6, 2020 3:40 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Temporary shutdown of campus

All,

I haven't seen this situation discussed but if it has and I have missed it my apologies.

If a campus (SAY) were to temporarily suspend classes (e.g. two weeks) then resumes classes but extends the academic term by 2 weeks to make up for the lost time and that in turn creates overlapping terms (spring overlaps summer); under current regulations, that would then create a non-term environment and could not pay federal aid under SAY requirements. My question is, could the Department provide some latitude to institutions to temporarily suspend those requirements and allow for an overlap and continue to process aid under SAY requirements?

I trust my question makes sense; if not let me know and I will attempt to clarify further.

DOUG

Douglas Cleary
System Director of Financial Aid
Kentucky Community and Technical College System
300 N. Main Street
Versailles, KY 40383

Office: 859-256-3215
Cell: 859-753-1550

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 15:28:02 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Term length

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Killen, Kris <killenk@xavier.edu>
**Sent:** Friday, March 13, 2020 11:19 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Term length

Hello,

Can you provide guidance on the ramifications of extending our spring semester by one week in order to deal with the logistics of moving all classes on line due to COVID-19.

How would this impact loan periods already reported, and R2T4 calculations?

Will the Department allow flexibility during this crisis?

Thank you,

Kris

---

**KRISTINA D. KILLEN**
Associate Director of Financial Aid
Office of Student Financial Services
killenk@xavier.edu
**T** 513-745-2988
**F** 513-745-2806
**Xavier University**
3800 Victory Pkwy, Cincinnati, OH 45207

AMERICAN OVERSIGHT

**From:** Caprice Odom
**Sent:** Fri, 13 Mar 2020 17:39:52 +0000
**To:** COVID-19
**Cc:** Martin J. Carney Jr.;Delores Hall
**Subject:** FWS Provision Exception
**Importance:** High

To whom it may concern:

Are there are any exceptions to the COVID-19 FWS provision to pay FWS employees who are not working. The exception to which I am referring is whether or not FWS Peer-Tutors are allowed to remotely (no face-to face contact) tutor or take notes for fellow classmates while classes on campus are suspended.

**Caprice Odom** | Financial Aid Counselor/Survey Coordinator
**Office of Financial Aid 11610 Euclid Avenue, Cleveland, OH 44106**
Voice: 216.421.7425 Fax: 216.754.3634 | financialaid@cia.edu | www.cia.edu
Cleveland Institute of Art

AMERICAN OVERSIGHT

**From:** Amber Gallagher
**Sent:** Fri, 13 Mar 2020 18:22:00 +0000
**To:** COVID-19
**Subject:** FWS Question

Greetings,

In the event a college has moved its courses online for all students but the college is continuing to allow employees (and FWS students) to work on campus, can the FWS student now work during the time that their on ground class was scheduled for during the time frame that that class is only online?

Example: Student takes class Math 101 on Monday and Wednesday from 8am to 10am. During normal circumstances the fws student could not work during 8am to 10am. However, Math 101 has now been moved to online format for an undetermined amount of time. Can this student now work on campus from 8am to 10am given the class is online?

Thank you,

**Amber Gallagher**
**Director, Financial Aid**
Saddleback College
28000 Marguerite Parkway, SSC 106
Mission Viejo, CA. 92692
Work: (949)582-4865
Email: agallagher4@saddleback.edu

AMERICAN OVERSIGHT

**From:** Nicholas Salinas
**Sent:** Wed, 11 Mar 2020 15:46:08 +0000
**To:** COVID-19
**Subject:** FWS Question

Hello,
I have a question regarding the FWS statement in the Electonic Announcement dated 3/5 below.

Scenario: An institution used all of their FWS allocation to pay their students and their earnings are now being paid by institutional student employment dollars. Because students are no longer being paid via FWS dollars, if the institution closes, the institution would not be obligated to continue to pay the students under the below circumstances, correct?

In those circumstances — for FWS students enrolled at an institution that closes temporarily due to the coronavirus, or for those whose employer closes as a result of the coronavirus — the institution will be permitted to continue paying the FWS wages "if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."

Any guidance would be appreciated.

Thanks you,
Nick

**Nicholas Salinas**
Director of Financial Aid
T. 914.395.2570
F. 914.395.2676
New Undergraduate Applicant Portal
New Graduate Applicant Portal
Returning Student Financial Aid Portal

Sarah Lawrence College
1 Mead Way
Bronxville, NY 10708
sarahlawrence.edu

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AMERICAN OVERSIGHT

**From:** Deb Dew
**Sent:** Thu, 12 Mar 2020 15:21:54 -0500
**To:** COVID-19
**Subject:** FWS question

I have read the guidance contained in the March 5th Electronic Announcement regarding the payment of FWS students during the closure of a school due to COVID-19. However, I need clarification of the following:

> *...the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.*

Can you please explain what the highlighted portion means? Do you mean the institution is continuing to pay its other employees while they are **not** working? If so, would we need to pay the other employees and not require them to use PTO or sick time?

Thanks for your help.

Deborah A. Dew

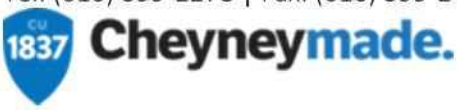
**Director of Financial Aid**
**Beloit College**

AMERICAN OVERSIGHT

**From:** Tonya Williams
**Sent:** Fri, 13 Mar 2020 16:46:38 +0000
**To:** COVID-19
**Subject:** FWS Question

If the University has decided to extend Spring Break for another week to prepare students, faculty and for the possibility of moving to online/remote classes, must the University pay FWS for the extended week of Spring Break.
Thank you,
Tonya

**Tonya Williams, MS.Ed., MBA**
Director of Student Financial Services
Cheyney University of Pennsylvania
1837 University Circle | P.O. Box 200
Cheyney, Pennsylvania 19319-0200
Email: twilliams@cheyney.edu
Tel: (610) 399-2278 | Fax: (610) 399-2411




AMERICAN OVERSIGHT

**From:** Amber Gallagher
**Sent:** Fri, 13 Mar 2020 18:22:00 +0000
**To:** COVID-19
**Subject:** FWS Question

Greetings,

In the event a college has moved its courses online for all students but the college is continuing to allow employees (and FWS students) to work on campus, can the FWS student now work during the time that their on ground class was scheduled for during the time frame that that class is only online?

Example: Student takes class Math 101 on Monday and Wednesday from 8am to 10am. During normal circumstances the fws student could not work during 8am to 10am. However, Math 101 has now been moved to online format for an undetermined amount of time. Can this student now work on campus from 8am to 10am given the class is online?

Thank you,

**Amber Gallagher**
**Director, Financial Aid**
Saddleback College
28000 Marguerite Parkway, SSC 106
Mission Viejo, CA. 92692
Work: (949)582-4865
Email: agallagher4@saddleback.edu

AMERICAN OVERSIGHT

**From:** Thompson, Courtney
**Sent:** Fri, 13 Mar 2020 11:44:36 +0000
**To:** COVID-19
**Cc:** Hewitt, Shana
**Subject:** FWS Question
**Importance:** High

FWS-

Our campus is looking to move our face to face instruction to online only in the very near future. We will also be requiring that students leave campus. My question is related to our FWS allocation. We pay our students (undergraduates) in a bi-weekly pay check based on the number of hours worked. If students are unable to come to campus to work, I'm concerned that we will be underspent in our FWS allocation. Does the department have any guidance around this?

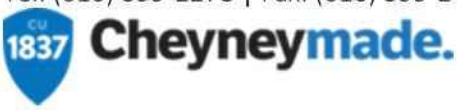
***Courtney Thompson-Ballard***
***Director of Financial Aid***
***Lenoir Rhyne University***
***828-328-7182***
***courtney.thompson@lr.edu***

AMERICAN OVERSIGHT

**From:** Tonya Williams
**Sent:** Fri, 13 Mar 2020 16:46:38 +0000
**To:** COVID-19
**Subject:** FWS Question

If the University has decided to extend Spring Break for another week to prepare students, faculty and for the possibility of moving to online/remote classes, must the University pay FWS for the extended week of Spring Break.
Thank you,
Tonya

**Tonya Williams, MS.Ed., MBA**
Director of Student Financial Services
Cheyney University of Pennsylvania
1837 University Circle | P.O. Box 200
Cheyney, Pennsylvania 19319-0200
Email: twilliams@cheyney.edu
Tel: (610) 399-2278 | Fax: (610) 399-2411




AMERICAN OVERSIGHT

**From:** Mary Anne Stano
**Sent:** Thu, 12 Mar 2020 21:40:58 +0000
**To:** COVID-19
**Subject:** FWS Questions

I've read the guidance concerning FWS in the March 5th OPE guidance, but my institution has many questions so I'm in need of additional clarification.

We've stopped face-to-face instruction as of March 11th and will resume instruction on March 18th via online options. Faculty are being given this time to convert their classes to online options. We hope to resume face-to-face instruction April 1st, but will make that determination toward the end of March. **The University is open** during this time but **students are being told to go home** until March 31st **unless there is a compelling reason** for them to stay in campus housing. Many of our students are FWS recipients.

Based on this scenario, my questions are as follows:

1. May we pay our FWS students for hours they did not work with federal funds based on their pre-established work schedules for the period of March 11th through March 31st ?
2. May a FWS student who remains on campus because they are unable to return home be paid FWS funds if they do not work during this time period, 3/11 to 3/31?
3. May a FWS student who remains on campus because they are unable to return home be **prevented** from doing their work-study job during this time period, 3/11 to 3/31?
4. May a FWS student who remains on campus because they are unable to return home be allowed to do their work-study job during this time period, 3/11 to 3/31?
5. If the university decides to continue instruction via online options only from April 1st through the end of the semester, but the students are allowed to return to campus housing, must FWS recipients work in order to get paid for the period of 4/1 to 5/8?
6. Do you have any additional guidance I haven't thought to ask about?

I apologize for all the questions, but I want to make sure I advise my university accurately.

Thank you so much for your time and consideration,

**Mary Anne**

\\\ **Mary Anne Stano**
Director | Office of Financial Aid

LOYOLA
UNIVERSITY MARYLAND

4501 North Charles Street, Baltimore, MD 21210
410-617-2576 \ financialaid@loyola.edu

**MORE THAN READY. LOYOLA READY.**

AMERICAN OVERSIGHT

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OVERSIGHT

**From:** Amy Berrier
**Sent:** Thu, 12 Mar 2020 09:40:49 -0400
**To:** COVID-19;Amy Berrier
**Subject:** FWS related COVID question Fwd: Guidelines update, related to COVID-19

Since classes are suspended for a week and students are being encouraged to move out of the residence halls, it doesn't seem right to require them to come to campus to work to earn these needed funds. Since the EA only addresses a school closure, what about this type of disruption I just mentioned? Will ED be coming out with additional guidance on this topic? I've seen many things float around on finaid L that doesn't seem accurate.

---------- Forwarded message ---------
From: **Bartnicki, David** <David.Bartnicki@ed.gov>
Date: Thu, Mar 12, 2020 at 9:38 AM
Subject: RE: Guidelines update, related to COVID-19
To: Amy Berrier <alberrie@uncg.edu>

## Customer Service:

Please provide any comments or feedback in regard to the assistance received today, to David.Musser@ed.gov. FSA is committed to providing the best possible customer service. Help us, help you!

---------- Forwarded message ---------
From: **UNCG University Messages** <uncgmsgs@uncg.edu>
Date: Wed, Mar 11, 2020, 7:09 PM
Subject: Guidelines update, related to COVID-19
To: <alberrie@uncg.edu>

AMERICAN OVERSIGHT

# *Guidelines update, related to COVID-19*

Faculty and staff,

After close consultation with state and federal authorities, emergency management, and public health experts, the UNC System Office has announced several guidelines for all UNC System schools in order to minimize the impact of COVID-19. This memo provides important and immediate actions that our campus will be taking in reaction to these guidelines. **There are no confirmed cases at UNCG at this time.**

This is a public health response and based on best practices. We must be proactive and do what is best to protect our students, our employees, and our extended community of families, friends, and neighbors.

**We have notified students that all face-to-face** classes will be suspended **March 16 - 20** in order to prepare as many courses as possible to transition to an online format beginning Monday, March 23rd. Note that some classes cannot be delivered online and those courses will continue to be delivered face-to-face. More information about specific courses will be forthcoming. Though students will be encouraged to leave campus next week, some students will remain on campus, and many students may return the week of March 23rd.

**UNCG will remain open as normal for the rest of the week of March 9th.** Employees are expected to report to work as usual.

Effective immediately, supervisors are **encouraged to explore teleworking arrangements** for employees who can effectively complete their job assignments from a remote location.

Additionally, based on UNC System guidance, **all events and programs with over 100 attendees that are scheduled to be held between now and March 30, must be cancelled or postponed,** unless otherwise authorized by the Chancellor or Provost. It is likely that this time horizon will be extended, so look for subsequent communications on this matter.

**University-sponsored travel outside of North Carolina, or within the state to gatherings of 100 people or more, shall be suspended unless prior written**

AMERICAN OVERSIGHT

**authorization to travel is given by the Chancellor or Provost.** This prohibition includes student organizations.

Staff and faculty are encouraged to **avoid travel to areas with active community transmission.** See the University's Novel COVID-19 Information Page for links to information about affected areas.

These steps are designed to mitigate risk – reduce large groups, slow virus transmission, and provide a safer environment. UNCG employees should also practice smart hygiene and social distancing techniques. More information and guidance is available here. This includes:

- Wash your hands for 20 seconds with soap and water or use an alcohol-based hand sanitizer.
- Avoid shaking hands.
- Cover your cough with a tissue or sneeze/cough into your elbow.
- Do not share food.
- Keep exercise equipment and other shared assets clean.
- Disinfect frequently touched objects using a regular household cleaning spray or wipe.
- Stay home when you are sick and avoid close contact with those who are sick.
- Avoid touching your eyes, nose, and mouth.

UNCG is not closing, and we are moving forward with our semester, albeit under some unique circumstances. We recognize these actions will invariably lead to questions and new challenges. We appreciate your commitment, dedication, and focus on our mission. Please ensure you stay informed by monitoring email, following @UNCG social media channels, downloading our UNCG Mobile app (iTunes and Google Apps), and regularly visiting our dedicated coronavirus website.

---

UNC GREENSBORO

*Find your way here*

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Greensboro, NC | 27402 US

--

Amy L .Berrier (She/Her/Hers What is this?)
Assistant Director for Operations
UNCG Financial Aid Office
159 Mossman Building
(336) 334-5702 Voice
(336) 334-3010 Fax
fia.uncg.edu

Financial Aid Questions? Ask Minnie! OCELOT

UNC GREENSBORO

AMERICAN OVERSIGHT

**From:** Donald Ronan
**Sent:** Thu, 12 Mar 2020 15:38:53 -0400
**To:** COVID-19
**Subject:** FWS

We have moved all campus-based courses to an online delivery method, so we will pay FWS students per instructions. The announcement states we can pay if the closure happens after the start of a term. Are we able to continue paying if this temporary online delivery carries into the next term?

Thanks,

--
Donnie Ronan
University Director, Financial Aid
Antioch University
317-504-6337
dronan@antioch.edu

AMERICAN OVERSIGHT

**From:** Diekmann, Beth J
**Sent:** Fri, 13 Mar 2020 14:51:52 +0000
**To:** COVID-19
**Subject:** FWS: Continuation of pay for non-worked hours

A student was being paid from our STATE Work Study allocation, but this funding has now been exhausted. Normally we would move the student to FEDERAL Work Study funding and allow them to finish out the semester.

Can I still move the student to a Federal Work Study award and continue the student's pay under the FWS rules? Or did the student have to be on FWS before my campus moved to online learning due to the COVID-19 pandemic?

Beth


**BETH DIEKMANN**
**Director of Financial Aid**
Rochester Community and Technical College
*Financial Aid Office*
851 30th Ave. SE, Rochester, MN 55904
(o) 507-285-7467 | beth.diekmann@rctc.edu
www.rctc.edu | https://rctc.edu/financialaid/

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AMERICAN OVERSIGHT

**From:** Tulloss, Celena Rader
**Sent:** Thu, 12 Mar 2020 17:10:49 +0000
**To:** COVID-19
**Subject:** FWS/Closure

Hello,

For the guidance letter that was released on 3/5, if your school has moved to online instruction for a period of time, is that considered a "closure"? We are trying to determine if we will be able to pay federal work students who have moved away from campus during this time.

Thank you,

Celena Tulloss
Senior Associate Director
Office of Financial Aid and Scholarships
University of Tennessee
116 Student Services Bldg.
Knoxville, TN 37996
865-974-1111
ctulloss@utk.edu

Big Orange. Big Ideas.

AMERICAN OVERSIGHT

**From:** Rivera Laboy, Carmen
**Sent:** Thu, 12 Mar 2020 18:37:01 +0000
**To:** COVID-19
**Subject:** FWSP

The institution is not closing, the institution decided move the courses on line. Students working under FWSP cannot performed their job, can we continue paying the students? In the Electronic Announce of March 5 explained about "a campus that must close"

Appreciate your guidance to this matter.

**Carmen E. Rivera Laboy**
Dean of Students Affairs and Compliance Officer
Carlos Albizu University- San Juan Campus
PO BOX 9023711
San Juan, PR 00902-3711
crivera@albizu.edu
Ofic. 787.725.6500 ext. 1560

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albizu.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:38:16 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Wage Garnishment Orders

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Garnishments <Garnishments@fultonschools.org>
**Sent:** Friday, March 13, 2020 8:49 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** answers <answers@ed.gov>
**Subject:** Wage Garnishment Orders

Good morning,

We hope this email finds you well.
We are reaching out and wish for this email to be forwarded to the proper area for handling of our request.

In preparation for the Corona Virus impact to our work operation, we are needing to know if there is a way that Student Loan Wage Garnishment Orders coming from the U.S. Department of Education, could be emailed to Payroll directly.
Currently we receive all Student Loan Wage Garnishment Orders by mail delivery.

Please kindly consider our request and inform us of the process to get this converted to email delivery.
Thank you in advance for your help and consideration of this as we all work through the impact of the coronavirus!

Kind Regards,

Payroll Department | Fulton County Schools | Fulton County Board of Education
6201 Powers Ferry Road NW | Atlanta, GA 30339
470-254-6849 ph | 470-254-5515 fax
garnishments@fultonschools.org | www.fultonschools.org

*"Payroll's mission is to approach each assignment with integrity while providing customer service that fosters trust, respect, transparency, and resolve."*

AMERICAN OVERSIGHT

Fulton County Schools
Where Students Come First

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:38:52 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Waiver for shorten year

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jessica Farrell <jfarrell@johnson.edu>
**Sent:** Thursday, March 12, 2020 9:25 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Waiver for shorten year

Good morning,

It has been brought to my attention that we need to complete a waiver for a shorten academic year due COVID-19. Can you confirm if this information is correct?
If so, I did not see a link to the waiver in anything that has been sent out so far, can you please point me in the right direction?

Thank you,

Jessica Farrell
Director of Financial Aid and Certifying Veterans Official
Johnson College
3427 North Main Ave.Scranton, PA 18508
Phone: 570-702-8914
Secure Fax: 570-800-1235
Richmond Hall, Room 106
Johnson College Website: www.johnson.edu

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AMERICAN OVERSIGHT

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OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:36:02 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Withdrawal Question

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** GASPARATO, JEAN <JGASPAR@mailbox.sc.edu>
**Sent:** Thursday, March 12, 2020 8:20 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Withdrawal Question

Hi,

Our institution extended spring break for an additional week beginning next week, so our R2T4 calculation basis will change. Since this change affects all students enrolled this semester at our institution, are we required to adjust R2T4 calculations for students who already withdrew for the semester prior to the change? Or do the new calculations only apply to students who withdrew after the change?

Thank you for your assistance,
Jean

Jean Gasparato
Sr. Associate Director of Federal Aid Administration and Compliance
Office of Student Financial Aid and Scholarships
University of South Carolina - Columbia
1244 Blossom Street, Suite 200
Columbia, South Carolina 29208

Phone 803.777.1305 / Fax 803.777.0941
http://www.sc.edu/financialaid

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:59:46 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Work Study - Guidance for interruptions of study related to Coronavirus (COVID-19)

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Bailey,Clayton <csb78@drexel.edu>
**Sent:** Thursday, March 12, 2020 12:50 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Work Study - Guidance for interruptions of study related to Coronavirus (COVID-19)

Hello,

Our institution has not announced any closures yet, but I wanted some additional guidance with the work study section. Is this saying that the student does not have to work and could still receive the work study pay if they already began the term before the school closure or should they still be working (example: tele work with a department etc)?

"For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."

Thank you,
Clay

**Clayton Bailey**
*Director, Financial Aid Operations*
*Office of Financial Aid*

**Drexel University**
3201 Arch Street, Suite 320
Philadelphia PA 19104

AMERICAN OVERSIGHT

Tel: 215.571.4656 | Fax: 215.895.1091
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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:38:41 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Work study question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Standridge, Michelle <mstandridge@spalding.edu>
**Sent:** Friday, March 13, 2020 9:15 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Work study question

If our campus is moving to online, at least for next few weeks and has asked students to move off campus but are allowing some to stay for extenuating circumstances. We are leaving the library open as a resource IF students need help as we move online and at this point have not stopped our spring sports so student athletes are practicing.

Can I consider us "closed" to students since we have asked all to leave campus? And if so, can I pay all current students who have started classes this term without clocked hours?

Thanks,

**Michelle Standridge**
**Director of Financial Aid**
**Spalding University**
**Office: Egan Leadership Center**
**(502) 873-4333**

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:38:41 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Work study question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Standridge, Michelle <mstandridge@spalding.edu>
**Sent:** Friday, March 13, 2020 9:15 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Work study question

If our campus is moving to online, at least for next few weeks and has asked students to move off campus but are allowing some to stay for extenuating circumstances. We are leaving the library open as a resource IF students need help as we move online and at this point have not stopped our spring sports so student athletes are practicing.

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Thanks,

**Michelle Standridge**
**Director of Financial Aid**
**Spalding University**
**Office: Egan Leadership Center**
**(502) 873-4333**

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:36:23 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: work study question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Christopher Rodriguez <CGRodriguez@middlesexcc.edu>
**Sent:** Friday, March 13, 2020 8:24 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** work study question

Good morning. I have a question about work study payment during this state. Classes have been moved online for a 2 week period. Can we allow SOME work study students to come in and work since we are open to business, on an essential job function basis, and allow others to stay home and get paid as well?

Christopher G. Rodriguez, CFAA

Director, Financial Aid

Middlesex County College

1-732-548-6000 Ext. 3030

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 22:33:02 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: work study questions

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** John Gudvangen <John.Gudvangen@du.edu>
**Sent:** Thursday, March 12, 2020 6:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** work study questions

The federal guidelines seem to indicate we can pay work study if we close. The guidelines imply that if we're offering courses online we can continue to pay work study even if the student isn't working. This is not quite the same as closing. What is the correct interpretation regarding the payment of FWS?

The other concern is that the guidance says that we may continue paying the FWS wages "if it [the closure] occurred after the beginning of the term." We are a quarter school. We are nearing the end of winter quarter and spring quarter starts at the end of March. We are not "closing" (as of now) but we are moving all of our courses online, at least temporarily. Many students will choose to stay away from campus, or be unable to be on campus due to COVID-19 issues. As a quarter school, do we have less flexibility because a new term starts soon and we made COVID-19 adjustments prior to the start of the spring quarter, and yet the guidance states "if it occurred after the beginning of the term?" This works for semester schools but not for quarter schools.

If we are allowed to pay work study to students who otherwise would be working but now can't, and yet they remain fully enrolled in their now-online courses, how do we know how many hours to give them? Can we look at their average earnings prior to the COVID-19 disruptions. Thank you. -John

John Gudvangen
Associate Vice Chancellor for Enrollment and Director of Financial Aid
University of Denver
303-871-4857 | john.gudvangen@du.edu | www.du.edu/financialaid

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:57:24 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Work Study while temporarily closed

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Smith, Lane <lsmith1@samford.edu>
**Sent:** Thursday, March 12, 2020 12:18 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Work Study while temporarily closed

Good morning all. The guidance here https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19 clearly states that we are permitted to pay our FWS students while we are temporarily moving academic instruction to online instruction and closing down the campus. One item I have been asked about is the statement found in the FWS guidance that says "the institution is continuing to pay its other employees (including faculty and staff)." Does the term "staff" include non-FWS student employees?

**Lane M. Smith**
**Director**
**Student Financial Services**

205-726-2905 | office
205-726-2738 | fax
lane.smith@samford.edu
www.samford.edu
800 Lakeshore Drive
Birmingham, AL 35229

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 17:23:13 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: work study

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Legrand, Terri <legrante@wfu.edu>
**Sent:** Thursday, March 12, 2020 1:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** work study

Further guidance is needed regarding school's authority to continue to pay work study students when campuses close and instruction moves online due to COVID-19. Please advise if guidance regarding ability to pay students for unearned FWS applies to schools that have not been declared a federal disaster area but are under a state of emergency.

Thank you,

Terri E. LeGrand, JD
Director of Enrollment Compliance and Technology
Wake Forest University Student Financial Aid
336-758-5179 (TEL)/336-758-4924 (FAX)

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 18:25:31 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Work-Study

Hi Shaina,

The COVID-19 mailbox received an inquiry about K-12 special needs school. Below is the inquiry.

Thanks,
Kelly

---

**From:** Hare, Michelle <harem@winthrop.edu>
**Sent:** Thursday, March 12, 2020 2:03 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Work-Study

A second question:

If we have non-work study students. Would they also have to be paid in order for us to pay work-study funding? Or only full-time staff is the consideration?

---

**From:** Hare, Michelle
**Sent:** Thursday, March 12, 2020 12:10 PM
**To:** 'COVID-19@ed.gov' <COVID-19@ed.gov>
**Subject:** Work-Study

I'm apologize for adding yet another email to what must be hundreds you are receiving right now.

If a campus remains open for staff, but will be moving classes online for 2 weeks (basically encouraging students to delay returning after spring break), would that qualify as a closure to allow payment of work-study (assuming all other criteria are met)?

Or no, the entire campus must be closed, including to staff, before the guidance in the March 5, 2020 letter is followed?

Thank you!

**Michelle Hare, M.Ed., CFAA**
*Director of Financial Aid*

**Winthrop University**
Office of Financial Aid
Sykes House

AMERICAN OVERSIGHT

638 Oakland Ave.
Rock Hill, SC 29733

803/323-2189
803/323-2557 (FAX)
harem@winthrop.edu
www.winthrop.edu/finaid

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 14:36:06 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Work-study

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kandi Molder <kmolder@okwu.edu>
**Sent:** Friday, March 13, 2020 8:17 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Work-study

Hello,

We are leaving our campus open, including dorms, food services and faculty/staff offices. However, our classes will be offered online after spring break. We anticipate all of our students that can go home will. But we will have some that remain on campus. Are we able to use the guidance on work-study that allows us to pay them or have we complicated that by leaving our campus open?

Thank you.

Kandi Molder
Executive Director of Registration and Financial Aid

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:48:59 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Work-study Questions due to closure

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Erin Glass <erin.glass@urbana.edu>
**Sent:** Thursday, March 12, 2020 10:45 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Work-study Questions due to closure

Hello,

I have a couple questions regarding Federal Work-study and the outbreak of the COVID-19 virus and as we move to closing our university to the public.

1. After reading the guidance provided by ED regarding work-study, if the University remains open, but a specific office or department closes or a decision was made to make that department work remotely from home and there is a work-study student that works in that office that is closed, are we able to provide payments to that specific student affected? Or are there any specific guidance that can be given for this situation?
2. Part of our 7% Community Service allocation is from our university library that is open to the public. The decision was made by our university to close the library to the public. Would we have to exclude earnings by the work-study employee from our community service allocation during this closure?

Thank you in advance for your guidance.

Erin Glass

AMERICAN OVERSIGHT

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**Erin Glass**
**Assistant Director – Urbana University**
**Financial Aid Office**

579 College Way Urbana, OH 43078 P937.772.9251 www.urbana.edu
erin.glass@urbana.edu

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 16:56:29 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Work-Study

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Hare, Michelle <harem@winthrop.edu>
**Sent:** Thursday, March 12, 2020 12:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Work-Study

I'm apologize for adding yet another email to what must be hundreds you are receiving right now.

If a campus remains open for staff, but will be moving classes online for 2 weeks (basically encouraging students to delay returning after spring break), would that qualify as a closure to allow payment of work-study (assuming all other criteria are met)?

Or no, the entire campus must be closed, including to staff, before the guidance in the March 5, 2020 letter is followed?

Thank you!

**Michelle Hare, M.Ed., CFAA**
*Director of Financial Aid*

**Winthrop University**
Office of Financial Aid
Sykes House
638 Oakland Ave.
Rock Hill, SC 29733

803/323-2189
803/323-2557 (FAX)
harem@winthrop.edu
www.winthrop.edu/finaid

AMERICAN OVERSIGHT

**From:** Deb Dew
**Sent:** Fri, 13 Mar 2020 12:46:54 -0500
**To:** COVID-19
**Subject:** Fwd: FWS question

Dear Colleagues,

I've forwarded a question to you that I sent yesterday. I know you have been responding quickly to questions but I haven't received an answer yet.

I eagerly await your response, since our institution needs to make a decision on what we are doing.

Thanks!

Deb
Deborah A. Dew

**Director of Financial Aid**
**Beloit College**

---------- Forwarded message ---------
From: **Deb Dew** <dewd@beloit.edu>
Date: Thu, Mar 12, 2020 at 3:21 PM
Subject: FWS question
To: <COVID-19@ed.gov>

I have read the guidance contained in the March 5th Electronic Announcement regarding the payment of FWS students during the closure of a school due to COVID-19. However, I need clarification of the following:

> *...the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.*

Can you please explain what the highlighted portion means? Do you mean the institution is continuing to pay its other employees while they are **not** working? If so, would we need to pay the other employees and not require them to use PTO or sick time?

Thanks for your help.

AMERICAN OVERSIGHT

Deborah A. Dew

**Director of Financial Aid**
**Beloit College**

AMERICAN OVERSIGHT

**From:** Michael Total Image
**Sent:** Thu, 12 Mar 2020 10:13:07 -0400
**To:** COVID-19
**Subject:** Fwd: OPEID# 04131200

FYI

---------- Forwarded message ---------
From: **Michael Total Image** <(b)(6) @gmail.com>
Date: Thu, Mar 12, 2020 at 10:10 AM
Subject: OPEID# 04131200
To: Coughlin, Betty <Betty.Coughlin@ed.gov>, Curry, Christopher <Christopher.Curry@ed.gov>, Olga Touliatos <olga.touliatos@ed.gov>

Hello all,

Hope this finds you well and safe.

Our institution has decided to close temporarily in order to prevent the spread of COVID-19. We will close starting March 13 to March 30. At that time we will re-evaluate and I will notify you of any events that prevent us from opening.

We have notified NACCAS and our State governing body.

We felt as a school in order to safeguard our students, staff, their families and our community that it was prudent to close for 2 weeks.

I didn't know who to notify at DOE or if I had to so I am sending this notification.

Hope you all will be safe.

Michael Hechme
Director
Total Image Beauty Academy

AMERICAN OVERSIGHT

**From:** Scott Seibring
**Sent:** Thu, 5 Mar 2020 17:02:36 -0600
**To:** COVID-19
**Subject:** Fwd: recent update

With the recent guidance related to federal aid and coronavirus., I have a question regarding this situation.

We received this update for one of our students who is suppose to leave in a week. With coronavirus, IES is offering students the options to defer or withdraw for a program in Tokyo.

So, technically this student is able to attend but it sounds like there are many people who are encouraging the student not attend. It is now too late to enroll in spring semester on campus. Does this student lose her grace period and go into repayment the same way a student who just doesn't return for spring semester?

Normally institutions, once aware that a student will not begin or has not begun attendance, must notify the loan servicer which results in issuance of a final demand letter to the borrower. However, we have determined that in the case where a student was unable to begin attendance due to a COVID-19-related school closure, the provisions of 34 CFR § 668.21(a)(2)(ii), requiring the institution to notify the servicer of that student's failure to begin attendance, do not apply because the option for the student to begin attendance did not exist. Accordingly, the institution should not notify the servicer that the student did not begin attendance. He or she will be permitted to repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption.

--

AMERICAN OVERSIGHT

--

**SCOTT SEIBRING '85**
DIRECTOR OF FINANCIAL AID
ILLINOIS WESLEYAN
UNIVERSITY
1312 Park Street, Bloomington, IL 61701
(309) 556-3393

AMERICAN OVERSIGHT

**From:** Megan Chan
**Sent:** Thu, 12 Mar 2020 05:15:01 +0000
**To:** COVID-19
**Subject:** FWS - "continuing to pay its other employees"

Hello,

Some questions have come up about what it means for an institution to "continu[e] to pay its other employees (including faculty and staff)" to be eligible to pay FWS students at a campus that closes due to COVID-19:

1. Does the institution need to pay its employees 100% of their salary or hourly pay to satisfy this requirement? One proposal is to pay a percentage of the employee's pay (similar to disability) or pay based on reduced hours for certain positions until the institution reopens.

2. Would requiring employees to exhaust sick or vacation time before paying for hours they did not work qualify as "continuing to pay [] other employees"?

3. How long does the institution need to pay employees? For the duration of the closure, end of the term, or until the FWS students have completely earned their FWS award? Plans for paying employees may change depending on the length of the closure.

4. Does this apply to all employees, including non-FWS student workers, or just faculty and staff? Our institution is concerned about costs associated with paying non-FWS student wages just so we are able to pay FWS student wages.

Thank you in advance for your guidance on these topics.

Megan

**Megan Chan**
*Associate Dean, Financial Aid*

**University of Southern California**
John Hubbard Hall MC 0914
Los Angeles, CA 90089-0914
T: (213) 740-9580 F: (213) 821-3738
Email: chanmega@usc.edu
Web: financialaid.usc.edu

AMERICAN OVERSIGHT

**From:** Alexander Vo
**Sent:** Fri, 13 Mar 2020 19:07:37 +0000
**To:** COVID-19
**Subject:** FWS - 25% Institutional Share Detail

Hello COVID DOE Team,

I'm planning out title iv details to our president and needed to know a finite detail. We have students who would not be able to work if we switch to online classes. I understand we're authorized to continue paying students an average of their hours worked for the remainder of the semester.

Financially we are a 25% institutional share school of the FWS. For FWS students who can't continue to work, I'm assuming this rule remains?

Thanks for all your efforts during this time.


**Alexander Vo**
*Senior Director of Financial Aid*
**THE NEW YORK CONSERVATORY FOR DRAMATIC ARTS**
39 W 19th St
New York, NY 10011
T: 212-812-4090
F: 212-645-0641
nycda.edu
@nyconservatory


My Portal for Admissions Paperwork
My Portal for Financial Aid Paperwork and Accepting Awards

AMERICAN OVERSIGHT

**From:** Menture, Laura
**Sent:** Fri, 13 Mar 2020 15:57:32 +0000
**To:** COVID-19
**Cc:** Smedley, David;Howard, Patty
**Subject:** FWS - COVID19

Good Morning,

I have a question/scenario regarding the current state of our institution as it relates to Federal Work Study (FWS) students and COVID-19. As of today, our president put the institution on a 'recess' wherein majority of in-person classes are suspended until March 23rd. All staff are still to report to work as all departments will run as normal. The institution is still open to students and visitors on campus as we are still providing services which includes advisement, tutoring, admissions, financial aid and the like. Majority of our in-person classes are not being held during this time with the exception of allied health and all fully online courses are still running as normal. On the 23rd, the institution will resume normal operation, including all in-person classes.

According to how we are reading the COVID-19 regulations as it pertains to school closing and FWS payment is that we are able to pay FWS students if the institution is closed due to COVID-19 or transitioned to fully online operation which would prevent students from working. Our situation does not appear to directly fit the criteria, however we want to have clarification concerning if our situation would qualify for students to be paid and not physically work the hours during this period even though the institution itself is open, but that in-person courses are not running with some exceptions.

Thank you for your time and attention,

**LAURA MENTURE**
*Financial Aid Officer/FWS Coordinator*
Financial Aid Department

AMERICAN OVERSIGHT

**From:** David Futrell
**Sent:** Thu, 12 Mar 2020 12:11:34 +0000
**To:** COVID-19
**Cc:** David Futrell
**Subject:** FWS and Coronavirus

Can you please confirm that the guidance in the March 5, Electronic Announcement under the Federal Work-Study (FWS) heading also applies in this scenario? We think the answer is, Yes.

Our campus, however, will not be "closing", just moving to an online format. Since the campus will not technically close and cease operations, are will still allowed to pay FWS for students who cannot continue in their positions.

Thank you very much!

*~david*

---

**David L. Futrell** | NASFAA | AskRegs Manager | 202.785.6971
Join us on Facebook, Twitter and LinkedIn
Register Now: NASFAA 2020, June 29 - July 2 in Las Vegas, NV

AMERICAN OVERSIGHT

**From:** Arzate, Angelina
**Sent:** Fri, 13 Mar 2020 16:09:05 +0000
**To:** COVID-19
**Subject:** FWS and partial closures

Good morning,

We are trying to get/confirm guidance on partial closures related to COVID-19 protocols at our school.

If we have specific departments close as a precaution/protocol for the virus, would we be able to pay FWS students employed on campus at those locations. They would be labs and may include in-person tutoring services. I am not sure if the highlighted text below refers to FWS students that are working off-campus only.

The campus would remain open and be providing online learning and limited in-class instruction. Staff, in general, are expected to continue working.

Thank you in advance,

For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.

**Angelina Arzate** | Business Systems Analyst | Palomar College | Financial Aid, Veterans & Scholarship Services |
1140 West Mission Road | San Marcos, CA 92069 | ☎: 760-744-1150 Ext. 3249 | 7: 760-591-0681 | aarzate@palomar.edu

AMERICAN OVERSIGHT

**From:** Kim Beveridge
**Sent:** Thu, 12 Mar 2020 16:29:03 -0400 (EDT)
**To:** COVID-19
**Subject:** FWS clarification needed

Greetings!

I was hoping to get some clarification on the instances when an FWS-eligible student may still receive FWS pay despite not being able to work any hours.

We will begin and complete our spring term completely online in an effort to minimize student travel to campus, therefore our students will be enrolled AND will continue to incur and pay tuition. Your guidance indicates that students may only receive FWS payments for non-working hours for closures that occurred after the beginning of the term. However, if I am understanding the intention behind the guidance, because the student remains enrolled in the quarter, continues attendance, and pays tuition for which they rely on the FWS payments to help offset, it would seem that we would be able to pay them for hours not worked throughout our online spring term. Am I reading too much into the guidance?

Thanks for your help!

**Kim Beveridge**
Director of Financial Aid
Savannah College of Art and Design ®

office: 912.525.6130 / fax: 912.525.6173
kbeverid@scad.edu / www.scad.edu

SCAD: The University for Creative Careers ®
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AMERICAN OVERSIGHT

**From:** Jose Rivera
**Sent:** Thu, 12 Mar 2020 10:18:19 -0400
**To:** COVID-19
**Subject:** FWS --Coronavirus Guidance
**Importance:** High

Good morning,

**From ED Guidance:** "For FWS students enrolled at an institution that **closes** temporarily due to the coronavirus, or for those whose employer **closes** as a result of the coronavirus — the institution will be permitted to continue paying the FWS wages "if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."

**Question:** Can ED clarify or give guidance about the definition of **"closes"** under these circumstances? If an institution temporarily suspended classes on campus but offers classes online, is that institution considered to be closed for purposes of FWS payments?

Sincerely,

Jose C. Rivera
Senior Associate Director
Office of Financial Aid
Barnard College
Phone: 212-854-2154
Fax: 212-280-8794
finaid@barnard.edu

---

This email is for informational purposes only and not meant to bind the sender or Barnard College.

AMERICAN OVERSIGHT

**From:** Gutierrez, Tiffany
**Sent:** Fri, 13 Mar 2020 18:57:20 +0000
**To:** COVID-19
**Subject:** FWS eligibility

Hello,
ACPHS will temporarily offer all coursework via distance technology for the remainder of this semester due to the onset of the COVID-19 pandemic. After reviewing the SFA notice dated March 05, 2020 with the Subject: Guidance for interruptions of study related to Coronavirus (COVID-19)", a question has arisen in regards to the institution surrounding the term "closed". Specifically, the guidance noted is:

"For students enrolled and performing FWS at a campus that must **close** due to COVID-19, or for a FWS student who is employed by an employer that **closes** as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that **closure** if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."

Technically, the college will not be "closed", rather we will offer distance technology to students to continue their studies while maintaining social distancing and other recommendations of the CDC. Can FWS students continue to work for the College in positions that may be performed via distance technology? Are we able to continue their FWS employment in this way if the college is not "closed"?

Kindly provide some clarity on how we may best serve our students during this unfortunate hardship.
We appreciate your help greatly!
Regards,
Tiffany

TIFFANY GUTIERREZ, MBA
VICE PRESIDENT OF ENROLLMENT MANAGEMENT

Albany College of Pharmacy and Health Sciences
106 New Scotland Avenue
Albany, NY 12208
Work: (518) 694-7254
tiffany.gutierrez@acphs.edu
www.acphs.edu

AMERICAN OVERSIGHT

**From:** Timothy Baird
**Sent:** Thu, 12 Mar 2020 20:18:54 +0000
**To:** COVID-19
**Subject:** FWS funds

If we are not able to meet the 10% Community Service requirement for the FWS Funds because of the impact of COVID-19, will the Department of Ed grant grace or exceptions?

**Tim Baird**
Vice President of Business and Finance
O: 724.847.5568 | C: 215.280.8808

AMERICAN OVERSIGHT

**From:** Leigh Ann Hussey
**Sent:** Fri, 13 Mar 2020 10:01:32 -0400
**To:** COVID-19
**Subject:** FWS Guidance needed

Hello –

I am seeking guidance on the provision given for paying FWS employees. The provision indicates that we can pay FWS if they do not work ***only*** if we pay other employees (including faculty and staff). Does this mean we have to pay our non-FWS student assistants/employees if we pay our FWS students?

Thanks,

**Leigh Ann Hussey**
*Director*
Financial Aid

**University of West Georgia**
1601 Maple Street, Carrollton, GA 30118
p: 678-839-6421
f: 678-839-6422
lhussey@westga.edu

UWG | Student Affairs and Enrollment Management

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AMERICAN OVERSIGHT

**From:** Shasta Hanson
**Sent:** Fri, 13 Mar 2020 16:43:45 +0000
**To:** COVID-19
**Subject:** FWS hours if campus is closed
**Importance:** High

Hello,

I have a question about work study pay when a school has closed and students are asked not to come to campus. In this event, how do we determine how many hours the student will be paid for? Is it a flat 20 because that is the max, or is it an average of how many hours they typically work, or should we get something from the supervisor that tells us how many hours they would have been scheduled for?

Also, if the campus is closed to students and has moved online, but student services (financial aid) is still at campus and working, is it up to the campus/ supervisor's discretion as to whether FWS students working in student services will continue to come to campus and work?

Thank you,

**Shasta Hanson**
**Financial Aid Specialist & Veterans Liaison**
Ventura College
805-289-6575 Direct

The best ways to prevent the spread of respiratory infections, including COVID-19, are:
**Stay home if you are sick. Sick people make well people sick.**

AMERICAN OVERSIGHT

**From:** Shirleyne Mcdonald
**Sent:** Wed, 11 Mar 2020 21:26:40 +0000
**To:** COVID-19
**Subject:** FWS Inquiry

To Whom It May Concern:

At American University (00143400), Federal Work Study recipients have the ability to work with external employers and receive FWS wage. The external employer pays the wage share. The external employer submit time sheets and payment are processed through American University. The student receives payment and a W2 from American University. If the external employer closes and is not paying its employees, can American University pay the FWS recipient by assuming the wage share of the external employer?

Are we allowed to pay FWS recipients who have been hired but has not yet worked, if the university ceases on campus operations?

Thank you for your assistance.

Sincerely,

Shirleyne McDonald
Financial Aid Office
American University
(202) 885-6027

AMERICAN OVERSIGHT

**From:** Amaya, Jennifer
**Sent:** Thu, 12 Mar 2020 17:12:31 +0000
**To:** COVID-19
**Subject:** FWS Payments - Remote Work

Good afternoon,

Can you please provide guidance on whether or not FWS students can work remotely? If they can, what additional documentation or tracking- if any- is needed?

Best,
Jen

**Jen Amaya**
*Associate Director of Financial Aid for Federal and State Programs*
*University Director of the Federal Work Study Program*

Harvard College Admissions & Financial Aid
86 Brattle Street Cambridge, MA 02138
P: 617-496-5250

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AMERICAN OVERSIGHT

**From:** Angela Schmiede
**Sent:** Mon, 9 Mar 2020 15:22:50 -0700
**To:** COVID-19
**Cc:** Steven Weiner
**Subject:** Interruption of study / changing modalities during payment period
**Attachments:** image004.jpg, image003.jpg, image005.jpg, image002.jpg

Good afternoon,

We are updating our emergency response plans for COVID-19 and are reviewing financial aid policies.

In the Interruption of Study Guidance communication sent by the Department of Education on March 5, 2020, it states the following:

"If an institution ceases operation during a payment period and fails to reopen by the end of that payment period, its students are considered no longer in attendance and must be considered withdrawn for that payment period or period of enrollment, and would be subject to Return of Title IV funds requirements."

Could you please clarify how ED is defining "ceases operation?" Would it include switching to online modality, if we cease in-person, on-campus classes?

Thank you,
Angela Schmiede

cc: President Steven Weiner

**Angela Schmiede, Ph.D.**
Vice President for Student Success
Menlo College
1000 El Camino Real, Atherton, CA 94027-4301
Office: (650) 543-3905

Menlo College

AMERICAN OVERSIGHT

You
Tube

**From:** Morrison, Lisa
**Sent:** Mon, 9 Mar 2020 20:16:48 +0000
**To:** COVID-19
**Subject:** Length of Academic Year Question

My VP is asking if we were to close for a few weeks, could we extend our semester by a couple of weeks? Would this be allowable? I see in the guidance information about reducing the academic year, but nothing about extending it. We are a traditional 16 week semester standard term school. Our spring semester ends May 15th. My concern would be that currently our summer interim starts May 18th and goes until May 29th. If we extend the spring these semester overlap. Would we have to cancel our summer interim?

Thank you for your help

**Lisa Morrison**
Director of Financial Aid
Iowa Western Community College
712-325-3287

AMERICAN OVERSIGHT

**From:** MacMullin, Annette
**Sent:** Fri, 13 Mar 2020 15:57:44 -0400
**To:** COVID-19
**Subject:** Lengthening the academic year

Hello,

If a college campus decides to extend the academic year due to an extended spring break, would the new end of year date need to be changed and reported to COD for Direct Loan borrowers?

Thank you,

Annette MacMullin
Associate Director of Financial Aid

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North Andover, MA 01845
www.merrimack.edu
978-837-5112 (P)
978-837-5067 (F)

AMERICAN OVERSIGHT

**From:** Lehman, Scott
**Sent:** Fri, 13 Mar 2020 14:42:42 +0000
**To:** COVID-19
**Cc:** Brewer, Lucas
**Subject:** Lengthening the term

What are the Title-IV implications if we decide to lengthen the semester due to the COVID-19 outbreak?

**Scott Lehman**
Assistant Director, Financial Aid • Enrollment Services

330-494-6170 ext 4959 • M-108S
slehman@starkstate.edu • starkstate.edu
6200 Frank Ave NW • North Canton, OH 44720

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AMERICAN OVERSIGHT

**From:** Stroupe, Crystal M
**Sent:** Sat, 07 Mar 2020 21:20:38 +0000
**To:** COVID-19
**Subject:** Listing of COVID-19 related school closures?

Hello – is there a consolidated listing of all U.S. schools/districts closed due to COVID-19 concerns?

Thank you!
Crystal


Crystal Malulani Stroupe
AVP, Strategy & Initiatives Manager
Safety Strategy & Screening Services
Bank of America
NC2-109-03-02, 13510 Ballantyne Corporate Pl, Charlotte, NC 28277
T 704 919 4058 M 704 909 1693
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AMERICAN OVERSIGHT

**From:** Terry Jones
**Sent:** Fri, 13 Mar 2020 16:18:10 +0000 (UTC)
**To:** COVID-19
**Subject:** mailto:COVID-19@ed.gov

Concern: We are a clock hour school that unlike traditional schools is on a "continues enrollment" basis. We have several that have signed an enrollment contract but have not yet begun their program of study. To clarify, these students would not be eligible for the flexibilities as described in ea:3-05-2020. Are we correct in this thinking?

Thank you,
Terry Jones
Baldwin Beauty Schools

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Sun, 8 Mar 2020 22:37:16 -0400
**To:** COVID-19
**Subject:** Mandatory attendance in 4410 preschool program

The 4410 preschool school program that I am employed at, will be conducting a staff development on Tuesday 3-10, for teachers , therapists ,and administrators in a lunchroom in closed quarters. I am not comfortable attending in closed quarters (b)(6)
(b)(6)
Can I be penalized for not attending this typically mandatory function? I am concerned that personnel will be in close quarters and I cannot bring home this COVID19 to my high risk (b)(6)

Please advise.

Sincerely yours,

M. S. (employee)

(b)(6) @gmail.com (b)(6)

AMERICAN OVERSIGHT

**From:** tommy screen
**Sent:** Tue, 10 Mar 2020 16:29:40 -0500
**To:** COVID-19
**Subject:** Mandatory Report

Are university's allowed to mandate that a student self-report an illness to the university as part of our efforts to manage potential outbreak on campus?

Tommy Screen
Director
Office of Government & Legal Affairs
(504) 864-7082
tscreen@loyno.edu

AMERICAN OVERSIGHT

**From:** Standley, Sue
**Sent:** Thu, 5 Mar 2020 15:57:18 -0600
**To:** COVID-19
**Subject:** March 5 2020 Guidance for interruptions of study related to COVID-19

Hi,

I have a question related to the reference on page 8 of today's letter when a student does not begin attendance as a result of COVID-19. I've included the paragraph below with highlighted areas.

Federal Student Aid - IFAP: 030520Guidance4interruptionsrelated2CoronavirusCOVID19

Normally institutions, once aware that a student will not begin or has not begun attendance, must notify the loan servicer which results in issuance of a final demand letter to the borrower. However, we have determined that in the case where a student was unable to begin attendance due to a COVID-19-related school closure, the provisions of 34 CFR § 668.21(a)(2)(ii), requiring the institution to notify the servicer of that student's failure to begin attendance, do not apply because the option for the student to begin attendance did not exist. Accordingly, the institution should not notify the servicer that the student did not begin attendance. He or she will be permitted to repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption.

My question is regarding reporting to NSLDS when a student does not begin attendance. Does this exception apply ONLY when the foreign school closes or does it also apply if the home institution cancels the program, even though the foreign institution did not close, prior to the students beginning attendance? An item of clarification-no TIV funds were disbursed.

Thank you for your help and clarification
Sue

Sue Standley '83
Associate Vice President of Enrollment
Director of Financial Aid
Augustana College
Phone: 309-794-7207
Fax: 309-794-7174

AMERICAN OVERSIGHT

**From:** Stacey Faraci
**Sent:** Mon, 9 Mar 2020 11:58:40 -0400
**To:** COVID-19
**Subject:** March 5, 2020 Guidance - Seeking Clarification

Hello:

I am writing to request clarification on your March 5, 2020 Guidance for Interruption of Study Related to Coronavirus (COVID-19).

Specifically, in the section entitled "Foreign Schools" you indicate that you "cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs." Does this limitation refer only to foreign schools directly receiving Title IV funds? Does the limitation apply to study abroad programs where the foreign school does not directly receive Title IV funds? Thank you in advance for any clarification you can provide.

Regards,

--
Stacey Faraci

Associate General Counsel
Barnard College
3009 Broadway
New York, NY 10027
direct: 646-745-8359
office: 646-745-8366
sfaraci@barnard.edu

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AMERICAN OVERSIGHT

**From:** Kimberly Wyatt
**Sent:** Fri, 13 Mar 2020 22:04:22 +0000
**To:** COVID-19
**Subject:** MEDIA QUESTION

Are all Florida school closing for two weeks? Can we get a news release ?

***Kimberly Wyatt***
**News Director l WEAR-TV | Pensacola, Fla.**
**O: 850-266-6997**
**www.weartv.com**

AMERICAN OVERSIGHT

**From:** Jessica Johnson
**Sent:** Wed, 11 Mar 2020 10:17:00 -0400
**To:** COVID-19
**Subject:** Morgan State University FWS

Hello,

My name is Jessica Johnson and I am the Employment Coordinator in the Office of Federal Work Study at Morgan State University. I wanted to reach out about clarity regarding our FWS Students.

In the event that Morgan State University closes its campus, where no students, staff, or faculty are present, what documents will be needed to continue to pay our FWS students? Also, are we to pay them based on their individual FWS contracts or is there a different pay scale or standard pay that should be paid?

If you need more clarification on these questions, please feel free to contact me at 443.885.4559.

Thank you for your time and I hope to hear from you soon.

Best regards,
--
Jessica Johnson
**America Challenges Tutorial program**
**Employment Coordinator**
**Office of Student Employment**
Morgan State University
Montebello Complex, A223
1700 E. Cold Spring Lane
Baltimore, Maryland 21251
**443-885-4559**
**Jessica.Johnson@morgan.edu**

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Fri, 13 Mar 2020 18:05:35 -0500
**To:** COVID-19
**Subject:** Nursing program

How is this outbreak going to effect students who are applying for the practical nursing program in Missouri?

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Brian Green
**Sent:** Thu, 5 Mar 2020 23:39:41 -0500
**To:** COVID-19
**Subject:** Offer of Support for COVID-19

Department of Education Staff -

Good morning. I just reviewed the guidance provided by the Dept. of ED on combating the COVID-19 virus. The briefing that I'm referring to was provided by IFAP.

https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

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The two policies from your briefing that I'd like to discuss are:

1. **Approval to Offer Distance Education**
   The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in the event that an institution is otherwise required to seek Departmental approval for the use or expansion of distance learning programs. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner requiring the Department's approval after that point, it must seek approval under the Department's normal process.
2. Institutions may also enter into temporary consortium agreements with other institutions so that students can complete courses at other institutions but be awarded credit by their home institution. In addition, in instances where accrediting agencies require students to complete a final number or percentage of credits in residence at the institution, accrediting agencies may waive that requirement for students impacted by COVID-19 without objection by the Department.

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**Coursera** is committed to assisting the nation during this crisis. We have the content, the scalability and the global past performance to serve as a strategic partner of the Department of Education and its learning leaders around the nation to help mitigate this crisis.

Please advise who I should contact to determine how we can help.

Warm regards,

**Brian Green | Portfolio Executive, Public Sector Global Partnerships**
**202-262-0242 | bgreen@coursera.org**

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AMERICAN OVERSIGHT

**From:** Hilsey, Shaina
**Sent:** Thu, 12 Mar 2020 19:10:17 +0000
**To:** COVID-19
**Subject:** OPE Correspondence

Hello Kelly,

(b)(5)

AMERICAN OVERSIGHT

**From:** Bill Chappell
**Sent:** Mon, 2 Mar 2020 13:08:05 +0000
**To:** COVID-19
**Subject:** Pandemic Solutions !!!!!
**Importance:** High

(b)(5)

AMERICAN OVERSIGHT

**From:** Lori Warren
**Sent:** Fri, 13 Mar 2020 20:38:06 +0000
**To:** COVID-19
**Cc:** Renee Phifer
**Subject:** GI Bill - Post 9/11 Q:

Hello,
I was just reading the U.S. Department of Education Newsletter and I was wondering if any adjustments will be made for our Veterans enrolled in college courses. I was speaking to our Veterans Affairs Coordinator this morning and I was told that these resources required our Veterans to participate in at least one on-ground course to keep their funding. Since the Covid-19 pandemic has occurred, our college is in the process of moving all of our on-ground courses to online courses until further notice. Will our Veterans loose their funds? Do you know if anything is in the works for this?
Thank you for your assistance in finding the answer to my questions,

Lori Warren
Librarian I, Lead Librarian for eLearning and Distance Services
Education, Kimball, and Dayton Library Liaison
Office: 423-697-3292

AMERICAN OVERSIGHT

**From:** Camila Obermiller
**Sent:** Thu, 12 Mar 2020 16:48:58 +0000
**To:** COVID-19
**Subject:** Grant Personnel Payment/ COVID-19 Concerns

Hello ED,

Due to the concerns of the coronavirus spread, the California State University of San Marcos would like to know if Personnel can continue getting funded by Department of Education during the period of quarantine or when the State is declaring all schools to be closed down and/ or employees to be working remotely. Can personnel still be funded even when working remotely?

Many Thanks,

Camila

**Camila Obermiller, MBA, Sponsored Projects Analyst**
Office of Sponsored Projects
*Office:* 760-750-4703 | sponsoredprojects@csusm.edu
California State University SAN MARCOS | CSUSM Corporation

333 S. Twin Oaks Valley Road
San Marcos, CA 92096

AMERICAN OVERSIGHT

**From:** Marjorie Facio
**Sent:** Fri, 6 Mar 2020 16:40:41 +0000
**To:** COVID-19
**Subject:** Guidance as it applies to populations typically restricted from taking online classes

Good morning,

Is there published specific guidance regarding flexibility for the following two student populations typically restricted from taking online classes?

- International Students – limits on eLearning
- Veteran Students – limits on eLearning

Thank you,

Marjorie Facio
Functional Analyst, Campus Solutions (Financial Aid)
Education Division
Washington State Board for Community and Technical Colleges
1300 Quince Street SE
Olympia, WA 98504-2495
mfacio@sbctc.edu • o: 360-704-1836
sbctc.edu • Twitter: @SBCTCWashington • Facebook: @WASBCTC

AMERICAN OVERSIGHT

**From:** Cris Majors
**Sent:** Mon, 9 Mar 2020 18:30:23 +0000
**To:** COVID-19
**Subject:** Guidance for interruptions of study related to COVID-19

Hello. Our graduate program has a required course trip to Brussels scheduled for March 27-April 5. The college is considering postponing the trip amid health concerns and believes this scenario falls into the one referenced in the electronic announcement on March 5th .

- A student was enrolled or was supposed to begin a travel-abroad experience and either the student has been called back to the U.S. or was never able to begin the travel abroad experience;

Several students have borrowed federal student loans to pay for the course/trip, and I want to ensure their aid will not be negatively impact by postponing the trip a few months out. Also, since the aid had already been disbursed onto their student accounts, will the college need to make any changes regarding disbursement, academic year, loan periods/payment periods, etc. to adjust for those 12 days?

Please advise.

Thank you,

**CRISTINA MAJORS** | Director of Financial Aid
Office: 615.550.3170

**WILLIAMSON COLLEGE**
274 Mallory Station Road
Franklin, TN 37067
615.771.7821

AMERICAN OVERSIGHT

**From:** Paige Skweres
**Sent:** Fri, 6 Mar 2020 11:12:37 -0500
**To:** COVID-19
**Cc:** Tina Russell
**Subject:** Guidance for Study Abroad and Remote Classes for COVID-19

Good morning,

I am hoping you can provide me with some guidance on students working remote due to study abroad program interruptions caused by the COVID-19. We currently have students abroad and choosing to remain abroad but are working remotely through their program as the University in that country has shut down. Other students have chosen to return to the U.S. and complete their course work remotely from home. We are looking for guidance on if these students are eligible to continue to receive Title IV funding while working remotely.

Thank you,
Paige Skweres

--
Paige Skweres
Assistant Director of Financial Aid and Scholarships
1 Avenue of the Arts, Newport News, VA 23606

http://cnu.edu/financialaid/

*Students, please include your student ID number in all email correspondence. Thank you!*

AMERICAN OVERSIGHT

**From:** Christine Katsapis
**Sent:** Thu, 12 Mar 2020 14:39:17 -0400
**To:** COVID-19
**Subject:** Guidance for U.S. Department of Education's Existing Grantees

Can you please provide FAQ's for project directors of US Department of Education grants that are currently funded - all existing grants and scholarship programs? The NSF has a comprehensive list that addresses their expectations of grantees and because the nature of ED grants is so different, it would be very helpful for program directors to have something to share with their project directors at schools and universities nationwide.

---

Christine C. A. Katsapis, Ph.D.
Public Profile
https://www.linkedin.com/in/katsapisresearchadministration
(b)(6) (mobile)
(b)(6) s@gmail.com

AMERICAN OVERSIGHT

**From:** Stephanie Trapp
**Sent:** Thu, 12 Mar 2020 19:26:41 +0000
**To:** COVID-19
**Cc:** Stephanie Trapp
**Subject:** Guidance Questions Related to COVID-19

After reading the March 5, 2020 Guidance for interruptions of study related to Coronavirus (COVID-19), we have the following questions, which are highlighted in green below.

-

Accommodating Students Whose Enrollment is Disrupted by Coronavirus

Our goal is to work with institutions and find ways to enable you to accommodate students and help them continue their education despite interruptions caused by COVID-19. For many institutions, online education will provide a viable option for continuing to teach students through COVID-19-related interruptions. In some instances, students enrolled in ground-based programs at campuses that must temporarily close could participate in distance education for a period of time and then resume ground-based attendance when the campus reopens. In other instances, an institution may provide online learning opportunities for a student who was recalled from a travel-abroad program but the student is too late into the semester to enroll in other classes offered by the home campus, or the student who arrived in a foreign country intending to complete a travel abroad experience finds that the program has now been cancelled or temporarily suspended. We are providing the following flexibilities to institutions to help them understand what options they can make available to students and remain in compliance with Title IV requirements.

- Based on the highlighted statement, can we get clarification that elsewhere in the document when the department talks about relief provided to institutions/students in the event of a closure, that a move to online instruction for most/all courses is equal to a closure?
- If a student is unable to participate in online courses (e.g. no home internet, no computer, not able to learn in that format, etc.), does the relief extend to that student because of the change in mode of instruction?

Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students

AMERICAN OVERSIGHT

who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

- If the campus continues to be open for online instruction but an FWS student's job functions are no longer relevant due to this (e.g. a lab assistant where the lab is not meeting in person or a tutor), can this student continue to be paid when other student staff may be still working in their positions (e.g. an assistant in the Payroll Office).

Students Who Did Not Begin Attendance

We are aware that many U.S. students enrolled in eligible foreign institutions and in study abroad programs offered by domestic institutions have already been affected by local outbreaks of COVID-19 and the measures taken by institutions in response. Of immediate concern are those students who travelled to overseas destinations but were unable to begin classes due to school closures. There may also be instances where students at domestic institutions are similarly affected and unable to begin classes. Because these students did not begin attendance in a payment period or period of enrollment, 34 CFR § 668.21 (rather than Return of Title IV Funds) applies. In such a situation, the institution must return all Title IV grant funds disbursed for the payment period or period of enrollment and all Direct Loan funds that were credited to the student's account at the institution for that period. The institution must also return Direct Loan funds in the amount of payments made directly by or on behalf of the student to the institution for the period, up to the total amount of the loan funds disbursed. The institution is not responsible for returning Direct Loan funds that were disbursed directly to the student in the form of a credit balance as long as the institution was not aware that the student would not attend prior to the disbursement, and students will be able to repay those funds as a part of their educational loans. In these circumstances, institutions are permitted, but not required, to return all of a student's Direct Loan funds, including the amount comprising the credit balance.

Normally institutions, once aware that a student will not begin or has not begun attendance, must notify the loan servicer which results in issuance of a final demand letter to the borrower. However, we have determined that in the case where a student was unable to begin attendance due to a COVID-19-related school closure, the provisions of 34 CFR § 668.21(a)(2)(ii), requiring the institution to notify the servicer of that student's failure to begin attendance, do not apply because the option for the student to begin attendance did not exist. Accordingly, the institution should not notify the servicer that the student did not begin attendance. He or she will be permitted to repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption

- If Pell is reduced due to a change in enrollment status (e.g. the student was enrolled full-time and does not begin attendance in one course forcing a Pell reduction to three quarter time), can the institution give the student SEOG funds even if the student is not a 0 EFC and not all 0 EFC students have been awarded SEOG because the institution determines that the student fits the "highest need" population based on the circumstances?

AMERICAN OVERSIGHT

- What documentation is required to confirm that the student did not begin attendance due to COVID-19?

- If the school does not fully close but goes to online instruction only, does this guidance still apply?

Stephanie Bogard Trapp
Lansing Community College
Senior Director of Financial Aid & Title IV Compliance
Phone: (517) 483-1304
Fax: (517) 483-1170
Email: S.Bogard.Trapp@lcc.edu

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AMERICAN OVERSIGHT

**From:** Stardust Atkeson
**Sent:** Tue, 10 Mar 2020 11:21:13 -0400
**To:** COVID-19
**Subject:** Hand washing teaching

To whom it may concern at Department of Ed,

I would be grateful if the Department of Ed would lead the charge against the spread of COVID19 by putting out a directive to require schools to teach hand-washing technique in a short assembly, and to send a how-to-sheet home with the children. This would help to educate their parents as well. It is known that hand washing is the number one effective method for staying safe. My seven year old daughter has a pre-existing lung condition that puts her at risk. There would be far-reaching benefits to educating the children and having them educate their parents.

Here is the recommendation from the CDC:

https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-schools.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fguidance-for-schools.html

# Interim Guidance for Administrators of US Childcare Programs and K-12 Schools

Plan, Prepare and Respond to Coronavirus Disease 2019

Schools should continue to collaborate, share information, and review plans with local health officials to help protect the whole school community, including those with special health needs. School plans should be designed to minimize disruption to teaching and learning and protect students and staff from social stigma and discrimination. Plans can build on everyday practices (e.g., encouraging hand hygiene, monitoring absenteeism, communicating routinely) that include strategies for *before*, *during*, and *after* a possible outbreak.

Thank you for your time and consideration,
Star Atkeson a concerned parent in the Boston Public School System

AMERICAN OVERSIGHT

**From:** Mark Kantrowitz
**Sent:** Fri, 6 Mar 2020 06:03:24 -0600
**To:** COVID-19
**Subject:** HEROES Act

I was a bit surprised that the guidance issued yesterday did not make reference to the Higher Education Relief Opportunities For Students (HEROES) Act of 2003 (Public Law 108-76). If the president were to declare a national emergency, certain flexibilities would become available, such as a waiver of the requirement to exercise professional judgment on a case-by-case basis, a waiver of the requirement to return grant funds under R2T4, allowing oral requests to substitute for written requests, exclusion of interruptions from the in-school and grace period and a waiver of parental signature requirements.

It would have been appropriate for the guidance to include a sentence along the lines of "In the event the President declares a national emergency, additional flexibility would become available under the HEROES Act of 2003 and the U.S. Department of Education would issue supplemental guidance at that time."

Mark Kantrowitz
Publisher and VP of Research
Savingforcollege.com

(b)(6)

1-847-423-2357
(b)(6)

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Wed, 11 Mar 2020 16:39:47 -0400
**To:** COVID-19
**Subject:** High School Closes due to Virus

If my high school closes for coronavirus, we as the teachers were told we MUST report to school that only students stay home. How can this be true since we as the teachers are the vulnerable ones. Please advise to the legality of this, thank you, (b)(6)

AMERICAN OVERSIGHT

**From:** Jessica Farrell
**Sent:** Wed, 11 Mar 2020 13:54:00 +0000
**To:** COVID-19
**Subject:** Housing Students and Refunds

Good morning-

If a campus decided to close and move all of the course work online, how would a school address refunding room and board and the aid that is used to pay for that room and board. Should the school prorate charges or just leave all charges and aid alone as if school was still in session?

Thank you,

Jessica Farrell
Director of Financial Aid and Certifying Veterans Official
Johnson College
3427 North Main Ave.Scranton, PA 18508
Phone: 570-702-8914
Secure Fax: 570-800-1235
Richmond Hall, Room 106
Johnson College Website: www.johnson.edu

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AMERICAN OVERSIGHT

**From:** Ron Herrell
**Sent:** Fri, 13 Mar 2020 09:30:57 -0400
**To:** COVID-19
**Subject:** Housing

How do we handle students financial aid packages if they are asked to vacate housing, does housing need to be adjusted in the student's COA? For COVID-19

Thank you,

**Ron Herrell**
Director of Financial Aid
Email – rherrell@defiance.edu
Defiance College
Serrick Building 204D
Phone – 419-783-2376
Fax – 419-783-2579

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AMERICAN OVERSIGHT

**From:** Smith, Zelotes
**Sent:** Wed, 11 Mar 2020 10:32:02 -0700
**To:** COVID-19
**Cc:** Kevin Ow
**Subject:** Housing/Meal Plan Budgets

Hello,

If an institution moves all classes online or shuts down due to COVID-19, does the institution need to adjust budgets for student who must relocate to off-campus housing if they were previously budgeted for on-campus housing.

Thank you,

***Zelotes Smith, M.S.***
***Director of Financial Aid***
*Dominican University of California*
Phone: 415.458.3793
Website: https://www.dominican.edu/

***"If you are always trying to be normal, you will never know how amazing you can be" ~ Marguerite Annie Johnson aka Dr. Maya Angelou***

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AMERICAN OVERSIGHT

**From:** Jayne Rivers
**Sent:** Wed, 11 Mar 2020 10:49:13 -0400
**To:** COVID-19
**Subject:** Housing/Meal Proration and Federal Student Aid

Good Morning,

Is there information available to provide guidance for colleges that will close housing (for the term or temporarily) and moving to online teaching regarding how to handle housing prorations and potential overawards, etc? The prior guidance didn't seem to detail this exact scenario.

Regards,
Jayne Rivers

Jayne Rivers
Asst. Director of Financial Aid
finaid@marlboro.edu

Marlboro College
P.O. Box A, 2582 South Rd.
Marlboro, VT 05344-0300
Phone: 802-258-9312
Fax: 802-258-9300

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AMERICAN OVERSIGHT

**From:** Wendy Poll
**Sent:** Wed, 11 Mar 2020 17:00:03 +0000
**To:** COVID-19
**Subject:** How many school closings to date in the U.S.

Hello US Dept of Education,

How can I get access to this information on list of school closings to date? Is there an executive summary or website available that is tracking it in one place that could be shared with Samsung/I work in Category Insights and we are actively monitoring the current Covid-19 situation?

Thanks,
-Wendy

**Wendy Poll**
Cross-Category Insights
Consumer, Shopper & Market Insights
Samsung Electronics America, Inc. | 85 Challenger Road | Ridgefield Park, NJ 07660
wendy.poll@partner.sea.samsung.com

AMERICAN OVERSIGHT

**From:** Araujo, Liza
**Sent:** Tue, 10 Mar 2020 21:42:59 +0000
**To:** COVID-19
**Subject:** How to Handle Interns

Good Afternoon,

(b)(5)

Liza Araujo-Rouse
Executive Officer
U.S. Department of Education
Office of the General Counsel & the Office of
Legislation and CongressionalAffairs
400 Maryland Avenue, SW
Room 6E343
Washington DC, 20202
Phone: 202-260-4008

AMERICAN OVERSIGHT

**From:** Rogers, Courtney
**Sent:** Wed, 11 Mar 2020 20:13:34 +0000
**To:** COVID-19
**Subject:** IDEA and Coronavirus

Greetings,

We are hoping to gain an understanding of if schools will have flexible options (hours and computer curriculums) for IDEA requirements if schools close due to public health concerns surrounding the coronavirus? If possible, I would like to schedule a call to discuss a few other related concerns regarding students with disabilities and student's whom English is their second language.

Best,

**Courtney Rogers**
Legislative Assistant | Congresswoman Jennifer Wexton (VA-10)
1217 Longworth House Office Building
Phone: (202) 225-5136
Fax: (202) 225-0437
www.wexton.house.gov

AMERICAN OVERSIGHT

**From:** Gray, Sherry
**Sent:** Thu, 12 Mar 2020 16:03:20 +0000
**To:** COVID-19
**Subject:** Inquiries regarding March 5 guidance

Thank you very much for the Department's guidance issued on March 5. We have two questions regarding that guidance.

**Question 1:** The guidance states on page 3 that institutions may use online technologies to accommodate students on a temporary basis without seeking Departmental approval for the expansion of distance learning programs. The guidance then states that "[t]his flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner requiring the Department's approval after that point, it must seek approval under the Department's normal process."

Should the highlighted "or" be read as "and"? We presume ED reasonably did not know when the current Covid-19 impact will end, and so intended the guidance to apply to the current payment period AND the next (i.e., for many schools, the summer term).

If this is not what the Department meant, then we would like to confirm the following specific application of the guidance: School A, which already has authorization to offer some courses via distance learning but may need to expand the extent to which it is offering such instruction to currently enrolled students, has a quarter term ending on March 27. The next quarter term (i.e., the next payment period) will begin on April 1. We presume ED's March 5 guidance was intended to extend into the April 1 payment period because the Covid-19 impact is unlikely to be resolved in the next three weeks, but we would appreciate your confirmation of this fact.

**Question 2:** An institution currently offers certain graduate programs via hybrid modality – offering a portion of instruction residentially once per month and offering a portion of the instruction online. One of the programs at issue began a new term (with some newly enrolled students) this week (i.e., after March 5). The students are attending the online portion of instruction now. They will be required to attend the first residential session in mid-April. The school currently plans to hold the residential session but cannot predict what, if any, limitations will be placed on them by local or state health authorities in mid-April. If they cannot hold the residential session in mid-April, then some new students, who were not enrolled in school as of March 5, will be the subject of "expanded" distance learning efforts. We assume this is valid because, at the time students began their program, the school intended to hold the residential session. Could you please confirm?

Please let me know if you need any additional information to answer these questions.

Thank You!

Regards,
Sherry

AMERICAN OVERSIGHT

Sherry Mastrostefano Gray, Principal
**POWERS**
Powers Pyles Sutter & Verville PC
1501 M Street NW, Seventh Floor
Washington, DC 20005-1700
tel 202-872-6778 | fax 202-785-1756
Sherry.Gray@PowersLaw.com | www.PowersLaw.com

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AMERICAN OVERSIGHT

**From:** DEBORAH NORTHCROSS
**Sent:** Thu, 12 Mar 2020 21:48:48 -0500 (CDT)
**To:** COVID-19
**Cc:** Deborah Northcross
**Subject:** Inquiry not addressed in the March 5th EA re: Coronavirus
**Importance:** Normal

TWIMC:
I have an inquiry that is not addressed in the March 5th EA. I am a grantee of the ***Traning Program for Federal TRIO Programs*** with a Priority 6 Training workshop scheduled April 14-16. Due to national developments and rapidly changing conditions related to COVID-19, I have experienced multiple cancelations, many related to university travel restrictions.
***I am seeking permission to postpone the April Training and reschedule it in the same location prior to September 30th***. Your approval is appreciated at your earliest convenience.
Thank you,

***Deborah Northcross, Executive Director***
***SAEOPP Center***

***470-823-4976 [Office]***

***404-229-9591 [Cell]***

***901-272-2070 [Fax]***

AMERICAN OVERSIGHT

**From:** Griffith, Kelly
**Sent:** Wed, 11 Mar 2020 13:54:08 -0400
**To:** COVID-19
**Subject:** Question - Close a public school

What would it take to close a public school?
Thank you for the conference call and your website updates.
Kelly Griffith
Kelly L. Griffith, Ed.D.
Superintendent
Talbot County Public Schools
12 Magnolia Street Easton, MD 21601
410-822-0330

AMERICAN OVERSIGHT

**From:** Geer, Kimberly
**Sent:** Fri, 6 Mar 2020 22:07:59 +0000
**To:** COVID-19
**Subject:** Question about 3-5-2020 guidance

So, assuming we fit the criteria listed, we would simply have FWS students still submit a timesheet for the hours they were already scheduled to work for any days that the college is closed?

Do we need to submit anything to DOE documenting our closure?

~Kim

**Kimberly Geer**
Director, Financial Aid and Veteran Services

LAKE WASHINGTON INSTITUTE OF TECHNOLOGY™
LWTech.edu

**Financial Aid and Veteran Services**
West Building, Room 209 | 11605 132nd Ave NE | Kirkland, WA 98034
T: (425) 739-8119 | kimberly.geer@lwtech.edu

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AMERICAN OVERSIGHT

**From:** SACI Federal Financial Aid
**Sent:** Thu, 5 Mar 2020 17:55:57 +0100
**To:** COVID-19
**Subject:** question about Professional Judgement

Greetings
Could a logical Professional Judgment element be increasing
an award because of unexpected additional airfare resulting
from school closure due to Covid-19
? As a Foreign School, a RT ticket to the states
could be considerable $$.

*Professional Judgement*
*Financial aid administrators (FAA) have statutory authority to use professional judgement to make adjustments on a case-by-case basis to the cost of attendance or to the data elements used in calculating the EFC to reflect a student's special circumstances. The use of professional judgement where students and/or their families have been affected by COVID-19 is permitted, such as in the case where an employer closes for a period of time as a result of COVID-19. In making professional judgement determinations, FAAs must obtain documentation and retain it in each student's file. This documentation must substantiate the reason for any adjustment. Institutions are reminded that, regardless of how broadly an event may affect its student population, professional judgement determinations must be made and documented on a case-by-case basis.*

Thanks
**SS**
**Sarah Swenson**

Federal Financial Aid Administrator/SACI

***
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.....

*Protect your personal and financial information - never use email for application materials*

.....

**Sarah Swenson**
Federal Financial Aid Administrator
**SACI - College of Art & Design**
454 West 19th Street
New York, NY 10011 USA
financialaid@saci-florence.edu
www.saci-florence.edu

AMERICAN OVERSIGHT

**From:** Greg Becher
**Sent:** Thu, 5 Mar 2020 23:40:19 +0000
**To:** COVID-19
**Subject:** Question about reducing academic year due to Corona virus

Dear Department of Education:

After reviewing the Department of Education's Electronic Announcement about interruptions of study due to the Corona virus (issued today, March 5, 2020), our college is planning for the various contingencies that may arise.

Our college is Thomas Aquinas College (OPE-ID 023580). Our main campus is located in Santa Paula, California. Today, the state of California has declared a state of emergency. Los Angeles County, which is adjacent to our county (Ventura County) has also declared a state of emergency.

Our fall semester was 17 weeks long. Our spring semester is also 17 weeks long, although it spans 18 weeks, with one week off for Easter (closed from Thursday, April 9, 2020 through Wednesday, April 15, 2020).

**Could we reduce our spring semester to 12.5 weeks of instruction on campus (Monday, January 13, 2020 through Wednesday, April 8, 2020), followed by 1.0 week of exams taken at home after the Easter break (Thursday, April 16, 2020 through Wednesday, April 22, 2020)?** The students would be asked to return their written exams by e-mail or paper mail. Under this scenario, our academic year will total 30.5 weeks (17 weeks in the fall plus 13.5 weeks in the spring).

Thank you.

Gregory Becher

**Gregory Becher**
Director of Financial Aid
Thomas Aquinas College
California | New England

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Thu, 5 Mar 2020 15:23:15 -0500
**To:** COVID-19
**Subject:** Question about school start times and immunity

Hello,

Would the Dept. of Education consider recommending that schools start on a delayed morning time schedule? Many schools already have delayed morning start schedules built into their framework for weather delays/emergencies.

What this would do would be to allow students, especially high school students, to get more sleep and make sure their immune systems are healthy and strong. This could help limit the spread of the virus by preventing symptoms from emerging in the first place. Teenagers are known to have trouble falling asleep much before 11 pm, yet many schools start before 8 am.

The American Pediatric Association recommends high school start no earlier than 8:30 am under normal circumstances. It seems that with Covid-19 looming, it might make sense to shorten the school day for this reason by delaying school starts. As it is, in many communities like my own in Montgomery County Maryland, teenagers often get 5-7 hours of sleep only. That is not enough to stay healthy for staving off infection. Our community's delayed start schedule begin at 9:45 am, with school ending at the usual time. This would allow teenagers to get much more sleep. It sounds silly, but it might be a way to reduce the spread of Covid once it gets into communities....and I think it already has.

Thank you,

(b)(6)

AMERICAN OVERSIGHT

**From:** Martha Cotto
**Sent:** Thu, 12 Mar 2020 14:10:22 +0000
**To:** COVID-19
**Subject:** Question concerning a leave of absence

Good Morning-

What are some examples of COVID-19-related concerns that can be considered in approving a leave of absence (other than travel-abroad restrictions or being quarantined/incapacitated due to COVID-19 illness)?

Thanking you in advance-

*Martha C.*

**Martha Cotto** | Chief Registrar
**Institute of Culinary Education** | 225 Liberty Street | New York, NY 10281
P: 212.847.0762| F: 212.847.0739
mcotto@ice.edu | www.ice.edu | **@iceculinary**

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AMERICAN OVERSIGHT

**From:** Abbey Nagle-Kuch
**Sent:** Fri, 13 Mar 2020 20:31:28 +0000
**To:** COVID-19
**Subject:** Question for New Students

Good afternoon and thanks for the information already offered in the EA on March 5.

We have two branch campuses that are on a quarter based system, set to begin a new term the second week of April. If we were still offering our classed in an online or distance education format under the new guidance, are we able to enroll those new students in an online model?

Thank you in advance for any information.

Abbey

**Abbey Nagle-Kuch** | Senior Director | Financial Planning | 1000 Brady St., Davenport, IA 52803 | Office: 563-884-5137 | Fax: 563-884-5299 | www.palmer.edu

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AMERICAN OVERSIGHT

**From:** Stephenson, Todd
**Sent:** Fri, 13 Mar 2020 12:33:52 +0000
**To:** COVID-19
**Subject:** Question from State: Federal Funds for Conferences and Cancellations

Good morning. Please see question below from Missouri. Other grantees will have similar questions.

Todd

---

**From:** Oligschlaeger, Kim <Kim.Oligschlaeger@dese.mo.gov>
**Sent:** Friday, March 13, 2020 8:12 AM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Subject:** FW: Federal Funds for Conferences and Cancellations

We are getting more questions like this. Would this be permissible, or should they use state and local funds?

**From:** Laurie Tretter <tretter-larkinl@msdr9.org>
**Sent:** Thursday, March 12, 2020 3:50 PM
**To:** Scott, Christina <Christina.Scott@dese.mo.gov>; DESE Financial Management <federalfinancial@dese.mo.gov>
**Cc:** Carrie Nunn <nunnc@msdr9.org>; A.W. Smith <asmith@msdr9.org>; Brian Smith <smithb@msdr9.org>
**Subject:** Federal Funds for Conferences and Cancellations

Christina and Kelly: We have run into a situation, I am sure many will also. We bought flights to a conference with Federal Funds and the conference is cancelled. The airline has given us a credit and not a refund. More than likely, we will not be able to use these credit vouchers until next fiscal year. We need to ask for reimbursement also. What is your guidance on how to proceed?

Laurie Tretter-Larkin

--
Dr. Laurie Tretter-Larkin
Director of Fine Arts & Federal Grants Mehlville School District 314.467.5157 (M, T, & TR)
Assistant Principal, Blades Elementary School 314.467.7302 (W & F)
Twitter: @LaurieTretter

AMERICAN OVERSIGHT

Mehlville Senior High School Alumnae, Class of 1997

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AMERICAN OVERSIGHT
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**From:** Robert Bode
**Sent:** Tue, 10 Mar 2020 15:20:08 +0000
**To:** COVID-19
**Subject:** Question on enrollment status changes related to COVID-19
**Attachments:** smime.p7s

Hello again,

We are an institution with a Pell census date and we do not recalculate enrollment status for enrollment changes after the census date (unless we cannot document the student began attendance in a course.) For Pell Grant recipients who were enrolled on the census date but did not begin attendance in some or all of their classes due to cancellations related to COVID-19, may the institution treat courses which the student adds after the census date and begins attendance within the same term as courses in which the student was enrolled prior to the census date?

Best Regards,

Robert Bode, MBA
Director of Financial Aid and
Military/Veteran Student Services
**University of Wisconsin River Falls**
133 Rodli Hall
410 S. Third Street
River Falls, WI 54022-5001
(715) 425-3141

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AMERICAN OVERSIGHT

**From:** Mary Beth Gallagher
**Sent:** Thu, 12 Mar 2020 12:15:25 +0000
**To:** COVID-19
**Subject:** Question on R2T4

If on spring break this week (break of 5 days) and they extend the spring break then we would need to re-do our calendar for the spring break calculation?

Mary Beth Gallagher
Financial Aid Coordinator
Wytheville Community College
276-223-4765
mgallagher@wcc.vccs.edu
**For 24/7 assistance please contact our Support Center:**
1(855)877-3948
Live Chat and website: https://mysupport.wcc.vccs.edu

AMERICAN OVERSIGHT

**From:** Gaurang Patel
**Sent:** Tue, 10 Mar 2020 11:51:26 -0400
**To:** COVID-19
**Subject:** Question on Remote Instruction Arrangements for a clock Hours School

Good Morning,

Our school is reviewing alternate methods of instructions in case we are required to suspend face-to-face instructions due to COVID-19. We are a clock hour school and wishes to clarify how do we calculate and document number of clock hours scheduled and earned by students, in case face to face instructions are suspended and instructions were given via online tools, such as Google Class, Microsoft Team, etc. We need your advise on…

- If our face to face classroom duration is 5 hour session, should we require instructors and students be on the "remote class" for 5 clock hours with required breaks ? Or Instructors can send presentations, video tutorials and require students to complete assignments, that can be counted for number of clock hours required as per our daily schedule, i.e. 5 hours/day ?

- Currently we use classroom paper timesheets. Instructors are taking attendance and students & instructors both initial on the paper timesheets. In case of remote instructions, can Instructors complete the classroom timesheet and report to administration ?

Appreciate your quick attention and guidance. If required, advise me I should call to go over it for a quick discussion. You may contact me at 908-222-0002, extn: 337.

Thanks,

Best Regards,

**Gaurang Patel** | Finance Department

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AMERICAN OVERSIGHT

**From:** Shannon Amundson
**Sent:** Wed, 11 Mar 2020 15:06:04 +0000
**To:** COVID-19
**Subject:** Question on semester length

Good morning,

Our school is considering extending our semester into the summer. This is not how it was originally set up, but I know the length of semester restrictions have been reduced, so this is possible, but I am not sure if I can do it mid-semester. The guidance on the virus discusses shortening a semester, but not lengthening it so we can offer summer as part of the spring to ensure full time offerings.

Is there any guidance you could direct me to that would help me see what is possible?

**SHANNON AMUNDSON**
Director of Financial Aid
**Office of Financial Aid and Student Employment**
Spencer Center

samundson@coloradocollege.edu
**o** (719) 389-6651
**tf** (800) 260-6458

**COLORADO COLLEGE**
14 E. Cache La Poudre St.
Colorado Springs, CO 80903
www.coloradocollege.edu

AMERICAN OVERSIGHT

**From:** Eileen Flood
**Sent:** Wed, 11 Mar 2020 13:53:37 +0000
**To:** COVID-19
**Subject:** Question on Title Three Waiver of contribution to Work-study Program on Guidance

If a Title III designated school has a waiver of the institutional share may they still pay Work-study students under the recent guidance?

Eileen Flood
Opeid 00282300

**Eileen Flood, J.D.**
Director of Financial Aid
Office of Student Financial Services
St. John's University
718-990-5741
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AMERICAN OVERSIGHT

**From:** Deb Dew
**Sent:** Thu, 12 Mar 2020 15:13:20 -0500
**To:** COVID-19
**Subject:** Question re: Foreign Schools

Dear Colleagues,

I have read the guidance in the March 5th Electronic Announcement regarding Foreign Schools but I need additional guidance.

If I have a student who has returned from a study abroad program at Lorenzo de Medici, which is a branch campus of Marist College, is it possible for Marist College (in the U.S.) to offer the distance education so the student can complete their coursework remotely?

Also, if I have other students who have returned from study abroad programs, is it possible for faculty from our school to provide instruction to those students remotely?

Lastly, does it matter if the study abroad programs were through an exchange program between our school and a foreign school, or if we have a consortium agreement with the foreign school?

Thanks for your help.

Deborah A. Dew

**Director of Financial Aid**
**Beloit College**

AMERICAN OVERSIGHT

**From:** James Gaeta
**Sent:** Thu, 12 Mar 2020 14:48:30 -0500
**To:** COVID-19
**Subject:** Question re: moving our students online to finish the semester

Hello -

I've reviewed the **Guidance for interruptions of study related to Coronavirus (COVID-19)** and have a question that wasn't specifically addressed in it.

Our leadership is considering all possible scenarios, including one where students will be moved to completing their semester coursework via online instruction. Most of our students live on campus, and if we went to online instruction then we would be sending those students back home to finish their courses online. In this scenario, they would be asked to vacate the residence halls.

If this scenario were to happen, we are also considering whether we would pro-rate student's housing and meal plan charges for the unused portion of each of these. If we did this, would there be any impact to an existing financial aid award? Would we have to adjust each student's COA to reflect the prorated charge? Or are we far enough into the semester where we won't need to do anything?

At this point we are not looking to end the semester right now. Rather, we are trying to find ways to allow our students to complete the semester.

Any information you can provide would be most appreciated. If you need to discuss this over the phone I'm available at 512-863-1267.

Sincerely,

James Gaeta
Associate Dean of Enrollment Services

Southwestern University
Georgetown, TX 78626
512-863-1259 | 512-863-1507 (Fax)
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SOUTHWESTERN UNIVERSITY

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Araujo, Liza
**Sent:** Wed, 11 Mar 2020 15:29:43 +0000
**To:** COVID-19
**Subject:** question re: Sick Employees

Good Morning,

(b)(5)

Thank you!

Liza Araujo-Rouse
Executive Officer
U.S. Department of Education
Office of the General Counsel & the Office of
Legislation and CongressionalAffairs
400 Maryland Avenue, SW
Room 6E343
Washington DC, 20202
Phone: 202-260-4008

AMERICAN OVERSIGHT

**From:** Chad T. Kisner
**Sent:** Fri, 13 Mar 2020 15:47:51 +0000
**To:** COVID-19
**Cc:** Chad T. Kisner
**Subject:** Question Regarding - Room & Board Adjustment(s) and Related Impact

**Good morning,**

**We have two institutions that we audit that both have a question that we are unable to find guidance on at this time.**

**The question relates to the institution refunding a portion of room and board (or one or the other) due a period that students are required to depart from the physical institution. If schools do this, will they be required to adjust cost of attendance (COA)? If the COA is adjusted will schools be required to return Title IV funds so students are not over-awarded (presuming that is a result of such adjustment)?**

**We appreciate your guidance during these every changing times.**

**Kind regards,**

**Chad T. Kisner, CPA.CISA.CITP | Blackburn, Childers & Steagall, CPAs**
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AMERICAN OVERSIGHT

**From:** Ashley Williams
**Sent:** Thu, 12 Mar 2020 12:13:24 +0000
**To:** COVID-19
**Subject:** Question Regarding COVID-19

HI

I was wondering if our institution were to close due to the coronavirus, would we be able to work from home? My concern is students privacy and confidentiality. I couldn't find anything in the FSA handbook about privacy.

Thanks!
Ashley

Ashley Williams
Financial Aid Loan Specialist
Sussex County Community College
One College Hill
Newton NJ 07860
p 973-300-2270

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AMERICAN OVERSIGHT

**From:** Wilson, Darlene
**Sent:** Thu, 12 Mar 2020 21:02:15 +0000
**To:** COVID-19
**Subject:** Paying FWS

If a campus provided students to learn online, but administration offices remain open, is that campus considered as "temporarily closed" for the purpose of the guidance to pay federal work study students?

**Darlene M Wilson**
**Associate Director**
**Compliance and Processing**

**Financial Aid Office**

Loyola Marymount University

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**Office** 310.338.1852
**Fax** 310.338.2793
**Email** dwilson@lmu.edu

AMERICAN OVERSIGHT

**From:** Horne, David
**Sent:** Wed, 11 Mar 2020 01:57:51 +0000
**To:** COVID-19
**Subject:** Paying FWS Students

We are evaluating if we should pay FWS students who aren't working during the scenario below.

These FWS students already began attending their classes and already began earning FWS funds. Because of the virus, we cancelled classes for a few days and are switching to online classes for at least several weeks. During these weeks, students will not be able to live on campus and there will be reductions in some campus functions. These changes will prevent many FWS students from earning their FWS funds. During these weeks, we will continue to pay permanent staff, but may or may not be paying other non-FWS student employees who are employed in similar positions.

Is our ability to pay FWS earnings to these students contingent on the decisions we make about whether we will be paying other non-FWS student employees in similar positions?

Excerpt from announcement:

> *"For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."*

Thank you


TOWSON UNIVERSITY

**David Horne**
Director | Financial Aid Office

P: 410-704-4236 | F: 410-704-2584
dhorne@towson.edu | www.towson.edu/finaid



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AMERICAN OVERSIGHT

**From:** Jessica Rafeld
**Sent:** Wed, 11 Mar 2020 17:36:36 -0500
**To:** COVID-19
**Subject:** Paying students FWS

Good evening,

Our campus is not closed but students have been asked to move out of the residence halls and all instruction is moving online for several weeks (possibly more). I've read that we can continue to pay students FWS, however, could you please provide additional details as to how we would go about doing this

- Some students may be able to work remotely and still be able to report scheduled/worked hours. For these students, I would assume "business as usual" - they can report their hours worked and be paid for these hours.

- Other students may not have the flexibility to do this - would we pay them for their regularly scheduled hours, and in the event that their schedule is varied, have them report & pay an average of their hours worked over the semester (or for the period of time they've been employed)?

Thank you!
Jessica

--
Jessica Rafeld
Director of Financial Aid
St. Norbert College
Ph: (920) 403-3071
Fx: (920) 403-3062

AMERICAN OVERSIGHT

**From:** Lacy, Heather
**Sent:** Tue, 10 Mar 2020 18:53:50 +0000
**To:** COVID-19
**Subject:** Please add me to your media email list

Good afternoon,

Can you please add me to your media email list regarding coronavirus updates?

Thank you,
Heather

**Heather Lacy**
Miami Field Producer
Cell: 786-606-9486
Office: 305-866-8007
@Heather_Lacy1
Heather.Lacy@foxnews.com

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AMERICAN OVERSIGHT

**From:** Karen Allen
**Sent:** Fri, 13 Mar 2020 18:17:24 +0000
**To:** COVID-19
**Subject:** Please waive the direct supervision requirement

Please waive the direct supervision requirement for Federal Work Study students.

Our students have transitioned to on-line learning and are staying in their homes out of the area. Although we can allow them to come to work, we have populations that are high risk.

These vulnerable students are missing out on their aid (for 3 out of 4 weeks this month).

If the direct supervision requirement was waived, we could give them work to do remotely.

**Karen Allen**
Florida Institute of Government
University of Central Florida
12443 Research Parkway, Ste. 402
Orlando, FL 32826-3282
407.882.3960

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AMERICAN OVERSIGHT

**From:** Christopher Lewis
**Sent:** Wed, 11 Mar 2020 21:26:21 +0000
**To:** COVID-19
**Subject:** Possible Adjustment to Academic Year due to Coronavirus

Good Evening,

I hope this message finds you well!
Roxbury Community College is trying to come up with different alternatives in regards to interruption of study due to Coronavirus. We are trying to consider all option and make sure we know how it will affect students title IV funds. If we decide to reduce the academic year what will we have to do? Reading the memo that was sent out on March 5, 2020 it states that we would have to contact the Schools participation team. Please feel free to email back or if its someone in particular that I can speak with over the phone feel free to provide the phone number.

Thanks,
Chris Lewis

**Christopher Lewis**
Director of Financial Aid
Tel: +1-857-701-1223 | Fax: 855-647-9618 | clewis@rcc.mass.edu
ROXBURY COMMUNITY COLLEGE
1234 Columbus Ave, Roxbury Crossing, MA, 02120 | www.rcc.mass.edu

AMERICAN OVERSIGHT

**From:** Middleton, Marci
**Sent:** Tue, 10 Mar 2020 14:09:40 +0000
**To:** COVID-19
**Subject:** Postsecondary Institutions Closed List result of COVID-19

Dear School Resource Team,

Would you please post a list of postsecondary institutions (college and universities) that have closed as a result of COVID-19?

Thanks,
Dr. M. Middleton, Ph.D.
Associate Vice President of Academic Affairs
Accreditation Liaison, SACS COC (eff. AY 2020)
Paine College
1235 Fifteenth Street
Augusta, Georgia 30901
Phone: 706.396.7596
E-mail: mmiddleton@paine.edu

AMERICAN OVERSIGHT

**From:** Brandy Leah Whitney
**Sent:** Thu, 5 Mar 2020 11:20:51 -0500
**To:** COVID-19
**Subject:** Prepare for School Closures?

Hello,
My name is Brandy Whitney and I am an educator in Massachusetts in my 14th year of teaching. I teach grade 7 and 8 STEM. In light of mass school closures in other countries, I was wonder if USA teachers should prepare 10 days ( two school weeks) of lessons for our students to be able to do from home? If so now, before a quarantine or widespread educator illness seems like a good idea. This would insure our students continue to remain successful. It would also give them a psychological "boost" to have the normalcy of schoolwork.
Thank you,
Brandy Whitney

AMERICAN OVERSIGHT

**From:** Modi Sena
**Sent:** Thu, 5 Mar 2020 08:01:26 +0530
**To:** biologics@fda.hhs.gov;info@psnc.org.uk;COVID-19;DPH.SICK@illinois.gov;EarlyInvestigations-2019-nCoV@who.int
**Cc:** (b)(6)
**Subject:** Priority Urgent...Medicine For SARS covid-19

The Medicine for Covid-19 may be the blood sample of Past Infected People, Because they have the Antibodies for Corona Virus..
Because our blood cells make some memory cells and Antibodies for the possibility of future infections.
It's only my suggestion. Need Researches..
Thanks and Regards
Er. ASHUTOSH MISHRA
B.E. BIOTECHNOLOGY
INDIA

AMERICAN OVERSIGHT

**From:** Myra Pfannenstiel
**Sent:** Fri, 13 Mar 2020 20:06:50 +0000
**To:** COVID-19
**Subject:** Program Accreditation Application Fee

Good afternoon,
Based on the current state of affairs surrounding COVID-19, we are looking at moving our courses to online. A question came up in regards to accreditations for specific programs.
We have one program accrediting body which is requesting an application fee to approve online courses. My question based on the guidance ED provided, should the accreditor be charging this application fee?
This is not a clock-hour program and the accreditor does allow for distance learning courses.
Thanks in advance.
Myra

**Myra Pfannenstiel**
*Director of Financial Aid*
Financial Aid
Office: SH230
316-942-4291, ext. 2103
Direct: 316-831-1135
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newmanu.edu

AMERICAN OVERSIGHT

**From:** Randall, Jesse
**Sent:** Thu, 12 Mar 2020 15:44:13 +0000
**To:** COVID-19
**Cc:** Curcio, Ellen
**Subject:** Proration of Charges and Effect on COA/Student Budget

To whom it may concern:

In light of the COVID-19 outbreak and the way colleges and universities, including ours, are reacting to the outbreak, there are some questions that I have that do not appear to be answered through the electronic announcement released 3/5/2020 to provide guidance to FAAs. In our administration's decision to temporarily shift to remote education, there have also been talks of refunding a portion of room and board to students for the time that students are not able to return to campus. Is there any special guidance surrounding such adjustments in light of this outbreak? Or would a school who made the decision to refund a portion of room and board to students be required to process such an adjustment as either a reduction in COA or by processing such a credit as a component of financial aid?

Thank you for your assistance and guidance in this matter. I have CC'd our director of Student Financial Services, Ellen Curcio, so that she can be aware of any guidance provided in response to my questions.

Sincerely,

Jesse Randall

**Jesse Randall**
Associate Director of Student Financial Services - Aid & Technology
Student Financial Services

Phone: 610-409-3648
jrandall@ursinus.edu
My Profile

Ursinus College

College, 601 E. Main Street, Collegeville, PA 19426-1000

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Fri, 13 Mar 2020 15:49:55 -0400
**To:** COVID-19
**Subject:** Puerto Rico

Do you have to self-quarentine if you visit Puerto Rico by air before returning to elementary school as it is not a foreign country? we will not be on a cruise and will be flying in and out of Puerto Rico.

Thank you,
(b)(6)

AMERICAN OVERSIGHT

**From:** Johnathan Button
**Sent:** Fri, 13 Mar 2020 17:02:09 +0000
**To:** COVID-19
**Subject:** Questions Concerning FWS Processing and COVID-19

Good morning,

We have several institutions who are currently extending spring breaks and transitioning to online course delivery. These transitions are currently only scheduled for a period of weeks, but may extend to the entire payment period as the situation further develops. Two questions have been posed to our office I hope you all can assist with.

1. The current guidance we read indicates payments to FWS eligible students is permitted in the event a campus closes or transitions to distance education "for the remainder of the payment period." Does this guidance also apply in situations where a school is temporarily moving to online instruction and is encouraging students to not visit campus for a period of weeks?
2. In scenarios where institutions are extending spring break for an additional week and encouraging students to not visit campuses, can we also follow the FWS guidance and pay those students who would have worked during that week but will not be on campus?

Thank you,

JB

Johnathan Button
Student Success
Assistant Vice Chancellor for Enrollment Management, Tennessee Board of Regents
p: (615) 366-3987 a: 1 Bridgestone Park, Nashville, TN 37214
w: www.tbr.edu e: johnathan.button@tbr.edu

AMERICAN OVERSIGHT

**From:** Dalen Kirchner
**Sent:** Thu, 12 Mar 2020 03:08:02 +0000
**To:** COVID-19
**Subject:** Questions from F.I.S.D

My name is Dalen Kirchner and I am the Safety Director for Fredericksburg Independant School District.
Here are questions we are considering that we need help with:
1. We are finishing up our Spring Break this week. Should we take another week off for further safeguards?
2. What should we do if a community member tests positive? Remote education?
3. Should we serve lunches in classrooms and cut large gatherings such as assemblies.
Answers to these three questions would be most helpful.
Thank you and I look forward to your response.
Dalen Kirchner
FISD Safety Director
210-859-7728

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AMERICAN OVERSIGHT

**From:** Kimberly Korinke
**Sent:** Wed, 11 Mar 2020 22:40:07 +0000
**To:** COVID-19
**Subject:** questions on moving classes online

Thank you for the guidance for interruptions of study related to Coronavirus (COVID-19). We have a question.
Is the guidance provided applicable if our institution moves classes to an online format if our local department of public health has NOT declared a state of emergency?
If students, out of an abundance of caution, want to move to online for a current course and we can provide that accommodation is that permissible?

Best,

Kim Korinke
Financial Aid Officer

Moorpark College
(805)378-1463
kkorinke@vcccd.edu

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AMERICAN OVERSIGHT

**From:** Colleen Woods
**Sent:** Wed, 11 Mar 2020 12:50:47 +0000
**To:** COVID-19
**Subject:** Questions re: Title IV compliance

Good morning,

I hope this email finds you well. I'm writing from Fisher College in Boston, MA with Title IV compliance questions relating to emergency planning for our institution as a result of COVID-19.

- If a school moves courses completely online and students are forced to move out of the dorms, is the institution responsible to refund their housing charges and in turn, adjust their cost of attendance (as this would result in student eligibility for funds)?
- If a school decides to extend their scheduled spring break, are there flexibilities for the length of the academic year and how would that impact Return to Title IV calculations?
- Are there any plans to release additional Federal funding to support institutions and their students?
- Will additional guidance be available to address Title IV compliance concerns?

Many thanks in advance for your time and assistance,

Colleen Woods

**Colleen B. Woods, M.Ed**
Director of Title IV Compliance
Fisher College

118 Beacon Street
Boston, MA 02116
617-670-4527
cwoods@fisher.edu

AMERICAN OVERSIGHT

**From:** Robert Bode
**Sent:** Tue, 10 Mar 2020 14:57:29 +0000
**To:** COVID-19
**Subject:** Questions regarding leave of absence related to COVID-19
**Attachments:** smime.p7s

Hello,

Thank you for providing this guidance on interruptions related to COVID-19. It is very helpful. I have two questions related to leaves of absence:

1. In paragraph 13, where it discusses leaves of absence, will leaves of absence be allowed even if the institution does not currently have a leave of absence policy in place?*
2. Should term-based schools still follow the current guidance in the FSA Handbook (Vol 5, page 16) and contact the School Participation team prior to instituting a leave of absence procedure for COVID-19 impacted students?

**Note – Development of such a policy for many schools will require consultation with faculty governing entities, which may not be expedient/feasible in current circumstances.*

Thank you for your assistance.

Best Regards,

Robert Bode, MBA
Director of Financial Aid and
Military/Veteran Student Services
**University of Wisconsin River Falls**
133 Rodli Hall
410 S. Third Street
River Falls, WI 54022-5001
(715) 425-3141

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AMERICAN OVERSIGHT

**From:** GASPARATO, JEAN
**Sent:** Tue, 10 Mar 2020 20:22:44 +0000
**To:** COVID-19
**Subject:** Questions regarding the March 5, 2020 Guidance for interruptions of study related to Coronavirus (COVID-19)

Hi,

I have a few questions regarding the guidance below provided in the March 5th COVID-19 guidance document.

*Finally, because we understand that some students may have been recalled from travel abroad programs or cancelled out of experiential learning opportunities after the semester began, institutions may offer courses to those students on a schedule that would otherwise be considered a non-standard term, if doing so enables those students to complete the term. These flexibilities will also be provided to institutions, or their additional locations or programs, that must temporarily close as a result of COVID-19.*

Our institution is looking to extend the end date of some courses in order to accommodate students whose enrollment was affected by COVID-19. We know that if a course is scheduled to be more than 2 weeks outside the standard semester begin and end dates, we would normally be dealing with a non-standard term situation.

1. We're interpreting the flexibility stated above to mean we can, for example, offer courses that extend more than 2 weeks beyond the end of the term without now being considered a non-standard term, is that correct?

2. We're also interpreting that this flexibility can only be applied to students affected by COVID-19, correct?

3. Since there's no mention of flexibility to situations that would otherwise be considered non-term, is it correct that we still cannot allow courses to overlap other terms without now being considered non-term?

4. If we offer these students courses that extend beyond the standard end of term date, do we need to update our R2T4 calculations for those students since the days of attendance and days in the semester are different?

Thanks for any assistance you can provide.

Regards,
Jean

Jean Gasparato
Sr. Associate Director of Federal Aid Administration and Compliance
Office of Student Financial Aid and Scholarships
University of South Carolina - Columbia

AMERICAN OVERSIGHT

1244 Blossom Street, Suite 200
Columbia, South Carolina 29208

Phone 803.777.1305 / Fax 803.777.0941
http://www.sc.edu/financialaid

AMERICAN OVERSIGHT

**From:** Gisella Baker
**Sent:** Fri, 13 Mar 2020 15:15:05 -0500
**To:** COVID-19
**Subject:** Questions

Good Day,
Please see my questions below after reading the guidance received on this topic:

FWS - Is is truly up to each institution if we pay or not pay our work-study students?
R2T4 calcs - Would there be a relief as to how many days institutions would have to make these calculations?
ENDING TERM EARLY -- Are we to just call our School Participation Agreement to request this when the decision is made? If so, how long will it take to get an answer? And if time is not on our favor and we cannot wait for that response, could we just inform them?

We will watch the upcoming NASFAA webinar but it would be nice to also have something coming directly from the Federal Dpt of Education. Perhaps there will be somebody from the FDOE in that webinar too to answer any additional questions?

Thank you,
Gisella


# Gisella Baker

**Director of Financial Aid**

**1501 E. Orange Rd. P.O. Box 8015,**
**Waterloo, IA 50704-8015**
**(319)296-4465 (319)296-4495 fax**

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AMERICAN OVERSIGHT

**From:** Hoffman, Barb
**Sent:** Fri, 13 Mar 2020 16:49:44 -0500
**To:** COVID-19
**Subject:** R2T4 and COA question

Hello

1) Our regular spring break starts on March 14th and ends March 22nd. The college has decided to extend the break by 7 days. I understand that I must reduce the denominator in my refund calc by the 7 additional days, but I need some guidance as to when I must use the reduced denominator in my refund calculations.

A student withdrew today - the last day of classes before the regularly scheduled spring break. Do I need to use the reduce denominator for this student's calculation?

2) Do I have to adjust the Cost of Attendance for students whose room or board charges are reduced due to the extended break period?

Thank you for your help. I can't just imagine how busy you are, and your assistance is much appreciated.

Barb

--

Barbara Hoffman, Director of Financial Aid

Coe College Office of Student Financial Services
1220 First Ave NE, Cedar Rapids, IA 52402
OFFICE: 319.399.8540 | FAX: 319.399.8886 | TOLL-FREE: 877.CALL.COE

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AMERICAN OVERSIGHT

**From:** Teri Eldred
**Sent:** Thu, 12 Mar 2020 14:13:25 +0000
**To:** COVID-19
**Cc:** Kimberly Vanassche;Jessica Rouser
**Subject:** R2T4 COVID19

Hello,
How are we to handle days in the payment period as a result of a school closure for 5 consecutive days in response to COVID-19? We are closed for 5 consecutive days as our faculty train and transition to online course work. Would this be considered a scheduled break in the R2T4?
If yes, I assume we would **not** need to go back and adjust previously completed R2T4s with the new number of days in the term (due to the scheduled break) and just adjust any R2T4s moving forward?
Regards,

***Teri Eldred***
**Associate Director of Financial Aid - Systems**
University of Detroit Mercy | Office of Scholarships & Financial Aid
4001 W. McNichols | Detroit, MI 48221-3038
(313) 993-1406 office - (313) 993-3347 Fax

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AMERICAN OVERSIGHT

**From:** Messingschlager, Mark Anthony
**Sent:** Wed, 11 Mar 2020 17:55:02 +0000
**To:** COVID-19
**Subject:** R2T4 impacts

Hello,

My school may close for a week to prepare all classes for online instruction for the remainder of the payment period. With the closure, we will still have 15 weeks of instructional time in the payment period, but it will be a break in enrollment for R2T4 purposes. Would I need to recalculate aid for students who have already withdrawn in the payment period prior to this decision to include the break in enrollment in their R2T4 calculations?

Thank you,

**Mark Messingschlager, MBA**
*Director of Financial Aid*
**Thomas More University**
333 Thomas More Parkway
Crestview Hills, KY 41017
P: 859.344.3506
F: 859.344.4050

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AMERICAN OVERSIGHT

**From:** Carol Masse
**Sent:** Fri, 13 Mar 2020 11:46:22 -0500
**To:** COVID-19
**Subject:** R2T4 Question

How is the 60% point of the semester calculated to know if a R2T4 is required if the student withdraws after the extended break?

Thank you

*Carol Masse*
Executive Director of Financial Aid
Milwaukee Institute of Art & Design
273 E Erie Street
Milwaukee WI 53202
Tel. 414-847-3270 Fax. 414-847-3332
carolmasse@miad.edu

AMERICAN OVERSIGHT

**From:** Thompson, Courtney
**Sent:** Fri, 13 Mar 2020 11:58:44 +0000
**To:** COVID-19
**Cc:** Hewitt, Shana
**Subject:** R2T4 Question
**Importance:** High

Our campus is looking to add an additional week of Spring Break for our students to allow the campus (faculty and staff) time to prepare for the full implementation of online only instruction. My question is will we be required to add this extra week in to the R2T4 calculation as a break of 5 days or more? If we have to add this additional week to the calculation, how do we treat those students who withdrew prior to the addition of this extra week? Their adjustments would have been calculated correctly previously.

Our university's Fall/Spring semesters are 16 weeks in length.

***Courtney Thompson-Ballard***
***Director of Financial Aid***
***Lenoir Rhyne University***
***828-328-7182***
***courtney.thompson@lr.edu***

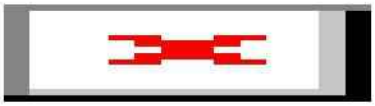
AMERICAN OVERSIGHT

**From:** Carol Masse
**Sent:** Fri, 13 Mar 2020 11:46:22 -0500
**To:** COVID-19
**Subject:** R2T4 Question

How is the 60% point of the semester calculated to know if a R2T4 is required if the student withdraws after the extended break?

Thank you

*Carol Masse*
Executive Director of Financial Aid
Milwaukee Institute of Art & Design
273 E Erie Street
Milwaukee WI 53202
Tel. 414-847-3270 Fax. 414-847-3332
carolmasse@miad.edu



AMERICAN OVERSIGHT

**From:** Thompson, Courtney
**Sent:** Fri, 13 Mar 2020 11:58:44 +0000
**To:** COVID-19
**Cc:** Hewitt, Shana
**Subject:** R2T4 Question
**Importance:** High

Our campus is looking to add an additional week of Spring Break for our students to allow the campus (faculty and staff) time to prepare for the full implementation of online only instruction. My question is will we be required to add this extra week in to the R2T4 calculation as a break of 5 days or more? If we have to add this additional week to the calculation, how do we treat those students who withdrew prior to the addition of this extra week? Their adjustments would have been calculated correctly previously.

Our university's Fall/Spring semesters are 16 weeks in length.

***Courtney Thompson-Ballard***
***Director of Financial Aid***
***Lenoir Rhyne University***
***828-328-7182***
***courtney.thompson@lr.edu***

AMERICAN OVERSIGHT

**From:** Araujo, Liza
**Sent:** Wed, 11 Mar 2020 11:14:24 +0000
**To:** COVID-19
**Subject:** question regarding foreign travel

Good Morning,

Has the agency determined a position regarding employees who have recently taken or who plan to take vacations to foreign destinations? Should they self quarantine on their return, particularly if they are traveling to countries in question?

Thank you!

Liza Araujo-Rouse
Executive Officer
U.S. Department of Education
Office of the General Counsel & the Office of
Legislation and CongressionalAffairs
400 Maryland Avenue, SW
Room 6E343
Washington DC, 20202
Phone: 202-260-4008

AMERICAN OVERSIGHT

**From:** Heaton, Cynthia Carole
**Sent:** Thu, 12 Mar 2020 16:11:27 +0000
**To:** COVID-19
**Subject:** Question regarding FWS and the IFAP Announcement dated 03-05-2020

Hello-

We have a question regarding the Federal Work-Study (FWS) excerpt below from the IFAP Announcement dated 03-05-2020 concerning interruptions of study related to Coronavirus (COVID-19).

Our institution has not closed but has declared that all spring semester classes already in progress will be held remotely via distance education from March 16, 2020 through at least April 3, 2020. We are also strongly discouraging our students from returning to campus, off-campus locations, and group dwellings (e.g., apartments and fraternities), and we are advising them to return to, or remain at, home during this time period.

**Question:** Regarding the highlighted part of the FWS excerpt below, may we continue to pay those students, who are unable to continue working because of this situation, FWS wages during this temporary move from ground-based to remote classes, even though our institution has not closed?

We appreciate your assistance and look forward to hearing from you.

Cynthia C. Heaton
Director for Student Aid Compliance and Training
The Pennsylvania State University
Office of Student Aid
University Park, PA 16802
phone: 814-867-0603

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**Excerpt from 3/5/20 IFAP Announcement:**

Federal Work Study (FWS)
Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial

AMERICAN OVERSIGHT

aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

AMERICAN OVERSIGHT

**From:** Theresa Eiler
**Sent:** Fri, 13 Mar 2020 16:50:35 +0000
**To:** COVID-19
**Subject:** Question Regarding Loan Period/Academic Year Dates

Hello,

Amid the COVID-19 issues, our school may be considering moving the start of our next term a week or two (we would still meet the requirements of our academic year definition); however, all the students' loans were packaged and originated with the original start date of 4/2/20 – the students would have a loan period and academic year start date of 4/2/20; however, if the term start was moved to 4/9/20 or 4/16/20, would we need to update every loan period and academic year?

Also, note that we do not pay disbursements until students post attendance, so it would not be an issue of students receiving funds too early.

I can't seem to find a way for our system to do this, and it appears it may be a manual thing we would have to do for thousands of students.

Thank you,

Theresa Eiler
Assistant Director of Financial Aid
Office: 502.410.6214

*We change the life of one to care for the lives of many.*

GALEN COLLEGE OF NURSING | PURE NURSING | 1031 Zorn Ave., Suite 400 | Louisville, KY 40207
502.410.6200 | galencollege.edu

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AMERICAN OVERSIGHT

**From:** Myra Pfannenstiel
**Sent:** Thu, 12 Mar 2020 17:11:33 +0000
**To:** COVID-19
**Subject:** Question regarding specific scenario in response to COVID-19

Good morning,

I have two questions:

1. If a colleges extends spring break by 1 week for student attending only on-ground (face to face) courses. However if the student is enrolled in an online course, they are expected to attend that course/s as scheduled. A. Would this one week extension impact the length of our academic year for those student enrolled only in face-to-face courses? If so, what steps would we need to take to notify our regional office of this change.
   B. Would this impact the loan period for borrowers in face-to-face courses only?

Thank you,
Myra

**Myra Pfannenstiel**
*Director of Financial Aid*
Financial Aid
Office: SH230
316-942-4291, ext. 2103
Direct: 316-831-1135
*A Degree of Difference*

AMERICAN OVERSIGHT

**From:** Grunden, Cynthia
**Sent:** Thu, 5 Mar 2020 21:55:21 +0000
**To:** COVID-19
**Subject:** Question regarding study abroad

Greetings,

We have a student who received Title IV funds to study abroad at a foreign institution in Florence, Italy. Unfortunately and due to Coronavirus, the institution has temporarily closed and the student is on her way back to the U.S.

The foreign institution is making arrangements for the student to complete her coursework for the term online. It is the foreign institution (and not the home institution) that will be providing the instruction.

Whereas we understand that students are not permitted to receive Title IV funds for online instruction from foreign schools, does this also mean that we need to perform a R2T4 calculation for the student because she is no longer enrolled in Title IV eligible coursework? Her aid was already fully disbursed for the term, and we are unclear as to if a R2T4 calculation is required only because the method of instruction changed for a student who is still enrolled.

Again, she is still enrolled in the same courses upon which her Title IV disbursement was based. The method of instruction has just changed mid-way through the term due to this special circumstance. Assuming the student completes her coursework, she will still be receiving academic credit through her home institution.

I appreciate any clarity you can provide.

Regards,
Cynthia

Cynthia Grunden
Assistant Vice President
Student Financial Services
Pronouns: she/her/hers

AMERICAN OVERSIGHT

**From:** Gilma Lopez
**Sent:** Fri, 13 Mar 2020 00:12:36 +0000
**To:** COVID-19
**Subject:** Question

Hello!

We're in a brick-and-mortar setting and will be using online technologies to accommodate students on a temporary basis until a decision is made in April, 2020. Some students are choosing to go home for the rest of the Spring 2020 semester and complete classes online. We are primarily a residential campus and give them allowances for on-campus room and board charges on their Cost of Attendance (COA) budget. Do we have to adjust their COA budget if they go home, to relatives, to friends, etc. for the rest of the Spring 2020 semester and if they receive a refund on their board charges? Students will incur food expenses whether they're on-campus or at home or wherever they decide to stay for the rest of Spring 2020. Or, do we have broad approval to leave the COA board charges as if they're on campus?

Thanks!

AMERICAN OVERSIGHT

**From:** Cheryl Gillies
**Sent:** Thu, 12 Mar 2020 22:17:54 +0000
**To:** COVID-19
**Subject:** Questions - Temporary Stops Offering Ground Based Classes

Hi,

Thank you for your communication.

Our school has temporarily stopped offering ground based classes and the campus is closed to students.

However, our HR has indicated that students may come to work on campus if the department has work for them.

If a department does not have work for all students due to the closure, are we still able to pay the ones who do not work under the new guidance for COVID-19?

Thank you.

Cheryl Gillies

Cheryl Gillies
Managing Director, Financial Aid
ArtCenter College of Design
http://www.artcenter.edu
(626) 396-2204

AMERICAN OVERSIGHT

**From:** Cleary, Douglas B (KCTCS)
**Sent:** Thu, 12 Mar 2020 20:20:00 +0000
**To:** COVID-19
**Subject:** Questions

I have couple of questions related to your guidance.

- If an institution switches to on-line teaching but the campus remains open for faculty and staff, can the institution pay FWS, since it is essentially closed to students? Your guidance refers to campus closure but does that mean total closure, faculty, staff and students or can I assume in my scenario that it is permissible to pay students since they are not permitted to be on campus due to COVID-19?
- Institution extends spring two days to switch to on-line learning format so there will be a loss of two days of instruction for R2T4 purposes. We would need to adjust the calculations to account for the loss of those two days going forward but would we need to recalculate R2T4s prior to the COVID-19 crisis?

DOUG

Douglas Cleary
System Director of Financial Aid
Kentucky Community and Technical College System
300 N. Main Street
Versailles, KY 40383

Office: 859-256-3215
Cell: 859-753-1550

AMERICAN OVERSIGHT

**From:** Gisella Baker
**Sent:** Fri, 13 Mar 2020 15:15:05 -0500
**To:** COVID-19
**Subject:** Questions

Good Day,
Please see my questions below after reading the guidance received on this topic:

FWS - Is is truly up to each institution if we pay or not pay our work-study students?
R2T4 calcs - Would there be a relief as to how many days institutions would have to make these calculations?
ENDING TERM EARLY -- Are we to just call our School Participation Agreement to request this when the decision is made? If so, how long will it take to get an answer? And if time is not on our favor and we cannot wait for that response, could we just inform them?

We will watch the upcoming NASFAA webinar but it would be nice to also have something coming directly from the Federal Dpt of Education. Perhaps there will be somebody from the FDOE in that webinar too to answer any additional questions?

Thank you,
Gisella


# Gisella Baker

**Director of Financial Aid**

**1501 E. Orange Rd. P.O. Box 8015,**
**Waterloo, IA 50704-8015**
**(319)296-4465 (319)296-4495 fax**

HAWKEYE COMMUNITY COLLEGE



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AMERICAN OVERSIGHT

**From:** Carla Minchello
**Sent:** Thu, 12 Mar 2020 20:17:38 +0000
**To:** COVID-19
**Subject:** Questions about academic calendars and room and board cost

Dear U.S. Department of Education Representatives:

Like many institutions of higher education, ours is determining how best to handle the COVID-19 crisis and protect our students. I have read the Title IV guidance issued last week, and I have some follow up questions. I am sure you are bombarded with these right now, so I apologize and appreciate any help you can give.

- Our school has extended our spring break by one week, and is deciding how to handle the rest of the semester. I see that we should contact our School Participation Team if this results in a reduced spring semester term (I think I understand how this affects R2T4 calculations going forward). But what happens if we decide to extend the spring semester by a week? Is that allowable, and should we notify the School Participation team? If this results in overlap with our summer session (which is scheduled to start in late May) is that a problem, given the unusual circumstances? (Our summer term is not required, and only some students take classes during that payment period).
- If students are no longer on campus and unable to work in FWS jobs, if we decide to continue to pay them wages under the guidance that has been provided, does the school decide how much to pay them per week? Would we do that using their average weekly wages earned from previous weeks? If the school is still open but students can no longer live on campus, is this still a possibility?
- Like many schools, we are considering teaching online, which may result in students moving out of the dorms early. I want to check on prorated room and board charges and the need to adjust the cost of attendance for these students. What financial aid would need to be adjusted in this case, assuming that the students remain enrolled full time? If the aid has already been disbursed for the semester and enrollment status has not changed, can students keep the financial aid they have already received, even if they receive an institutional refund of room and board charges?

Thank you for your help!

Sincerely,

Carla Minchello
Director of Financial Aid
Framingham State University
100 State Street, PO Box 9101
Framingham, MA 01701-9101
(508) 626-4535

AMERICAN OVERSIGHT

**From:** Dayna Isa
**Sent:** Wed, 11 Mar 2020 11:17:33 -1000
**To:** COVID-19
**Subject:** Questions about the impact of COVID-19

To Whom it May Concern,

I work at Windward Community College (part of the University of Hawaii System), and although there is currently no concrete talks of moving our classes to an online platform just yet, I wanted to reach out for guidance about what we can do now to plan for such an event.

- If we were to close our campus, will there be contingencies in place to allow workers to be able to access the federal sites (NSLDS, COD, FAA Access, etc.) remotely (from a location or IP addresses NOT associated with the school)? I don't see how we could continue with our daily work if the school closes or if employees are under quarantine, if we are not able to access these sites from another location not associated with the school itself.
- Will any of the normal regulatory timeframes like Loan Exits (30-day regulation), R2T4, etc., be extended or not held to the normal regulatory timeframe to take into account entire offices that may have to be quarantined or in the event that the campuses close or if employees are at home and not at work?

I look forward to hearing from you.

Thank you,
Dayna Isa

Financial Aid Officer
Windward Community College
Phone: (808) 235-7471

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 23:19:34 +0000
**To:** (b)(6)
**Cc:** COVID-19
**Subject:** RE: Concern re: Pre-School tooth brushing protocol and covid

Dear (b)(6)

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** (b)(6) @outlook.com>
**Sent:** Friday, March 6, 2020 12:36 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Concern re: Pre-School tooth brushing protocol and covid

I'm concerned about the potential of covid transmission in the tooth brushing protocol that is part of the public school pre-school program. After elementary schools, in the pre-school level, students brush their teeth together at a table and then place the dirty tooth brushes on a flat strainer. Then tap water is sprayed or poured over the brushes, allowing dirty water contact upon other brushes and sometimes brush to brush contact.

Could this practice be evaluated in light of the concern about community spread?

I'm not a school administrator and do not want my named to be used, because my status is as a substitite teacher, having experience with tooth brushing practice in the pre-school level.

If you're able to look into this, I'd sure love to hear back from you.

Thank you!

*Sent from my Verizon LG Smartphone*

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Mon, 9 Mar 2020 17:19:53 +0000
**To:** COVID-19
**Subject:** RE: Concerned Parent with child who is high risk, has chronic respiratory disease

On it!

Madeline Sullivan
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

-----Original Message-----
From: COVID-19 <COVID-19@ed.gov>
Sent: Monday, March 9, 2020 1:11 PM
To: Sullivan, Madeline <Madeline.Sullivan@ed.gov>
Subject: RE: Concerned Parent with child who is high risk, has chronic respiratory disease

Hi Madeline,

(b)(5)

Thanks,
Kelly

-----Original Message-----
From (b)(6) @gmail.com>
Sent: Monday, March 9, 2020 10:03 AM
To: COVID-19 <COVID-19@ed.gov>
Subject: Concerned Parent with child who is high risk, has chronic respiratory disease

Hi,
I would like to thank everyone in the Dept of Education for their hard work and dedication to the future of America, our children. I know that everyone is busy and overwhelmed with all of the Covid-19 developments and are doing an outstanding job of protecting the health and safety of our students. I must ask, my student has chronic asthma, and he has a history of becoming extremely ill due to colds and flu, croup, and other respiratory infections. What provisions is the Dept of Education recommending for these sensitive group students??? I would like to know that students that have these conditions will be pulled from campus, if any risk of exposure is present. I am uncomfortable with the current guidelines, they do not address the needs of this vulnerable population within our school community. Thank you Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Kesner, Paul
**Sent:** Thu, 12 Mar 2020 18:30:32 +0000
**To:** COVID-19
**Subject:** RE: Conference call on 3/11

(b)(5)

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 12, 2020 2:24 PM
**To:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Conference call on 3/11

(b)(5)

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Thursday, March 12, 2020 2:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Conference call on 3/11

(b)(5)

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 12, 2020 2:01 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Subject:** FW: Conference call on 3/11

(b)(5)

Kelly

AMERICAN OVERSIGHT

**From:** Kermith Walters <kwalters@siskiyoucoe.net>
**Sent:** Thursday, March 12, 2020 12:06 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Kermith Walters <kwalters@siskiyoucoe.net>
**Subject:** Conference call on 3/11

Yesterday on the phone conference it was stated that there would be a follow up email sent with a summary of our call and other information concerning the coronavirus. When do you think that might be sent?
Thank you,
Kermith

--

Kermith Walters, County Superintendent
Siskiyou County Office of Education
609 South Gold Street, Yreka CA 96097-3110
530.842.8400 - 530.842.8436 Fax
http://www.siskiyoucoe.net

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 18:58:26 +0000
**To:** Kesner, Paul;COVID-19
**Subject:** RE: Conference call on 3/11

Okay, will do.

---

**From:** Kesner, Paul <Paul.Kesner@ed.gov>
**Sent:** Thursday, March 12, 2020 2:31 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Conference call on 3/11

(b)(5)

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 12, 2020 2:24 PM
**To:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Conference call on 3/11

(b)(5)

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Thursday, March 12, 2020 2:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Conference call on 3/11

(b)(5)

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 12, 2020 2:01 PM

AMERICAN OVERSIGHT

**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Subject:** FW: Conference call on 3/11

(b)(5)

Kelly

**From:** Kermith Walters <kwalters@siskiyoucoe.net>
**Sent:** Thursday, March 12, 2020 12:06 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Kermith Walters <kwalters@siskiyoucoe.net>
**Subject:** Conference call on 3/11

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 19:06:00 +0000
**To:** Kermith Walters
**Cc:** COVID-19
**Subject:** RE: Conference call on 3/11

Dear Kermith:

Thank you for contacting the U.S. Department of Education concerning COVID-19 ("Coronavirus"). We appreciate hearing from you. The COVID-19 response team has no record of a conference call on March 11, 2020. Could you please provided more information to us about the conference call.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

**From:** Kermith Walters <kwalters@siskiyoucoe.net>
**Sent:** Thursday, March 12, 2020 12:06 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Kermith Walters <kwalters@siskiyoucoe.net>
**Subject:** Conference call on 3/11

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Thank you,
Kermith

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Kermith Walters, County Superintendent
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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Kermith Walters
**Sent:** Thu, 12 Mar 2020 14:17:54 -0700
**To:** COVID-19
**Subject:** Re: Conference call on 3/11

It was the White House Briefing on the COVID-!9

On Thu, Mar 12, 2020 at 12:06 PM COVID-19 <COVID-19@ed.gov> wrote:

Dear Kermith:

Thank you for contacting the U.S. Department of Education concerning COVID-19 ("Coronavirus"). We appreciate hearing from you. The COVID-19 response team has no record of a conference call on March 11, 2020. Could you please provided more information to us about the conference call.

Sincerely,

COVID-19 Response Team

U.S. Department of Education

**From:** Kermith Walters <kwalters@siskiyoucoe.net>
**Sent:** Thursday, March 12, 2020 12:06 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Kermith Walters <kwalters@siskiyoucoe.net>
**Subject:** Conference call on 3/11

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AMERICAN OVERSIGHT

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Kermith

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Kermith Walters, County Superintendent
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AMERICAN OVERSIGHT

**From:** Kesner, Paul
**Sent:** Thu, 12 Mar 2020 22:33:29 +0000
**To:** COVID-19;Williams, Bryan
**Subject:** Re: Conference call on 3/11

(b)(5)

Get Outlook for iOS
**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 12, 2020 6:30:12 PM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Conference call on 3/11

(b)(5)

Kelly

**From:** Kermith Walters <kwalters@siskiyoucoe.net>
**Sent:** Thursday, March 12, 2020 5:18 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Re: Conference call on 3/11

It was the White House Briefing on the COVID-!9

On Thu, Mar 12, 2020 at 12:06 PM COVID-19 <COVID-19@ed.gov> wrote:

Dear Kermith:

Thank you for contacting the U.S. Department of Education concerning COVID-19 ("Coronavirus"). We appreciate hearing from you. The COVID-19 response team has no record of a conference call on March 11, 2020. Could you please provided more information to us about the conference call.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

**From:** Kermith Walters <kwalters@siskiyoucoe.net>
**Sent:** Thursday, March 12, 2020 12:06 PM
**To:** COVID-19 <COVID-19@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Kermith Walters <kwalters@siskiyoucoe.net>
**Subject:** Conference call on 3/11

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http://www.siskiyoucoe.net

*Providing Educational Leadership, Resources and Services to Districts and Schools to Ensure Learning For All Students*

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AMERICAN OVERSIGHT

**From:** Kesner, Paul
**Sent:** Fri, 13 Mar 2020 13:34:51 +0000
**To:** COVID-19;Williams, Bryan
**Subject:** RE: Conference call on 3/11

(b)(5)

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 12, 2020 6:30 PM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Conference call on 3/11

(b)(5)

Kelly

**From:** Kermith Walters <kwalters@siskiyoucoe.net>
**Sent:** Thursday, March 12, 2020 5:18 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Re: Conference call on 3/11

It was the White House Briefing on the COVID-!9

On Thu, Mar 12, 2020 at 12:06 PM COVID-19 <COVID-19@ed.gov> wrote:

Dear Kermith:

Thank you for contacting the U.S. Department of Education concerning COVID-19 ("Coronavirus"). We appreciate hearing from you. The COVID-19 response team has no record of a conference call on March 11, 2020. Could you please provided more information to us about the conference call.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

**From:** Kermith Walters <kwalters@siskiyoucoe.net>
**Sent:** Thursday, March 12, 2020 12:06 PM
**To:** COVID-19 <COVID-19@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Kermith Walters <kwalters@siskiyoucoe.net>
**Subject:** Conference call on 3/11

Yesterday on the phone conference it was stated that there would be a follow up email sent with a summary of our call and other information concerning the coronavirus. When do you think that might be sent?
Thank you,
Kermith

--

Kermith Walters, County Superintendent
Siskiyou County Office of Education
609 South Gold Street, Yreka CA 96097-3110
530.842.8400 - 530.842.8436 Fax
http://www.siskiyoucoe.net

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AMERICAN OVERSIGHT

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**Sent:** Fri, 13 Mar 2020 13:34:51 +0000
**To:** COVID-19;Williams, Bryan
**Subject:** RE: Conference call on 3/11

(b)(5)

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**Sent:** Thursday, March 12, 2020 6:30 PM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Conference call on 3/11

(b)(5)

Kelly

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**To:** COVID-19 <COVID-19@ed.gov>

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AMERICAN OVERSIGHT

**From:** Thomas, Nathaniel
**Sent:** Thu, 12 Mar 2020 18:34:45 +0000
**To:** Rivera Laboy, Carmen
**Cc:** Santiago, Eric;Coughlin, Betty;Ortiz-Velazquez, Judith;COVID-19
**Subject:** RE: Coronavirus

Hi Carmen,

Please email all questions to COVID-19@ed.gov And someone from our Office of Postsecondary Education will be able to assist you.

All the best,

Nate

**Nate Thomas**
*Management Program Analyst*
New York/Boston School Participation Division
Program Compliance – School Eligibility Service Group (SESG)

---

**From:** Rivera Laboy, Carmen <crivera@albizu.edu>
**Sent:** Thursday, March 12, 2020 2:26 PM
**To:** Thomas, Nathaniel <Nathaniel.Thomas@ed.gov>
**Cc:** Santiago, Eric <Eric.Santiago@ed.gov>; Coughlin, Betty <Betty.Coughlin@ed.gov>
**Subject:** RE: Coronavirus

Dear Mr. Thomas:

The institution is not closing, the institution decided move the courses on line. Students working under FWSP cannot performed their job, can we continue paying the students? In the Electronic Announce of March 5 explained about "a campus that must close"

Appreciate your guidance to this matter.

Carmen

---

**From:** Thomas, Nathaniel [mailto:Nathaniel.Thomas@ed.gov]
**Sent:** Friday, March 6, 2020 1:14 PM
**To:** Rivera Laboy, Carmen <crivera@albizu.edu>
**Cc:** Santiago, Eric <Eric.Santiago@ed.gov>; Coughlin, Betty <Betty.Coughlin@ed.gov>
**Subject:** RE: Coronavirus

Dear Ms. Rivera Laboy,

AMERICAN OVERSIGHT

We wanted to let you know that the Department of Education has identified staff who will be able to answer your questions regarding COVID-19 (coronavirus). If you have any questions or need any further guidance, please email COVID-19@ed.gov.

All the best,

Nate

---

**Nate Thomas**
*Management Program Analyst*
New York/Boston School Participation Division
Program Compliance – School Eligibility Service Group (SESG)

---

**From:** Thomas, Nathaniel
**Sent:** Wednesday, March 4, 2020 11:49 AM
**To:** Rivera Laboy, Carmen <crivera@albizu.edu>
**Cc:** Santiago, Eric <Eric.Santiago@ed.gov>
**Subject:** RE: Coronavirus

Good afternoon,

We recommend that you follow the guidance and procedures issued by local authorities and the Center for Disease Control.

All the best,

Nate

---

**Nate Thomas**
*Management Program Analyst*
New York/Boston School Participation Division
Program Compliance – School Eligibility Service Group (SESG)

---

**From:** Rivera Laboy, Carmen <crivera@albizu.edu>
**Sent:** Wednesday, March 4, 2020 10:02 AM
**To:** Thomas, Nathaniel <Nathaniel.Thomas@ed.gov>
**Cc:** Santiago, Eric <Eric.Santiago@ed.gov>
**Subject:** Coronavirus

Dear Thomas:
As you know our country is in maximum alert for the possible impact of the Coronavirus in our IHE's. I'm wondering if the USDE have any information or guidance related how to handle requirements and process of Title IV in our institutions.

Appreciate your comments or recommendations.

AMERICAN OVERSIGHT

**Carmen E. Rivera Laboy**
Dean of Students Affairs and Compliance Officer
Carlos Albizu University- San Juan Campus
PO BOX 9023711
San Juan, PR 00902-3711
crivera@albizu.edu
Ofic. 787.725.6500 ext. 1560

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CARLOS ALBIZU UNIVERSIDAD
FUNDADA EN 1966

albizu.edu

AMERICAN OVERSIGHT

**From:** Carrie Shaw
**Sent:** Thu, 12 Mar 2020 17:43:55 +0000
**To:** COVID-19
**Subject:** RE: clarification on work-study

And a bit more info……most of our students are NOT local; their homes are at least 65 miles away. So they will be leaving campus tomorrow for spring break, and will not be returning to campus until ground-based classes resume. It will not be possible for them to work, even if offices remain open.

**Carrie Shaw**
Director of Student Financial Services
Western Colorado University
970.943.3085

---

**From:** Carrie Shaw
**Sent:** Thursday, March 12, 2020 11:08 AM
**To:** 'COVID-19@ed.gov' <COVID-19@ed.gov>
**Subject:** clarification on work-study

Our campus is not officially closing as administrative office plan to remain open, at least for now. However, ALL courses are moving to online, and no courses will be offered on campus for at least three weeks. Under these guideline, can we still pay students federal work study if they are not actually working on campus?

The guidelines state they are addressing this exact scenario:

- A campus temporarily stops offering ground-based classes in order to prevent the spread of COVID-19;

However, in the Federal work-study section it states 'if a campus must close' then we can pay work-study.

Does the temporary stoppage of ground-based classes count as a closure, per these regulations??

WESTERN
COLORADO UNIVERSITY

**Carrie Shaw**
Director, Student Financial Services
Western Colorado University

970.943.3085
www.western.edu
cshaw@western.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 17:56:00 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** RE: clarification: foreign schools and distance learning

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Whitcomb, Sabrina Marie (smw7t) <smw7t@virginia.edu>
**Sent:** Tuesday, March 10, 2020 1:39 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** clarification: foreign schools and distance learning

Good afternoon,

We are requesting clarification regarding the information about foreign schools and distance education contained in the electronic announcement.

We have students on a study abroad program for the spring 2020 term. The students began attendance in classes at the foreign institution but due to COVID-19, they are now taking only online classes. The classes are offered by the foreign institution. The students will be completing their coursework for the term in the online format. Is this an example of a foreign school providing distance learning and thus ineligible to receive Title IV aid?

Thank you.
Sabrina

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 5 Mar 2020 16:39:05 +0000
**To:** Kesner, Paul;Sullivan, Madeline
**Cc:** COVID-19
**Subject:** RE: Clock Hour Programs Online

(b)(5)

Kelly

---

**From:** Kesner, Paul <Paul.Kesner@ed.gov>
**Sent:** Thursday, March 5, 2020 11:37 AM
**To:** COVID-19 <COVID-19@ed.gov>; Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Subject:** RE: Clock Hour Programs Online

(b)(5)

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 5, 2020 11:35 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Clock Hour Programs Online

Hi Madeline,

(b)(5)

Thanks,
Kelly

AMERICAN OVERSIGHT

**From:** Kesner, Paul
**Sent:** Thu, 5 Mar 2020 16:39:26 +0000
**To:** COVID-19;Sullivan, Madeline
**Subject:** RE: Clock Hour Programs Online

(b)(5)

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 5, 2020 11:39 AM
**To:** Kesner, Paul <Paul.Kesner@ed.gov>; Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Clock Hour Programs Online

(b)(5)

Kelly

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**From:** Kesner, Paul <Paul.Kesner@ed.gov>
**Sent:** Thursday, March 5, 2020 11:37 AM
**To:** COVID-19 <COVID-19@ed.gov>; Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Subject:** RE: Clock Hour Programs Online

(b)(5)

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 5, 2020 11:35 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Clock Hour Programs Online

Hi Madeline,

(b)(5)

Thanks,
Kelly

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Thu, 5 Mar 2020 16:41:05 +0000
**To:** Kesner, Paul;COVID-19
**Subject:** RE: Clock Hour Programs Online

(b)(5)

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** Kesner, Paul <Paul.Kesner@ed.gov>
**Sent:** Thursday, March 5, 2020 11:39 AM
**To:** COVID-19 <COVID-19@ed.gov>; Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Subject:** RE: Clock Hour Programs Online

(b)(5)

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 5, 2020 11:39 AM
**To:** Kesner, Paul <Paul.Kesner@ed.gov>; Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Clock Hour Programs Online

(b)(5)

Kelly

---

**From:** Kesner, Paul <Paul.Kesner@ed.gov>
**Sent:** Thursday, March 5, 2020 11:37 AM
**To:** COVID-19 <COVID-19@ed.gov>; Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Subject:** RE: Clock Hour Programs Online

(b)(5)

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 5, 2020 11:35 AM

AMERICAN OVERSIGHT

**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Clock Hour Programs Online

Hi Madeline,

(b)(5)

Thanks,
Kelly

AMERICAN OVERSIGHT

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

NAME
ADDRESS

Dear NAME:

(b)(5)

400 MARYLAND AVE., SW, WASHINGTON, DC 20202

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access*

AMERICAN OVERSIGHT

Thank you for reaching out to us for support.

Sincerely,

Paul Kesner
Director
Office of Safe and Supportive Schools

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Kesner, Paul
**Sent:** Thu, 5 Mar 2020 16:37:13 +0000
**To:** COVID-19;Sullivan, Madeline
**Subject:** RE: Clock Hour Programs Online

(b)(5)

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 5, 2020 11:35 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Clock Hour Programs Online

Hi Madeline,

(b)(5)

Thanks,
Kelly

AMERICAN OVERSIGHT

**From:** Webb, Jo Ann
**Sent:** Tue, 3 Mar 2020 19:15:23 +0000
**To:** COVID-19
**Subject:** RE: CNBC Article about Department of Ed Response to Coronavirus

Thank you

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Tuesday, March 3, 2020 1:09 PM
**To:** Webb, Jo Ann <JoAnn.Webb@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: CNBC Article about Department of Ed Response to Coronavirus

Hi JoAnn,

The COVID-19 mailbox received an inquiry from a reporter. Below is the inquiry.

Thanks,
Kelly

---

**From:** Hess, Abigail (NBCUniversal) <Abigail.Hess@nbcuni.com>
**Sent:** Tuesday, March 3, 2020 12:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** CNBC Article about Department of Ed Response to Coronavirus

Hello,

My name is Abigail Hess and I am a reporter for CNBC. I am working on an article about the Department of Education's response to Coronavirus. Could you connect me with someone from your organization who can provide a statement on the topic?

Does the Department of Education expect more schools to close?

Thanks in advance for your time.

Best,
Abigail

AMERICAN OVERSIGHT

**From:** Musser, David
**Sent:** Thu, 12 Mar 2020 19:16:43 +0000
**To:** Martin, Gregory;COVID-19;Hilsey, Shaina
**Subject:** RE: COA and R&B reduction of charges

(b)(5)

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**From:** Martin, Gregory <Gregory.Martin@ed.gov>
**Sent:** Thursday, March 12, 2020 1:45 PM
**To:** COVID-19 <COVID-19@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Cc:** Musser, David <David.Musser@ed.gov>
**Subject:** RE: COA and R&B reduction of charges

**From:** Janice Scheutzow <jscheut1@naz.edu>
**Sent:** Thursday, March 12, 2020 1:06 PM
**To:** COVID-19 <COVID-19@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Martin, Gregory <Gregory.Martin@ed.gov>
**Cc:** Scheutzow, Janice <jscheut1@naz.edu>
**Subject:** COA and R&B reduction of charges

Hello DOE,

Our campus is going to reduce some R&B charges because we are asking students to leave and we are moving to distance learning. I read the 3/5/20 DOE guidance but I do not see a specific COA overaward reference under COVID-19. My concern is that we may have a lot of overawards/over COA because students have borrowed PLUS /private loans up to the spring COA.

Here are my questions under the current COVID-19 environment:

1. Do we have to reduce the R&B COA allowance, for on-campus students, by the amount of the rebate? Or, can we change them to our " off-campus" estimate of the same $7200, thus preventing an overaward? This is an institutional decision outside the Department's purview. There is no requirement for you to do this at the Department level.

- We use estimated Room & Board charges for on-campus living ($ 7200)
- We use the same estimated cost of apartment living ( $7200)
- We use a reduced estimated cost for living with a parent ( $1600)

AMERICAN OVERSIGHT

2. If we reduce charges, we may have an overaward/over COA situation.

- Pell- It is our understanding that if the student's enrollment does not change, we do not have to adjust PELL, even though they may be over COA. Correct.
- Direct LOAN/PLUS- If the DL has fully disbursed, we do not have to reduce loans, even though they may be over need/COA. This is correct. But recall that there is no requirement to recalculate a DL award due to a change in COA once that DL has been originated, so you should not have to get to the point where an overaward comes into play.
- SEOG- we may have to reduce SEOG over a $300 allowance if we are over need/COA? If you reduce charges, it will be necessary to revise the COA and repackage for Campus-Based. And you are correct that an overaward may occur.
- CWS- Like SEOG, we may have to reduce CWS over a $300 tolerance? But then continue to allow them to earn this reduced amount, under the 3/5/20 DOE guidance letter. Correct.

Please advise!

Many thanks,

Jan

--

Janice M. Scheutzow
Director of Financial Aid
Nazareth College . 4245 East Avenue. Rochester, NY 14618
Phone: 585 389-2310 Fax: 585 389-2317 E-mail: jscheut1@naz.edu

AMERICAN OVERSIGHT

**From:** Martin, Gregory
**Sent:** Thu, 12 Mar 2020 18:44:58 +0000
**To:** COVID-19;Hilsey, Shaina
**Cc:** Musser, David
**Subject:** RE: COA and R&B reduction of charges

**From:** Janice Scheutzow <jscheut1@naz.edu>
**Sent:** Thursday, March 12, 2020 1:06 PM
**To:** COVID-19 <COVID-19@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Martin, Gregory <Gregory.Martin@ed.gov>
**Cc:** Scheutzow, Janice <jscheut1@naz.edu>
**Subject:** COA and R&B reduction of charges

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AMERICAN OVERSIGHT

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Please advise!

Many thanks,

Jan

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Janice M. Scheutzow
Director of Financial Aid
Nazareth College . 4245 East Avenue. Rochester, NY 14618
Phone: 585 389-2310 Fax: 585 389-2317 E-mail: jscheut1@naz.edu

AMERICAN OVERSIGHT

**From:** Roney, Collette
**Sent:** Fri, 13 Mar 2020 17:20:00 +0000
**To:** Fenton, Christopher;OESE.titlei-a;COVID-19
**Cc:** OESE.SGR.Tennessee;Stephenson, Todd
**Subject:** RE: ESEA fiscal requirements COVID-19

(b)(5)

Thanks,
Collette

---

**From:** Fenton, Christopher <Christopher.Fenton@ed.gov>
**Sent:** Friday, March 13, 2020 11:28 AM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.SGR.Tennessee <Tennessee.oese@ed.gov>
**Subject:** FW: ESEA fiscal requirements COVID-19

Good morning, All-

(b)(5)

Thank you.

Best regards,

*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** OESE.SGR.Tennessee
**Sent:** Friday, March 13, 2020 11:25 AM
**To:** Tracey Hawk <Tracey.Hawk@tn.gov>
**Subject:** RE: ESEA fiscal requirements COVID-19

Good morning, Tracey-

AMERICAN OVERSIGHT

If you can give me a list of which particular Federal programs might be involved, that might help me route your inquiry for a more timely response.

In the meantime I'll go ahead and forward this along to Title I team, as well as to the general COVID-19 inquiry email.

Thank you for your inquiry.

Best regards,

*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** Tracey Hawk <Tracey.Hawk@tn.gov>
**Sent:** Friday, March 13, 2020 11:19 AM
**To:** OESE.SGR.Tennessee <Tennessee.oese@ed.gov>
**Subject:** ESEA fiscal requirements COVID-19

We have LEAs who have purchased airline tickets with federal funds to attend conferences that have now been canceled due to COVID-19. Do we have guidance from a reimbursement/audit standpoint on what to do in this situation?

Thanks for any help.

-Tracey

TN Department of Education
**Tracey Hawk**| ESSA Grants Director
Office of the Chief Financial Officer
Andrew Johnson Tower, 10th Floor
710 James Robertson Parkway, Nashville TN 37243
C: (615) 487-1062
O: (615) 291-5911
Tracey.Hawk@tn.gov
tn.gov/education
**#TNBestforAll**

*We will set all students on a path to success.*

AMERICAN OVERSIGHT

**From:** Wright, Nathan
**Sent:** Thu, 12 Mar 2020 08:39:55 -0500
**To:** COVID-19
**Subject:** Re: Extended spring break due to Coronavirus - What to do with R2T4 calendar?

I am specifically asking if I need to change my calendars used in the R2T4 calculation to include these additional "scheduled" break days even though they technically were "unscheduled".

**Nathan Wright**, *Associate Director of Financial Aid*

The College of St. Scholastica

800-447-5444 ext. 6146

(218) 723-6146

nwright@css.edu

Title IV code for FAFSA = 002343

On Thu, Mar 12, 2020 at 8:36 AM Wright, Nathan <nwright@css.edu> wrote:

My school is currently on the spring break that had been scheduled. However, as of yesterday, my college chose to extend spring break due to cironavirus concerns by another week. What do I do for R2T4'S? I hope I do not have to go back and change all of the previously completed R2T4's. Do I even need to change my upcoming R2T4's since this was not an expected break for students and would negatively affect the earned aid they can keep?

**Nathan Wright**, *Associate Director of Financial Aid*

The College of St. Scholastica

800-447-5444 ext. 6146

(218) 723-6146

nwright@css.edu

Title IV code for FAFSA = 002343

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Fri, 13 Mar 2020 21:09:13 +0000
**To:** Hilsey, Shaina;Cox, Jack;COVID-19
**Subject:** Re: Federal Work Study Program and the COVID-19 at the University of Maryland, College Park MD

Thank you for your quick response.
What exactly should I be asking UMD? Did they get a copy of your announcement? Do they need to report the hours to your office?
Thank you,
Kim

**From:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Sent:** Friday, March 13, 2020 3:32 PM
**To:** (b)(6) @hotmail.com <(b)(6) @hotmail.com>
**Subject:** RE: Federal Work Study Program and the COVID-19 at the University of Maryland, College Park MD

Hello,

Please contact University of Maryland for more information.

Institutions may pay students FWS funds for hours that the students were scheduled to work, but were unable to complete as a result of the Coronavirus threat. Institutions that decide to pay FWS funds to students in these situations should determine the amount of wages associated with those scheduled hours in the individual student contracts and make payments to students accordingly. The institution does not need a specific approval to pay FWS in this manner in accordance with the guidance described in the March 5, 2020 electronic announcement

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 13, 2020 3:25 PM
**To:** Cox, Jack <Jack.Cox@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Federal Work Study Program and the COVID-19 at the University of Maryland, College Park MD

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

---

**From:** (b)(6) <(b)(6) @hotmail.com>
**Sent:** Friday, March 13, 2020 2:36 PM
**To:** COVID-19 <COVID-19@ed.gov>

AMERICAN OVERSIGHT

**Cc:** (b)(6) @gmail.com
**Subject:** Federal Work Study Program and the COVID-19 at the University of Maryland, College Park MD

Greetings,

My son is a Sophomore at the University of Maryland, College Park and apart of his financial aid packet included work study. When he was informed that the school would be closing for two weeks he asked his supervisor if he would be able to work. He was informed that IF someone was working in the office, then he would be able to work. My concern is, IF someone is not in the office, will he still get paid for the week he was not able to work? According to your guidelines listed on https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19,, it indicates that he should still be able to get paid. If so, what would his supervisors need to do in order to abide by these guidelines. As you can imagine, the money he receives from the work-study program is necessary in order to pay his bills. Not receiving these benefits, that were already approved and allocated, will cause a huge financial burden on him and on his family.

Can you help us navigate through this process?

Thank you,

(b)(6)

UMD Class of 2021

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 22:44:26 +0000
**To:** (b)(6)
**Cc:** COVID-19
**Subject:** RE: Fever

Dear (b)(6):

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** (b)(6) @gmail.com>
**Sent:** Friday, February 28, 2020 6:51 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Fever

Provide a clear definition for a fever instead of beating around the bush. Anyone at 100 needs to stay home, at 100.4 you are already sick and spreading illness.

AMERICAN OVERSIGHT

**From:** OESE.SGR.New Hampshire
**Sent:** Thu, 12 Mar 2020 15:19:54 +0000
**To:** Frame, Ashley;COVID-19
**Cc:** Carney, Timothy;Nichol, Kathryn;OESE.OSS.New Hampshire;Hodgdon, Jane;Ramsey, Tara;McKenzie, Lakesha
**Subject:** RE: Funding positions with federal grants

Dear Ashley,

Thank you for your message. We have received your inquiry and shared it with our colleagues who are responding to questions related to the coronavirus at COVID-19@ed.gov. To learn more about the U.S. Department of Education's prevention plan and how you can help prevent the spread of coronavirus, please visit www.ed.gov/coronavirus for more details.

Sincerely,
-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
Connect. Engage. Empower.

---

**From:** Frame, Ashley <Ashley.Frame@doe.nh.gov>
**Sent:** Thursday, March 12, 2020 11:00 AM
**To:** OESE.OSS.New Hampshire <OSS.NewHampshire@ed.gov>
**Cc:** Carney, Timothy <Timothy.Carney@doe.nh.gov>; Nichol, Kathryn <Kathryn.Nichol@doe.nh.gov>
**Subject:** Funding positions with federal grants

Dear Office of State Support,

Some of our LEAs are reaching out with questions about how to support positions or grant-funded events that are stalled or quarantined due to the Corona virus. Is there a recommended course of action for how to guide LEAs through these decisions and how the funding connects?

Thank you for any assistance you can provide. Sincerely,

Ashley Frame, M.Ed.
Administrator|ESEA Programs
Department of Education
101 Pleasant Street

AMERICAN OVERSIGHT

Concord, NH 03301
ashley.frame@doe.nh.gov
(603) 271-6579
C:(603) 223-7557

AMERICAN OVERSIGHT

**From:** Valentine, Ingrid
**Sent:** Fri, 6 Mar 2020 16:04:46 +0000
**To:** COVID-19
**Subject:** RE: HEROES Act

On it- thanks

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 6, 2020 10:08 AM
**To:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: HEROES Act

Hi Ingrid,

The COVID-19 mailbox received an inquiry about FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Mark Kantrowitz <(b)(6)
**Sent:** Friday, March 6, 2020 7:03 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** HEROES Act

I was a bit surprised that the guidance issued yesterday did not make reference to the Higher Education Relief Opportunities For Students (HEROES) Act of 2003 (Public Law 108-76). If the president were to declare a national emergency, certain flexibilities would become available, such as a waiver of the requirement to exercise professional judgment on a case-by-case basis, a waiver of the requirement to return grant funds under R2T4, allowing oral requests to substitute for written requests, exclusion of interruptions from the in-school and grace period and a waiver of parental signature requirements.

It would have been appropriate for the guidance to include a sentence along the lines of "In the event the President declares a national emergency, additional flexibility would become available under the HEROES Act of 2003 and the U.S. Department of Education would issue supplemental guidance at that time."

Mark Kantrowitz
Publisher and VP of Research
Savingforcollege.com

(b)(6)
1-847-423-2357
(b)(6) mobile

AMERICAN OVERSIGHT

**From:** Carter, Denise
**Sent:** Tue, 10 Mar 2020 22:40:42 +0000
**To:** COVID-19
**Cc:** COVID-19
**Subject:** (b)(5)

Received...Thanks
Get Outlook for iOS
**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Tuesday, March 10, 2020 5:53:33 PM
**To:** Carter, Denise <Denise.Carter@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: (b)(5)

Hi Denise,

The COVID-19 mailbox received an inquiry about HR. Below is the inquiry.

Thanks,
Kelly

---

**From:** Araujo, Liza <Liza.Araujo@ed.gov>
**Sent:** Tuesday, March 10, 2020 5:43 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** (b)(5)

Good Afternoon,

(b)(5)

AMERICAN OVERSIGHT

(b)(5)

Liza Araujo-Rouse
Executive Officer
U.S. Department of Education
Office of the General Counsel & the Office of
Legislation and CongressionalAffairs
400 Maryland Avenue, SW
Room 6E343
Washington DC, 20202
Phone: 202-260-4008

AMERICAN OVERSIGHT

**From:** Kesner, Paul
**Sent:** Tue, 10 Mar 2020 21:46:49 +0000
**To:** COVID-19
**Subject:** Re: (b)(5)

Forward to Denise Carter.
**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Tuesday, March 10, 2020 5:45:43 PM
**To:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: (b)(5)

Paul,
(b)(5)

Kelly

---

**From:** Araujo, Liza <Liza.Araujo@ed.gov>
**Sent:** Tuesday, March 10, 2020 5:43 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject** (b)(5)

Good Afternoon,

(b)(5)

AMERICAN OVERSIGHT

Liza Araujo-Rouse
Executive Officer
U.S. Department of Education
Office of the General Counsel & the Office of
Legislation and CongressionalAffairs
400 Maryland Avenue, SW
Room 6E343
Washington DC, 20202
Phone: 202-260-4008

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 18:05:37 +0000
**To:** Lisa Clarke Hill
**Cc:** COVID-19
**Subject:** RE: Is this correct?

Dear Ms. Hill:

Please forward the email to COVID-19 mailbox, so we can assist you better with any question regarding the conference call.

Thanks,

COVID-19 Response Team
U.S. Department of Education

**From:** (b)(6) @gmail.com>
**Sent:** Wednesday, March 11, 2020 2:01 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Re: Is this correct?

I received this important email via the Federal conference call today.

Sincerely,

Lisa

On Wed, Mar 11, 2020, 1:54 PM (b)(6) @gmail.com> wrote:

Test email.

AMERICAN OVERSIGHT

**From:** Lisa Clarke Hill
**Sent:** Wed, 11 Mar 2020 14:01:00 -0400
**To:** COVID-19
**Subject:** Re: Is this correct?

I received this important email via the Federal conference call today.

Sincerely,

Lisa

On Wed, Mar 11, 2020, 1:54 PM Lisa Clarke Hill
<(b)(6) @gmail.com> wrote:
Test email.

AMERICAN OVERSIGHT

**From:** Valentine, Ingrid
**Sent:** Thu, 5 Mar 2020 23:22:20 +0000
**To:** COVID-19
**Subject:** RE: March 5 2020 Guidance for interruptions of study related to COVID-19

Thanks Kelly- this is being sent to our team for response.

Ingrid

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 5, 2020 4:59 PM
**To:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Subject:** FW: March 5 2020 Guidance for interruptions of study related to COVID-19

Hi Ingrid,

The COVID-19 mailbox received an inquiry about FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Standley, Sue <suestandley@augustana.edu>
**Sent:** Thursday, March 5, 2020 4:57 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** March 5 2020 Guidance for interruptions of study related to COVID-19

Hi,

I have a question related to the reference on page 8 of today's letter when a student does not begin attendance as a result of COVID-19. I've included the paragraph below with highlighted areas.

Federal Student Aid - IFAP: 030520Guidance4interruptionsrelated2CoronavirusCOVID19

Normally institutions, once aware that a student will not begin or has not begun attendance, must notify the loan servicer which results in issuance of a final demand letter to the borrower. However, we have determined that in the case where a student was unable to begin attendance due to a COVID-19-related school closure, the provisions of 34 CFR § 668.21(a)(2)(ii), requiring the institution to notify the servicer of that student's failure to begin attendance, do not apply because the option for the student to begin attendance did not exist. Accordingly, the institution should not notify the servicer that the student did not begin attendance. He or she will be permitted to

AMERICAN OVERSIGHT

repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption.

My question is regarding reporting to NSLDS when a student does not begin attendance. Does this exception apply ONLY when the foreign school closes or does it also apply if the home institution cancels the program, even though the foreign institution did not close, prior to the students beginning attendance? An item of clarification-no TIV funds were disbursed.

Thank you for your help and clarification
Sue

Sue Standley '83
Associate Vice President of Enrollment
Director of Financial Aid
Augustana College
Phone: 309-794-7207
Fax: 309-794-7174

AMERICAN OVERSIGHT

**From:** Valentine, Ingrid
**Sent:** Thu, 5 Mar 2020 22:00:54 +0000
**To:** COVID-19
**Subject:** RE: March 5 2020 Guidance for interruptions of study related to COVID-19

Thanks Kelly- I am sending to the teams now for a response.

Ingrid

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 5, 2020 4:59 PM
**To:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Subject:** FW: March 5 2020 Guidance for interruptions of study related to COVID-19

Hi Ingrid,

The COVID-19 mailbox received an inquiry about FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Standley, Sue <suestandley@augustana.edu>
**Sent:** Thursday, March 5, 2020 4:57 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** March 5 2020 Guidance for interruptions of study related to COVID-19

Hi,

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AMERICAN OVERSIGHT

repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption.

My question is regarding reporting to NSLDS when a student does not begin attendance. Does this exception apply ONLY when the foreign school closes or does it also apply if the home institution cancels the program, even though the foreign institution did not close, prior to the students beginning attendance? An item of clarification-no TIV funds were disbursed.

Thank you for your help and clarification
Sue

Sue Standley '83
Associate Vice President of Enrollment
Director of Financial Aid
Augustana College
Phone: 309-794-7207
Fax: 309-794-7174

AMERICAN OVERSIGHT

**From:** Thurmond, Bryan
**Sent:** Fri, 13 Mar 2020 18:34:59 +0000
**To:** Melinda Dyer
**Cc:** COVID-19;OESE.HomelessEd
**Subject:** RE: McKinney-Vento WA COVID-19
**Attachments:** FW: Secretary DeVos Releases New Resources for Educators, Local Leaders on K-12 Flexibilities, Student Privacy, and Educating Students with Disabilities During Coronavirus Outbreak

Hi Melinda,

Thank you so much for reaching out—and thank you for all you are doing during this time to support students experiencing homelessness in Washington. The Department is closely monitoring the impacts of COVID-19, and the Department's leaders are working to issue guidance as quickly as possible. I've attached a recent letter from Patrick Rooney, the Director of the Office of School Support and Accountability, describing the most recent round of guidance released by the Department.

As additional guidance is released it will be uploaded to the Department's COVID-19 website, which is available at www.ed.gov/coronavirus. I've also copied the Department's COVID-19 mailbox to this email; we are trying to route all COVID-19 related questions (and responses) through this mailbox. Please don't hesitate to reach out if we can support you in any way—I will certainly do all that I can to support your work.

Thank you,
Bryan

**Bryan Thurmond**
Teachers, Leaders, and Special Populations Team
Office of School Support and Accountability
Office of Elementary and Secondary Education
U.S. Department of Education
bryan.thurmond@ed.gov
202-205-4914 (office)

---

**From:** Melinda Dyer <Melinda.Dyer@k12.wa.us>
**Sent:** Friday, March 13, 2020 10:57 AM
**To:** Thurmond, Bryan <Bryan.Thurmond@ed.gov>
**Subject:** McKinney-Vento WA COVID-19

Hello Bryan,
As Washington state is basically "ground zero" for the coronavirus, you are probably aware of our state's efforts to promote social distancing, cancel events, and most importantly close schools in our state. Over half of our state's total student population are now out of school. We are getting a lot of questions about our homeless students and how to support them at this time of crisis, including school of origin transportation (when one district is open and the other is in quarantine), how to ensure homeless students have access to online learning, how they can access food, etc.

AMERICAN OVERSIGHT

I'm wondering if/when the US Department of Education will be issuing guidance/information for hard hit states. We need help… so far I've heard nothing from ED so I was curious if there is a plan to support states with the crisis.

Thanks so much for your help,
Melinda

*Melinda Dyer* (she/her pronouns)
Program Supervisor
McKinney-Vento: Education of Homeless Children and Youth | Student Engagement and Support
Office of Superintendent of Public Instruction (OSPI)
PO Box 47200 | 600 Washington St. SE
Olympia WA, 98504-7200
Office: 360-725-6505
HomelessEd@k12.wa.us | www.k12.wa.us/homelessed/default.aspx

*All students prepared for post-secondary pathways, careers, and civic engagement.*

AMERICAN OVERSIGHT

**From:** Rooney, Patrick
**Sent:** Fri, 13 Mar 2020 12:40:04 +0000
**To:** STATEASSESSMENTDIRECTORS@LISTSERV.ED.GOV;TITLEIDIRECT@LISTSERV.ED.GOV;Title3St_DIRECT@listserv.ed.gov;Title II SEA Coordinators;ehcystatecoordinators@listserv.ed.gov;'FOSTERCAREDIRECT@listserv.ed.gov';SIG_OSSDIRECT@LISTSERV.ED.GOV;titleipartd@listserv.ed.gov
**Cc:** OESE.titlei-a;OESE.titleiii-a;OESE.titleii-a;OESE Foster Care;OESE.HomelessEd;OESE 21st CCLC;OESE.ESEA.Assessment;TitleI-D
**Subject:** FW: Secretary DeVos Releases New Resources for Educators, Local Leaders on K-12 Flexibilities, Student Privacy, and Educating Students with Disabilities During Coronavirus Outbreak

Dear colleagues,

You have hopefully already seen this information that was shared yesterday afternoon, but I wanted to make sure you had received it. The Department's website, www.ed.gov/coronavirus, includes additional information, including from the USDA regarding meal service, and it will be updated as additional information is available.

Best,
Patrick Rooney

---

**From:** U.S. Department of Education <ed.gov@public.govdelivery.com>
**Sent:** Thursday, March 12, 2020 5:04 PM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Subject:** Secretary DeVos Releases New Resources for Educators, Local Leaders on K-12 Flexibilities, Student Privacy, and Educating Students with Disabilities During Coronavirus Outbreak

# Secretary DeVos Releases New Resources for Educators, Local Leaders on K-12 Flexibilities, Student Privacy, and Educating Students with

AMERICAN OVERSIGHT

# Disabilities During Coronavirus Outbreak

WASHINGTON – U.S. Secretary of Education Betsy DeVos issued new resources today that will assist education leaders in protecting student privacy and ensuring students with disabilities continue to receive services required under the Individuals with Disabilities Education Act (IDEA) in the event of school closures due to the Coronavirus (COVID-19) outbreak. The Education Department also released important information for K-12 educators on flexibilities the Department could grant when it comes to the accountability standards required by law under the Elementary and Secondary Education Act (ESEA).

The new guidance on student privacy provides clarity about the requirements of the Federal Educational Rights and Privacy Act (FERPA) as it pertains to the COVID-19 outbreak. For example, it advises school officials on working with public health officials to manage COVID-19-related issues while protecting the privacy of students' education records.

In addition, the Department has posted a fact sheet for K-12 schools about their considerations related to assessments and accountability should a school be closed for an extended period. If a school is unable to meet certain benchmarks due to absenteeism or school closure, the Department would consider a targeted one-year waiver so that the participation rate or absenteeism metric would not be factored into the school's Academic Achievement indicator.

In order to ensure that students with disabilities continue to receive the services guaranteed by IDEA and Section 504, the Department has published a Q&A document for state and local educational authorities. This information answers the most common questions schools have about when and how they must provide instruction, including when to consider use of online or virtual instruction and other curriculum-based instructional activities.

"We are working closely with our inter-agency partners to provide state and local leaders the information they need to ensure the health and safety of their students and educators," said Secretary DeVos. "We will continue to work alongside them and provide them the flexibilities they need in order to best support their communities."

This communication is the latest step in the Department's ongoing effort to assist students, teachers, and education leaders as part of the Administration's unprecedented, whole-of-government response to the viral outbreak. It follows the earlier-released guidance to institutions

AMERICAN OVERSIGHT

of higher education and a letter on protecting civil rights in schools during this time of heightened concern.

The CDC has issued interim guidance to help K-12 schools and childcare programs plan for and prevent the spread of COVID-19 among students and staff. See Interim Guidance for Administrators of US Childcare Programs and K-12 Schools to Plan, Prepare, and Respond to Coronavirus Disease 2019 available at: https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-schools.html.

Additional guidance will be announced in the coming days and posted at ed.gov/coronavirus.

For more information about the Coronavirus, please visit: https://www.cdc.gov/coronavirus/2019-ncov/index.html.

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This email was sent to patrick.rooney@ed.gov by U.S. Department of Education · 400 Maryland Ave · Washington DC 20202 · 800-USA-LEARN

GOVDELIVERY

AMERICAN OVERSIGHT

**From:** Booth, Lindsay
**Sent:** Wed, 11 Mar 2020 12:44:11 +0000
**To:** COVID-19
**Subject:** RE: NDRF Regional Contacts and COVID-19 Resource Hub

Hello Kelly-

(b)(5)

Thank you,
Lindsay

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Tuesday, March 10, 2020 4:04 PM
**To:** Booth, Lindsay <Lindsay.Booth@ed.gov>
**Cc:** Miller, Meredith <Meredith.Miller@ed.gov>; COVID-19 <COVID-19@ed.gov>; Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Subject:** RE: NDRF Regional Contacts and COVID-19 Resource Hub

Hi Lindsay,

(b)(5)

Thanks,
Kelly

---

**From:** Booth, Lindsay <Lindsay.Booth@ed.gov>
**Sent:** Tuesday, March 10, 2020 3:56 PM
**To:** COVID-19 <COVID-19@ed.gov>; Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Miller, Meredith <Meredith.Miller@ed.gov>
**Subject:** FW: NDRF Regional Contacts and COVID-19 Resource Hub

(b)(5)

Thank you
Lindsay

AMERICAN OVERSIGHT

**From:** RSFLG <rsflg@fema.dhs.gov>
**Sent:** Tuesday, March 10, 2020 3:43 PM
**To:** RSFLG <rsflg@fema.dhs.gov>
**Subject:** NDRF Regional Contacts and COVID-19 Resource Hub

Good afternoon RSFLG Partners,

Please find attached the most up-to-date contact list for our National Disaster Recovery Framework (NDRF) Regional Coordinators and RSF National Coordinators.

Also, the Council on Foundations (COF) has released a COVID-19 Resource Hub. If you would like to broadcast any of your Department/Agency's COVID-19 resources on the Resource Hub page, please email the RSFLG Secretariat and we will forward your information on to COF.

As always, please do not hesitate to reach out to the RSFLG Secretariat at RSFLG@fema.dhs.gov if you have any questions.

Thank you,

RSFLG Secretariat
Interagency Coordination Division
Recovery Directorate
Office of Response and Recovery, FEMA
500 C Street SW | Washington, DC 20472
(e) RSFLG@fema.dhs.gov

LAF

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 10 Mar 2020 20:03:55 +0000
**To:** Booth, Lindsay
**Cc:** Miller, Meredith;COVID-19;Sullivan, Madeline
**Subject:** RE: NDRF Regional Contacts and COVID-19 Resource Hub

Hi Lindsay,

(b)(5)

Thanks,
Kelly

---

**From:** Booth, Lindsay <Lindsay.Booth@ed.gov>
**Sent:** Tuesday, March 10, 2020 3:56 PM
**To:** COVID-19 <COVID-19@ed.gov>; Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Miller, Meredith <Meredith.Miller@ed.gov>
**Subject:** FW: NDRF Regional Contacts and COVID-19 Resource Hub

(b)(5)

Thank you
Lindsay

---

**From:** RSFLG <rsflg@fema.dhs.gov>
**Sent:** Tuesday, March 10, 2020 3:43 PM
**To:** RSFLG <rsflg@fema.dhs.gov>
**Subject:** NDRF Regional Contacts and COVID-19 Resource Hub

Good afternoon RSFLG Partners,

Please find attached the most up-to-date contact list for our National Disaster Recovery Framework (NDRF) Regional Coordinators and RSF National Coordinators.

Also, the Council on Foundations (COF) has released a COVID-19 Resource Hub. If you would like to broadcast any of your Department/Agency's COVID-19 resources on the Resource Hub page, please email the RSFLG Secretariat and we will forward your information on to COF.

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As always, please do not hesitate to reach out to the RSFLG Secretariat at RSFLG@fema.dhs.gov if you have any questions.

Thank you,

RSFLG Secretariat
Interagency Coordination Division
Recovery Directorate
Office of Response and Recovery, FEMA
500 C Street SW | Washington, DC 20472
(e) RSFLG@fema.dhs.gov

LAF

AMERICAN OVERSIGHT

**From:** Valentine, Ingrid
**Sent:** Fri, 6 Mar 2020 16:47:41 +0000
**To:** COVID-19
**Subject:** RE: Offer of Support for COVID-19

(b)(5)

Ingrid

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 6, 2020 11:30 AM
**To:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Offer of Support for COVID-19

Thanks.

(b)(5)

---

**From:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Sent:** Friday, March 6, 2020 11:18 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Offer of Support for COVID-19

(b)(5)

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 6, 2020 11:16 AM
**To:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Subject:** RE: Offer of Support for COVID-19

Hi Ingrid,

(b)(5)

Thanks,
Kelly

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**From:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Sent:** Friday, March 6, 2020 11:12 AM

AMERICAN OVERSIGHT

**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Offer of Support for COVID-19

(b)(5)

Ingrid

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 6, 2020 9:58 AM
**To:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Offer of Support for COVID-19

Hi Ingrid,

(b)(5)

Thanks,
Kelly

**From:** Brian Green <bgreen@coursera.org>
**Sent:** Thursday, March 5, 2020 11:40 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Offer of Support for COVID-19

Department of Education Staff -

Good morning. I just reviewed the guidance provided by the Dept. of ED on combating the COVID-19 virus. The briefing that I'm referring to was provided by IFAP.

https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

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The two policies from your briefing that I'd like to discuss are:

1. **Approval to Offer Distance Education**
   The Department is providing broad approval to institutions to use online

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technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in the event that an institution is otherwise required to seek Departmental approval for the use or expansion of distance learning programs. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner requiring the Department's approval after that point, it must seek approval under the Department's normal process.

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Please advise who I should contact to determine how we can help.

Warm regards,

**Brian Green | Portfolio Executive, Public Sector Global Partnerships**
**202-262-0242 | bgreen@coursera.org**

AMERICAN OVERSIGHT

**From:** Kesner, Paul
**Sent:** Fri, 6 Mar 2020 17:17:45 +0000
**To:** COVID-19
**Subject:** RE: Offer of Support for COVID-19

Hilsey

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 6, 2020 12:17 PM
**To:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Offer of Support for COVID-19

(b)(5)

Kelly

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**From:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Sent:** Friday, March 6, 2020 11:48 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Offer of Support for COVID-19

(b)(5)

Ingrid

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 6, 2020 11:30 AM
**To:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Offer of Support for COVID-19

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(b)(5)

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AMERICAN OVERSIGHT

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(b)(5)

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(b)(5)

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Warm regards,

AMERICAN OVERSIGHT

Brian Green | Portfolio Executive, Public Sector Global Partnerships
202-262-0242 | bgreen@coursera.org

AMERICAN OVERSIGHT

**From:** Jones, Diane
**Sent:** Tue, 10 Mar 2020 16:27:25 +0000
**To:** COVID-19
**Cc:** Hilsey, Shaina
**Subject:** RE: Offer of Support for COVID-19

(b)(5)

Diane

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 6, 2020 11:54 AM
**To:** Jones, Diane <Diane.Jones@ed.gov>
**Subject:** FW: Offer of Support for COVID-19

Hi Diane,

(b)(5)

Thanks,
Kelly

COVID19 Response Team

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**From:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
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**202-262-0242 | bgreen@coursera.org**

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**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 16:29:59 +0000
**To:** Valentine, Ingrid
**Cc:** COVID-19
**Subject:** RE: Offer of Support for COVID-19

Thanks.

(b)(5)

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**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Offer of Support for COVID-19

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AMERICAN OVERSIGHT

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Warm regards,

**Brian Green | Portfolio Executive, Public Sector Global Partnerships**
**202-262-0242 | bgreen@coursera.org**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 12 Mar 2020 19:13:30 +0000
**To:** Hilsey, Shaina;COVID-19
**Subject:** RE: OPE Correspondence

(b)(5)

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**From:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Sent:** Thursday, March 12, 2020 3:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** OPE Correspondence

Hello Kelly,

(b)(5)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 22:55:59 +0000
**To:** Evin Schwartz
**Cc:** COVID-19
**Subject:** RE: Coronavirus Education Impact

Dear Mr./Ms. Schwartz:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus"). We appreciate hearing from you.

We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

**From:** Evin Schwartz <evin@belouga.org>
**Sent:** Friday, March 6, 2020 11:45 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Coronavirus Education Impact

To Whom It May Concern,

I came across your recent Coronavirus information on the Ed.gov site and wanted to reach out and introduce myself.

I'm the CEO at Belouga, a free digital platform providing K-12 teachers and students with a personalized learning journey through connection, communication and collaboration with peers around the world. The Belouga network spans educational communities in over 100+ countries with over 20,000 hours of real-world subject aligned material.

In the wake of the virus outbreak we have seen schools worldwide turn to Belouga as a digital solution to continue learning during these unprecedented times. We will be releasing numerous use cases over the upcoming week and would be more than happy to share these with you to help support additional schools around the world.

I'm open to all thoughts on your side and look forward to hearing from you. Stay well and enjoy the weekend.
Best,

Evin

--

AMERICAN OVERSIGHT

Evin Schwartz
CEO/Founder
http://belouga.org

AMERICAN OVERSIGHT

**From:** Angie Gutierrez
**Sent:** Fri, 13 Mar 2020 12:55:03 -0400
**To:** AtlantaSPD
**Cc:** COVID-19
**Subject:** Re: Coronavirus IFAP Notification Questions

Thank you.

Best regards,

Angie Gutierrez
President
American Medical Academy
12215 SW 112 Street
Miami, Florida 33186
305.271.6555 Tel
305.271.8807 Fax
WWW.AMA.EDU

On Mar 13, 2020, at 11:03 AM, AtlantaSPD <AtlantaSPD@ed.gov> wrote:

Thank you for your question. I am forwarding your email to our COVID-19 response mailbox, COVID-19@ed.gov for review and response.

**From:** Angie Gutierrez <agutierrez@ama.edu>
**Sent:** Thursday, March 12, 2020 4:17 PM
**To:** AtlantaSPD <AtlantaSPD@ed.gov>; Lazara Rodriguez <lrodriguez@ama.edu>
**Cc:** Angie Gutierrez <agutierrez@ama.edu>
**Subject:** Coronavirus IFAP Notification Questions

Good afternoon,

In lieu of the current situation with the Coronavirus, American Medical Academy is looking at options to continue education while maintaining the safety of our students/ faculty/ staff and our community. After reading the publications posted on Ifap, we have a few questions and hope you can clarify for us.

1. What are the steps we need to take to receive approval for temporary online teaching for currently enrolled students attending a clock hour program?
2. Students attending clock hour programs must also complete externships outside the school. Unfortunately, these externships done at the hospitals or city rescue have been

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temporarily suspended by our affiliates in order to protect Patients/EMS personnel/Students. This portion of the program will have to continue after the restrictions are lifted. How will this affect the student's SAP? Should we re-do students' schedules to not reflect these hours and add them once the restrictions are lifted?
3. In the event a student is currently enrolled and attending the school and on the verge of starting a new semester/payment period, how will this affect the ability of getting disbursed?

Thank you in advance for all your help in this matter.

Best Regards,

***Angie Gutierrez***
President
<officialamasignature.gif>

**12215 SW 112 Street**
**Miami, Florida 33186-4830**
**305.271.6555 Tel**
**305.271.6556 Fax**
**www.AMA.edu**

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<officialamasignature.gif>

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 9 Mar 2020 14:29:41 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** RE: Coronavirus Impact on For-Profit Audits

Hi Shaina,

(b)(5)

Kelly

---

**From:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Sent:** Monday, March 9, 2020 10:22 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Coronavirus Impact on For-Profit Audits

Kelly,

(b)(5)

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 9, 2020 10:18 AM
**To:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Coronavirus Impact on For-Profit Audits

Hi Shaina,

(b)(5)

Thanks,
Kelly

---

**From:** Vierling, Christian <Christian.Vierling@ed.gov>
**Sent:** Monday, March 9, 2020 9:31 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Coronavirus Impact on For-Profit Audits

AMERICAN OVERSIGHT

**From:** Priebe, Mark <Mark.Priebe@ed.gov>
**Sent:** Monday, March 9, 2020 8:57 AM
**To:** Vierling, Christian <Christian.Vierling@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Subject:** FW: Coronavirus Impact on For-Profit Audits

(b)(5)

Mark

*Mark Priebe*
*Director Non-Federal Audit Team*
*U.S. Department of Education*
*Office of Inspector General*
*O: 202-245-8255*
*C: 202-431-3192*

---

**From:** Mary Foelster <Mary.Foelster@aicpa-cima.com>
**Sent:** Friday, March 6, 2020 5:24 PM
**To:** Karen Cookson - HUD - Office of Inspector General for Audit (kcookson@hudoig.gov) <kcookson@hudoig.gov>; 'BAUGH, MARBIE (MARBIE.BAUGH@oig.usda.gov)' <MARBIE.BAUGH@oig.usda.gov>; Fairley, Ronnie <Ronnie.Fairley@hud.gov>; Priebe, Mark <Mark.Priebe@ed.gov>; Brown, Tammie S (OIG/OAS) <Tammie.Brown@oig.hhs.gov>
**Cc:** Jim Brackens <Jim.Brackens@aicpa-cima.com>; Rafael Roman <Rafael.Roman@aicpa-cima.com>; Teresa Bordeaux <Teresa.Bordeaux@aicpa-cima.com>; McCormick, Kim <Kim.Mccormick@us.gt.com>
**Subject:** Coronavirus Impact on For-Profit Audits

Hi All: I am wondering if your agencies will be taking any action relating to the coronavirus in following areas. Note that the context for this is not single audits (I've already been in touch with Gil on that front), but rather audit requirements for for-profit entities. Not sure if you are right people to ask....please forward if not.

Extending audit deadlines. We have begun hearing from members in certain parts of the country that are being challenged in performing/completing their audits. For example, some audit clients are now closed in parts of the country. Local governments in the Pacific Northwest are suggesting people stay home from work in entire areas. Some clients require air travel by the audit firm and some audit team members are reluctant to go. While 3/31 is the most immediate deadline, I think deadline flexibility considerations may need to go beyond that. Are any of your agencies considering extending audit deadlines, even if based on certain criteria?

Relaxing compliance requirements. Just today we became aware that Education issued guidance at the link below providing guidance to Institutions on certain requirements relating to SFA. I've already got a question into Gil about how the 2020 Supplement will address these types of things for 2020 single audits. Are you aware of any similar types of efforts that would affect the audits performed under your federal audit guides/regulations? This aspect isn't as immediate as the question on audit deadlines above, but will eventually need to be addressed from an audit perspective.

AMERICAN OVERSIGHT

Please let me know. I just want to stay in the loop and be able to communicate to the auditor community the latest developments on this as the concerns seem to be growing with each day.

Thanks.

ED Guidance:
https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19?fbclid=IwAR26ID1OBiBMPGgV1vihueMRlY_XI4DoRuMy-jwkK_PwNbZBMCU3y9ihNNU%3Chttps://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Fifap.ed.gov%2Felectronic-announcements%2F030520Guidance4interruptionsrelated2CoronavirusCOVID19%3Ffbclid%3DIwAR26ID1OBiBMPGgV1vihueMRlY_XI4DoRuMy-jwkK_PwNbZBMCU3y9ihNNU&data=02%7C01%7Cmichelea%40ku.edu%7C6c58780a854448bd906d08d7c11b63fa%7C3c176536afe643f5b96636feabbe3c1a%7C0%7C0%7C637190195695274011&sdata=Hhe13kl8IHpBr4vyDPU%2FnRRDcDiTLcOiGpy4PWI4Vzo%3D&reserved=0

Mary

Mary M. Foelster, CPA, CGMA
Senior Director, Governmental Auditing and Accounting — Public Accounting Association | AICPA | CIMA
T: +1.202.434.9259 | M: +1.202.297.9596
Mary.Foelster@aicpa-cima.com
1455 Pennsylvania Ave., NW, 10th Floor, Washington, DC 20004
AICPA Member Service: 888.777.7077 or service@aicpa.org
CIMA: cimaglobal.com/Contact-us/

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(b)(5)

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*U.S. Department of Education*
*Office of Inspector General*
*O: 202-245-8255*

AMERICAN OVERSIGHT

*C: 202-431-3192*

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**From:** Mary Foelster <Mary.Foelster@aicpa-cima.com>
**Sent:** Friday, March 6, 2020 5:24 PM
**To:** Karen Cookson - HUD - Office of Inspector General for Audit (kcookson@hudoig.gov) <kcookson@hudoig.gov>; 'BAUGH, MARBIE (MARBIE.BAUGH@oig.usda.gov)' <MARBIE.BAUGH@oig.usda.gov>; Fairley, Ronnie <Ronnie.Fairley@hud.gov>; Priebe, Mark <Mark.Priebe@ed.gov>; Brown, Tammie S (OIG/OAS) <Tammie.Brown@oig.hhs.gov>
**Cc:** Jim Brackens <Jim.Brackens@aicpa-cima.com>; Rafael Roman <Rafael.Roman@aicpa-cima.com>; Teresa Bordeaux <Teresa.Bordeaux@aicpa-cima.com>; McCormick, Kim <Kim.Mccormick@us.gt.com>
**Subject:** Coronavirus Impact on For-Profit Audits

Hi All: I am wondering if your agencies will be taking any action relating to the coronavirus in following areas. Note that the context for this is not single audits (I've already been in touch with Gil on that front), but rather audit requirements for for-profit entities. Not sure if you are right people to ask....please forward if not.

Extending audit deadlines. We have begun hearing from members in certain parts of the country that are being challenged in performing/completing their audits. For example, some audit clients are now closed in parts of the country. Local governments in the Pacific Northwest are suggesting people stay home from work in entire areas. Some clients require air travel by the audit firm and some audit team members are reluctant to go. While 3/31 is the most immediate deadline, I think deadline flexibility considerations may need to go beyond that. Are any of your agencies considering extending audit deadlines, even if based on certain criteria?

Relaxing compliance requirements. Just today we became aware that Education issued guidance at the link below providing guidance to Institutions on certain requirements relating to SFA. I've already got a question into Gil about how the 2020 Supplement will address these types of things for 2020 single audits. Are you aware of any similar types of efforts that would affect the audits performed under your federal audit guides/regulations? This aspect isn't as immediate as the question on audit deadlines above, but will eventually need to be addressed from an audit perspective.

Please let me know. I just want to stay in the loop and be able to communicate to the auditor community the latest developments on this as the concerns seem to be growing with each day.

Thanks.

ED Guidance:
https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19?fbclid=IwAR26ID1OBiBMPGgV1vihueMRlY_XI4DoRuMy-jwkK_PwNbZBMCU3y9ihNNU%3Chttps://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Fifap.ed.gov%2Felectronic-announcements%2F030520Guidance4interruptionsrelated2CoronavirusCOVID19%3Ffbclid%3DIwAR26ID1OBiBMPGgV1vihueMRlY_XI4DoRuMy-jwkK_PwNbZBMCU3y9ihNNU&data=02%7C01%7Cmichelea%40ku.edu%7C6c58780a854448bd906d08d

AMERICAN OVERSIGHT

7c11b63fa%7C3c176536afe643f5b96636feabbe3c1a%7C0%7C0%7C637190195695274011&sdata=Hhe13kl8IHpBr4vyDPU%2FnRRDcDiTLcOiGpy4PWI4Vzo%3D&reserved=0

Mary

Mary M. Foelster, CPA, CGMA
Senior Director, Governmental Auditing and Accounting — Public Accounting Association | AICPA | CIMA
T: +1.202.434.9259 | M: +1.202.297.9596
Mary.Foelster@aicpa-cima.com
1455 Pennsylvania Ave., NW, 10th Floor, Washington, DC 20004
AICPA Member Service: 888.777.7077 or service@aicpa.org
CIMA: cimaglobal.com/Contact-us/

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AMERICAN OVERSIGHT

**From:** Ashley Fetters
**Sent:** Thu, 5 Mar 2020 09:39:00 -0600
**To:** COVID-19;Hill, Elizabeth
**Subject:** Re: couple of questions for an Atlantic story

Good morning! Just following up; I'm putting my story together today, and I'd love to include any comment you might be able to give. Thank you!

Ashley

On Tue, Mar 3, 2020 at 3:12 PM Ashley Fetters <afetters@theatlantic.com> wrote:

Hi there—

I'm Ashley Fetters, a reporter for The Atlantic. I write about kids and education, and I'm working on a story about how schools are dealing with and/or preparing for the spread of COVID-19. (Liz, cc'ing you on the recommendation of my terrific colleague Adam Harris.)

My coauthor and I are hoping to gain some insight as to what prolonged school closures would look like in the United States, and of course we want to include as much direct information from the Department of Education as we can. I've looked over some of the materials on the COVID-19 section of the ed.gov website, and I have a couple of quick additional questions — so I'm writing in hopes that someone from the Department of Education might be able to shed some light. Here's what I'm wondering:

- I've read about some schools considering adding extra time to the school day for students to periodically wash their hands. Does the Education Department have any specific stance or policy on this measure?
- Kids in Hong Kong have been home for several weeks now and are facing the question of how to make up for the weeks of school the students have now missed. Has the Department of Education released any guidelines, or are there any existing policies, regarding how schools should make up for days lost to school closure? (i.e., at what point should days be added onto the end of the year?)
- What is the Department of Education's stance on e-learning/online lessons? Under what circumstances, if any, would the Department advise school administrators to implement it?
- If school closures continue later into the spring, is there a federal-level plan in place for how to handle standardized testing, or college-entrance exams like the SAT and ACT?
- Are there any other contingency plans that are in the works or yet to be announced that I should look out for?

I'm hoping to file my story by the end of the day on Thursday, so let me know if there's someone who can help me learn a little more about this. Short turnaround, I know—and I apologize, as I know this must be an unbelievably busy time!—so I'm happy to hop on the phone, too, if that's easier. Thank you, talk soon,

AMERICAN OVERSIGHT

Ashley

--

**Ashley Fetters** *(she/her/hers)*
Staff Writer, *The Atlantic*
60 Madison Ave., New York, NY 10010
@AshleyFetters

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**Ashley Fetters** *(she/her/hers)*
Staff Writer, *The Atlantic*
60 Madison Ave., New York, NY 10010
@AshleyFetters

AMERICAN OVERSIGHT

**From:** Webb, Jo Ann
**Sent:** Tue, 3 Mar 2020 22:06:01 +0000
**To:** COVID-19
**Subject:** RE: couple of questions for an Atlantic story

Thank you

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Tuesday, March 3, 2020 5:05 PM
**To:** Webb, Jo Ann <JoAnn.Webb@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: couple of questions for an Atlantic story

Hi JoAnn,

(b)(5)

Thanks,
Kelly

**From:** Ashley Fetters <afetters@theatlantic.com>
**Sent:** Tuesday, March 3, 2020 4:12 PM
**To:** COVID-19 <COVID-19@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>
**Subject:** couple of questions for an Atlantic story

Hi there—

I'm Ashley Fetters, a reporter for The Atlantic. I write about kids and education, and I'm working on a story about how schools are dealing with and/or preparing for the spread of COVID-19. (Liz, cc'ing you on the recommendation of my terrific colleague Adam Harris.)

My coauthor and I are hoping to gain some insight as to what prolonged school closures would look like in the United States, and of course we want to include as much direct information from the Department of Education as we can. I've looked over some of the materials on the COVID-19 section of the ed.gov website, and I have a couple of quick additional questions — so I'm writing in hopes that someone from the Department of Education might be able to shed some light. Here's what I'm wondering:

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AMERICAN OVERSIGHT

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Ashley

--

**Ashley Fetters** *(she/her/hers)*
Staff Writer, *The Atlantic*
60 Madison Ave., New York, NY 10010
@AshleyFetters

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 3 Mar 2020 20:55:26 +0000
**To:** Wilson, Linda
**Cc:** COVID-19
**Subject:** RE: COVID 19 email list?

(b)(5)

Please provide to customer the PreventED newsletter. The link to sign up for the newsletter is below.

**ED's Safe and Supportive Schools Newsletter**

The purpose of the newsletter is to provide information for the U.S. Department of Education's Office of Safe and Supportive Schools and is available to the public. The content includes breaking news and announcements, legislation, and other Federal Programs grant opportunities.

Sign up at: *https://public.govdelivery.com/accounts/USED/subscriber/new?topic_id=USED_3*

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**From:** Wilson, Linda <Linda.Wilson@ed.gov>
**Sent:** Tuesday, March 3, 2020 2:50 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: COVID 19 email list?

(b)(5)

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Tuesday, March 3, 2020 2:41 PM
**To:** Wilson, Linda <Linda.Wilson@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: COVID 19 email list?

Hi Linda,

The below email was received in the COVID-19 mailbox. This is from Congressman Burgess staff.

Thanks,
Kelly

---

**From:** Yancey, Michael <Michael.Yancey@mail.house.gov>
**Sent:** Tuesday, March 3, 2020 11:09 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID 19 email list?

AMERICAN OVERSIGHT

To whom it may concern,

If the Dept of Ed has an email blast for what its doing to prevent the spread of COVID19 in schools, please put me on that list. Thank you.

**Michael C. Yancey**|Legislative Assistant
Dr. Michael C. Burgess (TX-26)|2161 Rayburn House Office Building
Office: (202) 225-7772|Email: michael.yancey@mail.house.gov

AMERICAN OVERSIGHT

**From:** Wilson, Linda
**Sent:** Tue, 3 Mar 2020 21:17:39 +0000
**To:** COVID-19
**Subject:** RE: COVID 19 email list?

Thanks, who am I communicating with?

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Tuesday, March 3, 2020 3:55 PM
**To:** Wilson, Linda <Linda.Wilson@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: COVID 19 email list?

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AMERICAN OVERSIGHT

**From:** Wilson, Linda
**Sent:** Tue, 3 Mar 2020 21:32:00 +0000
**To:** COVID-19
**Subject:** RE: COVID 19 email list?

(b)(5)

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Tuesday, March 3, 2020 3:55 PM
**To:** Wilson, Linda <Linda.Wilson@ed.gov>
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I can refer them to the website – can they sign up for regular updates there?

---

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 3 Mar 2020 22:03:18 +0000
**To:** Wilson, Linda
**Cc:** COVID-19
**Subject:** RE: COVID 19 email list?

(b)(5)

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**From:** Wilson, Linda <Linda.Wilson@ed.gov>
**Sent:** Tuesday, March 3, 2020 4:32 PM
**To:** COVID-19 <COVID-19@ed.gov>
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(b)(5)

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Dr. Michael C. Burgess (TX-26)|2161 Rayburn House Office Building
Office: (202) 225-7772|Email: michael.yancey@mail.house.gov

AMERICAN OVERSIGHT

**From:** Patrick, Kelly
**Sent:** Tue, 3 Mar 2020 22:26:49 +0000
**To:** Wilson, Linda
**Cc:** COVID-19
**Subject:** RE: COVID 19 email list?

(b)(5)

Kelly

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**From:** COVID-19
**Sent:** Tuesday, March 3, 2020 5:03 PM
**To:** Wilson, Linda <Linda.Wilson@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: COVID 19 email list?

(b)(5)

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Dr. Michael C. Burgess (TX-26) | 2161 Rayburn House Office Building
Office: (202) 225-7772 | Email: michael.yancey@mail.house.gov

AMERICAN OVERSIGHT

**From:** Wilson, Linda
**Sent:** Tue, 3 Mar 2020 19:50:02 +0000
**To:** COVID-19
**Subject:** RE: COVID 19 email list?

(b)(5)

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Tuesday, March 3, 2020 2:41 PM
**To:** Wilson, Linda <Linda.Wilson@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: COVID 19 email list?

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Kelly

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**Sent:** Tuesday, March 3, 2020 11:09 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID 19 email list?

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**Michael C. Yancey**|Legislative Assistant
Dr. Michael C. Burgess (TX-26)|2161 Rayburn House Office Building
Office: (202) 225-7772|Email: michael.yancey@mail.house.gov

AMERICAN OVERSIGHT

**From:** Hilsey, Shaina
**Sent:** Fri, 13 Mar 2020 19:35:20 +0000
**To:** COVID-19
**Subject:** RE: covid-19 concerns

(b)(5)

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 13, 2020 3:34 PM
**To:** Cox, Jack <Jack.Cox@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: covid-19 concerns

Hi OPE,

(b)(5)

Thanks,
Kelly

---

**From** (b)(6) @icloud.com>
**Sent:** Friday, March 13, 2020 3:26 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** covid-19 concerns

To whom it may concern,

I am a 2nd year student from Cincinnati, Ohio attending Tennessee State University, which has just cancelled its in-person meetings indefinitely. This is obviously a major transition to moving all credit hours online & removes the necessity of being on campus. With all the confusion and chaos going on due to the COVID-19, a lot of parents are sending for their children or the student is choosing to evacuate themselves due to the risk of contamination, the lack of supplies due to public panic and lack of required stay. I was listening to a broadcast called "Full Force" and heard about the government offering students who receive Financial Aid additional monetary assistance in order to travel home/make alternative housing arrangements so I wished to see how true those statements were.

Best regards,

(b)(6)

Miss Eppse 2019-2020
Tennessee State University
(b)(6)

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Thu, 12 Mar 2020 19:06:29 +0000
**To:** COVID-19
**Cc:** Williams, Bryan
**Subject:** RE: Dobbs Ferry High School

Thank you, Kelly!

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 12, 2020 3:02 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: Dobbs Ferry High School

Hi Madeline,

(b)(5)

Thanks,
Kelly

---

**Fro** (b)(6) >
**Sent:** Thursday, March 12, 2020 1:48 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Dobbs Ferry High School

Dear NY state Dept. of Education,

My name is (b)(6) and I am a senior at Dobbs Ferry High School. I was wondering what is going to happen in our school as COVID-19 spreads. It has already been confirmed in our town after a professor at Mercy College tested positive for it and now there is a student in our grade who is being tested.

Sincerely, (b)(6)

AMERICAN OVERSIGHT

**From:** Rooney, Patrick
**Sent:** Wed, 11 Mar 2020 15:03:29 +0000
**To:** Stephenson, Todd;Ryder, Ruth;Kesner, Paul;COVID-19
**Cc:** Siry, Melissa;Muhammad, Faatimah
**Subject:** RE: Question from USDA/FNS: School Closures

(b)(5)

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**From:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:37 AM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** Siry, Melissa <Melissa.Siry@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** Question from USDA/FNS: School Closures

Hi Patrick,

(b)(5)

Todd

AMERICAN OVERSIGHT

**From:** Applebaum, Margaret - FNS <margaret.applebaum@usda.gov>
**Sent:** Wednesday, March 11, 2020 9:28 AM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Subject:** School Closures

Hi Todd –

I hope this email finds you well!

I do not think this questions is for you but hoping you can point us in the right direction. Is Department of Ed tracking school closures due to COVID19? If so, is this type of data something you can share with us?

Thanks so much!

Maggie

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AMERICAN OVERSIGHT

**From:** Kesner, Paul
**Sent:** Wed, 11 Mar 2020 15:09:58 +0000
**To:** COVID-19;Sullivan, Madeline
**Cc:** Williams, Bryan
**Subject:** RE: Question from USDA/FNS: School Closures

(b)(5)

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 11, 2020 11:08 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Question from USDA/FNS: School Closures

(b)(5)

Kelly

---

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**Sent:** Wednesday, March 11, 2020 11:03 AM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Siry, Melissa <Melissa.Siry@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** RE: Question from USDA/FNS: School Closures

Thanks Todd. (b)(6)

(b)(5)

AMERICAN OVERSIGHT

**From:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:37 AM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** Siry, Melissa <Melissa.Siry@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** Question from USDA/FNS: School Closures

Hi Patrick,

(b)(5)

Todd

**From:** Applebaum, Margaret - FNS <margaret.applebaum@usda.gov>
**Sent:** Wednesday, March 11, 2020 9:28 AM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Subject:** School Closures

Hi Todd –

I hope this email finds you well!

I do not think this questions is for you but hoping you can point us in the right direction. Is Department of Ed tracking school closures due to COVID19? If so, is this type of data something you can share with us?

Thanks so much!

Maggie

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AMERICAN OVERSIGHT

may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

AMERICAN OVERSIGHT

**From:** Kesner, Paul
**Sent:** Wed, 11 Mar 2020 15:11:42 +0000
**To:** Sullivan, Madeline;COVID-19
**Cc:** Williams, Bryan
**Subject:** RE: Question from USDA/FNS: School Closures

(b)(5)

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Wednesday, March 11, 2020 10:58 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** RE: Question from USDA/FNS: School Closures

Good morning and thank you, Kelly!

(b)(5)

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 11, 2020 10:51 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Question from USDA/FNS: School Closures

Hi Madeline,

(b)(5)

Kelly

AMERICAN OVERSIGHT

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:55 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Question from USDA/FNS: School Closures

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**From:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:37 AM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** Siry, Melissa <Melissa.Siry@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** Question from USDA/FNS: School Closures

Hi Patrick,

(b)(5)

Todd

---

**From:** Applebaum, Margaret - FNS <margaret.applebaum@usda.gov>
**Sent:** Wednesday, March 11, 2020 9:28 AM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Subject:** School Closures

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AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Wed, 11 Mar 2020 15:12:06 +0000
**To:** Kesner, Paul;COVID-19
**Cc:** Williams, Bryan
**Subject:** RE: Question from USDA/FNS: School Closures

Thank you, Paul!

(b)(5)

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** Kesner, Paul <Paul.Kesner@ed.gov>
**Sent:** Wednesday, March 11, 2020 11:10 AM
**To:** COVID-19 <COVID-19@ed.gov>; Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** RE: Question from USDA/FNS: School Closures

(b)(5)

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 11, 2020 11:08 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Question from USDA/FNS: School Closures

(b)(5)

Kelly

AMERICAN OVERSIGHT

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Wednesday, March 11, 2020 11:03 AM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Siry, Melissa <Melissa.Siry@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** RE: Question from USDA/FNS: School Closures

Thanks Todd. Adding in a few others for their awareness.

(b)(5)

**From:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:37 AM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** Siry, Melissa <Melissa.Siry@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** Question from USDA/FNS: School Closures

Hi Patrick,

(b)(5)

Todd

AMERICAN OVERSIGHT

**From:** Applebaum, Margaret - FNS <margaret.applebaum@usda.gov>
**Sent:** Wednesday, March 11, 2020 9:28 AM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Subject:** School Closures

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AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Wed, 11 Mar 2020 15:13:20 +0000
**To:** Kesner, Paul;COVID-19
**Cc:** Williams, Bryan
**Subject:** RE: Question from USDA/FNS: School Closures

(b)(5)

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** Kesner, Paul <Paul.Kesner@ed.gov>
**Sent:** Wednesday, March 11, 2020 11:12 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** RE: Question from USDA/FNS: School Closures

(b)(5)

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Wednesday, March 11, 2020 10:58 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** RE: Question from USDA/FNS: School Closures

Good morning and thank you, Kelly!

(b)(5)

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

AMERICAN OVERSIGHT

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 11, 2020 10:51 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Question from USDA/FNS: School Closures

Hi Madeline,

(b)(5)

Kelly

---

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:55 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Question from USDA/FNS: School Closures

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**From:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:37 AM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** Siry, Melissa <Melissa.Siry@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** Question from USDA/FNS: School Closures

Hi Patrick,

(b)(5)

Todd

AMERICAN OVERSIGHT

**From:** Applebaum, Margaret - FNS <margaret.applebaum@usda.gov>
**Sent:** Wednesday, March 11, 2020 9:28 AM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Subject:** School Closures

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AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Wed, 11 Mar 2020 15:13:52 +0000
**To:** Kesner, Paul;COVID-19
**Cc:** Williams, Bryan
**Subject:** RE: Question from USDA/FNS: School Closures

Kelly,

(b)(5)

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** Kesner, Paul <Paul.Kesner@ed.gov>
**Sent:** Wednesday, March 11, 2020 11:12 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** RE: Question from USDA/FNS: School Closures

(b)(5)

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Wednesday, March 11, 2020 10:58 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** RE: Question from USDA/FNS: School Closures

Good morning and thank you, Kelly!

(b)(5)

Sincerely,
Madeline

**Madeline Sullivan**

AMERICAN OVERSIGHT

U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 11, 2020 10:51 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Question from USDA/FNS: School Closures

Hi Madeline,

(b)(5)

Kelly

---

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:55 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Question from USDA/FNS: School Closures

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**From:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:37 AM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** Siry, Melissa <Melissa.Siry@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** Question from USDA/FNS: School Closures

Hi Patrick,

(b)(5)

AMERICAN OVERSIGHT

(b)(5)

Todd

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**From:** Applebaum, Margaret - FNS <margaret.applebaum@usda.gov>
**Sent:** Wednesday, March 11, 2020 9:28 AM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Subject:** School Closures

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 15:18:33 +0000
**To:** Sullivan, Madeline
**Cc:** Williams, Bryan;COVID-19;Kesner, Paul
**Subject:** RE: Question from USDA/FNS: School Closures

(b)(5)

Kelly

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Wednesday, March 11, 2020 11:14 AM
**To:** Kesner, Paul <Paul.Kesner@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** RE: Question from USDA/FNS: School Closures

Kelly,

(b)(5)

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
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Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** Kesner, Paul <Paul.Kesner@ed.gov>
**Sent:** Wednesday, March 11, 2020 11:12 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** RE: Question from USDA/FNS: School Closures

(b)(5)

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**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Wednesday, March 11, 2020 10:58 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** RE: Question from USDA/FNS: School Closures

AMERICAN OVERSIGHT

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(b)(5)

Sincerely,
Madeline

**Madeline Sullivan**
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400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 11, 2020 10:51 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Question from USDA/FNS: School Closures

Hi Madeline,

(b)(5)

Kelly

---

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:55 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Question from USDA/FNS: School Closures

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**From:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:37 AM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** Siry, Melissa <Melissa.Siry@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** Question from USDA/FNS: School Closures

Hi Patrick,

AMERICAN OVERSIGHT

(b)(5)

Todd

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**Sent:** Wednesday, March 11, 2020 9:28 AM
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AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Wed, 11 Mar 2020 15:35:15 +0000
**To:** COVID-19
**Cc:** Williams, Bryan;Kesner, Paul
**Subject:** RE: Question from USDA/FNS: School Closures

Thank you!

(b)(5)

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 11, 2020 11:19 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; COVID-19 <COVID-19@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** RE: Question from USDA/FNS: School Closures

(b)(5)

Kelly

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Wednesday, March 11, 2020 11:14 AM
**To:** Kesner, Paul <Paul.Kesner@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** RE: Question from USDA/FNS: School Closures

Kelly,

(b)(5)

**Madeline Sullivan**

AMERICAN OVERSIGHT

U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** Kesner, Paul <Paul.Kesner@ed.gov>
**Sent:** Wednesday, March 11, 2020 11:12 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** RE: Question from USDA/FNS: School Closures

(b)(5)

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Wednesday, March 11, 2020 10:58 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** RE: Question from USDA/FNS: School Closures

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(b)(5)

Sincerely,
Madeline

**Madeline Sullivan**
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Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 11, 2020 10:51 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Question from USDA/FNS: School Closures

Hi Madeline,

(b)(5)

Kelly

---

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:55 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Question from USDA/FNS: School Closures

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**From:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:37 AM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** Siry, Melissa <Melissa.Siry@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** Question from USDA/FNS: School Closures

Hi Patrick,

(b)(5)

Todd

---

**From:** Applebaum, Margaret - FNS <margaret.applebaum@usda.gov>
**Sent:** Wednesday, March 11, 2020 9:28 AM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Subject:** School Closures

Hi Todd –

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Wed, 11 Mar 2020 14:57:48 +0000
**To:** COVID-19
**Cc:** Williams, Bryan;Kesner, Paul
**Subject:** RE: Question from USDA/FNS: School Closures

Good morning and thank you, Kelly!

(b)(5)

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 11, 2020 10:51 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Question from USDA/FNS: School Closures

Hi Madeline,

(b)(5)

Kelly

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**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Question from USDA/FNS: School Closures

AMERICAN OVERSIGHT

**From:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Sent:** Wednesday, March 11, 2020 9:37 AM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>
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**Subject:** Question from USDA/FNS: School Closures

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(b)(5)

Todd

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**From:** Applebaum, Margaret - FNS <margaret.applebaum@usda.gov>
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**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Subject:** School Closures

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AMERICAN OVERSIGHT

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**From:** COVID-19
**Sent:** Wed, 11 Mar 2020 23:17:51 +0000
**To:** Sullivan, Madeline;COVID-19
**Cc:** Williams, Bryan
**Subject:** RE: question regarding foreign travel

(b)(5)

Thanks,
Kelly

---

**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Wednesday, March 11, 2020 7:07 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** RE: question regarding foreign travel

Hi Kelly,

(b)(5)

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 11, 2020 10:46 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: question regarding foreign travel

Hi Madeline,

AMERICAN OVERSIGHT

(b)(5)

Please return to me at your earliest conveniences.

Thanks,
Kelly

---

**From:** Araujo, Liza <Liza.Araujo@ed.gov>
**Sent:** Wednesday, March 11, 2020 7:14 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** question regarding foreign travel

Good Morning,

(b)(5)

Thank you!

Liza Araujo-Rouse
Executive Officer
U.S. Department of Education
Office of the General Counsel & the Office of
Legislation and CongressionalAffairs
400 Maryland Avenue, SW
Room 6E343
Washington DC, 20202
Phone: 202-260-4008

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Wed, 11 Mar 2020 23:06:45 +0000
**To:** COVID-19
**Cc:** Williams, Bryan
**Subject:** RE: question regarding foreign travel

Hi Kelly,

(b)(5)

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 11, 2020 10:46 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: question regarding foreign travel

Hi Madeline,

(b)(5)

Please return to me at your earliest conveniences.

Thanks,
Kelly

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**From:** Araujo, Liza <Liza.Araujo@ed.gov>
**Sent:** Wednesday, March 11, 2020 7:14 AM

AMERICAN OVERSIGHT

**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** question regarding foreign travel

Good Morning,

(b)(5)

Thank you!

Liza Araujo-Rouse
Executive Officer
U.S. Department of Education
Office of the General Counsel & the Office of
Legislation and CongressionalAffairs
400 Maryland Avenue, SW
Room 6E343
Washington DC, 20202
Phone: 202-260-4008

AMERICAN OVERSIGHT

**From:** Valentine, Ingrid
**Sent:** Thu, 5 Mar 2020 23:37:21 +0000
**To:** COVID-19
**Subject:** RE: Question regarding study abroad

Ok- thanks

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 5, 2020 6:36 PM
**To:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Question regarding study abroad

Ingrid, (b)(5)

Kelly

---

**From:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Sent:** Thursday, March 5, 2020 6:30 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Question regarding study abroad

Hi Kelly- (b)(5) Thanks

Ingrid

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 5, 2020 4:58 PM
**To:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Question regarding study abroad

Hi Ingrid,

(b)(5)

Thanks,
Kelly

---

**From:** Grunden, Cynthia <cgrunden@colum.edu>
**Sent:** Thursday, March 5, 2020 4:55 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question regarding study abroad

AMERICAN OVERSIGHT

Greetings,

We have a student who received Title IV funds to study abroad at a foreign institution in Florence, Italy. Unfortunately and due to Coronavirus, the institution has temporarily closed and the student is on her way back to the U.S.

The foreign institution is making arrangements for the student to complete her coursework for the term online. It is the foreign institution (and not the home institution) that will be providing the instruction.

Whereas we understand that students are not permitted to receive Title IV funds for online instruction from foreign schools, does this also mean that we need to perform a R2T4 calculation for the student because she is no longer enrolled in Title IV eligible coursework? Her aid was already fully disbursed for the term, and we are unclear as to if a R2T4 calculation is required only because the method of instruction changed for a student who is still enrolled.

Again, she is still enrolled in the same courses upon which her Title IV disbursement was based. The method of instruction has just changed mid-way through the term due to this special circumstance. Assuming the student completes her coursework, she will still be receiving academic credit through her home institution.

I appreciate any clarity you can provide.

Regards,
Cynthia

Cynthia Grunden
Assistant Vice President
Student Financial Services
Pronouns: she/her/hers

AMERICAN OVERSIGHT

**From:** Valentine, Ingrid
**Sent:** Thu, 5 Mar 2020 23:29:39 +0000
**To:** COVID-19
**Subject:** RE: Question regarding study abroad

Hi Kelly (b)(5) Thanks

Ingrid

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 5, 2020 4:58 PM
**To:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Question regarding study abroad

Hi Ingrid,

(b)(5)

Thanks,
Kelly

---

**From:** Grunden, Cynthia <cgrunden@colum.edu>
**Sent:** Thursday, March 5, 2020 4:55 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question regarding study abroad

Greetings,

We have a student who received Title IV funds to study abroad at a foreign institution in Florence, Italy. Unfortunately and due to Coronavirus, the institution has temporarily closed and the student is on her way back to the U.S.

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Again, she is still enrolled in the same courses upon which her Title IV disbursement was based. The method of instruction has just changed mid-way through the term due to this special circumstance.

AMERICAN OVERSIGHT

Assuming the student completes her coursework, she will still be receiving academic credit through her home institution.

I appreciate any clarity you can provide.

Regards,
Cynthia

Cynthia Grunden
Assistant Vice President
Student Financial Services
Pronouns: she/her/hers

AMERICAN OVERSIGHT

**From:** Valentine, Ingrid
**Sent:** Thu, 5 Mar 2020 23:22:54 +0000
**To:** COVID-19
**Subject:** RE: recent update

Great- thanks- it wasn't appearing in the original email

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 5, 2020 6:21 PM
**To:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: recent update

Here the signature block didn't download.

SCOTT SEIBRING '85
DIRECTOR OF FINANCIAL AID
ILLINOIS WESLEYAN UNIVERSITY
1312 Park Street, Bloomington, IL 61701
(309) 556-3393

---

**From:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Sent:** Thursday, March 5, 2020 6:14 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: recent update

Thanks Kelly— (b)(5)

Ingrid

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 5, 2020 6:06 PM
**To:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: recent update

Hi Ingrid,

(b)(5)

Thanks,

AMERICAN OVERSIGHT

Kelly

**From:** Scott Seibring <seibring@iwu.edu>
**Sent:** Thursday, March 5, 2020 6:03 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Fwd: recent update

With the recent guidance related to federal aid and coronavirus., I have a question regarding this situation.

We received this update for one of our students who is suppose to leave in a week. With coronavirus, IES is offering students the options to defer or withdraw for a program in Tokyo.

So, technically this student is able to attend but it sounds like there are many people who are encouraging the student not attend. It is now too late to enroll in spring semester on campus. Does this student lose her grace period and go into repayment the same way a student who just doesn't return for spring semester?

Normally institutions, once aware that a student will not begin or has not begun attendance, must notify the loan servicer which results in issuance of a final demand letter to the borrower. However, we have determined that in the case where a student was unable to begin attendance due to a COVID-19-related school closure, the provisions of 34 CFR § 668.21(a)(2)(ii), requiring the institution to notify the servicer of that student's failure to begin attendance, do not apply because the option for the student to begin attendance did not exist. Accordingly, the institution should not notify the servicer that the student did not begin attendance. He or she will be permitted to repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption.

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** OESE.SGR.Vermont
**Sent:** Fri, 13 Mar 2020 14:04:11 +0000
**To:** Roy, Jesse;COVID-19
**Cc:** OESE.SGR.Vermont;Hodgdon, Jane;Ramsey, Tara;McKenzie, Lakesha
**Subject:** RE: Reimbursing Spending for Interrupted Professional Development

Good morning Jesse,

Thank you for your message. We have received your inquiry and shared it with our colleagues who are responding to questions related to the coronavirus at COVID-19@ed.gov. To learn more about the U.S. Department of Education's prevention plan and how you can help prevent the spread of coronavirus, please visit www.ed.gov/coronavirus for more details.

Stay safe,
-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
Connect. Engage. Empower.

---

**From:** Roy, Jesse <Jesse.Roy@vermont.gov>
**Sent:** Friday, March 13, 2020 9:51 AM
**To:** OESE.SGR.Vermont <Vermont.oese@ed.gov>
**Subject:** Reimbursing Spending for Interrupted Professional Development

Good Morning,

A number of Vermont LEAs have reached out with this type of question: they have spent local funds on plane tickets, registration fees, etc., for Professional Development events that were approved in their Title applications. Due to COVID-19 concerns, they have either elected not to take the trips or to attend the events, or in some case the events have simply been cancelled.

Our understanding is that we cannot reimburse with federal funds for activities that didn't end up happening—for example a flight that wasn't taken or a conference that wasn't attended—which leaves our LEAs, some of which can't afford to cover the costs ultimately with local funds, in a tough spot.

I guess I have two questions. First, is our understanding of the rules correct; that we can not reimburse for a purchased plane ticket or a conference registration with Title funds if attendance doesn't actually happen? Second, if this is the case, can the DOE provide some flexibility around this restriction in light of the circumstances?

Appreciatively,

AMERICAN OVERSIGHT

**Jesse Roy**
Assistant Division Director – Federal Education Support Programs
Vermont Agency of Education | 1 National Life Drive, Davis 5 | Montpelier, VT 05620
(802) 828-1390| jesse.roy@vermont.gov

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Tue, 10 Mar 2020 20:39:41 +0000
**To:** Bronwyn Roberts;Janelle Williams;Alison Curtis;Amanda Everett;Raquel Nogales
**Cc:** Foy Moss, Rita;COVID-19
**Subject:** RE: RMS & GSEM PD Meeting Update

(b)(5)

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** Bronwyn Roberts <BRoberts@seiservices.com>
**Sent:** Tuesday, March 10, 2020 3:00 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>; Janelle Williams <JWilliams@seiservices.com>; Alison Curtis <ACurtis@seiservices.com>; Amanda Everett <AEverett@seiservices.com>; Raquel Nogales <RNogales@seiservices.com>
**Cc:** Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Subject:** RE: RMS & GSEM PD Meeting Update

Thank you for letting us know, Madeline! I think this choice makes sense and will bring some relief to the grantees that have been concerned about travel.

Janelle and Amanda will work on drafting a note that can go out to grantees today and send that to you, with the list of registrants, as soon as possible.

As you know, we hosted a virtual meeting for our Title IV-A State Coordinators in September that was successful in many ways – and also had some useful lessons learned that we can apply here.

Can we plan to discuss next steps on planning the virtual meeting during our management call with you tomorrow at 3 p.m.? We will have other team members on the line to join in the conversation.

Thank you!

**********
**Bronwyn Roberts, Esq.**
Project Director
Title IV, Part A Technical Assistance Center

AMERICAN OVERSIGHT

REMS Technical Assistance Center
**Synergy Enterprises, Inc.**
8757 Georgia Avenue, Suite 1440, Silver Spring, MD 20910
Phone (240) 485-1701 Cell (530) 220-3590
broberts@seiservices.com
**www.seiservices.com**
***SEI: Your Partner for Innovation and Excellence***

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**From:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Sent:** Tuesday, March 10, 2020 11:29 AM
**To:** Bronwyn Roberts <BRoberts@seiservices.com>; Janelle Williams <JWilliams@seiservices.com>; Alison Curtis <ACurtis@seiservices.com>; Amanda Everett <AEverett@seiservices.com>
**Cc:** Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Subject:** RMS & GSEM PD Meeting Update

Dear Bronwyn, Janelle, Alison, and Amanda,

I have bittersweet news. We have been directed to cancel our in-person meeting and host it instead virtually.

Would you please send me a list of those who have already registered? And, please draft a note to all the grantees to plan on it being virtually.

As we have discussed, many of our grantees are also managing the virus for their state. We can discuss how we approach this. Perhaps we spread it out over 4 days. Perhaps no; we may lose folks that way. We can plan a time to discuss tomorrow.

Sincerely,
Madeline

U.S. Department of Education
Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332
Washington, DC 20202-6110

Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/hashtag/schoolsafetyselfie?f=tweets&vertical=default&src=hash

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 5 Mar 2020 20:42:30 +0000
**To:** (b)(6)
**Cc:** COVID-19
**Subject:** RE: Self isolation and family members

Dear Mrs. (b)(6)

Thank you for contacting the U.S. Department of Education (Department) regarding travel advisories and COVID-19 ("Coronavirus").

Please note that the Centers for Disease Control and Prevention (CDC) has posted guidance at https://wwwnc.cdc.gov/travel/notices/warning/coronavirus-italy for travelers that have spent time in Italy during the past 14 days. This guidance recommends the following:

- Stay home for 14 days from the time you left Italy and practice social distancing.
- If you get sick with fever, cough, or have trouble breathing seek medical care and call ahead before you go to a doctor's office or emergency room.
- Do not travel while sick.
- Cover your mouth and nose with a tissue or your sleeve (not your hands) when coughing or sneezing.
- Clean your hands often by washing them with soap and water for at least 20 seconds or using an alcohol-based hand sanitizer that contains at least 60%–95% alcohol immediately after coughing, sneezing or blowing your nose. Soap and water should be used if hands are visibly dirty.

Regarding your question related to additional family isolation, we recommend that you contact the Polk County Department of Health Communicable Disease Team at (515) 286-3890 for further guidance. The Iowa Department of Public Health has also posted information on COVID-19, which you can access at https://idph.iowa.gov/Emerging-Health-Issues/Novel-Coronavirus. Before you determine whether you must self-isolate, you should review the guidance put forth by the Iowa Department of Public Health (IDPH) and determine the degree to which you can implement it. For example, IDPH recommends your son can stay in a specific room and use a separate bathroom. https://idph.iowa.gov/Portals/1/userfiles/7/Instructions%20for%20Self-Isolation3_4__20update_1.pdf .

CDC offers the most up-to-date information on COVID-19 and how students and families can protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV. The Department has also established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance become available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

AMERICAN OVERSIGHT

COVID-19 Response Team
U.S. Department of Education

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**From:** (b)(6)
**Sent:** Tuesday, March 3, 2020 9:39 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Self isolation and family members

Thank you for your guidance with this question.

My son is returning from Italy from a cancelled Study Abroad program. He is being asked to self isolate for 14 days. He lives with me and my husband. Do we also need to self isolate since he will be living in our home? Thank you for your response.

(b)(6)

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Tue, 3 Mar 2020 16:31:34 +0000
**To:** COVID-19
**Cc:** Kesner, Paul;Patrick, Kelly
**Subject:** RE: Self isolation and family members
**Attachments:** Health - COVID-19 - Response Isolation.docx
**Importance:** High

(b)(6)

~~ ~~ ~~ ~~ ~ ~ ~

Dear NAME:

Thank you for your letter to Secretary DeVos at the U.S. Department of Education (Department) concerning the coronavirus and its considerations for school. Your letter was referred to the Office of Safe and Supportive Schools (OSSS) for review, and I am pleased to respond.

As with any disease that has the potential to affect our school communities, the Centers for Disease Control and Prevention (CDC) will provide information about the signs, symptoms, and severity of the virus, as well as the proper steps to help prevent its spread. You should reach out to your state and local health departments for specific guidance on your behavior as your son isolates himself.

The Iowa Department of Public Health offers information accessible at https://idph.iowa.gov/Emerging-Health-Issues/Novel-Coronavirus. Your local Polk County Department of Health (PCDH) also provides information on its Web site accessible at https://www.polkcountyiowa.gov/health/programs/disease-prevention/2019-novel-coronavirus-2019-ncov/. Since your question is not specifically addressed, **PCHD recommends you call their Communicable Disease Team at (515) 286-3890.**

Part of prevention is collaboration and includes helping ensure the community receives the proper facts and has sound guidance for making good decisions. We hope this is of support to you and your family welcome home your son. We appreciate your additional efforts to care for your family, your school community and your whole community.

Thank you for writing and sharing your thoughts with us.

Sincerely,

AMERICAN OVERSIGHT

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Tuesday, March 3, 2020 10:34 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Self isolation and family members

Hi Madeline,

(b)(6)

Thanks,
Kelly

AMERICAN OVERSIGHT

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

NAME
ADDRESS

Dear NAME:

Thank you for your letter to Secretary DeVos at the U.S. Department of Education (Department) concerning the coronavirus and its considerations for school. Your letter was referred to the Office of Safe and Supportive Schools (OSSS) for review, and I am pleased to respond.

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Thank you for writing and sharing your thoughts with us.

Sincerely,

Paul Kesner
Director
Office of Safe and Supportive Schools



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 5 Mar 2020 20:37:19 +0000
**To:** Marybeth Tonkery
**Cc:** COVID-19
**Subject:** RE: Students traveling

Dear Marybeth,

Thank you for contacting the U.S. Department of Education (Department) regarding travel advisories and COVID-19 ("Coronavirus").

Please note that current Centers for Disease Control and Prevention (CDC) guidance for schools states that "schools may need to postpone or cancel trips that could expose students and staff to potential community spread of COVID-19." CDC has also developed an FAQ document for travelers which includes questions related to students who plan to travel, or have traveled recently, to areas affected by COVID-19, which you may find helpful. Please visit https://www.cdc.gov/coronavirus/2019-ncov/travelers/faqs.html for further information.

The New York Department of Health (NYDH) has issued similar recommendations for schools, which can be found at https://www.health.ny.gov/diseases/communicable/coronavirus under the tab "Child Care Providers and Schools." Specific guidance for student travel is described in the presentation "Update on COVID-19 for New York State Schools (Pre-K – 12) March 3, 2020." In this presentation, NYDH states the following:

- Recommend suspending school sponsored travel programs for all students and staff in currently impacted countries (China, Iran, Italy, Japan, and South Korea).
- Develop plans to suspend programs in all other countries, regardless of whether they are currently impacted by CDC travel alerts.
- Students and faculty returning from currently impacted countries or regions of impacted countries will be required to be quarantined for 14 days upon return.
- Includes school sponsored travel or individual travel (Spring break)

CDC offers the most up-to-date information on COVID-19 to help schools, students and families understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance become available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

AMERICAN OVERSIGHT

Sincerely,

COVID-19 Response Team
U.S. Department of Education

**From:** Marybeth Tonkery <mtonkery@honeoye.org>
**Sent:** Tuesday, March 3, 2020 11:40 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Students traveling

Hello - there was information this morning discussed that NYSED has advised no traveling for students in schools. Is there any documentation on this or information I can find online? Thank you.
Marybeth Tonkery

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Tue, 3 Mar 2020 20:45:51 +0000
**To:** COVID-19
**Cc:** Kesner, Paul
**Subject:** RE: Students traveling
**Attachments:** Health - COVID-19 - NYSED Travel.docx

(b)(5)

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Tuesday, March 3, 2020 11:50 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Students traveling

Hi Madeline,

Please find attached an email from the Covid-19 mailbox. Would you please offer some language we can use to reply to this email?

Thanks,
Kelly

AMERICAN OVERSIGHT

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

NAME
ADDRESS

Dear NAME:

Thank you for your letter to Secretary DeVos at the U.S. Department of Education (Department) concerning the coronavirus and its considerations for school. Your letter was referred to the Office of Safe and Supportive Schools (OSSS) for review, and I am pleased to respond.

The Department created the "COVID-19 ("Coronavirus") Information and Resources for Schools and School Personnel," Web page, accessible at https://www.ed.gov/coronavirus?src=feature, to support school communities as they plan, prepare and potentially respond to possible cases of COVID-19 in their community. School officials, their community and their partners can go to the Department's "Coronavirus" to find links to the most up-to-date information from the Centers for Disease Control and Prevention (CDC) as well as a link to the Department's Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center accessible at https://rems.ed.gov/Resources_Hazards_Threats_Biological_Hazards.aspx.As with any disease that has the potential to affect our school communities, the CDC will provide information about the signs, symptoms, and severity of the virus, as well as the proper steps to help prevent its spread.

As for documentation describing travel recommendations, the CDC guidance for schools states, "Schools may need to postpone or cancel trips that could expose students and staff to potential community spread of COVID-19." As for foreign travel, CDC puts forth recommendations to "consider postponing or canceling upcoming student foreign exchange programs. IHE should consider asking current program participants to return to their home country." This is in its "Guidance for Student Foreign Travel for Institutions of Higher Education," accessible at https://www.cdc.gov/coronavirus/2019-ncov/community/student-foreign-travel.html.Although written to IHE audience, the topic could be applied when creating policies and procedures to help protect K-12 schools.

The New York Department of Health (NYDH) puts forth similar recommendations in its briefing titled, Update on COVID-19 for New York State Schools (Pre-K – 12) (March 3, 2020) (PDF) which is accessible at https://www.health.ny.gov/diseases/communicable/coronavirus/docs/2020-03-02_k-12_webinar.pdf. On slide 19 of its presentation, NYDH states the following:



AMERICAN OVERSIGHT

- Recommend suspending school sponsored travel programs for all students and staff in currently impacted countries (China, Iran, Italy, Japan, and South Korea)
- Develop plans to suspend programs in all other countries, regardless of whether they are currently impacted by CDC travel alerts
- Students and faculty returning from currently impacted countries or regions of impacted countries will be required to be quarantined for 14 days upon return.
    - Includes school sponsored travel or individual travel (Spring break)

Part of prevention is raising awareness which includes helping to ensure the community receives the proper facts and has sound guidance for making good decisions. Campuses, districts and schools can play a meaningful role raising awareness and helping to protect the school community.

Thank you for writing and sharing your thoughts with us.

Sincerely,

Paul Kesner
Director
Office of Safe and Supportive Schools

AMERICAN OVERSIGHT

**From:** Dirrigl, Mary Louise
**Sent:** Mon, 9 Mar 2020 16:36:47 +0000
**To:** COVID-19
**Subject:** RE: Students with IEPs

Hi

(b)(5)

Mary Louise

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 9, 2020 12:33 PM
**To:** Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Students with IEPs

Hi Mary Louise,

(b)(5)

Thanks,
Kelly

**From:** Beth Jones <bjones@barrington220.org>
**Sent:** Monday, March 9, 2020 12:19 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Students with IEPs

Good morning,
Do you have any guidance for students with IEPs who are participating in long term online learning in the event that a school district is forced to close?
Thank you,
Beth Jones

--
Beth Jones
Assistant Superintendent for Student Services
Office phone: 847-842-3506

AMERICAN OVERSIGHT

**From:** Kesner, Paul
**Sent:** Mon, 9 Mar 2020 16:27:24 +0000
**To:** COVID-19
**Subject:** RE: Students with IEPs

(b)(5)

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 9, 2020 12:26 PM
**To:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Students with IEPs

(b)(5)

Kelly

**From:** Beth Jones <bjones@barrington220.org>
**Sent:** Monday, March 9, 2020 12:19 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Students with IEPs

Good morning,
Do you have any guidance for students with IEPs who are participating in long term online learning in the event that a school district is forced to close?
Thank you,
Beth Jones

--
Beth Jones
Assistant Superintendent for Student Services
Office phone: 847-842-3506

AMERICAN OVERSIGHT

**From:** cody.loveland@wyo.gov on behalf of "WDH Covid19" <wdh.covid19@wyo.gov>
**Sent:** Wed, 11 Mar 2020 19:42:32 -0600
**To:** Jubal Yennie
**Cc:** COVID-19;bill.peska@wyo.gov
**Subject:** Re: Travel Abroad

Hi Jubal,

You may have heard that President Trump just announced he will suspended all travel from the Europe to the US for 30 days starting Friday.

Just for future information, CDC did publish guidance for Institutes of Higher Education that encouraged them *consider* to postponing or cancelling upcoming international student travel (That guidance can be found here: https://www.cdc.gov/coronavirus/2019-ncov/community/student-foreign-travel.html).

I'm sorry your students will miss out on a trip I'm sure they were looking forward to. Please let us know if you have any other questions.

WDH COVID-19 Response Team

On Wed, Mar 11, 2020 at 2:32 PM Jubal Yennie <jyennie@acsd1.org> wrote:

> Good afternoon,
> We are on spring break next week, and we have two international trips scheduled for students -- Austria and France. Even though these are not on the nonessential travel list, the report from the White House briefing this morning stated that the US (Transportation) is working to reduce flights entering the United States from Europe in order to further contain the outbreak.
> Have you heard any additional information that can confirm my understanding of travel restrictions at this point.
> Jubal Yennie
> Jubal C. Yennie, Ed.D.
> Superintendent

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

AMERICAN OVERSIGHT

**From:** cody.loveland@wyo.gov on behalf of "WDH Covid19" <wdh.covid19@wyo.gov>
**Sent:** Thu, 12 Mar 2020 07:31:48 -0600
**To:** Jubal Yennie
**Cc:** COVID-19;bill.peska@wyo.gov
**Subject:** Re: Travel Abroad

Hello Jubal,

Forgive me, I misunderstood the news coming out last night. It sounds like American citizens will be exempt from the travel restrictions from Europe. My only other consideration would be to add that this is a rapidly evolving situation and it is possible that travel rules or quarantine recommendations may be changed over the course of the next week that could have implications for your students' return.

I understand this is a difficult decision. Please let us know if there is anything else we can do to assist.

Sincerely,
Cody Loveland
WDH COVID-19 Response Team

On Wed, Mar 11, 2020 at 7:42 PM WDH Covid19 <wdh.covid19@wyo.gov> wrote:

Hi Jubal,

You may have heard that President Trump just announced he will suspended all travel from the Europe to the US for 30 days starting Friday.

Just for future information, CDC did publish guidance for Institutes of Higher Education that encouraged them *consider* to postponing or cancelling upcoming international student travel (That guidance can be found here: https://www.cdc.gov/coronavirus/2019-ncov/community/student-foreign-travel.html).

I'm sorry your students will miss out on a trip I'm sure they were looking forward to. Please let us know if you have any other questions.

WDH COVID-19 Response Team

On Wed, Mar 11, 2020 at 2:32 PM Jubal Yennie <jyennie@acsd1.org> wrote:

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AMERICAN OVERSIGHT

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Have you heard any additional information that can confirm my understanding of travel restrictions at this point.
Jubal Yennie
Jubal C. Yennie, Ed.D.
Superintendent

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of public business, is subject to the Wyoming Public Records
Act and may be disclosed to third parties.

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Wed, 11 Mar 2020 23:11:40 +0000
**To:** COVID-19
**Cc:** Williams, Bryan
**Subject:** RE: Travel Abroad

Thank you!

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 11, 2020 6:00 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: Travel Abroad

Hi Madeline,

(b)(5)

Thanks,
Kelly

---

**From:** Jubal Yennie <jyennie@acsd1.org>
**Sent:** Wednesday, March 11, 2020 4:32 PM
**To:** wdh.covid19@wyo.gov; COVID-19 <COVID-19@ed.gov>
**Cc:** bill.peska@wyo.gov
**Subject:** Travel Abroad

Good afternoon,

We are on spring break next week, and we have two international trips scheduled for students -- Austria and France. Even though these are not on the nonessential travel list, the report from

AMERICAN OVERSIGHT

the White House briefing this morning stated that the US (Transportation) is working to reduce flights entering the United States from Europe in order to further contain the outbreak.

Have you heard any additional information that can confirm my understanding of travel restrictions at this point.

Jubal Yennie

Jubal C. Yennie, Ed.D.

Superintendent

ACSD#1
ALBANY COUNTY SCHOOL DISTRICT

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 23:08:40 +0000
**To:** (b)(6)
**Cc:** COVID-19
**Subject:** RE: Prepare for School Closures?

Dear Ms (b)(6)

Thank you for contacting the U.S. Department of Education (Department) regarding travel advisories and COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Each state and/or local school district is providing their own process for the handling of continuity of learning should there be a disruption due to COVID-19. You will want to contact your local school district's office to learn of their plan for addressing a potential disruption.

Thanks again for writing and sharing your concerns about continuity of learning during a health event.

Sincerely,

AMERICAN OVERSIGHT

COVID-19 Response Team
U.S. Department of Education

**From:** (b)(6) y@gmail.com>
**Sent:** Thursday, March 5, 2020 11:21 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Prepare for School Closures?

Hello,
My name is (b)(6) and I am an educator in Massachusetts in my 14th year of teaching. I teach grade 7 and 8 STEM. In light of mass school closures in other countries, I was wonder if USA teachers should prepare 10 days ( two school weeks) of lessons for our students to be able to do from home? If so now, before a quarantine or widespread educator illness seems like a good idea. This would insure our students continue to remain successful. It would also give them a psychological "boost" to have the normalcy of schoolwork.
Thank you,
(b)(6)

AMERICAN OVERSIGHT

**From:** Novel Coronavirus CSU IDSP
**Sent:** Thu, 5 Mar 2020 09:48:52 +0530
**To:** Modi Sena
**Cc:** biologics@fda.hhs.gov;info@psnc.org.uk;COVID-19;DPH.SICK@illinois.gov;EarlyInvestigations-2019-nCoV@who.int
**Subject:** Re: Priority Urgent...Medicine For SARS covid-19

Noted.

On Thu, Mar 5, 2020 at 8:01 AM Modi Sena (b)(6) @gmail.com> wrote:

The Medicine for Covid-19 may be the blood sample of Past Infected People, Because they have the Antibodies for Corona Virus..

Because our blood cells make some memory cells and Antibodies for the possibility of future infections.

It's only my suggestion. Need Researches..

Thanks and Regards

Er. ASHUTOSH MISHRA
B.E. BIOTECHNOLOGY
INDIA

--
With Regards
COVID-19 Helpline Team
NCDC, Delhi
MoHFW, Govt. Of India

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Wed, 11 Mar 2020 20:37:27 +0000
**To:** COVID-19
**Cc:** Williams, Bryan;Kesner, Paul
**Subject:** RE: Question - close a public school
**Attachments:** Health - COVID-19 - When to Close Schools.docx
**Importance:** High

(b)(5)

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** Sullivan, Madeline
**Sent:** Wednesday, March 11, 2020 4:34 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** RE: Question - close a public school

Dear Kelly,

(b)(5)

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

AMERICAN OVERSIGHT

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 11, 2020 2:01 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: Question - close a public school

Hi Madeline,

(b)(5)

Thanks,
Kelly

**From:** Griffith, Kelly <kgriffith@talbotschools.org>
**Sent:** Wednesday, March 11, 2020 1:54 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question

What would it take to close a public school?

Thank you for the conference call and your website updates.

Kelly Griffith
Kelly L. Griffith, Ed.D.
Superintendent
Talbot County Public Schools
12 Magnolia Street Easton, MD 21601
410-822-0330

AMERICAN OVERSIGHT

Page 11970

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Wed, 11 Mar 2020 20:33:31 +0000
**To:** COVID-19
**Cc:** Williams, Bryan;Kesner, Paul
**Subject:** RE: Question - close a public school
**Attachments:** Health - COVID-19 - When to Close Schools.docx

Dear Kelly,

(b)(5)

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

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---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 11, 2020 2:01 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: Question - close a public school

Hi Madeline,

(b)(5)

Thanks,
Kelly

**From:** Griffith, Kelly <kgriffith@talbotschools.org>
**Sent:** Wednesday, March 11, 2020 1:54 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question

AMERICAN OVERSIGHT

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Thank you for the conference call and your website updates.

Kelly Griffith

Kelly L. Griffith, Ed.D.
Superintendent
Talbot County Public Schools
12 Magnolia Street Easton, MD 21601
410-822-0330

AMERICAN OVERSIGHT

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 5 Mar 2020 18:13:21 +0000
**To:** Valentine, Ingrid
**Cc:** COVID-19
**Subject:** RE: question about Professional Judgement

Hi Ingrid,

(b)(5)

Thanks,
Kelly

**From:** SACI Federal Financial Aid <financialaid@saci-florence.edu>
**Sent:** Thursday, March 5, 2020 11:56 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** question about Professional Judgement

Greetings
Could a logical Professional Judgment element be increasing
an award because of unexpected additional airfare resulting
from school closure due to Covid-19
? As a Foreign School, a RT ticket to the states
could be considerable $$.

*Professional Judgement*
*Financial aid administrators (FAA) have statutory authority to use professional judgement to make adjustments on a case-by-case basis to the cost of attendance or to the data elements used in calculating the EFC to reflect a student's special circumstances. The use of professional judgement where students and/or their families have been affected by COVID-19 is permitted, such as in the case where an employer closes for a period of time as a result of COVID-19. In making professional judgement determinations, FAAs must obtain documentation and retain it in each student's file. This documentation must substantiate the reason for any adjustment. Institutions are reminded that, regardless of how broadly an event may affect its student population, professional judgement determinations must be made and documented on a case-by-case basis.*

Thanks
**SS**

**Sarah Swenson**
Federal Financial Aid Administrator/SACI

AMERICAN OVERSIGHT

***

NEVER INCLUDE STUDENT IDs IN EMAILS

**Send personal and financial information to me using this secure link:**
**https://www.sendsafely.com/u/financialaid%40saci-florence.edu**

.....

*Protect your personal and financial information - never use email for application materials*

.....

**Sarah Swenson**
Federal Financial Aid Administrator
**SACI - College of Art & Design**
454 West 19th Street
New York, NY 10011 USA
financialaid@saci-florence.edu
www.saci-florence.edu

AMERICAN OVERSIGHT

**From:** Kesner, Paul
**Sent:** Thu, 5 Mar 2020 17:08:43 +0000
**To:** COVID-19
**Subject:** RE: question about Professional Judgement

Let me check.

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 5, 2020 12:08 PM
**To:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: question about Professional Judgement

(b)(5)

Kelly

**From:** SACI Federal Financial Aid <financialaid@saci-florence.edu>
**Sent:** Thursday, March 5, 2020 11:56 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** question about Professional Judgement

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an award because of unexpected additional airfare resulting
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Thanks
**SS**

**Sarah Swenson**

AMERICAN OVERSIGHT

Federal Financial Aid Administrator/SACI

***

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.....

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.....

**Sarah Swenson**
Federal Financial Aid Administrator
**SACI - College of Art & Design**
454 West 19th Street
New York, NY 10011 USA
financialaid@saci-florence.edu
www.saci-florence.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 6 Mar 2020 23:04:42 +0000
**To:** (b)(6)
**Cc:** COVID-19
**Subject:** RE: Question about school start times and immunity

Dear Ms. (b)(6):

Thank you for contacting the U.S. Department of Education (Department) regarding travel advisories and COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Each state and/or local school district is providing their own process for the handling of continuity of learning should there be a disruption due to COVID-19. You will want to contact your local school district's office to learn of their plan for addressing a potential disruption.

Thanks again for writing and sharing your concerns about continuity of learning during a health event.

Sincerely,

AMERICAN OVERSIGHT

COVID-19 Response Team
U.S. Department of Education

**From:** (b)(6) @gmail.com>
**Sent:** Thursday, March 5, 2020 3:23 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question about school start times and immunity

Hello,

Would the Dept. of Education consider recommending that schools start on a delayed morning time schedule? Many schools already have delayed morning start schedules built into their framework for weather delays/emergencies.

What this would do would be to allow students, especially high school students, to get more sleep and make sure their immune systems are healthy and strong. This could help limit the spread of the virus by preventing symptoms from emerging in the first place. Teenagers are known to have trouble falling asleep much before 11 pm, yet many schools start before 8 am.

The American Pediatric Association recommends high school start no earlier than 8:30 am under normal circumstances. It seems that with Covid-19 looming, it might make sense to shorten the school day for this reason by delaying school starts. As it is, in many communities like my own in Montgomery County Maryland, teenagers often get 5-7 hours of sleep only. That is not enough to stay healthy for staving off infection. Our community's delayed start schedule begin at 9:45 am, with school ending at the usual time. This would allow teenagers to get much more sleep. It sounds silly, but it might be a way to reduce the spread of Covid once it gets into communities....and I think it already has.

Thank you,

(b)(6)

AMERICAN OVERSIGHT

**From:** Reilly, Patricia
**Sent:** Wed, 11 Mar 2020 18:22:57 +0000
**To:** COVID-19
**Subject:** Revised awards in cases where we refund housing charges

If we refund a portion of a student's housing charge (because we are closing the dorms and going on line), are we required to retroactively go back, change the cost of attendance and take away campus based funding that has already been disbursed and/or earned?

Thanks for your help,

*Patricia Reilly*
Associate Dean of Financial Aid l Tufts University
419 Boston Ave l Medford MA 02155
Phone: 617-627-2000 l Fax: 617-627-3987
Website: go.tufts.edu/finaid

AMERICAN OVERSIGHT

**From:** Thompson, Courtney
**Sent:** Fri, 13 Mar 2020 12:04:36 +0000
**To:** COVID-19
**Cc:** Hewitt, Shana
**Subject:** Room and Board Question
**Importance:** High

If our university requires students to leave campus are we required to refund any portion of the students room and board cost?

If the university does refund a portion of students room and board cost, are we required to adjust their COA for the effected semester to meet the revised actual cost?

***Courtney Thompson-Ballard***
***Director of Financial Aid***
***Lenoir Rhyne University***
***828-328-7182***
***courtney.thompson@lr.edu***

AMERICAN OVERSIGHT

**From:** Christie, Katherine
**Sent:** Thu, 12 Mar 2020 14:23:16 +0000
**To:** COVID-19
**Subject:** scheduled break option
**Importance:** High

As a special COVID-19 related accommodation, in the event a term-based school must temporarily close for COVID isolation after a semester has begun, without alternative education delivery modality either available or permitted, may the school treat the period of closure as an institutionally scheduled break? This seems like a reasonable solution that would apply to all students at the campus, particularly as the effect on students who do not return as scheduled would essentially be the same that for students who seek and secure either an LOA or provide written intent to return – that is, they would still be subject to withdrawal if they fail to return, and the days spent in the break (which would undoubtedly last longer than 5 consecutive days), LOA or absence with intent to return would all be treated in the same manner in an R2T4.

Allowing for an emergency-oriented institutional scheduled break would avert the burden to thousands of students of the need to submit LOA requests or written intent to return, especially during a time of stress and uncertainty, and relieve staff of an overwhelming volume of leave requests and withdrawals, only to undo the vast majority of those R2T4s.

**Katherine (Kathy) Christie** | *Director, Regulatory Affairs, Funding*
Remote – Arizona
**P** 630.353.8842 | **M** 480.310.1954 | **E** Katherine.Christie@adtalem.com
3005 Highland Parkway | Downers Grove, IL 60515 | adtalem.com

AMERICAN OVERSIGHT

**From:** Cooper, Michelle
**Sent:** Thu, 12 Mar 2020 14:46:39 -0400
**To:** COVID-19
**Subject:** Scheduled Semester Break Extented due to COVID-19

Hello,

Effective today, March 12, 2020, our spring break as been extended from March 16, 2020 - March 22, 2020 to March 12, 2020 to March 22, 2020 due to the concerns surrounding COVID-19.

Would I need to update our scheduled break on the R2T4 calendar in COD to what it as been extended to? If so, would any R2T4s that have been performed for this semester need to be adjusted and re-submitted?

Thank you,

Michelle Cooper
*Director of Financial Aid*
**Atlanta's John Marshall Law School, Savannah Law School**
p: (678) 916-2675
e: mcooper@johnmarshall.edu

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Fri, 13 Mar 2020 14:54:58 +0000
**To:** COVID-19
**Subject:** School closings

I wanted to ask why high schools, middle schools, and elementary schools are not extending their spring break by one week like the colleges are? I know students and their families have traveled during this spring break, and I also have been told it might take days before symptoms of the virus becomes evident. Why would you not also extend spring break by one week for these children to give everyone a chance to be home and wait to see if anyone has been infected? It makes no since. I know from personal experience parents will send students to school even if they aren't feeling well, because parents need to go to work. If school isn't open, they will have to keep their children home. Why would you take the chance on this virus with our children and teachers?

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Michelle L. McNier
**Sent:** Wed, 11 Mar 2020 16:20:37 +0000
**To:** COVID-19
**Subject:** School Closure

Good Afternoon,

I am reaching out as the current information does not address my concerns in enough detail to competently advise those making decisions on remaining open. Below I will detail our situation and will list the questions I have regarding the possible decision.

- We have 2 semesters of approximately 15 weeks in length.
- 4 year private not for profit institution
- Fall 9/3/19 – 12/13/19 Winter 1/6/20 – 4/17/20 break 2/24/20 – 2/28/20

Currently there is talk of ending the winter semester early. We would then not re-open until fall. There would be no on-line continuation of classes. I see the guidance about seeking approval for a shortened semester. When I refer to 34 CFR § 668.3 is indicates shortened would be 26 to 29 weeks. We would be looking at a much shorter period than this.

1. How would this effect out enrollment status reporting to NSLDS?
2. Would this require R2T4 calculations for every student receiving federal aid?
3. We still have families that may apply for plus loans for the current year so my understanding is if they apply after a closure we would not be able to process these loans. Is this correct?
4. Would our situation qualify for an approval of a shortened academic year? If it does would we need to update anything for the students?

Thank You
Michelle McNier

---

**Michelle McNier**
Director of Financial Aid
**Alma College**
614 W. Superior, Alma, MI 48801
**P** (989) 463-7347 **F** (989) 463-7993

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Fri, 13 Mar 2020 18:40:27 -0400
**To:** COVID-19
**Subject:** School closures

Please clarify the directive for public schools.
In Duval, it was announced schools were closed through the 22nd.
Then local news reports said all Florida schools were closed through the 27th.
Then local news said they needed to clarify????
Please update the website so the public knows what's going on!!

(b)(6)

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Fri, 13 Mar 2020 15:46:29 -0700
**To:** COVID-19
**Subject:** School Closures

If our school district shuts down from a global emergency, such as the Coronavirus, will the days need to be added on to the summer break? Or is the closure exempt from the 180 day federal mandate of days in school due to the nature of the situation?

AMERICAN OVERSIGHT

**From:** Sirirat Chaunkamnerdkarn
**Sent:** Fri, 13 Mar 2020 07:12:34 +0000
**To:** COVID-19;jorge.matos@edu.gov
**Cc:** US Financial Aid;FSA Foreign Schools Team
**Subject:** Seek advice - impact of COVID-19 on student
**Importance:** High

Dear Department,

I write on behalf of the University to seek advice from the US Department of Education.
La Trobe University is closely monitoring the Covid-19 situation here with our Critical Incident Management team. We continue to communicate with our students via our internal communication channels.

At present, it is 'business as usual', but as the situation is dynamic and changing rapidly. We continue to plan for various scenarios. Our University community is our top priority, and we are pleased that Semester 1 has commenced and is in full swing.

I write to seek advice in the case of the campus closure. Giving the COVID-19 situation is beyond anyone's control, a campus may need to temporarily stop offering ground-based classes to prevent the spread of COVID-19.

Refer to https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19, our questions are:

1. Students who are currently enrolled in ground-based programs at the campus will need to participate in distance education for a period of time and then resume ground-based attendance when the campus reopens. Being a foreign school, do we need further approval in addition to a broad approval provided by the Department? This related to the legislative compliance with Title IV requirements.
2. In the event where all enrolled subjects are not offered online, can you please provide guidance on any action required from the Foreign School?
    a. What happens if students enrolment falls below half-time? Will they still be considered entitled to the amount disbursed?
    b. Would this require a reassessment of their eligibility and entitlement?
    c. Would it involve returning Title IV funds considering the exceptional circumstances are beyond their control?
    d. Would it be the Department's preferred option that students take a leave of absence if their enrolment falls below half-time? +

I look forward to receiving guidance from you shortly.

Kind regards,
Ms Sirirat Chaunkamnerdkarn
Manager, International Relations
La Trobe International |La Trobe University | Bundoora VIC 3086
T: +61 3 9479 6513| M: 0439 795 324
E: s.chaunkamnerdkarn@latrobe.edu.au
W: www.latrobe.edu.au/international | www.latrobe.edu.au
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AMERICAN OVERSIGHT

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* Times Higher Education (THE), 2019, World University Rankings 2020; CSIC, 2019

AMERICAN OVERSIGHT

**From:** Jennifer Beck
**Sent:** Thu, 12 Mar 2020 07:48:30 -0500
**To:** COVID-19
**Subject:** Seeking clarification on Study Abroad

Good morning,
I wanted to get clarification on the recent guidance as it pertain to Study Abroad students. For our student aboard students who are attending host schools, where the institution has an agreement, are the students able to take advantage of distance learning opportunities provided by the host institution and receive Title IV? In reading the section on foreign institution below it appears No.

Foreign Schools
We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

Thanks,
Jennifer Beck

_____

Jennifer M. Beck
Sr. Director of Student Financial Aid
Student Financial Services | St. Edward's University About Us
3001 South Congress Avenue | MB 204 | Austin, TX 78704-6489
PH: 512.448.8516 | FAX: 512.416.**5837**| Campus Mailbox 16
EMAIL: jbeck@stedwards.edu
"Take On Your World"

Have you filed your FAFSA? Please remember to include St. Edward's school code: 003621

An Education Worth the Investment!

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AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Tue, 3 Mar 2020 14:39:04 +0000
**To:** COVID-19
**Subject:** Self isolation and family members

Thank you for your guidance with this question.
My son is returning from Italy from a cancelled Study Abroad program. He is being asked to self isolate for 14 days. He lives with me and my husband. Do we also need to self isolate since he will be living in our home? Thank you for your response.
(b)(6)

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Mon, 9 Mar 2020 07:51:05 -0700
**To:** COVID-19
**Subject:** Should teachers over the age of 60 or with health problems avoid going to work?

Should teachers over the age of 60 or with health problems avoid going to work?

AMERICAN OVERSIGHT

**From:** Halley Fast
**Sent:** Thu, 12 Mar 2020 23:05:28 -0400
**To:** COVID-19
**Subject:** Special education compliance

With the forced closure stated by Mike DeWine, what is the guidance on IEP/ETR timeline compliance during the mandated 3 week closure? Thank you.

--

Halley Fast
Special Education Director
Leetonia Exempted Village School District
330-427-2115 ext. 2210
hfast@leetonia.k12.oh.us

AMERICAN OVERSIGHT

**From:** Morgan, Lisa
**Sent:** Fri, 13 Mar 2020 16:06:01 +0000
**To:** COVID-19
**Subject:** Special Education Timeline

Hello,

Is there any plan to waive timelines for IEP due dates for schools that are closed completely? Meaning being able to miss an annual date and hold the conference upon return.

Lisa Morgan
Inclusion Math Teacher
Richmond High School
380 Hub Etchison Parkway
Richmond, IN 47374
(765) 973-3424 ext: 3216
lmorgan@rcs.k12.in.us

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AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Fri, 13 Mar 2020 22:23:21 +0000
**To:** COVID-19
**Subject:** Staff and teachers

If a school is closed until April 14, why would the teachers and staff still be required to come to work? I myself am 55 years old and already have respiratory issues due to medications that I take. There is a lot of confusion on this issue for different parishes in Louisiana that are telling us that we will not get paid if we do not come to work! That if we do not come it will take our sick time then when it is gone it will be time taken without pay!!!!
Please help me understand!!!!
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Fri, 13 Mar 2020 17:52:11 -0400
**To:** COVID-19
**Subject:** State closures

Has the state closed all Public schools?
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Juliette Biondi
**Sent:** Tue, 10 Mar 2020 16:42:41 +0000
**To:** COVID-19
**Subject:** Student Documentation Guidance

Greetings,

We are hoping to get some guidance on what type of documentation would be ADA and FERPA compliant in terms of students that may be impacted by COVID 19. Situations that we may need to document at WGU include the following:

- Students that may themselves have contracted the virus
- Students that have increased work hours in hospitals in order to meet national needs
- Students that are not able to complete Clinical Experience due to COVID
- Students who are having to care for members of their family due to COVID including childcare, elderly care etc.

As we prepare to support our students we are balancing the need to justify term extensions and accommodations, while also ensuring student privacy.

Thanks for any guidance you can provide.

**Juliette Biondi, MPS**
Program Experience Manager, College of Health Professions

**Western Governors University**
Toll Free 1.877.435.7948 Ext. 8274 I Direct 1.385.428.8274 I Mobile 1.385.428.9720
juliette.biondi@wgu.edu

AMERICAN OVERSIGHT

**From:** Lenora Jackson
**Sent:** Wed, 11 Mar 2020 18:10:18 -0400
**To:** COVID-19
**Subject:** Student Teaching

Good Afternoon,

How should we handle financial aid for students are currently doing their student teaching and the school they are performing their student teaching closes due to Coronavirus? Also how do we handle room and board charges for students should we decide to close prior to the 60% rate of completion date which is March 26th. Even though we close, we will continue to teach all students via some type of technology? Would we have to prorate those charges? These answers are needed immediately as we try to plan for what actions we may take due to Coronavirus. Thank you!

Best regards,

Lenora Jackson
Spelman College
Director of Financial Aid

404.270.5209 (Direct)
404.270.5220 (Fax)
404.270.5212 (Admin)

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Fri, 13 Mar 2020 10:13:39 -0400
**To:** COVID-19
**Subject:** Student teaching/ clinical practice

Hello, i am a student in my 2 day a week clinical practice for student teaching. My college has already moved to online and now the school i am placed in might be closing for a little while as well. What does this mean for students like me, and myself in terms of getting all of our work and hours we need to complete?

AMERICAN OVERSIGHT

**From:** Marybeth Tonkery
**Sent:** Tue, 3 Mar 2020 11:40:06 -0500
**To:** COVID-19
**Subject:** Students traveling

Hello - there was information this morning discussed that NYSED has advised no traveling for students in schools. Is there any documentation on this or information I can find online? Thank you.
Marybeth Tonkery

AMERICAN OVERSIGHT

**From:** Beth Jones
**Sent:** Mon, 9 Mar 2020 11:19:08 -0500
**To:** COVID-19
**Subject:** Students with IEPs

Good morning,
Do you have any guidance for students with IEPs who are participating in long term online learning in the event that a school district is forced to close?
Thank you,
Beth Jones

--
Beth Jones
Assistant Superintendent for Student Services
Office phone: 847-842-3506

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 13 Mar 2020 19:40:08 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** RE: Work-Study Students

Hi OPE,

A customer is following-up from an email sent yesterday.

Thanks,
Kelly

---

**From:** Edwards, Nigel <nigel.edwards@famu.edu>
**Sent:** Friday, March 13, 2020 3:30 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Work-Study Students

Good Evening-

For schools that are are temporarily moving classes on-line, is it allowable to pay work-study student who are unable to return to campus? I have reviewed all correspondence and the interpretation of the recent correspondence from NASFAA. My senior administration is asking for more direct language. The word closed is used mad the university is closed but falls under the following distinction.

A campus that will temporarily stop offering ground-based classes in order to prevent the spread of COVID-19.

Nigel Edwards
850-412-7486

AMERICAN OVERSIGHT

**From:** Hare, Michelle
**Sent:** Thu, 12 Mar 2020 18:02:31 +0000
**To:** COVID-19
**Subject:** RE: Work-Study

A second question:

If we have non-work study students. Would they also have to be paid in order for us to pay work-study funding? Or only full-time staff is the consideration?

---

**From:** Hare, Michelle
**Sent:** Thursday, March 12, 2020 12:10 PM
**To:** 'COVID-19@ed.gov' <COVID-19@ed.gov>
**Subject:** Work-Study

I'm apologize for adding yet another email to what must be hundreds you are receiving right now.

If a campus remains open for staff, but will be moving classes online for 2 weeks (basically encouraging students to delay returning after spring break), would that qualify as a closure to allow payment of work-study (assuming all other criteria are met)?

Or no, the entire campus must be closed, including to staff, before the guidance in the March 5, 2020 letter is followed?

Thank you!

**Michelle Hare, M.Ed., CFAA**
*Director of Financial Aid*

**Winthrop University**
Office of Financial Aid
Sykes House
638 Oakland Ave.
Rock Hill, SC 29733

803/323-2189
803/323-2557 (FAX)
harem@winthrop.edu
www.winthrop.edu/finaid

AMERICAN OVERSIGHT

**From:** Horne, David
**Sent:** Mon, 9 Mar 2020 19:32:37 +0000
**To:** COVID-19
**Subject:** Recalling Students from Study Abroad Experiences

We have students who are currently studying abroad in programs that we approved, and that they have already begun attending, and that are still continuing to provide all instruction as originally planned.

What happens if the university recalls students from an ongoing study abroad program, but the student refuses to stop attending and return home? Do we have the authority to administratively withdraw them from the semester and then adjust their aid based on an R2T4 calculation if they insist on continuing to attend despite our recall?

Thank you.

TOWSON UNIVERSITY

**David Horne**
Director | Financial Aid Office

P: 410-704-6242 | F: 410-704-2584
dhorne@towson.edu | www.towson.edu/finaid

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AMERICAN OVERSIGHT

**From:** Robert Bode
**Sent:** Thu, 12 Mar 2020 13:33:39 +0000
**To:** COVID-19
**Subject:** Refunds of study abroad costs and adjustments to COA

Hello,
With the cancellation of many of our study abroad classes for Spring semester, we will be issuing refunds of the non-instructional costs to students. These costs have previously been used to increase the Cost of Attendance for the semester to support increased financial aid awards.
As we refund these costs to the student, will we be required to remove those costs from the Cost of Attendance, and recalculate awards to reduce any resulting overaward?

Robert Bode
Director of Financial Aid
and Veteran Services
University of Wisconsin River Falls
315 North Hall
410 S. 3rd Street
River Falls, WI 54022-5001
715-425-3141

AMERICAN OVERSIGHT

**From:** Mary Nucciarone
**Sent:** Wed, 11 Mar 2020 15:26:06 -0400
**To:** COVID-19
**Subject:** Relief on changing to cost of attendance

Dear Colleagues,

Our campus leaders announced this afternoon that we would suspend in-classroom course delivery and that class would be delivered through distance education.

If there is a decision to return a portion of room & board charged to our on-campus students because they will not be here, are we required to reduce that portion of their COA and therefore adjust their aid. Could relief be provided to schools since this likely effects many students at many schools?

I appreciate your consideration and guidance so that I may advise our leadership team about the administrative responsibility.

With best regards,

Mary
*Mary Nucciarone*

Director Financial Aid
Office of Financial Aid
115 Main Building
University of Notre Dame
574-631-6436

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AMERICAN OVERSIGHT

**From:** Patricia Albor
**Sent:** Fri, 13 Mar 2020 16:02:23 -0700
**To:** COVID-19
**Subject:** Reporting School Closure due to COVID-19

Hello, How can we report the closure of our school due to coronavirus.

--

**Patricia Albor**
**Financial Aid Officer**
**1827 Willow Pass Rd**
**Concord CA 94520**
(925) 671-0121
palbor@urbanbarbercollege.com
www.urbanbarbercollege.com

AMERICAN OVERSIGHT

**From:** Roche, Agnes
**Sent:** Wed, 11 Mar 2020 14:39:47 +0000
**To:** COVID-19
**Subject:** requesting additional guidance

We are asking for additional guidance on a particular issue, specifically, if a school needs to temporarily shut down* due to the Corona Virus. How will the school meet the 14-day requirement of issuing credit balances via physical checks?

Although we do offer to the student and parents the direct deposit and other electronic means of issuing credit balances, there are students/parents that choose not to enroll in the electronic means. A complete shutdown of a campus would mean that we would not be able to issue the physical credit balance check timely. Has FSA considered options for schools that are in this situation?

One possible solution would be to make it mandatory for student/parents to sign up for an electronic means of receiving the credit balance. However, if a student/parent continues to ignore the request what guidance can be provided?

*Please note that a shutdown would mean no person on campus but that does not mean that education would be halted.

Volume 4—Processing Aid and Managing FSA Funds, 2019–2020, pp 4-53

*A school that is paying a student his or her credit balance with a direct disbursement must pay the student within the 14-day time frame. A school can, within that 14-day period, do a number of things, including sending a notice to the student that his or her money is available. A school that does that is considered to have met the 14-day requirement to give the student his or her credit balance, as long as the school's process complies with the rest of the regulation. That is, the school must be able to give the student a check when the student comes to the office within the 14-day time frame. If a student is told (within the 14-day period) to come to the business office to pick up his or her credit balance, the student must be able to leave the business office with the funds in some form (e.g., a check, cash, or an appropriate stored-value card), and not be told that a check will be mailed to him or her. A school may hold the check for up to 21 days after the date it notifies the student. If the student does not pick up the check within this 21-day period, the institution must immediately mail the check to the student or parent, initiate an EFT to the student's or parent's bank account, or return the funds to the appropriate FSA program.*

Sincerely,
Agnes

Agnes Roche | Director of Compliance, Office of Financial Aid | DePaul University
1 E. Jackson Blvd., Suite 1100, Chicago, IL 60604 | ☎312. 362-5024 | ✉:aroche2@depaul.edu

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Portela, Odalys
**Sent:** Fri, 13 Mar 2020 00:45:19 +0000
**To:** AtlantaSPD;COVID-19
**Cc:** Amaya, Mercedes
**Subject:** Requesting guidance

Good evening,

As institutions are determining whether the need to close temporarily due to COVID-19 is necessary, we are seeking guidance regarding submission of the Statement of Educational Purpose, proof of U.S. Citizenship and proof of immigration status for eligible noncitizen students who are currently attending or planning to attend the College and need to complete the financial aid process.

***Statement of Educational Purpose***

The FSA handbook states

*"A student who is unable to appear at your school must go to a notary public and sign the statement of educational purpose. He must then submit to your office that statement (again, with the "wet" signature), a certification from the notary that he appeared before her and presented a government issued photo ID confirming his identity, and a copy of the same ID."*

**Question:** If an institution temporarily closes due to COVID-19, would students be able to upload the Statement of Educational Purpose, a copy of their ID and the notary certification via the institutions secure website or would the student have to mail in the documents? If not, what should institutions do to help facilitate the process for students while they are closed?

***Proof of U.S. Citizenship and Immigration Documents for Eligible Noncitizens***

DCL GEN 15-08 states

*"Accepting Photocopies or Other Images*

*Consistent with the guidance that reproduction of these documents is lawful if it is for the limited purpose of applying for Title IV, HEA student financial assistance, an institution may provide additional guidance, as it deems appropriate, on how (e.g. time, place, and media) a student should submit photocopies or other images of his or her immigration or citizenship documentation. If the institution chooses to allow a student to submit a hard copy or electronic image of an original document, the institution should have a process in place to ensure that a student is submitting an exact copy, such as an affidavit. We are providing a sample copy of an affidavit with this letter that schools may choose to use for this purpose.*

*The institution must maintain, in the student's financial aid file, copies of the documentation provided by the student, including any affidavit, and, for eligible noncitizens, the completed DHS-USCIS Form G-845."*

**Question:** Would institutions follow this guidance and request that students submit an affidavit with certification from a notary to be able to upload copies of their citizenship or immigration documents, via the institutions secured website, when the institution is temporarily closed due to COVID-19? If not, what should institutions do to help facilitate the process for students while they are closed?

AMERICAN OVERSIGHT

Sincerely,

Odalys Portela

Director of Financial Aid
Miami Dade College – Kendall Campus
11011 SW 104th Street, Room R340
Miami, Florida 33176
Office: 305-237-0870

**Have questions about financial aid at Miami Dade College?** Learn more about financial aid through short videos on our FATV website

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AMERICAN OVERSIGHT

**From:** Janelle Rubio
**Sent:** Fri, 13 Mar 2020 08:56:51 -0400
**To:** COVID-19
**Subject:** Residential Students

Good Morning. Would there be any federal financial aid implications with closing the residence halls and dining options for students mid-semester?
Would we have to reduce budgets and re-award (if over) if we decided to pro-rate charges? Any insight would be helpful as we are being asked to research these types of questions regarding COVID-19.

Thank you,
Janelle

**Janelle Rubio**
**Associate Director of Financial Aid**
**Defiance College**
**419-783-2364 Phone**
**419-783-2579 Fax**
**financialaid@defiance.edu**

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AMERICAN OVERSIGHT

**From:** Molly Groyer
**Sent:** Wed, 11 Mar 2020 16:35:46 +0000
**To:** COVID-19
**Subject:** Return to Title IV Policy Question due to COVID-19

Good morning,

I am the Assistant Director at California State University, Long Beach and oversee our Return to Title IV program. In response to COVID-19, we received guidance from our President this morning regarding new temporary changes in how courses are offered on our campus. As part of the guidance, our campus has suspended face-to-face courses and will provide alternative instruction in the form of online courses. To prepare for this change in instruction delivery, the campus is cancelling face-to-face classes for 6 days (Thursday, March 12 – Tuesday, March 17), but are keeping online courses open during this period. All classes will resume online on March 18. I have listed our President's guidance below.

"Dear Beach Community:

As we've communicated over the past few weeks, we've been engaged in ongoing planning since the emergence of novel coronavirus, or COVID-19. While there are no cases of COVID-19 related to our campus, as a preventative measure and with trusted medical advice, **we are temporarily suspending the in-person, on-campus convening of classes.**

This action is a proactive step being taken because of our commitment to your health and safety and supports the concept of "social distancing." Research shows that reducing the concentration of people in an area can lower the infection risk for everyone involved. As the number of cases grow in Los Angeles County, this step very well may save lives and it is on the advice of our medical professionals that we take this step.

**To allow our faculty to make final preparations for alternative delivery of instruction, face-to-face classes are canceled from Thursday, March 12 through Tuesday, March 17, although the campus will remain open. Alternative instruction will begin on Wednesday, March 18. Online classes will continue as scheduled.**

Some courses will continue to meet in person if alternative instruction is not appropriate, such as *some* laboratory, performing-arts, and physical-education courses. Accommodations associated with social distancing will be implemented in these courses."

As online classes are currently continuing, we would like to confirm that we do not need to adjust our "total days" for this term for R2T4 purposes to account for the break of 6 days of in-person instruction.

If I can provide any additional information, please let me know.

Best,

AMERICAN OVERSIGHT

Molly Groyer
Assistant Director | Processing and Programs
Financial Aid | Enrollment Services
1250 Bellflower Boulevard, Brotman Hall 176
Long Beach CA 90840 | 562.985.2326
www.csulb.edu/enrollment-services

AMERICAN OVERSIGHT

**From:** Yolanda I Rivera Rolon
**Sent:** Fri, 13 Mar 2020 14:11:16 -0400
**To:** COVID-19
**Subject:** University of Puerto Rico - Academic Recess

# Good afternoon:

The administration of the University of Puerto Rico has decreed an academic recess until March 23, 2020 to prevent the spread of COVID-19 in students. According to the statement from the Department of Education, students who are working in the Federal Work Study can collect their payroll for the period when they are not personally attending classes.

In the case of our institution that the recess so far is only academic and not administrative, that is to say that the employees will continue to attend our offices. The question is, although our offices will be open, students do not have to go to the areas where they work for FWS and can we pay them correct?

I await your prompt response to this matter.

Thank you

--
**Yolanda I. Rivera Rolón**
**Directora de Asistencia Económica**
**Recinto de Ciencias Médicas - UPR**
**Tel. 787-758-2525 ext. 5205, 5206**

AMERICAN OVERSIGHT

**From:** Allen, Lorrie
**Sent:** Fri, 13 Mar 2020 08:33:37 -0400
**To:** COVID-19

Good morning!

I have a few questions about the guidance for, interruptions of study related to the Coronavirus that we received through the electronic announcements from IFAP on 3-9-2020.

If our college is closed due to the Coronavirus, I just want to verify that all colleges, even a clock hour school like ours, are allowed to offer distance education? If so, what about attendance?

Also, programs that are more lab oriented than classroom time, it would be difficult to have distance education for those programs. For example: Welding. What would we do about those programs?

If I am reading this guidance correctly we could also offer a Leave of Absence, or a student could withdraw.

I appreciate your assistance with this issue.

Thank you!
Lorrie Allen

***Lorrie Allen***
Student Financial Aid Coordinator
Veterans' Certifying Official

**North Florida Technical College**
609 North Orange Street
Starke, FL 32091
904-966-6765

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AMERICAN OVERSIGHT

**From:** Allen, Lorrie
**Sent:** Fri, 13 Mar 2020 08:33:37 -0400
**To:** COVID-19

Good morning!

I have a few questions about the guidance for, interruptions of study related to the Coronavirus that we received through the electronic announcements from IFAP on 3-9-2020.

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I appreciate your assistance with this issue.

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Lorrie Allen

***Lorrie Allen***
Student Financial Aid Coordinator
Veterans' Certifying Official

**North Florida Technical College**
609 North Orange Street
Starke, FL 32091
904-966-6765

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AMERICAN OVERSIGHT

**From:** Thomas Schulte
**Sent:** Fri, 13 Mar 2020 13:38:53 +0000
**To:** COVID-19
**Subject:** URGENT: Financial Aid Impact on clock hour programs due to COVID-19

Good morning-

I am seeking guidance on a critical issue as it relates to our current aid eligible programs. We are clock-hour based and may find ourselves in the positon of having to postpone our programs due to COVID-19 concerns. If we postpone our classes are program end dates will change. What impact would the changing of our program end dates have an the financial aid status of our students? These programs include hands-on lab experiences and internships as part of their clock hour calculation.

Thank you for any guidance you can provide.

Best regards,


***Thomas Schulte***
**Director**
**Monroe 2-Orleans BOCES**
**Center for Workforce Development**
Rochester Tech Park
160 Wallace Way, Bldg. 9, 2nd floor
Rochester, NY 14624
O: (585) 349-9100
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AMERICAN OVERSIGHT

**From:** Justin Mumford
**Sent:** Fri, 13 Mar 2020 13:35:13 +0000
**To:** COVID-19
**Cc:** Shane Maloney;Lauren Klink;CORI SPLAIN
**Subject:** UW-Madison Federal Work-Study Clarification
**Importance:** High

Good Morning,

We are seeking clarification on the guidance released on March 5th, 2020 concerning the provision to allow FWS payments to disaster-affected students unable to continue working. While UW-Madison has not officially closed, our campus has moved to virtual learning through at least April 10th and has strongly encouraged all students living on-campus to return to their permanent residence. In addition, we also have concerns for our students earning FWS at community-based organizations, who are beginning to decide to close. Both scenarios put students earning FWS at great potential risk without the ability to earn their FWS. As a result, we have three questions to seek clarification on our options to provide necessary support to these students:

1. Is it permissible to allow FWS payments to disaster-affected students at 100% federal share across our community-based non-profit organizations?
2. Is it permissible to allow FWS payments to disaster-affected students who were encouraged to return to their permanent residence and therefore cannot continue to hold a campus job, assuming campus continues to pay the institutional share of those FWS payments?
3. In the event the University updates its status to CLOSED, is it permissible to allow FWS payments to disaster-affected students regardless of the Universities ability to offer closure pay for all other (non-FWS) University Faculty/Staff/Students, assuming the Institution still continues to pay the institutional share of FWS payments?

We would like to have the ability to take potential action on all 3 items above and believe it is an extremely important measure for the health & wellbeing of all involved. I understand you are likely overwhelmed with questions, but very much appreciate your attention and guidance on this.

Best,

**Justin Mumford –Assistant Director for Student Engagement**
*Director for Member Engagement, National Student Employment Association (NSEA)*
**Special Awards | Office of Student Financial Aid | University of Wisconsin-Madison**
333 East Campus Mall #9701 | Madison, WI 53715-1382
608.263.6896 | justin.mumford@wisc.edu
www.financialaid.wisc.edu | www.studentjobs.wisc.edu | Facebook | Twitter | Instagram | GradReady

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Melody DeFlorio
**Sent:** Wed, 11 Mar 2020 18:18:27 +0000
**To:** COVID-19
**Subject:** Vermont Law School - campus closure and online programs

Hello,

I am the Director of Financial Aid at Vermont Law School and we are planning on closing our campus for at least two weeks, possibly longer, starting next week in response to the COVID-19 pandemic. We currently offer online classes as part of our standard term programs and would like to be able to expand our offerings to accommodate students needing to study remotely. In doing so, we might find ourselves in a situation where our Spring semester overlaps with our Summer semester by more than 2 weeks. In this instance, would we be able to continue awarding aid for these programs as standard term programs?

**Melody DeFlorio**
*Director of Financial Aid and Online Enrollment Services at Vermont Law School*
164 Chelsea Street, P.O. Box 96, South Royalton, VT 05068
T: 802-831-1037

vermontlaw.edu

AMERICAN OVERSIGHT

**From:** Kathy Dray
**Sent:** Wed, 11 Mar 2020 18:38:58 +0000
**To:** COVID-19
**Subject:** virus

I am the coordinator of a Practical Nursing program at a vocational center. We use clock hours for financial aid. My question is if WVDE closes school is our hours dependent on the student literally be in the school in their seat or can we assign assignments, due virtual clinical etc. to meet those clock hours as long as I can account for those hours? Hoping we don't have to address this.
Thank you for your assistance.

Kathy Dray
LPN Coordinator
John D Rockefeller IV Career Center
New Cumberland, WV 26047
304-564-3337 (116)
304-564-4085 (fax)
kpdray@k12.wv.us

AMERICAN OVERSIGHT

**From:** Garnishments
**Sent:** Fri, 13 Mar 2020 12:48:46 +0000
**To:** COVID-19
**Cc:** answers
**Subject:** Wage Garnishment Orders

Good morning,

We hope this email finds you well.
We are reaching out and wish for this email to be forwarded to the proper area for handling of our request.

In preparation for the Corona Virus impact to our work operation, we are needing to know if there is a way that Student Loan Wage Garnishment Orders coming from the U.S. Department of Education, could be emailed to Payroll directly.
Currently we receive all Student Loan Wage Garnishment Orders by mail delivery.

Please kindly consider our request and inform us of the process to get this converted to email delivery.
Thank you in advance for your help and consideration of this as we all work through the impact of the coronavirus!

Kind Regards,

Payroll Department | Fulton County Schools | Fulton County Board of Education
6201 Powers Ferry Road NW | Atlanta, GA 30339
470-254-6849 ph | 470-254-5515 fax
garnishments@fultonschools.org | www.fultonschools.org

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AMERICAN OVERSIGHT

**From:** Jessica Farrell
**Sent:** Thu, 12 Mar 2020 13:24:32 +0000
**To:** COVID-19
**Subject:** Waiver for shorten year

Good morning,

It has been brought to my attention that we need to complete a waiver for a shorten academic year due COVID-19. Can you confirm if this information is correct?
If so, I did not see a link to the waiver in anything that has been sent out so far, can you please point me in the right direction?

Thank you,

Jessica Farrell
Director of Financial Aid and Certifying Veterans Official
Johnson College
3427 North Main Ave.Scranton, PA 18508
Phone: 570-702-8914
Secure Fax: 570-800-1235
Richmond Hall, Room 106
Johnson College Website: www.johnson.edu

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AMERICAN OVERSIGHT

**From:** Emily Ford
**Sent:** Fri, 13 Mar 2020 22:25:24 +0000
**To:** COVID-19
**Subject:** WINK News inquiry

Hello,
We are hearing that all Florida public schools are going to be closed until March 30.
Can you confirm this?
Thanks

EMILY FORD | ASSIGNMENT EDITOR | 239-344-5000 | emily.ford@winknews.com

AMERICAN OVERSIGHT

**From:** GASPARATO, JEAN
**Sent:** Thu, 12 Mar 2020 12:20:18 +0000
**To:** COVID-19
**Subject:** Withdrawal Question

Hi,

Our institution extended spring break for an additional week beginning next week, so our R2T4 calculation basis will change. Since this change affects all students enrolled this semester at our institution, are we required to adjust R2T4 calculations for students who already withdrew for the semester prior to the change? Or do the new calculations only apply to students who withdrew after the change?

Thank you for your assistance,
Jean

Jean Gasparato
Sr. Associate Director of Federal Aid Administration and Compliance
Office of Student Financial Aid and Scholarships
University of South Carolina - Columbia
1244 Blossom Street, Suite 200
Columbia, South Carolina 29208

Phone 803.777.1305 / Fax 803.777.0941
http://www.sc.edu/financialaid

AMERICAN OVERSIGHT

**From:** Bailey,Clayton
**Sent:** Thu, 12 Mar 2020 16:49:35 +0000
**To:** COVID-19
**Subject:** Work Study - Guidance for interruptions of study related to Coronavirus (COVID-19)

Hello,

Our institution has not announced any closures yet, but I wanted some additional guidance with the work study section. Is this saying that the student does not have to work and could still receive the work study pay if they already began the term before the school closure or should they still be working (example: tele work with a department etc)?

"For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement."

Thank you,
Clay

**Clayton Bailey**
*Director, Financial Aid Operations*
*Office of Financial Aid*

**Drexel University**
3201 Arch Street, Suite 320
Philadelphia PA 19104
Tel: 215.571.4656 | Fax: 215.895.1091
drexel.edu

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AMERICAN OVERSIGHT

**From:** Standridge, Michelle
**Sent:** Fri, 13 Mar 2020 13:15:05 +0000
**To:** COVID-19
**Subject:** Work study question

If our campus is moving to online, at least for next few weeks and has asked students to move off campus but are allowing some to stay for extenuating circumstances. We are leaving the library open as a resource IF students need help as we move online and at this point have not stopped our spring sports so student athletes are practicing.

Can I consider us "closed" to students since we have asked all to leave campus? And if so, can I pay all current students who have started classes this term without clocked hours?

Thanks,

**Michelle Standridge**
**Director of Financial Aid**
**Spalding University**
**Office: Egan Leadership Center**
**(502) 873-4333**

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AMERICAN OVERSIGHT

**From:** Standridge, Michelle
**Sent:** Fri, 13 Mar 2020 13:15:05 +0000
**To:** COVID-19
**Subject:** Work study question

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Thanks,

**Michelle Standridge**
**Director of Financial Aid**
**Spalding University**
**Office: Egan Leadership Center**
**(502) 873-4333**

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AMERICAN OVERSIGHT

**From:** Christopher Rodriguez
**Sent:** Fri, 13 Mar 2020 12:24:21 +0000
**To:** COVID-19
**Subject:** work study question

Good morning. I have a question about work study payment during this state. Classes have been moved online for a 2 week period. Can we allow SOME work study students to come in and work since we are open to business, on an essential job function basis, and allow others to stay home and get paid as well?

Christopher G. Rodriguez, CFAA
Director, Financial Aid
Middlesex County College
1-732-548-6000 Ext. 3030

AMERICAN OVERSIGHT

**From:** John Gudvangen
**Sent:** Thu, 12 Mar 2020 22:09:47 +0000
**To:** COVID-19
**Subject:** work study questions

The federal guidelines seem to indicate we can pay work study if we close. The guidelines imply that if we're offering courses online we can continue to pay work study even if the student isn't working. This is not quite the same as closing. What is the correct interpretation regarding the payment of FWS?

The other concern is that the guidance says that we may continue paying the FWS wages "if it [the closure] occurred after the beginning of the term." We are a quarter school. We are nearing the end of winter quarter and spring quarter starts at the end of March. We are not "closing" (as of now) but we are moving all of our courses online, at least temporarily. Many students will choose to stay away from campus, or be unable to be on campus due to COVID-19 issues. As a quarter school, do we have less flexibility because a new term starts soon and we made COVID-19 adjustments prior to the start of the spring quarter, and yet the guidance states "if it occurred after the beginning of the term?" This works for semester schools but not for quarter schools.

If we are allowed to pay work study to students who otherwise would be working but now can't, and yet they remain fully enrolled in their now-online courses, how do we know how many hours to give them? Can we look at their average earnings prior to the COVID-19 disruptions. Thank you. -John

John Gudvangen
Associate Vice Chancellor for Enrollment and Director of Financial Aid
University of Denver
303-871-4857 | john.gudvangen@du.edu | www.du.edu/financialaid

AMERICAN OVERSIGHT

**From:** Smith, Lane
**Sent:** Thu, 12 Mar 2020 16:18:14 +0000
**To:** COVID-19
**Subject:** Work Study while temporarily closed

Good morning all. The guidance here https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19 clearly states that we are permitted to pay our FWS students while we are temporarily moving academic instruction to online instruction and closing down the campus. One item I have been asked about is the statement found in the FWS guidance that says "the institution is continuing to pay its other employees (including faculty and staff)." Does the term "staff" include non-FWS student employees?

**Lane M. Smith**
**Director**
**Student Financial Services**

205-726-2905 | office
205-726-2738 | fax
lane.smith@samford.edu
www.samford.edu
800 Lakeshore Drive
Birmingham, AL 35229

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AMERICAN OVERSIGHT

**From:** Legrand, Terri
**Sent:** Thu, 12 Mar 2020 13:08:29 -0400
**To:** COVID-19
**Subject:** work study

Further guidance is needed regarding school's authority to continue to pay work study students when campuses close and instruction moves online due to COVID-19. Please advise if guidance regarding ability to pay students for unearned FWS applies to schools that have not been declared a federal disaster area but are under a state of emergency.

Thank you,

Terri E. LeGrand, JD
Director of Enrollment Compliance and Technology
Wake Forest University Student Financial Aid
336-758-5179 (TEL)/336-758-4924 (FAX)

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AMERICAN OVERSIGHT

**From:** Kandi Molder
**Sent:** Fri, 13 Mar 2020 12:16:48 +0000
**To:** COVID-19
**Subject:** Work-study

Hello,
We are leaving our campus open, including dorms, food services and faculty/staff offices. However, our classes will be offered online after spring break. We anticipate all of our students that can go home will. But we will have some that remain on campus. Are we able to use the guidance on work-study that allows us to pay them or have we complicated that by leaving our campus open?
Thank you.
Kandi Molder
Executive Director of Registration and Financial Aid

AMERICAN OVERSIGHT

**From:** Erin Glass
**Sent:** Thu, 12 Mar 2020 14:45:15 +0000
**To:** COVID-19
**Subject:** Work-study Questions due to closure

Hello,

I have a couple questions regarding Federal Work-study and the outbreak of the COVID-19 virus and as we move to closing our university to the public.

1. After reading the guidance provided by ED regarding work-study, if the University remains open, but a specific office or department closes or a decision was made to make that department work remotely from home and there is a work-study student that works in that office that is closed, are we able to provide payments to that specific student affected? Or are there any specific guidance that can be given for this situation?
2. Part of our 7% Community Service allocation is from our university library that is open to the public. The decision was made by our university to close the library to the public. Would we have to exclude earnings by the work-study employee from our community service allocation during this closure?

Thank you in advance for your guidance.

Erin Glass

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**Erin Glass**
**Assistant Director – Urbana University**
**Financial Aid Office**

579 College Way Urbana, OH 43078 P937.772.9251 www.urbana.edu
erin.glass@urbana.edu

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AMERICAN OVERSIGHT

**From:** Edwards, Nigel
**Sent:** Fri, 13 Mar 2020 19:30:12 +0000
**To:** COVID-19
**Subject:** Work-Study Students

Good Evening-
For schools that are are temporarily moving classes on-line, is it allowable to pay work-study student who are unable to return to campus? I have reviewed all correspondence and the interpretation of the recent correspondence from NASFAA. My senior administration is asking for more direct language. The word closed is used mad the university is closed but falls under the following distinction.
A campus that will temporarily stop offering ground-based classes in order to prevent the spread of COVID-19.
Nigel Edwards
850-412-7486

AMERICAN OVERSIGHT

**From:** Hare, Michelle
**Sent:** Thu, 12 Mar 2020 16:09:35 +0000
**To:** COVID-19
**Subject:** Work-Study

I'm apologize for adding yet another email to what must be hundreds you are receiving right now.

If a campus remains open for staff, but will be moving classes online for 2 weeks (basically encouraging students to delay returning after spring break), would that qualify as a closure to allow payment of work-study (assuming all other criteria are met)?

Or no, the entire campus must be closed, including to staff, before the guidance in the March 5, 2020 letter is followed?

Thank you!

**Michelle Hare, M.Ed., CFAA**
*Director of Financial Aid*

**Winthrop University**
Office of Financial Aid
Sykes House
638 Oakland Ave.
Rock Hill, SC 29733

803/323-2189
803/323-2557 (FAX)
harem@winthrop.edu
www.winthrop.edu/finaid

AMERICAN OVERSIGHT

**From:** Mary Anne Stano
**Sent:** Thu, 12 Mar 2020 22:30:54 +0000
**To:** COVID-19
**Subject:** Study Abroad Questions

We are converting all of our classes to online as of March 18th. We hope to resume face-to-face instruction on April 1st but realize it's very possible that we will remain online for the remainder of the semester. We are trying to accommodate our study abroad students who are being recalled and/or had begun study abroad programs that are now being closed through our online course conversion.

Questions

1. If a study abroad student is unable to complete all of their credits during the spring semester because the school closed or the student was required to come home early, can we allow them to finish their courses in a Maymester or summer session immediately following the spring semester without penalty? What about SAP?
2. If a study abroad student must withdraw from all their courses because we are unable to offer equivalent courses during the same semester, I'm assuming this student would be subject to R2T4, correct?
3. May we extend the spring semester beyond 15 weeks to allow study abroad students to complete online equivalent courses?
4. Is there any additional guidance or clarification you can provide beyond that which is stated in the March 5th OPE guidance?

Thank you once again for your time and consideration.

Sincerely,

**Mary Anne**

\\\ **Mary Anne Stano**
Director | Office of Financial Aid

LOYOLA
UNIVERSITY MARYLAND

4501 North Charles Street, Baltimore, MD 21210
410-617-2576 \ financialaid@loyola.edu

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AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** GASPARATO, JEAN
**Sent:** Thu, 12 Mar 2020 18:27:00 +0000
**To:** COVID-19
**Subject:** Study Abroad students who receive TIV aid but need to return to the U.S.

Good afternoon,

We have students attending foreign institutions in a study abroad program and are looking for some guidance. If a student returns to the U.S. either because the foreign institution closes down or simply because the student no longer feels safe staying there, and enrolls in classes here at our institution for the current semester (the same semester he/she was on study abroad), what are the TIV implications?

Thank you so much for your guidance on a very complicated matter in unchartered waters.

Regards,

Jean Gasparato
Sr. Associate Director of Federal Aid Administration and Compliance
Office of Student Financial Aid and Scholarships
University of South Carolina - Columbia
1244 Blossom Street, Suite 200
Columbia, South Carolina 29208

Phone 803.777.1305 / Fax 803.777.0941
http://www.sc.edu/financialaid

AMERICAN OVERSIGHT

**From:** Mealy, Stephanie
**Sent:** Mon, 9 Mar 2020 22:24:28 +0000
**To:** COVID-19
**Subject:** Study Abroad Trip at the End of a quarter

Hello,

I am not sure I should reach out to our school participation team but we have a course that is offered with a study abroad trip that falls within two weeks at the end of the term. Since the trip is no longer occurring due to COVID-19, the program wishes to reschedule the trip for the upcoming fall, but still hold the instructional portion during the spring term. Since we have not made the adjustments to the Cost of Attendance, can we offer this trip in the fall and leave the instructional in spring? Would the trip still qualify for financial aid and we could still increase the students budget in the fall since this is a unique situation? Or would we no longer be able to offer aid for students who are attending this trip as part of the spring course.

Let me know if there are any options that I would be able to offer. Thank you for your time.

Stephanie Mealy | **Director of Financial Aid**
MSOE Student Financial Services
Financial Aid Office
1025 N Broadway | Milwaukee, WI 53202
Office: 414.277.7223 | Direct: 414.277.7224
Office Hours: Monday – Friday 8:00am – 4:30pm

AMERICAN OVERSIGHT

**From:** Deb Jackson
**Sent:** Wed, 11 Mar 2020 12:31:42 -0500
**To:** COVID-19
**Subject:** Study Abroad

Good morning,

My question is concerning the following passage:

We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

We have a few students who were enrolled full time in a study abroad experience in Italy for 2020 spring. They started their experience in January; due to COVID-19, these students were sent home to the U.S. in the last couple of weeks and they are finishing their courses online. Some of these students were awarded a Direct sub or unsub loan. Do we return these federal loans,based on the above passage? Thank you very much.

--

**Deb Jackson**
**Director of Financial Assistance**

BRADLEY University

AMERICAN OVERSIGHT

**From:** Jennifer H. Ricciardi
**Sent:** Wed, 11 Mar 2020 11:36:23 +0000
**To:** COVID-19
**Subject:** Suffolk University- transition to all online instruction

Good morning,

Yesterday, Suffolk University made the difficult decision to transition to all online instruction for the remainder of the spring semester. All students will be allowed to complete the term. To allow enough time for this transition, our normally scheduled spring break will be extended by two additional days.

Given these decisions, can you please notify me of any requirements the University has under these extraordinary circumstances?

thank you very much,
Jennifer

Jennifer Ricciardi
Assistant Vice President of Enrollment
Director of Student Financial Services
Suffolk University
(617)573-8470

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New Freshman/Transfer student for the Fall 2020 semester? Be sure to join us at one of our Showcases for Undergraduate Admitted Students on **Sunday, March 1st, Sunday April 5th, or Saturday, April 18th**! Register at suffolk.edu/admitted

AMERICAN OVERSIGHT

**From:** Alex Howland
**Sent:** Sat, 29 Feb 2020 10:36:24 -0800
**To:** COVID-19
**Subject:** Supporting Online Education

We have solutions for online education and remote work. If we can be of any assistance, please do not hesitate to contact us. https://www.virbela.com/

Thanks,
Alex

Alex Howland, PhD
Founder & President
VirBELA
ahowland@virbela.com
+1.508.207.3860
Download VirBELA Open Campus
virbela.com

AMERICAN OVERSIGHT

**From:** Greg Windham
**Sent:** Fri, 13 Mar 2020 13:47:46 +0000
**To:** COVID-19
**Subject:** Temp Closure

Do schools need to request anything if they are, for example, extending Spring Break for one week? We are not sure if the guidance meant closing for a week or closing for the semester. We are a Monday through Thursday school so we would miss two class meetings and have the availability to make up lost class time.

Thank you in advance,

Greg

AMERICAN OVERSIGHT

**From:** USFinancial Aid
**Sent:** Fri, 13 Mar 2020 14:04:21 +0000
**To:** COVID-19
**Subject:** Temporarily closure

Hi,

The university has made a conscious decision to close the campus for temporary period, this is a precautionary measure in light to the Coronavirus outbreak. Having read your guidance published on the 05th MArch , please can you confirm , if any, the implication it will have on university as a foreighn school currently admistrating Title IV

Financial Aid Administrator | Student Fees Office | London Metropolitan University | 166 - 220 Holloway Road | London N7 8DB

T: +44 (0)20 7133 4017

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AMERICAN OVERSIGHT

**From:** SACI Federal Financial Aid
**Sent:** Thu, 5 Mar 2020 18:52:33 +0100
**To:** COVID-19
**Subject:** temporary reduction in academic year?

Greetings

I don't understand what this ruling means:

*The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.*

Does it mean the school would not be liable to return Title IV funds if it closes, temporarily or permanently? And what would a temporary reduction in academic year mean with respect to Title IV funds, already issued or pending?

*Thanking you in advance.*
*Sarah Swenson*

**Sarah Swenson**

Federal Financial Aid Administrator/SACI

***
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**Sarah Swenson**
Federal Financial Aid Administrator
**SACI - College of Art & Design**
454 West 19th Street
New York, NY 10011 USA
financialaid@saci-florence.edu
www.saci-florence.edu

AMERICAN OVERSIGHT

**From:** Cleary, Douglas B (KCTCS)
**Sent:** Fri, 6 Mar 2020 20:39:41 +0000
**To:** COVID-19
**Subject:** Temporary shutdown of campus

All,

I haven't seen this situation discussed but if it has and I have missed it my apologies.

If a campus (SAY) were to temporarily suspend classes (e.g. two weeks) then resumes classes but extends the academic term by 2 weeks to make up for the lost time and that in turn creates overlapping terms (spring overlaps summer); under current regulations, that would then create a non-term environment and could not pay federal aid under SAY requirements. My question is, could the Department provide some latitude to institutions to temporarily suspend those requirements and allow for an overlap and continue to process aid under SAY requirements?

I trust my question makes sense; if not let me know and I will attempt to clarify further.

DOUG

Douglas Cleary
System Director of Financial Aid
Kentucky Community and Technical College System
300 N. Main Street
Versailles, KY 40383

Office: 859-256-3215
Cell: 859-753-1550

AMERICAN OVERSIGHT

**From:** Killen, Kris
**Sent:** Fri, 13 Mar 2020 15:19:13 +0000
**To:** COVID-19
**Subject:** Term length

Hello,

Can you provide guidance on the ramifications of extending our spring semester by one week in order to deal with the logistics of moving all classes on line due to COVID-19.

How would this impact loan periods already reported, and R2T4 calculations?

Will the Department allow flexibility during this crisis?

Thank you,

Kris

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**KRISTINA D. KILLEN**
Associate Director of Financial Aid
Office of Student Financial Services
killenk@xavier.edu
**T** 513-745-2988
**F** 513-745-2806
**Xavier University**
3800 Victory Pkwy, Cincinnati, OH 45207

AMERICAN OVERSIGHT

**From:** Sylvia G Porter
**Sent:** Fri, 13 Mar 2020 21:05:04 +0000
**To:** COVID-19
**Cc:** Cezy C Collins;Sandra Arzate
**Subject:** Texas School District COVID-19 question

I am in-house counsel at El Paso Independent School District in El Paso, Texas and have a COVID-19 question.
We are wondering if it is appropriate, especially after Spring Break, to ask School District personnel where they have traveled or whether they have traveled to any of the COVID-19 hot spots. If they have traveled to a hot spot, what may the School District do, such as contacting the local public health department ?
Appreciate your assistance and prompt response to this inquiry.
Thank you,
Sylvia Porter
EPISD Asst. General Counsel
915-230-2566
El Paso ISD Non-discrimination disclaimer http://www.episd.org/Page/1115 "I am EPISD. Excellence Starts With Me"

AMERICAN OVERSIGHT

**From:** Greg Becher
**Sent:** Thu, 12 Mar 2020 21:02:19 +0000
**To:** COVID-19
**Cc:** Schultz, Renee;John Goyette;Dennis McCarthy
**Subject:** The impact of shortening the spring semester due to Coronavirus concerns

Dear Department of Education:

This e-mail contains two additional questions which I am adding to the original question our institution sent on March 5, 2020. That original question has not been answered and can be found below this e-mail.

In the March 5, 2020 Electronic Announcement ("Guidance for interruptions of study related to Coronavirus COVID-19"), the Department of Education (ED) wrote,

> Length of Academic Year
> The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

In that same announcement, ED wrote,

> Definition of a Withdrawal Date
> If an institution ceases operation during a payment period and fails to reopen by the end of that payment period, its students are considered no longer in attendance and must be considered withdrawn for that payment period or period of enrollment, and would be subject to Return of Title IV funds requirements.

That raises two questions for our institution:

Question #1: If the institution receives an approval from the School Participation team to reduce the length of the spring semester due to a health emergency, is it correct to assume that the students who attend through the end of that reduced term will NOT be considered as withdrawn and will NOT be subject to Return to Title IV funds requirements?

Question #2: If the above assumption is correct, will the institution be required to revise its previously stated Cost of Attendance (COA) for the academic year (fall + spring) and recalculate each student's eligibility for federal student-based aid (Pell Grants and Federal Direct Student Loans) based on the revised COA?

Thank you.

Gregory Becher

**Gregory Becher**
Director of Financial Aid
Thomas Aquinas College
OPE ID: 023580
California | New England

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**From:** Greg Becher
**Sent:** Thursday, March 5, 2020 3:40 PM

AMERICAN OVERSIGHT

**To:** 'COVID-19@ed.gov'
**Subject:** Question about reducing academic year due to Corona virus

Dear Department of Education:

After reviewing the Department of Education's Electronic Announcement about interruptions of study due to the Corona virus (issued today, March 5, 2020), our college is planning for the various contingencies that may arise.

Our college is Thomas Aquinas College (OPE-ID 023580). Our main campus is located in Santa Paula, California. Today, the state of California has declared a state of emergency. Los Angeles County, which is adjacent to our county (Ventura County) has also declared a state of emergency.

Our fall semester was 17 weeks long. Our spring semester is also 17 weeks long, although it spans 18 weeks, with one week off for Easter (closed from Thursday, April 9, 2020 through Wednesday, April 15, 2020).

**Could we reduce our spring semester to 12.5 weeks of instruction on campus (Monday, January 13, 2020 through Wednesday, April 8, 2020), followed by 1.0 week of exams taken at home after the Easter break (Thursday, April 16, 2020 through Wednesday, April 22, 2020)?** The students would be asked to return their written exams by e-mail or paper mail. Under this scenario, our academic year will total 30.5 weeks (17 weeks in the fall plus 13.5 weeks in the spring).

Thank you.

Gregory Becher

**Gregory Becher**
Director of Financial Aid
Thomas Aquinas College
California | New England

AMERICAN OVERSIGHT

**From:** Reba Bartrug
**Sent:** Fri, 13 Mar 2020 09:43:08 -0400
**To:** COVID-19
**Subject:** Title IV Questions

We have several questions about how disbursement and regulation of title IV aid may be impacted due to school closures or delays. Is there a specific email we should be reaching out to for these types of questions?

--

**Reba Bartrug** | *Director of Financial Aid*
Washington State Community College
710 Colegate Drive | Marietta, OH 45750
tel 740-374-8716 | fax 740-376-0257 | ext 1402
website | map | email


AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Wed, 11 Mar 2020 23:34:45 -0400
**To:** COVID-19
**Subject:** Travelling back home

Hey,
I'm a student studying at Penn State. My university suspended in-person classes until at least April 3rd which is why I'm going back to my country (India). I'm concerned about not being able to come back to the states if my university chooses to resume in-person classes after April 3rd. If that is to happen, could I be assured in any way that my semester won't be compromised?

Thank you,
(b)(6)

AMERICAN OVERSIGHT

**From:** Covey Robbins, Robert
**Sent:** Wed, 11 Mar 2020 13:20:11 +0000
**To:** COVID-19
**Subject:** Two questions

1. Our school is shutting down for 2 weeks, during which faculty will prepare to finish the term with alternate methods of instruction. The physical classrooms will be closed for the remainder of the semester. Seven (7) weeks were completed before our Spring Break. The decision to close the campus will result in 5 additional weeks for the term.
    a. Will we be required to make cost of attendance adjustments for the shortened semester, and to reflect 7 weeks of on-campus housing and 5 weeks of off campus housing?
2. For students who withdrew prior to the shortened semester decision and for whom R2T4 calculations were already performed, will we be required to recalculate for the shortened term?

Thank you

**Bob Covey-Robbins**
Interim Assistant Vice President of Financial Aid
West Chester University

rcoveyrobbins@wcupa.edu
610-436-1009
**wcupa.edu**

*P.S. Have your questions answered 24/7 with Ask Rammy! Find the message icon on the bottom right of any page on the Financial Aid website.*

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able, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(3) APPROPRIATION.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, such sums as may be necessary for purposes of this subsection.

(e) APPLICABILITY.—An agreement entered into under this section shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

AMERICAN OVERSIGHT

1 (2) ending on or before July 31, 2020.
2 (f) FRAUD AND OVERPAYMENTS.—
3 (1) IN GENERAL.—If an individual knowingly
4 has made, or caused to be made by another, a false
5 statement or representation of a material fact, or
6 knowingly has failed, or caused another to fail, to
7 disclose a material fact, and as a result of such false
8 statement or representation or of such nondisclosure
9 such individual has received an amount of Federal
10 Pandemic Unemployment Compensation to which
11 such individual was not entitled, such individual—
12 (A) shall be ineligible for further Federal
13 Pandemic Unemployment Compensation in ac-
14 cordance with the provisions of the applicable
15 State unemployment compensation law relating
16 to fraud in connection with a claim for unem-
17 ployment compensation; and
18 (B) shall be subject to prosecution under
19 section 1001 of title 18, United States Code.
20 (2) REPAYMENT.—In the case of individuals
21 who have received amounts of Federal Pandemic
22 Unemployment Compensation to which they were
23 not entitled, the State shall require such individuals
24 to repay the amounts of such Federal Pandemic Un-
25 employment Compensation to the State agency, ex-

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1 cept that the State agency may waive such repay-
2 ment if it determines that—
3 (A) the payment of such Federal Pandemic
4 Unemployment Compensation was without fault
5 on the part of any such individual; and
6 (B) such repayment would be contrary to
7 equity and good conscience.
8 (3) RECOVERY BY STATE AGENCY.—
9 (A) IN GENERAL.—The State agency shall
10 recover the amount to be repaid, or any part
11 thereof, by deductions from any Federal Pan-
12 demic Unemployment Compensation payable to
13 such individual or from any unemployment
14 compensation payable to such individual under
15 any State or Federal unemployment compensa-
16 tion law administered by the State agency or
17 under any other State or Federal law adminis-
18 tered by the State agency which provides for
19 the payment of any assistance or allowance with
20 respect to any week of unemployment, during
21 the 3-year period after the date such individuals
22 received the payment of the Federal Pandemic
23 Unemployment Compensation to which they
24 were not entitled, in accordance with the same
25 procedures as apply to the recovery of overpay-

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1 ments of regular unemployment benefits paid
2 by the State.
3 (B) OPPORTUNITY FOR HEARING.—No re-
4 payment shall be required, and no deduction
5 shall be made, until a determination has been
6 made, notice thereof and an opportunity for a
7 fair hearing has been given to the individual,
8 and the determination has become final.
9 (4) REVIEW.—Any determination by a State
10 agency under this section shall be subject to review
11 in the same manner and to the same extent as deter-
12 minations under the State unemployment compensa-
13 tion law, and only in that manner and to that ex-
14 tent.
15 (g) APPLICATION TO OTHER UNEMPLOYMENT BENE-
16 FITS.—Each agreement under this section shall include
17 provisions to provide that the purposes of the preceding
18 provisions of this section shall be applied with respect to
19 unemployment benefits described in subsection (i)(2) to
20 the same extent and in the same manner as if those bene-
21 fits were regular compensation.
22 (h) DISREGARD OF ADDITIONAL COMPENSATION FOR
23 PURPOSES OF MEDICAID AND CHIP.—The monthly
24 equivalent of any Federal pandemic unemployment com-
25 pensation paid to an individual under this section shall

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1 be disregarded when determining income for any purpose
2 under the programs established under titles XIX and title
3 XXI of the Social Security Act (42 U.S.C. 1396 et seq.,
4 1397aa et seq.) .
5 (i) DEFINITIONS.—For purposes of this section—
6 (1) the terms "compensation", "regular com-
7 pensation", "benefit year", "State", "State agency",
8 "State law", and "week" have the respective mean-
9 ings given such terms under section 205 of the Fed-
10 eral-State Extended Unemployment Compensation
11 Act of 1970 (26 U.S.C. 3304 note); and
12 (2) any reference to unemployment benefits de-
13 scribed in this paragraph shall be considered to refer
14 to—
15 (A) extended compensation (as defined by
16 section 205 of the Federal-State Extended Un-
17 employment Compensation Act of 1970);
18 (B) regular compensation (as defined by
19 section 85(b) of the Internal Revenue Code of
20 1986) provided under any program adminis-
21 tered by a State under an agreement with the
22 Secretary;
23 (C) pandemic unemployment assistance
24 under section 2102; and

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1 (D) pandemic emergency unemployment
2 compensation under section 2107.

3 **SEC. 2105. TEMPORARY FULL FEDERAL FUNDING OF THE**
4 **FIRST WEEK OF COMPENSABLE REGULAR**
5 **UNEMPLOYMENT FOR STATES WITH NO WAIT-**
6 **ING WEEK.**

7 (a) FEDERAL-STATE AGREEMENTS.—Any State
8 which desires to do so may enter into and participate in
9 an agreement under this section with the Secretary of
10 Labor (in this section referred to as the ''Secretary''). Any
11 State which is a party to an agreement under this section
12 may, upon providing 30 days' written notice to the Sec-
13 retary, terminate such agreement.

14 (b) REQUIREMENT THAT STATE LAW DOES NOT
15 APPLY A WAITING WEEK.—A State is eligible to enter
16 into an agreement under this section if the State law (in-
17 cluding a waiver of State law) provides that compensation
18 is paid to individuals for their first week of regular unem-
19 ployment without a waiting week. An agreement under
20 this section shall not apply (or shall cease to apply) with
21 respect to a State upon a determination by the Secretary
22 that the State law no longer meets the requirement under
23 the preceding sentence.

24 (c) PAYMENTS TO STATES.—

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1 (1) FULL REIMBURSEMENT.—There shall be
2 paid to each State which has entered into an agree-
3 ment under this section an amount equal to 100 per-
4 cent of—
5 (A) the total amount of regular compensa-
6 tion paid to individuals by the State for their
7 first week of regular unemployment; and
8 (B) any additional administrative expenses
9 incurred by the State by reason of such agree-
10 ment (as determined by the Secretary).
11 (2) TERMS OF PAYMENTS.—Sums payable to
12 any State by reason of such State's having an agree-
13 ment under this section shall be payable, either in
14 advance or by way of reimbursement (as determined
15 by the Secretary), in such amounts as the Secretary
16 estimates the State will be entitled to receive under
17 this section for each calendar month, reduced or in-
18 creased, as the case may be, by any amount by
19 which the Secretary finds that his estimates for any
20 prior calendar month were greater or less than the
21 amounts which should have been paid to the State.
22 Such estimates may be made on the basis of such
23 statistical, sampling, or other method as may be
24 agreed upon by the Secretary and the State agency
25 of the State involved.

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1 (d) FUNDING.—
2 (1) COMPENSATION.—
3 (A) IN GENERAL.—Funds in the Federal
4 unemployment account (as established by sec-
5 tion 905(g)) of the Unemployment Trust Fund
6 (as established by section 904(a)) shall be used
7 to make payments under subsection (c)(1)(A).
8 (B) TRANSFER OF FUNDS.—Notwith-
9 standing any other provision of law, the Sec-
10 retary of the Treasury shall transfer from the
11 general fund of the Treasury (from funds not
12 otherwise appropriated) to the Federal unem-
13 ployment account such sums as the Secretary of
14 Labor estimates to be necessary to make pay-
15 ments described in subparagraph (A). There
16 are appropriated from the general fund of the
17 Treasury, without fiscal year limitation, the
18 sums referred to in the preceding sentence and
19 such sums shall not be required to be repaid.
20 (2) ADMINISTRATIVE EXPENSES.—
21 (A) IN GENERAL.—Funds in the employ-
22 ment security administration account (as estab-
23 lished by section 901(a) of the Social Security
24 Act (42 U.S.C. 1105(a)) of the Unemployment
25 Trust Fund (as established by section 904(a) of

AMERICAN OVERSIGHT

1 such Act (42 U.S.C. 1104(a)) shall be used to
2 make payments to States pursuant to sub-
3 section (c)(1)(B).
4 (B) TRANSFER OF FUNDS.—Notwith-
5 standing any other provision of law, the Sec-
6 retary of the Treasury shall transfer from the
7 general fund of the Treasury (from funds not
8 otherwise appropriated) to the employment se-
9 curity administration account such sums as the
10 Secretary of Labor estimates to be necessary to
11 make payments described in subparagraph (A).
12 There are appropriated from the general fund
13 of the Treasury, without fiscal year limitation,
14 the sums referred to in the preceding sentence
15 and such sums shall not be required to be re-
16 paid.
17 (3) CERTIFICATIONS.—The Secretary shall
18 from time to time certify to the Secretary of the
19 Treasury for payment to each State the sums pay-
20 able to such State under this section.
21 (e) APPLICABILITY.—An agreement entered into
22 under this section shall apply to weeks of unemployment—
23 (1) beginning after the date on which such
24 agreement is entered into; and
25 (2) ending on or before December 31, 2020.

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1 (f) FRAUD AND OVERPAYMENTS.—The provisions of
2 section 2107(e) shall apply with respect to compensation
3 paid under an agreement under this section to the same
4 extent and in the same manner as in the case of pandemic
5 emergency unemployment compensation under such sec-
6 tion.

7 (g) DEFINITIONS.—For purposes of this section, the
8 terms "regular compensation", "State", "State agency",
9 "State law", and "week" have the respective meanings
10 given such terms under section 205 of the Federal-State
11 Extended Unemployment Compensation Act of 1970 (26
12 U.S.C. 3304 note).

13 **SEC. 2106. EMERGENCY STATE STAFFING FLEXIBILITY.**

14 Section 4102(b) of the Emergency Unemployment
15 Stabilization and Access Act of 2020 (contained in division
16 D of the Families First Coronavirus Response Act) is
17 amended—

18 (1) by striking "or employer experience rating"
19 and inserting "employer experience rating, or, sub-
20 ject to the succeeding sentence, personnel standards
21 on a merit basis"; and

22 (2) by adding at the end the following new sen-
23 tence: "The emergency flexibility for personnel
24 standards on a merit basis shall only apply through
25 December 31, 2020, and is limited to engaging of

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1 temporary staff, rehiring of retirees or former em-
2 ployees on a non-competitive basis, and other tem-
3 porary actions to quickly process applications and
4 claims.''.

5 **SEC. 2107. PANDEMIC EMERGENCY UNEMPLOYMENT COM-**
6 **PENSATION.**

7 (a) FEDERAL-STATE AGREEMENTS.—

8 (1) IN GENERAL.—Any State which desires to
9 do so may enter into and participate in an agree-
10 ment under this section with the Secretary of Labor
11 (in this section referred to as the ''Secretary''). Any
12 State which is a party to an agreement under this
13 section may, upon providing 30 days' written notice
14 to the Secretary, terminate such agreement.

15 (2) PROVISIONS OF AGREEMENT.—Any agree-
16 ment under paragraph (1) shall provide that the
17 State agency of the State will make payments of
18 pandemic emergency unemployment compensation to
19 individuals who—

20 (A) have exhausted all rights to regular
21 compensation under the State law or under
22 Federal law with respect to a benefit year (ex-
23 cluding any benefit year that ended before
24 July1, 2019);

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1 (B) have no rights to regular compensation
2 with respect to a week under such law or any
3 other State unemployment compensation law or
4 to compensation under any other Federal law;
5 (C) are not receiving compensation with
6 respect to such week under the unemployment
7 compensation law of Canada; and
8 (D) are able to work, available to work,
9 and actively seeking work.
10 (3) EXHAUSTION OF BENEFITS.—For purposes
11 of paragraph (2)(A), an individual shall be deemed
12 to have exhausted such individual's rights to regular
13 compensation under a State law when—
14 (A) no payments of regular compensation
15 can be made under such law because such indi-
16 vidual has received all regular compensation
17 available to such individual based on employ-
18 ment or wages during such individual's base pe-
19 riod; or
20 (B) such individual's rights to such com-
21 pensation have been terminated by reason of
22 the expiration of the benefit year with respect
23 to which such rights existed.
24 (4) WEEKLY BENEFIT AMOUNT, ETC.—For
25 purposes of any agreement under this section—

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1 (A) the amount of pandemic emergency
2 unemployment compensation which shall be
3 payable to any individual for any week of total
4 unemployment shall be equal to—
5 (i) the amount of the regular com-
6 pensation (including dependents' allow-
7 ances) payable to such individual during
8 such individual's benefit year under the
9 State law for a week of total unemploy-
10 ment; and
11 (ii) the amount of Federal Pandemic
12 Unemployment Compensation under sec-
13 tion 2104;
14 (B) the terms and conditions of the State
15 law which apply to claims for regular compensa-
16 tion and to the payment thereof (including
17 terms and conditions relating to availability for
18 work, active search for work, and refusal to ac-
19 cept work) shall apply to claims for pandemic
20 emergency unemployment compensation and the
21 payment thereof, except where otherwise incon-
22 sistent with the provisions of this section or
23 with the regulations or operating instructions of
24 the Secretary promulgated to carry out this sec-
25 tion;

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1 (C) the maximum amount of pandemic
2 emergency unemployment compensation payable
3 to any individual for whom an pandemic emer-
4 gency unemployment compensation account is
5 established under subsection (b) shall not ex-
6 ceed the amount established in such account for
7 such individual; and
8 (D) the allowable methods of payment
9 under section 2104(b)(2) shall apply to pay-
10 ments of amounts described in subparagraph
11 (A)(ii).
12 (5) COORDINATION RULE.—An agreement
13 under this section shall apply with respect to a State
14 only upon a determination by the Secretary that,
15 under the State law or other applicable rules of such
16 State, the payment of extended compensation for
17 which an individual is otherwise eligible must be de-
18 ferred until after the payment of any pandemic
19 emergency unemployment compensation under sub-
20 section (b) for which the individual is concurrently
21 eligible.
22 (6) NONREDUCTION RULE.—
23 (A) IN GENERAL.—An agreement under
24 this section shall not apply (or shall cease to
25 apply) with respect to a State upon a deter-

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1 mination by the Secretary that the method gov-
2 erning the computation of regular compensation
3 under the State law of that State has been
4 modified in a manner such that the number of
5 weeks (the maximum benefit entitlement), or
6 the average weekly benefit amount, of regular
7 compensation which will be payable during the
8 period of the agreement will be less than the
9 number of weeks, or the average weekly benefit
10 amount, of the average weekly benefit amount
11 of regular compensation which would otherwise
12 have been payable during such period under the
13 State law, as in effect on January 1, 2020.
14 (B) MAXIMUM BENEFIT ENTITLEMENT.—
15 In subparagraph (A), the term "maximum ben-
16 efit entitlement" means the amount of regular
17 unemployment compensation payable to an indi-
18 vidual with respect to the individual's benefit
19 year.
20 (7) ACTIVELY SEEKING WORK.—
21 (A) IN GENERAL.—Subject to subpara-
22 graph (C), for purposes of paragraph (2)(D),
23 the term "actively seeking work" means, with
24 respect to any individual, that such individual—

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1 (i) is registered for employment serv-
2 ices in such a manner and to such extent
3 as prescribed by the State agency;
4 (ii) has engaged in an active search
5 for employment that is appropriate in light
6 of the employment available in the labor
7 market, the individual's skills and capabili-
8 ties, and includes a number of employer
9 contacts that is consistent with the stand-
10 ards communicated to the individual by the
11 State;
12 (iii) has maintained a record of such
13 work search, including employers con-
14 tacted, method of contact, and date con-
15 tacted; and
16 (iv) when requested, has provided
17 such work search record to the State agen-
18 cy.
19 (B) FLEXIBILITY.—Notwithstanding the
20 requirements under subparagraph (A) and
21 paragraph (2)(D), a State shall provide flexi-
22 bility in meeting such requirements in case of
23 individuals unable to search for work because of
24 COVID-19, including because of illness, quar-
25 antine, or movement restriction.

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1 (b) PANDEMIC EMERGENCY UNEMPLOYMENT COM-
2 PENSATION ACCOUNT.—
3 (1) IN GENERAL.—Any agreement under this
4 section shall provide that the State will establish, for
5 each eligible individual who files an application for
6 pandemic emergency unemployment compensation,
7 an pandemic emergency unemployment compensa-
8 tion account with respect to such individual's benefit
9 year.
10 (2) AMOUNT IN ACCOUNT.—The amount estab-
11 lished in an account under subsection (a) shall be
12 equal to 13 times the individual's average weekly
13 benefit amount, which includes the amount of Fed-
14 eral Pandemic Unemployment Compensation under
15 section 2104, for the benefit year.
16 (3) WEEKLY BENEFIT AMOUNT.—For purposes
17 of this subsection, an individual's weekly benefit
18 amount for any week is the amount of regular com-
19 pensation (including dependents' allowances) under
20 the State law payable to such individual for such
21 week for total unemployment plus the amount of
22 Federal Pandemic Unemployment Compensation
23 under section 2104.

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1 (c) PAYMENTS TO STATES HAVING AGREEMENTS
2 FOR THE PAYMENT OF PANDEMIC EMERGENCY UNEM-
3 PLOYMENT COMPENSATION.—
4 (1) IN GENERAL.—There shall be paid to each
5 State that has entered into an agreement under this
6 section an amount equal to 100 percent of the pan-
7 demic emergency unemployment compensation paid
8 to individuals by the State pursuant to such agree-
9 ment.
10 (2) TREATMENT OF REIMBURSABLE COMPENSA-
11 TION.—No payment shall be made to any State
12 under this section in respect of any compensation to
13 the extent the State is entitled to reimbursement in
14 respect of such compensation under the provisions of
15 any Federal law other than this section or chapter
16 85 of title 5, United States Code. A State shall not
17 be entitled to any reimbursement under such chapter
18 85 in respect of any compensation to the extent the
19 State is entitled to reimbursement under this section
20 in respect of such compensation.
21 (3) DETERMINATION OF AMOUNT.—Sums pay-
22 able to any State by reason of such State having an
23 agreement under this section shall be payable, either
24 in advance or by way of reimbursement (as may be
25 determined by the Secretary), in such amounts as

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1 the Secretary estimates the State will be entitled to
2 receive under this section for each calendar month,
3 reduced or increased, as the case may be, by any
4 amount by which the Secretary finds that the Sec-
5 retary's estimates for any prior calendar month were
6 greater or less than the amounts which should have
7 been paid to the State. Such estimates may be made
8 on the basis of such statistical, sampling, or other
9 method as may be agreed upon by the Secretary and
10 the State agency of the State involved.
11 (d) FINANCING PROVISIONS.—
12 (1) COMPENSATION.—
13 (A) IN GENERAL.—Funds in the extended
14 unemployment compensation account (as estab-
15 lished by section 905(a) of the Social Security
16 Act (42 U.S.C. 1105(a)) of the Unemployment
17 Trust Fund (as established by section 904(a) of
18 such Act (42 U.S.C. 1104(a)) shall be used for
19 the making of payments to States having agree-
20 ments entered into under this section.
21 (B) TRANSFER OF FUNDS.—Notwith-
22 standing any other provision of law, the Sec-
23 retary of the Treasury shall transfer from the
24 general fund of the Treasury (from funds not
25 otherwise appropriated) to the extended unem-

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1 ployment compensation account such sums as
2 the Secretary of Labor estimates to be nec-
3 essary to make payments described in subpara-
4 graph (A). There are appropriated from the
5 general fund of the Treasury, without fiscal
6 year limitation, the sums referred to in the pre-
7 ceding sentence and such sums shall not be re-
8 quired to be repaid.
9 (2) ADMINISTRATION.—
10 (A) IN GENERAL.—There are appropriated
11 out of the employment security administration
12 account (as established by section 901(a) of the
13 Social Security Act (42 U.S.C. 1101(a)) of the
14 Unemployment Trust Fund, without fiscal year
15 limitation, such funds as may be necessary for
16 purposes of assisting States (as provided in title
17 III of the Social Security Act (42 U.S.C. 501
18 et seq.)) in meeting the costs of administration
19 of agreements under this section.
20 (B) TRANSFER OF FUNDS.—Notwith-
21 standing any other provision of law, the Sec-
22 retary of the Treasury shall transfer from the
23 general fund of the Treasury (from funds not
24 otherwise appropriated) to the employment se-
25 curity administration account such sums as the

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1 Secretary of Labor estimates to be necessary to
2 make payments described in subparagraph (A).
3 There are appropriated from the general fund
4 of the Treasury, without fiscal year limitation,
5 the sums referred to in the preceding sentence
6 and such sums shall not be required to be re-
7 paid.

8 (3) CERTIFICATION.—The Secretary shall from
9 time to time certify to the Secretary of the Treasury
10 for payment to each State the sums payable to such
11 State under this subsection. The Secretary of the
12 Treasury, prior to audit or settlement by the Gov-
13 ernment Accountability Office, shall make payments
14 to the State in accordance with such certification, by
15 transfers from the extended unemployment com-
16 pensation account (as so established) to the account
17 of such State in the Unemployment Trust Fund (as
18 so established).

19 (e) FRAUD AND OVERPAYMENTS.—

20 (1) IN GENERAL.—If an individual knowingly
21 has made, or caused to be made by another, a false
22 statement or representation of a material fact, or
23 knowingly has failed, or caused another to fail, to
24 disclose a material fact, and as a result of such false
25 statement or representation or of such nondisclosure

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1 such individual has received an amount of pandemic
2 emergency unemployment compensation under this
3 section to which such individual was not entitled,
4 such individual—
5 (A) shall be ineligible for further pandemic
6 emergency unemployment compensation under
7 this section in accordance with the provisions of
8 the applicable State unemployment compensa-
9 tion law relating to fraud in connection with a
10 claim for unemployment compensation; and
11 (B) shall be subject to prosecution under
12 section 1001 of title 18, United States Code.
13 (2) REPAYMENT.—In the case of individuals
14 who have received amounts of pandemic emergency
15 unemployment compensation under this section to
16 which they were not entitled, the State shall require
17 such individuals to repay the amounts of such pan-
18 demic emergency unemployment compensation to the
19 State agency, except that the State agency may
20 waive such repayment if it determines that—
21 (A) the payment of such pandemic emer-
22 gency unemployment compensation was without
23 fault on the part of any such individual; and
24 (B) such repayment would be contrary to
25 equity and good conscience.

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1 (3) RECOVERY BY STATE AGENCY.—
2 (A) IN GENERAL.—The State agency shall
3 recover the amount to be repaid, or any part
4 thereof, by deductions from any pandemic
5 emergency unemployment compensation payable
6 to such individual under this section or from
7 any unemployment compensation payable to
8 such individual under any State or Federal un-
9 employment compensation law administered by
10 the State agency or under any other State or
11 Federal law administered by the State agency
12 which provides for the payment of any assist-
13 ance or allowance with respect to any week of
14 unemployment, during the 3-year period after
15 the date such individuals received the payment
16 of the pandemic emergency unemployment com-
17 pensation to which they were not entitled, in ac-
18 cordance with the same procedures as apply to
19 the recovery of overpayments of regular unem-
20 ployment benefits paid by the State.
21 (B) OPPORTUNITY FOR HEARING.—No re-
22 payment shall be required, and no deduction
23 shall be made, until a determination has been
24 made, notice thereof and an opportunity for a

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1 fair hearing has been given to the individual,
2 and the determination has become final.
3 (4) REVIEW.—Any determination by a State
4 agency under this section shall be subject to review
5 in the same manner and to the same extent as deter-
6 minations under the State unemployment compensa-
7 tion law, and only in that manner and to that ex-
8 tent.
9 (f) DEFINITIONS.—In this section, the terms ''com-
10 pensation'', ''regular compensation'', ''extended compensa-
11 tion'', ''benefit year'', ''base period'', ''State'', ''State
12 agency'', ''State law'', and ''week'' have the respective
13 meanings given such terms under section 205 of the Fed-
14 eral-State Extended Unemployment Compensation Act of
15 1970 (26 U.S.C. 3304 note).
16 (g) APPLICABILITY.—An agreement entered into
17 under this section shall apply to weeks of unemployment—
18 (1) beginning after the date on which such
19 agreement is entered into; and
20 (2) ending on or before December 31, 2020.
21 **SEC. 2108. TEMPORARY FINANCING OF SHORT-TIME COM-**
22 **PENSATION PAYMENTS IN STATES WITH PRO-**
23 **GRAMS IN LAW.**
24 (a) PAYMENTS TO STATES.—

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1 (1) IN GENERAL.—Subject to paragraph (3),
2 there shall be paid to a State an amount equal to
3 100 percent of the amount of short-time compensa-
4 tion paid under a short-time compensation program
5 (as defined in section 3306(v) of the Internal Rev-
6 enue Code of 1986) under the provisions of the
7 State law.
8 (2) TERMS OF PAYMENTS.—Payments made to
9 a State under paragraph (1) shall be payable by way
10 of reimbursement in such amounts as the Secretary
11 estimates the State will be entitled to receive under
12 this section for each calendar month, reduced or in-
13 creased, as the case may be, by any amount by
14 which the Secretary finds that the Secretary's esti-
15 mates for any prior calendar month were greater or
16 less than the amounts which should have been paid
17 to the State. Such estimates may be made on the
18 basis of such statistical, sampling, or other method
19 as may be agreed upon by the Secretary and the
20 State agency of the State involved.
21 (3) LIMITATIONS ON PAYMENTS.—
22 (A) GENERAL PAYMENT LIMITATIONS.—
23 No payments shall be made to a State under
24 this section for short-time compensation paid to
25 an individual by the State during a benefit year

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in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State under a short-time compensation program if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(b) APPLICABILITY.—Payments to a State under subsection (a) shall be available for weeks of unemployment—

(1) beginning on or after the date of the enactment of this Act; and

(2) ending on or before December 31, 2020.

(c) NEW PROGRAMS.—Subject to subsection (b)(2), if at any point after the date of the enactment of this Act the State enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, the State shall be eligible for payments under this section after the effective date of such enactment.

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1 (d) FUNDING AND CERTIFICATIONS.—
2 (1) FUNDING.—There are appropriated, out of
3 moneys in the Treasury not otherwise appropriated,
4 such sums as may be necessary for purposes of car-
5 rying out this section.
6 (2) CERTIFICATIONS.—The Secretary shall
7 from time to time certify to the Secretary of the
8 Treasury for payment to each State the sums pay-
9 able to such State under this section.
10 (e) DEFINITIONS.—In this section:
11 (1) SECRETARY.—The term "Secretary" means
12 the Secretary of Labor.
13 (2) STATE; STATE AGENCY; STATE LAW.—The
14 terms "State", "State agency", and "State law"
15 have the meanings given those terms in section 205
16 of the Federal-State Extended Unemployment Com-
17 pensation Act of 1970 (26 U.S.C. 3304 note).
18 (f) TECHNICAL CORRECTION TO DEFINITION.—Sec-
19 tion 3306(v)(6) of the Internal Revenue Code of 1986 (26
20 U.S.C. 3306) is amended by striking "Workforce Invest-
21 ment Act of 1998" and inserting "Workforce Innovation
22 and Opportunity Act".
23 **SEC. 2109. TEMPORARY FINANCING OF SHORT-TIME COM-**
24 **PENSATION AGREEMENTS.**
25 (a) FEDERAL-STATE AGREEMENTS.—

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1 (1) IN GENERAL.—Any State which desires to
2 do so may enter into, and participate in, an agree-
3 ment under this section with the Secretary provided
4 that such State's law does not provide for the pay-
5 ment of short-time compensation under a short-time
6 compensation program (as defined in section
7 3306(v) of the Internal Revenue Code of 1986).
8 (2) ABILITY TO TERMINATE.—Any State which
9 is a party to an agreement under this section may,
10 upon providing 30 days' written notice to the Sec-
11 retary, terminate such agreement.
12 (b) PROVISIONS OF FEDERAL-STATE AGREEMENT.—
13 (1) IN GENERAL.—Any agreement under this
14 section shall provide that the State agency of the
15 State will make payments of short-time compensa-
16 tion under a plan approved by the State. Such plan
17 shall provide that payments are made in accordance
18 with the requirements under section 3306(v) of the
19 Internal Revenue Code of 1986.
20 (2) LIMITATIONS ON PLANS.—
21 (A) GENERAL PAYMENT LIMITATIONS.—A
22 short-time compensation plan approved by a
23 State shall not permit the payment of short-
24 time compensation to an individual by the State
25 during a benefit year in excess of 26 times the

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1 amount of regular compensation (including de-
2 pendents' allowances) under the State law pay-
3 able to such individual for a week of total un-
4 employment.

5 (B) EMPLOYER LIMITATIONS.—A short-
6 time compensation plan approved by a State
7 shall not provide payments to an individual if
8 such individual is employed by the participating
9 employer on a seasonal, temporary, or intermit-
10 tent basis.

11 (3) EMPLOYER PAYMENT OF COSTS.—Any
12 short-time compensation plan entered into by an em-
13 ployer must provide that the employer will pay the
14 State an amount equal to one-half of the amount of
15 short-time compensation paid under such plan. Such
16 amount shall be deposited in the State's unemploy-
17 ment fund and shall not be used for purposes of cal-
18 culating an employer's contribution rate under sec-
19 tion 3303(a)(1) of the Internal Revenue Code of
20 1986.

21 (c) PAYMENTS TO STATES.—

22 (1) IN GENERAL.—There shall be paid to each
23 State with an agreement under this section an
24 amount equal to—

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1 (A) one-half of the amount of short-time
2 compensation paid to individuals by the State
3 pursuant to such agreement; and
4 (B) any additional administrative expenses
5 incurred by the State by reason of such agree-
6 ment (as determined by the Secretary).
7 (2) TERMS OF PAYMENTS.—Payments made to
8 a State under paragraph (1) shall be payable by way
9 of reimbursement in such amounts as the Secretary
10 estimates the State will be entitled to receive under
11 this section for each calendar month, reduced or in-
12 creased, as the case may be, by any amount by
13 which the Secretary finds that the Secretary's esti-
14 mates for any prior calendar month were greater or
15 less than the amounts which should have been paid
16 to the State. Such estimates may be made on the
17 basis of such statistical, sampling, or other method
18 as may be agreed upon by the Secretary and the
19 State agency of the State involved.
20 (3) FUNDING.—There are appropriated, out of
21 moneys in the Treasury not otherwise appropriated,
22 such sums as may be necessary for purposes of car-
23 rying out this section.
24 (4) CERTIFICATIONS.—The Secretary shall
25 from time to time certify to the Secretary of the

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1 Treasury for payment to each State the sums pay-
2 able to such State under this section.
3 (d) APPLICABILITY.—An agreement entered into
4 under this section shall apply to weeks of unemployment—
5 (1) beginning on or after the date on which
6 such agreement is entered into; and
7 (2) ending on or before December 31, 2020.
8 (e) SPECIAL RULE.—If a State has entered into an
9 agreement under this section and subsequently enacts a
10 State law providing for the payment of short-time com-
11 pensation under a short-time compensation program that
12 meets the definition of such a program under section
13 3306(v) of the Internal Revenue Code of 1986, the
14 State—
15 (1) shall not be eligible for payments under this
16 section for weeks of unemployment beginning after
17 the effective date of such State law; and
18 (2) subject to section 2108(b)(2), shall be eligi-
19 ble to receive payments under section 2108 after the
20 effective date of such State law.
21 (f) DEFINITIONS.—In this section:
22 (1) SECRETARY.—The term "Secretary" means
23 the Secretary of Labor.
24 (2) STATE; STATE AGENCY; STATE LAW.—The
25 terms "State", "State agency", and "State law"

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1 have the meanings given those terms in section 205
2 of the Federal-State Extended Unemployment Com-
3 pensation Act of 1970 (26 U.S.C. 3304 note).

4 **SEC. 2110. GRANTS FOR SHORT-TIME COMPENSATION PRO-**
5 **GRAMS.**

6 (a) GRANTS.—

7 (1) FOR IMPLEMENTATION OR IMPROVED AD-
8 MINISTRATION.—The Secretary shall award grants
9 to States that enact short-time compensation pro-
10 grams (as defined in subsection (i)(2)) for the pur-
11 pose of implementation or improved administration
12 of such programs.

13 (2) FOR PROMOTION AND ENROLLMENT.—The
14 Secretary shall award grants to States that are eligi-
15 ble and submit plans for a grant under paragraph
16 (1) for such States to promote and enroll employers
17 in short-time compensation programs (as so de-
18 fined).

19 (3) ELIGIBILITY.—

20 (A) IN GENERAL.—The Secretary shall de-
21 termine eligibility criteria for the grants under
22 paragraphs (1) and (2).

23 (B) CLARIFICATION.—A State admin-
24 istering a short-time compensation program
25 that does not meet the definition of a short-

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1 time compensation program under section
2 3306(v) of the Internal Revenue Code of 1986,
3 and a State with an agreement under section
4 2109, shall not be eligible to receive a grant
5 under this section until such time as the State
6 law of the State provides for payments under a
7 short-time compensation program that meets
8 such definition and such law.
9 (b) AMOUNT OF GRANTS.—
10 (1) IN GENERAL.—The maximum amount avail-
11 able for making grants to a State under paragraphs
12 (1) and (2) shall be equal to the amount obtained
13 by multiplying $100,000,000 (less the amount used
14 by the Secretary under subsection (e)) by the same
15 ratio as would apply under subsection (a)(2)(B) of
16 section 903 of the Social Security Act (42 U.S.C.
17 1103) for purposes of determining such State's
18 share of any excess amount (as described in sub-
19 section (a)(1) of such section) that would have been
20 subject to transfer to State accounts, as of October
21 1, 2019, under the provisions of subsection (a) of
22 such section.
23 (2) AMOUNT AVAILABLE FOR DIFFERENT
24 GRANTS.—Of the maximum incentive payment deter-

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1 mined under paragraph (1) with respect to a
2 State—
3 (A) one-third shall be available for a grant
4 under subsection (a)(1); and
5 (B) two-thirds shall be available for a
6 grant under subsection (a)(2).
7 (c) GRANT APPLICATION AND DISBURSAL.—
8 (1) APPLICATION.—Any State seeking a grant
9 under paragraph (1) or (2) of subsection (a) shall
10 submit an application to the Secretary at such time,
11 in such manner, and complete with such information
12 as the Secretary may require. In no case may the
13 Secretary award a grant under this section with re-
14 spect to an application that is submitted after De-
15 cember 31, 2023.
16 (2) NOTICE.—The Secretary shall, within 30
17 days after receiving a complete application, notify
18 the State agency of the State of the Secretary's find-
19 ings with respect to the requirements for a grant
20 under paragraph (1) or (2) (or both) of subsection
21 (a).
22 (3) CERTIFICATION.—If the Secretary finds
23 that the State law provisions meet the requirements
24 for a grant under subsection (a), the Secretary shall
25 thereupon make a certification to that effect to the

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1 Secretary of the Treasury, together with a certifi-
2 cation as to the amount of the grant payment to be
3 transferred to the State account in the Unemploy-
4 ment Trust Fund (as established in section 904(a)
5 of the Social Security Act (42 U.S.C. 1104(a))) pur-
6 suant to that finding. The Secretary of the Treasury
7 shall make the appropriate transfer to the State ac-
8 count within 7 days after receiving such certifi-
9 cation.

10 (4) REQUIREMENT.—No certification of compli-
11 ance with the requirements for a grant under para-
12 graph (1) or (2) of subsection (a) may be made with
13 respect to any State whose—

14 (A) State law is not otherwise eligible for
15 certification under section 303 of the Social Se-
16 curity Act (42 U.S.C. 503) or approvable under
17 section 3304 of the Internal Revenue Code of
18 1986; or

19 (B) short-time compensation program is
20 subject to discontinuation or is not scheduled to
21 take effect within 12 months of the certifi-
22 cation.

23 (d) USE OF FUNDS.—The amount of any grant
24 awarded under this section shall be used for the implemen-
25 tation of short-time compensation programs and the over-

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1 all administration of such programs and the promotion
2 and enrollment efforts associated with such programs,
3 such as through—
4 (1) the creation or support of rapid response
5 teams to advise employers about alternatives to lay-
6 offs;
7 (2) the provision of education or assistance to
8 employers to enable them to assess the feasibility of
9 participating in short-time compensation programs;
10 and
11 (3) the development or enhancement of systems
12 to automate—
13 (A) the submission and approval of plans;
14 and
15 (B) the filing and approval of new and on-
16 going short-time compensation claims.
17 (e) ADMINISTRATION.—The Secretary is authorized
18 to use 0.25 percent of the funds available under subsection
19 (g) to provide for outreach and to share best practices with
20 respect to this section and short-time compensation pro-
21 grams.
22 (f) RECOUPMENT.—The Secretary shall establish a
23 process under which the Secretary shall recoup the
24 amount of any grant awarded under paragraph (1) or (2)
25 of subsection (a) if the Secretary determines that, during

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1 the 5-year period beginning on the first date that any such
2 grant is awarded to the State, the State—
3 (1) terminated the State's short-time compensa-
4 tion program; or
5 (2) failed to meet appropriate requirements
6 with respect to such program (as established by the
7 Secretary).
8 (g) FUNDING.—There are appropriated, out of mon-
9 eys in the Treasury not otherwise appropriated, to the
10 Secretary, $100,000,000 to carry out this section, to re-
11 main available without fiscal year limitation.
12 (h) REPORTING.—The Secretary may establish re-
13 porting requirements for States receiving a grant under
14 this section in order to provide oversight of grant funds.
15 (i) DEFINITIONS.—In this section:
16 (1) SECRETARY.—The term "Secretary" means
17 the Secretary of Labor.
18 (2) SHORT-TIME COMPENSATION PROGRAM.—
19 The term "short-time compensation program" has
20 the meaning given such term in section 3306(v) of
21 the Internal Revenue Code of 1986.
22 (3) STATE; STATE AGENCY; STATE LAW.—The
23 terms "State", "State agency", and "State law"
24 have the meanings given those terms in section 205

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1 of the Federal-State Extended Unemployment Com-
2 pensation Act of 1970 (26 U.S.C. 3304 note).

3 **SEC. 2111. ASSISTANCE AND GUIDANCE IN IMPLEMENTING**
4 **PROGRAMS.**

5 (a) IN GENERAL.—In order to assist States in estab-
6 lishing, qualifying, and implementing short-time com-
7 pensation programs (as defined in section 3306(v) of the
8 Internal Revenue Code of 1986), the Secretary of Labor
9 (in this section referred to as the "Secretary") shall—

10 (1) develop model legislative language, or dis-
11 seminate existing model legislative language, which
12 may be used by States in developing and enacting
13 such programs, and periodically review and revise
14 such model legislative language;

15 (2) provide technical assistance and guidance in
16 developing, enacting, and implementing such pro-
17 grams; and

18 (3) establish reporting requirements for States,
19 including reporting on—

20 (A) the number of estimated averted lay-
21 offs;

22 (B) the number of participating employers
23 and workers; and

24 (C) such other items as the Secretary of
25 Labor determines are appropriate.

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1 (b) MODEL LANGUAGE AND GUIDANCE.—The model
2 language and guidance developed under subsection (a)
3 shall allow sufficient flexibility by States and participating
4 employers while ensuring accountability and program in-
5 tegrity.

6 (c) CONSULTATION.—In developing the model legisla-
7 tive language and guidance under subsection (a), and in
8 order to meet the requirements of subsection (b), the Sec-
9 retary shall consult with employers, labor organizations,
10 State workforce agencies, and other program experts. Ex-
11 isting model legislative language that has been developed
12 through such a consultative process shall be deemed to
13 meet the consultation requirement of this subsection.

14 (d) REPEAL.—Section 4104 of the Emergency Unem-
15 ployment Stabilization and Access Act of 2020 (contained
16 in division D of the Families First Coronavirus Response
17 Act) is repealed.

18 **SEC. 2112. WAIVER OF THE 7-DAY WAITING PERIOD FOR**
19 **BENEFITS UNDER THE RAILROAD UNEM-**
20 **PLOYMENT INSURANCE ACT.**

21 (a) NO WAITING WEEK.—With respect to any reg-
22 istration period beginning after the date of enactment of
23 this Act and ending on or before December 31, 2020, sub-
24 paragraphs (A)(ii) and (B)(ii) of section 2(a)(1) of the

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1 Railroad Unemployment Insurance Act (45 U.S.C.
2 352(a)(1)) shall not apply.
3 (b) OPERATING INSTRUCTIONS AND REGULA-
4 TIONS.—The Railroad Retirement Board may prescribe
5 any operating instructions or regulations necessary to
6 carry out this section.
7 (c) FUNDING.—Out of any funds in the Treasury not
8 otherwise appropriated, there are appropriated
9 $50,000,000 to cover the costs of additional benefits pay-
10 able due to the application of subsection (a). Upon the
11 exhaustion of the funds appropriated under this sub-
12 section, subsection (a) shall no longer apply with respect
13 to any registration period beginning after the date of ex-
14 haustion of funds.
15 (d) DEFINITION OF REGISTRATION PERIOD.—For
16 purposes of this section, the term "registration period"
17 has the meaning given such term under section 1 of the
18 Railroad Unemployment Insurance Act (45 U.S.C. 351).

19 **SEC. 2113. ENHANCED BENEFITS UNDER THE RAILROAD**
20 **UNEMPLOYMENT INSURANCE ACT.**

21 Section 2(a) of the Railroad Unemployment Insur-
22 ance Act (45 U.S.C. § 352(a)) is amended by adding at
23 the end the following:
24 "(5)(A) Notwithstanding paragraph (3), subsection
25 (c)(1)(B), and any other limitation on total benefits in this

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1 Act, for registration periods beginning on or after April
2 1, 2020, but on or before July 31, 2020, a recovery benefit
3 in the amount of $1,200 shall be payable to a qualified
4 employee with respect to any registration period in which
5 the employee received unemployment benefits under para-
6 graph (1)(A), and in any registration period in which the
7 employee did not receive unemployment benefits due to the
8 limitation in subsection (c)(1)(B) or due to reaching the
9 maximum number of days of benefits in the benefit year
10 beginning July 1, 2019, under subsection (c)(1)(A). No
11 recovery benefits shall be payable under this section upon
12 the exhaustion of the funds appropriated under subpara-
13 graph (B) for payment of benefits under this subpara-
14 graph.

15 "(B) Out of any funds in the Treasury not otherwise
16 appropriated, there are appropriated $425,000,000 to
17 cover the cost of recovery benefits provided under subpara-
18 graph (A), to remain available until expended.".

19 **SEC. 2114. EXTENDED UNEMPLOYMENT BENEFITS UNDER**
20 **THE RAILROAD UNEMPLOYMENT INSURANCE**
21 **ACT.**

22 (a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Rail-
23 road Unemployment Insurance Act (45 U.S.C.
24 352(c)(2)(D)(iii) is amended—

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1 (1) by striking "July 1, 2008" and inserting
2 "July 1, 2019";
3 (2) by striking "June 30, 2013" and inserting
4 "June 30, 2020"; and
5 (3) by striking "December 31, 2013" and in-
6 serting "December 31, 2020".
7 (b) CLARIFICATION ON AUTHORITY TO USE
8 FUNDS.—Funds appropriated under either the first or
9 second sentence of clause (iv) of section 2(c)(2)(D) of the
10 Railroad Unemployment Insurance Act shall be available
11 to cover the cost of additional extended unemployment
12 benefits provided under such section 2(c)(2)(D) by reason
13 of the amendments made by subsection (a) as well as to
14 cover the cost of such benefits provided under such section
15 2(c)(2)(D) as in effect on the day before the date of enact-
16 ment of this Act.

17 **SEC. 2115. FUNDING FOR THE DOL OFFICE OF INSPECTOR**
18 **GENERAL FOR OVERSIGHT OF UNEMPLOY-**
19 **MENT PROVISIONS.**

20 There are appropriated, out of moneys in the Treas-
21 ury not otherwise appropriated, to the Office of the In-
22 spector General of the Department of Labor, $25,000,000
23 to carry out audits, investigations, and other oversight ac-
24 tivities authorized under the Inspector General Act of
25 1978 (5 U.S.C. App.) that are related to the provisions

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of, and amendments made by, this subtitle, to remain available without fiscal year limitation.

**SEC. 2116. IMPLEMENTATION.**

(a) NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act of 1995"), shall not apply to the provisions of, and the amendments made by, this subtitle.

(b) OPERATING INSTRUCTIONS OR OTHER GUIDANCE.—Notwithstanding any other provision of law, the Secretary of Labor may issue any operating instructions or other guidance necessary to carry out the provisions of, or the amendments made by, this subtitle.

# Subtitle B—Rebates and Other Individual Provisions

**SEC. 2201. 2020 RECOVERY REBATES FOR INDIVIDUALS.**

(a) IN GENERAL.—Subchapter B of chapter 65 of subtitle F of the Internal Revenue Code of 1986 is amended by inserting after section 6427 the following new section:

**"SEC. 6428. 2020 RECOVERY REBATES FOR INDIVIDUALS.**

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

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1 "(1) $1,200 ($2,400 in the case of eligible indi-
2 viduals filing a joint return), plus
3 "(2) an amount equal to the product of $500
4 multiplied by the number of qualifying children
5 (within the meaning of section 24(c)) of the tax-
6 payer.
7 "(b) TREATMENT OF CREDIT.—The credit allowed by
8 subsection (a) shall be treated as allowed by subpart C
9 of part IV of subchapter A of chapter 1.
10 "(c) LIMITATION BASED ON ADJUSTED GROSS IN-
11 COME.—The amount of the credit allowed by subsection
12 (a) (determined without regard to this subsection and sub-
13 section (e)) shall be reduced (but not below zero) by 5
14 percent of so much of the taxpayer's adjusted gross in-
15 come as exceeds—
16 "(1) $150,000 in the case of a joint return,
17 "(2) $112,500 in the case of a head of house-
18 hold, and
19 "(3) $75,000 in the case of a taxpayer not de-
20 scribed in paragraph (1) or (2).
21 "(d) ELIGIBLE INDIVIDUAL.—For purposes of this
22 section, the term 'eligible individual' means any individual
23 other than—
24 "(1) any nonresident alien individual,

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1 "(2) any individual with respect to whom a de-
2 duction under section 151 is allowable to another
3 taxpayer for a taxable year beginning in the cal-
4 endar year in which the individual's taxable year be-
5 gins, and
6 "(3) an estate or trust.
7 "(e) COORDINATION WITH ADVANCE REFUNDS OF
8 CREDIT.—
9 "(1) IN GENERAL.—The amount of credit
10 which would (but for this paragraph) be allowable
11 under this section shall be reduced (but not below
12 zero) by the aggregate refunds and credits made or
13 allowed to the taxpayer under subsection (f). Any
14 failure to so reduce the credit shall be treated as
15 arising out of a mathematical or clerical error and
16 assessed according to section 6213(b)(1).
17 "(2) JOINT RETURNS.—In the case of a refund
18 or credit made or allowed under subsection (f) with
19 respect to a joint return, half of such refund or cred-
20 it shall be treated as having been made or allowed
21 to each individual filing such return.
22 "(f) ADVANCE REFUNDS AND CREDITS.—
23 "(1) IN GENERAL.—Subject to paragraph (5),
24 each individual who was an eligible individual for
25 such individual's first taxable year beginning in

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1 2019 shall be treated as having made a payment
2 against the tax imposed by chapter 1 for such tax-
3 able year in an amount equal to the advance refund
4 amount for such taxable year.

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

11 "(3) TIMING AND MANNER OF PAYMENTS.—

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

18 "(B) DELIVERY OF PAYMENTS.—Notwith-
19 standing any other provision of law, the Sec-
20 retary may certify and disburse refunds payable
21 under this subsection electronically to any ac-
22 count to which the payee authorized, on or after
23 January 1, 2018, the delivery of a refund of
24 taxes under this title or of a Federal payment

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1 (as defined in section 3332 of title 31, United
2 States Code).
3 "(C) WAIVER OF CERTAIN RULES.—Not-
4 withstanding section 3325 of title 31, United
5 States Code, or any other provision of law, with
6 respect to any payment of a refund under this
7 subsection, a disbursing official in the executive
8 branch of the United States Government may
9 modify payment information received from an
10 officer or employee described in section
11 3325(a)(1)(B) of such title for the purpose of
12 facilitating the accurate and efficient delivery of
13 such payment. Except in cases of fraud or reck-
14 less neglect, no liability under sections 3325,
15 3527, 3528, or 3529 of title 31, United States
16 Code, shall be imposed with respect to pay-
17 ments made under this subparagraph.
18 "(4) NO INTEREST.—No interest shall be al-
19 lowed on any overpayment attributable to this sec-
20 tion.
21 "(5) ALTERNATE TAXABLE YEAR.—In the case
22 of an individual who, at the time of any determina-
23 tion made pursuant to paragraph (3), has not filed
24 a tax return for the year described in paragraph (1),
25 the Secretary may—

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1 "(A) apply such paragraph by substituting
2 '2018' for '2019', and
3 "(B) if the individual has not filed a tax
4 return for such individual's first taxable year
5 beginning in 2018, use information with respect
6 to such individual for calendar year 2019 pro-
7 vided in—
8 "(i) Form SSA-1099, Social Security
9 Benefit Statement, or
10 "(ii) Form RRB-1099, Social Security
11 Equivalent Benefit Statement.
12 "(6) NOTICE TO TAXPAYER.—Not later than 15
13 days after the date on which the Secretary distrib-
14 uted any payment to an eligible taxpayer pursuant
15 to this subsection, notice shall be sent by mail to
16 such taxpayer's last known address. Such notice
17 shall indicate the method by which such payment
18 was made, the amount of such payment, and a
19 phone number for the appropriate point of contact
20 at the Internal Revenue Service to report any failure
21 to receive such payment.
22 "(g) IDENTIFICATION NUMBER REQUIREMENT.—
23 "(1) IN GENERAL.—No credit shall be allowed
24 under subsection (a) to an eligible individual who

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1 does not include on the return of tax for the taxable
2 year—
3 "(A) such individual's valid identification
4 number,
5 "(B) in the case of a joint return, the valid
6 identification number of such individual's
7 spouse, and
8 "(C) in the case of any qualifying child
9 taken into account under subsection (a)(2), the
10 valid identification number of such qualifying
11 child.
12 "(2) VALID IDENTIFICATION NUMBER.—
13 "(A) IN GENERAL.—For purposes of para-
14 graph (1), the term 'valid identification num-
15 ber' means a social security number (as such
16 term is defined in section 24(h)(7)).
17 "(B) ADOPTION TAXPAYER IDENTIFICA-
18 TION NUMBER.—For purposes of paragraph
19 (1)(C), in the case of a qualifying child who is
20 adopted or placed for adoption, the term 'valid
21 identification number' shall include the adop-
22 tion taxpayer identification number of such
23 child.
24 "(3) SPECIAL RULE FOR MEMBERS OF THE
25 ARMED FORCES.—Paragraph (1)(B) shall not apply

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in the case where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year and at least 1 spouse satisfies paragraph (1)(A).

"(4) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Any omission of a correct valid identification number required under this subsection shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) to such omission.

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

(b) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking "and 36B, 168(k)(4)" and inserting "36B, and 6428".

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking "or 32" and inserting "32, or 6428".

(c) TREATMENT OF POSSESSIONS.—

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1 (1) PAYMENTS TO POSSESSIONS.—
2 (A) MIRROR CODE POSSESSION.—The Sec-
3 retary of the Treasury shall pay to each posses-
4 sion of the United States which has a mirror
5 code tax system amounts equal to the loss (if
6 any) to that possession by reason of the amend-
7 ments made by this section. Such amounts shall
8 be determined by the Secretary of the Treasury
9 based on information provided by the govern-
10 ment of the respective possession.
11 (B) OTHER POSSESSIONS.—The Secretary
12 of the Treasury shall pay to each possession of
13 the United States which does not have a mirror
14 code tax system amounts estimated by the Sec-
15 retary of the Treasury as being equal to the ag-
16 gregate benefits (if any) that would have been
17 provided to residents of such possession by rea-
18 son of the amendments made by this section if
19 a mirror code tax system had been in effect in
20 such possession. The preceding sentence shall
21 not apply unless the respective possession has a
22 plan, which has been approved by the Secretary
23 of the Treasury, under which such possession
24 will promptly distribute such payments to its
25 residents.

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1 (2) COORDINATION WITH CREDIT ALLOWED
2 AGAINST UNITED STATES INCOME TAXES.—No cred-
3 it shall be allowed against United States income
4 taxes under section 6428 of the Internal Revenue
5 Code of 1986 (as added by this section) to any per-
6 son—
7 (A) to whom a credit is allowed against
8 taxes imposed by the possession by reason of
9 the amendments made by this section, or
10 (B) who is eligible for a payment under a
11 plan described in paragraph (1)(B).
12 (3) DEFINITIONS AND SPECIAL RULES.—
13 (A) POSSESSION OF THE UNITED
14 STATES.—For purposes of this subsection, the
15 term "possession of the United States" includes
16 the Commonwealth of Puerto Rico and the
17 Commonwealth of the Northern Mariana Is-
18 lands.
19 (B) MIRROR CODE TAX SYSTEM.—For pur-
20 poses of this subsection, the term "mirror code
21 tax system" means, with respect to any posses-
22 sion of the United States, the income tax sys-
23 tem of such possession if the income tax liabil-
24 ity of the residents of such possession under
25 such system is determined by reference to the

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1 income tax laws of the United States as if such
2 possession were the United States.
3 (C) TREATMENT OF PAYMENTS.—For pur-
4 poses of section 1324 of title 31, United States
5 Code, the payments under this subsection shall
6 be treated in the same manner as a refund due
7 from a credit provision referred to in subsection
8 (b)(2) of such section.
9 (d) EXCEPTION FROM REDUCTION OR OFFSET.—
10 Any credit or refund allowed or made to any individual
11 by reason of section 6428 of the Internal Revenue Code
12 of 1986 (as added by this section) or by reason of sub-
13 section (c) of this section shall not be—
14 (1) subject to reduction or offset pursuant to
15 section 3716 or 3720A of title 31, United States
16 Code,
17 (2) subject to reduction or offset pursuant to
18 subsection (d), (e), or (f) of section 6402 of the In-
19 ternal Revenue Code of 1986, or
20 (3) reduced or offset by other assessed Federal
21 taxes that would otherwise be subject to levy or col-
22 lection.
23 (e) PUBLIC AWARENESS CAMPAIGN.—The Secretary
24 of the Treasury (or the Secretary's delegate) shall conduct
25 a public awareness campaign, in coordination with the

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1 Commissioner of Social Security and the heads of other
2 relevant Federal agencies, to provide information regard-
3 ing the availability of the credit and rebate allowed under
4 section 6428 of the Internal Revenue Code of 1986 (as
5 added by this section), including information with respect
6 to individuals who may not have filed a tax return for tax-
7 able year 2018 or 2019.

8 (f) APPROPRIATIONS TO CARRY OUT REBATES.—

9 (1) IN GENERAL.—Immediately upon the enact-
10 ment of this Act, the following sums are appro-
11 priated, out of any money in the Treasury not other-
12 wise appropriated, for the fiscal year ending Sep-
13 tember 30, 2020:

14 (A) DEPARTMENT OF THE TREASURY.—

15 (i) For an additional amount for ''De-
16 partment of the Treasury—Bureau of the
17 Fiscal Service—Salaries and Expenses'',
18 $78,650,000, to remain available until
19 September 30, 2021.

20 (ii) For an additional amount for
21 ''Department of the Treasury—Internal
22 Revenue Service—Taxpayer Services'',
23 $293,500,000, to remain available until
24 September 30, 2021.

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1 (iii) For an additional amount for
2 "Department of the Treasury—Internal
3 Revenue Service—Operations Support",
4 $170,000,000, to remain available until
5 September 30, 2021.
6 (iv) For an additional amount for
7 "Department of Treasury—Internal Rev-
8 enue Service—Enforcement", $37,200,000,
9 to remain available until September 30,
10 2021.
11 Amounts made available in appropriations
12 under clauses (ii), (iii), and (iv) of this subpara-
13 graph may be transferred between such appro-
14 priations upon the advance notification of the
15 Committees on Appropriations of the House of
16 Representatives and the Senate. Such transfer
17 authority is in addition to any other transfer
18 authority provided by law.
19 (B) SOCIAL SECURITY ADMINISTRATION.—
20 For an additional amount for "Social Security
21 Administration—Limitation on Administrative
22 Expenses", $38,000,000, to remain available
23 until September 30, 2021.
24 (2) REPORTS.—No later than 15 days after en-
25 actment of this Act, the Secretary of the Treasury

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shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate detailing the expected use of the funds provided by paragraph (1)(A). Beginning 90 days after enactment of this Act, the Secretary of the Treasury shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the actual expenditure of funds provided by paragraph (1)(A) and the expected expenditure of such funds in the subsequent quarter.

(g) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting "6428," after "54B(h),".

(2) The table of sections for subchapter B of chapter 65 of subtitle F of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6427 the following:

"Sec. 6428. 2020 Recovery Rebates for individuals.".

**SEC. 2202. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.**

(a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

(1) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any coronavirus-related distribution.

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1 (2) AGGREGATE DOLLAR LIMITATION.—
2 (A) IN GENERAL.—For purposes of this
3 subsection, the aggregate amount of distribu-
4 tions received by an individual which may be
5 treated as coronavirus-related distributions for
6 any taxable year shall not exceed $100,000.
7 (B) TREATMENT OF PLAN DISTRIBU-
8 TIONS.—If a distribution to an individual would
9 (without regard to subparagraph (A)) be a
10 coronavirus-related distribution, a plan shall not
11 be treated as violating any requirement of the
12 Internal Revenue Code of 1986 merely because
13 the plan treats such distribution as a
14 coronavirus-related distribution, unless the ag-
15 gregate amount of such distributions from all
16 plans maintained by the employer (and any
17 member of any controlled group which includes
18 the employer) to such individual exceeds
19 $100,000.
20 (C) CONTROLLED GROUP.—For purposes
21 of subparagraph (B), the term "controlled
22 group" means any group treated as a single
23 employer under subsection (b), (c), (m), or (o)
24 of section 414 of the Internal Revenue Code of
25 1986.

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1 (3) AMOUNT DISTRIBUTED MAY BE REPAID.—
2 (A) IN GENERAL.—Any individual who re-
3 ceives a coronavirus-related distribution may, at
4 any time during the 3-year period beginning on
5 the day after the date on which such distribu-
6 tion was received, make 1 or more contributions
7 in an aggregate amount not to exceed the
8 amount of such distribution to an eligible retire-
9 ment plan of which such individual is a bene-
10 ficiary and to which a rollover contribution of
11 such distribution could be made under section
12 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or
13 457(e)(16), of the Internal Revenue Code of
14 1986, as the case may be.
15 (B) TREATMENT OF REPAYMENTS OF DIS-
16 TRIBUTIONS FROM ELIGIBLE RETIREMENT
17 PLANS OTHER THAN IRAS.—For purposes of
18 the Internal Revenue Code of 1986, if a con-
19 tribution is made pursuant to subparagraph (A)
20 with respect to a coronavirus-related distribu-
21 tion from an eligible retirement plan other than
22 an individual retirement plan, then the taxpayer
23 shall, to the extent of the amount of the con-
24 tribution, be treated as having received the
25 coronavirus-related distribution in an eligible

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1 rollover distribution (as defined in section
2 402(c)(4) of such Code) and as having trans-
3 ferred the amount to the eligible retirement
4 plan in a direct trustee to trustee transfer with-
5 in 60 days of the distribution.
6 (C) TREATMENT OF REPAYMENTS OF DIS-
7 TRIBUTIONS FROM IRAS.—For purposes of the
8 Internal Revenue Code of 1986, if a contribu-
9 tion is made pursuant to subparagraph (A)
10 with respect to a coronavirus-related distribu-
11 tion from an individual retirement plan (as de-
12 fined by section 7701(a)(37) of such Code),
13 then, to the extent of the amount of the con-
14 tribution, the coronavirus-related distribution
15 shall be treated as a distribution described in
16 section 408(d)(3) of such Code and as having
17 been transferred to the eligible retirement plan
18 in a direct trustee to trustee transfer within 60
19 days of the distribution.
20 (4) DEFINITIONS.—For purposes of this sub-
21 section—
22 (A) CORONAVIRUS-RELATED DISTRIBU-
23 TION.—Except as provided in paragraph (2),
24 the term "coronavirus-related distribution"

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1 means any distribution from an eligible retire-
2 ment plan made—
3 (i) on or after January 1, 2020, and
4 before December 31, 2020,
5 (ii) to an individual—
6 (I) who is diagnosed with the
7 virus SARS-CoV-2 or with
8 coronavirus disease 2019 (COVID-19)
9 by a test approved by the Centers for
10 Disease Control and Prevention,
11 (II) whose spouse or dependent
12 (as defined in section 152 of the In-
13 ternal Revenue Code of 1986) is diag-
14 nosed with such virus or disease by
15 such a test, or
16 (III) who experiences adverse fi-
17 nancial consequences as a result of
18 being quarantined, being furloughed
19 or laid off or having work hours re-
20 duced due to such virus or disease,
21 being unable to work due to lack of
22 child care due to such virus or dis-
23 ease, closing or reducing hours of a
24 business owned or operated by the in-
25 dividual due to such virus or disease,

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1 or other factors as determined by the
2 Secretary of the Treasury (or the Sec-
3 retary's delegate).
4 (B) EMPLOYEE CERTIFICATION.—The ad-
5 ministrator of an eligible retirement plan may
6 rely on an employee's certification that the em-
7 ployee satisfies the conditions of subparagraph
8 (A)(ii) in determining whether any distribution
9 is a coronavirus-related distribution.
10 (C) ELIGIBLE RETIREMENT PLAN.—The
11 term "eligible retirement plan" has the meaning
12 given such term by section 402(c)(8)(B) of the
13 Internal Revenue Code of 1986.
14 (5) INCOME INCLUSION SPREAD OVER 3-YEAR
15 PERIOD.—
16 (A) IN GENERAL.—In the case of any
17 coronavirus-related distribution, unless the tax-
18 payer elects not to have this paragraph apply
19 for any taxable year, any amount required to be
20 included in gross income for such taxable year
21 shall be so included ratably over the 3-taxable-
22 year period beginning with such taxable year.
23 (B) SPECIAL RULE.—For purposes of sub-
24 paragraph (A), rules similar to the rules of sub-

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1 paragraph (E) of section 408A(d)(3) of the In-
2 ternal Revenue Code of 1986 shall apply.
3 (6) SPECIAL RULES.—
4 (A) EXEMPTION OF DISTRIBUTIONS FROM
5 TRUSTEE TO TRUSTEE TRANSFER AND WITH-
6 HOLDING RULES.—For purposes of sections
7 401(a)(31), 402(f), and 3405 of the Internal
8 Revenue Code of 1986, coronavirus-related dis-
9 tributions shall not be treated as eligible roll-
10 over distributions.
11 (B) CORONAVIRUS-RELATED DISTRIBU-
12 TIONS TREATED AS MEETING PLAN DISTRIBU-
13 TION REQUIREMENTS.—For purposes of the In-
14 ternal Revenue Code of 1986, a coronavirus-re-
15 lated distribution shall be treated as meeting
16 the requirements of sections 401(k)(2)(B)(i),
17 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A)
18 of such Code and section 8433(h)(1) of title 5,
19 United States Code.
20 (b) LOANS FROM QUALIFIED PLANS.—
21 (1) INCREASE IN LIMIT ON LOANS NOT TREAT-
22 ED AS DISTRIBUTIONS.—In the case of any loan
23 from a qualified employer plan (as defined under
24 section 72(p)(4) of the Internal Revenue Code of
25 1986) to a qualified individual made during the 180-

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1 day period beginning on the date of the enactment
2 of this Act—
3 (A) clause (i) of section 72(p)(2)(A) of
4 such Code shall be applied by substituting
5 "$100,000" for "$50,000", and
6 (B) clause (ii) of such section shall be ap-
7 plied by substituting "the present value of the
8 nonforfeitable accrued benefit of the employee
9 under the plan" for "one-half of the present
10 value of the nonforfeitable accrued benefit of
11 the employee under the plan".
12 (2) DELAY OF REPAYMENT.—In the case of a
13 qualified individual with an outstanding loan (on or
14 after the date of the enactment of this Act) from a
15 qualified employer plan (as defined in section
16 72(p)(4) of the Internal Revenue Code of 1986)—
17 (A) if the due date pursuant to subpara-
18 graph (B) or (C) of section 72(p)(2) of such
19 Code for any repayment with respect to such
20 loan occurs during the period beginning on the
21 date of the enactment of this Act and ending on
22 December 31, 2020, such due date shall be de-
23 layed for 1 year,
24 (B) any subsequent repayments with re-
25 spect to any such loan shall be appropriately

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1 adjusted to reflect the delay in the due date
2 under subparagraph (A) and any interest accru-
3 ing during such delay, and
4 (C) in determining the 5-year period and
5 the term of a loan under subparagraph (B) or
6 (C) of section 72(p)(2) of such Code, the period
7 described in subparagraph (A) of this para-
8 graph shall be disregarded.
9 (3) QUALIFIED INDIVIDUAL.—For purposes of
10 this subsection, the term "qualified individual"
11 means any individual who is described in subsection
12 (a)(4)(A)(ii).
13 (c) PROVISIONS RELATING TO PLAN AMEND-
14 MENTS.—
15 (1) IN GENERAL.—If this subsection applies to
16 any amendment to any plan or annuity contract—
17 (A) such plan or contract shall be treated
18 as being operated in accordance with the terms
19 of the plan during the period described in para-
20 graph (2)(B)(i), and
21 (B) except as provided by the Secretary of
22 the Treasury (or the Secretary's delegate), such
23 plan or contract shall not fail to meet the re-
24 quirements of section 411(d)(6) of the Internal
25 Revenue Code of 1986 and section 204(g) of

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1 the Employee Retirement Income Security Act
2 of 1974 by reason of such amendment.
3 (2) AMENDMENTS TO WHICH SUBSECTION AP-
4 PLIES.—
5 (A) IN GENERAL.—This subsection shall
6 apply to any amendment to any plan or annuity
7 contract which is made—
8 (i) pursuant to any provision of this
9 section, or pursuant to any regulation
10 issued by the Secretary of the Treasury or
11 the Secretary of Labor (or the delegate of
12 either such Secretary) under any provision
13 of this section, and
14 (ii) on or before the last day of the
15 first plan year beginning on or after Janu-
16 ary 1, 2022, or such later date as the Sec-
17 retary of the Treasury (or the Secretary's
18 delegate) may prescribe.
19 In the case of a governmental plan (as defined
20 in section 414(d) of the Internal Revenue Code
21 of 1986), clause (ii) shall be applied by sub-
22 stituting the date which is 2 years after the
23 date otherwise applied under clause (ii).
24 (B) CONDITIONS.—This subsection shall
25 not apply to any amendment unless—

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1 (i) during the period—
2 (I) beginning on the date that
3 this section or the regulation de-
4 scribed in subparagraph (A)(i) takes
5 effect (or in the case of a plan or con-
6 tract amendment not required by this
7 section or such regulation, the effec-
8 tive date specified by the plan), and
9 (II) ending on the date described
10 in subparagraph (A)(ii) (or, if earlier,
11 the date the plan or contract amend-
12 ment is adopted),
13 the plan or contract is operated as if such
14 plan or contract amendment were in effect,
15 and
16 (ii) such plan or contract amendment
17 applies retroactively for such period.

18 **SEC. 2203. TEMPORARY WAIVER OF REQUIRED MINIMUM**
19 **DISTRIBUTION RULES FOR CERTAIN RETIRE-**
20 **MENT PLANS AND ACCOUNTS.**

21 (a) IN GENERAL.—Section 401(a)(9) of the Internal
22 Revenue Code of 1986 is amended by adding at the end
23 the following new subparagraph:
24 "(I) TEMPORARY WAIVER OF MINIMUM RE-
25 QUIRED DISTRIBUTION.—

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1 "(i) IN GENERAL.—The requirements
2 of this paragraph shall not apply for cal-
3 endar year 2020 to—
4 "(I) a defined contribution plan
5 which is described in this subsection
6 or in section 403(a) or 403(b),
7 "(II) a defined contribution plan
8 which is an eligible deferred com-
9 pensation plan described in section
10 457(b) but only if such plan is main-
11 tained by an employer described in
12 section 457(e)(1)(A), or
13 "(III) an individual retirement
14 plan.
15 "(ii) SPECIAL RULE FOR REQUIRED
16 BEGINNING DATES IN 2020.—Clause (i)
17 shall apply to any distribution which is re-
18 quired to be made in calendar year 2020
19 by reason of—
20 "(I) a required beginning date
21 occurring in such calendar year, and
22 "(II) such distribution not having
23 been made before January 1, 2020.

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1 "(iii) SPECIAL RULES REGARDING
2 WAIVER PERIOD.—For purposes of this
3 paragraph—
4 "(I) the required beginning date
5 with respect to any individual shall be
6 determined without regard to this
7 subparagraph for purposes of applying
8 this paragraph for calendar years
9 after 2020, and
10 "(II) if clause (ii) of subpara-
11 graph (B) applies, the 5-year period
12 described in such clause shall be de-
13 termined without regard to calendar
14 year 2020.".
15 (b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section
16 402(c)(4) of the Internal Revenue Code of 1986 is amend-
17 ed by striking "2009" each place it appears in the last
18 sentence and inserting "2020".
19 (c) EFFECTIVE DATES.—
20 (1) IN GENERAL.—The amendments made by
21 this section shall apply for calendar years beginning
22 after December 31, 2019.
23 (2) PROVISIONS RELATING TO PLAN OR CON-
24 TRACT AMENDMENTS.—

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1 (A) IN GENERAL.—If this paragraph ap-
2 plies to any plan or contract amendment—
3 (i) such plan or contract shall not fail
4 to be treated as being operated in accord-
5 ance with the terms of the plan during the
6 period described in subparagraph (B)(ii)
7 solely because the plan operates in accord-
8 ance with this section, and
9 (ii) except as provided by the Sec-
10 retary of the Treasury (or the Secretary's
11 delegate), such plan or contract shall not
12 fail to meet the requirements of section
13 411(d)(6) of the Internal Revenue Code of
14 1986 and section 204(g) of the Employee
15 Retirement Income Security Act of 1974
16 by reason of such amendment.
17 (B) AMENDMENTS TO WHICH PARAGRAPH
18 APPLIES.—
19 (i) IN GENERAL.—This paragraph
20 shall apply to any amendment to any plan
21 or annuity contract which—
22 (I) is made pursuant to the
23 amendments made by this section,
24 and

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1 (II) is made on or before the last
2 day of the first plan year beginning
3 on or after January 1, 2022.
4 In the case of a governmental plan, sub-
5 clause (II) shall be applied by substituting
6 "2024" for "2022".
7 (ii) CONDITIONS.—This paragraph
8 shall not apply to any amendment unless
9 during the period beginning on the effec-
10 tive date of the amendment and ending on
11 December 31, 2020, the plan or contract is
12 operated as if such plan or contract
13 amendment were in effect.

14 **SEC. 2204. ALLOWANCE OF PARTIAL ABOVE THE LINE DE-**
15 **DUCTION FOR CHARITABLE CONTRIBUTIONS.**

16 (a) IN GENERAL.—Section 62(a) of the Internal Rev-
17 enue Code of 1986 is amended by inserting after para-
18 graph (21) the following new paragraph:
19 "(22) CHARITABLE CONTRIBUTIONS.—In the
20 case of taxable years beginning in 2020, the amount
21 (not to exceed $300) of qualified charitable contribu-
22 tions made by an eligible individual during the tax-
23 able year.".

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1 (b) DEFINITIONS.—Section 62 of such Code is
2 amended by adding at the end the following new sub-
3 section:
4 "(f) DEFINITIONS RELATING TO QUALIFIED CHARI-
5 TABLE CONTRIBUTIONS.—For purposes of subsection
6 (a)(22)—
7 "(1) ELIGIBLE INDIVIDUAL.—The term 'eligible
8 individual' means any individual who does not elect
9 to itemize deductions.
10 "(2) QUALIFIED CHARITABLE CONTRIBU-
11 TIONS.—The term 'qualified charitable contribution'
12 means a charitable contribution (as defined in sec-
13 tion 170(c))—
14 "(A) which is made in cash,
15 "(B) for which a deduction is allowable
16 under section 170 (determined without regard
17 to subsection (b) thereof), and
18 "(C) which is—
19 "(i) made to an organization de-
20 scribed in section 170(b)(1)(A), and
21 "(ii) not—
22 "(I) to an organization described
23 in section 509(a)(3), or
24 "(II) for the establishment of a
25 new, or maintenance of an existing,

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1 donor advised fund (as defined in sec-
2 tion 4966(d)(2)).
3 Such term shall not include any amount
4 which is treated as a charitable contribu-
5 tion made in such taxable year by reason
6 of subsection (b)(1)(G)(ii) or (d)(1) of sec-
7 tion 170.".
8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to taxable years beginning after
10 December 31, 2019.

11 **SEC. 2205. MODIFICATION OF LIMITATIONS ON CHARI-**
12 **TABLE CONTRIBUTIONS DURING 2020.**

13 (a) TEMPORARY SUSPENSION OF LIMITATIONS ON
14 CERTAIN CASH CONTRIBUTIONS.—
15 (1) IN GENERAL.—Except as otherwise pro-
16 vided in paragraph (2), qualified contributions shall
17 be disregarded in applying subsections (b) and (d) of
18 section 170 of the Internal Revenue Code of 1986.
19 (2) TREATMENT OF EXCESS CONTRIBUTIONS.—
20 For purposes of section 170 of the Internal Revenue
21 Code of 1986—
22 (A) INDIVIDUALS.—In the case of an indi-
23 vidual—
24 (i) LIMITATION.—Any qualified con-
25 tribution shall be allowed as a deduction

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1 only to the extent that the aggregate of
2 such contributions does not exceed the ex-
3 cess of the taxpayer's contribution base (as
4 defined in subparagraph (H) of section
5 170(b)(1) of such Code) over the amount
6 of all other charitable contributions allowed
7 under section 170(b)(1) of such Code.
8 (ii) CARRYOVER.—If the aggregate
9 amount of qualified contributions made in
10 the contribution year (within the meaning
11 of section 170(d)(1) of such Code) exceeds
12 the limitation of clause (i), such excess
13 shall be added to the excess described in
14 section 170(b)(1)(G)(ii).
15 (B) CORPORATIONS.—In the case of a cor-
16 poration—
17 (i) LIMITATION.—Any qualified con-
18 tribution shall be allowed as a deduction
19 only to the extent that the aggregate of
20 such contributions does not exceed the ex-
21 cess of 25 percent of the taxpayer's taxable
22 income (as determined under paragraph
23 (2) of section 170(b) of such Code) over
24 the amount of all other charitable con-
25 tributions allowed under such paragraph.

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1 (ii) CARRYOVER.—If the aggregate
2 amount of qualified contributions made in
3 the contribution year (within the meaning
4 of section 170(d)(2) of such Code) exceeds
5 the limitation of clause (i), such excess
6 shall be appropriately taken into account
7 under section 170(d)(2) subject to the limi-
8 tations thereof.
9 (3) QUALIFIED CONTRIBUTIONS.—
10 (A) IN GENERAL.—For purposes of this
11 subsection, the term "qualified contribution"
12 means any charitable contribution (as defined
13 in section 170(c) of the Internal Revenue Code
14 of 1986) if—
15 (i) such contribution is paid in cash
16 during calendar year 2020 to an organiza-
17 tion described in section 170(b)(1)(A) of
18 such Code, and
19 (ii) the taxpayer has elected the appli-
20 cation of this section with respect to such
21 contribution.
22 (B) EXCEPTION.—Such term shall not in-
23 clude a contribution by a donor if the contribu-
24 tion is—

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(i) to an organization described in section 509(a)(3) of the Internal Revenue Code of 1986, or

(ii) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2) of such Code).

(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(ii) shall be made separately by each partner or shareholder.

(b) INCREASE IN LIMITS ON CONTRIBUTIONS OF FOOD INVENTORY.—In the case of any charitable contribution of food during 2020 to which section 170(e)(3)(C) of the Internal Revenue Code of 1986 applies, subclauses (I) and (II) of clause (ii) thereof shall each be applied by substituting "25 percent" for "15 percent."

(c) EFFECTIVE DATE.—This section shall apply to taxable years ending after December 31, 2019.

**SEC. 2206. EXCLUSION FOR CERTAIN EMPLOYER PAYMENTS OF STUDENT LOANS.**

(a) IN GENERAL.—Paragraph (1) of section 127(c) of the Internal Revenue Code of 1986 is amended by strik-

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1 ing "and" at the end of subparagraph (A), by redesig-
2 nating subparagraph (B) as subparagraph (C), and by in-
3 serting after subparagraph (A) the following new subpara-
4 graph:

5 "(B) in the case of payments made before
6 January 1, 2021, the payment by an employer,
7 whether paid to the employee or to a lender, of
8 principal or interest on any qualified education
9 loan (as defined in section 221(d)(1)) incurred
10 by the employee for education of the employee,
11 and".

12 (b) CONFORMING AMENDMENT; DENIAL OF DOUBLE
13 BENEFIT.—The first sentence of paragraph (1) of section
14 221(e) of the Internal Revenue Code of 1986 is amended
15 by inserting before the period the following: ", or for which
16 an exclusion is allowable under section 127 to the taxpayer
17 by reason of the payment by the taxpayer's employer of
18 any indebtedness on a qualified education loan of the tax-
19 payer".

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to payments made after the date
22 of the enactment of this Act.

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# Subtitle C—Business Provisions

**SEC. 2301. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID-19.**

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

(b) LIMITATIONS AND REFUNDABILITY.—

(1) WAGES TAKEN INTO ACCOUNT.—The amount of qualified wages with respect to any employee which may be taken into account under subsection (a) by the eligible employer for all calendar quarters shall not exceed $10,000.

(2) CREDIT LIMITED TO EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the applicable employment taxes (reduced by any credits allowed under subsections (e) and (f) of section 3111 of the Internal Revenue Code of 1986 and sections 7001 and 7003 of the Families First Coronavirus Response Act) on the wages paid with respect to the employment of all the employees of the eligible employer for such calendar quarter.

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1 (3) REFUNDABILITY OF EXCESS CREDIT.—
2 (A) IN GENERAL.—If the amount of the
3 credit under subsection (a) exceeds the limita-
4 tion of paragraph (2) for any calendar quarter,
5 such excess shall be treated as an overpayment
6 that shall be refunded under sections 6402(a)
7 and 6413(b) of the Internal Revenue Code of
8 1986.
9 (B) TREATMENT OF PAYMENTS.—For pur-
10 poses of section 1324 of title 31, United States
11 Code, any amounts due to the employer under
12 this paragraph shall be treated in the same
13 manner as a refund due from a credit provision
14 referred to in subsection (b)(2) of such section.
15 (c) DEFINITIONS.—For purposes of this section—
16 (1) APPLICABLE EMPLOYMENT TAXES.—The
17 term "applicable employment taxes" means the fol-
18 lowing:
19 (A) The taxes imposed under section
20 3111(a) of the Internal Revenue Code of 1986.
21 (B) So much of the taxes imposed under
22 section 3221(a) of such Code as are attrib-
23 utable to the rate in effect under section
24 3111(a) of such Code.
25 (2) ELIGIBLE EMPLOYER.—

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1 (A) IN GENERAL.—The term "eligible em-
2 ployer" means any employer—
3 (i) which was carrying on a trade or
4 business during calendar year 2020, and
5 (ii) with respect to any calendar quar-
6 ter, for which—
7 (I) the operation of the trade or
8 business described in clause (i) is fully
9 or partially suspended during the cal-
10 endar quarter due to orders from an
11 appropriate governmental authority
12 limiting commerce, travel, or group
13 meetings (for commercial, social, reli-
14 gious, or other purposes) due to the
15 coronavirus disease 2019 (COVID-
16 19), or
17 (II) such calendar quarter is
18 within the period described in sub-
19 paragraph (B).
20 (B) SIGNIFICANT DECLINE IN GROSS RE-
21 CEIPTS.—The period described in this subpara-
22 graph is the period—
23 (i) beginning with the first calendar
24 quarter beginning after December 31,
25 2019, for which gross receipts (within the

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1 meaning of section 448(c) of the Internal
2 Revenue Code of 1986) for the calendar
3 quarter are less than 50 percent of gross
4 receipts for the same calendar quarter in
5 the prior year, and
6 (ii) ending with the calendar quarter
7 following the first calendar quarter begin-
8 ning after a calendar quarter described in
9 clause (i) for which gross receipts of such
10 employer are greater than 80 percent of
11 gross receipts for the same calendar quar-
12 ter in the prior year.
13 (C) TAX-EXEMPT ORGANIZATIONS.—In the
14 case of an organization which is described in
15 section 501(c) of the Internal Revenue Code of
16 1986 and exempt from tax under section 501(a)
17 of such Code, clauses (i) and (ii)(I) of subpara-
18 graph (A) shall apply to all operations of such
19 organization.
20 (3) QUALIFIED WAGES.—
21 (A) IN GENERAL.—The term "qualified
22 wages" means—
23 (i) in the case of an eligible employer
24 for which the average number of full-time
25 employees (within the meaning of section

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1 4980H of the Internal Revenue Code of
2 1986) employed by such eligible employer
3 during 2019 was greater than 100, wages
4 paid by such eligible employer with respect
5 to which an employee is not providing serv-
6 ices due to circumstances described in sub-
7 clause (I) or (II) of paragraph (2)(A)(ii),
8 or
9 (ii) in the case of an eligible employer
10 for which the average number of full-time
11 employees (within the meaning of section
12 4980H of the Internal Revenue Code of
13 1986) employed by such eligible employer
14 during 2019 was not greater than 100—
15 (I) with respect to an eligible em-
16 ployer described in subclause (I) of
17 paragraph (2)(A)(ii), wages paid by
18 such eligible employer with respect to
19 an employee during any period de-
20 scribed in such clause, or
21 (II) with respect to an eligible
22 employer described in subclause (II)
23 of such paragraph, wages paid by
24 such eligible employer with respect to
25 an employee during such quarter.

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1 Such term shall not include any wages taken
2 into account under section 7001 or section
3 7003 of the Families First Coronavirus Re-
4 sponse Act.
5 (B) LIMITATION.—Qualified wages paid or
6 incurred by an eligible employer described in
7 subparagraph (A)(i) with respect to an em-
8 ployee for any period described in such sub-
9 paragraph may not exceed the amount such em-
10 ployee would have been paid for working an
11 equivalent duration during the 30 days imme-
12 diately preceding such period.
13 (C) ALLOWANCE FOR CERTAIN HEALTH
14 PLAN EXPENSES.—
15 (i) IN GENERAL.—The term ''qualified
16 wages'' shall include so much of the eligi-
17 ble employer's qualified health plan ex-
18 penses as are properly allocable to such
19 wages.
20 (ii) QUALIFIED HEALTH PLAN EX-
21 PENSES.—For purposes of this paragraph,
22 the term ''qualified health plan expenses''
23 means amounts paid or incurred by the eli-
24 gible employer to provide and maintain a
25 group health plan (as defined in section

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1 5000(b)(1) of the Internal Revenue Code
2 of 1986), but only to the extent that such
3 amounts are excluded from the gross in-
4 come of employees by reason of section
5 106(a) of such Code.
6 (iii) ALLOCATION RULES.—For pur-
7 poses of this paragraph, qualified health
8 plan expenses shall be allocated to quali-
9 fied wages in such manner as the Sec-
10 retary may prescribe. Except as otherwise
11 provided by the Secretary, such allocation
12 shall be treated as properly made if made
13 on the basis of being pro rata among em-
14 ployees and pro rata on the basis of peri-
15 ods of coverage (relative to the periods to
16 which such wages relate).
17 (4) SECRETARY.—The term "Secretary" means
18 the Secretary of the Treasury or the Secretary's del-
19 egate.
20 (5) WAGES.—The term "wages" means wages
21 (as defined in section 3121(a) of the Internal Rev-
22 enue Code of 1986) and compensation (as defined in
23 section 3231(e) of such Code).
24 (6) OTHER TERMS.—Any term used in this sec-
25 tion which is also used in chapter 21 or 22 of the

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1 Internal Revenue Code of 1986 shall have the same
2 meaning as when used in such chapter.
3 (d) AGGREGATION RULE.—All persons treated as a
4 single employer under subsection (a) or (b) of section 52
5 of the Internal Revenue Code of 1986, or subsection (m)
6 or (o) of section 414 of such Code, shall be treated as
7 one employer for purposes of this section.
8 (e) CERTAIN RULES TO APPLY.—For purposes of
9 this section, rules similar to the rules of sections 51(i)(1)
10 and 280C(a) of the Internal Revenue Code of 1986 shall
11 apply.
12 (f) CERTAIN GOVERNMENTAL EMPLOYERS.—This
13 credit shall not apply to the Government of the United
14 States, the government of any State or political subdivi-
15 sion thereof, or any agency or instrumentality of any of
16 the foregoing.
17 (g) ELECTION NOT TO HAVE SECTION APPLY.—This
18 section shall not apply with respect to any eligible em-
19 ployer for any calendar quarter if such employer elects (at
20 such time and in such manner as the Secretary may pre-
21 scribe) not to have this section apply.
22 (h) SPECIAL RULES.—
23 (1) EMPLOYEE NOT TAKEN INTO ACCOUNT
24 MORE THAN ONCE.—An employee shall not be in-
25 cluded for purposes of this section for any period

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1 with respect to any employer if such employer is al-
2 lowed a credit under section 51 of the Internal Rev-
3 enue Code of 1986 with respect to such employee for
4 such period.
5 (2) DENIAL OF DOUBLE BENEFIT.—Any wages
6 taken into account in determining the credit allowed
7 under this section shall not be taken into account for
8 purposes of determining the credit allowed under
9 section 45S of such Code.
10 (3) THIRD PARTY PAYORS.—Any credit allowed
11 under this section shall be treated as a credit de-
12 scribed in section 3511(d)(2) of such Code.
13 (i) TRANSFERS TO FEDERAL OLD-AGE AND SUR-
14 VIVORS INSURANCE TRUST FUND.—There are hereby ap-
15 propriated to the Federal Old-Age and Survivors Insur-
16 ance Trust Fund and the Federal Disability Insurance
17 Trust Fund established under section 201 of the Social
18 Security Act (42 U.S.C. 401) and the Social Security
19 Equivalent Benefit Account established under section
20 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C.
21 14 231n–1(a)) amounts equal to the reduction in revenues
22 to the Treasury by reason of this section (without regard
23 to this subsection). Amounts appropriated by the pre-
24 ceding sentence shall be transferred from the general fund
25 at such times and in such manner as to replicate to the

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1 extent possible the transfers which would have occurred
2 to such Trust Fund or Account had this section not been
3 enacted.

4 (j) RULE FOR EMPLOYERS TAKING SMALL BUSINESS
5 INTERRUPTION LOAN.—If an eligible employer receives a
6 covered loan under paragraph (36) of section 7(a) of the
7 Small Business Act (15 U.S.C. 636(a)), as added by sec-
8 tion 1102 of this Act, such employer shall not be eligible
9 for the credit under this section.

10 (k) TREATMENT OF DEPOSITS.—The Secretary shall
11 waive any penalty under section 6656 of the Internal Rev-
12 enue Code of 1986 for any failure to make a deposit of
13 any applicable employment taxes if the Secretary deter-
14 mines that such failure was due to the reasonable anticipa-
15 tion of the credit allowed under this section.

16 (l) REGULATIONS AND GUIDANCE.—The Secretary
17 shall issue such forms, instructions, regulations, and guid-
18 ance as are necessary—

19 (1) to allow the advance payment of the credit
20 under subsection (a), subject to the limitations pro-
21 vided in this section, based on such information as
22 the Secretary shall require,

23 (2) to provide for the reconciliation of such ad-
24 vance payment with the amount advanced at the

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1 time of filing the return of tax for the applicable cal-
2 endar quarter or taxable year,
3 (3) to provide for the recapture of the credit
4 under this section if such credit is allowed to a tax-
5 payer which receives a loan described in subsection
6 (j) during a subsequent quarter,
7 (4) with respect to the application of the credit
8 under subsection (a) to third party payors (including
9 professional employer organizations, certified profes-
10 sional employer organizations, or agents under sec-
11 tion 3504 of the Internal Revenue Code of 1986),
12 including regulations or guidance allowing such
13 payors to submit documentation necessary to sub-
14 stantiate the eligible employer status of employers
15 that use such payors, and
16 (5) for application of subparagraphs (A)(ii)(II)
17 and (B) of subsection (c)(2) in the case of any em-
18 ployer which was not carrying on a trade or business
19 for all or part of the same calendar quarter in the
20 prior year.
21 (m) APPLICATION.—This section shall only apply to
22 wages paid after March 12, 2020, and before January 1,
23 2021.

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1 **SEC. 2302. DELAY OF PAYMENT OF EMPLOYER PAYROLL**
2 **TAXES.**

3 (a) IN GENERAL.—

4 (1) TAXES.—Notwithstanding any other provi-
5 sion of law, the payment for applicable employment
6 taxes for the payroll tax deferral period shall not be
7 due before the applicable date.

8 (2) DEPOSITS.—Notwithstanding section 6302
9 of the Internal Revenue Code of 1986, an employer
10 shall be treated as having timely made all deposits
11 of applicable employment taxes that are required to
12 be made (without regard to this section) for such
13 taxes during the payroll tax deferral period if all
14 such deposits are made not later than the applicable
15 date.

16 (3) EXCEPTION.—This subsection shall not
17 apply to any taxpayer if such taxpayer has had in-
18 debtedness forgiven under section 1106 of this Act
19 with respect to a loan under paragraph (36) of sec-
20 tion 7(a) of the Small Business Act (15 U.S.C.
21 636(a)), as added by section 1102 of this Act, or in-
22 debtedness forgiven under section 1109 of this Act.

23 (b) SECA.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, the payment for 50 percent of the
26 taxes imposed under section 1401(a) of the Internal

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1 Revenue Code of 1986 for the payroll tax deferral
2 period shall not be due before the applicable date.
3 (2) ESTIMATED TAXES.—For purposes of ap-
4 plying section 6654 of the Internal Revenue Code of
5 1986 to any taxable year which includes any part of
6 the payroll tax deferral period, 50 percent of the
7 taxes imposed under section 1401(a) of such Code
8 for the payroll tax deferral period shall not be treat-
9 ed as taxes to which such section 6654 applies.
10 (c) LIABILITY OF THIRD PARTIES.—
11 (1) ACTS TO BE PERFORMED BY AGENTS.—For
12 purposes of section 3504 of the Internal Revenue
13 Code of 1986, in the case of any person designated
14 pursuant to such section (and any regulations or
15 other guidance issued by the Secretary with respect
16 to such section) to perform acts otherwise required
17 to be performed by an employer under such Code, if
18 such employer directs such person to defer payment
19 of any applicable employment taxes during the pay-
20 roll tax deferral period under this section, such em-
21 ployer shall be solely liable for the payment of such
22 applicable employment taxes before the applicable
23 date for any wages paid by such person on behalf of
24 such employer during such period.

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1 (2) CERTIFIED PROFESSIONAL EMPLOYER OR-
2 GANIZATIONS.—For purposes of section 3511, in the
3 case of a certified professional employer organization
4 (as defined in subsection (a) of section 7705 of the
5 Internal Revenue Code of 1986) that has entered
6 into a service contract described in subsection (e)(2)
7 of such section with a customer, if such customer di-
8 rects such organization to defer payment of any ap-
9 plicable employment taxes during the payroll tax de-
10 ferral period under this section, such customer shall,
11 notwithstanding subsections (a) and (c) of section
12 3511, be solely liable for the payment of such appli-
13 cable employment taxes before the applicable date
14 for any wages paid by such organization to any work
15 site employee performing services for such customer
16 during such period.
17 (d) DEFINITIONS.—For purposes of this section—
18 (1) APPLICABLE EMPLOYMENT TAXES.—The
19 term "applicable employment taxes" means the fol-
20 lowing:
21 (A) The taxes imposed under section
22 3111(a) of the Internal Revenue Code of 1986.
23 (B) So much of the taxes imposed under
24 section 3211(a) of such Code as are attrib-

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1 utable to the rate in effect under section
2 3111(a) of such Code.
3 (C) So much of the taxes imposed under
4 section 3221(a) of such Code as are attrib-
5 utable to the rate in effect under section
6 3111(a) of such Code.
7 (2) PAYROLL TAX DEFERRAL PERIOD.—The
8 term "payroll tax deferral period" means the period
9 beginning on the date of the enactment of this Act
10 and ending before January 1, 2021.
11 (3) APPLICABLE DATE.—The term "applicable
12 date" means—
13 (A) December 31, 2021, with respect to 50
14 percent of the amounts to which subsection (a)
15 or (b), as the case may be, apply, and
16 (B) December 31, 2022, with respect to
17 the remaining such amounts.
18 (4) SECRETARY.—The term "Secretary" means
19 the Secretary of the Treasury (or the Secretary's
20 delegate).
21 (e) TRUST FUNDS HELD HARMLESS.—There are
22 hereby appropriated (out of any money in the Treasury
23 not otherwise appropriated) for each fiscal year to the
24 Federal Old-Age and Survivors Insurance Trust Fund and
25 the Federal Disability Insurance Trust Fund established

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1 under section 201 of the Social Security Act (42 U.S.C.
2 401) and the Social Security Equivalent Benefit Account
3 established under section 15A(a) of the Railroad Retire-
4 ment Act of 1974 (45 U.S.C. 231n–1(a)) an amount equal
5 to the reduction in the transfers to such fund for such
6 fiscal year by reason of this section. Amounts appropriated
7 by the preceding sentence shall be transferred from the
8 general fund at such times and in such manner as to rep-
9 licate to the extent possible the transfers which would have
10 occurred to such Trust Fund had such amendments not
11 been enacted.

12 (f) REGULATORY AUTHORITY.—The Secretary shall
13 issue such regulations or other guidance as necessary to
14 carry out the purposes of this section, including rules for
15 the administration and enforcement of subsection (c).

16 **SEC. 2303. MODIFICATIONS FOR NET OPERATING LOSSES.**

17 (a) TEMPORARY REPEAL OF TAXABLE INCOME LIMI-
18 TATION.—

19 (1) IN GENERAL.—The first sentence of section
20 172(a) of the Internal Revenue Code of 1986 is
21 amended by striking "an amount equal to" and all
22 that follows and inserting "an amount equal to—

23 "(1) in the case of a taxable year beginning be-
24 fore January 1, 2021, the aggregate of the net oper-

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1 ating loss carryovers to such year, plus the net oper-
2 ating loss carrybacks to such year, and
3 "(2) in the case of a taxable year beginning
4 after December 31, 2020, the sum of—
5 "(A) the aggregate amount of net oper-
6 ating losses arising in taxable years beginning
7 before January 1, 2018, carried to such taxable
8 year, plus
9 "(B) the lesser of—
10 "(i) the aggregate amount of net op-
11 erating losses arising in taxable years be-
12 ginning after December 31, 2017, carried
13 to such taxable year, or
14 "(ii) 80 percent of the excess (if any)
15 of—
16 "(I) taxable income computed
17 without regard to the deductions
18 under this section and sections 199A
19 and 250, over
20 "(II) the amount determined
21 under subparagraph (A).".
22 (2) CONFORMING AMENDMENTS.—
23 (A) Section 172(b)(2)(C) of such Code is
24 amended to read as follows:

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"(C) for taxable years beginning after December 31, 2020, be reduced by 20 percent of the excess (if any) described in subsection (a)(2)(B)(ii) for such taxable year.".

(B) Section 172(d)(6)(C) of such Code is amended by striking "subsection (a)(2)" and inserting "subsection (a)(2)(B)(ii)(I)".

(C) Section 860E(a)(3)(B) of such Code is amended by striking all that follows "for purposes of" and inserting "subsection (a)(2)(B)(ii)(I) and the second sentence of subsection (b)(2) of section 172.".

(b) MODIFICATIONS OF RULES RELATING TO CARRYBACKS.—

(1) IN GENERAL.—Section 172(b)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR LOSSES ARISING IN 2018, 2019, AND 2020.—

"(i) IN GENERAL.—In the case of any net operating loss arising in a taxable year beginning after December 31, 2017, and before January 1, 2021—

"(I) such loss shall be a net operating loss carryback to each of the 5

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1 taxable years preceding the taxable
2 year of such loss, and
3 "(II) subparagraphs (B) and
4 (C)(i) shall not apply.
5 "(ii) SPECIAL RULES FOR REITS.—
6 For purposes of this subparagraph—
7 "(I) IN GENERAL.—A net oper-
8 ating loss for a REIT year shall not
9 be a net operating loss carryback to
10 any taxable year preceding the taxable
11 year of such loss.
12 "(II) SPECIAL RULE.—In the
13 case of any net operating loss for a
14 taxable year which is not a REIT
15 year, such loss shall not be carried to
16 any preceding taxable year which is a
17 REIT year.
18 "(III) REIT YEAR.—For pur-
19 poses of this subparagraph, the term
20 'REIT year' means any taxable year
21 for which the provisions of part II of
22 subchapter M (relating to real estate
23 investment trusts) apply to the tax-
24 payer.

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1 "(iii) SPECIAL RULE FOR LIFE INSUR-
2 ANCE COMPANIES.— In the case of a life
3 insurance company, if a net operating loss
4 is carried pursuant to clause (i)(I) to a life
5 insurance company taxable year beginning
6 before January 1, 2018, such net oper-
7 ating loss carryback shall be treated in the
8 same manner as an operations loss
9 carryback (within the meaning of section
10 810 as in effect before its repeal) of such
11 company to such taxable year.
12 "(iv) RULE RELATING TO
13 CARRYBACKS TO YEARS TO WHICH SEC-
14 TION 965 APPLIES.—If a net operating loss
15 of a taxpayer is carried pursuant to clause
16 (i)(I) to any taxable year in which an
17 amount is includible in gross income by
18 reason of section 965(a), the taxpayer shall
19 be treated as having made the election
20 under section 965(n) with respect to each
21 such taxable year.
22 "(v) SPECIAL RULES FOR ELECTIONS
23 UNDER PARAGRAPH (3).—
24 "(I) SPECIAL ELECTION TO EX-
25 CLUDE SECTION 965 YEARS.— If the

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1 5-year carryback period under clause
2 (i)(I) with respect to any net oper-
3 ating loss of a taxpayer includes 1 or
4 more taxable years in which an
5 amount is includible in gross income
6 by reason of section 965(a), the tax-
7 payer may, in lieu of the election oth-
8 erwise available under paragraph (3),
9 elect under such paragraph to exclude
10 all such taxable years from such
11 carryback period.
12 "(II) TIME OF ELECTIONS.—An
13 election under paragraph (3) (includ-
14 ing an election described in subclause
15 (I)) with respect to a net operating
16 loss arising in a taxable year begin-
17 ning in 2018 or 2019 shall be made
18 by the due date (including extensions
19 of time) for filing the taxpayer's re-
20 turn for the first taxable year ending
21 after the date of the enactment of this
22 subparagraph.".
23 (2) CONFORMING AMENDMENT.—Section
24 172(b)(1)(A) of such Code, as amended by sub-

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1 section (c)(2), is amended by striking "and (C)(i)"
2 and inserting ", (C)(i), and (D)".
3 (c) TECHNICAL AMENDMENT RELATING TO SECTION
4 13302 OF PUBLIC LAW 115–97.—
5 (1) Section 13302(e) of Public Law 115–97 is
6 amended to read as follows:
7 "(e) EFFECTIVE DATES.—
8 "(1) NET OPERATING LOSS LIMITATION.—The
9 amendments made by subsections (a) and (d)(2)
10 shall apply to—
11 "(A) taxable years beginning after Decem-
12 ber 31, 2017, and
13 "(B) taxable years beginning on or before
14 such date to which net operating losses arising
15 in taxable years beginning after such date are
16 carried.
17 "(2) CARRYOVERS AND CARRYBACKS.—The
18 amendments made by subsections (b), (c), and
19 (d)(1) shall apply to net operating losses arising in
20 taxable years beginning after December 31, 2017.".
21 (2) Section 172(b)(1)(A) of the Internal Rev-
22 enue Code of 1986 is amended to read as follows:
23 "(A) GENERAL RULE.—A net operating
24 loss for any taxable year—

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"(i) shall be a net operating loss carryback to the extent provided in subparagraphs (B) and (C)(i), and

"(ii) except as provided in subparagraph (C)(ii), shall be a net operating loss carryover—

"(I) in the case of a net operating loss arising in a taxable year beginning before January 1, 2018, to each of the 20 taxable years following the taxable year of the loss, and

"(II) in the case of a net operating loss arising in a taxable year beginning after December 31, 2017, to each taxable year following the taxable year of the loss.".

(d) EFFECTIVE DATES.—

(1) NET OPERATING LOSS LIMITATION.—The amendments made by subsection (a) shall apply—

(A) to taxable years beginning after December 31, 2017, and

(B) to taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

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1 (2) CARRYOVERS AND CARRYBACKS.—The
2 amendment made by subsection (b) shall apply to—
3 (A) net operating losses arising in taxable
4 years beginning after December 31, 2017, and
5 (B) taxable years beginning before, on, or
6 after such date to which such net operating
7 losses are carried.
8 (3) TECHNICAL AMENDMENTS.—The amend-
9 ments made by subsection (c) shall take effect as if
10 included in the provisions of Public Law 115–97 to
11 which they relate.
12 (4) SPECIAL RULE.—In the case of a net oper-
13 ating loss arising in a taxable year beginning before
14 January 1, 2018, and ending after December 31,
15 2017—
16 (A) an application under section 6411(a)
17 of the Internal Revenue Code of 1986 with re-
18 spect to the carryback of such net operating
19 loss shall not fail to be treated as timely filed
20 if filed not later than the date which is 120
21 days after the date of the enactment of this
22 Act, and
23 (B) an election to—
24 (i) forgo any carryback of such net
25 operating loss,

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(ii) reduce any period to which such net operating loss may be carried back, or

(iii) revoke any election made under section 172(b) to forgo any carryback of such net operating loss,

shall not fail to be treated as timely made if made not later than the date which is 120 days after the date of the enactment of this Act.

**SEC. 2304. MODIFICATION OF LIMITATION ON LOSSES FOR TAXPAYERS OTHER THAN CORPORATIONS.**

(a) IN GENERAL.—Section 461(l)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) LIMITATION.—In the case of a taxpayer other than a corporation—

"(A) for any taxable year beginning after December 31, 2017, and before January 1, 2026, subsection (j) (relating to limitation on excess farm losses of certain taxpayers) shall not apply, and

"(B) for any taxable year beginning after December 31, 2020, and before January 1, 2026, any excess business loss of the taxpayer for the taxable year shall not be allowed.".

(b) TECHNICAL AMENDMENTS RELATING TO SECTION 11012 OF PUBLIC LAW 115–97.—

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1 (1) Section 461(l)(2) of the Internal Revenue
2 Code of 1986 is amended by striking "a net oper-
3 ating loss carryover to the following taxable year
4 under section 172" and inserting "a net operating
5 loss for the taxable year for purposes of determining
6 any net operating loss carryover under section
7 172(b) for subsequent taxable years".
8 (2) Section 461(l)(3)(A) of such Code is
9 amended—
10 (A) in clause (i), by inserting "and without
11 regard to any deduction allowable under section
12 172 or 199A" after "under paragraph (1)",
13 and
14 (B) by adding at the end the following
15 flush sentence:
16 "Such excess shall be determined without regard to
17 any deductions, gross income, or gains attributable
18 to any trade or business of performing services as an
19 employee.".
20 (3) Section 461(l)(3) of such Code is amended
21 by redesignating subparagraph (B) as subparagraph
22 (C) and by inserting after subparagraph (A) the fol-
23 lowing new subparagraph:
24 "(B) TREATMENT OF CAPITAL GAINS AND
25 LOSSES.—

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"(i) LOSSES.—Deductions for losses from sales or exchanges of capital assets shall not be taken into account under subparagraph (A)(i).

"(ii) GAINS.—The amount of gains from sales or exchanges of capital assets taken into account under subparagraph (A)(ii) shall not exceed the lesser of—

"(I) the capital gain net income determined by taking into account only gains and losses attributable to a trade or business, or

"(II) the capital gain net income.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2017.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in the provisions of Public Law 115–97 to which they relate.

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**SEC. 2305. MODIFICATION OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY OF CORPORATIONS.**

(a) IN GENERAL.—Section 53(e) of the Internal Revenue Code of 1986 is amended—

(1) by striking "2018, 2019, 2020, or 2021" in paragraph (1) and inserting "2018 or 2019", and

(2) by striking "2021" in paragraph (2) and inserting "2019".

(b) ELECTION TO TAKE ENTIRE REFUNDABLE CREDIT AMOUNT IN 2018.—

(1) IN GENERAL.—Section 53(e) of such Code is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE.—In the case of a corporation making an election under this paragraph—

"(A) paragraph (1) shall not apply, and

"(B) subsection (c) shall not apply to the first taxable year of such corporation beginning in 2018.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(d) SPECIAL RULE.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, a credit or refund for which an application described in paragraph (2)(A) is filed

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1 shall be treated as made under section 6411 of such
2 Code.
3 (2) TENTATIVE REFUND.—
4 (A) APPLICATION.—A taxpayer may file an
5 application for a tentative refund of any
6 amount for which a refund is due by reason of
7 an election under section 53(e)(5) of the Inter-
8 nal Revenue Code of 1986. Such application
9 shall be in such manner and form as the Sec-
10 retary of the Treasury (or the Secretary's dele-
11 gate) may prescribe and shall—
12 (i) be verified in the same manner as
13 an application under section 6411(a) of
14 such Code,
15 (ii) be filed prior to December 31,
16 2020, and
17 (iii) set forth—
18 (I) the amount of the refundable
19 credit claimed under section 53(e) of
20 such Code for such taxable year,
21 (II) the amount of the refundable
22 credit claimed under such section for
23 any previously filed return for such
24 taxable year, and

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(III) the amount of the refund claimed.

(B) ALLOWANCE OF ADJUSTMENTS.—Within a period of 90 days from the date on which an application is filed under subparagraph (A), the Secretary of the Treasury (or the Secretary's delegate) shall—

(i) review the application,

(ii) determine the amount of the overpayment, and

(iii) apply, credit, or refund such overpayment,

in a manner similar to the manner provided in section 6411(b) of the Internal Revenue Code of 1986.

(C) CONSOLIDATED RETURNS.—The provisions of section 6411(c) of the Internal Revenue Code of 1986 Code shall apply to an adjustment under this paragraph to the same extent and manner as the Secretary of the Treasury (or the Secretary's delegate) may provide.

**SEC. 2306. MODIFICATIONS OF LIMITATION ON BUSINESS INTEREST.**

(a) IN GENERAL.—Section 163(j) of the Internal Revenue Code of 1986 is amended by redesignating para-

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1 graph (10) as paragraph (11) and by inserting after para-
2 graph (9) the following new paragraph:
3 "(10) SPECIAL RULE FOR TAXABLE YEARS BE-
4 GINNING IN 2019 AND 2020.—
5 "(A) IN GENERAL.—
6 "(i) IN GENERAL.—Except as pro-
7 vided in clause (ii) or (iii), in the case of
8 any taxable year beginning in 2019 or
9 2020, paragraph (1)(B) shall be applied by
10 substituting '50 percent' for '30 percent'.
11 "(ii) SPECIAL RULE FOR PARTNER-
12 SHIPS.—In the case of a partnership—
13 "(I) clause (i) shall not apply to
14 any taxable year beginning in 2019,
15 but
16 "(II) unless a partner elects not
17 to have this subclause apply, in the
18 case of any excess business interest of
19 the partnership for any taxable year
20 beginning in 2019 which is allocated
21 to the partner under paragraph
22 (4)(B)(i)(II)—
23 "(aa) 50 percent of such ex-
24 cess business interest shall be
25 treated as business interest

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1 which, notwithstanding para-
2 graph (4)(B)(ii), is paid or ac-
3 crued by the partner in the part-
4 ner's first taxable year beginning
5 in 2020 and which is not subject
6 to the limits of paragraph (1),
7 and
8 "(bb) 50 percent of such ex-
9 cess business interest shall be
10 subject to the limitations of para-
11 graph (4)(B)(ii) in the same
12 manner as any other excess busi-
13 ness interest so allocated.
14 "(iii) ELECTION OUT.—A taxpayer
15 may elect, at such time and in such man-
16 ner as the Secretary may prescribe, not to
17 have clause (i) apply to any taxable year.
18 Such an election, once made, may be re-
19 voked only with the consent of the Sec-
20 retary. In the case of a partnership, any
21 such election shall be made by the partner-
22 ship and may be made only for taxable
23 years beginning in 2020.

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"(B) ELECTION TO USE 2019 ADJUSTED TAXABLE INCOME FOR TAXABLE YEARS BEGINNING IN 2020.—

"(i) IN GENERAL.—Subject to clause (ii), in the case of any taxable year beginning in 2020, the taxpayer may elect to apply this subsection by substituting the adjusted taxable income of the taxpayer for the last taxable year beginning in 2019 for the adjusted taxable income for such taxable year. In the case of a partnership, any such election shall be made by the partnership.

"(ii) SPECIAL RULE FOR SHORT TAXABLE YEARS.—If an election is made under clause (i) for a taxable year which is a short taxable year, the adjusted taxable income for the taxpayer's last taxable year beginning in 2019 which is substituted under clause (i) shall be equal to the amount which bears the same ratio to such adjusted taxable income determined without regard to this clause as the number of months in the short taxable year bears to 12".

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1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2018.

4 **SEC. 2307. TECHNICAL AMENDMENTS REGARDING QUALI-**
5 **FIED IMPROVEMENT PROPERTY.**

6 (a) IN GENERAL.—Section 168 of the Internal Rev-
7 enue Code of 1986 is amended—
8 (1) in subsection (e)—
9 (A) in paragraph (3)(E), by striking ''and''
10 at the end of clause (v), by striking the period
11 at the end of clause (vi) and inserting '', and'',
12 and by adding at the end the following new
13 clause:
14 ''(vii) any qualified improvement prop-
15 erty.'', and
16 (B) in paragraph (6)(A), by inserting
17 ''made by the taxpayer'' after ''any improve-
18 ment'', and
19 (2) in the table contained in subsection
20 (g)(3)(B)—
21 (A) by striking the item relating to sub-
22 paragraph (D)(v), and
23 (B) by inserting after the item relating to
24 subparagraph (E)(vi) the following new item:

''(E)(vii) ..... 20''.

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1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in section
3 13204 of Public Law 115–97.

4 **SEC. 2308. TEMPORARY EXCEPTION FROM EXCISE TAX FOR**
5 **ALCOHOL USED TO PRODUCE HAND SANI-**
6 **TIZER.**

7 (a) IN GENERAL.—Section 5214(a) of the Internal
8 Revenue Code of 1986 is amended—
9 (1) in paragraph (13), by striking the period at
10 the end and inserting "; or", and
11 (2) by adding at the end the following new
12 paragraph:
13 "(14) with respect to distilled spirits removed
14 after December 31, 2019, and before January 1,
15 2021, free of tax for use in or contained in hand
16 sanitizer produced and distributed in a manner con-
17 sistent with any guidance issued by the Food and
18 Drug Administration that is related to the outbreak
19 of virus SARS-CoV-2 or coronavirus disease 2019
20 (COVID-19).".
21 (b) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to distilled spirits removed after
23 December 31, 2019.
24 (c) APPLICATION OF OTHER LAWS.—Any distilled
25 spirits or product described in paragraph (14) of section

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5214(a) of the Internal Revenue Code of 1986 (as added by this section) shall not be subject to any requirements related to labeling or bulk sales under—

(1) section 105 or 106 of the Federal Alcohol Administration Act (27 U.S.C. 205, 206); or

(2) section 204 of the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 215).

# TITLE III—SUPPORTING AMERICA'S HEALTH CARE SYSTEM IN THE FIGHT AGAINST THE CORONAVIRUS

## Subtitle A—Health Provisions

### SEC. 3001. SHORT TITLE.

This subtitle may be cited as the "Coronavirus Aid, Relief, and Economic Security Act".

## PART I—ADDRESSING SUPPLY SHORTAGES

### Subpart A—Medical Product Supplies

### SEC. 3101. NATIONAL ACADEMIES REPORT ON AMERICA'S MEDICAL PRODUCT SUPPLY CHAIN SECURITY.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the "National Acad-

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1 emies") to examine, and, in a manner that does not com-
2 promise national security, report on, the security of the
3 United States medical product supply chain.
4 (b) PURPOSES.—The report developed under this sec-
5 tion shall—
6 (1) assess and evaluate the dependence of the
7 United States, including the private commercial sec-
8 tor, States, and the Federal Government, on critical
9 drugs and devices that are sourced or manufactured
10 outside of the United States, which may include an
11 analysis of—
12 (A) the supply chain of critical drugs and
13 devices of greatest priority to providing health
14 care;
15 (B) any potential public health security or
16 national security risks associated with reliance
17 on critical drugs and devices sourced or manu-
18 factured outside of the United States, which
19 may include responses to previous or existing
20 shortages or public health emergencies, such as
21 infectious disease outbreaks, bioterror attacks,
22 and other public health threats;
23 (C) any existing supply chain information
24 gaps, as applicable; and

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1 (D) potential economic impact of increased
2 domestic manufacturing; and
3 (2) provide recommendations, which may in-
4 clude a plan to improve the resiliency of the supply
5 chain for critical drugs and devices as described in
6 paragraph (1), and to address any supply
7 vulnerabilities or potential disruptions of such prod-
8 ucts that would significantly affect or pose a threat
9 to public health security or national security, as ap-
10 propriate, which may include strategies to—
11 (A) promote supply chain redundancy and
12 contingency planning;
13 (B) encourage domestic manufacturing, in-
14 cluding consideration of economic impacts, if
15 any;
16 (C) improve supply chain information
17 gaps;
18 (D) improve planning considerations for
19 medical product supply chain capacity during
20 public health emergencies; and
21 (E) promote the accessibility of such drugs
22 and devices.
23 (c) INPUT.—In conducting the study and developing
24 the report under subsection (b), the National Academies
25 shall—

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1 (1) consider input from the Department of
2 Health and Human Services, the Department of
3 Homeland Security, the Department of Defense, the
4 Department of Commerce, the Department of State,
5 the Department of Veterans Affairs, the Department
6 of Justice, and any other Federal agencies as appro-
7 priate; and
8 (2) consult with relevant stakeholders, which
9 may include conducting public meetings and other
10 forms of engagement, as appropriate, with health
11 care providers, medical professional societies, State-
12 based societies, public health experts, State and local
13 public health departments, State medical boards, pa-
14 tient groups, medical product manufacturers, health
15 care distributors, wholesalers and group purchasing
16 organizations, pharmacists, and other entities with
17 experience in health care and public health, as ap-
18 propriate.
19 (d) DEFINITIONS.—In this section, the terms ''de-
20 vice'' and ''drug'' have the meanings given such terms in
21 section 201 of the Federal Food, Drug, and Cosmetic Act
22 (21 U.S.C. 321).

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1 **SEC. 3102. REQUIRING THE STRATEGIC NATIONAL STOCK-**
2 **PILE TO INCLUDE CERTAIN TYPES OF MED-**
3 **ICAL SUPPLIES.**

4 Section 319F–2(a)(1) of the Public Health Service
5 Act (42 U.S.C. 247d–6b(a)(1)) is amended by inserting
6 "(including personal protective equipment, ancillary med-
7 ical supplies, and other applicable supplies required for the
8 administration of drugs, vaccines and other biological
9 products, medical devices, and diagnostic tests in the
10 stockpile)" after "other supplies".

11 **SEC. 3103. TREATMENT OF RESPIRATORY PROTECTIVE DE-**
12 **VICES AS COVERED COUNTERMEASURES.**

13 Section 319F–3(i)(1)(D) of the Public Health Service
14 Act (42 U.S.C. 247d–6d(i)(1)(D)) is amended to read as
15 follows:

16 "(D) a respiratory protective device that is
17 approved by the National Institute for Occupa-
18 tional Safety and Health under part 84 of title
19 42, Code of Federal Regulations (or any suc-
20 cessor regulations), and that the Secretary de-
21 termines to be a priority for use during a public
22 health emergency declared under section 319.".

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1 **Subpart B—Mitigating Emergency Drug Shortages**

2 **SEC. 3111. PRIORITIZE REVIEWS OF DRUG APPLICATIONS;**
3 **INCENTIVES.**

4 Section 506C(g) of the Federal Food, Drug, and Cos-
5 metic Act (21 U.S.C. 356c(g)) is amended—

6 (1) in paragraph (1), by striking "the Secretary
7 may" and inserting "the Secretary shall, as appro-
8 priate";

9 (2) in paragraph (1), by inserting "prioritize
10 and" before "expedite the review"; and

11 (3) in paragraph (2), by inserting "prioritize
12 and" before "expedite an inspection".

13 **SEC. 3112. ADDITIONAL MANUFACTURER REPORTING RE-**
14 **QUIREMENTS IN RESPONSE TO DRUG SHORT-**
15 **AGES.**

16 (a) EXPANSION TO INCLUDE ACTIVE PHARMA-
17 CEUTICAL INGREDIENTS.—Subsection (a) of section 506C
18 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
19 356c) is amended—

20 (1) in paragraph (1)(C), by inserting "or any
21 such drug that is critical to the public health during
22 a public health emergency declared by the Secretary
23 under section 319 of the Public Health Service Act"
24 after "during surgery"; and

25 (2) in the flush text at the end—

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1 (A) by inserting ", or a permanent dis-
2 continuance in the manufacture of an active
3 pharmaceutical ingredient or an interruption in
4 the manufacture of the active pharmaceutical
5 ingredient of such drug that is likely to lead to
6 a meaningful disruption in the supply of the ac-
7 tive pharmaceutical ingredient of such drug,"
8 before "and the reasons"; and
9 (B) by adding at the end the following:
10 "Notification under this subsection shall include
11 disclosure of reasons for the discontinuation or
12 interruption, and if applicable, an active phar-
13 maceutical ingredient is a reason for, or risk
14 factor in, such discontinuation or interruption,
15 the source of the active pharmaceutical ingre-
16 dient and any alternative sources for the active
17 pharmaceutical ingredient known by the manu-
18 facturer; whether any associated device used for
19 preparation or administration included in the
20 drug is a reason for, or a risk factor in, such
21 discontinuation or interruption; the expected
22 duration of the interruption; and such other in-
23 formation as the Secretary may require.".

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1 (b) RISK MANAGEMENT.—Section 506C of the Fed-
2 eral Food, Drug, and Cosmetic Act (21 U.S.C. 356c) is
3 amended by adding at the end the following:
4 "(j) RISK MANAGEMENT PLANS.—Each manufac-
5 turer of a drug described in subsection (a) or of any active
6 pharmaceutical ingredient or any associated medical de-
7 vice used for preparation or administration included in the
8 drug, shall develop, maintain, and implement, as appro-
9 priate, a redundancy risk management plan that identifies
10 and evaluates risks to the supply of the drug, as applica-
11 ble, for each establishment in which such drug or active
12 pharmaceutical ingredient of such drug is manufactured.
13 A risk management plan under this section shall be sub-
14 ject to inspection and copying by the Secretary pursuant
15 to an inspection or a request under section 704(a)(4).".
16 (c) ANNUAL NOTIFICATION.—Section 506E of the
17 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e)
18 is amended by adding at the end the following:
19 "(d) INTERAGENCY NOTIFICATION.—Not later than
20 180 days after the date of enactment of this subsection,
21 and every 90 days thereafter, the Secretary shall transmit
22 a report regarding the drugs of the current drug shortage
23 list under this section to the Administrator of the Centers
24 for Medicare & Medicaid Services.".

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1 (d) REPORTING AFTER INSPECTIONS.—Section
2 704(b) of the Federal Food, Drug, and Cosmetic Act (21
3 U.S.C. 374(b)) is amended—
4 (1) by redesignating paragraphs (1) and (2)
5 and subparagraphs (A) and (B);
6 (2) by striking "(b) Upon completion" and in-
7 serting "(b)(1) Upon completion"; and
8 (3) by adding at the end the following:
9 "(2) In carrying out this subsection with respect to
10 any establishment manufacturing a drug approved under
11 subsection (c) or (j) of section 505 for which a notification
12 has been submitted in accordance with section 506C is,
13 or has been in the last 5 years, listed on the drug shortage
14 list under section 506E, or that is described in section
15 505(j)(11)(A), a copy of the report shall be sent promptly
16 to the appropriate offices of the Food and Drug Adminis-
17 tration with expertise regarding drug shortages.".
18 (e) REPORTING REQUIREMENT.—Section 510(j) of
19 the Federal Food, Drug, Cosmetic Act (21 U.S.C. 360(j))
20 is amended—
21 (1) by redesignating paragraphs (3) and (4) as
22 paragraphs (4) and (5), respectively; and
23 (2) by inserting after paragraph (2) the fol-
24 lowing:

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1 "(3)(A) Each person who registers with the
2 Secretary under this section with regard to a drug
3 shall report annually to the Secretary on the amount
4 of each drug listed under paragraph (1) that was
5 manufactured, prepared, propagated, compounded,
6 or processed by such person for commercial distribu-
7 tion. Such information may be required to be sub-
8 mitted in an electronic format as determined by the
9 Secretary. The Secretary may require that informa-
10 tion required to be reported under this paragraph be
11 submitted at the time a public health emergency is
12 declared by the Secretary under section 319 of the
13 Public Health Service Act.
14 "(B) By order of the Secretary, certain biologi-
15 cal products or categories of biological products reg-
16 ulated under section 351 of the Public Health Serv-
17 ice Act may be exempt from some or all of the re-
18 porting requirements under subparagraph (A), if the
19 Secretary determines that applying such reporting
20 requirements to such biological products or cat-
21 egories of biological products is not necessary to pro-
22 tect the public health.".
23 (f) CONFIDENTIALITY.—Nothing in the amendments
24 made by this section shall be construed as authorizing the
25 Secretary to disclose any information that is a trade secret

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1 or confidential information subject to section 552(b)(4) of
2 title 5, United States Code, or section 1905 of title 18,
3 United States Code.

4 (g) EFFECTIVE DATE.—The amendments made by
5 this section and section 3111 shall take effect on the date
6 that is 180 days after the date of enactment of this Act.

7 **Subpart C—Preventing Medical Device Shortages**

8 **SEC. 3121. DISCONTINUANCE OR INTERRUPTION IN THE**
9 **PRODUCTION OF MEDICAL DEVICES.**

10 Chapter V of the Federal Food, Drug, and Cosmetic
11 Act (21 U.S.C. 351 et seq.) is amended by inserting after
12 section 506I the following:

13 **"SEC. 506J. DISCONTINUANCE OR INTERRUPTION IN THE**
14 **PRODUCTION OF MEDICAL DEVICES.**

15 "(a) IN GENERAL.—A manufacturer of a device
16 that—

17 "(1) is critical to public health during a public
18 health emergency, including devices that are life-sup-
19 porting, life-sustaining, or intended for use in emer-
20 gency medical care or during surgery; or

21 "(2) for which the Secretary determines that in-
22 formation on potential meaningful supply disrup-
23 tions of such device is needed during, or in advance
24 of, a public health emergency;

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1 shall, during, or in advance of, a public health emergency
2 declared by the Secretary under section 319 of the Public
3 Health Service Act, notify the Secretary, in accordance
4 with subsection (b), of a permanent discontinuance in the
5 manufacture of the device (except for discontinuances as
6 a result of an approved modification of the device) or an
7 interruption of the manufacture of the device that is likely
8 to lead to a meaningful disruption in the supply of that
9 device in the United States, and the reasons for such dis-
10 continuance or interruption.

11 "(b) TIMING.—A notice required under subsection (a)
12 shall be submitted to the Secretary—

13 "(1) at least 6 months prior to the date of the
14 discontinuance or interruption; or

15 "(2) if compliance with paragraph (1) is not
16 possible, as soon as practicable.

17 "(c) DISTRIBUTION.—

18 "(1) PUBLIC AVAILABILITY.—To the maximum
19 extent practicable, subject to paragraph (2), the Sec-
20 retary shall distribute, through such means as the
21 Secretary determines appropriate, information on
22 the discontinuance or interruption of the manufac-
23 ture of devices reported under subsection (a) to ap-
24 propriate organizations, including physician, health
25 provider, patient organizations, and supply chain

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1 partners, as appropriate and applicable, as described
2 in subsection (g).
3 "(2) PUBLIC HEALTH EXCEPTION.—The Sec-
4 retary may choose not to make information collected
5 under this section publicly available pursuant to this
6 section if the Secretary determines that disclosure of
7 such information would adversely affect the public
8 health, such as by increasing the possibility of un-
9 necessary over purchase of product, component
10 parts, or other disruption of the availability of med-
11 ical products to patients.
12 "(d) CONFIDENTIALITY.—Nothing in this section
13 shall be construed as authorizing the Secretary to disclose
14 any information that is a trade secret or confidential infor-
15 mation subject to section 552(b)(4) of title 5, United
16 States Code, or section 1905 of title 18, United States
17 Code.
18 "(e) FAILURE TO MEET REQUIREMENTS.—If a per-
19 son fails to submit information required under subsection
20 (a) in accordance with subsection (b)—
21 "(1) the Secretary shall issue a letter to such
22 person informing such person of such failure;
23 "(2) not later than 30 calendar days after the
24 issuance of a letter under paragraph (1), the person
25 who receives such letter shall submit to the Sec-

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1 retary a written response to such letter setting forth
2 the basis for noncompliance and providing informa-
3 tion required under subsection (a); and
4 "(3) not later than 45 calendar days after the
5 issuance of a letter under paragraph (1), the Sec-
6 retary shall make such letter and any response to
7 such letter under paragraph (2) available to the pub-
8 lic on the internet website of the Food and Drug Ad-
9 ministration, with appropriate redactions made to
10 protect information described in subsection (d), ex-
11 cept that, if the Secretary determines that the letter
12 under paragraph (1) was issued in error or, after re-
13 view of such response, the person had a reasonable
14 basis for not notifying as required under subsection
15 (a), the requirements of this paragraph shall not
16 apply.
17 "(f) EXPEDITED INSPECTIONS AND REVIEWS.—If,
18 based on notifications described in subsection (a) or any
19 other relevant information, the Secretary concludes that
20 there is, or is likely to be, a shortage of an device, the
21 Secretary shall, as appropriate—
22 "(1) prioritize and expedite the review of a sub-
23 mission under section 513(f)(2), 515, review of a no-
24 tification under section 510(k), or 520(m) for a de-

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1 vice that could help mitigate or prevent such short-
2 age; or
3 "(2) prioritize and expedite an inspection or re-
4 inspection of an establishment that could help miti-
5 gate or prevent such shortage.
6 "(g) DEVICE SHORTAGE LIST.—
7 "(1) ESTABLISHMENT.—The Secretary shall es-
8 tablish and maintain an up-to-date list of devices
9 that are determined by the Secretary to be in short-
10 age in the United States.
11 "(2) CONTENTS.—For each device included on
12 the list under paragraph (1), the Secretary shall in-
13 clude the following information:
14 "(A) The category or name of the device in
15 shortage.
16 "(B) The name of each manufacturer of
17 such device.
18 "(C) The reason for the shortage, as deter-
19 mined by the Secretary, selecting from the fol-
20 lowing categories:
21 "(i) Requirements related to com-
22 plying with good manufacturing practices.
23 "(ii) Regulatory delay.
24 "(iii) Shortage or discontinuance of a
25 component or part.

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1 "(iv) Discontinuance of the manufac-
2 ture of the device.
3 "(v) Delay in shipping of the device.
4 "(vi) Delay in sterilization of the de-
5 vice.
6 "(vii) Demand increase for the device.
7 "(viii) Facility closure.
8 "(D) The estimated duration of the short-
9 age as determined by the Secretary.
10 "(3) PUBLIC AVAILABILITY.—
11 "(A) IN GENERAL.—Subject to subpara-
12 graphs (B) and (C), the Secretary shall make
13 the information in the list under paragraph (1)
14 publicly available.
15 "(B) TRADE SECRETS AND CONFIDENTIAL
16 INFORMATION.—Nothing in this subsection
17 shall be construed to alter or amend section
18 1905 of title 18, United States Code, or section
19 552(b)(4) of title 5 of such Code.
20 "(C) PUBLIC HEALTH EXCEPTION.—The
21 Secretary may elect not to make information
22 collected under this subsection publicly available
23 if the Secretary determines that disclosure of
24 such information would adversely affect the
25 public health (such as by increasing the possi-

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1 bility of hoarding or other disruption of the
2 availability of the device to patients).
3 "(h) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed to affect the authority of the Sec-
5 retary on the date of enactment of this section to expedite
6 the review of devices under section 515 of the Federal
7 Food, Drug, and Cosmetic Act, section 515B of such Act
8 relating to the priority review program for devices, and
9 section 564 of such Act relating to the emergency use au-
10 thorization authorities.
11 "(i) DEFINITIONS.—In this section:
12 "(1) MEANINGFUL DISRUPTION.—The term
13 'meaningful disruption'—
14 "(A) means a change in production that is
15 reasonably likely to lead to a reduction in the
16 supply of a device by a manufacturer that is
17 more than negligible and affects the ability of
18 the manufacturer to fill orders or meet expected
19 demand for its product;
20 "(B) does not include interruptions in
21 manufacturing due to matters such as routine
22 maintenance or insignificant changes in manu-
23 facturing so long as the manufacturer expects
24 to resume operations in a short period of time,
25 not to exceed 6 months;

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"(C) does not include interruptions in manufacturing of components or raw materials so long as such interruptions do not result in a shortage of the device and the manufacturer expects to resume operations in a reasonable period of time; and

"(D) does not include interruptions in manufacturing that do not lead to a reduction in procedures or diagnostic tests associated with a medical device designed to perform more than one procedure or diagnostic test.

"(2) SHORTAGE.—The term 'shortage', with respect to a device, means a period of time when the demand or projected demand for the device within the United States exceeds the supply of the device.".

## PART II—ACCESS TO HEALTH CARE FOR COVID-19 PATIENTS

### Subpart A—Coverage of Testing and Preventive Services

#### SEC. 3201. COVERAGE OF DIAGNOSTIC TESTING FOR COVID-19.

Paragraph (1) of section 6001(a) of division F of the Families First Coronavirus Response Act (Public Law 116–127) is amended to read as follows:

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1 "(1) An in vitro diagnostic test defined in sec-
2 tion 809.3 of title 21, Code of Federal Regulations
3 (or successor regulations) for the detection of
4 SARS–CoV–2 or the diagnosis of the virus that
5 causes COVID–19, and the administration of such a
6 test, that—
7 "(A) is approved, cleared, or authorized
8 under section 510(k), 513, 515, or 564 of the
9 Federal Food, Drug, and Cosmetic Act (21
10 U.S.C. 360(k), 360c, 360e, 360bbb–3);
11 "(B) the developer has requested, or in-
12 tends to request, emergency use authorization
13 under section 564 of the Federal Food, Drug,
14 and Cosmetic Act (21 U.S.C. 360bbb–3), unless
15 and until the emergency use authorization re-
16 quest under such section 564 has been denied
17 or the developer of such test does not submit a
18 request under such section within a reasonable
19 timeframe;
20 "(C) is developed in and authorized by a
21 State that has notified the Secretary of Health
22 and Human Services of its intention to review
23 tests intended to diagnose COVID-19; or
24 "(D) other test that the Secretary deter-
25 mines appropriate in guidance.".

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1 **SEC. 3202. PRICING OF DIAGNOSTIC TESTING.**

2 (a) REIMBURSEMENT RATES.—A group health plan
3 or a health insurance issuer providing coverage of items
4 and services described in section 6001(a) of division F of
5 the Families First Coronavirus Response Act (Public Law
6 116–127) with respect to an enrollee shall reimburse the
7 provider of the diagnostic testing as follows:

8 (1) If the health plan or issuer has a negotiated
9 rate with such provider in effect before the public
10 health emergency declared under section 319 of the
11 Public Health Service Act (42 U.S.C. 247d), such
12 negotiated rate shall apply throughout the period of
13 such declaration.

14 (2) If the health plan or issuer does not have
15 a negotiated rate with such provider, such plan or
16 issuer shall reimburse the provider in an amount
17 that equals the cash price for such service as listed
18 by the provider on a public internet website, or such
19 plan or issuer may negotiate a rate with such pro-
20 vider for less than such cash price.

21 (b) REQUIREMENT TO PUBLICIZE CASH PRICE FOR
22 DIAGNOSTIC TESTING FOR COVID-19.—

23 (1) IN GENERAL.—During the emergency pe-
24 riod declared under section 319 of the Public Health
25 Service Act (42 U.S.C. 247d), each provider of a di-
26 agnostic test for COVID-19 shall make public the

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1 cash price for such test on a public internet website
2 of such provider.
3 (2) CIVIL MONETARY PENALTIES.—The Sec-
4 retary of Health and Human Services may impose a
5 civil monetary penalty on any provider of a diag-
6 nostic test for COVID-19 that is not in compliance
7 with paragraph (1) and has not completed a correc-
8 tive action plan to comply with the requirements of
9 such paragraph, in an amount not to exceed $300
10 per day that the violation is ongoing.

11 **SEC. 3203. RAPID COVERAGE OF PREVENTIVE SERVICES**
12 **AND VACCINES FOR CORONAVIRUS.**

13 (a) IN GENERAL.—Notwithstanding 2713(b) of the
14 Public Health Service Act (42 U.S.C. 300gg–13), the Sec-
15 retary of Health and Human Services, the Secretary of
16 Labor, and the Secretary of the Treasury shall require
17 group health plans and health insurance issuers offering
18 group or individual health insurance to cover (without
19 cost-sharing) any qualifying coronavirus preventive serv-
20 ice, pursuant to section 2713(a) of the Public Health Serv-
21 ice Act (42 U.S.C. 300gg–13(a)) (including the regula-
22 tions under sections 2590.715-2713 of title 29, Code of
23 Federal Regulations, section 54.9815-2713 of title 26,
24 Code of Federal Regulations, and section 147.130 of title
25 45, Code of Federal Regulations (or any successor regula-

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1 tions)). The requirement described in this subsection shall
2 take effect with respect to a qualifying coronavirus preven-
3 tive service on the specified date described in subsection
4 (b)(2).

5 (b) DEFINITIONS.—For purposes of this section:

6 (1) QUALIFYING CORONAVIRUS PREVENTIVE
7 SERVICE.—The term "qualifying coronavirus preven-
8 tive service" means an item, service, or immuniza-
9 tion that is intended to prevent or mitigate
10 coronavirus disease 2019 and that is—

11 (A) an evidence-based item or service that
12 has in effect a rating of "A" or "B" in the cur-
13 rent recommendations of the United States Pre-
14 ventive Services Task Force; or

15 (B) an immunization that has in effect a
16 recommendation from the Advisory Committee
17 on Immunization Practices of the Centers for
18 Disease Control and Prevention with respect to
19 the individual involved.

20 (2) SPECIFIED DATE.—The term "specified
21 date" means the date that is 15 business days after
22 the date on which a recommendation is made relat-
23 ing to the qualifying coronavirus preventive service
24 as described in such paragraph.

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1 (3) ADDITIONAL TERMS.—In this section, the
2 terms "group health plan", "health insurance
3 issuer", "group health insurance coverage", and "in-
4 dividual health insurance coverage" have the mean-
5 ings given such terms in section 2791 of the Public
6 Health Service Act (42 U.S.C. 300gg–91), section
7 733 of the Employee Retirement Income Security
8 Act of 1974 (29 U.S.C. 1191b), and section 9832 of
9 the Internal Revenue Code, as applicable.

10 **Subpart B—Support for Health Care Providers**

11 **SEC. 3211. SUPPLEMENTAL AWARDS FOR HEALTH CEN-**
12 **TERS.**

13 (a) SUPPLEMENTAL AWARDS.—Section 330(r) of the
14 Public Health Service Act (42 U.S.C. 254b(r)) is amended
15 by adding at the end the following:

16 "(6) ADDITIONAL AMOUNTS FOR SUPPLE-
17 MENTAL AWARDS.—In addition to any amounts
18 made available pursuant to this subsection, section
19 402A of this Act, or section 10503 of the Patient
20 Protection and Affordable Care Act, there is author-
21 ized to be appropriated, and there is appropriated,
22 out of any monies in the Treasury not otherwise ap-
23 propriated, $1,320,000,000 for fiscal year 2020 for
24 supplemental awards under subsection (d) for the

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1 detection of SARS-CoV-2 or the prevention, diag-
2 nosis, and treatment of COVID-19.''.
3 (b) APPLICATION OF PROVISIONS.—Amounts appro-
4 priated pursuant to the amendment made by subsection
5 (a) for fiscal year 2020 shall be subject to the require-
6 ments contained in Public Law 116–94 for funds for pro-
7 grams authorized under sections 330 through 340 of the
8 Public Health Service Act (42 U.S.C. 254 through 256).

9 **SEC. 3212. TELEHEALTH NETWORK AND TELEHEALTH RE-**
10 **SOURCE CENTERS GRANT PROGRAMS.**

11 Section 330I of the Public Health Service Act (42
12 U.S.C. 254c–14) is amended—
13 (1) in subsection (d)—
14 (A) in paragraph (1)—
15 (i) in the matter preceding subpara-
16 graph (A), by striking ''projects to dem-
17 onstrate how telehealth technologies can be
18 used through telehealth networks'' and in-
19 serting ''evidence-based projects that uti-
20 lize telehealth technologies through tele-
21 health networks'';
22 (ii) in subparagraph (A)—
23 (I) by striking ''the quality of''
24 and inserting ''access to, and the
25 quality of,''; and

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1 (II) by inserting "and" after the
2 semicolon;
3 (iii) by striking subparagraph (B);
4 (iv) by redesignating subparagraph
5 (C) as subparagraph (B); and
6 (v) in subparagraph (B), as so redes-
7 ignated, by striking "and patients and
8 their families, for decisionmaking" and in-
9 serting ", patients, and their families";
10 and
11 (B) in paragraph (2)—
12 (i) by striking "demonstrate how tele-
13 health technologies can be used" and in-
14 serting "support initiatives that utilize
15 telehealth technologies"; and
16 (ii) by striking ", to establish tele-
17 health resource centers";
18 (2) in subsection (e), by striking "4 years" and
19 inserting "5 years";
20 (3) in subsection (f)—
21 (A) by striking paragraph (2);
22 (B) in paragraph (1)(B)—
23 (i) by redesignating clauses (i)
24 through (iii) as paragraphs (1) through

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(3), respectively, and adjusting the margins accordingly;

(ii) in paragraph (3), as so redesignated by clause (i), by redesignating subclauses (I) through (XII) as subparagraphs (A) through (L), respectively, and adjusting the margins accordingly; and

(iii) by striking "(1) TELEHEALTH NETWORK GRANTS—" and all that follows through "(B) TELEHEALTH NETWORKS—"; and

(C) in paragraph (3)(I), as so redesignated, by inserting "and substance use disorder" after "mental health" each place such term appears;

(4) in subsection (g)(2), by striking "or improve" and inserting "and improve";

(5) by striking subsection (h);

(6) by redesignating subsections (i) through (p) as subsection (h) through (o), respectively;

(7) in subsection (h), as so redesignated—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "mental health, public health, long-term care, home care, preventive" and inserting

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1 "mental health care, public health services,
2 long-term care, home care, preventive
3 care";
4 (ii) in subparagraph (E), by inserting
5 "and regional" after "local"; and
6 (iii) by striking subparagraph (F);
7 and
8 (B) in paragraph (2)(A), by striking
9 "medically underserved areas or" and inserting
10 "rural areas, medically underserved areas, or";
11 (8) in paragraph (2) of subsection (i), as so re-
12 designated, by striking "ensure that—" and all that
13 follows through the end of subparagraph (B) and in-
14 serting "ensure that not less than 50 percent of the
15 funds awarded shall be awarded for projects in rural
16 areas.";
17 (9) in subsection (j), as so redesignated—
18 (A) in paragraph (1)(B), by striking "com-
19 puter hardware and software, audio and video
20 equipment, computer network equipment, inter-
21 active equipment, data terminal equipment, and
22 other"; and
23 (B) in paragraph (2)(F), by striking
24 "health care providers and";
25 (10) in subsection (k), as so redesignated—

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1 (A) in paragraph (2), by striking "40 per-
2 cent" and inserting "20 percent"; and
3 (B) in paragraph (3), by striking "(such as
4 laying cable or telephone lines, or purchasing or
5 installing microwave towers, satellite dishes,
6 amplifiers, or digital switching equipment)";
7 (11) by striking subsections (q) and (r) and in-
8 serting the following:
9 "(p) REPORT.—Not later than 4 years after the date
10 of enactment of the Coronavirus Aid, Relief, and Eco-
11 nomic Security Act, and every 5 years thereafter, the Sec-
12 retary shall prepare and submit to the Committee on
13 Health, Education, Labor, and Pensions of the Senate and
14 the Committee on Energy and Commerce of the House
15 of Representatives a report on the activities and outcomes
16 of the grant programs under subsection (b).";
17 (12) by redesignating subsection (s) as sub-
18 section (q); and
19 (13) in subsection (q), as so redesignated, by
20 striking "this section—" and all that follows
21 through the end of paragraph (2) and inserting
22 "this section $29,000,000 for each of fiscal years
23 2021 through 2025.".

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1 **SEC. 3213. RURAL HEALTH CARE SERVICES OUTREACH,**
2 **RURAL HEALTH NETWORK DEVELOPMENT,**
3 **AND SMALL HEALTH CARE PROVIDER QUAL-**
4 **ITY IMPROVEMENT GRANT PROGRAMS.**

5 Section 330A of the Public Health Service Act (42
6 U.S.C. 254c) is amended—
7 (1) in subsection (d)(2)—
8 (A) in subparagraph (A), by striking ''es-
9 sential'' and inserting ''basic''; and
10 (B) in subparagraph (B)—
11 (i) in the matter preceding clause (i),
12 by inserting ''to'' after ''grants''; and
13 (ii) in clauses (i), (ii), and (iii), by
14 striking ''to'' each place such term ap-
15 pears;
16 (2) in subsection (e)—
17 (A) in paragraph (1)—
18 (i) by inserting ''improving and'' after
19 ''outreach by'';
20 (ii) by inserting '', through community
21 engagement and evidence-based or innova-
22 tive, evidence-informed models'' before the
23 period of the first sentence; and
24 (iii) by striking ''3 years'' and insert-
25 ing ''5 years'';
26 (B) in paragraph (2)—

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(i) in the matter preceding subparagraph (A), by inserting "shall" after "entity";

(ii) in subparagraph (A), by striking "shall be a rural public or rural nonprofit private entity" and inserting "be an entity with demonstrated experience serving, or the capacity to serve, rural underserved populations";

(iii) in subparagraphs (B) and (C), by striking "shall" each place such term appears; and

(iv) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting "that" after "members"; and

(II) in clauses (i) and (ii), by striking "that" each place such term appears; and

(C) in paragraph (3)(C), by striking "the local community or region" and inserting "the rural underserved populations in the local community or region";

(3) in subsection (f)—

(A) in paragraph (1)—

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1 (i) in subparagraph (A)—
2 (I) in the matter preceding clause
3 (i), by striking "promote, through
4 planning and implementation, the de-
5 velopment of integrated health care
6 networks that have combined the
7 functions of the entities participating
8 in the networks" and inserting "plan,
9 develop, and implement integrated
10 health care networks that collabo-
11 rate"; and
12 (II) in clause (ii), by striking
13 "essential health care services" and
14 inserting "basic health care services
15 and associated health outcomes"; and
16 (ii) by amending subparagraph (B) to
17 read as follows:
18 "(B) GRANT PERIODS.—The Director may
19 award grants under this subsection for periods
20 of not more than 5 years.";
21 (B) in paragraph (2)—
22 (i) in the matter preceding subpara-
23 graph (A), by inserting "shall" after "enti-
24 ty";

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1 (ii) in subparagraph (A), by striking
2 "shall be a rural public or rural nonprofit
3 private entity" and inserting "be an entity
4 with demonstrated experience serving, or
5 the capacity to serve, rural underserved
6 populations";
7 (iii) in subparagraph (B)—
8 (I) in the matter preceding clause
9 (i)—
10 (aa) by striking "shall"; and
11 (bb) by inserting "that"
12 after "participants"; and
13 (II) in clauses (i) and (ii), by
14 striking "that" each place such term
15 appears; and
16 (iv) in subparagraph (C), by striking
17 "shall"; and
18 (C) in paragraph (3)—
19 (i) by amending clause (iii) of sub-
20 paragraph (C) to read as follows:
21 "(iii) how the rural underserved popu-
22 lations in the local community or region to
23 be served will benefit from and be involved
24 in the development and ongoing operations
25 of the network;"; and

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1 (ii) in subparagraph (D), by striking
2 "the local community or region" and in-
3 serting "the rural underserved populations
4 in the local community or region";
5 (4) in subsection (g)—
6 (A) in paragraph (1)—
7 (i) by inserting ", including activities
8 related to increasing care coordination, en-
9 hancing chronic disease management, and
10 improving patient health outcomes" before
11 the period of the first sentence; and
12 (ii) by striking "3 years" and insert-
13 ing "5 years";
14 (B) in paragraph (2)—
15 (i) in the matter preceding subpara-
16 graph (A), by inserting "shall" after "enti-
17 ty";
18 (ii) in subparagraphs (A) and (B), by
19 striking "shall" each place such term ap-
20 pears; and
21 (iii) in subparagraph (A)(ii), by in-
22 serting "or regional" after "local"; and
23 (C) in paragraph (3)(D), by striking "the
24 local community or region" and inserting "the

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1 rural underserved populations in the local com-
2 munity or region";
3 (5) in subsection (h)(3), in the matter pre-
4 ceding subparagraph (A), by inserting ", as appro-
5 priate," after "the Secretary";
6 (6) by amending subsection (i) to read as fol-
7 lows:
8 "(i) REPORT.—Not later than 4 years after the date
9 of enactment of the Coronavirus Aid, Relief, and Eco-
10 nomic Security Act, and every 5 years thereafter, the Sec-
11 retary shall prepare and submit to the Committee on
12 Health, Education, Labor, and Pensions of the Senate and
13 the Committee on Energy and Commerce of the House
14 of Representatives a report on the activities and outcomes
15 of the grant programs under subsections (e), (f), and (g),
16 including the impact of projects funded under such pro-
17 grams on the health status of rural residents with chronic
18 conditions."; and
19 (7) in subsection (j), by striking "$45,000,000
20 for each of fiscal years 2008 through 2012" and in-
21 serting "$79,500,000 for each of fiscal years 2021
22 through 2025".

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1 **SEC. 3214. UNITED STATES PUBLIC HEALTH SERVICE MOD-**
2 **ERNIZATION.**

3 (a) COMMISSIONED CORPS AND READY RESERVE
4 CORPS.—Section 203 of the Public Health Service Act (42
5 U.S.C. 204) is amended—

6 (1) in subsection (a)(1), by striking "a Ready
7 Reserve Corps for service in time of national emer-
8 gency" and inserting ", for service in time of a pub-
9 lic health or national emergency, a Ready Reserve
10 Corps"; and

11 (2) in subsection (c)—

12 (A) in the heading, by striking "RE-
13 SEARCH" and inserting "RESERVE CORPS";

14 (B) in paragraph (1), by inserting "during
15 public health or national emergencies" before
16 the period;

17 (C) in paragraph (2)—

18 (i) in the matter preceding subpara-
19 graph (A), by inserting ", consistent with
20 paragraph (1)" after "shall";

21 (ii) in subparagraph (C), by inserting
22 "during such emergencies" after "mem-
23 bers"; and

24 (iii) in subparagraph (D), by inserting
25 ", consistent with subparagraph (C)" be-
26 fore the period; and

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1 (D) by adding at the end the following:
2 "(3) STATUTORY REFERENCES TO RESERVE.—
3 A reference in any Federal statute, except in the
4 case of subsection (b), to the 'Reserve Corps' of the
5 Public Health Service or to the 'reserve' of the Pub-
6 lic Health Service shall be deemed to be a reference
7 to the Ready Reserve Corps.".
8 (b) DEPLOYMENT READINESS.—Section
9 203A(a)(1)(B) of the Public Health Service Act (42
10 U.S.C. 204a(a)(1)(B)) is amended by striking "Active Re-
11 serves" and inserting "Ready Reserve Corps".
12 (c) RETIREMENT OF COMMISSIONED OFFICERS.—
13 Section 211 of the Public Health Service Act (42 U.S.C.
14 212) is amended—
15 (1) by striking "the Service" each place it ap-
16 pears and inserting "the Regular Corps";
17 (2) in subsection (a)(4), by striking "(in the
18 case of an officer in the Reserve Corps)";
19 (3) in subsection (c)—
20 (A) in paragraph (1)—
21 (i) by striking "or an officer of the
22 Reserve Corps"; and
23 (ii) by inserting "or under section
24 221(a)(19)" after "subsection (a)"; and

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1 (B) in paragraph (2), by striking "Regular
2 or Reserve Corps" and inserting "Regular
3 Corps or Ready Reserve Corps"; and
4 (4) in subsection (f), by striking "the Regular
5 or Reserve Corps of".
6 (d) RIGHTS, PRIVILEGES, ETC. OF OFFICERS AND
7 SURVIVING BENEFICIARIES.—Section 221 of the Public
8 Health Service Act (42 U.S.C. 213a) is amended—
9 (1) in subsection (a), by adding at the end the
10 following:
11 "(19) Chapter 1223, Retired Pay for Non-Reg-
12 ular Service.
13 "(20) Section 12601, Compensation: Reserve on
14 active duty accepting from any person.
15 "(21) Section 12684, Reserves: separation for
16 absence without authority or sentence to imprison-
17 ment."; and
18 (2) in subsection (b)—
19 (A) by striking "Secretary of Health, Edu-
20 cation, and Welfare or his designee" and insert-
21 ing "Secretary of Health and Human Services
22 or the designee of such secretary";
23 (B) by striking "(b) The authority vested"
24 and inserting the following:
25 "(b)(1) The authority vested";

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1 (C) by striking "For purposes of" and in-
2 serting the following:
3 "(2) For purposes of"; and
4 (D) by adding at the end the following:
5 "(3) For purposes of paragraph (19) of subsection
6 (a), the terms 'Military department', 'Secretary con-
7 cerned', and 'Armed forces' in such title 10 shall be
8 deemed to include, respectively, the Department of Health
9 and Human Services, the Secretary of Health and Human
10 Services, and the Commissioned Corps.".
11 (e) TECHNICAL AMENDMENTS.—Title II of the Pub-
12 lic Health Service Act (42 U.S.C. 202 et seq.) is amend-
13 ed—
14 (1) in sections 204 and 207(c), by striking
15 "Regular or Reserve Corps" each place it appears
16 and inserting "Regular Corps or Ready Reserve
17 Corps";
18 (2) in section 208(a), by striking "Regular and
19 Reserve Corps" each place it appears and inserting
20 "Regular Corps and Ready Reserve Corps"; and
21 (3) in section 205(c), 206(c), 210, and 219,
22 and in subsections (a), (b), and (d) of section 207,
23 by striking "Reserve Corps" each place it appears
24 and inserting "Ready Reserve Corps".

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1 **SEC. 3215. LIMITATION ON LIABILITY FOR VOLUNTEER**
2 **HEALTH CARE PROFESSIONALS DURING**
3 **COVID-19 EMERGENCY RESPONSE.**

4 (a) LIMITATION ON LIABILITY.—Except as provided
5 in subsection (b), a health care professional shall not be
6 liable under Federal or State law for any harm caused
7 by an act or omission of the professional in the provision
8 of health care services during the public health emergency
9 with respect to COVID-19 declared by the Secretary of
10 Health and Human Services (referred to in this section
11 as the "Secretary") under section 319 of the Public
12 Health Service Act (42 U.S.C. 247d) on January 31,
13 2020, if—

14 (1) the professional is providing health care
15 services in response to such public health emergency,
16 as a volunteer; and

17 (2) the act or omission occurs—

18 (A) in the course of providing health care
19 services;

20 (B) in the health care professional's capac-
21 ity as a volunteer;

22 (C) in the course of providing health care
23 services that—

24 (i) are within the scope of the license,
25 registration, or certification of the volun-

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1 teer, as defined by the State of licensure,
2 registration, or certification; and
3 (ii) do not exceed the scope of license,
4 registration, or certification of a substan-
5 tially similar health professional in the
6 State in which such act or omission occurs;
7 and
8 (D) in a good faith belief that the indi-
9 vidual being treated is in need of health care
10 services.
11 (b) EXCEPTIONS.—Subsection (a) does not apply if—
12 (1) the harm was caused by an act or omission
13 constituting willful or criminal misconduct, gross
14 negligence, reckless misconduct, or a conscious fla-
15 grant indifference to the rights or safety of the indi-
16 vidual harmed by the health care professional; or
17 (2) the health care professional rendered the
18 health care services under the influence (as deter-
19 mined pursuant to applicable State law) of alcohol
20 or an intoxicating drug.
21 (c) PREEMPTION.—
22 (1) IN GENERAL.—This section preempts the
23 laws of a State or any political subdivision of a State
24 to the extent that such laws are inconsistent with

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1 this section, unless such laws provide greater protec-
2 tion from liability.
3 (2) VOLUNTEER PROTECTION ACT.—Protec-
4 tions afforded by this section are in addition to those
5 provided by the Volunteer Protection Act of 1997
6 (Public Law 105–19).
7 (d) DEFINITIONS.—In this section—
8 (1) the term ''harm'' includes physical, non-
9 physical, economic, and noneconomic losses;
10 (2) the term ''health care professional'' means
11 an individual who is licensed, registered, or certified
12 under Federal or State law to provide health care
13 services;
14 (3) the term ''health care services'' means any
15 services provided by a health care professional, or by
16 any individual working under the supervision of a
17 health care professional that relate to—
18 (A) the diagnosis, prevention, or treatment
19 of COVID-19; or
20 (B) the assessment or care of the health of
21 a human being related to an actual or sus-
22 pected case of COVID-19; and
23 (4) the term ''volunteer'' means a health care
24 professional who, with respect to the health care
25 services rendered, does not receive compensation or

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1 any other thing of value in lieu of compensation,
2 which compensation—
3 (A) includes a payment under any insur-
4 ance policy or health plan, or under any Fed-
5 eral or State health benefits program; and
6 (B) excludes—
7 (i) receipt of items to be used exclu-
8 sively for rendering health care services in
9 the health care professional's capacity as a
10 volunteer described in subsection (a)(1);
11 and
12 (ii) any reimbursement for travel to
13 the site where the volunteer services are
14 rendered and any payments in cash or kind
15 to cover room and board, if services are
16 being rendered more than 75 miles from
17 the volunteer's principal place of residence.
18 (e) EFFECTIVE DATE.—This section shall take effect
19 upon the date of enactment of this Act, and applies to
20 a claim for harm only if the act or omission that caused
21 such harm occurred on or after the date of enactment.
22 (f) SUNSET.—This section shall be in effect only for
23 the length of the public health emergency declared by the
24 Secretary of Health and Human Services (referred to in
25 this section as the "Secretary") under section 319 of the

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1 Public Health Service Act (42 U.S.C. 247d) on January
2 31, 2020 with respect to COVID-19.

3 **SEC. 3216. FLEXIBILITY FOR MEMBERS OF NATIONAL**
4 **HEALTH SERVICE CORPS DURING EMER-**
5 **GENCY PERIOD.**

6 During the public health emergency declared by the
7 Secretary of Health and Human Services under section
8 319 of the Public Health Service Act (42 U.S.C. 247d)
9 on January 31, 2020, with respect to COVID-19, the Sec-
10 retary may, notwithstanding section 333 of the Public
11 Health Service Act (42 U.S.C. 254f), assign members of
12 the National Health Service Corps, with the voluntary
13 agreement of such corps members, to provide such health
14 services at such places, and for such number of hours, as
15 the Secretary determines necessary to respond to such
16 emergency, provided that such places are within a reason-
17 able distance of the site to which such members were origi-
18 nally assigned, and the total number of hours required are
19 the same as were required of such members prior to the
20 date of enactment of this Act.

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1 **Subpart C—Miscellaneous Provisions**

2 **SEC. 3221. CONFIDENTIALITY AND DISCLOSURE OF**
3 **RECORDS RELATING TO SUBSTANCE USE DIS-**
4 **ORDER.**

5 (a) CONFORMING CHANGES RELATING TO SUB-
6 STANCE USE DISORDER.—Subsections (a) and (h) of sec-
7 tion 543 of the Public Health Service Act (42 U.S.C.
8 290dd–2) are each amended by striking "substance
9 abuse" and inserting "substance use disorder".

10 (b) DISCLOSURES TO COVERED ENTITIES CON-
11 SISTENT WITH HIPAA.—Paragraph (1) of section 543(b)
12 of the Public Health Service Act (42 U.S.C. 290dd–2(b))
13 is amended to read as follows:

14 "(1) CONSENT.—The following shall apply with
15 respect to the contents of any record referred to in
16 subsection (a):

17 "(A) Such contents may be used or dis-
18 closed in accordance with the prior written con-
19 sent of the patient with respect to whom such
20 record is maintained.

21 "(B) Once prior written consent of the pa-
22 tient has been obtained, such contents may be
23 used or disclosed by a covered entity, business
24 associate, or a program subject to this section
25 for purposes of treatment, payment, and health
26 care operations as permitted by the HIPAA

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1 regulations. Any information so disclosed may
2 then be redisclosed in accordance with the
3 HIPAA regulations. Section 13405(c) of the
4 Health Information Technology and Clinical
5 Health Act (42 U.S.C. 17935(c)) shall apply to
6 all disclosures pursuant to subsection (b)(1) of
7 this section.
8 "(C) It shall be permissible for a patient's
9 prior written consent to be given once for all
10 such future uses or disclosures for purposes of
11 treatment, payment, and health care operations,
12 until such time as the patient revokes such con-
13 sent in writing.
14 "(D) Section 13405(a) of the Health In-
15 formation Technology and Clinical Health Act
16 (42 U.S.C. 17935(a)) shall apply to all disclo-
17 sures pursuant to subsection (b)(1) of this sec-
18 tion.".
19 (c) DISCLOSURES OF DE-IDENTIFIED HEALTH IN-
20 FORMATION TO PUBLIC HEALTH AUTHORITIES.—Para-
21 graph (2) of section 543(b) of the Public Health Service
22 Act (42 U.S.C. 290dd–2(b)), is amended by adding at the
23 end the following:
24 "(D) To a public health authority, so long
25 as such content meets the standards established

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1 in section 164.514(b) of title 45, Code of Fed-
2 eral Regulations (or successor regulations) for
3 creating de-identified information.''.
4 (d) DEFINITIONS.—Section 543 of the Public Health
5 Service Act (42 U.S.C. 290dd–2) is amended by adding
6 at the end the following:
7 ''(k) DEFINITIONS.—For purposes of this section:
8 ''(1) BREACH.—The term 'breach' has the
9 meaning given such term for purposes of the HIPAA
10 regulations.
11 ''(2) BUSINESS ASSOCIATE.—The term 'busi-
12 ness associate' has the meaning given such term for
13 purposes of the HIPAA regulations.
14 ''(3) COVERED ENTITY.—The term 'covered en-
15 tity' has the meaning given such term for purposes
16 of the HIPAA regulations.
17 ''(4) HEALTH CARE OPERATIONS.—The term
18 'health care operations' has the meaning given such
19 term for purposes of the HIPAA regulations.
20 ''(5) HIPAA REGULATIONS.—The term
21 'HIPAA regulations' has the meaning given such
22 term for purposes of parts 160 and 164 of title 45,
23 Code of Federal Regulations.

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1 "(6) PAYMENT.—The term 'payment' has the
2 meaning given such term for purposes of the HIPAA
3 regulations.
4 "(7) PUBLIC HEALTH AUTHORITY.—The term
5 'public health authority' has the meaning given such
6 term for purposes of the HIPAA regulations.
7 "(8) TREATMENT.—The term 'treatment' has
8 the meaning given such term for purposes of the
9 HIPAA regulations.
10 "(9) UNSECURED PROTECTED HEALTH INFOR-
11 MATION.—The term 'unprotected health information'
12 has the meaning given such term for purposes of the
13 HIPAA regulations.".
14 (e) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD-
15 MINISTRATIVE INVESTIGATIONS, ACTIONS, OR PRO-
16 CEEDINGS.—Subsection (c) of section 543 of the Public
17 Health Service Act (42 U.S.C. 290dd–2(c)) is amended
18 to read as follows:
19 "(c) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD-
20 MINISTRATIVE CONTEXTS.—Except as otherwise author-
21 ized by a court order under subsection (b)(2)(C) or by the
22 consent of the patient, a record referred to in subsection
23 (a), or testimony relaying the information contained there-
24 in, may not be disclosed or used in any civil, criminal, ad-
25 ministrative, or legislative proceedings conducted by any

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1 Federal, State, or local authority, against a patient, in-
2 cluding with respect to the following activities:
3 "(1) Such record or testimony shall not be en-
4 tered into evidence in any criminal prosecution or
5 civil action before a Federal or State court.
6 "(2) Such record or testimony shall not form
7 part of the record for decision or otherwise be taken
8 into account in any proceeding before a Federal,
9 State, or local agency.
10 "(3) Such record or testimony shall not be used
11 by any Federal, State, or local agency for a law en-
12 forcement purpose or to conduct any law enforce-
13 ment investigation.
14 "(4) Such record or testimony shall not be used
15 in any application for a warrant.".
16 (f) PENALTIES.—Subsection (f) of section 543 of the
17 Public Health Service Act (42 U.S.C. 290dd–2) is amend-
18 ed to read as follows:
19 "(f) PENALTIES.—The provisions of sections 1176
20 and 1177 of the Social Security Act shall apply to a viola-
21 tion of this section to the extent and in the same manner
22 as such provisions apply to a violation of part C of title
23 XI of such Act. In applying the previous sentence—
24 "(1) the reference to 'this subsection' in sub-
25 section (a)(2) of such section 1176 shall be treated

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as a reference to 'this subsection (including as applied pursuant to section 543(f) of the Public Health Service Act)'; and

"(2) in subsection (b) of such section 1176—

"(A) each reference to 'a penalty imposed under subsection (a)' shall be treated as a reference to 'a penalty imposed under subsection (a) (including as applied pursuant to section 543(f) of the Public Health Service Act)'; and

"(B) each reference to 'no damages obtained under subsection (d)' shall be treated as a reference to 'no damages obtained under subsection (d) (including as applied pursuant to section 543(f) of the Public Health Service Act)'.".

(g) ANTIDISCRIMINATION.—Section 543 of the Public Health Service Act (42 U.S.C. 290dd–2) is amended by inserting after subsection (h) the following:

"(i) ANTIDISCRIMINATION.—

"(1) IN GENERAL.—No entity shall discriminate against an individual on the basis of information received by such entity pursuant to an inadvertent or intentional disclosure of records, or information contained in records, described in subsection (a) in—

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1 "(A) admission, access to, or treatment for
2 health care;
3 "(B) hiring, firing, or terms of employ-
4 ment, or receipt of worker's compensation;
5 "(C) the sale, rental, or continued rental of
6 housing;
7 "(D) access to Federal, State, or local
8 courts; or
9 "(E) access to, approval of, or mainte-
10 nance of social services and benefits provided or
11 funded by Federal, State, or local governments.
12 "(2) RECIPIENTS OF FEDERAL FUNDS.—No re-
13 cipient of Federal funds shall discriminate against
14 an individual on the basis of information received by
15 such recipient pursuant to an intentional or inad-
16 vertent disclosure of such records or information
17 contained in records described in subsection (a) in
18 affording access to the services provided with such
19 funds.".
20 (h) NOTIFICATION IN CASE OF BREACH.—Section
21 543 of the Public Health Service Act (42 U.S.C. 290dd–
22 2), as amended by subsection (g), is further amended by
23 inserting after subsection (i) the following:
24 "(j) NOTIFICATION IN CASE OF BREACH.—The pro-
25 visions of section 13402 of the HITECH Act (42 U.S.C.

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1 17932) shall apply to a program or activity described in
2 subsection (a), in case of a breach of records described
3 in subsection (a), to the same extent and in the same man-
4 ner as such provisions apply to a covered entity in the
5 case of a breach of unsecured protected health informa-
6 tion.".

7 (i) REGULATIONS.—

8 (1) IN GENERAL.—The Secretary of Health and
9 Human Services, in consultation with appropriate
10 Federal agencies, shall make such revisions to regu-
11 lations as may be necessary for implementing and
12 enforcing the amendments made by this section,
13 such that such amendments shall apply with respect
14 to uses and disclosures of information occurring on
15 or after the date that is 12 months after the date
16 of enactment of this Act.

17 (2) EASILY UNDERSTANDABLE NOTICE OF PRI-
18 VACY PRACTICES.—Not later than 1 year after the
19 date of enactment of this Act, the Secretary of
20 Health and Human Services, in consultation with
21 appropriate legal, clinical, privacy, and civil rights
22 experts, shall update section 164.520 of title 45,
23 Code of Federal Regulations, so that covered entities
24 and entities creating or maintaining the records de-
25 scribed in subsection (a) provide notice, written in

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1 plain language, of privacy practices regarding pa-
2 tient records referred to in section 543(a) of the
3 Public Health Service Act (42 U.S.C. 290dd–2(a)),
4 including—
5 (A) a statement of the patient's rights, in-
6 cluding self-pay patients, with respect to pro-
7 tected health information and a brief descrip-
8 tion of how the individual may exercise these
9 rights (as required by subsection (b)(1)(iv) of
10 such section 164.520); and
11 (B) a description of each purpose for
12 which the covered entity is permitted or re-
13 quired to use or disclose protected health infor-
14 mation without the patient's written authoriza-
15 tion (as required by subsection (b)(2) of such
16 section 164.520).
17 (j) RULES OF CONSTRUCTION.—Nothing in this Act
18 or the amendments made by this Act shall be construed
19 to limit—
20 (1) a patient's right, as described in section
21 164.522 of title 45, Code of Federal Regulations, or
22 any successor regulation, to request a restriction on
23 the use or disclosure of a record referred to in sec-
24 tion 543(a) of the Public Health Service Act (42

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1 U.S.C. 290dd–2(a)) for purposes of treatment, pay-
2 ment, or health care operations; or
3 (2) a covered entity's choice, as described in
4 section 164.506 of title 45, Code of Federal Regula-
5 tions, or any successor regulation, to obtain the con-
6 sent of the individual to use or disclose a record re-
7 ferred to in such section 543(a) to carry out treat-
8 ment, payment, or health care operation.
9 (k) SENSE OF CONGRESS.—It is the sense of the
10 Congress that—
11 (1) any person treating a patient through a
12 program or activity with respect to which the con-
13 fidentiality requirements of section 543 of the Public
14 Health Service Act (42 U.S.C. 290dd–2) apply is en-
15 couraged to access the applicable State-based pre-
16 scription drug monitoring program when clinically
17 appropriate;
18 (2) patients have the right to request a restric-
19 tion on the use or disclosure of a record referred to
20 in section 543(a) of the Public Health Service Act
21 (42 U.S.C. 290dd–2(a)) for treatment, payment, or
22 health care operations;
23 (3) covered entities should make every reason-
24 able effort to the extent feasible to comply with a

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1 patient's request for a restriction regarding such use
2 or disclosure;
3 (4) for purposes of applying section 164.501 of
4 title 45, Code of Federal Regulations, the definition
5 of health care operations shall have the meaning
6 given such term in such section, except that clause
7 (v) of paragraph (6) shall not apply; and
8 (5) programs creating records referred to in
9 section 543(a) of the Public Health Service Act (42
10 U.S.C. 290dd–2(a)) should receive positive incen-
11 tives for discussing with their patients the benefits
12 to consenting to share such records.

13 **SEC. 3222. NUTRITION SERVICES.**

14 (a) DEFINITIONS.—In this section, the terms "As-
15 sistant Secretary", "Secretary", "State agency", and
16 "area agency on aging" have the meanings given the
17 terms in section 102 of the Older Americans Act of 1965
18 (42 U.S.C. 3002).
19 (b) NUTRITION SERVICES TRANSFER CRITERIA.—
20 During any portion of the COVID–19 public health emer-
21 gency declared under section 319 of the Public Health
22 Service Act (42 U.S.C. 247d), the Secretary shall allow
23 a State agency or an area agency on aging, without prior
24 approval, to transfer not more than 100 percent of the
25 funds received by the State agency or area agency on

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1 aging, respectively, and attributable to funds appropriated
2 under paragraph (1) or (2) of section 303(b) of the Older
3 Americans Act of 1965 (42 U.S.C. 3023(b)), between sub-
4 part 1 and subpart 2 of part C (42 U.S.C. 3030d–2 et
5 seq.) for such use as the State agency or area agency on
6 aging, respectively, considers appropriate to meet the
7 needs of the State or area served.

8 (c) HOME-DELIVERED NUTRITION SERVICES WAIV-
9 ER.—For purposes of State agencies' determining the de-
10 livery of nutrition services under section 337 of the Older
11 Americans Act of 1965 (42 U.S.C. 3030g), during the pe-
12 riod of the COVID–19 public health emergency declared
13 under section 319 of the Public Health Service Act (42
14 U.S.C. 247d), the same meaning shall be given to an indi-
15 vidual who is unable to obtain nutrition because the indi-
16 vidual is practicing social distancing due to the emergency
17 as is given to an individual who is homebound by reason
18 of illness.

19 (d) DIETARY GUIDELINES WAIVER.—To facilitate
20 implementation of subparts 1 and 2 of part C of title III
21 of the Older Americans Act of 1965 (42 U.S.C. 3030d–
22 2 et seq.) during any portion of the COVID–19 public
23 health emergency declared under section 319 of the Public
24 Health Service Act (42 U.S.C. 247d), the Assistant Sec-
25 retary may waive the requirements for meals provided

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1 under those subparts to comply with the requirements of
2 clauses (i) and (ii) of section 339(2)(A) of such Act (42
3 U.S.C. 3030g–21(2)(A)).

4 **SEC. 3223. CONTINUITY OF SERVICE AND OPPORTUNITIES**
5 **FOR PARTICIPANTS IN COMMUNITY SERVICE**
6 **ACTIVITIES UNDER TITLE V OF THE OLDER**
7 **AMERICANS ACT OF 1965.**

8 To ensure continuity of service and opportunities for
9 participants in community service activities under title V
10 of the Older Americans Act of 1965 (42 U.S.C. 3056 et
11 seq.), the Secretary of Labor—

12 (1)(A) may allow individuals participating in
13 projects under such title as of March 1, 2020, to ex-
14 tend their participation for a period that exceeds the
15 period described in section 518(a)(3)(B)(i) of such
16 Act (42 U.S.C. 3056p(a)(3)(B)(i)) if the Secretary
17 determines such extension is appropriate due to the
18 effects of the COVID–19 public health emergency
19 declared under section 319 of the Public Health
20 Service Act (42 U.S.C. 247d); and

21 (B) may increase the average participation cap
22 for eligible individuals applicable to grantees as de-
23 scribed in section 502(b)(1)(C) of the Older Ameri-
24 cans Act of 1965 (42 U.S.C. 3056(b)(1)(C)) to a
25 cap the Secretary determines is appropriate due to

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1 the effects of the COVID–19 public health emer-
2 gency declared under section 319 of the Public
3 Health Service Act (42 U.S.C. 247d); and
4 (2) may increase the amount available to pay
5 the authorized administrative costs for a project, de-
6 scribed in section 502(c)(3) of the Older Americans
7 Act of 1965 (42 U.S.C. 3056(c)(3)) to an amount
8 not to exceed 20 percent of the grant amount if the
9 Secretary determines that such increase is necessary
10 to adequately respond to the additional administra-
11 tive needs to respond to the COVID–19 public
12 health emergency declared under section 319 of the
13 Public Health Service Act (42 U.S.C. 247d).

14 **SEC. 3224. GUIDANCE ON PROTECTED HEALTH INFORMA-**
15 **TION.**

16 Not later than 180 days after the date of enactment
17 of this Act, the Secretary of Health and Human Services
18 shall issue guidance on the sharing of patients' protected
19 health information pursuant to section 160.103 of title 45,
20 Code of Federal Regulations (or any successor regula-
21 tions) during the public health emergency declared by the
22 Secretary of Health and Human Services under section
23 319 of the Public Health Service Act (42 U.S.C. 247d)
24 with respect to COVID-19, during the emergency involv-
25 ing Federal primary responsibility determined to exist by

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1 the President under section 501(b) of the Robert T. Staf-
2 ford Disaster Relief and Emergency Assistance Act (42
3 U.S.C. 5191(b)) with respect to COVID-19, and during
4 the national emergency declared by the President under
5 the National Emergencies Act (50 U.S.C. 1601 et seq.)
6 with respect to COVID-19. Such guidance shall include
7 information on compliance with the regulations promul-
8 gated pursuant to section 264(c) of the Health Insurance
9 Portability and Accountability Act of 1996 (42 U.S.C.
10 1320d–2 note) and applicable policies, including such poli-
11 cies that may come into effect during such emergencies.

12 **SEC. 3225. REAUTHORIZATION OF HEALTHY START PRO-**
13 **GRAM.**

14 Section 330H of the Public Health Service Act (42
15 U.S.C. 254c–8) is amended—
16 (1) in subsection (a)—
17 (A) in paragraph (1), by striking ", during
18 fiscal year 2001 and subsequent years,"; and
19 (B) in paragraph (2), by inserting "or in-
20 creasing above the national average" after
21 "areas with high";
22 (2) in subsection (b)—
23 (A) in paragraph (1), by striking "con-
24 sumers of project services, public health depart-
25 ments, hospitals, health centers under section

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1 330" and inserting "participants and former
2 participants of project services, public health
3 departments, hospitals, health centers under
4 section 330, State substance abuse agencies";
5 and
6 (B) in paragraph (2)—
7 (i) in subparagraph (A), by striking
8 "such as low birthweight" and inserting
9 "including poor birth outcomes (such as
10 low birthweight and preterm birth) and so-
11 cial determinants of health";
12 (ii) by redesignating subparagraph
13 (B) as subparagraph (C);
14 (iii) by inserting after subparagraph
15 (A), the following:
16 "(B) Communities with—
17 "(i) high rates of infant mortality or
18 poor perinatal outcomes; or
19 "(ii) high rates of infant mortality or
20 poor perinatal outcomes in specific sub-
21 populations within the community."; and
22 (iv) in subparagraph (C) (as so redes-
23 ignated)—

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1 (I) by redesignating clauses (i)
2 and (ii) as clauses (ii) and (iii), re-
3 spectively;
4 (II) by inserting before clause (ii)
5 (as so redesignated) the following:
6 "(i) collaboration with the local com-
7 munity in the development of the project;";
8 (III) in clause (ii) (as so redesig-
9 nated), by striking "and" at the end;
10 (IV) in clause (iii) (as so redesig-
11 nated), by striking the period and in-
12 serting "; and"; and
13 (V) by adding at the end the fol-
14 lowing:
15 "(iv) the use and collection of data
16 demonstrating the effectiveness of such
17 program in decreasing infant mortality
18 rates and improving perinatal outcomes, as
19 applicable, or the process by which new ap-
20 plicants plan to collect this data.";
21 (3) in subsection (c)—
22 (A) by striking "Recipients of grants" and
23 inserting the following:
24 "(1) IN GENERAL.—Recipients of grants"; and
25 (B) by adding at the end the following:

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1 "(2) OTHER PROGRAMS.—The Secretary shall
2 ensure coordination of the program carried out pur-
3 suant to this section with other programs and activi-
4 ties related to the reduction of the rate of infant
5 mortality and improved perinatal and infant health
6 outcomes supported by the Department.";
7 (4) in subsection (e)—
8 (A) in paragraph (1), by striking "appro-
9 priated—" and all that follows through the end
10 and inserting "appropriated $125,500,000 for
11 each of fiscal years 2021 through 2025."; and
12 (B) in paragraph (2)(B), by adding at the
13 end the following: "Evaluations may also in-
14 clude, to the extent practicable, information re-
15 lated to—
16 "(i) progress toward achieving any
17 grant metrics or outcomes related to re-
18 ducing infant mortality rates, improving
19 perinatal outcomes, or reducing the dis-
20 parity in health status;
21 "(ii) recommendations on potential
22 improvements that may assist with ad-
23 dressing gaps, as applicable and appro-
24 priate; and

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1 "(iii) the extent to which the grantee
2 coordinated with the community in which
3 the grantee is located in the development
4 of the project and delivery of services, in-
5 cluding with respect to technical assistance
6 and mentorship programs."; and
7 (5) by adding at the end the following:
8 "(f) GAO REPORT.—
9 "(1) IN GENERAL.—Not later than 4 years
10 after the date of the enactment of this subsection,
11 the Comptroller General of the United States shall
12 conduct an independent evaluation, and submit to
13 the appropriate Committees of Congress a report,
14 concerning the Healthy Start program under this
15 section.
16 "(2) EVALUATION.—In conducting the evalua-
17 tion under paragraph (1), the Comptroller General
18 shall consider, as applicable and appropriate, infor-
19 mation from the evaluations under subsection
20 (e)(2)(B).
21 "(3) REPORT.—The report described in para-
22 graph (1) shall review, assess, and provide rec-
23 ommendations, as appropriate, on the following:
24 "(A) The allocation of Healthy Start pro-
25 gram grants by the Health Resources and Serv-

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1 ices Administration, including considerations
2 made by such Administration regarding dispari-
3 ties in infant mortality or perinatal outcomes
4 among urban and rural areas in making such
5 awards.

6 "(B) Trends in the progress made toward
7 meeting the evaluation criteria pursuant to sub-
8 section (e)(2)(B), including programs which de-
9 crease infant mortality rates and improve
10 perinatal outcomes, programs that have not de-
11 creased infant mortality rates or improved
12 perinatal outcomes, and programs that have
13 made an impact on disparities in infant mor-
14 tality or perinatal outcomes.

15 "(C) The ability of grantees to improve
16 health outcomes for project participants, pro-
17 mote the awareness of the Healthy Start pro-
18 gram services, incorporate and promote family
19 participation, facilitate coordination with the
20 community in which the grantee is located, and
21 increase grantee accountability through quality
22 improvement, performance monitoring, evalua-
23 tion, and the effect such metrics may have to-
24 ward decreasing the rate of infant mortality
25 and improving perinatal outcomes.

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"(D) The extent to which such Federal programs are coordinated across agencies and the identification of opportunities for improved coordination in such Federal programs and activities.".

**SEC. 3226. IMPORTANCE OF THE BLOOD SUPPLY.**

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall carry out a national campaign to improve awareness of, and support outreach to the public and health care providers about the importance and safety of blood donation and the need for donations for the blood supply during the public health emergency declared by the Secretary under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID-19.

(b) AWARENESS CAMPAIGN.—In carrying out subsection (a), the Secretary may enter into contracts with one or more public or private nonprofit entities, to establish a national blood donation awareness campaign that may include television, radio, internet, and newspaper public service announcements, and other activities to provide for public and professional awareness and education.

(c) CONSULTATION.—In carrying out subsection (a), the Secretary shall consult with the Commissioner of Food and Drugs, the Assistant Secretary for Health, the Direc-

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1 tor of the Centers for Disease Control and Prevention, the
2 Director of the National Institutes of Health, and the
3 heads of other relevant Federal agencies, and relevant ac-
4 crediting bodies and representative organizations.

5 (d) REPORT TO CONGRESS.—Not later than 2 years
6 after the date of enactment of this Act, the Secretary shall
7 submit to the Committee on Health, Education, Labor,
8 and Pensions of the Senate and the Committee on Energy
9 and Commerce of the House of Representatives, a report
10 that shall include—

11 (1) a description of the activities carried out
12 under subsection (a);

13 (2) a description of trends in blood supply do-
14 nations; and

15 (3) an evaluation of the impact of the public
16 awareness campaign, including any geographic or
17 population variations.

18 **PART III—INNOVATION**

19 **SEC. 3301. REMOVING THE CAP ON OTA DURING PUBLIC**
20 **HEALTH EMERGENCIES.**

21 Section 319L(c)(5)(A) of the Public Health Service
22 Act (42 U.S.C. 247d–7e(c)(5)(A)) is amended—

23 (1) by redesignating clause (iii) as clause (iv);
24 and

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

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1 "(iii) AUTHORITY DURING A PUBLIC
2 HEALTH EMERGENCY.—
3 "(I) IN GENERAL.—Notwith-
4 standing clause (ii), the Secretary,
5 shall, to the maximum extent prac-
6 ticable, use competitive procedures
7 when entering into transactions to
8 carry out projects under this sub-
9 section for purposes of a public health
10 emergency declared by the Secretary
11 under section 319. Any such trans-
12 actions entered into during such pub-
13 lic health emergency shall not be ter-
14 minated solely due to the expiration of
15 such public health emergency, if such
16 public health emergency ends before
17 the completion of the terms of such
18 agreement.
19 "(II) REPORT.—After the expira-
20 tion of the public health emergency
21 declared by the Secretary under sec-
22 tion 319, the Secretary shall provide a
23 report to the Committee on Health,
24 Education, Labor, and Pensions of
25 the Senate and the Committee on En-

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1 ergy and Commerce of the House of
2 Representatives regarding the use of
3 any funds pursuant to the authority
4 under subclause (I), including any
5 outcomes, benefits, and risks associ-
6 ated with the use of such funds, and
7 a description of the reasons for the
8 use of such authority for the project
9 or projects.''.

10 **SEC. 3302. PRIORITY ZOONOTIC ANIMAL DRUGS.**

11 Chapter V of the Federal Food, Drug, and Cosmetic
12 Act (21 U.S.C. 351 et seq.) is amended by inserting after
13 section 512 the following:

14 **''SEC. 512A. PRIORITY ZOONOTIC ANIMAL DRUGS.**

15 ''(a) IN GENERAL.—The Secretary shall, at the re-
16 quest of the sponsor intending to submit an application
17 for approval of a new animal drug under section 512(b)(1)
18 or an application for conditional approval of a new animal
19 drug under section 571, expedite the development and re-
20 view of such new animal drug if preliminary clinical evi-
21 dence indicates that the new animal drug, alone or in com-
22 bination with 1 or more other animal drugs, has the poten-
23 tial to prevent or treat a zoonotic disease in animals, in-
24 cluding a vector borne-disease, that has the potential to

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1 cause serious adverse health consequences for, or serious
2 or life-threatening diseases in, humans.
3 "(b) REQUEST FOR DESIGNATION.—The sponsor of
4 a new animal drug may request the Secretary to designate
5 a new animal drug described in subsection (a) as a priority
6 zoonotic animal drug. A request for the designation may
7 be made concurrently with, or at any time after, the open-
8 ing of an investigational new animal drug file under sec-
9 tion 512(j) or the filing of an application under section
10 512(b)(1) or 571.
11 "(c) DESIGNATION.—
12 "(1) IN GENERAL.—Not later than 60 calendar
13 days after the receipt of a request under subsection
14 (b), the Secretary shall determine whether the new
15 animal drug that is the subject of the request meets
16 the criteria described in subsection (a). If the Sec-
17 retary determines that the new animal drug meets
18 the criteria, the Secretary shall designate the new
19 animal drug as a priority zoonotic animal drug and
20 shall take such actions as are appropriate to expe-
21 dite the development and review of the application
22 for approval or conditional approval of such new ani-
23 mal drug.

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1 "(2) ACTIONS.—The actions to expedite the de-
2 velopment and review of an application under para-
3 graph (1) may include, as appropriate—
4 "(A) taking steps to ensure that the design
5 of clinical trials is as efficient as practicable,
6 when scientifically appropriate, such as by uti-
7 lizing novel trial designs or drug development
8 tools (including biomarkers) that may reduce
9 the number of animals needed for studies;
10 "(B) providing timely advice to, and inter-
11 active communication with, the sponsor (which
12 may include meetings with the sponsor and re-
13 view team) regarding the development of the
14 new animal drug to ensure that the develop-
15 ment program to gather the nonclinical and
16 clinical data necessary for approval is as effi-
17 cient as practicable;
18 "(C) involving senior managers and review
19 staff with experience in zoonotic or vector-borne
20 disease to facilitate collaborative, cross-discipli-
21 nary review, including, as appropriate, across
22 agency centers; and
23 "(D) implementing additional administra-
24 tive or process enhancements, as necessary, to

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1 facilitate an efficient review and development
2 program.".

3 **PART IV—HEALTH CARE WORKFORCE**

4 **SEC. 3401. REAUTHORIZATION OF HEALTH PROFESSIONS**
5 **WORKFORCE PROGRAMS.**

6 Title VII of the Public Health Service Act (42 U.S.C.
7 292 et seq.) is amended—

8 (1) in section 736 (42 U.S.C. 293), by striking
9 subsection (i) and inserting the following:

10 "(i) AUTHORIZATION OF APPROPRIATIONS.—To
11 carry out this section, there is authorized to be appro-
12 priated $23,711,000 for each of fiscal years 2021 through
13 2025.";

14 (2) in section 740 (42 U.S.C. 293d)—

15 (A) in subsection (a), by striking
16 "$51,000,000 for fiscal year 2010, and such
17 sums as may be necessary for each of the fiscal
18 years 2011 through 2014" and inserting
19 "$51,470,000 for each of fiscal years 2021
20 through 2025";

21 (B) in subsection (b), by striking
22 "$5,000,000 for each of the fiscal years 2010
23 through 2014" and inserting "$1,190,000 for
24 each of fiscal years 2021 through 2025";

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1 (C) in subsection (c), by striking
2 "$60,000,000 for fiscal year 2010 and such
3 sums as may be necessary for each of the fiscal
4 years 2011 through 2014" and inserting
5 "$15,000,000 for each of fiscal years 2021
6 through 2025"; and
7 (D) in subsection (d), by striking "Not
8 Later than 6 months after the date of enact-
9 ment of this part, the Secretary shall prepare
10 and submit to the appropriate committees of
11 Congress" and inserting: "Not later than Sep-
12 tember 30, 2025, and every five years there-
13 after, the Secretary shall prepare and submit to
14 the Committee on Health, Education, Labor,
15 and Pensions of the Senate, and the Committee
16 on Energy and Commerce of the House of Rep-
17 resentatives,";
18 (3) in section 747 (42 U.S.C. 293k)—
19 (A) in subsection (a)—
20 (i) in paragraph (1)(G), by striking
21 "to plan, develop, and operate a dem-
22 onstration program that provides training"
23 and inserting: "to plan, develop, and oper-
24 ate a program that identifies or develops
25 innovative models of providing care, and

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1 trains primary care physicians on such
2 models and''; and
3 (ii) by adding at the end the fol-
4 lowing:
5 ''(3) PRIORITIES IN MAKING AWARDS.—In
6 awarding grants or contracts under paragraph (1),
7 the Secretary may give priority to qualified appli-
8 cants that train residents in rural areas, including
9 for Tribes or Tribal Organizations in such areas.'';
10 (B) in subsection (b)(3)(E), by striking
11 ''substance-related disorders'' and inserting
12 ''substance use disorders''; and
13 (C) in subsection (c)(1), by striking
14 ''$125,000,000 for fiscal year 2010, and such
15 sums as may be necessary for each of fiscal
16 years 2011 through 2014'' and inserting
17 ''$48,924,000 for each of fiscal years 2021
18 through 2025'';
19 (4) in section 748 (42 U.S.C. 293k–2)—
20 (A) in subsection (c)(5), by striking ''sub-
21 stance-related disorders'' and inserting ''sub-
22 stance use disorders''; and
23 (B) in subsection (f), by striking
24 ''$30,000,000 for fiscal year 2010 and such
25 sums as may be necessary for each of fiscal

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1 years 2011 through 2015'' and inserting
2 ''$28,531,000 for each of fiscal years 2021
3 through 2025'';
4 (5) in section 749(d)(2) (42 U.S.C. 293l(d)(2)),
5 by striking ''Committee on Labor and Human Re-
6 sources of the Senate, and the Committee on Com-
7 merce of the House of Representatives'' and insert-
8 ing ''Committee on Health, Education, Labor, and
9 Pensions of the Senate, and the Committee on En-
10 ergy and Commerce of the House of Representa-
11 tives'';
12 (6) in section 751(j)(1) (42 U.S.C. 294a(j)(1)),
13 by striking ''$125,000,000 for each of the fiscal
14 years 2010 through 2014'' and inserting
15 ''$41,250,000 for each of fiscal years 2021 through
16 2025'';
17 (7) in section 754(b)(1)(A) (42 U.S.C.
18 294d(b)(1)(A)), by striking ''new and innovative''
19 and inserting ''innovative or evidence-based'';
20 (8) in section 755(b)(1)(A) (42 U.S.C.
21 294e(b)(1)(A)), by striking ''the elderly'' and insert-
22 ing ''geriatric populations or for maternal and child
23 health'';
24 (9) in section 761(e) (42 U.S.C. 294n(e))—

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1 (A) in paragraph (1)(A), by striking
2 "$7,500,000 for each of fiscal years 2010
3 through 2014" and inserting "$5,663,000 for
4 each of fiscal years 2021 through 2025"; and
5 (B) in paragraph (2), by striking "sub-
6 section (a)" and inserting "paragraph (1)";
7 (10) in section 762 (42 U.S.C. 294o)—
8 (A) in subsection (a)(1), by striking "Com-
9 mittee on Labor and Human Resources" and
10 inserting "Committee on Health, Education,
11 Labor, and Pensions";
12 (B) in subsection (b)—
13 (i) in paragraph (2), by striking
14 "Health Care Financing Administration"
15 and inserting "Centers for Medicare &
16 Medicaid Services";
17 (ii) by redesignating paragraphs (4)
18 through (6) as paragraphs (5) through (7),
19 respectively; and
20 (iii) by inserting after paragraph (3),
21 the following:
22 "(4) the Administrator of the Health Resources
23 and Services Administration;";
24 (C) by striking subsections (i), (j), and (k)
25 and inserting the following:

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1 "(i) REPORTS.—Not later than September 30, 2023,
2 and not less than every 5 years thereafter, the Council
3 shall submit to the Secretary, and to the Committee on
4 Health, Education, Labor, and Pensions of the Senate and
5 the Committee on Energy and Commerce of the House
6 of Representatives, a report on the recommendations de-
7 scribed in subsection (a)."; and
8 (D) by redesignating subsection (l) as sub-
9 section (j);
10 (11) in section 766(b)(1) (42 U.S.C.
11 295a(b)(1)), by striking "that plans" and all that
12 follows through the period and inserting "that plans,
13 develops, operates, and evaluates projects to improve
14 preventive medicine, health promotion and disease
15 prevention, or access to and quality of health care
16 services in rural or medically underserved commu-
17 nities.";
18 (12) in section 770(a) (42 U.S.C. 295e(a)), by
19 striking "$43,000,000 for fiscal year 2011, and such
20 sums as may be necessary for each of the fiscal
21 years 2012 through 2015" and inserting
22 "$17,000,000 for each of fiscal years 2021 through
23 2025"; and
24 (13) in section 775(e) (42 U.S.C. 295f(e)), by
25 striking "$30,000,000" and all that follows through

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1 the period and inserting "such sums as may be nec-
2 essary for each of fiscal years 2021 through 2025.".

3 **SEC. 3402. HEALTH WORKFORCE COORDINATION.**

4 (a) STRATEGIC PLAN.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary of
7 Health and Human Services (referred to in this Act
8 as the "Secretary"), in consultation with the Advi-
9 sory Committee on Training in Primary Care Medi-
10 cine and Dentistry and the Advisory Council on
11 Graduate Medical Education, shall develop a com-
12 prehensive and coordinated plan with respect to the
13 health care workforce development programs of the
14 Department of Health and Human Services, includ-
15 ing education and training programs.

16 (2) REQUIREMENTS.—The plan under para-
17 graph (1) shall—

18 (A) include performance measures to de-
19 termine the extent to which the programs de-
20 scribed in paragraph (1) are strengthening the
21 Nation's health care system;

22 (B) identify any gaps that exist between
23 the outcomes of programs described in para-
24 graph (1) and projected health care workforce
25 needs identified in workforce projection reports

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1 conducted by the Health Resources and Serv-
2 ices Administration;
3 (C) identify actions to address the gaps de-
4 scribed in subparagraph (B); and
5 (D) identify barriers, if any, to imple-
6 menting the actions identified under subpara-
7 graph (C).
8 (b) COORDINATION WITH OTHER AGENCIES.—The
9 Secretary shall coordinate with the heads of other Federal
10 agencies and departments that fund or administer health
11 care workforce development programs, including education
12 and training programs, to—
13 (1) evaluate the performance of such programs,
14 including the extent to which such programs are effi-
15 cient and effective and are meeting the nation's
16 health workforce needs; and
17 (2) identify opportunities to improve the quality
18 and consistency of the information collected to evalu-
19 ate within and across such programs, and to imple-
20 ment such improvements.
21 (c) REPORT.—Not later than 2 years after the date
22 of enactment of this Act, the Secretary shall submit to
23 the Committee on Health, Education, Labor, and Pen-
24 sions of the Senate, and the Committee on Energy and
25 Commerce of the House of Representatives, a report de-

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1 scribing the plan developed under subsection (a) and ac-
2 tions taken to implement such plan.

3 **SEC. 3403. EDUCATION AND TRAINING RELATING TO GERI-**
4 **ATRICS.**

5 Section 753 of the Public Health Service Act (42
6 U.S.C. 294c) is amended to read as follows:

7 **"SEC. 753. EDUCATION AND TRAINING RELATING TO GERI-**
8 **ATRICS.**

9 "(a) GERIATRICS WORKFORCE ENHANCEMENT PRO-
10 GRAM.—

11 "(1) IN GENERAL.—The Secretary shall award
12 grants, contracts, or cooperative agreements under
13 this subsection to entities described in paragraph
14 (1), (3), or (4) of section 799B, section 801(2), or
15 section 865(d), or other health professions schools or
16 programs approved by the Secretary, for the estab-
17 lishment or operation of Geriatrics Workforce En-
18 hancement Programs that meet the requirements of
19 paragraph (2).

20 "(2) REQUIREMENTS.—

21 "(A) IN GENERAL.—A Geriatrics Work-
22 force Enhancement Program receiving an
23 award under this section shall support the
24 training of health professionals in geriatrics, in-
25 cluding traineeships or fellowships. Such pro-

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1 grams shall emphasize, as appropriate, patient
2 and family engagement, integration of geriatrics
3 with primary care and other appropriate spe-
4 cialties, and collaboration with community part-
5 ners to address gaps in health care for older
6 adults.

7 "(B) ACTIVITIES.—Activities conducted by
8 a program under this section may include the
9 following:

10 "(i) Clinical training on providing in-
11 tegrated geriatrics and primary care deliv-
12 ery services.

13 "(ii) Interprofessional training to
14 practitioners from multiple disciplines and
15 specialties, including training on the provi-
16 sion of care to older adults.

17 "(iii) Establishing or maintaining
18 training-related community-based pro-
19 grams for older adults and caregivers to
20 improve health outcomes for older adults.

21 "(iv) Providing education on Alz-
22 heimer's disease and related dementias to
23 families and caregivers of older adults, di-
24 rect care workers, and health professions
25 students, faculty, and providers.

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"(3) DURATION.—Each grant, contract, or cooperative agreement or contract awarded under paragraph (1) shall be for a period not to exceed 5 years.

"(4) APPLICATIONS.—To be eligible to receive a grant, contract, or cooperative agreement under paragraph (1), an entity described in such paragraph shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(5) PROGRAM REQUIREMENTS.—

"(A) IN GENERAL.—In awarding grants, contracts, and cooperative agreements under paragraph (1), the Secretary—

"(i) shall give priority to programs that demonstrate coordination with another Federal or State program or another public or private entity;

"(ii) shall give priority to applicants with programs or activities that are expected to substantially benefit rural or medically underserved populations of older adults, or serve older adults in Indian Tribes or Tribal organizations; and

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1 "(iii) may give priority to any pro-
2 gram that—
3 "(I) integrates geriatrics into pri-
4 mary care practice;
5 "(II) provides training to inte-
6 grate geriatric care into other special-
7 ties across care settings, including
8 practicing clinical specialists, health
9 care administrators, faculty without
10 backgrounds in geriatrics, and stu-
11 dents from all health professions;
12 "(III) emphasizes integration of
13 geriatric care into existing service de-
14 livery locations and care across set-
15 tings, including primary care clinics,
16 medical homes, Federally qualified
17 health centers, ambulatory care clin-
18 ics, critical access hospitals, emer-
19 gency care, assisted living and nursing
20 facilities, and home- and community-
21 based services, which may include
22 adult daycare;
23 "(IV) supports the training and
24 retraining of faculty, primary care
25 providers, other direct care providers,

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1 and other appropriate professionals on
2 geriatrics;
3 "(V) emphasizes education and
4 engagement of family caregivers on
5 disease management and strategies to
6 meet the needs of caregivers of older
7 adults; or
8 "(VI) proposes to conduct out-
9 reach to communities that have a
10 shortage of geriatric workforce profes-
11 sionals.
12 "(B) SPECIAL CONSIDERATION.—In
13 awarding grants, contracts, and cooperative
14 agreements under this section, the Secretary
15 shall give special consideration to entities that
16 provide services in areas with a shortage of
17 geriatric workforce professionals.
18 "(6) PRIORITY.—The Secretary may provide
19 awardees with additional support for activities in
20 areas of demonstrated need, which may include edu-
21 cation and training for home health workers, family
22 caregivers, and direct care workers on care for older
23 adults.
24 "(7) REPORTING.—

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1 "(A) REPORTS FROM ENTITIES.—Each en-
2 tity awarded a grant, contract, or cooperative
3 agreement under this section shall submit an
4 annual report to the Secretary on the activities
5 conducted under such grant, contract, or coop-
6 erative agreement, which may include informa-
7 tion on the number of trainees, the number of
8 professions and disciplines, the number of part-
9 nerships with health care delivery sites, the
10 number of faculty and practicing professionals
11 who participated in such programs, and other
12 information, as the Secretary may require.
13 "(B) REPORT TO CONGRESS.—Not later
14 than 4 years after the date of enactment of the
15 Title VII Health Care Workforce Reauthoriza-
16 tion Act of 2019 and every 5 years thereafter,
17 the Secretary shall submit to the Committee on
18 Health, Education, Labor, and Pensions of the
19 Senate and the Committee on Energy and Com-
20 merce of the House of Representatives a report
21 that provides a summary of the activities and
22 outcomes associated with grants, contracts, and
23 cooperative agreements made under this sec-
24 tion. Such reports shall include—

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1 "(i) information on the number of
2 trainees, faculty, and professionals who
3 participated in programs under this sec-
4 tion;
5 "(ii) information on the impact of the
6 program conducted under this section on
7 the health status of older adults, including
8 in areas with a shortage of health profes-
9 sionals; and
10 "(iii) information on outreach and
11 education provided under this section to
12 families and caregivers of older adults.
13 "(C) PUBLIC AVAILABILITY.—The Sec-
14 retary shall make reports submitted under
15 paragraph (B) publically available on the inter-
16 net website of the Department of Health and
17 Human Services.
18 "(b) GERIATRIC ACADEMIC CAREER AWARDS.—
19 "(1) ESTABLISHMENT OF PROGRAM.—The Sec-
20 retary shall, as appropriate, establish or maintain a
21 program to provide geriatric academic career awards
22 to eligible entities applying on behalf of eligible indi-
23 viduals to promote the career development of such
24 individuals as academic geriatricians or other aca-
25 demic geriatrics health professionals.

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1 "(2) ELIGIBILITY.—
2 "(A) ELIGIBLE ENTITY.—For purposes of
3 this subsection, the term 'eligible entity'
4 means—
5 "(i) an entity described in paragraph
6 (1), (3), or (4) of section 799B or section
7 801(2); or
8 "(ii) another accredited health profes-
9 sions school or graduate program approved
10 by the Secretary.
11 "(B) ELIGIBLE INDIVIDUAL.—For pur-
12 poses of this subsection, the term 'eligible indi-
13 vidual' means an individual who—
14 "(i)(I) is board certified or board eli-
15 gible in internal medicine, family practice,
16 psychiatry, or licensed dentistry, or has
17 completed required training in a discipline
18 and is employed in an accredited health
19 professions school or graduate program
20 that is approved by the Secretary; or
21 "(II) has completed an approved fel-
22 lowship program in geriatrics, or has com-
23 pleted specialty training in geriatrics as re-
24 quired by the discipline and any additional

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1 geriatrics training as required by the Sec-
2 retary; and
3 "(ii) has a junior, nontenured, faculty
4 appointment at an accredited health pro-
5 fessions school or graduate program in
6 geriatrics or a geriatrics health profession.
7 "(C) CLARIFICATION.—If an eligible indi-
8 vidual is promoted during the period of an
9 award under this subsection and thereby no
10 longer meets the criteria of subparagraph
11 (B)(ii), the individual shall continue to be treat-
12 ed as an eligible individual through the term of
13 the award.
14 "(3) APPLICATION REQUIREMENTS.—In order
15 to receive an award under paragraph (1), an eligible
16 entity, on behalf of an eligible individual, shall—
17 "(A) submit to the Secretary an applica-
18 tion, at such time, in such manner, and con-
19 taining such information as the Secretary may
20 require;
21 "(B) provide, in such form and manner as
22 the Secretary may require, assurances that the
23 eligible individual will meet the service require-
24 ment described in paragraph (6); and

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1 "(C) provide, in such form and manner as
2 the Secretary may require, assurances that the
3 individual has a full-time faculty appointment
4 in a health professions institution and docu-
5 mented commitment from such eligible entity
6 that the individual will spend 75 percent of the
7 individual's time that is supported by the award
8 on teaching and developing skills in inter-
9 disciplinary education in geriatrics.
10 "(4) EQUITABLE DISTRIBUTION.—In making
11 awards under this subsection, the Secretary shall
12 seek to ensure geographical distribution among
13 award recipients, including among rural or medically
14 underserved areas of the United States.
15 "(5) AMOUNT AND DURATION.—
16 "(A) AMOUNT.—The amount of an award
17 under this subsection shall be at least $75,000
18 for fiscal year 2021, adjusted for subsequent
19 years in accordance with the consumer price
20 index. The Secretary shall determine the
21 amount of an award under this subsection for
22 individuals who are not physicians.
23 "(B) DURATION.—The Secretary shall
24 make awards under paragraph (1) for a period
25 not to exceed 5 years.

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1 "(6) SERVICE REQUIREMENT.—An individual
2 who receives an award under this subsection shall
3 provide training in clinical geriatrics, including the
4 training of interprofessional teams of health care
5 professionals. The provision of such training shall
6 constitute at least 75 percent of the obligations of
7 such individual under the award.
8 "(c) NONAPPLICABILITY OF PROVISION.—Notwith-
9 standing any other provision of this title, section 791(a)
10 shall not apply to awards made under this section.
11 "(d) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated $40,737,000 for each of
13 fiscal years 2021 through 2025 for purposes of carrying
14 out this section.".
15 **SEC. 3404. NURSING WORKFORCE DEVELOPMENT.**
16 (a) IN GENERAL.—Title VIII of the Public Health
17 Service Act (42 U.S.C. 296 et seq.) is amended—
18 (1) in section 801 (42 U.S.C. 296), by adding
19 at the end the following:
20 "(18) NURSE MANAGED HEALTH CLINIC.—The
21 term 'nurse managed health clinic' means a nurse-
22 practice arrangement, managed by advanced practice
23 nurses, that provides primary care or wellness serv-
24 ices to underserved or vulnerable populations and
25 that is associated with a school, college, university or

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1 department of nursing, federally qualified health
2 center, or independent nonprofit health or social
3 services agency.";
4 (2) in section 802(c) (42 U.S.C. 296a(c)), by
5 inserting ", and how such project aligns with the
6 goals in section 806(a)" before the period in the sec-
7 ond sentence;
8 (3) in section 803(b) (42 U.S.C. 296b(b)), by
9 adding at the end the following: "Such Federal
10 funds are intended to supplement, not supplant, ex-
11 isting non-Federal expenditures for such activities.";
12 (4) in section 806 (42 U.S.C. 296e)—
13 (A) in subsection (a), by striking "as need-
14 ed to" and all that follows and inserting the fol-
15 lowing: "as needed to address national nursing
16 needs, including—
17 "(1) addressing challenges, including through
18 supporting training and education of nursing stu-
19 dents, related to the distribution of the nursing
20 workforce and existing or projected nursing work-
21 force shortages in geographic areas that have been
22 identified as having, or that are projected to have,
23 a nursing shortage;
24 "(2) increasing access to and the quality of
25 health care services, including by supporting the

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1 training of professional registered nurses, advanced
2 practice registered nurses, and advanced education
3 nurses within community based settings and in a va-
4 riety of health delivery system settings; or
5 "(3) addressing the strategic goals and prior-
6 ities identified by the Secretary and that are in ac-
7 cordance with this title.
8 Contracts may be entered into under this title with public
9 or private entities as determined necessary by the Sec-
10 retary.";
11 (B) in subsection (b)(2), by striking "a
12 demonstration" and all that follows and insert-
13 ing the following: "the reporting of data and in-
14 formation demonstrating that satisfactory
15 progress has been made by the program or
16 project in meeting the performance outcome
17 standards (as described in section 802) of such
18 program or project.";
19 (C) in subsection (e)(2), by inserting ",
20 and have relevant expertise and experience" be-
21 fore the period at the end of the first sentence;
22 and
23 (D) by adding at the end the following:
24 "(i) BIENNIAL REPORT ON NURSING WORKFORCE
25 PROGRAM IMPROVEMENTS.—Not later than September

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1 30, 2020, and biennially thereafter, the Secretary shall
2 submit to the Committee on Health, Education, Labor,
3 and Pensions of the Senate and the Committee on Energy
4 and Commerce of the House of Representatives, a report
5 that contains an assessment of the programs and activities
6 of the Department of Health and Human Services related
7 to enhancing the nursing workforce, including the extent
8 to which programs and activities under this title meet the
9 identified goals and performance measures developed for
10 the respective programs and activities, and the extent to
11 which the Department coordinates with other Federal de-
12 partments regarding programs designed to improve the
13 nursing workforce.";
14 (5) in section 811 (42 U.S.C. 296j)—
15 (A) in subsection (b)—
16 (i) by striking "Master's" and insert-
17 ing "graduate"; and
18 (ii) by inserting "clinical nurse lead-
19 ers," after "nurse administrators,";
20 (B) by redesignating subsections (f) and
21 (g) as subsections (g) and (h), respectively; and
22 (C) by inserting after subsection (e), the
23 following:
24 "(f) AUTHORIZED CLINICAL NURSE SPECIALIST
25 PROGRAMS.—Clinical nurse specialist programs eligible

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1 for support under this section are education programs
2 that—
3 "(1) provide registered nurses with full-time
4 clinical nurse specialist education; and
5 "(2) have as their objective the education of
6 clinical nurse specialists who will, upon completion
7 of such a program, be qualified to effectively provide
8 care through the wellness and illness continuum to
9 inpatients and outpatients experiencing acute and
10 chronic illness."; and
11 (6) in section 831 (42 U.S.C. 296p)—
12 (A) in the section heading, by striking
13 "**AND QUALITY GRANTS**" and inserting
14 "**QUALITY, AND RETENTION GRANTS**";
15 (B) in subsection (b)(2), by striking "other
16 high-risk groups such as the elderly, individuals
17 with HIV/AIDS, substance abusers, the home-
18 less, and victims" and inserting "high risk
19 groups, such as the elderly, individuals with
20 HIV/AIDS, individuals with mental health or
21 substance use disorders, individuals who are
22 homeless, and survivors";
23 (C) in subsection (c)(1)—
24 (i) in subparagraph (A)—

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1 (I) by striking "advancement for
2 nursing personnel" and inserting the
3 following: "advancement for—
4 "(i) nursing";
5 (II) by striking "professional
6 nurses, advanced education nurses, li-
7 censed practical nurses, certified
8 nurse assistants, and home health
9 aides" and inserting "professional
10 registered nurses, advanced practice
11 registered nurses, and nurses with
12 graduate nursing education"; and
13 (III) by adding at the end the
14 following:
15 "(ii) individuals including licensed
16 practical nurses, licensed vocational nurses,
17 certified nurse assistants, home health
18 aides, diploma degree or associate degree
19 nurses, and other health professionals,
20 such as health aides or community health
21 practitioners certified under the Commu-
22 nity Health Aide Program of the Indian
23 Health Service, to become registered
24 nurses with baccalaureate degrees or
25 nurses with graduate nursing education;";

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1 (ii) in subparagraph (B), by striking
2 the period and inserting "; and"; and
3 (iii) by adding at the end the fol-
4 lowing:
5 "(C) developing and implementing intern-
6 ships, accredited fellowships, and accredited
7 residency programs in collaboration with one or
8 more accredited schools of nursing, to encour-
9 age the mentoring and development of special-
10 ties.";
11 (D) by striking subsections (e) and (h);
12 (E) by redesignating subsections (f) and
13 (g), as subsections (e) and (f), respectively;
14 (F) in subsection (e) (as so redesignated),
15 by striking "The Secretary shall submit to the
16 Congress before the end of each fiscal year"
17 and inserting "As part of the report on nursing
18 workforce programs described in section 806(i),
19 the Secretary shall include"; and
20 (G) in subsection (f) (as so redesignated),
21 by striking "a school of nursing, as defined in
22 section 801(2),," and inserting "an accredited
23 school of nursing, as defined in section 801(2),
24 a health care facility, including federally quali-
25 fied health centers or nurse-managed health

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1 clinics, or a partnership of such a school and
2 facility";
3 (7) by striking section 831A (42 U.S.C. 296p–
4 1);
5 (8) in section 846 (42 U.S.C. 297n)—
6 (A) by striking the last sentence of sub-
7 section (a);
8 (B) in subsection (b)(1), by striking "he
9 began such practice" and inserting "the indi-
10 vidual began such practice"; and
11 (C) in subsection (i), by striking "FUND-
12 ING" in the subsection heading and all that fol-
13 lows through "paragraph (1)" in paragraph (2),
14 and inserting the following: "ALLOCATIONS.—
15 Of the amounts appropriated under section
16 871(b),";
17 (9) in section 846A (42 U.S.C. 247n–1), by
18 striking subsection (f);
19 (10) in section 847 (42 U.S.C. 297o), by strik-
20 ing subsection (g);
21 (11) in section 851 (42 U.S.C. 297t)—
22 (A) in subsection (b)(1)(A)(iv), by striking
23 "and nurse anesthetists" and inserting "nurse
24 anesthetists, and clinical nurse specialists";
25 (B) in subsection (d)(3)—

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1 (i) by striking "3 years after the date
2 of enactment of this section" and inserting
3 "2 years after the date of enactment of the
4 Title VIII Nursing Reauthorization Act";
5 (ii) by striking "Labor and Human
6 Resources" and inserting "Health, Edu-
7 cation, Labor, and Pensions"; and
8 (iii) by inserting "Energy and" before
9 "Commerce"; and
10 (C) in subsection (g), by striking "under
11 this title" and inserting "for carrying out parts
12 B, C, and D";
13 (12) by striking sections 861 and 862 (42
14 U.S.C. 297w and 297x); and
15 (13) in section 871 (42 U.S.C. 298d)—
16 (A) by striking "For the purpose of" and
17 inserting the following:
18 "(a) IN GENERAL.—For the purpose of";
19 (B) by striking "$338,000,000 for fiscal
20 year 2010, and such sums as may be necessary
21 for each of the fiscal years 2011 through 2016"
22 and inserting "$137,837,000 for each of fiscal
23 years 2021 through 2025"; and
24 (C) by adding at the end the following:

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1 "(b) PART E.—For the purpose of carrying out part
2 E, there are authorized to be appropriated $117,135,000
3 for each of the fiscal years 2021 through 2025.".
4 (b) EVALUATION AND REPORT ON NURSE LOAN RE-
5 PAYMENT PROGRAMS.—
6 (1) EVALUATION.—The Comptroller General
7 shall conduct an evaluation of the nurse loan repay-
8 ment programs administered by the Health Re-
9 sources and Services Administration. Such evalua-
10 tion shall include—
11 (A) the manner in which payments are
12 made under such programs;
13 (B) the existing oversight functions nec-
14 essary to ensure the proper use of such pro-
15 grams, including payments made as part of
16 such programs;
17 (C) the identification of gaps, if any, in
18 oversight functions; and
19 (D) information on the number of nurses
20 assigned to facilities pursuant to such pro-
21 grams, including the type of facility to which
22 nurses are assigned and the impact of modi-
23 fying the eligibility requirements for programs
24 under section 846 of the Public Health Service
25 Act (42 U.S.C. 297n), such as the impact on

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1 entities to which nurses had previously been as-
2 signed prior to fiscal year 2019 (such as feder-
3 ally qualified health centers and facilities affili-
4 ated with the Indian Health Service).
5 (2) REPORT.—Not later than 18 months after
6 the enactment of this Act, the Comptroller General
7 shall submit to the Committee on Health, Edu-
8 cation, Labor, and Pensions of the Senate and the
9 Committee on Energy and Commerce of the House
10 of Representatives, a report on the evaluation under
11 paragraph (1), which may include recommendations
12 to improve relevant nursing workforce loan repay-
13 ment programs.

## 14 Subtitle B—Education Provisions

### 15 SEC. 3501. SHORT TITLE.

16 This subtitle may be cited as the "COVID-19 Pan-
17 demic Education Relief Act of 2020".

### 18 SEC. 3502. DEFINITIONS.

19 (a) DEFINITIONS.—In this subtitle:
20 (1) CORONAVIRUS.—The term "coronavirus"
21 has the meaning given the term in section 506 of the
22 Coronavirus Preparedness and Response Supple-
23 mental Appropriations Act, 2020 (Public Law 116–
24 123).

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1 (2) FOREIGN INSTITUTION.—The term ''foreign
2 institution'' means an institution of higher education
3 located outside the United States that is described
4 in paragraphs (1)(C) and (2) of section 102(a) of
5 the Higher Education Act of 1965 (20 U.S.C.
6 1002(a)).
7 (3) INSTITUTION OF HIGHER EDUCATION.—The
8 term ''institution of higher education'' has the
9 meaning of the term under section 102 of the High-
10 er Education Act of 1965 (20 U.S.C. 1002).
11 (4) QUALIFYING EMERGENCY.—The term
12 ''qualifying emergency'' means—
13 (A) a public health emergency related to
14 the coronavirus declared by the Secretary of
15 Health and Human Services pursuant to sec-
16 tion 319 of the Public Health Service Act (42
17 U.S.C. 247d);
18 (B) an event related to the coronavirus for
19 which the President declared a major disaster
20 or an emergency under section 401 or 501, re-
21 spectively, of the Robert T. Stafford Disaster
22 Relief and Emergency Assistance Act (42
23 U.S.C. 5170 and 5191); or
24 (C) a national emergency related to the
25 coronavirus declared by the President under

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1 section 201 of the National Emergencies Act
2 (50 U.S.C. 1601 et seq.).
3 (5) SECRETARY.—The term "Secretary" means
4 the Secretary of Education.

5 **SEC. 3503. CAMPUS-BASED AID WAIVERS.**

6 (a) WAIVER OF NON-FEDERAL SHARE REQUIRE-
7 MENT.—Notwithstanding sections 413C(a)(2) and
8 443(b)(5) of the Higher Education Act of 1965 (20
9 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect
10 to funds made available for award years 2019-2020 and
11 2020-2021, the Secretary shall waive the requirement that
12 a participating institution of higher education provide a
13 non-Federal share to match Federal funds provided to the
14 institution for the programs authorized pursuant to sub-
15 part 3 of part A and part C of title IV of the Higher
16 Education Act of 1965 (20 U.S.C. 1070b et seq. and
17 1087–51 et seq.) for all awards made under such pro-
18 grams during such award years, except nothing in this
19 subsection shall affect the non-Federal share requirement
20 under section 443(c)(3) that applies to private for-profit
21 organizations.

22 (b) AUTHORITY TO REALLOCATE.—Notwithstanding
23 sections 413D, 442, and 488 of the Higher Education Act
24 of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during
25 a period of a qualifying emergency, an institution may

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1 transfer up to 100 percent of the institution's unexpended
2 allotment under section 442 of such Act to the institu-
3 tion's allotment under section 413D of such Act, but may
4 not transfer any funds from the institution's unexpended
5 allotment under section 413D of such Act to the institu-
6 tion's allotment under section 442 of such Act.

7 **SEC. 3504. USE OF SUPPLEMENTAL EDUCATIONAL OPPOR-**
8 **TUNITY GRANTS FOR EMERGENCY AID.**

9 (a) IN GENERAL.—Notwithstanding section 413B of
10 the Higher Education Act of 1965 (20 U.S.C. 1070b–1),
11 an institution of higher education may reserve any amount
12 of an institution's allocation under subpart 3 of part A
13 of title IV of the Higher Education Act of 1965 (20 U.S.C.
14 1070b et seq.) for a fiscal year to award, in such fiscal
15 year, emergency financial aid grants to assist under-
16 graduate or graduate students for unexpected expenses
17 and unmet financial need as the result of a qualifying
18 emergency.

19 (b) DETERMINATIONS.—In determining eligibility for
20 and awarding emergency financial aid grants under this
21 section, an institution of higher education may—

22 (1) waive the amount of need calculation under
23 section 471 of the Higher Education Act of 1965
24 (20 U.S.C. 1087kk);

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1 (2) allow for a student affected by a qualifying
2 emergency to receive funds in an amount that is not
3 more than the maximum Federal Pell Grant for the
4 applicable award year; and
5 (3) utilize a contract with a scholarship-grant-
6 ing organization designated for the sole purpose of
7 accepting applications from or disbursing funds to
8 students enrolled in the institution of higher edu-
9 cation, if such scholarship-granting organization dis-
10 burses the full allocated amount provided to the in-
11 stitution of higher education to the recipients.
12 (c) SPECIAL RULE.—Any emergency financial aid
13 grants to students under this section shall not be treated
14 as other financial assistance for the purposes of section
15 471 of the Higher Education Act of 1965 (20 U.S.C.
16 1087kk).

17 **SEC. 3505. FEDERAL WORK-STUDY DURING A QUALIFYING**
18 **EMERGENCY.**

19 (a) IN GENERAL.—In the event of a qualifying emer-
20 gency, an institution of higher education participating in
21 the program under part C of title IV of the Higher Edu-
22 cation Act of 1965 (20 U.S.C. 1087–51 et seq.) may make
23 payments under such part to affected work-study stu-
24 dents, for the period of time (not to exceed one academic
25 year) in which affected students were unable to fulfill the

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1 students' work-study obligation for all or part of such aca-
2 demic year due to such qualifying emergency, as follows:
3 (1) Payments may be made under such part to
4 affected work-study students in an amount equal to
5 or less than the amount of wages such students
6 would have been paid under such part had the stu-
7 dents been able to complete the work obligation nec-
8 essary to receive work study funds, as a one time
9 grant or as multiple payments.
10 (2) Payments shall not be made to any student
11 who was not eligible for work study or was not com-
12 pleting the work obligation necessary to receive work
13 study funds under such part prior to the occurrence
14 of the qualifying emergency.
15 (3) Any payments made to affected work-study
16 students under this subsection shall meet the match-
17 ing requirements of section 443 of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1087–53), unless
19 such matching requirements are waived by the Sec-
20 retary.
21 (b) DEFINITION OF AFFECTED WORK-STUDY STU-
22 DENT.—In this section, the term "affected work-study
23 student" means a student enrolled at an eligible institu-
24 tion participating in the program under part C of title IV

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of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq.) who—

(1) received a work-study award under section 443 of the Higher Education Act of 1965 (20 U.S.C. 1087–53) for the academic year during which a qualifying emergency occurred;

(2) earned Federal work-study wages from such eligible institution for such academic year; and

(3) was prevented from fulfilling the student's work-study obligation for all or part of such academic year due to such qualifying emergency.

**SEC. 3506. ADJUSTMENT OF SUBSIDIZED LOAN USAGE LIMITS.**

Notwithstanding section 455(q)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087e(q)(3)), the Secretary shall exclude from a student's period of enrollment for purposes of loans made under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) any semester (or the equivalent) that the student does not complete due to a qualifying emergency, if the Secretary is able to administer such policy in a manner that limits complexity and the burden on the student.

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1 **SEC. 3507. EXCLUSION FROM FEDERAL PELL GRANT DURA-**
2 **TION LIMIT.**

3 The Secretary shall exclude from a student's Federal
4 Pell Grant duration limit under section 401(c)(5) of the
5 Higher Education Act of 1965 (2 U.S.C. 1070a(c)(5)) any
6 semester (or the equivalent) that the student does not
7 complete due to a qualifying emergency if the Secretary
8 is able to administer such policy in a manner that limits
9 complexity and the burden on the student.

10 **SEC. 3508. INSTITUTIONAL REFUNDS AND FEDERAL STU-**
11 **DENT LOAN FLEXIBILITY.**

12 (a) INSTITUTIONAL WAIVER.—

13 (1) IN GENERAL.—The Secretary shall waive
14 the institutional requirement under section 484B of
15 the Higher Education Act of 1965 (20 U.S.C.
16 1091b) with respect to the amount of grant or loan
17 assistance (other than assistance received under part
18 C of title IV of such Act) to be returned under such
19 section if a recipient of assistance under title IV of
20 the Higher Education Act of 1965 (20 U.S.C. 1070
21 et seq.) withdraws from the institution of higher
22 education during the payment period or period of
23 enrollment as a result of a qualifying emergency.

24 (2) WAIVERS.—The Secretary shall require
25 each institution using a waiver relating to the with-
26 drawal of recipients under this subsection to report

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1 the number of such recipients, the amount of grant
2 or loan assistance (other than assistance received
3 under part C of title IV of such Act) associated with
4 each such recipient, and the total amount of grant
5 or loan assistance (other than assistance received
6 under part C of title IV of such Act) for which each
7 institution has not returned assistance under title IV
8 to the Secretary.

9 (b) STUDENT WAIVER.—The Secretary shall waive
10 the amounts that students are required to return under
11 section 484B of the Higher Education Act of 1965 (20
12 U.S.C. 1091b) with respect to Federal Pell Grants or
13 other grant assistance if the withdrawals on which the re-
14 turns are based, are withdrawals by students who with-
15 drew from the institution of higher education as a result
16 of a qualifying emergency.

17 (c) CANCELING LOAN OBLIGATION.—Notwith-
18 standing any other provision of the Higher Education Act
19 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall can-
20 cel the borrower's obligation to repay the entire portion
21 of a loan made under part D of title IV of such Act (20
22 U.S.C. 1087a et seq.) associated with a payment period
23 for a recipient of such loan who withdraws from the insti-
24 tution of higher education during the payment period as
25 a result of a qualifying emergency.

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1 (d) APPROVED LEAVE OF ABSENCE.—Notwith-
2 standing any other provision of the Higher Education Act
3 of 1965 (20 U.S.C. 1001 et seq.), for purposes of receiving
4 assistance under title IV of the Higher Education Act of
5 1965 (20 U.S.C. 1070 et seq.), an institution of higher
6 education may, as a result of a qualifying emergency, pro-
7 vide a student with an approved leave of absence that does
8 not require the student to return at the same point in the
9 academic program that the student began the leave of ab-
10 sence if the student returns within the same semester (or
11 the equivalent).

12 **SEC. 3509. SATISFACTORY ACADEMIC PROGRESS.**

13 Notwithstanding section 484 of the Higher Education
14 Act of 1965 (20 U.S.C. 1091), in determining whether a
15 student is maintaining satisfactory academic progress for
16 purposes of title IV of the Higher Education Act of 1965
17 (20 U.S.C. 1070 et seq.), an institution of higher edu-
18 cation may, as a result of a qualifying emergency, exclude
19 from the quantitative component of the calculation any at-
20 tempted credits that were not completed by such student
21 without requiring an appeal by such student.

22 **SEC. 3510. CONTINUING EDUCATION AT AFFECTED FOR-**
23 **EIGN INSTITUTIONS.**

24 (a) IN GENERAL.—Notwithstanding section 481(b)
25 of the Higher Education Act of 1965 (20 U.S.C. 1088(b)),

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1 with respect to a foreign institution, in the case of a public
2 health emergency, major disaster or emergency, or na-
3 tional emergency declared by the applicable government
4 authorities in the country in which the foreign institution
5 is located, the Secretary may permit any part of an other-
6 wise eligible program to be offered via distance education
7 for the duration of such emergency or disaster and the
8 following payment period for purposes of title IV of the
9 Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).
10 (b) ELIGIBILITY.—An otherwise eligible program
11 that is offered in whole or in part through distance edu-
12 cation by a foreign institution between March 1, 2020, and
13 the date of enactment of this Act shall be deemed eligible
14 for the purposes of part D of title IV of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1087a et seq.) for the dura-
16 tion of the qualifying emergency and the following pay-
17 ment period for purposes of title IV of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1070 et seq.). An institu-
19 tion of higher education that uses the authority provided
20 in the previous sentence shall report such use to the Sec-
21 retary—
22 (1) for the 2019–2020 award year, not later
23 than June 30, 2020; and

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1 (2) for an award year subsequent to the 2019–
2 2020 award year, not later than 30 days after such
3 use.
4 (c) REPORT.—Not later than 180 days after the date
5 of enactment of this Act, and every 180 days thereafter
6 for the duration of the qualifying emergency and the fol-
7 lowing payment period, the Secretary shall submit to the
8 authorizing committees (as defined in section 103 of the
9 Higher Education Act of 1965 (20 U.S.C. 1003)) a report
10 that identifies each foreign institution that carried out a
11 distance education program authorized under this section.
12 (d) WRITTEN ARRANGEMENTS.—
13 (1) IN GENERAL.—Notwithstanding section 102
14 of the Higher Education Act of 1965 (20 U.S.C.
15 1002), for the duration of a qualifying emergency
16 and the following payment period, the Secretary may
17 allow a foreign institution to enter into a written ar-
18 rangement with an institution of higher education
19 located in the United States that participates in the
20 Federal Direct Loan Program under part D of title
21 IV of the Higher Education Act of 1965 (20 U.S.C.
22 1087a et seq.) for the purpose of allowing a student
23 of the foreign institution who is a borrower of a loan
24 made under such part to take courses from the insti-

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1 tution of higher education located in the United
2 States.
3 (2) FORM OF ARRANGEMENTS.—
4 (A) PUBLIC OR OTHER NONPROFIT INSTI-
5 TUTIONS.—A foreign institution that is a public
6 or other nonprofit institution may enter into a
7 written arrangement under subsection (a) only
8 with an institution of higher education de-
9 scribed in section 101 of such Act (20 U.S.C.
10 1001).
11 (B) OTHER INSTITUTIONS.—A foreign in-
12 stitution that is a graduate medical school,
13 nursing school, or a veterinary school and that
14 is not a public or other nonprofit institution
15 may enter into a written arrangement under
16 subsection (a) with an institution of higher edu-
17 cation described in section 101 or section 102
18 of such Act (20 U.S.C. 1001 and 1002).
19 (3) REPORT ON USE.—An institution of higher
20 education that uses the authority described in para-
21 graph (2) shall report such use to the Secretary—
22 (A) for the 2019–2020 award year, not
23 later than June 30, 2020; and

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1 (B) for an award year subsequent to the
2 2019–2020 award year, not later than 30 days
3 after such use.
4 (4) REPORT FROM THE SECRETARY.—Not later
5 than 180 days after the date of enactment of this
6 Act, and every 180 days thereafter for the duration
7 of the qualifying emergency and the following pay-
8 ment period, the Secretary shall submit to the au-
9 thorizing committees (as defined in section 103 of
10 the Higher Education Act of 1965 (20 U.S.C.
11 1003)) a report that identifies each foreign institu-
12 tion that entered into a written arrangement author-
13 ized under subsection (a).
14 **SEC. 3511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.**
15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law, the Secretary may, upon the request of a State
17 educational agency or Indian tribe, waive any statutory
18 or regulatory provision described under paragraphs (1)
19 and (2) of subsection (b), and upon the request of a local
20 educational agency, waive any statutory or regulatory pro-
21 vision described under paragraph (2) of subsection (b), if
22 the Secretary determines that such a waiver is necessary
23 and appropriate due to the emergency involving Federal
24 primary responsibility determined to exist by the President
25 under the section 501(b) of the Robert T. Stafford Dis-

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1 aster Relief and Emergency Assistance Act (42 U.S.C.
2 5191(b)) with respect to the Coronavirus Disease 2019
3 (COVID-19).
4 (b) APPLICABLE PROVISIONS OF LAW.—
5 (1) STREAMLINED WAIVERS.—The Secretary
6 shall create an expedited application process to re-
7 quest a waiver and the Secretary may waive any
8 statutory or regulatory requirements for a State
9 educational agency (related to assessments, account-
10 ability, and reporting requirements related to assess-
11 ments and accountability), if the Secretary deter-
12 mines that such a waiver is necessary and appro-
13 priate as described in subsection (a), under the fol-
14 lowing provisions of law:
15 (A) The following provisions under section
16 1111 of the Elementary and Secondary Edu-
17 cation Act of 1965 (20 U.S.C. 6311):
18 (i) Paragraphs (2) and (3) of sub-
19 section (b).
20 (ii) Subsection (c)(4).
21 (iii) Subparagraphs (C) and (D) of
22 subsection (d)(2).
23 (iv) The following provisions under
24 subsection (h) of such section 1111:

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1 (I) Clauses (i), (ii), (iii)(I), (iv),
2 (v), (vi), (vii), and (xi) of paragraph
3 (1)(C).
4 (II) Paragraph (2)(C) with re-
5 spect to the waived requirements
6 under subclause (I).
7 (III) Clauses (i) and (ii) of para-
8 graph (2)(C).
9 (B) Section 421(b) of the General Edu-
10 cation Provisions Act (20 U.S.C. 1225(b)).
11 (2) STATE AND LOCALLY-REQUESTED WAIV-
12 ERS.—For a State educational agency, local edu-
13 cational agency, or Indian tribe that receives funds
14 under a program authorized under the Elementary
15 and Secondary Education Act of 1965 (20 U.S.C.
16 6301 et seq.) that requests a waiver under sub-
17 section (c), the Secretary may waive statutory and
18 regulatory requirements under any of the following
19 provisions of such Act:
20 (A) Section 1114(a)(1).
21 (B) Section 1118(a) and section 8521.
22 (C) Section 1127.
23 (D) Section 4106(d).
24 (E) Subparagraphs (C), (D), and (E) of
25 section 4106(e)(2).

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1 (F) Section 4109(b).
2 (G) The definition under section 8101(42)
3 for purposes of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 6301 et
5 seq.).
6 (3) APPLICABILITY TO CHARTER SCHOOLS.—
7 Any waivers issued by the Secretary under this sec-
8 tion shall be implemented, as applicable—
9 (A) for all public schools, including public
10 charter schools within the boundaries of the re-
11 cipient of the waiver;
12 (B) in accordance with State charter
13 school law; and
14 (C) pursuant to section 1111(c)(5) of the
15 Elementary and Secondary Education Act of
16 1965 (20 U.S.C. 6311(c)(5)).
17 (4) LIMITATION.—Nothing in this section shall
18 be construed to allow the Secretary to waive any
19 statutory or regulatory requirements under applica-
20 ble civil rights laws.
21 (5) ACCOUNTABILITY AND IMPROVEMENT.—
22 Any school located in a State that receives a waiver
23 under paragraph (1) and that is identified for com-
24 prehensive support and improvement, targeted sup-
25 port and improvement, or additional targeted sup-

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1 port in the 2019-2020 school year under section
2 1111(c)(4)(D) or section 1111(d)(2) of the Elemen-
3 tary and Secondary Education Act of 1965 (20
4 U.S.C. 6311(c)(4)(D) or (d)(2)) shall maintain that
5 identification status in the 2020-2021 school year
6 and continue to receive supports and interventions
7 consistent with the school's support and improve-
8 ment plan in the 2020-2021 school year.
9 (c) STATE AND LOCAL REQUESTS FOR WAIVERS.—
10 (1) IN GENERAL.—A State educational agency,
11 local educational agency, or Indian tribe that desires
12 a waiver from any statutory or regulatory provision
13 described under subsection (b)(2), may submit a
14 waiver request to the Secretary in accordance with
15 this subsection.
16 (2) REQUESTS SUBMITTED.—A request for a
17 waiver under this subsection shall—
18 (A) identify the Federal programs affected
19 by the requested waiver;
20 (B) describe which Federal statutory or
21 regulatory requirements are to be waived;
22 (C) describe how the emergency involving
23 Federal primary responsibility determined to
24 exist by the President under the section 501(b)
25 of the Robert T. Stafford Disaster Relief and

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1 Emergency Assistance Act (42 U.S.C. 5191(b))
2 with respect to the Coronavirus Disease 2019
3 (COVID-19) prevents or otherwise restricts the
4 ability of the State, State educational agency,
5 local educational agency, Indian tribe, or school
6 to comply with such statutory or regulatory re-
7 quirements; and
8 (D) provide an assurance that the State
9 educational agency, local educational agency, or
10 Indian tribe will work to mitigate any negative
11 effects, if any, that may occur as a result of the
12 requested waiver.
13 (3) SECRETARY APPROVAL.—
14 (A) IN GENERAL.—Except as provided
15 under subparagraph (B), the Secretary shall
16 approve or disapprove a waiver request sub-
17 mitted under paragraph (1) not more than 30
18 days after the date on which such request is
19 submitted.
20 (B) EXCEPTIONS.—The Secretary may dis-
21 approve a waiver request submitted under para-
22 graph (1), only if the Secretary determines
23 that—
24 (i) the waiver request does not meet
25 the requirements of this section;

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(ii) the waiver is not permitted pursuant to subsection (b)(2); or

(iii) the description required under paragraph (2)(C) provides insufficient information to demonstrate that the waiving of such requirements is necessary or appropriate consistent with subsection (a).

(4) DURATION.—A waiver approved by the Secretary under this section may be for a period not to exceed the 2019–2020 academic year, except to carry out full implementation of any maintenance of effort waivers granted during the 2019–2020 academic year.

(d) REPORTING AND PUBLICATION.—

(1) PUBLIC NOTICE.—A State educational agency, Indian Tribe, or local educational agency requesting a waiver under subsection (b)(2) shall provide the public and all local educational agencies in the State with notice of, and the opportunity to comment on, the request by posting information regarding the waiver request and the process for commenting on the State website.

(2) NOTIFYING CONGRESS.—Not later than 7 days after granting a waiver under this section, the Secretary shall notify the Committee on Health,

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1 Education, Labor, and Pensions of the Senate, the
2 Committee on Appropriations of the Senate, the
3 Committee on Education and Labor of the House of
4 Representatives, and the Committee on Appropria-
5 tions of the House of Representatives of such waiv-
6 er.

7 (3) PUBLICATION.—Not later than 30 days
8 after granting a waiver under this section, the Sec-
9 retary shall publish a notice of the Secretary's deci-
10 sion (including which waiver was granted and the
11 reason for granting the waiver) in the Federal Reg-
12 ister and on the website of the Department of Edu-
13 cation.

14 (4) REPORT.—Not later than 30 days after the
15 date of enactment of this Act, the Secretary shall
16 prepare and submit a report to the Committee on
17 Health, Education, Labor, and Pensions and the
18 Committee on Appropriations of the Senate, and the
19 Committee on Education and Labor and the Com-
20 mittee on Appropriations of the House of Represent-
21 atives, with recommendations on any additional
22 waivers under the Individuals with Disabilities Edu-
23 cation Act (20 U.S.C. 1401 et seq.), the Rehabilita-
24 tion Act of 1973 (29 U.S.C. 701 et seq.), the Ele-
25 mentary and Secondary Education Act of 1965 (20

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1 U.S.C. 6301 et seq.), and the Carl D. Perkins Ca-
2 reer and Technical Education Act of 2006 (20
3 U.S.C. 2301 et seq.) the Secretary believes are nec-
4 essary to be enacted into law to provide limited flexi-
5 bility to States and local educational agencies to
6 meet the needs of students during the emergency in-
7 volving Federal primary responsibility determined to
8 exist by the President under section 501(b) of the
9 Robert T. Stafford Disaster Relief and Emergency
10 Assistance Act (42 U.S.C. 5191(b)) with respect to
11 the Coronavirus Disease 2019 (COVID-19).
12 (e) TERMS.—In this section, the term "State edu-
13 cational agency" includes the Bureau of Indian Education,
14 and the term "local educational agency" includes Bureau
15 of Indian Education funded schools operated pursuant to
16 a grant under the Tribally Controlled Schools Act of 1988
17 (25 U.S.C. 2501 et seq.), or a contract under the Indian
18 Self-Determination and Education Assistance Act (25
19 U.S.C. 5301 et seq.).
20 **SEC. 3512. HBCU CAPITAL FINANCING.**
21 (a) DEFERMENT PERIOD.—
22 (1) IN GENERAL.—Notwithstanding any provi-
23 sion of title III of the Higher Education Act of 1965
24 (20 U.S.C. 1051 et seq.), or any regulation promul-
25 gated under such title, the Secretary may grant a

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1 deferment, for the duration of a qualifying emer-
2 gency, to an institution that has received a loan
3 under part D of title III of such Act (20 U.S.C.
4 1066 et seq.).
5 (2) TERMS.—During the deferment period
6 granted under this subsection—
7 (A) the institution shall not be required to
8 pay any periodic installment of principal or in-
9 terest required under the loan agreement for
10 such loan; and
11 (B) the Secretary shall make principal and
12 interest payments otherwise due under the loan
13 agreement.
14 (3) CLOSING.—At the closing of a loan deferred
15 under this subsection, terms shall be set under
16 which the institution shall be required to repay the
17 Secretary for the payments of principal and interest
18 made by the Secretary during the deferment, on a
19 schedule that begins upon repayment to the lender
20 in full on the loan agreement, except in no case shall
21 repayment be required to begin before the date that
22 is 1 full fiscal year after the date that is the end of
23 the qualifying emergency.
24 (b) TERMINATION DATE.—

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1 (1) IN GENERAL.—The authority provided
2 under this section to grant a loan deferment under
3 subsection (a) shall terminate on the date on which
4 the qualifying emergency is no longer in effect.
5 (2) DURATION.—Any provision of a loan agree-
6 ment or insurance agreement modified by the au-
7 thority under this section shall remain so modified
8 for the duration of the period covered by the loan
9 agreement or insurance agreement.
10 (c) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, and every 180 days thereafter
12 during the period beginning on the first day of the quali-
13 fying emergency and ending on September 30 of the fiscal
14 year following the end of the qualifying emergency, the
15 Secretary shall submit to the authorizing committees (as
16 defined in section 103 of the Higher Education Act of
17 1965 (20 U.S.C. 1003)) a report that identifies each insti-
18 tution that received assistance under this section.
19 (d) FUNDING.—There is hereby appropriated, out of
20 any money in the Treasury not otherwise appropriated,
21 $62,000,000 to carry out this section.
22 **SEC. 3513. TEMPORARY RELIEF FOR FEDERAL STUDENT**
23 **LOAN BORROWERS.**
24 (a) IN GENERAL.—The Secretary shall suspend all
25 payments due for loans made under part D and part B

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1 (that are held by the Department of Education) of title
2 IV of the Higher Education Act of 1965 (20 U.S.C. 1087a
3 et seq.; 1071 et seq.) through September 30, 2020.
4 (b) NO ACCRUAL OF INTEREST.—Notwithstanding
5 any other provision of the Higher Education Act of 1965
6 (20 U.S.C. 1001 et seq.), interest shall not accrue on a
7 loan described under subsection (a) for which payment
8 was suspended for the period of the suspension.
9 (c) CONSIDERATION OF PAYMENTS.—Notwith-
10 standing any other provision of the Higher Education Act
11 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall deem
12 each month for which a loan payment was suspended
13 under this section as if the borrower of the loan had made
14 a payment for the purpose of any loan forgiveness pro-
15 gram or loan rehabilitation program authorized under part
16 D or B of title IV of the Higher Education Act of 1965
17 (20 U.S.C. 1087a et seq.; 1071 et seq.) for which the bor-
18 rower would have otherwise qualified.
19 (d) REPORTING TO CONSUMER REPORTING AGEN-
20 CIES.—During the period in which the Secretary suspends
21 payments on a loan under subsection (a), the Secretary
22 shall ensure that, for the purpose of reporting information
23 about the loan to a consumer reporting agency, any pay-
24 ment that has been suspended is treated as if it were a
25 regularly scheduled payment made by a borrower.

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1 (e) SUSPENDING INVOLUNTARY COLLECTION.—During
2 the period in which the Secretary suspends payments
3 on a loan under subsection (a), the Secretary shall sus-
4 pend all involuntary collection related to the loan, includ-
5 ing—
6 (1) a wage garnishment authorized under sec-
7 tion 488A of the Higher Education Act of 1965 (20
8 U.S.C. 1095a) or section 3720D of title 31, United
9 States Code;
10 (2) a reduction of tax refund by amount of debt
11 authorized under section 3720A of title 31, United
12 States Code, or section 6402(d) of the Internal Rev-
13 enue Code of 1986;
14 (3) a reduction of any other Federal benefit
15 payment by administrative offset authorized under
16 section 3716 of title 31, United States Code (includ-
17 ing a benefit payment due to an individual under the
18 Social Security Act or any other provision described
19 in subsection (c)(3)(A)(i) of such section); and
20 (4) any other involuntary collection activity by
21 the Secretary.
22 (f) WAIVERS.—In carrying out this section, the Sec-
23 retary may waive the application of—

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1 (1) subchapter I of chapter 35 of title 44,
2 United States Code (commonly known as the "Pa-
3 perwork Reduction Act");
4 (2) the master calendar requirements under
5 section 482 of the Higher Education Act of 1965
6 (20 U.S.C. 1089);
7 (3) negotiated rulemaking under section 492 of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1098a); and
10 (4) the requirement to publish the notices re-
11 lated to the system of records of the agency before
12 implementation required under paragraphs (4) and
13 (11) of section 552a(e) of title 5, United States
14 Code (commonly known as the "Privacy Act of
15 1974"), except that the notices shall be published
16 not later than 180 days after the date of enactment
17 of this Act.
18 (g) NOTICE TO BORROWERS AND TRANSITION PE-
19 RIOD.—To inform borrowers of the actions taken in ac-
20 cordance with this section and ensure an effective transi-
21 tion, the Secretary shall—
22 (1) not later than 15 days after the date of en-
23 actment of this Act, notify borrowers—

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1 (A) of the actions taken in accordance with
2 subsections (a) and (b) for whom payments
3 have been suspended and interest waived;
4 (B) of the actions taken in accordance with
5 subsection (e) for whom collections have been
6 suspended;
7 (C) of the option to continue making pay-
8 ments toward principal; and
9 (D) that the program under this section is
10 a temporary program.
11 (2) beginning on August 1, 2020, carry out a
12 program to provide not less than 6 notices by postal
13 mail, telephone, or electronic communication to bor-
14 rowers indicating—
15 (A) when the borrower's normal payment
16 obligations will resume; and
17 (B) that the borrower has the option to en-
18 roll in income-driven repayment, including a
19 brief description of such options.

20 **SEC. 3514. PROVISIONS RELATED TO THE CORPORATION**
21 **FOR NATIONAL AND COMMUNITY SERVICE.**

22 (a) ACCRUAL OF SERVICE HOURS.—
23 (1) ACCRUAL THROUGH OTHER SERVICE
24 HOURS.—

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1 (A) IN GENERAL.—Notwithstanding any
2 other provision of the Domestic Volunteer Serv-
3 ice Act of 1973 (42 U.S.C. 4950 et seq.) or the
4 National and Community Service Act of 1990
5 (42 U.S.C. 12501 et seq.), the Corporation for
6 National and Community Service shall allow an
7 individual described in subparagraph (B) to ac-
8 crue other service hours that will count toward
9 the number of hours needed for the individual's
10 education award.
11 (B) AFFECTED INDIVIDUALS.—Subpara-
12 graph (A) shall apply to any individual serving
13 in a position eligible for an educational award
14 under subtitle D of title I of the National and
15 Community Service Act of 1990 (42 U.S.C.
16 12601 et seq.)—
17 (i) who is performing limited service
18 due to COVID-19; or
19 (ii) whose position has been suspended
20 or placed on hold due to COVID-19.
21 (2) PROVISIONS IN CASE OF EARLY EXIT.—In
22 any case where an individual serving in a position el-
23 igible for an educational award under subtitle D of
24 title I of the National and Community Service Act
25 of 1990 (42 U.S.C. 12601 et seq.) was required to

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1 exit the position early at the direction of the Cor-
2 poration for National and Community Service, the
3 Chief Executive Officer of the Corporation for Na-
4 tional and Community Service may—
5 (A) deem such individual as having met
6 the requirements of the position; and
7 (B) award the individual the full value of
8 the educational award under such subtitle for
9 which the individual would otherwise have been
10 eligible.
11 (b) AVAILABILITY OF FUNDS.—Notwithstanding any
12 other provision of law, all funds made available to the Cor-
13 poration for National and Community Service under any
14 Act, including the amounts appropriated to the Corpora-
15 tion under the headings "OPERATING EXPENSES", "SALA-
16 RIES AND EXPENSES", and "OFFICE OF THE INSPECTOR
17 GENERAL" under the heading "CORPORATION FOR NA-
18 TIONAL AND COMMUNITY SERVICE" under title IV of Divi-
19 sion A of the Further Consolidated Appropriations Act,
20 2020 (Public Law 116–94), shall remain available for the
21 fiscal year ending September 30, 2021.
22 (c) NO REQUIRED RETURN OF GRANT FUNDS.—
23 Notwithstanding section 129(l)(3)(A)(i) of the National
24 and Community Service Act of 1990 (42 U.S.C.
25 12581(l)(3)(A)(i)), the Chief Executive Officer of the Cor-

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1 poration for National and Community Service may permit
2 fixed-amount grant recipients under such section 129(l)
3 to maintain a pro rata amount of grant funds, at the dis-
4 cretion of the Corporation for National and Community
5 Service, for participants who exited, were suspended, or
6 are serving in a limited capacity due to COVID-19, to en-
7 able the grant recipients to maintain operations and to
8 accept participants.

9 (d) EXTENSION OF TERMS AND AGE LIMITS.—Not-
10 withstanding any other provision of law, the Corporation
11 for National and Community Service may extend the term
12 of service (for a period not to exceed the 1-year period
13 immediately following the end of the national emergency)
14 or waive any upper age limit (except in no case shall the
15 maximum age exceed 26 years of age) for national service
16 programs carried out by the National Civilian Community
17 Corps under subtitle E of title I of the National and Com-
18 munity Service Act of 1990 (42 U.S.C. 12611 et seq.),
19 and the participants in such programs, for the purposes
20 of—

21 (1) addressing disruptions due to COVID-19;
22 and

23 (2) minimizing the difficulty in returning to full
24 operation due to COVID-19 on such programs and
25 participants.

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1 **SEC. 3515. WORKFORCE RESPONSE ACTIVITIES.**

2 (a) ADMINISTRATIVE COSTS.—Notwithstanding sec-
3 tion 128(b)(4) of the Workforce Innovation Opportunity
4 Act (29 U.S.C. 3163(b)(4)), of the total amount allocated
5 to a local area (including the total amount allotted to a
6 single State local area) under subtitle B of title I of such
7 Act (29 U.S.C. 3151 et seq.) for program year 2019, not
8 more than 20 percent of the total amount may be used
9 for the administrative costs of carrying out local workforce
10 investment activities under chapter 2 or chapter 3 of sub-
11 title B of title I of such Act, if the portion of the total
12 amount that exceeds 10 percent of the total amount is
13 used to respond to a qualifying emergency.

14 (b) RAPID RESPONSE ACTIVITIES.—

15 (1) STATEWIDE RAPID RESPONSE.—Of the
16 funds reserved by a Governor for program year 2019
17 for statewide activities under section 128(a) of the
18 Workforce Innovation and Opportunity Act (29
19 U.S.C. 3163(a)) that remain unobligated, such
20 funds may be used for statewide rapid response ac-
21 tivities as described in section 134(a)(2)(A) of such
22 Act (29 U.S.C. 3174(a)(2)(A)) for responding to a
23 qualifying emergency.

24 (2) LOCAL BOARDS.—Of the funds reserved by
25 a Governor for program year 2019 under section
26 133(a)(2) of such Act (29 U.S.C. 3173(a)(2)) that

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1 remain unobligated, such funds may be released
2 within 30 days after the date of enactment of this
3 Act to the local boards most impacted by the
4 coronavirus at the determination of the Governor for
5 rapid response activities related to responding to a
6 qualifying emergency.
7 (c) DEFINITIONS.—Except as otherwise provided, the
8 terms in this section have the meanings given the terms
9 in section 3 of the Workforce Innovation and Opportunity
10 Act (29 U.S.C. 3102).

11 **SEC. 3516. TECHNICAL AMENDMENTS.**

12 (a) IN GENERAL.—
13 (1) Section 6103(a)(3) of the Internal Revenue
14 Code of 1986, as amended by the FUTURE Act
15 (Public Law 116-91), is further amended by striking
16 "(13), (16)" and inserting "(13)(A), (13)(B),
17 (13)(C), (13)(D)(i), (16)".
18 (2) Section 6103(p)(3)(A) of such Code, as so
19 amended, is further amended by striking "(12),"
20 and inserting "(12), (13)(A), (13)(B), (13)(C),
21 (13)(D)(i)".
22 (3) Section 6103(p)(4) of such Code, as so
23 amended, is further amended by striking "(13) or
24 (16)" each place it appears and inserting "(13), or
25 (16)".

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1 (4) Section 6103(p)(4) of such Code, as so
2 amended and as amended by paragraph (3), is fur-
3 ther amended by striking "(13)" each place it ap-
4 pears and inserting "(13)(A), (13)(B), (13)(C),
5 (13)(D)(i)".
6 (5) Section 6103(l)(13)(C)(ii) of such Code, as
7 added by the FUTURE Act (Public Law 116-91), is
8 amended by striking "section 236A(e)(4)" and in-
9 serting "section 263A(e)(4)".
10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply as if included in the enactment
12 of the FUTURE Act (Public Law 116-91).

13 **SEC. 3517. WAIVER AUTHORITY AND REPORTING REQUIRE-**
14 **MENT FOR INSTITUTIONAL AID.**

15 (a) WAIVER AUTHORITY.—Notwithstanding any
16 other provision of the Higher Education Act of 1965
17 (U.S.C. 1001 et seq.), unless enacted with specific ref-
18 erence to this section, for any institution of higher edu-
19 cation that was receiving assistance under title III, title
20 V, or subpart 4 of part A of title VII of such Act (20
21 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) at the
22 time of a qualifying emergency, the Secretary may, for the
23 period beginning on the first day of the qualifying emer-
24 gency and ending on September 30 of the fiscal year fol-
25 lowing the end of the qualifying emergency—

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1 (1) waive—
2 (A) the eligibility data requirements set
3 forth in section 391(d) and 521(e) of the High-
4 er Education Act of 1965 (20 U.S.C. 1068(d);
5 1103(e));
6 (B) the wait-out period set forth in section
7 313(d) of the Higher Education Act of 1965
8 (20 U.S.C. 1059(d));
9 (C) the allotment requirements under
10 paragraphs (2) and (3) of subsection 318(e) of
11 the Higher Education Act of 1965 (20 U.S.C.
12 1059e(e)), and the reference to "the academic
13 year preceding the beginning of that fiscal
14 year" under such section 318(e)(1);
15 (D) the allotment requirements under sub-
16 sections (b), (c), and (g) of section 324 of the
17 Higher Education Act of 1965 (20 U.S.C.
18 1063), the reference to "the end of the school
19 year preceding the beginning of that fiscal
20 year" under such section 324(a), and the ref-
21 erence to "the academic year preceding such
22 fiscal year" under such section 324(h);
23 (E) subparagraphs (A), (C), (D), and (E)
24 of section 326(f)(3) of the Higher Education
25 Act of 1965 (20 U.S.C. 1063b(f)(3)), and ref-

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1 erences to "previous year" under such section
2 326(f)(3)(B);
3 (F) subparagraphs (A), (C), (D), and (E)
4 of section 723(f)(3) and subparagraphs (A),
5 (C), (D), and (E) of section 724(f)(3) of the
6 Higher Education Act of 1965 (20 U.S.C.
7 1136a(f)(3); 1136b(f)(3)), and references to
8 "previous academic year" under subparagraph
9 (B) of such sections 723(f)(3) and 724(f)(3);
10 and
11 (G) the allotment restriction set forth in
12 section 318(d)(4) and section 323(c)(2) of the
13 Higher Education Act of 1965 (20 U.S.C.
14 1059e(d)(4); 1062(c)(2)); and
15 (2) waive or modify any statutory or regulatory
16 provision to ensure that institutions that were re-
17 ceiving assistance under title III, title V, or subpart
18 4 of part A of title VII of such Act (20 U.S.C. 1051
19 et seq.; 1101 et seq.; 1136a et seq.) at the time of
20 a qualifying emergency are not adversely affected by
21 any formula calculation for fiscal year 2020 and for
22 the period beginning on the first day of the quali-
23 fying emergency and ending on September 30 of the
24 fiscal year following the end of the qualifying emer-
25 gency, as necessary.

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1 (b) USE OF UNEXPENDED FUNDS.—Any funds paid
2 to an institution under title III, title V, or subpart 4 of
3 part A of title VII of the Higher Education Act of 1965
4 (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) and
5 not expended or used for the purposes for which the funds
6 were paid to the institution during the 5-year period fol-
7 lowing the date on which the funds were first paid to the
8 institution, may be carried over and expended during the
9 succeeding 5-year period.
10 (c) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, and every 180 days thereafter
12 for the period beginning on the first day of the qualifying
13 emergency and ending on September 30 of the fiscal year
14 following the end of the qualifying emergency, the Sec-
15 retary shall submit to the authorizing committees (as de-
16 fined in section 103 of the Higher Education Act of 1965
17 (20 U.S.C. 1003)) a report that identifies each institution
18 that received a waiver or modification under this section.

19 **SEC. 3518. AUTHORIZED USES AND OTHER MODIFICATIONS**
20 **FOR GRANTS.**

21 (a) IN GENERAL.—The Secretary is authorized to
22 modify the required and allowable uses of funds for grants
23 awarded under part A or B of title III, chapter I or II
24 of subpart 2 of part A of title IV, title V, or subpart 4
25 of part A of title VII of the Higher Education Act of 1965

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1 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1070a–11 et seq.;
2 1070a–21 et seq.; 1101 et seq.; 1136a et seq.) to an insti-
3 tution of higher education or other grant recipient (not
4 including individual recipients of Federal student financial
5 assistance), at the request of an institution of higher edu-
6 cation or other recipient of a grant (not including indi-
7 vidual recipients of Federal student financial assistance)
8 as a result of a qualifying emergency, for the period begin-
9 ning on the first day of the qualifying emergency and end-
10 ing on September 30 of the fiscal year following the end
11 of the qualifying emergency.

12 (b) MATCHING REQUIREMENT MODIFICATIONS.—
13 Notwithstanding any other provision of the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary
15 is authorized to modify any Federal share or other finan-
16 cial matching requirement for a grant awarded on a com-
17 petitive basis or a grant awarded under part A or B of
18 title III or subpart 4 of part A of title VII of the Higher
19 Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et
20 seq.; 1136a et seq.) at the request of an institution of
21 higher education or other grant recipient as a result of
22 a qualifying emergency, for the period beginning on the
23 first day of the qualifying emergency and ending on Sep-
24 tember 30 of the fiscal year following the end of the quali-
25 fying emergency.

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1 (c) REPORTS.—Not later than 180 days after the
2 date of enactment of this Act, and every 180 days there-
3 after for the duration of the period beginning on the first
4 day of the qualifying emergency and ending on September
5 30 of the fiscal year following the end of the qualifying
6 emergency, the Secretary shall submit to the authorizing
7 committees (as defined in section 103 of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1003)) a report that identi-
9 fies each institution of higher education or other grant re-
10 cipient that received a modification under this section.

11 **SEC. 3519. SERVICE OBLIGATIONS FOR TEACHERS.**

12 (a) TEACH GRANTS.—For the purpose of section
13 420N of the Higher Education Act of 1965 (20 U.S.C.
14 1070g–2), during a qualifying emergency, the Secretary—
15 (1) may modify the categories of extenuating
16 circumstances under which a recipient of a grant
17 under subpart 9 of part A of title IV of the Higher
18 Education Act of 1965 (20 U.S.C. 1070g et seq.)
19 who is unable to fulfill all or part of the recipient's
20 service obligation may be excused from fulfilling that
21 portion of the service obligation; and
22 (2) shall consider teaching service that, as a re-
23 sult of a qualifying emergency, is part-time or tem-
24 porarily interrupted, to be full-time service and to

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1 fulfill the service obligations under such section
2 420N.
3 (b) TEACHER LOAN FORGIVENESS.—Notwith-
4 standing section 428J or 460 of the Higher Education Act
5 of 1965 (20 U.S.C. 1078–10; 1087j), the Secretary shall
6 waive the requirements under such sections that years of
7 teaching service shall be consecutive if—
8 (1) the teaching service of a borrower is tempo-
9 rarily interrupted due to a qualifying emergency;
10 and
11 (2) after the temporary interruption due to a
12 qualifying emergency, the borrower resumes teaching
13 service and completes a total of 5 years of qualifying
14 teaching service under such sections, including quali-
15 fying teaching service performed before, during, and
16 after such qualifying emergency.

17 **Subtitle C—Labor Provisions**

18 **SEC. 3601. LIMITATION ON PAID LEAVE.**

19 Section 110(b)(2)(B) of the Family and Medical
20 Leave Act of 1993 (as added by the Emergency Family
21 and Medical Leave Expansion Act) is amended by striking
22 clause (ii) and inserting the following:
23 "(ii) LIMITATION.—An employer shall
24 not be required to pay more than $200 per
25 day and $10,000 in the aggregate for each

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1 employee for paid leave under this sec-
2 tion.".

3 **SEC. 3602. EMERGENCY PAID SICK LEAVE ACT LIMITATION.**

4 Section 5102 of the Emergency Paid Sick Leave Act
5 (division E of the Families First Coronavirus Response
6 Act) is amended by adding at the end the following:

7 "(f) LIMITATIONS.—An employer shall not be re-
8 quired to pay more than either—

9 "(1) $511 per day and $5,110 in the aggregate
10 for each employee, when the employee is taking leave
11 for a reason described in paragraph (1), (2), or (3)
12 of section 5102(a); or

13 "(2) $200 per day and $2,000 in the aggregate
14 for each employee, when the employee is taking leave
15 for a reason described in paragraph (4), (5), or (6)
16 of section 5102(a).".

17 **SEC. 3603. UNEMPLOYMENT INSURANCE.**

18 Section 903(h)(2)(B) of the Social Security Act (42
19 U.S.C. 1103(h)(2)(B)), as added by section 4102 of the
20 Emergency Unemployment Insurance Stabilization and
21 Access Act of 2020, is amended to read as follows:

22 "(B) The State ensures that applications
23 for unemployment compensation, and assistance
24 with the application process, are accessible, to

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1 the extent practicable in at least two of the fol-
2 lowing: in person, by phone, or online.''.

3 **SEC. 3604. OMB WAIVER OF PAID FAMILY AND PAID SICK**
4 **LEAVE.**

5 (a) FAMILY AND MEDICAL LEAVE ACT OF 1993.—
6 Section 110(a) of title I of the Family and Medical Leave
7 Act of 1993 (29 U.S.C. 2611 et seq.) (as added by division
8 C of the Families First Coronavirus Response Act) is
9 amended by adding at the end the following new para-
10 graph:

11 ''(4) The Director of the Office of Management
12 and Budget shall have the authority to exclude for
13 good cause from the requirements under subsection
14 (b) certain employers of the United States Govern-
15 ment with respect to certain categories of Executive
16 Branch employees.''.

17 (b) EMERGENCY PAID SICK LEAVE ACT.—The
18 Emergency Paid Sick Leave Act (division E of the Fami-
19 lies First Coronavirus Response Act) is amended by add-
20 ing at the end the following new section:

21 **''SEC. 5112. AUTHORITY TO EXCLUDE CERTAIN EMPLOYEES.**

22 ''The Director of the Office of Management and
23 Budget shall have the authority to exclude for good cause
24 from the definition of employee under section 5110(1) cer-
25 tain employees described in subparagraphs (E) and (F)

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1 of such section, including by exempting certain United
2 States Government employers covered by section
3 5110(2)(A)(i)(V) from the requirements of this title with
4 respect to certain categories of Executive Branch employ-
5 ees.''.

6 **SEC. 3605. PAID LEAVE FOR REHIRED EMPLOYEES.**

7 Section 110(a)(1)(A) of the Family and Medical
8 Leave Act of 1993, as added by section 3102 of the Emer-
9 gency Family and Medical Leave Expansion Act, is
10 amended to read as follows:

11 ''(A) ELIGIBLE EMPLOYEE.—

12 ''(i) IN GENERAL.—In lieu of the defi-
13 nition in sections 101(2)(A) and
14 101(2)(B)(ii), the term 'eligible employee'
15 means an employee who has been employed
16 for at least 30 calendar days by the em-
17 ployer with respect to whom leave is re-
18 quested under section 102(a)(1)(F).

19 ''(ii) RULE REGARDING REHIRED EM-
20 PLOYEES.—For purposes of clause (i), the
21 term 'employed for at least 30 calendar
22 days', used with respect to an employee
23 and an employer described in clause (i), in-
24 cludes an employee who was laid off by
25 that employer not earlier than March 1,

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2020, had worked for the employer for not less than 30 of the last 60 calendar days prior to the employee's layoff, and was re-hired by the employer.".

**SEC. 3606. ADVANCE REFUNDING OF CREDITS.**

(a) PAYROLL CREDIT FOR REQUIRED PAID SICK LEAVE.—Section 7001 of division G of the Families First Coronavirus Response Act is amended—

(1) in subsection (b)(4)(A)—

(A) by striking "(A) In general.—If the amount" and inserting "(A)(i) Credit is refundable.—If the amount"; and

(B) by adding at the end the following:

"(ii) ADVANCING CREDIT.—In anticipation of the credit, including the refundable portion under clause (i), the credit may be advanced, according to forms and instructions provided by the Secretary, up to an amount calculated under subsection (a), subject to the limits under subsection (b), both calculated through the end of the most recent payroll period in the quarter.";

(2) in subsection (f)—

(A) in paragraph (4), by striking ", and" and inserting a comma;

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1 (B) in paragraph (5), by striking the pe-
2 riod at the end and inserting ", and"; and
3 (C) by adding at the end the following:
4 "(6) regulations or other guidance to permit the
5 advancement of the credit determined under sub-
6 section (a)."; and
7 (3) by inserting after subsection (h) the fol-
8 lowing new subsection:
9 "(i) TREATMENT OF DEPOSITS.—The Secretary of
10 the Treasury (or the Secretary's delegate) shall waive any
11 penalty under section 6656 of the Internal Revenue Code
12 of 1986 for any failure to make a deposit of the tax im-
13 posed by section 3111(a) or 3221(a) of such Code if the
14 Secretary determines that such failure was due to the an-
15 ticipation of the credit allowed under this section.".
16 (b) PAYROLL CREDIT FOR REQUIRED PAID FAMILY
17 LEAVE.—Section 7003 of division G of the Families First
18 Coronavirus Response Act is amended—
19 (1) in subsection (b)(3)—
20 (A) by striking "If the amount" and in-
21 serting "(A) Credit is refundable.—If the
22 amount"; and
23 (B) by adding at the end the following:
24 "(B) ADVANCING CREDIT.—In anticipation
25 of the credit, including the refundable portion

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under subparagraph (A), the credit may be advanced, according to forms and instructions provided by the Secretary, up to an amount calculated under subsection (a), subject to the limits under subsection (b), both calculated through the end of the most recent payroll period in the quarter.";

(2) in subsection (f)—

(A) in paragraph (4), by striking ", and" and inserting a comma;

(B) in paragraph (5), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(6) regulations or other guidance to permit the advancement of the credit determined under subsection (a)."; and

(c) by inserting after subsection (h) the following new subsection:

"(i) TREATMENT OF DEPOSITS.—The Secretary of the Treasury (or the Secretary's delegate) shall waive any penalty under section 6656 of the Internal Revenue Code of 1986 for any failure to make a deposit of the tax imposed by section 3111(a) or 3221(a) of such Code if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section.".

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1 **SEC. 3607. EXPANSION OF DOL AUTHORITY TO POSTPONE**
2 **CERTAIN DEADLINES.**

3 Section 518 of the Employee Retirement Income Se-
4 curity Act of 1974 (29 U.S.C. 1148) is amended by strik-
5 ing "or a terroristic or military action (as defined in sec-
6 tion 692(c)(2) of such Code), the Secretary may" and in-
7 serting "a terroristic or military action (as defined in sec-
8 tion 692(c)(2) of such Code), or a public health emergency
9 declared by the Secretary of Health and Human Services
10 pursuant to section 319 of the Public Health Service Act,
11 the Secretary may".

12 **SEC. 3608. SINGLE-EMPLOYER PLAN FUNDING RULES.**

13 (a) DELAY IN PAYMENT OF MINIMUM REQUIRED
14 CONTRIBUTIONS.—In the case of any minimum required
15 contribution (as determined under section 430(a) of the
16 Internal Revenue Code of 1986 and section 303(a) of the
17 Employee Retirement Income Security Act of 1974 (29
18 U.S.C. 1083(a))) which (but for this section) would other-
19 wise be due under section 430(j) of such Code (including
20 quarterly contributions under paragraph (3) thereof) and
21 section 303(j) of such Act (29 U.S.C. 1083(j)) (including
22 quarterly contributions under paragraph (3) thereof) dur-
23 ing calendar year 2020—

24 (1) the due date for such contributions shall be
25 January 1, 2021, and

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1 (2) the amount of each such minimum required
2 contribution shall be increased by interest accruing
3 for the period between the original due date (without
4 regard to this section) for the contribution and the
5 payment date, at the effective rate of interest for the
6 plan for the plan year which includes such payment
7 date.

8 (b) BENEFIT RESTRICTION STATUS.—For purposes
9 of section 436 of the Internal Revenue Code of 1986 and
10 section 206(g) of the Employee Retirement Income Secu-
11 rity Act of 1974 (29 U.S.C. 1056(g)), a plan sponsor may
12 elect to treat the plan's adjusted funding target attain-
13 ment percentage for the last plan year ending before Janu-
14 ary 1, 2020, as the adjusted funding target attainment
15 percentage for plan years which include calendar year
16 2020.

17 **SEC. 3609. APPLICATION OF COOPERATIVE AND SMALL EM-**
18 **PLOYER CHARITY PENSION PLAN RULES TO**
19 **CERTAIN CHARITABLE EMPLOYERS WHOSE**
20 **PRIMARY EXEMPT PURPOSE IS PROVIDING**
21 **SERVICES WITH RESPECT TO MOTHERS AND**
22 **CHILDREN.**

23 (a) EMPLOYEE RETIREMENT INCOME SECURITY ACT
24 OF 1974.—Section 210(f)(1) of the Employee Retirement

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1 Income Security Act of 1974 (29 U.S.C. 1060(f)(1)) is
2 amended—
3 (1) by striking "or" at the end of subparagraph
4 (B);
5 (2) by striking the period at the end of sub-
6 paragraph (C)(iv) and inserting "; or"; and
7 (3) by inserting after subparagraph (C) the fol-
8 lowing new subparagraph:
9 "(D) that, as of January 1, 2000, was
10 maintained by an employer—
11 "(i) described in section 501(c)(3) of
12 the Internal Revenue Code of 1986,
13 "(ii) who has been in existence since
14 at least 1938,
15 "(iii) who conducts medical research
16 directly or indirectly through grant mak-
17 ing, and
18 "(iv) whose primary exempt purpose
19 is to provide services with respect to moth-
20 ers and children.".
21 (b) INTERNAL REVENUE CODE OF 1986.—Section
22 414(y)(1) of the Internal Revenue Code of 1986 is amend-
23 ed—
24 (1) by striking "or" at the end of subparagraph
25 (B);

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1 (2) by striking the period at the end of sub-
2 paragraph (C)(iv) and inserting "; or"; and
3 (3) by inserting after subparagraph (C) the fol-
4 lowing new subparagraph:
5 "(D) that, as of January 1, 2000, was
6 maintained by an employer—
7 "(i) described in section 501(c)(3),
8 "(ii) who has been in existence since
9 at least 1938,
10 "(iii) who conducts medical research
11 directly or indirectly through grant mak-
12 ing, and
13 "(iv) whose primary exempt purpose
14 is to provide services with respect to moth-
15 ers and children.".
16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to plan years beginning after De-
18 cember 31, 2018.
19 **SEC. 3610. FEDERAL CONTRACTOR AUTHORITY.**
20 Notwithstanding any other provision of law, and sub-
21 ject to the availability of appropriations, funds made avail-
22 able to an agency by this Act or any other Act may be
23 used by such agency to modify the terms and conditions
24 of a contract, or other agreement, without consideration,
25 to reimburse at the minimum applicable contract billing

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1 rates not to exceed an average of 40 hours per week any
2 paid leave, including sick leave, a contractor provides to
3 keep its employees or subcontractors in a ready state, in-
4 cluding to protect the life and safety of Government and
5 contractor personnel, but in no event beyond September
6 30, 2020. Such authority shall apply only to a contractor
7 whose employees or subcontractors cannot perform work
8 on a site that has been approved by the Federal Govern-
9 ment, including a federally-owned or leased facility or site,
10 due to facility closures or other restrictions, and who can-
11 not telework because their job duties cannot be performed
12 remotely during the public health emergency declared on
13 January 31, 2020 for COVID–19: *Provided*, That the
14 maximum reimbursement authorized by this section shall
15 be reduced by the amount of credit a contractor is allowed
16 pursuant to division G of Public Law 116–127 and any
17 applicable credits a contractor is allowed under this Act.

18 **SEC. 3611. TECHNICAL CORRECTIONS.**

19 (1) Section 110(a)(3) of the Family and Med-
20 ical Leave Act of 1993 (as added by the Emergency
21 and Medical Leave Expansion Act) is amended by
22 striking "553(d)(A)" and inserting "553(d)(3)".

23 (2) Section 5111 of the Emergency Paid Sick
24 Leave Act (division E of the Families First

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1 Coronavirus Response Act) is amended by striking
2 "553(d)(A)" and inserting "553(d)(3)".
3 (3) Section 110(c) of the Family and Medical
4 Leave Act of 1993 (as added by the Emergency and
5 Medical Leave Expansion Act) is amended by strik-
6 ing "subsection (a)(2)(A)(iii)" and inserting "sub-
7 section (a)(2)(A)".
8 (4) Section 3104 of the Emergency Family and
9 Medical Leave Expansion Act (division C of the
10 Families First Coronavirus Response Act) is amend-
11 ed—
12 (A) by striking "110(a)(B)" and inserting
13 "section 110(a)(1)(B) of the Family and Med-
14 ical Leave Act of 1993"; and
15 (B) by striking "section 107(a) for a viola-
16 tion of section 102(a)(1)(F) if the employer
17 does not meet the definition of employer set
18 forth in Section 101(4)(A)(i)" and inserting
19 "section 107(a) of such Act for a violation of
20 section 102(a)(1)(F) of such Act if the em-
21 ployer does not meet the definition of employer
22 set forth in section 101(4)(A)(i) of such Act".
23 (5) Section 5110(1) of the Emergency Paid
24 Sick Leave Act (division E of the Families First
25 Coronavirus Response Act) is amended—

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1 (A) in the matter preceding subparagraph
2 (A), by striking "terms" and inserting "term";
3 and
4 (B) in subparagraph (A)(i), by striking
5 "paragraph (5)(A)" and inserting "paragraph
6 (2)(A)".
7 (6) Section 5110(2)(B)(ii) of the Emergency
8 Paid Sick Leave Act (division E of the Families
9 First Coronavirus Response Act) is amended by
10 striking "clause (i)(IV)" and inserting "clause
11 (i)(III)".
12 (7) Section 110(a)(3) of the Family and Med-
13 ical Leave Act of 1993 (as added by the Emergency
14 and Medical Leave Expansion Act) is amended—
15 (A) by striking "and" after the semicolon
16 at the end of subparagraph (A);
17 (B) by striking the period at end of sub-
18 paragraph (B) and inserting "; and"; and
19 (C) by adding at the end the following:
20 "(C) as necessary to carry out the pur-
21 poses of this Act, including to ensure consist-
22 ency between this Act and Division E and Divi-
23 sion G of the Families First Coronavirus Re-
24 sponse Act.".

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1 (8) Section 5104(1) of the Emergency Paid
2 Sick Leave Act (division E of the Families First
3 Coronavirus Response Act) is amended by striking
4 "and" after the semicolon and inserting "or".
5 (9) Section 5105 of the Emergency Paid Sick
6 Leave Act (division E of the Families First
7 Coronavirus Response Act) is amended by adding at
8 the end the following:
9 "(c) INVESTIGATIONS AND COLLECTION OF DATA.—
10 The Secretary of Labor or his designee may investigate
11 and gather data to ensure compliance with this Act in the
12 same manner as authorized by sections 9 and 11 of the
13 Fair Labor Standards Act of 1938 (29 U.S.C. 209;
14 211).".

15 **Subtitle D—Finance Committee**

16 **SEC. 3701. EXEMPTION FOR TELEHEALTH SERVICES.**

17 (a) IN GENERAL.—Paragraph (2) of section 223(c)
18 of the Internal Revenue Code of 1986 is amended by add-
19 ing at the end the following new subparagraph:
20 "(E) SAFE HARBOR FOR ABSENCE OF DE-
21 DUCTIBLE FOR TELEHEALTH.—In the case of
22 plan years beginning on or before December 31,
23 2021, a plan shall not fail to be treated as a
24 high deductible health plan by reason of failing

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1 to have a deductible for telehealth and other re-
2 mote care services.''.
3 (b) CERTAIN COVERAGE DISREGARDED.—Clause (ii)
4 of section 223(c)(1)(B) of the Internal Revenue Code of
5 1986 is amended by striking ''or long-term care'' and in-
6 serting ''long-term care, or (in the case of plan years be-
7 ginning on or before December 31, 2021) telehealth and
8 other remote care''.
9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on the date of the enactment
11 of this Act.

12 **SEC. 3702. INCLUSION OF CERTAIN OVER-THE-COUNTER**
13 **MEDICAL PRODUCTS AS QUALIFIED MEDICAL**
14 **EXPENSES.**

15 (a) HSAS.—Section 223(d)(2) of the Internal Rev-
16 enue Code of 1986 is amended—
17 (1) by striking the last sentence of subpara-
18 graph (A) and inserting the following: ''For pur-
19 poses of this subparagraph, amounts paid for men-
20 strual care products shall be treated as paid for
21 medical care.''; and
22 (2) by adding at the end the following new sub-
23 paragraph:
24 ''(D) MENSTRUAL CARE PRODUCT.—For
25 purposes of this paragraph, the term 'menstrual

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1 care product' means a tampon, pad, liner, cup,
2 sponge, or similar product used by individuals
3 with respect to menstruation or other genital-
4 tract secretions.''.

5 (b) ARCHER MSAS.—Section 220(d)(2)(A) of such
6 Code is amended by striking the last sentence and insert-
7 ing the following: ''For purposes of this subparagraph,
8 amounts paid for menstrual care products (as defined in
9 section 223(d)(2)(D)) shall be treated as paid for medical
10 care.''.

11 (c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS
12 AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Sec-
13 tion 106 of such Code is amended by striking subsection
14 (f) and inserting the following new subsection:

15 ''(f) REIMBURSEMENTS FOR MENSTRUAL CARE
16 PRODUCTS.—For purposes of this section and section
17 105, expenses incurred for menstrual care products (as
18 defined in section 223(d)(2)(D)) shall be treated as in-
19 curred for medical care.''.

20 (d) EFFECTIVE DATES.—

21 (1) DISTRIBUTIONS FROM SAVINGS AC-
22 COUNTS.—The amendment made by subsections (a)
23 and (b) shall apply to amounts paid after December
24 31, 2019.

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1 (2) REIMBURSEMENTS.—The amendment made
2 by subsection (c) shall apply to expenses incurred
3 after December 31, 2019.

4 **SEC. 3703. INCREASING MEDICARE TELEHEALTH FLEXI-**
5 **BILITIES DURING EMERGENCY PERIOD.**

6 Section 1135 of the Social Security Act (42 U.S.C.
7 1320b–5) is amended—
8 (1) in subsection (b)(8), by striking "to an indi-
9 vidual by a qualified provider (as defined in sub-
10 section (g)(3))" and all that follows through the pe-
11 riod and inserting ", the requirements of section
12 1834(m)."; and
13 (2) in subsection (g), by striking paragraph (3).

14 **SEC. 3704. ENHANCING MEDICARE TELEHEALTH SERVICES**
15 **FOR FEDERALLY QUALIFIED HEALTH CEN-**
16 **TERS AND RURAL HEALTH CLINICS DURING**
17 **EMERGENCY PERIOD.**

18 Section 1834(m) of the Social Security Act (42
19 U.S.C. 1395m(m)) is amended—
20 (1) in the first sentence of paragraph (1), by
21 striking "The Secretary" and inserting "Subject to
22 paragraph (8), the Secretary";
23 (2) in paragraph (2)(A), by striking "The Sec-
24 retary" and inserting "Subject to paragraph (8), the
25 Secretary";

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1 (3) in paragraph (4)—
2 (A) in subparagraph (A), by striking "The
3 term" and inserting "Subject to paragraph (8),
4 the term"; and
5 (B) in subparagraph (F)(i), by striking
6 "The term" and inserting "Subject to para-
7 graph (8), the term"; and
8 (4) by adding at the end the following new
9 paragraph:
10 "(8) ENHANCING TELEHEALTH SERVICES FOR
11 FEDERALLY QUALIFIED HEALTH CENTERS AND
12 RURAL HEALTH CLINICS DURING EMERGENCY PE-
13 RIOD.—
14 "(A) IN GENERAL.—During the emergency
15 period described in section 1135(g)(1)(B)—
16 "(i) the Secretary shall pay for tele-
17 health services that are furnished via a
18 telecommunications system by a Federally
19 qualified health center or a rural health
20 clinic to an eligible telehealth individual en-
21 rolled under this part notwithstanding that
22 the Federally qualified health center or
23 rural clinic providing the telehealth service
24 is not at the same location as the bene-
25 ficiary;

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1 "(ii) the amount of payment to a Fed-
2 erally qualified health center or rural
3 health clinic that serves as a distant site
4 for such a telehealth service shall be deter-
5 mined under subparagraph (B); and
6 "(iii) for purposes of this subsection—
7 "(I) the term 'distant site' in-
8 cludes a Federally qualified health
9 center or rural health clinic that fur-
10 nishes a telehealth service to an eligi-
11 ble telehealth individual; and
12 "(II) the term 'telehealth serv-
13 ices' includes a rural health clinic
14 service or Federally qualified health
15 center service that is furnished using
16 telehealth to the extent that payment
17 codes corresponding to services identi-
18 fied by the Secretary under clause (i)
19 or (ii) of paragraph (4)(F) are listed
20 on the corresponding claim for such
21 rural health clinic service or Federally
22 qualified health center service.
23 "(B) SPECIAL PAYMENT RULE.—
24 "(i) IN GENERAL.—The Secretary
25 shall develop and implement payment

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1 methods that apply under this subsection
2 to a Federally qualified health center or
3 rural health clinic that serves as a distant
4 site that furnishes a telehealth service to
5 an eligible telehealth individual during
6 such emergency period. Such payment
7 methods shall be based on payment rates
8 that are similar to the national average
9 payment rates for comparable telehealth
10 services under the physician fee schedule
11 under section 1848. Notwithstanding any
12 other provision of law, the Secretary may
13 implement such payment methods through
14 program instruction or otherwise.

15 "(ii) EXCLUSION FROM FQHC PPS
16 CALCULATION AND RHC AIR CALCULA-
17 TION.—Costs associated with telehealth
18 services shall not be used to determine the
19 amount of payment for Federally qualified
20 health center services under the prospec-
21 tive payment system under section 1834(o)
22 or for rural health clinic services under the
23 methodology for all-inclusive rates (estab-
24 lished by the Secretary) under section
25 1833(a)(3).".

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1 **SEC. 3705. TEMPORARY WAIVER OF REQUIREMENT FOR**
2 **FACE-TO-FACE VISITS BETWEEN HOME DI-**
3 **ALYSIS PATIENTS AND PHYSICIANS.**

4 Section 1881(b)(3)(B) of the Social Security Act (42
5 U.S.C. 1395rr(b)(3)(B)) is amended—

6 (1) in clause (i), by striking "clause (ii)" and
7 inserting "clauses (ii) and (iii)";

8 (2) in clause (ii), in the matter preceding sub-
9 clause (I), by striking "Clause (i)" and inserting
10 "Except as provided in clause (iii), clause (i)"; and

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

13 "(iii) The Secretary may waive the
14 provisions of clause (ii) during the emer-
15 gency period described in section
16 1135(g)(1)(B).".

17 **SEC. 3706. USE OF TELEHEALTH TO CONDUCT FACE-TO-**
18 **FACE ENCOUNTER PRIOR TO RECERTIFI-**
19 **CATION OF ELIGIBILITY FOR HOSPICE CARE**
20 **DURING EMERGENCY PERIOD.**

21 Section 1814(a)(7)(D)(i) of the Social Security Act
22 (42 U.S.C. 1395f(a)(7(D)(i)) is amended—

23 (1) by striking "a hospice" and inserting "(I)
24 subject to subclause (II), a hospice"; and

25 (2) by inserting after subclause (I), as added by
26 paragraph (1), the following new subclause:

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1 "(II) during the emergency period de-
2 scribed in section 1135(g)(1)(B), a hospice
3 physician or nurse practitioner may con-
4 duct a face-to-face encounter required
5 under this clause via telehealth, as deter-
6 mined appropriate by the Secretary; and".

7 **SEC. 3707. ENCOURAGING USE OF TELECOMMUNICATIONS**
8 **SYSTEMS FOR HOME HEALTH SERVICES FUR-**
9 **NISHED DURING EMERGENCY PERIOD.**

10 With respect to home health services (as defined in
11 section 1861(m) of the Social Security Act (42 U.S.C.
12 1395x(m)) that are furnished during the emergency period
13 described in section 1135(g)(1)(B) of such Act (42 U.S.C.
14 1320b–5(g)(1)(B)), the Secretary of Health and Human
15 Services shall consider ways to encourage the use of tele-
16 communications systems, including for remote patient
17 monitoring as described in section 409.46(e) of title 42,
18 Code of Federal Regulations (or any successor regula-
19 tions) and other communications or monitoring services,
20 consistent with the plan of care for the individual, includ-
21 ing by clarifying guidance and conducting outreach, as ap-
22 propriate.

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1 **SEC. 3708. IMPROVING CARE PLANNING FOR MEDICARE**
2 **HOME HEALTH SERVICES.**
3 (a) PART A PROVISIONS.—Section 1814(a) of the So-
4 cial Security Act (42 U.S.C. 1395f(a)) is amended—
5 (1) in paragraph (2)—
6 (A) in the matter preceding subparagraph
7 (A), by inserting ", a nurse practitioner or clin-
8 ical nurse specialist (as such terms are defined
9 in section 1861(aa)(5)) who is working in ac-
10 cordance with State law, or a physician assist-
11 ant (as defined in section 1861(aa)(5)) under
12 the supervision of a physician, who is" after "in
13 the case of services described in subparagraph
14 (C), a physician"; and
15 (B) in subparagraph (C)—
16 (i) by inserting ", a nurse practi-
17 tioner, a clinical nurse specialist, or a phy-
18 sician assistant (as the case may be)" after
19 "physician" the first 2 times it appears;
20 and
21 (ii) by striking ", and, in the case of
22 a certification made by a physician" and
23 all that follows through "face-to-face en-
24 counter" and inserting ", and, in the case
25 of a certification made by a physician after
26 January 1, 2010, or by a nurse practi-

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1 tioner, clinical nurse specialist, or physi-
2 cian assistant (as the case may be) after a
3 date specified by the Secretary (but in no
4 case later than the date that is 6 months
5 after the date of the enactment of the
6 CARES Act), prior to making such certifi-
7 cation a physician, nurse practitioner, clin-
8 ical nurse specialist, or physician assistant
9 must document that a physician, nurse
10 practitioner, clinical nurse specialist, cer-
11 tified nurse-midwife (as defined in section
12 1861(gg)) as authorized by State law, or
13 physician assistant has had a face-to-face
14 encounter";
15 (2) in the third sentence—
16 (A) by striking "physician certification"
17 and inserting "certification";
18 (B) by inserting "(or in the case of regula-
19 tions to implement the amendments made by
20 section 3708 of the CARES Act, the Secretary
21 shall prescribe regulations, which shall become
22 effective no later than 6 months after the date
23 of the enactment of such Act)" after "1981";
24 and

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1 (C) by striking "a physician who" and in-
2 serting "a physician, nurse practitioner, clinical
3 nurse specialist, or physician assistant who";
4 (3) in the fourth sentence, by inserting ", nurse
5 practitioner, clinical nurse specialist, or physician as-
6 sistant" after "physician"; and
7 (4) in the fifth sentence—
8 (A) by inserting "or no later than 6
9 months after the date of the enactment of the
10 CARES Act for purposes of documentation for
11 certification and recertification made under
12 paragraph (2) by a nurse practitioner, clinical
13 nurse specialist, or physician assistant," after
14 "January 1, 2019"; and
15 (B) by inserting ", nurse practitioner, clin-
16 ical nurse specialist, or physician assistant"
17 after "of the physician".
18 (b) PART B PROVISIONS.—Section 1835(a) of the So-
19 cial Security Act (42 U.S.C. 1395n(a)) is amended—
20 (1) in paragraph (2)—
21 (A) in the matter preceding subparagraph
22 (A), by inserting ", a nurse practitioner or clin-
23 ical nurse specialist (as those terms are defined
24 in section 1861(aa)(5)) who is working in ac-
25 cordance with State law, or a physician assist-

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1 ant (as defined in section 1861(aa)(5)) under
2 the supervision of a physician, who is'' after ''in
3 the case of services described in subparagraph
4 (A), a physician''; and
5 (B) in subparagraph (A)—
6 (i) in each of clauses (ii) and (iii) of
7 subparagraph (A) by inserting '', a nurse
8 practitioner, a clinical nurse specialist, or a
9 physician assistant (as the case may be)''
10 after ''physician''; and
11 (ii) in clause (iv), by striking ''after
12 January 1, 2010'' and all that follows
13 through ''face-to-face encounter'' and in-
14 serting ''made by a physician after Janu-
15 ary 1, 2010, or by a nurse practitioner,
16 clinical nurse specialist, or physician as-
17 sistant (as the case may be) after a date
18 specified by the Secretary (but in no case
19 later than the date that is 6 months after
20 the date of the enactment of the CARES
21 Act), prior to making such certification a
22 physician, nurse practitioner, clinical nurse
23 specialist, or physician assistant must doc-
24 ument that a physician, nurse practitioner,
25 clinical nurse specialist, certified nurse-

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1 midwife (as defined in section 1861(gg)) as
2 authorized by State law, or physician as-
3 sistant has had a face-to-face encounter";
4 (2) in the third sentence, by inserting ", nurse
5 practitioner, clinical nurse specialist, or physician as-
6 sistant (as the case may be)" after physician;
7 (3) in the fourth sentence—
8 (A) by striking "physician certification"
9 and inserting "certification";
10 (B) by inserting "(or in the case of regula-
11 tions to implement the amendments made by
12 section 3708 of the CARES Act the Secretary
13 shall prescribe regulations which shall become
14 effective no later than 6 months after the enact-
15 ment of such Act)" after "1981"; and
16 (C) by striking "a physician who" and in-
17 serting "a physician, nurse practitioner, clinical
18 nurse specialist, or physician assistant who";
19 (4) in the fifth sentence, by inserting ", nurse
20 practitioner, clinical nurse specialist, or physician as-
21 sistant" after "physician"; and
22 (5) in the sixth sentence—
23 (A) by inserting "or no later than 6
24 months after the date of the enactment of the
25 CARES Act for purposes of documentation for

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1 certification and recertification made under
2 paragraph (2) by a nurse practitioner, clinical
3 nurse specialist, or physician assistant," after
4 "January 1, 2019"; and
5 (B) by inserting ", nurse practitioner, clin-
6 ical nurse specialist, or physician assistant"
7 after "of the physician".
8 (c) DEFINITION PROVISIONS.—
9 (1) HOME HEALTH SERVICES.—Section
10 1861(m) of the Social Security Act (42 U.S.C.
11 1395x(m)) is amended—
12 (A) in the matter preceding paragraph
13 (1)—
14 (i) by inserting ", a nurse practitioner
15 or a clinical nurse specialist (as those
16 terms are defined in subsection (aa)(5)), or
17 a physician assistant (as defined in sub-
18 section (aa)(5))" after "physician" the
19 first place it appears; and
20 (ii) by inserting ", a nurse practi-
21 tioner, a clinical nurse specialist, or a phy-
22 sician assistant" after "physician" the sec-
23 ond place it appears; and

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1 (B) in paragraph (3), by inserting ", a
2 nurse practitioner, a clinical nurse specialist, or
3 a physician assistant" after "physician".
4 (2) HOME HEALTH AGENCY.—Section
5 1861(o)(2) of the Social Security Act (42 U.S.C.
6 1395x(o)(2)) is amended—
7 (A) by inserting ", nurse practitioners or
8 clinical nurse specialists (as those terms are de-
9 fined in subsection (aa)(5)), certified nurse-mid-
10 wives (as defined in subsection (gg)), or physi-
11 cian assistants (as defined in subsection
12 (aa)(5))" after "physicians"; and
13 (B) by inserting ", nurse practitioner, clin-
14 ical nurse specialist, certified nurse-midwife,
15 physician assistant," after "physician".
16 (3) COVERED OSTEOPOROSIS DRUG.—Section
17 1861(kk)(1) of the Social Security Act (42 U.S.C.
18 1395x(kk)(1)) is amended by inserting ", nurse
19 practitioner or clinical nurse specialist (as those
20 terms are defined in subsection (aa)(5)), certified
21 nurse-midwife (as defined in subsection (gg)), or
22 physician assistant (as defined in subsection
23 (aa)(5))" after "attending physician".

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1 (d) HOME HEALTH PROSPECTIVE PAYMENT SYSTEM
2 PROVISIONS.—Section 1895 of the Social Security Act (42
3 U.S.C. 1395fff) is amended—
4 (1) in subsection (c)(1)—
5 (A) by striking "(provided under section
6 1842(r))"; and
7 (B) by inserting "the nurse practitioner or
8 clinical nurse specialist (as those terms are de-
9 fined in section 1861(aa)(5)), or the physician
10 assistant (as defined in section 1861(aa)(5))"
11 after "physician"; and
12 (2) in subsection (e)—
13 (A) in paragraph (1)(A), by inserting "a
14 nurse practitioner or clinical nurse specialist, or
15 a physician assistant" after "physician"; and
16 (B) in paragraph (2)—
17 (i) in the heading, by striking "PHY-
18 SICIAN CERTIFICATION" and inserting
19 "RULE OF CONSTRUCTION REGARDING RE-
20 QUIREMENT FOR CERTIFICATION"; and
21 (ii) by striking "physician".
22 (e) APPLICATION TO MEDICAID.—The amendments
23 made under this section shall apply under title XIX of the
24 Social Security Act in the same manner and to the same

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1 extent as such requirements apply under title XVIII of
2 such Act or regulations promulgated thereunder.
3 (f) EFFECTIVE DATE.—The Secretary of Health and
4 Human Services shall prescribe regulations to apply the
5 amendments made by this section to items and services
6 furnished, which shall become effective no later than 6
7 months after the date of the enactment of this legislation.
8 The Secretary shall promulgate an interim final rule if
9 necessary, to comply with the required effective date.

10 **SEC. 3709. ADJUSTMENT OF SEQUESTRATION.**

11 (a) TEMPORARY SUSPENSION OF MEDICARE SE-
12 QUESTRATION.—During the period beginning on May 1,
13 2020 and ending on December 31, 2020, the Medicare
14 programs under title XVIII of the Social Security Act (42
15 U.S.C. 1395 et seq.) shall be exempt from reduction under
16 any sequestration order issued before, on, or after the date
17 of enactment of this Act.
18 (b) EXTENSION OF DIRECT SPENDING REDUCTIONS
19 THROUGH FISCAL YEAR 2030.—Section 251A(6) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985 (2 U.S.C. 901a(6)) is amended—
22 (1) in subparagraph (B), in the matter pre-
23 ceding clause (i), by striking "through 2029" and
24 inserting "through 2030"; and

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1 (2) in subparagraph (C), in the matter pre-
2 ceding clause (i), by striking "fiscal year 2029" and
3 inserting "fiscal year 2030".

4 **SEC. 3710. MEDICARE HOSPITAL INPATIENT PROSPECTIVE**
5 **PAYMENT SYSTEM ADD-ON PAYMENT FOR**
6 **COVID–19 PATIENTS DURING EMERGENCY PE-**
7 **RIOD.**

8 (a) IN GENERAL.—Section 1886(d)(4)(C) of the So-
9 cial Security Act (42 U.S.C. 1395ww(d)(4)(C)) is amend-
10 ed by adding at the end the following new clause:

11 "(iv)(I) For discharges occurring during the emer-
12 gency period described in section 1135(g)(1)(B), in the
13 case of a discharge of an individual diagnosed with
14 COVID–19, the Secretary shall increase the weighting fac-
15 tor that would otherwise apply to the diagnosis-related
16 group to which the discharge is assigned by 20 percent.
17 The Secretary shall identify a discharge of such an indi-
18 vidual through the use of diagnosis codes, condition codes,
19 or other such means as may be necessary.

20 "(II) Any adjustment under subclause (I) shall not
21 be taken into account in applying budget neutrality under
22 clause (iii)

23 "(III) In the case of a State for which the Secretary
24 has waived all or part of this section under the authority
25 of section 1115A, nothing in this section shall preclude

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1 such State from implementing an adjustment similar to
2 the adjustment under subclause (I).''.
3 (b) IMPLEMENTATION.—Notwithstanding any other
4 provision of law, the Secretary may implement the amend-
5 ment made by subsection (a) by program instruction or
6 otherwise.

7 **SEC. 3711. INCREASING ACCESS TO POST-ACUTE CARE DUR-**
8 **ING EMERGENCY PERIOD.**

9 (a) WAIVER OF IRF 3-HOUR RULE.—With respect
10 to inpatient rehabilitation services furnished by a rehabili-
11 tation facility described in section 1886(j)(1) of the Social
12 Security Act (42 U.S.C. 1395ww(j)(1)) during the emer-
13 gency period described in section 1135(g)(1)(B) of the So-
14 cial Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Sec-
15 retary of Health and Human Services shall waive section
16 412.622(a)(3)(ii) of title 42, Code of Federal Regulations
17 (or any successor regulations), relating to the requirement
18 that patients of an inpatient rehabilitation facility receive
19 at least 15 hours of therapy per week.
20 (b) WAIVER OF SITE-NEUTRAL PAYMENT RATE PRO-
21 VISIONS FOR LONG-TERM CARE HOSPITALS.—With re-
22 spect to inpatient hospital services furnished by a long-
23 term care hospital described in section 1886(d)(1)(B)(iv)
24 of the Social Security Act (42 U.S.C.
25 1395ww(d)(1)(B)(iv)) during the emergency period de-

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1 scribed in section 1135(g)(1)(B) of the Social Security Act
2 (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health
3 and Human Services shall waive the following provisions
4 of section 1886(m)(6) of such Act (42 U.S.C.
5 1395ww(m)(6)):
6 (1) LTCH 50-PERCENT RULE.—Subparagraph
7 (C)(ii) of such section, relating to the payment ad-
8 justment for long-term care hospitals that do not
9 have a discharge payment percentage for the period
10 that is at least 50 percent.
11 (2) SITE-NEUTRAL IPPS PAYMENT RATE.—Sub-
12 paragraph (A)(i) of such section, relating to the ap-
13 plication of the site-neutral payment rate (and pay-
14 ment shall be made to a long-term care hospital
15 without regard to such section) for a discharge if the
16 admission occurs during such emergency period and
17 is in response to the public health emergency de-
18 scribed in such section 1135(g)(1)(B).
19 **SEC. 3712. REVISING PAYMENT RATES FOR DURABLE MED-**
20 **ICAL EQUIPMENT UNDER THE MEDICARE**
21 **PROGRAM THROUGH DURATION OF EMER-**
22 **GENCY PERIOD.**
23 (a) RURAL AND NONCONTIGUOUS AREAS.—The Sec-
24 retary of Health and Human Services shall implement sec-
25 tion 414.210(g)(9)(iii) of title 42, Code of Federal Regula-

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1 tions (or any successor regulation), to apply the transition
2 rule described in such section to all applicable items and
3 services furnished in rural areas and noncontiguous areas
4 (as such terms are defined for purposes of such section)
5 as planned through December 31, 2020, and through the
6 duration of the emergency period described in section
7 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
8 1320b–5(g)(1)(B)), if longer.

9 (b) AREAS OTHER THAN RURAL AND NONCONTIG-
10 UOUS AREAS.—With respect to items and services fur-
11 nished on or after the date that is 30 days after the date
12 of the enactment of this Act, the Secretary of Health and
13 Human Services shall apply section 414.210(g)(9)(iv) of
14 title 42, Code of Federal Regulations (or any successor
15 regulation), as if the reference to "dates of service from
16 June 1, 2018 through December 31, 2020, based on the
17 fee schedule amount for the area is equal to 100 percent
18 of the adjusted payment amount established under this
19 section" were instead a reference to "dates of service from
20 March 6, 2020, through the remainder of the duration of
21 the emergency period described in section 1135(g)(1)(B)
22 of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)),
23 based on the fee schedule amount for the area is equal
24 to 75 percent of the adjusted payment amount established

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1 under this section and 25 percent of the unadjusted fee
2 schedule amount''.

3 **SEC. 3713. COVERAGE OF THE COVID-19 VACCINE UNDER**
4 **PART B OF THE MEDICARE PROGRAM WITH-**
5 **OUT ANY COST-SHARING.**

6 (a) MEDICAL AND OTHER HEALTH SERVICES.—Sec-
7 tion 1861(s)(10)(A) of the Social Security Act (42 U.S.C.
8 1395x(s)(10)(A)) is amended by inserting '', and COVID-
9 19 vaccine and its administration'' after ''influenza vac-
10 cine and its administration''.

11 (b) PART B DEDUCTIBLE.—The first sentence of sec-
12 tion 1833(b) of the Social Security Act (42 U.S.C.
13 1395l(b)) is amended—

14 (1) in paragraph (10), by striking ''and'' at the
15 end; and

16 (2) in paragraph (11), by striking the period at
17 the end and inserting '', and (12) such deductible
18 shall not apply with respect a COVID-19 vaccine
19 and its administration described in section
20 1861(s)(10)(A).''.

21 (c) MEDICARE ADVANTAGE.—Section 1852(a)(1)(B)
22 of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B))
23 is amended—

24 (1) in clause (iv)—

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1 (A) by redesignating subclause (VI) as
2 subclause (VII); and
3 (B) by inserting after subclause (V) the
4 following new subclause:
5 "(VI) A COVID-19 vaccine and
6 its administration described in section
7 1861(s)(10)(A)."; and
8 (2) in clause (v), by striking "subclauses (IV)
9 and (V)" inserting "subclauses (IV), (V), and (VI)".
10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on the date of enactment of
12 this Act and shall apply with respect to a COVID-19 vac-
13 cine beginning on the date that such vaccine is licensed
14 under section 351 of the Public Health Service Act (42
15 U.S.C. 262).
16 (e) IMPLEMENTATION.—Notwithstanding any other
17 provision of law, the Secretary may implement the provi-
18 sions of, and the amendments made by, this section by
19 program instruction or otherwise.

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1 **SEC. 3714. REQUIRING MEDICARE PRESCRIPTION DRUG**
2 **PLANS AND MA–PD PLANS TO ALLOW DURING**
3 **THE COVID-19 EMERGENCY PERIOD FOR**
4 **FILLS AND REFILLS OF COVERED PART D**
5 **DRUGS FOR UP TO A 3-MONTH SUPPLY.**

6 (a) IN GENERAL.—Section 1860D–4(b) of the Social
7 Security Act (42 U.S.C. 1395w–104(b)) is amended by
8 adding at the end the following new paragraph:

9 "(4) ENSURING ACCESS DURING COVID-19 PUB-
10 LIC HEALTH EMERGENCY PERIOD.—

11 "(A) IN GENERAL.—During the emergency
12 period described in section 1135(g)(1)(B), sub-
13 ject to subparagraph (B), a prescription drug
14 plan or MA–PD plan shall, notwithstanding any
15 cost and utilization management, medication
16 therapy management, or other such programs
17 under this part, permit a part D eligible indi-
18 vidual enrolled in such plan to obtain in a sin-
19 gle fill or refill, at the option of such individual,
20 the total day supply (not to exceed a 90-day
21 supply) prescribed for such individual for a cov-
22 ered part D drug.

23 "(B) SAFETY EDIT EXCEPTION.—A pre-
24 scription drug plan or MA–PD plan may not
25 permit a part D eligible individual to obtain a

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1 single fill or refill inconsistent with an applica-
2 ble safety edit.".
3 (b) IMPLEMENTATION.—Notwithstanding any other
4 provision of law, the Secretary of Health and Human
5 Services may implement the amendment made by this sec-
6 tion by program instruction or otherwise.

7 **SEC. 3715. PROVIDING HOME AND COMMUNITY-BASED**
8 **SERVICES IN ACUTE CARE HOSPITALS.**

9 Section 1902(h) of the Social Security Act (42 U.S.C.
10 1396a(h)) is amended—
11 (1) by inserting "(1)" after "(h)";
12 (2) by inserting ", home and community-based
13 services provided under subsection (c), (d), or (i) of
14 section 1915 or under a waiver or demonstration
15 project under section 1115, self-directed personal as-
16 sistance services provided pursuant to a written plan
17 of care under section 1915(j), and home and com-
18 munity-based attendant services and supports under
19 section 1915(k)" before the period; and
20 (3) by adding at the end the following:
21 "(2) Nothing in this title, title XVIII, or title XI shall
22 be construed as prohibiting receipt of any care or services
23 specified in paragraph (1) in an acute care hospital that
24 are—

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1 "(A) identified in an individual's person-cen-
2 tered service plan (or comparable plan of care);
3 "(B) provided to meet needs of the individual
4 that are not met through the provision of hospital
5 services;
6 "(C) not a substitute for services that the hos-
7 pital is obligated to provide through its conditions of
8 participation or under Federal or State law, or
9 under another applicable requirement; and
10 "(D) designed to ensure smooth transitions be-
11 tween acute care settings and home and community-
12 based settings, and to preserve the individual's func-
13 tional abilities.".

14 **SEC. 3716. CLARIFICATION REGARDING UNINSURED INDI-**
15 **VIDUALS.**

16 Subsection (ss) of section 1902 of the Social Security
17 Act (42 U.S.C. 1396a), as added by section 6004(a)(3)(C)
18 of the Families First Coronavirus Response Act, is amend-
19 ed—
20 (1) in paragraph (1), by inserting "(excluding
21 subclause (VIII) of such subsection if the individual
22 is a resident of a State which does not furnish med-
23 ical assistance to individuals described in such sub-
24 clause)" before the semicolon; and

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1 (2) in paragraph (2), by inserting ", except that
2 individuals who are eligible for medical assistance
3 under subsection (a)(10)(A)(ii)(XII), subsection
4 (a)(10)(A)(ii)(XVIII), subsection
5 (a)(10)(A)(ii)(XXI), or subsection (a)(10)(C) (but
6 only to the extent such an individual is considered
7 to not have minimum essential coverage under sec-
8 tion 5000A(f)(1) of the Internal Revenue Code of
9 1986), or who are described in subsection (l)(1)(A)
10 and are eligible for medical assistance only because
11 of subsection (a)(10)(A)(i)(IV) or (a)(10)(A)(ii)(IX)
12 and whose eligibility for such assistance is limited by
13 the State under clause (VII) in the matter following
14 subsection (a)(10)(G), shall not be treated as en-
15 rolled in a Federal health care program for purposes
16 of this paragraph" before the period at the end.

17 **SEC. 3717. CLARIFICATION REGARDING COVERAGE OF**
18 **COVID-19 TESTING PRODUCTS.**

19 Subparagraph (B) of section 1905(a)(3) of the Social
20 Security Act (42 U.S.C. 1396d(a)(3)), as added by section
21 6004(a)(1)(C) of the Families First Coronavirus Response
22 Act (Public Law 116–127), is amended by striking "that
23 are approved, cleared, or authorized under section 510(k),
24 513, 515 or 564 of the Federal Food, Drug, and Cosmetic
25 Act".

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1 **SEC. 3718. AMENDMENTS RELATING TO REPORTING RE-**
2 **QUIREMENTS WITH RESPECT TO CLINICAL**
3 **DIAGNOSTIC LABORATORY TESTS.**

4 (a) REVISED REPORTING PERIOD FOR REPORTING
5 OF PRIVATE SECTOR PAYMENT RATES FOR ESTABLISH-
6 MENT OF MEDICARE PAYMENT RATES.—Section
7 1834A(a)(1)(B) of the Social Security Act (42 U.S.C.
8 1395m–1(a)(1)(B)) is amended—

9 (1) in clause (i), by striking "December 31,
10 2020" and inserting "December 31, 2021"; and

11 (2) in clause (ii)—

12 (A) by striking "January 1, 2021" and in-
13 serting "January 1, 2022"; and

14 (B) by striking "March 31, 2021" and in-
15 serting "March 31, 2022".

16 (b) REVISED PHASE-IN OF REDUCTIONS FROM PRI-
17 VATE PAYOR RATE IMPLEMENTATION.—Section
18 1834A(b)(3) of the Social Security Act (42 U.S.C.
19 1395m–1(b)(3)) is amended—

20 (1) in subparagraph (A), by striking "through
21 2023" and inserting "through 2024"; and

22 (2) in subparagraph (B)—

23 (A) in clause (i), by striking "and" at the
24 end;

25 (B) by redesignating clause (ii) as clause
26 (iii);

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1 (C) by inserting after clause (i) the fol-
2 lowing new clause:
3 "(ii) for 2021, 0 percent; and"; and
4 (D) in clause (iii), as redesignated by sub-
5 paragraph (B), by striking "2021 through
6 2023" and inserting "2022 through 2024".

7 **SEC. 3719. EXPANSION OF THE MEDICARE HOSPITAL AC-**
8 **CELERATED PAYMENT PROGRAM DURING**
9 **THE COVID-19 PUBLIC HEALTH EMERGENCY.**

10 Section 1815 of the Social Security Act (42 U.S.C.
11 1395g) is amended—
12 (1) in subsection (e)(3), by striking "In the
13 case" and inserting "Subject to subsection (f), in the
14 case"; and
15 (2) by adding at the end the following new sub-
16 section:
17 "(f)(1) During the emergency period described in sec-
18 tion 1135(g)(1)(B), the Secretary shall expand the pro-
19 gram under subsection (e)(3) pursuant to paragraph (2).
20 "(2) In expanding the program under subsection
21 (e)(3), the following shall apply:
22 "(A)(i) In addition to the hospitals described in
23 subsection (e)(3), the following hospitals shall be eli-
24 gible to participate in the program:

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1 "(I) Hospitals described in clause (iii) of
2 section 1886(d)(1)(B).
3 "(II) Hospitals described in clause (v) of
4 such section.
5 "(III) Critical access hospitals (as defined
6 in section 1861(mm)(1)).
7 "(ii) Subject to appropriate safeguards against
8 fraud, waste, and abuse, upon a request of a hos-
9 pital described in clause (i), the Secretary shall pro-
10 vide accelerated payments under the program to
11 such hospital.
12 "(B) Upon the request of the hospital, the Sec-
13 retary may do any of the following:
14 "(i) Make accelerated payments on a peri-
15 odic or lump sum basis.
16 "(ii) Increase the amount of payment that
17 would otherwise be made to hospitals under the
18 program up to 100 percent (or, in the case of
19 critical access hospitals, up to 125 percent).
20 "(iii) Extend the period that accelerated
21 payments cover so that it covers up to a 6-
22 month period.
23 "(C) Upon the request of the hospital, the Sec-
24 retary shall do the following:

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"(i) Provide up to 120 days before claims are offset to recoup the accelerated payment.

"(ii) Allow not less than 12 months from the date of the first accelerated payment before requiring that the outstanding balance be paid in full.

"(3) Nothing in this subsection shall preclude the Secretary from carrying out the provisions described in clauses (i), (ii), and (iii) of paragraph (2)(B) and clauses (i) and (ii) of paragraph (2)(C) under the program under subsection (e)(3) after the period for which this subsection applies.

"(4) Notwithstanding any other provision of law, the Secretary may implement the provisions of this subsection by program instruction or otherwise.".

**SEC. 3720. DELAYING REQUIREMENTS FOR ENHANCED FMAP TO ENABLE STATE LEGISLATION NECESSARY FOR COMPLIANCE.**

Section 6008 of the Families First Coronavirus Response Act is amended by adding at the end the following new subsection:

"(d) DELAY IN APPLICATION OF PREMIUM REQUIREMENT.—During the 30 day period beginning on the date of enactment of this Act, a State shall not be ineligible for the increase to the Federal medical assistance percent-

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1 age of the State described in subsection (a) on the basis
2 that the State imposes a premium that violates the re-
3 quirement of subsection (b)(2) if such premium was in ef-
4 fect on the date of enactment of this Act.''.

# 5 Subtitle E—Health and Human
# 6 Services Extenders

## 7 PART I—MEDICARE PROVISIONS

### 8 SEC. 3801. EXTENSION OF THE WORK GEOGRAPHIC INDEX
### 9 FLOOR UNDER THE MEDICARE PROGRAM.

10 Section 1848(e)(1)(E) of the Social Security Act (42
11 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''May
12 23, 2020'' and inserting ''December 1, 2020''.

### 13 SEC. 3802. EXTENSION OF FUNDING FOR QUALITY MEAS-
### 14 URE ENDORSEMENT, INPUT, AND SELECTION.

15 (a) IN GENERAL.—Section 1890(d)(2) of the Social
16 Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—
17 (1) in the first sentence, by striking ''and
18 $4,830,000 for the period beginning on October 1,
19 2019, and ending on May 22, 2020'' and inserting
20 ''$20,000,000 for fiscal year 2020, and for the pe-
21 riod beginning on October 1, 2020, and ending on
22 November 30, 2020, the amount equal to the pro
23 rata portion of the amount appropriated for such pe-
24 riod for fiscal year 2020''; and

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1 (2) in the third sentence, by striking "and 2019
2 and for the period beginning on October 1, 2019,
3 and ending on May 22, 2020" and inserting ",
4 2019, and 2020, and for the period beginning on
5 October 1, 2020, and ending on November 30,
6 2020,".
7 (b) EFFECTIVE DATE.—The amendments made by
8 subsection (a) shall take effect as if included in the enact-
9 ment of the Further Consolidated Appropriations Act,
10 2020 (Public Law 116–94).

11 **SEC. 3803. EXTENSION OF FUNDING OUTREACH AND AS-**
12 **SISTANCE FOR LOW-INCOME PROGRAMS.**

13 (a) FUNDING EXTENSIONS.—
14 (1) ADDITIONAL FUNDING FOR STATE HEALTH
15 INSURANCE PROGRAMS.—Subsection (a)(1)(B) of
16 section 119 of the Medicare Improvements for Pa-
17 tients and Providers Act of 2008 (42 U.S.C. 1395b–
18 3 note), as amended by section 3306 of the Patient
19 Protection and Affordable Care Act (Public Law
20 111–148), section 610 of the American Taxpayer
21 Relief Act of 2012 (Public Law 112–240), section
22 1110 of the Pathway for SGR Reform Act of 2013
23 (Public Law 113–67), section 110 of the Protecting
24 Access to Medicare Act of 2014 (Public Law 113–
25 93), section 208 of the Medicare Access and CHIP

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1 Reauthorization Act of 2015 (Public Law 114–10),
2 section 50207 of division E of the Bipartisan Budg-
3 et Act of 2018 (Public Law 115–123), section 1402
4 of division B of the Continuing Appropriations Act,
5 2020, and Health Extenders Act of 2019 (Public
6 Law 116–59), section 1402 of division B of the Fur-
7 ther Continuing Appropriations Act, 2020, and Fur-
8 ther Health Extenders Act of 2019 (Public Law
9 116–69), and section 103 of division N of the Fur-
10 ther Consolidated Appropriations Act, 2020 (Public
11 Law 116–94) is amended by striking clauses (x)
12 through (xii) and inserting the following new
13 clauses:
14 "(x) for fiscal year 2020, of
15 $13,000,000; and
16 "(xi) for the period beginning on Oc-
17 tober 1, 2020, and ending on November
18 30, 2020, the amount equal to the pro rata
19 portion of the amount appropriated for
20 such period for fiscal year 2020.".
21 (2) ADDITIONAL FUNDING FOR AREA AGENCIES
22 ON AGING.—Subsection (b)(1)(B) of such section
23 119, as so amended, is amended by striking clauses
24 (x) through (xii) and inserting the following new
25 clauses:

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1 "(x) for fiscal year 2020, of
2 $7,500,000; and
3 "(xi) for the period beginning on Oc-
4 tober 1, 2020, and ending on November
5 30, 2020, the amount equal to the pro rata
6 portion of the amount appropriated for
7 such period for fiscal year 2020.".
8 (3) ADDITIONAL FUNDING FOR AGING AND DIS-
9 ABILITY RESOURCE CENTERS.—Subsection (c)(1)(B)
10 of such section 119, as so amended, is amended by
11 striking clauses (x) through (xii) and inserting the
12 following new clauses:
13 "(x) for fiscal year 2020, of
14 $5,000,000; and
15 "(xi) for the period beginning on Oc-
16 tober 1, 2020, and ending on November
17 30, 2020, the amount equal to the pro rata
18 portion of the amount appropriated for
19 such period for fiscal year 2020.".
20 (4) ADDITIONAL FUNDING FOR GRANT OR CON-
21 TRACT WITH THE NATIONAL CENTER FOR BENEFITS
22 AND OUTREACH ENROLLMENT.—Subsection (d)(2)
23 of such section 119, as so amended, is amended by
24 striking clauses (x) through (xii) and inserting the
25 following new clauses:

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"(x) for fiscal year 2020, of $12,000,000; and

"(xi) for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94).

## PART II—MEDICAID PROVISIONS

### SEC. 3811. EXTENSION OF THE MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION PROGRAM.

Section 6071(h) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1), by striking subparagraph (G) and inserting the following:

"(G) subject to paragraph (3), $337,500,000 for the period beginning on January 1, 2020, and ending on September 30, 2020; and

"(H) subject to paragraph (3), for the period beginning on October 1, 2020, and ending

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on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020."; and

(2) in paragraph (3), by striking "and (G)" and inserting ", (G), and (H)".

**SEC. 3812. EXTENSION OF SPOUSAL IMPOVERISHMENT PROTECTIONS.**

(a) IN GENERAL.—Section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) is amended by striking "May 22, 2020" and inserting "November 30, 2020".

(b) RULE OF CONSTRUCTION.—Nothing in section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or section 1902(a)(17) or 1924 of the Social Security Act (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as prohibiting a State from—

(1) applying an income or resource disregard under a methodology authorized under section 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

(A) to the income or resources of an individual described in section 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) (including a disregard of the income or resources of such individual's spouse); or

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1 (B) on the basis of an individual's need for
2 home and community-based services authorized
3 under subsection (c), (d), (i), or (k) of section
4 1915 of such Act (42 U.S.C. 1396n) or under
5 section 1115 of such Act (42 U.S.C. 1315); or
6 (2) disregarding an individual's spousal income
7 and assets under a plan amendment to provide med-
8 ical assistance for home and community-based serv-
9 ices for individuals by reason of being determined el-
10 igible under section 1902(a)(10)(C) of such Act (42
11 U.S.C. 1396a(a)(10)(C)) or by reason of section
12 1902(f) of such Act (42 U.S.C. 1396a(f)) or other-
13 wise on the basis of a reduction of income based on
14 costs incurred for medical or other remedial care
15 under which the State disregarded the income and
16 assets of the individual's spouse in determining the
17 initial and ongoing financial eligibility of an indi-
18 vidual for such services in place of the spousal im-
19 poverishment provisions applied under section 1924
20 of such Act (42 U.S.C. 1396r–5).

21 **SEC. 3813. DELAY OF DSH REDUCTIONS.**

22 Section 1923(f)(7)(A) of the Social Security Act (42
23 U.S.C. 1396r–4(f)(7)(A)) is amended—
24 (1) in clause (i), in the matter preceding sub-
25 clause (I), by striking "May 23, 2020, and ending

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1 September 30, 2020, and for each of fiscal years
2 2021'' and inserting ''December 1, 2020, and ending
3 September 30, 2021, and for each of fiscal years
4 2022''; and
5 (2) in clause (ii)—
6 (A) in subclause (I), by striking ''May 23,
7 2020, and ending September 30, 2020'' and in-
8 serting ''December 1, 2020, and ending Sep-
9 tember 30, 2021''; and
10 (B) in subclause (II), by striking ''2021''
11 and inserting ''2022''.

12 **SEC. 3814. EXTENSION AND EXPANSION OF COMMUNITY**
13 **MENTAL HEALTH SERVICES DEMONSTRA-**
14 **TION PROGRAM.**

15 (a) IN GENERAL.—Section 223(d) of the Protecting
16 Access to Medicare Act of 2014 (42 U.S.C. 1396a note)
17 is amended—
18 (1) in paragraph (3)—
19 (A) by striking ''Not more than'' and in-
20 serting ''Subject to paragraph (8), not more
21 than''; and
22 (B) by striking ''May 22, 2020'' and in-
23 serting ''November 30, 2020''; and
24 (2) by adding at the end the following new
25 paragraph:

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1 "(8) ADDITIONAL PROGRAMS.—
2 "(A) IN GENERAL.—Not later than 6
3 months after the date of enactment of this
4 paragraph, in addition to the 8 States selected
5 under paragraph (1), the Secretary shall select
6 2 States to participate in 2-year demonstration
7 programs that meet the requirements of this
8 subsection.
9 "(B) SELECTION OF STATES.—
10 "(i) IN GENERAL.—Subject to clause
11 (ii), in selecting States under this para-
12 graph, the Secretary—
13 "(I) shall select States that—
14 "(aa) were awarded plan-
15 ning grants under subsection (c);
16 and
17 "(bb) applied to participate
18 in the demonstration programs
19 under this subsection under para-
20 graph (1) but, as of the date of
21 enactment of this paragraph,
22 were not selected to participate
23 under paragraph (1); and
24 "(II) shall use the results of the
25 Secretary's evaluation of each State's

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1 application under paragraph (1) to
2 determine which States to select, and
3 shall not require the submission of
4 any additional application.
5 "(C) REQUIREMENTS FOR SELECTED
6 STATES.—Prior to services being delivered
7 under the demonstration authority in a State
8 selected under this paragraph, the State shall—
9 "(i) submit a plan to monitor certified
10 community behavioral health clinics under
11 the demonstration program to ensure com-
12 pliance with certified community behavioral
13 health criteria during the demonstration
14 period; and
15 "(ii) commit to collecting data, noti-
16 fying the Secretary of any planned changes
17 that would deviate from the prospective
18 payment system methodology outlined in
19 the State's demonstration application, and
20 obtaining approval from the Secretary for
21 any such change before implementing the
22 change.".
23 (b) LIMITATION.—Section 223(d)(5) of the Pro-
24 tecting Access to Medicare Act of 2014 (42 U.S.C. 1396a
25 note) is amended—

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1 (1) in subparagraph (B), in the matter pre-
2 ceding clause (i), by striking "The Federal match-
3 ing" and inserting "Subject to subparagraph
4 (C)(iii), the Federal matching"; and
5 (2) in subparagraph (C), by adding at the end
6 the following new clause:
7 "(iii) PAYMENTS FOR AMOUNTS EX-
8 PENDED AFTER 2019.—The Federal match-
9 ing percentage applicable under subpara-
10 graph (B) to amounts expended by a State
11 participating in the demonstration pro-
12 gram under this subsection shall—
13 "(I) in the case of a State par-
14 ticipating in the demonstration pro-
15 gram as of January 1, 2020, apply to
16 amounts expended by the State dur-
17 ing the 8 fiscal quarter period (or any
18 portion of such period) that begins on
19 January 1, 2020; and
20 "(II) in the case of a State se-
21 lected to participate in the demonstra-
22 tion program under paragraph (8),
23 during first 8 fiscal quarter period (or
24 any portion of such period) that the

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1 State participates in a demonstration
2 program.''.
3 (c) GAO STUDY AND REPORT ON THE COMMUNITY
4 AND MENTAL HEALTH SERVICES DEMONSTRATION PRO-
5 GRAM.—
6 (1) IN GENERAL.—Not later than 18 months
7 after the date of the enactment of this Act, the
8 Comptroller General of the United States shall sub-
9 mit to the Committee on Energy and Commerce of
10 the House of Representatives and the Committee on
11 Finance of the Senate a report on the community
12 and mental health services demonstration program
13 conducted under section 223 of the Protecting Ac-
14 cess to Medicare Act of 2014 (42 U.S.C. 1396a
15 note) (referred to in this subsection as the ''dem-
16 onstration program'').
17 (2) CONTENT OF REPORT.—The report re-
18 quired under paragraph (1) shall include the fol-
19 lowing information:
20 (A) Information on States' experiences
21 participating in the demonstration program, in-
22 cluding the extent to which States—
23 (i) measure the effects of access to
24 certified community behavioral health clin-

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1 ics on patient health and cost of care, in-
2 cluding—
3 (I) engagement in treatment for
4 behavioral health conditions;
5 (II) relevant clinical outcomes, to
6 the extent collected;
7 (III) screening and treatment for
8 comorbid medical conditions; and
9 (IV) use of crisis stabilization,
10 emergency department, and inpatient
11 care.
12 (B) Information on Federal efforts to
13 evaluate the demonstration program, includ-
14 ing—
15 (i) quality measures used to evaluate
16 the program;
17 (ii) assistance provided to States on
18 data collection and reporting;
19 (iii) assessments of the reliability and
20 usefulness of State-submitted data; and
21 (iv) the extent to which such efforts
22 provide information on the relative quality,
23 scope, and cost of services as compared
24 with services not provided under the dem-
25 onstration program, and in comparison to

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1 Medicaid beneficiaries with mental illness
2 and substance use disorders not served
3 under the demonstration program.
4 (C) Recommendations for improvements to
5 the following:
6 (i) The reporting, accuracy, and vali-
7 dation of encounter data.
8 (ii) Accuracy in payments to certified
9 community behavioral health clinics under
10 State plans or waivers under title XIX of
11 the Social Security Act (42 U.S.C. 1396 et
12 seq.).

13 **PART III—HUMAN SERVICES AND OTHER**
14 **HEALTH PROGRAMS**

15 **SEC. 3821. EXTENSION OF SEXUAL RISK AVOIDANCE EDU-**
16 **CATION PROGRAM.**

17 Section 510 of the Social Security Act (42 U.S.C.
18 710) is amended—
19 (1) in subsection (a)—
20 (A) in paragraph (1), in the matter pre-
21 ceding subparagraph (A)—
22 (i) by striking "and 2019 and for the
23 period beginning October 1, 2019, and
24 ending May 22, 2020" and inserting
25 "through 2020 and for the period begin-

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1 ning October 1, 2020, and ending Novem-
2 ber 30, 2020''; and
3 (ii) by striking ''fiscal year 2020'' and
4 inserting ''fiscal year 2021''
5 (B) in paragraph (2)(A)—
6 (i) by striking ''and 2019 and for the
7 period beginning October 1, 2019, and
8 ending May 22, 2020'' and inserting
9 ''through 2020 and for the period begin-
10 ning October 1, 2020, and ending Novem-
11 ber 30, 2020''; and
12 (ii) by striking ''fiscal year 2020'' and
13 inserting ''fiscal year 2021''; and
14 (2) in subsection (f)(1), by striking ''and 2019
15 and $48,287,671 for the period beginning October 1,
16 2019, and ending May 22, 2020'' and inserting
17 ''through 2020, and for the period beginning on Oc-
18 tober 1, 2020, and ending on November 30, 2020,
19 the amount equal to the pro rata portion of the
20 amount appropriated for such period for fiscal year
21 2020''.

22 **SEC. 3822. EXTENSION OF PERSONAL RESPONSIBILITY**
23 **EDUCATION PROGRAM.**

24 Section 513 of the Social Security Act (42 U.S.C.
25 713) is amended—

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1 (1) in subsection (a)—
2 (A) in paragraph (1)—
3 (i) in subparagraph (A), in the matter
4 preceding clause (i), by striking "2019 and
5 for the period beginning October 1, 2019,
6 and ending May 22, 2020" and inserting
7 "2020 and for the period beginning Octo-
8 ber 1, 2020, and ending November 30,
9 2020"; and
10 (ii) in subparagraph (B)(i), by strik-
11 ing by striking "October 1, 2019, and end-
12 ing May 22, 2020" and inserting "October
13 1, 2020, and ending November 30, 2020";
14 (2) in paragraph (4)(A), by striking "2019"
15 each place it appears and inserting "2020"; and
16 (3) in subsection (f), by striking "2019 and
17 $48,287,671 for the period beginning October 1,
18 2019, and ending May 22, 2020" and inserting
19 "2020, and for the period beginning on October 1,
20 2020, and ending on November 30, 2020, the
21 amount equal to the pro rata portion of the amount
22 appropriated for such period for fiscal year 2020".

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1 **SEC. 3823. EXTENSION OF DEMONSTRATION PROJECTS TO**
2 **ADDRESS HEALTH PROFESSIONS WORK-**
3 **FORCE NEEDS.**

4 Activities authorized by section 2008 of the Social Se-
5 curity Act shall continue through November 30, 2020, in
6 the manner authorized for fiscal year 2019, and out of
7 any money in the Treasury of the United States not other-
8 wise appropriated, there are hereby appropriated such
9 sums as may be necessary for such purpose. Grants and
10 payments may be made pursuant to this authority through
11 the date so specified at the pro rata portion of the total
12 amount authorized for such activities in fiscal year 2019.

13 **SEC. 3824. EXTENSION OF THE TEMPORARY ASSISTANCE**
14 **FOR NEEDY FAMILIES PROGRAM AND RE-**
15 **LATED PROGRAMS.**

16 Activities authorized by part A of title IV and section
17 1108(b) of the Social Security Act shall continue through
18 November 30, 2020, in the manner authorized for fiscal
19 year 2019, and out of any money in the Treasury of the
20 United States not otherwise appropriated, there are here-
21 by appropriated such sums as may be necessary for such
22 purpose.

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## PART IV—PUBLIC HEALTH PROVISIONS

### SEC. 3831. EXTENSION FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

(a) COMMUNITY HEALTH CENTERS.—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by striking "and $2,575,342,466 for the period beginning on October 1, 2019, and ending on May 22, 2020" and inserting "$4,000,000,000 for fiscal year 2020, and $668,493,151 for the period beginning on October 1, 2020, and ending on November 30, 2020".

(b) NATIONAL HEALTH SERVICE CORPS.—Section 10503(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

(1) in subparagraph (F), by striking "and" at the end; and

(2) by striking subparagraph (G) and inserting the following:

"(G) $310,000,000 for fiscal year 2020; and

"(H) $51,808,219 for the period beginning on October 1, 2020, and ending on November 30, 2020.".

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1 (c) TEACHING HEALTH CENTERS THAT OPERATE
2 GRADUATE MEDICAL EDUCATION PROGRAMS.—Section
3 340H(g)(1) of the Public Health Service Act (42 U.S.C.
4 256h(g)(1)) is amended by striking "and 2019, and
5 $81,445,205 for the period beginning on October 1, 2019,
6 and ending on May 22, 2020" and inserting "through fis-
7 cal year 2020, and $21,141,096 for the period beginning
8 on October 1, 2020, and ending on November 30, 2020".
9 (d) APPLICATION OF PROVISIONS.—Amounts appro-
10 priated pursuant to the amendments made by this section
11 for fiscal year 2020 and for the period beginning on Octo-
12 ber 1, 2020, and ending on November 30, 2020, shall be
13 subject to the requirements contained in Public Law 116–
14 94 for funds for programs authorized under sections 330
15 through 340 of the Public Health Service Act (42 U.S.C.
16 254 through 256).
17 (e) CONFORMING AMENDMENT.—Paragraph (4) of
18 section 3014(h) of title 18, United States Code, as amend-
19 ed by section 401(e) of division N of Public Law 116–
20 94, is amended by striking "section 401(d) of division N
21 of the Further Consolidated Appropriations Act, 2020"
22 and inserting "section 3831 of the CARES Act".
23 **SEC. 3832. DIABETES PROGRAMS.**
24 (a) TYPE I.—Section 330B(b)(2)(D) of the Public
25 Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is

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1 amended by striking "and 2019, and $96,575,342 for the
2 period beginning on October 1, 2019, and ending on May
3 22, 2020" and inserting "through 2020, and $25,068,493
4 for the period beginning on October 1, 2020, and ending
5 on November 30, 2020".

6 (b) INDIANS.—Section 330C(c)(2)(D) of the Public
7 Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is
8 amended by striking "and 2019, and $96,575,342 for the
9 period beginning on October 1, 2019, and ending on May
10 22, 2020" and inserting "through 2020, and $25,068,493
11 for the period beginning on October 1, 2020, and ending
12 on November 30, 2020".

13 **PART V—MISCELLANEOUS PROVISIONS**

14 **SEC. 3841. PREVENTION OF DUPLICATE APPROPRIATIONS**
15 **FOR FISCAL YEAR 2020.**

16 Expenditures made under any provision of law
17 amended in this title pursuant to the amendments made
18 by the Continuing Appropriations Act, 2020, and Health
19 Extenders Act of 2019 (Public Law 116–59), the Further
20 Continuing Appropriations Act, 2020, and Further Health
21 Extenders Act of 2019 (Public Law 116-69), and the Fur-
22 ther Consolidated Appropriations Act, 2020 (Public Law
23 116–94) for fiscal year 2020 shall be charged to the appli-
24 cable appropriation or authorization provided by the

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1 amendments made by this title to such provision of law
2 for such fiscal year.

# 3 Subtitle F—Over-the-Counter
# 4 Drugs

## 5 PART I—OTC DRUG REVIEW

### 6 SEC. 3851. REGULATION OF CERTAIN NONPRESCRIPTION
### 7 DRUGS THAT ARE MARKETED WITHOUT AN
### 8 APPROVED DRUG APPLICATION.

9 (a) IN GENERAL.—Chapter V of the Federal Food,
10 Drug, and Cosmetic Act is amended by inserting after sec-
11 tion 505F of such Act (21 U.S.C. 355g) the following:

### 12 "SEC. 505G. REGULATION OF CERTAIN NONPRESCRIPTION
### 13 DRUGS THAT ARE MARKETED WITHOUT AN
### 14 APPROVED DRUG APPLICATION.

15 "(a) NONPRESCRIPTION DRUGS MARKETED WITH-
16 OUT AN APPROVED APPLICATION.—Nonprescription
17 drugs marketed without an approved drug application
18 under section 505, as of the date of the enactment of this
19 section, shall be treated in accordance with this sub-
20 section.

21 "(1) DRUGS SUBJECT TO A FINAL MONOGRAPH;
22 CATEGORY I DRUGS SUBJECT TO A TENTATIVE
23 FINAL MONOGRAPH.—A drug is deemed to be gen-
24 erally recognized as safe and effective under section

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1 201(p)(1), not a new drug under section 201(p), and
2 not subject to section 503(b)(1), if—
3 "(A) the drug is—
4 "(i) in conformity with the require-
5 ments for nonprescription use of a final
6 monograph issued under part 330 of title
7 21, Code of Federal Regulations (except as
8 provided in paragraph (2)), the general re-
9 quirements for nonprescription drugs, and
10 conditions or requirements under sub-
11 sections (b), (c), and (k); and
12 "(ii) except as permitted by an order
13 issued under subsection (b) or, in the case
14 of a minor change in the drug, in con-
15 formity with an order issued under sub-
16 section (c), in a dosage form that, imme-
17 diately prior to the date of the enactment
18 of this section, has been used to a material
19 extent and for a material time under sec-
20 tion 201(p)(2); or
21 "(B) the drug is—
22 "(i) classified in category I for safety
23 and effectiveness under a tentative final
24 monograph that is the most recently appli-
25 cable proposal or determination issued

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1 under part 330 of title 21, Code of Federal
2 Regulations;
3 "(ii) in conformity with the proposed
4 requirements for nonprescription use of
5 such tentative final monograph, any appli-
6 cable subsequent determination by the Sec-
7 retary, the general requirements for non-
8 prescription drugs, and conditions or re-
9 quirements under subsections (b), (c), and
10 (k); and
11 "(iii) except as permitted by an order
12 issued under subsection (b) or, in the case
13 of a minor change in the drug, in con-
14 formity with an order issued under sub-
15 section (c), in a dosage form that, imme-
16 diately prior to the date of the enactment
17 of this section, has been used to a material
18 extent and for a material time under sec-
19 tion 201(p)(2).
20 "(2) TREATMENT OF SUNSCREEN DRUGS.—
21 With respect to sunscreen drugs subject to this sec-
22 tion, the applicable requirements in terms of con-
23 formity with a final monograph, for purposes of
24 paragraph (1)(A)(i), shall be the requirements speci-
25 fied in part 352 of title 21, Code of Federal Regula-

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1 tions, as published on May 21, 1999, beginning on
2 page 27687 of volume 64 of the Federal Register,
3 except that the applicable requirements governing ef-
4 fectiveness and labeling shall be those specified in
5 section 201.327 of title 21, Code of Federal Regula-
6 tions.

7 "(3) CATEGORY III DRUGS SUBJECT TO A TEN-
8 TATIVE FINAL MONOGRAPH; CATEGORY I DRUGS
9 SUBJECT TO PROPOSED MONOGRAPH OR ADVANCE
10 NOTICE OF PROPOSED RULEMAKING.—A drug that
11 is not described in paragraph (1), (2), or (4) is not
12 required to be the subject of an application approved
13 under section 505, and is not subject to section
14 503(b)(1), if—

15 "(A) the drug is—

16 "(i) classified in category III for safe-
17 ty or effectiveness in the preamble of a
18 proposed rule establishing a tentative final
19 monograph that is the most recently appli-
20 cable proposal or determination for such
21 drug issued under part 330 of title 21,
22 Code of Federal Regulations;

23 "(ii) in conformity with—

24 "(I) the conditions of use, includ-
25 ing indication and dosage strength, if

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1 any, described for such category III
2 drug in such preamble or in an appli-
3 cable subsequent proposed rule;
4 "(II) the proposed requirements
5 for drugs classified in such tentative
6 final monograph in category I in the
7 most recently proposed rule estab-
8 lishing requirements related to such
9 tentative final monograph and in any
10 final rule establishing requirements
11 that are applicable to the drug; and
12 "(III) the general requirements
13 for nonprescription drugs and condi-
14 tions or requirements under sub-
15 section (b) or (k); and
16 "(iii) in a dosage form that, imme-
17 diately prior to the date of the enactment
18 of this section, had been used to a material
19 extent and for a material time under sec-
20 tion 201(p)(2); or
21 "(B) the drug is—
22 "(i) classified in category I for safety
23 and effectiveness under a proposed mono-
24 graph or advance notice of proposed rule-
25 making that is the most recently applicable

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1 proposal or determination for such drug
2 issued under part 330 of title 21, Code of
3 Federal Regulations;
4 "(ii) in conformity with the require-
5 ments for nonprescription use of such pro-
6 posed monograph or advance notice of pro-
7 posed rulemaking, any applicable subse-
8 quent determination by the Secretary, the
9 general requirements for nonprescription
10 drugs, and conditions or requirements
11 under subsection (b) or (k); and
12 "(iii) in a dosage form that, imme-
13 diately prior to the date of the enactment
14 of this section, has been used to a material
15 extent and for a material time under sec-
16 tion 201(p)(2).
17 "(4) CATEGORY II DRUGS DEEMED NEW
18 DRUGS.—A drug that is classified in category II for
19 safety or effectiveness under a tentative final mono-
20 graph or that is subject to a determination to be not
21 generally recognized as safe and effective in a pro-
22 posed rule that is the most recently applicable pro-
23 posal issued under part 330 of title 21, Code of Fed-
24 eral Regulations, shall be deemed to be a new drug
25 under section 201(p), misbranded under section

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1 502(ee), and subject to the requirement for an ap-
2 proved new drug application under section 505 be-
3 ginning on the day that is 180 calendar days after
4 the date of the enactment of this section, unless, be-
5 fore such day, the Secretary determines that it is in
6 the interest of public health to extend the period
7 during which the drug may be marketed without
8 such an approved new drug application.

9 "(5) DRUGS NOT GRASE DEEMED NEW
10 DRUGS.—A drug that the Secretary has determined
11 not to be generally recognized as safe and effective
12 under section 201(p)(1) under a final determination
13 issued under part 330 of title 21, Code of Federal
14 Regulations, shall be deemed to be a new drug under
15 section 201(p), misbranded under section 502(ee),
16 and subject to the requirement for an approved new
17 drug application under section 505.

18 "(6) OTHER DRUGS DEEMED NEW DRUGS.—
19 Except as provided in subsection (m), a drug is
20 deemed to be a new drug under section 201(p) and
21 misbranded under section 502(ee) if the drug—

22 "(A) is not subject to section 503(b)(1);
23 and

24 "(B) is not described in paragraph (1),
25 (2), (3), (4), or (5), or subsection (b)(1)(B).

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1 "(b) ADMINISTRATIVE ORDERS.—
2 "(1) IN GENERAL.—
3 "(A) DETERMINATION.—The Secretary
4 may, on the initiative of the Secretary or at the
5 request of one or more requestors, issue an ad-
6 ministrative order determining whether there
7 are conditions under which a specific drug, a
8 class of drugs, or a combination of drugs, is de-
9 termined to be—
10 "(i) not subject to section 503(b)(1);
11 and
12 "(ii) generally recognized as safe and
13 effective under section 201(p)(1).
14 "(B) EFFECT.—A drug or combination of
15 drugs shall be deemed to not require approval
16 under section 505 if such drug or combination
17 of drugs—
18 "(i) is determined by the Secretary to
19 meet the conditions specified in clauses (i)
20 and (ii) of subparagraph (A);
21 "(ii) is marketed in conformity with
22 an administrative order under this sub-
23 section;
24 "(iii) meets the general requirements
25 for nonprescription drugs; and

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1 "(iv) meets the requirements under
2 subsections (c) and (k).
3 "(C) STANDARD.—The Secretary shall find
4 that a drug is not generally recognized as safe
5 and effective under section 201(p)(1) if—
6 "(i) the evidence shows that the drug
7 is not generally recognized as safe and ef-
8 fective under section 201(p)(1); or
9 "(ii) the evidence is inadequate to
10 show that the drug is generally recognized
11 as safe and effective under section
12 201(p)(1).
13 "(2) ADMINISTRATIVE ORDERS INITIATED BY
14 THE SECRETARY.—
15 "(A) IN GENERAL.—In issuing an adminis-
16 trative order under paragraph (1) upon the
17 Secretary's initiative, the Secretary shall—
18 "(i) make reasonable efforts to notify
19 informally, not later than 2 business days
20 before the issuance of the proposed order,
21 the sponsors of drugs who have a listing in
22 effect under section 510(j) for the drugs or
23 combination of drugs that will be subject
24 to the administrative order;

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1 "(ii) after any such reasonable efforts
2 of notification—
3 "(I) issue a proposed administra-
4 tive order by publishing it on the
5 website of the Food and Drug Admin-
6 istration and include in such order the
7 reasons for the issuance of such order;
8 and
9 "(II) publish a notice of avail-
10 ability of such proposed order in the
11 Federal Register;
12 "(iii) except as provided in subpara-
13 graph (B), provide for a public comment
14 period with respect to such proposed order
15 of not less than 45 calendar days; and
16 "(iv) if, after completion of the pro-
17 ceedings specified in clauses (i) through
18 (iii), the Secretary determines that it is ap-
19 propriate to issue a final administrative
20 order—
21 "(I) issue the final administrative
22 order, together with a detailed state-
23 ment of reasons, which order shall not
24 take effect until the time for request-

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1 ing judicial review under paragraph
2 (3)(D)(ii) has expired;
3 "(II) publish a notice of such
4 final administrative order in the Fed-
5 eral Register;
6 "(III) afford requestors of drugs
7 that will be subject to such order the
8 opportunity for formal dispute resolu-
9 tion up to the level of the Director of
10 the Center for Drug Evaluation and
11 Research, which initially must be re-
12 quested within 45 calendar days of
13 the issuance of the order, and, for
14 subsequent levels of appeal, within 30
15 calendar days of the prior decision;
16 and
17 "(IV) except with respect to
18 drugs described in paragraph (3)(B),
19 upon completion of the formal dispute
20 resolution procedure, inform the per-
21 sons which sought such dispute reso-
22 lution of their right to request a hear-
23 ing.
24 "(B) EXCEPTIONS.—When issuing an ad-
25 ministrative order under paragraph (1) on the

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1 Secretary's initiative proposing to determine
2 that a drug described in subsection (a)(3) is not
3 generally recognized as safe and effective under
4 section 201(p)(1), the Secretary shall follow the
5 procedures in subparagraph (A), except that—
6 "(i) the proposed order shall include
7 notice of—
8 "(I) the general categories of
9 data the Secretary has determined
10 necessary to establish that the drug is
11 generally recognized as safe and effec-
12 tive under section 201(p)(1); and
13 "(II) the format for submissions
14 by interested persons;
15 "(ii) the Secretary shall provide for a
16 public comment period of no less than 180
17 calendar days with respect to such pro-
18 posed order, except when the Secretary de-
19 termines, for good cause, that a shorter pe-
20 riod is in the interest of public health; and
21 "(iii) any person who submits data in
22 such comment period shall include a cer-
23 tification that the person has submitted all
24 evidence created, obtained, or received by
25 that person that is both within the cat-

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1 egories of data identified in the proposed
2 order and relevant to a determination as to
3 whether the drug is generally recognized as
4 safe and effective under section 201(p)(1).
5 "(3) HEARINGS; JUDICIAL REVIEW.—
6 "(A) IN GENERAL.—Only a person who
7 participated in each stage of formal dispute res-
8 olution under subclause (III) of paragraph
9 (2)(A)(iv) of an administrative order with re-
10 spect to a drug may request a hearing con-
11 cerning a final administrative order issued
12 under such paragraph with respect to such
13 drug. If a hearing is sought, such person must
14 submit a request for a hearing, which shall be
15 based solely on information in the administra-
16 tive record, to the Secretary not later than 30
17 calendar days after receiving notice of the final
18 decision of the formal dispute resolution proce-
19 dure.
20 "(B) NO HEARING REQUIRED WITH RE-
21 SPECT TO ORDERS RELATING TO CERTAIN
22 DRUGS.—
23 "(i) IN GENERAL.—The Secretary
24 shall not be required to provide notice and
25 an opportunity for a hearing pursuant to

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1 paragraph (2)(A)(iv) if the final adminis-
2 trative order involved relates to a drug—
3 "(I) that is described in sub-
4 section (a)(3)(A); and
5 "(II) with respect to which no
6 human or non-human data studies rel-
7 evant to the safety or effectiveness of
8 such drug have been submitted to the
9 administrative record since the
10 issuance of the most recent tentative
11 final monograph relating to such
12 drug.
13 "(ii) HUMAN DATA STUDIES AND
14 NON-HUMAN DATA DEFINED.—In this sub-
15 paragraph:
16 "(I) The term 'human data stud-
17 ies' means clinical trials of safety or
18 effectiveness (including actual use
19 studies), pharmacokinetics studies, or
20 bioavailability studies.
21 "(II) The term 'non-human data'
22 means data from testing other than
23 with human subjects which provides
24 information concerning safety or ef-
25 fectiveness.

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1 "(C) HEARING PROCEDURES.—
2 "(i) DENIAL OF REQUEST FOR HEAR-
3 ING.—If the Secretary determines that in-
4 formation submitted in a request for a
5 hearing under subparagraph (A) with re-
6 spect to a final administrative order issued
7 under paragraph (2)(A)(iv) does not iden-
8 tify the existence of a genuine and sub-
9 stantial question of material fact, the Sec-
10 retary may deny such request. In making
11 such a determination, the Secretary may
12 consider only information and data that
13 are based on relevant and reliable scientific
14 principles and methodologies.
15 "(ii) SINGLE HEARING FOR MULTIPLE
16 RELATED REQUESTS.—If more than one
17 request for a hearing is submitted with re-
18 spect to the same administrative order
19 under subparagraph (A), the Secretary
20 may direct that a single hearing be con-
21 ducted in which all persons whose hearing
22 requests were granted may participate.
23 "(iii) PRESIDING OFFICER.—The pre-
24 siding officer of a hearing requested under
25 subparagraph (A) shall—

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1 "(I) be designated by the Sec-
2 retary;
3 "(II) not be an employee of the
4 Center for Drug Evaluation and Re-
5 search; and
6 "(III) not have been previously
7 involved in the development of the ad-
8 ministrative order involved or pro-
9 ceedings relating to that administra-
10 tive order.
11 "(iv) RIGHTS OF PARTIES TO HEAR-
12 ING.—The parties to a hearing requested
13 under subparagraph (A) shall have the
14 right to present testimony, including testi-
15 mony of expert witnesses, and to cross-ex-
16 amine witnesses presented by other parties.
17 Where appropriate, the presiding officer
18 may require that cross-examination by par-
19 ties representing substantially the same in-
20 terests be consolidated to promote effi-
21 ciency and avoid duplication.
22 "(v) FINAL DECISION.—
23 "(I) At the conclusion of a hear-
24 ing requested under subparagraph
25 (A), the presiding officer of the hear-

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1 ing shall issue a decision containing
2 findings of fact and conclusions of
3 law. The decision of the presiding offi-
4 cer shall be final.
5 "(II) The final decision may not
6 take effect until the period under sub-
7 paragraph (D)(ii) for submitting a re-
8 quest for judicial review of such deci-
9 sion expires.
10 "(D) JUDICIAL REVIEW OF FINAL ADMIN-
11 ISTRATIVE ORDER.—
12 "(i) IN GENERAL.—The procedures
13 described in section 505(h) shall apply
14 with respect to judicial review of final ad-
15 ministrative orders issued under this sub-
16 section in the same manner and to the
17 same extent as such section applies to an
18 order described in such section except that
19 the judicial review shall be taken by filing
20 in an appropriate district court of the
21 United States in lieu of the appellate
22 courts specified in such section.
23 "(ii) PERIOD TO SUBMIT A REQUEST
24 FOR JUDICIAL REVIEW.—A person eligible
25 to request a hearing under this paragraph

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1 and seeking judicial review of a final ad-
2 ministrative order issued under this sub-
3 section shall file such request for judicial
4 review not later than 60 calendar days
5 after the latest of—
6 "(I) the date on which notice of
7 such order is published;
8 "(II) the date on which a hearing
9 with respect to such order is denied
10 under subparagraph (B) or (C)(i);
11 "(III) the date on which a final
12 decision is made following a hearing
13 under subparagraph (C)(v); or
14 "(IV) if no hearing is requested,
15 the date on which the time for re-
16 questing a hearing expires.
17 "(4) EXPEDITED PROCEDURE WITH RESPECT
18 TO ADMINISTRATIVE ORDERS INITIATED BY THE
19 SECRETARY.—
20 "(A) IMMINENT HAZARD TO THE PUBLIC
21 HEALTH.—
22 "(i) IN GENERAL.—In the case of a
23 determination by the Secretary that a
24 drug, class of drugs, or combination of
25 drugs subject to this section poses an im-

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1 minent hazard to the public health, the
2 Secretary, after first making reasonable ef-
3 forts to notify, not later than 48 hours be-
4 fore issuance of such order under this sub-
5 paragraph, sponsors who have a listing in
6 effect under section 510(j) for such drug
7 or combination of drugs—
8 "(I) may issue an interim final
9 administrative order for such drug,
10 class of drugs, or combination of
11 drugs under paragraph (1), together
12 with a detailed statement of the rea-
13 sons for such order;
14 "(II) shall publish in the Federal
15 Register a notice of availability of any
16 such order; and
17 "(III) shall provide for a public
18 comment period of at least 45 cal-
19 endar days with respect to such in-
20 terim final order.
21 "(ii) NONDELEGATION.—The Sec-
22 retary may not delegate the authority to
23 issue an interim final administrative order
24 under this subparagraph.
25 "(B) SAFETY LABELING CHANGES.—

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1 "(i) IN GENERAL.—In the case of a
2 determination by the Secretary that a
3 change in the labeling of a drug, class of
4 drugs, or combination of drugs subject to
5 this section is reasonably expected to miti-
6 gate a significant or unreasonable risk of
7 a serious adverse event associated with use
8 of the drug, the Secretary may—
9 "(I) make reasonable efforts to
10 notify informally, not later than 48
11 hours before the issuance of the in-
12 terim final order, the sponsors of
13 drugs who have a listing in effect
14 under section 510(j) for such drug or
15 combination of drugs;
16 "(II) after reasonable efforts of
17 notification, issue an interim final ad-
18 ministrative order in accordance with
19 paragraph (1) to require such change,
20 together with a detailed statement of
21 the reasons for such order;
22 "(III) publish in the Federal
23 Register a notice of availability of
24 such order; and

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1 "(IV) provide for a public com-
2 ment period of at least 45 calendar
3 days with respect to such interim final
4 order.
5 "(ii) CONTENT OF ORDER.—An in-
6 terim final order issued under this sub-
7 paragraph with respect to the labeling of a
8 drug may provide for new warnings and
9 other information required for safe use of
10 the drug.
11 "(C) EFFECTIVE DATE.—An order under
12 subparagraph (A) or (B) shall take effect on a
13 date specified by the Secretary.
14 "(D) FINAL ORDER.—After the completion
15 of the proceedings in subparagraph (A) or (B),
16 the Secretary shall—
17 "(i) issue a final order in accordance
18 with paragraph (1);
19 "(ii) publish a notice of availability of
20 such final administrative order in the Fed-
21 eral Register; and
22 "(iii) afford sponsors of such drugs
23 that will be subject to such an order the
24 opportunity for formal dispute resolution
25 up to the level of the Director of the Cen-

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1 ter for Drug Evaluation and Research,
2 which must initially be within 45 calendar
3 days of the issuance of the order, and for
4 subsequent levels of appeal, within 30 cal-
5 endar days of the prior decision.
6 "(E) HEARINGS.—A sponsor of a drug
7 subject to a final order issued under subpara-
8 graph (D) and that participated in each stage
9 of formal dispute resolution under clause (iii) of
10 such subparagraph may request a hearing on
11 such order. The provisions of subparagraphs
12 (A), (B), and (C) of paragraph (3), other than
13 paragraph (3)(C)(v)(II), shall apply with re-
14 spect to a hearing on such order in the same
15 manner and to the same extent as such provi-
16 sions apply with respect to a hearing on an ad-
17 ministrative order issued under paragraph
18 (2)(A)(iv).
19 "(F) TIMING.—
20 "(i) FINAL ORDER AND HEARING.—
21 The Secretary shall—
22 "(I) not later than 6 months
23 after the date on which the comment
24 period closes under subparagraph (A)

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1 or (B), issue a final order in accord-
2 ance with paragraph (1); and
3 "(II) not later than 12 months
4 after the date on which such final
5 order is issued, complete any hearing
6 under subparagraph (E).
7 "(ii) DISPUTE RESOLUTION RE-
8 QUEST.—The Secretary shall specify in an
9 interim final order issued under subpara-
10 graph (A) or (B) such shorter periods for
11 requesting dispute resolution under sub-
12 paragraph (D)(iii) as are necessary to
13 meet the requirements of this subpara-
14 graph.
15 "(G) JUDICIAL REVIEW.—A final order
16 issued pursuant to subparagraph (F) shall be
17 subject to judicial review in accordance with
18 paragraph (3)(D).
19 "(5) ADMINISTRATIVE ORDER INITIATED AT
20 THE REQUEST OF A REQUESTOR.—
21 "(A) IN GENERAL.—In issuing an adminis-
22 trative order under paragraph (1) at the re-
23 quest of a requestor with respect to certain
24 drugs, classes of drugs, or combinations of
25 drugs—

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1 "(i) the Secretary shall, after receiv-
2 ing a request under this subparagraph, de-
3 termine whether the request is sufficiently
4 complete and formatted to permit a sub-
5 stantive review;
6 "(ii) if the Secretary determines that
7 the request is sufficiently complete and for-
8 matted to permit a substantive review, the
9 Secretary shall—
10 "(I) file the request; and
11 "(II) initiate proceedings with re-
12 spect to issuing an administrative
13 order in accordance with paragraphs
14 (2) and (3); and
15 "(iii) except as provided in paragraph
16 (6), if the Secretary determines that a re-
17 quest does not meet the requirements for
18 filing or is not sufficiently complete and
19 formatted to permit a substantive review,
20 the requestor may demand that the request
21 be filed over protest, and the Secretary
22 shall initiate proceedings to review the re-
23 quest in accordance with paragraph (2)(A).
24 "(B) REQUEST TO INITIATE PRO-
25 CEEDINGS.—

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1 "(i) IN GENERAL.—A requestor seek-
2 ing an administrative order under para-
3 graph (1) with respect to certain drugs,
4 classes of drugs, or combinations of drugs,
5 shall submit to the Secretary a request to
6 initiate proceedings for such order in the
7 form and manner as specified by the Sec-
8 retary. Such requestor may submit a re-
9 quest under this subparagraph for the
10 issuance of an administrative order—
11 "(I) determining whether a drug
12 is generally recognized as safe and ef-
13 fective under section 201(p)(1), ex-
14 empt from section 503(b)(1), and not
15 required to be the subject of an ap-
16 proved application under section 505;
17 or
18 "(II) determining whether a
19 change to a condition of use of a drug
20 is generally recognized as safe and ef-
21 fective under section 201(p)(1), ex-
22 empt from section 503(b)(1), and not
23 required to be the subject of an ap-
24 proved application under section 505,

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1 if, absent such a changed condition of
2 use, such drug is—
3 "(aa) generally recognized
4 as safe and effective under sec-
5 tion 201(p)(1) in accordance with
6 subsection (a)(1), (a)(2), or an
7 order under this subsection; or
8 "(bb) subject to subsection
9 (a)(3), but only if such requestor
10 initiates such request in conjunc-
11 tion with a request for the Sec-
12 retary to determine whether such
13 drug is generally recognized as
14 safe and effective under section
15 201(p)(1), which is filed by the
16 Secretary under subparagraph
17 (A)(ii).
18 "(ii) EXCEPTION.—The Secretary is
19 not required to complete review of a re-
20 quest for a change described in clause
21 (i)(II) if the Secretary determines that
22 there is an inadequate basis to find the
23 drug is generally recognized as safe and ef-
24 fective under section 201(p)(1) under para-

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1 graph (1) and issues a final order an-
2 nouncing that determination.
3 "(iii) WITHDRAWAL.—The requestor
4 may withdraw a request under this para-
5 graph, according to the procedures set
6 forth pursuant to subsection (d)(2)(B).
7 Notwithstanding any other provision of
8 this section, if such request is withdrawn,
9 the Secretary may cease proceedings under
10 this subparagraph.
11 "(C) EXCLUSIVITY.—
12 "(i) IN GENERAL.—A final adminis-
13 trative order issued in response to a re-
14 quest under this section shall have the ef-
15 fect of authorizing solely the order re-
16 questor (or the licensees, assignees, or suc-
17 cessors in interest of such requestor with
18 respect to the subject of such order), for a
19 period of 18 months following the effective
20 date of such final order and beginning on
21 the date the requestor may lawfully market
22 such drugs pursuant to the order, to mar-
23 ket drugs—
24 "(I) incorporating changes de-
25 scribed in clause (ii); and

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1 "(II) subject to the limitations
2 under clause (iv).
3 "(ii) CHANGES DESCRIBED.—A
4 change described in this clause is a change
5 subject to an order specified in clause (i),
6 which—
7 "(I) provides for a drug to con-
8 tain an active ingredient (including
9 any ester or salt of the active ingre-
10 dient) not previously incorporated in a
11 drug described in clause (iii); or
12 "(II) provides for a change in the
13 conditions of use of a drug, for which
14 new human data studies conducted or
15 sponsored by the requestor (or for
16 which the requestor has an exclusive
17 right of reference) were essential to
18 the issuance of such order.
19 "(iii) DRUGS DESCRIBED.—The drugs
20 described in this clause are drugs—
21 "(I) specified in subsection
22 (a)(1), (a)(2), or (a)(3);
23 "(II) subject to a final order
24 issued under this section;

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1 "(III) subject to a final sun-
2 screen order (as defined in section
3 586(2)(A)); or
4 "(IV) described in subsection
5 (m)(1), other than drugs subject to an
6 active enforcement action under chap-
7 ter III of this Act.
8 "(iv) LIMITATIONS ON EXCLU-
9 SIVITY.—
10 "(I) IN GENERAL.—Only one 18-
11 month period under this subpara-
12 graph shall be granted, under each
13 order described in clause (i), with re-
14 spect to changes (to the drug subject
15 to such order) which are either—
16 "(aa) changes described in
17 clause (ii)(I), relating to active
18 ingredients; or
19 "(bb) changes described in
20 clause (ii)(II), relating to condi-
21 tions of use.
22 "(II) NO EXCLUSIVITY AL-
23 LOWED.—No exclusivity shall apply to
24 changes to a drug which are—

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1 "(aa) the subject of a Tier 2
2 OTC monograph order request
3 (as defined in section 744L);
4 "(bb) safety-related changes,
5 as defined by the Secretary, or
6 any other changes the Secretary
7 considers necessary to assure
8 safe use; or
9 "(cc) changes related to
10 methods of testing safety or effi-
11 cacy.
12 "(v) NEW HUMAN DATA STUDIES DE-
13 FINED.—In this subparagraph, the term
14 'new human data studies' means clinical
15 trials of safety or effectiveness (including
16 actual use studies), pharmacokinetics stud-
17 ies, or bioavailability studies, the results of
18 which—
19 "(I) have not been relied on by
20 the Secretary to support—
21 "(aa) a proposed or final de-
22 termination that a drug described
23 in subclause (I), (II), or (III) of
24 clause (iii) is generally recognized

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1 as safe and effective under sec-
2 tion 201(p)(1); or
3 "(bb) approval of a drug
4 that was approved under section
5 505; and
6 "(II) do not duplicate the results
7 of another study that was relied on by
8 the Secretary to support—
9 "(aa) a proposed or final de-
10 termination that a drug described
11 in subclause (I), (II), or (III) of
12 clause (iii) is generally recognized
13 as safe and effective under sec-
14 tion 201(p)(1); or
15 "(bb) approval of a drug
16 that was approved under section
17 505.
18 "(vi) NOTIFICATION OF DRUG NOT
19 AVAILABLE FOR SALE.—A requestor that
20 is granted exclusivity with respect to a
21 drug under this subparagraph shall notify
22 the Secretary in writing within 1 year of
23 the issuance of the final administrative
24 order if the drug that is the subject of
25 such order will not be available for sale

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1 within 1 year of the date of issuance of
2 such order. The requestor shall include
3 with such notice the—
4 "(I) identity of the drug by es-
5 tablished name and by proprietary
6 name, if any;
7 "(II) strength of the drug;
8 "(III) date on which the drug
9 will be available for sale, if known;
10 and
11 "(IV) reason for not marketing
12 the drug after issuance of the order.
13 "(6) INFORMATION REGARDING SAFE NON-
14 PRESCRIPTION MARKETING AND USE AS CONDITION
15 FOR FILING A GENERALLY RECOGNIZED AS SAFE
16 AND EFFECTIVE REQUEST.—
17 "(A) IN GENERAL.—In response to a re-
18 quest under this section that a drug described
19 in subparagraph (B) be generally recognized as
20 safe and effective, the Secretary—
21 "(i) may file such request, if the re-
22 quest includes information specified under
23 subparagraph (C) with respect to safe non-
24 prescription marketing and use of such
25 drug; or

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1 "(ii) if the request fails to include in-
2 formation specified under subparagraph
3 (C), shall refuse to file such request and
4 require that nonprescription marketing of
5 the drug be pursuant to a new drug appli-
6 cation as described in subparagraph (D).
7 "(B) DRUG DESCRIBED.—A drug de-
8 scribed in this subparagraph is a nonprescrip-
9 tion drug which contains an active ingredient
10 not previously incorporated in a drug—
11 "(i) specified in subsection (a)(1),
12 (a)(2), or (a)(3);
13 "(ii) subject to a final order under
14 this section; or
15 "(iii) subject to a final sunscreen
16 order (as defined in section 586(2)(A)).
17 "(C) INFORMATION DEMONSTRATING
18 PRIMA FACIE SAFE NONPRESCRIPTION MAR-
19 KETING AND USE.—Information specified in
20 this subparagraph, with respect to a request de-
21 scribed in subparagraph (A)(i), is—
22 "(i) information sufficient for a prima
23 facie demonstration that the drug subject
24 to such request has a verifiable history of
25 being marketed and safely used by con-

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1 sumers in the United States as a non-
2 prescription drug under comparable condi-
3 tions of use;
4 "(ii) if the drug has not been pre-
5 viously marketed in the United States as a
6 nonprescription drug, information suffi-
7 cient for a prima facie demonstration that
8 the drug was marketed and safely used
9 under comparable conditions of marketing
10 and use in a country listed in section
11 802(b)(1)(A) or designated by the Sec-
12 retary in accordance with section
13 802(b)(1)(B)—
14 "(I) for such period as needed to
15 provide reasonable assurances con-
16 cerning the safe nonprescription use
17 of the drug; and
18 "(II) during such time was sub-
19 ject to sufficient monitoring by a reg-
20 ulatory body considered acceptable by
21 the Secretary for such monitoring
22 purposes, including for adverse events
23 associated with nonprescription use of
24 the drug; or

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1 "(iii) if the Secretary determines that
2 information described in clause (i) or (ii) is
3 not needed to provide a prima facie dem-
4 onstration that the drug can be safely mar-
5 keted and used as a nonprescription drug,
6 such other information the Secretary deter-
7 mines is sufficient for such purposes.
8 "(D) MARKETING PURSUANT TO NEW
9 DRUG APPLICATION.—In the case of a request
10 described in subparagraph (A)(ii), the drug
11 subject to such request may be resubmitted for
12 filing only if—
13 "(i) the drug is marketed as a non-
14 prescription drug, under conditions of use
15 comparable to the conditions specified in
16 the request, for such period as the Sec-
17 retary determines appropriate (not to ex-
18 ceed 5 consecutive years) pursuant to an
19 application approved under section 505;
20 and
21 "(ii) during such period, 1,000,000
22 retail packages of the drug, or an equiva-
23 lent quantity as determined by the Sec-
24 retary, were distributed for retail sale, as

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1 determined in such manner as the Sec-
2 retary finds appropriate.
3 "(E) RULE OF APPLICATION.—Except in
4 the case of a request involving a drug described
5 in section 586(9), as in effect on January 1,
6 2017, if the Secretary refuses to file a request
7 under this paragraph, the requestor may not
8 file such request over protest under paragraph
9 (5)(A)(iii).
10 "(7) PACKAGING.—An administrative order
11 issued under paragraph (2), (4)(A), or (5) may in-
12 clude requirements for the packaging of a drug to
13 encourage use in accordance with labeling. Such re-
14 quirements may include unit dose packaging, re-
15 quirements for products intended for use by pedi-
16 atric populations, requirements to reduce risk of
17 harm from unsupervised ingestion, and other appro-
18 priate requirements. This paragraph does not au-
19 thorize the Food and Drug Administration to re-
20 quire standards or testing procedures as described in
21 part 1700 of title 16, Code of Federal Regulations.
22 "(8) FINAL AND TENTATIVE FINAL MONO-
23 GRAPHS FOR CATEGORY I DRUGS DEEMED FINAL
24 ADMINISTRATIVE ORDERS.—

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1 "(A) IN GENERAL.—A final monograph or
2 tentative final monograph described in subpara-
3 graph (B) shall be deemed to be a final admin-
4 istrative order under this subsection and may
5 be amended, revoked, or otherwise modified in
6 accordance with the procedures of this sub-
7 section.
8 "(B) MONOGRAPHS DESCRIBED.—For pur-
9 poses of subparagraph (A), a final monograph
10 or tentative final monograph is described in this
11 subparagraph if it—
12 "(i) establishes conditions of use for a
13 drug described in paragraph (1) or (2) of
14 subsection (a); and
15 "(ii) represents the most recently pro-
16 mulgated version of such conditions, in-
17 cluding as modified, in whole or in part, by
18 any proposed or final rule.
19 "(C) DEEMED ORDERS INCLUDE HARMO-
20 NIZING TECHNICAL AMENDMENTS.—The
21 deemed establishment of a final administrative
22 order under subparagraph (A) shall be con-
23 strued to include any technical amendments to
24 such order as the Secretary determines nec-
25 essary to ensure that such order is appro-

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1 priately harmonized, in terms of terminology or
2 cross-references, with the applicable provisions
3 of this Act (and regulations thereunder) and
4 any other orders issued under this section.
5 "(c) PROCEDURE FOR MINOR CHANGES.—
6 "(1) IN GENERAL.—Minor changes in the dos-
7 age form of a drug that is described in paragraph
8 (1) or (2) of subsection (a) or the subject of an
9 order issued under subsection (b) may be made by
10 a requestor without the issuance of an order under
11 subsection (b) if—
12 "(A) the requestor maintains such infor-
13 mation as is necessary to demonstrate that the
14 change—
15 "(i) will not affect the safety or effec-
16 tiveness of the drug; and
17 "(ii) will not materially affect the ex-
18 tent of absorption or other exposure to the
19 active ingredient in comparison to a suit-
20 able reference product; and
21 "(B) the change is in conformity with the
22 requirements of an applicable administrative
23 order issued by the Secretary under paragraph
24 (3).
25 "(2) ADDITIONAL INFORMATION.—

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1 "(A) ACCESS TO RECORDS.—A sponsor
2 shall submit records requested by the Secretary
3 relating to such a minor change under section
4 704(a)(4), within 15 business days of receiving
5 such a request, or such longer period as the
6 Secretary may provide.
7 "(B) INSUFFICIENT INFORMATION.—If the
8 Secretary determines that the information con-
9 tained in such records is not sufficient to dem-
10 onstrate that the change does not affect the
11 safety or effectiveness of the drug or materially
12 affect the extent of absorption or other expo-
13 sure to the active ingredient, the Secretary—
14 "(i) may so inform the sponsor of the
15 drug in writing; and
16 "(ii) if the Secretary so informs the
17 sponsor, shall provide the sponsor of the
18 drug with a reasonable opportunity to pro-
19 vide additional information.
20 "(C) FAILURE TO SUBMIT SUFFICIENT IN-
21 FORMATION.—If the sponsor fails to provide
22 such additional information within a time pre-
23 scribed by the Secretary, or if the Secretary de-
24 termines that such additional information does
25 not demonstrate that the change does not—

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1 "(i) affect the safety or effectiveness
2 of the drug; or
3 "(ii) materially affect the extent of
4 absorption or other exposure to the active
5 ingredient in comparison to a suitable ref-
6 erence product,
7 the drug as modified is a new drug under sec-
8 tion 201(p) and shall be deemed to be mis-
9 branded under section 502(ee).
10 "(3) DETERMINING WHETHER A CHANGE WILL
11 AFFECT SAFETY OR EFFECTIVENESS.—
12 "(A) IN GENERAL.—The Secretary shall
13 issue one or more administrative orders speci-
14 fying requirements for determining whether a
15 minor change made by a sponsor pursuant to
16 this subsection will affect the safety or effective-
17 ness of a drug or materially affect the extent of
18 absorption or other exposure to an active ingre-
19 dient in the drug in comparison to a suitable
20 reference product, together with guidance for
21 applying those orders to specific dosage forms.
22 "(B) STANDARD PRACTICES.—The orders
23 and guidance issued by the Secretary under
24 subparagraph (A) shall take into account rel-
25 evant public standards and standard practices

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1 for evaluating the quality of drugs, and may
2 take into account the special needs of popu-
3 lations, including children.
4 "(d) CONFIDENTIALITY OF INFORMATION SUB-
5 MITTED TO THE SECRETARY.—
6 "(1) IN GENERAL.—Subject to paragraph (2),
7 any information, including reports of testing con-
8 ducted on the drug or drugs involved, that is sub-
9 mitted by a requestor in connection with proceedings
10 on an order under this section (including any minor
11 change under subsection (c)) and is a trade secret
12 or confidential information subject to section
13 552(b)(4) of title 5, United States Code, or section
14 1905 of title 18, United States Code, shall not be
15 disclosed to the public unless the requestor consents
16 to that disclosure.
17 "(2) PUBLIC AVAILABILITY.—
18 "(A) IN GENERAL.—Except as provided in
19 subparagraph (B), the Secretary shall—
20 "(i) make any information submitted
21 by a requestor in support of a request
22 under subsection (b)(5)(A) available to the
23 public not later than the date on which the
24 proposed order is issued; and

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1 "(ii) make any information submitted
2 by any other person with respect to an
3 order requested (or initiated by the Sec-
4 retary) under subsection (b), available to
5 the public upon such submission.
6 "(B) LIMITATIONS ON PUBLIC AVAIL-
7 ABILITY.—Information described in subpara-
8 graph (A) shall not be made public if—
9 "(i) the information pertains to phar-
10 maceutical quality information, unless such
11 information is necessary to establish stand-
12 ards under which a drug is generally rec-
13 ognized as safe and effective under section
14 201(p)(1);
15 "(ii) the information is submitted in a
16 requestor-initiated request, but the re-
17 questor withdraws such request, in accord-
18 ance with withdrawal procedures estab-
19 lished by the Secretary, before the Sec-
20 retary issues the proposed order;
21 "(iii) the Secretary requests and ob-
22 tains the information under subsection (c)
23 and such information is not submitted in
24 relation to an order under subsection (b);
25 or

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1 "(iv) the information is of the type
2 contained in raw datasets.
3 "(e) UPDATES TO DRUG LISTING INFORMATION.—
4 A sponsor who makes a change to a drug subject to this
5 section shall submit updated drug listing information for
6 the drug in accordance with section 510(j) within 30 cal-
7 endar days of the date when the drug is first commercially
8 marketed, except that a sponsor who was the order re-
9 questor with respect to an order subject to subsection
10 (b)(5)(C) (or a licensee, assignee, or successor in interest
11 of such requestor) shall submit updated drug listing infor-
12 mation on or before the date when the drug is first com-
13 mercially marketed.
14 "(f) APPROVALS UNDER SECTION 505.—The provi-
15 sions of this section shall not be construed to preclude a
16 person from seeking or maintaining the approval of an ap-
17 plication for a drug under sections 505(b)(1), 505(b)(2),
18 and 505(j). A determination under this section that a drug
19 is not subject to section 503(b)(1), is generally recognized
20 as safe and effective under section 201(p)(1), and is not
21 a new drug under section 201(p) shall constitute a finding
22 that the drug is safe and effective that may be relied upon
23 for purposes of an application under section 505(b)(2), so
24 that the applicant shall be required to submit for purposes
25 of such application only information needed to support any

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1 modification of the drug that is not covered by such deter-
2 mination under this section.
3 "(g) PUBLIC AVAILABILITY OF ADMINISTRATIVE OR-
4 DERS.—The Secretary shall establish, maintain, update
5 (as determined necessary by the Secretary but no less fre-
6 quently than annually), and make publicly available, with
7 respect to orders issued under this section—
8 "(1) a repository of each final order and in-
9 terim final order in effect, including the complete
10 text of the order; and
11 "(2) a listing of all orders proposed and under
12 development under subsection (b)(2), including—
13 "(A) a brief description of each such order;
14 and
15 "(B) the Secretary's expectations, if re-
16 sources permit, for issuance of proposed orders
17 over a 3-year period.
18 "(h) DEVELOPMENT ADVICE TO SPONSORS OR RE-
19 QUESTORS.—The Secretary shall establish procedures
20 under which sponsors or requestors may meet with appro-
21 priate officials of the Food and Drug Administration to
22 obtain advice on the studies and other information nec-
23 essary to support submissions under this section and other
24 matters relevant to the regulation of nonprescription

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1 drugs and the development of new nonprescription drugs
2 under this section.
3 "(i) PARTICIPATION OF MULTIPLE SPONSORS OR RE-
4 QUESTORS.—The Secretary shall establish procedures to
5 facilitate efficient participation by multiple sponsors or re-
6 questors in proceedings under this section, including provi-
7 sion for joint meetings with multiple sponsors or reques-
8 tors or with organizations nominated by sponsors or re-
9 questors to represent their interests in a proceeding.
10 "(j) ELECTRONIC FORMAT.—All submissions under
11 this section shall be in electronic format.
12 "(k) EFFECT ON EXISTING REGULATIONS GOV-
13 ERNING NONPRESCRIPTION DRUGS.—
14 "(1) REGULATIONS OF GENERAL APPLICA-
15 BILITY TO NONPRESCRIPTION DRUGS.—Except as
16 provided in this subsection, nothing in this section
17 supersedes regulations establishing general require-
18 ments for nonprescription drugs, including regula-
19 tions of general applicability contained in parts 201,
20 250, and 330 of title 21, Code of Federal Regula-
21 tions, or any successor regulations. The Secretary
22 shall establish or modify such regulations by means
23 of rulemaking in accordance with section 553 of title
24 5, United States Code.

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1 "(2) REGULATIONS ESTABLISHING REQUIRE-
2 MENTS FOR SPECIFIC NONPRESCRIPTION DRUGS.—
3 "(A) The provisions of section 310.545 of
4 title 21, Code of Federal Regulations, as in ef-
5 fect on the day before the date of the enact-
6 ment of this section, shall be deemed to be a
7 final order under subsection (b).
8 "(B) Regulations in effect on the day be-
9 fore the date of the enactment of this section,
10 establishing requirements for specific non-
11 prescription drugs marketed pursuant to this
12 section (including such requirements in parts
13 201 and 250 of title 21, Code of Federal Regu-
14 lations), shall be deemed to be final orders
15 under subsection (b), only as they apply to
16 drugs—
17 "(i) subject to paragraph (1), (2), (3),
18 or (4) of subsection (a); or
19 "(ii) otherwise subject to an order
20 under this section.
21 "(3) WITHDRAWAL OF REGULATIONS.—The
22 Secretary shall withdraw regulations establishing
23 final monographs and the procedures governing the
24 over-the-counter drug review under part 330 and
25 other relevant parts of title 21, Code of Federal

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1 Regulations (as in effect on the day before the date
2 of the enactment of this section), or make technical
3 changes to such regulations to ensure conformity
4 with appropriate terminology and cross references.
5 Notwithstanding subchapter II of chapter 5 of title
6 5, United States Code, any such withdrawal or tech-
7 nical changes shall be made without public notice
8 and comment and shall be effective upon publication
9 through notice in the Federal Register (or upon such
10 date as specified in such notice).
11 "(l) GUIDANCE.—The Secretary shall issue guidance
12 that specifies—
13 "(1) the procedures and principles for formal
14 meetings between the Secretary and sponsors or re-
15 questors for drugs subject to this section;
16 "(2) the format and content of data submis-
17 sions to the Secretary under this section;
18 "(3) the format of electronic submissions to the
19 Secretary under this section;
20 "(4) consolidated proceedings for appeal and
21 the procedures for such proceedings where appro-
22 priate; and
23 "(5) for minor changes in drugs, recommenda-
24 tions on how to comply with the requirements in or-
25 ders issued under subsection (c)(3).

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1 "(m) RULE OF CONSTRUCTION.—
2 "(1) IN GENERAL.—This section shall not af-
3 fect the treatment or status of a nonprescription
4 drug—
5 "(A) that is marketed without an applica-
6 tion approved under section 505 as of the date
7 of the enactment of this section;
8 "(B) that is not subject to an order issued
9 under this section; and
10 "(C) to which paragraph (1), (2), (3), (4),
11 or (5) of subsection (a) do not apply.
12 "(2) TREATMENT OF PRODUCTS PREVIOUSLY
13 FOUND TO BE SUBJECT TO TIME AND EXTENT RE-
14 QUIREMENTS.—
15 "(A) Notwithstanding subsection (a), a
16 drug described in subparagraph (B) may only
17 be lawfully marketed, without an application
18 approved under section 505, pursuant to an
19 order issued under this section.
20 "(B) A drug described in this subpara-
21 graph is a drug which, prior to the date of the
22 enactment of this section, the Secretary deter-
23 mined in a proposed or final rule to be ineligible
24 for review under the OTC drug review (as such
25 phrase 'OTC drug review' was used in section

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1 330.14 of title 21, Code of Federal Regulations,
2 as in effect on the day before the date of the
3 enactment of this section).
4 "(3) PRESERVATION OF AUTHORITY.—
5 "(A) Nothing in paragraph (1) shall be
6 construed to preclude or limit the applicability
7 of any provision of this Act other than this sec-
8 tion.
9 "(B) Nothing in subsection (a) shall be
10 construed to prohibit the Secretary from issuing
11 an order under this section finding a drug to be
12 not generally recognized as safe and effective
13 under section 201(p)(1), as the Secretary deter-
14 mines appropriate.
15 "(n) INVESTIGATIONAL NEW DRUGS.—A drug is not
16 subject to this section if an exemption for investigational
17 use under section 505(i) is in effect for such drug.
18 "(o) INAPPLICABILITY OF PAPERWORK REDUCTION
19 ACT.—Chapter 35 of title 44, United States Code, shall
20 not apply to collections of information made under this
21 section.
22 "(p) INAPPLICABILITY OF NOTICE AND COMMENT
23 RULEMAKING AND OTHER REQUIREMENTS.—The re-
24 quirements of subsection (b) shall apply with respect to
25 orders issued under this section instead of the require-

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1 ments of subchapter II of chapter 5 of title 5, United
2 States Code.
3 "(q) DEFINITIONS.—In this section:
4 "(1) The term 'nonprescription drug' refers to
5 a drug not subject to the requirements of section
6 503(b)(1).
7 "(2) The term 'sponsor' refers to any person
8 marketing, manufacturing, or processing a drug
9 that—
10 "(A) is listed pursuant to section 510(j);
11 and
12 "(B) is or will be subject to an administra-
13 tive order under this section of the Food and
14 Drug Administration.
15 "(3) The term 'requestor' refers to any person
16 or group of persons marketing, manufacturing, proc-
17 essing, or developing a drug.".
18 (b) GAO STUDY.—Not later than 4 years after the
19 date of enactment of this Act, the Comptroller General
20 of the United States shall submit a study to the Com-
21 mittee on Energy and Commerce of the House of Rep-
22 resentatives and the Committee on Health, Education,
23 Labor, and Pensions of the Senate addressing the effec-
24 tiveness and overall impact of exclusivity under section
25 505G of the Federal Food, Drug, and Cosmetic Act, as

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1 added by subsection (a), and section 586C of such Act
2 (21 U.S.C. 360fff–3), including the impact of such exclu-
3 sivity on consumer access. Such study shall include—
4 (1) an analysis of the impact of exclusivity
5 under such section 505G for nonprescription drug
6 products, including—
7 (A) the number of nonprescription drug
8 products that were granted exclusivity and the
9 indication for which the nonprescription drug
10 products were determined to be generally recog-
11 nized as safe and effective;
12 (B) whether the exclusivity for such drug
13 products was granted for—
14 (i) a new active ingredient (including
15 any ester or salt of the active ingredient);
16 or
17 (ii) changes in the conditions of use of
18 a drug, for which new human data studies
19 conducted or sponsored by the requestor
20 were essential;
21 (C) whether, and to what extent, the exclu-
22 sivity impacted the requestor's or sponsor's de-
23 cision to develop the drug product;

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1 (D) an analysis of the implementation of
2 the exclusivity provision in such section 505G,
3 including—
4 (i) the resources used by the Food
5 and Drug Administration;
6 (ii) the impact of such provision on
7 innovation, as well as research and devel-
8 opment in the nonprescription drug mar-
9 ket;
10 (iii) the impact of such provision on
11 competition in the nonprescription drug
12 market;
13 (iv) the impact of such provision on
14 consumer access to nonprescription drug
15 products;
16 (v) the impact of such provision on
17 the prices of nonprescription drug prod-
18 ucts; and
19 (vi) whether the administrative orders
20 initiated by requestors under such section
21 505G have been sufficient to encourage the
22 development of nonprescription drug prod-
23 ucts that would likely not be otherwise de-
24 veloped, or developed in as timely a man-
25 ner; and

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1 (E) whether the administrative orders ini-
2 tiated by requestors under such section 505G
3 have been sufficient incentive to encourage in-
4 novation in the nonprescription drug market;
5 and
6 (2) an analysis of the impact of exclusivity
7 under such section 586C for sunscreen ingredients,
8 including—
9 (A) the number of sunscreen ingredients
10 that were granted exclusivity and the specific
11 ingredient that was determined to be generally
12 recognized as safe and effective;
13 (B) whether, and to what extent, the exclu-
14 sivity impacted the requestor's or sponsor's de-
15 cision to develop the sunscreen ingredient;
16 (C) whether, and to what extent, the sun-
17 screen ingredient granted exclusivity had pre-
18 viously been available outside of the United
19 States;
20 (D) an analysis of the implementation of
21 the exclusivity provision in such section 586C,
22 including—
23 (i) the resources used by the Food
24 and Drug Administration;

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1 (ii) the impact of such provision on
2 innovation, as well as research and devel-
3 opment in the sunscreen market;
4 (iii) the impact of such provision on
5 competition in the sunscreen market;
6 (iv) the impact of such provision on
7 consumer access to sunscreen products;
8 (v) the impact of such provision on
9 the prices of sunscreen products; and
10 (vi) whether the administrative orders
11 initiated by requestors under such section
12 505G have been utilized by sunscreen in-
13 gredient sponsors and whether such proc-
14 ess has been sufficient to encourage the
15 development of sunscreen ingredients that
16 would likely not be otherwise developed, or
17 developed in as timely a manner; and
18 (E) whether the administrative orders ini-
19 tiated by requestors under such section 586C
20 have been sufficient incentive to encourage in-
21 novation in the sunscreen market.
22 (c) CONFORMING AMENDMENT.—Section 751(d)(1)
23 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
24 379r(d)(1)) is amended—
25 (1) in the matter preceding subparagraph (A)—

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1 (A) by striking "final regulation promul-
2 gated" and inserting "final order under section
3 505G"; and
4 (B) by striking "and not misbranded"; and
5 (2) in subparagraph (A), by striking "regula-
6 tion in effect" and inserting "regulation or order in
7 effect".

8 **SEC. 3852. MISBRANDING.**

9 Section 502 of the Federal Food, Drug, and Cosmetic
10 Act (21 U.S.C. 352) is amended by adding at the end the
11 following:
12 "(ee) If it is a nonprescription drug that is subject
13 to section 505G, is not the subject of an application ap-
14 proved under section 505, and does not comply with the
15 requirements under section 505G.
16 "(ff) If it is a drug and it was manufactured, pre-
17 pared, propagated, compounded, or processed in a facility
18 for which fees have not been paid as required by section
19 744M.".

20 **SEC. 3853. DRUGS EXCLUDED FROM THE OVER-THE-**
21 **COUNTER DRUG REVIEW.**

22 (a) IN GENERAL.—Nothing in this Act (or the
23 amendments made by this Act) shall apply to any non-
24 prescription drug (as defined in section 505G(q) of the
25 Federal Food, Drug, and Cosmetic Act, as added by sec-

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1 tion 3851 of this subtitle) which was excluded by the Food
2 and Drug Administration from the Over-the-Counter
3 Drug Review in accordance with the paragraph numbered
4 25 on page 9466 of volume 37 of the Federal Register,
5 published on May 11, 1972.

6 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to preclude or limit the applica-
8 bility of any other provision of the Federal Food, Drug,
9 and Cosmetic Act (21 U.S.C. 301 et seq.).

10 **SEC. 3854. TREATMENT OF SUNSCREEN INNOVATION ACT.**

11 (a) REVIEW OF NONPRESCRIPTION SUNSCREEN AC-
12 TIVE INGREDIENTS.—

13 (1) APPLICABILITY OF SECTION 505G FOR
14 PENDING SUBMISSIONS.—

15 (A) IN GENERAL.—A sponsor of a non-
16 prescription sunscreen active ingredient or com-
17 bination of nonprescription sunscreen active in-
18 gredients that, as of the date of enactment of
19 this Act, is subject to a proposed sunscreen
20 order under section 586C of the Federal Food,
21 Drug, and Cosmetic Act (21 U.S.C. 360fff–3)
22 may elect, by means of giving written notifica-
23 tion to the Secretary of Health and Human
24 Services within 180 calendar days of the enact-
25 ment of this Act, to transition into the review

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1 of such ingredient or combination of ingredients
2 pursuant to the process set out in section 505G
3 of the Federal Food, Drug, and Cosmetic Act,
4 as added by section 3851 of this subtitle.
5 (B) ELECTION EXERCISED.—Upon receipt
6 by the Secretary of Health and Human Services
7 of a timely notification under subparagraph
8 (A)—
9 (i) the proposed sunscreen order in-
10 volved is deemed to be a request for an
11 order under subsection (b) of section 505G
12 of the Federal Food, Drug, and Cosmetic
13 Act, as added by section 3851 of this sub-
14 title; and
15 (ii) such order is deemed to have been
16 accepted for filing under subsection
17 (b)(6)(A)(i) of such section 505G.
18 (C) ELECTION NOT EXERCISED.—If a noti-
19 fication under subparagraph (A) is not received
20 by the Secretary of Health and Human Services
21 within 180 calendar days of the date of enact-
22 ment of this Act, the review of the proposed
23 sunscreen order described in subparagraph
24 (A)—

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1 (i) shall continue under section 586C
2 of the Federal Food, Drug, and Cosmetic
3 Act (21 U.S.C. 360fff–3); and
4 (ii) shall not be eligible for review
5 under section 505G, added by section 3851
6 of this subtitle.
7 (2) DEFINITIONS.—In this subsection, the
8 terms "sponsor", "nonprescription", "sunscreen ac-
9 tive ingredient", and "proposed sunscreen order"
10 have the meanings given to those terms in section
11 586 of the Federal Food, Drug, and Cosmetic Act
12 (21 U.S.C. 360fff).
13 (b) AMENDMENTS TO SUNSCREEN PROVISIONS.—
14 (1) FINAL SUNSCREEN ORDERS.—Paragraph
15 (3) of section 586C(e) of the Federal Food, Drug,
16 and Cosmetic Act (21 U.S.C. 360fff–3(e)) is amend-
17 ed to read as follows:
18 "(3) RELATIONSHIP TO ORDERS UNDER SEC-
19 TION 505G.—A final sunscreen order shall be deemed
20 to be a final order under section 505G.".
21 (2) MEETINGS.—Paragraph (7) of section
22 586C(b) of the Federal Food, Drug, and Cosmetic
23 Act (21 U.S.C. 360fff–3(b)) is amended—
24 (A) by striking "A sponsor may request"
25 and inserting the following:

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1 "(A) IN GENERAL.—A sponsor may re-
2 quest"; and
3 (B) by adding at the end the following:
4 "(B) CONFIDENTIAL MEETINGS.—A spon-
5 sor may request one or more confidential meet-
6 ings with respect to a proposed sunscreen order,
7 including a letter deemed to be a proposed sun-
8 screen order under paragraph (3), to discuss
9 matters relating to data requirements to sup-
10 port a general recognition of safety and effec-
11 tiveness involving confidential information and
12 public information related to such proposed
13 sunscreen order, as appropriate. The Secretary
14 shall convene a confidential meeting with such
15 sponsor in a reasonable time period. If a spon-
16 sor requests more than one confidential meeting
17 for the same proposed sunscreen order, the Sec-
18 retary may refuse to grant an additional con-
19 fidential meeting request if the Secretary deter-
20 mines that such additional confidential meeting
21 is not reasonably necessary for the sponsor to
22 advance its proposed sunscreen order, or if the
23 request for a confidential meeting fails to in-
24 clude sufficient information upon which to base
25 a substantive discussion. The Secretary shall

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1 publish a post-meeting summary of each con-
2 fidential meeting under this subparagraph that
3 does not disclose confidential commercial infor-
4 mation or trade secrets. This subparagraph
5 does not authorize the disclosure of confidential
6 commercial information or trade secrets subject
7 to 552(b)(4) of title 5, United States Code, or
8 section 1905 of title 18, United States Code.".
9 (3) EXCLUSIVITY.—Section 586C of the Fed-
10 eral Food, Drug, and Cosmetic Act (21 U.S.C.
11 360fff–3) is amended by adding at the end the fol-
12 lowing:
13 "(f) EXCLUSIVITY.—
14 "(1) IN GENERAL.—A final sunscreen order
15 shall have the effect of authorizing solely the order
16 requestor (or the licensees, assignees, or successors
17 in interest of such requestor with respect to the sub-
18 ject of such request and listed under paragraph (5))
19 for a period of 18 months, to market a sunscreen in-
20 gredient under this section incorporating changes
21 described in paragraph (2) subject to the limitations
22 under paragraph (4), beginning on the date the re-
23 questor (or any licensees, assignees, or successors in
24 interest of such requestor with respect to the subject
25 of such request and listed under paragraph (5)) may

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1 lawfully market such sunscreen ingredient pursuant
2 to the order.
3 "(2) CHANGES DESCRIBED.—A change de-
4 scribed in this paragraph is a change subject to an
5 order specified in paragraph (1) that permits a sun-
6 screen to contain an active sunscreen ingredient not
7 previously incorporated in a marketed sunscreen list-
8 ed in paragraph (3).
9 "(3) MARKETED SUNSCREEN.—The marketed
10 sunscreen ingredients described in this paragraph
11 are sunscreen ingredients—
12 "(A) marketed in accordance with a final
13 monograph for sunscreen drug products set
14 forth at part 352 of title 21, Code of Federal
15 Regulations (as published at 64 Fed. Reg.
16 27687); or
17 "(B) marketed in accordance with a final
18 order issued under this section.
19 "(4) LIMITATIONS ON EXCLUSIVITY.—Only one
20 18-month period may be granted per ingredient
21 under paragraph (1).
22 "(5) LISTING OF LICENSEES, ASSIGNEES, OR
23 SUCCESSORS IN INTEREST.—Requestors shall submit
24 to the Secretary at the time when a drug subject to
25 such request is introduced or delivered for introduc-

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1 tion into interstate commerce, a list of licensees, as-
2 signees, or successors in interest under paragraph
3 (1).".
4 (4) SUNSET PROVISION.—Subchapter I of chap-
5 ter V of the Federal Food, Drug, and Cosmetic Act
6 (21 U.S.C. 360fff et seq.) is amended by adding at
7 the end the following:
8 **"SEC. 586H. SUNSET.**
9 "This subchapter shall cease to be effective at the end
10 of fiscal year 2022.".
11 (5) TREATMENT OF FINAL SUNSCREEN
12 ORDER.—The Federal Food, Drug, and Cosmetic
13 Act is amended by striking section 586E of such Act
14 (21 U.S.C. 360fff–5).
15 (c) TREATMENT OF AUTHORITY REGARDING FINAL-
16 IZATION OF SUNSCREEN MONOGRAPH.—
17 (1) IN GENERAL.—
18 (A) REVISION OF FINAL SUNSCREEN
19 ORDER.—The Secretary of Health and Human
20 Services (referred to in this subsection as the
21 "Secretary") shall amend and revise the final
22 administrative order concerning nonprescription
23 sunscreen (referred to in this subsection as the
24 "sunscreen order") for which the content, prior
25 to the date of enactment of this Act, was rep-

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1 resented by the final monograph for sunscreen
2 drug products set forth in part 352 of title 21,
3 Code of Federal Regulations (as in effect on
4 May 21, 1999).
5 (B) ISSUANCE OF REVISED SUNSCREEN
6 ORDER; EFFECTIVE DATE.—A revised sunscreen
7 order described in subparagraph (A) shall be—
8 (i) issued in accordance with the pro-
9 cedures described in section 505G(b)(2) of
10 the Federal Food, Drug, and Cosmetic
11 Act;
12 (ii) issued in proposed form not later
13 than 18 months after the date of enact-
14 ment of this Act; and
15 (iii) issued by the Secretary at least 1
16 year prior to the effective date of the re-
17 vised order.
18 (2) REPORTS.—If a revised sunscreen order
19 issued under paragraph (1) does not include provi-
20 sions related to the effectiveness of various sun pro-
21 tection factor levels, and does not address all dosage
22 forms known to the Secretary to be used in sun-
23 screens marketed in the United States without a
24 new drug application approved under section 505 of
25 the Federal Food, Drug, and Cosmetic Act (21

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1 U.S.C. 355), the Secretary shall submit a report to
2 the Committee on Energy and Commerce of the
3 House of Representatives and the Committee on
4 Health, Education, Labor, and Pensions of the Sen-
5 ate on the rationale for omission of such provisions
6 from such order, and a plan and timeline to compile
7 any information necessary to address such provisions
8 through such order.
9 (d) TREATMENT OF NON-SUNSCREEN TIME AND EX-
10 TENT APPLICATIONS.—
11 (1) IN GENERAL.—Any application described in
12 section 586F of the Federal Food, Drug, and Cos-
13 metic Act (21 U.S.C. 360fff–6) that was submitted
14 to the Secretary pursuant to section 330.14 of title
15 21, Code of Federal Regulations, as such provisions
16 were in effect immediately prior to the date of enact-
17 ment date of this Act, shall be extinguished as of
18 such date of enactment, subject to paragraph (2).
19 (2) ORDER REQUEST.—Nothing in paragraph
20 (1) precludes the submission of an order request
21 under section 505G(b) of the Federal Food, Drug,
22 and Cosmetic Act, as added by section 3851 of this
23 subtitle, with respect to a drug that was the subject
24 of an application extinguished under paragraph (1).

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1 **SEC. 3855. ANNUAL UPDATE TO CONGRESS ON APPRO-**
2 **PRIATE PEDIATRIC INDICATION FOR CER-**
3 **TAIN OTC COUGH AND COLD DRUGS.**

4 (a) IN GENERAL.—Subject to subsection (c), the Sec-
5 retary of Health and Human Services shall, beginning not
6 later than 1 year after the date of enactment of this Act,
7 annually submit to the Committee on Energy and Com-
8 merce of the House of Representatives and the Committee
9 on Health, Education, Labor, and Pensions of the Senate
10 a letter describing the progress of the Food and Drug Ad-
11 ministration—

12 (1) in evaluating the cough and cold monograph
13 described in subsection (b) with respect to children
14 under age 6; and

15 (2) as appropriate, revising such cough and cold
16 monograph to address such children through the
17 order process under section 505G(b) of the Federal
18 Food, Drug, and Cosmetic Act, as added by section
19 3851 of this subtitle.

20 (b) COUGH AND COLD MONOGRAPH DESCRIBED.—
21 The cough and cold monograph described in this sub-
22 section consists of the conditions under which nonprescrip-
23 tion drugs containing antitussive, expectorant, nasal de-
24 congestant, or antihistamine active ingredients (or com-
25 binations thereof) are generally recognized as safe and ef-
26 fective, as specified in part 341 of title 21, Code of Federal

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1 Regulations (as in effect immediately prior to the date of
2 enactment of this Act), and included in an order deemed
3 to be established under section 505G(b) of the Federal
4 Food, Drug, and Cosmetic Act, as added by section 3851
5 of this subtitle.

6 (c) DURATION OF AUTHORITY.—The requirement
7 under subsection (a) shall terminate as of the date of a
8 letter submitted by the Secretary of Health and Human
9 Services pursuant to such subsection in which the Sec-
10 retary indicates that the Food and Drug Administration
11 has completed its evaluation and revised, in a final order,
12 as applicable, the cough and cold monograph as described
13 in subsection (a)(2).

14 **SEC. 3856. TECHNICAL CORRECTIONS.**

15 (a) IMPORTS AND EXPORTS.—Section
16 801(e)(4)(E)(iii) of the Federal Food, Drug, and Cosmetic
17 Act (21 U.S.C. 381(e)(4)(E)(iii)) is amended by striking
18 "subparagraph" each place such term appears and insert-
19 ing "paragraph".

20 (b) FDA REAUTHORIZATION ACT OF 2017.—

21 (1) IN GENERAL.—Section 905(b)(4) of the
22 FDA Reauthorization Act of 2017 (Public Law 115–
23 52) is amended by striking "Section 744H(e)(2)(B)"
24 and inserting "Section 744H(f)(2)(B)".

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1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall take effect as of the enact-
3 ment of the FDA Reauthorization Act of 2017
4 (Public Law 115–52).

5 **PART II—USER FEES**

6 **SEC. 3861. FINDING.**

7 The Congress finds that the fees authorized by the
8 amendments made in this part will be dedicated to OTC
9 monograph drug activities, as set forth in the goals identi-
10 fied for purposes of part 10 of subchapter C of chapter
11 VII of the Federal Food, Drug, and Cosmetic Act, in the
12 letters from the Secretary of Health and Human Services
13 to the Chairman of the Committee on Health, Education,
14 Labor, and Pensions of the Senate and the Chairman of
15 the Committee on Energy and Commerce of the House
16 of Representatives, as set forth in the Congressional
17 Record.

18 **SEC. 3862. FEES RELATING TO OVER-THE-COUNTER DRUGS.**

19 Subchapter C of chapter VII of the Federal Food,
20 Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is
21 amended by inserting after part 9 the following:

22 **"PART 10—FEES RELATING TO OVER-THE-**
23 **COUNTER DRUGS**

24 **"SEC. 744L. DEFINITIONS.**

25 "In this part:

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1 "(1) The term 'affiliate' means a business enti-
2 ty that has a relationship with a second business en-
3 tity if, directly or indirectly—
4 "(A) one business entity controls, or has
5 the power to control, the other business entity;
6 or
7 "(B) a third party controls, or has power
8 to control, both of the business entities.
9 "(2) The term 'contract manufacturing organi-
10 zation facility' means an OTC monograph drug facil-
11 ity where neither the owner of such manufacturing
12 facility nor any affiliate of such owner or facility
13 sells the OTC monograph drug produced at such fa-
14 cility directly to wholesalers, retailers, or consumers
15 in the United States.
16 "(3) The term 'costs of resources allocated for
17 OTC monograph drug activities' means the expenses
18 in connection with OTC monograph drug activities
19 for—
20 "(A) officers and employees of the Food
21 and Drug Administration, contractors of the
22 Food and Drug Administration, advisory com-
23 mittees, and costs related to such officers, em-
24 ployees, and committees and costs related to
25 contracts with such contractors;

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1 "(B) management of information, and the
2 acquisition, maintenance, and repair of com-
3 puter resources;
4 "(C) leasing, maintenance, renovation, and
5 repair of facilities and acquisition, maintenance,
6 and repair of fixtures, furniture, scientific
7 equipment, and other necessary materials and
8 supplies; and
9 "(D) collecting fees under section 744M
10 and accounting for resources allocated for OTC
11 monograph drug activities.
12 "(4) The term 'FDA establishment identifier' is
13 the unique number automatically generated by Food
14 and Drug Administration's Field Accomplishments
15 and Compliance Tracking System (FACTS) (or any
16 successor system).
17 "(5) The term 'OTC monograph drug' means a
18 nonprescription drug without an approved new drug
19 application which is governed by the provisions of
20 section 505G.
21 "(6) The term 'OTC monograph drug activities'
22 means activities of the Secretary associated with
23 OTC monograph drugs and inspection of facilities
24 associated with such products, including the fol-
25 lowing activities:

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1 "(A) The activities necessary for review
2 and evaluation of OTC monographs and OTC
3 monograph order requests, including—
4 "(i) orders proposing or finalizing ap-
5 plicable conditions of use for OTC mono-
6 graph drugs;
7 "(ii) orders affecting status regarding
8 general recognition of safety and effective-
9 ness of an OTC monograph ingredient or
10 combination of ingredients under specified
11 conditions of use;
12 "(iii) all OTC monograph drug devel-
13 opment and review activities, including
14 intra-agency collaboration;
15 "(iv) regulation and policy develop-
16 ment activities related to OTC monograph
17 drugs;
18 "(v) development of product standards
19 for products subject to review and evalua-
20 tion;
21 "(vi) meetings referred to in section
22 505G(i);
23 "(vii) review of labeling prior to
24 issuance of orders related to OTC mono-
25 graph drugs or conditions of use; and

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1 "(viii) regulatory science activities re-
2 lated to OTC monograph drugs.
3 "(B) Inspections related to OTC mono-
4 graph drugs.
5 "(C) Monitoring of clinical and other re-
6 search conducted in connection with OTC
7 monograph drugs.
8 "(D) Safety activities with respect to OTC
9 monograph drugs, including—
10 "(i) collecting, developing, and review-
11 ing safety information on OTC monograph
12 drugs, including adverse event reports;
13 "(ii) developing and using improved
14 adverse event data-collection systems, in-
15 cluding information technology systems;
16 and
17 "(iii) developing and using improved
18 analytical tools to assess potential safety
19 risks, including access to external data-
20 bases.
21 "(E) Other activities necessary for imple-
22 mentation of section 505G.
23 "(7) The term 'OTC monograph order request'
24 means a request for an order submitted under sec-
25 tion 505G(b)(5).

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1 "(8) The term 'Tier 1 OTC monograph order
2 request' means any OTC monograph order request
3 not determined to be a Tier 2 OTC monograph
4 order request.
5 "(9)(A) The term 'Tier 2 OTC monograph
6 order request' means, subject to subparagraph (B),
7 an OTC monograph order request for—
8 "(i) the reordering of existing information
9 in the drug facts label of an OTC monograph
10 drug;
11 "(ii) the addition of information to the
12 other information section of the drug facts label
13 of an OTC monograph drug, as limited by sec-
14 tion 201.66(c)(7) of title 21, Code of Federal
15 Regulations (or any successor regulations);
16 "(iii) modification to the directions for use
17 section of the drug facts label of an OTC mono-
18 graph drug, if such changes conform to changes
19 made pursuant to section 505G(c)(3)(A);
20 "(iv) the standardization of the concentra-
21 tion or dose of a specific finalized ingredient
22 within a particular finalized monograph;
23 "(v) a change to ingredient nomenclature
24 to align with nomenclature of a standards-set-
25 ting organization; or

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1 "(vi) addition of an interchangeable term
2 in accordance with section 330.1 of title 21,
3 Code of Federal Regulations (or any successor
4 regulations).
5 "(B) The Secretary may, based on program im-
6 plementation experience or other factors found ap-
7 propriate by the Secretary, characterize any OTC
8 monograph order request as a Tier 2 OTC mono-
9 graph order request (including recharacterizing a re-
10 quest from Tier 1 to Tier 2) and publish such deter-
11 mination in a proposed order issued pursuant to sec-
12 tion 505G.
13 "(10)(A) The term 'OTC monograph drug facil-
14 ity' means a foreign or domestic business or other
15 entity that—
16 "(i) is—
17 "(I) under one management, either di-
18 rect or indirect; and
19 "(II) at one geographic location or ad-
20 dress engaged in manufacturing or proc-
21 essing the finished dosage form of an OTC
22 monograph drug;
23 "(ii) includes a finished dosage form man-
24 ufacturer facility in a contractual relationship
25 with the sponsor of one or more OTC mono-

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1 graph drugs to manufacture or process such
2 drugs; and
3 "(iii) does not include a business or other
4 entity whose only manufacturing or processing
5 activities are one or more of the following: pro-
6 duction of clinical research supplies, testing, or
7 placement of outer packaging on packages con-
8 taining multiple products, for such purposes as
9 creating multipacks, when each monograph
10 drug product contained within the overpack-
11 aging is already in a final packaged form prior
12 to placement in the outer overpackaging.
13 "(B) For purposes of subparagraph (A)(i)(II),
14 separate buildings or locations within close proximity
15 are considered to be at one geographic location or
16 address if the activities conducted in such buildings
17 or locations are—
18 "(i) closely related to the same business
19 enterprise;
20 "(ii) under the supervision of the same
21 local management; and
22 "(iii) under a single FDA establishment
23 identifier and capable of being inspected by the
24 Food and Drug Administration during a single
25 inspection.

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1 "(C) If a business or other entity would meet
2 criteria specified in subparagraph (A), but for being
3 under multiple management, the business or other
4 entity is deemed to constitute multiple facilities, one
5 per management entity, for purposes of this para-
6 graph.
7 "(11) The term 'OTC monograph drug meet-
8 ing' means any meeting regarding the content of a
9 proposed OTC monograph order request.
10 "(12) The term 'person' includes an affiliate of
11 a person.
12 "(13) The terms 'requestor' and 'sponsor' have
13 the meanings given such terms in section 505G.

14 **"SEC. 744M. AUTHORITY TO ASSESS AND USE OTC MONO-**
15 **GRAPH FEES.**

16 "(a) TYPES OF FEES.—Beginning with fiscal year
17 2021, the Secretary shall assess and collect fees in accord-
18 ance with this section as follows:
19 "(1) FACILITY FEE.—
20 "(A) IN GENERAL.—Each person that
21 owns a facility identified as an OTC monograph
22 drug facility on December 31 of the fiscal year
23 or at any time during the preceding 12-month
24 period shall be assessed an annual fee for each

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1 such facility as determined under subsection
2 (c).
3 "(B) EXCEPTIONS.—
4 "(i) FACILITIES THAT CEASE ACTIVI-
5 TIES.—A fee shall not be assessed under
6 subparagraph (A) if the identified OTC
7 monograph drug facility—
8 "(I) has ceased all activities re-
9 lated to OTC monograph drugs prior
10 to December 31 of the year imme-
11 diately preceding the applicable fiscal
12 year; and
13 "(II) has updated its registration
14 to reflect such change under the re-
15 quirements for drug establishment
16 registration set forth in section 510.
17 "(ii) CONTRACT MANUFACTURING OR-
18 GANIZATIONS.—The amount of the fee for
19 a contract manufacturing organization fa-
20 cility shall be equal to two-thirds of the
21 amount of the fee for an OTC monograph
22 drug facility that is not a contract manu-
23 facturing organization facility.

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1 "(C) AMOUNT.—The amount of fees estab-
2 lished under subparagraph (A) shall be estab-
3 lished under subsection (c).
4 "(D) DUE DATE.—
5 "(i) FOR FIRST PROGRAM YEAR.—For
6 fiscal year 2021, the facility fees required
7 under subparagraph (A) shall be due on
8 the later of—
9 "(I) the first business day of
10 July of 2020; or
11 "(II) 45 calendar days after pub-
12 lication of the Federal Register notice
13 provided for under subsection
14 (c)(4)(A).
15 "(ii) SUBSEQUENT FISCAL YEARS.—
16 For each fiscal year after fiscal year 2021,
17 the facility fees required under subpara-
18 graph (A) shall be due on the later of—
19 "(I) the first business day of
20 June of such year; or
21 "(II) the first business day after
22 the enactment of an appropriations
23 Act providing for the collection and
24 obligation of fees under this section
25 for such year.

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1 "(2) OTC MONOGRAPH ORDER REQUEST
2 FEE.—
3 "(A) IN GENERAL.—Each person that sub-
4 mits an OTC monograph order request shall be
5 subject to a fee for an OTC monograph order
6 request. The amount of such fee shall be—
7 "(i) for a Tier 1 OTC monograph
8 order request, $500,000, adjusted for in-
9 flation for the fiscal year (as determined
10 under subsection (c)(1)(B)); and
11 "(ii) for a Tier 2 OTC monograph
12 order request, $100,000, adjusted for in-
13 flation for the fiscal year (as determined
14 under subsection (c)(1)(B)).
15 "(B) DUE DATE.—The OTC monograph
16 order request fees required under subparagraph
17 (A) shall be due on the date of submission of
18 the OTC monograph order request.
19 "(C) EXCEPTION FOR CERTAIN SAFETY
20 CHANGES.—A person who is named as the re-
21 questor in an OTC monograph order shall not
22 be subject to a fee under subparagraph (A) if
23 the Secretary finds that the OTC monograph
24 order request seeks to change the drug facts la-

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1 beling of an OTC monograph drug in a way
2 that would add to or strengthen—
3 "(i) a contraindication, warning, or
4 precaution;
5 "(ii) a statement about risk associated
6 with misuse or abuse; or
7 "(iii) an instruction about dosage and
8 administration that is intended to increase
9 the safe use of the OTC monograph drug.
10 "(D) REFUND OF FEE IF ORDER REQUEST
11 IS RECATEGORIZED AS A TIER 2 OTC MONO-
12 GRAPH ORDER REQUEST.—If the Secretary de-
13 termines that an OTC monograph request ini-
14 tially characterized as Tier 1 shall be re-charac-
15 terized as a Tier 2 OTC monograph order re-
16 quest, and the requestor has paid a Tier 1 fee
17 in accordance with subparagraph (A)(i), the
18 Secretary shall refund the requestor the dif-
19 ference between the Tier 1 and Tier 2 fees de-
20 termined under subparagraphs (A)(i) and
21 (A)(ii), respectively.
22 "(E) REFUND OF FEE IF ORDER REQUEST
23 REFUSED FOR FILING OR WITHDRAWN BEFORE
24 FILING.—The Secretary shall refund 75 percent
25 of the fee paid under subparagraph (B) for any

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1 order request which is refused for filing or was
2 withdrawn before being accepted or refused for
3 filing.
4 "(F) FEES FOR ORDER REQUESTS PRE-
5 VIOUSLY REFUSED FOR FILING OR WITHDRAWN
6 BEFORE FILING.—An OTC monograph order
7 request that was submitted but was refused for
8 filing, or was withdrawn before being accepted
9 or refused for filing, shall be subject to the full
10 fee under subparagraph (A) upon being resub-
11 mitted or filed over protest.
12 "(G) REFUND OF FEE IF ORDER REQUEST
13 WITHDRAWN.—If an order request is withdrawn
14 after the order request was filed, the Secretary
15 may refund the fee or a portion of the fee if no
16 substantial work was performed on the order
17 request after the application was filed. The Sec-
18 retary shall have the sole discretion to refund a
19 fee or a portion of the fee under this subpara-
20 graph. A determination by the Secretary con-
21 cerning a refund under this subparagraph shall
22 not be reviewable.
23 "(3) REFUNDS.—
24 "(A) IN GENERAL.—Other than refunds
25 provided pursuant to any of subparagraphs (D)

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1 through (G) of paragraph (2), the Secretary
2 shall not refund any fee paid under paragraph
3 (1) except as provided in subparagraph (B).
4 "(B) DISPUTES CONCERNING FEES.—To
5 qualify for the return of a fee claimed to have
6 been paid in error under paragraph (1) or (2),
7 a person shall submit to the Secretary a written
8 request justifying such return within 180 cal-
9 endar days after such fee was paid.
10 "(4) NOTICE.—Within the timeframe specified
11 in subsection (c), the Secretary shall publish in the
12 Federal Register the amount of the fees under para-
13 graph (1) for such fiscal year.
14 "(b) FEE REVENUE AMOUNTS.—
15 "(1) FISCAL YEAR 2021.—For fiscal year 2021,
16 fees under subsection (a)(1) shall be established to
17 generate a total facility fee revenue amount equal to
18 the sum of—
19 "(A) the annual base revenue for fiscal
20 year 2021 (as determined under paragraph
21 (3));
22 "(B) the dollar amount equal to the oper-
23 ating reserve adjustment for the fiscal year, if
24 applicable (as determined under subsection
25 (c)(2)); and

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"(C) additional direct cost adjustments (as determined under subsection (c)(3)).

"(2) SUBSEQUENT FISCAL YEARS.—For each of the fiscal years 2022 through 2025, fees under subsection (a)(1) shall be established to generate a total facility fee revenue amount equal to the sum of—

"(A) the annual base revenue for the fiscal year (as determined under paragraph (3));

"(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(1));

"(C) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(2));

"(D) additional direct cost adjustments (as determined under subsection (c)(3)); and

"(E) additional dollar amounts for each fiscal year as follows:

"(i) $7,000,000 for fiscal year 2022.

"(ii) $6,000,000 for fiscal year 2023.

"(iii) $7,000,000 for fiscal year 2024.

"(iv) $3,000,000 for fiscal year 2025.

"(3) ANNUAL BASE REVENUE.—For purposes of paragraphs (1)(A) and (2)(A), the dollar amount

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of the annual base revenue for a fiscal year shall be—

"(A) for fiscal year 2021, $8,000,000; and

"(B) for fiscal years 2022 through 2025, the dollar amount of the total revenue amount established under this subsection for the previous fiscal year, not including any adjustments made under subsection (c)(2) or (c)(3).

"(c) ADJUSTMENTS; ANNUAL FEE SETTING.—

"(1) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—For purposes of subsection (b)(2)(B), the dollar amount of the inflation adjustment to the annual base revenue for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—

"(i) such annual base revenue for the fiscal year under subsection (b)(2); and

"(ii) the inflation adjustment percentage under subparagraph (C).

"(B) OTC MONOGRAPH ORDER REQUEST FEES.—For purposes of subsection (a)(2), the dollar amount of the inflation adjustment to the fee for OTC monograph order requests for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—

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1 "(i) the applicable fee under sub-
2 section (a)(2) for the preceding fiscal year;
3 and
4 "(ii) the inflation adjustment percent-
5 age under subparagraph (C).
6 "(C) INFLATION ADJUSTMENT PERCENT-
7 AGE.—The inflation adjustment percentage
8 under this subparagraph for a fiscal year is
9 equal to—
10 "(i) for each of fiscal years 2022 and
11 2023, the average annual percent change
12 that occurred in the Consumer Price Index
13 for urban consumers (Washington-Balti-
14 more, DC–MD–VA–WV; Not Seasonally
15 Adjusted; All items; Annual Index) for the
16 first 3 years of the preceding 4 years of
17 available data; and
18 "(ii) for each of fiscal years 2024 and
19 2025, the sum of—
20 "(I) the average annual percent
21 change in the cost, per full-time equiv-
22 alent position of the Food and Drug
23 Administration, of all personnel com-
24 pensation and benefits paid with re-
25 spect to such positions for the first 3

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1 years of the preceding 4 fiscal years,
2 multiplied by the proportion of per-
3 sonnel compensation and benefits
4 costs to total costs of OTC mono-
5 graph drug activities for the first 3
6 years of the preceding 4 fiscal years;
7 and
8 "(II) the average annual percent
9 change that occurred in the Consumer
10 Price Index for urban consumers
11 (Washington-Baltimore, DC–MD–VA–
12 WV; Not Seasonally Adjusted; All
13 items; Annual Index) for the first 3
14 years of the preceding 4 years of
15 available data multiplied by the pro-
16 portion of all costs other than per-
17 sonnel compensation and benefits
18 costs to total costs of OTC mono-
19 graph drug activities for the first 3
20 years of the preceding 4 fiscal years.
21 "(2) OPERATING RESERVE ADJUSTMENT.—
22 "(A) IN GENERAL.—For fiscal year 2021
23 and subsequent fiscal years, for purposes of
24 subsections (b)(1)(B) and (b)(2)(C), the Sec-
25 retary may, in addition to adjustments under

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1 paragraph (1), further increase the fee revenue
2 and fees if such an adjustment is necessary to
3 provide operating reserves of carryover user
4 fees for OTC monograph drug activities for not
5 more than the number of weeks specified in
6 subparagraph (B).
7 "(B) NUMBER OF WEEKS.—The number of
8 weeks specified in this subparagraph is—
9 "(i) 3 weeks for fiscal year 2021;
10 "(ii) 7 weeks for fiscal year 2022;
11 "(iii) 10 weeks for fiscal year 2023;
12 "(iv) 10 weeks for fiscal year 2024;
13 and
14 "(v) 10 weeks for fiscal year 2025.
15 "(C) DECREASE.—If the Secretary has
16 carryover balances for such process in excess of
17 10 weeks of the operating reserves referred to
18 in subparagraph (A), the Secretary shall de-
19 crease the fee revenue and fees referred to in
20 such subparagraph to provide for not more than
21 10 weeks of such operating reserves.
22 "(D) RATIONALE FOR ADJUSTMENT.—If
23 an adjustment under this paragraph is made,
24 the rationale for the amount of the increase or
25 decrease (as applicable) in fee revenue and fees

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1 shall be contained in the annual Federal Reg-
2 ister notice under paragraph (4) establishing
3 fee revenue and fees for the fiscal year involved.
4 "(3) ADDITIONAL DIRECT COST ADJUST-
5 MENT.—The Secretary shall, in addition to adjust-
6 ments under paragraphs (1) and (2), further in-
7 crease the fee revenue and fees for purposes of sub-
8 section (b)(2)(D) by an amount equal to—
9 "(A) $14,000,000 for fiscal year 2021;
10 "(B) $7,000,000 for fiscal year 2022;
11 "(C) $4,000,000 for fiscal year 2023;
12 "(D) $3,000,000 for fiscal year 2024; and
13 "(E) $3,000,000 for fiscal year 2025.
14 "(4) ANNUAL FEE SETTING.—
15 "(A) FISCAL YEAR 2021.—The Secretary
16 shall, not later than the second Monday in May
17 of 2020—
18 "(i) establish OTC monograph drug
19 facility fees for fiscal year 2021 under sub-
20 section (a), based on the revenue amount
21 for such year under subsection (b) and the
22 adjustments provided under this sub-
23 section; and

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1 "(ii) publish fee revenue, facility fees,
2 and OTC monograph order requests in the
3 Federal Register.
4 "(B) SUBSEQUENT FISCAL YEARS.—The
5 Secretary shall, for each fiscal year that begins
6 after September 30, 2021, not later than the
7 second Monday in March that precedes such fis-
8 cal year—
9 "(i) establish for such fiscal year,
10 based on the revenue amounts under sub-
11 section (b) and the adjustments provided
12 under this subsection—
13 "(I) OTC monograph drug facil-
14 ity fees under subsection (a)(1); and
15 "(II) OTC monograph order re-
16 quest fees under subsection (a)(2);
17 and
18 "(ii) publish such fee revenue
19 amounts, facility fees, and OTC mono-
20 graph order request fees in the Federal
21 Register.
22 "(d) IDENTIFICATION OF FACILITIES.—Each person
23 that owns an OTC monograph drug facility shall submit
24 to the Secretary the information required under this sub-

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1 section each year. Such information shall, for each fiscal
2 year—
3 "(1) be submitted as part of the requirements
4 for drug establishment registration set forth in sec-
5 tion 510; and
6 "(2) include for each such facility, at a min-
7 imum, identification of the facility's business oper-
8 ation as that of an OTC monograph drug facility.
9 "(e) EFFECT OF FAILURE TO PAY FEES.—
10 "(1) OTC MONOGRAPH DRUG FACILITY FEE.—
11 "(A) IN GENERAL.—Failure to pay the fee
12 under subsection (a)(1) within 20 calendar days
13 of the due date as specified in subparagraph
14 (D) of such subsection shall result in the fol-
15 lowing:
16 "(i) The Secretary shall place the fa-
17 cility on a publicly available arrears list.
18 "(ii) All OTC monograph drugs man-
19 ufactured in such a facility or containing
20 an ingredient manufactured in such a facil-
21 ity shall be deemed misbranded under sec-
22 tion 502(ff).
23 "(B) APPLICATION OF PENALTIES.—The
24 penalties under this paragraph shall apply until
25 the fee established by subsection (a)(1) is paid.

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1 "(2) ORDER REQUESTS.—An OTC monograph
2 order request submitted by a person subject to fees
3 under subsection (a) shall be considered incomplete
4 and shall not be accepted for filing by the Secretary
5 until all fees owed by such person under this section
6 have been paid.
7 "(3) MEETINGS.—A person subject to fees
8 under this section shall be considered ineligible for
9 OTC monograph drug meetings until all such fees
10 owed by such person have been paid.
11 "(f) CREDITING AND AVAILABILITY OF FEES.—
12 "(1) IN GENERAL.—Fees authorized under sub-
13 section (a) shall be collected and available for obliga-
14 tion only to the extent and in the amount provided
15 in advance in appropriations Acts. Such fees are au-
16 thorized to remain available until expended. Such
17 sums as may be necessary may be transferred from
18 the Food and Drug Administration salaries and ex-
19 penses appropriation account without fiscal year lim-
20 itation to such appropriation account for salaries
21 and expenses with such fiscal year limitation. The
22 sums transferred shall be available solely for OTC
23 monograph drug activities.
24 "(2) COLLECTIONS AND APPROPRIATION
25 ACTS.—

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1 "(A) IN GENERAL.—Subject to subpara-
2 graph (C), the fees authorized by this section
3 shall be collected and available in each fiscal
4 year in an amount not to exceed the amount
5 specified in appropriation Acts, or otherwise
6 made available for obligation, for such fiscal
7 year.

8 "(B) USE OF FEES AND LIMITATION.—
9 The fees authorized by this section shall be
10 available to defray increases in the costs of the
11 resources allocated for OTC monograph drug
12 activities (including increases in such costs for
13 an additional number of full-time equivalent po-
14 sitions in the Department of Health and
15 Human Services to be engaged in such activi-
16 ties), only if the Secretary allocates for such
17 purpose an amount for such fiscal year (exclud-
18 ing amounts from fees collected under this sec-
19 tion) no less than $12,000,000, multiplied by
20 the adjustment factor applicable to the fiscal
21 year involved under subsection (c)(1).

22 "(C) COMPLIANCE.—The Secretary shall
23 be considered to have met the requirements of
24 subparagraph (B) in any fiscal year if the costs
25 funded by appropriations and allocated for OTC

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1 monograph drug activities are not more than 15
2 percent below the level specified in such sub-
3 paragraph.
4 "(D) PROVISION FOR EARLY PAYMENTS IN
5 SUBSEQUENT YEARS.—Payment of fees author-
6 ized under this section for a fiscal year (after
7 fiscal year 2021), prior to the due date for such
8 fees, may be accepted by the Secretary in ac-
9 cordance with authority provided in advance in
10 a prior year appropriations Act.
11 "(3) AUTHORIZATION OF APPROPRIATIONS.—
12 For each of the fiscal years 2021 through 2025,
13 there is authorized to be appropriated for fees under
14 this section an amount equal to the total amount of
15 fees assessed for such fiscal year under this section.
16 "(g) COLLECTION OF UNPAID FEES.—In any case
17 where the Secretary does not receive payment of a fee as-
18 sessed under subsection (a) within 30 calendar days after
19 it is due, such fee shall be treated as a claim of the United
20 States Government subject to subchapter II of chapter 37
21 of title 31, United States Code.
22 "(h) CONSTRUCTION.—This section may not be con-
23 strued to require that the number of full-time equivalent
24 positions in the Department of Health and Human Serv-
25 ices, for officers, employers, and advisory committees not

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1 engaged in OTC monograph drug activities, be reduced
2 to offset the number of officers, employees, and advisory
3 committees so engaged.

4 **"SEC. 744N. REAUTHORIZATION; REPORTING REQUIRE-**
5 **MENTS.**

6 "(a) PERFORMANCE REPORT.—Beginning with fiscal
7 year 2021, and not later than 120 calendar days after the
8 end of each fiscal year thereafter for which fees are col-
9 lected under this part, the Secretary shall prepare and
10 submit to the Committee on Energy and Commerce of the
11 House of Representatives and the Committee on Health,
12 Education, Labor, and Pensions of the Senate a report
13 concerning the progress of the Food and Drug Adminis-
14 tration in achieving the goals identified in the letters de-
15 scribed in section 3861(b) of the CARES Act during such
16 fiscal year and the future plans of the Food and Drug
17 Administration for meeting such goals.

18 "(b) FISCAL REPORT.—Not later than 120 calendar
19 days after the end of fiscal year 2021 and each subsequent
20 fiscal year for which fees are collected under this part,
21 the Secretary shall prepare and submit to the Committee
22 on Energy and Commerce of the House of Representatives
23 and the Committee on Health, Education, Labor, and
24 Pensions of the Senate a report on the implementation
25 of the authority for such fees during such fiscal year and

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1 the use, by the Food and Drug Administration, of the fees
2 collected for such fiscal year.
3 "(c) PUBLIC AVAILABILITY.—The Secretary shall
4 make the reports required under subsections (a) and (b)
5 available to the public on the internet website of the Food
6 and Drug Administration.
7 "(d) REAUTHORIZATION.—
8 "(1) CONSULTATION.—In developing rec-
9 ommendations to present to the Congress with re-
10 spect to the goals described in subsection (a), and
11 plans for meeting the goals, for OTC monograph
12 drug activities for the first 5 fiscal years after fiscal
13 year 2025, and for the reauthorization of this part
14 for such fiscal years, the Secretary shall consult
15 with—
16 "(A) the Committee on Energy and Com-
17 merce of the House of Representatives;
18 "(B) the Committee on Health, Education,
19 Labor, and Pensions of the Senate;
20 "(C) scientific and academic experts;
21 "(D) health care professionals;
22 "(E) representatives of patient and con-
23 sumer advocacy groups; and
24 "(F) the regulated industry.

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1 "(2) PUBLIC REVIEW OF RECOMMENDA-
2 TIONS.—After negotiations with the regulated indus-
3 try, the Secretary shall—
4 "(A) present the recommendations devel-
5 oped under paragraph (1) to the congressional
6 committees specified in such paragraph;
7 "(B) publish such recommendations in the
8 Federal Register;
9 "(C) provide for a period of 30 calendar
10 days for the public to provide written comments
11 on such recommendations;
12 "(D) hold a meeting at which the public
13 may present its views on such recommenda-
14 tions; and
15 "(E) after consideration of such public
16 views and comments, revise such recommenda-
17 tions as necessary.
18 "(3) TRANSMITTAL OF RECOMMENDATIONS.—
19 Not later than January 15, 2025, the Secretary
20 shall transmit to the Congress the revised rec-
21 ommendations under paragraph (2), a summary of
22 the views and comments received under such para-
23 graph, and any changes made to the recommenda-
24 tions in response to such views and comments.".

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

## Subtitle A—Coronavirus Economic Stabilization Act of 2020

**SEC. 4001. SHORT TITLE.**

This subtitle may be cited as the "Coronavirus Economic Stabilization Act of 2020".

**SEC. 4002. DEFINITIONS.**

In this subtitle:

(1) AIR CARRIER.—The term "air carrier" has the meaning such term has under section 40102 of title 49, United States Code.

(2) CORONAVIRUS.—The term "coronavirus" means SARS-CoV-2 or another coronavirus with pandemic potential.

(3) COVERED LOSS.—The term "covered loss" includes losses incurred directly or indirectly as a result of coronavirus, as determined by the Secretary.

(4) ELIGIBLE BUSINESS.—The term "eligible business" means—

(A) an air carrier; or

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1 (B) a United States business that has not
2 otherwise received adequate economic relief in
3 the form of loans or loan guarantees provided
4 under this Act.
5 (5) EMPLOYEE.—Except where the context oth-
6 erwise requires, the term "employee"—
7 (A) has the meaning given the term in sec-
8 tion 2 of the National Labor Relations Act (29
9 U.S.C. 152); and
10 (B) includes any individual employed by an
11 employer subject to the Railway Labor Act (45
12 U.S.C. 151 et seq.).
13 (6) EQUITY SECURITY; EXCHANGE.—The terms
14 "equity security" and "exchange" have the meanings
15 given the terms in section 3(a) of the Securities Ex-
16 change Act of 1934 (15 U.S.C. 78c(a)).
17 (7) MUNICIPALITY.—The term "municipality"
18 includes—
19 (A) a political subdivision of a State, and
20 (B) an instrumentality of a municipality, a
21 State, or a political subdivision of a State.
22 (8) NATIONAL SECURITIES EXCHANGE.—The
23 term "national securities exchange" means an ex-
24 change registered as a national securities exchange

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1 under section 6 of the Securities Exchange Act of
2 1934 (15 U.S.C. 78f).
3 (9) SECRETARY.—The term "Secretary" means
4 the Secretary of the Treasury, or the designee of the
5 Secretary of the Treasury.
6 (10) STATE.—The term "State" means—
7 (A) any of the several States;
8 (B) the District of Columbia;
9 (C) any of the territories and possessions
10 of the United States;
11 (D) any bi-State or multi-State entity; and
12 (E) any Indian Tribe.

13 **SEC. 4003. EMERGENCY RELIEF AND TAXPAYER PROTEC-**
14 **TIONS.**

15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law, to provide liquidity to eligible businesses,
17 States, and municipalities related to losses incurred as a
18 result of coronavirus, the Secretary is authorized to make
19 loans, loan guarantees, and other investments in support
20 of eligible businesses, States, and municipalities that do
21 not, in the aggregate, exceed $500,000,000,000 and pro-
22 vide the subsidy amounts necessary for such loans, loan
23 guarantees, and other investments in accordance with the
24 provisions of the Federal Credit Reform Act of 1990 (2
25 U.S.C. 661 et seq.).

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1 (b) LOANS, LOAN GUARANTEES, AND OTHER IN-
2 VESTMENTS.—Loans, loan guarantees, and other invest-
3 ments made pursuant to subsection (a) shall be made
4 available as follows:
5 (1) Not more than $25,000,000,000 shall be
6 available to make loans and loan guarantees for pas-
7 senger air carriers, eligible businesses that are cer-
8 tified under part 145 of title 14, Code of Federal
9 Regulations, and approved to perform inspection, re-
10 pair, replace, or overhaul services, and ticket agents
11 (as defined in section 40102 of title 49, United
12 States Code).
13 (2) Not more than $4,000,000,000 shall be
14 available to make loans and loan guarantees for
15 cargo air carriers.
16 (3) Not more than $17,000,000,000 shall be
17 available to make loans and loan guarantees for
18 businesses critical to maintaining national security.
19 (4) Not more than the sum of
20 $454,000,000,000 and any amounts available under
21 paragraphs (1), (2), and (3) that are not used as
22 provided under those paragraphs shall be available
23 to make loans and loan guarantees to, and other in-
24 vestments in, programs or facilities established by
25 the Board of Governors of the Federal Reserve Sys-

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1 tem for the purpose of providing liquidity to the fi-
2 nancial system that supports lending to eligible busi-
3 nesses, States, or municipalities by—
4 (A) purchasing obligations or other inter-
5 ests directly from issuers of such obligations or
6 other interests;
7 (B) purchasing obligations or other inter-
8 ests in secondary markets or otherwise; or
9 (C) making loans, including loans or other
10 advances secured by collateral.
11 (c) TERMS AND CONDITIONS.—
12 (1) IN GENERAL.—
13 (A) FORMS; TERMS AND CONDITIONS.—A
14 loan, loan guarantee, or other investment by the
15 Secretary shall be made under this section in
16 such form and on such terms and conditions
17 and contain such covenants, representations,
18 warranties, and requirements (including re-
19 quirements for audits) as the Secretary deter-
20 mines appropriate. Any loans made by the Sec-
21 retary under this section shall be at a rate de-
22 termined by the Secretary based on the risk
23 and the current average yield on outstanding
24 marketable obligations of the United States of
25 comparable maturity.

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1 (B) PROCEDURES.—As soon as prac-
2 ticable, but in no case later than 10 days after
3 the date of enactment of this Act, the Secretary
4 shall publish procedures for application and
5 minimum requirements, which may be supple-
6 mented by the Secretary in the Secretary's dis-
7 cretion, for making loans, loan guarantees, or
8 other investments under paragraphs (1), (2)
9 and (3) of subsection (b) .
10 (2) LOANS AND LOAN GUARANTEES .—The Sec-
11 retary may enter into agreements to make loans or
12 loan guarantees to 1 or more eligible businesses
13 under paragraphs (1), (2) and (3) of subsection (b)
14 if the Secretary determines that, in the Secretary's
15 discretion—
16 (A) the applicant is an eligible business for
17 which credit is not reasonably available at the
18 time of the transaction;
19 (B) the intended obligation by the appli-
20 cant is prudently incurred;
21 (C) the loan or loan guarantee is suffi-
22 ciently secured or is made at a rate that—
23 (i) reflects the risk of the loan or loan
24 guarantee; and

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1 (ii) is to the extent practicable, not
2 less than an interest rate based on market
3 conditions for comparable obligations prev-
4 alent prior to the outbreak of the
5 coronavirus disease 2019 (COVID–19);
6 (D) the duration of the loan or loan guar-
7 antee is as short as practicable and in any case
8 not longer than 5 years;
9 (E) the agreement provides that, until the
10 date 12 months after the date the loan or loan
11 guarantee is no longer outstanding, neither the
12 eligible business nor any affiliate of the eligible
13 business may purchase an equity security that
14 is listed on a national securities exchange of the
15 eligible business or any parent company of the
16 eligible business, except to the extent required
17 under a contractual obligation in effect as of
18 the date of enactment of this Act;
19 (F) the agreement provides that, until the
20 date 12 months after the date the loan or loan
21 guarantee is no longer outstanding, the eligible
22 business shall not pay dividends or make other
23 capital distributions with respect to the common
24 stock of the eligible business;

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1 (G) the agreement provides that, until Sep-
2 tember 30, 2020, the eligible business shall
3 maintain its employment levels as of March 24,
4 2020, to the extent practicable, and in any case
5 shall not reduce its employment levels by more
6 than 10 percent from the levels on such date;
7 (H) the agreement includes a certification
8 by the eligible business that it is created or or-
9 ganized in the United States or under the laws
10 of the United States and has significant oper-
11 ations in and a majority of its employees based
12 in the United States; and
13 (I) for purposes of a loan or loan guar-
14 antee under paragraphs (1), (2), and (3) of
15 subsection (b), the eligible business must have
16 incurred or is expected to incur covered losses
17 such that the continued operations of the busi-
18 ness are jeopardized, as determined by the Sec-
19 retary.
20 (3) FEDERAL RESERVE PROGRAMS OR FACILI-
21 TIES.—
22 (A) TERMS AND CONDITIONS.—
23 (i) DEFINITION.—In this paragraph,
24 the term "direct loan" means a loan under
25 a bilateral loan agreement that is —

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1 (I) entered into directly with an
2 eligible business as borrower; and
3 (II) not part of a syndicated
4 loan, a loan originated by a financial
5 institution in the ordinary course of
6 business, or a securities or capital
7 markets transaction.
8 (ii) RESTRICTIONS.—The Secretary
9 may make a loan, loan guarantee, or other
10 investment under subsection (b)(4) as part
11 of a program or facility that provides di-
12 rect loans only if the applicable eligible
13 businesses agree—
14 (I) until the date 12 months
15 after the date on which the direct loan
16 is no longer outstanding, not to repur-
17 chase an equity security that is listed
18 on a national securities exchange of
19 the eligible business or any parent
20 company of the eligible business while
21 the direct loan is outstanding, except
22 to the extent required under a con-
23 tractual obligation that is in effect as
24 of the date of enactment of this Act;

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1 (II) until the date 12 months
2 after the date on which the direct loan
3 is no longer outstanding, not to pay
4 dividends or make other capital dis-
5 tributions with respect to the common
6 stock of the eligible business; and
7 (III) to comply with the limita-
8 tions on compensation set forth in
9 section 4004.
10 (iii) WAIVER.—The Secretary may
11 waive the requirement under clause (ii)
12 with respect to any program or facility
13 upon a determination that such waiver is
14 necessary to protect the interests of the
15 Federal Government. If the Secretary exer-
16 cises a waiver under this clause, the Sec-
17 retary shall make himself available to tes-
18 tify before the Committee on Banking,
19 Housing, and Urban Affairs of the Senate
20 and the Committee on Financial Services
21 of the House of Representatives regarding
22 the reasons for the waiver.
23 (B) FEDERAL RESERVE ACT TAXPAYER
24 PROTECTIONS AND OTHER REQUIREMENTS
25 APPLY.—For the avoidance of doubt, any appli-

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1 cable requirements under section 13(3) of the
2 Federal Reserve Act (12 U.S.C. 343(3)), in-
3 cluding requirements relating to loan
4 collateralization, taxpayer protection, and bor-
5 rower solvency, shall apply with respect to any
6 program or facility described in subsection
7 (b)(4).
8 (C) UNITED STATES BUSINESSES.—A pro-
9 gram or facility in which the Secretary makes
10 a loan, loan guarantee, or other investment
11 under subsection (b)(4) shall only purchase ob-
12 ligations or other interests (other than securi-
13 ties that are based on an index or that are
14 based on a diversified pool of securities) from,
15 or make loans or other advances to, businesses
16 that are created or organized in the United
17 States or under the laws of the United States
18 and that have significant operations in and a
19 majority of its employees based in the United
20 States.
21 (D) ASSISTANCE FOR MID-SIZED BUSI-
22 NESSES.—
23 (i) IN GENERAL.—Without limiting
24 the terms and conditions of the programs
25 and facilities that the Secretary may other-

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1 wise provide financial assistance to under
2 subsection (b)(4), the Secretary shall en-
3 deavor to seek the implementation of a
4 program or facility described in subsection
5 (b)(4) that provides financing to banks and
6 other lenders that make direct loans to eli-
7 gible businesses including, to the extent
8 practicable, nonprofit organizations, with
9 between 500 and 10,000 employees, with
10 such direct loans being subject to an
11 annualized interest rate that is not higher
12 than 2 percent per annum. For the first 6
13 months after any such direct loan is made,
14 or for such longer period as the Secretary
15 may determine in his discretion, no prin-
16 cipal or interest shall be due and payable.
17 Any eligible borrower applying for a direct
18 loan under this program shall make a
19 good-faith certification that—
20 (I) the uncertainty of economic
21 conditions as of the date of the appli-
22 cation makes necessary the loan re-
23 quest to support the ongoing oper-
24 ations of the recipient;

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1 (II) the funds it receives will be
2 used to retain at least 90 percent of
3 the recipient's workforce, at full com-
4 pensation and benefits, until Sep-
5 tember 30, 2020;
6 (III) the recipient intends to re-
7 store not less than 90 percent of the
8 workforce of the recipient that existed
9 as of February 1, 2020, and to re-
10 store all compensation and benefits to
11 the workers of the recipient no later
12 than 4 months after the termination
13 date of the public health emergency
14 declared by the Secretary of Health
15 and Human Services on January 31,
16 2020, under section 319 of the Public
17 Health Services Act (42 U.S.C. 247d)
18 in response to COVID–19;
19 (IV) the recipient is an entity or
20 business that is domiciled in the
21 United States with significant oper-
22 ations and employees located in the
23 United States;
24 (V) the recipient is not a debtor
25 in a bankruptcy proceeding;

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1 (VI) the recipient is created or
2 organized in the United States or
3 under the laws of the United States
4 and has significant operations in and
5 a majority of its employees based in
6 the United States;
7 (VII) the recipient will not pay
8 dividends with respect to the common
9 stock of the eligible business, or re-
10 purchase an equity security that is
11 listed on a national securities ex-
12 change of the recipient or any parent
13 company of the recipient while the di-
14 rect loan is outstanding, except to the
15 extent required under a contractual
16 obligation that is in effect as of the
17 date of enactment of this Act;
18 (VIII) the recipient will not
19 outsource or offshore jobs for the
20 term of the loan and 2 years after
21 completing repayment of the loan;
22 (IX) the recipient will not abro-
23 gate existing collective bargaining
24 agreements for the term of the loan

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1 and 2 years after completing repay-
2 ment of the loan; and
3 (X) that the recipient will remain
4 neutral in any union organizing effort
5 for the term of the loan.
6 (ii) MAIN STREET LENDING PRO-
7 GRAM.—Nothing in this subparagraph
8 shall limit the discretion of the Board of
9 Governors of the Federal Reserve System
10 to establish a Main Street Lending Pro-
11 gram or other similar program or facility
12 that supports lending to small and mid-
13 sized businesses on such terms and condi-
14 tions as the Board may set consistent with
15 section 13(3) of the Federal Reserve Act
16 (12 U.S.C. 343(3)), including any such
17 program in which the Secretary makes a
18 loan, loan guarantee, or other investment
19 under subsection (b)(4).
20 (E) GOVERNMENT PARTICIPANTS.—The
21 Secretary shall endeavor to seek the implemen-
22 tation of a program or facility in accordance
23 with subsection (b)(4) that provides liquidity to
24 the financial system that supports lending to
25 States and municipalities.

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1 (d) FINANCIAL PROTECTION OF GOVERNMENT.—
2 (1) WARRANT OR SENIOR DEBT INSTRU-
3 MENT.—The Secretary may not issue a loan to, or
4 a loan guarantee for, an eligible business under
5 paragraph (1), (2), or (3) of subsection (b) unless—
6 (A)(i) the eligible business has issued secu-
7 rities that are traded on a national securities
8 exchange; and
9 (ii) the Secretary receives a warrant or eq-
10 uity interest in the eligible business; or
11 (B) in the case of any eligible business
12 other than an eligible business described in sub-
13 paragraph (A), the Secretary receives, in the
14 discretion of the Secretary—
15 (i) a warrant or equity interest in the
16 eligible business; or
17 (ii) a senior debt instrument issued by
18 the eligible business.
19 (2) TERMS AND CONDITIONS.—The terms and
20 conditions of any warrant, equity interest, or senior
21 debt instrument received under paragraph (1) shall
22 be set by the Secretary and shall meet the following
23 requirements:
24 (A) PURPOSES.—Such terms and condi-
25 tions shall be designed to provide for a reason-

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able participation by the Secretary, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity interest, or a reasonable interest rate premium, in the case of a debt instrument.

(B) AUTHORITY TO SELL, EXERCISE, OR SURRENDER.—For the primary benefit of taxpayers, the Secretary may sell, exercise, or surrender a warrant or any senior debt instrument received under this subsection. The Secretary shall not exercise voting power with respect to any shares of common stock acquired under this section.

(C) SUFFICIENCY.—If the Secretary determines that the eligible business cannot feasibly issue warrants or other equity interests as required by this subsection, the Secretary may accept a senior debt instrument in an amount and on such terms as the Secretary deems appropriate.

(3) PROHIBITION ON LOAN FORGIVENESS.—The principal amount of any obligation issued by an eligible business, State, or municipality under a program described in subsection (b) shall not be reduced through loan forgiveness.

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1 (e) DEPOSIT OF PROCEEDS.—Amounts collected
2 under subsection (b) shall be deposited in the following
3 order of priority:
4 (1) Into the financing accounts established
5 under section 505 of the Federal Credit Reform Act
6 of 1990 (2 U.S.C. 661d) to implement this subtitle,
7 up to an amount equal to the sum of—
8 (A) the amount transferred from the ap-
9 propriation made under section 4027 to the fi-
10 nancing accounts; and
11 (B) the amount necessary to repay any
12 amount lent from the Treasury to such financ-
13 ing accounts.
14 (2) After the deposits specified in paragraph
15 (1) of this subsection have been made, into the Fed-
16 eral Old-Age and Survivors Insurance Trust Fund
17 established under section 201(a) of the Social Secu-
18 rity Act (42 U.S.C. 401).
19 (f) ADMINISTRATIVE PROVISIONS.—Notwithstanding
20 any other provision of law, the Secretary may use not
21 greater than $100,000,000 of the funds made available
22 under section 4027 to pay costs and administrative ex-
23 penses associated with the loans, loan guarantees, and
24 other investments authorized under this section. The Sec-
25 retary is authorized to take such actions as the Secretary

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1 deems necessary to carry out the authorities in this sub-
2 title, including, without limitation—
3 (1) using direct hiring authority to hire employ-
4 ees to administer this subtitle;
5 (2) entering into contracts, including contracts
6 for services authorized by this subtitle;
7 (3) establishing vehicles that are authorized,
8 subject to supervision by the Secretary, to purchase,
9 hold, and sell assets and issue obligations; and
10 (4) issuing such regulations and other guidance
11 as may be necessary or appropriate to carry out the
12 authorities or purposes of this subtitle.
13 (g) FINANCIAL AGENTS.—The Secretary is author-
14 ized to designate financial institutions, including but not
15 limited to, depositories, brokers, dealers, and other institu-
16 tions, as financial agents of the United States. Such insti-
17 tutions shall—
18 (1) perform all reasonable duties the Secretary
19 determines necessary to respond to the coronavirus;
20 and
21 (2) be paid for such duties using appropriations
22 available to the Secretary to reimburse financial in-
23 stitutions in their capacity as financial agents of the
24 United States.

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1 (h) LOANS MADE BY OR GUARANTEED BY THE DE-
2 PARTMENT OF THE TREASURY TREATED AS INDEBTED-
3 NESS FOR TAX PURPOSES.—
4 (1) IN GENERAL.—Any loan made by or guar-
5 anteed by the Department of the Treasury under
6 this section shall be treated as indebtedness for pur-
7 poses of the Internal Revenue Code of 1986, shall be
8 treated as issued for its stated principal amount,
9 and stated interest on such loans shall be treated as
10 qualified stated interest.
11 (2) REGULATIONS OR GUIDANCE.—The Sec-
12 retary of the Treasury (or the Secretary's delegate)
13 shall prescribe such regulations or guidance as may
14 be necessary or appropriate to carry out the pur-
15 poses of this section, including guidance providing
16 that the acquisition of warrants, stock options, com-
17 mon or preferred stock or other equity under this
18 section does not result in an ownership change for
19 purposes of section 382 of the Internal Revenue
20 Code of 1986.
21 **SEC. 4004. LIMITATION ON CERTAIN EMPLOYEE COM-**
22 **PENSATION.**
23 (a) IN GENERAL.—The Secretary may only enter into
24 an agreement with an eligible business to make a loan or
25 loan guarantee under paragraph (1), (2) or (3) of section

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1 4003(b) if such agreement provides that, during the pe-
2 riod beginning on the date on which the agreement is exe-
3 cuted and ending on the date that is 1 year after the date
4 on which the loan or loan guarantee is no longer out-
5 standing—

6 (1) no officer or employee of the eligible busi-
7 ness whose total compensation exceeded $425,000 in
8 calendar year 2019 (other than an employee whose
9 compensation is determined through an existing col-
10 lective bargaining agreement entered into prior to
11 March 1, 2020)—

12 (A) will receive from the eligible business
13 total compensation which exceeds, during any
14 12 consecutive months of such period, the total
15 compensation received by the officer or em-
16 ployee from the eligible business in calendar
17 year 2019; or

18 (B) will receive from the eligible business
19 severance pay or other benefits upon termi-
20 nation of employment with the eligible business
21 which exceeds twice the maximum total com-
22 pensation received by the officer or employee
23 from the eligible business in calendar year
24 2019; and

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(2) no officer or employee of the eligible business whose total compensation exceeded $3,000,000 in calendar year 2019 may receive during any 12 consecutive months of such period total compensation in excess of the sum of—

(A) $3,000,000; and

(B) 50 percent of the excess over $3,000,000 of the total compensation received by the officer or employee from the eligible business in calendar year 2019.

(b) TOTAL COMPENSATION DEFINED.—In this section, the term "total compensation" includes salary, bonuses, awards of stock, and other financial benefits provided by an eligible business to an officer or employee of the eligible business.

**SEC. 4005. CONTINUATION OF CERTAIN AIR SERVICE.**

The Secretary of Transportation is authorized to require, to the extent reasonable and practicable, an air carrier receiving loans and loan guarantees under section 4003 to maintain scheduled air transportation service as the Secretary of Transportation deems necessary to ensure services to any point served by that carrier before March 1, 2020. When considering whether to exercise the authority granted by this section, the Secretary of Transportation shall take into consideration the air transportation

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needs of small and remote communities and the need to maintain well-functioning health care and pharmaceutical supply chains, including for medical devices and supplies. The authority under this section, including any requirement issued by the Secretary under this section, shall terminate on March 1, 2022.

**SEC. 4006. COORDINATION WITH SECRETARY OF TRANSPORTATION.**

In implementing this subtitle with respect to air carriers, the Secretary shall coordinate with the Secretary of Transportation.

**SEC. 4007. SUSPENSION OF CERTAIN AVIATION EXCISE TAXES.**

(a) TRANSPORTATION BY AIR.—In the case of any amount paid for transportation by air (including any amount treated as paid for transportation by air by reason of section 4261(e)(3) of the Internal Revenue Code of 1986) during the excise tax holiday period, no tax shall be imposed under section 4261 or 4271 of such Code. The preceding sentence shall not apply to amounts paid on or before the date of the enactment of this Act.

(b) USE OF KEROSENE IN COMMERCIAL AVIATION.—In the case of kerosene used in commercial aviation (as defined in section 4083 of the Internal Revenue Code of 1986) during the excise tax holiday period—

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1 (1) no tax shall be imposed on such kerosene
2 under—
3 (A) section 4041(c) of the Internal Rev-
4 enue Code of 1986, or
5 (B) section 4081 of such Code (other than
6 at the rate provided in subsection (a)(2)(B)
7 thereof), and
8 (2) section 6427(l) of such Code shall be ap-
9 plied—
10 (A) by treating such use as a nontaxable
11 use, and
12 (B) without regard to paragraph (4)(A)(ii)
13 thereof.
14 (c) EXCISE TAX HOLIDAY PERIOD.—For purposes of
15 this section, the term "excise tax holiday period" means
16 the period beginning after the date of the enactment of
17 this section and ending before January 1, 2021.
18 **SEC. 4008. DEBT GUARANTEE AUTHORITY.**
19 (a) Section 1105 of the Dodd-Frank Wall Street Re-
20 form and Consumer Protection Act (12 U.S.C. 5612) is
21 amended—
22 (1) in subsection (f)—
23 (A) by inserting "in noninterest-bearing
24 transaction accounts" after "institutions"; and

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1 (B) by striking "shall not" and inserting
2 "may"; and
3 (2) by adding at the end the following:
4 "(h) APPROVAL OF GUARANTEE PROGRAM DURING
5 THE COVID–19 CRISIS.—
6 "(1) IN GENERAL.—For purposes of the con-
7 gressional joint resolution of approval provided for
8 in subsections (c)(1) and (2) and (d), notwith-
9 standing any other provision of this section, the
10 Federal Deposit Insurance Corporation is approved
11 upon enactment of this Act to establish a program
12 provided for in subsection (a), provided that any
13 such program and any such guarantee shall termi-
14 nate not later than December 31, 2020.
15 "(2) MAXIMUM AMOUNT.—Any debt guarantee
16 program authorized by this subsection shall include
17 a maximum amount of outstanding debt that is
18 guaranteed.".
19 (b) FEDERAL CREDIT UNION TRANSACTION AC-
20 COUNT GUARANTEES.—Notwithstanding any other provi-
21 sion of law and in coordination with the Federal Deposit
22 Insurance Corporation, the National Credit Union Admin-
23 istration Board may by a vote of the Board increase to
24 unlimited, or such lower amount as the Board approves,
25 the share insurance coverage provided by the National

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1 Credit Union Share Insurance Fund on any noninterest-
2 bearing transaction account in any federally insured credit
3 union without exception, provided that any such increase
4 shall terminate not later than December 31, 2020.

5 **SEC. 4009. TEMPORARY GOVERNMENT IN THE SUNSHINE**
6 **ACT RELIEF.**

7 (a) IN GENERAL.—Except as provided in subsection
8 (b), notwithstanding any other provision of law, if the
9 Chairman of the Board of Governors of the Federal Re-
10 serve System determines, in writing, that unusual and exi-
11 gent circumstances exist, the Board may conduct meetings
12 without regard to the requirements of section 552b of title
13 5, United States Code, during the period beginning on the
14 date of enactment of this Act and ending on the earlier
15 of—

16 (1) the date on which the national emergency
17 concerning the novel coronavirus disease (COVID–
18 19) outbreak declared by the President on March
19 13, 2020 under the National Emergencies Act (50
20 U.S.C. 1601 et seq.) terminates; or

21 (2) December 31, 2020.

22 (b) RECORDS.—The Board of Governors of the Fed-
23 eral Reserve System shall keep a record of all Board votes
24 and the reasons for such votes during the period described
25 in subsection (a).

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1 **SEC. 4010. TEMPORARY HIRING FLEXIBILITY.**

2 (a) DEFINITION.—In this section, the term ''covered
3 period'' means the period beginning on the date of enact-
4 ment of this Act and ending on the sooner of—

5 (1) the termination date of the national emer-
6 gency concerning the novel coronavirus disease
7 (COVID–19) outbreak declared by the President on
8 March 13, 2020 under the National Emergencies
9 Act (50 U.S.C. 1601 et seq.); or

10 (2) December 31, 2020.

11 (b) AUTHORITY.— During the covered period, the
12 Secretary of Housing and Urban Development, the Securi-
13 ties and Exchange Commission, and the Commodity Fu-
14 tures Trading Commission may, without regard to sections
15 3309 through 3318 of title 5, United States Code, recruit
16 and appoint candidates to fill temporary and term ap-
17 pointments within their respective agencies upon a deter-
18 mination that those expedited procedures are necessary
19 and appropriate to enable the respective agencies to pre-
20 vent, prepare for, or respond to COVID–19.

21 **SEC. 4011. TEMPORARY LENDING LIMIT WAIVER.**

22 (a) IN GENERAL.—Section 5200 of the Revised Stat-
23 utes of the United States (12 U.S.C. 84) is amended—

24 (1) in subsection (c)(7)—

25 (A) by inserting ''any nonbank financial
26 company (as that term is defined in section 102

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of the Financial Stability Act of 2010 (12 U.S.C. 5311)),'' after ''Loans or extensions of credit to''; and

(B) by striking ''financial institution or to'' and inserting ''financial institution, or to''; and

(2) in subsection (d), by adding at the end of paragraph (1) the following: ''The Comptroller of the Currency may, by order, exempt any transaction or series of transactions from the requirements of this section upon a finding by the Comptroller that such exemption is in the public interest and consistent with the purposes of this section.''.

(b) EFFECTIVE PERIOD.—This section, and the amendments made by this section, shall be effective during the period beginning on the date of enactment of this Act and ending on the sooner of—

(1) the termination date of the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.); or

(2) December 31, 2020.

**SEC. 4012. TEMPORARY RELIEF FOR COMMUNITY BANKS.**

(a) DEFINITIONS.—In this section—

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1 (1) the term "appropriate Federal banking
2 agency" has the meaning given the term in section
3 2 of the Economic Growth, Regulatory Relief, and
4 Consumer Protection Act (12 U.S.C. 5365 note);
5 and
6 (2) the terms "Community Bank Leverage
7 Ratio" and "qualifying community bank" have the
8 meanings given the terms in section 201(a) of the
9 Economic Growth, Regulatory Relief, and Consumer
10 Protection Act (12 U.S.C. 5371 note).
11 (b) INTERIM RULE.—
12 (1) IN GENERAL.—Notwithstanding any other
13 provision of law or regulation, the appropriate Fed-
14 eral banking agencies shall issue an interim final
15 rule that provides that, for the purposes of section
16 201 of the Economic Growth, Regulatory Relief, and
17 Consumer Protection Act (12 U.S.C. 5371 note)—
18 (A) the Community Bank Leverage Ratio
19 shall be 8 percent; and
20 (B) a qualifying community bank that falls
21 below the Community Bank Leverage Ratio es-
22 tablished under subparagraph (A) shall have a
23 reasonable grace period to satisfy the Commu-
24 nity Bank Leverage Ratio.

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1 (2) EFFECTIVE PERIOD.—The interim rule
2 issued under paragraph (1) shall be effective during
3 the period beginning on the date on which the ap-
4 propriate Federal banking agencies issue the rule
5 and ending on the sooner of—
6 (A) the termination date of the national
7 emergency concerning the novel coronavirus dis-
8 ease (COVID–19) outbreak declared by the
9 President on March 13, 2020 under the Na-
10 tional Emergencies Act (50 U.S.C. 1601 et
11 seq.); or
12 (B) December 31, 2020.
13 (c) GRACE PERIOD.—During a grace period de-
14 scribed in subsection (b)(1)(B), a qualifying community
15 bank to which the grace period applies may continue to
16 be treated as a qualifying community bank and shall be
17 presumed to satisfy the capital and leverage requirements
18 described in section 201(c) of the Economic Growth, Reg-
19 ulatory Relief, and Consumer Protection Act (12 U.S.C.
20 5371 note).
21 **SEC. 4013. TEMPORARY RELIEF FROM TROUBLED DEBT**
22 **RESTRUCTURINGS.**
23 (a) DEFINITIONS.—In this section:
24 (1) APPLICABLE PERIOD.—The term "applica-
25 ble period" means the period beginning on March 1,

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1 2020 and ending on the earlier of December 31,
2 2020, or the date that is 60 days after the date on
3 which the national emergency concerning the novel
4 coronavirus disease (COVID–19) outbreak declared
5 by the President on March 13, 2020 under the Na-
6 tional Emergencies Act (50 U.S.C. 1601 et seq.) ter-
7 minates.
8 (2) APPROPRIATE FEDERAL BANKING AGEN-
9 CY.—The term "appropriate Federal banking agen-
10 cy"—
11 (A) has the meaning given the term in sec-
12 tion 3 of the Federal Deposit Insurance Act (12
13 U.S.C. 1813); and
14 (B) includes the National Credit Union
15 Administration.
16 (b) SUSPENSION.—
17 (1) IN GENERAL.—During the applicable pe-
18 riod, a financial institution may elect to—
19 (A) suspend the requirements under
20 United States generally accepted accounting
21 principles for loan modifications related to the
22 coronavirus disease 2019 (COVID–19) pan-
23 demic that would otherwise be categorized as a
24 troubled debt restructuring; and

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1 (B) suspend any determination of a loan
2 modified as a result of the effects of the
3 coronavirus disease 2019 (COVID–19) pan-
4 demic as being a troubled debt restructuring,
5 including impairment for accounting purposes.
6 (2) APPLICABILITY.—Any suspension under
7 paragraph (1)—
8 (A) shall be applicable for the term of the
9 loan modification, but solely with respect to any
10 modification, including a forbearance arrange-
11 ment, an interest rate modification, a repay-
12 ment plan, and any other similar arrangement
13 that defers or delays the payment of principal
14 or interest, that occurs during the applicable
15 period for a loan that was not more than 30
16 days past due as of December 31, 2019; and
17 (B) shall not apply to any adverse impact
18 on the credit of a borrower that is not related
19 to the coronavirus disease 2019 (COVID–19)
20 pandemic.
21 (c) DEFERENCE.—The appropriate Federal banking
22 agency of the financial institution shall defer to the deter-
23 mination of the financial institution to make a suspension
24 under this section.

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1 (d) RECORDS.—For modified loans for which suspen-
2 sions under subsection (a) apply—
3 (1) financial institutions should continue to
4 maintain records of the volume of loans involved;
5 and
6 (2) the appropriate Federal banking agencies
7 may collect data about such loans for supervisory
8 purposes.

9 **SEC. 4014. OPTIONAL TEMPORARY RELIEF FROM CURRENT**
10 **EXPECTED CREDIT LOSSES.**

11 (a) DEFINITIONS.—In this section:
12 (1) APPROPRIATE FEDERAL BANKING AGEN-
13 CY.—The term ''appropriate Federal banking agen-
14 cy''—
15 (A) has the meaning given the term in sec-
16 tion 3 of the Federal Deposit Insurance Act (12
17 U.S.C. 1813); and
18 (B) includes the National Credit Union
19 Administration.
20 (2) INSURED DEPOSITORY INSTITUTION.—The
21 term ''insured depository institution''—
22 (A) has the meaning given the term in sec-
23 tion 3 of the Federal Deposit Insurance Act (12
24 U.S.C. 1813); and
25 (B) includes a credit union.

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1 (b) TEMPORARY RELIEF FROM CECL STAND-
2 ARDS.—Notwithstanding any other provision of law, no in-
3 sured depository institution, bank holding company, or
4 any affiliate thereof shall be required to comply with the
5 Financial Accounting Standards Board Accounting Stand-
6 ards Update No. 2016–13 (''Measurement of Credit
7 Losses on Financial Instruments''), including the current
8 expected credit losses methodology for estimating allow-
9 ances for credit losses, during the period beginning on the
10 date of enactment of this Act and ending on the earlier
11 of—
12 (1) the date on which the national emergency
13 concerning the novel coronavirus disease (COVID–
14 19) outbreak declared by the President on March
15 13, 2020 under the National Emergencies Act (50
16 U.S.C. 1601 et seq.) terminates; or
17 (2) December 31, 2020.
18 **SEC. 4015. NON-APPLICABILITY OF RESTRICTIONS ON ESF**
19 **DURING NATIONAL EMERGENCY.**
20 (a) IN GENERAL.—Section 131 of the Emergency
21 Economic Stabilization Act of 2008 (12 U.S.C. 5236)
22 shall not apply during the period beginning on the date
23 of enactment of this Act and ending on December 31,
24 2020. Any guarantee established as a result of the applica-
25 tion of subsection (a) shall—

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1 (1) be limited to a guarantee of the total value
2 of a shareholder's account in a participating fund as
3 of the close of business on the day before the an-
4 nouncement of the guarantee; and
5 (2) terminate not later than December 31,
6 2020.
7 (b) DIRECT APPROPRIATION.—Upon the expiration
8 of the period described in subsection (a), there is appro-
9 priated, out of amounts in the Treasury not otherwise ap-
10 propriated, such sums as may be necessary to reimburse
11 the fund established under section 5302(a)(1) of title 31,
12 United States Code, for any funds that are used for the
13 Treasury Money Market Funds Guaranty Program for the
14 United States money market mutual fund industry to the
15 extent a claim payment made exceeds the balance of fees
16 collected by the fund.
17 **SEC. 4016. TEMPORARY CREDIT UNION PROVISIONS.**
18 (a) IN GENERAL.—
19 (1) DEFINITIONS.—Section 302(1) of the Fed-
20 eral Credit Union Act (12 U.S.C. 1795a(1)) is
21 amended, in the matter preceding subparagraph (A),
22 by striking "primarily serving natural persons".
23 (2) MEMBERSHIP.—Section 304(b)(2) of the
24 Federal Credit Union Act (12 U.S.C. 1795c(b)(2))
25 is amended by striking "all those credit unions" and

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1 inserting "such credit unions as the Board may in
2 its discretion determine".
3 (3) EXTENSIONS OF CREDIT.—Section
4 306(a)(1) of the Federal Credit Union Act (12
5 U.S.C. 1795e(a)(1)) is amended, in the second sen-
6 tence, by striking "the intent of which is to expand
7 credit union portfolios" and inserting "without first
8 having obtained evidence from the applicant that the
9 applicant has made reasonable efforts to first use
10 primary sources of liquidity of the applicant, includ-
11 ing balance sheet and market funding sources, to
12 address the liquidity needs of the applicant".
13 (4) POWERS OF THE BOARD.—Section
14 307(a)(4)(A) of the Federal Credit Union Act (12
15 U.S.C. 1795f(a)(4)(A)) is amended by inserting ",
16 provided that, the total face value of such obliga-
17 tions shall not exceed 16 times the subscribed cap-
18 ital stock and surplus of the Facility for the period
19 beginning on the date of enactment of the
20 Coronavirus Economic Stabilization Act of 2020 and
21 ending on December 31, 2020" after "Facility".
22 (b) SUNSET.—
23 (1) IN GENERAL.—
24 (A) DEFINITIONS.—Section 302(1) of the
25 Federal Credit Union Act (12 U.S.C. 1795a(1))

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1 is amended, in the matter preceding subpara-
2 graph (A), by inserting "primarily serving nat-
3 ural persons" after "credit unions".
4 (B) MEMBERSHIP.—Section 304(b)(2) of
5 the Federal Credit Union Act (12 U.S.C.
6 1795c(b)(2)) is amended by striking "such
7 credit unions as the Board may in its discretion
8 determine" and inserting "all those credit
9 unions".
10 (C) EXTENSIONS OF CREDIT.—Section
11 306(a)(1) of the Federal Credit Union Act (12
12 U.S.C. 1795e(a)(1)) is amended, in the second
13 sentence, by striking "without first having ob-
14 tained evidence from the applicant that the ap-
15 plicant has made reasonable efforts to first use
16 primary sources of liquidity of the applicant, in-
17 cluding balance sheet and market funding
18 sources, to address the liquidity needs of the
19 applicant" and inserting "the intent of which is
20 to expand credit union portfolios".
21 (2) EFFECTIVE DATE.—The amendments made
22 by paragraph (1) shall take effect on December 31,
23 2020.

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**SEC. 4017. INCREASING ACCESS TO MATERIALS NECESSARY FOR NATIONAL SECURITY AND PANDEMIC RECOVERY.**

Notwithstanding any other provision of law—

(1) during the 2-year period beginning on the date of enactment of this Act, the requirements described in sections 303(a)(6)(C) and 304(e) of the Defense Production Act of 1950 (50 U.S.C. 4533(a)(6)(C), 4534(e)) shall not apply; and

(2) during the 1-year period beginning on the date of enactment of this Act, the requirements described in sections 302(d)(1) and 303 (a)(6)(B) of the Defense Production Act of 1950 (50 U.S.C. 4532(d)(1), 4533(a)(6)(B)) shall not apply.

**SEC. 4018. SPECIAL INSPECTOR GENERAL FOR PANDEMIC RECOVERY.**

(a) OFFICE OF INSPECTOR GENERAL.—There is hereby established within the Department of the Treasury the Office of the Special Inspector General for Pandemic Recovery.

(b) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) IN GENERAL.—The head of the Office of the Special Inspector General for Pandemic Recovery shall be the Special Inspector General for Pandemic Recovery (referred to in this section as the

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1 "Special Inspector General"), who shall be appointed
2 by the President, by and with the advice and consent
3 of the Senate.

4 (2) NOMINATION.—The nomination of the Spe-
5 cial Inspector General shall be made on the basis of
6 integrity and demonstrated ability in accounting, au-
7 diting, financial analysis, law, management analysis,
8 public administration, or investigations. The nomina-
9 tion of an individual as Special Inspector General
10 shall be made as soon as practicable after any loan,
11 loan guarantee, or other investment is made under
12 section 4003.

13 (3) REMOVAL.—The Special Inspector General
14 shall be removable from office in accordance with
15 the provisions of section 3(b) of the Inspector Gen-
16 eral Act of 1978 (5 U.S.C. App.).

17 (4) POLITICAL ACTIVITY.—For purposes of sec-
18 tion 7324 of title 5, United States Code, the Special
19 Inspector General shall not be considered an em-
20 ployee who determines policies to be pursued by the
21 United States in the nationwide administration of
22 Federal law.

23 (5) BASIC PAY.—The annual rate of basic pay
24 of the Special Inspector General shall be the annual
25 rate of basic pay for an Inspector General under sec-

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1 tion 3(e) of the Inspector General Act of 1978 (5
2 U.S.C. App.).
3 (c) DUTIES.—
4 (1) IN GENERAL.—It shall be the duty of the
5 Special Inspector General to, in accordance with sec-
6 tion 4(b)(1) of the Inspector General Act of 1978 (5
7 U.S.C. App.), conduct, supervise, and coordinate au-
8 dits and investigations of the making, purchase,
9 management, and sale of loans, loan guarantees, and
10 other investments made by the Secretary of the
11 Treasury under any program established by the Sec-
12 retary under this Act, and the management by the
13 Secretary of any program established under this Act,
14 including by collecting and summarizing the fol-
15 lowing information:
16 (A) A description of the categories of the
17 loans, loan guarantees, and other investments
18 made by the Secretary.
19 (B) A listing of the eligible businesses re-
20 ceiving loan, loan guarantees, and other invest-
21 ments made under each category described in
22 subparagraph (A).
23 (C) An explanation of the reasons the Sec-
24 retary determined it to be appropriate to make
25 each loan or loan guarantee under this Act, in-

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1 cluding a justification of the price paid for, and
2 other financial terms associated with, the appli-
3 cable transaction.
4 (D) A listing of, and detailed biographical
5 information with respect to, each person hired
6 to manage or service each loan, loan guarantee,
7 or other investment made under section 4003.
8 (E) A current, as of the date on which the
9 information is collected, estimate of the total
10 amount of each loan, loan guarantee, and other
11 investment made under this Act that is out-
12 standing, the amount of interest and fees ac-
13 crued and received with respect to each loan or
14 loan guarantee, the total amount of matured
15 loans, the type and amount of collateral, if any,
16 and any losses or gains, if any, recorded or ac-
17 crued for each loan, loan guarantee, or other in-
18 vestment.
19 (2) MAINTENANCE OF SYSTEMS.—The Special
20 Inspector General shall establish, maintain, and
21 oversee such systems, procedures, and controls as
22 the Special Inspector General considers appropriate
23 to discharge the duties of the Special Inspector Gen-
24 eral under paragraph (1).

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1 (3) ADDITIONAL DUTIES AND RESPONSIBIL-
2 ITIES.—In addition to the duties described in para-
3 graphs (1) and (2), the Special Inspector General
4 shall also have the duties and responsibilities of in-
5 spectors general under the Inspector General Act of
6 1978 (5 U.S.C. App.).
7 (d) POWERS AND AUTHORITIES.—
8 (1) IN GENERAL.—In carrying out the duties of
9 the Special Inspector General under subsection (c),
10 the Special Inspector General shall have the authori-
11 ties provided in section 6 of the Inspector General
12 Act of 1978 (5 U.S.C. App.).
13 (2) TREATMENT OF OFFICE.—The Office of the
14 Special Inspector General for Pandemic Recovery
15 shall be considered to be an office described in sec-
16 tion 6(f)(3) of the Inspector General Act of 1978 (5
17 U.S.C. App.) and shall be exempt from an initial de-
18 termination by the Attorney General under section
19 6(f)(2) of that Act.
20 (e) PERSONNEL, FACILITIES, AND OTHER RE-
21 SOURCES.—
22 (1) APPOINTMENT OF OFFICERS AND EMPLOY-
23 EES.—The Special Inspector General may select, ap-
24 point, and employ such officers and employees as
25 may be necessary for carrying out the duties of the

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1 Special Inspector General, subject to the provisions
2 of title 5, United States Code, governing appoint-
3 ments in the competitive service, and the provisions
4 of chapter 51 and subchapter III of chapter 53 of
5 that title, relating to classification and General
6 Schedule pay rates.

7 (2) EXPERTS AND CONSULTANTS.—The Special
8 Inspector General may obtain services as authorized
9 under section 3109 of title 5, United States Code,
10 at daily rates not to exceed the equivalent rate pre-
11 scribed for grade GS–15 of the General Schedule by
12 section 5332 of that title.

13 (3) CONTRACTS.—The Special Inspector Gen-
14 eral may enter into contracts and other arrange-
15 ments for audits, studies, analyses, and other serv-
16 ices with public agencies and with private persons,
17 and make such payments as may be necessary to
18 carry out the duties of the Inspector General.

19 (4) REQUESTS FOR INFORMATION.—

20 (A) IN GENERAL.—Upon request of the
21 Special Inspector General for information or as-
22 sistance from any department, agency, or other
23 entity of the Federal Government, the head of
24 that department, agency, or entity shall, to the
25 extent practicable and not in contravention of

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1 any existing law, furnish that information or
2 assistance to the Special Inspector General, or
3 an authorized designee.
4 (B) REFUSAL TO PROVIDE REQUESTED IN-
5 FORMATION.—Whenever information or assist-
6 ance requested by the Special Inspector General
7 is, in the judgment of the Special Inspector
8 General, unreasonably refused or not provided,
9 the Special Inspector General shall report the
10 circumstances to the appropriate committees of
11 Congress without delay.
12 (f) REPORTS.—
13 (1) QUARTERLY REPORTS.—
14 (A) IN GENERAL.—Not later than 60 days
15 after the date on which the Special Inspector
16 General is confirmed, and once every calendar
17 quarter thereafter, the Special Inspector Gen-
18 eral shall submit to the appropriate committees
19 of Congress a report summarizing the activities
20 of the Special Inspector General during the 3-
21 month period ending on the date on which the
22 Special Inspector General submits the report.
23 (B) CONTENTS.—Each report submitted
24 under subparagraph (A) shall include, for the
25 period covered by the report, a detailed state-

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1 ment of all loans, loan guarantees, other trans-
2 actions, obligations, expenditures, and revenues
3 associated with any program established by the
4 Secretary under section 4003, as well as the in-
5 formation collected under subsection (c)(1).
6 (2) RULE OF CONSTRUCTION.—Nothing in this
7 subsection may be construed to authorize the public
8 disclosure of information that is—
9 (A) specifically prohibited from disclosure
10 by any other provision of law;
11 (B) specifically required by Executive order
12 to be protected from disclosure in the interest
13 of national defense or national security or in
14 the conduct of foreign affairs; or
15 (C) a part of an ongoing criminal inves-
16 tigation.
17 (g) FUNDING.—
18 (1) IN GENERAL.—Of the amounts made avail-
19 able to the Secretary under section 4027,
20 $25,000,000 shall be made available to the Special
21 Inspector General to carry out this section.
22 (2) AVAILABILITY.—The amounts made avail-
23 able to the Special Inspector General under para-
24 graph (1) shall remain available until expended.

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1 (h) TERMINATION.—The Office of the Special Inspec-
2 tor General shall terminate on the date 5 years after the
3 enactment of this Act.
4 (i) COUNCIL OF THE INSPECTORS GENERAL ON IN-
5 TEGRITY AND EFFICIENCY.—The Special Inspector Gen-
6 eral shall be a member of the Council of the Inspectors
7 General on Integrity and Efficiency established under sec-
8 tion 11 of the Inspector General Act of 1978 (5 U.S.C.
9 App.) until the date of termination of the Office of the
10 Special Inspector General.
11 (j) CORRECTIVE RESPONSES TO AUDIT PROB-
12 LEMS.—The Secretary shall—
13 (1) take action to address deficiencies identified
14 by a report or investigation of the Special Inspector
15 General; or
16 (2) with respect to a deficiency identified under
17 paragraph (1), certify to the Committee on Banking,
18 Housing, and Urban Affairs of the Senate, the Com-
19 mittee on Finance of the Senate, the Committee on
20 Financial Services of the House of Representatives,
21 and the Committee on Ways and Means of the
22 House of Representatives that no action is necessary
23 or appropriate.
24 **SEC. 4019. CONFLICTS OF INTEREST.**
25 (a) DEFINITIONS.—In this section:

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1 (1) CONTROLLING INTEREST.—The term ''con-
2 trolling interest'' means owning, controlling, or hold-
3 ing not less than 20 percent, by vote or value, indi-
4 vidually or for any covered individual in the aggre-
5 gate with any other covered individual, of any class
6 of equity interest in an entity.
7 (2) COVERED ENTITY.—The term ''covered en-
8 tity'' means an entity in which a covered individual
9 directly or indirectly holds a controlling interest.
10 (3) COVERED INDIVIDUAL.—The term ''covered
11 individual'' means—
12 (A) the President, the Vice President, the
13 head of an Executive department, or a Member
14 of Congress; and
15 (B) the spouse, child, son-in-law, or daugh-
16 ter-in-law, as determined under applicable com-
17 mon law, of an individual described in subpara-
18 graph (A).
19 (4) EQUITY INTEREST.—The term ''equity in-
20 terest'' means—
21 (A) a share in an entity, without regard to
22 whether the share is—
23 (i) transferable; or
24 (ii) classified as stock or anything
25 similar;

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1 (B) an interest in a limited liability com-
2 pany or of a limited partner in a limited part-
3 nership; or
4 (C) a warrant or right, other than a right
5 to convert, to purchase, sell, or subscribe to a
6 share or interest described in subparagraph (A)
7 or (B), respectively.
8 (5) EXECUTIVE DEPARTMENT.—The term ''Ex-
9 ecutive department'' has the meaning given the term
10 in section 101 of title 5, United States Code.
11 (6) MEMBER OF CONGRESS.—The term ''mem-
12 ber of Congress'' means a member of the Senate or
13 House of Representatives, a Delegate to the House
14 of Representatives, and the Resident Commissioner
15 from Puerto Rico.
16 (b) PROHIBITION.—Notwithstanding any other provi-
17 sion of this subtitle, no covered entity may be eligible for
18 any transaction described in section 4003.
19 (c) REQUIREMENT.—The principal executive officer
20 and the principal financial officer, or individuals per-
21 forming similar functions, of an entity seeking to enter
22 a transaction under section 4003 shall, before that trans-
23 action is approved, certify to the Secretary and the Board
24 of Governors of the Federal Reserve System that the enti-

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1 ty is eligible to engage in that transaction, including that
2 the entity is not a covered entity.

3 **SEC. 4020. CONGRESSIONAL OVERSIGHT COMMISSION.**

4 (a) ESTABLISHMENT.—There is hereby established
5 the Congressional Oversight Commission (hereafter in this
6 section referred to as the "Oversight Commission") as an
7 establishment in the legislative branch.

8 (b) DUTIES.—

9 (1) IN GENERAL.—The Oversight Commission
10 shall—

11 (A) conduct oversight of the implementa-
12 tion of this subtitle by the Department of the
13 Treasury and the Board of Governors of the
14 Federal Reserve System, including efforts of
15 the Department and the Board to provide eco-
16 nomic stability as a result of the coronavirus
17 disease 2019 (COVID–19) pandemic of 2020;

18 (B) submit to Congress reports under
19 paragraph (2); and

20 (C) review the implementation of this sub-
21 title by the Federal Government.

22 (2) REGULAR REPORTS.—

23 (A) IN GENERAL.—Reports of the Over-
24 sight Commission shall include the following:

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1 (i) The use by the Secretary and the
2 Board of Governors of the Federal Reserve
3 System of authority under this subtitle, in-
4 cluding with respect to the use of con-
5 tracting authority and administration of
6 the provisions of this subtitle.
7 (ii) The impact of loans, loan guaran-
8 tees, and investments made under this sub-
9 title on the financial well-being of the peo-
10 ple of the United States and the United
11 States economy, financial markets, and fi-
12 nancial institutions.
13 (iii) The extent to which the informa-
14 tion made available on transactions under
15 this subtitle has contributed to market
16 transparency.
17 (iv) The effectiveness of loans, loan
18 guarantees, and investments made under
19 this subtitle of minimizing long-term costs
20 to the taxpayers and maximizing the bene-
21 fits for taxpayers.
22 (B) TIMING.—The reports required under
23 this paragraph shall be submitted not later
24 than 30 days after the first exercise by the Sec-
25 retary and the Board of Governors of the Fed-

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1 eral Reserve System of the authority under this
2 subtitle and every 30 days thereafter.
3 (c) MEMBERSHIP.—
4 (1) IN GENERAL.—The Oversight Commission
5 shall consist of 5 members as follows:
6 (A) 1 member appointed by the Speaker of
7 the House of Representatives.
8 (B) 1 member appointed by the minority
9 leader of the House of Representatives.
10 (C) 1 member appointed by the majority
11 leader of the Senate.
12 (D) 1 member appointed by the minority
13 leader of the Senate.
14 (E) 1 member appointed as Chairperson by
15 the Speaker of the House of Representatives
16 and the majority leader of the Senate, after
17 consultation with the minority leader of the
18 Senate and the minority leader of the House of
19 Representatives
20 (2) PAY.—Each member of the Oversight Com-
21 mission shall be paid at a rate equal to the daily
22 equivalent of the annual rate of basic pay for level
23 I of the Executive Schedule for each day (including
24 travel time) during which such member is engaged

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1 in the actual performance of duties vested in the
2 Oversight Commission.
3 (3) PROHIBITION OF COMPENSATION OF FED-
4 ERAL EMPLOYEES.—Members of the Oversight Com-
5 mission who are full-time officers or employees of
6 the United States may not receive additional pay, al-
7 lowances, or benefits by reason of their service on
8 the Oversight Commission.
9 (4) TRAVEL EXPENSES.—Each member shall
10 receive travel expenses, including per diem in lieu of
11 subsistence, in accordance with applicable provisions
12 under subchapter I of chapter 57 of title 5, United
13 States Code.
14 (5) QUORUM.—Four members of the Oversight
15 Commission shall constitute a quorum but a lesser
16 number may hold hearings.
17 (6) VACANCIES.—A vacancy on the Oversight
18 Commission shall be filled in the manner in which
19 the original appointment was made.
20 (7) MEETINGS.—The Oversight Commission
21 shall meet at the call of the Chairperson or a major-
22 ity of its members.
23 (d) STAFF.—

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1 (1) IN GENERAL.—The Oversight Commission
2 may appoint and fix the pay of any personnel as the
3 Oversight Commission considers appropriate.
4 (2) EXPERTS AND CONSULTANTS.—The Over-
5 sight Commission may procure temporary and inter-
6 mittent services under section 3109(b) of title 5,
7 United States Code.
8 (3) STAFF OF AGENCIES.—Upon request of the
9 Oversight Commission, the head of any Federal de-
10 partment or agency may detail, on a reimbursable
11 basis, any of the personnel of that department or
12 agency to the Oversight Commission to assist it in
13 carrying out its duties under the this subtitle.
14 (e) POWERS.—
15 (1) HEARINGS AND EVIDENCE.—The Oversight
16 Commission, or any subcommittee or member there-
17 of, may, for the purpose of carrying out this section
18 hold hearings, sit and act at times and places, take
19 testimony, and receive evidence as the Oversight
20 Commission considers appropriate and may admin-
21 ister oaths or affirmations to witnesses appearing
22 before it.
23 (2) CONTRACTING.—The Oversight Commission
24 may, to such extent and in such amounts as are pro-
25 vided in appropriation Acts, enter into contracts to

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1 enable the Oversight Commission to discharge its
2 duties under this section.
3 (3) POWERS OF MEMBERS AND AGENTS.—Any
4 member or agent of the Oversight Commission may,
5 if authorized by the Oversight Commission, take any
6 action which the Oversight Commission is authorized
7 to take by this section.
8 (4) OBTAINING OFFICIAL DATA.—The Over-
9 sight Commission may secure directly from any de-
10 partment or agency of the United States information
11 necessary to enable it to carry out this section. Upon
12 request of the Chairperson of the Oversight Commis-
13 sion, the head of that department or agency shall
14 furnish that information to the Oversight Commis-
15 sion.
16 (5) REPORTS.—The Oversight Commission
17 shall receive and consider all reports required to be
18 submitted to the Oversight Commission under this
19 subtitle.
20 (f) TERMINATION.—The Oversight Commission shall
21 terminate on September 30, 2025.
22 (g) FUNDING FOR EXPENSES.—
23 (1) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to the Over-
25 sight Commission such sums as may be necessary

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for any fiscal year, half of which shall be derived from the applicable account of the House of Representatives, and half of which shall be derived from the contingent fund of the Senate.

(2) REIMBURSEMENT OF AMOUNTS.—An amount equal to the expenses of the Oversight Commission shall be promptly transferred by the Secretary and the Board of Governors of the Federal Reserve System, from time to time upon the presentment of a statement of such expenses by the Chairperson of the Oversight Commission, from funds made available to the Secretary under this subtitle to the applicable fund of the House of Representatives and the contingent fund of the Senate, as appropriate, as reimbursement for amounts expended from such account and fund under paragraph (1).

**SEC. 4021. CREDIT PROTECTION DURING COVID–19.**

Section 623(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)(1)) is amended by adding at the end the following:

"(F) REPORTING INFORMATION DURING COVID–19 PANDEMIC.—

"(i) DEFINITIONS.—In this subsection:

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1 "(I) ACCOMMODATION.—The
2 term 'accommodation' includes an
3 agreement to defer 1 or more pay-
4 ments, make a partial payment, for-
5 bear any delinquent amounts, modify
6 a loan or contract, or any other assist-
7 ance or relief granted to a consumer
8 who is affected by the coronavirus dis-
9 ease 2019 (COVID–19) pandemic
10 during the covered period.
11 "(II) COVERED PERIOD.—The
12 term 'covered period' means the pe-
13 riod beginning on January 31, 2020
14 and ending on the later of—
15 "(aa) 120 days after the
16 date of enactment of this sub-
17 paragraph; or
18 "(bb) 120 days after the
19 date on which the national emer-
20 gency concerning the novel
21 coronavirus disease (COVID–19)
22 outbreak declared by the Presi-
23 dent on March 13, 2020 under
24 the National Emergencies Act

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1 (50 U.S.C. 1601 et seq.) termi-
2 nates.
3 "(ii) REPORTING.—Except as pro-
4 vided in clause (iii), if a furnisher makes
5 an accommodation with respect to 1 or
6 more payments on a credit obligation or
7 account of a consumer, and the consumer
8 makes the payments or is not required to
9 make 1 or more payments pursuant to the
10 accommodation, the furnisher shall—
11 "(I) report the credit obligation
12 or account as current; or
13 "(II) if the credit obligation or
14 account was delinquent before the ac-
15 commodation—
16 "(aa) maintain the delin-
17 quent status during the period in
18 which the accommodation is in
19 effect; and
20 "(bb) if the consumer brings
21 the credit obligation or account
22 current during the period de-
23 scribed in item (aa), report the
24 credit obligation or account as
25 current.

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"(iii) EXCEPTION.—Clause (ii) shall not apply with respect to a credit obligation or account of a consumer that has been charged-off.".

**SEC. 4022. FORECLOSURE MORATORIUM AND CONSUMER RIGHT TO REQUEST FORBEARANCE.**

(a) DEFINITIONS.—In this section:

(1) COVID–19 EMERGENCY.—The term "COVID–19 emergency" means the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(2) FEDERALLY BACKED MORTGAGE LOAN.—The term "Federally backed mortgage loan" includes any loan which is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1- to 4-families that is—

(A) insured by the Federal Housing Administration under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

(B) insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20);

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1 (C) guaranteed under section 184 or 184A
2 of the Housing and Community Development
3 Act of 1992 (12 U.S.C. 1715z–13a, 1715z–
4 13b);
5 (D) guaranteed or insured by the Depart-
6 ment of Veterans Affairs;
7 (E) guaranteed or insured by the Depart-
8 ment of Agriculture;
9 (F) made by the Department of Agri-
10 culture; or
11 (G) purchased or securitized by the Fed-
12 eral Home Loan Mortgage Corporation or the
13 Federal National Mortgage Association.
14 (b) FORBEARANCE.—
15 (1) IN GENERAL.—During the covered period, a
16 borrower with a Federally backed mortgage loan ex-
17 periencing a financial hardship due, directly or indi-
18 rectly, to the COVID–19 emergency may request
19 forbearance on the Federally backed mortgage loan,
20 regardless of delinquency status, by—
21 (A) submitting a request to the borrower's
22 servicer; and
23 (B) affirming that the borrower is experi-
24 encing a financial hardship during the COVID–
25 19 emergency.

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1 (2) DURATION OF FORBEARANCE.—Upon a re-
2 quest by a borrower for forbearance under para-
3 graph (1), such forbearance shall be granted for up
4 to 180 days, and shall be extended for an additional
5 period of up to 180 days at the request of the bor-
6 rower, provided that, at the borrower's request, ei-
7 ther the initial or extended period of forbearance
8 may be shortened.
9 (3) ACCRUAL OF INTEREST OR FEES.—During
10 a period of forbearance described in this subsection,
11 no fees, penalties, or interest beyond the amounts
12 scheduled or calculated as if the borrower made all
13 contractual payments on time and in full under the
14 terms of the mortgage contract, shall accrue on the
15 borrower's account.
16 (c) REQUIREMENTS FOR SERVICERS.—
17 (1) IN GENERAL.—Upon receiving a request for
18 forbearance from a borrower under subsection (b),
19 the servicer shall with no additional documentation
20 required other than the borrower's attestation to a
21 financial hardship caused by the COVID–19 emer-
22 gency and with no fees, penalties, or interest (be-
23 yond the amounts scheduled or calculated as if the
24 borrower made all contractual payments on time and
25 in full under the terms of the mortgage contract)

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1 charged to the borrower in connection with the for-
2 bearance, provide the forbearance for up to 180
3 days, which may be extended for an additional pe-
4 riod of up to 180 days at the request of the bor-
5 rower, provided that, the borrower's request for an
6 extension is made during the covered period, and, at
7 the borrower's request, either the initial or extended
8 period of forbearance may be shortened.

9 (2) FORECLOSURE MORATORIUM.—Except with
10 respect to a vacant or abandoned property, a
11 servicer of a Federally backed mortgage loan may
12 not initiate any judicial or non-judicial foreclosure
13 process, move for a foreclosure judgment or order of
14 sale, or execute a foreclosure-related eviction or fore-
15 closure sale for not less than the 60-day period be-
16 ginning on March 18, 2020.

17 **SEC. 4023. FORBEARANCE OF RESIDENTIAL MORTGAGE**
18 **LOAN PAYMENTS FOR MULTIFAMILY PROP-**
19 **ERTIES WITH FEDERALLY BACKED LOANS.**

20 (a) IN GENERAL.—During the covered period, a mul-
21 tifamily borrower with a Federally backed multifamily
22 mortgage loan experiencing a financial hardship due, di-
23 rectly or indirectly, to the COVID–19 emergency may re-
24 quest a forbearance under the terms set forth in this sec-
25 tion.

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1 (b) REQUEST FOR RELIEF.—A multifamily borrower
2 with a Federally backed multifamily mortgage loan that
3 was current on its payments as of February 1, 2020, may
4 submit an oral or written request for forbearance under
5 subsection (a) to the borrower's servicer affirming that the
6 multifamily borrower is experiencing a financial hardship
7 during the COVID–19 emergency.
8 (c) FORBEARANCE PERIOD.—
9 (1) IN GENERAL.—Upon receipt of an oral or
10 written request for forbearance from a multifamily
11 borrower, a servicer shall—
12 (A) document the financial hardship;
13 (B) provide the forbearance for up to 30
14 days; and
15 (C) extend the forbearance for up to 2 ad-
16 ditional 30 day periods upon the request of the
17 borrower provided that, the borrower's request
18 for an extension is made during the covered pe-
19 riod, and, at least 15 days prior to the end of
20 the forbearance period described under sub-
21 paragraph (B).
22 (2) RIGHT TO DISCONTINUE.—A multifamily
23 borrower shall have the option to discontinue the
24 forbearance at any time.

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1 (d) RENTER PROTECTIONS DURING FORBEARANCE
2 PERIOD.—A multifamily borrower that receives a forbear-
3 ance under this section may not, for the duration of the
4 forbearance—
5 (1) evict or initiate the eviction of a tenant
6 from a dwelling unit located in or on the applicable
7 property solely for nonpayment of rent or other fees
8 or charges; or
9 (2) charge any late fees, penalties, or other
10 charges to a tenant described in paragraph (1) for
11 late payment of rent.
12 (e) NOTICE.—A multifamily borrower that receives a
13 forbearance under this section—
14 (1) may not require a tenant to vacate a dwell-
15 ing unit located in or on the applicable property be-
16 fore the date that is 30 days after the date on which
17 the borrower provides the tenant with a notice to va-
18 cate; and
19 (2) may not issue a notice to vacate under
20 paragraph (1) until after the expiration of the for-
21 bearance.
22 (f) DEFINITIONS.—In this section:
23 (1) APPLICABLE PROPERTY.—The term ''appli-
24 cable property'', with respect to a Federally backed
25 multifamily mortgage loan, means the residential

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1 multifamily property against which the mortgage
2 loan is secured by a lien.
3 (2) FEDERALLY BACKED MULTIFAMILY MORT-
4 GAGE LOAN.—The term "Federally backed multi-
5 family mortgage loan" includes any loan (other than
6 temporary financing such as a construction loan)
7 that—
8 (A) is secured by a first or subordinate lien
9 on residential multifamily real property de-
10 signed principally for the occupancy of 5 or
11 more families, including any such secured loan,
12 the proceeds of which are used to prepay or pay
13 off an existing loan secured by the same prop-
14 erty; and
15 (B) is made in whole or in part, or in-
16 sured, guaranteed, supplemented, or assisted in
17 any way, by any officer or agency of the Fed-
18 eral Government or under or in connection with
19 a housing or urban development program ad-
20 ministered by the Secretary of Housing and
21 Urban Development or a housing or related
22 program administered by any other such officer
23 or agency, or is purchased or securitized by the
24 Federal Home Loan Mortgage Corporation or
25 the Federal National Mortgage Association.

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1 (3) MULTIFAMILY BORROWER.—the term "mul-
2 tifamily borrower" means a borrower of a residential
3 mortgage loan that is secured by a lien against a
4 property comprising 5 or more dwelling units.
5 (4) COVID–19 EMERGENCY.—The term
6 "COVID–19 emergency" means the national emer-
7 gency concerning the novel coronavirus disease
8 (COVID–19) outbreak declared by the President on
9 March 13, 2020 under the National Emergencies
10 Act (50 U.S.C. 1601 et seq.).
11 (5) COVERED PERIOD.—The term "covered pe-
12 riod" means the period beginning on the date of en-
13 actment of this Act and ending on the sooner of—
14 (A) the termination date of the national
15 emergency concerning the novel coronavirus dis-
16 ease (COVID–19) outbreak declared by the
17 President on March 13, 2020 under the Na-
18 tional Emergencies Act (50 U.S.C. 1601 et
19 seq.); or
20 (B) December 31, 2020.
21 **SEC. 4024. TEMPORARY MORATORIUM ON EVICTION FIL-**
22 **INGS.**
23 (a) DEFINITIONS.—In this section:
24 (1) COVERED DWELLING.—The term "covered
25 dwelling" means a dwelling that—

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1 (A) is occupied by a tenant—
2 (i) pursuant to a residential lease; or
3 (ii) without a lease or with a lease ter-
4 minable under State law; and
5 (B) is on or in a covered property.
6 (2) COVERED PROPERTY.—The term "covered
7 property" means any property that—
8 (A) participates in—
9 (i) a covered housing program (as de-
10 fined in section 41411(a) of the Violence
11 Against Women Act of 1994 (34 U.S.C.
12 12491(a))); or
13 (ii) the rural housing voucher pro-
14 gram under section 542 of the Housing
15 Act of 1949 (42 U.S.C. 1490r); or
16 (B) has a—
17 (i) Federally backed mortgage loan; or
18 (ii) Federally backed multifamily
19 mortgage loan.
20 (3) DWELLING.—The term "dwelling"—
21 (A) has the meaning given the term in sec-
22 tion 802 of the Fair Housing Act (42 U.S.C.
23 3602); and

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1 (B) includes houses and dwellings de-
2 scribed in section 803(b) of such Act (42
3 U.S.C. 3603(b)).
4 (4) FEDERALLY BACKED MORTGAGE LOAN.—
5 The term "Federally backed mortgage loan" in-
6 cludes any loan (other than temporary financing
7 such as a construction loan) that—
8 (A) is secured by a first or subordinate lien
9 on residential real property (including indi-
10 vidual units of condominiums and cooperatives)
11 designed principally for the occupancy of from
12 1 to 4 families, including any such secured
13 loan, the proceeds of which are used to prepay
14 or pay off an existing loan secured by the same
15 property; and
16 (B) is made in whole or in part, or in-
17 sured, guaranteed, supplemented, or assisted in
18 any way, by any officer or agency of the Fed-
19 eral Government or under or in connection with
20 a housing or urban development program ad-
21 ministered by the Secretary of Housing and
22 Urban Development or a housing or related
23 program administered by any other such officer
24 or agency, or is purchased or securitized by the

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1 Federal Home Loan Mortgage Corporation or
2 the Federal National Mortgage Association.
3 (5) FEDERALLY BACKED MULTIFAMILY MORT-
4 GAGE LOAN.—The term "Federally backed multi-
5 family mortgage loan" includes any loan (other than
6 temporary financing such as a construction loan)
7 that—
8 (A) is secured by a first or subordinate lien
9 on residential multifamily real property de-
10 signed principally for the occupancy of 5 or
11 more families, including any such secured loan,
12 the proceeds of which are used to prepay or pay
13 off an existing loan secured by the same prop-
14 erty; and
15 (B) is made in whole or in part, or in-
16 sured, guaranteed, supplemented, or assisted in
17 any way, by any officer or agency of the Fed-
18 eral Government or under or in connection with
19 a housing or urban development program ad-
20 ministered by the Secretary of Housing and
21 Urban Development or a housing or related
22 program administered by any other such officer
23 or agency, or is purchased or securitized by the
24 Federal Home Loan Mortgage Corporation or
25 the Federal National Mortgage Association.

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1 (b) MORATORIUM.—During the 120-day period be-
2 ginning on the date of enactment of this Act, the lessor
3 of a covered dwelling may not—
4 (1) make, or cause to be made, any filing with
5 the court of jurisdiction to initiate a legal action to
6 recover possession of the covered dwelling from the
7 tenant for nonpayment of rent or other fees or
8 charges; or
9 (2) charge fees, penalties, or other charges to
10 the tenant related to such nonpayment of rent.
11 (c) NOTICE.—The lessor of a covered dwelling unit—
12 (1) may not require the tenant to vacate the
13 covered dwelling unit before the date that is 30 days
14 after the date on which the lessor provides the ten-
15 ant with a notice to vacate; and
16 (2) may not issue a notice to vacate under
17 paragraph (1) until after the expiration of the period
18 described in subsection (b).

19 **SEC. 4025. PROTECTION OF COLLECTIVE BARGAINING**
20 **AGREEMENT.**

21 (a) IN GENERAL.—Neither the Secretary, nor any
22 other actor, department, or agency of the Federal Govern-
23 ment, shall condition the issuance of a loan or loan guar-
24 antee under paragraph (1), (2), or (3) of section 4003(b)
25 of this subtitle on an air carrier's or eligible business's

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1 implementation of measures to enter into negotiations
2 with the certified bargaining representative of a craft or
3 class of employees of the air carrier or eligible business
4 under the Railway Labor Act (45 U.S.C. 151 et seq.) or
5 the National Labor Relations Act (29 U.S.C. 151 et seq.),
6 regarding pay or other terms and conditions of employ-
7 ment.

8 (b) PERIOD OF EFFECT.—With respect to an air car-
9 rier or eligible business to which the loan or loan guar-
10 antee is provided under this subtitle, this section shall be
11 in effect with respect to the air carrier or eligible business
12 beginning on the date on which the air carrier or eligible
13 business is first issued such loan or loan guarantee and
14 ending on the date that is 1 year after the loan or loan
15 guarantee is no longer outstanding.

16 **SEC. 4026. REPORTS.**

17 (a) DISCLOSURE OF TRANSACTIONS.—Not later than
18 72 hours after any transaction by the Secretary under
19 paragraph (1), (2), or (3) of section 4003(b), the Sec-
20 retary shall publish on the website of the Department of
21 the Treasury—

22 (1) a plain-language description of the trans-
23 action, including the date of application, date of ap-
24 plication approval, and identity of the counterparty;

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1 (2) the amount of the loan, loan guarantee, or
2 other investment and a description of the pricing
3 mechanism for the transaction;
4 (3) the interest rate, conditions, and any other
5 material or financial terms associated with the
6 transaction, if applicable;
7 (4) a copy of the relevant and final term sheet,
8 if applicable, and contract or other relevant docu-
9 mentation regarding the transaction; and
10 (5) a justification of the price paid for and
11 other financial terms associated with the trans-
12 action.
13 (b) REPORTS.—
14 (1) IN GENERAL.—In addition to such reports
15 as are required under section 5302(c) of title 31,
16 United States Code, not later than 7 days after the
17 Secretary makes any loan or loan guarantee under
18 paragraph (1), (2), or (3) of section 4003(b), the
19 Secretary shall submit to the Chairmen and Ranking
20 Members of the Committee on Banking, Housing,
21 and Urban Affairs and the Committee on Finance of
22 the Senate and the Chairmen and Ranking Members
23 of the Committee on Financial Services and the
24 Committee on Ways and Means of the House of
25 Representatives a report summarizing—

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1 (A) an overview of actions taken by the
2 Secretary under section 4003(b) during such
3 period;
4 (B) the actual obligation, expenditure, and
5 disbursements of the funds provided for admin-
6 istrative expenses under this Act during such
7 period and the expected expenditure of such
8 funds in the subsequent period; and
9 (C) a detailed financial statement with re-
10 spect to the exercise of authority under section
11 4003(b) showing—
12 (i) all agreements, including loans,
13 loan guarantees, and other investments
14 made, renewed, or restructured;
15 (ii) all transactions during such pe-
16 riod, including the types of parties in-
17 volved;
18 (iii) the nature of the assets pur-
19 chased;
20 (iv) all projected costs and liabilities;
21 (v) operating expenses, including com-
22 pensation for financial agents;
23 (vi) the valuation or pricing method
24 used for each transaction;

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1 (vii) a description of the vehicles es-
2 tablished to exercise such authority;
3 (viii) any or all repayment activity,
4 delinquencies or defaults on loans issued
5 under this Act; and
6 (ix) the current status, credit charac-
7 teristics, and risk of loss of the Treasury
8 portfolio of loans, loan guarantees, or other
9 transactions made under this Act.
10 (2) PUBLICATION.—Not later than 7 days after
11 the Secretary submits a report to the relevant com-
12 mittees of Congress under paragraph (1), the Sec-
13 retary shall publish such report.
14 (3) SUMMARY.—Every 30 days during such
15 time as a loan or loan guarantee under paragraph
16 (1), (2), or (3) of section 4003(b) is outstanding, the
17 Secretary shall publish a report summarizing the in-
18 formation described in paragraph (1).
19 (4) BOARD OF GOVERNORS.—
20 (A) IN GENERAL.—The Board of Gov-
21 ernors of the Federal Reserve System shall pro-
22 vide to the Committee on Banking, Housing,
23 and Urban Affairs of the Senate and the Com-
24 mittee on Financial Services of the House of
25 Representatives such reports as are required to

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be provided under section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3))—

(i) not later than 7 days after the Board authorizes a new facility or other financial assistance in accordance with section 13(3)(C)(i) of the Federal Reserve Act (12 U.S.C. 343(3)(C)(i)); and

(ii) once every 30 days with respect to outstanding loans or financial assistance in accordance with section 13(3)(C)(ii) of the Federal Reserve Act (12 U.S.C. 343(3)(C)(ii)).

(B) PUBLICATION.—Not later than 7 days after the Board of Governors of the Federal Reserve System submits a report to the relevant committees of Congress under paragraph (2), the Board shall publish such report, subject to redactions of confidential information.

(c) TESTIMONY.—The Secretary shall testify, on a quarterly basis, before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the obligations of the Department of the Treasury, and transactions entered into, under this Act.

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1 (d) PROGRAM DESCRIPTIONS.—The Secretary shall
2 post on the website of the Department of the Treasury
3 all criteria, guidelines, eligibility requirements, and appli-
4 cation materials for the making of any loan or loan guar-
5 antee under paragraph (1), (2), or (3) of section 4003(b).
6 (e) ADMINISTRATIVE CONTRACTS.—Not later than
7 24 hours after the Secretary enters into a contract in con-
8 nection with the administration of any loan or loan guar-
9 antee authorized to be made under paragraph (1), (2), or
10 (3) of section 4003(b), the Secretary shall post on the
11 website of the Department of the Treasury a copy of the
12 contract.
13 (f) GOVERNMENT ACCOUNTABILITY OFFICE.—
14 (1) STUDY.—The Comptroller General of the
15 United States shall conduct a study on the loans,
16 loan guarantees, and other investments provided
17 under section 4003.
18 (2) REPORT.—Not later than 9 months after
19 the date of enactment of this Act, and annually
20 thereafter through the year succeeding the last year
21 for which loans, loan guarantees, or other invest-
22 ments made under section 4003 are outstanding, the
23 Comptroller General shall submit to the Committee
24 on Financial Services, the Committee on Transpor-
25 tation and Infrastructure, the Committee on Appro-

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1 priations, and the Committee on the Budget of the
2 House of Representatives and the Committee on
3 Banking, Housing, and Urban Affairs, the Com-
4 mittee on Commerce, Science, and Transportation,
5 the Committee on Appropriations, and the Com-
6 mittee on the Budget of the Senate a report on the
7 loans, loan guarantees, and other investments made
8 under section 4003.

9 (g) REPORTS.—In addition to such reports as are re-
10 quired under section 5302(c) of title 31, United States
11 Code, and section 13(3) of the Federal Reserve Act (12
12 U.S.C. 343(3)), not later than 14 days after the effective
13 date of this Act, every 14 days for the following year, and
14 every 30 days thereafter, the Secretary shall publish on
15 the website of the Department of the Treasury and submit
16 to the Chairmen and Ranking Members of the Committee
17 on Financial Services and the Committee on Ways and
18 Means of the House of Representatives and the Chairmen
19 and Ranking Members of the Committee on Banking,
20 Housing, and Urban Affairs and the Committee on Fi-
21 nance of the Senate, a report summarizing—

22 (1) an overview of actions taken by the Sec-
23 retary under paragraph (1), (2), (3), or (4) of sec-
24 tion 4003(b) during such period;

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1 (2) the actual obligation, expenditure, and dis-
2 bursements of the funds provided for administrative
3 expenses under this Act during such period and the
4 expected expenditure of such funds in the subse-
5 quent period; and
6 (3) a detailed financial statement with respect
7 to the exercise of authority under paragraph (1),
8 (2), (3), or (4) of section 4003(b) showing—
9 (A) all agreements, including loans, loan
10 guarantees, and other investments made, re-
11 newed, or restructured; and
12 (B) all transactions during such period, in-
13 cluding the types of parties involved;
14 (C) the nature of the assets purchased;
15 (D) all projected costs and liabilities;
16 (E) operating expenses, including com-
17 pensation for financial agents;
18 (F) the valuation or pricing method used
19 for each transaction;
20 (G) a description of the vehicles estab-
21 lished to exercise such authority;
22 (H) any or all repayment activity, delin-
23 quencies or defaults on loans issued under this
24 Act; and

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1 (I) the current status, credit characteris-
2 tics, and risk of loss of the Treasury portfolio
3 of loans, loan guarantees, or other transactions
4 made under this Act.

5 (h) TESTIMONY.—The Secretary and the Chairman
6 of the Board of Governors of the Federal Reserve System
7 shall testify, on a quarterly basis, before the Committee
8 on Banking, Housing, and Urban Affairs of the Senate
9 and the Committee on Financial Services of the House of
10 Representatives regarding the obligations of the Depart-
11 ment of the Treasury and the Federal Reserve System,
12 and transactions entered into, under this Act.

13 (i) PROGRAM DESCRIPTIONS.—The Secretary shall
14 post on the website of the Department of the Treasury
15 all criteria, guidelines, eligibility requirements, and appli-
16 cation materials for the making of any loan or loan guar-
17 antee under paragraph (1), (2), (3), or (4) of section
18 4003(b).

19 (j) ADMINISTRATIVE CONTRACTS.—Not later than 24
20 hours after the Secretary enters into a contract in connec-
21 tion with the administration of any loan, or loan guar-
22 antee, or other investment authorized to be made under
23 paragraph (1), (2), (3), or (4) of section 4003(b), the Sec-
24 retary shall post on the website of the Department of the
25 Treasury a copy of the contract.

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1 (k) GOVERNMENT ACCOUNTABILITY OFFICE.—
2 (1) STUDY.—The Comptroller General of the
3 United States shall conduct a study on the loans,
4 loan guarantees, and other investments provided
5 under section 4003.
6 (2) REPORT.—Not later than 9 months after
7 the date of enactment of this Act, and annually
8 thereafter through the year succeeding the last year
9 for which loans, loan guarantees, or other invest-
10 ments made under section 4003 are outstanding, the
11 Comptroller General shall submit to the Committee
12 on Financial Services, the Committee on Transpor-
13 tation and Infrastructure, the Committee on Appro-
14 priations, and the Committee on the Budget of the
15 House of Representatives and the Committee on
16 Banking, Housing, and Urban Affairs, the Com-
17 mittee on Commerce, Science, and Transportation,
18 the Committee on Appropriations, and the Com-
19 mittee on the Budget of the Senate a report on the
20 loans, loan guarantees, and other investments made
21 under section 4003.
22 **SEC. 4027. DIRECT APPROPRIATION.**
23 (a) IN GENERAL.—Notwithstanding any other provi-
24 sion of law, there is appropriated, out of amounts in the
25 Treasury not otherwise appropriated, to the fund estab-

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1 lished under section 5302(a)(1) of title 31, United States
2 Code, $500,000,000,000 to carry out this subtitle.
3 (b) TECHNICAL AND CONFORMING AMENDMENT.—
4 Section 5302(a) of title 31, United States Code, is amend-
5 ed—
6 (1) by striking "and" before "section 3"; and
7 (2) by inserting "and the Coronavirus Eco-
8 nomic Stabilization Act of 2020," before "and for
9 investing".
10 (c) CLARIFICATION.—
11 (1) IN GENERAL.—On or after January 1,
12 2021, any remaining funds made available under
13 section 4003(b) may be used only for—
14 (A) modifications, restructurings, or other
15 amendments of loans, loan guarantees, or other
16 investments in accordance with section
17 4029(b)(1); and
18 (B) exercising any options, warrants, or
19 other investments made prior to January 1,
20 2021; and
21 (C) paying costs and administrative ex-
22 penses as provided in section 4003(f).
23 (2) DEFICIT REDUCTION.—On January 1,
24 2026, any funds described in paragraph (1) that are

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1 remaining shall be transferred to the general fund of
2 the Treasury to be used for deficit reduction.

3 **SEC. 4028. RULE OF CONSTRUCTION.**

4 Nothing in this subtitle shall be construed to allow
5 the Secretary to provide relief to eligible businesses,
6 States, and municipalities except in the form of loans, loan
7 guarantees, and other investments as provided in this sub-
8 title and under terms and conditions that are in the inter-
9 est of the Federal Government.

10 **SEC. 4029. TERMINATION OF AUTHORITY.**

11 (a) IN GENERAL.—Except as provided in subsection
12 (b), on December 31, 2020, the authority provided under
13 this subtitle to make new loans, loan guarantees, or other
14 investments shall terminate.

15 (b) OUTSTANDING.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), any loan, loan guarantee, or other invest-
18 ment outstanding on the date described in sub-
19 section (a)—

20 (A) may be modified, restructured, or oth-
21 erwise amended; and

22 (B) may not be forgiven.

23 (2) DURATION.—The duration of any loan or
24 loan guarantee made under section 4003(b)(1) that
25 is modified, restructured, or otherwise amended

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1 under paragraph (1) shall not be extended beyond 5
2 years from the initial origination date of the loan or
3 loan guarantee.

# 4 Subtitle B—Air Carrier Worker
# 5 Support

6 **SEC. 4111. DEFINITIONS.**

7 Unless otherwise specified, the terms in section
8 40102(a) of title 49, United States Code, shall apply to
9 this subtitle, except that—

10 (1) the term ''airline catering employee'' means
11 an employee who performs airline catering services;

12 (2) the term ''airline catering services'' means
13 preparation, assembly, or both, of food, beverages,
14 provisions and related supplies for delivery, and the
15 delivery of such items, directly to aircraft or to a lo-
16 cation on or near airport property for subsequent
17 delivery to aircraft;

18 (3) the term ''contractor'' means—

19 (A) a person that performs, under contract
20 with a passenger air carrier conducting oper-
21 ations under part 121 of title 14, Code of Fed-
22 eral Regulations—

23 (i) catering functions; or

24 (ii) functions on the property of an
25 airport that are directly related to the air

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1 transportation of persons, property, or
2 mail, including but not limited to the load-
3 ing and unloading of property on aircraft;
4 assistance to passengers under part 382 of
5 title 14, Code of Federal Regulations; se-
6 curity; airport ticketing and check-in func-
7 tions; ground-handling of aircraft; or air-
8 craft cleaning and sanitization functions
9 and waste removal; or
10 (B) a subcontractor that performs such
11 functions;
12 (4) the term "employee" means an individual,
13 other than a corporate officer, who is employed by
14 an air carrier or a contractor; and
15 (5) the term "Secretary" means the Secretary
16 of the Treasury.
17 **SEC. 4112. PANDEMIC RELIEF FOR AVIATION WORKERS.**
18 (a) FINANCIAL ASSISTANCE FOR EMPLOYEE WAGES,
19 SALARIES, AND BENEFITS.—Notwithstanding any other
20 provision of law, to preserve aviation jobs and compensate
21 air carrier industry workers, the Secretary shall provide
22 financial assistance that shall exclusively be used for the
23 continuation of payment of employee wages, salaries, and
24 benefits to—

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1 (1) passenger air carriers, in an aggregate
2 amount up to $25,000,000,000;
3 (2) cargo air carriers, in the aggregate amount
4 up to $4,000,000,000; and
5 (3) contractors, in an aggregate amount up to
6 $3,000,000,000.
7 (b) ADMINISTRATIVE EXPENSES.—Notwithstanding
8 any other provision of law, the Secretary, may use
9 $100,000,000 of the funds made available under section
10 4120(a) for costs and administrative expenses associated
11 with providing financial assistance under this subtitle.

12 **SEC. 4113. PROCEDURES FOR PROVIDING PAYROLL SUP-**
13 **PORT.**

14 (a) AWARDABLE AMOUNTS.—The Secretary shall
15 provide financial assistance under this subtitle—
16 (1) to an air carrier in an amount equal to the
17 salaries and benefits reported by the air carrier to
18 the Department of Transportation pursuant to part
19 241 of title 14, Code of Federal Regulations, for the
20 period from April 1, 2019, through September 30,
21 2019; and
22 (2) to an air carrier that does not transmit re-
23 ports under such part 241, in an amount that such
24 air carrier certifies, using sworn financial statements
25 or other appropriate data, as the amount of wages,

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1 salaries, benefits, and other compensation that such
2 air carrier paid the employees of such air carrier
3 during the period from April 1, 2019, through Sep-
4 tember 30, 2019; and
5 (3) to a contractor, in an amount that the con-
6 tractor certifies, using sworn financial statements or
7 other appropriate data, as the amount of wages, sal-
8 aries, benefits, and other compensation that such
9 contractor paid the employees of such contractor
10 during the period from April 1, 2019, through Sep-
11 tember 30, 2019.
12 (b) DEADLINES AND PROCEDURES.—
13 (1) IN GENERAL.—
14 (A) FORMS; TERMS AND CONDITIONS.—Fi-
15 nancial assistance provided to an air carrier or
16 contractor under this subtitle shall be in such
17 form, on such terms and conditions (including
18 requirements for audits and the clawback of
19 any financial assistance provided upon failure
20 by a passenger air carrier, cargo air carrier, or
21 contractor to honor the assurances specified in
22 section 4114), as the Secretary determines ap-
23 propriate.
24 (B) PROCEDURES.—The Secretary shall
25 publish streamlined and expedited procedures

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1 not later than 5 days after the date of enact-
2 ment of this Act for air carriers and contractors
3 to submit requests for financial assistance
4 under this subtitle.

5 (2) DEADLINE FOR IMMEDIATE PAYROLL AS-
6 SISTANCE.—Not later than 10 days after the date of
7 enactment of this Act, the Secretary shall make ini-
8 tial payments to air carriers and contractors that
9 submit requests for financial assistance approved by
10 to the Secretary.

11 (3) SUBSEQUENT PAYMENTS.—The Secretary
12 shall determine an appropriate method for timely
13 distribution of payments to air carriers and contrac-
14 tors with approved requests for financial assistance
15 from any funds remaining available after providing
16 initial financial assistance payments under para-
17 graph (2).

18 (c) PRO RATA AUTHORITY.—The Secretary shall
19 have the authority to reduce, on a pro rata basis, the
20 amounts due to air carriers and contractors under the ap-
21 plicable paragraph of section 4112 in order to address any
22 shortfall in assistance that would otherwise be provided
23 under such section.

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1 (d) AUDITS.—The Inspector General of the Depart-
2 ment of the Treasury shall audit certifications made under
3 subsection (a).

4 **SEC. 4114. REQUIRED ASSURANCES.**

5 (a) IN GENERAL.—To be eligible for financial assist-
6 ance under this subtitle, an air carrier or contractor shall
7 enter into an agreement with the Secretary, or otherwise
8 certify in such form and manner as the Secretary shall
9 prescribe, that the air carrier or contractor shall—

10 (1) refrain from conducting involuntary fur-
11 loughs or reducing pay rates and benefits until Sep-
12 tember 30, 2020;

13 (2) through September 30, 2021, ensure that
14 neither the air carrier or contractor nor any affiliate
15 of the air carrier or contractor may, in any trans-
16 action, purchase an equity security of the air carrier
17 or contractor or the parent company of the air car-
18 rier or contractor that is listed on a national securi-
19 ties exchange;

20 (3) through September 30, 2021, ensure that
21 the air carrier or contractor shall not pay dividends,
22 or make other capital distributions, with respect to
23 the common stock (or equivalent interest) of the air
24 carrier or contractor; and

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1 (4) meet the requirements of sections 4115 and
2 4116.
3 (b) DEPARTMENT OF TRANSPORTATION AUTHORITY
4 TO CONDITION ASSISTANCE ON CONTINUATION OF SERV-
5 ICE.—
6 (1) IN GENERAL.—The Secretary of Transpor-
7 tation is authorized to require, to the extent reason-
8 able and practicable, an air carrier provided finan-
9 cial assistance under this subtitle to maintain sched-
10 uled air transportation service, as the Secretary of
11 Transportation deems necessary, to ensure services
12 to any point served by that carrier before March 1,
13 2020.
14 (2) REQUIRED CONSIDERATIONS.—When con-
15 sidering whether to exercise the authority provided
16 by this section, the Secretary of Transportation shall
17 take into consideration the air transportation needs
18 of small and remote communities and the need to
19 maintain well-functioning health care supply chains,
20 including medical devices and supplies, and pharma-
21 ceutical supply chains.
22 (3) SUNSET.—The authority provided under
23 this subsection shall terminate on March 1, 2022,
24 and any requirements issued by the Secretary of

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1 Transportation under this subsection shall cease to
2 apply after that date.

3 **SEC. 4115. PROTECTION OF COLLECTIVE BARGAINING**
4 **AGREEMENT.**

5 (a) IN GENERAL.—Neither the Secretary, nor any
6 other actor, department, or agency of the Federal Govern-
7 ment, shall condition the issuance of financial assistance
8 under this subtitle on an air carrier's or contractor's im-
9 plementation of measures to enter into negotiations with
10 the certified bargaining representative of a craft or class
11 of employees of the air carrier or contractor under the
12 Railway Labor Act (45 U.S.C. 151 et seq.) or the National
13 Labor Relations Act (29 U.S.C. 151 et seq.), regarding
14 pay or other terms and conditions of employment.

15 (b) PERIOD OF EFFECT.—With respect to an air car-
16 rier or contractor to which financial assistance is provided
17 under this subtitle, this section shall be in effect with re-
18 spect to the air carrier or contractor beginning on the date
19 on which the air carrier or contractor is first issued such
20 financial assistance and ending on September 30, 2020.

21 **SEC. 4116. LIMITATION ON CERTAIN EMPLOYEE COM-**
22 **PENSATION.**

23 (a) IN GENERAL.—The Secretary may only provide
24 financial assistance under this subtitle to an air carrier
25 or contractor after such carrier or contractor enters into

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1 an agreement with the Secretary which provides that, dur-
2 ing the 2-year period beginning March 24, 2020, and end-
3 ing March 24, 2022, no officer or employee of the air car-
4 rier or contractor whose total compensation exceeded
5 $425,000 in calendar year 2019 (other than an employee
6 whose compensation is determined through an existing col-
7 lective bargaining agreement entered into prior to enact-
8 ment of this Act)—
9 (1) will receive from the air carrier or con-
10 tractor total compensation which exceeds, during
11 any 12 consecutive months of such 2-year period,
12 the total compensation received by the officer or em-
13 ployee from the air carrier or contractor in calendar
14 year 2019;
15 (2) will receive from the air carrier or con-
16 tractor severance pay or other benefits upon termi-
17 nation of employment with the air carrier or con-
18 tractor which exceeds twice the maximum total com-
19 pensation received by the officer or employee from
20 the air carrier or contractor in calendar year 2019;
21 and
22 (3) no officer or employee of the eligible busi-
23 ness whose total compensation exceeded $3,000,000
24 in calendar year 2019 may receive during any 12

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1 consecutive months of such period total compensa-
2 tion in excess of the sum of—
3 (A) $3,000,000; and
4 (B) 50 percent of the excess over
5 $3,000,000 of the total compensation received
6 by the officer or employee from the eligible
7 business in calendar year 2019.
8 (b) TOTAL COMPENSATION DEFINED.—In this sec-
9 tion, the term "total compensation" includes salary, bo-
10 nuses, awards of stock, and other financial benefits pro-
11 vided by an air carrier or contractor to an officer or em-
12 ployee of the air carrier or contractor.

13 **SEC. 4117. TAX PAYER PROTECTION.**

14 The Secretary may receive warrants, options, pre-
15 ferred stock, debt securities, notes, or other financial in-
16 struments issued by recipients of financial assistance
17 under this subtitle which, in the sole determination of the
18 Secretary, provide appropriate compensation to the Fed-
19 eral Government for the provision of the financial assist-
20 ance.

21 **SEC. 4118. REPORTS.**

22 (a) REPORT.—Not later than November 1, 2020, the
23 Secretary shall submit to the Committee on Transpor-
24 tation and Infrastructure and the Committee on Financial
25 Services of the House of Representatives and the Com-

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1 mittee on Commerce, Science, and Transportation and the
2 Committee on Banking, Housing, and Urban Affairs of
3 the Senate a report on the financial assistance provided
4 to air carriers and contractors under this subtitle, includ-
5 ing a description of any financial assistance provided.

6 (b) UPDATE.—Not later than the last day of the 1-
7 year period following the date of enactment of this Act,
8 the Secretary shall update and submit to the Committee
9 on Transportation and the Committee on Financial Serv-
10 ices and Infrastructure of the House of Representatives
11 and the Committee on Commerce, Science, and Transpor-
12 tation and the Committee on Banking, Housing, and
13 Urban Affairs of the Senate the report described in sub-
14 section (a).

15 **SEC. 4119. COORDINATION.**

16 In implementing this subtitle the Secretary shall co-
17 ordinate with the Secretary of Transportation.

18 **SEC. 4120. DIRECT APPROPRIATION.**

19 Notwithstanding any other provision of law, there is
20 appropriated, out of amounts in the Treasury not other-
21 wise appropriated, $32,000,000,000 to carry out this sub-
22 title.

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# TITLE V—CORONAVIRUS RELIEF FUNDS

**SEC. 5001. CORONAVIRUS RELIEF FUND.**

(a) IN GENERAL.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by inserting after title V the following:

# "TITLE VI—CORONAVIRUS RELIEF FUND

**"SEC. 601. CORONAVIRUS RELIEF FUND.**

"(a) APPROPRIATION.—

"(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for making payments to States, Tribal governments, and units of local government under this section, $150,000,000,000 for fiscal year 2020.

"(2) RESERVATION OF FUNDS.—Of the amount appropriated under paragraph (1), the Secretary shall reserve—

"(A) $3,000,000,000 of such amount for making payments to the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa; and

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1 "(B) $8,000,000,000 of such amount for
2 making payments to Tribal governments.
3 "(b) AUTHORITY TO MAKE PAYMENTS.—
4 "(1) IN GENERAL.—Subject to paragraph (2),
5 not later than 30 days after the date of enactment
6 of this section, the Secretary shall pay each State
7 and Tribal government, and each unit of local gov-
8 ernment that meets the condition described in para-
9 graph (2), the amount determined for the State,
10 Tribal government, or unit of local government, for
11 fiscal year 2020 under subsection (c).
12 "(2) DIRECT PAYMENTS TO UNITS OF LOCAL
13 GOVERNMENT.—If a unit of local government of a
14 State submits the certification required by sub-
15 section (e) for purposes of receiving a direct pay-
16 ment from the Secretary under the authority of this
17 paragraph, the Secretary shall reduce the amount
18 determined for that State by the relative unit of
19 local government population proportion amount de-
20 scribed in subsection (c)(5) and pay such amount di-
21 rectly to such unit of local government.
22 "(c) PAYMENT AMOUNTS.—
23 "(1) IN GENERAL.—Subject to paragraph (2),
24 the amount paid under this section for fiscal year
25 2020 to a State that is 1 of the 50 States shall be

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1 the amount equal to the relative population propor-
2 tion amount determined for the State under para-
3 graph (3) for such fiscal year.
4 "(2) MINIMUM PAYMENT.—
5 "(A) IN GENERAL.—No State that is 1 of
6 the 50 States shall receive a payment under
7 this section for fiscal year 2020 that is less
8 than $1,250,000,000.
9 "(B) PRO RATA ADJUSTMENTS.—The Sec-
10 retary shall adjust on a pro rata basis the
11 amount of the payments for each of the 50
12 States determined under this subsection without
13 regard to this subparagraph to the extent nec-
14 essary to comply with the requirements of sub-
15 paragraph (A).
16 "(3) RELATIVE POPULATION PROPORTION
17 AMOUNT.—For purposes of paragraph (1), the rel-
18 ative population proportion amount determined
19 under this paragraph for a State for fiscal year
20 2020 is the product of—
21 "(A) the amount appropriated under para-
22 graph (1) of subsection (a) for fiscal year 2020
23 that remains after the application of paragraph
24 (2) of that subsection; and

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1 "(B) the relative State population propor-
2 tion (as defined in paragraph (4)).
3 "(4) RELATIVE STATE POPULATION PROPOR-
4 TION DEFINED.—For purposes of paragraph (3)(B),
5 the term 'relative State population proportion'
6 means, with respect to a State, the quotient of—
7 "(A) the population of the State; and
8 "(B) the total population of all States (ex-
9 cluding the District of Columbia and territories
10 specified in subsection (a)(2)(A)).
11 "(5) RELATIVE UNIT OF LOCAL GOVERNMENT
12 POPULATION PROPORTION AMOUNT.—For purposes
13 of subsection (b)(2), the term 'relative unit of local
14 government population proportion amount' means,
15 with respect to a unit of local government and a
16 State, the amount equal to the product of—
17 "(A) 45 percent of the amount of the pay-
18 ment determined for the State under this sub-
19 section (without regard to this paragraph); and
20 "(B) the amount equal to the quotient
21 of—
22 "(i) the population of the unit of local
23 government; and

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1 "(ii) the total population of the State
2 in which the unit of local government is lo-
3 cated.
4 "(6) DISTRICT OF COLUMBIA AND TERRI-
5 TORIES.—The amount paid under this section for
6 fiscal year 2020 to a State that is the District of Co-
7 lumbia or a territory specified in subsection
8 (a)(2)(A) shall be the amount equal to the product
9 of—
10 "(A) the amount set aside under sub-
11 section (a)(2)(A) for such fiscal year; and
12 "(B) each such District's and territory's
13 share of the combined total population of the
14 District of Columbia and all such territories, as
15 determined by the Secretary.
16 "(7) TRIBAL GOVERNMENTS.—From the
17 amount set aside under subsection (a)(2)(B) for fis-
18 cal year 2020, the amount paid under this section
19 for fiscal year 2020 to a Tribal government shall be
20 the amount the Secretary shall determine, in con-
21 sultation with the Secretary of the Interior and In-
22 dian Tribes, that is based on increased expenditures
23 of each such Tribal government (or a tribally-owned
24 entity of such Tribal government) relative to aggre-
25 gate expenditures in fiscal year 2019 by the Tribal

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1 government (or tribally-owned entity) and deter-
2 mined in such manner as the Secretary determines
3 appropriate to ensure that all amounts available
4 under subsection (a)(2)(B) for fiscal year 2020 are
5 distributed to Tribal governments.

6 "(8) DATA.—For purposes of this subsection,
7 the population of States and units of local govern-
8 ments shall be determined based on the most recent
9 year for which data are available from the Bureau
10 of the Census.

11 "(d) USE OF FUNDS.—A State, Tribal government,
12 and unit of local government shall use the funds provided
13 under a payment made under this section to cover only
14 those costs of the State, Tribal government, or unit of
15 local government that—

16 "(1) are necessary expenditures incurred due to
17 the public health emergency with respect to the
18 Coronavirus Disease 2019 (COVID-19);

19 "(2) were not accounted for in the budget most
20 recently approved as of the date of enactment of this
21 section for the State or government; and

22 "(3) were incurred during the period that be-
23 gins on March 1, 2020, and ends on December 30,
24 2020.

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1 "(e) CERTIFICATION.—In order to receive a payment
2 under this section, a unit of local government shall provide
3 the Secretary with a certification signed by the Chief Ex-
4 ecutive for the unit of local government that the local gov-
5 ernment's proposed uses of the funds are consistent with
6 subsection (d).

7 "(f) INSPECTOR GENERAL OVERSIGHT;
8 RECOUPMENT.—

9 "(1) OVERSIGHT AUTHORITY.—The Inspector
10 General of the Department of the Treasury shall
11 conduct monitoring and oversight of the receipt, dis-
12 bursement, and use of funds made available under
13 this section.

14 "(2) RECOUPMENT.—If the Inspector General
15 of the Department of the Treasury determines that
16 a State, Tribal government, or unit of local govern-
17 ment has failed to comply with subsection (d), the
18 amount equal to the amount of funds used in viola-
19 tion of such subsection shall be booked as a debt of
20 such entity owed to the Federal Government.
21 Amounts recovered under this subsection shall be de-
22 posited into the general fund of the Treasury.

23 "(3) APPROPRIATION.—Out of any money in
24 the Treasury of the United States not otherwise ap-
25 propriated, there are appropriated to the Office of

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1 the Inspector General of the Department of the
2 Treasury, $35,000,000 to carry out oversight and
3 recoupment activities under this subsection.
4 Amounts appropriated under the preceding sentence
5 shall remain available until expended.
6 "(4) AUTHORITY OF INSPECTOR GENERAL.—
7 Nothing in this subsection shall be construed to di-
8 minish the authority of any Inspector General, in-
9 cluding such authority as provided in the Inspector
10 General Act of 1978 (5 U.S.C. App.).
11 "(g) DEFINITIONS.—In this section:
12 "(1) INDIAN TRIBE.—The term 'Indian Tribe'
13 has the meaning given that term in section 4(e) of
14 the Indian Self-Determination and Education Assist-
15 ance Act (25 U.S.C. 5304(e)).
16 "(2) LOCAL GOVERNMENT.—The term 'unit of
17 local government' means a county, municipality,
18 town, township, village, parish, borough, or other
19 unit of general government below the State level
20 with a population that exceeds 500,000.
21 "(3) SECRETARY.—The term 'Secretary' means
22 the Secretary of the Treasury.
23 "(4) STATE.—The term 'State' means the 50
24 States, the District of Columbia, the Commonwealth
25 of Puerto Rico, the United States Virgin Islands,

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1 Guam, the Commonwealth of the Northern Mariana
2 Islands, and American Samoa.
3 "(5) TRIBAL GOVERNMENT.—The term 'Tribal
4 government' means the recognized governing body of
5 an Indian Tribe.".
6 (b) APPLICATION OF PROVISIONS.—Amounts appro-
7 priated for fiscal year 2020 under section 601(a)(1) of the
8 Social Security Act (as added by subsection (a)) shall be
9 subject to the requirements contained in Public Law 116–
10 94 for funds for programs authorized under sections 330
11 through 340 of the Public Health Service Act (42 U.S.C.
12 254 through 256).

# 13 TITLE VI—MISCELLANEOUS 14 PROVISIONS

## 15 SEC. 6001. COVID–19 BORROWING AUTHORITY FOR THE 16 UNITED STATES POSTAL SERVICE.

17 (a) DEFINITIONS.—In this section—
18 (1) the term "COVID–19 emergency" means
19 the emergency involving Federal primary responsi-
20 bility determined to exist by the President under
21 section 501(b) of the Robert T. Stafford Disaster
22 Relief and Emergency Assistance Act (42 U.S.C.
23 5191(b)) with respect to the Coronavirus Disease
24 2019 (COVID–19); and

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1 (2) the term "Postal Service" means the United
2 States Postal Service.
3 (b) ADDITIONAL BORROWING AUTHORITY.—Not-
4 withstanding section 2005 of title 39, United States Code,
5 or any other provision of law, if the Postal Service deter-
6 mines that, due to the COVID–19 emergency, the Postal
7 Service will not be able to fund operating expenses without
8 borrowing money—
9 (1) the Postal Service may borrow money from
10 the Treasury in an amount not to exceed
11 $10,000,000,000—
12 (A) to be used for such operating expenses;
13 and
14 (B) which may not be used to pay any out-
15 standing debt of the Postal Service; and
16 (2) the Secretary of the Treasury may lend up
17 to the amount described in paragraph (1) at the re-
18 quest of the Postal Service, upon terms and condi-
19 tions mutually agreed upon by the Secretary and the
20 Postal Service.
21 (c) PRIORITIZATION OF DELIVERY FOR MEDICAL
22 PURPOSES DURING COVID–19 EMERGENCY.—Notwith-
23 standing any other provision of law, during the COVID–
24 19 emergency, the Postal Service—

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(1) shall prioritize delivery of postal products for medical purposes; and

(2) may establish temporary delivery points, in such form and manner as the Postal Service determines necessary, to protect employees of the Postal Service and individuals receiving deliveries from the Postal Service.

**SEC. 6002. EMERGENCY DESIGNATION.**

(a) IN GENERAL.—The amounts provided under this division are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

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

# DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS

The following sums are hereby are appropriated, out of any money in the Treasury not otherwise appropriated,

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1 for the fiscal year ending September 30, 2020, and for
2 other purposes, namely:

3 TITLE I

4 AGRICULTURAL PROGRAMS

5 OFFICE OF THE SECRETARY

6 For an additional amount for the "Office of the Sec-
7 retary", $9,500,000,000, to remain available until ex-
8 pended, to prevent, prepare for, and respond to
9 coronavirus by providing support for agricultural pro-
10 ducers impacted by coronavirus, including producers of
11 specialty crops, producers that supply local food systems,
12 including farmers markets, restaurants, and schools, and
13 livestock producers, including dairy producers: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 OFFICE OF INSPECTOR GENERAL

19 For an additional amount for "Office of Inspector
20 General", $750,000, to remain available until September
21 30, 2021, to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally: *Provided*,
23 That the funding made available under this heading in
24 this Act shall be used for conducting audits and investiga-
25 tions of projects and activities carried out with funds made

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1 available in this Act to the Department of Agriculture to
2 prevent, prepare for, and respond to coronavirus, domesti-
3 cally or internationally: *Provided further*, That such
4 amount is designated by the Congress as being for an
5 emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 ANIMAL AND PLANT HEALTH INSPECTION SERVICE

9 SALARIES AND EXPENSES

10 For an additional amount for "Salaries and Ex-
11 penses", $55,000,000, to remain available until September
12 30, 2021, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally, including for
14 necessary expenses for salary costs associated with the Ag-
15 riculture Quarantine and Inspection Program: *Provided*,
16 That such amount is designated by the Congress as being
17 for an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 AGRICULTURAL MARKETING SERVICE

21 MARKETING SERVICES

22 For an additional amount for "Marketing Services",
23 $45,000,000, to remain available until September 30,
24 2021, to prevent, prepare for, and respond to coronavirus,
25 domestically or internationally, including necessary ex-

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1 penses for salary costs associated with commodity grading,
2 inspection, and audit activities: *Provided*, That such
3 amount is designated by the Congress as being for an
4 emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 FOOD SAFETY AND INSPECTION SERVICE

8 For an additional amount for "Food Safety and In-
9 spection Service", $33,000,000, to remain available until
10 September 30, 2021, to prevent, prepare for, and respond
11 to coronavirus, domestically or internationally, including
12 for support of temporary and intermittent workers, reloca-
13 tion of inspectors, and, notwithstanding 21 U.S.C. 468,
14 695 and 1053 and 7 U.S.C. 2219a, costs of overtime in-
15 spectors under the Federal Meat Inspection Act, the Poul-
16 try Products Inspection Act, and the Egg Products In-
17 spection Act: *Provided*, That such amount is designated
18 by the Congress as being for an emergency requirement
19 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
20 et and Emergency Deficit Control Act of 1985.

21 FARM PRODUCTION AND CONSERVATION
22 PROGRAMS

23 FARM SERVICE AGENCY

24 For an additional amount for "Salaries and Ex-
25 penses", $3,000,000, to remain available until September

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1 30, 2021, to prevent, prepare for, and respond to
2 coronavirus, domestically or internationally, including nec-
3 essary expenses to hire temporary staff and overtime ex-
4 penses: *Provided*, That such amount is designated by the
5 Congress as being for an emergency requirement pursuant
6 to section 251(b)(2)(A)(i) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 RURAL DEVELOPMENT PROGRAMS

9 RURAL BUSINESS—COOPERATIVE SERVICE

10 RURAL BUSINESS PROGRAM ACCOUNT

11 For an additional amount for "Rural Business Pro-
12 gram Account", $20,500,000, to remain available until
13 September 30, 2021, to prevent, prepare for, and respond
14 to coronavirus, for the cost of loans for rural business de-
15 velopment programs authorized by section 310B and de-
16 scribed in subsection (g) of section 310B of the Consoli-
17 dated Farm and Rural Development Act: *Provided*, That
18 such amount is designated by the Congress as being for
19 an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 RURAL UTILITIES SERVICE

2 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND

3 PROGRAM

4 For an additional amount for "Distance Learning,
5 Telemedicine, and Broadband Program", $25,000,000, to
6 remain available until expended, to prevent, prepare for,
7 and respond to coronavirus, domestically or internation-
8 ally, for telemedicine and distance learning services in
9 rural areas, as authorized by 7 U.S.C. 950aaa et seq.: *Pro-*
10 *vided*, That such amount is designated by the Congress
11 as being for an emergency requirement pursuant to sec-
12 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985.

14 DOMESTIC FOOD PROGRAMS

15 FOOD AND NUTRITION SERVICE

16 CHILD NUTRITION PROGRAMS

17 For an additional amount for "Child Nutrition Pro-
18 grams", $8,800,000,000 to remain available until Sep-
19 tember 30, 2021, to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally: *Provided*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

2 For an additional amount for "Supplemental Nutri-
3 tion Assistance Program", $15,810,000,000, to remain
4 available until September 30, 2021, to prevent, prepare
5 for, and respond to coronavirus, domestically or inter-
6 nationally: *Provided*, That of the amount provided under
7 this heading in this Act, $15,510,000,000 shall be placed
8 in a contingency reserve to be allocated as the Secretary
9 deems necessary to support participation should cost or
10 participation exceed budget estimates to prevent, prepare
11 for, and respond to coronavirus: *Provided further*, That of
12 the amount provided under this heading in this Act,
13 $100,000,000 shall be for the food distribution program
14 on Indian reservations program as authorized by Section
15 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C.
16 2013) and Section 4(a) of the Agriculture and Consumer
17 Protection Act of 1973 (7 U.S.C. 1431) to prevent, pre-
18 pare for, and respond to coronavirus, of which
19 $50,000,000 shall be for facility improvements and equip-
20 ment upgrades and of which $50,000,000 shall be for the
21 costs relating to additional food purchases: *Provided fur-*
22 *ther*, That of the amount provided under this heading in
23 this Act, $200,000,000 to remain available through Sep-
24 tember 30, 2021, shall be available for the Secretary of
25 Agriculture to provide grants to the Commonwealth of the

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1 Northern Mariana Islands, Puerto Rico, and American
2 Samoa for nutrition assistance to prevent, prepare for,
3 and respond to coronavirus, domestically or internation-
4 ally: *Provided further*, That such amount is designated by
5 the Congress as being for an emergency requirement pur-
6 suant to section 251(b)(2)(A)(i) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 COMMODITY ASSISTANCE PROGRAM

9 For an additional amount for "Commodity Assistance
10 Program", $450,000,000, to remain available through
11 September 30, 2021, to prevent, prepare for, and respond
12 to coronavirus, domestically or internationally, for the
13 emergency food assistance program as authorized by sec-
14 tion 27(a) of the Food and Nutrition Act of 2008 (7
15 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency
16 Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)): *Pro-*
17 *vided*, That of the funds made available, the Secretary
18 may use up to $150,000,000 for costs associated with the
19 distribution of commodities: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 FOREIGN ASSISTANCE AND RELATED
2 PROGRAMS
3 FOREIGN AGRICULTURAL SERVICE
4 SALARIES AND EXPENSES
5 For an additional amount for "Salaries and Ex-
6 penses", $4,000,000, to remain available until September
7 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally, including nec-
9 essary expenses to relocate employees and their depend-
10 ents back from overseas posts: *Provided*, That such
11 amount is designated by the Congress as being for an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.
15 RELATED AGENCIES AND FOOD AND DRUG
16 ADMINISTRATION
17 DEPARTMENT OF HEALTH AND HUMAN SERVICES
18 FOOD AND DRUG ADMINISTRATION
19 SALARIES AND EXPENSES
20 For an additional amount for "Salaries and Ex-
21 penses", $80,000,000, to remain available until expended,
22 to prevent, prepare for, and respond to coronavirus, do-
23 mestically or internationally, including funds for the devel-
24 opment of necessary medical countermeasures and vac-
25 cines, advanced manufacturing for medical products, the

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1 monitoring of medical product supply chains, and related
2 administrative activities: *Provided*, That such amount is
3 designated by the Congress as being for an emergency re-
4 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

6 GENERAL PROVISIONS—THIS TITLE

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 11001. Of the funds made available to the Rural
9 Development mission area in this title, and in addition to
10 funds otherwise made available for such purpose, not more
11 than 3 percent may be used for administrative costs to
12 carry out loan, loan guarantee and grant activities funded
13 in this title to prevent, prepare for, and respond to
14 coronavirus, domestically or internationally: *Provided*,
15 That such funds shall be transferred to, and merged with,
16 the appropriation for "Rural Development, Salaries and
17 Expenses" and, once transferred, shall be used only to
18 prevent, prepare for, and respond to coronavirus, domesti-
19 cally or internationally: *Provided further*, that this transfer
20 authority is in addition to any other transfer authority
21 provided by law.

22 COMMODITY CREDIT CORPORATION

23 REIMBURSEMENT OF PRESENT NET REALIZED LOSSES

24 SEC. 11002. Of the amounts provided in the Further
25 Consolidated Appropriations Act, 2020 (Public Law 116–

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1 94) under the heading "Commodity Credit Corporation
2 Fund—Reimbursement for Net Realized Losses",
3 $14,000,000,000, may be used, prior to the completion of
4 the report described in 15 U.S.C. 713a–11, to reimburse
5 the Commodity Credit Corporation for net realized losses
6 sustained, but not previously reimbursed, as reflected in
7 the June 2020 report of its financial condition: *Provided*,
8 That such amount is designated by the Congress as being
9 for an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 SEC. 11003. The Secretary may extend the term of
13 a marketing assistance loan authorized by section 1201
14 of the Agricultural Act of 2014 (7 U.S.C. 9033) for any
15 loan commodity to 12 months: *Provided*, That the author-
16 ity made available pursuant to this section shall expire on
17 September 30, 2020: *Provided further*, That the amount
18 provided by this section is designated by the Congress as
19 being for an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 SEC. 11004. For an additional amount for grants
23 under the pilot program established under section 779 of
24 Public Law 115–141, to prevent, prepare for, and respond
25 to coronavirus, $100,000,000, to remain available until

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1 September 30, 2021: *Provided*, That at least 90 percent
2 of the households to be served by a project receiving a
3 grant shall be in a rural area without sufficient access to
4 broadband: *Provided further*, That for purposes of such
5 pilot program, a rural area without sufficient access to
6 broadband shall be defined as 10 Mbps downstream and
7 1 Mbps upstream, and such definition shall be reevaluated
8 and redefined, as necessary, on an annual basis by the
9 Secretary of Agriculture: *Provided further*, That an entity
10 to which a grant is made under the pilot program shall
11 not use a grant to overbuild or duplicate broadband expan-
12 sion efforts made by any entity that has received a
13 broadband loan from the Rural Utilities Service: *Provided*
14 *further*, That priority consideration for grants shall be
15 given to previous applicants now eligible as a result of ad-
16 justed eligibility requirements: *Provided further*, That such
17 amount is designated by the Congress as being for an
18 emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

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1 TITLE II

2 DEPARTMENT OF COMMERCE

3 ECONOMIC DEVELOPMENT ADMINISTRATION

4 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

5 (INCLUDING TRANSFERS OF FUNDS)

6 Pursuant to section 703 of the Public Works and
7 Economic Development Act (42 U.S.C. 3233), for an addi-
8 tional amount for ''Economic Development Assistance
9 Programs'', $1,500,000,000, to remain available until
10 September 30, 2022, to prevent, prepare for, and respond
11 to coronavirus, domestically or internationally, including
12 for necessary expenses for responding to economic injury
13 as a result of coronavirus: *Provided*, That such amount
14 shall be for economic adjustment assistance as authorized
15 by section 209 of the Public Works and Economic Devel-
16 opment Act of 1965 (42 U.S.C. 3149): *Provided further*,
17 That within the amount appropriated under this heading
18 in this Act, up to 2 percent of funds may be transferred
19 to the ''Salaries and Expenses'' account for administration
20 and oversight activities related to preventing, preparing
21 for, and responding to coronavirus: *Provided further*, That
22 the Secretary of Commerce is authorized to appoint and
23 fix the compensation of such temporary personnel as may
24 be necessary to implement the requirements under this
25 heading in this Act to prevent, prepare for, and respond

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1 to coronavirus, without regard to the provisions of title
2 5, United States Code, governing appointments in com-
3 petitive service: *Provided further*, That the Secretary of
4 Commerce is authorized to appoint such temporary per-
5 sonnel, after serving continuously for 2 years, to positions
6 in the Economic Development Administration in the same
7 manner that competitive service employees with competi-
8 tive status are considered for transfer, reassignment, or
9 promotion to such positions and an individual appointed
10 under this provision shall become a career-conditional em-
11 ployee, unless the employee has already completed the
12 service requirements for career tenure: *Provided further*,
13 That within the amount appropriated under this heading
14 in this Act, $3,000,000 shall be transferred to the "Office
15 of Inspector General" account for carrying out investiga-
16 tions and audits related to the funding provided to pre-
17 vent, prepare for, and respond to coronavirus under this
18 heading in this Act: *Provided further*, That such amount
19 is designated by the Congress as being for an emergency
20 requirement pursuant to section 251(b)(2)(A)(i) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

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1 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
2 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES
3 For an additional amount for "Scientific and Tech-
4 nical Research and Services", $6,000,000, to remain avail-
5 able until September, 30, 2021, to prevent, prepare for,
6 and respond to coronavirus, domestically or internation-
7 ally, by supporting continuity of operations, including
8 measurement science to support viral testing and bio-
9 manufacturing: *Provided*, That such amount is designated
10 by the Congress as being for an emergency requirement
11 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
12 et and Emergency Deficit Control Act of 1985.
13 INDUSTRIAL TECHNOLOGY SERVICES
14 For an additional amount for "Industrial Technology
15 Services", $60,000,000, to remain available until Sep-
16 tember 30, 2021, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally: *Provided*,
18 That of the amount provided under this heading in this
19 Act, $50,000,000 shall be for the Hollings Manufacturing
20 Extension Partnership to assist manufacturers to prevent,
21 prepare for, and respond to coronavirus and $10,000,000
22 shall be for the National Network for Manufacturing Inno-
23 vation (also known as "Manufacturing USA") to prevent,
24 prepare for, and respond to coronavirus, including to sup-
25 port development and manufacturing of medical counter-

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1 measures and biomedical equipment and supplies: *Pro-*
2 *vided further*, That none of the funds provided under this
3 heading in this Act shall be subject to cost share require-
4 ments under 15 U.S.C. 278k(e)(2) or 15 U.S.C.
5 278s(e)(7)(A): *Provided further*, That such amount is des-
6 ignated by the Congress as being for an emergency re-
7 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
8 anced Budget and Emergency Deficit Control Act of 1985.

9 NATIONAL OCEANIC AND ATMOSPHERIC
10 ADMINISTRATION
11 OPERATIONS, RESEARCH, AND FACILITIES

12 For an additional amount for "Operations, Research,
13 and Facilities", $20,000,000, to remain available until
14 September, 30, 2021, to prevent, prepare for, and respond
15 to coronavirus, domestically or internationally, by sup-
16 porting continuity of operations, including National
17 Weather Service life and property related operations: *Pro-*
18 *vided*, That such amount is designated by the Congress
19 as being for an emergency requirement pursuant to sec-
20 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985.

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1 DEPARTMENT OF JUSTICE

2 GENERAL ADMINISTRATION

3 JUSTICE INFORMATION SHARING TECHNOLOGY

4 For an additional amount for ''Justice Information
5 Sharing Technology'', $2,000,000, to remain available
6 until expended, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including the
8 impact of coronavirus on the work of the Department of
9 Justice: *Provided*, That such amount is designated by the
10 Congress as being for an emergency requirement pursuant
11 to section 251(b)(2)(A)(i) of the Balanced Budget and
12 Emergency Deficit Control Act of 1985.

13 OFFICE OF INSPECTOR GENERAL

14 For an additional amount for ''Office of Inspector
15 General'', $2,000,000, to remain available until expended
16 to prevent, prepare for, and respond to coronavirus, do-
17 mestically or internationally, including the impact of
18 coronavirus on the work of the Department of Justice and
19 to carry out investigations and audits related to the fund-
20 ing made available for the Department of Justice in this
21 Act: *Provided*, That such amount is designated by the
22 Congress as being for an emergency requirement pursuant
23 to section 251(b)(2)(A)(i) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

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1 LEGAL ACTIVITIES

2 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

3 For an additional amount for "Salaries and Ex-
4 penses, United States Attorneys", $3,000,000, to prevent,
5 prepare for, and respond to coronavirus, domestically or
6 internationally, including the impact of coronavirus on the
7 work of the Department of Justice: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 UNITED STATES MARSHALS SERVICE

13 SALARIES AND EXPENSES

14 For an additional amount for "United States Mar-
15 shals Service, Salaries and Expenses", $15,000,000, to
16 prevent, prepare for, and respond to coronavirus, domesti-
17 cally or internationally, including the impact of
18 coronavirus on the work of the Department of Justice:
19 *Provided*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

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1 FEDERAL BUREAU OF INVESTIGATION

2 SALARIES AND EXPENSES

3 For an additional amount for "Federal Bureau of In-
4 vestigation, Salaries and Expenses", $20,000,000, to pre-
5 vent, prepare for, and respond to coronavirus, domestically
6 or internationally, including the impact of coronavirus on
7 the work of the Department of Justice: *Provided*, That
8 such amount is designated by the Congress as being for
9 an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 DRUG ENFORCEMENT ADMINISTRATION

13 SALARIES AND EXPENSES

14 For an additional amount for "Drug Enforcement
15 Administration, Salaries and Expenses", $15,000,000, to
16 prevent, prepare for, and respond to coronavirus, domesti-
17 cally or internationally, including the impact of
18 coronavirus on the work of the Department of Justice:
19 *Provided*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

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1 FEDERAL PRISON SYSTEM

2 SALARIES AND EXPENSES

3 For an additional amount for "Federal Prison Sys-
4 tem, Salaries and Expenses", $100,000,000, to prevent,
5 prepare for, and respond to coronavirus, domestically or
6 internationally, including the impact of coronavirus on the
7 work of the Department of Justice: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

13 OFFICE OF JUSTICE PROGRAMS

14 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

15 For an additional amount for "State and Local Law
16 Enforcement Assistance", $850,000,000, to remain avail-
17 able until expended, to prevent, prepare for, and respond
18 to coronavirus, domestically or internationally, to be
19 awarded pursuant to the formula allocation (adjusted in
20 proportion to the relative amounts statutorily designated
21 therefor) that was used in fiscal year 2019 for the Edward
22 Byrne Memorial Justice Assistance Grant program as au-
23 thorized by subpart 1 of part E of title I of the Omnibus
24 Crime Control and Safe Streets Acts of 1968 ("1968
25 Act"): *Provided*, That the allocation provisions under sec-

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1 tions 505(a) through (e) and the special rules for Puerto
2 Rico under section 505(g), and section 1001(c), of the
3 1968 Act, shall not apply to the amount provided under
4 this heading in this Act: *Provided further*, That awards
5 hereunder, shall not be subject to restrictions or special
6 conditions that are the same as (or substantially similar
7 to) those, imposed on awards under such subpart in fiscal
8 year 2018, that forbid interference with Federal law en-
9 forcement: *Provided further*, That such amount is des-
10 ignated by the Congress as being for an emergency re-
11 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985.

13 SCIENCE

14 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

15 SAFETY, SECURITY AND MISSION SERVICES

16 For an additional amount for ''Safety, Security and
17 Mission Services'', $60,000,000, to remain available until
18 September 30, 2021, to prevent, prepare for, and respond
19 to coronavirus, domestically or internationally: *Provided*,
20 That such amount is designated by the Congress as being
21 for an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 NATIONAL SCIENCE FOUNDATION

2 RESEARCH AND RELATED ACTIVITIES

3 For an additional amount for "Research and Related
4 Activities", $75,000,000, to remain available until Sep-
5 tember 30, 2021, to prevent, prepare for, and respond to
6 coronavirus, domestically or internationally, including to
7 fund research grants and other necessary expenses: *Pro-*
8 *vided*, That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 AGENCY OPERATIONS AND AWARD MANAGEMENT

13 For an additional amount for "Agency Operations
14 and Award Management", $1,000,000, to prevent, pre-
15 pare for, and respond to coronavirus, domestically or
16 internationally, including to administer research grants
17 and other necessary expenses: *Provided*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 RELATED AGENCIES

2 LEGAL SERVICES CORPORATION

3 PAYMENT TO THE LEGAL SERVICES CORPORATION

4 For an additional amount for "Payment to the Legal
5 Services Corporation", $50,000,000, to prevent, prepare
6 for, and respond to coronavirus, domestically or inter-
7 nationally: *Provided*, That none of the funds appropriated
8 under this heading in this Act to the Legal Services Cor-
9 poration shall be expended for any purpose prohibited or
10 limited by, or contrary to any of the provisions of, sections
11 501, 502, 503, 504, 505, and 506 of Public Law 105–
12 119, and all funds appropriated in this Act to the Legal
13 Services Corporation shall be subject to the same terms
14 and conditions set forth in such sections, except that all
15 references in sections 502 and 503 to 1997 and 1998 shall
16 be deemed to refer instead to 2019 and 2020, respectively,
17 and except that sections 501 and 503 of Public Law 104–
18 134 (referenced by Public Law 105–119) shall not apply
19 to the amount made available under this heading: *Pro-*
20 *vided further*, That for the purposes of this Act, the Legal
21 Services Corporation shall be considered an agency of the
22 United States Government: *Provided further*, That such
23 amount is designated by the Congress as being for an
24 emergency requirement pursuant to section

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

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 12001. Amounts provided by the Consolidated
5 Appropriations Act, 2020, (Public Law 116–93) for the
6 Hollings Manufacturing Extension Partnership under the
7 heading "National Institute of Standards and Tech-
8 nology—Industrial Technology Services" shall not be sub-
9 ject to cost share requirements under 15 U.S.C.
10 278k(e)(2): *Provided*, That the authority made available
11 pursuant to this section shall be elective for any Manufac-
12 turing Extension Partnership Center that also receives
13 funding from a State that is conditioned upon the applica-
14 tion of a Federal cost sharing requirement.

15 SEC. 12002. (a) Funds appropriated in this title for
16 the National Science Foundation may be made available
17 to restore amounts, either directly or through reimburse-
18 ment, for obligations incurred by the National Science
19 Foundation for research grants and other necessary ex-
20 penses to prevent, prepare for, and respond to
21 coronavirus, domestically or internationally, prior to the
22 date of enactment of this Act.

23 (b) Grants or cooperative agreements made by the
24 National Science Foundation under this title, to carry out
25 research grants and other necessary expenses to prevent,

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1 prepare for, and respond to coronavirus, domestically or
2 internationally, shall include amounts to reimburse costs
3 for these purposes incurred between January 20, 2020,
4 and the date of issuance of such grants or agreements.

5 BUREAU OF PRISONS

6 SEC. 12003. (a) DEFINITIONS.—In this section—
7 (1) the term "Bureau" means the Bureau of
8 Prisons;
9 (2) the term "covered emergency period" means
10 the period beginning on the date on which the Presi-
11 dent declared a national emergency under the Na-
12 tional Emergencies Act (50 U.S.C. 1601 et seq.)
13 with respect to the Coronavirus Disease 2019
14 (COVID–19) and ending on the date that is 30 days
15 after the date on which the national emergency dec-
16 laration terminates; and
17 (3) the term "Secretary" means the Secretary
18 of Health and Human Services.
19 (b) SUPPLY OF PERSONAL PROTECTIVE EQUIPMENT
20 AND TEST KITS TO BUREAU OF PRISONS; HOME CON-
21 FINEMENT AUTHORITY.—
22 (1) PERSONAL PROTECTIVE EQUIPMENT AND
23 TEST KITS.—
24 (A) FINDINGS.—Congress finds the fol-
25 lowing:

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1 (i) There is an urgent need for per-
2 sonal protective equipment and test kits to
3 the Bureau based on the density of the in-
4 mate population, the high traffic, the high
5 volume of inmates, the high rate of turn-
6 over of inmates and personnel, and the
7 number of high-security areas, within the
8 facilities of the Bureau.
9 (ii) The inability of the Bureau to se-
10 cure the purchase of infectious disease per-
11 sonal protective equipment and related
12 supplies now and in the future is a vulner-
13 ability.
14 (iii) The Bureau is currently com-
15 peting in and engaging the same landscape
16 of vendors as all other Federal agencies
17 and private entities.
18 (iv) The ability of the Bureau to pur-
19 chase needed equipment and supplies is
20 currently subject to an individual manufac-
21 turer's specific recognition of the Bureau
22 as a priority and subsequent allocation of
23 the inventory of the manufacturer to the
24 Bureau.

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1 (B) CONSIDERATION.—The Secretary shall
2 appropriately consider, relative to other prior-
3 ities of the Department of Health and Human
4 Services for high-risk and high-need popu-
5 lations, the distribution of infectious disease
6 personal protective equipment and COVID–19
7 test kits to the Bureau for use by inmates and
8 personnel of the Bureau.
9 (2) HOME CONFINEMENT AUTHORITY.—During
10 the covered emergency period, if the Attorney Gen-
11 eral finds that emergency conditions will materially
12 affect the functioning of the Bureau, the Director of
13 the Bureau may lengthen the maximum amount of
14 time for which the Director is authorized to place a
15 prisoner in home confinement under the first sen-
16 tence of section 3624(c)(2) of title 18, United States
17 Code, as the Director determines appropriate.
18 (c) VIDEO VISITATION.—
19 (1) IN GENERAL.—During the covered emer-
20 gency period, if the Attorney General finds that
21 emergency conditions will materially affect the func-
22 tioning of the Bureau, the Director of the Bureau
23 shall promulgate rules regarding the ability of in-
24 mates to conduct visitation through video teleconfer-

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encing and telephonically, free of charge to inmates, during the covered emergency period.

(2) EXEMPTION FROM NOTICE-AND-COMMENT RULEMAKING REQUIREMENTS.—Section 553 of title 5, United States Code, shall not apply to the promulgation of rules under paragraph (1) of this subsection.

(d) EMERGENCY REQUIREMENT.—The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TEMPORARY AUTHORITY OF DIRECTOR OF THE USPTO DURING THE COVID–19 EMERGENCY.

SEC. 12004. (a) IN GENERAL.—During the emergency period described in subsection (e), the Director may toll, waive, adjust, or modify, any timing deadline established by title 35, United States Code, the Trademark Act, section 18 of the Leahy-Smith America Invents Act (35 U.S.C. 321 note), or regulations promulgated thereunder, in effect during such period, if the Director determines that the emergency related to such period—

(1) materially affects the functioning of the Patent and Trademark Office;

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1 (2) prejudices the rights of applicants, reg-
2 istrants, patent owners, or others appearing before
3 the Office; or
4 (3) prevents applicants, registrants, patent own-
5 ers, or others appearing before the Office from filing
6 a document or fee with the Office.
7 (b) PUBLIC NOTICE.—If the Director determines
8 that tolling, waiving, adjusting, or modifying a timing
9 deadline under subsection (a) is appropriate, the Director
10 shall publish publicly a notice to such effect.
11 (c) STATEMENT REQUIRED.—Not later than 20 days
12 after the Director tolls, waives, adjusts, or modifies a tim-
13 ing deadline under subsection (a) and such toll, waiver,
14 adjustment, or modification is in effect for a consecutive
15 or cumulative period exceeding 120 days, the Director
16 shall submit to Congress a statement describing the action
17 taken, relevant background, and rationale for the period
18 of tolling, waiver, adjustment, or modification.
19 (d) OTHER LAWS.—Notwithstanding section 301 of
20 the National Emergencies Act (50 U.S.C. 1631), the au-
21 thority of the Director under subsection (a) is not contin-
22 gent on a specification made by the President under such
23 section or any other requirement under that Act (other
24 than the emergency declaration under section 201(a) of
25 such Act (50 U.S.C. 1621(a))). The authority described

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1 in this section supersedes the authority of title II of the
2 National Emergencies Act (50 U.S.C. 1621 et seq.).
3 (e) EMERGENCY PERIOD.—The emergency period de-
4 scribed in this subsection includes the duration of the por-
5 tion of the emergency declared by the President pursuant
6 to the National Emergencies Act on March 13, 2020, as
7 a result of the COVID–19 outbreak (and any renewal
8 thereof) beginning on or after the date of the enactment
9 of this section and the 60 day period following such dura-
10 tion.
11 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion may be construed as limiting other statutory authori-
13 ties the Director may have to grant relief regarding filings
14 or deadlines.
15 (g) SUNSET.—Notwithstanding subsection (a), the
16 authorities provided under this section shall expire upon
17 the expiration of the 2-year period after the date of the
18 enactment of this section.
19 (h) DEFINITIONS.—In this section:
20 (1) DIRECTOR.—The term ''Director'' means
21 the Under Secretary of Commerce for Intellectual
22 Property and Director of the United States Patent
23 and Trademark Office.
24 (2) TRADEMARK ACT.—The term ''Trademark
25 Act'' means the Act entitled ''An Act to provide for

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1 the registration and protection of trademarks used
2 in commerce, to carry out the provisions of certain
3 international conventions, and for other purposes'',
4 approved July 5, 1946 (15 U.S.C. 1051 et seq.).
5 (i) EMERGENCY REQUIREMENT.—The amount pro-
6 vided by this section is designated by the Congress as
7 being for an emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 ASSISTANCE TO FISHERY PARTICIPANTS

11 SEC. 12005. (a) IN GENERAL.—The Secretary of
12 Commerce is authorized to provide assistance to Tribal,
13 subsistence, commercial, and charter fishery participants
14 affected by the novel coronavirus (COVID–19), which may
15 include direct relief payments.
16 (b) FISHERY PARTICIPANTS.—For the purposes of
17 this section, ''fishery participants'' include Tribes, per-
18 sons, fishing communities, aquaculture businesses not oth-
19 erwise eligible for assistance under part 1416 of title 7
20 of the Code of Federal Regulations for losses related to
21 COVID–19, processors, or other fishery-related busi-
22 nesses, who have incurred, as a direct or indirect result
23 of the coronavirus pandemic—
24 (1) economic revenue losses greater than 35
25 percent as compared to the prior 5-year average rev-
26 enue; or

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1 (2) any negative impacts to subsistence, cul-
2 tural, or ceremonial fisheries.
3 (c) ROLLING BASIS.—Funds may be awarded under
4 this section on a rolling basis, and within a fishing season,
5 to ensure rapid delivery of funds during the COVID–19
6 pandemic.
7 (d) APPROPRIATIONS.—In addition to funds that are
8 otherwise made available to assist fishery participants
9 under this Act, there are authorized to be appropriated,
10 and there are appropriated, $300,000,000, to remain
11 available until September 30, 2021, to carry out this sec-
12 tion, of which up to 2 percent may be used for administra-
13 tion and oversight activities.
14 (e) EMERGENCY REQUIREMENT.—The amount pro-
15 vided by this section is designated by the Congress as
16 being for an emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

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1 TITLE III
2 DEPARTMENT OF DEFENSE
3 MILITARY PERSONNEL
4 NATIONAL GUARD PERSONNEL, ARMY
5 For an additional amount for ''National Guard Per-
6 sonnel, Army'', $746,591,000, to prevent, prepare for, and
7 respond to coronavirus, domestically or internationally:
8 *Provided*, That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.
12 NATIONAL GUARD PERSONNEL, AIR FORCE
13 For an additional amount for ''National Guard Per-
14 sonnel, Air Force'', $482,125,000, to prevent, prepare for,
15 and respond to coronavirus, domestically or internation-
16 ally: *Provided*, That such amount is designated by the
17 Congress as being for an emergency requirement pursuant
18 to section 251(b)(2)(A)(i) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985.
20 OPERATION AND MAINTENANCE
21 OPERATION AND MAINTENANCE, ARMY
22 For an additional amount for ''Operation and Main-
23 tenance, Army'', $160,300,000, to prevent, prepare for,
24 and respond to coronavirus, domestically or internation-
25 ally: *Provided*, That such amount is designated by the

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1 Congress as being for an emergency requirement pursuant
2 to section 251(b)(2)(A)(i) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985.

4 OPERATION AND MAINTENANCE, NAVY

5 For an additional amount for "Operation and Main-
6 tenance, Navy", $360,308,000, to prevent, prepare for,
7 and respond to coronavirus, domestically or internation-
8 ally: *Provided*, That such amount is designated by the
9 Congress as being for an emergency requirement pursuant
10 to section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 For an additional amount for "Operation and Main-
14 tenance, Marine Corps", $90,000,000, to prevent, prepare
15 for, and respond to coronavirus, domestically or inter-
16 nationally: *Provided*, That such amount is designated by
17 the Congress as being for an emergency requirement pur-
18 suant to section 251(b)(2)(A)(i) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, AIR FORCE

21 For an additional amount for "Operation and Main-
22 tenance, Air Force", $155,000,000, to prevent, prepare
23 for, and respond to coronavirus, domestically or inter-
24 nationally: *Provided*, That such amount is designated by
25 the Congress as being for an emergency requirement pur-

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

3 OPERATION AND MAINTENANCE, ARMY RESERVE

4 For an additional amount for "Operation and Main-
5 tenance, Army Reserve", $48,000,000, to prevent, prepare
6 for, and respond to coronavirus, domestically or inter-
7 nationally: *Provided*, That such amount is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 OPERATION AND MAINTENANCE, ARMY NATIONAL
12 GUARD

13 For an additional amount for "Operation and Main-
14 tenance, Army National Guard", $186,696,000, to pre-
15 vent, prepare for, and respond to coronavirus, domestically
16 or internationally: *Provided*, That such amount is des-
17 ignated by the Congress as being for an emergency re-
18 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

21 For an additional amount for "Operation and Main-
22 tenance, Air National Guard", $75,754,000, to prevent,
23 prepare for, and respond to coronavirus, domestically or
24 internationally: *Provided*, That such amount is designated
25 by the Congress as being for an emergency requirement

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

3 OPERATION AND MAINTENANCE, DEFENSE-WIDE

4 For an additional amount for "Operation and Main-
5 tenance, Defense-Wide", $827,800,000, to prevent, pre-
6 pare for, and respond to coronavirus, domestically or
7 internationally: *Provided*, That such amount is designated
8 by the Congress as being for an emergency requirement
9 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
10 et and Emergency Deficit Control Act of 1985.

11 PROCUREMENT

12 DEFENSE PRODUCTION ACT PURCHASES

13 For an additional amount for "Defense Production
14 Act Purchases", $1,000,000,000, to remain available until
15 expended, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally: *Provided*,
17 That for the two-year period beginning with the date of
18 enactment of this Act, the requirements described in Sec-
19 tion 301(a)(3)(A) and 302(c)(1) of Public Law 81–774,
20 shall be waived: *Provided further*, That such amount is
21 designated by the Congress as being for an emergency re-
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985.

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1 REVOLVING AND MANAGEMENT FUNDS

2 DEFENSE WORKING CAPITAL FUNDS

3 For an additional amount for ''Defense Working
4 Capital Funds'', $1,450,000,000, to prevent, position, pre-
5 pare for, and respond to coronavirus, domestically or
6 internationally: *Provided*, That of the amount provided
7 under this heading in this Act, $475,000,000 shall be for
8 the Navy Working Capital Fund, $475,000,000 shall be
9 for the Air Force Working Capital Fund, and
10 $500,000,000 shall be for the Defense-Wide Working Cap-
11 ital Fund: *Provided further*, That such amount is des-
12 ignated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 OTHER DEPARTMENT OF DEFENSE PROGRAMS

16 DEFENSE HEALTH PROGRAM

17 For an additional amount for ''Defense Health Pro-
18 gram'', $3,805,600,000, of which $3,390,600,000 shall be
19 for operation and maintenance, and $415,000,000 shall
20 be for research, development, test and evaluation, to re-
21 main available until September 30, 2021, to prevent, pre-
22 pare for, and respond to coronavirus, domestically or
23 internationally: *Provided*, That, notwithstanding that one
24 percent of funding for operation and maintenance under
25 this heading in Public Law 116–93 shall remain available

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for obligation until September 30, 2021, funding for operation and maintenance made available under this heading in this Act shall only be available through September 30, 2020: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $20,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the funding made available under this heading in this Act shall be used for conducting audits and investigations of projects and activities carried out with funds made available in this Act to the Department of Defense to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 13001. Funds appropriated by this title may be transferred to, and merged with, other applicable appropriations of the Department of Defense, except for "Drug

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1 Interdiction and Counter-Drug Activities, Defense'', for
2 expenses incurred in preventing, preparing for, or re-
3 sponding to coronavirus, including expenses of the Depart-
4 ment of Defense incurred in support of other Federal De-
5 partments and agencies, and State, local, and Indian trib-
6 al governments, to be merged with and to be available for
7 the same purposes, and for the same time period, as the
8 appropriation or fund to which transferred: *Provided*,
9 That upon a determination that all or part of the funds
10 transferred pursuant to this section that are not necessary
11 for the purposes provided herein, such funds shall be
12 transferred back to the original appropriation: *Provided*
13 *further*, That the transfer authority provided by this sec-
14 tion is in addition to any other transfer authority provided
15 by law.

16 SEC. 13002. For an additional amount for ''Defense
17 Health Program'', $1,095,500,000, which shall be for op-
18 eration and maintenance, and of which $1,095,500,000
19 may be available for contracts entered into under the
20 TRICARE program: *Provided*, That, notwithstanding that
21 one percent of funding for operation and maintenance
22 under this heading in Public Law 116–93 shall remain
23 available for obligation until September 30, 2021, funding
24 for operation and maintenance made available under this
25 heading in this section shall only be available through Sep-

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1 tember 30, 2020: *Provided further*, That such amount is
2 designated by the Congress as being for an emergency re-
3 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985.
5 SEC. 13003. (a) Notwithstanding section 2208(l)(3)
6 of title 10, United States Code, during fiscal year 2020,
7 the total amount of the advance billings rendered or im-
8 posed for all working-capital funds of the Department of
9 Defense may exceed the amount otherwise specified in
10 such section.
11 (b) In this section, the term ''advance billing'' has
12 the meaning given that term in section 2208(l)(4) of title
13 10, United States Code.
14 SEC. 13004. (a) Section 2326(b)(3) of title 10,
15 United States Code, shall not apply to any undefinitized
16 contract action of the Department of Defense related to
17 the national emergency for the Coronavirus Disease 2019
18 (COVID–19).
19 (b) In this section, the term ''undefinitized contract
20 action'' has the meaning given that term in section
21 2326(j)(6) of title 10, United States Code.
22 SEC. 13005. (a) The head of an agency may waive
23 the provisions of section 2326(b) of title 10, United States
24 Code, with respect to a contract of such agency if the head
25 of the agency determines that the waiver is necessary due

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1 to the national emergency for the Coronavirus Disease
2 2019 (COVID–19).
3 (b) In this section, the term "head of an agency" has
4 the meaning given that term in section 2302(2) of title
5 10, United States Code.
6 SEC. 13006. (a) Notwithstanding paragraph (3) of
7 section 2371b(a) of title 10, United States Code, the au-
8 thority of a senior procurement executive or director of
9 the Defense Advanced Research Projects Agency or Mis-
10 sile Defense Agency under paragraph (2)(A) of such sec-
11 tion, and the authority of the Under Secretaries of De-
12 fense under paragraph (2)(B) of such section, for any
13 transaction related to the national emergency for the
14 Coronavirus Disease 2019 (COVID–19) may be delegated
15 to such officials in the Department of Defense as the Sec-
16 retary of Defense shall specify for purposes of this section.
17 (b)(1) Notwithstanding clause (ii) of section
18 2371b(a)(2)(B) of title 10, United States Code, no ad-
19 vance notice to Congress is required under that clause for
20 transitions described in that section that are related to
21 the national emergency for the Coronavirus Disease 2019
22 (COVID–19).
23 (2) In the event a transaction covered by paragraph
24 (1) is carried out, the Under Secretary of Defense for Re-
25 search and Engineering or the Under Secretary of Defense

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1 for Acquisition and Sustainment, as applicable, shall sub-
2 mit to the congressional defense committees a notice on
3 the carrying out of such transaction as soon as is prac-
4 ticable after the commencement of the carrying out of
5 such transaction.

6 (3) In this subsection, the term "congressional de-
7 fense committees" has the meaning given such term in
8 section 101(a)(16) of title 10, United States Code.

9 SEC. 13007. (a) The President may extend the ap-
10 pointment of the Chief of Army Reserve as prescribed in
11 section 7038(c) of title 10, United States Code, for the
12 incumbent in that position as of the date of the enactment
13 of this Act until the date of the appointment of the suc-
14 cessor to such incumbent, notwithstanding any limitation
15 otherwise imposed on such term by such section 7038(c).

16 (b) The President may extend the appointment of the
17 Chief of Navy Reserve as prescribed in section 8083(c)
18 of title 10, United States Code, for the incumbent in that
19 position as of the date of the enactment of this Act until
20 the date of the appointment of the successor to such in-
21 cumbent, notwithstanding any limitation otherwise im-
22 posed on such term by such section 8083(c).

23 (c) The President may extend the appointment of the
24 Chief of Staff of the Air Force prescribed in section
25 9033(a)(1) of title 10, United States Code, for the incum-

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1 bent in that position as of the date of the enactment of
2 this Act until the date of the appointment of the successor
3 to such incumbent, notwithstanding any limitation other-
4 wise imposed on such term by such section 9033(a)(1).
5 (d) The President may extend the appointment of the
6 Chief of Space Operations, as prescribed in section
7 9082(a)(2) of title 10, United States Code, for the incum-
8 bent in that position as of the date of the enactment of
9 this Act until the date of the appointment of the successor
10 to such incumbent, notwithstanding any limitation other-
11 wise imposed on such term by such section 9082(a)(2).
12 (e) The President may extend the appointment of the
13 Chief of the National Guard Bureau as prescribed in sec-
14 tion 10502(b) of title 10, United States Code, for the in-
15 cumbent in that position as of the date of the enactment
16 of this Act until the date of the appointment of the suc-
17 cessor to such incumbent, notwithstanding any limitation
18 otherwise imposed on such term by such section 10502(b).
19 (f) The President may extend the appointment of Di-
20 rector, Army National Guard and Director, Air National
21 Guard as prescribed in section 10506(a)(3)(D) of title 10,
22 United States Code, for the incumbent in such position
23 as of the date of the enactment of this Act until the date
24 of the appointment of the successor to such incumbent,

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1 notwithstanding any limitation otherwise imposed on such
2 term by such section 10506(a)(3)(D).
3 (g) Notwithstanding paragraph (4) of section
4 10505(a) of title 10, United States Code, the Secretary
5 of Defense may waive the limitations in paragraphs (2)
6 and (3) of that section for a period of not more than 270
7 days.
8 (h)(1) The President may delegate the exercise of the
9 authorities in subsections (a) through (f) to the Secretary
10 of Defense.
11 (2) The Secretary of Defense may not redelegate the
12 exercise of any authority delegated to the Secretary pursu-
13 ant to paragraph (1), and may not delegate the exercise
14 of the authority in subsection (g).

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1 TITLE IV

2 CORPS OF ENGINEERS—CIVIL

3 DEPARTMENT OF THE ARMY

4 OPERATION AND MAINTENANCE

5 For an additional amount for ''Operation and Main-
6 tenance'', $50,000,000, to remain available until Sep-
7 tember 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally: *Provided*,
9 That such amount is designated by the Congress as being
10 for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 EXPENSES

14 For an additional amount for ''Expenses'',
15 $20,000,000, to remain available until September 30,
16 2021, to prevent, prepare for, and respond to coronavirus,
17 domestically or internationally: *Provided*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 DEPARTMENT OF THE INTERIOR

2 BUREAU OF RECLAMATION

3 WATER AND RELATED RESOURCES

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for "Water and Related
6 Resources", $12,500,000, to remain available until Sep-
7 tember 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally: *Provided*,
9 That $500,000 of the funds provided under this heading
10 in this Act shall be transferred to the "Central Utah
11 Project Completion Account" to prevent, prepare for, and
12 respond to coronavirus: *Provided further*, That such
13 amount is designated by the Congress as being for an
14 emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 POLICY AND ADMINISTRATION

18 For an additional amount for "Policy and Adminis-
19 tration", $8,100,000, to remain available until September
20 30, 2021, to prevent, prepare for, and respond to
21 coronavirus, domestically or internationally: *Provided*,
22 That such amount is designated by the Congress as being
23 for an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

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1 DEPARTMENT OF ENERGY

2 ENERGY PROGRAMS

3 SCIENCE

4 For an additional amount for "Science",
5 $99,500,000, to remain available until September 30,
6 2021, to prevent, prepare for, and respond to coronavirus,
7 domestically or internationally, for necessary expenses re-
8 lated to providing support and access to scientific user fa-
9 cilities in the Office of Science and National Nuclear Secu-
10 rity Administration, including equipment, enabling tech-
11 nologies, and personnel associated with the operations of
12 those scientific user facilities: *Provided*, That such amount
13 is designated by the Congress as being for an emergency
14 requirement pursuant to section 251(b)(2)(A)(i) of the
15 Balanced Budget and Emergency Deficit Control Act of
16 1985.

17 DEPARTMENTAL ADMINISTRATION

18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for "Departmental Admin-
20 istration", $28,000,000, to remain available until Sep-
21 tember 30, 2021, to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally, including for
23 necessary expenses related to supporting remote access for
24 personnel: *Provided*, That funds appropriated under this
25 heading in this Act may be transferred to, and merged

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1 with, other appropriation accounts of the Department of
2 Energy to prevent, prepare for, and respond to
3 coronavirus, including for necessary expenses related to
4 supporting remote access for personnel: *Provided further*,
5 That such amount is designated by the Congress as being
6 for an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 INDEPENDENT AGENCIES

10 NUCLEAR REGULATORY COMMISSION

11 SALARIES AND EXPENSES

12 For an additional amount for "Salaries and Ex-
13 penses", $3,300,000, to remain available until September
14 30, 2021, to prevent, prepare for, and respond to
15 coronavirus, domestically or internationally: *Provided*,
16 That, notwithstanding 42 U.S.C. 2214, such amount shall
17 not be derived from fee revenue: *Provided further*, That
18 such amount is designated by the Congress as being for
19 an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 GENERAL PROVISIONS—THIS TITLE

23 SEC. 14001. Funds appropriated in this title may be
24 made available to restore amounts, either directly or
25 through reimbursement, for obligations incurred to pre-

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1 vent, prepare for, and respond to coronavirus prior to the
2 date of enactment of this Act.
3 SEC. 14002. (a) Section 404 of the Bipartisan Budg-
4 et Act of 2015 (42 U.S.C. 6239 note) is amended—
5 (1) in subsection (e), by striking "2020" and
6 inserting "2022"; and
7 (2) in subsection (g), by striking "2020" and
8 inserting "2022".
9 (b) Title III of division C of the Further Consolidated
10 Appropriations Act, 2020 (Public Law 116–94) is amend-
11 ed in the matter under the heading "Department of En-
12 ergy—Energy Programs—Strategic Petroleum Reserve"
13 by striking the three provisos before the final period and
14 inserting the following:
15 " *Provided*, That, as authorized by section 404 of the
16 Bipartisan Budget Act of 2015 (Public Law 114–74; 42
17 U.S.C. 6239 note), the Secretary of Energy shall draw
18 down and sell not to exceed a total of $450,000,000 of
19 crude oil from the Strategic Petroleum Reserve in fiscal
20 year 2020, fiscal year 2021, or fiscal year 2022: *Provided*
21 *further*, That the proceeds from such drawdown and sale
22 shall be deposited into the 'Energy Security and Infra-
23 structure Modernization Fund' during the fiscal year in
24 which the sale occurs and shall be made available in such
25 fiscal year, to remain available until expended, for nec-

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1 essary expenses to carry out the Life Extension II project
2 for the Strategic Petroleum Reserve''.
3 (c) The amount provided by this section is designated
4 by the Congress as being for an emergency requirement
5 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
6 et and Emergency Deficit Control Act of 1985.
7 SEC. 14003. Any discretionary appropriation for the
8 Corps of Engineers derived from the Harbor Maintenance
9 Trust Fund (not to exceed the total amount deposited in
10 the Harbor Maintenance Trust Fund in the prior fiscal
11 year) shall be subtracted from the estimate of discre-
12 tionary budget authority and outlays for any estimate of
13 an appropriations Act under the Congressional Budget
14 and Impoundment Control Act of 1974 or the Balanced
15 Budget and Emergency Deficit Control Act of 1985: *Pro-*
16 *vided*, That the modifications described in this section
17 shall not take effect until the earlier of January 1, 2021
18 or the date of enactment of legislation authorizing the de-
19 velopment of water resources and shall remain in effect
20 thereafter.
21 SEC. 14004. Section 14321(a)(2)(B)(ii) of title 40,
22 United States Code, is amended by inserting '', except that
23 a discretionary grant to respond to economic distress di-
24 rectly related to the impacts of the Coronavirus Disease

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1 2019 (COVID–19) shall not be included in such aggregate
2 amount'' before the period at the end.

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1 TITLE V

2 DEPARTMENT OF THE TREASURY

3 INTERNAL REVENUE SERVICE

4 ADMINISTRATIVE PROVISION—INTERNAL REVENUE

5 SERVICE

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 15001. In addition to the amounts otherwise
8 available to the Internal Revenue Service in fiscal year
9 2020, $250,000,000, to remain available until September
10 30, 2021, shall be available to prevent, prepare for, and
11 respond to coronavirus, domestically or internationally, in-
12 cluding costs associated with the extended filing season
13 and implementation of the Families First Coronavirus Re-
14 sponse Act: *Provided*, That such funds may be transferred
15 by the Commissioner to the "Taxpayer Services," "En-
16 forcement," or "Operations Support" accounts of the In-
17 ternal Revenue Service for an additional amount to be
18 used solely to prevent, prepare for, and respond to
19 coronavirus, domestically or internationally: *Provided fur-*
20 *ther*, That the Committees on Appropriations of the House
21 of Representatives and the Senate shall be notified in ad-
22 vance of any such transfer: *Provided further*, That such
23 transfer authority is in addition to any other transfer au-
24 thority provided by law: *Provided further*, That not later
25 than 30 days after the date of enactment of this Act, the

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1 Commissioner shall submit to the Committees on Appro-
2 priations of the House of Representatives and the Senate
3 a spending plan for such funds: *Provided further*, That
4 such amount is designated by the Congress as being for
5 an emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 THE JUDICIARY

9 SUPREME COURT OF THE UNITED STATES

10 SALARIES AND EXPENSES

11 For an additional amount for "Salaries and Ex-
12 penses", $500,000, to prevent, prepare for, and respond
13 to coronavirus, domestically or internationally: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
19 JUDICIAL SERVICES

20 SALARIES AND EXPENSES

21 For an additional amount for "Salaries and Ex-
22 penses", $6,000,000, to prevent, prepare for, and respond
23 to coronavirus, domestically or internationally: *Provided*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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

3 DEFENDER SERVICES

4 For an additional amount for "Defender Services",
5 $1,000,000, to remain available until expended, to pre-
6 vent, prepare for, and respond to coronavirus, domestically
7 or internationally: *Provided*, That such amount is des-
8 ignated by the Congress as being for an emergency re-
9 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985.

11 ADMINISTRATIVE PROVISION—THE JUDICIARY

12 VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS

13 SEC. 15002. (a) DEFINITION.—In this section, the
14 term "covered emergency period" means the period begin-
15 ning on the date on which the President declared a na-
16 tional emergency under the National Emergencies Act (50
17 U.S.C. 1601 et seq.) with respect to the Coronavirus Dis-
18 ease 2019 (COVID–19) and ending on the date that is
19 30 days after the date on which the national emergency
20 declaration terminates.

21 (b) VIDEO TELECONFERENCING FOR CRIMINAL PRO-
22 CEEDINGS.—

23 (1) IN GENERAL.—Subject to paragraphs (3),
24 (4), and (5), if the Judicial Conference of the United
25 States finds that emergency conditions due to the

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1 national emergency declared by the President under
2 the National Emergencies Act (50 U.S.C. 1601 et
3 seq.) with respect to the Coronavirus Disease 2019
4 (COVID–19) will materially affect the functioning of
5 either the Federal courts generally or a particular
6 district court of the United States, the chief judge
7 of a district court covered by the finding (or, if the
8 chief judge is unavailable, the most senior available
9 active judge of the court or the chief judge or circuit
10 justice of the circuit that includes the district court),
11 upon application of the Attorney General or the des-
12 ignee of the Attorney General, or on motion of the
13 judge or justice, may authorize the use of video tele-
14 conferencing, or telephone conferencing if video tele-
15 conferencing is not reasonably available, for the fol-
16 lowing events:
17 (A) Detention hearings under section 3142
18 of title 18, United States Code.
19 (B) Initial appearances under Rule 5 of
20 the Federal Rules of Criminal Procedure.
21 (C) Preliminary hearings under Rule 5.1 of
22 the Federal Rules of Criminal Procedure.
23 (D) Waivers of indictment under Rule 7(b)
24 of the Federal Rules of Criminal Procedure.

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1 (E) Arraignments under Rule 10 of the
2 Federal Rules of Criminal Procedure.
3 (F) Probation and supervised release rev-
4 ocation proceedings under Rule 32.1 of the
5 Federal Rules of Criminal Procedure.
6 (G) Pretrial release revocation proceedings
7 under section 3148 of title 18, United States
8 Code.
9 (H) Appearances under Rule 40 of the
10 Federal Rules of Criminal Procedure.
11 (I) Misdemeanor pleas and sentencings as
12 described in Rule 43(b)(2) of the Federal Rules
13 of Criminal Procedure.
14 (J) Proceedings under chapter 403 of title
15 18, United States Code (commonly known as
16 the "Federal Juvenile Delinquency Act"), ex-
17 cept for contested transfer hearings and juve-
18 nile delinquency adjudication or trial pro-
19 ceedings.
20 (2) FELONY PLEAS AND SENTENCING.—
21 (A) IN GENERAL.—Subject to paragraphs
22 (3), (4), and (5), if the Judicial Conference of
23 the United States finds that emergency condi-
24 tions due to the national emergency declared by
25 the President under the National Emergencies

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1 Act (50 U.S.C. 1601 et seq.) with respect to
2 the Coronavirus Disease 2019 (COVID-19) will
3 materially affect the functioning of either the
4 Federal courts generally or a particular district
5 court of the United States, the chief judge of a
6 district court covered by the finding (or, if the
7 chief judge is unavailable, the most senior avail-
8 able active judge of the court or the chief judge
9 or circuit justice of the circuit that includes the
10 district court) specifically finds, upon applica-
11 tion of the Attorney General or the designee of
12 the Attorney General, or on motion of the judge
13 or justice, that felony pleas under Rule 11 of
14 the Federal Rules of Criminal Procedure and
15 felony sentencings under Rule 32 of the Federal
16 Rules of Criminal Procedure cannot be con-
17 ducted in person without seriously jeopardizing
18 public health and safety, and the district judge
19 in a particular case finds for specific reasons
20 that the plea or sentencing in that case cannot
21 be further delayed without serious harm to the
22 interests of justice, the plea or sentencing in
23 that case may be conducted by video teleconfer-
24 ence, or by telephone conference if video tele-
25 conferencing is not reasonably available.

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1 (B) APPLICABILITY TO JUVENILES.—The
2 video teleconferencing and telephone confer-
3 encing authority described in subparagraph (A)
4 shall apply with respect to equivalent plea and
5 sentencing, or disposition, proceedings under
6 chapter 403 of title 18, United States Code
7 (commonly known as the "Federal Juvenile De-
8 linquency Act").
9 (3) REVIEW.—
10 (A) IN GENERAL.—On the date that is 90
11 days after the date on which an authorization
12 for the use of video teleconferencing or tele-
13 phone conferencing under paragraph (1) or (2)
14 is issued, if the emergency authority has not
15 been terminated under paragraph (5), the chief
16 judge of the district court (or, if the chief judge
17 is unavailable, the most senior available active
18 judge of the court or the chief judge or circuit
19 justice of the circuit that includes the district
20 court) to which the authorization applies shall
21 review the authorization and determine whether
22 to extend the authorization.
23 (B) ADDITIONAL REVIEW.—If an author-
24 ization is extended under subparagraph (A), the
25 chief judge of the district court (or, if the chief

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1 judge is unavailable, the most senior available
2 active judge of the court or the chief judge or
3 circuit justice of the circuit that includes the
4 district court) to which the authorization ap-
5 plies shall review the extension of authority not
6 less frequently than once every 90 days until
7 the earlier of—
8 (i) the date on which the chief judge
9 (or other judge or justice) determines the
10 authorization is no longer warranted; or
11 (ii) the date on which the emergency
12 authority is terminated under paragraph
13 (5).
14 (4) CONSENT.—Video teleconferencing or tele-
15 phone conferencing authorized under paragraph (1)
16 or (2) may only take place with the consent of the
17 defendant, or the juvenile, after consultation with
18 counsel.
19 (5) TERMINATION OF EMERGENCY AUTHOR-
20 ITY.—The authority provided under paragraphs (1),
21 (2), and (3), and any specific authorizations issued
22 under those paragraphs, shall terminate on the ear-
23 lier of—
24 (A) the last day of the covered emergency
25 period; or

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1 (B) the date on which the Judicial Con-
2 ference of the United States finds that emer-
3 gency conditions due to the national emergency
4 declared by the President under the National
5 Emergencies Act (50 U.S.C. 1601 et seq.) with
6 respect to the Coronavirus Disease 2019
7 (COVID-19) no longer materially affect the
8 functioning of either the Federal courts gen-
9 erally or the district court in question.
10 (6) NATIONAL EMERGENCIES GENERALLY.—
11 The Judicial Conference of the United States and
12 the Supreme Court of the United States shall con-
13 sider rule amendments under chapter 131 of title
14 28, United States Code (commonly known as the
15 "Rules Enabling Act"), that address emergency
16 measures that may be taken by the Federal courts
17 when the President declares a national emergency
18 under the National Emergencies Act (50 U.S.C.
19 1601 et seq.).
20 (7) RULE OF CONSTRUCTION.—Nothing in this
21 subsection shall obviate a defendant's right to coun-
22 sel under the Sixth Amendment to the Constitution
23 of the United States, any Federal statute, or the
24 Federal Rules of Criminal Procedure.

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1 (c) The amount provided by this section is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
4 et and Emergency Deficit Control Act of 1985.

5 DISTRICT OF COLUMBIA

6 FEDERAL FUNDS

7 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
8 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

9 For an additional amount for ''Federal Payment for
10 Emergency Planning and Security Costs in the District
11 of Columbia'', $5,000,000, to remain available until ex-
12 pended, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 INDEPENDENT AGENCIES

19 ELECTION ASSISTANCE COMMISSION

20 ELECTION SECURITY GRANTS

21 For an additional amount for ''Election Security
22 Grants'', $400,000,000, to prevent, prepare for, and re-
23 spond to coronavirus, domestically or internationally, for
24 the 2020 Federal election cycle: *Provided*, That a State
25 receiving a payment with funds provided under this head-

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1 ing in this Act shall provide to the Election Assistance
2 Commission, within 20 days of each election in the 2020
3 Federal election cycle in that State, a report that includes
4 a full accounting of the State's uses of the payment and
5 an explanation of how such uses allowed the State to pre-
6 vent, prepare for, and respond to coronavirus: *Provided*
7 *further*, That, within 3 days of its receipt of a report re-
8 quired in the preceding proviso, the Election Assistance
9 Commission will transmit the report to the Committee on
10 Appropriations and the Committee on House Administra-
11 tion of the House of Representatives and the Committee
12 on Appropriations and the Committee on Rules and Ad-
13 ministration of the Senate: *Provided further*, That not
14 later than 30 days after the date of enactment of this Act,
15 the Election Assistance Commission shall make the pay-
16 ments to States under this heading: *Provided further*, That
17 any portion of a payment made to a State with funds pro-
18 vided under this heading in this Act which is unobligated
19 on December 31, 2020 shall be returned to the Treasury:
20 *Provided further*, That such amount is designated by the
21 Congress as being for an emergency requirement pursuant
22 to section 251(b)(2)(A)(i) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985.

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1 FEDERAL COMMUNICATIONS COMMISSION

2 SALARIES AND EXPENSES

3 For an additional amount for "Salaries and Ex-
4 penses", $200,000,000, to remain available until ex-
5 pended, to prevent, prepare for, and respond to
6 coronavirus, domestically or internationally, including to
7 support efforts of health care providers to address
8 coronavirus by providing telecommunications services, in-
9 formation services, and devices necessary to enable the
10 provision of telehealth services during an emergency pe-
11 riod, as defined in section 1135(g)(1) of the Social Secu-
12 rity Act (42 U.S.C. 1320b–5(g)(1)): *Provided*, That the
13 Federal Communications Commission may rely on the
14 rules of the Commission under part 54 of title 47, Code
15 of Federal Regulations, in administering the amount pro-
16 vided under the heading in this Act if the Commission de-
17 termines that such administration is in the public interest:
18 *Provided further*, That such amount is designated by the
19 Congress as being for an emergency requirement pursuant
20 to section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

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1 GENERAL SERVICES ADMINISTRATION
2 REAL PROPERTY ACTIVITIES
3 FEDERAL BUILDINGS FUND
4 (INCLUDING TRANSFERS OF FUNDS)
5 For an additional amount to be deposited in the
6 "Federal Buildings Fund", $275,000,000, to remain
7 available until expended, to prevent, prepare for, and re-
8 spond to coronavirus, domestically or internationally: *Pro-*
9 *vided*, That the amount provided under this heading in
10 this Act may be used to reimburse the Fund for obliga-
11 tions incurred for this purpose prior to the date of the
12 enactment of this Act: *Provided further*, That such amount
13 may be transferred to, and merged with, accounts within
14 the Federal Buildings Fund in amounts necessary to cover
15 costs incurred to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally: *Provided fur-*
17 *ther*, That the Administrator of General Services shall no-
18 tify the Committees on Appropriations of the House of
19 Representatives and the Senate quarterly on the obliga-
20 tions and expenditures of the funds provided by this Act
21 by account of the Federal Buildings Fund: *Provided fur-*
22 *ther*, That funds made available to the Administrator in
23 this or any previous Act shall not be subject to section
24 3307 of title 40, United States Code, for the acquisition
25 of space necessary to prevent, prepare for, or respond to

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1 coronavirus, domestically or internationally: *Provided fur-*
2 *ther*, That no action taken by the Administrator to acquire
3 real property and interests in real property or to improve
4 real property in response to coronavirus shall be deemed
5 a Federal action or undertaking and subject to review
6 under the National Environmental Policy Act of 1969, as
7 amended (42 U.S.C. 4321 et seq.), or the National His-
8 toric Preservation Act of 1966, as amended (54 U.S.C.
9 300101 et seq.), respectively: *Provided further*, That such
10 amount is designated by the Congress as being for an
11 emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 GENERAL ACTIVITIES

15 FEDERAL CITIZEN SERVICES FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount to be deposited in the
18 "Federal Citizen Services Fund", $18,650,000, to remain
19 available until expended, to prevent, prepare for, and re-
20 spond to coronavirus, domestically or internationally: *Pro-*
21 *vided*, That such amount is designated by the Congress
22 as being for an emergency requirement pursuant to sec-
23 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985.

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1 WORKING CAPITAL FUND

2 For an additional amount for "Working Capital
3 Fund", $1,500,000, to remain available until expended,
4 to prevent, prepare for, and respond to coronavirus, do-
5 mestically or internationally: *Provided*, That such amount
6 is designated by the Congress as being for an emergency
7 requirement pursuant to section 251(b)(2)(A)(i) of the
8 Balanced Budget and Emergency Deficit Control Act of
9 1985.

10 ADMINISTRATIVE PROVISION—GENERAL SERVICES
11 ADMINISTRATION

12 SEC. 15003. Notwithstanding 41 U.S.C.
13 3304(a)(7)(B), the Administrator, when making a deter-
14 mination that use of noncompetitive procedures is nec-
15 essary for public interest in accordance with 41 U.S.C.
16 3304(a)(7)(A) in response to a public health emergency
17 declaration by the Secretary of Health and Human Serv-
18 ices under section 319 of the Public Health Service Act
19 (42 U.S.C. 247(d)), is required to notify Congress in writ-
20 ing of that determination not less than 3 days prior to
21 the award of the contract.

22 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
23 OPERATING EXPENSES

24 For an additional amount for "Operating Expenses",
25 $8,100,000, to remain available until September 30, 2021,

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1 to prevent, prepare for, and respond to coronavirus, do-
2 mestically or internationally: *Provided*, That the amount
3 provided under this heading in this Act may be used to
4 provide expenses of the Federal Records Center Program
5 for preventing, preparing for, and responding to
6 coronavirus, domestically or internationally: *Provided fur-*
7 *ther*, That such amount is designated by the Congress as
8 being for an emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 OFFICE OF PERSONNEL MANAGEMENT

12 SALARIES AND EXPENSES

13 For an additional amount for "Salaries and Ex-
14 penses", $12,100,000, to remain available until September
15 30, 2021, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally, including
17 technologies for digital case management, short-term
18 methods to allow electronic submissions of retirement ap-
19 plication packages in support of paper-based business op-
20 erations, and increased telecommunications: *Provided*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE

2 For an additional amount for "Pandemic Response
3 Accountability Committee", $80,000,000, to remain avail-
4 able until expended, to promote transparency and support
5 oversight of funds provided in this Act to prevent, prepare
6 for, and respond to coronavirus, domestically or inter-
7 nationally: *Provided*, That such amount is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 SMALL BUSINESS ADMINISTRATION
12 DISASTER LOANS PROGRAM ACCOUNT
13 (INCLUDING TRANSFERS OF FUNDS)

14 For an additional amount for the "Disaster Loans
15 Program Account", $562,000,000, to remain available
16 until expended, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally, for the cost
18 of direct loans authorized by section 7(b) of the Small
19 Business Act and for administrative expenses to carry out
20 the disaster loan program authorized by section 7(b) of
21 the Small Business Act: *Provided*, That the amounts pro-
22 vided under this heading in this Act may be transferred
23 to, and merged with, "Small Business Administration—
24 Salaries and Expenses" to prevent, prepare for, and re-
25 spond to coronavirus, domestically or internationally: *Pro-*

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1 *vided further*, That such amount is designated by the Con-
2 gress as being for an emergency requirement pursuant to
3 section 251(b)(2)(A)(i) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985.

5 GENERAL PROVISIONS—THIS TITLE

6 PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE

7 SEC. 15010. (a) In this section—
8 (1) the term "agency" has the meaning given
9 the term in section 551 of title 5, United States
10 Code;
11 (2) the term "appropriate congressional com-
12 mittees" means—
13 (A) the Committees on Appropriations of
14 the Senate and the House of Representatives;
15 (B) the Committee on Homeland Security
16 and Governmental Affairs of the Senate;
17 (C) the Committee on Oversight and Re-
18 form of the House of Representatives; and
19 (D) any other relevant congressional com-
20 mittee of jurisdiction;
21 (3) the term "Chairperson" means the Chair-
22 person of the Committee;
23 (4) the term "Council" means the Council of
24 the Inspectors General on Integrity and Efficiency

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1 established under section 11 of the Inspector Gen-
2 eral Act of 1978 (5 U.S.C. App);
3 (5) the term "Committee" means the Pandemic
4 Response Accountability Committee established
5 under subsection (b);
6 (6) the term "covered funds" means any funds,
7 including loans, that are made available in any form
8 to any non-Federal entity, not including an indi-
9 vidual, under—
10 (A) this Act;
11 (B) the Coronavirus Preparedness and Re-
12 sponse Supplemental Appropriations Act, 2020
13 (Public Law 116–123);
14 (C) the Families First Coronavirus Re-
15 sponse Act (Public Law 116–127); or
16 (D) any other Act primarily making appro-
17 priations for the Coronavirus response and re-
18 lated activities; and
19 (7) the term "Coronavirus response" means the
20 Federal Government's response to the nationwide
21 public health emergency declared by the Secretary of
22 Health and Human Services, retroactive to January
23 27, 2020, pursuant to section 319 of the Public
24 Health Service Act (42 U.S.C. 247d), as a result of

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1 confirmed cases of the novel coronavirus (COVID–
2 19) in the United States.
3 (b) There is established within the Council the Pan-
4 demic Response Accountability Committee to promote
5 transparency and conduct and support oversight of cov-
6 ered funds and the Coronavirus response to—
7 (1) prevent and detect fraud, waste, abuse, and
8 mismanagement; and
9 (2) mitigate major risks that cut across pro-
10 gram and agency boundaries.
11 (c)(1) The Chairperson of the Committee shall be se-
12 lected by the Chairperson of the Council from among In-
13 spectors General described in subparagraphs (B), (C), and
14 (D) of paragraph (2) with experience managing oversight
15 of large organizations and expenditures.
16 (2) The members of the Committee shall include—
17 (A) the Chairperson;
18 (B) the Inspectors General of the Departments
19 of Defense, Education, Health and Human Services,
20 Homeland Security, Justice, Labor, and the Treas-
21 ury;
22 (C) the Inspector General of the Small Business
23 Administration;
24 (D) the Treasury Inspector General for Tax
25 Administration; and

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1 (E) any other Inspector General, as designated
2 by the Chairperson from any agency that expends or
3 obligates covered funds or is involved in the
4 Coronavirus response.
5 (3)(A) There shall be an Executive Director and a
6 Deputy Executive Director of the Committee.
7 (B)(i) Not later than 30 days after the date of enact-
8 ment of this Act, the Executive Director of the Committee
9 shall be appointed by the Chairperson of the Council, in
10 consultation with the majority leader of the Senate, the
11 Speaker of the House of Representatives, the minority
12 leader of the Senate, and the minority leader of the House
13 of Representatives.
14 (ii) Not later than 90 days after the date of enact-
15 ment of this Act, the Deputy Executive Director of the
16 Committee shall be appointed by the Chairperson of the
17 Council, in consultation with the majority leader of the
18 Senate, the Speaker of the House of Representatives, the
19 minority leader of the Senate, the minority leader of the
20 House of Representatives, and the Executive Director of
21 the Committee.
22 (C) The Executive Director of the Committee shall—
23 (i) report directly to the Chairperson;

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1 (ii) appoint staff of the Committee, subject to
2 the approval of the Chairperson, consistent with sub-
3 section (f);
4 (iii) supervise and coordinate Committee func-
5 tions and staff; and
6 (iv) perform any other duties assigned to the
7 Executive Director by the Committee.
8 (4)(A) Members of the Committee may not receive
9 additional compensation for services performed.
10 (B) The Executive Director and Deputy Executive
11 Director of the Committee shall be compensated at the
12 rate of basic pay prescribed for level IV of the Executive
13 Schedule under section 5315 of title 5, United States
14 Code.
15 (d)(1)(A) The Committee shall conduct and coordi-
16 nate oversight of covered funds and the Coronavirus re-
17 sponse and support Inspectors General in the oversight of
18 covered funds and the Coronavirus response in order to—
19 (i) detect and prevent fraud, waste, abuse, and
20 mismanagement; and
21 (ii) identify major risks that cut across pro-
22 grams and agency boundaries.
23 (B) The functions of the Committee shall include—
24 (i) developing a strategic plan to ensure coordi-
25 nated, efficient, and effective comprehensive over-

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1 sight by the Committee and Inspectors General over
2 all aspects of covered funds and the Coronavirus re-
3 sponse;
4 (ii) auditing or reviewing covered funds, includ-
5 ing a comprehensive audit and review of charges
6 made to Federal contracts pursuant to authorities
7 provided in the Coronavirus Aid, Relief, and Eco-
8 nomic Security Act, to determine whether wasteful
9 spending, poor contract or grant management, or
10 other abuses are occurring and referring matters the
11 Committee considers appropriate for investigation to
12 the Inspector General for the agency that disbursed
13 the covered funds, including conducting randomized
14 audits to identify fraud;
15 (iii) reviewing whether the reporting of con-
16 tracts and grants using covered funds meets applica-
17 ble standards and specifies the purpose of the con-
18 tract or grant and measures of performance;
19 (iv) reviewing the economy, efficiency, and ef-
20 fectiveness in the administration of, and the detec-
21 tion of fraud, waste, abuse, and mismanagement in,
22 Coronavirus response programs and operations;
23 (v) reviewing whether competition requirements
24 applicable to contracts and grants using covered
25 funds have been satisfied;

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1 (vi) serving as a liaison to the Director of the
2 Office of Management and Budget, the Secretary of
3 the Treasury, and other officials responsible for im-
4 plementing the Coronavirus response;
5 (vii) reviewing whether there are sufficient
6 qualified acquisition, grant, and other applicable per-
7 sonnel overseeing covered funds and the Coronavirus
8 response;
9 (viii) reviewing whether personnel whose duties
10 involve the Coronavirus response or acquisitions or
11 grants made with covered funds or are otherwise re-
12 lated to the Coronavirus response receive adequate
13 training, technology support, and other resources;
14 (ix) reviewing whether there are appropriate
15 mechanisms for interagency collaboration relating to
16 the oversight of covered funds and the Coronavirus
17 response, including coordinating and collaborating to
18 the extent practicable with State and local govern-
19 ment entities;
20 (x) expeditiously reporting to the Attorney Gen-
21 eral any instance in which the Committee has rea-
22 sonable grounds to believe there has been a violation
23 of Federal criminal law; and

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1 (xi) coordinating and supporting Inspectors
2 General on matters related to oversight of covered
3 funds and the Coronavirus response.
4 (2)(A)(i) The Committee shall submit to the Presi-
5 dent and Congress, including the appropriate congres-
6 sional committees, management alerts on potential man-
7 agement, risk, and funding problems that require imme-
8 diate attention.
9 (ii) The Committee shall submit to Congress such
10 other reports or provide such periodic updates on the work
11 of the Committee as the Committee considers appropriate
12 on the use of covered funds and the Coronavirus response.
13 (B) The Committee shall submit biannual reports to
14 the President and Congress, including the appropriate
15 congressional committees, and may submit additional re-
16 ports as appropriate—
17 (i) summarizing the findings of the Committee;
18 and
19 (ii) identifying and quantifying the impact of
20 any tax expenditures or credits authorized under
21 this Act to the extent practicable.
22 (C)(i) All reports submitted under this paragraph
23 shall be made publicly available and posted on the website
24 established under subsection (g).

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1 (ii) Any portion of a report submitted under this
2 paragraph may be redacted when made publicly available,
3 if that portion would disclose information that is not sub-
4 ject to disclosure under sections 552 and 552a of title 5,
5 United States Code, or is otherwise prohibited from disclo-
6 sure by law.

7 (3)(A) The Committee shall make recommendations
8 to agencies on measures to prevent or address fraud,
9 waste, abuse and mismanagement, and to mitigate risks
10 that cut across programs and agency boundaries, relating
11 to covered funds and the Coronavirus response.

12 (B) Not later than 30 days after receipt of a rec-
13 ommendation under subparagraph (A), an agency shall
14 submit a report to the President and the appropriate con-
15 gressional committees on—

16 (i) whether the agency agrees or disagrees with
17 the recommendations; and

18 (ii) any actions the agency will take to imple-
19 ment the recommendations, which shall also be in-
20 cluded in the report required under section 2(b) of
21 the GAO–IG Act (31 U.S.C. 1105 note).

22 (e)(1) The Committee shall conduct audits and re-
23 views of programs, operations, and expenditures relating
24 to covered funds and the Coronavirus response and coordi-
25 nate on such activities with the Inspector General of the

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1 relevant agency to avoid unnecessary duplication and over-
2 lap of work.
3 (2) The Committee may—
4 (A) conduct its own independent investigations,
5 audits, and reviews relating to covered funds or the
6 Coronavirus response;
7 (B) collaborate on audits and reviews relating
8 to covered funds with any Inspector General of an
9 agency; and
10 (C) provide support to relevant agency Inspec-
11 tors General in conducting investigations, audits,
12 and reviews relating to the covered funds and
13 Coronavirus response.
14 (3)(A) In conducting and supporting investigations,
15 audits, and reviews under this subsection, the Com-
16 mittee—
17 (i) shall have the authorities provided under
18 section 6 of the Inspector General Act of 1978 (5
19 U.S.C. App.);
20 (ii) may issue subpoenas to compel the testi-
21 mony of persons who are not Federal officers or em-
22 ployees; and
23 (iii) may enforce such subpoenas in the event of
24 a refusal to obey by order of any appropriate United
25 States district court as provided for under section 6

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1 of the Inspector General Act of 1978 (5 U.S.C.
2 App).
3 (B) The Committee shall carry out the powers under
4 paragraphs (1) and (2) in accordance with section 4(b)(1)
5 of the Inspector General Act of 1978 (5 U.S.C. App.).
6 (C) Whenever information or assistance requested by
7 the Committee or an Inspector General is unreasonably
8 refused or not provided, the Committee shall immediately
9 report the circumstances to the appropriate congressional
10 committees.
11 (D) The Committee shall leverage existing informa-
12 tion technology resources within the Council, such as over-
13 sight.gov, to carry out the duties of the Committee.
14 (4)(A) The Committee may hold public hearings and
15 Committee personnel may conduct necessary inquiries.
16 (B) The head of each agency shall make all officers
17 and employees of that agency available to provide testi-
18 mony to the Committee and Committee personnel.
19 (C) The Committee may issue subpoenas to compel
20 the testimony of persons who are not Federal officers or
21 employees at such public hearings, which may be enforced
22 in the same manner as provided for subpoenas under sec-
23 tion 6 of the Inspector General Act of 1978 (5 U.S.C.
24 App.).

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1 (5) The Committee may enter into contracts to en-
2 able the Committee to discharge its duties, including con-
3 tracts and other arrangements for audits, studies, anal-
4 yses, and other services with public agencies and with pri-
5 vate persons, and make such payments as may be nec-
6 essary to carry out the duties of the Committee.
7 (6) The Committee may establish subcommittees to
8 facilitate the ability of the Committee to discharge its du-
9 ties.
10 (7) The Committee may transfer funds appropriated
11 to the Committee for expenses to support administrative
12 support services and audits, reviews, or other activities re-
13 lated to oversight by the Committee of covered funds or
14 the Coronavirus response to any Office of the Inspector
15 General or the General Services Administration.
16 (f)(1)(A)(i) Subject to subparagraph (B), the Com-
17 mittee may exercise the authorities of subsections (b)
18 through (i) of section 3161 of title 5, United States Code
19 (without regard to subsection (a) of that section) to carry
20 out the functions of the Committee under this section.
21 (ii) For purposes of exercising the authorities de-
22 scribed under clause (i), the term "Chairperson" shall be
23 substituted for the term "head of a temporary organiza-
24 tion".

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1 (iii) In exercising the authorities described in clause
2 (i), the Chairperson shall consult with members of the
3 Committee.
4 (iv) In addition to the authority provided by section
5 3161(c) of title 5, United States Code, upon the request
6 of an Inspector General, the Committee may detail, on a
7 nonreimbursable basis, any personnel of the Council to
8 that Inspector General to assist in carrying out any audit,
9 review, or investigation pertaining to the oversight of cov-
10 ered funds or the Coronavirus response.
11 (B) In exercising the employment authorities under
12 section 3161(b) of title 5, United States Code, as provided
13 under subparagraph (A) of this paragraph—
14 (i) section 3161(b)(2) of that title (relating to
15 periods of appointments) shall not apply; and
16 (ii) no period of appointment may exceed the
17 date on which the Committee terminates.
18 (C)(i) A person employed by the Committee shall ac-
19 quire competitive status for appointment to any position
20 in the competitive service for which the employee possesses
21 the required qualifications upon the completion of 2 years
22 of continuous service as an employee under this sub-
23 section.
24 (ii) No person who is first employed as described in
25 clause (i) more than 2 years after the date of enactment

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1 of this Act may acquire competitive status under clause
2 (i).
3 (2)(A) The Committee may employ annuitants cov-
4 ered by section 9902(g) of title 5, United States Code,
5 for purposes of the oversight of covered funds or the
6 Coronavirus response.
7 (B) The employment of annuitants under this para-
8 graph shall be subject to the provisions of section 9902(g)
9 of title 5, United States Code, as if the Committee was
10 the Department of Defense.
11 (3) Upon request of the Committee for information
12 or assistance from any agency or other entity of the Fed-
13 eral Government, the head of such entity shall, insofar as
14 is practicable and not in contravention of any existing law,
15 and consistent with section 6 of the Inspector General Act
16 of 1978 (5 U.S.C. App.), furnish such information or as-
17 sistance to the Committee, or an authorized designee, in-
18 cluding an Inspector General designated by the Chair-
19 person.
20 (4) Any Inspector General responsible for conducting
21 oversight related to covered funds or the Coronavirus re-
22 sponse may, consistent with the duties, responsibilities,
23 policies, and procedures of the Inspector General, provide
24 information requested by the Committee or an Inspector

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1 General on the Committee relating to the responsibilities
2 of the Committee.
3 (g)(1)(A) Not later than 30 days after the date of
4 enactment of this Act, the Committee shall establish and
5 maintain a user-friendly, public-facing website to foster
6 greater accountability and transparency in the use of cov-
7 ered funds and the Coronavirus response, which shall have
8 a uniform resource locator that is descriptive and memo-
9 rable.
10 (B) The Committee shall leverage existing informa-
11 tion technology and resources, such as oversight.gov, to
12 the greatest extent practicable to meet the requirements
13 under this section.
14 (2) The website established and maintained under
15 paragraph (1) shall be a portal or gateway to key informa-
16 tion relating to the oversight of covered funds and the
17 Coronavirus response and provide connections to other
18 Government websites with related information.
19 (3) In establishing and maintaining the website under
20 paragraph (1), the Committee shall ensure the following:
21 (A) The website shall provide materials and in-
22 formation explaining the Coronavirus response and
23 how covered funds are being used. The materials
24 shall be easy to understand and regularly updated.

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1 (i) The website shall provide accountability in-
2 formation, including findings from Inspectors Gen-
3 eral, including any progress reports, audits, inspec-
4 tions, or other reports, including reports from or
5 links to reports on the website of the Government
6 Accountability Office.
7 (ii) The website shall provide data on relevant
8 operational, economic, financial, grant, subgrant,
9 contract, and subcontract information in user-friend-
10 ly visual presentations to enhance public awareness
11 of the use of covered funds and the Coronavirus re-
12 sponse.
13 (iii) The website shall provide detailed data on
14 any Federal Government awards that expend cov-
15 ered funds, including a unique trackable identifica-
16 tion number for each project, information about the
17 process that was used to award the covered funds,
18 and for any covered funds over $150,000, a detailed
19 explanation of any associated agreement, where ap-
20 plicable.
21 (iv) The website shall include downloadable,
22 machine-readable, open format reports on covered
23 funds obligated by month to each State and congres-
24 sional district, where applicable.

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1 (v) The website shall provide a means for the
2 public to give feedback on the performance of any
3 covered funds and of the Coronavirus response, in-
4 cluding confidential feedback.
5 (vi) The website shall include detailed informa-
6 tion on Federal Government awards that expend
7 covered funds, including data elements required
8 under the Federal Funding Accountability and
9 Transparency Act of 2006 (31 U.S.C. 6101 note),
10 allowing aggregate reporting on awards below
11 $50,000, as prescribed by the Director of the Office
12 of Management and Budget.
13 (vii) The website shall provide a link to esti-
14 mates of the jobs sustained or created by this Act
15 to the extent practicable.
16 (viii) The website shall include appropriate links
17 to other government websites with information con-
18 cerning covered funds and the Coronavirus response,
19 including Federal agency and State websites.
20 (ix) The website shall include a plan from each
21 Federal agency for using covered funds.
22 (x) The website shall provide information on
23 Federal allocations of mandatory and other entitle-
24 ment programs by State, county, or other geo-

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1 graphical unit related to covered funds or the
2 Coronavirus response.
3 (xi) The website shall present the data such
4 that funds subawarded by recipients are not double
5 counted in search results, data visualizations, or
6 other reports.
7 (xii) The website shall include all recommenda-
8 tions made to agencies relating to covered funds and
9 the Coronavirus response, as well as the status of
10 each recommendation.
11 (xiii) The website shall be enhanced and up-
12 dated as necessary to carry out the purposes of this
13 section.
14 (4) The Committee may exclude posting contractual
15 or other information on the website on a case-by-case basis
16 when necessary to protect national security or to protect
17 information that is not subject to disclosure under sections
18 552 and 552a of title 5, United States Code.
19 (h)(1) Nothing in this section shall affect the inde-
20 pendent authority of an Inspector General to determine
21 whether to conduct an audit or investigation of covered
22 funds or the Coronavirus response.
23 (2) If the Committee requests that an Inspector Gen-
24 eral of an agency conduct or refrain from conducting an
25 audit or investigation and the Inspector General rejects

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1 the request in whole or in part, the Inspector General
2 shall, not later than 30 days after rejecting the request,
3 submit a report to the Committee, the head of the applica-
4 ble agency, and the appropriate congressional committees,
5 that states the reasons that the Inspector General has re-
6 jected the request in whole or in part.

7 (i) The Committee shall coordinate its oversight ac-
8 tivities with the Comptroller General of the United States
9 and State auditors.

10 (j) For the purposes of carrying out the mission of
11 the Committee under this section, there are authorized to
12 be appropriated such sums as may be necessary to carry
13 out the duties and functions of the Committee.

14 (k) The Committee shall terminate on September 30,
15 2025.

16 REPORTING ON USE OF FUNDS

17 SEC. 15011. (a) In this section—

18 (1) the terms "agency", "appropriate congres-
19 sional committees", "Committee", "covered funds",
20 and "Coronavirus response" have the meanings
21 given those terms in section 15010;

22 (2) the term "covered recipient"—

23 (A) means any entity that receives large
24 covered funds; and

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1 (B) includes any State, the District of Co-
2 lumbia, and any territory or possession of the
3 United States; and
4 (3) the term "large covered funds" means cov-
5 ered funds that amount to more than $150,000.
6 (b)(1)(A) On a monthly basis until September 30,
7 2021, each agency shall report to the Director of the Of-
8 fice of Management and Budget, the Bureau of Fiscal
9 Service in the Department of the Treasury, the Com-
10 mittee, and the appropriate congressional committees on
11 any obligation or expenditure of large covered funds, in-
12 cluding loans and awards.
13 (B) Not later than 90 days after the date of enact-
14 ment of this Act, each agency shall submit to the Com-
15 mittee a plan describing how the agency will use covered
16 funds.
17 (2) Not later than 10 days after the end of each cal-
18 endar quarter, each covered recipient shall submit to the
19 agency and the Committee a report that contains—
20 (A) the total amount of large covered funds re-
21 ceived from the agency;
22 (B) the amount of large covered funds received
23 that were expended or obligated for each project or
24 activity;

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1 (C) a detailed list of all projects or activities for
2 which large covered funds were expended or obli-
3 gated, including—
4 (i) the name of the project or activity;
5 (ii) a description of the project or activity;
6 and
7 (iii) the estimated number of jobs created
8 or retained by the project or activity, where ap-
9 plicable; and
10 (D) detailed information on any level of sub-
11 contracts or subgrants awarded by the covered re-
12 cipient or its subcontractors or subgrantees, to in-
13 clude the data elements required to comply with the
14 Federal Funding Accountability and Transparency
15 Act of 2006 (31 U.S.C. 6101 note) allowing aggre-
16 gate reporting on awards below $50,000 or to indi-
17 viduals, as prescribed by the Director of the Office
18 of Management and Budget.
19 (3) Not later than 30 days after the end of each cal-
20 endar quarter, the Committee, in consultation with the
21 agency that made large covered funds available to any cov-
22 ered recipient shall make the information in reports sub-
23 mitted under paragraph (2) publicly available by posting
24 the information on the website established under section
25 15010(g).

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1 (4)(A) Each agency, in coordination with the Com-
2 mittee and the Director of the Office of Management and
3 Budget shall provide user-friendly means for covered re-
4 cipients to meet requirements of this subsection.
5 (B) Federal agencies may use existing mechanisms
6 to ensure that information under this subsection is re-
7 ported accurately.
8 (c)(1) The Director of the Office of Management and
9 Budget, in consultation with the Secretary of the Treas-
10 ury, the Administrator of the Small Business Administra-
11 tion, and the Chairperson of the Council of Economic Ad-
12 visors, shall submit to the appropriate congressional com-
13 mittees and publicly release on the website established
14 under section 15010(g) quarterly reports that detail the
15 impact of programs funded through large covered funds
16 on employment, estimated economic growth, and other key
17 economic indicators, including information about impacted
18 industries.
19 (2)(A) The first report submitted under paragraph
20 (1) shall be submitted not later than 45 days after the
21 end of the first full quarter following the date of enact-
22 ment of this Act.
23 (B) The last report required to be submitted under
24 paragraph (1) shall apply to the quarter in which the
25 Committee terminates.

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1 TITLE VI

2 DEPARTMENT OF HOMELAND SECURITY

3 MANAGEMENT DIRECTORATE

4 OPERATIONS AND SUPPORT

5 For an additional amount for ''Operations and Sup-
6 port'', $178,300,000, to remain available until September
7 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally, which shall be
9 for the purchase of personal protective equipment and
10 sanitization materials: *Provided*, That funds provided
11 under this heading in this Act may be transferred by the
12 Secretary of Homeland Security between appropriations in
13 the Department only for the purchase of personal protec-
14 tive equipment and sanitization materials to prevent, pre-
15 pare for, and respond to coronavirus, domestically or
16 internationally: *Provided further*, That none of the funds
17 made available under this heading may be transferred pur-
18 suant to the authority in section 503 of the Department
19 of Homeland Security Appropriations Act, 2020: *Provided*
20 *further*, That the Department shall provide notice of any
21 transfer to the Committees on Appropriations of the Sen-
22 ate and the House of Representatives not later than 5
23 days after executing such transfer: *Provided further*, That
24 such amount is designated by the Congress as being for
25 an emergency requirement pursuant to section

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

3 TRANSPORTATION SECURITY ADMINISTRATION

4 OPERATIONS AND SUPPORT

5 For an additional amount for ''Operations and Sup-
6 port'', $100,000,000, to remain available until September
7 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally, which shall be
9 for cleaning and sanitization at checkpoints and other air-
10 port common areas; overtime and travel costs; and explo-
11 sive detection materials: *Provided*, That such amount is
12 designated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 UNITED STATES COAST GUARD

16 OPERATIONS AND SUPPORT

17 For an additional amount for ''Operations and Sup-
18 port'', $140,800,000, to remain available until September
19 30, 2021, to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally, which shall be
21 for mobilization of reservists and increasing the capability
22 and capacity of Coast Guard information technology sys-
23 tems and infrastructure: *Provided*, That such amount is
24 designated by the Congress as being for an emergency re-

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

3 CYBERSECURITY AND INFRASTRUCTURE SECURITY
4 AGENCY

5 OPERATIONS AND SUPPORT

6 For an additional amount for ''Operations and Sup-
7 port'', $9,100,000, to remain available until September
8 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally, which shall be
10 for support of interagency critical infrastructure coordina-
11 tion and related activities: *Provided*, That such amount
12 is designated by the Congress as being for an emergency
13 requirement pursuant to section 251(b)(2)(A)(i) of the
14 Balanced Budget and Emergency Deficit Control Act of
15 1985.

16 FEDERAL EMERGENCY MANAGEMENT AGENCY

17 OPERATIONS AND SUPPORT

18 For an additional amount for ''Operations and Sup-
19 port'', $44,987,000, to remain available until September
20 30, 2021, to prevent, prepare for, and respond to
21 coronavirus, domestically or internationally, which shall be
22 for enhancements to information technology and for facili-
23 ties support: *Provided*, That such amount is designated
24 by the Congress as being for an emergency requirement

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

3 DISASTER RELIEF FUND

4 For an additional amount for "Disaster Relief
5 Fund", $45,000,000,000, to remain available until ex-
6 pended: *Provided*, That of the amount provided under this
7 heading in this Act, $25,000,000,000 shall be for major
8 disasters declared pursuant to the Robert T. Stafford Dis-
9 aster Relief and Emergency Assistance Act (42 U.S.C.
10 5121 et seq.): *Provided further*, That of the amount pro-
11 vided under this heading in this Act, $15,000,000,000
12 may be used for all purposes authorized under such Act
13 and may be used in addition to amounts designated by
14 the Congress as being for disaster relief pursuant to sec-
15 tion 251(b)(2)(D) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985: *Provided further*, That every
17 30 days the Administrator shall provide the Committees
18 on Appropriations of the Senate and the House of Rep-
19 resentatives both projected and actual costs for funds pro-
20 vided under this heading for major disasters and any other
21 expenses: *Provided further*, That of the amounts provided
22 under this heading, $3,000,000 shall be transferred to
23 "Office of Inspector General" and shall remain available
24 until expended for oversight of activities supported by
25 funds provided under this heading: *Provided further*, That

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1 such amount is designated by the Congress as being for
2 an emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 FEDERAL ASSISTANCE

6 For an additional amount for "Federal Assistance",
7 $400,000,000, to remain available until September 30,
8 2021, to prevent, prepare for, and respond to coronavirus,
9 domestically or internationally: *Provided*, That of the
10 amount provided under this heading in this Act,
11 $100,000,000 shall be for Assistance to Firefighter
12 Grants for the purchase of personal protective equipment
13 and related supplies, including reimbursements;
14 $100,000,000 shall be for Emergency Management Per-
15 formance Grants; and $200,000,000 shall be for the
16 Emergency Food and Shelter Program: *Provided further*,
17 That such amount is designated by the Congress as being
18 for an emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 GENERAL PROVISIONS—THIS TITLE

22 SEC. 16001. Notwithstanding any other provision of
23 law, funds made available under each heading in this title,
24 except for "Federal Emergency Management Agency—

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1 Disaster Relief Fund'', shall only be used for the purposes
2 specifically described under that heading.

3 SEC. 16002. Notwithstanding any other provision of
4 law, any amounts appropriated for ''Federal Emergency
5 Management Agency—Disaster Relief Fund'' in this Act
6 are available only for the purposes for which they were
7 appropriated.

8 SEC. 16003. (a) PREMIUM PAY AUTHORITY.—If
9 services performed during fiscal year 2020 are determined
10 by the head of the agency to be primarily related to prepa-
11 ration, prevention, or response to coronavirus, any pre-
12 mium pay that is funded, either directly or through reim-
13 bursement, by the Federal Emergency Management Agen-
14 cy shall be exempted from the aggregate of basic pay and
15 premium pay calculated under section 5547(a) of title 5,
16 United States Code, and any other provision of law lim-
17 iting the aggregate amount of premium pay payable on
18 a biweekly or calendar year basis.

19 (b) OVERTIME AUTHORITY.—Any overtime that is
20 funded for such services described in subsection (a), either
21 directly or through reimbursement, by the Federal Emer-
22 gency Management Agency shall be exempted from any
23 annual limit on the amount of overtime payable in a cal-
24 endar or fiscal year.

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1 (c) APPLICABILITY OF AGGREGATE LIMITATION ON
2 PAY.—In determining whether an employee's pay exceeds
3 the applicable annual rate of basic pay payable under sec-
4 tion 5307 of title 5, United States Code, the head of an
5 Executive agency shall not include pay exempted under
6 this section.
7 (d) LIMITATION OF PAY AUTHORITY.—Pay exempted
8 from otherwise applicable limits under subsection (a) shall
9 not cause the aggregate pay earned for the calendar year
10 in which the exempted pay is earned to exceed the rate
11 of basic pay payable for a position at level II of the Execu-
12 tive Schedule under section 5313 of title 5, United States
13 Code.
14 (e) EFFECTIVE DATE.—This section shall take effect
15 as if enacted on January 1, 2020.
16 SEC. 16004. (a) Amounts provided for "Coast
17 Guard—Operations and Support" in the Consolidated Ap-
18 propriations Act, 2020 (Public Law 116–93) may be avail-
19 able for pay and benefits of Coast Guard Yard and Vessel
20 Documentation personnel, Non-Appropriated Funds per-
21 sonnel, and for Morale, Welfare and Recreation Programs.
22 (b) No amounts may be used under this section from
23 amounts that were designated by the Congress for Over-
24 seas Contingency Operations/Global War on Terrorism
25 pursuant to the Concurrent Resolution on the Budget or

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1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985.

3 SEC. 16005. (a) Notwithstanding any other provision
4 of law regarding the licensure of health-care providers, a
5 health-care professional described in subsection (b) may
6 practice the health profession or professions of the health-
7 care professional at any location in any State, the District
8 of Columbia, or Commonwealth, territory, or possession
9 of the United States, or any location designated by the
10 Secretary, regardless of where such health-care profes-
11 sional or the patient is located, so long as the practice
12 is within the scope of the authorized Federal duties of
13 such health-care professional.

14 (b) DEFINITION.—As used in this section, the term
15 "health-care professional" means an individual (other
16 than a member of the Coast Guard, a civilian employee
17 of the Coast Guard, member of the Public Health Service
18 who is assigned to the Coast Guard, or an individual with
19 whom the Secretary, pursuant to 10 U.S.C. 1091, has en-
20 tered into a personal services contract to carry out health
21 care responsibilities of the Secretary at a medical treat-
22 ment facility of the Coast Guard) who—

23 (1) is—

24 (A) an employee of the Department of
25 Homeland Security,

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1 (B) a detailee to the Department from an-
2 other Federal agency,
3 (C) a personal services contractor of the
4 Department, or
5 (D) hired under a Contract for Services;
6 (2) performs health care services as part of du-
7 ties of the individual in that capacity;
8 (3) has a current, valid, and unrestricted equiv-
9 alent license certification that is—
10 (A) issued by a State, the District of Co-
11 lumbia, or a Commonwealth, territory, or pos-
12 session of the United States; and
13 (B) for the practice of medicine, osteo-
14 pathic medicine, dentistry, nursing, emergency
15 medical services, or another health profession;
16 and
17 (4) is not affirmatively excluded from practice
18 in the licensing or certifying jurisdiction or in any
19 other jurisdiction.
20 (c) Subsection (a) shall apply during the incident pe-
21 riod of the emergency declared by the President on March
22 13, 2020, pursuant to section 501(b) of the Robert T.
23 Stafford Disaster Relief and Emergency Assistance Act
24 (42 U.S.C. 5121(b)), and to any subsequent major dec-

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1 laration under section 401 of such Act that supersedes
2 such emergency declaration.

3 SEC. 16006. The Secretary of Homeland Security,
4 under the authority granted under section 205(b) of the
5 REAL ID Act of 2005 (Public Law 109–13; 49 U.S.C.
6 30301 note) shall extend the deadline by which States are
7 required to meet the driver license and identification card
8 issuance requirements under section 202(a)(1) of such Act
9 until not earlier than September 30, 2021.

10 SEC. 16007. Section 5 of the Protecting and Securing
11 Chemical Facilities from Terrorist Attacks Act of 2014
12 (Public Law 113–254; 6 U.S.C. 621 note) is amended by
13 striking "the date that is 5 years and 3 months after the
14 effective date of this Act" and inserting "July 23, 2020":
15 *Provided*, That the amount provided by this section is des-
16 ignated by the Congress as being for an emergency re-
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

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1 TITLE VII
2 DEPARTMENT OF THE INTERIOR
3 INDIAN AFFAIRS
4 BUREAU OF INDIAN AFFAIRS
5 OPERATION OF INDIAN PROGRAMS
6 (INCLUDING TRANSFERS OF FUNDS)
7 For an additional amount for "Operation of Indian
8 Programs", $453,000,000, to remain available until Sep-
9 tember 30, 2021, to prevent, prepare for, and respond to
10 coronavirus, domestically or internationally, including, but
11 not limited to, funds for public safety and justice pro-
12 grams, executive direction to carry out deep cleaning of
13 facilities, purchase of personal protective equipment, pur-
14 chase of information technology to improve teleworking ca-
15 pability, welfare assistance and social services programs
16 (including assistance to individuals), and assistance to
17 tribal governments, including tribal governments who par-
18 ticipate in the "Small and Needy" program: *Provided*,
19 That amounts received from funds provided under this
20 heading in this Act for welfare assistance programs shall
21 not be included in the statutory maximum for welfare as-
22 sistance funds included in Public Law 116–94, the Fur-
23 ther Consolidated Appropriations Act, 2020: *Provided fur-*
24 *ther*, That assistance received from funds provided under
25 this heading in this Act shall not be included in the cal-

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1 culation of funds received by those tribal governments who
2 participate in the "Small and Needy" program: *Provided*
3 *further*, That of the amounts provided under this heading
4 in this Act, not less than $400,000,000 shall be made
5 available to meet the direct needs of tribes: *Provided fur-*
6 *ther*, That amounts provided under this heading in this
7 Act may be made available for distribution through tribal
8 priority allocations for tribal response and capacity build-
9 ing activities: *Provided further*, That funds provided under
10 this heading in this Act, if transferred to tribes and tribal
11 organizations under the Indian Self-Determination and
12 Education Assistance Act, will be transferred on a one-
13 time basis and that these non-recurring funds are not part
14 of the amount required by 25 U.S.C. § 5325: *Provided*
15 *further*, That such amount is designated by the Congress
16 as being for an emergency requirement pursuant to sec-
17 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985.

19 BUREAU OF INDIAN EDUCATION

20 OPERATION OF INDIAN EDUCATION PROGRAMS

21 For an additional amount for "Operation of Indian
22 Education Programs", $69,000,000, to remain available
23 until September 30, 2021, to prevent, prepare for, and re-
24 spond to coronavirus, domestically or internationally, in-
25 cluding, but not limited to, funding for tribal colleges and

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1 universities, salaries, transportation, and information
2 technology: *Provided*, That of the amounts provided in this
3 paragraph, not less than $20,000,000 shall be for tribal
4 colleges and universities: *Provided further*, That such
5 amount is designated by the Congress as being for an
6 emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 DEPARTMENTAL OFFICES

10 OFFICE OF THE SECRETARY

11 DEPARTMENTAL OPERATIONS

12 (INCLUDING TRANSFERS OF FUNDS)

13 For an additional amount for "Departmental Oper-
14 ations", $158,400,000, to remain available until Sep-
15 tember 30, 2021, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally, including, but
17 not limited to, funds for purchasing equipment and sup-
18 plies to disinfect and clean buildings and public areas, sup-
19 porting law enforcement and emergency management op-
20 erations, biosurveillance of wildlife and environmental per-
21 sistence studies, employee overtime and special pay ex-
22 penses, and other response, mitigation, or recovery activi-
23 ties: *Provided*, That funds appropriated under this head-
24 ing in this Act shall be used to absorb increased oper-
25 ational costs necessary to prevent, prepare for, and re-

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1 spond to coronavirus, domestically or internationally: *Pro-*
2 *vided further*, That the Secretary of the Interior may
3 transfer the funds provided under this heading in this Act
4 to any other account in the Department to prevent, pre-
5 pare for, and respond to coronavirus, domestically or
6 internationally, and may expend such funds directly or
7 through cooperative agreements: *Provided further*, That
8 the Secretary shall provide a monthly report to the Com-
9 mittees on Appropriations of the House of Representatives
10 and the Senate detailing the allocation and obligation of
11 these funds by account, beginning not later than 90 days
12 after enactment of this Act: *Provided further*, That as soon
13 as practicable after the date of enactment of this Act, the
14 Secretary shall transfer $1,000,000 to the Office of the
15 Inspector General, ''Salaries and Expenses'' account for
16 oversight activities related to the implementation of pro-
17 grams, activities or projects funded herein: *Provided fur-*
18 *ther*, That such amount is designated by the Congress as
19 being for an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 INSULAR AFFAIRS

23 ASSISTANCE TO TERRITORIES

24 For an additional amount for ''Assistance to Terri-
25 tories'', $55,000,000, to remain available until September

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1 30, 2021, to prevent, prepare for, and respond to
2 coronavirus, domestically or internationally, for general
3 technical assistance: *Provided*, That such amount is des-
4 ignated by the Congress as being for an emergency re-
5 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 ENVIRONMENTAL PROTECTION AGENCY

8 SCIENCE AND TECHNOLOGY

9 For an additional amount for "Science and Tech-
10 nology", $2,250,000, to remain available until September
11 30, 2021, to prevent, prepare for, and respond to
12 coronavirus, domestically or internationally: *Provided*,
13 That of the amount provided under this heading in this
14 Act, $750,000 shall be for necessary expenses for cleaning
15 and disinfecting equipment or facilities of, or for use by,
16 the Environmental Protection Agency, and $1,500,000
17 shall be for research on methods to reduce the risks from
18 environmental transmission of coronavirus via contami-
19 nated surfaces or materials: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

2 For an additional amount for ''Environmental Pro-
3 grams and Management'', $3,910,000, to remain available
4 until September 30, 2021, to prevent, prepare for, and re-
5 spond to coronavirus, domestically or internationally: *Pro-*
6 *vided*, That of the amount provided under this heading
7 in this Act, $2,410,000 shall be for necessary expenses
8 for cleaning and disinfecting equipment or facilities of, or
9 for use by, the Environmental Protection Agency, and
10 operational continuity of Environmental Protection Agen-
11 cy programs and related activities, and $1,500,000 shall
12 be for expediting registration and other actions related to
13 pesticides to address coronavirus: *Provided further*, That
14 such amount is designated by the Congress as being for
15 an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 BUILDINGS AND FACILITIES

19 For an additional amount for ''Buildings and Facili-
20 ties'', $300,000, to remain available until September 30,
21 2021, to prevent, prepare for, and respond to coronavirus,
22 domestically or internationally: *Provided*, That the funds
23 provided under this heading in this Act shall be for nec-
24 essary expenses for cleaning and disinfecting equipment
25 or facilities of, or for use by, the Environmental Protection

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1 Agency: *Provided further*, That such amount is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
4 et and Emergency Deficit Control Act of 1985.

5 HAZARDOUS SUBSTANCE SUPERFUND

6 For an additional amount for "Hazardous Substance
7 Superfund", $770,000, to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally: *Provided*,
10 That the funds provided under this heading in this Act
11 shall be for necessary expenses for cleaning and dis-
12 infecting equipment or facilities of, or for use by, the Envi-
13 ronmental Protection Agency: *Provided further*, That such
14 amount is designated by the Congress as being for an
15 emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 RELATED AGENCIES

19 DEPARTMENT OF AGRICULTURE

20 FOREST SERVICE

21 FOREST AND RANGELAND RESEARCH

22 For an additional amount for "Forest and Rangeland
23 Research", $3,000,000, to remain available until Sep-
24 tember 30, 2021, to prevent, prepare for, and respond to
25 coronavirus, domestically or internationally, including for

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1 the reestablishment of abandoned or failed experiments as-
2 sociated with employee restrictions due to the coronavirus
3 outbreak: *Provided*, That amounts provided under this
4 heading in this Act shall be allocated at the discretion of
5 the Chief of the Forest Service: *Provided further*, That
6 such amount is designated by the Congress as being for
7 an emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 NATIONAL FOREST SYSTEM

11 For an additional amount for ''National Forest Sys-
12 tem'', $34,000,000, to remain available until September
13 30, 2021, to prevent, prepare for, and respond to
14 coronavirus, domestically or internationally, including for
15 cleaning and disinfecting of public recreation amenities
16 and for personal protective equipment and baseline health
17 testing for first responders: *Provided*, That amounts pro-
18 vided under this heading in this Act shall be allocated at
19 the discretion of the Chief of the Forest Service: *Provided*
20 *further*, That such amount is designated by the Congress
21 as being for an emergency requirement pursuant to sec-
22 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985.

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1 CAPITAL IMPROVEMENT AND MAINTENANCE

2 For an additional amount for "Capital Improvement
3 and Maintenance", $26,800,000, to remain available until
4 September 30, 2021, to prevent, prepare for, and respond
5 to coronavirus, domestically or internationally, including
6 for janitorial services: *Provided*, That amounts provided
7 under this heading in this Act shall be allocated at the
8 discretion of the Chief of the Forest Service: *Provided fur-*
9 *ther*, That such amount is designated by the Congress as
10 being for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 WILDLAND FIRE MANAGEMENT

14 For an additional amount for "Wildland Fire Man-
15 agement", $7,000,000, to remain available until Sep-
16 tember 30, 2021, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally, including for
18 personal protective equipment and baseline health testing
19 for first responders: *Provided*, That amounts provided
20 under this heading in this Act shall be allocated at the
21 discretion of the Chief of the Forest Service: *Provided fur-*
22 *ther*, That such amount is designated by the Congress as
23 being for an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

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1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 INDIAN HEALTH SERVICE
4 INDIAN HEALTH SERVICES
5 (INCLUDING TRANSFERS OF FUNDS)
6 For an additional amount for "Indian Health Serv-
7 ices", $1,032,000,000, to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally, including for
10 public health support, electronic health record moderniza-
11 tion, telehealth and other information technology up-
12 grades, Purchased/Referred Care, Catastrophic Health
13 Emergency Fund, Urban Indian Organizations, Tribal
14 Epidemiology Centers, Community Health Representa-
15 tives, and other activities to protect the safety of patients
16 and staff: *Provided*, That of the amount provided under
17 this heading in this Act, up to $65,000,000 is for elec-
18 tronic health record stabilization and support, including
19 for planning and tribal consultation: *Provided further*,
20 That of amounts provided under this heading in this Act,
21 not less than $450,000,000 shall be distributed through
22 IHS directly operated programs and to tribes and tribal
23 organizations under the Indian Self-Determination and
24 Education Assistance Act and through contracts or grants
25 with urban Indian organizations under title V of the In-

AMERICAN OVERSIGHT

1 dian Health Care Improvement Act: *Provided further*,
2 That any amounts provided in this paragraph not allo-
3 cated pursuant to the preceding proviso shall be allocated
4 at the discretion of the Director of the Indian Health Serv-
5 ice: *Provided further*, That of the funds provided herein,
6 up to $125,000,000 may be transferred to and merged
7 with the "Indian Health Service, Indian Health Facilities"
8 appropriation at the discretion of the Director for the pur-
9 poses specified in this Act: *Provided further*, That amounts
10 provided under this heading in this Act, if transferred to
11 tribes and tribal organizations under the Indian Self-De-
12 termination and Education Assistance Act, will be trans-
13 ferred on a one-time basis and that these non-recurring
14 funds are not part of the amount required by 25 U.S.C.
15 § 5325, and that such amounts may only be used for the
16 purposes identified under this heading notwithstanding
17 any other provision of law: *Provided further*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 AGENCY FOR TOXIC SUBSTANCES AND DISEASE
2 REGISTRY
3 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC
4 HEALTH
5 For an additional amount for "Toxic Substances and
6 Environmental Public Health", $12,500,000, to remain
7 available until September 30, 2021, to prevent, prepare
8 for, and respond to coronavirus, domestically or inter-
9 nationally: *Provided*, That $7,500,000 of the funds pro-
10 vided under this heading in this Act shall be for necessary
11 expenses of the Geospatial Research, Analysis and Serv-
12 ices Program to support spatial analysis and Geographic
13 Information System mapping of infectious disease hot
14 spots, including cruise ships: *Provided further*, That
15 $5,000,000 of the funds provided under this heading in
16 this Act shall be for necessary expenses for awards to Pe-
17 diatric Environmental Health Specialty Units and state
18 health departments to provide guidance and outreach on
19 safe practices for disinfection for home, school, and
20 daycare facilities: *Provided further*, That such amount is
21 designated by the Congress as being for an emergency re-
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 OTHER RELATED AGENCIES

2 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
3 CULTURE AND ARTS DEVELOPMENT

4 PAYMENT TO THE INSTITUTE

5 For an additional amount for ''Payment to the Insti-
6 tute'', $78,000, to remain available until September 30,
7 2021, to prevent, prepare for, and respond to coronavirus,
8 domestically or internationally: *Provided*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 SMITHSONIAN INSTITUTION

14 SALARIES AND EXPENSES

15 For an additional amount for ''Salaries and Ex-
16 penses'', $7,500,000, to remain available until September
17 30, 2021, to prevent, prepare for, and respond to
18 coronavirus, domestically or internationally, including
19 funding for deep cleaning, security, information tech-
20 nology, and staff overtime: *Provided*, That such amount
21 is designated by the Congress as being for an emergency
22 requirement pursuant to section 251(b)(2)(A)(i) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985.

AMERICAN OVERSIGHT

1 JOHN F. KENNEDY CENTER FOR THE PERFORMING
2 ARTS
3 OPERATIONS AND MAINTENANCE
4 For an additional amount for "Operations and Main-
5 tenance", $25,000,000, to remain available until Sep-
6 tember 30, 2021, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including
8 funding for deep cleaning and information technology to
9 improve telework capability and for operations and main-
10 tenance requirements related to the consequences of
11 coronavirus: *Provided*, That notwithstanding the provi-
12 sions of 20 U.S.C. 76h et seq., funds provided under this
13 heading in this Act shall be made available to cover oper-
14 ating expenses required to ensure the continuity of the
15 John F. Kennedy Center for the Performing Arts and its
16 affiliates, including for employee compensation and bene-
17 fits, grants, contracts, payments for rent or utilities, fees
18 for artists or performers, information technology, and
19 other administrative expenses: *Provided further*, That no
20 later than October 31, 2020, the Board of Trustees of the
21 Center shall submit a report to the Committees on Appro-
22 priations of the House of Representatives and Senate that
23 includes a detailed explanation of the distribution of the
24 funds provided herein: *Provided further*, That such
25 amount is designated by the Congress as being for an

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

4 NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES
5 NATIONAL ENDOWMENT FOR THE ARTS
6 GRANTS AND ADMINISTRATION

7 For an additional amount for ''Grants and Adminis-
8 tration'', $75,000,000, to remain available until Sep-
9 tember 30, 2021, to prevent, prepare for, and respond to
10 coronavirus, domestically or internationally, to be distrib-
11 uted in grants: *Provided*, That such funds are available
12 under the same terms and conditions as grant funding ap-
13 propriated to this heading in Public Law 116–94: *Pro-*
14 *vided further*, That 40 percent of such funds shall be dis-
15 tributed to State arts agencies and regional arts organiza-
16 tions and 60 percent of such funds shall be for direct
17 grants: *Provided further*, That notwithstanding any other
18 provision of law, such funds may also be used by the re-
19 cipients of such grants for purposes of the general oper-
20 ations of such recipients: *Provided further*, That the
21 matching requirements under subsections (e), (g)(4)(A),
22 and (p)(3) of section 5 of the National Foundation on the
23 Arts and Humanities Act of 1965 (20 U.S.C. 954) may
24 be waived with respect to such grants: *Provided further*,
25 That such amount is designated by the Congress as being

AMERICAN OVERSIGHT

1 for an emergency requirement pursuant to section
2 251(b)(2)(A)(i) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 NATIONAL ENDOWMENT FOR THE HUMANITIES

5 GRANTS AND ADMINISTRATION

6 For an additional amount for ''Grants and Adminis-
7 tration'', $75,000,000, to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally, to be distrib-
10 uted in grants: *Provided*, That such funds are available
11 under the same terms and conditions as grant funding ap-
12 propriated to this heading in Public Law 116–94: *Pro-*
13 *vided further*, That 40 percent of such funds shall be dis-
14 tributed to state humanities councils and 60 percent of
15 such funds shall be for direct grants: *Provided further*,
16 That notwithstanding any other provision of law, such
17 funds may also be used by the recipients of such grants
18 for purposes of the general operations of such recipients:
19 *Provided further*, That the matching requirements under
20 subsection (h)(2)(A) of section 7 of the National Founda-
21 tion on the Arts and Humanities Act of 1965 may be
22 waived with respect to such grants: *Provided further*, That
23 such amount is designated by the Congress as being for
24 an emergency requirement pursuant to section

AMERICAN OVERSIGHT

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

AMERICAN OVERSIGHT

1 TITLE VIII

2 DEPARTMENT OF LABOR

3 EMPLOYMENT AND TRAINING ADMINISTRATION

4 TRAINING AND EMPLOYMENT SERVICES

5 For an additional amount for ''Training and Employ-
6 ment Services'', $345,000,000, to remain available
7 through September 30, 2022, to prevent, prepare for, and
8 respond to coronavirus, domestically or internationally, for
9 necessary expenses for the dislocated workers assistance
10 national reserve: *Provided*, That the funds provided under
11 this heading in this Act may be used to replace grant
12 funds previously obligated to the impacted areas: *Provided*
13 *further*, That such amount is designated by the Congress
14 as being for an emergency requirement pursuant to sec-
15 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
16 gency Deficit Control Act of 1985.

17 DEPARTMENTAL MANAGEMENT

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 For an additional amount for ''Departmental Man-
21 agement'', $15,000,000, to remain available through Sep-
22 tember 30, 2022, to prevent, prepare for, and respond to
23 coronavirus, including to enforce worker protection laws
24 and regulations, and to oversee and coordinate activities
25 related to division C, division D, division E, and division

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1 F of Public Law 116–127: *Provided*, That the Secretary
2 of Labor may transfer the amounts provided under this
3 heading in this Act as necessary to "Employee Benefits
4 Security Administration", "Wage and Hour Division",
5 "Occupational Safety and Health Administration", and
6 "Employment and Training Administration—Program
7 Administration" to prevent, prepare for, and respond to
8 coronavirus, including for enforcement, oversight, and co-
9 ordination activities in those accounts: *Provided further*,
10 That of the amount provided under this heading in this
11 Act, $1,000,000, to remain available until expended, shall
12 be transferred to "Office of Inspector General" for over-
13 sight of activities related to Public Law 116–127 and for
14 oversight activities supported with funds appropriated to
15 the Department of Labor to prevent, prepare for, and re-
16 spond to coronavirus: *Provided further*, That 15 days prior
17 to transferring any funds pursuant to the previous pro-
18 visos under the heading in this Act, the Secretary shall
19 provide to the Committees on Appropriations of the House
20 of Representatives and the Senate an operating plan de-
21 scribing the planned uses of each amount proposed to be
22 transferred: *Provided further*, That such amount is des-
23 ignated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 CENTERS FOR DISEASE CONTROL AND PREVENTION
4 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT
5 (INCLUDING TRANSFER OF FUNDS)
6 For an additional amount for "CDC-Wide Activities
7 and Program Support", $4,300,000,000, to remain avail-
8 able until September 30, 2024, to prevent, prepare for,
9 and respond to coronavirus, domestically or internation-
10 ally: *Provided*, That not less than $1,500,000,000 of the
11 amount provided under this heading in this Act shall be
12 for grants to or cooperative agreements with States, local-
13 ities, territories, tribes, tribal organizations, urban Indian
14 health organizations, or health service providers to tribes,
15 including to carry out surveillance, epidemiology, labora-
16 tory capacity, infection control, mitigation, communica-
17 tions, and other preparedness and response activities: *Pro-*
18 *vided further*, That every grantee that received a Public
19 Health Emergency Preparedness grant for fiscal year
20 2019 shall receive not less than 100 percent of that grant
21 level from funds provided in the first proviso under this
22 heading in this Act: *Provided further*, That of the amount
23 in the first proviso, not less than $125,000,000 shall be
24 allocated to tribes, tribal organizations, urban Indian
25 health organizations, or health service providers to tribes:

AMERICAN OVERSIGHT

1 *Provided further*, That the Director of the Centers for Dis-
2 ease Control and Prevention ("CDC") may satisfy the
3 funding thresholds outlined in the preceding two provisos
4 by making awards through other grant or cooperative
5 agreement mechanisms: *Provided further*, That of the
6 amount provided under this heading in this Act, not less
7 than $500,000,000 shall be for global disease detection
8 and emergency response: *Provided further*, That of the
9 amount provided under this heading in this Act, not less
10 than $500,000,000 shall be for public health data surveil-
11 lance and analytics infrastructure modernization: *Provided*
12 *further*, That CDC shall report to the Committees on Ap-
13 propriations of the House of Representatives and the Sen-
14 ate on the development of a public health surveillance and
15 data collection system for coronavirus within 30 days of
16 enactment of this Act: *Provided further*, That of the
17 amount provided under this heading in this Act,
18 $300,000,000 shall be transferred to and merged with
19 amounts in the Infectious Diseases Rapid Response Re-
20 serve Fund ("Reserve Fund"), established by section 231
21 of division B of Public Law 115–245: *Provided further*,
22 That the Secretary of Health and Human Services, in con-
23 sultation with the Director of the CDC, shall provide a
24 report to the Committees on Appropriations of the House
25 of Representatives and the Senate every 14 days, for one

AMERICAN OVERSIGHT

1 year from the date from any such declaration or deter-
2 mination described in the third proviso of section 231 of
3 division B of Public Law 115–245, that details commit-
4 ment and obligation information for the Reserve Fund
5 during the prior two weeks, as long as such report would
6 detail obligations in excess of $5,000,000, and upon the
7 request by such Committees: *Provided further*, That funds
8 appropriated under this heading in this Act may be used
9 for grants for the rent, lease, purchase, acquisition, con-
10 struction, alteration, or renovation of non-federally owned
11 facilities to improve preparedness and response capability
12 at the State and local level: *Provided further*, That funds
13 provided under this heading in this Act may be used for
14 purchase and insurance of official motor vehicles in for-
15 eign countries: *Provided further*, That such amount is des-
16 ignated by the Congress as being for an emergency re-
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

19 NATIONAL INSTITUTES OF HEALTH

20 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

21 For an additional amount for "National Heart, Lung,
22 and Blood Institute", $103,400,000, to remain available
23 until September 30, 2024, to prevent, prepare for, and re-
24 spond to coronavirus, domestically or internationally: *Pro-*
25 *vided*, That such amount is designated by the Congress

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as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for "National Institute of Allergy and Infectious Diseases", $706,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That not less than $156,000,000 of the amounts provided under this heading in this Act shall be provided for the study of, construction of, demolition of, renovation of, and acquisition of equipment for, vaccine and infectious diseases research facilities of or used by NIH, including the acquisition of real property: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For an additional amount for "National Institute of Biomedical Imaging and Bioengineering", $60,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or

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internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL LIBRARY OF MEDICINE

For an additional amount for "National Library of Medicine", $10,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For an additional amount for "National Center for Advancing Translational Sciences", $36,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 OFFICE OF THE DIRECTOR

2 For an additional amount for "Office of the Direc-
3 tor", $30,000,000, to remain available until September
4 30, 2024, to prevent, prepare for, and respond to
5 coronavirus, domestically or internationally: *Provided*,
6 That these funds shall be available for the Common Fund
7 established under section 402A(c)(1) of the PHS Act: *Pro-*
8 *vided further*, That such amount is designated by the Con-
9 gress as being for an emergency requirement pursuant to
10 section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
13 ADMINISTRATION

14 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

15 For an additional amount for "Heath Surveillance
16 and Program Support", $425,000,000, to remain avail-
17 able through September 30, 2021, to prevent, prepare for,
18 and respond to coronavirus, domestically or internation-
19 ally: *Provided*, That of the amount appropriated under
20 this heading in this Act, not less than $250,000,000 is
21 available for Certified Community Behavioral Health Clin-
22 ic Expansion Grant program: *Provided further*, That of the
23 amount appropriated under this heading in this Act, not
24 less than $50,000,000 shall be available for suicide pre-
25 vention programs: *Provided further*, That of the amount

AMERICAN OVERSIGHT

1 appropriated under this heading in this Act, not less than
2 $100,000,000 is available for activities authorized under
3 section 501(o) of the Public Health Service Act: *Provided*
4 *further*, That of the funding made available under this
5 heading in this Act, not less than $15,000,000 shall be
6 allocated to tribes, tribal organizations, urban Indian
7 health organizations, or health or behavioral health service
8 providers to tribes: *Provided further*, That such amount
9 is designated by the Congress as being for an emergency
10 requirement pursuant to section 251(b)(2)(A)(i) of the
11 Balanced Budget and Emergency Deficit Control Act of
12 1985.

13 CENTERS FOR MEDICARE & MEDICAID SERVICES

14 PROGRAM MANAGEMENT

15 For an additional amount for "Program Manage-
16 ment", $200,000,000, to remain available through Sep-
17 tember 30, 2023, to prevent, prepare for, and respond to
18 coronavirus, domestically and internationally: *Provided*,
19 That of the amount appropriated under this heading in
20 this Act, not less than $100,000,000 shall be available for
21 necessary expenses of the survey and certification pro-
22 gram, prioritizing nursing home facilities in localities with
23 community transmission of coronavirus: *Provided further*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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

3 ADMINISTRATION FOR CHILDREN AND FAMILIES

4 LOW INCOME HOME ENERGY ASSISTANCE

5 For an additional amount for "Low Income Home
6 Energy Assistance", $900,000,000, to remain available
7 through September 30, 2021, to prevent, prepare for, or
8 respond to coronavirus, domestically or internationally, for
9 making payments under subsection (b) of section 2602 of
10 the Low-Income Home Energy Assistance Act of 1981 (42
11 U.S.C. 8621 et seq.): *Provided*, That of the amount pro-
12 vided under this heading in this Act, $225,000,000 shall
13 be allocated as though the total appropriation for such
14 payments for fiscal year 2020 was less than
15 $1,975,000,000: *Provided further*, That section
16 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B))
17 shall not apply to funds made available under this heading
18 in this Act in fiscal year 2020: *Provided further*, That such
19 amount is designated by the Congress as being for an
20 emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 PAYMENTS TO STATES FOR THE CHILD CARE AND
2 DEVELOPMENT BLOCK GRANT

3 For an additional amount for "Payments to States
4 for the Child Care and Development Block Grant",
5 $3,500,000,000, to remain available through September
6 30, 2021, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including for
8 federal administrative expenses, which shall be used to
9 supplement, not supplant State, Territory, and Tribal gen-
10 eral revenue funds for child care assistance for low-income
11 families within the United States (including territories)
12 without regard to requirements in sections
13 658E(c)(3)(D)–(E) or 658G of the Child Care and Devel-
14 opment Block Grant Act: *Provided*, That funds provided
15 under this heading in this Act may be used to provide con-
16 tinued payments and assistance to child care providers in
17 the case of decreased enrollment or closures related to
18 coronavirus, and to assure they are able to remain open
19 or reopen as appropriate and applicable: *Provided further*,
20 That States, Territories, and Tribes are encouraged to
21 place conditions on payments to child care providers that
22 ensure that child care providers use a portion of funds
23 received to continue to pay the salaries and wages of staff:
24 *Provided further*, That the Secretary shall remind States
25 that CCDBG State plans do not need to be amended prior

AMERICAN OVERSIGHT

1 to utilizing existing authorities in the CCDBG Act for the
2 purposes provided herein: *Provided further*, That States,
3 Territories, and Tribes are authorized to use funds appro-
4 priated under this heading in this Act to provide child care
5 assistance to health care sector employees, emergency re-
6 sponders, sanitation workers, and other workers deemed
7 essential during the response to coronavirus by public offi-
8 cials, without regard to the income eligibility requirements
9 of section 658P(4) of such Act: *Provided further*, That
10 funds appropriated under this heading in this Act shall
11 be available to eligible child care providers under section
12 658P(6) of the CCDBG Act, even if such providers were
13 not receiving CCDBG assistance prior to the public health
14 emergency as a result of the coronavirus, for the purposes
15 of cleaning and sanitation, and other activities necessary
16 to maintain or resume the operation of programs: *Pro-*
17 *vided further*, That payments made under this heading in
18 this Act may be obligated in this fiscal year or the suc-
19 ceeding two fiscal years: *Provided further*, That funds ap-
20 propriated under this heading in this Act may be made
21 available to restore amounts, either directly or through re-
22 imbursement, for obligations incurred to prevent, prepare
23 for, and respond to coronavirus, domestically or inter-
24 nationally, prior to the date of enactment of this Act: *Pro-*
25 *vided further*, That such amount is designated by the Con-

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1 gress as being for an emergency requirement pursuant to
2 section 251(b)(2)(A)(i) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985.

4 CHILDREN AND FAMILIES SERVICES PROGRAMS

5 For an additional amount for "Children and Families
6 Services Programs", $1,874,000,000, to remain available
7 through September 30, 2021, to prevent, prepare for, and
8 respond to coronavirus, domestically or internationally,
9 which shall be used as follows: (1) $1,000,000,000 for car-
10 rying out activities under sections 674 through 679 of the
11 Community Services Block Grant Act, including for fed-
12 eral administrative expenses, and of which no part shall
13 be subject to section 674(b)(3) of such Act: *Provided*,
14 That to the extent Community Services Block Grant funds
15 are distributed as grant funds by a State to an eligible
16 entity as provided under such Act, and have not been ex-
17 pended by such entity, they shall remain with such entity
18 for carryover into the next two fiscal years for expenditure
19 by such entity consistent with program purpose: *Provided*
20 *further*, That for services furnished under such Act during
21 fiscal years 2020 and 2021, States may apply the last sen-
22 tence of section 673(2) of such Act by substituting "200
23 percent" for "125 percent"; (2) $750,000,000 for making
24 payments under the Head Start Act, including for Federal
25 administrative expenses, and allocated in an amount that

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1 bears the same ratio to such portion as the number of
2 enrolled children served by the agency involved bears to
3 the number of enrolled children by all Head Start agen-
4 cies: *Provided further*, That none of the funds appro-
5 priated in this paragraph shall be included in the calcula-
6 tion of the "base grant" in subsequent fiscal years, as
7 such term is defined in sections 640(a)(7)(A),
8 641A(h)(1)(B), or 645(d)(3) of the Head Start Act: *Pro-*
9 *vided further*, That funds appropriated in this paragraph
10 are not subject to the allocation requirements of section
11 640(a) of the Head Start Act: *Provided further*, That up
12 to $500,000,000 shall be available for the purpose of oper-
13 ating supplemental summer programs through non-com-
14 petitive grant supplements to existing grantees determined
15 to be most ready to operate those programs by the Office
16 of Head Start; (3) $2,000,000 for the National Domestic
17 Violence Hotline as authorized by section 303(b) of the
18 Family Violence Prevention and Services Act: *Provided*
19 *further*, That the Secretary may make such funds available
20 for providing hotline services remotely; (4) $45,000,000
21 for Family Violence Prevention and Services formula
22 grants as authorized by section 303(a) of the Family Vio-
23 lence and Prevention and Services Act with such funds
24 available to grantees without regard to matching require-
25 ments under section 306(c)(4) of such Act: *Provided fur-*

AMERICAN OVERSIGHT

1 *ther*, That the Secretary may make such funds available
2 for providing temporary housing and assistance to victims
3 of family, domestic, and dating violence; (5) $25,000,000
4 for carrying out activities under the Runaway and Home-
5 less Youth Act: *Provided further*, That such amounts shall
6 be used to supplement, not supplant, existing funds and
7 shall be available without regard to matching require-
8 ments; (6) $45,000,000 shall be used for child welfare
9 services as authorized by subpart 1 of part B of title IV
10 of the Social Security Act (other than sections 426, 427,
11 and 429 of such subpart), with such funds available to
12 grantees without regard to matching requirements under
13 section 424(a) of that Act or any applicable reductions in
14 federal financial participation under section 424(f) of that
15 Act; and (7) $7,000,000 for Federal administrative ex-
16 penses: *Provided further*, That funds appropriated under
17 this heading in this Act may be made available to restore
18 amounts, either directly or through reimbursement, for ob-
19 ligations incurred to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally, prior to the
21 date of enactment of this Act: *Provided further*, That such
22 amount is designated by the Congress as being for an
23 emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 ADMINISTRATION FOR COMMUNITY LIVING
2 AGING AND DISABILITY SERVICES PROGRAMS
3 For an additional amount for "Aging and Disability
4 Services Programs", $955,000,000, to remain available
5 until September 30, 2021, to prevent, prepare for, and re-
6 spond to coronavirus, domestically or internationally: *Pro-*
7 *vided*, That of the amount made available under this head-
8 ing in this Act to prevent, prepare for, and respond to
9 coronavirus, $820,000,000 shall be for activities author-
10 ized under the Older Americans Act of 1965 ("OAA"),
11 including $200,000,000 for supportive services under part
12 B of title III; $500,000,000 for nutrition services under
13 subparts 1 and 2 of part C of title III; $20,000,000 for
14 nutrition services under title VI; $100,000,000 for support
15 services for family caregivers under part E of title III; and
16 $20,000,000 for elder rights protection activities, includ-
17 ing the long-term ombudsman program under title VII of
18 such Act: *Provided further*, That of the amount made
19 available under this heading in this Act, $50,000,000 shall
20 be for aging and disability resource centers authorized in
21 sections 202(b) and 411 of the OAA to prevent, prepare
22 for, and respond to coronavirus: *Provided further*, That of
23 the amount made available under this heading in this Act
24 to prevent, prepare for, and respond to coronavirus,
25 $85,000,000 shall be available for centers for independent

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1 living that have received grants funded under part C of
2 chapter I of title VII of the Rehabilitation Act of 1973:
3 *Provided further*, That to facilitate State use of funds pro-
4 vided under this heading in this Act, matching require-
5 ments under sections 304(d)(1)(D) and 373(g)(2) of the
6 OAA shall not apply to funds made available under this
7 heading in this Act: *Provided further*, That the transfer
8 authority under section 308(b)(4)(A) of the OAA shall
9 apply to funds made available under this heading in this
10 Act by substituting "100 percent" for "40 percent": *Pro-*
11 *vided further*, That the State Long-Term Care Ombuds-
12 man shall have continuing direct access (or other access
13 through the use of technology) to residents of long-term
14 care facilities during any portion of the public health
15 emergency relating to coronavirus beginning on the date
16 of enactment of this Act and ending on September 30,
17 2020, to provide services described in section 712(a)(3)(B)
18 of the OAA: *Provided further*, That such amount is des-
19 ignated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

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1 OFFICE OF THE SECRETARY

2 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

3 FUND

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for ''Public Health and So-
6 cial Services Emergency Fund'', $27,014,500,000, to re-
7 main available until September 30, 2024, to prevent, pre-
8 pare for, and respond to coronavirus, domestically or
9 internationally, including the development of necessary
10 countermeasures and vaccines, prioritizing platform-based
11 technologies with U.S.-based manufacturing capabilities,
12 the purchase of vaccines, therapeutics, diagnostics, nec-
13 essary medical supplies, as well as medical surge capacity,
14 addressing blood supply chain, workforce modernization,
15 telehealth access and infrastructure, initial advanced man-
16 ufacturing, novel dispensing, enhancements to the U.S.
17 Commissioned Corps, and other preparedness and re-
18 sponse activities: *Provided*, That funds appropriated under
19 this paragraph in this Act may be used to develop and
20 demonstrate innovations and enhancements to manufac-
21 turing platforms to support such capabilities: *Provided*
22 *further*, That the Secretary of Health and Human Services
23 shall purchase vaccines developed using funds made avail-
24 able under this paragraph in this Act to respond to an
25 outbreak or pandemic related to coronavirus in quantities

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1 determined by the Secretary to be adequate to address the
2 public health need: *Provided further*, That products pur-
3 chased by the Federal government with funds made avail-
4 able under this paragraph in this Act, including vaccines,
5 therapeutics, and diagnostics, shall be purchased in ac-
6 cordance with Federal Acquisition Regulation guidance on
7 fair and reasonable pricing: *Provided further*, That the
8 Secretary may take such measures authorized under cur-
9 rent law to ensure that vaccines, therapeutics, and
10 diagnostics developed from funds provided in this Act will
11 be affordable in the commercial market: *Provided further*,
12 That in carrying out the previous proviso, the Secretary
13 shall not take actions that delay the development of such
14 products: *Provided further*, That products purchased with
15 funds appropriated under this paragraph in this Act may,
16 at the discretion of the Secretary of Health and Human
17 Services, be deposited in the Strategic National Stockpile
18 under section 319F–2 of the Public Health Service Act:
19 *Provided further*, That of the amount appropriated under
20 this paragraph in this Act, not more than
21 $16,000,000,000 shall be for the Strategic National
22 Stockpile under section 319F–2(a) of such Act: *Provided*
23 *further*, That funds appropriated under this paragraph in
24 this Act may be transferred to, and merged with, the fund
25 authorized by section 319F–4, the Covered Counter-

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1 measure Process Fund, of the Public Health Service Act:
2 *Provided further*, That of the amount appropriated under
3 this paragraph in this Act, not less than $250,000,000
4 shall be available for grants to or cooperative agreements
5 with entities that are either grantees or sub-grantees of
6 the Hospital Preparedness Program authorized in section
7 319C–2 of the Public Health Service Act or that meet
8 such other criteria as the Secretary may prescribe, with
9 such awards issued under such section or section 311 of
10 such Act: *Provided further*, That of the amount provided
11 under this paragraph in this Act, not less than
12 $3,500,000,000 shall be available to the Biomedical Ad-
13 vanced Research and Development Authority for necessary
14 expenses of manufacturing, production, and purchase, at
15 the discretion of the Secretary, of vaccines, therapeutics,
16 diagnostics, and small molecule active pharmaceutical in-
17 gredients, including the development, translation, and
18 demonstration at scale of innovations in manufacturing
19 platforms: *Provided further*, That funds in the previous
20 proviso may be used for the construction or renovation of
21 U.S.-based next generation manufacturing facilities, other
22 than facilities owned by the United States Government:
23 *Provided further*, That of the amount appropriated under
24 this paragraph in this Act, funds may be used to reim-
25 burse the Department of Veterans Affairs for expenses in-

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1 curred by the Veterans Health Administration to prevent,
2 prepare for, and respond to coronavirus, and to provide
3 medical care for such purposes to individuals not otherwise
4 eligible for care: *Provided further*, That funds used for the
5 preceding proviso shall be made available to reimburse the
6 Department of Veterans Affairs only if the Secretary of
7 Health and Human Services certifies to the Committees
8 on Appropriations of the House of Representatives and the
9 Senate that funds available for assignments under Public
10 Law 93–288, as amended, are insufficient and such funds
11 are necessary to reimburse the Department of Veterans
12 Affairs for expenses incurred to provide health care to ci-
13 vilians: *Provided further*, That the Secretary shall notify
14 the Committees on Appropriations of the House of Rep-
15 resentatives and the Senate not less than 3 days prior to
16 such certification: *Provided further*, That of the amounts
17 appropriated under this paragraph in this Act, not more
18 than $289,000,000 may be transferred as necessary to
19 other federal agencies for necessary expenses related to
20 medical care that are incurred to prevent, prepare for, and
21 respond to coronavirus for persons eligible for treatment
22 pursuant to section 322 of the Public Health Service Act,
23 as amended, as determined by the Secretary of the recipi-
24 ent agency: *Provided further*, That of the amount appro-
25 priated under this paragraph in this Act, $1,500,000 shall

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1 be available for the Secretary to enter into an agreement
2 with the National Academies of Sciences, Engineering,
3 and Medicine not later than 60 days after the date of en-
4 actment of this Act to examine, and, in a manner that
5 does not compromise national security, report on, the se-
6 curity of the United States medical product supply chain:
7 *Provided further*, That funds appropriated under this
8 paragraph in this Act may be used for grants for the con-
9 struction, alteration, or renovation of non-federally owned
10 facilities to improve preparedness and response capability
11 at the State and local level: *Provided further*, That funds
12 appropriated under this paragraph in this Act may be
13 used for the construction, alteration, or renovation of non-
14 federally owned facilities for the production of vaccines,
15 therapeutics, and diagnostics where the Secretary deter-
16 mines that such a contract is necessary to secure sufficient
17 amounts of such supplies: *Provided further*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 For an additional amount for the "Public Health and
23 Social Services Emergency Fund", $275,000,000, to re-
24 main available until September 30, 2022, to prevent, pre-
25 pare for, and respond to coronavirus, domestically or

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1 internationally: *Provided*, That $90,000,000 of the funds
2 appropriated under this paragraph shall be transferred to
3 "Health Resources and Services Administration—Ryan
4 White HIV/AIDS Program" to remain available until Sep-
5 tember 30, 2022 for modifications to existing contracts,
6 and supplements to existing grants and cooperative agree-
7 ments under parts A, B, C, D, and section 2692(a) of
8 title XXVI of the Public Health Service Act (referred to
9 as "PHS" Act) to respond to coronavirus, domestically or
10 internationally: *Provided further*, That supplements made
11 in the preceding proviso shall be awarded using a data-
12 driven methodology determined by the Secretary: *Provided*
13 *further*, That sections 2604(c), 2612(b), and 2651(c) of
14 the PHS Act shall not apply to funds under this para-
15 graph: *Provided further*, That $5,000,000 of the funds ap-
16 propriated under this paragraph shall be transferred to
17 "Health Resources and Services Administration—Health
18 Care Systems" to remain available until September 30,
19 2022, for activities under sections 1271 and 1273 of the
20 PHS Act to improve the capacity of poison control centers
21 to respond to increased calls: *Provided further*, That
22 $180,000,000 of the funds appropriated under this para-
23 graph shall be transferred to "Health Resources and Serv-
24 ices Administration—Rural Health" to remain available
25 until September 30, 2022, to carry out telehealth and

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1 rural health activities under sections 330A and 330I of
2 the PHS Act and sections 711 and 1820 of the Social
3 Security Act to prevent, prepare for, and respond to
4 coronavirus, domestically or internationally: *Provided fur-*
5 *ther*, That of the funding in the previous proviso, no less
6 than $15,000,000 shall be allocated to tribes, tribal orga-
7 nizations, urban Indian health organizations, or health
8 service providers to tribes: *Provided further*, That section
9 1820(g)(3)(A), section 1820(g)(3)(D) and section
10 1820(g)(3)(E) of such Act shall not apply to funds in the
11 preceding two provisos: *Provided further*, That funds ap-
12 propriated under this heading in this Act may be made
13 available to restore amounts, either directly or through re-
14 imbursement, for obligations incurred to prevent, prepare
15 for, and respond to coronavirus, domestically or inter-
16 nationally, prior to the date of enactment of this Act: *Pro-*
17 *vided further*, That for the purposes of any funding pro-
18 vided for fiscal year 2020 for the Health Centers Program
19 pursuant to section 330 of the PHS Act (42 U.S.C. 254b),
20 maintaining or increasing health center capacity and staff-
21 ing levels during a public health emergency related to
22 coronavirus shall be deemed a cost of prevention, diag-
23 nosis, and treatment of coronavirus: *Provided further*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.
3 For an additional amount for "Public Health and So-
4 cial Services Emergency Fund", $100,000,000,000, to re-
5 main available until expended, to prevent, prepare for, and
6 respond to coronavirus, domestically or internationally, for
7 necessary expenses to reimburse, through grants or other
8 mechanisms, eligible health care providers for health care
9 related expenses or lost revenues that are attributable to
10 coronavirus: *Provided*, That these funds may not be used
11 to reimburse expenses or losses that have been reimbursed
12 from other sources or that other sources are obligated to
13 reimburse: *Provided further*, That recipients of payments
14 under this paragraph shall submit reports and maintain
15 documentation as the Secretary determines are needed to
16 ensure compliance with conditions that are imposed by
17 this paragraph for such payments, and such reports and
18 documentation shall be in such form, with such content,
19 and in such time as the Secretary may prescribe for such
20 purpose: *Provided further*, That "eligible health care pro-
21 viders" means public entities, Medicare or Medicaid en-
22 rolled suppliers and providers, and such for-profit entities
23 and not-for-profit entities not otherwise described in this
24 proviso as the Secretary may specify, within the United
25 States (including territories), that provide diagnoses, test-

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1 ing, or care for individuals with possible or actual cases
2 of COVID–19: *Provided further*, That the Secretary of
3 Health and Human Services shall, on a rolling basis, re-
4 view applications and make payments under this para-
5 graph in this Act: *Provided further*, That funds appro-
6 priated under this paragraph in this Act shall be available
7 for building or construction of temporary structures, leas-
8 ing of properties, medical supplies and equipment includ-
9 ing personal protective equipment and testing supplies, in-
10 creased workforce and trainings, emergency operation cen-
11 ters, retrofitting facilities, and surge capacity: *Provided*
12 *further*, That, in this paragraph, the term ''payment''
13 means a pre-payment, prospective payment, or retrospec-
14 tive payment, as determined appropriate by the Secretary:
15 *Provided further*, That payments under this paragraph
16 shall be made in consideration of the most efficient pay-
17 ment systems practicable to provide emergency payment:
18 *Provided further*, That to be eligible for a payment under
19 this paragraph, an eligible health care provider shall sub-
20 mit to the Secretary of Health and Human Services an
21 application that includes a statement justifying the need
22 of the provider for the payment and the eligible health
23 care provider shall have a valid tax identification number:
24 *Provided further*, That, not later than 3 years after final
25 payments are made under this paragraph, the Office of

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1 Inspector General of the Department of Health and
2 Human Services shall transmit a final report on audit
3 findings with respect to this program to the Committees
4 on Appropriations of the House of Representatives and the
5 Senate: *Provided further*, That nothing in this section lim-
6 its the authority of the Inspector General or the Comp-
7 troller General to conduct audits of interim payments at
8 an earlier date: *Provided further*, That not later than 60
9 days after the date of enactment of this Act, the Secretary
10 of Health and Human Services shall provide a report to
11 the Committees on Appropriations of the House of Rep-
12 resentatives and the Senate on obligation of funds, includ-
13 ing obligations to such eligible health care providers sum-
14 marized by State of the payment receipt: *Provided further*,
15 That such reports shall be updated and submitted to such
16 Committees every 60 days until funds are expended: *Pro-*
17 *vided further*, That such amount is designated by the Con-
18 gress as being for an emergency requirement pursuant to
19 section 251(b)(2)(A)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985.

21 DEPARTMENT OF EDUCATION

22 EDUCATION STABILIZATION FUND

23 For an additional amount for ''Education Stabiliza-
24 tion Fund'', $30,750,000,000, to remain available through
25 September 30, 2021, to prevent, prepare for, and respond

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1 to coronavirus, domestically or internationally: *Provided*,
2 That such amount is designated by the Congress as being
3 for an emergency requirement pursuant to section
4 251(b)(2)(A)(i) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985.

6 GENERAL PROVISIONS

7 EDUCATION STABILIZATION FUND

8 SEC. 18001. (a) ALLOCATIONS.—From the amount
9 made available under this heading in this Act to carry out
10 the Education Stabilization Fund, the Secretary shall first
11 allocate—

12 (1) not more than 1/2 of 1 percent to the out-
13 lying areas on the basis of their respective needs, as
14 determined by the Secretary, in consultation with
15 the Secretary of the Interior;

16 (2) one-half of 1 percent for the Secretary of
17 Interior, in consultation with the Secretary of Edu-
18 cation, for programs operated or funded by the Bu-
19 reau of Indian Education; and

20 (3) 1 percent for grants to States with the
21 highest coronavirus burden to support activities
22 under this heading in this Act, for which the Sec-
23 retary shall issue a notice inviting applications not
24 later than 30 days of enactment of this Act and ap-

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1 prove or deny applications not later than 30 days
2 after receipt.
3 (b) RESERVATIONS.—After carrying out subsection
4 (a), the Secretary shall reserve the remaining funds made
5 available as follows:
6 (1) 9.8 percent to carry out section 18002 of
7 this title.
8 (2) 43.9 percent to carry out section 18003 of
9 this title.
10 (3) 46.3 percent to carry out section 18004 of
11 this title.
12 GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND
13 SEC. 18002. (a) GRANTS.—From funds reserved
14 under section 18001(b)(1) of this title, the Secretary shall
15 make Emergency Education Relief grants to the Governor
16 of each State with an approved application. The Secretary
17 shall issue a notice inviting applications not later than 30
18 days of enactment of this Act and shall approve or deny
19 applications not later than 30 days after receipt.
20 (b) ALLOCATIONS.—The amount of each grant under
21 subsection (a) shall be allocated by the Secretary to each
22 State as follows:
23 (1) 60 percent on the basis of their relative
24 population of individuals aged 5 through 24.

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1 (2) 40 percent on the basis of their relative
2 number of children counted under section 1124(c) of
3 the Elementary and Secondary Education Act of
4 1965 (referred to under this heading as "ESEA").
5 (c) USES OF FUNDS.—Grant funds awarded under
6 subsection (b) may be used to—
7 (1) provide emergency support through grants
8 to local educational agencies that the State edu-
9 cational agency deems have been most significantly
10 impacted by coronavirus to support the ability of
11 such local educational agencies to continue to pro-
12 vide educational services to their students and to
13 support the on-going functionality of the local edu-
14 cational agency;
15 (2) provide emergency support through grants
16 to institutions of higher education serving students
17 within the State that the Governor determines have
18 been most significantly impacted by coronavirus to
19 support the ability of such institutions to continue to
20 provide educational services and support the on-
21 going functionality of the institution; and
22 (3) provide support to any other institution of
23 higher education, local educational agency, or edu-
24 cation related entity within the State that the Gov-
25 ernor deems essential for carrying out emergency

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1 educational services to students for authorized ac-
2 tivities described in section 18003(d)(1) of this title
3 or the Higher Education Act, the provision of child
4 care and early childhood education, social and emo-
5 tional support, and the protection of education-re-
6 lated jobs.

7 (d) REALLOCATION.—Each Governor shall return to
8 the Secretary any funds received under this section that
9 the Governor does not award within one year of receiving
10 such funds and the Secretary shall reallocate such funds
11 to the remaining States in accordance with subsection (b).

12 ELEMENTARY AND SECONDARY SCHOOL EMERGENCY
13 RELIEF FUND

14 SEC. 18003. (a) GRANTS.—From funds reserved
15 under section 18001(b)(2) of this title, the Secretary shall
16 make elementary and secondary school emergency relief
17 grants to each State educational agency with an approved
18 application. The Secretary shall issue a notice inviting ap-
19 plications not later than 30 days of enactment of this Act
20 and approve or deny applications not later than 30 days
21 after receipt.

22 (b) ALLOCATIONS TO STATES.—The amount of each
23 grant under subsection (a) shall be allocated by the Sec-
24 retary to each State in the same proportion as each State

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1 received under part A of title I of the ESEA of 1965 in
2 the most recent fiscal year.
3 (c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
4 CIES.—Each State shall allocate not less than 90 percent
5 of the grant funds awarded to the State under this section
6 as subgrants to local educational agencies (including char-
7 ter schools that are local educational agencies) in the State
8 in proportion to the amount of funds such local edu-
9 cational agencies and charter schools that are local edu-
10 cational agencies received under part A of title I of the
11 ESEA of 1965 in the most recent fiscal year.
12 (d) USES OF FUNDS.—A local educational agency
13 that receives funds under this title may use the funds for
14 any of the following:
15 (1) Any activity authorized by the ESEA of
16 1965, including the Native Hawaiian Education Act
17 and the Alaska Native Educational Equity, Support,
18 and Assistance Act (20 U.S.C. 6301 et seq.), the In-
19 dividuals with Disabilities Education Act (20 U.S.C.
20 1400 et seq.) ("IDEA"), the Adult Education and
21 Family Literacy Act (20 U.S.C. 1400 et seq.), the
22 Carl D. Perkins Career and Technical Education
23 Act of 2006 (20 U.S.C. 2301 et seq.) ("the Perkins
24 Act"), or subtitle B of title VII of the McKinney-

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1 Vento Homeless Assistance Act (42 U.S.C. 11431 et
2 seq.).
3 (2) Coordination of preparedness and response
4 efforts of local educational agencies with State, local,
5 Tribal, and territorial public health departments,
6 and other relevant agencies, to improve coordinated
7 responses among such entities to prevent, prepare
8 for, and respond to coronavirus.
9 (3) Providing principals and others school lead-
10 ers with the resources necessary to address the
11 needs of their individual schools.
12 (4) Activities to address the unique needs of
13 low-income children or students, children with dis-
14 abilities, English learners, racial and ethnic minori-
15 ties, students experiencing homelessness, and foster
16 care youth, including how outreach and service deliv-
17 ery will meet the needs of each population.
18 (5) Developing and implementing procedures
19 and systems to improve the preparedness and re-
20 sponse efforts of local educational agencies.
21 (6) Training and professional development for
22 staff of the local educational agency on sanitation
23 and minimizing the spread of infectious diseases.

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1 (7) Purchasing supplies to sanitize and clean
2 the facilities of a local educational agency, including
3 buildings operated by such agency.
4 (8) Planning for and coordinating during long-
5 term closures, including for how to provide meals to
6 eligible students, how to provide technology for on-
7 line learning to all students, how to provide guidance
8 for carrying out requirements under the Individuals
9 with Disabilities Education Act (20 U.S.C. 1401 et
10 seq.) and how to ensure other educational services
11 can continue to be provided consistent with all Fed-
12 eral, State, and local requirements.
13 (9) Purchasing educational technology (includ-
14 ing hardware, software, and connectivity) for stu-
15 dents who are served by the local educational agency
16 that aids in regular and substantive educational
17 interaction between students and their classroom in-
18 structors, including low-income students and stu-
19 dents with disabilities, which may include assistive
20 technology or adaptive equipment.
21 (10) Providing mental health services and sup-
22 ports.
23 (11) Planning and implementing activities re-
24 lated to summer learning and supplemental after-
25 school programs, including providing classroom in-

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1 struction or online learning during the summer
2 months and addressing the needs of low-income stu-
3 dents, students with disabilities, English learners,
4 migrant students, students experiencing homeless-
5 ness, and children in foster care.
6 (12) Other activities that are necessary to
7 maintain the operation of and continuity of services
8 in local educational agencies and continuing to em-
9 ploy existing staff of the local educational agency.
10 (e) STATE FUNDING.—With funds not otherwise allo-
11 cated under subsection (c), a State may reserve not more
12 than 1/2 of 1 percent for administrative costs and the re-
13 mainder for emergency needs as determined by the state
14 educational agency to address issues responding to
15 coronavirus, which may be addressed through the use of
16 grants or contracts.
17 (f) REALLOCATION.—A State shall return to the Sec-
18 retary any funds received under this section that the State
19 does not award within 1 year of receiving such funds and
20 the Secretary shall reallocate such funds to the remaining
21 States in accordance with subsection (b).
22 HIGHER EDUCATION EMERGENCY RELIEF FUND
23 SEC. 18004. (a) IN GENERAL.—The Secretary shall
24 allocate funding under this section as follows:

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1 (1) 90 percent to each institution of higher edu-
2 cation to prevent, prepare for, and respond to
3 coronavirus, by apportioning it—
4 (A) 75 percent according to the relative
5 share of full-time equivalent enrollment of Fed-
6 eral Pell Grant recipients who are not exclu-
7 sively enrolled in distance education courses
8 prior to the coronavirus emergency; and
9 (B) 25 percent according to the relative
10 share of full-time equivalent enrollment of stu-
11 dents who were not Federal Pell Grant recipi-
12 ents who are not exclusively enrolled in distance
13 education courses prior to the coronavirus
14 emergency.
15 (2) 7.5 percent for additional awards under
16 parts A and B of title III, parts A and B of title
17 V, and subpart 4 of part A of title VII of the Higher
18 Education Act to address needs directly related to
19 coronavirus, that shall be in addition to awards
20 made in section 18004(a)(1) of this title, and allo-
21 cated by the Secretary proportionally to such pro-
22 grams based on the relative share of funding appro-
23 priated to such programs in the Further Consoli-
24 dated Appropriations Act, 2020 (Public Law 116–
25 94) and which may be used to defray expenses (in-

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1 cluding lost revenue, reimbursement for expenses al-
2 ready incurred, technology costs associated with a
3 transition to distance education, faculty and staff
4 trainings, payroll) incurred by institutions of higher
5 education and for grants to students for any compo-
6 nent of the student's cost of attendance (as defined
7 under section 472 of the Higher Education Act), in-
8 cluding food, housing, course materials, technology,
9 health care, and child care.
10 (3) 2.5 percent for part B of title VII of the
11 Higher Education Act for institutions of higher edu-
12 cation that the Secretary determines have the great-
13 est unmet needs related to coronavirus, which may
14 be used to defray expenses (including lost revenue,
15 reimbursement for expenses already incurred, tech-
16 nology costs associated with a transition to distance
17 education, faculty and staff trainings, payroll) in-
18 curred by institutions of higher education and for
19 grants to students for any component of the stu-
20 dent's cost of attendance (as defined under section
21 472 of the Higher Education Act), including food,
22 housing, course materials, technology, health care,
23 and child care.
24 (b) DISTRIBUTION.—The funds made available to
25 each institution under subsection (a)(1) shall be distrib-

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1 uted by the Secretary using the same systems as the Sec-
2 retary otherwise distributes funding to each institution
3 under title IV of the Higher Education Act of 1965 (20
4 U.S.C. 1001 et seq.).

5 (c) USES OF FUNDS.—Except as otherwise specified
6 in subsection (a), an institution of higher education receiv-
7 ing funds under this section may use the funds received
8 to cover any costs associated with significant changes to
9 the delivery of instruction due to the coronavirus, so long
10 as such costs do not include payment to contractors for
11 the provision of pre-enrollment recruitment activities; en-
12 dowments; or capital outlays associated with facilities re-
13 lated to athletics, sectarian instruction, or religious wor-
14 ship. Institutions of higher education shall use no less
15 than 50 percent of such funds to provide emergency finan-
16 cial aid grants to students for expenses related to the dis-
17 ruption of campus operations due to coronavirus (includ-
18 ing eligible expenses under a student's cost of attendance,
19 such as food, housing, course materials, technology, health
20 care, and child care).

21 (d) SPECIAL PROVISIONS.—(1) In awarding grants
22 under section 18004(a)(3) of this title, the Secretary shall
23 give priority to any institution of higher education that
24 is not otherwise eligible for funding under paragraphs (1)
25 and (2) of section 18004(a) of this title of at least

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1 $500,000 and demonstrates significant unmet needs re-
2 lated to expenses associated with coronavirus.
3 (2) A Historically Black College and University or a
4 Minority Serving Institution may use prior awards pro-
5 vided under titles III, V, and VII of the Higher Education
6 Act to prevent, prepare for, and respond to coronavirus.
7 (e) REPORT.—An institution receiving funds under
8 this section shall submit a report to the Secretary, at such
9 time and in such manner as the Secretary may require,
10 that describes the use of funds provided under this section.
11 ASSISTANCE TO NON-PUBLIC SCHOOLS
12 SEC. 18005. (a) IN GENERAL.—A local educational
13 agency receiving funds under sections 18002 or 18003 of
14 this title shall provide equitable services in the same man-
15 ner as provided under section 1117 of the ESEA of 1965
16 to students and teachers in non-public schools, as deter-
17 mined in consultation with representatives of non-public
18 schools.
19 (b) PUBLIC CONTROL OF FUNDS.—The control of
20 funds for the services and assistance provided to a non-
21 public school under subsection (a), and title to materials,
22 equipment, and property purchased with such funds, shall
23 be in a public agency, and a public agency shall administer
24 such funds, materials, equipment, and property and shall

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1 provide such services (or may contract for the provision
2 of such services with a public or private entity).

3 CONTINUED PAYMENT TO EMPLOYEES

4 SEC. 18006. A local educational agency, State, insti-
5 tution of higher education, or other entity that receives
6 funds under "Education Stabilization Fund", shall to the
7 greatest extent practicable, continue to pay its employees
8 and contractors during the period of any disruptions or
9 closures related to coronavirus.

10 DEFINITIONS

11 SEC. 18007. Except as otherwise provided in sections
12 18001–18006 of this title, as used in such sections—

13 (1) the terms "elementary education" and "sec-
14 ondary education" have the meaning given such
15 terms under State law;

16 (2) the term "institution of higher education"
17 has the meaning given such term in title I of the
18 Higher Education Act of 1965 (20 U.S.C. 1001 et
19 seq.);

20 (3) the term "Secretary" means the Secretary
21 of Education;

22 (4) the term "State" means each of the 50
23 States, the District of Columbia, and the Common-
24 wealth of Puerto Rico;

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1 (5) the term "cost of attendance" has the
2 meaning given such term in section 472 of the High-
3 er Education Act of 1965.
4 (6) the term "Non-public school" means a non-
5 public elementary and secondary school that (A) is
6 accredited, licensed, or otherwise operates in accord-
7 ance with State law; and (B) was in existence prior
8 to the date of the qualifying emergency for which
9 grants are awarded under this section;
10 (7) the term "public school" means a public ele-
11 mentary or secondary school; and
12 (8) any other term used that is defined in sec-
13 tion 8101 of the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C. 7801) shall have the
15 meaning given the term in such section.
16 MAINTENANCE OF EFFORT
17 SEC. 18008. (a) A State's application for funds to
18 carry out sections 18002 or 18003 of this title shall in-
19 clude assurances that the State will maintain support for
20 elementary and secondary education, and State support
21 for higher education (which shall include State funding to
22 institutions of higher education and state need-based fi-
23 nancial aid, and shall not include support for capital
24 projects or for research and development or tuition and
25 fees paid by students) in fiscal years 2020 and 2021 at

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1 least at the levels of such support that is the average of
2 such State's support for elementary and secondary edu-
3 cation and for higher education provided in the 3 fiscal
4 years preceding the date of enactment of this Act.
5 (b) The secretary may waive the requirement in sub-
6 section (a) for the purpose of relieving fiscal burdens on
7 States that have experienced a precipitous decline in fi-
8 nancial resources.

9 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

10 For an additional amount for "Safe Schools and Citi-
11 zenship Education", $100,000,000, to remain available
12 through September 30, 2021, to prevent, prepare for, and
13 respond to coronavirus, domestically or internationally, to
14 supplement funds otherwise available for "Project
15 SERV", including to help elementary, secondary and post-
16 secondary schools clean and disinfect affected schools, and
17 assist in counseling and distance learning and associated
18 costs: *Provided*, That such amount is designated by the
19 Congress as being for an emergency requirement pursuant
20 to section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 GALLAUDET UNIVERSITY

23 For an additional amount for "Gallaudet University",
24 $7,000,000, to remain available through September 30,
25 2021, to prevent, prepare for, and respond to coronavirus,

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1 domestically or internationally, including to help defray
2 the expenses directly caused by coronavirus and to enable
3 grants to students for expenses directly related to
4 coronavirus and the disruption of university operations:
5 *Provided*, That such amount is designated by the Congress
6 as being for an emergency requirement pursuant to sec-
7 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
8 gency Deficit Control Act of 1985.

9 STUDENT AID ADMINISTRATION

10 For an additional amount for "Student Aid Adminis-
11 tration", $40,000,000, to remain available through Sep-
12 tember 30, 2021, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally, for carrying
14 out part D of title I, and subparts 1, 3, 9 and 10 of part
15 A, and parts B, C, D, and E of title IV of the HEA, and
16 subpart 1 of part A of title VII of the Public Health Serv-
17 ice Act: *Provided*, That such amount is designated by the
18 Congress as being for an emergency requirement pursuant
19 to section 251(b)(2)(A)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985.

21 HOWARD UNIVERSITY

22 For an additional amount for "Howard University",
23 $13,000,000, to remain available through September 30,
24 2021, to prevent, prepare for, and respond to coronavirus,
25 domestically or internationally, including to help defray

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1 the expenses directly caused by coronavirus and to enable
2 grants to students for expenses directly related to
3 coronavirus and the disruption of university operations:
4 *Provided*, That such amount is designated by the Congress
5 as being for an emergency requirement pursuant to sec-
6 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985.

8 DEPARTMENTAL MANAGEMENT

9 PROGRAM ADMINISTRATION

10 For an additional amount for "Program Administra-
11 tion", $8,000,000, to remain available through September
12 30, 2021 to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 OFFICE OF THE INSPECTOR GENERAL

19 For an additional amount for "Office of the Inspector
20 General", $7,000,000, to remain available through Sep-
21 tember 30, 2022, to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally, including for
23 salaries and expenses necessary for oversight and audit
24 of programs, grants, and projects funded in this Act to
25 respond to coronavirus: *Provided*, That such amount is

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1 designated by the Congress as being for an emergency re-
2 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985.

4 CORPORATION FOR PUBLIC BROADCASTING

5 For an additional amount for "Corporation for Public
6 Broadcasting", $75,000,000, to remain available through
7 September 30, 2021, to prevent, prepare for, and respond
8 to coronavirus, including for fiscal stabilization grants to
9 public telecommunications entities, as defined by 47
10 U.S.C. 397(12), with no deduction for administrative or
11 other costs of the Corporation, to maintain programming
12 and services and preserve small and rural stations threat-
13 ened by declines in non-Federal revenues: *Provided*, That
14 such amount is designated by the Congress as being for
15 an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

19 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS
20 AND ADMINISTRATION

21 For an additional amount for "Institute of Museum
22 and Library Services", $50,000,000, to remain available
23 until September 30, 2021, to prevent, prepare for, and re-
24 spond to coronavirus, including grants to States, terri-
25 tories and tribes to expand digital network access, pur-

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1 chase internet accessible devices, and provide technical
2 support services: *Provided*, That any matching funds re-
3 quirements for States, tribes, libraries, and museums are
4 waived for grants provided with funds made available
5 under this heading in this Act: *Provided further*, That such
6 amount is designated by the Congress as being for an
7 emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 RAILROAD RETIREMENT BOARD

11 LIMITATION ON ADMINISTRATION

12 For an additional amount for the "Railroad Retire-
13 ment Board", $5,000,000, to remain available until Sep-
14 tember 30, 2021, to prevent, prepare for, and respond to
15 coronavirus, including the purchase of information tech-
16 nology equipment to improve the mobility of the workforce
17 and provide for additional hiring or overtime hours as
18 needed to administer the Railroad Unemployment Insur-
19 ance Act: *Provided*, That such amount is designated by
20 the Congress as being for an emergency requirement pur-
21 suant to section 251(b)(2)(A)(i) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985.

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1 SOCIAL SECURITY ADMINISTRATION

2 LIMITATION ON ADMINISTRATIVE EXPENSES

3 For an additional amount for "Limitation on Admin-
4 istrative Expenses", $300,000,000, to remain available
5 through September 30, 2021 to prevent, prepare for, and
6 respond to coronavirus, domestically or internationally, in-
7 cluding paying the salaries and benefits of all employees
8 affected as a result of office closures, telework, phone and
9 communication services for employees, overtime costs, and
10 supplies, and for resources necessary for processing dis-
11 ability and retirement workloads and backlogs: *Provided*,
12 That such amount is designated by the Congress as being
13 for an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 GENERAL PROVISIONS—THIS TITLE

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 18108. Funds appropriated by this title may be
19 used by the Secretary of the Department of Health and
20 Human Services to appoint, without regard to the provi-
21 sions of sections 3309 through 3319 of title 5 of the
22 United States Code, candidates needed for positions to
23 perform critical work relating to coronavirus for which—
24 (1) public notice has been given; and

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1 (2) the Secretary of Health and Human Serv-
2 ices has determined that such a public health threat
3 exists.

4 SEC. 18109. Funds made available by this title may
5 be used to enter into contracts with individuals for the
6 provision of personal services (as described in section 104
7 of part 37 of title 48, Code of Federal Regulations (48
8 CFR 37.104)) to support the prevention of, preparation
9 for, or response to coronavirus, domestically and inter-
10 nationally, subject to prior notification to the Committees
11 on Appropriations of the House of Representatives and the
12 Senate: *Provided*, That such individuals may not be
13 deemed employees of the United States for the purpose
14 of any law administered by the Office of Personnel Man-
15 agement: *Provided further*, That the authority made avail-
16 able pursuant to this section shall expire on September
17 30, 2024.

18 SEC. 18110. (a) If services performed by an employee
19 during fiscal year 2020 are determined by the head of the
20 agency to be primarily related to preparation, prevention,
21 or response to coronavirus, any premium pay for such
22 services shall be disregarded in calculating the aggregate
23 of such employee's basic pay and premium pay for pur-
24 poses of a limitation under section 5547(a) of title 5,
25 United States Code, or under any other provision of law,

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1 whether such employee's pay is paid on a biweekly or cal-
2 endar year basis.
3 (b) Any overtime pay for such services shall be dis-
4 regarded in calculating any annual limit on the amount
5 of overtime pay payable in a calendar or fiscal year.
6 (c) With regard to such services, any pay that is dis-
7 regarded under either subsection (a) or (b) shall be dis-
8 regarded in calculating such employee's aggregate pay for
9 purposes of the limitation in section 5307 of such title 5.
10 (d)(1) Pay that is disregarded under subsection (a)
11 or (b) shall not cause the aggregate of the employee's basic
12 pay and premium pay for the applicable calendar year to
13 exceed the rate of basic pay payable for a position at level
14 II of the Executive Schedule under section 5313 of title
15 5, United States Code, as in effect at the end of such cal-
16 endar year.
17 (2) For purposes of applying this subsection to an
18 employee who would otherwise be subject to the premium
19 pay limits established under section 5547 of title 5, United
20 States Code, "premium pay" means the premium pay paid
21 under the provisions of law cited in section 5547(a).
22 (3) For purposes of applying this subsection to an
23 employee under a premium pay limit established under an
24 authority other than section 5547 of title 5, United States
25 Code, the agency responsible for administering such limit

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1 shall determine what payments are considered premium
2 pay.
3 (e) This section shall take effect as if enacted on Feb-
4 ruary 2, 2020.
5 (f) If application of this section results in the pay-
6 ment of additional premium pay to a covered employee of
7 a type that is normally creditable as basic pay for retire-
8 ment or any other purpose, that additional pay shall not—
9 (1) be considered to be basic pay of the covered
10 employee for any purpose; or
11 (2) be used in computing a lump-sum payment
12 to the covered employee for accumulated and ac-
13 crued annual leave under section 5551 or section
14 5552 of title 5, United States Code.
15 SEC. 18111. Funds appropriated by this title to the
16 heading "Department of Health and Human Services"
17 may be transferred to, and merged with, other appropria-
18 tion accounts under the headings "Centers for Disease
19 Control and Prevention", "Public Health and Social Serv-
20 ices Emergency Fund", "Administration for Children and
21 Families", "Administration for Community Living", and
22 "National Institutes of Health" to prevent, prepare for,
23 and respond to coronavirus following consultation with the
24 Office of Management and Budget: *Provided*, That the
25 Committees on Appropriations of the House of Represent-

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1 atives and the Senate shall be notified 10 days in advance
2 of any such transfer: *Provided further*, That, upon a deter-
3 mination that all or part of the funds transferred from
4 an appropriation by this title are not necessary, such
5 amounts may be transferred back to that appropriation:
6 *Provided further*, That none of the funds made available
7 by this title may be transferred pursuant to the authority
8 in section 205 of division A of Public Law 116–94 or sec-
9 tion 241(a) of the PHS Act.

10 SEC. 18112. Not later than 30 days after the date
11 of enactment of this Act, the Secretary of Health and
12 Human Services shall provide a detailed spend plan of an-
13 ticipated uses of funds made available to the Department
14 of Health and Human Services in this Act, including esti-
15 mated personnel and administrative costs, to the Commit-
16 tees on Appropriations of the House of Representatives
17 and the Senate: *Provided*, That such plans shall be up-
18 dated and submitted to such Committees every 60 days
19 until September 30, 2024: *Provided further*, That the
20 spend plans shall be accompanied by a listing of each con-
21 tract obligation incurred that exceeds $5,000,000 which
22 has not previously been reported, including the amount of
23 each such obligation.

24 SEC. 18113. Of the funds appropriated by this title
25 under the heading "Public Health and Social Services

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1 Emergency Fund'', up to $4,000,000 shall be transferred
2 to, and merged with, funds made available under the head-
3 ing ''Office of the Secretary, Office of Inspector General'',
4 and shall remain available until expended, for oversight
5 of activities supported with funds appropriated to the De-
6 partment of Health and Human Services to prevent, pre-
7 pare for, and respond to coronavirus, domestically or
8 internationally: *Provided*, That the Inspector General of
9 the Department of Health and Human Services shall con-
10 sult with the Committees on Appropriations of the House
11 of Representatives and the Senate prior to obligating such
12 funds: *Provided further*, That the transfer authority pro-
13 vided by this section is in addition to any other transfer
14 authority provided by law.

15 SEC. 18114. (a) Funds appropriated in title III of
16 the Coronavirus Preparedness and Response Supple-
17 mental Appropriations Act, 2020 (Public Law 116–123)
18 shall be paid to the ''Department of Homeland Security—
19 Countering Weapons of Mass Destruction Office—Federal
20 Assistance''account for costs incurred, including to reim-
21 burse costs incurred prior to the enactment of this Act,
22 under other transaction authority and related to screening
23 for coronavirus, domestically or internationally.

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1 (b) The term coronavirus has the meaning given the
2 term in section 506 of the Coronavirus Preparedness and
3 Response Supplemental Appropriations Act, 2020.
4 (c) The amounts repurposed in this section that were
5 previously designated by the Congress as an emergency
6 requirement pursuant to the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985 are designated by the
8 Congress as an emergency requirement pursuant to sec-
9 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.
11 SEC. 18115. (a) IN GENERAL.—Every laboratory
12 that performs or analyzes a test that is intended to detect
13 SARS–CoV–2 or to diagnose a possible case of COVID–
14 19 shall report the results from each such test, to the Sec-
15 retary of Health and Human Services in such form and
16 manner, and at such timing and frequency, as the Sec-
17 retary may prescribe until the end of the Secretary's Pub-
18 lic Health Emergency declaration with respect to COVID–
19 19 or any extension of such declaration.
20 (b) LABORATORIES COVERED.—The Secretary may
21 prescribe which laboratories must submit reports pursuant
22 to this section.
23 (c) IMPLEMENTATION.—The Secretary may make
24 prescriptions under this section by regulation, including
25 by interim final rule, or by guidance, and may issue such

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1 regulations or guidance without regard to the procedures
2 otherwise required by section 553 of title 5, United States
3 Code.
4 (d) REPEALER.—Section 1702 of division A of the
5 Families First Coronavirus Response Act is repealed.

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1 TITLE IX

2 LEGISLATIVE BRANCH

3 SENATE

4 CONTINGENT EXPENSES OF THE SENATE

5 SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

6 For an additional amount for "Sergeant at Arms and
7 Doorkeeper of the Senate", $1,000,000, to remain avail-
8 able until expended, to prevent, prepare for, and respond
9 to coronavirus, domestically or internationally: *Provided*,
10 That such amount is designated by the Congress as being
11 for an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 MISCELLANEOUS ITEMS

15 For an additional amount for "Miscellaneous Items",
16 $9,000,000, to remain available until expended, to pre-
17 vent, prepare for, and respond to coronavirus, domestically
18 or internationally, subject to approval by the Committee
19 on Appropriations of the Senate and the Senate Com-
20 mittee on Rules and Administration: *Provided*, That such
21 amount is designated by the Congress as being for an
22 emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 HOUSE OF REPRESENTATIVES

2 SALARIES AND EXPENSES

3 For an additional amount for "Salaries and Ex-
4 penses", $25,000,000, to remain available until September
5 30, 2021, except that $5,000,000 shall remain available
6 until expended, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, to be allo-
8 cated in accordance with a spend plan submitted to the
9 Committee on Appropriations of the House of Representa-
10 tives by the Chief Administrative Officer and approved by
11 such Committee: *Provided*, That such amount is des-
12 ignated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 JOINT ITEMS

16 OFFICE OF THE ATTENDING PHYSICIAN

17 For an additional amount for "Office of the Attend-
18 ing Physician", $400,000, to remain available until ex-
19 pended, to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally: *Provided*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 CAPITOL POLICE

2 SALARIES

3 For an additional amount for "Salaries",
4 $12,000,000, to remain available until September 30,
5 2021, to prevent, prepare for, and respond to coronavirus,
6 domestically or internationally: *Provided*, That the Capitol
7 Police may transfer amounts appropriated under this
8 heading in this Act to "General Expenses" without the
9 approval requirement of 2 U.S.C. 1907(a): *Provided fur-*
10 *ther*, That such amount is designated by the Congress as
11 being for an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 ARCHITECT OF THE CAPITOL

15 CAPITAL CONSTRUCTION AND OPERATIONS

16 For an additional amount for "Capital Construction
17 and Operations", $25,000,000, to remain available until
18 September 30, 2021, to prevent, prepare for, and respond
19 to coronavirus, domestically or internationally, including
20 to purchase and distribute cleaning and sanitation prod-
21 ucts throughout all facilities and grounds under the care
22 of the Architect of the Capitol, wherever located, and any
23 related services and operational costs: *Provided*, That the
24 Architect of the Capitol shall provide a report within 30
25 days enactment of this Act, and every 30 days thereafter,

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1 to the Committees on Appropriations of the Senate and
2 House of Representatives, the Senate Committee on Rules
3 and Administration, and the Committee on House Admin-
4 istration on expenditure of funds from amounts appro-
5 priated under this heading in this Act: *Provided further*,
6 That this amount shall be in addition to any other funds
7 available for such purposes in appropriations Acts for the
8 legislative branch: *Provided further*, That such amount is
9 designated by the Congress as being for an emergency re-
10 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 LIBRARY OF CONGRESS

13 SALARIES AND EXPENSES

14 For an additional amount for ''Salaries and Ex-
15 penses'', $700,000, to remain available until September
16 30, 2020, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally, to be made
18 available to the Little Scholars Child Development Center,
19 subject to approval by the Committees on Appropriations
20 of the Senate and House of Representatives, the Senate
21 Committee on Rules and Administration, and the Com-
22 mittee on House Administration: *Provided*, That such
23 amount is designated by the Congress as being for an
24 emergency requirement pursuant to section

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

3 GOVERNMENT ACCOUNTABILITY OFFICE

4 SALARIES AND EXPENSES

5 For an additional amount for "Salaries and Ex-
6 penses", $20,000,000, to remain available until expended,
7 to prevent, prepare for, and respond to coronavirus, do-
8 mestically or internationally, for audits and investigations
9 and for reimbursement of the Tiny Findings Child Devel-
10 opment Center for salaries for employees, as authorized
11 by this Act: *Provided*, That not later than 90 days after
12 the date of enactment of this Act, the Government Ac-
13 countability Office shall submit to the Committees on Ap-
14 propriations of the House of Representatives and the Sen-
15 ate a spend plan specifying funding estimates and a
16 timeline for such audits and investigations: *Provided fur-*
17 *ther*, That $600,000 shall be made available to the Tiny
18 Findings Child Development Center, subject to approval
19 by the Committees on Appropriations of the Senate and
20 House of Representatives, the Senate Committee on Rules
21 and Administration, and the Committee on House Admin-
22 istration: *Provided further*, That such amount is des-
23 ignated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

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1 GENERAL PROVISIONS—THIS TITLE

2 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
3 AND EXPENSES OF SENATE EMPLOYEE CHILD CARE
4 CENTER

5 SEC. 19001. The Secretary of the Senate shall reim-
6 burse the Senate Employee Child Care Center for per-
7 sonnel costs incurred starting on April 1, 2020, for em-
8 ployees of such Center who have been ordered to cease
9 working due to measures taken in the Capitol complex to
10 combat coronavirus, not to exceed $84,000 per month,
11 from amounts in the appropriations account "Miscella-
12 neous Items" within the contingent fund of the Senate.

13 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
14 AND EXPENSES OF HOUSE OF REPRESENTATIVES
15 CHILD CARE CENTER

16 SEC. 19002. (a) AUTHORIZING USE OF REVOLVING
17 FUND OR APPROPRIATED FUNDS.—Section 312(d)(3)(A)
18 of the Legislative Branch Appropriations Act, 1992 (2
19 U.S.C. 2062(d)(3)(A)) is amended—

20 (1) in subparagraph (A), by striking the period
21 at the end and inserting the following: ", and, at the
22 option of the Chief Administrative Officer during an
23 emergency situation, the payment of the salary of
24 other employees of the Center."; and

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

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1 "(C) During an emergency situation, the
2 payment of such other expenses for activities
3 carried out under this section as the Chief Ad-
4 ministrative Officer determines appropriate.".
5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall apply with respect to fiscal year 2020
7 and each succeeding fiscal year.
8 PAYMENTS TO ENSURE CONTINUING AVAILABILITY OF
9 GOODS AND SERVICES DURING THE CORONAVIRUS
10 EMERGENCY
11 SEC. 19003. (a) AUTHORIZATION TO MAKE PAY-
12 MENTS.—Notwithstanding any other provision of law and
13 subject to subsection (b), during an emergency situation,
14 the Chief Administrative Officer of the House of Rep-
15 resentatives may make payments under contracts with
16 vendors providing goods and services to the House in
17 amounts and under terms and conditions other than those
18 provided under the contract in order to ensure that those
19 goods and services remain available to the House through-
20 out the duration of the emergency.
21 (b) CONDITIONS.—
22 (1) APPROVAL REQUIRED.—The Chief Adminis-
23 trative Officer may not make payments under the
24 authority of subsection (a) without the approval of
25 the Committee on House Administration of the
26 House of Representatives.

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1 (2) AVAILABILITY OF APPROPRIATIONS.—The
2 authority of the Chief Administrative Officer to
3 make payments under the authority of subsection
4 (a) is subject to the availability of appropriations to
5 make such payments.
6 (c) APPLICABILITY.—This section shall apply with re-
7 spect to fiscal year 2020 and each succeeding fiscal year.
8 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
9 AND EXPENSES OF LITTLE SCHOLARS CHILD DEVEL-
10 OPMENT CENTER
11 SEC. 19004. The Library of Congress shall reimburse
12 Little Scholars Child Development Center for salaries for
13 employees incurred from April 1, 2020, to September 30,
14 2020, for employees of such Center who have been ordered
15 to cease working due to measures taken in the Capitol
16 complex to combat coronavirus, not to exceed $113,000
17 per month, from amounts in the appropriations account
18 "Library of Congress—Salaries and Expenses".
19 AUTHORIZING PAYMENTS UNDER SERVICE CONTRACTS
20 DURING THE CORONAVIRUS EMERGENCY
21 SEC. 19005. (a) AUTHORIZING PAYMENTS.—Not-
22 withstanding section 3324(a) of title 31, United States
23 Code, or any other provision of law and subject to sub-
24 section (b), if the employees of a contractor with a service
25 contract with the Architect of the Capitol are furloughed
26 or otherwise unable to work during closures, stop work

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1 orders, or reductions in service arising from or related to
2 the impacts of coronavirus, the Architect of the Capitol
3 may continue to make the payments provided for under
4 the contract for the weekly salaries and benefits of such
5 employees for not more than 16 weeks.

6 (b) AVAILABILITY OF APPROPRIATIONS.—The au-
7 thority of the Architect of the Capitol to make payments
8 under the authority of subsection (a) is subject to the
9 availability of appropriations to make such payments.

10 (c) REGULATIONS.—The Architect of the Capitol
11 shall promulgate such regulations as may be necessary to
12 carry out this section.

13 MASS MAILINGS AS FRANKED MAIL

14 SEC. 19006. (a) WAIVER.—Section 3210(a)(6)(D) of
15 title 39, United States Code, is amended by striking the
16 period at the end of the first sentence and inserting the
17 following: ", and in the case of the Commission, to waive
18 this paragraph in the case of mailings sent in response
19 to or to address threats to life safety.".

20 (b) EFFECTIVE DATE.—The amendments made by
21 this subsection shall apply with respect to mailings sent
22 on or after the date of the enactment of this Act.

23 TECHNICAL CORRECTION

24 SEC. 19007. In the matter preceding the first proviso
25 under the heading "Library of Congress—Salaries and
26 Expenses" in division E of the Further Consolidated Ap-

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1 propriations Act, 2020 (Public Law 116–94), strike "
2 $504,164,000" and insert " $510,164,000".

3 CONFORMING AMENDMENT

4 SEC. 19008. Section 110(a)(1)(A) of the Family and
5 Medical Leave Act of 1993 (as added by section 3102 of
6 the Families First Coronavirus Response Act (Public Law
7 116–127)) is amended—

8 (1) by inserting before "In lieu of" the fol-
9 lowing:

10 "(i) IN GENERAL.—"; and

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

12 "(ii) SPECIAL RULE.—For purposes of
13 applying section 102(a)(1)(F) and this sec-
14 tion under the Congressional Account-
15 ability Act of 1995, in lieu of the definition
16 in section 202(a)(2)(B) of that Act (2
17 U.S.C. 1312(a)(2)(B)), the term 'eligible
18 employee' means a covered employee (as
19 defined in section 101 of that Act (2
20 U.S.C. 1301)) who has been employed for
21 at least 30 calendar days by the employing
22 office (as so defined) with respect to whom
23 leave is requested under section
24 102(a)(1)(F).".

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1 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
2 AND EXPENSES OF TINY FINDINGS CHILD DEVELOP-
3 MENT CENTER

4 SEC. 19009. The Government Accountability Office
5 may reimburse the Tiny Findings Child Development Cen-
6 ter for salaries for employees incurred from April 1, 2020,
7 to September 30, 2020, for employees of such Center who
8 have been ordered to cease working due to measures taken
9 in the Capitol complex to combat coronavirus, not to ex-
10 ceed $100,000 per month, from amounts in the appropria-
11 tions account "Government Accountability Office—Sala-
12 ries and Expenses".

13 OVERSIGHT AND AUDIT AUTHORITY

14 SEC. 19010. (a) DEFINITIONS.—In this section—
15 (1) the term "appropriate congressional com-
16 mittees" means—
17 (A) the Committee on Appropriations of
18 the Senate;
19 (B) the Committee on Homeland Security
20 and Governmental Affairs of the Senate;
21 (C) the Committee on Health, Education,
22 Labor, and Pensions of the Senate;
23 (D) the Committee on Appropriations of
24 the House of Representatives;
25 (E) the Committee on Homeland Security
26 of the House of Representatives;

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1 (F) the Committee on Oversight and Re-
2 form of the House of Representatives; and
3 (G) the Committee on Energy and Com-
4 merce of the House of Representatives; and
5 (2) the term "Comptroller General" means the
6 Comptroller General of the United States.
7 (b) AUTHORITY.—The Comptroller General shall con-
8 duct monitoring and oversight of the exercise of authori-
9 ties, or the receipt, disbursement, and use of funds made
10 available, under this Act or any other Act to prepare for,
11 respond to, and recover from the Coronavirus 2019 pan-
12 demic and the effect of the pandemic on the health, econ-
13 omy, and public and private institutions of the United
14 States, including public health and homeland security ef-
15 forts by the Federal Government and the use of selected
16 funds under this or any other Act related to the
17 Coronavirus 2019 pandemic and a comprehensive audit
18 and review of charges made to Federal contracts pursuant
19 to authorities provided in the Coronavirus Aid, Relief, and
20 Economic Security Act.
21 (c) BRIEFINGS AND REPORTS.—In conducting moni-
22 toring and oversight under subsection (b), the Comptroller
23 General shall—
24 (1) during the period beginning on the date of
25 enactment of this Act and ending on the date on

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1 which the national emergency declared by the Presi-
2 dent under the National Emergencies Act (50
3 U.S.C. 1601 et seq.) with respect to the Coronavirus
4 Disease 2019 (COVID–19) expires, offer regular
5 briefings on not less frequently than a monthly basis
6 to the appropriate congressional committees regard-
7 ing Federal public health and homeland security ef-
8 forts;
9 (2) publish reports regarding the ongoing moni-
10 toring and oversight efforts, which, along with any
11 audits and investigations conducted by the Comp-
12 troller General, shall be submitted to the appropriate
13 congressional committees and posted on the website
14 of the Government Accountability Office—
15 (A) not later than 90 days after the date
16 of enactment of this Act, and every other
17 month thereafter until the date that is 1 year
18 after the date of enactment of this Act; and
19 (B) after the period described in subpara-
20 graph (A), on a periodic basis; and
21 (3) submit to the appropriate congressional
22 committees additional reports as warranted by the
23 findings of the monitoring and oversight activities of
24 the Comptroller General.
25 (d) ACCESS TO INFORMATION.—

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1 (1) RIGHT OF ACCESS.—In conducting moni-
2 toring and oversight activities under this section, the
3 Comptroller General shall have access to records,
4 upon request, of any Federal, State, or local agency,
5 contractor, grantee, recipient, or subrecipient per-
6 taining to any Federal effort or assistance of any
7 type related to the Coronavirus 2019 pandemic
8 under this Act or any other Act, including private
9 entities receiving such assistance.
10 (2) COPIES.—The Comptroller General may
11 make and retain copies of any records accessed
12 under paragraph (1) as the Comptroller General de-
13 termines appropriate.
14 (3) INTERVIEWS.—In addition to such other au-
15 thorities as are available, the Comptroller General or
16 a designee of the Comptroller General may interview
17 Federal, State, or local officials, contractor staff,
18 grantee staff, recipients, or subrecipients pertaining
19 to any Federal effort or assistance of any type re-
20 lated to the Coronavirus 2019 pandemic under this
21 or any other Act, including private entities receiving
22 such assistance.
23 (4) INSPECTION OF FACILITIES.—As deter-
24 mined necessary by the Comptroller General, the
25 Government Accountability Office may inspect facili-

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1 ties at which Federal, State, or local officials, con-
2 tractor staff, grantee staff, or recipients or sub-
3 recipients carry out their responsibilities related to
4 the Coronavirus 2019 pandemic.
5 (5) ENFORCEMENT.—Access rights under this
6 subsection shall be subject to enforcement consistent
7 with section 716 of title 31, United States Code.
8 (e) RELATIONSHIP TO EXISTING AUTHORITY.—
9 Nothing in this section shall be construed to limit, amend,
10 supersede, or restrict in any manner any existing author-
11 ity of the Comptroller General.

12 NATIONAL EMERGENCY RELIEF AUTHORITY FOR THE
13 REGISTER OF COPYRIGHTS

14 SEC. 19011. (a) AMENDMENT.—Chapter 7 of title
15 17, United States Code, is amended by adding at the end
16 the following:

17 **"§ 710. Emergency relief authority**

18 "(a) EMERGENCY ACTION.—If, on or before Decem-
19 ber 31, 2021, the Register of Copyrights determines that
20 a national emergency declared by the President under the
21 National Emergencies Act (50 U.S.C. 1601 et seq.) gen-
22 erally disrupts or suspends the ordinary functioning of the
23 copyright system under this title, or any component there-
24 of, including on a regional basis, the Register may, on a
25 temporary basis, toll, waive, adjust, or modify any timing
26 provision (including any deadline or effective period, ex-

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1 cept as provided in subsection (c)) or procedural provision
2 contained in this title or chapters II or III of title 37,
3 Code of Federal Regulations, for no longer than the Reg-
4 ister reasonably determines to be appropriate to mitigate
5 the impact of the disruption caused by the national emer-
6 gency. In taking such action, the Register shall consider
7 the scope and severity of the particular national emer-
8 gency, and its specific effect with respect to the particular
9 provision, and shall tailor any remedy accordingly.

10 "(b) NOTICE AND EFFECT.—Any action taken by the
11 Register in response to a national emergency pursuant to
12 subsection (a) shall not be subject to section 701(e) or
13 subchapter II of chapter 5 of title 5, United States Code,
14 and chapter 7 of title 5, United States Code. The provision
15 of general public notice detailing the action being taken
16 by the Register in response to the national emergency
17 under subsection (a) is sufficient to effectuate such action.
18 The Register may make such action effective both prospec-
19 tively and retroactively in relation to a particular provision
20 as the Register determines to be appropriate based on the
21 timing, scope, and nature of the public emergency, but any
22 action by the Register may only be retroactive with respect
23 to a deadline that has not already passed before the dec-
24 laration described in subsection (a).

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1 "(c) STATEMENT REQUIRED.—Except as provided in
2 subsection (d), not later than 20 days after taking any
3 action that results in a provision being modified for a cu-
4 mulative total of longer than 120 days, the Register shall
5 submit to Congress a statement detailing the action taken,
6 the relevant background, and rationale for the action.
7 "(d) EXCEPTIONS.—The authority of the Register to
8 act under subsection (a) does not extend provisions under
9 this title requiring the commencement of an action or pro-
10 ceeding in Federal court within a specified period of time,
11 except that if the Register adjusts the license availability
12 date defined in section 115(e)(15), such adjustment shall
13 not affect the ability to commence actions for any claim
14 of infringement of exclusive rights provided by paragraphs
15 (1) and (3) of section 106 against a digital music provider
16 arising from the unauthorized reproduction or distribution
17 of a musical work by such digital music provider in the
18 course of engaging in covered activities that accrued after
19 January 1, 2018, provided that such action is commenced
20 within the time periods prescribed under section
21 115(d)(10)(C)(i) or 115(d)(10)(C)(ii) as calculated from
22 the adjusted license availability date. If the Register ad-
23 justs the license availability date, the Register must pro-
24 vide the statement to Congress under subsection (c) at the

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1 same time as the public notice of such adjustment with
2 a detailed explanation of why such adjustment is needed.
3 "(e) COPYRIGHT TERM EXCEPTION.—The authority
4 of the Register to act under subsection (a) does not extend
5 to provisions under chapter 3, except section 304(c), or
6 section 1401(a)(2).
7 "(f) OTHER LAWS.—Notwithstanding section 301 of
8 the National Emergencies Act (50 U.S.C. 1631), the au-
9 thority of the Register under subsection (a) is not contin-
10 gent on a specification made by the President under such
11 section or any other requirement under that Act (other
12 than the emergency declaration under section 201(a) of
13 such Act (50 U.S.C. 1621(a))). The authority described
14 in this section supersedes the authority of title II of the
15 National Emergencies Act (50 U.S.C. 1621 et seq.).".
16 (b) TECHNICAL AND CONFORMING AMENDMENT.—
17 The table of sections for chapter 7 of title 17, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

"710. Emergency relief authority.".

20 (c) EMERGENCY REQUIREMENT.—The amount pro-
21 vided by this section is designated by the Congress as
22 being for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 TITLE X

2 DEPARTMENT OF VETERANS AFFAIRS

3 VETERANS BENEFITS ADMINISTRATION

4 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

5 ADMINISTRATION

6 For an additional amount for "General Operating
7 Expenses, Veterans Benefits Administration",
8 $13,000,000, to remain available until September 30,
9 2021, to prevent, prepare for, and respond to coronavirus,
10 domestically or internationally: *Provided*, That such
11 amount is designated by the Congress as being for an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 VETERANS HEALTH ADMINISTRATION

16 MEDICAL SERVICES

17 For an additional amount for "Medical Services",
18 $14,432,000,000, to remain available until September 30,
19 2021, to prevent, prepare for, and respond to coronavirus,
20 domestically or internationally, including related impacts
21 on health care delivery, and for support to veterans who
22 are homeless or at risk of becoming homeless: *Provided*,
23 That such amount is designated by the Congress as being
24 for an emergency requirement pursuant to section

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

3 MEDICAL COMMUNITY CARE

4 For an additional amount for "Medical Community
5 Care", $2,100,000,000, to remain available until Sep-
6 tember 30, 2021, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including re-
8 lated impacts on health care delivery: *Provided*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 MEDICAL SUPPORT AND COMPLIANCE

14 For an additional amount for "Medical Support and
15 Compliance", $100,000,000, to remain available until
16 September 30, 2021, to prevent, prepare for, and respond
17 to coronavirus, domestically or internationally, including
18 related impacts on health care delivery: *Provided*, That
19 such amount is designated by the Congress as being for
20 an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 MEDICAL FACILITIES

24 For an additional amount for "Medical Facilities",
25 $606,000,000, to remain available until September 30,

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1 2021, to prevent, prepare for, and respond to coronavirus,
2 domestically or internationally, including related impacts
3 on health care delivery: *Provided*, That such amount is
4 designated by the Congress as being for an emergency re-
5 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 DEPARTMENTAL ADMINISTRATION

8 GENERAL ADMINISTRATION

9 For an additional amount for ''General Administra-
10 tion'', $6,000,000, to remain available until September 30,
11 2021, to prevent, prepare for, and respond to coronavirus,
12 domestically or internationally: *Provided*, That such
13 amount is designated by the Congress as being for an
14 emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 INFORMATION TECHNOLOGY SYSTEMS

18 For an additional amount for ''Information Tech-
19 nology Systems'', $2,150,000,000, to remain available
20 until September 30, 2021, to prevent, prepare for, and re-
21 spond to coronavirus, domestically or internationally, in-
22 cluding related impacts on health care delivery: *Provided*,
23 That the Secretary shall transmit to the Committees on
24 Appropriations of both Houses of Congress a spend plan
25 detailing the allocation of such funds between pay and as-

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1 sociated costs, operations and maintenance, and informa-
2 tion technology systems development: *Provided further*,
3 That after such transmittal is provided, funds may only
4 be reprogrammed among the three subaccounts referenced
5 in the previous proviso after the Secretary of Veterans Af-
6 fairs submits notice to the Committees on Appropriations
7 of both Houses of Congress: *Provided further*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 OFFICE OF INSPECTOR GENERAL

13 For an additional amount for ''Office of Inspector
14 General'', $12,500,000, to remain available until Sep-
15 tember 30, 2022, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally, for oversight
17 and audit of programs, activities, grants and projects
18 funded under this title: *Provided*, That such amount is
19 designated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

22 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
23 FACILITIES

24 For an additional amount for ''Grants for Construc-
25 tion of State Extended Care Facilities'', $150,000,000, to

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1 remain available until September 30, 2021, to prevent,
2 prepare for, and respond to coronavirus, domestically or
3 internationally, including to modify or alter existing hos-
4 pital, nursing home, and domiciliary facilities in State
5 homes: *Provided*, That such amount is designated by the
6 Congress as being for an emergency requirement pursuant
7 to section 251(b)(2)(A)(i) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 RELATED AGENCIES

10 ARMED FORCES RETIREMENT HOME TRUST FUND

11 For an additional amount for the ''Armed Forces Re-
12 tirement Home Trust Fund'', $2,800,000, to remain avail-
13 able until September 30, 2021, to prevent, prepare for,
14 and respond to coronavirus, to be paid from funds avail-
15 able in the Armed Forces Retirement Home Trust Fund:
16 *Provided*, That of the amounts made available under this
17 heading from funds available in the Armed Forces Retire-
18 ment Home Trust Fund, $2,800,000 shall be paid from
19 the general fund of the Treasury to the Trust Fund: *Pro-*
20 *vided further*, That the Chief Executive Officer of the
21 Armed Forces Retirement Home shall submit to the Com-
22 mittees on Appropriations of both Houses of Congress
23 monthly reports detailing obligations, expenditures, and
24 planned activities: *Provided further*, That such amount is
25 designated by the Congress as being for an emergency re-

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

3 GENERAL PROVISIONS—THIS TITLE

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 20001. Amounts made available for the Depart-
6 ment of Veterans Affairs in this title, under the ''Medical
7 Services'', ''Medical Community Care'', ''Medical Support
8 and Compliance'', and ''Medical Facilities'' accounts may
9 be transferred among the accounts to prevent, prepare for,
10 and respond to coronavirus, domestically and internation-
11 ally: *Provided*, That any transfers among the ''Medical
12 Services'', ''Medical Community Care'', ''Medical Support
13 and Compliance'', and ''Medical Facilities'' accounts of 2
14 percent or less of the total amount appropriated to an ac-
15 count in this title may take place subject to notification
16 from the Secretary of Veterans Affairs to the Committees
17 on Appropriations of both Houses of Congress of the
18 amount and purpose of the transfer: *Provided further*,
19 That any transfers among the ''Medical Services'', ''Med-
20 ical Community Care'', ''Medical Support and Compli-
21 ance'', and ''Medical Facilities'' accounts in excess of 2
22 percent of the total amount appropriated to an account
23 in this title, or exceeding a cumulative 2 percent for all
24 of the funds provided in this title, may take place only
25 after the Secretary requests from the Committees on Ap-

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1 propriations of both Houses of Congress the authority to
2 make the transfer and an approval is issued.

3 SEC. 20002. For all of the funds appropriated in this
4 title the Secretary of Veterans Affairs shall submit to the
5 Committees on Appropriations of both Houses of Congress
6 monthly reports detailing obligations, expenditures, and
7 planned activities.

8 PUBLIC HEALTH EMERGENCY

9 SEC. 20003. In this title, the term "public health
10 emergency" means an emergency with respect to COVID–
11 19 declared by a Federal, State, or local authority.

12 SHORT-TERM AGREEMENTS OR CONTRACTS WITH TELE-
13 COMMUNICATIONS PROVIDERS TO EXPAND TELE-
14 MENTAL HEALTH SERVICES FOR ISOLATED VET-
15 ERANS DURING A PUBLIC HEALTH EMERGENCY

16 SEC. 20004. (a) IN GENERAL.—Notwithstanding any
17 other provision of law, the Secretary of Veterans Affairs
18 may enter into short-term agreements or contracts with
19 telecommunications companies to provide temporary, com-
20 plimentary or subsidized, fixed and mobile broadband
21 services for the purposes of providing expanded mental
22 health services to isolated veterans through telehealth or
23 VA Video Connect during a public health emergency.

24 (b) ELIGIBILITY.—

25 (1) IN GENERAL.—The Secretary may expand
26 eligibility for services described in subsection (a)

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1 from the Department of Veterans Affairs to include
2 veterans already receiving care from the Department
3 who may not be eligible for mental health services or
4 other health care services delivered through tele-
5 health or VA Video Connect.
6 (2) PRIORITY.—For purposes of expanding eli-
7 gibility under paragraph (1), the Secretary shall
8 prioritize—
9 (A) veterans who are in unserved and un-
10 derserved areas;
11 (B) veterans who reside in rural and highly
12 rural areas, as defined in the Rural-Urban
13 Commuting Areas coding system of the Depart-
14 ment of Agriculture;
15 (C) low-income veterans; and
16 (D) any other veterans that the Secretary
17 considers to be at a higher risk for suicide and
18 mental health concerns during isolation periods
19 due to a public health emergency.
20 (c) DEFINITIONS.—In this section:
21 (1) TELEHEALTH.—
22 (A) IN GENERAL.—The term "telehealth"
23 means the use of electronic information and
24 telecommunications technologies to support and
25 promote long-distance clinical health care, pa-

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1 tient and professional health-related education,
2 public health, and health administration.
3 (B) TECHNOLOGIES.—For purposes of
4 subparagraph (A), telecommunications tech-
5 nologies include videoconferencing, the internet,
6 streaming media, and terrestrial and wireless
7 communications.
8 (2) VA VIDEO CONNECT.—The term "VA Video
9 Connect" means the program of the Department of
10 Veterans Affairs to connect veterans with their
11 health care team from anywhere, using encryption to
12 ensure a secure and private session.
13 TREATMENT OF STATE HOMES DURING PUBLIC HEALTH
14 EMERGENCY
15 SEC. 20005. (a) WAIVER OF OCCUPANCY RATE RE-
16 QUIREMENTS.—During a public health emergency, occu-
17 pancy rate requirements for State homes for purposes of
18 receiving per diem payments set forth in section 51.40(c)
19 of title 38, Code of Federal Regulations, or successor regu-
20 lations, shall not apply.
21 (b) WAIVER OF VETERAN PERCENTAGE REQUIRE-
22 MENTS.—During a public health emergency, the veteran
23 percentage requirements for State homes set forth in sec-
24 tion 51.210(d) of title 38, Code of Regulations, or suc-
25 cessor regulations, and in agreements for grants to con-
26 struct State homes, shall not apply.

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1 (c) PROVISION OF MEDICINE, EQUIPMENT, AND SUP-
2 PLIES.—
3 (1) IN GENERAL.—During a public health
4 emergency, the Secretary of Veterans Affairs may
5 provide to State homes medicines, personal protec-
6 tive equipment, medical supplies, and any other
7 equipment, supplies, and assistance available to the
8 Department of Veterans Affairs.
9 (2) PROVISION OF EQUIPMENT.—Personal pro-
10 tective equipment may be provided under paragraph
11 (1) through the All Hazards Emergency Cache of
12 the Department of Veterans Affairs or any other
13 source available to the Department.
14 (d) DEFINITIONS.—In this section:
15 (1) PERSONAL PROTECTIVE EQUIPMENT.—The
16 term ''personal protective equipment'' means any
17 protective equipment required to prevent the wearer
18 from contracting COVID–19, including gloves, N–95
19 respirator masks, gowns, goggles, face shields, or
20 other equipment required for safety.
21 (2) PUBLIC HEALTH EMERGENCY.—The term
22 ''public health emergency'' means an emergency with
23 respect to COVID–19 declared by a Federal, State,
24 or local authority.

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1 (3) STATE HOME.—The term "State home" has
2 the meaning given that term in section 101(19) of
3 title 38, United States Code.

4 MODIFICATIONS TO VETERAN DIRECTED CARE PROGRAM
5 OF DEPARTMENT OF VETERANS AFFAIRS

6 SEC. 20006. (a) TELEPHONE OR TELEHEALTH RE-
7 NEWALS.—For the Veteran Directed Care program of the
8 Department of Veterans Affairs (in this section referred
9 to as the "Program"), during a public health emergency,
10 the Secretary of Veterans Affairs shall—

11 (1) waive the requirement that an area agency
12 on aging process new enrollments and six-month re-
13 newals for the Program via an in-person or home
14 visit; and

15 (2) allow new enrollments and sixth-month re-
16 newals for the Program to be conducted via tele-
17 phone or telehealth modality.

18 (b) NO SUSPENSION OR DISENROLLMENT.—During
19 a public health emergency, the Secretary shall not suspend
20 or dis-enroll a veteran or caregiver of a veteran from the
21 Program unless—

22 (1) requested to do so by the veteran or a rep-
23 resentative of the veteran; or

24 (2) a mutual decision is made between the vet-
25 eran and a health care provider of the veteran to

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1 suspend or dis-enroll the veteran or caregiver from
2 the Program.
3 (c) WAIVER OF PAPERWORK REQUIREMENT.—Dur-
4 ing a public health emergency, the Secretary may waive
5 the requirement for signed, mailed paperwork to confirm
6 the enrollment or renewal of a veteran in the Program
7 and may allow verbal consent of the veteran via telephone
8 or telehealth modality to suffice for purposes of such en-
9 rollment or renewal.
10 (d) WAIVER OF OTHER REQUIREMENTS.—During a
11 public health emergency, the Secretary shall waive—
12 (1) any penalty for late paperwork relating to
13 the Program; and
14 (2) any requirement to stop payments for vet-
15 erans or caregivers of veterans under the Program
16 if they are out of State for more than 14 days.
17 (e) AREA AGENCY ON AGING DEFINED.—In this sec-
18 tion, the term "area agency on aging" has the meaning
19 given that term in section 102 of the Older Americans Act
20 of 1965 (42 U.S.C. 3002).
21 PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF
22 PROSTHETIC APPLIANCES THROUGH NON-DEPART-
23 MENT PROVIDERS DURING PUBLIC HEALTH EMER-
24 GENCY
25 SEC. 20007. The Secretary of Veterans Affairs shall
26 ensure that, to the extent practicable, veterans who are

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1 receiving or are eligible to receive a prosthetic appliance
2 under section 1714 or 1719 of title 38, United States
3 Code, are able to receive such an appliance that the Sec-
4 retary determines is needed from a non-Department of
5 Veterans Affairs provider under a contract with the De-
6 partment during a public health emergency.

7 WAIVER OF PAY CAPS FOR EMPLOYEES OF DEPARTMENT
8 OF VETERANS AFFAIRS DURING PUBLIC HEALTH
9 EMERGENCIES

10 SEC. 20008. (a) IN GENERAL.—Notwithstanding any
11 other provision of law, the Secretary of Veterans Affairs
12 may waive any limitation on pay for an employee of the
13 Department of Veterans Affairs during a public health
14 emergency for work done in support of response to the
15 emergency.

16 (b) REPORTING.—

17 (1) IN GENERAL.—For each month that the
18 Secretary waives a limitation under subsection (a),
19 the Secretary shall submit to the Committee on Vet-
20 erans' Affairs of the Senate and the Committee on
21 Veterans' Affairs of the House of Representatives a
22 report on the waiver.

23 (2) CONTENTS.—Each report submitted under
24 paragraph (1) for a waiver or waivers in a month
25 shall include the following:

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1 (A) Where the waiver or waivers were
2 used, including in which component of the De-
3 partment and, as the case may be, which med-
4 ical center of the Department.
5 (B) For how many employees the waiver or
6 waivers were used, disaggregated by component
7 of the Department and, if applicable, medical
8 center of the Department.
9 (C) The average amount by which each
10 payment exceeded the waived pay limitation
11 that was waived, disaggregated by component of
12 the Department and, if applicable, medical cen-
13 ter of the Department.
14 (c) EMPLOYEE OF THE DEPARTMENT OF VETERANS
15 AFFAIRS DEFINED.—In this section, the term "employee
16 of the Department of Veterans Affairs" includes any em-
17 ployee of the Department of Veterans Affairs, regardless
18 of the authority under which the employee was hired.
19 PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF
20 PERSONAL PROTECTIVE EQUIPMENT FOR HOME
21 HEALTH WORKERS
22 SEC. 20009. (a) PROVISION OF EQUIPMENT.—
23 (1) IN GENERAL.—During a public health
24 emergency, the Secretary of Veterans Affairs shall
25 provide to employees and contractors of the Depart-
26 ment of Veterans Affairs personal protective equip-

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1 ment necessary to provide home care to veterans
2 under the laws administered by the Secretary.
3 (2) SOURCE OF EQUIPMENT.—Personal protec-
4 tive equipment may be provided under paragraph (1)
5 through the All Hazards Emergency Cache of the
6 Department or any other source available to the De-
7 partment.
8 (b) DEFINITIONS.—In this section:
9 (1) HOME CARE.—The term "home care" has
10 the meaning given that term in section 1803(c) of
11 title 38, United States Code.
12 (2) PERSONAL PROTECTIVE EQUIPMENT.—The
13 term "personal protective equipment" means any
14 protective equipment required to prevent the wearer
15 from contracting COVID–19, including gloves, N–95
16 respirator masks, gowns, goggles, face shields, or
17 other equipment required for safety.
18 CLARIFICATION OF TREATMENT OF PAYMENTS FOR PUR-
19 POSES OF ELIGIBILITY FOR VETERANS PENSION AND
20 OTHER VETERANS BENEFITS
21 SEC. 20010. Amounts paid to a person under the
22 2020 Recovery Rebate in the Coronavirus Aid, Relief, and
23 Economic Security Act shall not be treated as income or
24 resources for purposes of determining eligibility for pen-
25 sion under chapter 15 of title 38, United States Code, or

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1 any other benefit under a law administered by the Sec-
2 retary of Veterans Affairs.

3 AVAILABILITY OF TELEHEALTH FOR CASE MANAGERS
4 AND HOMELESS VETERANS

5 SEC. 20011. The Secretary of Veterans Affairs shall
6 ensure that telehealth capabilities are available during a
7 public health emergency for case managers of, and home-
8 less veterans participating in, the Department of Housing
9 and Urban Development–Department of Veterans Affairs
10 Supportive Housing program (commonly referred to as
11 "HUD–VASH").

12 FUNDING LIMITS FOR FINANCIAL ASSISTANCE FOR SUP-
13 PORTIVE SERVICES FOR VERY LOW-INCOME VET-
14 ERAN FAMILIES IN PERMANENT HOUSING DURING A
15 PUBLIC HEALTH EMERGENCY

16 SEC. 20012. In the case of a public health emergency,
17 nothing in subsection (e)(1) of section 2044 of title 38,
18 United States Code, may be construed as limiting amounts
19 that may be made available for carrying out subsections
20 (a), (b), and (c) of such section.

21 MODIFICATIONS TO COMPREHENSIVE SERVICE PROGRAMS
22 FOR HOMELESS VETERANS DURING A PUBLIC
23 HEALTH EMERGENCY

24 SEC. 20013. (a) RULE OF CONSTRUCTION.—In the
25 case of a public health emergency, no authorization of ap-
26 propriations in section 2014 of title 38, United States

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1 Code, may be construed as limiting amounts that may be
2 appropriated for carrying out subchapter II of chapter 20
3 of such title.

4 (b) GRANTS AND PER DIEM PAYMENTS.—In the case
5 of a public health emergency, the Secretary of Veterans
6 Affairs may waive any limits on—

7 (1) grant amounts under sections 2011 and
8 2061 of title 38, United States Code; and

9 (2) rates for per diem payments under sections
10 2012 and 2061 of such title.

11 (c) PARTICIPANT ABSENCE.—Notwithstanding Vet-
12 erans Health Administration Handbook 1162.01(1), dated
13 July 12, 2013, and amended June 30, 2014, and titled
14 "Grant and Per Diem (GPD) Program", or any other pro-
15 vision of law, for the duration of a public health emer-
16 gency, the Secretary—

17 (1) shall waive any requirement to discharge a
18 veteran from the grant and per diem program of the
19 Veterans Health Administration after the veteran is
20 absent for 14 days; and

21 (2) may continue to pay per diem to grant re-
22 cipients and eligible entities under the program for
23 any additional days of absence when a veteran has
24 already been absent for more than 72 hours.

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1 SEC. 20014. The amounts provided by sections
2 20003 through 20013 of this title in this Act are des-
3 ignated by the Congress as being for an emergency re-
4 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

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1 TITLE XI

2 DEPARTMENT OF STATE

3 ADMINISTRATION OF FOREIGN AFFAIRS

4 DIPLOMATIC PROGRAMS

5 For an additional amount for "Diplomatic Pro-
6 grams", $324,000,000, to remain available until Sep-
7 tember 30, 2022, to prevent, prepare for, and respond to
8 coronavirus, including for necessary expenses to maintain
9 consular operations and to provide for evacuation expenses
10 and emergency preparedness: *Provided*, That such amount
11 is designated by the Congress as being for an emergency
12 requirement pursuant to section 251(b)(2)(A)(i) of the
13 Balanced Budget and Emergency Deficit Control Act of
14 1985.

15 UNITED STATES AGENCY FOR INTERNATIONAL
16 DEVELOPMENT

17 FUNDS APPROPRIATED TO THE PRESIDENT

18 OPERATING EXPENSES

19 For an additional amount for "Operating Expenses",
20 $95,000,000, to remain available until September 30,
21 2022, to prevent, prepare for, and respond to coronavirus:
22 *Provided*, That such amount is designated by the Congress
23 as being for an emergency requirement pursuant to sec-
24 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

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1 BILATERAL ECONOMIC ASSISTANCE

2 FUNDS APPROPRIATED TO THE PRESIDENT

3 INTERNATIONAL DISASTER ASSISTANCE

4 For an additional amount for "International Disaster
5 Assistance", $258,000,000, to remain available until ex-
6 pended, to prevent, prepare for, and respond to
7 coronavirus: *Provided*, That such amount is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 DEPARTMENT OF STATE

12 MIGRATION AND REFUGEE ASSISTANCE

13 For an additional amount for "Migration and Ref-
14 ugee Assistance", $350,000,000, to remain available until
15 expended, to prevent, prepare for, and respond to
16 coronavirus: *Provided*, That such amount is designated by
17 the Congress as being for an emergency requirement pur-
18 suant to section 251(b)(2)(A)(i) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 INDEPENDENT AGENCIES

21 PEACE CORPS

22 For an additional amount for "Peace Corps",
23 $88,000,000, to remain available until September 30,
24 2022, to prevent, prepare for, and respond to coronavirus:
25 *Provided*, That such amount is designated by the Congress

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as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 21001. The authorities and limitations of section 402 of the Coronavirus Preparedness and Response Supplemental Appropriations Act (division A of Public Law 116–123) shall apply to funds appropriated by this title as follows:

(1) Subsections (a), (d), (e), and (f) shall apply to funds under the heading "Diplomatic Programs"; and

(2) Subsections (c), (d), (e), and (f) shall apply to funds under the heading "International Disaster Assistance".

SEC. 21002. Funds appropriated by this title under the headings "Diplomatic Programs", "Operating Expenses", and "Peace Corps" may be used to reimburse such accounts administered by the Department of State, the United States Agency for International Development, and the Peace Corps, as appropriate, for obligations incurred to prevent, prepare for, and respond to coronavirus prior to the date of enactment of this Act.

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1 SEC. 21003. The reporting requirement of section
2 406(b) of the Coronavirus Preparedness and Response
3 Supplemental Appropriations Act, 2020 (division A of
4 Public Law 116–123) shall apply to funds appropriated
5 by this title: *Provided*, That the requirement to jointly
6 submit such report shall not apply to the Director of the
7 Peace Corps: *Provided further*, That reports required by
8 such section may be consolidated and shall include infor-
9 mation on all funds made available to such Federal agen-
10 cies to prevent, prepare for, and respond to coronavirus.
11 SEC. 21004. Section 7064(a) of the Department of
12 State, Foreign Operations, and Related Programs Appro-
13 priations Act, 2020 (division G of Public Law 116–94)
14 is amended by striking " $100,000,000" and inserting in
15 lieu thereof " $110,000,000", and by adding the following
16 before the period at the end: ": *Provided*, That no amounts
17 may be used that were designated by the Congress for
18 Overseas Contingency Operations/Global War on Ter-
19 rorism pursuant to the Concurrent Resolution on the
20 Budget or the Balanced Budget and Emergency Deficit
21 Control Act of 1985".
22 SEC. 21005. The Department of State, Foreign Oper-
23 ations, and Related Programs Appropriations Act, 2020
24 (division G of Public Law 116–94) is amended under the
25 heading "Emergencies in the Diplomatic and Consular

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1 Service" in title I by striking " $1,000,000" and inserting
2 in lieu thereof " $5,000,000".

3 SEC. 21006. The Department of State, Foreign Oper-
4 ations, and Related Programs Appropriations Act, 2020
5 (division G of Public Law 116–94) is amended under the
6 heading "Millennium Challenge Corporation" in title III
7 by striking " $105,000,000" in the first proviso and in-
8 serting in lieu thereof " $107,000,000".

9 SEC. 21007. Notwithstanding any other provision of
10 law, and in addition to leave authorized under any other
11 provision of law, the Secretary of State and the Adminis-
12 trator of the United States Agency for International De-
13 velopment may, in order to prevent, prepare for, and re-
14 spond to coronavirus, provide additional paid leave to ad-
15 dress employee hardships resulting from coronavirus: *Pro-*
16 *vided*, That this authority shall apply to leave taken since
17 January 29, 2020, and may be provided abroad and do-
18 mestically: *Provided further*, That the Secretary and the
19 Administrator shall consult with the Committee on Appro-
20 priations and the Committee on Foreign Relations of the
21 Senate and the Committee on Appropriations and the
22 Committee on Foreign Affairs of the House of Representa-
23 tives prior to implementation of such authority: *Provided*
24 *further*, That the authority made available pursuant to
25 this section shall expire on September 30, 2022.

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1 SEC. 21008. The Secretary of State, to prevent, pre-
2 pare for, and respond to coronavirus, may exercise the au-
3 thorities of section 3(j) of the State Department Basic Au-
4 thorities Act of 1956 (22 U.S.C. 2670(j)) to provide med-
5 ical services or related support for private United States
6 citizens, nationals, and permanent resident aliens abroad,
7 or third country nationals connected to such persons or
8 to the diplomatic or development missions of the United
9 States abroad, who are unable to obtain such services or
10 support otherwise: *Provided*, That such assistance shall be
11 provided on a reimbursable basis to the extent feasible:
12 *Provided further*, That such reimbursements may be cred-
13 ited to the applicable Department of State appropriation
14 and shall remain available until expended: *Provided fur-*
15 *ther*, That the Secretary shall prioritize providing medical
16 services or related support to individuals eligible for the
17 health program under section 904 of the Foreign Service
18 Act of 1980 (22 U.S.C. 4084): *Provided further*, That the
19 authority made available pursuant to this section shall ex-
20 pire on September 30, 2022.

21 SEC. 21009. Notwithstanding section 6(b) of the De-
22 partment of State Authorities Act of 2006 (Public Law
23 109–472; 120 Stat. 3556), during fiscal year 2020, pass-
24 port and immigrant visa surcharges collected in any fiscal
25 year pursuant to the fourth paragraph under the heading

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1 "Diplomatic and Consular Programs" in the Department
2 of State and Related Agency Appropriations Act, 2005
3 (title IV of division B of Public Law 108–447; 8 U.S.C.
4 1714) may be obligated and expended for the costs of pro-
5 viding consular services: *Provided*, That such funds should
6 be prioritized for United States citizen services: *Provided*
7 *further*, That not later than 90 days after the expiration
8 of this authority, the Secretary of State shall provide a
9 report to the Committee on Appropriations and the Com-
10 mittee on Foreign Relations of the Senate and the Com-
11 mittee on Appropriations and the Committee on Foreign
12 Affairs of the House of Representatives detailing the spe-
13 cific expenditures made pursuant to this authority: *Pro-*
14 *vided further*, That the amount provided by this section
15 is designated by the Congress as being for an emergency
16 requirement pursuant to section 251(b)(2)(A)(i) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985.

19 SEC. 21010. The Department of State and the
20 United States Agency for International Development are
21 authorized to enter into contracts with individuals for the
22 provision of personal services (as described in section 104
23 of part 37 of title 48, Code of Federal Regulations and
24 including pursuant to section 904 of the Foreign Service
25 Act of 1980 (22 U.S.C. 4084)) to prevent, prepare for,

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1 and respond to coronavirus, within the United States and
2 abroad, subject to prior consultation with, and the notifi-
3 cation procedures of, the Committee on Appropriations
4 and the Committee on Foreign Relations of the Senate
5 and the Committee on Appropriations and the Committee
6 on Foreign Affairs of the House of Representatives: *Pro-*
7 *vided*, That such individuals may not be deemed employees
8 of the United States for the purpose of any law adminis-
9 tered by the Office of Personnel Management: *Provided*
10 *further*, That not later than 15 days after utilizing this
11 authority, the Secretary of State shall provide a report to
12 the Committee on Appropriations and the Committee on
13 Foreign Relations of the Senate and the Committee on
14 Appropriations and the Committee on Foreign Affairs of
15 the House of Representatives on the overall staffing needs
16 for the Office of Medical Services: *Provided further*, That
17 the authority made available pursuant to this section shall
18 expire on September 30, 2022.

19 SEC. 21011. Notwithstanding any other provision of
20 law, the Secretary of State and the Administrator of the
21 United States Agency for International Development may
22 authorize any oath of office required by law to, in par-
23 ticular circumstances that could otherwise pose health
24 risks, be administered remotely, subject to appropriate
25 verification: *Provided*, That prior to initially exercising the

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1 authority of this section, the Secretary and the Adminis-
2 trator shall each submit a report to the Committee on Ap-
3 propriations and the Committee on Foreign Relations of
4 the Senate and the Committee on Appropriations and the
5 Committee on Foreign Affairs of the House of Representa-
6 tives describing the process and procedures for admin-
7 istering such oaths, including appropriate verification:
8 *Provided further*, That the authority made available pursu-
9 ant to this section shall expire on September 30, 2021.
10 SEC. 21012. (a) PURPOSES.—For purposes of
11 strengthening the ability of foreign countries to prevent,
12 prepare for, and respond to coronavirus and to the adverse
13 economic impacts of coronavirus, in a manner that would
14 protect the United States from the spread of coronavirus
15 and mitigate an international economic crisis resulting
16 from coronavirus that may pose a significant risk to the
17 economy of the United States, each paragraph of sub-
18 section (b) shall take effect upon enactment of this Act.
19 (b) CORONAVIRUS RESPONSES.—
20 (1) INTERNATIONAL DEVELOPMENT ASSOCIA-
21 TION REPLENISHMENT.—The International Develop-
22 ment Association Act (22 U.S.C. 284 et seq.) is
23 amended by adding at the end the following new sec-
24 tion:

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1 **"SEC. 31. NINETEENTH REPLENISHMENT.**

2 "(a) IN GENERAL.—The United States Governor of
3 the International Development Association is authorized
4 to contribute on behalf of the United States
5 $3,004,200,000 to the nineteenth replenishment of the re-
6 sources of the Association, subject to obtaining the nec-
7 essary appropriations.

8 "(b) AUTHORIZATION OF APPROPRIATIONS.—In
9 order to pay for the United States contribution provided
10 for in subsection (a), there are authorized to be appro-
11 priated, without fiscal year limitation, $3,004,200,000 for
12 payment by the Secretary of the Treasury.".

13 (2) INTERNATIONAL FINANCE CORPORATION
14 AUTHORIZATION.—The International Finance Cor-
15 poration Act (22 U.S.C. 282 et seq.) is amended by
16 adding at the end the following new section:

17 **"SEC. 18. CAPITAL INCREASES AND AMENDMENT TO THE**
18 **ARTICLES OF AGREEMENT.**

19 "(a) VOTES AUTHORIZED.—The United States Gov-
20 ernor of the Corporation is authorized to vote in favor of—

21 "(1) a resolution to increase the authorized cap-
22 ital stock of the Corporation by 16,999,998 shares,
23 to implement the conversion of a portion of the re-
24 tained earnings of the Corporation into paid-in cap-
25 ital, which will result in the United States being

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1 issued an additional 3,771,899 shares of capital
2 stock, without any cash contribution;
3 "(2) a resolution to increase the authorized cap-
4 ital stock of the Corporation on a general basis by
5 4,579,995 shares; and
6 "(3) a resolution to increase the authorized cap-
7 ital stock of the Corporation on a selective basis by
8 919,998 shares.
9 "(b) AMENDMENT OF THE ARTICLES OF AGREE-
10 MENT.—The United States Governor of the Corporation
11 is authorized to agree to and accept an amendment to arti-
12 cle II, section 2(c)(ii) of the Articles of Agreement of the
13 Corporation that would increase the vote by which the
14 Board of Governors of the Corporation may increase the
15 capital stock of the Corporation from a four-fifths major-
16 ity to an eighty-five percent majority.".
17 (3) AFRICAN DEVELOPMENT BANK.—The Afri-
18 can Development Bank Act (22 U.S.C. 290i et seq.)
19 is amended by adding at the end the following new
20 section:
21 **"SEC. 1345. SEVENTH CAPITAL INCREASE.**
22 "(a) SUBSCRIPTION AUTHORIZED.—
23 "(1) IN GENERAL.—The United States Gov-
24 ernor of the Bank may subscribe on behalf of the

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1 United States to 532,023 additional shares of the
2 capital stock of the Bank.
3 "(2) LIMITATION.—Any subscription by the
4 United States to the capital stock of the Bank shall
5 be effective only to such extent and in such amounts
6 as are provided in advance in appropriations Acts.
7 "(b) AUTHORIZATION OF APPROPRIATIONS.—
8 "(1) IN GENERAL.—In order to pay for the in-
9 crease in the United States subscription to the Bank
10 under subsection (a), there are authorized to be ap-
11 propriated, without fiscal year limitation,
12 $7,286,587,008 for payment by the Secretary of the
13 Treasury.
14 "(2) SHARE TYPES.—Of the amount authorized
15 to be appropriated under paragraph (1)—
16 "(A) $437,190,016 shall be for paid in
17 shares of the Bank; and
18 "(B) $6,849,396,992 shall be for callable
19 shares of the Bank.".
20 (4) AFRICAN DEVELOPMENT FUND.—The Afri-
21 can Development Fund Act (22 U.S.C. 290g et seq.)
22 is amended by adding at the end the following new
23 section:

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1 **"SEC. 226. FIFTEENTH REPLENISHMENT.**

2 "(a) IN GENERAL.—The United States Governor of
3 the Fund is authorized to contribute on behalf of the
4 United States $513,900,000 to the fifteenth replenish-
5 ment of the resources of the Fund, subject to obtaining
6 the necessary appropriations.

7 "(b) AUTHORIZATION OF APPROPRIATIONS.—In
8 order to pay for the United States contribution provided
9 for in subsection (a), there are authorized to be appro-
10 priated, without fiscal year limitation, $513,900,000 for
11 payment by the Secretary of the Treasury.".

12 (5) INTERNATIONAL MONETARY FUND AUTHOR-
13 IZATION FOR NEW ARRANGEMENTS TO BORROW.—

14 (A) IN GENERAL.—Section 17 of the
15 Bretton Woods Agreements Act (22 U.S.C.
16 286e–2) is amended—

17 (i) in subsection (a)—

18 (I) by redesignating paragraphs
19 (3), (4), and (5) as paragraphs (4),
20 (5), and (6), respectively;

21 (II) by inserting after paragraph
22 (2) the following new paragraph:

23 "(3) In order to carry out the purposes of a
24 one-time decision of the Executive Directors of the
25 International Monetary Fund (the Fund) to expand
26 the resources of the New Arrangements to Borrow,

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established pursuant to the decision of January 27, 1997, referred to in paragraph (1), the Secretary of the Treasury is authorized to make loans, in an amount not to exceed the dollar equivalent of 28,202,470,000 of Special Drawing Rights, in addition to any amounts previously authorized under this section, except that prior to activation of the New Arrangements to Borrow, the Secretary of the Treasury shall report to Congress whether supplementary resources are needed to forestall or cope with an impairment of the international monetary system and whether the Fund has fully explored other means of funding to the Fund.";

(III) in paragraph (5), as so redesignated, by striking "paragraph (3)" and inserting "paragraph (4)"; and

(IV) in paragraph (6), as so redesignated, by striking "December 16, 2022" and inserting "December 31, 2025"; and

(ii) in subsection (e)(1) by striking "(a)(2)," each place such term appears and inserting "(a)(2), (a)(3),".

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1 (B) EMERGENCY DESIGNATION.—The
2 amount provided by this paragraph is des-
3 ignated by the Congress as being for an emer-
4 gency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985.

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1 TITLE XII

2 DEPARTMENT OF TRANSPORTATION

3 OFFICE OF THE SECRETARY

4 SALARIES AND EXPENSES

5 For an additional amount for "Salaries and Ex-
6 penses", $1,753,000, to remain available until expended,
7 to prevent, prepare for, and respond to coronavirus, in-
8 cluding necessary expenses for operating costs and capital
9 outlays: *Provided*, That such amounts are in addition to
10 any other amounts made available for this purpose: *Pro-*
11 *vided further*, That obligations of amounts under this
12 heading in this Act shall not be subject to the limitation
13 on obligations under the heading "Office of the Sec-
14 retary—Working Capital Fund" in division H of the Fur-
15 ther Consolidated Appropriations Act, 2020 (Public Law
16 116–94): *Provided further*, That such amount is des-
17 ignated by the Congress as being for an emergency re-
18 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 ESSENTIAL AIR SERVICE

21 In addition to funds provided to the "Payments to
22 Air Carriers" program in Public Law 116–94 to carry out
23 the essential air service program under section 41731
24 through 41742 of title 49, United States Code,
25 $56,000,000, to be derived from the general fund of the

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1 Treasury, and to be made available to the Essential Air
2 Service and Rural Improvement Fund, to remain available
3 until expended, to prevent, prepare for, and respond to
4 coronavirus: *Provided*, That such amount is designated by
5 the Congress as being for an emergency requirement pur-
6 suant to section 251(b)(2)(A)(i) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 FEDERAL AVIATION ADMINISTRATION

9 GRANTS-IN-AID FOR AIRPORTS

10 For an additional amount for "Grants-In-Aid for Air-
11 ports", $10,000,000,000, to prevent, prepare for, and re-
12 spond to coronavirus, to remain available until expended:
13 *Provided*, That amounts made available under this head-
14 ing in this Act shall be derived from the general fund of
15 the Treasury: *Provided further*, That funds provided under
16 this heading in this Act shall only be available to sponsors
17 of airports defined in section 47102 of title 49, United
18 States Code: *Provided further*, That funds provided under
19 this heading in this Act shall not otherwise be subject to
20 the requirements of chapter 471 of such title: *Provided*
21 *further*, That funds provided under this heading in this
22 Act may not be used for any purpose not directly related
23 to the airport: *Provided further*, That of the amounts ap-
24 propriated under this heading in this Act—

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1 (1) Not less than $500,000,000 shall be avail-
2 able to pay a Federal share of 100 percent of the
3 costs for which a grant is made under Public Law
4 116–94: *Provided*, That any remaining funds after
5 the apportionment under this paragraph (1) shall be
6 distributed as described in paragraph (2) under this
7 heading in this Act;
8 (2) Not less than $7,400,000,000 shall be avail-
9 able for any purpose for which airport revenues may
10 lawfully be used: *Provided*, That 50 percent of such
11 funds shall be allocated among all commercial serv-
12 ice airports based on each sponsor's calendar year
13 2018 enplanements as a percentage of total 2018
14 enplanements for all commercial service airports:
15 *Provided further*, That the remaining 50 percent of
16 such funds shall be allocated among all commercial
17 service airports based on an equal combination of
18 each sponsor's fiscal year 2018 debt service as a
19 percentage of the combined debt service for all com-
20 mercial service airports and each sponsor's ratio of
21 unrestricted reserves to their respective debt service:
22 *Provided further*, That the Federal share payable of
23 the costs for which a grant is made under this para-
24 graph shall be 100 percent:

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1 (3) Up to $2,000,000,000 shall be available for
2 any purpose for which airport revenues may lawfully
3 be used, and: (A) be apportioned as set forth in sec-
4 tion 47114(c)(1)(C)(i), 47114(c)(1)(C)(ii), or
5 47114(c)(1)(H) of title 49, United States Code; (B)
6 not be subject to the reduced apportionments of 49
7 U.S.C. 47114(f); and (C) have no maximum appor-
8 tionment limit, notwithstanding 47114(c)(1)(C)(iii)
9 of title 49, United States Code: *Provided*, That any
10 remaining funds after the apportionment under this
11 paragraph (3) shall be distributed as described in
12 paragraph (2) under this heading in this Act: *Pro-*
13 *vided further*, That the Federal share payable of the
14 costs for which a grant is made under this para-
15 graph shall be 100 percent; and
16 (4) Not less than $100,000,000 shall be for
17 general aviation airports for any purpose for which
18 airport revenues may lawfully be used, and, which
19 the Secretary shall apportion directly to each eligible
20 airport, as defined in section 47102(8) of title 49,
21 United States Code, based on the categories pub-
22 lished in the most current National Plan of Inte-
23 grated Airport Systems, reflecting the percentage of
24 the aggregate published eligible development costs
25 for each such category, and then dividing the allo-

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1 cated funds evenly among the eligible airports in
2 each category, rounding up to the nearest thousand
3 dollars: *Provided*, That the Federal share payable of
4 the costs for which a grant is made under this para-
5 graph shall be 100 percent:
6 *Provided further*, That the Administrator of the Federal
7 Aviation Administration may retain up to 0.1 percent of
8 the funds provided under this heading in this Act to fund
9 the award and oversight by the Administrator of grants
10 made under this heading in this Act: *Provided further*,
11 That obligations of funds under this heading in this Act
12 shall not be subject to any limitations on obligations pro-
13 vided in Public Law 116–94: *Provided further*, That all
14 airports receiving funds under this heading in this Act
15 shall continue to employ, through December 31, 2020, at
16 least 90 percent of the number of individuals employed
17 (after making adjustments for retirements or voluntary
18 employee separations) by the airport as of the date of en-
19 actment of this Act: *Provided further*, That the Secretary
20 may waive the workforce retention requirement in the pre-
21 vious proviso, if the Secretary determines the airport is
22 experiencing economic hardship as a direct result of the
23 requirement, or the requirement reduces aviation safety
24 or security: *Provided further*, That the workforce retention
25 requirement shall not apply to nonhub airports or nonpri-

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1 mary airports receiving funds under this heading in this
2 Act: *Provided further*, That such amount is designated by
3 the Congress as being for an emergency requirement pur-
4 suant to section 251(b)(2)(A)(i) of the Balanced Budget
5 and Emergency Deficit Control Act of 1985.

6 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

7 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

8 Of prior year unobligated contract authority and liq-
9 uidating cash provided for Motor Carrier Safety in the
10 Transportation Equity Act for the 21st Century (Public
11 Law 105–178), SAFETEA–LU (Public Law 109–59), or
12 other appropriations or authorization acts, in addition to
13 amounts already appropriated in fiscal year 2020 for
14 "Motor Carrier Safety Operations and Programs",
15 $150,000 in additional obligation limitation is provided
16 and repurposed for obligations incurred to support activi-
17 ties to prevent, prepare for, and respond to coronavirus.

18 FEDERAL RAILROAD ADMINISTRATION

19 SAFETY AND OPERATIONS

20 For an additional amount for "Safety and Oper-
21 ations", $250,000, to remain available until September
22 30, 2021, to prevent, prepare for, and respond to
23 coronavirus: *Provided*, That such amount is designated by
24 the Congress as being for an emergency requirement pur-

AMERICAN OVERSIGHT

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

3 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL
4 RAILROAD PASSENGER CORPORATION
5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for "Northeast Corridor
7 Grants to the National Railroad Passenger Corporation",
8 $492,000,000, to remain available until expended, to pre-
9 vent, prepare for, and respond to coronavirus, including
10 to enable the Secretary of Transportation to make or
11 amend existing grants to the National Railroad Passenger
12 Corporation for activities associated with the Northeast
13 Corridor, as authorized by section 11101(a) of the Fixing
14 America's Surface Transportation Act (division A of Pub-
15 lic Law 114–94): *Provided*, That amounts made available
16 under this heading in this Act may be transferred to and
17 merged with "National Network Grants to the National
18 Railroad Passenger Corporation" to prevent, prepare for,
19 and respond to coronavirus: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 NATIONAL NETWORK GRANTS TO THE NATIONAL
2 RAILROAD PASSENGER CORPORATION
3 (INCLUDING TRANSFER OF FUNDS)
4 For an additional amount for "National Network
5 Grants to the National Railroad Passenger Corporation",
6 $526,000,000, to remain available until expended, to pre-
7 vent, prepare for, and respond to coronavirus, including
8 to enable the Secretary of Transportation to make or
9 amend existing grants to the National Railroad Passenger
10 Corporation for activities associated with the National
11 Network as authorized by section 11101(b) of the Fixing
12 America's Surface Transportation Act (division A of Pub-
13 lic Law 114–94): *Provided*, That a State shall not be re-
14 quired to pay the National Railroad Passenger Corpora-
15 tion more than 80 percent of the amount paid in fiscal
16 year 2019 under section 209 of the Passenger Rail Invest-
17 ment and Improvement Act of 2008 (Public Law 110–
18 432) and that not less than $239,000,000 of the amounts
19 made available under this heading in this Act shall be
20 made available for use in lieu of any increase in a State's
21 payment: *Provided further*, That amounts made available
22 under this heading in this Act may be transferred to and
23 merged with "Northeast Corridor Grants to the National
24 Railroad Passenger Corporation" to prevent, prepare for,
25 and respond to coronavirus: *Provided further*, That such

AMERICAN OVERSIGHT

1 amount is designated by the Congress as being for an
2 emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 FEDERAL TRANSIT ADMINISTRATION

6 TRANSIT INFRASTRUCTURE GRANTS

7 For an additional amount for "Transit Infrastructure
8 Grants", $25,000,000,000, to remain available until ex-
9 pended, to prevent, prepare for, and respond to
10 coronavirus: *Provided*, That the Secretary of Transpor-
11 tation shall provide funds appropriated under this heading
12 in this Act as if such funds were provided under section
13 5307 of title 49, United States Code, and section 5311
14 of title 49, United States Code and apportion such funds
15 in accordance with section 5336 of such title (other than
16 subsections (h)(1) and (h)(4)), section 5311 (other than
17 subsection (b)(3) and (c)(1)(A)), section 5337 and section
18 5340 of title 49, United States Code, and apportion such
19 funds in accordance with such sections except that funds
20 apportioned under section 5337 shall be added to funds
21 apportioned under 5307 for administration under 5307:
22 *Provided further*, That the Secretary shall allocate the
23 amounts provided in the preceding proviso under sections
24 5307, 5311, 5337, and 5340 of title 49, United States
25 Code, among such sections in the same ratio as funds were

AMERICAN OVERSIGHT

1 provided in the fiscal year 2020 appropriations: *Provided*
2 *further*, That funds apportioned under this heading in this
3 Act shall be apportioned not later than 7 days after the
4 date of enactment of this Act: *Provided further*, That
5 funds shall be apportioned using the fiscal year 2020 ap-
6 portionment formulas: *Provided further*, That not more
7 than three-quarters of 1 percent, but not to exceed
8 $75,000,000, of the funds for transit infrastructure grants
9 provided under this heading in this Act shall be available
10 for administrative expenses and ongoing program manage-
11 ment oversight as authorized under sections 5334 and
12 5338(f)(2) of title 49, United States Code, and shall be
13 in addition to any other appropriations for such purpose:
14 *Provided further*, That notwithstanding subsection (a)(1)
15 or (b) of section 5307 of title 49, United States Code,
16 funds provided under this heading are available for the
17 operating expenses of transit agencies related to the re-
18 sponse to a coronavirus public health emergency as de-
19 scribed in section 319 of the Public Health Service Act,
20 including, beginning on January 20, 2020, reimbursement
21 for operating costs to maintain service and lost revenue
22 due to the coronavirus public health emergency, including
23 the purchase of personal protective equipment, and paying
24 the administrative leave of operations personnel due to re-
25 ductions in service: *Provided further*, That such operating

AMERICAN OVERSIGHT

1 expenses are not required to be included in a transpor-
2 tation improvement program, long-range transportation,
3 statewide transportation plan, or a statewide transpor-
4 tation improvement program: *Provided further*, That the
5 Secretary shall not waive the requirements of section 5333
6 of title 49, United States Code, for funds appropriated
7 under this heading in this Act or for funds previously
8 made available under section 5307 of title 49, United
9 States Code, or sections 5311, 5337, or 5340 of such title
10 as a result of the coronavirus: *Provided further*, That un-
11 less otherwise specified, applicable requirements under
12 chapter 53 of title 49, United States Code, shall apply to
13 funding made available under this heading in this Act, ex-
14 cept that the Federal share of the costs for which any
15 grant is made under this heading in this Act shall be, at
16 the option of the recipient, up to 100 percent: *Provided*
17 *further*, That the amount made available under this head-
18 ing in this Act shall be derived from the general fund and
19 shall not be subject to any limitation on obligations for
20 transit programs set forth in any Act: *Provided further*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 MARITIME ADMINISTRATION

2 OPERATIONS AND TRAINING

3 For an additional amount for "Operations and Train-
4 ing", $3,134,000, to remain available until September 30,
5 2021, to prevent, prepare for, and respond to coronavirus:
6 *Provided*, That of the amounts made available under this
7 heading in this Act, $1,000,000 shall be for the operations
8 of the United States Merchant Marine Academy: *Provided*
9 *further*, That such amount is designated by the Congress
10 as being for an emergency requirement pursuant to sec-
11 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985.

13 STATE MARITIME ACADEMY OPERATIONS

14 For an additional amount for "State Maritime Acad-
15 emy Operations", $1,000,000, to remain available until
16 September 30, 2021, to prevent, prepare for, and respond
17 to coronavirus: *Provided*, That amounts made available
18 under this heading in this Act shall be for direct payments
19 for State Maritime Academies: *Provided further*, That
20 such amount is designated by the Congress as being for
21 an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 OFFICE OF INSPECTOR GENERAL
2 SALARIES AND EXPENSES
3 For an additional amount for "Office of Inspector
4 General", $5,000,000, to remain available until expended,
5 to prevent, prepare for, and respond to coronavirus: *Pro-*
6 *vided*, That the funding made available under this heading
7 in this Act shall be used for conducting audits and inves-
8 tigations of projects and activities carried out with funds
9 made available in this Act to the Department of Transpor-
10 tation to prevent, prepare for, and respond to coronavirus:
11 *Provided further*, That such amount is designated by the
12 Congress as being for an emergency requirement pursuant
13 to section 251(b)(2)(A)(i) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985.
15 DEPARTMENT OF HOUSING AND URBAN
16 DEVELOPMENT
17 MANAGEMENT AND ADMINISTRATION
18 ADMINISTRATIVE SUPPORT OFFICES
19 For an additional amount for "Administrative Sup-
20 port Offices", $35,000,000, to remain available until Sep-
21 tember 30, 2021, to prevent, prepare for, and respond to
22 coronavirus, for the Office of the Chief Financial Officer,
23 including for Department-wide salaries and expenses, In-
24 formation Technology purposes, and to support the De-
25 partment's workforce in a telework environment: *Provided*,

AMERICAN OVERSIGHT

1 That the amounts provided under this heading in this Act
2 shall be in addition to amounts otherwise available for
3 such purposes, including amounts made available under
4 the heading "Program Offices" in this Act: *Provided fur-*
5 *ther*, That such amount is designated by the Congress as
6 being for an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 PROGRAM OFFICES

10 For an additional amount for "Program Offices",
11 $15,000,000, to remain available until September 30,
12 2021, to prevent, prepare for, and respond to coronavirus:
13 *Provided*, That of the sums appropriated under this head-
14 ing in this Act—

15 (1) $5,000,000 shall be available for the Office
16 of Public and Indian Housing; and

17 (2) $10,000,000 shall be available for the Office
18 of Community Planning and Development:

19 *Provided further*, That such amount is designated by the
20 Congress as being for an emergency requirement pursuant
21 to section 251(b)(2)(A)(i) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 PUBLIC AND INDIAN HOUSING

2 TENANT-BASED RENTAL ASSISTANCE

3 For an additional amount for "Tenant-Based Rental
4 Assistance", $1,250,000,000, to remain available until ex-
5 pended, to prevent, prepare for, and respond to
6 coronavirus, including to provide additional funds for pub-
7 lic housing agencies to maintain normal operations and
8 take other necessary actions during the period that the
9 program is impacted by coronavirus: *Provided*, That of the
10 amounts made available under this heading in this Act,
11 $850,000,000 shall be available for both administrative
12 expenses and other expenses of public housing agencies for
13 their section 8 programs, including Mainstream vouchers:
14 *Provided further*, That such other expenses shall be new
15 eligible activities to be defined by the Secretary and shall
16 include activities to support or maintain the health and
17 safety of assisted individuals and families, and costs re-
18 lated to retention and support of participating owners:
19 *Provided further*, That amounts made available under
20 paragraph (3) under this heading in Public Law 116–94
21 may be used for such other expenses, as described in the
22 previous proviso, in addition to their other available uses:
23 *Provided further*, That of the amounts made available
24 under this heading in this Act, $400,000,000 shall be
25 available for adjustments in the calendar year 2020 sec-

AMERICAN OVERSIGHT

1 tion 8 renewal funding allocations, in addition to any other
2 appropriations available for such purpose, including Main-
3 stream vouchers, for public housing agencies that experi-
4 ence a significant increase in voucher per-unit costs due
5 to extraordinary circumstances or that, despite taking rea-
6 sonable cost savings measures, as determined by the Sec-
7 retary, would otherwise be required to terminate rental as-
8 sistance for families as a result of insufficient funding:
9 *Provided further*, That the Secretary shall allocate
10 amounts provided in the previous proviso based on need,
11 as determined by the Secretary: *Provided further*, That the
12 Secretary may waive, or specify alternative requirements
13 for, any provision of any statute or regulation that the
14 Secretary administers in connection with the use of the
15 amounts made available under this heading and the same
16 heading of Public Law 116–94 (except for requirements
17 related to fair housing, nondiscrimination, labor stand-
18 ards, and the environment), upon a finding by the Sec-
19 retary that any such waivers or alternative requirements
20 are necessary for the safe and effective administration of
21 these funds, consistent with the purposes described under
22 this heading in this Act, to prevent, prepare for, and re-
23 spond to coronavirus: *Provided further*, That the Secretary
24 shall notify the public through the Federal Register or
25 other appropriate means of any such waiver or alternative

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1 requirement to ensure the most expeditious allocation of
2 this funding, and in order for such waiver or alternative
3 requirement to take effect, and that such public notice
4 may be provided, at a minimum, on the Internet at the
5 appropriate Government web site or through other elec-
6 tronic media, as determined by the Secretary: *Provided*
7 *further*, That any such waivers or alternative requirements
8 shall remain in effect for the time and duration specified
9 by the Secretary in such public notice and may be ex-
10 tended if necessary upon additional notice by the Sec-
11 retary: *Provided further*, That to prevent, prepare for, and
12 respond to coronavirus, the notification required by sec-
13 tion 223 of Public Law 116–6 and section 221 of Public
14 Law 116–94 shall not apply to the award of amounts pro-
15 vided under paragraph (2) of this heading in Public Law
16 116–6 or under paragraph (7)(B) of this heading in Pub-
17 lic Law 116–94 in support of the family unification pro-
18 gram under section 8(x) of such Act: *Provided further*,
19 That the Secretary may award any remaining unobligated
20 balances appropriated under this heading in prior Acts for
21 incremental tenant-based assistance contracts under sec-
22 tion 811 of the Cranston-Gonzalez National Affordable
23 Housing Act (42 U.S.C. 8013), to prevent, prepare for,
24 and respond to coronavirus, without competition, includ-
25 ing for extraordinary administrative fees: *Provided further*,

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1 That no less than 25 percent of such amounts shall be
2 allocated proportionally to public housing agencies who re-
3 ceived awards in the 2017 and 2019 competitions for such
4 purposes within 60 days of enactment of this Act: *Pro-*
5 *vided further*, That the waiver and alternative require-
6 ments authority provided under this heading in this Act
7 shall also apply to such incremental tenant-based assist-
8 ance contract amounts: *Provided further*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 PUBLIC HOUSING OPERATING FUND

14 For an additional amount for "Public Housing Oper-
15 ating Fund", as authorized by section 9(e) of the United
16 States Housing Act of 1937 (42 U.S.C. 1437g(e)),
17 $685,000,000, to remain available until September 30,
18 2021, to prevent, prepare for, and respond to coronavirus,
19 including to provide additional funds for public housing
20 agencies to maintain normal operations and take other
21 necessary actions during the period that the program is
22 impacted by coronavirus: *Provided*, That the amount pro-
23 vided under this heading in this Act shall be combined
24 with the amount appropriated for the same purpose under
25 the same heading of Public Law 116–94, and distributed

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1 to all public housing agencies pursuant to the Operating
2 Fund formula at part 990 of title 24, Code of Federal
3 Regulations: *Provided further*, That for the period from
4 the enactment of this Act through December 31, 2020,
5 such combined total amount may be used for eligible ac-
6 tivities under subsections (d)(1) and (e)(1) of such section
7 9 and for other expenses related to preventing, preparing
8 for, and responding to coronavirus, including activities to
9 support or maintain the health and safety of assisted indi-
10 viduals and families, and activities to support education
11 and child care for impacted families: *Provided further*,
12 That amounts made available under the headings "Public
13 Housing Operating Fund" and "Public Housing Capital
14 Fund" in prior Acts, except for any set-asides listed under
15 such headings, may be used for all of the purposes de-
16 scribed in the previous proviso: *Provided further*, That the
17 expanded uses and funding flexibilities described in the
18 previous two provisos shall be available to all public hous-
19 ing agencies through December 31, 2020, except that the
20 Secretary may extend the period under which such flexi-
21 bilities shall be available in additional 12 month incre-
22 ments upon a finding that individuals and families as-
23 sisted by the public housing program continue to require
24 expanded services due to coronavirus: *Provided further*,
25 That the Secretary may waive, or specify alternative re-

AMERICAN OVERSIGHT

1 quirements for, any provision of any statute or regulation
2 that the Secretary administers in connection with the use
3 of such combined total amount or funds made available
4 under the headings "Public Housing Operating Fund"
5 and "Public Housing Capital Fund" in prior Acts (except
6 for requirements related to fair housing, nondiscrimina-
7 tion, labor standards, and the environment), upon a find-
8 ing by the Secretary that any such waivers or alternative
9 requirements are necessary for the safe and effective ad-
10 ministration of these funds to prevent, prepare for, and
11 respond to coronavirus: *Provided further*, That the Sec-
12 retary shall notify the public through the Federal Register
13 or other appropriate means of any such waiver or alter-
14 native requirement, to ensure the most expeditious alloca-
15 tion of this funding, in order for such waiver or alternative
16 requirement to take effect, and that such public notice
17 may be provided, at a minimum, on the Internet at the
18 appropriate Government web site or through other elec-
19 tronic media, as determined by the Secretary: *Provided*
20 *further*, That any such waivers or alternative requirements
21 shall remain in effect for the time and duration specified
22 by the Secretary in such public notice and may be ex-
23 tended if necessary upon additional notice by the Sec-
24 retary: *Provided further*, That such amount is designated
25 by the Congress as being for an emergency requirement

AMERICAN OVERSIGHT

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

3 NATIVE AMERICAN PROGRAMS

4 For an additional amount for "Native American Pro-
5 grams", $300,000,000, to remain available until Sep-
6 tember 30, 2024, to prevent, prepare for, and respond to
7 coronavirus, for activities and assistance authorized under
8 title I of the Native American Housing Assistance and
9 Self-Determination Act of 1996 (NAHASDA) (25 U.S.C.
10 4111 et seq.), and under title I of the Housing and Com-
11 munity Development Act of 1974 with respect to Indian
12 tribes (42 U.S.C. 5306(a)(1)): *Provided*, That the
13 amounts made available under this heading in this Act are
14 as follows:

15 (1) No less than $200,000,000 shall be avail-
16 able for the Native American Housing Block Grants
17 program, as authorized under title I of NAHASDA:
18 *Provided*, That amounts made available under this
19 paragraph shall be distributed according to the same
20 funding formula used in fiscal year 2020: *Provided*
21 *further*, That such amounts shall be used by recipi-
22 ents to prevent, prepare for, and respond to
23 coronavirus, including to maintain normal operations
24 and fund eligible affordable housing activities under
25 NAHASDA during the period that the program is

AMERICAN OVERSIGHT

1 impacted by coronavirus: *Provided further*, That
2 amounts provided under this heading in this Act
3 may be used to cover or reimburse allowable costs to
4 prevent, prepare for, and respond to coronavirus
5 that are incurred by a recipient, including for costs
6 incurred prior to the date of enactment of this Act:
7 *Provided further*, That the Secretary may waive, or
8 specify alternative requirements for, any provision of
9 any statute or regulation that the Secretary admin-
10 isters in connection with the use of amounts made
11 available under this paragraph or under the same
12 paragraph in Public Law 116–94 (except for re-
13 quirements related to fair housing, nondiscrimina-
14 tion, labor standards, and the environment), upon a
15 finding by the Secretary that any such waivers or al-
16 ternative requirements are necessary to expedite or
17 facilitate the use of such amounts to prevent, pre-
18 pare for, and respond to coronavirus: *Provided fur-*
19 *ther*, That any such waivers shall be deemed to be
20 effective as of the date an Indian tribe or tribally
21 designated housing entity began preparing for
22 coronavirus and shall apply to the amounts made
23 available under this paragraph and to the previously
24 appropriated amounts described in the previous pro-
25 viso; and

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1 (2) Up to $100,000,000 shall be available for
2 grants to Indian tribes under the Indian Community
3 Development Block Grant program under title I of
4 the Housing and Community Development Act of
5 1974, notwithstanding section 106(a)(1) of such
6 Act, to prevent, prepare for, and respond to
7 coronavirus, for emergencies that constitute immi-
8 nent threats to health and safety: *Provided*, That the
9 Secretary shall prioritize, without competition, allo-
10 cations of these amounts for activities and projects
11 designed to prevent, prepare for, and respond to
12 coronavirus: *Provided further*, That not to exceed 20
13 percent of any grant made with funds appropriated
14 under this paragraph shall be expended for planning
15 and management development and administration:
16 *Provided further*, That amounts provided under this
17 heading in this Act may be used to cover or reim-
18 burse allowable costs to prevent, prepare for, and re-
19 spond to coronavirus incurred by a recipient, includ-
20 ing for costs incurred prior to the date of enactment
21 of this Act: *Provided further*, That, notwithstanding
22 section 105(a)(8) of such Act (42 U.S.C.
23 5305(a)(8)), there shall be no per centum limitation
24 for the use of funds for public services activities to
25 prevent, prepare for, and respond to coronavirus:

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1 *Provided further*, That the previous proviso shall
2 apply to all such activities for grants of funds made
3 available under this paragraph or under paragraph
4 (4) of this heading in Public Law 116–94: *Provided*
5 *further*, That the Secretary may waive, or specify al-
6 ternative requirements for, any provision of any stat-
7 ute or regulation that the Secretary administers in
8 connection with the use of amounts made available
9 under this paragraph or under paragraph (4) in
10 Public Law 116–94 (except for requirements related
11 to fair housing, nondiscrimination, labor standards,
12 and the environment), upon a finding by the Sec-
13 retary that any such waivers or alternative require-
14 ments are necessary to expedite or facilitate the use
15 of such amounts to prevent, prepare for, and re-
16 spond to coronavirus: *Provided further*, That any
17 such waivers shall be deemed to be effective as of
18 the date an Indian tribe began preparing for
19 coronavirus and shall apply to the amounts made
20 available under this paragraph and to the previously
21 appropriated amounts described in the previous pro-
22 viso:
23 *Provided further*, That such amount is designated by the
24 Congress as being for an emergency requirement pursuant

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

3 COMMUNITY PLANNING AND DEVELOPMENT

4 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

5 For an additional amount for carrying out the
6 "Housing Opportunities for Persons with AIDS" pro-
7 gram, as authorized by the AIDS Housing Opportunity
8 Act (42 U.S.C. 12901 et seq.), $65,000,000, to remain
9 available until September 30, 2021, except that amounts
10 allocated pursuant to section 854(c)(5) of such Act shall
11 remain available until September 30, 2022, to provide ad-
12 ditional funds to maintain operations and for rental assist-
13 ance, supportive services, and other necessary actions, in
14 order to prevent, prepare for, and respond to coronavirus:
15 *Provided*, That not less than $50,000,000 of the amount
16 provided under this heading in this Act shall be allocated
17 pursuant to the formula in section 854 of such Act using
18 the same data elements as utilized pursuant to that same
19 formula in fiscal year 2020: *Provided further*, That up to
20 $10,000,000 of the amount provided under this heading
21 in this Act shall be to provide an additional one-time, non-
22 renewable award to grantees currently administering exist-
23 ing contracts for permanent supportive housing that ini-
24 tially were funded under section 854(c)(5) of such Act
25 from funds made available under this heading in fiscal

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1 year 2010 and prior years: *Provided further*, That such
2 awards shall be made proportionally to their existing
3 grants: *Provided further*, That such awards are not re-
4 quired to be spent on permanent supportive housing: *Pro-*
5 *vided further*, That, notwithstanding section 859(b)(3)(B)
6 of such Act, housing payment assistance for rent, mort-
7 gage, or utilities payments may be provided for a period
8 of up to 24 months: *Provided further*, That, to protect per-
9 sons who are living with HIV/AIDS, such amounts pro-
10 vided under this heading in this Act may be used to self-
11 isolate, quarantine, or to provide other coronavirus infec-
12 tion control services as recommended by the Centers for
13 Disease Control and Prevention for household members
14 not living with HIV/AIDS: *Provided further*, That such
15 amounts may be used to provide relocation services, in-
16 cluding to provide lodging at hotels, motels, or other loca-
17 tions, for persons living with HIV/AIDS and household
18 members not living with HIV/AIDS: *Provided further*,
19 That, notwithstanding section 856(g) of such Act (42
20 U.S.C. 12905(g)), a grantee may use up to 6 percent of
21 its award under this Act for administrative purposes, and
22 a project sponsor may use up to 10 percent of its sub-
23 award under this Act for administrative purposes: *Pro-*
24 *vided further*, That such amounts provided under this
25 heading in this Act may be used to cover or reimburse

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1 allowable costs consistent with the purposes of this head-
2 ing incurred by a grantee or project sponsor regardless
3 of the date on which such costs were incurred: *Provided*
4 *further*, That any regulatory waivers the Secretary may
5 issue may be deemed to be effective as of the date a grant-
6 ee began preparing for coronavirus: *Provided further*, That
7 any additional activities or authorities authorized pursu-
8 ant to this Act may also apply at the discretion and upon
9 notice of the Secretary to all amounts made available
10 under this same heading in Public Law 116–94 if such
11 amounts are used by grantees for the purposes described
12 under this heading: *Provided further*, That up to 2 percent
13 of amounts made available under this heading in this Act
14 may be used, without competition, to increase prior
15 awards made to existing technical assistance providers to
16 provide an immediate increase in capacity building and
17 technical assistance available to grantees under this head-
18 ing and under the same heading in prior Acts: *Provided*
19 *further*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

23 COMMUNITY DEVELOPMENT FUND

24 For an additional amount for "Community Develop-
25 ment Fund", $5,000,000,000, to remain available until

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1 September 30, 2022, to prevent, prepare for, and respond
2 to coronavirus: *Provided*, That up to $2,000,000,000 of
3 the amount made available under this heading in this Act
4 shall be distributed pursuant to section 106 of the Hous-
5 ing and Community Development Act of 1974 (42 U.S.C.
6 5306) to grantees that received allocations pursuant to
7 that same formula in fiscal year 2020, and that such allo-
8 cations shall be made within 30 days of enactment of this
9 Act: *Provided further*, That, in addition to amounts allo-
10 cated pursuant to the preceding proviso, an additional
11 $1,000,000,000 shall be allocated directly to States and
12 insular areas, as defined by 42 U.S.C. 5302(a), to prevent,
13 prepare for, and respond to coronavirus within the State
14 or insular area, including activities within entitlement and
15 nonentitlement communities, based on public health needs,
16 risk of transmission of coronavirus, number of coronavirus
17 cases compared to the national average, and economic and
18 housing market disruptions, and other factors, as deter-
19 mined by the Secretary, using best available data and that
20 such allocations shall be made within 45 days of enact-
21 ment of this Act: *Provided further*, That remaining
22 amounts shall be distributed directly to the State or unit
23 of general local government, at the discretion of the Sec-
24 retary, according to a formula based on factors to be de-
25 termined by the Secretary, prioritizing risk of trans-

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1 mission of coronavirus, number of coronavirus cases com-
2 pared to the national average, and economic and housing
3 market disruptions resulting from coronavirus: *Provided*
4 *further*, That such allocations may be made on a rolling
5 basis based on the best available data at the time of alloca-
6 tion: *Provided further*, That amounts made available in the
7 preceding provisos may be used to cover or reimburse al-
8 lowable costs consistent with the purposes of this heading
9 in this Act incurred by a State or locality regardless of
10 the date on which such costs were incurred: *Provided fur-*
11 *ther*, That section 116(b) of such Act (42 U.S.C. 5316(b))
12 and any implementing regulations, which requires grant-
13 ees to submit their final statements of activities no later
14 than August 16 of a given fiscal year, shall not apply to
15 final statements submitted in accordance with sections
16 104(a)(2) and (a)(3) of such Act (42 U.S.C. 5304(a)(2)
17 and (a)(3)) and comprehensive housing affordability strat-
18 egies submitted in accordance with section 105 of the
19 Cranston-Gonzalez National Affordable Housing Act (42
20 U.S.C. 12705) for fiscal years 2019 and 2020: *Provided*
21 *further*, That such final statements and comprehensive
22 housing affordability strategies shall instead be submitted
23 no later than August 16, 2021: *Provided further*, That the
24 Secretary may waive, or specify alternative requirements
25 for, any provision of any statute or regulation that the

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1 Secretary administers in connection with the use of
2 amounts made available under this heading in this Act and
3 under the same heading in Public Law 116–94 and Public
4 Law 116–6 (except for requirements related to fair hous-
5 ing, nondiscrimination, labor standards, and the environ-
6 ment), upon a finding by the Secretary that any such
7 waivers or alternative requirements are necessary to expe-
8 dite or facilitate the use of such amounts to prevent, pre-
9 pare for, and respond to coronavirus: *Provided further*,
10 That up to $10,000,000 of amounts made available under
11 this heading in this Act may be used to make new awards
12 or increase prior awards to existing technical assistance
13 providers, without competition, to provide an immediate
14 increase in capacity building and technical assistance to
15 support the use of amounts made available under this
16 heading in this Act and under the same heading in prior
17 Acts to prevent, prepare for, and respond to coronavirus:
18 *Provided further*, That, notwithstanding sections
19 104(a)(2), (a)(3), and (c) of the Housing and Community
20 Development Act of 1974 (42 U.S.C. 5304(a)(2), (a)(3),
21 and (c)) and section 105 of the Cranston-Gonzalez Na-
22 tional Affordable Housing Act (42 U.S.C. 12705), a
23 grantee may adopt and utilize expedited procedures to pre-
24 pare, propose, modify, or amend its statement of activities
25 for grants from amounts made available under this head-

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1 ing in this Act and under the same heading in Public Law
2 116–94 and Public Law 116–6: *Provided further*, That
3 under such expedited procedures, the grantee need not
4 hold in-person public hearings, but shall provide citizens
5 with notice and a reasonable opportunity to comment of
6 no less than 5 days: *Provided further*, That, for as long
7 as national or local health authorities recommend social
8 distancing and limiting public gatherings for public health
9 reasons, a grantee may create virtual public hearings to
10 fulfill applicable public hearing requirements for all grants
11 from funds made available under this heading in this Act
12 and under the same heading in Public Law 116–94 and
13 Public Law 116–6: *Provided further*, That any such virtual
14 hearings shall provide reasonable notification and access
15 for citizens in accordance with the grantee's certifications,
16 timely responses from local officials to all citizen questions
17 and issues, and public access to all questions and re-
18 sponses: *Provided further*, That, notwithstanding section
19 105(a)(8) of the Housing and Community Development
20 Act of 1974 (42 U.S.C. 5305(a)(8)), there shall be no per
21 centum limitation for the use of funds for public services
22 activities to prevent, prepare for, and respond to
23 coronavirus: *Provided further*, That the previous proviso
24 shall apply to all such activities for grants of funds made
25 available under this heading in this Act and under the

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1 same heading in Public Law 116–94 and Public Law 116–
2 6: *Provided further*, That the Secretary shall ensure there
3 are adequate procedures in place to prevent any duplica-
4 tion of benefits as required by section 312 of the Robert
5 T. Stafford Disaster Relief and Emergency Assistance Act
6 (42 U.S.C. 5155) and in accordance with section 1210 of
7 the Disaster Recovery Reform Act of 2018 (division D of
8 Public Law 115–254; 132 Stat. 3442), which amended
9 section 312 of the Robert T. Stafford Disaster Relief and
10 Emergency Assistance Act (42 U.S.C. 5155): *Provided*
11 *further*, That such amount is designated by the Congress
12 as being for an emergency requirement pursuant to sec-
13 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985.

15 HOMELESS ASSISTANCE GRANTS

16 For an additional amount for "Homeless Assistance
17 Grants", $4,000,000,000, to remain available until Sep-
18 tember 30, 2022, to prevent, prepare for, and respond to
19 coronavirus, among individuals and families who are
20 homeless or receiving homeless assistance and to support
21 additional homeless assistance and homelessness preven-
22 tion activities to mitigate the impacts created by
23 coronavirus under the Emergency Solutions Grants pro-
24 gram as authorized under subtitle B of title IV of the
25 McKinney-Vento Homeless Assistance Act (42 U.S.C.

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1 11371 et seq.), as amended: *Provided*, That up to
2 $2,000,000,000 of the amount appropriated under this
3 heading in this Act shall be distributed pursuant to 24
4 CFR 576.3 to grantees that received allocations pursuant
5 to that same formula in fiscal year 2020, and that such
6 allocations shall be made within 30 days of enactment of
7 this Act: *Provided further*, That, remaining amounts shall
8 be allocated directly to a State or unit of general local
9 government by a formula to be developed by the Secretary
10 and that such allocations shall be made within 90 days
11 of enactment of this Act: *Provided further*, That such for-
12 mula shall allocate such amounts for the benefit of
13 unsheltered homeless, sheltered homeless, and those at
14 risk of homelessness, to geographical areas with the great-
15 est need based on factors to be determined by the Sec-
16 retary, such as risk of transmission of coronavirus, high
17 numbers or rates of sheltered and unsheltered homeless,
18 and economic and housing market conditions as deter-
19 mined by the Secretary: *Provided further*, That individuals
20 and families whose income does not exceed the Very Low-
21 Income Limit of the area, as determined by the Secretary,
22 shall be considered "at risk of homelessness" and shall
23 be eligible for homelessness prevention if they meet the
24 criteria in section 401(1)(B) and (C) of such Act (42
25 U.S.C. 11360(1)(B) and (C)): *Provided further*, That

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1 amounts provided under this heading in this Act may be
2 used to cover or reimburse allowable costs to prevent, pre-
3 pare for, and respond to coronavirus that are incurred by
4 a State or locality, including for costs incurred prior to
5 the date of enactment of this Act: *Provided further*, That
6 recipients may deviate from applicable procurement stand-
7 ards when procuring goods and services to prevent, pre-
8 pare for, and respond to coronavirus: *Provided further*,
9 That a recipient may use up to 10 percent of its allocation
10 for administrative purposes: *Provided further*, That the
11 use of amounts provided under this heading in this Act
12 shall not be subject to the consultation, citizen participa-
13 tion, or match requirements that otherwise apply to the
14 Emergency Solutions Grants program, except that a re-
15 cipient must publish how it has and will utilize its alloca-
16 tion, at a minimum, on the Internet at the appropriate
17 Government web site or through other electronic media:
18 *Provided further*, That the spending cap established pursu-
19 ant to section 415(b) of such Act (42 U.S.C. 11374) shall
20 not apply to amounts provided under this heading in this
21 Act: *Provided further*, That amounts provided under this
22 heading in this Act may be used to provide temporary
23 emergency shelters (through leasing of existing property,
24 temporary structures, or other means) to prevent, prepare
25 for, and respond to coronavirus, and that such temporary

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1 emergency shelters shall not be subject to the minimum
2 periods of use required by section 416(c)(1) of such Act
3 (42 U.S.C. 11375(c)(1)): *Provided further*, That Federal
4 habitability and environmental review standards and re-
5 quirements shall not apply to the use of such amounts for
6 those temporary emergency shelters that have been deter-
7 mined by State or local health officials to be necessary
8 to prevent, prepare for, and respond to coronavirus: *Pro-*
9 *vided further*, That amounts provided under this heading
10 in this Act may be used for training on infectious disease
11 prevention and mitigation and to provide hazard pay, in-
12 cluding for time worked prior to the date of enactment
13 of this Act, for staff working directly to prevent, prepare
14 for, and respond to coronavirus among persons who are
15 homeless or at risk of homelessness, and that such activi-
16 ties shall not be considered administrative costs for pur-
17 poses of the 10 percent cap: *Provided further*, That in ad-
18 ministering the amounts made available under this head-
19 ing in this Act, the Secretary may waive, or specify alter-
20 native requirements for, any provision of any statute or
21 regulation that the Secretary administers in connection
22 with the obligation by the Secretary or the use by the re-
23 cipient of these amounts (except for requirements related
24 to fair housing, nondiscrimination, labor standards, and
25 the environment unless otherwise provided under this

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1 paragraph), if the Secretary finds that good cause exists
2 for the waiver or alternative requirement and such waiver
3 or alternative requirement is necessary to prevent, prepare
4 for, and respond to coronavirus: *Provided further*, That
5 any such waivers shall be deemed to be effective as of the
6 date a State or unit of local government began preparing
7 for coronavirus and shall apply to the use of amounts pro-
8 vided under this heading in this Act and amounts provided
9 under the same heading for the Emergency Solutions
10 Grant program in prior Acts used by recipients to prevent,
11 prepare for, and respond to coronavirus: *Provided further*,
12 That the Secretary shall notify the public through the
13 Federal Register or other appropriate means of any such
14 waiver or alternative requirement, and that such public
15 notice may be provided, at a minimum, on the Internet
16 at the appropriate Government web site or through other
17 electronic media, as determined by the Secretary: *Provided*
18 *further*, That any additional activities or authorities au-
19 thorized pursuant to this Act, including any waivers and
20 alternative requirements established by the Secretary pur-
21 suant to this Act, may also apply at the discretion and
22 upon notice of the Secretary with respect to all amounts
23 made available for the Emergency Solutions Grants pro-
24 gram under the heading "Homeless Assistance Grants"
25 in any prior Act and used by recipients to prevent, prepare

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1 for, and respond to coronavirus: *Provided further*, That up
2 to 1 percent of amounts made available under this heading
3 in this Act may be used to make new awards or increase
4 prior awards made to existing technical assistance pro-
5 viders with experience in providing health care services to
6 homeless populations, without competition, to provide an
7 immediate increase in capacity building and technical as-
8 sistance available to recipients of amounts for the Emer-
9 gency Solutions Grants program under this heading in this
10 Act and under the same heading in prior Acts: *Provided*
11 *further*, That none of the funds provided under this head-
12 ing in this Act may be used to require people experiencing
13 homelessness to receive treatment or perform any other
14 prerequisite activities as a condition for receiving shelter,
15 housing, or other services: *Provided further*, That such
16 amount is designated by the Congress as being for an
17 emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 HOUSING PROGRAMS

21 PROJECT-BASED RENTAL ASSISTANCE

22 For an additional amount for "Project-Based Rental
23 Assistance", $1,000,000,000, to remain available until ex-
24 pended, to prevent, prepare for, and respond to
25 coronavirus, including to provide additional funds to main-

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1 tain normal operations and take other necessary actions
2 during the period that the program is impacted by
3 coronavirus, for assistance to owners or sponsors of prop-
4 erties receiving project-based assistance pursuant to sec-
5 tion 8 of the United States Housing Act of 1937 (42
6 U.S.C. 1437f et seq.): *Provided*, That the Secretary may
7 waive, or specify alternative requirements for, any provi-
8 sion of any statute or regulation that the Secretary admin-
9 isters in connection with the use of amounts made avail-
10 able under this heading in this Act (except for require-
11 ments related to fair housing, nondiscrimination, labor
12 standards, and the environment), upon a finding by the
13 Secretary that any such waivers or alternative require-
14 ments are necessary to expedite or facilitate the use of
15 such amounts to prevent, prepare for, and respond to
16 coronavirus, and such waiver or alternative requirement
17 is consistent with the purposes described under this head-
18 ing in this Act: *Provided further*, That the Secretary shall
19 notify the public through the Federal Register or other
20 appropriate means of any such waiver or alternative re-
21 quirement in order for such waiver or alternative require-
22 ment to take effect, and that such public notice may be
23 provided, at a minimum, on the Internet at the appro-
24 priate Government web site or through other electronic
25 media, as determined by the Secretary: *Provided further*,

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1 That such amount is designated by the Congress as being
2 for an emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 HOUSING FOR THE ELDERLY

6 For an additional amount for ''Housing for the El-
7 derly'', $50,000,000, to remain available until September
8 30, 2023, to prevent, prepare for, and respond to
9 coronavirus, including to provide additional funds to main-
10 tain normal operations and take other necessary actions
11 during the period that the program is impacted by
12 coronavirus, for assistance to owners or sponsors of prop-
13 erties receiving project-based assistance pursuant to sec-
14 tion 202 of the Housing Act of 1959 (12 U.S.C. 1701q),
15 as amended: *Provided*, That of the amount provided under
16 this heading in this Act, up to $10,000,000 shall be for
17 service coordinators and the continuation of existing con-
18 gregate service grants for residents of assisted housing
19 projects: *Provided further*, That the Secretary may waive,
20 or specify alternative requirements for, any provision of
21 any statute or regulation that the Secretary administers
22 in connection with the use of amounts made available
23 under this heading in this Act (except for requirements
24 related to fair housing, nondiscrimination, labor stand-
25 ards, and the environment), upon a finding by the Sec-

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1 retary that any such waivers or alternative requirements
2 are necessary to expedite or facilitate the use of such
3 amounts to prevent, prepare for, and respond to
4 coronavirus, and such waiver or alternative requirement
5 is consistent with the purposes described under this head-
6 ing in this Act: *Provided further*, That the Secretary shall
7 notify the public through the Federal Register or other
8 appropriate means of any such waiver or alternative re-
9 quirement in order for such waiver or alternative require-
10 ment to take effect, and that such public notice may be
11 provided, at a minimum, on the Internet at the appro-
12 priate Government web site or through other electronic
13 media, as determined by the Secretary: *Provided further*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 HOUSING FOR PERSONS WITH DISABILITIES

19 For an additional amount for ''Housing for Persons
20 with Disabilities'', $15,000,000, to remain available until
21 September 30, 2023, to prevent, prepare for, and respond
22 to coronavirus, including to provide additional funds to
23 maintain normal operations and take other necessary ac-
24 tions during the period that the program is impacted by
25 coronavirus, for assistance to owners or sponsors of prop-

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1 erties receiving project-based assistance pursuant to sec-
2 tion 811 of the Cranston-Gonzalez National Affordable
3 Housing Act (42 U.S.C. 8013), as amended: *Provided*,
4 That the Secretary may waive, or specify alternative re-
5 quirements for, any provision of any statute or regulation
6 that the Secretary administers in connection with the use
7 of amounts made available under this heading in this Act
8 (except for requirements related to fair housing, non-
9 discrimination, labor standards, and the environment),
10 upon a finding by the Secretary that any such waivers or
11 alternative requirements are necessary to expedite or fa-
12 cilitate the use of such amounts to prevent, prepare for,
13 and respond to coronavirus, and such waiver or alternative
14 requirement is consistent with the purposes described
15 under this heading in this Act: *Provided further*, That the
16 Secretary shall notify the public through the Federal Reg-
17 ister or other appropriate means of any such waiver or
18 alternative requirement in order for such waiver or alter-
19 native requirement to take effect, and that such public no-
20 tice may be provided, at a minimum, on the Internet at
21 the appropriate Government web site or through other
22 electronic media, as determined by the Secretary: *Provided*
23 *further*, That such amount is designated by the Congress
24 as being for an emergency requirement pursuant to sec-

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1 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 FAIR HOUSING AND EQUAL OPPORTUNITY

4 FAIR HOUSING ACTIVITIES

5 For an additional amount for "Fair Housing Activi-
6 ties", $2,500,000, to remain available until September 30,
7 2021, for contracts, grants, and other assistance, as au-
8 thorized by title VIII of the Civil Rights Act of 1968, as
9 amended by the Fair Housing Amendments Act of 1988,
10 and section 561 of the Housing and Community Develop-
11 ment Act of 1987, to prevent, prepare for, and respond
12 to coronavirus, of which $1,500,000 shall be for the Fair
13 Housing Assistance Program Partnership for Special En-
14 forcement grants to address fair housing issues relating
15 to coronavirus, and $1,000,000 shall be for the Fair Hous-
16 ing Initiatives Program for education and outreach activi-
17 ties under such section 561 to educate the public about
18 fair housing issues related to coronavirus: *Provided*, That
19 such amount is designated by the Congress as being for
20 an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 OFFICE OF INSPECTOR GENERAL

24 For an additional amount for "Office of Inspector
25 General", $5,000,000, to remain available until expended,

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1 to prevent, prepare for, and respond to coronavirus: *Pro-*
2 *vided*, That the funding made available under this heading
3 in this Act shall be used for conducting audits and inves-
4 tigations of projects and activities carried out with funds
5 made available in this Act to the Department of Housing
6 and Urban Development to prevent, prepare for, and re-
7 spond to coronavirus: *Provided further*, That such amount
8 is designated by the Congress as being for an emergency
9 requirement pursuant to section 251(b)(2)(A)(i) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985.

12 GENERAL PROVISIONS—THIS TITLE

13 SEC. 22001. Of the amounts made available from the
14 Airport and Airway Trust Fund for "Federal Aviation Ad-
15 ministration—Operations" in title XI of division B of the
16 Bipartisan Budget Act of 2018 (Public Law 115–123),
17 up to $25,000,000 may be used to prevent, prepare for,
18 and respond to coronavirus: *Provided*, That amounts
19 repurposed in this section that were previously designated
20 by the Congress as an emergency requirement pursuant
21 to the Balanced Budget and Emergency Deficit Control
22 Act of 1985 are designated by the Congress as an emer-
23 gency requirement pursuant to section 251(b)(2)(A)(i) of
24 the Balanced Budget and Emergency Deficit Control Act
25 of 1985.

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1 SEC. 22002. For amounts made available by this Act
2 under the headings "Northeast Corridor Grants to the Na-
3 tional Railroad Passenger Corporation" and "National
4 Network Grants to the National Railroad Passenger Cor-
5 poration", the Secretary of Transportation may not waive
6 the requirements under section 24312 of title 49, United
7 States Code, and section 24305(f) of title 49, United
8 States Code: *Provided*, That for amounts made available
9 by this Act under such headings the Secretary shall re-
10 quire the National Railroad Passenger Corporation to
11 comply with the Railway Retirement Act of 1974 (45
12 U.S.C. 231 et seq.), the Railway Labor Act (45 U.S.C.
13 151 et seq.), and the Railroad Unemployment Insurance
14 Act (45 U.S.C. 351 et seq.): *Provided further*, That not
15 later than 7 days after the date of enactment of this Act
16 and each subsequent 7 days thereafter, the Secretary shall
17 notify the House and Senate Committees on Appropria-
18 tions, the Committee on Transportation and Infrastruc-
19 ture of the House of Representatives, and the Committee
20 on Commerce, Science, and Transportation of the Senate
21 of any National Railroad Passenger Corporation employee
22 furloughs as a result of efforts to prevent, prepare for,
23 and respond to coronavirus: *Provided further*, That in the
24 event of any National Railroad Passenger Corporation em-
25 ployee furloughs as a result of efforts to prevent, prepare

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1 for, and respond to coronavirus, the Secretary shall re-
2 quire the National Railroad Passenger Corporation to pro-
3 vide such employees the opportunity to be recalled to their
4 previously held positions as intercity passenger rail service
5 is restored to March 1, 2020 levels and not later than the
6 date on which intercity passenger rail service has been
7 fully restored to March 1, 2020 levels.

8 SEC. 22003. For the duration of fiscal year 2020,
9 section 127(i)(1)(A) of title 23, United States Code, shall
10 read as if and apply to situations in which: the President
11 has declared an emergency or a major disaster under the
12 Robert T. Stafford Disaster Relief and Emergency Assist-
13 ance Act (42 U.S.C. 5121 et seq.).

14 SEC. 22004. No later than September 30, 2020, the
15 remaining unobligated balances of funds made available
16 for the youth homelessness demonstration under the head-
17 ing "Department of Housing and Urban Development—
18 Community Planning and Development—Homeless As-
19 sistance Grants" in the Consolidated Appropriations Act,
20 2018 (Public Law 115–141) are hereby permanently re-
21 scinded, and an amount of additional new budget author-
22 ity equivalent to the amount rescinded is hereby appro-
23 priated, to remain available until September 30, 2021, in
24 addition to other funds as may be available for such pur-
25 poses, and shall be available, without additional competi-

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1 tion, for completing the funding of awards made pursuant
2 to the fiscal year 2018 youth homelessness demonstration.
3 HIGHWAY SAFETY GRANTS EMERGENCY AUTHORITY
4 SEC. 22005. (a) IN GENERAL.—The Secretary of
5 Transportation (referred to in this section as the "Sec-
6 retary") may waive or postpone any requirement under
7 section 402, 404, 405, or 412 of title 23, United States
8 Code, section 4001 of the FAST Act (Public Law 114–
9 94; 129 Stat. 1497), or part 1300 of title 23, Code of
10 Federal Regulations (or successor regulations), if the Sec-
11 retary determines that—
12 (1) the Coronavirus Disease 2019 (COVID-19)
13 is having a substantial impact on—
14 (A) the ability of States to implement or
15 carry out any grant, campaign, or program
16 under those provisions; or
17 (B) the ability of the Secretary to carry
18 out any responsibility of the Secretary with re-
19 spect to a grant, campaign, or program under
20 those provisions; or
21 (2) the requirements of those provisions are
22 having a substantial impact on the ability of States
23 or the Secretary to address the Coronavirus Disease
24 2019 (COVID–19).

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1 (b) REPORT.—The Secretary shall periodically sub-
2 mit to the relevant committees of Congress a report de-
3 scribing—
4 (1) each determination made by the Secretary
5 under subsection (a); and
6 (2) each waiver or postponement of a require-
7 ment under that subsection.
8 (c) EMERGENCY REQUIREMENT.—The amount pro-
9 vided by this section is designated by the Congress as
10 being for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

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1 TITLE XIII

2 GENERAL PROVISIONS—THIS ACT

3 SEC. 23001. Each amount appropriated or made
4 available by this Act is in addition to amounts otherwise
5 appropriated for the fiscal year involved.

6 SEC. 23002. No part of any appropriation contained
7 in this Act shall remain available for obligation beyond
8 the current fiscal year unless expressly so provided herein.

9 SEC. 23003. Unless otherwise provided for by this
10 Act, the additional amounts appropriated by this Act to
11 appropriations accounts shall be available under the au-
12 thorities and conditions applicable to such appropriations
13 accounts for fiscal year 2020.

14 SEC. 23004. (a) Subject to subsection (b), and not-
15 withstanding any other provision of law, funds made avail-
16 able in this Act, or transferred pursuant to authorization
17 granted in this Act, may only be used to prevent, prepare
18 for, and respond to coronavirus.

19 (b) Subsection (a) shall not apply to sections 11002,
20 13002, and 18114 of this Act, reimbursements made pur-
21 suant to authority in this Act, or to funds made available
22 in this Act for the Emergency Reserve Fund, established
23 pursuant to section 7058(c)(1) of division J of Public Law
24 115–31, or to funds made available in this Act for the
25 Infectious Diseases Rapid Response Reserve Fund, estab-

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1 lished pursuant to section 231 of division B of Public Law
2 115–245.
3 (c) This section shall not apply to title VI of this Act.
4 SEC. 23005. In this Act, the term ''coronavirus''
5 means SARS–CoV–2 or another coronavirus with pan-
6 demic potential.
7 SEC. 23006. Each amount designated in this Act by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985 shall be avail-
11 able (or rescinded or transferred, if applicable) only if the
12 President subsequently so designates all such amounts
13 and transmits such designations to the Congress.
14 SEC. 23007. Any amount appropriated by this Act,
15 designated by the Congress as an emergency requirement
16 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
17 et and Emergency Deficit Control Act of 1985 and subse-
18 quently so designated by the President, and transferred
19 pursuant to transfer authorities provided by this Act shall
20 retain such designation.
21 BUDGETARY EFFECTS
22 SEC. 23008. (a) STATUTORY PAYGO SCORE-
23 CARDS.—The budgetary effects of this division shall not
24 be entered on either PAYGO scorecard maintained pursu-
25 ant to section 4(d) of the Statutory Pay As-You-Go Act
26 of 2010.

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1 (b) SENATE PAYGO SCORECARDS.—The budgetary
2 effects of this division shall not be entered on any PAYGO
3 scorecard maintained for purposes of section 4106 of H.
4 Con. Res. 71 (115th Congress).
5 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
6 Notwithstanding Rule 3 of the Budget Scorekeeping
7 Guidelines set forth in the joint explanatory statement of
8 the committee of conference accompanying Conference Re-
9 port 105–217 and section 250(c)(7) and (c)(8) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985,
11 the budgetary effects of this division shall be estimated
12 for purposes of section 251 of such Act.
13 (d) ENSURING NO WITHIN-SESSION SEQUESTRA-
14 TION.—Solely for the purpose of calculating a breach with-
15 in a category for fiscal year 2020 pursuant to section
16 251(a)(6) or section 254(g) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985, and notwith-
18 standing any other provision of this division, the budg-
19 etary effects from this division shall be counted as
20 amounts designated as being for an emergency require-
21 ment pursuant to section 251(b)(2)(A) of such Act.
22 This division may be cited as the "Emergency Appro-
23 priations for Coronavirus Health Response and Agency
24 Operations".

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**From:** Garcia, Daniela
**Sent:** Fri, 20 Mar 2020 15:18:41 +0000
**To:** Stump, Scott;Burrichter, Douglas;VanderPloeg, Laurie;Brogan, Frank;Dalton, Ashley;Falconer, Susan
**Subject:** CCSSO Call

All – CCSSO is asking speakers to call in at 12:30 to ensure everyone can be heard and is on the line for the 12:45 pm call. We have a hard stop at 1:45 p.m. Once you are on the call and checked please mute your phones until the beginning of the call.

Agenda (Tentative)

12:45-12:50: Carissa opening
12:50-12:55: Secretary DeVos Remarks
12:55-1:10: Assistant Secretary Frank Brogan (OESE) – Waivers
1:10-1:15: Assistant Secretary Scott Stump (OCTAE) – Perkins 5
1:15-1:35: Director Laurie VanderPloeg (OSERS) – Special Education
1:35-1:45: Q&A for CCSSO staff and any ED staff still on the line

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**From:** Falconer, Susan
**Sent:** Wed, 18 Mar 2020 22:09:25 +0000
**To:** Feldpausch, Sarah;Condie, Caitlin;Rinkus, Christopher;Waters, Erica;Levorse, Audrey
**Cc:** VanderPloeg, Laurie;Viana, Aimee
**Subject:** CCSSO internal draft agenda for THEIR call tomorrow
**Attachments:** 3.19.20 Webinar Agenda for Chiefs.docx

Good evening,

Tomorrow evening (Thursday) CCSSO is having their own call where they have confirmed participation from three of our ED senior officials:

Frank Brogan
Chris Rinkus
Laurie VanderPloeg

They are asking if the participating senior officials have any comments, concerns or edits to the internal DRAFT agenda they prepared, which I have attached.

Thanks, Susan

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**3.19.20 Webinar Agenda for Chiefs**

**Today's topics include:**

- New expedited process for statewide assessment waivers
- Providing services to students with disabilities during school closures
- Emergency supplemental funding
- CCSSO resources and state trackers
    - CCSSO continues to track statewide school closures and assessment changes
    - New FAQ document on One Drive
    - Update on Teams
- Next week (preview of topics we'll discuss or that we anticipate for next week?)

**Carissa's Introduction**

*Suggested talking points:*

- Thanks, everyone for joining us today, Thursday, March 19, 2020
- Today we are joined by senior officials at the U.S. Department of Education who will share important updates with states about assessment waivers and providing services for students with disabilities.
- Then we'll provide an update on emergency supplemental funding packages making their way through Congress
- Finally, we'll update you on resources and state trackers CCSSO is updating

**Update on Assessment Waivers** -- Carissa to provide an introduction. Peter and Scott are available.

*Suggested talking points:*

- We have heard from most states about the need for waivers from ED to extend, delay, or cancel assessments this spring due to school closures and academic interruptions.
- When ED released guidance on assessment waivers on March 12, the guidance referred to school-level waivers – but just a few hours later we saw states closing all of their schools. Today we are up to 31 states that are closing their schools for between two weeks to (x months). School-level waivers are no longer realistic in this context.
- We've been working closely with ED on a strategy to provide a solution for states who are struggling with balancing the public safety needs of their students and educators with federal requirements. We think we've found a good compromise.

Carissa introduces **Frank Brogan**, Assistant Secretary in the Office of Elementary and Secondary Education (OESE) and **Chris Rinkus**, Deputy Assistant at OESE, who will provide an update on the Department's new expedited assessment waiver

Carissa to moderate questions from states for Frank and Chris. Peter and Scott are available if needed.

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**Providing Services to Students with Disabilities –** Carissa to provide an introduction. Kathleen is available if needed.

*Suggested talking points:*

- We have heard states grappling with the issue of providing online instruction and other services to students but being uncertain about how to best serve students with disabilities during school closures.

Carissa to introduce **Laurie VanderPloeg**, Director of the Office of Special Education Programs (OSEP), in the Office of Special Education and Rehabilitative Services (OSERS), who will discuss any questions states have on the topic of providing services to students with disabilities during school closures related to COVID-19.

Carissa to moderate questions from states for Laurie. Kathleen is available if needed.

**Supplemental Funding –** Carissa to provide updates. Peter available if needed.

*Suggested talking points:*

- CCSSO joined (x) organizations – including AASA, NEA, NASSP, NAESP, National PTA, NSBA, and NASDE – in sending a letter to Congress on Wednesday to express our support for emergency federal funding for schools.
    - This letter is available at ccsso.org/coronavirus
- We also are continuing to collect states' feedback on known and anticipated costs related to COVID-19 so we can advocate on your behalf
    - We have shared with members of Congress what we've heard so far from you on what you estimate your needs to be over the next weeks, months, and year.
    - Please continue to share your funding needs through chat, on the One Drive, or by emailing Communications@ccsso.org
- (Update on education-specific emergency supplementals (aka Supplementals 3 and 4)

Carissa to moderate state discussion.

*Questions for states:*

- Specifically, we'd like to know if your SEA is incurring additional costs related to COVID-19 response. If so, can you outline cost estimates for us? And, are there other items you want to flag for this supplemental as we continue to work with House and Senate leaders?

- I'll now turn it over to Melissa McGrath.

**CCSSO Resources and State Trackers** – Melissa to describe.

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**State trackers** – CCSSO continues to track statewide school closures and publicly announced changes to state assessment windows. Those trackers are available on (One Drive)

**FAQ Document** – Also on the One Drive is a new FAQ Document that CCSSO has compiled with states' questions and answers where federal agencies have provided guidance or answers. We intend to add to this document as we receive your questions, so please be patient with us as we work to track down answers.

**Teams update for chiefs –** Melissa will update the Chiefs Teams group.

**Preview of next week's calls** – Carissa to review

*Suggested talking points:*

- Please continue to let us at CCSSO know what is top of mind for you so we can provide support, advocacy, and resources.
- On Tuesday's call we plan to discuss (xx)

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**From:** Petersen, Molly
**Sent:** Mon, 20 Apr 2020 10:59:24 +0000
**To:** Petersen, Molly;Feldpausch, Sarah;Kesner, Paul;Ryder, Ruth;Jones, Diane;Schultz, Mark;Levorse, Audrey;VanderPloeg, Laurie;Rosenfelt, Phil;Cordes, Bill
**Cc:** Viana, Aimee;King, Robert;Brown, Mark;Hokanson, Jesse;Talbert, Kent;Hill, Elizabeth;Harding, Jordan;Ratliff, Sara;Bartlett, Anna;Wilson, Linda;Forester, James;Zarish-Becknell, Kim;Riley, Mary Christina
**Subject:** Confirmed HELP Briefing

Confirmed HELP Briefing on Coronavirus

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**From:** Ryder, Ruth
**Sent:** Mon, 20 Apr 2020 11:07:31 +0000
**To:** Ryder, Ruth;VanderPloeg, Laurie;Cantrell, David;Kesner, Paul;Wexler, Larry;Bradley, Renee;Foy Moss, Rita;Smith, Danielle;Walawender, Rebecca;Hoffman, Amanda
**Cc:** ritamoss@verizon.net
**Subject:** Coordinating Continuity of Learning Effort

Invite from Laurie and Ruth:

We'd like to discuss how we can best coordinate our efforts around continuity of learning resources and efforts, including distance learning, etc. The goal of this effort is to get support/information to States, LEAs and schools to best support students during school closure.

Laurie and I spoke briefly this morning (Sunday) and some thoughts to start the conversation:

1. Portal, single point of entry to resources – ED-wide?
   - How to best "gather" resources without duplication of effort
   - How to organize/catalog resources
   - Anything for families (outreach to OSEP Parent Centers and OESE Family Engagement Centers; Dawn Ellis in OCO?)
2. Needs sensing (probably informal); RRT input; listening sessions with stakeholders; input from TA centers
3. Any role for Communities of Practice?
4. Prepared for focus to shift to recovery/reentry

If you have other thoughts to add to the agenda, pleas send them to Laurie and Ruth.

Thanks
Ruth and Laurie

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|)OC([1033])|

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**From:** Hylton, Gretta - KDE Associate Commissioner
**Sent:** Wed, 11 Mar 2020 18:32:17 +0000
**To:** VanderPloeg, Laurie
**Cc:** Kinnard, Curtis
**Subject:** coronavirus question and non-traditional instruction question

Hi Laurie,

During the NASDSE board meeting yesterday, I understood that specific questions regarding the coronavirus should be sent directly to you. If I've misunderstood, please accept my apology. I have included Curtis Kinnard on this correspondence in the event I am mistaken. Curtis always provides high-quality support to Kentucky and we are very grateful for him.

I understand OSEP will soon be releasing guidance on the novel coronavirus pandemic. While I believe many questions will be answered through this guidance, Kentucky has a unique situation with what is known as *"Non-Traditional Instruction" (NTI) Program.* We have legislation that allows districts to provide alternate instruction during days when schools would otherwise be forced to close. This legislation came about as a result of extreme adverse weather events that forced multiple school districts to close for extended periods of time.

When NTI days occur, it is considered an instructional day although students may receive instruction very differently than they would during a regular school day. Students do not report to the school but rather participate in instruction such as online course work, completing a project or paper assignment, or other method of participating in instructional activities. Currently, districts are only approved for 10 NTI days and must submit an application prior to the start of school that informs the Kentucky Department of Education (KDE) as to how NTI will be implemented.

Considering the novel coronavirus pandemic, KDE is opening up this process as a possibility for more schools to submit an "emergency application" or waiver to obtain more NTI days as needed. The idea is to provide additional flexibility toward keeping our families and children as healthy as possible.

I am not sure the guidance will specifically speak to questions I have around how to appropriately implement NTI for students with IEPs during this time of uncertainty. I am sure you are extremely busy, especially during this time of uncertainty. If you have a small amount of time, I would like to chat briefly to seek additional guidance for Kentucky's unique situation.

Thanks so much!
Gretta Hylton

***Gretta Hylton***
Associate Commissioner
Office of Special Education and Early Learning

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Kentucky Department of Education
300 Sower Blvd, 4th Floor
Frankfort, KY 40601
(502) 564-4970 ext. (b)(6)
Gretta.Hylton@education.ky.gov

*The Kentucky Department of Education would like your input on the agency's customer service efforts. Please take a moment to complete an online survey, which may be accessed at https://www.surveymonkey.com/r/QTSNYD5. All responses will remain anonymous. Thank you!*

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**From:** VanderPloeg, Laurie
**Sent:** Fri, 28 Feb 2020 14:29:51 +0000
**To:** Schultz, Mark
**Subject:** Coronavirus Task Force

Is OSERS part of this Task Force?

ED Creates Coronavirus Task Force.
Inside Higher Ed (2/28, Fain, 72K) reports Education Secretary Betsy DeVos announced Thursday that the ED is forming a coronavirus task force, led by Dr. Mitchell "Mick" Zais, Deputy Secretary of Education. An ED spokeswoman said in an email that the group will "lead the agency's continuity of operations plan and run point on the interagency work." DeVos made the announcement during her congressional testimony before the House Appropriations Committee.

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

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**From:** VanderPloeg, Laurie
**Sent:** Fri, 13 Mar 2020 19:00:24 +0000
**To:** Rosenfelt, Phil;Ellis, Kathryn;Weiss, Rhonda;francisco.lopez@ed.gov
**Subject:** Coronavirus Timelines

Hi team-

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**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

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**From:** Kristi-Jo Preston
**Sent:** Wed, 18 Mar 2020 13:35:08 +0000
**To:** VanderPloeg, Laurie
**Cc:** John Eisenberg
**Subject:** COVID-19 Distance Learning and Waivers / Modifications

Hi Laurie,

I hope this email finds you well. I am the state director of special education policy for Louisiana. As we are all navigating the unprecedented public health emergency with COVID-19 outbreak, I need to call you to action on two issues. Louisiana's governor issued a proclamation closing all K-12 school facilities for 30 days. I cannot stress enough the sense of urgency we, and many other states feel, in seeing movement on these so that we can provide school systems with the clarity and guidance they need to support students with disabilities across Louisiana.

**Distance Learning / Online Learning**

One of the most urgent issues in our state right now is school closure v. school closure with distance ed. These articles / tweets summarize the issue well. After reviewing ED's (including OSEP and OCR) guidance, many schools believe they need to close completely because they cannot provide educational services for any student if they are having trouble providing special education and related services as well. Whether OSEP can provide this clarity directly, or needs to raise these concerns to Congress, I strongly encourage action.

http://www.ocpathink.org/post/oklahoma-closes-public-schools-including-online-schools

https://twitter.com/MichaelPetrilli/status/1239917154302132224

https://twitter.com/RbnLake/status/1239925473058017280

**Waivers / Modifications**

During Katrina, OSEP was supportive in requesting a broad waiver authority that would enable the Secretary, on a case-by-case basis, to waive or modify certain provisions of Federal law. Given the scale of the public health emergency, I'd strongly encourage you to pursue all avenues, whether it's direct ED action or Congressional action. Here are some of the special education compliance timelines that are being flagged by school systems in Louisiana.

- Part C to B transition. By the third birthday of a child, an IEP or IFSP has been developed and is being implemented for the child; and (Sec. 300.124 (c))
- Initial IEPs. Initial IEPs; provision of services. Each public agency must ensure that a meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services. (Sec. 300.323)
- Annual IEPs. The IEP team reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and revises the IEP, as appropriate. (Sec. 300.324 (b) (1) (i))

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- Reevaluation timelines - A reevaluation shall occur at least once every 3 years, unless the parent and the local educational agency agree that a reevaluation is unnecessary. (Sec. 1414 (a) (2)(b))
- Transition IEP - The IEP in effect when a child turns 16, the IEP must include appropriate measurable postsecondary goals, and the transition services (including courses of study) needed to assist the child in reaching those goals. (Sec. 300.320 (b))

You may already be moving to resolve these issues, if so, it would be helpful for States to know where the status of these efforts. I deeply appreciate all the work you have been doing over the last few days. The webinar last Friday was very helpful.

Best,

Kristi-Jo Preston
Director, Special Education Policy
Louisiana Department of Education
1201 North Third St. | Baton Rouge, LA 70802

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**From:** Office of Special Education Programs
**Sent:** Tue, 31 Mar 2020 10:56:54 -0500
**To:** VanderPloeg, Laurie
**Subject:** COVID-19 Information and Resources

# March 2020: In This Issue of the OSEP Update


- Inside OSEP: Laurie's Letter
- Federal COVID-19 Resources
- The CARES Act and IDEA
- OSEP-funded TA Center COVID-19 Resources
- Results Driven Accountability: What's Due and What's New
- SPP/APR Information Collection Comment Period
- Engage With Us! Social Media and More


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# Inside OSEP: Laurie's Letter

## Message From Director Laurie VanderPloeg

### Stakeholders -

We are living under unprecedented circumstances. What seemed unimaginable has become reality, radically changing our lives in just a few short weeks. The COVID-19 outbreak dramatically impacted early intervention services and PreK through 12th grade instruction across the United States.

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In response, the United States Department of Education (Department) established a COVID-19 ("Coronavirus") webpage to provide its stakeholders and the general public with a "one stop shop" for cross-government guidance on COVID-19 as it relates to early intervention, public and private childcare, and K-12 schools. The site includes guidance specific to children with disabilities, including the provision of early intervention services and the provision of FAPE when schools are closed because of a COVID-19 outbreak. We encourage you to review each piece of guidance. Additional resources will be posted as they become available.

The Department also established an email address (covid19@ed.gov) to collect additional questions and requests for clarification. As of today, OSEP has received nearly 200 questions and requests for clarification. It is our highest priority to provide our stakeholders with answers to their inquiries as soon as is practicable. OSEP anticipates releasing topical informational briefs soon.

In the interim, we acknowledge both the concerns expressed regarding service delivery during the pandemic and the efforts of early intervention services providers and LEAs to meet the needs of infants, toddlers, children and youth with disabilities and their families when many centers and schools are shuttered, and staff are unavailable. We will continue to assess this rapidly evolving situation and will provide updated information as soon as possible.

We are in this together and appreciate each and every one of you.

Laurie

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# Federal COVID-19 Resources

Health officials are currently taking steps to prevent the introduction and spread of COVID-19 ("Coronavirus") into communities across the United States. Coronavirus.gov offers the most up to date information about this rapidly evolving situation. Education-specific resources are available on the Department's website.

Through collaboration and coordination with State and local health departments, State and local educational agencies, lead agencies for Part C and early intervention providers, other education officials, and elected officials, schools and early intervention providers can disseminate critical information about the disease and its potential transmission to students, families, staff, and community.

Of particular note, on March 21 the Department released a supplemental fact sheet addressing serving children with disabilities during the COVID-19 national emergency. The supplemental fact sheet makes clear that ensuring compliance with the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), and Title II of the Americans with Disabilities Act should not prevent any school from offering educational programs through distance instruction.

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# The CARES Act and IDEA

On March 27, the President signed H.R. 748, The Coronavirus Aid, Relief, and Economic Security, or CARES, Act into law.

The CARES Act establishes the $30 billion Education Stabilization Fund, which includes the Governor's Emergency Education Relief Fund, the Elementary and Secondary School Emergency Relief Fund, and the Higher Education Emergency Relief Fund.

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# OSEP-funded TA Center COVID-19 Resources

OSERS' technical assistance centers are ready to address your questions regarding the IDEA and best practices and alternate models for providing special education and related services, including through distance instruction. For questions pertaining to Part C of IDEA, States should contact their Early Childhood Technical Assistance Center State Contact. For Part B of IDEA, States should contact the National Center for Systemic Improvement.

### Early Childhood

The Early Childhood Technical Assistance Center is providing State Part C and Part B, Section 619 programs with the latest information on funding and guidance, as well as information on talking to children and families during the COVID-19 national emergency.

### School Age

The National Center for Systemic Improvement's web page provides a resource hub for supporting students with disabilities during the COVID-19 national emergency, including educator resources to support remote learning.

## Other Resources

### Online and At Home Transition-Focused

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### Activities

The National Technical Assistance Center on Transition hosted a webinar for practitioners and family members on transition planning and intervention resources. Materials are available on the center's web page.

### Professional Development

The IRIS Center offers free professional development modules on various topics, including distance learning.

### Social / Emotional / Behavorial

The Center on Positive Behavioral Interventions and Supports and The Center for Parent Information and Resources developed resources for parents support their children's social and emotional growth and minimize behavioral disruptions in the home and during distance learning instruction.

### Tele-intervention and Distance Learning

The Early Childhood Technical Assistance Center hosted a webinar and explored Part C policy and infrastructure issues for States to consider addressing in order to establish and fund early intervention through video-based tele-intervention.

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# Results Driven Accountability: What's Due and What's New

*OSEP's Monitoring and State Improvement Planning division conducts many state-focused activities under the umbrella of Results Driven Accountability (RDA). You can read more about this innovative initiative to focus on educational results for children and youth with disabilities and their families here. Additionally, OSEP is examining RDA as a part of the Office of Special Education and Rehabilitative Services* RETHINK framework.

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## REMINDER! OSEP's GRADS360° Page Will Stay Live Into 2020

OSEP will continue to use its GRADS360° page for the foreseeable future. We anticipate the that site will remain active until the fourth quarter of 2020/

*What this means for the public*. All of the publicly-available information currently housed on the website will remain.

*What this means for state users*: The SPP/APR online submission system currently hosted on GRADS360° is retired. Beginning with the FY18 SPP/APR, due Feb. 3, 2020, states will submit using the Department's universal APR tool currently under development on the ED*Facts* Metadata Process System. In the coming months, OSEP will host several informational calls for states on the new system. Contact your state lead if you have questions.

## FFY 2018 Part B and Part C SPP/APR Reporting Schedules

The Part C clarification period is scheduled for April 14-28. The Part B clarification period is scheduled for April 16-30.

## Part B and Part C Formula Grant Applications

The completed Part B application, with supporting information, must be submitted on or before May 15, to ensure that the state's FFY 2020 IDEA Part B grant funds are available for obligation on July 1, 2020. States must make available by March 15 the FFY 2020 IDEA Part B grant application for public participation in order to meet the May 15 submission deadline.

The completed Part C application, with supporting information, must be submitted on or before May 1, to ensure that the state's FFY 2020 IDEA Part C grant funds are available for obligation on July 1. States must make available by March 1 the FFY 2020 IDEA Part C grant application for public participation in order to meet the May 1 submission deadline.

---

# SPP/APR Information Collection Comment Period

The Part B and Part C SPP/APR information collections are out for the 60-day public comment period. Comments are due by April 20. The collections expire in Aug. 2020. The current timeline will allow the Department to complete the approval process by that date. Therefore,

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OSEP will not extend the comment period due date because of the COVID-19 national emergency.

Access and review all documents related to the information collections and submit your comments using the links below -

Part B
Part C

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# Engage With Us! Social Media and More

## Connect With OSERS on Twitter

OSERS is on Twitter with the latest tweets from special education advocates, educators, families, and students. Follow us @Ed_Sped_Rehab and tell your friends. We'll see you in the Twittersphere!

## Visit the *OSERS Blog* and *OSEP Update* Archive

Visit our blog for powerful stories and useful information from parents, families, educators, and practitioners in the field. Be sure to bookmark sites.ed.gov/osers for future posts!

You can also check out the *IDEA* website newsletter archive for past editions of the *OSEP Update*. Readers are invited to send their feedback on the newsletter to rebecca.walawender@ed.gov.

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If you know someone who would like to **subscribe to the OSEP Update** and breaking news, encourage them to **sign up HERE**! This link will also allow subscribers to manage their subscriber settings and unsubscribe.

*This newsletter may reference and contain links to external sources. The opinions expressed in these sources do not reflect the views, positions, or policies of the U.S. Department of Education, nor should their inclusion be considered an endorsement of any private organization.*

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**From:** Walawender, Rebecca
**Sent:** Mon, 20 Apr 2020 11:00:16 +0000
**To:** Walawender, Rebecca;Moran, Kate;Guardino, David;Zamora Duran, Grace;Kavulic, Christy
**Cc:** VanderPloeg, Laurie;Corr, Gregg;Wexler, Larry
**Subject:** COVID-19 Q&A and technical assistance

Afternoon! OSEP is receiving tons of questions IDEA and COVID-19. You have been volunteered to lead the effort for your division. Let's meet tomorrow to talk about the details.

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**From:** VanderPloeg, Laurie
**Sent:** Mon, 20 Apr 2020 11:21:59 +0000
**To:** VanderPloeg, Laurie;Schultz, Mark;Gross, Michael
**Subject:** Cross-cutting Issues

**Host Pin: Laurie VanderPloeg**

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**From:** Steenen, Paul
**Sent:** Thu, 12 Mar 2020 20:52:56 +0000
**To:** OSERS All HQ Users
**Cc:** Walawender, Rebecca
**Subject:** Department Releases COVID-19, IDEA-related Q-and-A and Other Resources

## New Resources for Educators, Local Leaders on K-12 Flexibilities, Student Privacy, and Educating Students with Disabilities During Coronavirus Outbreak

U.S. Secretary of Education Betsy DeVos issued new resources today that will assist education leaders in **protecting student privacy** and **ensuring students with disabilities continue to receive services** required under the Individuals with Disabilities Education Act (IDEA) in the event of school closures due to the Coronavirus (COVID-19) outbreak.

The Education Department also released important **information for K-12 educators** on flexibilities the Department could grant when it comes to the accountability standards required by law under the Elementary and Secondary Education Act (ESEA).

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View departments' **press release**.

View the department's **COVID-19 information and resources page**.

View the OSERS **Q-and-A on providing services to children with disabilities during coronavirus outbreak**.

View department's **ESSA and coronavirus guidance**.

View the department's **FERPA and coronavirus Q-&A document**.

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**From:** Dowling, Maureen
**Sent:** Mon, 20 Apr 2020 11:18:05 +0000
**To:** Dowling, Maureen;Walawender, Rebecca;Weiss, Rhonda;Lopez, Francisco (Frank) (OGC);Moran, Kate;Pagano, Lisa;Duos, Laura;Ellis, Kathryn
**Cc:** Anderson, Michael (OGC);Rigling, Kay;Peternith, Rachel;Skinner, Josie;Koeppel, Dennis;Corr, Gregg;VanderPloeg, Laurie;Levorse, Audrey;Little, Nana
**Subject:** Discuss CARES Act and IDEA Services for Parentally Placed Private School Students

-----Original Appointment-----
**From:** Dowling, Maureen <Maureen.Dowling@ed.gov>
**Sent:** Wednesday, April 8, 2020 12:22 PM
**To:** Dowling, Maureen; Walawender, Rebecca; Ellis, Kathryn; Weiss, Rhonda; Lopez, Francisco (Frank) (OGC); Moran, Kate; Pagano, Lisa; Duos, Laura
**Cc:** Anderson, Michael (OGC); Rigling, Kay; Peternith, Rachel; Skinner, Josie; Koeppel, Dennis
**Subject:** Discuss CARES Act and IDEA Services for Parentally Placed Private School Students
**When:** Wednesday, April 8, 2020 3:00 PM-4:00 PM (UTC-05:00) Eastern Time (US & Canada).
**Where:** Skype Meeting

Colleagues,

Becca and I are hoping you can participate in this conference call regarding the CARES Act and IDEA services for parentally placed private school students.

As you may know, IDEA( authorized activities) is one of a number of uses of the Elementary and Secondary School Emergency Relief Funds and, thus, we would like to discuss this with you.

Maureen

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**From:** Walawender, Rebecca
**Sent:** Mon, 20 Apr 2020 11:03:28 +0000
**To:** Walawender, Rebecca;VanderPloeg, Laurie;Wexler, Larry;Corr, Gregg;Ellis, Kathryn;Lopez, Francisco (Frank) (OGC);Weiss, Rhonda;Pagano, Lisa;Hedrick, Marcus;Levorse, Audrey
**Subject:** Discuss implications for schools closed through end of the year

First, my apologies for scheduling between 12:00 and 1:00. Laurie would like to meet to begin the discussion about the what closing school through the end of the year means for students with disabilities. The conversations have already started within the advocacy communities and she would like to get out ahead of this.

.....

## Join Skype Meeting

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[!OC[[1033]]!]

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**From:** Lopez, Francisco (Frank) (OGC)
**Sent:** Mon, 20 Apr 2020 11:13:55 +0000
**To:** Lopez, Francisco (Frank) (OGC);VanderPloeg, Laurie;Corr, Gregg;Walawender, Rebecca;Gross, Michael;Pagano, Lisa;Duos, Laura;Malawer, Hilary;Lahey, Alisa;Weiss, Rhonda;Ellis, Kathryn
**Cc:** Levorse, Audrey;Moran, Kate
**Subject:** DIscuss Interim Final Regs Proposal

(b)(5)

If there are others that should participate, please forward.

Frank

.....

## Join Skype Meeting

Trouble Joining? Try Skype Web App

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**From:** VanderPloeg, Laurie
**Sent:** Mon, 30 Mar 2020 11:20:49 +0000
**To:** acypher@gomaisa.org
**Subject:** Distance Learning

Abby-
Here is a list of states where the CASE Executive Committee feels are doing a fairly good job in this crisis.

PA https://www.education.pa.gov
ID https://idahosesta.org/
KY- They have legislation around LEAs applying for waivers around distance learning plans and they are included in the IEPs. They opened it up for other LEAs to apply due to this crisis.
WI
FL
VT
Erin McGuire from Vermont sent this information from her state. Hope this helps!

## VERMONT:

- Free Appropriate Public Education for Students with Disabilities During School Closure Called for in Governor Scott's Order. (3/17)
- Questions and Answers Regarding Addressing the Needs of Students with Disabilities During School Closure Due to a Novel Coronavirus Outbreak (3/20)
- Special Education During School Closure due to a Novel Coronavirus Outbreak (3/21)
- Guidance on Universal PreK and Early Childhood Special Education During a Novel Coronavirus Outbreak (3/24)
- Memo: IDEA Requirements for Educational Placement and Amendments to IEPs in the Context of COVID-19 (3/27)

**Laurie VanderPloeg**
**Director**

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Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

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**From:** Erin Maguire
**Sent:** Mon, 16 Mar 2020 22:11:22 -0400
**To:** VanderPloeg, Laurie
**Cc:** Kevin Rubenstein;Phyllis Wolfram
**Subject:** Documents for Review
**Attachments:** CASE EC Question Development.docx, COVID 19 Questions with Recommended Responses.pdf, VCSEA COVID 19 Questions and Recommendations.pdf, EWSD Special Education Procedures for Distance Learning.pdf, EWSD Distance Learning Plan Form.pdf

Dear Laurie,

I have included a series of documents attached to this email aligned with our discussion this evening. The documents and descriptors are listed below.

1. **CASE EC Questions** - this document provides a collection of questions that we can use to discuss needs from the perspective of local directors.

2. **A COVID-19 Question and Recommended Response** document I created for my agency of education - this attempts to answer several of the questions that are on the CASE document.

3. **VCSEA Questions and Recommendations** - The document our State Unit in Vermont sent to our department as they sought our input in developing guidance for the field in our state.

4. **EWSD Procedures:** The guidance document for implementation in my school district.

5. **The EWSD Distance Learning Plan form** I developed for my special educators to document what we will and will not provide to students during this time

I hope these are helpful to you! Looking forward to connecting tomorrow.
Best,
Erin

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~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
Erin Maguire
Director of Equity, Diversity, and Inclusion
The Essex Westford School District
58 Founders Road
Essex Junction, Vermont 05452
(802) 857-2018

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~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

Pronouns: she, her, hers

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**Dear CASE EC Members:**

**Can you please list all the questions you have for OSEP here in preparation for the call with Laurie? Here are the questions we have already noted. Any questions you provide should be in addition to these questions. Please be sure to read these questions before you add more to the EC list below.**

**Thank you!**
**Erin**

**CASE COVID-19 DOCUMENT QUESTIONS**

1. How will students be provided with special education and related services if school attendance is virtual? Check out these resources from the Center on Online Learning and Students with Disabilities.

2. How will ~~you~~ *local district personnel* provide special education services if the virus causes a shortage of special education teachers or education providers (i.e. if your special education teachers or providers have COVID-19 and are unable to provide services)?

3. Will students who miss school due to these absences (whether they have been identified with the virus or not) require additional services or extended school year services?

4. How will IEP goals be measured if a student is out of school for an extended period of time? What do we report for IEP progress data?

5. How will evaluations be closed within legal timelines if schools were to be canceled or closed?

6. For students with disabilities who already have compromised immune systems, are there additional precautions that should be taken in the school setting?

7. Are there students who are not vaccinated who may need to be excluded from school even if the rest of the school remains open and, if so, have ~~you~~ prepared communication with these families?

8. Is there a consideration for Section 504 services that a school district should be making for students who are diagnosed with COVID-19?

9. Are there FERPA and HIPAA privacy issues that school officials should consider when working with health departments and other agencies?

10. Will home or hospital instruction for a student with COVID-19 look different than it does for other students who receive home or hospital instruction and how will you coordinate these services?

11. How will your school system work with the local health department to address provisions for psychological support services for staff, students, and their families during and after a pandemic?

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12. For students who may be diagnosed with COVID-19 who also have a disability, are there FAPE related considerations with bullying that the student may have experienced or may experience after the pandemic is over, and if so, how will these be addressed?

**ADDITIONAL LOCAL LEA QUESTIONS:**

1. During the timeframe that schools continue to be in session, we anticipate parents keeping some children home given Governor Scott's statement that such absences would be excused.
    a. For children who cannot come to school due to immune suppression where social distancing is medically contraindicated, is there an expectation that we meet as an IEP team, change the placement to homebound and consider students homebound with the development of a new placement and FAPE?
    b. If a parent keeps a child home without a doctor's requirement to do so, are we required to hold an IEP meeting and offer a homebound placement?
    c. Are we required to send staff to homes in these types of circumstances and can we require staff to do so or is this optional for staff?

2. What is the role of the IEP team in instructional planning should schools move ahead with virtual instruction, in terms of deciding best vehicles for service delivery and content of instruction?

3. We know that if we are unexpectedly out of school, timelines for special education continue to move forward. We are also aware we are awaiting further direction from OSEP on this topic.
    a. How will we be handling IEP meeting date requirements and evaluations?
    b. Will COVID-19 be an acceptable reason for an evaluation delay?
    c. Will we be expected to hold annual meetings during this time?

4. Many school districts around the nation are instituting online learning environments.
    a. If there is online learning, would we be required to reconsider FAPE in the context of online learning through IEP meetings for every student? What if education from a distance cannot take place?
    b. How does the AOE recommend we consider deciding services in that new environment for special education? Are there specific considerations we should be thinking about?
    c. Will we be subject to special education rules under IDEA when changing the location or timing of services under these emergency types of circumstances?

5. If the school district begins providing educational opportunities that are optional we need a response to the following:
    a. If the district provides worksheets and online opportunities to maintain skills but teachers are not teaching anyone, what level of services under special education is required?
    b. For students who require services to access the materials provided from the general education teachers, are we required to provide that if the materials are optional for families? Those

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6. Upon return to the general educational program/reopening of schools, should we be measuring regression to consider services needed to resolve regression that is challenging to recoup similar to the way we might consider ESY with summer breaks? If so, clear guidelines would be helpful.

7. If we have outside contractors under what conditions should we allow those who are willing to continue serving students if the schools close? Some contracted providers are offering and some are not.

8. What ways would it be appropriate to engage parents as providers of support and services with support from special educators to address the needs of their children at home? Would that be an appropriate service model to meet the needs during an online learning timeframe?

9. How should we think about evaluation requests under Child Find if we are closed? Specific recommendations would be helpful. This may also require OSEP guidance.

# PLEASE ADD ADDITIONAL CASE EC QUESTIONS BELOW:

1. If regression is noted upon return to school and ESY, is the answer, there may be a significantly higher number of students than expected, suggestions related to staff shortage during the summer?

2. If there is a requirement to hold an IEP (or amend and IEP) to address the location/minutes of services, is there guidance on a timeline for this given the extensive number of IEPs which need addressed?

3. How do we ensure valid evaluation data is obtained should we have a referral related to child find obligations?

4. Since this period of time is mandated, by Executive Order, school closure can it be considered a school break? If so, can services be provided under ESY considerations?
    a. NOTE: Keep in mind, as of now, not all the states have an executive order to close. The CDC included education institutions as exempt (at this point). MO has not closed YET, unless the district made an individual decision to do so. It is hard this week, as many of us are currently on spring break.

5. Can guidance on compensatory consideration for services be addressed?

6. Evaluation timelines are a concern regarding validity of data collected, how do we include standardized assessments, should they be needed, and how do we ensure we are meeting the requirements of Part C to B transition evaluations? In MO, we are required to have all students with a summer 3rd birthday evaluated prior to the end of the school year. What if we are not back at school to accurately complete this requirement?

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7. If only one school in the district(s) (High School, e.g.) decides to use virtual school and other schools are not able to do this, what is equal access? Do only the high school special education students have to have equal access?

8. (Question submitted in the CEC Community) - The state shut down for a month (Louisiana), and the state department reports that after 10 days, it constitutes a change of placement and is "creating a waiver for parents to sign". What do they do if a parent refuses to sign the waiver? A "stay-put" for due process violates the Governors order.

9. How are student teachers participating in a meaningful way while meeting requirements for obtaining their teaching license?

10. If an LEA moves to Virtual instruction for all students for an indefinite period of time, and will return to brick and mortar services when it is deemed safe to do so, would we be obligated to provide written notice to each student with an IEP of the generalized plan?

11. If the district moves to online service delivery options, what are the FERPA/HIPPA/Confidentiality requirements if we are doing group SLP services. Example: SLP providing services to 3 students online, and there are parents or siblings at each home viewing the services being provided.

12. How are states, districts, and IEP Teams going to be legally protected? We need a statement or something indicating protection in this time of unprecedented health concern.

Important points for discussions with Laurie:

1. We are clear about how to treat a situation where there is nothing offered for education that we are not obligated to provide services. If school districts are providing e-learning opportunities that are optional, what are the obligations to make those options accessible?
2. What will be the standard for decision on compensatory services if only e-learning is offered during the time schools are closed?
3. What is the expectation about educational programming for the nation during school closure?
4. What are we recommended to create to have students recoup learning and how might we talk about that next year in a way that will address this?

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**Draft by Erin Maguire for VT**

# Questions and Responses:

1. **During the timeframe that schools continue to be in session, we anticipate parents keeping some children home given Governor Scott's statement that such absences would be excused.**
    a. **For children who cannot come to school due to immune suppression where social distancing is medically contraindicated, is there an expectation that we meet as an IEP team, change the placement to homebound and consider students homebound with the development of a new placement and FAPE?**
    b. **If a parent keeps a child home without a doctor's requirement to do so, are we required to hold an IEP meeting and offer a homebound placement?**
    c. **Are we required to send staff to homes in these types of circumstances and can we require staff to do so or is this optional for staff?**

**Recommended Response:**
We recommend that schools are not required to provide services for students who are kept out of school while school is in session unless a physician's note is provided or if the team is already aware of a significant health issue causing the absence. If a note is provided or the school has prior documentation indicating immune suppression, we recommend an IEP meeting be convened to consider appropriate services in a distance learning framework based on what is and is not possible given the student and family unique circumstances. Schools should not send teachers or paraeducators into homes if the schools close due to social isolation. While there may be staff who would be willing to go into homes, we do not want to try and create a system that is predicated on this and is not in line with social isolation protocols. In addition, it is important we recognize the liability of sending staff into homes under the circumstances. This set of expectations includes contracted services in schools as well as employees.

2. **We know that if we are unexpectedly out of school, timelines for special education continue to move forward. We are also aware we are awaiting further direction from OSEP on this topic.**
    a. **How will we be handling IEP meeting date requirements and evaluations?**
    b. **Will COVID-19 be an acceptable reason for an evaluation delay?**
    c. **Will we be expected to hold annual meetings during this time?**

**Recommended Response:**

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There are three primary areas of focus for IEP teams during this time: IEP Annual Reviews, Re-evaluation deadlines, and Initial Evaluations. Meetings are recommended to be held on Zoom with families or through a phone conference. IEP teams should be convened to be in line with IDEA regulation to the greatest extent possible. Where specific roles of an IEP team cannot be present, parents can waive the participation. Considerations below are appropriate during meetings:

IEP Meetings: Annual reviews can take place during this time on zoom or phone conference. IEPs should be reviewed and developed as if the school was in session. **The development of online learning or consideration of compensatory services should not happen within this framework.**

Re-evaluations: Teams should convene and discuss the possibility of completing a re-evaluation in a distance learning format. If this is not possible, the team should consider either a Form 8 with a plan for re-evaluation upon return. A record review for determination of eligibility could also be considered if that is appropriate given the circumstances of the student.

Initial Evaluations: Teams should convene and discuss the possibility of completing an initial evaluation in a distance learning format or to complete a delay form. COVID-19 community response is an appropriate delay reason.

Distance Learning: Here is a link to the form IEPs do not need to be amended for purposes of distance learning. Case managers and families will collaborate and work toward agreement on the following:

A. The choice of tool for home collaboration to generate what homebound learning could look like. Telephone consultation, zoom teaching times, email, text, etc.
B. Preferred types of activities that work well in engaging their child at home.
C. Review the current IEP goals and make a determination about the level of direct instruction that could happen over zoom or phone with a student if any.
D. Document the distance learning plan on a separate document that will take place during distance learning time.

Framework for distance learning plan:

A. Description of student disability
B. Ability to access distance learning including preferred types of activities and mode of access
C. Schedule of teacher direct instruction
D. Schedule of teacher-parent consultation
E. Description of how progress toward goals will be tracked
F. List of activities that will be provided

3. **Many school districts around the nation are instituting distance learning environments.**
    a. **If there is distance learning, would we be required to reconsider FAPE in the context of online learning through IEP meetings for every student? What if education from a distance cannot take place?**

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b. **How does the AOE recommend we consider deciding services in that new environment for special education? Are there specific considerations we should be thinking about?**
c. **Will we be subject to special education rules under IDEA when changing the location or timing of services under these emergency types of circumstances?**

**Recommended Response:**
The AOE recommends staying focused on what is best for students. This will include exploring possibilities of distance learning based on individual circumstances as outlined under question 2. If a child or a family cannot access distance learning to make progress on IEP goals, it is likely that regression analysis post-pandemic will be necessary to determine what compensatory services need to be delivered to address the lack of access available while in social isolation. All services delivered during distance learning should be monitored for progress and the impact of the change in environment on progress should be monitored. If a student loses skills that cannot be recouped in a reasonable amount of time after the pandemic, compensatory services may be necessary. OSEP has been clear that FAPE requirements continue to exist if distance learning is implemented for all students.

4. **If the school district begins providing educational opportunities that are optional we need a response to the following:**
   a. **If the district provides worksheets and online opportunities to maintain skills but teachers are not teaching anyone, what level of services under special education is required?**
   b. **For students who require services to access the materials provided from the general education teachers, are we required to provide that if the materials are optional for families?**

**Recommended Response:**
If a school district only provides access to worksheets and websites and are not requiring children to access them, special educators must complete a review of those activities and worksheets, determine what accommodations and modifications are necessary for students with disabilities. Special educators will work collaboratively with classroom teachers to offer those accommodations and modifications to families related to what has been offered by the district to all children. **FAPE will not be required if there is not a comprehensive general education program being offered.**

If this is the case, upon return, regression analysis will need to take place as it relates to the long term break in the educational program and compensatory service will be determined based on the loss of progress on IEP goals and what is needed to recoup that level of progress. **ESY is not the same as compensatory service decision making AND those compensatory services may happen during the summer.**

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5. **Upon return to the general educational program/reopening of schools, should we be measuring regression to consider services needed to resolve regression that is challenging to recoup similar to the way we might consider ESY with summer breaks? If so, clear guidelines would be helpful.**

**Recommended Response:**
Compensatory services must be considered based on student performance related to present IEP goals. If a student's progress has been negatively impacted by school closure beyond a 2 week period, data, as it relates to performance upon return, must be collected and serviced need to be offered to address the lack of progress, not based on the minutes of service missed during the break. Services need to be offered to ensure a return to the performance at the point of the beginning of the break. **Pre-assessment is not necessary under this process but instead, work samples and assessments that had been done just before the break can be used to consider the level of performance prior to departure.** Post assessment on each IEP goal should be done upon return and IEP teams will need to consider implementation of compensatory service to address the gap in learning.

This process is different than determining what ESY services need to be implemented. ESY should continue to be considered given the anticipated loss of learning over the summer based on regression as is outlined in the rules.

We recognize there may be overlap on these two topics and teams can decide to address both ESY and compensatory services at the same time. However, it is important that teams are clear about what is necessary due to school closure versus what is necessary due to a summer break. Where are there are challenges for teams on these issues, experienced LEAs are recommended to participate in the meetings.

6. **If we have outside contractors who are willing to continue serving students if the schools close, should we do that? Some contracted providers are offering and some are not.**

**Recommended Response:**
Contracted services should fall within the same framework as employees for purposes of service delivery for all districts. It is the decision of the LEA, and not the contracted service provider, regarding what services will and will not take place during this time.

7. **What ways would it be appropriate to engage parents as providers of supports and services with support from special educators to address the needs of their children at home? Would that be an appropriate service model to meet the needs during an online learning timeframe?**

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**Recommended Response:**
It is appropriate to work with parents to implement home-based activities during this time in consultation with special educators and related service providers. The distance learning plan developed under question #2 will outline what will take place. Educators are recommended to do their best in supporting parents in this way. The analysis of whether or not progress is able to be made on IEP goals over time in this model will be assessed post-pandemic as outlined in the process for determining compensatory service decision making in question #5.

8. **How should we think about evaluation requests under Child Find if we are closed? Specific recommendations would be helpful. This may also require OSEP guidance.**

**Recommended Response:**
LEAs should continue to accept referrals for special education evaluations given that Child Find cannot be suspended by a state. If an LEA receives a referral during this time, an EPT meeting should be held over zoom, google hangouts or phone conference to consider the need for an evaluation. Possible distance evaluations will be considered during this meeting. If distance evaluations are not possible, the LEA will complete a delay form indicating COVID-19 social distancing as the reason for the delay.

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# Vermont Council of Administrators of Special Education

## COVID-19 Questions and Recommendations for Students with Disabilities

The Vermont Council of Special Education Administrators (VCSEA) developed the following questions and recommendations to support the Vermont Agency of Education and Vermont School Districts to address the needs of students with specialized needs and educators dedicated to ensuring quality implementation of special education. VCSEA is dedicated to working with other nonprofit Vermont educational associations and the AOE in addressing this unprecedented response given the dangers inherent in COVID-19 spread. In addition to these questions and recommendations, we strongly recommend that districts and the AOE review the following as part of the planning going forward:

**USDoE:** **Department releases COVID-19, IDEA-related Q-and-A** **(3/12/20)**
**OSEP:** **Recorded ZOOM call with Laurie Vanderploeg, Director of OSEP** **(3/13/20)**
**CASE:** **Considerations for Special Education Administrators** **(3/13/20)**

# Questions:

1. During the timeframe that schools continue to be in session, we anticipate parents keeping some children home given Governor Scott's statement that such absences would be excused.
    a. For children who cannot come to school due to immune suppression where social distancing is medically contraindicated, is there an expectation that we meet as an IEP team, change the placement to homebound and consider students homebound with the development of a new placement and FAPE?
    b. If a parent keeps a child home without a doctor's requirement to do so, are we required to hold an IEP meeting and offer a homebound placement?
    c. Are we required to send staff to homes in these types of circumstances and can we require staff to do so or is this optional for staff?

2. We know that if we are unexpectedly out of school, timelines for special education continue to move forward. We are also aware we are awaiting further direction from OSEP on this topic.
    a. How will we be handling IEP meeting date requirements and evaluations?
    b. Will COVID-19 be an acceptable reason for an evaluation delay?
    c. Will we be expected to hold annual meetings during this time?

3. Many school districts around the nation are instituting online learning environments.
    a. If there is online learning, would we be required to reconsider FAPE in the context of online learning through IEP meetings for every student? What if education from a distance cannot take place?
    b. How does the AOE recommend we consider deciding services in that new environment for special education? Are there specific considerations we should be thinking about?

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c. Will we be subject to special education rules under IDEA when changing the location or timing of services under these emergency types of circumstances?

4. If the school district begins providing educational opportunities that are optional we need a response to the following:
   a. If the district provides worksheets and online opportunities to maintain skills but teachers are not teaching anyone, what level of services under special education is required?
   b. For students who require services to access the materials provided from the general education teachers, are we required to provide that if the materials are optional for families?

5. Upon return to the general educational program/reopening of schools, should we be measuring regression to consider services needed to resolve regression that is challenging to recoup similar to the way we might consider ESY with summer breaks? If so, clear guidelines would be helpful.

6. If we have outside contractors who are willing to continue serving students if the schools close, should we do that? Some contracted providers are offering and some are not.

7. What ways would it be appropriate to engage parents as providers of supports and services with support from special educators to address the needs of their children at home? Would that be an appropriate service model to meet the needs during an online learning timeframe?

8. How should we think about evaluation requests under Child Find if we are closed? Specific recommendations would be helpful. This may also require OSEP guidance.

# Recommendations:

**FAQ and Responses:**
It would be helpful if the AOE develop an FAQ that addresses the questions above along with a reference to all the additional recommendations and decisions from OSEP, USDOE, and CASE.

**Compensatory Services:**
We will need clear guidance on a process and standard for determining compensatory services after we return. When we consider this topic, it would be helpful if guidance was specifically developed on a range of a number of weeks of closure. For example, 2-week guidance, 4-week guidance, 6-week guidance and guidance for closing for the remainder of the year.

**Independent Schools:**
If an independent school closes for a different amount of time than the public schools we would like to be able to continue to pay tuition across the time in order to avoid losing slots, negative impact on

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their employees, etc. We do not want to be negatively impacted by state rule. We request that the AOE suspend any rules that would impact reimbursement for continuing to pay for unused days beyond 10 days.

**Online Learning:**
For any direct instruction, the AOE should provide permission to automatically move that direct instruction from in-person learning environments to an e-learning environment. Zoom, google hangouts and google classroom are great tools for this purpose.

**Regression:**
Upon a return to school for all students, schools should consider a regression analysis to determine how to address any loss of skills that took place during the break and create the process by which that will be offered. Clear guidance about this process would be helpful.

**Finance:**
Schools should maintain clear documentation of cost for special education increases related to COVID-19. Those costs should be reimbursed from the state level under some kind of emergency funding structure. Individual districts should not be inequitably impacted and state funds allow for an equitable approach for COVID-19 impact.

**Staffing:**
We recommend consistent guidance from the AOE regarding paying staff who cannot work for reasons of their own health concerns or due to school being canceled.

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# EWSD 3 Week Closure Maintenance of Learning Plan

## Special Education Procedures for EWSD in a Distance Learning Environment - First 3 Weeks

**During the first phase of school closure (March 23rd-April 3rd), our plan is to maintain educational progress as is outlined in the Governor's school closure press release. This standard should be considered in the design of the first two weeks of distance learning.**

| Question | Answer |
|---|---|
| **How will students be provided with access and support to ensure they are able to participate in learning opportunities being sent out to all designed to maintain learning?** | **General Guidance**<br>It is important that all special educators fully review all IEPs and carefully begin to consider how instruction might be best provided to a student in a distance learning format. This includes what kinds of accommodations, modifications and services are needed to access the type of instructional materials that will be provided to students by their classroom teachers between March 23rd-April 3rd.<br><br>By the morning of March 23rd, special educators will need to develop a distance learning plan which identifies how educational progress will be **maintained**. This plan should be documented on the "EWSD School Closure Distance Learning Plan Form".<br><br>**Due to the COVID-19 virus, it is important to be clear - in-person services may not be delivered**. There are two reasons that this is the case. First, we must not put students at risk for contracting the virus and passing it to parents or grandparents. Secondly, we must not put staff at risk for contracting the virus from students. There may be requests for services to be provided in person, however, this is not possible under the current circumstances. All learning opportunities must be delivered without being in physical contact with students. |

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| | **IEP Services**<br>IEP service from March 23rd - April 3rd should be considered through the lens of the level of service necessary to access what is being provided to all students. Because the first two weeks of materials will be designed to address maintenance of education, special educators should consider each IEP goal and determine what level of service or instructional activity in a distance learning plan might be needed in order to maintain the level of progress attained on IEP goals up to the date of March 17, 2020.<br><br>**Related Services**<br>If related services are determined to be needed in order to maintain the skills on IEP goals between March 17th and April 6th, those services must be delivered. They can be delivered through consultation with parents or direct service in a teletherapy format. Students are recommended to continue receiving mental health therapy through online formats or facetime. PT and OT service could be parent consultation for exercises and other activities to address needs supported through those types of therapies. Speech therapy that is a related service can also be delivered in a consultation format with families. The decisions about related services within a distance learning plan should be made with the family and special educator in consultation with the related service provider.<br><br>**Communication**<br>A clearly articulated plan to ensure maintenance of progress made on IEP goals to date must be developed and communicated to families. This plan should be documented on the "EWSD School Closure Distance Learning Plan Form". The plan should be provided to the parent and submitted to the central office upon completion. Each plan should be maintained as a google doc named with the students first and last name followed by Distance Learning Plan. This document will be expected to be maintained as the instructional plan throughout the time of school closure. |

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| **What are the rules around timelines in regards to special education?** | **<u>IEP Meetings:</u>**<br>Special educators are expected to continue to hold annual reviews by the annual due date unless OSEP shifts guidance and eases up on annual review deadlines. Please be sure to hold IEP meetings on zoom, google hangouts or on phone conferences. These meetings should follow a typical agenda and develop an IEP as if the student was in school and should not be reviewed from the perspective of a distance learning plan. IEP teams can discuss the distance learning plan following the review and revision of an annual IEP.<br><br>**<u>Special Education Evaluation Referrals:</u>**<br>Special Educators and LEAs must consider referrals to special education during this time of challenge. A referral shall result in an evaluation planning team meeting to consider the need for a special education evaluation. If the team determines that a special education evaluation is necessary, the team should create a plan that will be attempted to be completed in 60 days. If the evaluation cannot be completed in 60 days because distance evaluation is not possible, then a delay form will be completed. COVID-19 closure will be an acceptable reason for an evaluation delay.<br><br>**<u>Special Education Re-evaluations:</u>**<br>We must try to complete re-evaluations by the due date of the evaluation. Consider the possibility of distance evaluation if possible. If this is not possible, you may consider completing a form 8 with a clear direction to complete a new evaluation upon return in order to continue eligibility. You may also complete a file review if that is appropriate.<br><br>**<u>General Notice:</u>** OSEP has not waived any of the IDEA requirements and may not be able to without an act of Congress. It is possible that Congress may act and OSEP may release requirements as we progress through this pandemic. In the |

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| | meantime please do your best at maintaining special education responsibilities and rights.<br><br>**Parental Rights:**<br>Please be very careful to continue to uphold parental rights during this time. They are all still in effect. Holding phone conference meetings may make it hard to know if a parent is feeling uncomfortable with a meeting. You are encouraged to follow up with families after meetings to see if they have any questions. You are also encouraged to remind families to speak up if they are in disagreement with what is happening during a meeting. Please provide a review of parental rights at the beginning of each meeting during this time. |

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# Essex Westford School District Continuity of Education Plan

## Special Education Procedures for EWSD in a Distance Learning Environment - Beyond 3 Weeks

**This represents the EWSD plan following the initial phase of academic materials distributed for the first 3 weeks of closure. While the 1st phase (March 23-April 3) above was designed to maintain educational progress, this second phase is designed to continue educational progress. This phase should include a direct instruction implementation plan for all students, and does include IEP services (academics, behavior, therapies, etc). These services will be in support of the distance learning environment that will occur if there are more than 3 weeks of closure (April 6th and beyond).**

| Question | Answer |
|---|---|
| **How will students be provided with special education and related services if school attendance is virtual or designed for distance learning?** | **General Guidance**<br>When school moves to a distance oriented design for all students to move learning forward, students on IEPs will be provided with materials in the same manner as general education students and have access to instructional support via Google Hangout, Zoom, Email, or other technology options, and/or typical assignments, such as paper/pencil. The purpose of this design will be to continue to make progress on the IEP goals. This is a change from the Phase I plan.<br><br>Modifications, accommodations, as services as noted in student IEPs will be provided to the extent possible and necessary, based on the type of instruction. These services and instructional plans will be documented in the "EWSD School Closure Distance Learning Plan Form". Special Educators must consider what services are needed in order to **make progress on IEP goals i**n this next phase. This is different from maintaining educational progress to date that was documented in phase I. |

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| | Determining services needed in a distance learning format may be very challenging for some students. Special educators should not give up and continue to try and find ways to serve students that will work. Please keep careful documentation of what students access and what they do not access. Please keep in mind that service can be delivered by a variety of service providers including related service providers as well as paraeducators. Be creative in supporting parents to support their children. Daily schedules with fun activities will make a huge difference. Time with teachers on the phone or over facetime or google hangouts may also help support students.<br><br>Due to the COVID-19 virus, it is important to be clear - in-person services may not be delivered. There are two reasons that this is the case. First, we must not put students at risk for contracting the virus and passing it to parents or grandparents. Secondly, we must not put staff at risk for contracting the virus from students. There may be requests for services to be provided in person, however, this is not possible under the current circumstances. All learning opportunities must be delivered without being in physical contact with students.<br><br>In the end, if services cannot be delivered to students, there will likely be an analysis of compensatory services needed following the pandemic. More information will be forthcoming on this topic. Compensatory services will relate to the level of harm caused by a lack of service delivered and are different than ESY determinations. More guidance will be forthcoming on this topic.<br><br>**IEP Services**<br>In the case of lengthy closures, EWSD will need to implement distance services for ensuring FAPE is provided. Specific materials will be provided by special educators and other service providers either in a paper/pencil format, or via technology, as appropriate, for making progress on IEP goals.<br><br>Services will be delivered via a virtual option for each IEP goal (or written guidelines directions for paper/pencil) with assigned tasks to be completed and |

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| | submit for IEP goal progress data. Special Educators will need to develop an appropriate distance plan for each student on their caseload and provide that plan to families.<br><br><u>Primary Services</u><br>This IEP service/instruction will be in increments in accordance to services which are provided throughout each week under the current IEP.<br>• For example, if the student gets academic/behavior services (reading, writing, math, behavior skills, etc) daily, then a lesson for each goal will be provided daily in the form of a short video conferencing and/or paper/pencil guidance along with task(s) to complete to practice the skill. The practice activity will need to be provided/submitted to teachers.<br>• Special education teachers will communicate daily with all general education teachers with whom they co-teach. This communication will include lesson planning, lesson execution, and student feedback.<br>• Special education teachers will provide activities or work pertinent to IEP goals for each student. Activities or work can be provided via paper copies or on-line. Students/parents will be required to turn in the assigned activity to the special education teacher.<br>• Special education teachers are expected to have individualized communication with all students/families on their caseload daily. For students who are unable to communicate verbally, this may look like individualized communication with parents. This communication can be email, google classroom, or phone.<br><br><u>Related Services</u><br>Related Service providers will provide materials where possible to students and their families for in home implementation. For related services, a short segment for therapy implementation will be provided to the student(s) as is typically scheduled for therapy (could be once per week, twice per week, etc). |

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| | • Related service providers will provide activities pertinent to IEP goals for each student. Activities can be provided via paper copies or on-line. Students will be required to return work completed to the therapist.<br>• Speech/Language Services will be scheduled via the technology platform and delivered following the guideline of short video instruction and then an activity to practice the skill with a parent or caregiver.<br>• IEP goals for related services will start being addressed utilizing a "monthly" minutes option if possible in an effort to maintain IEP compliance.<br><br>Some students will require services to be made up upon return due to the nature of the services or severity of the disability. If the state forgives any non-attendance days, this will be applied to making up services as well.<br>Some students might need a parent or caregiver at home to support the work/tasks/assignments for their student.<br><br>**Communication**<br>• These individual communications should be logged daily for each student. It is best to log these communications on the Spedtrack Notes/Contact log<br><br>**Special Education Paperwork**<br>• Special education teachers and related service providers will continue to work on IEP and evaluation paperwork within required timelines. Special education coordinators will work with individual teams if IEP meetings are going to be held via phone or in another format such as Zoom or Google Hangouts. We will update this guidance as OSEP and the AOE creates changes. Evaluation delays due to COVID-19 are acceptable but must be reviewed by Erin or Dylan.<br><br>**District/Building Support** |

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| | • Coordinators, the Assistant Director of special Services, and the Director of Special Services will be available during the day for communication if needed. |
| **What are the rules around timelines in regards to special education?** | **<u>IEP Meetings:</u>**<br>Special educators are expected to continue to hold annual reviews by the annual due date unless OSEP shifts guidance and eases up on annual review deadlines. Please be sure to hold IEP meetings on zoom, google hangouts or on phone conferences. These meetings should follow a typical agenda and develop an IEP as if the student was in school and should not be reviewed from the perspective of a distance learning plan. IEP teams can discuss the distance learning plan following the review and revision of an annual IEP.<br><br>**<u>Special Education Evaluation Referrals:</u>**<br>Special Educators and LEAs must consider referrals to special education during this time of challenge. A referral shall result in an evaluation planning team meeting to consider the need for a special education evaluation. If the team determines that a special education evaluation is necessary, the team should create a plan that will be attempted to be completed in 60 days. If the evaluation cannot be completed in 60 days because distance evaluation is not possible, then a delay form will be completed. COVID-19 closure will be an acceptable reason for an evaluation delay.<br><br>**<u>Special Education Re-evaluations:</u>**<br>We must try to complete re-evaluations by the due date of the evaluation. Consider the possibility of distance evaluation if possible. If this is not possible, you may consider completing a form 8 with a clear direction to complete a new evaluation upon return in order to continue eligibility. You may also complete a file review if that is appropriate. |

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| | **General Notice:** OSEP has not waived any of the IDEA requirements and may not be able to without an act of Congress. It is possible that Congress may act and OSEP may release requirements as we progress through this pandemic. In the meantime please do your best at maintaining special education responsibilities and rights.<br><br>**Parental Rights:**<br>Please be very careful to continue to uphold parental rights during this time. They are all still in effect. Holding phone conference meetings may make it hard to know if a parent is feeling uncomfortable with a meeting. You are encouraged to follow up with families after meetings to see if they have any questions. You are also encouraged to remind families to speak up if they are in disagreement with what is happening during a meeting. Please provide a review of parental rights at the beginning of each meeting during this time. |
| **How will you provide special education services if the virus causes a shortage of special education teachers or education providers (i.e. if your special education teachers or providers have COVID-19 and are unable to provide services)?** | If staff attendance impacts services for students, there will be a process for determining compensatory services at a point where the impact of the missed services can be measured and considered. |
| **How will IEP goals be measured if a student is out of school for an extended period of time?** | IEP services, although provided through distance learning along with tasks to practice skills at home, will continue to have progress reported. The completed tasks will need to be submitted to case managers/teachers. Teachers can also assess students during distance learning activities they are facilitating. |
| **Is there a consideration for Section 504 services that a school district should be making for students who are diagnosed with COVID-19?** | 504 is intended to address long-term medical conditions. Therefore, this virus, in and of itself, will not justify a referral for potential 504 considerations. However, if we have students who have long-term effects after experiencing this virus, it may be considered. |

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| | Specific materials will be provided, as appropriate, for students who have a 504 Accommodation Plan, just as materials are provided for all students. Modifications and accommodations will be provided to the extent possible and necessary. |
| **Will home or hospital instruction for a student with COVID-19 and disabilities look different than it does for other students who receive home or hospital instruction and how will you coordinate these services?** | For students who receive hospital or homebound instruction based on their IEP, instruction may be delivered virtually as appropriate. If needed, due to medical needs or an inability to participate fully in virtual instruction, makeup services may be scheduled upon return to normal school schedule.<br><br>If a student is out of school due to a diagnosis with COVID-19 (or any other long-term illness), an IEP team will meet and consider appropriate services for the student. |
| **How will your school system work with the local health department to address provisions for psychological support services for staff, students, and their families during and after a pandemic?** | Ongoing communication and materials will be provided during and after the event. Student needs will be addressed based on severity. Staff members will have the option to access the Employee Assistance Program if needed. |
| **For students who may be diagnosed with COVID-19 who also have a disability, are there FAPE related considerations with bullying that the student may have experienced or may experience after the pandemic is over, and if so, how will these be addressed?** | Staff will continue to follow board policy and procedures as needed to support students.<br><br>If a student experiences bullying due to COVID-19, please encourage them to seek assistance from an adult and be sure to make a report to your building based liaison. We want to protect all students. |

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# Distance Learning Planning Ideas for Special Education

Direct instruction will need to be individually modified by special educators. Parents will need to be supporting their children at home for any type of distance learning. Parents who can not read will need additional modifications to the planning, such as an increased reliance on online books that will be read automatically to the student. Families without access to the internet will need paper materials mailed or dropped off at their home and to connect with special educators by phone. Below I have listed some tools that are already used in the district that can be used to support distance learning direct instruction.

Internet Access:

- Internet Essentials - Comcast is now offering 60 days of free internet to any family that qualifies for free or reduced lunch. Westford does not have Comcast available in much of the town, however. Consolidated Communications and DSL are the only option for many residents.

Online Delivery of Materials:

- Google Classroom
- Google Hangouts
- Google Meet (Students can delete other students from a Meet, this may not be an issue for one to one instruction.)
- Zoom (Currently free for schools that are closed.)
- Screencastify (Free if schools are closed - otherwise a 10 minute limit)

Manipulatives:

- Either disinfect them and drop off or mail them to students
- Ask parents to recreate them from materials at their homes

Online Tools:

- Dreambox - Math
- Prodigy - Math

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- Lexia - Phonics based practice
- Reading A-Z - to print out books for home use, may need to purchase more licenses
- Razkids - for online access to books, may need to purchase more licenses
- Epic - free books online for students K-5
- Story Line Online - free books for students K-5
- Brainpop - Videos on thousands of topics, will be free if schools are closed.
- Bookshare - Free access to books online

  Learning Packets:
  - Ridgefield Connecticut Learning Packets by Grade

| **Ideas for Imparting Knowledge or Communicating with Students** | |
|---|---|
| | • Email<br>• Google Classroom<br>• Google Docs, Slides or Sites<br>  ○ Google Slides allow you include your links, videos etc and can even be delivered via PearDeck to allow for active learning with embedded questions etc.<br>• Screencast of Google Doc, slideshow, online site, your digital notes you would use in class, or anything on your computer screen<br>  ○ WeVideo (we have some pro versions) or Screencastify can be used to record your computer screen while you're explaining what you're viewing.<br>  ○ The video can then be shared with students in a variety of ways, via email, embedded in a Google Slideshow, etc<br>• Premade videos (YouTube, TedTalk, Crash Course etc)<br>• Create a video |

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| | ○ You can simply use the camera on your chromebook/laptop or mobile device to record yourself as if you were in the classroom.<br>○ You can record yourself solving a problem on paper or a whiteboard or creating something in art<br>○ The video can then be shared with students in a variety of ways, via email, embedded in a Google Slideshow, etc<br>○ We have pro licenses for WeVideo if you'd like to edit<br>• Google Meet videoconference<br>○ Meet allows you to create an online meeting and invite a group of students.<br>○ Sessions can be recorded for those who weren't there to view later<br>○ Could be used for delivering a lesson or to field questions after delivering a lesson in another way<br>• CK-12 Flexbooks<br>○ Digital books that can be customized and sections can be assigned to students via Google Classroom<br>○ There are Adaptive Practice modules, Simulations for math and science and other resources that can be assigned via Google Classroom |
| **Ideas for Assigning and Assessing Student Work** | • Assign and receive assignments through Google Classroom<br>• Google Forms and Quizzes to get information from students or assess student learning<br>• EdPuzzle - we have the Pro account for the school, let me know if you'd like to |

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| | use it<br>○ Add audio comments, questions within a video<br>○ Can choose from YouTube, Crash Course, Ted Talks etc from within tool<br>○ Can assign through Google Classroom<br>○ Student results collected to assess<br>• PearDeck - we have the Pro account for the school, let me know if you'd like to use it<br>○ Add student activities to a Google Slideshow<br>○ Student paced mode allows students to do it asynchronously<br>○ Students are given a code to join the session<br>○ Student results are collected to assess<br>• Kahoot<br>○ Student paced games<br>○ Set up challenges to assess student learning in student-paced mode<br>○ Challenges can be shared via Google Classroom<br>○ Teachers can assess learning with reports<br>• Flipgrid<br>○ Students share short videos on their Chromebooks or phones responding to your topic or prompt<br>• Student created video on phone or Chromebook and handed in via Classroom |

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# EWSD School Closure Distance Learning Plan for Students Eligible for Special Education

**Instructions:** Below are instructions to create a distance learning plan to address FAPE for children who are eligible for special education. Please note that special educators will be expected to complete a plan in collaboration with a parent or guardian for each student on their caseload.

**Agenda for Distance Learning Plan Development Phone call:**

A. The choice of tool for home collaboration to generate what homebound learning could look like. Telephone consultation, zoom, days and times that would work for instruction, days of the week that work better than others, email, etc.
B. Preferred types of activities that work well in engaging their child at home (opportunity for the parent to share what works and what does not work).
C. Review the current IEP goals and make a determination about the level of direct instruction that could happen over zoom, google hangouts or phone with a student if any.
D. Document the distance learning plan on this separate form that will create agreements about what will take place during distance learning time (see form below).

**Framework for the Distance Learning Plan:**

A. <u>Description of student disability:</u> the purpose of this section is to describe the student's disability
    a. Disability category
    b. Areas of impact
        i. Describe how the disability will impact the student's learning in core areas.
        ii. Describe how the disability will impact learning in a distance learning format
B. <u>Ability to access distance learning including preferred types of activities and mode of access:</u> special educators should discuss possible modes of accessing learning at home through a distance learning plan. Below are examples of types of instruction and modalities that can be used to instruct during a distance learning plan. This is not an exhaustive list.
    a. Flip classroom (mini-lesson)
    b. worksheets to reinforce learning activity

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c. Recording of instruction with expected activities afterward
d. Consultation
    i. To parent(s)
    ii. With contracted service providers
    iii. With special education independent schools
    iv. With para-educator(s)
    v. With related service providers
    vi. With general educators regarding general education learning activities
e. Current online programs that are being used with students

C. Schedule of special educator/related service provider direct instruction: this should be a clear schedule of when a service provider will be in contact time with a student from a distance. This should be clearly outlined and parents should agree to the amount of time.
D. Schedule of teacher-parent consultation: agree to a day and time each week.
E. Description of how progress toward goals will be tracked: service providers should request work products to be turned in by students to support the assessment of IEP goals. Service providers can also assess IEP goals through an online learning session with the student.
F. List of activities that will be provided: This should be a week by week general outline of the types of activities that will be provided.

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# Distance Learning Planning Form

| Special Education Distance Learning Plan | |
|---|---|
| Student Name:<br>State ID:<br>Grade:<br>School:<br>Date of Birth:<br>Parent/Guardian Name:<br>Parent/Guardian Phone:<br>Disability Category:<br>IEP Annual Review:<br>Next 3-year Evaluation:<br>Date of Meeting this plan was developed: | |
| Description of student disability | |
| Ability to access distance learning including preferred types of activities and mode of access | |
| | |
| **Phase 1**<br>**March 23- April 3rd** | Supports, accomodations, consultation, and services will be provided to ensure access to academic materials and **help <u>maintain level progress</u> on IEP Goals and Objectives** |
| Detail accommodations and other supports that are necessary to access the academic | |

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| materials being made available during this time | |
| *If applicable*, detail schedule of special educator/related service provider direct instruction | |
| *If applicable,* schedule of teacher-parent consultation | |
| If applicable, list of other supports/activities that will be provided | |
| | |
| **Phase 2**<br>**April 6-Date TBD** | Supports, accomodations, consultation, and services will be provided to ensure access to academic materials and help student **make continued progress with IEP Goals and Objectives** |
| Detail accommodations and other supports that are necessary to access the academic materials being made available during this time | |

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| Schedule of special educator/related service provider direct instruction | |
| Schedule of teacher-parent consultation | |
| Description of how progress toward goals will be tracked | |
| List of other activities/supports that will be provided | |

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**From:** VanderPloeg, Laurie
**Sent:** Sun, 19 Apr 2020 19:45:52 +0000
**To:** Schultz, Mark
**Subject:** Draft
**Attachments:** Draft Report v.1 4.19.20 1 50 PM (003).docx

Made a minor revisions to the Part D section. Feel free to comment.

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

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**From:** Bergeron, Deborah (ACF)
**Sent:** Mon, 20 Apr 2020 11:03:54 +0000
**To:** Bergeron, Deborah (ACF);Zarish-Becknell, Kim;Petersen, Molly;VanderPloeg, Laurie;Proctor, Tammy;Smith, Jamila;Rinkus, Christopher
**Subject:** ECE-COVID-19 Letter from Senators

-----Original Appointment-----
**From:** Bergeron, Deborah (ACF) <Deborah.Bergeron@acf.hhs.gov>
**Sent:** Monday, March 16, 2020 4:13 PM
**To:** Bergeron, Deborah (ACF); Proctor, Tammy; Smith, Jamila; Rinkus, Christopher
**Subject:** ECE-COVID-19 Letter from Senators
**When:** Tuesday, March 17, 2020 12:30 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).
**Where:** Confernece Line: (b)(6)

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**From:** Schultz, Mark
**Sent:** Tue, 24 Mar 2020 13:29:18 +0000
**To:** Rorie Fitzpatrick
**Subject:** FW: CA Governor Newsom K-12 Work Group

This has now been changed to Thursday at 5:00 EST. Hope this works for you! Thanks

-----Original Appointment-----
**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Monday, March 23, 2020 11:06 PM
**To:** Schultz, Mark; VanderPloeg, Laurie; Corr, Gregg; Murray, Susan; Kevin Gordon
**Cc:** Schneer, Matthew
**Subject:** CA Governor Newsom K-12 Work Group
**When:** Thursday, March 26, 2020 5:00 PM-6:00 PM (UTC-05:00) Eastern Time (US & Canada).
**Where:** Skype: +1 (202) 991-0393,,32141162# (Dial-in Number)

**Host Pin: Mark Schultz**
Join by phone

Toll number: (b)(6) # (Dial-in Number) English (United States)

Find a local number

Conference ID: (b)(6)

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Meeting requested by Mr. Kevin Gordon:

I know you are surely swamped by the huge issues emerging across the country as a result of the National emergency, but we were hoping you might have some time in the coming week to be on a call with a small, but very influential group of school leaders from California being convened by the Governor's office on a nightly basis. This group of leaders includes the Executive Directors of the five major organizations that represent all of the 1,000 school districts and county offices of education in the State. While none of us represent labor, we speak for the Superintendents and elected school boards – the management side of public schools in California. We were hoping to get about 20-30 minutes of your time to talk about the challenges we are having and the good work you and the Secretary are doing to give us some relief on regulations and waivers that allow us to do the right things for kids. California is the largest public school system in the country and as we know you appreciate, we have a big job to do here. We would accommodate your schedule, as all of the groups are committed to get on the phone at your convenience. Thanks for considering this request.
Kevin

On behalf of:

Vernon Billy, CEO
California School Boards Association

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Wes Smith, Executive Director
Association of California School Administrators (Superintendents/Principals)

Peter Birdsall, Executive Director
California County Superintendents Association

Tim Taylor, Executive Director
Small & Rural School Districts Association

Molly McGhee-Hewitt, Executive Director
California Association of School Business Officials

Polly Houston, President
California School Nutrition Association

Kevin Gordon, President
Capitol Advisors Group, LLC
*California's Leading Advocates for Education*
925 L Street, Suite 1200
Sacramento, California 95814
916-847-9454

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**From:** VanderPloeg, Laurie
**Sent:** Wed, 1 Apr 2020 11:18:16 +0000
**To:** Walawender, Rebecca
**Subject:** FW: CEC Response to CARES Act
**Attachments:** CEC Response CARES Act.pdf

---

**From:** CEC President <president@cec.sped.org>
**Sent:** Tuesday, March 31, 2020 11:12 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Cc:** Jennifer Lesh <JLesh@lynn.edu>; Chad Rummel <chadr@cec.sped.org>; Sharon Rodriguez <sharonr@cec.sped.org>
**Subject:** CEC Response to CARES Act

Dear Acting Assistant Secretary Schultz and Director VanderPloeg:

Please see attached response from the Council for Exceptional Children (CEC) in response to the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

On behalf of the members of CEC, and children and youth with exceptionalities and their families who they support, thank you in advance for your attention to this very critical matter.

Stay safe and stay healthy.

Most sincerely,

**Jennifer Lesh | President**
Council for Exceptional Children
*Pronouns: she/her/hers*

Direct: 703-264-9415
Main: 703-620-3660
Toll Free: 888-232-7733
TTY: 866-915-5000

3100 Clarendon Boulevard, Suite 600
Arlington, VA 22201-5332

cec.sped.org | president@cec.sped.org

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***A professional association of educators dedicated to advancing the success of children with exceptionalities.***

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Council for Exceptional Children
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March 31, 2020

Mark Schultz, Acting Assistant Secretary
Office of Special Education and Rehabilitative Services Programs
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202-7100

Laurie VanderPloeg, Director
Office of Special Education
U.S. Department of Education
400 Maryland Ave., SW
Washington, DC 20202-7100

Dear Acting Assistant Secretary Schultz and Director VanderPloeg:

We are writing to recommend how the CARES Act as it relates to the Department might be implemented. The Council for Exceptional Children (CEC) and its members are fierce and dedicated supporters of children and youth with disabilities as mandated by the Individuals with Disabilities Education Act (IDEA), the implementation of accompanying regulations, Section 504 of the Rehabilitation Act, and Title II of the Americans with Disabilities Act. We believe that all children and youth with disabilities have the right to a free appropriate public education (FAPE) in the least restrictive environment (LRE) with strong protections for all parties involved. When parents and families collaborate with schools and states, outstanding outcomes are possible.

There has been no other situation in our organization's history in which we have asked for these limited flexibilities described below. ***To be clear, we expect that these flexibilities should only be granted during the COVID-19 pandemic and that state and local education agencies, parents, and families should continue to work together in the interests of children and youth with disabilities.*** However, now more than ever, schools need to be focused on what is important - providing an appropriate, accessible, accommodated educational program to all students in light of their current circumstances.

CEC recognizes the considerable challenges that have been created in our schools due to widespread school closings as a result of the COVID-19 pandemic. CEC in, partnerships with other organizations, continues to advocate on behalf of the many special education and early intervention professionals who continue to be on the forefront of delivering the special education supports and services that form the foundation of the IDEA.

CEC has long been committed to protecting and supporting the Congressional mandate that each child with a disability is entitled to a FAPE. This is the foundation of the 1975 Education of All Handicapped Children's Act and has been affirmed in subsequent reauthorizations of the law, including the most recent, the 2004 Individuals with Disabilities Education Improvement Act (the Act). The entitlement to FAPE has been defined in the statute and regulations through a number of procedures and timelines. However, CEC recognizes that no provisions of the Act nor its regulations anticipated a global pandemic and how local education agencies (LEAs) and the many educators teaching our students should act during the national crisis that we face today.

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CEC members, in this new reality, are committed to working with all of our educational partners to find ways to continue to support all children with exceptionalities during this challenging time. With this in mind, Congress ratified, and the President signed, the CARES Act on March 27, 2020. The CARES Act requires that Secretary of Education DeVos submit a report to Congress regarding the flexibility that may be necessary during the COVID-19 pandemic. Given your roles as the principal advisors to the Secretary on matters related to special education students, CEC recommends the following:

**Timeline Flexibilities**

A core principle of the IDEA is the procedural safeguards that, over time, have been defined in terms of specific timelines and processes. Whereas CEC recognizes the principle that eligible students with disabilities cannot be denied their right to a FAPE, we also agree that these specific timelines are among some of the most challenging aspects of IDEA for school systems and schools to adhere to at this time. For this genuine and pressing issue, **CEC recommends that a timeline requirement should be calculated from the day schools closed due to the pandemic and extended for not more than *45-school days* after regular school year in-person instruction has resumed**. This includes:

- ***60-day initial evaluation timelines and re-evaluation triennial due dates [34 C.F.R. § 300.301(c); 34 C.F.R. § 300.303(b)(2)].***
  In some situations, a student who was being evaluated for special education and related services prior to the pandemic may be experiencing new needs now as a result of the pandemic and their learning situation (e.g., new mental health needs, parents/guardians who have lost a job, food insecurity). Additionally, testing protocols are not easily administered or manipulated virtually, and the results of the evaluations could be questionable. These are the kinds of circumstances that require flexibility when completing an evaluation under IDEA and making a determination about whether a child should become eligible for services or what those services should entail.

- ***Annual IEP review timelines [34 C.F.R. §300.324(b)(1)].***
  The IEP meeting is meant to be a collaborative process between parents/ guardians and school personnel. Even in the best of circumstances, nuances around the language and vocabulary of special education services can result in misunderstandings between the parties. It is for this reason, that IEP annual review timelines should be relaxed, and LEAs and families should be given the opportunity and flexibility to convene, at the request of the parent or the LEA, at a time when appropriate for all parties.

- ***IEP Meetings [34 C.F.R. §300.328].***
  According to §300.328 of the regulations to the IDEA, IEP meetings may be held via alternative means of participation (e.g., virtual meetings, conference calls, video conferencing) if the parent and agency agree. Many rural LEAs use these alternate means of participation as the primary mechanism for conducting IEP meetings; however, the majority of LEAs continue to engage in face-to-face meetings. In the current pandemic, alternative means for conducting meetings may

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be useful in place of face to face meetings and could be scheduled when everyone can participate.

- ***Complaint Timelines [34 C.F.R. §300.508; 34 C.F.R. § 300.510(a) and (c); 34 C.F.R. § 300.515(a) and (c)].***
  In the rare instances where parents and local education agencies find themselves in a dispute, IDEA provides state education agencies the responsibility to have a system of impartial hearing officers and state complaints. These complaint systems are necessary components, but with state education agencies being shuttered, hearing officers, attorneys, parents, and others working from home, and additional stressors being put on an already challenging process, flexibility in the timeline to resolve these complaints without necessary corrective actions is necessary. However, existing state complaints, mediations, resolution sessions, or hearings should be initiated as soon as possible when conditions permit.

- ***Part C to Part B Transition Timelines [34 C.F.R. § 300.124].***
  Flexibility of early childhood transition from Part C to Part B is another important consideration necessary to ensure that the IEPs written at such a critical time in a child's life are well developed and situated in the context of high-quality early education, rather than a pandemic where everyone is homebound. Specifically, the component of the law requiring children to be identified on or before their third birthday should be considered for flexibility.

CEC believes that it is more important than ever for schools and teachers to continue to work together on behalf of children with disabilities to meet the requirements of the IDEA to the extent possible. However, CEC asks the Department of Education to recognize the unprecedented circumstances, and that it may not be possible to achieve the requirements, and, it is for this reason, that we support the extension of timelines.

**Flexibility in Delivering FAPE**

In addition to timeline requirements, the IDEA requires a number of procedures that are meant to ensure that a child receives FAPE as defined by an Individualized Education Program (IEP). Among these procedures is the requirement that parents and school personnel collaborate in developing a student's IEP. Other elements of an IEP include the specification of the special education and other support services that are designed to enable a student with a disability to access and progress in the general education curriculum. These requirements are a critical feature of the law.

During the pandemic, CEC believes that the collaboration that occurs between parents and school personnel, including special education professionals, is no less important but may look different and require more flexibility to ensure all students' needs are met. Therefore, CEC asks that the Department consider recommending the flexibilities to the following:

- ***Documentation of FAPE under each districts' circumstances and IEP meeting procedures [34 C.F.R. § 300.323(c)(1); 34 C.F.R. §300.324(b)(1); 34 C.F.R. §300.324(a)(4)(i); 34 C.F.R. §300.328].***

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Specifically, we suggest that all IEPs written before the closure of schools during the pandemic be maintained. Services in these crisis circumstances should be reflective of the IEP to the extent possible, carried out in consultation with the parents, and continually documented.

- ***Data collection and corrective action plans***
  It is essential that the standards set forth under the IDEA related to district and state performance plans be reconsidered under the circumstances. We support the state and LEA focus on providing services to students, rather than divert attention during this period on corrective action or other paperwork.

It is also critically important that students' IEPs are reasonably calculated to enable a student to make progress appropriate in light of their circumstances under the Endrew F. v. Douglas County School District Re-1, 137 U.S. 988 (2017) standard of FAPE. During these difficult times, special educators will always strive to make "good faith" efforts to deliver the best programming possible. Nonetheless, CEC believes flexibility is needed because of the limitations imposed by the COVID-19 epidemic.

As stated at the beginning of this letter, we cannot emphasize enough, CEC and its members are fierce and dedicated supporters of the Individuals with Disabilities Education Act, its implementing regulations, and individuals with disabilities. We believe that all children and youth with disabilities have a right to a **free appropriate public education** in the least restrictive environment with strong protections for all parties involved. ***To reiterate, we expect that these flexibilities should only be granted in this specific circumstance and that state and local education agencies, parents, and families should continue to work together in the interests of children with disabilities.***

Should you have any questions or concerns, or if our organization and its members can be of service to you, please do not hesitate to reach out.

Sincerely,

(b)(6)

Jennifer Lesh, President
Council for Exceptional Children

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**From:** VanderPloeg, Laurie
**Sent:** Wed, 18 Mar 2020 18:05:38 +0000
**To:** Schultz, Mark;Levorse, Audrey
**Subject:** FW: Clearance: Assessment and accountability letter and template
**Attachments:** letter draft inviting waivers 2020 v2.docx, state testing waiver template sample v2.docx

I told Ruth we could call her at 3:00 regarding these attachments. Hope that is ok but this is important for us.

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Wednesday, March 18, 2020 2:02 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Subject:** FW: Clearance: Assessment and accountability letter and template

Do you have a minute for a quick call on this? Would be great to loop in Mark and Audrey if they are available.

---

**From:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Sent:** Wednesday, March 18, 2020 1:35 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** RE: Clearance: Assessment and accountability letter and template

-----Original Appointment-----
**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Wednesday, March 18, 2020 12:01 PM
**To:** Ryder, Ruth; Talbert, Kent; Rinkus, Christopher
**Subject:** Clearance: Assessment and accountability letter and template
**When:** Wednesday, March 18, 2020 1:30 PM-2:00 PM (UTC-05:00) Eastern Time (US & Canada).
**Where:** Skype Meeting

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Conference ID: (b)(6)

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**From:** VanderPloeg, Laurie
**Sent:** Mon, 6 Apr 2020 14:14:32 +0000
**To:** Moran, Kate;Corr, Gregg
**Subject:** FW: IDEA Fiscal Flexibility Topic Brief
**Attachments:** Topic Brief- IDEA Part B Fiscal Flexibility-4-2-20 Post OGC.dotx

Do we have Technical Assistance Resources to add to this one like the Part B Dispute Resolution one has? We are adding the same resources to the Part C brief. I do not want Mark to send this forward unless this is truly the final version. Please advise.

---

**From:** Moran, Kate <Kate.Moran@ed.gov>
**Sent:** Thursday, April 2, 2020 7:16 PM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Levorse, Audrey <Audrey.Levorse@ed.gov>; Corr, Gregg <Gregg.Corr@ed.gov>
**Subject:** IDEA Fiscal Flexibility Topic Brief

Hello Mark and Laurie,

I am attaching the OGC cleared **IDEA Fiscal Flexibility Topic Brief** for your clearance, once this is approved we will send this to the identified OSEP-# stakeholder inquiries. Please email back any comments or edits in track changes, and we will begin the process of finalizing for 508 compliance.

Thank You,
Kate

Dr. Kate P. Moran
U.S. Department of Education
Office of Special Education Programs
202-245-7315
Washington, DC 20202

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**From:** VanderPloeg, Laurie
**Sent:** Fri, 17 Apr 2020 13:18:46 +0000
**To:** Levorse, Audrey
**Subject:** FW: outline for discussion
**Attachments:** Draft outline 4.17.20, 6 50 AM.docx

---

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Friday, April 17, 2020 8:46 AM
**To:** Stump, Scott <Scott.Stump@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Richey, Kimberly <Kimberly.Richey@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>
**Cc:** Eitel, Robert <Robert.Eitel@ed.gov>
**Subject:** outline for discussion

This is the same as what I just sent with the Skype invite.

Kent

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**From:** VanderPloeg, Laurie
**Sent:** Mon, 16 Mar 2020 23:10:21 +0000
**To:** Walawender, Rebecca
**Subject:** FW: Policy Guidance: Question from Attached Disaster Guidance
**Attachments:** disaster-guidance.docx

We may need to use some answers from the disaster response document.

---

**From:** Levorse, Audrey <Audrey.Levorse@ed.gov>
**Sent:** Monday, March 16, 2020 5:14 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** Fwd: Policy Guidance: Question from Attached Disaster Guidance

I agree with Tina's interpretation.

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---

**From:** Diamond, Christina Dr. CIV OSD/DoDEA <Christina.Diamond@dodea.edu>
**Sent:** Monday, March 16, 2020 5:01 PM
**To:** Pagano, Lisa
**Cc:** Gross, Michael; Levorse, Audrey
**Subject:** Policy Guidance: Question from Attached Disaster Guidance

Good afternoon, Lisa,

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(b)(5)

Thank you for your time!
Tina

Tina Diamond, Ph.D.
Special Education Program Manager
Department of Defense Education Activity
4800 Mark Center Drive
Alexandria VA 22350
E-mail: Christina.Diamond@dodea.edu
571.372.8588 (office)
312.372.8588 (DSN)

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# Non-Regulatory Guidance on Flexibility and Waivers for Grantees and Program Participants Impacted by Federally Declared Disasters

U.S. Department of Education

September 2018



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ED-20-0731-A-003948

## Introduction

The U.S. Department of Education (Department) is issuing this guidance to help Department grantees and program participants restore teaching and learning environments and resume services following Federally declared disasters[1] (including Hurricane Florence) that impact the 2018–2019 academic school year. We recognize your challenges and want to express our concern and extend our support during this process of recovery and resumption of normal business operations.

This document generally discusses waivers and other forms of relief from Federal requirements in order to provide schools, State educational agencies (SEAs), State lead agencies (LAs), local educational agencies (LEAs), local early intervention service (EIS) programs and providers, State Vocational Rehabilitation (VR) agencies, the Department of the Interior's Bureau of Indian Education -funded schools,[2] Tribes, and postsecondary institutions with the operational flexibility necessary to continue operations as they recover from extended school or program closures due to a disaster. The guidance addresses flexibility on reporting deadlines, timelines for grant-funded activities, and maintenance of fiscal effort or matching requirements, where applicable; proposes potential alternatives and strategies for providing program services after disruption; and suggests methods for ensuring continuity of services and communication with program participants. In addition, the document covers a variety of topics specific to various program areas.

We strongly encourage all interested parties to contact the Department with any requests for assistance beyond the scope of this document. We are committed to collaborating with impacted parties, as well as other Federal, State and local agencies, to remove barriers and expedite the work necessary to respond to and recover from the recent hurricanes. As necessary, we will update this guidance with answers to additional questions.

It is important to emphasize that this guidance addresses only Federal requirements and flexibilities, and that only State and local officials can address State and local requirements and flexibilities.

---

[1] The phrase "Federally declared disaster" or "Presidentially declared disaster" means a disaster declared by the President to be a major disaster or emergency under section 401 or section 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191). Throughout this guidance, we use the term "disaster" to refer to "Federally declared disaster," which includes, for example, Hurricane Florence.

[2] The BIE has assumed the duties of an SEA under the ESEA with regard to the BIE-funded schools, and may request waivers under section 8401 of the ESEA. BIE-funded schools may submit waiver requests to the BIE as LEAs do under section 8401. Under section 611(h)(2)(A) of Part B of the IDEA and its implementing regulation in 34 CFR § 300.708, the BIE and BIE-funded schools assume the responsibilities of an SEA and LEA, respectively. Thus, references in this document to SEAs and LEAs include BIE and BIE-funded schools as they relate to programs under the ESEA and Part B of the IDEA.



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Each section addresses the implications of a prolonged school or program closure or other disruptions in the educational and other services to students and other program participants; legal questions that may arise for school or program administrators when faced with extended closures due to the disaster's impact; and the possibility of waiving requirements or finding other flexibility in Federal laws and regulations.



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## A. General Discretionary and Formula Grant Issues

This section discusses the waivers and other forms of relief that the Department may provide to grantees and grant applicants regarding Federal grant requirements following a disaster.

### A-1. How will the Department provide flexibility to entities applying for discretionary grants?

To the greatest extent possible, the Department will postpone discretionary grant competitions and extend application and other filing deadlines for institutions affected by a disaster when permissible under the law. Appropriations Acts generally provide funds for specific programs, purposes, and activities. The Department has very limited authority to redirect funds appropriated for one program or purpose to another program or purpose. The Department will:

- Ensure that any funds that have been statutorily authorized for relief efforts are awarded to eligible recipients; and
- Determine on a program-by-program basis whether a regular grant competition schedule should be suspended.

### A-2. How will an extended closure due to a disaster affect a grantee's receipt of funds?

Until a Department official has obligated Federal program funds to a grantee, no binding commitment exists with regard to these funds. If delays in Federal obligations are caused by a disaster, the Department staff will work with grantees on the obligations to the extent permitted by law, and warranted by the conditions and effects of the disaster, and consider using the "pre-award period" to negotiate a delay of the grant start-up date, and to authorize pre-award costs.

### A-3. Will a grantee be able to draw grant funds to pay for grant activities during the recovery period following a disaster?

The Department is committed to making every effort to have its existing electronic infrastructure available so that grantees can continue to draw funds for allowable grant expenditures that are consistent with their progress on the project. Grantees are cautioned that they should draw down grant funds only at the rate that they are able to carry out grant activities. Grantees should refer to 2 CFR § 200.305 for further information.

### A-4. What if a grantee has difficulty fulfilling grant activities because it is affected by a disaster?

During the recovery period from a disaster, grantees are expected to notify the relevant Department program office as soon as they are aware that they may have difficulty fulfilling grant activities. The Department is committed to working with its grantees to provide them with the maximum flexibility in making changes to project activities and timelines that might become



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necessary as a result of a disaster. For example, discretionary grantees that have partners or participants in areas affected by a disaster should alert the program offices as quickly as possible to make changes to the project activities and timelines. Additionally, with regard to formula grant programs, State VR agencies and grantees should contact their Office of Special Education and Rehabilitative Services (OSERS)/Rehabilitation Services Administration (RSA) State liaisons to address issues resulting from the disaster to renegotiate and/or redirect the scope of their work plans, as needed. LEAs should work through their SEAs to renegotiate and/or redirect the scope of their work plans, as needed. Grantees should refer to 2 CFR § 200.308 for further guidance.

**A-5. Generally, is another entity allowed to perform activities related to a grantee's project, if the grantee is unable to do so?**

The Department may allow another entity to perform activities for a grantee in some situations. As a part of their response and recovery efforts, grantees are encouraged to develop a backup plan for the operation of their grants that includes sharing project responsibilities and activities with other entities in the event that the grantee is not able to perform them. When the backup plan needs to be invoked, the grantee should seek approval from the Department to revise the grant in accordance with 2 CFR § 200.308. Grant backup plans might include, for example:

- Entering into arrangements and agreements with other organizations in the region to ensure the continuity of grant operations during recovery, including sharing or loaning of staff, facilities, space, materials, and supplies (contracting work to a third party has to comply with the procurement requirements set out in 2 CFR §§ 200.316 to 200.326);
- Shifting various activities and responsibilities to other members of an already approved partnership or consortium; or
- Transferring an entire grant to another entity (such a transfer has to be approved by the Department and implemented according to Department policies).

For more specific information regarding the transfer of State-administered grants and discretionary grants, see questions A-6 and A-7 below.

**A-6. For State-administered grants, is another entity allowed to perform activities related to a grantee's project, if the grantee is unable to do so?**

Yes, but States and their subgrantees, when applicable, will continue to be legally responsible for the administration of the grants and subgrants, as well as the monitoring of contracts. States have some discretion to make changes to their grants without prior approval by the Department under 2 CFR § 200.308. If a change requires prior approval, however, 2 CFR § 200.308 sets forth the procedures States follow to request prior approval from the Department. The Department will consider these requests on an expedited basis and will generally approve those that are consistent with the State plan or application that was filed and approved by the Department and reasonable in light of the specific circumstances of a disaster.



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**A-7. May a discretionary grant be transferred to another eligible entity if the grantee is unable to perform project activities due to a disaster?**

Yes, in limited circumstances a discretionary grant may be transferred from one entity to another. The transfer, however, requires formal approval by the Department, and the grantee must follow procedures to ensure that the grant continues to serve the same or a very similar population, and is of the same scope and meets the objectives as approved by the Department. The entity to which a grant is transferred must be an eligible recipient. To ensure that proposed changes are within the scope and objectives of the grant as approved, amendments to grant awards require formal approval by the Department under 2 CFR § 200.308.

**A-8. Must a grantee follow the various administrative requirements related to a grant (e.g., meeting reporting deadlines and obtaining administrative approvals) if it is affected by a disaster?**

Generally, yes, but the Department understands that grantees may need to make administrative changes to grant projects if they are affected by a disaster. Grantees have flexibility under 2 CFR § 200.308 and 34 CFR § 75.261 to make some changes without Department approval. Any relief from regulatory requirements provided to all grantees during the recovery period will be posted on the Department's website.

**A-9. In the event that grant-related activities are not being implemented because schools or program offices have been closed or staffing resources are not available, will the Department provide relief from meeting evaluation requirements?**

Yes, in such cases, the Department will consider modifying the project evaluation requirements, if appropriate; however, once grant activities resume, a proper evaluation of the project will need to be completed.

**A-10. If a grantee is required to provide services to partners, how can these partners receive grant management and grant administrative information needed to maintain their grant-related activities?**

Grantees are encouraged to establish communication systems with partner organizations, such as contractors and consortium members, and develop strategies based on the impact and estimated recovery period. Such planning may require establishing a backup strategy that will be operational throughout the recovery period. Grantees should coordinate such planning with their partners to make sure all affected entities have access to grant-related information.

Grantees can view examples of local plans at the following web address: www.ed.gov/admins/lead/safety/emergencyplan/pandemic/sampleplans/index.html.

**A-11. If a grantee is required to provide equitable services to private school students and teachers, how will private schools be notified of the availability and delivery of such services during the recovery period?**



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Grantees should, during the required consultation process with private school officials under sections 1117(b) and 8501(c) of the ESEA and under section 612(a)(10)(A)(iii) of the IDEA, establish procedures and strategies, including a communication process, that the entity will implement in the event of an extended school closure. Planning for this effort may require establishing a backup strategy that will be operational throughout the recovery period. Grantees should coordinate such planning with private school officials to make sure that all appropriate private schools have access to information related to Federal education equitable services provided to their private school students and teachers. Grantees and private school officials may also consider enlisting the assistance of the designated ESEA State ombudsman regarding ESEA equitable services assistance. See questions B-4 and C-7 in this guidance for additional program-specific guidance on the provision of equitable services.

**A-12. Discretionary grantees have specific performance targets that are approved in their applications. Will the Department renegotiate performance targets due to delays in project implementation, school closings, or reduced staff capacity?**

Yes. In general, the Department expects grantees to strive to achieve performance targets as stated in their approved grant applications; however, the Department understands that grantees may experience delays in achieving performance targets as the result of a disaster. If necessary, grantees may request approval from the Department to adjust project timelines so that approved performance targets can be met, but at a later date than originally planned. In addition, grantees may exercise the administrative flexibility in 34 CFR § 75.261 and initiate a one-time extension of up to one year without prior approval to complete unfinished project activities, and thereby meet approved performance targets in accordance with revised project timelines.

**A-13. What does the Department expect with regard to the treatment of institutional employees who are supported by Federal higher education grants or other employees paid with Federal education program funds?**

Institutional employees who are supported with Federal grants awarded by the Department, including grants authorized by the Higher Education Act (HEA), and the other programs discussed in this guidance such as the IDEA, and Title I of the ESEA, should be treated the same as similarly situated employees of the institution. In the case of programs serving K-12, Federally funded employees should be treated the same as similarly situated State and locally funded employees. This means that if the institution's policy or State and local law and policies provide for similarly situated employees to be paid during an extended closure due to a disaster, those supported with Federal grants would also be paid. These employees should return to the duties for which the grant funds were provided as soon as possible and, to the extent practicable, should work on project activities during the time the school is closed. Employees supported with Federal grant funds who are intended to provide direct services to students may maintain contact with students during the recovery period, through appropriate methods such as telephone, videophone, and email.



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## B. Elementary and Secondary Education Issues - The Elementary and Secondary Education Act (ESEA)

This section discusses potential legal issues that school administrators may face when responding to and recovering from extended school closures and otherwise addresses disruption in elementary and secondary educational services funded under the ESEA. Specifically, this section discusses waivers and other forms of relief from elementary and secondary (K-12) Federal education requirements and other flexibilities the Department may provide.

### B-1. May the Department provide flexibility to SEAs, LEAs, and Indian Tribes with regard to Federal K-12 requirements governed by the ESEA in response to a disaster?

Yes, to the extent permissible under law, the Department may provide SEAs (as well as LEAs and schools through their SEA) and Indian Tribes with flexibility as necessary to appropriately address the impact a natural disaster has had upon the normal functioning or delivery of educational services. Section 8401 of the ESEA (20 U.S.C. § 7861) permits the Secretary to grant waivers of most ESEA requirements to SEAs, (as well as LEAs and schools through their SEA) and Indian Tribes that receive ESEA funds and that request such waivers. Specifically, if warranted due to the impact of a disaster that impedes functioning or delivery of educational services in a State, LEA, or school, the Department may, upon request by SEAs or Indian Tribes, grant waivers as it determines appropriate of most ESEA statutory and regulatory requirements.

### B-2. Which entity/entities is/are responsible for requesting a waiver related to Federal K-12 requirements or deadlines?

Only SEAs and Indian Tribes that receive funds under a program authorized by the ESEA may request a waiver, consistent with the provisions in section 8401. If an LEA would like to request a waiver, section 8401 requires that it submit a waiver request to its SEA, which may then submit it to the Department if the SEA determines the waiver to be appropriate. Similarly, an elementary or secondary school may submit a waiver request to its LEA, which may then submit it to the SEA if the LEA determines the waiver to be appropriate. The SEA may then submit the request to the Department, if the SEA determines the waiver to be appropriate. To clarify this process, SEAs may choose to provide guidance and a process for LEAs and schools to submit a waiver request to the SEA.

If an SEA or Indian Tribe believes a waiver may be needed, the Department requests that, if possible, the entity contact the Department to receive technical assistance before requesting the waiver. The Department will then assist the SEA or Indian Tribe in requesting a waiver.

### B-3. What is the general process for applying for a waiver of ESEA requirements?



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To obtain a waiver, the ESEA requires that an SEA, LEA (through its SEA), Indian Tribe, or school (through its LEA and SEA or Indian Tribe) submit a request to the Secretary. Section 8401(b) of the ESEA requires an SEA (on behalf of the SEA or on behalf of, and based on the requests of, LEAs in the State) or Indian Tribe (on behalf of schools operated by the Tribe) to include in its waiver request a plan that:

- Identifies the Federal program(s) affected by the requested waiver;
- Describes which Federal statutory or regulatory requirements are to be waived;
- Describes how the waiving of such requirements will advance student academic achievement;
- Describes the methods the SEA, LEA, school, or Indian Tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the waiver;
- Includes only information directly related to the waiver request; and
- Describes how schools will continue to assist the same populations served by the program for which the waiver is requested.

Before submitting the waiver request to the Department, an SEA must:

- Provide the public and any interested LEA in the State, to the extent the request impacts the LEA, with notice and a reasonable opportunity to comment and provide input on the request in the manner in which the SEA customarily provides similar notice and opportunity to comment; and
- Submit the comments and input to the Department with a description of how the SEA addressed any comments and input. (Section 8401(b)(3)(A) of the ESEA).

An SEA may also describe what may occur if it does not receive a waiver.

In the case of a waiver request submitted by an LEA, the request must be reviewed and approved by the SEA in accordance with section 8401(a)(2) before being submitted to the Secretary. The LEA must also provide notice and a reasonable opportunity to comment on the waiver request to the SEA and the public in the manner in which the LEA customarily provides similar notice and opportunity to comment to the public. (Section 8401(b)(3)(B) of the ESEA). Any comments received from the SEA and public must accompany the request when submitted to the Department.

The Department encourages any SEA, LEA, school, or Indian Tribe that intends to seek a waiver to review section 8401 of the ESEA, which may be accessed at the following web address: https://www2.ed.gov/documents/essa-act-of-1965.pdf.

Affected agencies or schools may also contact the Department's Office of Elementary and Secondary Education with questions about ESEA waivers by calling (202) 401-0113.

**B-4. <u>If an LEA is required to provide equitable services to private school students under an ESEA program, how should the LEA communicate with officials of these private schools during an extended school closure due to a disaster?</u>**



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The Department suggests that an LEA, during the required consultation process with private school representatives or officials under sections 1117(b) and 8501(c) of the ESEA, establish a communication process for use throughout a closure necessitated by a disaster. For example, the LEA may establish an emergency call tree to ensure any needed information can be shared within the LEA and from the LEA to private schools, as needed. The LEA may also establish procedures for how equitable services will be impacted in the case of closure due to a disaster and share those procedures with the private school representatives or officials. It will be helpful for LEAs to coordinate such planning with appropriate private school officials to make sure that they have access to information related to equitable services for their eligible students and, as applicable, their teachers and families. Grantees and private school officials may also consider enlisting the assistance of the designated State ombudsman regarding ESEA equitable services matters. As noted under the answer to B-7, the equitable participation of private school students and teachers may not be waived under section 8401(c) of the ESEA.

**B-5. Does the ESEA allow for any flexibility with respect to meeting maintenance of effort (MOE) without waiver approval?**

Yes. There is some flexibility in the MOE provisions in the ESEA.

It is important to understand the delay in when the current year's expenditures are taken into account for MOE determinations. For example, expenditures in school year 2017-2018 (fiscal year (FY) 2017 funds) will not affect MOE determinations until school year 2019-2020 (FY 2019 funds). In 2019-2020, the "preceding fiscal year" for MOE determinations will be expenditures for school year 2017-2018; likewise, expenditures in school year 2017-2018 will be the "second preceding fiscal year" for MOE determinations for school year 2020-2021 (FY 2020 funds). Under the MOE provisions in section 8521(b)(2) of the ESEA, an LEA that does not maintain effort during school year 2017-2018 (i.e., based on expenditures during the July 1, 2017 to June 30, 2018 period) would not be penalized with a reduction in Federal FY 2019 (school year 2019-2020) ESEA funds unless the LEA also failed to maintain effort in one or more of the five fiscal years preceding July 1, 2017. If an LEA faces a reduction in FY 2019 ESEA funds, the LEA (or the SEA on the LEA's behalf) may request an MOE waiver under section 8521(c)(1), which gives the Department the authority to waive the MOE requirements in the case of a natural disaster or another exceptional or uncontrollable circumstance.

Finally, we note that, under 34 CFR § 299.5(d)(2)(i), an SEA excludes from an ESEA MOE determination supplemental expenditures of State and local funds made as a result of a Presidentially declared disaster. Therefore, if an LEA's expenditures increase significantly in school year 2017-2018 due to increased spending in response to such a disaster, the SEA will exclude these expenditures from MOE calculations, which will decrease the possibility that a one-time increase in school year 2017-2018 expenditures will cause an LEA to fail to maintain effort in school year 2018-2019 (affecting allocations for the 2020-2021 school year) when expenditures from school year 2018-2019 are compared to school year 2017-2018 expenditures.

**B-6. How should SEAs and LEAs identify and serve students who may be residing in homeless situations as a result of a disaster?**



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The Education for Homeless Children and Youth (EHCY) program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) (McKinney-Vento Act). The purpose of the McKinney-Vento Act is to ensure that homeless children and youth have equal access to the same free, appropriate public education as provided to other children and youth. (*See* section 721 of the McKinney-Vento Act). Under section 725(2)(A) of the McKinney-Vento Act, a child or youth is considered homeless if he or she lacks "a fixed, regular, and adequate nighttime residence." This includes children and youth who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters, cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings. (Section 721(b) of the McKinney-Vento Act).

Under the McKinney-Vento Act, each SEA has a State Coordinator for the Education of Homeless Children and Youths (EHCY). (*See* section 722(f) of the McKinney-Vento Act). In addition, each LEA also has a staff person who is designated to serve as the local liaison for homeless education. (*See* section 722(g)(1)(J)(ii) of the McKinney-Vento Act). In the event of a disaster, State Coordinators and local liaisons will want to work together to coordinate and facilitate services to children and families made homeless by the disaster.

To facilitate identification of homeless students, local liaisons may choose to display posters or distribute brochures on McKinney-Vento rights in places where people affected by the disaster are likely to assemble. Local liaisons should also notify social services, housing, and other types of agencies working with individuals and families affected by the disaster to assist with identification.

Local liaisons can be proactive in preparing schools to enroll displaced students and arranging for additional staff to assist with the identification and enrollment process. The McKinney-Vento Act requires homeless students to be immediately enrolled in school, even if the student is lacking documentation normally required for enrollment or has missed enrollment deadlines during any period of homelessness. (Section 722(g)(3)(C) of the McKinney-Vento Act). The LEA and school must also allow a student to remain in his or her school of origin (i.e., the school in which he or she was last enrolled or that he or she attended when permanently housed) if it is in the student's best interest to remain in that school and ensure that the student is provided transportation to and from that school if requested. (Sections 722(g)(3)(A) and 722(g)(1)(J)(iii) of the McKinney-Vento Act).

For more information on the EHCY program, please see the Department's non-regulatory guidance, which is available at: https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716updated0317.pdf. In addition, the National Center for Homeless Education has technical assistance products on Disaster Preparation and Response, which are available at: http://nche.ed.gov/ibt/dis_prep.php .



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**B-7. <u>Are there certain Federal K-12 requirements under the ESEA that may not be waived in response to a disaster?</u>**

Yes. Section 8401(c) of the ESEA restricts the requirements for which the Department may consider waivers under section 8401. The requirements for which the Department *may not* grant waivers under this section include:

(1) The allocation or distribution of funds to States, LEAs, Indian Tribes, or other recipients of funds under the ESEA;
(2) Maintenance of effort (as noted below, section 8521 of the ESEA gives the Department the authority to waive this requirement under certain circumstances);
(3) Comparability of services;
(4) Use of Federal funds to supplement, not supplant, non-Federal funds;
(5) Equitable participation of private school students and teachers;
(6) Parental participation and involvement;
(7) Applicable civil rights requirements;
(8) The requirement for a charter school under Part C of Title IV of the ESEA;
(9) The prohibitions—
    (A) In Subpart 2 of Part F of Title VIII of the ESEA;
    (B) Regarding use of funds for religious worship or instruction in section 8505 of the ESEA; and
    (C) Regarding activities in section 8526 of the ESEA (prohibited uses of funds); and
(10) The selection of a school attendance area or schools under subsections (a) and (b) of section 1113 of the ESEA, except that the Department may grant a waiver to allow a school attendance area or school to participate in activities under Part A of Title I if the percentage of children from low-income families in the school attendance area or who attend the school is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school of the LEA that meets the requirements of subsections (a) and (b) of section 1113.

In addition, the section 8401 waiver authority does not apply to the Impact Aid Program (Title VII of the ESEA).

## C. Elementary and Secondary Education Issues- Part B of the IDEA, Section 504 of the Rehabilitation Act (Section 504), and Title II of the Americans with Disabilities Act (ADA)

Following a disaster, once schools resume, elementary and secondary schools must ensure equal access to educational opportunities for students with disabilities, and provide a free appropriate public education (FAPE). Under IDEA, LEAs where private elementary schools and secondary schools are located must also ensure the provision of equitable services to eligible students with disabilities enrolled by their parents in those private schools. (34 CFR §§ 300.130-300.144). The Department currently has no legal authority to waive IDEA requirements, except



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for the requirement to maintain State financial support for special education and related services, as explained in question C-9 below. Therefore, the following questions primarily address best practices for SEAs, LEAs, and schools when addressing extended school closures as a result of a disaster.

**C-1. Is an LEA required to continue to provide FAPE to students with disabilities during a school closure caused by a disaster?**

The IDEA, Section 504, and the ADA do not specifically address a situation in which elementary and secondary schools are closed for an extended period of time because of exceptional circumstances, such as a disaster.

If an LEA closes its schools because the functioning or delivery of educational services is disrupted, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The Department understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed to make up for any skills that may have been lost because of an extended school closure.

If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. (34 CFR §§ 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)). SEAs, LEAs, and schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP developed under IDEA, or a plan developed under Section 504. (34 CFR §§ 300.101 and 300.201 (IDEA), and 34 CFR § 104.33 (Section 504)).

**C-2. In the event of a school closure due to a disaster, how might educational services be provided to students with disabilities?**

Schools should consider ways of ensuring that continuing education activities (i.e., services provided during a school closure) are accessible to students with disabilities when they are provided to the general education population. Technology may afford students, including students with disabilities, an opportunity to have access to high-quality educational instruction during an extended school closure, especially when continuing education must be provided through distance learning. If schools are providing educational opportunities to the general student population, SEAs and LEAs are required to provide the services and accommodations needed for students with disabilities to have an equal opportunity to participate in a distance-



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learning program. (34 CFR § 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)).

**C-3. What must a school do if it cannot provide services in accordance with a student's IEP or Section 504 plan?**

If a school continues to provide instruction to the general school population during an extended closure due to a disaster, but is not able to provide services to a student with a disability in accordance with the student's IEP, the student's IEP Team determines which services can be provided to appropriately meet the student's needs. The IEP Team may meet by teleconference or other means to determine if some, or all, of the identified services can be provided through alternate or additional methods. Appropriate personnel responsible under Section 504 must take similar actions regarding a student who has a Section 504 plan. Additionally, under IDEA, eligible students enrolled by their parents in private schools who have services plans would need similar consideration and actions. If there has been an extended school closure, once school resumes, a student's IEP Team, or appropriate personnel under Section 504, must determine whether, and to what extent, compensatory services are needed consistent with the respective applicable requirements. (*See* Q&A C-5). (34 CFR §§ 300.320-300.324 (IDEA) and 34 CFR §§ 104.33-104.35(c) (Section 504)).

**C-4. In the event that a school is closed for an extended period of time due to a disaster, would an IEP Team be required to meet? Would an LEA be required to conduct an evaluation of a student with a disability?**

IEP Teams are not required to meet in person while schools are closed. IEP Teams may continue to work with parents and students with disabilities during such school closures and offer advice, as needed. If an evaluation of a student with a disability requires a face-to-face meeting or observation, the evaluation would need to be delayed until school reopens. Evaluations and reevaluations that do not require face-to-face assessments or observations may take place while schools are closed, if the parent consents. These same principles apply to similar activities conducted by appropriate personnel for a student with a disability who has a plan developed under Section 504 or who is being evaluated under Section 504.

**C-5. What steps must be taken to serve a student with a disability who may have lost skills as a result of an extended absence from school due to a disaster?**

The student's IEP Team (or appropriate personnel under Section 504) must make an individualized determination as to whether, and to what extent, it may be necessary to provide compensatory education. (34 CFR §§ 300.320-300.324 (IDEA), and 34 CFR §§ 104.33-104.35 (Section 504)).

Compensatory services may be necessary when there is a decline in the student's skills that occurred as a result of a student not receiving services during an extended closure due to a disaster.



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The student's IEP Team also must review the student's IEP and determine whether any other changes to the IEP are needed as a result of the extended absence from school. (34 CFR § 300.324(b)(1)). An IEP Team may consider using informal assessments to determine whether there have been changes in a student's performance. Similarly, the appropriate personnel under Section 504 must also review the student's plan developed under Section 504 to determine whether any other changes are needed as a result of a prolonged absence from school. (34 CFR § 104.35(c)).

**C-6. What steps must a school district unaffected by a disaster take in order to serve a student with a disability who relocates to that school district? What if the child's family does not have a copy of the child's current IEP in this situation?**

During such a difficult time, as schools attempt to locate or preserve records and work to rebuild school facilities, the Department recognizes the challenges associated with serving students who are displaced from their current school as a result of a disaster. For children with disabilities, the requirements under the IDEA related to student transfers do not contain specific exceptions due to disasters or situations where a school is unable to provide educational services to students. IDEA contains specific provisions governing IEPs and services for students with disabilities who transfer to a new school district within the same State or a different State in the same school year. (34 CFR § 300.323(e)-(g)). While different requirements apply to within-State and out-of-State transfers, students with IEPs must receive FAPE through the provision of services comparable to those described in the child's IEP from the previous public agency until, in the case of an in-State transfer, the new school district implements an IEP for the student. In the case of an out-of-State transfer, the new school district conducts an evaluation if determined necessary and implements a new IEP, if appropriate. The new school district must take steps to attempt to obtain the child's records from the previous school district, if such records exist, and the previous school district must attempt to promptly respond to the records request. (34 CFR § 300.323(g)). If a child's family relocates to a new school district in a different State, and the new school district believes that the child has a disability, but the parents cannot provide a copy of the child's IEP or the previous school district has not provided a copy of the child's IEP, the new school district may provide the child with special education and related services through a temporary IEP, subject to the parent's agreement. Recipient LEAs also are responsible for providing FAPE consistent with the requirements of Section 504 to students with disabilities who are in the jurisdiction of the LEA.

**C-7. Is an LEA required to provide equitable services to parentally placed private school students with disabilities during an extended school closure due to a disaster? How should the LEA communicate with these private schools?**

LEAs with students with disabilities parentally placed in private schools should have, during the required consultation process with private school officials under section 612(a)(10)(A)(iii) of the IDEA, established procedures and strategies, including a communication process that will be implemented in the event of an extended school closure. Planning for this effort may require establishing a new strategy to be employed during the extended closure. LEAs should coordinate such planning with appropriate private school



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officials to make sure that they have access to information related to equitable services for their eligible students.

**C-8. How should a State impacted by a disaster report data on its FFY 2018 IDEA Part B SPP/APR?**

The Department recognizes the damaging effects of disasters on impacted LEAs and their impact on LEAs' ability to report data. In developing the State's FFY 2018 IDEA Part B SPP/APR (which covers the period July 1, 2018 through June 30, 2019), the State should include for each indicator that it is relevant to, information that discusses the extent to which any LEAs that were affected by a disaster were unable to meet applicable timelines or where the collection of valid and reliable data was not possible. Please include any other relevant information for the Office of Special Education Programs (OSEP) to take into account.

**C-9. Does the Department have the authority to waive the requirement to maintain State financial support for special education and related services due to a disaster?**

Yes. The Secretary may waive, one fiscal year at a time, the requirement under Part B of the IDEA that States not reduce the amount of State financial support for special education and related services for children with disabilities if doing so would be equitable due to exceptional or uncontrollable circumstances, such as a disaster or unforeseen decline in the financial resources of the State. (34 CFR § 300.163(c)(1)). A State that wishes to seek such a waiver would contact its State Lead in OSEP for technical assistance.

## D. Issues Related to Services for Infants and Toddlers under Part C of the IDEA

Part C of the IDEA provides funds to the State LA to make early intervention services available to all eligible infants and toddlers with disabilities and their families living within the State. These services are provided in a variety of settings, including the child's home, daycare, preschools, and community centers. The following questions and answers primarily address the best practices for the State LA and its local EIS programs and providers when faced with unforeseen programmatic circumstances due to a disaster.

**D-1. Are the State LA or EIS program or provider required to continue providing early intervention services to infants and toddlers with disabilities under Part C of the IDEA if the offices are closed due to the impacts of a disaster?**

If the offices of the State LA or the EIS program or provider are closed, then services under Part C of the IDEA would not need to be provided to infants and toddlers with disabilities and their families during that period of time. If the LA's offices are open but the offices of the EIS program or provider in a specific geographical area are closed due to public health, flooding



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and/or safety concerns as a result of destruction in the area, the EIS program or provider would not be required to provide services during the closure.

If the local EIS program or provider's offices remain open, but IDEA Part C services cannot be provided in a particular location (such as in the child's home) by a particular EIS provider, then the LA should take reasonable steps to identify alternatives for continuing services. For example, services may be provided in an alternate location, using a different EIS provider, identifying other parent or community resources, or through alternate means, such as through teleconference or consultative services to the parent (if feasible).

**D-2. What steps must be taken if early intervention services are not provided for an extended period of time to an infant or toddler with a disability under Part C of the IDEA?**

Once the offices re-open and/or EIS programs and providers are able to provide services, the service coordinator and EIS providers for each child must resume providing the services on the child's Individualized Family Service Plan (IFSP) as soon as possible. (20 U.S.C. 1435(a)(4) and 1436; 34 CFR § 303.342(e)). For children who did not receive early intervention services for an extended period of time, once services resume, the service coordinator and EIS providers must determine if the child's service needs have changed, determine whether the IFSP Team should review the child's IFSP to identify whether any changes are needed, and consider whether compensatory services are needed. (20 U.S.C. 1436; 34 CFR § 303.342(b)). The IFSP team may meet by teleconference or other means to review the IFSP if conditions warrant or if the family requests a periodic review.

**D-3. What steps can be taken to resume the provision of early intervention services after a family has been displaced and has relocated, and what can be done if early intervention records cannot be located or accessed?**

The Department recognizes the disruption to families and challenges to providers in continuing to provide early intervention services to families who are in a new location as a result of a natural disaster. Once early intervention services can be provided, if a family is in a new location, the first step is to contact the EIS program or provider where the child was receiving IDEA Part C services to obtain a copy of the child's early intervention record and most recent IFSP (with parent consent, if needed under 34 CFR § 303.414). If the child's records cannot be located or accessed due to circumstances relating to a disaster, a State may provide IDEA Part C services if parental consent is obtained by using an interim IFSP under 20 U.S.C. 1436(c) and 34 CFR § 303.345, until such time as the records establishing eligibility and the child's IFSP are available or, in the case of no records being available or a new family initially referred to IDEA Part C, such time as an evaluation and assessment can be conducted to determine eligibility.

**D-4. Does IDEA allow for flexibility in meeting the 45-day timeline for conducting a child's initial evaluation, assessment, and IFSP meeting?**

While the Department does not have the authority to waive the IDEA Part C 45-day timeline requirement in 34 CFR § 303.310(a), this timeline includes two allowable exceptions. These exceptions apply if the child or parent is unavailable due to exceptional family



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circumstances or a natural disaster; or if the parent has not provided consent despite documented, repeated attempts by the LA or EIS provider to obtain parental consent. (34 CFR § 303.310(b)). Both of these exceptional circumstances may apply in situations where a family has been displaced as a result of a disaster. In these situations, the LA or EIS program or provider must document application of the exception in the child's early intervention records. (34 CFR § 303.310(c)(1)). In situations such as a natural disaster, when families and providers are displaced and when offices are closed, delays can be expected. States must complete the initial evaluation, assessment, and IFSP meeting as soon as the exceptional family circumstance no longer exists and parental consent is obtained. (34 CFR § 303.310(c)(2)). As mentioned in question D-3, if appropriate, an interim IFSP may be put into place with parent consent under 34 CFR § 303.345 to provide IDEA Part C services before the evaluation or assessment is completed.

**D-5. How should the State report data on its Federal Fiscal Year (FFY) 2018 SPP/APR for IDEA Part C?**

The Department recognizes the damaging effects of recent natural disasters on EIS programs and providers and the infants and toddlers and families who are served by those programs. In developing the FFY 2018 SPP/APR (which covers the period July 1, 2018 through June 30, 2019) under Part C of the IDEA, the State should include for each indicator that it is relevant to, information that discusses the extent to which any EIS programs that were affected by the recent hurricanes, were unable to meet applicable timelines or where the collection of valid and reliable data was not possible. Please include under Indicators 1, 7, and 8 any documented exceptional family circumstances and other relevant information for OSEP to take into account.

## E. Adult Education and Career and Technical Education Program Issues

**E-1. May States receive a one-year waiver of their maintenance of effort (MOE) requirements for adult education and career and technical education programs if a disaster causes a disruption in services?**

Yes. Section 241(b)(4) of the Adult Education and Family Literacy Act (AEFLA) authorizes the Secretary to waive a State's MOE requirement for not more than one fiscal year if "the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster." Similarly, section 311(b)(2) of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV), which remains in effect until July 2, 2019, allows the Secretary to waive a State's MOE requirement due to exceptional or uncontrollable circumstances (such as Hurricane Harvey, Hurricane Irma or Hurricane Maria) that affect a State's ability to meet such requirements.

**E-2. May States and local recipients renegotiate their agreed-upon performance levels for career and technical education programs if there are extended closures due to a disaster?**



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Yes, if the devastation from a disaster makes it excessively difficult to meet performance goals. Section 113(b)(3)(A)(vii) of Perkins IV provides the Secretary with the authority to renegotiate annual performance goals if certain unanticipated circumstances arise. (*See* the Office of Career, Technical, and Adult Education's Questions and Answers Regarding Perkins IV Non-Regulatory Guidance, Version 3 (Questions B-40 through B-45), https://s3.amazonaws.com/PCRN/docs/Compiled_List_of_QAs-8-8-16.docx). Please note that Perkins IV remains in effect until July 1, 2019, and the Department has not yet developed new Questions and Answers or other non-regulatory guidance materials to support implementation of Perkins V, which was signed into law on July 31, 2018 (also known as the Carl D. Perkins Career & Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education Act for the 21st Century).

**E-3. Will a State be subject to a financial sanction if it is not able to submit its performance report, as required under the Workforce Innovation and Opportunity Act (WIOA), by the report due date because of a disaster?**

No. In accordance with WIOA's implementing regulations at 34 CFR § 463.185(b), a State will not be subject to a financial sanction if it does not submit a complete performance report by the report due date as a result of exceptional circumstances outside of the State's control, including a disaster.

In the event that a State is not able to submit a complete performance report by the report due date, the State must notify the Secretary of Labor or Secretary of Education as soon as possible, but no later than 30 days prior to the established deadline for submission, of a potential impact on the State's ability to submit its performance report in order to not be considered failing to report. In circumstances where unexpected events occur less than 30 days before the established deadline for submission of the performance report, the Secretaries of Labor and Education will review requests for extending the reporting deadline in accordance with their Departments' procedures. (*See* 34 CFR § 463.185(c)).

## F. Postsecondary Education Issues Generally

This section discusses the waivers and other forms of relief the Department may provide to postsecondary institutions and other postsecondary program participants regarding Federal education requirements during an extended school closure as a result of a disaster, such as a hurricane, that disrupts the functioning or delivery of educational services. For additional information, see the guidance posted at the following Web address: https://ifap.ed.gov/ifap/disaster.jsp.

**F-1. What should institutions do if a disaster disrupts the delivery of educational services?**

Institutions should have alternatives for the delivery of educational programs for use during an extended closure due to a hurricane or other disaster. These alternatives could include



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creating or expanding distance learning opportunities, either through existing institutional capacity or through agreements with other institutions. Any written agreements with other institutions should be put in place as soon as possible so that they are available to address the needs of students, including students with disabilities. The requirements for these types of



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agreements for purposes of Federal Student Aid (FSA) programs can be found in 34 CFR § 668.5.

Because the ADA and Section 504 also prohibit discrimination on the basis of disability, institutions that receive Federal financial assistance or that are covered by the ADA must ensure that students with disabilities have equal access to educational opportunities. This includes plans for distance learning. Institutions should prepare strategies to ensure that students with disabilities have equal access to these programs. These include strategies for providing reasonable accommodations such as auxiliary aids and services and modifications to academic requirements where necessary to enable these students to access distance learning programs. (34 CFR § 104.44; 28 CFR §§ 35.130(b)(7) and 35.160).

Institutions should have plans ready to serve all students residing on campus, or to perform other functions if the campus itself is used for other purposes by the State or local community. Emergency preparedness and emergency response programs must also be accessible to individuals with disabilities. For additional information, *see* "An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities," available at the following website: http://www.ada.gov/emergencyprepguide.htm.

**F-2. What should an institution do if it is unable to properly administer its Federal student assistance programs under Title IV of the Higher Education Act of 1965 (HEA) due to a disaster?**

If an institution determines that it is, or will be, unable to properly administer its Title IV programs (including continuation of its educational programs) as a result of a disaster, it should immediately contact the FSA School Participation Division in the Department for further guidance. The contact information can be found at the following web address: https://ifap.ed.gov/ifap/helpContactInformationDetailedList.jsp?contactname=School%20Participation%20Division.

**F-3. What steps should institutions take if incoming students are unable to complete high school graduation requirements due to extended closures caused by a disaster and its disruptions to the functioning or delivery of educational services?**

Under institutional eligibility requirements for the Department's Federal student financial aid programs (34 CFR §§ 600.4(a)(2), 600.5(a)(3), and 600.6(a)(2)), institutions participating in those programs must admit as regular students only persons who have a high school diploma, have the recognized equivalent of a high school diploma, or are beyond the age of compulsory school attendance in the State in which the institution is physically located. Accordingly, institutions are strongly encouraged to consult with the high school the student was attending to best address a plan for the student to receive the high school diploma or its equivalent. The Department recognizes this may be a difficult task, particularly for students attending high school in a different State from the State in which the institution is located; however, officials at



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the high school will be the most aware of any modifications or waivers provided by the SEA or LEA.

### F-4. What if an institution's accreditation is up for renewal during an extended closure due to a disaster and the accrediting agency cannot complete its work on time?

The Secretary urges accrediting agencies to establish reasonable written policies (if they do not already have such policies) to extend accreditation or pre-accreditation if an institution is closed as a direct result of a disaster. Generally, the Department will consider policies granting extensions of accreditation or pre-accreditation due to expire within three months of a disaster or the deferral of already-pending accreditation actions as reasonable and consistent with good practice. For institutional eligibility purposes, the Department will accept reasonable extensions of existing accreditation or pre-accreditation even if granted by an agency that lacks a plan for extended closures.

### F-5. What if an institution's application to be recertified to participate in the FSA program is not submitted timely because of a disaster?

The Department will consider extending the institution's Program Participation Agreement if the institution has been impacted by a disaster. Institutions that need an extension should contact the School Participation Division of FSA.

## G. Issues Related to the Administration of the Federal Student Aid Programs

### G-1. What if an institution closes for several weeks during an academic year and it is not possible to reschedule instructional time?

If, as a result of a disaster, an institution is temporarily closed for an extended period of time that impacts the length of its academic year, the Department, through the FSA School Participation Division, will assist the institution to determine the continued eligibility of its programs and its students for HEA Title IV assistance. The Secretary may permit institutions to shorten their academic years to not less than 26 weeks, on a case-by-case basis under section 481(a) of the HEA, and 34 CFR § 668.3.

### G-2. What can an institution do to mitigate the impact that a disaster may have on the financial aid that students receive?

To reduce the potential impact of a disaster on student financial aid, the Department suggests the following:

- **Professional Judgment:** Section 479A of the HEA specifically provides the financial aid administrator (FAA) the authority to use professional judgment to make adjustments to the cost of attendance or to the values of the items used in calculating the Expected Family Contribution (EFC) to reflect a student's special circumstances. The Secretary



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encourages FAAs to use professional judgment to reflect more accurately the financial need of students and families affected by a disaster. The use of professional judgment is discussed in the Department's FSA Handbook, which can be accessed at: https://ifap.ed.gov/ifap/byAwardYear.jsp?type=fsahandbook.

- **Refunds and Re-Enrollment:** The Department strongly encourages institutions to provide a full refund of tuition, fees, and other institutional charges, or to provide credit in a comparable amount against future charges, for students who withdraw from school as a direct result of a disaster. The Department also urges institutions to consider providing easy and flexible re-enrollment options to such students.
- **Satisfactory Academic Progress:** When a student fails to meet the institution's satisfactory academic progress standards due to a disaster, the institution may apply the "other special circumstances" exception provision in 34 CFR § 668.34(a)(9)(ii).
- **Return of Title IV Funds:** If a student withdraws from school because of a disaster, the institution must perform the return of HEA Title IV funds calculations in accordance with 34 CFR § 668.22, as it must for any student who withdraws. If the institution is closed for 5 consecutive days or more, institutions should not include the days the school was not offering classes due to the disaster in either the numerator or denominator of the calculation.
- **Late Disbursements:** The Department's disbursement regulations allow, under certain conditions and within certain time frames, for a late disbursement of Title IV funds when the late disbursement was not the fault of the student. These regulations would permit a disbursement of Title IV funds to accommodate students affected by a disaster (*see* 34 CFR § 668.164(j)).

### G-3. What relief from the requirements in the Student Assistance General Provisions regulations may the Department provide to institutions, and how may institutions go about requesting this relief?

If appropriate, the Department may provide the following relief to institutions:

- **Cash Management:** The Secretary will work with institutions affected by a disaster to address specific problems arising from regulatory requirements regarding credit balances, notices and authorizations, excess cash, and the handling of Direct Loan Fund Proceeds (*see* 34 CFR part 668, subpart K). Please contact the FSA School Participation Division for assistance.
- **Campus Security Report and Equity in Athletics Disclosure Report:** If an institution is unable to provide the Department with its crime and fire statistics or its Equity in Athletics Disclosure Report by the established deadlines because its administrative capability is directly impacted by a disaster, the Department will consider adjusting the reporting deadlines (*see* 34 CFR §§ 668.41, 668.46, and 668.47). This also includes the dissemination of an Annual Security Report to the school's community by October 1 of each year. Please contact the FSA School Participation Division for assistance.
- **Enrollment Reporting:** If an institution is unable to report enrollment information to the National Student Loan Data System (NSLDS) according to the established schedule



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as a direct result of a disaster, it must contact NSLDS Customer Service at 1-800-999-8219 to modify its reporting schedule.

### G-4. What administrative relief can the Department provide to institutions regarding campus-based programs?

Section 413D(d) of the HEA penalizes institutions for underutilization of their campus-based funding. Section 413D(d)(2) of the HEA, however, authorizes the Secretary to waive this penalty for an institution if enforcing the reduction would be contrary to the interest of the program. The Secretary will consider the failure of an institution to expend funds due to a disaster as an appropriate basis for granting a waiver (*see* 34 CFR § 673.4(d)(3)).

The HEA also requires an institution to use at least seven percent of the total amount of its Federal Work Study (FWS) allocation to compensate students employed in community service (42 U.S.C. 2753(b)(2)(B)). The Secretary may waive this requirement if the Secretary determines that enforcing it would cause a hardship for students at the institution. The Secretary will consider the failure of an institution to expend at least seven percent of its FWS allocation for community service due to a disaster that disrupts the functioning or delivery of educational services as an appropriate basis for a waiver (*see* 34 CFR § 675.18(g)).

In addition, the Secretary will consider extending the Fiscal Operations Report and Application to Participate reporting deadlines on a case-by-case basis if a disaster affects an institution's ability to meet these required reporting deadlines. To receive such consideration, institutions may contact the FSA School Participation Division.

### G-5. What administrative relief can the Department provide to institutions regarding enrollment reporting requirements?

Any borrower who maintains an "in-school" status but who is unable to complete course requirements or enroll in classes because of an issue caused by a disaster will be considered to have maintained his or her "in-school" status during the relevant period of nonattendance until the borrower withdraws or re-enrolls in the next regular enrollment period (whichever is earlier). The relevant period of nonattendance should not require a borrower to enter or use any of his or her grace period.

This guidance does not affect the way an institution should report a borrower's enrollment status.

### G-6. What administrative relief will the Department provide to institutions regarding the Direct Loan program?

Generally, institutions are required to submit the Direct Loan promissory note, loan origination record, and initial disbursement record for a loan to the Secretary no later than 15 days following the date of the initial disbursement of the loan. If an institution is severely affected by a disaster, however, the Secretary, through the appropriate FSA School Participation



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Division, will take steps to address an institution's concerns about meeting these deadlines on a case-by-case basis (*see* 34 CFR § 685.301(c)).

**G-7. What administrative relief can the Department provide to institutions regarding the Federal Perkins Loan program?**

In the event that services are severely disrupted or disrupted for an extended period of time due to a disaster, the Secretary, through the appropriate FSA School Participation Division, will consider addressing concerns about the billing and collection activities required on a case-by-case basis (*see* 34 CFR Part 674, Subpart C). If an institution contracts with a third-party servicer for this activity, that billing and collecting service of prior year borrowers should continue. The Secretary, through the appropriate FSA School Participation Division, will also consider addressing, on a case-by-case basis, concerns about borrowers in initial and post-deferment grace periods (*see* 34 CFR § 674.42).

The Secretary will consider authorizing the institution to grant forbearance, for a period not to exceed three months, to a borrower who is in repayment, but is unable to continue to repay the loan due to the disaster. A borrower may request this forbearance orally, or in writing, and is not required to submit documentation to be considered eligible for this forbearance. This period of forbearance will be counted toward the three-year maximum limit on the number of years of forbearance that may be granted to a borrower. In order to receive forbearance beyond the three-month period, the borrower must make a written request to the institution and provide supporting documentation (*see* 34 CFR § 674.33).

**G-8. What administrative relief can the Department provide to loan holders regarding enrollment status requirements for Federal Family Education Loan (FFEL)?**

In accordance with the Department's regulations, loan holders may grant an administrative forbearance to FFEL borrowers who have been adversely affected by a disaster. The holder may grant forbearance for up to three months and must document the reasons why it granted the forbearance, but does not need to obtain supporting documentation or a signed written agreement from the borrower (*see* 34 CFR §§ 682.211(f)(11)). The Secretary believes that it is in the best interest of the student loan programs to consider each Federal Stafford or PLUS loan that is in an "in-school" or in an "in-school" deferment status on the date the borrower's attendance at the institution was interrupted due to a natural disaster to be in an "in-school" status. Each loan should continue in that status until the borrower withdraws or re-enrolls in the next regular enrollment period, whichever is earlier. This period of nonattendance due to a disaster should not result in a borrower entering or using any of his or her grace period on the loan (*see* 34 CFR §§ 682.209(a) and 682.210).

The Secretary will treat Direct Loan borrowers in accordance with the administrative forbearance guidance discussed above.



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**G-9. What administrative relief can the Department provide institutions regarding the Federal Pell Grant, TEACH Grant, and Iraq-Afghanistan Service Grant disbursement records?**

Normally, an institution must submit to the Department a Federal Pell Grant, TEACH Grant, and Iraq- Afghanistan Service Grant disbursement record for a student not later than 15 calendar days after the institution makes a payment to the student. In addition, if the institution becomes aware that a previously reported payment or expected payment for a student is no longer accurate, the institution must submit an accurate disbursement record for that student to the Department not later than 15 calendar days after becoming aware of the need to make the change. The Secretary will consider revising these deadlines for institutions affected by a disaster (*see* 34 CFR §690.83 and 34 CFR §686.37).

## H. Vocational Rehabilitation (VR) Program Issues

This section discusses the forms of relief the Department may provide to State VR agencies, as well as recommendations to ensure the continuity of services during an extended agency/office closure as a result of a disaster that disrupts the program's functioning or delivery of VR services.

**H-1. What flexibility can the Department provide regarding program and fiscal reporting?**

Understanding that case management systems may be impacted, OSERS' Rehabilitation Services Administration (RSA) fiscal and data staff can assist grantees impacted by disasters by providing flexibility in the reporting of program and fiscal data. VR agencies should contact the OSERS/RSA Fiscal and Data units as issues arise.

**H-2. Will a State be subject to a financial sanction if it is not able to submit its performance report, as required under WIOA, by the report due date because of a disaster?**

No. In accordance with WIOA's implementing regulations at 34 CFR § 361.185(b), a State will not be subject to a financial sanction if it does not submit a complete performance report by the report due date as a result of exceptional circumstances outside of the State's control, including a disaster.

In the event that a State is not able to submit a complete performance report by the report due date, the State must notify the Secretary of Labor or Secretary of Education as soon as possible, but no later than 30 days prior to the established deadline for submission, of a potential impact on the State's ability to submit its performance report in order to not be considered failing to report. In circumstances where unexpected events occur less than 30 days before the established deadline for submission of the performance report, the Secretaries of Labor and Education will review requests for extending the reporting deadline in accordance with their Departments' procedures. (*See* 34 CFR § 361.185(c)).



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**H-3. What should VR agencies do if a disaster disrupts the delivery of VR services?**

The Department recognizes the challenges associated with serving individuals and youth with disabilities who are displaced as a result of a disaster. As VR agencies attempt to continue to serve individuals with disabilities, including youth with disabilities, who have been displaced, we recommend that VR agencies identify alternative means for delivering VR services for use during an extended closure due to a disaster. These alternatives can include consolidating or expanding responsibilities of local VR offices in order to effectively serve program participants and communicating with community rehabilitation providers to ensure that the VR service needs of individuals with disabilities are not unduly or unnecessarily delayed.

**H-4. Does the Department have the authority to waive the maintenance of effort requirement under the State VR program due to a natural disaster?**

Yes. A State may request a waiver or modification of the maintenance of effort requirement if it fails to meet that requirement because of certain specific circumstances, such as natural disasters. The Secretary may grant a waiver or modification of the maintenance of effort shortfall when an action would be an equitable response to exceptional or uncontrollable circumstances affecting the State. A State that wishes to seek such a waiver should contact its State liaison in OSERS/RSA for technical assistance.

**H-5. Does the Department have the authority to waive the match requirement under the VR State program?**

No. Without a legislative change by Congress, the Department is unable to waive the VR match requirement.



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**From:** VanderPloeg, Laurie
**Sent:** Mon, 16 Mar 2020 23:10:21 +0000
**To:** Walawender, Rebecca
**Subject:** FW: Policy Guidance: Question from Attached Disaster Guidance
**Attachments:** disaster-guidance.docx

We may need to use some answers from the disaster response document.

---

**From:** Levorse, Audrey <Audrey.Levorse@ed.gov>
**Sent:** Monday, March 16, 2020 5:14 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** Fwd: Policy Guidance: Question from Attached Disaster Guidance

I agree with Tina's interpretation.

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**From:** Diamond, Christina Dr. CIV OSD/DoDEA <Christina.Diamond@dodea.edu>
**Sent:** Monday, March 16, 2020 5:01 PM
**To:** Pagano, Lisa
**Cc:** Gross, Michael; Levorse, Audrey
**Subject:** Policy Guidance: Question from Attached Disaster Guidance

Good afternoon, Lisa,
I just spoke with MiG (cc'ed above) and at his suggestion, I'm reaching out to you and Audrey. Our agency has been dealing with the COVID-19 response for weeks as we first experienced military base closures and related school closures in Korea and later in Italy before dealing with our more recent US closures. Our Director has the expectation that the learning will continue and has given the directive that all of our schools should continue instruction through virtual means. We have received a question that stems from the response to C-3 (listed below). I know this is from previous guidance (not what was released last week), but this question on this document seems most similar to our current situation.

Here's the question: If IEP Teams meet and determine some services cannot be provided through alternate or additional methods, we believe they would simply document what cannot be provided and use that documentation for the consideration of compensatory services. Is that correct?
We have individuals who believe that they should be able to modify the IEP to remove the services that cannot be delivered. We are strongly advising against that. Can you confirm our thinking on this is correct?

C-3. What must a school do if it cannot provide services in accordance with a student's IEP or Section 504 plan?

If a school continues to provide instruction to the general school population during an extended closure due to a disaster, but is not able to provide services to a student with a disability in accordance with the student's IEP, the student's IEP Team determines which services can be provided to appropriately meet

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the student's needs. The IEP Team may meet by teleconference or other means to determine if some, or all, of the identified services can be provided through alternate or additional methods. Appropriate personnel responsible under Section 504 must take similar actions regarding a student who has a Section 504 plan. Additionally, under IDEA, eligible students enrolled by their parents in private schools who have services plans would need similar consideration and actions. If there has been an extended school closure, once school resumes, a student's IEP Team, or appropriate personnel under Section 504, must determine whether, and to what extent, compensatory services are needed consistent with the respective applicable requirements. (See Q&A C-5). (34 CFR §§ 300.320-300.324 (IDEA) and 34 CFR §§ 104.33-104.35(c) (Section 504)).

Thank you for your time!
Tina

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# Non-Regulatory Guidance on Flexibility and Waivers for Grantees and Program Participants Impacted by Federally Declared Disasters

U.S. Department of Education

September 2018



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ED-20-0731-A-003977

## Introduction

The U.S. Department of Education (Department) is issuing this guidance to help Department grantees and program participants restore teaching and learning environments and resume services following Federally declared disasters[1] (including Hurricane Florence) that impact the 2018–2019 academic school year. We recognize your challenges and want to express our concern and extend our support during this process of recovery and resumption of normal business operations.

This document generally discusses waivers and other forms of relief from Federal requirements in order to provide schools, State educational agencies (SEAs), State lead agencies (LAs), local educational agencies (LEAs), local early intervention service (EIS) programs and providers, State Vocational Rehabilitation (VR) agencies, the Department of the Interior's Bureau of Indian Education -funded schools,[2] Tribes, and postsecondary institutions with the operational flexibility necessary to continue operations as they recover from extended school or program closures due to a disaster. The guidance addresses flexibility on reporting deadlines, timelines for grant-funded activities, and maintenance of fiscal effort or matching requirements, where applicable; proposes potential alternatives and strategies for providing program services after disruption; and suggests methods for ensuring continuity of services and communication with program participants. In addition, the document covers a variety of topics specific to various program areas.

We strongly encourage all interested parties to contact the Department with any requests for assistance beyond the scope of this document. We are committed to collaborating with impacted parties, as well as other Federal, State and local agencies, to remove barriers and expedite the work necessary to respond to and recover from the recent hurricanes. As necessary, we will update this guidance with answers to additional questions.

It is important to emphasize that this guidance addresses only Federal requirements and flexibilities, and that only State and local officials can address State and local requirements and flexibilities.

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[1] The phrase "Federally declared disaster" or "Presidentially declared disaster" means a disaster declared by the President to be a major disaster or emergency under section 401 or section 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191). Throughout this guidance, we use the term "disaster" to refer to "Federally declared disaster," which includes, for example, Hurricane Florence.

[2] The BIE has assumed the duties of an SEA under the ESEA with regard to the BIE-funded schools, and may request waivers under section 8401 of the ESEA. BIE-funded schools may submit waiver requests to the BIE as LEAs do under section 8401. Under section 611(h)(2)(A) of Part B of the IDEA and its implementing regulation in 34 CFR § 300.708, the BIE and BIE-funded schools assume the responsibilities of an SEA and LEA, respectively. Thus, references in this document to SEAs and LEAs include BIE and BIE-funded schools as they relate to programs under the ESEA and Part B of the IDEA.



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Each section addresses the implications of a prolonged school or program closure or other disruptions in the educational and other services to students and other program participants; legal questions that may arise for school or program administrators when faced with extended closures due to the disaster's impact; and the possibility of waiving requirements or finding other flexibility in Federal laws and regulations.



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## A. General Discretionary and Formula Grant Issues

This section discusses the waivers and other forms of relief that the Department may provide to grantees and grant applicants regarding Federal grant requirements following a disaster.

### A-1. How will the Department provide flexibility to entities applying for discretionary grants?

To the greatest extent possible, the Department will postpone discretionary grant competitions and extend application and other filing deadlines for institutions affected by a disaster when permissible under the law. Appropriations Acts generally provide funds for specific programs, purposes, and activities. The Department has very limited authority to redirect funds appropriated for one program or purpose to another program or purpose. The Department will:

- Ensure that any funds that have been statutorily authorized for relief efforts are awarded to eligible recipients; and
- Determine on a program-by-program basis whether a regular grant competition schedule should be suspended.

### A-2. How will an extended closure due to a disaster affect a grantee's receipt of funds?

Until a Department official has obligated Federal program funds to a grantee, no binding commitment exists with regard to these funds. If delays in Federal obligations are caused by a disaster, the Department staff will work with grantees on the obligations to the extent permitted by law, and warranted by the conditions and effects of the disaster, and consider using the "pre-award period" to negotiate a delay of the grant start-up date, and to authorize pre-award costs.

### A-3. Will a grantee be able to draw grant funds to pay for grant activities during the recovery period following a disaster?

The Department is committed to making every effort to have its existing electronic infrastructure available so that grantees can continue to draw funds for allowable grant expenditures that are consistent with their progress on the project. Grantees are cautioned that they should draw down grant funds only at the rate that they are able to carry out grant activities. Grantees should refer to 2 CFR § 200.305 for further information.

### A-4. What if a grantee has difficulty fulfilling grant activities because it is affected by a disaster?

During the recovery period from a disaster, grantees are expected to notify the relevant Department program office as soon as they are aware that they may have difficulty fulfilling grant activities. The Department is committed to working with its grantees to provide them with the maximum flexibility in making changes to project activities and timelines that might become



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necessary as a result of a disaster. For example, discretionary grantees that have partners or participants in areas affected by a disaster should alert the program offices as quickly as possible to make changes to the project activities and timelines. Additionally, with regard to formula grant programs, State VR agencies and grantees should contact their Office of Special Education and Rehabilitative Services (OSERS)/Rehabilitation Services Administration (RSA) State liaisons to address issues resulting from the disaster to renegotiate and/or redirect the scope of their work plans, as needed. LEAs should work through their SEAs to renegotiate and/or redirect the scope of their work plans, as needed. Grantees should refer to 2 CFR § 200.308 for further guidance.

**A-5. Generally, is another entity allowed to perform activities related to a grantee's project, if the grantee is unable to do so?**

The Department may allow another entity to perform activities for a grantee in some situations. As a part of their response and recovery efforts, grantees are encouraged to develop a backup plan for the operation of their grants that includes sharing project responsibilities and activities with other entities in the event that the grantee is not able to perform them. When the backup plan needs to be invoked, the grantee should seek approval from the Department to revise the grant in accordance with 2 CFR § 200.308. Grant backup plans might include, for example:

- Entering into arrangements and agreements with other organizations in the region to ensure the continuity of grant operations during recovery, including sharing or loaning of staff, facilities, space, materials, and supplies (contracting work to a third party has to comply with the procurement requirements set out in 2 CFR §§ 200.316 to 200.326);
- Shifting various activities and responsibilities to other members of an already approved partnership or consortium; or
- Transferring an entire grant to another entity (such a transfer has to be approved by the Department and implemented according to Department policies).

For more specific information regarding the transfer of State-administered grants and discretionary grants, see questions A-6 and A-7 below.

**A-6. For State-administered grants, is another entity allowed to perform activities related to a grantee's project, if the grantee is unable to do so?**

Yes, but States and their subgrantees, when applicable, will continue to be legally responsible for the administration of the grants and subgrants, as well as the monitoring of contracts. States have some discretion to make changes to their grants without prior approval by the Department under 2 CFR § 200.308. If a change requires prior approval, however, 2 CFR § 200.308 sets forth the procedures States follow to request prior approval from the Department. The Department will consider these requests on an expedited basis and will generally approve those that are consistent with the State plan or application that was filed and approved by the Department and reasonable in light of the specific circumstances of a disaster.



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**A-7. May a discretionary grant be transferred to another eligible entity if the grantee is unable to perform project activities due to a disaster?**

Yes, in limited circumstances a discretionary grant may be transferred from one entity to another. The transfer, however, requires formal approval by the Department, and the grantee must follow procedures to ensure that the grant continues to serve the same or a very similar population, and is of the same scope and meets the objectives as approved by the Department. The entity to which a grant is transferred must be an eligible recipient. To ensure that proposed changes are within the scope and objectives of the grant as approved, amendments to grant awards require formal approval by the Department under 2 CFR § 200.308.

**A-8. Must a grantee follow the various administrative requirements related to a grant (e.g., meeting reporting deadlines and obtaining administrative approvals) if it is affected by a disaster?**

Generally, yes, but the Department understands that grantees may need to make administrative changes to grant projects if they are affected by a disaster. Grantees have flexibility under 2 CFR § 200.308 and 34 CFR § 75.261 to make some changes without Department approval. Any relief from regulatory requirements provided to all grantees during the recovery period will be posted on the Department's website.

**A-9. In the event that grant-related activities are not being implemented because schools or program offices have been closed or staffing resources are not available, will the Department provide relief from meeting evaluation requirements?**

Yes, in such cases, the Department will consider modifying the project evaluation requirements, if appropriate; however, once grant activities resume, a proper evaluation of the project will need to be completed.

**A-10. If a grantee is required to provide services to partners, how can these partners receive grant management and grant administrative information needed to maintain their grant-related activities?**

Grantees are encouraged to establish communication systems with partner organizations, such as contractors and consortium members, and develop strategies based on the impact and estimated recovery period. Such planning may require establishing a backup strategy that will be operational throughout the recovery period. Grantees should coordinate such planning with their partners to make sure all affected entities have access to grant-related information.

Grantees can view examples of local plans at the following web address: www.ed.gov/admins/lead/safety/emergencyplan/pandemic/sampleplans/index.html.

**A-11. If a grantee is required to provide equitable services to private school students and teachers, how will private schools be notified of the availability and delivery of such services during the recovery period?**



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Grantees should, during the required consultation process with private school officials under sections 1117(b) and 8501(c) of the ESEA and under section 612(a)(10)(A)(iii) of the IDEA, establish procedures and strategies, including a communication process, that the entity will implement in the event of an extended school closure. Planning for this effort may require establishing a backup strategy that will be operational throughout the recovery period. Grantees should coordinate such planning with private school officials to make sure that all appropriate private schools have access to information related to Federal education equitable services provided to their private school students and teachers. Grantees and private school officials may also consider enlisting the assistance of the designated ESEA State ombudsman regarding ESEA equitable services assistance. See questions B-4 and C-7 in this guidance for additional program-specific guidance on the provision of equitable services.

**A-12. Discretionary grantees have specific performance targets that are approved in their applications. Will the Department renegotiate performance targets due to delays in project implementation, school closings, or reduced staff capacity?**

Yes. In general, the Department expects grantees to strive to achieve performance targets as stated in their approved grant applications; however, the Department understands that grantees may experience delays in achieving performance targets as the result of a disaster. If necessary, grantees may request approval from the Department to adjust project timelines so that approved performance targets can be met, but at a later date than originally planned. In addition, grantees may exercise the administrative flexibility in 34 CFR § 75.261 and initiate a one-time extension of up to one year without prior approval to complete unfinished project activities, and thereby meet approved performance targets in accordance with revised project timelines.

**A-13. What does the Department expect with regard to the treatment of institutional employees who are supported by Federal higher education grants or other employees paid with Federal education program funds?**

Institutional employees who are supported with Federal grants awarded by the Department, including grants authorized by the Higher Education Act (HEA), and the other programs discussed in this guidance such as the IDEA, and Title I of the ESEA, should be treated the same as similarly situated employees of the institution. In the case of programs serving K-12, Federally funded employees should be treated the same as similarly situated State and locally funded employees. This means that if the institution's policy or State and local law and policies provide for similarly situated employees to be paid during an extended closure due to a disaster, those supported with Federal grants would also be paid. These employees should return to the duties for which the grant funds were provided as soon as possible and, to the extent practicable, should work on project activities during the time the school is closed. Employees supported with Federal grant funds who are intended to provide direct services to students may maintain contact with students during the recovery period, through appropriate methods such as telephone, videophone, and email.



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## B. Elementary and Secondary Education Issues - The Elementary and Secondary Education Act (ESEA)

This section discusses potential legal issues that school administrators may face when responding to and recovering from extended school closures and otherwise addresses disruption in elementary and secondary educational services funded under the ESEA. Specifically, this section discusses waivers and other forms of relief from elementary and secondary (K-12) Federal education requirements and other flexibilities the Department may provide.

### B-1. May the Department provide flexibility to SEAs, LEAs, and Indian Tribes with regard to Federal K-12 requirements governed by the ESEA in response to a disaster?

Yes, to the extent permissible under law, the Department may provide SEAs (as well as LEAs and schools through their SEA) and Indian Tribes with flexibility as necessary to appropriately address the impact a natural disaster has had upon the normal functioning or delivery of educational services. Section 8401 of the ESEA (20 U.S.C. § 7861) permits the Secretary to grant waivers of most ESEA requirements to SEAs, (as well as LEAs and schools through their SEA) and Indian Tribes that receive ESEA funds and that request such waivers. Specifically, if warranted due to the impact of a disaster that impedes functioning or delivery of educational services in a State, LEA, or school, the Department may, upon request by SEAs or Indian Tribes, grant waivers as it determines appropriate of most ESEA statutory and regulatory requirements.

### B-2. Which entity/entities is/are responsible for requesting a waiver related to Federal K-12 requirements or deadlines?

Only SEAs and Indian Tribes that receive funds under a program authorized by the ESEA may request a waiver, consistent with the provisions in section 8401. If an LEA would like to request a waiver, section 8401 requires that it submit a waiver request to its SEA, which may then submit it to the Department if the SEA determines the waiver to be appropriate. Similarly, an elementary or secondary school may submit a waiver request to its LEA, which may then submit it to the SEA if the LEA determines the waiver to be appropriate. The SEA may then submit the request to the Department, if the SEA determines the waiver to be appropriate. To clarify this process, SEAs may choose to provide guidance and a process for LEAs and schools to submit a waiver request to the SEA.

If an SEA or Indian Tribe believes a waiver may be needed, the Department requests that, if possible, the entity contact the Department to receive technical assistance before requesting the waiver. The Department will then assist the SEA or Indian Tribe in requesting a waiver.

### B-3. What is the general process for applying for a waiver of ESEA requirements?



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To obtain a waiver, the ESEA requires that an SEA, LEA (through its SEA), Indian Tribe, or school (through its LEA and SEA or Indian Tribe) submit a request to the Secretary. Section 8401(b) of the ESEA requires an SEA (on behalf of the SEA or on behalf of, and based on the requests of, LEAs in the State) or Indian Tribe (on behalf of schools operated by the Tribe) to include in its waiver request a plan that:

- Identifies the Federal program(s) affected by the requested waiver;
- Describes which Federal statutory or regulatory requirements are to be waived;
- Describes how the waiving of such requirements will advance student academic achievement;
- Describes the methods the SEA, LEA, school, or Indian Tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the waiver;
- Includes only information directly related to the waiver request; and
- Describes how schools will continue to assist the same populations served by the program for which the waiver is requested.

Before submitting the waiver request to the Department, an SEA must:

- Provide the public and any interested LEA in the State, to the extent the request impacts the LEA, with notice and a reasonable opportunity to comment and provide input on the request in the manner in which the SEA customarily provides similar notice and opportunity to comment; and
- Submit the comments and input to the Department with a description of how the SEA addressed any comments and input. (Section 8401(b)(3)(A) of the ESEA).

An SEA may also describe what may occur if it does not receive a waiver.

In the case of a waiver request submitted by an LEA, the request must be reviewed and approved by the SEA in accordance with section 8401(a)(2) before being submitted to the Secretary. The LEA must also provide notice and a reasonable opportunity to comment on the waiver request to the SEA and the public in the manner in which the LEA customarily provides similar notice and opportunity to comment to the public. (Section 8401(b)(3)(B) of the ESEA). Any comments received from the SEA and public must accompany the request when submitted to the Department.

The Department encourages any SEA, LEA, school, or Indian Tribe that intends to seek a waiver to review section 8401 of the ESEA, which may be accessed at the following web address: https://www2.ed.gov/documents/essa-act-of-1965.pdf.

Affected agencies or schools may also contact the Department's Office of Elementary and Secondary Education with questions about ESEA waivers by calling (202) 401-0113.

**B-4. <u>If an LEA is required to provide equitable services to private school students under an ESEA program, how should the LEA communicate with officials of these private schools during an extended school closure due to a disaster?</u>**



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The Department suggests that an LEA, during the required consultation process with private school representatives or officials under sections 1117(b) and 8501(c) of the ESEA, establish a communication process for use throughout a closure necessitated by a disaster. For example, the LEA may establish an emergency call tree to ensure any needed information can be shared within the LEA and from the LEA to private schools, as needed. The LEA may also establish procedures for how equitable services will be impacted in the case of closure due to a disaster and share those procedures with the private school representatives or officials. It will be helpful for LEAs to coordinate such planning with appropriate private school officials to make sure that they have access to information related to equitable services for their eligible students and, as applicable, their teachers and families. Grantees and private school officials may also consider enlisting the assistance of the designated State ombudsman regarding ESEA equitable services matters. As noted under the answer to B-7, the equitable participation of private school students and teachers may not be waived under section 8401(c) of the ESEA.

**B-5. Does the ESEA allow for any flexibility with respect to meeting maintenance of effort (MOE) without waiver approval?**

Yes. There is some flexibility in the MOE provisions in the ESEA.

It is important to understand the delay in when the current year's expenditures are taken into account for MOE determinations. For example, expenditures in school year 2017-2018 (fiscal year (FY) 2017 funds) will not affect MOE determinations until school year 2019-2020 (FY 2019 funds). In 2019-2020, the "preceding fiscal year" for MOE determinations will be expenditures for school year 2017-2018; likewise, expenditures in school year 2017-2018 will be the "second preceding fiscal year" for MOE determinations for school year 2020-2021 (FY 2020 funds). Under the MOE provisions in section 8521(b)(2) of the ESEA, an LEA that does not maintain effort during school year 2017-2018 (i.e., based on expenditures during the July 1, 2017 to June 30, 2018 period) would not be penalized with a reduction in Federal FY 2019 (school year 2019-2020) ESEA funds unless the LEA also failed to maintain effort in one or more of the five fiscal years preceding July 1, 2017. If an LEA faces a reduction in FY 2019 ESEA funds, the LEA (or the SEA on the LEA's behalf) may request an MOE waiver under section 8521(c)(1), which gives the Department the authority to waive the MOE requirements in the case of a natural disaster or another exceptional or uncontrollable circumstance.

Finally, we note that, under 34 CFR § 299.5(d)(2)(i), an SEA excludes from an ESEA MOE determination supplemental expenditures of State and local funds made as a result of a Presidentially declared disaster. Therefore, if an LEA's expenditures increase significantly in school year 2017-2018 due to increased spending in response to such a disaster, the SEA will exclude these expenditures from MOE calculations, which will decrease the possibility that a one-time increase in school year 2017-2018 expenditures will cause an LEA to fail to maintain effort in school year 2018-2019 (affecting allocations for the 2020-2021 school year) when expenditures from school year 2018-2019 are compared to school year 2017-2018 expenditures.

**B-6. How should SEAs and LEAs identify and serve students who may be residing in homeless situations as a result of a disaster?**



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The Education for Homeless Children and Youth (EHCY) program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) (McKinney-Vento Act). The purpose of the McKinney-Vento Act is to ensure that homeless children and youth have equal access to the same free, appropriate public education as provided to other children and youth. (*See* section 721 of the McKinney-Vento Act). Under section 725(2)(A) of the McKinney-Vento Act, a child or youth is considered homeless if he or she lacks "a fixed, regular, and adequate nighttime residence." This includes children and youth who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters, cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings. (Section 721(b) of the McKinney-Vento Act).

Under the McKinney-Vento Act, each SEA has a State Coordinator for the Education of Homeless Children and Youths (EHCY). (*See* section 722(f) of the McKinney-Vento Act). In addition, each LEA also has a staff person who is designated to serve as the local liaison for homeless education. (*See* section 722(g)(1)(J)(ii) of the McKinney-Vento Act). In the event of a disaster, State Coordinators and local liaisons will want to work together to coordinate and facilitate services to children and families made homeless by the disaster.

To facilitate identification of homeless students, local liaisons may choose to display posters or distribute brochures on McKinney-Vento rights in places where people affected by the disaster are likely to assemble. Local liaisons should also notify social services, housing, and other types of agencies working with individuals and families affected by the disaster to assist with identification.

Local liaisons can be proactive in preparing schools to enroll displaced students and arranging for additional staff to assist with the identification and enrollment process. The McKinney-Vento Act requires homeless students to be immediately enrolled in school, even if the student is lacking documentation normally required for enrollment or has missed enrollment deadlines during any period of homelessness. (Section 722(g)(3)(C) of the McKinney-Vento Act). The LEA and school must also allow a student to remain in his or her school of origin (i.e., the school in which he or she was last enrolled or that he or she attended when permanently housed) if it is in the student's best interest to remain in that school and ensure that the student is provided transportation to and from that school if requested. (Sections 722(g)(3)(A) and 722(g)(1)(J)(iii) of the McKinney-Vento Act).

For more information on the EHCY program, please see the Department's non-regulatory guidance, which is available at: https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716updated0317.pdf. In addition, the National Center for Homeless Education has technical assistance products on Disaster Preparation and Response, which are available at: http://nche.ed.gov/ibt/dis_prep.php .



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**B-7. <u>Are there certain Federal K-12 requirements under the ESEA that may not be waived in response to a disaster?</u>**

Yes. Section 8401(c) of the ESEA restricts the requirements for which the Department may consider waivers under section 8401. The requirements for which the Department *may not* grant waivers under this section include:

(1) The allocation or distribution of funds to States, LEAs, Indian Tribes, or other recipients of funds under the ESEA;
(2) Maintenance of effort (as noted below, section 8521 of the ESEA gives the Department the authority to waive this requirement under certain circumstances);
(3) Comparability of services;
(4) Use of Federal funds to supplement, not supplant, non-Federal funds;
(5) Equitable participation of private school students and teachers;
(6) Parental participation and involvement;
(7) Applicable civil rights requirements;
(8) The requirement for a charter school under Part C of Title IV of the ESEA;
(9) The prohibitions—
    (A) In Subpart 2 of Part F of Title VIII of the ESEA;
    (B) Regarding use of funds for religious worship or instruction in section 8505 of the ESEA; and
    (C) Regarding activities in section 8526 of the ESEA (prohibited uses of funds); and
(10) The selection of a school attendance area or schools under subsections (a) and (b) of section 1113 of the ESEA, except that the Department may grant a waiver to allow a school attendance area or school to participate in activities under Part A of Title I if the percentage of children from low-income families in the school attendance area or who attend the school is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school of the LEA that meets the requirements of subsections (a) and (b) of section 1113.

In addition, the section 8401 waiver authority does not apply to the Impact Aid Program (Title VII of the ESEA).

## C. Elementary and Secondary Education Issues- Part B of the IDEA, Section 504 of the Rehabilitation Act (Section 504), and Title II of the Americans with Disabilities Act (ADA)

Following a disaster, once schools resume, elementary and secondary schools must ensure equal access to educational opportunities for students with disabilities, and provide a free appropriate public education (FAPE). Under IDEA, LEAs where private elementary schools and secondary schools are located must also ensure the provision of equitable services to eligible students with disabilities enrolled by their parents in those private schools. (34 CFR §§ 300.130-300.144). The Department currently has no legal authority to waive IDEA requirements, except



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for the requirement to maintain State financial support for special education and related services, as explained in question C-9 below. Therefore, the following questions primarily address best practices for SEAs, LEAs, and schools when addressing extended school closures as a result of a disaster.

**C-1. Is an LEA required to continue to provide FAPE to students with disabilities during a school closure caused by a disaster?**

The IDEA, Section 504, and the ADA do not specifically address a situation in which elementary and secondary schools are closed for an extended period of time because of exceptional circumstances, such as a disaster.

If an LEA closes its schools because the functioning or delivery of educational services is disrupted, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The Department understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed to make up for any skills that may have been lost because of an extended school closure.

If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. (34 CFR §§ 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)). SEAs, LEAs, and schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP developed under IDEA, or a plan developed under Section 504. (34 CFR §§ 300.101 and 300.201 (IDEA), and 34 CFR § 104.33 (Section 504)).

**C-2. In the event of a school closure due to a disaster, how might educational services be provided to students with disabilities?**

Schools should consider ways of ensuring that continuing education activities (i.e., services provided during a school closure) are accessible to students with disabilities when they are provided to the general education population. Technology may afford students, including students with disabilities, an opportunity to have access to high-quality educational instruction during an extended school closure, especially when continuing education must be provided through distance learning. If schools are providing educational opportunities to the general student population, SEAs and LEAs are required to provide the services and accommodations needed for students with disabilities to have an equal opportunity to participate in a distance-



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learning program. (34 CFR § 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)).

### C-3. What must a school do if it cannot provide services in accordance with a student's IEP or Section 504 plan?

If a school continues to provide instruction to the general school population during an extended closure due to a disaster, but is not able to provide services to a student with a disability in accordance with the student's IEP, the student's IEP Team determines which services can be provided to appropriately meet the student's needs. The IEP Team may meet by teleconference or other means to determine if some, or all, of the identified services can be provided through alternate or additional methods. Appropriate personnel responsible under Section 504 must take similar actions regarding a student who has a Section 504 plan. Additionally, under IDEA, eligible students enrolled by their parents in private schools who have services plans would need similar consideration and actions. If there has been an extended school closure, once school resumes, a student's IEP Team, or appropriate personnel under Section 504, must determine whether, and to what extent, compensatory services are needed consistent with the respective applicable requirements. (*See* Q&A C-5). (34 CFR §§ 300.320-300.324 (IDEA) and 34 CFR §§ 104.33-104.35(c) (Section 504)).

### C-4. In the event that a school is closed for an extended period of time due to a disaster, would an IEP Team be required to meet? Would an LEA be required to conduct an evaluation of a student with a disability?

IEP Teams are not required to meet in person while schools are closed. IEP Teams may continue to work with parents and students with disabilities during such school closures and offer advice, as needed. If an evaluation of a student with a disability requires a face-to-face meeting or observation, the evaluation would need to be delayed until school reopens. Evaluations and reevaluations that do not require face-to-face assessments or observations may take place while schools are closed, if the parent consents. These same principles apply to similar activities conducted by appropriate personnel for a student with a disability who has a plan developed under Section 504 or who is being evaluated under Section 504.

### C-5. What steps must be taken to serve a student with a disability who may have lost skills as a result of an extended absence from school due to a disaster?

The student's IEP Team (or appropriate personnel under Section 504) must make an individualized determination as to whether, and to what extent, it may be necessary to provide compensatory education. (34 CFR §§ 300.320-300.324 (IDEA), and 34 CFR §§ 104.33-104.35 (Section 504)).

Compensatory services may be necessary when there is a decline in the student's skills that occurred as a result of a student not receiving services during an extended closure due to a disaster.



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The student's IEP Team also must review the student's IEP and determine whether any other changes to the IEP are needed as a result of the extended absence from school. (34 CFR § 300.324(b)(1)). An IEP Team may consider using informal assessments to determine whether there have been changes in a student's performance. Similarly, the appropriate personnel under Section 504 must also review the student's plan developed under Section 504 to determine whether any other changes are needed as a result of a prolonged absence from school. (34 CFR § 104.35(c)).

**C-6. What steps must a school district unaffected by a disaster take in order to serve a student with a disability who relocates to that school district? What if the child's family does not have a copy of the child's current IEP in this situation?**

During such a difficult time, as schools attempt to locate or preserve records and work to rebuild school facilities, the Department recognizes the challenges associated with serving students who are displaced from their current school as a result of a disaster. For children with disabilities, the requirements under the IDEA related to student transfers do not contain specific exceptions due to disasters or situations where a school is unable to provide educational services to students. IDEA contains specific provisions governing IEPs and services for students with disabilities who transfer to a new school district within the same State or a different State in the same school year. (34 CFR § 300.323(e)-(g)). While different requirements apply to within-State and out-of-State transfers, students with IEPs must receive FAPE through the provision of services comparable to those described in the child's IEP from the previous public agency until, in the case of an in-State transfer, the new school district implements an IEP for the student. In the case of an out-of-State transfer, the new school district conducts an evaluation if determined necessary and implements a new IEP, if appropriate. The new school district must take steps to attempt to obtain the child's records from the previous school district, if such records exist, and the previous school district must attempt to promptly respond to the records request. (34 CFR § 300.323(g)). If a child's family relocates to a new school district in a different State, and the new school district believes that the child has a disability, but the parents cannot provide a copy of the child's IEP or the previous school district has not provided a copy of the child's IEP, the new school district may provide the child with special education and related services through a temporary IEP, subject to the parent's agreement. Recipient LEAs also are responsible for providing FAPE consistent with the requirements of Section 504 to students with disabilities who are in the jurisdiction of the LEA.

**C-7. Is an LEA required to provide equitable services to parentally placed private school students with disabilities during an extended school closure due to a disaster? How should the LEA communicate with these private schools?**

LEAs with students with disabilities parentally placed in private schools should have, during the required consultation process with private school officials under section 612(a)(10)(A)(iii) of the IDEA, established procedures and strategies, including a communication process that will be implemented in the event of an extended school closure. Planning for this effort may require establishing a new strategy to be employed during the extended closure. LEAs should coordinate such planning with appropriate private school



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officials to make sure that they have access to information related to equitable services for their eligible students.

**C-8. How should a State impacted by a disaster report data on its FFY 2018 IDEA Part B SPP/APR?**

The Department recognizes the damaging effects of disasters on impacted LEAs and their impact on LEAs' ability to report data. In developing the State's FFY 2018 IDEA Part B SPP/APR (which covers the period July 1, 2018 through June 30, 2019), the State should include for each indicator that it is relevant to, information that discusses the extent to which any LEAs that were affected by a disaster were unable to meet applicable timelines or where the collection of valid and reliable data was not possible. Please include any other relevant information for the Office of Special Education Programs (OSEP) to take into account.

**C-9. Does the Department have the authority to waive the requirement to maintain State financial support for special education and related services due to a disaster?**

Yes. The Secretary may waive, one fiscal year at a time, the requirement under Part B of the IDEA that States not reduce the amount of State financial support for special education and related services for children with disabilities if doing so would be equitable due to exceptional or uncontrollable circumstances, such as a disaster or unforeseen decline in the financial resources of the State. (34 CFR § 300.163(c)(1)). A State that wishes to seek such a waiver would contact its State Lead in OSEP for technical assistance.

## D. Issues Related to Services for Infants and Toddlers under Part C of the IDEA

Part C of the IDEA provides funds to the State LA to make early intervention services available to all eligible infants and toddlers with disabilities and their families living within the State. These services are provided in a variety of settings, including the child's home, daycare, preschools, and community centers. The following questions and answers primarily address the best practices for the State LA and its local EIS programs and providers when faced with unforeseen programmatic circumstances due to a disaster.

**D-1. Are the State LA or EIS program or provider required to continue providing early intervention services to infants and toddlers with disabilities under Part C of the IDEA if the offices are closed due to the impacts of a disaster?**

If the offices of the State LA or the EIS program or provider are closed, then services under Part C of the IDEA would not need to be provided to infants and toddlers with disabilities and their families during that period of time. If the LA's offices are open but the offices of the EIS program or provider in a specific geographical area are closed due to public health, flooding



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and/or safety concerns as a result of destruction in the area, the EIS program or provider would not be required to provide services during the closure.

If the local EIS program or provider's offices remain open, but IDEA Part C services cannot be provided in a particular location (such as in the child's home) by a particular EIS provider, then the LA should take reasonable steps to identify alternatives for continuing services. For example, services may be provided in an alternate location, using a different EIS provider, identifying other parent or community resources, or through alternate means, such as through teleconference or consultative services to the parent (if feasible).

**D-2. What steps must be taken if early intervention services are not provided for an extended period of time to an infant or toddler with a disability under Part C of the IDEA?**

Once the offices re-open and/or EIS programs and providers are able to provide services, the service coordinator and EIS providers for each child must resume providing the services on the child's Individualized Family Service Plan (IFSP) as soon as possible. (20 U.S.C. 1435(a)(4) and 1436; 34 CFR § 303.342(e)). For children who did not receive early intervention services for an extended period of time, once services resume, the service coordinator and EIS providers must determine if the child's service needs have changed, determine whether the IFSP Team should review the child's IFSP to identify whether any changes are needed, and consider whether compensatory services are needed. (20 U.S.C. 1436; 34 CFR § 303.342(b)). The IFSP team may meet by teleconference or other means to review the IFSP if conditions warrant or if the family requests a periodic review.

**D-3. What steps can be taken to resume the provision of early intervention services after a family has been displaced and has relocated, and what can be done if early intervention records cannot be located or accessed?**

The Department recognizes the disruption to families and challenges to providers in continuing to provide early intervention services to families who are in a new location as a result of a natural disaster. Once early intervention services can be provided, if a family is in a new location, the first step is to contact the EIS program or provider where the child was receiving IDEA Part C services to obtain a copy of the child's early intervention record and most recent IFSP (with parent consent, if needed under 34 CFR § 303.414). If the child's records cannot be located or accessed due to circumstances relating to a disaster, a State may provide IDEA Part C services if parental consent is obtained by using an interim IFSP under 20 U.S.C. 1436(c) and 34 CFR § 303.345, until such time as the records establishing eligibility and the child's IFSP are available or, in the case of no records being available or a new family initially referred to IDEA Part C, such time as an evaluation and assessment can be conducted to determine eligibility.

**D-4. Does IDEA allow for flexibility in meeting the 45-day timeline for conducting a child's initial evaluation, assessment, and IFSP meeting?**

While the Department does not have the authority to waive the IDEA Part C 45-day timeline requirement in 34 CFR § 303.310(a), this timeline includes two allowable exceptions. These exceptions apply if the child or parent is unavailable due to exceptional family



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circumstances or a natural disaster; or if the parent has not provided consent despite documented, repeated attempts by the LA or EIS provider to obtain parental consent. (34 CFR § 303.310(b)). Both of these exceptional circumstances may apply in situations where a family has been displaced as a result of a disaster. In these situations, the LA or EIS program or provider must document application of the exception in the child's early intervention records. (34 CFR § 303.310(c)(1)). In situations such as a natural disaster, when families and providers are displaced and when offices are closed, delays can be expected. States must complete the initial evaluation, assessment, and IFSP meeting as soon as the exceptional family circumstance no longer exists and parental consent is obtained. (34 CFR § 303.310(c)(2)). As mentioned in question D-3, if appropriate, an interim IFSP may be put into place with parent consent under 34 CFR § 303.345 to provide IDEA Part C services before the evaluation or assessment is completed.

**D-5. How should the State report data on its Federal Fiscal Year (FFY) 2018 SPP/APR for IDEA Part C?**

The Department recognizes the damaging effects of recent natural disasters on EIS programs and providers and the infants and toddlers and families who are served by those programs. In developing the FFY 2018 SPP/APR (which covers the period July 1, 2018 through June 30, 2019) under Part C of the IDEA, the State should include for each indicator that it is relevant to, information that discusses the extent to which any EIS programs that were affected by the recent hurricanes, were unable to meet applicable timelines or where the collection of valid and reliable data was not possible. Please include under Indicators 1, 7, and 8 any documented exceptional family circumstances and other relevant information for OSEP to take into account.

## E. Adult Education and Career and Technical Education Program Issues

**E-1. May States receive a one-year waiver of their maintenance of effort (MOE) requirements for adult education and career and technical education programs if a disaster causes a disruption in services?**

Yes. Section 241(b)(4) of the Adult Education and Family Literacy Act (AEFLA) authorizes the Secretary to waive a State's MOE requirement for not more than one fiscal year if "the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster." Similarly, section 311(b)(2) of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV), which remains in effect until July 2, 2019, allows the Secretary to waive a State's MOE requirement due to exceptional or uncontrollable circumstances (such as Hurricane Harvey, Hurricane Irma or Hurricane Maria) that affect a State's ability to meet such requirements.

**E-2. May States and local recipients renegotiate their agreed-upon performance levels for career and technical education programs if there are extended closures due to a disaster?**



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Yes, if the devastation from a disaster makes it excessively difficult to meet performance goals. Section 113(b)(3)(A)(vii) of Perkins IV provides the Secretary with the authority to renegotiate annual performance goals if certain unanticipated circumstances arise. (*See* the Office of Career, Technical, and Adult Education's Questions and Answers Regarding Perkins IV Non-Regulatory Guidance, Version 3 (Questions B-40 through B-45), https://s3.amazonaws.com/PCRN/docs/Compiled_List_of_QAs-8-8-16.docx). Please note that Perkins IV remains in effect until July 1, 2019, and the Department has not yet developed new Questions and Answers or other non-regulatory guidance materials to support implementation of Perkins V, which was signed into law on July 31, 2018 (also known as the Carl D. Perkins Career & Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education Act for the 21st Century).

### E-3. Will a State be subject to a financial sanction if it is not able to submit its performance report, as required under the Workforce Innovation and Opportunity Act (WIOA), by the report due date because of a disaster?

No. In accordance with WIOA's implementing regulations at 34 CFR § 463.185(b), a State will not be subject to a financial sanction if it does not submit a complete performance report by the report due date as a result of exceptional circumstances outside of the State's control, including a disaster.

In the event that a State is not able to submit a complete performance report by the report due date, the State must notify the Secretary of Labor or Secretary of Education as soon as possible, but no later than 30 days prior to the established deadline for submission, of a potential impact on the State's ability to submit its performance report in order to not be considered failing to report. In circumstances where unexpected events occur less than 30 days before the established deadline for submission of the performance report, the Secretaries of Labor and Education will review requests for extending the reporting deadline in accordance with their Departments' procedures. (*See* 34 CFR § 463.185(c)).

## F. Postsecondary Education Issues Generally

This section discusses the waivers and other forms of relief the Department may provide to postsecondary institutions and other postsecondary program participants regarding Federal education requirements during an extended school closure as a result of a disaster, such as a hurricane, that disrupts the functioning or delivery of educational services. For additional information, see the guidance posted at the following Web address: https://ifap.ed.gov/ifap/disaster.jsp.

### F-1. What should institutions do if a disaster disrupts the delivery of educational services?

Institutions should have alternatives for the delivery of educational programs for use during an extended closure due to a hurricane or other disaster. These alternatives could include



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creating or expanding distance learning opportunities, either through existing institutional capacity or through agreements with other institutions. Any written agreements with other institutions should be put in place as soon as possible so that they are available to address the needs of students, including students with disabilities. The requirements for these types of



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agreements for purposes of Federal Student Aid (FSA) programs can be found in 34 CFR § 668.5.

Because the ADA and Section 504 also prohibit discrimination on the basis of disability, institutions that receive Federal financial assistance or that are covered by the ADA must ensure that students with disabilities have equal access to educational opportunities. This includes plans for distance learning. Institutions should prepare strategies to ensure that students with disabilities have equal access to these programs. These include strategies for providing reasonable accommodations such as auxiliary aids and services and modifications to academic requirements where necessary to enable these students to access distance learning programs. (34 CFR § 104.44; 28 CFR §§ 35.130(b)(7) and 35.160).

Institutions should have plans ready to serve all students residing on campus, or to perform other functions if the campus itself is used for other purposes by the State or local community. Emergency preparedness and emergency response programs must also be accessible to individuals with disabilities. For additional information, *see* "An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities," available at the following website: http://www.ada.gov/emergencyprepguide.htm.

**F-2. What should an institution do if it is unable to properly administer its Federal student assistance programs under Title IV of the Higher Education Act of 1965 (HEA) due to a disaster?**

If an institution determines that it is, or will be, unable to properly administer its Title IV programs (including continuation of its educational programs) as a result of a disaster, it should immediately contact the FSA School Participation Division in the Department for further guidance. The contact information can be found at the following web address: https://ifap.ed.gov/ifap/helpContactInformationDetailedList.jsp?contactname=School%20Participation%20Division.

**F-3. What steps should institutions take if incoming students are unable to complete high school graduation requirements due to extended closures caused by a disaster and its disruptions to the functioning or delivery of educational services?**

Under institutional eligibility requirements for the Department's Federal student financial aid programs (34 CFR §§ 600.4(a)(2), 600.5(a)(3), and 600.6(a)(2)), institutions participating in those programs must admit as regular students only persons who have a high school diploma, have the recognized equivalent of a high school diploma, or are beyond the age of compulsory school attendance in the State in which the institution is physically located. Accordingly, institutions are strongly encouraged to consult with the high school the student was attending to best address a plan for the student to receive the high school diploma or its equivalent. The Department recognizes this may be a difficult task, particularly for students attending high school in a different State from the State in which the institution is located; however, officials at



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the high school will be the most aware of any modifications or waivers provided by the SEA or LEA.

### F-4. What if an institution's accreditation is up for renewal during an extended closure due to a disaster and the accrediting agency cannot complete its work on time?

The Secretary urges accrediting agencies to establish reasonable written policies (if they do not already have such policies) to extend accreditation or pre-accreditation if an institution is closed as a direct result of a disaster. Generally, the Department will consider policies granting extensions of accreditation or pre-accreditation due to expire within three months of a disaster or the deferral of already-pending accreditation actions as reasonable and consistent with good practice. For institutional eligibility purposes, the Department will accept reasonable extensions of existing accreditation or pre-accreditation even if granted by an agency that lacks a plan for extended closures.

### F-5. What if an institution's application to be recertified to participate in the FSA program is not submitted timely because of a disaster?

The Department will consider extending the institution's Program Participation Agreement if the institution has been impacted by a disaster. Institutions that need an extension should contact the School Participation Division of FSA.

## G. Issues Related to the Administration of the Federal Student Aid Programs

### G-1. What if an institution closes for several weeks during an academic year and it is not possible to reschedule instructional time?

If, as a result of a disaster, an institution is temporarily closed for an extended period of time that impacts the length of its academic year, the Department, through the FSA School Participation Division, will assist the institution to determine the continued eligibility of its programs and its students for HEA Title IV assistance. The Secretary may permit institutions to shorten their academic years to not less than 26 weeks, on a case-by-case basis under section 481(a) of the HEA, and 34 CFR § 668.3.

### G-2. What can an institution do to mitigate the impact that a disaster may have on the financial aid that students receive?

To reduce the potential impact of a disaster on student financial aid, the Department suggests the following:

- **Professional Judgment:** Section 479A of the HEA specifically provides the financial aid administrator (FAA) the authority to use professional judgment to make adjustments to the cost of attendance or to the values of the items used in calculating the Expected Family Contribution (EFC) to reflect a student's special circumstances. The Secretary



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encourages FAAs to use professional judgment to reflect more accurately the financial need of students and families affected by a disaster. The use of professional judgment is discussed in the Department's FSA Handbook, which can be accessed at: https://ifap.ed.gov/ifap/byAwardYear.jsp?type=fsahandbook.

- **Refunds and Re-Enrollment:** The Department strongly encourages institutions to provide a full refund of tuition, fees, and other institutional charges, or to provide credit in a comparable amount against future charges, for students who withdraw from school as a direct result of a disaster. The Department also urges institutions to consider providing easy and flexible re-enrollment options to such students.
- **Satisfactory Academic Progress:** When a student fails to meet the institution's satisfactory academic progress standards due to a disaster, the institution may apply the "other special circumstances" exception provision in 34 CFR § 668.34(a)(9)(ii).
- **Return of Title IV Funds:** If a student withdraws from school because of a disaster, the institution must perform the return of HEA Title IV funds calculations in accordance with 34 CFR § 668.22, as it must for any student who withdraws. If the institution is closed for 5 consecutive days or more, institutions should not include the days the school was not offering classes due to the disaster in either the numerator or denominator of the calculation.
- **Late Disbursements:** The Department's disbursement regulations allow, under certain conditions and within certain time frames, for a late disbursement of Title IV funds when the late disbursement was not the fault of the student. These regulations would permit a disbursement of Title IV funds to accommodate students affected by a disaster (*see* 34 CFR § 668.164(j)).

### G-3. What relief from the requirements in the Student Assistance General Provisions regulations may the Department provide to institutions, and how may institutions go about requesting this relief?

If appropriate, the Department may provide the following relief to institutions:

- **Cash Management:** The Secretary will work with institutions affected by a disaster to address specific problems arising from regulatory requirements regarding credit balances, notices and authorizations, excess cash, and the handling of Direct Loan Fund Proceeds (*see* 34 CFR part 668, subpart K). Please contact the FSA School Participation Division for assistance.
- **Campus Security Report and Equity in Athletics Disclosure Report:** If an institution is unable to provide the Department with its crime and fire statistics or its Equity in Athletics Disclosure Report by the established deadlines because its administrative capability is directly impacted by a disaster, the Department will consider adjusting the reporting deadlines (*see* 34 CFR §§ 668.41, 668.46, and 668.47). This also includes the dissemination of an Annual Security Report to the school's community by October 1 of each year. Please contact the FSA School Participation Division for assistance.
- **Enrollment Reporting:** If an institution is unable to report enrollment information to the National Student Loan Data System (NSLDS) according to the established schedule



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as a direct result of a disaster, it must contact NSLDS Customer Service at 1-800-999-8219 to modify its reporting schedule.

### G-4. What administrative relief can the Department provide to institutions regarding campus-based programs?

Section 413D(d) of the HEA penalizes institutions for underutilization of their campus-based funding. Section 413D(d)(2) of the HEA, however, authorizes the Secretary to waive this penalty for an institution if enforcing the reduction would be contrary to the interest of the program. The Secretary will consider the failure of an institution to expend funds due to a disaster as an appropriate basis for granting a waiver (*see* 34 CFR § 673.4(d)(3)).

The HEA also requires an institution to use at least seven percent of the total amount of its Federal Work Study (FWS) allocation to compensate students employed in community service (42 U.S.C. 2753(b)(2)(B)). The Secretary may waive this requirement if the Secretary determines that enforcing it would cause a hardship for students at the institution. The Secretary will consider the failure of an institution to expend at least seven percent of its FWS allocation for community service due to a disaster that disrupts the functioning or delivery of educational services as an appropriate basis for a waiver (*see* 34 CFR § 675.18(g)).

In addition, the Secretary will consider extending the Fiscal Operations Report and Application to Participate reporting deadlines on a case-by-case basis if a disaster affects an institution's ability to meet these required reporting deadlines. To receive such consideration, institutions may contact the FSA School Participation Division.

### G-5. What administrative relief can the Department provide to institutions regarding enrollment reporting requirements?

Any borrower who maintains an "in-school" status but who is unable to complete course requirements or enroll in classes because of an issue caused by a disaster will be considered to have maintained his or her "in-school" status during the relevant period of nonattendance until the borrower withdraws or re-enrolls in the next regular enrollment period (whichever is earlier). The relevant period of nonattendance should not require a borrower to enter or use any of his or her grace period.

This guidance does not affect the way an institution should report a borrower's enrollment status.

### G-6. What administrative relief will the Department provide to institutions regarding the Direct Loan program?

Generally, institutions are required to submit the Direct Loan promissory note, loan origination record, and initial disbursement record for a loan to the Secretary no later than 15 days following the date of the initial disbursement of the loan. If an institution is severely affected by a disaster, however, the Secretary, through the appropriate FSA School Participation



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Division, will take steps to address an institution's concerns about meeting these deadlines on a case-by-case basis (*see* 34 CFR § 685.301(c)).

**G-7. What administrative relief can the Department provide to institutions regarding the Federal Perkins Loan program?**

In the event that services are severely disrupted or disrupted for an extended period of time due to a disaster, the Secretary, through the appropriate FSA School Participation Division, will consider addressing concerns about the billing and collection activities required on a case-by-case basis (*see* 34 CFR Part 674, Subpart C). If an institution contracts with a third-party servicer for this activity, that billing and collecting service of prior year borrowers should continue. The Secretary, through the appropriate FSA School Participation Division, will also consider addressing, on a case-by-case basis, concerns about borrowers in initial and post-deferment grace periods (*see* 34 CFR § 674.42).

The Secretary will consider authorizing the institution to grant forbearance, for a period not to exceed three months, to a borrower who is in repayment, but is unable to continue to repay the loan due to the disaster. A borrower may request this forbearance orally, or in writing, and is not required to submit documentation to be considered eligible for this forbearance. This period of forbearance will be counted toward the three-year maximum limit on the number of years of forbearance that may be granted to a borrower. In order to receive forbearance beyond the three-month period, the borrower must make a written request to the institution and provide supporting documentation (*see* 34 CFR § 674.33).

**G-8. What administrative relief can the Department provide to loan holders regarding enrollment status requirements for Federal Family Education Loan (FFEL)?**

In accordance with the Department's regulations, loan holders may grant an administrative forbearance to FFEL borrowers who have been adversely affected by a disaster. The holder may grant forbearance for up to three months and must document the reasons why it granted the forbearance, but does not need to obtain supporting documentation or a signed written agreement from the borrower (*see* 34 CFR §§ 682.211(f)(11)). The Secretary believes that it is in the best interest of the student loan programs to consider each Federal Stafford or PLUS loan that is in an "in-school" or in an "in-school" deferment status on the date the borrower's attendance at the institution was interrupted due to a natural disaster to be in an "in-school" status. Each loan should continue in that status until the borrower withdraws or re-enrolls in the next regular enrollment period, whichever is earlier. This period of nonattendance due to a disaster should not result in a borrower entering or using any of his or her grace period on the loan (*see* 34 CFR §§ 682.209(a) and 682.210).

The Secretary will treat Direct Loan borrowers in accordance with the administrative forbearance guidance discussed above.



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### G-9. What administrative relief can the Department provide institutions regarding the Federal Pell Grant, TEACH Grant, and Iraq-Afghanistan Service Grant disbursement records?

Normally, an institution must submit to the Department a Federal Pell Grant, TEACH Grant, and Iraq- Afghanistan Service Grant disbursement record for a student not later than 15 calendar days after the institution makes a payment to the student. In addition, if the institution becomes aware that a previously reported payment or expected payment for a student is no longer accurate, the institution must submit an accurate disbursement record for that student to the Department not later than 15 calendar days after becoming aware of the need to make the change. The Secretary will consider revising these deadlines for institutions affected by a disaster (*see* 34 CFR §690.83 and 34 CFR §686.37).

## H. Vocational Rehabilitation (VR) Program Issues

This section discusses the forms of relief the Department may provide to State VR agencies, as well as recommendations to ensure the continuity of services during an extended agency/office closure as a result of a disaster that disrupts the program's functioning or delivery of VR services.

### H-1. What flexibility can the Department provide regarding program and fiscal reporting?

Understanding that case management systems may be impacted, OSERS' Rehabilitation Services Administration (RSA) fiscal and data staff can assist grantees impacted by disasters by providing flexibility in the reporting of program and fiscal data. VR agencies should contact the OSERS/RSA Fiscal and Data units as issues arise.

### H-2. Will a State be subject to a financial sanction if it is not able to submit its performance report, as required under WIOA, by the report due date because of a disaster?

No. In accordance with WIOA's implementing regulations at 34 CFR § 361.185(b), a State will not be subject to a financial sanction if it does not submit a complete performance report by the report due date as a result of exceptional circumstances outside of the State's control, including a disaster.

In the event that a State is not able to submit a complete performance report by the report due date, the State must notify the Secretary of Labor or Secretary of Education as soon as possible, but no later than 30 days prior to the established deadline for submission, of a potential impact on the State's ability to submit its performance report in order to not be considered failing to report. In circumstances where unexpected events occur less than 30 days before the established deadline for submission of the performance report, the Secretaries of Labor and Education will review requests for extending the reporting deadline in accordance with their Departments' procedures. (*See* 34 CFR § 361.185(c)).



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**H-3. What should VR agencies do if a disaster disrupts the delivery of VR services?**

The Department recognizes the challenges associated with serving individuals and youth with disabilities who are displaced as a result of a disaster. As VR agencies attempt to continue to serve individuals with disabilities, including youth with disabilities, who have been displaced, we recommend that VR agencies identify alternative means for delivering VR services for use during an extended closure due to a disaster. These alternatives can include consolidating or expanding responsibilities of local VR offices in order to effectively serve program participants and communicating with community rehabilitation providers to ensure that the VR service needs of individuals with disabilities are not unduly or unnecessarily delayed.

**H-4. Does the Department have the authority to waive the maintenance of effort requirement under the State VR program due to a natural disaster?**

Yes. A State may request a waiver or modification of the maintenance of effort requirement if it fails to meet that requirement because of certain specific circumstances, such as natural disasters. The Secretary may grant a waiver or modification of the maintenance of effort shortfall when an action would be an equitable response to exceptional or uncontrollable circumstances affecting the State. A State that wishes to seek such a waiver should contact its State liaison in OSERS/RSA for technical assistance.

**H-5. Does the Department have the authority to waive the match requirement under the VR State program?**

No. Without a legislative change by Congress, the Department is unable to waive the VR match requirement.



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**From:** VanderPloeg, Laurie
**Sent:** Thu, 19 Mar 2020 01:56:11 +0000
**To:** Schultz, Mark
**Subject:** FW: Rapid Response Team

After reading the previous email with Jessica being on the call tomorrow I am concerned with how the OSEP staff will feel after working hard today to be prepared for tomorrow's Rapid Response call. We left the call today stating OSEP would be reporting out tomorrow. How do see us addressing the OSEP staff since the agenda has changed?

---

**From:** Walawender, Rebecca <Rebecca.Walawender@ed.gov>
**Sent:** Wednesday, March 18, 2020 9:41 PM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; Gross, Michael <Michael.Gross@ed.gov>; Corr, Gregg <Gregg.Corr@ed.gov>; Wexler, Larry <Larry.Wexler@ed.gov>; Dobak, Carol <Carol.Dobak@ed.gov>; Lovley, Mary <Mary.Lovley@ed.gov>; Ellis, Kathryn <Kathryn.Ellis@ed.gov>; Lopez, Francisco (Frank) (OGC) <Frank.Lopez@ed.gov>; Steenen, Paul <Paul.Steenen@ed.gov>
**Cc:** Pagano, Lisa <Lisa.Pagano@ed.gov>; Pilgrim, Christine <Christine.Pilgrim@ed.gov>; Miceli, Meredith <Meredith.Miceli@ed.gov>
**Subject:** RE: Rapid Response Team

All –

(b)(5)

Part D (discretionary): Line 1
Parts B and C crosscutting (formula): Line 20
Part B: Line 34
Part C: Line 60
Other topics: Line 68

I'll provide an updated version by 9:00am if the version linked above is edited before the meeting.

Becca

-----Original Appointment-----
**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Monday, March 16, 2020 6:31 PM
**To:** Schultz, Mark; VanderPloeg, Laurie; Levorse, Audrey; Gross, Michael; Corr, Gregg; Wexler, Larry; Dobak, Carol; Lovley, Mary; Ellis, Kathryn; Lopez, Francisco (Frank) (OGC); Steenen, Paul

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**Cc:** Pagano, Lisa; Walawender, Rebecca; Pilgrim, Christine; Miceli, Meredith
**Subject:** Rapid Response Team
**When:** Thursday, March 19, 2020 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
**Where:** Skype: +1 (202) 991-0393,,32141162# (Dial-in Number)
**Importance:** High

(b)(5)

Please let me know if you have any questions. I appreciate your flexibility as we will continue to develop our strategies in response to this unprecedented situation. Thank you!

Mark Schultz
Delegated the authority to perform
the functions and duties of the Assistant Secretary
for the Office of Special Education and Rehabilitative Services

VR100

**Host Pin: Mark Schultz**

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**From:** VanderPloeg, Laurie
**Sent:** Sun, 12 Apr 2020 19:12:07 +0000
**To:** Schultz, Mark
**Subject:** FW: Remote Learning Guidance During COVID-19
**Attachments:** StateEdCOVID_v3.pdf

There is a lot happening out there to support distance learning. This was shared with the OSEP staff.

---

**From:** Courchaine, Tara <Tara.Courchaine@ed.gov>
**Sent:** Friday, April 10, 2020 12:37 PM
**To:** OSEP Staff <OSEPStaff@ed.gov>; Wexler, Larry <Larry.Wexler@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Bradley, Renee <Renee.Bradley@ed.gov>
**Subject:** Remote Learning Guidance During COVID-19

Hi All,

Happy Friday! On Thursday morning, Renee and I had the opportunity to participate on an OET call and listen to Justin Reich, from MIT, share information and answer questions about a recent report that they published titled "Remote Learning Guidance During COVID-19". The report includes a summary of issues and challenges, and emerging recommendations and best practices from all 50 states. In the report, they found agreement across a few different topics; remote learning, equity and access, statewide assessment, attention to a range of needs, and attention to special populations. The biggest divergence they found was guidance on whether to teach enrichment, or new material. The report includes the following three recommendations:

1. Continue to place equity at the center of remote learning practices and include guidance for special populations
    a. While guidance is generally available for teaching SWDs, it was notably lacking for English Language Learners.
2. Instructional Guidance should acknowledge the challenges and constraints of home-based distance learning.
    a. Guidance on synchronous vs. asynchronous instruction
    b. Online learning vs. paper packets
    c. Recognition that few homes have the whole package (internet, 1:1 computers, printer, parent)
    d. learn from home and nature (cooking, farming, etc.)
    e. PBS programming by age on the television
3. Communicate information clearly with multiple target audiences
    a. Administrators, teachers, parents, families, etc.

Below is the link to the site and a few other take-aways that Renee and I noted:

Link to site: https://tsl.mit.edu/COVID19/

- Question:

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    - What are we trying to accomplish (What is the point of keeping schools open? Close equity gaps? Make progress? Stronger school connections?)
- Motivation- huge factor
    - High motivation – more self-direction – more likely to learn
    - Most negatively impacted by closure least likely to participate in online
    - Everyone has the experience that there's something they're excited and passionate about and want to do it..
- Full time virtual schools are more like homeschools (coached homeschooling).
    - Recommendations included less than 6 hours a week of instruction (less than 2-3 hours a day on home schools)
    - The best virtual school teachers provide coaching and tutorials
- Schools need to provide flexibility – they called it "grace"
- Need for flexibility around graduation requirements
- Need for innovative approaches to remediate missed learning.

Happy Reading!

Tara

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https://osepideasthatwork.org

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# Remote Learning Guidance from State Education Agencies During the COVID-19 Pandemic:

## A First Look

Justin Reich
Corresponding Author: jreich@mit.edu

Christopher J. Buttimer, Alison Fang, Garron Hillaire, Kelley Hirsch, Laura Larke, Joshua Littenberg-Tobias, Roya Moussapour, Alyssa Napier, Meredith Thompson, Rachel Slama

Massachusetts Institute of Technology
MIT Teaching Systems Lab
tsl.mit.edu/covid19
Last Updated: April 1, 2020

**Recommended Citation:** Justin Reich, et. al. (2020) Remote Learning Guidance from State Education Agencies during the COVID-19 Pandemic: A First Look. Retrieved from osf.io/k6zxy/

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# Executive Summary

The last week of March 2020 marked a turning point in state-level education policy on remote learning during the novel coronavirus (COVID-19) pandemic. School closures had been announced in all fifty U.S. states, and Kansas was the first to close their schools for the remainder of the year. By Friday March 27, all fifty state education agencies had a COVID-19 webpage or homepage section devoted to policy guidance for closures and remote learning. Approximately 20% of states had released comprehensive remote learning guidance that addressed issues related to digital versus non-digital options, grading policy, graduation requirements, equity issues, provision of services to students with disabilities, time and schedule recommendations, and suggested resources, lesson plans, and more. With each passing day, more states have released such guidance, often building on the efforts of colleagues in first-moving states. Between March 27 and March 31, we reviewed the guidance from all 50 U.S. state education agencies to provide a summary of issues and challenges and to identify emerging recommendations and best practices.

In many U.S. states, state education agencies primarily fulfill regulatory and technical assistance roles, while teaching and learning guidance typically falls under the purview of local education agencies (LEAs). However, given the extraordinary and rapid changes provoked by school closures and social distancing, many states are providing detailed instructional guidance during this period (see Table 1 for common categories of guidance). Districts can benefit from this guidance, to avoid reinventing wheels and getting too far out of step with neighbors. A handful of state education agencies (Massachusetts, Illinois, and Kansas) have published guidance co-signed by other state stakeholders—representatives from teachers, principals, superintendents, parents, school committees, charter schools, and others—signaling consensus from a broader coalition.

We find substantial areas of agreement in this emerging state policy on remote learning:

- **Remote learning support:** Nearly all states explicitly recommend or mandate that LEAs offer some form of learning support during school closures.
- **Equity and access:** State agencies consistently emphasize attention to issues of equity in their guidance to schools. Nearly all states recognize that many families will not be able to access online options, so schools need to find non-digital alternatives using public television, printed packets, or other approaches. States also highlight that students will have differing levels of family supervision to support remote learning.
- **Statewide assessments:** All 50 states have received an initial federal waiver to bypass statewide assessment requirements. **Remote learning time:** Of states that have published sample schedules or guidance on daily plans, most have recommended three to four hours of learning activities for older students (including time for exercise and art), with shorter schedules for younger students.
- **Attention to a range of student needs:** State policy guidance documents encourage LEAs to balance ongoing learning with attending to student needs for food, mental health support, and other issues.
- **Attention to special populations:** Almost all states have published guidance for students with disabilities. We note that states have not been as rapid to publish guidance related to English learners. We encourage state agencies to provide additional supports for schools serving these learners, as well as guidance for other vulnerable populations such as children in foster care, children experiencing homelessness, and youth in incarcerated settings.

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ED-20-0731-A-004009

The most substantial point of divergence in remote learning policy guidance relates to whether LEAs should focus on "enrichment" or "new material." Enrichment approaches emphasize review of previously taught skills, family projects like chores or cooking, and meaningful learning experiences that may not be explicitly aligned with state standards or pacing guides. "New material" approaches recommended that LEAs continue to advance standards-based learning, either by maintaining progress in existing courses (more common at the secondary level) or focusing on a more limited set of critical standards (more common at the primary level). These different perspectives provide an opportunity for states and LEAs to reflect on the purpose of remote learning during a pandemic.

In what follows, we highlight emerging best practices and research-based guidance related to the following recommendations:

- **Recommendation 1:** Continue to place issues of equity at the center of remote learning plans, with increased guidance for special populations.
- **Recommendation 2:** Instructional guidance should acknowledge the challenges and constraints of home-based, remote learning.
- **Recommendation 3:** Communicate information clearly with multiple target audiences in mind.

We have released a public version of our dataset with links, labels, quoted selections, and other noteworthy elements at bit.ly/StateEdCOVID. We will revise and update this dataset in the months ahead. We conducted this analysis in five days, and we apologize in advance to any state education agency where we incorrectly identified any guidance. We invite state education agencies to send us corrections, and updates to be included in the dataset.

The research on education in emergencies suggests that continued schooling and learning can be a protective factor helping young people cope with stress and challenges during periods of disruption. The work of schools in supporting students and providing accessible forms of learning during school closures is more vital than ever.

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ED-20-0731-A-004010

# Recommendations and Best Practices for State Education Agencies Providing Remote Learning Guidance During COVID-19 School Closures

## **Recommendation 1:** Continue to place issues of equity at the center of remote learning plans, with increased guidance for special populations.

- Continue to reinforce equity considerations in policy guidance
  - Use guiding principles or reflections tools to evaluate digital divides, accessibility issues, and all elements of remote learning practice (see Vermont's Equity Lens Tool or Minnesota's Equity Lens Reflection and Exploration Tool).
- Nearly every state has emphasized the importance of providing a Free Appropriate Public Education (FAPE) to **students with disabilities** during school closures. Now, LEAs and schools need more guidance on exactly how to do this at a distance.
- Several states have included statements about the importance of LEAs developing a plan for providing language development instruction for **English learners** appropriate to their level of English language proficiency. A handful of states have explicitly noted that the LEAs must ensure English learners continue to have equal access to academic grade-level content, and state agencies should develop guidance on how to do this remotely.
- As closures continue, consider how to support other vulnerable populations, such as children facing housing insecurity, children in foster care, and incarcerated students.

---

## **Recommendation 2:** Instructional guidance should acknowledge the challenges and constraints of home-based, distance learning.

- Consider how your guidance aligns with the primary divergence in remote learning policy across states: whether to pursue only enrichment and review or to **attempt to advance in new standards-aligned material.**
  - Some states believe that remote learning should leverage "the assets of home-based learning, rather than trying to recreate school" (see New Mexico's Distance Learning Toolkit).
  - States that encourage schools and districts to attempt to teach new material might consider suggesting critical standards or topics that are important to subsequent courses (See Alabama's Critical Standards chart).
  - Regardless of the immediate approach, consider providing guidance on how schools can offer additional summer school, extended learning time in the fall, or revised courses of study for the 2020-2021 academic year.

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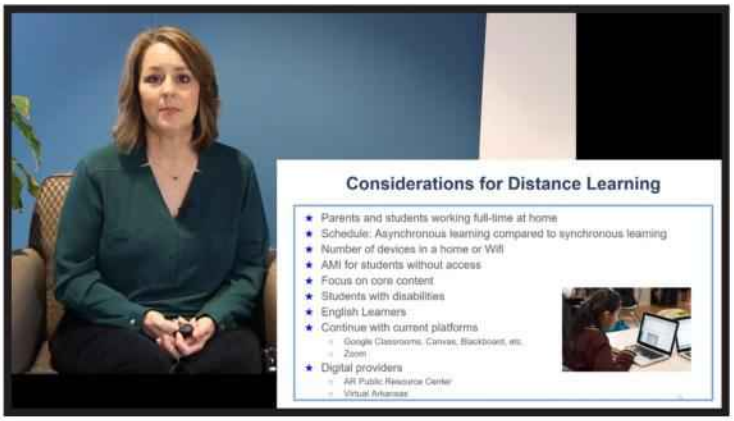
- Consider encouraging a stronger emphasis on **asynchronous over synchronous learning**
  - For households with many family members, competing needs, few devices and/or limited bandwidth, asynchronous learning is more feasible
  - As families face job losses and hardships from the recession, synchronous instruction may become more even difficult (See Arkansas, AMI, and Distance Learning).




  - Consider emphasizing the use of synchronous technologies for office hours or individual check-ins over class instruction
  - Consider emphasizing student agency and interest-driven online learning over compliance activities.
- Consider providing guidelines and recommendations for safe and appropriate **synchronous video conferencing** between teachers, caregivers, and/or students.
  - Video conferencing has tremendous potential to maintain social connection during a quarantine but raises new concerns from "zoom-bombing" (unwanted invasions of meeting rooms), to changing teacher work requirements (e.g. turning on video cameras in private spaces), to new concerns for mandated reporting (as teachers see inside children's homes), and risks of inappropriate teacher-student contact. Schools need guidance on these new issues.
- **Share example schedules, lessons, and plans** from across the state (see district-created examples from Texas).
  - When sharing examples, provide a brief summary of what the document is, and what readers might find exemplary.
- Consider having **state agencies generate sample units and schedules**, in part to provide a reality check on state level policy guidance (See Hawaii's At Home Learning Choice Boards.
  - For instance, if a weekly grade-level lesson guide needs to be 1) transmissible by webpage, SMS, phone, and print; 2) accessible to students, busy parents, or caregivers (some of whom may also be school-aged children); and 3) translated into multiple languages, then those constraints can most readily be met with short, simple, and concise learning instructions. State agency staff should identify how easy or difficult it is to follow their own guidance.
- Consider addressing flexibility in **graduation requirements** and **grading policies** (See Wisconsin's Graduation Requirements, Grading and Class Promotion).
  - Some states are suggesting or mandating that schools use pass/fail or credit/no-credit grading policies (See Delaware's guidance), while others are encouraging grade assignment based on work completed before closure or competency reviews (See Arkansas's three suggested grading policies).
  - State university systems should consider issuing guidance on admissions policies, scholarships, and transcripts (See New Hampshire's Policy on Pass/Fail Coursework).

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## **Recommendation 3:** Communicate information clearly with multiple target audiences in mind.

- Consolidate **key** information into a **small number** of documents or webpages
  - Create one COVID-19 information page with a prominent link from the state education agency home page.
  - Prepare a short, high-level summary of key policies and guidance in one document or webpage for schools and families (see Massachusetts Remote Learning Recommendations).
  - Consolidate information into comprehensive documents or webpages with a linked table of contents, rather than a series of multiple web pages that each contain links to more documents (see the Illinois Remote Learning Recommendations).
  - Prioritize accessibility efforts for the key documents, with universal design, recorded phone messages, SMS broadcasts, printed mailings, and translations into multiple languages.
- Consider a **short video statement** of key policies and values to personalize the work of the state education agency (see Hawaii's Talk Story with Dr. K. or a Video Message from the kitchen of Maine's education commissioner).
- Consider **creating a joint statement with key state-level stakeholders** including teachers, principals, directors of special education or English learners services, parent-teacher associations, school board associations, superintendent associations, teacher associations, charter school associations, etc. (See Kansas Continuous Learning Task Force Guidance).
- Recognize that addressing extended school closures is a **multi-phase process**.
  - Provide guidance that considers immediate actions along with longer term adjustments for the rest of the school year (See Texas's four phase approach).
- Consider **checklists and templates** to help schools and districts attend to important issues (See Tennessee's School Closure Toolkit: Academics and Instruction and Minnesota's Distance Learning Plan Template).
  - Some states are recommending or requiring that LEAs submit planning documents to identify key areas for guidance and to share best practices.
- **Organize policy documents** labelled by topic, and timestamp, and then archive outdated information
  - Many states published early guidance by date, but documents organized by topic are easier to search. Preserve dated documents as historical artifacts, but consolidate documents by topic, not date; change logs can help readers attend to new information (See Virginia's Guidance change log).
- **Continue to collect feedback** from students, parents, LEAs, and other key stakeholders.

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**Table 1:** Frequency counts of state policy statements or resources

| | Categories of Guidance for LEA's and Families | # of States |
|---|---|---|
| **Models for Supporting Stakeholders** | COVID-19 Guidance Page or Homepage Section | 50 |
| | Resource lists/links | 43 |
| | Frequently Asked Questions (FAQ) | 39 |
| | Checklists, templates, and forms | 20 |
| | Sample syllabi, weekly plans, units, or lessons | 12 |
| **Areas of Policy Consensus** | Cancellation of some or all statewide assessments | 50 |
| | Recommendations to address special education | 45 |
| | Reference to federal guidance about special education during the coronavirus pandemic | 41 |
| | Guidance that some form of learning should/must continue | 41 |
| | Recommendation to attend to physical, mental, and/or emotional needs of children | 41 |
| | Recommendation to attend to considerations of equity | 36 |
| | Recommendation to consider digital & non-digital options | 35 |

| | Emerging Policy Areas | # of States |
|---|---|---|
| **Enrichment versus New Material** | Statement addressing options to continue teaching new material, limiting instruction to enrichment, either, or both | 15 |
| **Grading and Graduation** | Recommendations for flexibility in graduation req's | 23 |
| | Recommendations for grading policy | 14 |
| **English Learners** | Recommendations to attend to considerations of English learners (ELs) | 21 |
| | Examples of translations or EL policies/strategies | 9 |
| **Oversight** | Request or requirement to submit planning documents | 13 |
| **Public Broadcasting** | Scheduled public broadcasting programming | 11 |
| **Adressing Privacy Concerns** | Guidance to attend to privacy, FERPA, COPPA, PII | 20 |
| | Policies or concerns about synchronous video meetings | 9 |
| **Stakeholder Consensus Building** | Joint statements from multiple stakeholders (PTAs, unions, charter school associations, school boards, etc.) | 3 |

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# Background and Context

## Recent History of School Closures in the United States During the Coronavirus Pandemic

Metropolitan Seattle was one of the first regions to recognize the presence of a novel coronavirus (COVID-19) in the United States, and on March 4, 2020, the Northshore School District in Bothell, Washington was the first U.S. district to close during the pandemic (Takahama, 2020). After a few days of transition planning, Northshore schools started an online learning model, attempting to replicate the full class day on Monday, March 9. Northshore is an affluent suburban district with high levels of device ownership and broadband access. The first days of the initiative worked reasonably well for older students, but parents of young children reported that elementary students required full time parental supervision to participate in remote learning (Bazzaz, 2020). The Washington Office of the Superintendent of Public Instruction initially cautioned other districts against pursuing a fully online model, in consideration of the many families across Washington lacking sufficient technology access (Reykdal, 2020). These early efforts foreshadowed the crucial questions facing districts now: how much can school proceed online or at a distance, especially in communities with many working parents, few devices, and limited broadband access? Given extended closures, what can schools and districts do to fulfill their mission in these unstable times?

Throughout the middle weeks of March, as COVID-19 spread widely in the U.S., more cities and states began closing schools. Philadelphia initially declared that they would not require distance learning programs for students because it would not be possible for them to do so and provide a free appropriate public education (FAPE) to all students (Wolfman-Arent & Mezzacappa, 2020). The United States Department of Education (2020) quickly clarified that during a pandemic, schools should try to continue some form of distance learning operation, and while they should try to meet the needs of all students, barriers to meeting those needs should not prevent schools from attempting anything at all.
By late March, every state recognized that school systems would require additional guidance for addressing school closures, and all 50 state education agencies published either a designated COVID-19 web page or a section on their home page. By Friday, March 27, approximately 20% of state agencies had published substantial guidance for local education agencies (LEAs) addressing multiple issues with school closure from meal service to finance issues. In this report, we focus on the early guidance from states on remote learning. Before turning to our methods and findings, we summarize relevant scholarship on three lines of research: digital divides, virtual schooling, and education in refugee and crisis conflicts.

## Digital Divides and Digital Learning

While online learning will undoubtedly play an essential role in remote learning during the coronavirus pandemic, there are several reasons to be seriously concerned about the equity implications of a pivot to online instruction.

Many families with school-aged children lack access to computing devices and broadband. Existing research only partially characterizes these obstacles. A survey of high school students taking the ACT found that one in seven lived in homes with only one computing device for the whole family (Moore et al., 2018). Pew Research (2019) shows that only 56% of adults living in households earning less that $30,000 per year have access to broadband. To our knowledge, there is no survey data that would allow us to more precisely measure readiness for distance learning in a pandemic; we do not know what fraction of households with school-aged children have broadband access and a device for each child. By all indications, however, many school-aged children and their families, especially in rural and urban areas, face serious limits to accessing online learning.

Even when device and broadband access can be secured, a growing body of research suggests that online schooling can come with an "online penalty" for struggling and vulnerable learners (Dynarski, 2018). Recent research from large-scale community colleges (Xu & Jaggars, 2014), massive open online courses (Hansen & Reich, 2015), and full-time K-12 virtual schools (J. Ahn & McEachin, 2017; Fitzpatrick et al., 2020), suggests that many students earn lower grades

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and fail more often in online learning settings compared to on-campus learning experiences. Research from Florida, with a well-established statewide virtual school, shows more mixed outcomes, with positive effects for online modalities on course grades but negative effects on longer term outcomes like follow-on course grades and graduation readiness (Hart et al., 2019). High-achieving learners tend to be minimally affected by online schooling; students who do fine anywhere tend to do fine online. But the online penalty is more severe for vulnerable and struggling students—students with low prior achievement or from disenfranchised ethnic and racial groups. There are good reasons to believe that a pivot to online learning could most negatively affect students living in households that are also most vulnerable to negative effects of recession, food and housing insecurity, and limited access to healthcare in a pandemic.

One important caveat: online learning writ large may not have all the same challenges as online schooling. Researchers studying connected learning (Ito et al., 2012) have documented that when students from all backgrounds engage in interest-driven learning online with a community of supportive peers and mentors, they can produce remarkable works of art, programming, engineering, writing, and more. When motivation and access are high, adolescents and young adults show great proficiency in learning online; unfortunately, student motivation to pursue typically assigned topics in school is not always high.

As challenging as issues of equity are during normal school operations, digital divides will be substantially magnified during the COVID-19 pandemic.

### Virtual Schooling and Homeschooling

Recent research on outcomes from full-time virtual schools aligns with these concerning findings about online learning. Studies of full-time virtual schools in Indiana (Fitzpatrick et al., 2020) and Ohio (J. Ahn & McEachin, 2017) suggest that students do worse in these schools than in traditional district or charter schools, that the outcomes are most negative for students with low prior achievement, and that negative impacts can last for years.

Even though there are serious concerns about outcomes from full-time virtual schools, there is still much insight that public schools pivoting to remote learning can glean about their operations (Molnar et al., 2019). Most full time virtual schools use "coached homeschooling" models. Teachers provide students and families with a largely asynchronous curriculum, and then students proceed through that curriculum at their own pace. For young learners, a full-time parent or caregiver is expected to provide guidance and support. As students get older, perhaps in high school, they are more capable of working independently. This typically does not take all day. Research and guidance on homeschooling suggests that most homeschool families spend 2-4 hours per day on these schooling tasks (Collom, 2005; Gregory, 2005; Toto, 1994). Virtual school teachers spend limited time, six or fewer hours per week, in synchronous instruction (Molnar et al., 2019). Instead, the best virtual school teachers spend most of their days individually reaching out to students and families to provide coaching, tutorials, and support, making extra efforts to connect with struggling or disengaged students.

These typical models suggest four important implications for remote learning in a pandemic. First, schools and state agencies should assume that young students will require direct supervision to participate in remote schooling—supervision that may not be available from working parents providing essential services. Second, the typical approaches from virtual schools emphasize asynchronous learning. However, the sustained coordination of synchronous class times during a pandemic may prove infeasible. Third, the teacher plays two major roles: curating asynchronous curriculum and providing regular feedback, coaching, and support. This might be a major shift for teachers who see their primary role as providing whole-class, oral, direct instruction. Finally, given the many barriers to online access, the cloistered difficulties of life in a pandemic, and the research on virtual schooling and homeschooling, it may be appropriate to assume that students, especially the youngest students, will not be able to participate in school activities for lengths of time equivalent to a typical school day.

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## Education in Emergencies

For all of the challenges to equity posed by a pivot to online learning, the research literature on education during emergencies suggests that schooling can play an important role in building and reinforcing youth resilience. Studies of schooling during refugee crises and other emergencies suggest that establishing routines, providing intellectual stimulation, and maintaining relationships with peers and trusted adults can all be protective factors helping young people cope with an emergency (INEE, 2016). Schools have a vital role to play in the coronavirus pandemic; attention to issues of equity can help us ensure that schools focus their efforts on students with the greatest needs and challenges.

## Research Questions

Taken together, this research clarifies not only the substantial challenges that schools face, but also the important roles they play during the coronavirus school closures. These considerations inform the research questions that we address in our analysis of the initial remote learning guidance from the 50 U.S. state education agencies:

- What are key points of consensus that states address in their remote learning guidance?
- How do states advise LEAs in terms of digital and non-digital remote learning?
- How do states balance enrichment and review with forward progress?
- How do states address LEA obligations to students with special needs and English learners?
- How do states address grading, credit hours, graduation for seniors, and college admissions and scholarship?
- In these early days, what approaches appear to be particularly useful or noteworthy in supporting schools and families with remote learning?

## Methods

Starting on March 27, we examined the websites of all 50 U.S. state education agencies and began analyzing their COVID-19-related remote learning guidance for schools, districts, students, and families. The lead author reviewed materials from all fifty states and developed a set of coding criteria. These coding criteria were derived from concerns raised by the research above, from a grounded theory (Charmaz, 2014) approach to identifying issues salient to state agencies, and from informal discussions with teachers, school leaders, education journalists, and state policymakers over the course of March 2020. After an initial scan and development of coding criteria, additional researchers provided a more comprehensive review of state documents and contributed to coding. Some coding disagreements were reviewed in discussion, but most labels were designated by a single researcher (a more comprehensive effort revising our labels and measuring interrater reliability would be a worthy next step for future research). We made efforts to track updates to state education agency sites between March 27 and the end of the day on March 31 when we ceased new analysis, but undoubtedly we missed some updates during this dynamic period.

We address our research questions through two primary analytic methods. First, we count the presence or absence of state guidance on a number of key issues in order to identify areas of consensus and divergence, as well as emerging areas of policy concern (see Table 1). Second, we analyze case studies of particular state recommendations, guidance, and resources that are well-aligned with prior research, noteworthy for their clarity or effective execution, or significant in raising new questions not commonly addressed by other states.

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We present the research that follows as a rapid, imperfect "first look" at emerging issues in state education policy during a pandemic. We have published a March 31 snapshot of our dataset at osf.io/k6zxy/, and we also have published an open version of our dataset that the public can comment on and correct at bit.ly/StateEdCOVID. **When examining these data, we discourage readers from inferring that an absence of guidance from a particular state on a particular issue represents an absence of concern from those state policymakers on that issue.** State agencies may be communicating with local education agencies outside of website communications; they may be listening to stakeholders and preparing guidance; and our research team may have simply missed guidance among the hundreds of web pages that we read over five days.

# Findings

## Key Points of Consensus in State Education Policy Guidance

We identified seven key points of consensus found in the guidance of 35 or more states. All states have received an initial federal waiver to bypass requirements around statewide assessments. Nearly all states recommend that some form of learning should or must continue. Most states acknowledge that this learning will need to be provided through both digital channels, like online tools, and non-digital channels, like broadcast television (e.g. new PreK-12 educational programming and schedules from New York's nine PBS stations[1]), SMS messages, phone calls, and printed packets. States are clear that any efforts to provide education must also address students with special education needs. Most states reference or link to federal guidance explaining that schools should try to provide learning opportunities during school closures that adhere to free appropriate public education (FAPE), but that limitations or barriers to meeting special education needs do not prevent LEAs from pursuing remote learning (USDOE, 2020).

States also expressed concern and emphasized the importance of the physical health, mental health, and emotional needs of students. As West Virginia noted on March 25, 2020, "Feeding children is our number one priority."[2] State agencies also consistently emphasized addressing multiple dimensions of equity—digital divides, special education needs, needs of English learners, and concerns of the homeless and vulnerable—as schools pivot to remote learning. Delaware's state education agency, echoing prior guidance from Massachusetts, wrote,

> "Equity needs to be a top consideration in local planning efforts, especially as districts and charters make plans to manage an extended closure. This crisis disproportionately affects our most-vulnerable students, their physical and mental health as well as their academic outcomes."[3]

## Guidance for Digital and Non-Digital Learning Options

Most state guidance makes clear that remote learning for families with computing devices and broadband connections has the potential to look very different than for families without these resources. State agencies are directing families to new free or low-cost internet services while providing guidance about safe ways for schools to distribute laptops and other devices. For digital options, some states are encouraging districts to set up a learning management system as a central clearinghouse for dissemination of information and learning materials to families. Many states are publishing lists of resources, websites, and subscription services that address learning needs across grade levels and content areas. The guidance about these services sometimes

[1] New York State Education Department. (2020). PBS Live Broadcasting. http://www.nysed.gov/edtech/pbs-live-broadcasting
[2] West Virginia Department of Education. (2020). Coronavirus 19 Information https://wvde.us/covid19/
[3] Delaware Department of Education. (2020). Supporting Continuity of Learning in Delaware Schools. https://www.doe.k12.de.us/cms/lib/DE01922744/Centricity/Domain/599/continuity_of_learning.pdf

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embeds two, seemingly conflicting messages: there is an incredible array of options available, but schools and teachers should strive to keep things simple. Some states recommend that schools and districts focus on using their existing, established technology infrastructure, while only adding new services when necessary.

Four issues with digital learning models stand out as prominent points of discussion. First, some guidance encourages schools to consider the right balance of asynchronous and synchronous learning. While some schools or districts might be trying to replicate their existing schedule of synchronous meeting times, several state agencies explicitly caution against this approach, since coordinating the meeting times of students, parents/caregivers, and teachers (who are often addressing the needs of their own children) makes this approach very difficult and perhaps unsustainable. Vermont explicitly recommends limiting synchronous learning time to 1-2 hours per day, for example.[4]

The widespread use of synchronous video also raises a host of new issues for schools. Video conferencing has tremendous potential to maintain social connection during quarantine. However, it raises new concerns, from "zoom-bombing" (unwanted invasions of meeting rooms) to changing teacher work requirements (turning on video cameras in private spaces) to new mandated reporting issues (as teachers see inside children's homes) and risks of inappropriate teacher-student contact. Schools need guidance on these new challenges. Some states like New Hampshire provided example waivers for students and teachers to use,[5] and others like Kansas caution specifically against one-to-one video conferencing between teacher and student.[6] States need to research and monitor this issue and provide ongoing guidance.

We found at least 20 state education agencies with language reminding LEAs to adhere to privacy guidelines established by the Family Educational Rights and Privacy Act (FERPA), the Children's Online Privacy Protection Act (COPPA), and other relevant laws and regulations. Ideally, adopting new school technologies would be a thoughtful, considered process that carefully evaluates vendor terms of service and privacy policies (Plunkett & Gasser, 2016); however, this is challenging during an emergency. Some state agencies also include a disclaimer with their list of digital resources, such as New Hampshire's warning that they have "not vetted the below resources for compliance with New Hampshire minimum standards for privacy and security under RSA 189:66 or any relevant state or federal statutes, including but not limited to the ADA, FERPA, HIPAA,. Schools are advised to review all apps and websites for compliance" (New Hampshire Department of Education)[7], leaving such vetting to individual institutions and educators.

These digital challenges are substantial, but state agencies are also asking schools to simultaneously develop a parallel set of non-digital options for learners. There are three major categories of approaches to non-digital home learning. Perhaps the most commonly represented approach is "worksheet packets." Schools are encouraged to curate, print, and distribute—by mail, school bus service, or family pickup site—paper packets of learning materials. Given the dim reputation of worksheets and packets among many educators and families, a number of states are also proposing a second approach where students do learning activities with their families: e.g., walk and observe nature, cook meals, do chores around the house, or plant a garden as the winter turns to spring. Rather than try to do school learning in ill-equipped home environments, the idea is to maximize the kinds of learning that naturally happens at home. A third approach is to closely partner with public broadcasting stations. In Arkansas, for example, the local PBS stations will provide scheduled programming for students in grades K-2, 3-5, and 6-8, and each grade band gets 90 minutes of programming a day (see Figure 1). [8] The state also provides additional

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[4] Vermont Agency of Education. (2020). Transitioning to Remote Learning. https://education.vermont.gov/sites/aoe/files/documents/edu-transitioning-to-remote-learning.pdf

[5] New Hampshire Department of Education. (2020). Sample Student Release Form. https://www.education.nh.gov/sites/g/files/ehbemt326/files/sample-student-release-form.pdf

[6] Kansas Department of Education. (2020). Continuous Learning Task Force. https://www.ksde.org/Portals/0/Communications/Publications/Continuous%20Learning%20Task%20Force%20Guidance.pdf?ver=2020-03-19-084325-833

[7] New Hampshire Department of Education. (2020). Remote Instruction. https://www.education.nh.gov/who-we-are/division-of-educator-and-analytic-resources/bureau-of-educational-opportunities/public-school-approval-office/remote-instruction

[8] Arkansas Department of Education. (2020). Alternative methods of instruction http://dese.ade.arkansas.gov/divisions/learning-services/alternative-methods-of-instruction

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digital resources and proposed schedules for families to plan the rest of the day around the grade band television. By staggering programming families—especially those with television but no broadband—can get a reliable daily schedule and coordinate homeschooling, screen time, and other activities.

Curriculum development that meets the diverse needs and interests of a classroom of students is difficult during normal school operations. Developing parallel curricula for digital and non-digital remote learning during a pandemic will be a substantial challenge for school systems, and many state education leaders encourage schools and teachers to foreground simplicity in their planning.

ARKANSAS AMI LEARNING GUIDE
Supporting Continuous Learning in Arkansas

| WEEKLY SCHEDULE | | | | | | |
|---|---|---|---|---|---|---|
| | Example | Monday | Tuesday | Wednesday | Thursday | Friday |
| 8:00 am | | Ready, Set, Go! Wake up, eat breakfast, and get dressed for the day! | | | | |
| 9:00 am | | | | | | |
| 9:30 am | | Watch Grades 3-5 Arkansas PBS 9:30-11:00 each day | | | | |
| 11:00 | Literacy | | | | | |
| 12:00 pm | Lunch | | | | | |
| 1:00 pm | Play | | | | | |
| 2:00 pm | | | | | | |
| 3:00 pm | | | | | | |
| 4:00 pm | Math | | | | | |
| 5:00 pm | Fun Zone | | | | | |
| 6:00 pm | | | | | | |
| 7:00 pm | | Great time to start getting ready for bed. Once you're ready, it's a great time to snuggle with a book. | | | | |
| 8:00 pm | | | | | | |

Grades 3-5, Week 1 Page 4

**Figure 1:** Arkansas schedule planner for grades 3-5 with PBS programming. [A weekly schedule titled Arkansas AMI Learning Guide with the days of the week on the top row, hourly times from 8am to 8pm. In the 8am row is written "Ready, Get set, Go! Wake up, eat breakfast, and get ready for the day!". On the schedule at 9:30am for every weekday is written "Watch Grades 3-5 Arkansas PBS 9:30-11 each day". On the schedule at 7pm for every weekday is written "Great time to start getting ready for bed. Once you're ready, it's a great time to snuggle with a book."]

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## Diverging Approaches: Enrichment and Review Versus New Material and Forward Progress

The primary area where we found divergence in state guidance relates to the goals of remote learning during school closures. Some state agencies are hoping to continue forward progress through new material from standards-aligned curriculum. Texas, for instance, describes their efforts as helping "districts launch 'at-home schools' that maximize the amount of instructional time for students this school year and support student mastery of grade level standards."[10] Alabama has proposed a set of critical standards for K-8 teachers to use in focusing instruction during school closures.[11] By contrast, some states argue for an emphasis on skills review, projects, and similar activities categorized as "enrichment." New Mexico's early guidance suggests that home is not the place to try to recreate school, and instead school divisions should focus on supporting home-based learning:

> "Leveraging the assets of home-based learning, rather than trying to recreate school, can provide meaningful learning experiences that connect to students' home lives, interests, and identities. Trying to support school-like learning in a home setting may frustrate teachers, students, and families. Educators should consider how to give students agency to pursue learning that is relevant to them via resources that are available at home and with meaningful family engagement as possible." [12]

Some states stake out a position on these issues, and others simply highlight these as potential approaches. Nebraska suggests that these approaches might proceed in phases: leaders encourage schools and teachers to foreground simplicity in their planning.

> "If possible, school districts/school systems should consider a layered approach. This means if a district/school system is providing short-term enrichment opportunities, the school district/school system may also develop a plan that moves from providing only enrichment opportunities to providing educational opportunities.--starting with enrichment before strengthening remote learning systems and turning to new material." [13]

Issues of time and schedules are closely connected to these questions of enrichment and progress. Massachusetts offers the blanket guidance that schools should prepare learning activities that would take up about half of a typical school day, including daily time for art and exercise. [14] Kansas recommended limits that expand by grade band: "Pre-K : 30 minutes; Grades K-1: 45 minutes; Grades 2-3: 60 minutes; Grades 4-5: 90 minutes; Grades 6-12: 30 minutes per teacher (3 hours max in a day)." [15] These guidelines align with typical schedules followed by voluntary homeschool families. We did not find any guidance, even among states with the most ambitious rhetoric around maintaining forward progress, for trying to maintain typical, full-day, school schedules.

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[9] Arkansas Department of Education. (2020). Alternate Methods of Instruction, Grades 3-5, Week 1. http://dese.ade.arkansas.gov/public/userfiles/Learning_Services/Alternative_Methods_of_Instruction/3-5_AMI_Week_1.pdf

[10] Texas Education Agency. (2020). District Instructional Continuity Planning Overview https://tea.texas.gov/sites/default/files/district_instructional_continuity_planning_intro_march_20_2020.pdf

[11] Alabama State Department of Education. (2020). K-8 Critical Standards. https://drive.google.com/file/d/1ZufRLahwj884iLKjpOEp5l6EX-L1zNjP/view

[12] New Mexico Public Education Department. (2020). Supporting Students' Learning During COVID-19 School Closures with Distance Learning. https://webnew.ped.state.nm.us/wp-content/uploads/2020/03/Educators-Distance-Learning-Toolkit_Final.pdf

[13] Nebraska Department of Education. (2020) Continuity of Learning Plans Guidance Document. https://cdn.education.ne.gov/wp-content/uploads/2020/03/Statement-on-Continuity-of-Learning-_3.27.2020.pdf

[14] Massachusetts Department of Elementary and Secondary Education. (2020). Remote Learning Recommendations During COVID-19 School Closures. http://www.doe.mass.edu/covid19/2020-0326remote-learning.docx

[15] Kansas Department of Education. (2020). Continuous Learning Task Force. https://www.ksde.org/Portals/0/Communications/Publications/Continuous%20Learning%20Task%20Force%20Guidance.pdf?ver=2020-03-19-084325-833

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The case for continuing to address new material is that if as many students as possible make as much progress as possible, then the needs for later remediation may be lessened. In places with widespread capacity to support remote digital learning, it may be feasible to help many students advance and later provide targeted supports to less privileged students in the fall. In places where few students can keep up with a distance curriculum, efforts to move forward might cause teachers and families to experience more stress and angst than positive learning outcomes.

By contrast, students pursuing enrichment, freed from the constraints of standards-based learning, might have more time to focus on connected learning, hobbies and interest-driven projects. They might finish the quarantine period having developed valuable new life skills or personally-relevant knowledge. On the other hand, they may experience the equivalent of an extended period of summer learning loss (Sandberg Patton & Reschly, 2013), with particularly negative effects for students who struggle on standardized tests and other gatekeeping experiences.

In education, policy differences that appear wide at the state level can materialize modestly in practice; as historian Larry Cuban observes, teachers often "hug the middle" on pedagogical questions (Cuban, 2009). Local conditions of technology access and school culture may determine teacher practice more than state pronouncements. And state guidance also leaves rooms for flexibility, exceptions, and multiple interpretations. For instance, Massachusetts **"strongly recommend that districts and schools focus on reinforcing skills already taught this school year and applying and deepening these skills"** (emphasis in original).[16] In the next sentence, they also "recognize that in some cases, teachers and students may wish to continue with new material, particularly at the high school level." On the other side, Virginia offers the following guidance to high schools in targeting their teaching for the fourth quarter:

> "School divisions should focus efforts on:
>
> - identifying the specific required content that had not been taught as of Friday, March 13, 2020; and
> - developing learning modules to address the missing content necessary for awarding standard credit with a particular focus on content that is essential for success in subsequent coursework."[17]

Virginia also makes clear that the stakes of learning efforts during closures should be low: "The school division's plan to address missing content should not prevent student promotion to the next grade level or next sequential course."

Considering issues of enrichment versus new material may help states or schools answer the underlying question: "What is the goal of remote learning in a period of extended school closure?" Our own view is that the research on online schooling and online learning suggests that interest-driven enrichment approaches may prove to be more generative for student learning and well-being than efforts to maintain progress on standards-aligned materials. However, we also believe that at the end of the quarantine there will be exemplars and cautionary tales from both models; often in education it is more important to get one system right than to pick the one right system. Schools or states that identify with one model or another may find it useful to share materials and engage in conversations with other educators adopting similar approaches. Regardless of what model or combination of models schools choose, the serious disruption from this spring will necessitate thoughtful planning and redesign of the 2020-2021 school year.

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[16] Massachusetts Department of Elementary and Secondary Education. (2020). Remote Learning Recommendations During COVID-19 School Closures. http://www.doe.mass.edu/covid19/2020-0326remote-learning.docx

[17] Virginia Department of Education (2020). Guidance on Graduation Requirements, Awarding of Credits, and Continuity of Learning. http://www.doe.virginia.gov/support/health_medical/office/covid-19-grad-credits.shtml

AMERICAN OVERSIGHT



ED-20-0731-A-004022

## Addressing Diverse Needs of Learners During School Closures

Nearly all states have published guidance encouraging schools to do their best to provide all students with a free and appropriate public education. Perhaps unsurprisingly, very few states have offered any detailed guidance or particularly promising models of how this might be done. State primarily have suggested technology tools that can be used to make curriculum materials more accessible (for instance, North Dakota highlights the translations in Khan Academy, the potential applications of Google Translate, and the use of synchronous video for small group instruction[18]). Some states have suggested that in limited cases, school buildings might be used to provide instruction to small groups of socially distanced students with the highest need. Many states have promised forthcoming guidance on teletherapy and other approaches addressing students with disabilities, and they are offering webinars and other venues to share new practices.

Generally speaking, as researchers we have been enormously impressed with the careful yet rapid work conducted by state agencies around the country, but there is one area where we urge our colleagues to accelerate their efforts: attention to the needs of English learners (ELs). We identified only 21 states that specifically reference ELLs in their policy guidance, and only 9 that modeled sample lessons and translations. Schools' legal obligation to English learners is no less than their obligation to students with other special needs. We encourage other states who have not yet centered the needs of English learners to continue to share materials in multiple languages, partner with content developers on translations, and build peer networks among multilingual families and teachers to provide translation help and support.

In addition to students with disabilities and language learners, state education agencies should continue to generate new guidance for supporting a variety of vulnerable populations. Minnesota's offers an excellent first effort at providing guidance for students experiencing housing insecurity and recommending coordination with local and regional tribal leaders.[19] Mississippi offers brief initial guidance for youth in foster settings and in detention.[20] We are particularly concerned with the health and safety of youth in incarcerated settings, and we urge state education agencies to weigh in on their behalf (Schindler & Schiraldi, 2020).

### Case Lesson: Social Studies in San Antonio

The Texas Department of Education has shared a number of exemplar lessons from districts, including from the San Antonio Independent School District.[21] The daily lessons are presented on two slides, one in English and one in Spanish (See Figure 2). The activities are estimated to take about three hours, about half of a typical school day. One 11th/12th grade Social Studies lesson caught our attention: a suggestion to interview a family member about an important historical event and write a thank-you note explaining what the student learned. While not clearly aligned with any particular standards, the lesson has several attractive features for learning during an extended school closure: instructions are short but the possibilities of extension are wide—one can imagine that the students who enjoy the exercise might continue to interview other family members. The assignment promotes social and familial connectedness and allows students to pursue their interests. Finally, it is easily translated in multiple languages, and would fit in one or two SMS messages for those with limited internet access. In many contexts, these kinds of simple-yet- rich, extensible, interest-driven, skills-based activities may prove to be the most valuable in a pandemic.

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[18] North Dakota Department of Public Instruction. (2020). School Closure Guidance for Public School Districts and Non-Public Schools: Process Toolkit. https://www.nd.gov/dpi/sites/www/files/documents/Academic%20Support/Process%20Toolkit%20Version%20March%2030.pdf

[19] Minnesota Department of Education. (2020). School Closure Guidance for Public School Districts and Charter Schools. https://education.mn.gov/mdeprod/idcplg?IdcService=GET_FILE&dDocName=MDE032114&RevisionSelectionMethod=latestReleased&Rendition=primary

[20] Mississippi Department of Education. (2020). Updates and Information in Response to COVID-19 (Coronavirus) https://www.mdek12.org/COVID19

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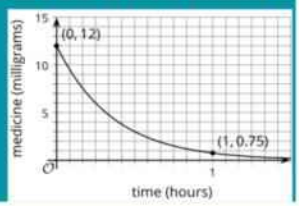
# Day 3

Return to Table of Contents

SAISD

## Math

**The amount of medicine (mg) in the bloodstream of a patient t hours after an injection decreases exponentially. Use the graph below to estimate f(½) and explain what it tells us in this situation.**




**Time: (15 min)**

## Reading-Language Arts

Option 1: Read this article about studying kindness. Answer the questions at the end of the article, and discuss the ideas that surprised you or challenged or confirmed what you already knew with someone at home.

Option 2: Find a book to read, any book that interests you, or continue reading a book. Read for 30 minutes and discuss what is happening in the book with someone in your home. What do you have questions about? What do you think will happen next?

**Time: (30 min)**

## Social Studies

With a family member, discuss a significant historical event that they experienced. Ask about how this event changed his or her life and what he or she learned from it.

After your conversation, write a thank you note or message to this family member that shares what you learned.

**Time: (30 min)**

## Physical Fitness

Complete the following:
25 jumping jacks
15 push ups
5-1 minute wall sits
20 squats
Repeat 10 times
**Time: (20 min)**

## College, Career and Military Readiness

Steps to Access Skills to Succeed. Use this code (40SAge) to register to complete a Skills to Succeed Module 2 "Why do you want to be a….?".

## Science

Research the advantages and disadvantages of hydroponic gardening and write a letter to the mayor of San Antonio describing whether or not the city should invest in hydroponic gardening based on the information you discovered in your research.

**Time: (30 min)**

## Fine Arts

**Option 1:** Character Study involves creating and internalizing the details of a character's life. Use this link, select an image and answer the questions below.

**Option 2:** Click on this link DudamelMambo. Mambo is one movement from this major work. What is the title of this original work? Who is the composer?

**Time: (20 min)**

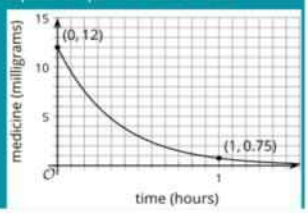
# Día 3

Regresar a la tabla de contenido

SAISD

## Matemáticas

La cantidad de medicamento (mg) en el torrente sanguíneo de un paciente **t** horas después de una inyección disminuye exponencialmente. Usa el gráfico a continuación para estimar f (½) y explicar lo que nos dice en esta situación.




**(15 min)**

## Lectura y escritura

Opción 1: Lee este artículo:
Este artículo me gusta/me sorprende porque…*Quiero saber más acerca de*…Opción 2: Lee un libro que te interesa por 20 minutos

*Escogí este libro porque…*

*Me interesa leer acerca de…*

## Estudios sociales

Con un miembro de la familia, discuta un evento histórico significativo que hayan experimentado. Pregunte cómo este evento cambió su vida y qué aprendió de él.

Después de su conversación, escriba una nota o mensaje de agradecimiento a este miembro de la familia que comparta lo que aprendió.

**(30 min)**

## Condición física

Complete lo siguiente:
25 saltos saltadores
15 flexiones
La pared de 5-1 minutos se sienta
20 sentadillas
Repite 10 veces
**(20 min)**

## Preparación universitaria, profesional y militar

Pasos para acceder a *Skills to Succeed*. Utilize esta código ***(40SAge)*** para registrarse en este sitio y completa *Skills to Succeed* Módulo 2 "Why do you want to be a..."

## Ciencias

Investigue las ventajas y desventajas de la jardinería hidropónica y escriba una carta al alcalde de San Antonio describiendo si la ciudad debería invertir o no en jardinería hidropónica según la información que descubrió en su investigación.

**(30 min)**

## Bellas artes

**Opción 1:** El estudio de personajes implica crear e internalizar los detalles de la vida de un personaje. Use este enlace, seleccione una imagen y responda las preguntas a continuación.

**Opción 2:** Haz clic en este enlace DudamelMambo. Mambo es un movimiento de este gran trabajo. ¿Cuál es el título de esta obra original? ¿Quien es el compositor?

(20 minutos)

**Figure 2:** Daily lesson plans for 11th and 12th grade students, in English and Spanish, from San Antonio Independent School District

[21] San Antonio Independent School District. (2020) Digital Playground· Online Learning at Home· Grades 11-12. https://docs.google.com/presentation/d/e/2PACX-1vStxAMrSb2rhNdvlhi16jVepSVpDHQjq8fr2A2DrKJwzad5mMuZ9Y6a4Vavgfix8c9JBxwi2UOCY6fm/pub?start=false&loop=false&delayms=3000&slide=id.g7182f84166_5_17

AMERICAN OVERSIGHT

## Addressing Bureaucracy and Policy with Flexibility and Grace: Grades, Graduation, Credit Hours, and College Admissions and Scholarships

Encouragement for flexibility—what the Kansas state education agency calls "grace" [22]—is widespread in state COVID-19 guidance. In a state-recommended video, Montana's two recent teachers of the year remind their colleagues that calving season is underway and older students in rural areas may need to address these bovine responsibilities, as well as child care for younger siblings, alongside their schooling.[23] Guidance across multiple states particularly calls for flexibility with immediate bureaucratic concerns related to graduation requirements for seniors, the assignment of credit hours for foreshortened courses, and grading.

An emerging consensus is that schools should make new accommodations to help seniors graduate. Georgia offers the strong statement: "GaDOE has issued guidance to school districts to ensure no senior will be held back from graduating on time due to the COVID-19 school closures."[24] Several states, such as New York and Alabama, recommend giving full credit to students who were passing courses as of the spring mid-term, and Alabama and others also promote the use of online credit recovery programs. As with so many issues in school closures, these programs raise issues of equity and access, as students failing courses are disproportionately from poverty-impacted neighborhoods that may lack online access to these programs. New Mexico recommends a competency-based approach to awarding credits, including opportunities for: "Passing a locally designed test, - Completing a locally designed series of assignments, - Achieving a set cut score on a college entrance exam, - Demonstrating applied work experience."[25]

Some states have encouraged school districts to dispense with grades altogether for the period of school closure, and here we see evidence that state agencies are beginning to borrow and share policies amongst each other. Massachusetts[26] and Delaware[27], for instance, use very similar language in encouraging schools to use credit/no credit where grades are necessary, and to avoid assigning no credit to students. Other states encourage flexibility in making up missed work and assigning grades.

One of the primary purposes of assigning grades in high school is to support colleges in making admissions and scholarship decisions. Presumably, in the months ahead, state college systems with selective enrollment will need to provide additional guidance to students and families. Already, a few states have offered guidance about various merit scholarship programs tied to grade point average or test scores. Florida 's state agency clarified that their "Bright Futures scholarships shall be based on available data and results" (i.e. from before closures).[28] Georgia's state university system will go SAT/ACT-optional for one year. The University of New Hampshire system has released initial guidance emphasizing that they expect to see Pass/Fail grades on future applications, and they will review future scholarship applications to attend to consideration of how Pass/Fail grades will affect GPAs. They note: "The University System of NH is committed to ensuring that nothing COVID-19-related will negatively impact a student's enrollment or future enrollment."[29]

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[22] Kansas Department of Education. (2020). Continuous Learning Task Force. https://www.ksde.org/Portals/0/Communications/Publications/Continuous%20Learning%20Task%20Force%20Guidance.pdf?ver=2020-03-19-084325-833

[23] Montana Department of Education. (2020). Remote Learning: Tips from Montana Teachers of the Year. https://youtu.be/xovpiFIpFdo

[24] Georgia Department of Education. (2020). Graduating Seniors. https://www.georgiainsights.com/graduating.html

[25] State of New Mexico. (2020). School Closure FAQ. https://www.newmexico.gov/education/school-closure-faq/

[26] Massachusetts Department of Elementary and Secondary Education. (2020). Remote Learning Recommendations During COVID-19 School Closures. http://www.doe.mass.edu/covid19/2020-0326remote-learning.docx

[27] Massachusetts Delaware Department of Education. (2020). Supporting Continuity of Learning in Delaware Schools. https://www.doe.k12.de.us/cms/lib/DE01922744/Centricity/Domain/599/continuity_of_learning.pdf

[28] Florida Department of Education (2020). Florida Department of Education Announces Additional Guidance for the 2019-20 School Year. http://www.fldoe.org/newsroom/latest-news/florida-department-of-education-announces-additional-guidance-for-the-2019-20-school-year.stml

[29] University System of New Hampshire. (2020). Policy on Pass/Fail Coursework. https://www.education.nh.gov/sites/g/files/ehbemt326/files/inline-documents/2020/usnh-passfail.pdf

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## Effective Modes of Communicating

Given the diverse constituencies that state agencies address—students, families, teachers, school boards, superintendents and so on—states are publishing their guidance in multiple formats. Having reviewed the portfolios of all fifty states, we identified a few genres of bureaucratic communication that were particularly useful.

*Commissioner Video Messages.* From Maine to Hawaii, state commissioners have begun posting short videos that convey important messages and put a human face to the work of agencies. From Pender Makin's kitchen in Maine[30] to the traditional talk story of Hawaii's Dr. K.[31], we found these short messages moving and humanizing.

*High-Level Summaries.* At the risk of betraying a hometown bias, we found the Massachusetts Remote Learning Recommendations to be a valuable model for communicating high-level principles.[32] The main recommendations are only three pages long, but they comprehensively address many core issues of equity, expectations, schedules, planning, technology, grading, and feedback, and they communicate this information in ways accessible to educators and families alike. Co-signed by teachers unions, the school board association, the state parent teacher association, the state charter association, and the superintendent's association, the document conveys a statewide consensus of priorities even in the absence of legally-binding force. For states that have distributed their initial guidance across multiple documents and memoranda or in more comprehensive guides, it may be a good time to consider publishing a concise, collaborative statement of principles.

*Comprehensive Guidance.* Illinois[33] and Kansas[34] provide useful models of more comprehensive guidance from task forces made up of multiple education stakeholders in documents of 60 and 74 pages, respectively. These more complete documents start with short statements of principles similar to Massachusetts, and they then provide consolidated reference materials and policy guidance for many detailed topics in a single PDF. Especially for states that have been publishing their guidance in dated memoranda, we recommend transitioning to a more consolidated model where guidance is organized by topic rather than by date.

*Templates and Checklists.* Several states are requesting or requiring LEAs to submit plans and forms of various kinds in order to grant waivers, identify common challenges, and find and share best practices. The Tennessee School Closure Checklist for Districts[35] and the Minnesota Distance Learning Plan Templates[36] offer models for how state policy guidance can be encoded into questions and planning documents. State education agencies might consider adapting these kinds of tools to assist LEAs in their immediate planning or in monitoring progress and refining their operations as closures continue.

*Phased Approaches.* Several states are structuring their planning around a phased approach, recognizing that schools need time for planning, a period of initial implementation, and then ongoing work to iteratively improve newly forged systems. The guidance from Texas is organized around a series of four phases in implementing their "At-Home" model (see figure 3)[37]. States that have focused on immediate guidance may consider planning for what comes after a rapid pivot to distance learning

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[30] Pender Makin. (2020). Message from the Commissioner. https://www.youtube.com/watch?v=yF562moq1yY

[31] Hawaii Department of Education. (2020). Talk Story with Dr. K.: Welcome Back. https://vimeo.com/400380847

[32] Massachusetts Department of Elementary and Secondary Education. (2020). Remote Learning Recommendations During COVID-19 School Closures. http://www.doe.mass.edu/covid19/2020-0326remote-learning.docx

[33] Illinois State Board of Education. (2020). Remote Learning Recommendations During COVID-19 Emergency. https://www.isbe.net/Documents/RL-Recommendations-3-27-20.pdf

[34] Kansas Department of Education. (2020). Continuous Learning Task Force. https://www.ksde.org/Portals/0/Communications/Publications/Continuous%20Learning%20Task%20Force%20Guidance.pdf?ver=2020-03-19-084325-833

[35] Massachusetts Tennessee Department of Education. (2020). Tennessee School Closure Checklist for Districts. https://www.tn.gov/content/dam/tn/education/health-&-safety/Academics_Toolkit_3.23.20.pdf

[36] Florida Minnesota Department of Education. (2020). Minnesota Distance Learning Plan Templates. https://education.mn.gov/mdeprod/idcplg?IdcService=GET_FILE&dDocName=MDE032166&RevisionSelectionMethod=latestReleased&Rendition=primary

[37] Texas Education Agency. (2020). Instructional Continuity Framework Detailed Guidance. https://tea.texas.gov/sites/default/files/Instructional_Continuity_Detailed_Guidance.docx

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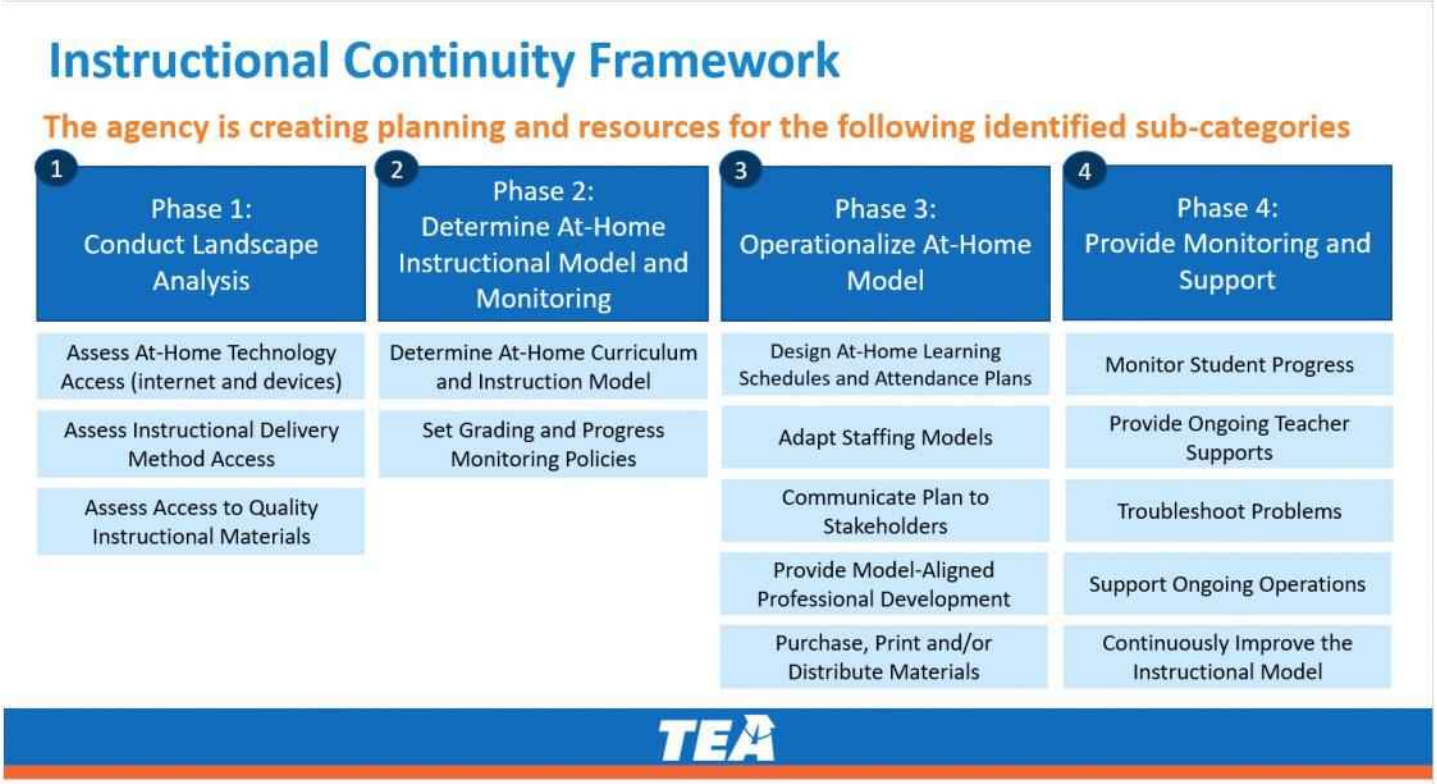


**Figure 3:** Four phase instructional continuity framework from the Texas Education Agency[38]

## Conclusion

Crises focus our priorities. Some of the changes that schools are making during this pandemic may be worth continuing when normal times return. We appreciate that several states published recommended schedules that call for daily time for physical activity and the arts, even among states recommending a shortened day (see the San Antonio Case, for example). The benefits of exercise and creative expression for addressing stress and extended crises are well documented (S. Ahn & Fedewa, 2011; Beauregard, 2014; Jansen & LeBlanc, 2010; Meyer DeMott et al., 2017), and we applaud states for this emphasis. It is perhaps noteworthy that many school systems, when operating under a typical full-day schedule, do not allot daily time for physical activity and the arts. These are the kinds of changes that school systems may reflect upon after the pandemic: if America's children needed daily exercise and arts during hard times, why not in good times as well?

For all the rapid progress made by states in their policy guidance, important issues remain unresolved. From our findings, we offer three primary recommendations as state agencies proceed with this work. First, continue to center issues of equity, with increased guidance for special populations. While states have an admirable emphasis on students with disabilities, and hopefully a growing attention to the needs of ELLs, concrete guidance about how to serve these learners in challenging times remains nascent. Second, offer instructional guidance that recognizes the challenges and constraints of home-based, distance learning. States, districts, and schools will need to quickly learn how to bolster technological infrastructure in the houses, apartments, and shelters where children live. We observe that states are recommending divergent approaches on issues such as the risks and rewards of pursuing asynchronous over synchronous schedules, the question of whether to emphasize enrichment versus covering new material, and the new challenges posed by synchronous videoconferencing in school systems.

[38] San Antonio Texas Education Agency (2020). Instructional Continuity Framework Detailed Guidance. https://tea.texas.gov/sites/default/files/Instructional_Continuity_Detailed_Guidance.docx

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It may be possible to rapidly evaluate different strategies towards these issues, shared best practices, and adjust course. Then, as schools crest the wave of an initial transition, more planning resources will need to be devoted to innovative approaches to remediating missed learning during the 2020-2021 academic year. Third, states should continue to offer clear, consolidated communications aimed at multiple target audiences. We encourage state agencies to be vocal and public about their most difficult challenges and important questions so that the education research community can partner to help address these issues.

As educators, we found the review of these 50 state-level guidance documents to be an encouraging, at times even heartwarming, exercise. The current challenges to the U.S. education system are unprecedented, and in every corner of the country, educational professionals are working together, displaying ingenuity, and centering issues of equity. This crisis demonstrates how essential schools are to our society, even as it reveals serious concerns about the extensive role that schools play in providing a safety net and social services to our country's most vulnerable children. We hope that in highlighting the diverse approaches and many exemplary practices found in state responses to extended school closures, we have provided useful guidance for addressing the challenging days ahead and preparing for future disruptions to schooling.

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# References


Ahn, J., & McEachin, A. (2017). Student Enrollment Patterns and Achievement in Ohio's Online Charter Schools. Educational Researcher, 46(1). 44-57. https://doi.org/10.3102/0013189X17692999

Ahn, S., & Fedewa, A. L. (2011). A Meta-analysis of the Relationship Between Children's Physical Activity and Mental Health. Journal of Pediatric Psychology, 36(4), 385–397. https://doi.org/10.1093/jpepsy/jsq107

Inter-agency Network for Education in Emergencies (INEE) (2016). Psychosocial Support and Social and Emotional Learning for Children and Youth in Emergency Settings. New York, USA.

Anderson, M. (2019). Mobile Technology and Broadband 2019. Pew Research Center. file:///Users/garron/Downloads/PI_2019.06.13_Mobile-Technology-and-Home-Broadband_FINAL2.pdf

Bazzaz, D. (2020, March 9). Dispatches from parents: Northshore School District's first online-only day to prevent coronavirus spread. The Seattle Times. https://www.seattletimes.com/seattle-news/education/how-northshore-parents-handled-the-first-day-of-online-learning/

Beauregard, C. (2014). Effects of classroom-based creative expression programmes on children's well-being. The Arts in Psychotherapy, 41(3), 269–277. https://doi.org/10.1016/j.aip.2014.04.003

Charmaz, K. (2014). Constructing Grounded Theory (2nd ed.). SAGE Publications Ltd.

Collom, E. (2005). The Ins and Outs of Homeschooling: The Determinants of Parental Motivations and Student Achievement. Education and Urban Society, 37(3). 307-335. https://doi.org/10.1177/0013124504274190

Cuban, L. (2009). Hugging the Middle How Teachers Teach in an Era of Testing and Accountability (1st edition). Teachers College Press.

Dynarski, S. (2018, January 19). Online Courses Are Harming the Students Who Need the Most Help. The New York Times. https://www.nytimes.com/2018/01/19/business/online-courses-are-harming-the-students-who-need-the-most-help.html

Fitzpatrick, B. R., Berends, M., Ferrare, J. J., & Waddington, R. J. (2020). Virtual Illusion: Comparing Student Achievement and Teacher and Classroom Characteristics in Online and Brick-and-Mortar Charter Schools. Educational Researcher. https://doi.org/10.3102/0013189X20909814

Gregory, E. R. (2005). "Curriculum and the status of physical education in homeschooling". Teaching and Leadership - Dissertations. 36. https://surface.syr.edu/tl_etd/3

Hansen, J. D., & Reich, J. (2015). Democratizing education? Examining access and usage patterns in massive open online courses. Science, 350(6265), 1245–1248.


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Hart, C. M. D., Berger, D., Jacob, B., Loeb, S., & Hill, M. (2019). Online Learning, Offline Outcomes: Online Course Taking and High School Student Performance. AERA Open. https://doi.org/10.1177/2332858419832852

Ito, M., Gutierrez, K., Livingstone, S., Penuel, B., Rhodes, J., Salen, K., Schor, J., Sefton-Green, J., & Watkins, S. C. (2012). Connected Learning: An Agenda for Research and Design. DML Research Hub. https://dmlhub.net/publications/connected-learning-agenda-for-research-and-design/index.html

Jansen, I., & LeBlanc, A. G. (2010). Systematic review of the health benefits of physical activity and fitness in school-aged children and youth. International Journal of Behavioral Nutrition and Physical Activity, 7(40). https://doi.org/10.1186/1479-5868-7-40

Meyer DeMott, M. A., Jakobsen, M., Wentzel-Larson, T., & Heir, T. (2017). A controlled early group intervention study for unaccompanied minors: Can Expressive Arts alleviate symptoms of trauma and enhance life satisfaction? Scandinavian Journal of Psychology, 58(6), 510–518.

Molnar, A., Miron, G., Elgeberi, N., Barbour, M. K., Huerta, L., Shafer, S. R., & Rice, J. K. (2019). Virtual Schools in the U.S. 2019. National Education Policy Center. https://nepc.colorado.edu/publication/virtual-schools-annual-2019

Plunkett, L., & Gasser, U. (2016). Student Privacy and Ed Tech (K-12) Research Briefing (No. 2016–15). Berkman Center. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2842800

Reykdal, C. (2020). BULLETIN NO. 016-20 STUDENT ENGAGEMENT AND SUPPORT. Washington Office of Superintendent of Public Instruction. https://www.k12.wa.us/sites/default/files/public/bulletinsmemos/bulletins2020/COVID-19%20Guidance%20on%20Online%20Learning_Waivers_School%20Closures_as%20of%20March%206%202020.pdf

Sandberg Patton, K. L., & Reschly, A. L. (2013). Using Curriculum-Based Measurement to Examine Summer Learning Loss. Psychology in the Schools, 50(7), 738–753.

Schindler, M., & Schiraldi, V. (2020, March 27). Let's keep youth justice from making the coronavirus worse. USA Today. https://www.usatoday.com/story/opinion/policing/2020/03/27/coronavirus-lets-keep-youth-justice-making-pandemic-worse-column/2909458001/

Takahama, E. (2020, March 4). Northshore School District closes all schools for coronavirus concerns: 'We are no longer able to provide quality instruction.' The Seattle Times. https://www.seattletimes.com/seattle-news/education/northshore-school-district-closes-all-schools-beginning-thursday-school-will-resume-online-monday/

Toto, J. (1994). How to Homeschool (Yes, You!) (1st ed.). Vital Issues Pr.

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ED-20-0731-A-004030

United States Department of Education, Office for Civil Rights, & Office of Special Education and Rehabilitative Services. (2020). Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities. https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf

Wolfman-Arent, A., & Mezzacappa, D. (2020, March 18). Philly schools forbid graded 'remote instruction' during shutdown for equity concerns. WHYY. https://whyy.org/articles/philly-schools-forbid-remote-instruction-during-shutdown-for-equity-concerns/

Xu, D., & Jaggars, S. S. (2014). Performance Gaps Between Online and Face-to-Face Courses: Differences Across Types of Students and Academic Subject Areas. The Journal of Higher Education, 85(5). 633-659. https://muse.jhu.edu/article/553171

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**From:** VanderPloeg, Laurie
**Sent:** Tue, 17 Mar 2020 11:36:11 +0000
**To:** Schultz, Mark
**Cc:** Levorse, Audrey
**Subject:** FW: Rep. DeLauro Letter
**Attachments:** Response Letter DeLauro 3 16 BSS.docx

I read through the responses and they reflect the information in our Q & A. Do you see any red flags? If not, I would like to respond to Brandon soon. Thanks

---

**From:** Sherman, Brandon <Brandon.Sherman@ed.gov>
**Sent:** Monday, March 16, 2020 5:13 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Subject:** Rep. DeLauro Letter

Hi Laurie,

I am coordinating responses for Congressional correspondences relating to COVID-19.

Rep. DeLauro sent a letter to the Department regarding students with disabilities and COVID-19. I have drafted a response. However, I would appreciate your review and any comments.

Thank you,
Brandon

Brandon S. Sherman
U.S. Department of Education
400 Maryland Ave., SW
Washington DC, 20202
Office: 202-260-1115
Cell: 202-264-9830

AMERICAN OVERSIGHT

Page 01978

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(b)(5)

of the Freedom of Information and Privacy Act

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Page 01979

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of the Freedom of Information and Privacy Act

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Page 01982

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of the Freedom of Information and Privacy Act

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**From:** Ryder, Ruth
**Sent:** Tue, 17 Mar 2020 14:40:23 +0000
**To:** VanderPloeg, Laurie
**Cc:** Corr, Gregg;Wexler, Larry
**Subject:** FW: Request for FFY19 Grant Extension
**Attachments:** changingMD.png, ATT00001.htm, changingMD.png, ATT00002.htm, DOE Letter.pdf, ATT00003.htm

Sharing with you since IDEA is mentioned in this letter. I know you're in a different place re Tydings waivers than we are.

(b)(5)

---

**From:** Brogan, Frank <Frank.Brogan@ed.gov>
**Sent:** Tuesday, March 17, 2020 9:26 AM
**To:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Fwd: Request for FFY19 Grant Extension

Sent from my iPhone

Begin forwarded message:

**From:** Amalie Brandenburg -MSDE- <amalie.brandenburg@maryland.gov>
**Date:** March 17, 2020 at 9:22:37 AM EDT
**To:** "Brogan, Frank" <Frank.Brogan@ed.gov>
**Cc:** "Dalton, Ashley" <Ashley.Dalton@ed.gov>
**Subject: Request for FFY19 Grant Extension**

Please see email below. Can you help ensure this request is directed to the appropriate persons?

Thank you,

Amalie

---------- Forwarded message ---------
From: **Amalie Brandenburg -MSDE-** <amalie.brandenburg@maryland.gov>
Date: Tue, Mar 17, 2020 at 7:54 AM
To: <tina.hunter@ed.gov>

AMERICAN OVERSIGHT

Ms. Hunter,

Please see the attached letter from Superintenent Salmon requesting an extension of our FFY 19 federal grants. Please let me know if I need to send the request to additional Department of Education contacts.

Amalie

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CHANGING
Maryland
*for the Better*

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# CHANGING Maryland for the Better

ED-20-0731-A-004041

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Amalie Brandenburg
Deputy for Finance
Office of Finance and Administration
Maryland State Department of Education
200 W. Baltimore Street
Baltimore, MD 21201-2595
Amalie.Brandenburg@maryland.gov
(410) 767-0010 (office)
(410) 333-2232 (fax)

Click here to complete a three question customer experience survey

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# CHANGING Maryland for the Better

ED-20-0731-A-004043

AMERICAN OVERSIGHT

Amalie Brandenburg
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Office of Finance and Administration
Maryland State Department of Education
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MARYLAND STATE DEPARTMENT OF EDUCATION
EQUITY AND EXCELLENCE

**Karen B. Salmon, Ph.D.**
State Superintendent of Schools

March 16, 2020

Tina Hunter, Executive Officer
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Ms. Hunter:

The Maryland State Department of Education (MSDE) is writing to request approval from the United States Department of Education (USDE) to extend the grant period for federal fiscal year 2019 grants issued from the USDE to the State of Maryland through the Maryland State Department of Education (MSDE) and the Maryland Division of Rehabilitation Services. The federal grants in this request include, but are not limited to: Title I, Title II, Title III, Title IV, 21st Century Community Learning Centers, IDEA Part B, IDEA Part b, IDEA Part C, Rehabilitation Services, Independent Living, etc. MSDE would like to extend the grant period through March 2021. All funds expended during this period will be used for allowable activities under obligations incurred during the grant period.

I appreciate your assistance during this unprecedented time. Should you need any additional information, please feel free to contact Amalie Brandenburg, Deputy State Superintendent for Finance. Amalie can be reached at 410-767-0011 or at amalie.brandenburg@maryland.gov.

Best Regards,

(b)(6)

Karen B. Salmon, Ph.D.
State Superintendent of Schools

cc: Amalie Brandenburg



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OVERSIGHT

**From:** Schultz, Mark
**Sent:** Fri, 13 Mar 2020 20:54:04 +0000
**To:** March, Greg;Levorse, Audrey;VanderPloeg, Laurie
**Subject:** FW: TA - Murray Bill
**Attachments:** Murray Cornavirus - S.3489.pdf
**Importance:** High

Focus is on section 2. At a glance, the most relevant activities are the allowable activities in 8 and 9 under Use of Funds, Allowable Activities in Section 2.

---

**From:** Petersen, Molly <Molly.Petersen@ed.gov>
**Sent:** Friday, March 13, 2020 4:00 PM
**To:** Slack, Emily <Emily.Slack@ed.gov>; Riddle, Paul <Paul.Riddle@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; King, Robert <Robert.King@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; King, Elizabeth <Elizabeth.King@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; Simpson, Daniel <Daniel.Simpson@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>
**Cc:** Blew, Jim <James.Blew@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>; Kean, Larry <Larry.Kean@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>; Forester, James <James.Forester@ed.gov>; Riley, Mary Christina <MaryChristina.Riley@ed.gov>; Bartlett, Anna <Anna.Bartlett@ed.gov>
**Subject:** FW: TA - Murray Bill
**Importance:** High

(b)(5)

Thank you,

Molly Petersen
Legislative Director

AMERICAN OVERSIGHT

116TH CONGRESS
2D SESSION

# S. _____

To support children and students in responding to safety and health risks presented by qualifying emergencies, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

_____

Mrs. MURRAY (for herself, Mrs. GILLIBRAND, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on _____

---

# A BILL

To support children and students in responding to safety and health risks presented by qualifying emergencies, and for other purposes.

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Supporting Students in Response to Coronavirus Act".

**SEC. 2. EDUCATION PREPAREDNESS AND SUPPORT GRANTS.**

(a) DEFINITIONS.—In this section:



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(1) CHILD WITH A DISABILITY.—The term "child with a disability" has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(2) DISABILITY.—The term "disability" has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(3) ELEMENTARY SCHOOL.—The term "elementary school" has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a Bureau of Indian Education school;

(B) a local educational agency, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); or

(C) an institution of higher education, as defined by the Secretary in accordance with the definitions of the term under title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).



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(5) LOW-INCOME CHILD OR STUDENT.—The term "low-income child or student" means—

(A) a child described under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); or

(B) a student who is eligible for a Federal Pell Grant under subpart 1 of part A of title IV (20 U.S.C. 1070a).

(6) NON-PUBLIC SCHOOL.—The term "non-public school" means a non-public elementary school or secondary school that—

(A) is accredited, licensed, or otherwise operates in accordance with State law; and

(B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section.

(7) QUALIFYING EMERGENCY.—The term "qualifying emergency" means—

(A) a public health emergency declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d);

(B) an emergency for which a Governor of a State or territory has declared a state of emergency;



AMERICAN OVERSIGHT

(C) an event for which the President declared a major disaster or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191); or

(D) a national emergency declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1621).

(8) PUBLIC SCHOOL.—The term "public school" means a public elementary school or secondary school.

(9) SECRETARY.—The term "Secretary" means the Secretary of Education.

(10) SECONDARY SCHOOL.—The term "secondary school" has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(11) STATE.—The term "State" has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(12) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).



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1 (b) AUTHORIZATION OF GRANTS.—
2 (1) IN GENERAL.—From amounts appropriated
3 to carry out this section and not reserved under
4 paragraph (3), the Secretary is authorized to award
5 grants, on a competitive basis, to States and the Bu-
6 reau of Indian Education to enable the States and
7 Bureau of Indian Education to respond to safety
8 and health risks presented by qualifying emer-
9 gencies.
10 (2) GRANT PERIOD.—Grant funds awarded
11 under this section shall be expended not later than
12 2 years after the date on which such funds are
13 awarded.
14 (3) TECHNICAL ASSISTANCE.—The Secretary
15 shall reserve not less than 0.5 percent and not more
16 than 1 percent of amounts appropriated to carry out
17 this section to enable the Department of Edu-
18 cation—
19 (A) to provide technical assistance to eligi-
20 ble entities that request technical assistance;
21 and
22 (B) to coordinate technical assistance that
23 is provided by State, local, tribal, and territorial
24 public health departments and other relevant
25 agencies.


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(4) NOTICE.—The Secretary shall issue a notice inviting applications for grants under this section not later than 30 days after the date of enactment of this Act.

(5) RECEIPT OF APPLICATIONS.—The Secretary shall accept applications from States and the Bureau of Indian Education under this section on a rolling basis.

(6) RESPONSE.—The Secretary shall approve or deny applications from States and the Bureau of Indian Education under subsection (c) not later than 30 days after the date of the submission of the application.

(c) APPLICATION REQUIREMENTS FOR STATES AND BIE.—

(1) IN GENERAL.—A State or the Bureau of Indian Education shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require. Each application shall include a description of the competitive grant process the State or Bureau of Indian Education will establish to award subgrant funds to eligible entities, including—

(A) a demonstration of the need for funds;



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(B) a description of how the State will coordinate with—

(i) the State educational agency; and

(ii) if applicable, the State agency with jurisdiction over public higher education in the State;

(C) a description of how the State or Bureau of Indian Education will make eligible entities aware of available funds;

(D) a description of the criteria the State or Bureau of Indian Education will use to award the subgrants; and

(E) a description of how the subgrant funds will be allocated.

(2) LEAD APPLICANT.—In the case of a State that is applying for a grant under this section, the Governor shall be the lead applicant.

(d) USE OF FUNDS; SUBGRANTS.—

(1) IN GENERAL.—A State or the Bureau of Indian Education receiving a grant under this section shall—

(A) reserve 5 percent of grant funds to provide technical assistance, including providing technical assistance to eligible entities with limited administrative capacity, and carry out the



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1 reporting requirements described in subsection
2 (h); and
3 (B) use 95 percent of grant funds to
4 award subgrants, on a competitive basis, to eli-
5 gible entities or consortia of eligible entities.
6 (2) APPLICATION.—An eligible entity desiring
7 to receive a subgrant under this section shall submit
8 to the State, or the Bureau of Indian Education, as
9 applicable, an application containing—
10 (A) a description of the need for funds;
11 (B) a description of how the eligible entity
12 will use the funds, including by providing a
13 budget;
14 (C) a description of how the eligible entity
15 will address the unique needs of low-income
16 children or students, children with disabilities
17 and students with disabilities, English learners,
18 racial and ethnic minorities, students experi-
19 encing homelessness, and children in foster
20 care;
21 (D) in the case of an eligible entity that is
22 a local educational agency, an assurance that
23 the local educational agency—


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(i) has taken the needs of public schools and non-public schools into account prior to the application for funds;

(ii) will notify all public schools and non-public schools in its boundaries of the receipt of grant funds under this section; and

(iii) based on the severity of impact and demonstrated need, will address the needs of public schools and non-public schools in its boundaries; and

(E) any other requirements established by the Governor.

(3) PRIORITY.—In awarding subgrants under this section a grantee shall prioritize the following eligible entities:

(A) Eligible entities with respect to which a significant percentage of the population served by the eligible entity is impacted by a qualifying emergency.

(B) Eligible entities serving a high percentage of low-income children or students.

(e) USES OF FUNDS FOR SUBGRANTS.—An eligible entity receiving a subgrant under this section shall use



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1 subgrant funds to carry out one or more of the following
2 activities:
3 (1) Coordination of preparedness and response
4 efforts of eligible entities with State, local, tribal,
5 and territorial public health departments, and other
6 relevant agencies, to improve coordinated responses
7 to qualifying emergencies among such entities.
8 (2) Activities coordinated with State, local, trib-
9 al, and territorial public health departments to de-
10 tect, prevent, or mitigate the spread of infectious
11 disease or otherwise respond to a qualifying emer-
12 gency.
13 (3) Developing and implementing procedures
14 and systems to improve the preparedness and re-
15 sponse efforts of eligible entities.
16 (4) Providing mental health services and sup-
17 ports, including—
18 (A) counseling, for students and staff of
19 the eligible entity; and
20 (B) mental health crisis response and
21 intervention services for students and staff of
22 the eligible entity affected by a qualifying emer-
23 gency.


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1 (5) Training and professional development for
2 staff of the eligible entity on sanitation and mini-
3 mizing the spread of infectious diseases.
4 (6) Purchasing supplies to sanitize and clean
5 the facilities of an eligible entity, including buildings
6 operated by local educational agencies or institutions
7 of higher education.
8 (7) Hiring outside experts to provide training
9 and professional development for staff to mitigate
10 and minimize the spread of infectious disease in ele-
11 mentary schools and secondary schools, and build-
12 ings operated by local educational agencies and insti-
13 tutions of higher education and compensating such
14 staff for any regular or overtime hours spent during
15 such training or professional development and for
16 any duties performed as a result of that training or
17 professional development. If an eligible entity dem-
18 onstrates that the severity of the hazard precludes
19 the feasible use of existing staff and that services by
20 outside experts is necessary to remedy the hazard,
21 such amounts may be utilized for hiring outside ex-
22 perts to mitigate and minimize spread of infectious
23 disease in such facilities.
24 (8) Planning for long-term closures, including
25 planning for how to provide meals to eligible stu-


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1 dents, how to provide technology for virtual instruc-
2 tion to all students, how to provide guidance for car-
3 rying out requirements under the Individuals with
4 Disabilities Education Act (20 U.S.C. 1401 et seq.),
5 and how to ensure other educational services can
6 continue to be provided consistent with all Federal,
7 State, and local requirements.

8 (9) Purchasing educational technology for stu-
9 dents who are served by the eligible entity, including
10 low-income students and students with disabilities,
11 which may include assistive technology or adaptive
12 equipment.

13 (10) Other activities that are necessary to
14 maintain the operation of and continuity of services
15 in local educational agencies or institutions of higher
16 education, such as providing information to parents
17 on efforts to prevent and respond to a qualifying
18 emergency.

19 (11) Hiring temporary employees that are nec-
20 essary to maintain the operations of the eligible enti-
21 ty in the event that the employees of the eligible en-
22 tity are unable to work by reason of a qualifying
23 emergency, provided that the eligible entity carries
24 out and agrees to all of the following:



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1 (A) The eligible entity compensates any
2 such temporary employees at a minimum
3 amount of the greater of—
4 (i) the regular rate of pay of the em-
5 ployee who is unable to work by reason of
6 the qualifying emergency;
7 (ii) the minimum wage provided by
8 section 6(a)(1) of the Fair Labor Stand-
9 ards Act of 1938 (29 U.S.C. 206(a)(1)); or
10 (iii) the minimum wage amount pro-
11 vided for by the State or locality in which
12 the employee is employed.
13 (B) The eligible entity continues to com-
14 pensate any employee who is unable to work by
15 reason of a qualifying emergency and who is
16 temporarily replaced under this paragraph at a
17 minimum amount of the greater of—
18 (i) the regular rate of pay of the em-
19 ployee who is unable to work because of
20 the qualifying emergency;
21 (ii) the minimum wage provided by
22 section 6(a)(1) of the Fair Labor Stand-
23 ards Act of 1938 (29 U.S.C. 206(a)(1)); or


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1 (iii) the minimum wage amount pro-
2 vided for by the State or locality in which
3 the employee is employed.
4 (C) An employee who was unable to work
5 by reason of the qualifying emergency shall not
6 be denied initial employment, reemployment, re-
7 tention in employment, promotion, or any ben-
8 efit of employment by an entity on the basis of
9 the employee's previous absence by reason of
10 the qualifying emergency event.
11 (D) A person who is reemployed under this
12 paragraph is entitled to the seniority and other
13 rights and benefits determined by seniority that
14 the person had on the date of the qualifying
15 emergency plus the additional seniority and
16 rights and benefits that such person would have
17 attained if the person had remained continu-
18 ously employed.
19 (E) In any case in which an employee who
20 is unable to work by reason of the qualifying
21 emergency (or the employee's dependents) is en-
22 rolled in a group health plan (as defined in sec-
23 tion 733 of the Employee Retirement Income
24 Security Act of 1974), including group health
25 insurance coverage (as defined in such section


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733) offered in connection with such a plan, and such person is absent from such position of employment by reason of the qualifying emergency, or such person becomes eligible for medical and dental care under chapter 55 of title 10 by reason of subsection (d) of section 1074 of that title, the plan or coverage shall provide that the person may elect to continue such enrollment in the plan or coverage for the duration of the qualifying emergency. The eligible entity shall continue to make employer contributions on its share of premiums and other amounts on behalf of employees as it may have otherwise have had to pay had the employee not been unavailable by reason of the emergency.

(F) The eligible entity may not discriminate in employment against or take any adverse employment action against any person because such person—

(i) has taken an action to enforce a protection afforded any person under this paragraph;

(ii) has testified or otherwise made a statement in or in connection with any pro-



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1 ceeding to enforce a protection under this
2 paragraph;
3 (iii) has assisted or otherwise partici-
4 pated in an investigation to enforce a pro-
5 tection under this paragraph; or
6 (iv) has exercised a right provided for
7 in this paragraph.
8 (G) An eligible entity shall be considered
9 to have engaged in actions prohibited under this
10 paragraph—
11 (i) if the employee's inability to work
12 during the qualifying emergency is a moti-
13 vating factor in the eligible entity's action,
14 unless the program or agency can prove
15 that the action would have been taken in
16 the absence of the employee's inability to
17 work; or
18 (ii) if the employee's—
19 (I) action to enforce a protection
20 afforded any person under this para-
21 graph;
22 (II) testimony or making of a
23 statement in or in connection with
24 any proceeding to enforce a protection
25 under this paragraph;


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(III) assistance or other participation in an investigation to enforce a protection under this paragraph; or

(IV) exercise of a right provided for in this paragraph;

is a motivating factor in the eligible entity's action, unless the program or agency can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

(H) An action to recover any damages or equitable relief for violating this paragraph may be maintained against the eligible entity in any Federal or State court of competent jurisdiction by one or more employees or individuals or their representative.

(f) COLLECTIVE-BARGAINING.—

(1) RULE OF CONSTRUCTION.—Nothing in subsection (e) shall be construed to displace any otherwise applicable provision of any collective-bargaining agreement between the eligible entity and a labor organization, as defined by section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)) or



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1 analogous State law, representing its employees or
2 to otherwise relieve the eligible entity of its duty to
3 bargain with any such labor organization.
4 (2) MAINTENANCE OF WAGES, BENEFITS,
5 TERMS, AND CONDITIONS.—Any eligible entity re-
6 ceiving funds under this section shall maintain the
7 wages, benefits, and other terms and conditions of
8 employment set forth in any collective-bargaining
9 agreement between the eligible entity and a labor or-
10 ganization, as defined in paragraph (1), of its em-
11 ployees or otherwise abide by the terms of any appli-
12 cable law for the duration of the qualifying emer-
13 gency and any such additional period as determined
14 by the Secretary, but not less than 6 months after
15 the declaration of the termination of the qualifying
16 emergency.
17 (g) PUBLIC CONTROL OF FUNDS.—For an eligible
18 entity that is a local educational agency—
19 (1) the control of funds for the services and as-
20 sistance provided to a non-public school under this
21 section, and title to materials, equipment, and prop-
22 erty purchased with such funds, shall be in a public
23 agency, and a public agency shall administer such
24 funds, materials, equipment, and property and shall
25 provide such services (or may contract for the provi-


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1 sion of such services with a public or private entity);
2 and
3 (2) when carrying out subsection (e), the local
4 educational agency may serve non-public schools
5 based on demonstrated need and impact.
6 (h) REPORTING.—
7 (1) REPORT TO THE SECRETARY.—At the end
8 of the grant period, a grantee shall prepare and sub-
9 mit to the Secretary a report containing the fol-
10 lowing information:
11 (A) The number of subgrants awarded,
12 disaggregated by the type of eligible entity.
13 (B) A list of subgrantees.
14 (C) The average subgrant award amount.
15 (D) The number of subgrant applicants.
16 (E) A summary of the activities that eligi-
17 ble entities carried out using subgrant funds.
18 (2) ELIGIBLE ENTITIES REPORT TO THE STATE
19 OR BIE.—Not later than 180 days after receiving a
20 subgrant under this section, and every 180 days
21 thereafter, an eligible entity shall prepare and sub-
22 mit to the State or Bureau of Indian Education, as
23 applicable, a report containing the following infor-
24 mation:


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(A) A summary of the activities that the eligible entity carried out using subgrant funds.

(B) The number of children or students who were served by such activities, if applicable.

(i) AUTHORIZATION OF MANDATORY FUNDING.—There are authorized to be appropriated, and there are appropriated, from amounts in the Treasury not already appropriated, to carry out this section $600,000,000 for fiscal year 2020 and 2021 (in addition to any other amounts appropriated to carry out this section).

**SEC. 3. PREPAREDNESS AND SUPPORT GRANTS FOR EARLY CARE AND EDUCATION PROGRAMS AND HEAD START AGENCIES.**

(a) DEFINITIONS.—In this section:

(1) CHILD WITH A DISABILITY.—The term "child with a disability" has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(2) ELIGIBLE EARLY CARE AND EDUCATION PROGRAM.—The term "eligible early care and education program" means—

(A) an eligible child care provider, as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n);



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1 (B) a State prekindergarten program; or
2 (C) a group of entities described in sub-
3 paragraph (A) or (B).
4 (3) HEAD START AGENCY.—The term "Head
5 Start agency" means a Head Start agency, including
6 an Early Head Start agency, designated under sec-
7 tion 641 of the Head Start Act (42 U.S.C. 9836).
8 (4) LEAD AGENCY.—The term "lead agency"
9 means a lead agency under the Child Care and De-
10 velopment Block Grant Act of 1990 (42 U.S.C.
11 9858).
12 (5) LOW-INCOME CHILD.—The term "low-in-
13 come child" means an eligible child as defined in
14 section 658P of the Child Care and Development
15 Block Grant Act of 1990 (42 U.S.C. 9858n).
16 (6) QUALIFYING EMERGENCY.—The term
17 "qualifying emergency" means—
18 (A) a public health emergency declared by
19 the Secretary of Health and Human Services
20 pursuant to section 319 of the Public Health
21 Service Act (42 U.S.C. 247d);
22 (B) an emergency for which a Governor of
23 a State or territory has declared a state of
24 emergency;


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(C) an event for which the President declared a major disaster or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191); or

(D) a national emergency declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1621).

(7) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) AUTHORIZATION OF GRANTS FOR EARLY CARE AND EDUCATION PROGRAMS AND HEAD START AGENCIES.—

(1) IN GENERAL.—From amounts appropriated to carry out this section and not reserved under paragraphs (3) or (4), the Secretary is authorized to award grants, on a competitive basis, to the lead agency to enable the lead agency to respond to safety and health risks presented by qualifying emergencies.

(2) GRANT PERIOD.—Grant funds awarded under this section shall be expended not later than 2 years after the date on which such funds are awarded.



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1 (3) RESERVATION.—The Secretary shall reserve
2 10 percent of the amounts appropriated to carry out
3 this section to award competitive grants to Head
4 Start agencies.
5 (4) TECHNICAL ASSISTANCE.—The Secretary
6 shall reserve 0.5 percent of the amounts appro-
7 priated to carry out this section to enable the De-
8 partment of Health and Human Services—
9 (A) to provide technical assistance to eligi-
10 ble early care and education programs that re-
11 quest technical assistance; and
12 (B) to coordinate technical assistance that
13 is provided by State, local, tribal, and territorial
14 public health departments and other relevant
15 agencies.
16 (5) NOTICE.—The Secretary shall issue a notice
17 inviting applications for grants under this section
18 not later than 30 days after the date of enactment
19 of this Act.
20 (6) RECEIPT OF APPLICATIONS.—The Secretary
21 shall accept applications from lead agencies and
22 Head Start agencies under this section on a rolling
23 basis.
24 (7) RESPONSE.—The Secretary shall approve or
25 deny applications from lead agencies and Head Start


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1 agencies under subsection (c) not later than 30 days
2 after the date of the submission of the application.
3 (c) APPLICATION REQUIREMENTS.—
4 (1) IN GENERAL.—A lead agency shall submit
5 an application to the Secretary at such time, in such
6 manner, and including such information as the Sec-
7 retary may reasonably require. Each application
8 shall include a description of the competitive grant
9 process the lead agency will establish to award
10 subgrant funds to eligible early care and education
11 programs, including—
12 (A) a demonstration of the need for funds;
13 (B) a description of how the lead agency
14 will make eligible early care and education pro-
15 grams aware of available funds;
16 (C) a description of the criteria the lead
17 agency will use to award the subgrants;
18 (D) a description of how the subgrant
19 funds will be allocated; and
20 (E) an assurance that the lead agency will,
21 for the duration of the qualifying emergency,
22 implement enrollment and eligibility policies
23 that support the fixed costs of providing child
24 care services by delinking provider reimburse-


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1 ment rates from an eligible child's absence due
2 to the qualifying emergency.
3 (2) HEAD START AGENCIES.—A Head Start
4 agency desiring a grant under this section to carry
5 out the activities described in subsection (e) with re-
6 spect to Head Start programs shall submit an appli-
7 cation to the Secretary at such time, in such man-
8 ner, and including such information as the Secretary
9 may reasonably require, including—
10 (A) a description of the need for funds;
11 (B) a description of how the Head Start
12 agency will use the funds, including by pro-
13 viding a budget;
14 (C) a description of how the Head Start
15 agency will address the unique needs of low-in-
16 come children, children with disabilities,
17 English learners, racial and ethnic minorities,
18 and children experiencing homelessness; and
19 (D) any other requirements established by
20 the Secretary.
21 (d) USES OF GRANT FUNDS BY LEAD AGENCY.—
22 (1) IN GENERAL.—The lead agency shall—
23 (A) reserve 5 percent of grant funds to
24 provide technical assistance, including providing
25 technical assistance to eligible early care and


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1 education programs with limited administrative
2 capacity, and carry out the reporting require-
3 ments described in subsection (f); and
4 (B) use 95 percent of grant funds to
5 award subgrants, on a competitive basis, to eli-
6 gible early care and education programs.
7 (2) APPLICATION.—An eligible early care and
8 education program desiring to receive a subgrant
9 under this section shall submit to the lead agency an
10 application containing—
11 (A) a description of the need for funds;
12 (B) a description of how the eligible early
13 care and education program will use the funds,
14 including by providing a budget;
15 (C) a description of how the eligible early
16 care and education program will address the
17 unique needs of low-income children, children
18 with disabilities, English learners, racial and
19 ethnic minorities, and children experiencing
20 homelessness; and
21 (D) any other requirements established by
22 the lead agency.
23 (3) PRIORITY.—In awarding subgrants under
24 this section, the lead agency shall prioritize the fol-
25 lowing eligible early care and education programs:


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(A) Eligible early care and education programs with respect to which a significant percentage of the population served by the eligible early care and education program is impacted by a qualifying emergency.

(B) Eligible early care and education programs serving a high percentage of children receiving child care assistance from State programs funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

(e) USES OF FUNDS.—An eligible early care and education program receiving a subgrant under this section shall carry out one or more of the following activities with respect to such program, and a Head Start agency receiving a grant under this section shall carry out one or more of the following activities with respect to Head Start programs:

(1) Coordination of preparedness and response efforts of eligible early care and education programs or Head Start programs with State, local, tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses to qualifying emergencies among such entities.



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1 (2) Activities to detect, prevent, or mitigate the
2 spread of infectious disease or otherwise respond to
3 a qualifying emergency based on best practices iden-
4 tified by or in coordination with a State, local, tribal,
5 or territorial public health department.
6 (3) Developing and implementing procedures
7 and systems to improve the preparedness and re-
8 sponse efforts of eligible early care and education
9 programs or Head Start programs.
10 (4) Providing mental health services and sup-
11 ports, including—
12 (A) counseling for children and staff of the
13 eligible early care and education program or
14 Head Start program; and
15 (B) mental health crisis response and
16 intervention services for children and staff of
17 the eligible early care and education program or
18 Head Start program affected by a qualifying
19 emergency.
20 (5) Training and professional development for
21 staff of the eligible early care and education pro-
22 gram or Head Start program on sanitation, and
23 minimizing the spread of infectious diseases.
24 (6) Purchasing supplies to sanitize and clean
25 the facilities of an eligible early care and education


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1 program or Head Start program, or hiring outside
2 experts to mitigate and minimize spread of infec-
3 tious disease in such facilities.
4 (7) Other costs that are necessary to maintain
5 the operation of eligible early care and education
6 programs or Head Start programs, such as sub-
7 stitute staff or other emergency assistance.
8 (8) Hiring temporary employees that are nec-
9 essary to maintain the operations of the eligible
10 early care and education program or Head Start
11 agency in the event that the employees of such pro-
12 gram or agency are unable to work by reason of a
13 qualifying emergency, provided that the eligible enti-
14 ty carries out and agrees to all of the following:
15 (A) The eligible early care and education
16 program or Head Start agency compensates
17 any such temporary employees at a minimum
18 amount of the greater of—
19 (i) the regular rate of pay of the em-
20 ployee who is unable to work by reason of
21 the qualifying emergency;
22 (ii) the minimum wage provided by
23 section 6(a)(1) of the Fair Labor Stand-
24 ards Act of 1938 (29 U.S.C. 206(a)(1)); or


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1 (iii) the minimum wage amount pro-
2 vided for by the State or locality in which
3 the employee is employed.
4 (B) The eligible early care and education
5 program or Head Start agency continues to
6 compensate any employee who is unable to work
7 by reason of a qualifying emergency and who is
8 temporarily replaced under this paragraph at a
9 minimum amount of the greater of—
10 (i) the regular rate of pay of the em-
11 ployee who is unable to work because of
12 the qualifying emergency;
13 (ii) the minimum wage provided by
14 section 6(a)(1) of the Fair Labor Stand-
15 ards Act of 1938 (29 U.S.C. 206(a)(1)); or
16 (iii) the minimum wage amount pro-
17 vided for by the State or locality in which
18 the employee is employed.
19 (C) An employee who was unable to work
20 by reason of the qualifying emergency shall not
21 be denied initial employment, reemployment, re-
22 tention in employment, promotion, or any ben-
23 efit of employment by an eligible early care and
24 education program or Head Start agency on the


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1 basis of the employee's previous absence by rea-
2 son of the qualifying emergency event.
3 (D) A person who is reemployed under this
4 paragraph is entitled to the seniority and other
5 rights and benefits determined by seniority that
6 the person had on the date of the qualifying
7 emergency plus the additional seniority and
8 rights and benefits that such person would have
9 attained if the person had remained continu-
10 ously employed.
11 (E) In any case in which an employee who
12 is unable to work by reason of the qualifying
13 emergency (or the employee's dependents) is en-
14 rolled in a group health plan (as defined in sec-
15 tion 733 of the Employee Retirement Income
16 Security Act of 1974), including group health
17 insurance coverage (as defined in such section
18 733) offered in connection with such a plan,
19 and such person is absent from such position of
20 employment by reason of the qualifying emer-
21 gency, or such person becomes eligible for med-
22 ical and dental care under chapter 55 of title
23 10 by reason of subsection (d) of section 1074
24 of that title, the plan or coverage shall provide
25 that the person may elect to continue such en-


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1 rollment in the plan or coverage for the dura-
2 tion of the qualifying emergency.
3 (F) The eligible early care and education
4 program or Head Start agency may not dis-
5 criminate in employment against or take any
6 adverse employment action against any person
7 because such person—
8 (i) has taken an action to enforce a
9 protection afforded any person under this
10 paragraph;
11 (ii) has testified or otherwise made a
12 statement in or in connection with any pro-
13 ceeding to enforce a protection under this
14 paragraph;
15 (iii) has assisted or otherwise partici-
16 pated in an investigation to enforce a pro-
17 tection under this paragraph; or
18 (iv) has exercised a right provided for
19 in this paragraph.
20 (G) An eligible early care and education
21 program or Head Start agency shall be consid-
22 ered to have engaged in actions prohibited
23 under this paragraph—
24 (i) if the employee's inability to work
25 during the qualifying emergency is a moti-


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1 vating factor in the eligible early care and
2 education program or Head Start agency's
3 action, unless the program or agency can
4 prove that the action would have been
5 taken in the absence of the employee's in-
6 ability to work; or
7 (ii) if the employee's—
8 (I) action to enforce a protection
9 afforded any person under this para-
10 graph;
11 (II) testimony or making of a
12 statement in or in connection with
13 any proceeding to enforce a protection
14 under this paragraph;
15 (III) assistance or other partici-
16 pation in an investigation to enforce a
17 protection under this paragraph; or
18 (IV) exercise of a right provided
19 for in this paragraph;
20 is a motivating factor in the eligible early
21 care and education program or Head Start
22 agency's action, unless the program or
23 agency can prove that the action would
24 have been taken in the absence of such
25 person's enforcement action, testimony,


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1 statement, assistance, participation, or ex-
2 ercise of a right.
3 (H) An action to recover any damages or
4 equitable relief for violating this paragraph may
5 be maintained against the eligible early care
6 and education program or Head Start agency in
7 any Federal or State court of competent juris-
8 diction by one or more employees or individuals
9 or their representative.
10 (f) REPORTING.—
11 (1) REPORT TO THE SECRETARY.—At the end
12 of the grant period, the lead agency shall prepare
13 and submit to the Secretary a report containing the
14 following information:
15 (A) The number of subgrants awarded,
16 disaggregated by the type of eligible early care
17 and education program.
18 (B) A list of subgrantees.
19 (C) Average subgrant award amount.
20 (D) The number and a list of subgrant ap-
21 plicants.
22 (E) A summary of the activities that eligi-
23 ble early care and education programs carried
24 out using subgrant funds.


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1 (2) ELIGIBLE EARLY CARE AND EDUCATION
2 PROGRAMS REPORT TO THE LEAD AGENCY.—Not
3 later than 180 days after receiving a subgrant or
4 grant under this section and every 180 days there-
5 after, an eligible early care and education program
6 shall prepare and submit to the lead agency, and a
7 Head Start agency shall prepare and submit to the
8 Secretary, a report containing the following informa-
9 tion:
10 (A) A summary of the activities that the
11 eligible early care and education program or
12 Head Start agency carried out using those
13 funds.
14 (B) The number of children who were
15 served by such activities, if applicable.
16 (g) AUTHORIZATION OF MANDATORY FUNDING.—
17 There are authorized to be appropriated, and there are
18 appropriated, from amounts in the Treasury not already
19 appropriated, to carry out this section $300,000,000 for
20 fiscal year 2020 and 2021 (in addition to any other
21 amounts appropriated to carry out this section).


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**SEC. 4. EMERGENCY FINANCIAL AID GRANTS TO SUPPORT STUDENTS DURING PERIODS OF EMERGENCY OR DISASTER.**

Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

**"PART J—EMERGENCY FINANCIAL AID GRANTS**

**"SEC. 499J. EMERGENCY FINANCIAL AID GRANTS TO SUPPORT STUDENTS DURING PERIODS OF EMERGENCY OR DISASTER.**

"(a) DEFINITIONS.—In this section:

"(1) BASIC NEEDS.—The term 'basic needs' means the needs of a student included in any component of the student's cost of attendance that support the student's success while enrolled at an institution of higher education, such as—

"(A) food;

"(B) housing;

"(C) transportation;

"(D) child care;

"(E) the one-time cost of purchasing a personal computer or establishing a reliable internet connection; and

"(F) health care.

"(2) ELIGIBLE STUDENT.—The term 'eligible student' means a student enrolled in an institution



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of higher education who has been impacted by a qualifying emergency.

"(3) EMERGENCY FINANCIAL AID GRANT.—The term 'emergency financial aid grant' means an emergency financial aid grant provided to an eligible student under subsection (d).

"(b) GRANTS AUTHORIZED.—The Secretary shall award grants, on a competitive basis, to institutions of higher education to enable institutions of higher education to create or expand emergency financial aid grant programs that address the unexpected expenses related to basic needs of eligible students during a qualifying emergency.

"(c) APPLICATION.—

"(1) IN GENERAL.—Each institution of higher education desiring to create or expand an emergency financial aid grant program under this section shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONTENTS.—Each application under paragraph (1) shall include a description of the emergency financial aid grant program to be carried out by the institution of higher education, including—



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"(A) the amount the institution of higher education is requesting in the application;

"(B) an estimate of the number of emergency financial aid grants that such institution of higher education will make in an award year and how such institution of higher education assessed such estimate;

"(C) the criteria the institution of higher education will use to determine that an eligible student will receive an emergency financial aid grant;

"(D) a description of the process by which an eligible student may apply and receive an emergency financial aid grant;

"(E) a description of the process by which an institution of higher education will determine the basic needs that will be addressed;

"(F) a description of how the institution of higher education will prioritize students with the greatest need;

"(G) a description of how the institution of higher education will respond to questions regarding, and disburse funds from, emergency financial aid grants outside of normal business hours;



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1 "(H) an assurance that the process by
2 which an eligible student applies for an emer-
3 gency financial aid grant includes at least 1 op-
4 portunity to appeal a denial of such grant; and
5 "(I) an assurance that the institution of
6 higher education, as applicable, will make addi-
7 tional information available to eligible students
8 about the eligibility of such students and their
9 dependents for means-tested benefit programs
10 and additional Federal, State, or local programs
11 available to the eligible students and their de-
12 pendents as a result of the qualifying emer-
13 gency.
14 "(3) PRIORITIES.—In awarding grants to insti-
15 tutions of higher education under this section, the
16 Secretary—
17 "(A) shall give priority to institutions of
18 higher education most heavily affected by a
19 qualifying emergency; and
20 "(B) may give priority to institutions of
21 higher education that are eligible to receive as-
22 sistance under section 371.
23 "(4) NUMBER OF APPLICATIONS.—An institu-
24 tion of higher education may submit not more than


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1 2 applications under this subsection for each award
2 year.
3 "(d) USE OF FUNDS.—
4 "(1) IN GENERAL.—An institution of higher
5 education shall use funds provided under this section
6 to make emergency financial aid grants to eligible
7 students enrolled at the institution of higher edu-
8 cation at the time of the qualifying emergency to ad-
9 dress the unexpected expenses related to the basic
10 needs of eligible students during a qualifying emer-
11 gency.
12 "(2) NO REPAYMENT.—An eligible student re-
13 ceiving an emergency financial aid grant shall not be
14 required to repay all or any portion of the emer-
15 gency financial aid grant.
16 "(3) LIMITATIONS.—An emergency financial
17 aid grant to an eligible student may not be in an
18 amount greater than $1,500 per award year.
19 "(4) DETERMINATIONS.—In determining eligi-
20 bility for and awarding emergency financial aid
21 grants under this subsection, an institution of higher
22 education may—
23 "(A) independently assess a student's
24 unmet financial need and eligibility separate
25 from the student's expected family contribution


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1 (as determined under section 474) for an award
2 year;
3 "(B) utilize a separate application process
4 to determine the student's unmet financial
5 need; and
6 "(C) utilize a contract with a scholarship-
7 granting organization designated for the sole
8 purpose of accepting applications from or dis-
9 bursing funds to students enrolled in the insti-
10 tution of higher education, if such scholarship-
11 granting organization disburses the full allo-
12 cated amount provided to the institution of
13 higher education to the recipients (except as
14 provided under subsection (h)(1)).
15 "(e) REPORTING AND OVERSIGHT.—
16 "(1) IN GENERAL.—Not less frequently than
17 once annually, each institution of higher education
18 that receives a grant under this section shall submit
19 to the Secretary a report on the progress of the in-
20 stitution of higher education in carrying out the pro-
21 grams supported by such grant.
22 "(2) FORM OF REPORT.—The report under
23 paragraph (1) shall be submitted to the Secretary at
24 such time, in such manner, and containing such in-
25 formation as the Secretary may require. The Sec-


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1 retary shall issue uniform guidelines describing the
2 information that shall be reported by institutions of
3 higher education under such paragraph.
4 "(3) CONTENT OF REPORT.—The report under
5 paragraph (1) shall include, at minimum, the fol-
6 lowing:
7 "(A) The number of students that received
8 an emergency financial aid grant.
9 "(B) The average amount of an emergency
10 financial aid grant awarded to eligible students.
11 "(C) The number of students that applied
12 for emergency financial aid grants.
13 "(D) The number of students that were
14 denied emergency financial aid grants.
15 "(E) The average amount of time it took
16 an institution of higher education to respond to
17 an application for an emergency financial aid
18 grant by an eligible student and the average
19 amount of time it took the institution of higher
20 education to approve or deny the emergency fi-
21 nancial aid grant application.
22 "(F) The number of students that received
23 an emergency financial aid grant disaggregated
24 by—
25 "(i) sex;


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1 "(ii) race or ethnicity;
2 "(iii) classification as a student with a
3 disability; and
4 "(iv) recipients of a Federal Pell
5 Grant.
6 "(f) GRANT AMOUNTS; DURATION; DEADLINES.—
7 "(1) AMOUNT.—A grant awarded to an institu-
8 tion of higher education under this section shall not
9 exceed $750,000.
10 "(2) DURATION.—A grant awarded to an insti-
11 tution of higher education under this section shall be
12 for a period of not more than 2 years.
13 "(3) DEADLINES.—
14 "(A) NOTICE.—The Secretary shall issue a
15 notice inviting applications for grants under
16 this section no later than 30 days after the en-
17 actment of the Supporting Students in Re-
18 sponse to Coronavirus Act.
19 "(B) RECEIPT OF APPLICATIONS.—The
20 Secretary shall accept applications from institu-
21 tions of higher education on a rolling basis.
22 "(C) RESPONSE.—The Secretary shall ap-
23 prove or deny applications from institutions of
24 higher education under subsection (c) within 30
25 days.


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1 "(4) REDISTRIBUTION OF EXCESS AMOUNTS.—
2 If an institution of higher education returns to the
3 Secretary any portion of the sums awarded to the el-
4 igible institution under this section for any fiscal
5 year, the Secretary shall redistribute the excess
6 funds to institutions of higher education receiving
7 grants under this section for such year that received
8 and used at least 5 percent of the total amount of
9 funds granted to institutions of higher education
10 under this section.
11 "(g) OUTREACH; TECHNICAL ASSISTANCE.—The
12 Secretary shall—
13 "(1) conduct outreach to institutions of higher
14 education to provide information on the opportunity
15 to apply to carry out an emergency financial aid pro-
16 gram under this section; and
17 "(2) provide technical assistance and outreach
18 to institutions of higher education for the prepara-
19 tion of applications described in subsection (c).
20 "(h) ADMINISTRATION.—
21 "(1) ADMINISTRATION COSTS.—An institution
22 of higher education that receives a grant under this
23 section may use not more than 3 percent of the
24 grant funds to administer such grant.


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"(2) RESERVATION BY SECRETARY.—The Secretary may reserve not more than ½ of 1 percent of the grant funds to administer the program under this section.

"(i) APPLICABILITY.—Notwithstanding any other provision of law, any requirement under this title that applies to assistance under this title shall not apply with respect to a grant or emergency financial aid grant provided under this part unless otherwise explicitly provided.

"(j) AUTHORIZATION AND APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, from amounts in the Treasury not already appropriated and in addition to any other amounts appropriated to carry out this section, the following amounts:

"(A) $600,000,000 for fiscal year 2020.

"(B) $600,000,000 for fiscal year 2021.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall remain available until expended, except that no sums may be expended after September 30, 2023.".

**SEC. 5. DEFINITION OF QUALIFYING EMERGENCY.**

Section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003) is amended—



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1 (1) by redesignating paragraphs (15) through
2 (24) as paragraphs (16) through (25), respectively;
3 and
4 (2) by inserting after paragraph (14) the fol-
5 lowing:
6 "(15) QUALIFYING EMERGENCY.—The term
7 'qualifying emergency' means—
8 "(A) a public health emergency declared by
9 the Secretary of Health and Human Services
10 pursuant to section 319 of the Public Health
11 Service Act (42 U.S.C. 247d);
12 "(B) an emergency for which a governor of
13 a State or territory has declared a state of
14 emergency;
15 "(C) an event for which the President de-
16 clared a major disaster or an emergency under
17 section 401 or 501, respectively, of the Robert
18 T. Stafford Disaster Relief and Emergency As-
19 sistance Act (42 U.S.C. 5170 and 5191); or
20 "(D) a national emergency declared by the
21 President under section 201 of the National
22 Emergencies Act (50 U.S.C. 1601 et seq.).".


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**SEC. 6. EXCLUSION OF EMERGENCY FINANCIAL AID FROM INCOME.**

Section 480(j) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(j)) is amended by adding at the end the following:

"(5) Notwithstanding paragraph (1), emergency financial aid grants in an amount less than $1,500 provided to a student for unexpected expenses that are a component of the student's cost of attendance, and not otherwise considered when the determination of the student's need is made, shall not be treated as other financial assistance for purposes of section 471(3).".

**SEC. 7. ADJUSTMENT OF SUBSIDIZED USAGE LIMITS.**

Section 484(q)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087e(q)(3)) is amended by adding at the end the following:

"(C) SPECIAL RULE.—Notwithstanding paragraph (1) or subparagraph (A), the Secretary may exclude from a student's period of enrollment any semester, trimester, quarter, or other appropriate academic period during which the student was unable to remain enrolled in school as a result of a qualifying emergency, if the Secretary is able to administer such policy in a manner that limits complexity and the burden on the student.".



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1 **SEC. 8. INSTITUTIONAL REFUND AND FEDERAL STUDENT**
2 **LOAN FLEXIBILITY.**

3 (a) WAIVERS; CANCELING LOAN OBLIGATION; AP-
4 PROVED LEAVE OF ABSENCE.—Section 484B of the High-
5 er Education Act of 1965 (20 U.S.C. 1091b) is amended
6 by adding at the end the following:

7 "(f) WAIVER.—The Secretary may waive the require-
8 ment under this section with respect to an institution, that
9 if a recipient of assistance under this title withdraws from
10 an institution during a payment period or period of enroll-
11 ment in which the recipient began attendance, the amount
12 of grant or loan assistance (other than assistance received
13 under part C) be returned to the title IV programs under
14 this Act, if—

15 "(1) the recipient of assistance withdraws dur-
16 ing a payment period as a result of a qualifying
17 emergency; and

18 "(2) the institution requests such a waiver.

19 "(g) CANCELING LOAN OBLIGATION.—Notwith-
20 standing any other provision of this Act, the Secretary
21 shall cancel the obligation to repay the portion of a loan
22 made under part D for a recipient of assistance who with-
23 draws from the institution as a result of a qualifying emer-
24 gency for the payment period for which a waiver for the
25 loan is granted under subsection (f).



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1 "(h) APPROVED LEAVE OF ABSENCE.—Notwith-
2 standing any other provision of law, for purposes of receiv-
3 ing assistance under this title, an institution of higher
4 education may, as a result of a qualifying emergency, pro-
5 vide a student with an approved leave of absence that does
6 not require the student to return at the same point in the
7 academic program that the student began the leave of ab-
8 sence.".
9 (b) WAIVERS OF FEDERAL PELL GRANT REPAY-
10 MENT; WAIVERS OF GRANT ASSISTANCE REPAYMENT.—
11 Section 484B(b)(2) of the Higher Education Act of 1965
12 (20 U.S.C. 1091b(b)(2)) is amended—
13 (1) in subparagraph (D)—
14 (A) by striking clause (i) and inserting the
15 following:
16 "(i) who were residing in, employed
17 in, or attending an institution of higher
18 education that is located in an area in
19 which there exists a qualifying emer-
20 gency;"; and
21 (B) in clause (ii), by inserting "or emer-
22 gency" after "disaster"; and
23 (2) in subparagraph (E)—
24 (A) by striking clause (i) and inserting the
25 following:


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"(i) who were residing in, employed in, or attending an institution of higher education that is located in an area in which there exists a qualifying emergency;"; and

(B) in clause (ii), by inserting "or emergency" after "disaster".

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

**SEC. 9. SATISFACTORY PROGRESS.**

Section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c)) is amended by adding at the end the following:

"(4) In determining whether a student is maintaining satisfactory progress, an institution of higher education may, as a result of a qualifying emergency, exclude from the quantitative component of the calculation any attempted credits that were not completed by such student without requiring an appeal by such student.".

**SEC. 10. CONTINUING EDUCATION AT AFFECTED FOREIGN INSTITUTIONS.**

(a) ELIGIBLE PROGRAM FLEXIBILITY.—Section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)) is amended—



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(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) Notwithstanding the restriction in paragraph (3) with respect to a foreign institution, in the case of a public health emergency, major disaster or emergency, or national emergency declared by the applicable government authorities in the country in which the foreign institution is located, the Secretary may permit any part of an otherwise eligible program to be offered via distance education for the duration of such emergency or disaster and the following payment period.".

**SEC. 11. RESOURCES FOR ADDRESSING CHILD TRAUMATIC STRESS.**

(a) GRANTS FOR ADDRESSING CHILD TRAUMATIC STRESS.—From funds available under subsection (c), the Secretary of Health and Human Services shall award supplemental grants to entities, tribes, and tribal organizations that, on the date of enactment of this Act, have an active grant that was awarded to the entity, tribe, or tribal organization under section 582 of the Public Health Service Act (42 U.S.C. 290hh–1).



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1 (b) GRANT ACTIVITIES.—An entity, tribe, or tribal
2 organization awarded a grant under this section shall de-
3 velop and distribute guidance, training, and other re-
4 sources for early care and education programs, families,
5 caregivers, and teachers, principals or other school leaders,
6 and administrators for addressing challenges related to a
7 qualifying emergency (as defined in section 2). Such re-
8 sources shall—
9 (1) include—
10 (A) training and resources for early care
11 and education programs in what to expect for
12 young children, management of anxiety (includ-
13 ing anxiety for high-risk populations and those
14 that must be in social isolation), and effective
15 strategies for communicating with parents and
16 families in times of stress;
17 (B) best practices for families for dealing
18 with loss of routine, identifying early signs of
19 trauma, and coping with stress;
20 (C) best practices for families with high-
21 risk populations (including multigenerational
22 households or grandparents caring for grand-
23 children, people with disabilities or chronic
24 medical conditions, or households with a preg-
25 nant person); and


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1 (D) training and guidance for teachers,
2 principals or other school leaders, and adminis-
3 trators about the potential impact of school clo-
4 sures, social isolation, and other changes of rou-
5 tine for students and staff; and
6 (2) be—
7 (A) electronic and include web-based re-
8 sources;
9 (B) culturally competent;
10 (C) evidence-informed or evidence-based;
11 (D) accessible;
12 (E) available in multiple languages; and
13 (F) trauma-informed.
14 (c) APPROPRIATION OF FUNDS.—There are author-
15 ized to be appropriated, and there are appropriated,
16 $3,000,000 to award grants pursuant to subsection (b).


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**From:** VanderPloeg, Laurie
**Sent:** Mon, 13 Apr 2020 12:54:32 +0000
**To:** Levorse, Audrey
**Subject:** FW: Timeline brief and provision of services brief
**Attachments:** Eval IEP topic brief 4.11.20.docx, Part B provision of services brief 4.11.20.docx

Thoughts before we forward to Mark for his review?

---

**From:** Duos, Laura <Laura.Duos@ed.gov>
**Sent:** Saturday, April 11, 2020 8:19 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>
**Cc:** Pagano, Lisa <Lisa.Pagano@ed.gov>; Corr, Gregg <Gregg.Corr@ed.gov>; Walawender, Rebecca <Rebecca.Walawender@ed.gov>
**Subject:** Timeline brief and provision of services brief

Hi all.

(b)(5)

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**From:** VanderPloeg, Laurie
**Sent:** Wed, 18 Mar 2020 18:23:50 +0000
**To:** Walawender, Rebecca
**Subject:** FW: URGENT TA REQUEST - 2:45pm DEADLINE

---

**From:** Levorse, Audrey <Audrey.Levorse@ed.gov>
**Sent:** Wednesday, March 18, 2020 2:10 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; March, Greg <Greg.March@ed.gov>
**Subject:** RE: URGENT TA REQUEST - 2:45pm DEADLINE

(b)(5)

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**From:** Dobak, Carol <Carol.Dobak@ed.gov>
**Sent:** Wednesday, March 18, 2020 1:45 PM
**To:** Levorse, Audrey <Audrey.Levorse@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; March, Greg <Greg.March@ed.gov>
**Subject:** RE: URGENT TA REQUEST - 2:45pm DEADLINE

Audrey:

The edit adds (D) to Section (b)(1). Does this help?

Carol

---

**From:** Levorse, Audrey <Audrey.Levorse@ed.gov>
**Sent:** Wednesday, March 18, 2020 1:37 PM
**To:** Dobak, Carol <Carol.Dobak@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; March, Greg <Greg.March@ed.gov>
**Subject:** RE: URGENT TA REQUEST - 2:45pm DEADLINE

Carol – I don't see any edits? Can you resend?

---

**From:** Dobak, Carol <Carol.Dobak@ed.gov>
**Sent:** Wednesday, March 18, 2020 1:30 PM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; March, Greg <Greg.March@ed.gov>
**Subject:** RE: URGENT TA REQUEST - 2:45pm DEADLINE

Audrey:

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**To:** Jones, Diane <Diane.Jones@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; King, Robert <Robert.King@ed.gov>; King, Elizabeth <Elizabeth.King@ed.gov>; Wilson, Nathan <Nathan.Wilson@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Huston, John <John.Huston@ed.gov>; Kean, Larry <Larry.Kean@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>; Simpson, Daniel <Daniel.Simpson@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Riddle, Paul <Paul.Riddle@ed.gov>
**Cc:** Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Subject:** URGENT TA REQUEST - 2:45pm DEADLINE
**Importance:** High

All,

We just received the attached TA request from HELP Majority staff. Given that things are moving very fast on the Hill, **they need this back by 3pm TODAY**. Please prioritize this request over any other questions you have gotten from OLCA and submit ONE consolidated document from your respective offices, to me and Molly, by 2:45pm today. We will then combine into one document and get to the Hill by 3pm.

Note: You do not need to worry about the FUTURE Act section, per HELP.

Let me know if you have any questions and thanks in advance!

Jordan

**Jordan Forbes Harding**
*Principal Deputy Assistant Secretary*
Office of Legislation and Congressional Affairs
United States Department of Education
400 Maryland Avenue, SW | Washington, DC 20202
O: 202-453-6253

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**From:** VanderPloeg, Laurie
**Sent:** Mon, 30 Mar 2020 14:13:59 +0000
**To:** Walawender, Rebecca;Corr, Gregg;Wexler, Larry
**Subject:** FW: Waiver template and letter
**Attachments:** 2nd Waiver Invitation Letter to Chiefs 3-24-2020.docx, Second ESEA Waiver Template-Draft 3-24-20.docx

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**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Monday, March 30, 2020 8:07 AM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** Waiver template and letter

Good morning

(b)(5)

Happy to discuss if it would be helpful.
Ruth

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Thank you for your continued commitment to our nation's students during these extraordinary circumstances.

Sincerely,

Frank T. Brogan
Assistant Secretary for Elementary
and Secondary Education

Enclosure

cc: Council of Chief State School Officers
State Title I, Part A Directors
State Title I, Part C Directors
State Title I, Part D Directors
State Title II, Part A Directors
State Title III, Part A Directors
State Title IV, Part A Directors
State Title IV, Part B Directors
State Title V, Part B, Subpart 2 Directors
State Assessment Directors

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**From:** VanderPloeg, Laurie
**Sent:** Thu, 23 Jan 2020 01:42:52 +0000
**To:** Steenen, Paul
**Subject:** FW: What special education policy updates are you missing?

Thoughts on the email strand below!!! Thanks

---

**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Wednesday, January 22, 2020 8:42 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Subject:** RE: What special education policy updates are you missing?

You should refer this to Paul. Given the previous email it seems like it could be the continuation of a sales pitch to get you to subscribe to their services. If they want to conduct an interview they should be coordinating with Paul (and OCO).

---

**From:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Sent:** Wednesday, January 22, 2020 7:34 PM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** FW: What special education policy updates are you missing?

Please advise on the email below. Thanks

---

**From:** Harper Garfinkle <hgarfinkle@politico.com>
**Sent:** Wednesday, January 22, 2020 11:40 AM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Subject:** RE: What special education policy updates are you missing?

Good morning Laurie,

Your work in OSEP caught my attention – POLITICO Pro's policy coverage and news analysis is written for and already supporting a number of education policymakers.

Given your specialization, I wanted to get in touch as we have sharpened our special education coverage in both our federal and states beats to take a deeper dive on school facilities, homeschooling and alternatives, safety, and more. I'd love to learn more about your work and hear your thoughts and feedback on ours.

Are you available for a brief phone call next week?

Best,
Harper

**Harper Garfinkle** | Senior Account Management Associate | **POLITICO**PRO
1000 Wilson Boulevard, 8th Floor | Arlington, VA 22209
Office: 703.341.4694

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Email: hgarfinkle@politico.com | Website: www.POLITICOPro.com
*Pronouns: She/Her/Hers*

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**From:** Harper Garfinkle
**Sent:** Tuesday, January 21, 2020 4:02 PM
**To:** 'laurie.vanderploeg@ed.gov' <laurie.vanderploeg@ed.gov>
**Subject:** What special education policy updates are you missing?

Hi Laurie,

POLITICO Pro's reporters are covering policy changes in the education arena affecting disability and special education programs. As the OSEP Director, I'm writing you about POLITICO Pro to see if the policy resource would be a good fit.

POLITICO Pro is a policy intelligence platform that helps federal agency offices stay on top of and follow granular developments to elevate their planning and operations responsibilities. I'm reaching out on behalf of the Department of Education's **POLITICO Pro** account manager, Taylor Hawkins, who works with Department offices to connect you for a demo.

Are any of the times below be convenient for a conversation to open up complimentary access to Pro's coverage to help you stay up to date on the developments dominating your work over the next few weeks?

- **Thursday, January 23rd between 12pm-5pm EST**
- **Friday, January 24th at 11am or 3pm EST**
- **Monday, January 27th between 10am-1pm or 3-5pm EST**

Thanks,
Harper

**Harper Garfinkle** | Senior Account Management Associate | **POLITICO**PRO
1000 Wilson Boulevard, 8th Floor | Arlington, VA 22209
Office: 703.341.4694
Email: hgarfinkle@politico.com | Website: www.POLITICOPro.com
*Pronouns: She/Her/Hers*

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**From:** VanderPloeg, Laurie
**Sent:** Sun, 22 Mar 2020 21:01:39 +0000
**To:** Walawender, Rebecca
**Subject:** Fwd: New deadline for OMB Report: 1:00 PM
**Attachments:** ED_3.21.20_ COVID19 daily report.pdf, ATT00001.htm, New Instructions, 3.22.20.docx, ATT00002.htm

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Schultz, Mark" <Mark.Schultz@ed.gov>
**Date:** March 22, 2020 at 12:25:15 PM EDT
**To:** "VanderPloeg, Laurie" <Laurie.VanderPloeg@ed.gov>, "Dobak, Carol" <Carol.Dobak@ed.gov>
**Cc:** "Levorse, Audrey" <Audrey.Levorse@ed.gov>, "Steenen, Paul" <Paul.Steenen@ed.gov>
**Subject: Fwd: New deadline for OMB Report: 1:00 PM**

Laurie and Carol,
Please see below. I've asked Paul to coordinate the development of our bullet points. Please get your daily report to Paul by 10 AM so he can develop our bullet point(s) for me. I will then forward to Kent. If nothing to report let him know that as well.
I will report we have released the guidance for today.
Thank you!

Sent from my iPhone

Begin forwarded message:

**From:** "Talbert, Kent" <Kent.Talbert@ed.gov>
**Date:** March 22, 2020 at 10:30:10 AM CDT
**To:** "Jones, Diane" <Diane.Jones@ed.gov>, "Brown, Mark" <Mark.Brown@ed.gov>, "King, Robert" <Robert.King@ed.gov>, "Stump, Scott" <Scott.Stump@ed.gov>, "Brogan, Frank" <Frank.Brogan@ed.gov>, "Schultz, Mark" <Mark.Schultz@ed.gov>, "Marcus, Kenneth" <Kenneth.Marcus@ed.gov>, "Carter, Denise" <Denise.Carter@ed.gov>, "Hill, Elizabeth" <Liz.Hill@ed.gov>
**Cc:** "Bailey, Nathan" <Nathan.Bailey@ed.gov>, "Eitel, Robert" <Robert.Eitel@ed.gov>, "Zais, Mitchell" <Mitchell.Zais@ed.gov>
**Subject: New deadline for OMB Report: 1:00 PM**

I received this morning a note from OMB that the ED daily reports are now due to OMB at 1:00 PM. The note also advised of a new reporting item.

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I spoke with Mary Cassell of OMB this morning and noted that given the timing of the notice to us the report may not arrive to them until mid-afternoon today. Mary is okay with that for today.

Please send me your bullet points for today, if any, no later than 1:30 PM and I will get a report out no later than mid-afternoon. Please continue to be forward looking noting the things likely to be completed or that will go to OMB within the next week or so. That is sometimes more valuable than our reporting on the actions taken on each day.

In the future (after today), I will need bullets by no later than 11:00 AM each day given I am on an OMB daily call at 12 noon each day for about 45 mins., and the report is due at 1:00 PM.

Please find attached:

(1) the new instructions from OMB re: the report along with the additional item for the template **("Major upcoming decisions that require POTUS or Task Force-level decisions (only the biggest, most sensitive items should be included here, many agencies may not have anything to report in this section)")**; and

(2) yesterday's report for context.

Please let me know if questions.

Kent

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**From:** Schultz, Mark
**Sent:** Thu, 12 Mar 2020 16:25:51 +0000
**To:** Levorse, Audrey;VanderPloeg, Laurie
**Subject:** Fwd: pdfs of guidance
**Attachments:** FERPA_Coronavirus FINAL 3.12.20.pdf, ATT00001.htm, OSERS Coronavirus FINAL 3.12.20.pdf, ATT00002.htm, COVID 19 OESE FINAL 3.12.20.pdf, ATT00003.htm

Sent from my iPhone

Begin forwarded message:

**From:** "Talbert, Kent" <Kent.Talbert@ed.gov>
**Date:** March 12, 2020 at 12:23:57 PM EDT
**To:** "Schultz, Mark" <Mark.Schultz@ed.gov>, "Viana, Aimee" <Aimee.Viana@ed.gov>, "Surprenant, Kala" <Kala.Surprenant@ed.gov>
**Subject: pdfs of guidance**

I still don't know if these have been posted yet but down the road if you end up sharing the guidance as a document, use a pdf (attached) rather than WORD document given metadata issues. The link on our web page, once done, will not have metadata, fyi is my understanding.

So the pdfs can be used if you like in addition to the Coronavirus page once Liz gives all clear.

Kent

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# STUDENT PRIVACY POLICY OFFICE
## FERPA & Coronavirus Disease 2019 (COVID-19)
## Frequently Asked Questions (FAQs)
## March 2020

**Introduction**

The United States (U.S.) Department of Education (Department) is issuing these Frequently Asked Questions (FAQs) regarding the Family Educational Rights and Privacy Act (FERPA) and the coronavirus disease 2019, abbreviated as "COVID-19" and more commonly referred to as "coronavirus."[1] We are working with our Federal partners including the Centers for Disease Control and Prevention (CDC), which is leading the Federal effort to address coronavirus or COVID-19. The U.S. Department of Health and Human Services (HHS) issued on January 31, 2020, a declaration of a Public Health Emergency regarding coronavirus or COVID-19.[2]

The Department's Student Privacy Policy Office (SPPO) prepared this document to assist school officials working with public health officials in managing public health issues related to COVID-19, while protecting the privacy of students' education records. Understanding FERPA helps enable school officials to act quickly and with certainty when confronting challenges that affect the health or safety of students or other individuals.

Educational agencies and institutions, such as school districts, schools, colleges and universities, can play an important role in slowing the spread of COVID-19 in U.S. communities. Through information sharing and coordination with public health departments, educational agencies and institutions can help protect their schools and communities.

The purpose of this document is to assist school officials in protecting student privacy in the context of COVID-19 as they consider the disclosure of personally identifiable information (PII) from student education records to individuals and entities who may not already have access to that information. School officials should work with their State and local public health officials to determine the information needed to address this public health concern. Understanding how, what, and when information can be shared is a critical part of preparedness.

**Background**

FERPA is a Federal law that protects the privacy of student education records. (20 U.S.C. § 1232g; 34 C.F.R. Part 99) The law applies to all educational agencies and institutions that receive funds under any program administered by the Secretary of Education. The term "educational agencies and institutions" under FERPA generally includes school districts and public schools at the elementary and secondary levels, as well as private and public institutions of postsecondary

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[1] Please note that this FERPA & Coronavirus Disease 2019 (COVID-19) FAQ document updates the Department's 2009 FERPA & H1N1 document. Other than statutory and regulatory requirements included in the document, the contents of the guidance do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. This document will be posted at https://studentprivacy.ed.gov and https://www.ed.gov/coronavirus.

[2] HHS declaration posted at https://www.hhs.gov/about/news/2020/01/31/secretary-azar-declares-public-health-emergency-us-2019-novel-coronavirus.html.

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education. Private schools at the elementary and secondary levels generally do not receive funds from the Department and are, therefore, not subject to FERPA.

FERPA gives parents certain rights with respect to their children's education records at educational agencies and institutions to which FERPA applies. These rights transfer to the student when he or she reaches the age of 18 or attends an institution of postsecondary education at any age (thereby becoming an "eligible student"). 20 U.S.C. § 1232g(d); 34 C.F.R. § 99.5(a)(1). Under FERPA, a parent or eligible student must provide a signed and dated written consent before an educational agency or institution discloses PII from education records, unless an exception to this general consent requirement applies. 34 C.F.R. § 99.30(a). Exceptions to the general consent requirement are set forth in 20 U.S.C. §§ 1232g(b)(1), (b)(2), (b)(3), (b)(5), (b)(6), (h), (i), and (j) and 34 C.F.R. § 99.31. The term "education records" is defined, with certain exceptions, as those records that are: (1) directly related to a student; and (2) maintained by an educational agency or institution, or by a party acting for the agency or institution. 20 U.S.C. § 1232g(a)(4); 34 C.F.R. § 99.3, "Education records." Accordingly, immunization and other health records, as well as records on services provided to students under the Individuals with Disabilities Education Act (IDEA), which are directly related to a student and maintained by an educational agency or institution are "education records" under FERPA.[3] The term "PII" refers to a student's name or identification number, as well as other information that can be used to distinguish or trace an individual's identity either directly or indirectly through linkages with other information. 34 C.F.R. § 99.3, "Personally identifiable information."

FERPA prohibits educational agencies (e.g., school districts) and institutions (i.e., schools) from disclosing PII from students' education record without the prior written consent of a parent or "eligible student," unless an exception to FERPA's general consent rule applies. 20 U.S.C. §§ 1232g(b)(1) and (b)(2); 34 C.F.R. §§ 99.30 and 99.31. For instance, pursuant to one such exception, the "health or safety emergency" exception, educational agencies and institutions may disclose to a public health agency PII from student education records, without prior written consent in connection with an emergency if the public health agency's knowledge of the information is necessary to protect the health or safety of students or other individuals. 20 U.S.C. § 1232g(b)(1)(I); 34 C.F.R. §§ 99.31(a)(10) and 99.36.

For all other situations where an exception to FERPA's general consent requirement does not apply, educational agencies and institutions must obtain prior written consent of a parent or eligible student to disclose PII from student education records. 20 U.S.C. §§ 1232g(b)(1) and (b)(2); 34 C.F.R. §§ 99.30 and 99.31. We have attached a model consent form at the end of this document. We have also listed the email and contact information for SPPO, the Department office responsible for implementing and enforcing FERPA, if school officials have questions that are not covered in this document.

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[3] Parts B and C of the IDEA contain separate privacy regulations that incorporate FERPA provisions and exceptions, including the health or safety emergency exception that is the primary subject of these FAQs. Where a student is placed in a private school for the provision of Individualized Education Program (IEP) services on behalf of a school or school district subject to FERPA, the education records of the privately placed student that are maintained by the private school are subject both to FERPA and to the confidentiality requirements under Part B of the IDEA.



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**Questions and Answers on the Applicability of FERPA to Disclosures Related to COVID-19 ("Coronavirus")**

1. Do parents and eligible students have to provide consent before an educational agency or institution discloses PII from education records?

Generally, yes. A parent or eligible student must provide written consent before an educational agency or institution discloses PII from a student's education records, unless one of the exceptions to FERPA's general consent rule applies. 20 U.S.C. §§ 1232g(b)(1) and (b)(2); 34 C.F.R. §§ 99.30 and 99.31. FERPA requires that a consent form be signed and dated by a parent or eligible student and (1) specify the records that may be disclosed; (2) state the purpose of the disclosure; and (3) identify the party or class of parties to whom the disclosure may be made. 34 C.F.R. § 99.30(a) and (b). At the conclusion of this document, we have included a sample FERPA consent form.

2. How does the health or safety emergency exception to FERPA's consent requirement permit an educational agency or institution to disclose PII from the education records of affected students?

Although educational agencies and institutions can often address threats to the health or safety of students or other individuals in a manner that does not identify a particular student, FERPA permits educational agencies and institutions to disclose, without prior written consent, PII from student education records to appropriate parties in connection with an emergency, if knowledge of that information is necessary to protect the health or safety of a student or other individuals. 20 U.S.C. § 1232g(b)(1)(I); 34 C.F.R. §§ 99.31(a)(10) and 99.36. This "health or safety emergency" exception to FERPA's general consent requirement is limited in time to the period of the emergency and generally does not allow for a blanket release of PII from student education records. Typically, law enforcement officials, public health officials, trained medical personnel, and parents (including parents of an eligible student) are the types of appropriate parties to whom PII from education records may be disclosed under this FERPA exception.

For purposes of FERPA's health or safety emergency exception, the determination by an educational agency or institution that there is a specific emergency is not based on a generalized or distant threat of a possible or eventual emergency for which the likelihood of occurrence is unknown, such as would be addressed in general emergency preparedness activities. If local public health authorities determine that a public health emergency, such as COVID-19, is a significant threat to students or other individuals in the community, an educational agency or institution in that community may determine that an emergency exists as well.

Under the FERPA health or safety emergency exception, an educational agency or institution is responsible for making a determination, on a case-by-case basis, whether to disclose PII from education records, and it may take into account the totality of the circumstances pertaining to the threat. *See* 34 C.F.R. § 99.36(c). If the educational agency or institution determines that there is an articulable and significant threat to the health or safety of the student or another individual and that certain parties need the PII from education records, to protect the health or safety of the



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student or another individual, it may disclose that information to such parties without consent. This is a flexible standard under which the Department will not substitute its judgment for that of the educational agency or institution so that the educational agency or institution may bring appropriate resources to bear on the situation, provided that, based on the information available at the time of the educational agency's or institution's determination, there is a rational basis for such determination. We note also that, within a reasonable period of time after a disclosure is made under this exception, an educational agency or institution must record in the student's education records the articulable and significant threat that formed the basis for the disclosure and the parties to whom information was disclosed. 34 C.F.R. § 99.32(a)(5).

3. May student education records, such as health records, maintained by an educational agency or institution be disclosed, without consent, to public health departments if the educational agency or institution believes that the virus that causes COVID-19 poses a serious risk to the health or safety of an individual student in attendance at the educational agency or institution?

Yes. If an educational agency or institution, taking into account the totality of the circumstances, determines that an articulable and significant threat exists to the health or safety of a student in attendance at the agency or institution (or another individual at the agency or institution) as a result of the virus that causes COVID-19, it may disclose, without prior written consent, PII from student education records to appropriate officials at a public health department who need the information to protect the health or safety of the student (or another individual). Public health department officials may be considered "appropriate parties" by an educational agency or institution under FERPA's health or safety emergency exception, even in the absence of a formally declared health emergency. Typically, public health officials and trained medical personnel are among the types of appropriate parties to whom PII from education records, may be non-consensually disclosed under FERPA's health or safety emergency exception.

4. If an educational agency or institution learns that student(s) in attendance at the school are out sick due to COVID-19, may it disclose information about the student's illness under FERPA to other students and their parents in the school community without prior written parental or eligible student consent?

It depends, but generally yes, but only if that information is in a non-personally identifiable form. Specifically, the the educational agency or institution must make a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information. *See* 34 C.F.R. § 99.31(b)(1). If an educational agency or institution discloses information about students in non-personally identifiable form, then consent by the parents or eligible students is not needed under FERPA. For example, if an educational agency or institution releases the fact that individuals are absent due to COVID-19 (but does not disclose their identities), this would generally not be considered personally identifiable to the absent students under FERPA as long as there are other individuals at the educational agency or institution who are absent for other reasons. However, we caution educational agencies or institutions to ensure that in releasing such facts, they do so in a manner that does not disclose other information that, alone or in combination, would allow a reasonable



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person in the school community to identify the students who are absent due to COVID-19 with reasonable certainty.

5. May educational agencies and institutions disclose without consent the names, addresses, and phone numbers of absent students to the public health department so that the health department may contact their parents in order to assess the students' illnesses?

FERPA permits educational agencies and institutions to non-consensually disclose PII from education records in the form of contact information of absent students to the public health department in specific circumstances, such as in connection with a health or safety emergency (20 U.S.C. § 1232g(b)(1)(I); 34 C.F.R. §§ 99.31(a)(10) and 99.36) or pursuant to other applicable exceptions.

While FERPA generally permits the nonconsensual disclosure of properly designated "directory information" (e.g., name, address, phone number, grade level) when parents or eligible students have not opted out of such a disclosure, it does not permit an educational agency or institution to disclose "directory information" on students that is linked to non-directory information (such as information regarding a student's illness). For instance, an educational agency or institution may not disclose directory information on all students who are receiving special education services or those who have been absent from school.

Therefore, unless a specific FERPA exception applies, educational agencies and institutions should prepare consent forms for parents and eligible students to sign to allow the potential sharing of this type of information if they create, or intend to create, a tracking or monitoring system to identify an outbreak before an emergency is recognized.

6. If an educational agency or institution determines that a health or safety emergency exists, may it disclose, without consent, PII from student education records to the media?

No. As explained previously, FERPA only permits nonconsensual disclosures of PII from students' education records under the health or safety emergency exception to "appropriate parties" (such as public health officials) whose knowledge of the information is necessary to protect the health or safety of students or other individuals. While the media may have a role in alerting the community of an outbreak, they are not "appropriate parties" under FERPA's health or safety emergency exception because they generally do not have a role in protecting individual students or other individuals at the educational agency or institution. "Appropriate parties" in this context are normally parties who provide specific medical or safety attention, such as public health and law enforcement officials.

7. May the school identify a particular student, a teacher, or other school official as having COVID-19 to parents of other students in the school?

In most cases, it is sufficient to report the fact that an individual in the school has been determined to have COVID-19, rather than specifically identifying the student who is infected. School notification is an effective method of informing parents and eligible students of an illness



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in the school. For settings in which parents are primarily doing drop-offs and pick-ups, posting signs on the doors may be effective. In other settings, sending home or e-mailing a notification may also be effective. These methods serve to notify parents and eligible students of a potential risk, which may be particularly important for students who may be more susceptible to infection or to developing severe complications from an infection, and to alert parents to look for symptoms in their own children and eligible students to more closely monitor themselves for symptoms.

Nothing in FERPA prevents schools from telling parents and students that a specific teacher or other school official has COVID-19 because FERPA applies to students' education records, not records on school officials. However, there may be State laws that apply in these situations.

There may be a rare situation during a health or safety emergency, however, in which schools may determine (in conjunction with health, law enforcement, or other such officials) that parents of students or eligible students are appropriate parties to whom to disclose identifiable information about a student with COVID-19. For example, school officials may determine that it is appropriate to disclose identifiable information about of a student with COVID-19 to parents of other students if parents need to know this information to take appropriate action to protect the health or safety of their children. For example if a student with COVID-19 is a wrestler and has been in direct and close contact with other students who are on the team or who are in the school and have higher health risks, school officials may determine it necessary to disclose the identity of the diagnosed student to the parents of the other students. In these limited situations, parents and eligible students may need to be aware of this information in order to take appropriate precautions or other actions to ensure the health or safety of their child or themselves, especially if their child or they may have a higher risk of susceptibility to COVID-19 or of developing severe complications from COVID-19.[4] School officials should make the determination on a case-by-case basis whether a disclosure of the student's name is absolutely necessary to protect the health or safety of students or other individuals or whether a general notice is sufficient, taking into account the totality of the circumstances, including the needs of such students or other individuals to have such information in order to take appropriate protective action(s) and the risks presented to the health or safety of such students or other individuals.

8. May an educational agency or institution disclose PII from an eligible student's education records to the student's parents if the eligible student has been determined to have COVID-19?

Yes, for dependent students and generally yes, but see below. Under FERPA, an educational agency or institution, including an institution of postsecondary education, may disclose, without the eligible student's written consent, PII from an eligible student's education records to his or her parents under certain conditions. For example, a university physician treating an eligible student for COVID-19 might determine that the student's treatment records should be disclosed to the student's parents. This disclosure may be made, without consent of the eligible student, if the parents claim the eligible student as a dependent under section 152 of the Internal Revenue Code of

[4] For helpful information on risk, please see the Centers for Disease Control and Prevention's current risk assessment, which is available at: https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/children-faq.html.



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1986. 20 U.S.C. § 1232g(b)(1)(H); 34 C.F.R. § 99.31(a)(8). If the parents do not claim the eligible student as a dependent, then the disclosure may be made to the parents, without the eligible student's written consent, if the disclosure is in connection with a health or safety emergency provided certain conditions are satisfied (as discussed in the response to question two above). 20 U.S.C. § 1232g(b)(1)(I); 34 C.F.R. §§ 99.31(a)(10) and 36.

9. What if a parent of a student who is not an eligible student refuses to provide written consent to permit the release of PII contained in student education records to the public health department?

FERPA permits educational agencies and institutions to release information from education records without consent after the removal of all PII, provided that the agency or institution has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information. 34 C.F.R. § 99.31(b)(1). Thus, it would be problematic to disclose that every student in a particular class or grade level is absent if there is, for instance, a directory with the names of every student in that class or grade. Therefore, it is prudent that educational agencies or institutions obtain written consent to permit the disclosure of PII from students' education records to the public health department. If the parent or eligible student will not provide written consent for the disclosure of the PII, then the educational agency or institution may not make the disclosure unless it has determined that there is an applicable exception to the general requirement of consent that permits the disclosure, such as if a health or safety emergency exists and the PII is disclosed to an appropriate party whose knowledge of the information is necessary to protect the health or safety of the student or other individuals.

10. Is an educational agency or institution required to record disclosures of PII from student education records submitted to the public health department or other outside parties, even in connection with a health or safety emergency?

Yes. FERPA generally requires educational agencies and institutions to maintain a record of each request for access to and each disclosure of PII from the education records of each student. 34 C.F.R. § 99.32(a)(1). Moreover, when making a disclosure under the health or safety emergency provision in FERPA, educational agencies and institutions are specifically required to record the articulable and significant threat to the health or safety of a student or other individual that formed the basis for the disclosure and the parties to whom the agency or institution disclosed the information. 34 C.F.R. § 99.32(a)(5). The record of each request for access to and each disclosure of PII from student education records must be maintained with the education records of each student as long as the records are maintained. 34 C.F.R. § 99.32(a)(2). This requirement enables parents and eligible students who do not provide written consent for disclosure of education records to see the circumstances under which and the parties to whom their information was disclosed. However, educational agencies and institutions are not required to record disclosures for which the parent or eligible student has provided written consent. 34 C.F.R. § 99.32(d)(3).

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The Department's Student Privacy Policy Office or SPPO is the office that administers FERPA. SPPO is available to respond to questions school officials may have about FERPA. School officials may e-mail questions to SPPO at FERPA@ed.gov. You may also call us at (202) 260-3887. Additional information and guidance on FERPA is available on SPPO's website at: https://studentprivacy.ed.gov/.

The Department has a list of resources regarding COVID-19 (coronavirus) on our website at https://www.ed.gov/coronavirus. Questions related to the coronavirus may be emailed to the Department at COVID-19@ed.gov.

In December 2019, the U.S. Department of Education, along with HHS, issued guidance on the applicability of FERPA and the HIPAA to student health records, the "Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) To Student Health Records." *See* https://studentprivacy.ed.gov/sites/default/files/resource_document/file/2019%20HIPAA%20FERPA%20Joint%20Guidance%20508.pdf. This 2019 document updated the Department's 2008 guidance and explained that the HIPAA Privacy Rule does not apply to education records that are protected by FERPA. Student health records that are maintained by a public elementary and secondary educational agency or institution or by a party acting for the agency or institution are "education records" subject to FERPA, and school officials must follow the requirements of FERPA in making any disclosures of the PII from these records. At the postsecondary level, FERPA applies to most public and private institutions of postsecondary education and to the student health records that they maintain. Such student health records may either constitute "education records" or "treatment records," if certain conditions are met, but in either case they are subject to FERPA and not the HIPAA Privacy Rule.

For more information on the HIPAA Privacy Rule, please visit HHS' HIPAA Privacy Rule website at: http://www.hhs.gov/ocr/privacy/. The website offers a wide range of helpful information about the HIPAA Privacy Rule, including frequently asked questions.



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**[Sample FERPA Consent Form]**

**Disclosure of Information Protected by the Family Educational Rights and Privacy Act by _____ [Name of School/School District] to [Name of Appropriate Authority]**

Pursuant to the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 C.F.R. part 99), the written consent of a parent or eligible student is required before the education records of a student, or personally identifiable information contained therein, may be disclosed to a third party, unless an exception to this general requirement of written consent applies. If a student is age 18 years or older, or is enrolled in an institution of postsecondary education, he or she is an "eligible student" and must provide written consent for the disclosure of his or her education records or personally identifiable information contained therein.

I,_____, hereby agree to allow _____ [SCHOOL OR DISTRICT NAME] to disclose the following personally identifiable information or education records:
_____ [Specify education records or personally identifiable information that may be disclosed] on _____
[Name of Student] to _____ [Name of Appropriate Authority] for the purpose of [State purpose of disclosure] _____.

You may withdraw your consent to share this information at any time. A request to withdraw your consent should be submitted in writing and signed.

_____
Signature of Parent, Guardian, or Eligible Student

Date:_____



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# QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK

**MARCH 2020**

The Centers for Disease Control and Prevention (CDC) is responding to an outbreak of respiratory disease caused by a new coronavirus named coronavirus disease 2019 (COVID-19). The CDC has issued interim guidance to help administrators of public and private childcare programs and K-12 schools plan for and prevent the spread of COVID-19 among students and staff. *See* Interim Guidance for Administrators of US Childcare Programs and K-12 Schools to Plan, Prepare, and Respond to Coronavirus Disease 2019 available at: https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html

This Questions and Answers document outlines states' responsibilities to infants, toddlers, and children with disabilities and their families, and to the staff serving these children. During an outbreak of COVID-19, local educational agencies (LEAs) and early intervention service (EIS) programs will need to collaborate with their state educational agency (SEA), Bureau of Indian Education (BIE), or local public health department, as appropriate, to address questions about how, what, and when services should be provided to children with disabilities.[1] It does not create or confer any rights for or on any person. This Q & A document does not impose any additional requirements beyond those included in applicable law and regulations. The responses presented in this document generally constitute informal guidance representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented here and are not legally binding. The Q & As in this document are not intended to be a replacement for careful study of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations. The *IDEA*, its implementing regulations, and other important documents related to the *IDEA* can be found at http://sites.ed.gov/idea. For more information on the

[1] This document does not address when to dismiss a child or close a school or Part C state lead agency because school officials should work with their local health departments to make those decisions. School personnel and Part C EIS programs and providers, however, may consult the Centers for Disease Control and Prevention's (CDC's) guidance for recommendations regarding social distancing and school closure. The CDC's Web site contains information addressing both state and local public health officials and school administrators for school (K-12) responses to COVID-19 and resources for child care and early childhood programs. These documents, along with other recommendations, may be accessed at https://www.cdc.gov/coronavirus/2019-ncov/community/index.html.

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requirements of Section 504 and Title II, and their implementing regulations, please consult https://www2.ed.gov/policy/rights/guid/ocr/disabilityoverview.html.



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## A. Implementing Part B of the *IDEA* and Section 504 during a COVID-19 outbreak

**Question A-1:** Is an LEA required to continue to provide a free appropriate public education (FAPE) to students with disabilities during a school closure caused by a COVID-19 outbreak?

**Answer**: The IDEA, Section 504, and Title II of the ADA do not specifically address a situation in which elementary and secondary schools are closed for an extended period of time (generally more than 10 consecutive days) because of exceptional circumstances, such as an outbreak of a particular disease.

If an LEA closes its schools to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The Department understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements.

If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. (34 CFR §§ 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)). SEAs, LEAs, and schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP developed under IDEA, or a plan developed under Section 504. (34



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CFR §§ 300.101 and 300.201 (IDEA), and 34 CFR § 104.33 (Section 504)).

**Question A-2:** Must an LEA provide special education and related services to a child with a disability who is absent for an extended period of time because the child is infected with COVID-19, while the schools remain open?

**Answer**: Yes. It has long been the Department's position that when a child with a disability is classified as needing homebound instruction because of a medical problem, as ordered by a physician, and is home for an extended period of time (generally more than 10 consecutive school days), an individualized education program (IEP) meeting is necessary to change the child's placement and the contents of the child's IEP, if warranted. Further, if the IEP goals will remain the same and only the time in special education will change, then the IEP Team may add an amendment to the IEP stating specifically the amount of time to be spent in special education. If a child with a disability is absent for an extended period of time because of a COVID-19 infection and the school remains open, then the IEP Team must determine whether the child is available for instruction and could benefit from homebound services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available. In so doing, school personnel should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. The Department understands there may be exceptional circumstances that could affect how a particular service is provided.

If a child does not receive services after an extended period of time, a school must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.

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**Question A-3:** What services must an LEA provide if a public school for children with disabilities is selectively closed due to the possibility of severe complications from a COVID-19 outbreak?

**Answer:** If a public school for children with disabilities is closed solely because the children are at high risk of severe illness and death, the LEA must determine whether each dismissed child could benefit from online or



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virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available. In so doing, school personnel should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. The Department understands there may be exceptional circumstances that could affect how a particular service is provided.

If a child does not receive services during a closure, a child's IEP team (or appropriate personnel under Section 504) must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.

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**Question A-4:** If a child with a disability at high risk of severe medical complications is excluded from school during an outbreak of COVID-19 and the child's school remains open, is the exclusion considered a change in educational placement subject to the protections of 34 CFR §§ 300.115 and 300.116 and 34 CFR §§ 104.35 and 104.36.

**Answer:** If the exclusion is a temporary emergency measure (generally 10 consecutive school days or less), the provision of services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available, is not considered a change in placement. During this time period, a child's parent or other IEP team member may request an IEP meeting to discuss the potential need for services if the exclusion is likely to be of long duration (generally more than 10 consecutive school days). For long-term exclusions, an LEA must consider placement decisions under the *IDEA*'s procedural protections of 34 CFR §§ 300.115 – 300.116, regarding the continuum of alternative placements and the determination of placements.

Under 34 CFR § 300.116, a change in placement decision must be made by a group of persons, including the parents and other persons knowledgeable about the child and the placement options. If the placement group determines that the child meets established high-risk criteria and, due to safety and health concerns, the child's needs could be met through homebound instruction, then under 34 CFR §300.503(a)(1), the public agency must issue a prior written notice



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proposing the change in placement. A parent who disagrees with this prior written notice retains all of the due process rights included in 34 CFR §§ 300.500-300.520.

For children with disabilities protected by Section 504 who are dismissed from school during an outbreak of COVID-19 because they are at high risk for health complications, compliance with the procedures described above and completion of any necessary evaluations of the child satisfy the evaluation, placement and procedural requirements of 34 CFR §§ 104.35 and 104.36. The decision to dismiss a child based on his or her high risk for medical complications must be based on the individual needs of the child and not on perceptions of the child's needs based merely on stereotypes or generalizations regarding his or her disability.

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**Question A-5:** May an IEP Team consider a distance learning plan in a child's IEP as a contingency plan in the event of a COVID-19 outbreak that requires the school's closure?

**Answer:** Yes. IEP teams may, but are not required to, include distance learning plans in a child's IEP that could be triggered and implemented during a selective closure due to a COVID-19 outbreak. Such contingent provisions may include the provision of special education and related services at an alternate location or the provision of online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, and may identify which special education and related services, if any, could be provided at the child's home.

Creating a contingency plan before a COVID-19 outbreak occurs gives the child's service providers and the child's parents an opportunity to reach agreement as to what circumstances would trigger the use of the child's distance learning plan and the services that would be provided during the dismissal.

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**Question A-6:** What activities other than special education and related services may and may not be provided with *IDEA* Part B funds both prior to and during a COVID-19 outbreak?

**Answer:** *IDEA* Part B funds may be used for activities that directly relate to providing, and ensuring the continuity of, special education and related



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services to children with disabilities. For example, an LEA may use *IDEA* Part B funds to disseminate health and COVID-19 information that is specifically related to children with disabilities, to develop emergency plans for children with disabilities, or to provide other information (e.g., guidance on coordination of the provision of services in alternate locations as described in Question A-5) to parties who may need such information, including school staff responsible for implementing IEPs, parents of eligible children, and staff in alternate locations where special education and related services may be provided. LEAs, however, may not use *IDEA* Part B funds to develop or distribute general COVID-19 guidance or to carry out activities that are not specific to children with disabilities (e.g., general COVID-19 activities for all children and staff). Additionally, LEAs may not use *IDEA* Part B funds to administer future COVID-19 vaccinations to any children, including children with disabilities.



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## B. *IDEA* Part C and COVID-19

**Question B-1:** Must a state lead agency continue to provide early intervention services to infants and toddlers with disabilities during a COVID-19 outbreak if the offices are closed?

**Answer:** If the offices of the state lead agency or the EIS program or provider are closed, then Part C services would not need to be provided to infants and toddlers with disabilities and their families during that period of time. If the lead agency's offices are open but the offices of the EIS program or provider in a specific geographical area are closed due to public health and safety concerns as a result of a COVID-19 outbreak in that area, the EIS program or provider would not be required to provide services during the closure. If the offices remain open, but Part C services cannot be provided in a particular location (such as in the child's home), by a particular EIS provider, or to a particular child who is infected with COVID-19, then the lead agency must ensure the continuity of services by, for example, providing services in an alternate location, by using a different EIS provider, or through alternate means, such as consultative services to the parent.

Additionally, once the offices re-open, the service coordinator and EIS providers for each child must determine if the child's service needs have changed and determine whether the individualized family service plan (IFSP) team needs to meet to review the child's IFSP to determine whether any changes are needed. If offices are closed for an extended period and services are not provided for an extended period, the IFSP team must meet under 34 CFR § 303.342(b)(1) to determine if changes are needed to the IFSP and to determine whether compensatory services are needed to address the infant or toddler's developmental delay.

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**Question B-2:** What should a state lead agency or EIS program provider do to provide Part C services if its offices are open, but it cannot provide services in accordance with an infant's or toddler's IFSP during a COVID-19 outbreak?

**Answer:** If the offices remain open, but Part C services cannot be provided in a particular location (such as in the child's home), by a particular EIS provider, or to a particular child who is infected with COVID-19, then



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the lead agency must ensure the continuity of services, on a case-by-case basis and consistent with protecting the health and safety of the student and those providing services to the student. As an example, the lead agency may consider providing services in an alternate location, by using a different EIS provider, or through alternate means, such as consultative service to the parent. Once services are fully resumed, the service coordinator and EIS providers for each child must assess the child to determine if the child's service needs have changed and to determine whether the IFSP Team needs to meet to review the child's IFSP to identify whether changes to the IFSP are needed. If the offices are closed and services are not provided for an extended period, the IFSP Team must meet under 34 CFR § 303.342(b)(1) to determine if changes are needed to the IFSP and to determine whether compensatory services are needed.

If an EIS provider cannot provide Part C services in the child's home during a COVID-19 outbreak, but the EIS program or provider determines that it is safe to provide face-to-face Part C services in another environment such as a hospital or medical clinic, then the child could receive temporary services at the hospital or clinic. Additionally, if the lead agency or EIS provider determines that face-to-face Part C services should not be provided for a period of time, then the EIS provider or service coordinator may consult with the parent through a teleconference or other alternative method (such as e-mail or video conference), consistent with privacy interests, to provide consultative services, guidance, and advice as needed. However, determining how to provide Part C services in a manner that is consistent with the most updated public health and safety guidance is left to the discretion of the lead agency and the EIS program and provider serving a particular child and family.

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**Question B-3:** What activities other than service provision may and may not be provided with *IDEA* Part C funds both prior to and during a potential COVID-19 outbreak?

**Answer:** *IDEA* Part C funds may be used for activities that directly relate to providing, and ensuring the continuity of, Part C services to eligible children and their families. The state may use *IDEA* Part C funds to disseminate health and COVID-19 information to relevant parties, develop emergency plans to support the provision and continuity of



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Part C services, or provide other information (e.g., how the lead agency staff or EIS programs or providers may provide alternate services or services in alternate locations as described in Question B-2) to relevant parties who need this information. Relevant parties may include parents of eligible children, childcare centers, staff in other locations where early intervention services are provided, EIS programs and providers, and primary referral sources. Other activities that relate to service provision, including the provision of service coordination, evaluations, and assessments, may also be funded. The state may not, however, use *IDEA* Part C funds to administer future COVID-19 vaccinations as it is a medical service under 34 CFR §303.13(c)(3).



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March 12, 2020

# Fact Sheet:
# Impact of COVID-19 on Assessments and Accountability under the Elementary and Secondary Education Act

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This fact sheet discusses the potential implications of novel coronavirus disease 2019 (COVID-19) on State assessment and accountability systems. This fact sheet also addresses other considerations regarding the use of Federal funds under the Elementary and Secondary Education Act of 1965, as amended (ESEA). We know that you are doing all in your power to support your districts and schools to ensure the health and well-being of students and educators. Like you, we are closely monitoring the situation around the country and will provide additional information as warranted. We encourage you to review information from the Centers for Disease Control and Prevention (CDC), which can be found on the U.S. Department of Education's (Department's) COVID-19 website at: https://www.ed.gov/coronavirus. In particular, the CDC has issued interim guidance to help K-12 schools and childcare programs plan for and prevent the spread of COVID-19 among students and staff. See *Interim Guidance for Administrators of US Childcare Programs and K-12 Schools to Plan, Prepare, and Respond to Coronavirus Disease 2019* available at: https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html.

As you know, the ESEA requires each State to annually administer assessments in reading/language arts, mathematics, and science to all students in tested grades and to administer an annual assessment of English language proficiency to all English learners. The Individuals with Disabilities Education Act (IDEA) also requires that all students with disabilities be included in all general State and district-wide assessment programs, including assessments required under the ESEA. Under the ESEA, the results of the required assessments are combined with other indicators of a school's performance to produce a State's accountability determination for each public school. Spring is typically when most States administer their statewide assessments. As a result, we want to provide some general information for States and districts now. Importantly, we want you to know that the Department will work to support you during this situation and that you may reach out to us at any time to talk about individual situations.

Section 8401 of the ESEA (20 U.S.C. § 7861) permits the Secretary to grant waivers of certain ESEA requirements and, thus, allows the Department to provide some flexibility to schools, districts, and States that may be necessary due to the impact of COVID-19 on the provision of educational services. References to waivers in the paragraphs below refer to such 8401 waivers. Please note that States with Education Flexibility (Ed-Flex) program authority are not authorized to waive statutory or regulatory requirements related to standards, assessments, and accountability under section 1111 of the ESEA. The Department may, however, consider such waivers under the section 8401 waiver authority.

## Assessments

The Department generally does not grant statewide waivers of assessment requirements under section 1111(b)(2) of the ESEA. The reason is that assessments provide important information to parents, educators, and the public about how well students are doing at mastering a State's content for each tested grade and subject. In cases where a school has been closed for a period of time, the assessment results still provide useful information about where individual students and groups of students will need support in the following school year. However, due to the unique circumstances that may arise as a result of COVID-19, such as a school closing during the entire testing window, it may not be feasible for a State to administer some or all of its assessments, in which case the Department would consider a targeted one-year waiver of the assessment requirements for those schools impacted by the extraordinary circumstances. States with schools that must close due to the COVID-19 may also want to consider whether it is possible to adjust or extend the testing window to accommodate as many students as possible, including students in schools that were closed for some period.



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Accountability determinations

The ESEA affords each State the flexibility to design, within certain statutory parameters, an accountability system that best meets the needs of the State. Accordingly, impact from COVID-19 will affect each State's accountability system differently. If needed, the Department would consider a targeted one-year waiver of the requirement to identify a school for comprehensive or targeted support and improvement if the reason for the identification was related to the school being closed for a significant portion of the school year.

Accountability components

A State may be able to administer its assessments and may have data that it considers sufficient to produce accountability determinations but still require some flexibility around other components of its accountability system. Below we identify two areas that are most likely to be impacted by COVID-19, though we recognize that each State has a unique accountability system and that there may be other affected areas as well.

- 95 percent assessment participation rate
  The ESEA requires that all students in the tested grades be assessed annually and requires that, when calculating the Academic Achievement indicator, the denominator be based on the number of students assessed in reading/language arts and mathematics or 95 percent of the student population, whichever is greater. We recognize that students may be absent during the test window, leading to a participation rate below 95 percent. In such a case, the Department would consider a targeted one-year waiver for an impacted school to not factor the participation rate into its Academic Achievement indicator.

- Chronic absenteeism
  As noted above, a State has discretion in the design of its accountability system. One of the most common indicators that States have included in their accountability system is chronic absenteeism. This indicator is perhaps the most likely to be impacted by COVID-19 due to school closures or student absences. For this reason, the Department would consider a one-year waiver to exclude this indicator from a State's accountability system.

In addition to the potential impact on assessment and accountability systems, we recognize that districts could face challenges meeting certain ESEA fiscal requirements, such as: maintenance of effort; the requirement to obligate funds in the current Federal fiscal year for providing equitable services to eligible private school students, teachers, and families; and the limitation on carrying over no more than 15 percent of Title I, Part A funds. Should any of these issues or other topics be a concern, we encourage you to reach out to your contacts in the Department so that we can assist you. In addition, while this fact sheet focuses only on ESEA assessments and accountability, as earlier noted, the Department has created a website dedicated to COVID-19 information as it relates to many of our other programs at: https://www.ed.gov/coronavirus. ED will regularly update this page as more information and resources become available.

If you or your staff have a question or concern about circumstances impacting your State or your districts and schools with regard to assessments; accountability; Title I, Part A fiscal issues; and other ESEA program concerns, please contact the Department at the following e-mail addresses.

- State-specific mailbox: [State].oese@ed.gov (e.g., Iowa.oese@ed.gov)
- Assessments: ESEA.Assessment@ed.gov
- Accountability and other Title I, Part A questions: OESE.titlei-a@ed.gov



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**From:** Schultz, Mark
**Sent:** Wed, 4 Mar 2020 02:25:56 +0000
**To:** VanderPloeg, Laurie;Levorse, Audrey
**Cc:** Winston, Melanie
**Subject:** Guidance on coronavirus

Hi Laurie and Audrey,

(b)(5)

Mark

(b)(5)

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Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Page 02096

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of the Freedom of Information and Privacy Act

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**From:** Ryder, Ruth
**Sent:** Sun, 15 Mar 2020 19:22:51 +0000
**To:** Schultz, Mark;VanderPloeg, Laurie;Stump, Scott;Goetz, Braden;Jones, Diane;King, Robert
**Cc:** Talbert, Kent;Rosenfelt, Phil;Brogan, Frank;Viana, Aimee
**Subject:** Heads up: Clearance of flexibility and waiver document
**Attachments:** disaster-guidance.pdf

OESE has been working with colleagues in OGC to update the disaster preparedness document on flexibility and waivers (attached). This document was developed in December of 2017. In addition to ESEA it includes IDEA Parts B and C, Adult and Career education, postsecondary education and FSA issues.

I wanted to alert you that this document will go into ED clearance late Monday or early Tuesday with a short turnaround. We are generally keeping responses as is, with conforming changes related to COVID-19 being substituted for disaster. Let me know if you have any questions or concerns.

Thanks

**Ruth E. Ryder**
**Deputy Assistant Secretary for Formula Grants**
Office of Elementary & Secondary Education | United States Department of Education
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# Non-Regulatory Guidance on Flexibility and Waivers for Grantees and Program Participants Impacted by Federally Declared Disasters

U.S. Department of Education

September 2017



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ED-20-0731-A-004153

## Introduction

The U.S. Department of Education (Department) is issuing this guidance to help Department grantees and program participants restore teaching and learning environments and resume services following Federally declared disasters[1] (including Hurricanes Harvey, Irma and Maria) that impact the 2017–2018 academic school year. We recognize your challenges and want to express our concern and extend our support during this process of recovery and resumption of normal business operations.

This document generally discusses waivers and other forms of relief from Federal requirements in order to provide schools, State educational agencies (SEAs), State lead agencies (LAs), local educational agencies (LEAs), local early intervention service (EIS) programs and providers, State Vocational Rehabilitation (VR) agencies, the Department of the Interior's Bureau of Indian Education -funded schools,[2] Tribes, and postsecondary institutions with the operational flexibility necessary to continue operations as they recover from extended school or program closures due to a disaster. The guidance addresses flexibility on reporting deadlines, timelines for grant-funded activities, and maintenance of fiscal effort or matching requirements, where applicable; proposes potential alternatives and strategies for providing program services after disruption; and suggests methods for ensuring continuity of services and communication with program participants. In addition, the document covers a variety of topics specific to various program areas.

We strongly encourage all interested parties to contact the Department with any requests for assistance beyond the scope of this document. We are committed to collaborating with impacted parties, as well as other Federal, state and local agencies, to remove barriers and expedite the work necessary to respond to and recover from the recent hurricanes. As necessary, we will update this guidance with answers to additional questions.

It is important to emphasize that this guidance addresses only Federal requirements and flexibilities, and that only State and local officials can address State and local requirements and flexibilities.

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[1] The phrase "Federally declared disaster" or "Presidentially declared disaster" means a disaster declared by the President to be a major disaster or emergency under section 401 or section 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191). Throughout this guidance, we use the term "disaster" to refer to "Federally declared disaster," which includes, for example, Hurricane Harvey, Tropical Storm Harvey, Hurricane Irma, and Hurricane Maria.

[2] The BIE has assumed the duties of an SEA under the ESEA with regard to the BIE-funded schools, and may request waivers under section 8401 of the ESEA. BIE-funded schools may submit waiver requests to the BIE as LEAs do under section 8401. Under section 611(h)(2)(A) of Part B of the IDEA and its implementing regulation in 34 CFR § 300.708, the BIE and BIE-funded schools assume the responsibilities of an SEA and LEA, respectively. Thus, references in this document to SEAs and LEAs include BIE and BIE-funded schools as they relate to programs under the ESEA and Part B of the IDEA.



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Each section addresses the implications of a prolonged school or program closure or other disruptions in the educational and other services to students and other program participants; legal questions that may arise for school or program administrators when faced with extended closures due to the disaster's impact; and the possibility of waiving requirements or finding other flexibility in Federal laws and regulations.



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## A. General Discretionary and Formula Grant Issues

This section discusses the waivers and other forms of relief that the Department may provide to grantees and grant applicants regarding Federal grant requirements following a disaster.

### A-1. How will the Department provide flexibility to entities applying for discretionary grants?

To the greatest extent possible, the Department will postpone discretionary grant competitions and extend application and other filing deadlines for institutions affected by a disaster when permissible under the law. Appropriations Acts generally provide funds for specific programs, purposes, and activities. The Department has very limited authority to redirect funds appropriated for one program or purpose to another program or purpose. The Department will:

- Ensure that any funds that have been statutorily authorized for relief efforts are awarded to eligible recipients; and
- Determine on a program-by-program basis whether a regular grant competition schedule should be suspended.

### A-2. How will an extended closure due to a disaster affect a grantee's receipt of funds?

Until a Department official has obligated Federal program funds to a grantee, no binding commitment exists with regard to these funds. If delays in Federal obligations are caused by a disaster, the Department staff will work with grantees on the obligations to the extent permitted by law, and warranted by the conditions and effects of the disaster, and consider using the "pre-award period" to negotiate a delay of the grant start-up date, and to authorize pre-award costs.

### A-3. Will a grantee be able to draw grant funds to pay for grant activities during the recovery period following a disaster?

The Department is committed to making every effort to have its existing electronic infrastructure available so that grantees can continue to draw funds for allowable grant expenditures that are consistent with their progress on the project. Grantees are cautioned that they should draw down grant funds only at the rate that they are able to carry out grant activities. Grantees should refer to 2 CFR § 200.305 for further information.

### A-4. What if a grantee has difficulty fulfilling grant activities because it is affected by a disaster?

During the recovery period from a disaster, grantees are expected to notify the relevant Department program office as soon as they are aware that they may have difficulty fulfilling grant activities. The Department is committed to working with its grantees to provide them with the maximum flexibility in making changes to project activities and timelines that might become



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necessary as a result of a disaster. For example, discretionary grantees that have partners or participants in areas affected by a disaster should alert the program offices as quickly as possible to make changes to the project activities and timelines. Additionally, with regard to formula grant programs, State VR agencies and grantees should contact their Office of Special Education and Rehabilitative Services (OSERS)/Rehabilitation Services Administration (RSA) State liaisons to address issues resulting from the disaster to renegotiate and/or redirect the scope of their work plans, as needed. LEAs should work through their SEAs to renegotiate and/or redirect the scope of their work plans, as needed. Grantees should refer to 2 CFR § 200.308 for further guidance.

**A-5. Generally, is another entity allowed to perform activities related to a grantee's project, if the grantee is unable to do so?**

The Department may allow another entity to perform activities for a grantee in some situations. As a part of their response and recovery efforts, grantees are encouraged to develop a backup plan for the operation of their grants that includes sharing project responsibilities and activities with other entities in the event that the grantee is not able to perform them. When the backup plan needs to be invoked, the grantee should seek approval from the Department to revise the grant in accordance with 2 CFR § 200.308. Grant backup plans might include, for example:

- Entering into arrangements and agreements with other organizations in the region to ensure the continuity of grant operations during recovery, including sharing or loaning of staff, facilities, space, materials, and supplies (contracting work to a third party has to comply with the procurement requirements set out in 2 CFR §§ 200.316 to 200.326);
- Shifting various activities and responsibilities to other members of an already approved partnership or consortium; or
- Transferring an entire grant to another entity (such a transfer has to be approved by the Department and implemented according to Department policies).

For more specific information regarding the transfer of State-administered grants and discretionary grants, see questions A-6 and A-7 below.

**A-6. For State-administered grants, is another entity allowed to perform activities related to a grantee's project, if the grantee is unable to do so?**

Yes, but States and their subgrantees, when applicable, will continue to be legally responsible for the administration of the grants and subgrants, as well as the monitoring of contracts. States have some discretion to make changes to their grants without prior approval by the Department under 2 CFR § 200.308. If a change requires prior approval, however, 2 CFR § 200.308 sets forth the procedures States follow to request prior approval from the Department. The Department will consider these requests on an expedited basis and will generally approve those that are consistent with the State plan or application that was filed and approved by the Department and reasonable in light of the specific circumstances of a disaster.



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**A-7. May a discretionary grant be transferred to another eligible entity if the grantee is unable to perform project activities due to a disaster?**

Yes, in limited circumstances a discretionary grant may be transferred from one entity to another. The transfer, however, requires formal approval by the Department, and the grantee must follow procedures to ensure that the grant continues to serve the same or a very similar population, and is of the same scope and meets the objectives as approved by the Department. The entity to which a grant is transferred must be an eligible recipient. To ensure that proposed changes are within the scope and objectives of the grant as approved, amendments to grant awards require formal approval by the Department under 2 CFR § 200.308.

**A-8. Must a grantee follow the various administrative requirements related to a grant (e.g., meeting reporting deadlines and obtaining administrative approvals) if it is affected by a disaster?**

Generally, yes, but the Department understands that grantees may need to make administrative changes to grant projects if they are affected by a disaster. Grantees have flexibility under 2 CFR § 200.308 and 34 CFR § 75.261 to make some changes without Department approval. Any relief from regulatory requirements provided to all grantees during the recovery period will be posted on the Department's website.

**A-9. In the event that grant-related activities are not being implemented because schools or program offices have been closed or staffing resources are not available, will the Department provide relief from meeting evaluation requirements?**

Yes, in such cases, the Department will consider modifying the project evaluation requirements, if appropriate; however, once grant activities resume, a proper evaluation of the project will need to be completed.

**A-10. If a grantee is required to provide services to partners, how can these partners receive grant management and grant administrative information needed to maintain their grant-related activities?**

Grantees are encouraged to establish communication systems with partner organizations, such as contractors and consortium members, and develop strategies based on the impact and estimated recovery period. Such planning may require establishing a backup strategy that will be operational throughout the recovery period. Grantees should coordinate such planning with their partners to make sure all affected entities have access to grant-related information.

Grantees can view examples of local plans at the following web address: www.ed.gov/admins/lead/safety/emergencyplan/pandemic/sampleplans/index.html.

**A-11. If a grantee is required to provide equitable services to private school students and teachers, how will private schools be notified of the availability and delivery of such services during the recovery period?**



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Grantees should, during the required consultation process with private school officials under sections 1117(b) and 8501(c) of the ESEA and under section 612(a)(10)(A)(iii) of the IDEA, establish procedures and strategies, including a communication process, that the entity will implement in the event of an extended school closure. Planning for this effort may require establishing a backup strategy that will be operational throughout the recovery period. Grantees should coordinate such planning with private school officials to make sure that all appropriate private schools have access to information related to Federal education equitable services provided to their private school students and teachers. Grantees and private school officials may also consider enlisting the assistance of the designated ESEA State ombudsman regarding ESEA equitable services assistance. See questions B-4 and C-7 in this guidance for additional program-specific guidance on the provision of equitable services.

**A-12. Discretionary grantees have specific performance targets that are approved in their applications. Will the Department renegotiate performance targets due to delays in project implementation, school closings, or reduced staff capacity?**

Yes. In general, the Department expects grantees to strive to achieve performance targets as stated in their approved grant applications; however, the Department understands that grantees may experience delays in achieving performance targets as the result of a disaster. If necessary, grantees may request approval from the Department to adjust project timelines so that approved performance targets can be met, but at a later date than originally planned. In addition, grantees may exercise the administrative flexibility in 34 CFR § 75.261 and initiate a one-time extension of up to one year without prior approval to complete unfinished project activities, and thereby meet approved performance targets in accordance with revised project timelines.

**A-13. What does the Department expect with regard to the treatment of institutional employees who are supported by Federal higher education grants or other employees paid with Federal education program funds?**

Institutional employees who are supported with Federal grants awarded by the Department, including grants authorized by the Higher Education Act (HEA), and the other programs discussed in this guidance such as the IDEA, and Title I of the ESEA, should be treated the same as similarly situated employees of the institution. In the case of programs serving K-12, Federally funded employees should be treated the same as similarly situated State and locally funded employees. This means that if the institution's policy or State and local law and policies provide for similarly situated employees to be paid during an extended closure due to a disaster, those supported with Federal grants would also be paid. These employees should return to the duties for which the grant funds were provided as soon as possible and, to the extent practicable, should work on project activities during the time the school is closed. Employees supported with Federal grant funds who are intended to provide direct services to students may maintain contact with students during the recovery period, through appropriate methods such as telephone, videophone, and email.



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## B. Elementary and Secondary Education Issues - The Elementary and Secondary Education Act (ESEA)

This section discusses potential legal issues that school administrators may face when responding to and recovering from extended school closures and otherwise addresses disruption in elementary and secondary educational services funded under the ESEA. Specifically, this section discusses waivers and other forms of relief from elementary and secondary (K-12) Federal education requirements and other flexibilities the Department may provide.

### B-1. May the Department provide flexibility to SEAs, LEAs, and Indian Tribes with regard to Federal K-12 requirements governed by the ESEA in response to a disaster?

Yes, to the extent permissible under law, the Department may provide SEAs (as well as LEAs and schools through their SEA) and Indian Tribes with flexibility as necessary to appropriately address the impact a natural disaster has had upon the normal functioning or delivery of educational services. Section 8401 of the ESEA (20 U.S.C. § 7861) permits the Secretary to grant waivers of most ESEA requirements to SEAs, (as well as LEAs and schools through their SEA) and Indian Tribes that receive ESEA funds and that request such waivers. Specifically, if warranted due to the impact of a disaster that impedes functioning or delivery of educational services in a State, LEA, or school, the Department may, upon request by SEAs or Indian Tribes, grant waivers as it determines appropriate of most ESEA statutory and regulatory requirements.

### B-2. Which entity/entities is/are responsible for requesting a waiver related to Federal K-12 requirements or deadlines?

Only SEAs and Indian Tribes that receive funds under a program authorized by the ESEA may request a waiver, consistent with the provisions in section 8401. If an LEA would like to request a waiver, section 8401 requires that it submit a waiver request to its SEA, which may then submit it to the Department if the SEA determines the waiver to be appropriate. Similarly, an elementary or secondary school may submit a waiver request to its LEA, which may then submit it to the SEA if the LEA determines the waiver to be appropriate. The SEA may then submit the request to the Department, if the SEA determines the waiver to be appropriate. To clarify this process, SEAs may choose to provide guidance and a process for LEAs and schools to submit a waiver request to the SEA.

If an SEA or Indian Tribe believes a waiver may be needed, the Department requests that, if possible, the entity contact the Department to receive technical assistance before requesting the waiver. The Department will then assist the SEA or Indian Tribe in requesting a waiver.

### B-3. What is the general process for applying for a waiver of ESEA requirements?



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To obtain a waiver, the ESEA requires that an SEA, LEA (through its SEA), Indian Tribe, or school (through its LEA and SEA or Indian Tribe) submit a request to the Secretary. Section 8401(b) of the ESEA requires an SEA (on behalf of the SEA or on behalf of, and based on the requests of, LEAs in the State) or Indian Tribe (on behalf of schools operated by the Tribe) to include in its waiver request a plan that:

- Identifies the Federal program(s) affected by the requested waiver;
- Describes which Federal statutory or regulatory requirements are to be waived;
- Describes how the waiving of such requirements will advance student academic achievement;
- Describes the methods the SEA, LEA, school, or Indian Tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the waiver;
- Includes only information directly related to the waiver request; and
- Describes how schools will continue to assist the same populations served by the program for which the waiver is requested.

Before submitting the waiver request to the Department, an SEA must:

- Provide the public and any interested LEA in the State, to the extent the request impacts the LEA, with notice and a reasonable opportunity to comment and provide input on the request in the manner in which the SEA customarily provides similar notice and opportunity to comment; and
- Submit the comments and input to the Department with a description of how the SEA addressed any comments and input. (Section 8401(b)(3)(A) of the ESEA).

An SEA may also describe what may occur if it does not receive a waiver.

In the case of a waiver request submitted by an LEA, the request must be reviewed and approved by the SEA in accordance with section 8401(a)(2) before being submitted to the Secretary. The LEA must also provide notice and a reasonable opportunity to comment on the waiver request to the SEA and the public in the manner in which the LEA customarily provides similar notice and opportunity to comment to the public. (Section 8401(b)(3)(B) of the ESEA). Any comments received from the SEA and public must accompany the request when submitted to the Department.

The Department encourages any SEA, LEA, school, or Indian Tribe that intends to seek a waiver to review section 8401 of the ESEA, which may be accessed at the following web address: https://www2.ed.gov/documents/essa-act-of-1965.pdf.

Affected agencies or schools may also contact the Department's Office of Elementary and Secondary Education with questions about ESEA waivers by calling (202) 401-0113.

**B-4. <u>If an LEA is required to provide equitable services to private school students under an ESEA program, how should the LEA communicate with officials of these private schools during an extended school closure due to a disaster?</u>**



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The Department suggests that an LEA, during the required consultation process with private school representatives or officials under sections 1117(b) and 8501(c) of the ESEA, establish a communication process for use throughout a closure necessitated by a disaster. For example, the LEA may establish an emergency call tree to ensure any needed information can be shared within the LEA and from the LEA to private schools, as needed. The LEA may also establish procedures for how equitable services will be impacted in the case of closure due to a disaster and share those procedures with the private school representatives or officials. It will be helpful for LEAs to coordinate such planning with appropriate private school officials to make sure that they have access to information related to equitable services for their eligible students and, as applicable, their teachers and families. Grantees and private school officials may also consider enlisting the assistance of the designated State ombudsman regarding ESEA equitable services matters. As noted under the answer to B-7, the equitable participation of private school students and teachers may not be waived under section 8401(c) of the ESEA.

**B-5. Does the ESEA allow for any flexibility with respect to meeting maintenance of effort (MOE) without waiver approval?**

Yes. There is some flexibility in the MOE provisions in the ESEA.

It is important to understand the delay in when the current year's expenditures are taken into account for MOE determinations. For example, expenditures in school year 2017-2018 (fiscal year (FY) 2017 funds) will not affect MOE determinations until school year 2019-2020 (FY 2019 funds). In 2019-2020, the "preceding fiscal year" for MOE determinations will be expenditures for school year 2017-2018; likewise, expenditures in school year 2017-2018 will be the "second preceding fiscal year" for MOE determinations for school year 2020-2021 (FY 2020 funds). Under the MOE provisions in section 8521(b)(2) of the ESEA, an LEA that does not maintain effort during school year 2017-2018 (i.e., based on expenditures during the July 1, 2017 to June 30, 2018 period) would not be penalized with a reduction in Federal FY 2019 (school year 2019-2020) ESEA funds unless the LEA also failed to maintain effort in one or more of the five fiscal years preceding July 1, 2017. If an LEA faces a reduction in FY 2019 ESEA funds, the LEA (or the SEA on the LEA's behalf) may request an MOE waiver under section 8521(c)(1), which gives the Department the authority to waive the MOE requirements in the case of a natural disaster or another exceptional or uncontrollable circumstance.

Finally, we note that, under 34 CFR § 299.5(d)(2)(i), an SEA excludes from an ESEA MOE determination supplemental expenditures of State and local funds made as a result of a Presidentially declared disaster. Therefore, if an LEA's expenditures increase significantly in school year 2017-2018 due to increased spending in response to such a disaster, the SEA will exclude these expenditures from MOE calculations, which will decrease the possibility that a one-time increase in school year 2017-2018 expenditures will cause an LEA to fail to maintain effort in school year 2018-2019 (affecting allocations for the 2020-2021 school year) when expenditures from school year 2018-2019 are compared to school year 2017-2018 expenditures.

**B-6. How should SEAs and LEAs identify and serve students who may be residing in homeless situations as a result of a disaster?**



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The Education for Homeless Children and Youth (EHCY) program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) (McKinney-Vento Act). The purpose of the McKinney-Vento Act is to ensure that homeless children and youth have equal access to the same free, appropriate public education as provided to other children and youth. (*See* section 721 of the McKinney-Vento Act). Under section 725(2)(A) of the McKinney-Vento Act, a child or youth is considered homeless if he or she lacks "a fixed, regular, and adequate nighttime residence." This includes children and youth who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters, cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings. (Section 721(b) of the McKinney-Vento Act).

Under the McKinney-Vento Act, each SEA has a State Coordinator for the Education of Homeless Children and Youths (EHCY). (*See* section 722(f) of the McKinney-Vento Act). In addition, each LEA also has a staff person who is designated to serve as the local liaison for homeless education. (*See* section 722(g)(1)(J)(ii) of the McKinney-Vento Act). In the event of a disaster, State Coordinators and local liaisons will want to work together to coordinate and facilitate services to children and families made homeless by the disaster.

To facilitate identification of homeless students, local liaisons may choose to display posters or distribute brochures on McKinney-Vento rights in places where people affected by the disaster are likely to assemble. Local liaisons should also notify social services, housing, and other types of agencies working with individuals and families affected by the disaster to assist with identification.

Local liaisons can be proactive in preparing schools to enroll displaced students and arranging for additional staff to assist with the identification and enrollment process. The McKinney-Vento Act requires homeless students to be immediately enrolled in school, even if the student is lacking documentation normally required for enrollment or has missed enrollment deadlines during any period of homelessness. (Section 722(g)(3)(C) of the McKinney-Vento Act). The LEA and school must also allow a student to remain in his or her school of origin (i.e., the school in which he or she was last enrolled or that he or she attended when permanently housed) if it is in the student's best interest to remain in that school and ensure that the student is provided transportation to and from that school if requested. (Sections 722(g)(3)(A) and 722(g)(1)(J)(iii) of the McKinney-Vento Act).

For more information on the EHCY program, please see the Department's non-regulatory guidance, which is available at: https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716updated0317.pdf. In addition, the National Center for Homeless Education has technical assistance products on Disaster Preparation and Response, which are available at: http://nche.ed.gov/ibt/dis_prep.php .



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**B-7. <u>Are there certain Federal K-12 requirements under the ESEA that may not be waived in response to a disaster?</u>**

Yes. Section 8401(c) of the ESEA restricts the requirements for which the Department may consider waivers under section 8401. The requirements for which the Department *may not* grant waivers under this section include:

(1) The allocation or distribution of funds to States, LEAs, Indian Tribes, or other recipients of funds under the ESEA;
(2) Maintenance of effort (as noted below, section 8521 of the ESEA gives the Department the authority to waive this requirement under certain circumstances);
(3) Comparability of services;
(4) Use of Federal funds to supplement, not supplant, non-Federal funds;
(5) Equitable participation of private school students and teachers;
(6) Parental participation and involvement;
(7) Applicable civil rights requirements;
(8) The requirement for a charter school under Part C of Title IV of the ESEA;
(9) The prohibitions—
    (A) In Subpart 2 of Part F of Title VIII of the ESEA;
    (B) Regarding use of funds for religious worship or instruction in section 8505 of the ESEA; and
    (C) Regarding activities in section 8526 of the ESEA (prohibited uses of funds); and
(10) The selection of a school attendance area or schools under subsections (a) and (b) of section 1113 of the ESEA, except that the Department may grant a waiver to allow a school attendance area or school to participate in activities under Part A of Title I if the percentage of children from low-income families in the school attendance area or who attend the school is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school of the LEA that meets the requirements of subsections (a) and (b) of section 1113.

In addition, the section 8401 waiver authority does not apply to the Impact Aid Program (Title VII of the ESEA).

## C. Elementary and Secondary Education Issues- Part B of the IDEA, Section 504 of the Rehabilitation Act (Section 504), and Title II of the Americans with Disabilities Act (ADA)

Following a disaster, once schools resume, elementary and secondary schools must ensure equal access to educational opportunities for students with disabilities, and provide a free appropriate public education (FAPE). Under IDEA, LEAs where private elementary schools and secondary schools are located must also ensure the provision of equitable services to eligible students with disabilities enrolled by their parents in those private schools. (34 CFR §§ 300.130-300.144). The Department currently has no legal authority to waive IDEA requirements, except



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for the requirement to maintain State financial support for special education and related services, as explained in question C-9 below. Therefore, the following questions primarily address best practices for SEAs, LEAs, and schools when addressing extended school closures as a result of a disaster.

**C-1. Is an LEA required to continue to provide FAPE to students with disabilities during a school closure caused by a disaster?**

The IDEA, Section 504, and the ADA do not specifically address a situation in which elementary and secondary schools are closed for an extended period of time because of exceptional circumstances, such as a disaster.

If an LEA closes its schools because the functioning or delivery of educational services is disrupted, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The Department understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed to make up for any skills that may have been lost because of an extended school closure.

If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. (34 CFR §§ 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)). SEAs, LEAs, and schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP developed under IDEA, or a plan developed under Section 504. (34 CFR §§ 300.101 and 300.201 (IDEA), and 34 CFR § 104.33 (Section 504)).

**C-2. In the event of a school closure due to a disaster, how might educational services be provided to students with disabilities?**

Schools should consider ways of ensuring that continuing education activities (i.e., services provided during a school closure) are accessible to students with disabilities when they are provided to the general education population. Technology may afford students, including students with disabilities, an opportunity to have access to high-quality educational instruction during an extended school closure, especially when continuing education must be provided through distance learning. If schools are providing educational opportunities to the general student population, SEAs and LEAs are required to provide the services and accommodations needed for students with disabilities to have an equal opportunity to participate in a distance-



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learning program. (34 CFR § 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)).

**C-3. What must a school do if it cannot provide services in accordance with a student's IEP or Section 504 plan?**

If a school continues to provide instruction to the general school population during an extended closure due to a disaster, but is not able to provide services to a student with a disability in accordance with the student's IEP, the student's IEP Team determines which services can be provided to appropriately meet the student's needs. The IEP Team may meet by teleconference or other means to determine if some, or all, of the identified services can be provided through alternate or additional methods. Appropriate personnel responsible under Section 504 must take similar actions regarding a student who has a Section 504 plan. Additionally, under IDEA, eligible students enrolled by their parents in private schools who have services plans would need similar consideration and actions. If there has been an extended school closure, once school resumes, a student's IEP Team, or appropriate personnel under Section 504, must determine whether, and to what extent, compensatory services are needed consistent with the respective applicable requirements. (*See* Q&A C-5). (34 CFR §§ 300.320-300.324 (IDEA) and 34 CFR §§ 104.33-104.35(c) (Section 504)).

**C-4. In the event that a school is closed for an extended period of time due to a disaster, would an IEP Team be required to meet? Would an LEA be required to conduct an evaluation of a student with a disability?**

IEP Teams are not required to meet in person while schools are closed. IEP Teams may continue to work with parents and students with disabilities during such school closures and offer advice, as needed. If an evaluation of a student with a disability requires a face-to-face meeting or observation, the evaluation would need to be delayed until school reopens. Evaluations and reevaluations that do not require face-to-face assessments or observations may take place while schools are closed, if the parent consents. These same principles apply to similar activities conducted by appropriate personnel for a student with a disability who has a plan developed under Section 504 or who is being evaluated under Section 504.

**C-5. What steps must be taken to serve a student with a disability who may have lost skills as a result of an extended absence from school due to a disaster?**

The student's IEP Team (or appropriate personnel under Section 504) must make an individualized determination as to whether, and to what extent, it may be necessary to provide compensatory education. (34 CFR §§ 300.320-300.324 (IDEA), and 34 CFR §§ 104.33-104.35 (Section 504)).

Compensatory services may be necessary when there is a decline in the student's skills that occurred as a result of a student not receiving services during an extended closure due to a disaster.



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The student's IEP Team also must review the student's IEP and determine whether any other changes to the IEP are needed as a result of the extended absence from school. (34 CFR § 300.324(b)(1)). An IEP Team may consider using informal assessments to determine whether there have been changes in a student's performance. Similarly, the appropriate personnel under Section 504 must also review the student's plan developed under Section 504 to determine whether any other changes are needed as a result of a prolonged absence from school. (34 CFR § 104.35(c)).

**C-6. What steps must a school district unaffected by a disaster take in order to serve a student with a disability who relocates to that school district? What if the child's family does not have a copy of the child's current IEP in this situation?**

During such a difficult time, as schools attempt to locate or preserve records and work to rebuild school facilities, the Department recognizes the challenges associated with serving students who are displaced from their current school as a result of a disaster. For children with disabilities, the requirements under the IDEA related to student transfers do not contain specific exceptions due to disasters or situations where a school is unable to provide educational services to students. IDEA contains specific provisions governing IEPs and services for students with disabilities who transfer to a new school district within the same State or a different State in the same school year. (34 CFR § 300.323(e)-(g)). While different requirements apply to within-State and out-of-State transfers, students with IEPs must receive FAPE through the provision of services comparable to those described in the child's IEP from the previous public agency until, in the case of an in-State transfer, the new school district implements an IEP for the student. In the case of an out-of-State transfer, the new school district conducts an evaluation if determined necessary and implements a new IEP, if appropriate. The new school district must take steps to attempt to obtain the child's records from the previous school district, if such records exist, and the previous school district must attempt to promptly respond to the records request. (34 CFR § 300.323(g)). If a child's family relocates to a new school district in a different State, and the new school district believes that the child has a disability, but the parents cannot provide a copy of the child's IEP or the previous school district has not provided a copy of the child's IEP, the new school district may provide the child with special education and related services through a temporary IEP, subject to the parent's agreement. Recipient LEAs also are responsible for providing FAPE consistent with the requirements of Section 504 to students with disabilities who are in the jurisdiction of the LEA.

**C-7. Is an LEA required to provide equitable services to parentally placed private school students with disabilities during an extended school closure due to a disaster? How should the LEA communicate with these private schools?**

LEAs with students with disabilities parentally placed in private schools should have, during the required consultation process with private school officials under section 612(a)(10)(A)(iii) of the IDEA, established procedures and strategies, including a communication process that will be implemented in the event of an extended school closure. Planning for this effort may require establishing a new strategy to be employed during the extended closure. LEAs should coordinate such planning with appropriate private school



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officials to make sure that they have access to information related to equitable services for their eligible students.

**C-8. How should a State impacted by a disaster report data on its FFY 2017 IDEA Part B SPP/APR?**

The Department recognizes the damaging effects of disasters on impacted LEAs and their impact on LEAs' ability to report data. In developing the State's FFY 2017 IDEA Part B SPP/APR (which covers the period July 1, 2017 through June 30, 2018), the State should include for each indicator that it is relevant to, information that discusses the extent to which any LEAs that were affected by a disaster were unable to meet applicable timelines or where the collection of valid and reliable data was not possible. Please include any other relevant information for the Office of Special Education Programs (OSEP) to take into account.

**C-9. Does the Department have the authority to waive the requirement to maintain State financial support for special education and related services due to a disaster?**

Yes. The Secretary may waive, one fiscal year at a time, the requirement under Part B of the IDEA that States not reduce the amount of State financial support for special education and related services for children with disabilities if doing so would be equitable due to exceptional or uncontrollable circumstances, such as a disaster or unforeseen decline in the financial resources of the State. (34 CFR § 300.163(c)(1)). A State that wishes to seek such a waiver would contact its State Lead in OSEP for technical assistance.

## D. Issues Related to Services for Infants and Toddlers under Part C of the Individuals with Disabilities Education Act (IDEA)

Part C of the IDEA provides funds to the State LA to make early intervention services available to all eligible infants and toddlers with disabilities and their families living within the State. These services are provided in a variety of settings, including the child's home, daycare, preschools, and community centers. The following questions and answers primarily address the best practices for the State LA and its local EIS programs and providers when faced with unforeseen programmatic circumstances due to a disaster.

**D-1. Are the State LA or EIS program or provider required to continue providing early intervention services to infants and toddlers with disabilities under Part C of the IDEA if the offices are closed due to the impacts of a disaster?**

If the offices of the State LA or the EIS program or provider are closed, then services under Part C of the IDEA would not need to be provided to infants and toddlers with disabilities and their families during that period of time. If the LA's offices are open but the offices of the EIS program or provider in a specific geographical area are closed due to public health, flooding



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and/or safety concerns as a result of destruction in the area, the EIS program or provider would not be required to provide services during the closure.

If the local EIS program or provider's offices remain open, but IDEA Part C services cannot be provided in a particular location (such as in the child's home) by a particular EIS provider, then the LA should take reasonable steps to identify alternatives for continuing services. For example, services may be provided in an alternate location, using a different EIS provider, identifying other parent or community resources, or through alternate means, such as through teleconference or consultative services to the parent (if feasible).

**D-2. What steps must be taken if early intervention services are not provided for an extended period of time to an infant or toddler with a disability under Part C of the IDEA?**

Once the offices re-open and/or EIS programs and providers are able to provide services, the service coordinator and EIS providers for each child must resume providing the services on the child's Individualized Family Service Plan (IFSP) as soon as possible. (20 U.S.C. 1435(a)(4) and 1436; 34 CFR § 303.342(e)). For children who did not receive early intervention services for an extended period of time, once services resume, the service coordinator and EIS providers must determine if the child's service needs have changed, determine whether the IFSP Team should review the child's IFSP to identify whether any changes are needed, and consider whether compensatory services are needed. (20 U.S.C. 1436; 34 CFR § 303.342(b)). The IFSP team may meet by teleconference or other means to review the IFSP if conditions warrant or if the family requests a periodic review. *Id.*

**D-3. What steps can be taken to resume the provision of early intervention services after a family has been displaced and has relocated, and what can be done if early intervention records cannot be located or accessed?**

The Department recognizes the disruption to families and challenges to providers in continuing to provide early intervention services to families who are in a new location as a result of a natural disaster. Once early intervention services can be provided, if a family is in a new location, the first step is to contact the EIS program or provider where the child was receiving IDEA Part C services to obtain a copy of the child's early intervention record and most recent IFSP (with parent consent, if needed under 34 CFR § 303.414). If the child's records cannot be located or accessed due to circumstances relating to a disaster, a State may provide IDEA Part C services if parental consent is obtained by using an interim IFSP under 20 U.S.C. 1436(c) and 34 CFR § 303.345, until such time as the records establishing eligibility and the child's IFSP are available or, in the case of no records being available or a new family initially referred to IDEA Part C, such time as an evaluation and assessment can be conducted to determine eligibility.

**D-4. Does IDEA allow for flexibility in meeting the 45-day timeline for conducting a child's initial evaluation, assessment, and IFSP meeting?**

While the Department does not have the authority to waive the IDEA Part C 45-day timeline requirement in 34 CFR § 303.310(a), this timeline includes two allowable exceptions. These exceptions apply if the child or parent is unavailable due to exceptional family



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circumstances or a natural disaster; or if the parent has not provided consent despite documented, repeated attempts by the LA or EIS provider to obtain parental consent. (34 CFR § 303.310(b)). Both of these exceptional circumstances may apply in situations where a family has been displaced as a result of a disaster. In these situations, the LA or EIS program or provider must document application of the exception in the child's early intervention records. (34 CFR § 303.310(c)(1)). In situations such as a natural disaster, when families and providers are displaced and when offices are closed, delays can be expected. States must complete the initial evaluation, assessment, and IFSP meeting as soon as the exceptional family circumstance no longer exists and parental consent is obtained. (34 CFR § 303.310(c)(2)). As mentioned in question D-3, if appropriate, an interim IFSP may be put into place with parent consent under 34 CFR § 303.345 to provide IDEA Part C services before the evaluation or assessment is completed.

**D-5. How should the State report data on its Federal Fiscal Year (FFY) 2017 State Performance Plan/Annual Performance Report (SPP/APR) for IDEA Part C?**

The Department recognizes the damaging effects of recent natural disasters on EIS programs and providers and the infants and toddlers and families who are served by those programs. In developing the FFY 2017 SPP/APR (which covers the period July 1, 2017, through June 30, 2018) under Part C of the IDEA, the State should include for each indicator that it is relevant to, information that discusses the extent to which any EIS programs that were affected by the recent hurricanes, were unable to meet applicable timelines or where the collection of valid and reliable data was not possible. Please include under Indicators 1, 7, and 8 any documented exceptional family circumstances and other relevant information for OSEP to take into account.

## E. Adult Education and Career and Technical Education Program Issues

**E-1. May States receive a one-year waiver of their maintenance of effort (MOE) requirements for adult education and career and technical education programs if a disaster causes a disruption in services?**

Yes. Section 241(b)(4) of the Adult Education and Family Literacy Act (AEFLA) authorizes the Secretary to waive a State's MOE requirement for not more than one fiscal year if "the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster." Similarly, section 311(b)(2) of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV) allows the Secretary to waive a State's MOE requirement due to exceptional or uncontrollable circumstances (such as Hurricane Harvey, Hurricane Irma or Hurricane Maria) that affect a State's ability to meet such requirements.

**E-2. May States and local recipients renegotiate their agreed-upon performance levels for career and technical education programs if there are extended closures due to a disaster?**



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Yes, if the devastation from a disaster makes it excessively difficult to meet performance goals. Section 113(b)(3)(A)(vii) of Perkins IV provides the Secretary with the authority to renegotiate annual performance goals if certain unanticipated circumstances arise. (*See* the Office of Career, Technical, and Adult Education's Questions and Answers Regarding Perkins IV Non-Regulatory Guidance, Version 3 (Questions B-40 through B-45), https://s3.amazonaws.com/PCRN/docs/Compiled_List_of_QAs-8-8-16.docx).

**E-3. Will a State be subject to a financial sanction if it is not able to submit its performance report, as required under the Workforce Innovation and Opportunity Act (WIOA), by the report due date because of a disaster?**

No. In accordance with WIOA's implementing regulations at 34 CFR § 463.185(b), a State will not be subject to a financial sanction if it does not submit a complete performance report by the report due date as a result of exceptional circumstances outside of the State's control, including a disaster.

In the event that a State is not able to submit a complete performance report by the report due date, the State must notify the Secretary of Labor or Secretary of Education as soon as possible, but no later than 30 days prior to the established deadline for submission, of a potential impact on the State's ability to submit its performance report in order to not be considered failing to report. In circumstances where unexpected events occur less than 30 days before the established deadline for submission of the performance report, the Secretaries of Labor and Education will review requests for extending the reporting deadline in accordance with their Departments' procedures. (*See* 34 CFR § 463.185(c)).

## F. Postsecondary Education Issues Generally

This section discusses the waivers and other forms of relief the Department may provide to postsecondary institutions and other postsecondary program participants regarding Federal education requirements during an extended school closure as a result of a disaster, such as a hurricane, that disrupts the functioning or delivery of educational services. For additional information, see the guidance posted at the following Web address: https://ifap.ed.gov/ifap/disaster.jsp.

**F-1. What should institutions do if a disaster disrupts the delivery of educational services?**

Institutions should have alternatives for the delivery of educational programs for use during an extended closure due to a hurricane or other disaster. These alternatives could include creating or expanding distance learning opportunities, either through existing institutional capacity or through agreements with other institutions. Any written agreements with other institutions should be put in place as soon as possible so that they are available to address the needs of students, including students with disabilities. The requirements for these types of



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agreements for purposes of Federal Student Aid (FSA) programs can be found in 34 CFR § 668.5.

Because the ADA and Section 504 also prohibit discrimination on the basis of disability, institutions that receive Federal financial assistance or that are covered by the ADA must ensure that students with disabilities have equal access to educational opportunities. This includes plans for distance learning. Institutions should prepare strategies to ensure that students with disabilities have equal access to these programs. These include strategies for providing reasonable accommodations such as auxiliary aids and services and modifications to academic requirements where necessary to enable these students to access distance learning programs. (34 CFR § 104.44; 28 CFR §§ 35.130(b)(7) and 35.160).

Institutions should have plans ready to serve all students residing on campus, or to perform other functions if the campus itself is used for other purposes by the State or local community. Emergency preparedness and emergency response programs must also be accessible to individuals with disabilities. For additional information, *see* "An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities," available at the following website: http://www.ada.gov/emergencyprepguide.htm.

**F-2. What should an institution do if it is unable to properly administer its Federal student assistance programs under Title IV of the Higher Education Act of 1965 (HEA) due to a disaster?**

If an institution determines that it is, or will be, unable to properly administer its Title IV programs (including continuation of its educational programs) as a result of a disaster, it should immediately contact the FSA School Participation Division in the Department for further guidance. The contact information can be found at the following web address: https://ifap.ed.gov/ifap/helpContactInformationDetailedList.jsp?contactname=School%20Participation%20Division.

**F-3. What steps should institutions take if incoming students are unable to complete high school graduation requirements due to extended closures caused by a disaster and its disruptions to the functioning or delivery of educational services?**

Under institutional eligibility requirements for the Department's Federal student financial aid programs (34 CFR §§ 600.4(a)(2), 600.5(a)(3), and 600.6(a)(2)), institutions participating in those programs must admit as regular students only persons who have a high school diploma, have the recognized equivalent of a high school diploma, or are beyond the age of compulsory school attendance in the State in which the institution is physically located. Accordingly, institutions are strongly encouraged to consult with the high school the student was attending to best address a plan for the student to receive the high school diploma or its equivalent. The Department recognizes this may be a difficult task, particularly for students attending high school in a different State from the State in which the institution is located; however, officials at



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the high school will be the most aware of any modifications or waivers provided by the SEA or LEA.

### F-4. What if an institution's accreditation is up for renewal during an extended closure due to a disaster and the accrediting agency cannot complete its work on time?

The Secretary urges accrediting agencies to establish reasonable written policies (if they do not already have such policies) to extend accreditation or pre-accreditation if an institution is closed as a direct result of a disaster. Generally, the Department will consider policies granting extensions of accreditation or pre-accreditation due to expire within three months of a disaster or the deferral of already-pending accreditation actions as reasonable and consistent with good practice. For institutional eligibility purposes, the Department will accept reasonable extensions of existing accreditation or pre-accreditation even if granted by an agency that lacks a plan for extended closures.

### F-5. What if an institution's application to be recertified to participate in the FSA program is not submitted timely because of a disaster?

The Department will consider extending the institution's Program Participation Agreement if the institution has been impacted by a disaster. Institutions that need an extension should contact the School Participation Division of FSA.

## G. Issues Related to the Administration of the Federal Student Aid Programs

### G-1. What if an institution closes for several weeks during an academic year and it is not possible to reschedule instructional time?

If, as a result of a disaster, an institution is temporarily closed for an extended period of time that impacts the length of its academic year, the Department, through the FSA School Participation Division, will assist the institution to determine the continued eligibility of its programs and its students for HEA Title IV assistance. The Secretary may permit institutions with academic years of 30 weeks or longer to shorten their academic years to not less than 26 weeks, on a case-by-case basis under section 481(a) of the HEA, and 34 CFR § 668.3.

### G-2. What can an institution do to mitigate the impact that a disaster may have on the financial aid that students receive?

To reduce the potential impact of a disaster on student financial aid, the Department suggests the following:

- **Professional Judgment:** Section 479A of the HEA specifically provides the financial aid administrator (FAA) the authority to use professional judgment to make adjustments to the cost of attendance or to the values of the items used in calculating the Expected Family Contribution (EFC) to reflect a student's special circumstances. The Secretary



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encourages FAAs to use professional judgment to reflect more accurately the financial need of students and families affected by a disaster. The use of professional judgment is discussed in the Department's FSA Handbook, which can be accessed at: https://ifap.ed.gov/ifap/byAwardYear.jsp?type=fsahandbook&awardyear=2016-2017.

- **Refunds and Re-Enrollment:** The Department strongly encourages institutions to provide a full refund of tuition, fees, and other institutional charges, or to provide credit in a comparable amount against future charges, for students who withdraw from school as a direct result of a disaster. The Department also urges institutions to consider providing easy and flexible re-enrollment options to such students.
- **Satisfactory Academic Progress:** When a student fails to meet the institution's satisfactory academic progress standards due to a disaster, the institution may apply the "other special circumstances" exception provision in 34 CFR § 668.34(a)(9)(ii).
- **Return of Title IV Funds:** If a student withdraws from school because of a disaster, the institution must perform the return of HEA Title IV funds calculations in accordance with 34 CFR § 668.22, as it must for any student who withdraws. Institutions should not include the days the school was not offering classes due to the disaster in either the numerator or denominator of the calculation.
- **Late Disbursements:** The Department's disbursement regulations allow, under certain conditions and within certain time frames, for a late disbursement of Title IV funds when the late disbursement was not the fault of the student. These regulations would permit a disbursement of Title IV funds to accommodate students affected by a disaster (*see* 34 CFR § 668.164(j)).

### G-3. What relief from the requirements in the Student Assistance General Provisions regulations may the Department provide to institutions, and how may institutions go about requesting this relief?

If appropriate, the Department may provide the following relief to institutions:

- **Cash Management:** The Secretary will work with institutions affected by a disaster to address specific problems arising from regulatory requirements regarding credit balances, notices and authorizations, excess cash, and the handling of Direct Loan Fund Proceeds (*see* 34 CFR part 668, subpart K). Please contact the FSA School Participation Division for assistance.
- **Campus Security Report and Equity in Athletics Disclosure Report:** If an institution is unable to provide the Department with its crime and fire statistics or its Equity in Athletics Disclosure Report by the established deadlines because its administrative capability is directly impacted by a disaster, the Department will consider adjusting the reporting deadlines (*see* 34 CFR §§ 668.41, 668.46, and 668.47). This also includes the dissemination of an Annual Security Report to the school's community by October 1 of each year. Please contact the FSA School Participation Division for assistance.
- **Enrollment Reporting:** If an institution is unable to report enrollment information to the National Student Loan Data System (NSLDS) according to the established schedule



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as a direct result of a disaster, it must contact NSLDS Customer Service at 1-800-999-8219 to modify its reporting schedule.

### G-4. What administrative relief can the Department provide to institutions regarding campus-based programs?

Section 413D(d) of the HEA penalizes institutions for underutilization of their campus-based funding. Section 413D(d)(2) of the HEA, however, authorizes the Secretary to waive this penalty for an institution if enforcing the reduction would be contrary to the interest of the program. The Secretary will consider the failure of an institution to expend funds due to a disaster as an appropriate basis for granting a waiver (*see* 34 CFR § 673.4(d)(3)).

The HEA also requires an institution to use at least seven percent of the total amount of its Federal Work Study (FWS) allocation to compensate students employed in community service (42 U.S.C. 2753(b)(2)(B)). The Secretary may waive this requirement if the Secretary determines that enforcing it would cause a hardship for students at the institution. The Secretary will consider the failure of an institution to expend at least seven percent of its FWS allocation for community service due to a disaster that disrupts the functioning or delivery of educational services as an appropriate basis for a waiver (*see* 34 CFR § 675.18(g)).

In addition, the Secretary will consider extending the Fiscal Operations Report and Application to Participate reporting deadlines on a case-by-case basis if a disaster affects an institution's ability to meet these required reporting deadlines. To receive such consideration, institutions may contact the FSA School Participation Division.

### G-5. What administrative relief can the Department provide to institutions regarding enrollment reporting requirements?

Any borrower who maintains an "in-school" status but who is unable to complete course requirements or enroll in classes because of an issue caused by a disaster will be considered to have maintained his or her "in-school" status during the relevant period of nonattendance until the borrower withdraws or re-enrolls in the next regular enrollment period (whichever is earlier). The relevant period of nonattendance should not require a borrower to enter or use any of his or her grace period.

This guidance does not affect the way an institution should report a borrower's enrollment status.

### G-6. What administrative relief will the Department provide to institutions regarding the Direct Loan program?

Generally, institutions are required to submit the Direct Loan promissory note, loan origination record, and initial disbursement record for a loan to the Secretary no later than 15 days following the date of the initial disbursement of the loan. If an institution is severely affected by a disaster, however, the Secretary, through the appropriate FSA School Participation



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Division, will take steps to address an institution's concerns about meeting these deadlines on a case-by-case basis (*see* 34 CFR § 685.301(c)).

**G-7. What administrative relief can the Department provide to institutions regarding the Federal Perkins Loan program?**

In the event that services are severely disrupted or disrupted for an extended period of time due to a disaster, the Secretary, through the appropriate FSA School Participation Division, will consider addressing concerns about the billing and collection activities required on a case-by-case basis (*see* 34 CFR Part 674, Subpart C). If an institution contracts with a third-party servicer for this activity, that billing and collecting service of prior year borrowers should continue. The Secretary, through the appropriate FSA School Participation Division, will also consider addressing, on a case-by-case basis, concerns about borrowers in initial and post-deferment grace periods (*see* 34 CFR § 674.42).

The Secretary will consider authorizing the institution to grant forbearance, for a period not to exceed three months, to a borrower who is in repayment, but is unable to continue to repay the loan due to the disaster. A borrower may request this forbearance orally, or in writing, and is not required to submit documentation to be considered eligible for this forbearance. This period of forbearance will be counted toward the three-year maximum limit on the number of years of forbearance that may be granted to a borrower. In order to receive forbearance beyond the three-month period, the borrower must make a written request to the institution and provide supporting documentation (*see* 34 CFR § 674.33).

**G-8. What administrative relief can the Department provide to loan holders regarding enrollment status requirements for Federal Family Education Loan (FFEL)?**

In accordance with the Department's regulations, loan holders may grant an administrative forbearance to FFEL borrowers who have been adversely affected by a disaster. The holder may grant forbearance for up to three months and must document the reasons why it granted the forbearance, but does not need to obtain supporting documentation or a signed written agreement from the borrower (*see* 34 CFR §§ 682.211(f)(11)). The Secretary believes that it is in the best interest of the student loan programs to consider each Federal Stafford or PLUS loan that is in an "in-school" or in an "in-school" deferment status on the date the borrower's attendance at the institution was interrupted due to a natural disaster to be in an "in-school" status. Each loan should continue in that status until the borrower withdraws or re-enrolls in the next regular enrollment period, whichever is earlier. This period of nonattendance due to a disaster should not result in a borrower entering or using any of his or her grace period on the loan (*see* 34 CFR §§ 682.209(a) and 682.210).

The Secretary will treat Direct Loan borrowers in accordance with the administrative forbearance guidance discussed above.



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### G-9. What administrative relief can the Department provide institutions regarding the Federal Pell Grant and Iraq-Afghanistan Service Grant disbursement records?

Normally, an institution must submit to the Department a Federal Pell Grant and Iraq-Afghanistan Service Grant disbursement record for a student not later than 15 calendar days after the institution makes a payment to the student. In addition, if the institution becomes aware that a previously reported payment or expected payment for a student is no longer accurate, the institution must submit an accurate disbursement record for that student to the Department not later than 15 calendar days after becoming aware of the need to make the change. The Secretary will consider revising these deadlines for institutions affected by a disaster (*see* 34 CFR § 690.83).

## H. Vocational Rehabilitation (VR) Program Issues

This section discusses the forms of relief the Department may provide to State VR agencies, as well as recommendations to ensure the continuity of services during an extended agency/office closure as a result of a disaster that disrupts the program's functioning or delivery of VR services.

### H-1. What flexibility can the Department provide regarding program and fiscal reporting?

Understanding that case management systems may be impacted, OSERS' Rehabilitation Services Administration (RSA) fiscal and data staff can assist grantees impacted by disasters by providing flexibility in the reporting of program and fiscal data. VR agencies should contact the OSERS/RSA Fiscal and Data units as issues arise.

### H-2. Will a State be subject to a financial sanction if it is not able to submit its performance report, as required under WIOA, by the report due date because of a disaster?

No. In accordance with WIOA's implementing regulations at 34 CFR § 361.185(b), a State will not be subject to a financial sanction if it does not submit a complete performance report by the report due date as a result of exceptional circumstances outside of the State's control, including a disaster.

In the event that a State is not able to submit a complete performance report by the report due date, the State must notify the Secretary of Labor or Secretary of Education as soon as possible, but no later than 30 days prior to the established deadline for submission, of a potential impact on the State's ability to submit its performance report in order to not be considered failing to report. In circumstances where unexpected events occur less than 30 days before the established deadline for submission of the performance report, the Secretaries of Labor and Education will review requests for extending the reporting deadline in accordance with their Departments' procedures. (*See* 34 CFR § 361.185(c)).



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**H-3. What should VR agencies do if a disaster disrupts the delivery of VR services?**

The Department recognizes the challenges associated with serving individuals and youth with disabilities who are displaced as a result of a disaster. As VR agencies attempt to continue to serve individuals with disabilities, including youth with disabilities, who have been displaced, we recommend that VR agencies identify alternative means for delivering VR services for use during an extended closure due to a disaster. These alternatives can include consolidating or expanding responsibilities of local VR offices in order to effectively serve program participants and communicating with community rehabilitation providers to ensure that the VR service needs of individuals with disabilities are not unduly or unnecessarily delayed.

**H-4. Does the Department have the authority to waive the maintenance of effort requirement under the State VR program due to a natural disaster?**

Yes. A State may request a waiver or modification of the maintenance of effort requirement if it fails to meet that requirement because of certain specific circumstances, such as natural disasters. The Secretary may grant a waiver or modification of the maintenance of effort shortfall when an action would be an equitable response to exceptional or uncontrollable circumstances affecting the State. A State that wishes to seek such a waiver should contact its State liaison in OSERS/RSA for technical assistance.

**H-5. Does the Department have the authority to waive the match requirement under the VR State program?**

No. Without a legislative change by Congress, the Department is unable to waive the VR match requirement.



AMERICAN OVERSIGHT

**From:** Ryder, Ruth
**Sent:** Wed, 18 Mar 2020 18:09:59 +0000
**To:** VanderPloeg, Laurie;Schultz, Mark;Levorse, Audrey
**Subject:** Heads Up: ESEA waiver letter and template
**Attachments:** letter draft inviting waivers 2020 v2.docx, state testing waiver template sample v2.docx

Thanks for touching base quickly. This is just a heads up re documents coming through for a quick clearance this afternoon/evening. The attached are drafts and we hope the finals will come through Exec Sec later this afternoon.

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AMERICAN OVERSIGHT

**From:** Schultz, Mark
**Sent:** Mon, 20 Apr 2020 11:17:39 +0000
**To:** Schultz, Mark;VanderPloeg, Laurie;Levorse, Audrey;Marcus, Kenneth;Richey, Kimberly
**Subject:** IDEA and 504 Waivers - OCR/OSEP

This meeting is a discussion for how to collaborate on the development of our joint document regarding IDEA and 504 waivers. We will then need to get the joint document to Reed which leaves Friday for his review.

**Host Pin: Mark Schultz**

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**From:** Schultz, Mark
**Sent:** Mon, 20 Apr 2020 11:14:27 +0000
**To:** Schultz, Mark;VanderPloeg, Laurie;Levorse, Audrey;Marcus, Kenneth;Richey, Kimberly;Trachman, William
**Subject:** IDEA and 504 Waivers Follow-up - OCR/OSEP

This meeting is a follow-up discussion for how to collaborate on the development of our joint document regarding IDEA and 504 waivers. We will then need to get the joint document to Reed which leaves Friday for his review.

**Host Pin: Mark Schultz**

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**From:** VanderPloeg, Laurie
**Sent:** Fri, 20 Mar 2020 19:32:48 +0000
**Bcc:**
crystalr@alsde.edu;matt.sewell@arkansas.gov;(b)(6) @yahoo.com;alissa.trollinger@azed.gov;donald.griffin@bie.edu;kwright@cde.ca.gov;foster_p@cde.state.co.us;bryan.klimkiewicz@ct.gov;nikki.stewart@dc.gov;maryann.mieczkowski@doe.k12.de.us;monica.verra-tirado@fldoe.org;aalbert@dss.edu.fm;zsmith@doe.k12.ga.us;ysgabriel@gdoe.net;cara.tanimura@notes.k12.hi.us;barbara.guy@iowa.gov;csilva@sde.idaho.gov;bmoore@isbe.net;nholsapple@doe.in.gov;bmoore@ksde.org;gretta.hylton@education.ky.gov;KristiJo.Preston@la.gov;tvalentine@doe.mass.edu;marcella.franczkowski@maryland.gov;ann.belanger@maine.gov;fhoriuchi@pss.edu.mh;chapmant2@michigan.gov;robyn.widley@state.mn.us;stephen.barr@dese.mo.gov;suzanne.lizama@cnmipss.org;rlemonis@mdek12.org;Jenifer.cline@mt.gov;sherry.thomas@dpi.nc.gov;gteevens@nd.gov;amy.rhone@nebraska.gov;steve.milliken@nebraska.gov;heather.gage@doe.nh.gov;dominic.rota@doe.nj.gov;deborah.clark@state.nm.us;wjensen@doe.nv.gov;christopher.suriano@nysed.gov;Kara.Waldron@education.ohio.gov;todd.loftin@sde.ok.gov;candace.pelt@state.or.us;caclancy@pa.gov;ramospr@de.pr.gov;norarenguul@palaumoe.net;david.sienko@ride.ri.gov;rcdavis@ed.sc.gov;linda.turner@state.sd.us;theresa.nicholls@tn.gov;justin.porter@tea.texas.gov;leah.voorhies@schools.utah.gov;samantha.hollins@doe.virginia.gov;renee.charleswell@vide.vi;jacqui.kelleher@vermont.gov;glenna.gallo@k12.wa.us;julia.hartwig@dpi.wi.gov;sbeck@k12.wv.us;margee.robertson@wyo.gov
**Subject:** Letter from Secretary DeVos re: Flexibility on ESSA Assessments
**Attachments:** 20-0077 ESEA Waiver Template. FINAL ADOBE for posting.pdf, 20-0077 Letter to Chiefs.FINAL.pdf

Good Afternoon!

Attached is the letter from the Secretary that went to the Chief State School Officers inviting States to request a waiver, for the 2019-2020 school year, of the assessment requirements in section 1111(b)(2) of the ESEA, the accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D), and certain reporting requirements related to assessments and accountability in section 1111(h).

Happy Friday!

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

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This template is an example that may be used for the submission of a request for waivers of assessments, accountability and school identification, and reporting requirements under the Elementary and Secondary Education Act of 1965, as amended. Note that the Department will accept, process, and approve any appropriate waiver request; for assistance please contact OESE.Titlei-a@ed.gov. However, the Department plans to respond in one business day to a State educational agency that follows the example and provides all necessary information in an accessible way.

The Honorable Frank T. Brogan
Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Brogan:

I am writing to request a waiver, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, of the following requirements.

State:

*Please check all that apply:*

- ☐ Assessment requirements in section 1111(b)(2): the requirements to administer all required assessments in school year 2019-2020.

- ☐ Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D): the requirements that a State annually meaningfully differentiate all public schools and the requirements to identify schools for comprehensive and targeted support and improvement and additional targeted support and improvement based on data from the 2019-2020 school year.

- ☐ Report card provisions related to certain assessments and accountability in section 1111(h) based on data from the 2019-2020 school year, namely:
  - Section 1111(h)(1)(C)(i) (*accountability system description*).
  - Section 1111(h)(1)(C)(ii) (*assessment results*).
  - Section 1111(h)(1)(C)(iii)(I) (*other academic indicator results).*
  - Section 1111(h)(1)(C)(iv) (*English language proficiency assessment results*).
  - Section 1111(h)(1)(C)(v) (*school quality or student success indicator results*).
  - Section 1111(h)(1)(C)(vi) (*progress toward meeting long-terms goals and measurements of interim progress*).
  - Section 1111(h)(1)(C)(vii) (*percentage of students assessed and not assessed*).
  - Section 1111(h)(1)(C)(xi) (*number and percentage of students with the most significant cognitive disabilities taking an alternate assessment*).

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- Section 1111(h)(2)(C) with respect to all waived requirements in section 1111(h)(1)(C) as well as 1111(h)(2)(C)(i)-(ii) (*information showing how students in a local educational agency (LEA) and each school, respectively, achieved on the academic assessments compared to students in the State and LEA*).

I am requesting these waivers because it is not possible to administer assessments required under ESEA section 1111(b)(2) or comply with the concomitant accountability, school identification, and reporting requirements as originally planned due to extensive school closures in the State. These closures are in response to extraordinary circumstances for which a national emergency has been duly declared by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and this action will protect the health and safety of students, staff, and our communities.

In seeking this waiver, I assure that:

☐ Any school that is identified for comprehensive or targeted support and improvement or additional targeted support and improvement in the 2019-2020 school year will maintain that identification status in the 2020-2021 school year and continue to receive supports and interventions consistent with the school's support and improvement plan in the 2020-2021 school year.

☐ The State educational agency will provide the public and all LEAs in the State with notice of and the opportunity to comment on this request (*e.g.,* by posting information regarding the waiver request and the process for commenting, on the State website).

Thank you for your consideration.

Sincerely,

Chief State School Officer (or Authorized Representative)

Digital Signature

OR

Typed Name and Date

By typing my name here, I am affirming submission of this waiver on behalf of the State.

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THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

March 20, 2020

Dear Chief State School Officer:

I know you are facing unprecedented challenges right now, and I first want to commend you for the truly remarkable efforts you and your teams are making to help ensure learning continues for all of America's students. I appreciate the difficulty you face in ensuring a positive learning environment while providing for the health and safety of your students and staff. I also understand that the novel Coronavirus disease 2019 (COVID-19) has caused widespread school closures with much uncertainty about how to continue learning during the national emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The U.S. Department of Education is committed to supporting you with every tool at our disposal and extending all flexibilities within our control.

Due to the extraordinary circumstances created by the COVID-19 pandemic and resulting school closures, I am providing flexibility to all States regarding the assessment and accountability requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). Given the widespread, extended school closures, I know many States will be unable to administer their statewide assessments to all students in the spring of 2020. As statewide accountability systems rely on fair, reliable and valid assessment results, I also recognize that States that do not administer their assessments will also not be able to annually meaningfully differentiate among public schools or identify schools for support and improvement, as required under section 1111(c)(4) and 1111(d)(2)(C)-(D) of the ESEA.

Therefore, pursuant to my authority under section 8401(b) of the ESEA, I am inviting your State to request a waiver, for the 2019-2020 school year, of the assessment requirements in section 1111(b)(2) of the ESEA, the accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D), and certain reporting requirements related to assessments and accountability in section 1111(h).

Through these waivers, your State would not need to administer its statewide assessments to all students, to make annual accountability determinations, to identify schools for support and improvement, or to provide data on its State and local report cards for assessment and accountability information.

If your State is interested in receiving these waivers, please submit your request to OESE.Titlei-a@ed.gov. I am enclosing a streamlined template for your convenience that includes a checklist to designate the waivers your State desires. My staff is committed to providing a response within one business day to any State that submits a waiver request using this optional waiver template. In addition, your State need not complete public notification in advance of submitting its request, but rather may notify the public of the request and the opportunity to comment at the same time as your submission or closely following it. I recognize that you have many questions and will need additional supports, including the possibility of additional waivers, as you deal with the COVID-19 national emergency.

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If you have additional questions or concerns, contact us at OESE.Titlei-a@ed.gov. I encourage you to continue to monitor information regarding COVID-19 from the Centers for Disease Control and Prevention at www.cdc.gov/coronavirus/ and at our website, www.ed.gov/coronavirus. Thank you for your continued commitment to our nation's students during these extraordinary circumstances.

Sincerely,

(b)(6)

Betsy DeVos

Enclosure

cc: Council of Chief State School Officers
State Title I Directors
State Assessment Directors



AMERICAN OVERSIGHT

**From:** VanderPloeg, Laurie
**Sent:** Fri, 20 Mar 2020 15:16:08 +0000
**To:** Snow, McKenzie
**Cc:** Schultz, Mark
**Subject:** McConnell Bill

(b)(5)

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

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**From:** Levorse, Audrey
**Sent:** Mon, 16 Mar 2020 20:06:40 +0000
**To:** Schultz, Mark
**Cc:** VanderPloeg, Laurie
**Subject:** Murray Bill
**Attachments:** Request for ED TA - Supporting Students in Response to Coronavirus Act_OSERS Comments.docx

I put comments in if you want to take a look. I'll send to OLCA/Molly later tonight.

Audrey P. Levorse
Attorney Advisor
Office of Special Education and Rehabilitative Services
U.S. Department of Education
Work: 202-245-6052
www.ed.gov/osers | Subscribe

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**From:** Sonja Trainor
**Sent:** Fri, 13 Mar 2020 14:05:42 +0000
**To:** VanderPloeg, Laurie
**Cc:** Francisco Negron
**Subject:** NSBA and school attorneys' questions on special ed

Hi Laurie! I know you are quite busy, and preparing for the call with CASE this morning.

Will OSEP be offering a briefing to LEAs/SEAs, or to school boards and their attorneys on special education during school closures? Our members are asking whether the Department may offer a waiver or formula for provision of special ed services during school closures when regular ed learning is offered in some form.
We are hearing from our school attorneys members that they are overwhelmed trying to figure out how to do thousands of IEP meetings individually with parents to discuss services while schools are closed, and to do compensatory education after a closure. It will be challenging, if not impossible, to make up thousands of individual meetings to figure out comp ed.

Please let us know if we can help facilitate a briefing, or help get the word out about any flexibility the Department will be offering.

Many thanks!

**Sonja H. Trainor**
*Managing Director, Legal Advocacy*
National School Boards Association
www.nsba.org
703.838.6722 ext. 6155
1680 Duke Street, FL 2 Alexandria, VA

**Registration now open!**
2020 COSA School Law Seminar
**April 2-4, Chicago, IL**

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**From:** VanderPloeg, Laurie
**Sent:** Thu, 2 Apr 2020 13:31:52 +0000
**To:** Schultz, Mark;Levorse, Audrey
**Subject:** OGC

What we will discuss at 11:00! We have meeting at 12:00 with OGC.

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If there are others that should participate, please forward.

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

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**From:** Schultz, Mark
**Sent:** Mon, 20 Apr 2020 11:12:14 +0000
**To:** Schultz, Mark;VanderPloeg, Laurie;Corr, Gregg;Wexler, Larry;Levorse, Audrey;Walawender, Rebecca
**Subject:** OSEP's Waiver Proposal Document

OSEP would like to provide an overview on the OSEP's waiver proposal document before Mark reviews.

**Host Pin: Laurie VanderPloeg**

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**From:** Walawender, Rebecca
**Sent:** Tue, 17 Mar 2020 14:40:11 +0000
**To:** VanderPloeg, Laurie;Corr, Gregg;Wexler, Larry;Pagano, Lisa
**Subject:** OSERS Covid19 rapid response QA 03172020
**Attachments:** OSERS Covid19 rapid response QA 03172020.docx

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AMERICAN OVERSIGHT

**From:** Ramakis, Jessica
**Sent:** Mon, 20 Apr 2020 11:22:26 +0000
**To:** Ramakis, Jessica;Rinkus, Christopher;Ryder, Ruth;McCaghren, Christopher;Sacks, Casey;Stanton, Craig;VanderPloeg, Laurie;Gross, Michael;Anand, Supreet;Stader, Jim;Crowe, Ayisa;Rosenfelt, Phil;Wexler, Rob;Malawer, Hilary
**Cc:** Talbert, Kent;Snow, McKenzie;McHugh, Erin;Viana, Aimee
**Subject:** Policy principles and cross-cutting issues

This meeting is a follow-up to Policy Committee on April 9.

Current draft agenda:

- Options for release of grant principles
- Additional cross-cutting issues identified:
- Accountability
- Monitoring
- Stipends

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**From:** Pagano, Lisa
**Sent:** Mon, 20 Apr 2020 11:00:55 +0000
**To:** Pagano, Lisa;VanderPloeg, Laurie;Corr, Gregg;Walawender, Rebecca;Wexler, Larry
**Subject:** Prep for 10 a.m. Rapid Response meeting

In case anyone want to review/discuss what OSEP should share with the larger group. If it's overkill or not necessary, no worries. Just wanted to make the offer.

.....

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**From:** Walawender, Rebecca
**Sent:** Mon, 20 Apr 2020 11:11:58 +0000
**To:** Walawender, Rebecca;VanderPloeg, Laurie;Schultz, Mark
**Subject:** quick call about waiver format

Mark –

Could we talk with you now about the level of detail you need for your review?

Becca

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**From:** Schultz, Mark
**Sent:** Mon, 20 Apr 2020 11:12:14 +0000
**To:** Schultz, Mark;VanderPloeg, Laurie;Corr, Gregg;Wexler, Larry;Levorse, Audrey;Walawender, Rebecca
**Subject:** OSEP's Waiver Proposal Document

OSEP would like to provide an overview on the OSEP's waiver proposal document before Mark reviews.

**Host Pin: Laurie VanderPloeg**

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**From:** Walawender, Rebecca
**Sent:** Tue, 17 Mar 2020 14:40:11 +0000
**To:** VanderPloeg, Laurie;Corr, Gregg;Wexler, Larry;Pagano, Lisa
**Subject:** OSERS Covid19 rapid response QA 03172020
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Page 02195

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of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

**From:** Ramakis, Jessica
**Sent:** Mon, 20 Apr 2020 11:22:26 +0000
**To:** Ramakis, Jessica;Rinkus, Christopher;Ryder, Ruth;McCaghren, Christopher;Sacks, Casey;Stanton, Craig;VanderPloeg, Laurie;Gross, Michael;Anand, Supreet;Stader, Jim;Crowe, Ayisa;Rosenfelt, Phil;Wexler, Rob;Malawer, Hilary
**Cc:** Talbert, Kent;Snow, McKenzie;McHugh, Erin;Viana, Aimee
**Subject:** Policy principles and cross-cutting issues

This meeting is a follow-up to Policy Committee on April 9.

Current draft agenda:

- Options for release of grant principles
- Additional cross-cutting issues identified:
- Accountability
- Monitoring
- Stipends

.....

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{{OC{{1033}}}}

.....

AMERICAN OVERSIGHT

**From:** Pagano, Lisa
**Sent:** Mon, 20 Apr 2020 11:00:55 +0000
**To:** Pagano, Lisa;VanderPloeg, Laurie;Corr, Gregg;Walawender, Rebecca;Wexler, Larry
**Subject:** Prep for 10 a.m. Rapid Response meeting

In case anyone want to review/discuss what OSEP should share with the larger group. If it's overkill or not necessary, no worries. Just wanted to make the offer.

.....

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AMERICAN OVERSIGHT

**From:** Walawender, Rebecca
**Sent:** Mon, 20 Apr 2020 11:11:58 +0000
**To:** Walawender, Rebecca;VanderPloeg, Laurie;Schultz, Mark
**Subject:** quick call about waiver format

Mark –

Could we talk with you now about the level of detail you need for your review?

Becca

.....

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AMERICAN OVERSIGHT

**From:** Schultz, Mark
**Sent:** Mon, 20 Apr 2020 11:16:36 +0000
**To:** Schultz, Mark;VanderPloeg, Laurie;Levorse, Audrey;Gross, Michael;Corr, Gregg;Wexler, Larry;Dobak, Carol;Lovley, Mary;Ellis, Kathryn;Lopez, Francisco (Frank) (OGC);Steenen, Paul;Ramakis, Jessica;Baxter, Tammy;Rodriguez, Blanca
**Cc:** Pagano, Lisa;Walawender, Rebecca;Pilgrim, Christine;Miceli, Meredith;Moran, Kate;Terpak, Kelly;Crowe, Ayisa;Alston, Tamara
**Subject:** Rapid Response Team

Our response to the coronavirus situation is rapidly evolving. These calls are scheduled to discuss the questions and technical assistance requests we are receiving from our states and programs. The calls are scheduled for Tuesday's and Thursday's at 10 AM to ensure we are responding to questions as soon as possible. OGC is included on the calls to ensure we have legal sufficiency for our responses. Depending on the questions, additional program staff may need to be included and we can do that on a question by question basis. We can discuss the timing and frequency of the calls tomorrow during the first one.

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Delegated the authority to perform
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for the Office of Special Education and Rehabilitative Services

**Host Pin: Mark Schultz**

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AMERICAN OVERSIGHT

**From:** Schultz, Mark
**Sent:** Mon, 20 Apr 2020 11:06:24 +0000
**To:** Schultz, Mark;VanderPloeg, Laurie;Levorse, Audrey;Gross, Michael;Corr, Gregg;Wexler, Larry;Dobak, Carol;Lovley, Mary;Ellis, Kathryn;Lopez, Francisco (Frank) (OGC);Steenen, Paul;Ramakis, Jessica;Baxter, Tammy;Rodriguez, Blanca
**Cc:** Pagano, Lisa;Walawender, Rebecca;Pilgrim, Christine;Miceli, Meredith;Moran, Kate;Terpak, Kelly;Crowe, Ayisa;Alston, Tamara
**Subject:** Rapid Response Team
**Attachments:** Rapid Response Team

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Conference ID: (b)(6)

[!OC([1033])!]

AMERICAN OVERSIGHT

**Sent:** Tue, 29 Sep 2020 16:24:47 +0000
**Subject:** Rapid Response Team

Our response to the coronavirus situation is rapidly evolving. These calls are scheduled to discuss the questions and technical assistance requests we are receiving from our states and programs. The calls are scheduled for Tuesday?s and Thursday?s at 10 AM to ensure we are responding to questions as soon as possible. OGC is included on the calls to ensure we have legal sufficiency for our responses. Depending on the questions, additional program staff may need to be included and we can do that on a question by question basis. We can discuss the timing and frequency of the calls tomorrow during the first one.\n\n \n\nPlease let me know if you have any questions. I appreciate your flexibility as we will continue to develop our strategies in response to this unprecedented situation. Thank you!\n\n \n\nMark Schultz\n\nDelegated the authority to perform \n\nthe functions and duties of the Assistant Secretary \n\nfor the Office of Special Education and Rehabilitative Services\n\n <https://www2.ed.gov/policy/speced/leg/rehab/vr100/index.html> \n\n <https://twitter.com/ED_Sped_Rehab> <http://www.ed.gov/edblogs/osers/> <https://www.youtube.com/user/usedgov> \n\n \n\nHost Pin: Mark Schultz \n\n.....\n\nJoin Skype Meeting <https://meet.lync.com/usdedeop/mark.schultz/FMP12HCM> \n\nTrouble Joining? Try Skype Web App <https://meet.lync.com/usdedeop/mark.schultz/FMP12HCM?sl=1> \n\nJoin by phone\n\n \n\nToll number: +1 (b)(6) # (Dial-in Number) English (United States) \n\n \n\nFind a local number <https://dialin.lync.com/ce044638-d5bf-4256-b781-acd8a60a5d7c?id=32141162> \n\n \n\nConference ID: (b)(6) \n\n[!OC([1033])!]\n\n.....\n\n \n\n \n\n

AMERICAN OVERSIGHT

**From:** Schultz, Mark
**Sent:** Mon, 20 Apr 2020 11:06:55 +0000
**To:** Schultz, Mark;VanderPloeg, Laurie;Levorse, Audrey;Gross, Michael;Corr, Gregg;Wexler, Larry;Dobak, Carol;Lovley, Mary;Ellis, Kathryn;Lopez, Francisco (Frank) (OGC);Steenen, Paul;Ramakis, Jessica;Baxter, Tammy;Rodriguez, Blanca
**Cc:** Pagano, Lisa;Walawender, Rebecca;Pilgrim, Christine;Miceli, Meredith;Moran, Kate;Terpak, Kelly;Crowe, Ayisa;Alston, Tamara
**Subject:** Rapid Response Team

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**From:** Schultz, Mark
**Sent:** Mon, 20 Apr 2020 11:11:10 +0000
**To:** Schultz, Mark;VanderPloeg, Laurie;Levorse, Audrey;Gross, Michael;Corr, Gregg;Wexler, Larry;Dobak, Carol;Lovley, Mary;Ellis, Kathryn;Lopez, Francisco (Frank) (OGC);Steenen, Paul;Ramakis, Jessica;Baxter, Tammy;Rodriguez, Blanca
**Cc:** Pagano, Lisa;Walawender, Rebecca;Pilgrim, Christine;Miceli, Meredith;Moran, Kate;Terpak, Kelly;Crowe, Ayisa;Alston, Tamara
**Subject:** Rapid Response Team

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**From:** Schultz, Mark
**Sent:** Mon, 20 Apr 2020 11:02:09 +0000
**To:** Schultz, Mark;VanderPloeg, Laurie;Levorse, Audrey;Gross, Michael;Corr, Gregg;Wexler, Larry;Dobak, Carol;Lovley, Mary;Ellis, Kathryn;Lopez, Francisco (Frank) (OGC);Steenen, Paul;Ramakis, Jessica;Baxter, Tammy;Rodriguez, Blanca
**Cc:** Pagano, Lisa;Walawender, Rebecca;Pilgrim, Christine;Miceli, Meredith;Moran, Kate;Terpak, Kelly;Crowe, Ayisa;Alston, Tamara
**Subject:** Rapid Response Team

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**From:** Schultz, Mark
**Sent:** Mon, 20 Apr 2020 11:05:34 +0000
**To:** Schultz, Mark;VanderPloeg, Laurie;Levorse, Audrey;Gross, Michael;Corr, Gregg;Wexler, Larry;Dobak, Carol;Lovley, Mary;Ellis, Kathryn;Lopez, Francisco (Frank) (OGC);Steenen, Paul;Ramakis, Jessica;Baxter, Tammy;Rodriguez, Blanca
**Cc:** Pagano, Lisa;Walawender, Rebecca;Pilgrim, Christine;Miceli, Meredith;Moran, Kate;Terpak, Kelly;Crowe, Ayisa;Alston, Tamara
**Subject:** Rapid Response Team
**Attachments:** Rapid Response Team

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Conference ID: 3 (b)(6)

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AMERICAN OVERSIGHT

**Sent:** Tue, 29 Sep 2020 16:24:48 +0000
**Subject:** Rapid Response Team

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AMERICAN OVERSIGHT

**From:** Schultz, Mark
**Sent:** Mon, 20 Apr 2020 11:11:37 +0000
**To:** Schultz, Mark;VanderPloeg, Laurie;Levorse, Audrey;Gross, Michael;Corr, Gregg;Wexler, Larry;Dobak, Carol;Lovley, Mary;Ellis, Kathryn;Lopez, Francisco (Frank) (OGC);Steenen, Paul;Ramakis, Jessica;Baxter, Tammy;Rodriguez, Blanca
**Cc:** Pagano, Lisa;Walawender, Rebecca;Pilgrim, Christine;Miceli, Meredith;Moran, Kate;Terpak, Kelly;Crowe, Ayisa;Alston, Tamara
**Subject:** Rapid Response Team

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**From:** Schultz, Mark
**Sent:** Mon, 20 Apr 2020 11:15:51 +0000
**To:** Schultz, Mark;VanderPloeg, Laurie;Levorse, Audrey;Gross, Michael;Corr, Gregg;Wexler, Larry;Dobak, Carol;Lovley, Mary;Ellis, Kathryn;Lopez, Francisco (Frank) (OGC);Steenen, Paul;Ramakis, Jessica;Baxter, Tammy;Rodriguez, Blanca
**Cc:** Pagano, Lisa;Walawender, Rebecca;Pilgrim, Christine;Miceli, Meredith;Moran, Kate;Terpak, Kelly;Crowe, Ayisa;Alston, Tamara
**Subject:** Rapid Response Team

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**From:** Schultz, Mark
**Sent:** Tue, 17 Mar 2020 00:57:45 +0000
**To:** VanderPloeg, Laurie
**Subject:** Re: IDEA flexibility

Laurie,

(b)(5)

Your thoughts?

Mark

Sent from my iPhone

On Mar 16, 2020, at 7:49 PM, VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov> wrote:

Thank you for sharing this! Will be very helpful for our conversation regarding timelines.

---

**From:** Petersen, Molly <Molly.Petersen@ed.gov>
**Sent:** Monday, March 16, 2020 7:38 PM
**To:** Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Schultz, Mark <Mark.Schultz@ed.gov>; Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>
**Subject:** FW: IDEA flexibility

Audrey and Laurie – Please see below for ED and Labor inquiry and get back to us as soon as possible.

Thanks.

Molly Petersen
Legislative Director

---

**From:** Thomas, Brad <Brad.Thomas@mail.house.gov>
**Sent:** Monday, March 16, 2020 5:45 PM
**To:** Petersen, Molly <Molly.Petersen@ed.gov>; Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>
**Subject:** IDEA flexibility

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(b)(5)

SEC. 301. AGREEMENTS TO EXTEND CERTAIN DEADLINES OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT TO FACILITATE THE PROVISION OF EDUCATIONAL SERVICES TO CHILDREN WITH DISABILITIES.

(a) Authority.--The Secretary of Education may enter into an agreement described in subsection (b) with an eligible entity to extend certain deadlines under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) related to providing special education and related services, including early intervention services, to individuals adversely affected by a Gulf hurricane disaster.

(b) Terms of Agreements.--An agreement referred to in subsection (a) is an agreement with an eligible entity made in accordance with subsection (e) that may extend the applicable deadlines under one or more of the following sections:

(1) Section 611(e)(3)(C)(ii) of such Act, by extending up to an additional 60 days the 90 day deadline for developing a State plan for the high cost fund.

(2) Section 612(a)(15)(C) of such Act, by extending up to an additional 60 days the deadline for submission of the annual report to the Secretary of Education and the public regarding the progress of the State and of children with disabilities in the State.

(3) Section 612(a)(16)(D) of such Act, by extending up to an additional 60 days the deadline for making available reports regarding the participation in assessments and the performance on such assessments of children with disabilities.

(4) Section 614(a)(1)(C)(i)(I) of such Act, by extending up to an additional 30 days the 60 day deadline for the initial evaluation to determine whether a child is a child with a disability for purposes of the provision of special education and related services to such child.

(5) Section 616(b)(1)(A) of such Act, by extending up to an additional 60 days the deadline for finalization of the State performance plan.

(6) Section 641(e)(1)(D) of such Act, by extending up to an additional 60 days the deadline for submission to the Governor of a State and the Secretary of Education of the report on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State.

(c) Rule of Construction.--Nothing in this section shall be construed--

(1) as permitting the waiver of--

(A) any applicable Federal civil rights law;

(B) any student or family privacy protections, including provisions requiring parental consent for evaluations and services;

(C) any procedural safeguards required under section 615 or section 639 of the Individuals with Disabilities Education Act; or

(D) any requirements not specified in subsection (b) of this section; or

(2) as removing the obligation of the eligible entity to provide a child with a disability or an infant or toddler with a disability and their families--

(A) a free appropriate public education under part B

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of the Individuals with Disabilities Education Act; or
(B) early intervention services under part C of such Act.

(d) Duration of Agreement.--An agreement under this section shall terminate at the conclusion of the 2005-2006 academic year.

(e) Request to Enter Into Agreement.--To enter into an agreement under this section, an eligible entity shall submit a request to the Secretary of Education at such time, in such manner, and containing such information as the Secretary may require.

**Brad Thomas**
Senior Education Policy Advisor
Committee on Education & Labor Republicans
202-225-6558
brad.thomas@mail.house.gov

AMERICAN OVERSIGHT

**From:** VanderPloeg, Laurie
**Sent:** Tue, 17 Mar 2020 22:40:41 +0000
**To:** Zarish-Becknell, Kim;Schultz, Mark
**Cc:** Levorse, Audrey;Petersen, Molly
**Subject:** RE: question from Foxx

---

**From:** Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>
**Sent:** Tuesday, March 17, 2020 6:12 PM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>
**Cc:** Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Subject:** RE: question from Foxx

(b)(5)

---

**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Tuesday, March 17, 2020 5:29 PM
**To:** Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>
**Cc:** Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Subject:** Re: question from Foxx

Kim,

(b)(5)

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(b)(5)

Mark

Sent from my iPhone

On Mar 17, 2020, at 1:49 PM, Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov> wrote:

(b)(5)

Things are moving fast, so the quicker I can respond the better. thanks

AMERICAN OVERSIGHT

**From:** Zarish-Becknell, Kim
**Sent:** Wed, 18 Mar 2020 13:53:34 +0000
**To:** Schultz, Mark;VanderPloeg, Laurie
**Cc:** Levorse, Audrey;Petersen, Molly;Harding, Jordan;Bartlett, Anna
**Subject:** RE: question from Foxx

Looping Jordan and Annie for awareness. Thanks again

---

**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Wednesday, March 18, 2020 9:44 AM
**To:** Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Levorse, Audrey <Audrey.Levorse@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Subject:** RE: question from Foxx

(b)(5)

Audrey will follow up with you on this later.

---

**From:** Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>
**Sent:** Tuesday, March 17, 2020 7:00 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Cc:** Levorse, Audrey <Audrey.Levorse@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Subject:** RE: question from Foxx

(b)(5)

AMERICAN OVERSIGHT

**From:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Sent:** Tuesday, March 17, 2020 6:41 PM
**To:** Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Cc:** Levorse, Audrey <Audrey.Levorse@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Subject:** RE: question from Foxx

**From:** Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>
**Sent:** Tuesday, March 17, 2020 6:12 PM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>
**Cc:** Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Subject:** RE: question from Foxx

(b)(5)

y

e

**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Tuesday, March 17, 2020 5:29 PM
**To:** Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>
**Cc:** Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Subject:** Re: question from Foxx

Kim,

(b)(5)

AMERICAN OVERSIGHT

(b)(5)

Mark

Sent from my iPhone

On Mar 17, 2020, at 1:49 PM, Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov> wrote:

(b)(5)

AMERICAN OVERSIGHT

**From:** Corr, Gregg
**Sent:** Wed, 15 Apr 2020 13:29:16 +0000
**To:** Courchaine, Tara
**Cc:** Zamora Duran, Grace;Wexler, Larry;VanderPloeg, Laurie;Schneer, Matthew;Willey, Josiah
**Subject:** RE: Advocating and Addressing AT in the IEP

Tara,

(b)(5)

Gregg

---

**From:** Courchaine, Tara <Tara.Courchaine@ed.gov>
**Sent:** Wednesday, April 15, 2020 9:21 AM
**To:** OSEP Staff <OSEPStaff@ed.gov>
**Cc:** Zamora Duran, Grace <Grace.ZamoraDuran@ed.gov>; Wexler, Larry <Larry.Wexler@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Subject:** Advocating and Addressing AT in the IEP

(b)(5)

AMERICAN OVERSIGHT

(b)(5)

I hope this sharing is helpful!!

Happy Wednesday,
tara

Tara Courchaine, Ed.D.
Education Program Specialist
Office of Special Education Programs
U.S. Department of Education
Work: (202) 245-6462
Tara.Courchaine@ed.gov
https://osepideasthatwork.org

AMERICAN OVERSIGHT

**From:** VanderPloeg, Laurie
**Sent:** Thu, 9 Apr 2020 11:08:48 +0000
**To:** Stephanie Smith Lee;Schultz, Mark
**Cc:** Madeleine Will;Heather Sachs;Ricki [Richelle] Sabia
**Subject:** RE: Analysis of IDEA and Waiver Requests

Good Morning-
Thank you for sharing this chart with the IDEA analysis. We appreciate your continued communication during this challenging time. Stay safe and stay healthy.

---

**From:** Stephanie Smith Lee <stephaniesmithlee@gmail.com>
**Sent:** Wednesday, April 8, 2020 6:37 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Cc:** Madeleine Will <madeleinecwill@gmail.com>; Heather Sachs <Heather@ndsccenter.org>; Ricki [Richelle] Sabia <rickisabia@gmail.com>
**Subject:** Analysis of IDEA and Waiver Requests

Hi Mark and Laurie,

Attached is an analysis of relevant IDEA provisions, ED guidance and policy letters, requests to waive IDEA, and the law that was passed due to Hurricane Katrina. We hope this will be helpful to you as you consider the requirement in the CARES Act for the Secretary to report to Congress on any needed waivers to IDEA. Please let me now if you have any questions or comments and/or would like to discuss the document. My cell is (b)(6)

The recent ED guidance on serving students with disabilities during school closures has been very helpful to schools and families and your work on this guidance is much appreciated.

Hope you both stay safe and healthy during this Coronavirus crisis.

Best

Stephanie

*Stephanie Smith Lee*
*Senior Policy Advisor*
*National Down Syndrome Congress*

AMERICAN OVERSIGHT

**From:** VanderPloeg, Laurie
**Sent:** Mon, 6 Apr 2020 12:45:00 +0000
**To:** Steenen, Paul
**Cc:** Waters, Erica
**Subject:** RE: April 6 OMB - COVID -19 Points by 10 -

**OSEP Topic Briefs**. Today or early this week, the OSERS expects to send to OMB three Topic Briefs on IDEA Part C and Part B Dispute Resolution Timelines and IDEA Part B Fiscal Flexibility on fiscal requirements. The guidance will focus on flexibilities with the Dispute Resolution and fiscal accountability processes.

---

**From:** Steenen, Paul <Paul.Steenen@ed.gov>
**Sent:** Monday, April 6, 2020 8:03 AM
**To:** Dobak, Carol <Carol.Dobak@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Waters, Erica <Erica.Waters@ed.gov>
**Subject:** April 6 OMB - COVID -19 Points by 10 -
**Importance:** High

**Reminder by 10 today.**

**Please note below the addition of the category "CARES ACT IMPLEMENTATION—KEY ACTIVITIES AND MILESTONES"**

**Please note that you no longer need to report in the category Communication and Outreach with Stakeholders"**

---

**Administrative Actions, Waivers, and Other Programmatic Changes that Will Impact Agency Provision of Service or Mission Delivery (Externally Facing)**

- [Description of planned action.]

**[NEW] CARES ACT IMPLEMENTATION – KEY ACTIVITIES AND MILESTONES (Please also include activities related to the implementation of other COVID-related supplementary funding legislation, including P.L. 116-127 and P.L. 116-123)**

- [Description of activities (planned and completed), as well as upcoming decisions that will require policy attention

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**Major upcoming decisions that require POTUS or Task Force-level decisions (only the biggest, most sensitive items should be included here, many agencies may not have anything to report in this section)**

- [Description of future decision]

**Actions That Affect Federal Facilities and Personnel** ***(Please include actions that would affect your agency, and other Federal agencies.)***

- [Description of planned action.]

**Other Notable Responses**

- [Description of planned action.]

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**From:** VanderPloeg, Laurie
**Sent:** Fri, 10 Apr 2020 13:22:44 +0000
**To:** Steenen, Paul
**Cc:** Waters, Erica
**Subject:** RE: April 10 - OMB - Any changes?

I emailed this earlier-
OSEP facilitated a monthly TA call with 403 participants (record number) reviewed OSEP activities around the COVID-19, TA Center supports, reviewed timelines and process clarification for SPP/APR, Determinations clarification, 508 Compliance and more.

---

**From:** Steenen, Paul <Paul.Steenen@ed.gov>
**Sent:** Friday, April 10, 2020 9:20 AM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Waters, Erica <Erica.Waters@ed.gov>
**Subject:** RE: April 10 - OMB - Any changes?
**Importance:** High

Laurie – no changes for you either? Move to next week – week of April 13

---

**From:** Steenen, Paul
**Sent:** Friday, April 10, 2020 8:41 AM
**To:** Dobak, Carol <Carol.Dobak@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Waters, Erica <Erica.Waters@ed.gov>
**Subject:** RE: April 10 - OMB - Any changes?

Thanks Carol.

---

**From:** Dobak, Carol <Carol.Dobak@ed.gov>
**Sent:** Friday, April 10, 2020 8:38 AM
**To:** Steenen, Paul <Paul.Steenen@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Waters, Erica <Erica.Waters@ed.gov>
**Subject:** RE: April 10 - OMB - Any changes?

Nothing new to add except that the anticipated week for issuance of the Q and As should be moved to the week of April 13.

Thanks, Carol

---

**From:** Steenen, Paul <Paul.Steenen@ed.gov>
**Sent:** Friday, April 10, 2020 8:36 AM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Dobak, Carol <Carol.Dobak@ed.gov>

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Page 02231

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

Page 02232

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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**From:** VanderPloeg, Laurie
**Sent:** Thu, 19 Mar 2020 17:55:28 +0000
**To:** Waters, Erica
**Subject:** RE: Call tonight

I will not have any slides.

---

**From:** Waters, Erica <Erica.Waters@ed.gov>
**Sent:** Thursday, March 19, 2020 1:55 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Waters, Erica <Erica.Waters@ed.gov>
**Subject:** FW: Call tonight

Laurie,

Please see Susan's highlighted section for you (in yellow) below regarding tonight's call. Thx!

Erica J. Waters
OSEP Support Specialist
Office of Special Education Programs
U.S. Department of Education
PCP-5140
202-245-8231
Email: Erica.Waters@ed.gov
www.ed.gov/osers | **Subscribe**

---

**From:** Falconer, Susan <Susan.Falconer@ed.gov>
**Sent:** Thursday, March 19, 2020 1:41 PM
**To:** Waters, Erica <Erica.Waters@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>
**Subject:** FW: Call tonight

All this pertains to Frank's participation on tonight's call, but see yellow highlight for Laurie.

Suan

---

**From:** Jessah Walker <Jessah.Walker@ccsso.org>
**Sent:** Thursday, March 19, 2020 12:53 PM
**To:** Falconer, Susan <Susan.Falconer@ed.gov>
**Subject:** RE: Call tonight

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The questions we anticipate for after Frank and Chris present this afternoon will be along the lines of what we heard from Louisiana yesterday:

- What is ED going to do to expedite these waiver requests?
- Can't the Secretary just unilaterally waive these assessment requirements for all states for this school year without state applications?
- What about other, non-assessment waivers? Accountability related items? When can states expect more relief in other areas?
- (I know Frank doesn't do Perkins, but...) Will major deadlines be postponed, like the Perkins state plan deadline next month? Or the Title II application deadline, also in April?

Will you have any information you want us to include on slides? Any links or top-line messages about the waivers you want us to have on the screen while Frank, Chris, or Laurie are speaking?

Finally, any update on Perkins deadlines? We'd like to share an update on that today.

Happy to chat if you want – I'm available except from 12:30-1:00 and after 3.

Thanks!
Jessah

**Jessah Walker**
Manager Federal Relations
Advocacy

Email: Jessah.Walker@ccsso.org
Office: 202-336-7010
Mobile: (b)(6)

One Massachusetts Ave. NW, Suite 700
Washington, DC 20001
http://www.ccsso.org

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of CCSSO.

**From:** Falconer, Susan <Susan.Falconer@ed.gov>
**Sent:** Thursday, March 19, 2020 11:25 AM
**To:** Jessah Walker <Jessah.Walker@ccsso.org>
**Subject:** Call tonight

Are there any questions I can prepare Chris orFrank for outside of the ones you have already sent me?

Susan

Get Outlook for iOS

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**From:** VanderPloeg, Laurie
**Sent:** Mon, 6 Apr 2020 14:23:28 +0000
**To:** Lopez, Francisco (Frank) (OGC);Corr, Gregg;Pagano, Lisa;Walawender, Rebecca;Duos, Laura
**Cc:** Ellis, Kathryn;Weiss, Rhonda
**Subject:** RE: Circling back on timelines

(b)(5)

---

**From:** Lopez, Francisco (Frank) (OGC) <Frank.Lopez@ed.gov>
**Sent:** Wednesday, April 1, 2020 4:00 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Corr, Gregg <Gregg.Corr@ed.gov>; Pagano, Lisa <Lisa.Pagano@ed.gov>; Walawender, Rebecca <Rebecca.Walawender@ed.gov>; Duos, Laura <Laura.Duos@ed.gov>
**Cc:** Ellis, Kathryn <Kathryn.Ellis@ed.gov>; Weiss, Rhonda <Rhonda.Weiss@ed.gov>
**Subject:** Circling back on timelines

Laurie, et al.

(b)(5)

Thank You,

Frank Lopez
Deputy Assistant General Counsel
Office of the General Counsel
202-401-6278 (direct)

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**From:** VanderPloeg, Laurie
**Sent:** Tue, 17 Mar 2020 18:31:22 +0000
**To:** Walawender, Rebecca
**Cc:** Schultz, Mark;Wexler, Larry;Corr, Gregg;Pagano, Lisa;Duos, Laura
**Subject:** Re: Congressional requests

Do you have that language?

Sent from my iPhone

On Mar 17, 2020, at 2:29 PM, Walawender, Rebecca <Rebecca.Walawender@ed.gov> wrote:

Additionally, DRS drafted language about each of these issues in response to the hurricanes so we are not proposing novel ideas.

---

**From:** Walawender, Rebecca
**Sent:** Tuesday, March 17, 2020 1:25 PM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>
**Cc:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Wexler, Larry <Larry.Wexler@ed.gov>; Corr, Gregg <Gregg.Corr@ed.gov>; Pagano, Lisa <Lisa.Pagano@ed.gov>; Duos, Laura (Laura.Duos@ed.gov) <Laura.Duos@ed.gov>
**Subject:** Congressional requests

Mark –

OSEP is making the following requests. We are happy to provide more detail when necessary.

Becca

(b)(5)

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Page 02237

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(b)(5)

of the Freedom of Information and Privacy Act

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3) to address the needs of those national activities funded under IDEA Part D to improve education of children with disabilities, including personnel development, technical assistance and dissemination, and parent training and information centers.

(b)(5)

Becca Walawender | Office of the Director
Office of Special Education Programs
(202) 245-7399

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**From:** VanderPloeg, Laurie
**Sent:** Tue, 17 Mar 2020 13:37:28 +0000
**To:** Rinkus, Christopher;Petersen, Molly;Ryder, Ruth;Viana, Aimee;Viana, Aimee
**Cc:** Zarish-Becknell, Kim
**Subject:** RE: Coronavirus Hill questions

Q 2 We are in the process of putting together information on all required timelines within IDEA that will give the field the information they need. Hoping to get it out yet this week!!!!

---

**From:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>
**Sent:** Tuesday, March 17, 2020 9:26 AM
**To:** Petersen, Molly <Molly.Petersen@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>
**Subject:** RE: Coronavirus Hill questions

(b)(5)

---

**From:** Petersen, Molly <Molly.Petersen@ed.gov>
**Sent:** Tuesday, March 17, 2020 9:23 AM
**To:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Cc:** Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>
**Subject:** Coronavirus Hill questions
**Importance:** High

(b)(5)

Thank you,

Molly Petersen
Legislative Director

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U.S. Department of Education
202-453-5707
(b)(6) cell)

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**From:** Kinnard, Curtis
**Sent:** Fri, 13 Mar 2020 16:06:25 +0000
**To:** VanderPloeg, Laurie
**Cc:** Corr, Gregg;Jones, Al
**Subject:** RE: coronavirus question and non-traditional instruction question, 3/13/2020
**Attachments:** KY-B.Coronavirus.Conf.Call.3.13.2020.docx

Good afternoon Laurie,

Thank you for inviting me to participate in the conference with Kentucky. For a record of the conference call, I have attached a brief overview our discussion with Gretta , if I have missed any part of the discussion, please add.

Thank you.

Curtis

Curtis J. Kinnard, Ed.D.U.S. Department of Education
Office of Special Education Programs
202-245-7472
Washington, DC 20202
https://sites.ed.gov/idea/topic-areas/
https://sites.ed.gov/idea/
http://www2.ed.gov/policy/gen/guid/correctional-education/index.html
https://www.osepideasthatwork.org/jj
https://osep.grads360.org/#program/highlighted-resources

"An Absolute,Simplicity, and Perseverance"

---

**From:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Sent:** Thursday, March 12, 2020 8:20 PM
**To:** Hylton, Gretta - KDE Associate Commissioner <gretta.hylton@education.ky.gov>
**Cc:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Subject:** Re: coronavirus question and non-traditional instruction question

I will call your cell at 8:00 CT.

Sent from my iPhone

On Mar 12, 2020, at 7:33 PM, Hylton, Gretta - KDE Associate Commissioner <gretta.hylton@education.ky.gov> wrote:

Good Evening, Laurie.

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Thanks for getting back to me. I can only imagine how busy things currently are in your world.

How's 8:00 CT (9:00 ET)? I can send a calendar invite if that works best or you can call my cell when you are available. Which do you prefer? My cell is (b)(6)

Thanks so much for taking time provide support!


<image001.png>

***Gretta Hylton***
Associate Commissioner
Office of Special Education and Early Learning

Kentucky Department of Education
300 Sower Blvd, 4th Floor
Frankfort, KY 40601
(502) 564-4970 ext. (b)(6)
Gretta.Hylton@education.ky.gov


*The Kentucky Department of Education would like your input on the agency's customer service efforts. Please take a moment to complete an online survey, which may be accessed at https://www.surveymonkey.com/r/QTSNYD5. All responses will remain anonymous. Thank you!*


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---

**From:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Sent:** Thursday, March 12, 2020 7:00 PM
**To:** Hylton, Gretta - KDE Associate Commissioner <gretta.hylton@education.ky.gov>
**Cc:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Subject:** RE: coronavirus question and non-traditional instruction question

Hi Gretta-
Sorry for the delay we have been working hard to get our document through clearance and out today. I would like to arrange a time tomorrow to talk and answer your questions. Are you available at 8:00 or 8:30am CT before the webinar with NASDSE at 10:00 or between 1:30 and 3:00 CT? I am looking forward to talking with you.

---

**From:** Hylton, Gretta - KDE Associate Commissioner <gretta.hylton@education.ky.gov>
**Sent:** Wednesday, March 11, 2020 2:32 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Subject:** coronavirus question and non-traditional instruction question

Hi Laurie,

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During the NASDSE board meeting yesterday, I understood that specific questions regarding the coronavirus should be sent directly to you. If I've misunderstood, please accept my apology. I have included Curtis Kinnard on this correspondence in the event I am mistaken. Curtis always provides high-quality support to Kentucky and we are very grateful for him.

I understand OSEP will soon be releasing guidance on the novel coronavirus pandemic. While I believe many questions will be answered through this guidance, Kentucky has a unique situation with what is known as *"Non-Traditional Instruction" (NTI) Program.* We have legislation that allows districts to provide alternate instruction during days when schools would otherwise be forced to close. This legislation came about as a result of extreme adverse weather events that forced multiple school districts to close for extended periods of time.

When NTI days occur, it is considered an instructional day although students may receive instruction very differently than they would during a regular school day. Students do not report to the school but rather participate in instruction such as online course work, completing a project or paper assignment, or other method of participating in instructional activities. Currently, districts are only approved for 10 NTI days and must submit an application prior to the start of school that informs the Kentucky Department of Education (KDE) as to how NTI will be implemented.

Considering the novel coronavirus pandemic, KDE is opening up this process as a possibility for more schools to submit an "emergency application" or waiver to obtain more NTI days as needed. The idea is to provide additional flexibility toward keeping our families and children as healthy as possible.

I am not sure the guidance will specifically speak to questions I have around how to appropriately implement NTI for students with IEPs during this time of uncertainty. I am sure you are extremely busy, especially during this time of uncertainty. If you have a small amount of time, I would like to chat briefly to seek additional guidance for Kentucky's unique situation.

Thanks so much!
Gretta Hylton


<image001.png>

***Gretta Hylton***
Associate Commissioner
Office of Special Education and Early Learning

Kentucky Department of Education
300 Sower Blvd, 4th Floor
Frankfort, KY 40601
(502) 564-4970 ext. (b)(6)
Gretta.Hylton@education.ky.gov


*The Kentucky Department of Education would like your input on the agency's customer service efforts. Please take a moment to complete an online survey, which may be accessed*

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*at* https://www.surveymonkey.com/r/QTSNYD5. *All responses will remain anonymous. Thank you!*

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# KENTUCKY DEPARTMENT OF EDUCATION, SPECIAL EDUCATION PROGRAMS: CORONAVIRUS 2019

**State:** Part B IDEA Grantee, Kentucky Department of Education
**Date:** 3/13/2020
**Conference call: 9:00am**

**Purpose:** FAPE for SWDs during the coronavirus pandemic (coronavirus and non-traditional instruction questions)

**KY-B:** Gretta Hylton, Associate Commissioner, Office of Special Education and Early Learning and State Director
**OSEP:** Laurie VanderPloeg, OSEP Director and Curtis Kinnard, State Lead KY-B

**Email received from State Director, March 11, 2020**

**Background to KY questions:**
Kentucky has a unique situation with what is known as *"Non-Traditional Instruction" (NTI) Program.* KY legislation allows districts to provide alternate instruction during days when schools would otherwise be forced to close. This legislation came about as a result of extreme adverse weather events that forced multiple school districts to close for extended periods of time.

When NTI days occur, it is considered an instructional day although students may receive instruction very differently than they would during a regular school day. **Students do not report to the school but rather participate in instruction such as online course work, completing a project or paper assignment, or other method of participating in instructional activities.** Currently, districts are only approved for 10 NTI days and must submit an application prior to the start of school that informs the Kentucky Department of Education (KDE) as to how NTI will be implemented.

KDE is opening this process as a possibility for more schools to submit an "emergency application" or waiver to obtain more NTI days as needed. The idea is to provide additional flexibility toward keeping our families and children as healthy as possible.

**Questions:**
KY is not sure the guidance will specifically speak to questions that the State

**Summary: Providing FAPE during the COVID-19 Pandemic**
**1.** KY: 172 Public School Districts and two schools for the Deaf and Blind

- Of the above schools only 80 applied for the NTI in the past from one to five days maximum.
- KY Governor is presently encouraging all school districts Statewide to apply for an NTI package.

**Challenges:** Districts are not prepared for NTI up to 10 days… pending 20 days, etc. Governor is preparing to announce school closure Statewide, Monday or Tuesday (March 16th or 17th).

**Note: 85% of Districts has the ability to provide students with Internet Services. District may choose how to delivery services.**

**KDE State Director is brainstorming how to address Part-C services, because NTI is only addresses Part B.**

**OSEP suggestion during conference call:**

- Plan for compensatory services: in 3/12/2020 Q&A from ED (Question A-3)- What services must an LEA provide if a public school for children with disabilities is selectively closed due to the possibility of severe complications from COVID-19 outbreak?
- LEAs will need to access programs/IEP needs/ determine how



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have around how to appropriately implement NTI for students with IEPs during this time of uncertainty.

**OSEP provided State with:**

- Q&A SWDs during the Coronavirus Disease 2019 Outbreak, from ED dated 3/12/2020.
- Prior to March 12th Q&A… links to 2018 Non-Regulatory guidance/H1N1 Q&A.

to use Skype for FAPE, phone conference, and work packages…alternative locations will probably be an issue. Refer to Question A-5 of the Q&A (May an IEP Team consider a distance learning plan in a child's IEP as a contingency plan in the event of a COVID-19 outbreak that requires the school's closure? An additional suggestion is to advise Teams to provide best appropriate practices with flexibility for IEPs, because of exceptional circumstances due to health and safety of students, families and employees.

- Suggested that LEAs and State track services (FAPE) to determine the following: (1) what services are provided, (2) what services were missed, and (3) going forward provide progress reports to determine what is needed based on 1 and 2.
- **Suggested that KDE provide a memo outlining to districts and public guidance for special education and related services with flexibility during the pandemic.**
- Suggest that State clearly communicate in what form that the SEA decides, the difference between ESY and compensatory services, they are not the same and require different procedures.

**Monitoring:** KY-B plans to suspend on-site monitoring (General Supervision)

**Noncompliance:** Two Juvenile Justice Facilities and two districts are cited for noncompliance (findings). The State have chosen not to send out noncompliance letter, because the timeline will start and the SEA fears that facilities and district will be unable to meet the timeline.

**Suggestions:**

- State document days/timeline during suspension and provide rationale…when appropriate proceed with monitoring.
- Discuss in next year APR under appropriate indicator(s)



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| | |
|---|---|
| | /general supervision…document timeline, why unable to submit with rationale. |
| | |

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**From:** VanderPloeg, Laurie
**Sent:** Fri, 13 Mar 2020 00:20:00 +0000
**To:** Hylton, Gretta - KDE Associate Commissioner
**Cc:** Kinnard, Curtis
**Subject:** Re: coronavirus question and non-traditional instruction question
**Attachments:** image001.png

I will call your cell at 8:00 CT.

Sent from my iPhone

On Mar 12, 2020, at 7:33 PM, Hylton, Gretta - KDE Associate Commissioner <gretta.hylton@education.ky.gov> wrote:

Good Evening, Laurie.

Thanks for getting back to me. I can only imagine how busy things currently are in your world.

How's 8:00 CT (9:00 ET)? I can send a calendar invite if that works best or you can call my cell when you are available. Which do you prefer? My cell is (b)(6).

Thanks so much for taking time provide support!

<image001.png>

***Gretta Hylton***
Associate Commissioner
Office of Special Education and Early Learning

Kentucky Department of Education
300 Sower Blvd, 4th Floor
Frankfort, KY 40601
(502) 564-4970 ext. (b)(6)
Gretta.Hylton@education.ky.gov

*The Kentucky Department of Education would like your input on the agency's customer service efforts. Please take a moment to complete an online survey, which may be accessed at https://www.surveymonkey.com/r/QTSNYD5. All responses will remain anonymous. Thank you!*

*This email may contain confidential data or information and is intended solely for the use of the individual or entity to whom it is addressed. If you are not the named addressee you should not disseminate, distribute, or copy this e-mail, and you are requested to notify the sender immediately.*

---

**From:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Sent:** Thursday, March 12, 2020 7:00 PM
**To:** Hylton, Gretta - KDE Associate Commissioner <gretta.hylton@education.ky.gov>

AMERICAN OVERSIGHT

**Cc:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Subject:** RE: coronavirus question and non-traditional instruction question

Hi Gretta-
Sorry for the delay we have been working hard to get our document through clearance and out today. I would like to arrange a time tomorrow to talk and answer your questions. Are you available at 8:00 or 8:30am CT before the webinar with NASDSE at 10:00 or between 1:30 and 3:00 CT? I am looking forward to talking with you.

---

**From:** Hylton, Gretta - KDE Associate Commissioner <gretta.hylton@education.ky.gov>
**Sent:** Wednesday, March 11, 2020 2:32 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Subject:** coronavirus question and non-traditional instruction question

Hi Laurie,

During the NASDSE board meeting yesterday, I understood that specific questions regarding the coronavirus should be sent directly to you. If I've misunderstood, please accept my apology. I have included Curtis Kinnard on this correspondence in the event I am mistaken. Curtis always provides high-quality support to Kentucky and we are very grateful for him.

I understand OSEP will soon be releasing guidance on the novel coronavirus pandemic. While I believe many questions will be answered through this guidance, Kentucky has a unique situation with what is known as *"Non-Traditional Instruction" (NTI) Program.* We have legislation that allows districts to provide alternate instruction during days when schools would otherwise be forced to close. This legislation came about as a result of extreme adverse weather events that forced multiple school districts to close for extended periods of time.

When NTI days occur, it is considered an instructional day although students may receive instruction very differently than they would during a regular school day. Students do not report to the school but rather participate in instruction such as online course work, completing a project or paper assignment, or other method of participating in instructional activities. Currently, districts are only approved for 10 NTI days and must submit an application prior to the start of school that informs the Kentucky Department of Education (KDE) as to how NTI will be implemented.

Considering the novel coronavirus pandemic, KDE is opening up this process as a possibility for more schools to submit an "emergency application" or waiver to obtain more NTI days as needed. The idea is to provide additional flexibility toward keeping our families and children as healthy as possible.

I am not sure the guidance will specifically speak to questions I have around how to appropriately implement NTI for students with IEPs during this time of uncertainty. I am sure you are extremely busy, especially during this time of uncertainty. If you have a small amount of time, I would like to chat briefly to seek additional guidance for Kentucky's unique situation.

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Thanks so much!
Gretta Hylton

<image001.png
>

***Gretta Hylton***
Associate Commissioner
Office of Special Education and Early Learning

Kentucky Department of Education
300 Sower Blvd, 4th Floor
Frankfort, KY 40601
(502) 564-4970 ext. (b)(6)
Gretta.Hylton@education.ky.gov

*The Kentucky Department of Education would like your input on the agency's customer service efforts. Please take a moment to complete an online survey, which may be accessed at https://www.surveymonkey.com/r/QTSNYD5. All responses will remain anonymous. Thank you!*

*This email may contain confidential data or information and is intended solely for the use of the individual or entity to whom it is addressed. If you are not the named addressee you should not disseminate, distribute, or copy this e-mail, and you are requested to notify the sender immediately.*

---

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**From:** VanderPloeg, Laurie
**Sent:** Fri, 28 Feb 2020 14:36:11 +0000
**To:** Schultz, Mark
**Subject:** RE: Coronavirus Task Force

Thank you! Let me know if you need any information. Kate Moran from OSEP is part of the Natural Disaster Task Force and they are also having conversations.

---

**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Friday, February 28, 2020 9:33 AM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Subject:** RE: Coronavirus Task Force

On our call this morning General Zais said we would have a meeting on Monday before or after the Secretary's Senior Leaders meeting to talk about the task force. I believe each POC will be included and required to come up with something building off the business continuity plan. I'm talking to Melanie about it so I'm prepared. Frank has already been meeting with his team to provide guidance to schools. Will know more after Monday.

---

**From:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Sent:** Friday, February 28, 2020 9:30 AM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** Coronavirus Task Force

Is OSERS part of this Task Force?

ED Creates Coronavirus Task Force.
Inside Higher Ed (2/28, Fain, 72K) reports Education Secretary Betsy DeVos announced Thursday that the ED is forming a coronavirus task force, led by Dr. Mitchell "Mick" Zais, Deputy Secretary of Education. An ED spokeswoman said in an email that the group will "lead the agency's continuity of operations plan and run point on the interagency work." DeVos made the announcement during her congressional testimony before the House Appropriations Committee.

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

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**From:** Lopez, Francisco (Frank) (OGC)
**Sent:** Fri, 13 Mar 2020 22:55:18 +0000
**To:** VanderPloeg, Laurie
**Cc:** Rosenfelt, Phil;Ellis, Kathryn;Weiss, Rhonda;Hedrick, Marcus
**Subject:** RE: Coronavirus Timelines

Laurie—

(b)(5)

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Page 02255

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of the Freedom of Information and Privacy Act

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Thank You,

Frank Lopez
Deputy Assistant General Counsel
Office of the General Counsel
202-401-6278 (direct)
This electronic communication is intended only for the person(s) listed and is not to be shared, transmitted, copied or otherwise disclosed without express consent. This communication contains information that may be confidential and protected as deliberative, pre-decisional, attorney work product, attorney-client communication, or based on privacy. If you are not the intended recipient of this information, please dispose of it immediately and contact the sender.

---

**From:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Sent:** Friday, March 13, 2020 3:00 PM
**To:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Ellis, Kathryn <Kathryn.Ellis@ed.gov>; Weiss, Rhonda <Rhonda.Weiss@ed.gov>; Lopez, Francisco (Frank) (OGC) <Frank.Lopez@ed.gov>
**Subject:** Coronavirus Timelines

Hi team-

(b)(5)

Are there other timelines I may not have identified above?

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

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**From:** VanderPloeg, Laurie
**Sent:** Thu, 5 Mar 2020 13:42:41 +0000
**To:** Ryder, Ruth
**Subject:** Re: coronavirus
**Attachments:** image001.png

Mark Schultz is representing OSERS. I have Laura and Kate updating our Q & A for Friday's clearance. .

Sent from my iPhone

On Mar 5, 2020, at 7:47 AM, Ryder, Ruth <Ruth.Ryder@ed.gov> wrote:

Have you designated a staff contact on the coronavirus? We're working furiously on guidance and at some point will need some special ed input. Just want to be prepared.

<image001.p
ng>

**Ruth E. Ryder**
**Deputy Assistant Secretary for Formula Grants**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5570
Email: ruth.ryder@ed.gov

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**From:** Moran, Kate
**Sent:** Wed, 11 Mar 2020 20:17:13 +0000
**To:** Schultz, Mark;VanderPloeg, Laurie;Levorse, Audrey;Pagano, Lisa;Duos, Laura;Gross, Michael;Burger, Brianne
**Subject:** RE: COVID-19 Discussion

Thank you so much for meeting today. Here are the Requested Links:
Non-Regulatory Guidance on Flexibility and Waivers for Grantees and Program Participants Impacted by Federally Declared Disasters [**MS Word**, 160KB]

New York Policy Letter which includes information related to Due Process Hearings and Resolution Timelines:
**November 20, 2012 to Pat Geary and James P. DeLorenzo**
TOPIC: *Evaluation Timelines*
MS Word (34KB) | PDF (862KB)

-----Original Appointment-----
**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Tuesday, March 10, 2020 12:02 PM
**To:** Schultz, Mark; VanderPloeg, Laurie; Levorse, Audrey; Moran, Kate; Pagano, Lisa; Duos, Laura; Gross, Michael; Burger, Brianne
**Subject:** COVID-19 Discussion
**When:** Wednesday, March 11, 2020 3:30 PM-4:30 PM (UTC-05:00) Eastern Time (US & Canada).
**Where:** Mark's Office

Meeting request per Audrey Levorse.

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**From:** Laurie.VanderPloeg@ed.gov
**Sent:** Wed, 18 Mar 2020 22:16:42 -0400
**To:** Pilgrim, Christine
**Subject:** Re: COVID-19 Update

Sorry for the late response I have been working g with Mark and Audrey until just now. How early can we talk in the morning?

Sent from my iPhone

On Mar 18, 2020, at 8:35 PM, Pilgrim, Christine <Christine.Pilgrim@ed.gov> wrote:

Hi Laurie,
There were some items that came up in the OESE Rapid Response Kick Off that I wanted to share with you to ensure that was your understanding, and was a part of the OSEP process if applicable.
It looks like we are both on right now. I can call you if you're up for a quick chat.

Christine

---

**From:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Sent:** Wednesday, March 18, 2020 8:07 PM
**To:** OSEP Staff <OSEPStaff@ed.gov>
**Cc:** Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** COVID-19 Update

Good Evening-

First, I miss seeing you all at the office! Second, thank you for your hard work and continued commitment to keeping the work of OSEP moving forward!

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(b)(5)

Thank you for all that you are doing. I am very proud of our OSEP Team!!!

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov
<image001.png>

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**From:** VanderPloeg, Laurie
**Sent:** Tue, 31 Mar 2020 22:50:11 +0000
**To:** Schultz, Mark;Levorse, Audrey
**Subject:** RE: Dispute Resolution Part B Topic Brief

Great- thank you! Seven more will be coming your way soon!

---

**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Tuesday, March 31, 2020 6:33 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>
**Subject:** RE: Dispute Resolution Part B Topic Brief

I forwarded the dispute resolution brief to Kent and had a discussion with him so he would understand what it was and why we were using this format. I think this can move quickly as there are no cross-cutting issues within most of the briefs.

---

**From:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Sent:** Tuesday, March 31, 2020 12:32 PM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>
**Subject:** FW: Dispute Resolution Part B Topic Brief

This came to Mark and I yesterday so if we can approve this today we can get this one moving forward. Lets talk about it on our 4:30 call today.

---

**From:** Moran, Kate <Kate.Moran@ed.gov>
**Sent:** Monday, March 30, 2020 10:52 AM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Corr, Gregg <Gregg.Corr@ed.gov>; Pagano, Lisa <Lisa.Pagano@ed.gov>
**Subject:** Dispute Resolution Part B Topic Brief

Hello Mark and Laurie,

As discussed on today's call here is the OGC cleared Dispute Resolution Topic Brief that has been developed for Part B, with your clearance this will then be sent to the identified OSEP-# stakeholders. Please email back any comments or edits in track changes, and we will begin the process of finalizing for 508 compliance.

Thank You,
Kate

Dr. Kate P. Moran
U.S. Department of Education
Office of Special Education Programs
202-245-7315
Washington, DC 20202

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IDEAs That Work

VR100

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**From:** VanderPloeg, Laurie
**Sent:** Tue, 17 Mar 2020 01:45:29 +0000
**To:** Levorse, Audrey;Schultz, Mark
**Subject:** RE: DRAFT - RE: IDEA flexibility

Sorry I just re-read and saw you addressed the initial evaluation.

---

**From:** Levorse, Audrey <Audrey.Levorse@ed.gov>
**Sent:** Monday, March 16, 2020 9:29 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** DRAFT - RE: IDEA flexibility

Draft email as follows:

(b)(5)

Also, we are fine with the language below that addresses initial evaluations.

---

**From:** Petersen, Molly <Molly.Petersen@ed.gov>
**Sent:** Monday, March 16, 2020 7:38 PM
**To:** Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Schultz, Mark <Mark.Schultz@ed.gov>; Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>
**Subject:** FW: IDEA flexibility

Audrey and Laurie – Please see below for ED and Labor inquiry and get back to us as soon as possible.

Thanks.

Molly Petersen
Legislative Director

---

**From:** Thomas, Brad <Brad.Thomas@mail.house.gov>
**Sent:** Monday, March 16, 2020 5:45 PM
**To:** Petersen, Molly <Molly.Petersen@ed.gov>; Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>
**Subject:** IDEA flexibility

Hey Molly and Kim, I've pasted section 301 from pl 109-148 below. This was the Katrina recovery bill and it extended several statutory deadlines. Could you all review and let us know if OSEP is hearing from states and/or districts about these and if they would be relevant to be waived this time around? Thank you!

SEC. 301. AGREEMENTS TO EXTEND CERTAIN DEADLINES OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT TO FACILITATE THE PROVISION OF

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EDUCATIONAL SERVICES TO CHILDREN WITH DISABILITIES.

(a) Authority.--The Secretary of Education may enter into an agreement described in subsection (b) with an eligible entity to extend certain deadlines under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) related to providing special education and related services, including early intervention services, to individuals adversely affected by a Gulf hurricane disaster.

(b) Terms of Agreements.--An agreement referred to in subsection (a) is an agreement with an eligible entity made in accordance with subsection (e) that may extend the applicable deadlines under one or more of the following sections:

(1) Section 611(e)(3)(C)(ii) of such Act, by extending up to an additional 60 days the 90 day deadline for developing a State plan for the high cost fund.

(2) Section 612(a)(15)(C) of such Act, by extending up to an additional 60 days the deadline for submission of the annual report to the Secretary of Education and the public regarding the progress of the State and of children with disabilities in the State.

(3) Section 612(a)(16)(D) of such Act, by extending up to an additional 60 days the deadline for making available reports regarding the participation in assessments and the performance on such assessments of children with disabilities.

(4) Section 614(a)(1)(C)(i)(I) of such Act, by extending up to an additional 30 days the 60 day deadline for the initial evaluation to determine whether a child is a child with a disability for purposes of the provision of special education and related services to such child.

(5) Section 616(b)(1)(A) of such Act, by extending up to an additional 60 days the deadline for finalization of the State performance plan.

(6) Section 641(e)(1)(D) of such Act, by extending up to an additional 60 days the deadline for submission to the Governor of a State and the Secretary of Education of the report on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State.

(c) Rule of Construction.--Nothing in this section shall be construed--

(1) as permitting the waiver of--

(A) any applicable Federal civil rights law;

(B) any student or family privacy protections, including provisions requiring parental consent for evaluations and services;

(C) any procedural safeguards required under section 615 or section 639 of the Individuals with Disabilities Education Act; or

(D) any requirements not specified in subsection (b) of this section; or

(2) as removing the obligation of the eligible entity to provide a child with a disability or an infant or toddler with a disability and their families--

(A) a free appropriate public education under part B of the Individuals with Disabilities Education Act; or

(B) early intervention services under part C of such Act.

(d) Duration of Agreement.--An agreement under this section shall terminate at the conclusion of the 2005-2006 academic year.

(e) Request to Enter Into Agreement.--To enter into an agreement

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under this section, an eligible entity shall submit a request to the Secretary of Education at such time, in such manner, and containing such information as the Secretary may require.

**Brad Thomas**
Senior Education Policy Advisor
Committee on Education & Labor Republicans
202-225-6558
brad.thomas@mail.house.gov

AMERICAN OVERSIGHT

**From:** VanderPloeg, Laurie
**Sent:** Tue, 17 Mar 2020 15:21:58 +0000
**To:** Snow, McKenzie
**Subject:** Re: Draft and deliberative--TPs

Team considering some waiver requests and I will send that to you SOON! Conversations change and evolve as we speak.

Sent from my iPhone

On Mar 17, 2020, at 11:00 AM, Snow, McKenzie <McKenzie.Snow@ed.gov> wrote:

(b)(5)

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**From:** VanderPloeg, Laurie
**Sent:** Fri, 20 Mar 2020 11:05:34 +0000
**To:** Levorse, Audrey
**Cc:** Schultz, Mark
**Subject:** RE: Draft Joint Supp Fact Sheet
**Attachments:** 3.19.20 Joint Coronavirus Supp Fact Sheet_OSERS comments.docx

I added a few comments and will continue to review. Audrey lets talk through some of this by phone this morning.

---

**From:** Levorse, Audrey <Audrey.Levorse@ed.gov>
**Sent:** Thursday, March 19, 2020 9:30 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Subject:** FW: Draft Joint Supp Fact Sheet

See OCR's doc attached.

---

**From:** Richey, Kimberly <Kimberly.Richey@ed.gov>
**Sent:** Thursday, March 19, 2020 8:09 PM
**To:** Levorse, Audrey <Audrey.Levorse@ed.gov>
**Cc:** Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** Draft Joint Supp Fact Sheet

Hi, Audrey,
Per our conversation, see attached. Will give you a call first thing in the morning!

Thanks!

Kim

Kimberly M. Richey
Principal Deputy Assistant Secretary
Office for Civil Rights
U.S. Department of Education
202-453-7800 (o)
(b)(6) (c)

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Page 02270

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Page 02271

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Page 02272

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Page 02273

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Page 02274

Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act

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**From:** VanderPloeg, Laurie
**Sent:** Sun, 15 Mar 2020 18:54:15 +0000
**To:** Schultz, Mark
**Cc:** Levorse, Audrey
**Subject:** Re: draft message for your review
**Attachments:** image001.png, image002.gif, image003.gif, image004.png

(b)(5)

Will the Secretary's Leadership meeting still be a face to face since I am covering that?

Sent from my iPhone

On Mar 15, 2020, at 2:40 PM, Schultz, Mark <Mark.Schultz@ed.gov> wrote:

Does this message provide enough information for staff to answer most of the questions arising? Please let me know if you have any suggestions or if it's ok to send. Melanie has already approved it.
Mark

Sent from my iPhone

Begin forwarded message:

To all OSERS staff:

(b)(5)

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Page 02276

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(b)(5)

Please contact OSERS Executive Officer Melanie Winston with any questions or concerns.

Mark

Mark Schultz
Delegated the authority to perform
the functions and duties of the Assistant Secretary
for the Office of Special Education and Rehabilitative Services

<image001.png>

<image002.gif>
<image003.gif>
<image004.png>

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**From:** VanderPloeg, Laurie
**Sent:** Tue, 31 Mar 2020 23:42:41 +0000
**To:** Morabito, Angela
**Cc:** Schultz, Mark;Steenen, Paul
**Subject:** Re: For Approval: Draft Statement on IDEA

I am very comfortable with the revised statement. Thanks Angela.

Sent from my iPhone

On Mar 31, 2020, at 7:04 PM, Morabito, Angela <Angela.Morabito@ed.gov> wrote:

Hi Mark, Laurie, and Paul –

Thanks for speaking with me earlier about the press questions on IDEA waivers. I ran the statement by Liz, and she suggested the following updated version:

(b)(5)

Does this have your approval? Please let me know.

Thanks,

**Angela L. Morabito**
**United States Department of Education**
Press Secretary
T: 202.445.4885
E: angela.morabito@ed.gov

AMERICAN OVERSIGHT

**From:** VanderPloeg, Laurie
**Sent:** Fri, 28 Feb 2020 14:39:40 +0000
**To:** Moran, Kate;Corr, Gregg;Schneer, Matthew
**Subject:** RE: Guidance on Coronavirus

Kate-

(b)(5)

-----Original Message-----
From: Moran, Kate <Kate.Moran@ed.gov>
Sent: Friday, February 28, 2020 9:31 AM
To: VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Corr, Gregg <Gregg.Corr@ed.gov>; Schneer, Matthew <Matthew.Schneer@ed.gov>
Subject: RE: Guidance on Coronavirus

Much appreciated!

-----Original Message-----
From: VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
Sent: Friday, February 28, 2020 9:28 AM
To: Corr, Gregg <Gregg.Corr@ed.gov>; Moran, Kate <Kate.Moran@ed.gov>; Schneer, Matthew <Matthew.Schneer@ed.gov>
Subject: RE: Guidance on Coronavirus

I have not heard of OSERS participation and plan to reach out to Mark to inquire. I will keep you updated.

-----Original Message-----
From: Corr, Gregg <Gregg.Corr@ed.gov>
Sent: Friday, February 28, 2020 9:27 AM
To: Moran, Kate <Kate.Moran@ed.gov>; Schneer, Matthew <Matthew.Schneer@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
Subject: RE: Guidance on Coronavirus

Kate,

Not to my knowledge. Laurie may know more.

Gregg

-----Original Message-----
From: Moran, Kate <Kate.Moran@ed.gov>
Sent: Friday, February 28, 2020 9:26 AM
To: Schneer, Matthew <Matthew.Schneer@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
Cc: Corr, Gregg <Gregg.Corr@ed.gov>
Subject: RE: Guidance on Coronavirus

Gregg and Laurie, do you know if anyone from Special Education has been identified to be on this task force? Our Disaster Response Team met internally just this week to discuss resources, so want to make myself and/or our team available if needed.

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Kate

-----Original Message-----
From: Schneer, Matthew <Matthew.Schneer@ed.gov>
Sent: Friday, February 28, 2020 9:16 AM
To: Wolfsheimer, Jennifer <Jennifer.Wolfsheimer@ed.gov>; Moran, Kate <Kate.Moran@ed.gov>
Cc: Corr, Gregg <Gregg.Corr@ed.gov>
Subject: RE: Guidance on Coronavirus

Not sure how helpful this is, but from today's clips:

ED Creates Coronavirus Task Force.
Inside Higher Ed (2/28, Fain, 72K) reports Education Secretary Betsy DeVos announced Thursday that the ED is forming a coronavirus task force, led by Dr. Mitchell "Mick" Zais, Deputy Secretary of Education. An ED spokeswoman said in an email that the group will "lead the agency's continuity of operations plan and run point on the interagency work." DeVos made the announcement during her congressional testimony before the House Appropriations Committee.

-----Original Message-----
From: Wolfsheimer, Jennifer <Jennifer.Wolfsheimer@ed.gov>
Sent: Friday, February 28, 2020 7:47 AM
To: Schneer, Matthew <Matthew.Schneer@ed.gov>; Moran, Kate <Kate.Moran@ed.gov>
Cc: Corr, Gregg <Gregg.Corr@ed.gov>
Subject: RE: Guidance on Coronavirus

Thank you. Kate- appreciate any insight you could provide.

Jennifer Wolfsheimer

-----Original Message-----
From: Schneer, Matthew <Matthew.Schneer@ed.gov>
Sent: Friday, February 28, 2020 7:19 AM
To: Wolfsheimer, Jennifer <Jennifer.Wolfsheimer@ed.gov>; Moran, Kate <Kate.Moran@ed.gov>
Cc: Corr, Gregg <Gregg.Corr@ed.gov>
Subject: Re: Guidance on Coronavirus

Not that I am aware of, but adding in Kate.

Sent from my iPhone

> On Feb 27, 2020, at 6:38 PM, Wolfsheimer, Jennifer <Jennifer.Wolfsheimer@ed.gov> wrote:
>
> Do we know if anything is being developed?
>
> Jennifer Wolfsheimer
>
> -----Original Message-----
> From: Thompson, Eugene <Eugene.Thompson@BIE.EDU>
> Sent: Thursday, February 27, 2020 4:59 PM
> To: Wolfsheimer, Jennifer <Jennifer.Wolfsheimer@ed.gov>
> Subject: Guidance on Coronavirus
>
> Does OSEP have any guidance on the coronavirus in case it gets out of hand in this country that we can share with schools?
>

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> Gene Thompson
>
> Sent from my iPad

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**From:** Schultz, Mark
**Sent:** Mon, 16 Mar 2020 00:18:54 +0000
**To:** Ryder, Ruth
**Cc:** VanderPloeg, Laurie
**Subject:** RE: Heads up: Clearance of flexibility and waiver document

Hi Ruth,

(b)(5)

Mark

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Sunday, March 15, 2020 3:30 PM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Subject:** FW: Heads up: Clearance of flexibility and waiver document

Good afternoon!

(b)(5)

Happy to discuss if you would like to call me on (b)(6).

Thanks
Ruth

---

**From:** Ryder, Ruth
**Sent:** Sunday, March 15, 2020 3:23 PM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Goetz, Braden <Braden.Goetz@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; King, Robert <Robert.King@ed.gov>
**Cc:** Talbert, Kent <Kent.Talbert@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Heads up: Clearance of flexibility and waiver document

(b)(5)

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(b)(5)

Thanks

**Ruth E. Ryder**
**Deputy Assistant Secretary for Formula Grants**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5570
Email: ruth.ryder@ed.gov

AMERICAN OVERSIGHT

**From:** VanderPloeg, Laurie
**Sent:** Mon, 13 Apr 2020 16:54:31 +0000
**To:** Myrna Mandlawitz
**Subject:** RE: Hello...and a question from Occupational Therapists re: privacy/confidentiality
**Attachments:** SPPO FERPA and Virtual Learning 033020.pdf

The Student Privacy Policy Office sent this to me a few weeks ago. Attached is a PowerPoint presentation and a link to the FERPA webinar on virtual learning. Feel free to share-, and the webinar recording will be available, at https://Studentprivacy.ed.gov. I will also try to gather more information and details. Hope this helps!

---

**From:** Myrna Mandlawitz <mrmassociates@verizon.net>
**Sent:** Monday, April 13, 2020 12:32 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Subject:** RE: Hello...and a question from Occupational Therapists re: privacy/confidentiality

Thanks!

---

**From:** VanderPloeg, Laurie [mailto:Laurie.VanderPloeg@ed.gov]
**Sent:** Monday, April 13, 2020 12:14 PM
**To:** Myrna Mandlawitz
**Subject:** RE: Hello...and a question from Occupational Therapists re: privacy/confidentiality

Great questions! Let me take this back to our internal team for consideration. I will keep you updated. Thanks

---

**From:** Myrna Mandlawitz <mrmassociates@verizon.net>
**Sent:** Monday, April 13, 2020 11:30 AM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Subject:** Hello...and a question from Occupational Therapists re: privacy/confidentiality
**Importance:** High

Hey, there. Long time, no see, talk, etc. Will have to remedy that!

I have had a question that you may have also heard from other therapists: concerns from OTs that providing their one-on-one therapies online may somehow violate FERPA (I'm not sure I see how)….but more important, with Zoom and other platforms that now we know are less than secure, what privacy issues there may be.

I have not seen this specifically addressed in any of the guidance from OSEP, OCR, etc. Mostly the privacy guidance deals with group situations ("Letter to Mamas"), third-party providers requiring logins with student IDs, etc., "health and safety" exception where the child may have the virus,etc. None of the docs speak specifically to one-on-one therapy.

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Is this something you have any ready info on….or something that might be worthwhile to add to the growing list of guidance?

Thanks so much for considering. Happy to talk about it further, if need be.

Be well and hope you're doing OK.

Myrna

*Myrna R. Mandlawitz, M.Ed., JD*
*MRM Associates, LLC*
*Office: 202.686.1637*
*Cell:* (b)(6)
*mrmassociates@verizon.net*

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# FERPA & VIRTUAL LEARNING DURING COVID-19

March 30, 2020

**Kala Shah Surprenant**
Acting Director,
Student Privacy Policy Office
U.S. Department of Education

United States Department of Education
Student Privacy Policy Office
Privacy Technical Assistance Center

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# WEBINAR LOGISTICS

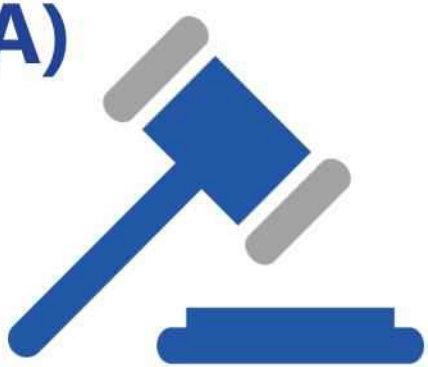
- Phone lines will be muted
- Due to the number of attendees, we will not be able to take live questions
- If you have questions, please contact us at FERPA@ed.gov or by phone at 855-249-3072
- The recording of this webinar will be made available on the Department's Student Privacy Policy Office website at: https://studentprivacy.ed.gov/

AMERICAN OVERSIGHT



ED-20-0731-A-004344

# FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)



- FERPA Statute: 20 U.S.C. § 1232g
- FERPA Regulations: 34 CFR Part 99
- The Student Privacy Policy Office (SPPO), at the U.S. Department of Education is responsible for implementing FERPA, including establishing policy and investigating complaints under FERPA. SPPO (formerly the Family Policy Compliance Office or FPCO) and the Privacy Technical Assistance Center (PTAC) provide technical assistance.

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ED-20-0731-A-004345

# WHAT IS FERPA?

- Federal privacy law that applies to educational agencies and institutions and applicable programs funded by the U.S. Department of Education.
- Provides parents and eligible students the right:
  - To access education records and seek amendment of education records;
  - To provide consent to disclosure of personally identifiable information (PII) from the education records unless a FERPA exception applies; and
  - To file a complaint under FERPA.

*An eligible student is over the age of 18 or enrolled in a postsecondary institution.

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ED-20-0731-A-004346

# FERPA & VIRTUAL LEARNING

This webinar is intended to provide information on:

- Common questions about FERPA under current circumstances
- Privacy and security best practices
- Other resources

AMERICAN OVERSIGHT



ED-20-0731-A-004347

# VIRTUAL LEARNING

- Moving education from the school to the home presents many challenges.
- Privacy is just one of those challenges.
- It also presents opportunities: individualized learning, learning at student's own pace, building more independent learners & application of instruction to daily life, etc.

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ED-20-0731-A-004348

# HOW FERPA COMES INTO PLAY?

## WHAT WILL WE COVER TODAY ?

- FERPA's school official exception to the general consent requirement – what it is and how it works in the virtual learning environment.
- Use of video or other forms of instruction (emails, group chats, teleconferences, etc.).
- Significance of defining education records and identifying PII in education records.
- Right to access records.
- Electronic consent.
- Health or safety emergency exception.

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ED-20-0731-A-004349

# SCENARIO #1

- I am a college professor or public school teacher and need information about my students on hand while I switch to virtual instruction. Can I take home with me PII from my students' education records?

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ED-20-0731-A-004350

# SCENARIO #1 – TAKE AWAYS

- Yes - FERPA does not prohibit teachers from taking PII from students' education records home with them as long as the teacher has a legitimate educational interest in the education records, as determined by their educational agency or institution.
- School officials, including teachers, who take education records home are prohibited from further disclosing the PII from the education records, except as otherwise permitted under FERPA; and, should use reasonable methods to protect the education records, and the PII in those records, from further disclosure.
- These protections can include access controls that are physical, technological, and administrative controls.

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ED-20-0731-A-004351

# SCENARIO #1 – QUESTIONS TO CONSIDER

- What education records, or PII from education records, will school officials be "taking home"?
- How will those education records or PII be brought home?
- How will the school official secure the PII in those education records while the records are at home?

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ED-20-0731-A-004352

# SCENARIO #2

Our school is planning to use video conferencing or other virtual learning software apps to hold classes virtually. Can a school or district use such apps under FERPA?

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ED-20-0731-A-004353

# SCENARIO #2 – TAKE AWAYS

- Yes under the **school official exception** to FERPA's general consent requirement, educational agencies and institutions may disclose students' education records, or PII in those records, to a provider of such a service or application as long as the provider:
  1. Performs an institutional service or function for which the educational agency or institution would otherwise use its own employees;
  2. Has been determined to meet the criteria set forth in in the educational agency's or institution's annual notification of FERPA rights for being a school official with a legitimate educational interest in the education records or PII;
  3. Is under the direct control of the educational agency or institution regarding the use and maintenance of the education records or PII; and
  4. Uses the education records or PII only for authorized purposes and does not re-disclose the education records or PII to other parties (unless the provider has specific authorization from the educational agency or institution to do so and it is otherwise permitted by FERPA). *See* 34 CFR §99.31(a)(1)(i).

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ED-20-0731-A-004354

# SCENARIO #2 – TAKE AWAYS

- FERPA does not require an educational agency or institution to enter into an agreement under the school official exception, although it is a best practice to clarify the issues of direct control and legitimate educational interest .
- The school's annual notification of FERPA rights includes its criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

**SPPO resources:**

- Model annual notification of FERPA rights
- Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices

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ED-20-0731-A-004355

# SCENARIO #2 – QUESTIONS TO CONSIDER

- Does your educational agency or institution currently allow this type of software?
- What is your agency or institution's process to review requests for software?
- Refer to PTAC's resources such as:
  - Protecting Student Privacy While Using Online Educational Services
  - Data Security Checklist
  - **Read the platform's Terms of Service**

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ED-20-0731-A-004356

# SCENARIO #3

- Does FERPA address which apps can be used?

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ED-20-0731-A-004357

# SCENARIO #3 – TAKE AWAYS

- No, as FERPA is a privacy rule and does not include explicit information security standards.
- Under FERPA, educational agencies and institutions may disclose, without consent, education records, or PII contained in those records, to the providers of online learning software apps under the "school official" exception provided they meet the conditions of that exception.
- Schools and school districts should work with their information security officers and attorneys to review information security requirements and terms of service.

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ED-20-0731-A-004358

# SCENARIO #3 – TAKE AWAYS

- FERPA does not address the use of specific apps.
- The Health Insurance Portability and Accountability Act of 1996 (as amended) (HIPAA), has a Privacy Rule and a Security Rule.
- HHS-OCR used its HIPAA waiver authority for emergencies under Section 1135 of the Social Security Act.
- HIPAA notices issued during the COVID-19 public health emergency identified some apps that represent they are compliant with the HIPAA standard and may be used for telehealth services provided there is an appropriate business associate agreement (BAA) under HIPAA.

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ED-20-0731-A-004359

# SCENARIO #4

- Can non-students observe a virtual lesson?
  - What information about students might be disclosed during the virtual classroom time?

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ED-20-0731-A-004360

# SCENARIO #4 – TAKE AWAYS

- Assuming that during the virtual lesson, PII from education records is not disclosed, FERPA would not prohibit a non-student from observing the lesson.
- The directory information exception permits certain PII from education records which an educational agency or institution has designated as directory information to be disclosed during classroom instruction to students who are enrolled in, and attending, a class.
  - The directory information exception may not be used to opt out of disclosures of a student's name, identifier, or institutional email address in a class in which the student is enrolled. 34 CFR §99.37(c)(1).

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ED-20-0731-A-004361

# SCENARIO #4 – TAKE AWAYS

- As a best practice, educational agencies and institutions should discourage non-students from observing virtual classrooms in the event that PII from a student's education record is, in fact, disclosed in such virtual classrooms.

- Schools may wish to include instructions for students participating in the virtual classroom regarding not sharing or recording any PII from education records that may be disclosed in the virtual classroom or to obtain prior written consent to permit any such sharing of PII from education records.

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ED-20-0731-A-004362

# SCENARIO #4 – QUESTIONS TO CONSIDER

- Does your school have a policy regarding visitors in the virtual classroom?

- Does your school have a policy regarding sharing existing lessons or instructional materials?

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ED-20-0731-A-004363

# SCENARIO #5

Due to our transition from holding in-person classes to virtual lessons, is it permissible to record classes and share the recording of the virtual classes to students who are unable to attend?

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ED-20-0731-A-004364

# SCENARIO #5 – TAKE AWAYS

- Yes - assuming the video recording does not disclose PII from education records during a virtual classroom lesson or appropriate written consent is obtained if PII from the education record, FERPA would not prohibit the teacher from making a recording of the lesson available to students enrolled in the class.

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ED-20-0731-A-004365

# SCENARIO #5 – TAKE AWAYS

- What is an "education record" under FERPA? "Education records" are, with certain exceptions, those records that are –
  - Directly related to a student; and
  - Maintained by an educational agency or institution or by a party acting on behalf of the educational agency or institution.
- Video recordings of virtual classroom lessons qualify as "education records" protected under FERPA only if they directly relate to a student and are maintained by an educational agency or institution or by a party acting on their behalf. FERPA's nondisclosure provisions may still apply to such video recordings even if they do not qualify as "education records," if the video recording contains PII from education records.
- Look at your current vendor agreements to determine whether video recordings of virtual classroom lessons are or will be maintained as education records beyond the period of instruction, and if so – how, and by whom.

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ED-20-0731-A-004366

# SCENARIO #5 – TAKE AWAYS

- Some considerations for a video recording of a a virtual classroom lesson that is or will be an education record:
  - Rights of access by parents and eligible students to their education records;
  - In general, written consent must be obtained prior to disclosing a student's education record or PII in those records unless an exception applies; and
  - Parents and eligible students have the right to seek amendment of their education records.
- If there is PII directly related to multiple students, the above considerations are more complicated in instances where a recording of a virtual classroom maintained by educational agencies or institutions or by a party acting on their behalf.

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ED-20-0731-A-004367

# SCENARIO #5 – QUESTIONS TO CONSIDER

- Will the video recording be maintained as an education record, and is it directly related to a student?
- What, if any, PII from education records, did the video recordings capture?
- With whom is the school sharing the video recordings?
- How is the school protecting from unauthorized disclosure video recordings that qualify as education records or that contain PII from education records?

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ED-20-0731-A-004368

# SCENARIO #6

Our school is closed but a parent has requested access to his or her child's education record.

What steps can we take to meet the 45-day timeline for access to education records under FERPA?

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ED-20-0731-A-004369

# SCENARIO #6 – TAKE AWAYS

- Under FERPA, a school must provide a parent with an opportunity to inspect and review his or her child's education records within 45 days of the receipt of a request.
- While required to provide a parent with access to his or her child's education records, a school is not generally required under FERPA to provide copies of education records.
- However, if circumstances effectively prevent a parent from exercising his or her right to inspect and review education records, the school would be required to either provide the parent with a copy of the records requested or make other arrangements that would allow for the parent to inspect and view the requested records. A case in point would be a situation in which the parent does not live within commuting distance of the school.
- FERPA does not identify exceptions in its statute or regulations that would permit a school to not comply with a parent's request to inspect and review their child's education records.

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ED-20-0731-A-004370

# SCENARIO #6 – QUESTIONS TO CONSIDER

- How is your school or school district handling other administrative functions (e.g., is it open for limited hours)?
- Can your school provide electronic access or make a copy of the requested education record and email or mail them to the parent?
- Given social distancing and physical contact restrictions, schools and parents should work together to identify mutually agreeable options.

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ED-20-0731-A-004371

# SCENARIO #7

Our college requires that students come in to sign consent forms for disclosure of their education records. With schools closed, we are unable to have students come in.

Is it okay to obtain consent using electronic means?

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ED-20-0731-A-004372

# SCENARIO #7 – TAKE AWAYS

- Yes, FERPA permits electronic consent.
- A "signed and dated written consent" under FERPA must specify the records that may be disclosed, state the purpose of the disclosure, and identify the party or class of parties to whom the disclosure may be made; and, may include a record and signature in electronic form that –
  1. Identifies and authenticates a particular person as the source of the electronic consent; and
  2. Indicates such person's approval of the information contained in the electronic consent.

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ED-20-0731-A-004373

# SCENARIO #7 – QUESTIONS TO CONSIDER

- Does the school have a standard consent form under FERPA?
- Does the school include a general description identifying the education records to be disclosed, the party to whom disclosure(s) will occur, and the purpose(s)?
- How do you authenticate the identity of the individual if an email is not already on file? (e.g., ask for other info.)

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ED-20-0731-A-004374

# SCENARIO #8

I'm working from home. I'm a college professor and would like to have a conference with an eligible student to discuss an assignment. OR I'm a public school teacher and would like to conduct a parent-student conference.

My spouse is also at home and in the same room. Is it alright if I conduct the conference?

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ED-20-0731-A-004375

# SCENARIO #8 – TAKE AWAYS

- Yes, as long as the teacher/professor --
  - Does not disclose PII from the student's education record in hearing of his or her spouse during the conversation; or
  - Moves away from his or her spouse to discuss PII from the student's education records so that the spouse does not overhear your discussion; or
  - Obtains prior consent in writing (electronic) from the parent or eligible student for the potential disclosure of PII from the student's education records to his or her spouse.

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ED-20-0731-A-004376

# SCENARIO #8 – QUESTIONS TO CONSIDER

- How will this "conference" occur (phone call, video call, etc.)?
- What is the subject of the conference?
  - Reviewing subject matter instruction generally does not involve PII from a student's education record.
- What precautions can you put in place to make sure the spouse does not overhear the conversation?

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ED-20-0731-A-004377

# SCENARIO #9

Colleges received notice from an admissions council that their practices have changed during the COVID-19 pandemic, and the admissions council will accept student transcripts via email. Are colleges required to use secure transmission of PII by fax or email encryption software to transmit non-directory information via email?

What is the information security standard under FERPA?

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ED-20-0731-A-004378

# SCENARIO #9 – TAKE AWAYS

- FERPA does not have an explicit information security standard as it is a privacy, not an information security, law.
- There are ways to secure PII in education records transmitted with email, such as encrypting attachments.
- Other best practice secure ways to share files include Secure File Transfer Protocol (SFTP).
- This PTAC video, Email and Student Privacy, identifies some of these and other best practices.

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ED-20-0731-A-004379

# SCENARIO #10

- Under FERPA, may the school or school district identify that a student has COVID-19 to parents of other students in the school when the student has been out of the school during the entire period of possible transmission and the school does not release the name?

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ED-20-0731-A-004380

# SCENARIO #10 – TAKE AWAYS

- It depends, but generally yes, but only if that information is in a non-personally identifiable form.
- The educational agency or institution must make a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information. *See* 34 C.F.R. § 99.31(b)(1). If an educational agency or institution discloses information about students in non-personally identifiable form, then consent by the parents or eligible students generally is not needed under FERPA.
- See related questions in FERPA and the Coronavirus Disease 2019 (COVID-19) FAQs.

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ED-20-0731-A-004381

# PRIVACY & SECURITY TOP 5 THINGS TO CONSIDER

1. **Look at what your school or district already uses** – Review your current solutions first, as many education platforms include features that can be leveraged to support distance learning.
2. **Identifying options** – When identifying and choosing technology tools, work with your attorneys and information security specialists to vet prospective solutions against FERPA requirements using a risk-based analysis.

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ED-20-0731-A-004382

# PRIVACY & SECURITY TOP 5 THINGS TO CONSIDER

3. **Things to look for** – Products that apply best practices like encryption, strong identity authentication, and a statement and terms of service that explain how the vendor's use of PII from education records complies with FERPA.
4. **Communication** – Be transparent with parents, students, and the school community.
5. **Ask for help** – Consult and ask questions of your attorneys, information security specialists and peers. SPPO and PTAC can also provide TA on FERPA.

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ED-20-0731-A-004383

# FEDERAL AGENCY COVID-19 RESOURCES

- CDC resources: https://www.coronavirus.gov/
- U.S. Department of Education resources: https://www.ed.gov/coronavirus
- U.S. Department of Health & Human Services HIPAA resources: https://www.hhs.gov/hipaa

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ED-20-0731-A-004384

# FERPA & COVID-19 RESOURCES

- FERPA and the Coronavirus Disease 2019 (COVID-19) FAQs discusses the health or safety emergency exception under FERPA in the context of COVID-19.
- FERPA and Virtual Learning Related Resources provides a compilation of helpful SPPO and PTAC resources.

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ED-20-0731-A-004385

# GENERAL RESOURCES ON FERPA

- FERPA Training Modules
  - These videos provide basic information on FERPA.
- School official exception
  - This provides additional information on the school official exception in FERPA.
- Policies for Users of Student Data Checklist
  - Provides tips to schools and districts on drafting data use policies to protect student data.

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ED-20-0731-A-004386

# VIRTUAL LEARNING-RELATED RESOURCES

- Protecting Student Privacy While Using Online Educational Services: Requirements and Best Practices
  - This resource identifies applicable exceptions under FERPA, including the school official exception, and includes best practices for safeguarding education records of students under FERPA.
- Protecting Student Privacy While Using Online Educational Services: Model Terms of Service
  - This checklist helps evaluate online educational apps.

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ED-20-0731-A-004387

# VIRTUAL LEARNING-RELATED RESOURCES

- The Security Best Practices section of our website, https://studentprivacy.ed.gov, includes additional resources on safeguarding education records.
- Our video, Email and Student Privacy, identifies best practices for emails.
- With regard to videos and virtual classrooms, to the extent videos are recorded and maintained as education records, the FAQs on Photos and Videos under FERPA might be useful.

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ED-20-0731-A-004388

# CONTACT INFORMATION

United States Department of Education,
Student Privacy Policy Office

(855) 249-3072
(202) 260-3887

FERPA@ed.gov

https://studentprivacy.ed.gov

(855) 249-3073

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ED-20-0731-A-004389

**From:** Levorse, Audrey
**Sent:** Tue, 17 Mar 2020 02:02:28 +0000
**To:** Zarish-Becknell, Kim;Petersen, Molly
**Cc:** VanderPloeg, Laurie;Schultz, Mark
**Subject:** Re: IDEA flexibility

Kim, I mixed up the SSIP and SPP/APR on our call today. Laurie clarified for me, thankfully. Anyway, Mark, Laurie and I all agree with sending the following response to Brad:

(b)(5)

Also, we are fine with the language that addresses initial evaluations.
Get Outlook for iOS
**From:** Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>
**Sent:** Monday, March 16, 2020 7:39:03 PM
**To:** Petersen, Molly <Molly.Petersen@ed.gov>
**Cc:** Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** Re: IDEA flexibility

This I believe is the same question Matt asked us about today Audrey.

Sent from my iPhone

On Mar 16, 2020, at 7:37 PM, Petersen, Molly <Molly.Petersen@ed.gov> wrote:

Audrey and Laurie – Please see below for ED and Labor inquiry and get back to us as soon as possible.

Thanks.

Molly Petersen
Legislative Director

---

**From:** Thomas, Brad <Brad.Thomas@mail.house.gov>
**Sent:** Monday, March 16, 2020 5:45 PM
**To:** Petersen, Molly <Molly.Petersen@ed.gov>; Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>
**Subject:** IDEA flexibility

Hey Molly and Kim, I've pasted section 301 from pl 109-148 below. This was the Katrina recovery bill and it extended several statutory deadlines. Could you all review and let us know if OSEP is hearing from states and/or districts about these and if they would be relevant to be waived this time around? Thank you!

SEC. 301. AGREEMENTS TO EXTEND CERTAIN DEADLINES OF THE INDIVIDUALS WITH

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DISABILITIES EDUCATION ACT TO FACILITATE THE PROVISION OF EDUCATIONAL SERVICES TO CHILDREN WITH DISABILITIES.

(a) Authority.--The Secretary of Education may enter into an agreement described in subsection (b) with an eligible entity to extend certain deadlines under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) related to providing special education and related services, including early intervention services, to individuals adversely affected by a Gulf hurricane disaster.

(b) Terms of Agreements.--An agreement referred to in subsection (a) is an agreement with an eligible entity made in accordance with subsection (e) that may extend the applicable deadlines under one or more of the following sections:

(1) Section 611(e)(3)(C)(ii) of such Act, by extending up to an additional 60 days the 90 day deadline for developing a State plan for the high cost fund.

(2) Section 612(a)(15)(C) of such Act, by extending up to an additional 60 days the deadline for submission of the annual report to the Secretary of Education and the public regarding the progress of the State and of children with disabilities in the State.

(3) Section 612(a)(16)(D) of such Act, by extending up to an additional 60 days the deadline for making available reports regarding the participation in assessments and the performance on such assessments of children with disabilities.

(4) Section 614(a)(1)(C)(i)(I) of such Act, by extending up to an additional 30 days the 60 day deadline for the initial evaluation to determine whether a child is a child with a disability for purposes of the provision of special education and related services to such child.

(5) Section 616(b)(1)(A) of such Act, by extending up to an additional 60 days the deadline for finalization of the State performance plan.

(6) Section 641(e)(1)(D) of such Act, by extending up to an additional 60 days the deadline for submission to the Governor of a State and the Secretary of Education of the report on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State.

(c) Rule of Construction.--Nothing in this section shall be construed--

(1) as permitting the waiver of--

(A) any applicable Federal civil rights law;

(B) any student or family privacy protections, including provisions requiring parental consent for evaluations and services;

(C) any procedural safeguards required under section 615 or section 639 of the Individuals with Disabilities Education Act; or

(D) any requirements not specified in subsection (b) of this section; or

(2) as removing the obligation of the eligible entity to provide a child with a disability or an infant or toddler with a disability and their families--

(A) a free appropriate public education under part B of the Individuals with Disabilities Education Act; or

(B) early intervention services under part C of such Act.

(d) Duration of Agreement.--An agreement under this section shall terminate at the conclusion of the 2005-2006 academic year.

(e) Request to Enter Into Agreement.--To enter into an agreement

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under this section, an eligible entity shall submit a request to the Secretary of Education at such time, in such manner, and containing such information as the Secretary may require.

**Brad Thomas**
Senior Education Policy Advisor
Committee on Education & Labor Republicans
202-225-6558
brad.thomas@mail.house.gov

AMERICAN OVERSIGHT

**From:** Zarish-Becknell, Kim
**Sent:** Mon, 16 Mar 2020 23:39:03 +0000
**To:** Petersen, Molly
**Cc:** Levorse, Audrey;VanderPloeg, Laurie;Schultz, Mark
**Subject:** Re: IDEA flexibility

This I believe is the same question Matt asked us about today Audrey.

Sent from my iPhone

On Mar 16, 2020, at 7:37 PM, Petersen, Molly <Molly.Petersen@ed.gov> wrote:

Audrey and Laurie – Please see below for ED and Labor inquiry and get back to us as soon as possible.

Thanks.

Molly Petersen
Legislative Director

---

**From:** Thomas, Brad <Brad.Thomas@mail.house.gov>
**Sent:** Monday, March 16, 2020 5:45 PM
**To:** Petersen, Molly <Molly.Petersen@ed.gov>; Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>
**Subject:** IDEA flexibility

Hey Molly and Kim, I've pasted section 301 from pl 109-148 below. This was the Katrina recovery bill and it extended several statutory deadlines. Could you all review and let us know if OSEP is hearing from states and/or districts about these and if they would be relevant to be waived this time around? Thank you!

```
SEC. 301. AGREEMENTS TO EXTEND CERTAIN DEADLINES OF THE INDIVIDUALS WITH
            DISABILITIES EDUCATION ACT TO FACILITATE THE PROVISION OF
            EDUCATIONAL SERVICES TO CHILDREN WITH DISABILITIES.

    (a) Authority.--The Secretary of Education may enter into an
agreement described in subsection (b) with an eligible entity to extend
certain deadlines under the Individuals with Disabilities Education Act
(20 U.S.C. 1400 et seq.) related to providing special education and related services,
including early intervention services,
to individuals adversely affected by a Gulf hurricane disaster.
    (b) Terms of Agreements.--An agreement referred to in subsection (a)
is an agreement with an eligible entity made in accordance with
subsection (e) that may extend the applicable deadlines under one or
more of the following sections:
            (1) Section 611(e)(3)(C)(ii) of such Act, by extending up to
        an additional 60 days the 90 day deadline for developing a State
        plan for the high cost fund.
            (2) Section 612(a)(15)(C) of such Act, by extending up to an
        additional 60 days the deadline for submission of the annual
        report to the Secretary of Education and the public regarding
        the progress of the State and of children with disabilities in
        the State.
```

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(3) Section 612(a)(16)(D) of such Act, by extending up to an additional 60 days the deadline for making available reports regarding the participation in assessments and the performance on such assessments of children with disabilities.

(4) Section 614(a)(1)(C)(i)(I) of such Act, by extending up to an additional 30 days the 60 day deadline for the initial evaluation to determine whether a child is a child with a disability for purposes of the provision of special education and related services to such child.

(5) Section 616(b)(1)(A) of such Act, by extending up to an additional 60 days the deadline for finalization of the State performance plan.

(6) Section 641(e)(1)(D) of such Act, by extending up to an additional 60 days the deadline for submission to the Governor of a State and the Secretary of Education of the report on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State.

(c) Rule of Construction.--Nothing in this section shall be construed--

(1) as permitting the waiver of--

(A) any applicable Federal civil rights law;

(B) any student or family privacy protections, including provisions requiring parental consent for evaluations and services;

(C) any procedural safeguards required under section 615 or section 639 of the Individuals with Disabilities Education Act; or

(D) any requirements not specified in subsection (b) of this section; or

(2) as removing the obligation of the eligible entity to provide a child with a disability or an infant or toddler with a disability and their families--

(A) a free appropriate public education under part B of the Individuals with Disabilities Education Act; or

(B) early intervention services under part C of such Act.

(d) Duration of Agreement.--An agreement under this section shall terminate at the conclusion of the 2005-2006 academic year.

(e) Request to Enter Into Agreement.--To enter into an agreement under this section, an eligible entity shall submit a request to the Secretary of Education at such time, in such manner, and containing such information as the Secretary may require.

**Brad Thomas**
Senior Education Policy Advisor
Committee on Education & Labor Republicans
202-225-6558
brad.thomas@mail.house.gov

AMERICAN OVERSIGHT

**From:** Walawender, Rebecca
**Sent:** Fri, 3 Apr 2020 17:01:44 +0000
**To:** Ellis, Kathryn;Lopez, Francisco (Frank) (OGC)
**Cc:** VanderPloeg, Laurie
**Subject:** RE: IDEA waivers

Yes.

We started with those and then created a catalog of other requirements that Mark and Laurie may want to consider.

---

**From:** Ellis, Kathryn <Kathryn.Ellis@ed.gov>
**Sent:** Friday, April 3, 2020 12:16 PM
**To:** Walawender, Rebecca <Rebecca.Walawender@ed.gov>; Lopez, Francisco (Frank) (OGC) <Frank.Lopez@ed.gov>
**Cc:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Subject:** RE: IDEA waivers

Ok, thanks. One question: overall, are you onboard with the ones that were raised in 2017 and what you are now identifying are additional ones? Are you tweaking the ones that were raised in 2017?

---

**From:** Walawender, Rebecca <Rebecca.Walawender@ed.gov>
**Sent:** Friday, April 3, 2020 12:09 PM
**To:** Ellis, Kathryn <Kathryn.Ellis@ed.gov>; Lopez, Francisco (Frank) (OGC) <Frank.Lopez@ed.gov>
**Cc:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Subject:** IDEA waivers

Kathy and Frank –

I wanted to let you know that we expect to send information on waiver/flexibilities OSEP would like to pursue over to you late Monday afternoon.

Thanks again for your support.

Becca

Becca Walawender | Office of the Director
Office of Special Education Programs
(202) 245-7399

AMERICAN OVERSIGHT

**From:** VanderPloeg, Laurie
**Sent:** Tue, 17 Mar 2020 20:58:06 +0000
**To:** Schultz, Mark;Levorse, Audrey
**Subject:** RE: Information for OMB Daily report today

I am working on this! Same request as our call earlier today with HHS, Child Care, Head Start, OESE, OSERS. I will send something soon!

---

**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Tuesday, March 17, 2020 4:24 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>
**Subject:** FW: Information for OMB Daily report today

Can one of you fill in the details that Kent is requesting?

---

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Tuesday, March 17, 2020 4:20 PM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** RE: Information for OMB Daily report today

Send me something more specific for tomorrow's report that includes something on timeline, what will be produced and the like.

---

**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Tuesday, March 17, 2020 2:49 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>
**Subject:** FW: Information for OMB Daily report today
**Importance:** High

OSERS is collaborating with Administration on Families and Children on technical assistance to Head Start programs.

---

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Tuesday, March 17, 2020 10:37 AM
**To:** Brown, Mark <Mark.Brown@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; King, Robert <Robert.King@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>
**Cc:** Zais, Mitchell <Mitchell.Zais@ed.gov>; Rogers, James <James.Rogers@ed.gov>; Mitchell, Noah <Noah.Mitchell@ed.gov>
**Subject:** Information for OMB Daily report today
**Importance:** High

As you know from our daily calls, all federal agencies submit daily reports to OMB on Coronavirus activities. The template includes four categories:

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(1) Administrative Actions, Waivers, and Other Programmatic Changes that Impact Agency Provision of Service or Mission Delivery (Externally Facing)
(2) Guidance, Communication and Outreach with Stakeholders
(3) Actions that Affect Federal Facilities and Personnel
(4) Other Notable Responses

Your principal offices are the key ones thus far on guidance and employee notifications.

I have attached the reports of Sunday and Monday as examples and you will see the reports are a recap of what we have done on the given day, and then the things coming in the near term (next several days).

Would you please provide me two or three bullets in your subject matter areas by **no later than 2:00 PM TODAY** (sorry for short timeline) that I can review as I put today's report together. If you have nothing that rises to the level of reporting please let me know that as well.

Many thanks and please let me know if questions.

Kent
202-403-4206

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**From:** VanderPloeg, Laurie
**Sent:** Wed, 8 Apr 2020 17:30:16 +0000
**To:** Levorse, Audrey
**Subject:** Re: language change
**Attachments:** image001.png

It dies have a not to exceed statement which could leave room for parents agreeing to a timeline that is not reasonable.

Sent from my iPhone

On Apr 8, 2020, at 1:21 PM, Levorse, Audrey <Audrey.Levorse@ed.gov> wrote:

Okay, what do you think?

(b)(5)

---

**From:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Sent:** Wednesday, April 8, 2020 12:39 PM
**To:** Levorse, Audrey <Audrey.Levorse@ed.gov>
**Subject:** language change

(b)(5)

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov
<image001.png>

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**From:** VanderPloeg, Laurie
**Sent:** Fri, 20 Mar 2020 19:27:26 +0000
**To:** Pilgrim, Christine
**Cc:** Corr, Gregg;Walawender, Rebecca
**Subject:** Re: Letter from Secretary DeVos re: Flexibility for States on ESEA Assessment and Accountability Requirements

Yes! It should be shared! Thanks

Sent from my iPhone

On Mar 20, 2020, at 1:51 PM, Pilgrim, Christine <Christine.Pilgrim@ed.gov> wrote:

Wanted to make sure you were aware this letter went out to Chiefs a little while ago inviting States to request a waiver, for the 2019-2020 school year, of the assessment requirements in section 1111(b)(2) of the ESEA, the accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D), and certain reporting requirements related to assessments and accountability in section 1111(h).

Laurie – I am not sure if you want to share this with our Directors as well to make sure they are aware.

Christine

---

**From:** Honeysett, Adam <Adam.Honeysett@ed.gov>
**Sent:** Friday, March 20, 2020 11:56 AM
**Subject:** Letter from Secretary DeVos re: Flexibility for States on ESEA Assessment and Accountability Requirements

March 20, 2020

Dear Chief State School Officer:

I know you are facing unprecedented challenges right now, and I first want to commend you for the truly remarkable efforts you and your teams are making to help ensure learning continues for all of America's students. I appreciate the difficulty you face in ensuring a positive learning environment while providing for the health and safety of your students and staff. I also understand that the novel Coronavirus disease 2019 (COVID-19) has caused widespread school closures with much uncertainty about how to continue learning during the national emergency declared by the President under the *Robert T. Stafford Disaster Relief and Emergency Assistance Act*. The U.S. Department of Education is committed to supporting you with every tool at our disposal and extending all flexibilities within our control.

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Due to the extraordinary circumstances created by the COVID-19 pandemic and resulting school closures, I am providing flexibility to all States regarding the assessment and accountability requirements under the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *Every Student Succeeds Act* (ESSA). Given the widespread, extended school closures, I know many States will be unable to administer their statewide assessments to all students in the spring of 2020. As statewide accountability systems rely on fair, reliable, and valid assessment results, I also recognize that States that do not administer their assessments will also not be able to annually meaningfully differentiate among public schools or identify schools for support and improvement, as required under section 1111(c)(4) and 1111(d)(2)(C)-(D) of the ESEA.

Therefore, pursuant to my authority under section 8401(b) of the ESEA, I am inviting your State to request a waiver, for the 2019-2020 school year, of the assessment requirements in section 1111(b)(2) of the ESEA, the accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D), and certain reporting requirements related to assessments and accountability in section 1111(h).

Through these waivers, your State would not need to administer its statewide assessments to all students, to make annual accountability determinations, to identify schools for support and improvement, or to provide data on its State and local report cards for assessment and accountability information.

If your State is interested in receiving these waivers, please submit your request to OESE.Titlei-a@ed.gov. I am attaching a streamlined template for your convenience that includes a checklist to designate the waivers your State desires. My staff is committed to providing a response within one business day to any State that submits a waiver request using this optional waiver template. In addition, your State need not complete public notification in advance of submitting its request, but rather may notify the public of the request and the opportunity to comment at the same time as your submission or closely following it. I recognize that you have many questions and will need additional supports, including the possibility of additional waivers, as you deal with the COVID-19 national emergency.

If you have additional questions or concerns, contact us at OESE.Titlei-a@ed.gov. I encourage you to continue to monitor information regarding COVID-19 from the Centers for Disease Control and Prevention at www.cdc.gov/coronavirus/ and at our website, www.ed.gov/coronavirus. Thank you for your continued commitment to our nation's students during these extraordinary circumstances.

Sincerely,

Betsy DeVos

Attachment

cc: Council of Chief State School Officers

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State Title I Directors
State Assessment Directors

<20-0077 Letter to Chiefs.FINAL.pdf>
<20-0077 ESEA Waiver Template. FINAL ADOBE for posting.pdf>

AMERICAN OVERSIGHT

**From:** VanderPloeg, Laurie
**Sent:** Tue, 7 Apr 2020 16:54:21 +0000
**To:** Reed, Ashley (MDE)
**Cc:** Chapman, Teri (MDE)
**Subject:** RE: Michigan Department of Education Requests Implementation, Flexibility, or Waiver 2019-2020 School Year

Thank you for submitting your comments and recommendations regarding the impact of the COVID-19 on students with disabilities. We are in the process of releasing information that will offer some clarification to the field as well as support through the CARES Act. Thank you for all you are doing to service the infants, toddlers, children and youth with disabilities in Michigan. Stay Safe and Stay Healthy!

---

**From:** Reed, Ashley (MDE) <ReedA@michigan.gov>
**Sent:** Monday, April 6, 2020 1:36 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Chapman, Teri (MDE) <ChapmanT2@michigan.gov>; Reed, Ashley (MDE) <ReedA@michigan.gov>
**Subject:** Michigan Department of Education Requests Implementation, Flexibility, or Waiver 2019-2020 School Year

Good Afternoon Director VanderPloeg,

Please see the attached letter from Michigan State Superintendent, Michael Rice.

The Michigan Department of Education is requesting interpretation, guidance on implementation, flexibility, or waivers from the U.S. Department of Education.

Thank you!

Sincerely,

*Ashley*

Ashley Reed, MHRM
Michigan Department of Education
Office of Special Education
Executive Secretary to Teri L. Chapman, Director
Office of Special Education
608 W. Allegan St.
Lansing, MI. 48933
Phone: (517) 241-7140
Fax: (517) 241-7128

**You have the power to shape your future, and the future of all children, by counting everyone in your home in the 2020 Census.**

AMERICAN OVERSIGHT

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**From:** VanderPloeg, Laurie
**Sent:** Tue, 7 Apr 2020 14:38:37 +0000
**To:** Corr, Gregg
**Subject:** RE: Period of Availability Waiver

I just took a preliminary review of the documents and would recommend they move to OGC. I will re-read when I have more time and will let you know if I have any questions or concerns. Good work!!!

---

**From:** Corr, Gregg <Gregg.Corr@ed.gov>
**Sent:** Tuesday, April 7, 2020 10:33 AM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Subject:** FW: Period of Availability Waiver

Laurie,

Our MSIP team is really churning out the work. Matt just submitted this package of documents relating to a waiver of the period of availability for IDEA funds. Would you like to review this first prior to it going to OGC? Does Mark need to weigh in? Your call.

Gregg

---

**From:** Schneer, Matthew <Matthew.Schneer@ed.gov>
**Sent:** Tuesday, April 7, 2020 9:42 AM
**To:** Corr, Gregg <Gregg.Corr@ed.gov>
**Cc:** Finch, Jennifer <Jennifer.Finch@ed.gov>; Murray, Susan <Susan.Murray@ed.gov>; White, Anthony <Anthony.White@ed.gov>; Yu, Diana <Diana.Yu@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Period of Availability Waiver

Gregg:

Attached please find a package of documents for the IDEA Period of Availability Waiver. The documents are:

1. A memo to SEAs/LAs providing opportunity to apply for waiver
2. A word version of a form that States will use to submit the waiver. Note that the document is currently in Word, but will be converted into a PDF fillable form, once it receives final approval through OMB.
3. A draft procedures document.

All of this is modeled on OESE's documents and procedures. Procedurally, we are proposing a simple process, that will allow rapid processing of the waivers:

- States submit
- Level 1 review conducted by Anthony and/or Susan M
- Level 2 review conducted by myself and/or Al (Al is on board)

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- After level 2 review (just ensuring all required info is included), an email will be sent granting preliminary approval
- After a number of States have been approved, we will generate letters to be signed by Mark with formal approval

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Please let me know how you want to proceed. Does this need to go up through OSEP/OSERS before it goes to OGC, or can we send it over there for clearance first?

Thanks, and let me know if you have any questions.

Matt

Matthew Schneer
Associate Division Director

Office of Special Education Program
U.S. Department of Education
Washington DC, 20202
202-245-6755
matthew.schneer@ed.gov

AMERICAN OVERSIGHT

**From:** VanderPloeg, Laurie
**Sent:** Wed, 1 Apr 2020 00:33:20 +0000
**To:** Schultz, Mark;Blew, Jim
**Cc:** Morabito, Angela
**Subject:** RE: Press Question on Impact of Supplemental Fact Sheet

(b)(5)

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**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Tuesday, March 31, 2020 7:58 PM
**To:** Blew, Jim <James.Blew@ed.gov>
**Cc:** Morabito, Angela <Angela.Morabito@ed.gov>
**Subject:** Re: Press Question on Impact of Supplemental Fact Sheet

I'm checking with Laurie.

We've had a call with California where they had some districts reversing policy. The initial guidance came out when many schools were ending spring break so they didn't have to actually reverse policy.

Sent from my iPhone

On Mar 31, 2020, at 6:48 PM, Blew, Jim <James.Blew@ed.gov> wrote:

I've heard that people are using it to advocate locally, including North Shore in Washington State. Mark might know if anyone has reversed their shut-down policies yet.

---

**From:** Morabito, Angela <Angela.Morabito@ed.gov>
**Sent:** Tuesday, March 31, 2020 7:17 PM
**To:** Blew, Jim <James.Blew@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** RE: Press Question on Impact of Supplemental Fact Sheet

Ha! I like that idea. Any sense of places – even if we don't name them – that have changed their tune in light of the new fact sheet?

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**From:** Blew, Jim <James.Blew@ed.gov>
**Sent:** Tuesday, March 31, 2020 6:54 PM
**To:** Morabito, Angela <Angela.Morabito@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** RE: Press Question on Impact of Supplemental Fact Sheet

I don't think we want to be in a position where we're pointing to specific districts. It's a well-documented, widespread practice. She can Google it. □

---

**From:** Morabito, Angela <Angela.Morabito@ed.gov>
**Sent:** Tuesday, March 31, 2020 6:41 PM
**To:** Blew, Jim <James.Blew@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** Press Question on Impact of Supplemental Fact Sheet

Hi Jim and Mark,

(b)(5)

Thanks,

Angela

**Angela L. Morabito**
**United States Department of Education**
Press Secretary
T: 202.445.4885
E: angela.morabito@ed.gov

AMERICAN OVERSIGHT

**From:** Pagano, Lisa
**Sent:** Fri, 17 Apr 2020 12:10:53 +0000
**To:** VanderPloeg, Laurie
**Subject:** RE: Q&A
**Attachments:** 4-16-2020 combined.docx

Thank you for your kind words. I'll be sharing the document via Skype during our meeting. In the meantime, here's the version I'll be displaying.

-----Original Message-----
From: VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
Sent: Friday, April 17, 2020 7:24 AM
To: Pagano, Lisa <Lisa.Pagano@ed.gov>
Subject: Q&A

Please share access information for the Q&A document for today's call. I am so appreciative of all your hard work!!!

Sent from my iPhone

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**From:** Walawender, Rebecca
**Sent:** Tue, 17 Mar 2020 13:38:45 +0000
**To:** Schultz, Mark;VanderPloeg, Laurie;Levorse, Audrey;Gross, Michael;Corr, Gregg;Wexler, Larry;Dobak, Carol;Lovley, Mary;Ellis, Kathryn;Lopez, Francisco (Frank) (OGC)
**Cc:** Pagano, Lisa
**Subject:** RE: Rapid Response Team
**Attachments:** OSERS Covid19 rapid response QA 03172020.docx

I've attached a document you can use to track the questions. It currently includes questions regarding IDEA and any draft answers that have been written. I'll share this on my screen at 10 and take notes of your discussions

Becca

-----Original Appointment-----
**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Monday, March 16, 2020 6:31 PM
**To:** Schultz, Mark; VanderPloeg, Laurie; Levorse, Audrey; Gross, Michael; Corr, Gregg; Wexler, Larry; Dobak, Carol; Lovley, Mary; Ellis, Kathryn; Lopez, Francisco (Frank) (OGC)
**Cc:** Pagano, Lisa; Walawender, Rebecca
**Subject:** Rapid Response Team
**When:** Tuesday, March 17, 2020 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
**Where:** Skype: +(b)(6) [redacted] # (Dial-in Number)
**Importance:** High

-----Original Appointment-----
**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Monday, March 16, 2020 10:18 AM
**To:** Schultz, Mark; VanderPloeg, Laurie; Levorse, Audrey; Gross, Michael; Corr, Gregg; Wexler, Larry; Dobak, Carol; Lovley, Mary; Ellis, Kathryn; Lopez, Francisco (Frank) (OGC)
**Subject:** Rapid Response Team
**When:** Occurs every day effective 3/17/2020 from 10:00 AM to 11:00 AM (UTC-05:00) Eastern Time (US & Canada).
**Where:** Skype: +(b)(6) [redacted] (Dial-in Number)
**Importance:** High

Our response to the coronavirus situation is rapidly evolving. These calls are scheduled to discuss the questions and technical assistance requests we are receiving from our states and programs. The calls are scheduled for 10 AM each day, beginning tomorrow (March 17th), to ensure we are responding to questions as soon as possible. OGC is included on the calls to ensure we have legal sufficiency for our responses. Depending on the questions, additional program staff may need to be included and we can

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do that on a question by question basis. We can discuss the timing and frequency of the calls tomorrow during the first one.

Please let me know if you have any questions. I appreciate your flexibility as we will continue to develop our strategies in response to this unprecedented situation. Thank you!

Mark Schultz
Delegated the authority to perform
the functions and duties of the Assistant Secretary
for the Office of Special Education and Rehabilitative Services

**Host Pin: Mark Schultz**

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Conference ID: (b)(6)

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Page 02419

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of the Freedom of Information and Privacy Act

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**From:** VanderPloeg, Laurie
**Sent:** Sun, 12 Apr 2020 19:33:09 +0000
**To:** Schultz, Mark
**Subject:** RE: Remote Learning Guidance During COVID-19

We will start on this tomorrow. I am sure ECTA and NCSI will also have information that will be helpful.

-----Original Message-----
From: Schultz, Mark <Mark.Schultz@ed.gov>
Sent: Sunday, April 12, 2020 3:28 PM
To: VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
Subject: Re: Remote Learning Guidance During COVID-19

Thanks Laurie,

(b)(5)

Mark

Sent from my iPhone

> On Apr 12, 2020, at 2:12 PM, VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov> wrote:
>
> There is a lot happening out there to support distance learning. This was shared with the OSEP staff.
>
> From: Courchaine, Tara <Tara.Courchaine@ed.gov>
> Sent: Friday, April 10, 2020 12:37 PM
> To: OSEP Staff <OSEPStaff@ed.gov>; Wexler, Larry <Larry.Wexler@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
> Cc: Bradley, Renee <Renee.Bradley@ed.gov>
> Subject: Remote Learning Guidance During COVID-19
>
> Hi All,
>
> Happy Friday! On Thursday morning, Renee and I had the opportunity to participate on an OET call and listen to Justin Reich, from MIT, share information and answer questions about a recent report that they published titled "Remote Learning Guidance During COVID-19". The report includes a summary of issues and challenges, and emerging recommendations and best practices from all 50 states. In the report, they found agreement across a few different topics; remote learning, equity and access, statewide assessment, attention to a range of needs, and attention to special populations. The biggest divergence they found was guidance on whether to teach enrichment, or new material. The report includes the following three recommendations:
>
> 1. Continue to place equity at the center of remote learning practices and include guidance for special populations
> * While guidance is generally available for teaching SWDs, it was notably lacking for English Language Learners.
> 2. Instructional Guidance should acknowledge the challenges and constraints of home-based distance learning.
> * Guidance on synchronous vs. asynchronous instruction
> * Online learning vs. paper packets
> * Recognition that few homes have the whole package (internet, 1:1 computers, printer, parent)
> * learn from home and nature (cooking, farming, etc.)
> * PBS programming by age on the television

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> 3. Communicate information clearly with multiple target audiences
>  * Administrators, teachers, parents, families, etc.
>
>
> Below is the link to the site and a few other take-aways that Renee and I noted:
>
> Link to site: https://tsl.mit.edu/COVID19/
>
>
> * Question:
>  * What are we trying to accomplish (What is the point of keeping schools open? Close equity gaps? Make progress? Stronger school connections?)
> * Motivation- huge factor
>  * High motivation – more self-direction – more likely to learn
>  * Most negatively impacted by closure least likely to participate in online
>  * Everyone has the experience that there's something they're excited and passionate about and want to do it..
> * Full time virtual schools are more like homeschools (coached homeschooling).
>  * Recommendations included less than 6 hours a week of instruction (less than 2-3 hours a day on home schools)
>  * The best virtual school teachers provide coaching and tutorials
> * Schools need to provide flexibility – they called it "grace"
> * Need for flexibility around graduation requirements
> * Need for innovative approaches to remediate missed learning.
> Happy Reading!
>
> Tara
>
>
> Tara Courchaine, Ed.D.
> Education Program Specialist
> Office of Special Education Programs
> U.S. Department of Education
> Work: (202) 245-6462
> Tara.Courchaine@ed.gov<mailto:Tara.Courchaine@ed.gov>
> https://osepideasthatwork.org<https://osepideasthatwork.org/>
>

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**Sent:** Sun, 12 Apr 2020 19:33:09 +0000
**To:** Schultz, Mark
**Subject:** RE: Remote Learning Guidance During COVID-19

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Sent: Sunday, April 12, 2020 3:28 PM
To: VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
Subject: Re: Remote Learning Guidance During COVID-19

Thanks Laurie,

(b)(5)

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Sent from my iPhone

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>
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>
> From: Courchaine, Tara <Tara.Courchaine@ed.gov>
> Sent: Friday, April 10, 2020 12:37 PM
> To: OSEP Staff <OSEPStaff@ed.gov>; Wexler, Larry <Larry.Wexler@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
> Cc: Bradley, Renee <Renee.Bradley@ed.gov>
> Subject: Remote Learning Guidance During COVID-19
>
> Hi All,
>
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> Happy Reading!
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> Tara
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>
> Tara Courchaine, Ed.D.
> Education Program Specialist
> Office of Special Education Programs
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> Work: (202) 245-6462
> Tara.Courchaine@ed.gov<mailto:Tara.Courchaine@ed.gov>
> https://osepideasthatwork.org<https://osepideasthatwork.org/>
>

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**From:** VanderPloeg, Laurie
**Sent:** Wed, 1 Apr 2020 11:20:24 +0000
**To:** Schultz, Mark
**Subject:** RE: Sign-On Letter regarding education of blind and low vision students

I will work with the OSEP Team on this today. It is in our chart.

---

**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Tuesday, March 31, 2020 11:22 PM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Subject:** FW: Sign-On Letter regarding education of blind and low vision students

Laurie,

(b)(5)

Mark

**From:** Sarah Malaier <smalaier@afb.org>
**Sent:** Friday, March 20, 2020 4:24 PM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>; Edwards, Tosha <Tosha.Edwards@ed.gov>; Stacy Cervenka <scervenka@afb.org>
**Subject:** Re: Sign-On Letter regarding education of blind and low vision students

Dear Assistant Secretary Schultz,

I apologize. I had left off one signatory. Therefore, please find the final letter attached.

Sincerely,
Sarah Malaier
Public Policy and Research Advisor
American Foundation for the Blind

1401 S. Clark St, Ste 730 | Arlington, VA 22202 | (202) 469-6831
We're creating a future of No Limits. Join us at www.afb.org/nolimits.

On Fri, Mar 20, 2020 at 4:16 PM Sarah Malaier <smalaier@afb.org> wrote:
Dear Asst. Secretary Schultz,

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Please find attached a letter from a group of organizations that support the education of students who are blind or have low vision. We are writing to share concerns about education during this COVID-19 outbreak and hope that the Department will be well positioned to provide coordination and leadership to ensure students receive the education they deserve.

Sincerely,

Sarah Malaier
Public Policy and Research Advisor
American Foundation for the Blind

1401 S. Clark St, Ste 730 | Arlington, VA 22202 | (202) 469-6831
We're creating a future of No Limits. Join us at www.afb.org/nolimits.

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**From:** VanderPloeg, Laurie
**Sent:** Tue, 17 Mar 2020 20:55:16 +0000
**To:** Levorse, Audrey
**Cc:** Schultz, Mark
**Subject:** Re: Suspension of timelines
**Attachments:** image001.png, image002.gif, image003.gif, image004.png

Looks good!

Sent from my iPhone

On Mar 17, 2020, at 3:40 PM, Levorse, Audrey <Audrey.Levorse@ed.gov> wrote:

I can meet now. I'll just call you both and merge calls.
Get Outlook for iOS
**From:** Schultz, Mark <Mark.Schultz@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:39:36 PM
**To:** Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Subject:** Suspension of timelines

Can we move the time for our call to now?

This is what I propose to send to McKenzie to clarify our request:

(b)(5)

Mark Schultz
Delegated the authority to perform
the functions and duties of the Assistant Secretary
for the Office of Special Education and Rehabilitative Services

<image001.png>

<image002.gif>
<image003.gif>
<image004.png>

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VR100

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**From:** Petersen, Molly
**Sent:** Mon, 16 Mar 2020 16:10:38 +0000
**To:** Slack, Emily;Riddle, Paul;Schultz, Mark;VanderPloeg, Laurie;Levorse, Audrey;Viana, Aimee;Ryder, Ruth;Rinkus, Christopher;Kesner, Paul;Eitel, Robert;Jones, Diane;King, Robert;Hill, Elizabeth;King, Elizabeth;Sullivan, Wayne;Simpson, Daniel;Cordes, Bill
**Cc:** Blew, Jim;Rosenfelt, Phil;Rubinstein, Reed;Kean, Larry;Talbert, Kent;Harding, Jordan;Zarish-Becknell, Kim;Wilson, Linda;Forester, James;Riley, Mary Christina;Bartlett, Anna
**Subject:** RE: TA - Murray Bill
**Attachments:** Request for ED TA - Supporting Students in Response to Coronavirus Act.docx
**Importance:** High

(b)(5)

Thank you,

Molly Petersen
Legislative Director

---

**From:** Petersen, Molly
**Sent:** Friday, March 13, 2020 4:00 PM
**To:** Slack, Emily <Emily.Slack@ed.gov>; Riddle, Paul <Paul.Riddle@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; King, Robert <Robert.King@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; King, Elizabeth <Elizabeth.King@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; Simpson, Daniel <Daniel.Simpson@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>
**Cc:** Blew, Jim <James.Blew@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>; Kean, Larry <Larry.Kean@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Zarish-Becknell, Kim (Kim.Zarish-Becknell@ed.gov) <Kim.Zarish-Becknell@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>; Forester, James <James.Forester@ed.gov>; Riley, Mary Christina <MaryChristina.Riley@ed.gov>; Bartlett, Anna <Anna.Bartlett@ed.gov>
**Subject:** FW: TA - Murray Bill
**Importance:** High

Good afternoon – attached, please find a request to provide TA on the attached Coronavirus bill. We can skip the higher ed provisions as we are already providing TA on those pieces. Please provide a single set of comments by COB Tuesday.

Thank you,

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Molly Petersen
Legislative Director

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Title: To support children and students in responding to safety and health risks presented by qualifying emergencies, and for other purposes.

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

# SECTION 1. SHORT TITLE.

This Act may be cited as the "Supporting Students in Response to Coronavirus Act".

# SEC. 2. EDUCATION PREPAREDNESS AND SUPPORT GRANTS.

(a) Definitions.—In this section:

(1) CHILD WITH A DISABILITY.—The term "child with a disability" has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(2) DISABILITY.—The term "disability" has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

(3) ELEMENTARY SCHOOL.—The term "elementary school" has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a Bureau of Indian Education school;

(B) a local educational agency, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801); or

(C) an institution of higher education, as defined by the Secretary in accordance with the definitions of the term under title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(5) LOW-INCOME CHILD OR STUDENT.—The term "low-income child or student" means—

(A) a child described under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); or

(B) a student who is eligible for a Federal Pell Grant under subpart 1 of part A of title IV (20 U.S.C. 1070a).

(6) NON-PUBLIC SCHOOL.—The term "non-public school" means a non-public elementary school or secondary school that—

(A) is accredited, licensed, or otherwise operates in accordance with State law; and

(B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section.

(7) QUALIFYING EMERGENCY.—The term "qualifying emergency" means—



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(A) a public health emergency declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d);

(B) an emergency for which a Governor of a State or territory has declared a state of emergency;

(C) an event for which the President declared a major disaster or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191); or

(D) a national emergency declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1621).

(8) PUBLIC SCHOOL.—The term "public school" means a public elementary school or secondary school.

(9) SECRETARY.—The term "Secretary" means the Secretary of Education.

(10) SECONDARY SCHOOL.—The term "secondary school" has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(11) STATE.—The term "State" has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(12) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) Authorization of Grants.—

(1) IN GENERAL.—From amounts appropriated to carry out this section and not reserved under paragraph (3), the Secretary is authorized to award grants, on a competitive basis, to States and the Bureau of Indian Education to enable the States and Bureau of Indian Education to respond to safety and health risks presented by qualifying emergencies.

(2) GRANT PERIOD.—Grant funds awarded under this section shall be expended not later than 2 years after the date on which such funds are awarded.

(3) TECHNICAL ASSISTANCE.—The Secretary shall reserve not less than 0.5 percent and not more than 1 percent of amounts appropriated to carry out this section to enable the Department of Education—

(A) to provide technical assistance to eligible entities that request technical assistance; and

(B) to coordinate technical assistance that is provided by State, local, tribal, and territorial public health departments and other relevant agencies.

(4) NOTICE.—The Secretary shall issue a notice inviting applications for grants under this section not later than 30 days after the date of enactment of this Act.

(5) RECEIPT OF APPLICATIONS.—The Secretary shall accept applications from States and the Bureau of Indian Education under this section on a rolling basis.

(6) RESPONSE.—The Secretary shall approve or deny applications from States and the Bureau of Indian Education under subsection (c) not later than 30 days after the date of the



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submission of the application.

(c) Application Requirements for States and BIE.—

(1) IN GENERAL.—A State or the Bureau of Indian Education shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require. Each application shall include a description of the competitive grant process the State or Bureau of Indian Education will establish to award subgrant funds to eligible entities, including—

(A) a demonstration of the need for funds;

(B) a description of how the State will coordinate with—

(i) the State educational agency; and

(ii) if applicable, the State agency with jurisdiction over public higher education in the State;

(C) a description of how the State or Bureau of Indian Education will make eligible entities aware of available funds;

(D) a description of the criteria the State or Bureau of Indian Education will use to award the subgrants; and

(E) a description of how the subgrant funds will be allocated.

(2) LEAD APPLICANT.—In the case of a State that is applying for a grant under this section, the Governor shall be the lead applicant.

(d) Use of Funds; Subgrants.—

(1) IN GENERAL.—A State or the Bureau of Indian Education receiving a grant under this section shall—

(A) reserve 5 percent of grant funds to provide technical assistance, including providing technical assistance to eligible entities with limited administrative capacity, and carry out the reporting requirements described in subsection (h); and

(B) use 95 percent of grant funds to award subgrants, on a competitive basis, to eligible entities or consortia of eligible entities.

(2) APPLICATION.—An eligible entity desiring to receive a subgrant under this section shall submit to the State, or the Bureau of Indian Education, as applicable, an application containing—

(A) a description of the need for funds;

(B) a description of how the eligible entity will use the funds, including by providing a budget;

(C) a description of how the eligible entity will address the unique needs of low-income children or students, children with disabilities and students with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children in foster care;

(D) in the case of an eligible entity that is a local educational agency, an assurance



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that the local educational agency—

(i) has taken the needs of public schools and non-public schools into account prior to the application for funds;

(ii) will notify all public schools and non-public schools in its boundaries of the receipt of grant funds under this section; and

(iii) based on the severity of impact and demonstrated need, will address the needs of public schools and non-public schools in its boundaries; and

(E) any other requirements established by the Governor.

(3) PRIORITY.—In awarding subgrants under this section a grantee shall prioritize the following eligible entities:

(A) Eligible entities with respect to which a significant percentage of the population served by the eligible entity is impacted by a qualifying emergency.

(B) Eligible entities serving a high percentage of low-income children or students.

(e) Uses of Funds for Subgrants.—An eligible entity receiving a subgrant under this section shall use subgrant funds to carry out one or more of the following activities:

(1) Coordination of preparedness and response efforts of eligible entities with State, local, tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses to qualifying emergencies among such entities.

(2) Activities coordinated with State, local, tribal, and territorial public health departments to detect, prevent, or mitigate the spread of infectious disease or otherwise respond to a qualifying emergency.

(3) Developing and implementing procedures and systems to improve the preparedness and response efforts of eligible entities.

(4) Providing mental health services and supports, including—

(A) counseling, for students and staff of the eligible entity; and

(B) mental health crisis response and intervention services for students and staff of the eligible entity affected by a qualifying emergency.

(5) Training and professional development for staff of the eligible entity on sanitation and minimizing the spread of infectious diseases.

(6) Purchasing supplies to sanitize and clean the facilities of an eligible entity, including buildings operated by local educational agencies or institutions of higher education.

(7) Hiring outside experts to provide training and professional development for staff to mitigate and minimize the spread of infectious disease in elementary schools and secondary schools, and buildings operated by local educational agencies and institutions of higher education and compensating such staff for any regular or overtime hours spent during such training or professional development and for any duties performed as a result of that training or professional development. If an eligible entity demonstrates that the severity of the hazard precludes the feasible use of existing staff and that services by outside experts is necessary to remedy the hazard, such amounts may be utilized for hiring outside experts to



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mitigate and minimize spread of infectious disease in such facilities.

(8) Planning for long-term closures, including planning for how to provide meals to eligible students, how to provide technology for virtual instruction to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.), and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(9) Purchasing educational technology for students who are served by the eligible entity, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

(10) Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies or institutions of higher education, such as providing information to parents on efforts to prevent and respond to a qualifying emergency.

(11) Hiring temporary employees that are necessary to maintain the operations of the eligible entity in the event that the employees of the eligible entity are unable to work by reason of a qualifying emergency, provided that the eligible entity carries out and agrees to all of the following:

(A) The eligible entity compensates any such temporary employees at a minimum amount of the greater of—

(i) the regular rate of pay of the employee who is unable to work by reason of the qualifying emergency;

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

(iii) the minimum wage amount provided for by the State or locality in which the employee is employed.

(B) The eligible entity continues to compensate any employee who is unable to work by reason of a qualifying emergency and who is temporarily replaced under this paragraph at a minimum amount of the greater of—

(i) the regular rate of pay of the employee who is unable to work because of the qualifying emergency;

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

(iii) the minimum wage amount provided for by the State or locality in which the employee is employed.

(C) An employee who was unable to work by reason of the qualifying emergency shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an entity on the basis of the employee's previous absence by reason of the qualifying emergency event.

(D) A person who is reemployed under this paragraph is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the qualifying emergency plus the additional seniority and rights and benefits that such



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person would have attained if the person had remained continuously employed.

(E) In any case in which an employee who is unable to work by reason of the qualifying emergency (or the employee's dependents) is enrolled in a group health plan (as defined in section 733 of the Employee Retirement Income Security Act of 1974), including group health insurance coverage (as defined in such section 733) offered in connection with such a plan, and such person is absent from such position of employment by reason of the qualifying emergency, or such person becomes eligible for medical and dental care under chapter 55 of title 10 by reason of subsection (d) of section 1074 of that title, the plan or coverage shall provide that the person may elect to continue such enrollment in the plan or coverage for the duration of the qualifying emergency. The eligible entity shall continue to make employer contributions on its share of premiums and other amounts on behalf of employees as it may have otherwise have had to pay had the employee not been unavailable by reason of the emergency.

(F) The eligible entity may not discriminate in employment against or take any adverse employment action against any person because such person—

(i) has taken an action to enforce a protection afforded any person under this paragraph;

(ii) has testified or otherwise made a statement in or in connection with any proceeding to enforce a protection under this paragraph;

(iii) has assisted or otherwise participated in an investigation to enforce a protection under this paragraph; or

(iv) has exercised a right provided for in this paragraph.

(G) An eligible entity shall be considered to have engaged in actions prohibited under this paragraph—

(i) if the employee's inability to work during the qualifying emergency is a motivating factor in the eligible entity's action, unless the program or agency can prove that the action would have been taken in the absence of the employee's inability to work; or

(ii) if the employee's—

(I) action to enforce a protection afforded any person under this paragraph;

(II) testimony or making of a statement in or in connection with any proceeding to enforce a protection under this paragraph;

(III) assistance or other participation in an investigation to enforce a protection under this paragraph; or

(IV) exercise of a right provided for in this paragraph;

is a motivating factor in the eligible entity's action, unless the program or agency can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

(H) An action to recover any damages or equitable relief for violating this paragraph



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may be maintained against the eligible entity in any Federal or State court of competent jurisdiction by one or more employees or individuals or their representative.

(f) Collective-bargaining.—

(1) RULE OF CONSTRUCTION.—Nothing in subsection (e) shall be construed to displace any otherwise applicable provision of any collective-bargaining agreement between the eligible entity and a labor organization, as defined by section 2(5) of the National Labor Relations Act (29 U.S.C. 152(5)) or analogous State law, representing its employees or to otherwise relieve the eligible entity of its duty to bargain with any such labor organization.

(2) MAINTENANCE OF WAGES, BENEFITS, TERMS, AND CONDITIONS.—Any eligible entity receiving funds under this section shall maintain the wages, benefits, and other terms and conditions of employment set forth in any collective-bargaining agreement between the eligible entity and a labor organization, as defined in paragraph (1), of its employees or otherwise abide by the terms of any applicable law for the duration of the qualifying emergency and any such additional period as determined by the Secretary, but not less than 6 months after the declaration of the termination of the qualifying emergency.

(g) Public Control of Funds.—For an eligible entity that is a local educational agency—

(1) the control of funds for the services and assistance provided to a non-public school under this section, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide such services (or may contract for the provision of such services with a public or private entity); and

(2) when carrying out subsection (e), the local educational agency may serve non-public schools based on demonstrated need and impact.

(h) Reporting.—

(1) REPORT TO THE SECRETARY.—At the end of the grant period, a grantee shall prepare and submit to the Secretary a report containing the following information:

(A) The number of subgrants awarded, disaggregated by the type of eligible entity.

(B) A list of subgrantees.

(C) The average subgrant award amount.

(D) The number of subgrant applicants.

(E) A summary of the activities that eligible entities carried out using subgrant funds.

(2) ELIGIBLE ENTITIES REPORT TO THE STATE OR BIE.—Not later than 180 days after receiving a subgrant under this section, and every 180 days thereafter, an eligible entity shall prepare and submit to the State or Bureau of Indian Education, as applicable, a report containing the following information:

(A) A summary of the activities that the eligible entity carried out using subgrant funds.

(B) The number of children or students who were served by such activities, if applicable.



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(i) Authorization of Mandatory Funding.—There are authorized to be appropriated, and there are appropriated, from amounts in the Treasury not already appropriated, to carry out this section $600,000,000 for fiscal year 2020 and 2021 (in addition to any other amounts appropriated to carry out this section).

# SEC. 3. PREPAREDNESS AND SUPPORT GRANTS FOR EARLY CARE AND EDUCATION PROGRAMS AND HEAD START AGENCIES.

(a) Definitions.—In this section:

(1) CHILD WITH A DISABILITY.—The term "child with a disability" has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(2) ELIGIBLE EARLY CARE AND EDUCATION PROGRAM.—The term "eligible early care and education program" means—

(A) an eligible child care provider, as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n);

(B) a State prekindergarten program; or

(C) a group of entities described in subparagraph (A) or (B).

(3) HEAD START AGENCY.—The term "Head Start agency" means a Head Start agency, including an Early Head Start agency, designated under section 641 of the Head Start Act (42 U.S.C. 9836).

(4) LEAD AGENCY.—The term "lead agency" means a lead agency under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858).

(5) LOW-INCOME CHILD.—The term "low-income child" means an eligible child as defined in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(6) QUALIFYING EMERGENCY.—The term "qualifying emergency" means—

(A) a public health emergency declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d);

(B) an emergency for which a Governor of a State or territory has declared a state of emergency;

(C) an event for which the President declared a major disaster or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191); or

(D) a national emergency declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1621).

(7) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) Authorization of Grants for Early Care and Education Programs and Head Start Agencies.—



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(1) IN GENERAL.—From amounts appropriated to carry out this section and not reserved under paragraphs (3) or (4), the Secretary is authorized to award grants, on a competitive basis, to the lead agency to enable the lead agency to respond to safety and health risks presented by qualifying emergencies.

(2) GRANT PERIOD.—Grant funds awarded under this section shall be expended not later than 2 years after the date on which such funds are awarded.

(3) RESERVATION.—The Secretary shall reserve 10 percent of the amounts appropriated to carry out this section to award competitive grants to Head Start agencies.

(4) TECHNICAL ASSISTANCE.—The Secretary shall reserve 0.5 percent of the amounts appropriated to carry out this section to enable the Department of Health and Human Services—

(A) to provide technical assistance to eligible early care and education programs that request technical assistance; and

(B) to coordinate technical assistance that is provided by State, local, tribal, and territorial public health departments and other relevant agencies.

(5) NOTICE.—The Secretary shall issue a notice inviting applications for grants under this section not later than 30 days after the date of enactment of this Act.

(6) RECEIPT OF APPLICATIONS.—The Secretary shall accept applications from lead agencies and Head Start agencies under this section on a rolling basis.

(7) RESPONSE.—The Secretary shall approve or deny applications from lead agencies and Head Start agencies under subsection (c) not later than 30 days after the date of the submission of the application.

(c) Application Requirements.—

(1) IN GENERAL.—A lead agency shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require. Each application shall include a description of the competitive grant process the lead agency will establish to award subgrant funds to eligible early care and education programs, including—

(A) a demonstration of the need for funds;

(B) a description of how the lead agency will make eligible early care and education programs aware of available funds;

(C) a description of the criteria the lead agency will use to award the subgrants;

(D) a description of how the subgrant funds will be allocated; and

(E) an assurance that the lead agency will, for the duration of the qualifying emergency, implement enrollment and eligibility policies that support the fixed costs of providing child care services by delinking provider reimbursement rates from an eligible child's absence due to the qualifying emergency.

(2) HEAD START AGENCIES.—A Head Start agency desiring a grant under this section to carry out the activities described in subsection (e) with respect to Head Start programs shall submit an application to the Secretary at such time, in such manner, and including such



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information as the Secretary may reasonably require, including—

(A) a description of the need for funds;

(B) a description of how the Head Start agency will use the funds, including by providing a budget;

(C) a description of how the Head Start agency will address the unique needs of low-income children, children with disabilities, English learners, racial and ethnic minorities, and children experiencing homelessness; and

(D) any other requirements established by the Secretary.

(d) Uses of Grant Funds by Lead Agency.—

(1) IN GENERAL.—The lead agency shall—

(A) reserve 5 percent of grant funds to provide technical assistance, including providing technical assistance to eligible early care and education programs with limited administrative capacity, and carry out the reporting requirements described in subsection (f); and

(B) use 95 percent of grant funds to award subgrants, on a competitive basis, to eligible early care and education programs.

(2) APPLICATION.—An eligible early care and education program desiring to receive a subgrant under this section shall submit to the lead agency an application containing—

(A) a description of the need for funds;

(B) a description of how the eligible early care and education program will use the funds, including by providing a budget;

(C) a description of how the eligible early care and education program will address the unique needs of low-income children, children with disabilities, English learners, racial and ethnic minorities, and children experiencing homelessness; and

(D) any other requirements established by the lead agency.

(3) PRIORITY.—In awarding subgrants under this section, the lead agency shall prioritize the following eligible early care and education programs:

(A) Eligible early care and education programs with respect to which a significant percentage of the population served by the eligible early care and education program is impacted by a qualifying emergency.

(B) Eligible early care and education programs serving a high percentage of children receiving child care assistance from State programs funded under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

(e) Uses of Funds.—An eligible early care and education program receiving a subgrant under this section shall carry out one or more of the following activities with respect to such program, and a Head Start agency receiving a grant under this section shall carry out one or more of the following activities with respect to Head Start programs:

(1) Coordination of preparedness and response efforts of eligible early care and education programs or Head Start programs with State, local, tribal, and territorial public health



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departments, and other relevant agencies, to improve coordinated responses to qualifying emergencies among such entities.

(2) Activities to detect, prevent, or mitigate the spread of infectious disease or otherwise respond to a qualifying emergency based on best practices identified by or in coordination with a State, local, tribal, or territorial public health department.

(3) Developing and implementing procedures and systems to improve the preparedness and response efforts of eligible early care and education programs or Head Start programs.

(4) Providing mental health services and supports, including—

(A) counseling for children and staff of the eligible early care and education program or Head Start program; and

(B) mental health crisis response and intervention services for children and staff of the eligible early care and education program or Head Start program affected by a qualifying emergency.

(5) Training and professional development for staff of the eligible early care and education program or Head Start program on sanitation, and minimizing the spread of infectious diseases.

(6) Purchasing supplies to sanitize and clean the facilities of an eligible early care and education program or Head Start program, or hiring outside experts to mitigate and minimize spread of infectious disease in such facilities.

(7) Other costs that are necessary to maintain the operation of eligible early care and education programs or Head Start programs, such as substitute staff or other emergency assistance.

(8) Hiring temporary employees that are necessary to maintain the operations of the eligible early care and education program or Head Start agency in the event that the employees of such program or agency are unable to work by reason of a qualifying emergency, provided that the eligible entity carries out and agrees to all of the following:

(A) The eligible early care and education program or Head Start agency compensates any such temporary employees at a minimum amount of the greater of—

(i) the regular rate of pay of the employee who is unable to work by reason of the qualifying emergency;

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

(iii) the minimum wage amount provided for by the State or locality in which the employee is employed.

(B) The eligible early care and education program or Head Start agency continues to compensate any employee who is unable to work by reason of a qualifying emergency and who is temporarily replaced under this paragraph at a minimum amount of the greater of—

(i) the regular rate of pay of the employee who is unable to work because of the qualifying emergency;



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

(iii) the minimum wage amount provided for by the State or locality in which the employee is employed.

(C) An employee who was unable to work by reason of the qualifying emergency shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an eligible early care and education program or Head Start agency on the basis of the employee's previous absence by reason of the qualifying emergency event.

(D) A person who is reemployed under this paragraph is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the qualifying emergency plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

(E) In any case in which an employee who is unable to work by reason of the qualifying emergency (or the employee's dependents) is enrolled in a group health plan (as defined in section 733 of the Employee Retirement Income Security Act of 1974), including group health insurance coverage (as defined in such section 733) offered in connection with such a plan, and such person is absent from such position of employment by reason of the qualifying emergency, or such person becomes eligible for medical and dental care under chapter 55 of title 10 by reason of subsection (d) of section 1074 of that title, the plan or coverage shall provide that the person may elect to continue such enrollment in the plan or coverage for the duration of the qualifying emergency.

(F) The eligible early care and education program or Head Start agency may not discriminate in employment against or take any adverse employment action against any person because such person—

(i) has taken an action to enforce a protection afforded any person under this paragraph;

(ii) has testified or otherwise made a statement in or in connection with any proceeding to enforce a protection under this paragraph;

(iii) has assisted or otherwise participated in an investigation to enforce a protection under this paragraph; or

(iv) has exercised a right provided for in this paragraph.

(G) An eligible early care and education program or Head Start agency shall be considered to have engaged in actions prohibited under this paragraph—

(i) if the employee's inability to work during the qualifying emergency is a motivating factor in the eligible early care and education program or Head Start agency's action, unless the program or agency can prove that the action would have been taken in the absence of the employee's inability to work; or

(ii) if the employee's—

(I) action to enforce a protection afforded any person under this paragraph;



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(II) testimony or making of a statement in or in connection with any proceeding to enforce a protection under this paragraph;

(III) assistance or other participation in an investigation to enforce a protection under this paragraph; or

(IV) exercise of a right provided for in this paragraph;

is a motivating factor in the eligible early care and education program or Head Start agency's action, unless the program or agency can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right.

(H) An action to recover any damages or equitable relief for violating this paragraph may be maintained against the eligible early care and education program or Head Start agency in any Federal or State court of competent jurisdiction by one or more employees or individuals or their representative.

(f) Reporting.—

(1) REPORT TO THE SECRETARY.—At the end of the grant period, the lead agency shall prepare and submit to the Secretary a report containing the following information:

(A) The number of subgrants awarded, disaggregated by the type of eligible early care and education program.

(B) A list of subgrantees.

(C) Average subgrant award amount.

(D) The number and a list of subgrant applicants.

(E) A summary of the activities that eligible early care and education programs carried out using subgrant funds.

(2) ELIGIBLE EARLY CARE AND EDUCATION PROGRAMS REPORT TO THE LEAD AGENCY.—Not later than 180 days after receiving a subgrant or grant under this section and every 180 days thereafter, an eligible early care and education program shall prepare and submit to the lead agency, and a Head Start agency shall prepare and submit to the Secretary, a report containing the following information:

(A) A summary of the activities that the eligible early care and education program or Head Start agency carried out using those funds.

(B) The number of children who were served by such activities, if applicable.

(g) Authorization of Mandatory Funding.—There are authorized to be appropriated, and there are appropriated, from amounts in the Treasury not already appropriated, to carry out this section $300,000,000 for fiscal year 2020 and 2021 (in addition to any other amounts appropriated to carry out this section).

## SEC. 4. EMERGENCY FINANCIAL AID GRANTS TO SUPPORT STUDENTS DURING PERIODS OF EMERGENCY OR DISASTER.



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Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

# "PART J—EMERGENCY FINANCIAL AID GRANTS

## "SEC. 499J. EMERGENCY FINANCIAL AID GRANTS TO SUPPORT STUDENTS DURING PERIODS OF EMERGENCY OR DISASTER.

"(a) Definitions.—In this section:

"(1) BASIC NEEDS.—The term 'basic needs' means the needs of a student included in any component of the student's cost of attendance that support the student's success while enrolled at an institution of higher education, such as—

"(A) food;

"(B) housing;

"(C) transportation;

"(D) child care;

"(E) the one-time cost of purchasing a personal computer or establishing a reliable internet connection; and

"(F) health care.

"(2) ELIGIBLE STUDENT.—The term 'eligible student' means a student enrolled in an institution of higher education who has been impacted by a qualifying emergency.

"(3) EMERGENCY FINANCIAL AID GRANT.—The term 'emergency financial aid grant' means an emergency financial aid grant provided to an eligible student under subsection (d).

"(b) Grants Authorized.—The Secretary shall award grants, on a competitive basis, to institutions of higher education to enable institutions of higher education to create or expand emergency financial aid grant programs that address the unexpected expenses related to basic needs of eligible students during a qualifying emergency.

"(c) Application.—

"(1) IN GENERAL.—Each institution of higher education desiring to create or expand an emergency financial aid grant program under this section shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONTENTS.—Each application under paragraph (1) shall include a description of the emergency financial aid grant program to be carried out by the institution of higher education, including—

"(A) the amount the institution of higher education is requesting in the application;

"(B) an estimate of the number of emergency financial aid grants that such institution of higher education will make in an award year and how such institution of higher education assessed such estimate;



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"(C) the criteria the institution of higher education will use to determine that an eligible student will receive an emergency financial aid grant;

"(D) a description of the process by which an eligible student may apply and receive an emergency financial aid grant;

"(E) a description of the process by which an institution of higher education will determine the basic needs that will be addressed;

"(F) a description of how the institution of higher education will prioritize students with the greatest need;

"(G) a description of how the institution of higher education will respond to questions regarding, and disburse funds from, emergency financial aid grants outside of normal business hours;

"(H) an assurance that the process by which an eligible student applies for an emergency financial aid grant includes at least 1 opportunity to appeal a denial of such grant; and

"(I) an assurance that the institution of higher education, as applicable, will make additional information available to eligible students about the eligibility of such students and their dependents for means-tested benefit programs and additional Federal, State, or local programs available to the eligible students and their dependents as a result of the qualifying emergency.

"(3) PRIORITIES.—In awarding grants to institutions of higher education under this section, the Secretary—

"(A) shall give priority to institutions of higher education most heavily affected by a qualifying emergency; and

"(B) may give priority to institutions of higher education that are eligible to receive assistance under section 371.

"(4) NUMBER OF APPLICATIONS.—An institution of higher education may submit not more than 2 applications under this subsection for each award year.

"(d) Use of Funds.—

"(1) IN GENERAL.—An institution of higher education shall use funds provided under this section to make emergency financial aid grants to eligible students enrolled at the institution of higher education at the time of the qualifying emergency to address the unexpected expenses related to the basic needs of eligible students during a qualifying emergency.

"(2) NO REPAYMENT.—An eligible student receiving an emergency financial aid grant shall not be required to repay all or any portion of the emergency financial aid grant.

"(3) LIMITATIONS.—An emergency financial aid grant to an eligible student may not be in an amount greater than $1,500 per award year.

"(4) DETERMINATIONS.—In determining eligibility for and awarding emergency financial aid grants under this subsection, an institution of higher education may—

"(A) independently assess a student's unmet financial need and eligibility separate from the student's expected family contribution (as determined under section 474) for



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an award year;

"(B) utilize a separate application process to determine the student's unmet financial need; and

"(C) utilize a contract with a scholarship-granting organization designated for the sole purpose of accepting applications from or disbursing funds to students enrolled in the institution of higher education, if such scholarship-granting organization disburses the full allocated amount provided to the institution of higher education to the recipients (except as provided under subsection (h)(1)).

"(e) Reporting and Oversight.—

"(1) IN GENERAL.—Not less frequently than once annually, each institution of higher education that receives a grant under this section shall submit to the Secretary a report on the progress of the institution of higher education in carrying out the programs supported by such grant.

"(2) FORM OF REPORT.—The report under paragraph (1) shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The Secretary shall issue uniform guidelines describing the information that shall be reported by institutions of higher education under such paragraph.

"(3) CONTENT OF REPORT.—The report under paragraph (1) shall include, at minimum, the following:

"(A) The number of students that received an emergency financial aid grant.

"(B) The average amount of an emergency financial aid grant awarded to eligible students.

"(C) The number of students that applied for emergency financial aid grants.

"(D) The number of students that were denied emergency financial aid grants.

"(E) The average amount of time it took an institution of higher education to respond to an application for an emergency financial aid grant by an eligible student and the average amount of time it took the institution of higher education to approve or deny the emergency financial aid grant application.

"(F) The number of students that received an emergency financial aid grant disaggregated by—

"(i) sex;

"(ii) race or ethnicity;

"(iii) classification as a student with a disability; and

"(iv) recipients of a Federal Pell Grant.

"(f) Grant Amounts; Duration; Deadlines.—

"(1) AMOUNT.—A grant awarded to an institution of higher education under this section shall not exceed $750,000.

"(2) DURATION.—A grant awarded to an institution of higher education under this section



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shall be for a period of not more than 2 years.

"(3) DEADLINES.—

"(A) NOTICE.—The Secretary shall issue a notice inviting applications for grants under this section no later than 30 days after the enactment of the Supporting Students in Response to Coronavirus Act.

"(B) RECEIPT OF APPLICATIONS.—The Secretary shall accept applications from institutions of higher education on a rolling basis.

"(C) RESPONSE.—The Secretary shall approve or deny applications from institutions of higher education under subsection (c) within 30 days.

"(4) REDISTRIBUTION OF EXCESS AMOUNTS.—If an institution of higher education returns to the Secretary any portion of the sums awarded to the eligible institution under this section for any fiscal year, the Secretary shall redistribute the excess funds to institutions of higher education receiving grants under this section for such year that received and used at least 5 percent of the total amount of funds granted to institutions of higher education under this section.

"(g) Outreach; Technical Assistance.—The Secretary shall—

"(1) conduct outreach to institutions of higher education to provide information on the opportunity to apply to carry out an emergency financial aid program under this section; and

"(2) provide technical assistance and outreach to institutions of higher education for the preparation of applications described in subsection (c).

"(h) Administration.—

"(1) ADMINISTRATION COSTS.—An institution of higher education that receives a grant under this section may use not more than 3 percent of the grant funds to administer such grant.

"(2) RESERVATION BY SECRETARY.—The Secretary may reserve not more than \1/2\ of 1 percent of the grant funds to administer the program under this section.

"(i) Applicability.—Notwithstanding any other provision of law, any requirement under this title that applies to assistance under this title shall not apply with respect to a grant or emergency financial aid grant provided under this part unless otherwise explicitly provided.

"(j) Authorization and Appropriations.—

"(1) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, from amounts in the Treasury not already appropriated and in addition to any other amounts appropriated to carry out this section, the following amounts:

"(A) $600,000,000 for fiscal year 2020.

"(B) $600,000,000 for fiscal year 2021.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall remain available until expended, except that no sums may be expended after September 30, 2023.".

# SEC. 5. DEFINITION OF QUALIFYING EMERGENCY.



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Section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003) is amended—

(1) by redesignating paragraphs (15) through (24) as paragraphs (16) through (25), respectively; and

(2) by inserting after paragraph (14) the following:

"(15) QUALIFYING EMERGENCY.—The term 'qualifying emergency' means—

"(A) a public health emergency declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d);

"(B) an emergency for which a governor of a State or territory has declared a state of emergency;

"(C) an event for which the President declared a major disaster or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191); or

"(D) a national emergency declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1601 et seq.).".

# SEC. 6. EXCLUSION OF EMERGENCY FINANCIAL AID FROM INCOME.

Section 480(j) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(j)) is amended by adding at the end the following:

"(5) Notwithstanding paragraph (1), emergency financial aid grants in an amount less than $1,500 provided to a student for unexpected expenses that are a component of the student's cost of attendance, and not otherwise considered when the determination of the student's need is made, shall not be treated as other financial assistance for purposes of section 471(3).".

# SEC. 7. ADJUSTMENT OF SUBSIDIZED USAGE LIMITS.

Section 484(q)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087e(q)(3)) is amended by adding at the end the following:

"(C) SPECIAL RULE.—Notwithstanding paragraph (1) or subparagraph (A), the Secretary may exclude from a student's period of enrollment any semester, trimester, quarter, or other appropriate academic period during which the student was unable to remain enrolled in school as a result of a qualifying emergency, if the Secretary is able to administer such policy in a manner that limits complexity and the burden on the student.".

# SEC. 8. INSTITUTIONAL REFUND AND FEDERAL STUDENT LOAN FLEXIBILITY.

(a) Waivers; Canceling Loan Obligation; Approved Leave of Absence.—Section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b) is amended by adding at the end the following:

"(f) Waiver.—The Secretary may waive the requirement under this section with respect to an institution, that if a recipient of assistance under this title withdraws from an institution during a



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payment period or period of enrollment in which the recipient began attendance, the amount of grant or loan assistance (other than assistance received under part C) be returned to the title IV programs under this Act, if—

"(1) the recipient of assistance withdraws during a payment period as a result of a qualifying emergency; and

"(2) the institution requests such a waiver.

"(g) Canceling Loan Obligation.—Notwithstanding any other provision of this Act, the Secretary shall cancel the obligation to repay the portion of a loan made under part D for a recipient of assistance who withdraws from the institution as a result of a qualifying emergency for the payment period for which a waiver for the loan is granted under subsection (f).

"(h) Approved Leave of Absence.—Notwithstanding any other provision of law, for purposes of receiving assistance under this title, an institution of higher education may, as a result of a qualifying emergency, provide a student with an approved leave of absence that does not require the student to return at the same point in the academic program that the student began the leave of absence.".

(b) Waivers of Federal Pell Grant Repayment; Waivers of Grant Assistance Repayment.—Section 484B(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1091b(b)(2)) is amended—

(1) in subparagraph (D)—

(A) by striking clause (i) and inserting the following:

"(i) who were residing in, employed in, or attending an institution of higher education that is located in an area in which there exists a qualifying emergency;"; and

(B) in clause (ii), by inserting "or emergency" after "disaster"; and

(2) in subparagraph (E)—

(A) by striking clause (i) and inserting the following:

"(i) who were residing in, employed in, or attending an institution of higher education that is located in an area in which there exists a qualifying emergency;"; and

(B) in clause (ii), by inserting "or emergency" after "disaster".

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

# SEC. 9. SATISFACTORY PROGRESS.

Section 484(c) of the Higher Education Act of 1965 (20 U.S.C. 1091(c)) is amended by adding at the end the following:

"(4) In determining whether a student is maintaining satisfactory progress, an institution of higher education may, as a result of a qualifying emergency, exclude from the quantitative component of the calculation any attempted credits that were not completed by such student without requiring an appeal by such student.".



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## SEC. 10. CONTINUING EDUCATION AT AFFECTED FOREIGN INSTITUTIONS.

(a) Eligible Program Flexibility.—Section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

"(4) Notwithstanding the restriction in paragraph (3) with respect to a foreign institution, in the case of a public health emergency, major disaster or emergency, or national emergency declared by the applicable government authorities in the country in which the foreign institution is located, the Secretary may permit any part of an otherwise eligible program to be offered via distance education for the duration of such emergency or disaster and the following payment period.".

## SEC. 11. RESOURCES FOR ADDRESSING CHILD TRAUMATIC STRESS.

(a) Grants for Addressing Child Traumatic Stress.—From funds available under subsection (c), the Secretary of Health and Human Services shall award supplemental grants to entities, tribes, and tribal organizations that, on the date of enactment of this Act, have an active grant that was awarded to the entity, tribe, or tribal organization under section 582 of the Public Health Service Act (42 U.S.C. 290hh–1).

(b) Grant Activities.—An entity, tribe, or tribal organization awarded a grant under this section shall develop and distribute guidance, training, and other resources for early care and education programs, families, caregivers, and teachers, principals or other school leaders, and administrators for addressing challenges related to a qualifying emergency (as defined in section 2). Such resources shall—

(1) include—

(A) training and resources for early care and education programs in what to expect for young children, management of anxiety (including anxiety for high-risk populations and those that must be in social isolation), and effective strategies for communicating with parents and families in times of stress;

(B) best practices for families for dealing with loss of routine, identifying early signs of trauma, and coping with stress;

(C) best practices for families with high-risk populations (including multigenerational households or grandparents caring for grandchildren, people with disabilities or chronic medical conditions, or households with a pregnant person); and

(D) training and guidance for teachers, principals or other school leaders, and administrators about the potential impact of school closures, social isolation, and other changes of routine for students and staff; and

(2) be—



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1 (A) electronic and include web-based resources;

2 (B) culturally competent;

3 (C) evidence-informed or evidence-based;

4 (D) accessible;

5 (E) available in multiple languages; and

6 (F) trauma-informed.

7 (c) Appropriation of Funds.—There are authorized to be appropriated, and there are
8 appropriated, $3,000,000 to award grants pursuant to subsection (b).
9



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**From:** VanderPloeg, Laurie
**Sent:** Thu, 26 Mar 2020 14:20:37 +0000
**To:** Barrett-Zitkus, Jennifer
**Cc:** Tanner-Dean, Angela
**Subject:** RE: Update

Yes, we need your input. Please provide your thoughts to Becca and me so we can incorporate it in our recommendations.

---

**From:** Barrett-Zitkus, Jennifer <Jennifer.Barrett-Zitkus@ed.gov>
**Sent:** Thursday, March 26, 2020 10:19 AM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>
**Subject:** RE: Update

Thank you Laurie. While they aren't excluding Part C, they aren't supporting Part C. Are we going to recommend they add provisions for Part C?

---

**From:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Sent:** Thursday, March 26, 2020 9:55 AM
**To:** OSEP Staff <OSEPStaff@ed.gov>
**Subject:** Update

Good morning!
I want to start this morning with something I shared on the monthly conversation – the real impact on our health, both mental and physical, of the isolation we are all experiencing. We all know that our current situation is not normal and it is understandably difficult. I also want you to know that you do not have to go through this alone – whether you are home by yourself or if you have a large family with you or if your situation is in between. I encourage each of you to take advantage, as needed, of the Employee Assistance Program (EAP). The EAP offers free, confidential services to federal employees and family members. You can call 24 hours a day, seven days a week for confidential help with work, family, personal matters, legal or financial issues. Please take care of yourselves and your families. You are valued and the most important part of this organization.

Information to Start Your Day:

- The Senate unanimously passed the CARES Act early this morning (see attached). It now awaits House approval before going to the White House for the president's signature. We're in the process of going through the act line-by-line, but I wanted to share with you some initial information on provisions related to infants, toddlers, children and youth with disabilities and their families.

  The Department received $30.75 billion. Of that, $16.5 billion is available for programs funded under ESEA (see below).

  The CARES Act provides the Department with $8 million for administration.

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The CARES Act does not provide the Secretary with any waiver authority for IDEA. However, the Act requires the Secretary, not later than 30 days after the date of enactment, to submit a report with recommendations on any additional waivers under IDEA that the Secretary believes are necessary to be enacted into law to provide limited flexibilities to States and LEAs to meet the needs of students during the COVID-19 emergency. (p.330)

It also does not mention infants and toddlers with disabilities. However, the Act cites to IDEA in its entirety. We are working with OGC to determine the applicability of the CARES Act to Part C.

Education provisions in title III, subtitle B –

- Sec. 3511 provides assessment and accountability waiver authority, including reporting on assessments and accountability under ESEA

Education provisions in division B (p. 755) –

- Education Stabilization Fund: available through September 30, 2021
  - Governor's Emergency Education Relief Fund ($3 billion)
    - Must apply
    - Grant formula based on population (5-24) and relative number of children counted
    - Funds used for emergency support to those LEAs most impacted by COVID-19, IHEs in the State most impacted by COVID-19, any other LEA or IHE in the State that the governor deems necessary
  - Elementary and Secondary School Emergency Relief Fund ($13.5 billion)
    - Must apply
    - Amount based on the same proportion as each States received under Title I Part A in the most recent fiscal year
    - 90% of grant must be subgranted to the LEAs in the State, including charter schools that are LEAs in proportion of the amount of funds each LEA received under Title I Part A in the most recent fiscal year
    - Funds may be used on:
      - any activity authorized by ESEA, including IDEA (the language of the bill does not specifically exclude Part C)
      - Activities to address the unique needs of … children with disabilities, including how outreach and service delivery will meet the needs of each population
      - Planning for and coordinating during long-term closures including how to provide guidance for carrying out the requirements under IDEA and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements
      - Purchasing educational technology that aids in regular and substantive educational interaction between students and their classroom instructors, including students with disabilities, which may include assistive technology or adaptive equipment
      - Providing mental health services and supports

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        - Planning and implementing activities related to summer learning and supplemental afterschool programs, including the needs of students with disabilities
    - Assistance to non-public schools
        - LEAs receiving funds must provide equitable services to non-public schools students under ESEA

The Department has a working group that is determining how the Department will administer The CARES Act. OSEP will be represented in this work.

- In response to the directive in the Act, I am interested in your ideas about specific provisions in IDEA that you think should be included in the Secretary's waiver request. Please send your ideas, with citations and a justification, no later than Thursday, April 2. The list already includes many timeline provisions.

Have a great day and I'll be in touch tomorrow morning!

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

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**From:** VanderPloeg, Laurie
**Sent:** Mon, 16 Mar 2020 13:47:39 +0000
**To:** Hill, Elizabeth;Schultz, Mark
**Subject:** RE: URGENT REQUEST FOR BDV
**Attachments:** Talking Points Coronavirus CCSSO.docx

Here it is!

---

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Monday, March 16, 2020 9:37 AM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** URGENT REQUEST FOR BDV

Can you send me your TPs from the CCSSO call this week. I need them for BDV

Liz Hill
Delegated to perform the duties of the Assistant Secretary
Communications Director
Office of Communications and Outreach
U.S. Department of Education
202-453-7877 (work)
(b)(6) cell)

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# OSERS RELEASED A DOCUMENT - QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK

This Questions and Answers document outlines states' responsibilities to infants, toddlers, and children with disabilities and their families, and to the staff serving these children. It addresses the needs of students with disabilities under Individuals with Disabilities Education Act (IDEA) both Part C birth-3 as well as Part B 3-21, Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990.

The Q & A will provide informal guidance on services, including the provision of FAPE (Free Appropriate Public Education) for students with disabilities when there is a school closure or lead agency closure caused by the COVID-19 outbreak, an individual student is affected and unable to attend school or a school for students with disabilities is closed. It will also address alternate ways of delivering instruction and related service provision as well as consideration of alternate locations and what constitutes a change of placement. All decisions should be based on the individual needs of the student with disabilities and must ensure students with disabilities have equal access to the same opportunities as the general population and are provided special education and related services identified in their IEP or Section 504 plan. If the LEA is unable to provide the necessary services and supports an individual determination whether and to what extent compensatory services may be needed to make up any lost skill. OSERS is in communication with the National Association of State Directors (NASDSE), the Council of Administrators of Special Education (local CASE) and the Chief State School Officers (CCSSO) to provide additional technical assistance. The OSEP funded technical assistance centers are also providing support to the SEAs regarding instruction, accessibility, data, etc. We are working closely with the Office of General Council (OGC) in our responses to the questions we are receiving regarding timelines and funding.

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**From:** VanderPloeg, Laurie
**Sent:** Wed, 1 Apr 2020 00:40:46 +0000
**To:** Schultz, Mark
**Subject:** Scheduling conflict

Tomorrow the CARES Act scheduled a meeting at 1:00 for 30 minutes. I also have the Agency Data Governance Board meeting from 1:00-2:15. I think I will go on the CARES Act call and then jump on the other one so I can participate in both. Thoughts!

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

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**From:** Coffey, Jennifer
**Sent:** Mon, 20 Apr 2020 11:02:44 +0000
**To:** Coffey, Jennifer;OSEP Staff;Ihlo, Tanya Beth
**Cc:** Walters, Alecia;Allen, Sarah;Guardino, David;Courchaine, Tara;Rosenquist, Celia;Williams, Perry;Barrett-Zitkus, Jennifer;Vermeer, Anita;Starr, Benjamin;Weigert, Susan;Schneer, Matthew;Wexler, Larry;Hill, Glinda;Jackson, Terry;Slater, Kesha;Fox, Leslie;Tschantz, Jennifer;Sanchez, Carmen;Moran, Kate;Yu, Diana;Emenheiser, David;Crayton, Marion;Reid, Carlene;Zamora Duran, Grace;Sleger, Lucille;Kavulic, Christy;Darling, Darcalyn;Smith, Rebecca (OSERS);White, Anthony;Mitchell, Kimberly;Bae, Amy;Freeman, Vinetta;Finch, Jennifer;Rhoads, Kristen;Putney, LaTisha;Grigg, Bryan;Tripoli, Louise;Soliman, Mohamed;Martin Eile, Julia;Dickson, Tracie;Kniseley, Charles;Pilgrim, Christine;VanderPloeg, Laurie;tljack1966@gmail.com;Austin, Ayorkor;Sheryl Lazarus (laza0019@umn.edu);Sam Morgan;Linda McDowell;Simpson, Jennifer;Kinnard, Curtis
**Subject:** SISEP Virtual Discussion w/ OSEP
**Attachments:** Crosswalk of Coaching Resources Tools and Modules for SISEP and NCSI 2.2019_JC_AK_csw.docx, SISEP-OSEP_Converstion_3-16-2020.pdf

Good morning,

We are going to make this session entirely virtual:
Zoom (b)(6) US (New York), Meeting ID: (b)(6)
(b)(6)

I have attached the slides.

Thank you,

Jennifer

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**Crosswalk of Coaching Related Tools, Resources, and Learning Modules**

Developed by the *State Implementation and Scaling-up of Evidence-based Practices* (SISEP) Center and the *National Center for Systemic Improvement* (NCSI)

| Item (with hyperlink) | Purpose and Content | Domains Addressed | | Offered by | Status |
|---|---|---|---|---|---|
| Behaviors of Coaching | An interactive lesson that provides an in-depth dive into the behaviors of coaching (i.e., prompting, performance feedback, and scaffolding). | | Theory and/or Overview of Coaching | SISEP | Published |
| | | X | **Lesson and/or Learning Module** | | |
| | | | Data Collection and Fidelity | | |
| | | X | **Application, Examples, and Activities** | | |
| | | | System Resources | | |
| Coaching Action Plan handout | An action plan that provides coaches with a tool to set goals with coaching recipients and develop plans to achieve those goals. | | Theory and/or Overview of Coaching | SISEP | Published |
| | | | Lesson and/or Learning Module | | |
| | | | Data Collection and Fidelity | | |
| | | | Application, Examples, and Activities | | |
| | | X | **System Resources** | | |
| Coaching as a component of the Competency Implementation Driver | An explanation of coaching as a component of the Competency Implementation Drivers, with links to activities | X | **Theory and/or Overview of Coaching** | SISEP | Published |
| | | | Lesson and/or Learning Module | | |
| | | | Data Collection and Fidelity | | |
| | | | Application, Examples, and Activities | | |
| | | | System Resources | | |
| Coaching for All activity | Activity prompting a team/organization to read an article about the use of coaches by athletes and singers, then respond to discussion questions. | | Theory and/or Overview of Coaching | SISEP | Published |
| | | | Lesson and/or Learning Module | | |
| | | | Data Collection and Fidelity | | |
| | | X | **Application, Examples, and Activities** | | |
| | | | System Resources | | |

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ED-20-0731-A-004515

| Item (with hyperlink) | Purpose and Content | Domains Addressed | | Offered by | Status |
|---|---|---|---|---|---|
| Continuum of Coaching Supports | An interactive lesson that focuses on using data to effectively and efficiently provide coaching support. | | Theory and/or Overview of Coaching | SISEP | Published |
| | | X | **Lesson and/or Learning Module** | | |
| | | | Data Collection and Fidelity | | |
| | | X | **Application, Examples, and Activities** | | |
| | | | System Resources | | |
| Coaching lesson | A video lesson providing an overview of the coaching driver, best practices, and an activity to apply the concepts. | | Theory and/or Overview of Coaching | SISEP | Published |
| | | X | **Lesson and/or Learning Module** | | |
| | | | Data Collection and Fidelity | | |
| | | | Application, Examples, and Activities | | |
| | | X | **System Resources** | | |
| Coaching Overview interactive lesson | An interactive lesson highlighting a research-driven approach to coaching. | X | **Theory and/or Overview of Coaching** | SISEP | Published |
| | | X | **Lesson and/or Learning Module** | | |
| | | | Data Collection and Fidelity | | |
| | | | Application, Examples, and Activities | | |
| | | | System Resources | | |
| Coaching Service Delivery Plan lesson | Video lesson on creating a Coaching Service Delivery Plan | | Theory and/or Overview of Coaching | SISEP | Published |
| | | X | **Lesson and/or Learning Module** | | |
| | | | Data Collection and Fidelity | | |
| | | | Application, Examples, and Activities | | |
| | | X | **System Resources** | | |

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| Item (with hyperlink) | Purpose and Content | | Domains Addressed | Offered by | Status |
|---|---|---|---|---|---|
| Coaching System Delivery Plan template | A tool that provides the basis for developing a Coaching Service Delivery Plan. | | Theory and/or Overview of Coaching | SISEP | Published |
| | | | Lesson and/or Learning Module | | |
| | | | Data Collection and Fidelity | | |
| | | | Application, Examples, and Activities | | |
| | | X | **System Resources** | | |
| Coaching System Development worksheet | A worksheet used to initiate early discussions about the importance of coaching and facilitative supports administrators needed to ensure a systemic commitment to coaching. | | Theory and/or Overview of Coaching | SISEP | Published |
| | | | Lesson and/or Learning Module | | |
| | | | Data Collection and Fidelity | | |
| | | | Application, Examples, and Activities | | |
| | | X | **System Resources** | | |
| | | | Lesson and/or Learning Module | | |
| | | | Data Collection and Fidelity | | |
| | | X | **Application, Examples, and Activities** | | |
| | | | System Resources | | |
| Competency Driver Mapping and Action Planning activity | An activity to map the levels of quality and effort being applied to Competency Drivers Including coaching) for a current program or innovation. This activity helps with action planning by zeroing in on Drivers that can benefit from more effort and/or attention. | | Theory and/or Overview of Coaching | SISEP | Published |
| | | | Lesson and/or Learning Module | | |
| | | | Data Collection and Fidelity | | |
| | | X | **Application, Examples, and Activities** | | |
| | | | System Resources | | |
| Effective Coaching Brief | This brief synthesizes research on coaching and offers a framework of effective coaching practices that should be central to the everyday work of coaches | X | **Theory and/or Overview of Coaching** | NCSI | Published |
| | | | Lesson and/or Learning Module | | |
| | | | Data Collection and Fidelity | | |
| | | | Application, Examples, and Activities | | |
| | | | System Resources | | |

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| Item (with hyperlink) | Purpose and Content | Domains Addressed | | Offered by | Status |
|---|---|---|---|---|---|
| Effective Coaching: Fidelity Tool Rubric and worksheet | These tools can be used to measure the fidelity of coaching using a direct observation approach. The rubric provides the scoring procedures and is completed so that coaches can continuously improve how they support teachers. The worksheet is used to record fidelity data. | X | **Theory and/or Overview of Coaching** | NCSI | Published |
| | | | Lesson and/or Learning Module | | |
| | | X | **Data Collection and Fidelity** | | |
| | | | Application, Examples, and Activities | | |
| | | X | **System Resources** | | |
| Effective Coaching: Completed Sample of Fidelity Tool Worksheet | This document serves as an example of how an observer can complete the Fidelity Tool Worksheet. | X | **Theory and/or Overview of Coaching** | NCSI | Published |
| | | | Lesson and/or Learning Module | | |
| | | X | **Data Collection and Fidelity** | | |
| | | X | **Application, Examples, and Activities** | | |
| | | X | **System Resources** | | |
| Effective Coaching Practices Infographic | This infographic provides a summary of research on effective coaching practices. | X | **Theory and/or Overview of Coaching** | NCSI | Published |
| | | | Lesson and/or Learning Module | | |
| | | | Data Collection and Fidelity | | |
| | | | Application, Examples, and Activities | | |
| | | | System Resources | | |
| Effective Practices for Coaches | This module addresses four practices coaches can use to improve teaching and student learning. These practices include observation, modeling, providing performance feedback, and using alliance-building strategies. | X | **Theory and/or Overview of Coaching** | NCSI | Published |
| | | X | **Lesson and/or Learning Module** | | |
| | | | Data Collection and Fidelity | | |
| | | X | **Application, Examples, and Activities** | | |
| | | X | **System Resources** | | |
| Generalized Coaching Look Fors | A tool that captures general behaviors and practices linked to effective and efficient coaching. Data from Look Fors are used to inform delivery of coaching supports. | | Theory and/or Overview of Coaching | SISEP | Published |
| | | | Lesson and/or Learning Module | | |
| | | X | **Data Collection and Fidelity** | | |
| | | | Application, Examples, and Activities | | |
| | | X | **System Resources** | | |
| Implementation Guide for Effective Teacher Coaching | This guide helps practitioners systematically implement effective coaching practices. | X | **Theory and/or Overview of Coaching** | NCSI | Published |
| | | | Lesson and/or Learning Module | | |
| | | X | **Data Collection and Fidelity** | | |
| | | | Application, Examples, and Activities | | |
| | | X | **System Resources** | | |

IDEAs that Work
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| Item (with hyperlink) | Purpose and Content | Domains Addressed | | Offered by | Status |
|---|---|---|---|---|---|
| Measuring the Fidelity of Coaching | This module describes the how to measure the fidelity of coaching using tools from the National Center for Systemic Improvement. | X | **Theory and/or Overview of Coaching** | NCSI | In usability testing |
| | | X | **Lesson and/or Learning Module** | | |
| | | X | **Data Collection and Fidelity** | | |
| | | X | **Application, Examples, and Activities** | | |
| | | X | **System Resources** | | |
| Practice Profile for Coaching | A resource that synthesizes research on coaching best practices to guide development of learning modules, training supports, and infrastructure for effective and efficient coaching. | X | **Theory and/or Overview of Coaching** | SISEP | Published |
| | | | Lesson and/or Learning Module | | |
| | | | Data Collection and Fidelity | | |
| | | | Application, Examples, and Activities | | |
| | | | System Resources | | |
| Support Models: Matrix and Discussion Guide for K-12th Grade Systems | The purpose of this resource is to help teams ensure that the implemented model of support (e.g., teacher coaching, systems coaching, training) leads to the desired outcomes. | X | **Theory and/or Overview of Coaching** | NCSI | Published |
| | | | Lesson and/or Learning Module | | |
| | | X | **Data Collection and Fidelity** | | |
| | | X | **Application, Examples, and Activities** | | |
| | | X | **System Resources** | | |
| Targeted Coaching Look Fors | A tool that captures targeted behaviors (i.e., use of prompting, performance feedback, and scaffolding) linked to effective and efficient coaching. Data from Look Fors are used to inform delivery of coaching supports. | | Theory and/or Overview of Coaching | SISEP | Published |
| | | | Lesson and/or Learning Module | | |
| | | X | **Data Collection and Fidelity** | | |
| | | | Application, Examples, and Activities | | |
| | | X | **System Resources** | | |
| Usable Innovations and Coaching overview | Provides an overview of how coaching supports use of an innovation. | X | **Theory and/or Overview of Coaching** | SISEP | Published |
| | | | Lesson and/or Learning Module | | |
| | | | Data Collection and Fidelity | | |
| | | | Application | | |
| | | | System Resources | | |

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# SISEP & OSEP Conversation

Tanya B. Ihlo
SISEP Center

March 16, 2020

THE UNIVERSITY of NORTH CAROLINA at CHAPEL HILL

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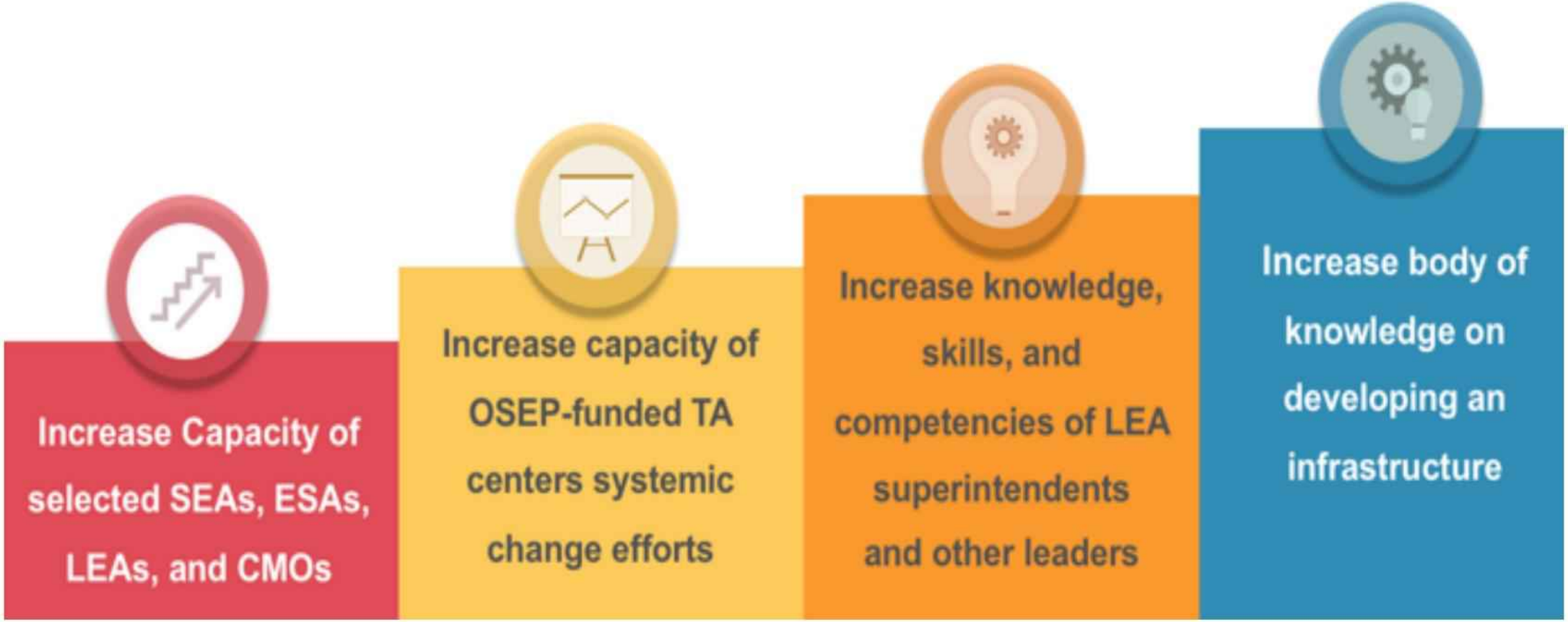
NIRN NATIONAL IMPLEMENTATION RESEARCH NETWORK
FRANK PORTER GRAHAM CHILD DEVELOPMENT INSTITUTE

SISEP
State Implementation and Scaling-up of Evidence-based Practices

# SISEP

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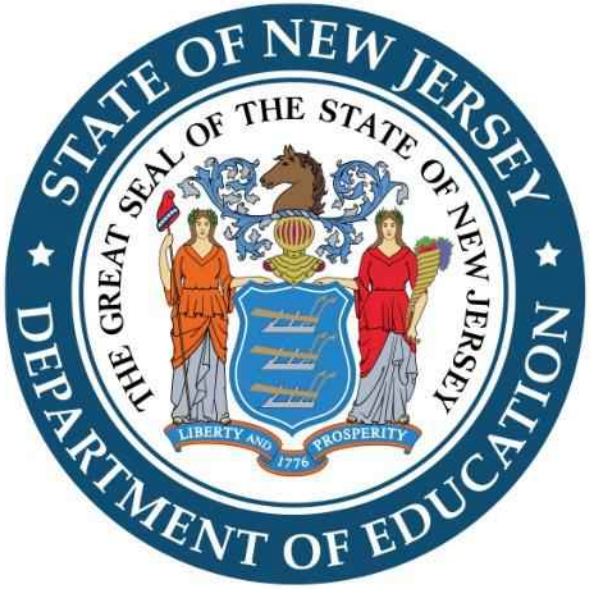
SISEP
State Implementation and Scaling-up of Evidence-based Practices

# SISEP Active States



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# Common struggles

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# Challenges

## Selecting Frameworks vs. Practices

Selecting frameworks, such as MTSS, rather than specific classroom practices

## Managing Expectations

And pace while staying focused; creating value for implementation data on way to outcomes

## Staff Transition

Staff turnover and transition

## Ghost Systems

Moving systems and accountability from "ghost" to "host" systems for new ways of work

## Fragile Competencies

Supporting competencies being developed as the role of SEA changes

## Competing Urgencies

Political climates and competing agendas

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## Catalysts

### Data
Data flowing and used in first 6 months at each level of the system

### Competency
Building competency within middle of SEA (embedded FTE)

### Feasible Learning
Starting small and getting better

### Visibility
Political visibility **and** support

### Usable Practices
Selecting usable and scalable practices or innovations

### Align and Leverage
Strategic plans and current work (e.g., SSIP, SPDG, ESSA)

### Exploration
Cost efficiencies – Pay Now or Pay Later

### Collaboration
Stakeholder engagement and use of co-creation methods

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# Planning for Sustainability

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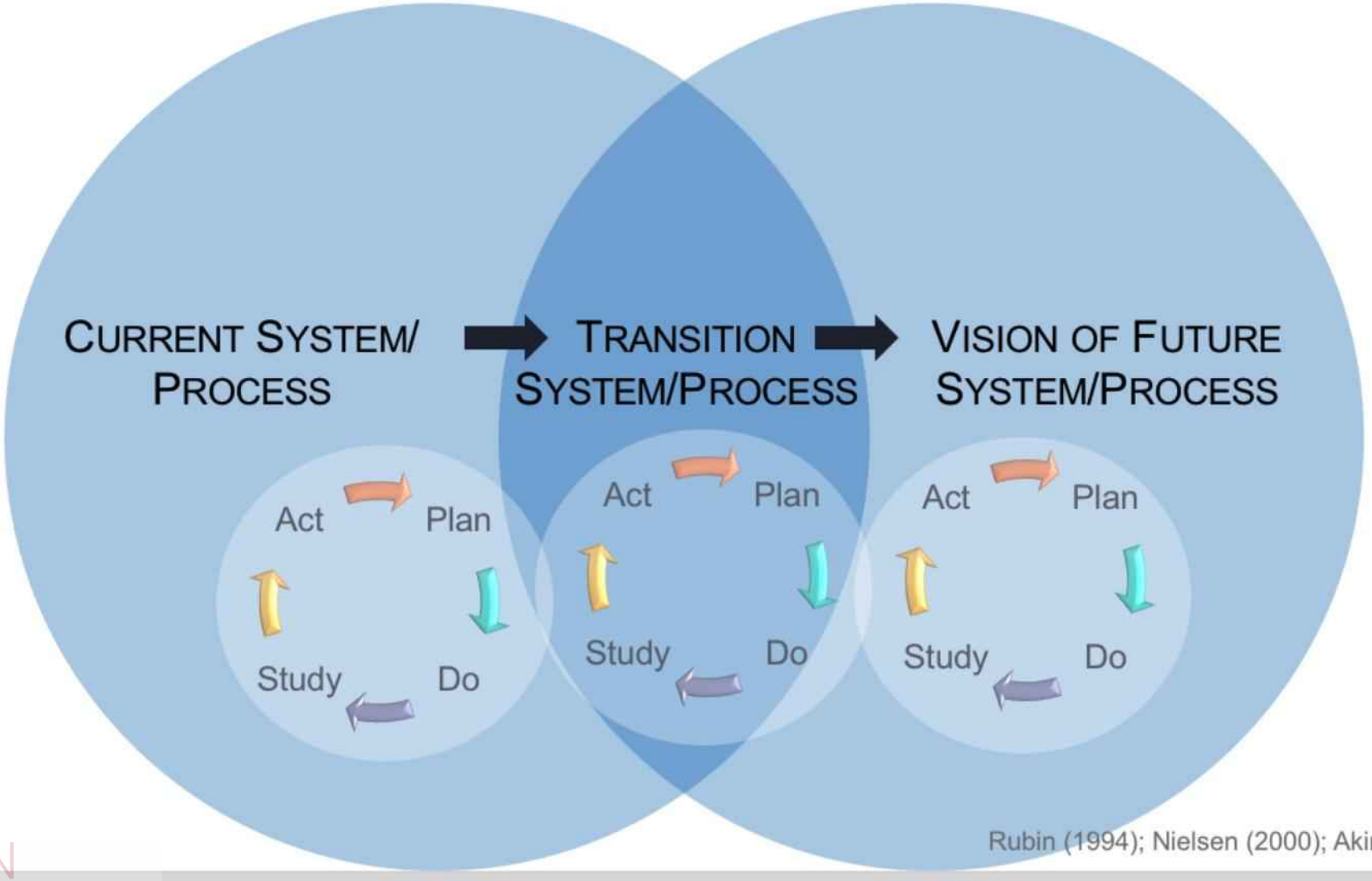
State Implementation and Scaling-up of Evidence-based Practices

# Developing Capacity within Education Systems




Rubin (1994); Nielsen (2000); Akin et al. (201

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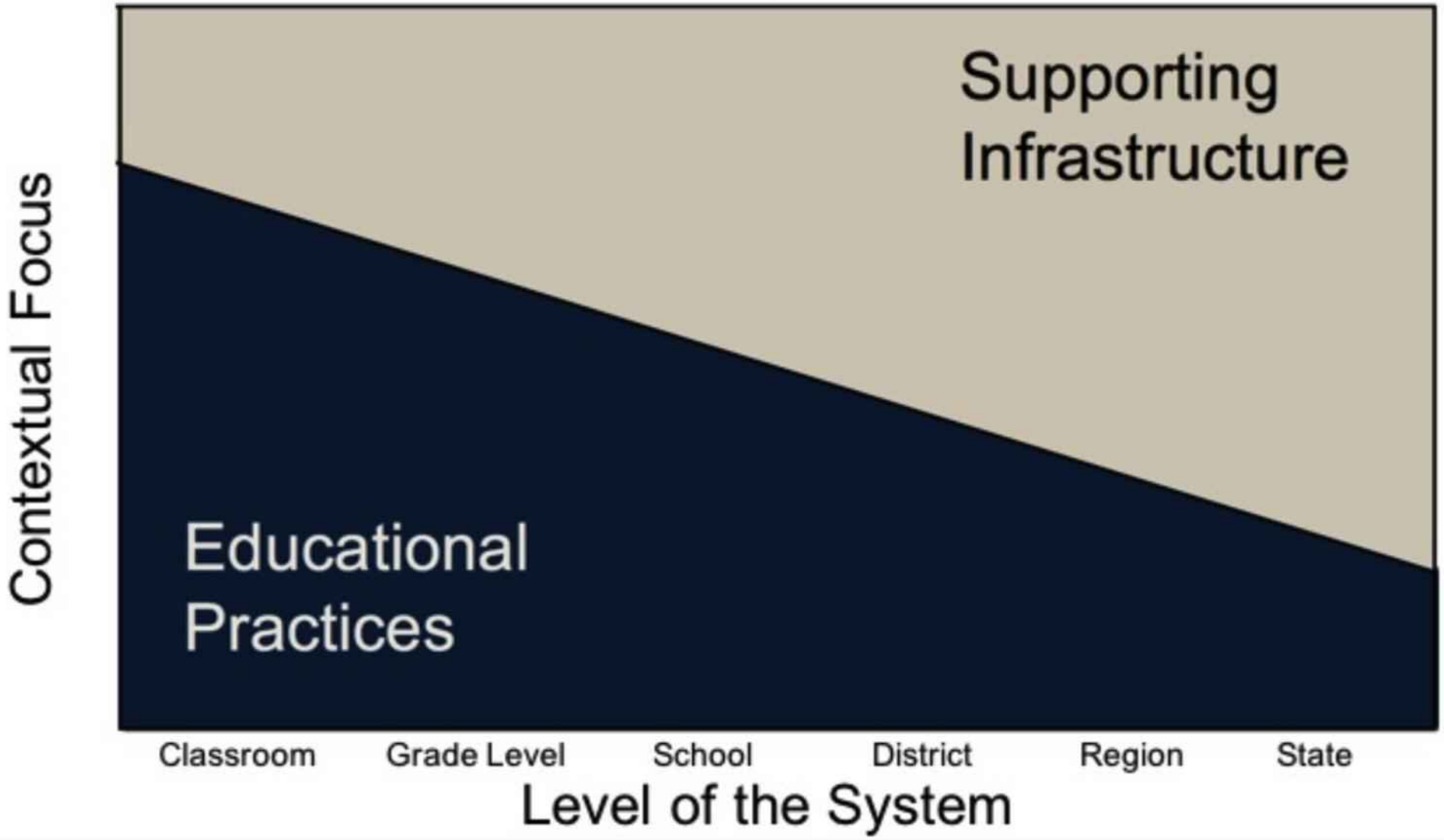
# Framework for Addressing Practice and Supports




(McIntosh & Goodman, 2016)

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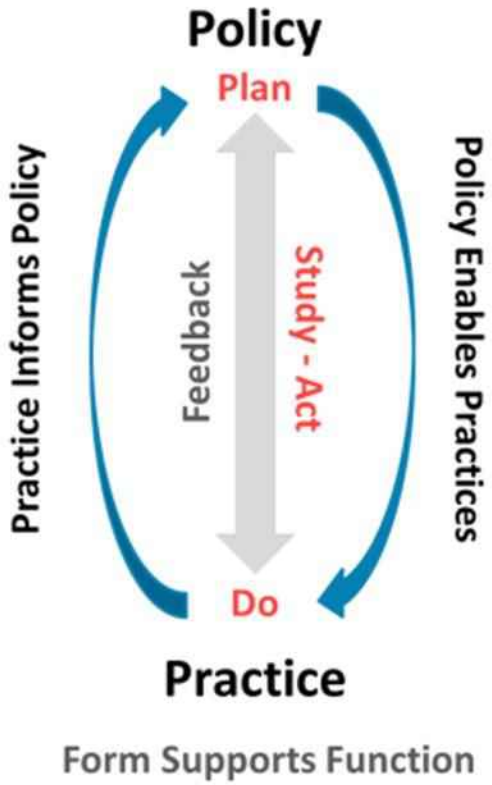


Transformation Zone

State Leadership Team

State Implementation Team

Regional Implementation Teams

District Implementation Team

District Implementation Team

District Implementation Team

Building Implementation Team (BITs)

Building Implementation Team (BITs)

Building Implementation Team (BITs)

SISEP & Executive Sponsors

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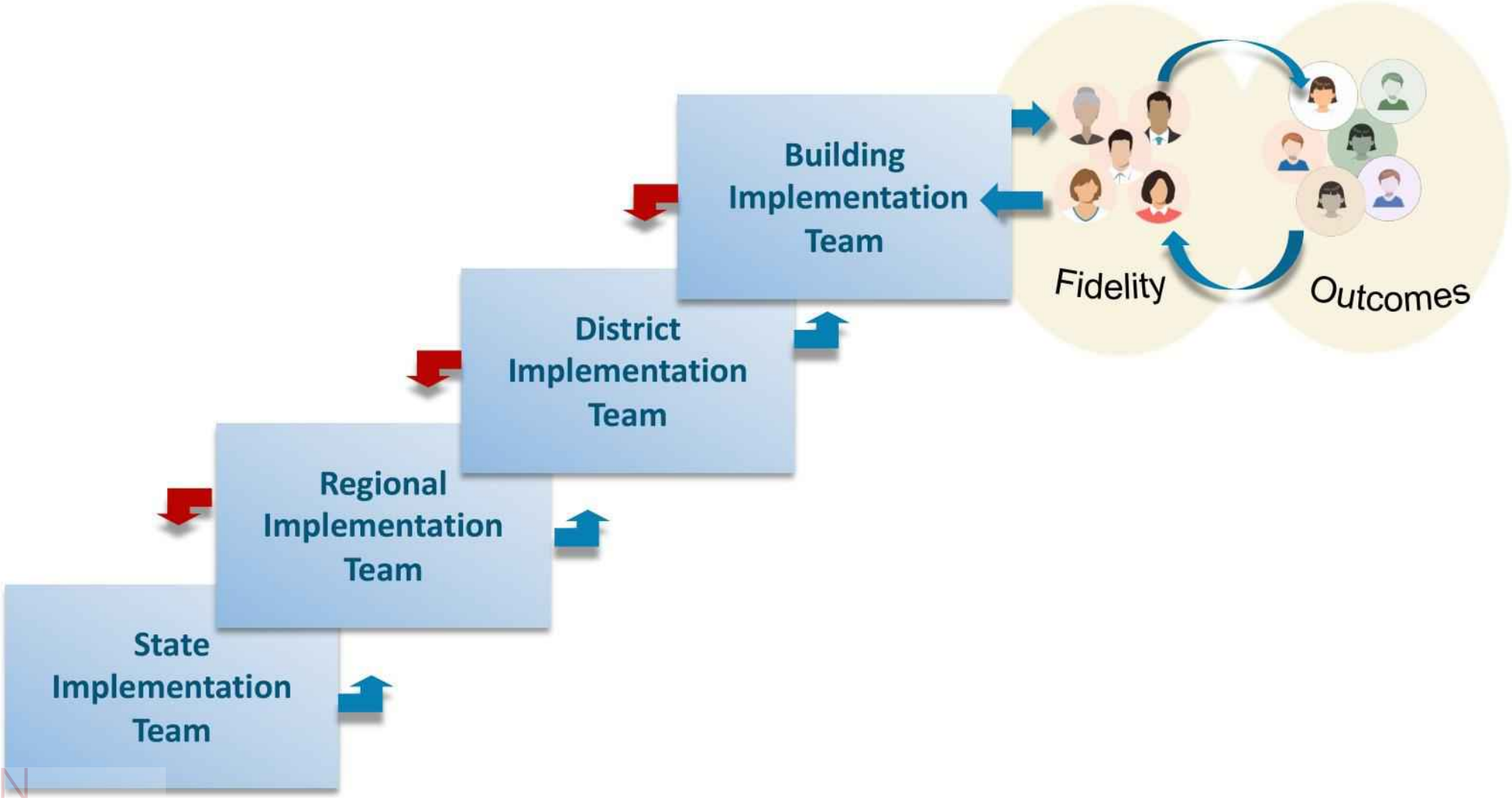
# Linked Teaming Structure

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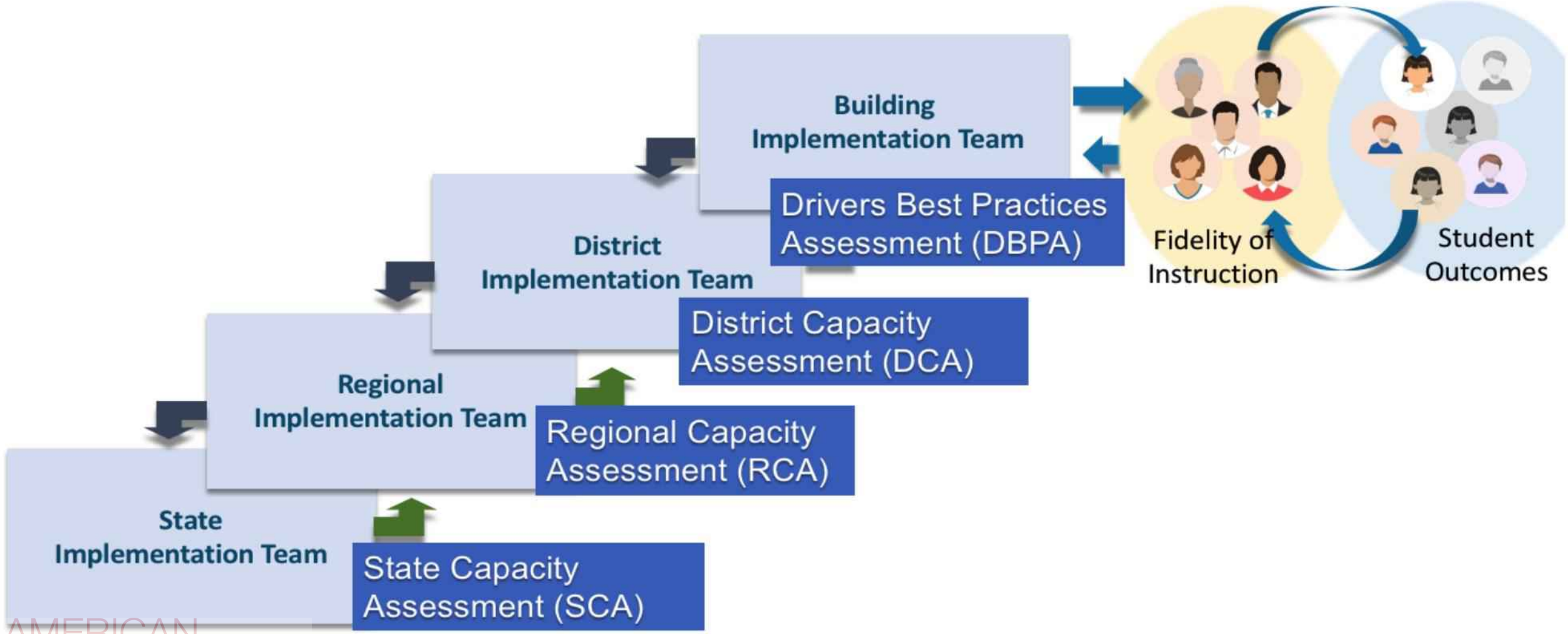
# Critical Component of Learning: Capacity Assessments

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# Key to the Learning Process…

## Stage Based Approach

**Exploration**

Diverse Teams
- Define the innovation

**Installation**

Diverse Teams develop
- Training,
- Coaching,
- Data systems

**Initial Implementation**

Teachers & School Staff
- Support to use the innovation

**Full Implementation**

80% of District
- Use innovation
- Improve outcomes

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# Examples of state teams reporting their efforts

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# Communication of implementation efforts

***Communication 1 Example:***

**From:**
**Sent:** Thursday, January 30, 2020 11:25 AM
**To:**
**Cc:**
**Subject:** Quality Schools Feedback from Design Teams

Hi Design Team Leads,

The SMT has recently reviewed our State Capacity Assessment data and some of our crucial grounding documents that guide the Quality Schools work. Based on our review, we found that the key components of the documents still hold but we need to reflect on them as a team to identify areas that need to be tightened up, changed or added to so we can continue to move this work forward in a positive direction for the field. We believe that having clear, explicit documents stating the why and how of our work is crucial for building capacity and sustainability of the Quality Schools initiative. Can you please answer the following questions with your team and send the feedback to me, in a format that works for you, by February 28.

The SMT needs your feedback in four critical areas - Data, Communication, Resources and Relationship/Trust

**1. Quality Schools Teaming Structure - Please review the teaming structure and answer the following questions.**

- Does this current structure effectively support the Quality Schools work and that of your Design Team? Why or why not?
- Do the activities outlined for your Design Team still fit? Why or why not? Please add any additional activities or delete any that are not relevant.
- Are there any additional resources that the team needs from the SMT to effectively do the work?
- Do we have the right people on this team to accomplish the work? (Consider People, Resources, and Time)
- Is there a need for an additional/new team?

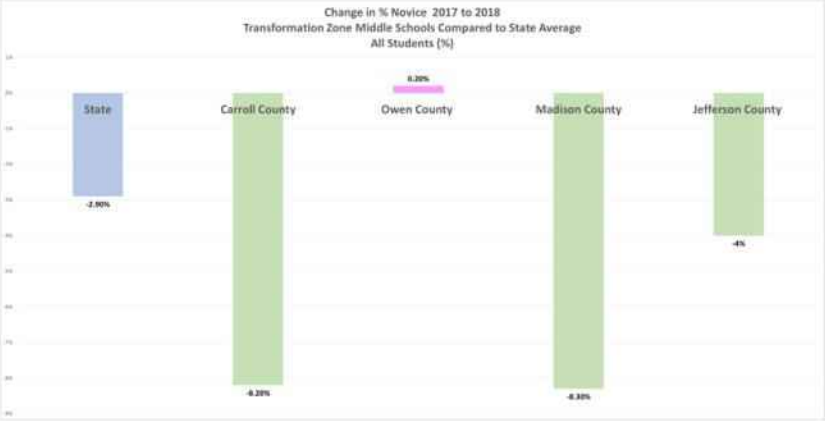
**2. Communication Protocol (SMT to Design Teams, Design Teams to SMT) - Please review the communication protocols and answer the following questions, based on your design team review.**

- What do you feel might be some of the internal communication strengths and areas of need/barriers? If a barrier is identified, why do you believe it is a barrier?
- What do you feel might be some of the external communication strengths and areas of need/barriers? If a barrier is identified, why do you believe it is a barrier?

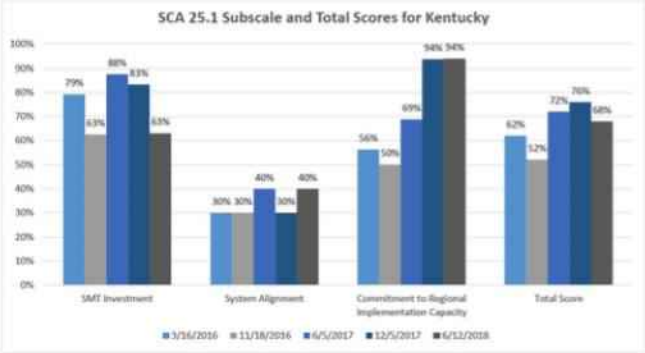
**3. Data and Metrics - The SMT is currently working on defining clearer metrics for the Quality Schools Key initiative. We will be looking to the Design Teams as we get deeper with the work.**

**Study of Implementation and Improvement Science: Annual Data Report**

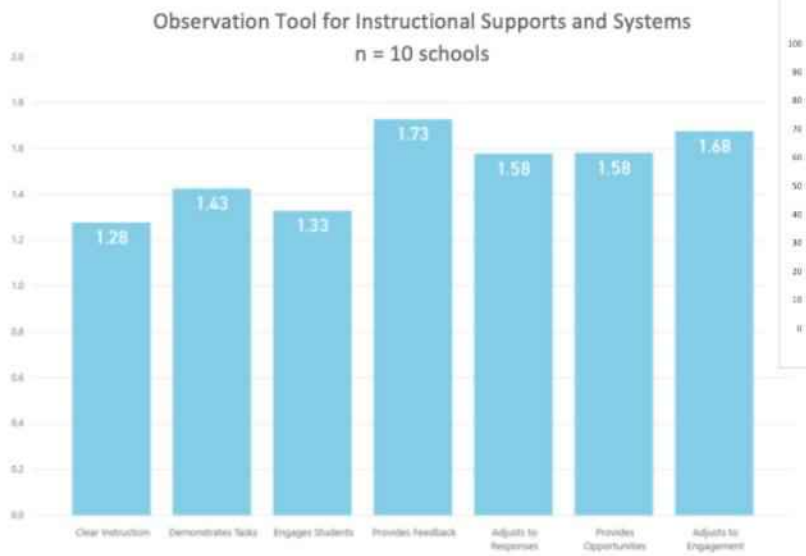
**State Identified Measurable Result:** *Increase* the percentage of students with disabilities performance at or above *proficient in middle school math*, specifically at the 8th grade level, with emphasis on *reducing novice performance*, by providing professional learning, technical assistance and support to elementary and middle school teachers around *implementing, scaling and sustaining evidence-based practices in math.*



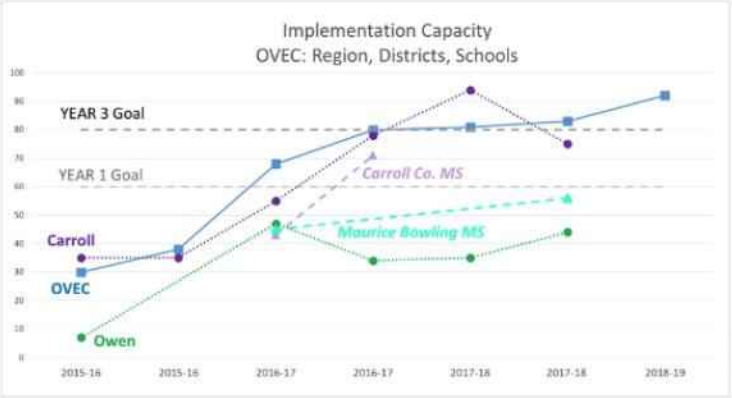

**State Capacity Assessment:**




**Fidelity Data in the Transformation Zone:**




**OVEC Transformation Zone:**

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# Improvement and Implementation Sciences

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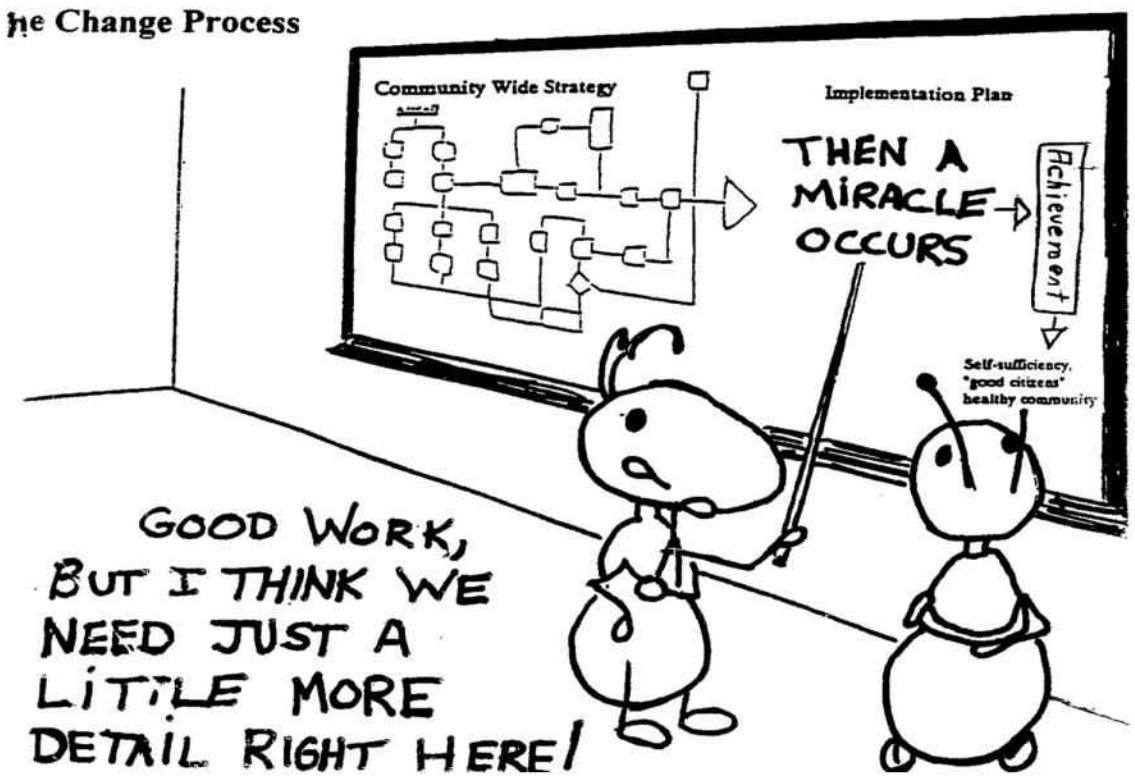
# Implementation Science…




Implementation science refers to the "methods or techniques used to enhance the adoption, implementation, and sustainability" of an intervention (Proctor et al., 2013)

**Goal:** To integrate research and practice experience in ways that improve the outcomes of those being served

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# Improvement Science

Improvement science refers to a methodology that uses cycles of inquiry to learn what is needed to improve practice (Bryk et al., 2015).

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# Common Tenets of Implementation Science & Improvement Science

Use teaming structures

Use a variety of data

Focus on systems

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# Common Tenets of Implementation Science & Improvement Science

Use Improvement Cycles

Start small across varied contexts

Focus on practitioner level needs

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# Examples of Differences between Implementation Science & Improvement Science

- Grain size of the “innovation” or “change method”
- Stage based approach within implementation science
- Selection of the “innovation” and factors to consider in selection
- When “implementation” occurs
- Simultaneous change at all levels versus top down or bottom up and scaling up

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# District Case Illustration

Implementation Science

Improvement Science

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# River School District

- Large urban district in mid-west
- Population served:
  - 35% Black and African American
  - 35.4% white
  - 17% Hispanic or Latino
  - 5% Asian
  - 3% American Indian or Alaska Native,
  - 3.8% Two or more white races.
  - .1% native Hawaiian or pacific islander
- 60% meet criteria for free and reduced lunch
- 20% receive services as English Learners
- 17% receive services for Special Education, and
- 1.0% are homeless.

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# Implementation Stages…

**Exploration**

Diverse Teams
- Assess need
- Examine Fit and Feasibility
- Select the innovation

**Installation**

Diverse Teams develop
- Training,
- Coaching,
- Data systems

**Initial Implementation**

Diverse Teams support
- Teachers and staff use of innovation

**Full Implementation**

> 50% of District
- Use innovation
- Improve outcomes

Data Use for Continuous Improvement

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# Exploration Stage: Assess Need - Examine System

- Multiple Sources of Disaggregated Data
- Results Revealed:
  - Significant gaps in assessments (state, benchmark, ACT/SAT)
  - Graduation rates are declining
  - Climate surveys show low level of parent engagement and students not feeling connected to school

| | 2015 | 2016 | 2017 | 2018 |
|---|---|---|---|---|
| **Graduation Rates** | | | | |
| All Students | 72% | 69% | 66% | 65% |
| Students At Risk | 64% | 62% | 59% | 56.2% |
| Students with more than 10 Absences | 64% | 62% | 59% | 56.2% |
| **Attendance Data: Regular Attendance** | | | | |
| All Students | 88% | 85% | 82% | 78.9% |

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# Exploration Stage Continued

- Focus area identified based on system data: secondary level & graduation rates
- Adjusted team membership
- Gather conducted focus groups or empathy interviews
  - Families
  - Students
  - Community Partners
- Staff Survey

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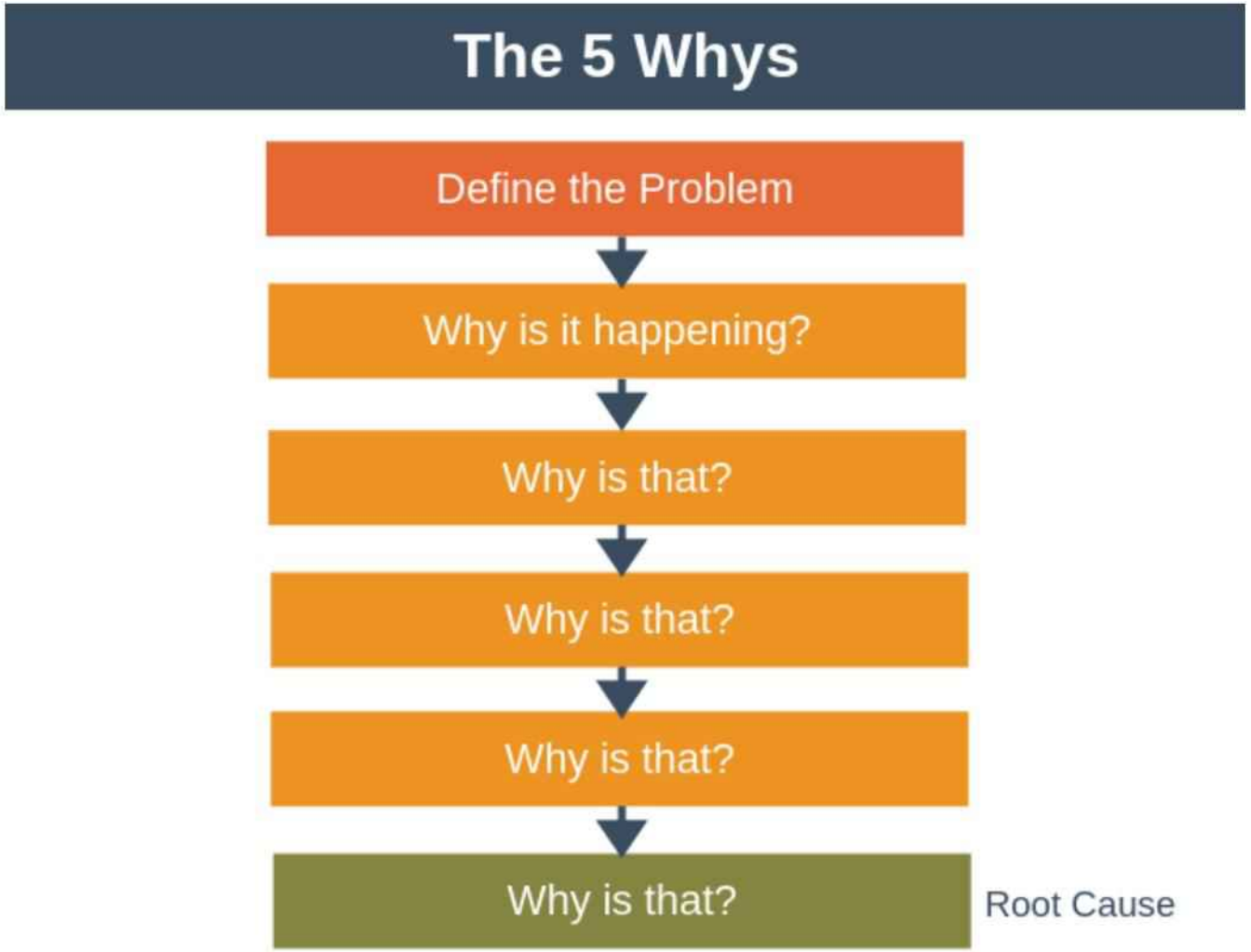
# Exploration Stage Continued:

Conducted Root Cause Analysis for problem statement: Our students are not graduating.

Root cause identified: Students do not trust or feel connected to staff to reach out for help or assistance when needed.

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# Exploration Stage Continued..

- Identify options to address need:
  - Examined practices currently in place (Environmental Scan or Initiative Inventory)
    - Early Warning Intervention System
    - Variety of Counseling programs
  - Reviewed What Works Clearinghouse
  - Identified: Mentoring & Monitoring (M&M) program from clearinghouse

TEAM NEED CAUSE RE

Team Members: _____ Date: _____

| Name of initiative | Leadership of initiative (Team and/or Coordinator Name(s) and Department | Expected Outcome | Target population | Start and end date | Financial Commitment and Source of Funding (federal, state, grant, other) | Relation to Organization Priorities & Strategic Plan | Evidence of Outcomes What has happened thus far? |
|---|---|---|---|---|---|---|---|
| Dogwood Counseling Program | Counseling department | Study & social skills: promote graduation | Any student referred by teacher or caregiver | Been in place for 5 years: no specific end date | State aid funds | Behavior goal and graduation goal in strategic plan | Graduation rates declining |
| Early Warning Intervention System | Counseling department | Process to identify students at risk for dropout | Within high schools in local district | Began 1 month ago. Grant ends in 4 years | Federal grant | Graduation goal in strategic plan | Too soon to tell |
| | | | | | | | Graduation rates declining |
| | | | | | | | Graduation rates declining |

| | |
|---|---|
| High Impact Hi Effort | High Impact Low Effort |
| Low Impact Low Effort | Low Impact High Effort |

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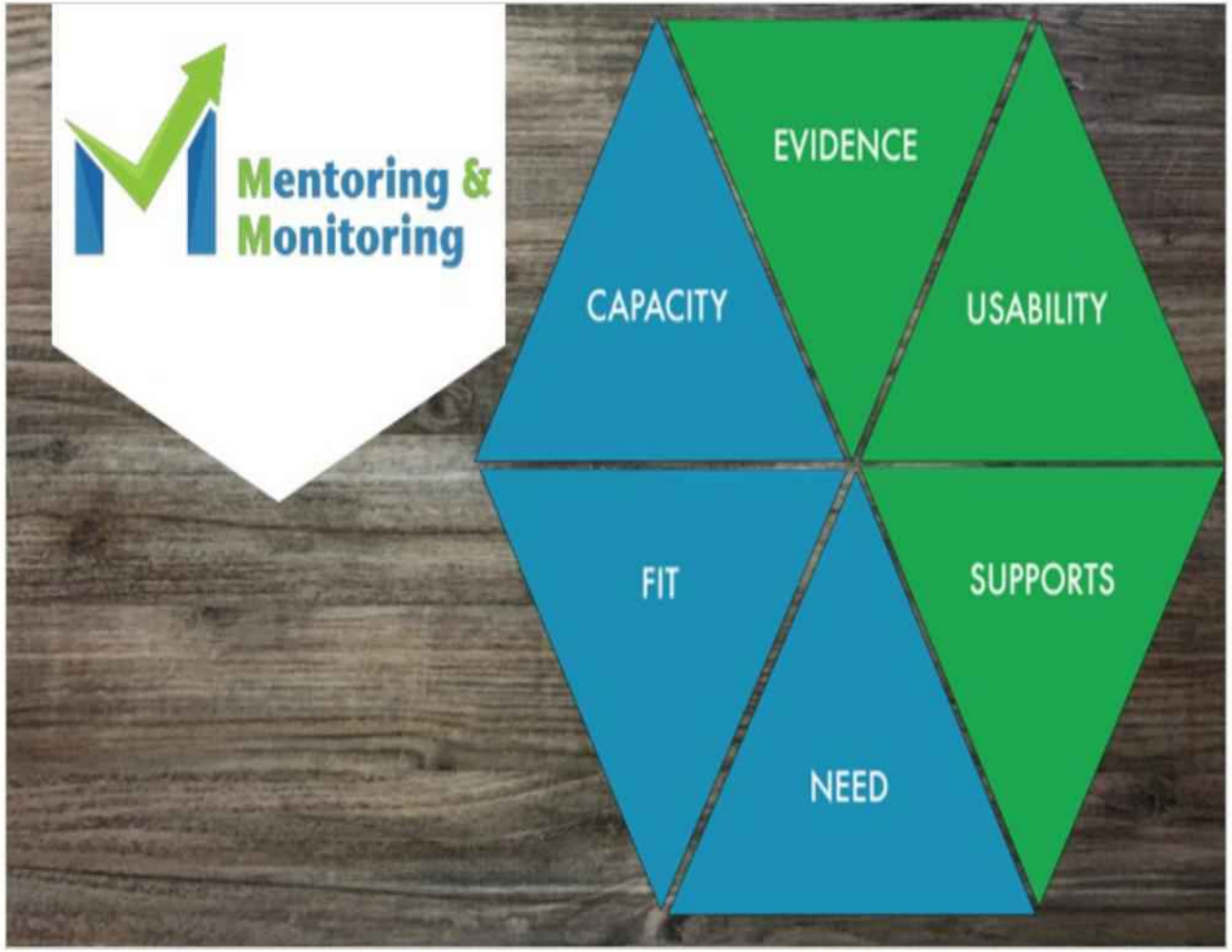
# Exploration Stage Continued:

- Gathered additional information on M&M program
- Examined Fit and Feasibility of M&M program using Hexagon Tool
- Made recommendation:
  - Select M&M Program
  - Strengthen local capacity
  - Strengthen usability of M&M
  - Leverage EWIMs system

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# Implementation Stages…

**Exploration**

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**Full Implementation**

> 50% of District
- Use innovation
- Improve outcomes

Data Use for Continuous Improvement

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# Installation Stage: Creating and Doing the Plan

- District….
  - Identified small # of schools
  - Secured Training supports
  - Identified need for a fidelity measure
  - Supported development of secondary school leadership teams accountable for implementation of M&M program
  - Used state aid funds for hiring of 2 mentors and 1 coordinator
  - Identified and made improvements to Early Warning Intervention System

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# Implementation Stages…

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Data Use for Continuous Improvement

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# Initial Implementation

- Students began receiving M&M program
- Team regularly reviewed and analyzed:
  - Fidelity data
  - Who was being served
  - Progress monitoring data:
    - Attendance
    - Grades
    - Discipline
    - Student voice: Survey & Empathy Interviews
- Identified changes needed and tested:
  - Coaching support for mentors
  - Adjustments to master schedule
  - Continue to work with the EWIMS system and developing community supports

| | Year 1 | Year 2 |
|---|---|---|
| Fidelity Data | Scored 80% or higher | Scored 80% or higher |
| Fall | 41% | 80% |
| Spring | 44% | 95% |

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# Implementation science across professional domains

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# Update on strategies to address sustainability of SISEP/NIRN

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# Example strategies for sustainability

- NIRN Priorities:
  - Equitable implementation
  - Implementation Specialist competencies
  - Ongoing measurement development work
- Diversification of the K-12 funding portfolio
- FPG Divisions – implementation, TA, research, and policy
- Cross-campus collaborations

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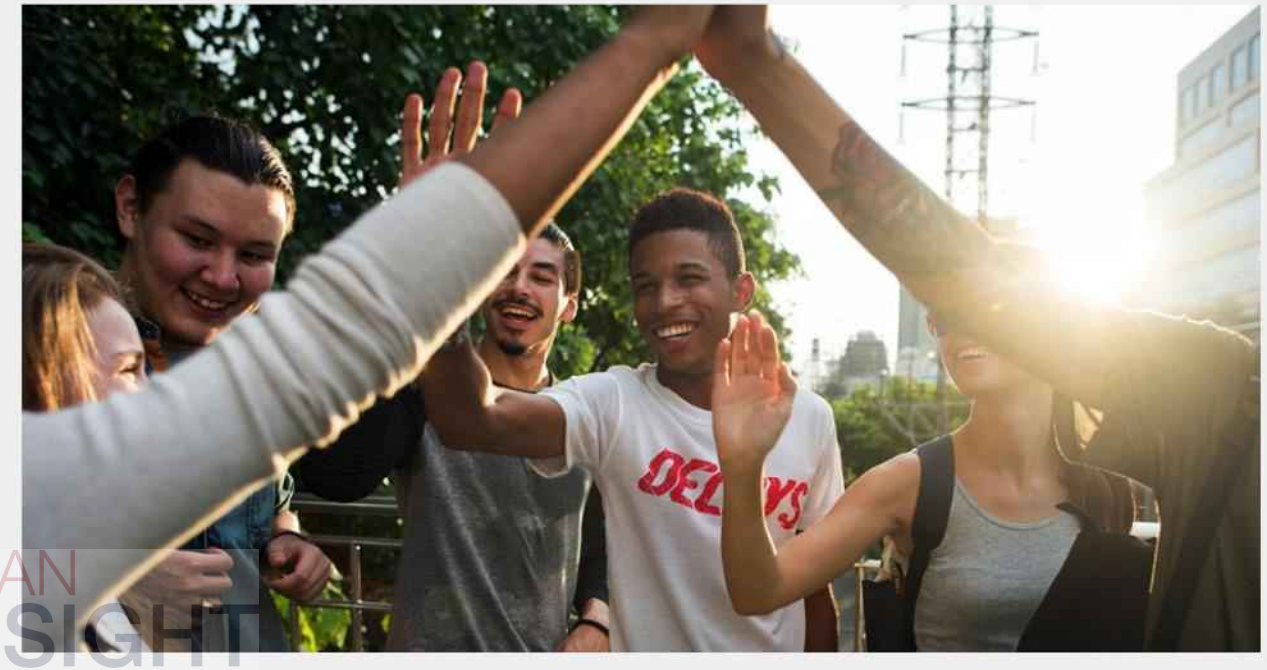
# Pursuing the Equitable Implementation of Effective Programs

POSTED FEBRUARY 12, 2019, BY THE ANNIE E. CASEY FOUNDATION

SHARE VIA:



NIRN (Metz)
Annie E. Casey Foundation
William T Grant Foundation

https://www.aecf.org/blog/pursuing-the-equitable-implementation-of-effective-programs/

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# Equity and Implementation Science

## Equitable implementation:

Occurs when strong equity components (including explicit attention to the culture, history, values, assets and needs of the community) are integrated into the principles and tools of implementation science to facilitate quality implementation of effective programs for a specific community or group of communities.

(DuMont, Metz, & Woo, 2019)

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# What competencies are required to apply Implementation Science in practice?

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(b)(6)

**Global Implementation Specialist Practice Profile**
**Skills and Competencies for Implementation Practitioners**

Working Draft, March 1, 2018

Allison Metz
Laura Louison
Caryn Ward
Katie Burke

ED-20-0731-A-004558

State Implementation and Scaling-up of Evidence-based Practices

# Methodology

**Preliminary Literature Review**

- Identified skills and abilities required for professionals supporting change efforts
- Reviewed and coded literature in technical assistance, team science, community organising, network development, role of intermediaries, and co-creation/co-production
- Developed initial list of competencies and definitions

**Initial Operationalization of Principles and Components**

- Conducted initial interviews with two non-governmental agencies (US-based and Europe-based) that support implementation of evidence and innovations at scale to achieve outcomes
- Conducted two 2-hour structured facilitation sessions with implementation specialists at the above mentioned non-governmental agencies to provide additional information for emerging definitions

**Content Validation Survey**

- Identified a purposive sample of intermediary organisations to reflect on these skills and competencies to validate the content
- Surveyed up to five individuals at each intermediary organisation to gather information on the comprehensiveness and clarity of the competency definitions as well as additional literature that should be reviewed, the overall strengths and gaps of the skills and competencies, and whether intermediary staff would find the skills and competencies helpful in their work

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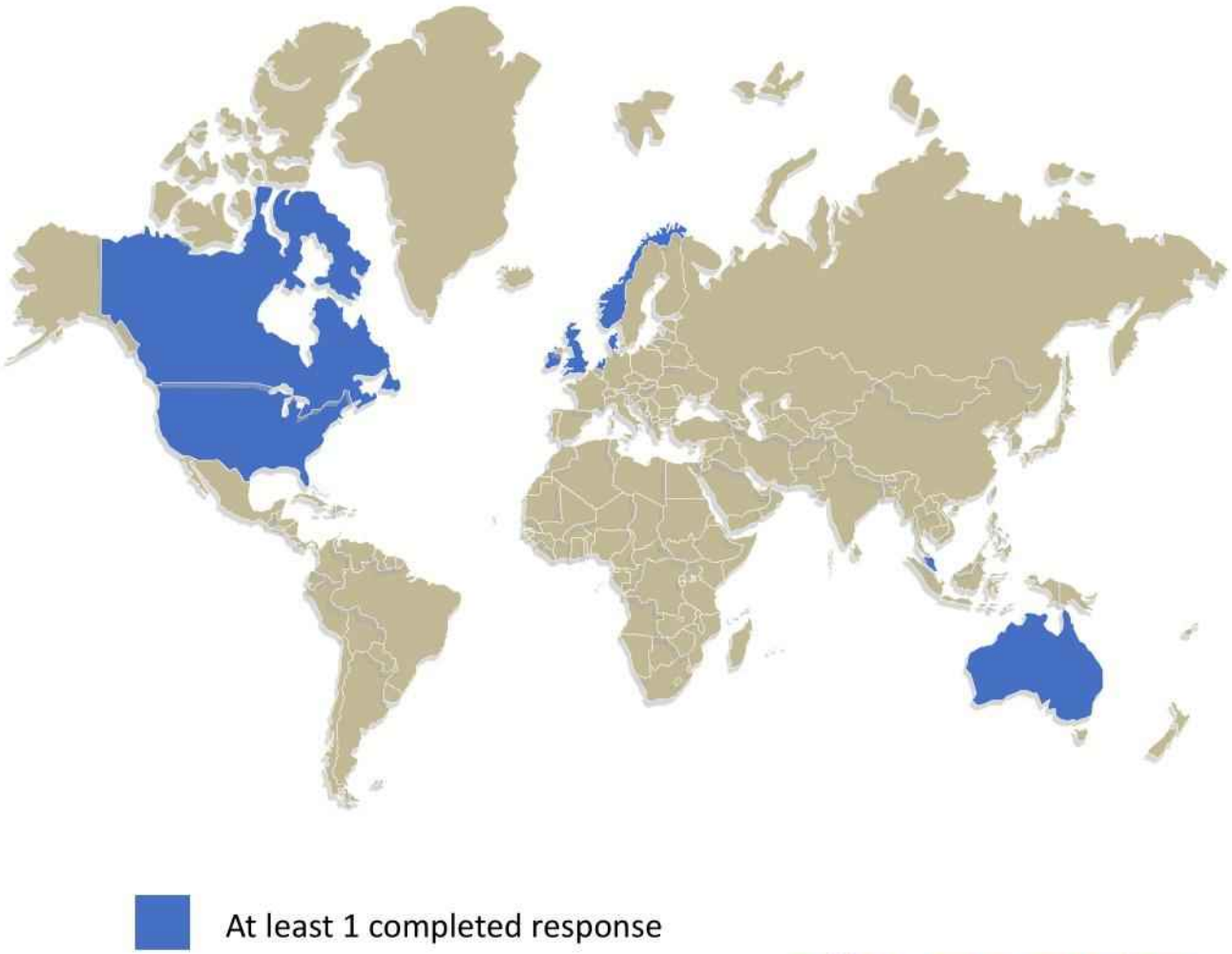
# Survey Respondents

- 34 respondents
  - 15 intermediary organisations
  - Representation from Europe, the United States, Canada, and Australia
- Total Number of Qualitative Comments: 420
  - Total word count: 10,411
  - 275 comments in the form of a question (36), suggested revisions (217), and affirmations (44)

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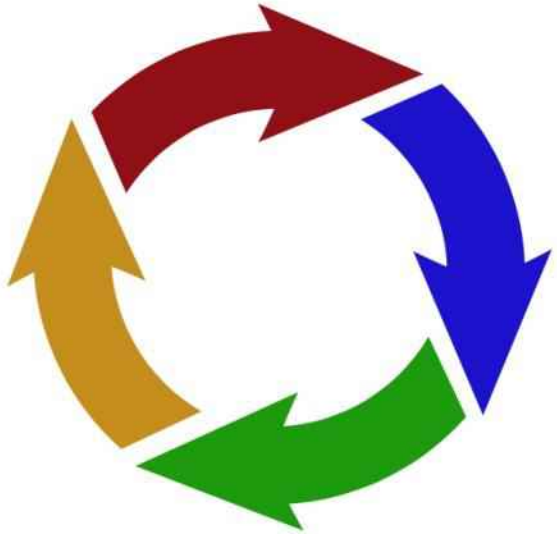
# Implementation Specialist Competencies

**Over 90% of Respondents agreed the definitions of constructs were complete and clear.**

**Alignment was reported to be accurate.**



| Co-Creation | Ongoing Improvement | Sustaining Change |
|---|---|---|
| • Co-learning<br>• Brokering<br>• Address Power Differentials<br>• Co-Design<br>• Tailored Support | • Assess Need & Context<br>• Apply and Integrate Implementation Science Approaches<br>• Conduct Improvement Cycles | • Grow and Sustain Relationships<br>• Build Capacity<br>• Cultivate Leadership<br>• Facilitation |

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up

# Methodology

**Full Scoping Review**

- Conduct comprehensive literature review to understand what is known about the knowledge/skills/competencies that implementation specialists require in their work
  - to implement evidence in human service practice and/or
  - to support individuals, teams, organisations, and/or systems in enhancing the uptake of evidence in human service practice

**Focus Groups**

- Conduct up to two focus groups with selected survey respondents who have experience working directly in under-resourced communities and/or with ethnically and racially diverse populations
- Gather feedback on the extent to which implementation specialists adapt the skills and competencies they use based on the context in which they provide support

**Vetting and Usability Testing**

- Convene a virtual meeting and gather feedback from intermediary organisations on the revised skills and competencies using a structured facilitation process
- Conduct usability testing of the skills and competencies with a subset of invited organisations to gather more information (e.g., dosage, barriers and facilitators, usefulness) and inform improvements to the skills and competencies

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# State Capacity Assessment

- Version 26!
  - Reflecting our learnings
  - Updated Scoping Research Review
  - Greater emphasis on function versus form in scoring rubric
  - Clarity of language
  - Greater utilization within non SISEP Active States
  - Utilization in agencies across other disciplines

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# State Capacity Assessment Development

- Based on 12 years of implementation capacity development work with SEAs (Usability Studies). **Version 26.2!**

- Updated Scoping Research Review in Spring 2019:
  - Arskey & O'Malley (2005) methodology used
  - Research question: What are the key constructs for implementation capacity? (Need generalized AND innovation-specific)
  - Timespan: Last 10 years; Limited to peer review literature
  - Phase 1: 50 articles identified
  - Phase 2: 25 articles included; 16 articles excluded; 6 articles marked as questionable

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# State Capacity Assessment Development

- Scoping Research Review Coding Results of Constructs:
  - 87% Inter-rater Reliability

- See Table of Constructs Mapping

State Capacity Assessment Constructs Map

| Construct from Scoping Research Review | Key Themes from Scoping Research Review | SCA Item Numbers | DOE 4 Domains of Capacity |
|---|---|---|---|
| *Organizational Culture* | | | |
| | Openness to trialing new innovations | #22 | Policy Capacity/Human Capacity/Organizational Capacity |
| | Culture of learning | #22 | Policy Capacity/Human Capacity/Organizational Capacity |
| | Culture of innovation | #22 | Policy Capacity/Human Capacity/Organizational Capacity |
| | Fosters Collegial Trust | #23 | Human Capacity |
| | Organizational values | #22 | Organizational Capacity |
| | Use of stage-based approach | #24 | Organizational Capacity/Policy Capacity |
| | Written rules governing action | #7, #20 | Policy Capacity |
| *Leadership* | | | |
| | Commitment | #2 | Organizational Capacity |

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# State Capacity Assessment Scales

| *Scale* | **Description** |
|---|---|
| **Leadership**<br><br>**Items: 1, 3, 4, 9, 11, 13, 19, 21, 22** | Assesses leadership and coordination functions that champion change and on-going improvement across the system, including external stakeholders. These nine items address advocacy, accountability, and shared decision-making while creating a culture of ongoing learning and improvement. |
| **Infrastructure & Resources**<br><br>**Items: 2, 6, 7, 10, 12, 17** | Refers to leadership's commitment to development of an infrastructure that supports effective and sustained implementation of innovations. This includes attention to policies and procedures and allocation of resources to support continuous improvement. |
| **Communication & Engagement**<br><br>**Items: 5, 8, 14, 15, 16, 18, 20, 23, 24** | Nine items examine leadership's communication with and support of collaborative partnerships with stakeholders, including their regional and local agencies. This includes a focus on establishing collegial trust and shared understanding of key initiatives both internally within the agency as well as with external stakeholders. |

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ABOUT US | NEWS | PROJECTS | PUBLICATIONS & RESOURCES | AI HUB

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# Active Implementation Hub

Modules | Lessons & Short Courses | Resource Library

The Active Implementation Hub is a free, online learning environment for use by any stakeholder — practitioners, educators, coaches, trainers, purveyors — involved in active implementation and scaling up of programs and innovations. The site goal is to increase the knowledge and improve the performance of persons engaged in actively implementing any program or practice.

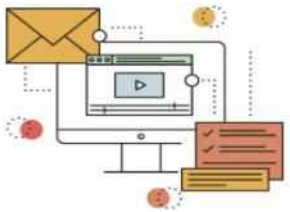
While AI Modules and Lessons offer activities well-suited for many human service fields, the site currently focuses on active implementation and scaling up in the field of Education. Most e-learning content is appropriate for implementation teams, implementation specialists, administrators and technical assistance/professional development providers at any level in a system (e.g., district, region, state, national).

https://nirn.fpg.unc.edu/ai-hub

## Online Learning Includes:

### Modules

Check out internet based training on active implementation, including content, activities and assessments, designed to be self-paced or blended with in pre-service or in-service training.



### Lessons & Short Courses

AI Hub Lessons and Short Courses will get you and your team started using implementation tools and practices, so that you can build implementation skills and capacity. These resources can be used for self-paced learning or professional development in a team setting.

### Resource Library

Find just-in-time active implementation resources and tools (e.g., planning tools, handouts and video clips)

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The mission of the National Implementation Research Network (NIRN) is to contribute to the best practices and science of implementation, organization change, and system reinvention to improve outcomes across the spectrum of human services.

AMERICAN OVERSIGHT

**From:** Angie Balsley
**Sent:** Fri, 13 Mar 2020 09:19:38 -0400
**To:** VanderPloeg, Laurie;pwolfram@casecec.org
**Cc:** Holsapple, Nancy J;Pam Bell;Andrew Manna
**Subject:** Standard for responding to making up services

Hi Laurie & Phyllis,

Thank you for hosting the zoom meeting this morning. I look forward to it. Ahead of that meeting, I wanted to share something I've been discussing with our attorney, Andrew Manna.

One of the biggest issues facing school districts regarding special education during this unprecedented time in our country will be **making up missed services**. I'm concerned about:

1) The logistics of holding that many individual case conferences. When we're able to get teachers and kids back in buildings, I want them TEACHING kids, not holding dozens of meetings

2) The legal liability on schools when making decisions about comp ed. (Who gets it, when can it be provided, who will provide it, how will we pay for it)

I understand the individualized nature of what we do for children within our normal operations. However, our current situation is not "normal operations"

I propose that OSEP consider a bright line waiver with some sort of standard way of approaching making up services. Maybe 1/4 of the services??? Something like that could be more manageable than all of those case conferences and would also give a standard way of responding, thus reducing the legal liability on schools.

I look forward to working collaboratively to create and support guidance around issues in our field, such as this.

Thank you for your consideration,

Angie

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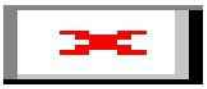
--

Dr. Angela L. Balsley
Executive Director
Earlywood Educational Services
500 Earlywood Dr. Franklin, IN 46131
317-736-8495 (office)
(b)(6) (cell)
**Indiana Council of Administrators of Special Education**, President-Elect



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**From:** Levorse, Audrey
**Sent:** Mon, 20 Apr 2020 11:17:06 +0000
**To:** Levorse, Audrey;Schultz, Mark;VanderPloeg, Laurie
**Subject:** Timeline Extensions Discussion

Skype info added.

.....

## Join Skype Meeting

Trouble Joining? Try Skype Web App

### Join by phone

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Find a local number

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Forgot your dial-in PIN? | Help

{{OC{{1033}}}}

.....

AMERICAN OVERSIGHT

**From:** Levorse, Audrey
**Sent:** Mon, 20 Apr 2020 11:14:47 +0000
**To:** Levorse, Audrey;Pagano, Lisa;Duos, Laura;VanderPloeg, Laurie
**Cc:** Walawender, Rebecca
**Subject:** Timelines & Placement Discussion

Laurie and I would like your input on a couple questions.

.....

## Join Skype Meeting

Trouble Joining? Try Skype Web App

### Join by phone

Toll number: (b)(6) )ial-in Number) English (United States)

Find a local number

Conference ID: (b)(6)

Forgot your dial-in PIN? | Help

[!OC[[1033]]!]

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**From:** VanderPloeg, Laurie
**Sent:** Sun, 5 Apr 2020 13:04:43 +0000
**To:** Schultz, Mark;Levorse, Audrey
**Subject:** Topic Brief Fiscal
**Attachments:** osepmemo1510leamoeqa.pdf, Topic Brief- IDEA Part B Fiscal Flexibility-4-2-20 Post OGC (003).dotx

I have read the Topic Brief, OSEP Memo and pages 40-43 of the waiver packet on MOE and Excess Costs. I support moving the Topic Brief forward.

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

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UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

Date: July 27, 2015

Contact Person: Gregg Corr
Telephone: 202-245-7309

OSEP MEMO 15-10

**MEMORANDUM**

TO: Chief State School Officers
State Directors of Special Education

FROM: Melody Musgrove, Ed.D.
Director
Office of Special Education Programs (OSEP)

SUBJECT: Issuance of Guidance on the Final Local Educational Agency (LEA) Maintenance of Effort (MOE) Regulations under Part B of the Individuals with Disabilities Education Act (IDEA)

The purpose of this Memorandum is to provide a question and answer (Q&A) document on the final LEA MOE regulations that were published in the Federal Register on April 28, 2015.[1] These regulations became effective on July 1, 2015. OSEP encourages State educational agencies (SEAs) and LEAs to review carefully the final regulations and the attached guidance and work collaboratively to ensure that the regulations are implemented correctly. The major changes in the final regulations include: (1) Clarification of the eligibility standard; (2) Clarification of the compliance standard; (3) Explanation of the Subsequent Years rule; and (4) Specification of the consequences for an LEA's failure to maintain effort.

The attached Q&A document explains the above terms, describes the actions that SEAs and LEAs must take to meet the MOE compliance standard and the eligibility standard, answers frequently asked questions about LEA MOE, and shares examples to facilitate and enhance SEAs' and LEAs' understanding of LEA MOE.

OSEP intends to issue a second Q&A document on LEA MOE to address issues that were not affected by the change to the regulations. The topics to be addressed will include the allowable exceptions and adjustment to the LEA MOE requirement, and the interaction between the LEA MOE adjustment and the voluntary use of funds for coordinated early intervening services.

This Memorandum and the attached questions and answers are available at https://osep.grads360.org/#program and http://www2.ed.gov/about/offices/list/osers/osep/policy.html.

We hope that you find this information helpful. If you or members of your staff have questions, please contact Gregg Corr or your State Contact in OSEP's Monitoring and State Improvement Planning Division.

Thank you for your continued commitment to improving results for children and youth with disabilities and to ensuring that the rights of children and their parents are protected.

Attachment

[1] 80 Fed. Reg. 23644 (Apr. 28, 2015).

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# IDEA PART B SUPPLEMENTAL REGULATIONS

# LOCAL EDUCATIONAL AGENCY (LEA) MAINTENANCE OF EFFORT (MOE)

## ISSUED APRIL 28, 2015 AND EFFECTIVE JULY 1, 2015

## NON-REGULATORY GUIDANCE

July 2015

Office of Special Education Programs
Office of Special Education and Rehabilitative Services
U.S. Department of Education

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## INTRODUCTION

The Office of Special Education and Rehabilitative Services (OSERS) issues this document to provide State educational agencies (SEAs), local educational agencies (LEAs), parents, advocacy organizations, and other interested parties with information regarding the LEA maintenance of effort (MOE) requirement in Part B of the IDEA.[1]

The LEA MOE requirement was first added to the IDEA in the 1997 amendments and the 1999 implementing regulations. The purpose of the requirement is to ensure that LEAs provide the financial support necessary to make a free appropriate public education (FAPE) available to eligible children with disabilities. The Department identified a need for revisions to the LEA MOE requirement based upon fiscal monitoring, audits and questions from States and others.

On April 28, 2015, the U.S. Department of Education (Department) published final regulations on LEA MOE.[2] These regulations were effective on July 1, 2015. The Subsequent Years rule for Fiscal Years[3] (FYs) 2014 and 2015, stated in final § 300.203(c)(1), reiterates the relevant provisions of the 2014 Appropriations Act and the 2015 Appropriations Act, respectively. As explained in the Effective Date section of the Analysis of Comments and Changes in the final rule, the 2014 and 2015 Appropriations Acts made the Subsequent Years rule applicable for Individuals with Disabilities Education Act (IDEA) Part B grants awarded on July 1, 2014, and July 1, 2015, respectively.

To provide additional clarity and act as a supplement to the revised regulations, we are issuing a two-part document in a question-and-answer format to provide guidance to the field in this complex area. Part I, as appears below, addresses the major changes in the revised regulations.

The major changes in the revised regulations include:

- Clarification of the eligibility standard;
- Clarification of the compliance standard;
- Explanation of the Subsequent Years rule; and
- Specification of the consequences for an LEA's failure to maintain effort.

Each of these areas is discussed in more detail in this document.

Part II, to be released separately, will address related issues not addressed in changes to the regulations. These issues include the allowable exceptions, adjustment, and the interaction

[1] The Department published final regulations for IDEA Part B in the Federal Register on August 14, 2006, and they became effective on October 13, 2006. Supplemental IDEA Part B regulations were published on December 1, 2008, and on February 13, 2013, and became effective on December 31, 2008, and March 18, 2013, respectively.

[2] 80 Fed. Reg. 23644 (Apr. 28, 2015).

[3] The LEA MOE requirement in section 613(a) of the IDEA does not clearly specify the time period delineated by the term "fiscal year." As such, LEAs may meet the LEA MOE requirement using their own State fiscal years (SFYs), which often cover a different range of time than do Federal fiscal years (FFYs). For clarity, references to a particular year in this document refer to the fiscal year covering that school year, unless otherwise noted.



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between the LEA MOE adjustment and the voluntary use of funds for Coordinated Early Intervening Services.

This guidance does not impose any requirements beyond those required under applicable law and regulations. The responses presented in this document generally are informal guidance representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented and are not legally binding. This document is not intended to be a replacement for careful study of the IDEA and its implementing regulations.

If you are interested in commenting on this guidance, please e–mail your comments to OSERSguidancecomments@ed.gov and include LEA MOE in the subject of your e–mail or write us at the following address:

Gregg Corr
U.S. Department of Education
Potomac Center Plaza
550 12th Street, S.W., room 4144
Washington, DC 20202



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## A. GENERAL RULE

**Authority:** §300.203[4]

Question A-1: What is LEA MOE?

Answer: Generally, an LEA may not reduce the amount of local, or State and local, funds that it spends for the education of children with disabilities below the amount it spent for the preceding fiscal year.[5] There are two components to the LEA MOE requirement – the eligibility standard (§300.203(a)) and the compliance standard (§300.203(b)).

Question A-2: What is the eligibility standard?

Answer: The eligibility standard in §300.203(a) requires that, in order to find an LEA eligible for an IDEA Part B subgrant for the upcoming fiscal year, the SEA must determine that the LEA has budgeted for the education of children with disabilities at least the same amount of local, or State and local, funds, as it actually spent for the education of children with disabilities during the most recent fiscal year for which information is available.

The eligibility standard is discussed in more detail in Section B of this document.

Question A-3: What is the compliance standard?

Answer: The compliance standard in §300.203(b) prohibits an LEA from reducing the level of expenditures for the education of children with disabilities made by the LEA from local, or State and local, funds below the level of those expenditures from the same source for the preceding fiscal year. In other words, an LEA must maintain (or increase) the amount of local, or State and local, funds it spends for the education of children with disabilities when compared to the preceding fiscal year.

The compliance standard is discussed in more detail in Section C of this document.

Question A-4: What are the four methods an LEA may use to meet the eligibility and compliance standards?

Answer: An LEA may use the following four methods to meet both the eligibility and compliance standards:
(i) Local funds only;
(ii) The combination of State and local funds;
(iii) Local funds only on a per capita basis; or
(iv) The combination of State and local funds on a per capita basis.

[4] All regulatory citations in this document refer to the IDEA Part B regulations in 34 CFR part 300, unless otherwise noted.



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Question A-5: What does "per capita" mean in the context of the LEA MOE regulations?

Answer: Per capita, in the context of the LEA MOE regulations, refers to the total amount of local, or State and local, funds either budgeted or expended by an LEA for the education of children with disabilities, divided by the number of children with disabilities served by the LEA.

Question A-6: What is the "comparison year"?

Answer: The "comparison year" refers to the fiscal year that an LEA uses to determine the amount of local, or State and local, funds it must budget or spend, in order to meet both the LEA MOE eligibility and compliance standards. The comparison year differs for each standard, and may be affected by the Subsequent Years rule. The comparison year is discussed more fully in B-2 and C-3.

Question A-7: What is the Subsequent Years rule?

Answer: The Subsequent Years rule prescribes the level of effort an LEA must meet in the year after the LEA fails to maintain effort. The Department first set out the Subsequent Years rule on April 4, 2012 in a letter to Ms. Kathleen Boundy, available at http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep-04-04-2012.pdf. At that time, the Department clarified that the level of effort that an LEA must meet in the year after it fails to maintain effort is the level of effort that would have been required in the absence of that failure and not the LEA's actual reduced level of expenditures in the fiscal year in which it failed to meet the compliance standard. Therefore, the Department's expectation is that SEAs and LEAs have been complying with this interpretation since FY 2012-2013. Since that time, Congress included the Subsequent Years rule in the 2014 Appropriations Act[6] and the 2015 Appropriations Act. [7]

Example: For FY 2014-2015, an LEA must have maintained at least the same level of expenditures as it did in the preceding fiscal year, FY 2013-2014, unless it did not meet the compliance standard in that year. If it did not meet the compliance standard in FY 2013-2014, the LEA must determine what it should have spent in FY 2013-2014, which is the amount that it actually spent in the preceding fiscal year, FY 2012-2013.

For further examples illustrating the Subsequent Years rule, see Tables B and D in this guidance and Tables 1–4 and 8 in Appendix E of the final regulations.

[6] Pub. L. No. 113-76, 128 Stat. 5, 394 (2014).

[7] Pub. L. No. 113-235, 128 Stat. 2130, 2499 (2014).



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Question A-8: May an LEA meet the compliance and/or eligibility standards using local funds only if it spent zero local dollars in the comparison year?

Answer: An LEA, including an LEA that has not spent any local funds for the education of children with disabilities since the MOE requirement was enacted in 1997, may use any of the four methods to meet the compliance and eligibility standards. Therefore, an LEA that has spent $0 in local funds for the education of children with disabilities may meet the compliance and eligibility standards by continuing to budget and spend $0 in local funds for the education of children with disabilities. However, the Department believes that there are very few instances where LEAs have expended $0 in local funds for the education of children with disabilities, and reminds LEAs that they must continue to make FAPE available to all eligible children with disabilities. In addition, when demonstrating that they meet the compliance and eligibility standards using any of the four methods, LEAs must be able to provide auditable data regarding their expenditures from the relevant sources in all relevant years. Simply because an LEA does not account for local funds separately from State funds does not mean that the LEA expends $0 in local funds for the education of children with disabilities.

Question A-9: May LEAs use their local, or State and local, funds to meet both the LEA MOE requirement and a matching or MOE requirement for a separate Federal program (e.g., Medicaid or Vocational Rehabilitation)?

Answer: Yes. In fact, LEAs must include the amount of local only, or State and local, funds spent for the education of children with disabilities when calculating the level of effort required to meet the eligibility and compliance standards, even if those local only, or State and local, funds are also used to meet a matching requirement in another Federal program. The IDEA does not impose a matching requirement. In other words, an LEA that expends local, or State and local, funds for the education of children with disabilities must include those funds in its LEA MOE calculations regardless of whether it uses those same funds to comply with a matching or other MOE requirement (of course, an LEA that uses the local funds only method to meet the LEA MOE requirement need not include State funds in its LEA MOE calculations).

Example: An LEA expended $4,000 in local funds for the education of children with disabilities in FY 2013–2014. It properly used these funds to meet a matching or MOE requirement for Medicaid. The LEA must include the $4,000 in local funds in its LEA MOE calculation for FY 2013–2014 even though it uses those same funds to meet a matching requirement for Medicaid.



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## B. ELIGIBILITY STANDARD

**Authority:** §300.203(a)

Question B-1: What is the eligibility standard?

Answer: The eligibility standard describes the MOE requirement that an LEA must meet as a condition of receiving an IDEA Part B subgrant. When reviewing an LEA's application for an IDEA Part B subgrant, the SEA must determine that the LEA budgets, for the education of children with disabilities, at least the same amount as the LEA spent for that purpose from the same source in the most recent fiscal year for which information is available, subject to the Subsequent Years rule.

As indicated in A-4, an LEA may meet the eligibility standard using any one of the following methods:

(i) Local funds only;

(ii) The combination of State and local funds;

(iii) Local funds only on a per capita basis; or

(iv) The combination of State and local funds on a per capita basis.

The following table illustrates how the different methods work in practice:

**Table A. Example of How an LEA May Meet the Eligibility Standard in 2016-2017 Using Different Methods (same table as Table 7 in Appendix E of the final regulations)**

| Fiscal Year | Local funds only | Combination of State and local funds | Local funds only on a per capita basis | Combination of State and local funds on a per capita basis | Child Count | Notes |
|---|---|---|---|---|---|---|
| 2014–2015 | $500* | $1,000* | $50* | $100* | 10 | *The LEA met the compliance standard using all 4 methods. |
| 2015–2016 | | | | | | Final information not available at time of budgeting for 2016–2017. |
| How much must the LEA budget for 2016–2017 to meet the eligibility standard in 2016–2017? | $500 | $1,000 | $50 | $100 | | When the LEA submits a budget for 2016–2017, the most recent fiscal year for which the LEA has information is 2014–2015. It is not necessary for the LEA to consider information on expenditures for a fiscal year prior to 2014–2015 because the LEA maintained effort in 2014–2015. Therefore, the Subsequent Years rule in §300.203(c) is not applicable. |



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Question B-2: What is the comparison year for the LEA MOE eligibility standard?

Answer: The comparison year for the LEA MOE eligibility standard, regardless of the method used to meet the eligibility standard, is the most recent fiscal year for which information is available. Thus, in the example in Table A, above, the comparison year is FY 2014-2015. However, if the LEA had an MOE failure in FY 2014-2015, the SEA would be required to identify the correct comparison year in order to determine whether the LEA had met the eligibility standard in FY 2016-2017. Utilizing the Subsequent Years rule, the SEA would determine the most recent fiscal year in which the LEA met MOE and for which it has information available. For example, if the LEA met MOE in FY 2013-2014, FY 2013-2014 would be the comparison year for determining whether the LEA met the eligibility standard in FY 2016-2017.

Question B-3: What is the "most recent fiscal year for which information is available"?

Answer: The "most recent fiscal year for which information is available" is the most recent fiscal year for which an LEA has final data on the amount the LEA spent in local, or State and local, funds for the education of children with disabilities. Generally, an LEA applies for an IDEA Part B subgrant in the spring. At the time of the application, the LEA typically is finalizing its budget for the next fiscal year (the "budget year"), and will not have final information on its level of expenditures for the fiscal year immediately preceding the budget year because that fiscal year has not yet ended. Therefore, the most recent fiscal year for which information is available is frequently two fiscal years prior to the budget year.

For example, in Table B below, in June 2017 an SEA reviews an LEA's application for an IDEA Part B subgrant for FFY 2017 Part B funds, available on July 1, 2017, which means that the SEA reviews the amount the LEA has budgeted for FY 2017-2018. The most recent fiscal year for which information could be available is FY 2015-2016. This is because FY 2016-2017 has not yet concluded and, therefore, final expenditure data are not yet available for that year.

In the example in Table B below, if the LEA failed to maintain effort in FY 2015-2016, the SEA would examine the most recent fiscal year for which information is available, which would likely be FY 2014-2015. Assuming the LEA maintained effort in FY 2014-2015, the SEA would compare the amount budgeted for the education of children with disabilities for FY 2017-2018 to the amount actually expended for that purpose from the same source in FY 2014-2015. This is reflected in Table B, below.



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**Table B. Example of How an LEA May Meet the Eligibility Standard in 2017-2018 Using Different Methods and the Application of the Subsequent Years Rule (Same table as Table 8 in Appendix E of the final regulations)**

| Fiscal Year | Local funds only | Combination of State and local funds | Local funds only on a per capita basis | Combination of State and local funds on a per capita basis | Child Count | Notes |
|---|---|---|---|---|---|---|
| 2014–2015 | $500* | $1,000* | $50* | $100* | 10 | |
| 2015–2016 | $450 | $1,000* | $45 | $100* | 10 | |
| 2016–2017 | | | | | | Final information not available at time of budgeting for 2017-2018. |
| How much must the LEA budget for 2017–2018 to meet the eligibility standard in 2017–2018? | $500 | $1,000 | $50 | $100 | | If the LEA seeks to use a combination of State and local funds, or a combination of State and local funds on a per capita basis, to meet the eligibility standard, the LEA does not consider information on expenditures for a fiscal year prior to 2015–2016 because the LEA maintained effort in 2015–2016 using those methods. However, if the LEA seeks to use local funds only, or local funds only on a per capita basis, to meet the eligibility standard, the LEA must use information on expenditures for a fiscal year prior to 2015–2016 because the LEA did not maintain effort in 2015–2016 using either of those methods, per the Subsequent Years rule. That is, the LEA must determine what it should have spent in 2015–2016 using either of those methods, and that is the amount that the LEA must budget in 2017–2018. |

*LEA met MOE using this method.



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Question B-4: What process should an SEA use to determine an LEA's eligibility for a Part B subgrant?

Answer: For the eligibility standard, an SEA has discretion to determine the type and amount of information it requires an LEA to submit in order to determine whether the LEA has met the eligibility standard, as long as the SEA has sufficient information to determine on an annual basis that the LEA budgets, for the education of children with disabilities, at least the same amount, from at least one of the following sources, as the LEA spent for that purpose from the same source for the most recent fiscal year for which information is available (subject to the Subsequent Years rule): (i) local funds only; (ii) the combination of State and local funds; (iii) local funds only on a per capita basis; or (iv) the combination of State and local funds on a per capita basis.

It is not necessary for the SEA to review a detailed budget, so long as the SEA has sufficient information to determine if the LEA meets the eligibility standard. For example, these regulations do not require LEAs to submit budgets broken down by object codes or line items. However, the Department would expect an LEA to submit information on the amount of funds budgeted for the education of children with disabilities and any additional information an SEA would need to determine eligibility (for example, an explanation of any applicable exceptions or adjustment, the relevant numbers of children with disabilities if the LEA seeks to establish eligibility on a per capita basis, etc.)

Question B–5: May an LEA change the method it uses to establish eligibility from one year to the next?

Answer: Yes. An LEA may change methods to establish eligibility from one year to the next, as long as the LEA uses the same method for calculating the amount it spent in the comparison year and the amount it must budget in the year for which it is establishing eligibility. For example, an LEA met the MOE eligibility standard using local funds only in FY 2015-2016. That LEA wishes to meet the MOE eligibility standard using a combination of State and local funds in FY 2016-2017. In order to do so, the LEA calculates the amount it expended for the education of children with disabilities using a combination of State and local funds in the most recent fiscal year in which the LEA met MOE using that method and for which information is available. As a practical matter, many LEAs will meet the eligibility standard for a fiscal year using more than one method.

Question B-6: May an LEA use a different method to establish eligibility than it used in the comparison year to meet the compliance standard?

Answer: Yes. When establishing eligibility, an LEA is not required to use the same method it used to meet the compliance standard in the most recent fiscal year for which information is available. When an LEA is budgeting for the education of children with disabilities, the LEA selects a method by which it



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intends to meet the eligibility standard. If the LEA met the compliance standard using the same method in the most recent fiscal year for which information is available, the LEA must budget at least that amount (after taking into consideration the exceptions and adjustment in §§300.204 and 300.205, as permitted by §300.203(a)(2)) in order to meet the eligibility standard.

Pursuant to the Subsequent Years rule in §300.203(c), if the LEA did not meet the compliance standard using that method in the most recent fiscal year for which information is available, the LEA determines the amount that the LEA should have spent for the education of children with disabilities using that same method in the most recent fiscal year for which information is available. In that case, the LEA must budget at least that amount (after taking into consideration the exceptions and adjustment in §§300.204 and 300.205, as permitted by §300.203(a)(2)) in order to meet the eligibility standard.

For example, an LEA seeks to use a combination of State and local funds on a per capita basis to meet the eligibility standard in FY 2016-2017. The LEA determines the amount it expended for the education of children with disabilities using that same method in the most recent fiscal year for which information is available, which, in this case, is FY 2014-2015. The LEA determines that it met the compliance standard using the same method in FY 2014-2015. Therefore, after taking into account the exceptions and adjustment in §§300.204 and 300.205, the LEA determines that, in order to meet the eligibility standard in FY 2016-2017 using a combination of State and local funds on a per capita basis, it must budget for FY 2016-2017 at least the same amount it spent in FY 2014-2015 using the same method.

Question B-7: How does an LEA establish eligibility if it did not receive an IDEA Part B subgrant in "the most recent fiscal year for which information is available"?

Answer: In such a case, the LEA uses the comparison year in §300.203(a)(1), which is "the most recent fiscal year for which information is available," even if the LEA did not receive an IDEA Part B subgrant in that year. For example, an LEA received an IDEA Part B subgrant in 2013-2014, but did not receive one in 2015-2016. When seeking to establish eligibility for a subgrant in FY 2017-2018, the LEA determines that the most recent fiscal year for which information is available is FY 2015-2016. The LEA must budget for FY 2017-2018 at least the same amount that it expended in local only, or State and local, funds, for the education of children with disabilities in FY 2015-2016.



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Question B-8: Is an LEA required to provide budget amendments to the SEA if its expenditures change during a fiscal year, after the SEA determines that the LEA is eligible for a Part B subgrant for that fiscal year?

Answer: No. Once an SEA has determined an LEA's eligibility, the LEA does not need to provide amendments that reflect changes in expenditures in order to remain eligible for that year.

Question B-9: What happens if an LEA does not meet the eligibility standard?

Answer: If an SEA determines that an LEA does not meet the MOE eligibility standard using any of the four eligibility methods in §300.203(a), the SEA must provide the LEA with reasonable notice that the SEA has determined the LEA not eligible for an IDEA Part B subgrant and provide the LEA an opportunity for a hearing, pursuant to §300.221. If the SEA determines that the LEA is not eligible to receive a Part B subgrant for that fiscal year, the SEA retains the Part B subgrant that the LEA would have received, and the SEA is required to provide special education and related services directly to children with disabilities residing in the area served by that LEA pursuant to §300.227.



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## C. COMPLIANCE STANDARD

**Authority:** §300.203(b)

Question C-1: What is the compliance standard?

Answer: The compliance standard is an expenditure test to determine whether an LEA, in fact, met the requirement to maintain effort in a particular fiscal year. The compliance standard prohibits LEAs from reducing the level of expenditures from local, or State and local, funds for the education of children with disabilities below the level of those expenditures made by the LEA for that purpose from the same source for the preceding fiscal year, except as provided in §§300.204 and 300.205. In other words, an LEA must maintain (or increase) the amount of local, or State and local funds, it spends for the education of children with disabilities when compared to the preceding fiscal year, except as provided in §§300.204 and 300.205.

Question C-2: What are the four methods by which an LEA may meet the compliance standard?

Answer: As indicated in A-4, an LEA may meet the compliance standard using any one of the following methods:

(i) Local funds only;

(ii) The combination of State and local funds;

(iii) Local funds only on a per capita basis; or

(iv) The combination of State and local funds on a per capita basis.

The table below provides an example of how an LEA meets or does not meet the LEA MOE compliance standard using alternate methods from year to year without using the exceptions or adjustment in §§ 300.204 and 300.205.

**Table C. Example of How an LEA May Meet the Compliance Standard Using Alternate Methods from Year to Year (this table is Table 5 in Appendix E of the final regulations)**

| Fiscal Year | Local funds only | Combination of State and local funds | Local funds only on a per capita basis | Combination of State and local funds on a per capita basis | Child Count |
|---|---|---|---|---|---|
| 2015–2016 | $500* | $950* | $50* | $95* | 10 |
| 2016–2017 | $400 | $950* | $40 | $95* | 10 |
| 2017–2018 | $500* | $900 | $50* | $90 | 10 |

*LEA met compliance standard using this method.



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Question C-3: What is the comparison year for the LEA MOE compliance standard?

Answer: The comparison year for the compliance standard is "the preceding fiscal year." However, due to the Subsequent Years rule in §300.203(c), the Department is, in effect, defining "the preceding fiscal year" to mean the last fiscal year in which the LEA met MOE, regardless of whether the LEA is seeking to establish compliance based on local funds only, or based on State and local funds.

The Subsequent Years rule does not prevent an LEA from using any of the four methods to meet the compliance standard in §300.203(b). However, an LEA that wishes to meet the compliance standard in a fiscal year using one particular method must be able to identify the amount of funds that the LEA expended in the most recent fiscal year in which the LEA met the compliance standard using that same method.

The table below illustrates how to calculate the required level of effort when an LEA fails to meet MOE in the preceding fiscal year.

**Table D. Example of Level of Effort Required to Meet MOE Compliance Standard in Year Following Year in Which LEA Did Not Meet MOE Compliance Standard (this table is Table 4 in Appendix E of the final regulations)**

| Fiscal Year | Actual level of effort | Required level of effort | Notes |
|---|---|---|---|
| 2012–2013 | $100 | $100 | LEA met MOE. |
| 2013–2014 | $90 | $100 | LEA did not meet MOE. |
| 2014–2015 | $90 | $100 | LEA did not meet MOE. Required level of effort is $100 despite LEA's failure in 2013–2014. |
| 2015–2016 | $110 | $100 | LEA met MOE. |
| 2016–2017 | $100 | $110 | LEA did not meet MOE. Required level of effort is $110 because LEA expended $110, and met MOE, in 2015–2016. |
| 2017–2018 | | $110 | Required level of effort is $110, despite LEA's failure in 2016–2017. |

Question C-4: May an LEA switch methods from year to year to meet the compliance standard?

Answer: Yes. LEAs may change methods to establish compliance from one year to the next as long as the LEA is using the same method for comparing the expenditures in the comparison year to the expenditures in the year for which it is establishing compliance, and the LEA is able to provide auditable data to document that it met the compliance standard using that method in the comparison year.

For example, an LEA met the compliance standard in FY 2017-2018 using a combination of State and local funds, and using a combination of State



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and local funds on a per capita basis. However, during a compliance review for FY 2017-2018, the LEA provided data to the SEA demonstrating only that it met the compliance standard for FY 2017-2018 using a combination of State and local funds on a per capita basis. This data would be sufficient for the SEA to find that the LEA met the compliance standard. Subsequently, the State conducts a compliance review to determine if the LEA met the compliance standard in the next year, FY 2018-2019. The LEA provides information to the State that demonstrates that it met the compliance standard in FY 2018-2019 using a combination of State and local funds. In order to demonstrate that it met the compliance standard using that method, the LEA provides to the State the amount of State and local funds that the LEA spent for the education of children with disabilities in FY 2017-2018 and in FY 2018-2019 so that the State is comparing each year's expenditures using the same method.

The following table demonstrates how an LEA may meet the compliance standard using alternate methods from year to year in years that the LEA used the exceptions or adjustment in §§ 300.204 and 300.205.



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| Table E. Example of How an LEA May Meet the Compliance Standard Using Alternate Methods from Year to Year and Using Exceptions or Adjustment under §§300.204 and 300.205 (this table is Table 6 in Appendix E of the final regulations) | | | | | |
|---|---|---|---|---|---|
| **Fiscal Year** | **Local funds only** | **Combination of State and local funds** | **Local funds only on a per capita basis** | **Combination of State and local funds on a per capita basis** | **Child Count** |
| 2015– 2016 | $500* | $950* | $50* | $95* | 10 |
| 2016– 2017 | $400 | $950* | $40 | $95* | 10 |
| 2017–2018 | $450*<br>In 2017-2018, the LEA was required to spend at least the same amount in local funds only that it spent in the preceding fiscal year, subject to the Subsequent Years rule. Therefore, prior to taking any exceptions or adjustment in §§300.204 and 300.205, the LEA was required to spend at least $500 in local funds only.<br>In 2017-2018, the LEA properly reduced its expenditures, per an exception in §300.204, by $50, and therefore, was required to spend at least $450 in local funds only ($500 from 2015-2016 per Subsequent Years rule – $50 allowable reduction per an exception under §300.204). | $1,000* | $45*<br>In 2017-2018, the LEA was required to spend at least the same amount in local funds only on a per capita basis that it spent in the preceding fiscal year, subject to the Subsequent Years rule. Therefore, prior to taking any exceptions or adjustment in §§300.204 and 300.205, the LEA was required to spend at least $50 in local funds only on a per capita basis.<br>In 2017-2018, the LEA properly reduced its aggregate expenditures, per an exception in §300.204, by $50.<br>$50/10 children with disabilities in the comparison year (2015-2016) = $5 per capita allowable reduction per an exception under §300.204.<br>$50 local funds only on a per capita basis (from 2015-2016 per Subsequent Years rule) – $5 allowable reduction per an exception under §300.204 = $45 local funds only on a per capita basis to meet MOE. | $100* | 10 |

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| Table E. Example of How an LEA May Meet the Compliance Standard Using Alternate Methods from Year to Year and Using Exceptions or Adjustment under §§300.204 and 300.205 (this table is Table 6 in Appendix E of the final regulations) | | | | | |
|---|---|---|---|---|---|
| **Fiscal Year** | **Local funds only** | **Combination of State and local funds** | **Local funds only on a per capita basis** | **Combination of State and local funds on a per capita basis** | **Child Count** |
| 2018–2019 | $405<br>In 2018-2019, the LEA was required to spend at least the same amount in local funds only that it spent in the preceding fiscal year, subject to the Subsequent Years rule. Therefore, prior to taking any exceptions or adjustment in §§300.204 and 300.205, the LEA was required to spend at least $450 in local funds only.<br>In 2018-2019, the LEA properly reduced its expenditures, per an exception in §300.204 by $10 and the adjustment in §300.205 by $10.<br>Therefore, the LEA was required to spend at least $430 in local funds only. ($450 from 2017-2018 – $20 allowable reduction per an exception and the adjustment under §§300.204 and 300.205). | $1,000*<br>Because the LEA did not reduce its expenditures from the comparison year (2017-2018) using a combination of State and local funds, the LEA met MOE. | $45*<br>In 2018-2019, the LEA was required to spend at least the same amount in local funds only on a per capita basis that it spent in the preceding fiscal year, subject to the Subsequent Years rule. Therefore, prior to taking any exceptions or adjustment in §§300.204 and 300.205, the LEA was required to spend at least $45 in local funds only on a per capita basis.<br>In 2018-2019, the LEA properly reduced its aggregate expenditures, per an exception in §300.204 by $10 and the adjustment in §300.205 by $10.<br>$20/10 children with disabilities in the comparison year (2017-2018) = $2 per capita allowable reduction per an exception and the adjustment under §§300.204 and 300.205. $45 local funds only on a per capita basis (from 2017-2018) – $2 allowable reduction per an exception and the adjustment under §§300.204 and 300.205 = $43 local funds only on a per capita basis required to meet MOE. Actual level of effort is $405/9 (the current year child count). | $111.11*<br>Because the LEA did not reduce its expenditures from the comparison year (2017-2018) using a combination of State and local funds on a per capita basis ($1,000/9 = $111.11 and $111.11>$100), the LEA met MOE. | 9 |
| *LEA met MOE using this method. | | | | | |

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NOTE ABOUT TABLE: When calculating any exception(s) and/or adjustment on a per capita basis for the purpose of determining the required level of effort, the LEA must use the child count from the comparison year, and not the child count of the year in which the LEA took the exception(s) and/or adjustment. When determining the actual level of effort on a per capita basis, the LEA must use the child count for the current year. For example, in 2018-2019, the LEA uses a child count of 9, not the child count of 10 in the comparison year, to determine the actual level of effort.

Question C-5: May an LEA use a different method to meet the compliance standard in a fiscal year that it used to meet the eligibility standard for that same year?

Answer: Yes. An LEA is not required to use the same method to meet the compliance standard in a fiscal year that it used to meet the eligibility standard for that same year. For example, if an LEA meets the eligibility standard for FY 2016-2017 using local funds only, it is not required to meet the compliance standard for FY 2016-2017 using local funds only. Likewise, an LEA is not required to use the same method to meet the eligibility standard in a subsequent year that it used to meet the compliance standard in a preceding fiscal year. For example, if an LEA met the compliance standard for FY 2016-2017 using a combination of State and local funds, the LEA is not required to meet the eligibility standard for FY 2017-2018 using a combination of State and local funds.



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## D. EXCEPTIONS AND ADJUSTMENT/FLEXIBILITY

**Authority:** §§300.204 and 300.205

Question D-1: What are the allowable exceptions to the LEA MOE requirement?

Answer: Under §300.204, there are five instances where an LEA may reduce the level of expenditures for the education of children with disabilities made by the LEA below the level of those expenditures for the preceding fiscal year (for the compliance standard), and below the level of those expenditures for the most recent fiscal year for which information is available (for the eligibility standard). They are:

(a) The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel (e.g., special education teachers, speech pathologists, paraprofessionals assigned to work with children with disabilities);

(b) A decrease in the enrollment of children with disabilities;

(c) The termination of the obligation of the agency, consistent with IDEA Part B, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child—

(1) Has left the jurisdiction of the agency;

(2) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or

(3) No longer needs the program of special education;

(d) The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities; and

(e) The assumption of cost by the high cost fund operated by the SEA under §300.704(c).

Question D-2: May an LEA apply the exceptions in §300.204 and the adjustment in §300.205 to meet both the eligibility and compliance standards?

Answer: Yes. An LEA may apply the exceptions in §300.204 and the adjustment in §300.205 to meet both the eligibility and compliance standards. When determining the amount of funds that an LEA must budget to meet the eligibility standard, the LEA may take into consideration, to the extent the information is available, the exceptions and adjustment that the LEA: (i) took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which the LEA is budgeting; and (ii) reasonably expects to take in the fiscal year for which the LEA is budgeting.



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Question D-3: May an LEA reduce its required level of effort by taking more than one exception in the same fiscal year?

Answer: Yes, an LEA may reduce its required level of expenditures for the education of children with disabilities by taking more than one exception in the same fiscal year. For example, an LEA may reduce its level of expenditures for the education of children with disabilities because of the voluntary departure of a special education teacher, and further reduce its level of effort for the same fiscal year because of the termination of the LEA's obligation to provide a program of special education to a particular child with a disability that is an exceptionally costly program because the child leaves the jurisdiction of the LEA. LEAs must maintain documentation to demonstrate the LEA properly took the exceptions.

Question D-4: How does taking the exceptions in §300.204 and/or the adjustment in §300.205 affect the required amount of expenditures that an LEA must make in a subsequent year?

Answer: If an LEA properly takes the exceptions or the adjustment to reduce the level of local, or State and local, expenditures otherwise required in a fiscal year, the LEA would be required in subsequent fiscal years to maintain effort at the reduced level – except to the extent that the LEA increases the actual level of expenditures above the required level of expenditures for that fiscal year. In addition, the LEA's actual level of expenditures in a preceding fiscal year, and not the reduced level of expenditures that the LEA could have spent had it taken all of the exceptions and the adjustment permitted by §§300.204 and 300.205, is the level of expenditures required of the LEA in a future fiscal year (which may be affected by the Subsequent Years rule).

The following table illustrates how taking, or not taking, an allowable exception or adjustment, and an increase in actual expenditures, affect the required level of effort in subsequent years.

**Table F. Comparison of Required Levels of Effort for Two Hypothetical LEAs**

| | **Actual FY 2015–2016 Expenditures Using a Combination of State and Local funds** | **Allowable Exception in §300.204 Taken in FY 2016–2017** | **Actual FY 2016–2017 Expenditures Using a Combination of State and Local funds** | **Required Level of Effort Using a Combination of State and Local Funds in FY 2017–2018** |
|---|---|---|---|---|
| LEA #1 | $250,000* | $10,000 | $240,000* | $240,000 |
| LEA #2 | $250,000* | $10,000 | $260,000* | $260,000 |
| * LEA met MOE. | | | | |



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## E. CONSEQUENCES OF LEA MOE FAILURE

**Authority:** §300.203(d); section 452 of the General Education Provisions Act (GEPA) (20 U.S.C. 1234a)

Questions E-1: What are the consequences of an LEA's failure to meet the MOE compliance standard?

Answer: If an LEA fails to meet the MOE compliance standard, the SEA is liable in a recovery action under section 452 of GEPA (20 U.S.C. 1234a) to return to the Department, using non-Federal funds, an amount equal to the amount by which the LEA failed to maintain its level of expenditures in that fiscal year, or the amount of the LEA's IDEA Part B subgrant in that fiscal year, whichever is lower. Table G shows how to determine the amount of a required recovery based on an LEA's failure to meet the MOE compliance standard.

**Table G. Example of How to Calculate the Amount of an LEA's Failure to Meet the Compliance Standard in 2016–2017 and the Amount an SEA Must Return to the Department (This table is Table 10 in Appendix E of the final regulations)**

| Fiscal year | Local funds only | Combination of State and local funds | Local funds only on a per capita basis | Combination of State and local funds on a per capita basis | Child count | Amount of IDEA Part B subgrant |
|---|---|---|---|---|---|---|
| 2015−2016 | *$500 | *$950 | *$50 | *$95 | | Not relevant |
| 2016−2017 | $400 | $750 | $40 | $75 | 10 | $50 |
| Amount by which an LEA failed to maintain its level of expenditures in 2016-2017. | $100 | $200 | $100 (the amount of the failure equals the amount of the per capita shortfall ($10) times the number of children with disabilities in 2016–2017 (10)). | $200 (the amount of the failure equals the amount of the per capita shortfall ($20) times the number of children with disabilities in 2016–2017 (10)). | | |
| The SEA determines that the amount of the LEA's failure is $100 using the calculation method that results in the lowest amount of a failure. The SEA's liability is the lesser of the four calculated shortfalls and the amount of the LEA's Part B subgrant in the fiscal year in which the LEA failed to meet the compliance standard. In this case, the SEA must return $50 to the Department because the LEA's IDEA Part B subgrant was $50, and that is the lower amount. | | | | | | |
| * LEA met MOE using this method. | | | | | | |



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Question E-2: How do the GEPA requirements interact with LEA MOE?

Answer: Under 20 U.S.C. 1234b, a failure to comply with expenditure requirements, including the IDEA's LEA MOE requirement, is a harm to an identifiable Federal interest. If an LEA fails to meet the MOE requirement, the SEA is liable in a recovery action for the amount that is proportionate to the extent of the harm the violation caused to the identifiable Federal interest – that is, the amount by which the LEA failed to maintain its level of expenditures for the education of children with disabilities, or the amount of the LEA's Part B subgrant, whichever is lower. The SEA is responsible for ensuring that LEAs receiving an IDEA Part B subgrant comply with all applicable requirements of that statute and its implementing regulations, including the MOE requirement. If an LEA, in a particular fiscal year, fails to meet the MOE requirement, the Department has authority to take steps to recover the appropriate amount of funds from the SEA. The SEA, in turn, following applicable State procedures, could seek reimbursement from the LEA. See July 26, 2006, letter to Ms. Carol Ann Baglin, available at http://www2.ed.gov/policy/speced/guid/idea/letters/2006-3/baglin072606moe3q2006.pdf.

Question E-3: Why does the SEA have to pay funds when an LEA fails to meet its MOE requirement?

Answer: The SEA (acting on behalf of the State), not the LEA, is the grantee in the IDEA Part B program. As a condition of eligibility for an IDEA Part B grant, States must provide an assurance to the Department that the SEA is responsible for ensuring that, among other things, all requirements of Part B are met. IDEA § 612(a)(11)(A)(i) (20 U.S.C. 1412(a)(11)(A)(i)). SEAs may minimize LEA noncompliance by carefully reviewing the LEA's application for an IDEA Part B subgrant to determine if the LEA meets the eligibility standard, by monitoring for compliance on a regular basis, and by providing technical assistance to LEAs. SEAs that find an LEA is failing to comply with the MOE requirement may take further enforcement action as provided in §300.222.

Question E-4: Have the revised LEA MOE regulations modified the Department's position on the consequences of an LEA's failure to maintain effort?

Answer: No. The revised regulations cite to the recovery of funds provision in GEPA, a bill that was enacted in 1968. We included a provision addressing the consequences of an LEA's failure to maintain effort in the proposed and final regulations not because this is a change in law, but to highlight the importance of the LEA MOE requirement and the significance of the remedies for a failure to comply. In addition, the comments to the proposed LEA MOE regulations indicated that some SEAs and LEAs may not have been aware of the consequence of an LEA's failure to meet the MOE compliance standard.



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Question E-5: How should funds be remitted to the Department?

Answer: If the SEA is remitting $100,000 or more, it should use the FEDWIRE system. The FEDWIRE form and instructions are posted on http://www2.ed.gov/programs/safra/fed-wire-form.pdf. A copy of the form with a cover letter should be sent to the Office of Special Education Programs (OSEP). The cover letter should identify that these funds are being sent to the Department to pay back the Federal government for the failure of an LEA (or LEAs) to meet the MOE requirement under §300.203, are not Federal funds, and are not tied to a particular Federal grant award.

For payments less than $100,000 as a result of an audit or monitoring finding, the SEA should cut a check and send it to a "lock box" in St. Louis, with a copy to OSEP of both the cover letter and the check. The cover letter should identify that these funds are being sent to the Department to pay back the Federal government for the failure of an LEA (or LEAs) to meet the MOE requirement under §300.203, are not Federal funds, and are not tied to a particular Federal grant award. Make the check payable to "Accounts Receivable U.S. Department of Education."

If the repayment is a result of an audit or monitoring finding, the check should be mailed to the following address:

U.S. Department of Education
P.O. Box 979026
St. Louis, MO 63197-9000
ATTN: Accounts Receivable Group/OCFO

If the repayment is made on a voluntary basis, due to the State identifying noncompliance, the check should be mailed to the following address:

U.S. Department of Education
P.O. Box 979053
St. Louis, MO 63197-9000
ATTN: Accounts Receivable Group/OCFO

The letter should advise that the funds be posted to "Miscellaneous Receipts" in the unbilled lock box.



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**From:** VanderPloeg, Laurie
**Sent:** Thu, 26 Mar 2020 14:20:37 +0000
**To:** Barrett-Zitkus, Jennifer
**Cc:** Tanner-Dean, Angela
**Subject:** RE: Update

Yes, we need your input. Please provide your thoughts to Becca and me so we can incorporate it in our recommendations.

---

**From:** Barrett-Zitkus, Jennifer <Jennifer.Barrett-Zitkus@ed.gov>
**Sent:** Thursday, March 26, 2020 10:19 AM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>
**Subject:** RE: Update

Thank you Laurie. While they aren't excluding Part C, they aren't supporting Part C. Are we going to recommend they add provisions for Part C?

---

**From:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Sent:** Thursday, March 26, 2020 9:55 AM
**To:** OSEP Staff <OSEPStaff@ed.gov>
**Subject:** Update

Good morning!
I want to start this morning with something I shared on the monthly conversation – the real impact on our health, both mental and physical, of the isolation we are all experiencing. We all know that our current situation is not normal and it is understandably difficult. I also want you to know that you do not have to go through this alone – whether you are home by yourself or if you have a large family with you or if your situation is in between. I encourage each of you to take advantage, as needed, of the Employee Assistance Program (EAP). The EAP offers free, confidential services to federal employees and family members. You can call 24 hours a day, seven days a week for confidential help with work, family, personal matters, legal or financial issues. Please take care of yourselves and your families. You are valued and the most important part of this organization.

Information to Start Your Day:

- The Senate unanimously passed the CARES Act early this morning (see attached). It now awaits House approval before going to the White House for the president's signature. We're in the process of going through the act line-by-line, but I wanted to share with you some initial information on provisions related to infants, toddlers, children and youth with disabilities and their families.

  The Department received $30.75 billion. Of that, $16.5 billion is available for programs funded under ESEA (see below).

  The CARES Act provides the Department with $8 million for administration.

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The CARES Act does not provide the Secretary with any waiver authority for IDEA. However, the Act requires the Secretary, not later than 30 days after the date of enactment, to submit a report with recommendations on any additional waivers under IDEA that the Secretary believes are necessary to be enacted into law to provide limited flexibilities to States and LEAs to meet the needs of students during the COVID-19 emergency. (p.330)

It also does not mention infants and toddlers with disabilities. However, the Act cites to IDEA in its entirety. We are working with OGC to determine the applicability of the CARES Act to Part C.

Education provisions in title III, subtitle B –

- Sec. 3511 provides assessment and accountability waiver authority, including reporting on assessments and accountability under ESEA

Education provisions in division B (p. 755) –

- Education Stabilization Fund: available through September 30, 2021
  - Governor's Emergency Education Relief Fund ($3 billion)
    - Must apply
    - Grant formula based on population (5-24) and relative number of children counted
    - Funds used for emergency support to those LEAs most impacted by COVID-19, IHEs in the State most impacted by COVID-19, any other LEA or IHE in the State that the governor deems necessary
  - Elementary and Secondary School Emergency Relief Fund ($13.5 billion)
    - Must apply
    - Amount based on the same proportion as each States received under Title I Part A in the most recent fiscal year
    - 90% of grant must be subgranted to the LEAs in the State, including charter schools that are LEAs in proportion of the amount of funds each LEA received under Title I Part A in the most recent fiscal year
    - Funds may be used on:
      - any activity authorized by ESEA, including IDEA (the language of the bill does not specifically exclude Part C)
      - Activities to address the unique needs of … children with disabilities, including how outreach and service delivery will meet the needs of each population
      - Planning for and coordinating during long-term closures including how to provide guidance for carrying out the requirements under IDEA and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements
      - Purchasing educational technology that aids in regular and substantive educational interaction between students and their classroom instructors, including students with disabilities, which may include assistive technology or adaptive equipment
      - Providing mental health services and supports

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        - Planning and implementing activities related to summer learning and supplemental afterschool programs, including the needs of students with disabilities
    - Assistance to non-public schools
        - LEAs receiving funds must provide equitable services to non-public schools students under ESEA

The Department has a working group that is determining how the Department will administer The CARES Act. OSEP will be represented in this work.

- In response to the directive in the Act, I am interested in your ideas about specific provisions in IDEA that you think should be included in the Secretary's waiver request. Please send your ideas, with citations and a justification, no later than Thursday, April 2. The list already includes many timeline provisions.

Have a great day and I'll be in touch tomorrow morning!

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

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**From:** VanderPloeg, Laurie
**Sent:** Mon, 16 Mar 2020 13:47:39 +0000
**To:** Hill, Elizabeth;Schultz, Mark
**Subject:** RE: URGENT REQUEST FOR BDV
**Attachments:** Talking Points Coronavirus CCSSO.docx

Here it is!

---

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Monday, March 16, 2020 9:37 AM
**To:** VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** URGENT REQUEST FOR BDV

Can you send me your TPs from the CCSSO call this week. I need them for BDV

Liz Hill
Delegated to perform the duties of the Assistant Secretary
Communications Director
Office of Communications and Outreach
U.S. Department of Education
202-453-7877 (work)
(b)(6) (cell)

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# OSERS RELEASED A DOCUMENT - QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK

This Questions and Answers document outlines states' responsibilities to infants, toddlers, and children with disabilities and their families, and to the staff serving these children. It addresses the needs of students with disabilities under Individuals with Disabilities Education Act (IDEA) both Part C birth-3 as well as Part B 3-21, Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990.

The Q & A will provide informal guidance on services, including the provision of FAPE (Free Appropriate Public Education) for students with disabilities when there is a school closure or lead agency closure caused by the COVID-19 outbreak, an individual student is affected and unable to attend school or a school for students with disabilities is closed. It will also address alternate ways of delivering instruction and related service provision as well as consideration of alternate locations and what constitutes a change of placement. All decisions should be based on the individual needs of the student with disabilities and must ensure students with disabilities have equal access to the same opportunities as the general population and are provided special education and related services identified in their IEP or Section 504 plan. If the LEA is unable to provide the necessary services and supports an individual determination whether and to what extent compensatory services may be needed to make up any lost skill. OSERS is in communication with the National Association of State Directors (NASDSE), the Council of Administrators of Special Education (local CASE) and the Chief State School Officers (CCSSO) to provide additional technical assistance. The OSEP funded technical assistance centers are also providing support to the SEAs regarding instruction, accessibility, data, etc. We are working closely with the Office of General Council (OGC) in our responses to the questions we are receiving regarding timelines and funding.

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**From:** VanderPloeg, Laurie
**Sent:** Wed, 1 Apr 2020 00:40:46 +0000
**To:** Schultz, Mark
**Subject:** Scheduling conflict

Tomorrow the CARES Act scheduled a meeting at 1:00 for 30 minutes. I also have the Agency Data Governance Board meeting from 1:00-2:15. I think I will go on the CARES Act call and then jump on the other one so I can participate in both. Thoughts!

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

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**From:** VanderPloeg, Laurie
**Sent:** Thu, 26 Mar 2020 13:54:39 +0000
**To:** OSEP Staff
**Subject:** Update
**Attachments:** CARES ACT FINAL TEXT.pdf

Good morning!
I want to start this morning with something I shared on the monthly conversation – the real impact on our health, both mental and physical, of the isolation we are all experiencing. We all know that our current situation is not normal and it is understandably difficult. I also want you to know that you do not have to go through this alone – whether you are home by yourself or if you have a large family with you or if your situation is in between. I encourage each of you to take advantage, as needed, of the Employee Assistance Program (EAP). The EAP offers free, confidential services to federal employees and family members. You can call 24 hours a day, seven days a week for confidential help with work, family, personal matters, legal or financial issues. Please take care of yourselves and your families. You are valued and the most important part of this organization.

Information to Start Your Day:

- The Senate unanimously passed the CARES Act early this morning (see attached). It now awaits House approval before going to the White House for the president's signature. We're in the process of going through the act line-by-line, but I wanted to share with you some initial information on provisions related to infants, toddlers, children and youth with disabilities and their families.

  The Department received $30.75 billion. Of that, $16.5 billion is available for programs funded under ESEA (see below).

  The CARES Act provides the Department with $8 million for administration.

  The CARES Act does not provide the Secretary with any waiver authority for IDEA. However, the Act requires the Secretary, not later than 30 days after the date of enactment, to submit a report with recommendations on any additional waivers under IDEA that the Secretary believes are necessary to be enacted into law to provide limited flexibilities to States and LEAs to meet the needs of students during the COVID-19 emergency. (p.330)

  It also does not mention infants and toddlers with disabilities. However, the Act cites to IDEA in its entirety. We are working with OGC to determine the applicability of the CARES Act to Part C.

  Education provisions in title III, subtitle B –
  - Sec. 3511 provides assessment and accountability waiver authority, including reporting on assessments and accountability under ESEA

  Education provisions in division B (p. 755) –
  - Education Stabilization Fund: available through September 30, 2021
    - Governor's Emergency Education Relief Fund ($3 billion)

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- Must apply
- Grant formula based on population (5-24) and relative number of children counted
- Funds used for emergency support to those LEAs most impacted by COVID-19, IHEs in the State most impacted by COVID-19, any other LEA or IHE in the State that the governor deems necessary

- Elementary and Secondary School Emergency Relief Fund ($13.5 billion)
  - Must apply
  - Amount based on the same proportion as each States received under Title I Part A in the most recent fiscal year
  - 90% of grant must be subgranted to the LEAs in the State, including charter schools that are LEAs in proportion of the amount of funds each LEA received under Title I Part A in the most recent fiscal year
  - Funds may be used on:
    - any activity authorized by ESEA, including IDEA (the language of the bill does not specifically exclude Part C)
    - Activities to address the unique needs of … children with disabilities, including how outreach and service delivery will meet the needs of each population
    - Planning for and coordinating during long-term closures including how to provide guidance for carrying out the requirements under IDEA and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements
    - Purchasing educational technology that aids in regular and substantive educational interaction between students and their classroom instructors, including students with disabilities, which may include assistive technology or adaptive equipment
    - Providing mental health services and supports
    - Planning and implementing activities related to summer learning and supplemental afterschool programs, including the needs of students with disabilities
- Assistance to non-public schools
  - LEAs receiving funds must provide equitable services to non-public schools students under ESEA

The Department has a working group that is determining how the Department will administer The CARES Act. OSEP will be represented in this work.

- In response to the directive in the Act, I am interested in your ideas about specific provisions in IDEA that you think should be included in the Secretary's waiver request. Please send your ideas, with citations and a justification, no later than Thursday, April 2. The list already includes many timeline provisions.

Have a great day and I'll be in touch tomorrow morning!

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AMENDMENT NO._____ Calendar No._____

Purpose: Providing emergency assistance and health care response for individuals, families and businesses affected by the 2020 coronavirus pandemic.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

# H. R. 748

To amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Coronavirus Aid, Re-
5 lief, and Economic Security Act" or the "CARES Act".

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

7 The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

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TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED ACT

Sec. 1101. Definitions.
Sec. 1102. Paycheck protection program.
Sec. 1103. Entrepreneurial development.
Sec. 1104. State trade expansion program.
Sec. 1105. Waiver of matching funds requirement under the women's business center program.
Sec. 1106. Loan forgiveness.
Sec. 1107. Direct appropriations.
Sec. 1108. Minority business development agency.
Sec. 1109. United States Treasury Program Management Authority.
Sec. 1110. Emergency EIDL grants.
Sec. 1111. Resources and services in languages other than English.
Sec. 1112. Subsidy for certain loan payments.
Sec. 1113. Bankruptcy.
Sec. 1114. Emergency rulemaking authority.

TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES

Subtitle A—Unemployment Insurance Provisions

Sec. 2101. Short title.
Sec. 2102. Pandemic Unemployment Assistance.
Sec. 2103. Emergency unemployment relief for governmental entities and nonprofit organizations.
Sec. 2104. Emergency increase in unemployment compensation benefits.
Sec. 2105. Temporary full Federal funding of the first week of compensable regular unemployment for States with no waiting week.
Sec. 2106. Emergency State staffing flexibility.
Sec. 2107. Pandemic emergency unemployment compensation.
Sec. 2108. Temporary financing of short-time compensation payments in States with programs in law.
Sec. 2109. Temporary financing of short-time compensation agreements.
Sec. 2110. Grants for short-time compensation programs.
Sec. 2111. Assistance and guidance in implementing programs.
Sec. 2112. Waiver of the 7-day waiting period for benefits under the Railroad Unemployment Insurance Act.
Sec. 2113. Enhanced benefits under the Railroad Unemployment Insurance Act.
Sec. 2114. Extended unemployment benefits under the Railroad Unemployment Insurance Act.
Sec. 2115. Funding for the DOL Office of Inspector General for oversight of unemployment provisions.
Sec. 2116. Implementation.

Subtitle B—Rebates and Other Individual Provisions

Sec. 2201. 2020 recovery rebates for individuals.
Sec. 2202. Special rules for use of retirement funds.
Sec. 2203. Temporary waiver of required minimum distribution rules for certain retirement plans and accounts.
Sec. 2204. Allowance of partial above the line deduction for charitable contributions.

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Sec. 2205. Modification of limitations on charitable contributions during 2020.
Sec. 2206. Exclusion for certain employer payments of student loans.

Subtitle C—Business Provisions

Sec. 2301. Employee retention credit for employers subject to closure due to COVID-19.
Sec. 2302. Delay of payment of employer payroll taxes.
Sec. 2303. Modifications for net operating losses.
Sec. 2304. Modification of limitation on losses for taxpayers other than corporations.
Sec. 2305. Modification of credit for prior year minimum tax liability of corporations.
Sec. 2306. Modifications of limitation on business interest.
Sec. 2307. Technical amendments regarding qualified improvement property.
Sec. 2308. Temporary exception from excise tax for alcohol used to produce hand sanitizer.

TITLE III—SUPPORTING AMERICA'S HEALTH CARE SYSTEM IN THE FIGHT AGAINST THE CORONAVIRUS

Subtitle A—Health Provisions

Sec. 3001. Short title.

PART I—ADDRESSING SUPPLY SHORTAGES

SUBPART A—MEDICAL PRODUCT SUPPLIES

Sec. 3101. National Academies report on America's medical product supply chain security.
Sec. 3102. Requiring the strategic national stockpile to include certain types of medical supplies.
Sec. 3103. Treatment of respiratory protective devices as covered countermeasures.

SUBPART B—MITIGATING EMERGENCY DRUG SHORTAGES

Sec. 3111. Prioritize reviews of drug applications; incentives.
Sec. 3112. Additional manufacturer reporting requirements in response to drug shortages.

SUBPART C—PREVENTING MEDICAL DEVICE SHORTAGES

Sec. 3121. Discontinuance or interruption in the production of medical devices.

PART II—ACCESS TO HEALTH CARE FOR COVID-19 PATIENTS

SUBPART A—COVERAGE OF TESTING AND PREVENTIVE SERVICES

Sec. 3201. Coverage of diagnostic testing for COVID-19.
Sec. 3202. Pricing of diagnostic testing.
Sec. 3203. Rapid coverage of preventive services and vaccines for coronavirus.

SUBPART B—SUPPORT FOR HEALTH CARE PROVIDERS

Sec. 3211. Supplemental awards for health centers.
Sec. 3212. Telehealth network and telehealth resource centers grant programs.

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Sec. 3213. Rural health care services outreach, rural health network development, and small health care provider quality improvement grant programs.
Sec. 3214. United States Public Health Service Modernization.
Sec. 3215. Limitation on liability for volunteer health care professionals during COVID-19 emergency response.
Sec. 3216. Flexibility for members of National Health Service Corps during emergency period.

SUBPART C—MISCELLANEOUS PROVISIONS

Sec. 3221. Confidentiality and disclosure of records relating to substance use disorder.
Sec. 3222. Nutrition services.
Sec. 3223. Continuity of service and opportunities for participants in community service activities under title V of the Older Americans Act of 1965.
Sec. 3224. Guidance on protected health information.
Sec. 3225. Reauthorization of healthy start program.
Sec. 3226. Importance of the blood supply.

PART III—INNOVATION

Sec. 3301. Removing the cap on OTA during public health emergencies.
Sec. 3302. Priority zoonotic animal drugs.

PART IV—HEALTH CARE WORKFORCE

Sec. 3401. Reauthorization of health professions workforce programs.
Sec. 3402. Health workforce coordination.
Sec. 3403. Education and training relating to geriatrics.
Sec. 3404. Nursing workforce development.

Subtitle B—Education Provisions

Sec. 3501. Short title.
Sec. 3502. Definitions.
Sec. 3503. Campus-based aid waivers.
Sec. 3504. Use of supplemental educational opportunity grants for emergency aid.
Sec. 3505. Federal work-study during a qualifying emergency.
Sec. 3506. Adjustment of subsidized loan usage limits.
Sec. 3507. Exclusion from Federal Pell Grant duration limit.
Sec. 3508. Institutional refunds and Federal student loan flexibility.
Sec. 3509. Satisfactory academic progress.
Sec. 3510. Continuing education at affected foreign institutions.
Sec. 3511. National emergency educational waivers.
Sec. 3512. HBCU Capital financing.
Sec. 3513. Temporary relief for federal student loan borrowers.
Sec. 3514. Provisions related to the Corporation for National and Community Service.
Sec. 3515. Workforce response activities.
Sec. 3516. Technical amendments.
Sec. 3517. Waiver authority and reporting requirement for institutional aid.
Sec. 3518. Authorized uses and other modifications for grants.
Sec. 3519. Service obligations for teachers.

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Subtitle C—Labor Provisions

Sec. 3601. Limitation on paid leave.
Sec. 3602. Emergency Paid Sick Leave Act Limitation.
Sec. 3603. Unemployment insurance.
Sec. 3604. OMB Waiver of Paid Family and Paid Sick Leave.
Sec. 3605. Paid leave for rehired employees.
Sec. 3606. Advance refunding of credits.
Sec. 3607. Expansion of DOL Authority to postpone certain deadlines.
Sec. 3608. Single-employer plan funding rules.
Sec. 3609. Application of cooperative and small employer charity pension plan rules to certain charitable employers whose primary exempt purpose is providing services with respect to mothers and children.
Sec. 3610. Federal contractor authority.
Sec. 3611. Technical corrections.

Subtitle D—Finance Committee

Sec. 3701. Exemption for telehealth services.
Sec. 3702. Inclusion of certain over-the-counter medical products as qualified medical expenses.
Sec. 3703. Increasing Medicare telehealth flexibilities during emergency period.
Sec. 3704. Enhancing Medicare telehealth services for Federally qualified health centers and rural health clinics during emergency period.
Sec. 3705. Temporary waiver of requirement for face-to-face visits between home dialysis patients and physicians.
Sec. 3706. Use of telehealth to conduct face-to-face encounter prior to recertification of eligibility for hospice care during emergency period.
Sec. 3707. Encouraging use of telecommunications systems for home health services furnished during emergency period.
Sec. 3708. Improving care planning for Medicare home health services.
Sec. 3709. Adjustment of sequestration.
Sec. 3710. Medicare hospital inpatient prospective payment system add-on payment for COVID–19 patients during emergency period.
Sec. 3711. Increasing access to post-acute care during emergency period.
Sec. 3712. Revising payment rates for durable medical equipment under the Medicare program through duration of emergency period.
Sec. 3713. Coverage of the COVID-19 vaccine under part B of the Medicare program without any cost-sharing.
Sec. 3714. Requiring Medicare prescription drug plans and MA–PD plans to allow during the COVID-19 emergency period for fills and refills of covered part D drugs for up to a 3-month supply.
Sec. 3715. Providing home and community-based services in acute care hospitals.
Sec. 3716. Clarification regarding uninsured individuals.
Sec. 3717. Clarification regarding coverage of COVID-19 testing products.
Sec. 3718. Amendments relating to reporting requirements with respect to clinical diagnostic laboratory tests.
Sec. 3719. Expansion of the Medicare hospital accelerated payment program during the COVID-19 public health emergency.
Sec. 3720. Delaying requirements for enhanced FMAP to enable State legislation necessary for compliance.

Subtitle E—Health and Human Services Extenders

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PART I—MEDICARE PROVISIONS

Sec. 3801. Extension of the work geographic index floor under the Medicare program.
Sec. 3802. Extension of funding for quality measure endorsement, input, and selection.
Sec. 3803. Extension of funding outreach and assistance for low-income programs.

PART II—MEDICAID PROVISIONS

Sec. 3811. Extension of the Money Follows the Person rebalancing demonstration program.
Sec. 3812. Extension of spousal impoverishment protections.
Sec. 3813. Delay of DSH reductions.
Sec. 3814. Extension and expansion of Community Mental Health Services demonstration program.

PART III—HUMAN SERVICES AND OTHER HEALTH PROGRAMS

Sec. 3821. Extension of sexual risk avoidance education program.
Sec. 3822. Extension of personal responsibility education program.
Sec. 3823. Extension of demonstration projects to address health professions workforce needs.
Sec. 3824. Extension of the temporary assistance for needy families program and related programs.

PART IV—PUBLIC HEALTH PROVISIONS

Sec. 3831. Extension for community health centers, the National Health Service Corps, and teaching health centers that operate GME programs.
Sec. 3832. Diabetes programs.

PART V—MISCELLANEOUS PROVISIONS

Sec. 3841. Prevention of duplicate appropriations for fiscal year 2020.

Subtitle F—Over-the-Counter Drugs

PART I—OTC DRUG REVIEW

Sec. 3851. Regulation of certain nonprescription drugs that are marketed without an approved drug application.
Sec. 3852. Misbranding.
Sec. 3853. Drugs excluded from the over-the-counter drug review.
Sec. 3854. Treatment of Sunscreen Innovation Act.
Sec. 3855. Annual update to Congress on appropriate pediatric indication for certain OTC cough and cold drugs.
Sec. 3856. Technical corrections.

PART II—USER FEES

Sec. 3861. Finding.

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Sec. 3862. Fees relating to over-the-counter drugs.

TITLE IV—ECONOMIC STABILIZATION AND ASSISTANCE TO SEVERELY DISTRESSED SECTORS OF THE UNITED STATES ECONOMY

Subtitle A—Coronavirus Economic Stabilization Act of 2020

Sec. 4001. Short title.
Sec. 4002. Definitions.
Sec. 4003. Emergency relief and taxpayer protections.
Sec. 4004. Limitation on certain employee compensation.
Sec. 4005. Continuation of certain air service.
Sec. 4006. Coordination with Secretary of Transportation.
Sec. 4007. Suspension of certain aviation excise taxes.
Sec. 4008. Debt guarantee authority.
Sec. 4009. Temporary Government in the Sunshine Act relief.
Sec. 4010. Temporary hiring flexibility.
Sec. 4011. Temporary lending limit waiver.
Sec. 4012. Temporary relief for community banks.
Sec. 4013. Temporary relief from troubled debt restructurings.
Sec. 4014. Optional temporary relief from current expected credit losses.
Sec. 4015. Non-applicability of restrictions on ESF during national emergency.
Sec. 4016. Temporary credit union provisions.
Sec. 4017. Increasing access to materials necessary for national security and pandemic recovery.
Sec. 4018. Special Inspector General for Pandemic Recovery.
Sec. 4019. Conflicts of interest.
Sec. 4020. Congressional Oversight Commission.
Sec. 4021. Credit protection during COVID–19.
Sec. 4022. Foreclosure moratorium and consumer right to request forbearance.
Sec. 4023. Forbearance of residential mortgage loan payments for multifamily properties with federally backed loans.
Sec. 4024. Temporary moratorium on eviction filings.
Sec. 4025. Protection of collective bargaining agreement.
Sec. 4026. Reports.
Sec. 4027. Direct appropriation.
Sec. 4028. Rule of construction.
Sec. 4029. Termination of authority.

Subtitle B—Air Carrier Worker Support

Sec. 4111. Definitions.
Sec. 4112. Pandemic relief for aviation workers.
Sec. 4113. Procedures for providing payroll support.
Sec. 4114. Required assurances.
Sec. 4115. Protection of collective bargaining agreement.
Sec. 4116. Limitation on certain employee compensation.
Sec. 4117. Tax payer protection.
Sec. 4118. Reports.
Sec. 4119. Coordination.
Sec. 4120. Direct appropriation.

TITLE V—CORONAVIRUS RELIEF FUNDS

Sec. 5001. Coronavirus Relief Fund.

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TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 6001. COVID–19 borrowing authority for the United States Postal Service.
Sec. 6002. Emergency designation.

DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS

**SEC. 3. REFERENCES.**

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

# DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

## TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED ACT

**SEC. 1101. DEFINITIONS.**

In this title—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 636).

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1 **SEC. 1102. PAYCHECK PROTECTION PROGRAM.**

2 (a) IN GENERAL.—Section 7(a) of the Small Busi-
3 ness Act (15 U.S.C. 636(a)) is amended—

4 (1) in paragraph (2)—

5 (A) in subparagraph (A), in the matter
6 preceding clause (i), by striking "and (E)" and
7 inserting "(E), and (F)"; and

8 (B) by adding at the end the following:

9 "(F) PARTICIPATION IN THE PAYCHECK
10 PROTECTION PROGRAM.—In an agreement to
11 participate in a loan on a deferred basis under
12 paragraph (36), the participation by the Admin-
13 istration shall be 100 percent."; and

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

15 "(36) PAYCHECK PROTECTION PROGRAM.—

16 "(A) DEFINITIONS.—In this paragraph—

17 "(i) the terms 'appropriate Federal
18 banking agency' and 'insured depository
19 institution' have the meanings given those
20 terms in section 3 of the Federal Deposit
21 Insurance Act (12 U.S.C. 1813);

22 "(ii) the term 'covered loan' means a
23 loan made under this paragraph during the
24 covered period;

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"(iii) the term 'covered period' means the period beginning on February 15, 2020 and ending on June 30, 2020;

"(iv) the term 'eligible recipient' means an individual or entity that is eligible to receive a covered loan;

"(v) the term 'eligible self-employed individual' has the meaning given the term in section 7002(b) of the Families First Coronavirus Response Act (Public Law 116–127);

"(vi) the term 'insured credit union' has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

"(vii) the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code;

"(viii) the term 'payroll costs'—

"(I) means—

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1 "(aa) the sum of payments
2 of any compensation with respect
3 to employees that is a—
4 "(AA) salary, wage,
5 commission, or similar com-
6 pensation;
7 "(BB) payment of cash
8 tip or equivalent;
9 "(CC) payment for va-
10 cation, parental, family,
11 medical, or sick leave;
12 "(DD) allowance for
13 dismissal or separation;
14 "(EE) payment re-
15 quired for the provisions of
16 group health care benefits,
17 including insurance pre-
18 miums;
19 "(FF) payment of any
20 retirement benefit; or
21 "(GG) payment of
22 State or local tax assessed
23 on the compensation of em-
24 ployees; and

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1 "(bb) the sum of payments
2 of any compensation to or income
3 of a sole proprietor or inde-
4 pendent contractor that is a
5 wage, commission, income, net
6 earnings from self-employment,
7 or similar compensation and that
8 is in an amount that is not more
9 than $100,000 in 1 year, as pro-
10 rated for the covered period; and
11 "(II) shall not include—
12 "(aa) the compensation of
13 an individual employee in excess
14 of an annual salary of $100,000,
15 as prorated for the covered pe-
16 riod;
17 "(bb) taxes imposed or with-
18 held under chapters 21, 22, or 24
19 of the Internal Revenue Code of
20 1986 during the covered period;
21 "(cc) any compensation of
22 an employee whose principal
23 place of residence is outside of
24 the United States;

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"(dd) qualified sick leave wages for which a credit is allowed under section 7001 of the Families First Coronavirus Response Act (Public Law 116–127); or

"(ee) qualified family leave wages for which a credit is allowed under section 7003 of the Families First Coronavirus Response Act (Public Law 116–127); and

"(ix) the term 'veterans organization' means an organization that is described in section 501(c)(19) of the Internal Revenue Code that is exempt from taxation under section 501(a) of such Code.

"(B) PAYCHECK PROTECTION LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans under the same terms, conditions, and processes as a loan made under this subsection.

"(C) REGISTRATION OF LOANS.—Not later than 15 days after the date on which a loan is made under this paragraph, the Administration

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shall register the loan using the TIN (as defined in section 7701 of the Internal Revenue Code of 1986) assigned to the borrower.

"(D) INCREASED ELIGIBILITY FOR CERTAIN SMALL BUSINESSES AND ORGANIZATIONS.—

"(i) IN GENERAL.—During the covered period, in addition to small business concerns, any business concern, nonprofit organization, veterans organization, or Tribal business concern described in section 31(b)(2)(C) shall be eligible to receive a covered loan if the business concern, nonprofit organization, veterans organization, or Tribal business concern employs not more than the greater of—

"(I) 500 employees; or

"(II) if applicable, the size standard in number of employees established by the Administration for the industry in which the business concern, nonprofit organization, veterans organization, or Tribal business concern operates.

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"(ii) INCLUSION OF SOLE PROPRIETORS, INDEPENDENT CONTRACTORS, AND ELIGIBLE SELF-EMPLOYED INDIVIDUALS.—

"(I) IN GENERAL.—During the covered period, individuals who operate under a sole proprietorship or as an independent contractor and eligible self-employed individuals shall be eligible to receive a covered loan.

"(II) DOCUMENTATION.—An eligible self-employed individual, independent contractor, or sole proprietorship seeking a covered loan shall submit such documentation as is necessary to establish such individual as eligible, including payroll tax filings reported to the Internal Revenue Service, Forms 1099–MISC, and income and expenses from the sole proprietorship, as determined by the Administrator and the Secretary.

"(iii) BUSINESS CONCERNS WITH MORE THAN 1 PHYSICAL LOCATION.—During the covered period, any business con-

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1 cern that employs not more than 500 em-
2 ployees per physical location of the busi-
3 ness concern and that is assigned a North
4 American Industry Classification System
5 code beginning with 72 at the time of dis-
6 bursal shall be eligible to receive a covered
7 loan.

8 "(iv) WAIVER OF AFFILIATION
9 RULES.—During the covered period, the
10 provisions applicable to affiliations under
11 section 121.103 of title 13, Code of Fed-
12 eral Regulations, or any successor regula-
13 tion, are waived with respect to eligibility
14 for a covered loan for—

15 "(I) any business concern with
16 not more than 500 employees that, as
17 of the date on which the covered loan
18 is disbursed, is assigned a North
19 American Industry Classification Sys-
20 tem code beginning with 72;

21 "(II) any business concern oper-
22 ating as a franchise that is assigned a
23 franchise identifier code by the Ad-
24 ministration; and

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"(III) any business concern that receives financial assistance from a company licensed under section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681).

"(v) EMPLOYEE.—For purposes of determining whether a business concern, nonprofit organization, veterans organization, or Tribal business concern described in section 31(b)(2)(C) employs not more than 500 employees under clause (i)(I), the term 'employee' includes individuals employed on a full-time, part-time, or other basis.

"(vi) AFFILIATION.—The provisions applicable to affiliations under section 121.103 of title 13, Code of Federal Regulations, or any successor thereto, shall apply with respect to a nonprofit organization and a veterans organization in the same manner as with respect to a small business concern.

"(E) MAXIMUM LOAN AMOUNT.—During the covered period, with respect to a covered

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1 loan, the maximum loan amount shall be the
2 lesser of—
3 "(i)(I) the sum of—
4 "(aa) the product obtained by
5 multiplying—
6 "(AA) the average total
7 monthly payments by the appli-
8 cant for payroll costs incurred
9 during the 1-year period before
10 the date on which the loan is
11 made, except that, in the case of
12 an applicant that is seasonal em-
13 ployer, as determined by the Ad-
14 ministrator, the average total
15 monthly payments for payroll
16 shall be for the 12-week period
17 beginning February 15, 2019, or
18 at the election of the eligible re-
19 cipient, March 1, 2019, and end-
20 ing June 30, 2019; by
21 "(BB) 2.5; and
22 "(bb) the outstanding amount of
23 a loan under subsection (b)(2) that
24 was made during the period beginning
25 on January 31, 2020 and ending on

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1 the date on which covered loans are
2 made available to be refinanced under
3 the covered loan; or
4 "(II) if requested by an otherwise eli-
5 gible recipient that was not in business
6 during the period beginning on February
7 15, 2019 and ending on June 30, 2019,
8 the sum of—
9 "(aa) the product obtained by
10 multiplying—
11 "(AA) the average total
12 monthly payments by the appli-
13 cant for payroll costs incurred
14 during the period beginning on
15 January 1, 2020 and ending on
16 February 29, 2020; by
17 "(BB) 2.5; and
18 "(bb) the outstanding amount of
19 a loan under subsection (b)(2) that
20 was made during the period beginning
21 on January 31, 2020 and ending on
22 the date on which covered loans are
23 made available to be refinanced under
24 the covered loan; or
25 "(ii) $10,000,000.

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1 "(F) ALLOWABLE USES OF COVERED
2 LOANS.—
3 "(i) IN GENERAL.—During the cov-
4 ered period, an eligible recipient may, in
5 addition to the allowable uses of a loan
6 made under this subsection, use the pro-
7 ceeds of the covered loan for—
8 "(I) payroll costs;
9 "(II) costs related to the continu-
10 ation of group health care benefits
11 during periods of paid sick, medical,
12 or family leave, and insurance pre-
13 miums;
14 "(III) employee salaries, commis-
15 sions, or similar compensations;
16 "(IV) payments of interest on
17 any mortgage obligation (which shall
18 not include any prepayment of or pay-
19 ment of principal on a mortgage obli-
20 gation);
21 "(V) rent (including rent under a
22 lease agreement);
23 "(VI) utilities; and

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1 "(VII) interest on any other debt
2 obligations that were incurred before
3 the covered period.
4 "(ii) DELEGATED AUTHORITY.—
5 "(I) IN GENERAL.—For purposes
6 of making covered loans for the pur-
7 poses described in clause (i), a lender
8 approved to make loans under this
9 subsection shall be deemed to have
10 been delegated authority by the Ad-
11 ministrator to make and approve cov-
12 ered loans, subject to the provisions of
13 this paragraph.
14 "(II) CONSIDERATIONS.—In eval-
15 uating the eligibility of a borrower for
16 a covered loan with the terms de-
17 scribed in this paragraph, a lender
18 shall consider whether the borrower—
19 "(aa) was in operation on
20 February 15, 2020; and
21 "(bb)(AA) had employees
22 for whom the borrower paid sala-
23 ries and payroll taxes; or

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1 "(BB) paid independent
2 contractors, as reported on a
3 Form 1099–MISC.
4 "(iii) ADDITIONAL LENDERS.—The
5 authority to make loans under this para-
6 graph shall be extended to additional lend-
7 ers determined by the Administrator and
8 the Secretary of the Treasury to have the
9 necessary qualifications to process, close,
10 disburse and service loans made with the
11 guarantee of the Administration.
12 "(iv) REFINANCE.—A loan made
13 under subsection (b)(2) during the period
14 beginning on January 31, 2020 and ending
15 on the date on which covered loans are
16 made available may be refinanced as part
17 of a covered loan.
18 "(v) NONRECOURSE.—Notwith-
19 standing the waiver of the personal guar-
20 antee requirement or collateral under sub-
21 paragraph (J), the Administrator shall
22 have no recourse against any individual
23 shareholder, member, or partner of an eli-
24 gible recipient of a covered loan for non-
25 payment of any covered loan, except to the

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1 extent that such shareholder, member, or
2 partner uses the covered loan proceeds for
3 a purpose not authorized under clause (i).
4 "(G) BORROWER REQUIREMENTS.—
5 "(i) CERTIFICATION.—An eligible re-
6 cipient applying for a covered loan shall
7 make a good faith certification—
8 "(I) that the uncertainty of cur-
9 rent economic conditions makes nec-
10 essary the loan request to support the
11 ongoing operations of the eligible re-
12 cipient;
13 "(II) acknowledging that funds
14 will be used to retain workers and
15 maintain payroll or make mortgage
16 payments, lease payments, and utility
17 payments;
18 "(III) that the eligible recipient
19 does not have an application pending
20 for a loan under this subsection for
21 the same purpose and duplicative of
22 amounts applied for or received under
23 a covered loan; and
24 "(IV) during the period begin-
25 ning on February 15, 2020 and end-

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1 ing on December 31, 2020, that the
2 eligible recipient has not received
3 amounts under this subsection for the
4 same purpose and duplicative of
5 amounts applied for or received under
6 a covered loan.
7 "(H) FEE WAIVER.—During the covered
8 period, with respect to a covered loan—
9 "(i) in lieu of the fee otherwise appli-
10 cable under paragraph (23)(A), the Ad-
11 ministrator shall collect no fee; and
12 "(ii) in lieu of the fee otherwise appli-
13 cable under paragraph (18)(A), the Ad-
14 ministrator shall collect no fee.
15 "(I) CREDIT ELSEWHERE.—During the
16 covered period, the requirement that a small
17 business concern is unable to obtain credit else-
18 where, as defined in section 3(h), shall not
19 apply to a covered loan.
20 "(J) WAIVER OF PERSONAL GUARANTEE
21 REQUIREMENT.—During the covered period,
22 with respect to a covered loan—
23 "(i) no personal guarantee shall be re-
24 quired for the covered loan; and

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1 "(ii) no collateral shall be required for
2 the covered loan.
3 "(K) MATURITY FOR LOANS WITH RE-
4 MAINING BALANCE AFTER APPLICATION OF
5 FORGIVENESS.—With respect to a covered loan
6 that has a remaining balance after reduction
7 based on the loan forgiveness amount under
8 section 1106 of the CARES Act—
9 "(i) the remaining balance shall con-
10 tinue to be guaranteed by the Administra-
11 tion under this subsection; and
12 "(ii) the covered loan shall have a
13 maximum maturity of 10 years from the
14 date on which the borrower applies for
15 loan forgiveness under that section.
16 "(L) INTEREST RATE REQUIREMENTS.—A
17 covered loan shall bear an interest rate not to
18 exceed 4 percent.
19 "(M) LOAN DEFERMENT.—
20 "(i) DEFINITION OF IMPACTED BOR-
21 ROWER.—
22 "(I) IN GENERAL.—In this sub-
23 paragraph, the term 'impacted bor-
24 rower' means an eligible recipient
25 that—

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1 "(aa) is in operation on
2 February 15, 2020; and
3 "(bb) has an application for
4 a covered loan that is approved
5 or pending approval on or after
6 the date of enactment of this
7 paragraph.
8 "(II) PRESUMPTION.—For pur-
9 poses of this subparagraph, an im-
10 pacted borrower is presumed to have
11 been adversely impacted by COVID–
12 19.
13 "(ii) DEFERRAL.—During the covered
14 period, the Administrator shall—
15 "(I) consider each eligible recipi-
16 ent that applies for a covered loan to
17 be an impacted borrower; and
18 "(II) require lenders under this
19 subsection to provide complete pay-
20 ment deferment relief for impacted
21 borrowers with covered loans for a pe-
22 riod of not less than 6 months, includ-
23 ing payment of principal, interest, and
24 fees, and not more than 1 year.

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1 "(iii) SECONDARY MARKET.—During
2 the covered period, with respect to a cov-
3 ered loan that is sold on the secondary
4 market, if an investor declines to approve
5 a deferral requested by a lender under
6 clause (ii), the Administrator shall exercise
7 the authority to purchase the loan so that
8 the impacted borrower may receive a defer-
9 ral for a period of not less than 6 months,
10 including payment of principal, interest,
11 and fees, and not more than 1 year.
12 "(iv) GUIDANCE.—Not later than 30
13 days after the date of enactment of this
14 paragraph, the Administrator shall provide
15 guidance to lenders under this paragraph
16 on the deferment process described in this
17 subparagraph.
18 "(N) SECONDARY MARKET SALES.—A cov-
19 ered loan shall be eligible to be sold in the sec-
20 ondary market consistent with this subsection.
21 The Administrator may not collect any fee for
22 any guarantee sold into the secondary market
23 under this subparagraph.
24 "(O) REGULATORY CAPITAL REQUIRE-
25 MENTS.—

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1 "(i) RISK WEIGHT.—With respect to
2 the appropriate Federal banking agencies
3 or the National Credit Union Administra-
4 tion Board applying capital requirements
5 under their respective risk-based capital re-
6 quirements, a covered loan shall receive a
7 risk weight of zero percent.
8 "(ii) TEMPORARY RELIEF FROM TDR
9 DISCLOSURES.—Notwithstanding any other
10 provision of law, an insured depository in-
11 stitution or an insured credit union that
12 modifies a covered loan in relation to
13 COVID–19-related difficulties in a trou-
14 bled debt restructuring on or after March
15 13, 2020, shall not be required to comply
16 with the Financial Accounting Standards
17 Board Accounting Standards Codification
18 Subtopic 310-40 ('Receivables – Troubled
19 Debt Restructurings by Creditors') for
20 purposes of compliance with the require-
21 ments of the Federal Deposit Insurance
22 Act (12 U.S.C. 1811 et seq.), until such
23 time and under such circumstances as the
24 appropriate Federal banking agency or the
25 National Credit Union Administration

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1 Board, as applicable, determines appro-
2 priate.
3 "(P) REIMBURSEMENT FOR PROC-
4 ESSING.—
5 "(i) IN GENERAL.—The Administrator
6 shall reimburse a lender authorized to
7 make a covered loan at a rate, based on
8 the balance of the financing outstanding at
9 the time of disbursement of the covered
10 loan, of—
11 "(I) 5 percent for loans of not
12 more than $350,000;
13 "(II) 3 percent for loans of more
14 than $350,000 and less than
15 $2,000,000; and
16 "(III) 1 percent for loans of not
17 less than $2,000,000.
18 "(ii) FEE LIMITS.—An agent that as-
19 sists an eligible recipient to prepare an ap-
20 plication for a covered loan may not collect
21 a fee in excess of the limits established by
22 the Administrator.
23 "(iii) TIMING.—A reimbursement de-
24 scribed in clause (i) shall be made not later

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1 than 5 days after the disbursement of the
2 covered loan.
3 "(iv) SENSE OF THE SENATE.—It is
4 the sense of the Senate that the Adminis-
5 trator should issue guidance to lenders and
6 agents to ensure that the processing and
7 disbursement of covered loans prioritizes
8 small business concerns and entities in un-
9 derserved and rural markets, including vet-
10 erans and members of the military commu-
11 nity, small business concerns owned and
12 controlled by socially and economically dis-
13 advantaged individuals (as defined in sec-
14 tion 8(d)(3)(C)), women, and businesses in
15 operation for less than 2 years.
16 "(Q) DUPLICATION.—Nothing in this
17 paragraph shall prohibit a recipient of an eco-
18 nomic injury disaster loan made under sub-
19 section (b)(2) during the period beginning on
20 January 31, 2020 and ending on the date on
21 which covered loans are made available that is
22 for a purpose other than paying payroll costs
23 and other obligations described in subparagraph
24 (F) from receiving assistance under this para-
25 graph.

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"(R) WAIVER OF PREPAYMENT PENALTY.—Notwithstanding any other provision of law, there shall be no prepayment penalty for any payment made on a covered loan.".

(b) COMMITMENTS FOR 7(A) LOANS.—During the period beginning on February 15, 2020 and ending on June 30, 2020—

(1) the amount authorized for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), including loans made under paragraph (36) of such section, as added by subsection (a), shall be $349,000,000,000; and

(2) the amount authorized for commitments for such loans under the heading "BUSINESS LOANS PROGRAM ACCOUNT" under the heading "SMALL BUSINESS ADMINISTRATION" under title V of the Consolidated Appropriations Act, 2020 (Public Law 116–93; 133 Stat. 2475) shall not apply.

(c) EXPRESS LOANS.—

(1) IN GENERAL.—Section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking "$350,000" and inserting "$1,000,000".

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1 (2) PROSPECTIVE REPEAL.—Effective on Janu-
2 ary 1, 2021, section 7(a)(31)(D) of the Small Busi-
3 ness Act (15 U.S.C. 636(a)(31)(D)) is amended by
4 striking "$1,000,000" and inserting "$350,000".
5 (d) EXCEPTION TO GUARANTEE FEE WAIVER FOR
6 VETERANS.—Section 7(a)(31)(G) of the Small Business
7 Act (15 U.S.C. 636(a)(31)(G)) is amended—
8 (1) by striking clause (ii); and
9 (2) by redesignating clause (iii) as clause (ii).
10 (e) INTERIM RULE.—On and after the date of enact-
11 ment of this Act, the interim final rule published by the
12 Administrator entitled "Express Loan Programs: Affili-
13 ation Standards" (85 Fed. Reg. 7622 (February 10,
14 2020)) is permanently rescinded and shall have no force
15 or effect.
16 **SEC. 1103. ENTREPRENEURIAL DEVELOPMENT.**
17 (a) DEFINITIONS.—In this section—
18 (1) the term "covered small business concern"
19 means a small business concern that has experi-
20 enced, as a result of COVID–19—
21 (A) supply chain disruptions, including
22 changes in—
23 (i) quantity and lead time, including
24 the number of shipments of components
25 and delays in shipments;

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(ii) quality, including shortages in supply for quality control reasons; and

(iii) technology, including a compromised payment network;

(B) staffing challenges;

(C) a decrease in gross receipts or customers; or

(D) a closure;

(2) the term "resource partner" means—

(A) a small business development center; and

(B) a women's business center;

(3) the term "small business development center" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632); and

(4) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) EDUCATION, TRAINING, AND ADVISING GRANTS.—

(1) IN GENERAL.—The Administration may provide financial assistance in the form of grants to resource partners to provide education, training, and advising to covered small business concerns.

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1 (2) USE OF FUNDS.—Grants under this sub-
2 section shall be used for the education, training, and
3 advising of covered small business concerns and
4 their employees on—
5 (A) accessing and applying for resources
6 provided by the Administration and other Fed-
7 eral resources relating to access to capital and
8 business resiliency;
9 (B) the hazards and prevention of the
10 transmission and communication of COVID–19
11 and other communicable diseases;
12 (C) the potential effects of COVID–19 on
13 the supply chains, distribution, and sale of
14 products of covered small business concerns and
15 the mitigation of those effects;
16 (D) the management and practice of
17 telework to reduce possible transmission of
18 COVID–19;
19 (E) the management and practice of re-
20 mote customer service by electronic or other
21 means;
22 (F) the risks of and mitigation of cyber
23 threats in remote customer service or telework
24 practices;

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(G) the mitigation of the effects of reduced travel or outside activities on covered small business concerns during COVID–19 or similar occurrences; and

(H) any other relevant business practices necessary to mitigate the economic effects of COVID–19 or similar occurrences.

(3) GRANT DETERMINATION.—

(A) SMALL BUSINESS DEVELOPMENT CENTERS.—The Administration shall award 80 percent of funds authorized to carry out this subsection to small business development centers, which shall be awarded pursuant to a formula jointly developed, negotiated, and agreed upon, with full participation of both parties, between the association formed under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) and the Administration.

(B) WOMEN'S BUSINESS CENTERS.—The Administration shall award 20 percent of funds authorized to carry out this subsection to women's business centers, which shall be awarded pursuant to a process established by the Administration in consultation with recipients of assistance.

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1 (C) NO MATCHING FUNDS REQUIRED.—
2 Matching funds shall not be required for any
3 grant under this subsection.
4 (4) GOALS AND METRICS.—
5 (A) IN GENERAL.—Goals and metrics for
6 the funds made available under this subsection
7 shall be jointly developed, negotiated, and
8 agreed upon, with full participation of both par-
9 ties, between the resource partners and the Ad-
10 ministrator, which shall—
11 (i) take into consideration the extent
12 of the circumstances relating to the spread
13 of COVID–19, or similar occurrences, that
14 affect covered small business concerns lo-
15 cated in the areas covered by the resource
16 partner, particularly in rural areas or eco-
17 nomically distressed areas;
18 (ii) generally follow the use of funds
19 outlined in paragraph (2), but shall not re-
20 strict the activities of resource partners in
21 responding to unique situations; and
22 (iii) encourage resource partners to
23 develop and provide services to covered
24 small business concerns.

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1 (B) PUBLIC AVAILABILITY.—The Adminis-
2 trator shall make publicly available the method-
3 ology by which the Administrator and resource
4 partners jointly develop the metrics and goals
5 described in subparagraph (A).
6 (c) RESOURCE PARTNER ASSOCIATION GRANTS.—
7 (1) IN GENERAL.—The Administrator may pro-
8 vide grants to an association or associations rep-
9 resenting resource partners under which the associa-
10 tion or associations shall establish a single central-
11 ized hub for COVID–19 information, which shall in-
12 clude—
13 (A) 1 online platform that consolidates re-
14 sources and information available across mul-
15 tiple Federal agencies for small business con-
16 cerns related to COVID–19; and
17 (B) a training program to educate resource
18 partner counselors, members of the Service
19 Corps of Retired Executives established under
20 section 8(b)(1)(B) of the Small Business Act
21 (15 U.S.C. 637(b)(1)(B)), and counselors at
22 veterans business outreach centers described in
23 section 32 of the Small Business Act (15
24 U.S.C. 657b) on the resources and information
25 described in subparagraph (A).

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1 (2) GOALS AND METRICS.—Goals and metrics
2 for the funds made available under this subsection
3 shall be jointly developed, negotiated, and agreed
4 upon, with full participation of both parties, between
5 the association or associations receiving a grant
6 under this subsection and the Administrator.
7 (d) REPORT.—Not later than 6 months after the date
8 of enactment of this Act, and annually thereafter, the Ad-
9 ministrator shall submit to the Committee on Small Busi-
10 ness and Entrepreneurship of the Senate and the Com-
11 mittee on Small Business of the House of Representatives
12 a report that describes—
13 (1) with respect to the initial year covered by
14 the report—
15 (A) the programs and services developed
16 and provided by the Administration and re-
17 source partners under subsection (b);
18 (B) the initial efforts to provide those serv-
19 ices under subsection (b); and
20 (C) the online platform and training devel-
21 oped and provided by the Administration and
22 the association or associations under subsection
23 (c); and
24 (2) with respect to the subsequent years covered
25 by the report—

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1 (A) with respect to the grant program
2 under subsection (b)—
3 (i) the efforts of the Administrator
4 and resource partners to develop services
5 to assist covered small business concerns;
6 (ii) the challenges faced by owners of
7 covered small business concerns in access-
8 ing services provided by the Administration
9 and resource partners;
10 (iii) the number of unique covered
11 small business concerns that were served
12 by the Administration and resource part-
13 ners; and
14 (iv) other relevant outcome perform-
15 ance data with respect to covered small
16 business concerns, including the number of
17 employees affected, the effect on sales, the
18 disruptions of supply chains, and the ef-
19 forts made by the Administration and re-
20 source partners to mitigate these effects;
21 and
22 (B) with respect to the grant program
23 under subsection (c)—
24 (i) the efforts of the Administrator
25 and the association or associations to de-

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1 velop and evolve an online resource for
2 small business concerns; and
3 (ii) the efforts of the Administrator
4 and the association or associations to de-
5 velop a training program for resource part-
6 ner counselors, including the number of
7 counselors trained.

8 **SEC. 1104. STATE TRADE EXPANSION PROGRAM.**

9 (a) IN GENERAL.—Notwithstanding paragraph
10 (3)(C)(iii) of section 22(l) of the Small Business Act (15
11 U.S.C. 649(l)), for grants under the State Trade Expan-
12 sion Program under such section 22(l) using amounts
13 made available for fiscal year 2018 or fiscal year 2019,
14 the period of the grant shall continue through the end of
15 fiscal year 2021.

16 (b) REIMBURSEMENT.—The Administrator shall re-
17 imburse any recipient of assistance under section 22(l) of
18 the Small Business Act (15 U.S.C. 649(l)) for financial
19 losses relating to a foreign trade mission or a trade show
20 exhibition that was cancelled solely due to a public health
21 emergency declared due to COVID–19 if the reimburse-
22 ment does not exceed a recipient's grant funding.

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**SEC. 1105. WAIVER OF MATCHING FUNDS REQUIREMENT UNDER THE WOMEN'S BUSINESS CENTER PROGRAM.**

During the 3-month period beginning on the date of enactment of this Act, the requirement relating to obtaining cash contributions from non-Federal sources under section 29(c)(1) of the Small Business Act (15 U.S.C. 656(c)(1)) is waived for any recipient of assistance under such section 29.

**SEC. 1106. LOAN FORGIVENESS.**

(a) DEFINITIONS.—In this section—

(1) the term "covered loan" means a loan guaranteed under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102;

(2) the term "covered mortgage obligation" means any indebtedness or debt instrument incurred in the ordinary course of business that—

(A) is a liability of the borrower;

(B) is a mortgage on real or personal property; and

(C) was incurred before February 15, 2020;

(3) the term "covered period" means the 8-week period beginning on the date of the origination of a covered loan;

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1 (4) the term "covered rent obligation" means
2 rent obligated under a leasing agreement in force be-
3 fore February 15, 2020;
4 (5) the term "covered utility payment" means
5 payment for a service for the distribution of elec-
6 tricity, gas, water, transportation, telephone, or
7 internet access for which service began before Feb-
8 ruary 15, 2020;
9 (6) the term "eligible recipient" means the re-
10 cipient of a covered loan;
11 (7) the term "expected forgiveness amount"
12 means the amount of principal that a lender reason-
13 ably expects a borrower to expend during the cov-
14 ered period on the sum of any—
15 (A) payroll costs;
16 (B) payments of interest on any covered
17 mortgage obligation (which shall not include
18 any prepayment of or payment of principal on
19 a covered mortgage obligation);
20 (C) payments on any covered rent obliga-
21 tion; and
22 (D) covered utility payments; and
23 (8) the term "payroll costs" has the meaning
24 given that term in paragraph (36) of section 7(a) of

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1 the Small Business Act (15 U.S.C. 636(a)), as
2 added by section 1102 of this Act.
3 (b) FORGIVENESS.—An eligible recipient shall be eli-
4 gible for forgiveness of indebtedness on a covered loan in
5 an amount equal to the sum of the following costs incurred
6 and payments made during the covered period:
7 (1) Payroll costs.
8 (2) Any payment of interest on any covered
9 mortgage obligation (which shall not include any
10 prepayment of or payment of principal on a covered
11 mortgage obligation).
12 (3) Any payment on any covered rent obliga-
13 tion.
14 (4) Any covered utility payment.
15 (c) TREATMENT OF AMOUNTS FORGIVEN.—
16 (1) IN GENERAL.—Amounts which have been
17 forgiven under this section shall be considered can-
18 celed indebtedness by a lender authorized under sec-
19 tion 7(a) of the Small Business Act (15 U.S.C.
20 636(a)).
21 (2) PURCHASE OF GUARANTEES.—For purposes
22 of the purchase of the guarantee for a covered loan
23 by the Administrator, amounts which are forgiven
24 under this section shall be treated in accordance
25 with the procedures that are otherwise applicable to

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1 a loan guaranteed under section 7(a) of the Small
2 Business Act (15 U.S.C. 636(a)).
3 (3) REMITTANCE.—Not later than 90 days
4 after the date on which the amount of forgiveness
5 under this section is determined, the Administrator
6 shall remit to the lender an amount equal to the
7 amount of forgiveness, plus any interest accrued
8 through the date of payment.
9 (4) ADVANCE PURCHASE OF COVERED LOAN.—
10 (A) REPORT.—A lender authorized under
11 section 7(a) of the Small Business Act (15
12 U.S.C. 636(a)), or, at the discretion of the Ad-
13 ministrator, a third party participant in the sec-
14 ondary market, may, report to the Adminis-
15 trator an expected forgiveness amount on a cov-
16 ered loan or on a pool of covered loans of up
17 to 100 percent of the principal on the covered
18 loan or pool of covered loans, respectively.
19 (B) PURCHASE.—The Administrator shall
20 purchase the expected forgiveness amount de-
21 scribed in subparagraph (A) as if the amount
22 were the principal amount of a loan guaranteed
23 under section 7(a) of the Small Business Act
24 636(a)).

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1 (C) TIMING.—Not later than 15 days after
2 the date on which the Administrator receives a
3 report under subparagraph (A), the Adminis-
4 trator shall purchase the expected forgiveness
5 amount under subparagraph (B) with respect to
6 each covered loan to which the report relates.
7 (d) LIMITS ON AMOUNT OF FORGIVENESS.—
8 (1) AMOUNT MAY NOT EXCEED PRINCIPAL.—
9 The amount of loan forgiveness under this section
10 shall not exceed the principal amount of the financ-
11 ing made available under the applicable covered
12 loan.
13 (2) REDUCTION BASED ON REDUCTION IN NUM-
14 BER OF EMPLOYEES.—
15 (A) IN GENERAL.—The amount of loan
16 forgiveness under this section shall be reduced,
17 but not increased, by multiplying the amount
18 described in subsection (b) by the quotient ob-
19 tained by dividing—
20 (i) the average number of full-time
21 equivalent employees per month employed
22 by the eligible recipient during the covered
23 period; by
24 (ii)(I) at the election of the bor-
25 rower—

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1 (aa) the average number of full-
2 time equivalent employees per month
3 employed by the eligible recipient dur-
4 ing the period beginning on February
5 15, 2019 and ending on June 30,
6 2019; or
7 (bb) the average number of full-
8 time equivalent employees per month
9 employed by the eligible recipient dur-
10 ing the period beginning on January
11 1, 2020 and ending on February 29,
12 2020; or
13 (II) in the case of an eligible recipient
14 that is seasonal employer, as determined
15 by the Administrator, the average number
16 of full-time equivalent employees per
17 month employed by the eligible recipient
18 during the period beginning on February
19 15, 2019 and ending on June 30, 2019.
20 (B) CALCULATION OF AVERAGE NUMBER
21 OF EMPLOYEES.—For purposes of subpara-
22 graph (A), the average number of full-time
23 equivalent employees shall be determined by
24 calculating the average number of full-time

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1 equivalent employees for each pay period falling
2 within a month.
3 (3) REDUCTION RELATING TO SALARY AND
4 WAGES.—
5 (A) IN GENERAL.—The amount of loan
6 forgiveness under this section shall be reduced
7 by the amount of any reduction in total salary
8 or wages of any employee described in subpara-
9 graph (B) during the covered period that is in
10 excess of 25 percent of the total salary or wages
11 of the employee during the most recent full
12 quarter during which the employee was em-
13 ployed before the covered period.
14 (B) EMPLOYEES DESCRIBED.—An em-
15 ployee described in this subparagraph is any
16 employee who did not receive, during any single
17 pay period during 2019, wages or salary at an
18 annualized rate of pay in an amount more than
19 $100,000.
20 (4) TIPPED WORKERS.—An eligible recipient
21 with tipped employees described in section
22 3(m)(2)(A) of the Fair Labor Standards Act of
23 1938 (29 U.S.C. 203(m)(2)(A)) may receive forgive-
24 ness for additional wages paid to those employees.
25 (5) EXEMPTION FOR RE-HIRES.—

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1 (A) IN GENERAL.—In a circumstance de-
2 scribed in subparagraph (B), the amount of
3 loan forgiveness under this section shall be de-
4 termined without regard to a reduction in the
5 number of full-time equivalent employees of an
6 eligible recipient or a reduction in the salary of
7 1 or more employees of the eligible recipient, as
8 applicable, during the period beginning on Feb-
9 ruary 15, 2020 and ending on the date that is
10 30 days after the date of enactment of this Act.
11 (B) CIRCUMSTANCES.—A circumstance de-
12 scribed in this subparagraph is a cir-
13 cumstance—
14 (i) in which—
15 (I) during the period beginning
16 on February 15, 2020 and ending on
17 the date that is 30 days after the date
18 of enactment of this Act, there is a re-
19 duction, as compared to February 15,
20 2020, in the number of full-time
21 equivalent employees of an eligible re-
22 cipient; and
23 (II) not later than June 30,
24 2020, the eligible employer has elimi-

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1 nated the reduction in the number of
2 full-time equivalent employees;
3 (ii) in which—
4 (I) during the period beginning
5 on February 15, 2020 and ending on
6 the date that is 30 days after the date
7 of enactment of this Act, there is a re-
8 duction, as compared to February 15,
9 2020, in the salary or wages of 1 or
10 more employees of the eligible recipi-
11 ent; and
12 (II) not later than June 30,
13 2020, the eligible employer has elimi-
14 nated the reduction in the salary or
15 wages of such employees; or
16 (iii) in which the events described in
17 clause (i) and (ii) occur.
18 (6) EXEMPTIONS.—The Administrator and the
19 Secretary of the Treasury may prescribe regulations
20 granting de minimis exemptions from the require-
21 ments under this subsection.
22 (e) APPLICATION.—An eligible recipient seeking loan
23 forgiveness under this section shall submit to the lender
24 that is servicing the covered loan an application, which
25 shall include—

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1 (1) documentation verifying the number of full-
2 time equivalent employees on payroll and pay rates
3 for the periods described in subsection (d), includ-
4 ing—
5 (A) payroll tax filings reported to the In-
6 ternal Revenue Service; and
7 (B) State income, payroll, and unemploy-
8 ment insurance filings;
9 (2) documentation, including cancelled checks,
10 payment receipts, transcripts of accounts, or other
11 documents verifying payments on covered mortgage
12 obligations, payments on covered lease obligations,
13 and covered utility payments;
14 (3) a certification from a representative of the
15 eligible recipient authorized to make such certifi-
16 cations that—
17 (A) the documentation presented is true
18 and correct; and
19 (B) the amount for which forgiveness is re-
20 quested was used to retain employees, make in-
21 terest payments on a covered mortgage obliga-
22 tion, make payments on a covered rent obliga-
23 tion, or make covered utility payments; and
24 (4) any other documentation the Administrator
25 determines necessary.

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1 (f) PROHIBITION ON FORGIVENESS WITHOUT DOCU-
2 MENTATION.—No eligible recipient shall receive forgive-
3 ness under this section without submitting to the lender
4 that is servicing the covered loan the documentation re-
5 quired under subsection (e).
6 (g) DECISION.—Not later than 60 days after the date
7 on which a lender receives an application for loan forgive-
8 ness under this section from an eligible recipient, the lend-
9 er shall issue a decision on the an application.
10 (h) HOLD HARMLESS.—If a lender has received the
11 documentation required under this section from an eligible
12 recipient attesting that the eligible recipient has accurately
13 verified the payments for payroll costs, payments on cov-
14 ered mortgage obligations, payments on covered lease obli-
15 gations, or covered utility payments during covered pe-
16 riod—
17 (1) an enforcement action may not be taken
18 against the lender under section 47(e) of the Small
19 Business Act (15 U.S.C. 657t(e)) relating to loan
20 forgiveness for the payments for payroll costs, pay-
21 ments on covered mortgage obligations, payments on
22 covered lease obligations, or covered utility pay-
23 ments, as the case may be; and
24 (2) the lender shall not be subject to any pen-
25 alties by the Administrator relating to loan forgive-

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ness for the payments for payroll costs, payments on covered mortgage obligations, payments on covered lease obligations, or covered utility payments, as the case may be.

(i) TAXABILITY.—For purposes of the Internal Revenue Code of 1986, any amount which (but for this subsection) would be includible in gross income of the eligible recipient by reason of forgiveness described in subsection (b) shall be excluded from gross income.

(j) RULE OF CONSTRUCTION.—The cancellation of indebtedness on a covered loan under this section shall not otherwise modify the terms and conditions of the covered loan.

(k) REGULATIONS.—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue guidance and regulations implementing this section.

**SEC. 1107. DIRECT APPROPRIATIONS.**

(a) IN GENERAL.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, to remain available until September 30, 2021, for additional amounts—

(1) $349,000,000,000 under the heading "Small Business Administration—Business Loans Program Account, CARES Act" for the cost of

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1 guaranteed loans as authorized under paragraph
2 (36) of section 7(a) of the Small Business Act (15
3 U.S.C. 636(a)), as added by section 1102(a) of this
4 Act;
5 (2) $675,000,000 under the heading "Small
6 Business Administration—Salaries and Expenses"
7 for salaries and expenses of the Administration;
8 (3) $25,000,000 under the heading "Small
9 Business Administration—Office of Inspector Gen-
10 eral", to remain available until September 30, 2024,
11 for necessary expenses of the Office of Inspector
12 General of the Administration in carrying out the
13 provisions of the Inspector General Act of 1978 (5
14 U.S.C. App.);
15 (4) $265,000,000 under the heading "Small
16 Business Administration—Entrepreneurial Develop-
17 ment Programs", of which—
18 (A) $240,000,000 shall be for carrying out
19 section 1103(b) of this Act; and
20 (B) $25,000,000 shall be for carrying out
21 section 1103(c) of this Act;
22 (5) $10,000,000 under the heading "Depart-
23 ment of Commerce—Minority Business Development
24 Agency" for minority business centers of the Minor-

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1 ity Business Development Agency to provide tech-
2 nical assistance to small business concerns;
3 (6) $10,000,000,000 under the heading "Small
4 Business Administration—Emergency EIDL
5 Grants" shall be for carrying out section 1110 of
6 this Act;
7 (7) $17,000,000,000 under the heading "Small
8 Business Administration—Business Loans Program
9 Account, CARES Act" shall be for carrying out sec-
10 tion 1112 of this Act; and
11 (8) $25,000,000 under the heading "Depart-
12 ment of the Treasury—Departmental Offices—Sala-
13 ries and Expenses" shall be for carrying out section
14 1109 of this Act.
15 (b) SECONDARY MARKET.—During the period begin-
16 ning on the date of enactment of this Act and ending on
17 September 30, 2021, guarantees of trust certificates au-
18 thorized by section 5(g) of the Small Business Act (15
19 U.S.C. 635(g)) shall not exceed a principal amount of
20 $100,000,000,000.
21 (c) REPORTS.—Not later than 180 days after the
22 date of enactment of this Act, the Administrator shall sub-
23 mit to the Committee on Appropriations of the Senate and
24 the Committee on Appropriations of the House of Rep-
25 resentatives a detailed expenditure plan for using the

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1 amounts appropriated to the Administration under sub-
2 section (a).

3 **SEC. 1108. MINORITY BUSINESS DEVELOPMENT AGENCY.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term "Agency" means the Minority
6 Business Development Agency of the Department of
7 Commerce;

8 (2) the term "minority business center" means
9 a Business Center of the Agency;

10 (3) the term "minority business enterprise"
11 means a for-profit business enterprise—

12 (A) not less than 51 percent of which is
13 owned by 1 or more socially disadvantaged indi-
14 viduals, as determined by the Agency; and

15 (B) the management and daily business
16 operations of which are controlled by 1 or more
17 socially disadvantaged individuals, as deter-
18 mined by the Agency; and

19 (4) the term "minority chamber of commerce"
20 means a chamber of commerce developed specifically
21 to support minority business enterprises.

22 (b) EDUCATION, TRAINING, AND ADVISING
23 GRANTS.—

24 (1) IN GENERAL.—The Agency may provide fi-
25 nancial assistance in the form of grants to minority

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1 business centers and minority chambers of commerce
2 to provide education, training, and advising to mi-
3 nority business enterprises.
4 (2) USE OF FUNDS.—Grants under this section
5 shall be used for the education, training, and advis-
6 ing of minority business enterprises and their em-
7 ployees on—
8 (A) accessing and applying for resources
9 provided by the Agency and other Federal re-
10 sources relating to access to capital and busi-
11 ness resiliency;
12 (B) the hazards and prevention of the
13 transmission and communication of COVID–19
14 and other communicable diseases;
15 (C) the potential effects of COVID–19 on
16 the supply chains, distribution, and sale of
17 products of minority business enterprises and
18 the mitigation of those effects;
19 (D) the management and practice of
20 telework to reduce possible transmission of
21 COVID–19;
22 (E) the management and practice of re-
23 mote customer service by electronic or other
24 means;

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1 (F) the risks of and mitigation of cyber
2 threats in remote customer service or telework
3 practices;
4 (G) the mitigation of the effects of reduced
5 travel or outside activities on minority business
6 enterprises during COVID–19 or similar occur-
7 rences; and
8 (H) any other relevant business practices
9 necessary to mitigate the economic effects of
10 COVID–19 or similar occurrences.
11 (3) NO MATCHING FUNDS REQUIRED.—Match-
12 ing funds shall not be required for any grant under
13 this section.
14 (4) GOALS AND METRICS.—
15 (A) IN GENERAL.—Goals and metrics for
16 the funds made available under this section
17 shall be jointly developed, negotiated, and
18 agreed upon, with full participation of both par-
19 ties, between the minority business centers, mi-
20 nority chambers of commerce, and the Agency,
21 which shall—
22 (i) take into consideration the extent
23 of the circumstances relating to the spread
24 of COVID–19, or similar occurrences, that
25 affect minority business enterprises located

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in the areas covered by minority business centers and minority chambers of commerce, particularly in rural areas or economically distressed areas;

(ii) generally follow the use of funds outlined in paragraph (2), but shall not restrict the activities of minority business centers and minority chambers of commerce in responding to unique situations; and

(iii) encourage minority business centers and minority chambers of commerce to develop and provide services to minority business enterprises.

(B) PUBLIC AVAILABILITY.—The Agency shall make publicly available the methodology by which the Agency, minority business centers, and minority chambers of commerce jointly develop the metrics and goals described in subparagraph (A).

(c) WAIVERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, the Agency may, during the 3-month period that begins on the date of enactment of this Act, waive any matching require-

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1 ment imposed on a minority business center or a
2 specialty center of the Agency under a cooperative
3 agreement between such a center and the Agency if
4 the applicable center is unable to raise funds, or has
5 suffered a loss of revenue, because of the effects of
6 COVID–19.
7 (2) REMAINING COMPLIANT.—Notwithstanding
8 any provision of a cooperative agreement between
9 the Agency and a minority business center, if, dur-
10 ing the period beginning on the date of enactment
11 of this Act and ending on September 30, 2021, such
12 a center decides not to collect fees because of the
13 economic consequences of COVID–19, the center
14 shall be considered to be in compliance with that
15 agreement if—
16 (A) the center notifies the Agency with re-
17 spect to that decision, which the center may
18 provide through electronic mail; and
19 (B) the Agency, not later than 15 days
20 after the date on which the center provides no-
21 tice to the Agency under subparagraph (A)—
22 (i) confirms receipt of the notification
23 under subparagraph (A); and
24 (ii) accepts the decision of the center.

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1 (d) REPORT.—Not later than 6 months after the date
2 of enactment of this Act, and annually thereafter, the
3 Agency shall submit to the Committee on Small Business
4 and Entrepreneurship and the Committee on Commerce,
5 Science, and Transportation of the Senate and the Com-
6 mittee on Small Business and the Committee on Energy
7 and Commerce of the House of Representatives a report
8 that describes—
9 (1) with respect to the period covered by the
10 initial report—
11 (A) the programs and services developed
12 and provided by the Agency, minority business
13 centers, and minority chambers of commerce
14 under subsection (b); and
15 (B) the initial efforts to provide those serv-
16 ices under subsection (b); and
17 (2) with respect to subsequent years covered by
18 the report—
19 (A) with respect to the grant program
20 under subsection (b)—
21 (i) the efforts of the Agency, minority
22 business centers, and minority chambers of
23 commerce to develop services to assist mi-
24 nority business enterprises;

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(ii) the challenges faced by owners of minority business enterprises in accessing services provided by the Agency, minority business centers, and minority chambers of commerce;

(iii) the number of unique minority business enterprises that were served by the Agency, minority business centers, or minority chambers of commerce; and

(iv) other relevant outcome performance data with respect to minority business enterprises, including the number of employees affected, the effect on sales, the disruptions of supply chains, and the efforts made by the Agency, minority business centers, and minority chambers of commerce to mitigate these effects .

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section, to remain available until expended.

**SEC. 1109. UNITED STATES TREASURY PROGRAM MANAGEMENT AUTHORITY.**

(a) DEFINITIONS.—In this section—

(1) the terms "appropriate Federal banking agency" and "insured depository institution" have

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1 the meanings given those terms in section 3 of the
2 Federal Deposit Insurance Act (12 U.S.C. 1813);
3 (2) the term "insured credit union" has the
4 meaning given the term in section 101 of the Fed-
5 eral Credit Union Act (12 U.S.C. 1752); and
6 (3) the term "Secretary" means the Secretary
7 of the Treasury.
8 (b) AUTHORITY TO INCLUDE ADDITIONAL FINAN-
9 CIAL INSTITUTIONS.—The Department of the Treasury,
10 in consultation with the Administrator, and the Chairman
11 of the Farm Credit Administration shall establish criteria
12 for insured depository institutions, insured credit unions,
13 institutions of the Farm Credit System chartered under
14 the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.),
15 and other lenders that do not already participate in lend-
16 ing under programs of the Administration, to participate
17 in the paycheck protection program to provide loans under
18 this section until the date on which the national emergency
19 declared by the President under the National Emergencies
20 Act (50 U.S.C. 1601 et seq.) with respect to the
21 Coronavirus Disease 2019 (COVID–19) expires.
22 (c) SAFETY AND SOUNDNESS.—An insured deposi-
23 tory institution, insured credit union, institution of the
24 Farm Credit System chartered under the Farm Credit Act
25 of 1971 (12 U.S.C. 2001 et seq.), or other lender may

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1 only participate in the program established under this sec-
2 tion if participation does not affect the safety and sound-
3 ness of the institution or lender, as determined by the Sec-
4 retary in consultation with the appropriate Federal bank-
5 ing agencies or the National Credit Union Administration
6 Board, as applicable.

7 (d) REGULATIONS FOR LENDERS AND LOANS.—

8 (1) IN GENERAL.—The Secretary may issue
9 regulations and guidance as necessary to carry out
10 the purposes of this section, including to—

11 (A) allow additional lenders to originate
12 loans under this section; and

13 (B) establish terms and conditions for
14 loans under this section, including terms and
15 conditions concerning compensation, under-
16 writing standards, interest rates, and maturity.

17 (2) REQUIREMENTS.—The terms and condi-
18 tions established under paragraph (1) shall provide
19 for the following:

20 (A) A rate of interest that does not exceed
21 the maximum permissible rate of interest avail-
22 able on a loan of comparable maturity under
23 paragraph (36) of section 7(a) of the Small
24 Business Act (15 U.S.C. 636(a)), as added by
25 section 1102 of this Act.

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1 (B) Terms and conditions that, to the
2 maximum extent practicable, are consistent
3 with the terms and conditions required under
4 the following provisions of paragraph (36) of
5 section 7(a) of the Small Business Act (15
6 U.S.C. 636(a)), as added by section 1102 of
7 this Act:
8 (i) Subparagraph (D), pertaining to
9 borrower eligibility.
10 (ii) Subparagraph (E), pertaining to
11 the maximum loan amount.
12 (iii) Subparagraph (F)(i), pertaining
13 to allowable uses of program loans.
14 (iv) Subparagraph (H), pertaining to
15 fee waivers.
16 (v) Subparagraph (M), pertaining to
17 loan deferment.
18 (C) A guarantee percentage that, to the
19 maximum extent practicable, is consistent with
20 the guarantee percentage required under sub-
21 paragraph (F) of section 7(a)(2) of the Small
22 Business Act (15 U.S.C. 636(a)(2)), as added
23 by section 1102 of this Act.
24 (D) Loan forgiveness under terms and con-
25 ditions that, to the maximum extent prac-

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1 ticable, is consistent with the terms and condi-
2 tions for loan forgiveness under section 1106 of
3 this Act.
4 (e) ADDITIONAL REGULATIONS GENERALLY.—The
5 Secretary may issue regulations and guidance as necessary
6 to carry out the purposes of this section, including to allow
7 additional lenders to originate loans under this title and
8 to establish terms and conditions such as compensation,
9 underwriting standards, interest rates, and maturity for
10 under this section.
11 (f) CERTIFICATION.—As a condition of receiving a
12 loan under this section, a borrower shall certify under
13 terms acceptable to the Secretary that the borrower—
14 (1) does not have an application pending for a
15 loan under section 7(a) of the Small Business Act
16 (15 U.S.C. 636(a)) for the same purpose; and
17 (2) has not received such a loan during the pe-
18 riod beginning on February 15, 2020 and ending on
19 December 31, 2020.
20 (g) OPT-IN FOR SBA QUALIFIED LENDERS.—Lend-
21 ers qualified to participate as a lender under 7(a) of the
22 Small Business Act (15 U.S.C. 636(a)) may elect to par-
23 ticipate in the paycheck protection program under the cri-
24 teria, terms, and conditions established under this section.
25 Such participation shall not preclude the lenders from con-

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1 tinuing participation as a lender under section 7(a) of the
2 Small Business Act (15 U.S.C. 636(a)).
3 (h) PROGRAM ADMINISTRATION.—With guidance
4 from the Secretary, the Administrator shall administer the
5 program established under this section, including the mak-
6 ing and purchasing of guarantees on loans under the pro-
7 gram, until the date on which the national emergency de-
8 clared by the President under the National Emergencies
9 Act (50 U.S.C. 1601 et seq.) with respect to the
10 Coronavirus Disease 2019 (COVID–19) expires.
11 (i) CRIMINAL PENALTIES.—A loan under this section
12 shall be deemed to be a loan under the Small Business
13 Act (15 U.S.C. 631 et seq.) for purposes of section 16
14 of such Act (15 U.S.C. 645).
15 **SEC. 1110. EMERGENCY EIDL GRANTS.**
16 (a) DEFINITIONS.—In this section—
17 (1) the term "covered period" means the period
18 beginning on January 31, 2020 and ending on De-
19 cember 31, 2020; and
20 (2) the term "eligible entity" means—
21 (A) a business with not more than 500 em-
22 ployees;
23 (B) any individual who operates under a
24 sole proprietorship, with or without employees,
25 or as an independent contractor;

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1 (C) a cooperative with not more than 500
2 employees;
3 (D) an ESOP (as defined in section 3 of
4 the Small Business Act (15 U.S.C. 632)) with
5 not more than 500 employees; or
6 (E) a tribal small business concern, as de-
7 scribed in section 31(b)(2)(C) of the Small
8 Business Act (15 U.S.C. 657a(b)(2)(C)), with
9 not more than 500 employees.
10 (b) ELIGIBLE ENTITIES.—During the covered period,
11 in addition to small business concerns, private nonprofit
12 organizations, and small agricultural cooperatives, an eli-
13 gible entity shall be eligible for a loan made under section
14 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)).
15 (c) TERMS; CREDIT ELSEWHERE.—With respect to
16 a loan made under section 7(b)(2) of the Small Business
17 Act (15 U.S.C. 636(b)(2)) in response to COVID–19 dur-
18 ing the covered period, the Administrator shall waive—
19 (1) any rules related the personal guarantee on
20 advances and loans of not more than $200,000 dur-
21 ing the covered period for all applicants;
22 (2) the requirement that an applicant needs to
23 be in business for the 1-year period before the dis-
24 aster, except that no waiver may be made for a busi-

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1 ness that was not in operation on January 31, 2020;
2 and
3 (3) the requirement in the flush matter fol-
4 lowing subparagraph (E) of section 7(b)(2) of the
5 Small Business Act (15 U.S.C. 636(b)(2)), as so re-
6 designated by subsection (f) of this section, that an
7 applicant be unable to obtain credit elsewhere.
8 (d) APPROVAL AND ABILITY TO REPAY FOR SMALL
9 DOLLAR LOANS.—With respect to a loan made under sec-
10 tion 7(b)(2) of the Small Business Act (15 U.S.C.
11 636(b)(2)) in response to COVID–19 during the covered
12 period, the Administrator may—
13 (1) approve an applicant based solely on the
14 credit score of the applicant and shall not require an
15 applicant to submit a tax return or a tax return
16 transcript for such approval; or
17 (2) use alternative appropriate methods to de-
18 termine an applicant's ability to repay.
19 (e) EMERGENCY GRANT.—
20 (1) IN GENERAL.—During the covered period,
21 an entity included for eligibility in subsection (b), in-
22 cluding small business concerns, private nonprofit
23 organizations, and small agricultural cooperatives,
24 that applies for a loan under section 7(b)(2) of the
25 Small Business Act (15 U.S.C. 636(b)(2)) in re-

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1 sponse to COVID–19 may request that the Adminis-
2 trator provide an advance that is, subject to para-
3 graph (3), in the amount requested by such appli-
4 cant to such applicant within 3 days after the Ad-
5 ministrator receives an application from such appli-
6 cant.

7 (2) VERIFICATION.—Before disbursing amounts
8 under this subsection, the Administrator shall verify
9 that the applicant is an eligible entity by accepting
10 a self-certification from the applicant under penalty
11 of perjury pursuant to section 1746 of title 28
12 United States Code.

13 (3) AMOUNT.—The amount of an advance pro-
14 vided under this subsection shall be not more than
15 $10,000.

16 (4) USE OF FUNDS.—An advance provided
17 under this subsection may be used to address any al-
18 lowable purpose for a loan made under section
19 7(b)(2) of the Small Business Act (15 U.S.C.
20 636(b)(2)), including—

21 (A) providing paid sick leave to employees
22 unable to work due to the direct effect of the
23 COVID–19;

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1 (B) maintaining payroll to retain employ-
2 ees during business disruptions or substantial
3 slowdowns;
4 (C) meeting increased costs to obtain ma-
5 terials unavailable from the applicant's original
6 source due to interrupted supply chains;
7 (D) making rent or mortgage payments;
8 and
9 (E) repaying obligations that cannot be
10 met due to revenue losses.
11 (5) REPAYMENT.—An applicant shall not be re-
12 quired to repay any amounts of an advance provided
13 under this subsection, even if subsequently denied a
14 loan under section 7(b)(2) of the Small Business Act
15 (15 U.S.C. 636(b)(2)).
16 (6) UNEMPLOYMENT GRANT.—If an applicant
17 that receives an advance under this subsection trans-
18 fers into, or is approved for, the loan program under
19 section 7(a) of the Small Business Act (15 U.S.C.
20 636(a)), the advance amount shall be reduced from
21 the loan forgiveness amount for a loan for payroll
22 costs made under such section 7(a).
23 (7) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to the Ad-

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1 ministration $10,000,000,000 to carry out this sub-
2 section.
3 (8) TERMINATION.—The authority to carry out
4 grants under this subsection shall terminate on De-
5 cember 31, 2020.
6 (f) EMERGENCIES INVOLVING FEDERAL PRIMARY
7 RESPONSIBILITY QUALIFYING FOR SBA ASSISTANCE.—
8 Section 7(b)(2) of the Small Business Act (15 U.S.C.
9 636(b)(2)) is amended—
10 (1) in subparagraph (A), by striking "or" at
11 the end;
12 (2) in subparagraph (B), by striking "or" at
13 the end;
14 (3) in subparagraph (C), by striking "or" at
15 the end;
16 (4) by redesignating subparagraph (D) as sub-
17 paragraph (E);
18 (5) by inserting after subparagraph (C) the fol-
19 lowing:
20 "(D) an emergency involving Federal pri-
21 mary responsibility determined to exist by the
22 President under the section 501(b) of the Rob-
23 ert T. Stafford Disaster Relief and Emergency
24 Assistance Act (42 U.S.C. 5191(b)); or"; and
25 (6) in subparagraph (E), as so redesignated—

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1 (A) by striking "or (C)" and inserting
2 "(C), or (D)";
3 (B) by striking "disaster declaration" each
4 place it appears and inserting "disaster or
5 emergency declaration";
6 (C) by striking "disaster has occurred"
7 and inserting "disaster or emergency has oc-
8 curred";
9 (D) by striking "such disaster" and insert-
10 ing "such disaster or emergency"; and
11 (E) by striking "disaster stricken" and in-
12 serting "disaster- or emergency-stricken"; and
13 (7) in the flush matter following subparagraph
14 (E), as so redesignated, by striking the period at the
15 end and inserting the following: ": *Provided further*,
16 That for purposes of subparagraph (D), the Admin-
17 istrator shall deem that such an emergency affects
18 each State or subdivision thereof (including coun-
19 ties), and that each State or subdivision has suffi-
20 cient economic damage to small business concerns to
21 qualify for assistance under this paragraph and the
22 Administrator shall accept applications for such as-
23 sistance immediately.".

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1 **SEC. 1111. RESOURCES AND SERVICES IN LANGUAGES**
2 **OTHER THAN ENGLISH.**

3 (a) IN GENERAL.—The Administrator shall provide
4 the resources and services made available by the Adminis-
5 tration to small business concerns in the 10 most com-
6 monly spoken languages, other than English, in the
7 United States, which shall include Mandarin, Cantonese,
8 Japanese, and Korean.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the Administrator
11 $25,000,000 to carry out this section.

12 **SEC. 1112. SUBSIDY FOR CERTAIN LOAN PAYMENTS.**

13 (a) DEFINITION OF COVERED LOAN.—In this sec-
14 tion, the term "covered loan" means a loan that is—

15 (1) guaranteed by the Administration under—
16 (A) section 7(a) of the Small Business Act
17 (15 U.S.C. 636(a))—
18 (i) including a loan made under the
19 Community Advantage Pilot Program of
20 the Administration; and
21 (ii) excluding a loan made under para-
22 graph (36) of such section 7(a), as added
23 by section 1102; or
24 (B) title V of the Small Business Invest-
25 ment Act of 1958 (15 U.S.C. 695 et seq.); or

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1 (2) made by an intermediary to a small busi-
2 ness concern using loans or grants received under
3 section 7(m) of the Small Business Act (15 U.S.C.
4 636(m)).
5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—
7 (1) all borrowers are adversely affected by
8 COVID-19;
9 (2) relief payments by the Administration are
10 appropriate for all borrowers; and
11 (3) in addition to the relief provided under this
12 Act, the Administration should encourage lenders to
13 provide payment deferments, when appropriate, and
14 to extend the maturity of covered loans, so as to
15 avoid balloon payments or any requirement for in-
16 creases in debt payments resulting from deferments
17 provided by lenders during the period of the national
18 emergency declared by the President under the Na-
19 tional Emergencies Act (50 U.S.C. 1601 et seq.)
20 with respect to the Coronavirus Disease 2019
21 (COVID–19).
22 (c) PRINCIPAL AND INTEREST PAYMENTS.—
23 (1) IN GENERAL.—The Administrator shall pay
24 the principal, interest, and any associated fees that

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1 are owed on a covered loan in a regular servicing
2 status—
3 (A) with respect to a covered loan made
4 before the date of enactment of this Act and
5 not on deferment, for the 6-month period begin-
6 ning with the next payment due on the covered
7 loan;
8 (B) with respect to a covered loan made
9 before the date of enactment of this Act and on
10 deferment, for the 6-month period beginning
11 with the next payment due on the covered loan
12 after the deferment period; and
13 (C) with respect to a covered loan made
14 during the period beginning on the date of en-
15 actment of this Act and ending on the date that
16 is 6 months after such date of enactment, for
17 the 6-month period beginning with the first
18 payment due on the covered loan.
19 (2) TIMING OF PAYMENT.—The Administrator
20 shall begin making payments under paragraph (1)
21 on a covered loan not later than 30 days after the
22 date on which the first such payment is due.
23 (3) APPLICATION OF PAYMENT.—Any payment
24 made by the Administrator under paragraph (1)
25 shall be applied to the covered loan such that the

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1 borrower is relieved of the obligation to pay that
2 amount.
3 (d) OTHER REQUIREMENTS.—The Administrator
4 shall—
5 (1) communicate and coordinate with the Fed-
6 eral Deposit Insurance Corporation, the Office of the
7 Comptroller of the Currency, and State bank regu-
8 lators to encourage those entities to not require
9 lenders to increase their reserves on account of re-
10 ceiving payments made by the Administrator under
11 subsection (c);
12 (2) waive statutory limits on maximum loan
13 maturities for any covered loan durations where the
14 lender provides a deferral and extends the maturity
15 of covered loans during the 1-year period following
16 the date of enactment of this Act; and
17 (3) when necessary to provide more time be-
18 cause of the potential of higher volumes, travel re-
19 strictions, and the inability to access some properties
20 during the COVID–19 pandemic, extend lender site
21 visit requirements to—
22 (A) not more than 60 days (which may be
23 extended at the discretion of the Administra-
24 tion) after the occurrence of an adverse event,

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other than a payment default, causing a loan to be classified as in liquidation; and

(B) not more than 90 days after a payment default.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Administrator to make payments pursuant to subsection (c) with respect to a covered loan solely because the covered loan has been sold in the secondary market.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $17,000,000,000 to carry out this section.

**SEC. 1113. BANKRUPTCY.**

(a) SMALL BUSINESS DEBTOR REORGANIZATION.—

(1) IN GENERAL.—Section 1182(1) of title 11, United States Code, is amended to read as follows:

"(1) DEBTOR.—The term 'debtor'—

"(A) subject to subparagraph (B), means a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning single asset real estate) that has aggregate noncontingent liquidated secured and unsecured debts as of the date of the filing of

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1 the petition or the date of the order for relief
2 in an amount not more than $7,500,000 (ex-
3 cluding debts owed to 1 or more affiliates or in-
4 siders) not less than 50 percent of which arose
5 from the commercial or business activities of
6 the debtor; and
7 "(B) does not include—
8 "(i) any member of a group of affili-
9 ated debtors that has aggregate noncontin-
10 gent liquidated secured and unsecured
11 debts in an amount greater than
12 $7,500,000 (excluding debt owed to 1 or
13 more affiliates or insiders);
14 "(ii) any debtor that is a corporation
15 subject to the reporting requirements
16 under section 13 or 15(d) of the Securities
17 Exchange Act of 1934 (15 U.S.C. 78m,
18 78o(d)); or
19 "(iii) any debtor that is an affiliate of
20 an issuer, as defined in section 3 of the Se-
21 curities Exchange Act of 1934 (15 U.S.C.
22 78c).".
23 (2) APPLICABILITY OF CHAPTERS.—Section
24 103(i) of title 11, United States Code, is amended

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by striking "small business debtor" and inserting "debtor (as defined in section 1182)".

(3) APPLICATION OF AMENDMENT.—The amendment made by paragraph (1) shall apply only with respect to cases commenced under title 11, United States Code, on or after the date of enactment of this Act.

(4) TECHNICAL CORRECTIONS.—

(A) DEFINITION OF SMALL BUSINESS DEBTOR.—Section 101(51D)(B)(iii) of title 11, United States Code, is amended to read as follows:

"(iii) any debtor that is an affiliate of an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)).".

(B) UNCLAIMED PROPERTY.—Section 347(b) of title 11, United States Code, is amended by striking "1194" and inserting "1191".

(5) SUNSET.—On the date that is 1 year after the date of enactment of this Act, section 1182(1) of title 11, United States Code, is amended to read as follows:

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1 "(1) DEBTOR.—The term 'debtor' means a
2 small business debtor.".
3 (b) BANKRUPTCY RELIEF.—
4 (1) IN GENERAL.—
5 (A) EXCLUSION FROM CURRENT MONTHLY
6 INCOME.—Section 101(10A)(B)(ii) of title 11,
7 United States Code, is amended—
8 (i) in subclause (III), by striking ";
9 and" and inserting a semicolon;
10 (ii) in subclause (IV), by striking the
11 period at the end and inserting "; and";
12 and
13 (iii) by adding at the end the fol-
14 lowing:
15 "(V) Payments made under Fed-
16 eral law relating to the national emer-
17 gency declared by the President under
18 the National Emergencies Act (50
19 U.S.C. 1601 et seq.) with respect to
20 the coronavirus disease 2019
21 (COVID–19).".
22 (B) CONFIRMATION OF PLAN.—Section
23 1325(b)(2) of title 11, United States Code, is
24 amended by inserting "payments made under
25 Federal law relating to the national emergency

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1 declared by the President under the National
2 Emergencies Act (50 U.S.C. 1601 et seq.) with
3 respect to the coronavirus disease 2019
4 (COVID–19)," after "other than".
5 (C) MODIFICATION OF PLAN AFTER CON-
6 FIRMATION.—Section 1329 of title 11, United
7 States Code, is amended by adding at end the
8 following:
9 "(d)(1) Subject to paragraph (3), for a plan con-
10 firmed prior to the date of enactment of this subsection,
11 the plan may be modified upon the request of the debtor
12 if—
13 "(A) the debtor is experiencing or has experi-
14 enced a material financial hardship due, directly or
15 indirectly, to the coronavirus disease 2019 (COVID–
16 19) pandemic; and
17 "(B) the modification is approved after notice
18 and a hearing.
19 "(2) A plan modified under paragraph (1) may not
20 provide for payments over a period that expires more than
21 7 years after the time that the first payment under the
22 original confirmed plan was due.
23 "(3) Sections 1322(a), 1322(b), 1323(c), and the re-
24 quirements of section 1325(a) shall apply to any modifica-
25 tion under paragraph (1).".

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1 (D) APPLICABILITY.—
2 (i) The amendments made by sub-
3 paragraphs (A) and (B) shall apply to any
4 case commenced before, on, or after the
5 date of enactment of this Act.
6 (ii) The amendment made by subpara-
7 graph (C) shall apply to any case for which
8 a plan has been confirmed under section
9 1325 of title 11, United States Code, be-
10 fore the date of enactment of this Act.
11 (2) SUNSET.—
12 (A) IN GENERAL.—
13 (i) EXCLUSION FROM CURRENT
14 MONTHLY INCOME.—Section
15 101(10A)(B)(ii) of title 11, United States
16 Code, is amended—
17 (I) in subclause (III), by striking
18 the semicolon at the end and inserting
19 "; and";
20 (II) in subclause (IV), by striking
21 "; and" and inserting a period; and
22 (III) by striking subclause (V).
23 (ii) CONFIRMATION OF PLAN.—Sec-
24 tion 1325(b)(2) of title 11, United States
25 Code, is amended by striking "payments

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1 made under Federal law relating to the na-
2 tional emergency declared by the President
3 under the National Emergencies Act (50
4 U.S.C. 1601 et seq.) with respect to the
5 coronavirus disease 2019 (COVID–19),''.
6 (iii) MODIFICATION OF PLAN AFTER
7 CONFIRMATION.—Section 1329 of title 11,
8 United States Code, is amended by strik-
9 ing subsection (d).
10 (B) EFFECTIVE DATE.—The amendments
11 made by subparagraph (A) shall take effect on
12 the date that is 1 year after the date of enact-
13 ment of this Act.

14 **SEC. 1114. EMERGENCY RULEMAKING AUTHORITY.**

15 Not later than 15 days after the date of enactment
16 of this Act, the Administrator shall issue regulations to
17 carry out this title and the amendments made by this title
18 without regard to the notice requirements under section
19 553(b) of title 5, United States Code.

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# TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES

## Subtitle A—Unemployment Insurance Provisions

**SEC. 2101. SHORT TITLE.**

This subtitle may be cited as the "Relief for Workers Affected by Coronavirus Act".

**SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.**

(a) DEFINITIONS.—In this section:

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

(2) COVID–19 PUBLIC HEALTH EMERGENCY.—The term "COVID-19 public health emergency" means the public health emergency declared by the Secretary of Health and Human Services on January 27, 2020, with respect to the 2019 Novel Coronavirus.

(3) COVERED INDIVIDUAL.—The term "covered individual"—

(A) means an individual who—

(i) is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section

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1 2107, including an individual who has ex-
2 hausted all rights to regular unemployment
3 or extended benefits under State or Fed-
4 eral law or pandemic emergency unemploy-
5 ment compensation under section 2107;
6 and
7 (ii) provides self-certification that the
8 individual—
9 (I) is otherwise able to work and
10 available for work within the meaning
11 of applicable State law, except the in-
12 dividual is unemployed, partially un-
13 employed, or unable or unavailable to
14 work because—
15 (aa) the individual has been
16 diagnosed with COVID–19 or is
17 experiencing symptoms of
18 COVID–19 and seeking a med-
19 ical diagnosis;
20 (bb) a member of the indi-
21 vidual's household has been diag-
22 nosed with COVID–19;
23 (cc) the individual is pro-
24 viding care for a family member
25 or a member of the individual's

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1 household who has been diag-
2 nosed with COVID–19;
3 (dd) a child or other person
4 in the household for which the in-
5 dividual has primary caregiving
6 responsibility is unable to attend
7 school or another facility that is
8 closed as a direct result of the
9 COVID-19 public health emer-
10 gency and such school or facility
11 care is required for the individual
12 to work;
13 (ee) the individual is unable
14 to reach the place of employment
15 because of a quarantine imposed
16 as a direct result of the COVID-
17 19 public health emergency;
18 (ff) the individual is unable
19 to reach the place of employment
20 because the individual has been
21 advised by a health care provider
22 to self-quarantine due to con-
23 cerns related to COVID–19;
24 (gg) the individual was
25 scheduled to commence employ-

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1 ment and does not have a job or
2 is unable to reach the job as a di-
3 rect result of the COVID-19 pub-
4 lic health emergency;
5 (hh) the individual has be-
6 come the breadwinner or major
7 support for a household because
8 the head of the household has
9 died as a direct result of
10 COVID–19;
11 (ii) the individual has to quit
12 his or her job as a direct result
13 of COVID–19;
14 (jj) the individual's place of
15 employment is closed as a direct
16 result of the COVID–19 public
17 health emergency; or
18 (kk) the individual meets
19 any additional criteria established
20 by the Secretary for unemploy-
21 ment assistance under this sec-
22 tion; or
23 (II) is self-employed, is seeking
24 part-time employment, does not have
25 sufficient work history, or otherwise

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1 would not qualify for regular unem-
2 ployment or extended benefits under
3 State or Federal law or pandemic
4 emergency unemployment compensa-
5 tion under section 2107 and meets the
6 requirements of subclause (I); and
7 (B) does not include—
8 (i) an individual who has the ability to
9 telework with pay; or
10 (ii) an individual who is receiving paid
11 sick leave or other paid leave benefits, re-
12 gardless of whether the individual meets a
13 qualification described in items (aa)
14 through (kk) of subparagraph (A)(i)(I).
15 (4) SECRETARY.—The term "Secretary" means
16 the Secretary of Labor.
17 (5) STATE.—The term "State" includes the
18 District of Columbia, the Commonwealth of Puerto
19 Rico, the Virgin Islands, Guam, American Samoa,
20 the Commonwealth of the Northern Mariana Is-
21 lands, the Federated States of Micronesia, the Re-
22 public of the Marshall Islands, and the Republic of
23 Palau.
24 (b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT
25 OF COVID-19.—Subject to subsection (c), the Secretary

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1 shall provide to any covered individual unemployment ben-
2 efit assistance while such individual is unemployed, par-
3 tially unemployed, or unable to work for the weeks of such
4 unemployment with respect to which the individual is not
5 entitled to any other unemployment compensation (as that
6 term is defined in section 85(b) of title 26, United States
7 Code) or waiting period credit.

8 (c) APPLICABILITY.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the assistance authorized under sub-
11 section (b) shall be available to a covered indi-
12 vidual—

13 (A) for weeks of unemployment, partial un-
14 employment, or inability to work caused by
15 COVID–19—

16 (i) beginning on or after January 27,
17 2020; and

18 (ii) ending on or before December 31,
19 2020; and

20 (B) subject to subparagraph (A)(ii), as
21 long as the covered individual's unemployment,
22 partial unemployment, or inability to work
23 caused by COVID–19 continues.

24 (2) LIMITATION ON DURATION OF ASSIST-
25 ANCE.—The total number of weeks for which a cov-

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1 ered individual may receive assistance under this
2 section shall not exceed 39 weeks and such total
3 shall include any week for which the covered indi-
4 vidual received regular compensation or extended
5 benefits under any Federal or State law, except that
6 if after the date of enactment of this Act, the dura-
7 tion of extended benefits is extended, the 39-week
8 period described in this paragraph shall be extended
9 by the number of weeks that is equal to the number
10 of weeks by which the extended benefits were ex-
11 tended.

12 (3) ASSISTANCE FOR UNEMPLOYMENT BEFORE
13 DATE OF ENACTMENT.—The Secretary shall estab-
14 lish a process for making assistance under this sec-
15 tion available for weeks beginning on or after Janu-
16 ary 27, 2020, and before the date of enactment of
17 this Act.

18 (d) AMOUNT OF ASSISTANCE.—

19 (1) IN GENERAL.—The assistance authorized
20 under subsection (b) for a week of unemployment,
21 partial unemployment, or inability to work shall
22 be—

23 (A)(i) the weekly benefit amount author-
24 ized under the unemployment compensation law
25 of the State where the covered individual was

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1 employed, except that the amount may not be
2 less than the minimum weekly benefit amount
3 described in section 625.6 of title 20, Code of
4 Federal Regulations, or any successor thereto;
5 and
6 (ii) the amount of Federal Pandemic Un-
7 employment Compensation under section 2104;
8 and
9 (B) in the case of an increase of the week-
10 ly benefit amount after the date of enactment
11 of this Act, increased in an amount equal to
12 such increase.
13 (2) CALCULATIONS OF AMOUNTS FOR CERTAIN
14 COVERED INDIVIDUALS.—In the case of a covered
15 individual who is self-employed, who lives in a terri-
16 tory described in subsection (c) or (d) of section
17 625.6 of title 20, Code of Federal Regulations, or
18 who would not otherwise qualify for unemployment
19 compensation under State law, the assistance au-
20 thorized under subsection (b) for a week of unem-
21 ployment shall be calculated in accordance with sec-
22 tion 625.6 of title 20, Code of Federal Regulations,
23 or any successor thereto, and shall be increased by
24 the amount of Federal Pandemic Unemployment
25 Compensation under section 2104.

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1 (3) ALLOWABLE METHODS OF PAYMENT.—Any
2 assistance provided for in accordance with para-
3 graph (1)(A)(ii) shall be payable either—
4 (A) as an amount which is paid at the
5 same time and in the same manner as the as-
6 sistance provided for in paragraph (1)(A)(i) is
7 payable for the week involved; or
8 (B) at the option of the State, by pay-
9 ments which are made separately from, but on
10 the same weekly basis as, any assistance pro-
11 vided for in paragraph (1)(A)(i).
12 (e) WAIVER OF STATE REQUIREMENT.—Notwith-
13 standing State law, for purposes of assistance authorized
14 under this section, compensation under this Act shall be
15 made to an individual otherwise eligible for such com-
16 pensation without any waiting period.
17 (f) AGREEMENTS WITH STATES.—
18 (1) IN GENERAL.—The Secretary shall provide
19 the assistance authorized under subsection (b)
20 through agreements with States which, in the judg-
21 ment of the Secretary, have an adequate system for
22 administering such assistance through existing State
23 agencies.
24 (2) PAYMENTS TO STATES.—There shall be
25 paid to each State which has entered into an agree-

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1 ment under this subsection an amount equal to 100
2 percent of—
3 (A) the total amount of assistance provided
4 by the State pursuant to such agreement; and
5 (B) any additional administrative expenses
6 incurred by the State by reason of such agree-
7 ment (as determined by the Secretary), includ-
8 ing any administrative expenses necessary to fa-
9 cilitate processing of applications for assistance
10 under this section online or by telephone rather
11 than in-person.
12 (3) TERMS OF PAYMENTS.—Sums payable to
13 any State by reason of such State's having an agree-
14 ment under this subsection shall be payable, either
15 in advance or by way of reimbursement (as deter-
16 mined by the Secretary), in such amounts as the
17 Secretary estimates the State will be entitled to re-
18 ceive under this subsection for each calendar month,
19 reduced or increased, as the case may be, by any
20 amount by which the Secretary finds that his esti-
21 mates for any prior calendar month were greater or
22 less than the amounts which should have been paid
23 to the State. Such estimates may be made on the
24 basis of such statistical, sampling, or other method

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1 as may be agreed upon by the Secretary and the
2 State agency of the State involved.
3 (g) FUNDING.—
4 (1) ASSISTANCE.—
5 (A) IN GENERAL.—Funds in the extended
6 unemployment compensation account (as estab-
7 lished by section 905(a) of the Social Security
8 Act (42 U.S.C. 1105(a)) of the Unemployment
9 Trust Fund (as established by section 904(a) of
10 such Act (42 U.S.C. 1104(a)) shall be used to
11 make payments to States pursuant to sub-
12 section (f)(2)(A).
13 (B) TRANSFER OF FUNDS.—Notwith-
14 standing any other provision of law, the Sec-
15 retary of the Treasury shall transfer from the
16 general fund of the Treasury (from funds not
17 otherwise appropriated) to the extended unem-
18 ployment compensation account such sums as
19 the Secretary of Labor estimates to be nec-
20 essary to make payments described in subpara-
21 graph (A). There are appropriated from the
22 general fund of the Treasury, without fiscal
23 year limitation, the sums referred to in the pre-
24 ceding sentence and such sums shall not be re-
25 quired to be repaid.

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1 (2) ADMINISTRATIVE EXPENSES.—
2 (A) IN GENERAL.—Funds in the employ-
3 ment security administration account (as estab-
4 lished by section 901(a) of the Social Security
5 Act (42 U.S.C. 1105(a)) of the Unemployment
6 Trust Fund (as established by section 904(a) of
7 such Act (42 U.S.C. 1104(a)) shall be used to
8 make payments to States pursuant to sub-
9 section (f)(2)(B).
10 (B) TRANSFER OF FUNDS.—Notwith-
11 standing any other provision of law, the Sec-
12 retary of the Treasury shall transfer from the
13 general fund of the Treasury (from funds not
14 otherwise appropriated) to the employment se-
15 curity administration account such sums as the
16 Secretary of Labor estimates to be necessary to
17 make payments described in subparagraph (A).
18 There are appropriated from the general fund
19 of the Treasury, without fiscal year limitation,
20 the sums referred to in the preceding sentence
21 and such sums shall not be required to be re-
22 paid.
23 (3) CERTIFICATIONS.—The Secretary of Labor
24 shall from time to time certify to the Secretary of

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1 the Treasury for payment to each State the sums
2 payable to such State under paragraphs (1) and (2).
3 (h) RELATIONSHIP BETWEEN PANDEMIC UNEM-
4 PLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT
5 ASSISTANCE.—Except as otherwise provided in this sec-
6 tion or to the extent there is a conflict between this section
7 and section 625 of title 20, Code of Federal Regulations,
8 such section 625 shall apply to this section as if—
9 (1) the term "COVID–19 public health emer-
10 gency" were substituted for the term "major dis-
11 aster" each place it appears in such section 625; and
12 (2) the term "pandemic" were substituted for
13 the term "disaster" each place it appears in such
14 section 625.

15 **SEC. 2103. EMERGENCY UNEMPLOYMENT RELIEF FOR GOV-**
16 **ERNMENTAL ENTITIES AND NONPROFIT OR-**
17 **GANIZATIONS.**

18 (a) FLEXIBILITY IN PAYING REIMBURSEMENT.—The
19 Secretary of Labor may issue clarifying guidance to allow
20 States to interpret their State unemployment compensa-
21 tion laws in a manner that would provide maximum flexi-
22 bility to reimbursing employers as it relates to timely pay-
23 ment and assessment of penalties and interest pursuant
24 to such State laws.

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1 (b) FEDERAL FUNDING.—Section 903 of the Social
2 Security Act (42 U.S.C. 1103) is amended by adding at
3 the end the following:

4 "Transfers for Federal Reimbursement of State
5 Unemployment Funds

6 "(i)(1)(A) In addition to any other amounts, the Sec-
7 retary of Labor shall provide for the transfer of funds dur-
8 ing the applicable period to the accounts of the States in
9 the Unemployment Trust Fund, by transfer from amounts
10 reserved for that purpose in the Federal unemployment
11 account, in accordance with the succeeding provisions of
12 this subsection.

13 "(B) The amount of funds transferred to the account
14 of a State under subparagraph (A) during the applicable
15 period shall, as determined by the Secretary of Labor, be
16 equal to one-half of the amounts of compensation (as de-
17 fined in section 3306(h) of the Internal Revenue Code of
18 1986) attributable under the State law to service to which
19 section 3309(a)(1) of such Code applies that were paid
20 by the State for weeks of unemployment beginning and
21 ending during such period. Such transfers shall be made
22 at such times as the Secretary of Labor considers appro-
23 priate.

24 "(C) Notwithstanding any other law, funds trans-
25 ferred to the account of a State under subparagraph (A)

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1 shall be used exclusively to reimburse governmental enti-
2 ties and other organizations described in section
3 3309(a)(2) of such Code for amounts paid (in lieu of con-
4 tributions) into the State unemployment fund pursuant to
5 such section.

6 "(D) For purposes of this paragraph, the term 'appli-
7 cable period' means the period beginning on March 13,
8 2020, and ending on December 31, 2020.

9 "(2)(A) Notwithstanding any other provision of law,
10 the Secretary of the Treasury shall transfer from the gen-
11 eral fund of the Treasury (from funds not otherwise ap-
12 propriated) to the Federal unemployment account such
13 sums as the Secretary of Labor estimates to be necessary
14 for purposes of making the transfers described in para-
15 graph (1).

16 "(B) There are appropriated from the general fund
17 of the Treasury, without fiscal year limitation, the sums
18 referred to in subparagraph (A) and such sums shall not
19 be required to be repaid.".

20 **SEC. 2104. EMERGENCY INCREASE IN UNEMPLOYMENT**
21 **COMPENSATION BENEFITS.**

22 (a) FEDERAL-STATE AGREEMENTS.—Any State
23 which desires to do so may enter into and participate in
24 an agreement under this section with the Secretary of
25 Labor (in this section referred to as the "Secretary"). Any

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1 State which is a party to an agreement under this section
2 may, upon providing 30 days' written notice to the Sec-
3 retary, terminate such agreement.
4 (b) PROVISIONS OF AGREEMENT.—
5 (1) FEDERAL PANDEMIC UNEMPLOYMENT COM-
6 PENSATION.—Any agreement under this section
7 shall provide that the State agency of the State will
8 make payments of regular compensation to individ-
9 uals in amounts and to the extent that they would
10 be determined if the State law of the State were ap-
11 plied, with respect to any week for which the indi-
12 vidual is (disregarding this section) otherwise enti-
13 tled under the State law to receive regular com-
14 pensation, as if such State law had been modified in
15 a manner such that the amount of regular com-
16 pensation (including dependents' allowances) payable
17 for any week shall be equal to—
18 (A) the amount determined under the
19 State law (before the application of this para-
20 graph), plus
21 (B) an additional amount of $600 (in this
22 section referred to as "Federal Pandemic Un-
23 employment Compensation").
24 (2) ALLOWABLE METHODS OF PAYMENT.—Any
25 Federal Pandemic Unemployment Compensation

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1 provided for in accordance with paragraph (1) shall
2 be payable either—
3 (A) as an amount which is paid at the
4 same time and in the same manner as any reg-
5 ular compensation otherwise payable for the
6 week involved; or
7 (B) at the option of the State, by pay-
8 ments which are made separately from, but on
9 the same weekly basis as, any regular com-
10 pensation otherwise payable.
11 (c) NONREDUCTION RULE.—
12 (1) IN GENERAL.—An agreement under this
13 section shall not apply (or shall cease to apply) with
14 respect to a State upon a determination by the Sec-
15 retary that the method governing the computation of
16 regular compensation under the State law of that
17 State has been modified in a manner such that the
18 number of weeks (the maximum benefit entitlement),
19 or the average weekly benefit amount, of regular
20 compensation which will be payable during the pe-
21 riod of the agreement (determined disregarding any
22 Federal Pandemic Unemployment Compensation)
23 will be less than the number of weeks, or the aver-
24 age weekly benefit amount, of the average weekly
25 benefit amount of regular compensation which would

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otherwise have been payable during such period under the State law, as in effect on January 1, 2020.

(2) MAXIMUM BENEFIT ENTITLEMENT.—In paragraph (1), the term "maximum benefit entitlement" means the amount of regular unemployment compensation payable to an individual with respect to the individual's benefit year.

(d) PAYMENTS TO STATES.—

(1) IN GENERAL.—

(A) FULL REIMBURSEMENT.—There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 percent of—

(i) the total amount of Federal Pandemic Unemployment Compensation paid to individuals by the State pursuant to such agreement; and

(ii) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(B) TERMS OF PAYMENTS.—Sums payable to any State by reason of such State's having an agreement under this section shall be pay-

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able, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(3) APPROPRIATION.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, such sums as may be necessary for purposes of this subsection.

(e) APPLICABILITY.—An agreement entered into under this section shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

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1 (2) ending on or before July 31, 2020.
2 (f) FRAUD AND OVERPAYMENTS.—
3 (1) IN GENERAL.—If an individual knowingly
4 has made, or caused to be made by another, a false
5 statement or representation of a material fact, or
6 knowingly has failed, or caused another to fail, to
7 disclose a material fact, and as a result of such false
8 statement or representation or of such nondisclosure
9 such individual has received an amount of Federal
10 Pandemic Unemployment Compensation to which
11 such individual was not entitled, such individual—
12 (A) shall be ineligible for further Federal
13 Pandemic Unemployment Compensation in ac-
14 cordance with the provisions of the applicable
15 State unemployment compensation law relating
16 to fraud in connection with a claim for unem-
17 ployment compensation; and
18 (B) shall be subject to prosecution under
19 section 1001 of title 18, United States Code.
20 (2) REPAYMENT.—In the case of individuals
21 who have received amounts of Federal Pandemic
22 Unemployment Compensation to which they were
23 not entitled, the State shall require such individuals
24 to repay the amounts of such Federal Pandemic Un-
25 employment Compensation to the State agency, ex-

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1 cept that the State agency may waive such repay-
2 ment if it determines that—
3 (A) the payment of such Federal Pandemic
4 Unemployment Compensation was without fault
5 on the part of any such individual; and
6 (B) such repayment would be contrary to
7 equity and good conscience.
8 (3) RECOVERY BY STATE AGENCY.—
9 (A) IN GENERAL.—The State agency shall
10 recover the amount to be repaid, or any part
11 thereof, by deductions from any Federal Pan-
12 demic Unemployment Compensation payable to
13 such individual or from any unemployment
14 compensation payable to such individual under
15 any State or Federal unemployment compensa-
16 tion law administered by the State agency or
17 under any other State or Federal law adminis-
18 tered by the State agency which provides for
19 the payment of any assistance or allowance with
20 respect to any week of unemployment, during
21 the 3-year period after the date such individuals
22 received the payment of the Federal Pandemic
23 Unemployment Compensation to which they
24 were not entitled, in accordance with the same
25 procedures as apply to the recovery of overpay-

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1 ments of regular unemployment benefits paid
2 by the State.
3 (B) OPPORTUNITY FOR HEARING.—No re-
4 payment shall be required, and no deduction
5 shall be made, until a determination has been
6 made, notice thereof and an opportunity for a
7 fair hearing has been given to the individual,
8 and the determination has become final.
9 (4) REVIEW.—Any determination by a State
10 agency under this section shall be subject to review
11 in the same manner and to the same extent as deter-
12 minations under the State unemployment compensa-
13 tion law, and only in that manner and to that ex-
14 tent.
15 (g) APPLICATION TO OTHER UNEMPLOYMENT BENE-
16 FITS.—Each agreement under this section shall include
17 provisions to provide that the purposes of the preceding
18 provisions of this section shall be applied with respect to
19 unemployment benefits described in subsection (i)(2) to
20 the same extent and in the same manner as if those bene-
21 fits were regular compensation.
22 (h) DISREGARD OF ADDITIONAL COMPENSATION FOR
23 PURPOSES OF MEDICAID AND CHIP.—The monthly
24 equivalent of any Federal pandemic unemployment com-
25 pensation paid to an individual under this section shall

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1 be disregarded when determining income for any purpose
2 under the programs established under titles XIX and title
3 XXI of the Social Security Act (42 U.S.C. 1396 et seq.,
4 1397aa et seq.) .
5 (i) DEFINITIONS.—For purposes of this section—
6 (1) the terms "compensation", "regular com-
7 pensation", "benefit year", "State", "State agency",
8 "State law", and "week" have the respective mean-
9 ings given such terms under section 205 of the Fed-
10 eral-State Extended Unemployment Compensation
11 Act of 1970 (26 U.S.C. 3304 note); and
12 (2) any reference to unemployment benefits de-
13 scribed in this paragraph shall be considered to refer
14 to—
15 (A) extended compensation (as defined by
16 section 205 of the Federal-State Extended Un-
17 employment Compensation Act of 1970);
18 (B) regular compensation (as defined by
19 section 85(b) of the Internal Revenue Code of
20 1986) provided under any program adminis-
21 tered by a State under an agreement with the
22 Secretary;
23 (C) pandemic unemployment assistance
24 under section 2102; and

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1 (D) pandemic emergency unemployment
2 compensation under section 2107.

3 **SEC. 2105. TEMPORARY FULL FEDERAL FUNDING OF THE**
4 **FIRST WEEK OF COMPENSABLE REGULAR**
5 **UNEMPLOYMENT FOR STATES WITH NO WAIT-**
6 **ING WEEK.**

7 (a) FEDERAL-STATE AGREEMENTS.—Any State
8 which desires to do so may enter into and participate in
9 an agreement under this section with the Secretary of
10 Labor (in this section referred to as the ''Secretary''). Any
11 State which is a party to an agreement under this section
12 may, upon providing 30 days' written notice to the Sec-
13 retary, terminate such agreement.

14 (b) REQUIREMENT THAT STATE LAW DOES NOT
15 APPLY A WAITING WEEK.—A State is eligible to enter
16 into an agreement under this section if the State law (in-
17 cluding a waiver of State law) provides that compensation
18 is paid to individuals for their first week of regular unem-
19 ployment without a waiting week. An agreement under
20 this section shall not apply (or shall cease to apply) with
21 respect to a State upon a determination by the Secretary
22 that the State law no longer meets the requirement under
23 the preceding sentence.

24 (c) PAYMENTS TO STATES.—

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1 (1) FULL REIMBURSEMENT.—There shall be
2 paid to each State which has entered into an agree-
3 ment under this section an amount equal to 100 per-
4 cent of—
5 (A) the total amount of regular compensa-
6 tion paid to individuals by the State for their
7 first week of regular unemployment; and
8 (B) any additional administrative expenses
9 incurred by the State by reason of such agree-
10 ment (as determined by the Secretary).
11 (2) TERMS OF PAYMENTS.—Sums payable to
12 any State by reason of such State's having an agree-
13 ment under this section shall be payable, either in
14 advance or by way of reimbursement (as determined
15 by the Secretary), in such amounts as the Secretary
16 estimates the State will be entitled to receive under
17 this section for each calendar month, reduced or in-
18 creased, as the case may be, by any amount by
19 which the Secretary finds that his estimates for any
20 prior calendar month were greater or less than the
21 amounts which should have been paid to the State.
22 Such estimates may be made on the basis of such
23 statistical, sampling, or other method as may be
24 agreed upon by the Secretary and the State agency
25 of the State involved.

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1 (d) FUNDING.—
2 (1) COMPENSATION.—
3 (A) IN GENERAL.—Funds in the Federal
4 unemployment account (as established by sec-
5 tion 905(g)) of the Unemployment Trust Fund
6 (as established by section 904(a)) shall be used
7 to make payments under subsection (c)(1)(A).
8 (B) TRANSFER OF FUNDS.—Notwith-
9 standing any other provision of law, the Sec-
10 retary of the Treasury shall transfer from the
11 general fund of the Treasury (from funds not
12 otherwise appropriated) to the Federal unem-
13 ployment account such sums as the Secretary of
14 Labor estimates to be necessary to make pay-
15 ments described in subparagraph (A). There
16 are appropriated from the general fund of the
17 Treasury, without fiscal year limitation, the
18 sums referred to in the preceding sentence and
19 such sums shall not be required to be repaid.
20 (2) ADMINISTRATIVE EXPENSES.—
21 (A) IN GENERAL.—Funds in the employ-
22 ment security administration account (as estab-
23 lished by section 901(a) of the Social Security
24 Act (42 U.S.C. 1105(a)) of the Unemployment
25 Trust Fund (as established by section 904(a) of

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1 such Act (42 U.S.C. 1104(a)) shall be used to
2 make payments to States pursuant to sub-
3 section (c)(1)(B).
4 (B) TRANSFER OF FUNDS.—Notwith-
5 standing any other provision of law, the Sec-
6 retary of the Treasury shall transfer from the
7 general fund of the Treasury (from funds not
8 otherwise appropriated) to the employment se-
9 curity administration account such sums as the
10 Secretary of Labor estimates to be necessary to
11 make payments described in subparagraph (A).
12 There are appropriated from the general fund
13 of the Treasury, without fiscal year limitation,
14 the sums referred to in the preceding sentence
15 and such sums shall not be required to be re-
16 paid.
17 (3) CERTIFICATIONS.—The Secretary shall
18 from time to time certify to the Secretary of the
19 Treasury for payment to each State the sums pay-
20 able to such State under this section.
21 (e) APPLICABILITY.—An agreement entered into
22 under this section shall apply to weeks of unemployment—
23 (1) beginning after the date on which such
24 agreement is entered into; and
25 (2) ending on or before December 31, 2020.

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1 (f) FRAUD AND OVERPAYMENTS.—The provisions of
2 section 2107(e) shall apply with respect to compensation
3 paid under an agreement under this section to the same
4 extent and in the same manner as in the case of pandemic
5 emergency unemployment compensation under such sec-
6 tion.

7 (g) DEFINITIONS.—For purposes of this section, the
8 terms "regular compensation", "State", "State agency",
9 "State law", and "week" have the respective meanings
10 given such terms under section 205 of the Federal-State
11 Extended Unemployment Compensation Act of 1970 (26
12 U.S.C. 3304 note).

13 **SEC. 2106. EMERGENCY STATE STAFFING FLEXIBILITY.**

14 Section 4102(b) of the Emergency Unemployment
15 Stabilization and Access Act of 2020 (contained in division
16 D of the Families First Coronavirus Response Act) is
17 amended—

18 (1) by striking "or employer experience rating"
19 and inserting "employer experience rating, or, sub-
20 ject to the succeeding sentence, personnel standards
21 on a merit basis"; and

22 (2) by adding at the end the following new sen-
23 tence: "The emergency flexibility for personnel
24 standards on a merit basis shall only apply through
25 December 31, 2020, and is limited to engaging of

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1 temporary staff, rehiring of retirees or former em-
2 ployees on a non-competitive basis, and other tem-
3 porary actions to quickly process applications and
4 claims.''.

5 **SEC. 2107. PANDEMIC EMERGENCY UNEMPLOYMENT COM-**
6 **PENSATION.**

7 (a) FEDERAL-STATE AGREEMENTS.—

8 (1) IN GENERAL.—Any State which desires to
9 do so may enter into and participate in an agree-
10 ment under this section with the Secretary of Labor
11 (in this section referred to as the ''Secretary''). Any
12 State which is a party to an agreement under this
13 section may, upon providing 30 days' written notice
14 to the Secretary, terminate such agreement.

15 (2) PROVISIONS OF AGREEMENT.—Any agree-
16 ment under paragraph (1) shall provide that the
17 State agency of the State will make payments of
18 pandemic emergency unemployment compensation to
19 individuals who—

20 (A) have exhausted all rights to regular
21 compensation under the State law or under
22 Federal law with respect to a benefit year (ex-
23 cluding any benefit year that ended before
24 July1, 2019);

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1 (B) have no rights to regular compensation
2 with respect to a week under such law or any
3 other State unemployment compensation law or
4 to compensation under any other Federal law;
5 (C) are not receiving compensation with
6 respect to such week under the unemployment
7 compensation law of Canada; and
8 (D) are able to work, available to work,
9 and actively seeking work.
10 (3) EXHAUSTION OF BENEFITS.—For purposes
11 of paragraph (2)(A), an individual shall be deemed
12 to have exhausted such individual's rights to regular
13 compensation under a State law when—
14 (A) no payments of regular compensation
15 can be made under such law because such indi-
16 vidual has received all regular compensation
17 available to such individual based on employ-
18 ment or wages during such individual's base pe-
19 riod; or
20 (B) such individual's rights to such com-
21 pensation have been terminated by reason of
22 the expiration of the benefit year with respect
23 to which such rights existed.
24 (4) WEEKLY BENEFIT AMOUNT, ETC.—For
25 purposes of any agreement under this section—

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1 (A) the amount of pandemic emergency
2 unemployment compensation which shall be
3 payable to any individual for any week of total
4 unemployment shall be equal to—
5 (i) the amount of the regular com-
6 pensation (including dependents' allow-
7 ances) payable to such individual during
8 such individual's benefit year under the
9 State law for a week of total unemploy-
10 ment; and
11 (ii) the amount of Federal Pandemic
12 Unemployment Compensation under sec-
13 tion 2104;
14 (B) the terms and conditions of the State
15 law which apply to claims for regular compensa-
16 tion and to the payment thereof (including
17 terms and conditions relating to availability for
18 work, active search for work, and refusal to ac-
19 cept work) shall apply to claims for pandemic
20 emergency unemployment compensation and the
21 payment thereof, except where otherwise incon-
22 sistent with the provisions of this section or
23 with the regulations or operating instructions of
24 the Secretary promulgated to carry out this sec-
25 tion;

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1 (C) the maximum amount of pandemic
2 emergency unemployment compensation payable
3 to any individual for whom an pandemic emer-
4 gency unemployment compensation account is
5 established under subsection (b) shall not ex-
6 ceed the amount established in such account for
7 such individual; and
8 (D) the allowable methods of payment
9 under section 2104(b)(2) shall apply to pay-
10 ments of amounts described in subparagraph
11 (A)(ii).
12 (5) COORDINATION RULE.—An agreement
13 under this section shall apply with respect to a State
14 only upon a determination by the Secretary that,
15 under the State law or other applicable rules of such
16 State, the payment of extended compensation for
17 which an individual is otherwise eligible must be de-
18 ferred until after the payment of any pandemic
19 emergency unemployment compensation under sub-
20 section (b) for which the individual is concurrently
21 eligible.
22 (6) NONREDUCTION RULE.—
23 (A) IN GENERAL.—An agreement under
24 this section shall not apply (or shall cease to
25 apply) with respect to a State upon a deter-

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1 mination by the Secretary that the method gov-
2 erning the computation of regular compensation
3 under the State law of that State has been
4 modified in a manner such that the number of
5 weeks (the maximum benefit entitlement), or
6 the average weekly benefit amount, of regular
7 compensation which will be payable during the
8 period of the agreement will be less than the
9 number of weeks, or the average weekly benefit
10 amount, of the average weekly benefit amount
11 of regular compensation which would otherwise
12 have been payable during such period under the
13 State law, as in effect on January 1, 2020.
14 (B) MAXIMUM BENEFIT ENTITLEMENT.—
15 In subparagraph (A), the term "maximum ben-
16 efit entitlement" means the amount of regular
17 unemployment compensation payable to an indi-
18 vidual with respect to the individual's benefit
19 year.
20 (7) ACTIVELY SEEKING WORK.—
21 (A) IN GENERAL.—Subject to subpara-
22 graph (C), for purposes of paragraph (2)(D),
23 the term "actively seeking work" means, with
24 respect to any individual, that such individual—

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1 (i) is registered for employment serv-
2 ices in such a manner and to such extent
3 as prescribed by the State agency;
4 (ii) has engaged in an active search
5 for employment that is appropriate in light
6 of the employment available in the labor
7 market, the individual's skills and capabili-
8 ties, and includes a number of employer
9 contacts that is consistent with the stand-
10 ards communicated to the individual by the
11 State;
12 (iii) has maintained a record of such
13 work search, including employers con-
14 tacted, method of contact, and date con-
15 tacted; and
16 (iv) when requested, has provided
17 such work search record to the State agen-
18 cy.
19 (B) FLEXIBILITY.—Notwithstanding the
20 requirements under subparagraph (A) and
21 paragraph (2)(D), a State shall provide flexi-
22 bility in meeting such requirements in case of
23 individuals unable to search for work because of
24 COVID-19, including because of illness, quar-
25 antine, or movement restriction.

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1 (b) PANDEMIC EMERGENCY UNEMPLOYMENT COM-
2 PENSATION ACCOUNT.—
3 (1) IN GENERAL.—Any agreement under this
4 section shall provide that the State will establish, for
5 each eligible individual who files an application for
6 pandemic emergency unemployment compensation,
7 an pandemic emergency unemployment compensa-
8 tion account with respect to such individual's benefit
9 year.
10 (2) AMOUNT IN ACCOUNT.—The amount estab-
11 lished in an account under subsection (a) shall be
12 equal to 13 times the individual's average weekly
13 benefit amount, which includes the amount of Fed-
14 eral Pandemic Unemployment Compensation under
15 section 2104, for the benefit year.
16 (3) WEEKLY BENEFIT AMOUNT.—For purposes
17 of this subsection, an individual's weekly benefit
18 amount for any week is the amount of regular com-
19 pensation (including dependents' allowances) under
20 the State law payable to such individual for such
21 week for total unemployment plus the amount of
22 Federal Pandemic Unemployment Compensation
23 under section 2104.

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1 (c) PAYMENTS TO STATES HAVING AGREEMENTS
2 FOR THE PAYMENT OF PANDEMIC EMERGENCY UNEM-
3 PLOYMENT COMPENSATION.—
4 (1) IN GENERAL.—There shall be paid to each
5 State that has entered into an agreement under this
6 section an amount equal to 100 percent of the pan-
7 demic emergency unemployment compensation paid
8 to individuals by the State pursuant to such agree-
9 ment.
10 (2) TREATMENT OF REIMBURSABLE COMPENSA-
11 TION.—No payment shall be made to any State
12 under this section in respect of any compensation to
13 the extent the State is entitled to reimbursement in
14 respect of such compensation under the provisions of
15 any Federal law other than this section or chapter
16 85 of title 5, United States Code. A State shall not
17 be entitled to any reimbursement under such chapter
18 85 in respect of any compensation to the extent the
19 State is entitled to reimbursement under this section
20 in respect of such compensation.
21 (3) DETERMINATION OF AMOUNT.—Sums pay-
22 able to any State by reason of such State having an
23 agreement under this section shall be payable, either
24 in advance or by way of reimbursement (as may be
25 determined by the Secretary), in such amounts as

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1 the Secretary estimates the State will be entitled to
2 receive under this section for each calendar month,
3 reduced or increased, as the case may be, by any
4 amount by which the Secretary finds that the Sec-
5 retary's estimates for any prior calendar month were
6 greater or less than the amounts which should have
7 been paid to the State. Such estimates may be made
8 on the basis of such statistical, sampling, or other
9 method as may be agreed upon by the Secretary and
10 the State agency of the State involved.
11 (d) FINANCING PROVISIONS.—
12 (1) COMPENSATION.—
13 (A) IN GENERAL.—Funds in the extended
14 unemployment compensation account (as estab-
15 lished by section 905(a) of the Social Security
16 Act (42 U.S.C. 1105(a)) of the Unemployment
17 Trust Fund (as established by section 904(a) of
18 such Act (42 U.S.C. 1104(a)) shall be used for
19 the making of payments to States having agree-
20 ments entered into under this section.
21 (B) TRANSFER OF FUNDS.—Notwith-
22 standing any other provision of law, the Sec-
23 retary of the Treasury shall transfer from the
24 general fund of the Treasury (from funds not
25 otherwise appropriated) to the extended unem-

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1 ployment compensation account such sums as
2 the Secretary of Labor estimates to be nec-
3 essary to make payments described in subpara-
4 graph (A). There are appropriated from the
5 general fund of the Treasury, without fiscal
6 year limitation, the sums referred to in the pre-
7 ceding sentence and such sums shall not be re-
8 quired to be repaid.
9 (2) ADMINISTRATION.—
10 (A) IN GENERAL.—There are appropriated
11 out of the employment security administration
12 account (as established by section 901(a) of the
13 Social Security Act (42 U.S.C. 1101(a)) of the
14 Unemployment Trust Fund, without fiscal year
15 limitation, such funds as may be necessary for
16 purposes of assisting States (as provided in title
17 III of the Social Security Act (42 U.S.C. 501
18 et seq.)) in meeting the costs of administration
19 of agreements under this section.
20 (B) TRANSFER OF FUNDS.—Notwith-
21 standing any other provision of law, the Sec-
22 retary of the Treasury shall transfer from the
23 general fund of the Treasury (from funds not
24 otherwise appropriated) to the employment se-
25 curity administration account such sums as the

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1 Secretary of Labor estimates to be necessary to
2 make payments described in subparagraph (A).
3 There are appropriated from the general fund
4 of the Treasury, without fiscal year limitation,
5 the sums referred to in the preceding sentence
6 and such sums shall not be required to be re-
7 paid.

8 (3) CERTIFICATION.—The Secretary shall from
9 time to time certify to the Secretary of the Treasury
10 for payment to each State the sums payable to such
11 State under this subsection. The Secretary of the
12 Treasury, prior to audit or settlement by the Gov-
13 ernment Accountability Office, shall make payments
14 to the State in accordance with such certification, by
15 transfers from the extended unemployment com-
16 pensation account (as so established) to the account
17 of such State in the Unemployment Trust Fund (as
18 so established).

19 (e) FRAUD AND OVERPAYMENTS.—

20 (1) IN GENERAL.—If an individual knowingly
21 has made, or caused to be made by another, a false
22 statement or representation of a material fact, or
23 knowingly has failed, or caused another to fail, to
24 disclose a material fact, and as a result of such false
25 statement or representation or of such nondisclosure

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1 such individual has received an amount of pandemic
2 emergency unemployment compensation under this
3 section to which such individual was not entitled,
4 such individual—
5 (A) shall be ineligible for further pandemic
6 emergency unemployment compensation under
7 this section in accordance with the provisions of
8 the applicable State unemployment compensa-
9 tion law relating to fraud in connection with a
10 claim for unemployment compensation; and
11 (B) shall be subject to prosecution under
12 section 1001 of title 18, United States Code.
13 (2) REPAYMENT.—In the case of individuals
14 who have received amounts of pandemic emergency
15 unemployment compensation under this section to
16 which they were not entitled, the State shall require
17 such individuals to repay the amounts of such pan-
18 demic emergency unemployment compensation to the
19 State agency, except that the State agency may
20 waive such repayment if it determines that—
21 (A) the payment of such pandemic emer-
22 gency unemployment compensation was without
23 fault on the part of any such individual; and
24 (B) such repayment would be contrary to
25 equity and good conscience.

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1 (3) RECOVERY BY STATE AGENCY.—
2 (A) IN GENERAL.—The State agency shall
3 recover the amount to be repaid, or any part
4 thereof, by deductions from any pandemic
5 emergency unemployment compensation payable
6 to such individual under this section or from
7 any unemployment compensation payable to
8 such individual under any State or Federal un-
9 employment compensation law administered by
10 the State agency or under any other State or
11 Federal law administered by the State agency
12 which provides for the payment of any assist-
13 ance or allowance with respect to any week of
14 unemployment, during the 3-year period after
15 the date such individuals received the payment
16 of the pandemic emergency unemployment com-
17 pensation to which they were not entitled, in ac-
18 cordance with the same procedures as apply to
19 the recovery of overpayments of regular unem-
20 ployment benefits paid by the State.
21 (B) OPPORTUNITY FOR HEARING.—No re-
22 payment shall be required, and no deduction
23 shall be made, until a determination has been
24 made, notice thereof and an opportunity for a

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1 fair hearing has been given to the individual,
2 and the determination has become final.
3 (4) REVIEW.—Any determination by a State
4 agency under this section shall be subject to review
5 in the same manner and to the same extent as deter-
6 minations under the State unemployment compensa-
7 tion law, and only in that manner and to that ex-
8 tent.
9 (f) DEFINITIONS.—In this section, the terms ''com-
10 pensation'', ''regular compensation'', ''extended compensa-
11 tion'', ''benefit year'', ''base period'', ''State'', ''State
12 agency'', ''State law'', and ''week'' have the respective
13 meanings given such terms under section 205 of the Fed-
14 eral-State Extended Unemployment Compensation Act of
15 1970 (26 U.S.C. 3304 note).
16 (g) APPLICABILITY.—An agreement entered into
17 under this section shall apply to weeks of unemployment—
18 (1) beginning after the date on which such
19 agreement is entered into; and
20 (2) ending on or before December 31, 2020.
21 **SEC. 2108. TEMPORARY FINANCING OF SHORT-TIME COM-**
22 **PENSATION PAYMENTS IN STATES WITH PRO-**
23 **GRAMS IN LAW.**
24 (a) PAYMENTS TO STATES.—

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1 (1) IN GENERAL.—Subject to paragraph (3),
2 there shall be paid to a State an amount equal to
3 100 percent of the amount of short-time compensa-
4 tion paid under a short-time compensation program
5 (as defined in section 3306(v) of the Internal Rev-
6 enue Code of 1986) under the provisions of the
7 State law.
8 (2) TERMS OF PAYMENTS.—Payments made to
9 a State under paragraph (1) shall be payable by way
10 of reimbursement in such amounts as the Secretary
11 estimates the State will be entitled to receive under
12 this section for each calendar month, reduced or in-
13 creased, as the case may be, by any amount by
14 which the Secretary finds that the Secretary's esti-
15 mates for any prior calendar month were greater or
16 less than the amounts which should have been paid
17 to the State. Such estimates may be made on the
18 basis of such statistical, sampling, or other method
19 as may be agreed upon by the Secretary and the
20 State agency of the State involved.
21 (3) LIMITATIONS ON PAYMENTS.—
22 (A) GENERAL PAYMENT LIMITATIONS.—
23 No payments shall be made to a State under
24 this section for short-time compensation paid to
25 an individual by the State during a benefit year

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1 in excess of 26 times the amount of regular
2 compensation (including dependents' allow-
3 ances) under the State law payable to such in-
4 dividual for a week of total unemployment.
5 (B) EMPLOYER LIMITATIONS.—No pay-
6 ments shall be made to a State under this sec-
7 tion for benefits paid to an individual by the
8 State under a short-time compensation program
9 if such individual is employed by the partici-
10 pating employer on a seasonal, temporary, or
11 intermittent basis.
12 (b) APPLICABILITY.—Payments to a State under
13 subsection (a) shall be available for weeks of unemploy-
14 ment—
15 (1) beginning on or after the date of the enact-
16 ment of this Act; and
17 (2) ending on or before December 31, 2020.
18 (c) NEW PROGRAMS.—Subject to subsection (b)(2),
19 if at any point after the date of the enactment of this Act
20 the State enacts a State law providing for the payment
21 of short-time compensation under a short-time compensa-
22 tion program that meets the definition of such a program
23 under section 3306(v) of the Internal Revenue Code of
24 1986, the State shall be eligible for payments under this
25 section after the effective date of such enactment.

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1 (d) FUNDING AND CERTIFICATIONS.—
2 (1) FUNDING.—There are appropriated, out of
3 moneys in the Treasury not otherwise appropriated,
4 such sums as may be necessary for purposes of car-
5 rying out this section.
6 (2) CERTIFICATIONS.—The Secretary shall
7 from time to time certify to the Secretary of the
8 Treasury for payment to each State the sums pay-
9 able to such State under this section.
10 (e) DEFINITIONS.—In this section:
11 (1) SECRETARY.—The term "Secretary" means
12 the Secretary of Labor.
13 (2) STATE; STATE AGENCY; STATE LAW.—The
14 terms "State", "State agency", and "State law"
15 have the meanings given those terms in section 205
16 of the Federal-State Extended Unemployment Com-
17 pensation Act of 1970 (26 U.S.C. 3304 note).
18 (f) TECHNICAL CORRECTION TO DEFINITION.—Sec-
19 tion 3306(v)(6) of the Internal Revenue Code of 1986 (26
20 U.S.C. 3306) is amended by striking "Workforce Invest-
21 ment Act of 1998" and inserting "Workforce Innovation
22 and Opportunity Act".
23 **SEC. 2109. TEMPORARY FINANCING OF SHORT-TIME COM-**
24 **PENSATION AGREEMENTS.**
25 (a) FEDERAL-STATE AGREEMENTS.—

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1 (1) IN GENERAL.—Any State which desires to
2 do so may enter into, and participate in, an agree-
3 ment under this section with the Secretary provided
4 that such State's law does not provide for the pay-
5 ment of short-time compensation under a short-time
6 compensation program (as defined in section
7 3306(v) of the Internal Revenue Code of 1986).
8 (2) ABILITY TO TERMINATE.—Any State which
9 is a party to an agreement under this section may,
10 upon providing 30 days' written notice to the Sec-
11 retary, terminate such agreement.
12 (b) PROVISIONS OF FEDERAL-STATE AGREEMENT.—
13 (1) IN GENERAL.—Any agreement under this
14 section shall provide that the State agency of the
15 State will make payments of short-time compensa-
16 tion under a plan approved by the State. Such plan
17 shall provide that payments are made in accordance
18 with the requirements under section 3306(v) of the
19 Internal Revenue Code of 1986.
20 (2) LIMITATIONS ON PLANS.—
21 (A) GENERAL PAYMENT LIMITATIONS.—A
22 short-time compensation plan approved by a
23 State shall not permit the payment of short-
24 time compensation to an individual by the State
25 during a benefit year in excess of 26 times the

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1 amount of regular compensation (including de-
2 pendents' allowances) under the State law pay-
3 able to such individual for a week of total un-
4 employment.

5 (B) EMPLOYER LIMITATIONS.—A short-
6 time compensation plan approved by a State
7 shall not provide payments to an individual if
8 such individual is employed by the participating
9 employer on a seasonal, temporary, or intermit-
10 tent basis.

11 (3) EMPLOYER PAYMENT OF COSTS.—Any
12 short-time compensation plan entered into by an em-
13 ployer must provide that the employer will pay the
14 State an amount equal to one-half of the amount of
15 short-time compensation paid under such plan. Such
16 amount shall be deposited in the State's unemploy-
17 ment fund and shall not be used for purposes of cal-
18 culating an employer's contribution rate under sec-
19 tion 3303(a)(1) of the Internal Revenue Code of
20 1986.

21 (c) PAYMENTS TO STATES.—

22 (1) IN GENERAL.—There shall be paid to each
23 State with an agreement under this section an
24 amount equal to—

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1 (A) one-half of the amount of short-time
2 compensation paid to individuals by the State
3 pursuant to such agreement; and
4 (B) any additional administrative expenses
5 incurred by the State by reason of such agree-
6 ment (as determined by the Secretary).
7 (2) TERMS OF PAYMENTS.—Payments made to
8 a State under paragraph (1) shall be payable by way
9 of reimbursement in such amounts as the Secretary
10 estimates the State will be entitled to receive under
11 this section for each calendar month, reduced or in-
12 creased, as the case may be, by any amount by
13 which the Secretary finds that the Secretary's esti-
14 mates for any prior calendar month were greater or
15 less than the amounts which should have been paid
16 to the State. Such estimates may be made on the
17 basis of such statistical, sampling, or other method
18 as may be agreed upon by the Secretary and the
19 State agency of the State involved.
20 (3) FUNDING.—There are appropriated, out of
21 moneys in the Treasury not otherwise appropriated,
22 such sums as may be necessary for purposes of car-
23 rying out this section.
24 (4) CERTIFICATIONS.—The Secretary shall
25 from time to time certify to the Secretary of the

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1 Treasury for payment to each State the sums pay-
2 able to such State under this section.
3 (d) APPLICABILITY.—An agreement entered into
4 under this section shall apply to weeks of unemployment—
5 (1) beginning on or after the date on which
6 such agreement is entered into; and
7 (2) ending on or before December 31, 2020.
8 (e) SPECIAL RULE.—If a State has entered into an
9 agreement under this section and subsequently enacts a
10 State law providing for the payment of short-time com-
11 pensation under a short-time compensation program that
12 meets the definition of such a program under section
13 3306(v) of the Internal Revenue Code of 1986, the
14 State—
15 (1) shall not be eligible for payments under this
16 section for weeks of unemployment beginning after
17 the effective date of such State law; and
18 (2) subject to section 2108(b)(2), shall be eligi-
19 ble to receive payments under section 2108 after the
20 effective date of such State law.
21 (f) DEFINITIONS.—In this section:
22 (1) SECRETARY.—The term "Secretary" means
23 the Secretary of Labor.
24 (2) STATE; STATE AGENCY; STATE LAW.—The
25 terms "State", "State agency", and "State law"

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1 have the meanings given those terms in section 205
2 of the Federal-State Extended Unemployment Com-
3 pensation Act of 1970 (26 U.S.C. 3304 note).

4 **SEC. 2110. GRANTS FOR SHORT-TIME COMPENSATION PRO-**
5 **GRAMS.**

6 (a) GRANTS.—

7 (1) FOR IMPLEMENTATION OR IMPROVED AD-
8 MINISTRATION.—The Secretary shall award grants
9 to States that enact short-time compensation pro-
10 grams (as defined in subsection (i)(2)) for the pur-
11 pose of implementation or improved administration
12 of such programs.

13 (2) FOR PROMOTION AND ENROLLMENT.—The
14 Secretary shall award grants to States that are eligi-
15 ble and submit plans for a grant under paragraph
16 (1) for such States to promote and enroll employers
17 in short-time compensation programs (as so de-
18 fined).

19 (3) ELIGIBILITY.—

20 (A) IN GENERAL.—The Secretary shall de-
21 termine eligibility criteria for the grants under
22 paragraphs (1) and (2).

23 (B) CLARIFICATION.—A State admin-
24 istering a short-time compensation program
25 that does not meet the definition of a short-

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1 time compensation program under section
2 3306(v) of the Internal Revenue Code of 1986,
3 and a State with an agreement under section
4 2109, shall not be eligible to receive a grant
5 under this section until such time as the State
6 law of the State provides for payments under a
7 short-time compensation program that meets
8 such definition and such law.
9 (b) AMOUNT OF GRANTS.—
10 (1) IN GENERAL.—The maximum amount avail-
11 able for making grants to a State under paragraphs
12 (1) and (2) shall be equal to the amount obtained
13 by multiplying $100,000,000 (less the amount used
14 by the Secretary under subsection (e)) by the same
15 ratio as would apply under subsection (a)(2)(B) of
16 section 903 of the Social Security Act (42 U.S.C.
17 1103) for purposes of determining such State's
18 share of any excess amount (as described in sub-
19 section (a)(1) of such section) that would have been
20 subject to transfer to State accounts, as of October
21 1, 2019, under the provisions of subsection (a) of
22 such section.
23 (2) AMOUNT AVAILABLE FOR DIFFERENT
24 GRANTS.—Of the maximum incentive payment deter-

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1 mined under paragraph (1) with respect to a
2 State—
3 (A) one-third shall be available for a grant
4 under subsection (a)(1); and
5 (B) two-thirds shall be available for a
6 grant under subsection (a)(2).
7 (c) GRANT APPLICATION AND DISBURSAL.—
8 (1) APPLICATION.—Any State seeking a grant
9 under paragraph (1) or (2) of subsection (a) shall
10 submit an application to the Secretary at such time,
11 in such manner, and complete with such information
12 as the Secretary may require. In no case may the
13 Secretary award a grant under this section with re-
14 spect to an application that is submitted after De-
15 cember 31, 2023.
16 (2) NOTICE.—The Secretary shall, within 30
17 days after receiving a complete application, notify
18 the State agency of the State of the Secretary's find-
19 ings with respect to the requirements for a grant
20 under paragraph (1) or (2) (or both) of subsection
21 (a).
22 (3) CERTIFICATION.—If the Secretary finds
23 that the State law provisions meet the requirements
24 for a grant under subsection (a), the Secretary shall
25 thereupon make a certification to that effect to the

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1 Secretary of the Treasury, together with a certifi-
2 cation as to the amount of the grant payment to be
3 transferred to the State account in the Unemploy-
4 ment Trust Fund (as established in section 904(a)
5 of the Social Security Act (42 U.S.C. 1104(a))) pur-
6 suant to that finding. The Secretary of the Treasury
7 shall make the appropriate transfer to the State ac-
8 count within 7 days after receiving such certifi-
9 cation.

10 (4) REQUIREMENT.—No certification of compli-
11 ance with the requirements for a grant under para-
12 graph (1) or (2) of subsection (a) may be made with
13 respect to any State whose—

14 (A) State law is not otherwise eligible for
15 certification under section 303 of the Social Se-
16 curity Act (42 U.S.C. 503) or approvable under
17 section 3304 of the Internal Revenue Code of
18 1986; or

19 (B) short-time compensation program is
20 subject to discontinuation or is not scheduled to
21 take effect within 12 months of the certifi-
22 cation.

23 (d) USE OF FUNDS.—The amount of any grant
24 awarded under this section shall be used for the implemen-
25 tation of short-time compensation programs and the over-

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1 all administration of such programs and the promotion
2 and enrollment efforts associated with such programs,
3 such as through—
4 (1) the creation or support of rapid response
5 teams to advise employers about alternatives to lay-
6 offs;
7 (2) the provision of education or assistance to
8 employers to enable them to assess the feasibility of
9 participating in short-time compensation programs;
10 and
11 (3) the development or enhancement of systems
12 to automate—
13 (A) the submission and approval of plans;
14 and
15 (B) the filing and approval of new and on-
16 going short-time compensation claims.
17 (e) ADMINISTRATION.—The Secretary is authorized
18 to use 0.25 percent of the funds available under subsection
19 (g) to provide for outreach and to share best practices with
20 respect to this section and short-time compensation pro-
21 grams.
22 (f) RECOUPMENT.—The Secretary shall establish a
23 process under which the Secretary shall recoup the
24 amount of any grant awarded under paragraph (1) or (2)
25 of subsection (a) if the Secretary determines that, during

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1 the 5-year period beginning on the first date that any such
2 grant is awarded to the State, the State—
3 (1) terminated the State's short-time compensa-
4 tion program; or
5 (2) failed to meet appropriate requirements
6 with respect to such program (as established by the
7 Secretary).
8 (g) FUNDING.—There are appropriated, out of mon-
9 eys in the Treasury not otherwise appropriated, to the
10 Secretary, $100,000,000 to carry out this section, to re-
11 main available without fiscal year limitation.
12 (h) REPORTING.—The Secretary may establish re-
13 porting requirements for States receiving a grant under
14 this section in order to provide oversight of grant funds.
15 (i) DEFINITIONS.—In this section:
16 (1) SECRETARY.—The term "Secretary" means
17 the Secretary of Labor.
18 (2) SHORT-TIME COMPENSATION PROGRAM.—
19 The term "short-time compensation program" has
20 the meaning given such term in section 3306(v) of
21 the Internal Revenue Code of 1986.
22 (3) STATE; STATE AGENCY; STATE LAW.—The
23 terms "State", "State agency", and "State law"
24 have the meanings given those terms in section 205

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of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

**SEC. 2111. ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.**

(a) IN GENERAL.—In order to assist States in establishing, qualifying, and implementing short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986), the Secretary of Labor (in this section referred to as the "Secretary") shall—

(1) develop model legislative language, or disseminate existing model legislative language, which may be used by States in developing and enacting such programs, and periodically review and revise such model legislative language;

(2) provide technical assistance and guidance in developing, enacting, and implementing such programs; and

(3) establish reporting requirements for States, including reporting on—

(A) the number of estimated averted layoffs;

(B) the number of participating employers and workers; and

(C) such other items as the Secretary of Labor determines are appropriate.

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1 (b) MODEL LANGUAGE AND GUIDANCE.—The model
2 language and guidance developed under subsection (a)
3 shall allow sufficient flexibility by States and participating
4 employers while ensuring accountability and program in-
5 tegrity.

6 (c) CONSULTATION.—In developing the model legisla-
7 tive language and guidance under subsection (a), and in
8 order to meet the requirements of subsection (b), the Sec-
9 retary shall consult with employers, labor organizations,
10 State workforce agencies, and other program experts. Ex-
11 isting model legislative language that has been developed
12 through such a consultative process shall be deemed to
13 meet the consultation requirement of this subsection.

14 (d) REPEAL.—Section 4104 of the Emergency Unem-
15 ployment Stabilization and Access Act of 2020 (contained
16 in division D of the Families First Coronavirus Response
17 Act) is repealed.

18 **SEC. 2112. WAIVER OF THE 7-DAY WAITING PERIOD FOR**
19 **BENEFITS UNDER THE RAILROAD UNEM-**
20 **PLOYMENT INSURANCE ACT.**

21 (a) NO WAITING WEEK.—With respect to any reg-
22 istration period beginning after the date of enactment of
23 this Act and ending on or before December 31, 2020, sub-
24 paragraphs (A)(ii) and (B)(ii) of section 2(a)(1) of the

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1 Railroad Unemployment Insurance Act (45 U.S.C.
2 352(a)(1)) shall not apply.
3 (b) OPERATING INSTRUCTIONS AND REGULA-
4 TIONS.—The Railroad Retirement Board may prescribe
5 any operating instructions or regulations necessary to
6 carry out this section.
7 (c) FUNDING.—Out of any funds in the Treasury not
8 otherwise appropriated, there are appropriated
9 $50,000,000 to cover the costs of additional benefits pay-
10 able due to the application of subsection (a). Upon the
11 exhaustion of the funds appropriated under this sub-
12 section, subsection (a) shall no longer apply with respect
13 to any registration period beginning after the date of ex-
14 haustion of funds.
15 (d) DEFINITION OF REGISTRATION PERIOD.—For
16 purposes of this section, the term "registration period"
17 has the meaning given such term under section 1 of the
18 Railroad Unemployment Insurance Act (45 U.S.C. 351).

19 **SEC. 2113. ENHANCED BENEFITS UNDER THE RAILROAD**
20 **UNEMPLOYMENT INSURANCE ACT.**

21 Section 2(a) of the Railroad Unemployment Insur-
22 ance Act (45 U.S.C. § 352(a)) is amended by adding at
23 the end the following:
24 "(5)(A) Notwithstanding paragraph (3), subsection
25 (c)(1)(B), and any other limitation on total benefits in this

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1 Act, for registration periods beginning on or after April
2 1, 2020, but on or before July 31, 2020, a recovery benefit
3 in the amount of $1,200 shall be payable to a qualified
4 employee with respect to any registration period in which
5 the employee received unemployment benefits under para-
6 graph (1)(A), and in any registration period in which the
7 employee did not receive unemployment benefits due to the
8 limitation in subsection (c)(1)(B) or due to reaching the
9 maximum number of days of benefits in the benefit year
10 beginning July 1, 2019, under subsection (c)(1)(A). No
11 recovery benefits shall be payable under this section upon
12 the exhaustion of the funds appropriated under subpara-
13 graph (B) for payment of benefits under this subpara-
14 graph.

15 "(B) Out of any funds in the Treasury not otherwise
16 appropriated, there are appropriated $425,000,000 to
17 cover the cost of recovery benefits provided under subpara-
18 graph (A), to remain available until expended.".

19 **SEC. 2114. EXTENDED UNEMPLOYMENT BENEFITS UNDER**
20 **THE RAILROAD UNEMPLOYMENT INSURANCE**
21 **ACT.**

22 (a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Rail-
23 road Unemployment Insurance Act (45 U.S.C.
24 352(c)(2)(D)(iii) is amended—

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1 (1) by striking "July 1, 2008" and inserting
2 "July 1, 2019";
3 (2) by striking "June 30, 2013" and inserting
4 "June 30, 2020"; and
5 (3) by striking "December 31, 2013" and in-
6 serting "December 31, 2020".
7 (b) CLARIFICATION ON AUTHORITY TO USE
8 FUNDS.—Funds appropriated under either the first or
9 second sentence of clause (iv) of section 2(c)(2)(D) of the
10 Railroad Unemployment Insurance Act shall be available
11 to cover the cost of additional extended unemployment
12 benefits provided under such section 2(c)(2)(D) by reason
13 of the amendments made by subsection (a) as well as to
14 cover the cost of such benefits provided under such section
15 2(c)(2)(D) as in effect on the day before the date of enact-
16 ment of this Act.

17 **SEC. 2115. FUNDING FOR THE DOL OFFICE OF INSPECTOR**
18 **GENERAL FOR OVERSIGHT OF UNEMPLOY-**
19 **MENT PROVISIONS.**

20 There are appropriated, out of moneys in the Treas-
21 ury not otherwise appropriated, to the Office of the In-
22 spector General of the Department of Labor, $25,000,000
23 to carry out audits, investigations, and other oversight ac-
24 tivities authorized under the Inspector General Act of
25 1978 (5 U.S.C. App.) that are related to the provisions

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of, and amendments made by, this subtitle, to remain available without fiscal year limitation.

**SEC. 2116. IMPLEMENTATION.**

(a) NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act of 1995"), shall not apply to the provisions of, and the amendments made by, this subtitle.

(b) OPERATING INSTRUCTIONS OR OTHER GUIDANCE.—Notwithstanding any other provision of law, the Secretary of Labor may issue any operating instructions or other guidance necessary to carry out the provisions of, or the amendments made by, this subtitle.

# Subtitle B—Rebates and Other Individual Provisions

**SEC. 2201. 2020 RECOVERY REBATES FOR INDIVIDUALS.**

(a) IN GENERAL.—Subchapter B of chapter 65 of subtitle F of the Internal Revenue Code of 1986 is amended by inserting after section 6427 the following new section:

**"SEC. 6428. 2020 RECOVERY REBATES FOR INDIVIDUALS.**

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

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1 "(1) $1,200 ($2,400 in the case of eligible indi-
2 viduals filing a joint return), plus
3 "(2) an amount equal to the product of $500
4 multiplied by the number of qualifying children
5 (within the meaning of section 24(c)) of the tax-
6 payer.
7 "(b) TREATMENT OF CREDIT.—The credit allowed by
8 subsection (a) shall be treated as allowed by subpart C
9 of part IV of subchapter A of chapter 1.
10 "(c) LIMITATION BASED ON ADJUSTED GROSS IN-
11 COME.—The amount of the credit allowed by subsection
12 (a) (determined without regard to this subsection and sub-
13 section (e)) shall be reduced (but not below zero) by 5
14 percent of so much of the taxpayer's adjusted gross in-
15 come as exceeds—
16 "(1) $150,000 in the case of a joint return,
17 "(2) $112,500 in the case of a head of house-
18 hold, and
19 "(3) $75,000 in the case of a taxpayer not de-
20 scribed in paragraph (1) or (2).
21 "(d) ELIGIBLE INDIVIDUAL.—For purposes of this
22 section, the term 'eligible individual' means any individual
23 other than—
24 "(1) any nonresident alien individual,

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1 "(2) any individual with respect to whom a de-
2 duction under section 151 is allowable to another
3 taxpayer for a taxable year beginning in the cal-
4 endar year in which the individual's taxable year be-
5 gins, and
6 "(3) an estate or trust.
7 "(e) COORDINATION WITH ADVANCE REFUNDS OF
8 CREDIT.—
9 "(1) IN GENERAL.—The amount of credit
10 which would (but for this paragraph) be allowable
11 under this section shall be reduced (but not below
12 zero) by the aggregate refunds and credits made or
13 allowed to the taxpayer under subsection (f). Any
14 failure to so reduce the credit shall be treated as
15 arising out of a mathematical or clerical error and
16 assessed according to section 6213(b)(1).
17 "(2) JOINT RETURNS.—In the case of a refund
18 or credit made or allowed under subsection (f) with
19 respect to a joint return, half of such refund or cred-
20 it shall be treated as having been made or allowed
21 to each individual filing such return.
22 "(f) ADVANCE REFUNDS AND CREDITS.—
23 "(1) IN GENERAL.—Subject to paragraph (5),
24 each individual who was an eligible individual for
25 such individual's first taxable year beginning in

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1 2019 shall be treated as having made a payment
2 against the tax imposed by chapter 1 for such tax-
3 able year in an amount equal to the advance refund
4 amount for such taxable year.

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

11 "(3) TIMING AND MANNER OF PAYMENTS.—

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

18 "(B) DELIVERY OF PAYMENTS.—Notwith-
19 standing any other provision of law, the Sec-
20 retary may certify and disburse refunds payable
21 under this subsection electronically to any ac-
22 count to which the payee authorized, on or after
23 January 1, 2018, the delivery of a refund of
24 taxes under this title or of a Federal payment

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1 (as defined in section 3332 of title 31, United
2 States Code).
3 "(C) WAIVER OF CERTAIN RULES.—Not-
4 withstanding section 3325 of title 31, United
5 States Code, or any other provision of law, with
6 respect to any payment of a refund under this
7 subsection, a disbursing official in the executive
8 branch of the United States Government may
9 modify payment information received from an
10 officer or employee described in section
11 3325(a)(1)(B) of such title for the purpose of
12 facilitating the accurate and efficient delivery of
13 such payment. Except in cases of fraud or reck-
14 less neglect, no liability under sections 3325,
15 3527, 3528, or 3529 of title 31, United States
16 Code, shall be imposed with respect to pay-
17 ments made under this subparagraph.
18 "(4) NO INTEREST.—No interest shall be al-
19 lowed on any overpayment attributable to this sec-
20 tion.
21 "(5) ALTERNATE TAXABLE YEAR.—In the case
22 of an individual who, at the time of any determina-
23 tion made pursuant to paragraph (3), has not filed
24 a tax return for the year described in paragraph (1),
25 the Secretary may—

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1 "(A) apply such paragraph by substituting
2 '2018' for '2019', and
3 "(B) if the individual has not filed a tax
4 return for such individual's first taxable year
5 beginning in 2018, use information with respect
6 to such individual for calendar year 2019 pro-
7 vided in—
8 "(i) Form SSA-1099, Social Security
9 Benefit Statement, or
10 "(ii) Form RRB-1099, Social Security
11 Equivalent Benefit Statement.
12 "(6) NOTICE TO TAXPAYER.—Not later than 15
13 days after the date on which the Secretary distrib-
14 uted any payment to an eligible taxpayer pursuant
15 to this subsection, notice shall be sent by mail to
16 such taxpayer's last known address. Such notice
17 shall indicate the method by which such payment
18 was made, the amount of such payment, and a
19 phone number for the appropriate point of contact
20 at the Internal Revenue Service to report any failure
21 to receive such payment.
22 "(g) IDENTIFICATION NUMBER REQUIREMENT.—
23 "(1) IN GENERAL.—No credit shall be allowed
24 under subsection (a) to an eligible individual who

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1 does not include on the return of tax for the taxable
2 year—
3 "(A) such individual's valid identification
4 number,
5 "(B) in the case of a joint return, the valid
6 identification number of such individual's
7 spouse, and
8 "(C) in the case of any qualifying child
9 taken into account under subsection (a)(2), the
10 valid identification number of such qualifying
11 child.
12 "(2) VALID IDENTIFICATION NUMBER.—
13 "(A) IN GENERAL.—For purposes of para-
14 graph (1), the term 'valid identification num-
15 ber' means a social security number (as such
16 term is defined in section 24(h)(7)).
17 "(B) ADOPTION TAXPAYER IDENTIFICA-
18 TION NUMBER.—For purposes of paragraph
19 (1)(C), in the case of a qualifying child who is
20 adopted or placed for adoption, the term 'valid
21 identification number' shall include the adop-
22 tion taxpayer identification number of such
23 child.
24 "(3) SPECIAL RULE FOR MEMBERS OF THE
25 ARMED FORCES.—Paragraph (1)(B) shall not apply

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in the case where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year and at least 1 spouse satisfies paragraph (1)(A).

"(4) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Any omission of a correct valid identification number required under this subsection shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) to such omission.

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

(b) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking "and 36B, 168(k)(4)" and inserting "36B, and 6428".

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking "or 32" and inserting "32, or 6428".

(c) TREATMENT OF POSSESSIONS.—

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1 (1) PAYMENTS TO POSSESSIONS.—
2 (A) MIRROR CODE POSSESSION.—The Sec-
3 retary of the Treasury shall pay to each posses-
4 sion of the United States which has a mirror
5 code tax system amounts equal to the loss (if
6 any) to that possession by reason of the amend-
7 ments made by this section. Such amounts shall
8 be determined by the Secretary of the Treasury
9 based on information provided by the govern-
10 ment of the respective possession.
11 (B) OTHER POSSESSIONS.—The Secretary
12 of the Treasury shall pay to each possession of
13 the United States which does not have a mirror
14 code tax system amounts estimated by the Sec-
15 retary of the Treasury as being equal to the ag-
16 gregate benefits (if any) that would have been
17 provided to residents of such possession by rea-
18 son of the amendments made by this section if
19 a mirror code tax system had been in effect in
20 such possession. The preceding sentence shall
21 not apply unless the respective possession has a
22 plan, which has been approved by the Secretary
23 of the Treasury, under which such possession
24 will promptly distribute such payments to its
25 residents.

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1 (2) COORDINATION WITH CREDIT ALLOWED
2 AGAINST UNITED STATES INCOME TAXES.—No cred-
3 it shall be allowed against United States income
4 taxes under section 6428 of the Internal Revenue
5 Code of 1986 (as added by this section) to any per-
6 son—
7 (A) to whom a credit is allowed against
8 taxes imposed by the possession by reason of
9 the amendments made by this section, or
10 (B) who is eligible for a payment under a
11 plan described in paragraph (1)(B).
12 (3) DEFINITIONS AND SPECIAL RULES.—
13 (A) POSSESSION OF THE UNITED
14 STATES.—For purposes of this subsection, the
15 term "possession of the United States" includes
16 the Commonwealth of Puerto Rico and the
17 Commonwealth of the Northern Mariana Is-
18 lands.
19 (B) MIRROR CODE TAX SYSTEM.—For pur-
20 poses of this subsection, the term "mirror code
21 tax system" means, with respect to any posses-
22 sion of the United States, the income tax sys-
23 tem of such possession if the income tax liabil-
24 ity of the residents of such possession under
25 such system is determined by reference to the

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1 income tax laws of the United States as if such
2 possession were the United States.
3 (C) TREATMENT OF PAYMENTS.—For pur-
4 poses of section 1324 of title 31, United States
5 Code, the payments under this subsection shall
6 be treated in the same manner as a refund due
7 from a credit provision referred to in subsection
8 (b)(2) of such section.
9 (d) EXCEPTION FROM REDUCTION OR OFFSET.—
10 Any credit or refund allowed or made to any individual
11 by reason of section 6428 of the Internal Revenue Code
12 of 1986 (as added by this section) or by reason of sub-
13 section (c) of this section shall not be—
14 (1) subject to reduction or offset pursuant to
15 section 3716 or 3720A of title 31, United States
16 Code,
17 (2) subject to reduction or offset pursuant to
18 subsection (d), (e), or (f) of section 6402 of the In-
19 ternal Revenue Code of 1986, or
20 (3) reduced or offset by other assessed Federal
21 taxes that would otherwise be subject to levy or col-
22 lection.
23 (e) PUBLIC AWARENESS CAMPAIGN.—The Secretary
24 of the Treasury (or the Secretary's delegate) shall conduct
25 a public awareness campaign, in coordination with the

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1 Commissioner of Social Security and the heads of other
2 relevant Federal agencies, to provide information regard-
3 ing the availability of the credit and rebate allowed under
4 section 6428 of the Internal Revenue Code of 1986 (as
5 added by this section), including information with respect
6 to individuals who may not have filed a tax return for tax-
7 able year 2018 or 2019.

8 (f) APPROPRIATIONS TO CARRY OUT REBATES.—

9 (1) IN GENERAL.—Immediately upon the enact-
10 ment of this Act, the following sums are appro-
11 priated, out of any money in the Treasury not other-
12 wise appropriated, for the fiscal year ending Sep-
13 tember 30, 2020:

14 (A) DEPARTMENT OF THE TREASURY.—

15 (i) For an additional amount for ''De-
16 partment of the Treasury—Bureau of the
17 Fiscal Service—Salaries and Expenses'',
18 $78,650,000, to remain available until
19 September 30, 2021.

20 (ii) For an additional amount for
21 ''Department of the Treasury—Internal
22 Revenue Service—Taxpayer Services'',
23 $293,500,000, to remain available until
24 September 30, 2021.

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1 (iii) For an additional amount for
2 "Department of the Treasury—Internal
3 Revenue Service—Operations Support",
4 $170,000,000, to remain available until
5 September 30, 2021.
6 (iv) For an additional amount for
7 "Department of Treasury—Internal Rev-
8 enue Service—Enforcement", $37,200,000,
9 to remain available until September 30,
10 2021.
11 Amounts made available in appropriations
12 under clauses (ii), (iii), and (iv) of this subpara-
13 graph may be transferred between such appro-
14 priations upon the advance notification of the
15 Committees on Appropriations of the House of
16 Representatives and the Senate. Such transfer
17 authority is in addition to any other transfer
18 authority provided by law.
19 (B) SOCIAL SECURITY ADMINISTRATION.—
20 For an additional amount for "Social Security
21 Administration—Limitation on Administrative
22 Expenses", $38,000,000, to remain available
23 until September 30, 2021.
24 (2) REPORTS.—No later than 15 days after en-
25 actment of this Act, the Secretary of the Treasury

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1 shall submit a plan to the Committees on Appropria-
2 tions of the House of Representatives and the Sen-
3 ate detailing the expected use of the funds provided
4 by paragraph (1)(A). Beginning 90 days after enact-
5 ment of this Act, the Secretary of the Treasury shall
6 submit a quarterly report to the Committees on Ap-
7 propriations of the House of Representatives and the
8 Senate detailing the actual expenditure of funds pro-
9 vided by paragraph (1)(A) and the expected expendi-
10 ture of such funds in the subsequent quarter.
11 (g) CONFORMING AMENDMENTS.—
12 (1) Paragraph (2) of section 1324(b) of title
13 31, United States Code, is amended by inserting
14 "6428," after "54B(h),".
15 (2) The table of sections for subchapter B of
16 chapter 65 of subtitle F of the Internal Revenue
17 Code of 1986 is amended by inserting after the item
18 relating to section 6427 the following:

"Sec. 6428. 2020 Recovery Rebates for individuals.".

19 **SEC. 2202. SPECIAL RULES FOR USE OF RETIREMENT**
20 **FUNDS.**
21 (a) TAX-FAVORED WITHDRAWALS FROM RETIRE-
22 MENT PLANS.—
23 (1) IN GENERAL.—Section 72(t) of the Internal
24 Revenue Code of 1986 shall not apply to any
25 coronavirus-related distribution.

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1 (2) AGGREGATE DOLLAR LIMITATION.—
2 (A) IN GENERAL.—For purposes of this
3 subsection, the aggregate amount of distribu-
4 tions received by an individual which may be
5 treated as coronavirus-related distributions for
6 any taxable year shall not exceed $100,000.
7 (B) TREATMENT OF PLAN DISTRIBU-
8 TIONS.—If a distribution to an individual would
9 (without regard to subparagraph (A)) be a
10 coronavirus-related distribution, a plan shall not
11 be treated as violating any requirement of the
12 Internal Revenue Code of 1986 merely because
13 the plan treats such distribution as a
14 coronavirus-related distribution, unless the ag-
15 gregate amount of such distributions from all
16 plans maintained by the employer (and any
17 member of any controlled group which includes
18 the employer) to such individual exceeds
19 $100,000.
20 (C) CONTROLLED GROUP.—For purposes
21 of subparagraph (B), the term "controlled
22 group" means any group treated as a single
23 employer under subsection (b), (c), (m), or (o)
24 of section 414 of the Internal Revenue Code of
25 1986.

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1 (3) AMOUNT DISTRIBUTED MAY BE REPAID.—
2 (A) IN GENERAL.—Any individual who re-
3 ceives a coronavirus-related distribution may, at
4 any time during the 3-year period beginning on
5 the day after the date on which such distribu-
6 tion was received, make 1 or more contributions
7 in an aggregate amount not to exceed the
8 amount of such distribution to an eligible retire-
9 ment plan of which such individual is a bene-
10 ficiary and to which a rollover contribution of
11 such distribution could be made under section
12 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or
13 457(e)(16), of the Internal Revenue Code of
14 1986, as the case may be.
15 (B) TREATMENT OF REPAYMENTS OF DIS-
16 TRIBUTIONS FROM ELIGIBLE RETIREMENT
17 PLANS OTHER THAN IRAS.—For purposes of
18 the Internal Revenue Code of 1986, if a con-
19 tribution is made pursuant to subparagraph (A)
20 with respect to a coronavirus-related distribu-
21 tion from an eligible retirement plan other than
22 an individual retirement plan, then the taxpayer
23 shall, to the extent of the amount of the con-
24 tribution, be treated as having received the
25 coronavirus-related distribution in an eligible

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1 rollover distribution (as defined in section
2 402(c)(4) of such Code) and as having trans-
3 ferred the amount to the eligible retirement
4 plan in a direct trustee to trustee transfer with-
5 in 60 days of the distribution.
6 (C) TREATMENT OF REPAYMENTS OF DIS-
7 TRIBUTIONS FROM IRAS.—For purposes of the
8 Internal Revenue Code of 1986, if a contribu-
9 tion is made pursuant to subparagraph (A)
10 with respect to a coronavirus-related distribu-
11 tion from an individual retirement plan (as de-
12 fined by section 7701(a)(37) of such Code),
13 then, to the extent of the amount of the con-
14 tribution, the coronavirus-related distribution
15 shall be treated as a distribution described in
16 section 408(d)(3) of such Code and as having
17 been transferred to the eligible retirement plan
18 in a direct trustee to trustee transfer within 60
19 days of the distribution.
20 (4) DEFINITIONS.—For purposes of this sub-
21 section—
22 (A) CORONAVIRUS-RELATED DISTRIBU-
23 TION.—Except as provided in paragraph (2),
24 the term "coronavirus-related distribution"

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1 means any distribution from an eligible retire-
2 ment plan made—
3 (i) on or after January 1, 2020, and
4 before December 31, 2020,
5 (ii) to an individual—
6 (I) who is diagnosed with the
7 virus SARS-CoV-2 or with
8 coronavirus disease 2019 (COVID-19)
9 by a test approved by the Centers for
10 Disease Control and Prevention,
11 (II) whose spouse or dependent
12 (as defined in section 152 of the In-
13 ternal Revenue Code of 1986) is diag-
14 nosed with such virus or disease by
15 such a test, or
16 (III) who experiences adverse fi-
17 nancial consequences as a result of
18 being quarantined, being furloughed
19 or laid off or having work hours re-
20 duced due to such virus or disease,
21 being unable to work due to lack of
22 child care due to such virus or dis-
23 ease, closing or reducing hours of a
24 business owned or operated by the in-
25 dividual due to such virus or disease,

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1 or other factors as determined by the
2 Secretary of the Treasury (or the Sec-
3 retary's delegate).
4 (B) EMPLOYEE CERTIFICATION.—The ad-
5 ministrator of an eligible retirement plan may
6 rely on an employee's certification that the em-
7 ployee satisfies the conditions of subparagraph
8 (A)(ii) in determining whether any distribution
9 is a coronavirus-related distribution.
10 (C) ELIGIBLE RETIREMENT PLAN.—The
11 term "eligible retirement plan" has the meaning
12 given such term by section 402(c)(8)(B) of the
13 Internal Revenue Code of 1986.
14 (5) INCOME INCLUSION SPREAD OVER 3-YEAR
15 PERIOD.—
16 (A) IN GENERAL.—In the case of any
17 coronavirus-related distribution, unless the tax-
18 payer elects not to have this paragraph apply
19 for any taxable year, any amount required to be
20 included in gross income for such taxable year
21 shall be so included ratably over the 3-taxable-
22 year period beginning with such taxable year.
23 (B) SPECIAL RULE.—For purposes of sub-
24 paragraph (A), rules similar to the rules of sub-

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1 paragraph (E) of section 408A(d)(3) of the In-
2 ternal Revenue Code of 1986 shall apply.
3 (6) SPECIAL RULES.—
4 (A) EXEMPTION OF DISTRIBUTIONS FROM
5 TRUSTEE TO TRUSTEE TRANSFER AND WITH-
6 HOLDING RULES.—For purposes of sections
7 401(a)(31), 402(f), and 3405 of the Internal
8 Revenue Code of 1986, coronavirus-related dis-
9 tributions shall not be treated as eligible roll-
10 over distributions.
11 (B) CORONAVIRUS-RELATED DISTRIBU-
12 TIONS TREATED AS MEETING PLAN DISTRIBU-
13 TION REQUIREMENTS.—For purposes of the In-
14 ternal Revenue Code of 1986, a coronavirus-re-
15 lated distribution shall be treated as meeting
16 the requirements of sections 401(k)(2)(B)(i),
17 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A)
18 of such Code and section 8433(h)(1) of title 5,
19 United States Code.
20 (b) LOANS FROM QUALIFIED PLANS.—
21 (1) INCREASE IN LIMIT ON LOANS NOT TREAT-
22 ED AS DISTRIBUTIONS.—In the case of any loan
23 from a qualified employer plan (as defined under
24 section 72(p)(4) of the Internal Revenue Code of
25 1986) to a qualified individual made during the 180-

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1 day period beginning on the date of the enactment
2 of this Act—
3 (A) clause (i) of section 72(p)(2)(A) of
4 such Code shall be applied by substituting
5 "$100,000" for "$50,000", and
6 (B) clause (ii) of such section shall be ap-
7 plied by substituting "the present value of the
8 nonforfeitable accrued benefit of the employee
9 under the plan" for "one-half of the present
10 value of the nonforfeitable accrued benefit of
11 the employee under the plan".
12 (2) DELAY OF REPAYMENT.—In the case of a
13 qualified individual with an outstanding loan (on or
14 after the date of the enactment of this Act) from a
15 qualified employer plan (as defined in section
16 72(p)(4) of the Internal Revenue Code of 1986)—
17 (A) if the due date pursuant to subpara-
18 graph (B) or (C) of section 72(p)(2) of such
19 Code for any repayment with respect to such
20 loan occurs during the period beginning on the
21 date of the enactment of this Act and ending on
22 December 31, 2020, such due date shall be de-
23 layed for 1 year,
24 (B) any subsequent repayments with re-
25 spect to any such loan shall be appropriately

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1 adjusted to reflect the delay in the due date
2 under subparagraph (A) and any interest accru-
3 ing during such delay, and
4 (C) in determining the 5-year period and
5 the term of a loan under subparagraph (B) or
6 (C) of section 72(p)(2) of such Code, the period
7 described in subparagraph (A) of this para-
8 graph shall be disregarded.
9 (3) QUALIFIED INDIVIDUAL.—For purposes of
10 this subsection, the term "qualified individual"
11 means any individual who is described in subsection
12 (a)(4)(A)(ii).
13 (c) PROVISIONS RELATING TO PLAN AMEND-
14 MENTS.—
15 (1) IN GENERAL.—If this subsection applies to
16 any amendment to any plan or annuity contract—
17 (A) such plan or contract shall be treated
18 as being operated in accordance with the terms
19 of the plan during the period described in para-
20 graph (2)(B)(i), and
21 (B) except as provided by the Secretary of
22 the Treasury (or the Secretary's delegate), such
23 plan or contract shall not fail to meet the re-
24 quirements of section 411(d)(6) of the Internal
25 Revenue Code of 1986 and section 204(g) of

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1 the Employee Retirement Income Security Act
2 of 1974 by reason of such amendment.
3 (2) AMENDMENTS TO WHICH SUBSECTION AP-
4 PLIES.—
5 (A) IN GENERAL.—This subsection shall
6 apply to any amendment to any plan or annuity
7 contract which is made—
8 (i) pursuant to any provision of this
9 section, or pursuant to any regulation
10 issued by the Secretary of the Treasury or
11 the Secretary of Labor (or the delegate of
12 either such Secretary) under any provision
13 of this section, and
14 (ii) on or before the last day of the
15 first plan year beginning on or after Janu-
16 ary 1, 2022, or such later date as the Sec-
17 retary of the Treasury (or the Secretary's
18 delegate) may prescribe.
19 In the case of a governmental plan (as defined
20 in section 414(d) of the Internal Revenue Code
21 of 1986), clause (ii) shall be applied by sub-
22 stituting the date which is 2 years after the
23 date otherwise applied under clause (ii).
24 (B) CONDITIONS.—This subsection shall
25 not apply to any amendment unless—

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1 (i) during the period—
2 (I) beginning on the date that
3 this section or the regulation de-
4 scribed in subparagraph (A)(i) takes
5 effect (or in the case of a plan or con-
6 tract amendment not required by this
7 section or such regulation, the effec-
8 tive date specified by the plan), and
9 (II) ending on the date described
10 in subparagraph (A)(ii) (or, if earlier,
11 the date the plan or contract amend-
12 ment is adopted),
13 the plan or contract is operated as if such
14 plan or contract amendment were in effect,
15 and
16 (ii) such plan or contract amendment
17 applies retroactively for such period.

18 **SEC. 2203. TEMPORARY WAIVER OF REQUIRED MINIMUM**
19 **DISTRIBUTION RULES FOR CERTAIN RETIRE-**
20 **MENT PLANS AND ACCOUNTS.**

21 (a) IN GENERAL.—Section 401(a)(9) of the Internal
22 Revenue Code of 1986 is amended by adding at the end
23 the following new subparagraph:
24 "(I) TEMPORARY WAIVER OF MINIMUM RE-
25 QUIRED DISTRIBUTION.—

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1 "(i) IN GENERAL.—The requirements
2 of this paragraph shall not apply for cal-
3 endar year 2020 to—
4 "(I) a defined contribution plan
5 which is described in this subsection
6 or in section 403(a) or 403(b),
7 "(II) a defined contribution plan
8 which is an eligible deferred com-
9 pensation plan described in section
10 457(b) but only if such plan is main-
11 tained by an employer described in
12 section 457(e)(1)(A), or
13 "(III) an individual retirement
14 plan.
15 "(ii) SPECIAL RULE FOR REQUIRED
16 BEGINNING DATES IN 2020.—Clause (i)
17 shall apply to any distribution which is re-
18 quired to be made in calendar year 2020
19 by reason of—
20 "(I) a required beginning date
21 occurring in such calendar year, and
22 "(II) such distribution not having
23 been made before January 1, 2020.

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"(iii) SPECIAL RULES REGARDING WAIVER PERIOD.—For purposes of this paragraph—

"(I) the required beginning date with respect to any individual shall be determined without regard to this subparagraph for purposes of applying this paragraph for calendar years after 2020, and

"(II) if clause (ii) of subparagraph (B) applies, the 5-year period described in such clause shall be determined without regard to calendar year 2020.".

(b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section 402(c)(4) of the Internal Revenue Code of 1986 is amended by striking "2009" each place it appears in the last sentence and inserting "2020".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply for calendar years beginning after December 31, 2019.

(2) PROVISIONS RELATING TO PLAN OR CONTRACT AMENDMENTS.—

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1 (A) IN GENERAL.—If this paragraph ap-
2 plies to any plan or contract amendment—
3 (i) such plan or contract shall not fail
4 to be treated as being operated in accord-
5 ance with the terms of the plan during the
6 period described in subparagraph (B)(ii)
7 solely because the plan operates in accord-
8 ance with this section, and
9 (ii) except as provided by the Sec-
10 retary of the Treasury (or the Secretary's
11 delegate), such plan or contract shall not
12 fail to meet the requirements of section
13 411(d)(6) of the Internal Revenue Code of
14 1986 and section 204(g) of the Employee
15 Retirement Income Security Act of 1974
16 by reason of such amendment.
17 (B) AMENDMENTS TO WHICH PARAGRAPH
18 APPLIES.—
19 (i) IN GENERAL.—This paragraph
20 shall apply to any amendment to any plan
21 or annuity contract which—
22 (I) is made pursuant to the
23 amendments made by this section,
24 and

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(II) is made on or before the last day of the first plan year beginning on or after January 1, 2022.

In the case of a governmental plan, subclause (II) shall be applied by substituting "2024" for "2022".

(ii) CONDITIONS.—This paragraph shall not apply to any amendment unless during the period beginning on the effective date of the amendment and ending on December 31, 2020, the plan or contract is operated as if such plan or contract amendment were in effect.

**SEC. 2204. ALLOWANCE OF PARTIAL ABOVE THE LINE DEDUCTION FOR CHARITABLE CONTRIBUTIONS.**

(a) IN GENERAL.—Section 62(a) of the Internal Revenue Code of 1986 is amended by inserting after paragraph (21) the following new paragraph:

"(22) CHARITABLE CONTRIBUTIONS.—In the case of taxable years beginning in 2020, the amount (not to exceed $300) of qualified charitable contributions made by an eligible individual during the taxable year.".

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1 (b) DEFINITIONS.—Section 62 of such Code is
2 amended by adding at the end the following new sub-
3 section:
4 "(f) DEFINITIONS RELATING TO QUALIFIED CHARI-
5 TABLE CONTRIBUTIONS.—For purposes of subsection
6 (a)(22)—
7 "(1) ELIGIBLE INDIVIDUAL.—The term 'eligible
8 individual' means any individual who does not elect
9 to itemize deductions.
10 "(2) QUALIFIED CHARITABLE CONTRIBU-
11 TIONS.—The term 'qualified charitable contribution'
12 means a charitable contribution (as defined in sec-
13 tion 170(c))—
14 "(A) which is made in cash,
15 "(B) for which a deduction is allowable
16 under section 170 (determined without regard
17 to subsection (b) thereof), and
18 "(C) which is—
19 "(i) made to an organization de-
20 scribed in section 170(b)(1)(A), and
21 "(ii) not—
22 "(I) to an organization described
23 in section 509(a)(3), or
24 "(II) for the establishment of a
25 new, or maintenance of an existing,

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1 donor advised fund (as defined in sec-
2 tion 4966(d)(2)).
3 Such term shall not include any amount
4 which is treated as a charitable contribu-
5 tion made in such taxable year by reason
6 of subsection (b)(1)(G)(ii) or (d)(1) of sec-
7 tion 170.".
8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to taxable years beginning after
10 December 31, 2019.

11 **SEC. 2205. MODIFICATION OF LIMITATIONS ON CHARI-**
12 **TABLE CONTRIBUTIONS DURING 2020.**

13 (a) TEMPORARY SUSPENSION OF LIMITATIONS ON
14 CERTAIN CASH CONTRIBUTIONS.—
15 (1) IN GENERAL.—Except as otherwise pro-
16 vided in paragraph (2), qualified contributions shall
17 be disregarded in applying subsections (b) and (d) of
18 section 170 of the Internal Revenue Code of 1986.
19 (2) TREATMENT OF EXCESS CONTRIBUTIONS.—
20 For purposes of section 170 of the Internal Revenue
21 Code of 1986—
22 (A) INDIVIDUALS.—In the case of an indi-
23 vidual—
24 (i) LIMITATION.—Any qualified con-
25 tribution shall be allowed as a deduction

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1 only to the extent that the aggregate of
2 such contributions does not exceed the ex-
3 cess of the taxpayer's contribution base (as
4 defined in subparagraph (H) of section
5 170(b)(1) of such Code) over the amount
6 of all other charitable contributions allowed
7 under section 170(b)(1) of such Code.
8 (ii) CARRYOVER.—If the aggregate
9 amount of qualified contributions made in
10 the contribution year (within the meaning
11 of section 170(d)(1) of such Code) exceeds
12 the limitation of clause (i), such excess
13 shall be added to the excess described in
14 section 170(b)(1)(G)(ii).
15 (B) CORPORATIONS.—In the case of a cor-
16 poration—
17 (i) LIMITATION.—Any qualified con-
18 tribution shall be allowed as a deduction
19 only to the extent that the aggregate of
20 such contributions does not exceed the ex-
21 cess of 25 percent of the taxpayer's taxable
22 income (as determined under paragraph
23 (2) of section 170(b) of such Code) over
24 the amount of all other charitable con-
25 tributions allowed under such paragraph.

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1 (ii) CARRYOVER.—If the aggregate
2 amount of qualified contributions made in
3 the contribution year (within the meaning
4 of section 170(d)(2) of such Code) exceeds
5 the limitation of clause (i), such excess
6 shall be appropriately taken into account
7 under section 170(d)(2) subject to the limi-
8 tations thereof.
9 (3) QUALIFIED CONTRIBUTIONS.—
10 (A) IN GENERAL.—For purposes of this
11 subsection, the term "qualified contribution"
12 means any charitable contribution (as defined
13 in section 170(c) of the Internal Revenue Code
14 of 1986) if—
15 (i) such contribution is paid in cash
16 during calendar year 2020 to an organiza-
17 tion described in section 170(b)(1)(A) of
18 such Code, and
19 (ii) the taxpayer has elected the appli-
20 cation of this section with respect to such
21 contribution.
22 (B) EXCEPTION.—Such term shall not in-
23 clude a contribution by a donor if the contribu-
24 tion is—

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(i) to an organization described in section 509(a)(3) of the Internal Revenue Code of 1986, or

(ii) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2) of such Code).

(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(ii) shall be made separately by each partner or shareholder.

(b) INCREASE IN LIMITS ON CONTRIBUTIONS OF FOOD INVENTORY.—In the case of any charitable contribution of food during 2020 to which section 170(e)(3)(C) of the Internal Revenue Code of 1986 applies, subclauses (I) and (II) of clause (ii) thereof shall each be applied by substituting "25 percent" for "15 percent."

(c) EFFECTIVE DATE.—This section shall apply to taxable years ending after December 31, 2019.

**SEC. 2206. EXCLUSION FOR CERTAIN EMPLOYER PAYMENTS OF STUDENT LOANS.**

(a) IN GENERAL.—Paragraph (1) of section 127(c) of the Internal Revenue Code of 1986 is amended by strik-

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1 ing "and" at the end of subparagraph (A), by redesig-
2 nating subparagraph (B) as subparagraph (C), and by in-
3 serting after subparagraph (A) the following new subpara-
4 graph:

5 "(B) in the case of payments made before
6 January 1, 2021, the payment by an employer,
7 whether paid to the employee or to a lender, of
8 principal or interest on any qualified education
9 loan (as defined in section 221(d)(1)) incurred
10 by the employee for education of the employee,
11 and".

12 (b) CONFORMING AMENDMENT; DENIAL OF DOUBLE
13 BENEFIT.—The first sentence of paragraph (1) of section
14 221(e) of the Internal Revenue Code of 1986 is amended
15 by inserting before the period the following: ", or for which
16 an exclusion is allowable under section 127 to the taxpayer
17 by reason of the payment by the taxpayer's employer of
18 any indebtedness on a qualified education loan of the tax-
19 payer".

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to payments made after the date
22 of the enactment of this Act.

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# Subtitle C—Business Provisions

**SEC. 2301. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID-19.**

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

(b) LIMITATIONS AND REFUNDABILITY.—

(1) WAGES TAKEN INTO ACCOUNT.—The amount of qualified wages with respect to any employee which may be taken into account under subsection (a) by the eligible employer for all calendar quarters shall not exceed $10,000.

(2) CREDIT LIMITED TO EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the applicable employment taxes (reduced by any credits allowed under subsections (e) and (f) of section 3111 of the Internal Revenue Code of 1986 and sections 7001 and 7003 of the Families First Coronavirus Response Act) on the wages paid with respect to the employment of all the employees of the eligible employer for such calendar quarter.

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1 (3) REFUNDABILITY OF EXCESS CREDIT.—
2 (A) IN GENERAL.—If the amount of the
3 credit under subsection (a) exceeds the limita-
4 tion of paragraph (2) for any calendar quarter,
5 such excess shall be treated as an overpayment
6 that shall be refunded under sections 6402(a)
7 and 6413(b) of the Internal Revenue Code of
8 1986.
9 (B) TREATMENT OF PAYMENTS.—For pur-
10 poses of section 1324 of title 31, United States
11 Code, any amounts due to the employer under
12 this paragraph shall be treated in the same
13 manner as a refund due from a credit provision
14 referred to in subsection (b)(2) of such section.
15 (c) DEFINITIONS.—For purposes of this section—
16 (1) APPLICABLE EMPLOYMENT TAXES.—The
17 term "applicable employment taxes" means the fol-
18 lowing:
19 (A) The taxes imposed under section
20 3111(a) of the Internal Revenue Code of 1986.
21 (B) So much of the taxes imposed under
22 section 3221(a) of such Code as are attrib-
23 utable to the rate in effect under section
24 3111(a) of such Code.
25 (2) ELIGIBLE EMPLOYER.—

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1 (A) IN GENERAL.—The term "eligible em-
2 ployer" means any employer—
3 (i) which was carrying on a trade or
4 business during calendar year 2020, and
5 (ii) with respect to any calendar quar-
6 ter, for which—
7 (I) the operation of the trade or
8 business described in clause (i) is fully
9 or partially suspended during the cal-
10 endar quarter due to orders from an
11 appropriate governmental authority
12 limiting commerce, travel, or group
13 meetings (for commercial, social, reli-
14 gious, or other purposes) due to the
15 coronavirus disease 2019 (COVID-
16 19), or
17 (II) such calendar quarter is
18 within the period described in sub-
19 paragraph (B).
20 (B) SIGNIFICANT DECLINE IN GROSS RE-
21 CEIPTS.—The period described in this subpara-
22 graph is the period—
23 (i) beginning with the first calendar
24 quarter beginning after December 31,
25 2019, for which gross receipts (within the

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1 meaning of section 448(c) of the Internal
2 Revenue Code of 1986) for the calendar
3 quarter are less than 50 percent of gross
4 receipts for the same calendar quarter in
5 the prior year, and
6 (ii) ending with the calendar quarter
7 following the first calendar quarter begin-
8 ning after a calendar quarter described in
9 clause (i) for which gross receipts of such
10 employer are greater than 80 percent of
11 gross receipts for the same calendar quar-
12 ter in the prior year.
13 (C) TAX-EXEMPT ORGANIZATIONS.—In the
14 case of an organization which is described in
15 section 501(c) of the Internal Revenue Code of
16 1986 and exempt from tax under section 501(a)
17 of such Code, clauses (i) and (ii)(I) of subpara-
18 graph (A) shall apply to all operations of such
19 organization.
20 (3) QUALIFIED WAGES.—
21 (A) IN GENERAL.—The term "qualified
22 wages" means—
23 (i) in the case of an eligible employer
24 for which the average number of full-time
25 employees (within the meaning of section

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1 4980H of the Internal Revenue Code of
2 1986) employed by such eligible employer
3 during 2019 was greater than 100, wages
4 paid by such eligible employer with respect
5 to which an employee is not providing serv-
6 ices due to circumstances described in sub-
7 clause (I) or (II) of paragraph (2)(A)(ii),
8 or
9 (ii) in the case of an eligible employer
10 for which the average number of full-time
11 employees (within the meaning of section
12 4980H of the Internal Revenue Code of
13 1986) employed by such eligible employer
14 during 2019 was not greater than 100—
15 (I) with respect to an eligible em-
16 ployer described in subclause (I) of
17 paragraph (2)(A)(ii), wages paid by
18 such eligible employer with respect to
19 an employee during any period de-
20 scribed in such clause, or
21 (II) with respect to an eligible
22 employer described in subclause (II)
23 of such paragraph, wages paid by
24 such eligible employer with respect to
25 an employee during such quarter.

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1 Such term shall not include any wages taken
2 into account under section 7001 or section
3 7003 of the Families First Coronavirus Re-
4 sponse Act.
5 (B) LIMITATION.—Qualified wages paid or
6 incurred by an eligible employer described in
7 subparagraph (A)(i) with respect to an em-
8 ployee for any period described in such sub-
9 paragraph may not exceed the amount such em-
10 ployee would have been paid for working an
11 equivalent duration during the 30 days imme-
12 diately preceding such period.
13 (C) ALLOWANCE FOR CERTAIN HEALTH
14 PLAN EXPENSES.—
15 (i) IN GENERAL.—The term ''qualified
16 wages'' shall include so much of the eligi-
17 ble employer's qualified health plan ex-
18 penses as are properly allocable to such
19 wages.
20 (ii) QUALIFIED HEALTH PLAN EX-
21 PENSES.—For purposes of this paragraph,
22 the term ''qualified health plan expenses''
23 means amounts paid or incurred by the eli-
24 gible employer to provide and maintain a
25 group health plan (as defined in section

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1 5000(b)(1) of the Internal Revenue Code
2 of 1986), but only to the extent that such
3 amounts are excluded from the gross in-
4 come of employees by reason of section
5 106(a) of such Code.
6 (iii) ALLOCATION RULES.—For pur-
7 poses of this paragraph, qualified health
8 plan expenses shall be allocated to quali-
9 fied wages in such manner as the Sec-
10 retary may prescribe. Except as otherwise
11 provided by the Secretary, such allocation
12 shall be treated as properly made if made
13 on the basis of being pro rata among em-
14 ployees and pro rata on the basis of peri-
15 ods of coverage (relative to the periods to
16 which such wages relate).
17 (4) SECRETARY.—The term "Secretary" means
18 the Secretary of the Treasury or the Secretary's del-
19 egate.
20 (5) WAGES.—The term "wages" means wages
21 (as defined in section 3121(a) of the Internal Rev-
22 enue Code of 1986) and compensation (as defined in
23 section 3231(e) of such Code).
24 (6) OTHER TERMS.—Any term used in this sec-
25 tion which is also used in chapter 21 or 22 of the

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1 Internal Revenue Code of 1986 shall have the same
2 meaning as when used in such chapter.
3 (d) AGGREGATION RULE.—All persons treated as a
4 single employer under subsection (a) or (b) of section 52
5 of the Internal Revenue Code of 1986, or subsection (m)
6 or (o) of section 414 of such Code, shall be treated as
7 one employer for purposes of this section.
8 (e) CERTAIN RULES TO APPLY.—For purposes of
9 this section, rules similar to the rules of sections 51(i)(1)
10 and 280C(a) of the Internal Revenue Code of 1986 shall
11 apply.
12 (f) CERTAIN GOVERNMENTAL EMPLOYERS.—This
13 credit shall not apply to the Government of the United
14 States, the government of any State or political subdivi-
15 sion thereof, or any agency or instrumentality of any of
16 the foregoing.
17 (g) ELECTION NOT TO HAVE SECTION APPLY.—This
18 section shall not apply with respect to any eligible em-
19 ployer for any calendar quarter if such employer elects (at
20 such time and in such manner as the Secretary may pre-
21 scribe) not to have this section apply.
22 (h) SPECIAL RULES.—
23 (1) EMPLOYEE NOT TAKEN INTO ACCOUNT
24 MORE THAN ONCE.—An employee shall not be in-
25 cluded for purposes of this section for any period

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1 with respect to any employer if such employer is al-
2 lowed a credit under section 51 of the Internal Rev-
3 enue Code of 1986 with respect to such employee for
4 such period.
5 (2) DENIAL OF DOUBLE BENEFIT.—Any wages
6 taken into account in determining the credit allowed
7 under this section shall not be taken into account for
8 purposes of determining the credit allowed under
9 section 45S of such Code.
10 (3) THIRD PARTY PAYORS.—Any credit allowed
11 under this section shall be treated as a credit de-
12 scribed in section 3511(d)(2) of such Code.
13 (i) TRANSFERS TO FEDERAL OLD-AGE AND SUR-
14 VIVORS INSURANCE TRUST FUND.—There are hereby ap-
15 propriated to the Federal Old-Age and Survivors Insur-
16 ance Trust Fund and the Federal Disability Insurance
17 Trust Fund established under section 201 of the Social
18 Security Act (42 U.S.C. 401) and the Social Security
19 Equivalent Benefit Account established under section
20 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C.
21 14 231n–1(a)) amounts equal to the reduction in revenues
22 to the Treasury by reason of this section (without regard
23 to this subsection). Amounts appropriated by the pre-
24 ceding sentence shall be transferred from the general fund
25 at such times and in such manner as to replicate to the

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1 extent possible the transfers which would have occurred
2 to such Trust Fund or Account had this section not been
3 enacted.

4 (j) RULE FOR EMPLOYERS TAKING SMALL BUSINESS
5 INTERRUPTION LOAN.—If an eligible employer receives a
6 covered loan under paragraph (36) of section 7(a) of the
7 Small Business Act (15 U.S.C. 636(a)), as added by sec-
8 tion 1102 of this Act, such employer shall not be eligible
9 for the credit under this section.

10 (k) TREATMENT OF DEPOSITS.—The Secretary shall
11 waive any penalty under section 6656 of the Internal Rev-
12 enue Code of 1986 for any failure to make a deposit of
13 any applicable employment taxes if the Secretary deter-
14 mines that such failure was due to the reasonable anticipa-
15 tion of the credit allowed under this section.

16 (l) REGULATIONS AND GUIDANCE.—The Secretary
17 shall issue such forms, instructions, regulations, and guid-
18 ance as are necessary—

19 (1) to allow the advance payment of the credit
20 under subsection (a), subject to the limitations pro-
21 vided in this section, based on such information as
22 the Secretary shall require,

23 (2) to provide for the reconciliation of such ad-
24 vance payment with the amount advanced at the

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1 time of filing the return of tax for the applicable cal-
2 endar quarter or taxable year,
3 (3) to provide for the recapture of the credit
4 under this section if such credit is allowed to a tax-
5 payer which receives a loan described in subsection
6 (j) during a subsequent quarter,
7 (4) with respect to the application of the credit
8 under subsection (a) to third party payors (including
9 professional employer organizations, certified profes-
10 sional employer organizations, or agents under sec-
11 tion 3504 of the Internal Revenue Code of 1986),
12 including regulations or guidance allowing such
13 payors to submit documentation necessary to sub-
14 stantiate the eligible employer status of employers
15 that use such payors, and
16 (5) for application of subparagraphs (A)(ii)(II)
17 and (B) of subsection (c)(2) in the case of any em-
18 ployer which was not carrying on a trade or business
19 for all or part of the same calendar quarter in the
20 prior year.
21 (m) APPLICATION.—This section shall only apply to
22 wages paid after March 12, 2020, and before January 1,
23 2021.

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1 **SEC. 2302. DELAY OF PAYMENT OF EMPLOYER PAYROLL**
2 **TAXES.**

3 (a) IN GENERAL.—

4 (1) TAXES.—Notwithstanding any other provi-
5 sion of law, the payment for applicable employment
6 taxes for the payroll tax deferral period shall not be
7 due before the applicable date.

8 (2) DEPOSITS.—Notwithstanding section 6302
9 of the Internal Revenue Code of 1986, an employer
10 shall be treated as having timely made all deposits
11 of applicable employment taxes that are required to
12 be made (without regard to this section) for such
13 taxes during the payroll tax deferral period if all
14 such deposits are made not later than the applicable
15 date.

16 (3) EXCEPTION.—This subsection shall not
17 apply to any taxpayer if such taxpayer has had in-
18 debtedness forgiven under section 1106 of this Act
19 with respect to a loan under paragraph (36) of sec-
20 tion 7(a) of the Small Business Act (15 U.S.C.
21 636(a)), as added by section 1102 of this Act, or in-
22 debtedness forgiven under section 1109 of this Act.

23 (b) SECA.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, the payment for 50 percent of the
26 taxes imposed under section 1401(a) of the Internal

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1 Revenue Code of 1986 for the payroll tax deferral
2 period shall not be due before the applicable date.
3 (2) ESTIMATED TAXES.—For purposes of ap-
4 plying section 6654 of the Internal Revenue Code of
5 1986 to any taxable year which includes any part of
6 the payroll tax deferral period, 50 percent of the
7 taxes imposed under section 1401(a) of such Code
8 for the payroll tax deferral period shall not be treat-
9 ed as taxes to which such section 6654 applies.
10 (c) LIABILITY OF THIRD PARTIES.—
11 (1) ACTS TO BE PERFORMED BY AGENTS.—For
12 purposes of section 3504 of the Internal Revenue
13 Code of 1986, in the case of any person designated
14 pursuant to such section (and any regulations or
15 other guidance issued by the Secretary with respect
16 to such section) to perform acts otherwise required
17 to be performed by an employer under such Code, if
18 such employer directs such person to defer payment
19 of any applicable employment taxes during the pay-
20 roll tax deferral period under this section, such em-
21 ployer shall be solely liable for the payment of such
22 applicable employment taxes before the applicable
23 date for any wages paid by such person on behalf of
24 such employer during such period.

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1 (2) CERTIFIED PROFESSIONAL EMPLOYER OR-
2 GANIZATIONS.—For purposes of section 3511, in the
3 case of a certified professional employer organization
4 (as defined in subsection (a) of section 7705 of the
5 Internal Revenue Code of 1986) that has entered
6 into a service contract described in subsection (e)(2)
7 of such section with a customer, if such customer di-
8 rects such organization to defer payment of any ap-
9 plicable employment taxes during the payroll tax de-
10 ferral period under this section, such customer shall,
11 notwithstanding subsections (a) and (c) of section
12 3511, be solely liable for the payment of such appli-
13 cable employment taxes before the applicable date
14 for any wages paid by such organization to any work
15 site employee performing services for such customer
16 during such period.
17 (d) DEFINITIONS.—For purposes of this section—
18 (1) APPLICABLE EMPLOYMENT TAXES.—The
19 term "applicable employment taxes" means the fol-
20 lowing:
21 (A) The taxes imposed under section
22 3111(a) of the Internal Revenue Code of 1986.
23 (B) So much of the taxes imposed under
24 section 3211(a) of such Code as are attrib-

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1 utable to the rate in effect under section
2 3111(a) of such Code.
3 (C) So much of the taxes imposed under
4 section 3221(a) of such Code as are attrib-
5 utable to the rate in effect under section
6 3111(a) of such Code.
7 (2) PAYROLL TAX DEFERRAL PERIOD.—The
8 term "payroll tax deferral period" means the period
9 beginning on the date of the enactment of this Act
10 and ending before January 1, 2021.
11 (3) APPLICABLE DATE.—The term "applicable
12 date" means—
13 (A) December 31, 2021, with respect to 50
14 percent of the amounts to which subsection (a)
15 or (b), as the case may be, apply, and
16 (B) December 31, 2022, with respect to
17 the remaining such amounts.
18 (4) SECRETARY.—The term "Secretary" means
19 the Secretary of the Treasury (or the Secretary's
20 delegate).
21 (e) TRUST FUNDS HELD HARMLESS.—There are
22 hereby appropriated (out of any money in the Treasury
23 not otherwise appropriated) for each fiscal year to the
24 Federal Old-Age and Survivors Insurance Trust Fund and
25 the Federal Disability Insurance Trust Fund established

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1 under section 201 of the Social Security Act (42 U.S.C.
2 401) and the Social Security Equivalent Benefit Account
3 established under section 15A(a) of the Railroad Retire-
4 ment Act of 1974 (45 U.S.C. 231n–1(a)) an amount equal
5 to the reduction in the transfers to such fund for such
6 fiscal year by reason of this section. Amounts appropriated
7 by the preceding sentence shall be transferred from the
8 general fund at such times and in such manner as to rep-
9 licate to the extent possible the transfers which would have
10 occurred to such Trust Fund had such amendments not
11 been enacted.

12 (f) REGULATORY AUTHORITY.—The Secretary shall
13 issue such regulations or other guidance as necessary to
14 carry out the purposes of this section, including rules for
15 the administration and enforcement of subsection (c).

16 **SEC. 2303. MODIFICATIONS FOR NET OPERATING LOSSES.**

17 (a) TEMPORARY REPEAL OF TAXABLE INCOME LIMI-
18 TATION.—

19 (1) IN GENERAL.—The first sentence of section
20 172(a) of the Internal Revenue Code of 1986 is
21 amended by striking "an amount equal to" and all
22 that follows and inserting "an amount equal to—

23 "(1) in the case of a taxable year beginning be-
24 fore January 1, 2021, the aggregate of the net oper-

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1 ating loss carryovers to such year, plus the net oper-
2 ating loss carrybacks to such year, and
3 "(2) in the case of a taxable year beginning
4 after December 31, 2020, the sum of—
5 "(A) the aggregate amount of net oper-
6 ating losses arising in taxable years beginning
7 before January 1, 2018, carried to such taxable
8 year, plus
9 "(B) the lesser of—
10 "(i) the aggregate amount of net op-
11 erating losses arising in taxable years be-
12 ginning after December 31, 2017, carried
13 to such taxable year, or
14 "(ii) 80 percent of the excess (if any)
15 of—
16 "(I) taxable income computed
17 without regard to the deductions
18 under this section and sections 199A
19 and 250, over
20 "(II) the amount determined
21 under subparagraph (A).".
22 (2) CONFORMING AMENDMENTS.—
23 (A) Section 172(b)(2)(C) of such Code is
24 amended to read as follows:

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"(C) for taxable years beginning after December 31, 2020, be reduced by 20 percent of the excess (if any) described in subsection (a)(2)(B)(ii) for such taxable year.".

(B) Section 172(d)(6)(C) of such Code is amended by striking "subsection (a)(2)" and inserting "subsection (a)(2)(B)(ii)(I)".

(C) Section 860E(a)(3)(B) of such Code is amended by striking all that follows "for purposes of" and inserting "subsection (a)(2)(B)(ii)(I) and the second sentence of subsection (b)(2) of section 172.".

(b) MODIFICATIONS OF RULES RELATING TO CARRYBACKS.—

(1) IN GENERAL.—Section 172(b)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR LOSSES ARISING IN 2018, 2019, AND 2020.—

"(i) IN GENERAL.—In the case of any net operating loss arising in a taxable year beginning after December 31, 2017, and before January 1, 2021—

"(I) such loss shall be a net operating loss carryback to each of the 5

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1 taxable years preceding the taxable
2 year of such loss, and
3 "(II) subparagraphs (B) and
4 (C)(i) shall not apply.
5 "(ii) SPECIAL RULES FOR REITS.—
6 For purposes of this subparagraph—
7 "(I) IN GENERAL.—A net oper-
8 ating loss for a REIT year shall not
9 be a net operating loss carryback to
10 any taxable year preceding the taxable
11 year of such loss.
12 "(II) SPECIAL RULE.—In the
13 case of any net operating loss for a
14 taxable year which is not a REIT
15 year, such loss shall not be carried to
16 any preceding taxable year which is a
17 REIT year.
18 "(III) REIT YEAR.—For pur-
19 poses of this subparagraph, the term
20 'REIT year' means any taxable year
21 for which the provisions of part II of
22 subchapter M (relating to real estate
23 investment trusts) apply to the tax-
24 payer.

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1 "(iii) SPECIAL RULE FOR LIFE INSUR-
2 ANCE COMPANIES.— In the case of a life
3 insurance company, if a net operating loss
4 is carried pursuant to clause (i)(I) to a life
5 insurance company taxable year beginning
6 before January 1, 2018, such net oper-
7 ating loss carryback shall be treated in the
8 same manner as an operations loss
9 carryback (within the meaning of section
10 810 as in effect before its repeal) of such
11 company to such taxable year.
12 "(iv) RULE RELATING TO
13 CARRYBACKS TO YEARS TO WHICH SEC-
14 TION 965 APPLIES.—If a net operating loss
15 of a taxpayer is carried pursuant to clause
16 (i)(I) to any taxable year in which an
17 amount is includible in gross income by
18 reason of section 965(a), the taxpayer shall
19 be treated as having made the election
20 under section 965(n) with respect to each
21 such taxable year.
22 "(v) SPECIAL RULES FOR ELECTIONS
23 UNDER PARAGRAPH (3).—
24 "(I) SPECIAL ELECTION TO EX-
25 CLUDE SECTION 965 YEARS.— If the

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1 5-year carryback period under clause
2 (i)(I) with respect to any net oper-
3 ating loss of a taxpayer includes 1 or
4 more taxable years in which an
5 amount is includible in gross income
6 by reason of section 965(a), the tax-
7 payer may, in lieu of the election oth-
8 erwise available under paragraph (3),
9 elect under such paragraph to exclude
10 all such taxable years from such
11 carryback period.
12 "(II) TIME OF ELECTIONS.—An
13 election under paragraph (3) (includ-
14 ing an election described in subclause
15 (I)) with respect to a net operating
16 loss arising in a taxable year begin-
17 ning in 2018 or 2019 shall be made
18 by the due date (including extensions
19 of time) for filing the taxpayer's re-
20 turn for the first taxable year ending
21 after the date of the enactment of this
22 subparagraph.".
23 (2) CONFORMING AMENDMENT.—Section
24 172(b)(1)(A) of such Code, as amended by sub-

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1 section (c)(2), is amended by striking "and (C)(i)"
2 and inserting ", (C)(i), and (D)".
3 (c) TECHNICAL AMENDMENT RELATING TO SECTION
4 13302 OF PUBLIC LAW 115–97.—
5 (1) Section 13302(e) of Public Law 115–97 is
6 amended to read as follows:
7 "(e) EFFECTIVE DATES.—
8 "(1) NET OPERATING LOSS LIMITATION.—The
9 amendments made by subsections (a) and (d)(2)
10 shall apply to—
11 "(A) taxable years beginning after Decem-
12 ber 31, 2017, and
13 "(B) taxable years beginning on or before
14 such date to which net operating losses arising
15 in taxable years beginning after such date are
16 carried.
17 "(2) CARRYOVERS AND CARRYBACKS.—The
18 amendments made by subsections (b), (c), and
19 (d)(1) shall apply to net operating losses arising in
20 taxable years beginning after December 31, 2017.".
21 (2) Section 172(b)(1)(A) of the Internal Rev-
22 enue Code of 1986 is amended to read as follows:
23 "(A) GENERAL RULE.—A net operating
24 loss for any taxable year—

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"(i) shall be a net operating loss carryback to the extent provided in subparagraphs (B) and (C)(i), and

"(ii) except as provided in subparagraph (C)(ii), shall be a net operating loss carryover—

"(I) in the case of a net operating loss arising in a taxable year beginning before January 1, 2018, to each of the 20 taxable years following the taxable year of the loss, and

"(II) in the case of a net operating loss arising in a taxable year beginning after December 31, 2017, to each taxable year following the taxable year of the loss.".

(d) EFFECTIVE DATES.—

(1) NET OPERATING LOSS LIMITATION.—The amendments made by subsection (a) shall apply—

(A) to taxable years beginning after December 31, 2017, and

(B) to taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

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1 (2) CARRYOVERS AND CARRYBACKS.—The
2 amendment made by subsection (b) shall apply to—
3 (A) net operating losses arising in taxable
4 years beginning after December 31, 2017, and
5 (B) taxable years beginning before, on, or
6 after such date to which such net operating
7 losses are carried.
8 (3) TECHNICAL AMENDMENTS.—The amend-
9 ments made by subsection (c) shall take effect as if
10 included in the provisions of Public Law 115–97 to
11 which they relate.
12 (4) SPECIAL RULE.—In the case of a net oper-
13 ating loss arising in a taxable year beginning before
14 January 1, 2018, and ending after December 31,
15 2017—
16 (A) an application under section 6411(a)
17 of the Internal Revenue Code of 1986 with re-
18 spect to the carryback of such net operating
19 loss shall not fail to be treated as timely filed
20 if filed not later than the date which is 120
21 days after the date of the enactment of this
22 Act, and
23 (B) an election to—
24 (i) forgo any carryback of such net
25 operating loss,

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(ii) reduce any period to which such net operating loss may be carried back, or

(iii) revoke any election made under section 172(b) to forgo any carryback of such net operating loss,

shall not fail to be treated as timely made if made not later than the date which is 120 days after the date of the enactment of this Act.

**SEC. 2304. MODIFICATION OF LIMITATION ON LOSSES FOR TAXPAYERS OTHER THAN CORPORATIONS.**

(a) IN GENERAL.—Section 461(l)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) LIMITATION.—In the case of a taxpayer other than a corporation—

"(A) for any taxable year beginning after December 31, 2017, and before January 1, 2026, subsection (j) (relating to limitation on excess farm losses of certain taxpayers) shall not apply, and

"(B) for any taxable year beginning after December 31, 2020, and before January 1, 2026, any excess business loss of the taxpayer for the taxable year shall not be allowed.".

(b) TECHNICAL AMENDMENTS RELATING TO SECTION 11012 OF PUBLIC LAW 115–97.—

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1 (1) Section 461(l)(2) of the Internal Revenue
2 Code of 1986 is amended by striking "a net oper-
3 ating loss carryover to the following taxable year
4 under section 172" and inserting "a net operating
5 loss for the taxable year for purposes of determining
6 any net operating loss carryover under section
7 172(b) for subsequent taxable years".
8 (2) Section 461(l)(3)(A) of such Code is
9 amended—
10 (A) in clause (i), by inserting "and without
11 regard to any deduction allowable under section
12 172 or 199A" after "under paragraph (1)",
13 and
14 (B) by adding at the end the following
15 flush sentence:
16 "Such excess shall be determined without regard to
17 any deductions, gross income, or gains attributable
18 to any trade or business of performing services as an
19 employee.".
20 (3) Section 461(l)(3) of such Code is amended
21 by redesignating subparagraph (B) as subparagraph
22 (C) and by inserting after subparagraph (A) the fol-
23 lowing new subparagraph:
24 "(B) TREATMENT OF CAPITAL GAINS AND
25 LOSSES.—

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"(i) LOSSES.—Deductions for losses from sales or exchanges of capital assets shall not be taken into account under subparagraph (A)(i).

"(ii) GAINS.—The amount of gains from sales or exchanges of capital assets taken into account under subparagraph (A)(ii) shall not exceed the lesser of—

"(I) the capital gain net income determined by taking into account only gains and losses attributable to a trade or business, or

"(II) the capital gain net income.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2017.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in the provisions of Public Law 115–97 to which they relate.

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1 **SEC. 2305. MODIFICATION OF CREDIT FOR PRIOR YEAR**
2 **MINIMUM TAX LIABILITY OF CORPORATIONS.**
3 (a) IN GENERAL.—Section 53(e) of the Internal Rev-
4 enue Code of 1986 is amended—
5 (1) by striking "2018, 2019, 2020, or 2021" in
6 paragraph (1) and inserting "2018 or 2019", and
7 (2) by striking "2021" in paragraph (2) and in-
8 serting "2019".
9 (b) ELECTION TO TAKE ENTIRE REFUNDABLE
10 CREDIT AMOUNT IN 2018.—
11 (1) IN GENERAL.—Section 53(e) of such Code
12 is amended by adding at the end the following new
13 paragraph:
14 "(5) SPECIAL RULE.—In the case of a corpora-
15 tion making an election under this paragraph—
16 "(A) paragraph (1) shall not apply, and
17 "(B) subsection (c) shall not apply to the
18 first taxable year of such corporation beginning
19 in 2018.".
20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to taxable years beginning after
22 December 31, 2017.
23 (d) SPECIAL RULE.—
24 (1) IN GENERAL.—For purposes of the Internal
25 Revenue Code of 1986, a credit or refund for which
26 an application described in paragraph (2)(A) is filed

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1 shall be treated as made under section 6411 of such
2 Code.
3 (2) TENTATIVE REFUND.—
4 (A) APPLICATION.—A taxpayer may file an
5 application for a tentative refund of any
6 amount for which a refund is due by reason of
7 an election under section 53(e)(5) of the Inter-
8 nal Revenue Code of 1986. Such application
9 shall be in such manner and form as the Sec-
10 retary of the Treasury (or the Secretary's dele-
11 gate) may prescribe and shall—
12 (i) be verified in the same manner as
13 an application under section 6411(a) of
14 such Code,
15 (ii) be filed prior to December 31,
16 2020, and
17 (iii) set forth—
18 (I) the amount of the refundable
19 credit claimed under section 53(e) of
20 such Code for such taxable year,
21 (II) the amount of the refundable
22 credit claimed under such section for
23 any previously filed return for such
24 taxable year, and

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1 (III) the amount of the refund
2 claimed.
3 (B) ALLOWANCE OF ADJUSTMENTS.—
4 Within a period of 90 days from the date on
5 which an application is filed under subpara-
6 graph (A), the Secretary of the Treasury (or
7 the Secretary's delegate) shall—
8 (i) review the application,
9 (ii) determine the amount of the over-
10 payment, and
11 (iii) apply, credit, or refund such over-
12 payment,
13 in a manner similar to the manner provided in
14 section 6411(b) of the Internal Revenue Code
15 of 1986.
16 (C) CONSOLIDATED RETURNS.—The provi-
17 sions of section 6411(c) of the Internal Revenue
18 Code of 1986 Code shall apply to an adjust-
19 ment under this paragraph to the same extent
20 and manner as the Secretary of the Treasury
21 (or the Secretary's delegate) may provide.
22 **SEC. 2306. MODIFICATIONS OF LIMITATION ON BUSINESS**
23 **INTEREST.**
24 (a) IN GENERAL.—Section 163(j) of the Internal
25 Revenue Code of 1986 is amended by redesignating para-

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1 graph (10) as paragraph (11) and by inserting after para-
2 graph (9) the following new paragraph:
3 "(10) SPECIAL RULE FOR TAXABLE YEARS BE-
4 GINNING IN 2019 AND 2020.—
5 "(A) IN GENERAL.—
6 "(i) IN GENERAL.—Except as pro-
7 vided in clause (ii) or (iii), in the case of
8 any taxable year beginning in 2019 or
9 2020, paragraph (1)(B) shall be applied by
10 substituting '50 percent' for '30 percent'.
11 "(ii) SPECIAL RULE FOR PARTNER-
12 SHIPS.—In the case of a partnership—
13 "(I) clause (i) shall not apply to
14 any taxable year beginning in 2019,
15 but
16 "(II) unless a partner elects not
17 to have this subclause apply, in the
18 case of any excess business interest of
19 the partnership for any taxable year
20 beginning in 2019 which is allocated
21 to the partner under paragraph
22 (4)(B)(i)(II)—
23 "(aa) 50 percent of such ex-
24 cess business interest shall be
25 treated as business interest

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1 which, notwithstanding para-
2 graph (4)(B)(ii), is paid or ac-
3 crued by the partner in the part-
4 ner's first taxable year beginning
5 in 2020 and which is not subject
6 to the limits of paragraph (1),
7 and
8 "(bb) 50 percent of such ex-
9 cess business interest shall be
10 subject to the limitations of para-
11 graph (4)(B)(ii) in the same
12 manner as any other excess busi-
13 ness interest so allocated.
14 "(iii) ELECTION OUT.—A taxpayer
15 may elect, at such time and in such man-
16 ner as the Secretary may prescribe, not to
17 have clause (i) apply to any taxable year.
18 Such an election, once made, may be re-
19 voked only with the consent of the Sec-
20 retary. In the case of a partnership, any
21 such election shall be made by the partner-
22 ship and may be made only for taxable
23 years beginning in 2020.

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1 "(B) ELECTION TO USE 2019 ADJUSTED
2 TAXABLE INCOME FOR TAXABLE YEARS BEGIN-
3 NING IN 2020.—
4 "(i) IN GENERAL.—Subject to clause
5 (ii), in the case of any taxable year begin-
6 ning in 2020, the taxpayer may elect to
7 apply this subsection by substituting the
8 adjusted taxable income of the taxpayer for
9 the last taxable year beginning in 2019 for
10 the adjusted taxable income for such tax-
11 able year. In the case of a partnership, any
12 such election shall be made by the partner-
13 ship.
14 "(ii) SPECIAL RULE FOR SHORT TAX-
15 ABLE YEARS.—If an election is made
16 under clause (i) for a taxable year which is
17 a short taxable year, the adjusted taxable
18 income for the taxpayer's last taxable year
19 beginning in 2019 which is substituted
20 under clause (i) shall be equal to the
21 amount which bears the same ratio to such
22 adjusted taxable income determined with-
23 out regard to this clause as the number of
24 months in the short taxable year bears to
25 12".

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1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2018.

4 **SEC. 2307. TECHNICAL AMENDMENTS REGARDING QUALI-**
5 **FIED IMPROVEMENT PROPERTY.**

6 (a) IN GENERAL.—Section 168 of the Internal Rev-
7 enue Code of 1986 is amended—
8 (1) in subsection (e)—
9 (A) in paragraph (3)(E), by striking ''and''
10 at the end of clause (v), by striking the period
11 at the end of clause (vi) and inserting '', and'',
12 and by adding at the end the following new
13 clause:
14 ''(vii) any qualified improvement prop-
15 erty.'', and
16 (B) in paragraph (6)(A), by inserting
17 ''made by the taxpayer'' after ''any improve-
18 ment'', and
19 (2) in the table contained in subsection
20 (g)(3)(B)—
21 (A) by striking the item relating to sub-
22 paragraph (D)(v), and
23 (B) by inserting after the item relating to
24 subparagraph (E)(vi) the following new item:

''(E)(vii) ..... 20''.

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1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in section
3 13204 of Public Law 115–97.

4 **SEC. 2308. TEMPORARY EXCEPTION FROM EXCISE TAX FOR**
5 **ALCOHOL USED TO PRODUCE HAND SANI-**
6 **TIZER.**

7 (a) IN GENERAL.—Section 5214(a) of the Internal
8 Revenue Code of 1986 is amended—
9 (1) in paragraph (13), by striking the period at
10 the end and inserting "; or", and
11 (2) by adding at the end the following new
12 paragraph:
13 "(14) with respect to distilled spirits removed
14 after December 31, 2019, and before January 1,
15 2021, free of tax for use in or contained in hand
16 sanitizer produced and distributed in a manner con-
17 sistent with any guidance issued by the Food and
18 Drug Administration that is related to the outbreak
19 of virus SARS-CoV-2 or coronavirus disease 2019
20 (COVID-19).".
21 (b) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to distilled spirits removed after
23 December 31, 2019.
24 (c) APPLICATION OF OTHER LAWS.—Any distilled
25 spirits or product described in paragraph (14) of section

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1 5214(a) of the Internal Revenue Code of 1986 (as added
2 by this section) shall not be subject to any requirements
3 related to labeling or bulk sales under—
4 (1) section 105 or 106 of the Federal Alcohol
5 Administration Act (27 U.S.C. 205, 206); or
6 (2) section 204 of the Alcoholic Beverage La-
7 beling Act of 1988 (27 U.S.C. 215).

# 8 TITLE III—SUPPORTING AMER-
# 9 ICA'S HEALTH CARE SYSTEM
# 10 IN THE FIGHT AGAINST THE
# 11 CORONAVIRUS

## 12 Subtitle A—Health Provisions

13 **SEC. 3001. SHORT TITLE.**

14 This subtitle may be cited as the "Coronavirus Aid,
15 Relief, and Economic Security Act".

### 16 PART I—ADDRESSING SUPPLY SHORTAGES

### 17 Subpart A—Medical Product Supplies

18 **SEC. 3101. NATIONAL ACADEMIES REPORT ON AMERICA'S**
19 **MEDICAL PRODUCT SUPPLY CHAIN SECU-**
20 **RITY.**

21 (a) IN GENERAL.—Not later than 60 days after the
22 date of enactment of this Act, the Secretary of Health and
23 Human Services shall enter into an agreement with the
24 National Academies of Sciences, Engineering, and Medi-
25 cine (referred to in this section as the "National Acad-

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1 emies") to examine, and, in a manner that does not com-
2 promise national security, report on, the security of the
3 United States medical product supply chain.
4 (b) PURPOSES.—The report developed under this sec-
5 tion shall—
6 (1) assess and evaluate the dependence of the
7 United States, including the private commercial sec-
8 tor, States, and the Federal Government, on critical
9 drugs and devices that are sourced or manufactured
10 outside of the United States, which may include an
11 analysis of—
12 (A) the supply chain of critical drugs and
13 devices of greatest priority to providing health
14 care;
15 (B) any potential public health security or
16 national security risks associated with reliance
17 on critical drugs and devices sourced or manu-
18 factured outside of the United States, which
19 may include responses to previous or existing
20 shortages or public health emergencies, such as
21 infectious disease outbreaks, bioterror attacks,
22 and other public health threats;
23 (C) any existing supply chain information
24 gaps, as applicable; and

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1 (D) potential economic impact of increased
2 domestic manufacturing; and
3 (2) provide recommendations, which may in-
4 clude a plan to improve the resiliency of the supply
5 chain for critical drugs and devices as described in
6 paragraph (1), and to address any supply
7 vulnerabilities or potential disruptions of such prod-
8 ucts that would significantly affect or pose a threat
9 to public health security or national security, as ap-
10 propriate, which may include strategies to—
11 (A) promote supply chain redundancy and
12 contingency planning;
13 (B) encourage domestic manufacturing, in-
14 cluding consideration of economic impacts, if
15 any;
16 (C) improve supply chain information
17 gaps;
18 (D) improve planning considerations for
19 medical product supply chain capacity during
20 public health emergencies; and
21 (E) promote the accessibility of such drugs
22 and devices.
23 (c) INPUT.—In conducting the study and developing
24 the report under subsection (b), the National Academies
25 shall—

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1 (1) consider input from the Department of
2 Health and Human Services, the Department of
3 Homeland Security, the Department of Defense, the
4 Department of Commerce, the Department of State,
5 the Department of Veterans Affairs, the Department
6 of Justice, and any other Federal agencies as appro-
7 priate; and
8 (2) consult with relevant stakeholders, which
9 may include conducting public meetings and other
10 forms of engagement, as appropriate, with health
11 care providers, medical professional societies, State-
12 based societies, public health experts, State and local
13 public health departments, State medical boards, pa-
14 tient groups, medical product manufacturers, health
15 care distributors, wholesalers and group purchasing
16 organizations, pharmacists, and other entities with
17 experience in health care and public health, as ap-
18 propriate.
19 (d) DEFINITIONS.—In this section, the terms ''de-
20 vice'' and ''drug'' have the meanings given such terms in
21 section 201 of the Federal Food, Drug, and Cosmetic Act
22 (21 U.S.C. 321).

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1 **SEC. 3102. REQUIRING THE STRATEGIC NATIONAL STOCK-**
2 **PILE TO INCLUDE CERTAIN TYPES OF MED-**
3 **ICAL SUPPLIES.**

4 Section 319F–2(a)(1) of the Public Health Service
5 Act (42 U.S.C. 247d–6b(a)(1)) is amended by inserting
6 "(including personal protective equipment, ancillary med-
7 ical supplies, and other applicable supplies required for the
8 administration of drugs, vaccines and other biological
9 products, medical devices, and diagnostic tests in the
10 stockpile)" after "other supplies".

11 **SEC. 3103. TREATMENT OF RESPIRATORY PROTECTIVE DE-**
12 **VICES AS COVERED COUNTERMEASURES.**

13 Section 319F–3(i)(1)(D) of the Public Health Service
14 Act (42 U.S.C. 247d–6d(i)(1)(D)) is amended to read as
15 follows:

16 "(D) a respiratory protective device that is
17 approved by the National Institute for Occupa-
18 tional Safety and Health under part 84 of title
19 42, Code of Federal Regulations (or any suc-
20 cessor regulations), and that the Secretary de-
21 termines to be a priority for use during a public
22 health emergency declared under section 319.".

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1 **Subpart B—Mitigating Emergency Drug Shortages**

2 **SEC. 3111. PRIORITIZE REVIEWS OF DRUG APPLICATIONS;**
3 **INCENTIVES.**

4 Section 506C(g) of the Federal Food, Drug, and Cos-
5 metic Act (21 U.S.C. 356c(g)) is amended—

6 (1) in paragraph (1), by striking "the Secretary
7 may" and inserting "the Secretary shall, as appro-
8 priate";

9 (2) in paragraph (1), by inserting "prioritize
10 and" before "expedite the review"; and

11 (3) in paragraph (2), by inserting "prioritize
12 and" before "expedite an inspection".

13 **SEC. 3112. ADDITIONAL MANUFACTURER REPORTING RE-**
14 **QUIREMENTS IN RESPONSE TO DRUG SHORT-**
15 **AGES.**

16 (a) EXPANSION TO INCLUDE ACTIVE PHARMA-
17 CEUTICAL INGREDIENTS.—Subsection (a) of section 506C
18 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
19 356c) is amended—

20 (1) in paragraph (1)(C), by inserting "or any
21 such drug that is critical to the public health during
22 a public health emergency declared by the Secretary
23 under section 319 of the Public Health Service Act"
24 after "during surgery"; and

25 (2) in the flush text at the end—

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1 (A) by inserting ", or a permanent dis-
2 continuance in the manufacture of an active
3 pharmaceutical ingredient or an interruption in
4 the manufacture of the active pharmaceutical
5 ingredient of such drug that is likely to lead to
6 a meaningful disruption in the supply of the ac-
7 tive pharmaceutical ingredient of such drug,"
8 before "and the reasons"; and
9 (B) by adding at the end the following:
10 "Notification under this subsection shall include
11 disclosure of reasons for the discontinuation or
12 interruption, and if applicable, an active phar-
13 maceutical ingredient is a reason for, or risk
14 factor in, such discontinuation or interruption,
15 the source of the active pharmaceutical ingre-
16 dient and any alternative sources for the active
17 pharmaceutical ingredient known by the manu-
18 facturer; whether any associated device used for
19 preparation or administration included in the
20 drug is a reason for, or a risk factor in, such
21 discontinuation or interruption; the expected
22 duration of the interruption; and such other in-
23 formation as the Secretary may require.".

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1 (b) RISK MANAGEMENT.—Section 506C of the Fed-
2 eral Food, Drug, and Cosmetic Act (21 U.S.C. 356c) is
3 amended by adding at the end the following:
4 "(j) RISK MANAGEMENT PLANS.—Each manufac-
5 turer of a drug described in subsection (a) or of any active
6 pharmaceutical ingredient or any associated medical de-
7 vice used for preparation or administration included in the
8 drug, shall develop, maintain, and implement, as appro-
9 priate, a redundancy risk management plan that identifies
10 and evaluates risks to the supply of the drug, as applica-
11 ble, for each establishment in which such drug or active
12 pharmaceutical ingredient of such drug is manufactured.
13 A risk management plan under this section shall be sub-
14 ject to inspection and copying by the Secretary pursuant
15 to an inspection or a request under section 704(a)(4).".
16 (c) ANNUAL NOTIFICATION.—Section 506E of the
17 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e)
18 is amended by adding at the end the following:
19 "(d) INTERAGENCY NOTIFICATION.—Not later than
20 180 days after the date of enactment of this subsection,
21 and every 90 days thereafter, the Secretary shall transmit
22 a report regarding the drugs of the current drug shortage
23 list under this section to the Administrator of the Centers
24 for Medicare & Medicaid Services.".

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1 (d) REPORTING AFTER INSPECTIONS.—Section
2 704(b) of the Federal Food, Drug, and Cosmetic Act (21
3 U.S.C. 374(b)) is amended—
4 (1) by redesignating paragraphs (1) and (2)
5 and subparagraphs (A) and (B);
6 (2) by striking "(b) Upon completion" and in-
7 serting "(b)(1) Upon completion"; and
8 (3) by adding at the end the following:
9 "(2) In carrying out this subsection with respect to
10 any establishment manufacturing a drug approved under
11 subsection (c) or (j) of section 505 for which a notification
12 has been submitted in accordance with section 506C is,
13 or has been in the last 5 years, listed on the drug shortage
14 list under section 506E, or that is described in section
15 505(j)(11)(A), a copy of the report shall be sent promptly
16 to the appropriate offices of the Food and Drug Adminis-
17 tration with expertise regarding drug shortages.".
18 (e) REPORTING REQUIREMENT.—Section 510(j) of
19 the Federal Food, Drug, Cosmetic Act (21 U.S.C. 360(j))
20 is amended—
21 (1) by redesignating paragraphs (3) and (4) as
22 paragraphs (4) and (5), respectively; and
23 (2) by inserting after paragraph (2) the fol-
24 lowing:

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1 "(3)(A) Each person who registers with the
2 Secretary under this section with regard to a drug
3 shall report annually to the Secretary on the amount
4 of each drug listed under paragraph (1) that was
5 manufactured, prepared, propagated, compounded,
6 or processed by such person for commercial distribu-
7 tion. Such information may be required to be sub-
8 mitted in an electronic format as determined by the
9 Secretary. The Secretary may require that informa-
10 tion required to be reported under this paragraph be
11 submitted at the time a public health emergency is
12 declared by the Secretary under section 319 of the
13 Public Health Service Act.
14 "(B) By order of the Secretary, certain biologi-
15 cal products or categories of biological products reg-
16 ulated under section 351 of the Public Health Serv-
17 ice Act may be exempt from some or all of the re-
18 porting requirements under subparagraph (A), if the
19 Secretary determines that applying such reporting
20 requirements to such biological products or cat-
21 egories of biological products is not necessary to pro-
22 tect the public health.".
23 (f) CONFIDENTIALITY.—Nothing in the amendments
24 made by this section shall be construed as authorizing the
25 Secretary to disclose any information that is a trade secret

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1 or confidential information subject to section 552(b)(4) of
2 title 5, United States Code, or section 1905 of title 18,
3 United States Code.

4 (g) EFFECTIVE DATE.—The amendments made by
5 this section and section 3111 shall take effect on the date
6 that is 180 days after the date of enactment of this Act.

7 **Subpart C—Preventing Medical Device Shortages**

8 **SEC. 3121. DISCONTINUANCE OR INTERRUPTION IN THE**
9 **PRODUCTION OF MEDICAL DEVICES.**

10 Chapter V of the Federal Food, Drug, and Cosmetic
11 Act (21 U.S.C. 351 et seq.) is amended by inserting after
12 section 506I the following:

13 **"SEC. 506J. DISCONTINUANCE OR INTERRUPTION IN THE**
14 **PRODUCTION OF MEDICAL DEVICES.**

15 "(a) IN GENERAL.—A manufacturer of a device
16 that—

17 "(1) is critical to public health during a public
18 health emergency, including devices that are life-sup-
19 porting, life-sustaining, or intended for use in emer-
20 gency medical care or during surgery; or

21 "(2) for which the Secretary determines that in-
22 formation on potential meaningful supply disrup-
23 tions of such device is needed during, or in advance
24 of, a public health emergency;

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1 shall, during, or in advance of, a public health emergency
2 declared by the Secretary under section 319 of the Public
3 Health Service Act, notify the Secretary, in accordance
4 with subsection (b), of a permanent discontinuance in the
5 manufacture of the device (except for discontinuances as
6 a result of an approved modification of the device) or an
7 interruption of the manufacture of the device that is likely
8 to lead to a meaningful disruption in the supply of that
9 device in the United States, and the reasons for such dis-
10 continuance or interruption.

11 "(b) TIMING.—A notice required under subsection (a)
12 shall be submitted to the Secretary—

13 "(1) at least 6 months prior to the date of the
14 discontinuance or interruption; or

15 "(2) if compliance with paragraph (1) is not
16 possible, as soon as practicable.

17 "(c) DISTRIBUTION.—

18 "(1) PUBLIC AVAILABILITY.—To the maximum
19 extent practicable, subject to paragraph (2), the Sec-
20 retary shall distribute, through such means as the
21 Secretary determines appropriate, information on
22 the discontinuance or interruption of the manufac-
23 ture of devices reported under subsection (a) to ap-
24 propriate organizations, including physician, health
25 provider, patient organizations, and supply chain

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1 partners, as appropriate and applicable, as described
2 in subsection (g).
3 "(2) PUBLIC HEALTH EXCEPTION.—The Sec-
4 retary may choose not to make information collected
5 under this section publicly available pursuant to this
6 section if the Secretary determines that disclosure of
7 such information would adversely affect the public
8 health, such as by increasing the possibility of un-
9 necessary over purchase of product, component
10 parts, or other disruption of the availability of med-
11 ical products to patients.
12 "(d) CONFIDENTIALITY.—Nothing in this section
13 shall be construed as authorizing the Secretary to disclose
14 any information that is a trade secret or confidential infor-
15 mation subject to section 552(b)(4) of title 5, United
16 States Code, or section 1905 of title 18, United States
17 Code.
18 "(e) FAILURE TO MEET REQUIREMENTS.—If a per-
19 son fails to submit information required under subsection
20 (a) in accordance with subsection (b)—
21 "(1) the Secretary shall issue a letter to such
22 person informing such person of such failure;
23 "(2) not later than 30 calendar days after the
24 issuance of a letter under paragraph (1), the person
25 who receives such letter shall submit to the Sec-

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1 retary a written response to such letter setting forth
2 the basis for noncompliance and providing informa-
3 tion required under subsection (a); and
4 "(3) not later than 45 calendar days after the
5 issuance of a letter under paragraph (1), the Sec-
6 retary shall make such letter and any response to
7 such letter under paragraph (2) available to the pub-
8 lic on the internet website of the Food and Drug Ad-
9 ministration, with appropriate redactions made to
10 protect information described in subsection (d), ex-
11 cept that, if the Secretary determines that the letter
12 under paragraph (1) was issued in error or, after re-
13 view of such response, the person had a reasonable
14 basis for not notifying as required under subsection
15 (a), the requirements of this paragraph shall not
16 apply.
17 "(f) EXPEDITED INSPECTIONS AND REVIEWS.—If,
18 based on notifications described in subsection (a) or any
19 other relevant information, the Secretary concludes that
20 there is, or is likely to be, a shortage of an device, the
21 Secretary shall, as appropriate—
22 "(1) prioritize and expedite the review of a sub-
23 mission under section 513(f)(2), 515, review of a no-
24 tification under section 510(k), or 520(m) for a de-

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1 vice that could help mitigate or prevent such short-
2 age; or
3 "(2) prioritize and expedite an inspection or re-
4 inspection of an establishment that could help miti-
5 gate or prevent such shortage.
6 "(g) DEVICE SHORTAGE LIST.—
7 "(1) ESTABLISHMENT.—The Secretary shall es-
8 tablish and maintain an up-to-date list of devices
9 that are determined by the Secretary to be in short-
10 age in the United States.
11 "(2) CONTENTS.—For each device included on
12 the list under paragraph (1), the Secretary shall in-
13 clude the following information:
14 "(A) The category or name of the device in
15 shortage.
16 "(B) The name of each manufacturer of
17 such device.
18 "(C) The reason for the shortage, as deter-
19 mined by the Secretary, selecting from the fol-
20 lowing categories:
21 "(i) Requirements related to com-
22 plying with good manufacturing practices.
23 "(ii) Regulatory delay.
24 "(iii) Shortage or discontinuance of a
25 component or part.

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1 "(iv) Discontinuance of the manufac-
2 ture of the device.
3 "(v) Delay in shipping of the device.
4 "(vi) Delay in sterilization of the de-
5 vice.
6 "(vii) Demand increase for the device.
7 "(viii) Facility closure.
8 "(D) The estimated duration of the short-
9 age as determined by the Secretary.
10 "(3) PUBLIC AVAILABILITY.—
11 "(A) IN GENERAL.—Subject to subpara-
12 graphs (B) and (C), the Secretary shall make
13 the information in the list under paragraph (1)
14 publicly available.
15 "(B) TRADE SECRETS AND CONFIDENTIAL
16 INFORMATION.—Nothing in this subsection
17 shall be construed to alter or amend section
18 1905 of title 18, United States Code, or section
19 552(b)(4) of title 5 of such Code.
20 "(C) PUBLIC HEALTH EXCEPTION.—The
21 Secretary may elect not to make information
22 collected under this subsection publicly available
23 if the Secretary determines that disclosure of
24 such information would adversely affect the
25 public health (such as by increasing the possi-

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1 bility of hoarding or other disruption of the
2 availability of the device to patients).
3 "(h) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed to affect the authority of the Sec-
5 retary on the date of enactment of this section to expedite
6 the review of devices under section 515 of the Federal
7 Food, Drug, and Cosmetic Act, section 515B of such Act
8 relating to the priority review program for devices, and
9 section 564 of such Act relating to the emergency use au-
10 thorization authorities.
11 "(i) DEFINITIONS.—In this section:
12 "(1) MEANINGFUL DISRUPTION.—The term
13 'meaningful disruption'—
14 "(A) means a change in production that is
15 reasonably likely to lead to a reduction in the
16 supply of a device by a manufacturer that is
17 more than negligible and affects the ability of
18 the manufacturer to fill orders or meet expected
19 demand for its product;
20 "(B) does not include interruptions in
21 manufacturing due to matters such as routine
22 maintenance or insignificant changes in manu-
23 facturing so long as the manufacturer expects
24 to resume operations in a short period of time,
25 not to exceed 6 months;

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"(C) does not include interruptions in manufacturing of components or raw materials so long as such interruptions do not result in a shortage of the device and the manufacturer expects to resume operations in a reasonable period of time; and

"(D) does not include interruptions in manufacturing that do not lead to a reduction in procedures or diagnostic tests associated with a medical device designed to perform more than one procedure or diagnostic test.

"(2) SHORTAGE.—The term 'shortage', with respect to a device, means a period of time when the demand or projected demand for the device within the United States exceeds the supply of the device.".

## PART II—ACCESS TO HEALTH CARE FOR COVID-19 PATIENTS

### Subpart A—Coverage of Testing and Preventive Services

#### SEC. 3201. COVERAGE OF DIAGNOSTIC TESTING FOR COVID-19.

Paragraph (1) of section 6001(a) of division F of the Families First Coronavirus Response Act (Public Law 116–127) is amended to read as follows:

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1 "(1) An in vitro diagnostic test defined in sec-
2 tion 809.3 of title 21, Code of Federal Regulations
3 (or successor regulations) for the detection of
4 SARS–CoV–2 or the diagnosis of the virus that
5 causes COVID–19, and the administration of such a
6 test, that—
7 "(A) is approved, cleared, or authorized
8 under section 510(k), 513, 515, or 564 of the
9 Federal Food, Drug, and Cosmetic Act (21
10 U.S.C. 360(k), 360c, 360e, 360bbb–3);
11 "(B) the developer has requested, or in-
12 tends to request, emergency use authorization
13 under section 564 of the Federal Food, Drug,
14 and Cosmetic Act (21 U.S.C. 360bbb–3), unless
15 and until the emergency use authorization re-
16 quest under such section 564 has been denied
17 or the developer of such test does not submit a
18 request under such section within a reasonable
19 timeframe;
20 "(C) is developed in and authorized by a
21 State that has notified the Secretary of Health
22 and Human Services of its intention to review
23 tests intended to diagnose COVID-19; or
24 "(D) other test that the Secretary deter-
25 mines appropriate in guidance.".

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1 **SEC. 3202. PRICING OF DIAGNOSTIC TESTING.**

2 (a) REIMBURSEMENT RATES.—A group health plan
3 or a health insurance issuer providing coverage of items
4 and services described in section 6001(a) of division F of
5 the Families First Coronavirus Response Act (Public Law
6 116–127) with respect to an enrollee shall reimburse the
7 provider of the diagnostic testing as follows:

8 (1) If the health plan or issuer has a negotiated
9 rate with such provider in effect before the public
10 health emergency declared under section 319 of the
11 Public Health Service Act (42 U.S.C. 247d), such
12 negotiated rate shall apply throughout the period of
13 such declaration.

14 (2) If the health plan or issuer does not have
15 a negotiated rate with such provider, such plan or
16 issuer shall reimburse the provider in an amount
17 that equals the cash price for such service as listed
18 by the provider on a public internet website, or such
19 plan or issuer may negotiate a rate with such pro-
20 vider for less than such cash price.

21 (b) REQUIREMENT TO PUBLICIZE CASH PRICE FOR
22 DIAGNOSTIC TESTING FOR COVID-19.—

23 (1) IN GENERAL.—During the emergency pe-
24 riod declared under section 319 of the Public Health
25 Service Act (42 U.S.C. 247d), each provider of a di-
26 agnostic test for COVID-19 shall make public the

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1 cash price for such test on a public internet website
2 of such provider.
3 (2) CIVIL MONETARY PENALTIES.—The Sec-
4 retary of Health and Human Services may impose a
5 civil monetary penalty on any provider of a diag-
6 nostic test for COVID-19 that is not in compliance
7 with paragraph (1) and has not completed a correc-
8 tive action plan to comply with the requirements of
9 such paragraph, in an amount not to exceed $300
10 per day that the violation is ongoing.

11 **SEC. 3203. RAPID COVERAGE OF PREVENTIVE SERVICES**
12 **AND VACCINES FOR CORONAVIRUS.**

13 (a) IN GENERAL.—Notwithstanding 2713(b) of the
14 Public Health Service Act (42 U.S.C. 300gg–13), the Sec-
15 retary of Health and Human Services, the Secretary of
16 Labor, and the Secretary of the Treasury shall require
17 group health plans and health insurance issuers offering
18 group or individual health insurance to cover (without
19 cost-sharing) any qualifying coronavirus preventive serv-
20 ice, pursuant to section 2713(a) of the Public Health Serv-
21 ice Act (42 U.S.C. 300gg–13(a)) (including the regula-
22 tions under sections 2590.715-2713 of title 29, Code of
23 Federal Regulations, section 54.9815-2713 of title 26,
24 Code of Federal Regulations, and section 147.130 of title
25 45, Code of Federal Regulations (or any successor regula-

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1 tions)). The requirement described in this subsection shall
2 take effect with respect to a qualifying coronavirus preven-
3 tive service on the specified date described in subsection
4 (b)(2).

5 (b) DEFINITIONS.—For purposes of this section:

6 (1) QUALIFYING CORONAVIRUS PREVENTIVE
7 SERVICE.—The term "qualifying coronavirus preven-
8 tive service" means an item, service, or immuniza-
9 tion that is intended to prevent or mitigate
10 coronavirus disease 2019 and that is—

11 (A) an evidence-based item or service that
12 has in effect a rating of "A" or "B" in the cur-
13 rent recommendations of the United States Pre-
14 ventive Services Task Force; or

15 (B) an immunization that has in effect a
16 recommendation from the Advisory Committee
17 on Immunization Practices of the Centers for
18 Disease Control and Prevention with respect to
19 the individual involved.

20 (2) SPECIFIED DATE.—The term "specified
21 date" means the date that is 15 business days after
22 the date on which a recommendation is made relat-
23 ing to the qualifying coronavirus preventive service
24 as described in such paragraph.

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1 (3) ADDITIONAL TERMS.—In this section, the
2 terms "group health plan", "health insurance
3 issuer", "group health insurance coverage", and "in-
4 dividual health insurance coverage" have the mean-
5 ings given such terms in section 2791 of the Public
6 Health Service Act (42 U.S.C. 300gg–91), section
7 733 of the Employee Retirement Income Security
8 Act of 1974 (29 U.S.C. 1191b), and section 9832 of
9 the Internal Revenue Code, as applicable.

10 **Subpart B—Support for Health Care Providers**

11 **SEC. 3211. SUPPLEMENTAL AWARDS FOR HEALTH CEN-**
12 **TERS.**

13 (a) SUPPLEMENTAL AWARDS.—Section 330(r) of the
14 Public Health Service Act (42 U.S.C. 254b(r)) is amended
15 by adding at the end the following:

16 "(6) ADDITIONAL AMOUNTS FOR SUPPLE-
17 MENTAL AWARDS.—In addition to any amounts
18 made available pursuant to this subsection, section
19 402A of this Act, or section 10503 of the Patient
20 Protection and Affordable Care Act, there is author-
21 ized to be appropriated, and there is appropriated,
22 out of any monies in the Treasury not otherwise ap-
23 propriated, $1,320,000,000 for fiscal year 2020 for
24 supplemental awards under subsection (d) for the

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1 detection of SARS-CoV-2 or the prevention, diag-
2 nosis, and treatment of COVID-19.''.
3 (b) APPLICATION OF PROVISIONS.—Amounts appro-
4 priated pursuant to the amendment made by subsection
5 (a) for fiscal year 2020 shall be subject to the require-
6 ments contained in Public Law 116–94 for funds for pro-
7 grams authorized under sections 330 through 340 of the
8 Public Health Service Act (42 U.S.C. 254 through 256).

9 **SEC. 3212. TELEHEALTH NETWORK AND TELEHEALTH RE-**
10 **SOURCE CENTERS GRANT PROGRAMS.**

11 Section 330I of the Public Health Service Act (42
12 U.S.C. 254c–14) is amended—
13 (1) in subsection (d)—
14 (A) in paragraph (1)—
15 (i) in the matter preceding subpara-
16 graph (A), by striking ''projects to dem-
17 onstrate how telehealth technologies can be
18 used through telehealth networks'' and in-
19 serting ''evidence-based projects that uti-
20 lize telehealth technologies through tele-
21 health networks'';
22 (ii) in subparagraph (A)—
23 (I) by striking ''the quality of''
24 and inserting ''access to, and the
25 quality of,''; and

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1 (II) by inserting "and" after the
2 semicolon;
3 (iii) by striking subparagraph (B);
4 (iv) by redesignating subparagraph
5 (C) as subparagraph (B); and
6 (v) in subparagraph (B), as so redes-
7 ignated, by striking "and patients and
8 their families, for decisionmaking" and in-
9 serting ", patients, and their families";
10 and
11 (B) in paragraph (2)—
12 (i) by striking "demonstrate how tele-
13 health technologies can be used" and in-
14 serting "support initiatives that utilize
15 telehealth technologies"; and
16 (ii) by striking ", to establish tele-
17 health resource centers";
18 (2) in subsection (e), by striking "4 years" and
19 inserting "5 years";
20 (3) in subsection (f)—
21 (A) by striking paragraph (2);
22 (B) in paragraph (1)(B)—
23 (i) by redesignating clauses (i)
24 through (iii) as paragraphs (1) through

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(3), respectively, and adjusting the margins accordingly;

(ii) in paragraph (3), as so redesignated by clause (i), by redesignating subclauses (I) through (XII) as subparagraphs (A) through (L), respectively, and adjusting the margins accordingly; and

(iii) by striking "(1) TELEHEALTH NETWORK GRANTS—" and all that follows through "(B) TELEHEALTH NETWORKS—"; and

(C) in paragraph (3)(I), as so redesignated, by inserting "and substance use disorder" after "mental health" each place such term appears;

(4) in subsection (g)(2), by striking "or improve" and inserting "and improve";

(5) by striking subsection (h);

(6) by redesignating subsections (i) through (p) as subsection (h) through (o), respectively;

(7) in subsection (h), as so redesignated—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "mental health, public health, long-term care, home care, preventive" and inserting

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1 "mental health care, public health services,
2 long-term care, home care, preventive
3 care";
4 (ii) in subparagraph (E), by inserting
5 "and regional" after "local"; and
6 (iii) by striking subparagraph (F);
7 and
8 (B) in paragraph (2)(A), by striking
9 "medically underserved areas or" and inserting
10 "rural areas, medically underserved areas, or";
11 (8) in paragraph (2) of subsection (i), as so re-
12 designated, by striking "ensure that—" and all that
13 follows through the end of subparagraph (B) and in-
14 serting "ensure that not less than 50 percent of the
15 funds awarded shall be awarded for projects in rural
16 areas.";
17 (9) in subsection (j), as so redesignated—
18 (A) in paragraph (1)(B), by striking "com-
19 puter hardware and software, audio and video
20 equipment, computer network equipment, inter-
21 active equipment, data terminal equipment, and
22 other"; and
23 (B) in paragraph (2)(F), by striking
24 "health care providers and";
25 (10) in subsection (k), as so redesignated—

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1 (A) in paragraph (2), by striking "40 per-
2 cent" and inserting "20 percent"; and
3 (B) in paragraph (3), by striking "(such as
4 laying cable or telephone lines, or purchasing or
5 installing microwave towers, satellite dishes,
6 amplifiers, or digital switching equipment)";
7 (11) by striking subsections (q) and (r) and in-
8 serting the following:
9 "(p) REPORT.—Not later than 4 years after the date
10 of enactment of the Coronavirus Aid, Relief, and Eco-
11 nomic Security Act, and every 5 years thereafter, the Sec-
12 retary shall prepare and submit to the Committee on
13 Health, Education, Labor, and Pensions of the Senate and
14 the Committee on Energy and Commerce of the House
15 of Representatives a report on the activities and outcomes
16 of the grant programs under subsection (b).";
17 (12) by redesignating subsection (s) as sub-
18 section (q); and
19 (13) in subsection (q), as so redesignated, by
20 striking "this section—" and all that follows
21 through the end of paragraph (2) and inserting
22 "this section $29,000,000 for each of fiscal years
23 2021 through 2025.".

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1 **SEC. 3213. RURAL HEALTH CARE SERVICES OUTREACH,**
2 **RURAL HEALTH NETWORK DEVELOPMENT,**
3 **AND SMALL HEALTH CARE PROVIDER QUAL-**
4 **ITY IMPROVEMENT GRANT PROGRAMS.**

5 Section 330A of the Public Health Service Act (42
6 U.S.C. 254c) is amended—
7 (1) in subsection (d)(2)—
8 (A) in subparagraph (A), by striking ''es-
9 sential'' and inserting ''basic''; and
10 (B) in subparagraph (B)—
11 (i) in the matter preceding clause (i),
12 by inserting ''to'' after ''grants''; and
13 (ii) in clauses (i), (ii), and (iii), by
14 striking ''to'' each place such term ap-
15 pears;
16 (2) in subsection (e)—
17 (A) in paragraph (1)—
18 (i) by inserting ''improving and'' after
19 ''outreach by'';
20 (ii) by inserting '', through community
21 engagement and evidence-based or innova-
22 tive, evidence-informed models'' before the
23 period of the first sentence; and
24 (iii) by striking ''3 years'' and insert-
25 ing ''5 years'';
26 (B) in paragraph (2)—

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(i) in the matter preceding subparagraph (A), by inserting "shall" after "entity";

(ii) in subparagraph (A), by striking "shall be a rural public or rural nonprofit private entity" and inserting "be an entity with demonstrated experience serving, or the capacity to serve, rural underserved populations";

(iii) in subparagraphs (B) and (C), by striking "shall" each place such term appears; and

(iv) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting "that" after "members"; and

(II) in clauses (i) and (ii), by striking "that" each place such term appears; and

(C) in paragraph (3)(C), by striking "the local community or region" and inserting "the rural underserved populations in the local community or region";

(3) in subsection (f)—

(A) in paragraph (1)—

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1 (i) in subparagraph (A)—
2 (I) in the matter preceding clause
3 (i), by striking "promote, through
4 planning and implementation, the de-
5 velopment of integrated health care
6 networks that have combined the
7 functions of the entities participating
8 in the networks" and inserting "plan,
9 develop, and implement integrated
10 health care networks that collabo-
11 rate"; and
12 (II) in clause (ii), by striking
13 "essential health care services" and
14 inserting "basic health care services
15 and associated health outcomes"; and
16 (ii) by amending subparagraph (B) to
17 read as follows:
18 "(B) GRANT PERIODS.—The Director may
19 award grants under this subsection for periods
20 of not more than 5 years.";
21 (B) in paragraph (2)—
22 (i) in the matter preceding subpara-
23 graph (A), by inserting "shall" after "enti-
24 ty";

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1 (ii) in subparagraph (A), by striking
2 "shall be a rural public or rural nonprofit
3 private entity" and inserting "be an entity
4 with demonstrated experience serving, or
5 the capacity to serve, rural underserved
6 populations";
7 (iii) in subparagraph (B)—
8 (I) in the matter preceding clause
9 (i)—
10 (aa) by striking "shall"; and
11 (bb) by inserting "that"
12 after "participants"; and
13 (II) in clauses (i) and (ii), by
14 striking "that" each place such term
15 appears; and
16 (iv) in subparagraph (C), by striking
17 "shall"; and
18 (C) in paragraph (3)—
19 (i) by amending clause (iii) of sub-
20 paragraph (C) to read as follows:
21 "(iii) how the rural underserved popu-
22 lations in the local community or region to
23 be served will benefit from and be involved
24 in the development and ongoing operations
25 of the network;"; and

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1 (ii) in subparagraph (D), by striking
2 "the local community or region" and in-
3 serting "the rural underserved populations
4 in the local community or region";
5 (4) in subsection (g)—
6 (A) in paragraph (1)—
7 (i) by inserting ", including activities
8 related to increasing care coordination, en-
9 hancing chronic disease management, and
10 improving patient health outcomes" before
11 the period of the first sentence; and
12 (ii) by striking "3 years" and insert-
13 ing "5 years";
14 (B) in paragraph (2)—
15 (i) in the matter preceding subpara-
16 graph (A), by inserting "shall" after "enti-
17 ty";
18 (ii) in subparagraphs (A) and (B), by
19 striking "shall" each place such term ap-
20 pears; and
21 (iii) in subparagraph (A)(ii), by in-
22 serting "or regional" after "local"; and
23 (C) in paragraph (3)(D), by striking "the
24 local community or region" and inserting "the

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1 rural underserved populations in the local com-
2 munity or region";
3 (5) in subsection (h)(3), in the matter pre-
4 ceding subparagraph (A), by inserting ", as appro-
5 priate," after "the Secretary";
6 (6) by amending subsection (i) to read as fol-
7 lows:
8 "(i) REPORT.—Not later than 4 years after the date
9 of enactment of the Coronavirus Aid, Relief, and Eco-
10 nomic Security Act, and every 5 years thereafter, the Sec-
11 retary shall prepare and submit to the Committee on
12 Health, Education, Labor, and Pensions of the Senate and
13 the Committee on Energy and Commerce of the House
14 of Representatives a report on the activities and outcomes
15 of the grant programs under subsections (e), (f), and (g),
16 including the impact of projects funded under such pro-
17 grams on the health status of rural residents with chronic
18 conditions."; and
19 (7) in subsection (j), by striking "$45,000,000
20 for each of fiscal years 2008 through 2012" and in-
21 serting "$79,500,000 for each of fiscal years 2021
22 through 2025".

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1 **SEC. 3214. UNITED STATES PUBLIC HEALTH SERVICE MOD-**
2 **ERNIZATION.**

3 (a) COMMISSIONED CORPS AND READY RESERVE
4 CORPS.—Section 203 of the Public Health Service Act (42
5 U.S.C. 204) is amended—

6 (1) in subsection (a)(1), by striking "a Ready
7 Reserve Corps for service in time of national emer-
8 gency" and inserting ", for service in time of a pub-
9 lic health or national emergency, a Ready Reserve
10 Corps"; and

11 (2) in subsection (c)—

12 (A) in the heading, by striking "RE-
13 SEARCH" and inserting "RESERVE CORPS";

14 (B) in paragraph (1), by inserting "during
15 public health or national emergencies" before
16 the period;

17 (C) in paragraph (2)—

18 (i) in the matter preceding subpara-
19 graph (A), by inserting ", consistent with
20 paragraph (1)" after "shall";

21 (ii) in subparagraph (C), by inserting
22 "during such emergencies" after "mem-
23 bers"; and

24 (iii) in subparagraph (D), by inserting
25 ", consistent with subparagraph (C)" be-
26 fore the period; and

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1 (D) by adding at the end the following:
2 "(3) STATUTORY REFERENCES TO RESERVE.—
3 A reference in any Federal statute, except in the
4 case of subsection (b), to the 'Reserve Corps' of the
5 Public Health Service or to the 'reserve' of the Pub-
6 lic Health Service shall be deemed to be a reference
7 to the Ready Reserve Corps.".
8 (b) DEPLOYMENT READINESS.—Section
9 203A(a)(1)(B) of the Public Health Service Act (42
10 U.S.C. 204a(a)(1)(B)) is amended by striking "Active Re-
11 serves" and inserting "Ready Reserve Corps".
12 (c) RETIREMENT OF COMMISSIONED OFFICERS.—
13 Section 211 of the Public Health Service Act (42 U.S.C.
14 212) is amended—
15 (1) by striking "the Service" each place it ap-
16 pears and inserting "the Regular Corps";
17 (2) in subsection (a)(4), by striking "(in the
18 case of an officer in the Reserve Corps)";
19 (3) in subsection (c)—
20 (A) in paragraph (1)—
21 (i) by striking "or an officer of the
22 Reserve Corps"; and
23 (ii) by inserting "or under section
24 221(a)(19)" after "subsection (a)"; and

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1 (B) in paragraph (2), by striking "Regular
2 or Reserve Corps" and inserting "Regular
3 Corps or Ready Reserve Corps"; and
4 (4) in subsection (f), by striking "the Regular
5 or Reserve Corps of".
6 (d) RIGHTS, PRIVILEGES, ETC. OF OFFICERS AND
7 SURVIVING BENEFICIARIES.—Section 221 of the Public
8 Health Service Act (42 U.S.C. 213a) is amended—
9 (1) in subsection (a), by adding at the end the
10 following:
11 "(19) Chapter 1223, Retired Pay for Non-Reg-
12 ular Service.
13 "(20) Section 12601, Compensation: Reserve on
14 active duty accepting from any person.
15 "(21) Section 12684, Reserves: separation for
16 absence without authority or sentence to imprison-
17 ment."; and
18 (2) in subsection (b)—
19 (A) by striking "Secretary of Health, Edu-
20 cation, and Welfare or his designee" and insert-
21 ing "Secretary of Health and Human Services
22 or the designee of such secretary";
23 (B) by striking "(b) The authority vested"
24 and inserting the following:
25 "(b)(1) The authority vested";

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1 (C) by striking "For purposes of" and in-
2 serting the following:
3 "(2) For purposes of"; and
4 (D) by adding at the end the following:
5 "(3) For purposes of paragraph (19) of subsection
6 (a), the terms 'Military department', 'Secretary con-
7 cerned', and 'Armed forces' in such title 10 shall be
8 deemed to include, respectively, the Department of Health
9 and Human Services, the Secretary of Health and Human
10 Services, and the Commissioned Corps.".
11 (e) TECHNICAL AMENDMENTS.—Title II of the Pub-
12 lic Health Service Act (42 U.S.C. 202 et seq.) is amend-
13 ed—
14 (1) in sections 204 and 207(c), by striking
15 "Regular or Reserve Corps" each place it appears
16 and inserting "Regular Corps or Ready Reserve
17 Corps";
18 (2) in section 208(a), by striking "Regular and
19 Reserve Corps" each place it appears and inserting
20 "Regular Corps and Ready Reserve Corps"; and
21 (3) in section 205(c), 206(c), 210, and 219,
22 and in subsections (a), (b), and (d) of section 207,
23 by striking "Reserve Corps" each place it appears
24 and inserting "Ready Reserve Corps".

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1 **SEC. 3215. LIMITATION ON LIABILITY FOR VOLUNTEER**
2 **HEALTH CARE PROFESSIONALS DURING**
3 **COVID-19 EMERGENCY RESPONSE.**

4 (a) LIMITATION ON LIABILITY.—Except as provided
5 in subsection (b), a health care professional shall not be
6 liable under Federal or State law for any harm caused
7 by an act or omission of the professional in the provision
8 of health care services during the public health emergency
9 with respect to COVID-19 declared by the Secretary of
10 Health and Human Services (referred to in this section
11 as the "Secretary") under section 319 of the Public
12 Health Service Act (42 U.S.C. 247d) on January 31,
13 2020, if—

14 (1) the professional is providing health care
15 services in response to such public health emergency,
16 as a volunteer; and

17 (2) the act or omission occurs—

18 (A) in the course of providing health care
19 services;

20 (B) in the health care professional's capac-
21 ity as a volunteer;

22 (C) in the course of providing health care
23 services that—

24 (i) are within the scope of the license,
25 registration, or certification of the volun-

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1 teer, as defined by the State of licensure,
2 registration, or certification; and
3 (ii) do not exceed the scope of license,
4 registration, or certification of a substan-
5 tially similar health professional in the
6 State in which such act or omission occurs;
7 and
8 (D) in a good faith belief that the indi-
9 vidual being treated is in need of health care
10 services.
11 (b) EXCEPTIONS.—Subsection (a) does not apply if—
12 (1) the harm was caused by an act or omission
13 constituting willful or criminal misconduct, gross
14 negligence, reckless misconduct, or a conscious fla-
15 grant indifference to the rights or safety of the indi-
16 vidual harmed by the health care professional; or
17 (2) the health care professional rendered the
18 health care services under the influence (as deter-
19 mined pursuant to applicable State law) of alcohol
20 or an intoxicating drug.
21 (c) PREEMPTION.—
22 (1) IN GENERAL.—This section preempts the
23 laws of a State or any political subdivision of a State
24 to the extent that such laws are inconsistent with

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1 this section, unless such laws provide greater protec-
2 tion from liability.
3 (2) VOLUNTEER PROTECTION ACT.—Protec-
4 tions afforded by this section are in addition to those
5 provided by the Volunteer Protection Act of 1997
6 (Public Law 105–19).
7 (d) DEFINITIONS.—In this section—
8 (1) the term ''harm'' includes physical, non-
9 physical, economic, and noneconomic losses;
10 (2) the term ''health care professional'' means
11 an individual who is licensed, registered, or certified
12 under Federal or State law to provide health care
13 services;
14 (3) the term ''health care services'' means any
15 services provided by a health care professional, or by
16 any individual working under the supervision of a
17 health care professional that relate to—
18 (A) the diagnosis, prevention, or treatment
19 of COVID-19; or
20 (B) the assessment or care of the health of
21 a human being related to an actual or sus-
22 pected case of COVID-19; and
23 (4) the term ''volunteer'' means a health care
24 professional who, with respect to the health care
25 services rendered, does not receive compensation or

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1 any other thing of value in lieu of compensation,
2 which compensation—
3 (A) includes a payment under any insur-
4 ance policy or health plan, or under any Fed-
5 eral or State health benefits program; and
6 (B) excludes—
7 (i) receipt of items to be used exclu-
8 sively for rendering health care services in
9 the health care professional's capacity as a
10 volunteer described in subsection (a)(1);
11 and
12 (ii) any reimbursement for travel to
13 the site where the volunteer services are
14 rendered and any payments in cash or kind
15 to cover room and board, if services are
16 being rendered more than 75 miles from
17 the volunteer's principal place of residence.
18 (e) EFFECTIVE DATE.—This section shall take effect
19 upon the date of enactment of this Act, and applies to
20 a claim for harm only if the act or omission that caused
21 such harm occurred on or after the date of enactment.
22 (f) SUNSET.—This section shall be in effect only for
23 the length of the public health emergency declared by the
24 Secretary of Health and Human Services (referred to in
25 this section as the "Secretary") under section 319 of the

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1 Public Health Service Act (42 U.S.C. 247d) on January
2 31, 2020 with respect to COVID-19.

3 **SEC. 3216. FLEXIBILITY FOR MEMBERS OF NATIONAL**
4 **HEALTH SERVICE CORPS DURING EMER-**
5 **GENCY PERIOD.**

6 During the public health emergency declared by the
7 Secretary of Health and Human Services under section
8 319 of the Public Health Service Act (42 U.S.C. 247d)
9 on January 31, 2020, with respect to COVID-19, the Sec-
10 retary may, notwithstanding section 333 of the Public
11 Health Service Act (42 U.S.C. 254f), assign members of
12 the National Health Service Corps, with the voluntary
13 agreement of such corps members, to provide such health
14 services at such places, and for such number of hours, as
15 the Secretary determines necessary to respond to such
16 emergency, provided that such places are within a reason-
17 able distance of the site to which such members were origi-
18 nally assigned, and the total number of hours required are
19 the same as were required of such members prior to the
20 date of enactment of this Act.

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1 **Subpart C—Miscellaneous Provisions**

2 **SEC. 3221. CONFIDENTIALITY AND DISCLOSURE OF**
3 **RECORDS RELATING TO SUBSTANCE USE DIS-**
4 **ORDER.**

5 (a) CONFORMING CHANGES RELATING TO SUB-
6 STANCE USE DISORDER.—Subsections (a) and (h) of sec-
7 tion 543 of the Public Health Service Act (42 U.S.C.
8 290dd–2) are each amended by striking "substance
9 abuse" and inserting "substance use disorder".

10 (b) DISCLOSURES TO COVERED ENTITIES CON-
11 SISTENT WITH HIPAA.—Paragraph (1) of section 543(b)
12 of the Public Health Service Act (42 U.S.C. 290dd–2(b))
13 is amended to read as follows:

14 "(1) CONSENT.—The following shall apply with
15 respect to the contents of any record referred to in
16 subsection (a):

17 "(A) Such contents may be used or dis-
18 closed in accordance with the prior written con-
19 sent of the patient with respect to whom such
20 record is maintained.

21 "(B) Once prior written consent of the pa-
22 tient has been obtained, such contents may be
23 used or disclosed by a covered entity, business
24 associate, or a program subject to this section
25 for purposes of treatment, payment, and health
26 care operations as permitted by the HIPAA

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1 regulations. Any information so disclosed may
2 then be redisclosed in accordance with the
3 HIPAA regulations. Section 13405(c) of the
4 Health Information Technology and Clinical
5 Health Act (42 U.S.C. 17935(c)) shall apply to
6 all disclosures pursuant to subsection (b)(1) of
7 this section.
8 "(C) It shall be permissible for a patient's
9 prior written consent to be given once for all
10 such future uses or disclosures for purposes of
11 treatment, payment, and health care operations,
12 until such time as the patient revokes such con-
13 sent in writing.
14 "(D) Section 13405(a) of the Health In-
15 formation Technology and Clinical Health Act
16 (42 U.S.C. 17935(a)) shall apply to all disclo-
17 sures pursuant to subsection (b)(1) of this sec-
18 tion.".
19 (c) DISCLOSURES OF DE-IDENTIFIED HEALTH IN-
20 FORMATION TO PUBLIC HEALTH AUTHORITIES.—Para-
21 graph (2) of section 543(b) of the Public Health Service
22 Act (42 U.S.C. 290dd–2(b)), is amended by adding at the
23 end the following:
24 "(D) To a public health authority, so long
25 as such content meets the standards established

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1 in section 164.514(b) of title 45, Code of Fed-
2 eral Regulations (or successor regulations) for
3 creating de-identified information.''.
4 (d) DEFINITIONS.—Section 543 of the Public Health
5 Service Act (42 U.S.C. 290dd–2) is amended by adding
6 at the end the following:
7 ''(k) DEFINITIONS.—For purposes of this section:
8 ''(1) BREACH.—The term 'breach' has the
9 meaning given such term for purposes of the HIPAA
10 regulations.
11 ''(2) BUSINESS ASSOCIATE.—The term 'busi-
12 ness associate' has the meaning given such term for
13 purposes of the HIPAA regulations.
14 ''(3) COVERED ENTITY.—The term 'covered en-
15 tity' has the meaning given such term for purposes
16 of the HIPAA regulations.
17 ''(4) HEALTH CARE OPERATIONS.—The term
18 'health care operations' has the meaning given such
19 term for purposes of the HIPAA regulations.
20 ''(5) HIPAA REGULATIONS.—The term
21 'HIPAA regulations' has the meaning given such
22 term for purposes of parts 160 and 164 of title 45,
23 Code of Federal Regulations.

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1 "(6) PAYMENT.—The term 'payment' has the
2 meaning given such term for purposes of the HIPAA
3 regulations.
4 "(7) PUBLIC HEALTH AUTHORITY.—The term
5 'public health authority' has the meaning given such
6 term for purposes of the HIPAA regulations.
7 "(8) TREATMENT.—The term 'treatment' has
8 the meaning given such term for purposes of the
9 HIPAA regulations.
10 "(9) UNSECURED PROTECTED HEALTH INFOR-
11 MATION.—The term 'unprotected health information'
12 has the meaning given such term for purposes of the
13 HIPAA regulations.".
14 (e) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD-
15 MINISTRATIVE INVESTIGATIONS, ACTIONS, OR PRO-
16 CEEDINGS.—Subsection (c) of section 543 of the Public
17 Health Service Act (42 U.S.C. 290dd–2(c)) is amended
18 to read as follows:
19 "(c) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD-
20 MINISTRATIVE CONTEXTS.—Except as otherwise author-
21 ized by a court order under subsection (b)(2)(C) or by the
22 consent of the patient, a record referred to in subsection
23 (a), or testimony relaying the information contained there-
24 in, may not be disclosed or used in any civil, criminal, ad-
25 ministrative, or legislative proceedings conducted by any

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1 Federal, State, or local authority, against a patient, in-
2 cluding with respect to the following activities:
3 "(1) Such record or testimony shall not be en-
4 tered into evidence in any criminal prosecution or
5 civil action before a Federal or State court.
6 "(2) Such record or testimony shall not form
7 part of the record for decision or otherwise be taken
8 into account in any proceeding before a Federal,
9 State, or local agency.
10 "(3) Such record or testimony shall not be used
11 by any Federal, State, or local agency for a law en-
12 forcement purpose or to conduct any law enforce-
13 ment investigation.
14 "(4) Such record or testimony shall not be used
15 in any application for a warrant.".
16 (f) PENALTIES.—Subsection (f) of section 543 of the
17 Public Health Service Act (42 U.S.C. 290dd–2) is amend-
18 ed to read as follows:
19 "(f) PENALTIES.—The provisions of sections 1176
20 and 1177 of the Social Security Act shall apply to a viola-
21 tion of this section to the extent and in the same manner
22 as such provisions apply to a violation of part C of title
23 XI of such Act. In applying the previous sentence—
24 "(1) the reference to 'this subsection' in sub-
25 section (a)(2) of such section 1176 shall be treated

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as a reference to 'this subsection (including as applied pursuant to section 543(f) of the Public Health Service Act)'; and

"(2) in subsection (b) of such section 1176—

"(A) each reference to 'a penalty imposed under subsection (a)' shall be treated as a reference to 'a penalty imposed under subsection (a) (including as applied pursuant to section 543(f) of the Public Health Service Act)'; and

"(B) each reference to 'no damages obtained under subsection (d)' shall be treated as a reference to 'no damages obtained under subsection (d) (including as applied pursuant to section 543(f) of the Public Health Service Act)'.".

(g) ANTIDISCRIMINATION.—Section 543 of the Public Health Service Act (42 U.S.C. 290dd–2) is amended by inserting after subsection (h) the following:

"(i) ANTIDISCRIMINATION.—

"(1) IN GENERAL.—No entity shall discriminate against an individual on the basis of information received by such entity pursuant to an inadvertent or intentional disclosure of records, or information contained in records, described in subsection (a) in—

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1 "(A) admission, access to, or treatment for
2 health care;
3 "(B) hiring, firing, or terms of employ-
4 ment, or receipt of worker's compensation;
5 "(C) the sale, rental, or continued rental of
6 housing;
7 "(D) access to Federal, State, or local
8 courts; or
9 "(E) access to, approval of, or mainte-
10 nance of social services and benefits provided or
11 funded by Federal, State, or local governments.
12 "(2) RECIPIENTS OF FEDERAL FUNDS.—No re-
13 cipient of Federal funds shall discriminate against
14 an individual on the basis of information received by
15 such recipient pursuant to an intentional or inad-
16 vertent disclosure of such records or information
17 contained in records described in subsection (a) in
18 affording access to the services provided with such
19 funds.".
20 (h) NOTIFICATION IN CASE OF BREACH.—Section
21 543 of the Public Health Service Act (42 U.S.C. 290dd–
22 2), as amended by subsection (g), is further amended by
23 inserting after subsection (i) the following:
24 "(j) NOTIFICATION IN CASE OF BREACH.—The pro-
25 visions of section 13402 of the HITECH Act (42 U.S.C.

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1 17932) shall apply to a program or activity described in
2 subsection (a), in case of a breach of records described
3 in subsection (a), to the same extent and in the same man-
4 ner as such provisions apply to a covered entity in the
5 case of a breach of unsecured protected health informa-
6 tion.".

7 (i) REGULATIONS.—

8 (1) IN GENERAL.—The Secretary of Health and
9 Human Services, in consultation with appropriate
10 Federal agencies, shall make such revisions to regu-
11 lations as may be necessary for implementing and
12 enforcing the amendments made by this section,
13 such that such amendments shall apply with respect
14 to uses and disclosures of information occurring on
15 or after the date that is 12 months after the date
16 of enactment of this Act.

17 (2) EASILY UNDERSTANDABLE NOTICE OF PRI-
18 VACY PRACTICES.—Not later than 1 year after the
19 date of enactment of this Act, the Secretary of
20 Health and Human Services, in consultation with
21 appropriate legal, clinical, privacy, and civil rights
22 experts, shall update section 164.520 of title 45,
23 Code of Federal Regulations, so that covered entities
24 and entities creating or maintaining the records de-
25 scribed in subsection (a) provide notice, written in

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1 plain language, of privacy practices regarding pa-
2 tient records referred to in section 543(a) of the
3 Public Health Service Act (42 U.S.C. 290dd–2(a)),
4 including—
5 (A) a statement of the patient's rights, in-
6 cluding self-pay patients, with respect to pro-
7 tected health information and a brief descrip-
8 tion of how the individual may exercise these
9 rights (as required by subsection (b)(1)(iv) of
10 such section 164.520); and
11 (B) a description of each purpose for
12 which the covered entity is permitted or re-
13 quired to use or disclose protected health infor-
14 mation without the patient's written authoriza-
15 tion (as required by subsection (b)(2) of such
16 section 164.520).
17 (j) RULES OF CONSTRUCTION.—Nothing in this Act
18 or the amendments made by this Act shall be construed
19 to limit—
20 (1) a patient's right, as described in section
21 164.522 of title 45, Code of Federal Regulations, or
22 any successor regulation, to request a restriction on
23 the use or disclosure of a record referred to in sec-
24 tion 543(a) of the Public Health Service Act (42

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1 U.S.C. 290dd–2(a)) for purposes of treatment, pay-
2 ment, or health care operations; or
3 (2) a covered entity's choice, as described in
4 section 164.506 of title 45, Code of Federal Regula-
5 tions, or any successor regulation, to obtain the con-
6 sent of the individual to use or disclose a record re-
7 ferred to in such section 543(a) to carry out treat-
8 ment, payment, or health care operation.
9 (k) SENSE OF CONGRESS.—It is the sense of the
10 Congress that—
11 (1) any person treating a patient through a
12 program or activity with respect to which the con-
13 fidentiality requirements of section 543 of the Public
14 Health Service Act (42 U.S.C. 290dd–2) apply is en-
15 couraged to access the applicable State-based pre-
16 scription drug monitoring program when clinically
17 appropriate;
18 (2) patients have the right to request a restric-
19 tion on the use or disclosure of a record referred to
20 in section 543(a) of the Public Health Service Act
21 (42 U.S.C. 290dd–2(a)) for treatment, payment, or
22 health care operations;
23 (3) covered entities should make every reason-
24 able effort to the extent feasible to comply with a

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1 patient's request for a restriction regarding such use
2 or disclosure;
3 (4) for purposes of applying section 164.501 of
4 title 45, Code of Federal Regulations, the definition
5 of health care operations shall have the meaning
6 given such term in such section, except that clause
7 (v) of paragraph (6) shall not apply; and
8 (5) programs creating records referred to in
9 section 543(a) of the Public Health Service Act (42
10 U.S.C. 290dd–2(a)) should receive positive incen-
11 tives for discussing with their patients the benefits
12 to consenting to share such records.

13 **SEC. 3222. NUTRITION SERVICES.**

14 (a) DEFINITIONS.—In this section, the terms "As-
15 sistant Secretary", "Secretary", "State agency", and
16 "area agency on aging" have the meanings given the
17 terms in section 102 of the Older Americans Act of 1965
18 (42 U.S.C. 3002).
19 (b) NUTRITION SERVICES TRANSFER CRITERIA.—
20 During any portion of the COVID–19 public health emer-
21 gency declared under section 319 of the Public Health
22 Service Act (42 U.S.C. 247d), the Secretary shall allow
23 a State agency or an area agency on aging, without prior
24 approval, to transfer not more than 100 percent of the
25 funds received by the State agency or area agency on

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1 aging, respectively, and attributable to funds appropriated
2 under paragraph (1) or (2) of section 303(b) of the Older
3 Americans Act of 1965 (42 U.S.C. 3023(b)), between sub-
4 part 1 and subpart 2 of part C (42 U.S.C. 3030d–2 et
5 seq.) for such use as the State agency or area agency on
6 aging, respectively, considers appropriate to meet the
7 needs of the State or area served.

8 (c) HOME-DELIVERED NUTRITION SERVICES WAIV-
9 ER.—For purposes of State agencies' determining the de-
10 livery of nutrition services under section 337 of the Older
11 Americans Act of 1965 (42 U.S.C. 3030g), during the pe-
12 riod of the COVID–19 public health emergency declared
13 under section 319 of the Public Health Service Act (42
14 U.S.C. 247d), the same meaning shall be given to an indi-
15 vidual who is unable to obtain nutrition because the indi-
16 vidual is practicing social distancing due to the emergency
17 as is given to an individual who is homebound by reason
18 of illness.

19 (d) DIETARY GUIDELINES WAIVER.—To facilitate
20 implementation of subparts 1 and 2 of part C of title III
21 of the Older Americans Act of 1965 (42 U.S.C. 3030d–
22 2 et seq.) during any portion of the COVID–19 public
23 health emergency declared under section 319 of the Public
24 Health Service Act (42 U.S.C. 247d), the Assistant Sec-
25 retary may waive the requirements for meals provided

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1 under those subparts to comply with the requirements of
2 clauses (i) and (ii) of section 339(2)(A) of such Act (42
3 U.S.C. 3030g–21(2)(A)).

4 **SEC. 3223. CONTINUITY OF SERVICE AND OPPORTUNITIES**
5 **FOR PARTICIPANTS IN COMMUNITY SERVICE**
6 **ACTIVITIES UNDER TITLE V OF THE OLDER**
7 **AMERICANS ACT OF 1965.**

8 To ensure continuity of service and opportunities for
9 participants in community service activities under title V
10 of the Older Americans Act of 1965 (42 U.S.C. 3056 et
11 seq.), the Secretary of Labor—

12 (1)(A) may allow individuals participating in
13 projects under such title as of March 1, 2020, to ex-
14 tend their participation for a period that exceeds the
15 period described in section 518(a)(3)(B)(i) of such
16 Act (42 U.S.C. 3056p(a)(3)(B)(i)) if the Secretary
17 determines such extension is appropriate due to the
18 effects of the COVID–19 public health emergency
19 declared under section 319 of the Public Health
20 Service Act (42 U.S.C. 247d); and

21 (B) may increase the average participation cap
22 for eligible individuals applicable to grantees as de-
23 scribed in section 502(b)(1)(C) of the Older Ameri-
24 cans Act of 1965 (42 U.S.C. 3056(b)(1)(C)) to a
25 cap the Secretary determines is appropriate due to

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1 the effects of the COVID–19 public health emer-
2 gency declared under section 319 of the Public
3 Health Service Act (42 U.S.C. 247d); and
4 (2) may increase the amount available to pay
5 the authorized administrative costs for a project, de-
6 scribed in section 502(c)(3) of the Older Americans
7 Act of 1965 (42 U.S.C. 3056(c)(3)) to an amount
8 not to exceed 20 percent of the grant amount if the
9 Secretary determines that such increase is necessary
10 to adequately respond to the additional administra-
11 tive needs to respond to the COVID–19 public
12 health emergency declared under section 319 of the
13 Public Health Service Act (42 U.S.C. 247d).

14 **SEC. 3224. GUIDANCE ON PROTECTED HEALTH INFORMA-**
15 **TION.**

16 Not later than 180 days after the date of enactment
17 of this Act, the Secretary of Health and Human Services
18 shall issue guidance on the sharing of patients' protected
19 health information pursuant to section 160.103 of title 45,
20 Code of Federal Regulations (or any successor regula-
21 tions) during the public health emergency declared by the
22 Secretary of Health and Human Services under section
23 319 of the Public Health Service Act (42 U.S.C. 247d)
24 with respect to COVID-19, during the emergency involv-
25 ing Federal primary responsibility determined to exist by

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1 the President under section 501(b) of the Robert T. Staf-
2 ford Disaster Relief and Emergency Assistance Act (42
3 U.S.C. 5191(b)) with respect to COVID-19, and during
4 the national emergency declared by the President under
5 the National Emergencies Act (50 U.S.C. 1601 et seq.)
6 with respect to COVID-19. Such guidance shall include
7 information on compliance with the regulations promul-
8 gated pursuant to section 264(c) of the Health Insurance
9 Portability and Accountability Act of 1996 (42 U.S.C.
10 1320d–2 note) and applicable policies, including such poli-
11 cies that may come into effect during such emergencies.

12 **SEC. 3225. REAUTHORIZATION OF HEALTHY START PRO-**
13 **GRAM.**

14 Section 330H of the Public Health Service Act (42
15 U.S.C. 254c–8) is amended—
16 (1) in subsection (a)—
17 (A) in paragraph (1), by striking ", during
18 fiscal year 2001 and subsequent years,"; and
19 (B) in paragraph (2), by inserting "or in-
20 creasing above the national average" after
21 "areas with high";
22 (2) in subsection (b)—
23 (A) in paragraph (1), by striking "con-
24 sumers of project services, public health depart-
25 ments, hospitals, health centers under section

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330" and inserting "participants and former participants of project services, public health departments, hospitals, health centers under section 330, State substance abuse agencies"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "such as low birthweight" and inserting "including poor birth outcomes (such as low birthweight and preterm birth) and social determinants of health";

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by inserting after subparagraph (A), the following:

"(B) Communities with—

"(i) high rates of infant mortality or poor perinatal outcomes; or

"(ii) high rates of infant mortality or poor perinatal outcomes in specific subpopulations within the community."; and

(iv) in subparagraph (C) (as so redesignated)—

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1 (I) by redesignating clauses (i)
2 and (ii) as clauses (ii) and (iii), re-
3 spectively;
4 (II) by inserting before clause (ii)
5 (as so redesignated) the following:
6 "(i) collaboration with the local com-
7 munity in the development of the project;";
8 (III) in clause (ii) (as so redesig-
9 nated), by striking "and" at the end;
10 (IV) in clause (iii) (as so redesig-
11 nated), by striking the period and in-
12 serting "; and"; and
13 (V) by adding at the end the fol-
14 lowing:
15 "(iv) the use and collection of data
16 demonstrating the effectiveness of such
17 program in decreasing infant mortality
18 rates and improving perinatal outcomes, as
19 applicable, or the process by which new ap-
20 plicants plan to collect this data.";
21 (3) in subsection (c)—
22 (A) by striking "Recipients of grants" and
23 inserting the following:
24 "(1) IN GENERAL.—Recipients of grants"; and
25 (B) by adding at the end the following:

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1 "(2) OTHER PROGRAMS.—The Secretary shall
2 ensure coordination of the program carried out pur-
3 suant to this section with other programs and activi-
4 ties related to the reduction of the rate of infant
5 mortality and improved perinatal and infant health
6 outcomes supported by the Department.";
7 (4) in subsection (e)—
8 (A) in paragraph (1), by striking "appro-
9 priated—" and all that follows through the end
10 and inserting "appropriated $125,500,000 for
11 each of fiscal years 2021 through 2025."; and
12 (B) in paragraph (2)(B), by adding at the
13 end the following: "Evaluations may also in-
14 clude, to the extent practicable, information re-
15 lated to—
16 "(i) progress toward achieving any
17 grant metrics or outcomes related to re-
18 ducing infant mortality rates, improving
19 perinatal outcomes, or reducing the dis-
20 parity in health status;
21 "(ii) recommendations on potential
22 improvements that may assist with ad-
23 dressing gaps, as applicable and appro-
24 priate; and

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1 "(iii) the extent to which the grantee
2 coordinated with the community in which
3 the grantee is located in the development
4 of the project and delivery of services, in-
5 cluding with respect to technical assistance
6 and mentorship programs."; and
7 (5) by adding at the end the following:
8 "(f) GAO REPORT.—
9 "(1) IN GENERAL.—Not later than 4 years
10 after the date of the enactment of this subsection,
11 the Comptroller General of the United States shall
12 conduct an independent evaluation, and submit to
13 the appropriate Committees of Congress a report,
14 concerning the Healthy Start program under this
15 section.
16 "(2) EVALUATION.—In conducting the evalua-
17 tion under paragraph (1), the Comptroller General
18 shall consider, as applicable and appropriate, infor-
19 mation from the evaluations under subsection
20 (e)(2)(B).
21 "(3) REPORT.—The report described in para-
22 graph (1) shall review, assess, and provide rec-
23 ommendations, as appropriate, on the following:
24 "(A) The allocation of Healthy Start pro-
25 gram grants by the Health Resources and Serv-

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1 ices Administration, including considerations
2 made by such Administration regarding dispari-
3 ties in infant mortality or perinatal outcomes
4 among urban and rural areas in making such
5 awards.

6 "(B) Trends in the progress made toward
7 meeting the evaluation criteria pursuant to sub-
8 section (e)(2)(B), including programs which de-
9 crease infant mortality rates and improve
10 perinatal outcomes, programs that have not de-
11 creased infant mortality rates or improved
12 perinatal outcomes, and programs that have
13 made an impact on disparities in infant mor-
14 tality or perinatal outcomes.

15 "(C) The ability of grantees to improve
16 health outcomes for project participants, pro-
17 mote the awareness of the Healthy Start pro-
18 gram services, incorporate and promote family
19 participation, facilitate coordination with the
20 community in which the grantee is located, and
21 increase grantee accountability through quality
22 improvement, performance monitoring, evalua-
23 tion, and the effect such metrics may have to-
24 ward decreasing the rate of infant mortality
25 and improving perinatal outcomes.

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"(D) The extent to which such Federal programs are coordinated across agencies and the identification of opportunities for improved coordination in such Federal programs and activities.".

**SEC. 3226. IMPORTANCE OF THE BLOOD SUPPLY.**

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall carry out a national campaign to improve awareness of, and support outreach to the public and health care providers about the importance and safety of blood donation and the need for donations for the blood supply during the public health emergency declared by the Secretary under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID-19.

(b) AWARENESS CAMPAIGN.—In carrying out subsection (a), the Secretary may enter into contracts with one or more public or private nonprofit entities, to establish a national blood donation awareness campaign that may include television, radio, internet, and newspaper public service announcements, and other activities to provide for public and professional awareness and education.

(c) CONSULTATION.—In carrying out subsection (a), the Secretary shall consult with the Commissioner of Food and Drugs, the Assistant Secretary for Health, the Direc-

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1 tor of the Centers for Disease Control and Prevention, the
2 Director of the National Institutes of Health, and the
3 heads of other relevant Federal agencies, and relevant ac-
4 crediting bodies and representative organizations.

5 (d) REPORT TO CONGRESS.—Not later than 2 years
6 after the date of enactment of this Act, the Secretary shall
7 submit to the Committee on Health, Education, Labor,
8 and Pensions of the Senate and the Committee on Energy
9 and Commerce of the House of Representatives, a report
10 that shall include—

11 (1) a description of the activities carried out
12 under subsection (a);

13 (2) a description of trends in blood supply do-
14 nations; and

15 (3) an evaluation of the impact of the public
16 awareness campaign, including any geographic or
17 population variations.

18 **PART III—INNOVATION**

19 **SEC. 3301. REMOVING THE CAP ON OTA DURING PUBLIC**
20 **HEALTH EMERGENCIES.**

21 Section 319L(c)(5)(A) of the Public Health Service
22 Act (42 U.S.C. 247d–7e(c)(5)(A)) is amended—

23 (1) by redesignating clause (iii) as clause (iv);
24 and

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

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1 "(iii) AUTHORITY DURING A PUBLIC
2 HEALTH EMERGENCY.—
3 "(I) IN GENERAL.—Notwith-
4 standing clause (ii), the Secretary,
5 shall, to the maximum extent prac-
6 ticable, use competitive procedures
7 when entering into transactions to
8 carry out projects under this sub-
9 section for purposes of a public health
10 emergency declared by the Secretary
11 under section 319. Any such trans-
12 actions entered into during such pub-
13 lic health emergency shall not be ter-
14 minated solely due to the expiration of
15 such public health emergency, if such
16 public health emergency ends before
17 the completion of the terms of such
18 agreement.
19 "(II) REPORT.—After the expira-
20 tion of the public health emergency
21 declared by the Secretary under sec-
22 tion 319, the Secretary shall provide a
23 report to the Committee on Health,
24 Education, Labor, and Pensions of
25 the Senate and the Committee on En-

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1 ergy and Commerce of the House of
2 Representatives regarding the use of
3 any funds pursuant to the authority
4 under subclause (I), including any
5 outcomes, benefits, and risks associ-
6 ated with the use of such funds, and
7 a description of the reasons for the
8 use of such authority for the project
9 or projects.''.

10 **SEC. 3302. PRIORITY ZOONOTIC ANIMAL DRUGS.**

11 Chapter V of the Federal Food, Drug, and Cosmetic
12 Act (21 U.S.C. 351 et seq.) is amended by inserting after
13 section 512 the following:

14 **''SEC. 512A. PRIORITY ZOONOTIC ANIMAL DRUGS.**

15 ''(a) IN GENERAL.—The Secretary shall, at the re-
16 quest of the sponsor intending to submit an application
17 for approval of a new animal drug under section 512(b)(1)
18 or an application for conditional approval of a new animal
19 drug under section 571, expedite the development and re-
20 view of such new animal drug if preliminary clinical evi-
21 dence indicates that the new animal drug, alone or in com-
22 bination with 1 or more other animal drugs, has the poten-
23 tial to prevent or treat a zoonotic disease in animals, in-
24 cluding a vector borne-disease, that has the potential to

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1 cause serious adverse health consequences for, or serious
2 or life-threatening diseases in, humans.
3 "(b) REQUEST FOR DESIGNATION.—The sponsor of
4 a new animal drug may request the Secretary to designate
5 a new animal drug described in subsection (a) as a priority
6 zoonotic animal drug. A request for the designation may
7 be made concurrently with, or at any time after, the open-
8 ing of an investigational new animal drug file under sec-
9 tion 512(j) or the filing of an application under section
10 512(b)(1) or 571.
11 "(c) DESIGNATION.—
12 "(1) IN GENERAL.—Not later than 60 calendar
13 days after the receipt of a request under subsection
14 (b), the Secretary shall determine whether the new
15 animal drug that is the subject of the request meets
16 the criteria described in subsection (a). If the Sec-
17 retary determines that the new animal drug meets
18 the criteria, the Secretary shall designate the new
19 animal drug as a priority zoonotic animal drug and
20 shall take such actions as are appropriate to expe-
21 dite the development and review of the application
22 for approval or conditional approval of such new ani-
23 mal drug.

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1 "(2) ACTIONS.—The actions to expedite the de-
2 velopment and review of an application under para-
3 graph (1) may include, as appropriate—
4 "(A) taking steps to ensure that the design
5 of clinical trials is as efficient as practicable,
6 when scientifically appropriate, such as by uti-
7 lizing novel trial designs or drug development
8 tools (including biomarkers) that may reduce
9 the number of animals needed for studies;
10 "(B) providing timely advice to, and inter-
11 active communication with, the sponsor (which
12 may include meetings with the sponsor and re-
13 view team) regarding the development of the
14 new animal drug to ensure that the develop-
15 ment program to gather the nonclinical and
16 clinical data necessary for approval is as effi-
17 cient as practicable;
18 "(C) involving senior managers and review
19 staff with experience in zoonotic or vector-borne
20 disease to facilitate collaborative, cross-discipli-
21 nary review, including, as appropriate, across
22 agency centers; and
23 "(D) implementing additional administra-
24 tive or process enhancements, as necessary, to

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1 facilitate an efficient review and development
2 program.".

3 **PART IV—HEALTH CARE WORKFORCE**

4 **SEC. 3401. REAUTHORIZATION OF HEALTH PROFESSIONS**
5 **WORKFORCE PROGRAMS.**

6 Title VII of the Public Health Service Act (42 U.S.C.
7 292 et seq.) is amended—

8 (1) in section 736 (42 U.S.C. 293), by striking
9 subsection (i) and inserting the following:

10 "(i) AUTHORIZATION OF APPROPRIATIONS.—To
11 carry out this section, there is authorized to be appro-
12 priated $23,711,000 for each of fiscal years 2021 through
13 2025.";

14 (2) in section 740 (42 U.S.C. 293d)—

15 (A) in subsection (a), by striking
16 "$51,000,000 for fiscal year 2010, and such
17 sums as may be necessary for each of the fiscal
18 years 2011 through 2014" and inserting
19 "$51,470,000 for each of fiscal years 2021
20 through 2025";

21 (B) in subsection (b), by striking
22 "$5,000,000 for each of the fiscal years 2010
23 through 2014" and inserting "$1,190,000 for
24 each of fiscal years 2021 through 2025";

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1 (C) in subsection (c), by striking
2 "$60,000,000 for fiscal year 2010 and such
3 sums as may be necessary for each of the fiscal
4 years 2011 through 2014" and inserting
5 "$15,000,000 for each of fiscal years 2021
6 through 2025"; and
7 (D) in subsection (d), by striking "Not
8 Later than 6 months after the date of enact-
9 ment of this part, the Secretary shall prepare
10 and submit to the appropriate committees of
11 Congress" and inserting: "Not later than Sep-
12 tember 30, 2025, and every five years there-
13 after, the Secretary shall prepare and submit to
14 the Committee on Health, Education, Labor,
15 and Pensions of the Senate, and the Committee
16 on Energy and Commerce of the House of Rep-
17 resentatives,";
18 (3) in section 747 (42 U.S.C. 293k)—
19 (A) in subsection (a)—
20 (i) in paragraph (1)(G), by striking
21 "to plan, develop, and operate a dem-
22 onstration program that provides training"
23 and inserting: "to plan, develop, and oper-
24 ate a program that identifies or develops
25 innovative models of providing care, and

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1 trains primary care physicians on such
2 models and''; and
3 (ii) by adding at the end the fol-
4 lowing:
5 ''(3) PRIORITIES IN MAKING AWARDS.—In
6 awarding grants or contracts under paragraph (1),
7 the Secretary may give priority to qualified appli-
8 cants that train residents in rural areas, including
9 for Tribes or Tribal Organizations in such areas.'';
10 (B) in subsection (b)(3)(E), by striking
11 ''substance-related disorders'' and inserting
12 ''substance use disorders''; and
13 (C) in subsection (c)(1), by striking
14 ''$125,000,000 for fiscal year 2010, and such
15 sums as may be necessary for each of fiscal
16 years 2011 through 2014'' and inserting
17 ''$48,924,000 for each of fiscal years 2021
18 through 2025'';
19 (4) in section 748 (42 U.S.C. 293k–2)—
20 (A) in subsection (c)(5), by striking ''sub-
21 stance-related disorders'' and inserting ''sub-
22 stance use disorders''; and
23 (B) in subsection (f), by striking
24 ''$30,000,000 for fiscal year 2010 and such
25 sums as may be necessary for each of fiscal

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1 years 2011 through 2015'' and inserting
2 ''$28,531,000 for each of fiscal years 2021
3 through 2025'';
4 (5) in section 749(d)(2) (42 U.S.C. 293l(d)(2)),
5 by striking ''Committee on Labor and Human Re-
6 sources of the Senate, and the Committee on Com-
7 merce of the House of Representatives'' and insert-
8 ing ''Committee on Health, Education, Labor, and
9 Pensions of the Senate, and the Committee on En-
10 ergy and Commerce of the House of Representa-
11 tives'';
12 (6) in section 751(j)(1) (42 U.S.C. 294a(j)(1)),
13 by striking ''$125,000,000 for each of the fiscal
14 years 2010 through 2014'' and inserting
15 ''$41,250,000 for each of fiscal years 2021 through
16 2025'';
17 (7) in section 754(b)(1)(A) (42 U.S.C.
18 294d(b)(1)(A)), by striking ''new and innovative''
19 and inserting ''innovative or evidence-based'';
20 (8) in section 755(b)(1)(A) (42 U.S.C.
21 294e(b)(1)(A)), by striking ''the elderly'' and insert-
22 ing ''geriatric populations or for maternal and child
23 health'';
24 (9) in section 761(e) (42 U.S.C. 294n(e))—

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1 (A) in paragraph (1)(A), by striking
2 "$7,500,000 for each of fiscal years 2010
3 through 2014" and inserting "$5,663,000 for
4 each of fiscal years 2021 through 2025"; and
5 (B) in paragraph (2), by striking "sub-
6 section (a)" and inserting "paragraph (1)";
7 (10) in section 762 (42 U.S.C. 294o)—
8 (A) in subsection (a)(1), by striking "Com-
9 mittee on Labor and Human Resources" and
10 inserting "Committee on Health, Education,
11 Labor, and Pensions";
12 (B) in subsection (b)—
13 (i) in paragraph (2), by striking
14 "Health Care Financing Administration"
15 and inserting "Centers for Medicare &
16 Medicaid Services";
17 (ii) by redesignating paragraphs (4)
18 through (6) as paragraphs (5) through (7),
19 respectively; and
20 (iii) by inserting after paragraph (3),
21 the following:
22 "(4) the Administrator of the Health Resources
23 and Services Administration;";
24 (C) by striking subsections (i), (j), and (k)
25 and inserting the following:

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1 "(i) REPORTS.—Not later than September 30, 2023,
2 and not less than every 5 years thereafter, the Council
3 shall submit to the Secretary, and to the Committee on
4 Health, Education, Labor, and Pensions of the Senate and
5 the Committee on Energy and Commerce of the House
6 of Representatives, a report on the recommendations de-
7 scribed in subsection (a)."; and
8 (D) by redesignating subsection (l) as sub-
9 section (j);
10 (11) in section 766(b)(1) (42 U.S.C.
11 295a(b)(1)), by striking "that plans" and all that
12 follows through the period and inserting "that plans,
13 develops, operates, and evaluates projects to improve
14 preventive medicine, health promotion and disease
15 prevention, or access to and quality of health care
16 services in rural or medically underserved commu-
17 nities.";
18 (12) in section 770(a) (42 U.S.C. 295e(a)), by
19 striking "$43,000,000 for fiscal year 2011, and such
20 sums as may be necessary for each of the fiscal
21 years 2012 through 2015" and inserting
22 "$17,000,000 for each of fiscal years 2021 through
23 2025"; and
24 (13) in section 775(e) (42 U.S.C. 295f(e)), by
25 striking "$30,000,000" and all that follows through

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1 the period and inserting "such sums as may be nec-
2 essary for each of fiscal years 2021 through 2025.".

3 **SEC. 3402. HEALTH WORKFORCE COORDINATION.**

4 (a) STRATEGIC PLAN.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary of
7 Health and Human Services (referred to in this Act
8 as the "Secretary"), in consultation with the Advi-
9 sory Committee on Training in Primary Care Medi-
10 cine and Dentistry and the Advisory Council on
11 Graduate Medical Education, shall develop a com-
12 prehensive and coordinated plan with respect to the
13 health care workforce development programs of the
14 Department of Health and Human Services, includ-
15 ing education and training programs.

16 (2) REQUIREMENTS.—The plan under para-
17 graph (1) shall—

18 (A) include performance measures to de-
19 termine the extent to which the programs de-
20 scribed in paragraph (1) are strengthening the
21 Nation's health care system;

22 (B) identify any gaps that exist between
23 the outcomes of programs described in para-
24 graph (1) and projected health care workforce
25 needs identified in workforce projection reports

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1 conducted by the Health Resources and Serv-
2 ices Administration;
3 (C) identify actions to address the gaps de-
4 scribed in subparagraph (B); and
5 (D) identify barriers, if any, to imple-
6 menting the actions identified under subpara-
7 graph (C).
8 (b) COORDINATION WITH OTHER AGENCIES.—The
9 Secretary shall coordinate with the heads of other Federal
10 agencies and departments that fund or administer health
11 care workforce development programs, including education
12 and training programs, to—
13 (1) evaluate the performance of such programs,
14 including the extent to which such programs are effi-
15 cient and effective and are meeting the nation's
16 health workforce needs; and
17 (2) identify opportunities to improve the quality
18 and consistency of the information collected to evalu-
19 ate within and across such programs, and to imple-
20 ment such improvements.
21 (c) REPORT.—Not later than 2 years after the date
22 of enactment of this Act, the Secretary shall submit to
23 the Committee on Health, Education, Labor, and Pen-
24 sions of the Senate, and the Committee on Energy and
25 Commerce of the House of Representatives, a report de-

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1 scribing the plan developed under subsection (a) and ac-
2 tions taken to implement such plan.

3 **SEC. 3403. EDUCATION AND TRAINING RELATING TO GERI-**
4 **ATRICS.**

5 Section 753 of the Public Health Service Act (42
6 U.S.C. 294c) is amended to read as follows:

7 **"SEC. 753. EDUCATION AND TRAINING RELATING TO GERI-**
8 **ATRICS.**

9 "(a) GERIATRICS WORKFORCE ENHANCEMENT PRO-
10 GRAM.—

11 "(1) IN GENERAL.—The Secretary shall award
12 grants, contracts, or cooperative agreements under
13 this subsection to entities described in paragraph
14 (1), (3), or (4) of section 799B, section 801(2), or
15 section 865(d), or other health professions schools or
16 programs approved by the Secretary, for the estab-
17 lishment or operation of Geriatrics Workforce En-
18 hancement Programs that meet the requirements of
19 paragraph (2).

20 "(2) REQUIREMENTS.—

21 "(A) IN GENERAL.—A Geriatrics Work-
22 force Enhancement Program receiving an
23 award under this section shall support the
24 training of health professionals in geriatrics, in-
25 cluding traineeships or fellowships. Such pro-

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1 grams shall emphasize, as appropriate, patient
2 and family engagement, integration of geriatrics
3 with primary care and other appropriate spe-
4 cialties, and collaboration with community part-
5 ners to address gaps in health care for older
6 adults.

7 "(B) ACTIVITIES.—Activities conducted by
8 a program under this section may include the
9 following:

10 "(i) Clinical training on providing in-
11 tegrated geriatrics and primary care deliv-
12 ery services.

13 "(ii) Interprofessional training to
14 practitioners from multiple disciplines and
15 specialties, including training on the provi-
16 sion of care to older adults.

17 "(iii) Establishing or maintaining
18 training-related community-based pro-
19 grams for older adults and caregivers to
20 improve health outcomes for older adults.

21 "(iv) Providing education on Alz-
22 heimer's disease and related dementias to
23 families and caregivers of older adults, di-
24 rect care workers, and health professions
25 students, faculty, and providers.

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1 "(3) DURATION.—Each grant, contract, or co-
2 operative agreement or contract awarded under
3 paragraph (1) shall be for a period not to exceed 5
4 years.
5 "(4) APPLICATIONS.—To be eligible to receive a
6 grant, contract, or cooperative agreement under
7 paragraph (1), an entity described in such para-
8 graph shall submit to the Secretary an application at
9 such time, in such manner, and containing such in-
10 formation as the Secretary may require.
11 "(5) PROGRAM REQUIREMENTS.—
12 "(A) IN GENERAL.—In awarding grants,
13 contracts, and cooperative agreements under
14 paragraph (1), the Secretary—
15 "(i) shall give priority to programs
16 that demonstrate coordination with an-
17 other Federal or State program or another
18 public or private entity;
19 "(ii) shall give priority to applicants
20 with programs or activities that are ex-
21 pected to substantially benefit rural or
22 medically underserved populations of older
23 adults, or serve older adults in Indian
24 Tribes or Tribal organizations; and

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1 "(iii) may give priority to any pro-
2 gram that—
3 "(I) integrates geriatrics into pri-
4 mary care practice;
5 "(II) provides training to inte-
6 grate geriatric care into other special-
7 ties across care settings, including
8 practicing clinical specialists, health
9 care administrators, faculty without
10 backgrounds in geriatrics, and stu-
11 dents from all health professions;
12 "(III) emphasizes integration of
13 geriatric care into existing service de-
14 livery locations and care across set-
15 tings, including primary care clinics,
16 medical homes, Federally qualified
17 health centers, ambulatory care clin-
18 ics, critical access hospitals, emer-
19 gency care, assisted living and nursing
20 facilities, and home- and community-
21 based services, which may include
22 adult daycare;
23 "(IV) supports the training and
24 retraining of faculty, primary care
25 providers, other direct care providers,

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1 and other appropriate professionals on
2 geriatrics;
3 "(V) emphasizes education and
4 engagement of family caregivers on
5 disease management and strategies to
6 meet the needs of caregivers of older
7 adults; or
8 "(VI) proposes to conduct out-
9 reach to communities that have a
10 shortage of geriatric workforce profes-
11 sionals.
12 "(B) SPECIAL CONSIDERATION.—In
13 awarding grants, contracts, and cooperative
14 agreements under this section, the Secretary
15 shall give special consideration to entities that
16 provide services in areas with a shortage of
17 geriatric workforce professionals.
18 "(6) PRIORITY.—The Secretary may provide
19 awardees with additional support for activities in
20 areas of demonstrated need, which may include edu-
21 cation and training for home health workers, family
22 caregivers, and direct care workers on care for older
23 adults.
24 "(7) REPORTING.—

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1 "(A) REPORTS FROM ENTITIES.—Each en-
2 tity awarded a grant, contract, or cooperative
3 agreement under this section shall submit an
4 annual report to the Secretary on the activities
5 conducted under such grant, contract, or coop-
6 erative agreement, which may include informa-
7 tion on the number of trainees, the number of
8 professions and disciplines, the number of part-
9 nerships with health care delivery sites, the
10 number of faculty and practicing professionals
11 who participated in such programs, and other
12 information, as the Secretary may require.
13 "(B) REPORT TO CONGRESS.—Not later
14 than 4 years after the date of enactment of the
15 Title VII Health Care Workforce Reauthoriza-
16 tion Act of 2019 and every 5 years thereafter,
17 the Secretary shall submit to the Committee on
18 Health, Education, Labor, and Pensions of the
19 Senate and the Committee on Energy and Com-
20 merce of the House of Representatives a report
21 that provides a summary of the activities and
22 outcomes associated with grants, contracts, and
23 cooperative agreements made under this sec-
24 tion. Such reports shall include—

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1 "(i) information on the number of
2 trainees, faculty, and professionals who
3 participated in programs under this sec-
4 tion;
5 "(ii) information on the impact of the
6 program conducted under this section on
7 the health status of older adults, including
8 in areas with a shortage of health profes-
9 sionals; and
10 "(iii) information on outreach and
11 education provided under this section to
12 families and caregivers of older adults.
13 "(C) PUBLIC AVAILABILITY.—The Sec-
14 retary shall make reports submitted under
15 paragraph (B) publically available on the inter-
16 net website of the Department of Health and
17 Human Services.
18 "(b) GERIATRIC ACADEMIC CAREER AWARDS.—
19 "(1) ESTABLISHMENT OF PROGRAM.—The Sec-
20 retary shall, as appropriate, establish or maintain a
21 program to provide geriatric academic career awards
22 to eligible entities applying on behalf of eligible indi-
23 viduals to promote the career development of such
24 individuals as academic geriatricians or other aca-
25 demic geriatrics health professionals.

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1 "(2) ELIGIBILITY.—
2 "(A) ELIGIBLE ENTITY.—For purposes of
3 this subsection, the term 'eligible entity'
4 means—
5 "(i) an entity described in paragraph
6 (1), (3), or (4) of section 799B or section
7 801(2); or
8 "(ii) another accredited health profes-
9 sions school or graduate program approved
10 by the Secretary.
11 "(B) ELIGIBLE INDIVIDUAL.—For pur-
12 poses of this subsection, the term 'eligible indi-
13 vidual' means an individual who—
14 "(i)(I) is board certified or board eli-
15 gible in internal medicine, family practice,
16 psychiatry, or licensed dentistry, or has
17 completed required training in a discipline
18 and is employed in an accredited health
19 professions school or graduate program
20 that is approved by the Secretary; or
21 "(II) has completed an approved fel-
22 lowship program in geriatrics, or has com-
23 pleted specialty training in geriatrics as re-
24 quired by the discipline and any additional

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1 geriatrics training as required by the Sec-
2 retary; and
3 "(ii) has a junior, nontenured, faculty
4 appointment at an accredited health pro-
5 fessions school or graduate program in
6 geriatrics or a geriatrics health profession.
7 "(C) CLARIFICATION.—If an eligible indi-
8 vidual is promoted during the period of an
9 award under this subsection and thereby no
10 longer meets the criteria of subparagraph
11 (B)(ii), the individual shall continue to be treat-
12 ed as an eligible individual through the term of
13 the award.
14 "(3) APPLICATION REQUIREMENTS.—In order
15 to receive an award under paragraph (1), an eligible
16 entity, on behalf of an eligible individual, shall—
17 "(A) submit to the Secretary an applica-
18 tion, at such time, in such manner, and con-
19 taining such information as the Secretary may
20 require;
21 "(B) provide, in such form and manner as
22 the Secretary may require, assurances that the
23 eligible individual will meet the service require-
24 ment described in paragraph (6); and

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1 "(C) provide, in such form and manner as
2 the Secretary may require, assurances that the
3 individual has a full-time faculty appointment
4 in a health professions institution and docu-
5 mented commitment from such eligible entity
6 that the individual will spend 75 percent of the
7 individual's time that is supported by the award
8 on teaching and developing skills in inter-
9 disciplinary education in geriatrics.
10 "(4) EQUITABLE DISTRIBUTION.—In making
11 awards under this subsection, the Secretary shall
12 seek to ensure geographical distribution among
13 award recipients, including among rural or medically
14 underserved areas of the United States.
15 "(5) AMOUNT AND DURATION.—
16 "(A) AMOUNT.—The amount of an award
17 under this subsection shall be at least $75,000
18 for fiscal year 2021, adjusted for subsequent
19 years in accordance with the consumer price
20 index. The Secretary shall determine the
21 amount of an award under this subsection for
22 individuals who are not physicians.
23 "(B) DURATION.—The Secretary shall
24 make awards under paragraph (1) for a period
25 not to exceed 5 years.

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1 "(6) SERVICE REQUIREMENT.—An individual
2 who receives an award under this subsection shall
3 provide training in clinical geriatrics, including the
4 training of interprofessional teams of health care
5 professionals. The provision of such training shall
6 constitute at least 75 percent of the obligations of
7 such individual under the award.
8 "(c) NONAPPLICABILITY OF PROVISION.—Notwith-
9 standing any other provision of this title, section 791(a)
10 shall not apply to awards made under this section.
11 "(d) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated $40,737,000 for each of
13 fiscal years 2021 through 2025 for purposes of carrying
14 out this section.".
15 **SEC. 3404. NURSING WORKFORCE DEVELOPMENT.**
16 (a) IN GENERAL.—Title VIII of the Public Health
17 Service Act (42 U.S.C. 296 et seq.) is amended—
18 (1) in section 801 (42 U.S.C. 296), by adding
19 at the end the following:
20 "(18) NURSE MANAGED HEALTH CLINIC.—The
21 term 'nurse managed health clinic' means a nurse-
22 practice arrangement, managed by advanced practice
23 nurses, that provides primary care or wellness serv-
24 ices to underserved or vulnerable populations and
25 that is associated with a school, college, university or

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1 department of nursing, federally qualified health
2 center, or independent nonprofit health or social
3 services agency.";
4 (2) in section 802(c) (42 U.S.C. 296a(c)), by
5 inserting ", and how such project aligns with the
6 goals in section 806(a)" before the period in the sec-
7 ond sentence;
8 (3) in section 803(b) (42 U.S.C. 296b(b)), by
9 adding at the end the following: "Such Federal
10 funds are intended to supplement, not supplant, ex-
11 isting non-Federal expenditures for such activities.";
12 (4) in section 806 (42 U.S.C. 296e)—
13 (A) in subsection (a), by striking "as need-
14 ed to" and all that follows and inserting the fol-
15 lowing: "as needed to address national nursing
16 needs, including—
17 "(1) addressing challenges, including through
18 supporting training and education of nursing stu-
19 dents, related to the distribution of the nursing
20 workforce and existing or projected nursing work-
21 force shortages in geographic areas that have been
22 identified as having, or that are projected to have,
23 a nursing shortage;
24 "(2) increasing access to and the quality of
25 health care services, including by supporting the

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1 training of professional registered nurses, advanced
2 practice registered nurses, and advanced education
3 nurses within community based settings and in a va-
4 riety of health delivery system settings; or
5 "(3) addressing the strategic goals and prior-
6 ities identified by the Secretary and that are in ac-
7 cordance with this title.
8 Contracts may be entered into under this title with public
9 or private entities as determined necessary by the Sec-
10 retary.";
11 (B) in subsection (b)(2), by striking "a
12 demonstration" and all that follows and insert-
13 ing the following: "the reporting of data and in-
14 formation demonstrating that satisfactory
15 progress has been made by the program or
16 project in meeting the performance outcome
17 standards (as described in section 802) of such
18 program or project.";
19 (C) in subsection (e)(2), by inserting ",
20 and have relevant expertise and experience" be-
21 fore the period at the end of the first sentence;
22 and
23 (D) by adding at the end the following:
24 "(i) BIENNIAL REPORT ON NURSING WORKFORCE
25 PROGRAM IMPROVEMENTS.—Not later than September

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1 30, 2020, and biennially thereafter, the Secretary shall
2 submit to the Committee on Health, Education, Labor,
3 and Pensions of the Senate and the Committee on Energy
4 and Commerce of the House of Representatives, a report
5 that contains an assessment of the programs and activities
6 of the Department of Health and Human Services related
7 to enhancing the nursing workforce, including the extent
8 to which programs and activities under this title meet the
9 identified goals and performance measures developed for
10 the respective programs and activities, and the extent to
11 which the Department coordinates with other Federal de-
12 partments regarding programs designed to improve the
13 nursing workforce.";
14 (5) in section 811 (42 U.S.C. 296j)—
15 (A) in subsection (b)—
16 (i) by striking "Master's" and insert-
17 ing "graduate"; and
18 (ii) by inserting "clinical nurse lead-
19 ers," after "nurse administrators,";
20 (B) by redesignating subsections (f) and
21 (g) as subsections (g) and (h), respectively; and
22 (C) by inserting after subsection (e), the
23 following:
24 "(f) AUTHORIZED CLINICAL NURSE SPECIALIST
25 PROGRAMS.—Clinical nurse specialist programs eligible

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1 for support under this section are education programs
2 that—
3 "(1) provide registered nurses with full-time
4 clinical nurse specialist education; and
5 "(2) have as their objective the education of
6 clinical nurse specialists who will, upon completion
7 of such a program, be qualified to effectively provide
8 care through the wellness and illness continuum to
9 inpatients and outpatients experiencing acute and
10 chronic illness."; and
11 (6) in section 831 (42 U.S.C. 296p)—
12 (A) in the section heading, by striking
13 "**AND QUALITY GRANTS**" and inserting
14 "**QUALITY, AND RETENTION GRANTS**";
15 (B) in subsection (b)(2), by striking "other
16 high-risk groups such as the elderly, individuals
17 with HIV/AIDS, substance abusers, the home-
18 less, and victims" and inserting "high risk
19 groups, such as the elderly, individuals with
20 HIV/AIDS, individuals with mental health or
21 substance use disorders, individuals who are
22 homeless, and survivors";
23 (C) in subsection (c)(1)—
24 (i) in subparagraph (A)—

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1 (I) by striking "advancement for
2 nursing personnel" and inserting the
3 following: "advancement for—
4 "(i) nursing";
5 (II) by striking "professional
6 nurses, advanced education nurses, li-
7 censed practical nurses, certified
8 nurse assistants, and home health
9 aides" and inserting "professional
10 registered nurses, advanced practice
11 registered nurses, and nurses with
12 graduate nursing education"; and
13 (III) by adding at the end the
14 following:
15 "(ii) individuals including licensed
16 practical nurses, licensed vocational nurses,
17 certified nurse assistants, home health
18 aides, diploma degree or associate degree
19 nurses, and other health professionals,
20 such as health aides or community health
21 practitioners certified under the Commu-
22 nity Health Aide Program of the Indian
23 Health Service, to become registered
24 nurses with baccalaureate degrees or
25 nurses with graduate nursing education;";

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1 (ii) in subparagraph (B), by striking
2 the period and inserting "; and"; and
3 (iii) by adding at the end the fol-
4 lowing:
5 "(C) developing and implementing intern-
6 ships, accredited fellowships, and accredited
7 residency programs in collaboration with one or
8 more accredited schools of nursing, to encour-
9 age the mentoring and development of special-
10 ties.";
11 (D) by striking subsections (e) and (h);
12 (E) by redesignating subsections (f) and
13 (g), as subsections (e) and (f), respectively;
14 (F) in subsection (e) (as so redesignated),
15 by striking "The Secretary shall submit to the
16 Congress before the end of each fiscal year"
17 and inserting "As part of the report on nursing
18 workforce programs described in section 806(i),
19 the Secretary shall include"; and
20 (G) in subsection (f) (as so redesignated),
21 by striking "a school of nursing, as defined in
22 section 801(2),," and inserting "an accredited
23 school of nursing, as defined in section 801(2),
24 a health care facility, including federally quali-
25 fied health centers or nurse-managed health

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1 clinics, or a partnership of such a school and
2 facility";
3 (7) by striking section 831A (42 U.S.C. 296p–
4 1);
5 (8) in section 846 (42 U.S.C. 297n)—
6 (A) by striking the last sentence of sub-
7 section (a);
8 (B) in subsection (b)(1), by striking "he
9 began such practice" and inserting "the indi-
10 vidual began such practice"; and
11 (C) in subsection (i), by striking "FUND-
12 ING" in the subsection heading and all that fol-
13 lows through "paragraph (1)" in paragraph (2),
14 and inserting the following: "ALLOCATIONS.—
15 Of the amounts appropriated under section
16 871(b),";
17 (9) in section 846A (42 U.S.C. 247n–1), by
18 striking subsection (f);
19 (10) in section 847 (42 U.S.C. 297o), by strik-
20 ing subsection (g);
21 (11) in section 851 (42 U.S.C. 297t)—
22 (A) in subsection (b)(1)(A)(iv), by striking
23 "and nurse anesthetists" and inserting "nurse
24 anesthetists, and clinical nurse specialists";
25 (B) in subsection (d)(3)—

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1 (i) by striking "3 years after the date
2 of enactment of this section" and inserting
3 "2 years after the date of enactment of the
4 Title VIII Nursing Reauthorization Act";
5 (ii) by striking "Labor and Human
6 Resources" and inserting "Health, Edu-
7 cation, Labor, and Pensions"; and
8 (iii) by inserting "Energy and" before
9 "Commerce"; and
10 (C) in subsection (g), by striking "under
11 this title" and inserting "for carrying out parts
12 B, C, and D";
13 (12) by striking sections 861 and 862 (42
14 U.S.C. 297w and 297x); and
15 (13) in section 871 (42 U.S.C. 298d)—
16 (A) by striking "For the purpose of" and
17 inserting the following:
18 "(a) IN GENERAL.—For the purpose of";
19 (B) by striking "$338,000,000 for fiscal
20 year 2010, and such sums as may be necessary
21 for each of the fiscal years 2011 through 2016"
22 and inserting "$137,837,000 for each of fiscal
23 years 2021 through 2025"; and
24 (C) by adding at the end the following:

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1 "(b) PART E.—For the purpose of carrying out part
2 E, there are authorized to be appropriated $117,135,000
3 for each of the fiscal years 2021 through 2025.".
4 (b) EVALUATION AND REPORT ON NURSE LOAN RE-
5 PAYMENT PROGRAMS.—
6 (1) EVALUATION.—The Comptroller General
7 shall conduct an evaluation of the nurse loan repay-
8 ment programs administered by the Health Re-
9 sources and Services Administration. Such evalua-
10 tion shall include—
11 (A) the manner in which payments are
12 made under such programs;
13 (B) the existing oversight functions nec-
14 essary to ensure the proper use of such pro-
15 grams, including payments made as part of
16 such programs;
17 (C) the identification of gaps, if any, in
18 oversight functions; and
19 (D) information on the number of nurses
20 assigned to facilities pursuant to such pro-
21 grams, including the type of facility to which
22 nurses are assigned and the impact of modi-
23 fying the eligibility requirements for programs
24 under section 846 of the Public Health Service
25 Act (42 U.S.C. 297n), such as the impact on

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1 entities to which nurses had previously been as-
2 signed prior to fiscal year 2019 (such as feder-
3 ally qualified health centers and facilities affili-
4 ated with the Indian Health Service).
5 (2) REPORT.—Not later than 18 months after
6 the enactment of this Act, the Comptroller General
7 shall submit to the Committee on Health, Edu-
8 cation, Labor, and Pensions of the Senate and the
9 Committee on Energy and Commerce of the House
10 of Representatives, a report on the evaluation under
11 paragraph (1), which may include recommendations
12 to improve relevant nursing workforce loan repay-
13 ment programs.

## 14 Subtitle B—Education Provisions

### 15 SEC. 3501. SHORT TITLE.

16 This subtitle may be cited as the "COVID-19 Pan-
17 demic Education Relief Act of 2020".

### 18 SEC. 3502. DEFINITIONS.

19 (a) DEFINITIONS.—In this subtitle:
20 (1) CORONAVIRUS.—The term "coronavirus"
21 has the meaning given the term in section 506 of the
22 Coronavirus Preparedness and Response Supple-
23 mental Appropriations Act, 2020 (Public Law 116–
24 123).

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1 (2) FOREIGN INSTITUTION.—The term ''foreign
2 institution'' means an institution of higher education
3 located outside the United States that is described
4 in paragraphs (1)(C) and (2) of section 102(a) of
5 the Higher Education Act of 1965 (20 U.S.C.
6 1002(a)).
7 (3) INSTITUTION OF HIGHER EDUCATION.—The
8 term ''institution of higher education'' has the
9 meaning of the term under section 102 of the High-
10 er Education Act of 1965 (20 U.S.C. 1002).
11 (4) QUALIFYING EMERGENCY.—The term
12 ''qualifying emergency'' means—
13 (A) a public health emergency related to
14 the coronavirus declared by the Secretary of
15 Health and Human Services pursuant to sec-
16 tion 319 of the Public Health Service Act (42
17 U.S.C. 247d);
18 (B) an event related to the coronavirus for
19 which the President declared a major disaster
20 or an emergency under section 401 or 501, re-
21 spectively, of the Robert T. Stafford Disaster
22 Relief and Emergency Assistance Act (42
23 U.S.C. 5170 and 5191); or
24 (C) a national emergency related to the
25 coronavirus declared by the President under

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1 section 201 of the National Emergencies Act
2 (50 U.S.C. 1601 et seq.).
3 (5) SECRETARY.—The term "Secretary" means
4 the Secretary of Education.

5 **SEC. 3503. CAMPUS-BASED AID WAIVERS.**

6 (a) WAIVER OF NON-FEDERAL SHARE REQUIRE-
7 MENT.—Notwithstanding sections 413C(a)(2) and
8 443(b)(5) of the Higher Education Act of 1965 (20
9 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect
10 to funds made available for award years 2019-2020 and
11 2020-2021, the Secretary shall waive the requirement that
12 a participating institution of higher education provide a
13 non-Federal share to match Federal funds provided to the
14 institution for the programs authorized pursuant to sub-
15 part 3 of part A and part C of title IV of the Higher
16 Education Act of 1965 (20 U.S.C. 1070b et seq. and
17 1087–51 et seq.) for all awards made under such pro-
18 grams during such award years, except nothing in this
19 subsection shall affect the non-Federal share requirement
20 under section 443(c)(3) that applies to private for-profit
21 organizations.

22 (b) AUTHORITY TO REALLOCATE.—Notwithstanding
23 sections 413D, 442, and 488 of the Higher Education Act
24 of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during
25 a period of a qualifying emergency, an institution may

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1 transfer up to 100 percent of the institution's unexpended
2 allotment under section 442 of such Act to the institu-
3 tion's allotment under section 413D of such Act, but may
4 not transfer any funds from the institution's unexpended
5 allotment under section 413D of such Act to the institu-
6 tion's allotment under section 442 of such Act.

7 **SEC. 3504. USE OF SUPPLEMENTAL EDUCATIONAL OPPOR-**
8 **TUNITY GRANTS FOR EMERGENCY AID.**

9 (a) IN GENERAL.—Notwithstanding section 413B of
10 the Higher Education Act of 1965 (20 U.S.C. 1070b–1),
11 an institution of higher education may reserve any amount
12 of an institution's allocation under subpart 3 of part A
13 of title IV of the Higher Education Act of 1965 (20 U.S.C.
14 1070b et seq.) for a fiscal year to award, in such fiscal
15 year, emergency financial aid grants to assist under-
16 graduate or graduate students for unexpected expenses
17 and unmet financial need as the result of a qualifying
18 emergency.

19 (b) DETERMINATIONS.—In determining eligibility for
20 and awarding emergency financial aid grants under this
21 section, an institution of higher education may—

22 (1) waive the amount of need calculation under
23 section 471 of the Higher Education Act of 1965
24 (20 U.S.C. 1087kk);

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1 (2) allow for a student affected by a qualifying
2 emergency to receive funds in an amount that is not
3 more than the maximum Federal Pell Grant for the
4 applicable award year; and
5 (3) utilize a contract with a scholarship-grant-
6 ing organization designated for the sole purpose of
7 accepting applications from or disbursing funds to
8 students enrolled in the institution of higher edu-
9 cation, if such scholarship-granting organization dis-
10 burses the full allocated amount provided to the in-
11 stitution of higher education to the recipients.
12 (c) SPECIAL RULE.—Any emergency financial aid
13 grants to students under this section shall not be treated
14 as other financial assistance for the purposes of section
15 471 of the Higher Education Act of 1965 (20 U.S.C.
16 1087kk).

17 **SEC. 3505. FEDERAL WORK-STUDY DURING A QUALIFYING**
18 **EMERGENCY.**

19 (a) IN GENERAL.—In the event of a qualifying emer-
20 gency, an institution of higher education participating in
21 the program under part C of title IV of the Higher Edu-
22 cation Act of 1965 (20 U.S.C. 1087–51 et seq.) may make
23 payments under such part to affected work-study stu-
24 dents, for the period of time (not to exceed one academic
25 year) in which affected students were unable to fulfill the

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1 students' work-study obligation for all or part of such aca-
2 demic year due to such qualifying emergency, as follows:
3 (1) Payments may be made under such part to
4 affected work-study students in an amount equal to
5 or less than the amount of wages such students
6 would have been paid under such part had the stu-
7 dents been able to complete the work obligation nec-
8 essary to receive work study funds, as a one time
9 grant or as multiple payments.
10 (2) Payments shall not be made to any student
11 who was not eligible for work study or was not com-
12 pleting the work obligation necessary to receive work
13 study funds under such part prior to the occurrence
14 of the qualifying emergency.
15 (3) Any payments made to affected work-study
16 students under this subsection shall meet the match-
17 ing requirements of section 443 of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1087–53), unless
19 such matching requirements are waived by the Sec-
20 retary.
21 (b) DEFINITION OF AFFECTED WORK-STUDY STU-
22 DENT.—In this section, the term "affected work-study
23 student" means a student enrolled at an eligible institu-
24 tion participating in the program under part C of title IV

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of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq.) who—

(1) received a work-study award under section 443 of the Higher Education Act of 1965 (20 U.S.C. 1087–53) for the academic year during which a qualifying emergency occurred;

(2) earned Federal work-study wages from such eligible institution for such academic year; and

(3) was prevented from fulfilling the student's work-study obligation for all or part of such academic year due to such qualifying emergency.

**SEC. 3506. ADJUSTMENT OF SUBSIDIZED LOAN USAGE LIMITS.**

Notwithstanding section 455(q)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087e(q)(3)), the Secretary shall exclude from a student's period of enrollment for purposes of loans made under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) any semester (or the equivalent) that the student does not complete due to a qualifying emergency, if the Secretary is able to administer such policy in a manner that limits complexity and the burden on the student.

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1 **SEC. 3507. EXCLUSION FROM FEDERAL PELL GRANT DURA-**
2 **TION LIMIT.**

3 The Secretary shall exclude from a student's Federal
4 Pell Grant duration limit under section 401(c)(5) of the
5 Higher Education Act of 1965 (2 U.S.C. 1070a(c)(5)) any
6 semester (or the equivalent) that the student does not
7 complete due to a qualifying emergency if the Secretary
8 is able to administer such policy in a manner that limits
9 complexity and the burden on the student.

10 **SEC. 3508. INSTITUTIONAL REFUNDS AND FEDERAL STU-**
11 **DENT LOAN FLEXIBILITY.**

12 (a) INSTITUTIONAL WAIVER.—

13 (1) IN GENERAL.—The Secretary shall waive
14 the institutional requirement under section 484B of
15 the Higher Education Act of 1965 (20 U.S.C.
16 1091b) with respect to the amount of grant or loan
17 assistance (other than assistance received under part
18 C of title IV of such Act) to be returned under such
19 section if a recipient of assistance under title IV of
20 the Higher Education Act of 1965 (20 U.S.C. 1070
21 et seq.) withdraws from the institution of higher
22 education during the payment period or period of
23 enrollment as a result of a qualifying emergency.

24 (2) WAIVERS.—The Secretary shall require
25 each institution using a waiver relating to the with-
26 drawal of recipients under this subsection to report

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1 the number of such recipients, the amount of grant
2 or loan assistance (other than assistance received
3 under part C of title IV of such Act) associated with
4 each such recipient, and the total amount of grant
5 or loan assistance (other than assistance received
6 under part C of title IV of such Act) for which each
7 institution has not returned assistance under title IV
8 to the Secretary.

9 (b) STUDENT WAIVER.—The Secretary shall waive
10 the amounts that students are required to return under
11 section 484B of the Higher Education Act of 1965 (20
12 U.S.C. 1091b) with respect to Federal Pell Grants or
13 other grant assistance if the withdrawals on which the re-
14 turns are based, are withdrawals by students who with-
15 drew from the institution of higher education as a result
16 of a qualifying emergency.

17 (c) CANCELING LOAN OBLIGATION.—Notwith-
18 standing any other provision of the Higher Education Act
19 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall can-
20 cel the borrower's obligation to repay the entire portion
21 of a loan made under part D of title IV of such Act (20
22 U.S.C. 1087a et seq.) associated with a payment period
23 for a recipient of such loan who withdraws from the insti-
24 tution of higher education during the payment period as
25 a result of a qualifying emergency.

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1 (d) APPROVED LEAVE OF ABSENCE.—Notwith-
2 standing any other provision of the Higher Education Act
3 of 1965 (20 U.S.C. 1001 et seq.), for purposes of receiving
4 assistance under title IV of the Higher Education Act of
5 1965 (20 U.S.C. 1070 et seq.), an institution of higher
6 education may, as a result of a qualifying emergency, pro-
7 vide a student with an approved leave of absence that does
8 not require the student to return at the same point in the
9 academic program that the student began the leave of ab-
10 sence if the student returns within the same semester (or
11 the equivalent).

12 **SEC. 3509. SATISFACTORY ACADEMIC PROGRESS.**

13 Notwithstanding section 484 of the Higher Education
14 Act of 1965 (20 U.S.C. 1091), in determining whether a
15 student is maintaining satisfactory academic progress for
16 purposes of title IV of the Higher Education Act of 1965
17 (20 U.S.C. 1070 et seq.), an institution of higher edu-
18 cation may, as a result of a qualifying emergency, exclude
19 from the quantitative component of the calculation any at-
20 tempted credits that were not completed by such student
21 without requiring an appeal by such student.

22 **SEC. 3510. CONTINUING EDUCATION AT AFFECTED FOR-**
23 **EIGN INSTITUTIONS.**

24 (a) IN GENERAL.—Notwithstanding section 481(b)
25 of the Higher Education Act of 1965 (20 U.S.C. 1088(b)),

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1 with respect to a foreign institution, in the case of a public
2 health emergency, major disaster or emergency, or na-
3 tional emergency declared by the applicable government
4 authorities in the country in which the foreign institution
5 is located, the Secretary may permit any part of an other-
6 wise eligible program to be offered via distance education
7 for the duration of such emergency or disaster and the
8 following payment period for purposes of title IV of the
9 Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).
10 (b) ELIGIBILITY.—An otherwise eligible program
11 that is offered in whole or in part through distance edu-
12 cation by a foreign institution between March 1, 2020, and
13 the date of enactment of this Act shall be deemed eligible
14 for the purposes of part D of title IV of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1087a et seq.) for the dura-
16 tion of the qualifying emergency and the following pay-
17 ment period for purposes of title IV of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1070 et seq.). An institu-
19 tion of higher education that uses the authority provided
20 in the previous sentence shall report such use to the Sec-
21 retary—
22 (1) for the 2019–2020 award year, not later
23 than June 30, 2020; and

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1 (2) for an award year subsequent to the 2019–
2 2020 award year, not later than 30 days after such
3 use.
4 (c) REPORT.—Not later than 180 days after the date
5 of enactment of this Act, and every 180 days thereafter
6 for the duration of the qualifying emergency and the fol-
7 lowing payment period, the Secretary shall submit to the
8 authorizing committees (as defined in section 103 of the
9 Higher Education Act of 1965 (20 U.S.C. 1003)) a report
10 that identifies each foreign institution that carried out a
11 distance education program authorized under this section.
12 (d) WRITTEN ARRANGEMENTS.—
13 (1) IN GENERAL.—Notwithstanding section 102
14 of the Higher Education Act of 1965 (20 U.S.C.
15 1002), for the duration of a qualifying emergency
16 and the following payment period, the Secretary may
17 allow a foreign institution to enter into a written ar-
18 rangement with an institution of higher education
19 located in the United States that participates in the
20 Federal Direct Loan Program under part D of title
21 IV of the Higher Education Act of 1965 (20 U.S.C.
22 1087a et seq.) for the purpose of allowing a student
23 of the foreign institution who is a borrower of a loan
24 made under such part to take courses from the insti-

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1 tution of higher education located in the United
2 States.
3 (2) FORM OF ARRANGEMENTS.—
4 (A) PUBLIC OR OTHER NONPROFIT INSTI-
5 TUTIONS.—A foreign institution that is a public
6 or other nonprofit institution may enter into a
7 written arrangement under subsection (a) only
8 with an institution of higher education de-
9 scribed in section 101 of such Act (20 U.S.C.
10 1001).
11 (B) OTHER INSTITUTIONS.—A foreign in-
12 stitution that is a graduate medical school,
13 nursing school, or a veterinary school and that
14 is not a public or other nonprofit institution
15 may enter into a written arrangement under
16 subsection (a) with an institution of higher edu-
17 cation described in section 101 or section 102
18 of such Act (20 U.S.C. 1001 and 1002).
19 (3) REPORT ON USE.—An institution of higher
20 education that uses the authority described in para-
21 graph (2) shall report such use to the Secretary—
22 (A) for the 2019–2020 award year, not
23 later than June 30, 2020; and

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1 (B) for an award year subsequent to the
2 2019–2020 award year, not later than 30 days
3 after such use.
4 (4) REPORT FROM THE SECRETARY.—Not later
5 than 180 days after the date of enactment of this
6 Act, and every 180 days thereafter for the duration
7 of the qualifying emergency and the following pay-
8 ment period, the Secretary shall submit to the au-
9 thorizing committees (as defined in section 103 of
10 the Higher Education Act of 1965 (20 U.S.C.
11 1003)) a report that identifies each foreign institu-
12 tion that entered into a written arrangement author-
13 ized under subsection (a).
14 **SEC. 3511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.**
15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law, the Secretary may, upon the request of a State
17 educational agency or Indian tribe, waive any statutory
18 or regulatory provision described under paragraphs (1)
19 and (2) of subsection (b), and upon the request of a local
20 educational agency, waive any statutory or regulatory pro-
21 vision described under paragraph (2) of subsection (b), if
22 the Secretary determines that such a waiver is necessary
23 and appropriate due to the emergency involving Federal
24 primary responsibility determined to exist by the President
25 under the section 501(b) of the Robert T. Stafford Dis-

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1 aster Relief and Emergency Assistance Act (42 U.S.C.
2 5191(b)) with respect to the Coronavirus Disease 2019
3 (COVID-19).
4 (b) APPLICABLE PROVISIONS OF LAW.—
5 (1) STREAMLINED WAIVERS.—The Secretary
6 shall create an expedited application process to re-
7 quest a waiver and the Secretary may waive any
8 statutory or regulatory requirements for a State
9 educational agency (related to assessments, account-
10 ability, and reporting requirements related to assess-
11 ments and accountability), if the Secretary deter-
12 mines that such a waiver is necessary and appro-
13 priate as described in subsection (a), under the fol-
14 lowing provisions of law:
15 (A) The following provisions under section
16 1111 of the Elementary and Secondary Edu-
17 cation Act of 1965 (20 U.S.C. 6311):
18 (i) Paragraphs (2) and (3) of sub-
19 section (b).
20 (ii) Subsection (c)(4).
21 (iii) Subparagraphs (C) and (D) of
22 subsection (d)(2).
23 (iv) The following provisions under
24 subsection (h) of such section 1111:

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1 (I) Clauses (i), (ii), (iii)(I), (iv),
2 (v), (vi), (vii), and (xi) of paragraph
3 (1)(C).
4 (II) Paragraph (2)(C) with re-
5 spect to the waived requirements
6 under subclause (I).
7 (III) Clauses (i) and (ii) of para-
8 graph (2)(C).
9 (B) Section 421(b) of the General Edu-
10 cation Provisions Act (20 U.S.C. 1225(b)).
11 (2) STATE AND LOCALLY-REQUESTED WAIV-
12 ERS.—For a State educational agency, local edu-
13 cational agency, or Indian tribe that receives funds
14 under a program authorized under the Elementary
15 and Secondary Education Act of 1965 (20 U.S.C.
16 6301 et seq.) that requests a waiver under sub-
17 section (c), the Secretary may waive statutory and
18 regulatory requirements under any of the following
19 provisions of such Act:
20 (A) Section 1114(a)(1).
21 (B) Section 1118(a) and section 8521.
22 (C) Section 1127.
23 (D) Section 4106(d).
24 (E) Subparagraphs (C), (D), and (E) of
25 section 4106(e)(2).

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1 (F) Section 4109(b).
2 (G) The definition under section 8101(42)
3 for purposes of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 6301 et
5 seq.).
6 (3) APPLICABILITY TO CHARTER SCHOOLS.—
7 Any waivers issued by the Secretary under this sec-
8 tion shall be implemented, as applicable—
9 (A) for all public schools, including public
10 charter schools within the boundaries of the re-
11 cipient of the waiver;
12 (B) in accordance with State charter
13 school law; and
14 (C) pursuant to section 1111(c)(5) of the
15 Elementary and Secondary Education Act of
16 1965 (20 U.S.C. 6311(c)(5)).
17 (4) LIMITATION.—Nothing in this section shall
18 be construed to allow the Secretary to waive any
19 statutory or regulatory requirements under applica-
20 ble civil rights laws.
21 (5) ACCOUNTABILITY AND IMPROVEMENT.—
22 Any school located in a State that receives a waiver
23 under paragraph (1) and that is identified for com-
24 prehensive support and improvement, targeted sup-
25 port and improvement, or additional targeted sup-

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1 port in the 2019-2020 school year under section
2 1111(c)(4)(D) or section 1111(d)(2) of the Elemen-
3 tary and Secondary Education Act of 1965 (20
4 U.S.C. 6311(c)(4)(D) or (d)(2)) shall maintain that
5 identification status in the 2020-2021 school year
6 and continue to receive supports and interventions
7 consistent with the school's support and improve-
8 ment plan in the 2020-2021 school year.
9 (c) STATE AND LOCAL REQUESTS FOR WAIVERS.—
10 (1) IN GENERAL.—A State educational agency,
11 local educational agency, or Indian tribe that desires
12 a waiver from any statutory or regulatory provision
13 described under subsection (b)(2), may submit a
14 waiver request to the Secretary in accordance with
15 this subsection.
16 (2) REQUESTS SUBMITTED.—A request for a
17 waiver under this subsection shall—
18 (A) identify the Federal programs affected
19 by the requested waiver;
20 (B) describe which Federal statutory or
21 regulatory requirements are to be waived;
22 (C) describe how the emergency involving
23 Federal primary responsibility determined to
24 exist by the President under the section 501(b)
25 of the Robert T. Stafford Disaster Relief and

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1 Emergency Assistance Act (42 U.S.C. 5191(b))
2 with respect to the Coronavirus Disease 2019
3 (COVID-19) prevents or otherwise restricts the
4 ability of the State, State educational agency,
5 local educational agency, Indian tribe, or school
6 to comply with such statutory or regulatory re-
7 quirements; and
8 (D) provide an assurance that the State
9 educational agency, local educational agency, or
10 Indian tribe will work to mitigate any negative
11 effects, if any, that may occur as a result of the
12 requested waiver.
13 (3) SECRETARY APPROVAL.—
14 (A) IN GENERAL.—Except as provided
15 under subparagraph (B), the Secretary shall
16 approve or disapprove a waiver request sub-
17 mitted under paragraph (1) not more than 30
18 days after the date on which such request is
19 submitted.
20 (B) EXCEPTIONS.—The Secretary may dis-
21 approve a waiver request submitted under para-
22 graph (1), only if the Secretary determines
23 that—
24 (i) the waiver request does not meet
25 the requirements of this section;

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(ii) the waiver is not permitted pursuant to subsection (b)(2); or

(iii) the description required under paragraph (2)(C) provides insufficient information to demonstrate that the waiving of such requirements is necessary or appropriate consistent with subsection (a).

(4) DURATION.—A waiver approved by the Secretary under this section may be for a period not to exceed the 2019–2020 academic year, except to carry out full implementation of any maintenance of effort waivers granted during the 2019–2020 academic year.

(d) REPORTING AND PUBLICATION.—

(1) PUBLIC NOTICE.—A State educational agency, Indian Tribe, or local educational agency requesting a waiver under subsection (b)(2) shall provide the public and all local educational agencies in the State with notice of, and the opportunity to comment on, the request by posting information regarding the waiver request and the process for commenting on the State website.

(2) NOTIFYING CONGRESS.—Not later than 7 days after granting a waiver under this section, the Secretary shall notify the Committee on Health,

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1 Education, Labor, and Pensions of the Senate, the
2 Committee on Appropriations of the Senate, the
3 Committee on Education and Labor of the House of
4 Representatives, and the Committee on Appropria-
5 tions of the House of Representatives of such waiv-
6 er.

7 (3) PUBLICATION.—Not later than 30 days
8 after granting a waiver under this section, the Sec-
9 retary shall publish a notice of the Secretary's deci-
10 sion (including which waiver was granted and the
11 reason for granting the waiver) in the Federal Reg-
12 ister and on the website of the Department of Edu-
13 cation.

14 (4) REPORT.—Not later than 30 days after the
15 date of enactment of this Act, the Secretary shall
16 prepare and submit a report to the Committee on
17 Health, Education, Labor, and Pensions and the
18 Committee on Appropriations of the Senate, and the
19 Committee on Education and Labor and the Com-
20 mittee on Appropriations of the House of Represent-
21 atives, with recommendations on any additional
22 waivers under the Individuals with Disabilities Edu-
23 cation Act (20 U.S.C. 1401 et seq.), the Rehabilita-
24 tion Act of 1973 (29 U.S.C. 701 et seq.), the Ele-
25 mentary and Secondary Education Act of 1965 (20

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1 U.S.C. 6301 et seq.), and the Carl D. Perkins Ca-
2 reer and Technical Education Act of 2006 (20
3 U.S.C. 2301 et seq.) the Secretary believes are nec-
4 essary to be enacted into law to provide limited flexi-
5 bility to States and local educational agencies to
6 meet the needs of students during the emergency in-
7 volving Federal primary responsibility determined to
8 exist by the President under section 501(b) of the
9 Robert T. Stafford Disaster Relief and Emergency
10 Assistance Act (42 U.S.C. 5191(b)) with respect to
11 the Coronavirus Disease 2019 (COVID-19).
12 (e) TERMS.—In this section, the term "State edu-
13 cational agency" includes the Bureau of Indian Education,
14 and the term "local educational agency" includes Bureau
15 of Indian Education funded schools operated pursuant to
16 a grant under the Tribally Controlled Schools Act of 1988
17 (25 U.S.C. 2501 et seq.), or a contract under the Indian
18 Self-Determination and Education Assistance Act (25
19 U.S.C. 5301 et seq.).
20 **SEC. 3512. HBCU CAPITAL FINANCING.**
21 (a) DEFERMENT PERIOD.—
22 (1) IN GENERAL.—Notwithstanding any provi-
23 sion of title III of the Higher Education Act of 1965
24 (20 U.S.C. 1051 et seq.), or any regulation promul-
25 gated under such title, the Secretary may grant a

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1 deferment, for the duration of a qualifying emer-
2 gency, to an institution that has received a loan
3 under part D of title III of such Act (20 U.S.C.
4 1066 et seq.).
5 (2) TERMS.—During the deferment period
6 granted under this subsection—
7 (A) the institution shall not be required to
8 pay any periodic installment of principal or in-
9 terest required under the loan agreement for
10 such loan; and
11 (B) the Secretary shall make principal and
12 interest payments otherwise due under the loan
13 agreement.
14 (3) CLOSING.—At the closing of a loan deferred
15 under this subsection, terms shall be set under
16 which the institution shall be required to repay the
17 Secretary for the payments of principal and interest
18 made by the Secretary during the deferment, on a
19 schedule that begins upon repayment to the lender
20 in full on the loan agreement, except in no case shall
21 repayment be required to begin before the date that
22 is 1 full fiscal year after the date that is the end of
23 the qualifying emergency.
24 (b) TERMINATION DATE.—

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1 (1) IN GENERAL.—The authority provided
2 under this section to grant a loan deferment under
3 subsection (a) shall terminate on the date on which
4 the qualifying emergency is no longer in effect.
5 (2) DURATION.—Any provision of a loan agree-
6 ment or insurance agreement modified by the au-
7 thority under this section shall remain so modified
8 for the duration of the period covered by the loan
9 agreement or insurance agreement.
10 (c) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, and every 180 days thereafter
12 during the period beginning on the first day of the quali-
13 fying emergency and ending on September 30 of the fiscal
14 year following the end of the qualifying emergency, the
15 Secretary shall submit to the authorizing committees (as
16 defined in section 103 of the Higher Education Act of
17 1965 (20 U.S.C. 1003)) a report that identifies each insti-
18 tution that received assistance under this section.
19 (d) FUNDING.—There is hereby appropriated, out of
20 any money in the Treasury not otherwise appropriated,
21 $62,000,000 to carry out this section.
22 **SEC. 3513. TEMPORARY RELIEF FOR FEDERAL STUDENT**
23 **LOAN BORROWERS.**
24 (a) IN GENERAL.—The Secretary shall suspend all
25 payments due for loans made under part D and part B

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1 (that are held by the Department of Education) of title
2 IV of the Higher Education Act of 1965 (20 U.S.C. 1087a
3 et seq.; 1071 et seq.) through September 30, 2020.
4 (b) NO ACCRUAL OF INTEREST.—Notwithstanding
5 any other provision of the Higher Education Act of 1965
6 (20 U.S.C. 1001 et seq.), interest shall not accrue on a
7 loan described under subsection (a) for which payment
8 was suspended for the period of the suspension.
9 (c) CONSIDERATION OF PAYMENTS.—Notwith-
10 standing any other provision of the Higher Education Act
11 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall deem
12 each month for which a loan payment was suspended
13 under this section as if the borrower of the loan had made
14 a payment for the purpose of any loan forgiveness pro-
15 gram or loan rehabilitation program authorized under part
16 D or B of title IV of the Higher Education Act of 1965
17 (20 U.S.C. 1087a et seq.; 1071 et seq.) for which the bor-
18 rower would have otherwise qualified.
19 (d) REPORTING TO CONSUMER REPORTING AGEN-
20 CIES.—During the period in which the Secretary suspends
21 payments on a loan under subsection (a), the Secretary
22 shall ensure that, for the purpose of reporting information
23 about the loan to a consumer reporting agency, any pay-
24 ment that has been suspended is treated as if it were a
25 regularly scheduled payment made by a borrower.

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1 (e) SUSPENDING INVOLUNTARY COLLECTION.—During
2 the period in which the Secretary suspends payments
3 on a loan under subsection (a), the Secretary shall sus-
4 pend all involuntary collection related to the loan, includ-
5 ing—
6 (1) a wage garnishment authorized under sec-
7 tion 488A of the Higher Education Act of 1965 (20
8 U.S.C. 1095a) or section 3720D of title 31, United
9 States Code;
10 (2) a reduction of tax refund by amount of debt
11 authorized under section 3720A of title 31, United
12 States Code, or section 6402(d) of the Internal Rev-
13 enue Code of 1986;
14 (3) a reduction of any other Federal benefit
15 payment by administrative offset authorized under
16 section 3716 of title 31, United States Code (includ-
17 ing a benefit payment due to an individual under the
18 Social Security Act or any other provision described
19 in subsection (c)(3)(A)(i) of such section); and
20 (4) any other involuntary collection activity by
21 the Secretary.
22 (f) WAIVERS.—In carrying out this section, the Sec-
23 retary may waive the application of—

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1 (1) subchapter I of chapter 35 of title 44,
2 United States Code (commonly known as the "Pa-
3 perwork Reduction Act");
4 (2) the master calendar requirements under
5 section 482 of the Higher Education Act of 1965
6 (20 U.S.C. 1089);
7 (3) negotiated rulemaking under section 492 of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1098a); and
10 (4) the requirement to publish the notices re-
11 lated to the system of records of the agency before
12 implementation required under paragraphs (4) and
13 (11) of section 552a(e) of title 5, United States
14 Code (commonly known as the "Privacy Act of
15 1974"), except that the notices shall be published
16 not later than 180 days after the date of enactment
17 of this Act.
18 (g) NOTICE TO BORROWERS AND TRANSITION PE-
19 RIOD.—To inform borrowers of the actions taken in ac-
20 cordance with this section and ensure an effective transi-
21 tion, the Secretary shall—
22 (1) not later than 15 days after the date of en-
23 actment of this Act, notify borrowers—

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1 (A) of the actions taken in accordance with
2 subsections (a) and (b) for whom payments
3 have been suspended and interest waived;
4 (B) of the actions taken in accordance with
5 subsection (e) for whom collections have been
6 suspended;
7 (C) of the option to continue making pay-
8 ments toward principal; and
9 (D) that the program under this section is
10 a temporary program.
11 (2) beginning on August 1, 2020, carry out a
12 program to provide not less than 6 notices by postal
13 mail, telephone, or electronic communication to bor-
14 rowers indicating—
15 (A) when the borrower's normal payment
16 obligations will resume; and
17 (B) that the borrower has the option to en-
18 roll in income-driven repayment, including a
19 brief description of such options.

20 **SEC. 3514. PROVISIONS RELATED TO THE CORPORATION**
21 **FOR NATIONAL AND COMMUNITY SERVICE.**

22 (a) ACCRUAL OF SERVICE HOURS.—
23 (1) ACCRUAL THROUGH OTHER SERVICE
24 HOURS.—

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1 (A) IN GENERAL.—Notwithstanding any
2 other provision of the Domestic Volunteer Serv-
3 ice Act of 1973 (42 U.S.C. 4950 et seq.) or the
4 National and Community Service Act of 1990
5 (42 U.S.C. 12501 et seq.), the Corporation for
6 National and Community Service shall allow an
7 individual described in subparagraph (B) to ac-
8 crue other service hours that will count toward
9 the number of hours needed for the individual's
10 education award.
11 (B) AFFECTED INDIVIDUALS.—Subpara-
12 graph (A) shall apply to any individual serving
13 in a position eligible for an educational award
14 under subtitle D of title I of the National and
15 Community Service Act of 1990 (42 U.S.C.
16 12601 et seq.)—
17 (i) who is performing limited service
18 due to COVID-19; or
19 (ii) whose position has been suspended
20 or placed on hold due to COVID-19.
21 (2) PROVISIONS IN CASE OF EARLY EXIT.—In
22 any case where an individual serving in a position el-
23 igible for an educational award under subtitle D of
24 title I of the National and Community Service Act
25 of 1990 (42 U.S.C. 12601 et seq.) was required to

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exit the position early at the direction of the Corporation for National and Community Service, the Chief Executive Officer of the Corporation for National and Community Service may—

(A) deem such individual as having met the requirements of the position; and

(B) award the individual the full value of the educational award under such subtitle for which the individual would otherwise have been eligible.

(b) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, all funds made available to the Corporation for National and Community Service under any Act, including the amounts appropriated to the Corporation under the headings "OPERATING EXPENSES", "SALARIES AND EXPENSES", and "OFFICE OF THE INSPECTOR GENERAL" under the heading "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE" under title IV of Division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), shall remain available for the fiscal year ending September 30, 2021.

(c) NO REQUIRED RETURN OF GRANT FUNDS.—Notwithstanding section 129(l)(3)(A)(i) of the National and Community Service Act of 1990 (42 U.S.C. 12581(l)(3)(A)(i)), the Chief Executive Officer of the Cor-

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1 poration for National and Community Service may permit
2 fixed-amount grant recipients under such section 129(l)
3 to maintain a pro rata amount of grant funds, at the dis-
4 cretion of the Corporation for National and Community
5 Service, for participants who exited, were suspended, or
6 are serving in a limited capacity due to COVID-19, to en-
7 able the grant recipients to maintain operations and to
8 accept participants.

9 (d) EXTENSION OF TERMS AND AGE LIMITS.—Not-
10 withstanding any other provision of law, the Corporation
11 for National and Community Service may extend the term
12 of service (for a period not to exceed the 1-year period
13 immediately following the end of the national emergency)
14 or waive any upper age limit (except in no case shall the
15 maximum age exceed 26 years of age) for national service
16 programs carried out by the National Civilian Community
17 Corps under subtitle E of title I of the National and Com-
18 munity Service Act of 1990 (42 U.S.C. 12611 et seq.),
19 and the participants in such programs, for the purposes
20 of—

21 (1) addressing disruptions due to COVID-19;
22 and

23 (2) minimizing the difficulty in returning to full
24 operation due to COVID-19 on such programs and
25 participants.

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1 **SEC. 3515. WORKFORCE RESPONSE ACTIVITIES.**

2 (a) ADMINISTRATIVE COSTS.—Notwithstanding sec-
3 tion 128(b)(4) of the Workforce Innovation Opportunity
4 Act (29 U.S.C. 3163(b)(4)), of the total amount allocated
5 to a local area (including the total amount allotted to a
6 single State local area) under subtitle B of title I of such
7 Act (29 U.S.C. 3151 et seq.) for program year 2019, not
8 more than 20 percent of the total amount may be used
9 for the administrative costs of carrying out local workforce
10 investment activities under chapter 2 or chapter 3 of sub-
11 title B of title I of such Act, if the portion of the total
12 amount that exceeds 10 percent of the total amount is
13 used to respond to a qualifying emergency.

14 (b) RAPID RESPONSE ACTIVITIES.—

15 (1) STATEWIDE RAPID RESPONSE.—Of the
16 funds reserved by a Governor for program year 2019
17 for statewide activities under section 128(a) of the
18 Workforce Innovation and Opportunity Act (29
19 U.S.C. 3163(a)) that remain unobligated, such
20 funds may be used for statewide rapid response ac-
21 tivities as described in section 134(a)(2)(A) of such
22 Act (29 U.S.C. 3174(a)(2)(A)) for responding to a
23 qualifying emergency.

24 (2) LOCAL BOARDS.—Of the funds reserved by
25 a Governor for program year 2019 under section
26 133(a)(2) of such Act (29 U.S.C. 3173(a)(2)) that

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1 remain unobligated, such funds may be released
2 within 30 days after the date of enactment of this
3 Act to the local boards most impacted by the
4 coronavirus at the determination of the Governor for
5 rapid response activities related to responding to a
6 qualifying emergency.

7 (c) DEFINITIONS.—Except as otherwise provided, the
8 terms in this section have the meanings given the terms
9 in section 3 of the Workforce Innovation and Opportunity
10 Act (29 U.S.C. 3102).

11 **SEC. 3516. TECHNICAL AMENDMENTS.**

12 (a) IN GENERAL.—

13 (1) Section 6103(a)(3) of the Internal Revenue
14 Code of 1986, as amended by the FUTURE Act
15 (Public Law 116-91), is further amended by striking
16 "(13), (16)" and inserting "(13)(A), (13)(B),
17 (13)(C), (13)(D)(i), (16)".

18 (2) Section 6103(p)(3)(A) of such Code, as so
19 amended, is further amended by striking "(12),"
20 and inserting "(12), (13)(A), (13)(B), (13)(C),
21 (13)(D)(i)".

22 (3) Section 6103(p)(4) of such Code, as so
23 amended, is further amended by striking "(13) or
24 (16)" each place it appears and inserting "(13), or
25 (16)".

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1 (4) Section 6103(p)(4) of such Code, as so
2 amended and as amended by paragraph (3), is fur-
3 ther amended by striking "(13)" each place it ap-
4 pears and inserting "(13)(A), (13)(B), (13)(C),
5 (13)(D)(i)".
6 (5) Section 6103(l)(13)(C)(ii) of such Code, as
7 added by the FUTURE Act (Public Law 116-91), is
8 amended by striking "section 236A(e)(4)" and in-
9 serting "section 263A(e)(4)".
10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply as if included in the enactment
12 of the FUTURE Act (Public Law 116-91).

13 **SEC. 3517. WAIVER AUTHORITY AND REPORTING REQUIRE-**
14 **MENT FOR INSTITUTIONAL AID.**

15 (a) WAIVER AUTHORITY.—Notwithstanding any
16 other provision of the Higher Education Act of 1965
17 (U.S.C. 1001 et seq.), unless enacted with specific ref-
18 erence to this section, for any institution of higher edu-
19 cation that was receiving assistance under title III, title
20 V, or subpart 4 of part A of title VII of such Act (20
21 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) at the
22 time of a qualifying emergency, the Secretary may, for the
23 period beginning on the first day of the qualifying emer-
24 gency and ending on September 30 of the fiscal year fol-
25 lowing the end of the qualifying emergency—

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1 (1) waive—
2 (A) the eligibility data requirements set
3 forth in section 391(d) and 521(e) of the High-
4 er Education Act of 1965 (20 U.S.C. 1068(d);
5 1103(e));
6 (B) the wait-out period set forth in section
7 313(d) of the Higher Education Act of 1965
8 (20 U.S.C. 1059(d));
9 (C) the allotment requirements under
10 paragraphs (2) and (3) of subsection 318(e) of
11 the Higher Education Act of 1965 (20 U.S.C.
12 1059e(e)), and the reference to "the academic
13 year preceding the beginning of that fiscal
14 year" under such section 318(e)(1);
15 (D) the allotment requirements under sub-
16 sections (b), (c), and (g) of section 324 of the
17 Higher Education Act of 1965 (20 U.S.C.
18 1063), the reference to "the end of the school
19 year preceding the beginning of that fiscal
20 year" under such section 324(a), and the ref-
21 erence to "the academic year preceding such
22 fiscal year" under such section 324(h);
23 (E) subparagraphs (A), (C), (D), and (E)
24 of section 326(f)(3) of the Higher Education
25 Act of 1965 (20 U.S.C. 1063b(f)(3)), and ref-

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1 erences to "previous year" under such section
2 326(f)(3)(B);
3 (F) subparagraphs (A), (C), (D), and (E)
4 of section 723(f)(3) and subparagraphs (A),
5 (C), (D), and (E) of section 724(f)(3) of the
6 Higher Education Act of 1965 (20 U.S.C.
7 1136a(f)(3); 1136b(f)(3)), and references to
8 "previous academic year" under subparagraph
9 (B) of such sections 723(f)(3) and 724(f)(3);
10 and
11 (G) the allotment restriction set forth in
12 section 318(d)(4) and section 323(c)(2) of the
13 Higher Education Act of 1965 (20 U.S.C.
14 1059e(d)(4); 1062(c)(2)); and
15 (2) waive or modify any statutory or regulatory
16 provision to ensure that institutions that were re-
17 ceiving assistance under title III, title V, or subpart
18 4 of part A of title VII of such Act (20 U.S.C. 1051
19 et seq.; 1101 et seq.; 1136a et seq.) at the time of
20 a qualifying emergency are not adversely affected by
21 any formula calculation for fiscal year 2020 and for
22 the period beginning on the first day of the quali-
23 fying emergency and ending on September 30 of the
24 fiscal year following the end of the qualifying emer-
25 gency, as necessary.

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1 (b) USE OF UNEXPENDED FUNDS.—Any funds paid
2 to an institution under title III, title V, or subpart 4 of
3 part A of title VII of the Higher Education Act of 1965
4 (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) and
5 not expended or used for the purposes for which the funds
6 were paid to the institution during the 5-year period fol-
7 lowing the date on which the funds were first paid to the
8 institution, may be carried over and expended during the
9 succeeding 5-year period.
10 (c) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, and every 180 days thereafter
12 for the period beginning on the first day of the qualifying
13 emergency and ending on September 30 of the fiscal year
14 following the end of the qualifying emergency, the Sec-
15 retary shall submit to the authorizing committees (as de-
16 fined in section 103 of the Higher Education Act of 1965
17 (20 U.S.C. 1003)) a report that identifies each institution
18 that received a waiver or modification under this section.

19 **SEC. 3518. AUTHORIZED USES AND OTHER MODIFICATIONS**
20 **FOR GRANTS.**

21 (a) IN GENERAL.—The Secretary is authorized to
22 modify the required and allowable uses of funds for grants
23 awarded under part A or B of title III, chapter I or II
24 of subpart 2 of part A of title IV, title V, or subpart 4
25 of part A of title VII of the Higher Education Act of 1965

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1 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1070a–11 et seq.;
2 1070a–21 et seq.; 1101 et seq.; 1136a et seq.) to an insti-
3 tution of higher education or other grant recipient (not
4 including individual recipients of Federal student financial
5 assistance), at the request of an institution of higher edu-
6 cation or other recipient of a grant (not including indi-
7 vidual recipients of Federal student financial assistance)
8 as a result of a qualifying emergency, for the period begin-
9 ning on the first day of the qualifying emergency and end-
10 ing on September 30 of the fiscal year following the end
11 of the qualifying emergency.

12 (b) MATCHING REQUIREMENT MODIFICATIONS.—
13 Notwithstanding any other provision of the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary
15 is authorized to modify any Federal share or other finan-
16 cial matching requirement for a grant awarded on a com-
17 petitive basis or a grant awarded under part A or B of
18 title III or subpart 4 of part A of title VII of the Higher
19 Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et
20 seq.; 1136a et seq.) at the request of an institution of
21 higher education or other grant recipient as a result of
22 a qualifying emergency, for the period beginning on the
23 first day of the qualifying emergency and ending on Sep-
24 tember 30 of the fiscal year following the end of the quali-
25 fying emergency.

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1 (c) REPORTS.—Not later than 180 days after the
2 date of enactment of this Act, and every 180 days there-
3 after for the duration of the period beginning on the first
4 day of the qualifying emergency and ending on September
5 30 of the fiscal year following the end of the qualifying
6 emergency, the Secretary shall submit to the authorizing
7 committees (as defined in section 103 of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1003)) a report that identi-
9 fies each institution of higher education or other grant re-
10 cipient that received a modification under this section.

11 **SEC. 3519. SERVICE OBLIGATIONS FOR TEACHERS.**

12 (a) TEACH GRANTS.—For the purpose of section
13 420N of the Higher Education Act of 1965 (20 U.S.C.
14 1070g–2), during a qualifying emergency, the Secretary—
15 (1) may modify the categories of extenuating
16 circumstances under which a recipient of a grant
17 under subpart 9 of part A of title IV of the Higher
18 Education Act of 1965 (20 U.S.C. 1070g et seq.)
19 who is unable to fulfill all or part of the recipient's
20 service obligation may be excused from fulfilling that
21 portion of the service obligation; and
22 (2) shall consider teaching service that, as a re-
23 sult of a qualifying emergency, is part-time or tem-
24 porarily interrupted, to be full-time service and to

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1 fulfill the service obligations under such section
2 420N.
3 (b) TEACHER LOAN FORGIVENESS.—Notwith-
4 standing section 428J or 460 of the Higher Education Act
5 of 1965 (20 U.S.C. 1078–10; 1087j), the Secretary shall
6 waive the requirements under such sections that years of
7 teaching service shall be consecutive if—
8 (1) the teaching service of a borrower is tempo-
9 rarily interrupted due to a qualifying emergency;
10 and
11 (2) after the temporary interruption due to a
12 qualifying emergency, the borrower resumes teaching
13 service and completes a total of 5 years of qualifying
14 teaching service under such sections, including quali-
15 fying teaching service performed before, during, and
16 after such qualifying emergency.

17 **Subtitle C—Labor Provisions**

18 **SEC. 3601. LIMITATION ON PAID LEAVE.**

19 Section 110(b)(2)(B) of the Family and Medical
20 Leave Act of 1993 (as added by the Emergency Family
21 and Medical Leave Expansion Act) is amended by striking
22 clause (ii) and inserting the following:
23 "(ii) LIMITATION.—An employer shall
24 not be required to pay more than $200 per
25 day and $10,000 in the aggregate for each

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1 employee for paid leave under this sec-
2 tion.".

3 **SEC. 3602. EMERGENCY PAID SICK LEAVE ACT LIMITATION.**

4 Section 5102 of the Emergency Paid Sick Leave Act
5 (division E of the Families First Coronavirus Response
6 Act) is amended by adding at the end the following:

7 "(f) LIMITATIONS.—An employer shall not be re-
8 quired to pay more than either—

9 "(1) $511 per day and $5,110 in the aggregate
10 for each employee, when the employee is taking leave
11 for a reason described in paragraph (1), (2), or (3)
12 of section 5102(a); or

13 "(2) $200 per day and $2,000 in the aggregate
14 for each employee, when the employee is taking leave
15 for a reason described in paragraph (4), (5), or (6)
16 of section 5102(a).".

17 **SEC. 3603. UNEMPLOYMENT INSURANCE.**

18 Section 903(h)(2)(B) of the Social Security Act (42
19 U.S.C. 1103(h)(2)(B)), as added by section 4102 of the
20 Emergency Unemployment Insurance Stabilization and
21 Access Act of 2020, is amended to read as follows:

22 "(B) The State ensures that applications
23 for unemployment compensation, and assistance
24 with the application process, are accessible, to

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1 the extent practicable in at least two of the fol-
2 lowing: in person, by phone, or online.''.

3 **SEC. 3604. OMB WAIVER OF PAID FAMILY AND PAID SICK**
4 **LEAVE.**

5 (a) FAMILY AND MEDICAL LEAVE ACT OF 1993.—
6 Section 110(a) of title I of the Family and Medical Leave
7 Act of 1993 (29 U.S.C. 2611 et seq.) (as added by division
8 C of the Families First Coronavirus Response Act) is
9 amended by adding at the end the following new para-
10 graph:

11 ''(4) The Director of the Office of Management
12 and Budget shall have the authority to exclude for
13 good cause from the requirements under subsection
14 (b) certain employers of the United States Govern-
15 ment with respect to certain categories of Executive
16 Branch employees.''.

17 (b) EMERGENCY PAID SICK LEAVE ACT.—The
18 Emergency Paid Sick Leave Act (division E of the Fami-
19 lies First Coronavirus Response Act) is amended by add-
20 ing at the end the following new section:

21 **''SEC. 5112. AUTHORITY TO EXCLUDE CERTAIN EMPLOYEES.**

22 ''The Director of the Office of Management and
23 Budget shall have the authority to exclude for good cause
24 from the definition of employee under section 5110(1) cer-
25 tain employees described in subparagraphs (E) and (F)

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1 of such section, including by exempting certain United
2 States Government employers covered by section
3 5110(2)(A)(i)(V) from the requirements of this title with
4 respect to certain categories of Executive Branch employ-
5 ees.''.

6 **SEC. 3605. PAID LEAVE FOR REHIRED EMPLOYEES.**

7 Section 110(a)(1)(A) of the Family and Medical
8 Leave Act of 1993, as added by section 3102 of the Emer-
9 gency Family and Medical Leave Expansion Act, is
10 amended to read as follows:

11 ''(A) ELIGIBLE EMPLOYEE.—

12 ''(i) IN GENERAL.—In lieu of the defi-
13 nition in sections 101(2)(A) and
14 101(2)(B)(ii), the term 'eligible employee'
15 means an employee who has been employed
16 for at least 30 calendar days by the em-
17 ployer with respect to whom leave is re-
18 quested under section 102(a)(1)(F).

19 ''(ii) RULE REGARDING REHIRED EM-
20 PLOYEES.—For purposes of clause (i), the
21 term 'employed for at least 30 calendar
22 days', used with respect to an employee
23 and an employer described in clause (i), in-
24 cludes an employee who was laid off by
25 that employer not earlier than March 1,

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2020, had worked for the employer for not less than 30 of the last 60 calendar days prior to the employee's layoff, and was re-hired by the employer.".

**SEC. 3606. ADVANCE REFUNDING OF CREDITS.**

(a) PAYROLL CREDIT FOR REQUIRED PAID SICK LEAVE.—Section 7001 of division G of the Families First Coronavirus Response Act is amended—

(1) in subsection (b)(4)(A)—

(A) by striking "(A) In general.—If the amount" and inserting "(A)(i) Credit is refundable.—If the amount"; and

(B) by adding at the end the following:

"(ii) ADVANCING CREDIT.—In anticipation of the credit, including the refundable portion under clause (i), the credit may be advanced, according to forms and instructions provided by the Secretary, up to an amount calculated under subsection (a), subject to the limits under subsection (b), both calculated through the end of the most recent payroll period in the quarter.";

(2) in subsection (f)—

(A) in paragraph (4), by striking ", and" and inserting a comma;

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1 (B) in paragraph (5), by striking the pe-
2 riod at the end and inserting ", and"; and
3 (C) by adding at the end the following:
4 "(6) regulations or other guidance to permit the
5 advancement of the credit determined under sub-
6 section (a)."; and
7 (3) by inserting after subsection (h) the fol-
8 lowing new subsection:
9 "(i) TREATMENT OF DEPOSITS.—The Secretary of
10 the Treasury (or the Secretary's delegate) shall waive any
11 penalty under section 6656 of the Internal Revenue Code
12 of 1986 for any failure to make a deposit of the tax im-
13 posed by section 3111(a) or 3221(a) of such Code if the
14 Secretary determines that such failure was due to the an-
15 ticipation of the credit allowed under this section.".
16 (b) PAYROLL CREDIT FOR REQUIRED PAID FAMILY
17 LEAVE.—Section 7003 of division G of the Families First
18 Coronavirus Response Act is amended—
19 (1) in subsection (b)(3)—
20 (A) by striking "If the amount" and in-
21 serting "(A) Credit is refundable.—If the
22 amount"; and
23 (B) by adding at the end the following:
24 "(B) ADVANCING CREDIT.—In anticipation
25 of the credit, including the refundable portion

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1 under subparagraph (A), the credit may be ad-
2 vanced, according to forms and instructions
3 provided by the Secretary, up to an amount cal-
4 culated under subsection (a), subject to the lim-
5 its under subsection (b), both calculated
6 through the end of the most recent payroll pe-
7 riod in the quarter.";
8 (2) in subsection (f)—
9 (A) in paragraph (4), by striking ", and"
10 and inserting a comma;
11 (B) in paragraph (5), by striking the pe-
12 riod at the end and inserting ", and"; and
13 (C) by adding at the end the following:
14 "(6) regulations or other guidance to permit the
15 advancement of the credit determined under sub-
16 section (a)."; and
17 (c) by inserting after subsection (h) the following new
18 subsection:
19 "(i) TREATMENT OF DEPOSITS.—The Secretary of
20 the Treasury (or the Secretary's delegate) shall waive any
21 penalty under section 6656 of the Internal Revenue Code
22 of 1986 for any failure to make a deposit of the tax im-
23 posed by section 3111(a) or 3221(a) of such Code if the
24 Secretary determines that such failure was due to the an-
25 ticipation of the credit allowed under this section.".

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1 **SEC. 3607. EXPANSION OF DOL AUTHORITY TO POSTPONE**
2 **CERTAIN DEADLINES.**

3 Section 518 of the Employee Retirement Income Se-
4 curity Act of 1974 (29 U.S.C. 1148) is amended by strik-
5 ing "or a terroristic or military action (as defined in sec-
6 tion 692(c)(2) of such Code), the Secretary may" and in-
7 serting "a terroristic or military action (as defined in sec-
8 tion 692(c)(2) of such Code), or a public health emergency
9 declared by the Secretary of Health and Human Services
10 pursuant to section 319 of the Public Health Service Act,
11 the Secretary may".

12 **SEC. 3608. SINGLE-EMPLOYER PLAN FUNDING RULES.**

13 (a) DELAY IN PAYMENT OF MINIMUM REQUIRED
14 CONTRIBUTIONS.—In the case of any minimum required
15 contribution (as determined under section 430(a) of the
16 Internal Revenue Code of 1986 and section 303(a) of the
17 Employee Retirement Income Security Act of 1974 (29
18 U.S.C. 1083(a))) which (but for this section) would other-
19 wise be due under section 430(j) of such Code (including
20 quarterly contributions under paragraph (3) thereof) and
21 section 303(j) of such Act (29 U.S.C. 1083(j)) (including
22 quarterly contributions under paragraph (3) thereof) dur-
23 ing calendar year 2020—

24 (1) the due date for such contributions shall be
25 January 1, 2021, and

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1 (2) the amount of each such minimum required
2 contribution shall be increased by interest accruing
3 for the period between the original due date (without
4 regard to this section) for the contribution and the
5 payment date, at the effective rate of interest for the
6 plan for the plan year which includes such payment
7 date.

8 (b) BENEFIT RESTRICTION STATUS.—For purposes
9 of section 436 of the Internal Revenue Code of 1986 and
10 section 206(g) of the Employee Retirement Income Secu-
11 rity Act of 1974 (29 U.S.C. 1056(g)), a plan sponsor may
12 elect to treat the plan's adjusted funding target attain-
13 ment percentage for the last plan year ending before Janu-
14 ary 1, 2020, as the adjusted funding target attainment
15 percentage for plan years which include calendar year
16 2020.

17 **SEC. 3609. APPLICATION OF COOPERATIVE AND SMALL EM-**
18 **PLOYER CHARITY PENSION PLAN RULES TO**
19 **CERTAIN CHARITABLE EMPLOYERS WHOSE**
20 **PRIMARY EXEMPT PURPOSE IS PROVIDING**
21 **SERVICES WITH RESPECT TO MOTHERS AND**
22 **CHILDREN.**

23 (a) EMPLOYEE RETIREMENT INCOME SECURITY ACT
24 OF 1974.—Section 210(f)(1) of the Employee Retirement

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1 Income Security Act of 1974 (29 U.S.C. 1060(f)(1)) is
2 amended—
3 (1) by striking "or" at the end of subparagraph
4 (B);
5 (2) by striking the period at the end of sub-
6 paragraph (C)(iv) and inserting "; or"; and
7 (3) by inserting after subparagraph (C) the fol-
8 lowing new subparagraph:
9 "(D) that, as of January 1, 2000, was
10 maintained by an employer—
11 "(i) described in section 501(c)(3) of
12 the Internal Revenue Code of 1986,
13 "(ii) who has been in existence since
14 at least 1938,
15 "(iii) who conducts medical research
16 directly or indirectly through grant mak-
17 ing, and
18 "(iv) whose primary exempt purpose
19 is to provide services with respect to moth-
20 ers and children.".
21 (b) INTERNAL REVENUE CODE OF 1986.—Section
22 414(y)(1) of the Internal Revenue Code of 1986 is amend-
23 ed—
24 (1) by striking "or" at the end of subparagraph
25 (B);

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1 (2) by striking the period at the end of sub-
2 paragraph (C)(iv) and inserting "; or"; and
3 (3) by inserting after subparagraph (C) the fol-
4 lowing new subparagraph:
5 "(D) that, as of January 1, 2000, was
6 maintained by an employer—
7 "(i) described in section 501(c)(3),
8 "(ii) who has been in existence since
9 at least 1938,
10 "(iii) who conducts medical research
11 directly or indirectly through grant mak-
12 ing, and
13 "(iv) whose primary exempt purpose
14 is to provide services with respect to moth-
15 ers and children.".
16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to plan years beginning after De-
18 cember 31, 2018.
19 **SEC. 3610. FEDERAL CONTRACTOR AUTHORITY.**
20 Notwithstanding any other provision of law, and sub-
21 ject to the availability of appropriations, funds made avail-
22 able to an agency by this Act or any other Act may be
23 used by such agency to modify the terms and conditions
24 of a contract, or other agreement, without consideration,
25 to reimburse at the minimum applicable contract billing

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1 rates not to exceed an average of 40 hours per week any
2 paid leave, including sick leave, a contractor provides to
3 keep its employees or subcontractors in a ready state, in-
4 cluding to protect the life and safety of Government and
5 contractor personnel, but in no event beyond September
6 30, 2020. Such authority shall apply only to a contractor
7 whose employees or subcontractors cannot perform work
8 on a site that has been approved by the Federal Govern-
9 ment, including a federally-owned or leased facility or site,
10 due to facility closures or other restrictions, and who can-
11 not telework because their job duties cannot be performed
12 remotely during the public health emergency declared on
13 January 31, 2020 for COVID–19: *Provided*, That the
14 maximum reimbursement authorized by this section shall
15 be reduced by the amount of credit a contractor is allowed
16 pursuant to division G of Public Law 116–127 and any
17 applicable credits a contractor is allowed under this Act.

18 **SEC. 3611. TECHNICAL CORRECTIONS.**

19 (1) Section 110(a)(3) of the Family and Med-
20 ical Leave Act of 1993 (as added by the Emergency
21 and Medical Leave Expansion Act) is amended by
22 striking "553(d)(A)" and inserting "553(d)(3)".

23 (2) Section 5111 of the Emergency Paid Sick
24 Leave Act (division E of the Families First

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1 Coronavirus Response Act) is amended by striking
2 "553(d)(A)" and inserting "553(d)(3)".
3 (3) Section 110(c) of the Family and Medical
4 Leave Act of 1993 (as added by the Emergency and
5 Medical Leave Expansion Act) is amended by strik-
6 ing "subsection (a)(2)(A)(iii)" and inserting "sub-
7 section (a)(2)(A)".
8 (4) Section 3104 of the Emergency Family and
9 Medical Leave Expansion Act (division C of the
10 Families First Coronavirus Response Act) is amend-
11 ed—
12 (A) by striking "110(a)(B)" and inserting
13 "section 110(a)(1)(B) of the Family and Med-
14 ical Leave Act of 1993"; and
15 (B) by striking "section 107(a) for a viola-
16 tion of section 102(a)(1)(F) if the employer
17 does not meet the definition of employer set
18 forth in Section 101(4)(A)(i)" and inserting
19 "section 107(a) of such Act for a violation of
20 section 102(a)(1)(F) of such Act if the em-
21 ployer does not meet the definition of employer
22 set forth in section 101(4)(A)(i) of such Act".
23 (5) Section 5110(1) of the Emergency Paid
24 Sick Leave Act (division E of the Families First
25 Coronavirus Response Act) is amended—

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1 (A) in the matter preceding subparagraph
2 (A), by striking "terms" and inserting "term";
3 and
4 (B) in subparagraph (A)(i), by striking
5 "paragraph (5)(A)" and inserting "paragraph
6 (2)(A)".
7 (6) Section 5110(2)(B)(ii) of the Emergency
8 Paid Sick Leave Act (division E of the Families
9 First Coronavirus Response Act) is amended by
10 striking "clause (i)(IV)" and inserting "clause
11 (i)(III)".
12 (7) Section 110(a)(3) of the Family and Med-
13 ical Leave Act of 1993 (as added by the Emergency
14 and Medical Leave Expansion Act) is amended—
15 (A) by striking "and" after the semicolon
16 at the end of subparagraph (A);
17 (B) by striking the period at end of sub-
18 paragraph (B) and inserting "; and"; and
19 (C) by adding at the end the following:
20 "(C) as necessary to carry out the pur-
21 poses of this Act, including to ensure consist-
22 ency between this Act and Division E and Divi-
23 sion G of the Families First Coronavirus Re-
24 sponse Act.".

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1 (8) Section 5104(1) of the Emergency Paid
2 Sick Leave Act (division E of the Families First
3 Coronavirus Response Act) is amended by striking
4 "and" after the semicolon and inserting "or".
5 (9) Section 5105 of the Emergency Paid Sick
6 Leave Act (division E of the Families First
7 Coronavirus Response Act) is amended by adding at
8 the end the following:
9 "(c) INVESTIGATIONS AND COLLECTION OF DATA.—
10 The Secretary of Labor or his designee may investigate
11 and gather data to ensure compliance with this Act in the
12 same manner as authorized by sections 9 and 11 of the
13 Fair Labor Standards Act of 1938 (29 U.S.C. 209;
14 211).".

15 **Subtitle D—Finance Committee**

16 **SEC. 3701. EXEMPTION FOR TELEHEALTH SERVICES.**

17 (a) IN GENERAL.—Paragraph (2) of section 223(c)
18 of the Internal Revenue Code of 1986 is amended by add-
19 ing at the end the following new subparagraph:
20 "(E) SAFE HARBOR FOR ABSENCE OF DE-
21 DUCTIBLE FOR TELEHEALTH.—In the case of
22 plan years beginning on or before December 31,
23 2021, a plan shall not fail to be treated as a
24 high deductible health plan by reason of failing

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1 to have a deductible for telehealth and other re-
2 mote care services.''.
3 (b) CERTAIN COVERAGE DISREGARDED.—Clause (ii)
4 of section 223(c)(1)(B) of the Internal Revenue Code of
5 1986 is amended by striking ''or long-term care'' and in-
6 serting ''long-term care, or (in the case of plan years be-
7 ginning on or before December 31, 2021) telehealth and
8 other remote care''.
9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on the date of the enactment
11 of this Act.

12 **SEC. 3702. INCLUSION OF CERTAIN OVER-THE-COUNTER**
13 **MEDICAL PRODUCTS AS QUALIFIED MEDICAL**
14 **EXPENSES.**

15 (a) HSAS.—Section 223(d)(2) of the Internal Rev-
16 enue Code of 1986 is amended—
17 (1) by striking the last sentence of subpara-
18 graph (A) and inserting the following: ''For pur-
19 poses of this subparagraph, amounts paid for men-
20 strual care products shall be treated as paid for
21 medical care.''; and
22 (2) by adding at the end the following new sub-
23 paragraph:
24 ''(D) MENSTRUAL CARE PRODUCT.—For
25 purposes of this paragraph, the term 'menstrual

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1 care product' means a tampon, pad, liner, cup,
2 sponge, or similar product used by individuals
3 with respect to menstruation or other genital-
4 tract secretions.''.

5 (b) ARCHER MSAS.—Section 220(d)(2)(A) of such
6 Code is amended by striking the last sentence and insert-
7 ing the following: ''For purposes of this subparagraph,
8 amounts paid for menstrual care products (as defined in
9 section 223(d)(2)(D)) shall be treated as paid for medical
10 care.''.

11 (c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS
12 AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Sec-
13 tion 106 of such Code is amended by striking subsection
14 (f) and inserting the following new subsection:

15 ''(f) REIMBURSEMENTS FOR MENSTRUAL CARE
16 PRODUCTS.—For purposes of this section and section
17 105, expenses incurred for menstrual care products (as
18 defined in section 223(d)(2)(D)) shall be treated as in-
19 curred for medical care.''.

20 (d) EFFECTIVE DATES.—

21 (1) DISTRIBUTIONS FROM SAVINGS AC-
22 COUNTS.—The amendment made by subsections (a)
23 and (b) shall apply to amounts paid after December
24 31, 2019.

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1 (2) REIMBURSEMENTS.—The amendment made
2 by subsection (c) shall apply to expenses incurred
3 after December 31, 2019.

4 **SEC. 3703. INCREASING MEDICARE TELEHEALTH FLEXI-**
5 **BILITIES DURING EMERGENCY PERIOD.**

6 Section 1135 of the Social Security Act (42 U.S.C.
7 1320b–5) is amended—
8 (1) in subsection (b)(8), by striking "to an indi-
9 vidual by a qualified provider (as defined in sub-
10 section (g)(3))" and all that follows through the pe-
11 riod and inserting ", the requirements of section
12 1834(m)."; and
13 (2) in subsection (g), by striking paragraph (3).

14 **SEC. 3704. ENHANCING MEDICARE TELEHEALTH SERVICES**
15 **FOR FEDERALLY QUALIFIED HEALTH CEN-**
16 **TERS AND RURAL HEALTH CLINICS DURING**
17 **EMERGENCY PERIOD.**

18 Section 1834(m) of the Social Security Act (42
19 U.S.C. 1395m(m)) is amended—
20 (1) in the first sentence of paragraph (1), by
21 striking "The Secretary" and inserting "Subject to
22 paragraph (8), the Secretary";
23 (2) in paragraph (2)(A), by striking "The Sec-
24 retary" and inserting "Subject to paragraph (8), the
25 Secretary";

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1 (3) in paragraph (4)—
2 (A) in subparagraph (A), by striking "The
3 term" and inserting "Subject to paragraph (8),
4 the term"; and
5 (B) in subparagraph (F)(i), by striking
6 "The term" and inserting "Subject to para-
7 graph (8), the term"; and
8 (4) by adding at the end the following new
9 paragraph:
10 "(8) ENHANCING TELEHEALTH SERVICES FOR
11 FEDERALLY QUALIFIED HEALTH CENTERS AND
12 RURAL HEALTH CLINICS DURING EMERGENCY PE-
13 RIOD.—
14 "(A) IN GENERAL.—During the emergency
15 period described in section 1135(g)(1)(B)—
16 "(i) the Secretary shall pay for tele-
17 health services that are furnished via a
18 telecommunications system by a Federally
19 qualified health center or a rural health
20 clinic to an eligible telehealth individual en-
21 rolled under this part notwithstanding that
22 the Federally qualified health center or
23 rural clinic providing the telehealth service
24 is not at the same location as the bene-
25 ficiary;

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1 "(ii) the amount of payment to a Fed-
2 erally qualified health center or rural
3 health clinic that serves as a distant site
4 for such a telehealth service shall be deter-
5 mined under subparagraph (B); and
6 "(iii) for purposes of this subsection—
7 "(I) the term 'distant site' in-
8 cludes a Federally qualified health
9 center or rural health clinic that fur-
10 nishes a telehealth service to an eligi-
11 ble telehealth individual; and
12 "(II) the term 'telehealth serv-
13 ices' includes a rural health clinic
14 service or Federally qualified health
15 center service that is furnished using
16 telehealth to the extent that payment
17 codes corresponding to services identi-
18 fied by the Secretary under clause (i)
19 or (ii) of paragraph (4)(F) are listed
20 on the corresponding claim for such
21 rural health clinic service or Federally
22 qualified health center service.
23 "(B) SPECIAL PAYMENT RULE.—
24 "(i) IN GENERAL.—The Secretary
25 shall develop and implement payment

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1 methods that apply under this subsection
2 to a Federally qualified health center or
3 rural health clinic that serves as a distant
4 site that furnishes a telehealth service to
5 an eligible telehealth individual during
6 such emergency period. Such payment
7 methods shall be based on payment rates
8 that are similar to the national average
9 payment rates for comparable telehealth
10 services under the physician fee schedule
11 under section 1848. Notwithstanding any
12 other provision of law, the Secretary may
13 implement such payment methods through
14 program instruction or otherwise.

15 "(ii) EXCLUSION FROM FQHC PPS
16 CALCULATION AND RHC AIR CALCULA-
17 TION.—Costs associated with telehealth
18 services shall not be used to determine the
19 amount of payment for Federally qualified
20 health center services under the prospec-
21 tive payment system under section 1834(o)
22 or for rural health clinic services under the
23 methodology for all-inclusive rates (estab-
24 lished by the Secretary) under section
25 1833(a)(3).".

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1 **SEC. 3705. TEMPORARY WAIVER OF REQUIREMENT FOR**
2 **FACE-TO-FACE VISITS BETWEEN HOME DI-**
3 **ALYSIS PATIENTS AND PHYSICIANS.**

4 Section 1881(b)(3)(B) of the Social Security Act (42
5 U.S.C. 1395rr(b)(3)(B)) is amended—

6 (1) in clause (i), by striking "clause (ii)" and
7 inserting "clauses (ii) and (iii)";

8 (2) in clause (ii), in the matter preceding sub-
9 clause (I), by striking "Clause (i)" and inserting
10 "Except as provided in clause (iii), clause (i)"; and

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

13 "(iii) The Secretary may waive the
14 provisions of clause (ii) during the emer-
15 gency period described in section
16 1135(g)(1)(B).".

17 **SEC. 3706. USE OF TELEHEALTH TO CONDUCT FACE-TO-**
18 **FACE ENCOUNTER PRIOR TO RECERTIFI-**
19 **CATION OF ELIGIBILITY FOR HOSPICE CARE**
20 **DURING EMERGENCY PERIOD.**

21 Section 1814(a)(7)(D)(i) of the Social Security Act
22 (42 U.S.C. 1395f(a)(7(D)(i)) is amended—

23 (1) by striking "a hospice" and inserting "(I)
24 subject to subclause (II), a hospice"; and

25 (2) by inserting after subclause (I), as added by
26 paragraph (1), the following new subclause:

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1 "(II) during the emergency period de-
2 scribed in section 1135(g)(1)(B), a hospice
3 physician or nurse practitioner may con-
4 duct a face-to-face encounter required
5 under this clause via telehealth, as deter-
6 mined appropriate by the Secretary; and".

7 **SEC. 3707. ENCOURAGING USE OF TELECOMMUNICATIONS**
8 **SYSTEMS FOR HOME HEALTH SERVICES FUR-**
9 **NISHED DURING EMERGENCY PERIOD.**

10 With respect to home health services (as defined in
11 section 1861(m) of the Social Security Act (42 U.S.C.
12 1395x(m)) that are furnished during the emergency period
13 described in section 1135(g)(1)(B) of such Act (42 U.S.C.
14 1320b–5(g)(1)(B)), the Secretary of Health and Human
15 Services shall consider ways to encourage the use of tele-
16 communications systems, including for remote patient
17 monitoring as described in section 409.46(e) of title 42,
18 Code of Federal Regulations (or any successor regula-
19 tions) and other communications or monitoring services,
20 consistent with the plan of care for the individual, includ-
21 ing by clarifying guidance and conducting outreach, as ap-
22 propriate.

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1 **SEC. 3708. IMPROVING CARE PLANNING FOR MEDICARE**
2 **HOME HEALTH SERVICES.**
3 (a) PART A PROVISIONS.—Section 1814(a) of the So-
4 cial Security Act (42 U.S.C. 1395f(a)) is amended—
5 (1) in paragraph (2)—
6 (A) in the matter preceding subparagraph
7 (A), by inserting ", a nurse practitioner or clin-
8 ical nurse specialist (as such terms are defined
9 in section 1861(aa)(5)) who is working in ac-
10 cordance with State law, or a physician assist-
11 ant (as defined in section 1861(aa)(5)) under
12 the supervision of a physician, who is" after "in
13 the case of services described in subparagraph
14 (C), a physician"; and
15 (B) in subparagraph (C)—
16 (i) by inserting ", a nurse practi-
17 tioner, a clinical nurse specialist, or a phy-
18 sician assistant (as the case may be)" after
19 "physician" the first 2 times it appears;
20 and
21 (ii) by striking ", and, in the case of
22 a certification made by a physician" and
23 all that follows through "face-to-face en-
24 counter" and inserting ", and, in the case
25 of a certification made by a physician after
26 January 1, 2010, or by a nurse practi-

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1 tioner, clinical nurse specialist, or physi-
2 cian assistant (as the case may be) after a
3 date specified by the Secretary (but in no
4 case later than the date that is 6 months
5 after the date of the enactment of the
6 CARES Act), prior to making such certifi-
7 cation a physician, nurse practitioner, clin-
8 ical nurse specialist, or physician assistant
9 must document that a physician, nurse
10 practitioner, clinical nurse specialist, cer-
11 tified nurse-midwife (as defined in section
12 1861(gg)) as authorized by State law, or
13 physician assistant has had a face-to-face
14 encounter";
15 (2) in the third sentence—
16 (A) by striking "physician certification"
17 and inserting "certification";
18 (B) by inserting "(or in the case of regula-
19 tions to implement the amendments made by
20 section 3708 of the CARES Act, the Secretary
21 shall prescribe regulations, which shall become
22 effective no later than 6 months after the date
23 of the enactment of such Act)" after "1981";
24 and

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1 (C) by striking "a physician who" and in-
2 serting "a physician, nurse practitioner, clinical
3 nurse specialist, or physician assistant who";
4 (3) in the fourth sentence, by inserting ", nurse
5 practitioner, clinical nurse specialist, or physician as-
6 sistant" after "physician"; and
7 (4) in the fifth sentence—
8 (A) by inserting "or no later than 6
9 months after the date of the enactment of the
10 CARES Act for purposes of documentation for
11 certification and recertification made under
12 paragraph (2) by a nurse practitioner, clinical
13 nurse specialist, or physician assistant," after
14 "January 1, 2019"; and
15 (B) by inserting ", nurse practitioner, clin-
16 ical nurse specialist, or physician assistant"
17 after "of the physician".
18 (b) PART B PROVISIONS.—Section 1835(a) of the So-
19 cial Security Act (42 U.S.C. 1395n(a)) is amended—
20 (1) in paragraph (2)—
21 (A) in the matter preceding subparagraph
22 (A), by inserting ", a nurse practitioner or clin-
23 ical nurse specialist (as those terms are defined
24 in section 1861(aa)(5)) who is working in ac-
25 cordance with State law, or a physician assist-

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1 ant (as defined in section 1861(aa)(5)) under
2 the supervision of a physician, who is'' after ''in
3 the case of services described in subparagraph
4 (A), a physician''; and
5 (B) in subparagraph (A)—
6 (i) in each of clauses (ii) and (iii) of
7 subparagraph (A) by inserting '', a nurse
8 practitioner, a clinical nurse specialist, or a
9 physician assistant (as the case may be)''
10 after ''physician''; and
11 (ii) in clause (iv), by striking ''after
12 January 1, 2010'' and all that follows
13 through ''face-to-face encounter'' and in-
14 serting ''made by a physician after Janu-
15 ary 1, 2010, or by a nurse practitioner,
16 clinical nurse specialist, or physician as-
17 sistant (as the case may be) after a date
18 specified by the Secretary (but in no case
19 later than the date that is 6 months after
20 the date of the enactment of the CARES
21 Act), prior to making such certification a
22 physician, nurse practitioner, clinical nurse
23 specialist, or physician assistant must doc-
24 ument that a physician, nurse practitioner,
25 clinical nurse specialist, certified nurse-

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1 midwife (as defined in section 1861(gg)) as
2 authorized by State law, or physician as-
3 sistant has had a face-to-face encounter";
4 (2) in the third sentence, by inserting ", nurse
5 practitioner, clinical nurse specialist, or physician as-
6 sistant (as the case may be)" after physician;
7 (3) in the fourth sentence—
8 (A) by striking "physician certification"
9 and inserting "certification";
10 (B) by inserting "(or in the case of regula-
11 tions to implement the amendments made by
12 section 3708 of the CARES Act the Secretary
13 shall prescribe regulations which shall become
14 effective no later than 6 months after the enact-
15 ment of such Act)" after "1981"; and
16 (C) by striking "a physician who" and in-
17 serting "a physician, nurse practitioner, clinical
18 nurse specialist, or physician assistant who";
19 (4) in the fifth sentence, by inserting ", nurse
20 practitioner, clinical nurse specialist, or physician as-
21 sistant" after "physician"; and
22 (5) in the sixth sentence—
23 (A) by inserting "or no later than 6
24 months after the date of the enactment of the
25 CARES Act for purposes of documentation for

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1 certification and recertification made under
2 paragraph (2) by a nurse practitioner, clinical
3 nurse specialist, or physician assistant," after
4 "January 1, 2019"; and
5 (B) by inserting ", nurse practitioner, clin-
6 ical nurse specialist, or physician assistant"
7 after "of the physician".
8 (c) DEFINITION PROVISIONS.—
9 (1) HOME HEALTH SERVICES.—Section
10 1861(m) of the Social Security Act (42 U.S.C.
11 1395x(m)) is amended—
12 (A) in the matter preceding paragraph
13 (1)—
14 (i) by inserting ", a nurse practitioner
15 or a clinical nurse specialist (as those
16 terms are defined in subsection (aa)(5)), or
17 a physician assistant (as defined in sub-
18 section (aa)(5))" after "physician" the
19 first place it appears; and
20 (ii) by inserting ", a nurse practi-
21 tioner, a clinical nurse specialist, or a phy-
22 sician assistant" after "physician" the sec-
23 ond place it appears; and

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1 (B) in paragraph (3), by inserting ", a
2 nurse practitioner, a clinical nurse specialist, or
3 a physician assistant" after "physician".
4 (2) HOME HEALTH AGENCY.—Section
5 1861(o)(2) of the Social Security Act (42 U.S.C.
6 1395x(o)(2)) is amended—
7 (A) by inserting ", nurse practitioners or
8 clinical nurse specialists (as those terms are de-
9 fined in subsection (aa)(5)), certified nurse-mid-
10 wives (as defined in subsection (gg)), or physi-
11 cian assistants (as defined in subsection
12 (aa)(5))" after "physicians"; and
13 (B) by inserting ", nurse practitioner, clin-
14 ical nurse specialist, certified nurse-midwife,
15 physician assistant," after "physician".
16 (3) COVERED OSTEOPOROSIS DRUG.—Section
17 1861(kk)(1) of the Social Security Act (42 U.S.C.
18 1395x(kk)(1)) is amended by inserting ", nurse
19 practitioner or clinical nurse specialist (as those
20 terms are defined in subsection (aa)(5)), certified
21 nurse-midwife (as defined in subsection (gg)), or
22 physician assistant (as defined in subsection
23 (aa)(5))" after "attending physician".

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1 (d) HOME HEALTH PROSPECTIVE PAYMENT SYSTEM
2 PROVISIONS.—Section 1895 of the Social Security Act (42
3 U.S.C. 1395fff) is amended—
4 (1) in subsection (c)(1)—
5 (A) by striking "(provided under section
6 1842(r))"; and
7 (B) by inserting "the nurse practitioner or
8 clinical nurse specialist (as those terms are de-
9 fined in section 1861(aa)(5)), or the physician
10 assistant (as defined in section 1861(aa)(5))"
11 after "physician"; and
12 (2) in subsection (e)—
13 (A) in paragraph (1)(A), by inserting "a
14 nurse practitioner or clinical nurse specialist, or
15 a physician assistant" after "physician"; and
16 (B) in paragraph (2)—
17 (i) in the heading, by striking "PHY-
18 SICIAN CERTIFICATION" and inserting
19 "RULE OF CONSTRUCTION REGARDING RE-
20 QUIREMENT FOR CERTIFICATION"; and
21 (ii) by striking "physician".
22 (e) APPLICATION TO MEDICAID.—The amendments
23 made under this section shall apply under title XIX of the
24 Social Security Act in the same manner and to the same

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1 extent as such requirements apply under title XVIII of
2 such Act or regulations promulgated thereunder.
3 (f) EFFECTIVE DATE.—The Secretary of Health and
4 Human Services shall prescribe regulations to apply the
5 amendments made by this section to items and services
6 furnished, which shall become effective no later than 6
7 months after the date of the enactment of this legislation.
8 The Secretary shall promulgate an interim final rule if
9 necessary, to comply with the required effective date.

10 **SEC. 3709. ADJUSTMENT OF SEQUESTRATION.**

11 (a) TEMPORARY SUSPENSION OF MEDICARE SE-
12 QUESTRATION.—During the period beginning on May 1,
13 2020 and ending on December 31, 2020, the Medicare
14 programs under title XVIII of the Social Security Act (42
15 U.S.C. 1395 et seq.) shall be exempt from reduction under
16 any sequestration order issued before, on, or after the date
17 of enactment of this Act.
18 (b) EXTENSION OF DIRECT SPENDING REDUCTIONS
19 THROUGH FISCAL YEAR 2030.—Section 251A(6) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985 (2 U.S.C. 901a(6)) is amended—
22 (1) in subparagraph (B), in the matter pre-
23 ceding clause (i), by striking "through 2029" and
24 inserting "through 2030"; and

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1 (2) in subparagraph (C), in the matter pre-
2 ceding clause (i), by striking "fiscal year 2029" and
3 inserting "fiscal year 2030".

4 **SEC. 3710. MEDICARE HOSPITAL INPATIENT PROSPECTIVE**
5 **PAYMENT SYSTEM ADD-ON PAYMENT FOR**
6 **COVID–19 PATIENTS DURING EMERGENCY PE-**
7 **RIOD.**

8 (a) IN GENERAL.—Section 1886(d)(4)(C) of the So-
9 cial Security Act (42 U.S.C. 1395ww(d)(4)(C)) is amend-
10 ed by adding at the end the following new clause:

11 "(iv)(I) For discharges occurring during the emer-
12 gency period described in section 1135(g)(1)(B), in the
13 case of a discharge of an individual diagnosed with
14 COVID–19, the Secretary shall increase the weighting fac-
15 tor that would otherwise apply to the diagnosis-related
16 group to which the discharge is assigned by 20 percent.
17 The Secretary shall identify a discharge of such an indi-
18 vidual through the use of diagnosis codes, condition codes,
19 or other such means as may be necessary.

20 "(II) Any adjustment under subclause (I) shall not
21 be taken into account in applying budget neutrality under
22 clause (iii)

23 "(III) In the case of a State for which the Secretary
24 has waived all or part of this section under the authority
25 of section 1115A, nothing in this section shall preclude

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1 such State from implementing an adjustment similar to
2 the adjustment under subclause (I).''.
3 (b) IMPLEMENTATION.—Notwithstanding any other
4 provision of law, the Secretary may implement the amend-
5 ment made by subsection (a) by program instruction or
6 otherwise.

7 **SEC. 3711. INCREASING ACCESS TO POST-ACUTE CARE DUR-**
8 **ING EMERGENCY PERIOD.**

9 (a) WAIVER OF IRF 3-HOUR RULE.—With respect
10 to inpatient rehabilitation services furnished by a rehabili-
11 tation facility described in section 1886(j)(1) of the Social
12 Security Act (42 U.S.C. 1395ww(j)(1)) during the emer-
13 gency period described in section 1135(g)(1)(B) of the So-
14 cial Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Sec-
15 retary of Health and Human Services shall waive section
16 412.622(a)(3)(ii) of title 42, Code of Federal Regulations
17 (or any successor regulations), relating to the requirement
18 that patients of an inpatient rehabilitation facility receive
19 at least 15 hours of therapy per week.
20 (b) WAIVER OF SITE-NEUTRAL PAYMENT RATE PRO-
21 VISIONS FOR LONG-TERM CARE HOSPITALS.—With re-
22 spect to inpatient hospital services furnished by a long-
23 term care hospital described in section 1886(d)(1)(B)(iv)
24 of the Social Security Act (42 U.S.C.
25 1395ww(d)(1)(B)(iv)) during the emergency period de-

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1 scribed in section 1135(g)(1)(B) of the Social Security Act
2 (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health
3 and Human Services shall waive the following provisions
4 of section 1886(m)(6) of such Act (42 U.S.C.
5 1395ww(m)(6)):
6 (1) LTCH 50-PERCENT RULE.—Subparagraph
7 (C)(ii) of such section, relating to the payment ad-
8 justment for long-term care hospitals that do not
9 have a discharge payment percentage for the period
10 that is at least 50 percent.
11 (2) SITE-NEUTRAL IPPS PAYMENT RATE.—Sub-
12 paragraph (A)(i) of such section, relating to the ap-
13 plication of the site-neutral payment rate (and pay-
14 ment shall be made to a long-term care hospital
15 without regard to such section) for a discharge if the
16 admission occurs during such emergency period and
17 is in response to the public health emergency de-
18 scribed in such section 1135(g)(1)(B).
19 **SEC. 3712. REVISING PAYMENT RATES FOR DURABLE MED-**
20 **ICAL EQUIPMENT UNDER THE MEDICARE**
21 **PROGRAM THROUGH DURATION OF EMER-**
22 **GENCY PERIOD.**
23 (a) RURAL AND NONCONTIGUOUS AREAS.—The Sec-
24 retary of Health and Human Services shall implement sec-
25 tion 414.210(g)(9)(iii) of title 42, Code of Federal Regula-

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1 tions (or any successor regulation), to apply the transition
2 rule described in such section to all applicable items and
3 services furnished in rural areas and noncontiguous areas
4 (as such terms are defined for purposes of such section)
5 as planned through December 31, 2020, and through the
6 duration of the emergency period described in section
7 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
8 1320b–5(g)(1)(B)), if longer.

9 (b) AREAS OTHER THAN RURAL AND NONCONTIG-
10 UOUS AREAS.—With respect to items and services fur-
11 nished on or after the date that is 30 days after the date
12 of the enactment of this Act, the Secretary of Health and
13 Human Services shall apply section 414.210(g)(9)(iv) of
14 title 42, Code of Federal Regulations (or any successor
15 regulation), as if the reference to "dates of service from
16 June 1, 2018 through December 31, 2020, based on the
17 fee schedule amount for the area is equal to 100 percent
18 of the adjusted payment amount established under this
19 section" were instead a reference to "dates of service from
20 March 6, 2020, through the remainder of the duration of
21 the emergency period described in section 1135(g)(1)(B)
22 of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)),
23 based on the fee schedule amount for the area is equal
24 to 75 percent of the adjusted payment amount established

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1 under this section and 25 percent of the unadjusted fee
2 schedule amount''.

3 **SEC. 3713. COVERAGE OF THE COVID-19 VACCINE UNDER**
4 **PART B OF THE MEDICARE PROGRAM WITH-**
5 **OUT ANY COST-SHARING.**

6 (a) MEDICAL AND OTHER HEALTH SERVICES.—Sec-
7 tion 1861(s)(10)(A) of the Social Security Act (42 U.S.C.
8 1395x(s)(10)(A)) is amended by inserting '', and COVID-
9 19 vaccine and its administration'' after ''influenza vac-
10 cine and its administration''.

11 (b) PART B DEDUCTIBLE.—The first sentence of sec-
12 tion 1833(b) of the Social Security Act (42 U.S.C.
13 1395l(b)) is amended—

14 (1) in paragraph (10), by striking ''and'' at the
15 end; and

16 (2) in paragraph (11), by striking the period at
17 the end and inserting '', and (12) such deductible
18 shall not apply with respect a COVID-19 vaccine
19 and its administration described in section
20 1861(s)(10)(A).''.

21 (c) MEDICARE ADVANTAGE.—Section 1852(a)(1)(B)
22 of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B))
23 is amended—

24 (1) in clause (iv)—

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1 (A) by redesignating subclause (VI) as
2 subclause (VII); and
3 (B) by inserting after subclause (V) the
4 following new subclause:
5 "(VI) A COVID-19 vaccine and
6 its administration described in section
7 1861(s)(10)(A)."; and
8 (2) in clause (v), by striking "subclauses (IV)
9 and (V)" inserting "subclauses (IV), (V), and (VI)".
10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on the date of enactment of
12 this Act and shall apply with respect to a COVID-19 vac-
13 cine beginning on the date that such vaccine is licensed
14 under section 351 of the Public Health Service Act (42
15 U.S.C. 262).
16 (e) IMPLEMENTATION.—Notwithstanding any other
17 provision of law, the Secretary may implement the provi-
18 sions of, and the amendments made by, this section by
19 program instruction or otherwise.

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1 **SEC. 3714. REQUIRING MEDICARE PRESCRIPTION DRUG**
2 **PLANS AND MA–PD PLANS TO ALLOW DURING**
3 **THE COVID-19 EMERGENCY PERIOD FOR**
4 **FILLS AND REFILLS OF COVERED PART D**
5 **DRUGS FOR UP TO A 3-MONTH SUPPLY.**

6 (a) IN GENERAL.—Section 1860D–4(b) of the Social
7 Security Act (42 U.S.C. 1395w–104(b)) is amended by
8 adding at the end the following new paragraph:

9 "(4) ENSURING ACCESS DURING COVID-19 PUB-
10 LIC HEALTH EMERGENCY PERIOD.—

11 "(A) IN GENERAL.—During the emergency
12 period described in section 1135(g)(1)(B), sub-
13 ject to subparagraph (B), a prescription drug
14 plan or MA–PD plan shall, notwithstanding any
15 cost and utilization management, medication
16 therapy management, or other such programs
17 under this part, permit a part D eligible indi-
18 vidual enrolled in such plan to obtain in a sin-
19 gle fill or refill, at the option of such individual,
20 the total day supply (not to exceed a 90-day
21 supply) prescribed for such individual for a cov-
22 ered part D drug.

23 "(B) SAFETY EDIT EXCEPTION.—A pre-
24 scription drug plan or MA–PD plan may not
25 permit a part D eligible individual to obtain a

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1 single fill or refill inconsistent with an applica-
2 ble safety edit.".
3 (b) IMPLEMENTATION.—Notwithstanding any other
4 provision of law, the Secretary of Health and Human
5 Services may implement the amendment made by this sec-
6 tion by program instruction or otherwise.

7 **SEC. 3715. PROVIDING HOME AND COMMUNITY-BASED**
8 **SERVICES IN ACUTE CARE HOSPITALS.**

9 Section 1902(h) of the Social Security Act (42 U.S.C.
10 1396a(h)) is amended—
11 (1) by inserting "(1)" after "(h)";
12 (2) by inserting ", home and community-based
13 services provided under subsection (c), (d), or (i) of
14 section 1915 or under a waiver or demonstration
15 project under section 1115, self-directed personal as-
16 sistance services provided pursuant to a written plan
17 of care under section 1915(j), and home and com-
18 munity-based attendant services and supports under
19 section 1915(k)" before the period; and
20 (3) by adding at the end the following:
21 "(2) Nothing in this title, title XVIII, or title XI shall
22 be construed as prohibiting receipt of any care or services
23 specified in paragraph (1) in an acute care hospital that
24 are—

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1 "(A) identified in an individual's person-cen-
2 tered service plan (or comparable plan of care);
3 "(B) provided to meet needs of the individual
4 that are not met through the provision of hospital
5 services;
6 "(C) not a substitute for services that the hos-
7 pital is obligated to provide through its conditions of
8 participation or under Federal or State law, or
9 under another applicable requirement; and
10 "(D) designed to ensure smooth transitions be-
11 tween acute care settings and home and community-
12 based settings, and to preserve the individual's func-
13 tional abilities.".

14 **SEC. 3716. CLARIFICATION REGARDING UNINSURED INDI-**
15 **VIDUALS.**

16 Subsection (ss) of section 1902 of the Social Security
17 Act (42 U.S.C. 1396a), as added by section 6004(a)(3)(C)
18 of the Families First Coronavirus Response Act, is amend-
19 ed—
20 (1) in paragraph (1), by inserting "(excluding
21 subclause (VIII) of such subsection if the individual
22 is a resident of a State which does not furnish med-
23 ical assistance to individuals described in such sub-
24 clause)" before the semicolon; and

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1 (2) in paragraph (2), by inserting ", except that
2 individuals who are eligible for medical assistance
3 under subsection (a)(10)(A)(ii)(XII), subsection
4 (a)(10)(A)(ii)(XVIII), subsection
5 (a)(10)(A)(ii)(XXI), or subsection (a)(10)(C) (but
6 only to the extent such an individual is considered
7 to not have minimum essential coverage under sec-
8 tion 5000A(f)(1) of the Internal Revenue Code of
9 1986), or who are described in subsection (l)(1)(A)
10 and are eligible for medical assistance only because
11 of subsection (a)(10)(A)(i)(IV) or (a)(10)(A)(ii)(IX)
12 and whose eligibility for such assistance is limited by
13 the State under clause (VII) in the matter following
14 subsection (a)(10)(G), shall not be treated as en-
15 rolled in a Federal health care program for purposes
16 of this paragraph" before the period at the end.

17 **SEC. 3717. CLARIFICATION REGARDING COVERAGE OF**
18 **COVID-19 TESTING PRODUCTS.**

19 Subparagraph (B) of section 1905(a)(3) of the Social
20 Security Act (42 U.S.C. 1396d(a)(3)), as added by section
21 6004(a)(1)(C) of the Families First Coronavirus Response
22 Act (Public Law 116–127), is amended by striking "that
23 are approved, cleared, or authorized under section 510(k),
24 513, 515 or 564 of the Federal Food, Drug, and Cosmetic
25 Act".

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1 **SEC. 3718. AMENDMENTS RELATING TO REPORTING RE-**
2 **QUIREMENTS WITH RESPECT TO CLINICAL**
3 **DIAGNOSTIC LABORATORY TESTS.**

4 (a) REVISED REPORTING PERIOD FOR REPORTING
5 OF PRIVATE SECTOR PAYMENT RATES FOR ESTABLISH-
6 MENT OF MEDICARE PAYMENT RATES.—Section
7 1834A(a)(1)(B) of the Social Security Act (42 U.S.C.
8 1395m–1(a)(1)(B)) is amended—

9 (1) in clause (i), by striking ''December 31,
10 2020'' and inserting ''December 31, 2021''; and

11 (2) in clause (ii)—

12 (A) by striking ''January 1, 2021'' and in-
13 serting ''January 1, 2022''; and

14 (B) by striking ''March 31, 2021'' and in-
15 serting ''March 31, 2022''.

16 (b) REVISED PHASE-IN OF REDUCTIONS FROM PRI-
17 VATE PAYOR RATE IMPLEMENTATION.—Section
18 1834A(b)(3) of the Social Security Act (42 U.S.C.
19 1395m–1(b)(3)) is amended—

20 (1) in subparagraph (A), by striking ''through
21 2023'' and inserting ''through 2024''; and

22 (2) in subparagraph (B)—

23 (A) in clause (i), by striking ''and'' at the
24 end;

25 (B) by redesignating clause (ii) as clause
26 (iii);

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1 (C) by inserting after clause (i) the fol-
2 lowing new clause:
3 "(ii) for 2021, 0 percent; and"; and
4 (D) in clause (iii), as redesignated by sub-
5 paragraph (B), by striking "2021 through
6 2023" and inserting "2022 through 2024".

7 **SEC. 3719. EXPANSION OF THE MEDICARE HOSPITAL AC-**
8 **CELERATED PAYMENT PROGRAM DURING**
9 **THE COVID-19 PUBLIC HEALTH EMERGENCY.**

10 Section 1815 of the Social Security Act (42 U.S.C.
11 1395g) is amended—
12 (1) in subsection (e)(3), by striking "In the
13 case" and inserting "Subject to subsection (f), in the
14 case"; and
15 (2) by adding at the end the following new sub-
16 section:
17 "(f)(1) During the emergency period described in sec-
18 tion 1135(g)(1)(B), the Secretary shall expand the pro-
19 gram under subsection (e)(3) pursuant to paragraph (2).
20 "(2) In expanding the program under subsection
21 (e)(3), the following shall apply:
22 "(A)(i) In addition to the hospitals described in
23 subsection (e)(3), the following hospitals shall be eli-
24 gible to participate in the program:

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1 "(I) Hospitals described in clause (iii) of
2 section 1886(d)(1)(B).
3 "(II) Hospitals described in clause (v) of
4 such section.
5 "(III) Critical access hospitals (as defined
6 in section 1861(mm)(1)).
7 "(ii) Subject to appropriate safeguards against
8 fraud, waste, and abuse, upon a request of a hos-
9 pital described in clause (i), the Secretary shall pro-
10 vide accelerated payments under the program to
11 such hospital.
12 "(B) Upon the request of the hospital, the Sec-
13 retary may do any of the following:
14 "(i) Make accelerated payments on a peri-
15 odic or lump sum basis.
16 "(ii) Increase the amount of payment that
17 would otherwise be made to hospitals under the
18 program up to 100 percent (or, in the case of
19 critical access hospitals, up to 125 percent).
20 "(iii) Extend the period that accelerated
21 payments cover so that it covers up to a 6-
22 month period.
23 "(C) Upon the request of the hospital, the Sec-
24 retary shall do the following:

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"(i) Provide up to 120 days before claims are offset to recoup the accelerated payment.

"(ii) Allow not less than 12 months from the date of the first accelerated payment before requiring that the outstanding balance be paid in full.

"(3) Nothing in this subsection shall preclude the Secretary from carrying out the provisions described in clauses (i), (ii), and (iii) of paragraph (2)(B) and clauses (i) and (ii) of paragraph (2)(C) under the program under subsection (e)(3) after the period for which this subsection applies.

"(4) Notwithstanding any other provision of law, the Secretary may implement the provisions of this subsection by program instruction or otherwise.".

**SEC. 3720. DELAYING REQUIREMENTS FOR ENHANCED FMAP TO ENABLE STATE LEGISLATION NECESSARY FOR COMPLIANCE.**

Section 6008 of the Families First Coronavirus Response Act is amended by adding at the end the following new subsection:

"(d) DELAY IN APPLICATION OF PREMIUM REQUIREMENT.—During the 30 day period beginning on the date of enactment of this Act, a State shall not be ineligible for the increase to the Federal medical assistance percent-

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1 age of the State described in subsection (a) on the basis
2 that the State imposes a premium that violates the re-
3 quirement of subsection (b)(2) if such premium was in ef-
4 fect on the date of enactment of this Act.''.

# 5 Subtitle E—Health and Human
# 6 Services Extenders

## 7 PART I—MEDICARE PROVISIONS

### 8 SEC. 3801. EXTENSION OF THE WORK GEOGRAPHIC INDEX
### 9 FLOOR UNDER THE MEDICARE PROGRAM.

10 Section 1848(e)(1)(E) of the Social Security Act (42
11 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''May
12 23, 2020'' and inserting ''December 1, 2020''.

### 13 SEC. 3802. EXTENSION OF FUNDING FOR QUALITY MEAS-
### 14 URE ENDORSEMENT, INPUT, AND SELECTION.

15 (a) IN GENERAL.—Section 1890(d)(2) of the Social
16 Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—
17 (1) in the first sentence, by striking ''and
18 $4,830,000 for the period beginning on October 1,
19 2019, and ending on May 22, 2020'' and inserting
20 ''$20,000,000 for fiscal year 2020, and for the pe-
21 riod beginning on October 1, 2020, and ending on
22 November 30, 2020, the amount equal to the pro
23 rata portion of the amount appropriated for such pe-
24 riod for fiscal year 2020''; and

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1 (2) in the third sentence, by striking "and 2019
2 and for the period beginning on October 1, 2019,
3 and ending on May 22, 2020" and inserting ",
4 2019, and 2020, and for the period beginning on
5 October 1, 2020, and ending on November 30,
6 2020,".
7 (b) EFFECTIVE DATE.—The amendments made by
8 subsection (a) shall take effect as if included in the enact-
9 ment of the Further Consolidated Appropriations Act,
10 2020 (Public Law 116–94).

11 **SEC. 3803. EXTENSION OF FUNDING OUTREACH AND AS-**
12 **SISTANCE FOR LOW-INCOME PROGRAMS.**

13 (a) FUNDING EXTENSIONS.—
14 (1) ADDITIONAL FUNDING FOR STATE HEALTH
15 INSURANCE PROGRAMS.—Subsection (a)(1)(B) of
16 section 119 of the Medicare Improvements for Pa-
17 tients and Providers Act of 2008 (42 U.S.C. 1395b–
18 3 note), as amended by section 3306 of the Patient
19 Protection and Affordable Care Act (Public Law
20 111–148), section 610 of the American Taxpayer
21 Relief Act of 2012 (Public Law 112–240), section
22 1110 of the Pathway for SGR Reform Act of 2013
23 (Public Law 113–67), section 110 of the Protecting
24 Access to Medicare Act of 2014 (Public Law 113–
25 93), section 208 of the Medicare Access and CHIP

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1 Reauthorization Act of 2015 (Public Law 114–10),
2 section 50207 of division E of the Bipartisan Budg-
3 et Act of 2018 (Public Law 115–123), section 1402
4 of division B of the Continuing Appropriations Act,
5 2020, and Health Extenders Act of 2019 (Public
6 Law 116–59), section 1402 of division B of the Fur-
7 ther Continuing Appropriations Act, 2020, and Fur-
8 ther Health Extenders Act of 2019 (Public Law
9 116–69), and section 103 of division N of the Fur-
10 ther Consolidated Appropriations Act, 2020 (Public
11 Law 116–94) is amended by striking clauses (x)
12 through (xii) and inserting the following new
13 clauses:

14 "(x) for fiscal year 2020, of
15 $13,000,000; and

16 "(xi) for the period beginning on Oc-
17 tober 1, 2020, and ending on November
18 30, 2020, the amount equal to the pro rata
19 portion of the amount appropriated for
20 such period for fiscal year 2020.".

21 (2) ADDITIONAL FUNDING FOR AREA AGENCIES
22 ON AGING.—Subsection (b)(1)(B) of such section
23 119, as so amended, is amended by striking clauses
24 (x) through (xii) and inserting the following new
25 clauses:

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1 "(x) for fiscal year 2020, of
2 $7,500,000; and
3 "(xi) for the period beginning on Oc-
4 tober 1, 2020, and ending on November
5 30, 2020, the amount equal to the pro rata
6 portion of the amount appropriated for
7 such period for fiscal year 2020.".
8 (3) ADDITIONAL FUNDING FOR AGING AND DIS-
9 ABILITY RESOURCE CENTERS.—Subsection (c)(1)(B)
10 of such section 119, as so amended, is amended by
11 striking clauses (x) through (xii) and inserting the
12 following new clauses:
13 "(x) for fiscal year 2020, of
14 $5,000,000; and
15 "(xi) for the period beginning on Oc-
16 tober 1, 2020, and ending on November
17 30, 2020, the amount equal to the pro rata
18 portion of the amount appropriated for
19 such period for fiscal year 2020.".
20 (4) ADDITIONAL FUNDING FOR GRANT OR CON-
21 TRACT WITH THE NATIONAL CENTER FOR BENEFITS
22 AND OUTREACH ENROLLMENT.—Subsection (d)(2)
23 of such section 119, as so amended, is amended by
24 striking clauses (x) through (xii) and inserting the
25 following new clauses:

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"(x) for fiscal year 2020, of $12,000,000; and

"(xi) for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94).

## PART II—MEDICAID PROVISIONS

### SEC. 3811. EXTENSION OF THE MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION PROGRAM.

Section 6071(h) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1), by striking subparagraph (G) and inserting the following:

"(G) subject to paragraph (3), $337,500,000 for the period beginning on January 1, 2020, and ending on September 30, 2020; and

"(H) subject to paragraph (3), for the period beginning on October 1, 2020, and ending

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on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020."; and

(2) in paragraph (3), by striking "and (G)" and inserting ", (G), and (H)".

**SEC. 3812. EXTENSION OF SPOUSAL IMPOVERISHMENT PROTECTIONS.**

(a) IN GENERAL.—Section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) is amended by striking "May 22, 2020" and inserting "November 30, 2020".

(b) RULE OF CONSTRUCTION.—Nothing in section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or section 1902(a)(17) or 1924 of the Social Security Act (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as prohibiting a State from—

(1) applying an income or resource disregard under a methodology authorized under section 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

(A) to the income or resources of an individual described in section 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) (including a disregard of the income or resources of such individual's spouse); or

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1 (B) on the basis of an individual's need for
2 home and community-based services authorized
3 under subsection (c), (d), (i), or (k) of section
4 1915 of such Act (42 U.S.C. 1396n) or under
5 section 1115 of such Act (42 U.S.C. 1315); or
6 (2) disregarding an individual's spousal income
7 and assets under a plan amendment to provide med-
8 ical assistance for home and community-based serv-
9 ices for individuals by reason of being determined el-
10 igible under section 1902(a)(10)(C) of such Act (42
11 U.S.C. 1396a(a)(10)(C)) or by reason of section
12 1902(f) of such Act (42 U.S.C. 1396a(f)) or other-
13 wise on the basis of a reduction of income based on
14 costs incurred for medical or other remedial care
15 under which the State disregarded the income and
16 assets of the individual's spouse in determining the
17 initial and ongoing financial eligibility of an indi-
18 vidual for such services in place of the spousal im-
19 poverishment provisions applied under section 1924
20 of such Act (42 U.S.C. 1396r–5).

21 **SEC. 3813. DELAY OF DSH REDUCTIONS.**

22 Section 1923(f)(7)(A) of the Social Security Act (42
23 U.S.C. 1396r–4(f)(7)(A)) is amended—
24 (1) in clause (i), in the matter preceding sub-
25 clause (I), by striking "May 23, 2020, and ending

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1 September 30, 2020, and for each of fiscal years
2 2021'' and inserting ''December 1, 2020, and ending
3 September 30, 2021, and for each of fiscal years
4 2022''; and
5 (2) in clause (ii)—
6 (A) in subclause (I), by striking ''May 23,
7 2020, and ending September 30, 2020'' and in-
8 serting ''December 1, 2020, and ending Sep-
9 tember 30, 2021''; and
10 (B) in subclause (II), by striking ''2021''
11 and inserting ''2022''.

12 **SEC. 3814. EXTENSION AND EXPANSION OF COMMUNITY**
13 **MENTAL HEALTH SERVICES DEMONSTRA-**
14 **TION PROGRAM.**

15 (a) IN GENERAL.—Section 223(d) of the Protecting
16 Access to Medicare Act of 2014 (42 U.S.C. 1396a note)
17 is amended—
18 (1) in paragraph (3)—
19 (A) by striking ''Not more than'' and in-
20 serting ''Subject to paragraph (8), not more
21 than''; and
22 (B) by striking ''May 22, 2020'' and in-
23 serting ''November 30, 2020''; and
24 (2) by adding at the end the following new
25 paragraph:

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1 "(8) ADDITIONAL PROGRAMS.—
2 "(A) IN GENERAL.—Not later than 6
3 months after the date of enactment of this
4 paragraph, in addition to the 8 States selected
5 under paragraph (1), the Secretary shall select
6 2 States to participate in 2-year demonstration
7 programs that meet the requirements of this
8 subsection.
9 "(B) SELECTION OF STATES.—
10 "(i) IN GENERAL.—Subject to clause
11 (ii), in selecting States under this para-
12 graph, the Secretary—
13 "(I) shall select States that—
14 "(aa) were awarded plan-
15 ning grants under subsection (c);
16 and
17 "(bb) applied to participate
18 in the demonstration programs
19 under this subsection under para-
20 graph (1) but, as of the date of
21 enactment of this paragraph,
22 were not selected to participate
23 under paragraph (1); and
24 "(II) shall use the results of the
25 Secretary's evaluation of each State's

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1 application under paragraph (1) to
2 determine which States to select, and
3 shall not require the submission of
4 any additional application.
5 "(C) REQUIREMENTS FOR SELECTED
6 STATES.—Prior to services being delivered
7 under the demonstration authority in a State
8 selected under this paragraph, the State shall—
9 "(i) submit a plan to monitor certified
10 community behavioral health clinics under
11 the demonstration program to ensure com-
12 pliance with certified community behavioral
13 health criteria during the demonstration
14 period; and
15 "(ii) commit to collecting data, noti-
16 fying the Secretary of any planned changes
17 that would deviate from the prospective
18 payment system methodology outlined in
19 the State's demonstration application, and
20 obtaining approval from the Secretary for
21 any such change before implementing the
22 change.".
23 (b) LIMITATION.—Section 223(d)(5) of the Pro-
24 tecting Access to Medicare Act of 2014 (42 U.S.C. 1396a
25 note) is amended—

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1 (1) in subparagraph (B), in the matter pre-
2 ceding clause (i), by striking "The Federal match-
3 ing" and inserting "Subject to subparagraph
4 (C)(iii), the Federal matching"; and
5 (2) in subparagraph (C), by adding at the end
6 the following new clause:
7 "(iii) PAYMENTS FOR AMOUNTS EX-
8 PENDED AFTER 2019.—The Federal match-
9 ing percentage applicable under subpara-
10 graph (B) to amounts expended by a State
11 participating in the demonstration pro-
12 gram under this subsection shall—
13 "(I) in the case of a State par-
14 ticipating in the demonstration pro-
15 gram as of January 1, 2020, apply to
16 amounts expended by the State dur-
17 ing the 8 fiscal quarter period (or any
18 portion of such period) that begins on
19 January 1, 2020; and
20 "(II) in the case of a State se-
21 lected to participate in the demonstra-
22 tion program under paragraph (8),
23 during first 8 fiscal quarter period (or
24 any portion of such period) that the

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1 State participates in a demonstration
2 program.''.
3 (c) GAO STUDY AND REPORT ON THE COMMUNITY
4 AND MENTAL HEALTH SERVICES DEMONSTRATION PRO-
5 GRAM.—
6 (1) IN GENERAL.—Not later than 18 months
7 after the date of the enactment of this Act, the
8 Comptroller General of the United States shall sub-
9 mit to the Committee on Energy and Commerce of
10 the House of Representatives and the Committee on
11 Finance of the Senate a report on the community
12 and mental health services demonstration program
13 conducted under section 223 of the Protecting Ac-
14 cess to Medicare Act of 2014 (42 U.S.C. 1396a
15 note) (referred to in this subsection as the ''dem-
16 onstration program'').
17 (2) CONTENT OF REPORT.—The report re-
18 quired under paragraph (1) shall include the fol-
19 lowing information:
20 (A) Information on States' experiences
21 participating in the demonstration program, in-
22 cluding the extent to which States—
23 (i) measure the effects of access to
24 certified community behavioral health clin-

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1 ics on patient health and cost of care, in-
2 cluding—
3 (I) engagement in treatment for
4 behavioral health conditions;
5 (II) relevant clinical outcomes, to
6 the extent collected;
7 (III) screening and treatment for
8 comorbid medical conditions; and
9 (IV) use of crisis stabilization,
10 emergency department, and inpatient
11 care.
12 (B) Information on Federal efforts to
13 evaluate the demonstration program, includ-
14 ing—
15 (i) quality measures used to evaluate
16 the program;
17 (ii) assistance provided to States on
18 data collection and reporting;
19 (iii) assessments of the reliability and
20 usefulness of State-submitted data; and
21 (iv) the extent to which such efforts
22 provide information on the relative quality,
23 scope, and cost of services as compared
24 with services not provided under the dem-
25 onstration program, and in comparison to

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1 Medicaid beneficiaries with mental illness
2 and substance use disorders not served
3 under the demonstration program.
4 (C) Recommendations for improvements to
5 the following:
6 (i) The reporting, accuracy, and vali-
7 dation of encounter data.
8 (ii) Accuracy in payments to certified
9 community behavioral health clinics under
10 State plans or waivers under title XIX of
11 the Social Security Act (42 U.S.C. 1396 et
12 seq.).

13 **PART III—HUMAN SERVICES AND OTHER**
14 **HEALTH PROGRAMS**

15 **SEC. 3821. EXTENSION OF SEXUAL RISK AVOIDANCE EDU-**
16 **CATION PROGRAM.**

17 Section 510 of the Social Security Act (42 U.S.C.
18 710) is amended—
19 (1) in subsection (a)—
20 (A) in paragraph (1), in the matter pre-
21 ceding subparagraph (A)—
22 (i) by striking "and 2019 and for the
23 period beginning October 1, 2019, and
24 ending May 22, 2020" and inserting
25 "through 2020 and for the period begin-

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1 ning October 1, 2020, and ending Novem-
2 ber 30, 2020''; and
3 (ii) by striking ''fiscal year 2020'' and
4 inserting ''fiscal year 2021''
5 (B) in paragraph (2)(A)—
6 (i) by striking ''and 2019 and for the
7 period beginning October 1, 2019, and
8 ending May 22, 2020'' and inserting
9 ''through 2020 and for the period begin-
10 ning October 1, 2020, and ending Novem-
11 ber 30, 2020''; and
12 (ii) by striking ''fiscal year 2020'' and
13 inserting ''fiscal year 2021''; and
14 (2) in subsection (f)(1), by striking ''and 2019
15 and $48,287,671 for the period beginning October 1,
16 2019, and ending May 22, 2020'' and inserting
17 ''through 2020, and for the period beginning on Oc-
18 tober 1, 2020, and ending on November 30, 2020,
19 the amount equal to the pro rata portion of the
20 amount appropriated for such period for fiscal year
21 2020''.

22 **SEC. 3822. EXTENSION OF PERSONAL RESPONSIBILITY**
23 **EDUCATION PROGRAM.**

24 Section 513 of the Social Security Act (42 U.S.C.
25 713) is amended—

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1 (1) in subsection (a)—
2 (A) in paragraph (1)—
3 (i) in subparagraph (A), in the matter
4 preceding clause (i), by striking "2019 and
5 for the period beginning October 1, 2019,
6 and ending May 22, 2020" and inserting
7 "2020 and for the period beginning Octo-
8 ber 1, 2020, and ending November 30,
9 2020"; and
10 (ii) in subparagraph (B)(i), by strik-
11 ing by striking "October 1, 2019, and end-
12 ing May 22, 2020" and inserting "October
13 1, 2020, and ending November 30, 2020";
14 (2) in paragraph (4)(A), by striking "2019"
15 each place it appears and inserting "2020"; and
16 (3) in subsection (f), by striking "2019 and
17 $48,287,671 for the period beginning October 1,
18 2019, and ending May 22, 2020" and inserting
19 "2020, and for the period beginning on October 1,
20 2020, and ending on November 30, 2020, the
21 amount equal to the pro rata portion of the amount
22 appropriated for such period for fiscal year 2020".

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1 **SEC. 3823. EXTENSION OF DEMONSTRATION PROJECTS TO**
2 **ADDRESS HEALTH PROFESSIONS WORK-**
3 **FORCE NEEDS.**

4 Activities authorized by section 2008 of the Social Se-
5 curity Act shall continue through November 30, 2020, in
6 the manner authorized for fiscal year 2019, and out of
7 any money in the Treasury of the United States not other-
8 wise appropriated, there are hereby appropriated such
9 sums as may be necessary for such purpose. Grants and
10 payments may be made pursuant to this authority through
11 the date so specified at the pro rata portion of the total
12 amount authorized for such activities in fiscal year 2019.

13 **SEC. 3824. EXTENSION OF THE TEMPORARY ASSISTANCE**
14 **FOR NEEDY FAMILIES PROGRAM AND RE-**
15 **LATED PROGRAMS.**

16 Activities authorized by part A of title IV and section
17 1108(b) of the Social Security Act shall continue through
18 November 30, 2020, in the manner authorized for fiscal
19 year 2019, and out of any money in the Treasury of the
20 United States not otherwise appropriated, there are here-
21 by appropriated such sums as may be necessary for such
22 purpose.

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1 **PART IV—PUBLIC HEALTH PROVISIONS**

2 **SEC. 3831. EXTENSION FOR COMMUNITY HEALTH CENTERS,**
3 **THE NATIONAL HEALTH SERVICE CORPS,**
4 **AND TEACHING HEALTH CENTERS THAT OP-**
5 **ERATE GME PROGRAMS.**

6 (a) COMMUNITY HEALTH CENTERS.—Section
7 10503(b)(1)(F) of the Patient Protection and Affordable
8 Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by
9 striking "and $2,575,342,466 for the period beginning on
10 October 1, 2019, and ending on May 22, 2020" and in-
11 serting "$4,000,000,000 for fiscal year 2020, and
12 $668,493,151 for the period beginning on October 1,
13 2020, and ending on November 30, 2020".

14 (b) NATIONAL HEALTH SERVICE CORPS.—Section
15 10503(b)(2) of the Patient Protection and Affordable
16 Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

17 (1) in subparagraph (F), by striking "and" at
18 the end; and

19 (2) by striking subparagraph (G) and inserting
20 the following:

21 "(G) $310,000,000 for fiscal year 2020;
22 and

23 "(H) $51,808,219 for the period beginning
24 on October 1, 2020, and ending on November
25 30, 2020.".

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1 (c) TEACHING HEALTH CENTERS THAT OPERATE
2 GRADUATE MEDICAL EDUCATION PROGRAMS.—Section
3 340H(g)(1) of the Public Health Service Act (42 U.S.C.
4 256h(g)(1)) is amended by striking "and 2019, and
5 $81,445,205 for the period beginning on October 1, 2019,
6 and ending on May 22, 2020" and inserting "through fis-
7 cal year 2020, and $21,141,096 for the period beginning
8 on October 1, 2020, and ending on November 30, 2020".
9 (d) APPLICATION OF PROVISIONS.—Amounts appro-
10 priated pursuant to the amendments made by this section
11 for fiscal year 2020 and for the period beginning on Octo-
12 ber 1, 2020, and ending on November 30, 2020, shall be
13 subject to the requirements contained in Public Law 116–
14 94 for funds for programs authorized under sections 330
15 through 340 of the Public Health Service Act (42 U.S.C.
16 254 through 256).
17 (e) CONFORMING AMENDMENT.—Paragraph (4) of
18 section 3014(h) of title 18, United States Code, as amend-
19 ed by section 401(e) of division N of Public Law 116–
20 94, is amended by striking "section 401(d) of division N
21 of the Further Consolidated Appropriations Act, 2020"
22 and inserting "section 3831 of the CARES Act".
23 **SEC. 3832. DIABETES PROGRAMS.**
24 (a) TYPE I.—Section 330B(b)(2)(D) of the Public
25 Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is

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1 amended by striking "and 2019, and $96,575,342 for the
2 period beginning on October 1, 2019, and ending on May
3 22, 2020" and inserting "through 2020, and $25,068,493
4 for the period beginning on October 1, 2020, and ending
5 on November 30, 2020".

6 (b) INDIANS.—Section 330C(c)(2)(D) of the Public
7 Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is
8 amended by striking "and 2019, and $96,575,342 for the
9 period beginning on October 1, 2019, and ending on May
10 22, 2020" and inserting "through 2020, and $25,068,493
11 for the period beginning on October 1, 2020, and ending
12 on November 30, 2020".

13 **PART V—MISCELLANEOUS PROVISIONS**

14 **SEC. 3841. PREVENTION OF DUPLICATE APPROPRIATIONS**
15 **FOR FISCAL YEAR 2020.**

16 Expenditures made under any provision of law
17 amended in this title pursuant to the amendments made
18 by the Continuing Appropriations Act, 2020, and Health
19 Extenders Act of 2019 (Public Law 116–59), the Further
20 Continuing Appropriations Act, 2020, and Further Health
21 Extenders Act of 2019 (Public Law 116-69), and the Fur-
22 ther Consolidated Appropriations Act, 2020 (Public Law
23 116–94) for fiscal year 2020 shall be charged to the appli-
24 cable appropriation or authorization provided by the

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1 amendments made by this title to such provision of law
2 for such fiscal year.

# 3 Subtitle F—Over-the-Counter
# 4 Drugs

## 5 PART I—OTC DRUG REVIEW

### 6 SEC. 3851. REGULATION OF CERTAIN NONPRESCRIPTION
### 7 DRUGS THAT ARE MARKETED WITHOUT AN
### 8 APPROVED DRUG APPLICATION.

9 (a) IN GENERAL.—Chapter V of the Federal Food,
10 Drug, and Cosmetic Act is amended by inserting after sec-
11 tion 505F of such Act (21 U.S.C. 355g) the following:

### 12 "SEC. 505G. REGULATION OF CERTAIN NONPRESCRIPTION
### 13 DRUGS THAT ARE MARKETED WITHOUT AN
### 14 APPROVED DRUG APPLICATION.

15 "(a) NONPRESCRIPTION DRUGS MARKETED WITH-
16 OUT AN APPROVED APPLICATION.—Nonprescription
17 drugs marketed without an approved drug application
18 under section 505, as of the date of the enactment of this
19 section, shall be treated in accordance with this sub-
20 section.

21 "(1) DRUGS SUBJECT TO A FINAL MONOGRAPH;
22 CATEGORY I DRUGS SUBJECT TO A TENTATIVE
23 FINAL MONOGRAPH.—A drug is deemed to be gen-
24 erally recognized as safe and effective under section

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1 201(p)(1), not a new drug under section 201(p), and
2 not subject to section 503(b)(1), if—
3 "(A) the drug is—
4 "(i) in conformity with the require-
5 ments for nonprescription use of a final
6 monograph issued under part 330 of title
7 21, Code of Federal Regulations (except as
8 provided in paragraph (2)), the general re-
9 quirements for nonprescription drugs, and
10 conditions or requirements under sub-
11 sections (b), (c), and (k); and
12 "(ii) except as permitted by an order
13 issued under subsection (b) or, in the case
14 of a minor change in the drug, in con-
15 formity with an order issued under sub-
16 section (c), in a dosage form that, imme-
17 diately prior to the date of the enactment
18 of this section, has been used to a material
19 extent and for a material time under sec-
20 tion 201(p)(2); or
21 "(B) the drug is—
22 "(i) classified in category I for safety
23 and effectiveness under a tentative final
24 monograph that is the most recently appli-
25 cable proposal or determination issued

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1 under part 330 of title 21, Code of Federal
2 Regulations;
3 "(ii) in conformity with the proposed
4 requirements for nonprescription use of
5 such tentative final monograph, any appli-
6 cable subsequent determination by the Sec-
7 retary, the general requirements for non-
8 prescription drugs, and conditions or re-
9 quirements under subsections (b), (c), and
10 (k); and
11 "(iii) except as permitted by an order
12 issued under subsection (b) or, in the case
13 of a minor change in the drug, in con-
14 formity with an order issued under sub-
15 section (c), in a dosage form that, imme-
16 diately prior to the date of the enactment
17 of this section, has been used to a material
18 extent and for a material time under sec-
19 tion 201(p)(2).
20 "(2) TREATMENT OF SUNSCREEN DRUGS.—
21 With respect to sunscreen drugs subject to this sec-
22 tion, the applicable requirements in terms of con-
23 formity with a final monograph, for purposes of
24 paragraph (1)(A)(i), shall be the requirements speci-
25 fied in part 352 of title 21, Code of Federal Regula-

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1 tions, as published on May 21, 1999, beginning on
2 page 27687 of volume 64 of the Federal Register,
3 except that the applicable requirements governing ef-
4 fectiveness and labeling shall be those specified in
5 section 201.327 of title 21, Code of Federal Regula-
6 tions.

7 "(3) CATEGORY III DRUGS SUBJECT TO A TEN-
8 TATIVE FINAL MONOGRAPH; CATEGORY I DRUGS
9 SUBJECT TO PROPOSED MONOGRAPH OR ADVANCE
10 NOTICE OF PROPOSED RULEMAKING.—A drug that
11 is not described in paragraph (1), (2), or (4) is not
12 required to be the subject of an application approved
13 under section 505, and is not subject to section
14 503(b)(1), if—

15 "(A) the drug is—

16 "(i) classified in category III for safe-
17 ty or effectiveness in the preamble of a
18 proposed rule establishing a tentative final
19 monograph that is the most recently appli-
20 cable proposal or determination for such
21 drug issued under part 330 of title 21,
22 Code of Federal Regulations;

23 "(ii) in conformity with—

24 "(I) the conditions of use, includ-
25 ing indication and dosage strength, if

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1 any, described for such category III
2 drug in such preamble or in an appli-
3 cable subsequent proposed rule;
4 "(II) the proposed requirements
5 for drugs classified in such tentative
6 final monograph in category I in the
7 most recently proposed rule estab-
8 lishing requirements related to such
9 tentative final monograph and in any
10 final rule establishing requirements
11 that are applicable to the drug; and
12 "(III) the general requirements
13 for nonprescription drugs and condi-
14 tions or requirements under sub-
15 section (b) or (k); and
16 "(iii) in a dosage form that, imme-
17 diately prior to the date of the enactment
18 of this section, had been used to a material
19 extent and for a material time under sec-
20 tion 201(p)(2); or
21 "(B) the drug is—
22 "(i) classified in category I for safety
23 and effectiveness under a proposed mono-
24 graph or advance notice of proposed rule-
25 making that is the most recently applicable

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1 proposal or determination for such drug
2 issued under part 330 of title 21, Code of
3 Federal Regulations;
4 "(ii) in conformity with the require-
5 ments for nonprescription use of such pro-
6 posed monograph or advance notice of pro-
7 posed rulemaking, any applicable subse-
8 quent determination by the Secretary, the
9 general requirements for nonprescription
10 drugs, and conditions or requirements
11 under subsection (b) or (k); and
12 "(iii) in a dosage form that, imme-
13 diately prior to the date of the enactment
14 of this section, has been used to a material
15 extent and for a material time under sec-
16 tion 201(p)(2).
17 "(4) CATEGORY II DRUGS DEEMED NEW
18 DRUGS.—A drug that is classified in category II for
19 safety or effectiveness under a tentative final mono-
20 graph or that is subject to a determination to be not
21 generally recognized as safe and effective in a pro-
22 posed rule that is the most recently applicable pro-
23 posal issued under part 330 of title 21, Code of Fed-
24 eral Regulations, shall be deemed to be a new drug
25 under section 201(p), misbranded under section

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1 502(ee), and subject to the requirement for an ap-
2 proved new drug application under section 505 be-
3 ginning on the day that is 180 calendar days after
4 the date of the enactment of this section, unless, be-
5 fore such day, the Secretary determines that it is in
6 the interest of public health to extend the period
7 during which the drug may be marketed without
8 such an approved new drug application.

9 "(5) DRUGS NOT GRASE DEEMED NEW
10 DRUGS.—A drug that the Secretary has determined
11 not to be generally recognized as safe and effective
12 under section 201(p)(1) under a final determination
13 issued under part 330 of title 21, Code of Federal
14 Regulations, shall be deemed to be a new drug under
15 section 201(p), misbranded under section 502(ee),
16 and subject to the requirement for an approved new
17 drug application under section 505.

18 "(6) OTHER DRUGS DEEMED NEW DRUGS.—
19 Except as provided in subsection (m), a drug is
20 deemed to be a new drug under section 201(p) and
21 misbranded under section 502(ee) if the drug—

22 "(A) is not subject to section 503(b)(1);
23 and

24 "(B) is not described in paragraph (1),
25 (2), (3), (4), or (5), or subsection (b)(1)(B).

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1 "(b) ADMINISTRATIVE ORDERS.—
2 "(1) IN GENERAL.—
3 "(A) DETERMINATION.—The Secretary
4 may, on the initiative of the Secretary or at the
5 request of one or more requestors, issue an ad-
6 ministrative order determining whether there
7 are conditions under which a specific drug, a
8 class of drugs, or a combination of drugs, is de-
9 termined to be—
10 "(i) not subject to section 503(b)(1);
11 and
12 "(ii) generally recognized as safe and
13 effective under section 201(p)(1).
14 "(B) EFFECT.—A drug or combination of
15 drugs shall be deemed to not require approval
16 under section 505 if such drug or combination
17 of drugs—
18 "(i) is determined by the Secretary to
19 meet the conditions specified in clauses (i)
20 and (ii) of subparagraph (A);
21 "(ii) is marketed in conformity with
22 an administrative order under this sub-
23 section;
24 "(iii) meets the general requirements
25 for nonprescription drugs; and

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1 "(iv) meets the requirements under
2 subsections (c) and (k).
3 "(C) STANDARD.—The Secretary shall find
4 that a drug is not generally recognized as safe
5 and effective under section 201(p)(1) if—
6 "(i) the evidence shows that the drug
7 is not generally recognized as safe and ef-
8 fective under section 201(p)(1); or
9 "(ii) the evidence is inadequate to
10 show that the drug is generally recognized
11 as safe and effective under section
12 201(p)(1).
13 "(2) ADMINISTRATIVE ORDERS INITIATED BY
14 THE SECRETARY.—
15 "(A) IN GENERAL.—In issuing an adminis-
16 trative order under paragraph (1) upon the
17 Secretary's initiative, the Secretary shall—
18 "(i) make reasonable efforts to notify
19 informally, not later than 2 business days
20 before the issuance of the proposed order,
21 the sponsors of drugs who have a listing in
22 effect under section 510(j) for the drugs or
23 combination of drugs that will be subject
24 to the administrative order;

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1 "(ii) after any such reasonable efforts
2 of notification—
3 "(I) issue a proposed administra-
4 tive order by publishing it on the
5 website of the Food and Drug Admin-
6 istration and include in such order the
7 reasons for the issuance of such order;
8 and
9 "(II) publish a notice of avail-
10 ability of such proposed order in the
11 Federal Register;
12 "(iii) except as provided in subpara-
13 graph (B), provide for a public comment
14 period with respect to such proposed order
15 of not less than 45 calendar days; and
16 "(iv) if, after completion of the pro-
17 ceedings specified in clauses (i) through
18 (iii), the Secretary determines that it is ap-
19 propriate to issue a final administrative
20 order—
21 "(I) issue the final administrative
22 order, together with a detailed state-
23 ment of reasons, which order shall not
24 take effect until the time for request-

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1 ing judicial review under paragraph
2 (3)(D)(ii) has expired;
3 "(II) publish a notice of such
4 final administrative order in the Fed-
5 eral Register;
6 "(III) afford requestors of drugs
7 that will be subject to such order the
8 opportunity for formal dispute resolu-
9 tion up to the level of the Director of
10 the Center for Drug Evaluation and
11 Research, which initially must be re-
12 quested within 45 calendar days of
13 the issuance of the order, and, for
14 subsequent levels of appeal, within 30
15 calendar days of the prior decision;
16 and
17 "(IV) except with respect to
18 drugs described in paragraph (3)(B),
19 upon completion of the formal dispute
20 resolution procedure, inform the per-
21 sons which sought such dispute reso-
22 lution of their right to request a hear-
23 ing.
24 "(B) EXCEPTIONS.—When issuing an ad-
25 ministrative order under paragraph (1) on the

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1 Secretary's initiative proposing to determine
2 that a drug described in subsection (a)(3) is not
3 generally recognized as safe and effective under
4 section 201(p)(1), the Secretary shall follow the
5 procedures in subparagraph (A), except that—
6 "(i) the proposed order shall include
7 notice of—
8 "(I) the general categories of
9 data the Secretary has determined
10 necessary to establish that the drug is
11 generally recognized as safe and effec-
12 tive under section 201(p)(1); and
13 "(II) the format for submissions
14 by interested persons;
15 "(ii) the Secretary shall provide for a
16 public comment period of no less than 180
17 calendar days with respect to such pro-
18 posed order, except when the Secretary de-
19 termines, for good cause, that a shorter pe-
20 riod is in the interest of public health; and
21 "(iii) any person who submits data in
22 such comment period shall include a cer-
23 tification that the person has submitted all
24 evidence created, obtained, or received by
25 that person that is both within the cat-

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1 egories of data identified in the proposed
2 order and relevant to a determination as to
3 whether the drug is generally recognized as
4 safe and effective under section 201(p)(1).
5 "(3) HEARINGS; JUDICIAL REVIEW.—
6 "(A) IN GENERAL.—Only a person who
7 participated in each stage of formal dispute res-
8 olution under subclause (III) of paragraph
9 (2)(A)(iv) of an administrative order with re-
10 spect to a drug may request a hearing con-
11 cerning a final administrative order issued
12 under such paragraph with respect to such
13 drug. If a hearing is sought, such person must
14 submit a request for a hearing, which shall be
15 based solely on information in the administra-
16 tive record, to the Secretary not later than 30
17 calendar days after receiving notice of the final
18 decision of the formal dispute resolution proce-
19 dure.
20 "(B) NO HEARING REQUIRED WITH RE-
21 SPECT TO ORDERS RELATING TO CERTAIN
22 DRUGS.—
23 "(i) IN GENERAL.—The Secretary
24 shall not be required to provide notice and
25 an opportunity for a hearing pursuant to

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1 paragraph (2)(A)(iv) if the final adminis-
2 trative order involved relates to a drug—
3 "(I) that is described in sub-
4 section (a)(3)(A); and
5 "(II) with respect to which no
6 human or non-human data studies rel-
7 evant to the safety or effectiveness of
8 such drug have been submitted to the
9 administrative record since the
10 issuance of the most recent tentative
11 final monograph relating to such
12 drug.
13 "(ii) HUMAN DATA STUDIES AND
14 NON-HUMAN DATA DEFINED.—In this sub-
15 paragraph:
16 "(I) The term 'human data stud-
17 ies' means clinical trials of safety or
18 effectiveness (including actual use
19 studies), pharmacokinetics studies, or
20 bioavailability studies.
21 "(II) The term 'non-human data'
22 means data from testing other than
23 with human subjects which provides
24 information concerning safety or ef-
25 fectiveness.

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1 "(C) HEARING PROCEDURES.—
2 "(i) DENIAL OF REQUEST FOR HEAR-
3 ING.—If the Secretary determines that in-
4 formation submitted in a request for a
5 hearing under subparagraph (A) with re-
6 spect to a final administrative order issued
7 under paragraph (2)(A)(iv) does not iden-
8 tify the existence of a genuine and sub-
9 stantial question of material fact, the Sec-
10 retary may deny such request. In making
11 such a determination, the Secretary may
12 consider only information and data that
13 are based on relevant and reliable scientific
14 principles and methodologies.
15 "(ii) SINGLE HEARING FOR MULTIPLE
16 RELATED REQUESTS.—If more than one
17 request for a hearing is submitted with re-
18 spect to the same administrative order
19 under subparagraph (A), the Secretary
20 may direct that a single hearing be con-
21 ducted in which all persons whose hearing
22 requests were granted may participate.
23 "(iii) PRESIDING OFFICER.—The pre-
24 siding officer of a hearing requested under
25 subparagraph (A) shall—

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1 "(I) be designated by the Sec-
2 retary;
3 "(II) not be an employee of the
4 Center for Drug Evaluation and Re-
5 search; and
6 "(III) not have been previously
7 involved in the development of the ad-
8 ministrative order involved or pro-
9 ceedings relating to that administra-
10 tive order.
11 "(iv) RIGHTS OF PARTIES TO HEAR-
12 ING.—The parties to a hearing requested
13 under subparagraph (A) shall have the
14 right to present testimony, including testi-
15 mony of expert witnesses, and to cross-ex-
16 amine witnesses presented by other parties.
17 Where appropriate, the presiding officer
18 may require that cross-examination by par-
19 ties representing substantially the same in-
20 terests be consolidated to promote effi-
21 ciency and avoid duplication.
22 "(v) FINAL DECISION.—
23 "(I) At the conclusion of a hear-
24 ing requested under subparagraph
25 (A), the presiding officer of the hear-

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1 ing shall issue a decision containing
2 findings of fact and conclusions of
3 law. The decision of the presiding offi-
4 cer shall be final.
5 "(II) The final decision may not
6 take effect until the period under sub-
7 paragraph (D)(ii) for submitting a re-
8 quest for judicial review of such deci-
9 sion expires.
10 "(D) JUDICIAL REVIEW OF FINAL ADMIN-
11 ISTRATIVE ORDER.—
12 "(i) IN GENERAL.—The procedures
13 described in section 505(h) shall apply
14 with respect to judicial review of final ad-
15 ministrative orders issued under this sub-
16 section in the same manner and to the
17 same extent as such section applies to an
18 order described in such section except that
19 the judicial review shall be taken by filing
20 in an appropriate district court of the
21 United States in lieu of the appellate
22 courts specified in such section.
23 "(ii) PERIOD TO SUBMIT A REQUEST
24 FOR JUDICIAL REVIEW.—A person eligible
25 to request a hearing under this paragraph

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1 and seeking judicial review of a final ad-
2 ministrative order issued under this sub-
3 section shall file such request for judicial
4 review not later than 60 calendar days
5 after the latest of—
6 "(I) the date on which notice of
7 such order is published;
8 "(II) the date on which a hearing
9 with respect to such order is denied
10 under subparagraph (B) or (C)(i);
11 "(III) the date on which a final
12 decision is made following a hearing
13 under subparagraph (C)(v); or
14 "(IV) if no hearing is requested,
15 the date on which the time for re-
16 questing a hearing expires.
17 "(4) EXPEDITED PROCEDURE WITH RESPECT
18 TO ADMINISTRATIVE ORDERS INITIATED BY THE
19 SECRETARY.—
20 "(A) IMMINENT HAZARD TO THE PUBLIC
21 HEALTH.—
22 "(i) IN GENERAL.—In the case of a
23 determination by the Secretary that a
24 drug, class of drugs, or combination of
25 drugs subject to this section poses an im-

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1 minent hazard to the public health, the
2 Secretary, after first making reasonable ef-
3 forts to notify, not later than 48 hours be-
4 fore issuance of such order under this sub-
5 paragraph, sponsors who have a listing in
6 effect under section 510(j) for such drug
7 or combination of drugs—
8 "(I) may issue an interim final
9 administrative order for such drug,
10 class of drugs, or combination of
11 drugs under paragraph (1), together
12 with a detailed statement of the rea-
13 sons for such order;
14 "(II) shall publish in the Federal
15 Register a notice of availability of any
16 such order; and
17 "(III) shall provide for a public
18 comment period of at least 45 cal-
19 endar days with respect to such in-
20 terim final order.
21 "(ii) NONDELEGATION.—The Sec-
22 retary may not delegate the authority to
23 issue an interim final administrative order
24 under this subparagraph.
25 "(B) SAFETY LABELING CHANGES.—

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1 "(i) IN GENERAL.—In the case of a
2 determination by the Secretary that a
3 change in the labeling of a drug, class of
4 drugs, or combination of drugs subject to
5 this section is reasonably expected to miti-
6 gate a significant or unreasonable risk of
7 a serious adverse event associated with use
8 of the drug, the Secretary may—
9 "(I) make reasonable efforts to
10 notify informally, not later than 48
11 hours before the issuance of the in-
12 terim final order, the sponsors of
13 drugs who have a listing in effect
14 under section 510(j) for such drug or
15 combination of drugs;
16 "(II) after reasonable efforts of
17 notification, issue an interim final ad-
18 ministrative order in accordance with
19 paragraph (1) to require such change,
20 together with a detailed statement of
21 the reasons for such order;
22 "(III) publish in the Federal
23 Register a notice of availability of
24 such order; and

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1 "(IV) provide for a public com-
2 ment period of at least 45 calendar
3 days with respect to such interim final
4 order.
5 "(ii) CONTENT OF ORDER.—An in-
6 terim final order issued under this sub-
7 paragraph with respect to the labeling of a
8 drug may provide for new warnings and
9 other information required for safe use of
10 the drug.
11 "(C) EFFECTIVE DATE.—An order under
12 subparagraph (A) or (B) shall take effect on a
13 date specified by the Secretary.
14 "(D) FINAL ORDER.—After the completion
15 of the proceedings in subparagraph (A) or (B),
16 the Secretary shall—
17 "(i) issue a final order in accordance
18 with paragraph (1);
19 "(ii) publish a notice of availability of
20 such final administrative order in the Fed-
21 eral Register; and
22 "(iii) afford sponsors of such drugs
23 that will be subject to such an order the
24 opportunity for formal dispute resolution
25 up to the level of the Director of the Cen-

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1 ter for Drug Evaluation and Research,
2 which must initially be within 45 calendar
3 days of the issuance of the order, and for
4 subsequent levels of appeal, within 30 cal-
5 endar days of the prior decision.
6 "(E) HEARINGS.—A sponsor of a drug
7 subject to a final order issued under subpara-
8 graph (D) and that participated in each stage
9 of formal dispute resolution under clause (iii) of
10 such subparagraph may request a hearing on
11 such order. The provisions of subparagraphs
12 (A), (B), and (C) of paragraph (3), other than
13 paragraph (3)(C)(v)(II), shall apply with re-
14 spect to a hearing on such order in the same
15 manner and to the same extent as such provi-
16 sions apply with respect to a hearing on an ad-
17 ministrative order issued under paragraph
18 (2)(A)(iv).
19 "(F) TIMING.—
20 "(i) FINAL ORDER AND HEARING.—
21 The Secretary shall—
22 "(I) not later than 6 months
23 after the date on which the comment
24 period closes under subparagraph (A)

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1 or (B), issue a final order in accord-
2 ance with paragraph (1); and
3 "(II) not later than 12 months
4 after the date on which such final
5 order is issued, complete any hearing
6 under subparagraph (E).
7 "(ii) DISPUTE RESOLUTION RE-
8 QUEST.—The Secretary shall specify in an
9 interim final order issued under subpara-
10 graph (A) or (B) such shorter periods for
11 requesting dispute resolution under sub-
12 paragraph (D)(iii) as are necessary to
13 meet the requirements of this subpara-
14 graph.
15 "(G) JUDICIAL REVIEW.—A final order
16 issued pursuant to subparagraph (F) shall be
17 subject to judicial review in accordance with
18 paragraph (3)(D).
19 "(5) ADMINISTRATIVE ORDER INITIATED AT
20 THE REQUEST OF A REQUESTOR.—
21 "(A) IN GENERAL.—In issuing an adminis-
22 trative order under paragraph (1) at the re-
23 quest of a requestor with respect to certain
24 drugs, classes of drugs, or combinations of
25 drugs—

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1 "(i) the Secretary shall, after receiv-
2 ing a request under this subparagraph, de-
3 termine whether the request is sufficiently
4 complete and formatted to permit a sub-
5 stantive review;
6 "(ii) if the Secretary determines that
7 the request is sufficiently complete and for-
8 matted to permit a substantive review, the
9 Secretary shall—
10 "(I) file the request; and
11 "(II) initiate proceedings with re-
12 spect to issuing an administrative
13 order in accordance with paragraphs
14 (2) and (3); and
15 "(iii) except as provided in paragraph
16 (6), if the Secretary determines that a re-
17 quest does not meet the requirements for
18 filing or is not sufficiently complete and
19 formatted to permit a substantive review,
20 the requestor may demand that the request
21 be filed over protest, and the Secretary
22 shall initiate proceedings to review the re-
23 quest in accordance with paragraph (2)(A).
24 "(B) REQUEST TO INITIATE PRO-
25 CEEDINGS.—

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1 "(i) IN GENERAL.—A requestor seek-
2 ing an administrative order under para-
3 graph (1) with respect to certain drugs,
4 classes of drugs, or combinations of drugs,
5 shall submit to the Secretary a request to
6 initiate proceedings for such order in the
7 form and manner as specified by the Sec-
8 retary. Such requestor may submit a re-
9 quest under this subparagraph for the
10 issuance of an administrative order—
11 "(I) determining whether a drug
12 is generally recognized as safe and ef-
13 fective under section 201(p)(1), ex-
14 empt from section 503(b)(1), and not
15 required to be the subject of an ap-
16 proved application under section 505;
17 or
18 "(II) determining whether a
19 change to a condition of use of a drug
20 is generally recognized as safe and ef-
21 fective under section 201(p)(1), ex-
22 empt from section 503(b)(1), and not
23 required to be the subject of an ap-
24 proved application under section 505,

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1 if, absent such a changed condition of
2 use, such drug is—
3 "(aa) generally recognized
4 as safe and effective under sec-
5 tion 201(p)(1) in accordance with
6 subsection (a)(1), (a)(2), or an
7 order under this subsection; or
8 "(bb) subject to subsection
9 (a)(3), but only if such requestor
10 initiates such request in conjunc-
11 tion with a request for the Sec-
12 retary to determine whether such
13 drug is generally recognized as
14 safe and effective under section
15 201(p)(1), which is filed by the
16 Secretary under subparagraph
17 (A)(ii).
18 "(ii) EXCEPTION.—The Secretary is
19 not required to complete review of a re-
20 quest for a change described in clause
21 (i)(II) if the Secretary determines that
22 there is an inadequate basis to find the
23 drug is generally recognized as safe and ef-
24 fective under section 201(p)(1) under para-

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1 graph (1) and issues a final order an-
2 nouncing that determination.
3 "(iii) WITHDRAWAL.—The requestor
4 may withdraw a request under this para-
5 graph, according to the procedures set
6 forth pursuant to subsection (d)(2)(B).
7 Notwithstanding any other provision of
8 this section, if such request is withdrawn,
9 the Secretary may cease proceedings under
10 this subparagraph.
11 "(C) EXCLUSIVITY.—
12 "(i) IN GENERAL.—A final adminis-
13 trative order issued in response to a re-
14 quest under this section shall have the ef-
15 fect of authorizing solely the order re-
16 questor (or the licensees, assignees, or suc-
17 cessors in interest of such requestor with
18 respect to the subject of such order), for a
19 period of 18 months following the effective
20 date of such final order and beginning on
21 the date the requestor may lawfully market
22 such drugs pursuant to the order, to mar-
23 ket drugs—
24 "(I) incorporating changes de-
25 scribed in clause (ii); and

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1 "(II) subject to the limitations
2 under clause (iv).
3 "(ii) CHANGES DESCRIBED.—A
4 change described in this clause is a change
5 subject to an order specified in clause (i),
6 which—
7 "(I) provides for a drug to con-
8 tain an active ingredient (including
9 any ester or salt of the active ingre-
10 dient) not previously incorporated in a
11 drug described in clause (iii); or
12 "(II) provides for a change in the
13 conditions of use of a drug, for which
14 new human data studies conducted or
15 sponsored by the requestor (or for
16 which the requestor has an exclusive
17 right of reference) were essential to
18 the issuance of such order.
19 "(iii) DRUGS DESCRIBED.—The drugs
20 described in this clause are drugs—
21 "(I) specified in subsection
22 (a)(1), (a)(2), or (a)(3);
23 "(II) subject to a final order
24 issued under this section;

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1 "(III) subject to a final sun-
2 screen order (as defined in section
3 586(2)(A)); or
4 "(IV) described in subsection
5 (m)(1), other than drugs subject to an
6 active enforcement action under chap-
7 ter III of this Act.
8 "(iv) LIMITATIONS ON EXCLU-
9 SIVITY.—
10 "(I) IN GENERAL.—Only one 18-
11 month period under this subpara-
12 graph shall be granted, under each
13 order described in clause (i), with re-
14 spect to changes (to the drug subject
15 to such order) which are either—
16 "(aa) changes described in
17 clause (ii)(I), relating to active
18 ingredients; or
19 "(bb) changes described in
20 clause (ii)(II), relating to condi-
21 tions of use.
22 "(II) NO EXCLUSIVITY AL-
23 LOWED.—No exclusivity shall apply to
24 changes to a drug which are—

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1 "(aa) the subject of a Tier 2
2 OTC monograph order request
3 (as defined in section 744L);
4 "(bb) safety-related changes,
5 as defined by the Secretary, or
6 any other changes the Secretary
7 considers necessary to assure
8 safe use; or
9 "(cc) changes related to
10 methods of testing safety or effi-
11 cacy.
12 "(v) NEW HUMAN DATA STUDIES DE-
13 FINED.—In this subparagraph, the term
14 'new human data studies' means clinical
15 trials of safety or effectiveness (including
16 actual use studies), pharmacokinetics stud-
17 ies, or bioavailability studies, the results of
18 which—
19 "(I) have not been relied on by
20 the Secretary to support—
21 "(aa) a proposed or final de-
22 termination that a drug described
23 in subclause (I), (II), or (III) of
24 clause (iii) is generally recognized

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1 as safe and effective under sec-
2 tion 201(p)(1); or
3 "(bb) approval of a drug
4 that was approved under section
5 505; and
6 "(II) do not duplicate the results
7 of another study that was relied on by
8 the Secretary to support—
9 "(aa) a proposed or final de-
10 termination that a drug described
11 in subclause (I), (II), or (III) of
12 clause (iii) is generally recognized
13 as safe and effective under sec-
14 tion 201(p)(1); or
15 "(bb) approval of a drug
16 that was approved under section
17 505.
18 "(vi) NOTIFICATION OF DRUG NOT
19 AVAILABLE FOR SALE.—A requestor that
20 is granted exclusivity with respect to a
21 drug under this subparagraph shall notify
22 the Secretary in writing within 1 year of
23 the issuance of the final administrative
24 order if the drug that is the subject of
25 such order will not be available for sale

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1 within 1 year of the date of issuance of
2 such order. The requestor shall include
3 with such notice the—
4 "(I) identity of the drug by es-
5 tablished name and by proprietary
6 name, if any;
7 "(II) strength of the drug;
8 "(III) date on which the drug
9 will be available for sale, if known;
10 and
11 "(IV) reason for not marketing
12 the drug after issuance of the order.
13 "(6) INFORMATION REGARDING SAFE NON-
14 PRESCRIPTION MARKETING AND USE AS CONDITION
15 FOR FILING A GENERALLY RECOGNIZED AS SAFE
16 AND EFFECTIVE REQUEST.—
17 "(A) IN GENERAL.—In response to a re-
18 quest under this section that a drug described
19 in subparagraph (B) be generally recognized as
20 safe and effective, the Secretary—
21 "(i) may file such request, if the re-
22 quest includes information specified under
23 subparagraph (C) with respect to safe non-
24 prescription marketing and use of such
25 drug; or

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1 "(ii) if the request fails to include in-
2 formation specified under subparagraph
3 (C), shall refuse to file such request and
4 require that nonprescription marketing of
5 the drug be pursuant to a new drug appli-
6 cation as described in subparagraph (D).
7 "(B) DRUG DESCRIBED.—A drug de-
8 scribed in this subparagraph is a nonprescrip-
9 tion drug which contains an active ingredient
10 not previously incorporated in a drug—
11 "(i) specified in subsection (a)(1),
12 (a)(2), or (a)(3);
13 "(ii) subject to a final order under
14 this section; or
15 "(iii) subject to a final sunscreen
16 order (as defined in section 586(2)(A)).
17 "(C) INFORMATION DEMONSTRATING
18 PRIMA FACIE SAFE NONPRESCRIPTION MAR-
19 KETING AND USE.—Information specified in
20 this subparagraph, with respect to a request de-
21 scribed in subparagraph (A)(i), is—
22 "(i) information sufficient for a prima
23 facie demonstration that the drug subject
24 to such request has a verifiable history of
25 being marketed and safely used by con-

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1 sumers in the United States as a non-
2 prescription drug under comparable condi-
3 tions of use;
4 "(ii) if the drug has not been pre-
5 viously marketed in the United States as a
6 nonprescription drug, information suffi-
7 cient for a prima facie demonstration that
8 the drug was marketed and safely used
9 under comparable conditions of marketing
10 and use in a country listed in section
11 802(b)(1)(A) or designated by the Sec-
12 retary in accordance with section
13 802(b)(1)(B)—
14 "(I) for such period as needed to
15 provide reasonable assurances con-
16 cerning the safe nonprescription use
17 of the drug; and
18 "(II) during such time was sub-
19 ject to sufficient monitoring by a reg-
20 ulatory body considered acceptable by
21 the Secretary for such monitoring
22 purposes, including for adverse events
23 associated with nonprescription use of
24 the drug; or

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1 "(iii) if the Secretary determines that
2 information described in clause (i) or (ii) is
3 not needed to provide a prima facie dem-
4 onstration that the drug can be safely mar-
5 keted and used as a nonprescription drug,
6 such other information the Secretary deter-
7 mines is sufficient for such purposes.
8 "(D) MARKETING PURSUANT TO NEW
9 DRUG APPLICATION.—In the case of a request
10 described in subparagraph (A)(ii), the drug
11 subject to such request may be resubmitted for
12 filing only if—
13 "(i) the drug is marketed as a non-
14 prescription drug, under conditions of use
15 comparable to the conditions specified in
16 the request, for such period as the Sec-
17 retary determines appropriate (not to ex-
18 ceed 5 consecutive years) pursuant to an
19 application approved under section 505;
20 and
21 "(ii) during such period, 1,000,000
22 retail packages of the drug, or an equiva-
23 lent quantity as determined by the Sec-
24 retary, were distributed for retail sale, as

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1 determined in such manner as the Sec-
2 retary finds appropriate.
3 "(E) RULE OF APPLICATION.—Except in
4 the case of a request involving a drug described
5 in section 586(9), as in effect on January 1,
6 2017, if the Secretary refuses to file a request
7 under this paragraph, the requestor may not
8 file such request over protest under paragraph
9 (5)(A)(iii).
10 "(7) PACKAGING.—An administrative order
11 issued under paragraph (2), (4)(A), or (5) may in-
12 clude requirements for the packaging of a drug to
13 encourage use in accordance with labeling. Such re-
14 quirements may include unit dose packaging, re-
15 quirements for products intended for use by pedi-
16 atric populations, requirements to reduce risk of
17 harm from unsupervised ingestion, and other appro-
18 priate requirements. This paragraph does not au-
19 thorize the Food and Drug Administration to re-
20 quire standards or testing procedures as described in
21 part 1700 of title 16, Code of Federal Regulations.
22 "(8) FINAL AND TENTATIVE FINAL MONO-
23 GRAPHS FOR CATEGORY I DRUGS DEEMED FINAL
24 ADMINISTRATIVE ORDERS.—

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1 "(A) IN GENERAL.—A final monograph or
2 tentative final monograph described in subpara-
3 graph (B) shall be deemed to be a final admin-
4 istrative order under this subsection and may
5 be amended, revoked, or otherwise modified in
6 accordance with the procedures of this sub-
7 section.
8 "(B) MONOGRAPHS DESCRIBED.—For pur-
9 poses of subparagraph (A), a final monograph
10 or tentative final monograph is described in this
11 subparagraph if it—
12 "(i) establishes conditions of use for a
13 drug described in paragraph (1) or (2) of
14 subsection (a); and
15 "(ii) represents the most recently pro-
16 mulgated version of such conditions, in-
17 cluding as modified, in whole or in part, by
18 any proposed or final rule.
19 "(C) DEEMED ORDERS INCLUDE HARMO-
20 NIZING TECHNICAL AMENDMENTS.—The
21 deemed establishment of a final administrative
22 order under subparagraph (A) shall be con-
23 strued to include any technical amendments to
24 such order as the Secretary determines nec-
25 essary to ensure that such order is appro-

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1 priately harmonized, in terms of terminology or
2 cross-references, with the applicable provisions
3 of this Act (and regulations thereunder) and
4 any other orders issued under this section.
5 "(c) PROCEDURE FOR MINOR CHANGES.—
6 "(1) IN GENERAL.—Minor changes in the dos-
7 age form of a drug that is described in paragraph
8 (1) or (2) of subsection (a) or the subject of an
9 order issued under subsection (b) may be made by
10 a requestor without the issuance of an order under
11 subsection (b) if—
12 "(A) the requestor maintains such infor-
13 mation as is necessary to demonstrate that the
14 change—
15 "(i) will not affect the safety or effec-
16 tiveness of the drug; and
17 "(ii) will not materially affect the ex-
18 tent of absorption or other exposure to the
19 active ingredient in comparison to a suit-
20 able reference product; and
21 "(B) the change is in conformity with the
22 requirements of an applicable administrative
23 order issued by the Secretary under paragraph
24 (3).
25 "(2) ADDITIONAL INFORMATION.—

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1 "(A) ACCESS TO RECORDS.—A sponsor
2 shall submit records requested by the Secretary
3 relating to such a minor change under section
4 704(a)(4), within 15 business days of receiving
5 such a request, or such longer period as the
6 Secretary may provide.
7 "(B) INSUFFICIENT INFORMATION.—If the
8 Secretary determines that the information con-
9 tained in such records is not sufficient to dem-
10 onstrate that the change does not affect the
11 safety or effectiveness of the drug or materially
12 affect the extent of absorption or other expo-
13 sure to the active ingredient, the Secretary—
14 "(i) may so inform the sponsor of the
15 drug in writing; and
16 "(ii) if the Secretary so informs the
17 sponsor, shall provide the sponsor of the
18 drug with a reasonable opportunity to pro-
19 vide additional information.
20 "(C) FAILURE TO SUBMIT SUFFICIENT IN-
21 FORMATION.—If the sponsor fails to provide
22 such additional information within a time pre-
23 scribed by the Secretary, or if the Secretary de-
24 termines that such additional information does
25 not demonstrate that the change does not—

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1 "(i) affect the safety or effectiveness
2 of the drug; or
3 "(ii) materially affect the extent of
4 absorption or other exposure to the active
5 ingredient in comparison to a suitable ref-
6 erence product,
7 the drug as modified is a new drug under sec-
8 tion 201(p) and shall be deemed to be mis-
9 branded under section 502(ee).
10 "(3) DETERMINING WHETHER A CHANGE WILL
11 AFFECT SAFETY OR EFFECTIVENESS.—
12 "(A) IN GENERAL.—The Secretary shall
13 issue one or more administrative orders speci-
14 fying requirements for determining whether a
15 minor change made by a sponsor pursuant to
16 this subsection will affect the safety or effective-
17 ness of a drug or materially affect the extent of
18 absorption or other exposure to an active ingre-
19 dient in the drug in comparison to a suitable
20 reference product, together with guidance for
21 applying those orders to specific dosage forms.
22 "(B) STANDARD PRACTICES.—The orders
23 and guidance issued by the Secretary under
24 subparagraph (A) shall take into account rel-
25 evant public standards and standard practices

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1 for evaluating the quality of drugs, and may
2 take into account the special needs of popu-
3 lations, including children.
4 "(d) CONFIDENTIALITY OF INFORMATION SUB-
5 MITTED TO THE SECRETARY.—
6 "(1) IN GENERAL.—Subject to paragraph (2),
7 any information, including reports of testing con-
8 ducted on the drug or drugs involved, that is sub-
9 mitted by a requestor in connection with proceedings
10 on an order under this section (including any minor
11 change under subsection (c)) and is a trade secret
12 or confidential information subject to section
13 552(b)(4) of title 5, United States Code, or section
14 1905 of title 18, United States Code, shall not be
15 disclosed to the public unless the requestor consents
16 to that disclosure.
17 "(2) PUBLIC AVAILABILITY.—
18 "(A) IN GENERAL.—Except as provided in
19 subparagraph (B), the Secretary shall—
20 "(i) make any information submitted
21 by a requestor in support of a request
22 under subsection (b)(5)(A) available to the
23 public not later than the date on which the
24 proposed order is issued; and

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1 "(ii) make any information submitted
2 by any other person with respect to an
3 order requested (or initiated by the Sec-
4 retary) under subsection (b), available to
5 the public upon such submission.
6 "(B) LIMITATIONS ON PUBLIC AVAIL-
7 ABILITY.—Information described in subpara-
8 graph (A) shall not be made public if—
9 "(i) the information pertains to phar-
10 maceutical quality information, unless such
11 information is necessary to establish stand-
12 ards under which a drug is generally rec-
13 ognized as safe and effective under section
14 201(p)(1);
15 "(ii) the information is submitted in a
16 requestor-initiated request, but the re-
17 questor withdraws such request, in accord-
18 ance with withdrawal procedures estab-
19 lished by the Secretary, before the Sec-
20 retary issues the proposed order;
21 "(iii) the Secretary requests and ob-
22 tains the information under subsection (c)
23 and such information is not submitted in
24 relation to an order under subsection (b);
25 or

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1 "(iv) the information is of the type
2 contained in raw datasets.
3 "(e) UPDATES TO DRUG LISTING INFORMATION.—
4 A sponsor who makes a change to a drug subject to this
5 section shall submit updated drug listing information for
6 the drug in accordance with section 510(j) within 30 cal-
7 endar days of the date when the drug is first commercially
8 marketed, except that a sponsor who was the order re-
9 questor with respect to an order subject to subsection
10 (b)(5)(C) (or a licensee, assignee, or successor in interest
11 of such requestor) shall submit updated drug listing infor-
12 mation on or before the date when the drug is first com-
13 mercially marketed.
14 "(f) APPROVALS UNDER SECTION 505.—The provi-
15 sions of this section shall not be construed to preclude a
16 person from seeking or maintaining the approval of an ap-
17 plication for a drug under sections 505(b)(1), 505(b)(2),
18 and 505(j). A determination under this section that a drug
19 is not subject to section 503(b)(1), is generally recognized
20 as safe and effective under section 201(p)(1), and is not
21 a new drug under section 201(p) shall constitute a finding
22 that the drug is safe and effective that may be relied upon
23 for purposes of an application under section 505(b)(2), so
24 that the applicant shall be required to submit for purposes
25 of such application only information needed to support any

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1 modification of the drug that is not covered by such deter-
2 mination under this section.
3 "(g) PUBLIC AVAILABILITY OF ADMINISTRATIVE OR-
4 DERS.—The Secretary shall establish, maintain, update
5 (as determined necessary by the Secretary but no less fre-
6 quently than annually), and make publicly available, with
7 respect to orders issued under this section—
8 "(1) a repository of each final order and in-
9 terim final order in effect, including the complete
10 text of the order; and
11 "(2) a listing of all orders proposed and under
12 development under subsection (b)(2), including—
13 "(A) a brief description of each such order;
14 and
15 "(B) the Secretary's expectations, if re-
16 sources permit, for issuance of proposed orders
17 over a 3-year period.
18 "(h) DEVELOPMENT ADVICE TO SPONSORS OR RE-
19 QUESTORS.—The Secretary shall establish procedures
20 under which sponsors or requestors may meet with appro-
21 priate officials of the Food and Drug Administration to
22 obtain advice on the studies and other information nec-
23 essary to support submissions under this section and other
24 matters relevant to the regulation of nonprescription

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1 drugs and the development of new nonprescription drugs
2 under this section.
3 "(i) PARTICIPATION OF MULTIPLE SPONSORS OR RE-
4 QUESTORS.—The Secretary shall establish procedures to
5 facilitate efficient participation by multiple sponsors or re-
6 questors in proceedings under this section, including provi-
7 sion for joint meetings with multiple sponsors or reques-
8 tors or with organizations nominated by sponsors or re-
9 questors to represent their interests in a proceeding.
10 "(j) ELECTRONIC FORMAT.—All submissions under
11 this section shall be in electronic format.
12 "(k) EFFECT ON EXISTING REGULATIONS GOV-
13 ERNING NONPRESCRIPTION DRUGS.—
14 "(1) REGULATIONS OF GENERAL APPLICA-
15 BILITY TO NONPRESCRIPTION DRUGS.—Except as
16 provided in this subsection, nothing in this section
17 supersedes regulations establishing general require-
18 ments for nonprescription drugs, including regula-
19 tions of general applicability contained in parts 201,
20 250, and 330 of title 21, Code of Federal Regula-
21 tions, or any successor regulations. The Secretary
22 shall establish or modify such regulations by means
23 of rulemaking in accordance with section 553 of title
24 5, United States Code.

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1 "(2) REGULATIONS ESTABLISHING REQUIRE-
2 MENTS FOR SPECIFIC NONPRESCRIPTION DRUGS.—
3 "(A) The provisions of section 310.545 of
4 title 21, Code of Federal Regulations, as in ef-
5 fect on the day before the date of the enact-
6 ment of this section, shall be deemed to be a
7 final order under subsection (b).
8 "(B) Regulations in effect on the day be-
9 fore the date of the enactment of this section,
10 establishing requirements for specific non-
11 prescription drugs marketed pursuant to this
12 section (including such requirements in parts
13 201 and 250 of title 21, Code of Federal Regu-
14 lations), shall be deemed to be final orders
15 under subsection (b), only as they apply to
16 drugs—
17 "(i) subject to paragraph (1), (2), (3),
18 or (4) of subsection (a); or
19 "(ii) otherwise subject to an order
20 under this section.
21 "(3) WITHDRAWAL OF REGULATIONS.—The
22 Secretary shall withdraw regulations establishing
23 final monographs and the procedures governing the
24 over-the-counter drug review under part 330 and
25 other relevant parts of title 21, Code of Federal

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1 Regulations (as in effect on the day before the date
2 of the enactment of this section), or make technical
3 changes to such regulations to ensure conformity
4 with appropriate terminology and cross references.
5 Notwithstanding subchapter II of chapter 5 of title
6 5, United States Code, any such withdrawal or tech-
7 nical changes shall be made without public notice
8 and comment and shall be effective upon publication
9 through notice in the Federal Register (or upon such
10 date as specified in such notice).
11 "(l) GUIDANCE.—The Secretary shall issue guidance
12 that specifies—
13 "(1) the procedures and principles for formal
14 meetings between the Secretary and sponsors or re-
15 questors for drugs subject to this section;
16 "(2) the format and content of data submis-
17 sions to the Secretary under this section;
18 "(3) the format of electronic submissions to the
19 Secretary under this section;
20 "(4) consolidated proceedings for appeal and
21 the procedures for such proceedings where appro-
22 priate; and
23 "(5) for minor changes in drugs, recommenda-
24 tions on how to comply with the requirements in or-
25 ders issued under subsection (c)(3).

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1 "(m) RULE OF CONSTRUCTION.—
2 "(1) IN GENERAL.—This section shall not af-
3 fect the treatment or status of a nonprescription
4 drug—
5 "(A) that is marketed without an applica-
6 tion approved under section 505 as of the date
7 of the enactment of this section;
8 "(B) that is not subject to an order issued
9 under this section; and
10 "(C) to which paragraph (1), (2), (3), (4),
11 or (5) of subsection (a) do not apply.
12 "(2) TREATMENT OF PRODUCTS PREVIOUSLY
13 FOUND TO BE SUBJECT TO TIME AND EXTENT RE-
14 QUIREMENTS.—
15 "(A) Notwithstanding subsection (a), a
16 drug described in subparagraph (B) may only
17 be lawfully marketed, without an application
18 approved under section 505, pursuant to an
19 order issued under this section.
20 "(B) A drug described in this subpara-
21 graph is a drug which, prior to the date of the
22 enactment of this section, the Secretary deter-
23 mined in a proposed or final rule to be ineligible
24 for review under the OTC drug review (as such
25 phrase 'OTC drug review' was used in section

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1 330.14 of title 21, Code of Federal Regulations,
2 as in effect on the day before the date of the
3 enactment of this section).
4 "(3) PRESERVATION OF AUTHORITY.—
5 "(A) Nothing in paragraph (1) shall be
6 construed to preclude or limit the applicability
7 of any provision of this Act other than this sec-
8 tion.
9 "(B) Nothing in subsection (a) shall be
10 construed to prohibit the Secretary from issuing
11 an order under this section finding a drug to be
12 not generally recognized as safe and effective
13 under section 201(p)(1), as the Secretary deter-
14 mines appropriate.
15 "(n) INVESTIGATIONAL NEW DRUGS.—A drug is not
16 subject to this section if an exemption for investigational
17 use under section 505(i) is in effect for such drug.
18 "(o) INAPPLICABILITY OF PAPERWORK REDUCTION
19 ACT.—Chapter 35 of title 44, United States Code, shall
20 not apply to collections of information made under this
21 section.
22 "(p) INAPPLICABILITY OF NOTICE AND COMMENT
23 RULEMAKING AND OTHER REQUIREMENTS.—The re-
24 quirements of subsection (b) shall apply with respect to
25 orders issued under this section instead of the require-

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1 ments of subchapter II of chapter 5 of title 5, United
2 States Code.
3 "(q) DEFINITIONS.—In this section:
4 "(1) The term 'nonprescription drug' refers to
5 a drug not subject to the requirements of section
6 503(b)(1).
7 "(2) The term 'sponsor' refers to any person
8 marketing, manufacturing, or processing a drug
9 that—
10 "(A) is listed pursuant to section 510(j);
11 and
12 "(B) is or will be subject to an administra-
13 tive order under this section of the Food and
14 Drug Administration.
15 "(3) The term 'requestor' refers to any person
16 or group of persons marketing, manufacturing, proc-
17 essing, or developing a drug.".
18 (b) GAO STUDY.—Not later than 4 years after the
19 date of enactment of this Act, the Comptroller General
20 of the United States shall submit a study to the Com-
21 mittee on Energy and Commerce of the House of Rep-
22 resentatives and the Committee on Health, Education,
23 Labor, and Pensions of the Senate addressing the effec-
24 tiveness and overall impact of exclusivity under section
25 505G of the Federal Food, Drug, and Cosmetic Act, as

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1 added by subsection (a), and section 586C of such Act
2 (21 U.S.C. 360fff–3), including the impact of such exclu-
3 sivity on consumer access. Such study shall include—
4 (1) an analysis of the impact of exclusivity
5 under such section 505G for nonprescription drug
6 products, including—
7 (A) the number of nonprescription drug
8 products that were granted exclusivity and the
9 indication for which the nonprescription drug
10 products were determined to be generally recog-
11 nized as safe and effective;
12 (B) whether the exclusivity for such drug
13 products was granted for—
14 (i) a new active ingredient (including
15 any ester or salt of the active ingredient);
16 or
17 (ii) changes in the conditions of use of
18 a drug, for which new human data studies
19 conducted or sponsored by the requestor
20 were essential;
21 (C) whether, and to what extent, the exclu-
22 sivity impacted the requestor's or sponsor's de-
23 cision to develop the drug product;

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1 (D) an analysis of the implementation of
2 the exclusivity provision in such section 505G,
3 including—
4 (i) the resources used by the Food
5 and Drug Administration;
6 (ii) the impact of such provision on
7 innovation, as well as research and devel-
8 opment in the nonprescription drug mar-
9 ket;
10 (iii) the impact of such provision on
11 competition in the nonprescription drug
12 market;
13 (iv) the impact of such provision on
14 consumer access to nonprescription drug
15 products;
16 (v) the impact of such provision on
17 the prices of nonprescription drug prod-
18 ucts; and
19 (vi) whether the administrative orders
20 initiated by requestors under such section
21 505G have been sufficient to encourage the
22 development of nonprescription drug prod-
23 ucts that would likely not be otherwise de-
24 veloped, or developed in as timely a man-
25 ner; and

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1 (E) whether the administrative orders ini-
2 tiated by requestors under such section 505G
3 have been sufficient incentive to encourage in-
4 novation in the nonprescription drug market;
5 and
6 (2) an analysis of the impact of exclusivity
7 under such section 586C for sunscreen ingredients,
8 including—
9 (A) the number of sunscreen ingredients
10 that were granted exclusivity and the specific
11 ingredient that was determined to be generally
12 recognized as safe and effective;
13 (B) whether, and to what extent, the exclu-
14 sivity impacted the requestor's or sponsor's de-
15 cision to develop the sunscreen ingredient;
16 (C) whether, and to what extent, the sun-
17 screen ingredient granted exclusivity had pre-
18 viously been available outside of the United
19 States;
20 (D) an analysis of the implementation of
21 the exclusivity provision in such section 586C,
22 including—
23 (i) the resources used by the Food
24 and Drug Administration;

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1 (ii) the impact of such provision on
2 innovation, as well as research and devel-
3 opment in the sunscreen market;
4 (iii) the impact of such provision on
5 competition in the sunscreen market;
6 (iv) the impact of such provision on
7 consumer access to sunscreen products;
8 (v) the impact of such provision on
9 the prices of sunscreen products; and
10 (vi) whether the administrative orders
11 initiated by requestors under such section
12 505G have been utilized by sunscreen in-
13 gredient sponsors and whether such proc-
14 ess has been sufficient to encourage the
15 development of sunscreen ingredients that
16 would likely not be otherwise developed, or
17 developed in as timely a manner; and
18 (E) whether the administrative orders ini-
19 tiated by requestors under such section 586C
20 have been sufficient incentive to encourage in-
21 novation in the sunscreen market.
22 (c) CONFORMING AMENDMENT.—Section 751(d)(1)
23 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
24 379r(d)(1)) is amended—
25 (1) in the matter preceding subparagraph (A)—

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1 (A) by striking "final regulation promul-
2 gated" and inserting "final order under section
3 505G"; and
4 (B) by striking "and not misbranded"; and
5 (2) in subparagraph (A), by striking "regula-
6 tion in effect" and inserting "regulation or order in
7 effect".

8 **SEC. 3852. MISBRANDING.**

9 Section 502 of the Federal Food, Drug, and Cosmetic
10 Act (21 U.S.C. 352) is amended by adding at the end the
11 following:
12 "(ee) If it is a nonprescription drug that is subject
13 to section 505G, is not the subject of an application ap-
14 proved under section 505, and does not comply with the
15 requirements under section 505G.
16 "(ff) If it is a drug and it was manufactured, pre-
17 pared, propagated, compounded, or processed in a facility
18 for which fees have not been paid as required by section
19 744M.".

20 **SEC. 3853. DRUGS EXCLUDED FROM THE OVER-THE-**
21 **COUNTER DRUG REVIEW.**

22 (a) IN GENERAL.—Nothing in this Act (or the
23 amendments made by this Act) shall apply to any non-
24 prescription drug (as defined in section 505G(q) of the
25 Federal Food, Drug, and Cosmetic Act, as added by sec-

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1 tion 3851 of this subtitle) which was excluded by the Food
2 and Drug Administration from the Over-the-Counter
3 Drug Review in accordance with the paragraph numbered
4 25 on page 9466 of volume 37 of the Federal Register,
5 published on May 11, 1972.

6 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to preclude or limit the applica-
8 bility of any other provision of the Federal Food, Drug,
9 and Cosmetic Act (21 U.S.C. 301 et seq.).

10 **SEC. 3854. TREATMENT OF SUNSCREEN INNOVATION ACT.**

11 (a) REVIEW OF NONPRESCRIPTION SUNSCREEN AC-
12 TIVE INGREDIENTS.—

13 (1) APPLICABILITY OF SECTION 505G FOR
14 PENDING SUBMISSIONS.—

15 (A) IN GENERAL.—A sponsor of a non-
16 prescription sunscreen active ingredient or com-
17 bination of nonprescription sunscreen active in-
18 gredients that, as of the date of enactment of
19 this Act, is subject to a proposed sunscreen
20 order under section 586C of the Federal Food,
21 Drug, and Cosmetic Act (21 U.S.C. 360fff–3)
22 may elect, by means of giving written notifica-
23 tion to the Secretary of Health and Human
24 Services within 180 calendar days of the enact-
25 ment of this Act, to transition into the review

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of such ingredient or combination of ingredients pursuant to the process set out in section 505G of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle.

(B) ELECTION EXERCISED.—Upon receipt by the Secretary of Health and Human Services of a timely notification under subparagraph (A)—

(i) the proposed sunscreen order involved is deemed to be a request for an order under subsection (b) of section 505G of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle; and

(ii) such order is deemed to have been accepted for filing under subsection (b)(6)(A)(i) of such section 505G.

(C) ELECTION NOT EXERCISED.—If a notification under subparagraph (A) is not received by the Secretary of Health and Human Services within 180 calendar days of the date of enactment of this Act, the review of the proposed sunscreen order described in subparagraph (A)—

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1 (i) shall continue under section 586C
2 of the Federal Food, Drug, and Cosmetic
3 Act (21 U.S.C. 360fff–3); and
4 (ii) shall not be eligible for review
5 under section 505G, added by section 3851
6 of this subtitle.
7 (2) DEFINITIONS.—In this subsection, the
8 terms "sponsor", "nonprescription", "sunscreen ac-
9 tive ingredient", and "proposed sunscreen order"
10 have the meanings given to those terms in section
11 586 of the Federal Food, Drug, and Cosmetic Act
12 (21 U.S.C. 360fff).
13 (b) AMENDMENTS TO SUNSCREEN PROVISIONS.—
14 (1) FINAL SUNSCREEN ORDERS.—Paragraph
15 (3) of section 586C(e) of the Federal Food, Drug,
16 and Cosmetic Act (21 U.S.C. 360fff–3(e)) is amend-
17 ed to read as follows:
18 "(3) RELATIONSHIP TO ORDERS UNDER SEC-
19 TION 505G.—A final sunscreen order shall be deemed
20 to be a final order under section 505G.".
21 (2) MEETINGS.—Paragraph (7) of section
22 586C(b) of the Federal Food, Drug, and Cosmetic
23 Act (21 U.S.C. 360fff–3(b)) is amended—
24 (A) by striking "A sponsor may request"
25 and inserting the following:

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1 "(A) IN GENERAL.—A sponsor may re-
2 quest"; and
3 (B) by adding at the end the following:
4 "(B) CONFIDENTIAL MEETINGS.—A spon-
5 sor may request one or more confidential meet-
6 ings with respect to a proposed sunscreen order,
7 including a letter deemed to be a proposed sun-
8 screen order under paragraph (3), to discuss
9 matters relating to data requirements to sup-
10 port a general recognition of safety and effec-
11 tiveness involving confidential information and
12 public information related to such proposed
13 sunscreen order, as appropriate. The Secretary
14 shall convene a confidential meeting with such
15 sponsor in a reasonable time period. If a spon-
16 sor requests more than one confidential meeting
17 for the same proposed sunscreen order, the Sec-
18 retary may refuse to grant an additional con-
19 fidential meeting request if the Secretary deter-
20 mines that such additional confidential meeting
21 is not reasonably necessary for the sponsor to
22 advance its proposed sunscreen order, or if the
23 request for a confidential meeting fails to in-
24 clude sufficient information upon which to base
25 a substantive discussion. The Secretary shall

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1 publish a post-meeting summary of each con-
2 fidential meeting under this subparagraph that
3 does not disclose confidential commercial infor-
4 mation or trade secrets. This subparagraph
5 does not authorize the disclosure of confidential
6 commercial information or trade secrets subject
7 to 552(b)(4) of title 5, United States Code, or
8 section 1905 of title 18, United States Code.".
9 (3) EXCLUSIVITY.—Section 586C of the Fed-
10 eral Food, Drug, and Cosmetic Act (21 U.S.C.
11 360fff–3) is amended by adding at the end the fol-
12 lowing:
13 "(f) EXCLUSIVITY.—
14 "(1) IN GENERAL.—A final sunscreen order
15 shall have the effect of authorizing solely the order
16 requestor (or the licensees, assignees, or successors
17 in interest of such requestor with respect to the sub-
18 ject of such request and listed under paragraph (5))
19 for a period of 18 months, to market a sunscreen in-
20 gredient under this section incorporating changes
21 described in paragraph (2) subject to the limitations
22 under paragraph (4), beginning on the date the re-
23 questor (or any licensees, assignees, or successors in
24 interest of such requestor with respect to the subject
25 of such request and listed under paragraph (5)) may

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1 lawfully market such sunscreen ingredient pursuant
2 to the order.
3 "(2) CHANGES DESCRIBED.—A change de-
4 scribed in this paragraph is a change subject to an
5 order specified in paragraph (1) that permits a sun-
6 screen to contain an active sunscreen ingredient not
7 previously incorporated in a marketed sunscreen list-
8 ed in paragraph (3).
9 "(3) MARKETED SUNSCREEN.—The marketed
10 sunscreen ingredients described in this paragraph
11 are sunscreen ingredients—
12 "(A) marketed in accordance with a final
13 monograph for sunscreen drug products set
14 forth at part 352 of title 21, Code of Federal
15 Regulations (as published at 64 Fed. Reg.
16 27687); or
17 "(B) marketed in accordance with a final
18 order issued under this section.
19 "(4) LIMITATIONS ON EXCLUSIVITY.—Only one
20 18-month period may be granted per ingredient
21 under paragraph (1).
22 "(5) LISTING OF LICENSEES, ASSIGNEES, OR
23 SUCCESSORS IN INTEREST.—Requestors shall submit
24 to the Secretary at the time when a drug subject to
25 such request is introduced or delivered for introduc-

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1 tion into interstate commerce, a list of licensees, as-
2 signees, or successors in interest under paragraph
3 (1).".
4 (4) SUNSET PROVISION.—Subchapter I of chap-
5 ter V of the Federal Food, Drug, and Cosmetic Act
6 (21 U.S.C. 360fff et seq.) is amended by adding at
7 the end the following:
8 **"SEC. 586H. SUNSET.**
9 "This subchapter shall cease to be effective at the end
10 of fiscal year 2022.".
11 (5) TREATMENT OF FINAL SUNSCREEN
12 ORDER.—The Federal Food, Drug, and Cosmetic
13 Act is amended by striking section 586E of such Act
14 (21 U.S.C. 360fff–5).
15 (c) TREATMENT OF AUTHORITY REGARDING FINAL-
16 IZATION OF SUNSCREEN MONOGRAPH.—
17 (1) IN GENERAL.—
18 (A) REVISION OF FINAL SUNSCREEN
19 ORDER.—The Secretary of Health and Human
20 Services (referred to in this subsection as the
21 "Secretary") shall amend and revise the final
22 administrative order concerning nonprescription
23 sunscreen (referred to in this subsection as the
24 "sunscreen order") for which the content, prior
25 to the date of enactment of this Act, was rep-

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1 resented by the final monograph for sunscreen
2 drug products set forth in part 352 of title 21,
3 Code of Federal Regulations (as in effect on
4 May 21, 1999).
5 (B) ISSUANCE OF REVISED SUNSCREEN
6 ORDER; EFFECTIVE DATE.—A revised sunscreen
7 order described in subparagraph (A) shall be—
8 (i) issued in accordance with the pro-
9 cedures described in section 505G(b)(2) of
10 the Federal Food, Drug, and Cosmetic
11 Act;
12 (ii) issued in proposed form not later
13 than 18 months after the date of enact-
14 ment of this Act; and
15 (iii) issued by the Secretary at least 1
16 year prior to the effective date of the re-
17 vised order.
18 (2) REPORTS.—If a revised sunscreen order
19 issued under paragraph (1) does not include provi-
20 sions related to the effectiveness of various sun pro-
21 tection factor levels, and does not address all dosage
22 forms known to the Secretary to be used in sun-
23 screens marketed in the United States without a
24 new drug application approved under section 505 of
25 the Federal Food, Drug, and Cosmetic Act (21

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1 U.S.C. 355), the Secretary shall submit a report to
2 the Committee on Energy and Commerce of the
3 House of Representatives and the Committee on
4 Health, Education, Labor, and Pensions of the Sen-
5 ate on the rationale for omission of such provisions
6 from such order, and a plan and timeline to compile
7 any information necessary to address such provisions
8 through such order.
9 (d) TREATMENT OF NON-SUNSCREEN TIME AND EX-
10 TENT APPLICATIONS.—
11 (1) IN GENERAL.—Any application described in
12 section 586F of the Federal Food, Drug, and Cos-
13 metic Act (21 U.S.C. 360fff–6) that was submitted
14 to the Secretary pursuant to section 330.14 of title
15 21, Code of Federal Regulations, as such provisions
16 were in effect immediately prior to the date of enact-
17 ment date of this Act, shall be extinguished as of
18 such date of enactment, subject to paragraph (2).
19 (2) ORDER REQUEST.—Nothing in paragraph
20 (1) precludes the submission of an order request
21 under section 505G(b) of the Federal Food, Drug,
22 and Cosmetic Act, as added by section 3851 of this
23 subtitle, with respect to a drug that was the subject
24 of an application extinguished under paragraph (1).

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1 **SEC. 3855. ANNUAL UPDATE TO CONGRESS ON APPRO-**
2 **PRIATE PEDIATRIC INDICATION FOR CER-**
3 **TAIN OTC COUGH AND COLD DRUGS.**

4 (a) IN GENERAL.—Subject to subsection (c), the Sec-
5 retary of Health and Human Services shall, beginning not
6 later than 1 year after the date of enactment of this Act,
7 annually submit to the Committee on Energy and Com-
8 merce of the House of Representatives and the Committee
9 on Health, Education, Labor, and Pensions of the Senate
10 a letter describing the progress of the Food and Drug Ad-
11 ministration—

12 (1) in evaluating the cough and cold monograph
13 described in subsection (b) with respect to children
14 under age 6; and

15 (2) as appropriate, revising such cough and cold
16 monograph to address such children through the
17 order process under section 505G(b) of the Federal
18 Food, Drug, and Cosmetic Act, as added by section
19 3851 of this subtitle.

20 (b) COUGH AND COLD MONOGRAPH DESCRIBED.—
21 The cough and cold monograph described in this sub-
22 section consists of the conditions under which nonprescrip-
23 tion drugs containing antitussive, expectorant, nasal de-
24 congestant, or antihistamine active ingredients (or com-
25 binations thereof) are generally recognized as safe and ef-
26 fective, as specified in part 341 of title 21, Code of Federal

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1 Regulations (as in effect immediately prior to the date of
2 enactment of this Act), and included in an order deemed
3 to be established under section 505G(b) of the Federal
4 Food, Drug, and Cosmetic Act, as added by section 3851
5 of this subtitle.

6 (c) DURATION OF AUTHORITY.—The requirement
7 under subsection (a) shall terminate as of the date of a
8 letter submitted by the Secretary of Health and Human
9 Services pursuant to such subsection in which the Sec-
10 retary indicates that the Food and Drug Administration
11 has completed its evaluation and revised, in a final order,
12 as applicable, the cough and cold monograph as described
13 in subsection (a)(2).

14 **SEC. 3856. TECHNICAL CORRECTIONS.**

15 (a) IMPORTS AND EXPORTS.—Section
16 801(e)(4)(E)(iii) of the Federal Food, Drug, and Cosmetic
17 Act (21 U.S.C. 381(e)(4)(E)(iii)) is amended by striking
18 "subparagraph" each place such term appears and insert-
19 ing "paragraph".

20 (b) FDA REAUTHORIZATION ACT OF 2017.—

21 (1) IN GENERAL.—Section 905(b)(4) of the
22 FDA Reauthorization Act of 2017 (Public Law 115–
23 52) is amended by striking "Section 744H(e)(2)(B)"
24 and inserting "Section 744H(f)(2)(B)".

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1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall take effect as of the enact-
3 ment of the FDA Reauthorization Act of 2017
4 (Public Law 115–52).

5 **PART II—USER FEES**

6 **SEC. 3861. FINDING.**

7 The Congress finds that the fees authorized by the
8 amendments made in this part will be dedicated to OTC
9 monograph drug activities, as set forth in the goals identi-
10 fied for purposes of part 10 of subchapter C of chapter
11 VII of the Federal Food, Drug, and Cosmetic Act, in the
12 letters from the Secretary of Health and Human Services
13 to the Chairman of the Committee on Health, Education,
14 Labor, and Pensions of the Senate and the Chairman of
15 the Committee on Energy and Commerce of the House
16 of Representatives, as set forth in the Congressional
17 Record.

18 **SEC. 3862. FEES RELATING TO OVER-THE-COUNTER DRUGS.**

19 Subchapter C of chapter VII of the Federal Food,
20 Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is
21 amended by inserting after part 9 the following:

22 **"PART 10—FEES RELATING TO OVER-THE-**
23 **COUNTER DRUGS**

24 **"SEC. 744L. DEFINITIONS.**

25 "In this part:

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1 "(1) The term 'affiliate' means a business enti-
2 ty that has a relationship with a second business en-
3 tity if, directly or indirectly—
4 "(A) one business entity controls, or has
5 the power to control, the other business entity;
6 or
7 "(B) a third party controls, or has power
8 to control, both of the business entities.
9 "(2) The term 'contract manufacturing organi-
10 zation facility' means an OTC monograph drug facil-
11 ity where neither the owner of such manufacturing
12 facility nor any affiliate of such owner or facility
13 sells the OTC monograph drug produced at such fa-
14 cility directly to wholesalers, retailers, or consumers
15 in the United States.
16 "(3) The term 'costs of resources allocated for
17 OTC monograph drug activities' means the expenses
18 in connection with OTC monograph drug activities
19 for—
20 "(A) officers and employees of the Food
21 and Drug Administration, contractors of the
22 Food and Drug Administration, advisory com-
23 mittees, and costs related to such officers, em-
24 ployees, and committees and costs related to
25 contracts with such contractors;

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1 "(B) management of information, and the
2 acquisition, maintenance, and repair of com-
3 puter resources;
4 "(C) leasing, maintenance, renovation, and
5 repair of facilities and acquisition, maintenance,
6 and repair of fixtures, furniture, scientific
7 equipment, and other necessary materials and
8 supplies; and
9 "(D) collecting fees under section 744M
10 and accounting for resources allocated for OTC
11 monograph drug activities.
12 "(4) The term 'FDA establishment identifier' is
13 the unique number automatically generated by Food
14 and Drug Administration's Field Accomplishments
15 and Compliance Tracking System (FACTS) (or any
16 successor system).
17 "(5) The term 'OTC monograph drug' means a
18 nonprescription drug without an approved new drug
19 application which is governed by the provisions of
20 section 505G.
21 "(6) The term 'OTC monograph drug activities'
22 means activities of the Secretary associated with
23 OTC monograph drugs and inspection of facilities
24 associated with such products, including the fol-
25 lowing activities:

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1 "(A) The activities necessary for review
2 and evaluation of OTC monographs and OTC
3 monograph order requests, including—
4 "(i) orders proposing or finalizing ap-
5 plicable conditions of use for OTC mono-
6 graph drugs;
7 "(ii) orders affecting status regarding
8 general recognition of safety and effective-
9 ness of an OTC monograph ingredient or
10 combination of ingredients under specified
11 conditions of use;
12 "(iii) all OTC monograph drug devel-
13 opment and review activities, including
14 intra-agency collaboration;
15 "(iv) regulation and policy develop-
16 ment activities related to OTC monograph
17 drugs;
18 "(v) development of product standards
19 for products subject to review and evalua-
20 tion;
21 "(vi) meetings referred to in section
22 505G(i);
23 "(vii) review of labeling prior to
24 issuance of orders related to OTC mono-
25 graph drugs or conditions of use; and

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1 "(viii) regulatory science activities re-
2 lated to OTC monograph drugs.
3 "(B) Inspections related to OTC mono-
4 graph drugs.
5 "(C) Monitoring of clinical and other re-
6 search conducted in connection with OTC
7 monograph drugs.
8 "(D) Safety activities with respect to OTC
9 monograph drugs, including—
10 "(i) collecting, developing, and review-
11 ing safety information on OTC monograph
12 drugs, including adverse event reports;
13 "(ii) developing and using improved
14 adverse event data-collection systems, in-
15 cluding information technology systems;
16 and
17 "(iii) developing and using improved
18 analytical tools to assess potential safety
19 risks, including access to external data-
20 bases.
21 "(E) Other activities necessary for imple-
22 mentation of section 505G.
23 "(7) The term 'OTC monograph order request'
24 means a request for an order submitted under sec-
25 tion 505G(b)(5).

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1 "(8) The term 'Tier 1 OTC monograph order
2 request' means any OTC monograph order request
3 not determined to be a Tier 2 OTC monograph
4 order request.
5 "(9)(A) The term 'Tier 2 OTC monograph
6 order request' means, subject to subparagraph (B),
7 an OTC monograph order request for—
8 "(i) the reordering of existing information
9 in the drug facts label of an OTC monograph
10 drug;
11 "(ii) the addition of information to the
12 other information section of the drug facts label
13 of an OTC monograph drug, as limited by sec-
14 tion 201.66(c)(7) of title 21, Code of Federal
15 Regulations (or any successor regulations);
16 "(iii) modification to the directions for use
17 section of the drug facts label of an OTC mono-
18 graph drug, if such changes conform to changes
19 made pursuant to section 505G(c)(3)(A);
20 "(iv) the standardization of the concentra-
21 tion or dose of a specific finalized ingredient
22 within a particular finalized monograph;
23 "(v) a change to ingredient nomenclature
24 to align with nomenclature of a standards-set-
25 ting organization; or

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1 "(vi) addition of an interchangeable term
2 in accordance with section 330.1 of title 21,
3 Code of Federal Regulations (or any successor
4 regulations).
5 "(B) The Secretary may, based on program im-
6 plementation experience or other factors found ap-
7 propriate by the Secretary, characterize any OTC
8 monograph order request as a Tier 2 OTC mono-
9 graph order request (including recharacterizing a re-
10 quest from Tier 1 to Tier 2) and publish such deter-
11 mination in a proposed order issued pursuant to sec-
12 tion 505G.
13 "(10)(A) The term 'OTC monograph drug facil-
14 ity' means a foreign or domestic business or other
15 entity that—
16 "(i) is—
17 "(I) under one management, either di-
18 rect or indirect; and
19 "(II) at one geographic location or ad-
20 dress engaged in manufacturing or proc-
21 essing the finished dosage form of an OTC
22 monograph drug;
23 "(ii) includes a finished dosage form man-
24 ufacturer facility in a contractual relationship
25 with the sponsor of one or more OTC mono-

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1 graph drugs to manufacture or process such
2 drugs; and
3 "(iii) does not include a business or other
4 entity whose only manufacturing or processing
5 activities are one or more of the following: pro-
6 duction of clinical research supplies, testing, or
7 placement of outer packaging on packages con-
8 taining multiple products, for such purposes as
9 creating multipacks, when each monograph
10 drug product contained within the overpack-
11 aging is already in a final packaged form prior
12 to placement in the outer overpackaging.
13 "(B) For purposes of subparagraph (A)(i)(II),
14 separate buildings or locations within close proximity
15 are considered to be at one geographic location or
16 address if the activities conducted in such buildings
17 or locations are—
18 "(i) closely related to the same business
19 enterprise;
20 "(ii) under the supervision of the same
21 local management; and
22 "(iii) under a single FDA establishment
23 identifier and capable of being inspected by the
24 Food and Drug Administration during a single
25 inspection.

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1 "(C) If a business or other entity would meet
2 criteria specified in subparagraph (A), but for being
3 under multiple management, the business or other
4 entity is deemed to constitute multiple facilities, one
5 per management entity, for purposes of this para-
6 graph.
7 "(11) The term 'OTC monograph drug meet-
8 ing' means any meeting regarding the content of a
9 proposed OTC monograph order request.
10 "(12) The term 'person' includes an affiliate of
11 a person.
12 "(13) The terms 'requestor' and 'sponsor' have
13 the meanings given such terms in section 505G.

14 **"SEC. 744M. AUTHORITY TO ASSESS AND USE OTC MONO-**
15 **GRAPH FEES.**

16 "(a) TYPES OF FEES.—Beginning with fiscal year
17 2021, the Secretary shall assess and collect fees in accord-
18 ance with this section as follows:
19 "(1) FACILITY FEE.—
20 "(A) IN GENERAL.—Each person that
21 owns a facility identified as an OTC monograph
22 drug facility on December 31 of the fiscal year
23 or at any time during the preceding 12-month
24 period shall be assessed an annual fee for each

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1 such facility as determined under subsection
2 (c).
3 "(B) EXCEPTIONS.—
4 "(i) FACILITIES THAT CEASE ACTIVI-
5 TIES.—A fee shall not be assessed under
6 subparagraph (A) if the identified OTC
7 monograph drug facility—
8 "(I) has ceased all activities re-
9 lated to OTC monograph drugs prior
10 to December 31 of the year imme-
11 diately preceding the applicable fiscal
12 year; and
13 "(II) has updated its registration
14 to reflect such change under the re-
15 quirements for drug establishment
16 registration set forth in section 510.
17 "(ii) CONTRACT MANUFACTURING OR-
18 GANIZATIONS.—The amount of the fee for
19 a contract manufacturing organization fa-
20 cility shall be equal to two-thirds of the
21 amount of the fee for an OTC monograph
22 drug facility that is not a contract manu-
23 facturing organization facility.

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1 "(C) AMOUNT.—The amount of fees estab-
2 lished under subparagraph (A) shall be estab-
3 lished under subsection (c).
4 "(D) DUE DATE.—
5 "(i) FOR FIRST PROGRAM YEAR.—For
6 fiscal year 2021, the facility fees required
7 under subparagraph (A) shall be due on
8 the later of—
9 "(I) the first business day of
10 July of 2020; or
11 "(II) 45 calendar days after pub-
12 lication of the Federal Register notice
13 provided for under subsection
14 (c)(4)(A).
15 "(ii) SUBSEQUENT FISCAL YEARS.—
16 For each fiscal year after fiscal year 2021,
17 the facility fees required under subpara-
18 graph (A) shall be due on the later of—
19 "(I) the first business day of
20 June of such year; or
21 "(II) the first business day after
22 the enactment of an appropriations
23 Act providing for the collection and
24 obligation of fees under this section
25 for such year.

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1 "(2) OTC MONOGRAPH ORDER REQUEST
2 FEE.—
3 "(A) IN GENERAL.—Each person that sub-
4 mits an OTC monograph order request shall be
5 subject to a fee for an OTC monograph order
6 request. The amount of such fee shall be—
7 "(i) for a Tier 1 OTC monograph
8 order request, $500,000, adjusted for in-
9 flation for the fiscal year (as determined
10 under subsection (c)(1)(B)); and
11 "(ii) for a Tier 2 OTC monograph
12 order request, $100,000, adjusted for in-
13 flation for the fiscal year (as determined
14 under subsection (c)(1)(B)).
15 "(B) DUE DATE.—The OTC monograph
16 order request fees required under subparagraph
17 (A) shall be due on the date of submission of
18 the OTC monograph order request.
19 "(C) EXCEPTION FOR CERTAIN SAFETY
20 CHANGES.—A person who is named as the re-
21 questor in an OTC monograph order shall not
22 be subject to a fee under subparagraph (A) if
23 the Secretary finds that the OTC monograph
24 order request seeks to change the drug facts la-

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1 beling of an OTC monograph drug in a way
2 that would add to or strengthen—
3 "(i) a contraindication, warning, or
4 precaution;
5 "(ii) a statement about risk associated
6 with misuse or abuse; or
7 "(iii) an instruction about dosage and
8 administration that is intended to increase
9 the safe use of the OTC monograph drug.
10 "(D) REFUND OF FEE IF ORDER REQUEST
11 IS RECATEGORIZED AS A TIER 2 OTC MONO-
12 GRAPH ORDER REQUEST.—If the Secretary de-
13 termines that an OTC monograph request ini-
14 tially characterized as Tier 1 shall be re-charac-
15 terized as a Tier 2 OTC monograph order re-
16 quest, and the requestor has paid a Tier 1 fee
17 in accordance with subparagraph (A)(i), the
18 Secretary shall refund the requestor the dif-
19 ference between the Tier 1 and Tier 2 fees de-
20 termined under subparagraphs (A)(i) and
21 (A)(ii), respectively.
22 "(E) REFUND OF FEE IF ORDER REQUEST
23 REFUSED FOR FILING OR WITHDRAWN BEFORE
24 FILING.—The Secretary shall refund 75 percent
25 of the fee paid under subparagraph (B) for any

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1 order request which is refused for filing or was
2 withdrawn before being accepted or refused for
3 filing.
4 "(F) FEES FOR ORDER REQUESTS PRE-
5 VIOUSLY REFUSED FOR FILING OR WITHDRAWN
6 BEFORE FILING.—An OTC monograph order
7 request that was submitted but was refused for
8 filing, or was withdrawn before being accepted
9 or refused for filing, shall be subject to the full
10 fee under subparagraph (A) upon being resub-
11 mitted or filed over protest.
12 "(G) REFUND OF FEE IF ORDER REQUEST
13 WITHDRAWN.—If an order request is withdrawn
14 after the order request was filed, the Secretary
15 may refund the fee or a portion of the fee if no
16 substantial work was performed on the order
17 request after the application was filed. The Sec-
18 retary shall have the sole discretion to refund a
19 fee or a portion of the fee under this subpara-
20 graph. A determination by the Secretary con-
21 cerning a refund under this subparagraph shall
22 not be reviewable.
23 "(3) REFUNDS.—
24 "(A) IN GENERAL.—Other than refunds
25 provided pursuant to any of subparagraphs (D)

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1 through (G) of paragraph (2), the Secretary
2 shall not refund any fee paid under paragraph
3 (1) except as provided in subparagraph (B).
4 "(B) DISPUTES CONCERNING FEES.—To
5 qualify for the return of a fee claimed to have
6 been paid in error under paragraph (1) or (2),
7 a person shall submit to the Secretary a written
8 request justifying such return within 180 cal-
9 endar days after such fee was paid.
10 "(4) NOTICE.—Within the timeframe specified
11 in subsection (c), the Secretary shall publish in the
12 Federal Register the amount of the fees under para-
13 graph (1) for such fiscal year.
14 "(b) FEE REVENUE AMOUNTS.—
15 "(1) FISCAL YEAR 2021.—For fiscal year 2021,
16 fees under subsection (a)(1) shall be established to
17 generate a total facility fee revenue amount equal to
18 the sum of—
19 "(A) the annual base revenue for fiscal
20 year 2021 (as determined under paragraph
21 (3));
22 "(B) the dollar amount equal to the oper-
23 ating reserve adjustment for the fiscal year, if
24 applicable (as determined under subsection
25 (c)(2)); and

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"(C) additional direct cost adjustments (as determined under subsection (c)(3)).

"(2) SUBSEQUENT FISCAL YEARS.—For each of the fiscal years 2022 through 2025, fees under subsection (a)(1) shall be established to generate a total facility fee revenue amount equal to the sum of—

"(A) the annual base revenue for the fiscal year (as determined under paragraph (3));

"(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(1));

"(C) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(2));

"(D) additional direct cost adjustments (as determined under subsection (c)(3)); and

"(E) additional dollar amounts for each fiscal year as follows:

"(i) $7,000,000 for fiscal year 2022.

"(ii) $6,000,000 for fiscal year 2023.

"(iii) $7,000,000 for fiscal year 2024.

"(iv) $3,000,000 for fiscal year 2025.

"(3) ANNUAL BASE REVENUE.—For purposes of paragraphs (1)(A) and (2)(A), the dollar amount

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of the annual base revenue for a fiscal year shall be—

"(A) for fiscal year 2021, $8,000,000; and

"(B) for fiscal years 2022 through 2025, the dollar amount of the total revenue amount established under this subsection for the previous fiscal year, not including any adjustments made under subsection (c)(2) or (c)(3).

"(c) ADJUSTMENTS; ANNUAL FEE SETTING.—

"(1) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—For purposes of subsection (b)(2)(B), the dollar amount of the inflation adjustment to the annual base revenue for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—

"(i) such annual base revenue for the fiscal year under subsection (b)(2); and

"(ii) the inflation adjustment percentage under subparagraph (C).

"(B) OTC MONOGRAPH ORDER REQUEST FEES.—For purposes of subsection (a)(2), the dollar amount of the inflation adjustment to the fee for OTC monograph order requests for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—

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"(i) the applicable fee under subsection (a)(2) for the preceding fiscal year; and

"(ii) the inflation adjustment percentage under subparagraph (C).

"(C) INFLATION ADJUSTMENT PERCENTAGE.—The inflation adjustment percentage under this subparagraph for a fiscal year is equal to—

"(i) for each of fiscal years 2022 and 2023, the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC–MD–VA–WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data; and

"(ii) for each of fiscal years 2024 and 2025, the sum of—

"(I) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3

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1 years of the preceding 4 fiscal years,
2 multiplied by the proportion of per-
3 sonnel compensation and benefits
4 costs to total costs of OTC mono-
5 graph drug activities for the first 3
6 years of the preceding 4 fiscal years;
7 and
8 "(II) the average annual percent
9 change that occurred in the Consumer
10 Price Index for urban consumers
11 (Washington-Baltimore, DC–MD–VA–
12 WV; Not Seasonally Adjusted; All
13 items; Annual Index) for the first 3
14 years of the preceding 4 years of
15 available data multiplied by the pro-
16 portion of all costs other than per-
17 sonnel compensation and benefits
18 costs to total costs of OTC mono-
19 graph drug activities for the first 3
20 years of the preceding 4 fiscal years.
21 "(2) OPERATING RESERVE ADJUSTMENT.—
22 "(A) IN GENERAL.—For fiscal year 2021
23 and subsequent fiscal years, for purposes of
24 subsections (b)(1)(B) and (b)(2)(C), the Sec-
25 retary may, in addition to adjustments under

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1 paragraph (1), further increase the fee revenue
2 and fees if such an adjustment is necessary to
3 provide operating reserves of carryover user
4 fees for OTC monograph drug activities for not
5 more than the number of weeks specified in
6 subparagraph (B).
7 "(B) NUMBER OF WEEKS.—The number of
8 weeks specified in this subparagraph is—
9 "(i) 3 weeks for fiscal year 2021;
10 "(ii) 7 weeks for fiscal year 2022;
11 "(iii) 10 weeks for fiscal year 2023;
12 "(iv) 10 weeks for fiscal year 2024;
13 and
14 "(v) 10 weeks for fiscal year 2025.
15 "(C) DECREASE.—If the Secretary has
16 carryover balances for such process in excess of
17 10 weeks of the operating reserves referred to
18 in subparagraph (A), the Secretary shall de-
19 crease the fee revenue and fees referred to in
20 such subparagraph to provide for not more than
21 10 weeks of such operating reserves.
22 "(D) RATIONALE FOR ADJUSTMENT.—If
23 an adjustment under this paragraph is made,
24 the rationale for the amount of the increase or
25 decrease (as applicable) in fee revenue and fees

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1 shall be contained in the annual Federal Reg-
2 ister notice under paragraph (4) establishing
3 fee revenue and fees for the fiscal year involved.
4 "(3) ADDITIONAL DIRECT COST ADJUST-
5 MENT.—The Secretary shall, in addition to adjust-
6 ments under paragraphs (1) and (2), further in-
7 crease the fee revenue and fees for purposes of sub-
8 section (b)(2)(D) by an amount equal to—
9 "(A) $14,000,000 for fiscal year 2021;
10 "(B) $7,000,000 for fiscal year 2022;
11 "(C) $4,000,000 for fiscal year 2023;
12 "(D) $3,000,000 for fiscal year 2024; and
13 "(E) $3,000,000 for fiscal year 2025.
14 "(4) ANNUAL FEE SETTING.—
15 "(A) FISCAL YEAR 2021.—The Secretary
16 shall, not later than the second Monday in May
17 of 2020—
18 "(i) establish OTC monograph drug
19 facility fees for fiscal year 2021 under sub-
20 section (a), based on the revenue amount
21 for such year under subsection (b) and the
22 adjustments provided under this sub-
23 section; and

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1 "(ii) publish fee revenue, facility fees,
2 and OTC monograph order requests in the
3 Federal Register.
4 "(B) SUBSEQUENT FISCAL YEARS.—The
5 Secretary shall, for each fiscal year that begins
6 after September 30, 2021, not later than the
7 second Monday in March that precedes such fis-
8 cal year—
9 "(i) establish for such fiscal year,
10 based on the revenue amounts under sub-
11 section (b) and the adjustments provided
12 under this subsection—
13 "(I) OTC monograph drug facil-
14 ity fees under subsection (a)(1); and
15 "(II) OTC monograph order re-
16 quest fees under subsection (a)(2);
17 and
18 "(ii) publish such fee revenue
19 amounts, facility fees, and OTC mono-
20 graph order request fees in the Federal
21 Register.
22 "(d) IDENTIFICATION OF FACILITIES.—Each person
23 that owns an OTC monograph drug facility shall submit
24 to the Secretary the information required under this sub-

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1 section each year. Such information shall, for each fiscal
2 year—
3 "(1) be submitted as part of the requirements
4 for drug establishment registration set forth in sec-
5 tion 510; and
6 "(2) include for each such facility, at a min-
7 imum, identification of the facility's business oper-
8 ation as that of an OTC monograph drug facility.
9 "(e) EFFECT OF FAILURE TO PAY FEES.—
10 "(1) OTC MONOGRAPH DRUG FACILITY FEE.—
11 "(A) IN GENERAL.—Failure to pay the fee
12 under subsection (a)(1) within 20 calendar days
13 of the due date as specified in subparagraph
14 (D) of such subsection shall result in the fol-
15 lowing:
16 "(i) The Secretary shall place the fa-
17 cility on a publicly available arrears list.
18 "(ii) All OTC monograph drugs man-
19 ufactured in such a facility or containing
20 an ingredient manufactured in such a facil-
21 ity shall be deemed misbranded under sec-
22 tion 502(ff).
23 "(B) APPLICATION OF PENALTIES.—The
24 penalties under this paragraph shall apply until
25 the fee established by subsection (a)(1) is paid.

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1 "(2) ORDER REQUESTS.—An OTC monograph
2 order request submitted by a person subject to fees
3 under subsection (a) shall be considered incomplete
4 and shall not be accepted for filing by the Secretary
5 until all fees owed by such person under this section
6 have been paid.
7 "(3) MEETINGS.—A person subject to fees
8 under this section shall be considered ineligible for
9 OTC monograph drug meetings until all such fees
10 owed by such person have been paid.
11 "(f) CREDITING AND AVAILABILITY OF FEES.—
12 "(1) IN GENERAL.—Fees authorized under sub-
13 section (a) shall be collected and available for obliga-
14 tion only to the extent and in the amount provided
15 in advance in appropriations Acts. Such fees are au-
16 thorized to remain available until expended. Such
17 sums as may be necessary may be transferred from
18 the Food and Drug Administration salaries and ex-
19 penses appropriation account without fiscal year lim-
20 itation to such appropriation account for salaries
21 and expenses with such fiscal year limitation. The
22 sums transferred shall be available solely for OTC
23 monograph drug activities.
24 "(2) COLLECTIONS AND APPROPRIATION
25 ACTS.—

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"(A) IN GENERAL.—Subject to subparagraph (C), the fees authorized by this section shall be collected and available in each fiscal year in an amount not to exceed the amount specified in appropriation Acts, or otherwise made available for obligation, for such fiscal year.

"(B) USE OF FEES AND LIMITATION.—The fees authorized by this section shall be available to defray increases in the costs of the resources allocated for OTC monograph drug activities (including increases in such costs for an additional number of full-time equivalent positions in the Department of Health and Human Services to be engaged in such activities), only if the Secretary allocates for such purpose an amount for such fiscal year (excluding amounts from fees collected under this section) no less than $12,000,000, multiplied by the adjustment factor applicable to the fiscal year involved under subsection (c)(1).

"(C) COMPLIANCE.—The Secretary shall be considered to have met the requirements of subparagraph (B) in any fiscal year if the costs funded by appropriations and allocated for OTC

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1 monograph drug activities are not more than 15
2 percent below the level specified in such sub-
3 paragraph.
4 "(D) PROVISION FOR EARLY PAYMENTS IN
5 SUBSEQUENT YEARS.—Payment of fees author-
6 ized under this section for a fiscal year (after
7 fiscal year 2021), prior to the due date for such
8 fees, may be accepted by the Secretary in ac-
9 cordance with authority provided in advance in
10 a prior year appropriations Act.
11 "(3) AUTHORIZATION OF APPROPRIATIONS.—
12 For each of the fiscal years 2021 through 2025,
13 there is authorized to be appropriated for fees under
14 this section an amount equal to the total amount of
15 fees assessed for such fiscal year under this section.
16 "(g) COLLECTION OF UNPAID FEES.—In any case
17 where the Secretary does not receive payment of a fee as-
18 sessed under subsection (a) within 30 calendar days after
19 it is due, such fee shall be treated as a claim of the United
20 States Government subject to subchapter II of chapter 37
21 of title 31, United States Code.
22 "(h) CONSTRUCTION.—This section may not be con-
23 strued to require that the number of full-time equivalent
24 positions in the Department of Health and Human Serv-
25 ices, for officers, employers, and advisory committees not

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1 engaged in OTC monograph drug activities, be reduced
2 to offset the number of officers, employees, and advisory
3 committees so engaged.

4 **"SEC. 744N. REAUTHORIZATION; REPORTING REQUIRE-**
5 **MENTS.**

6 "(a) PERFORMANCE REPORT.—Beginning with fiscal
7 year 2021, and not later than 120 calendar days after the
8 end of each fiscal year thereafter for which fees are col-
9 lected under this part, the Secretary shall prepare and
10 submit to the Committee on Energy and Commerce of the
11 House of Representatives and the Committee on Health,
12 Education, Labor, and Pensions of the Senate a report
13 concerning the progress of the Food and Drug Adminis-
14 tration in achieving the goals identified in the letters de-
15 scribed in section 3861(b) of the CARES Act during such
16 fiscal year and the future plans of the Food and Drug
17 Administration for meeting such goals.

18 "(b) FISCAL REPORT.—Not later than 120 calendar
19 days after the end of fiscal year 2021 and each subsequent
20 fiscal year for which fees are collected under this part,
21 the Secretary shall prepare and submit to the Committee
22 on Energy and Commerce of the House of Representatives
23 and the Committee on Health, Education, Labor, and
24 Pensions of the Senate a report on the implementation
25 of the authority for such fees during such fiscal year and

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1 the use, by the Food and Drug Administration, of the fees
2 collected for such fiscal year.
3 "(c) PUBLIC AVAILABILITY.—The Secretary shall
4 make the reports required under subsections (a) and (b)
5 available to the public on the internet website of the Food
6 and Drug Administration.
7 "(d) REAUTHORIZATION.—
8 "(1) CONSULTATION.—In developing rec-
9 ommendations to present to the Congress with re-
10 spect to the goals described in subsection (a), and
11 plans for meeting the goals, for OTC monograph
12 drug activities for the first 5 fiscal years after fiscal
13 year 2025, and for the reauthorization of this part
14 for such fiscal years, the Secretary shall consult
15 with—
16 "(A) the Committee on Energy and Com-
17 merce of the House of Representatives;
18 "(B) the Committee on Health, Education,
19 Labor, and Pensions of the Senate;
20 "(C) scientific and academic experts;
21 "(D) health care professionals;
22 "(E) representatives of patient and con-
23 sumer advocacy groups; and
24 "(F) the regulated industry.

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1 "(2) PUBLIC REVIEW OF RECOMMENDA-
2 TIONS.—After negotiations with the regulated indus-
3 try, the Secretary shall—
4 "(A) present the recommendations devel-
5 oped under paragraph (1) to the congressional
6 committees specified in such paragraph;
7 "(B) publish such recommendations in the
8 Federal Register;
9 "(C) provide for a period of 30 calendar
10 days for the public to provide written comments
11 on such recommendations;
12 "(D) hold a meeting at which the public
13 may present its views on such recommenda-
14 tions; and
15 "(E) after consideration of such public
16 views and comments, revise such recommenda-
17 tions as necessary.
18 "(3) TRANSMITTAL OF RECOMMENDATIONS.—
19 Not later than January 15, 2025, the Secretary
20 shall transmit to the Congress the revised rec-
21 ommendations under paragraph (2), a summary of
22 the views and comments received under such para-
23 graph, and any changes made to the recommenda-
24 tions in response to such views and comments.".

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

## Subtitle A—Coronavirus Economic Stabilization Act of 2020

**SEC. 4001. SHORT TITLE.**

This subtitle may be cited as the "Coronavirus Economic Stabilization Act of 2020".

**SEC. 4002. DEFINITIONS.**

In this subtitle:

(1) AIR CARRIER.—The term "air carrier" has the meaning such term has under section 40102 of title 49, United States Code.

(2) CORONAVIRUS.—The term "coronavirus" means SARS-CoV-2 or another coronavirus with pandemic potential.

(3) COVERED LOSS.—The term "covered loss" includes losses incurred directly or indirectly as a result of coronavirus, as determined by the Secretary.

(4) ELIGIBLE BUSINESS.—The term "eligible business" means—

(A) an air carrier; or

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1 (B) a United States business that has not
2 otherwise received adequate economic relief in
3 the form of loans or loan guarantees provided
4 under this Act.
5 (5) EMPLOYEE.—Except where the context oth-
6 erwise requires, the term "employee"—
7 (A) has the meaning given the term in sec-
8 tion 2 of the National Labor Relations Act (29
9 U.S.C. 152); and
10 (B) includes any individual employed by an
11 employer subject to the Railway Labor Act (45
12 U.S.C. 151 et seq.).
13 (6) EQUITY SECURITY; EXCHANGE.—The terms
14 "equity security" and "exchange" have the meanings
15 given the terms in section 3(a) of the Securities Ex-
16 change Act of 1934 (15 U.S.C. 78c(a)).
17 (7) MUNICIPALITY.—The term "municipality"
18 includes—
19 (A) a political subdivision of a State, and
20 (B) an instrumentality of a municipality, a
21 State, or a political subdivision of a State.
22 (8) NATIONAL SECURITIES EXCHANGE.—The
23 term "national securities exchange" means an ex-
24 change registered as a national securities exchange

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1 under section 6 of the Securities Exchange Act of
2 1934 (15 U.S.C. 78f).
3 (9) SECRETARY.—The term "Secretary" means
4 the Secretary of the Treasury, or the designee of the
5 Secretary of the Treasury.
6 (10) STATE.—The term "State" means—
7 (A) any of the several States;
8 (B) the District of Columbia;
9 (C) any of the territories and possessions
10 of the United States;
11 (D) any bi-State or multi-State entity; and
12 (E) any Indian Tribe.

13 **SEC. 4003. EMERGENCY RELIEF AND TAXPAYER PROTEC-**
14 **TIONS.**

15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law, to provide liquidity to eligible businesses,
17 States, and municipalities related to losses incurred as a
18 result of coronavirus, the Secretary is authorized to make
19 loans, loan guarantees, and other investments in support
20 of eligible businesses, States, and municipalities that do
21 not, in the aggregate, exceed $500,000,000,000 and pro-
22 vide the subsidy amounts necessary for such loans, loan
23 guarantees, and other investments in accordance with the
24 provisions of the Federal Credit Reform Act of 1990 (2
25 U.S.C. 661 et seq.).

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1 (b) LOANS, LOAN GUARANTEES, AND OTHER IN-
2 VESTMENTS.—Loans, loan guarantees, and other invest-
3 ments made pursuant to subsection (a) shall be made
4 available as follows:
5 (1) Not more than $25,000,000,000 shall be
6 available to make loans and loan guarantees for pas-
7 senger air carriers, eligible businesses that are cer-
8 tified under part 145 of title 14, Code of Federal
9 Regulations, and approved to perform inspection, re-
10 pair, replace, or overhaul services, and ticket agents
11 (as defined in section 40102 of title 49, United
12 States Code).
13 (2) Not more than $4,000,000,000 shall be
14 available to make loans and loan guarantees for
15 cargo air carriers.
16 (3) Not more than $17,000,000,000 shall be
17 available to make loans and loan guarantees for
18 businesses critical to maintaining national security.
19 (4) Not more than the sum of
20 $454,000,000,000 and any amounts available under
21 paragraphs (1), (2), and (3) that are not used as
22 provided under those paragraphs shall be available
23 to make loans and loan guarantees to, and other in-
24 vestments in, programs or facilities established by
25 the Board of Governors of the Federal Reserve Sys-

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1 tem for the purpose of providing liquidity to the fi-
2 nancial system that supports lending to eligible busi-
3 nesses, States, or municipalities by—
4 (A) purchasing obligations or other inter-
5 ests directly from issuers of such obligations or
6 other interests;
7 (B) purchasing obligations or other inter-
8 ests in secondary markets or otherwise; or
9 (C) making loans, including loans or other
10 advances secured by collateral.
11 (c) TERMS AND CONDITIONS.—
12 (1) IN GENERAL.—
13 (A) FORMS; TERMS AND CONDITIONS.—A
14 loan, loan guarantee, or other investment by the
15 Secretary shall be made under this section in
16 such form and on such terms and conditions
17 and contain such covenants, representations,
18 warranties, and requirements (including re-
19 quirements for audits) as the Secretary deter-
20 mines appropriate. Any loans made by the Sec-
21 retary under this section shall be at a rate de-
22 termined by the Secretary based on the risk
23 and the current average yield on outstanding
24 marketable obligations of the United States of
25 comparable maturity.

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1 (B) PROCEDURES.—As soon as prac-
2 ticable, but in no case later than 10 days after
3 the date of enactment of this Act, the Secretary
4 shall publish procedures for application and
5 minimum requirements, which may be supple-
6 mented by the Secretary in the Secretary's dis-
7 cretion, for making loans, loan guarantees, or
8 other investments under paragraphs (1), (2)
9 and (3) of subsection (b) .
10 (2) LOANS AND LOAN GUARANTEES .—The Sec-
11 retary may enter into agreements to make loans or
12 loan guarantees to 1 or more eligible businesses
13 under paragraphs (1), (2) and (3) of subsection (b)
14 if the Secretary determines that, in the Secretary's
15 discretion—
16 (A) the applicant is an eligible business for
17 which credit is not reasonably available at the
18 time of the transaction;
19 (B) the intended obligation by the appli-
20 cant is prudently incurred;
21 (C) the loan or loan guarantee is suffi-
22 ciently secured or is made at a rate that—
23 (i) reflects the risk of the loan or loan
24 guarantee; and

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1 (ii) is to the extent practicable, not
2 less than an interest rate based on market
3 conditions for comparable obligations prev-
4 alent prior to the outbreak of the
5 coronavirus disease 2019 (COVID–19);
6 (D) the duration of the loan or loan guar-
7 antee is as short as practicable and in any case
8 not longer than 5 years;
9 (E) the agreement provides that, until the
10 date 12 months after the date the loan or loan
11 guarantee is no longer outstanding, neither the
12 eligible business nor any affiliate of the eligible
13 business may purchase an equity security that
14 is listed on a national securities exchange of the
15 eligible business or any parent company of the
16 eligible business, except to the extent required
17 under a contractual obligation in effect as of
18 the date of enactment of this Act;
19 (F) the agreement provides that, until the
20 date 12 months after the date the loan or loan
21 guarantee is no longer outstanding, the eligible
22 business shall not pay dividends or make other
23 capital distributions with respect to the common
24 stock of the eligible business;

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(G) the agreement provides that, until September 30, 2020, the eligible business shall maintain its employment levels as of March 24, 2020, to the extent practicable, and in any case shall not reduce its employment levels by more than 10 percent from the levels on such date;

(H) the agreement includes a certification by the eligible business that it is created or organized in the United States or under the laws of the United States and has significant operations in and a majority of its employees based in the United States; and

(I) for purposes of a loan or loan guarantee under paragraphs (1), (2), and (3) of subsection (b), the eligible business must have incurred or is expected to incur covered losses such that the continued operations of the business are jeopardized, as determined by the Secretary.

(3) FEDERAL RESERVE PROGRAMS OR FACILITIES.—

(A) TERMS AND CONDITIONS.—

(i) DEFINITION.—In this paragraph, the term "direct loan" means a loan under a bilateral loan agreement that is —

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1 (I) entered into directly with an
2 eligible business as borrower; and
3 (II) not part of a syndicated
4 loan, a loan originated by a financial
5 institution in the ordinary course of
6 business, or a securities or capital
7 markets transaction.
8 (ii) RESTRICTIONS.—The Secretary
9 may make a loan, loan guarantee, or other
10 investment under subsection (b)(4) as part
11 of a program or facility that provides di-
12 rect loans only if the applicable eligible
13 businesses agree—
14 (I) until the date 12 months
15 after the date on which the direct loan
16 is no longer outstanding, not to repur-
17 chase an equity security that is listed
18 on a national securities exchange of
19 the eligible business or any parent
20 company of the eligible business while
21 the direct loan is outstanding, except
22 to the extent required under a con-
23 tractual obligation that is in effect as
24 of the date of enactment of this Act;

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1 (II) until the date 12 months
2 after the date on which the direct loan
3 is no longer outstanding, not to pay
4 dividends or make other capital dis-
5 tributions with respect to the common
6 stock of the eligible business; and
7 (III) to comply with the limita-
8 tions on compensation set forth in
9 section 4004.
10 (iii) WAIVER.—The Secretary may
11 waive the requirement under clause (ii)
12 with respect to any program or facility
13 upon a determination that such waiver is
14 necessary to protect the interests of the
15 Federal Government. If the Secretary exer-
16 cises a waiver under this clause, the Sec-
17 retary shall make himself available to tes-
18 tify before the Committee on Banking,
19 Housing, and Urban Affairs of the Senate
20 and the Committee on Financial Services
21 of the House of Representatives regarding
22 the reasons for the waiver.
23 (B) FEDERAL RESERVE ACT TAXPAYER
24 PROTECTIONS AND OTHER REQUIREMENTS
25 APPLY.—For the avoidance of doubt, any appli-

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1 cable requirements under section 13(3) of the
2 Federal Reserve Act (12 U.S.C. 343(3)), in-
3 cluding requirements relating to loan
4 collateralization, taxpayer protection, and bor-
5 rower solvency, shall apply with respect to any
6 program or facility described in subsection
7 (b)(4).
8 (C) UNITED STATES BUSINESSES.—A pro-
9 gram or facility in which the Secretary makes
10 a loan, loan guarantee, or other investment
11 under subsection (b)(4) shall only purchase ob-
12 ligations or other interests (other than securi-
13 ties that are based on an index or that are
14 based on a diversified pool of securities) from,
15 or make loans or other advances to, businesses
16 that are created or organized in the United
17 States or under the laws of the United States
18 and that have significant operations in and a
19 majority of its employees based in the United
20 States.
21 (D) ASSISTANCE FOR MID-SIZED BUSI-
22 NESSES.—
23 (i) IN GENERAL.—Without limiting
24 the terms and conditions of the programs
25 and facilities that the Secretary may other-

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1 wise provide financial assistance to under
2 subsection (b)(4), the Secretary shall en-
3 deavor to seek the implementation of a
4 program or facility described in subsection
5 (b)(4) that provides financing to banks and
6 other lenders that make direct loans to eli-
7 gible businesses including, to the extent
8 practicable, nonprofit organizations, with
9 between 500 and 10,000 employees, with
10 such direct loans being subject to an
11 annualized interest rate that is not higher
12 than 2 percent per annum. For the first 6
13 months after any such direct loan is made,
14 or for such longer period as the Secretary
15 may determine in his discretion, no prin-
16 cipal or interest shall be due and payable.
17 Any eligible borrower applying for a direct
18 loan under this program shall make a
19 good-faith certification that—
20 (I) the uncertainty of economic
21 conditions as of the date of the appli-
22 cation makes necessary the loan re-
23 quest to support the ongoing oper-
24 ations of the recipient;

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1 (II) the funds it receives will be
2 used to retain at least 90 percent of
3 the recipient's workforce, at full com-
4 pensation and benefits, until Sep-
5 tember 30, 2020;
6 (III) the recipient intends to re-
7 store not less than 90 percent of the
8 workforce of the recipient that existed
9 as of February 1, 2020, and to re-
10 store all compensation and benefits to
11 the workers of the recipient no later
12 than 4 months after the termination
13 date of the public health emergency
14 declared by the Secretary of Health
15 and Human Services on January 31,
16 2020, under section 319 of the Public
17 Health Services Act (42 U.S.C. 247d)
18 in response to COVID–19;
19 (IV) the recipient is an entity or
20 business that is domiciled in the
21 United States with significant oper-
22 ations and employees located in the
23 United States;
24 (V) the recipient is not a debtor
25 in a bankruptcy proceeding;

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1 (VI) the recipient is created or
2 organized in the United States or
3 under the laws of the United States
4 and has significant operations in and
5 a majority of its employees based in
6 the United States;
7 (VII) the recipient will not pay
8 dividends with respect to the common
9 stock of the eligible business, or re-
10 purchase an equity security that is
11 listed on a national securities ex-
12 change of the recipient or any parent
13 company of the recipient while the di-
14 rect loan is outstanding, except to the
15 extent required under a contractual
16 obligation that is in effect as of the
17 date of enactment of this Act;
18 (VIII) the recipient will not
19 outsource or offshore jobs for the
20 term of the loan and 2 years after
21 completing repayment of the loan;
22 (IX) the recipient will not abro-
23 gate existing collective bargaining
24 agreements for the term of the loan

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1 and 2 years after completing repay-
2 ment of the loan; and
3 (X) that the recipient will remain
4 neutral in any union organizing effort
5 for the term of the loan.
6 (ii) MAIN STREET LENDING PRO-
7 GRAM.—Nothing in this subparagraph
8 shall limit the discretion of the Board of
9 Governors of the Federal Reserve System
10 to establish a Main Street Lending Pro-
11 gram or other similar program or facility
12 that supports lending to small and mid-
13 sized businesses on such terms and condi-
14 tions as the Board may set consistent with
15 section 13(3) of the Federal Reserve Act
16 (12 U.S.C. 343(3)), including any such
17 program in which the Secretary makes a
18 loan, loan guarantee, or other investment
19 under subsection (b)(4).
20 (E) GOVERNMENT PARTICIPANTS.—The
21 Secretary shall endeavor to seek the implemen-
22 tation of a program or facility in accordance
23 with subsection (b)(4) that provides liquidity to
24 the financial system that supports lending to
25 States and municipalities.

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1 (d) FINANCIAL PROTECTION OF GOVERNMENT.—
2 (1) WARRANT OR SENIOR DEBT INSTRU-
3 MENT.—The Secretary may not issue a loan to, or
4 a loan guarantee for, an eligible business under
5 paragraph (1), (2), or (3) of subsection (b) unless—
6 (A)(i) the eligible business has issued secu-
7 rities that are traded on a national securities
8 exchange; and
9 (ii) the Secretary receives a warrant or eq-
10 uity interest in the eligible business; or
11 (B) in the case of any eligible business
12 other than an eligible business described in sub-
13 paragraph (A), the Secretary receives, in the
14 discretion of the Secretary—
15 (i) a warrant or equity interest in the
16 eligible business; or
17 (ii) a senior debt instrument issued by
18 the eligible business.
19 (2) TERMS AND CONDITIONS.—The terms and
20 conditions of any warrant, equity interest, or senior
21 debt instrument received under paragraph (1) shall
22 be set by the Secretary and shall meet the following
23 requirements:
24 (A) PURPOSES.—Such terms and condi-
25 tions shall be designed to provide for a reason-

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able participation by the Secretary, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity interest, or a reasonable interest rate premium, in the case of a debt instrument.

(B) AUTHORITY TO SELL, EXERCISE, OR SURRENDER.—For the primary benefit of taxpayers, the Secretary may sell, exercise, or surrender a warrant or any senior debt instrument received under this subsection. The Secretary shall not exercise voting power with respect to any shares of common stock acquired under this section.

(C) SUFFICIENCY.—If the Secretary determines that the eligible business cannot feasibly issue warrants or other equity interests as required by this subsection, the Secretary may accept a senior debt instrument in an amount and on such terms as the Secretary deems appropriate.

(3) PROHIBITION ON LOAN FORGIVENESS.—The principal amount of any obligation issued by an eligible business, State, or municipality under a program described in subsection (b) shall not be reduced through loan forgiveness.

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1 (e) DEPOSIT OF PROCEEDS.—Amounts collected
2 under subsection (b) shall be deposited in the following
3 order of priority:
4 (1) Into the financing accounts established
5 under section 505 of the Federal Credit Reform Act
6 of 1990 (2 U.S.C. 661d) to implement this subtitle,
7 up to an amount equal to the sum of—
8 (A) the amount transferred from the ap-
9 propriation made under section 4027 to the fi-
10 nancing accounts; and
11 (B) the amount necessary to repay any
12 amount lent from the Treasury to such financ-
13 ing accounts.
14 (2) After the deposits specified in paragraph
15 (1) of this subsection have been made, into the Fed-
16 eral Old-Age and Survivors Insurance Trust Fund
17 established under section 201(a) of the Social Secu-
18 rity Act (42 U.S.C. 401).
19 (f) ADMINISTRATIVE PROVISIONS.—Notwithstanding
20 any other provision of law, the Secretary may use not
21 greater than $100,000,000 of the funds made available
22 under section 4027 to pay costs and administrative ex-
23 penses associated with the loans, loan guarantees, and
24 other investments authorized under this section. The Sec-
25 retary is authorized to take such actions as the Secretary

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1 deems necessary to carry out the authorities in this sub-
2 title, including, without limitation—
3 (1) using direct hiring authority to hire employ-
4 ees to administer this subtitle;
5 (2) entering into contracts, including contracts
6 for services authorized by this subtitle;
7 (3) establishing vehicles that are authorized,
8 subject to supervision by the Secretary, to purchase,
9 hold, and sell assets and issue obligations; and
10 (4) issuing such regulations and other guidance
11 as may be necessary or appropriate to carry out the
12 authorities or purposes of this subtitle.
13 (g) FINANCIAL AGENTS.—The Secretary is author-
14 ized to designate financial institutions, including but not
15 limited to, depositories, brokers, dealers, and other institu-
16 tions, as financial agents of the United States. Such insti-
17 tutions shall—
18 (1) perform all reasonable duties the Secretary
19 determines necessary to respond to the coronavirus;
20 and
21 (2) be paid for such duties using appropriations
22 available to the Secretary to reimburse financial in-
23 stitutions in their capacity as financial agents of the
24 United States.

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1 (h) LOANS MADE BY OR GUARANTEED BY THE DE-
2 PARTMENT OF THE TREASURY TREATED AS INDEBTED-
3 NESS FOR TAX PURPOSES.—
4 (1) IN GENERAL.—Any loan made by or guar-
5 anteed by the Department of the Treasury under
6 this section shall be treated as indebtedness for pur-
7 poses of the Internal Revenue Code of 1986, shall be
8 treated as issued for its stated principal amount,
9 and stated interest on such loans shall be treated as
10 qualified stated interest.
11 (2) REGULATIONS OR GUIDANCE.—The Sec-
12 retary of the Treasury (or the Secretary's delegate)
13 shall prescribe such regulations or guidance as may
14 be necessary or appropriate to carry out the pur-
15 poses of this section, including guidance providing
16 that the acquisition of warrants, stock options, com-
17 mon or preferred stock or other equity under this
18 section does not result in an ownership change for
19 purposes of section 382 of the Internal Revenue
20 Code of 1986.
21 **SEC. 4004. LIMITATION ON CERTAIN EMPLOYEE COM-**
22 **PENSATION.**
23 (a) IN GENERAL.—The Secretary may only enter into
24 an agreement with an eligible business to make a loan or
25 loan guarantee under paragraph (1), (2) or (3) of section

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1 4003(b) if such agreement provides that, during the pe-
2 riod beginning on the date on which the agreement is exe-
3 cuted and ending on the date that is 1 year after the date
4 on which the loan or loan guarantee is no longer out-
5 standing—

6 (1) no officer or employee of the eligible busi-
7 ness whose total compensation exceeded $425,000 in
8 calendar year 2019 (other than an employee whose
9 compensation is determined through an existing col-
10 lective bargaining agreement entered into prior to
11 March 1, 2020)—

12 (A) will receive from the eligible business
13 total compensation which exceeds, during any
14 12 consecutive months of such period, the total
15 compensation received by the officer or em-
16 ployee from the eligible business in calendar
17 year 2019; or

18 (B) will receive from the eligible business
19 severance pay or other benefits upon termi-
20 nation of employment with the eligible business
21 which exceeds twice the maximum total com-
22 pensation received by the officer or employee
23 from the eligible business in calendar year
24 2019; and

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(2) no officer or employee of the eligible business whose total compensation exceeded $3,000,000 in calendar year 2019 may receive during any 12 consecutive months of such period total compensation in excess of the sum of—

(A) $3,000,000; and

(B) 50 percent of the excess over $3,000,000 of the total compensation received by the officer or employee from the eligible business in calendar year 2019.

(b) TOTAL COMPENSATION DEFINED.—In this section, the term "total compensation" includes salary, bonuses, awards of stock, and other financial benefits provided by an eligible business to an officer or employee of the eligible business.

**SEC. 4005. CONTINUATION OF CERTAIN AIR SERVICE.**

The Secretary of Transportation is authorized to require, to the extent reasonable and practicable, an air carrier receiving loans and loan guarantees under section 4003 to maintain scheduled air transportation service as the Secretary of Transportation deems necessary to ensure services to any point served by that carrier before March 1, 2020. When considering whether to exercise the authority granted by this section, the Secretary of Transportation shall take into consideration the air transportation

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needs of small and remote communities and the need to maintain well-functioning health care and pharmaceutical supply chains, including for medical devices and supplies. The authority under this section, including any requirement issued by the Secretary under this section, shall terminate on March 1, 2022.

**SEC. 4006. COORDINATION WITH SECRETARY OF TRANSPORTATION.**

In implementing this subtitle with respect to air carriers, the Secretary shall coordinate with the Secretary of Transportation.

**SEC. 4007. SUSPENSION OF CERTAIN AVIATION EXCISE TAXES.**

(a) TRANSPORTATION BY AIR.—In the case of any amount paid for transportation by air (including any amount treated as paid for transportation by air by reason of section 4261(e)(3) of the Internal Revenue Code of 1986) during the excise tax holiday period, no tax shall be imposed under section 4261 or 4271 of such Code. The preceding sentence shall not apply to amounts paid on or before the date of the enactment of this Act.

(b) USE OF KEROSENE IN COMMERCIAL AVIATION.—In the case of kerosene used in commercial aviation (as defined in section 4083 of the Internal Revenue Code of 1986) during the excise tax holiday period—

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1 (1) no tax shall be imposed on such kerosene
2 under—
3 (A) section 4041(c) of the Internal Rev-
4 enue Code of 1986, or
5 (B) section 4081 of such Code (other than
6 at the rate provided in subsection (a)(2)(B)
7 thereof), and
8 (2) section 6427(l) of such Code shall be ap-
9 plied—
10 (A) by treating such use as a nontaxable
11 use, and
12 (B) without regard to paragraph (4)(A)(ii)
13 thereof.
14 (c) EXCISE TAX HOLIDAY PERIOD.—For purposes of
15 this section, the term "excise tax holiday period" means
16 the period beginning after the date of the enactment of
17 this section and ending before January 1, 2021.
18 **SEC. 4008. DEBT GUARANTEE AUTHORITY.**
19 (a) Section 1105 of the Dodd-Frank Wall Street Re-
20 form and Consumer Protection Act (12 U.S.C. 5612) is
21 amended—
22 (1) in subsection (f)—
23 (A) by inserting "in noninterest-bearing
24 transaction accounts" after "institutions"; and

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1 (B) by striking "shall not" and inserting
2 "may"; and
3 (2) by adding at the end the following:
4 "(h) APPROVAL OF GUARANTEE PROGRAM DURING
5 THE COVID–19 CRISIS.—
6 "(1) IN GENERAL.—For purposes of the con-
7 gressional joint resolution of approval provided for
8 in subsections (c)(1) and (2) and (d), notwith-
9 standing any other provision of this section, the
10 Federal Deposit Insurance Corporation is approved
11 upon enactment of this Act to establish a program
12 provided for in subsection (a), provided that any
13 such program and any such guarantee shall termi-
14 nate not later than December 31, 2020.
15 "(2) MAXIMUM AMOUNT.—Any debt guarantee
16 program authorized by this subsection shall include
17 a maximum amount of outstanding debt that is
18 guaranteed.".
19 (b) FEDERAL CREDIT UNION TRANSACTION AC-
20 COUNT GUARANTEES.—Notwithstanding any other provi-
21 sion of law and in coordination with the Federal Deposit
22 Insurance Corporation, the National Credit Union Admin-
23 istration Board may by a vote of the Board increase to
24 unlimited, or such lower amount as the Board approves,
25 the share insurance coverage provided by the National

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1 Credit Union Share Insurance Fund on any noninterest-
2 bearing transaction account in any federally insured credit
3 union without exception, provided that any such increase
4 shall terminate not later than December 31, 2020.

5 **SEC. 4009. TEMPORARY GOVERNMENT IN THE SUNSHINE**
6 **ACT RELIEF.**

7 (a) IN GENERAL.—Except as provided in subsection
8 (b), notwithstanding any other provision of law, if the
9 Chairman of the Board of Governors of the Federal Re-
10 serve System determines, in writing, that unusual and exi-
11 gent circumstances exist, the Board may conduct meetings
12 without regard to the requirements of section 552b of title
13 5, United States Code, during the period beginning on the
14 date of enactment of this Act and ending on the earlier
15 of—

16 (1) the date on which the national emergency
17 concerning the novel coronavirus disease (COVID–
18 19) outbreak declared by the President on March
19 13, 2020 under the National Emergencies Act (50
20 U.S.C. 1601 et seq.) terminates; or

21 (2) December 31, 2020.

22 (b) RECORDS.—The Board of Governors of the Fed-
23 eral Reserve System shall keep a record of all Board votes
24 and the reasons for such votes during the period described
25 in subsection (a).

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1 **SEC. 4010. TEMPORARY HIRING FLEXIBILITY.**

2 (a) DEFINITION.—In this section, the term ''covered
3 period'' means the period beginning on the date of enact-
4 ment of this Act and ending on the sooner of—

5 (1) the termination date of the national emer-
6 gency concerning the novel coronavirus disease
7 (COVID–19) outbreak declared by the President on
8 March 13, 2020 under the National Emergencies
9 Act (50 U.S.C. 1601 et seq.); or

10 (2) December 31, 2020.

11 (b) AUTHORITY.— During the covered period, the
12 Secretary of Housing and Urban Development, the Securi-
13 ties and Exchange Commission, and the Commodity Fu-
14 tures Trading Commission may, without regard to sections
15 3309 through 3318 of title 5, United States Code, recruit
16 and appoint candidates to fill temporary and term ap-
17 pointments within their respective agencies upon a deter-
18 mination that those expedited procedures are necessary
19 and appropriate to enable the respective agencies to pre-
20 vent, prepare for, or respond to COVID–19.

21 **SEC. 4011. TEMPORARY LENDING LIMIT WAIVER.**

22 (a) IN GENERAL.—Section 5200 of the Revised Stat-
23 utes of the United States (12 U.S.C. 84) is amended—

24 (1) in subsection (c)(7)—

25 (A) by inserting ''any nonbank financial
26 company (as that term is defined in section 102

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of the Financial Stability Act of 2010 (12 U.S.C. 5311)),'' after ''Loans or extensions of credit to''; and

(B) by striking ''financial institution or to'' and inserting ''financial institution, or to''; and

(2) in subsection (d), by adding at the end of paragraph (1) the following: ''The Comptroller of the Currency may, by order, exempt any transaction or series of transactions from the requirements of this section upon a finding by the Comptroller that such exemption is in the public interest and consistent with the purposes of this section.''.

(b) EFFECTIVE PERIOD.—This section, and the amendments made by this section, shall be effective during the period beginning on the date of enactment of this Act and ending on the sooner of—

(1) the termination date of the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.); or

(2) December 31, 2020.

**SEC. 4012. TEMPORARY RELIEF FOR COMMUNITY BANKS.**

(a) DEFINITIONS.—In this section—

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1 (1) the term "appropriate Federal banking
2 agency" has the meaning given the term in section
3 2 of the Economic Growth, Regulatory Relief, and
4 Consumer Protection Act (12 U.S.C. 5365 note);
5 and
6 (2) the terms "Community Bank Leverage
7 Ratio" and "qualifying community bank" have the
8 meanings given the terms in section 201(a) of the
9 Economic Growth, Regulatory Relief, and Consumer
10 Protection Act (12 U.S.C. 5371 note).
11 (b) INTERIM RULE.—
12 (1) IN GENERAL.—Notwithstanding any other
13 provision of law or regulation, the appropriate Fed-
14 eral banking agencies shall issue an interim final
15 rule that provides that, for the purposes of section
16 201 of the Economic Growth, Regulatory Relief, and
17 Consumer Protection Act (12 U.S.C. 5371 note)—
18 (A) the Community Bank Leverage Ratio
19 shall be 8 percent; and
20 (B) a qualifying community bank that falls
21 below the Community Bank Leverage Ratio es-
22 tablished under subparagraph (A) shall have a
23 reasonable grace period to satisfy the Commu-
24 nity Bank Leverage Ratio.

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1 (2) EFFECTIVE PERIOD.—The interim rule
2 issued under paragraph (1) shall be effective during
3 the period beginning on the date on which the ap-
4 propriate Federal banking agencies issue the rule
5 and ending on the sooner of—
6 (A) the termination date of the national
7 emergency concerning the novel coronavirus dis-
8 ease (COVID–19) outbreak declared by the
9 President on March 13, 2020 under the Na-
10 tional Emergencies Act (50 U.S.C. 1601 et
11 seq.); or
12 (B) December 31, 2020.
13 (c) GRACE PERIOD.—During a grace period de-
14 scribed in subsection (b)(1)(B), a qualifying community
15 bank to which the grace period applies may continue to
16 be treated as a qualifying community bank and shall be
17 presumed to satisfy the capital and leverage requirements
18 described in section 201(c) of the Economic Growth, Reg-
19 ulatory Relief, and Consumer Protection Act (12 U.S.C.
20 5371 note).
21 **SEC. 4013. TEMPORARY RELIEF FROM TROUBLED DEBT**
22 **RESTRUCTURINGS.**
23 (a) DEFINITIONS.—In this section:
24 (1) APPLICABLE PERIOD.—The term "applica-
25 ble period" means the period beginning on March 1,

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1 2020 and ending on the earlier of December 31,
2 2020, or the date that is 60 days after the date on
3 which the national emergency concerning the novel
4 coronavirus disease (COVID–19) outbreak declared
5 by the President on March 13, 2020 under the Na-
6 tional Emergencies Act (50 U.S.C. 1601 et seq.) ter-
7 minates.
8 (2) APPROPRIATE FEDERAL BANKING AGEN-
9 CY.—The term "appropriate Federal banking agen-
10 cy"—
11 (A) has the meaning given the term in sec-
12 tion 3 of the Federal Deposit Insurance Act (12
13 U.S.C. 1813); and
14 (B) includes the National Credit Union
15 Administration.
16 (b) SUSPENSION.—
17 (1) IN GENERAL.—During the applicable pe-
18 riod, a financial institution may elect to—
19 (A) suspend the requirements under
20 United States generally accepted accounting
21 principles for loan modifications related to the
22 coronavirus disease 2019 (COVID–19) pan-
23 demic that would otherwise be categorized as a
24 troubled debt restructuring; and

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1 (B) suspend any determination of a loan
2 modified as a result of the effects of the
3 coronavirus disease 2019 (COVID–19) pan-
4 demic as being a troubled debt restructuring,
5 including impairment for accounting purposes.
6 (2) APPLICABILITY.—Any suspension under
7 paragraph (1)—
8 (A) shall be applicable for the term of the
9 loan modification, but solely with respect to any
10 modification, including a forbearance arrange-
11 ment, an interest rate modification, a repay-
12 ment plan, and any other similar arrangement
13 that defers or delays the payment of principal
14 or interest, that occurs during the applicable
15 period for a loan that was not more than 30
16 days past due as of December 31, 2019; and
17 (B) shall not apply to any adverse impact
18 on the credit of a borrower that is not related
19 to the coronavirus disease 2019 (COVID–19)
20 pandemic.
21 (c) DEFERENCE.—The appropriate Federal banking
22 agency of the financial institution shall defer to the deter-
23 mination of the financial institution to make a suspension
24 under this section.

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1 (d) RECORDS.—For modified loans for which suspen-
2 sions under subsection (a) apply—
3 (1) financial institutions should continue to
4 maintain records of the volume of loans involved;
5 and
6 (2) the appropriate Federal banking agencies
7 may collect data about such loans for supervisory
8 purposes.

9 **SEC. 4014. OPTIONAL TEMPORARY RELIEF FROM CURRENT**
10 **EXPECTED CREDIT LOSSES.**

11 (a) DEFINITIONS.—In this section:
12 (1) APPROPRIATE FEDERAL BANKING AGEN-
13 CY.—The term "appropriate Federal banking agen-
14 cy"—
15 (A) has the meaning given the term in sec-
16 tion 3 of the Federal Deposit Insurance Act (12
17 U.S.C. 1813); and
18 (B) includes the National Credit Union
19 Administration.
20 (2) INSURED DEPOSITORY INSTITUTION.—The
21 term "insured depository institution"—
22 (A) has the meaning given the term in sec-
23 tion 3 of the Federal Deposit Insurance Act (12
24 U.S.C. 1813); and
25 (B) includes a credit union.

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1 (b) TEMPORARY RELIEF FROM CECL STAND-
2 ARDS.—Notwithstanding any other provision of law, no in-
3 sured depository institution, bank holding company, or
4 any affiliate thereof shall be required to comply with the
5 Financial Accounting Standards Board Accounting Stand-
6 ards Update No. 2016–13 (''Measurement of Credit
7 Losses on Financial Instruments''), including the current
8 expected credit losses methodology for estimating allow-
9 ances for credit losses, during the period beginning on the
10 date of enactment of this Act and ending on the earlier
11 of—
12 (1) the date on which the national emergency
13 concerning the novel coronavirus disease (COVID–
14 19) outbreak declared by the President on March
15 13, 2020 under the National Emergencies Act (50
16 U.S.C. 1601 et seq.) terminates; or
17 (2) December 31, 2020.
18 **SEC. 4015. NON-APPLICABILITY OF RESTRICTIONS ON ESF**
19 **DURING NATIONAL EMERGENCY.**
20 (a) IN GENERAL.—Section 131 of the Emergency
21 Economic Stabilization Act of 2008 (12 U.S.C. 5236)
22 shall not apply during the period beginning on the date
23 of enactment of this Act and ending on December 31,
24 2020. Any guarantee established as a result of the applica-
25 tion of subsection (a) shall—

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1 (1) be limited to a guarantee of the total value
2 of a shareholder's account in a participating fund as
3 of the close of business on the day before the an-
4 nouncement of the guarantee; and
5 (2) terminate not later than December 31,
6 2020.
7 (b) DIRECT APPROPRIATION.—Upon the expiration
8 of the period described in subsection (a), there is appro-
9 priated, out of amounts in the Treasury not otherwise ap-
10 propriated, such sums as may be necessary to reimburse
11 the fund established under section 5302(a)(1) of title 31,
12 United States Code, for any funds that are used for the
13 Treasury Money Market Funds Guaranty Program for the
14 United States money market mutual fund industry to the
15 extent a claim payment made exceeds the balance of fees
16 collected by the fund.
17 **SEC. 4016. TEMPORARY CREDIT UNION PROVISIONS.**
18 (a) IN GENERAL.—
19 (1) DEFINITIONS.—Section 302(1) of the Fed-
20 eral Credit Union Act (12 U.S.C. 1795a(1)) is
21 amended, in the matter preceding subparagraph (A),
22 by striking "primarily serving natural persons".
23 (2) MEMBERSHIP.—Section 304(b)(2) of the
24 Federal Credit Union Act (12 U.S.C. 1795c(b)(2))
25 is amended by striking "all those credit unions" and

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1 inserting "such credit unions as the Board may in
2 its discretion determine".
3 (3) EXTENSIONS OF CREDIT.—Section
4 306(a)(1) of the Federal Credit Union Act (12
5 U.S.C. 1795e(a)(1)) is amended, in the second sen-
6 tence, by striking "the intent of which is to expand
7 credit union portfolios" and inserting "without first
8 having obtained evidence from the applicant that the
9 applicant has made reasonable efforts to first use
10 primary sources of liquidity of the applicant, includ-
11 ing balance sheet and market funding sources, to
12 address the liquidity needs of the applicant".
13 (4) POWERS OF THE BOARD.—Section
14 307(a)(4)(A) of the Federal Credit Union Act (12
15 U.S.C. 1795f(a)(4)(A)) is amended by inserting ",
16 provided that, the total face value of such obliga-
17 tions shall not exceed 16 times the subscribed cap-
18 ital stock and surplus of the Facility for the period
19 beginning on the date of enactment of the
20 Coronavirus Economic Stabilization Act of 2020 and
21 ending on December 31, 2020" after "Facility".
22 (b) SUNSET.—
23 (1) IN GENERAL.—
24 (A) DEFINITIONS.—Section 302(1) of the
25 Federal Credit Union Act (12 U.S.C. 1795a(1))

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1 is amended, in the matter preceding subpara-
2 graph (A), by inserting "primarily serving nat-
3 ural persons" after "credit unions".
4 (B) MEMBERSHIP.—Section 304(b)(2) of
5 the Federal Credit Union Act (12 U.S.C.
6 1795c(b)(2)) is amended by striking "such
7 credit unions as the Board may in its discretion
8 determine" and inserting "all those credit
9 unions".
10 (C) EXTENSIONS OF CREDIT.—Section
11 306(a)(1) of the Federal Credit Union Act (12
12 U.S.C. 1795e(a)(1)) is amended, in the second
13 sentence, by striking "without first having ob-
14 tained evidence from the applicant that the ap-
15 plicant has made reasonable efforts to first use
16 primary sources of liquidity of the applicant, in-
17 cluding balance sheet and market funding
18 sources, to address the liquidity needs of the
19 applicant" and inserting "the intent of which is
20 to expand credit union portfolios".
21 (2) EFFECTIVE DATE.—The amendments made
22 by paragraph (1) shall take effect on December 31,
23 2020.

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1 **SEC. 4017. INCREASING ACCESS TO MATERIALS NECESSARY**
2 **FOR NATIONAL SECURITY AND PANDEMIC**
3 **RECOVERY.**

4 Notwithstanding any other provision of law—

5 (1) during the 2-year period beginning on the
6 date of enactment of this Act, the requirements de-
7 scribed in sections 303(a)(6)(C) and 304(e) of the
8 Defense Production Act of 1950 (50 U.S.C.
9 4533(a)(6)(C), 4534(e)) shall not apply; and

10 (2) during the 1-year period beginning on the
11 date of enactment of this Act, the requirements de-
12 scribed in sections 302(d)(1) and 303 (a)(6)(B) of
13 the Defense Production Act of 1950 (50 U.S.C.
14 4532(d)(1), 4533(a)(6)(B)) shall not apply.

15 **SEC. 4018. SPECIAL INSPECTOR GENERAL FOR PANDEMIC**
16 **RECOVERY.**

17 (a) OFFICE OF INSPECTOR GENERAL.—There is
18 hereby established within the Department of the Treasury
19 the Office of the Special Inspector General for Pandemic
20 Recovery.

21 (b) APPOINTMENT OF INSPECTOR GENERAL; RE-
22 MOVAL.—

23 (1) IN GENERAL.—The head of the Office of
24 the Special Inspector General for Pandemic Recov-
25 ery shall be the Special Inspector General for Pan-
26 demic Recovery (referred to in this section as the

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1 "Special Inspector General"), who shall be appointed
2 by the President, by and with the advice and consent
3 of the Senate.

4 (2) NOMINATION.—The nomination of the Spe-
5 cial Inspector General shall be made on the basis of
6 integrity and demonstrated ability in accounting, au-
7 diting, financial analysis, law, management analysis,
8 public administration, or investigations. The nomina-
9 tion of an individual as Special Inspector General
10 shall be made as soon as practicable after any loan,
11 loan guarantee, or other investment is made under
12 section 4003.

13 (3) REMOVAL.—The Special Inspector General
14 shall be removable from office in accordance with
15 the provisions of section 3(b) of the Inspector Gen-
16 eral Act of 1978 (5 U.S.C. App.).

17 (4) POLITICAL ACTIVITY.—For purposes of sec-
18 tion 7324 of title 5, United States Code, the Special
19 Inspector General shall not be considered an em-
20 ployee who determines policies to be pursued by the
21 United States in the nationwide administration of
22 Federal law.

23 (5) BASIC PAY.—The annual rate of basic pay
24 of the Special Inspector General shall be the annual
25 rate of basic pay for an Inspector General under sec-

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1 tion 3(e) of the Inspector General Act of 1978 (5
2 U.S.C. App.).
3 (c) DUTIES.—
4 (1) IN GENERAL.—It shall be the duty of the
5 Special Inspector General to, in accordance with sec-
6 tion 4(b)(1) of the Inspector General Act of 1978 (5
7 U.S.C. App.), conduct, supervise, and coordinate au-
8 dits and investigations of the making, purchase,
9 management, and sale of loans, loan guarantees, and
10 other investments made by the Secretary of the
11 Treasury under any program established by the Sec-
12 retary under this Act, and the management by the
13 Secretary of any program established under this Act,
14 including by collecting and summarizing the fol-
15 lowing information:
16 (A) A description of the categories of the
17 loans, loan guarantees, and other investments
18 made by the Secretary.
19 (B) A listing of the eligible businesses re-
20 ceiving loan, loan guarantees, and other invest-
21 ments made under each category described in
22 subparagraph (A).
23 (C) An explanation of the reasons the Sec-
24 retary determined it to be appropriate to make
25 each loan or loan guarantee under this Act, in-

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1 cluding a justification of the price paid for, and
2 other financial terms associated with, the appli-
3 cable transaction.
4 (D) A listing of, and detailed biographical
5 information with respect to, each person hired
6 to manage or service each loan, loan guarantee,
7 or other investment made under section 4003.
8 (E) A current, as of the date on which the
9 information is collected, estimate of the total
10 amount of each loan, loan guarantee, and other
11 investment made under this Act that is out-
12 standing, the amount of interest and fees ac-
13 crued and received with respect to each loan or
14 loan guarantee, the total amount of matured
15 loans, the type and amount of collateral, if any,
16 and any losses or gains, if any, recorded or ac-
17 crued for each loan, loan guarantee, or other in-
18 vestment.
19 (2) MAINTENANCE OF SYSTEMS.—The Special
20 Inspector General shall establish, maintain, and
21 oversee such systems, procedures, and controls as
22 the Special Inspector General considers appropriate
23 to discharge the duties of the Special Inspector Gen-
24 eral under paragraph (1).

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1 (3) ADDITIONAL DUTIES AND RESPONSIBIL-
2 ITIES.—In addition to the duties described in para-
3 graphs (1) and (2), the Special Inspector General
4 shall also have the duties and responsibilities of in-
5 spectors general under the Inspector General Act of
6 1978 (5 U.S.C. App.).
7 (d) POWERS AND AUTHORITIES.—
8 (1) IN GENERAL.—In carrying out the duties of
9 the Special Inspector General under subsection (c),
10 the Special Inspector General shall have the authori-
11 ties provided in section 6 of the Inspector General
12 Act of 1978 (5 U.S.C. App.).
13 (2) TREATMENT OF OFFICE.—The Office of the
14 Special Inspector General for Pandemic Recovery
15 shall be considered to be an office described in sec-
16 tion 6(f)(3) of the Inspector General Act of 1978 (5
17 U.S.C. App.) and shall be exempt from an initial de-
18 termination by the Attorney General under section
19 6(f)(2) of that Act.
20 (e) PERSONNEL, FACILITIES, AND OTHER RE-
21 SOURCES.—
22 (1) APPOINTMENT OF OFFICERS AND EMPLOY-
23 EES.—The Special Inspector General may select, ap-
24 point, and employ such officers and employees as
25 may be necessary for carrying out the duties of the

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1 Special Inspector General, subject to the provisions
2 of title 5, United States Code, governing appoint-
3 ments in the competitive service, and the provisions
4 of chapter 51 and subchapter III of chapter 53 of
5 that title, relating to classification and General
6 Schedule pay rates.

7 (2) EXPERTS AND CONSULTANTS.—The Special
8 Inspector General may obtain services as authorized
9 under section 3109 of title 5, United States Code,
10 at daily rates not to exceed the equivalent rate pre-
11 scribed for grade GS–15 of the General Schedule by
12 section 5332 of that title.

13 (3) CONTRACTS.—The Special Inspector Gen-
14 eral may enter into contracts and other arrange-
15 ments for audits, studies, analyses, and other serv-
16 ices with public agencies and with private persons,
17 and make such payments as may be necessary to
18 carry out the duties of the Inspector General.

19 (4) REQUESTS FOR INFORMATION.—

20 (A) IN GENERAL.—Upon request of the
21 Special Inspector General for information or as-
22 sistance from any department, agency, or other
23 entity of the Federal Government, the head of
24 that department, agency, or entity shall, to the
25 extent practicable and not in contravention of

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1 any existing law, furnish that information or
2 assistance to the Special Inspector General, or
3 an authorized designee.
4 (B) REFUSAL TO PROVIDE REQUESTED IN-
5 FORMATION.—Whenever information or assist-
6 ance requested by the Special Inspector General
7 is, in the judgment of the Special Inspector
8 General, unreasonably refused or not provided,
9 the Special Inspector General shall report the
10 circumstances to the appropriate committees of
11 Congress without delay.
12 (f) REPORTS.—
13 (1) QUARTERLY REPORTS.—
14 (A) IN GENERAL.—Not later than 60 days
15 after the date on which the Special Inspector
16 General is confirmed, and once every calendar
17 quarter thereafter, the Special Inspector Gen-
18 eral shall submit to the appropriate committees
19 of Congress a report summarizing the activities
20 of the Special Inspector General during the 3-
21 month period ending on the date on which the
22 Special Inspector General submits the report.
23 (B) CONTENTS.—Each report submitted
24 under subparagraph (A) shall include, for the
25 period covered by the report, a detailed state-

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1 ment of all loans, loan guarantees, other trans-
2 actions, obligations, expenditures, and revenues
3 associated with any program established by the
4 Secretary under section 4003, as well as the in-
5 formation collected under subsection (c)(1).
6 (2) RULE OF CONSTRUCTION.—Nothing in this
7 subsection may be construed to authorize the public
8 disclosure of information that is—
9 (A) specifically prohibited from disclosure
10 by any other provision of law;
11 (B) specifically required by Executive order
12 to be protected from disclosure in the interest
13 of national defense or national security or in
14 the conduct of foreign affairs; or
15 (C) a part of an ongoing criminal inves-
16 tigation.
17 (g) FUNDING.—
18 (1) IN GENERAL.—Of the amounts made avail-
19 able to the Secretary under section 4027,
20 $25,000,000 shall be made available to the Special
21 Inspector General to carry out this section.
22 (2) AVAILABILITY.—The amounts made avail-
23 able to the Special Inspector General under para-
24 graph (1) shall remain available until expended.

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1 (h) TERMINATION.—The Office of the Special Inspec-
2 tor General shall terminate on the date 5 years after the
3 enactment of this Act.
4 (i) COUNCIL OF THE INSPECTORS GENERAL ON IN-
5 TEGRITY AND EFFICIENCY.—The Special Inspector Gen-
6 eral shall be a member of the Council of the Inspectors
7 General on Integrity and Efficiency established under sec-
8 tion 11 of the Inspector General Act of 1978 (5 U.S.C.
9 App.) until the date of termination of the Office of the
10 Special Inspector General.
11 (j) CORRECTIVE RESPONSES TO AUDIT PROB-
12 LEMS.—The Secretary shall—
13 (1) take action to address deficiencies identified
14 by a report or investigation of the Special Inspector
15 General; or
16 (2) with respect to a deficiency identified under
17 paragraph (1), certify to the Committee on Banking,
18 Housing, and Urban Affairs of the Senate, the Com-
19 mittee on Finance of the Senate, the Committee on
20 Financial Services of the House of Representatives,
21 and the Committee on Ways and Means of the
22 House of Representatives that no action is necessary
23 or appropriate.
24 **SEC. 4019. CONFLICTS OF INTEREST.**
25 (a) DEFINITIONS.—In this section:

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1 (1) CONTROLLING INTEREST.—The term ''con-
2 trolling interest'' means owning, controlling, or hold-
3 ing not less than 20 percent, by vote or value, indi-
4 vidually or for any covered individual in the aggre-
5 gate with any other covered individual, of any class
6 of equity interest in an entity.
7 (2) COVERED ENTITY.—The term ''covered en-
8 tity'' means an entity in which a covered individual
9 directly or indirectly holds a controlling interest.
10 (3) COVERED INDIVIDUAL.—The term ''covered
11 individual'' means—
12 (A) the President, the Vice President, the
13 head of an Executive department, or a Member
14 of Congress; and
15 (B) the spouse, child, son-in-law, or daugh-
16 ter-in-law, as determined under applicable com-
17 mon law, of an individual described in subpara-
18 graph (A).
19 (4) EQUITY INTEREST.—The term ''equity in-
20 terest'' means—
21 (A) a share in an entity, without regard to
22 whether the share is—
23 (i) transferable; or
24 (ii) classified as stock or anything
25 similar;

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1 (B) an interest in a limited liability com-
2 pany or of a limited partner in a limited part-
3 nership; or
4 (C) a warrant or right, other than a right
5 to convert, to purchase, sell, or subscribe to a
6 share or interest described in subparagraph (A)
7 or (B), respectively.
8 (5) EXECUTIVE DEPARTMENT.—The term ''Ex-
9 ecutive department'' has the meaning given the term
10 in section 101 of title 5, United States Code.
11 (6) MEMBER OF CONGRESS.—The term ''mem-
12 ber of Congress'' means a member of the Senate or
13 House of Representatives, a Delegate to the House
14 of Representatives, and the Resident Commissioner
15 from Puerto Rico.
16 (b) PROHIBITION.—Notwithstanding any other provi-
17 sion of this subtitle, no covered entity may be eligible for
18 any transaction described in section 4003.
19 (c) REQUIREMENT.—The principal executive officer
20 and the principal financial officer, or individuals per-
21 forming similar functions, of an entity seeking to enter
22 a transaction under section 4003 shall, before that trans-
23 action is approved, certify to the Secretary and the Board
24 of Governors of the Federal Reserve System that the enti-

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1 ty is eligible to engage in that transaction, including that
2 the entity is not a covered entity.

3 **SEC. 4020. CONGRESSIONAL OVERSIGHT COMMISSION.**

4 (a) ESTABLISHMENT.—There is hereby established
5 the Congressional Oversight Commission (hereafter in this
6 section referred to as the "Oversight Commission") as an
7 establishment in the legislative branch.

8 (b) DUTIES.—

9 (1) IN GENERAL.—The Oversight Commission
10 shall—

11 (A) conduct oversight of the implementa-
12 tion of this subtitle by the Department of the
13 Treasury and the Board of Governors of the
14 Federal Reserve System, including efforts of
15 the Department and the Board to provide eco-
16 nomic stability as a result of the coronavirus
17 disease 2019 (COVID–19) pandemic of 2020;

18 (B) submit to Congress reports under
19 paragraph (2); and

20 (C) review the implementation of this sub-
21 title by the Federal Government.

22 (2) REGULAR REPORTS.—

23 (A) IN GENERAL.—Reports of the Over-
24 sight Commission shall include the following:

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1 (i) The use by the Secretary and the
2 Board of Governors of the Federal Reserve
3 System of authority under this subtitle, in-
4 cluding with respect to the use of con-
5 tracting authority and administration of
6 the provisions of this subtitle.
7 (ii) The impact of loans, loan guaran-
8 tees, and investments made under this sub-
9 title on the financial well-being of the peo-
10 ple of the United States and the United
11 States economy, financial markets, and fi-
12 nancial institutions.
13 (iii) The extent to which the informa-
14 tion made available on transactions under
15 this subtitle has contributed to market
16 transparency.
17 (iv) The effectiveness of loans, loan
18 guarantees, and investments made under
19 this subtitle of minimizing long-term costs
20 to the taxpayers and maximizing the bene-
21 fits for taxpayers.
22 (B) TIMING.—The reports required under
23 this paragraph shall be submitted not later
24 than 30 days after the first exercise by the Sec-
25 retary and the Board of Governors of the Fed-

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1 eral Reserve System of the authority under this
2 subtitle and every 30 days thereafter.
3 (c) MEMBERSHIP.—
4 (1) IN GENERAL.—The Oversight Commission
5 shall consist of 5 members as follows:
6 (A) 1 member appointed by the Speaker of
7 the House of Representatives.
8 (B) 1 member appointed by the minority
9 leader of the House of Representatives.
10 (C) 1 member appointed by the majority
11 leader of the Senate.
12 (D) 1 member appointed by the minority
13 leader of the Senate.
14 (E) 1 member appointed as Chairperson by
15 the Speaker of the House of Representatives
16 and the majority leader of the Senate, after
17 consultation with the minority leader of the
18 Senate and the minority leader of the House of
19 Representatives
20 (2) PAY.—Each member of the Oversight Com-
21 mission shall be paid at a rate equal to the daily
22 equivalent of the annual rate of basic pay for level
23 I of the Executive Schedule for each day (including
24 travel time) during which such member is engaged

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1 in the actual performance of duties vested in the
2 Oversight Commission.
3 (3) PROHIBITION OF COMPENSATION OF FED-
4 ERAL EMPLOYEES.—Members of the Oversight Com-
5 mission who are full-time officers or employees of
6 the United States may not receive additional pay, al-
7 lowances, or benefits by reason of their service on
8 the Oversight Commission.
9 (4) TRAVEL EXPENSES.—Each member shall
10 receive travel expenses, including per diem in lieu of
11 subsistence, in accordance with applicable provisions
12 under subchapter I of chapter 57 of title 5, United
13 States Code.
14 (5) QUORUM.—Four members of the Oversight
15 Commission shall constitute a quorum but a lesser
16 number may hold hearings.
17 (6) VACANCIES.—A vacancy on the Oversight
18 Commission shall be filled in the manner in which
19 the original appointment was made.
20 (7) MEETINGS.—The Oversight Commission
21 shall meet at the call of the Chairperson or a major-
22 ity of its members.
23 (d) STAFF.—

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1 (1) IN GENERAL.—The Oversight Commission
2 may appoint and fix the pay of any personnel as the
3 Oversight Commission considers appropriate.
4 (2) EXPERTS AND CONSULTANTS.—The Over-
5 sight Commission may procure temporary and inter-
6 mittent services under section 3109(b) of title 5,
7 United States Code.
8 (3) STAFF OF AGENCIES.—Upon request of the
9 Oversight Commission, the head of any Federal de-
10 partment or agency may detail, on a reimbursable
11 basis, any of the personnel of that department or
12 agency to the Oversight Commission to assist it in
13 carrying out its duties under the this subtitle.
14 (e) POWERS.—
15 (1) HEARINGS AND EVIDENCE.—The Oversight
16 Commission, or any subcommittee or member there-
17 of, may, for the purpose of carrying out this section
18 hold hearings, sit and act at times and places, take
19 testimony, and receive evidence as the Oversight
20 Commission considers appropriate and may admin-
21 ister oaths or affirmations to witnesses appearing
22 before it.
23 (2) CONTRACTING.—The Oversight Commission
24 may, to such extent and in such amounts as are pro-
25 vided in appropriation Acts, enter into contracts to

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1 enable the Oversight Commission to discharge its
2 duties under this section.
3 (3) POWERS OF MEMBERS AND AGENTS.—Any
4 member or agent of the Oversight Commission may,
5 if authorized by the Oversight Commission, take any
6 action which the Oversight Commission is authorized
7 to take by this section.
8 (4) OBTAINING OFFICIAL DATA.—The Over-
9 sight Commission may secure directly from any de-
10 partment or agency of the United States information
11 necessary to enable it to carry out this section. Upon
12 request of the Chairperson of the Oversight Commis-
13 sion, the head of that department or agency shall
14 furnish that information to the Oversight Commis-
15 sion.
16 (5) REPORTS.—The Oversight Commission
17 shall receive and consider all reports required to be
18 submitted to the Oversight Commission under this
19 subtitle.
20 (f) TERMINATION.—The Oversight Commission shall
21 terminate on September 30, 2025.
22 (g) FUNDING FOR EXPENSES.—
23 (1) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to the Over-
25 sight Commission such sums as may be necessary

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for any fiscal year, half of which shall be derived from the applicable account of the House of Representatives, and half of which shall be derived from the contingent fund of the Senate.

(2) REIMBURSEMENT OF AMOUNTS.—An amount equal to the expenses of the Oversight Commission shall be promptly transferred by the Secretary and the Board of Governors of the Federal Reserve System, from time to time upon the presentment of a statement of such expenses by the Chairperson of the Oversight Commission, from funds made available to the Secretary under this subtitle to the applicable fund of the House of Representatives and the contingent fund of the Senate, as appropriate, as reimbursement for amounts expended from such account and fund under paragraph (1).

**SEC. 4021. CREDIT PROTECTION DURING COVID–19.**

Section 623(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)(1)) is amended by adding at the end the following:

"(F) REPORTING INFORMATION DURING COVID–19 PANDEMIC.—

"(i) DEFINITIONS.—In this subsection:

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1 "(I) ACCOMMODATION.—The
2 term 'accommodation' includes an
3 agreement to defer 1 or more pay-
4 ments, make a partial payment, for-
5 bear any delinquent amounts, modify
6 a loan or contract, or any other assist-
7 ance or relief granted to a consumer
8 who is affected by the coronavirus dis-
9 ease 2019 (COVID–19) pandemic
10 during the covered period.
11 "(II) COVERED PERIOD.—The
12 term 'covered period' means the pe-
13 riod beginning on January 31, 2020
14 and ending on the later of—
15 "(aa) 120 days after the
16 date of enactment of this sub-
17 paragraph; or
18 "(bb) 120 days after the
19 date on which the national emer-
20 gency concerning the novel
21 coronavirus disease (COVID–19)
22 outbreak declared by the Presi-
23 dent on March 13, 2020 under
24 the National Emergencies Act

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1 (50 U.S.C. 1601 et seq.) termi-
2 nates.
3 "(ii) REPORTING.—Except as pro-
4 vided in clause (iii), if a furnisher makes
5 an accommodation with respect to 1 or
6 more payments on a credit obligation or
7 account of a consumer, and the consumer
8 makes the payments or is not required to
9 make 1 or more payments pursuant to the
10 accommodation, the furnisher shall—
11 "(I) report the credit obligation
12 or account as current; or
13 "(II) if the credit obligation or
14 account was delinquent before the ac-
15 commodation—
16 "(aa) maintain the delin-
17 quent status during the period in
18 which the accommodation is in
19 effect; and
20 "(bb) if the consumer brings
21 the credit obligation or account
22 current during the period de-
23 scribed in item (aa), report the
24 credit obligation or account as
25 current.

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"(iii) EXCEPTION.—Clause (ii) shall not apply with respect to a credit obligation or account of a consumer that has been charged-off.".

**SEC. 4022. FORECLOSURE MORATORIUM AND CONSUMER RIGHT TO REQUEST FORBEARANCE.**

(a) DEFINITIONS.—In this section:

(1) COVID–19 EMERGENCY.—The term "COVID–19 emergency" means the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(2) FEDERALLY BACKED MORTGAGE LOAN.—The term "Federally backed mortgage loan" includes any loan which is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1- to 4-families that is—

(A) insured by the Federal Housing Administration under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

(B) insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20);

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1 (C) guaranteed under section 184 or 184A
2 of the Housing and Community Development
3 Act of 1992 (12 U.S.C. 1715z–13a, 1715z–
4 13b);
5 (D) guaranteed or insured by the Depart-
6 ment of Veterans Affairs;
7 (E) guaranteed or insured by the Depart-
8 ment of Agriculture;
9 (F) made by the Department of Agri-
10 culture; or
11 (G) purchased or securitized by the Fed-
12 eral Home Loan Mortgage Corporation or the
13 Federal National Mortgage Association.
14 (b) FORBEARANCE.—
15 (1) IN GENERAL.—During the covered period, a
16 borrower with a Federally backed mortgage loan ex-
17 periencing a financial hardship due, directly or indi-
18 rectly, to the COVID–19 emergency may request
19 forbearance on the Federally backed mortgage loan,
20 regardless of delinquency status, by—
21 (A) submitting a request to the borrower's
22 servicer; and
23 (B) affirming that the borrower is experi-
24 encing a financial hardship during the COVID–
25 19 emergency.

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1 (2) DURATION OF FORBEARANCE.—Upon a re-
2 quest by a borrower for forbearance under para-
3 graph (1), such forbearance shall be granted for up
4 to 180 days, and shall be extended for an additional
5 period of up to 180 days at the request of the bor-
6 rower, provided that, at the borrower's request, ei-
7 ther the initial or extended period of forbearance
8 may be shortened.
9 (3) ACCRUAL OF INTEREST OR FEES.—During
10 a period of forbearance described in this subsection,
11 no fees, penalties, or interest beyond the amounts
12 scheduled or calculated as if the borrower made all
13 contractual payments on time and in full under the
14 terms of the mortgage contract, shall accrue on the
15 borrower's account.
16 (c) REQUIREMENTS FOR SERVICERS.—
17 (1) IN GENERAL.—Upon receiving a request for
18 forbearance from a borrower under subsection (b),
19 the servicer shall with no additional documentation
20 required other than the borrower's attestation to a
21 financial hardship caused by the COVID–19 emer-
22 gency and with no fees, penalties, or interest (be-
23 yond the amounts scheduled or calculated as if the
24 borrower made all contractual payments on time and
25 in full under the terms of the mortgage contract)

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1 charged to the borrower in connection with the for-
2 bearance, provide the forbearance for up to 180
3 days, which may be extended for an additional pe-
4 riod of up to 180 days at the request of the bor-
5 rower, provided that, the borrower's request for an
6 extension is made during the covered period, and, at
7 the borrower's request, either the initial or extended
8 period of forbearance may be shortened.

9 (2) FORECLOSURE MORATORIUM.—Except with
10 respect to a vacant or abandoned property, a
11 servicer of a Federally backed mortgage loan may
12 not initiate any judicial or non-judicial foreclosure
13 process, move for a foreclosure judgment or order of
14 sale, or execute a foreclosure-related eviction or fore-
15 closure sale for not less than the 60-day period be-
16 ginning on March 18, 2020.

17 **SEC. 4023. FORBEARANCE OF RESIDENTIAL MORTGAGE**
18 **LOAN PAYMENTS FOR MULTIFAMILY PROP-**
19 **ERTIES WITH FEDERALLY BACKED LOANS.**

20 (a) IN GENERAL.—During the covered period, a mul-
21 tifamily borrower with a Federally backed multifamily
22 mortgage loan experiencing a financial hardship due, di-
23 rectly or indirectly, to the COVID–19 emergency may re-
24 quest a forbearance under the terms set forth in this sec-
25 tion.

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1 (b) REQUEST FOR RELIEF.—A multifamily borrower
2 with a Federally backed multifamily mortgage loan that
3 was current on its payments as of February 1, 2020, may
4 submit an oral or written request for forbearance under
5 subsection (a) to the borrower's servicer affirming that the
6 multifamily borrower is experiencing a financial hardship
7 during the COVID–19 emergency.
8 (c) FORBEARANCE PERIOD.—
9 (1) IN GENERAL.—Upon receipt of an oral or
10 written request for forbearance from a multifamily
11 borrower, a servicer shall—
12 (A) document the financial hardship;
13 (B) provide the forbearance for up to 30
14 days; and
15 (C) extend the forbearance for up to 2 ad-
16 ditional 30 day periods upon the request of the
17 borrower provided that, the borrower's request
18 for an extension is made during the covered pe-
19 riod, and, at least 15 days prior to the end of
20 the forbearance period described under sub-
21 paragraph (B).
22 (2) RIGHT TO DISCONTINUE.—A multifamily
23 borrower shall have the option to discontinue the
24 forbearance at any time.

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1 (d) RENTER PROTECTIONS DURING FORBEARANCE
2 PERIOD.—A multifamily borrower that receives a forbear-
3 ance under this section may not, for the duration of the
4 forbearance—
5 (1) evict or initiate the eviction of a tenant
6 from a dwelling unit located in or on the applicable
7 property solely for nonpayment of rent or other fees
8 or charges; or
9 (2) charge any late fees, penalties, or other
10 charges to a tenant described in paragraph (1) for
11 late payment of rent.
12 (e) NOTICE.—A multifamily borrower that receives a
13 forbearance under this section—
14 (1) may not require a tenant to vacate a dwell-
15 ing unit located in or on the applicable property be-
16 fore the date that is 30 days after the date on which
17 the borrower provides the tenant with a notice to va-
18 cate; and
19 (2) may not issue a notice to vacate under
20 paragraph (1) until after the expiration of the for-
21 bearance.
22 (f) DEFINITIONS.—In this section:
23 (1) APPLICABLE PROPERTY.—The term ''appli-
24 cable property'', with respect to a Federally backed
25 multifamily mortgage loan, means the residential

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1 multifamily property against which the mortgage
2 loan is secured by a lien.
3 (2) FEDERALLY BACKED MULTIFAMILY MORT-
4 GAGE LOAN.—The term "Federally backed multi-
5 family mortgage loan" includes any loan (other than
6 temporary financing such as a construction loan)
7 that—
8 (A) is secured by a first or subordinate lien
9 on residential multifamily real property de-
10 signed principally for the occupancy of 5 or
11 more families, including any such secured loan,
12 the proceeds of which are used to prepay or pay
13 off an existing loan secured by the same prop-
14 erty; and
15 (B) is made in whole or in part, or in-
16 sured, guaranteed, supplemented, or assisted in
17 any way, by any officer or agency of the Fed-
18 eral Government or under or in connection with
19 a housing or urban development program ad-
20 ministered by the Secretary of Housing and
21 Urban Development or a housing or related
22 program administered by any other such officer
23 or agency, or is purchased or securitized by the
24 Federal Home Loan Mortgage Corporation or
25 the Federal National Mortgage Association.

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1 (3) MULTIFAMILY BORROWER.—the term "mul-
2 tifamily borrower" means a borrower of a residential
3 mortgage loan that is secured by a lien against a
4 property comprising 5 or more dwelling units.
5 (4) COVID–19 EMERGENCY.—The term
6 "COVID–19 emergency" means the national emer-
7 gency concerning the novel coronavirus disease
8 (COVID–19) outbreak declared by the President on
9 March 13, 2020 under the National Emergencies
10 Act (50 U.S.C. 1601 et seq.).
11 (5) COVERED PERIOD.—The term "covered pe-
12 riod" means the period beginning on the date of en-
13 actment of this Act and ending on the sooner of—
14 (A) the termination date of the national
15 emergency concerning the novel coronavirus dis-
16 ease (COVID–19) outbreak declared by the
17 President on March 13, 2020 under the Na-
18 tional Emergencies Act (50 U.S.C. 1601 et
19 seq.); or
20 (B) December 31, 2020.
21 **SEC. 4024. TEMPORARY MORATORIUM ON EVICTION FIL-**
22 **INGS.**
23 (a) DEFINITIONS.—In this section:
24 (1) COVERED DWELLING.—The term "covered
25 dwelling" means a dwelling that—

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1 (A) is occupied by a tenant—
2 (i) pursuant to a residential lease; or
3 (ii) without a lease or with a lease ter-
4 minable under State law; and
5 (B) is on or in a covered property.
6 (2) COVERED PROPERTY.—The term "covered
7 property" means any property that—
8 (A) participates in—
9 (i) a covered housing program (as de-
10 fined in section 41411(a) of the Violence
11 Against Women Act of 1994 (34 U.S.C.
12 12491(a))); or
13 (ii) the rural housing voucher pro-
14 gram under section 542 of the Housing
15 Act of 1949 (42 U.S.C. 1490r); or
16 (B) has a—
17 (i) Federally backed mortgage loan; or
18 (ii) Federally backed multifamily
19 mortgage loan.
20 (3) DWELLING.—The term "dwelling"—
21 (A) has the meaning given the term in sec-
22 tion 802 of the Fair Housing Act (42 U.S.C.
23 3602); and

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1 (B) includes houses and dwellings de-
2 scribed in section 803(b) of such Act (42
3 U.S.C. 3603(b)).
4 (4) FEDERALLY BACKED MORTGAGE LOAN.—
5 The term "Federally backed mortgage loan" in-
6 cludes any loan (other than temporary financing
7 such as a construction loan) that—
8 (A) is secured by a first or subordinate lien
9 on residential real property (including indi-
10 vidual units of condominiums and cooperatives)
11 designed principally for the occupancy of from
12 1 to 4 families, including any such secured
13 loan, the proceeds of which are used to prepay
14 or pay off an existing loan secured by the same
15 property; and
16 (B) is made in whole or in part, or in-
17 sured, guaranteed, supplemented, or assisted in
18 any way, by any officer or agency of the Fed-
19 eral Government or under or in connection with
20 a housing or urban development program ad-
21 ministered by the Secretary of Housing and
22 Urban Development or a housing or related
23 program administered by any other such officer
24 or agency, or is purchased or securitized by the

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1 Federal Home Loan Mortgage Corporation or
2 the Federal National Mortgage Association.
3 (5) FEDERALLY BACKED MULTIFAMILY MORT-
4 GAGE LOAN.—The term "Federally backed multi-
5 family mortgage loan" includes any loan (other than
6 temporary financing such as a construction loan)
7 that—
8 (A) is secured by a first or subordinate lien
9 on residential multifamily real property de-
10 signed principally for the occupancy of 5 or
11 more families, including any such secured loan,
12 the proceeds of which are used to prepay or pay
13 off an existing loan secured by the same prop-
14 erty; and
15 (B) is made in whole or in part, or in-
16 sured, guaranteed, supplemented, or assisted in
17 any way, by any officer or agency of the Fed-
18 eral Government or under or in connection with
19 a housing or urban development program ad-
20 ministered by the Secretary of Housing and
21 Urban Development or a housing or related
22 program administered by any other such officer
23 or agency, or is purchased or securitized by the
24 Federal Home Loan Mortgage Corporation or
25 the Federal National Mortgage Association.

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1 (b) MORATORIUM.—During the 120-day period be-
2 ginning on the date of enactment of this Act, the lessor
3 of a covered dwelling may not—
4 (1) make, or cause to be made, any filing with
5 the court of jurisdiction to initiate a legal action to
6 recover possession of the covered dwelling from the
7 tenant for nonpayment of rent or other fees or
8 charges; or
9 (2) charge fees, penalties, or other charges to
10 the tenant related to such nonpayment of rent.
11 (c) NOTICE.—The lessor of a covered dwelling unit—
12 (1) may not require the tenant to vacate the
13 covered dwelling unit before the date that is 30 days
14 after the date on which the lessor provides the ten-
15 ant with a notice to vacate; and
16 (2) may not issue a notice to vacate under
17 paragraph (1) until after the expiration of the period
18 described in subsection (b).

19 **SEC. 4025. PROTECTION OF COLLECTIVE BARGAINING**
20 **AGREEMENT.**

21 (a) IN GENERAL.—Neither the Secretary, nor any
22 other actor, department, or agency of the Federal Govern-
23 ment, shall condition the issuance of a loan or loan guar-
24 antee under paragraph (1), (2), or (3) of section 4003(b)
25 of this subtitle on an air carrier's or eligible business's

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1 implementation of measures to enter into negotiations
2 with the certified bargaining representative of a craft or
3 class of employees of the air carrier or eligible business
4 under the Railway Labor Act (45 U.S.C. 151 et seq.) or
5 the National Labor Relations Act (29 U.S.C. 151 et seq.),
6 regarding pay or other terms and conditions of employ-
7 ment.

8 (b) PERIOD OF EFFECT.—With respect to an air car-
9 rier or eligible business to which the loan or loan guar-
10 antee is provided under this subtitle, this section shall be
11 in effect with respect to the air carrier or eligible business
12 beginning on the date on which the air carrier or eligible
13 business is first issued such loan or loan guarantee and
14 ending on the date that is 1 year after the loan or loan
15 guarantee is no longer outstanding.

16 **SEC. 4026. REPORTS.**

17 (a) DISCLOSURE OF TRANSACTIONS.—Not later than
18 72 hours after any transaction by the Secretary under
19 paragraph (1), (2), or (3) of section 4003(b), the Sec-
20 retary shall publish on the website of the Department of
21 the Treasury—

22 (1) a plain-language description of the trans-
23 action, including the date of application, date of ap-
24 plication approval, and identity of the counterparty;

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1 (2) the amount of the loan, loan guarantee, or
2 other investment and a description of the pricing
3 mechanism for the transaction;
4 (3) the interest rate, conditions, and any other
5 material or financial terms associated with the
6 transaction, if applicable;
7 (4) a copy of the relevant and final term sheet,
8 if applicable, and contract or other relevant docu-
9 mentation regarding the transaction; and
10 (5) a justification of the price paid for and
11 other financial terms associated with the trans-
12 action.
13 (b) REPORTS.—
14 (1) IN GENERAL.—In addition to such reports
15 as are required under section 5302(c) of title 31,
16 United States Code, not later than 7 days after the
17 Secretary makes any loan or loan guarantee under
18 paragraph (1), (2), or (3) of section 4003(b), the
19 Secretary shall submit to the Chairmen and Ranking
20 Members of the Committee on Banking, Housing,
21 and Urban Affairs and the Committee on Finance of
22 the Senate and the Chairmen and Ranking Members
23 of the Committee on Financial Services and the
24 Committee on Ways and Means of the House of
25 Representatives a report summarizing—

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1 (A) an overview of actions taken by the
2 Secretary under section 4003(b) during such
3 period;
4 (B) the actual obligation, expenditure, and
5 disbursements of the funds provided for admin-
6 istrative expenses under this Act during such
7 period and the expected expenditure of such
8 funds in the subsequent period; and
9 (C) a detailed financial statement with re-
10 spect to the exercise of authority under section
11 4003(b) showing—
12 (i) all agreements, including loans,
13 loan guarantees, and other investments
14 made, renewed, or restructured;
15 (ii) all transactions during such pe-
16 riod, including the types of parties in-
17 volved;
18 (iii) the nature of the assets pur-
19 chased;
20 (iv) all projected costs and liabilities;
21 (v) operating expenses, including com-
22 pensation for financial agents;
23 (vi) the valuation or pricing method
24 used for each transaction;

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1 (vii) a description of the vehicles es-
2 tablished to exercise such authority;
3 (viii) any or all repayment activity,
4 delinquencies or defaults on loans issued
5 under this Act; and
6 (ix) the current status, credit charac-
7 teristics, and risk of loss of the Treasury
8 portfolio of loans, loan guarantees, or other
9 transactions made under this Act.
10 (2) PUBLICATION.—Not later than 7 days after
11 the Secretary submits a report to the relevant com-
12 mittees of Congress under paragraph (1), the Sec-
13 retary shall publish such report.
14 (3) SUMMARY.—Every 30 days during such
15 time as a loan or loan guarantee under paragraph
16 (1), (2), or (3) of section 4003(b) is outstanding, the
17 Secretary shall publish a report summarizing the in-
18 formation described in paragraph (1).
19 (4) BOARD OF GOVERNORS.—
20 (A) IN GENERAL.—The Board of Gov-
21 ernors of the Federal Reserve System shall pro-
22 vide to the Committee on Banking, Housing,
23 and Urban Affairs of the Senate and the Com-
24 mittee on Financial Services of the House of
25 Representatives such reports as are required to

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be provided under section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3))—

(i) not later than 7 days after the Board authorizes a new facility or other financial assistance in accordance with section 13(3)(C)(i) of the Federal Reserve Act (12 U.S.C. 343(3)(C)(i)); and

(ii) once every 30 days with respect to outstanding loans or financial assistance in accordance with section 13(3)(C)(ii) of the Federal Reserve Act (12 U.S.C. 343(3)(C)(ii)).

(B) PUBLICATION.—Not later than 7 days after the Board of Governors of the Federal Reserve System submits a report to the relevant committees of Congress under paragraph (2), the Board shall publish such report, subject to redactions of confidential information.

(c) TESTIMONY.—The Secretary shall testify, on a quarterly basis, before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the obligations of the Department of the Treasury, and transactions entered into, under this Act.

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1 (d) PROGRAM DESCRIPTIONS.—The Secretary shall
2 post on the website of the Department of the Treasury
3 all criteria, guidelines, eligibility requirements, and appli-
4 cation materials for the making of any loan or loan guar-
5 antee under paragraph (1), (2), or (3) of section 4003(b).
6 (e) ADMINISTRATIVE CONTRACTS.—Not later than
7 24 hours after the Secretary enters into a contract in con-
8 nection with the administration of any loan or loan guar-
9 antee authorized to be made under paragraph (1), (2), or
10 (3) of section 4003(b), the Secretary shall post on the
11 website of the Department of the Treasury a copy of the
12 contract.
13 (f) GOVERNMENT ACCOUNTABILITY OFFICE.—
14 (1) STUDY.—The Comptroller General of the
15 United States shall conduct a study on the loans,
16 loan guarantees, and other investments provided
17 under section 4003.
18 (2) REPORT.—Not later than 9 months after
19 the date of enactment of this Act, and annually
20 thereafter through the year succeeding the last year
21 for which loans, loan guarantees, or other invest-
22 ments made under section 4003 are outstanding, the
23 Comptroller General shall submit to the Committee
24 on Financial Services, the Committee on Transpor-
25 tation and Infrastructure, the Committee on Appro-

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1 priations, and the Committee on the Budget of the
2 House of Representatives and the Committee on
3 Banking, Housing, and Urban Affairs, the Com-
4 mittee on Commerce, Science, and Transportation,
5 the Committee on Appropriations, and the Com-
6 mittee on the Budget of the Senate a report on the
7 loans, loan guarantees, and other investments made
8 under section 4003.

9 (g) REPORTS.—In addition to such reports as are re-
10 quired under section 5302(c) of title 31, United States
11 Code, and section 13(3) of the Federal Reserve Act (12
12 U.S.C. 343(3)), not later than 14 days after the effective
13 date of this Act, every 14 days for the following year, and
14 every 30 days thereafter, the Secretary shall publish on
15 the website of the Department of the Treasury and submit
16 to the Chairmen and Ranking Members of the Committee
17 on Financial Services and the Committee on Ways and
18 Means of the House of Representatives and the Chairmen
19 and Ranking Members of the Committee on Banking,
20 Housing, and Urban Affairs and the Committee on Fi-
21 nance of the Senate, a report summarizing—

22 (1) an overview of actions taken by the Sec-
23 retary under paragraph (1), (2), (3), or (4) of sec-
24 tion 4003(b) during such period;

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1 (2) the actual obligation, expenditure, and dis-
2 bursements of the funds provided for administrative
3 expenses under this Act during such period and the
4 expected expenditure of such funds in the subse-
5 quent period; and
6 (3) a detailed financial statement with respect
7 to the exercise of authority under paragraph (1),
8 (2), (3), or (4) of section 4003(b) showing—
9 (A) all agreements, including loans, loan
10 guarantees, and other investments made, re-
11 newed, or restructured; and
12 (B) all transactions during such period, in-
13 cluding the types of parties involved;
14 (C) the nature of the assets purchased;
15 (D) all projected costs and liabilities;
16 (E) operating expenses, including com-
17 pensation for financial agents;
18 (F) the valuation or pricing method used
19 for each transaction;
20 (G) a description of the vehicles estab-
21 lished to exercise such authority;
22 (H) any or all repayment activity, delin-
23 quencies or defaults on loans issued under this
24 Act; and

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1 (I) the current status, credit characteris-
2 tics, and risk of loss of the Treasury portfolio
3 of loans, loan guarantees, or other transactions
4 made under this Act.

5 (h) TESTIMONY.—The Secretary and the Chairman
6 of the Board of Governors of the Federal Reserve System
7 shall testify, on a quarterly basis, before the Committee
8 on Banking, Housing, and Urban Affairs of the Senate
9 and the Committee on Financial Services of the House of
10 Representatives regarding the obligations of the Depart-
11 ment of the Treasury and the Federal Reserve System,
12 and transactions entered into, under this Act.

13 (i) PROGRAM DESCRIPTIONS.—The Secretary shall
14 post on the website of the Department of the Treasury
15 all criteria, guidelines, eligibility requirements, and appli-
16 cation materials for the making of any loan or loan guar-
17 antee under paragraph (1), (2), (3), or (4) of section
18 4003(b).

19 (j) ADMINISTRATIVE CONTRACTS.—Not later than 24
20 hours after the Secretary enters into a contract in connec-
21 tion with the administration of any loan, or loan guar-
22 antee, or other investment authorized to be made under
23 paragraph (1), (2), (3), or (4) of section 4003(b), the Sec-
24 retary shall post on the website of the Department of the
25 Treasury a copy of the contract.

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1 (k) GOVERNMENT ACCOUNTABILITY OFFICE.—
2 (1) STUDY.—The Comptroller General of the
3 United States shall conduct a study on the loans,
4 loan guarantees, and other investments provided
5 under section 4003.
6 (2) REPORT.—Not later than 9 months after
7 the date of enactment of this Act, and annually
8 thereafter through the year succeeding the last year
9 for which loans, loan guarantees, or other invest-
10 ments made under section 4003 are outstanding, the
11 Comptroller General shall submit to the Committee
12 on Financial Services, the Committee on Transpor-
13 tation and Infrastructure, the Committee on Appro-
14 priations, and the Committee on the Budget of the
15 House of Representatives and the Committee on
16 Banking, Housing, and Urban Affairs, the Com-
17 mittee on Commerce, Science, and Transportation,
18 the Committee on Appropriations, and the Com-
19 mittee on the Budget of the Senate a report on the
20 loans, loan guarantees, and other investments made
21 under section 4003.
22 **SEC. 4027. DIRECT APPROPRIATION.**
23 (a) IN GENERAL.—Notwithstanding any other provi-
24 sion of law, there is appropriated, out of amounts in the
25 Treasury not otherwise appropriated, to the fund estab-

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1 lished under section 5302(a)(1) of title 31, United States
2 Code, $500,000,000,000 to carry out this subtitle.
3 (b) TECHNICAL AND CONFORMING AMENDMENT.—
4 Section 5302(a) of title 31, United States Code, is amend-
5 ed—
6 (1) by striking "and" before "section 3"; and
7 (2) by inserting "and the Coronavirus Eco-
8 nomic Stabilization Act of 2020," before "and for
9 investing".
10 (c) CLARIFICATION.—
11 (1) IN GENERAL.—On or after January 1,
12 2021, any remaining funds made available under
13 section 4003(b) may be used only for—
14 (A) modifications, restructurings, or other
15 amendments of loans, loan guarantees, or other
16 investments in accordance with section
17 4029(b)(1); and
18 (B) exercising any options, warrants, or
19 other investments made prior to January 1,
20 2021; and
21 (C) paying costs and administrative ex-
22 penses as provided in section 4003(f).
23 (2) DEFICIT REDUCTION.—On January 1,
24 2026, any funds described in paragraph (1) that are

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1 remaining shall be transferred to the general fund of
2 the Treasury to be used for deficit reduction.

3 **SEC. 4028. RULE OF CONSTRUCTION.**

4 Nothing in this subtitle shall be construed to allow
5 the Secretary to provide relief to eligible businesses,
6 States, and municipalities except in the form of loans, loan
7 guarantees, and other investments as provided in this sub-
8 title and under terms and conditions that are in the inter-
9 est of the Federal Government.

10 **SEC. 4029. TERMINATION OF AUTHORITY.**

11 (a) IN GENERAL.—Except as provided in subsection
12 (b), on December 31, 2020, the authority provided under
13 this subtitle to make new loans, loan guarantees, or other
14 investments shall terminate.

15 (b) OUTSTANDING.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), any loan, loan guarantee, or other invest-
18 ment outstanding on the date described in sub-
19 section (a)—

20 (A) may be modified, restructured, or oth-
21 erwise amended; and

22 (B) may not be forgiven.

23 (2) DURATION.—The duration of any loan or
24 loan guarantee made under section 4003(b)(1) that
25 is modified, restructured, or otherwise amended

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1 under paragraph (1) shall not be extended beyond 5
2 years from the initial origination date of the loan or
3 loan guarantee.

# 4 Subtitle B—Air Carrier Worker
# 5 Support

6 **SEC. 4111. DEFINITIONS.**

7 Unless otherwise specified, the terms in section
8 40102(a) of title 49, United States Code, shall apply to
9 this subtitle, except that—

10 (1) the term ''airline catering employee'' means
11 an employee who performs airline catering services;

12 (2) the term ''airline catering services'' means
13 preparation, assembly, or both, of food, beverages,
14 provisions and related supplies for delivery, and the
15 delivery of such items, directly to aircraft or to a lo-
16 cation on or near airport property for subsequent
17 delivery to aircraft;

18 (3) the term ''contractor'' means—

19 (A) a person that performs, under contract
20 with a passenger air carrier conducting oper-
21 ations under part 121 of title 14, Code of Fed-
22 eral Regulations—

23 (i) catering functions; or

24 (ii) functions on the property of an
25 airport that are directly related to the air

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1 transportation of persons, property, or
2 mail, including but not limited to the load-
3 ing and unloading of property on aircraft;
4 assistance to passengers under part 382 of
5 title 14, Code of Federal Regulations; se-
6 curity; airport ticketing and check-in func-
7 tions; ground-handling of aircraft; or air-
8 craft cleaning and sanitization functions
9 and waste removal; or
10 (B) a subcontractor that performs such
11 functions;
12 (4) the term "employee" means an individual,
13 other than a corporate officer, who is employed by
14 an air carrier or a contractor; and
15 (5) the term "Secretary" means the Secretary
16 of the Treasury.
17 **SEC. 4112. PANDEMIC RELIEF FOR AVIATION WORKERS.**
18 (a) FINANCIAL ASSISTANCE FOR EMPLOYEE WAGES,
19 SALARIES, AND BENEFITS.—Notwithstanding any other
20 provision of law, to preserve aviation jobs and compensate
21 air carrier industry workers, the Secretary shall provide
22 financial assistance that shall exclusively be used for the
23 continuation of payment of employee wages, salaries, and
24 benefits to—

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1 (1) passenger air carriers, in an aggregate
2 amount up to $25,000,000,000;
3 (2) cargo air carriers, in the aggregate amount
4 up to $4,000,000,000; and
5 (3) contractors, in an aggregate amount up to
6 $3,000,000,000.
7 (b) ADMINISTRATIVE EXPENSES.—Notwithstanding
8 any other provision of law, the Secretary, may use
9 $100,000,000 of the funds made available under section
10 4120(a) for costs and administrative expenses associated
11 with providing financial assistance under this subtitle.

12 **SEC. 4113. PROCEDURES FOR PROVIDING PAYROLL SUP-**
13 **PORT.**

14 (a) AWARDABLE AMOUNTS.—The Secretary shall
15 provide financial assistance under this subtitle—
16 (1) to an air carrier in an amount equal to the
17 salaries and benefits reported by the air carrier to
18 the Department of Transportation pursuant to part
19 241 of title 14, Code of Federal Regulations, for the
20 period from April 1, 2019, through September 30,
21 2019; and
22 (2) to an air carrier that does not transmit re-
23 ports under such part 241, in an amount that such
24 air carrier certifies, using sworn financial statements
25 or other appropriate data, as the amount of wages,

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1 salaries, benefits, and other compensation that such
2 air carrier paid the employees of such air carrier
3 during the period from April 1, 2019, through Sep-
4 tember 30, 2019; and
5 (3) to a contractor, in an amount that the con-
6 tractor certifies, using sworn financial statements or
7 other appropriate data, as the amount of wages, sal-
8 aries, benefits, and other compensation that such
9 contractor paid the employees of such contractor
10 during the period from April 1, 2019, through Sep-
11 tember 30, 2019.
12 (b) DEADLINES AND PROCEDURES.—
13 (1) IN GENERAL.—
14 (A) FORMS; TERMS AND CONDITIONS.—Fi-
15 nancial assistance provided to an air carrier or
16 contractor under this subtitle shall be in such
17 form, on such terms and conditions (including
18 requirements for audits and the clawback of
19 any financial assistance provided upon failure
20 by a passenger air carrier, cargo air carrier, or
21 contractor to honor the assurances specified in
22 section 4114), as the Secretary determines ap-
23 propriate.
24 (B) PROCEDURES.—The Secretary shall
25 publish streamlined and expedited procedures

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1 not later than 5 days after the date of enact-
2 ment of this Act for air carriers and contractors
3 to submit requests for financial assistance
4 under this subtitle.

5 (2) DEADLINE FOR IMMEDIATE PAYROLL AS-
6 SISTANCE.—Not later than 10 days after the date of
7 enactment of this Act, the Secretary shall make ini-
8 tial payments to air carriers and contractors that
9 submit requests for financial assistance approved by
10 to the Secretary.

11 (3) SUBSEQUENT PAYMENTS.—The Secretary
12 shall determine an appropriate method for timely
13 distribution of payments to air carriers and contrac-
14 tors with approved requests for financial assistance
15 from any funds remaining available after providing
16 initial financial assistance payments under para-
17 graph (2).

18 (c) PRO RATA AUTHORITY.—The Secretary shall
19 have the authority to reduce, on a pro rata basis, the
20 amounts due to air carriers and contractors under the ap-
21 plicable paragraph of section 4112 in order to address any
22 shortfall in assistance that would otherwise be provided
23 under such section.

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1 (d) AUDITS.—The Inspector General of the Depart-
2 ment of the Treasury shall audit certifications made under
3 subsection (a).

4 **SEC. 4114. REQUIRED ASSURANCES.**

5 (a) IN GENERAL.—To be eligible for financial assist-
6 ance under this subtitle, an air carrier or contractor shall
7 enter into an agreement with the Secretary, or otherwise
8 certify in such form and manner as the Secretary shall
9 prescribe, that the air carrier or contractor shall—

10 (1) refrain from conducting involuntary fur-
11 loughs or reducing pay rates and benefits until Sep-
12 tember 30, 2020;

13 (2) through September 30, 2021, ensure that
14 neither the air carrier or contractor nor any affiliate
15 of the air carrier or contractor may, in any trans-
16 action, purchase an equity security of the air carrier
17 or contractor or the parent company of the air car-
18 rier or contractor that is listed on a national securi-
19 ties exchange;

20 (3) through September 30, 2021, ensure that
21 the air carrier or contractor shall not pay dividends,
22 or make other capital distributions, with respect to
23 the common stock (or equivalent interest) of the air
24 carrier or contractor; and

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1 (4) meet the requirements of sections 4115 and
2 4116.
3 (b) DEPARTMENT OF TRANSPORTATION AUTHORITY
4 TO CONDITION ASSISTANCE ON CONTINUATION OF SERV-
5 ICE.—
6 (1) IN GENERAL.—The Secretary of Transpor-
7 tation is authorized to require, to the extent reason-
8 able and practicable, an air carrier provided finan-
9 cial assistance under this subtitle to maintain sched-
10 uled air transportation service, as the Secretary of
11 Transportation deems necessary, to ensure services
12 to any point served by that carrier before March 1,
13 2020.
14 (2) REQUIRED CONSIDERATIONS.—When con-
15 sidering whether to exercise the authority provided
16 by this section, the Secretary of Transportation shall
17 take into consideration the air transportation needs
18 of small and remote communities and the need to
19 maintain well-functioning health care supply chains,
20 including medical devices and supplies, and pharma-
21 ceutical supply chains.
22 (3) SUNSET.—The authority provided under
23 this subsection shall terminate on March 1, 2022,
24 and any requirements issued by the Secretary of

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1 Transportation under this subsection shall cease to
2 apply after that date.

3 **SEC. 4115. PROTECTION OF COLLECTIVE BARGAINING**
4 **AGREEMENT.**

5 (a) IN GENERAL.—Neither the Secretary, nor any
6 other actor, department, or agency of the Federal Govern-
7 ment, shall condition the issuance of financial assistance
8 under this subtitle on an air carrier's or contractor's im-
9 plementation of measures to enter into negotiations with
10 the certified bargaining representative of a craft or class
11 of employees of the air carrier or contractor under the
12 Railway Labor Act (45 U.S.C. 151 et seq.) or the National
13 Labor Relations Act (29 U.S.C. 151 et seq.), regarding
14 pay or other terms and conditions of employment.

15 (b) PERIOD OF EFFECT.—With respect to an air car-
16 rier or contractor to which financial assistance is provided
17 under this subtitle, this section shall be in effect with re-
18 spect to the air carrier or contractor beginning on the date
19 on which the air carrier or contractor is first issued such
20 financial assistance and ending on September 30, 2020.

21 **SEC. 4116. LIMITATION ON CERTAIN EMPLOYEE COM-**
22 **PENSATION.**

23 (a) IN GENERAL.—The Secretary may only provide
24 financial assistance under this subtitle to an air carrier
25 or contractor after such carrier or contractor enters into

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1 an agreement with the Secretary which provides that, dur-
2 ing the 2-year period beginning March 24, 2020, and end-
3 ing March 24, 2022, no officer or employee of the air car-
4 rier or contractor whose total compensation exceeded
5 $425,000 in calendar year 2019 (other than an employee
6 whose compensation is determined through an existing col-
7 lective bargaining agreement entered into prior to enact-
8 ment of this Act)—

9 (1) will receive from the air carrier or con-
10 tractor total compensation which exceeds, during
11 any 12 consecutive months of such 2-year period,
12 the total compensation received by the officer or em-
13 ployee from the air carrier or contractor in calendar
14 year 2019;

15 (2) will receive from the air carrier or con-
16 tractor severance pay or other benefits upon termi-
17 nation of employment with the air carrier or con-
18 tractor which exceeds twice the maximum total com-
19 pensation received by the officer or employee from
20 the air carrier or contractor in calendar year 2019;
21 and

22 (3) no officer or employee of the eligible busi-
23 ness whose total compensation exceeded $3,000,000
24 in calendar year 2019 may receive during any 12

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1 consecutive months of such period total compensa-
2 tion in excess of the sum of—
3 (A) $3,000,000; and
4 (B) 50 percent of the excess over
5 $3,000,000 of the total compensation received
6 by the officer or employee from the eligible
7 business in calendar year 2019.
8 (b) TOTAL COMPENSATION DEFINED.—In this sec-
9 tion, the term "total compensation" includes salary, bo-
10 nuses, awards of stock, and other financial benefits pro-
11 vided by an air carrier or contractor to an officer or em-
12 ployee of the air carrier or contractor.

13 **SEC. 4117. TAX PAYER PROTECTION.**

14 The Secretary may receive warrants, options, pre-
15 ferred stock, debt securities, notes, or other financial in-
16 struments issued by recipients of financial assistance
17 under this subtitle which, in the sole determination of the
18 Secretary, provide appropriate compensation to the Fed-
19 eral Government for the provision of the financial assist-
20 ance.

21 **SEC. 4118. REPORTS.**

22 (a) REPORT.—Not later than November 1, 2020, the
23 Secretary shall submit to the Committee on Transpor-
24 tation and Infrastructure and the Committee on Financial
25 Services of the House of Representatives and the Com-

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1 mittee on Commerce, Science, and Transportation and the
2 Committee on Banking, Housing, and Urban Affairs of
3 the Senate a report on the financial assistance provided
4 to air carriers and contractors under this subtitle, includ-
5 ing a description of any financial assistance provided.

6 (b) UPDATE.—Not later than the last day of the 1-
7 year period following the date of enactment of this Act,
8 the Secretary shall update and submit to the Committee
9 on Transportation and the Committee on Financial Serv-
10 ices and Infrastructure of the House of Representatives
11 and the Committee on Commerce, Science, and Transpor-
12 tation and the Committee on Banking, Housing, and
13 Urban Affairs of the Senate the report described in sub-
14 section (a).

15 **SEC. 4119. COORDINATION.**

16 In implementing this subtitle the Secretary shall co-
17 ordinate with the Secretary of Transportation.

18 **SEC. 4120. DIRECT APPROPRIATION.**

19 Notwithstanding any other provision of law, there is
20 appropriated, out of amounts in the Treasury not other-
21 wise appropriated, $32,000,000,000 to carry out this sub-
22 title.

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# TITLE V—CORONAVIRUS RELIEF FUNDS

**SEC. 5001. CORONAVIRUS RELIEF FUND.**

(a) IN GENERAL.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by inserting after title V the following:

# "TITLE VI—CORONAVIRUS RELIEF FUND

**"SEC. 601. CORONAVIRUS RELIEF FUND.**

"(a) APPROPRIATION.—

"(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for making payments to States, Tribal governments, and units of local government under this section, $150,000,000,000 for fiscal year 2020.

"(2) RESERVATION OF FUNDS.—Of the amount appropriated under paragraph (1), the Secretary shall reserve—

"(A) $3,000,000,000 of such amount for making payments to the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa; and

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1 "(B) $8,000,000,000 of such amount for
2 making payments to Tribal governments.
3 "(b) AUTHORITY TO MAKE PAYMENTS.—
4 "(1) IN GENERAL.—Subject to paragraph (2),
5 not later than 30 days after the date of enactment
6 of this section, the Secretary shall pay each State
7 and Tribal government, and each unit of local gov-
8 ernment that meets the condition described in para-
9 graph (2), the amount determined for the State,
10 Tribal government, or unit of local government, for
11 fiscal year 2020 under subsection (c).
12 "(2) DIRECT PAYMENTS TO UNITS OF LOCAL
13 GOVERNMENT.—If a unit of local government of a
14 State submits the certification required by sub-
15 section (e) for purposes of receiving a direct pay-
16 ment from the Secretary under the authority of this
17 paragraph, the Secretary shall reduce the amount
18 determined for that State by the relative unit of
19 local government population proportion amount de-
20 scribed in subsection (c)(5) and pay such amount di-
21 rectly to such unit of local government.
22 "(c) PAYMENT AMOUNTS.—
23 "(1) IN GENERAL.—Subject to paragraph (2),
24 the amount paid under this section for fiscal year
25 2020 to a State that is 1 of the 50 States shall be

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1 the amount equal to the relative population propor-
2 tion amount determined for the State under para-
3 graph (3) for such fiscal year.
4 "(2) MINIMUM PAYMENT.—
5 "(A) IN GENERAL.—No State that is 1 of
6 the 50 States shall receive a payment under
7 this section for fiscal year 2020 that is less
8 than $1,250,000,000.
9 "(B) PRO RATA ADJUSTMENTS.—The Sec-
10 retary shall adjust on a pro rata basis the
11 amount of the payments for each of the 50
12 States determined under this subsection without
13 regard to this subparagraph to the extent nec-
14 essary to comply with the requirements of sub-
15 paragraph (A).
16 "(3) RELATIVE POPULATION PROPORTION
17 AMOUNT.—For purposes of paragraph (1), the rel-
18 ative population proportion amount determined
19 under this paragraph for a State for fiscal year
20 2020 is the product of—
21 "(A) the amount appropriated under para-
22 graph (1) of subsection (a) for fiscal year 2020
23 that remains after the application of paragraph
24 (2) of that subsection; and

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1 "(B) the relative State population propor-
2 tion (as defined in paragraph (4)).
3 "(4) RELATIVE STATE POPULATION PROPOR-
4 TION DEFINED.—For purposes of paragraph (3)(B),
5 the term 'relative State population proportion'
6 means, with respect to a State, the quotient of—
7 "(A) the population of the State; and
8 "(B) the total population of all States (ex-
9 cluding the District of Columbia and territories
10 specified in subsection (a)(2)(A)).
11 "(5) RELATIVE UNIT OF LOCAL GOVERNMENT
12 POPULATION PROPORTION AMOUNT.—For purposes
13 of subsection (b)(2), the term 'relative unit of local
14 government population proportion amount' means,
15 with respect to a unit of local government and a
16 State, the amount equal to the product of—
17 "(A) 45 percent of the amount of the pay-
18 ment determined for the State under this sub-
19 section (without regard to this paragraph); and
20 "(B) the amount equal to the quotient
21 of—
22 "(i) the population of the unit of local
23 government; and

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1 "(ii) the total population of the State
2 in which the unit of local government is lo-
3 cated.
4 "(6) DISTRICT OF COLUMBIA AND TERRI-
5 TORIES.—The amount paid under this section for
6 fiscal year 2020 to a State that is the District of Co-
7 lumbia or a territory specified in subsection
8 (a)(2)(A) shall be the amount equal to the product
9 of—
10 "(A) the amount set aside under sub-
11 section (a)(2)(A) for such fiscal year; and
12 "(B) each such District's and territory's
13 share of the combined total population of the
14 District of Columbia and all such territories, as
15 determined by the Secretary.
16 "(7) TRIBAL GOVERNMENTS.—From the
17 amount set aside under subsection (a)(2)(B) for fis-
18 cal year 2020, the amount paid under this section
19 for fiscal year 2020 to a Tribal government shall be
20 the amount the Secretary shall determine, in con-
21 sultation with the Secretary of the Interior and In-
22 dian Tribes, that is based on increased expenditures
23 of each such Tribal government (or a tribally-owned
24 entity of such Tribal government) relative to aggre-
25 gate expenditures in fiscal year 2019 by the Tribal

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1 government (or tribally-owned entity) and deter-
2 mined in such manner as the Secretary determines
3 appropriate to ensure that all amounts available
4 under subsection (a)(2)(B) for fiscal year 2020 are
5 distributed to Tribal governments.

6 "(8) DATA.—For purposes of this subsection,
7 the population of States and units of local govern-
8 ments shall be determined based on the most recent
9 year for which data are available from the Bureau
10 of the Census.

11 "(d) USE OF FUNDS.—A State, Tribal government,
12 and unit of local government shall use the funds provided
13 under a payment made under this section to cover only
14 those costs of the State, Tribal government, or unit of
15 local government that—

16 "(1) are necessary expenditures incurred due to
17 the public health emergency with respect to the
18 Coronavirus Disease 2019 (COVID-19);

19 "(2) were not accounted for in the budget most
20 recently approved as of the date of enactment of this
21 section for the State or government; and

22 "(3) were incurred during the period that be-
23 gins on March 1, 2020, and ends on December 30,
24 2020.

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1 "(e) CERTIFICATION.—In order to receive a payment
2 under this section, a unit of local government shall provide
3 the Secretary with a certification signed by the Chief Ex-
4 ecutive for the unit of local government that the local gov-
5 ernment's proposed uses of the funds are consistent with
6 subsection (d).

7 "(f) INSPECTOR GENERAL OVERSIGHT;
8 RECOUPMENT.—

9 "(1) OVERSIGHT AUTHORITY.—The Inspector
10 General of the Department of the Treasury shall
11 conduct monitoring and oversight of the receipt, dis-
12 bursement, and use of funds made available under
13 this section.

14 "(2) RECOUPMENT.—If the Inspector General
15 of the Department of the Treasury determines that
16 a State, Tribal government, or unit of local govern-
17 ment has failed to comply with subsection (d), the
18 amount equal to the amount of funds used in viola-
19 tion of such subsection shall be booked as a debt of
20 such entity owed to the Federal Government.
21 Amounts recovered under this subsection shall be de-
22 posited into the general fund of the Treasury.

23 "(3) APPROPRIATION.—Out of any money in
24 the Treasury of the United States not otherwise ap-
25 propriated, there are appropriated to the Office of

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1 the Inspector General of the Department of the
2 Treasury, $35,000,000 to carry out oversight and
3 recoupment activities under this subsection.
4 Amounts appropriated under the preceding sentence
5 shall remain available until expended.
6 "(4) AUTHORITY OF INSPECTOR GENERAL.—
7 Nothing in this subsection shall be construed to di-
8 minish the authority of any Inspector General, in-
9 cluding such authority as provided in the Inspector
10 General Act of 1978 (5 U.S.C. App.).
11 "(g) DEFINITIONS.—In this section:
12 "(1) INDIAN TRIBE.—The term 'Indian Tribe'
13 has the meaning given that term in section 4(e) of
14 the Indian Self-Determination and Education Assist-
15 ance Act (25 U.S.C. 5304(e)).
16 "(2) LOCAL GOVERNMENT.—The term 'unit of
17 local government' means a county, municipality,
18 town, township, village, parish, borough, or other
19 unit of general government below the State level
20 with a population that exceeds 500,000.
21 "(3) SECRETARY.—The term 'Secretary' means
22 the Secretary of the Treasury.
23 "(4) STATE.—The term 'State' means the 50
24 States, the District of Columbia, the Commonwealth
25 of Puerto Rico, the United States Virgin Islands,

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1 Guam, the Commonwealth of the Northern Mariana
2 Islands, and American Samoa.
3 "(5) TRIBAL GOVERNMENT.—The term 'Tribal
4 government' means the recognized governing body of
5 an Indian Tribe.".
6 (b) APPLICATION OF PROVISIONS.—Amounts appro-
7 priated for fiscal year 2020 under section 601(a)(1) of the
8 Social Security Act (as added by subsection (a)) shall be
9 subject to the requirements contained in Public Law 116–
10 94 for funds for programs authorized under sections 330
11 through 340 of the Public Health Service Act (42 U.S.C.
12 254 through 256).

# 13 TITLE VI—MISCELLANEOUS 14 PROVISIONS

## 15 SEC. 6001. COVID–19 BORROWING AUTHORITY FOR THE 16 UNITED STATES POSTAL SERVICE.

17 (a) DEFINITIONS.—In this section—
18 (1) the term "COVID–19 emergency" means
19 the emergency involving Federal primary responsi-
20 bility determined to exist by the President under
21 section 501(b) of the Robert T. Stafford Disaster
22 Relief and Emergency Assistance Act (42 U.S.C.
23 5191(b)) with respect to the Coronavirus Disease
24 2019 (COVID–19); and

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1 (2) the term "Postal Service" means the United
2 States Postal Service.
3 (b) ADDITIONAL BORROWING AUTHORITY.—Not-
4 withstanding section 2005 of title 39, United States Code,
5 or any other provision of law, if the Postal Service deter-
6 mines that, due to the COVID–19 emergency, the Postal
7 Service will not be able to fund operating expenses without
8 borrowing money—
9 (1) the Postal Service may borrow money from
10 the Treasury in an amount not to exceed
11 $10,000,000,000—
12 (A) to be used for such operating expenses;
13 and
14 (B) which may not be used to pay any out-
15 standing debt of the Postal Service; and
16 (2) the Secretary of the Treasury may lend up
17 to the amount described in paragraph (1) at the re-
18 quest of the Postal Service, upon terms and condi-
19 tions mutually agreed upon by the Secretary and the
20 Postal Service.
21 (c) PRIORITIZATION OF DELIVERY FOR MEDICAL
22 PURPOSES DURING COVID–19 EMERGENCY.—Notwith-
23 standing any other provision of law, during the COVID–
24 19 emergency, the Postal Service—

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(1) shall prioritize delivery of postal products for medical purposes; and

(2) may establish temporary delivery points, in such form and manner as the Postal Service determines necessary, to protect employees of the Postal Service and individuals receiving deliveries from the Postal Service.

**SEC. 6002. EMERGENCY DESIGNATION.**

(a) IN GENERAL.—The amounts provided under this division are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

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

# DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS

The following sums are hereby are appropriated, out of any money in the Treasury not otherwise appropriated,

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1 for the fiscal year ending September 30, 2020, and for
2 other purposes, namely:

3 TITLE I

4 AGRICULTURAL PROGRAMS

5 OFFICE OF THE SECRETARY

6 For an additional amount for the "Office of the Sec-
7 retary", $9,500,000,000, to remain available until ex-
8 pended, to prevent, prepare for, and respond to
9 coronavirus by providing support for agricultural pro-
10 ducers impacted by coronavirus, including producers of
11 specialty crops, producers that supply local food systems,
12 including farmers markets, restaurants, and schools, and
13 livestock producers, including dairy producers: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 OFFICE OF INSPECTOR GENERAL

19 For an additional amount for "Office of Inspector
20 General", $750,000, to remain available until September
21 30, 2021, to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally: *Provided*,
23 That the funding made available under this heading in
24 this Act shall be used for conducting audits and investiga-
25 tions of projects and activities carried out with funds made

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1 available in this Act to the Department of Agriculture to
2 prevent, prepare for, and respond to coronavirus, domesti-
3 cally or internationally: *Provided further*, That such
4 amount is designated by the Congress as being for an
5 emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 ANIMAL AND PLANT HEALTH INSPECTION SERVICE

9 SALARIES AND EXPENSES

10 For an additional amount for "Salaries and Ex-
11 penses", $55,000,000, to remain available until September
12 30, 2021, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally, including for
14 necessary expenses for salary costs associated with the Ag-
15 riculture Quarantine and Inspection Program: *Provided*,
16 That such amount is designated by the Congress as being
17 for an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 AGRICULTURAL MARKETING SERVICE

21 MARKETING SERVICES

22 For an additional amount for "Marketing Services",
23 $45,000,000, to remain available until September 30,
24 2021, to prevent, prepare for, and respond to coronavirus,
25 domestically or internationally, including necessary ex-

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1 penses for salary costs associated with commodity grading,
2 inspection, and audit activities: *Provided*, That such
3 amount is designated by the Congress as being for an
4 emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 FOOD SAFETY AND INSPECTION SERVICE

8 For an additional amount for "Food Safety and In-
9 spection Service", $33,000,000, to remain available until
10 September 30, 2021, to prevent, prepare for, and respond
11 to coronavirus, domestically or internationally, including
12 for support of temporary and intermittent workers, reloca-
13 tion of inspectors, and, notwithstanding 21 U.S.C. 468,
14 695 and 1053 and 7 U.S.C. 2219a, costs of overtime in-
15 spectors under the Federal Meat Inspection Act, the Poul-
16 try Products Inspection Act, and the Egg Products In-
17 spection Act: *Provided*, That such amount is designated
18 by the Congress as being for an emergency requirement
19 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
20 et and Emergency Deficit Control Act of 1985.

21 FARM PRODUCTION AND CONSERVATION
22 PROGRAMS

23 FARM SERVICE AGENCY

24 For an additional amount for "Salaries and Ex-
25 penses", $3,000,000, to remain available until September

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1 30, 2021, to prevent, prepare for, and respond to
2 coronavirus, domestically or internationally, including nec-
3 essary expenses to hire temporary staff and overtime ex-
4 penses: *Provided*, That such amount is designated by the
5 Congress as being for an emergency requirement pursuant
6 to section 251(b)(2)(A)(i) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 RURAL DEVELOPMENT PROGRAMS

9 RURAL BUSINESS—COOPERATIVE SERVICE

10 RURAL BUSINESS PROGRAM ACCOUNT

11 For an additional amount for "Rural Business Pro-
12 gram Account", $20,500,000, to remain available until
13 September 30, 2021, to prevent, prepare for, and respond
14 to coronavirus, for the cost of loans for rural business de-
15 velopment programs authorized by section 310B and de-
16 scribed in subsection (g) of section 310B of the Consoli-
17 dated Farm and Rural Development Act: *Provided*, That
18 such amount is designated by the Congress as being for
19 an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 RURAL UTILITIES SERVICE

2 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND

3 PROGRAM

4 For an additional amount for "Distance Learning,
5 Telemedicine, and Broadband Program", $25,000,000, to
6 remain available until expended, to prevent, prepare for,
7 and respond to coronavirus, domestically or internation-
8 ally, for telemedicine and distance learning services in
9 rural areas, as authorized by 7 U.S.C. 950aaa et seq.: *Pro-*
10 *vided*, That such amount is designated by the Congress
11 as being for an emergency requirement pursuant to sec-
12 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985.

14 DOMESTIC FOOD PROGRAMS

15 FOOD AND NUTRITION SERVICE

16 CHILD NUTRITION PROGRAMS

17 For an additional amount for "Child Nutrition Pro-
18 grams", $8,800,000,000 to remain available until Sep-
19 tember 30, 2021, to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally: *Provided*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

2 For an additional amount for "Supplemental Nutri-
3 tion Assistance Program", $15,810,000,000, to remain
4 available until September 30, 2021, to prevent, prepare
5 for, and respond to coronavirus, domestically or inter-
6 nationally: *Provided*, That of the amount provided under
7 this heading in this Act, $15,510,000,000 shall be placed
8 in a contingency reserve to be allocated as the Secretary
9 deems necessary to support participation should cost or
10 participation exceed budget estimates to prevent, prepare
11 for, and respond to coronavirus: *Provided further*, That of
12 the amount provided under this heading in this Act,
13 $100,000,000 shall be for the food distribution program
14 on Indian reservations program as authorized by Section
15 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C.
16 2013) and Section 4(a) of the Agriculture and Consumer
17 Protection Act of 1973 (7 U.S.C. 1431) to prevent, pre-
18 pare for, and respond to coronavirus, of which
19 $50,000,000 shall be for facility improvements and equip-
20 ment upgrades and of which $50,000,000 shall be for the
21 costs relating to additional food purchases: *Provided fur-*
22 *ther*, That of the amount provided under this heading in
23 this Act, $200,000,000 to remain available through Sep-
24 tember 30, 2021, shall be available for the Secretary of
25 Agriculture to provide grants to the Commonwealth of the

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1 Northern Mariana Islands, Puerto Rico, and American
2 Samoa for nutrition assistance to prevent, prepare for,
3 and respond to coronavirus, domestically or internation-
4 ally: *Provided further*, That such amount is designated by
5 the Congress as being for an emergency requirement pur-
6 suant to section 251(b)(2)(A)(i) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 COMMODITY ASSISTANCE PROGRAM

9 For an additional amount for "Commodity Assistance
10 Program", $450,000,000, to remain available through
11 September 30, 2021, to prevent, prepare for, and respond
12 to coronavirus, domestically or internationally, for the
13 emergency food assistance program as authorized by sec-
14 tion 27(a) of the Food and Nutrition Act of 2008 (7
15 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency
16 Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)): *Pro-*
17 *vided*, That of the funds made available, the Secretary
18 may use up to $150,000,000 for costs associated with the
19 distribution of commodities: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 FOREIGN ASSISTANCE AND RELATED
2 PROGRAMS
3 FOREIGN AGRICULTURAL SERVICE
4 SALARIES AND EXPENSES
5 For an additional amount for "Salaries and Ex-
6 penses", $4,000,000, to remain available until September
7 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally, including nec-
9 essary expenses to relocate employees and their depend-
10 ents back from overseas posts: *Provided*, That such
11 amount is designated by the Congress as being for an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.
15 RELATED AGENCIES AND FOOD AND DRUG
16 ADMINISTRATION
17 DEPARTMENT OF HEALTH AND HUMAN SERVICES
18 FOOD AND DRUG ADMINISTRATION
19 SALARIES AND EXPENSES
20 For an additional amount for "Salaries and Ex-
21 penses", $80,000,000, to remain available until expended,
22 to prevent, prepare for, and respond to coronavirus, do-
23 mestically or internationally, including funds for the devel-
24 opment of necessary medical countermeasures and vac-
25 cines, advanced manufacturing for medical products, the

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1 monitoring of medical product supply chains, and related
2 administrative activities: *Provided*, That such amount is
3 designated by the Congress as being for an emergency re-
4 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

6 GENERAL PROVISIONS—THIS TITLE

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 11001. Of the funds made available to the Rural
9 Development mission area in this title, and in addition to
10 funds otherwise made available for such purpose, not more
11 than 3 percent may be used for administrative costs to
12 carry out loan, loan guarantee and grant activities funded
13 in this title to prevent, prepare for, and respond to
14 coronavirus, domestically or internationally: *Provided*,
15 That such funds shall be transferred to, and merged with,
16 the appropriation for "Rural Development, Salaries and
17 Expenses" and, once transferred, shall be used only to
18 prevent, prepare for, and respond to coronavirus, domesti-
19 cally or internationally: *Provided further*, that this transfer
20 authority is in addition to any other transfer authority
21 provided by law.

22 COMMODITY CREDIT CORPORATION

23 REIMBURSEMENT OF PRESENT NET REALIZED LOSSES

24 SEC. 11002. Of the amounts provided in the Further
25 Consolidated Appropriations Act, 2020 (Public Law 116–

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1 94) under the heading "Commodity Credit Corporation
2 Fund—Reimbursement for Net Realized Losses",
3 $14,000,000,000, may be used, prior to the completion of
4 the report described in 15 U.S.C. 713a–11, to reimburse
5 the Commodity Credit Corporation for net realized losses
6 sustained, but not previously reimbursed, as reflected in
7 the June 2020 report of its financial condition: *Provided*,
8 That such amount is designated by the Congress as being
9 for an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 SEC. 11003. The Secretary may extend the term of
13 a marketing assistance loan authorized by section 1201
14 of the Agricultural Act of 2014 (7 U.S.C. 9033) for any
15 loan commodity to 12 months: *Provided*, That the author-
16 ity made available pursuant to this section shall expire on
17 September 30, 2020: *Provided further*, That the amount
18 provided by this section is designated by the Congress as
19 being for an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 SEC. 11004. For an additional amount for grants
23 under the pilot program established under section 779 of
24 Public Law 115–141, to prevent, prepare for, and respond
25 to coronavirus, $100,000,000, to remain available until

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1 September 30, 2021: *Provided*, That at least 90 percent
2 of the households to be served by a project receiving a
3 grant shall be in a rural area without sufficient access to
4 broadband: *Provided further*, That for purposes of such
5 pilot program, a rural area without sufficient access to
6 broadband shall be defined as 10 Mbps downstream and
7 1 Mbps upstream, and such definition shall be reevaluated
8 and redefined, as necessary, on an annual basis by the
9 Secretary of Agriculture: *Provided further*, That an entity
10 to which a grant is made under the pilot program shall
11 not use a grant to overbuild or duplicate broadband expan-
12 sion efforts made by any entity that has received a
13 broadband loan from the Rural Utilities Service: *Provided*
14 *further*, That priority consideration for grants shall be
15 given to previous applicants now eligible as a result of ad-
16 justed eligibility requirements: *Provided further*, That such
17 amount is designated by the Congress as being for an
18 emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

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1 TITLE II

2 DEPARTMENT OF COMMERCE

3 ECONOMIC DEVELOPMENT ADMINISTRATION

4 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

5 (INCLUDING TRANSFERS OF FUNDS)

6 Pursuant to section 703 of the Public Works and
7 Economic Development Act (42 U.S.C. 3233), for an addi-
8 tional amount for ''Economic Development Assistance
9 Programs'', $1,500,000,000, to remain available until
10 September 30, 2022, to prevent, prepare for, and respond
11 to coronavirus, domestically or internationally, including
12 for necessary expenses for responding to economic injury
13 as a result of coronavirus: *Provided*, That such amount
14 shall be for economic adjustment assistance as authorized
15 by section 209 of the Public Works and Economic Devel-
16 opment Act of 1965 (42 U.S.C. 3149): *Provided further*,
17 That within the amount appropriated under this heading
18 in this Act, up to 2 percent of funds may be transferred
19 to the ''Salaries and Expenses'' account for administration
20 and oversight activities related to preventing, preparing
21 for, and responding to coronavirus: *Provided further*, That
22 the Secretary of Commerce is authorized to appoint and
23 fix the compensation of such temporary personnel as may
24 be necessary to implement the requirements under this
25 heading in this Act to prevent, prepare for, and respond

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1 to coronavirus, without regard to the provisions of title
2 5, United States Code, governing appointments in com-
3 petitive service: *Provided further*, That the Secretary of
4 Commerce is authorized to appoint such temporary per-
5 sonnel, after serving continuously for 2 years, to positions
6 in the Economic Development Administration in the same
7 manner that competitive service employees with competi-
8 tive status are considered for transfer, reassignment, or
9 promotion to such positions and an individual appointed
10 under this provision shall become a career-conditional em-
11 ployee, unless the employee has already completed the
12 service requirements for career tenure: *Provided further*,
13 That within the amount appropriated under this heading
14 in this Act, $3,000,000 shall be transferred to the "Office
15 of Inspector General" account for carrying out investiga-
16 tions and audits related to the funding provided to pre-
17 vent, prepare for, and respond to coronavirus under this
18 heading in this Act: *Provided further*, That such amount
19 is designated by the Congress as being for an emergency
20 requirement pursuant to section 251(b)(2)(A)(i) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

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1 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
2 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES
3 For an additional amount for "Scientific and Tech-
4 nical Research and Services", $6,000,000, to remain avail-
5 able until September, 30, 2021, to prevent, prepare for,
6 and respond to coronavirus, domestically or internation-
7 ally, by supporting continuity of operations, including
8 measurement science to support viral testing and bio-
9 manufacturing: *Provided*, That such amount is designated
10 by the Congress as being for an emergency requirement
11 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
12 et and Emergency Deficit Control Act of 1985.
13 INDUSTRIAL TECHNOLOGY SERVICES
14 For an additional amount for "Industrial Technology
15 Services", $60,000,000, to remain available until Sep-
16 tember 30, 2021, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally: *Provided*,
18 That of the amount provided under this heading in this
19 Act, $50,000,000 shall be for the Hollings Manufacturing
20 Extension Partnership to assist manufacturers to prevent,
21 prepare for, and respond to coronavirus and $10,000,000
22 shall be for the National Network for Manufacturing Inno-
23 vation (also known as "Manufacturing USA") to prevent,
24 prepare for, and respond to coronavirus, including to sup-
25 port development and manufacturing of medical counter-

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1 measures and biomedical equipment and supplies: *Pro-*
2 *vided further*, That none of the funds provided under this
3 heading in this Act shall be subject to cost share require-
4 ments under 15 U.S.C. 278k(e)(2) or 15 U.S.C.
5 278s(e)(7)(A): *Provided further*, That such amount is des-
6 ignated by the Congress as being for an emergency re-
7 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
8 anced Budget and Emergency Deficit Control Act of 1985.

9 NATIONAL OCEANIC AND ATMOSPHERIC
10 ADMINISTRATION
11 OPERATIONS, RESEARCH, AND FACILITIES

12 For an additional amount for "Operations, Research,
13 and Facilities", $20,000,000, to remain available until
14 September, 30, 2021, to prevent, prepare for, and respond
15 to coronavirus, domestically or internationally, by sup-
16 porting continuity of operations, including National
17 Weather Service life and property related operations: *Pro-*
18 *vided*, That such amount is designated by the Congress
19 as being for an emergency requirement pursuant to sec-
20 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985.

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1 DEPARTMENT OF JUSTICE

2 GENERAL ADMINISTRATION

3 JUSTICE INFORMATION SHARING TECHNOLOGY

4 For an additional amount for "Justice Information
5 Sharing Technology", $2,000,000, to remain available
6 until expended, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including the
8 impact of coronavirus on the work of the Department of
9 Justice: *Provided*, That such amount is designated by the
10 Congress as being for an emergency requirement pursuant
11 to section 251(b)(2)(A)(i) of the Balanced Budget and
12 Emergency Deficit Control Act of 1985.

13 OFFICE OF INSPECTOR GENERAL

14 For an additional amount for "Office of Inspector
15 General", $2,000,000, to remain available until expended
16 to prevent, prepare for, and respond to coronavirus, do-
17 mestically or internationally, including the impact of
18 coronavirus on the work of the Department of Justice and
19 to carry out investigations and audits related to the fund-
20 ing made available for the Department of Justice in this
21 Act: *Provided*, That such amount is designated by the
22 Congress as being for an emergency requirement pursuant
23 to section 251(b)(2)(A)(i) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

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1 LEGAL ACTIVITIES

2 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

3 For an additional amount for "Salaries and Ex-
4 penses, United States Attorneys", $3,000,000, to prevent,
5 prepare for, and respond to coronavirus, domestically or
6 internationally, including the impact of coronavirus on the
7 work of the Department of Justice: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 UNITED STATES MARSHALS SERVICE

13 SALARIES AND EXPENSES

14 For an additional amount for "United States Mar-
15 shals Service, Salaries and Expenses", $15,000,000, to
16 prevent, prepare for, and respond to coronavirus, domesti-
17 cally or internationally, including the impact of
18 coronavirus on the work of the Department of Justice:
19 *Provided*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

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1 FEDERAL BUREAU OF INVESTIGATION

2 SALARIES AND EXPENSES

3 For an additional amount for "Federal Bureau of In-
4 vestigation, Salaries and Expenses", $20,000,000, to pre-
5 vent, prepare for, and respond to coronavirus, domestically
6 or internationally, including the impact of coronavirus on
7 the work of the Department of Justice: *Provided*, That
8 such amount is designated by the Congress as being for
9 an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 DRUG ENFORCEMENT ADMINISTRATION

13 SALARIES AND EXPENSES

14 For an additional amount for "Drug Enforcement
15 Administration, Salaries and Expenses", $15,000,000, to
16 prevent, prepare for, and respond to coronavirus, domesti-
17 cally or internationally, including the impact of
18 coronavirus on the work of the Department of Justice:
19 *Provided*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

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1 FEDERAL PRISON SYSTEM

2 SALARIES AND EXPENSES

3 For an additional amount for "Federal Prison Sys-
4 tem, Salaries and Expenses", $100,000,000, to prevent,
5 prepare for, and respond to coronavirus, domestically or
6 internationally, including the impact of coronavirus on the
7 work of the Department of Justice: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

13 OFFICE OF JUSTICE PROGRAMS

14 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

15 For an additional amount for "State and Local Law
16 Enforcement Assistance", $850,000,000, to remain avail-
17 able until expended, to prevent, prepare for, and respond
18 to coronavirus, domestically or internationally, to be
19 awarded pursuant to the formula allocation (adjusted in
20 proportion to the relative amounts statutorily designated
21 therefor) that was used in fiscal year 2019 for the Edward
22 Byrne Memorial Justice Assistance Grant program as au-
23 thorized by subpart 1 of part E of title I of the Omnibus
24 Crime Control and Safe Streets Acts of 1968 ("1968
25 Act"): *Provided*, That the allocation provisions under sec-

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1 tions 505(a) through (e) and the special rules for Puerto
2 Rico under section 505(g), and section 1001(c), of the
3 1968 Act, shall not apply to the amount provided under
4 this heading in this Act: *Provided further*, That awards
5 hereunder, shall not be subject to restrictions or special
6 conditions that are the same as (or substantially similar
7 to) those, imposed on awards under such subpart in fiscal
8 year 2018, that forbid interference with Federal law en-
9 forcement: *Provided further*, That such amount is des-
10 ignated by the Congress as being for an emergency re-
11 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985.

13 SCIENCE

14 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

15 SAFETY, SECURITY AND MISSION SERVICES

16 For an additional amount for ''Safety, Security and
17 Mission Services'', $60,000,000, to remain available until
18 September 30, 2021, to prevent, prepare for, and respond
19 to coronavirus, domestically or internationally: *Provided*,
20 That such amount is designated by the Congress as being
21 for an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 NATIONAL SCIENCE FOUNDATION

2 RESEARCH AND RELATED ACTIVITIES

3 For an additional amount for "Research and Related
4 Activities", $75,000,000, to remain available until Sep-
5 tember 30, 2021, to prevent, prepare for, and respond to
6 coronavirus, domestically or internationally, including to
7 fund research grants and other necessary expenses: *Pro-*
8 *vided*, That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 AGENCY OPERATIONS AND AWARD MANAGEMENT

13 For an additional amount for "Agency Operations
14 and Award Management", $1,000,000, to prevent, pre-
15 pare for, and respond to coronavirus, domestically or
16 internationally, including to administer research grants
17 and other necessary expenses: *Provided*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 RELATED AGENCIES

2 LEGAL SERVICES CORPORATION

3 PAYMENT TO THE LEGAL SERVICES CORPORATION

4 For an additional amount for "Payment to the Legal
5 Services Corporation", $50,000,000, to prevent, prepare
6 for, and respond to coronavirus, domestically or inter-
7 nationally: *Provided*, That none of the funds appropriated
8 under this heading in this Act to the Legal Services Cor-
9 poration shall be expended for any purpose prohibited or
10 limited by, or contrary to any of the provisions of, sections
11 501, 502, 503, 504, 505, and 506 of Public Law 105–
12 119, and all funds appropriated in this Act to the Legal
13 Services Corporation shall be subject to the same terms
14 and conditions set forth in such sections, except that all
15 references in sections 502 and 503 to 1997 and 1998 shall
16 be deemed to refer instead to 2019 and 2020, respectively,
17 and except that sections 501 and 503 of Public Law 104–
18 134 (referenced by Public Law 105–119) shall not apply
19 to the amount made available under this heading: *Pro-*
20 *vided further*, That for the purposes of this Act, the Legal
21 Services Corporation shall be considered an agency of the
22 United States Government: *Provided further*, That such
23 amount is designated by the Congress as being for an
24 emergency requirement pursuant to section

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

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 12001. Amounts provided by the Consolidated
5 Appropriations Act, 2020, (Public Law 116–93) for the
6 Hollings Manufacturing Extension Partnership under the
7 heading "National Institute of Standards and Tech-
8 nology—Industrial Technology Services" shall not be sub-
9 ject to cost share requirements under 15 U.S.C.
10 278k(e)(2): *Provided*, That the authority made available
11 pursuant to this section shall be elective for any Manufac-
12 turing Extension Partnership Center that also receives
13 funding from a State that is conditioned upon the applica-
14 tion of a Federal cost sharing requirement.

15 SEC. 12002. (a) Funds appropriated in this title for
16 the National Science Foundation may be made available
17 to restore amounts, either directly or through reimburse-
18 ment, for obligations incurred by the National Science
19 Foundation for research grants and other necessary ex-
20 penses to prevent, prepare for, and respond to
21 coronavirus, domestically or internationally, prior to the
22 date of enactment of this Act.

23 (b) Grants or cooperative agreements made by the
24 National Science Foundation under this title, to carry out
25 research grants and other necessary expenses to prevent,

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1 prepare for, and respond to coronavirus, domestically or
2 internationally, shall include amounts to reimburse costs
3 for these purposes incurred between January 20, 2020,
4 and the date of issuance of such grants or agreements.

5 BUREAU OF PRISONS

6 SEC. 12003. (a) DEFINITIONS.—In this section—
7 (1) the term "Bureau" means the Bureau of
8 Prisons;
9 (2) the term "covered emergency period" means
10 the period beginning on the date on which the Presi-
11 dent declared a national emergency under the Na-
12 tional Emergencies Act (50 U.S.C. 1601 et seq.)
13 with respect to the Coronavirus Disease 2019
14 (COVID–19) and ending on the date that is 30 days
15 after the date on which the national emergency dec-
16 laration terminates; and
17 (3) the term "Secretary" means the Secretary
18 of Health and Human Services.
19 (b) SUPPLY OF PERSONAL PROTECTIVE EQUIPMENT
20 AND TEST KITS TO BUREAU OF PRISONS; HOME CON-
21 FINEMENT AUTHORITY.—
22 (1) PERSONAL PROTECTIVE EQUIPMENT AND
23 TEST KITS.—
24 (A) FINDINGS.—Congress finds the fol-
25 lowing:

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1 (i) There is an urgent need for per-
2 sonal protective equipment and test kits to
3 the Bureau based on the density of the in-
4 mate population, the high traffic, the high
5 volume of inmates, the high rate of turn-
6 over of inmates and personnel, and the
7 number of high-security areas, within the
8 facilities of the Bureau.
9 (ii) The inability of the Bureau to se-
10 cure the purchase of infectious disease per-
11 sonal protective equipment and related
12 supplies now and in the future is a vulner-
13 ability.
14 (iii) The Bureau is currently com-
15 peting in and engaging the same landscape
16 of vendors as all other Federal agencies
17 and private entities.
18 (iv) The ability of the Bureau to pur-
19 chase needed equipment and supplies is
20 currently subject to an individual manufac-
21 turer's specific recognition of the Bureau
22 as a priority and subsequent allocation of
23 the inventory of the manufacturer to the
24 Bureau.

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1 (B) CONSIDERATION.—The Secretary shall
2 appropriately consider, relative to other prior-
3 ities of the Department of Health and Human
4 Services for high-risk and high-need popu-
5 lations, the distribution of infectious disease
6 personal protective equipment and COVID–19
7 test kits to the Bureau for use by inmates and
8 personnel of the Bureau.
9 (2) HOME CONFINEMENT AUTHORITY.—During
10 the covered emergency period, if the Attorney Gen-
11 eral finds that emergency conditions will materially
12 affect the functioning of the Bureau, the Director of
13 the Bureau may lengthen the maximum amount of
14 time for which the Director is authorized to place a
15 prisoner in home confinement under the first sen-
16 tence of section 3624(c)(2) of title 18, United States
17 Code, as the Director determines appropriate.
18 (c) VIDEO VISITATION.—
19 (1) IN GENERAL.—During the covered emer-
20 gency period, if the Attorney General finds that
21 emergency conditions will materially affect the func-
22 tioning of the Bureau, the Director of the Bureau
23 shall promulgate rules regarding the ability of in-
24 mates to conduct visitation through video teleconfer-

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1 encing and telephonically, free of charge to inmates,
2 during the covered emergency period.
3 (2) EXEMPTION FROM NOTICE-AND-COMMENT
4 RULEMAKING REQUIREMENTS.—Section 553 of title
5 5, United States Code, shall not apply to the pro-
6 mulgation of rules under paragraph (1) of this sub-
7 section.
8 (d) EMERGENCY REQUIREMENT.—The amount pro-
9 vided by this section is designated by the Congress as
10 being for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.
13 TEMPORARY AUTHORITY OF DIRECTOR OF THE USPTO
14 DURING THE COVID–19 EMERGENCY.
15 SEC. 12004. (a) IN GENERAL.—During the emer-
16 gency period described in subsection (e), the Director may
17 toll, waive, adjust, or modify, any timing deadline estab-
18 lished by title 35, United States Code, the Trademark Act,
19 section 18 of the Leahy-Smith America Invents Act (35
20 U.S.C. 321 note), or regulations promulgated thereunder,
21 in effect during such period, if the Director determines
22 that the emergency related to such period—
23 (1) materially affects the functioning of the
24 Patent and Trademark Office;

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1 (2) prejudices the rights of applicants, reg-
2 istrants, patent owners, or others appearing before
3 the Office; or
4 (3) prevents applicants, registrants, patent own-
5 ers, or others appearing before the Office from filing
6 a document or fee with the Office.
7 (b) PUBLIC NOTICE.—If the Director determines
8 that tolling, waiving, adjusting, or modifying a timing
9 deadline under subsection (a) is appropriate, the Director
10 shall publish publicly a notice to such effect.
11 (c) STATEMENT REQUIRED.—Not later than 20 days
12 after the Director tolls, waives, adjusts, or modifies a tim-
13 ing deadline under subsection (a) and such toll, waiver,
14 adjustment, or modification is in effect for a consecutive
15 or cumulative period exceeding 120 days, the Director
16 shall submit to Congress a statement describing the action
17 taken, relevant background, and rationale for the period
18 of tolling, waiver, adjustment, or modification.
19 (d) OTHER LAWS.—Notwithstanding section 301 of
20 the National Emergencies Act (50 U.S.C. 1631), the au-
21 thority of the Director under subsection (a) is not contin-
22 gent on a specification made by the President under such
23 section or any other requirement under that Act (other
24 than the emergency declaration under section 201(a) of
25 such Act (50 U.S.C. 1621(a))). The authority described

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1 in this section supersedes the authority of title II of the
2 National Emergencies Act (50 U.S.C. 1621 et seq.).
3 (e) EMERGENCY PERIOD.—The emergency period de-
4 scribed in this subsection includes the duration of the por-
5 tion of the emergency declared by the President pursuant
6 to the National Emergencies Act on March 13, 2020, as
7 a result of the COVID–19 outbreak (and any renewal
8 thereof) beginning on or after the date of the enactment
9 of this section and the 60 day period following such dura-
10 tion.
11 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion may be construed as limiting other statutory authori-
13 ties the Director may have to grant relief regarding filings
14 or deadlines.
15 (g) SUNSET.—Notwithstanding subsection (a), the
16 authorities provided under this section shall expire upon
17 the expiration of the 2-year period after the date of the
18 enactment of this section.
19 (h) DEFINITIONS.—In this section:
20 (1) DIRECTOR.—The term "Director" means
21 the Under Secretary of Commerce for Intellectual
22 Property and Director of the United States Patent
23 and Trademark Office.
24 (2) TRADEMARK ACT.—The term "Trademark
25 Act" means the Act entitled "An Act to provide for

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1 the registration and protection of trademarks used
2 in commerce, to carry out the provisions of certain
3 international conventions, and for other purposes'',
4 approved July 5, 1946 (15 U.S.C. 1051 et seq.).
5 (i) EMERGENCY REQUIREMENT.—The amount pro-
6 vided by this section is designated by the Congress as
7 being for an emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 ASSISTANCE TO FISHERY PARTICIPANTS

11 SEC. 12005. (a) IN GENERAL.—The Secretary of
12 Commerce is authorized to provide assistance to Tribal,
13 subsistence, commercial, and charter fishery participants
14 affected by the novel coronavirus (COVID–19), which may
15 include direct relief payments.
16 (b) FISHERY PARTICIPANTS.—For the purposes of
17 this section, ''fishery participants'' include Tribes, per-
18 sons, fishing communities, aquaculture businesses not oth-
19 erwise eligible for assistance under part 1416 of title 7
20 of the Code of Federal Regulations for losses related to
21 COVID–19, processors, or other fishery-related busi-
22 nesses, who have incurred, as a direct or indirect result
23 of the coronavirus pandemic—
24 (1) economic revenue losses greater than 35
25 percent as compared to the prior 5-year average rev-
26 enue; or

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1 (2) any negative impacts to subsistence, cul-
2 tural, or ceremonial fisheries.
3 (c) ROLLING BASIS.—Funds may be awarded under
4 this section on a rolling basis, and within a fishing season,
5 to ensure rapid delivery of funds during the COVID–19
6 pandemic.
7 (d) APPROPRIATIONS.—In addition to funds that are
8 otherwise made available to assist fishery participants
9 under this Act, there are authorized to be appropriated,
10 and there are appropriated, $300,000,000, to remain
11 available until September 30, 2021, to carry out this sec-
12 tion, of which up to 2 percent may be used for administra-
13 tion and oversight activities.
14 (e) EMERGENCY REQUIREMENT.—The amount pro-
15 vided by this section is designated by the Congress as
16 being for an emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

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1 TITLE III
2 DEPARTMENT OF DEFENSE
3 MILITARY PERSONNEL
4 NATIONAL GUARD PERSONNEL, ARMY
5 For an additional amount for ''National Guard Per-
6 sonnel, Army'', $746,591,000, to prevent, prepare for, and
7 respond to coronavirus, domestically or internationally:
8 *Provided*, That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.
12 NATIONAL GUARD PERSONNEL, AIR FORCE
13 For an additional amount for ''National Guard Per-
14 sonnel, Air Force'', $482,125,000, to prevent, prepare for,
15 and respond to coronavirus, domestically or internation-
16 ally: *Provided*, That such amount is designated by the
17 Congress as being for an emergency requirement pursuant
18 to section 251(b)(2)(A)(i) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985.
20 OPERATION AND MAINTENANCE
21 OPERATION AND MAINTENANCE, ARMY
22 For an additional amount for ''Operation and Main-
23 tenance, Army'', $160,300,000, to prevent, prepare for,
24 and respond to coronavirus, domestically or internation-
25 ally: *Provided*, That such amount is designated by the

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1 Congress as being for an emergency requirement pursuant
2 to section 251(b)(2)(A)(i) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985.

4 OPERATION AND MAINTENANCE, NAVY

5 For an additional amount for "Operation and Main-
6 tenance, Navy", $360,308,000, to prevent, prepare for,
7 and respond to coronavirus, domestically or internation-
8 ally: *Provided*, That such amount is designated by the
9 Congress as being for an emergency requirement pursuant
10 to section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 For an additional amount for "Operation and Main-
14 tenance, Marine Corps", $90,000,000, to prevent, prepare
15 for, and respond to coronavirus, domestically or inter-
16 nationally: *Provided*, That such amount is designated by
17 the Congress as being for an emergency requirement pur-
18 suant to section 251(b)(2)(A)(i) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, AIR FORCE

21 For an additional amount for "Operation and Main-
22 tenance, Air Force", $155,000,000, to prevent, prepare
23 for, and respond to coronavirus, domestically or inter-
24 nationally: *Provided*, That such amount is designated by
25 the Congress as being for an emergency requirement pur-

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

3 OPERATION AND MAINTENANCE, ARMY RESERVE

4 For an additional amount for "Operation and Main-
5 tenance, Army Reserve", $48,000,000, to prevent, prepare
6 for, and respond to coronavirus, domestically or inter-
7 nationally: *Provided*, That such amount is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 OPERATION AND MAINTENANCE, ARMY NATIONAL
12 GUARD

13 For an additional amount for "Operation and Main-
14 tenance, Army National Guard", $186,696,000, to pre-
15 vent, prepare for, and respond to coronavirus, domestically
16 or internationally: *Provided*, That such amount is des-
17 ignated by the Congress as being for an emergency re-
18 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

21 For an additional amount for "Operation and Main-
22 tenance, Air National Guard", $75,754,000, to prevent,
23 prepare for, and respond to coronavirus, domestically or
24 internationally: *Provided*, That such amount is designated
25 by the Congress as being for an emergency requirement

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

3 OPERATION AND MAINTENANCE, DEFENSE-WIDE

4 For an additional amount for "Operation and Main-
5 tenance, Defense-Wide", $827,800,000, to prevent, pre-
6 pare for, and respond to coronavirus, domestically or
7 internationally: *Provided*, That such amount is designated
8 by the Congress as being for an emergency requirement
9 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
10 et and Emergency Deficit Control Act of 1985.

11 PROCUREMENT

12 DEFENSE PRODUCTION ACT PURCHASES

13 For an additional amount for "Defense Production
14 Act Purchases", $1,000,000,000, to remain available until
15 expended, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally: *Provided*,
17 That for the two-year period beginning with the date of
18 enactment of this Act, the requirements described in Sec-
19 tion 301(a)(3)(A) and 302(c)(1) of Public Law 81–774,
20 shall be waived: *Provided further*, That such amount is
21 designated by the Congress as being for an emergency re-
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985.

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1 REVOLVING AND MANAGEMENT FUNDS

2 DEFENSE WORKING CAPITAL FUNDS

3 For an additional amount for "Defense Working
4 Capital Funds", $1,450,000,000, to prevent, position, pre-
5 pare for, and respond to coronavirus, domestically or
6 internationally: *Provided*, That of the amount provided
7 under this heading in this Act, $475,000,000 shall be for
8 the Navy Working Capital Fund, $475,000,000 shall be
9 for the Air Force Working Capital Fund, and
10 $500,000,000 shall be for the Defense-Wide Working Cap-
11 ital Fund: *Provided further*, That such amount is des-
12 ignated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 OTHER DEPARTMENT OF DEFENSE PROGRAMS

16 DEFENSE HEALTH PROGRAM

17 For an additional amount for "Defense Health Pro-
18 gram", $3,805,600,000, of which $3,390,600,000 shall be
19 for operation and maintenance, and $415,000,000 shall
20 be for research, development, test and evaluation, to re-
21 main available until September 30, 2021, to prevent, pre-
22 pare for, and respond to coronavirus, domestically or
23 internationally: *Provided*, That, notwithstanding that one
24 percent of funding for operation and maintenance under
25 this heading in Public Law 116–93 shall remain available

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1 for obligation until September 30, 2021, funding for oper-
2 ation and maintenance made available under this heading
3 in this Act shall only be available through September 30,
4 2020: *Provided further*, That such amount is designated
5 by the Congress as being for an emergency requirement
6 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
7 et and Emergency Deficit Control Act of 1985.

8 OFFICE OF THE INSPECTOR GENERAL

9 For an additional amount for "Office of the Inspector
10 General", $20,000,000, to prevent, prepare for, and re-
11 spond to coronavirus, domestically or internationally: *Pro-*
12 *vided*, That the funding made available under this heading
13 in this Act shall be used for conducting audits and inves-
14 tigations of projects and activities carried out with funds
15 made available in this Act to the Department of Defense
16 to prevent, prepare for, and respond to coronavirus, do-
17 mestically or internationally: *Provided further*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 GENERAL PROVISIONS—THIS TITLE

23 SEC. 13001. Funds appropriated by this title may be
24 transferred to, and merged with, other applicable appro-
25 priations of the Department of Defense, except for "Drug

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1 Interdiction and Counter-Drug Activities, Defense'', for
2 expenses incurred in preventing, preparing for, or re-
3 sponding to coronavirus, including expenses of the Depart-
4 ment of Defense incurred in support of other Federal De-
5 partments and agencies, and State, local, and Indian trib-
6 al governments, to be merged with and to be available for
7 the same purposes, and for the same time period, as the
8 appropriation or fund to which transferred: *Provided*,
9 That upon a determination that all or part of the funds
10 transferred pursuant to this section that are not necessary
11 for the purposes provided herein, such funds shall be
12 transferred back to the original appropriation: *Provided*
13 *further*, That the transfer authority provided by this sec-
14 tion is in addition to any other transfer authority provided
15 by law.

16 SEC. 13002. For an additional amount for ''Defense
17 Health Program'', $1,095,500,000, which shall be for op-
18 eration and maintenance, and of which $1,095,500,000
19 may be available for contracts entered into under the
20 TRICARE program: *Provided*, That, notwithstanding that
21 one percent of funding for operation and maintenance
22 under this heading in Public Law 116–93 shall remain
23 available for obligation until September 30, 2021, funding
24 for operation and maintenance made available under this
25 heading in this section shall only be available through Sep-

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1 tember 30, 2020: *Provided further*, That such amount is
2 designated by the Congress as being for an emergency re-
3 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985.
5 SEC. 13003. (a) Notwithstanding section 2208(l)(3)
6 of title 10, United States Code, during fiscal year 2020,
7 the total amount of the advance billings rendered or im-
8 posed for all working-capital funds of the Department of
9 Defense may exceed the amount otherwise specified in
10 such section.
11 (b) In this section, the term ''advance billing'' has
12 the meaning given that term in section 2208(l)(4) of title
13 10, United States Code.
14 SEC. 13004. (a) Section 2326(b)(3) of title 10,
15 United States Code, shall not apply to any undefinitized
16 contract action of the Department of Defense related to
17 the national emergency for the Coronavirus Disease 2019
18 (COVID–19).
19 (b) In this section, the term ''undefinitized contract
20 action'' has the meaning given that term in section
21 2326(j)(6) of title 10, United States Code.
22 SEC. 13005. (a) The head of an agency may waive
23 the provisions of section 2326(b) of title 10, United States
24 Code, with respect to a contract of such agency if the head
25 of the agency determines that the waiver is necessary due

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1 to the national emergency for the Coronavirus Disease
2 2019 (COVID–19).
3 (b) In this section, the term "head of an agency" has
4 the meaning given that term in section 2302(2) of title
5 10, United States Code.
6 SEC. 13006. (a) Notwithstanding paragraph (3) of
7 section 2371b(a) of title 10, United States Code, the au-
8 thority of a senior procurement executive or director of
9 the Defense Advanced Research Projects Agency or Mis-
10 sile Defense Agency under paragraph (2)(A) of such sec-
11 tion, and the authority of the Under Secretaries of De-
12 fense under paragraph (2)(B) of such section, for any
13 transaction related to the national emergency for the
14 Coronavirus Disease 2019 (COVID–19) may be delegated
15 to such officials in the Department of Defense as the Sec-
16 retary of Defense shall specify for purposes of this section.
17 (b)(1) Notwithstanding clause (ii) of section
18 2371b(a)(2)(B) of title 10, United States Code, no ad-
19 vance notice to Congress is required under that clause for
20 transitions described in that section that are related to
21 the national emergency for the Coronavirus Disease 2019
22 (COVID–19).
23 (2) In the event a transaction covered by paragraph
24 (1) is carried out, the Under Secretary of Defense for Re-
25 search and Engineering or the Under Secretary of Defense

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1 for Acquisition and Sustainment, as applicable, shall sub-
2 mit to the congressional defense committees a notice on
3 the carrying out of such transaction as soon as is prac-
4 ticable after the commencement of the carrying out of
5 such transaction.

6 (3) In this subsection, the term "congressional de-
7 fense committees" has the meaning given such term in
8 section 101(a)(16) of title 10, United States Code.

9 SEC. 13007. (a) The President may extend the ap-
10 pointment of the Chief of Army Reserve as prescribed in
11 section 7038(c) of title 10, United States Code, for the
12 incumbent in that position as of the date of the enactment
13 of this Act until the date of the appointment of the suc-
14 cessor to such incumbent, notwithstanding any limitation
15 otherwise imposed on such term by such section 7038(c).

16 (b) The President may extend the appointment of the
17 Chief of Navy Reserve as prescribed in section 8083(c)
18 of title 10, United States Code, for the incumbent in that
19 position as of the date of the enactment of this Act until
20 the date of the appointment of the successor to such in-
21 cumbent, notwithstanding any limitation otherwise im-
22 posed on such term by such section 8083(c).

23 (c) The President may extend the appointment of the
24 Chief of Staff of the Air Force prescribed in section
25 9033(a)(1) of title 10, United States Code, for the incum-

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1 bent in that position as of the date of the enactment of
2 this Act until the date of the appointment of the successor
3 to such incumbent, notwithstanding any limitation other-
4 wise imposed on such term by such section 9033(a)(1).
5 (d) The President may extend the appointment of the
6 Chief of Space Operations, as prescribed in section
7 9082(a)(2) of title 10, United States Code, for the incum-
8 bent in that position as of the date of the enactment of
9 this Act until the date of the appointment of the successor
10 to such incumbent, notwithstanding any limitation other-
11 wise imposed on such term by such section 9082(a)(2).
12 (e) The President may extend the appointment of the
13 Chief of the National Guard Bureau as prescribed in sec-
14 tion 10502(b) of title 10, United States Code, for the in-
15 cumbent in that position as of the date of the enactment
16 of this Act until the date of the appointment of the suc-
17 cessor to such incumbent, notwithstanding any limitation
18 otherwise imposed on such term by such section 10502(b).
19 (f) The President may extend the appointment of Di-
20 rector, Army National Guard and Director, Air National
21 Guard as prescribed in section 10506(a)(3)(D) of title 10,
22 United States Code, for the incumbent in such position
23 as of the date of the enactment of this Act until the date
24 of the appointment of the successor to such incumbent,

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1 notwithstanding any limitation otherwise imposed on such
2 term by such section 10506(a)(3)(D).
3 (g) Notwithstanding paragraph (4) of section
4 10505(a) of title 10, United States Code, the Secretary
5 of Defense may waive the limitations in paragraphs (2)
6 and (3) of that section for a period of not more than 270
7 days.
8 (h)(1) The President may delegate the exercise of the
9 authorities in subsections (a) through (f) to the Secretary
10 of Defense.
11 (2) The Secretary of Defense may not redelegate the
12 exercise of any authority delegated to the Secretary pursu-
13 ant to paragraph (1), and may not delegate the exercise
14 of the authority in subsection (g).

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1 TITLE IV

2 CORPS OF ENGINEERS—CIVIL

3 DEPARTMENT OF THE ARMY

4 OPERATION AND MAINTENANCE

5 For an additional amount for ''Operation and Main-
6 tenance'', $50,000,000, to remain available until Sep-
7 tember 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally: *Provided*,
9 That such amount is designated by the Congress as being
10 for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 EXPENSES

14 For an additional amount for ''Expenses'',
15 $20,000,000, to remain available until September 30,
16 2021, to prevent, prepare for, and respond to coronavirus,
17 domestically or internationally: *Provided*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 DEPARTMENT OF THE INTERIOR

2 BUREAU OF RECLAMATION

3 WATER AND RELATED RESOURCES

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for "Water and Related
6 Resources", $12,500,000, to remain available until Sep-
7 tember 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally: *Provided*,
9 That $500,000 of the funds provided under this heading
10 in this Act shall be transferred to the "Central Utah
11 Project Completion Account" to prevent, prepare for, and
12 respond to coronavirus: *Provided further*, That such
13 amount is designated by the Congress as being for an
14 emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 POLICY AND ADMINISTRATION

18 For an additional amount for "Policy and Adminis-
19 tration", $8,100,000, to remain available until September
20 30, 2021, to prevent, prepare for, and respond to
21 coronavirus, domestically or internationally: *Provided*,
22 That such amount is designated by the Congress as being
23 for an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

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1 DEPARTMENT OF ENERGY

2 ENERGY PROGRAMS

3 SCIENCE

4 For an additional amount for "Science",
5 $99,500,000, to remain available until September 30,
6 2021, to prevent, prepare for, and respond to coronavirus,
7 domestically or internationally, for necessary expenses re-
8 lated to providing support and access to scientific user fa-
9 cilities in the Office of Science and National Nuclear Secu-
10 rity Administration, including equipment, enabling tech-
11 nologies, and personnel associated with the operations of
12 those scientific user facilities: *Provided*, That such amount
13 is designated by the Congress as being for an emergency
14 requirement pursuant to section 251(b)(2)(A)(i) of the
15 Balanced Budget and Emergency Deficit Control Act of
16 1985.

17 DEPARTMENTAL ADMINISTRATION

18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for "Departmental Admin-
20 istration", $28,000,000, to remain available until Sep-
21 tember 30, 2021, to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally, including for
23 necessary expenses related to supporting remote access for
24 personnel: *Provided*, That funds appropriated under this
25 heading in this Act may be transferred to, and merged

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1 with, other appropriation accounts of the Department of
2 Energy to prevent, prepare for, and respond to
3 coronavirus, including for necessary expenses related to
4 supporting remote access for personnel: *Provided further*,
5 That such amount is designated by the Congress as being
6 for an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 INDEPENDENT AGENCIES

10 NUCLEAR REGULATORY COMMISSION

11 SALARIES AND EXPENSES

12 For an additional amount for "Salaries and Ex-
13 penses", $3,300,000, to remain available until September
14 30, 2021, to prevent, prepare for, and respond to
15 coronavirus, domestically or internationally: *Provided*,
16 That, notwithstanding 42 U.S.C. 2214, such amount shall
17 not be derived from fee revenue: *Provided further*, That
18 such amount is designated by the Congress as being for
19 an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 GENERAL PROVISIONS—THIS TITLE

23 SEC. 14001. Funds appropriated in this title may be
24 made available to restore amounts, either directly or
25 through reimbursement, for obligations incurred to pre-

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1 vent, prepare for, and respond to coronavirus prior to the
2 date of enactment of this Act.
3 SEC. 14002. (a) Section 404 of the Bipartisan Budg-
4 et Act of 2015 (42 U.S.C. 6239 note) is amended—
5 (1) in subsection (e), by striking "2020" and
6 inserting "2022"; and
7 (2) in subsection (g), by striking "2020" and
8 inserting "2022".
9 (b) Title III of division C of the Further Consolidated
10 Appropriations Act, 2020 (Public Law 116–94) is amend-
11 ed in the matter under the heading "Department of En-
12 ergy—Energy Programs—Strategic Petroleum Reserve"
13 by striking the three provisos before the final period and
14 inserting the following:
15 " *Provided*, That, as authorized by section 404 of the
16 Bipartisan Budget Act of 2015 (Public Law 114–74; 42
17 U.S.C. 6239 note), the Secretary of Energy shall draw
18 down and sell not to exceed a total of $450,000,000 of
19 crude oil from the Strategic Petroleum Reserve in fiscal
20 year 2020, fiscal year 2021, or fiscal year 2022: *Provided*
21 *further*, That the proceeds from such drawdown and sale
22 shall be deposited into the 'Energy Security and Infra-
23 structure Modernization Fund' during the fiscal year in
24 which the sale occurs and shall be made available in such
25 fiscal year, to remain available until expended, for nec-

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1 essary expenses to carry out the Life Extension II project
2 for the Strategic Petroleum Reserve''.
3 (c) The amount provided by this section is designated
4 by the Congress as being for an emergency requirement
5 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
6 et and Emergency Deficit Control Act of 1985.
7 SEC. 14003. Any discretionary appropriation for the
8 Corps of Engineers derived from the Harbor Maintenance
9 Trust Fund (not to exceed the total amount deposited in
10 the Harbor Maintenance Trust Fund in the prior fiscal
11 year) shall be subtracted from the estimate of discre-
12 tionary budget authority and outlays for any estimate of
13 an appropriations Act under the Congressional Budget
14 and Impoundment Control Act of 1974 or the Balanced
15 Budget and Emergency Deficit Control Act of 1985: *Pro-*
16 *vided*, That the modifications described in this section
17 shall not take effect until the earlier of January 1, 2021
18 or the date of enactment of legislation authorizing the de-
19 velopment of water resources and shall remain in effect
20 thereafter.
21 SEC. 14004. Section 14321(a)(2)(B)(ii) of title 40,
22 United States Code, is amended by inserting '', except that
23 a discretionary grant to respond to economic distress di-
24 rectly related to the impacts of the Coronavirus Disease

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1 2019 (COVID–19) shall not be included in such aggregate
2 amount'' before the period at the end.

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1 TITLE V

2 DEPARTMENT OF THE TREASURY

3 INTERNAL REVENUE SERVICE

4 ADMINISTRATIVE PROVISION—INTERNAL REVENUE

5 SERVICE

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 15001. In addition to the amounts otherwise
8 available to the Internal Revenue Service in fiscal year
9 2020, $250,000,000, to remain available until September
10 30, 2021, shall be available to prevent, prepare for, and
11 respond to coronavirus, domestically or internationally, in-
12 cluding costs associated with the extended filing season
13 and implementation of the Families First Coronavirus Re-
14 sponse Act: *Provided*, That such funds may be transferred
15 by the Commissioner to the "Taxpayer Services," "En-
16 forcement," or "Operations Support" accounts of the In-
17 ternal Revenue Service for an additional amount to be
18 used solely to prevent, prepare for, and respond to
19 coronavirus, domestically or internationally: *Provided fur-*
20 *ther*, That the Committees on Appropriations of the House
21 of Representatives and the Senate shall be notified in ad-
22 vance of any such transfer: *Provided further*, That such
23 transfer authority is in addition to any other transfer au-
24 thority provided by law: *Provided further*, That not later
25 than 30 days after the date of enactment of this Act, the

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1 Commissioner shall submit to the Committees on Appro-
2 priations of the House of Representatives and the Senate
3 a spending plan for such funds: *Provided further*, That
4 such amount is designated by the Congress as being for
5 an emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 THE JUDICIARY

9 SUPREME COURT OF THE UNITED STATES

10 SALARIES AND EXPENSES

11 For an additional amount for "Salaries and Ex-
12 penses", $500,000, to prevent, prepare for, and respond
13 to coronavirus, domestically or internationally: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
19 JUDICIAL SERVICES

20 SALARIES AND EXPENSES

21 For an additional amount for "Salaries and Ex-
22 penses", $6,000,000, to prevent, prepare for, and respond
23 to coronavirus, domestically or internationally: *Provided*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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

3 DEFENDER SERVICES

4 For an additional amount for "Defender Services",
5 $1,000,000, to remain available until expended, to pre-
6 vent, prepare for, and respond to coronavirus, domestically
7 or internationally: *Provided*, That such amount is des-
8 ignated by the Congress as being for an emergency re-
9 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985.

11 ADMINISTRATIVE PROVISION—THE JUDICIARY

12 VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS

13 SEC. 15002. (a) DEFINITION.—In this section, the
14 term "covered emergency period" means the period begin-
15 ning on the date on which the President declared a na-
16 tional emergency under the National Emergencies Act (50
17 U.S.C. 1601 et seq.) with respect to the Coronavirus Dis-
18 ease 2019 (COVID–19) and ending on the date that is
19 30 days after the date on which the national emergency
20 declaration terminates.

21 (b) VIDEO TELECONFERENCING FOR CRIMINAL PRO-
22 CEEDINGS.—

23 (1) IN GENERAL.—Subject to paragraphs (3),
24 (4), and (5), if the Judicial Conference of the United
25 States finds that emergency conditions due to the

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1 national emergency declared by the President under
2 the National Emergencies Act (50 U.S.C. 1601 et
3 seq.) with respect to the Coronavirus Disease 2019
4 (COVID–19) will materially affect the functioning of
5 either the Federal courts generally or a particular
6 district court of the United States, the chief judge
7 of a district court covered by the finding (or, if the
8 chief judge is unavailable, the most senior available
9 active judge of the court or the chief judge or circuit
10 justice of the circuit that includes the district court),
11 upon application of the Attorney General or the des-
12 ignee of the Attorney General, or on motion of the
13 judge or justice, may authorize the use of video tele-
14 conferencing, or telephone conferencing if video tele-
15 conferencing is not reasonably available, for the fol-
16 lowing events:
17 (A) Detention hearings under section 3142
18 of title 18, United States Code.
19 (B) Initial appearances under Rule 5 of
20 the Federal Rules of Criminal Procedure.
21 (C) Preliminary hearings under Rule 5.1 of
22 the Federal Rules of Criminal Procedure.
23 (D) Waivers of indictment under Rule 7(b)
24 of the Federal Rules of Criminal Procedure.

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1 (E) Arraignments under Rule 10 of the
2 Federal Rules of Criminal Procedure.
3 (F) Probation and supervised release rev-
4 ocation proceedings under Rule 32.1 of the
5 Federal Rules of Criminal Procedure.
6 (G) Pretrial release revocation proceedings
7 under section 3148 of title 18, United States
8 Code.
9 (H) Appearances under Rule 40 of the
10 Federal Rules of Criminal Procedure.
11 (I) Misdemeanor pleas and sentencings as
12 described in Rule 43(b)(2) of the Federal Rules
13 of Criminal Procedure.
14 (J) Proceedings under chapter 403 of title
15 18, United States Code (commonly known as
16 the "Federal Juvenile Delinquency Act"), ex-
17 cept for contested transfer hearings and juve-
18 nile delinquency adjudication or trial pro-
19 ceedings.
20 (2) FELONY PLEAS AND SENTENCING.—
21 (A) IN GENERAL.—Subject to paragraphs
22 (3), (4), and (5), if the Judicial Conference of
23 the United States finds that emergency condi-
24 tions due to the national emergency declared by
25 the President under the National Emergencies

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1 Act (50 U.S.C. 1601 et seq.) with respect to
2 the Coronavirus Disease 2019 (COVID-19) will
3 materially affect the functioning of either the
4 Federal courts generally or a particular district
5 court of the United States, the chief judge of a
6 district court covered by the finding (or, if the
7 chief judge is unavailable, the most senior avail-
8 able active judge of the court or the chief judge
9 or circuit justice of the circuit that includes the
10 district court) specifically finds, upon applica-
11 tion of the Attorney General or the designee of
12 the Attorney General, or on motion of the judge
13 or justice, that felony pleas under Rule 11 of
14 the Federal Rules of Criminal Procedure and
15 felony sentencings under Rule 32 of the Federal
16 Rules of Criminal Procedure cannot be con-
17 ducted in person without seriously jeopardizing
18 public health and safety, and the district judge
19 in a particular case finds for specific reasons
20 that the plea or sentencing in that case cannot
21 be further delayed without serious harm to the
22 interests of justice, the plea or sentencing in
23 that case may be conducted by video teleconfer-
24 ence, or by telephone conference if video tele-
25 conferencing is not reasonably available.

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1 (B) APPLICABILITY TO JUVENILES.—The
2 video teleconferencing and telephone confer-
3 encing authority described in subparagraph (A)
4 shall apply with respect to equivalent plea and
5 sentencing, or disposition, proceedings under
6 chapter 403 of title 18, United States Code
7 (commonly known as the "Federal Juvenile De-
8 linquency Act").
9 (3) REVIEW.—
10 (A) IN GENERAL.—On the date that is 90
11 days after the date on which an authorization
12 for the use of video teleconferencing or tele-
13 phone conferencing under paragraph (1) or (2)
14 is issued, if the emergency authority has not
15 been terminated under paragraph (5), the chief
16 judge of the district court (or, if the chief judge
17 is unavailable, the most senior available active
18 judge of the court or the chief judge or circuit
19 justice of the circuit that includes the district
20 court) to which the authorization applies shall
21 review the authorization and determine whether
22 to extend the authorization.
23 (B) ADDITIONAL REVIEW.—If an author-
24 ization is extended under subparagraph (A), the
25 chief judge of the district court (or, if the chief

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1 judge is unavailable, the most senior available
2 active judge of the court or the chief judge or
3 circuit justice of the circuit that includes the
4 district court) to which the authorization ap-
5 plies shall review the extension of authority not
6 less frequently than once every 90 days until
7 the earlier of—
8 (i) the date on which the chief judge
9 (or other judge or justice) determines the
10 authorization is no longer warranted; or
11 (ii) the date on which the emergency
12 authority is terminated under paragraph
13 (5).
14 (4) CONSENT.—Video teleconferencing or tele-
15 phone conferencing authorized under paragraph (1)
16 or (2) may only take place with the consent of the
17 defendant, or the juvenile, after consultation with
18 counsel.
19 (5) TERMINATION OF EMERGENCY AUTHOR-
20 ITY.—The authority provided under paragraphs (1),
21 (2), and (3), and any specific authorizations issued
22 under those paragraphs, shall terminate on the ear-
23 lier of—
24 (A) the last day of the covered emergency
25 period; or

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1 (B) the date on which the Judicial Con-
2 ference of the United States finds that emer-
3 gency conditions due to the national emergency
4 declared by the President under the National
5 Emergencies Act (50 U.S.C. 1601 et seq.) with
6 respect to the Coronavirus Disease 2019
7 (COVID-19) no longer materially affect the
8 functioning of either the Federal courts gen-
9 erally or the district court in question.
10 (6) NATIONAL EMERGENCIES GENERALLY.—
11 The Judicial Conference of the United States and
12 the Supreme Court of the United States shall con-
13 sider rule amendments under chapter 131 of title
14 28, United States Code (commonly known as the
15 "Rules Enabling Act"), that address emergency
16 measures that may be taken by the Federal courts
17 when the President declares a national emergency
18 under the National Emergencies Act (50 U.S.C.
19 1601 et seq.).
20 (7) RULE OF CONSTRUCTION.—Nothing in this
21 subsection shall obviate a defendant's right to coun-
22 sel under the Sixth Amendment to the Constitution
23 of the United States, any Federal statute, or the
24 Federal Rules of Criminal Procedure.

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1 (c) The amount provided by this section is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
4 et and Emergency Deficit Control Act of 1985.

5 DISTRICT OF COLUMBIA

6 FEDERAL FUNDS

7 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
8 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

9 For an additional amount for ''Federal Payment for
10 Emergency Planning and Security Costs in the District
11 of Columbia'', $5,000,000, to remain available until ex-
12 pended, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 INDEPENDENT AGENCIES

19 ELECTION ASSISTANCE COMMISSION

20 ELECTION SECURITY GRANTS

21 For an additional amount for ''Election Security
22 Grants'', $400,000,000, to prevent, prepare for, and re-
23 spond to coronavirus, domestically or internationally, for
24 the 2020 Federal election cycle: *Provided*, That a State
25 receiving a payment with funds provided under this head-

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1 ing in this Act shall provide to the Election Assistance
2 Commission, within 20 days of each election in the 2020
3 Federal election cycle in that State, a report that includes
4 a full accounting of the State's uses of the payment and
5 an explanation of how such uses allowed the State to pre-
6 vent, prepare for, and respond to coronavirus: *Provided*
7 *further*, That, within 3 days of its receipt of a report re-
8 quired in the preceding proviso, the Election Assistance
9 Commission will transmit the report to the Committee on
10 Appropriations and the Committee on House Administra-
11 tion of the House of Representatives and the Committee
12 on Appropriations and the Committee on Rules and Ad-
13 ministration of the Senate: *Provided further*, That not
14 later than 30 days after the date of enactment of this Act,
15 the Election Assistance Commission shall make the pay-
16 ments to States under this heading: *Provided further*, That
17 any portion of a payment made to a State with funds pro-
18 vided under this heading in this Act which is unobligated
19 on December 31, 2020 shall be returned to the Treasury:
20 *Provided further*, That such amount is designated by the
21 Congress as being for an emergency requirement pursuant
22 to section 251(b)(2)(A)(i) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985.

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1 FEDERAL COMMUNICATIONS COMMISSION

2 SALARIES AND EXPENSES

3 For an additional amount for "Salaries and Ex-
4 penses", $200,000,000, to remain available until ex-
5 pended, to prevent, prepare for, and respond to
6 coronavirus, domestically or internationally, including to
7 support efforts of health care providers to address
8 coronavirus by providing telecommunications services, in-
9 formation services, and devices necessary to enable the
10 provision of telehealth services during an emergency pe-
11 riod, as defined in section 1135(g)(1) of the Social Secu-
12 rity Act (42 U.S.C. 1320b–5(g)(1)): *Provided*, That the
13 Federal Communications Commission may rely on the
14 rules of the Commission under part 54 of title 47, Code
15 of Federal Regulations, in administering the amount pro-
16 vided under the heading in this Act if the Commission de-
17 termines that such administration is in the public interest:
18 *Provided further*, That such amount is designated by the
19 Congress as being for an emergency requirement pursuant
20 to section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

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1 GENERAL SERVICES ADMINISTRATION
2 REAL PROPERTY ACTIVITIES
3 FEDERAL BUILDINGS FUND
4 (INCLUDING TRANSFERS OF FUNDS)
5 For an additional amount to be deposited in the
6 "Federal Buildings Fund", $275,000,000, to remain
7 available until expended, to prevent, prepare for, and re-
8 spond to coronavirus, domestically or internationally: *Pro-*
9 *vided*, That the amount provided under this heading in
10 this Act may be used to reimburse the Fund for obliga-
11 tions incurred for this purpose prior to the date of the
12 enactment of this Act: *Provided further*, That such amount
13 may be transferred to, and merged with, accounts within
14 the Federal Buildings Fund in amounts necessary to cover
15 costs incurred to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally: *Provided fur-*
17 *ther*, That the Administrator of General Services shall no-
18 tify the Committees on Appropriations of the House of
19 Representatives and the Senate quarterly on the obliga-
20 tions and expenditures of the funds provided by this Act
21 by account of the Federal Buildings Fund: *Provided fur-*
22 *ther*, That funds made available to the Administrator in
23 this or any previous Act shall not be subject to section
24 3307 of title 40, United States Code, for the acquisition
25 of space necessary to prevent, prepare for, or respond to

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1 coronavirus, domestically or internationally: *Provided fur-*
2 *ther*, That no action taken by the Administrator to acquire
3 real property and interests in real property or to improve
4 real property in response to coronavirus shall be deemed
5 a Federal action or undertaking and subject to review
6 under the National Environmental Policy Act of 1969, as
7 amended (42 U.S.C. 4321 et seq.), or the National His-
8 toric Preservation Act of 1966, as amended (54 U.S.C.
9 300101 et seq.), respectively: *Provided further*, That such
10 amount is designated by the Congress as being for an
11 emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 GENERAL ACTIVITIES

15 FEDERAL CITIZEN SERVICES FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount to be deposited in the
18 "Federal Citizen Services Fund", $18,650,000, to remain
19 available until expended, to prevent, prepare for, and re-
20 spond to coronavirus, domestically or internationally: *Pro-*
21 *vided*, That such amount is designated by the Congress
22 as being for an emergency requirement pursuant to sec-
23 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985.

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1 WORKING CAPITAL FUND

2 For an additional amount for "Working Capital
3 Fund", $1,500,000, to remain available until expended,
4 to prevent, prepare for, and respond to coronavirus, do-
5 mestically or internationally: *Provided*, That such amount
6 is designated by the Congress as being for an emergency
7 requirement pursuant to section 251(b)(2)(A)(i) of the
8 Balanced Budget and Emergency Deficit Control Act of
9 1985.

10 ADMINISTRATIVE PROVISION—GENERAL SERVICES
11 ADMINISTRATION

12 SEC. 15003. Notwithstanding 41 U.S.C.
13 3304(a)(7)(B), the Administrator, when making a deter-
14 mination that use of noncompetitive procedures is nec-
15 essary for public interest in accordance with 41 U.S.C.
16 3304(a)(7)(A) in response to a public health emergency
17 declaration by the Secretary of Health and Human Serv-
18 ices under section 319 of the Public Health Service Act
19 (42 U.S.C. 247(d)), is required to notify Congress in writ-
20 ing of that determination not less than 3 days prior to
21 the award of the contract.

22 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
23 OPERATING EXPENSES

24 For an additional amount for "Operating Expenses",
25 $8,100,000, to remain available until September 30, 2021,

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1 to prevent, prepare for, and respond to coronavirus, do-
2 mestically or internationally: *Provided*, That the amount
3 provided under this heading in this Act may be used to
4 provide expenses of the Federal Records Center Program
5 for preventing, preparing for, and responding to
6 coronavirus, domestically or internationally: *Provided fur-*
7 *ther*, That such amount is designated by the Congress as
8 being for an emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 OFFICE OF PERSONNEL MANAGEMENT

12 SALARIES AND EXPENSES

13 For an additional amount for "Salaries and Ex-
14 penses", $12,100,000, to remain available until September
15 30, 2021, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally, including
17 technologies for digital case management, short-term
18 methods to allow electronic submissions of retirement ap-
19 plication packages in support of paper-based business op-
20 erations, and increased telecommunications: *Provided*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE

2 For an additional amount for "Pandemic Response
3 Accountability Committee", $80,000,000, to remain avail-
4 able until expended, to promote transparency and support
5 oversight of funds provided in this Act to prevent, prepare
6 for, and respond to coronavirus, domestically or inter-
7 nationally: *Provided*, That such amount is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 SMALL BUSINESS ADMINISTRATION
12 DISASTER LOANS PROGRAM ACCOUNT
13 (INCLUDING TRANSFERS OF FUNDS)

14 For an additional amount for the "Disaster Loans
15 Program Account", $562,000,000, to remain available
16 until expended, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally, for the cost
18 of direct loans authorized by section 7(b) of the Small
19 Business Act and for administrative expenses to carry out
20 the disaster loan program authorized by section 7(b) of
21 the Small Business Act: *Provided*, That the amounts pro-
22 vided under this heading in this Act may be transferred
23 to, and merged with, "Small Business Administration—
24 Salaries and Expenses" to prevent, prepare for, and re-
25 spond to coronavirus, domestically or internationally: *Pro-*

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1 *vided further*, That such amount is designated by the Con-
2 gress as being for an emergency requirement pursuant to
3 section 251(b)(2)(A)(i) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985.

5 GENERAL PROVISIONS—THIS TITLE

6 PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE

7 SEC. 15010. (a) In this section—
8 (1) the term "agency" has the meaning given
9 the term in section 551 of title 5, United States
10 Code;
11 (2) the term "appropriate congressional com-
12 mittees" means—
13 (A) the Committees on Appropriations of
14 the Senate and the House of Representatives;
15 (B) the Committee on Homeland Security
16 and Governmental Affairs of the Senate;
17 (C) the Committee on Oversight and Re-
18 form of the House of Representatives; and
19 (D) any other relevant congressional com-
20 mittee of jurisdiction;
21 (3) the term "Chairperson" means the Chair-
22 person of the Committee;
23 (4) the term "Council" means the Council of
24 the Inspectors General on Integrity and Efficiency

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1 established under section 11 of the Inspector Gen-
2 eral Act of 1978 (5 U.S.C. App);
3 (5) the term "Committee" means the Pandemic
4 Response Accountability Committee established
5 under subsection (b);
6 (6) the term "covered funds" means any funds,
7 including loans, that are made available in any form
8 to any non-Federal entity, not including an indi-
9 vidual, under—
10 (A) this Act;
11 (B) the Coronavirus Preparedness and Re-
12 sponse Supplemental Appropriations Act, 2020
13 (Public Law 116–123);
14 (C) the Families First Coronavirus Re-
15 sponse Act (Public Law 116–127); or
16 (D) any other Act primarily making appro-
17 priations for the Coronavirus response and re-
18 lated activities; and
19 (7) the term "Coronavirus response" means the
20 Federal Government's response to the nationwide
21 public health emergency declared by the Secretary of
22 Health and Human Services, retroactive to January
23 27, 2020, pursuant to section 319 of the Public
24 Health Service Act (42 U.S.C. 247d), as a result of

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1 confirmed cases of the novel coronavirus (COVID–
2 19) in the United States.
3 (b) There is established within the Council the Pan-
4 demic Response Accountability Committee to promote
5 transparency and conduct and support oversight of cov-
6 ered funds and the Coronavirus response to—
7 (1) prevent and detect fraud, waste, abuse, and
8 mismanagement; and
9 (2) mitigate major risks that cut across pro-
10 gram and agency boundaries.
11 (c)(1) The Chairperson of the Committee shall be se-
12 lected by the Chairperson of the Council from among In-
13 spectors General described in subparagraphs (B), (C), and
14 (D) of paragraph (2) with experience managing oversight
15 of large organizations and expenditures.
16 (2) The members of the Committee shall include—
17 (A) the Chairperson;
18 (B) the Inspectors General of the Departments
19 of Defense, Education, Health and Human Services,
20 Homeland Security, Justice, Labor, and the Treas-
21 ury;
22 (C) the Inspector General of the Small Business
23 Administration;
24 (D) the Treasury Inspector General for Tax
25 Administration; and

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1 (E) any other Inspector General, as designated
2 by the Chairperson from any agency that expends or
3 obligates covered funds or is involved in the
4 Coronavirus response.
5 (3)(A) There shall be an Executive Director and a
6 Deputy Executive Director of the Committee.
7 (B)(i) Not later than 30 days after the date of enact-
8 ment of this Act, the Executive Director of the Committee
9 shall be appointed by the Chairperson of the Council, in
10 consultation with the majority leader of the Senate, the
11 Speaker of the House of Representatives, the minority
12 leader of the Senate, and the minority leader of the House
13 of Representatives.
14 (ii) Not later than 90 days after the date of enact-
15 ment of this Act, the Deputy Executive Director of the
16 Committee shall be appointed by the Chairperson of the
17 Council, in consultation with the majority leader of the
18 Senate, the Speaker of the House of Representatives, the
19 minority leader of the Senate, the minority leader of the
20 House of Representatives, and the Executive Director of
21 the Committee.
22 (C) The Executive Director of the Committee shall—
23 (i) report directly to the Chairperson;

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1 (ii) appoint staff of the Committee, subject to
2 the approval of the Chairperson, consistent with sub-
3 section (f);
4 (iii) supervise and coordinate Committee func-
5 tions and staff; and
6 (iv) perform any other duties assigned to the
7 Executive Director by the Committee.
8 (4)(A) Members of the Committee may not receive
9 additional compensation for services performed.
10 (B) The Executive Director and Deputy Executive
11 Director of the Committee shall be compensated at the
12 rate of basic pay prescribed for level IV of the Executive
13 Schedule under section 5315 of title 5, United States
14 Code.
15 (d)(1)(A) The Committee shall conduct and coordi-
16 nate oversight of covered funds and the Coronavirus re-
17 sponse and support Inspectors General in the oversight of
18 covered funds and the Coronavirus response in order to—
19 (i) detect and prevent fraud, waste, abuse, and
20 mismanagement; and
21 (ii) identify major risks that cut across pro-
22 grams and agency boundaries.
23 (B) The functions of the Committee shall include—
24 (i) developing a strategic plan to ensure coordi-
25 nated, efficient, and effective comprehensive over-

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1 sight by the Committee and Inspectors General over
2 all aspects of covered funds and the Coronavirus re-
3 sponse;
4 (ii) auditing or reviewing covered funds, includ-
5 ing a comprehensive audit and review of charges
6 made to Federal contracts pursuant to authorities
7 provided in the Coronavirus Aid, Relief, and Eco-
8 nomic Security Act, to determine whether wasteful
9 spending, poor contract or grant management, or
10 other abuses are occurring and referring matters the
11 Committee considers appropriate for investigation to
12 the Inspector General for the agency that disbursed
13 the covered funds, including conducting randomized
14 audits to identify fraud;
15 (iii) reviewing whether the reporting of con-
16 tracts and grants using covered funds meets applica-
17 ble standards and specifies the purpose of the con-
18 tract or grant and measures of performance;
19 (iv) reviewing the economy, efficiency, and ef-
20 fectiveness in the administration of, and the detec-
21 tion of fraud, waste, abuse, and mismanagement in,
22 Coronavirus response programs and operations;
23 (v) reviewing whether competition requirements
24 applicable to contracts and grants using covered
25 funds have been satisfied;

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1 (vi) serving as a liaison to the Director of the
2 Office of Management and Budget, the Secretary of
3 the Treasury, and other officials responsible for im-
4 plementing the Coronavirus response;
5 (vii) reviewing whether there are sufficient
6 qualified acquisition, grant, and other applicable per-
7 sonnel overseeing covered funds and the Coronavirus
8 response;
9 (viii) reviewing whether personnel whose duties
10 involve the Coronavirus response or acquisitions or
11 grants made with covered funds or are otherwise re-
12 lated to the Coronavirus response receive adequate
13 training, technology support, and other resources;
14 (ix) reviewing whether there are appropriate
15 mechanisms for interagency collaboration relating to
16 the oversight of covered funds and the Coronavirus
17 response, including coordinating and collaborating to
18 the extent practicable with State and local govern-
19 ment entities;
20 (x) expeditiously reporting to the Attorney Gen-
21 eral any instance in which the Committee has rea-
22 sonable grounds to believe there has been a violation
23 of Federal criminal law; and

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1 (xi) coordinating and supporting Inspectors
2 General on matters related to oversight of covered
3 funds and the Coronavirus response.
4 (2)(A)(i) The Committee shall submit to the Presi-
5 dent and Congress, including the appropriate congres-
6 sional committees, management alerts on potential man-
7 agement, risk, and funding problems that require imme-
8 diate attention.
9 (ii) The Committee shall submit to Congress such
10 other reports or provide such periodic updates on the work
11 of the Committee as the Committee considers appropriate
12 on the use of covered funds and the Coronavirus response.
13 (B) The Committee shall submit biannual reports to
14 the President and Congress, including the appropriate
15 congressional committees, and may submit additional re-
16 ports as appropriate—
17 (i) summarizing the findings of the Committee;
18 and
19 (ii) identifying and quantifying the impact of
20 any tax expenditures or credits authorized under
21 this Act to the extent practicable.
22 (C)(i) All reports submitted under this paragraph
23 shall be made publicly available and posted on the website
24 established under subsection (g).

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1 (ii) Any portion of a report submitted under this
2 paragraph may be redacted when made publicly available,
3 if that portion would disclose information that is not sub-
4 ject to disclosure under sections 552 and 552a of title 5,
5 United States Code, or is otherwise prohibited from disclo-
6 sure by law.

7 (3)(A) The Committee shall make recommendations
8 to agencies on measures to prevent or address fraud,
9 waste, abuse and mismanagement, and to mitigate risks
10 that cut across programs and agency boundaries, relating
11 to covered funds and the Coronavirus response.

12 (B) Not later than 30 days after receipt of a rec-
13 ommendation under subparagraph (A), an agency shall
14 submit a report to the President and the appropriate con-
15 gressional committees on—

16 (i) whether the agency agrees or disagrees with
17 the recommendations; and

18 (ii) any actions the agency will take to imple-
19 ment the recommendations, which shall also be in-
20 cluded in the report required under section 2(b) of
21 the GAO–IG Act (31 U.S.C. 1105 note).

22 (e)(1) The Committee shall conduct audits and re-
23 views of programs, operations, and expenditures relating
24 to covered funds and the Coronavirus response and coordi-
25 nate on such activities with the Inspector General of the

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1 relevant agency to avoid unnecessary duplication and over-
2 lap of work.
3 (2) The Committee may—
4 (A) conduct its own independent investigations,
5 audits, and reviews relating to covered funds or the
6 Coronavirus response;
7 (B) collaborate on audits and reviews relating
8 to covered funds with any Inspector General of an
9 agency; and
10 (C) provide support to relevant agency Inspec-
11 tors General in conducting investigations, audits,
12 and reviews relating to the covered funds and
13 Coronavirus response.
14 (3)(A) In conducting and supporting investigations,
15 audits, and reviews under this subsection, the Com-
16 mittee—
17 (i) shall have the authorities provided under
18 section 6 of the Inspector General Act of 1978 (5
19 U.S.C. App.);
20 (ii) may issue subpoenas to compel the testi-
21 mony of persons who are not Federal officers or em-
22 ployees; and
23 (iii) may enforce such subpoenas in the event of
24 a refusal to obey by order of any appropriate United
25 States district court as provided for under section 6

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1 of the Inspector General Act of 1978 (5 U.S.C.
2 App).
3 (B) The Committee shall carry out the powers under
4 paragraphs (1) and (2) in accordance with section 4(b)(1)
5 of the Inspector General Act of 1978 (5 U.S.C. App.).
6 (C) Whenever information or assistance requested by
7 the Committee or an Inspector General is unreasonably
8 refused or not provided, the Committee shall immediately
9 report the circumstances to the appropriate congressional
10 committees.
11 (D) The Committee shall leverage existing informa-
12 tion technology resources within the Council, such as over-
13 sight.gov, to carry out the duties of the Committee.
14 (4)(A) The Committee may hold public hearings and
15 Committee personnel may conduct necessary inquiries.
16 (B) The head of each agency shall make all officers
17 and employees of that agency available to provide testi-
18 mony to the Committee and Committee personnel.
19 (C) The Committee may issue subpoenas to compel
20 the testimony of persons who are not Federal officers or
21 employees at such public hearings, which may be enforced
22 in the same manner as provided for subpoenas under sec-
23 tion 6 of the Inspector General Act of 1978 (5 U.S.C.
24 App.).

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1 (5) The Committee may enter into contracts to en-
2 able the Committee to discharge its duties, including con-
3 tracts and other arrangements for audits, studies, anal-
4 yses, and other services with public agencies and with pri-
5 vate persons, and make such payments as may be nec-
6 essary to carry out the duties of the Committee.
7 (6) The Committee may establish subcommittees to
8 facilitate the ability of the Committee to discharge its du-
9 ties.
10 (7) The Committee may transfer funds appropriated
11 to the Committee for expenses to support administrative
12 support services and audits, reviews, or other activities re-
13 lated to oversight by the Committee of covered funds or
14 the Coronavirus response to any Office of the Inspector
15 General or the General Services Administration.
16 (f)(1)(A)(i) Subject to subparagraph (B), the Com-
17 mittee may exercise the authorities of subsections (b)
18 through (i) of section 3161 of title 5, United States Code
19 (without regard to subsection (a) of that section) to carry
20 out the functions of the Committee under this section.
21 (ii) For purposes of exercising the authorities de-
22 scribed under clause (i), the term "Chairperson" shall be
23 substituted for the term "head of a temporary organiza-
24 tion".

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1 (iii) In exercising the authorities described in clause
2 (i), the Chairperson shall consult with members of the
3 Committee.
4 (iv) In addition to the authority provided by section
5 3161(c) of title 5, United States Code, upon the request
6 of an Inspector General, the Committee may detail, on a
7 nonreimbursable basis, any personnel of the Council to
8 that Inspector General to assist in carrying out any audit,
9 review, or investigation pertaining to the oversight of cov-
10 ered funds or the Coronavirus response.
11 (B) In exercising the employment authorities under
12 section 3161(b) of title 5, United States Code, as provided
13 under subparagraph (A) of this paragraph—
14 (i) section 3161(b)(2) of that title (relating to
15 periods of appointments) shall not apply; and
16 (ii) no period of appointment may exceed the
17 date on which the Committee terminates.
18 (C)(i) A person employed by the Committee shall ac-
19 quire competitive status for appointment to any position
20 in the competitive service for which the employee possesses
21 the required qualifications upon the completion of 2 years
22 of continuous service as an employee under this sub-
23 section.
24 (ii) No person who is first employed as described in
25 clause (i) more than 2 years after the date of enactment

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1 of this Act may acquire competitive status under clause
2 (i).
3 (2)(A) The Committee may employ annuitants cov-
4 ered by section 9902(g) of title 5, United States Code,
5 for purposes of the oversight of covered funds or the
6 Coronavirus response.
7 (B) The employment of annuitants under this para-
8 graph shall be subject to the provisions of section 9902(g)
9 of title 5, United States Code, as if the Committee was
10 the Department of Defense.
11 (3) Upon request of the Committee for information
12 or assistance from any agency or other entity of the Fed-
13 eral Government, the head of such entity shall, insofar as
14 is practicable and not in contravention of any existing law,
15 and consistent with section 6 of the Inspector General Act
16 of 1978 (5 U.S.C. App.), furnish such information or as-
17 sistance to the Committee, or an authorized designee, in-
18 cluding an Inspector General designated by the Chair-
19 person.
20 (4) Any Inspector General responsible for conducting
21 oversight related to covered funds or the Coronavirus re-
22 sponse may, consistent with the duties, responsibilities,
23 policies, and procedures of the Inspector General, provide
24 information requested by the Committee or an Inspector

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1 General on the Committee relating to the responsibilities
2 of the Committee.
3 (g)(1)(A) Not later than 30 days after the date of
4 enactment of this Act, the Committee shall establish and
5 maintain a user-friendly, public-facing website to foster
6 greater accountability and transparency in the use of cov-
7 ered funds and the Coronavirus response, which shall have
8 a uniform resource locator that is descriptive and memo-
9 rable.
10 (B) The Committee shall leverage existing informa-
11 tion technology and resources, such as oversight.gov, to
12 the greatest extent practicable to meet the requirements
13 under this section.
14 (2) The website established and maintained under
15 paragraph (1) shall be a portal or gateway to key informa-
16 tion relating to the oversight of covered funds and the
17 Coronavirus response and provide connections to other
18 Government websites with related information.
19 (3) In establishing and maintaining the website under
20 paragraph (1), the Committee shall ensure the following:
21 (A) The website shall provide materials and in-
22 formation explaining the Coronavirus response and
23 how covered funds are being used. The materials
24 shall be easy to understand and regularly updated.

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1 (i) The website shall provide accountability in-
2 formation, including findings from Inspectors Gen-
3 eral, including any progress reports, audits, inspec-
4 tions, or other reports, including reports from or
5 links to reports on the website of the Government
6 Accountability Office.
7 (ii) The website shall provide data on relevant
8 operational, economic, financial, grant, subgrant,
9 contract, and subcontract information in user-friend-
10 ly visual presentations to enhance public awareness
11 of the use of covered funds and the Coronavirus re-
12 sponse.
13 (iii) The website shall provide detailed data on
14 any Federal Government awards that expend cov-
15 ered funds, including a unique trackable identifica-
16 tion number for each project, information about the
17 process that was used to award the covered funds,
18 and for any covered funds over $150,000, a detailed
19 explanation of any associated agreement, where ap-
20 plicable.
21 (iv) The website shall include downloadable,
22 machine-readable, open format reports on covered
23 funds obligated by month to each State and congres-
24 sional district, where applicable.

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1 (v) The website shall provide a means for the
2 public to give feedback on the performance of any
3 covered funds and of the Coronavirus response, in-
4 cluding confidential feedback.
5 (vi) The website shall include detailed informa-
6 tion on Federal Government awards that expend
7 covered funds, including data elements required
8 under the Federal Funding Accountability and
9 Transparency Act of 2006 (31 U.S.C. 6101 note),
10 allowing aggregate reporting on awards below
11 $50,000, as prescribed by the Director of the Office
12 of Management and Budget.
13 (vii) The website shall provide a link to esti-
14 mates of the jobs sustained or created by this Act
15 to the extent practicable.
16 (viii) The website shall include appropriate links
17 to other government websites with information con-
18 cerning covered funds and the Coronavirus response,
19 including Federal agency and State websites.
20 (ix) The website shall include a plan from each
21 Federal agency for using covered funds.
22 (x) The website shall provide information on
23 Federal allocations of mandatory and other entitle-
24 ment programs by State, county, or other geo-

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1 graphical unit related to covered funds or the
2 Coronavirus response.
3 (xi) The website shall present the data such
4 that funds subawarded by recipients are not double
5 counted in search results, data visualizations, or
6 other reports.
7 (xii) The website shall include all recommenda-
8 tions made to agencies relating to covered funds and
9 the Coronavirus response, as well as the status of
10 each recommendation.
11 (xiii) The website shall be enhanced and up-
12 dated as necessary to carry out the purposes of this
13 section.
14 (4) The Committee may exclude posting contractual
15 or other information on the website on a case-by-case basis
16 when necessary to protect national security or to protect
17 information that is not subject to disclosure under sections
18 552 and 552a of title 5, United States Code.
19 (h)(1) Nothing in this section shall affect the inde-
20 pendent authority of an Inspector General to determine
21 whether to conduct an audit or investigation of covered
22 funds or the Coronavirus response.
23 (2) If the Committee requests that an Inspector Gen-
24 eral of an agency conduct or refrain from conducting an
25 audit or investigation and the Inspector General rejects

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1 the request in whole or in part, the Inspector General
2 shall, not later than 30 days after rejecting the request,
3 submit a report to the Committee, the head of the applica-
4 ble agency, and the appropriate congressional committees,
5 that states the reasons that the Inspector General has re-
6 jected the request in whole or in part.

7 (i) The Committee shall coordinate its oversight ac-
8 tivities with the Comptroller General of the United States
9 and State auditors.

10 (j) For the purposes of carrying out the mission of
11 the Committee under this section, there are authorized to
12 be appropriated such sums as may be necessary to carry
13 out the duties and functions of the Committee.

14 (k) The Committee shall terminate on September 30,
15 2025.

16 REPORTING ON USE OF FUNDS

17 SEC. 15011. (a) In this section—

18 (1) the terms "agency", "appropriate congres-
19 sional committees", "Committee", "covered funds",
20 and "Coronavirus response" have the meanings
21 given those terms in section 15010;

22 (2) the term "covered recipient"—

23 (A) means any entity that receives large
24 covered funds; and

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1 (B) includes any State, the District of Co-
2 lumbia, and any territory or possession of the
3 United States; and
4 (3) the term "large covered funds" means cov-
5 ered funds that amount to more than $150,000.
6 (b)(1)(A) On a monthly basis until September 30,
7 2021, each agency shall report to the Director of the Of-
8 fice of Management and Budget, the Bureau of Fiscal
9 Service in the Department of the Treasury, the Com-
10 mittee, and the appropriate congressional committees on
11 any obligation or expenditure of large covered funds, in-
12 cluding loans and awards.
13 (B) Not later than 90 days after the date of enact-
14 ment of this Act, each agency shall submit to the Com-
15 mittee a plan describing how the agency will use covered
16 funds.
17 (2) Not later than 10 days after the end of each cal-
18 endar quarter, each covered recipient shall submit to the
19 agency and the Committee a report that contains—
20 (A) the total amount of large covered funds re-
21 ceived from the agency;
22 (B) the amount of large covered funds received
23 that were expended or obligated for each project or
24 activity;

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1 (C) a detailed list of all projects or activities for
2 which large covered funds were expended or obli-
3 gated, including—
4 (i) the name of the project or activity;
5 (ii) a description of the project or activity;
6 and
7 (iii) the estimated number of jobs created
8 or retained by the project or activity, where ap-
9 plicable; and
10 (D) detailed information on any level of sub-
11 contracts or subgrants awarded by the covered re-
12 cipient or its subcontractors or subgrantees, to in-
13 clude the data elements required to comply with the
14 Federal Funding Accountability and Transparency
15 Act of 2006 (31 U.S.C. 6101 note) allowing aggre-
16 gate reporting on awards below $50,000 or to indi-
17 viduals, as prescribed by the Director of the Office
18 of Management and Budget.
19 (3) Not later than 30 days after the end of each cal-
20 endar quarter, the Committee, in consultation with the
21 agency that made large covered funds available to any cov-
22 ered recipient shall make the information in reports sub-
23 mitted under paragraph (2) publicly available by posting
24 the information on the website established under section
25 15010(g).

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1 (4)(A) Each agency, in coordination with the Com-
2 mittee and the Director of the Office of Management and
3 Budget shall provide user-friendly means for covered re-
4 cipients to meet requirements of this subsection.
5 (B) Federal agencies may use existing mechanisms
6 to ensure that information under this subsection is re-
7 ported accurately.
8 (c)(1) The Director of the Office of Management and
9 Budget, in consultation with the Secretary of the Treas-
10 ury, the Administrator of the Small Business Administra-
11 tion, and the Chairperson of the Council of Economic Ad-
12 visors, shall submit to the appropriate congressional com-
13 mittees and publicly release on the website established
14 under section 15010(g) quarterly reports that detail the
15 impact of programs funded through large covered funds
16 on employment, estimated economic growth, and other key
17 economic indicators, including information about impacted
18 industries.
19 (2)(A) The first report submitted under paragraph
20 (1) shall be submitted not later than 45 days after the
21 end of the first full quarter following the date of enact-
22 ment of this Act.
23 (B) The last report required to be submitted under
24 paragraph (1) shall apply to the quarter in which the
25 Committee terminates.

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1 TITLE VI

2 DEPARTMENT OF HOMELAND SECURITY

3 MANAGEMENT DIRECTORATE

4 OPERATIONS AND SUPPORT

5 For an additional amount for ''Operations and Sup-
6 port'', $178,300,000, to remain available until September
7 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally, which shall be
9 for the purchase of personal protective equipment and
10 sanitization materials: *Provided*, That funds provided
11 under this heading in this Act may be transferred by the
12 Secretary of Homeland Security between appropriations in
13 the Department only for the purchase of personal protec-
14 tive equipment and sanitization materials to prevent, pre-
15 pare for, and respond to coronavirus, domestically or
16 internationally: *Provided further*, That none of the funds
17 made available under this heading may be transferred pur-
18 suant to the authority in section 503 of the Department
19 of Homeland Security Appropriations Act, 2020: *Provided*
20 *further*, That the Department shall provide notice of any
21 transfer to the Committees on Appropriations of the Sen-
22 ate and the House of Representatives not later than 5
23 days after executing such transfer: *Provided further*, That
24 such amount is designated by the Congress as being for
25 an emergency requirement pursuant to section

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

3 TRANSPORTATION SECURITY ADMINISTRATION

4 OPERATIONS AND SUPPORT

5 For an additional amount for ''Operations and Sup-
6 port'', $100,000,000, to remain available until September
7 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally, which shall be
9 for cleaning and sanitization at checkpoints and other air-
10 port common areas; overtime and travel costs; and explo-
11 sive detection materials: *Provided*, That such amount is
12 designated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 UNITED STATES COAST GUARD

16 OPERATIONS AND SUPPORT

17 For an additional amount for ''Operations and Sup-
18 port'', $140,800,000, to remain available until September
19 30, 2021, to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally, which shall be
21 for mobilization of reservists and increasing the capability
22 and capacity of Coast Guard information technology sys-
23 tems and infrastructure: *Provided*, That such amount is
24 designated by the Congress as being for an emergency re-

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

3 CYBERSECURITY AND INFRASTRUCTURE SECURITY
4 AGENCY

5 OPERATIONS AND SUPPORT

6 For an additional amount for ''Operations and Sup-
7 port'', $9,100,000, to remain available until September
8 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally, which shall be
10 for support of interagency critical infrastructure coordina-
11 tion and related activities: *Provided*, That such amount
12 is designated by the Congress as being for an emergency
13 requirement pursuant to section 251(b)(2)(A)(i) of the
14 Balanced Budget and Emergency Deficit Control Act of
15 1985.

16 FEDERAL EMERGENCY MANAGEMENT AGENCY

17 OPERATIONS AND SUPPORT

18 For an additional amount for ''Operations and Sup-
19 port'', $44,987,000, to remain available until September
20 30, 2021, to prevent, prepare for, and respond to
21 coronavirus, domestically or internationally, which shall be
22 for enhancements to information technology and for facili-
23 ties support: *Provided*, That such amount is designated
24 by the Congress as being for an emergency requirement

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

3 DISASTER RELIEF FUND

4 For an additional amount for "Disaster Relief
5 Fund", $45,000,000,000, to remain available until ex-
6 pended: *Provided*, That of the amount provided under this
7 heading in this Act, $25,000,000,000 shall be for major
8 disasters declared pursuant to the Robert T. Stafford Dis-
9 aster Relief and Emergency Assistance Act (42 U.S.C.
10 5121 et seq.): *Provided further*, That of the amount pro-
11 vided under this heading in this Act, $15,000,000,000
12 may be used for all purposes authorized under such Act
13 and may be used in addition to amounts designated by
14 the Congress as being for disaster relief pursuant to sec-
15 tion 251(b)(2)(D) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985: *Provided further*, That every
17 30 days the Administrator shall provide the Committees
18 on Appropriations of the Senate and the House of Rep-
19 resentatives both projected and actual costs for funds pro-
20 vided under this heading for major disasters and any other
21 expenses: *Provided further*, That of the amounts provided
22 under this heading, $3,000,000 shall be transferred to
23 "Office of Inspector General" and shall remain available
24 until expended for oversight of activities supported by
25 funds provided under this heading: *Provided further*, That

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1 such amount is designated by the Congress as being for
2 an emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 FEDERAL ASSISTANCE

6 For an additional amount for "Federal Assistance",
7 $400,000,000, to remain available until September 30,
8 2021, to prevent, prepare for, and respond to coronavirus,
9 domestically or internationally: *Provided*, That of the
10 amount provided under this heading in this Act,
11 $100,000,000 shall be for Assistance to Firefighter
12 Grants for the purchase of personal protective equipment
13 and related supplies, including reimbursements;
14 $100,000,000 shall be for Emergency Management Per-
15 formance Grants; and $200,000,000 shall be for the
16 Emergency Food and Shelter Program: *Provided further*,
17 That such amount is designated by the Congress as being
18 for an emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 GENERAL PROVISIONS—THIS TITLE

22 SEC. 16001. Notwithstanding any other provision of
23 law, funds made available under each heading in this title,
24 except for "Federal Emergency Management Agency—

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1 Disaster Relief Fund'', shall only be used for the purposes
2 specifically described under that heading.

3 SEC. 16002. Notwithstanding any other provision of
4 law, any amounts appropriated for ''Federal Emergency
5 Management Agency—Disaster Relief Fund'' in this Act
6 are available only for the purposes for which they were
7 appropriated.

8 SEC. 16003. (a) PREMIUM PAY AUTHORITY.—If
9 services performed during fiscal year 2020 are determined
10 by the head of the agency to be primarily related to prepa-
11 ration, prevention, or response to coronavirus, any pre-
12 mium pay that is funded, either directly or through reim-
13 bursement, by the Federal Emergency Management Agen-
14 cy shall be exempted from the aggregate of basic pay and
15 premium pay calculated under section 5547(a) of title 5,
16 United States Code, and any other provision of law lim-
17 iting the aggregate amount of premium pay payable on
18 a biweekly or calendar year basis.

19 (b) OVERTIME AUTHORITY.—Any overtime that is
20 funded for such services described in subsection (a), either
21 directly or through reimbursement, by the Federal Emer-
22 gency Management Agency shall be exempted from any
23 annual limit on the amount of overtime payable in a cal-
24 endar or fiscal year.

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1 (c) APPLICABILITY OF AGGREGATE LIMITATION ON
2 PAY.—In determining whether an employee's pay exceeds
3 the applicable annual rate of basic pay payable under sec-
4 tion 5307 of title 5, United States Code, the head of an
5 Executive agency shall not include pay exempted under
6 this section.
7 (d) LIMITATION OF PAY AUTHORITY.—Pay exempted
8 from otherwise applicable limits under subsection (a) shall
9 not cause the aggregate pay earned for the calendar year
10 in which the exempted pay is earned to exceed the rate
11 of basic pay payable for a position at level II of the Execu-
12 tive Schedule under section 5313 of title 5, United States
13 Code.
14 (e) EFFECTIVE DATE.—This section shall take effect
15 as if enacted on January 1, 2020.
16 SEC. 16004. (a) Amounts provided for "Coast
17 Guard—Operations and Support" in the Consolidated Ap-
18 propriations Act, 2020 (Public Law 116–93) may be avail-
19 able for pay and benefits of Coast Guard Yard and Vessel
20 Documentation personnel, Non-Appropriated Funds per-
21 sonnel, and for Morale, Welfare and Recreation Programs.
22 (b) No amounts may be used under this section from
23 amounts that were designated by the Congress for Over-
24 seas Contingency Operations/Global War on Terrorism
25 pursuant to the Concurrent Resolution on the Budget or

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1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985.

3 SEC. 16005. (a) Notwithstanding any other provision
4 of law regarding the licensure of health-care providers, a
5 health-care professional described in subsection (b) may
6 practice the health profession or professions of the health-
7 care professional at any location in any State, the District
8 of Columbia, or Commonwealth, territory, or possession
9 of the United States, or any location designated by the
10 Secretary, regardless of where such health-care profes-
11 sional or the patient is located, so long as the practice
12 is within the scope of the authorized Federal duties of
13 such health-care professional.

14 (b) DEFINITION.—As used in this section, the term
15 "health-care professional" means an individual (other
16 than a member of the Coast Guard, a civilian employee
17 of the Coast Guard, member of the Public Health Service
18 who is assigned to the Coast Guard, or an individual with
19 whom the Secretary, pursuant to 10 U.S.C. 1091, has en-
20 tered into a personal services contract to carry out health
21 care responsibilities of the Secretary at a medical treat-
22 ment facility of the Coast Guard) who—

23 (1) is—

24 (A) an employee of the Department of
25 Homeland Security,

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1 (B) a detailee to the Department from an-
2 other Federal agency,
3 (C) a personal services contractor of the
4 Department, or
5 (D) hired under a Contract for Services;
6 (2) performs health care services as part of du-
7 ties of the individual in that capacity;
8 (3) has a current, valid, and unrestricted equiv-
9 alent license certification that is—
10 (A) issued by a State, the District of Co-
11 lumbia, or a Commonwealth, territory, or pos-
12 session of the United States; and
13 (B) for the practice of medicine, osteo-
14 pathic medicine, dentistry, nursing, emergency
15 medical services, or another health profession;
16 and
17 (4) is not affirmatively excluded from practice
18 in the licensing or certifying jurisdiction or in any
19 other jurisdiction.
20 (c) Subsection (a) shall apply during the incident pe-
21 riod of the emergency declared by the President on March
22 13, 2020, pursuant to section 501(b) of the Robert T.
23 Stafford Disaster Relief and Emergency Assistance Act
24 (42 U.S.C. 5121(b)), and to any subsequent major dec-

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1 laration under section 401 of such Act that supersedes
2 such emergency declaration.

3 SEC. 16006. The Secretary of Homeland Security,
4 under the authority granted under section 205(b) of the
5 REAL ID Act of 2005 (Public Law 109–13; 49 U.S.C.
6 30301 note) shall extend the deadline by which States are
7 required to meet the driver license and identification card
8 issuance requirements under section 202(a)(1) of such Act
9 until not earlier than September 30, 2021.

10 SEC. 16007. Section 5 of the Protecting and Securing
11 Chemical Facilities from Terrorist Attacks Act of 2014
12 (Public Law 113–254; 6 U.S.C. 621 note) is amended by
13 striking "the date that is 5 years and 3 months after the
14 effective date of this Act" and inserting "July 23, 2020":
15 *Provided*, That the amount provided by this section is des-
16 ignated by the Congress as being for an emergency re-
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

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1 TITLE VII
2 DEPARTMENT OF THE INTERIOR
3 INDIAN AFFAIRS
4 BUREAU OF INDIAN AFFAIRS
5 OPERATION OF INDIAN PROGRAMS
6 (INCLUDING TRANSFERS OF FUNDS)
7 For an additional amount for "Operation of Indian
8 Programs", $453,000,000, to remain available until Sep-
9 tember 30, 2021, to prevent, prepare for, and respond to
10 coronavirus, domestically or internationally, including, but
11 not limited to, funds for public safety and justice pro-
12 grams, executive direction to carry out deep cleaning of
13 facilities, purchase of personal protective equipment, pur-
14 chase of information technology to improve teleworking ca-
15 pability, welfare assistance and social services programs
16 (including assistance to individuals), and assistance to
17 tribal governments, including tribal governments who par-
18 ticipate in the "Small and Needy" program: *Provided*,
19 That amounts received from funds provided under this
20 heading in this Act for welfare assistance programs shall
21 not be included in the statutory maximum for welfare as-
22 sistance funds included in Public Law 116–94, the Fur-
23 ther Consolidated Appropriations Act, 2020: *Provided fur-*
24 *ther*, That assistance received from funds provided under
25 this heading in this Act shall not be included in the cal-

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1 culation of funds received by those tribal governments who
2 participate in the "Small and Needy" program: *Provided*
3 *further*, That of the amounts provided under this heading
4 in this Act, not less than $400,000,000 shall be made
5 available to meet the direct needs of tribes: *Provided fur-*
6 *ther*, That amounts provided under this heading in this
7 Act may be made available for distribution through tribal
8 priority allocations for tribal response and capacity build-
9 ing activities: *Provided further*, That funds provided under
10 this heading in this Act, if transferred to tribes and tribal
11 organizations under the Indian Self-Determination and
12 Education Assistance Act, will be transferred on a one-
13 time basis and that these non-recurring funds are not part
14 of the amount required by 25 U.S.C. § 5325: *Provided*
15 *further*, That such amount is designated by the Congress
16 as being for an emergency requirement pursuant to sec-
17 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985.

19 BUREAU OF INDIAN EDUCATION

20 OPERATION OF INDIAN EDUCATION PROGRAMS

21 For an additional amount for "Operation of Indian
22 Education Programs", $69,000,000, to remain available
23 until September 30, 2021, to prevent, prepare for, and re-
24 spond to coronavirus, domestically or internationally, in-
25 cluding, but not limited to, funding for tribal colleges and

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1 universities, salaries, transportation, and information
2 technology: *Provided*, That of the amounts provided in this
3 paragraph, not less than $20,000,000 shall be for tribal
4 colleges and universities: *Provided further*, That such
5 amount is designated by the Congress as being for an
6 emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 DEPARTMENTAL OFFICES

10 OFFICE OF THE SECRETARY

11 DEPARTMENTAL OPERATIONS

12 (INCLUDING TRANSFERS OF FUNDS)

13 For an additional amount for "Departmental Oper-
14 ations", $158,400,000, to remain available until Sep-
15 tember 30, 2021, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally, including, but
17 not limited to, funds for purchasing equipment and sup-
18 plies to disinfect and clean buildings and public areas, sup-
19 porting law enforcement and emergency management op-
20 erations, biosurveillance of wildlife and environmental per-
21 sistence studies, employee overtime and special pay ex-
22 penses, and other response, mitigation, or recovery activi-
23 ties: *Provided*, That funds appropriated under this head-
24 ing in this Act shall be used to absorb increased oper-
25 ational costs necessary to prevent, prepare for, and re-

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1 spond to coronavirus, domestically or internationally: *Pro-*
2 *vided further*, That the Secretary of the Interior may
3 transfer the funds provided under this heading in this Act
4 to any other account in the Department to prevent, pre-
5 pare for, and respond to coronavirus, domestically or
6 internationally, and may expend such funds directly or
7 through cooperative agreements: *Provided further*, That
8 the Secretary shall provide a monthly report to the Com-
9 mittees on Appropriations of the House of Representatives
10 and the Senate detailing the allocation and obligation of
11 these funds by account, beginning not later than 90 days
12 after enactment of this Act: *Provided further*, That as soon
13 as practicable after the date of enactment of this Act, the
14 Secretary shall transfer $1,000,000 to the Office of the
15 Inspector General, ''Salaries and Expenses'' account for
16 oversight activities related to the implementation of pro-
17 grams, activities or projects funded herein: *Provided fur-*
18 *ther*, That such amount is designated by the Congress as
19 being for an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 INSULAR AFFAIRS

23 ASSISTANCE TO TERRITORIES

24 For an additional amount for ''Assistance to Terri-
25 tories'', $55,000,000, to remain available until September

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1 30, 2021, to prevent, prepare for, and respond to
2 coronavirus, domestically or internationally, for general
3 technical assistance: *Provided*, That such amount is des-
4 ignated by the Congress as being for an emergency re-
5 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 ENVIRONMENTAL PROTECTION AGENCY

8 SCIENCE AND TECHNOLOGY

9 For an additional amount for "Science and Tech-
10 nology", $2,250,000, to remain available until September
11 30, 2021, to prevent, prepare for, and respond to
12 coronavirus, domestically or internationally: *Provided*,
13 That of the amount provided under this heading in this
14 Act, $750,000 shall be for necessary expenses for cleaning
15 and disinfecting equipment or facilities of, or for use by,
16 the Environmental Protection Agency, and $1,500,000
17 shall be for research on methods to reduce the risks from
18 environmental transmission of coronavirus via contami-
19 nated surfaces or materials: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

2 For an additional amount for ''Environmental Pro-
3 grams and Management'', $3,910,000, to remain available
4 until September 30, 2021, to prevent, prepare for, and re-
5 spond to coronavirus, domestically or internationally: *Pro-*
6 *vided*, That of the amount provided under this heading
7 in this Act, $2,410,000 shall be for necessary expenses
8 for cleaning and disinfecting equipment or facilities of, or
9 for use by, the Environmental Protection Agency, and
10 operational continuity of Environmental Protection Agen-
11 cy programs and related activities, and $1,500,000 shall
12 be for expediting registration and other actions related to
13 pesticides to address coronavirus: *Provided further*, That
14 such amount is designated by the Congress as being for
15 an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 BUILDINGS AND FACILITIES

19 For an additional amount for ''Buildings and Facili-
20 ties'', $300,000, to remain available until September 30,
21 2021, to prevent, prepare for, and respond to coronavirus,
22 domestically or internationally: *Provided*, That the funds
23 provided under this heading in this Act shall be for nec-
24 essary expenses for cleaning and disinfecting equipment
25 or facilities of, or for use by, the Environmental Protection

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1 Agency: *Provided further*, That such amount is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
4 et and Emergency Deficit Control Act of 1985.

5 HAZARDOUS SUBSTANCE SUPERFUND

6 For an additional amount for "Hazardous Substance
7 Superfund", $770,000, to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally: *Provided*,
10 That the funds provided under this heading in this Act
11 shall be for necessary expenses for cleaning and dis-
12 infecting equipment or facilities of, or for use by, the Envi-
13 ronmental Protection Agency: *Provided further*, That such
14 amount is designated by the Congress as being for an
15 emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 RELATED AGENCIES

19 DEPARTMENT OF AGRICULTURE

20 FOREST SERVICE

21 FOREST AND RANGELAND RESEARCH

22 For an additional amount for "Forest and Rangeland
23 Research", $3,000,000, to remain available until Sep-
24 tember 30, 2021, to prevent, prepare for, and respond to
25 coronavirus, domestically or internationally, including for

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1 the reestablishment of abandoned or failed experiments as-
2 sociated with employee restrictions due to the coronavirus
3 outbreak: *Provided*, That amounts provided under this
4 heading in this Act shall be allocated at the discretion of
5 the Chief of the Forest Service: *Provided further*, That
6 such amount is designated by the Congress as being for
7 an emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 NATIONAL FOREST SYSTEM

11 For an additional amount for "National Forest Sys-
12 tem", $34,000,000, to remain available until September
13 30, 2021, to prevent, prepare for, and respond to
14 coronavirus, domestically or internationally, including for
15 cleaning and disinfecting of public recreation amenities
16 and for personal protective equipment and baseline health
17 testing for first responders: *Provided*, That amounts pro-
18 vided under this heading in this Act shall be allocated at
19 the discretion of the Chief of the Forest Service: *Provided*
20 *further*, That such amount is designated by the Congress
21 as being for an emergency requirement pursuant to sec-
22 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985.

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1 CAPITAL IMPROVEMENT AND MAINTENANCE

2 For an additional amount for "Capital Improvement
3 and Maintenance", $26,800,000, to remain available until
4 September 30, 2021, to prevent, prepare for, and respond
5 to coronavirus, domestically or internationally, including
6 for janitorial services: *Provided*, That amounts provided
7 under this heading in this Act shall be allocated at the
8 discretion of the Chief of the Forest Service: *Provided fur-*
9 *ther*, That such amount is designated by the Congress as
10 being for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 WILDLAND FIRE MANAGEMENT

14 For an additional amount for "Wildland Fire Man-
15 agement", $7,000,000, to remain available until Sep-
16 tember 30, 2021, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally, including for
18 personal protective equipment and baseline health testing
19 for first responders: *Provided*, That amounts provided
20 under this heading in this Act shall be allocated at the
21 discretion of the Chief of the Forest Service: *Provided fur-*
22 *ther*, That such amount is designated by the Congress as
23 being for an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

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1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 INDIAN HEALTH SERVICE
4 INDIAN HEALTH SERVICES
5 (INCLUDING TRANSFERS OF FUNDS)
6 For an additional amount for "Indian Health Serv-
7 ices", $1,032,000,000, to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally, including for
10 public health support, electronic health record moderniza-
11 tion, telehealth and other information technology up-
12 grades, Purchased/Referred Care, Catastrophic Health
13 Emergency Fund, Urban Indian Organizations, Tribal
14 Epidemiology Centers, Community Health Representa-
15 tives, and other activities to protect the safety of patients
16 and staff: *Provided*, That of the amount provided under
17 this heading in this Act, up to $65,000,000 is for elec-
18 tronic health record stabilization and support, including
19 for planning and tribal consultation: *Provided further*,
20 That of amounts provided under this heading in this Act,
21 not less than $450,000,000 shall be distributed through
22 IHS directly operated programs and to tribes and tribal
23 organizations under the Indian Self-Determination and
24 Education Assistance Act and through contracts or grants
25 with urban Indian organizations under title V of the In-

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1 dian Health Care Improvement Act: *Provided further*,
2 That any amounts provided in this paragraph not allo-
3 cated pursuant to the preceding proviso shall be allocated
4 at the discretion of the Director of the Indian Health Serv-
5 ice: *Provided further*, That of the funds provided herein,
6 up to $125,000,000 may be transferred to and merged
7 with the "Indian Health Service, Indian Health Facilities"
8 appropriation at the discretion of the Director for the pur-
9 poses specified in this Act: *Provided further*, That amounts
10 provided under this heading in this Act, if transferred to
11 tribes and tribal organizations under the Indian Self-De-
12 termination and Education Assistance Act, will be trans-
13 ferred on a one-time basis and that these non-recurring
14 funds are not part of the amount required by 25 U.S.C.
15 § 5325, and that such amounts may only be used for the
16 purposes identified under this heading notwithstanding
17 any other provision of law: *Provided further*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 AGENCY FOR TOXIC SUBSTANCES AND DISEASE
2 REGISTRY
3 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC
4 HEALTH
5 For an additional amount for "Toxic Substances and
6 Environmental Public Health", $12,500,000, to remain
7 available until September 30, 2021, to prevent, prepare
8 for, and respond to coronavirus, domestically or inter-
9 nationally: *Provided*, That $7,500,000 of the funds pro-
10 vided under this heading in this Act shall be for necessary
11 expenses of the Geospatial Research, Analysis and Serv-
12 ices Program to support spatial analysis and Geographic
13 Information System mapping of infectious disease hot
14 spots, including cruise ships: *Provided further*, That
15 $5,000,000 of the funds provided under this heading in
16 this Act shall be for necessary expenses for awards to Pe-
17 diatric Environmental Health Specialty Units and state
18 health departments to provide guidance and outreach on
19 safe practices for disinfection for home, school, and
20 daycare facilities: *Provided further*, That such amount is
21 designated by the Congress as being for an emergency re-
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985.

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1 OTHER RELATED AGENCIES

2 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
3 CULTURE AND ARTS DEVELOPMENT

4 PAYMENT TO THE INSTITUTE

5 For an additional amount for ''Payment to the Insti-
6 tute'', $78,000, to remain available until September 30,
7 2021, to prevent, prepare for, and respond to coronavirus,
8 domestically or internationally: *Provided*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 SMITHSONIAN INSTITUTION

14 SALARIES AND EXPENSES

15 For an additional amount for ''Salaries and Ex-
16 penses'', $7,500,000, to remain available until September
17 30, 2021, to prevent, prepare for, and respond to
18 coronavirus, domestically or internationally, including
19 funding for deep cleaning, security, information tech-
20 nology, and staff overtime: *Provided*, That such amount
21 is designated by the Congress as being for an emergency
22 requirement pursuant to section 251(b)(2)(A)(i) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985.

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1 JOHN F. KENNEDY CENTER FOR THE PERFORMING
2 ARTS
3 OPERATIONS AND MAINTENANCE
4 For an additional amount for "Operations and Main-
5 tenance", $25,000,000, to remain available until Sep-
6 tember 30, 2021, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including
8 funding for deep cleaning and information technology to
9 improve telework capability and for operations and main-
10 tenance requirements related to the consequences of
11 coronavirus: *Provided*, That notwithstanding the provi-
12 sions of 20 U.S.C. 76h et seq., funds provided under this
13 heading in this Act shall be made available to cover oper-
14 ating expenses required to ensure the continuity of the
15 John F. Kennedy Center for the Performing Arts and its
16 affiliates, including for employee compensation and bene-
17 fits, grants, contracts, payments for rent or utilities, fees
18 for artists or performers, information technology, and
19 other administrative expenses: *Provided further*, That no
20 later than October 31, 2020, the Board of Trustees of the
21 Center shall submit a report to the Committees on Appro-
22 priations of the House of Representatives and Senate that
23 includes a detailed explanation of the distribution of the
24 funds provided herein: *Provided further*, That such
25 amount is designated by the Congress as being for an

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

4 NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES
5 NATIONAL ENDOWMENT FOR THE ARTS
6 GRANTS AND ADMINISTRATION

7 For an additional amount for ''Grants and Adminis-
8 tration'', $75,000,000, to remain available until Sep-
9 tember 30, 2021, to prevent, prepare for, and respond to
10 coronavirus, domestically or internationally, to be distrib-
11 uted in grants: *Provided*, That such funds are available
12 under the same terms and conditions as grant funding ap-
13 propriated to this heading in Public Law 116–94: *Pro-*
14 *vided further*, That 40 percent of such funds shall be dis-
15 tributed to State arts agencies and regional arts organiza-
16 tions and 60 percent of such funds shall be for direct
17 grants: *Provided further*, That notwithstanding any other
18 provision of law, such funds may also be used by the re-
19 cipients of such grants for purposes of the general oper-
20 ations of such recipients: *Provided further*, That the
21 matching requirements under subsections (e), (g)(4)(A),
22 and (p)(3) of section 5 of the National Foundation on the
23 Arts and Humanities Act of 1965 (20 U.S.C. 954) may
24 be waived with respect to such grants: *Provided further*,
25 That such amount is designated by the Congress as being

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1 for an emergency requirement pursuant to section
2 251(b)(2)(A)(i) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 NATIONAL ENDOWMENT FOR THE HUMANITIES

5 GRANTS AND ADMINISTRATION

6 For an additional amount for ''Grants and Adminis-
7 tration'', $75,000,000, to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally, to be distrib-
10 uted in grants: *Provided*, That such funds are available
11 under the same terms and conditions as grant funding ap-
12 propriated to this heading in Public Law 116–94: *Pro-*
13 *vided further*, That 40 percent of such funds shall be dis-
14 tributed to state humanities councils and 60 percent of
15 such funds shall be for direct grants: *Provided further*,
16 That notwithstanding any other provision of law, such
17 funds may also be used by the recipients of such grants
18 for purposes of the general operations of such recipients:
19 *Provided further*, That the matching requirements under
20 subsection (h)(2)(A) of section 7 of the National Founda-
21 tion on the Arts and Humanities Act of 1965 may be
22 waived with respect to such grants: *Provided further*, That
23 such amount is designated by the Congress as being for
24 an emergency requirement pursuant to section

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

AMERICAN OVERSIGHT

1 TITLE VIII

2 DEPARTMENT OF LABOR

3 EMPLOYMENT AND TRAINING ADMINISTRATION

4 TRAINING AND EMPLOYMENT SERVICES

5 For an additional amount for ''Training and Employ-
6 ment Services'', $345,000,000, to remain available
7 through September 30, 2022, to prevent, prepare for, and
8 respond to coronavirus, domestically or internationally, for
9 necessary expenses for the dislocated workers assistance
10 national reserve: *Provided*, That the funds provided under
11 this heading in this Act may be used to replace grant
12 funds previously obligated to the impacted areas: *Provided*
13 *further*, That such amount is designated by the Congress
14 as being for an emergency requirement pursuant to sec-
15 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
16 gency Deficit Control Act of 1985.

17 DEPARTMENTAL MANAGEMENT

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 For an additional amount for ''Departmental Man-
21 agement'', $15,000,000, to remain available through Sep-
22 tember 30, 2022, to prevent, prepare for, and respond to
23 coronavirus, including to enforce worker protection laws
24 and regulations, and to oversee and coordinate activities
25 related to division C, division D, division E, and division

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1 F of Public Law 116–127: *Provided*, That the Secretary
2 of Labor may transfer the amounts provided under this
3 heading in this Act as necessary to "Employee Benefits
4 Security Administration", "Wage and Hour Division",
5 "Occupational Safety and Health Administration", and
6 "Employment and Training Administration—Program
7 Administration" to prevent, prepare for, and respond to
8 coronavirus, including for enforcement, oversight, and co-
9 ordination activities in those accounts: *Provided further*,
10 That of the amount provided under this heading in this
11 Act, $1,000,000, to remain available until expended, shall
12 be transferred to "Office of Inspector General" for over-
13 sight of activities related to Public Law 116–127 and for
14 oversight activities supported with funds appropriated to
15 the Department of Labor to prevent, prepare for, and re-
16 spond to coronavirus: *Provided further*, That 15 days prior
17 to transferring any funds pursuant to the previous pro-
18 visos under the heading in this Act, the Secretary shall
19 provide to the Committees on Appropriations of the House
20 of Representatives and the Senate an operating plan de-
21 scribing the planned uses of each amount proposed to be
22 transferred: *Provided further*, That such amount is des-
23 ignated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 CENTERS FOR DISEASE CONTROL AND PREVENTION
4 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT
5 (INCLUDING TRANSFER OF FUNDS)
6 For an additional amount for "CDC-Wide Activities
7 and Program Support", $4,300,000,000, to remain avail-
8 able until September 30, 2024, to prevent, prepare for,
9 and respond to coronavirus, domestically or internation-
10 ally: *Provided*, That not less than $1,500,000,000 of the
11 amount provided under this heading in this Act shall be
12 for grants to or cooperative agreements with States, local-
13 ities, territories, tribes, tribal organizations, urban Indian
14 health organizations, or health service providers to tribes,
15 including to carry out surveillance, epidemiology, labora-
16 tory capacity, infection control, mitigation, communica-
17 tions, and other preparedness and response activities: *Pro-*
18 *vided further*, That every grantee that received a Public
19 Health Emergency Preparedness grant for fiscal year
20 2019 shall receive not less than 100 percent of that grant
21 level from funds provided in the first proviso under this
22 heading in this Act: *Provided further*, That of the amount
23 in the first proviso, not less than $125,000,000 shall be
24 allocated to tribes, tribal organizations, urban Indian
25 health organizations, or health service providers to tribes:

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1 *Provided further*, That the Director of the Centers for Dis-
2 ease Control and Prevention ("CDC") may satisfy the
3 funding thresholds outlined in the preceding two provisos
4 by making awards through other grant or cooperative
5 agreement mechanisms: *Provided further*, That of the
6 amount provided under this heading in this Act, not less
7 than $500,000,000 shall be for global disease detection
8 and emergency response: *Provided further*, That of the
9 amount provided under this heading in this Act, not less
10 than $500,000,000 shall be for public health data surveil-
11 lance and analytics infrastructure modernization: *Provided*
12 *further*, That CDC shall report to the Committees on Ap-
13 propriations of the House of Representatives and the Sen-
14 ate on the development of a public health surveillance and
15 data collection system for coronavirus within 30 days of
16 enactment of this Act: *Provided further*, That of the
17 amount provided under this heading in this Act,
18 $300,000,000 shall be transferred to and merged with
19 amounts in the Infectious Diseases Rapid Response Re-
20 serve Fund ("Reserve Fund"), established by section 231
21 of division B of Public Law 115–245: *Provided further*,
22 That the Secretary of Health and Human Services, in con-
23 sultation with the Director of the CDC, shall provide a
24 report to the Committees on Appropriations of the House
25 of Representatives and the Senate every 14 days, for one

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1 year from the date from any such declaration or deter-
2 mination described in the third proviso of section 231 of
3 division B of Public Law 115–245, that details commit-
4 ment and obligation information for the Reserve Fund
5 during the prior two weeks, as long as such report would
6 detail obligations in excess of $5,000,000, and upon the
7 request by such Committees: *Provided further*, That funds
8 appropriated under this heading in this Act may be used
9 for grants for the rent, lease, purchase, acquisition, con-
10 struction, alteration, or renovation of non-federally owned
11 facilities to improve preparedness and response capability
12 at the State and local level: *Provided further*, That funds
13 provided under this heading in this Act may be used for
14 purchase and insurance of official motor vehicles in for-
15 eign countries: *Provided further*, That such amount is des-
16 ignated by the Congress as being for an emergency re-
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

19 NATIONAL INSTITUTES OF HEALTH

20 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

21 For an additional amount for "National Heart, Lung,
22 and Blood Institute", $103,400,000, to remain available
23 until September 30, 2024, to prevent, prepare for, and re-
24 spond to coronavirus, domestically or internationally: *Pro-*
25 *vided*, That such amount is designated by the Congress

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as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for "National Institute of Allergy and Infectious Diseases", $706,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That not less than $156,000,000 of the amounts provided under this heading in this Act shall be provided for the study of, construction of, demolition of, renovation of, and acquisition of equipment for, vaccine and infectious diseases research facilities of or used by NIH, including the acquisition of real property: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For an additional amount for "National Institute of Biomedical Imaging and Bioengineering", $60,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or

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internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL LIBRARY OF MEDICINE

For an additional amount for "National Library of Medicine", $10,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For an additional amount for "National Center for Advancing Translational Sciences", $36,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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1 OFFICE OF THE DIRECTOR

2 For an additional amount for "Office of the Direc-
3 tor", $30,000,000, to remain available until September
4 30, 2024, to prevent, prepare for, and respond to
5 coronavirus, domestically or internationally: *Provided*,
6 That these funds shall be available for the Common Fund
7 established under section 402A(c)(1) of the PHS Act: *Pro-*
8 *vided further*, That such amount is designated by the Con-
9 gress as being for an emergency requirement pursuant to
10 section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
13 ADMINISTRATION

14 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

15 For an additional amount for "Heath Surveillance
16 and Program Support", $425,000,000, to remain avail-
17 able through September 30, 2021, to prevent, prepare for,
18 and respond to coronavirus, domestically or internation-
19 ally: *Provided*, That of the amount appropriated under
20 this heading in this Act, not less than $250,000,000 is
21 available for Certified Community Behavioral Health Clin-
22 ic Expansion Grant program: *Provided further*, That of the
23 amount appropriated under this heading in this Act, not
24 less than $50,000,000 shall be available for suicide pre-
25 vention programs: *Provided further*, That of the amount

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1 appropriated under this heading in this Act, not less than
2 $100,000,000 is available for activities authorized under
3 section 501(o) of the Public Health Service Act: *Provided*
4 *further*, That of the funding made available under this
5 heading in this Act, not less than $15,000,000 shall be
6 allocated to tribes, tribal organizations, urban Indian
7 health organizations, or health or behavioral health service
8 providers to tribes: *Provided further*, That such amount
9 is designated by the Congress as being for an emergency
10 requirement pursuant to section 251(b)(2)(A)(i) of the
11 Balanced Budget and Emergency Deficit Control Act of
12 1985.

13 CENTERS FOR MEDICARE & MEDICAID SERVICES

14 PROGRAM MANAGEMENT

15 For an additional amount for "Program Manage-
16 ment", $200,000,000, to remain available through Sep-
17 tember 30, 2023, to prevent, prepare for, and respond to
18 coronavirus, domestically and internationally: *Provided*,
19 That of the amount appropriated under this heading in
20 this Act, not less than $100,000,000 shall be available for
21 necessary expenses of the survey and certification pro-
22 gram, prioritizing nursing home facilities in localities with
23 community transmission of coronavirus: *Provided further*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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

3 ADMINISTRATION FOR CHILDREN AND FAMILIES

4 LOW INCOME HOME ENERGY ASSISTANCE

5 For an additional amount for "Low Income Home
6 Energy Assistance", $900,000,000, to remain available
7 through September 30, 2021, to prevent, prepare for, or
8 respond to coronavirus, domestically or internationally, for
9 making payments under subsection (b) of section 2602 of
10 the Low-Income Home Energy Assistance Act of 1981 (42
11 U.S.C. 8621 et seq.): *Provided*, That of the amount pro-
12 vided under this heading in this Act, $225,000,000 shall
13 be allocated as though the total appropriation for such
14 payments for fiscal year 2020 was less than
15 $1,975,000,000: *Provided further*, That section
16 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B))
17 shall not apply to funds made available under this heading
18 in this Act in fiscal year 2020: *Provided further*, That such
19 amount is designated by the Congress as being for an
20 emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

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1 PAYMENTS TO STATES FOR THE CHILD CARE AND
2 DEVELOPMENT BLOCK GRANT

3 For an additional amount for "Payments to States
4 for the Child Care and Development Block Grant",
5 $3,500,000,000, to remain available through September
6 30, 2021, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including for
8 federal administrative expenses, which shall be used to
9 supplement, not supplant State, Territory, and Tribal gen-
10 eral revenue funds for child care assistance for low-income
11 families within the United States (including territories)
12 without regard to requirements in sections
13 658E(c)(3)(D)–(E) or 658G of the Child Care and Devel-
14 opment Block Grant Act: *Provided*, That funds provided
15 under this heading in this Act may be used to provide con-
16 tinued payments and assistance to child care providers in
17 the case of decreased enrollment or closures related to
18 coronavirus, and to assure they are able to remain open
19 or reopen as appropriate and applicable: *Provided further*,
20 That States, Territories, and Tribes are encouraged to
21 place conditions on payments to child care providers that
22 ensure that child care providers use a portion of funds
23 received to continue to pay the salaries and wages of staff:
24 *Provided further*, That the Secretary shall remind States
25 that CCDBG State plans do not need to be amended prior

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1 to utilizing existing authorities in the CCDBG Act for the
2 purposes provided herein: *Provided further*, That States,
3 Territories, and Tribes are authorized to use funds appro-
4 priated under this heading in this Act to provide child care
5 assistance to health care sector employees, emergency re-
6 sponders, sanitation workers, and other workers deemed
7 essential during the response to coronavirus by public offi-
8 cials, without regard to the income eligibility requirements
9 of section 658P(4) of such Act: *Provided further*, That
10 funds appropriated under this heading in this Act shall
11 be available to eligible child care providers under section
12 658P(6) of the CCDBG Act, even if such providers were
13 not receiving CCDBG assistance prior to the public health
14 emergency as a result of the coronavirus, for the purposes
15 of cleaning and sanitation, and other activities necessary
16 to maintain or resume the operation of programs: *Pro-*
17 *vided further*, That payments made under this heading in
18 this Act may be obligated in this fiscal year or the suc-
19 ceeding two fiscal years: *Provided further*, That funds ap-
20 propriated under this heading in this Act may be made
21 available to restore amounts, either directly or through re-
22 imbursement, for obligations incurred to prevent, prepare
23 for, and respond to coronavirus, domestically or inter-
24 nationally, prior to the date of enactment of this Act: *Pro-*
25 *vided further*, That such amount is designated by the Con-

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1 gress as being for an emergency requirement pursuant to
2 section 251(b)(2)(A)(i) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985.

4 CHILDREN AND FAMILIES SERVICES PROGRAMS

5 For an additional amount for "Children and Families
6 Services Programs", $1,874,000,000, to remain available
7 through September 30, 2021, to prevent, prepare for, and
8 respond to coronavirus, domestically or internationally,
9 which shall be used as follows: (1) $1,000,000,000 for car-
10 rying out activities under sections 674 through 679 of the
11 Community Services Block Grant Act, including for fed-
12 eral administrative expenses, and of which no part shall
13 be subject to section 674(b)(3) of such Act: *Provided*,
14 That to the extent Community Services Block Grant funds
15 are distributed as grant funds by a State to an eligible
16 entity as provided under such Act, and have not been ex-
17 pended by such entity, they shall remain with such entity
18 for carryover into the next two fiscal years for expenditure
19 by such entity consistent with program purpose: *Provided*
20 *further*, That for services furnished under such Act during
21 fiscal years 2020 and 2021, States may apply the last sen-
22 tence of section 673(2) of such Act by substituting "200
23 percent" for "125 percent"; (2) $750,000,000 for making
24 payments under the Head Start Act, including for Federal
25 administrative expenses, and allocated in an amount that

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1 bears the same ratio to such portion as the number of
2 enrolled children served by the agency involved bears to
3 the number of enrolled children by all Head Start agen-
4 cies: *Provided further*, That none of the funds appro-
5 priated in this paragraph shall be included in the calcula-
6 tion of the "base grant" in subsequent fiscal years, as
7 such term is defined in sections 640(a)(7)(A),
8 641A(h)(1)(B), or 645(d)(3) of the Head Start Act: *Pro-*
9 *vided further*, That funds appropriated in this paragraph
10 are not subject to the allocation requirements of section
11 640(a) of the Head Start Act: *Provided further*, That up
12 to $500,000,000 shall be available for the purpose of oper-
13 ating supplemental summer programs through non-com-
14 petitive grant supplements to existing grantees determined
15 to be most ready to operate those programs by the Office
16 of Head Start; (3) $2,000,000 for the National Domestic
17 Violence Hotline as authorized by section 303(b) of the
18 Family Violence Prevention and Services Act: *Provided*
19 *further*, That the Secretary may make such funds available
20 for providing hotline services remotely; (4) $45,000,000
21 for Family Violence Prevention and Services formula
22 grants as authorized by section 303(a) of the Family Vio-
23 lence and Prevention and Services Act with such funds
24 available to grantees without regard to matching require-
25 ments under section 306(c)(4) of such Act: *Provided fur-*

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1 *ther*, That the Secretary may make such funds available
2 for providing temporary housing and assistance to victims
3 of family, domestic, and dating violence; (5) $25,000,000
4 for carrying out activities under the Runaway and Home-
5 less Youth Act: *Provided further*, That such amounts shall
6 be used to supplement, not supplant, existing funds and
7 shall be available without regard to matching require-
8 ments; (6) $45,000,000 shall be used for child welfare
9 services as authorized by subpart 1 of part B of title IV
10 of the Social Security Act (other than sections 426, 427,
11 and 429 of such subpart), with such funds available to
12 grantees without regard to matching requirements under
13 section 424(a) of that Act or any applicable reductions in
14 federal financial participation under section 424(f) of that
15 Act; and (7) $7,000,000 for Federal administrative ex-
16 penses: *Provided further*, That funds appropriated under
17 this heading in this Act may be made available to restore
18 amounts, either directly or through reimbursement, for ob-
19 ligations incurred to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally, prior to the
21 date of enactment of this Act: *Provided further*, That such
22 amount is designated by the Congress as being for an
23 emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

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1 ADMINISTRATION FOR COMMUNITY LIVING
2 AGING AND DISABILITY SERVICES PROGRAMS
3 For an additional amount for "Aging and Disability
4 Services Programs", $955,000,000, to remain available
5 until September 30, 2021, to prevent, prepare for, and re-
6 spond to coronavirus, domestically or internationally: *Pro-*
7 *vided*, That of the amount made available under this head-
8 ing in this Act to prevent, prepare for, and respond to
9 coronavirus, $820,000,000 shall be for activities author-
10 ized under the Older Americans Act of 1965 ("OAA"),
11 including $200,000,000 for supportive services under part
12 B of title III; $500,000,000 for nutrition services under
13 subparts 1 and 2 of part C of title III; $20,000,000 for
14 nutrition services under title VI; $100,000,000 for support
15 services for family caregivers under part E of title III; and
16 $20,000,000 for elder rights protection activities, includ-
17 ing the long-term ombudsman program under title VII of
18 such Act: *Provided further*, That of the amount made
19 available under this heading in this Act, $50,000,000 shall
20 be for aging and disability resource centers authorized in
21 sections 202(b) and 411 of the OAA to prevent, prepare
22 for, and respond to coronavirus: *Provided further*, That of
23 the amount made available under this heading in this Act
24 to prevent, prepare for, and respond to coronavirus,
25 $85,000,000 shall be available for centers for independent

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1 living that have received grants funded under part C of
2 chapter I of title VII of the Rehabilitation Act of 1973:
3 *Provided further*, That to facilitate State use of funds pro-
4 vided under this heading in this Act, matching require-
5 ments under sections 304(d)(1)(D) and 373(g)(2) of the
6 OAA shall not apply to funds made available under this
7 heading in this Act: *Provided further*, That the transfer
8 authority under section 308(b)(4)(A) of the OAA shall
9 apply to funds made available under this heading in this
10 Act by substituting "100 percent" for "40 percent": *Pro-*
11 *vided further*, That the State Long-Term Care Ombuds-
12 man shall have continuing direct access (or other access
13 through the use of technology) to residents of long-term
14 care facilities during any portion of the public health
15 emergency relating to coronavirus beginning on the date
16 of enactment of this Act and ending on September 30,
17 2020, to provide services described in section 712(a)(3)(B)
18 of the OAA: *Provided further*, That such amount is des-
19 ignated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

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1 OFFICE OF THE SECRETARY

2 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

3 FUND

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for ''Public Health and So-
6 cial Services Emergency Fund'', $27,014,500,000, to re-
7 main available until September 30, 2024, to prevent, pre-
8 pare for, and respond to coronavirus, domestically or
9 internationally, including the development of necessary
10 countermeasures and vaccines, prioritizing platform-based
11 technologies with U.S.-based manufacturing capabilities,
12 the purchase of vaccines, therapeutics, diagnostics, nec-
13 essary medical supplies, as well as medical surge capacity,
14 addressing blood supply chain, workforce modernization,
15 telehealth access and infrastructure, initial advanced man-
16 ufacturing, novel dispensing, enhancements to the U.S.
17 Commissioned Corps, and other preparedness and re-
18 sponse activities: *Provided*, That funds appropriated under
19 this paragraph in this Act may be used to develop and
20 demonstrate innovations and enhancements to manufac-
21 turing platforms to support such capabilities: *Provided*
22 *further*, That the Secretary of Health and Human Services
23 shall purchase vaccines developed using funds made avail-
24 able under this paragraph in this Act to respond to an
25 outbreak or pandemic related to coronavirus in quantities

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1 determined by the Secretary to be adequate to address the
2 public health need: *Provided further*, That products pur-
3 chased by the Federal government with funds made avail-
4 able under this paragraph in this Act, including vaccines,
5 therapeutics, and diagnostics, shall be purchased in ac-
6 cordance with Federal Acquisition Regulation guidance on
7 fair and reasonable pricing: *Provided further*, That the
8 Secretary may take such measures authorized under cur-
9 rent law to ensure that vaccines, therapeutics, and
10 diagnostics developed from funds provided in this Act will
11 be affordable in the commercial market: *Provided further*,
12 That in carrying out the previous proviso, the Secretary
13 shall not take actions that delay the development of such
14 products: *Provided further*, That products purchased with
15 funds appropriated under this paragraph in this Act may,
16 at the discretion of the Secretary of Health and Human
17 Services, be deposited in the Strategic National Stockpile
18 under section 319F–2 of the Public Health Service Act:
19 *Provided further*, That of the amount appropriated under
20 this paragraph in this Act, not more than
21 $16,000,000,000 shall be for the Strategic National
22 Stockpile under section 319F–2(a) of such Act: *Provided*
23 *further*, That funds appropriated under this paragraph in
24 this Act may be transferred to, and merged with, the fund
25 authorized by section 319F–4, the Covered Counter-

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1 measure Process Fund, of the Public Health Service Act:
2 *Provided further*, That of the amount appropriated under
3 this paragraph in this Act, not less than $250,000,000
4 shall be available for grants to or cooperative agreements
5 with entities that are either grantees or sub-grantees of
6 the Hospital Preparedness Program authorized in section
7 319C–2 of the Public Health Service Act or that meet
8 such other criteria as the Secretary may prescribe, with
9 such awards issued under such section or section 311 of
10 such Act: *Provided further*, That of the amount provided
11 under this paragraph in this Act, not less than
12 $3,500,000,000 shall be available to the Biomedical Ad-
13 vanced Research and Development Authority for necessary
14 expenses of manufacturing, production, and purchase, at
15 the discretion of the Secretary, of vaccines, therapeutics,
16 diagnostics, and small molecule active pharmaceutical in-
17 gredients, including the development, translation, and
18 demonstration at scale of innovations in manufacturing
19 platforms: *Provided further*, That funds in the previous
20 proviso may be used for the construction or renovation of
21 U.S.-based next generation manufacturing facilities, other
22 than facilities owned by the United States Government:
23 *Provided further*, That of the amount appropriated under
24 this paragraph in this Act, funds may be used to reim-
25 burse the Department of Veterans Affairs for expenses in-

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1 curred by the Veterans Health Administration to prevent,
2 prepare for, and respond to coronavirus, and to provide
3 medical care for such purposes to individuals not otherwise
4 eligible for care: *Provided further*, That funds used for the
5 preceding proviso shall be made available to reimburse the
6 Department of Veterans Affairs only if the Secretary of
7 Health and Human Services certifies to the Committees
8 on Appropriations of the House of Representatives and the
9 Senate that funds available for assignments under Public
10 Law 93–288, as amended, are insufficient and such funds
11 are necessary to reimburse the Department of Veterans
12 Affairs for expenses incurred to provide health care to ci-
13 vilians: *Provided further*, That the Secretary shall notify
14 the Committees on Appropriations of the House of Rep-
15 resentatives and the Senate not less than 3 days prior to
16 such certification: *Provided further*, That of the amounts
17 appropriated under this paragraph in this Act, not more
18 than $289,000,000 may be transferred as necessary to
19 other federal agencies for necessary expenses related to
20 medical care that are incurred to prevent, prepare for, and
21 respond to coronavirus for persons eligible for treatment
22 pursuant to section 322 of the Public Health Service Act,
23 as amended, as determined by the Secretary of the recipi-
24 ent agency: *Provided further*, That of the amount appro-
25 priated under this paragraph in this Act, $1,500,000 shall

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1 be available for the Secretary to enter into an agreement
2 with the National Academies of Sciences, Engineering,
3 and Medicine not later than 60 days after the date of en-
4 actment of this Act to examine, and, in a manner that
5 does not compromise national security, report on, the se-
6 curity of the United States medical product supply chain:
7 *Provided further*, That funds appropriated under this
8 paragraph in this Act may be used for grants for the con-
9 struction, alteration, or renovation of non-federally owned
10 facilities to improve preparedness and response capability
11 at the State and local level: *Provided further*, That funds
12 appropriated under this paragraph in this Act may be
13 used for the construction, alteration, or renovation of non-
14 federally owned facilities for the production of vaccines,
15 therapeutics, and diagnostics where the Secretary deter-
16 mines that such a contract is necessary to secure sufficient
17 amounts of such supplies: *Provided further*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 For an additional amount for the "Public Health and
23 Social Services Emergency Fund", $275,000,000, to re-
24 main available until September 30, 2022, to prevent, pre-
25 pare for, and respond to coronavirus, domestically or

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1 internationally: *Provided*, That $90,000,000 of the funds
2 appropriated under this paragraph shall be transferred to
3 "Health Resources and Services Administration—Ryan
4 White HIV/AIDS Program" to remain available until Sep-
5 tember 30, 2022 for modifications to existing contracts,
6 and supplements to existing grants and cooperative agree-
7 ments under parts A, B, C, D, and section 2692(a) of
8 title XXVI of the Public Health Service Act (referred to
9 as "PHS" Act) to respond to coronavirus, domestically or
10 internationally: *Provided further*, That supplements made
11 in the preceding proviso shall be awarded using a data-
12 driven methodology determined by the Secretary: *Provided*
13 *further*, That sections 2604(c), 2612(b), and 2651(c) of
14 the PHS Act shall not apply to funds under this para-
15 graph: *Provided further*, That $5,000,000 of the funds ap-
16 propriated under this paragraph shall be transferred to
17 "Health Resources and Services Administration—Health
18 Care Systems" to remain available until September 30,
19 2022, for activities under sections 1271 and 1273 of the
20 PHS Act to improve the capacity of poison control centers
21 to respond to increased calls: *Provided further*, That
22 $180,000,000 of the funds appropriated under this para-
23 graph shall be transferred to "Health Resources and Serv-
24 ices Administration—Rural Health" to remain available
25 until September 30, 2022, to carry out telehealth and

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1 rural health activities under sections 330A and 330I of
2 the PHS Act and sections 711 and 1820 of the Social
3 Security Act to prevent, prepare for, and respond to
4 coronavirus, domestically or internationally: *Provided fur-*
5 *ther*, That of the funding in the previous proviso, no less
6 than $15,000,000 shall be allocated to tribes, tribal orga-
7 nizations, urban Indian health organizations, or health
8 service providers to tribes: *Provided further*, That section
9 1820(g)(3)(A), section 1820(g)(3)(D) and section
10 1820(g)(3)(E) of such Act shall not apply to funds in the
11 preceding two provisos: *Provided further*, That funds ap-
12 propriated under this heading in this Act may be made
13 available to restore amounts, either directly or through re-
14 imbursement, for obligations incurred to prevent, prepare
15 for, and respond to coronavirus, domestically or inter-
16 nationally, prior to the date of enactment of this Act: *Pro-*
17 *vided further*, That for the purposes of any funding pro-
18 vided for fiscal year 2020 for the Health Centers Program
19 pursuant to section 330 of the PHS Act (42 U.S.C. 254b),
20 maintaining or increasing health center capacity and staff-
21 ing levels during a public health emergency related to
22 coronavirus shall be deemed a cost of prevention, diag-
23 nosis, and treatment of coronavirus: *Provided further*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.
3 For an additional amount for "Public Health and So-
4 cial Services Emergency Fund", $100,000,000,000, to re-
5 main available until expended, to prevent, prepare for, and
6 respond to coronavirus, domestically or internationally, for
7 necessary expenses to reimburse, through grants or other
8 mechanisms, eligible health care providers for health care
9 related expenses or lost revenues that are attributable to
10 coronavirus: *Provided*, That these funds may not be used
11 to reimburse expenses or losses that have been reimbursed
12 from other sources or that other sources are obligated to
13 reimburse: *Provided further*, That recipients of payments
14 under this paragraph shall submit reports and maintain
15 documentation as the Secretary determines are needed to
16 ensure compliance with conditions that are imposed by
17 this paragraph for such payments, and such reports and
18 documentation shall be in such form, with such content,
19 and in such time as the Secretary may prescribe for such
20 purpose: *Provided further*, That "eligible health care pro-
21 viders" means public entities, Medicare or Medicaid en-
22 rolled suppliers and providers, and such for-profit entities
23 and not-for-profit entities not otherwise described in this
24 proviso as the Secretary may specify, within the United
25 States (including territories), that provide diagnoses, test-

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1 ing, or care for individuals with possible or actual cases
2 of COVID–19: *Provided further*, That the Secretary of
3 Health and Human Services shall, on a rolling basis, re-
4 view applications and make payments under this para-
5 graph in this Act: *Provided further*, That funds appro-
6 priated under this paragraph in this Act shall be available
7 for building or construction of temporary structures, leas-
8 ing of properties, medical supplies and equipment includ-
9 ing personal protective equipment and testing supplies, in-
10 creased workforce and trainings, emergency operation cen-
11 ters, retrofitting facilities, and surge capacity: *Provided*
12 *further*, That, in this paragraph, the term ''payment''
13 means a pre-payment, prospective payment, or retrospec-
14 tive payment, as determined appropriate by the Secretary:
15 *Provided further*, That payments under this paragraph
16 shall be made in consideration of the most efficient pay-
17 ment systems practicable to provide emergency payment:
18 *Provided further*, That to be eligible for a payment under
19 this paragraph, an eligible health care provider shall sub-
20 mit to the Secretary of Health and Human Services an
21 application that includes a statement justifying the need
22 of the provider for the payment and the eligible health
23 care provider shall have a valid tax identification number:
24 *Provided further*, That, not later than 3 years after final
25 payments are made under this paragraph, the Office of

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1 Inspector General of the Department of Health and
2 Human Services shall transmit a final report on audit
3 findings with respect to this program to the Committees
4 on Appropriations of the House of Representatives and the
5 Senate: *Provided further*, That nothing in this section lim-
6 its the authority of the Inspector General or the Comp-
7 troller General to conduct audits of interim payments at
8 an earlier date: *Provided further*, That not later than 60
9 days after the date of enactment of this Act, the Secretary
10 of Health and Human Services shall provide a report to
11 the Committees on Appropriations of the House of Rep-
12 resentatives and the Senate on obligation of funds, includ-
13 ing obligations to such eligible health care providers sum-
14 marized by State of the payment receipt: *Provided further*,
15 That such reports shall be updated and submitted to such
16 Committees every 60 days until funds are expended: *Pro-*
17 *vided further*, That such amount is designated by the Con-
18 gress as being for an emergency requirement pursuant to
19 section 251(b)(2)(A)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985.

21 DEPARTMENT OF EDUCATION

22 EDUCATION STABILIZATION FUND

23 For an additional amount for ''Education Stabiliza-
24 tion Fund'', $30,750,000,000, to remain available through
25 September 30, 2021, to prevent, prepare for, and respond

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1 to coronavirus, domestically or internationally: *Provided*,
2 That such amount is designated by the Congress as being
3 for an emergency requirement pursuant to section
4 251(b)(2)(A)(i) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985.

6 GENERAL PROVISIONS

7 EDUCATION STABILIZATION FUND

8 SEC. 18001. (a) ALLOCATIONS.—From the amount
9 made available under this heading in this Act to carry out
10 the Education Stabilization Fund, the Secretary shall first
11 allocate—

12 (1) not more than 1/2 of 1 percent to the out-
13 lying areas on the basis of their respective needs, as
14 determined by the Secretary, in consultation with
15 the Secretary of the Interior;

16 (2) one-half of 1 percent for the Secretary of
17 Interior, in consultation with the Secretary of Edu-
18 cation, for programs operated or funded by the Bu-
19 reau of Indian Education; and

20 (3) 1 percent for grants to States with the
21 highest coronavirus burden to support activities
22 under this heading in this Act, for which the Sec-
23 retary shall issue a notice inviting applications not
24 later than 30 days of enactment of this Act and ap-

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1 prove or deny applications not later than 30 days
2 after receipt.
3 (b) RESERVATIONS.—After carrying out subsection
4 (a), the Secretary shall reserve the remaining funds made
5 available as follows:
6 (1) 9.8 percent to carry out section 18002 of
7 this title.
8 (2) 43.9 percent to carry out section 18003 of
9 this title.
10 (3) 46.3 percent to carry out section 18004 of
11 this title.
12 GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND
13 SEC. 18002. (a) GRANTS.—From funds reserved
14 under section 18001(b)(1) of this title, the Secretary shall
15 make Emergency Education Relief grants to the Governor
16 of each State with an approved application. The Secretary
17 shall issue a notice inviting applications not later than 30
18 days of enactment of this Act and shall approve or deny
19 applications not later than 30 days after receipt.
20 (b) ALLOCATIONS.—The amount of each grant under
21 subsection (a) shall be allocated by the Secretary to each
22 State as follows:
23 (1) 60 percent on the basis of their relative
24 population of individuals aged 5 through 24.

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1 (2) 40 percent on the basis of their relative
2 number of children counted under section 1124(c) of
3 the Elementary and Secondary Education Act of
4 1965 (referred to under this heading as "ESEA").
5 (c) USES OF FUNDS.—Grant funds awarded under
6 subsection (b) may be used to—
7 (1) provide emergency support through grants
8 to local educational agencies that the State edu-
9 cational agency deems have been most significantly
10 impacted by coronavirus to support the ability of
11 such local educational agencies to continue to pro-
12 vide educational services to their students and to
13 support the on-going functionality of the local edu-
14 cational agency;
15 (2) provide emergency support through grants
16 to institutions of higher education serving students
17 within the State that the Governor determines have
18 been most significantly impacted by coronavirus to
19 support the ability of such institutions to continue to
20 provide educational services and support the on-
21 going functionality of the institution; and
22 (3) provide support to any other institution of
23 higher education, local educational agency, or edu-
24 cation related entity within the State that the Gov-
25 ernor deems essential for carrying out emergency

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1 educational services to students for authorized ac-
2 tivities described in section 18003(d)(1) of this title
3 or the Higher Education Act, the provision of child
4 care and early childhood education, social and emo-
5 tional support, and the protection of education-re-
6 lated jobs.

7 (d) REALLOCATION.—Each Governor shall return to
8 the Secretary any funds received under this section that
9 the Governor does not award within one year of receiving
10 such funds and the Secretary shall reallocate such funds
11 to the remaining States in accordance with subsection (b).

12 ELEMENTARY AND SECONDARY SCHOOL EMERGENCY
13 RELIEF FUND

14 SEC. 18003. (a) GRANTS.—From funds reserved
15 under section 18001(b)(2) of this title, the Secretary shall
16 make elementary and secondary school emergency relief
17 grants to each State educational agency with an approved
18 application. The Secretary shall issue a notice inviting ap-
19 plications not later than 30 days of enactment of this Act
20 and approve or deny applications not later than 30 days
21 after receipt.

22 (b) ALLOCATIONS TO STATES.—The amount of each
23 grant under subsection (a) shall be allocated by the Sec-
24 retary to each State in the same proportion as each State

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1 received under part A of title I of the ESEA of 1965 in
2 the most recent fiscal year.
3 (c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
4 CIES.—Each State shall allocate not less than 90 percent
5 of the grant funds awarded to the State under this section
6 as subgrants to local educational agencies (including char-
7 ter schools that are local educational agencies) in the State
8 in proportion to the amount of funds such local edu-
9 cational agencies and charter schools that are local edu-
10 cational agencies received under part A of title I of the
11 ESEA of 1965 in the most recent fiscal year.
12 (d) USES OF FUNDS.—A local educational agency
13 that receives funds under this title may use the funds for
14 any of the following:
15 (1) Any activity authorized by the ESEA of
16 1965, including the Native Hawaiian Education Act
17 and the Alaska Native Educational Equity, Support,
18 and Assistance Act (20 U.S.C. 6301 et seq.), the In-
19 dividuals with Disabilities Education Act (20 U.S.C.
20 1400 et seq.) ("IDEA"), the Adult Education and
21 Family Literacy Act (20 U.S.C. 1400 et seq.), the
22 Carl D. Perkins Career and Technical Education
23 Act of 2006 (20 U.S.C. 2301 et seq.) ("the Perkins
24 Act"), or subtitle B of title VII of the McKinney-

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1 Vento Homeless Assistance Act (42 U.S.C. 11431 et
2 seq.).
3 (2) Coordination of preparedness and response
4 efforts of local educational agencies with State, local,
5 Tribal, and territorial public health departments,
6 and other relevant agencies, to improve coordinated
7 responses among such entities to prevent, prepare
8 for, and respond to coronavirus.
9 (3) Providing principals and others school lead-
10 ers with the resources necessary to address the
11 needs of their individual schools.
12 (4) Activities to address the unique needs of
13 low-income children or students, children with dis-
14 abilities, English learners, racial and ethnic minori-
15 ties, students experiencing homelessness, and foster
16 care youth, including how outreach and service deliv-
17 ery will meet the needs of each population.
18 (5) Developing and implementing procedures
19 and systems to improve the preparedness and re-
20 sponse efforts of local educational agencies.
21 (6) Training and professional development for
22 staff of the local educational agency on sanitation
23 and minimizing the spread of infectious diseases.

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1 (7) Purchasing supplies to sanitize and clean
2 the facilities of a local educational agency, including
3 buildings operated by such agency.
4 (8) Planning for and coordinating during long-
5 term closures, including for how to provide meals to
6 eligible students, how to provide technology for on-
7 line learning to all students, how to provide guidance
8 for carrying out requirements under the Individuals
9 with Disabilities Education Act (20 U.S.C. 1401 et
10 seq.) and how to ensure other educational services
11 can continue to be provided consistent with all Fed-
12 eral, State, and local requirements.
13 (9) Purchasing educational technology (includ-
14 ing hardware, software, and connectivity) for stu-
15 dents who are served by the local educational agency
16 that aids in regular and substantive educational
17 interaction between students and their classroom in-
18 structors, including low-income students and stu-
19 dents with disabilities, which may include assistive
20 technology or adaptive equipment.
21 (10) Providing mental health services and sup-
22 ports.
23 (11) Planning and implementing activities re-
24 lated to summer learning and supplemental after-
25 school programs, including providing classroom in-

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1 struction or online learning during the summer
2 months and addressing the needs of low-income stu-
3 dents, students with disabilities, English learners,
4 migrant students, students experiencing homeless-
5 ness, and children in foster care.
6 (12) Other activities that are necessary to
7 maintain the operation of and continuity of services
8 in local educational agencies and continuing to em-
9 ploy existing staff of the local educational agency.
10 (e) STATE FUNDING.—With funds not otherwise allo-
11 cated under subsection (c), a State may reserve not more
12 than 1/2 of 1 percent for administrative costs and the re-
13 mainder for emergency needs as determined by the state
14 educational agency to address issues responding to
15 coronavirus, which may be addressed through the use of
16 grants or contracts.
17 (f) REALLOCATION.—A State shall return to the Sec-
18 retary any funds received under this section that the State
19 does not award within 1 year of receiving such funds and
20 the Secretary shall reallocate such funds to the remaining
21 States in accordance with subsection (b).
22 HIGHER EDUCATION EMERGENCY RELIEF FUND
23 SEC. 18004. (a) IN GENERAL.—The Secretary shall
24 allocate funding under this section as follows:

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1 (1) 90 percent to each institution of higher edu-
2 cation to prevent, prepare for, and respond to
3 coronavirus, by apportioning it—
4 (A) 75 percent according to the relative
5 share of full-time equivalent enrollment of Fed-
6 eral Pell Grant recipients who are not exclu-
7 sively enrolled in distance education courses
8 prior to the coronavirus emergency; and
9 (B) 25 percent according to the relative
10 share of full-time equivalent enrollment of stu-
11 dents who were not Federal Pell Grant recipi-
12 ents who are not exclusively enrolled in distance
13 education courses prior to the coronavirus
14 emergency.
15 (2) 7.5 percent for additional awards under
16 parts A and B of title III, parts A and B of title
17 V, and subpart 4 of part A of title VII of the Higher
18 Education Act to address needs directly related to
19 coronavirus, that shall be in addition to awards
20 made in section 18004(a)(1) of this title, and allo-
21 cated by the Secretary proportionally to such pro-
22 grams based on the relative share of funding appro-
23 priated to such programs in the Further Consoli-
24 dated Appropriations Act, 2020 (Public Law 116–
25 94) and which may be used to defray expenses (in-

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1 cluding lost revenue, reimbursement for expenses al-
2 ready incurred, technology costs associated with a
3 transition to distance education, faculty and staff
4 trainings, payroll) incurred by institutions of higher
5 education and for grants to students for any compo-
6 nent of the student's cost of attendance (as defined
7 under section 472 of the Higher Education Act), in-
8 cluding food, housing, course materials, technology,
9 health care, and child care.
10 (3) 2.5 percent for part B of title VII of the
11 Higher Education Act for institutions of higher edu-
12 cation that the Secretary determines have the great-
13 est unmet needs related to coronavirus, which may
14 be used to defray expenses (including lost revenue,
15 reimbursement for expenses already incurred, tech-
16 nology costs associated with a transition to distance
17 education, faculty and staff trainings, payroll) in-
18 curred by institutions of higher education and for
19 grants to students for any component of the stu-
20 dent's cost of attendance (as defined under section
21 472 of the Higher Education Act), including food,
22 housing, course materials, technology, health care,
23 and child care.
24 (b) DISTRIBUTION.—The funds made available to
25 each institution under subsection (a)(1) shall be distrib-

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1 uted by the Secretary using the same systems as the Sec-
2 retary otherwise distributes funding to each institution
3 under title IV of the Higher Education Act of 1965 (20
4 U.S.C. 1001 et seq.).

5 (c) USES OF FUNDS.—Except as otherwise specified
6 in subsection (a), an institution of higher education receiv-
7 ing funds under this section may use the funds received
8 to cover any costs associated with significant changes to
9 the delivery of instruction due to the coronavirus, so long
10 as such costs do not include payment to contractors for
11 the provision of pre-enrollment recruitment activities; en-
12 dowments; or capital outlays associated with facilities re-
13 lated to athletics, sectarian instruction, or religious wor-
14 ship. Institutions of higher education shall use no less
15 than 50 percent of such funds to provide emergency finan-
16 cial aid grants to students for expenses related to the dis-
17 ruption of campus operations due to coronavirus (includ-
18 ing eligible expenses under a student's cost of attendance,
19 such as food, housing, course materials, technology, health
20 care, and child care).

21 (d) SPECIAL PROVISIONS.—(1) In awarding grants
22 under section 18004(a)(3) of this title, the Secretary shall
23 give priority to any institution of higher education that
24 is not otherwise eligible for funding under paragraphs (1)
25 and (2) of section 18004(a) of this title of at least

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1 $500,000 and demonstrates significant unmet needs re-
2 lated to expenses associated with coronavirus.
3 (2) A Historically Black College and University or a
4 Minority Serving Institution may use prior awards pro-
5 vided under titles III, V, and VII of the Higher Education
6 Act to prevent, prepare for, and respond to coronavirus.
7 (e) REPORT.—An institution receiving funds under
8 this section shall submit a report to the Secretary, at such
9 time and in such manner as the Secretary may require,
10 that describes the use of funds provided under this section.
11 ASSISTANCE TO NON-PUBLIC SCHOOLS
12 SEC. 18005. (a) IN GENERAL.—A local educational
13 agency receiving funds under sections 18002 or 18003 of
14 this title shall provide equitable services in the same man-
15 ner as provided under section 1117 of the ESEA of 1965
16 to students and teachers in non-public schools, as deter-
17 mined in consultation with representatives of non-public
18 schools.
19 (b) PUBLIC CONTROL OF FUNDS.—The control of
20 funds for the services and assistance provided to a non-
21 public school under subsection (a), and title to materials,
22 equipment, and property purchased with such funds, shall
23 be in a public agency, and a public agency shall administer
24 such funds, materials, equipment, and property and shall

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1 provide such services (or may contract for the provision
2 of such services with a public or private entity).

3 CONTINUED PAYMENT TO EMPLOYEES

4 SEC. 18006. A local educational agency, State, insti-
5 tution of higher education, or other entity that receives
6 funds under "Education Stabilization Fund", shall to the
7 greatest extent practicable, continue to pay its employees
8 and contractors during the period of any disruptions or
9 closures related to coronavirus.

10 DEFINITIONS

11 SEC. 18007. Except as otherwise provided in sections
12 18001–18006 of this title, as used in such sections—

13 (1) the terms "elementary education" and "sec-
14 ondary education" have the meaning given such
15 terms under State law;

16 (2) the term "institution of higher education"
17 has the meaning given such term in title I of the
18 Higher Education Act of 1965 (20 U.S.C. 1001 et
19 seq.);

20 (3) the term "Secretary" means the Secretary
21 of Education;

22 (4) the term "State" means each of the 50
23 States, the District of Columbia, and the Common-
24 wealth of Puerto Rico;

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1 (5) the term "cost of attendance" has the
2 meaning given such term in section 472 of the High-
3 er Education Act of 1965.
4 (6) the term "Non-public school" means a non-
5 public elementary and secondary school that (A) is
6 accredited, licensed, or otherwise operates in accord-
7 ance with State law; and (B) was in existence prior
8 to the date of the qualifying emergency for which
9 grants are awarded under this section;
10 (7) the term "public school" means a public ele-
11 mentary or secondary school; and
12 (8) any other term used that is defined in sec-
13 tion 8101 of the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C. 7801) shall have the
15 meaning given the term in such section.
16 MAINTENANCE OF EFFORT
17 SEC. 18008. (a) A State's application for funds to
18 carry out sections 18002 or 18003 of this title shall in-
19 clude assurances that the State will maintain support for
20 elementary and secondary education, and State support
21 for higher education (which shall include State funding to
22 institutions of higher education and state need-based fi-
23 nancial aid, and shall not include support for capital
24 projects or for research and development or tuition and
25 fees paid by students) in fiscal years 2020 and 2021 at

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1 least at the levels of such support that is the average of
2 such State's support for elementary and secondary edu-
3 cation and for higher education provided in the 3 fiscal
4 years preceding the date of enactment of this Act.
5 (b) The secretary may waive the requirement in sub-
6 section (a) for the purpose of relieving fiscal burdens on
7 States that have experienced a precipitous decline in fi-
8 nancial resources.

9 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

10 For an additional amount for "Safe Schools and Citi-
11 zenship Education", $100,000,000, to remain available
12 through September 30, 2021, to prevent, prepare for, and
13 respond to coronavirus, domestically or internationally, to
14 supplement funds otherwise available for "Project
15 SERV", including to help elementary, secondary and post-
16 secondary schools clean and disinfect affected schools, and
17 assist in counseling and distance learning and associated
18 costs: *Provided*, That such amount is designated by the
19 Congress as being for an emergency requirement pursuant
20 to section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 GALLAUDET UNIVERSITY

23 For an additional amount for "Gallaudet University",
24 $7,000,000, to remain available through September 30,
25 2021, to prevent, prepare for, and respond to coronavirus,

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1 domestically or internationally, including to help defray
2 the expenses directly caused by coronavirus and to enable
3 grants to students for expenses directly related to
4 coronavirus and the disruption of university operations:
5 *Provided*, That such amount is designated by the Congress
6 as being for an emergency requirement pursuant to sec-
7 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
8 gency Deficit Control Act of 1985.

9 STUDENT AID ADMINISTRATION

10 For an additional amount for "Student Aid Adminis-
11 tration", $40,000,000, to remain available through Sep-
12 tember 30, 2021, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally, for carrying
14 out part D of title I, and subparts 1, 3, 9 and 10 of part
15 A, and parts B, C, D, and E of title IV of the HEA, and
16 subpart 1 of part A of title VII of the Public Health Serv-
17 ice Act: *Provided*, That such amount is designated by the
18 Congress as being for an emergency requirement pursuant
19 to section 251(b)(2)(A)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985.

21 HOWARD UNIVERSITY

22 For an additional amount for "Howard University",
23 $13,000,000, to remain available through September 30,
24 2021, to prevent, prepare for, and respond to coronavirus,
25 domestically or internationally, including to help defray

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1 the expenses directly caused by coronavirus and to enable
2 grants to students for expenses directly related to
3 coronavirus and the disruption of university operations:
4 *Provided*, That such amount is designated by the Congress
5 as being for an emergency requirement pursuant to sec-
6 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985.

8 DEPARTMENTAL MANAGEMENT

9 PROGRAM ADMINISTRATION

10 For an additional amount for "Program Administra-
11 tion", $8,000,000, to remain available through September
12 30, 2021 to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 OFFICE OF THE INSPECTOR GENERAL

19 For an additional amount for "Office of the Inspector
20 General", $7,000,000, to remain available through Sep-
21 tember 30, 2022, to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally, including for
23 salaries and expenses necessary for oversight and audit
24 of programs, grants, and projects funded in this Act to
25 respond to coronavirus: *Provided*, That such amount is

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1 designated by the Congress as being for an emergency re-
2 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985.

4 CORPORATION FOR PUBLIC BROADCASTING

5 For an additional amount for "Corporation for Public
6 Broadcasting", $75,000,000, to remain available through
7 September 30, 2021, to prevent, prepare for, and respond
8 to coronavirus, including for fiscal stabilization grants to
9 public telecommunications entities, as defined by 47
10 U.S.C. 397(12), with no deduction for administrative or
11 other costs of the Corporation, to maintain programming
12 and services and preserve small and rural stations threat-
13 ened by declines in non-Federal revenues: *Provided*, That
14 such amount is designated by the Congress as being for
15 an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

19 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS
20 AND ADMINISTRATION

21 For an additional amount for "Institute of Museum
22 and Library Services", $50,000,000, to remain available
23 until September 30, 2021, to prevent, prepare for, and re-
24 spond to coronavirus, including grants to States, terri-
25 tories and tribes to expand digital network access, pur-

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1 chase internet accessible devices, and provide technical
2 support services: *Provided*, That any matching funds re-
3 quirements for States, tribes, libraries, and museums are
4 waived for grants provided with funds made available
5 under this heading in this Act: *Provided further*, That such
6 amount is designated by the Congress as being for an
7 emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 RAILROAD RETIREMENT BOARD

11 LIMITATION ON ADMINISTRATION

12 For an additional amount for the "Railroad Retire-
13 ment Board", $5,000,000, to remain available until Sep-
14 tember 30, 2021, to prevent, prepare for, and respond to
15 coronavirus, including the purchase of information tech-
16 nology equipment to improve the mobility of the workforce
17 and provide for additional hiring or overtime hours as
18 needed to administer the Railroad Unemployment Insur-
19 ance Act: *Provided*, That such amount is designated by
20 the Congress as being for an emergency requirement pur-
21 suant to section 251(b)(2)(A)(i) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985.

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1 SOCIAL SECURITY ADMINISTRATION

2 LIMITATION ON ADMINISTRATIVE EXPENSES

3 For an additional amount for "Limitation on Admin-
4 istrative Expenses", $300,000,000, to remain available
5 through September 30, 2021 to prevent, prepare for, and
6 respond to coronavirus, domestically or internationally, in-
7 cluding paying the salaries and benefits of all employees
8 affected as a result of office closures, telework, phone and
9 communication services for employees, overtime costs, and
10 supplies, and for resources necessary for processing dis-
11 ability and retirement workloads and backlogs: *Provided*,
12 That such amount is designated by the Congress as being
13 for an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 GENERAL PROVISIONS—THIS TITLE

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 18108. Funds appropriated by this title may be
19 used by the Secretary of the Department of Health and
20 Human Services to appoint, without regard to the provi-
21 sions of sections 3309 through 3319 of title 5 of the
22 United States Code, candidates needed for positions to
23 perform critical work relating to coronavirus for which—
24 (1) public notice has been given; and

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1 (2) the Secretary of Health and Human Serv-
2 ices has determined that such a public health threat
3 exists.

4 SEC. 18109. Funds made available by this title may
5 be used to enter into contracts with individuals for the
6 provision of personal services (as described in section 104
7 of part 37 of title 48, Code of Federal Regulations (48
8 CFR 37.104)) to support the prevention of, preparation
9 for, or response to coronavirus, domestically and inter-
10 nationally, subject to prior notification to the Committees
11 on Appropriations of the House of Representatives and the
12 Senate: *Provided*, That such individuals may not be
13 deemed employees of the United States for the purpose
14 of any law administered by the Office of Personnel Man-
15 agement: *Provided further*, That the authority made avail-
16 able pursuant to this section shall expire on September
17 30, 2024.

18 SEC. 18110. (a) If services performed by an employee
19 during fiscal year 2020 are determined by the head of the
20 agency to be primarily related to preparation, prevention,
21 or response to coronavirus, any premium pay for such
22 services shall be disregarded in calculating the aggregate
23 of such employee's basic pay and premium pay for pur-
24 poses of a limitation under section 5547(a) of title 5,
25 United States Code, or under any other provision of law,

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1 whether such employee's pay is paid on a biweekly or cal-
2 endar year basis.
3 (b) Any overtime pay for such services shall be dis-
4 regarded in calculating any annual limit on the amount
5 of overtime pay payable in a calendar or fiscal year.
6 (c) With regard to such services, any pay that is dis-
7 regarded under either subsection (a) or (b) shall be dis-
8 regarded in calculating such employee's aggregate pay for
9 purposes of the limitation in section 5307 of such title 5.
10 (d)(1) Pay that is disregarded under subsection (a)
11 or (b) shall not cause the aggregate of the employee's basic
12 pay and premium pay for the applicable calendar year to
13 exceed the rate of basic pay payable for a position at level
14 II of the Executive Schedule under section 5313 of title
15 5, United States Code, as in effect at the end of such cal-
16 endar year.
17 (2) For purposes of applying this subsection to an
18 employee who would otherwise be subject to the premium
19 pay limits established under section 5547 of title 5, United
20 States Code, "premium pay" means the premium pay paid
21 under the provisions of law cited in section 5547(a).
22 (3) For purposes of applying this subsection to an
23 employee under a premium pay limit established under an
24 authority other than section 5547 of title 5, United States
25 Code, the agency responsible for administering such limit

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1 shall determine what payments are considered premium
2 pay.
3 (e) This section shall take effect as if enacted on Feb-
4 ruary 2, 2020.
5 (f) If application of this section results in the pay-
6 ment of additional premium pay to a covered employee of
7 a type that is normally creditable as basic pay for retire-
8 ment or any other purpose, that additional pay shall not—
9 (1) be considered to be basic pay of the covered
10 employee for any purpose; or
11 (2) be used in computing a lump-sum payment
12 to the covered employee for accumulated and ac-
13 crued annual leave under section 5551 or section
14 5552 of title 5, United States Code.
15 SEC. 18111. Funds appropriated by this title to the
16 heading "Department of Health and Human Services"
17 may be transferred to, and merged with, other appropria-
18 tion accounts under the headings "Centers for Disease
19 Control and Prevention", "Public Health and Social Serv-
20 ices Emergency Fund", "Administration for Children and
21 Families", "Administration for Community Living", and
22 "National Institutes of Health" to prevent, prepare for,
23 and respond to coronavirus following consultation with the
24 Office of Management and Budget: *Provided*, That the
25 Committees on Appropriations of the House of Represent-

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1 atives and the Senate shall be notified 10 days in advance
2 of any such transfer: *Provided further*, That, upon a deter-
3 mination that all or part of the funds transferred from
4 an appropriation by this title are not necessary, such
5 amounts may be transferred back to that appropriation:
6 *Provided further*, That none of the funds made available
7 by this title may be transferred pursuant to the authority
8 in section 205 of division A of Public Law 116–94 or sec-
9 tion 241(a) of the PHS Act.

10 SEC. 18112. Not later than 30 days after the date
11 of enactment of this Act, the Secretary of Health and
12 Human Services shall provide a detailed spend plan of an-
13 ticipated uses of funds made available to the Department
14 of Health and Human Services in this Act, including esti-
15 mated personnel and administrative costs, to the Commit-
16 tees on Appropriations of the House of Representatives
17 and the Senate: *Provided*, That such plans shall be up-
18 dated and submitted to such Committees every 60 days
19 until September 30, 2024: *Provided further*, That the
20 spend plans shall be accompanied by a listing of each con-
21 tract obligation incurred that exceeds $5,000,000 which
22 has not previously been reported, including the amount of
23 each such obligation.

24 SEC. 18113. Of the funds appropriated by this title
25 under the heading "Public Health and Social Services

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1 Emergency Fund'', up to $4,000,000 shall be transferred
2 to, and merged with, funds made available under the head-
3 ing ''Office of the Secretary, Office of Inspector General'',
4 and shall remain available until expended, for oversight
5 of activities supported with funds appropriated to the De-
6 partment of Health and Human Services to prevent, pre-
7 pare for, and respond to coronavirus, domestically or
8 internationally: *Provided*, That the Inspector General of
9 the Department of Health and Human Services shall con-
10 sult with the Committees on Appropriations of the House
11 of Representatives and the Senate prior to obligating such
12 funds: *Provided further*, That the transfer authority pro-
13 vided by this section is in addition to any other transfer
14 authority provided by law.

15 SEC. 18114. (a) Funds appropriated in title III of
16 the Coronavirus Preparedness and Response Supple-
17 mental Appropriations Act, 2020 (Public Law 116–123)
18 shall be paid to the ''Department of Homeland Security—
19 Countering Weapons of Mass Destruction Office—Federal
20 Assistance''account for costs incurred, including to reim-
21 burse costs incurred prior to the enactment of this Act,
22 under other transaction authority and related to screening
23 for coronavirus, domestically or internationally.

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1 (b) The term coronavirus has the meaning given the
2 term in section 506 of the Coronavirus Preparedness and
3 Response Supplemental Appropriations Act, 2020.
4 (c) The amounts repurposed in this section that were
5 previously designated by the Congress as an emergency
6 requirement pursuant to the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985 are designated by the
8 Congress as an emergency requirement pursuant to sec-
9 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.
11 SEC. 18115. (a) IN GENERAL.—Every laboratory
12 that performs or analyzes a test that is intended to detect
13 SARS–CoV–2 or to diagnose a possible case of COVID–
14 19 shall report the results from each such test, to the Sec-
15 retary of Health and Human Services in such form and
16 manner, and at such timing and frequency, as the Sec-
17 retary may prescribe until the end of the Secretary's Pub-
18 lic Health Emergency declaration with respect to COVID–
19 19 or any extension of such declaration.
20 (b) LABORATORIES COVERED.—The Secretary may
21 prescribe which laboratories must submit reports pursuant
22 to this section.
23 (c) IMPLEMENTATION.—The Secretary may make
24 prescriptions under this section by regulation, including
25 by interim final rule, or by guidance, and may issue such

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1 regulations or guidance without regard to the procedures
2 otherwise required by section 553 of title 5, United States
3 Code.
4 (d) REPEALER.—Section 1702 of division A of the
5 Families First Coronavirus Response Act is repealed.

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1 TITLE IX

2 LEGISLATIVE BRANCH

3 SENATE

4 CONTINGENT EXPENSES OF THE SENATE

5 SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

6 For an additional amount for "Sergeant at Arms and
7 Doorkeeper of the Senate", $1,000,000, to remain avail-
8 able until expended, to prevent, prepare for, and respond
9 to coronavirus, domestically or internationally: *Provided*,
10 That such amount is designated by the Congress as being
11 for an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 MISCELLANEOUS ITEMS

15 For an additional amount for "Miscellaneous Items",
16 $9,000,000, to remain available until expended, to pre-
17 vent, prepare for, and respond to coronavirus, domestically
18 or internationally, subject to approval by the Committee
19 on Appropriations of the Senate and the Senate Com-
20 mittee on Rules and Administration: *Provided*, That such
21 amount is designated by the Congress as being for an
22 emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 HOUSE OF REPRESENTATIVES

2 SALARIES AND EXPENSES

3 For an additional amount for "Salaries and Ex-
4 penses", $25,000,000, to remain available until September
5 30, 2021, except that $5,000,000 shall remain available
6 until expended, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, to be allo-
8 cated in accordance with a spend plan submitted to the
9 Committee on Appropriations of the House of Representa-
10 tives by the Chief Administrative Officer and approved by
11 such Committee: *Provided*, That such amount is des-
12 ignated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 JOINT ITEMS

16 OFFICE OF THE ATTENDING PHYSICIAN

17 For an additional amount for "Office of the Attend-
18 ing Physician", $400,000, to remain available until ex-
19 pended, to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally: *Provided*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 CAPITOL POLICE

2 SALARIES

3 For an additional amount for "Salaries",
4 $12,000,000, to remain available until September 30,
5 2021, to prevent, prepare for, and respond to coronavirus,
6 domestically or internationally: *Provided*, That the Capitol
7 Police may transfer amounts appropriated under this
8 heading in this Act to "General Expenses" without the
9 approval requirement of 2 U.S.C. 1907(a): *Provided fur-*
10 *ther*, That such amount is designated by the Congress as
11 being for an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 ARCHITECT OF THE CAPITOL

15 CAPITAL CONSTRUCTION AND OPERATIONS

16 For an additional amount for "Capital Construction
17 and Operations", $25,000,000, to remain available until
18 September 30, 2021, to prevent, prepare for, and respond
19 to coronavirus, domestically or internationally, including
20 to purchase and distribute cleaning and sanitation prod-
21 ucts throughout all facilities and grounds under the care
22 of the Architect of the Capitol, wherever located, and any
23 related services and operational costs: *Provided*, That the
24 Architect of the Capitol shall provide a report within 30
25 days enactment of this Act, and every 30 days thereafter,

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1 to the Committees on Appropriations of the Senate and
2 House of Representatives, the Senate Committee on Rules
3 and Administration, and the Committee on House Admin-
4 istration on expenditure of funds from amounts appro-
5 priated under this heading in this Act: *Provided further*,
6 That this amount shall be in addition to any other funds
7 available for such purposes in appropriations Acts for the
8 legislative branch: *Provided further*, That such amount is
9 designated by the Congress as being for an emergency re-
10 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 LIBRARY OF CONGRESS

13 SALARIES AND EXPENSES

14 For an additional amount for ''Salaries and Ex-
15 penses'', $700,000, to remain available until September
16 30, 2020, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally, to be made
18 available to the Little Scholars Child Development Center,
19 subject to approval by the Committees on Appropriations
20 of the Senate and House of Representatives, the Senate
21 Committee on Rules and Administration, and the Com-
22 mittee on House Administration: *Provided*, That such
23 amount is designated by the Congress as being for an
24 emergency requirement pursuant to section

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

3 GOVERNMENT ACCOUNTABILITY OFFICE

4 SALARIES AND EXPENSES

5 For an additional amount for "Salaries and Ex-
6 penses", $20,000,000, to remain available until expended,
7 to prevent, prepare for, and respond to coronavirus, do-
8 mestically or internationally, for audits and investigations
9 and for reimbursement of the Tiny Findings Child Devel-
10 opment Center for salaries for employees, as authorized
11 by this Act: *Provided*, That not later than 90 days after
12 the date of enactment of this Act, the Government Ac-
13 countability Office shall submit to the Committees on Ap-
14 propriations of the House of Representatives and the Sen-
15 ate a spend plan specifying funding estimates and a
16 timeline for such audits and investigations: *Provided fur-*
17 *ther*, That $600,000 shall be made available to the Tiny
18 Findings Child Development Center, subject to approval
19 by the Committees on Appropriations of the Senate and
20 House of Representatives, the Senate Committee on Rules
21 and Administration, and the Committee on House Admin-
22 istration: *Provided further*, That such amount is des-
23 ignated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

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1 GENERAL PROVISIONS—THIS TITLE

2 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
3 AND EXPENSES OF SENATE EMPLOYEE CHILD CARE
4 CENTER

5 SEC. 19001. The Secretary of the Senate shall reim-
6 burse the Senate Employee Child Care Center for per-
7 sonnel costs incurred starting on April 1, 2020, for em-
8 ployees of such Center who have been ordered to cease
9 working due to measures taken in the Capitol complex to
10 combat coronavirus, not to exceed $84,000 per month,
11 from amounts in the appropriations account "Miscella-
12 neous Items" within the contingent fund of the Senate.

13 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
14 AND EXPENSES OF HOUSE OF REPRESENTATIVES
15 CHILD CARE CENTER

16 SEC. 19002. (a) AUTHORIZING USE OF REVOLVING
17 FUND OR APPROPRIATED FUNDS.—Section 312(d)(3)(A)
18 of the Legislative Branch Appropriations Act, 1992 (2
19 U.S.C. 2062(d)(3)(A)) is amended—

20 (1) in subparagraph (A), by striking the period
21 at the end and inserting the following: ", and, at the
22 option of the Chief Administrative Officer during an
23 emergency situation, the payment of the salary of
24 other employees of the Center."; and

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

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"(C) During an emergency situation, the payment of such other expenses for activities carried out under this section as the Chief Administrative Officer determines appropriate.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2020 and each succeeding fiscal year.

PAYMENTS TO ENSURE CONTINUING AVAILABILITY OF GOODS AND SERVICES DURING THE CORONAVIRUS EMERGENCY

SEC. 19003. (a) AUTHORIZATION TO MAKE PAYMENTS.—Notwithstanding any other provision of law and subject to subsection (b), during an emergency situation, the Chief Administrative Officer of the House of Representatives may make payments under contracts with vendors providing goods and services to the House in amounts and under terms and conditions other than those provided under the contract in order to ensure that those goods and services remain available to the House throughout the duration of the emergency.

(b) CONDITIONS.—

(1) APPROVAL REQUIRED.—The Chief Administrative Officer may not make payments under the authority of subsection (a) without the approval of the Committee on House Administration of the House of Representatives.

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1 (2) AVAILABILITY OF APPROPRIATIONS.—The
2 authority of the Chief Administrative Officer to
3 make payments under the authority of subsection
4 (a) is subject to the availability of appropriations to
5 make such payments.
6 (c) APPLICABILITY.—This section shall apply with re-
7 spect to fiscal year 2020 and each succeeding fiscal year.
8 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
9 AND EXPENSES OF LITTLE SCHOLARS CHILD DEVEL-
10 OPMENT CENTER
11 SEC. 19004. The Library of Congress shall reimburse
12 Little Scholars Child Development Center for salaries for
13 employees incurred from April 1, 2020, to September 30,
14 2020, for employees of such Center who have been ordered
15 to cease working due to measures taken in the Capitol
16 complex to combat coronavirus, not to exceed $113,000
17 per month, from amounts in the appropriations account
18 "Library of Congress—Salaries and Expenses".
19 AUTHORIZING PAYMENTS UNDER SERVICE CONTRACTS
20 DURING THE CORONAVIRUS EMERGENCY
21 SEC. 19005. (a) AUTHORIZING PAYMENTS.—Not-
22 withstanding section 3324(a) of title 31, United States
23 Code, or any other provision of law and subject to sub-
24 section (b), if the employees of a contractor with a service
25 contract with the Architect of the Capitol are furloughed
26 or otherwise unable to work during closures, stop work

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1 orders, or reductions in service arising from or related to
2 the impacts of coronavirus, the Architect of the Capitol
3 may continue to make the payments provided for under
4 the contract for the weekly salaries and benefits of such
5 employees for not more than 16 weeks.

6 (b) AVAILABILITY OF APPROPRIATIONS.—The au-
7 thority of the Architect of the Capitol to make payments
8 under the authority of subsection (a) is subject to the
9 availability of appropriations to make such payments.

10 (c) REGULATIONS.—The Architect of the Capitol
11 shall promulgate such regulations as may be necessary to
12 carry out this section.

13 MASS MAILINGS AS FRANKED MAIL

14 SEC. 19006. (a) WAIVER.—Section 3210(a)(6)(D) of
15 title 39, United States Code, is amended by striking the
16 period at the end of the first sentence and inserting the
17 following: ", and in the case of the Commission, to waive
18 this paragraph in the case of mailings sent in response
19 to or to address threats to life safety.".

20 (b) EFFECTIVE DATE.—The amendments made by
21 this subsection shall apply with respect to mailings sent
22 on or after the date of the enactment of this Act.

23 TECHNICAL CORRECTION

24 SEC. 19007. In the matter preceding the first proviso
25 under the heading "Library of Congress—Salaries and
26 Expenses" in division E of the Further Consolidated Ap-

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1 propriations Act, 2020 (Public Law 116–94), strike "
2 $504,164,000" and insert " $510,164,000".

3 CONFORMING AMENDMENT

4 SEC. 19008. Section 110(a)(1)(A) of the Family and
5 Medical Leave Act of 1993 (as added by section 3102 of
6 the Families First Coronavirus Response Act (Public Law
7 116–127)) is amended—

8 (1) by inserting before "In lieu of" the fol-
9 lowing:

10 "(i) IN GENERAL.—"; and

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

12 "(ii) SPECIAL RULE.—For purposes of
13 applying section 102(a)(1)(F) and this sec-
14 tion under the Congressional Account-
15 ability Act of 1995, in lieu of the definition
16 in section 202(a)(2)(B) of that Act (2
17 U.S.C. 1312(a)(2)(B)), the term 'eligible
18 employee' means a covered employee (as
19 defined in section 101 of that Act (2
20 U.S.C. 1301)) who has been employed for
21 at least 30 calendar days by the employing
22 office (as so defined) with respect to whom
23 leave is requested under section
24 102(a)(1)(F).".

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1 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
2 AND EXPENSES OF TINY FINDINGS CHILD DEVELOP-
3 MENT CENTER

4 SEC. 19009. The Government Accountability Office
5 may reimburse the Tiny Findings Child Development Cen-
6 ter for salaries for employees incurred from April 1, 2020,
7 to September 30, 2020, for employees of such Center who
8 have been ordered to cease working due to measures taken
9 in the Capitol complex to combat coronavirus, not to ex-
10 ceed $100,000 per month, from amounts in the appropria-
11 tions account "Government Accountability Office—Sala-
12 ries and Expenses".

13 OVERSIGHT AND AUDIT AUTHORITY

14 SEC. 19010. (a) DEFINITIONS.—In this section—
15 (1) the term "appropriate congressional com-
16 mittees" means—
17 (A) the Committee on Appropriations of
18 the Senate;
19 (B) the Committee on Homeland Security
20 and Governmental Affairs of the Senate;
21 (C) the Committee on Health, Education,
22 Labor, and Pensions of the Senate;
23 (D) the Committee on Appropriations of
24 the House of Representatives;
25 (E) the Committee on Homeland Security
26 of the House of Representatives;

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1 (F) the Committee on Oversight and Re-
2 form of the House of Representatives; and
3 (G) the Committee on Energy and Com-
4 merce of the House of Representatives; and
5 (2) the term "Comptroller General" means the
6 Comptroller General of the United States.
7 (b) AUTHORITY.—The Comptroller General shall con-
8 duct monitoring and oversight of the exercise of authori-
9 ties, or the receipt, disbursement, and use of funds made
10 available, under this Act or any other Act to prepare for,
11 respond to, and recover from the Coronavirus 2019 pan-
12 demic and the effect of the pandemic on the health, econ-
13 omy, and public and private institutions of the United
14 States, including public health and homeland security ef-
15 forts by the Federal Government and the use of selected
16 funds under this or any other Act related to the
17 Coronavirus 2019 pandemic and a comprehensive audit
18 and review of charges made to Federal contracts pursuant
19 to authorities provided in the Coronavirus Aid, Relief, and
20 Economic Security Act.
21 (c) BRIEFINGS AND REPORTS.—In conducting moni-
22 toring and oversight under subsection (b), the Comptroller
23 General shall—
24 (1) during the period beginning on the date of
25 enactment of this Act and ending on the date on

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1 which the national emergency declared by the Presi-
2 dent under the National Emergencies Act (50
3 U.S.C. 1601 et seq.) with respect to the Coronavirus
4 Disease 2019 (COVID–19) expires, offer regular
5 briefings on not less frequently than a monthly basis
6 to the appropriate congressional committees regard-
7 ing Federal public health and homeland security ef-
8 forts;
9 (2) publish reports regarding the ongoing moni-
10 toring and oversight efforts, which, along with any
11 audits and investigations conducted by the Comp-
12 troller General, shall be submitted to the appropriate
13 congressional committees and posted on the website
14 of the Government Accountability Office—
15 (A) not later than 90 days after the date
16 of enactment of this Act, and every other
17 month thereafter until the date that is 1 year
18 after the date of enactment of this Act; and
19 (B) after the period described in subpara-
20 graph (A), on a periodic basis; and
21 (3) submit to the appropriate congressional
22 committees additional reports as warranted by the
23 findings of the monitoring and oversight activities of
24 the Comptroller General.
25 (d) ACCESS TO INFORMATION.—

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1 (1) RIGHT OF ACCESS.—In conducting moni-
2 toring and oversight activities under this section, the
3 Comptroller General shall have access to records,
4 upon request, of any Federal, State, or local agency,
5 contractor, grantee, recipient, or subrecipient per-
6 taining to any Federal effort or assistance of any
7 type related to the Coronavirus 2019 pandemic
8 under this Act or any other Act, including private
9 entities receiving such assistance.
10 (2) COPIES.—The Comptroller General may
11 make and retain copies of any records accessed
12 under paragraph (1) as the Comptroller General de-
13 termines appropriate.
14 (3) INTERVIEWS.—In addition to such other au-
15 thorities as are available, the Comptroller General or
16 a designee of the Comptroller General may interview
17 Federal, State, or local officials, contractor staff,
18 grantee staff, recipients, or subrecipients pertaining
19 to any Federal effort or assistance of any type re-
20 lated to the Coronavirus 2019 pandemic under this
21 or any other Act, including private entities receiving
22 such assistance.
23 (4) INSPECTION OF FACILITIES.—As deter-
24 mined necessary by the Comptroller General, the
25 Government Accountability Office may inspect facili-

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1 ties at which Federal, State, or local officials, con-
2 tractor staff, grantee staff, or recipients or sub-
3 recipients carry out their responsibilities related to
4 the Coronavirus 2019 pandemic.
5 (5) ENFORCEMENT.—Access rights under this
6 subsection shall be subject to enforcement consistent
7 with section 716 of title 31, United States Code.
8 (e) RELATIONSHIP TO EXISTING AUTHORITY.—
9 Nothing in this section shall be construed to limit, amend,
10 supersede, or restrict in any manner any existing author-
11 ity of the Comptroller General.

12 NATIONAL EMERGENCY RELIEF AUTHORITY FOR THE
13 REGISTER OF COPYRIGHTS

14 SEC. 19011. (a) AMENDMENT.—Chapter 7 of title
15 17, United States Code, is amended by adding at the end
16 the following:

17 **"§ 710. Emergency relief authority**

18 "(a) EMERGENCY ACTION.—If, on or before Decem-
19 ber 31, 2021, the Register of Copyrights determines that
20 a national emergency declared by the President under the
21 National Emergencies Act (50 U.S.C. 1601 et seq.) gen-
22 erally disrupts or suspends the ordinary functioning of the
23 copyright system under this title, or any component there-
24 of, including on a regional basis, the Register may, on a
25 temporary basis, toll, waive, adjust, or modify any timing
26 provision (including any deadline or effective period, ex-

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1 cept as provided in subsection (c)) or procedural provision
2 contained in this title or chapters II or III of title 37,
3 Code of Federal Regulations, for no longer than the Reg-
4 ister reasonably determines to be appropriate to mitigate
5 the impact of the disruption caused by the national emer-
6 gency. In taking such action, the Register shall consider
7 the scope and severity of the particular national emer-
8 gency, and its specific effect with respect to the particular
9 provision, and shall tailor any remedy accordingly.

10 "(b) NOTICE AND EFFECT.—Any action taken by the
11 Register in response to a national emergency pursuant to
12 subsection (a) shall not be subject to section 701(e) or
13 subchapter II of chapter 5 of title 5, United States Code,
14 and chapter 7 of title 5, United States Code. The provision
15 of general public notice detailing the action being taken
16 by the Register in response to the national emergency
17 under subsection (a) is sufficient to effectuate such action.
18 The Register may make such action effective both prospec-
19 tively and retroactively in relation to a particular provision
20 as the Register determines to be appropriate based on the
21 timing, scope, and nature of the public emergency, but any
22 action by the Register may only be retroactive with respect
23 to a deadline that has not already passed before the dec-
24 laration described in subsection (a).

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1 "(c) STATEMENT REQUIRED.—Except as provided in
2 subsection (d), not later than 20 days after taking any
3 action that results in a provision being modified for a cu-
4 mulative total of longer than 120 days, the Register shall
5 submit to Congress a statement detailing the action taken,
6 the relevant background, and rationale for the action.
7 "(d) EXCEPTIONS.—The authority of the Register to
8 act under subsection (a) does not extend provisions under
9 this title requiring the commencement of an action or pro-
10 ceeding in Federal court within a specified period of time,
11 except that if the Register adjusts the license availability
12 date defined in section 115(e)(15), such adjustment shall
13 not affect the ability to commence actions for any claim
14 of infringement of exclusive rights provided by paragraphs
15 (1) and (3) of section 106 against a digital music provider
16 arising from the unauthorized reproduction or distribution
17 of a musical work by such digital music provider in the
18 course of engaging in covered activities that accrued after
19 January 1, 2018, provided that such action is commenced
20 within the time periods prescribed under section
21 115(d)(10)(C)(i) or 115(d)(10)(C)(ii) as calculated from
22 the adjusted license availability date. If the Register ad-
23 justs the license availability date, the Register must pro-
24 vide the statement to Congress under subsection (c) at the

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1 same time as the public notice of such adjustment with
2 a detailed explanation of why such adjustment is needed.
3 "(e) COPYRIGHT TERM EXCEPTION.—The authority
4 of the Register to act under subsection (a) does not extend
5 to provisions under chapter 3, except section 304(c), or
6 section 1401(a)(2).
7 "(f) OTHER LAWS.—Notwithstanding section 301 of
8 the National Emergencies Act (50 U.S.C. 1631), the au-
9 thority of the Register under subsection (a) is not contin-
10 gent on a specification made by the President under such
11 section or any other requirement under that Act (other
12 than the emergency declaration under section 201(a) of
13 such Act (50 U.S.C. 1621(a))). The authority described
14 in this section supersedes the authority of title II of the
15 National Emergencies Act (50 U.S.C. 1621 et seq.).".
16 (b) TECHNICAL AND CONFORMING AMENDMENT.—
17 The table of sections for chapter 7 of title 17, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

"710. Emergency relief authority.".

20 (c) EMERGENCY REQUIREMENT.—The amount pro-
21 vided by this section is designated by the Congress as
22 being for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 TITLE X

2 DEPARTMENT OF VETERANS AFFAIRS

3 VETERANS BENEFITS ADMINISTRATION

4 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

5 ADMINISTRATION

6 For an additional amount for "General Operating
7 Expenses, Veterans Benefits Administration",
8 $13,000,000, to remain available until September 30,
9 2021, to prevent, prepare for, and respond to coronavirus,
10 domestically or internationally: *Provided*, That such
11 amount is designated by the Congress as being for an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 VETERANS HEALTH ADMINISTRATION

16 MEDICAL SERVICES

17 For an additional amount for "Medical Services",
18 $14,432,000,000, to remain available until September 30,
19 2021, to prevent, prepare for, and respond to coronavirus,
20 domestically or internationally, including related impacts
21 on health care delivery, and for support to veterans who
22 are homeless or at risk of becoming homeless: *Provided*,
23 That such amount is designated by the Congress as being
24 for an emergency requirement pursuant to section

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

3 MEDICAL COMMUNITY CARE

4 For an additional amount for "Medical Community
5 Care", $2,100,000,000, to remain available until Sep-
6 tember 30, 2021, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including re-
8 lated impacts on health care delivery: *Provided*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 MEDICAL SUPPORT AND COMPLIANCE

14 For an additional amount for "Medical Support and
15 Compliance", $100,000,000, to remain available until
16 September 30, 2021, to prevent, prepare for, and respond
17 to coronavirus, domestically or internationally, including
18 related impacts on health care delivery: *Provided*, That
19 such amount is designated by the Congress as being for
20 an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 MEDICAL FACILITIES

24 For an additional amount for "Medical Facilities",
25 $606,000,000, to remain available until September 30,

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1 2021, to prevent, prepare for, and respond to coronavirus,
2 domestically or internationally, including related impacts
3 on health care delivery: *Provided*, That such amount is
4 designated by the Congress as being for an emergency re-
5 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 DEPARTMENTAL ADMINISTRATION

8 GENERAL ADMINISTRATION

9 For an additional amount for ''General Administra-
10 tion'', $6,000,000, to remain available until September 30,
11 2021, to prevent, prepare for, and respond to coronavirus,
12 domestically or internationally: *Provided*, That such
13 amount is designated by the Congress as being for an
14 emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 INFORMATION TECHNOLOGY SYSTEMS

18 For an additional amount for ''Information Tech-
19 nology Systems'', $2,150,000,000, to remain available
20 until September 30, 2021, to prevent, prepare for, and re-
21 spond to coronavirus, domestically or internationally, in-
22 cluding related impacts on health care delivery: *Provided*,
23 That the Secretary shall transmit to the Committees on
24 Appropriations of both Houses of Congress a spend plan
25 detailing the allocation of such funds between pay and as-

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1 sociated costs, operations and maintenance, and informa-
2 tion technology systems development: *Provided further*,
3 That after such transmittal is provided, funds may only
4 be reprogrammed among the three subaccounts referenced
5 in the previous proviso after the Secretary of Veterans Af-
6 fairs submits notice to the Committees on Appropriations
7 of both Houses of Congress: *Provided further*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 OFFICE OF INSPECTOR GENERAL

13 For an additional amount for ''Office of Inspector
14 General'', $12,500,000, to remain available until Sep-
15 tember 30, 2022, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally, for oversight
17 and audit of programs, activities, grants and projects
18 funded under this title: *Provided*, That such amount is
19 designated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

22 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
23 FACILITIES

24 For an additional amount for ''Grants for Construc-
25 tion of State Extended Care Facilities'', $150,000,000, to

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1 remain available until September 30, 2021, to prevent,
2 prepare for, and respond to coronavirus, domestically or
3 internationally, including to modify or alter existing hos-
4 pital, nursing home, and domiciliary facilities in State
5 homes: *Provided*, That such amount is designated by the
6 Congress as being for an emergency requirement pursuant
7 to section 251(b)(2)(A)(i) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 RELATED AGENCIES

10 ARMED FORCES RETIREMENT HOME TRUST FUND

11 For an additional amount for the ''Armed Forces Re-
12 tirement Home Trust Fund'', $2,800,000, to remain avail-
13 able until September 30, 2021, to prevent, prepare for,
14 and respond to coronavirus, to be paid from funds avail-
15 able in the Armed Forces Retirement Home Trust Fund:
16 *Provided*, That of the amounts made available under this
17 heading from funds available in the Armed Forces Retire-
18 ment Home Trust Fund, $2,800,000 shall be paid from
19 the general fund of the Treasury to the Trust Fund: *Pro-*
20 *vided further*, That the Chief Executive Officer of the
21 Armed Forces Retirement Home shall submit to the Com-
22 mittees on Appropriations of both Houses of Congress
23 monthly reports detailing obligations, expenditures, and
24 planned activities: *Provided further*, That such amount is
25 designated by the Congress as being for an emergency re-

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

3 GENERAL PROVISIONS—THIS TITLE

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 20001. Amounts made available for the Depart-
6 ment of Veterans Affairs in this title, under the ''Medical
7 Services'', ''Medical Community Care'', ''Medical Support
8 and Compliance'', and ''Medical Facilities'' accounts may
9 be transferred among the accounts to prevent, prepare for,
10 and respond to coronavirus, domestically and internation-
11 ally: *Provided*, That any transfers among the ''Medical
12 Services'', ''Medical Community Care'', ''Medical Support
13 and Compliance'', and ''Medical Facilities'' accounts of 2
14 percent or less of the total amount appropriated to an ac-
15 count in this title may take place subject to notification
16 from the Secretary of Veterans Affairs to the Committees
17 on Appropriations of both Houses of Congress of the
18 amount and purpose of the transfer: *Provided further*,
19 That any transfers among the ''Medical Services'', ''Med-
20 ical Community Care'', ''Medical Support and Compli-
21 ance'', and ''Medical Facilities'' accounts in excess of 2
22 percent of the total amount appropriated to an account
23 in this title, or exceeding a cumulative 2 percent for all
24 of the funds provided in this title, may take place only
25 after the Secretary requests from the Committees on Ap-

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1 propriations of both Houses of Congress the authority to
2 make the transfer and an approval is issued.

3 SEC. 20002. For all of the funds appropriated in this
4 title the Secretary of Veterans Affairs shall submit to the
5 Committees on Appropriations of both Houses of Congress
6 monthly reports detailing obligations, expenditures, and
7 planned activities.

8 PUBLIC HEALTH EMERGENCY

9 SEC. 20003. In this title, the term "public health
10 emergency" means an emergency with respect to COVID–
11 19 declared by a Federal, State, or local authority.

12 SHORT-TERM AGREEMENTS OR CONTRACTS WITH TELE-
13 COMMUNICATIONS PROVIDERS TO EXPAND TELE-
14 MENTAL HEALTH SERVICES FOR ISOLATED VET-
15 ERANS DURING A PUBLIC HEALTH EMERGENCY

16 SEC. 20004. (a) IN GENERAL.—Notwithstanding any
17 other provision of law, the Secretary of Veterans Affairs
18 may enter into short-term agreements or contracts with
19 telecommunications companies to provide temporary, com-
20 plimentary or subsidized, fixed and mobile broadband
21 services for the purposes of providing expanded mental
22 health services to isolated veterans through telehealth or
23 VA Video Connect during a public health emergency.

24 (b) ELIGIBILITY.—

25 (1) IN GENERAL.—The Secretary may expand
26 eligibility for services described in subsection (a)

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1 from the Department of Veterans Affairs to include
2 veterans already receiving care from the Department
3 who may not be eligible for mental health services or
4 other health care services delivered through tele-
5 health or VA Video Connect.
6 (2) PRIORITY.—For purposes of expanding eli-
7 gibility under paragraph (1), the Secretary shall
8 prioritize—
9 (A) veterans who are in unserved and un-
10 derserved areas;
11 (B) veterans who reside in rural and highly
12 rural areas, as defined in the Rural-Urban
13 Commuting Areas coding system of the Depart-
14 ment of Agriculture;
15 (C) low-income veterans; and
16 (D) any other veterans that the Secretary
17 considers to be at a higher risk for suicide and
18 mental health concerns during isolation periods
19 due to a public health emergency.
20 (c) DEFINITIONS.—In this section:
21 (1) TELEHEALTH.—
22 (A) IN GENERAL.—The term "telehealth"
23 means the use of electronic information and
24 telecommunications technologies to support and
25 promote long-distance clinical health care, pa-

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1 tient and professional health-related education,
2 public health, and health administration.
3 (B) TECHNOLOGIES.—For purposes of
4 subparagraph (A), telecommunications tech-
5 nologies include videoconferencing, the internet,
6 streaming media, and terrestrial and wireless
7 communications.
8 (2) VA VIDEO CONNECT.—The term "VA Video
9 Connect" means the program of the Department of
10 Veterans Affairs to connect veterans with their
11 health care team from anywhere, using encryption to
12 ensure a secure and private session.
13 TREATMENT OF STATE HOMES DURING PUBLIC HEALTH
14 EMERGENCY
15 SEC. 20005. (a) WAIVER OF OCCUPANCY RATE RE-
16 QUIREMENTS.—During a public health emergency, occu-
17 pancy rate requirements for State homes for purposes of
18 receiving per diem payments set forth in section 51.40(c)
19 of title 38, Code of Federal Regulations, or successor regu-
20 lations, shall not apply.
21 (b) WAIVER OF VETERAN PERCENTAGE REQUIRE-
22 MENTS.—During a public health emergency, the veteran
23 percentage requirements for State homes set forth in sec-
24 tion 51.210(d) of title 38, Code of Regulations, or suc-
25 cessor regulations, and in agreements for grants to con-
26 struct State homes, shall not apply.

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1 (c) PROVISION OF MEDICINE, EQUIPMENT, AND SUP-
2 PLIES.—
3 (1) IN GENERAL.—During a public health
4 emergency, the Secretary of Veterans Affairs may
5 provide to State homes medicines, personal protec-
6 tive equipment, medical supplies, and any other
7 equipment, supplies, and assistance available to the
8 Department of Veterans Affairs.
9 (2) PROVISION OF EQUIPMENT.—Personal pro-
10 tective equipment may be provided under paragraph
11 (1) through the All Hazards Emergency Cache of
12 the Department of Veterans Affairs or any other
13 source available to the Department.
14 (d) DEFINITIONS.—In this section:
15 (1) PERSONAL PROTECTIVE EQUIPMENT.—The
16 term ''personal protective equipment'' means any
17 protective equipment required to prevent the wearer
18 from contracting COVID–19, including gloves, N–95
19 respirator masks, gowns, goggles, face shields, or
20 other equipment required for safety.
21 (2) PUBLIC HEALTH EMERGENCY.—The term
22 ''public health emergency'' means an emergency with
23 respect to COVID–19 declared by a Federal, State,
24 or local authority.

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1 (3) STATE HOME.—The term "State home" has
2 the meaning given that term in section 101(19) of
3 title 38, United States Code.

4 MODIFICATIONS TO VETERAN DIRECTED CARE PROGRAM
5 OF DEPARTMENT OF VETERANS AFFAIRS

6 SEC. 20006. (a) TELEPHONE OR TELEHEALTH RE-
7 NEWALS.—For the Veteran Directed Care program of the
8 Department of Veterans Affairs (in this section referred
9 to as the "Program"), during a public health emergency,
10 the Secretary of Veterans Affairs shall—

11 (1) waive the requirement that an area agency
12 on aging process new enrollments and six-month re-
13 newals for the Program via an in-person or home
14 visit; and

15 (2) allow new enrollments and sixth-month re-
16 newals for the Program to be conducted via tele-
17 phone or telehealth modality.

18 (b) NO SUSPENSION OR DISENROLLMENT.—During
19 a public health emergency, the Secretary shall not suspend
20 or dis-enroll a veteran or caregiver of a veteran from the
21 Program unless—

22 (1) requested to do so by the veteran or a rep-
23 resentative of the veteran; or

24 (2) a mutual decision is made between the vet-
25 eran and a health care provider of the veteran to

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1 suspend or dis-enroll the veteran or caregiver from
2 the Program.
3 (c) WAIVER OF PAPERWORK REQUIREMENT.—Dur-
4 ing a public health emergency, the Secretary may waive
5 the requirement for signed, mailed paperwork to confirm
6 the enrollment or renewal of a veteran in the Program
7 and may allow verbal consent of the veteran via telephone
8 or telehealth modality to suffice for purposes of such en-
9 rollment or renewal.
10 (d) WAIVER OF OTHER REQUIREMENTS.—During a
11 public health emergency, the Secretary shall waive—
12 (1) any penalty for late paperwork relating to
13 the Program; and
14 (2) any requirement to stop payments for vet-
15 erans or caregivers of veterans under the Program
16 if they are out of State for more than 14 days.
17 (e) AREA AGENCY ON AGING DEFINED.—In this sec-
18 tion, the term "area agency on aging" has the meaning
19 given that term in section 102 of the Older Americans Act
20 of 1965 (42 U.S.C. 3002).
21 PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF
22 PROSTHETIC APPLIANCES THROUGH NON-DEPART-
23 MENT PROVIDERS DURING PUBLIC HEALTH EMER-
24 GENCY
25 SEC. 20007. The Secretary of Veterans Affairs shall
26 ensure that, to the extent practicable, veterans who are

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1 receiving or are eligible to receive a prosthetic appliance
2 under section 1714 or 1719 of title 38, United States
3 Code, are able to receive such an appliance that the Sec-
4 retary determines is needed from a non-Department of
5 Veterans Affairs provider under a contract with the De-
6 partment during a public health emergency.

7 WAIVER OF PAY CAPS FOR EMPLOYEES OF DEPARTMENT
8 OF VETERANS AFFAIRS DURING PUBLIC HEALTH
9 EMERGENCIES

10 SEC. 20008. (a) IN GENERAL.—Notwithstanding any
11 other provision of law, the Secretary of Veterans Affairs
12 may waive any limitation on pay for an employee of the
13 Department of Veterans Affairs during a public health
14 emergency for work done in support of response to the
15 emergency.

16 (b) REPORTING.—

17 (1) IN GENERAL.—For each month that the
18 Secretary waives a limitation under subsection (a),
19 the Secretary shall submit to the Committee on Vet-
20 erans' Affairs of the Senate and the Committee on
21 Veterans' Affairs of the House of Representatives a
22 report on the waiver.

23 (2) CONTENTS.—Each report submitted under
24 paragraph (1) for a waiver or waivers in a month
25 shall include the following:

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1 (A) Where the waiver or waivers were
2 used, including in which component of the De-
3 partment and, as the case may be, which med-
4 ical center of the Department.
5 (B) For how many employees the waiver or
6 waivers were used, disaggregated by component
7 of the Department and, if applicable, medical
8 center of the Department.
9 (C) The average amount by which each
10 payment exceeded the waived pay limitation
11 that was waived, disaggregated by component of
12 the Department and, if applicable, medical cen-
13 ter of the Department.
14 (c) EMPLOYEE OF THE DEPARTMENT OF VETERANS
15 AFFAIRS DEFINED.—In this section, the term "employee
16 of the Department of Veterans Affairs" includes any em-
17 ployee of the Department of Veterans Affairs, regardless
18 of the authority under which the employee was hired.
19 PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF
20 PERSONAL PROTECTIVE EQUIPMENT FOR HOME
21 HEALTH WORKERS
22 SEC. 20009. (a) PROVISION OF EQUIPMENT.—
23 (1) IN GENERAL.—During a public health
24 emergency, the Secretary of Veterans Affairs shall
25 provide to employees and contractors of the Depart-
26 ment of Veterans Affairs personal protective equip-

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1 ment necessary to provide home care to veterans
2 under the laws administered by the Secretary.
3 (2) SOURCE OF EQUIPMENT.—Personal protec-
4 tive equipment may be provided under paragraph (1)
5 through the All Hazards Emergency Cache of the
6 Department or any other source available to the De-
7 partment.
8 (b) DEFINITIONS.—In this section:
9 (1) HOME CARE.—The term "home care" has
10 the meaning given that term in section 1803(c) of
11 title 38, United States Code.
12 (2) PERSONAL PROTECTIVE EQUIPMENT.—The
13 term "personal protective equipment" means any
14 protective equipment required to prevent the wearer
15 from contracting COVID–19, including gloves, N–95
16 respirator masks, gowns, goggles, face shields, or
17 other equipment required for safety.
18 CLARIFICATION OF TREATMENT OF PAYMENTS FOR PUR-
19 POSES OF ELIGIBILITY FOR VETERANS PENSION AND
20 OTHER VETERANS BENEFITS
21 SEC. 20010. Amounts paid to a person under the
22 2020 Recovery Rebate in the Coronavirus Aid, Relief, and
23 Economic Security Act shall not be treated as income or
24 resources for purposes of determining eligibility for pen-
25 sion under chapter 15 of title 38, United States Code, or

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1 any other benefit under a law administered by the Sec-
2 retary of Veterans Affairs.

3 AVAILABILITY OF TELEHEALTH FOR CASE MANAGERS
4 AND HOMELESS VETERANS

5 SEC. 20011. The Secretary of Veterans Affairs shall
6 ensure that telehealth capabilities are available during a
7 public health emergency for case managers of, and home-
8 less veterans participating in, the Department of Housing
9 and Urban Development–Department of Veterans Affairs
10 Supportive Housing program (commonly referred to as
11 "HUD–VASH").

12 FUNDING LIMITS FOR FINANCIAL ASSISTANCE FOR SUP-
13 PORTIVE SERVICES FOR VERY LOW-INCOME VET-
14 ERAN FAMILIES IN PERMANENT HOUSING DURING A
15 PUBLIC HEALTH EMERGENCY

16 SEC. 20012. In the case of a public health emergency,
17 nothing in subsection (e)(1) of section 2044 of title 38,
18 United States Code, may be construed as limiting amounts
19 that may be made available for carrying out subsections
20 (a), (b), and (c) of such section.

21 MODIFICATIONS TO COMPREHENSIVE SERVICE PROGRAMS
22 FOR HOMELESS VETERANS DURING A PUBLIC
23 HEALTH EMERGENCY

24 SEC. 20013. (a) RULE OF CONSTRUCTION.—In the
25 case of a public health emergency, no authorization of ap-
26 propriations in section 2014 of title 38, United States

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1 Code, may be construed as limiting amounts that may be
2 appropriated for carrying out subchapter II of chapter 20
3 of such title.

4 (b) GRANTS AND PER DIEM PAYMENTS.—In the case
5 of a public health emergency, the Secretary of Veterans
6 Affairs may waive any limits on—

7 (1) grant amounts under sections 2011 and
8 2061 of title 38, United States Code; and

9 (2) rates for per diem payments under sections
10 2012 and 2061 of such title.

11 (c) PARTICIPANT ABSENCE.—Notwithstanding Vet-
12 erans Health Administration Handbook 1162.01(1), dated
13 July 12, 2013, and amended June 30, 2014, and titled
14 "Grant and Per Diem (GPD) Program", or any other pro-
15 vision of law, for the duration of a public health emer-
16 gency, the Secretary—

17 (1) shall waive any requirement to discharge a
18 veteran from the grant and per diem program of the
19 Veterans Health Administration after the veteran is
20 absent for 14 days; and

21 (2) may continue to pay per diem to grant re-
22 cipients and eligible entities under the program for
23 any additional days of absence when a veteran has
24 already been absent for more than 72 hours.

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1 SEC. 20014. The amounts provided by sections
2 20003 through 20013 of this title in this Act are des-
3 ignated by the Congress as being for an emergency re-
4 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

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1 TITLE XI

2 DEPARTMENT OF STATE

3 ADMINISTRATION OF FOREIGN AFFAIRS

4 DIPLOMATIC PROGRAMS

5 For an additional amount for "Diplomatic Pro-
6 grams", $324,000,000, to remain available until Sep-
7 tember 30, 2022, to prevent, prepare for, and respond to
8 coronavirus, including for necessary expenses to maintain
9 consular operations and to provide for evacuation expenses
10 and emergency preparedness: *Provided*, That such amount
11 is designated by the Congress as being for an emergency
12 requirement pursuant to section 251(b)(2)(A)(i) of the
13 Balanced Budget and Emergency Deficit Control Act of
14 1985.

15 UNITED STATES AGENCY FOR INTERNATIONAL
16 DEVELOPMENT

17 FUNDS APPROPRIATED TO THE PRESIDENT

18 OPERATING EXPENSES

19 For an additional amount for "Operating Expenses",
20 $95,000,000, to remain available until September 30,
21 2022, to prevent, prepare for, and respond to coronavirus:
22 *Provided*, That such amount is designated by the Congress
23 as being for an emergency requirement pursuant to sec-
24 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

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1 BILATERAL ECONOMIC ASSISTANCE

2 FUNDS APPROPRIATED TO THE PRESIDENT

3 INTERNATIONAL DISASTER ASSISTANCE

4 For an additional amount for "International Disaster
5 Assistance", $258,000,000, to remain available until ex-
6 pended, to prevent, prepare for, and respond to
7 coronavirus: *Provided*, That such amount is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 DEPARTMENT OF STATE

12 MIGRATION AND REFUGEE ASSISTANCE

13 For an additional amount for "Migration and Ref-
14 ugee Assistance", $350,000,000, to remain available until
15 expended, to prevent, prepare for, and respond to
16 coronavirus: *Provided*, That such amount is designated by
17 the Congress as being for an emergency requirement pur-
18 suant to section 251(b)(2)(A)(i) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 INDEPENDENT AGENCIES

21 PEACE CORPS

22 For an additional amount for "Peace Corps",
23 $88,000,000, to remain available until September 30,
24 2022, to prevent, prepare for, and respond to coronavirus:
25 *Provided*, That such amount is designated by the Congress

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as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 21001. The authorities and limitations of section 402 of the Coronavirus Preparedness and Response Supplemental Appropriations Act (division A of Public Law 116–123) shall apply to funds appropriated by this title as follows:

(1) Subsections (a), (d), (e), and (f) shall apply to funds under the heading "Diplomatic Programs"; and

(2) Subsections (c), (d), (e), and (f) shall apply to funds under the heading "International Disaster Assistance".

SEC. 21002. Funds appropriated by this title under the headings "Diplomatic Programs", "Operating Expenses", and "Peace Corps" may be used to reimburse such accounts administered by the Department of State, the United States Agency for International Development, and the Peace Corps, as appropriate, for obligations incurred to prevent, prepare for, and respond to coronavirus prior to the date of enactment of this Act.

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1 SEC. 21003. The reporting requirement of section
2 406(b) of the Coronavirus Preparedness and Response
3 Supplemental Appropriations Act, 2020 (division A of
4 Public Law 116–123) shall apply to funds appropriated
5 by this title: *Provided*, That the requirement to jointly
6 submit such report shall not apply to the Director of the
7 Peace Corps: *Provided further*, That reports required by
8 such section may be consolidated and shall include infor-
9 mation on all funds made available to such Federal agen-
10 cies to prevent, prepare for, and respond to coronavirus.
11 SEC. 21004. Section 7064(a) of the Department of
12 State, Foreign Operations, and Related Programs Appro-
13 priations Act, 2020 (division G of Public Law 116–94)
14 is amended by striking " $100,000,000" and inserting in
15 lieu thereof " $110,000,000", and by adding the following
16 before the period at the end: ": *Provided*, That no amounts
17 may be used that were designated by the Congress for
18 Overseas Contingency Operations/Global War on Ter-
19 rorism pursuant to the Concurrent Resolution on the
20 Budget or the Balanced Budget and Emergency Deficit
21 Control Act of 1985".
22 SEC. 21005. The Department of State, Foreign Oper-
23 ations, and Related Programs Appropriations Act, 2020
24 (division G of Public Law 116–94) is amended under the
25 heading "Emergencies in the Diplomatic and Consular

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1 Service" in title I by striking " $1,000,000" and inserting
2 in lieu thereof " $5,000,000".

3 SEC. 21006. The Department of State, Foreign Oper-
4 ations, and Related Programs Appropriations Act, 2020
5 (division G of Public Law 116–94) is amended under the
6 heading "Millennium Challenge Corporation" in title III
7 by striking " $105,000,000" in the first proviso and in-
8 serting in lieu thereof " $107,000,000".

9 SEC. 21007. Notwithstanding any other provision of
10 law, and in addition to leave authorized under any other
11 provision of law, the Secretary of State and the Adminis-
12 trator of the United States Agency for International De-
13 velopment may, in order to prevent, prepare for, and re-
14 spond to coronavirus, provide additional paid leave to ad-
15 dress employee hardships resulting from coronavirus: *Pro-*
16 *vided*, That this authority shall apply to leave taken since
17 January 29, 2020, and may be provided abroad and do-
18 mestically: *Provided further*, That the Secretary and the
19 Administrator shall consult with the Committee on Appro-
20 priations and the Committee on Foreign Relations of the
21 Senate and the Committee on Appropriations and the
22 Committee on Foreign Affairs of the House of Representa-
23 tives prior to implementation of such authority: *Provided*
24 *further*, That the authority made available pursuant to
25 this section shall expire on September 30, 2022.

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1 SEC. 21008. The Secretary of State, to prevent, pre-
2 pare for, and respond to coronavirus, may exercise the au-
3 thorities of section 3(j) of the State Department Basic Au-
4 thorities Act of 1956 (22 U.S.C. 2670(j)) to provide med-
5 ical services or related support for private United States
6 citizens, nationals, and permanent resident aliens abroad,
7 or third country nationals connected to such persons or
8 to the diplomatic or development missions of the United
9 States abroad, who are unable to obtain such services or
10 support otherwise: *Provided*, That such assistance shall be
11 provided on a reimbursable basis to the extent feasible:
12 *Provided further*, That such reimbursements may be cred-
13 ited to the applicable Department of State appropriation
14 and shall remain available until expended: *Provided fur-*
15 *ther*, That the Secretary shall prioritize providing medical
16 services or related support to individuals eligible for the
17 health program under section 904 of the Foreign Service
18 Act of 1980 (22 U.S.C. 4084): *Provided further*, That the
19 authority made available pursuant to this section shall ex-
20 pire on September 30, 2022.

21 SEC. 21009. Notwithstanding section 6(b) of the De-
22 partment of State Authorities Act of 2006 (Public Law
23 109–472; 120 Stat. 3556), during fiscal year 2020, pass-
24 port and immigrant visa surcharges collected in any fiscal
25 year pursuant to the fourth paragraph under the heading

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1 "Diplomatic and Consular Programs" in the Department
2 of State and Related Agency Appropriations Act, 2005
3 (title IV of division B of Public Law 108–447; 8 U.S.C.
4 1714) may be obligated and expended for the costs of pro-
5 viding consular services: *Provided*, That such funds should
6 be prioritized for United States citizen services: *Provided*
7 *further*, That not later than 90 days after the expiration
8 of this authority, the Secretary of State shall provide a
9 report to the Committee on Appropriations and the Com-
10 mittee on Foreign Relations of the Senate and the Com-
11 mittee on Appropriations and the Committee on Foreign
12 Affairs of the House of Representatives detailing the spe-
13 cific expenditures made pursuant to this authority: *Pro-*
14 *vided further*, That the amount provided by this section
15 is designated by the Congress as being for an emergency
16 requirement pursuant to section 251(b)(2)(A)(i) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985.

19 SEC. 21010. The Department of State and the
20 United States Agency for International Development are
21 authorized to enter into contracts with individuals for the
22 provision of personal services (as described in section 104
23 of part 37 of title 48, Code of Federal Regulations and
24 including pursuant to section 904 of the Foreign Service
25 Act of 1980 (22 U.S.C. 4084)) to prevent, prepare for,

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1 and respond to coronavirus, within the United States and
2 abroad, subject to prior consultation with, and the notifi-
3 cation procedures of, the Committee on Appropriations
4 and the Committee on Foreign Relations of the Senate
5 and the Committee on Appropriations and the Committee
6 on Foreign Affairs of the House of Representatives: *Pro-*
7 *vided*, That such individuals may not be deemed employees
8 of the United States for the purpose of any law adminis-
9 tered by the Office of Personnel Management: *Provided*
10 *further*, That not later than 15 days after utilizing this
11 authority, the Secretary of State shall provide a report to
12 the Committee on Appropriations and the Committee on
13 Foreign Relations of the Senate and the Committee on
14 Appropriations and the Committee on Foreign Affairs of
15 the House of Representatives on the overall staffing needs
16 for the Office of Medical Services: *Provided further*, That
17 the authority made available pursuant to this section shall
18 expire on September 30, 2022.

19 SEC. 21011. Notwithstanding any other provision of
20 law, the Secretary of State and the Administrator of the
21 United States Agency for International Development may
22 authorize any oath of office required by law to, in par-
23 ticular circumstances that could otherwise pose health
24 risks, be administered remotely, subject to appropriate
25 verification: *Provided*, That prior to initially exercising the

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1 authority of this section, the Secretary and the Adminis-
2 trator shall each submit a report to the Committee on Ap-
3 propriations and the Committee on Foreign Relations of
4 the Senate and the Committee on Appropriations and the
5 Committee on Foreign Affairs of the House of Representa-
6 tives describing the process and procedures for admin-
7 istering such oaths, including appropriate verification:
8 *Provided further*, That the authority made available pursu-
9 ant to this section shall expire on September 30, 2021.
10 SEC. 21012. (a) PURPOSES.—For purposes of
11 strengthening the ability of foreign countries to prevent,
12 prepare for, and respond to coronavirus and to the adverse
13 economic impacts of coronavirus, in a manner that would
14 protect the United States from the spread of coronavirus
15 and mitigate an international economic crisis resulting
16 from coronavirus that may pose a significant risk to the
17 economy of the United States, each paragraph of sub-
18 section (b) shall take effect upon enactment of this Act.
19 (b) CORONAVIRUS RESPONSES.—
20 (1) INTERNATIONAL DEVELOPMENT ASSOCIA-
21 TION REPLENISHMENT.—The International Develop-
22 ment Association Act (22 U.S.C. 284 et seq.) is
23 amended by adding at the end the following new sec-
24 tion:

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1 **"SEC. 31. NINETEENTH REPLENISHMENT.**

2 "(a) IN GENERAL.—The United States Governor of
3 the International Development Association is authorized
4 to contribute on behalf of the United States
5 $3,004,200,000 to the nineteenth replenishment of the re-
6 sources of the Association, subject to obtaining the nec-
7 essary appropriations.

8 "(b) AUTHORIZATION OF APPROPRIATIONS.—In
9 order to pay for the United States contribution provided
10 for in subsection (a), there are authorized to be appro-
11 priated, without fiscal year limitation, $3,004,200,000 for
12 payment by the Secretary of the Treasury.".

13 (2) INTERNATIONAL FINANCE CORPORATION
14 AUTHORIZATION.—The International Finance Cor-
15 poration Act (22 U.S.C. 282 et seq.) is amended by
16 adding at the end the following new section:

17 **"SEC. 18. CAPITAL INCREASES AND AMENDMENT TO THE**
18 **ARTICLES OF AGREEMENT.**

19 "(a) VOTES AUTHORIZED.—The United States Gov-
20 ernor of the Corporation is authorized to vote in favor of—

21 "(1) a resolution to increase the authorized cap-
22 ital stock of the Corporation by 16,999,998 shares,
23 to implement the conversion of a portion of the re-
24 tained earnings of the Corporation into paid-in cap-
25 ital, which will result in the United States being

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1 issued an additional 3,771,899 shares of capital
2 stock, without any cash contribution;
3 "(2) a resolution to increase the authorized cap-
4 ital stock of the Corporation on a general basis by
5 4,579,995 shares; and
6 "(3) a resolution to increase the authorized cap-
7 ital stock of the Corporation on a selective basis by
8 919,998 shares.
9 "(b) AMENDMENT OF THE ARTICLES OF AGREE-
10 MENT.—The United States Governor of the Corporation
11 is authorized to agree to and accept an amendment to arti-
12 cle II, section 2(c)(ii) of the Articles of Agreement of the
13 Corporation that would increase the vote by which the
14 Board of Governors of the Corporation may increase the
15 capital stock of the Corporation from a four-fifths major-
16 ity to an eighty-five percent majority.".
17 (3) AFRICAN DEVELOPMENT BANK.—The Afri-
18 can Development Bank Act (22 U.S.C. 290i et seq.)
19 is amended by adding at the end the following new
20 section:
21 **"SEC. 1345. SEVENTH CAPITAL INCREASE.**
22 "(a) SUBSCRIPTION AUTHORIZED.—
23 "(1) IN GENERAL.—The United States Gov-
24 ernor of the Bank may subscribe on behalf of the

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1 United States to 532,023 additional shares of the
2 capital stock of the Bank.
3 "(2) LIMITATION.—Any subscription by the
4 United States to the capital stock of the Bank shall
5 be effective only to such extent and in such amounts
6 as are provided in advance in appropriations Acts.
7 "(b) AUTHORIZATION OF APPROPRIATIONS.—
8 "(1) IN GENERAL.—In order to pay for the in-
9 crease in the United States subscription to the Bank
10 under subsection (a), there are authorized to be ap-
11 propriated, without fiscal year limitation,
12 $7,286,587,008 for payment by the Secretary of the
13 Treasury.
14 "(2) SHARE TYPES.—Of the amount authorized
15 to be appropriated under paragraph (1)—
16 "(A) $437,190,016 shall be for paid in
17 shares of the Bank; and
18 "(B) $6,849,396,992 shall be for callable
19 shares of the Bank.".
20 (4) AFRICAN DEVELOPMENT FUND.—The Afri-
21 can Development Fund Act (22 U.S.C. 290g et seq.)
22 is amended by adding at the end the following new
23 section:

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1 **"SEC. 226. FIFTEENTH REPLENISHMENT.**

2 "(a) IN GENERAL.—The United States Governor of
3 the Fund is authorized to contribute on behalf of the
4 United States $513,900,000 to the fifteenth replenish-
5 ment of the resources of the Fund, subject to obtaining
6 the necessary appropriations.

7 "(b) AUTHORIZATION OF APPROPRIATIONS.—In
8 order to pay for the United States contribution provided
9 for in subsection (a), there are authorized to be appro-
10 priated, without fiscal year limitation, $513,900,000 for
11 payment by the Secretary of the Treasury.".

12 (5) INTERNATIONAL MONETARY FUND AUTHOR-
13 IZATION FOR NEW ARRANGEMENTS TO BORROW.—

14 (A) IN GENERAL.—Section 17 of the
15 Bretton Woods Agreements Act (22 U.S.C.
16 286e–2) is amended—

17 (i) in subsection (a)—

18 (I) by redesignating paragraphs
19 (3), (4), and (5) as paragraphs (4),
20 (5), and (6), respectively;

21 (II) by inserting after paragraph
22 (2) the following new paragraph:

23 "(3) In order to carry out the purposes of a
24 one-time decision of the Executive Directors of the
25 International Monetary Fund (the Fund) to expand
26 the resources of the New Arrangements to Borrow,

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1 established pursuant to the decision of January 27,
2 1997, referred to in paragraph (1), the Secretary of
3 the Treasury is authorized to make loans, in an
4 amount not to exceed the dollar equivalent of
5 28,202,470,000 of Special Drawing Rights, in addi-
6 tion to any amounts previously authorized under this
7 section, except that prior to activation of the New
8 Arrangements to Borrow, the Secretary of the
9 Treasury shall report to Congress whether supple-
10 mentary resources are needed to forestall or cope
11 with an impairment of the international monetary
12 system and whether the Fund has fully explored
13 other means of funding to the Fund.";
14 (III) in paragraph (5), as so re-
15 designated, by striking "paragraph
16 (3)" and inserting "paragraph (4)";
17 and
18 (IV) in paragraph (6), as so re-
19 designated, by striking "December 16,
20 2022" and inserting "December 31,
21 2025"; and
22 (ii) in subsection (e)(1) by striking
23 "(a)(2)," each place such term appears
24 and inserting "(a)(2), (a)(3),".

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1 (B) EMERGENCY DESIGNATION.—The
2 amount provided by this paragraph is des-
3 ignated by the Congress as being for an emer-
4 gency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985.

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1 TITLE XII

2 DEPARTMENT OF TRANSPORTATION

3 OFFICE OF THE SECRETARY

4 SALARIES AND EXPENSES

5 For an additional amount for "Salaries and Ex-
6 penses", $1,753,000, to remain available until expended,
7 to prevent, prepare for, and respond to coronavirus, in-
8 cluding necessary expenses for operating costs and capital
9 outlays: *Provided*, That such amounts are in addition to
10 any other amounts made available for this purpose: *Pro-*
11 *vided further*, That obligations of amounts under this
12 heading in this Act shall not be subject to the limitation
13 on obligations under the heading "Office of the Sec-
14 retary—Working Capital Fund" in division H of the Fur-
15 ther Consolidated Appropriations Act, 2020 (Public Law
16 116–94): *Provided further*, That such amount is des-
17 ignated by the Congress as being for an emergency re-
18 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 ESSENTIAL AIR SERVICE

21 In addition to funds provided to the "Payments to
22 Air Carriers" program in Public Law 116–94 to carry out
23 the essential air service program under section 41731
24 through 41742 of title 49, United States Code,
25 $56,000,000, to be derived from the general fund of the

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1 Treasury, and to be made available to the Essential Air
2 Service and Rural Improvement Fund, to remain available
3 until expended, to prevent, prepare for, and respond to
4 coronavirus: *Provided*, That such amount is designated by
5 the Congress as being for an emergency requirement pur-
6 suant to section 251(b)(2)(A)(i) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 FEDERAL AVIATION ADMINISTRATION

9 GRANTS-IN-AID FOR AIRPORTS

10 For an additional amount for "Grants-In-Aid for Air-
11 ports", $10,000,000,000, to prevent, prepare for, and re-
12 spond to coronavirus, to remain available until expended:
13 *Provided*, That amounts made available under this head-
14 ing in this Act shall be derived from the general fund of
15 the Treasury: *Provided further*, That funds provided under
16 this heading in this Act shall only be available to sponsors
17 of airports defined in section 47102 of title 49, United
18 States Code: *Provided further*, That funds provided under
19 this heading in this Act shall not otherwise be subject to
20 the requirements of chapter 471 of such title: *Provided*
21 *further*, That funds provided under this heading in this
22 Act may not be used for any purpose not directly related
23 to the airport: *Provided further*, That of the amounts ap-
24 propriated under this heading in this Act—

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1 (1) Not less than $500,000,000 shall be avail-
2 able to pay a Federal share of 100 percent of the
3 costs for which a grant is made under Public Law
4 116–94: *Provided*, That any remaining funds after
5 the apportionment under this paragraph (1) shall be
6 distributed as described in paragraph (2) under this
7 heading in this Act;
8 (2) Not less than $7,400,000,000 shall be avail-
9 able for any purpose for which airport revenues may
10 lawfully be used: *Provided*, That 50 percent of such
11 funds shall be allocated among all commercial serv-
12 ice airports based on each sponsor's calendar year
13 2018 enplanements as a percentage of total 2018
14 enplanements for all commercial service airports:
15 *Provided further*, That the remaining 50 percent of
16 such funds shall be allocated among all commercial
17 service airports based on an equal combination of
18 each sponsor's fiscal year 2018 debt service as a
19 percentage of the combined debt service for all com-
20 mercial service airports and each sponsor's ratio of
21 unrestricted reserves to their respective debt service:
22 *Provided further*, That the Federal share payable of
23 the costs for which a grant is made under this para-
24 graph shall be 100 percent:

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1 (3) Up to $2,000,000,000 shall be available for
2 any purpose for which airport revenues may lawfully
3 be used, and: (A) be apportioned as set forth in sec-
4 tion 47114(c)(1)(C)(i), 47114(c)(1)(C)(ii), or
5 47114(c)(1)(H) of title 49, United States Code; (B)
6 not be subject to the reduced apportionments of 49
7 U.S.C. 47114(f); and (C) have no maximum appor-
8 tionment limit, notwithstanding 47114(c)(1)(C)(iii)
9 of title 49, United States Code: *Provided*, That any
10 remaining funds after the apportionment under this
11 paragraph (3) shall be distributed as described in
12 paragraph (2) under this heading in this Act: *Pro-*
13 *vided further*, That the Federal share payable of the
14 costs for which a grant is made under this para-
15 graph shall be 100 percent; and
16 (4) Not less than $100,000,000 shall be for
17 general aviation airports for any purpose for which
18 airport revenues may lawfully be used, and, which
19 the Secretary shall apportion directly to each eligible
20 airport, as defined in section 47102(8) of title 49,
21 United States Code, based on the categories pub-
22 lished in the most current National Plan of Inte-
23 grated Airport Systems, reflecting the percentage of
24 the aggregate published eligible development costs
25 for each such category, and then dividing the allo-

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1 cated funds evenly among the eligible airports in
2 each category, rounding up to the nearest thousand
3 dollars: *Provided*, That the Federal share payable of
4 the costs for which a grant is made under this para-
5 graph shall be 100 percent:
6 *Provided further*, That the Administrator of the Federal
7 Aviation Administration may retain up to 0.1 percent of
8 the funds provided under this heading in this Act to fund
9 the award and oversight by the Administrator of grants
10 made under this heading in this Act: *Provided further*,
11 That obligations of funds under this heading in this Act
12 shall not be subject to any limitations on obligations pro-
13 vided in Public Law 116–94: *Provided further*, That all
14 airports receiving funds under this heading in this Act
15 shall continue to employ, through December 31, 2020, at
16 least 90 percent of the number of individuals employed
17 (after making adjustments for retirements or voluntary
18 employee separations) by the airport as of the date of en-
19 actment of this Act: *Provided further*, That the Secretary
20 may waive the workforce retention requirement in the pre-
21 vious proviso, if the Secretary determines the airport is
22 experiencing economic hardship as a direct result of the
23 requirement, or the requirement reduces aviation safety
24 or security: *Provided further*, That the workforce retention
25 requirement shall not apply to nonhub airports or nonpri-

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1 mary airports receiving funds under this heading in this
2 Act: *Provided further*, That such amount is designated by
3 the Congress as being for an emergency requirement pur-
4 suant to section 251(b)(2)(A)(i) of the Balanced Budget
5 and Emergency Deficit Control Act of 1985.

6 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

7 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

8 Of prior year unobligated contract authority and liq-
9 uidating cash provided for Motor Carrier Safety in the
10 Transportation Equity Act for the 21st Century (Public
11 Law 105–178), SAFETEA–LU (Public Law 109–59), or
12 other appropriations or authorization acts, in addition to
13 amounts already appropriated in fiscal year 2020 for
14 "Motor Carrier Safety Operations and Programs",
15 $150,000 in additional obligation limitation is provided
16 and repurposed for obligations incurred to support activi-
17 ties to prevent, prepare for, and respond to coronavirus.

18 FEDERAL RAILROAD ADMINISTRATION

19 SAFETY AND OPERATIONS

20 For an additional amount for "Safety and Oper-
21 ations", $250,000, to remain available until September
22 30, 2021, to prevent, prepare for, and respond to
23 coronavirus: *Provided*, That such amount is designated by
24 the Congress as being for an emergency requirement pur-

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

3 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL
4 RAILROAD PASSENGER CORPORATION
5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for "Northeast Corridor
7 Grants to the National Railroad Passenger Corporation",
8 $492,000,000, to remain available until expended, to pre-
9 vent, prepare for, and respond to coronavirus, including
10 to enable the Secretary of Transportation to make or
11 amend existing grants to the National Railroad Passenger
12 Corporation for activities associated with the Northeast
13 Corridor, as authorized by section 11101(a) of the Fixing
14 America's Surface Transportation Act (division A of Pub-
15 lic Law 114–94): *Provided*, That amounts made available
16 under this heading in this Act may be transferred to and
17 merged with "National Network Grants to the National
18 Railroad Passenger Corporation" to prevent, prepare for,
19 and respond to coronavirus: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 NATIONAL NETWORK GRANTS TO THE NATIONAL
2 RAILROAD PASSENGER CORPORATION
3 (INCLUDING TRANSFER OF FUNDS)
4 For an additional amount for "National Network
5 Grants to the National Railroad Passenger Corporation",
6 $526,000,000, to remain available until expended, to pre-
7 vent, prepare for, and respond to coronavirus, including
8 to enable the Secretary of Transportation to make or
9 amend existing grants to the National Railroad Passenger
10 Corporation for activities associated with the National
11 Network as authorized by section 11101(b) of the Fixing
12 America's Surface Transportation Act (division A of Pub-
13 lic Law 114–94): *Provided*, That a State shall not be re-
14 quired to pay the National Railroad Passenger Corpora-
15 tion more than 80 percent of the amount paid in fiscal
16 year 2019 under section 209 of the Passenger Rail Invest-
17 ment and Improvement Act of 2008 (Public Law 110–
18 432) and that not less than $239,000,000 of the amounts
19 made available under this heading in this Act shall be
20 made available for use in lieu of any increase in a State's
21 payment: *Provided further*, That amounts made available
22 under this heading in this Act may be transferred to and
23 merged with "Northeast Corridor Grants to the National
24 Railroad Passenger Corporation" to prevent, prepare for,
25 and respond to coronavirus: *Provided further*, That such

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1 amount is designated by the Congress as being for an
2 emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 FEDERAL TRANSIT ADMINISTRATION

6 TRANSIT INFRASTRUCTURE GRANTS

7 For an additional amount for "Transit Infrastructure
8 Grants", $25,000,000,000, to remain available until ex-
9 pended, to prevent, prepare for, and respond to
10 coronavirus: *Provided*, That the Secretary of Transpor-
11 tation shall provide funds appropriated under this heading
12 in this Act as if such funds were provided under section
13 5307 of title 49, United States Code, and section 5311
14 of title 49, United States Code and apportion such funds
15 in accordance with section 5336 of such title (other than
16 subsections (h)(1) and (h)(4)), section 5311 (other than
17 subsection (b)(3) and (c)(1)(A)), section 5337 and section
18 5340 of title 49, United States Code, and apportion such
19 funds in accordance with such sections except that funds
20 apportioned under section 5337 shall be added to funds
21 apportioned under 5307 for administration under 5307:
22 *Provided further*, That the Secretary shall allocate the
23 amounts provided in the preceding proviso under sections
24 5307, 5311, 5337, and 5340 of title 49, United States
25 Code, among such sections in the same ratio as funds were

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1 provided in the fiscal year 2020 appropriations: *Provided*
2 *further*, That funds apportioned under this heading in this
3 Act shall be apportioned not later than 7 days after the
4 date of enactment of this Act: *Provided further*, That
5 funds shall be apportioned using the fiscal year 2020 ap-
6 portionment formulas: *Provided further*, That not more
7 than three-quarters of 1 percent, but not to exceed
8 $75,000,000, of the funds for transit infrastructure grants
9 provided under this heading in this Act shall be available
10 for administrative expenses and ongoing program manage-
11 ment oversight as authorized under sections 5334 and
12 5338(f)(2) of title 49, United States Code, and shall be
13 in addition to any other appropriations for such purpose:
14 *Provided further*, That notwithstanding subsection (a)(1)
15 or (b) of section 5307 of title 49, United States Code,
16 funds provided under this heading are available for the
17 operating expenses of transit agencies related to the re-
18 sponse to a coronavirus public health emergency as de-
19 scribed in section 319 of the Public Health Service Act,
20 including, beginning on January 20, 2020, reimbursement
21 for operating costs to maintain service and lost revenue
22 due to the coronavirus public health emergency, including
23 the purchase of personal protective equipment, and paying
24 the administrative leave of operations personnel due to re-
25 ductions in service: *Provided further*, That such operating

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1 expenses are not required to be included in a transpor-
2 tation improvement program, long-range transportation,
3 statewide transportation plan, or a statewide transpor-
4 tation improvement program: *Provided further*, That the
5 Secretary shall not waive the requirements of section 5333
6 of title 49, United States Code, for funds appropriated
7 under this heading in this Act or for funds previously
8 made available under section 5307 of title 49, United
9 States Code, or sections 5311, 5337, or 5340 of such title
10 as a result of the coronavirus: *Provided further*, That un-
11 less otherwise specified, applicable requirements under
12 chapter 53 of title 49, United States Code, shall apply to
13 funding made available under this heading in this Act, ex-
14 cept that the Federal share of the costs for which any
15 grant is made under this heading in this Act shall be, at
16 the option of the recipient, up to 100 percent: *Provided*
17 *further*, That the amount made available under this head-
18 ing in this Act shall be derived from the general fund and
19 shall not be subject to any limitation on obligations for
20 transit programs set forth in any Act: *Provided further*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 MARITIME ADMINISTRATION

2 OPERATIONS AND TRAINING

3 For an additional amount for "Operations and Train-
4 ing", $3,134,000, to remain available until September 30,
5 2021, to prevent, prepare for, and respond to coronavirus:
6 *Provided*, That of the amounts made available under this
7 heading in this Act, $1,000,000 shall be for the operations
8 of the United States Merchant Marine Academy: *Provided*
9 *further*, That such amount is designated by the Congress
10 as being for an emergency requirement pursuant to sec-
11 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985.

13 STATE MARITIME ACADEMY OPERATIONS

14 For an additional amount for "State Maritime Acad-
15 emy Operations", $1,000,000, to remain available until
16 September 30, 2021, to prevent, prepare for, and respond
17 to coronavirus: *Provided*, That amounts made available
18 under this heading in this Act shall be for direct payments
19 for State Maritime Academies: *Provided further*, That
20 such amount is designated by the Congress as being for
21 an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 OFFICE OF INSPECTOR GENERAL
2 SALARIES AND EXPENSES
3 For an additional amount for "Office of Inspector
4 General", $5,000,000, to remain available until expended,
5 to prevent, prepare for, and respond to coronavirus: *Pro-*
6 *vided*, That the funding made available under this heading
7 in this Act shall be used for conducting audits and inves-
8 tigations of projects and activities carried out with funds
9 made available in this Act to the Department of Transpor-
10 tation to prevent, prepare for, and respond to coronavirus:
11 *Provided further*, That such amount is designated by the
12 Congress as being for an emergency requirement pursuant
13 to section 251(b)(2)(A)(i) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985.
15 DEPARTMENT OF HOUSING AND URBAN
16 DEVELOPMENT
17 MANAGEMENT AND ADMINISTRATION
18 ADMINISTRATIVE SUPPORT OFFICES
19 For an additional amount for "Administrative Sup-
20 port Offices", $35,000,000, to remain available until Sep-
21 tember 30, 2021, to prevent, prepare for, and respond to
22 coronavirus, for the Office of the Chief Financial Officer,
23 including for Department-wide salaries and expenses, In-
24 formation Technology purposes, and to support the De-
25 partment's workforce in a telework environment: *Provided*,

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1 That the amounts provided under this heading in this Act
2 shall be in addition to amounts otherwise available for
3 such purposes, including amounts made available under
4 the heading "Program Offices" in this Act: *Provided fur-*
5 *ther*, That such amount is designated by the Congress as
6 being for an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 PROGRAM OFFICES

10 For an additional amount for "Program Offices",
11 $15,000,000, to remain available until September 30,
12 2021, to prevent, prepare for, and respond to coronavirus:
13 *Provided*, That of the sums appropriated under this head-
14 ing in this Act—

15 (1) $5,000,000 shall be available for the Office
16 of Public and Indian Housing; and

17 (2) $10,000,000 shall be available for the Office
18 of Community Planning and Development:

19 *Provided further*, That such amount is designated by the
20 Congress as being for an emergency requirement pursuant
21 to section 251(b)(2)(A)(i) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 PUBLIC AND INDIAN HOUSING

2 TENANT-BASED RENTAL ASSISTANCE

3 For an additional amount for "Tenant-Based Rental
4 Assistance", $1,250,000,000, to remain available until ex-
5 pended, to prevent, prepare for, and respond to
6 coronavirus, including to provide additional funds for pub-
7 lic housing agencies to maintain normal operations and
8 take other necessary actions during the period that the
9 program is impacted by coronavirus: *Provided*, That of the
10 amounts made available under this heading in this Act,
11 $850,000,000 shall be available for both administrative
12 expenses and other expenses of public housing agencies for
13 their section 8 programs, including Mainstream vouchers:
14 *Provided further*, That such other expenses shall be new
15 eligible activities to be defined by the Secretary and shall
16 include activities to support or maintain the health and
17 safety of assisted individuals and families, and costs re-
18 lated to retention and support of participating owners:
19 *Provided further*, That amounts made available under
20 paragraph (3) under this heading in Public Law 116–94
21 may be used for such other expenses, as described in the
22 previous proviso, in addition to their other available uses:
23 *Provided further*, That of the amounts made available
24 under this heading in this Act, $400,000,000 shall be
25 available for adjustments in the calendar year 2020 sec-

AMERICAN OVERSIGHT

1 tion 8 renewal funding allocations, in addition to any other
2 appropriations available for such purpose, including Main-
3 stream vouchers, for public housing agencies that experi-
4 ence a significant increase in voucher per-unit costs due
5 to extraordinary circumstances or that, despite taking rea-
6 sonable cost savings measures, as determined by the Sec-
7 retary, would otherwise be required to terminate rental as-
8 sistance for families as a result of insufficient funding:
9 *Provided further*, That the Secretary shall allocate
10 amounts provided in the previous proviso based on need,
11 as determined by the Secretary: *Provided further*, That the
12 Secretary may waive, or specify alternative requirements
13 for, any provision of any statute or regulation that the
14 Secretary administers in connection with the use of the
15 amounts made available under this heading and the same
16 heading of Public Law 116–94 (except for requirements
17 related to fair housing, nondiscrimination, labor stand-
18 ards, and the environment), upon a finding by the Sec-
19 retary that any such waivers or alternative requirements
20 are necessary for the safe and effective administration of
21 these funds, consistent with the purposes described under
22 this heading in this Act, to prevent, prepare for, and re-
23 spond to coronavirus: *Provided further*, That the Secretary
24 shall notify the public through the Federal Register or
25 other appropriate means of any such waiver or alternative

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1 requirement to ensure the most expeditious allocation of
2 this funding, and in order for such waiver or alternative
3 requirement to take effect, and that such public notice
4 may be provided, at a minimum, on the Internet at the
5 appropriate Government web site or through other elec-
6 tronic media, as determined by the Secretary: *Provided*
7 *further*, That any such waivers or alternative requirements
8 shall remain in effect for the time and duration specified
9 by the Secretary in such public notice and may be ex-
10 tended if necessary upon additional notice by the Sec-
11 retary: *Provided further*, That to prevent, prepare for, and
12 respond to coronavirus, the notification required by sec-
13 tion 223 of Public Law 116–6 and section 221 of Public
14 Law 116–94 shall not apply to the award of amounts pro-
15 vided under paragraph (2) of this heading in Public Law
16 116–6 or under paragraph (7)(B) of this heading in Pub-
17 lic Law 116–94 in support of the family unification pro-
18 gram under section 8(x) of such Act: *Provided further*,
19 That the Secretary may award any remaining unobligated
20 balances appropriated under this heading in prior Acts for
21 incremental tenant-based assistance contracts under sec-
22 tion 811 of the Cranston-Gonzalez National Affordable
23 Housing Act (42 U.S.C. 8013), to prevent, prepare for,
24 and respond to coronavirus, without competition, includ-
25 ing for extraordinary administrative fees: *Provided further*,

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1 That no less than 25 percent of such amounts shall be
2 allocated proportionally to public housing agencies who re-
3 ceived awards in the 2017 and 2019 competitions for such
4 purposes within 60 days of enactment of this Act: *Pro-*
5 *vided further*, That the waiver and alternative require-
6 ments authority provided under this heading in this Act
7 shall also apply to such incremental tenant-based assist-
8 ance contract amounts: *Provided further*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 PUBLIC HOUSING OPERATING FUND

14 For an additional amount for "Public Housing Oper-
15 ating Fund", as authorized by section 9(e) of the United
16 States Housing Act of 1937 (42 U.S.C. 1437g(e)),
17 $685,000,000, to remain available until September 30,
18 2021, to prevent, prepare for, and respond to coronavirus,
19 including to provide additional funds for public housing
20 agencies to maintain normal operations and take other
21 necessary actions during the period that the program is
22 impacted by coronavirus: *Provided*, That the amount pro-
23 vided under this heading in this Act shall be combined
24 with the amount appropriated for the same purpose under
25 the same heading of Public Law 116–94, and distributed

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1 to all public housing agencies pursuant to the Operating
2 Fund formula at part 990 of title 24, Code of Federal
3 Regulations: *Provided further*, That for the period from
4 the enactment of this Act through December 31, 2020,
5 such combined total amount may be used for eligible ac-
6 tivities under subsections (d)(1) and (e)(1) of such section
7 9 and for other expenses related to preventing, preparing
8 for, and responding to coronavirus, including activities to
9 support or maintain the health and safety of assisted indi-
10 viduals and families, and activities to support education
11 and child care for impacted families: *Provided further*,
12 That amounts made available under the headings "Public
13 Housing Operating Fund" and "Public Housing Capital
14 Fund" in prior Acts, except for any set-asides listed under
15 such headings, may be used for all of the purposes de-
16 scribed in the previous proviso: *Provided further*, That the
17 expanded uses and funding flexibilities described in the
18 previous two provisos shall be available to all public hous-
19 ing agencies through December 31, 2020, except that the
20 Secretary may extend the period under which such flexi-
21 bilities shall be available in additional 12 month incre-
22 ments upon a finding that individuals and families as-
23 sisted by the public housing program continue to require
24 expanded services due to coronavirus: *Provided further*,
25 That the Secretary may waive, or specify alternative re-

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1 quirements for, any provision of any statute or regulation
2 that the Secretary administers in connection with the use
3 of such combined total amount or funds made available
4 under the headings "Public Housing Operating Fund"
5 and "Public Housing Capital Fund" in prior Acts (except
6 for requirements related to fair housing, nondiscrimina-
7 tion, labor standards, and the environment), upon a find-
8 ing by the Secretary that any such waivers or alternative
9 requirements are necessary for the safe and effective ad-
10 ministration of these funds to prevent, prepare for, and
11 respond to coronavirus: *Provided further*, That the Sec-
12 retary shall notify the public through the Federal Register
13 or other appropriate means of any such waiver or alter-
14 native requirement, to ensure the most expeditious alloca-
15 tion of this funding, in order for such waiver or alternative
16 requirement to take effect, and that such public notice
17 may be provided, at a minimum, on the Internet at the
18 appropriate Government web site or through other elec-
19 tronic media, as determined by the Secretary: *Provided*
20 *further*, That any such waivers or alternative requirements
21 shall remain in effect for the time and duration specified
22 by the Secretary in such public notice and may be ex-
23 tended if necessary upon additional notice by the Sec-
24 retary: *Provided further*, That such amount is designated
25 by the Congress as being for an emergency requirement

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

3 NATIVE AMERICAN PROGRAMS

4 For an additional amount for "Native American Pro-
5 grams", $300,000,000, to remain available until Sep-
6 tember 30, 2024, to prevent, prepare for, and respond to
7 coronavirus, for activities and assistance authorized under
8 title I of the Native American Housing Assistance and
9 Self-Determination Act of 1996 (NAHASDA) (25 U.S.C.
10 4111 et seq.), and under title I of the Housing and Com-
11 munity Development Act of 1974 with respect to Indian
12 tribes (42 U.S.C. 5306(a)(1)): *Provided*, That the
13 amounts made available under this heading in this Act are
14 as follows:

15 (1) No less than $200,000,000 shall be avail-
16 able for the Native American Housing Block Grants
17 program, as authorized under title I of NAHASDA:
18 *Provided*, That amounts made available under this
19 paragraph shall be distributed according to the same
20 funding formula used in fiscal year 2020: *Provided*
21 *further*, That such amounts shall be used by recipi-
22 ents to prevent, prepare for, and respond to
23 coronavirus, including to maintain normal operations
24 and fund eligible affordable housing activities under
25 NAHASDA during the period that the program is

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1 impacted by coronavirus: *Provided further*, That
2 amounts provided under this heading in this Act
3 may be used to cover or reimburse allowable costs to
4 prevent, prepare for, and respond to coronavirus
5 that are incurred by a recipient, including for costs
6 incurred prior to the date of enactment of this Act:
7 *Provided further*, That the Secretary may waive, or
8 specify alternative requirements for, any provision of
9 any statute or regulation that the Secretary admin-
10 isters in connection with the use of amounts made
11 available under this paragraph or under the same
12 paragraph in Public Law 116–94 (except for re-
13 quirements related to fair housing, nondiscrimina-
14 tion, labor standards, and the environment), upon a
15 finding by the Secretary that any such waivers or al-
16 ternative requirements are necessary to expedite or
17 facilitate the use of such amounts to prevent, pre-
18 pare for, and respond to coronavirus: *Provided fur-*
19 *ther*, That any such waivers shall be deemed to be
20 effective as of the date an Indian tribe or tribally
21 designated housing entity began preparing for
22 coronavirus and shall apply to the amounts made
23 available under this paragraph and to the previously
24 appropriated amounts described in the previous pro-
25 viso; and

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1 (2) Up to $100,000,000 shall be available for
2 grants to Indian tribes under the Indian Community
3 Development Block Grant program under title I of
4 the Housing and Community Development Act of
5 1974, notwithstanding section 106(a)(1) of such
6 Act, to prevent, prepare for, and respond to
7 coronavirus, for emergencies that constitute immi-
8 nent threats to health and safety: *Provided*, That the
9 Secretary shall prioritize, without competition, allo-
10 cations of these amounts for activities and projects
11 designed to prevent, prepare for, and respond to
12 coronavirus: *Provided further*, That not to exceed 20
13 percent of any grant made with funds appropriated
14 under this paragraph shall be expended for planning
15 and management development and administration:
16 *Provided further*, That amounts provided under this
17 heading in this Act may be used to cover or reim-
18 burse allowable costs to prevent, prepare for, and re-
19 spond to coronavirus incurred by a recipient, includ-
20 ing for costs incurred prior to the date of enactment
21 of this Act: *Provided further*, That, notwithstanding
22 section 105(a)(8) of such Act (42 U.S.C.
23 5305(a)(8)), there shall be no per centum limitation
24 for the use of funds for public services activities to
25 prevent, prepare for, and respond to coronavirus:

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1 *Provided further*, That the previous proviso shall
2 apply to all such activities for grants of funds made
3 available under this paragraph or under paragraph
4 (4) of this heading in Public Law 116–94: *Provided*
5 *further*, That the Secretary may waive, or specify al-
6 ternative requirements for, any provision of any stat-
7 ute or regulation that the Secretary administers in
8 connection with the use of amounts made available
9 under this paragraph or under paragraph (4) in
10 Public Law 116–94 (except for requirements related
11 to fair housing, nondiscrimination, labor standards,
12 and the environment), upon a finding by the Sec-
13 retary that any such waivers or alternative require-
14 ments are necessary to expedite or facilitate the use
15 of such amounts to prevent, prepare for, and re-
16 spond to coronavirus: *Provided further*, That any
17 such waivers shall be deemed to be effective as of
18 the date an Indian tribe began preparing for
19 coronavirus and shall apply to the amounts made
20 available under this paragraph and to the previously
21 appropriated amounts described in the previous pro-
22 viso:
23 *Provided further*, That such amount is designated by the
24 Congress as being for an emergency requirement pursuant

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

3 COMMUNITY PLANNING AND DEVELOPMENT

4 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

5 For an additional amount for carrying out the
6 "Housing Opportunities for Persons with AIDS" pro-
7 gram, as authorized by the AIDS Housing Opportunity
8 Act (42 U.S.C. 12901 et seq.), $65,000,000, to remain
9 available until September 30, 2021, except that amounts
10 allocated pursuant to section 854(c)(5) of such Act shall
11 remain available until September 30, 2022, to provide ad-
12 ditional funds to maintain operations and for rental assist-
13 ance, supportive services, and other necessary actions, in
14 order to prevent, prepare for, and respond to coronavirus:
15 *Provided*, That not less than $50,000,000 of the amount
16 provided under this heading in this Act shall be allocated
17 pursuant to the formula in section 854 of such Act using
18 the same data elements as utilized pursuant to that same
19 formula in fiscal year 2020: *Provided further*, That up to
20 $10,000,000 of the amount provided under this heading
21 in this Act shall be to provide an additional one-time, non-
22 renewable award to grantees currently administering exist-
23 ing contracts for permanent supportive housing that ini-
24 tially were funded under section 854(c)(5) of such Act
25 from funds made available under this heading in fiscal

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1 year 2010 and prior years: *Provided further*, That such
2 awards shall be made proportionally to their existing
3 grants: *Provided further*, That such awards are not re-
4 quired to be spent on permanent supportive housing: *Pro-*
5 *vided further*, That, notwithstanding section 859(b)(3)(B)
6 of such Act, housing payment assistance for rent, mort-
7 gage, or utilities payments may be provided for a period
8 of up to 24 months: *Provided further*, That, to protect per-
9 sons who are living with HIV/AIDS, such amounts pro-
10 vided under this heading in this Act may be used to self-
11 isolate, quarantine, or to provide other coronavirus infec-
12 tion control services as recommended by the Centers for
13 Disease Control and Prevention for household members
14 not living with HIV/AIDS: *Provided further*, That such
15 amounts may be used to provide relocation services, in-
16 cluding to provide lodging at hotels, motels, or other loca-
17 tions, for persons living with HIV/AIDS and household
18 members not living with HIV/AIDS: *Provided further*,
19 That, notwithstanding section 856(g) of such Act (42
20 U.S.C. 12905(g)), a grantee may use up to 6 percent of
21 its award under this Act for administrative purposes, and
22 a project sponsor may use up to 10 percent of its sub-
23 award under this Act for administrative purposes: *Pro-*
24 *vided further*, That such amounts provided under this
25 heading in this Act may be used to cover or reimburse

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1 allowable costs consistent with the purposes of this head-
2 ing incurred by a grantee or project sponsor regardless
3 of the date on which such costs were incurred: *Provided*
4 *further*, That any regulatory waivers the Secretary may
5 issue may be deemed to be effective as of the date a grant-
6 ee began preparing for coronavirus: *Provided further*, That
7 any additional activities or authorities authorized pursu-
8 ant to this Act may also apply at the discretion and upon
9 notice of the Secretary to all amounts made available
10 under this same heading in Public Law 116–94 if such
11 amounts are used by grantees for the purposes described
12 under this heading: *Provided further*, That up to 2 percent
13 of amounts made available under this heading in this Act
14 may be used, without competition, to increase prior
15 awards made to existing technical assistance providers to
16 provide an immediate increase in capacity building and
17 technical assistance available to grantees under this head-
18 ing and under the same heading in prior Acts: *Provided*
19 *further*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

23 COMMUNITY DEVELOPMENT FUND

24 For an additional amount for "Community Develop-
25 ment Fund", $5,000,000,000, to remain available until

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1 September 30, 2022, to prevent, prepare for, and respond
2 to coronavirus: *Provided*, That up to $2,000,000,000 of
3 the amount made available under this heading in this Act
4 shall be distributed pursuant to section 106 of the Hous-
5 ing and Community Development Act of 1974 (42 U.S.C.
6 5306) to grantees that received allocations pursuant to
7 that same formula in fiscal year 2020, and that such allo-
8 cations shall be made within 30 days of enactment of this
9 Act: *Provided further*, That, in addition to amounts allo-
10 cated pursuant to the preceding proviso, an additional
11 $1,000,000,000 shall be allocated directly to States and
12 insular areas, as defined by 42 U.S.C. 5302(a), to prevent,
13 prepare for, and respond to coronavirus within the State
14 or insular area, including activities within entitlement and
15 nonentitlement communities, based on public health needs,
16 risk of transmission of coronavirus, number of coronavirus
17 cases compared to the national average, and economic and
18 housing market disruptions, and other factors, as deter-
19 mined by the Secretary, using best available data and that
20 such allocations shall be made within 45 days of enact-
21 ment of this Act: *Provided further*, That remaining
22 amounts shall be distributed directly to the State or unit
23 of general local government, at the discretion of the Sec-
24 retary, according to a formula based on factors to be de-
25 termined by the Secretary, prioritizing risk of trans-

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1 mission of coronavirus, number of coronavirus cases com-
2 pared to the national average, and economic and housing
3 market disruptions resulting from coronavirus: *Provided*
4 *further*, That such allocations may be made on a rolling
5 basis based on the best available data at the time of alloca-
6 tion: *Provided further*, That amounts made available in the
7 preceding provisos may be used to cover or reimburse al-
8 lowable costs consistent with the purposes of this heading
9 in this Act incurred by a State or locality regardless of
10 the date on which such costs were incurred: *Provided fur-*
11 *ther*, That section 116(b) of such Act (42 U.S.C. 5316(b))
12 and any implementing regulations, which requires grant-
13 ees to submit their final statements of activities no later
14 than August 16 of a given fiscal year, shall not apply to
15 final statements submitted in accordance with sections
16 104(a)(2) and (a)(3) of such Act (42 U.S.C. 5304(a)(2)
17 and (a)(3)) and comprehensive housing affordability strat-
18 egies submitted in accordance with section 105 of the
19 Cranston-Gonzalez National Affordable Housing Act (42
20 U.S.C. 12705) for fiscal years 2019 and 2020: *Provided*
21 *further*, That such final statements and comprehensive
22 housing affordability strategies shall instead be submitted
23 no later than August 16, 2021: *Provided further*, That the
24 Secretary may waive, or specify alternative requirements
25 for, any provision of any statute or regulation that the

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1 Secretary administers in connection with the use of
2 amounts made available under this heading in this Act and
3 under the same heading in Public Law 116–94 and Public
4 Law 116–6 (except for requirements related to fair hous-
5 ing, nondiscrimination, labor standards, and the environ-
6 ment), upon a finding by the Secretary that any such
7 waivers or alternative requirements are necessary to expe-
8 dite or facilitate the use of such amounts to prevent, pre-
9 pare for, and respond to coronavirus: *Provided further*,
10 That up to $10,000,000 of amounts made available under
11 this heading in this Act may be used to make new awards
12 or increase prior awards to existing technical assistance
13 providers, without competition, to provide an immediate
14 increase in capacity building and technical assistance to
15 support the use of amounts made available under this
16 heading in this Act and under the same heading in prior
17 Acts to prevent, prepare for, and respond to coronavirus:
18 *Provided further*, That, notwithstanding sections
19 104(a)(2), (a)(3), and (c) of the Housing and Community
20 Development Act of 1974 (42 U.S.C. 5304(a)(2), (a)(3),
21 and (c)) and section 105 of the Cranston-Gonzalez Na-
22 tional Affordable Housing Act (42 U.S.C. 12705), a
23 grantee may adopt and utilize expedited procedures to pre-
24 pare, propose, modify, or amend its statement of activities
25 for grants from amounts made available under this head-

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1 ing in this Act and under the same heading in Public Law
2 116–94 and Public Law 116–6: *Provided further*, That
3 under such expedited procedures, the grantee need not
4 hold in-person public hearings, but shall provide citizens
5 with notice and a reasonable opportunity to comment of
6 no less than 5 days: *Provided further*, That, for as long
7 as national or local health authorities recommend social
8 distancing and limiting public gatherings for public health
9 reasons, a grantee may create virtual public hearings to
10 fulfill applicable public hearing requirements for all grants
11 from funds made available under this heading in this Act
12 and under the same heading in Public Law 116–94 and
13 Public Law 116–6: *Provided further*, That any such virtual
14 hearings shall provide reasonable notification and access
15 for citizens in accordance with the grantee's certifications,
16 timely responses from local officials to all citizen questions
17 and issues, and public access to all questions and re-
18 sponses: *Provided further*, That, notwithstanding section
19 105(a)(8) of the Housing and Community Development
20 Act of 1974 (42 U.S.C. 5305(a)(8)), there shall be no per
21 centum limitation for the use of funds for public services
22 activities to prevent, prepare for, and respond to
23 coronavirus: *Provided further*, That the previous proviso
24 shall apply to all such activities for grants of funds made
25 available under this heading in this Act and under the

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1 same heading in Public Law 116–94 and Public Law 116–
2 6: *Provided further*, That the Secretary shall ensure there
3 are adequate procedures in place to prevent any duplica-
4 tion of benefits as required by section 312 of the Robert
5 T. Stafford Disaster Relief and Emergency Assistance Act
6 (42 U.S.C. 5155) and in accordance with section 1210 of
7 the Disaster Recovery Reform Act of 2018 (division D of
8 Public Law 115–254; 132 Stat. 3442), which amended
9 section 312 of the Robert T. Stafford Disaster Relief and
10 Emergency Assistance Act (42 U.S.C. 5155): *Provided*
11 *further*, That such amount is designated by the Congress
12 as being for an emergency requirement pursuant to sec-
13 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985.

15 HOMELESS ASSISTANCE GRANTS

16 For an additional amount for "Homeless Assistance
17 Grants", $4,000,000,000, to remain available until Sep-
18 tember 30, 2022, to prevent, prepare for, and respond to
19 coronavirus, among individuals and families who are
20 homeless or receiving homeless assistance and to support
21 additional homeless assistance and homelessness preven-
22 tion activities to mitigate the impacts created by
23 coronavirus under the Emergency Solutions Grants pro-
24 gram as authorized under subtitle B of title IV of the
25 McKinney-Vento Homeless Assistance Act (42 U.S.C.

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1 11371 et seq.), as amended: *Provided*, That up to
2 $2,000,000,000 of the amount appropriated under this
3 heading in this Act shall be distributed pursuant to 24
4 CFR 576.3 to grantees that received allocations pursuant
5 to that same formula in fiscal year 2020, and that such
6 allocations shall be made within 30 days of enactment of
7 this Act: *Provided further*, That, remaining amounts shall
8 be allocated directly to a State or unit of general local
9 government by a formula to be developed by the Secretary
10 and that such allocations shall be made within 90 days
11 of enactment of this Act: *Provided further*, That such for-
12 mula shall allocate such amounts for the benefit of
13 unsheltered homeless, sheltered homeless, and those at
14 risk of homelessness, to geographical areas with the great-
15 est need based on factors to be determined by the Sec-
16 retary, such as risk of transmission of coronavirus, high
17 numbers or rates of sheltered and unsheltered homeless,
18 and economic and housing market conditions as deter-
19 mined by the Secretary: *Provided further*, That individuals
20 and families whose income does not exceed the Very Low-
21 Income Limit of the area, as determined by the Secretary,
22 shall be considered "at risk of homelessness" and shall
23 be eligible for homelessness prevention if they meet the
24 criteria in section 401(1)(B) and (C) of such Act (42
25 U.S.C. 11360(1)(B) and (C)): *Provided further*, That

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1 amounts provided under this heading in this Act may be
2 used to cover or reimburse allowable costs to prevent, pre-
3 pare for, and respond to coronavirus that are incurred by
4 a State or locality, including for costs incurred prior to
5 the date of enactment of this Act: *Provided further*, That
6 recipients may deviate from applicable procurement stand-
7 ards when procuring goods and services to prevent, pre-
8 pare for, and respond to coronavirus: *Provided further*,
9 That a recipient may use up to 10 percent of its allocation
10 for administrative purposes: *Provided further*, That the
11 use of amounts provided under this heading in this Act
12 shall not be subject to the consultation, citizen participa-
13 tion, or match requirements that otherwise apply to the
14 Emergency Solutions Grants program, except that a re-
15 cipient must publish how it has and will utilize its alloca-
16 tion, at a minimum, on the Internet at the appropriate
17 Government web site or through other electronic media:
18 *Provided further*, That the spending cap established pursu-
19 ant to section 415(b) of such Act (42 U.S.C. 11374) shall
20 not apply to amounts provided under this heading in this
21 Act: *Provided further*, That amounts provided under this
22 heading in this Act may be used to provide temporary
23 emergency shelters (through leasing of existing property,
24 temporary structures, or other means) to prevent, prepare
25 for, and respond to coronavirus, and that such temporary

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1 emergency shelters shall not be subject to the minimum
2 periods of use required by section 416(c)(1) of such Act
3 (42 U.S.C. 11375(c)(1)): *Provided further*, That Federal
4 habitability and environmental review standards and re-
5 quirements shall not apply to the use of such amounts for
6 those temporary emergency shelters that have been deter-
7 mined by State or local health officials to be necessary
8 to prevent, prepare for, and respond to coronavirus: *Pro-*
9 *vided further*, That amounts provided under this heading
10 in this Act may be used for training on infectious disease
11 prevention and mitigation and to provide hazard pay, in-
12 cluding for time worked prior to the date of enactment
13 of this Act, for staff working directly to prevent, prepare
14 for, and respond to coronavirus among persons who are
15 homeless or at risk of homelessness, and that such activi-
16 ties shall not be considered administrative costs for pur-
17 poses of the 10 percent cap: *Provided further*, That in ad-
18 ministering the amounts made available under this head-
19 ing in this Act, the Secretary may waive, or specify alter-
20 native requirements for, any provision of any statute or
21 regulation that the Secretary administers in connection
22 with the obligation by the Secretary or the use by the re-
23 cipient of these amounts (except for requirements related
24 to fair housing, nondiscrimination, labor standards, and
25 the environment unless otherwise provided under this

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1 paragraph), if the Secretary finds that good cause exists
2 for the waiver or alternative requirement and such waiver
3 or alternative requirement is necessary to prevent, prepare
4 for, and respond to coronavirus: *Provided further*, That
5 any such waivers shall be deemed to be effective as of the
6 date a State or unit of local government began preparing
7 for coronavirus and shall apply to the use of amounts pro-
8 vided under this heading in this Act and amounts provided
9 under the same heading for the Emergency Solutions
10 Grant program in prior Acts used by recipients to prevent,
11 prepare for, and respond to coronavirus: *Provided further*,
12 That the Secretary shall notify the public through the
13 Federal Register or other appropriate means of any such
14 waiver or alternative requirement, and that such public
15 notice may be provided, at a minimum, on the Internet
16 at the appropriate Government web site or through other
17 electronic media, as determined by the Secretary: *Provided*
18 *further*, That any additional activities or authorities au-
19 thorized pursuant to this Act, including any waivers and
20 alternative requirements established by the Secretary pur-
21 suant to this Act, may also apply at the discretion and
22 upon notice of the Secretary with respect to all amounts
23 made available for the Emergency Solutions Grants pro-
24 gram under the heading "Homeless Assistance Grants"
25 in any prior Act and used by recipients to prevent, prepare

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1 for, and respond to coronavirus: *Provided further*, That up
2 to 1 percent of amounts made available under this heading
3 in this Act may be used to make new awards or increase
4 prior awards made to existing technical assistance pro-
5 viders with experience in providing health care services to
6 homeless populations, without competition, to provide an
7 immediate increase in capacity building and technical as-
8 sistance available to recipients of amounts for the Emer-
9 gency Solutions Grants program under this heading in this
10 Act and under the same heading in prior Acts: *Provided*
11 *further*, That none of the funds provided under this head-
12 ing in this Act may be used to require people experiencing
13 homelessness to receive treatment or perform any other
14 prerequisite activities as a condition for receiving shelter,
15 housing, or other services: *Provided further*, That such
16 amount is designated by the Congress as being for an
17 emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 HOUSING PROGRAMS

21 PROJECT-BASED RENTAL ASSISTANCE

22 For an additional amount for "Project-Based Rental
23 Assistance", $1,000,000,000, to remain available until ex-
24 pended, to prevent, prepare for, and respond to
25 coronavirus, including to provide additional funds to main-

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1 tain normal operations and take other necessary actions
2 during the period that the program is impacted by
3 coronavirus, for assistance to owners or sponsors of prop-
4 erties receiving project-based assistance pursuant to sec-
5 tion 8 of the United States Housing Act of 1937 (42
6 U.S.C. 1437f et seq.): *Provided*, That the Secretary may
7 waive, or specify alternative requirements for, any provi-
8 sion of any statute or regulation that the Secretary admin-
9 isters in connection with the use of amounts made avail-
10 able under this heading in this Act (except for require-
11 ments related to fair housing, nondiscrimination, labor
12 standards, and the environment), upon a finding by the
13 Secretary that any such waivers or alternative require-
14 ments are necessary to expedite or facilitate the use of
15 such amounts to prevent, prepare for, and respond to
16 coronavirus, and such waiver or alternative requirement
17 is consistent with the purposes described under this head-
18 ing in this Act: *Provided further*, That the Secretary shall
19 notify the public through the Federal Register or other
20 appropriate means of any such waiver or alternative re-
21 quirement in order for such waiver or alternative require-
22 ment to take effect, and that such public notice may be
23 provided, at a minimum, on the Internet at the appro-
24 priate Government web site or through other electronic
25 media, as determined by the Secretary: *Provided further*,

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1 That such amount is designated by the Congress as being
2 for an emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 HOUSING FOR THE ELDERLY

6 For an additional amount for ''Housing for the El-
7 derly'', $50,000,000, to remain available until September
8 30, 2023, to prevent, prepare for, and respond to
9 coronavirus, including to provide additional funds to main-
10 tain normal operations and take other necessary actions
11 during the period that the program is impacted by
12 coronavirus, for assistance to owners or sponsors of prop-
13 erties receiving project-based assistance pursuant to sec-
14 tion 202 of the Housing Act of 1959 (12 U.S.C. 1701q),
15 as amended: *Provided*, That of the amount provided under
16 this heading in this Act, up to $10,000,000 shall be for
17 service coordinators and the continuation of existing con-
18 gregate service grants for residents of assisted housing
19 projects: *Provided further*, That the Secretary may waive,
20 or specify alternative requirements for, any provision of
21 any statute or regulation that the Secretary administers
22 in connection with the use of amounts made available
23 under this heading in this Act (except for requirements
24 related to fair housing, nondiscrimination, labor stand-
25 ards, and the environment), upon a finding by the Sec-

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1 retary that any such waivers or alternative requirements
2 are necessary to expedite or facilitate the use of such
3 amounts to prevent, prepare for, and respond to
4 coronavirus, and such waiver or alternative requirement
5 is consistent with the purposes described under this head-
6 ing in this Act: *Provided further*, That the Secretary shall
7 notify the public through the Federal Register or other
8 appropriate means of any such waiver or alternative re-
9 quirement in order for such waiver or alternative require-
10 ment to take effect, and that such public notice may be
11 provided, at a minimum, on the Internet at the appro-
12 priate Government web site or through other electronic
13 media, as determined by the Secretary: *Provided further*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 HOUSING FOR PERSONS WITH DISABILITIES

19 For an additional amount for "Housing for Persons
20 with Disabilities", $15,000,000, to remain available until
21 September 30, 2023, to prevent, prepare for, and respond
22 to coronavirus, including to provide additional funds to
23 maintain normal operations and take other necessary ac-
24 tions during the period that the program is impacted by
25 coronavirus, for assistance to owners or sponsors of prop-

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1 erties receiving project-based assistance pursuant to sec-
2 tion 811 of the Cranston-Gonzalez National Affordable
3 Housing Act (42 U.S.C. 8013), as amended: *Provided*,
4 That the Secretary may waive, or specify alternative re-
5 quirements for, any provision of any statute or regulation
6 that the Secretary administers in connection with the use
7 of amounts made available under this heading in this Act
8 (except for requirements related to fair housing, non-
9 discrimination, labor standards, and the environment),
10 upon a finding by the Secretary that any such waivers or
11 alternative requirements are necessary to expedite or fa-
12 cilitate the use of such amounts to prevent, prepare for,
13 and respond to coronavirus, and such waiver or alternative
14 requirement is consistent with the purposes described
15 under this heading in this Act: *Provided further*, That the
16 Secretary shall notify the public through the Federal Reg-
17 ister or other appropriate means of any such waiver or
18 alternative requirement in order for such waiver or alter-
19 native requirement to take effect, and that such public no-
20 tice may be provided, at a minimum, on the Internet at
21 the appropriate Government web site or through other
22 electronic media, as determined by the Secretary: *Provided*
23 *further*, That such amount is designated by the Congress
24 as being for an emergency requirement pursuant to sec-

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1 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 FAIR HOUSING AND EQUAL OPPORTUNITY

4 FAIR HOUSING ACTIVITIES

5 For an additional amount for "Fair Housing Activi-
6 ties", $2,500,000, to remain available until September 30,
7 2021, for contracts, grants, and other assistance, as au-
8 thorized by title VIII of the Civil Rights Act of 1968, as
9 amended by the Fair Housing Amendments Act of 1988,
10 and section 561 of the Housing and Community Develop-
11 ment Act of 1987, to prevent, prepare for, and respond
12 to coronavirus, of which $1,500,000 shall be for the Fair
13 Housing Assistance Program Partnership for Special En-
14 forcement grants to address fair housing issues relating
15 to coronavirus, and $1,000,000 shall be for the Fair Hous-
16 ing Initiatives Program for education and outreach activi-
17 ties under such section 561 to educate the public about
18 fair housing issues related to coronavirus: *Provided*, That
19 such amount is designated by the Congress as being for
20 an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 OFFICE OF INSPECTOR GENERAL

24 For an additional amount for "Office of Inspector
25 General", $5,000,000, to remain available until expended,

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1 to prevent, prepare for, and respond to coronavirus: *Pro-*
2 *vided*, That the funding made available under this heading
3 in this Act shall be used for conducting audits and inves-
4 tigations of projects and activities carried out with funds
5 made available in this Act to the Department of Housing
6 and Urban Development to prevent, prepare for, and re-
7 spond to coronavirus: *Provided further*, That such amount
8 is designated by the Congress as being for an emergency
9 requirement pursuant to section 251(b)(2)(A)(i) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985.

12 GENERAL PROVISIONS—THIS TITLE

13 SEC. 22001. Of the amounts made available from the
14 Airport and Airway Trust Fund for "Federal Aviation Ad-
15 ministration—Operations" in title XI of division B of the
16 Bipartisan Budget Act of 2018 (Public Law 115–123),
17 up to $25,000,000 may be used to prevent, prepare for,
18 and respond to coronavirus: *Provided*, That amounts
19 repurposed in this section that were previously designated
20 by the Congress as an emergency requirement pursuant
21 to the Balanced Budget and Emergency Deficit Control
22 Act of 1985 are designated by the Congress as an emer-
23 gency requirement pursuant to section 251(b)(2)(A)(i) of
24 the Balanced Budget and Emergency Deficit Control Act
25 of 1985.

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1 SEC. 22002. For amounts made available by this Act
2 under the headings "Northeast Corridor Grants to the Na-
3 tional Railroad Passenger Corporation" and "National
4 Network Grants to the National Railroad Passenger Cor-
5 poration", the Secretary of Transportation may not waive
6 the requirements under section 24312 of title 49, United
7 States Code, and section 24305(f) of title 49, United
8 States Code: *Provided*, That for amounts made available
9 by this Act under such headings the Secretary shall re-
10 quire the National Railroad Passenger Corporation to
11 comply with the Railway Retirement Act of 1974 (45
12 U.S.C. 231 et seq.), the Railway Labor Act (45 U.S.C.
13 151 et seq.), and the Railroad Unemployment Insurance
14 Act (45 U.S.C. 351 et seq.): *Provided further*, That not
15 later than 7 days after the date of enactment of this Act
16 and each subsequent 7 days thereafter, the Secretary shall
17 notify the House and Senate Committees on Appropria-
18 tions, the Committee on Transportation and Infrastruc-
19 ture of the House of Representatives, and the Committee
20 on Commerce, Science, and Transportation of the Senate
21 of any National Railroad Passenger Corporation employee
22 furloughs as a result of efforts to prevent, prepare for,
23 and respond to coronavirus: *Provided further*, That in the
24 event of any National Railroad Passenger Corporation em-
25 ployee furloughs as a result of efforts to prevent, prepare

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1 for, and respond to coronavirus, the Secretary shall re-
2 quire the National Railroad Passenger Corporation to pro-
3 vide such employees the opportunity to be recalled to their
4 previously held positions as intercity passenger rail service
5 is restored to March 1, 2020 levels and not later than the
6 date on which intercity passenger rail service has been
7 fully restored to March 1, 2020 levels.

8 SEC. 22003. For the duration of fiscal year 2020,
9 section 127(i)(1)(A) of title 23, United States Code, shall
10 read as if and apply to situations in which: the President
11 has declared an emergency or a major disaster under the
12 Robert T. Stafford Disaster Relief and Emergency Assist-
13 ance Act (42 U.S.C. 5121 et seq.).

14 SEC. 22004. No later than September 30, 2020, the
15 remaining unobligated balances of funds made available
16 for the youth homelessness demonstration under the head-
17 ing "Department of Housing and Urban Development—
18 Community Planning and Development—Homeless As-
19 sistance Grants" in the Consolidated Appropriations Act,
20 2018 (Public Law 115–141) are hereby permanently re-
21 scinded, and an amount of additional new budget author-
22 ity equivalent to the amount rescinded is hereby appro-
23 priated, to remain available until September 30, 2021, in
24 addition to other funds as may be available for such pur-
25 poses, and shall be available, without additional competi-

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1 tion, for completing the funding of awards made pursuant
2 to the fiscal year 2018 youth homelessness demonstration.
3 HIGHWAY SAFETY GRANTS EMERGENCY AUTHORITY
4 SEC. 22005. (a) IN GENERAL.—The Secretary of
5 Transportation (referred to in this section as the "Sec-
6 retary") may waive or postpone any requirement under
7 section 402, 404, 405, or 412 of title 23, United States
8 Code, section 4001 of the FAST Act (Public Law 114–
9 94; 129 Stat. 1497), or part 1300 of title 23, Code of
10 Federal Regulations (or successor regulations), if the Sec-
11 retary determines that—
12 (1) the Coronavirus Disease 2019 (COVID-19)
13 is having a substantial impact on—
14 (A) the ability of States to implement or
15 carry out any grant, campaign, or program
16 under those provisions; or
17 (B) the ability of the Secretary to carry
18 out any responsibility of the Secretary with re-
19 spect to a grant, campaign, or program under
20 those provisions; or
21 (2) the requirements of those provisions are
22 having a substantial impact on the ability of States
23 or the Secretary to address the Coronavirus Disease
24 2019 (COVID–19).

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1 (b) REPORT.—The Secretary shall periodically sub-
2 mit to the relevant committees of Congress a report de-
3 scribing—
4 (1) each determination made by the Secretary
5 under subsection (a); and
6 (2) each waiver or postponement of a require-
7 ment under that subsection.
8 (c) EMERGENCY REQUIREMENT.—The amount pro-
9 vided by this section is designated by the Congress as
10 being for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

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1 TITLE XIII

2 GENERAL PROVISIONS—THIS ACT

3 SEC. 23001. Each amount appropriated or made
4 available by this Act is in addition to amounts otherwise
5 appropriated for the fiscal year involved.

6 SEC. 23002. No part of any appropriation contained
7 in this Act shall remain available for obligation beyond
8 the current fiscal year unless expressly so provided herein.

9 SEC. 23003. Unless otherwise provided for by this
10 Act, the additional amounts appropriated by this Act to
11 appropriations accounts shall be available under the au-
12 thorities and conditions applicable to such appropriations
13 accounts for fiscal year 2020.

14 SEC. 23004. (a) Subject to subsection (b), and not-
15 withstanding any other provision of law, funds made avail-
16 able in this Act, or transferred pursuant to authorization
17 granted in this Act, may only be used to prevent, prepare
18 for, and respond to coronavirus.

19 (b) Subsection (a) shall not apply to sections 11002,
20 13002, and 18114 of this Act, reimbursements made pur-
21 suant to authority in this Act, or to funds made available
22 in this Act for the Emergency Reserve Fund, established
23 pursuant to section 7058(c)(1) of division J of Public Law
24 115–31, or to funds made available in this Act for the
25 Infectious Diseases Rapid Response Reserve Fund, estab-

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1 lished pursuant to section 231 of division B of Public Law
2 115–245.
3 (c) This section shall not apply to title VI of this Act.
4 SEC. 23005. In this Act, the term "coronavirus"
5 means SARS–CoV–2 or another coronavirus with pan-
6 demic potential.
7 SEC. 23006. Each amount designated in this Act by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985 shall be avail-
11 able (or rescinded or transferred, if applicable) only if the
12 President subsequently so designates all such amounts
13 and transmits such designations to the Congress.
14 SEC. 23007. Any amount appropriated by this Act,
15 designated by the Congress as an emergency requirement
16 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
17 et and Emergency Deficit Control Act of 1985 and subse-
18 quently so designated by the President, and transferred
19 pursuant to transfer authorities provided by this Act shall
20 retain such designation.
21 BUDGETARY EFFECTS
22 SEC. 23008. (a) STATUTORY PAYGO SCORE-
23 CARDS.—The budgetary effects of this division shall not
24 be entered on either PAYGO scorecard maintained pursu-
25 ant to section 4(d) of the Statutory Pay As-You-Go Act
26 of 2010.

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1 (b) SENATE PAYGO SCORECARDS.—The budgetary
2 effects of this division shall not be entered on any PAYGO
3 scorecard maintained for purposes of section 4106 of H.
4 Con. Res. 71 (115th Congress).
5 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
6 Notwithstanding Rule 3 of the Budget Scorekeeping
7 Guidelines set forth in the joint explanatory statement of
8 the committee of conference accompanying Conference Re-
9 port 105–217 and section 250(c)(7) and (c)(8) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985,
11 the budgetary effects of this division shall be estimated
12 for purposes of section 251 of such Act.
13 (d) ENSURING NO WITHIN-SESSION SEQUESTRA-
14 TION.—Solely for the purpose of calculating a breach with-
15 in a category for fiscal year 2020 pursuant to section
16 251(a)(6) or section 254(g) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985, and notwith-
18 standing any other provision of this division, the budg-
19 etary effects from this division shall be counted as
20 amounts designated as being for an emergency require-
21 ment pursuant to section 251(b)(2)(A) of such Act.
22 This division may be cited as the "Emergency Appro-
23 priations for Coronavirus Health Response and Agency
24 Operations".

AMERICAN OVERSIGHT

**From:** VanderPloeg, Laurie
**Sent:** Wed, 1 Apr 2020 20:39:54 +0000
**To:** OSEP Staff
**Subject:** Update

Good Afternoon-
I hope all of you are taking all necessary precautions to keep yourself and your families healthy!

The work is moving forward- the Rapids Response Team(s) are extremely busy formulating responses for all the inquiries. We are getting about 10-12 a day. We are hoping to get some responses out to the field by the end of the week. Great work!!!!
The CARES Act waiver/flexibility team is busy thinking outside the box with where the states/locals will need some flexibilities so the focus can continue to be around instruction and service for the infants, toddlers, children and youth. We are hoping to have some recommendations to Mark by Friday for his review. We will keep you updated with the recommendations! Great work!!!!

The CARES Act team had their first call today to review the structure of the projected work. There will be regular communication coming out that I will be able to keep you updated. Stay tuned!!!!

RTP had a fun virtual lunch today and I would love to have been a fly on the wall. Hoping there was lots of fun and laughter!!!! Knowing Larry, Renee and others I am sure there was! Continue to work hard and play hard!!!

THANK YOU for the time, energy and brain power you are putting in to keeping the work going as well as continuously adding new to your plates. I continue to say this is a time to remember but not one we will want to repeat! Let's remember the impact that we are and will continue to have on the lives of all of our stakeholders! You are the best!

**Laurie VanderPloeg**
**Director**
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AMERICAN OVERSIGHT

**From:** VanderPloeg, Laurie
**Sent:** Thu, 26 Mar 2020 13:54:39 +0000
**To:** OSEP Staff
**Subject:** Update
**Attachments:** CARES ACT FINAL TEXT.pdf

Good morning!
I want to start this morning with something I shared on the monthly conversation – the real impact on our health, both mental and physical, of the isolation we are all experiencing. We all know that our current situation is not normal and it is understandably difficult. I also want you to know that you do not have to go through this alone – whether you are home by yourself or if you have a large family with you or if your situation is in between. I encourage each of you to take advantage, as needed, of the Employee Assistance Program (EAP). The EAP offers free, confidential services to federal employees and family members. You can call 24 hours a day, seven days a week for confidential help with work, family, personal matters, legal or financial issues. Please take care of yourselves and your families. You are valued and the most important part of this organization.

Information to Start Your Day:

- The Senate unanimously passed the CARES Act early this morning (see attached). It now awaits House approval before going to the White House for the president's signature. We're in the process of going through the act line-by-line, but I wanted to share with you some initial information on provisions related to infants, toddlers, children and youth with disabilities and their families.

  The Department received $30.75 billion. Of that, $16.5 billion is available for programs funded under ESEA (see below).

  The CARES Act provides the Department with $8 million for administration.

  The CARES Act does not provide the Secretary with any waiver authority for IDEA. However, the Act requires the Secretary, not later than 30 days after the date of enactment, to submit a report with recommendations on any additional waivers under IDEA that the Secretary believes are necessary to be enacted into law to provide limited flexibilities to States and LEAs to meet the needs of students during the COVID-19 emergency. (p.330)

  It also does not mention infants and toddlers with disabilities. However, the Act cites to IDEA in its entirety. We are working with OGC to determine the applicability of the CARES Act to Part C.

  Education provisions in title III, subtitle B –
  - Sec. 3511 provides assessment and accountability waiver authority, including reporting on assessments and accountability under ESEA

  Education provisions in division B (p. 755) –
  - Education Stabilization Fund: available through September 30, 2021
    - Governor's Emergency Education Relief Fund ($3 billion)

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- Must apply
- Grant formula based on population (5-24) and relative number of children counted
- Funds used for emergency support to those LEAs most impacted by COVID-19, IHEs in the State most impacted by COVID-19, any other LEA or IHE in the State that the governor deems necessary

- Elementary and Secondary School Emergency Relief Fund ($13.5 billion)
  - Must apply
  - Amount based on the same proportion as each States received under Title I Part A in the most recent fiscal year
  - 90% of grant must be subgranted to the LEAs in the State, including charter schools that are LEAs in proportion of the amount of funds each LEA received under Title I Part A in the most recent fiscal year
  - Funds may be used on:
    - any activity authorized by ESEA, including IDEA (the language of the bill does not specifically exclude Part C)
    - Activities to address the unique needs of … children with disabilities, including how outreach and service delivery will meet the needs of each population
    - Planning for and coordinating during long-term closures including how to provide guidance for carrying out the requirements under IDEA and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements
    - Purchasing educational technology that aids in regular and substantive educational interaction between students and their classroom instructors, including students with disabilities, which may include assistive technology or adaptive equipment
    - Providing mental health services and supports
    - Planning and implementing activities related to summer learning and supplemental afterschool programs, including the needs of students with disabilities
- Assistance to non-public schools
  - LEAs receiving funds must provide equitable services to non-public schools students under ESEA

The Department has a working group that is determining how the Department will administer The CARES Act. OSEP will be represented in this work.

- In response to the directive in the Act, I am interested in your ideas about specific provisions in IDEA that you think should be included in the Secretary's waiver request. Please send your ideas, with citations and a justification, no later than Thursday, April 2. The list already includes many timeline provisions.

Have a great day and I'll be in touch tomorrow morning!

AMERICAN OVERSIGHT

**Laurie VanderPloeg**
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AMENDMENT NO._____ Calendar No._____

Purpose: Providing emergency assistance and health care response for individuals, families and businesses affected by the 2020 coronavirus pandemic.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

# H. R. 748

To amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Coronavirus Aid, Re-
5 lief, and Economic Security Act" or the "CARES Act".

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

7 The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

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TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED ACT

Sec. 1101. Definitions.
Sec. 1102. Paycheck protection program.
Sec. 1103. Entrepreneurial development.
Sec. 1104. State trade expansion program.
Sec. 1105. Waiver of matching funds requirement under the women's business center program.
Sec. 1106. Loan forgiveness.
Sec. 1107. Direct appropriations.
Sec. 1108. Minority business development agency.
Sec. 1109. United States Treasury Program Management Authority.
Sec. 1110. Emergency EIDL grants.
Sec. 1111. Resources and services in languages other than English.
Sec. 1112. Subsidy for certain loan payments.
Sec. 1113. Bankruptcy.
Sec. 1114. Emergency rulemaking authority.

TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES

Subtitle A—Unemployment Insurance Provisions

Sec. 2101. Short title.
Sec. 2102. Pandemic Unemployment Assistance.
Sec. 2103. Emergency unemployment relief for governmental entities and nonprofit organizations.
Sec. 2104. Emergency increase in unemployment compensation benefits.
Sec. 2105. Temporary full Federal funding of the first week of compensable regular unemployment for States with no waiting week.
Sec. 2106. Emergency State staffing flexibility.
Sec. 2107. Pandemic emergency unemployment compensation.
Sec. 2108. Temporary financing of short-time compensation payments in States with programs in law.
Sec. 2109. Temporary financing of short-time compensation agreements.
Sec. 2110. Grants for short-time compensation programs.
Sec. 2111. Assistance and guidance in implementing programs.
Sec. 2112. Waiver of the 7-day waiting period for benefits under the Railroad Unemployment Insurance Act.
Sec. 2113. Enhanced benefits under the Railroad Unemployment Insurance Act.
Sec. 2114. Extended unemployment benefits under the Railroad Unemployment Insurance Act.
Sec. 2115. Funding for the DOL Office of Inspector General for oversight of unemployment provisions.
Sec. 2116. Implementation.

Subtitle B—Rebates and Other Individual Provisions

Sec. 2201. 2020 recovery rebates for individuals.
Sec. 2202. Special rules for use of retirement funds.
Sec. 2203. Temporary waiver of required minimum distribution rules for certain retirement plans and accounts.
Sec. 2204. Allowance of partial above the line deduction for charitable contributions.

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Sec. 2205. Modification of limitations on charitable contributions during 2020.
Sec. 2206. Exclusion for certain employer payments of student loans.

Subtitle C—Business Provisions

Sec. 2301. Employee retention credit for employers subject to closure due to COVID-19.
Sec. 2302. Delay of payment of employer payroll taxes.
Sec. 2303. Modifications for net operating losses.
Sec. 2304. Modification of limitation on losses for taxpayers other than corporations.
Sec. 2305. Modification of credit for prior year minimum tax liability of corporations.
Sec. 2306. Modifications of limitation on business interest.
Sec. 2307. Technical amendments regarding qualified improvement property.
Sec. 2308. Temporary exception from excise tax for alcohol used to produce hand sanitizer.

TITLE III—SUPPORTING AMERICA'S HEALTH CARE SYSTEM IN THE FIGHT AGAINST THE CORONAVIRUS

Subtitle A—Health Provisions

Sec. 3001. Short title.

PART I—ADDRESSING SUPPLY SHORTAGES

SUBPART A—MEDICAL PRODUCT SUPPLIES

Sec. 3101. National Academies report on America's medical product supply chain security.
Sec. 3102. Requiring the strategic national stockpile to include certain types of medical supplies.
Sec. 3103. Treatment of respiratory protective devices as covered countermeasures.

SUBPART B—MITIGATING EMERGENCY DRUG SHORTAGES

Sec. 3111. Prioritize reviews of drug applications; incentives.
Sec. 3112. Additional manufacturer reporting requirements in response to drug shortages.

SUBPART C—PREVENTING MEDICAL DEVICE SHORTAGES

Sec. 3121. Discontinuance or interruption in the production of medical devices.

PART II—ACCESS TO HEALTH CARE FOR COVID-19 PATIENTS

SUBPART A—COVERAGE OF TESTING AND PREVENTIVE SERVICES

Sec. 3201. Coverage of diagnostic testing for COVID-19.
Sec. 3202. Pricing of diagnostic testing.
Sec. 3203. Rapid coverage of preventive services and vaccines for coronavirus.

SUBPART B—SUPPORT FOR HEALTH CARE PROVIDERS

Sec. 3211. Supplemental awards for health centers.
Sec. 3212. Telehealth network and telehealth resource centers grant programs.

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Sec. 3213. Rural health care services outreach, rural health network development, and small health care provider quality improvement grant programs.
Sec. 3214. United States Public Health Service Modernization.
Sec. 3215. Limitation on liability for volunteer health care professionals during COVID-19 emergency response.
Sec. 3216. Flexibility for members of National Health Service Corps during emergency period.

SUBPART C—MISCELLANEOUS PROVISIONS

Sec. 3221. Confidentiality and disclosure of records relating to substance use disorder.
Sec. 3222. Nutrition services.
Sec. 3223. Continuity of service and opportunities for participants in community service activities under title V of the Older Americans Act of 1965.
Sec. 3224. Guidance on protected health information.
Sec. 3225. Reauthorization of healthy start program.
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PART III—INNOVATION

Sec. 3301. Removing the cap on OTA during public health emergencies.
Sec. 3302. Priority zoonotic animal drugs.

PART IV—HEALTH CARE WORKFORCE

Sec. 3401. Reauthorization of health professions workforce programs.
Sec. 3402. Health workforce coordination.
Sec. 3403. Education and training relating to geriatrics.
Sec. 3404. Nursing workforce development.

Subtitle B—Education Provisions

Sec. 3501. Short title.
Sec. 3502. Definitions.
Sec. 3503. Campus-based aid waivers.
Sec. 3504. Use of supplemental educational opportunity grants for emergency aid.
Sec. 3505. Federal work-study during a qualifying emergency.
Sec. 3506. Adjustment of subsidized loan usage limits.
Sec. 3507. Exclusion from Federal Pell Grant duration limit.
Sec. 3508. Institutional refunds and Federal student loan flexibility.
Sec. 3509. Satisfactory academic progress.
Sec. 3510. Continuing education at affected foreign institutions.
Sec. 3511. National emergency educational waivers.
Sec. 3512. HBCU Capital financing.
Sec. 3513. Temporary relief for federal student loan borrowers.
Sec. 3514. Provisions related to the Corporation for National and Community Service.
Sec. 3515. Workforce response activities.
Sec. 3516. Technical amendments.
Sec. 3517. Waiver authority and reporting requirement for institutional aid.
Sec. 3518. Authorized uses and other modifications for grants.
Sec. 3519. Service obligations for teachers.

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Subtitle C—Labor Provisions

Sec. 3601. Limitation on paid leave.
Sec. 3602. Emergency Paid Sick Leave Act Limitation.
Sec. 3603. Unemployment insurance.
Sec. 3604. OMB Waiver of Paid Family and Paid Sick Leave.
Sec. 3605. Paid leave for rehired employees.
Sec. 3606. Advance refunding of credits.
Sec. 3607. Expansion of DOL Authority to postpone certain deadlines.
Sec. 3608. Single-employer plan funding rules.
Sec. 3609. Application of cooperative and small employer charity pension plan rules to certain charitable employers whose primary exempt purpose is providing services with respect to mothers and children.
Sec. 3610. Federal contractor authority.
Sec. 3611. Technical corrections.

Subtitle D—Finance Committee

Sec. 3701. Exemption for telehealth services.
Sec. 3702. Inclusion of certain over-the-counter medical products as qualified medical expenses.
Sec. 3703. Increasing Medicare telehealth flexibilities during emergency period.
Sec. 3704. Enhancing Medicare telehealth services for Federally qualified health centers and rural health clinics during emergency period.
Sec. 3705. Temporary waiver of requirement for face-to-face visits between home dialysis patients and physicians.
Sec. 3706. Use of telehealth to conduct face-to-face encounter prior to recertification of eligibility for hospice care during emergency period.
Sec. 3707. Encouraging use of telecommunications systems for home health services furnished during emergency period.
Sec. 3708. Improving care planning for Medicare home health services.
Sec. 3709. Adjustment of sequestration.
Sec. 3710. Medicare hospital inpatient prospective payment system add-on payment for COVID–19 patients during emergency period.
Sec. 3711. Increasing access to post-acute care during emergency period.
Sec. 3712. Revising payment rates for durable medical equipment under the Medicare program through duration of emergency period.
Sec. 3713. Coverage of the COVID-19 vaccine under part B of the Medicare program without any cost-sharing.
Sec. 3714. Requiring Medicare prescription drug plans and MA–PD plans to allow during the COVID-19 emergency period for fills and refills of covered part D drugs for up to a 3-month supply.
Sec. 3715. Providing home and community-based services in acute care hospitals.
Sec. 3716. Clarification regarding uninsured individuals.
Sec. 3717. Clarification regarding coverage of COVID-19 testing products.
Sec. 3718. Amendments relating to reporting requirements with respect to clinical diagnostic laboratory tests.
Sec. 3719. Expansion of the Medicare hospital accelerated payment program during the COVID-19 public health emergency.
Sec. 3720. Delaying requirements for enhanced FMAP to enable State legislation necessary for compliance.

Subtitle E—Health and Human Services Extenders

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PART I—MEDICARE PROVISIONS

Sec. 3801. Extension of the work geographic index floor under the Medicare program.
Sec. 3802. Extension of funding for quality measure endorsement, input, and selection.
Sec. 3803. Extension of funding outreach and assistance for low-income programs.

PART II—MEDICAID PROVISIONS

Sec. 3811. Extension of the Money Follows the Person rebalancing demonstration program.
Sec. 3812. Extension of spousal impoverishment protections.
Sec. 3813. Delay of DSH reductions.
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PART III—HUMAN SERVICES AND OTHER HEALTH PROGRAMS

Sec. 3821. Extension of sexual risk avoidance education program.
Sec. 3822. Extension of personal responsibility education program.
Sec. 3823. Extension of demonstration projects to address health professions workforce needs.
Sec. 3824. Extension of the temporary assistance for needy families program and related programs.

PART IV—PUBLIC HEALTH PROVISIONS

Sec. 3831. Extension for community health centers, the National Health Service Corps, and teaching health centers that operate GME programs.
Sec. 3832. Diabetes programs.

PART V—MISCELLANEOUS PROVISIONS

Sec. 3841. Prevention of duplicate appropriations for fiscal year 2020.

Subtitle F—Over-the-Counter Drugs

PART I—OTC DRUG REVIEW

Sec. 3851. Regulation of certain nonprescription drugs that are marketed without an approved drug application.
Sec. 3852. Misbranding.
Sec. 3853. Drugs excluded from the over-the-counter drug review.
Sec. 3854. Treatment of Sunscreen Innovation Act.
Sec. 3855. Annual update to Congress on appropriate pediatric indication for certain OTC cough and cold drugs.
Sec. 3856. Technical corrections.

PART II—USER FEES

Sec. 3861. Finding.

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Sec. 3862. Fees relating to over-the-counter drugs.

TITLE IV—ECONOMIC STABILIZATION AND ASSISTANCE TO SEVERELY DISTRESSED SECTORS OF THE UNITED STATES ECONOMY

Subtitle A—Coronavirus Economic Stabilization Act of 2020

Sec. 4001. Short title.
Sec. 4002. Definitions.
Sec. 4003. Emergency relief and taxpayer protections.
Sec. 4004. Limitation on certain employee compensation.
Sec. 4005. Continuation of certain air service.
Sec. 4006. Coordination with Secretary of Transportation.
Sec. 4007. Suspension of certain aviation excise taxes.
Sec. 4008. Debt guarantee authority.
Sec. 4009. Temporary Government in the Sunshine Act relief.
Sec. 4010. Temporary hiring flexibility.
Sec. 4011. Temporary lending limit waiver.
Sec. 4012. Temporary relief for community banks.
Sec. 4013. Temporary relief from troubled debt restructurings.
Sec. 4014. Optional temporary relief from current expected credit losses.
Sec. 4015. Non-applicability of restrictions on ESF during national emergency.
Sec. 4016. Temporary credit union provisions.
Sec. 4017. Increasing access to materials necessary for national security and pandemic recovery.
Sec. 4018. Special Inspector General for Pandemic Recovery.
Sec. 4019. Conflicts of interest.
Sec. 4020. Congressional Oversight Commission.
Sec. 4021. Credit protection during COVID–19.
Sec. 4022. Foreclosure moratorium and consumer right to request forbearance.
Sec. 4023. Forbearance of residential mortgage loan payments for multifamily properties with federally backed loans.
Sec. 4024. Temporary moratorium on eviction filings.
Sec. 4025. Protection of collective bargaining agreement.
Sec. 4026. Reports.
Sec. 4027. Direct appropriation.
Sec. 4028. Rule of construction.
Sec. 4029. Termination of authority.

Subtitle B—Air Carrier Worker Support

Sec. 4111. Definitions.
Sec. 4112. Pandemic relief for aviation workers.
Sec. 4113. Procedures for providing payroll support.
Sec. 4114. Required assurances.
Sec. 4115. Protection of collective bargaining agreement.
Sec. 4116. Limitation on certain employee compensation.
Sec. 4117. Tax payer protection.
Sec. 4118. Reports.
Sec. 4119. Coordination.
Sec. 4120. Direct appropriation.

TITLE V—CORONAVIRUS RELIEF FUNDS

Sec. 5001. Coronavirus Relief Fund.

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TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 6001. COVID–19 borrowing authority for the United States Postal Service.
Sec. 6002. Emergency designation.

DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS

**SEC. 3. REFERENCES.**

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

# DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

## TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED ACT

**SEC. 1101. DEFINITIONS.**

In this title—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 636).

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1 **SEC. 1102. PAYCHECK PROTECTION PROGRAM.**

2 (a) IN GENERAL.—Section 7(a) of the Small Busi-
3 ness Act (15 U.S.C. 636(a)) is amended—

4 (1) in paragraph (2)—

5 (A) in subparagraph (A), in the matter
6 preceding clause (i), by striking "and (E)" and
7 inserting "(E), and (F)"; and

8 (B) by adding at the end the following:

9 "(F) PARTICIPATION IN THE PAYCHECK
10 PROTECTION PROGRAM.—In an agreement to
11 participate in a loan on a deferred basis under
12 paragraph (36), the participation by the Admin-
13 istration shall be 100 percent."; and

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

15 "(36) PAYCHECK PROTECTION PROGRAM.—

16 "(A) DEFINITIONS.—In this paragraph—

17 "(i) the terms 'appropriate Federal
18 banking agency' and 'insured depository
19 institution' have the meanings given those
20 terms in section 3 of the Federal Deposit
21 Insurance Act (12 U.S.C. 1813);

22 "(ii) the term 'covered loan' means a
23 loan made under this paragraph during the
24 covered period;

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1 "(iii) the term 'covered period' means
2 the period beginning on February 15, 2020
3 and ending on June 30, 2020;
4 "(iv) the term 'eligible recipient'
5 means an individual or entity that is eligi-
6 ble to receive a covered loan;
7 "(v) the term 'eligible self-employed
8 individual' has the meaning given the term
9 in section 7002(b) of the Families First
10 Coronavirus Response Act (Public Law
11 116–127);
12 "(vi) the term 'insured credit union'
13 has the meaning given the term in section
14 101 of the Federal Credit Union Act (12
15 U.S.C. 1752);
16 "(vii) the term 'nonprofit organiza-
17 tion' means an organization that is de-
18 scribed in section 501(c)(3) of the Internal
19 Revenue Code of 1986 and that is exempt
20 from taxation under section 501(a) of such
21 Code;
22 "(viii) the term 'payroll costs'—
23 "(I) means—

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1 "(aa) the sum of payments
2 of any compensation with respect
3 to employees that is a—
4 "(AA) salary, wage,
5 commission, or similar com-
6 pensation;
7 "(BB) payment of cash
8 tip or equivalent;
9 "(CC) payment for va-
10 cation, parental, family,
11 medical, or sick leave;
12 "(DD) allowance for
13 dismissal or separation;
14 "(EE) payment re-
15 quired for the provisions of
16 group health care benefits,
17 including insurance pre-
18 miums;
19 "(FF) payment of any
20 retirement benefit; or
21 "(GG) payment of
22 State or local tax assessed
23 on the compensation of em-
24 ployees; and

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1 "(bb) the sum of payments
2 of any compensation to or income
3 of a sole proprietor or inde-
4 pendent contractor that is a
5 wage, commission, income, net
6 earnings from self-employment,
7 or similar compensation and that
8 is in an amount that is not more
9 than $100,000 in 1 year, as pro-
10 rated for the covered period; and
11 "(II) shall not include—
12 "(aa) the compensation of
13 an individual employee in excess
14 of an annual salary of $100,000,
15 as prorated for the covered pe-
16 riod;
17 "(bb) taxes imposed or with-
18 held under chapters 21, 22, or 24
19 of the Internal Revenue Code of
20 1986 during the covered period;
21 "(cc) any compensation of
22 an employee whose principal
23 place of residence is outside of
24 the United States;

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"(dd) qualified sick leave wages for which a credit is allowed under section 7001 of the Families First Coronavirus Response Act (Public Law 116–127); or

"(ee) qualified family leave wages for which a credit is allowed under section 7003 of the Families First Coronavirus Response Act (Public Law 116–127); and

"(ix) the term 'veterans organization' means an organization that is described in section 501(c)(19) of the Internal Revenue Code that is exempt from taxation under section 501(a) of such Code.

"(B) PAYCHECK PROTECTION LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans under the same terms, conditions, and processes as a loan made under this subsection.

"(C) REGISTRATION OF LOANS.—Not later than 15 days after the date on which a loan is made under this paragraph, the Administration

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1 shall register the loan using the TIN (as de-
2 fined in section 7701 of the Internal Revenue
3 Code of 1986) assigned to the borrower.
4 "(D) INCREASED ELIGIBILITY FOR CER-
5 TAIN SMALL BUSINESSES AND ORGANIZA-
6 TIONS.—
7 "(i) IN GENERAL.—During the cov-
8 ered period, in addition to small business
9 concerns, any business concern, nonprofit
10 organization, veterans organization, or
11 Tribal business concern described in sec-
12 tion 31(b)(2)(C) shall be eligible to receive
13 a covered loan if the business concern,
14 nonprofit organization, veterans organiza-
15 tion, or Tribal business concern employs
16 not more than the greater of—
17 "(I) 500 employees; or
18 "(II) if applicable, the size stand-
19 ard in number of employees estab-
20 lished by the Administration for the
21 industry in which the business con-
22 cern, nonprofit organization, veterans
23 organization, or Tribal business con-
24 cern operates.

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1 "(ii) INCLUSION OF SOLE PROPRI-
2 ETORS, INDEPENDENT CONTRACTORS, AND
3 ELIGIBLE SELF-EMPLOYED INDIVID-
4 UALS.—
5 "(I) IN GENERAL.—During the
6 covered period, individuals who oper-
7 ate under a sole proprietorship or as
8 an independent contractor and eligible
9 self-employed individuals shall be eli-
10 gible to receive a covered loan.
11 "(II) DOCUMENTATION.—An eli-
12 gible self-employed individual, inde-
13 pendent contractor, or sole proprietor-
14 ship seeking a covered loan shall sub-
15 mit such documentation as is nec-
16 essary to establish such individual as
17 eligible, including payroll tax filings
18 reported to the Internal Revenue
19 Service, Forms 1099–MISC, and in-
20 come and expenses from the sole pro-
21 prietorship, as determined by the Ad-
22 ministrator and the Secretary.
23 "(iii) BUSINESS CONCERNS WITH
24 MORE THAN 1 PHYSICAL LOCATION.—Dur-
25 ing the covered period, any business con-

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1 cern that employs not more than 500 em-
2 ployees per physical location of the busi-
3 ness concern and that is assigned a North
4 American Industry Classification System
5 code beginning with 72 at the time of dis-
6 bursal shall be eligible to receive a covered
7 loan.

8 "(iv) WAIVER OF AFFILIATION
9 RULES.—During the covered period, the
10 provisions applicable to affiliations under
11 section 121.103 of title 13, Code of Fed-
12 eral Regulations, or any successor regula-
13 tion, are waived with respect to eligibility
14 for a covered loan for—

15 "(I) any business concern with
16 not more than 500 employees that, as
17 of the date on which the covered loan
18 is disbursed, is assigned a North
19 American Industry Classification Sys-
20 tem code beginning with 72;

21 "(II) any business concern oper-
22 ating as a franchise that is assigned a
23 franchise identifier code by the Ad-
24 ministration; and

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"(III) any business concern that receives financial assistance from a company licensed under section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681).

"(v) EMPLOYEE.—For purposes of determining whether a business concern, nonprofit organization, veterans organization, or Tribal business concern described in section 31(b)(2)(C) employs not more than 500 employees under clause (i)(I), the term 'employee' includes individuals employed on a full-time, part-time, or other basis.

"(vi) AFFILIATION.—The provisions applicable to affiliations under section 121.103 of title 13, Code of Federal Regulations, or any successor thereto, shall apply with respect to a nonprofit organization and a veterans organization in the same manner as with respect to a small business concern.

"(E) MAXIMUM LOAN AMOUNT.—During the covered period, with respect to a covered

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1 loan, the maximum loan amount shall be the
2 lesser of—
3 "(i)(I) the sum of—
4 "(aa) the product obtained by
5 multiplying—
6 "(AA) the average total
7 monthly payments by the appli-
8 cant for payroll costs incurred
9 during the 1-year period before
10 the date on which the loan is
11 made, except that, in the case of
12 an applicant that is seasonal em-
13 ployer, as determined by the Ad-
14 ministrator, the average total
15 monthly payments for payroll
16 shall be for the 12-week period
17 beginning February 15, 2019, or
18 at the election of the eligible re-
19 cipient, March 1, 2019, and end-
20 ing June 30, 2019; by
21 "(BB) 2.5; and
22 "(bb) the outstanding amount of
23 a loan under subsection (b)(2) that
24 was made during the period beginning
25 on January 31, 2020 and ending on

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1 the date on which covered loans are
2 made available to be refinanced under
3 the covered loan; or
4 "(II) if requested by an otherwise eli-
5 gible recipient that was not in business
6 during the period beginning on February
7 15, 2019 and ending on June 30, 2019,
8 the sum of—
9 "(aa) the product obtained by
10 multiplying—
11 "(AA) the average total
12 monthly payments by the appli-
13 cant for payroll costs incurred
14 during the period beginning on
15 January 1, 2020 and ending on
16 February 29, 2020; by
17 "(BB) 2.5; and
18 "(bb) the outstanding amount of
19 a loan under subsection (b)(2) that
20 was made during the period beginning
21 on January 31, 2020 and ending on
22 the date on which covered loans are
23 made available to be refinanced under
24 the covered loan; or
25 "(ii) $10,000,000.

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1 "(F) ALLOWABLE USES OF COVERED
2 LOANS.—
3 "(i) IN GENERAL.—During the cov-
4 ered period, an eligible recipient may, in
5 addition to the allowable uses of a loan
6 made under this subsection, use the pro-
7 ceeds of the covered loan for—
8 "(I) payroll costs;
9 "(II) costs related to the continu-
10 ation of group health care benefits
11 during periods of paid sick, medical,
12 or family leave, and insurance pre-
13 miums;
14 "(III) employee salaries, commis-
15 sions, or similar compensations;
16 "(IV) payments of interest on
17 any mortgage obligation (which shall
18 not include any prepayment of or pay-
19 ment of principal on a mortgage obli-
20 gation);
21 "(V) rent (including rent under a
22 lease agreement);
23 "(VI) utilities; and

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1 "(VII) interest on any other debt
2 obligations that were incurred before
3 the covered period.
4 "(ii) DELEGATED AUTHORITY.—
5 "(I) IN GENERAL.—For purposes
6 of making covered loans for the pur-
7 poses described in clause (i), a lender
8 approved to make loans under this
9 subsection shall be deemed to have
10 been delegated authority by the Ad-
11 ministrator to make and approve cov-
12 ered loans, subject to the provisions of
13 this paragraph.
14 "(II) CONSIDERATIONS.—In eval-
15 uating the eligibility of a borrower for
16 a covered loan with the terms de-
17 scribed in this paragraph, a lender
18 shall consider whether the borrower—
19 "(aa) was in operation on
20 February 15, 2020; and
21 "(bb)(AA) had employees
22 for whom the borrower paid sala-
23 ries and payroll taxes; or

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1 "(BB) paid independent
2 contractors, as reported on a
3 Form 1099–MISC.
4 "(iii) ADDITIONAL LENDERS.—The
5 authority to make loans under this para-
6 graph shall be extended to additional lend-
7 ers determined by the Administrator and
8 the Secretary of the Treasury to have the
9 necessary qualifications to process, close,
10 disburse and service loans made with the
11 guarantee of the Administration.
12 "(iv) REFINANCE.—A loan made
13 under subsection (b)(2) during the period
14 beginning on January 31, 2020 and ending
15 on the date on which covered loans are
16 made available may be refinanced as part
17 of a covered loan.
18 "(v) NONRECOURSE.—Notwith-
19 standing the waiver of the personal guar-
20 antee requirement or collateral under sub-
21 paragraph (J), the Administrator shall
22 have no recourse against any individual
23 shareholder, member, or partner of an eli-
24 gible recipient of a covered loan for non-
25 payment of any covered loan, except to the

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1 extent that such shareholder, member, or
2 partner uses the covered loan proceeds for
3 a purpose not authorized under clause (i).
4 "(G) BORROWER REQUIREMENTS.—
5 "(i) CERTIFICATION.—An eligible re-
6 cipient applying for a covered loan shall
7 make a good faith certification—
8 "(I) that the uncertainty of cur-
9 rent economic conditions makes nec-
10 essary the loan request to support the
11 ongoing operations of the eligible re-
12 cipient;
13 "(II) acknowledging that funds
14 will be used to retain workers and
15 maintain payroll or make mortgage
16 payments, lease payments, and utility
17 payments;
18 "(III) that the eligible recipient
19 does not have an application pending
20 for a loan under this subsection for
21 the same purpose and duplicative of
22 amounts applied for or received under
23 a covered loan; and
24 "(IV) during the period begin-
25 ning on February 15, 2020 and end-

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1 ing on December 31, 2020, that the
2 eligible recipient has not received
3 amounts under this subsection for the
4 same purpose and duplicative of
5 amounts applied for or received under
6 a covered loan.
7 "(H) FEE WAIVER.—During the covered
8 period, with respect to a covered loan—
9 "(i) in lieu of the fee otherwise appli-
10 cable under paragraph (23)(A), the Ad-
11 ministrator shall collect no fee; and
12 "(ii) in lieu of the fee otherwise appli-
13 cable under paragraph (18)(A), the Ad-
14 ministrator shall collect no fee.
15 "(I) CREDIT ELSEWHERE.—During the
16 covered period, the requirement that a small
17 business concern is unable to obtain credit else-
18 where, as defined in section 3(h), shall not
19 apply to a covered loan.
20 "(J) WAIVER OF PERSONAL GUARANTEE
21 REQUIREMENT.—During the covered period,
22 with respect to a covered loan—
23 "(i) no personal guarantee shall be re-
24 quired for the covered loan; and

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1 "(ii) no collateral shall be required for
2 the covered loan.
3 "(K) MATURITY FOR LOANS WITH RE-
4 MAINING BALANCE AFTER APPLICATION OF
5 FORGIVENESS.—With respect to a covered loan
6 that has a remaining balance after reduction
7 based on the loan forgiveness amount under
8 section 1106 of the CARES Act—
9 "(i) the remaining balance shall con-
10 tinue to be guaranteed by the Administra-
11 tion under this subsection; and
12 "(ii) the covered loan shall have a
13 maximum maturity of 10 years from the
14 date on which the borrower applies for
15 loan forgiveness under that section.
16 "(L) INTEREST RATE REQUIREMENTS.—A
17 covered loan shall bear an interest rate not to
18 exceed 4 percent.
19 "(M) LOAN DEFERMENT.—
20 "(i) DEFINITION OF IMPACTED BOR-
21 ROWER.—
22 "(I) IN GENERAL.—In this sub-
23 paragraph, the term 'impacted bor-
24 rower' means an eligible recipient
25 that—

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1 "(aa) is in operation on
2 February 15, 2020; and
3 "(bb) has an application for
4 a covered loan that is approved
5 or pending approval on or after
6 the date of enactment of this
7 paragraph.
8 "(II) PRESUMPTION.—For pur-
9 poses of this subparagraph, an im-
10 pacted borrower is presumed to have
11 been adversely impacted by COVID–
12 19.
13 "(ii) DEFERRAL.—During the covered
14 period, the Administrator shall—
15 "(I) consider each eligible recipi-
16 ent that applies for a covered loan to
17 be an impacted borrower; and
18 "(II) require lenders under this
19 subsection to provide complete pay-
20 ment deferment relief for impacted
21 borrowers with covered loans for a pe-
22 riod of not less than 6 months, includ-
23 ing payment of principal, interest, and
24 fees, and not more than 1 year.

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1 "(iii) SECONDARY MARKET.—During
2 the covered period, with respect to a cov-
3 ered loan that is sold on the secondary
4 market, if an investor declines to approve
5 a deferral requested by a lender under
6 clause (ii), the Administrator shall exercise
7 the authority to purchase the loan so that
8 the impacted borrower may receive a defer-
9 ral for a period of not less than 6 months,
10 including payment of principal, interest,
11 and fees, and not more than 1 year.
12 "(iv) GUIDANCE.—Not later than 30
13 days after the date of enactment of this
14 paragraph, the Administrator shall provide
15 guidance to lenders under this paragraph
16 on the deferment process described in this
17 subparagraph.
18 "(N) SECONDARY MARKET SALES.—A cov-
19 ered loan shall be eligible to be sold in the sec-
20 ondary market consistent with this subsection.
21 The Administrator may not collect any fee for
22 any guarantee sold into the secondary market
23 under this subparagraph.
24 "(O) REGULATORY CAPITAL REQUIRE-
25 MENTS.—

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1 "(i) RISK WEIGHT.—With respect to
2 the appropriate Federal banking agencies
3 or the National Credit Union Administra-
4 tion Board applying capital requirements
5 under their respective risk-based capital re-
6 quirements, a covered loan shall receive a
7 risk weight of zero percent.
8 "(ii) TEMPORARY RELIEF FROM TDR
9 DISCLOSURES.—Notwithstanding any other
10 provision of law, an insured depository in-
11 stitution or an insured credit union that
12 modifies a covered loan in relation to
13 COVID–19-related difficulties in a trou-
14 bled debt restructuring on or after March
15 13, 2020, shall not be required to comply
16 with the Financial Accounting Standards
17 Board Accounting Standards Codification
18 Subtopic 310-40 ('Receivables – Troubled
19 Debt Restructurings by Creditors') for
20 purposes of compliance with the require-
21 ments of the Federal Deposit Insurance
22 Act (12 U.S.C. 1811 et seq.), until such
23 time and under such circumstances as the
24 appropriate Federal banking agency or the
25 National Credit Union Administration

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1 Board, as applicable, determines appro-
2 priate.
3 "(P) REIMBURSEMENT FOR PROC-
4 ESSING.—
5 "(i) IN GENERAL.—The Administrator
6 shall reimburse a lender authorized to
7 make a covered loan at a rate, based on
8 the balance of the financing outstanding at
9 the time of disbursement of the covered
10 loan, of—
11 "(I) 5 percent for loans of not
12 more than $350,000;
13 "(II) 3 percent for loans of more
14 than $350,000 and less than
15 $2,000,000; and
16 "(III) 1 percent for loans of not
17 less than $2,000,000.
18 "(ii) FEE LIMITS.—An agent that as-
19 sists an eligible recipient to prepare an ap-
20 plication for a covered loan may not collect
21 a fee in excess of the limits established by
22 the Administrator.
23 "(iii) TIMING.—A reimbursement de-
24 scribed in clause (i) shall be made not later

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1 than 5 days after the disbursement of the
2 covered loan.
3 "(iv) SENSE OF THE SENATE.—It is
4 the sense of the Senate that the Adminis-
5 trator should issue guidance to lenders and
6 agents to ensure that the processing and
7 disbursement of covered loans prioritizes
8 small business concerns and entities in un-
9 derserved and rural markets, including vet-
10 erans and members of the military commu-
11 nity, small business concerns owned and
12 controlled by socially and economically dis-
13 advantaged individuals (as defined in sec-
14 tion 8(d)(3)(C)), women, and businesses in
15 operation for less than 2 years.
16 "(Q) DUPLICATION.—Nothing in this
17 paragraph shall prohibit a recipient of an eco-
18 nomic injury disaster loan made under sub-
19 section (b)(2) during the period beginning on
20 January 31, 2020 and ending on the date on
21 which covered loans are made available that is
22 for a purpose other than paying payroll costs
23 and other obligations described in subparagraph
24 (F) from receiving assistance under this para-
25 graph.

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"(R) WAIVER OF PREPAYMENT PENALTY.—Notwithstanding any other provision of law, there shall be no prepayment penalty for any payment made on a covered loan.".

(b) COMMITMENTS FOR 7(A) LOANS.—During the period beginning on February 15, 2020 and ending on June 30, 2020—

(1) the amount authorized for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), including loans made under paragraph (36) of such section, as added by subsection (a), shall be $349,000,000,000; and

(2) the amount authorized for commitments for such loans under the heading "BUSINESS LOANS PROGRAM ACCOUNT" under the heading "SMALL BUSINESS ADMINISTRATION" under title V of the Consolidated Appropriations Act, 2020 (Public Law 116–93; 133 Stat. 2475) shall not apply.

(c) EXPRESS LOANS.—

(1) IN GENERAL.—Section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking "$350,000" and inserting "$1,000,000".

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1 (2) PROSPECTIVE REPEAL.—Effective on Janu-
2 ary 1, 2021, section 7(a)(31)(D) of the Small Busi-
3 ness Act (15 U.S.C. 636(a)(31)(D)) is amended by
4 striking "$1,000,000" and inserting "$350,000".
5 (d) EXCEPTION TO GUARANTEE FEE WAIVER FOR
6 VETERANS.—Section 7(a)(31)(G) of the Small Business
7 Act (15 U.S.C. 636(a)(31)(G)) is amended—
8 (1) by striking clause (ii); and
9 (2) by redesignating clause (iii) as clause (ii).
10 (e) INTERIM RULE.—On and after the date of enact-
11 ment of this Act, the interim final rule published by the
12 Administrator entitled "Express Loan Programs: Affili-
13 ation Standards" (85 Fed. Reg. 7622 (February 10,
14 2020)) is permanently rescinded and shall have no force
15 or effect.
16 **SEC. 1103. ENTREPRENEURIAL DEVELOPMENT.**
17 (a) DEFINITIONS.—In this section—
18 (1) the term "covered small business concern"
19 means a small business concern that has experi-
20 enced, as a result of COVID–19—
21 (A) supply chain disruptions, including
22 changes in—
23 (i) quantity and lead time, including
24 the number of shipments of components
25 and delays in shipments;

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1 (ii) quality, including shortages in
2 supply for quality control reasons; and
3 (iii) technology, including a com-
4 promised payment network;
5 (B) staffing challenges;
6 (C) a decrease in gross receipts or cus-
7 tomers; or
8 (D) a closure;
9 (2) the term "resource partner" means—
10 (A) a small business development center;
11 and
12 (B) a women's business center;
13 (3) the term "small business development cen-
14 ter" has the meaning given the term in section 3 of
15 the Small Business Act (15 U.S.C. 632); and
16 (4) the term "women's business center" means
17 a women's business center described in section 29 of
18 the Small Business Act (15 U.S.C. 656).
19 (b) EDUCATION, TRAINING, AND ADVISING
20 GRANTS.—
21 (1) IN GENERAL.—The Administration may
22 provide financial assistance in the form of grants to
23 resource partners to provide education, training, and
24 advising to covered small business concerns.

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1 (2) USE OF FUNDS.—Grants under this sub-
2 section shall be used for the education, training, and
3 advising of covered small business concerns and
4 their employees on—
5 (A) accessing and applying for resources
6 provided by the Administration and other Fed-
7 eral resources relating to access to capital and
8 business resiliency;
9 (B) the hazards and prevention of the
10 transmission and communication of COVID–19
11 and other communicable diseases;
12 (C) the potential effects of COVID–19 on
13 the supply chains, distribution, and sale of
14 products of covered small business concerns and
15 the mitigation of those effects;
16 (D) the management and practice of
17 telework to reduce possible transmission of
18 COVID–19;
19 (E) the management and practice of re-
20 mote customer service by electronic or other
21 means;
22 (F) the risks of and mitigation of cyber
23 threats in remote customer service or telework
24 practices;

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(G) the mitigation of the effects of reduced travel or outside activities on covered small business concerns during COVID–19 or similar occurrences; and

(H) any other relevant business practices necessary to mitigate the economic effects of COVID–19 or similar occurrences.

(3) GRANT DETERMINATION.—

(A) SMALL BUSINESS DEVELOPMENT CENTERS.—The Administration shall award 80 percent of funds authorized to carry out this subsection to small business development centers, which shall be awarded pursuant to a formula jointly developed, negotiated, and agreed upon, with full participation of both parties, between the association formed under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) and the Administration.

(B) WOMEN'S BUSINESS CENTERS.—The Administration shall award 20 percent of funds authorized to carry out this subsection to women's business centers, which shall be awarded pursuant to a process established by the Administration in consultation with recipients of assistance.

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1 (C) NO MATCHING FUNDS REQUIRED.—
2 Matching funds shall not be required for any
3 grant under this subsection.
4 (4) GOALS AND METRICS.—
5 (A) IN GENERAL.—Goals and metrics for
6 the funds made available under this subsection
7 shall be jointly developed, negotiated, and
8 agreed upon, with full participation of both par-
9 ties, between the resource partners and the Ad-
10 ministrator, which shall—
11 (i) take into consideration the extent
12 of the circumstances relating to the spread
13 of COVID–19, or similar occurrences, that
14 affect covered small business concerns lo-
15 cated in the areas covered by the resource
16 partner, particularly in rural areas or eco-
17 nomically distressed areas;
18 (ii) generally follow the use of funds
19 outlined in paragraph (2), but shall not re-
20 strict the activities of resource partners in
21 responding to unique situations; and
22 (iii) encourage resource partners to
23 develop and provide services to covered
24 small business concerns.

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1 (B) PUBLIC AVAILABILITY.—The Adminis-
2 trator shall make publicly available the method-
3 ology by which the Administrator and resource
4 partners jointly develop the metrics and goals
5 described in subparagraph (A).
6 (c) RESOURCE PARTNER ASSOCIATION GRANTS.—
7 (1) IN GENERAL.—The Administrator may pro-
8 vide grants to an association or associations rep-
9 resenting resource partners under which the associa-
10 tion or associations shall establish a single central-
11 ized hub for COVID–19 information, which shall in-
12 clude—
13 (A) 1 online platform that consolidates re-
14 sources and information available across mul-
15 tiple Federal agencies for small business con-
16 cerns related to COVID–19; and
17 (B) a training program to educate resource
18 partner counselors, members of the Service
19 Corps of Retired Executives established under
20 section 8(b)(1)(B) of the Small Business Act
21 (15 U.S.C. 637(b)(1)(B)), and counselors at
22 veterans business outreach centers described in
23 section 32 of the Small Business Act (15
24 U.S.C. 657b) on the resources and information
25 described in subparagraph (A).

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1 (2) GOALS AND METRICS.—Goals and metrics
2 for the funds made available under this subsection
3 shall be jointly developed, negotiated, and agreed
4 upon, with full participation of both parties, between
5 the association or associations receiving a grant
6 under this subsection and the Administrator.
7 (d) REPORT.—Not later than 6 months after the date
8 of enactment of this Act, and annually thereafter, the Ad-
9 ministrator shall submit to the Committee on Small Busi-
10 ness and Entrepreneurship of the Senate and the Com-
11 mittee on Small Business of the House of Representatives
12 a report that describes—
13 (1) with respect to the initial year covered by
14 the report—
15 (A) the programs and services developed
16 and provided by the Administration and re-
17 source partners under subsection (b);
18 (B) the initial efforts to provide those serv-
19 ices under subsection (b); and
20 (C) the online platform and training devel-
21 oped and provided by the Administration and
22 the association or associations under subsection
23 (c); and
24 (2) with respect to the subsequent years covered
25 by the report—

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1 (A) with respect to the grant program
2 under subsection (b)—
3 (i) the efforts of the Administrator
4 and resource partners to develop services
5 to assist covered small business concerns;
6 (ii) the challenges faced by owners of
7 covered small business concerns in access-
8 ing services provided by the Administration
9 and resource partners;
10 (iii) the number of unique covered
11 small business concerns that were served
12 by the Administration and resource part-
13 ners; and
14 (iv) other relevant outcome perform-
15 ance data with respect to covered small
16 business concerns, including the number of
17 employees affected, the effect on sales, the
18 disruptions of supply chains, and the ef-
19 forts made by the Administration and re-
20 source partners to mitigate these effects;
21 and
22 (B) with respect to the grant program
23 under subsection (c)—
24 (i) the efforts of the Administrator
25 and the association or associations to de-

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1 velop and evolve an online resource for
2 small business concerns; and
3 (ii) the efforts of the Administrator
4 and the association or associations to de-
5 velop a training program for resource part-
6 ner counselors, including the number of
7 counselors trained.

8 **SEC. 1104. STATE TRADE EXPANSION PROGRAM.**

9 (a) IN GENERAL.—Notwithstanding paragraph
10 (3)(C)(iii) of section 22(l) of the Small Business Act (15
11 U.S.C. 649(l)), for grants under the State Trade Expan-
12 sion Program under such section 22(l) using amounts
13 made available for fiscal year 2018 or fiscal year 2019,
14 the period of the grant shall continue through the end of
15 fiscal year 2021.

16 (b) REIMBURSEMENT.—The Administrator shall re-
17 imburse any recipient of assistance under section 22(l) of
18 the Small Business Act (15 U.S.C. 649(l)) for financial
19 losses relating to a foreign trade mission or a trade show
20 exhibition that was cancelled solely due to a public health
21 emergency declared due to COVID–19 if the reimburse-
22 ment does not exceed a recipient's grant funding.

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**SEC. 1105. WAIVER OF MATCHING FUNDS REQUIREMENT UNDER THE WOMEN'S BUSINESS CENTER PROGRAM.**

During the 3-month period beginning on the date of enactment of this Act, the requirement relating to obtaining cash contributions from non-Federal sources under section 29(c)(1) of the Small Business Act (15 U.S.C. 656(c)(1)) is waived for any recipient of assistance under such section 29.

**SEC. 1106. LOAN FORGIVENESS.**

(a) DEFINITIONS.—In this section—

(1) the term ''covered loan'' means a loan guaranteed under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102;

(2) the term ''covered mortgage obligation'' means any indebtedness or debt instrument incurred in the ordinary course of business that—

(A) is a liability of the borrower;

(B) is a mortgage on real or personal property; and

(C) was incurred before February 15, 2020;

(3) the term ''covered period'' means the 8-week period beginning on the date of the origination of a covered loan;

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1 (4) the term "covered rent obligation" means
2 rent obligated under a leasing agreement in force be-
3 fore February 15, 2020;
4 (5) the term "covered utility payment" means
5 payment for a service for the distribution of elec-
6 tricity, gas, water, transportation, telephone, or
7 internet access for which service began before Feb-
8 ruary 15, 2020;
9 (6) the term "eligible recipient" means the re-
10 cipient of a covered loan;
11 (7) the term "expected forgiveness amount"
12 means the amount of principal that a lender reason-
13 ably expects a borrower to expend during the cov-
14 ered period on the sum of any—
15 (A) payroll costs;
16 (B) payments of interest on any covered
17 mortgage obligation (which shall not include
18 any prepayment of or payment of principal on
19 a covered mortgage obligation);
20 (C) payments on any covered rent obliga-
21 tion; and
22 (D) covered utility payments; and
23 (8) the term "payroll costs" has the meaning
24 given that term in paragraph (36) of section 7(a) of

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1 the Small Business Act (15 U.S.C. 636(a)), as
2 added by section 1102 of this Act.
3 (b) FORGIVENESS.—An eligible recipient shall be eli-
4 gible for forgiveness of indebtedness on a covered loan in
5 an amount equal to the sum of the following costs incurred
6 and payments made during the covered period:
7 (1) Payroll costs.
8 (2) Any payment of interest on any covered
9 mortgage obligation (which shall not include any
10 prepayment of or payment of principal on a covered
11 mortgage obligation).
12 (3) Any payment on any covered rent obliga-
13 tion.
14 (4) Any covered utility payment.
15 (c) TREATMENT OF AMOUNTS FORGIVEN.—
16 (1) IN GENERAL.—Amounts which have been
17 forgiven under this section shall be considered can-
18 celed indebtedness by a lender authorized under sec-
19 tion 7(a) of the Small Business Act (15 U.S.C.
20 636(a)).
21 (2) PURCHASE OF GUARANTEES.—For purposes
22 of the purchase of the guarantee for a covered loan
23 by the Administrator, amounts which are forgiven
24 under this section shall be treated in accordance
25 with the procedures that are otherwise applicable to

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1 a loan guaranteed under section 7(a) of the Small
2 Business Act (15 U.S.C. 636(a)).
3 (3) REMITTANCE.—Not later than 90 days
4 after the date on which the amount of forgiveness
5 under this section is determined, the Administrator
6 shall remit to the lender an amount equal to the
7 amount of forgiveness, plus any interest accrued
8 through the date of payment.
9 (4) ADVANCE PURCHASE OF COVERED LOAN.—
10 (A) REPORT.—A lender authorized under
11 section 7(a) of the Small Business Act (15
12 U.S.C. 636(a)), or, at the discretion of the Ad-
13 ministrator, a third party participant in the sec-
14 ondary market, may, report to the Adminis-
15 trator an expected forgiveness amount on a cov-
16 ered loan or on a pool of covered loans of up
17 to 100 percent of the principal on the covered
18 loan or pool of covered loans, respectively.
19 (B) PURCHASE.—The Administrator shall
20 purchase the expected forgiveness amount de-
21 scribed in subparagraph (A) as if the amount
22 were the principal amount of a loan guaranteed
23 under section 7(a) of the Small Business Act
24 636(a)).

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1 (C) TIMING.—Not later than 15 days after
2 the date on which the Administrator receives a
3 report under subparagraph (A), the Adminis-
4 trator shall purchase the expected forgiveness
5 amount under subparagraph (B) with respect to
6 each covered loan to which the report relates.
7 (d) LIMITS ON AMOUNT OF FORGIVENESS.—
8 (1) AMOUNT MAY NOT EXCEED PRINCIPAL.—
9 The amount of loan forgiveness under this section
10 shall not exceed the principal amount of the financ-
11 ing made available under the applicable covered
12 loan.
13 (2) REDUCTION BASED ON REDUCTION IN NUM-
14 BER OF EMPLOYEES.—
15 (A) IN GENERAL.—The amount of loan
16 forgiveness under this section shall be reduced,
17 but not increased, by multiplying the amount
18 described in subsection (b) by the quotient ob-
19 tained by dividing—
20 (i) the average number of full-time
21 equivalent employees per month employed
22 by the eligible recipient during the covered
23 period; by
24 (ii)(I) at the election of the bor-
25 rower—

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1 (aa) the average number of full-
2 time equivalent employees per month
3 employed by the eligible recipient dur-
4 ing the period beginning on February
5 15, 2019 and ending on June 30,
6 2019; or
7 (bb) the average number of full-
8 time equivalent employees per month
9 employed by the eligible recipient dur-
10 ing the period beginning on January
11 1, 2020 and ending on February 29,
12 2020; or
13 (II) in the case of an eligible recipient
14 that is seasonal employer, as determined
15 by the Administrator, the average number
16 of full-time equivalent employees per
17 month employed by the eligible recipient
18 during the period beginning on February
19 15, 2019 and ending on June 30, 2019.
20 (B) CALCULATION OF AVERAGE NUMBER
21 OF EMPLOYEES.—For purposes of subpara-
22 graph (A), the average number of full-time
23 equivalent employees shall be determined by
24 calculating the average number of full-time

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1 equivalent employees for each pay period falling
2 within a month.
3 (3) REDUCTION RELATING TO SALARY AND
4 WAGES.—
5 (A) IN GENERAL.—The amount of loan
6 forgiveness under this section shall be reduced
7 by the amount of any reduction in total salary
8 or wages of any employee described in subpara-
9 graph (B) during the covered period that is in
10 excess of 25 percent of the total salary or wages
11 of the employee during the most recent full
12 quarter during which the employee was em-
13 ployed before the covered period.
14 (B) EMPLOYEES DESCRIBED.—An em-
15 ployee described in this subparagraph is any
16 employee who did not receive, during any single
17 pay period during 2019, wages or salary at an
18 annualized rate of pay in an amount more than
19 $100,000.
20 (4) TIPPED WORKERS.—An eligible recipient
21 with tipped employees described in section
22 3(m)(2)(A) of the Fair Labor Standards Act of
23 1938 (29 U.S.C. 203(m)(2)(A)) may receive forgive-
24 ness for additional wages paid to those employees.
25 (5) EXEMPTION FOR RE-HIRES.—

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1 (A) IN GENERAL.—In a circumstance de-
2 scribed in subparagraph (B), the amount of
3 loan forgiveness under this section shall be de-
4 termined without regard to a reduction in the
5 number of full-time equivalent employees of an
6 eligible recipient or a reduction in the salary of
7 1 or more employees of the eligible recipient, as
8 applicable, during the period beginning on Feb-
9 ruary 15, 2020 and ending on the date that is
10 30 days after the date of enactment of this Act.
11 (B) CIRCUMSTANCES.—A circumstance de-
12 scribed in this subparagraph is a cir-
13 cumstance—
14 (i) in which—
15 (I) during the period beginning
16 on February 15, 2020 and ending on
17 the date that is 30 days after the date
18 of enactment of this Act, there is a re-
19 duction, as compared to February 15,
20 2020, in the number of full-time
21 equivalent employees of an eligible re-
22 cipient; and
23 (II) not later than June 30,
24 2020, the eligible employer has elimi-

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1 nated the reduction in the number of
2 full-time equivalent employees;
3 (ii) in which—
4 (I) during the period beginning
5 on February 15, 2020 and ending on
6 the date that is 30 days after the date
7 of enactment of this Act, there is a re-
8 duction, as compared to February 15,
9 2020, in the salary or wages of 1 or
10 more employees of the eligible recipi-
11 ent; and
12 (II) not later than June 30,
13 2020, the eligible employer has elimi-
14 nated the reduction in the salary or
15 wages of such employees; or
16 (iii) in which the events described in
17 clause (i) and (ii) occur.
18 (6) EXEMPTIONS.—The Administrator and the
19 Secretary of the Treasury may prescribe regulations
20 granting de minimis exemptions from the require-
21 ments under this subsection.
22 (e) APPLICATION.—An eligible recipient seeking loan
23 forgiveness under this section shall submit to the lender
24 that is servicing the covered loan an application, which
25 shall include—

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1 (1) documentation verifying the number of full-
2 time equivalent employees on payroll and pay rates
3 for the periods described in subsection (d), includ-
4 ing—
5 (A) payroll tax filings reported to the In-
6 ternal Revenue Service; and
7 (B) State income, payroll, and unemploy-
8 ment insurance filings;
9 (2) documentation, including cancelled checks,
10 payment receipts, transcripts of accounts, or other
11 documents verifying payments on covered mortgage
12 obligations, payments on covered lease obligations,
13 and covered utility payments;
14 (3) a certification from a representative of the
15 eligible recipient authorized to make such certifi-
16 cations that—
17 (A) the documentation presented is true
18 and correct; and
19 (B) the amount for which forgiveness is re-
20 quested was used to retain employees, make in-
21 terest payments on a covered mortgage obliga-
22 tion, make payments on a covered rent obliga-
23 tion, or make covered utility payments; and
24 (4) any other documentation the Administrator
25 determines necessary.

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1 (f) PROHIBITION ON FORGIVENESS WITHOUT DOCU-
2 MENTATION.—No eligible recipient shall receive forgive-
3 ness under this section without submitting to the lender
4 that is servicing the covered loan the documentation re-
5 quired under subsection (e).
6 (g) DECISION.—Not later than 60 days after the date
7 on which a lender receives an application for loan forgive-
8 ness under this section from an eligible recipient, the lend-
9 er shall issue a decision on the an application.
10 (h) HOLD HARMLESS.—If a lender has received the
11 documentation required under this section from an eligible
12 recipient attesting that the eligible recipient has accurately
13 verified the payments for payroll costs, payments on cov-
14 ered mortgage obligations, payments on covered lease obli-
15 gations, or covered utility payments during covered pe-
16 riod—
17 (1) an enforcement action may not be taken
18 against the lender under section 47(e) of the Small
19 Business Act (15 U.S.C. 657t(e)) relating to loan
20 forgiveness for the payments for payroll costs, pay-
21 ments on covered mortgage obligations, payments on
22 covered lease obligations, or covered utility pay-
23 ments, as the case may be; and
24 (2) the lender shall not be subject to any pen-
25 alties by the Administrator relating to loan forgive-

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1 ness for the payments for payroll costs, payments on
2 covered mortgage obligations, payments on covered
3 lease obligations, or covered utility payments, as the
4 case may be.

5 (i) TAXABILITY.—For purposes of the Internal Rev-
6 enue Code of 1986, any amount which (but for this sub-
7 section) would be includible in gross income of the eligible
8 recipient by reason of forgiveness described in subsection
9 (b) shall be excluded from gross income.

10 (j) RULE OF CONSTRUCTION.—The cancellation of
11 indebtedness on a covered loan under this section shall not
12 otherwise modify the terms and conditions of the covered
13 loan.

14 (k) REGULATIONS.—Not later than 30 days after the
15 date of enactment of this Act, the Administrator shall
16 issue guidance and regulations implementing this section.

17 **SEC. 1107. DIRECT APPROPRIATIONS.**

18 (a) IN GENERAL.—There is appropriated, out of
19 amounts in the Treasury not otherwise appropriated, for
20 the fiscal year ending September 30, 2020, to remain
21 available until September 30, 2021, for additional
22 amounts—

23 (1) $349,000,000,000 under the heading
24 "Small Business Administration—Business Loans
25 Program Account, CARES Act" for the cost of

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1 guaranteed loans as authorized under paragraph
2 (36) of section 7(a) of the Small Business Act (15
3 U.S.C. 636(a)), as added by section 1102(a) of this
4 Act;
5 (2) $675,000,000 under the heading "Small
6 Business Administration—Salaries and Expenses"
7 for salaries and expenses of the Administration;
8 (3) $25,000,000 under the heading "Small
9 Business Administration—Office of Inspector Gen-
10 eral", to remain available until September 30, 2024,
11 for necessary expenses of the Office of Inspector
12 General of the Administration in carrying out the
13 provisions of the Inspector General Act of 1978 (5
14 U.S.C. App.);
15 (4) $265,000,000 under the heading "Small
16 Business Administration—Entrepreneurial Develop-
17 ment Programs", of which—
18 (A) $240,000,000 shall be for carrying out
19 section 1103(b) of this Act; and
20 (B) $25,000,000 shall be for carrying out
21 section 1103(c) of this Act;
22 (5) $10,000,000 under the heading "Depart-
23 ment of Commerce—Minority Business Development
24 Agency" for minority business centers of the Minor-

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1 ity Business Development Agency to provide tech-
2 nical assistance to small business concerns;
3 (6) $10,000,000,000 under the heading "Small
4 Business Administration—Emergency EIDL
5 Grants" shall be for carrying out section 1110 of
6 this Act;
7 (7) $17,000,000,000 under the heading "Small
8 Business Administration—Business Loans Program
9 Account, CARES Act" shall be for carrying out sec-
10 tion 1112 of this Act; and
11 (8) $25,000,000 under the heading "Depart-
12 ment of the Treasury—Departmental Offices—Sala-
13 ries and Expenses" shall be for carrying out section
14 1109 of this Act.
15 (b) SECONDARY MARKET.—During the period begin-
16 ning on the date of enactment of this Act and ending on
17 September 30, 2021, guarantees of trust certificates au-
18 thorized by section 5(g) of the Small Business Act (15
19 U.S.C. 635(g)) shall not exceed a principal amount of
20 $100,000,000,000.
21 (c) REPORTS.—Not later than 180 days after the
22 date of enactment of this Act, the Administrator shall sub-
23 mit to the Committee on Appropriations of the Senate and
24 the Committee on Appropriations of the House of Rep-
25 resentatives a detailed expenditure plan for using the

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1 amounts appropriated to the Administration under sub-
2 section (a).

3 **SEC. 1108. MINORITY BUSINESS DEVELOPMENT AGENCY.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term "Agency" means the Minority
6 Business Development Agency of the Department of
7 Commerce;

8 (2) the term "minority business center" means
9 a Business Center of the Agency;

10 (3) the term "minority business enterprise"
11 means a for-profit business enterprise—

12 (A) not less than 51 percent of which is
13 owned by 1 or more socially disadvantaged indi-
14 viduals, as determined by the Agency; and

15 (B) the management and daily business
16 operations of which are controlled by 1 or more
17 socially disadvantaged individuals, as deter-
18 mined by the Agency; and

19 (4) the term "minority chamber of commerce"
20 means a chamber of commerce developed specifically
21 to support minority business enterprises.

22 (b) EDUCATION, TRAINING, AND ADVISING
23 GRANTS.—

24 (1) IN GENERAL.—The Agency may provide fi-
25 nancial assistance in the form of grants to minority

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1 business centers and minority chambers of commerce
2 to provide education, training, and advising to mi-
3 nority business enterprises.
4 (2) USE OF FUNDS.—Grants under this section
5 shall be used for the education, training, and advis-
6 ing of minority business enterprises and their em-
7 ployees on—
8 (A) accessing and applying for resources
9 provided by the Agency and other Federal re-
10 sources relating to access to capital and busi-
11 ness resiliency;
12 (B) the hazards and prevention of the
13 transmission and communication of COVID–19
14 and other communicable diseases;
15 (C) the potential effects of COVID–19 on
16 the supply chains, distribution, and sale of
17 products of minority business enterprises and
18 the mitigation of those effects;
19 (D) the management and practice of
20 telework to reduce possible transmission of
21 COVID–19;
22 (E) the management and practice of re-
23 mote customer service by electronic or other
24 means;

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1 (F) the risks of and mitigation of cyber
2 threats in remote customer service or telework
3 practices;
4 (G) the mitigation of the effects of reduced
5 travel or outside activities on minority business
6 enterprises during COVID–19 or similar occur-
7 rences; and
8 (H) any other relevant business practices
9 necessary to mitigate the economic effects of
10 COVID–19 or similar occurrences.
11 (3) NO MATCHING FUNDS REQUIRED.—Match-
12 ing funds shall not be required for any grant under
13 this section.
14 (4) GOALS AND METRICS.—
15 (A) IN GENERAL.—Goals and metrics for
16 the funds made available under this section
17 shall be jointly developed, negotiated, and
18 agreed upon, with full participation of both par-
19 ties, between the minority business centers, mi-
20 nority chambers of commerce, and the Agency,
21 which shall—
22 (i) take into consideration the extent
23 of the circumstances relating to the spread
24 of COVID–19, or similar occurrences, that
25 affect minority business enterprises located

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in the areas covered by minority business centers and minority chambers of commerce, particularly in rural areas or economically distressed areas;

(ii) generally follow the use of funds outlined in paragraph (2), but shall not restrict the activities of minority business centers and minority chambers of commerce in responding to unique situations; and

(iii) encourage minority business centers and minority chambers of commerce to develop and provide services to minority business enterprises.

(B) PUBLIC AVAILABILITY.—The Agency shall make publicly available the methodology by which the Agency, minority business centers, and minority chambers of commerce jointly develop the metrics and goals described in subparagraph (A).

(c) WAIVERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, the Agency may, during the 3-month period that begins on the date of enactment of this Act, waive any matching require-

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1 ment imposed on a minority business center or a
2 specialty center of the Agency under a cooperative
3 agreement between such a center and the Agency if
4 the applicable center is unable to raise funds, or has
5 suffered a loss of revenue, because of the effects of
6 COVID–19.
7 (2) REMAINING COMPLIANT.—Notwithstanding
8 any provision of a cooperative agreement between
9 the Agency and a minority business center, if, dur-
10 ing the period beginning on the date of enactment
11 of this Act and ending on September 30, 2021, such
12 a center decides not to collect fees because of the
13 economic consequences of COVID–19, the center
14 shall be considered to be in compliance with that
15 agreement if—
16 (A) the center notifies the Agency with re-
17 spect to that decision, which the center may
18 provide through electronic mail; and
19 (B) the Agency, not later than 15 days
20 after the date on which the center provides no-
21 tice to the Agency under subparagraph (A)—
22 (i) confirms receipt of the notification
23 under subparagraph (A); and
24 (ii) accepts the decision of the center.

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1 (d) REPORT.—Not later than 6 months after the date
2 of enactment of this Act, and annually thereafter, the
3 Agency shall submit to the Committee on Small Business
4 and Entrepreneurship and the Committee on Commerce,
5 Science, and Transportation of the Senate and the Com-
6 mittee on Small Business and the Committee on Energy
7 and Commerce of the House of Representatives a report
8 that describes—
9 (1) with respect to the period covered by the
10 initial report—
11 (A) the programs and services developed
12 and provided by the Agency, minority business
13 centers, and minority chambers of commerce
14 under subsection (b); and
15 (B) the initial efforts to provide those serv-
16 ices under subsection (b); and
17 (2) with respect to subsequent years covered by
18 the report—
19 (A) with respect to the grant program
20 under subsection (b)—
21 (i) the efforts of the Agency, minority
22 business centers, and minority chambers of
23 commerce to develop services to assist mi-
24 nority business enterprises;

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(ii) the challenges faced by owners of minority business enterprises in accessing services provided by the Agency, minority business centers, and minority chambers of commerce;

(iii) the number of unique minority business enterprises that were served by the Agency, minority business centers, or minority chambers of commerce; and

(iv) other relevant outcome performance data with respect to minority business enterprises, including the number of employees affected, the effect on sales, the disruptions of supply chains, and the efforts made by the Agency, minority business centers, and minority chambers of commerce to mitigate these effects .

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section, to remain available until expended.

**SEC. 1109. UNITED STATES TREASURY PROGRAM MANAGEMENT AUTHORITY.**

(a) DEFINITIONS.—In this section—

(1) the terms "appropriate Federal banking agency" and "insured depository institution" have

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1 the meanings given those terms in section 3 of the
2 Federal Deposit Insurance Act (12 U.S.C. 1813);
3 (2) the term "insured credit union" has the
4 meaning given the term in section 101 of the Fed-
5 eral Credit Union Act (12 U.S.C. 1752); and
6 (3) the term "Secretary" means the Secretary
7 of the Treasury.
8 (b) AUTHORITY TO INCLUDE ADDITIONAL FINAN-
9 CIAL INSTITUTIONS.—The Department of the Treasury,
10 in consultation with the Administrator, and the Chairman
11 of the Farm Credit Administration shall establish criteria
12 for insured depository institutions, insured credit unions,
13 institutions of the Farm Credit System chartered under
14 the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.),
15 and other lenders that do not already participate in lend-
16 ing under programs of the Administration, to participate
17 in the paycheck protection program to provide loans under
18 this section until the date on which the national emergency
19 declared by the President under the National Emergencies
20 Act (50 U.S.C. 1601 et seq.) with respect to the
21 Coronavirus Disease 2019 (COVID–19) expires.
22 (c) SAFETY AND SOUNDNESS.—An insured deposi-
23 tory institution, insured credit union, institution of the
24 Farm Credit System chartered under the Farm Credit Act
25 of 1971 (12 U.S.C. 2001 et seq.), or other lender may

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1 only participate in the program established under this sec-
2 tion if participation does not affect the safety and sound-
3 ness of the institution or lender, as determined by the Sec-
4 retary in consultation with the appropriate Federal bank-
5 ing agencies or the National Credit Union Administration
6 Board, as applicable.

7 (d) REGULATIONS FOR LENDERS AND LOANS.—

8 (1) IN GENERAL.—The Secretary may issue
9 regulations and guidance as necessary to carry out
10 the purposes of this section, including to—

11 (A) allow additional lenders to originate
12 loans under this section; and

13 (B) establish terms and conditions for
14 loans under this section, including terms and
15 conditions concerning compensation, under-
16 writing standards, interest rates, and maturity.

17 (2) REQUIREMENTS.—The terms and condi-
18 tions established under paragraph (1) shall provide
19 for the following:

20 (A) A rate of interest that does not exceed
21 the maximum permissible rate of interest avail-
22 able on a loan of comparable maturity under
23 paragraph (36) of section 7(a) of the Small
24 Business Act (15 U.S.C. 636(a)), as added by
25 section 1102 of this Act.

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1 (B) Terms and conditions that, to the
2 maximum extent practicable, are consistent
3 with the terms and conditions required under
4 the following provisions of paragraph (36) of
5 section 7(a) of the Small Business Act (15
6 U.S.C. 636(a)), as added by section 1102 of
7 this Act:
8 (i) Subparagraph (D), pertaining to
9 borrower eligibility.
10 (ii) Subparagraph (E), pertaining to
11 the maximum loan amount.
12 (iii) Subparagraph (F)(i), pertaining
13 to allowable uses of program loans.
14 (iv) Subparagraph (H), pertaining to
15 fee waivers.
16 (v) Subparagraph (M), pertaining to
17 loan deferment.
18 (C) A guarantee percentage that, to the
19 maximum extent practicable, is consistent with
20 the guarantee percentage required under sub-
21 paragraph (F) of section 7(a)(2) of the Small
22 Business Act (15 U.S.C. 636(a)(2)), as added
23 by section 1102 of this Act.
24 (D) Loan forgiveness under terms and con-
25 ditions that, to the maximum extent prac-

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1 ticable, is consistent with the terms and condi-
2 tions for loan forgiveness under section 1106 of
3 this Act.
4 (e) ADDITIONAL REGULATIONS GENERALLY.—The
5 Secretary may issue regulations and guidance as necessary
6 to carry out the purposes of this section, including to allow
7 additional lenders to originate loans under this title and
8 to establish terms and conditions such as compensation,
9 underwriting standards, interest rates, and maturity for
10 under this section.
11 (f) CERTIFICATION.—As a condition of receiving a
12 loan under this section, a borrower shall certify under
13 terms acceptable to the Secretary that the borrower—
14 (1) does not have an application pending for a
15 loan under section 7(a) of the Small Business Act
16 (15 U.S.C. 636(a)) for the same purpose; and
17 (2) has not received such a loan during the pe-
18 riod beginning on February 15, 2020 and ending on
19 December 31, 2020.
20 (g) OPT-IN FOR SBA QUALIFIED LENDERS.—Lend-
21 ers qualified to participate as a lender under 7(a) of the
22 Small Business Act (15 U.S.C. 636(a)) may elect to par-
23 ticipate in the paycheck protection program under the cri-
24 teria, terms, and conditions established under this section.
25 Such participation shall not preclude the lenders from con-

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1 tinuing participation as a lender under section 7(a) of the
2 Small Business Act (15 U.S.C. 636(a)).
3 (h) PROGRAM ADMINISTRATION.—With guidance
4 from the Secretary, the Administrator shall administer the
5 program established under this section, including the mak-
6 ing and purchasing of guarantees on loans under the pro-
7 gram, until the date on which the national emergency de-
8 clared by the President under the National Emergencies
9 Act (50 U.S.C. 1601 et seq.) with respect to the
10 Coronavirus Disease 2019 (COVID–19) expires.
11 (i) CRIMINAL PENALTIES.—A loan under this section
12 shall be deemed to be a loan under the Small Business
13 Act (15 U.S.C. 631 et seq.) for purposes of section 16
14 of such Act (15 U.S.C. 645).
15 **SEC. 1110. EMERGENCY EIDL GRANTS.**
16 (a) DEFINITIONS.—In this section—
17 (1) the term "covered period" means the period
18 beginning on January 31, 2020 and ending on De-
19 cember 31, 2020; and
20 (2) the term "eligible entity" means—
21 (A) a business with not more than 500 em-
22 ployees;
23 (B) any individual who operates under a
24 sole proprietorship, with or without employees,
25 or as an independent contractor;

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1 (C) a cooperative with not more than 500
2 employees;
3 (D) an ESOP (as defined in section 3 of
4 the Small Business Act (15 U.S.C. 632)) with
5 not more than 500 employees; or
6 (E) a tribal small business concern, as de-
7 scribed in section 31(b)(2)(C) of the Small
8 Business Act (15 U.S.C. 657a(b)(2)(C)), with
9 not more than 500 employees.
10 (b) ELIGIBLE ENTITIES.—During the covered period,
11 in addition to small business concerns, private nonprofit
12 organizations, and small agricultural cooperatives, an eli-
13 gible entity shall be eligible for a loan made under section
14 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)).
15 (c) TERMS; CREDIT ELSEWHERE.—With respect to
16 a loan made under section 7(b)(2) of the Small Business
17 Act (15 U.S.C. 636(b)(2)) in response to COVID–19 dur-
18 ing the covered period, the Administrator shall waive—
19 (1) any rules related the personal guarantee on
20 advances and loans of not more than $200,000 dur-
21 ing the covered period for all applicants;
22 (2) the requirement that an applicant needs to
23 be in business for the 1-year period before the dis-
24 aster, except that no waiver may be made for a busi-

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1 ness that was not in operation on January 31, 2020;
2 and
3 (3) the requirement in the flush matter fol-
4 lowing subparagraph (E) of section 7(b)(2) of the
5 Small Business Act (15 U.S.C. 636(b)(2)), as so re-
6 designated by subsection (f) of this section, that an
7 applicant be unable to obtain credit elsewhere.
8 (d) APPROVAL AND ABILITY TO REPAY FOR SMALL
9 DOLLAR LOANS.—With respect to a loan made under sec-
10 tion 7(b)(2) of the Small Business Act (15 U.S.C.
11 636(b)(2)) in response to COVID–19 during the covered
12 period, the Administrator may—
13 (1) approve an applicant based solely on the
14 credit score of the applicant and shall not require an
15 applicant to submit a tax return or a tax return
16 transcript for such approval; or
17 (2) use alternative appropriate methods to de-
18 termine an applicant's ability to repay.
19 (e) EMERGENCY GRANT.—
20 (1) IN GENERAL.—During the covered period,
21 an entity included for eligibility in subsection (b), in-
22 cluding small business concerns, private nonprofit
23 organizations, and small agricultural cooperatives,
24 that applies for a loan under section 7(b)(2) of the
25 Small Business Act (15 U.S.C. 636(b)(2)) in re-

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1 sponse to COVID–19 may request that the Adminis-
2 trator provide an advance that is, subject to para-
3 graph (3), in the amount requested by such appli-
4 cant to such applicant within 3 days after the Ad-
5 ministrator receives an application from such appli-
6 cant.

7 (2) VERIFICATION.—Before disbursing amounts
8 under this subsection, the Administrator shall verify
9 that the applicant is an eligible entity by accepting
10 a self-certification from the applicant under penalty
11 of perjury pursuant to section 1746 of title 28
12 United States Code.

13 (3) AMOUNT.—The amount of an advance pro-
14 vided under this subsection shall be not more than
15 $10,000.

16 (4) USE OF FUNDS.—An advance provided
17 under this subsection may be used to address any al-
18 lowable purpose for a loan made under section
19 7(b)(2) of the Small Business Act (15 U.S.C.
20 636(b)(2)), including—

21 (A) providing paid sick leave to employees
22 unable to work due to the direct effect of the
23 COVID–19;

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1 (B) maintaining payroll to retain employ-
2 ees during business disruptions or substantial
3 slowdowns;
4 (C) meeting increased costs to obtain ma-
5 terials unavailable from the applicant's original
6 source due to interrupted supply chains;
7 (D) making rent or mortgage payments;
8 and
9 (E) repaying obligations that cannot be
10 met due to revenue losses.
11 (5) REPAYMENT.—An applicant shall not be re-
12 quired to repay any amounts of an advance provided
13 under this subsection, even if subsequently denied a
14 loan under section 7(b)(2) of the Small Business Act
15 (15 U.S.C. 636(b)(2)).
16 (6) UNEMPLOYMENT GRANT.—If an applicant
17 that receives an advance under this subsection trans-
18 fers into, or is approved for, the loan program under
19 section 7(a) of the Small Business Act (15 U.S.C.
20 636(a)), the advance amount shall be reduced from
21 the loan forgiveness amount for a loan for payroll
22 costs made under such section 7(a).
23 (7) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to the Ad-

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1 ministration $10,000,000,000 to carry out this sub-
2 section.
3 (8) TERMINATION.—The authority to carry out
4 grants under this subsection shall terminate on De-
5 cember 31, 2020.
6 (f) EMERGENCIES INVOLVING FEDERAL PRIMARY
7 RESPONSIBILITY QUALIFYING FOR SBA ASSISTANCE.—
8 Section 7(b)(2) of the Small Business Act (15 U.S.C.
9 636(b)(2)) is amended—
10 (1) in subparagraph (A), by striking "or" at
11 the end;
12 (2) in subparagraph (B), by striking "or" at
13 the end;
14 (3) in subparagraph (C), by striking "or" at
15 the end;
16 (4) by redesignating subparagraph (D) as sub-
17 paragraph (E);
18 (5) by inserting after subparagraph (C) the fol-
19 lowing:
20 "(D) an emergency involving Federal pri-
21 mary responsibility determined to exist by the
22 President under the section 501(b) of the Rob-
23 ert T. Stafford Disaster Relief and Emergency
24 Assistance Act (42 U.S.C. 5191(b)); or"; and
25 (6) in subparagraph (E), as so redesignated—

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(A) by striking "or (C)" and inserting "(C), or (D)";

(B) by striking "disaster declaration" each place it appears and inserting "disaster or emergency declaration";

(C) by striking "disaster has occurred" and inserting "disaster or emergency has occurred";

(D) by striking "such disaster" and inserting "such disaster or emergency"; and

(E) by striking "disaster stricken" and inserting "disaster- or emergency-stricken"; and

(7) in the flush matter following subparagraph (E), as so redesignated, by striking the period at the end and inserting the following: ": *Provided further*, That for purposes of subparagraph (D), the Administrator shall deem that such an emergency affects each State or subdivision thereof (including counties), and that each State or subdivision has sufficient economic damage to small business concerns to qualify for assistance under this paragraph and the Administrator shall accept applications for such assistance immediately.".

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1 **SEC. 1111. RESOURCES AND SERVICES IN LANGUAGES**
2 **OTHER THAN ENGLISH.**

3 (a) IN GENERAL.—The Administrator shall provide
4 the resources and services made available by the Adminis-
5 tration to small business concerns in the 10 most com-
6 monly spoken languages, other than English, in the
7 United States, which shall include Mandarin, Cantonese,
8 Japanese, and Korean.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the Administrator
11 $25,000,000 to carry out this section.

12 **SEC. 1112. SUBSIDY FOR CERTAIN LOAN PAYMENTS.**

13 (a) DEFINITION OF COVERED LOAN.—In this sec-
14 tion, the term "covered loan" means a loan that is—

15 (1) guaranteed by the Administration under—
16 (A) section 7(a) of the Small Business Act
17 (15 U.S.C. 636(a))—
18 (i) including a loan made under the
19 Community Advantage Pilot Program of
20 the Administration; and
21 (ii) excluding a loan made under para-
22 graph (36) of such section 7(a), as added
23 by section 1102; or
24 (B) title V of the Small Business Invest-
25 ment Act of 1958 (15 U.S.C. 695 et seq.); or

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1 (2) made by an intermediary to a small busi-
2 ness concern using loans or grants received under
3 section 7(m) of the Small Business Act (15 U.S.C.
4 636(m)).
5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—
7 (1) all borrowers are adversely affected by
8 COVID-19;
9 (2) relief payments by the Administration are
10 appropriate for all borrowers; and
11 (3) in addition to the relief provided under this
12 Act, the Administration should encourage lenders to
13 provide payment deferments, when appropriate, and
14 to extend the maturity of covered loans, so as to
15 avoid balloon payments or any requirement for in-
16 creases in debt payments resulting from deferments
17 provided by lenders during the period of the national
18 emergency declared by the President under the Na-
19 tional Emergencies Act (50 U.S.C. 1601 et seq.)
20 with respect to the Coronavirus Disease 2019
21 (COVID–19).
22 (c) PRINCIPAL AND INTEREST PAYMENTS.—
23 (1) IN GENERAL.—The Administrator shall pay
24 the principal, interest, and any associated fees that

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1 are owed on a covered loan in a regular servicing
2 status—
3 (A) with respect to a covered loan made
4 before the date of enactment of this Act and
5 not on deferment, for the 6-month period begin-
6 ning with the next payment due on the covered
7 loan;
8 (B) with respect to a covered loan made
9 before the date of enactment of this Act and on
10 deferment, for the 6-month period beginning
11 with the next payment due on the covered loan
12 after the deferment period; and
13 (C) with respect to a covered loan made
14 during the period beginning on the date of en-
15 actment of this Act and ending on the date that
16 is 6 months after such date of enactment, for
17 the 6-month period beginning with the first
18 payment due on the covered loan.
19 (2) TIMING OF PAYMENT.—The Administrator
20 shall begin making payments under paragraph (1)
21 on a covered loan not later than 30 days after the
22 date on which the first such payment is due.
23 (3) APPLICATION OF PAYMENT.—Any payment
24 made by the Administrator under paragraph (1)
25 shall be applied to the covered loan such that the

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1 borrower is relieved of the obligation to pay that
2 amount.
3 (d) OTHER REQUIREMENTS.—The Administrator
4 shall—
5 (1) communicate and coordinate with the Fed-
6 eral Deposit Insurance Corporation, the Office of the
7 Comptroller of the Currency, and State bank regu-
8 lators to encourage those entities to not require
9 lenders to increase their reserves on account of re-
10 ceiving payments made by the Administrator under
11 subsection (c);
12 (2) waive statutory limits on maximum loan
13 maturities for any covered loan durations where the
14 lender provides a deferral and extends the maturity
15 of covered loans during the 1-year period following
16 the date of enactment of this Act; and
17 (3) when necessary to provide more time be-
18 cause of the potential of higher volumes, travel re-
19 strictions, and the inability to access some properties
20 during the COVID–19 pandemic, extend lender site
21 visit requirements to—
22 (A) not more than 60 days (which may be
23 extended at the discretion of the Administra-
24 tion) after the occurrence of an adverse event,

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other than a payment default, causing a loan to be classified as in liquidation; and

(B) not more than 90 days after a payment default.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Administrator to make payments pursuant to subsection (c) with respect to a covered loan solely because the covered loan has been sold in the secondary market.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $17,000,000,000 to carry out this section.

**SEC. 1113. BANKRUPTCY.**

(a) SMALL BUSINESS DEBTOR REORGANIZATION.—

(1) IN GENERAL.—Section 1182(1) of title 11, United States Code, is amended to read as follows:

"(1) DEBTOR.—The term 'debtor'—

"(A) subject to subparagraph (B), means a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning single asset real estate) that has aggregate noncontingent liquidated secured and unsecured debts as of the date of the filing of

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1 the petition or the date of the order for relief
2 in an amount not more than $7,500,000 (ex-
3 cluding debts owed to 1 or more affiliates or in-
4 siders) not less than 50 percent of which arose
5 from the commercial or business activities of
6 the debtor; and
7 "(B) does not include—
8 "(i) any member of a group of affili-
9 ated debtors that has aggregate noncontin-
10 gent liquidated secured and unsecured
11 debts in an amount greater than
12 $7,500,000 (excluding debt owed to 1 or
13 more affiliates or insiders);
14 "(ii) any debtor that is a corporation
15 subject to the reporting requirements
16 under section 13 or 15(d) of the Securities
17 Exchange Act of 1934 (15 U.S.C. 78m,
18 78o(d)); or
19 "(iii) any debtor that is an affiliate of
20 an issuer, as defined in section 3 of the Se-
21 curities Exchange Act of 1934 (15 U.S.C.
22 78c).".
23 (2) APPLICABILITY OF CHAPTERS.—Section
24 103(i) of title 11, United States Code, is amended

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by striking "small business debtor" and inserting "debtor (as defined in section 1182)".

(3) APPLICATION OF AMENDMENT.—The amendment made by paragraph (1) shall apply only with respect to cases commenced under title 11, United States Code, on or after the date of enactment of this Act.

(4) TECHNICAL CORRECTIONS.—

(A) DEFINITION OF SMALL BUSINESS DEBTOR.—Section 101(51D)(B)(iii) of title 11, United States Code, is amended to read as follows:

"(iii) any debtor that is an affiliate of an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)).".

(B) UNCLAIMED PROPERTY.—Section 347(b) of title 11, United States Code, is amended by striking "1194" and inserting "1191".

(5) SUNSET.—On the date that is 1 year after the date of enactment of this Act, section 1182(1) of title 11, United States Code, is amended to read as follows:

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1 "(1) DEBTOR.—The term 'debtor' means a
2 small business debtor.".
3 (b) BANKRUPTCY RELIEF.—
4 (1) IN GENERAL.—
5 (A) EXCLUSION FROM CURRENT MONTHLY
6 INCOME.—Section 101(10A)(B)(ii) of title 11,
7 United States Code, is amended—
8 (i) in subclause (III), by striking "
9 and" and inserting a semicolon;
10 (ii) in subclause (IV), by striking the
11 period at the end and inserting "; and";
12 and
13 (iii) by adding at the end the fol-
14 lowing:
15 "(V) Payments made under Fed-
16 eral law relating to the national emer-
17 gency declared by the President under
18 the National Emergencies Act (50
19 U.S.C. 1601 et seq.) with respect to
20 the coronavirus disease 2019
21 (COVID–19).".
22 (B) CONFIRMATION OF PLAN.—Section
23 1325(b)(2) of title 11, United States Code, is
24 amended by inserting "payments made under
25 Federal law relating to the national emergency

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1 declared by the President under the National
2 Emergencies Act (50 U.S.C. 1601 et seq.) with
3 respect to the coronavirus disease 2019
4 (COVID–19)," after "other than".
5 (C) MODIFICATION OF PLAN AFTER CON-
6 FIRMATION.—Section 1329 of title 11, United
7 States Code, is amended by adding at end the
8 following:
9 "(d)(1) Subject to paragraph (3), for a plan con-
10 firmed prior to the date of enactment of this subsection,
11 the plan may be modified upon the request of the debtor
12 if—
13 "(A) the debtor is experiencing or has experi-
14 enced a material financial hardship due, directly or
15 indirectly, to the coronavirus disease 2019 (COVID–
16 19) pandemic; and
17 "(B) the modification is approved after notice
18 and a hearing.
19 "(2) A plan modified under paragraph (1) may not
20 provide for payments over a period that expires more than
21 7 years after the time that the first payment under the
22 original confirmed plan was due.
23 "(3) Sections 1322(a), 1322(b), 1323(c), and the re-
24 quirements of section 1325(a) shall apply to any modifica-
25 tion under paragraph (1).".

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1 (D) APPLICABILITY.—
2 (i) The amendments made by sub-
3 paragraphs (A) and (B) shall apply to any
4 case commenced before, on, or after the
5 date of enactment of this Act.
6 (ii) The amendment made by subpara-
7 graph (C) shall apply to any case for which
8 a plan has been confirmed under section
9 1325 of title 11, United States Code, be-
10 fore the date of enactment of this Act.
11 (2) SUNSET.—
12 (A) IN GENERAL.—
13 (i) EXCLUSION FROM CURRENT
14 MONTHLY INCOME.—Section
15 101(10A)(B)(ii) of title 11, United States
16 Code, is amended—
17 (I) in subclause (III), by striking
18 the semicolon at the end and inserting
19 "; and";
20 (II) in subclause (IV), by striking
21 "; and" and inserting a period; and
22 (III) by striking subclause (V).
23 (ii) CONFIRMATION OF PLAN.—Sec-
24 tion 1325(b)(2) of title 11, United States
25 Code, is amended by striking "payments

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1 made under Federal law relating to the na-
2 tional emergency declared by the President
3 under the National Emergencies Act (50
4 U.S.C. 1601 et seq.) with respect to the
5 coronavirus disease 2019 (COVID–19),''.
6 (iii) MODIFICATION OF PLAN AFTER
7 CONFIRMATION.—Section 1329 of title 11,
8 United States Code, is amended by strik-
9 ing subsection (d).
10 (B) EFFECTIVE DATE.—The amendments
11 made by subparagraph (A) shall take effect on
12 the date that is 1 year after the date of enact-
13 ment of this Act.

14 **SEC. 1114. EMERGENCY RULEMAKING AUTHORITY.**

15 Not later than 15 days after the date of enactment
16 of this Act, the Administrator shall issue regulations to
17 carry out this title and the amendments made by this title
18 without regard to the notice requirements under section
19 553(b) of title 5, United States Code.

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# TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES

## Subtitle A—Unemployment Insurance Provisions

**SEC. 2101. SHORT TITLE.**

This subtitle may be cited as the "Relief for Workers Affected by Coronavirus Act".

**SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.**

(a) DEFINITIONS.—In this section:

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

(2) COVID–19 PUBLIC HEALTH EMERGENCY.—The term "COVID-19 public health emergency" means the public health emergency declared by the Secretary of Health and Human Services on January 27, 2020, with respect to the 2019 Novel Coronavirus.

(3) COVERED INDIVIDUAL.—The term "covered individual"—

(A) means an individual who—

(i) is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section

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1 2107, including an individual who has ex-
2 hausted all rights to regular unemployment
3 or extended benefits under State or Fed-
4 eral law or pandemic emergency unemploy-
5 ment compensation under section 2107;
6 and
7 (ii) provides self-certification that the
8 individual—
9 (I) is otherwise able to work and
10 available for work within the meaning
11 of applicable State law, except the in-
12 dividual is unemployed, partially un-
13 employed, or unable or unavailable to
14 work because—
15 (aa) the individual has been
16 diagnosed with COVID–19 or is
17 experiencing symptoms of
18 COVID–19 and seeking a med-
19 ical diagnosis;
20 (bb) a member of the indi-
21 vidual's household has been diag-
22 nosed with COVID–19;
23 (cc) the individual is pro-
24 viding care for a family member
25 or a member of the individual's

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1 household who has been diag-
2 nosed with COVID–19;
3 (dd) a child or other person
4 in the household for which the in-
5 dividual has primary caregiving
6 responsibility is unable to attend
7 school or another facility that is
8 closed as a direct result of the
9 COVID-19 public health emer-
10 gency and such school or facility
11 care is required for the individual
12 to work;
13 (ee) the individual is unable
14 to reach the place of employment
15 because of a quarantine imposed
16 as a direct result of the COVID-
17 19 public health emergency;
18 (ff) the individual is unable
19 to reach the place of employment
20 because the individual has been
21 advised by a health care provider
22 to self-quarantine due to con-
23 cerns related to COVID–19;
24 (gg) the individual was
25 scheduled to commence employ-

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1 ment and does not have a job or
2 is unable to reach the job as a di-
3 rect result of the COVID-19 pub-
4 lic health emergency;
5 (hh) the individual has be-
6 come the breadwinner or major
7 support for a household because
8 the head of the household has
9 died as a direct result of
10 COVID–19;
11 (ii) the individual has to quit
12 his or her job as a direct result
13 of COVID–19;
14 (jj) the individual's place of
15 employment is closed as a direct
16 result of the COVID–19 public
17 health emergency; or
18 (kk) the individual meets
19 any additional criteria established
20 by the Secretary for unemploy-
21 ment assistance under this sec-
22 tion; or
23 (II) is self-employed, is seeking
24 part-time employment, does not have
25 sufficient work history, or otherwise

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1 would not qualify for regular unem-
2 ployment or extended benefits under
3 State or Federal law or pandemic
4 emergency unemployment compensa-
5 tion under section 2107 and meets the
6 requirements of subclause (I); and
7 (B) does not include—
8 (i) an individual who has the ability to
9 telework with pay; or
10 (ii) an individual who is receiving paid
11 sick leave or other paid leave benefits, re-
12 gardless of whether the individual meets a
13 qualification described in items (aa)
14 through (kk) of subparagraph (A)(i)(I).
15 (4) SECRETARY.—The term "Secretary" means
16 the Secretary of Labor.
17 (5) STATE.—The term "State" includes the
18 District of Columbia, the Commonwealth of Puerto
19 Rico, the Virgin Islands, Guam, American Samoa,
20 the Commonwealth of the Northern Mariana Is-
21 lands, the Federated States of Micronesia, the Re-
22 public of the Marshall Islands, and the Republic of
23 Palau.
24 (b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT
25 OF COVID-19.—Subject to subsection (c), the Secretary

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1 shall provide to any covered individual unemployment ben-
2 efit assistance while such individual is unemployed, par-
3 tially unemployed, or unable to work for the weeks of such
4 unemployment with respect to which the individual is not
5 entitled to any other unemployment compensation (as that
6 term is defined in section 85(b) of title 26, United States
7 Code) or waiting period credit.

8 (c) APPLICABILITY.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the assistance authorized under sub-
11 section (b) shall be available to a covered indi-
12 vidual—

13 (A) for weeks of unemployment, partial un-
14 employment, or inability to work caused by
15 COVID–19—

16 (i) beginning on or after January 27,
17 2020; and

18 (ii) ending on or before December 31,
19 2020; and

20 (B) subject to subparagraph (A)(ii), as
21 long as the covered individual's unemployment,
22 partial unemployment, or inability to work
23 caused by COVID–19 continues.

24 (2) LIMITATION ON DURATION OF ASSIST-
25 ANCE.—The total number of weeks for which a cov-

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1 ered individual may receive assistance under this
2 section shall not exceed 39 weeks and such total
3 shall include any week for which the covered indi-
4 vidual received regular compensation or extended
5 benefits under any Federal or State law, except that
6 if after the date of enactment of this Act, the dura-
7 tion of extended benefits is extended, the 39-week
8 period described in this paragraph shall be extended
9 by the number of weeks that is equal to the number
10 of weeks by which the extended benefits were ex-
11 tended.

12 (3) ASSISTANCE FOR UNEMPLOYMENT BEFORE
13 DATE OF ENACTMENT.—The Secretary shall estab-
14 lish a process for making assistance under this sec-
15 tion available for weeks beginning on or after Janu-
16 ary 27, 2020, and before the date of enactment of
17 this Act.

18 (d) AMOUNT OF ASSISTANCE.—

19 (1) IN GENERAL.—The assistance authorized
20 under subsection (b) for a week of unemployment,
21 partial unemployment, or inability to work shall
22 be—

23 (A)(i) the weekly benefit amount author-
24 ized under the unemployment compensation law
25 of the State where the covered individual was

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1 employed, except that the amount may not be
2 less than the minimum weekly benefit amount
3 described in section 625.6 of title 20, Code of
4 Federal Regulations, or any successor thereto;
5 and
6 (ii) the amount of Federal Pandemic Un-
7 employment Compensation under section 2104;
8 and
9 (B) in the case of an increase of the week-
10 ly benefit amount after the date of enactment
11 of this Act, increased in an amount equal to
12 such increase.
13 (2) CALCULATIONS OF AMOUNTS FOR CERTAIN
14 COVERED INDIVIDUALS.—In the case of a covered
15 individual who is self-employed, who lives in a terri-
16 tory described in subsection (c) or (d) of section
17 625.6 of title 20, Code of Federal Regulations, or
18 who would not otherwise qualify for unemployment
19 compensation under State law, the assistance au-
20 thorized under subsection (b) for a week of unem-
21 ployment shall be calculated in accordance with sec-
22 tion 625.6 of title 20, Code of Federal Regulations,
23 or any successor thereto, and shall be increased by
24 the amount of Federal Pandemic Unemployment
25 Compensation under section 2104.

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1 (3) ALLOWABLE METHODS OF PAYMENT.—Any
2 assistance provided for in accordance with para-
3 graph (1)(A)(ii) shall be payable either—
4 (A) as an amount which is paid at the
5 same time and in the same manner as the as-
6 sistance provided for in paragraph (1)(A)(i) is
7 payable for the week involved; or
8 (B) at the option of the State, by pay-
9 ments which are made separately from, but on
10 the same weekly basis as, any assistance pro-
11 vided for in paragraph (1)(A)(i).
12 (e) WAIVER OF STATE REQUIREMENT.—Notwith-
13 standing State law, for purposes of assistance authorized
14 under this section, compensation under this Act shall be
15 made to an individual otherwise eligible for such com-
16 pensation without any waiting period.
17 (f) AGREEMENTS WITH STATES.—
18 (1) IN GENERAL.—The Secretary shall provide
19 the assistance authorized under subsection (b)
20 through agreements with States which, in the judg-
21 ment of the Secretary, have an adequate system for
22 administering such assistance through existing State
23 agencies.
24 (2) PAYMENTS TO STATES.—There shall be
25 paid to each State which has entered into an agree-

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1 ment under this subsection an amount equal to 100
2 percent of—
3 (A) the total amount of assistance provided
4 by the State pursuant to such agreement; and
5 (B) any additional administrative expenses
6 incurred by the State by reason of such agree-
7 ment (as determined by the Secretary), includ-
8 ing any administrative expenses necessary to fa-
9 cilitate processing of applications for assistance
10 under this section online or by telephone rather
11 than in-person.
12 (3) TERMS OF PAYMENTS.—Sums payable to
13 any State by reason of such State's having an agree-
14 ment under this subsection shall be payable, either
15 in advance or by way of reimbursement (as deter-
16 mined by the Secretary), in such amounts as the
17 Secretary estimates the State will be entitled to re-
18 ceive under this subsection for each calendar month,
19 reduced or increased, as the case may be, by any
20 amount by which the Secretary finds that his esti-
21 mates for any prior calendar month were greater or
22 less than the amounts which should have been paid
23 to the State. Such estimates may be made on the
24 basis of such statistical, sampling, or other method

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1 as may be agreed upon by the Secretary and the
2 State agency of the State involved.
3 (g) FUNDING.—
4 (1) ASSISTANCE.—
5 (A) IN GENERAL.—Funds in the extended
6 unemployment compensation account (as estab-
7 lished by section 905(a) of the Social Security
8 Act (42 U.S.C. 1105(a)) of the Unemployment
9 Trust Fund (as established by section 904(a) of
10 such Act (42 U.S.C. 1104(a)) shall be used to
11 make payments to States pursuant to sub-
12 section (f)(2)(A).
13 (B) TRANSFER OF FUNDS.—Notwith-
14 standing any other provision of law, the Sec-
15 retary of the Treasury shall transfer from the
16 general fund of the Treasury (from funds not
17 otherwise appropriated) to the extended unem-
18 ployment compensation account such sums as
19 the Secretary of Labor estimates to be nec-
20 essary to make payments described in subpara-
21 graph (A). There are appropriated from the
22 general fund of the Treasury, without fiscal
23 year limitation, the sums referred to in the pre-
24 ceding sentence and such sums shall not be re-
25 quired to be repaid.

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1 (2) ADMINISTRATIVE EXPENSES.—
2 (A) IN GENERAL.—Funds in the employ-
3 ment security administration account (as estab-
4 lished by section 901(a) of the Social Security
5 Act (42 U.S.C. 1105(a)) of the Unemployment
6 Trust Fund (as established by section 904(a) of
7 such Act (42 U.S.C. 1104(a)) shall be used to
8 make payments to States pursuant to sub-
9 section (f)(2)(B).
10 (B) TRANSFER OF FUNDS.—Notwith-
11 standing any other provision of law, the Sec-
12 retary of the Treasury shall transfer from the
13 general fund of the Treasury (from funds not
14 otherwise appropriated) to the employment se-
15 curity administration account such sums as the
16 Secretary of Labor estimates to be necessary to
17 make payments described in subparagraph (A).
18 There are appropriated from the general fund
19 of the Treasury, without fiscal year limitation,
20 the sums referred to in the preceding sentence
21 and such sums shall not be required to be re-
22 paid.
23 (3) CERTIFICATIONS.—The Secretary of Labor
24 shall from time to time certify to the Secretary of

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1 the Treasury for payment to each State the sums
2 payable to such State under paragraphs (1) and (2).
3 (h) RELATIONSHIP BETWEEN PANDEMIC UNEM-
4 PLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT
5 ASSISTANCE.—Except as otherwise provided in this sec-
6 tion or to the extent there is a conflict between this section
7 and section 625 of title 20, Code of Federal Regulations,
8 such section 625 shall apply to this section as if—
9 (1) the term "COVID–19 public health emer-
10 gency" were substituted for the term "major dis-
11 aster" each place it appears in such section 625; and
12 (2) the term "pandemic" were substituted for
13 the term "disaster" each place it appears in such
14 section 625.

15 **SEC. 2103. EMERGENCY UNEMPLOYMENT RELIEF FOR GOV-**
16 **ERNMENTAL ENTITIES AND NONPROFIT OR-**
17 **GANIZATIONS.**

18 (a) FLEXIBILITY IN PAYING REIMBURSEMENT.—The
19 Secretary of Labor may issue clarifying guidance to allow
20 States to interpret their State unemployment compensa-
21 tion laws in a manner that would provide maximum flexi-
22 bility to reimbursing employers as it relates to timely pay-
23 ment and assessment of penalties and interest pursuant
24 to such State laws.

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1 (b) FEDERAL FUNDING.—Section 903 of the Social
2 Security Act (42 U.S.C. 1103) is amended by adding at
3 the end the following:
4 "Transfers for Federal Reimbursement of State
5 Unemployment Funds
6 "(i)(1)(A) In addition to any other amounts, the Sec-
7 retary of Labor shall provide for the transfer of funds dur-
8 ing the applicable period to the accounts of the States in
9 the Unemployment Trust Fund, by transfer from amounts
10 reserved for that purpose in the Federal unemployment
11 account, in accordance with the succeeding provisions of
12 this subsection.
13 "(B) The amount of funds transferred to the account
14 of a State under subparagraph (A) during the applicable
15 period shall, as determined by the Secretary of Labor, be
16 equal to one-half of the amounts of compensation (as de-
17 fined in section 3306(h) of the Internal Revenue Code of
18 1986) attributable under the State law to service to which
19 section 3309(a)(1) of such Code applies that were paid
20 by the State for weeks of unemployment beginning and
21 ending during such period. Such transfers shall be made
22 at such times as the Secretary of Labor considers appro-
23 priate.
24 "(C) Notwithstanding any other law, funds trans-
25 ferred to the account of a State under subparagraph (A)

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1 shall be used exclusively to reimburse governmental enti-
2 ties and other organizations described in section
3 3309(a)(2) of such Code for amounts paid (in lieu of con-
4 tributions) into the State unemployment fund pursuant to
5 such section.

6 "(D) For purposes of this paragraph, the term 'appli-
7 cable period' means the period beginning on March 13,
8 2020, and ending on December 31, 2020.

9 "(2)(A) Notwithstanding any other provision of law,
10 the Secretary of the Treasury shall transfer from the gen-
11 eral fund of the Treasury (from funds not otherwise ap-
12 propriated) to the Federal unemployment account such
13 sums as the Secretary of Labor estimates to be necessary
14 for purposes of making the transfers described in para-
15 graph (1).

16 "(B) There are appropriated from the general fund
17 of the Treasury, without fiscal year limitation, the sums
18 referred to in subparagraph (A) and such sums shall not
19 be required to be repaid.".

20 **SEC. 2104. EMERGENCY INCREASE IN UNEMPLOYMENT**
21 **COMPENSATION BENEFITS.**

22 (a) FEDERAL-STATE AGREEMENTS.—Any State
23 which desires to do so may enter into and participate in
24 an agreement under this section with the Secretary of
25 Labor (in this section referred to as the "Secretary"). Any

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1 State which is a party to an agreement under this section
2 may, upon providing 30 days' written notice to the Sec-
3 retary, terminate such agreement.

4 (b) PROVISIONS OF AGREEMENT.—

5 (1) FEDERAL PANDEMIC UNEMPLOYMENT COM-
6 PENSATION.—Any agreement under this section
7 shall provide that the State agency of the State will
8 make payments of regular compensation to individ-
9 uals in amounts and to the extent that they would
10 be determined if the State law of the State were ap-
11 plied, with respect to any week for which the indi-
12 vidual is (disregarding this section) otherwise enti-
13 tled under the State law to receive regular com-
14 pensation, as if such State law had been modified in
15 a manner such that the amount of regular com-
16 pensation (including dependents' allowances) payable
17 for any week shall be equal to—

18 (A) the amount determined under the
19 State law (before the application of this para-
20 graph), plus

21 (B) an additional amount of $600 (in this
22 section referred to as "Federal Pandemic Un-
23 employment Compensation").

24 (2) ALLOWABLE METHODS OF PAYMENT.—Any
25 Federal Pandemic Unemployment Compensation

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1 provided for in accordance with paragraph (1) shall
2 be payable either—
3 (A) as an amount which is paid at the
4 same time and in the same manner as any reg-
5 ular compensation otherwise payable for the
6 week involved; or
7 (B) at the option of the State, by pay-
8 ments which are made separately from, but on
9 the same weekly basis as, any regular com-
10 pensation otherwise payable.
11 (c) NONREDUCTION RULE.—
12 (1) IN GENERAL.—An agreement under this
13 section shall not apply (or shall cease to apply) with
14 respect to a State upon a determination by the Sec-
15 retary that the method governing the computation of
16 regular compensation under the State law of that
17 State has been modified in a manner such that the
18 number of weeks (the maximum benefit entitlement),
19 or the average weekly benefit amount, of regular
20 compensation which will be payable during the pe-
21 riod of the agreement (determined disregarding any
22 Federal Pandemic Unemployment Compensation)
23 will be less than the number of weeks, or the aver-
24 age weekly benefit amount, of the average weekly
25 benefit amount of regular compensation which would

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otherwise have been payable during such period under the State law, as in effect on January 1, 2020.

(2) MAXIMUM BENEFIT ENTITLEMENT.—In paragraph (1), the term "maximum benefit entitlement" means the amount of regular unemployment compensation payable to an individual with respect to the individual's benefit year.

(d) PAYMENTS TO STATES.—

(1) IN GENERAL.—

(A) FULL REIMBURSEMENT.—There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 percent of—

(i) the total amount of Federal Pandemic Unemployment Compensation paid to individuals by the State pursuant to such agreement; and

(ii) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(B) TERMS OF PAYMENTS.—Sums payable to any State by reason of such State's having an agreement under this section shall be pay-

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able, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(3) APPROPRIATION.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, such sums as may be necessary for purposes of this subsection.

(e) APPLICABILITY.—An agreement entered into under this section shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

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1 (2) ending on or before July 31, 2020.
2 (f) FRAUD AND OVERPAYMENTS.—
3 (1) IN GENERAL.—If an individual knowingly
4 has made, or caused to be made by another, a false
5 statement or representation of a material fact, or
6 knowingly has failed, or caused another to fail, to
7 disclose a material fact, and as a result of such false
8 statement or representation or of such nondisclosure
9 such individual has received an amount of Federal
10 Pandemic Unemployment Compensation to which
11 such individual was not entitled, such individual—
12 (A) shall be ineligible for further Federal
13 Pandemic Unemployment Compensation in ac-
14 cordance with the provisions of the applicable
15 State unemployment compensation law relating
16 to fraud in connection with a claim for unem-
17 ployment compensation; and
18 (B) shall be subject to prosecution under
19 section 1001 of title 18, United States Code.
20 (2) REPAYMENT.—In the case of individuals
21 who have received amounts of Federal Pandemic
22 Unemployment Compensation to which they were
23 not entitled, the State shall require such individuals
24 to repay the amounts of such Federal Pandemic Un-
25 employment Compensation to the State agency, ex-

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1 cept that the State agency may waive such repay-
2 ment if it determines that—
3 (A) the payment of such Federal Pandemic
4 Unemployment Compensation was without fault
5 on the part of any such individual; and
6 (B) such repayment would be contrary to
7 equity and good conscience.
8 (3) RECOVERY BY STATE AGENCY.—
9 (A) IN GENERAL.—The State agency shall
10 recover the amount to be repaid, or any part
11 thereof, by deductions from any Federal Pan-
12 demic Unemployment Compensation payable to
13 such individual or from any unemployment
14 compensation payable to such individual under
15 any State or Federal unemployment compensa-
16 tion law administered by the State agency or
17 under any other State or Federal law adminis-
18 tered by the State agency which provides for
19 the payment of any assistance or allowance with
20 respect to any week of unemployment, during
21 the 3-year period after the date such individuals
22 received the payment of the Federal Pandemic
23 Unemployment Compensation to which they
24 were not entitled, in accordance with the same
25 procedures as apply to the recovery of overpay-

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1 ments of regular unemployment benefits paid
2 by the State.
3 (B) OPPORTUNITY FOR HEARING.—No re-
4 payment shall be required, and no deduction
5 shall be made, until a determination has been
6 made, notice thereof and an opportunity for a
7 fair hearing has been given to the individual,
8 and the determination has become final.
9 (4) REVIEW.—Any determination by a State
10 agency under this section shall be subject to review
11 in the same manner and to the same extent as deter-
12 minations under the State unemployment compensa-
13 tion law, and only in that manner and to that ex-
14 tent.
15 (g) APPLICATION TO OTHER UNEMPLOYMENT BENE-
16 FITS.—Each agreement under this section shall include
17 provisions to provide that the purposes of the preceding
18 provisions of this section shall be applied with respect to
19 unemployment benefits described in subsection (i)(2) to
20 the same extent and in the same manner as if those bene-
21 fits were regular compensation.
22 (h) DISREGARD OF ADDITIONAL COMPENSATION FOR
23 PURPOSES OF MEDICAID AND CHIP.—The monthly
24 equivalent of any Federal pandemic unemployment com-
25 pensation paid to an individual under this section shall

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1 be disregarded when determining income for any purpose
2 under the programs established under titles XIX and title
3 XXI of the Social Security Act (42 U.S.C. 1396 et seq.,
4 1397aa et seq.) .
5 (i) DEFINITIONS.—For purposes of this section—
6 (1) the terms "compensation", "regular com-
7 pensation", "benefit year", "State", "State agency",
8 "State law", and "week" have the respective mean-
9 ings given such terms under section 205 of the Fed-
10 eral-State Extended Unemployment Compensation
11 Act of 1970 (26 U.S.C. 3304 note); and
12 (2) any reference to unemployment benefits de-
13 scribed in this paragraph shall be considered to refer
14 to—
15 (A) extended compensation (as defined by
16 section 205 of the Federal-State Extended Un-
17 employment Compensation Act of 1970);
18 (B) regular compensation (as defined by
19 section 85(b) of the Internal Revenue Code of
20 1986) provided under any program adminis-
21 tered by a State under an agreement with the
22 Secretary;
23 (C) pandemic unemployment assistance
24 under section 2102; and

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1 (D) pandemic emergency unemployment
2 compensation under section 2107.

3 **SEC. 2105. TEMPORARY FULL FEDERAL FUNDING OF THE**
4 **FIRST WEEK OF COMPENSABLE REGULAR**
5 **UNEMPLOYMENT FOR STATES WITH NO WAIT-**
6 **ING WEEK.**

7 (a) FEDERAL-STATE AGREEMENTS.—Any State
8 which desires to do so may enter into and participate in
9 an agreement under this section with the Secretary of
10 Labor (in this section referred to as the ''Secretary''). Any
11 State which is a party to an agreement under this section
12 may, upon providing 30 days' written notice to the Sec-
13 retary, terminate such agreement.

14 (b) REQUIREMENT THAT STATE LAW DOES NOT
15 APPLY A WAITING WEEK.—A State is eligible to enter
16 into an agreement under this section if the State law (in-
17 cluding a waiver of State law) provides that compensation
18 is paid to individuals for their first week of regular unem-
19 ployment without a waiting week. An agreement under
20 this section shall not apply (or shall cease to apply) with
21 respect to a State upon a determination by the Secretary
22 that the State law no longer meets the requirement under
23 the preceding sentence.

24 (c) PAYMENTS TO STATES.—

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1 (1) FULL REIMBURSEMENT.—There shall be
2 paid to each State which has entered into an agree-
3 ment under this section an amount equal to 100 per-
4 cent of—
5 (A) the total amount of regular compensa-
6 tion paid to individuals by the State for their
7 first week of regular unemployment; and
8 (B) any additional administrative expenses
9 incurred by the State by reason of such agree-
10 ment (as determined by the Secretary).
11 (2) TERMS OF PAYMENTS.—Sums payable to
12 any State by reason of such State's having an agree-
13 ment under this section shall be payable, either in
14 advance or by way of reimbursement (as determined
15 by the Secretary), in such amounts as the Secretary
16 estimates the State will be entitled to receive under
17 this section for each calendar month, reduced or in-
18 creased, as the case may be, by any amount by
19 which the Secretary finds that his estimates for any
20 prior calendar month were greater or less than the
21 amounts which should have been paid to the State.
22 Such estimates may be made on the basis of such
23 statistical, sampling, or other method as may be
24 agreed upon by the Secretary and the State agency
25 of the State involved.

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1 (d) FUNDING.—
2 (1) COMPENSATION.—
3 (A) IN GENERAL.—Funds in the Federal
4 unemployment account (as established by sec-
5 tion 905(g)) of the Unemployment Trust Fund
6 (as established by section 904(a)) shall be used
7 to make payments under subsection (c)(1)(A).
8 (B) TRANSFER OF FUNDS.—Notwith-
9 standing any other provision of law, the Sec-
10 retary of the Treasury shall transfer from the
11 general fund of the Treasury (from funds not
12 otherwise appropriated) to the Federal unem-
13 ployment account such sums as the Secretary of
14 Labor estimates to be necessary to make pay-
15 ments described in subparagraph (A). There
16 are appropriated from the general fund of the
17 Treasury, without fiscal year limitation, the
18 sums referred to in the preceding sentence and
19 such sums shall not be required to be repaid.
20 (2) ADMINISTRATIVE EXPENSES.—
21 (A) IN GENERAL.—Funds in the employ-
22 ment security administration account (as estab-
23 lished by section 901(a) of the Social Security
24 Act (42 U.S.C. 1105(a)) of the Unemployment
25 Trust Fund (as established by section 904(a) of

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1 such Act (42 U.S.C. 1104(a)) shall be used to
2 make payments to States pursuant to sub-
3 section (c)(1)(B).
4 (B) TRANSFER OF FUNDS.—Notwith-
5 standing any other provision of law, the Sec-
6 retary of the Treasury shall transfer from the
7 general fund of the Treasury (from funds not
8 otherwise appropriated) to the employment se-
9 curity administration account such sums as the
10 Secretary of Labor estimates to be necessary to
11 make payments described in subparagraph (A).
12 There are appropriated from the general fund
13 of the Treasury, without fiscal year limitation,
14 the sums referred to in the preceding sentence
15 and such sums shall not be required to be re-
16 paid.
17 (3) CERTIFICATIONS.—The Secretary shall
18 from time to time certify to the Secretary of the
19 Treasury for payment to each State the sums pay-
20 able to such State under this section.
21 (e) APPLICABILITY.—An agreement entered into
22 under this section shall apply to weeks of unemployment—
23 (1) beginning after the date on which such
24 agreement is entered into; and
25 (2) ending on or before December 31, 2020.

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1 (f) FRAUD AND OVERPAYMENTS.—The provisions of
2 section 2107(e) shall apply with respect to compensation
3 paid under an agreement under this section to the same
4 extent and in the same manner as in the case of pandemic
5 emergency unemployment compensation under such sec-
6 tion.

7 (g) DEFINITIONS.—For purposes of this section, the
8 terms "regular compensation", "State", "State agency",
9 "State law", and "week" have the respective meanings
10 given such terms under section 205 of the Federal-State
11 Extended Unemployment Compensation Act of 1970 (26
12 U.S.C. 3304 note).

13 **SEC. 2106. EMERGENCY STATE STAFFING FLEXIBILITY.**

14 Section 4102(b) of the Emergency Unemployment
15 Stabilization and Access Act of 2020 (contained in division
16 D of the Families First Coronavirus Response Act) is
17 amended—

18 (1) by striking "or employer experience rating"
19 and inserting "employer experience rating, or, sub-
20 ject to the succeeding sentence, personnel standards
21 on a merit basis"; and

22 (2) by adding at the end the following new sen-
23 tence: "The emergency flexibility for personnel
24 standards on a merit basis shall only apply through
25 December 31, 2020, and is limited to engaging of

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1 temporary staff, rehiring of retirees or former em-
2 ployees on a non-competitive basis, and other tem-
3 porary actions to quickly process applications and
4 claims.''.

5 **SEC. 2107. PANDEMIC EMERGENCY UNEMPLOYMENT COM-**
6 **PENSATION.**

7 (a) FEDERAL-STATE AGREEMENTS.—

8 (1) IN GENERAL.—Any State which desires to
9 do so may enter into and participate in an agree-
10 ment under this section with the Secretary of Labor
11 (in this section referred to as the ''Secretary''). Any
12 State which is a party to an agreement under this
13 section may, upon providing 30 days' written notice
14 to the Secretary, terminate such agreement.

15 (2) PROVISIONS OF AGREEMENT.—Any agree-
16 ment under paragraph (1) shall provide that the
17 State agency of the State will make payments of
18 pandemic emergency unemployment compensation to
19 individuals who—

20 (A) have exhausted all rights to regular
21 compensation under the State law or under
22 Federal law with respect to a benefit year (ex-
23 cluding any benefit year that ended before
24 July1, 2019);

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1 (B) have no rights to regular compensation
2 with respect to a week under such law or any
3 other State unemployment compensation law or
4 to compensation under any other Federal law;
5 (C) are not receiving compensation with
6 respect to such week under the unemployment
7 compensation law of Canada; and
8 (D) are able to work, available to work,
9 and actively seeking work.
10 (3) EXHAUSTION OF BENEFITS.—For purposes
11 of paragraph (2)(A), an individual shall be deemed
12 to have exhausted such individual's rights to regular
13 compensation under a State law when—
14 (A) no payments of regular compensation
15 can be made under such law because such indi-
16 vidual has received all regular compensation
17 available to such individual based on employ-
18 ment or wages during such individual's base pe-
19 riod; or
20 (B) such individual's rights to such com-
21 pensation have been terminated by reason of
22 the expiration of the benefit year with respect
23 to which such rights existed.
24 (4) WEEKLY BENEFIT AMOUNT, ETC.—For
25 purposes of any agreement under this section—

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1 (A) the amount of pandemic emergency
2 unemployment compensation which shall be
3 payable to any individual for any week of total
4 unemployment shall be equal to—
5 (i) the amount of the regular com-
6 pensation (including dependents' allow-
7 ances) payable to such individual during
8 such individual's benefit year under the
9 State law for a week of total unemploy-
10 ment; and
11 (ii) the amount of Federal Pandemic
12 Unemployment Compensation under sec-
13 tion 2104;
14 (B) the terms and conditions of the State
15 law which apply to claims for regular compensa-
16 tion and to the payment thereof (including
17 terms and conditions relating to availability for
18 work, active search for work, and refusal to ac-
19 cept work) shall apply to claims for pandemic
20 emergency unemployment compensation and the
21 payment thereof, except where otherwise incon-
22 sistent with the provisions of this section or
23 with the regulations or operating instructions of
24 the Secretary promulgated to carry out this sec-
25 tion;

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1 (C) the maximum amount of pandemic
2 emergency unemployment compensation payable
3 to any individual for whom an pandemic emer-
4 gency unemployment compensation account is
5 established under subsection (b) shall not ex-
6 ceed the amount established in such account for
7 such individual; and
8 (D) the allowable methods of payment
9 under section 2104(b)(2) shall apply to pay-
10 ments of amounts described in subparagraph
11 (A)(ii).
12 (5) COORDINATION RULE.—An agreement
13 under this section shall apply with respect to a State
14 only upon a determination by the Secretary that,
15 under the State law or other applicable rules of such
16 State, the payment of extended compensation for
17 which an individual is otherwise eligible must be de-
18 ferred until after the payment of any pandemic
19 emergency unemployment compensation under sub-
20 section (b) for which the individual is concurrently
21 eligible.
22 (6) NONREDUCTION RULE.—
23 (A) IN GENERAL.—An agreement under
24 this section shall not apply (or shall cease to
25 apply) with respect to a State upon a deter-

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1 mination by the Secretary that the method gov-
2 erning the computation of regular compensation
3 under the State law of that State has been
4 modified in a manner such that the number of
5 weeks (the maximum benefit entitlement), or
6 the average weekly benefit amount, of regular
7 compensation which will be payable during the
8 period of the agreement will be less than the
9 number of weeks, or the average weekly benefit
10 amount, of the average weekly benefit amount
11 of regular compensation which would otherwise
12 have been payable during such period under the
13 State law, as in effect on January 1, 2020.
14 (B) MAXIMUM BENEFIT ENTITLEMENT.—
15 In subparagraph (A), the term "maximum ben-
16 efit entitlement" means the amount of regular
17 unemployment compensation payable to an indi-
18 vidual with respect to the individual's benefit
19 year.
20 (7) ACTIVELY SEEKING WORK.—
21 (A) IN GENERAL.—Subject to subpara-
22 graph (C), for purposes of paragraph (2)(D),
23 the term "actively seeking work" means, with
24 respect to any individual, that such individual—

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1 (i) is registered for employment serv-
2 ices in such a manner and to such extent
3 as prescribed by the State agency;
4 (ii) has engaged in an active search
5 for employment that is appropriate in light
6 of the employment available in the labor
7 market, the individual's skills and capabili-
8 ties, and includes a number of employer
9 contacts that is consistent with the stand-
10 ards communicated to the individual by the
11 State;
12 (iii) has maintained a record of such
13 work search, including employers con-
14 tacted, method of contact, and date con-
15 tacted; and
16 (iv) when requested, has provided
17 such work search record to the State agen-
18 cy.
19 (B) FLEXIBILITY.—Notwithstanding the
20 requirements under subparagraph (A) and
21 paragraph (2)(D), a State shall provide flexi-
22 bility in meeting such requirements in case of
23 individuals unable to search for work because of
24 COVID-19, including because of illness, quar-
25 antine, or movement restriction.

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1 (b) PANDEMIC EMERGENCY UNEMPLOYMENT COM-
2 PENSATION ACCOUNT.—
3 (1) IN GENERAL.—Any agreement under this
4 section shall provide that the State will establish, for
5 each eligible individual who files an application for
6 pandemic emergency unemployment compensation,
7 an pandemic emergency unemployment compensa-
8 tion account with respect to such individual's benefit
9 year.
10 (2) AMOUNT IN ACCOUNT.—The amount estab-
11 lished in an account under subsection (a) shall be
12 equal to 13 times the individual's average weekly
13 benefit amount, which includes the amount of Fed-
14 eral Pandemic Unemployment Compensation under
15 section 2104, for the benefit year.
16 (3) WEEKLY BENEFIT AMOUNT.—For purposes
17 of this subsection, an individual's weekly benefit
18 amount for any week is the amount of regular com-
19 pensation (including dependents' allowances) under
20 the State law payable to such individual for such
21 week for total unemployment plus the amount of
22 Federal Pandemic Unemployment Compensation
23 under section 2104.

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1 (c) PAYMENTS TO STATES HAVING AGREEMENTS
2 FOR THE PAYMENT OF PANDEMIC EMERGENCY UNEM-
3 PLOYMENT COMPENSATION.—
4 (1) IN GENERAL.—There shall be paid to each
5 State that has entered into an agreement under this
6 section an amount equal to 100 percent of the pan-
7 demic emergency unemployment compensation paid
8 to individuals by the State pursuant to such agree-
9 ment.
10 (2) TREATMENT OF REIMBURSABLE COMPENSA-
11 TION.—No payment shall be made to any State
12 under this section in respect of any compensation to
13 the extent the State is entitled to reimbursement in
14 respect of such compensation under the provisions of
15 any Federal law other than this section or chapter
16 85 of title 5, United States Code. A State shall not
17 be entitled to any reimbursement under such chapter
18 85 in respect of any compensation to the extent the
19 State is entitled to reimbursement under this section
20 in respect of such compensation.
21 (3) DETERMINATION OF AMOUNT.—Sums pay-
22 able to any State by reason of such State having an
23 agreement under this section shall be payable, either
24 in advance or by way of reimbursement (as may be
25 determined by the Secretary), in such amounts as

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1 the Secretary estimates the State will be entitled to
2 receive under this section for each calendar month,
3 reduced or increased, as the case may be, by any
4 amount by which the Secretary finds that the Sec-
5 retary's estimates for any prior calendar month were
6 greater or less than the amounts which should have
7 been paid to the State. Such estimates may be made
8 on the basis of such statistical, sampling, or other
9 method as may be agreed upon by the Secretary and
10 the State agency of the State involved.
11 (d) FINANCING PROVISIONS.—
12 (1) COMPENSATION.—
13 (A) IN GENERAL.—Funds in the extended
14 unemployment compensation account (as estab-
15 lished by section 905(a) of the Social Security
16 Act (42 U.S.C. 1105(a)) of the Unemployment
17 Trust Fund (as established by section 904(a) of
18 such Act (42 U.S.C. 1104(a)) shall be used for
19 the making of payments to States having agree-
20 ments entered into under this section.
21 (B) TRANSFER OF FUNDS.—Notwith-
22 standing any other provision of law, the Sec-
23 retary of the Treasury shall transfer from the
24 general fund of the Treasury (from funds not
25 otherwise appropriated) to the extended unem-

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1 ployment compensation account such sums as
2 the Secretary of Labor estimates to be nec-
3 essary to make payments described in subpara-
4 graph (A). There are appropriated from the
5 general fund of the Treasury, without fiscal
6 year limitation, the sums referred to in the pre-
7 ceding sentence and such sums shall not be re-
8 quired to be repaid.
9 (2) ADMINISTRATION.—
10 (A) IN GENERAL.—There are appropriated
11 out of the employment security administration
12 account (as established by section 901(a) of the
13 Social Security Act (42 U.S.C. 1101(a)) of the
14 Unemployment Trust Fund, without fiscal year
15 limitation, such funds as may be necessary for
16 purposes of assisting States (as provided in title
17 III of the Social Security Act (42 U.S.C. 501
18 et seq.)) in meeting the costs of administration
19 of agreements under this section.
20 (B) TRANSFER OF FUNDS.—Notwith-
21 standing any other provision of law, the Sec-
22 retary of the Treasury shall transfer from the
23 general fund of the Treasury (from funds not
24 otherwise appropriated) to the employment se-
25 curity administration account such sums as the

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1 Secretary of Labor estimates to be necessary to
2 make payments described in subparagraph (A).
3 There are appropriated from the general fund
4 of the Treasury, without fiscal year limitation,
5 the sums referred to in the preceding sentence
6 and such sums shall not be required to be re-
7 paid.

8 (3) CERTIFICATION.—The Secretary shall from
9 time to time certify to the Secretary of the Treasury
10 for payment to each State the sums payable to such
11 State under this subsection. The Secretary of the
12 Treasury, prior to audit or settlement by the Gov-
13 ernment Accountability Office, shall make payments
14 to the State in accordance with such certification, by
15 transfers from the extended unemployment com-
16 pensation account (as so established) to the account
17 of such State in the Unemployment Trust Fund (as
18 so established).

19 (e) FRAUD AND OVERPAYMENTS.—

20 (1) IN GENERAL.—If an individual knowingly
21 has made, or caused to be made by another, a false
22 statement or representation of a material fact, or
23 knowingly has failed, or caused another to fail, to
24 disclose a material fact, and as a result of such false
25 statement or representation or of such nondisclosure

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1 such individual has received an amount of pandemic
2 emergency unemployment compensation under this
3 section to which such individual was not entitled,
4 such individual—
5 (A) shall be ineligible for further pandemic
6 emergency unemployment compensation under
7 this section in accordance with the provisions of
8 the applicable State unemployment compensa-
9 tion law relating to fraud in connection with a
10 claim for unemployment compensation; and
11 (B) shall be subject to prosecution under
12 section 1001 of title 18, United States Code.
13 (2) REPAYMENT.—In the case of individuals
14 who have received amounts of pandemic emergency
15 unemployment compensation under this section to
16 which they were not entitled, the State shall require
17 such individuals to repay the amounts of such pan-
18 demic emergency unemployment compensation to the
19 State agency, except that the State agency may
20 waive such repayment if it determines that—
21 (A) the payment of such pandemic emer-
22 gency unemployment compensation was without
23 fault on the part of any such individual; and
24 (B) such repayment would be contrary to
25 equity and good conscience.

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1 (3) RECOVERY BY STATE AGENCY.—
2 (A) IN GENERAL.—The State agency shall
3 recover the amount to be repaid, or any part
4 thereof, by deductions from any pandemic
5 emergency unemployment compensation payable
6 to such individual under this section or from
7 any unemployment compensation payable to
8 such individual under any State or Federal un-
9 employment compensation law administered by
10 the State agency or under any other State or
11 Federal law administered by the State agency
12 which provides for the payment of any assist-
13 ance or allowance with respect to any week of
14 unemployment, during the 3-year period after
15 the date such individuals received the payment
16 of the pandemic emergency unemployment com-
17 pensation to which they were not entitled, in ac-
18 cordance with the same procedures as apply to
19 the recovery of overpayments of regular unem-
20 ployment benefits paid by the State.
21 (B) OPPORTUNITY FOR HEARING.—No re-
22 payment shall be required, and no deduction
23 shall be made, until a determination has been
24 made, notice thereof and an opportunity for a

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1 fair hearing has been given to the individual,
2 and the determination has become final.
3 (4) REVIEW.—Any determination by a State
4 agency under this section shall be subject to review
5 in the same manner and to the same extent as deter-
6 minations under the State unemployment compensa-
7 tion law, and only in that manner and to that ex-
8 tent.
9 (f) DEFINITIONS.—In this section, the terms ''com-
10 pensation'', ''regular compensation'', ''extended compensa-
11 tion'', ''benefit year'', ''base period'', ''State'', ''State
12 agency'', ''State law'', and ''week'' have the respective
13 meanings given such terms under section 205 of the Fed-
14 eral-State Extended Unemployment Compensation Act of
15 1970 (26 U.S.C. 3304 note).
16 (g) APPLICABILITY.—An agreement entered into
17 under this section shall apply to weeks of unemployment—
18 (1) beginning after the date on which such
19 agreement is entered into; and
20 (2) ending on or before December 31, 2020.
21 **SEC. 2108. TEMPORARY FINANCING OF SHORT-TIME COM-**
22 **PENSATION PAYMENTS IN STATES WITH PRO-**
23 **GRAMS IN LAW.**
24 (a) PAYMENTS TO STATES.—

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1 (1) IN GENERAL.—Subject to paragraph (3),
2 there shall be paid to a State an amount equal to
3 100 percent of the amount of short-time compensa-
4 tion paid under a short-time compensation program
5 (as defined in section 3306(v) of the Internal Rev-
6 enue Code of 1986) under the provisions of the
7 State law.
8 (2) TERMS OF PAYMENTS.—Payments made to
9 a State under paragraph (1) shall be payable by way
10 of reimbursement in such amounts as the Secretary
11 estimates the State will be entitled to receive under
12 this section for each calendar month, reduced or in-
13 creased, as the case may be, by any amount by
14 which the Secretary finds that the Secretary's esti-
15 mates for any prior calendar month were greater or
16 less than the amounts which should have been paid
17 to the State. Such estimates may be made on the
18 basis of such statistical, sampling, or other method
19 as may be agreed upon by the Secretary and the
20 State agency of the State involved.
21 (3) LIMITATIONS ON PAYMENTS.—
22 (A) GENERAL PAYMENT LIMITATIONS.—
23 No payments shall be made to a State under
24 this section for short-time compensation paid to
25 an individual by the State during a benefit year

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in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State under a short-time compensation program if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(b) APPLICABILITY.—Payments to a State under subsection (a) shall be available for weeks of unemployment—

(1) beginning on or after the date of the enactment of this Act; and

(2) ending on or before December 31, 2020.

(c) NEW PROGRAMS.—Subject to subsection (b)(2), if at any point after the date of the enactment of this Act the State enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, the State shall be eligible for payments under this section after the effective date of such enactment.

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1 (d) FUNDING AND CERTIFICATIONS.—
2 (1) FUNDING.—There are appropriated, out of
3 moneys in the Treasury not otherwise appropriated,
4 such sums as may be necessary for purposes of car-
5 rying out this section.
6 (2) CERTIFICATIONS.—The Secretary shall
7 from time to time certify to the Secretary of the
8 Treasury for payment to each State the sums pay-
9 able to such State under this section.
10 (e) DEFINITIONS.—In this section:
11 (1) SECRETARY.—The term "Secretary" means
12 the Secretary of Labor.
13 (2) STATE; STATE AGENCY; STATE LAW.—The
14 terms "State", "State agency", and "State law"
15 have the meanings given those terms in section 205
16 of the Federal-State Extended Unemployment Com-
17 pensation Act of 1970 (26 U.S.C. 3304 note).
18 (f) TECHNICAL CORRECTION TO DEFINITION.—Sec-
19 tion 3306(v)(6) of the Internal Revenue Code of 1986 (26
20 U.S.C. 3306) is amended by striking "Workforce Invest-
21 ment Act of 1998" and inserting "Workforce Innovation
22 and Opportunity Act".
23 **SEC. 2109. TEMPORARY FINANCING OF SHORT-TIME COM-**
24 **PENSATION AGREEMENTS.**
25 (a) FEDERAL-STATE AGREEMENTS.—

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1 (1) IN GENERAL.—Any State which desires to
2 do so may enter into, and participate in, an agree-
3 ment under this section with the Secretary provided
4 that such State's law does not provide for the pay-
5 ment of short-time compensation under a short-time
6 compensation program (as defined in section
7 3306(v) of the Internal Revenue Code of 1986).
8 (2) ABILITY TO TERMINATE.—Any State which
9 is a party to an agreement under this section may,
10 upon providing 30 days' written notice to the Sec-
11 retary, terminate such agreement.
12 (b) PROVISIONS OF FEDERAL-STATE AGREEMENT.—
13 (1) IN GENERAL.—Any agreement under this
14 section shall provide that the State agency of the
15 State will make payments of short-time compensa-
16 tion under a plan approved by the State. Such plan
17 shall provide that payments are made in accordance
18 with the requirements under section 3306(v) of the
19 Internal Revenue Code of 1986.
20 (2) LIMITATIONS ON PLANS.—
21 (A) GENERAL PAYMENT LIMITATIONS.—A
22 short-time compensation plan approved by a
23 State shall not permit the payment of short-
24 time compensation to an individual by the State
25 during a benefit year in excess of 26 times the

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1 amount of regular compensation (including de-
2 pendents' allowances) under the State law pay-
3 able to such individual for a week of total un-
4 employment.

5 (B) EMPLOYER LIMITATIONS.—A short-
6 time compensation plan approved by a State
7 shall not provide payments to an individual if
8 such individual is employed by the participating
9 employer on a seasonal, temporary, or intermit-
10 tent basis.

11 (3) EMPLOYER PAYMENT OF COSTS.—Any
12 short-time compensation plan entered into by an em-
13 ployer must provide that the employer will pay the
14 State an amount equal to one-half of the amount of
15 short-time compensation paid under such plan. Such
16 amount shall be deposited in the State's unemploy-
17 ment fund and shall not be used for purposes of cal-
18 culating an employer's contribution rate under sec-
19 tion 3303(a)(1) of the Internal Revenue Code of
20 1986.

21 (c) PAYMENTS TO STATES.—

22 (1) IN GENERAL.—There shall be paid to each
23 State with an agreement under this section an
24 amount equal to—

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1 (A) one-half of the amount of short-time
2 compensation paid to individuals by the State
3 pursuant to such agreement; and
4 (B) any additional administrative expenses
5 incurred by the State by reason of such agree-
6 ment (as determined by the Secretary).
7 (2) TERMS OF PAYMENTS.—Payments made to
8 a State under paragraph (1) shall be payable by way
9 of reimbursement in such amounts as the Secretary
10 estimates the State will be entitled to receive under
11 this section for each calendar month, reduced or in-
12 creased, as the case may be, by any amount by
13 which the Secretary finds that the Secretary's esti-
14 mates for any prior calendar month were greater or
15 less than the amounts which should have been paid
16 to the State. Such estimates may be made on the
17 basis of such statistical, sampling, or other method
18 as may be agreed upon by the Secretary and the
19 State agency of the State involved.
20 (3) FUNDING.—There are appropriated, out of
21 moneys in the Treasury not otherwise appropriated,
22 such sums as may be necessary for purposes of car-
23 rying out this section.
24 (4) CERTIFICATIONS.—The Secretary shall
25 from time to time certify to the Secretary of the

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1 Treasury for payment to each State the sums pay-
2 able to such State under this section.
3 (d) APPLICABILITY.—An agreement entered into
4 under this section shall apply to weeks of unemployment—
5 (1) beginning on or after the date on which
6 such agreement is entered into; and
7 (2) ending on or before December 31, 2020.
8 (e) SPECIAL RULE.—If a State has entered into an
9 agreement under this section and subsequently enacts a
10 State law providing for the payment of short-time com-
11 pensation under a short-time compensation program that
12 meets the definition of such a program under section
13 3306(v) of the Internal Revenue Code of 1986, the
14 State—
15 (1) shall not be eligible for payments under this
16 section for weeks of unemployment beginning after
17 the effective date of such State law; and
18 (2) subject to section 2108(b)(2), shall be eligi-
19 ble to receive payments under section 2108 after the
20 effective date of such State law.
21 (f) DEFINITIONS.—In this section:
22 (1) SECRETARY.—The term "Secretary" means
23 the Secretary of Labor.
24 (2) STATE; STATE AGENCY; STATE LAW.—The
25 terms "State", "State agency", and "State law"

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1 have the meanings given those terms in section 205
2 of the Federal-State Extended Unemployment Com-
3 pensation Act of 1970 (26 U.S.C. 3304 note).

4 **SEC. 2110. GRANTS FOR SHORT-TIME COMPENSATION PRO-**
5 **GRAMS.**

6 (a) GRANTS.—
7 (1) FOR IMPLEMENTATION OR IMPROVED AD-
8 MINISTRATION.—The Secretary shall award grants
9 to States that enact short-time compensation pro-
10 grams (as defined in subsection (i)(2)) for the pur-
11 pose of implementation or improved administration
12 of such programs.
13 (2) FOR PROMOTION AND ENROLLMENT.—The
14 Secretary shall award grants to States that are eligi-
15 ble and submit plans for a grant under paragraph
16 (1) for such States to promote and enroll employers
17 in short-time compensation programs (as so de-
18 fined).
19 (3) ELIGIBILITY.—
20 (A) IN GENERAL.—The Secretary shall de-
21 termine eligibility criteria for the grants under
22 paragraphs (1) and (2).
23 (B) CLARIFICATION.—A State admin-
24 istering a short-time compensation program
25 that does not meet the definition of a short-

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1 time compensation program under section
2 3306(v) of the Internal Revenue Code of 1986,
3 and a State with an agreement under section
4 2109, shall not be eligible to receive a grant
5 under this section until such time as the State
6 law of the State provides for payments under a
7 short-time compensation program that meets
8 such definition and such law.
9 (b) AMOUNT OF GRANTS.—
10 (1) IN GENERAL.—The maximum amount avail-
11 able for making grants to a State under paragraphs
12 (1) and (2) shall be equal to the amount obtained
13 by multiplying $100,000,000 (less the amount used
14 by the Secretary under subsection (e)) by the same
15 ratio as would apply under subsection (a)(2)(B) of
16 section 903 of the Social Security Act (42 U.S.C.
17 1103) for purposes of determining such State's
18 share of any excess amount (as described in sub-
19 section (a)(1) of such section) that would have been
20 subject to transfer to State accounts, as of October
21 1, 2019, under the provisions of subsection (a) of
22 such section.
23 (2) AMOUNT AVAILABLE FOR DIFFERENT
24 GRANTS.—Of the maximum incentive payment deter-

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1 mined under paragraph (1) with respect to a
2 State—
3 (A) one-third shall be available for a grant
4 under subsection (a)(1); and
5 (B) two-thirds shall be available for a
6 grant under subsection (a)(2).
7 (c) GRANT APPLICATION AND DISBURSAL.—
8 (1) APPLICATION.—Any State seeking a grant
9 under paragraph (1) or (2) of subsection (a) shall
10 submit an application to the Secretary at such time,
11 in such manner, and complete with such information
12 as the Secretary may require. In no case may the
13 Secretary award a grant under this section with re-
14 spect to an application that is submitted after De-
15 cember 31, 2023.
16 (2) NOTICE.—The Secretary shall, within 30
17 days after receiving a complete application, notify
18 the State agency of the State of the Secretary's find-
19 ings with respect to the requirements for a grant
20 under paragraph (1) or (2) (or both) of subsection
21 (a).
22 (3) CERTIFICATION.—If the Secretary finds
23 that the State law provisions meet the requirements
24 for a grant under subsection (a), the Secretary shall
25 thereupon make a certification to that effect to the

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1 Secretary of the Treasury, together with a certifi-
2 cation as to the amount of the grant payment to be
3 transferred to the State account in the Unemploy-
4 ment Trust Fund (as established in section 904(a)
5 of the Social Security Act (42 U.S.C. 1104(a))) pur-
6 suant to that finding. The Secretary of the Treasury
7 shall make the appropriate transfer to the State ac-
8 count within 7 days after receiving such certifi-
9 cation.
10 (4) REQUIREMENT.—No certification of compli-
11 ance with the requirements for a grant under para-
12 graph (1) or (2) of subsection (a) may be made with
13 respect to any State whose—
14 (A) State law is not otherwise eligible for
15 certification under section 303 of the Social Se-
16 curity Act (42 U.S.C. 503) or approvable under
17 section 3304 of the Internal Revenue Code of
18 1986; or
19 (B) short-time compensation program is
20 subject to discontinuation or is not scheduled to
21 take effect within 12 months of the certifi-
22 cation.
23 (d) USE OF FUNDS.—The amount of any grant
24 awarded under this section shall be used for the implemen-
25 tation of short-time compensation programs and the over-

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1 all administration of such programs and the promotion
2 and enrollment efforts associated with such programs,
3 such as through—
4 (1) the creation or support of rapid response
5 teams to advise employers about alternatives to lay-
6 offs;
7 (2) the provision of education or assistance to
8 employers to enable them to assess the feasibility of
9 participating in short-time compensation programs;
10 and
11 (3) the development or enhancement of systems
12 to automate—
13 (A) the submission and approval of plans;
14 and
15 (B) the filing and approval of new and on-
16 going short-time compensation claims.
17 (e) ADMINISTRATION.—The Secretary is authorized
18 to use 0.25 percent of the funds available under subsection
19 (g) to provide for outreach and to share best practices with
20 respect to this section and short-time compensation pro-
21 grams.
22 (f) RECOUPMENT.—The Secretary shall establish a
23 process under which the Secretary shall recoup the
24 amount of any grant awarded under paragraph (1) or (2)
25 of subsection (a) if the Secretary determines that, during

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1 the 5-year period beginning on the first date that any such
2 grant is awarded to the State, the State—
3 (1) terminated the State's short-time compensa-
4 tion program; or
5 (2) failed to meet appropriate requirements
6 with respect to such program (as established by the
7 Secretary).
8 (g) FUNDING.—There are appropriated, out of mon-
9 eys in the Treasury not otherwise appropriated, to the
10 Secretary, $100,000,000 to carry out this section, to re-
11 main available without fiscal year limitation.
12 (h) REPORTING.—The Secretary may establish re-
13 porting requirements for States receiving a grant under
14 this section in order to provide oversight of grant funds.
15 (i) DEFINITIONS.—In this section:
16 (1) SECRETARY.—The term "Secretary" means
17 the Secretary of Labor.
18 (2) SHORT-TIME COMPENSATION PROGRAM.—
19 The term "short-time compensation program" has
20 the meaning given such term in section 3306(v) of
21 the Internal Revenue Code of 1986.
22 (3) STATE; STATE AGENCY; STATE LAW.—The
23 terms "State", "State agency", and "State law"
24 have the meanings given those terms in section 205

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of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

**SEC. 2111. ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.**

(a) IN GENERAL.—In order to assist States in establishing, qualifying, and implementing short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986), the Secretary of Labor (in this section referred to as the "Secretary") shall—

(1) develop model legislative language, or disseminate existing model legislative language, which may be used by States in developing and enacting such programs, and periodically review and revise such model legislative language;

(2) provide technical assistance and guidance in developing, enacting, and implementing such programs; and

(3) establish reporting requirements for States, including reporting on—

(A) the number of estimated averted layoffs;

(B) the number of participating employers and workers; and

(C) such other items as the Secretary of Labor determines are appropriate.

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1 (b) MODEL LANGUAGE AND GUIDANCE.—The model
2 language and guidance developed under subsection (a)
3 shall allow sufficient flexibility by States and participating
4 employers while ensuring accountability and program in-
5 tegrity.

6 (c) CONSULTATION.—In developing the model legisla-
7 tive language and guidance under subsection (a), and in
8 order to meet the requirements of subsection (b), the Sec-
9 retary shall consult with employers, labor organizations,
10 State workforce agencies, and other program experts. Ex-
11 isting model legislative language that has been developed
12 through such a consultative process shall be deemed to
13 meet the consultation requirement of this subsection.

14 (d) REPEAL.—Section 4104 of the Emergency Unem-
15 ployment Stabilization and Access Act of 2020 (contained
16 in division D of the Families First Coronavirus Response
17 Act) is repealed.

18 **SEC. 2112. WAIVER OF THE 7-DAY WAITING PERIOD FOR**
19 **BENEFITS UNDER THE RAILROAD UNEM-**
20 **PLOYMENT INSURANCE ACT.**

21 (a) NO WAITING WEEK.—With respect to any reg-
22 istration period beginning after the date of enactment of
23 this Act and ending on or before December 31, 2020, sub-
24 paragraphs (A)(ii) and (B)(ii) of section 2(a)(1) of the

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1 Railroad Unemployment Insurance Act (45 U.S.C.
2 352(a)(1)) shall not apply.
3 (b) OPERATING INSTRUCTIONS AND REGULA-
4 TIONS.—The Railroad Retirement Board may prescribe
5 any operating instructions or regulations necessary to
6 carry out this section.
7 (c) FUNDING.—Out of any funds in the Treasury not
8 otherwise appropriated, there are appropriated
9 $50,000,000 to cover the costs of additional benefits pay-
10 able due to the application of subsection (a). Upon the
11 exhaustion of the funds appropriated under this sub-
12 section, subsection (a) shall no longer apply with respect
13 to any registration period beginning after the date of ex-
14 haustion of funds.
15 (d) DEFINITION OF REGISTRATION PERIOD.—For
16 purposes of this section, the term "registration period"
17 has the meaning given such term under section 1 of the
18 Railroad Unemployment Insurance Act (45 U.S.C. 351).

19 **SEC. 2113. ENHANCED BENEFITS UNDER THE RAILROAD**
20 **UNEMPLOYMENT INSURANCE ACT.**

21 Section 2(a) of the Railroad Unemployment Insur-
22 ance Act (45 U.S.C. § 352(a)) is amended by adding at
23 the end the following:
24 "(5)(A) Notwithstanding paragraph (3), subsection
25 (c)(1)(B), and any other limitation on total benefits in this

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1 Act, for registration periods beginning on or after April
2 1, 2020, but on or before July 31, 2020, a recovery benefit
3 in the amount of $1,200 shall be payable to a qualified
4 employee with respect to any registration period in which
5 the employee received unemployment benefits under para-
6 graph (1)(A), and in any registration period in which the
7 employee did not receive unemployment benefits due to the
8 limitation in subsection (c)(1)(B) or due to reaching the
9 maximum number of days of benefits in the benefit year
10 beginning July 1, 2019, under subsection (c)(1)(A). No
11 recovery benefits shall be payable under this section upon
12 the exhaustion of the funds appropriated under subpara-
13 graph (B) for payment of benefits under this subpara-
14 graph.

15 "(B) Out of any funds in the Treasury not otherwise
16 appropriated, there are appropriated $425,000,000 to
17 cover the cost of recovery benefits provided under subpara-
18 graph (A), to remain available until expended.".

19 **SEC. 2114. EXTENDED UNEMPLOYMENT BENEFITS UNDER**
20 **THE RAILROAD UNEMPLOYMENT INSURANCE**
21 **ACT.**

22 (a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Rail-
23 road Unemployment Insurance Act (45 U.S.C.
24 352(c)(2)(D)(iii) is amended—

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1 (1) by striking "July 1, 2008" and inserting
2 "July 1, 2019";
3 (2) by striking "June 30, 2013" and inserting
4 "June 30, 2020"; and
5 (3) by striking "December 31, 2013" and in-
6 serting "December 31, 2020".
7 (b) CLARIFICATION ON AUTHORITY TO USE
8 FUNDS.—Funds appropriated under either the first or
9 second sentence of clause (iv) of section 2(c)(2)(D) of the
10 Railroad Unemployment Insurance Act shall be available
11 to cover the cost of additional extended unemployment
12 benefits provided under such section 2(c)(2)(D) by reason
13 of the amendments made by subsection (a) as well as to
14 cover the cost of such benefits provided under such section
15 2(c)(2)(D) as in effect on the day before the date of enact-
16 ment of this Act.

17 **SEC. 2115. FUNDING FOR THE DOL OFFICE OF INSPECTOR**
18 **GENERAL FOR OVERSIGHT OF UNEMPLOY-**
19 **MENT PROVISIONS.**

20 There are appropriated, out of moneys in the Treas-
21 ury not otherwise appropriated, to the Office of the In-
22 spector General of the Department of Labor, $25,000,000
23 to carry out audits, investigations, and other oversight ac-
24 tivities authorized under the Inspector General Act of
25 1978 (5 U.S.C. App.) that are related to the provisions

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of, and amendments made by, this subtitle, to remain available without fiscal year limitation.

**SEC. 2116. IMPLEMENTATION.**

(a) NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act of 1995"), shall not apply to the provisions of, and the amendments made by, this subtitle.

(b) OPERATING INSTRUCTIONS OR OTHER GUIDANCE.—Notwithstanding any other provision of law, the Secretary of Labor may issue any operating instructions or other guidance necessary to carry out the provisions of, or the amendments made by, this subtitle.

# Subtitle B—Rebates and Other Individual Provisions

**SEC. 2201. 2020 RECOVERY REBATES FOR INDIVIDUALS.**

(a) IN GENERAL.—Subchapter B of chapter 65 of subtitle F of the Internal Revenue Code of 1986 is amended by inserting after section 6427 the following new section:

**"SEC. 6428. 2020 RECOVERY REBATES FOR INDIVIDUALS.**

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

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1 "(1) $1,200 ($2,400 in the case of eligible indi-
2 viduals filing a joint return), plus
3 "(2) an amount equal to the product of $500
4 multiplied by the number of qualifying children
5 (within the meaning of section 24(c)) of the tax-
6 payer.
7 "(b) TREATMENT OF CREDIT.—The credit allowed by
8 subsection (a) shall be treated as allowed by subpart C
9 of part IV of subchapter A of chapter 1.
10 "(c) LIMITATION BASED ON ADJUSTED GROSS IN-
11 COME.—The amount of the credit allowed by subsection
12 (a) (determined without regard to this subsection and sub-
13 section (e)) shall be reduced (but not below zero) by 5
14 percent of so much of the taxpayer's adjusted gross in-
15 come as exceeds—
16 "(1) $150,000 in the case of a joint return,
17 "(2) $112,500 in the case of a head of house-
18 hold, and
19 "(3) $75,000 in the case of a taxpayer not de-
20 scribed in paragraph (1) or (2).
21 "(d) ELIGIBLE INDIVIDUAL.—For purposes of this
22 section, the term 'eligible individual' means any individual
23 other than—
24 "(1) any nonresident alien individual,

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1 "(2) any individual with respect to whom a de-
2 duction under section 151 is allowable to another
3 taxpayer for a taxable year beginning in the cal-
4 endar year in which the individual's taxable year be-
5 gins, and
6 "(3) an estate or trust.
7 "(e) COORDINATION WITH ADVANCE REFUNDS OF
8 CREDIT.—
9 "(1) IN GENERAL.—The amount of credit
10 which would (but for this paragraph) be allowable
11 under this section shall be reduced (but not below
12 zero) by the aggregate refunds and credits made or
13 allowed to the taxpayer under subsection (f). Any
14 failure to so reduce the credit shall be treated as
15 arising out of a mathematical or clerical error and
16 assessed according to section 6213(b)(1).
17 "(2) JOINT RETURNS.—In the case of a refund
18 or credit made or allowed under subsection (f) with
19 respect to a joint return, half of such refund or cred-
20 it shall be treated as having been made or allowed
21 to each individual filing such return.
22 "(f) ADVANCE REFUNDS AND CREDITS.—
23 "(1) IN GENERAL.—Subject to paragraph (5),
24 each individual who was an eligible individual for
25 such individual's first taxable year beginning in

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2019 shall be treated as having made a payment against the tax imposed by chapter 1 for such taxable year in an amount equal to the advance refund amount for such taxable year.

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

"(3) TIMING AND MANNER OF PAYMENTS.—

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

"(B) DELIVERY OF PAYMENTS.—Notwithstanding any other provision of law, the Secretary may certify and disburse refunds payable under this subsection electronically to any account to which the payee authorized, on or after January 1, 2018, the delivery of a refund of taxes under this title or of a Federal payment

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1 (as defined in section 3332 of title 31, United
2 States Code).
3 "(C) WAIVER OF CERTAIN RULES.—Not-
4 withstanding section 3325 of title 31, United
5 States Code, or any other provision of law, with
6 respect to any payment of a refund under this
7 subsection, a disbursing official in the executive
8 branch of the United States Government may
9 modify payment information received from an
10 officer or employee described in section
11 3325(a)(1)(B) of such title for the purpose of
12 facilitating the accurate and efficient delivery of
13 such payment. Except in cases of fraud or reck-
14 less neglect, no liability under sections 3325,
15 3527, 3528, or 3529 of title 31, United States
16 Code, shall be imposed with respect to pay-
17 ments made under this subparagraph.
18 "(4) NO INTEREST.—No interest shall be al-
19 lowed on any overpayment attributable to this sec-
20 tion.
21 "(5) ALTERNATE TAXABLE YEAR.—In the case
22 of an individual who, at the time of any determina-
23 tion made pursuant to paragraph (3), has not filed
24 a tax return for the year described in paragraph (1),
25 the Secretary may—

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1 "(A) apply such paragraph by substituting
2 '2018' for '2019', and
3 "(B) if the individual has not filed a tax
4 return for such individual's first taxable year
5 beginning in 2018, use information with respect
6 to such individual for calendar year 2019 pro-
7 vided in—
8 "(i) Form SSA-1099, Social Security
9 Benefit Statement, or
10 "(ii) Form RRB-1099, Social Security
11 Equivalent Benefit Statement.
12 "(6) NOTICE TO TAXPAYER.—Not later than 15
13 days after the date on which the Secretary distrib-
14 uted any payment to an eligible taxpayer pursuant
15 to this subsection, notice shall be sent by mail to
16 such taxpayer's last known address. Such notice
17 shall indicate the method by which such payment
18 was made, the amount of such payment, and a
19 phone number for the appropriate point of contact
20 at the Internal Revenue Service to report any failure
21 to receive such payment.
22 "(g) IDENTIFICATION NUMBER REQUIREMENT.—
23 "(1) IN GENERAL.—No credit shall be allowed
24 under subsection (a) to an eligible individual who

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1 does not include on the return of tax for the taxable
2 year—
3 "(A) such individual's valid identification
4 number,
5 "(B) in the case of a joint return, the valid
6 identification number of such individual's
7 spouse, and
8 "(C) in the case of any qualifying child
9 taken into account under subsection (a)(2), the
10 valid identification number of such qualifying
11 child.
12 "(2) VALID IDENTIFICATION NUMBER.—
13 "(A) IN GENERAL.—For purposes of para-
14 graph (1), the term 'valid identification num-
15 ber' means a social security number (as such
16 term is defined in section 24(h)(7)).
17 "(B) ADOPTION TAXPAYER IDENTIFICA-
18 TION NUMBER.—For purposes of paragraph
19 (1)(C), in the case of a qualifying child who is
20 adopted or placed for adoption, the term 'valid
21 identification number' shall include the adop-
22 tion taxpayer identification number of such
23 child.
24 "(3) SPECIAL RULE FOR MEMBERS OF THE
25 ARMED FORCES.—Paragraph (1)(B) shall not apply

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in the case where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year and at least 1 spouse satisfies paragraph (1)(A).

"(4) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Any omission of a correct valid identification number required under this subsection shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) to such omission.

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

(b) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking "and 36B, 168(k)(4)" and inserting "36B, and 6428".

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking "or 32" and inserting "32, or 6428".

(c) TREATMENT OF POSSESSIONS.—

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1 (1) PAYMENTS TO POSSESSIONS.—
2 (A) MIRROR CODE POSSESSION.—The Sec-
3 retary of the Treasury shall pay to each posses-
4 sion of the United States which has a mirror
5 code tax system amounts equal to the loss (if
6 any) to that possession by reason of the amend-
7 ments made by this section. Such amounts shall
8 be determined by the Secretary of the Treasury
9 based on information provided by the govern-
10 ment of the respective possession.
11 (B) OTHER POSSESSIONS.—The Secretary
12 of the Treasury shall pay to each possession of
13 the United States which does not have a mirror
14 code tax system amounts estimated by the Sec-
15 retary of the Treasury as being equal to the ag-
16 gregate benefits (if any) that would have been
17 provided to residents of such possession by rea-
18 son of the amendments made by this section if
19 a mirror code tax system had been in effect in
20 such possession. The preceding sentence shall
21 not apply unless the respective possession has a
22 plan, which has been approved by the Secretary
23 of the Treasury, under which such possession
24 will promptly distribute such payments to its
25 residents.

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1 (2) COORDINATION WITH CREDIT ALLOWED
2 AGAINST UNITED STATES INCOME TAXES.—No cred-
3 it shall be allowed against United States income
4 taxes under section 6428 of the Internal Revenue
5 Code of 1986 (as added by this section) to any per-
6 son—
7 (A) to whom a credit is allowed against
8 taxes imposed by the possession by reason of
9 the amendments made by this section, or
10 (B) who is eligible for a payment under a
11 plan described in paragraph (1)(B).
12 (3) DEFINITIONS AND SPECIAL RULES.—
13 (A) POSSESSION OF THE UNITED
14 STATES.—For purposes of this subsection, the
15 term "possession of the United States" includes
16 the Commonwealth of Puerto Rico and the
17 Commonwealth of the Northern Mariana Is-
18 lands.
19 (B) MIRROR CODE TAX SYSTEM.—For pur-
20 poses of this subsection, the term "mirror code
21 tax system" means, with respect to any posses-
22 sion of the United States, the income tax sys-
23 tem of such possession if the income tax liabil-
24 ity of the residents of such possession under
25 such system is determined by reference to the

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1 income tax laws of the United States as if such
2 possession were the United States.
3 (C) TREATMENT OF PAYMENTS.—For pur-
4 poses of section 1324 of title 31, United States
5 Code, the payments under this subsection shall
6 be treated in the same manner as a refund due
7 from a credit provision referred to in subsection
8 (b)(2) of such section.
9 (d) EXCEPTION FROM REDUCTION OR OFFSET.—
10 Any credit or refund allowed or made to any individual
11 by reason of section 6428 of the Internal Revenue Code
12 of 1986 (as added by this section) or by reason of sub-
13 section (c) of this section shall not be—
14 (1) subject to reduction or offset pursuant to
15 section 3716 or 3720A of title 31, United States
16 Code,
17 (2) subject to reduction or offset pursuant to
18 subsection (d), (e), or (f) of section 6402 of the In-
19 ternal Revenue Code of 1986, or
20 (3) reduced or offset by other assessed Federal
21 taxes that would otherwise be subject to levy or col-
22 lection.
23 (e) PUBLIC AWARENESS CAMPAIGN.—The Secretary
24 of the Treasury (or the Secretary's delegate) shall conduct
25 a public awareness campaign, in coordination with the

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1 Commissioner of Social Security and the heads of other
2 relevant Federal agencies, to provide information regard-
3 ing the availability of the credit and rebate allowed under
4 section 6428 of the Internal Revenue Code of 1986 (as
5 added by this section), including information with respect
6 to individuals who may not have filed a tax return for tax-
7 able year 2018 or 2019.

8 (f) APPROPRIATIONS TO CARRY OUT REBATES.—

9 (1) IN GENERAL.—Immediately upon the enact-
10 ment of this Act, the following sums are appro-
11 priated, out of any money in the Treasury not other-
12 wise appropriated, for the fiscal year ending Sep-
13 tember 30, 2020:

14 (A) DEPARTMENT OF THE TREASURY.—

15 (i) For an additional amount for ''De-
16 partment of the Treasury—Bureau of the
17 Fiscal Service—Salaries and Expenses'',
18 $78,650,000, to remain available until
19 September 30, 2021.

20 (ii) For an additional amount for
21 ''Department of the Treasury—Internal
22 Revenue Service—Taxpayer Services'',
23 $293,500,000, to remain available until
24 September 30, 2021.

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1 (iii) For an additional amount for
2 "Department of the Treasury—Internal
3 Revenue Service—Operations Support",
4 $170,000,000, to remain available until
5 September 30, 2021.
6 (iv) For an additional amount for
7 "Department of Treasury—Internal Rev-
8 enue Service—Enforcement", $37,200,000,
9 to remain available until September 30,
10 2021.
11 Amounts made available in appropriations
12 under clauses (ii), (iii), and (iv) of this subpara-
13 graph may be transferred between such appro-
14 priations upon the advance notification of the
15 Committees on Appropriations of the House of
16 Representatives and the Senate. Such transfer
17 authority is in addition to any other transfer
18 authority provided by law.
19 (B) SOCIAL SECURITY ADMINISTRATION.—
20 For an additional amount for "Social Security
21 Administration—Limitation on Administrative
22 Expenses", $38,000,000, to remain available
23 until September 30, 2021.
24 (2) REPORTS.—No later than 15 days after en-
25 actment of this Act, the Secretary of the Treasury

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1 shall submit a plan to the Committees on Appropria-
2 tions of the House of Representatives and the Sen-
3 ate detailing the expected use of the funds provided
4 by paragraph (1)(A). Beginning 90 days after enact-
5 ment of this Act, the Secretary of the Treasury shall
6 submit a quarterly report to the Committees on Ap-
7 propriations of the House of Representatives and the
8 Senate detailing the actual expenditure of funds pro-
9 vided by paragraph (1)(A) and the expected expendi-
10 ture of such funds in the subsequent quarter.
11 (g) CONFORMING AMENDMENTS.—
12 (1) Paragraph (2) of section 1324(b) of title
13 31, United States Code, is amended by inserting
14 "6428," after "54B(h),".
15 (2) The table of sections for subchapter B of
16 chapter 65 of subtitle F of the Internal Revenue
17 Code of 1986 is amended by inserting after the item
18 relating to section 6427 the following:

"Sec. 6428. 2020 Recovery Rebates for individuals.".

19 **SEC. 2202. SPECIAL RULES FOR USE OF RETIREMENT**
20 **FUNDS.**
21 (a) TAX-FAVORED WITHDRAWALS FROM RETIRE-
22 MENT PLANS.—
23 (1) IN GENERAL.—Section 72(t) of the Internal
24 Revenue Code of 1986 shall not apply to any
25 coronavirus-related distribution.

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1 (2) AGGREGATE DOLLAR LIMITATION.—
2 (A) IN GENERAL.—For purposes of this
3 subsection, the aggregate amount of distribu-
4 tions received by an individual which may be
5 treated as coronavirus-related distributions for
6 any taxable year shall not exceed $100,000.
7 (B) TREATMENT OF PLAN DISTRIBU-
8 TIONS.—If a distribution to an individual would
9 (without regard to subparagraph (A)) be a
10 coronavirus-related distribution, a plan shall not
11 be treated as violating any requirement of the
12 Internal Revenue Code of 1986 merely because
13 the plan treats such distribution as a
14 coronavirus-related distribution, unless the ag-
15 gregate amount of such distributions from all
16 plans maintained by the employer (and any
17 member of any controlled group which includes
18 the employer) to such individual exceeds
19 $100,000.
20 (C) CONTROLLED GROUP.—For purposes
21 of subparagraph (B), the term "controlled
22 group" means any group treated as a single
23 employer under subsection (b), (c), (m), or (o)
24 of section 414 of the Internal Revenue Code of
25 1986.

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1 (3) AMOUNT DISTRIBUTED MAY BE REPAID.—
2 (A) IN GENERAL.—Any individual who re-
3 ceives a coronavirus-related distribution may, at
4 any time during the 3-year period beginning on
5 the day after the date on which such distribu-
6 tion was received, make 1 or more contributions
7 in an aggregate amount not to exceed the
8 amount of such distribution to an eligible retire-
9 ment plan of which such individual is a bene-
10 ficiary and to which a rollover contribution of
11 such distribution could be made under section
12 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or
13 457(e)(16), of the Internal Revenue Code of
14 1986, as the case may be.
15 (B) TREATMENT OF REPAYMENTS OF DIS-
16 TRIBUTIONS FROM ELIGIBLE RETIREMENT
17 PLANS OTHER THAN IRAS.—For purposes of
18 the Internal Revenue Code of 1986, if a con-
19 tribution is made pursuant to subparagraph (A)
20 with respect to a coronavirus-related distribu-
21 tion from an eligible retirement plan other than
22 an individual retirement plan, then the taxpayer
23 shall, to the extent of the amount of the con-
24 tribution, be treated as having received the
25 coronavirus-related distribution in an eligible

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1 rollover distribution (as defined in section
2 402(c)(4) of such Code) and as having trans-
3 ferred the amount to the eligible retirement
4 plan in a direct trustee to trustee transfer with-
5 in 60 days of the distribution.

6 (C) TREATMENT OF REPAYMENTS OF DIS-
7 TRIBUTIONS FROM IRAS.—For purposes of the
8 Internal Revenue Code of 1986, if a contribu-
9 tion is made pursuant to subparagraph (A)
10 with respect to a coronavirus-related distribu-
11 tion from an individual retirement plan (as de-
12 fined by section 7701(a)(37) of such Code),
13 then, to the extent of the amount of the con-
14 tribution, the coronavirus-related distribution
15 shall be treated as a distribution described in
16 section 408(d)(3) of such Code and as having
17 been transferred to the eligible retirement plan
18 in a direct trustee to trustee transfer within 60
19 days of the distribution.

20 (4) DEFINITIONS.—For purposes of this sub-
21 section—

22 (A) CORONAVIRUS-RELATED DISTRIBU-
23 TION.—Except as provided in paragraph (2),
24 the term "coronavirus-related distribution"

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1 means any distribution from an eligible retire-
2 ment plan made—
3 (i) on or after January 1, 2020, and
4 before December 31, 2020,
5 (ii) to an individual—
6 (I) who is diagnosed with the
7 virus SARS-CoV-2 or with
8 coronavirus disease 2019 (COVID-19)
9 by a test approved by the Centers for
10 Disease Control and Prevention,
11 (II) whose spouse or dependent
12 (as defined in section 152 of the In-
13 ternal Revenue Code of 1986) is diag-
14 nosed with such virus or disease by
15 such a test, or
16 (III) who experiences adverse fi-
17 nancial consequences as a result of
18 being quarantined, being furloughed
19 or laid off or having work hours re-
20 duced due to such virus or disease,
21 being unable to work due to lack of
22 child care due to such virus or dis-
23 ease, closing or reducing hours of a
24 business owned or operated by the in-
25 dividual due to such virus or disease,

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1 or other factors as determined by the
2 Secretary of the Treasury (or the Sec-
3 retary's delegate).
4 (B) EMPLOYEE CERTIFICATION.—The ad-
5 ministrator of an eligible retirement plan may
6 rely on an employee's certification that the em-
7 ployee satisfies the conditions of subparagraph
8 (A)(ii) in determining whether any distribution
9 is a coronavirus-related distribution.
10 (C) ELIGIBLE RETIREMENT PLAN.—The
11 term "eligible retirement plan" has the meaning
12 given such term by section 402(c)(8)(B) of the
13 Internal Revenue Code of 1986.
14 (5) INCOME INCLUSION SPREAD OVER 3-YEAR
15 PERIOD.—
16 (A) IN GENERAL.—In the case of any
17 coronavirus-related distribution, unless the tax-
18 payer elects not to have this paragraph apply
19 for any taxable year, any amount required to be
20 included in gross income for such taxable year
21 shall be so included ratably over the 3-taxable-
22 year period beginning with such taxable year.
23 (B) SPECIAL RULE.—For purposes of sub-
24 paragraph (A), rules similar to the rules of sub-

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1 paragraph (E) of section 408A(d)(3) of the In-
2 ternal Revenue Code of 1986 shall apply.
3 (6) SPECIAL RULES.—
4 (A) EXEMPTION OF DISTRIBUTIONS FROM
5 TRUSTEE TO TRUSTEE TRANSFER AND WITH-
6 HOLDING RULES.—For purposes of sections
7 401(a)(31), 402(f), and 3405 of the Internal
8 Revenue Code of 1986, coronavirus-related dis-
9 tributions shall not be treated as eligible roll-
10 over distributions.
11 (B) CORONAVIRUS-RELATED DISTRIBU-
12 TIONS TREATED AS MEETING PLAN DISTRIBU-
13 TION REQUIREMENTS.—For purposes of the In-
14 ternal Revenue Code of 1986, a coronavirus-re-
15 lated distribution shall be treated as meeting
16 the requirements of sections 401(k)(2)(B)(i),
17 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A)
18 of such Code and section 8433(h)(1) of title 5,
19 United States Code.
20 (b) LOANS FROM QUALIFIED PLANS.—
21 (1) INCREASE IN LIMIT ON LOANS NOT TREAT-
22 ED AS DISTRIBUTIONS.—In the case of any loan
23 from a qualified employer plan (as defined under
24 section 72(p)(4) of the Internal Revenue Code of
25 1986) to a qualified individual made during the 180-

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1 day period beginning on the date of the enactment
2 of this Act—
3 (A) clause (i) of section 72(p)(2)(A) of
4 such Code shall be applied by substituting
5 "$100,000" for "$50,000", and
6 (B) clause (ii) of such section shall be ap-
7 plied by substituting "the present value of the
8 nonforfeitable accrued benefit of the employee
9 under the plan" for "one-half of the present
10 value of the nonforfeitable accrued benefit of
11 the employee under the plan".
12 (2) DELAY OF REPAYMENT.—In the case of a
13 qualified individual with an outstanding loan (on or
14 after the date of the enactment of this Act) from a
15 qualified employer plan (as defined in section
16 72(p)(4) of the Internal Revenue Code of 1986)—
17 (A) if the due date pursuant to subpara-
18 graph (B) or (C) of section 72(p)(2) of such
19 Code for any repayment with respect to such
20 loan occurs during the period beginning on the
21 date of the enactment of this Act and ending on
22 December 31, 2020, such due date shall be de-
23 layed for 1 year,
24 (B) any subsequent repayments with re-
25 spect to any such loan shall be appropriately

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adjusted to reflect the delay in the due date under subparagraph (A) and any interest accruing during such delay, and

(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2) of such Code, the period described in subparagraph (A) of this paragraph shall be disregarded.

(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection, the term "qualified individual" means any individual who is described in subsection (a)(4)(A)(ii).

(c) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury (or the Secretary's delegate), such plan or contract shall not fail to meet the requirements of section 411(d)(6) of the Internal Revenue Code of 1986 and section 204(g) of

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1 the Employee Retirement Income Security Act
2 of 1974 by reason of such amendment.
3 (2) AMENDMENTS TO WHICH SUBSECTION AP-
4 PLIES.—
5 (A) IN GENERAL.—This subsection shall
6 apply to any amendment to any plan or annuity
7 contract which is made—
8 (i) pursuant to any provision of this
9 section, or pursuant to any regulation
10 issued by the Secretary of the Treasury or
11 the Secretary of Labor (or the delegate of
12 either such Secretary) under any provision
13 of this section, and
14 (ii) on or before the last day of the
15 first plan year beginning on or after Janu-
16 ary 1, 2022, or such later date as the Sec-
17 retary of the Treasury (or the Secretary's
18 delegate) may prescribe.
19 In the case of a governmental plan (as defined
20 in section 414(d) of the Internal Revenue Code
21 of 1986), clause (ii) shall be applied by sub-
22 stituting the date which is 2 years after the
23 date otherwise applied under clause (ii).
24 (B) CONDITIONS.—This subsection shall
25 not apply to any amendment unless—

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1 (i) during the period—
2 (I) beginning on the date that
3 this section or the regulation de-
4 scribed in subparagraph (A)(i) takes
5 effect (or in the case of a plan or con-
6 tract amendment not required by this
7 section or such regulation, the effec-
8 tive date specified by the plan), and
9 (II) ending on the date described
10 in subparagraph (A)(ii) (or, if earlier,
11 the date the plan or contract amend-
12 ment is adopted),
13 the plan or contract is operated as if such
14 plan or contract amendment were in effect,
15 and
16 (ii) such plan or contract amendment
17 applies retroactively for such period.

18 **SEC. 2203. TEMPORARY WAIVER OF REQUIRED MINIMUM**
19 **DISTRIBUTION RULES FOR CERTAIN RETIRE-**
20 **MENT PLANS AND ACCOUNTS.**

21 (a) IN GENERAL.—Section 401(a)(9) of the Internal
22 Revenue Code of 1986 is amended by adding at the end
23 the following new subparagraph:
24 "(I) TEMPORARY WAIVER OF MINIMUM RE-
25 QUIRED DISTRIBUTION.—

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1 "(i) IN GENERAL.—The requirements
2 of this paragraph shall not apply for cal-
3 endar year 2020 to—
4 "(I) a defined contribution plan
5 which is described in this subsection
6 or in section 403(a) or 403(b),
7 "(II) a defined contribution plan
8 which is an eligible deferred com-
9 pensation plan described in section
10 457(b) but only if such plan is main-
11 tained by an employer described in
12 section 457(e)(1)(A), or
13 "(III) an individual retirement
14 plan.
15 "(ii) SPECIAL RULE FOR REQUIRED
16 BEGINNING DATES IN 2020.—Clause (i)
17 shall apply to any distribution which is re-
18 quired to be made in calendar year 2020
19 by reason of—
20 "(I) a required beginning date
21 occurring in such calendar year, and
22 "(II) such distribution not having
23 been made before January 1, 2020.

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"(iii) SPECIAL RULES REGARDING WAIVER PERIOD.—For purposes of this paragraph—

"(I) the required beginning date with respect to any individual shall be determined without regard to this subparagraph for purposes of applying this paragraph for calendar years after 2020, and

"(II) if clause (ii) of subparagraph (B) applies, the 5-year period described in such clause shall be determined without regard to calendar year 2020.".

(b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section 402(c)(4) of the Internal Revenue Code of 1986 is amended by striking "2009" each place it appears in the last sentence and inserting "2020".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply for calendar years beginning after December 31, 2019.

(2) PROVISIONS RELATING TO PLAN OR CONTRACT AMENDMENTS.—

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1 (A) IN GENERAL.—If this paragraph ap-
2 plies to any plan or contract amendment—
3 (i) such plan or contract shall not fail
4 to be treated as being operated in accord-
5 ance with the terms of the plan during the
6 period described in subparagraph (B)(ii)
7 solely because the plan operates in accord-
8 ance with this section, and
9 (ii) except as provided by the Sec-
10 retary of the Treasury (or the Secretary's
11 delegate), such plan or contract shall not
12 fail to meet the requirements of section
13 411(d)(6) of the Internal Revenue Code of
14 1986 and section 204(g) of the Employee
15 Retirement Income Security Act of 1974
16 by reason of such amendment.
17 (B) AMENDMENTS TO WHICH PARAGRAPH
18 APPLIES.—
19 (i) IN GENERAL.—This paragraph
20 shall apply to any amendment to any plan
21 or annuity contract which—
22 (I) is made pursuant to the
23 amendments made by this section,
24 and

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1 (II) is made on or before the last
2 day of the first plan year beginning
3 on or after January 1, 2022.
4 In the case of a governmental plan, sub-
5 clause (II) shall be applied by substituting
6 "2024" for "2022".
7 (ii) CONDITIONS.—This paragraph
8 shall not apply to any amendment unless
9 during the period beginning on the effec-
10 tive date of the amendment and ending on
11 December 31, 2020, the plan or contract is
12 operated as if such plan or contract
13 amendment were in effect.

14 **SEC. 2204. ALLOWANCE OF PARTIAL ABOVE THE LINE DE-**
15 **DUCTION FOR CHARITABLE CONTRIBUTIONS.**

16 (a) IN GENERAL.—Section 62(a) of the Internal Rev-
17 enue Code of 1986 is amended by inserting after para-
18 graph (21) the following new paragraph:
19 "(22) CHARITABLE CONTRIBUTIONS.—In the
20 case of taxable years beginning in 2020, the amount
21 (not to exceed $300) of qualified charitable contribu-
22 tions made by an eligible individual during the tax-
23 able year.".

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1 (b) DEFINITIONS.—Section 62 of such Code is
2 amended by adding at the end the following new sub-
3 section:
4 "(f) DEFINITIONS RELATING TO QUALIFIED CHARI-
5 TABLE CONTRIBUTIONS.—For purposes of subsection
6 (a)(22)—
7 "(1) ELIGIBLE INDIVIDUAL.—The term 'eligible
8 individual' means any individual who does not elect
9 to itemize deductions.
10 "(2) QUALIFIED CHARITABLE CONTRIBU-
11 TIONS.—The term 'qualified charitable contribution'
12 means a charitable contribution (as defined in sec-
13 tion 170(c))—
14 "(A) which is made in cash,
15 "(B) for which a deduction is allowable
16 under section 170 (determined without regard
17 to subsection (b) thereof), and
18 "(C) which is—
19 "(i) made to an organization de-
20 scribed in section 170(b)(1)(A), and
21 "(ii) not—
22 "(I) to an organization described
23 in section 509(a)(3), or
24 "(II) for the establishment of a
25 new, or maintenance of an existing,

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1 donor advised fund (as defined in sec-
2 tion 4966(d)(2)).
3 Such term shall not include any amount
4 which is treated as a charitable contribu-
5 tion made in such taxable year by reason
6 of subsection (b)(1)(G)(ii) or (d)(1) of sec-
7 tion 170.".
8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to taxable years beginning after
10 December 31, 2019.

11 **SEC. 2205. MODIFICATION OF LIMITATIONS ON CHARI-**
12 **TABLE CONTRIBUTIONS DURING 2020.**

13 (a) TEMPORARY SUSPENSION OF LIMITATIONS ON
14 CERTAIN CASH CONTRIBUTIONS.—
15 (1) IN GENERAL.—Except as otherwise pro-
16 vided in paragraph (2), qualified contributions shall
17 be disregarded in applying subsections (b) and (d) of
18 section 170 of the Internal Revenue Code of 1986.
19 (2) TREATMENT OF EXCESS CONTRIBUTIONS.—
20 For purposes of section 170 of the Internal Revenue
21 Code of 1986—
22 (A) INDIVIDUALS.—In the case of an indi-
23 vidual—
24 (i) LIMITATION.—Any qualified con-
25 tribution shall be allowed as a deduction

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1 only to the extent that the aggregate of
2 such contributions does not exceed the ex-
3 cess of the taxpayer's contribution base (as
4 defined in subparagraph (H) of section
5 170(b)(1) of such Code) over the amount
6 of all other charitable contributions allowed
7 under section 170(b)(1) of such Code.
8 (ii) CARRYOVER.—If the aggregate
9 amount of qualified contributions made in
10 the contribution year (within the meaning
11 of section 170(d)(1) of such Code) exceeds
12 the limitation of clause (i), such excess
13 shall be added to the excess described in
14 section 170(b)(1)(G)(ii).
15 (B) CORPORATIONS.—In the case of a cor-
16 poration—
17 (i) LIMITATION.—Any qualified con-
18 tribution shall be allowed as a deduction
19 only to the extent that the aggregate of
20 such contributions does not exceed the ex-
21 cess of 25 percent of the taxpayer's taxable
22 income (as determined under paragraph
23 (2) of section 170(b) of such Code) over
24 the amount of all other charitable con-
25 tributions allowed under such paragraph.

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1 (ii) CARRYOVER.—If the aggregate
2 amount of qualified contributions made in
3 the contribution year (within the meaning
4 of section 170(d)(2) of such Code) exceeds
5 the limitation of clause (i), such excess
6 shall be appropriately taken into account
7 under section 170(d)(2) subject to the limi-
8 tations thereof.
9 (3) QUALIFIED CONTRIBUTIONS.—
10 (A) IN GENERAL.—For purposes of this
11 subsection, the term "qualified contribution"
12 means any charitable contribution (as defined
13 in section 170(c) of the Internal Revenue Code
14 of 1986) if—
15 (i) such contribution is paid in cash
16 during calendar year 2020 to an organiza-
17 tion described in section 170(b)(1)(A) of
18 such Code, and
19 (ii) the taxpayer has elected the appli-
20 cation of this section with respect to such
21 contribution.
22 (B) EXCEPTION.—Such term shall not in-
23 clude a contribution by a donor if the contribu-
24 tion is—

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(i) to an organization described in section 509(a)(3) of the Internal Revenue Code of 1986, or

(ii) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2) of such Code).

(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(ii) shall be made separately by each partner or shareholder.

(b) INCREASE IN LIMITS ON CONTRIBUTIONS OF FOOD INVENTORY.—In the case of any charitable contribution of food during 2020 to which section 170(e)(3)(C) of the Internal Revenue Code of 1986 applies, subclauses (I) and (II) of clause (ii) thereof shall each be applied by substituting "25 percent" for "15 percent."

(c) EFFECTIVE DATE.—This section shall apply to taxable years ending after December 31, 2019.

**SEC. 2206. EXCLUSION FOR CERTAIN EMPLOYER PAYMENTS OF STUDENT LOANS.**

(a) IN GENERAL.—Paragraph (1) of section 127(c) of the Internal Revenue Code of 1986 is amended by strik-

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1 ing "and" at the end of subparagraph (A), by redesig-
2 nating subparagraph (B) as subparagraph (C), and by in-
3 serting after subparagraph (A) the following new subpara-
4 graph:

5 "(B) in the case of payments made before
6 January 1, 2021, the payment by an employer,
7 whether paid to the employee or to a lender, of
8 principal or interest on any qualified education
9 loan (as defined in section 221(d)(1)) incurred
10 by the employee for education of the employee,
11 and".

12 (b) CONFORMING AMENDMENT; DENIAL OF DOUBLE
13 BENEFIT.—The first sentence of paragraph (1) of section
14 221(e) of the Internal Revenue Code of 1986 is amended
15 by inserting before the period the following: ", or for which
16 an exclusion is allowable under section 127 to the taxpayer
17 by reason of the payment by the taxpayer's employer of
18 any indebtedness on a qualified education loan of the tax-
19 payer".

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to payments made after the date
22 of the enactment of this Act.

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# Subtitle C—Business Provisions

**SEC. 2301. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID-19.**

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

(b) LIMITATIONS AND REFUNDABILITY.—

(1) WAGES TAKEN INTO ACCOUNT.—The amount of qualified wages with respect to any employee which may be taken into account under subsection (a) by the eligible employer for all calendar quarters shall not exceed $10,000.

(2) CREDIT LIMITED TO EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the applicable employment taxes (reduced by any credits allowed under subsections (e) and (f) of section 3111 of the Internal Revenue Code of 1986 and sections 7001 and 7003 of the Families First Coronavirus Response Act) on the wages paid with respect to the employment of all the employees of the eligible employer for such calendar quarter.

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1 (3) REFUNDABILITY OF EXCESS CREDIT.—
2 (A) IN GENERAL.—If the amount of the
3 credit under subsection (a) exceeds the limita-
4 tion of paragraph (2) for any calendar quarter,
5 such excess shall be treated as an overpayment
6 that shall be refunded under sections 6402(a)
7 and 6413(b) of the Internal Revenue Code of
8 1986.
9 (B) TREATMENT OF PAYMENTS.—For pur-
10 poses of section 1324 of title 31, United States
11 Code, any amounts due to the employer under
12 this paragraph shall be treated in the same
13 manner as a refund due from a credit provision
14 referred to in subsection (b)(2) of such section.
15 (c) DEFINITIONS.—For purposes of this section—
16 (1) APPLICABLE EMPLOYMENT TAXES.—The
17 term "applicable employment taxes" means the fol-
18 lowing:
19 (A) The taxes imposed under section
20 3111(a) of the Internal Revenue Code of 1986.
21 (B) So much of the taxes imposed under
22 section 3221(a) of such Code as are attrib-
23 utable to the rate in effect under section
24 3111(a) of such Code.
25 (2) ELIGIBLE EMPLOYER.—

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1 (A) IN GENERAL.—The term "eligible em-
2 ployer" means any employer—
3 (i) which was carrying on a trade or
4 business during calendar year 2020, and
5 (ii) with respect to any calendar quar-
6 ter, for which—
7 (I) the operation of the trade or
8 business described in clause (i) is fully
9 or partially suspended during the cal-
10 endar quarter due to orders from an
11 appropriate governmental authority
12 limiting commerce, travel, or group
13 meetings (for commercial, social, reli-
14 gious, or other purposes) due to the
15 coronavirus disease 2019 (COVID-
16 19), or
17 (II) such calendar quarter is
18 within the period described in sub-
19 paragraph (B).
20 (B) SIGNIFICANT DECLINE IN GROSS RE-
21 CEIPTS.—The period described in this subpara-
22 graph is the period—
23 (i) beginning with the first calendar
24 quarter beginning after December 31,
25 2019, for which gross receipts (within the

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1 meaning of section 448(c) of the Internal
2 Revenue Code of 1986) for the calendar
3 quarter are less than 50 percent of gross
4 receipts for the same calendar quarter in
5 the prior year, and
6 (ii) ending with the calendar quarter
7 following the first calendar quarter begin-
8 ning after a calendar quarter described in
9 clause (i) for which gross receipts of such
10 employer are greater than 80 percent of
11 gross receipts for the same calendar quar-
12 ter in the prior year.
13 (C) TAX-EXEMPT ORGANIZATIONS.—In the
14 case of an organization which is described in
15 section 501(c) of the Internal Revenue Code of
16 1986 and exempt from tax under section 501(a)
17 of such Code, clauses (i) and (ii)(I) of subpara-
18 graph (A) shall apply to all operations of such
19 organization.
20 (3) QUALIFIED WAGES.—
21 (A) IN GENERAL.—The term "qualified
22 wages" means—
23 (i) in the case of an eligible employer
24 for which the average number of full-time
25 employees (within the meaning of section

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1 4980H of the Internal Revenue Code of
2 1986) employed by such eligible employer
3 during 2019 was greater than 100, wages
4 paid by such eligible employer with respect
5 to which an employee is not providing serv-
6 ices due to circumstances described in sub-
7 clause (I) or (II) of paragraph (2)(A)(ii),
8 or
9 (ii) in the case of an eligible employer
10 for which the average number of full-time
11 employees (within the meaning of section
12 4980H of the Internal Revenue Code of
13 1986) employed by such eligible employer
14 during 2019 was not greater than 100—
15 (I) with respect to an eligible em-
16 ployer described in subclause (I) of
17 paragraph (2)(A)(ii), wages paid by
18 such eligible employer with respect to
19 an employee during any period de-
20 scribed in such clause, or
21 (II) with respect to an eligible
22 employer described in subclause (II)
23 of such paragraph, wages paid by
24 such eligible employer with respect to
25 an employee during such quarter.

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1 Such term shall not include any wages taken
2 into account under section 7001 or section
3 7003 of the Families First Coronavirus Re-
4 sponse Act.
5 (B) LIMITATION.—Qualified wages paid or
6 incurred by an eligible employer described in
7 subparagraph (A)(i) with respect to an em-
8 ployee for any period described in such sub-
9 paragraph may not exceed the amount such em-
10 ployee would have been paid for working an
11 equivalent duration during the 30 days imme-
12 diately preceding such period.
13 (C) ALLOWANCE FOR CERTAIN HEALTH
14 PLAN EXPENSES.—
15 (i) IN GENERAL.—The term ''qualified
16 wages'' shall include so much of the eligi-
17 ble employer's qualified health plan ex-
18 penses as are properly allocable to such
19 wages.
20 (ii) QUALIFIED HEALTH PLAN EX-
21 PENSES.—For purposes of this paragraph,
22 the term ''qualified health plan expenses''
23 means amounts paid or incurred by the eli-
24 gible employer to provide and maintain a
25 group health plan (as defined in section

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1 5000(b)(1) of the Internal Revenue Code
2 of 1986), but only to the extent that such
3 amounts are excluded from the gross in-
4 come of employees by reason of section
5 106(a) of such Code.
6 (iii) ALLOCATION RULES.—For pur-
7 poses of this paragraph, qualified health
8 plan expenses shall be allocated to quali-
9 fied wages in such manner as the Sec-
10 retary may prescribe. Except as otherwise
11 provided by the Secretary, such allocation
12 shall be treated as properly made if made
13 on the basis of being pro rata among em-
14 ployees and pro rata on the basis of peri-
15 ods of coverage (relative to the periods to
16 which such wages relate).
17 (4) SECRETARY.—The term "Secretary" means
18 the Secretary of the Treasury or the Secretary's del-
19 egate.
20 (5) WAGES.—The term "wages" means wages
21 (as defined in section 3121(a) of the Internal Rev-
22 enue Code of 1986) and compensation (as defined in
23 section 3231(e) of such Code).
24 (6) OTHER TERMS.—Any term used in this sec-
25 tion which is also used in chapter 21 or 22 of the

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1 Internal Revenue Code of 1986 shall have the same
2 meaning as when used in such chapter.
3 (d) AGGREGATION RULE.—All persons treated as a
4 single employer under subsection (a) or (b) of section 52
5 of the Internal Revenue Code of 1986, or subsection (m)
6 or (o) of section 414 of such Code, shall be treated as
7 one employer for purposes of this section.
8 (e) CERTAIN RULES TO APPLY.—For purposes of
9 this section, rules similar to the rules of sections 51(i)(1)
10 and 280C(a) of the Internal Revenue Code of 1986 shall
11 apply.
12 (f) CERTAIN GOVERNMENTAL EMPLOYERS.—This
13 credit shall not apply to the Government of the United
14 States, the government of any State or political subdivi-
15 sion thereof, or any agency or instrumentality of any of
16 the foregoing.
17 (g) ELECTION NOT TO HAVE SECTION APPLY.—This
18 section shall not apply with respect to any eligible em-
19 ployer for any calendar quarter if such employer elects (at
20 such time and in such manner as the Secretary may pre-
21 scribe) not to have this section apply.
22 (h) SPECIAL RULES.—
23 (1) EMPLOYEE NOT TAKEN INTO ACCOUNT
24 MORE THAN ONCE.—An employee shall not be in-
25 cluded for purposes of this section for any period

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1 with respect to any employer if such employer is al-
2 lowed a credit under section 51 of the Internal Rev-
3 enue Code of 1986 with respect to such employee for
4 such period.
5 (2) DENIAL OF DOUBLE BENEFIT.—Any wages
6 taken into account in determining the credit allowed
7 under this section shall not be taken into account for
8 purposes of determining the credit allowed under
9 section 45S of such Code.
10 (3) THIRD PARTY PAYORS.—Any credit allowed
11 under this section shall be treated as a credit de-
12 scribed in section 3511(d)(2) of such Code.
13 (i) TRANSFERS TO FEDERAL OLD-AGE AND SUR-
14 VIVORS INSURANCE TRUST FUND.—There are hereby ap-
15 propriated to the Federal Old-Age and Survivors Insur-
16 ance Trust Fund and the Federal Disability Insurance
17 Trust Fund established under section 201 of the Social
18 Security Act (42 U.S.C. 401) and the Social Security
19 Equivalent Benefit Account established under section
20 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C.
21 14 231n–1(a)) amounts equal to the reduction in revenues
22 to the Treasury by reason of this section (without regard
23 to this subsection). Amounts appropriated by the pre-
24 ceding sentence shall be transferred from the general fund
25 at such times and in such manner as to replicate to the

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1 extent possible the transfers which would have occurred
2 to such Trust Fund or Account had this section not been
3 enacted.

4 (j) RULE FOR EMPLOYERS TAKING SMALL BUSINESS
5 INTERRUPTION LOAN.—If an eligible employer receives a
6 covered loan under paragraph (36) of section 7(a) of the
7 Small Business Act (15 U.S.C. 636(a)), as added by sec-
8 tion 1102 of this Act, such employer shall not be eligible
9 for the credit under this section.

10 (k) TREATMENT OF DEPOSITS.—The Secretary shall
11 waive any penalty under section 6656 of the Internal Rev-
12 enue Code of 1986 for any failure to make a deposit of
13 any applicable employment taxes if the Secretary deter-
14 mines that such failure was due to the reasonable anticipa-
15 tion of the credit allowed under this section.

16 (l) REGULATIONS AND GUIDANCE.—The Secretary
17 shall issue such forms, instructions, regulations, and guid-
18 ance as are necessary—

19 (1) to allow the advance payment of the credit
20 under subsection (a), subject to the limitations pro-
21 vided in this section, based on such information as
22 the Secretary shall require,

23 (2) to provide for the reconciliation of such ad-
24 vance payment with the amount advanced at the

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1 time of filing the return of tax for the applicable cal-
2 endar quarter or taxable year,
3 (3) to provide for the recapture of the credit
4 under this section if such credit is allowed to a tax-
5 payer which receives a loan described in subsection
6 (j) during a subsequent quarter,
7 (4) with respect to the application of the credit
8 under subsection (a) to third party payors (including
9 professional employer organizations, certified profes-
10 sional employer organizations, or agents under sec-
11 tion 3504 of the Internal Revenue Code of 1986),
12 including regulations or guidance allowing such
13 payors to submit documentation necessary to sub-
14 stantiate the eligible employer status of employers
15 that use such payors, and
16 (5) for application of subparagraphs (A)(ii)(II)
17 and (B) of subsection (c)(2) in the case of any em-
18 ployer which was not carrying on a trade or business
19 for all or part of the same calendar quarter in the
20 prior year.
21 (m) APPLICATION.—This section shall only apply to
22 wages paid after March 12, 2020, and before January 1,
23 2021.

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1 **SEC. 2302. DELAY OF PAYMENT OF EMPLOYER PAYROLL**
2 **TAXES.**
3 (a) IN GENERAL.—
4 (1) TAXES.—Notwithstanding any other provi-
5 sion of law, the payment for applicable employment
6 taxes for the payroll tax deferral period shall not be
7 due before the applicable date.
8 (2) DEPOSITS.—Notwithstanding section 6302
9 of the Internal Revenue Code of 1986, an employer
10 shall be treated as having timely made all deposits
11 of applicable employment taxes that are required to
12 be made (without regard to this section) for such
13 taxes during the payroll tax deferral period if all
14 such deposits are made not later than the applicable
15 date.
16 (3) EXCEPTION.—This subsection shall not
17 apply to any taxpayer if such taxpayer has had in-
18 debtedness forgiven under section 1106 of this Act
19 with respect to a loan under paragraph (36) of sec-
20 tion 7(a) of the Small Business Act (15 U.S.C.
21 636(a)), as added by section 1102 of this Act, or in-
22 debtedness forgiven under section 1109 of this Act.
23 (b) SECA.—
24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, the payment for 50 percent of the
26 taxes imposed under section 1401(a) of the Internal

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1 Revenue Code of 1986 for the payroll tax deferral
2 period shall not be due before the applicable date.
3 (2) ESTIMATED TAXES.—For purposes of ap-
4 plying section 6654 of the Internal Revenue Code of
5 1986 to any taxable year which includes any part of
6 the payroll tax deferral period, 50 percent of the
7 taxes imposed under section 1401(a) of such Code
8 for the payroll tax deferral period shall not be treat-
9 ed as taxes to which such section 6654 applies.
10 (c) LIABILITY OF THIRD PARTIES.—
11 (1) ACTS TO BE PERFORMED BY AGENTS.—For
12 purposes of section 3504 of the Internal Revenue
13 Code of 1986, in the case of any person designated
14 pursuant to such section (and any regulations or
15 other guidance issued by the Secretary with respect
16 to such section) to perform acts otherwise required
17 to be performed by an employer under such Code, if
18 such employer directs such person to defer payment
19 of any applicable employment taxes during the pay-
20 roll tax deferral period under this section, such em-
21 ployer shall be solely liable for the payment of such
22 applicable employment taxes before the applicable
23 date for any wages paid by such person on behalf of
24 such employer during such period.

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1 (2) CERTIFIED PROFESSIONAL EMPLOYER OR-
2 GANIZATIONS.—For purposes of section 3511, in the
3 case of a certified professional employer organization
4 (as defined in subsection (a) of section 7705 of the
5 Internal Revenue Code of 1986) that has entered
6 into a service contract described in subsection (e)(2)
7 of such section with a customer, if such customer di-
8 rects such organization to defer payment of any ap-
9 plicable employment taxes during the payroll tax de-
10 ferral period under this section, such customer shall,
11 notwithstanding subsections (a) and (c) of section
12 3511, be solely liable for the payment of such appli-
13 cable employment taxes before the applicable date
14 for any wages paid by such organization to any work
15 site employee performing services for such customer
16 during such period.
17 (d) DEFINITIONS.—For purposes of this section—
18 (1) APPLICABLE EMPLOYMENT TAXES.—The
19 term "applicable employment taxes" means the fol-
20 lowing:
21 (A) The taxes imposed under section
22 3111(a) of the Internal Revenue Code of 1986.
23 (B) So much of the taxes imposed under
24 section 3211(a) of such Code as are attrib-

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1 utable to the rate in effect under section
2 3111(a) of such Code.
3 (C) So much of the taxes imposed under
4 section 3221(a) of such Code as are attrib-
5 utable to the rate in effect under section
6 3111(a) of such Code.
7 (2) PAYROLL TAX DEFERRAL PERIOD.—The
8 term "payroll tax deferral period" means the period
9 beginning on the date of the enactment of this Act
10 and ending before January 1, 2021.
11 (3) APPLICABLE DATE.—The term "applicable
12 date" means—
13 (A) December 31, 2021, with respect to 50
14 percent of the amounts to which subsection (a)
15 or (b), as the case may be, apply, and
16 (B) December 31, 2022, with respect to
17 the remaining such amounts.
18 (4) SECRETARY.—The term "Secretary" means
19 the Secretary of the Treasury (or the Secretary's
20 delegate).
21 (e) TRUST FUNDS HELD HARMLESS.—There are
22 hereby appropriated (out of any money in the Treasury
23 not otherwise appropriated) for each fiscal year to the
24 Federal Old-Age and Survivors Insurance Trust Fund and
25 the Federal Disability Insurance Trust Fund established

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1 under section 201 of the Social Security Act (42 U.S.C.
2 401) and the Social Security Equivalent Benefit Account
3 established under section 15A(a) of the Railroad Retire-
4 ment Act of 1974 (45 U.S.C. 231n–1(a)) an amount equal
5 to the reduction in the transfers to such fund for such
6 fiscal year by reason of this section. Amounts appropriated
7 by the preceding sentence shall be transferred from the
8 general fund at such times and in such manner as to rep-
9 licate to the extent possible the transfers which would have
10 occurred to such Trust Fund had such amendments not
11 been enacted.

12 (f) REGULATORY AUTHORITY.—The Secretary shall
13 issue such regulations or other guidance as necessary to
14 carry out the purposes of this section, including rules for
15 the administration and enforcement of subsection (c).

16 **SEC. 2303. MODIFICATIONS FOR NET OPERATING LOSSES.**

17 (a) TEMPORARY REPEAL OF TAXABLE INCOME LIMI-
18 TATION.—

19 (1) IN GENERAL.—The first sentence of section
20 172(a) of the Internal Revenue Code of 1986 is
21 amended by striking "an amount equal to" and all
22 that follows and inserting "an amount equal to—

23 "(1) in the case of a taxable year beginning be-
24 fore January 1, 2021, the aggregate of the net oper-

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1 ating loss carryovers to such year, plus the net oper-
2 ating loss carrybacks to such year, and
3 "(2) in the case of a taxable year beginning
4 after December 31, 2020, the sum of—
5 "(A) the aggregate amount of net oper-
6 ating losses arising in taxable years beginning
7 before January 1, 2018, carried to such taxable
8 year, plus
9 "(B) the lesser of—
10 "(i) the aggregate amount of net op-
11 erating losses arising in taxable years be-
12 ginning after December 31, 2017, carried
13 to such taxable year, or
14 "(ii) 80 percent of the excess (if any)
15 of—
16 "(I) taxable income computed
17 without regard to the deductions
18 under this section and sections 199A
19 and 250, over
20 "(II) the amount determined
21 under subparagraph (A).".
22 (2) CONFORMING AMENDMENTS.—
23 (A) Section 172(b)(2)(C) of such Code is
24 amended to read as follows:

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"(C) for taxable years beginning after December 31, 2020, be reduced by 20 percent of the excess (if any) described in subsection (a)(2)(B)(ii) for such taxable year.".

(B) Section 172(d)(6)(C) of such Code is amended by striking "subsection (a)(2)" and inserting "subsection (a)(2)(B)(ii)(I)".

(C) Section 860E(a)(3)(B) of such Code is amended by striking all that follows "for purposes of" and inserting "subsection (a)(2)(B)(ii)(I) and the second sentence of subsection (b)(2) of section 172.".

(b) MODIFICATIONS OF RULES RELATING TO CARRYBACKS.—

(1) IN GENERAL.—Section 172(b)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR LOSSES ARISING IN 2018, 2019, AND 2020.—

"(i) IN GENERAL.—In the case of any net operating loss arising in a taxable year beginning after December 31, 2017, and before January 1, 2021—

"(I) such loss shall be a net operating loss carryback to each of the 5

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1 taxable years preceding the taxable
2 year of such loss, and
3 "(II) subparagraphs (B) and
4 (C)(i) shall not apply.
5 "(ii) SPECIAL RULES FOR REITS.—
6 For purposes of this subparagraph—
7 "(I) IN GENERAL.—A net oper-
8 ating loss for a REIT year shall not
9 be a net operating loss carryback to
10 any taxable year preceding the taxable
11 year of such loss.
12 "(II) SPECIAL RULE.—In the
13 case of any net operating loss for a
14 taxable year which is not a REIT
15 year, such loss shall not be carried to
16 any preceding taxable year which is a
17 REIT year.
18 "(III) REIT YEAR.—For pur-
19 poses of this subparagraph, the term
20 'REIT year' means any taxable year
21 for which the provisions of part II of
22 subchapter M (relating to real estate
23 investment trusts) apply to the tax-
24 payer.

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1 "(iii) SPECIAL RULE FOR LIFE INSUR-
2 ANCE COMPANIES.— In the case of a life
3 insurance company, if a net operating loss
4 is carried pursuant to clause (i)(I) to a life
5 insurance company taxable year beginning
6 before January 1, 2018, such net oper-
7 ating loss carryback shall be treated in the
8 same manner as an operations loss
9 carryback (within the meaning of section
10 810 as in effect before its repeal) of such
11 company to such taxable year.
12 "(iv) RULE RELATING TO
13 CARRYBACKS TO YEARS TO WHICH SEC-
14 TION 965 APPLIES.—If a net operating loss
15 of a taxpayer is carried pursuant to clause
16 (i)(I) to any taxable year in which an
17 amount is includible in gross income by
18 reason of section 965(a), the taxpayer shall
19 be treated as having made the election
20 under section 965(n) with respect to each
21 such taxable year.
22 "(v) SPECIAL RULES FOR ELECTIONS
23 UNDER PARAGRAPH (3).—
24 "(I) SPECIAL ELECTION TO EX-
25 CLUDE SECTION 965 YEARS.— If the

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1 5-year carryback period under clause
2 (i)(I) with respect to any net oper-
3 ating loss of a taxpayer includes 1 or
4 more taxable years in which an
5 amount is includible in gross income
6 by reason of section 965(a), the tax-
7 payer may, in lieu of the election oth-
8 erwise available under paragraph (3),
9 elect under such paragraph to exclude
10 all such taxable years from such
11 carryback period.
12 "(II) TIME OF ELECTIONS.—An
13 election under paragraph (3) (includ-
14 ing an election described in subclause
15 (I)) with respect to a net operating
16 loss arising in a taxable year begin-
17 ning in 2018 or 2019 shall be made
18 by the due date (including extensions
19 of time) for filing the taxpayer's re-
20 turn for the first taxable year ending
21 after the date of the enactment of this
22 subparagraph.".
23 (2) CONFORMING AMENDMENT.—Section
24 172(b)(1)(A) of such Code, as amended by sub-

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1 section (c)(2), is amended by striking "and (C)(i)"
2 and inserting ", (C)(i), and (D)".
3 (c) TECHNICAL AMENDMENT RELATING TO SECTION
4 13302 OF PUBLIC LAW 115–97.—
5 (1) Section 13302(e) of Public Law 115–97 is
6 amended to read as follows:
7 "(e) EFFECTIVE DATES.—
8 "(1) NET OPERATING LOSS LIMITATION.—The
9 amendments made by subsections (a) and (d)(2)
10 shall apply to—
11 "(A) taxable years beginning after Decem-
12 ber 31, 2017, and
13 "(B) taxable years beginning on or before
14 such date to which net operating losses arising
15 in taxable years beginning after such date are
16 carried.
17 "(2) CARRYOVERS AND CARRYBACKS.—The
18 amendments made by subsections (b), (c), and
19 (d)(1) shall apply to net operating losses arising in
20 taxable years beginning after December 31, 2017.".
21 (2) Section 172(b)(1)(A) of the Internal Rev-
22 enue Code of 1986 is amended to read as follows:
23 "(A) GENERAL RULE.—A net operating
24 loss for any taxable year—

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"(i) shall be a net operating loss carryback to the extent provided in subparagraphs (B) and (C)(i), and

"(ii) except as provided in subparagraph (C)(ii), shall be a net operating loss carryover—

"(I) in the case of a net operating loss arising in a taxable year beginning before January 1, 2018, to each of the 20 taxable years following the taxable year of the loss, and

"(II) in the case of a net operating loss arising in a taxable year beginning after December 31, 2017, to each taxable year following the taxable year of the loss.".

(d) EFFECTIVE DATES.—

(1) NET OPERATING LOSS LIMITATION.—The amendments made by subsection (a) shall apply—

(A) to taxable years beginning after December 31, 2017, and

(B) to taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

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1 (2) CARRYOVERS AND CARRYBACKS.—The
2 amendment made by subsection (b) shall apply to—
3 (A) net operating losses arising in taxable
4 years beginning after December 31, 2017, and
5 (B) taxable years beginning before, on, or
6 after such date to which such net operating
7 losses are carried.
8 (3) TECHNICAL AMENDMENTS.—The amend-
9 ments made by subsection (c) shall take effect as if
10 included in the provisions of Public Law 115–97 to
11 which they relate.
12 (4) SPECIAL RULE.—In the case of a net oper-
13 ating loss arising in a taxable year beginning before
14 January 1, 2018, and ending after December 31,
15 2017—
16 (A) an application under section 6411(a)
17 of the Internal Revenue Code of 1986 with re-
18 spect to the carryback of such net operating
19 loss shall not fail to be treated as timely filed
20 if filed not later than the date which is 120
21 days after the date of the enactment of this
22 Act, and
23 (B) an election to—
24 (i) forgo any carryback of such net
25 operating loss,

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(ii) reduce any period to which such net operating loss may be carried back, or

(iii) revoke any election made under section 172(b) to forgo any carryback of such net operating loss,

shall not fail to be treated as timely made if made not later than the date which is 120 days after the date of the enactment of this Act.

**SEC. 2304. MODIFICATION OF LIMITATION ON LOSSES FOR TAXPAYERS OTHER THAN CORPORATIONS.**

(a) IN GENERAL.—Section 461(l)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) LIMITATION.—In the case of a taxpayer other than a corporation—

"(A) for any taxable year beginning after December 31, 2017, and before January 1, 2026, subsection (j) (relating to limitation on excess farm losses of certain taxpayers) shall not apply, and

"(B) for any taxable year beginning after December 31, 2020, and before January 1, 2026, any excess business loss of the taxpayer for the taxable year shall not be allowed.".

(b) TECHNICAL AMENDMENTS RELATING TO SECTION 11012 OF PUBLIC LAW 115–97.—

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1 (1) Section 461(l)(2) of the Internal Revenue
2 Code of 1986 is amended by striking "a net oper-
3 ating loss carryover to the following taxable year
4 under section 172" and inserting "a net operating
5 loss for the taxable year for purposes of determining
6 any net operating loss carryover under section
7 172(b) for subsequent taxable years".
8 (2) Section 461(l)(3)(A) of such Code is
9 amended—
10 (A) in clause (i), by inserting "and without
11 regard to any deduction allowable under section
12 172 or 199A" after "under paragraph (1)",
13 and
14 (B) by adding at the end the following
15 flush sentence:
16 "Such excess shall be determined without regard to
17 any deductions, gross income, or gains attributable
18 to any trade or business of performing services as an
19 employee.".
20 (3) Section 461(l)(3) of such Code is amended
21 by redesignating subparagraph (B) as subparagraph
22 (C) and by inserting after subparagraph (A) the fol-
23 lowing new subparagraph:
24 "(B) TREATMENT OF CAPITAL GAINS AND
25 LOSSES.—

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"(i) LOSSES.—Deductions for losses from sales or exchanges of capital assets shall not be taken into account under subparagraph (A)(i).

"(ii) GAINS.—The amount of gains from sales or exchanges of capital assets taken into account under subparagraph (A)(ii) shall not exceed the lesser of—

"(I) the capital gain net income determined by taking into account only gains and losses attributable to a trade or business, or

"(II) the capital gain net income.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2017.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in the provisions of Public Law 115–97 to which they relate.

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1 **SEC. 2305. MODIFICATION OF CREDIT FOR PRIOR YEAR**
2 **MINIMUM TAX LIABILITY OF CORPORATIONS.**
3 (a) IN GENERAL.—Section 53(e) of the Internal Rev-
4 enue Code of 1986 is amended—
5 (1) by striking "2018, 2019, 2020, or 2021" in
6 paragraph (1) and inserting "2018 or 2019", and
7 (2) by striking "2021" in paragraph (2) and in-
8 serting "2019".
9 (b) ELECTION TO TAKE ENTIRE REFUNDABLE
10 CREDIT AMOUNT IN 2018.—
11 (1) IN GENERAL.—Section 53(e) of such Code
12 is amended by adding at the end the following new
13 paragraph:
14 "(5) SPECIAL RULE.—In the case of a corpora-
15 tion making an election under this paragraph—
16 "(A) paragraph (1) shall not apply, and
17 "(B) subsection (c) shall not apply to the
18 first taxable year of such corporation beginning
19 in 2018.".
20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to taxable years beginning after
22 December 31, 2017.
23 (d) SPECIAL RULE.—
24 (1) IN GENERAL.—For purposes of the Internal
25 Revenue Code of 1986, a credit or refund for which
26 an application described in paragraph (2)(A) is filed

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1 shall be treated as made under section 6411 of such
2 Code.
3 (2) TENTATIVE REFUND.—
4 (A) APPLICATION.—A taxpayer may file an
5 application for a tentative refund of any
6 amount for which a refund is due by reason of
7 an election under section 53(e)(5) of the Inter-
8 nal Revenue Code of 1986. Such application
9 shall be in such manner and form as the Sec-
10 retary of the Treasury (or the Secretary's dele-
11 gate) may prescribe and shall—
12 (i) be verified in the same manner as
13 an application under section 6411(a) of
14 such Code,
15 (ii) be filed prior to December 31,
16 2020, and
17 (iii) set forth—
18 (I) the amount of the refundable
19 credit claimed under section 53(e) of
20 such Code for such taxable year,
21 (II) the amount of the refundable
22 credit claimed under such section for
23 any previously filed return for such
24 taxable year, and

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1 (III) the amount of the refund
2 claimed.
3 (B) ALLOWANCE OF ADJUSTMENTS.—
4 Within a period of 90 days from the date on
5 which an application is filed under subpara-
6 graph (A), the Secretary of the Treasury (or
7 the Secretary's delegate) shall—
8 (i) review the application,
9 (ii) determine the amount of the over-
10 payment, and
11 (iii) apply, credit, or refund such over-
12 payment,
13 in a manner similar to the manner provided in
14 section 6411(b) of the Internal Revenue Code
15 of 1986.
16 (C) CONSOLIDATED RETURNS.—The provi-
17 sions of section 6411(c) of the Internal Revenue
18 Code of 1986 Code shall apply to an adjust-
19 ment under this paragraph to the same extent
20 and manner as the Secretary of the Treasury
21 (or the Secretary's delegate) may provide.
22 **SEC. 2306. MODIFICATIONS OF LIMITATION ON BUSINESS**
23 **INTEREST.**
24 (a) IN GENERAL.—Section 163(j) of the Internal
25 Revenue Code of 1986 is amended by redesignating para-

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1 graph (10) as paragraph (11) and by inserting after para-
2 graph (9) the following new paragraph:
3 "(10) SPECIAL RULE FOR TAXABLE YEARS BE-
4 GINNING IN 2019 AND 2020.—
5 "(A) IN GENERAL.—
6 "(i) IN GENERAL.—Except as pro-
7 vided in clause (ii) or (iii), in the case of
8 any taxable year beginning in 2019 or
9 2020, paragraph (1)(B) shall be applied by
10 substituting '50 percent' for '30 percent'.
11 "(ii) SPECIAL RULE FOR PARTNER-
12 SHIPS.—In the case of a partnership—
13 "(I) clause (i) shall not apply to
14 any taxable year beginning in 2019,
15 but
16 "(II) unless a partner elects not
17 to have this subclause apply, in the
18 case of any excess business interest of
19 the partnership for any taxable year
20 beginning in 2019 which is allocated
21 to the partner under paragraph
22 (4)(B)(i)(II)—
23 "(aa) 50 percent of such ex-
24 cess business interest shall be
25 treated as business interest

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1 which, notwithstanding para-
2 graph (4)(B)(ii), is paid or ac-
3 crued by the partner in the part-
4 ner's first taxable year beginning
5 in 2020 and which is not subject
6 to the limits of paragraph (1),
7 and
8 "(bb) 50 percent of such ex-
9 cess business interest shall be
10 subject to the limitations of para-
11 graph (4)(B)(ii) in the same
12 manner as any other excess busi-
13 ness interest so allocated.
14 "(iii) ELECTION OUT.—A taxpayer
15 may elect, at such time and in such man-
16 ner as the Secretary may prescribe, not to
17 have clause (i) apply to any taxable year.
18 Such an election, once made, may be re-
19 voked only with the consent of the Sec-
20 retary. In the case of a partnership, any
21 such election shall be made by the partner-
22 ship and may be made only for taxable
23 years beginning in 2020.

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1 "(B) ELECTION TO USE 2019 ADJUSTED
2 TAXABLE INCOME FOR TAXABLE YEARS BEGIN-
3 NING IN 2020.—
4 "(i) IN GENERAL.—Subject to clause
5 (ii), in the case of any taxable year begin-
6 ning in 2020, the taxpayer may elect to
7 apply this subsection by substituting the
8 adjusted taxable income of the taxpayer for
9 the last taxable year beginning in 2019 for
10 the adjusted taxable income for such tax-
11 able year. In the case of a partnership, any
12 such election shall be made by the partner-
13 ship.
14 "(ii) SPECIAL RULE FOR SHORT TAX-
15 ABLE YEARS.—If an election is made
16 under clause (i) for a taxable year which is
17 a short taxable year, the adjusted taxable
18 income for the taxpayer's last taxable year
19 beginning in 2019 which is substituted
20 under clause (i) shall be equal to the
21 amount which bears the same ratio to such
22 adjusted taxable income determined with-
23 out regard to this clause as the number of
24 months in the short taxable year bears to
25 12".

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1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2018.

4 **SEC. 2307. TECHNICAL AMENDMENTS REGARDING QUALI-**
5 **FIED IMPROVEMENT PROPERTY.**

6 (a) IN GENERAL.—Section 168 of the Internal Rev-
7 enue Code of 1986 is amended—
8 (1) in subsection (e)—
9 (A) in paragraph (3)(E), by striking ''and''
10 at the end of clause (v), by striking the period
11 at the end of clause (vi) and inserting '', and'',
12 and by adding at the end the following new
13 clause:
14 ''(vii) any qualified improvement prop-
15 erty.'', and
16 (B) in paragraph (6)(A), by inserting
17 ''made by the taxpayer'' after ''any improve-
18 ment'', and
19 (2) in the table contained in subsection
20 (g)(3)(B)—
21 (A) by striking the item relating to sub-
22 paragraph (D)(v), and
23 (B) by inserting after the item relating to
24 subparagraph (E)(vi) the following new item:

''(E)(vii) ..... 20''.

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1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in section
3 13204 of Public Law 115–97.

4 **SEC. 2308. TEMPORARY EXCEPTION FROM EXCISE TAX FOR**
5 **ALCOHOL USED TO PRODUCE HAND SANI-**
6 **TIZER.**

7 (a) IN GENERAL.—Section 5214(a) of the Internal
8 Revenue Code of 1986 is amended—
9 (1) in paragraph (13), by striking the period at
10 the end and inserting "; or", and
11 (2) by adding at the end the following new
12 paragraph:
13 "(14) with respect to distilled spirits removed
14 after December 31, 2019, and before January 1,
15 2021, free of tax for use in or contained in hand
16 sanitizer produced and distributed in a manner con-
17 sistent with any guidance issued by the Food and
18 Drug Administration that is related to the outbreak
19 of virus SARS-CoV-2 or coronavirus disease 2019
20 (COVID-19).".
21 (b) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to distilled spirits removed after
23 December 31, 2019.
24 (c) APPLICATION OF OTHER LAWS.—Any distilled
25 spirits or product described in paragraph (14) of section

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5214(a) of the Internal Revenue Code of 1986 (as added by this section) shall not be subject to any requirements related to labeling or bulk sales under—

(1) section 105 or 106 of the Federal Alcohol Administration Act (27 U.S.C. 205, 206); or

(2) section 204 of the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 215).

# TITLE III—SUPPORTING AMERICA'S HEALTH CARE SYSTEM IN THE FIGHT AGAINST THE CORONAVIRUS

## Subtitle A—Health Provisions

### SEC. 3001. SHORT TITLE.

This subtitle may be cited as the "Coronavirus Aid, Relief, and Economic Security Act".

## PART I—ADDRESSING SUPPLY SHORTAGES

### Subpart A—Medical Product Supplies

### SEC. 3101. NATIONAL ACADEMIES REPORT ON AMERICA'S MEDICAL PRODUCT SUPPLY CHAIN SECURITY.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the "National Acad-

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1 emies") to examine, and, in a manner that does not com-
2 promise national security, report on, the security of the
3 United States medical product supply chain.
4 (b) PURPOSES.—The report developed under this sec-
5 tion shall—
6 (1) assess and evaluate the dependence of the
7 United States, including the private commercial sec-
8 tor, States, and the Federal Government, on critical
9 drugs and devices that are sourced or manufactured
10 outside of the United States, which may include an
11 analysis of—
12 (A) the supply chain of critical drugs and
13 devices of greatest priority to providing health
14 care;
15 (B) any potential public health security or
16 national security risks associated with reliance
17 on critical drugs and devices sourced or manu-
18 factured outside of the United States, which
19 may include responses to previous or existing
20 shortages or public health emergencies, such as
21 infectious disease outbreaks, bioterror attacks,
22 and other public health threats;
23 (C) any existing supply chain information
24 gaps, as applicable; and

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1 (D) potential economic impact of increased
2 domestic manufacturing; and
3 (2) provide recommendations, which may in-
4 clude a plan to improve the resiliency of the supply
5 chain for critical drugs and devices as described in
6 paragraph (1), and to address any supply
7 vulnerabilities or potential disruptions of such prod-
8 ucts that would significantly affect or pose a threat
9 to public health security or national security, as ap-
10 propriate, which may include strategies to—
11 (A) promote supply chain redundancy and
12 contingency planning;
13 (B) encourage domestic manufacturing, in-
14 cluding consideration of economic impacts, if
15 any;
16 (C) improve supply chain information
17 gaps;
18 (D) improve planning considerations for
19 medical product supply chain capacity during
20 public health emergencies; and
21 (E) promote the accessibility of such drugs
22 and devices.
23 (c) INPUT.—In conducting the study and developing
24 the report under subsection (b), the National Academies
25 shall—

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1 (1) consider input from the Department of
2 Health and Human Services, the Department of
3 Homeland Security, the Department of Defense, the
4 Department of Commerce, the Department of State,
5 the Department of Veterans Affairs, the Department
6 of Justice, and any other Federal agencies as appro-
7 priate; and
8 (2) consult with relevant stakeholders, which
9 may include conducting public meetings and other
10 forms of engagement, as appropriate, with health
11 care providers, medical professional societies, State-
12 based societies, public health experts, State and local
13 public health departments, State medical boards, pa-
14 tient groups, medical product manufacturers, health
15 care distributors, wholesalers and group purchasing
16 organizations, pharmacists, and other entities with
17 experience in health care and public health, as ap-
18 propriate.
19 (d) DEFINITIONS.—In this section, the terms ''de-
20 vice'' and ''drug'' have the meanings given such terms in
21 section 201 of the Federal Food, Drug, and Cosmetic Act
22 (21 U.S.C. 321).

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**SEC. 3102. REQUIRING THE STRATEGIC NATIONAL STOCKPILE TO INCLUDE CERTAIN TYPES OF MEDICAL SUPPLIES.**

Section 319F–2(a)(1) of the Public Health Service Act (42 U.S.C. 247d–6b(a)(1)) is amended by inserting "(including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the administration of drugs, vaccines and other biological products, medical devices, and diagnostic tests in the stockpile)" after "other supplies".

**SEC. 3103. TREATMENT OF RESPIRATORY PROTECTIVE DEVICES AS COVERED COUNTERMEASURES.**

Section 319F–3(i)(1)(D) of the Public Health Service Act (42 U.S.C. 247d–6d(i)(1)(D)) is amended to read as follows:

"(D) a respiratory protective device that is approved by the National Institute for Occupational Safety and Health under part 84 of title 42, Code of Federal Regulations (or any successor regulations), and that the Secretary determines to be a priority for use during a public health emergency declared under section 319.".

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1 **Subpart B—Mitigating Emergency Drug Shortages**

2 **SEC. 3111. PRIORITIZE REVIEWS OF DRUG APPLICATIONS;**
3 **INCENTIVES.**

4 Section 506C(g) of the Federal Food, Drug, and Cos-
5 metic Act (21 U.S.C. 356c(g)) is amended—

6 (1) in paragraph (1), by striking "the Secretary
7 may" and inserting "the Secretary shall, as appro-
8 priate";

9 (2) in paragraph (1), by inserting "prioritize
10 and" before "expedite the review"; and

11 (3) in paragraph (2), by inserting "prioritize
12 and" before "expedite an inspection".

13 **SEC. 3112. ADDITIONAL MANUFACTURER REPORTING RE-**
14 **QUIREMENTS IN RESPONSE TO DRUG SHORT-**
15 **AGES.**

16 (a) EXPANSION TO INCLUDE ACTIVE PHARMA-
17 CEUTICAL INGREDIENTS.—Subsection (a) of section 506C
18 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
19 356c) is amended—

20 (1) in paragraph (1)(C), by inserting "or any
21 such drug that is critical to the public health during
22 a public health emergency declared by the Secretary
23 under section 319 of the Public Health Service Act"
24 after "during surgery"; and

25 (2) in the flush text at the end—

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1 (A) by inserting ", or a permanent dis-
2 continuance in the manufacture of an active
3 pharmaceutical ingredient or an interruption in
4 the manufacture of the active pharmaceutical
5 ingredient of such drug that is likely to lead to
6 a meaningful disruption in the supply of the ac-
7 tive pharmaceutical ingredient of such drug,"
8 before "and the reasons"; and
9 (B) by adding at the end the following:
10 "Notification under this subsection shall include
11 disclosure of reasons for the discontinuation or
12 interruption, and if applicable, an active phar-
13 maceutical ingredient is a reason for, or risk
14 factor in, such discontinuation or interruption,
15 the source of the active pharmaceutical ingre-
16 dient and any alternative sources for the active
17 pharmaceutical ingredient known by the manu-
18 facturer; whether any associated device used for
19 preparation or administration included in the
20 drug is a reason for, or a risk factor in, such
21 discontinuation or interruption; the expected
22 duration of the interruption; and such other in-
23 formation as the Secretary may require.".

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1 (b) RISK MANAGEMENT.—Section 506C of the Fed-
2 eral Food, Drug, and Cosmetic Act (21 U.S.C. 356c) is
3 amended by adding at the end the following:
4 "(j) RISK MANAGEMENT PLANS.—Each manufac-
5 turer of a drug described in subsection (a) or of any active
6 pharmaceutical ingredient or any associated medical de-
7 vice used for preparation or administration included in the
8 drug, shall develop, maintain, and implement, as appro-
9 priate, a redundancy risk management plan that identifies
10 and evaluates risks to the supply of the drug, as applica-
11 ble, for each establishment in which such drug or active
12 pharmaceutical ingredient of such drug is manufactured.
13 A risk management plan under this section shall be sub-
14 ject to inspection and copying by the Secretary pursuant
15 to an inspection or a request under section 704(a)(4).".
16 (c) ANNUAL NOTIFICATION.—Section 506E of the
17 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e)
18 is amended by adding at the end the following:
19 "(d) INTERAGENCY NOTIFICATION.—Not later than
20 180 days after the date of enactment of this subsection,
21 and every 90 days thereafter, the Secretary shall transmit
22 a report regarding the drugs of the current drug shortage
23 list under this section to the Administrator of the Centers
24 for Medicare & Medicaid Services.".

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1 (d) REPORTING AFTER INSPECTIONS.—Section
2 704(b) of the Federal Food, Drug, and Cosmetic Act (21
3 U.S.C. 374(b)) is amended—
4 (1) by redesignating paragraphs (1) and (2)
5 and subparagraphs (A) and (B);
6 (2) by striking "(b) Upon completion" and in-
7 serting "(b)(1) Upon completion"; and
8 (3) by adding at the end the following:
9 "(2) In carrying out this subsection with respect to
10 any establishment manufacturing a drug approved under
11 subsection (c) or (j) of section 505 for which a notification
12 has been submitted in accordance with section 506C is,
13 or has been in the last 5 years, listed on the drug shortage
14 list under section 506E, or that is described in section
15 505(j)(11)(A), a copy of the report shall be sent promptly
16 to the appropriate offices of the Food and Drug Adminis-
17 tration with expertise regarding drug shortages.".
18 (e) REPORTING REQUIREMENT.—Section 510(j) of
19 the Federal Food, Drug, Cosmetic Act (21 U.S.C. 360(j))
20 is amended—
21 (1) by redesignating paragraphs (3) and (4) as
22 paragraphs (4) and (5), respectively; and
23 (2) by inserting after paragraph (2) the fol-
24 lowing:

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1 "(3)(A) Each person who registers with the
2 Secretary under this section with regard to a drug
3 shall report annually to the Secretary on the amount
4 of each drug listed under paragraph (1) that was
5 manufactured, prepared, propagated, compounded,
6 or processed by such person for commercial distribu-
7 tion. Such information may be required to be sub-
8 mitted in an electronic format as determined by the
9 Secretary. The Secretary may require that informa-
10 tion required to be reported under this paragraph be
11 submitted at the time a public health emergency is
12 declared by the Secretary under section 319 of the
13 Public Health Service Act.
14 "(B) By order of the Secretary, certain biologi-
15 cal products or categories of biological products reg-
16 ulated under section 351 of the Public Health Serv-
17 ice Act may be exempt from some or all of the re-
18 porting requirements under subparagraph (A), if the
19 Secretary determines that applying such reporting
20 requirements to such biological products or cat-
21 egories of biological products is not necessary to pro-
22 tect the public health.".
23 (f) CONFIDENTIALITY.—Nothing in the amendments
24 made by this section shall be construed as authorizing the
25 Secretary to disclose any information that is a trade secret

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1 or confidential information subject to section 552(b)(4) of
2 title 5, United States Code, or section 1905 of title 18,
3 United States Code.

4 (g) EFFECTIVE DATE.—The amendments made by
5 this section and section 3111 shall take effect on the date
6 that is 180 days after the date of enactment of this Act.

7 **Subpart C—Preventing Medical Device Shortages**

8 **SEC. 3121. DISCONTINUANCE OR INTERRUPTION IN THE**
9 **PRODUCTION OF MEDICAL DEVICES.**

10 Chapter V of the Federal Food, Drug, and Cosmetic
11 Act (21 U.S.C. 351 et seq.) is amended by inserting after
12 section 506I the following:

13 **"SEC. 506J. DISCONTINUANCE OR INTERRUPTION IN THE**
14 **PRODUCTION OF MEDICAL DEVICES.**

15 "(a) IN GENERAL.—A manufacturer of a device
16 that—

17 "(1) is critical to public health during a public
18 health emergency, including devices that are life-sup-
19 porting, life-sustaining, or intended for use in emer-
20 gency medical care or during surgery; or

21 "(2) for which the Secretary determines that in-
22 formation on potential meaningful supply disrup-
23 tions of such device is needed during, or in advance
24 of, a public health emergency;

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1 shall, during, or in advance of, a public health emergency
2 declared by the Secretary under section 319 of the Public
3 Health Service Act, notify the Secretary, in accordance
4 with subsection (b), of a permanent discontinuance in the
5 manufacture of the device (except for discontinuances as
6 a result of an approved modification of the device) or an
7 interruption of the manufacture of the device that is likely
8 to lead to a meaningful disruption in the supply of that
9 device in the United States, and the reasons for such dis-
10 continuance or interruption.

11 "(b) TIMING.—A notice required under subsection (a)
12 shall be submitted to the Secretary—

13 "(1) at least 6 months prior to the date of the
14 discontinuance or interruption; or

15 "(2) if compliance with paragraph (1) is not
16 possible, as soon as practicable.

17 "(c) DISTRIBUTION.—

18 "(1) PUBLIC AVAILABILITY.—To the maximum
19 extent practicable, subject to paragraph (2), the Sec-
20 retary shall distribute, through such means as the
21 Secretary determines appropriate, information on
22 the discontinuance or interruption of the manufac-
23 ture of devices reported under subsection (a) to ap-
24 propriate organizations, including physician, health
25 provider, patient organizations, and supply chain

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1 partners, as appropriate and applicable, as described
2 in subsection (g).
3 "(2) PUBLIC HEALTH EXCEPTION.—The Sec-
4 retary may choose not to make information collected
5 under this section publicly available pursuant to this
6 section if the Secretary determines that disclosure of
7 such information would adversely affect the public
8 health, such as by increasing the possibility of un-
9 necessary over purchase of product, component
10 parts, or other disruption of the availability of med-
11 ical products to patients.
12 "(d) CONFIDENTIALITY.—Nothing in this section
13 shall be construed as authorizing the Secretary to disclose
14 any information that is a trade secret or confidential infor-
15 mation subject to section 552(b)(4) of title 5, United
16 States Code, or section 1905 of title 18, United States
17 Code.
18 "(e) FAILURE TO MEET REQUIREMENTS.—If a per-
19 son fails to submit information required under subsection
20 (a) in accordance with subsection (b)—
21 "(1) the Secretary shall issue a letter to such
22 person informing such person of such failure;
23 "(2) not later than 30 calendar days after the
24 issuance of a letter under paragraph (1), the person
25 who receives such letter shall submit to the Sec-

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1 retary a written response to such letter setting forth
2 the basis for noncompliance and providing informa-
3 tion required under subsection (a); and
4 "(3) not later than 45 calendar days after the
5 issuance of a letter under paragraph (1), the Sec-
6 retary shall make such letter and any response to
7 such letter under paragraph (2) available to the pub-
8 lic on the internet website of the Food and Drug Ad-
9 ministration, with appropriate redactions made to
10 protect information described in subsection (d), ex-
11 cept that, if the Secretary determines that the letter
12 under paragraph (1) was issued in error or, after re-
13 view of such response, the person had a reasonable
14 basis for not notifying as required under subsection
15 (a), the requirements of this paragraph shall not
16 apply.
17 "(f) EXPEDITED INSPECTIONS AND REVIEWS.—If,
18 based on notifications described in subsection (a) or any
19 other relevant information, the Secretary concludes that
20 there is, or is likely to be, a shortage of an device, the
21 Secretary shall, as appropriate—
22 "(1) prioritize and expedite the review of a sub-
23 mission under section 513(f)(2), 515, review of a no-
24 tification under section 510(k), or 520(m) for a de-

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1 vice that could help mitigate or prevent such short-
2 age; or
3 "(2) prioritize and expedite an inspection or re-
4 inspection of an establishment that could help miti-
5 gate or prevent such shortage.
6 "(g) DEVICE SHORTAGE LIST.—
7 "(1) ESTABLISHMENT.—The Secretary shall es-
8 tablish and maintain an up-to-date list of devices
9 that are determined by the Secretary to be in short-
10 age in the United States.
11 "(2) CONTENTS.—For each device included on
12 the list under paragraph (1), the Secretary shall in-
13 clude the following information:
14 "(A) The category or name of the device in
15 shortage.
16 "(B) The name of each manufacturer of
17 such device.
18 "(C) The reason for the shortage, as deter-
19 mined by the Secretary, selecting from the fol-
20 lowing categories:
21 "(i) Requirements related to com-
22 plying with good manufacturing practices.
23 "(ii) Regulatory delay.
24 "(iii) Shortage or discontinuance of a
25 component or part.

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1 "(iv) Discontinuance of the manufac-
2 ture of the device.
3 "(v) Delay in shipping of the device.
4 "(vi) Delay in sterilization of the de-
5 vice.
6 "(vii) Demand increase for the device.
7 "(viii) Facility closure.
8 "(D) The estimated duration of the short-
9 age as determined by the Secretary.
10 "(3) PUBLIC AVAILABILITY.—
11 "(A) IN GENERAL.—Subject to subpara-
12 graphs (B) and (C), the Secretary shall make
13 the information in the list under paragraph (1)
14 publicly available.
15 "(B) TRADE SECRETS AND CONFIDENTIAL
16 INFORMATION.—Nothing in this subsection
17 shall be construed to alter or amend section
18 1905 of title 18, United States Code, or section
19 552(b)(4) of title 5 of such Code.
20 "(C) PUBLIC HEALTH EXCEPTION.—The
21 Secretary may elect not to make information
22 collected under this subsection publicly available
23 if the Secretary determines that disclosure of
24 such information would adversely affect the
25 public health (such as by increasing the possi-

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1 bility of hoarding or other disruption of the
2 availability of the device to patients).
3 "(h) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed to affect the authority of the Sec-
5 retary on the date of enactment of this section to expedite
6 the review of devices under section 515 of the Federal
7 Food, Drug, and Cosmetic Act, section 515B of such Act
8 relating to the priority review program for devices, and
9 section 564 of such Act relating to the emergency use au-
10 thorization authorities.
11 "(i) DEFINITIONS.—In this section:
12 "(1) MEANINGFUL DISRUPTION.—The term
13 'meaningful disruption'—
14 "(A) means a change in production that is
15 reasonably likely to lead to a reduction in the
16 supply of a device by a manufacturer that is
17 more than negligible and affects the ability of
18 the manufacturer to fill orders or meet expected
19 demand for its product;
20 "(B) does not include interruptions in
21 manufacturing due to matters such as routine
22 maintenance or insignificant changes in manu-
23 facturing so long as the manufacturer expects
24 to resume operations in a short period of time,
25 not to exceed 6 months;

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"(C) does not include interruptions in manufacturing of components or raw materials so long as such interruptions do not result in a shortage of the device and the manufacturer expects to resume operations in a reasonable period of time; and

"(D) does not include interruptions in manufacturing that do not lead to a reduction in procedures or diagnostic tests associated with a medical device designed to perform more than one procedure or diagnostic test.

"(2) SHORTAGE.—The term 'shortage', with respect to a device, means a period of time when the demand or projected demand for the device within the United States exceeds the supply of the device.".

## PART II—ACCESS TO HEALTH CARE FOR COVID-19 PATIENTS

### Subpart A—Coverage of Testing and Preventive Services

#### SEC. 3201. COVERAGE OF DIAGNOSTIC TESTING FOR COVID-19.

Paragraph (1) of section 6001(a) of division F of the Families First Coronavirus Response Act (Public Law 116–127) is amended to read as follows:

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1 "(1) An in vitro diagnostic test defined in sec-
2 tion 809.3 of title 21, Code of Federal Regulations
3 (or successor regulations) for the detection of
4 SARS–CoV–2 or the diagnosis of the virus that
5 causes COVID–19, and the administration of such a
6 test, that—
7 "(A) is approved, cleared, or authorized
8 under section 510(k), 513, 515, or 564 of the
9 Federal Food, Drug, and Cosmetic Act (21
10 U.S.C. 360(k), 360c, 360e, 360bbb–3);
11 "(B) the developer has requested, or in-
12 tends to request, emergency use authorization
13 under section 564 of the Federal Food, Drug,
14 and Cosmetic Act (21 U.S.C. 360bbb–3), unless
15 and until the emergency use authorization re-
16 quest under such section 564 has been denied
17 or the developer of such test does not submit a
18 request under such section within a reasonable
19 timeframe;
20 "(C) is developed in and authorized by a
21 State that has notified the Secretary of Health
22 and Human Services of its intention to review
23 tests intended to diagnose COVID-19; or
24 "(D) other test that the Secretary deter-
25 mines appropriate in guidance.".

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1 **SEC. 3202. PRICING OF DIAGNOSTIC TESTING.**

2 (a) REIMBURSEMENT RATES.—A group health plan
3 or a health insurance issuer providing coverage of items
4 and services described in section 6001(a) of division F of
5 the Families First Coronavirus Response Act (Public Law
6 116–127) with respect to an enrollee shall reimburse the
7 provider of the diagnostic testing as follows:

8 (1) If the health plan or issuer has a negotiated
9 rate with such provider in effect before the public
10 health emergency declared under section 319 of the
11 Public Health Service Act (42 U.S.C. 247d), such
12 negotiated rate shall apply throughout the period of
13 such declaration.

14 (2) If the health plan or issuer does not have
15 a negotiated rate with such provider, such plan or
16 issuer shall reimburse the provider in an amount
17 that equals the cash price for such service as listed
18 by the provider on a public internet website, or such
19 plan or issuer may negotiate a rate with such pro-
20 vider for less than such cash price.

21 (b) REQUIREMENT TO PUBLICIZE CASH PRICE FOR
22 DIAGNOSTIC TESTING FOR COVID-19.—

23 (1) IN GENERAL.—During the emergency pe-
24 riod declared under section 319 of the Public Health
25 Service Act (42 U.S.C. 247d), each provider of a di-
26 agnostic test for COVID-19 shall make public the

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1 cash price for such test on a public internet website
2 of such provider.
3 (2) CIVIL MONETARY PENALTIES.—The Sec-
4 retary of Health and Human Services may impose a
5 civil monetary penalty on any provider of a diag-
6 nostic test for COVID-19 that is not in compliance
7 with paragraph (1) and has not completed a correc-
8 tive action plan to comply with the requirements of
9 such paragraph, in an amount not to exceed $300
10 per day that the violation is ongoing.

11 **SEC. 3203. RAPID COVERAGE OF PREVENTIVE SERVICES**
12 **AND VACCINES FOR CORONAVIRUS.**

13 (a) IN GENERAL.—Notwithstanding 2713(b) of the
14 Public Health Service Act (42 U.S.C. 300gg–13), the Sec-
15 retary of Health and Human Services, the Secretary of
16 Labor, and the Secretary of the Treasury shall require
17 group health plans and health insurance issuers offering
18 group or individual health insurance to cover (without
19 cost-sharing) any qualifying coronavirus preventive serv-
20 ice, pursuant to section 2713(a) of the Public Health Serv-
21 ice Act (42 U.S.C. 300gg–13(a)) (including the regula-
22 tions under sections 2590.715-2713 of title 29, Code of
23 Federal Regulations, section 54.9815-2713 of title 26,
24 Code of Federal Regulations, and section 147.130 of title
25 45, Code of Federal Regulations (or any successor regula-

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1 tions)). The requirement described in this subsection shall
2 take effect with respect to a qualifying coronavirus preven-
3 tive service on the specified date described in subsection
4 (b)(2).

5 (b) DEFINITIONS.—For purposes of this section:

6 (1) QUALIFYING CORONAVIRUS PREVENTIVE
7 SERVICE.—The term "qualifying coronavirus preven-
8 tive service" means an item, service, or immuniza-
9 tion that is intended to prevent or mitigate
10 coronavirus disease 2019 and that is—

11 (A) an evidence-based item or service that
12 has in effect a rating of "A" or "B" in the cur-
13 rent recommendations of the United States Pre-
14 ventive Services Task Force; or

15 (B) an immunization that has in effect a
16 recommendation from the Advisory Committee
17 on Immunization Practices of the Centers for
18 Disease Control and Prevention with respect to
19 the individual involved.

20 (2) SPECIFIED DATE.—The term "specified
21 date" means the date that is 15 business days after
22 the date on which a recommendation is made relat-
23 ing to the qualifying coronavirus preventive service
24 as described in such paragraph.

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1 (3) ADDITIONAL TERMS.—In this section, the
2 terms "group health plan", "health insurance
3 issuer", "group health insurance coverage", and "in-
4 dividual health insurance coverage" have the mean-
5 ings given such terms in section 2791 of the Public
6 Health Service Act (42 U.S.C. 300gg–91), section
7 733 of the Employee Retirement Income Security
8 Act of 1974 (29 U.S.C. 1191b), and section 9832 of
9 the Internal Revenue Code, as applicable.

10 **Subpart B—Support for Health Care Providers**

11 **SEC. 3211. SUPPLEMENTAL AWARDS FOR HEALTH CEN-**
12 **TERS.**

13 (a) SUPPLEMENTAL AWARDS.—Section 330(r) of the
14 Public Health Service Act (42 U.S.C. 254b(r)) is amended
15 by adding at the end the following:

16 "(6) ADDITIONAL AMOUNTS FOR SUPPLE-
17 MENTAL AWARDS.—In addition to any amounts
18 made available pursuant to this subsection, section
19 402A of this Act, or section 10503 of the Patient
20 Protection and Affordable Care Act, there is author-
21 ized to be appropriated, and there is appropriated,
22 out of any monies in the Treasury not otherwise ap-
23 propriated, $1,320,000,000 for fiscal year 2020 for
24 supplemental awards under subsection (d) for the

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1 detection of SARS-CoV-2 or the prevention, diag-
2 nosis, and treatment of COVID-19.''.
3 (b) APPLICATION OF PROVISIONS.—Amounts appro-
4 priated pursuant to the amendment made by subsection
5 (a) for fiscal year 2020 shall be subject to the require-
6 ments contained in Public Law 116–94 for funds for pro-
7 grams authorized under sections 330 through 340 of the
8 Public Health Service Act (42 U.S.C. 254 through 256).

9 **SEC. 3212. TELEHEALTH NETWORK AND TELEHEALTH RE-**
10 **SOURCE CENTERS GRANT PROGRAMS.**

11 Section 330I of the Public Health Service Act (42
12 U.S.C. 254c–14) is amended—
13 (1) in subsection (d)—
14 (A) in paragraph (1)—
15 (i) in the matter preceding subpara-
16 graph (A), by striking ''projects to dem-
17 onstrate how telehealth technologies can be
18 used through telehealth networks'' and in-
19 serting ''evidence-based projects that uti-
20 lize telehealth technologies through tele-
21 health networks'';
22 (ii) in subparagraph (A)—
23 (I) by striking ''the quality of''
24 and inserting ''access to, and the
25 quality of,''; and

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1 (II) by inserting "and" after the
2 semicolon;
3 (iii) by striking subparagraph (B);
4 (iv) by redesignating subparagraph
5 (C) as subparagraph (B); and
6 (v) in subparagraph (B), as so redes-
7 ignated, by striking "and patients and
8 their families, for decisionmaking" and in-
9 serting ", patients, and their families";
10 and
11 (B) in paragraph (2)—
12 (i) by striking "demonstrate how tele-
13 health technologies can be used" and in-
14 serting "support initiatives that utilize
15 telehealth technologies"; and
16 (ii) by striking ", to establish tele-
17 health resource centers";
18 (2) in subsection (e), by striking "4 years" and
19 inserting "5 years";
20 (3) in subsection (f)—
21 (A) by striking paragraph (2);
22 (B) in paragraph (1)(B)—
23 (i) by redesignating clauses (i)
24 through (iii) as paragraphs (1) through

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1 (3), respectively, and adjusting the mar-
2 gins accordingly;
3 (ii) in paragraph (3), as so redesig-
4 nated by clause (i), by redesignating sub-
5 clauses (I) through (XII) as subparagraphs
6 (A) through (L), respectively, and adjust-
7 ing the margins accordingly; and
8 (iii) by striking "(1) TELEHEALTH
9 NETWORK GRANTS—" and all that follows
10 through "(B) TELEHEALTH NETWORKS—
11 "; and
12 (C) in paragraph (3)(I), as so redesig-
13 nated, by inserting "and substance use dis-
14 order" after "mental health" each place such
15 term appears;
16 (4) in subsection (g)(2), by striking "or im-
17 prove" and inserting "and improve";
18 (5) by striking subsection (h);
19 (6) by redesignating subsections (i) through (p)
20 as subsection (h) through (o), respectively;
21 (7) in subsection (h), as so redesignated—
22 (A) in paragraph (1)—
23 (i) in subparagraph (B), by striking
24 "mental health, public health, long-term
25 care, home care, preventive" and inserting

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1 "mental health care, public health services,
2 long-term care, home care, preventive
3 care";
4 (ii) in subparagraph (E), by inserting
5 "and regional" after "local"; and
6 (iii) by striking subparagraph (F);
7 and
8 (B) in paragraph (2)(A), by striking
9 "medically underserved areas or" and inserting
10 "rural areas, medically underserved areas, or";
11 (8) in paragraph (2) of subsection (i), as so re-
12 designated, by striking "ensure that—" and all that
13 follows through the end of subparagraph (B) and in-
14 serting "ensure that not less than 50 percent of the
15 funds awarded shall be awarded for projects in rural
16 areas.";
17 (9) in subsection (j), as so redesignated—
18 (A) in paragraph (1)(B), by striking "com-
19 puter hardware and software, audio and video
20 equipment, computer network equipment, inter-
21 active equipment, data terminal equipment, and
22 other"; and
23 (B) in paragraph (2)(F), by striking
24 "health care providers and";
25 (10) in subsection (k), as so redesignated—

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1 (A) in paragraph (2), by striking "40 per-
2 cent" and inserting "20 percent"; and
3 (B) in paragraph (3), by striking "(such as
4 laying cable or telephone lines, or purchasing or
5 installing microwave towers, satellite dishes,
6 amplifiers, or digital switching equipment)";
7 (11) by striking subsections (q) and (r) and in-
8 serting the following:
9 "(p) REPORT.—Not later than 4 years after the date
10 of enactment of the Coronavirus Aid, Relief, and Eco-
11 nomic Security Act, and every 5 years thereafter, the Sec-
12 retary shall prepare and submit to the Committee on
13 Health, Education, Labor, and Pensions of the Senate and
14 the Committee on Energy and Commerce of the House
15 of Representatives a report on the activities and outcomes
16 of the grant programs under subsection (b).";
17 (12) by redesignating subsection (s) as sub-
18 section (q); and
19 (13) in subsection (q), as so redesignated, by
20 striking "this section—" and all that follows
21 through the end of paragraph (2) and inserting
22 "this section $29,000,000 for each of fiscal years
23 2021 through 2025.".

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1 **SEC. 3213. RURAL HEALTH CARE SERVICES OUTREACH,**
2 **RURAL HEALTH NETWORK DEVELOPMENT,**
3 **AND SMALL HEALTH CARE PROVIDER QUAL-**
4 **ITY IMPROVEMENT GRANT PROGRAMS.**

5 Section 330A of the Public Health Service Act (42
6 U.S.C. 254c) is amended—
7 (1) in subsection (d)(2)—
8 (A) in subparagraph (A), by striking ''es-
9 sential'' and inserting ''basic''; and
10 (B) in subparagraph (B)—
11 (i) in the matter preceding clause (i),
12 by inserting ''to'' after ''grants''; and
13 (ii) in clauses (i), (ii), and (iii), by
14 striking ''to'' each place such term ap-
15 pears;
16 (2) in subsection (e)—
17 (A) in paragraph (1)—
18 (i) by inserting ''improving and'' after
19 ''outreach by'';
20 (ii) by inserting '', through community
21 engagement and evidence-based or innova-
22 tive, evidence-informed models'' before the
23 period of the first sentence; and
24 (iii) by striking ''3 years'' and insert-
25 ing ''5 years'';
26 (B) in paragraph (2)—

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(i) in the matter preceding subparagraph (A), by inserting "shall" after "entity";

(ii) in subparagraph (A), by striking "shall be a rural public or rural nonprofit private entity" and inserting "be an entity with demonstrated experience serving, or the capacity to serve, rural underserved populations";

(iii) in subparagraphs (B) and (C), by striking "shall" each place such term appears; and

(iv) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting "that" after "members"; and

(II) in clauses (i) and (ii), by striking "that" each place such term appears; and

(C) in paragraph (3)(C), by striking "the local community or region" and inserting "the rural underserved populations in the local community or region";

(3) in subsection (f)—

(A) in paragraph (1)—

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1 (i) in subparagraph (A)—
2 (I) in the matter preceding clause
3 (i), by striking "promote, through
4 planning and implementation, the de-
5 velopment of integrated health care
6 networks that have combined the
7 functions of the entities participating
8 in the networks" and inserting "plan,
9 develop, and implement integrated
10 health care networks that collabo-
11 rate"; and
12 (II) in clause (ii), by striking
13 "essential health care services" and
14 inserting "basic health care services
15 and associated health outcomes"; and
16 (ii) by amending subparagraph (B) to
17 read as follows:
18 "(B) GRANT PERIODS.—The Director may
19 award grants under this subsection for periods
20 of not more than 5 years.";
21 (B) in paragraph (2)—
22 (i) in the matter preceding subpara-
23 graph (A), by inserting "shall" after "enti-
24 ty";

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1 (ii) in subparagraph (A), by striking
2 "shall be a rural public or rural nonprofit
3 private entity" and inserting "be an entity
4 with demonstrated experience serving, or
5 the capacity to serve, rural underserved
6 populations";
7 (iii) in subparagraph (B)—
8 (I) in the matter preceding clause
9 (i)—
10 (aa) by striking "shall"; and
11 (bb) by inserting "that"
12 after "participants"; and
13 (II) in clauses (i) and (ii), by
14 striking "that" each place such term
15 appears; and
16 (iv) in subparagraph (C), by striking
17 "shall"; and
18 (C) in paragraph (3)—
19 (i) by amending clause (iii) of sub-
20 paragraph (C) to read as follows:
21 "(iii) how the rural underserved popu-
22 lations in the local community or region to
23 be served will benefit from and be involved
24 in the development and ongoing operations
25 of the network;"; and

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1 (ii) in subparagraph (D), by striking
2 "the local community or region" and in-
3 serting "the rural underserved populations
4 in the local community or region";
5 (4) in subsection (g)—
6 (A) in paragraph (1)—
7 (i) by inserting ", including activities
8 related to increasing care coordination, en-
9 hancing chronic disease management, and
10 improving patient health outcomes" before
11 the period of the first sentence; and
12 (ii) by striking "3 years" and insert-
13 ing "5 years";
14 (B) in paragraph (2)—
15 (i) in the matter preceding subpara-
16 graph (A), by inserting "shall" after "enti-
17 ty";
18 (ii) in subparagraphs (A) and (B), by
19 striking "shall" each place such term ap-
20 pears; and
21 (iii) in subparagraph (A)(ii), by in-
22 serting "or regional" after "local"; and
23 (C) in paragraph (3)(D), by striking "the
24 local community or region" and inserting "the

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1 rural underserved populations in the local com-
2 munity or region";
3 (5) in subsection (h)(3), in the matter pre-
4 ceding subparagraph (A), by inserting ", as appro-
5 priate," after "the Secretary";
6 (6) by amending subsection (i) to read as fol-
7 lows:
8 "(i) REPORT.—Not later than 4 years after the date
9 of enactment of the Coronavirus Aid, Relief, and Eco-
10 nomic Security Act, and every 5 years thereafter, the Sec-
11 retary shall prepare and submit to the Committee on
12 Health, Education, Labor, and Pensions of the Senate and
13 the Committee on Energy and Commerce of the House
14 of Representatives a report on the activities and outcomes
15 of the grant programs under subsections (e), (f), and (g),
16 including the impact of projects funded under such pro-
17 grams on the health status of rural residents with chronic
18 conditions."; and
19 (7) in subsection (j), by striking "$45,000,000
20 for each of fiscal years 2008 through 2012" and in-
21 serting "$79,500,000 for each of fiscal years 2021
22 through 2025".

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1 **SEC. 3214. UNITED STATES PUBLIC HEALTH SERVICE MOD-**
2 **ERNIZATION.**

3 (a) COMMISSIONED CORPS AND READY RESERVE
4 CORPS.—Section 203 of the Public Health Service Act (42
5 U.S.C. 204) is amended—

6 (1) in subsection (a)(1), by striking "a Ready
7 Reserve Corps for service in time of national emer-
8 gency" and inserting ", for service in time of a pub-
9 lic health or national emergency, a Ready Reserve
10 Corps"; and

11 (2) in subsection (c)—

12 (A) in the heading, by striking "RE-
13 SEARCH" and inserting "RESERVE CORPS";

14 (B) in paragraph (1), by inserting "during
15 public health or national emergencies" before
16 the period;

17 (C) in paragraph (2)—

18 (i) in the matter preceding subpara-
19 graph (A), by inserting ", consistent with
20 paragraph (1)" after "shall";

21 (ii) in subparagraph (C), by inserting
22 "during such emergencies" after "mem-
23 bers"; and

24 (iii) in subparagraph (D), by inserting
25 ", consistent with subparagraph (C)" be-
26 fore the period; and

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1 (D) by adding at the end the following:
2 "(3) STATUTORY REFERENCES TO RESERVE.—
3 A reference in any Federal statute, except in the
4 case of subsection (b), to the 'Reserve Corps' of the
5 Public Health Service or to the 'reserve' of the Pub-
6 lic Health Service shall be deemed to be a reference
7 to the Ready Reserve Corps.".
8 (b) DEPLOYMENT READINESS.—Section
9 203A(a)(1)(B) of the Public Health Service Act (42
10 U.S.C. 204a(a)(1)(B)) is amended by striking "Active Re-
11 serves" and inserting "Ready Reserve Corps".
12 (c) RETIREMENT OF COMMISSIONED OFFICERS.—
13 Section 211 of the Public Health Service Act (42 U.S.C.
14 212) is amended—
15 (1) by striking "the Service" each place it ap-
16 pears and inserting "the Regular Corps";
17 (2) in subsection (a)(4), by striking "(in the
18 case of an officer in the Reserve Corps)";
19 (3) in subsection (c)—
20 (A) in paragraph (1)—
21 (i) by striking "or an officer of the
22 Reserve Corps"; and
23 (ii) by inserting "or under section
24 221(a)(19)" after "subsection (a)"; and

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1 (B) in paragraph (2), by striking "Regular
2 or Reserve Corps" and inserting "Regular
3 Corps or Ready Reserve Corps"; and
4 (4) in subsection (f), by striking "the Regular
5 or Reserve Corps of".
6 (d) RIGHTS, PRIVILEGES, ETC. OF OFFICERS AND
7 SURVIVING BENEFICIARIES.—Section 221 of the Public
8 Health Service Act (42 U.S.C. 213a) is amended—
9 (1) in subsection (a), by adding at the end the
10 following:
11 "(19) Chapter 1223, Retired Pay for Non-Reg-
12 ular Service.
13 "(20) Section 12601, Compensation: Reserve on
14 active duty accepting from any person.
15 "(21) Section 12684, Reserves: separation for
16 absence without authority or sentence to imprison-
17 ment."; and
18 (2) in subsection (b)—
19 (A) by striking "Secretary of Health, Edu-
20 cation, and Welfare or his designee" and insert-
21 ing "Secretary of Health and Human Services
22 or the designee of such secretary";
23 (B) by striking "(b) The authority vested"
24 and inserting the following:
25 "(b)(1) The authority vested";

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1 (C) by striking "For purposes of" and in-
2 serting the following:
3 "(2) For purposes of"; and
4 (D) by adding at the end the following:
5 "(3) For purposes of paragraph (19) of subsection
6 (a), the terms 'Military department', 'Secretary con-
7 cerned', and 'Armed forces' in such title 10 shall be
8 deemed to include, respectively, the Department of Health
9 and Human Services, the Secretary of Health and Human
10 Services, and the Commissioned Corps.".
11 (e) TECHNICAL AMENDMENTS.—Title II of the Pub-
12 lic Health Service Act (42 U.S.C. 202 et seq.) is amend-
13 ed—
14 (1) in sections 204 and 207(c), by striking
15 "Regular or Reserve Corps" each place it appears
16 and inserting "Regular Corps or Ready Reserve
17 Corps";
18 (2) in section 208(a), by striking "Regular and
19 Reserve Corps" each place it appears and inserting
20 "Regular Corps and Ready Reserve Corps"; and
21 (3) in section 205(c), 206(c), 210, and 219,
22 and in subsections (a), (b), and (d) of section 207,
23 by striking "Reserve Corps" each place it appears
24 and inserting "Ready Reserve Corps".

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1 **SEC. 3215. LIMITATION ON LIABILITY FOR VOLUNTEER**
2 **HEALTH CARE PROFESSIONALS DURING**
3 **COVID-19 EMERGENCY RESPONSE.**

4 (a) LIMITATION ON LIABILITY.—Except as provided
5 in subsection (b), a health care professional shall not be
6 liable under Federal or State law for any harm caused
7 by an act or omission of the professional in the provision
8 of health care services during the public health emergency
9 with respect to COVID-19 declared by the Secretary of
10 Health and Human Services (referred to in this section
11 as the "Secretary") under section 319 of the Public
12 Health Service Act (42 U.S.C. 247d) on January 31,
13 2020, if—

14 (1) the professional is providing health care
15 services in response to such public health emergency,
16 as a volunteer; and

17 (2) the act or omission occurs—

18 (A) in the course of providing health care
19 services;

20 (B) in the health care professional's capac-
21 ity as a volunteer;

22 (C) in the course of providing health care
23 services that—

24 (i) are within the scope of the license,
25 registration, or certification of the volun-

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1 teer, as defined by the State of licensure,
2 registration, or certification; and
3 (ii) do not exceed the scope of license,
4 registration, or certification of a substan-
5 tially similar health professional in the
6 State in which such act or omission occurs;
7 and
8 (D) in a good faith belief that the indi-
9 vidual being treated is in need of health care
10 services.
11 (b) EXCEPTIONS.—Subsection (a) does not apply if—
12 (1) the harm was caused by an act or omission
13 constituting willful or criminal misconduct, gross
14 negligence, reckless misconduct, or a conscious fla-
15 grant indifference to the rights or safety of the indi-
16 vidual harmed by the health care professional; or
17 (2) the health care professional rendered the
18 health care services under the influence (as deter-
19 mined pursuant to applicable State law) of alcohol
20 or an intoxicating drug.
21 (c) PREEMPTION.—
22 (1) IN GENERAL.—This section preempts the
23 laws of a State or any political subdivision of a State
24 to the extent that such laws are inconsistent with

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1 this section, unless such laws provide greater protec-
2 tion from liability.
3 (2) VOLUNTEER PROTECTION ACT.—Protec-
4 tions afforded by this section are in addition to those
5 provided by the Volunteer Protection Act of 1997
6 (Public Law 105–19).
7 (d) DEFINITIONS.—In this section—
8 (1) the term ''harm'' includes physical, non-
9 physical, economic, and noneconomic losses;
10 (2) the term ''health care professional'' means
11 an individual who is licensed, registered, or certified
12 under Federal or State law to provide health care
13 services;
14 (3) the term ''health care services'' means any
15 services provided by a health care professional, or by
16 any individual working under the supervision of a
17 health care professional that relate to—
18 (A) the diagnosis, prevention, or treatment
19 of COVID-19; or
20 (B) the assessment or care of the health of
21 a human being related to an actual or sus-
22 pected case of COVID-19; and
23 (4) the term ''volunteer'' means a health care
24 professional who, with respect to the health care
25 services rendered, does not receive compensation or

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1 any other thing of value in lieu of compensation,
2 which compensation—
3 (A) includes a payment under any insur-
4 ance policy or health plan, or under any Fed-
5 eral or State health benefits program; and
6 (B) excludes—
7 (i) receipt of items to be used exclu-
8 sively for rendering health care services in
9 the health care professional's capacity as a
10 volunteer described in subsection (a)(1);
11 and
12 (ii) any reimbursement for travel to
13 the site where the volunteer services are
14 rendered and any payments in cash or kind
15 to cover room and board, if services are
16 being rendered more than 75 miles from
17 the volunteer's principal place of residence.
18 (e) EFFECTIVE DATE.—This section shall take effect
19 upon the date of enactment of this Act, and applies to
20 a claim for harm only if the act or omission that caused
21 such harm occurred on or after the date of enactment.
22 (f) SUNSET.—This section shall be in effect only for
23 the length of the public health emergency declared by the
24 Secretary of Health and Human Services (referred to in
25 this section as the "Secretary") under section 319 of the

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1 Public Health Service Act (42 U.S.C. 247d) on January
2 31, 2020 with respect to COVID-19.

3 **SEC. 3216. FLEXIBILITY FOR MEMBERS OF NATIONAL**
4 **HEALTH SERVICE CORPS DURING EMER-**
5 **GENCY PERIOD.**

6 During the public health emergency declared by the
7 Secretary of Health and Human Services under section
8 319 of the Public Health Service Act (42 U.S.C. 247d)
9 on January 31, 2020, with respect to COVID-19, the Sec-
10 retary may, notwithstanding section 333 of the Public
11 Health Service Act (42 U.S.C. 254f), assign members of
12 the National Health Service Corps, with the voluntary
13 agreement of such corps members, to provide such health
14 services at such places, and for such number of hours, as
15 the Secretary determines necessary to respond to such
16 emergency, provided that such places are within a reason-
17 able distance of the site to which such members were origi-
18 nally assigned, and the total number of hours required are
19 the same as were required of such members prior to the
20 date of enactment of this Act.

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1 **Subpart C—Miscellaneous Provisions**

2 **SEC. 3221. CONFIDENTIALITY AND DISCLOSURE OF**
3 **RECORDS RELATING TO SUBSTANCE USE DIS-**
4 **ORDER.**

5 (a) CONFORMING CHANGES RELATING TO SUB-
6 STANCE USE DISORDER.—Subsections (a) and (h) of sec-
7 tion 543 of the Public Health Service Act (42 U.S.C.
8 290dd–2) are each amended by striking "substance
9 abuse" and inserting "substance use disorder".

10 (b) DISCLOSURES TO COVERED ENTITIES CON-
11 SISTENT WITH HIPAA.—Paragraph (1) of section 543(b)
12 of the Public Health Service Act (42 U.S.C. 290dd–2(b))
13 is amended to read as follows:

14 "(1) CONSENT.—The following shall apply with
15 respect to the contents of any record referred to in
16 subsection (a):

17 "(A) Such contents may be used or dis-
18 closed in accordance with the prior written con-
19 sent of the patient with respect to whom such
20 record is maintained.

21 "(B) Once prior written consent of the pa-
22 tient has been obtained, such contents may be
23 used or disclosed by a covered entity, business
24 associate, or a program subject to this section
25 for purposes of treatment, payment, and health
26 care operations as permitted by the HIPAA

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1 regulations. Any information so disclosed may
2 then be redisclosed in accordance with the
3 HIPAA regulations. Section 13405(c) of the
4 Health Information Technology and Clinical
5 Health Act (42 U.S.C. 17935(c)) shall apply to
6 all disclosures pursuant to subsection (b)(1) of
7 this section.
8 "(C) It shall be permissible for a patient's
9 prior written consent to be given once for all
10 such future uses or disclosures for purposes of
11 treatment, payment, and health care operations,
12 until such time as the patient revokes such con-
13 sent in writing.
14 "(D) Section 13405(a) of the Health In-
15 formation Technology and Clinical Health Act
16 (42 U.S.C. 17935(a)) shall apply to all disclo-
17 sures pursuant to subsection (b)(1) of this sec-
18 tion.".
19 (c) DISCLOSURES OF DE-IDENTIFIED HEALTH IN-
20 FORMATION TO PUBLIC HEALTH AUTHORITIES.—Para-
21 graph (2) of section 543(b) of the Public Health Service
22 Act (42 U.S.C. 290dd–2(b)), is amended by adding at the
23 end the following:
24 "(D) To a public health authority, so long
25 as such content meets the standards established

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1 in section 164.514(b) of title 45, Code of Fed-
2 eral Regulations (or successor regulations) for
3 creating de-identified information.''.
4 (d) DEFINITIONS.—Section 543 of the Public Health
5 Service Act (42 U.S.C. 290dd–2) is amended by adding
6 at the end the following:
7 ''(k) DEFINITIONS.—For purposes of this section:
8 ''(1) BREACH.—The term 'breach' has the
9 meaning given such term for purposes of the HIPAA
10 regulations.
11 ''(2) BUSINESS ASSOCIATE.—The term 'busi-
12 ness associate' has the meaning given such term for
13 purposes of the HIPAA regulations.
14 ''(3) COVERED ENTITY.—The term 'covered en-
15 tity' has the meaning given such term for purposes
16 of the HIPAA regulations.
17 ''(4) HEALTH CARE OPERATIONS.—The term
18 'health care operations' has the meaning given such
19 term for purposes of the HIPAA regulations.
20 ''(5) HIPAA REGULATIONS.—The term
21 'HIPAA regulations' has the meaning given such
22 term for purposes of parts 160 and 164 of title 45,
23 Code of Federal Regulations.

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1 "(6) PAYMENT.—The term 'payment' has the
2 meaning given such term for purposes of the HIPAA
3 regulations.
4 "(7) PUBLIC HEALTH AUTHORITY.—The term
5 'public health authority' has the meaning given such
6 term for purposes of the HIPAA regulations.
7 "(8) TREATMENT.—The term 'treatment' has
8 the meaning given such term for purposes of the
9 HIPAA regulations.
10 "(9) UNSECURED PROTECTED HEALTH INFOR-
11 MATION.—The term 'unprotected health information'
12 has the meaning given such term for purposes of the
13 HIPAA regulations.".
14 (e) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD-
15 MINISTRATIVE INVESTIGATIONS, ACTIONS, OR PRO-
16 CEEDINGS.—Subsection (c) of section 543 of the Public
17 Health Service Act (42 U.S.C. 290dd–2(c)) is amended
18 to read as follows:
19 "(c) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD-
20 MINISTRATIVE CONTEXTS.—Except as otherwise author-
21 ized by a court order under subsection (b)(2)(C) or by the
22 consent of the patient, a record referred to in subsection
23 (a), or testimony relaying the information contained there-
24 in, may not be disclosed or used in any civil, criminal, ad-
25 ministrative, or legislative proceedings conducted by any

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1 Federal, State, or local authority, against a patient, in-
2 cluding with respect to the following activities:
3 "(1) Such record or testimony shall not be en-
4 tered into evidence in any criminal prosecution or
5 civil action before a Federal or State court.
6 "(2) Such record or testimony shall not form
7 part of the record for decision or otherwise be taken
8 into account in any proceeding before a Federal,
9 State, or local agency.
10 "(3) Such record or testimony shall not be used
11 by any Federal, State, or local agency for a law en-
12 forcement purpose or to conduct any law enforce-
13 ment investigation.
14 "(4) Such record or testimony shall not be used
15 in any application for a warrant.".
16 (f) PENALTIES.—Subsection (f) of section 543 of the
17 Public Health Service Act (42 U.S.C. 290dd–2) is amend-
18 ed to read as follows:
19 "(f) PENALTIES.—The provisions of sections 1176
20 and 1177 of the Social Security Act shall apply to a viola-
21 tion of this section to the extent and in the same manner
22 as such provisions apply to a violation of part C of title
23 XI of such Act. In applying the previous sentence—
24 "(1) the reference to 'this subsection' in sub-
25 section (a)(2) of such section 1176 shall be treated

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as a reference to 'this subsection (including as applied pursuant to section 543(f) of the Public Health Service Act)'; and

"(2) in subsection (b) of such section 1176—

"(A) each reference to 'a penalty imposed under subsection (a)' shall be treated as a reference to 'a penalty imposed under subsection (a) (including as applied pursuant to section 543(f) of the Public Health Service Act)'; and

"(B) each reference to 'no damages obtained under subsection (d)' shall be treated as a reference to 'no damages obtained under subsection (d) (including as applied pursuant to section 543(f) of the Public Health Service Act)'.".

(g) ANTIDISCRIMINATION.—Section 543 of the Public Health Service Act (42 U.S.C. 290dd–2) is amended by inserting after subsection (h) the following:

"(i) ANTIDISCRIMINATION.—

"(1) IN GENERAL.—No entity shall discriminate against an individual on the basis of information received by such entity pursuant to an inadvertent or intentional disclosure of records, or information contained in records, described in subsection (a) in—

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1 "(A) admission, access to, or treatment for
2 health care;
3 "(B) hiring, firing, or terms of employ-
4 ment, or receipt of worker's compensation;
5 "(C) the sale, rental, or continued rental of
6 housing;
7 "(D) access to Federal, State, or local
8 courts; or
9 "(E) access to, approval of, or mainte-
10 nance of social services and benefits provided or
11 funded by Federal, State, or local governments.
12 "(2) RECIPIENTS OF FEDERAL FUNDS.—No re-
13 cipient of Federal funds shall discriminate against
14 an individual on the basis of information received by
15 such recipient pursuant to an intentional or inad-
16 vertent disclosure of such records or information
17 contained in records described in subsection (a) in
18 affording access to the services provided with such
19 funds.".
20 (h) NOTIFICATION IN CASE OF BREACH.—Section
21 543 of the Public Health Service Act (42 U.S.C. 290dd–
22 2), as amended by subsection (g), is further amended by
23 inserting after subsection (i) the following:
24 "(j) NOTIFICATION IN CASE OF BREACH.—The pro-
25 visions of section 13402 of the HITECH Act (42 U.S.C.

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1 17932) shall apply to a program or activity described in
2 subsection (a), in case of a breach of records described
3 in subsection (a), to the same extent and in the same man-
4 ner as such provisions apply to a covered entity in the
5 case of a breach of unsecured protected health informa-
6 tion.".

7 (i) REGULATIONS.—

8 (1) IN GENERAL.—The Secretary of Health and
9 Human Services, in consultation with appropriate
10 Federal agencies, shall make such revisions to regu-
11 lations as may be necessary for implementing and
12 enforcing the amendments made by this section,
13 such that such amendments shall apply with respect
14 to uses and disclosures of information occurring on
15 or after the date that is 12 months after the date
16 of enactment of this Act.

17 (2) EASILY UNDERSTANDABLE NOTICE OF PRI-
18 VACY PRACTICES.—Not later than 1 year after the
19 date of enactment of this Act, the Secretary of
20 Health and Human Services, in consultation with
21 appropriate legal, clinical, privacy, and civil rights
22 experts, shall update section 164.520 of title 45,
23 Code of Federal Regulations, so that covered entities
24 and entities creating or maintaining the records de-
25 scribed in subsection (a) provide notice, written in

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1 plain language, of privacy practices regarding pa-
2 tient records referred to in section 543(a) of the
3 Public Health Service Act (42 U.S.C. 290dd–2(a)),
4 including—
5 (A) a statement of the patient's rights, in-
6 cluding self-pay patients, with respect to pro-
7 tected health information and a brief descrip-
8 tion of how the individual may exercise these
9 rights (as required by subsection (b)(1)(iv) of
10 such section 164.520); and
11 (B) a description of each purpose for
12 which the covered entity is permitted or re-
13 quired to use or disclose protected health infor-
14 mation without the patient's written authoriza-
15 tion (as required by subsection (b)(2) of such
16 section 164.520).
17 (j) RULES OF CONSTRUCTION.—Nothing in this Act
18 or the amendments made by this Act shall be construed
19 to limit—
20 (1) a patient's right, as described in section
21 164.522 of title 45, Code of Federal Regulations, or
22 any successor regulation, to request a restriction on
23 the use or disclosure of a record referred to in sec-
24 tion 543(a) of the Public Health Service Act (42

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1 U.S.C. 290dd–2(a)) for purposes of treatment, pay-
2 ment, or health care operations; or
3 (2) a covered entity's choice, as described in
4 section 164.506 of title 45, Code of Federal Regula-
5 tions, or any successor regulation, to obtain the con-
6 sent of the individual to use or disclose a record re-
7 ferred to in such section 543(a) to carry out treat-
8 ment, payment, or health care operation.
9 (k) SENSE OF CONGRESS.—It is the sense of the
10 Congress that—
11 (1) any person treating a patient through a
12 program or activity with respect to which the con-
13 fidentiality requirements of section 543 of the Public
14 Health Service Act (42 U.S.C. 290dd–2) apply is en-
15 couraged to access the applicable State-based pre-
16 scription drug monitoring program when clinically
17 appropriate;
18 (2) patients have the right to request a restric-
19 tion on the use or disclosure of a record referred to
20 in section 543(a) of the Public Health Service Act
21 (42 U.S.C. 290dd–2(a)) for treatment, payment, or
22 health care operations;
23 (3) covered entities should make every reason-
24 able effort to the extent feasible to comply with a

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1 patient's request for a restriction regarding such use
2 or disclosure;
3 (4) for purposes of applying section 164.501 of
4 title 45, Code of Federal Regulations, the definition
5 of health care operations shall have the meaning
6 given such term in such section, except that clause
7 (v) of paragraph (6) shall not apply; and
8 (5) programs creating records referred to in
9 section 543(a) of the Public Health Service Act (42
10 U.S.C. 290dd–2(a)) should receive positive incen-
11 tives for discussing with their patients the benefits
12 to consenting to share such records.

13 **SEC. 3222. NUTRITION SERVICES.**

14 (a) DEFINITIONS.—In this section, the terms "As-
15 sistant Secretary", "Secretary", "State agency", and
16 "area agency on aging" have the meanings given the
17 terms in section 102 of the Older Americans Act of 1965
18 (42 U.S.C. 3002).
19 (b) NUTRITION SERVICES TRANSFER CRITERIA.—
20 During any portion of the COVID–19 public health emer-
21 gency declared under section 319 of the Public Health
22 Service Act (42 U.S.C. 247d), the Secretary shall allow
23 a State agency or an area agency on aging, without prior
24 approval, to transfer not more than 100 percent of the
25 funds received by the State agency or area agency on

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1 aging, respectively, and attributable to funds appropriated
2 under paragraph (1) or (2) of section 303(b) of the Older
3 Americans Act of 1965 (42 U.S.C. 3023(b)), between sub-
4 part 1 and subpart 2 of part C (42 U.S.C. 3030d–2 et
5 seq.) for such use as the State agency or area agency on
6 aging, respectively, considers appropriate to meet the
7 needs of the State or area served.

8 (c) HOME-DELIVERED NUTRITION SERVICES WAIV-
9 ER.—For purposes of State agencies' determining the de-
10 livery of nutrition services under section 337 of the Older
11 Americans Act of 1965 (42 U.S.C. 3030g), during the pe-
12 riod of the COVID–19 public health emergency declared
13 under section 319 of the Public Health Service Act (42
14 U.S.C. 247d), the same meaning shall be given to an indi-
15 vidual who is unable to obtain nutrition because the indi-
16 vidual is practicing social distancing due to the emergency
17 as is given to an individual who is homebound by reason
18 of illness.

19 (d) DIETARY GUIDELINES WAIVER.—To facilitate
20 implementation of subparts 1 and 2 of part C of title III
21 of the Older Americans Act of 1965 (42 U.S.C. 3030d–
22 2 et seq.) during any portion of the COVID–19 public
23 health emergency declared under section 319 of the Public
24 Health Service Act (42 U.S.C. 247d), the Assistant Sec-
25 retary may waive the requirements for meals provided

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1 under those subparts to comply with the requirements of
2 clauses (i) and (ii) of section 339(2)(A) of such Act (42
3 U.S.C. 3030g–21(2)(A)).

4 **SEC. 3223. CONTINUITY OF SERVICE AND OPPORTUNITIES**
5 **FOR PARTICIPANTS IN COMMUNITY SERVICE**
6 **ACTIVITIES UNDER TITLE V OF THE OLDER**
7 **AMERICANS ACT OF 1965.**

8 To ensure continuity of service and opportunities for
9 participants in community service activities under title V
10 of the Older Americans Act of 1965 (42 U.S.C. 3056 et
11 seq.), the Secretary of Labor—

12 (1)(A) may allow individuals participating in
13 projects under such title as of March 1, 2020, to ex-
14 tend their participation for a period that exceeds the
15 period described in section 518(a)(3)(B)(i) of such
16 Act (42 U.S.C. 3056p(a)(3)(B)(i)) if the Secretary
17 determines such extension is appropriate due to the
18 effects of the COVID–19 public health emergency
19 declared under section 319 of the Public Health
20 Service Act (42 U.S.C. 247d); and

21 (B) may increase the average participation cap
22 for eligible individuals applicable to grantees as de-
23 scribed in section 502(b)(1)(C) of the Older Ameri-
24 cans Act of 1965 (42 U.S.C. 3056(b)(1)(C)) to a
25 cap the Secretary determines is appropriate due to

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1 the effects of the COVID–19 public health emer-
2 gency declared under section 319 of the Public
3 Health Service Act (42 U.S.C. 247d); and
4 (2) may increase the amount available to pay
5 the authorized administrative costs for a project, de-
6 scribed in section 502(c)(3) of the Older Americans
7 Act of 1965 (42 U.S.C. 3056(c)(3)) to an amount
8 not to exceed 20 percent of the grant amount if the
9 Secretary determines that such increase is necessary
10 to adequately respond to the additional administra-
11 tive needs to respond to the COVID–19 public
12 health emergency declared under section 319 of the
13 Public Health Service Act (42 U.S.C. 247d).

14 **SEC. 3224. GUIDANCE ON PROTECTED HEALTH INFORMA-**
15 **TION.**

16 Not later than 180 days after the date of enactment
17 of this Act, the Secretary of Health and Human Services
18 shall issue guidance on the sharing of patients' protected
19 health information pursuant to section 160.103 of title 45,
20 Code of Federal Regulations (or any successor regula-
21 tions) during the public health emergency declared by the
22 Secretary of Health and Human Services under section
23 319 of the Public Health Service Act (42 U.S.C. 247d)
24 with respect to COVID-19, during the emergency involv-
25 ing Federal primary responsibility determined to exist by

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1 the President under section 501(b) of the Robert T. Staf-
2 ford Disaster Relief and Emergency Assistance Act (42
3 U.S.C. 5191(b)) with respect to COVID-19, and during
4 the national emergency declared by the President under
5 the National Emergencies Act (50 U.S.C. 1601 et seq.)
6 with respect to COVID-19. Such guidance shall include
7 information on compliance with the regulations promul-
8 gated pursuant to section 264(c) of the Health Insurance
9 Portability and Accountability Act of 1996 (42 U.S.C.
10 1320d–2 note) and applicable policies, including such poli-
11 cies that may come into effect during such emergencies.

12 **SEC. 3225. REAUTHORIZATION OF HEALTHY START PRO-**
13 **GRAM.**

14 Section 330H of the Public Health Service Act (42
15 U.S.C. 254c–8) is amended—
16 (1) in subsection (a)—
17 (A) in paragraph (1), by striking ", during
18 fiscal year 2001 and subsequent years,"; and
19 (B) in paragraph (2), by inserting "or in-
20 creasing above the national average" after
21 "areas with high";
22 (2) in subsection (b)—
23 (A) in paragraph (1), by striking "con-
24 sumers of project services, public health depart-
25 ments, hospitals, health centers under section

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1 330" and inserting "participants and former
2 participants of project services, public health
3 departments, hospitals, health centers under
4 section 330, State substance abuse agencies";
5 and
6 (B) in paragraph (2)—
7 (i) in subparagraph (A), by striking
8 "such as low birthweight" and inserting
9 "including poor birth outcomes (such as
10 low birthweight and preterm birth) and so-
11 cial determinants of health";
12 (ii) by redesignating subparagraph
13 (B) as subparagraph (C);
14 (iii) by inserting after subparagraph
15 (A), the following:
16 "(B) Communities with—
17 "(i) high rates of infant mortality or
18 poor perinatal outcomes; or
19 "(ii) high rates of infant mortality or
20 poor perinatal outcomes in specific sub-
21 populations within the community."; and
22 (iv) in subparagraph (C) (as so redes-
23 ignated)—

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1 (I) by redesignating clauses (i)
2 and (ii) as clauses (ii) and (iii), re-
3 spectively;
4 (II) by inserting before clause (ii)
5 (as so redesignated) the following:
6 "(i) collaboration with the local com-
7 munity in the development of the project;";
8 (III) in clause (ii) (as so redesig-
9 nated), by striking "and" at the end;
10 (IV) in clause (iii) (as so redesig-
11 nated), by striking the period and in-
12 serting "; and"; and
13 (V) by adding at the end the fol-
14 lowing:
15 "(iv) the use and collection of data
16 demonstrating the effectiveness of such
17 program in decreasing infant mortality
18 rates and improving perinatal outcomes, as
19 applicable, or the process by which new ap-
20 plicants plan to collect this data.";
21 (3) in subsection (c)—
22 (A) by striking "Recipients of grants" and
23 inserting the following:
24 "(1) IN GENERAL.—Recipients of grants"; and
25 (B) by adding at the end the following:

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1 "(2) OTHER PROGRAMS.—The Secretary shall
2 ensure coordination of the program carried out pur-
3 suant to this section with other programs and activi-
4 ties related to the reduction of the rate of infant
5 mortality and improved perinatal and infant health
6 outcomes supported by the Department.";
7 (4) in subsection (e)—
8 (A) in paragraph (1), by striking "appro-
9 priated—" and all that follows through the end
10 and inserting "appropriated $125,500,000 for
11 each of fiscal years 2021 through 2025."; and
12 (B) in paragraph (2)(B), by adding at the
13 end the following: "Evaluations may also in-
14 clude, to the extent practicable, information re-
15 lated to—
16 "(i) progress toward achieving any
17 grant metrics or outcomes related to re-
18 ducing infant mortality rates, improving
19 perinatal outcomes, or reducing the dis-
20 parity in health status;
21 "(ii) recommendations on potential
22 improvements that may assist with ad-
23 dressing gaps, as applicable and appro-
24 priate; and

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1 "(iii) the extent to which the grantee
2 coordinated with the community in which
3 the grantee is located in the development
4 of the project and delivery of services, in-
5 cluding with respect to technical assistance
6 and mentorship programs."; and
7 (5) by adding at the end the following:
8 "(f) GAO REPORT.—
9 "(1) IN GENERAL.—Not later than 4 years
10 after the date of the enactment of this subsection,
11 the Comptroller General of the United States shall
12 conduct an independent evaluation, and submit to
13 the appropriate Committees of Congress a report,
14 concerning the Healthy Start program under this
15 section.
16 "(2) EVALUATION.—In conducting the evalua-
17 tion under paragraph (1), the Comptroller General
18 shall consider, as applicable and appropriate, infor-
19 mation from the evaluations under subsection
20 (e)(2)(B).
21 "(3) REPORT.—The report described in para-
22 graph (1) shall review, assess, and provide rec-
23 ommendations, as appropriate, on the following:
24 "(A) The allocation of Healthy Start pro-
25 gram grants by the Health Resources and Serv-

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1 ices Administration, including considerations
2 made by such Administration regarding dispari-
3 ties in infant mortality or perinatal outcomes
4 among urban and rural areas in making such
5 awards.

6 "(B) Trends in the progress made toward
7 meeting the evaluation criteria pursuant to sub-
8 section (e)(2)(B), including programs which de-
9 crease infant mortality rates and improve
10 perinatal outcomes, programs that have not de-
11 creased infant mortality rates or improved
12 perinatal outcomes, and programs that have
13 made an impact on disparities in infant mor-
14 tality or perinatal outcomes.

15 "(C) The ability of grantees to improve
16 health outcomes for project participants, pro-
17 mote the awareness of the Healthy Start pro-
18 gram services, incorporate and promote family
19 participation, facilitate coordination with the
20 community in which the grantee is located, and
21 increase grantee accountability through quality
22 improvement, performance monitoring, evalua-
23 tion, and the effect such metrics may have to-
24 ward decreasing the rate of infant mortality
25 and improving perinatal outcomes.

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"(D) The extent to which such Federal programs are coordinated across agencies and the identification of opportunities for improved coordination in such Federal programs and activities.".

**SEC. 3226. IMPORTANCE OF THE BLOOD SUPPLY.**

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall carry out a national campaign to improve awareness of, and support outreach to the public and health care providers about the importance and safety of blood donation and the need for donations for the blood supply during the public health emergency declared by the Secretary under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID-19.

(b) AWARENESS CAMPAIGN.—In carrying out subsection (a), the Secretary may enter into contracts with one or more public or private nonprofit entities, to establish a national blood donation awareness campaign that may include television, radio, internet, and newspaper public service announcements, and other activities to provide for public and professional awareness and education.

(c) CONSULTATION.—In carrying out subsection (a), the Secretary shall consult with the Commissioner of Food and Drugs, the Assistant Secretary for Health, the Direc-

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1 tor of the Centers for Disease Control and Prevention, the
2 Director of the National Institutes of Health, and the
3 heads of other relevant Federal agencies, and relevant ac-
4 crediting bodies and representative organizations.

5 (d) REPORT TO CONGRESS.—Not later than 2 years
6 after the date of enactment of this Act, the Secretary shall
7 submit to the Committee on Health, Education, Labor,
8 and Pensions of the Senate and the Committee on Energy
9 and Commerce of the House of Representatives, a report
10 that shall include—

11 (1) a description of the activities carried out
12 under subsection (a);

13 (2) a description of trends in blood supply do-
14 nations; and

15 (3) an evaluation of the impact of the public
16 awareness campaign, including any geographic or
17 population variations.

18 **PART III—INNOVATION**

19 **SEC. 3301. REMOVING THE CAP ON OTA DURING PUBLIC**
20 **HEALTH EMERGENCIES.**

21 Section 319L(c)(5)(A) of the Public Health Service
22 Act (42 U.S.C. 247d–7e(c)(5)(A)) is amended—

23 (1) by redesignating clause (iii) as clause (iv);
24 and

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

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1 "(iii) AUTHORITY DURING A PUBLIC
2 HEALTH EMERGENCY.—
3 "(I) IN GENERAL.—Notwith-
4 standing clause (ii), the Secretary,
5 shall, to the maximum extent prac-
6 ticable, use competitive procedures
7 when entering into transactions to
8 carry out projects under this sub-
9 section for purposes of a public health
10 emergency declared by the Secretary
11 under section 319. Any such trans-
12 actions entered into during such pub-
13 lic health emergency shall not be ter-
14 minated solely due to the expiration of
15 such public health emergency, if such
16 public health emergency ends before
17 the completion of the terms of such
18 agreement.
19 "(II) REPORT.—After the expira-
20 tion of the public health emergency
21 declared by the Secretary under sec-
22 tion 319, the Secretary shall provide a
23 report to the Committee on Health,
24 Education, Labor, and Pensions of
25 the Senate and the Committee on En-

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1 ergy and Commerce of the House of
2 Representatives regarding the use of
3 any funds pursuant to the authority
4 under subclause (I), including any
5 outcomes, benefits, and risks associ-
6 ated with the use of such funds, and
7 a description of the reasons for the
8 use of such authority for the project
9 or projects.''.

10 **SEC. 3302. PRIORITY ZOONOTIC ANIMAL DRUGS.**

11 Chapter V of the Federal Food, Drug, and Cosmetic
12 Act (21 U.S.C. 351 et seq.) is amended by inserting after
13 section 512 the following:

14 **''SEC. 512A. PRIORITY ZOONOTIC ANIMAL DRUGS.**

15 ''(a) IN GENERAL.—The Secretary shall, at the re-
16 quest of the sponsor intending to submit an application
17 for approval of a new animal drug under section 512(b)(1)
18 or an application for conditional approval of a new animal
19 drug under section 571, expedite the development and re-
20 view of such new animal drug if preliminary clinical evi-
21 dence indicates that the new animal drug, alone or in com-
22 bination with 1 or more other animal drugs, has the poten-
23 tial to prevent or treat a zoonotic disease in animals, in-
24 cluding a vector borne-disease, that has the potential to

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1 cause serious adverse health consequences for, or serious
2 or life-threatening diseases in, humans.
3 "(b) REQUEST FOR DESIGNATION.—The sponsor of
4 a new animal drug may request the Secretary to designate
5 a new animal drug described in subsection (a) as a priority
6 zoonotic animal drug. A request for the designation may
7 be made concurrently with, or at any time after, the open-
8 ing of an investigational new animal drug file under sec-
9 tion 512(j) or the filing of an application under section
10 512(b)(1) or 571.
11 "(c) DESIGNATION.—
12 "(1) IN GENERAL.—Not later than 60 calendar
13 days after the receipt of a request under subsection
14 (b), the Secretary shall determine whether the new
15 animal drug that is the subject of the request meets
16 the criteria described in subsection (a). If the Sec-
17 retary determines that the new animal drug meets
18 the criteria, the Secretary shall designate the new
19 animal drug as a priority zoonotic animal drug and
20 shall take such actions as are appropriate to expe-
21 dite the development and review of the application
22 for approval or conditional approval of such new ani-
23 mal drug.

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1 "(2) ACTIONS.—The actions to expedite the de-
2 velopment and review of an application under para-
3 graph (1) may include, as appropriate—
4 "(A) taking steps to ensure that the design
5 of clinical trials is as efficient as practicable,
6 when scientifically appropriate, such as by uti-
7 lizing novel trial designs or drug development
8 tools (including biomarkers) that may reduce
9 the number of animals needed for studies;
10 "(B) providing timely advice to, and inter-
11 active communication with, the sponsor (which
12 may include meetings with the sponsor and re-
13 view team) regarding the development of the
14 new animal drug to ensure that the develop-
15 ment program to gather the nonclinical and
16 clinical data necessary for approval is as effi-
17 cient as practicable;
18 "(C) involving senior managers and review
19 staff with experience in zoonotic or vector-borne
20 disease to facilitate collaborative, cross-discipli-
21 nary review, including, as appropriate, across
22 agency centers; and
23 "(D) implementing additional administra-
24 tive or process enhancements, as necessary, to

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1 facilitate an efficient review and development
2 program.".

3 **PART IV—HEALTH CARE WORKFORCE**

4 **SEC. 3401. REAUTHORIZATION OF HEALTH PROFESSIONS**
5 **WORKFORCE PROGRAMS.**

6 Title VII of the Public Health Service Act (42 U.S.C.
7 292 et seq.) is amended—

8 (1) in section 736 (42 U.S.C. 293), by striking
9 subsection (i) and inserting the following:

10 "(i) AUTHORIZATION OF APPROPRIATIONS.—To
11 carry out this section, there is authorized to be appro-
12 priated $23,711,000 for each of fiscal years 2021 through
13 2025.";

14 (2) in section 740 (42 U.S.C. 293d)—

15 (A) in subsection (a), by striking
16 "$51,000,000 for fiscal year 2010, and such
17 sums as may be necessary for each of the fiscal
18 years 2011 through 2014" and inserting
19 "$51,470,000 for each of fiscal years 2021
20 through 2025";

21 (B) in subsection (b), by striking
22 "$5,000,000 for each of the fiscal years 2010
23 through 2014" and inserting "$1,190,000 for
24 each of fiscal years 2021 through 2025";

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1 (C) in subsection (c), by striking
2 "$60,000,000 for fiscal year 2010 and such
3 sums as may be necessary for each of the fiscal
4 years 2011 through 2014" and inserting
5 "$15,000,000 for each of fiscal years 2021
6 through 2025"; and
7 (D) in subsection (d), by striking "Not
8 Later than 6 months after the date of enact-
9 ment of this part, the Secretary shall prepare
10 and submit to the appropriate committees of
11 Congress" and inserting: "Not later than Sep-
12 tember 30, 2025, and every five years there-
13 after, the Secretary shall prepare and submit to
14 the Committee on Health, Education, Labor,
15 and Pensions of the Senate, and the Committee
16 on Energy and Commerce of the House of Rep-
17 resentatives,";
18 (3) in section 747 (42 U.S.C. 293k)—
19 (A) in subsection (a)—
20 (i) in paragraph (1)(G), by striking
21 "to plan, develop, and operate a dem-
22 onstration program that provides training"
23 and inserting: "to plan, develop, and oper-
24 ate a program that identifies or develops
25 innovative models of providing care, and

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1 trains primary care physicians on such
2 models and''; and
3 (ii) by adding at the end the fol-
4 lowing:
5 ''(3) PRIORITIES IN MAKING AWARDS.—In
6 awarding grants or contracts under paragraph (1),
7 the Secretary may give priority to qualified appli-
8 cants that train residents in rural areas, including
9 for Tribes or Tribal Organizations in such areas.'';
10 (B) in subsection (b)(3)(E), by striking
11 ''substance-related disorders'' and inserting
12 ''substance use disorders''; and
13 (C) in subsection (c)(1), by striking
14 ''$125,000,000 for fiscal year 2010, and such
15 sums as may be necessary for each of fiscal
16 years 2011 through 2014'' and inserting
17 ''$48,924,000 for each of fiscal years 2021
18 through 2025'';
19 (4) in section 748 (42 U.S.C. 293k–2)—
20 (A) in subsection (c)(5), by striking ''sub-
21 stance-related disorders'' and inserting ''sub-
22 stance use disorders''; and
23 (B) in subsection (f), by striking
24 ''$30,000,000 for fiscal year 2010 and such
25 sums as may be necessary for each of fiscal

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1 years 2011 through 2015'' and inserting
2 ''$28,531,000 for each of fiscal years 2021
3 through 2025'';
4 (5) in section 749(d)(2) (42 U.S.C. 293l(d)(2)),
5 by striking ''Committee on Labor and Human Re-
6 sources of the Senate, and the Committee on Com-
7 merce of the House of Representatives'' and insert-
8 ing ''Committee on Health, Education, Labor, and
9 Pensions of the Senate, and the Committee on En-
10 ergy and Commerce of the House of Representa-
11 tives'';
12 (6) in section 751(j)(1) (42 U.S.C. 294a(j)(1)),
13 by striking ''$125,000,000 for each of the fiscal
14 years 2010 through 2014'' and inserting
15 ''$41,250,000 for each of fiscal years 2021 through
16 2025'';
17 (7) in section 754(b)(1)(A) (42 U.S.C.
18 294d(b)(1)(A)), by striking ''new and innovative''
19 and inserting ''innovative or evidence-based'';
20 (8) in section 755(b)(1)(A) (42 U.S.C.
21 294e(b)(1)(A)), by striking ''the elderly'' and insert-
22 ing ''geriatric populations or for maternal and child
23 health'';
24 (9) in section 761(e) (42 U.S.C. 294n(e))—

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1 (A) in paragraph (1)(A), by striking
2 "$7,500,000 for each of fiscal years 2010
3 through 2014" and inserting "$5,663,000 for
4 each of fiscal years 2021 through 2025"; and
5 (B) in paragraph (2), by striking "sub-
6 section (a)" and inserting "paragraph (1)";
7 (10) in section 762 (42 U.S.C. 294o)—
8 (A) in subsection (a)(1), by striking "Com-
9 mittee on Labor and Human Resources" and
10 inserting "Committee on Health, Education,
11 Labor, and Pensions";
12 (B) in subsection (b)—
13 (i) in paragraph (2), by striking
14 "Health Care Financing Administration"
15 and inserting "Centers for Medicare &
16 Medicaid Services";
17 (ii) by redesignating paragraphs (4)
18 through (6) as paragraphs (5) through (7),
19 respectively; and
20 (iii) by inserting after paragraph (3),
21 the following:
22 "(4) the Administrator of the Health Resources
23 and Services Administration;";
24 (C) by striking subsections (i), (j), and (k)
25 and inserting the following:

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1 "(i) REPORTS.—Not later than September 30, 2023,
2 and not less than every 5 years thereafter, the Council
3 shall submit to the Secretary, and to the Committee on
4 Health, Education, Labor, and Pensions of the Senate and
5 the Committee on Energy and Commerce of the House
6 of Representatives, a report on the recommendations de-
7 scribed in subsection (a)."; and
8 (D) by redesignating subsection (l) as sub-
9 section (j);
10 (11) in section 766(b)(1) (42 U.S.C.
11 295a(b)(1)), by striking "that plans" and all that
12 follows through the period and inserting "that plans,
13 develops, operates, and evaluates projects to improve
14 preventive medicine, health promotion and disease
15 prevention, or access to and quality of health care
16 services in rural or medically underserved commu-
17 nities.";
18 (12) in section 770(a) (42 U.S.C. 295e(a)), by
19 striking "$43,000,000 for fiscal year 2011, and such
20 sums as may be necessary for each of the fiscal
21 years 2012 through 2015" and inserting
22 "$17,000,000 for each of fiscal years 2021 through
23 2025"; and
24 (13) in section 775(e) (42 U.S.C. 295f(e)), by
25 striking "$30,000,000" and all that follows through

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1 the period and inserting "such sums as may be nec-
2 essary for each of fiscal years 2021 through 2025.".

3 **SEC. 3402. HEALTH WORKFORCE COORDINATION.**

4 (a) STRATEGIC PLAN.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary of
7 Health and Human Services (referred to in this Act
8 as the "Secretary"), in consultation with the Advi-
9 sory Committee on Training in Primary Care Medi-
10 cine and Dentistry and the Advisory Council on
11 Graduate Medical Education, shall develop a com-
12 prehensive and coordinated plan with respect to the
13 health care workforce development programs of the
14 Department of Health and Human Services, includ-
15 ing education and training programs.

16 (2) REQUIREMENTS.—The plan under para-
17 graph (1) shall—

18 (A) include performance measures to de-
19 termine the extent to which the programs de-
20 scribed in paragraph (1) are strengthening the
21 Nation's health care system;

22 (B) identify any gaps that exist between
23 the outcomes of programs described in para-
24 graph (1) and projected health care workforce
25 needs identified in workforce projection reports

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1 conducted by the Health Resources and Serv-
2 ices Administration;
3 (C) identify actions to address the gaps de-
4 scribed in subparagraph (B); and
5 (D) identify barriers, if any, to imple-
6 menting the actions identified under subpara-
7 graph (C).
8 (b) COORDINATION WITH OTHER AGENCIES.—The
9 Secretary shall coordinate with the heads of other Federal
10 agencies and departments that fund or administer health
11 care workforce development programs, including education
12 and training programs, to—
13 (1) evaluate the performance of such programs,
14 including the extent to which such programs are effi-
15 cient and effective and are meeting the nation's
16 health workforce needs; and
17 (2) identify opportunities to improve the quality
18 and consistency of the information collected to evalu-
19 ate within and across such programs, and to imple-
20 ment such improvements.
21 (c) REPORT.—Not later than 2 years after the date
22 of enactment of this Act, the Secretary shall submit to
23 the Committee on Health, Education, Labor, and Pen-
24 sions of the Senate, and the Committee on Energy and
25 Commerce of the House of Representatives, a report de-

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1 scribing the plan developed under subsection (a) and ac-
2 tions taken to implement such plan.

3 **SEC. 3403. EDUCATION AND TRAINING RELATING TO GERI-**
4 **ATRICS.**

5 Section 753 of the Public Health Service Act (42
6 U.S.C. 294c) is amended to read as follows:

7 **"SEC. 753. EDUCATION AND TRAINING RELATING TO GERI-**
8 **ATRICS.**

9 "(a) GERIATRICS WORKFORCE ENHANCEMENT PRO-
10 GRAM.—

11 "(1) IN GENERAL.—The Secretary shall award
12 grants, contracts, or cooperative agreements under
13 this subsection to entities described in paragraph
14 (1), (3), or (4) of section 799B, section 801(2), or
15 section 865(d), or other health professions schools or
16 programs approved by the Secretary, for the estab-
17 lishment or operation of Geriatrics Workforce En-
18 hancement Programs that meet the requirements of
19 paragraph (2).

20 "(2) REQUIREMENTS.—

21 "(A) IN GENERAL.—A Geriatrics Work-
22 force Enhancement Program receiving an
23 award under this section shall support the
24 training of health professionals in geriatrics, in-
25 cluding traineeships or fellowships. Such pro-

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1 grams shall emphasize, as appropriate, patient
2 and family engagement, integration of geriatrics
3 with primary care and other appropriate spe-
4 cialties, and collaboration with community part-
5 ners to address gaps in health care for older
6 adults.

7 "(B) ACTIVITIES.—Activities conducted by
8 a program under this section may include the
9 following:

10 "(i) Clinical training on providing in-
11 tegrated geriatrics and primary care deliv-
12 ery services.

13 "(ii) Interprofessional training to
14 practitioners from multiple disciplines and
15 specialties, including training on the provi-
16 sion of care to older adults.

17 "(iii) Establishing or maintaining
18 training-related community-based pro-
19 grams for older adults and caregivers to
20 improve health outcomes for older adults.

21 "(iv) Providing education on Alz-
22 heimer's disease and related dementias to
23 families and caregivers of older adults, di-
24 rect care workers, and health professions
25 students, faculty, and providers.

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1 "(3) DURATION.—Each grant, contract, or co-
2 operative agreement or contract awarded under
3 paragraph (1) shall be for a period not to exceed 5
4 years.
5 "(4) APPLICATIONS.—To be eligible to receive a
6 grant, contract, or cooperative agreement under
7 paragraph (1), an entity described in such para-
8 graph shall submit to the Secretary an application at
9 such time, in such manner, and containing such in-
10 formation as the Secretary may require.
11 "(5) PROGRAM REQUIREMENTS.—
12 "(A) IN GENERAL.—In awarding grants,
13 contracts, and cooperative agreements under
14 paragraph (1), the Secretary—
15 "(i) shall give priority to programs
16 that demonstrate coordination with an-
17 other Federal or State program or another
18 public or private entity;
19 "(ii) shall give priority to applicants
20 with programs or activities that are ex-
21 pected to substantially benefit rural or
22 medically underserved populations of older
23 adults, or serve older adults in Indian
24 Tribes or Tribal organizations; and

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1 "(iii) may give priority to any pro-
2 gram that—
3 "(I) integrates geriatrics into pri-
4 mary care practice;
5 "(II) provides training to inte-
6 grate geriatric care into other special-
7 ties across care settings, including
8 practicing clinical specialists, health
9 care administrators, faculty without
10 backgrounds in geriatrics, and stu-
11 dents from all health professions;
12 "(III) emphasizes integration of
13 geriatric care into existing service de-
14 livery locations and care across set-
15 tings, including primary care clinics,
16 medical homes, Federally qualified
17 health centers, ambulatory care clin-
18 ics, critical access hospitals, emer-
19 gency care, assisted living and nursing
20 facilities, and home- and community-
21 based services, which may include
22 adult daycare;
23 "(IV) supports the training and
24 retraining of faculty, primary care
25 providers, other direct care providers,

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1 and other appropriate professionals on
2 geriatrics;
3 "(V) emphasizes education and
4 engagement of family caregivers on
5 disease management and strategies to
6 meet the needs of caregivers of older
7 adults; or
8 "(VI) proposes to conduct out-
9 reach to communities that have a
10 shortage of geriatric workforce profes-
11 sionals.
12 "(B) SPECIAL CONSIDERATION.—In
13 awarding grants, contracts, and cooperative
14 agreements under this section, the Secretary
15 shall give special consideration to entities that
16 provide services in areas with a shortage of
17 geriatric workforce professionals.
18 "(6) PRIORITY.—The Secretary may provide
19 awardees with additional support for activities in
20 areas of demonstrated need, which may include edu-
21 cation and training for home health workers, family
22 caregivers, and direct care workers on care for older
23 adults.
24 "(7) REPORTING.—

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1 "(A) REPORTS FROM ENTITIES.—Each en-
2 tity awarded a grant, contract, or cooperative
3 agreement under this section shall submit an
4 annual report to the Secretary on the activities
5 conducted under such grant, contract, or coop-
6 erative agreement, which may include informa-
7 tion on the number of trainees, the number of
8 professions and disciplines, the number of part-
9 nerships with health care delivery sites, the
10 number of faculty and practicing professionals
11 who participated in such programs, and other
12 information, as the Secretary may require.
13 "(B) REPORT TO CONGRESS.—Not later
14 than 4 years after the date of enactment of the
15 Title VII Health Care Workforce Reauthoriza-
16 tion Act of 2019 and every 5 years thereafter,
17 the Secretary shall submit to the Committee on
18 Health, Education, Labor, and Pensions of the
19 Senate and the Committee on Energy and Com-
20 merce of the House of Representatives a report
21 that provides a summary of the activities and
22 outcomes associated with grants, contracts, and
23 cooperative agreements made under this sec-
24 tion. Such reports shall include—

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1 "(i) information on the number of
2 trainees, faculty, and professionals who
3 participated in programs under this sec-
4 tion;
5 "(ii) information on the impact of the
6 program conducted under this section on
7 the health status of older adults, including
8 in areas with a shortage of health profes-
9 sionals; and
10 "(iii) information on outreach and
11 education provided under this section to
12 families and caregivers of older adults.
13 "(C) PUBLIC AVAILABILITY.—The Sec-
14 retary shall make reports submitted under
15 paragraph (B) publically available on the inter-
16 net website of the Department of Health and
17 Human Services.
18 "(b) GERIATRIC ACADEMIC CAREER AWARDS.—
19 "(1) ESTABLISHMENT OF PROGRAM.—The Sec-
20 retary shall, as appropriate, establish or maintain a
21 program to provide geriatric academic career awards
22 to eligible entities applying on behalf of eligible indi-
23 viduals to promote the career development of such
24 individuals as academic geriatricians or other aca-
25 demic geriatrics health professionals.

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1 "(2) ELIGIBILITY.—
2 "(A) ELIGIBLE ENTITY.—For purposes of
3 this subsection, the term 'eligible entity'
4 means—
5 "(i) an entity described in paragraph
6 (1), (3), or (4) of section 799B or section
7 801(2); or
8 "(ii) another accredited health profes-
9 sions school or graduate program approved
10 by the Secretary.
11 "(B) ELIGIBLE INDIVIDUAL.—For pur-
12 poses of this subsection, the term 'eligible indi-
13 vidual' means an individual who—
14 "(i)(I) is board certified or board eli-
15 gible in internal medicine, family practice,
16 psychiatry, or licensed dentistry, or has
17 completed required training in a discipline
18 and is employed in an accredited health
19 professions school or graduate program
20 that is approved by the Secretary; or
21 "(II) has completed an approved fel-
22 lowship program in geriatrics, or has com-
23 pleted specialty training in geriatrics as re-
24 quired by the discipline and any additional

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1 geriatrics training as required by the Sec-
2 retary; and
3 "(ii) has a junior, nontenured, faculty
4 appointment at an accredited health pro-
5 fessions school or graduate program in
6 geriatrics or a geriatrics health profession.
7 "(C) CLARIFICATION.—If an eligible indi-
8 vidual is promoted during the period of an
9 award under this subsection and thereby no
10 longer meets the criteria of subparagraph
11 (B)(ii), the individual shall continue to be treat-
12 ed as an eligible individual through the term of
13 the award.
14 "(3) APPLICATION REQUIREMENTS.—In order
15 to receive an award under paragraph (1), an eligible
16 entity, on behalf of an eligible individual, shall—
17 "(A) submit to the Secretary an applica-
18 tion, at such time, in such manner, and con-
19 taining such information as the Secretary may
20 require;
21 "(B) provide, in such form and manner as
22 the Secretary may require, assurances that the
23 eligible individual will meet the service require-
24 ment described in paragraph (6); and

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1 "(C) provide, in such form and manner as
2 the Secretary may require, assurances that the
3 individual has a full-time faculty appointment
4 in a health professions institution and docu-
5 mented commitment from such eligible entity
6 that the individual will spend 75 percent of the
7 individual's time that is supported by the award
8 on teaching and developing skills in inter-
9 disciplinary education in geriatrics.
10 "(4) EQUITABLE DISTRIBUTION.—In making
11 awards under this subsection, the Secretary shall
12 seek to ensure geographical distribution among
13 award recipients, including among rural or medically
14 underserved areas of the United States.
15 "(5) AMOUNT AND DURATION.—
16 "(A) AMOUNT.—The amount of an award
17 under this subsection shall be at least $75,000
18 for fiscal year 2021, adjusted for subsequent
19 years in accordance with the consumer price
20 index. The Secretary shall determine the
21 amount of an award under this subsection for
22 individuals who are not physicians.
23 "(B) DURATION.—The Secretary shall
24 make awards under paragraph (1) for a period
25 not to exceed 5 years.

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1 "(6) SERVICE REQUIREMENT.—An individual
2 who receives an award under this subsection shall
3 provide training in clinical geriatrics, including the
4 training of interprofessional teams of health care
5 professionals. The provision of such training shall
6 constitute at least 75 percent of the obligations of
7 such individual under the award.
8 "(c) NONAPPLICABILITY OF PROVISION.—Notwith-
9 standing any other provision of this title, section 791(a)
10 shall not apply to awards made under this section.
11 "(d) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated $40,737,000 for each of
13 fiscal years 2021 through 2025 for purposes of carrying
14 out this section.".
15 **SEC. 3404. NURSING WORKFORCE DEVELOPMENT.**
16 (a) IN GENERAL.—Title VIII of the Public Health
17 Service Act (42 U.S.C. 296 et seq.) is amended—
18 (1) in section 801 (42 U.S.C. 296), by adding
19 at the end the following:
20 "(18) NURSE MANAGED HEALTH CLINIC.—The
21 term 'nurse managed health clinic' means a nurse-
22 practice arrangement, managed by advanced practice
23 nurses, that provides primary care or wellness serv-
24 ices to underserved or vulnerable populations and
25 that is associated with a school, college, university or

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1 department of nursing, federally qualified health
2 center, or independent nonprofit health or social
3 services agency.";
4 (2) in section 802(c) (42 U.S.C. 296a(c)), by
5 inserting ", and how such project aligns with the
6 goals in section 806(a)" before the period in the sec-
7 ond sentence;
8 (3) in section 803(b) (42 U.S.C. 296b(b)), by
9 adding at the end the following: "Such Federal
10 funds are intended to supplement, not supplant, ex-
11 isting non-Federal expenditures for such activities.";
12 (4) in section 806 (42 U.S.C. 296e)—
13 (A) in subsection (a), by striking "as need-
14 ed to" and all that follows and inserting the fol-
15 lowing: "as needed to address national nursing
16 needs, including—
17 "(1) addressing challenges, including through
18 supporting training and education of nursing stu-
19 dents, related to the distribution of the nursing
20 workforce and existing or projected nursing work-
21 force shortages in geographic areas that have been
22 identified as having, or that are projected to have,
23 a nursing shortage;
24 "(2) increasing access to and the quality of
25 health care services, including by supporting the

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1 training of professional registered nurses, advanced
2 practice registered nurses, and advanced education
3 nurses within community based settings and in a va-
4 riety of health delivery system settings; or
5 "(3) addressing the strategic goals and prior-
6 ities identified by the Secretary and that are in ac-
7 cordance with this title.
8 Contracts may be entered into under this title with public
9 or private entities as determined necessary by the Sec-
10 retary.";
11 (B) in subsection (b)(2), by striking "a
12 demonstration" and all that follows and insert-
13 ing the following: "the reporting of data and in-
14 formation demonstrating that satisfactory
15 progress has been made by the program or
16 project in meeting the performance outcome
17 standards (as described in section 802) of such
18 program or project.";
19 (C) in subsection (e)(2), by inserting ",
20 and have relevant expertise and experience" be-
21 fore the period at the end of the first sentence;
22 and
23 (D) by adding at the end the following:
24 "(i) BIENNIAL REPORT ON NURSING WORKFORCE
25 PROGRAM IMPROVEMENTS.—Not later than September

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1 30, 2020, and biennially thereafter, the Secretary shall
2 submit to the Committee on Health, Education, Labor,
3 and Pensions of the Senate and the Committee on Energy
4 and Commerce of the House of Representatives, a report
5 that contains an assessment of the programs and activities
6 of the Department of Health and Human Services related
7 to enhancing the nursing workforce, including the extent
8 to which programs and activities under this title meet the
9 identified goals and performance measures developed for
10 the respective programs and activities, and the extent to
11 which the Department coordinates with other Federal de-
12 partments regarding programs designed to improve the
13 nursing workforce.";
14 (5) in section 811 (42 U.S.C. 296j)—
15 (A) in subsection (b)—
16 (i) by striking "Master's" and insert-
17 ing "graduate"; and
18 (ii) by inserting "clinical nurse lead-
19 ers," after "nurse administrators,";
20 (B) by redesignating subsections (f) and
21 (g) as subsections (g) and (h), respectively; and
22 (C) by inserting after subsection (e), the
23 following:
24 "(f) AUTHORIZED CLINICAL NURSE SPECIALIST
25 PROGRAMS.—Clinical nurse specialist programs eligible

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1 for support under this section are education programs
2 that—
3 "(1) provide registered nurses with full-time
4 clinical nurse specialist education; and
5 "(2) have as their objective the education of
6 clinical nurse specialists who will, upon completion
7 of such a program, be qualified to effectively provide
8 care through the wellness and illness continuum to
9 inpatients and outpatients experiencing acute and
10 chronic illness."; and
11 (6) in section 831 (42 U.S.C. 296p)—
12 (A) in the section heading, by striking
13 "**AND QUALITY GRANTS**" and inserting
14 "**QUALITY, AND RETENTION GRANTS**";
15 (B) in subsection (b)(2), by striking "other
16 high-risk groups such as the elderly, individuals
17 with HIV/AIDS, substance abusers, the home-
18 less, and victims" and inserting "high risk
19 groups, such as the elderly, individuals with
20 HIV/AIDS, individuals with mental health or
21 substance use disorders, individuals who are
22 homeless, and survivors";
23 (C) in subsection (c)(1)—
24 (i) in subparagraph (A)—

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1 (I) by striking "advancement for
2 nursing personnel" and inserting the
3 following: "advancement for—
4 "(i) nursing";
5 (II) by striking "professional
6 nurses, advanced education nurses, li-
7 censed practical nurses, certified
8 nurse assistants, and home health
9 aides" and inserting "professional
10 registered nurses, advanced practice
11 registered nurses, and nurses with
12 graduate nursing education"; and
13 (III) by adding at the end the
14 following:
15 "(ii) individuals including licensed
16 practical nurses, licensed vocational nurses,
17 certified nurse assistants, home health
18 aides, diploma degree or associate degree
19 nurses, and other health professionals,
20 such as health aides or community health
21 practitioners certified under the Commu-
22 nity Health Aide Program of the Indian
23 Health Service, to become registered
24 nurses with baccalaureate degrees or
25 nurses with graduate nursing education;";

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1 (ii) in subparagraph (B), by striking
2 the period and inserting "; and"; and
3 (iii) by adding at the end the fol-
4 lowing:
5 "(C) developing and implementing intern-
6 ships, accredited fellowships, and accredited
7 residency programs in collaboration with one or
8 more accredited schools of nursing, to encour-
9 age the mentoring and development of special-
10 ties.";
11 (D) by striking subsections (e) and (h);
12 (E) by redesignating subsections (f) and
13 (g), as subsections (e) and (f), respectively;
14 (F) in subsection (e) (as so redesignated),
15 by striking "The Secretary shall submit to the
16 Congress before the end of each fiscal year"
17 and inserting "As part of the report on nursing
18 workforce programs described in section 806(i),
19 the Secretary shall include"; and
20 (G) in subsection (f) (as so redesignated),
21 by striking "a school of nursing, as defined in
22 section 801(2),," and inserting "an accredited
23 school of nursing, as defined in section 801(2),
24 a health care facility, including federally quali-
25 fied health centers or nurse-managed health

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1 clinics, or a partnership of such a school and
2 facility";
3 (7) by striking section 831A (42 U.S.C. 296p–
4 1);
5 (8) in section 846 (42 U.S.C. 297n)—
6 (A) by striking the last sentence of sub-
7 section (a);
8 (B) in subsection (b)(1), by striking "he
9 began such practice" and inserting "the indi-
10 vidual began such practice"; and
11 (C) in subsection (i), by striking "FUND-
12 ING" in the subsection heading and all that fol-
13 lows through "paragraph (1)" in paragraph (2),
14 and inserting the following: "ALLOCATIONS.—
15 Of the amounts appropriated under section
16 871(b),";
17 (9) in section 846A (42 U.S.C. 247n–1), by
18 striking subsection (f);
19 (10) in section 847 (42 U.S.C. 297o), by strik-
20 ing subsection (g);
21 (11) in section 851 (42 U.S.C. 297t)—
22 (A) in subsection (b)(1)(A)(iv), by striking
23 "and nurse anesthetists" and inserting "nurse
24 anesthetists, and clinical nurse specialists";
25 (B) in subsection (d)(3)—

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1 (i) by striking "3 years after the date
2 of enactment of this section" and inserting
3 "2 years after the date of enactment of the
4 Title VIII Nursing Reauthorization Act";
5 (ii) by striking "Labor and Human
6 Resources" and inserting "Health, Edu-
7 cation, Labor, and Pensions"; and
8 (iii) by inserting "Energy and" before
9 "Commerce"; and
10 (C) in subsection (g), by striking "under
11 this title" and inserting "for carrying out parts
12 B, C, and D";
13 (12) by striking sections 861 and 862 (42
14 U.S.C. 297w and 297x); and
15 (13) in section 871 (42 U.S.C. 298d)—
16 (A) by striking "For the purpose of" and
17 inserting the following:
18 "(a) IN GENERAL.—For the purpose of";
19 (B) by striking "$338,000,000 for fiscal
20 year 2010, and such sums as may be necessary
21 for each of the fiscal years 2011 through 2016"
22 and inserting "$137,837,000 for each of fiscal
23 years 2021 through 2025"; and
24 (C) by adding at the end the following:

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1 "(b) PART E.—For the purpose of carrying out part
2 E, there are authorized to be appropriated $117,135,000
3 for each of the fiscal years 2021 through 2025.".
4 (b) EVALUATION AND REPORT ON NURSE LOAN RE-
5 PAYMENT PROGRAMS.—
6 (1) EVALUATION.—The Comptroller General
7 shall conduct an evaluation of the nurse loan repay-
8 ment programs administered by the Health Re-
9 sources and Services Administration. Such evalua-
10 tion shall include—
11 (A) the manner in which payments are
12 made under such programs;
13 (B) the existing oversight functions nec-
14 essary to ensure the proper use of such pro-
15 grams, including payments made as part of
16 such programs;
17 (C) the identification of gaps, if any, in
18 oversight functions; and
19 (D) information on the number of nurses
20 assigned to facilities pursuant to such pro-
21 grams, including the type of facility to which
22 nurses are assigned and the impact of modi-
23 fying the eligibility requirements for programs
24 under section 846 of the Public Health Service
25 Act (42 U.S.C. 297n), such as the impact on

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1 entities to which nurses had previously been as-
2 signed prior to fiscal year 2019 (such as feder-
3 ally qualified health centers and facilities affili-
4 ated with the Indian Health Service).
5 (2) REPORT.—Not later than 18 months after
6 the enactment of this Act, the Comptroller General
7 shall submit to the Committee on Health, Edu-
8 cation, Labor, and Pensions of the Senate and the
9 Committee on Energy and Commerce of the House
10 of Representatives, a report on the evaluation under
11 paragraph (1), which may include recommendations
12 to improve relevant nursing workforce loan repay-
13 ment programs.

## 14 Subtitle B—Education Provisions

### 15 SEC. 3501. SHORT TITLE.

16 This subtitle may be cited as the "COVID-19 Pan-
17 demic Education Relief Act of 2020".

### 18 SEC. 3502. DEFINITIONS.

19 (a) DEFINITIONS.—In this subtitle:
20 (1) CORONAVIRUS.—The term "coronavirus"
21 has the meaning given the term in section 506 of the
22 Coronavirus Preparedness and Response Supple-
23 mental Appropriations Act, 2020 (Public Law 116–
24 123).

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1 (2) FOREIGN INSTITUTION.—The term ''foreign
2 institution'' means an institution of higher education
3 located outside the United States that is described
4 in paragraphs (1)(C) and (2) of section 102(a) of
5 the Higher Education Act of 1965 (20 U.S.C.
6 1002(a)).
7 (3) INSTITUTION OF HIGHER EDUCATION.—The
8 term ''institution of higher education'' has the
9 meaning of the term under section 102 of the High-
10 er Education Act of 1965 (20 U.S.C. 1002).
11 (4) QUALIFYING EMERGENCY.—The term
12 ''qualifying emergency'' means—
13 (A) a public health emergency related to
14 the coronavirus declared by the Secretary of
15 Health and Human Services pursuant to sec-
16 tion 319 of the Public Health Service Act (42
17 U.S.C. 247d);
18 (B) an event related to the coronavirus for
19 which the President declared a major disaster
20 or an emergency under section 401 or 501, re-
21 spectively, of the Robert T. Stafford Disaster
22 Relief and Emergency Assistance Act (42
23 U.S.C. 5170 and 5191); or
24 (C) a national emergency related to the
25 coronavirus declared by the President under

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1 section 201 of the National Emergencies Act
2 (50 U.S.C. 1601 et seq.).
3 (5) SECRETARY.—The term "Secretary" means
4 the Secretary of Education.

5 **SEC. 3503. CAMPUS-BASED AID WAIVERS.**

6 (a) WAIVER OF NON-FEDERAL SHARE REQUIRE-
7 MENT.—Notwithstanding sections 413C(a)(2) and
8 443(b)(5) of the Higher Education Act of 1965 (20
9 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect
10 to funds made available for award years 2019-2020 and
11 2020-2021, the Secretary shall waive the requirement that
12 a participating institution of higher education provide a
13 non-Federal share to match Federal funds provided to the
14 institution for the programs authorized pursuant to sub-
15 part 3 of part A and part C of title IV of the Higher
16 Education Act of 1965 (20 U.S.C. 1070b et seq. and
17 1087–51 et seq.) for all awards made under such pro-
18 grams during such award years, except nothing in this
19 subsection shall affect the non-Federal share requirement
20 under section 443(c)(3) that applies to private for-profit
21 organizations.

22 (b) AUTHORITY TO REALLOCATE.—Notwithstanding
23 sections 413D, 442, and 488 of the Higher Education Act
24 of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during
25 a period of a qualifying emergency, an institution may

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1 transfer up to 100 percent of the institution's unexpended
2 allotment under section 442 of such Act to the institu-
3 tion's allotment under section 413D of such Act, but may
4 not transfer any funds from the institution's unexpended
5 allotment under section 413D of such Act to the institu-
6 tion's allotment under section 442 of such Act.

7 **SEC. 3504. USE OF SUPPLEMENTAL EDUCATIONAL OPPOR-**
8 **TUNITY GRANTS FOR EMERGENCY AID.**

9 (a) IN GENERAL.—Notwithstanding section 413B of
10 the Higher Education Act of 1965 (20 U.S.C. 1070b–1),
11 an institution of higher education may reserve any amount
12 of an institution's allocation under subpart 3 of part A
13 of title IV of the Higher Education Act of 1965 (20 U.S.C.
14 1070b et seq.) for a fiscal year to award, in such fiscal
15 year, emergency financial aid grants to assist under-
16 graduate or graduate students for unexpected expenses
17 and unmet financial need as the result of a qualifying
18 emergency.

19 (b) DETERMINATIONS.—In determining eligibility for
20 and awarding emergency financial aid grants under this
21 section, an institution of higher education may—

22 (1) waive the amount of need calculation under
23 section 471 of the Higher Education Act of 1965
24 (20 U.S.C. 1087kk);

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1 (2) allow for a student affected by a qualifying
2 emergency to receive funds in an amount that is not
3 more than the maximum Federal Pell Grant for the
4 applicable award year; and
5 (3) utilize a contract with a scholarship-grant-
6 ing organization designated for the sole purpose of
7 accepting applications from or disbursing funds to
8 students enrolled in the institution of higher edu-
9 cation, if such scholarship-granting organization dis-
10 burses the full allocated amount provided to the in-
11 stitution of higher education to the recipients.
12 (c) SPECIAL RULE.—Any emergency financial aid
13 grants to students under this section shall not be treated
14 as other financial assistance for the purposes of section
15 471 of the Higher Education Act of 1965 (20 U.S.C.
16 1087kk).

17 **SEC. 3505. FEDERAL WORK-STUDY DURING A QUALIFYING**
18 **EMERGENCY.**

19 (a) IN GENERAL.—In the event of a qualifying emer-
20 gency, an institution of higher education participating in
21 the program under part C of title IV of the Higher Edu-
22 cation Act of 1965 (20 U.S.C. 1087–51 et seq.) may make
23 payments under such part to affected work-study stu-
24 dents, for the period of time (not to exceed one academic
25 year) in which affected students were unable to fulfill the

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1 students' work-study obligation for all or part of such aca-
2 demic year due to such qualifying emergency, as follows:
3 (1) Payments may be made under such part to
4 affected work-study students in an amount equal to
5 or less than the amount of wages such students
6 would have been paid under such part had the stu-
7 dents been able to complete the work obligation nec-
8 essary to receive work study funds, as a one time
9 grant or as multiple payments.
10 (2) Payments shall not be made to any student
11 who was not eligible for work study or was not com-
12 pleting the work obligation necessary to receive work
13 study funds under such part prior to the occurrence
14 of the qualifying emergency.
15 (3) Any payments made to affected work-study
16 students under this subsection shall meet the match-
17 ing requirements of section 443 of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1087–53), unless
19 such matching requirements are waived by the Sec-
20 retary.
21 (b) DEFINITION OF AFFECTED WORK-STUDY STU-
22 DENT.—In this section, the term "affected work-study
23 student" means a student enrolled at an eligible institu-
24 tion participating in the program under part C of title IV

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of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq.) who—

(1) received a work-study award under section 443 of the Higher Education Act of 1965 (20 U.S.C. 1087–53) for the academic year during which a qualifying emergency occurred;

(2) earned Federal work-study wages from such eligible institution for such academic year; and

(3) was prevented from fulfilling the student's work-study obligation for all or part of such academic year due to such qualifying emergency.

**SEC. 3506. ADJUSTMENT OF SUBSIDIZED LOAN USAGE LIMITS.**

Notwithstanding section 455(q)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087e(q)(3)), the Secretary shall exclude from a student's period of enrollment for purposes of loans made under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) any semester (or the equivalent) that the student does not complete due to a qualifying emergency, if the Secretary is able to administer such policy in a manner that limits complexity and the burden on the student.

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1 **SEC. 3507. EXCLUSION FROM FEDERAL PELL GRANT DURA-**
2 **TION LIMIT.**

3 The Secretary shall exclude from a student's Federal
4 Pell Grant duration limit under section 401(c)(5) of the
5 Higher Education Act of 1965 (2 U.S.C. 1070a(c)(5)) any
6 semester (or the equivalent) that the student does not
7 complete due to a qualifying emergency if the Secretary
8 is able to administer such policy in a manner that limits
9 complexity and the burden on the student.

10 **SEC. 3508. INSTITUTIONAL REFUNDS AND FEDERAL STU-**
11 **DENT LOAN FLEXIBILITY.**

12 (a) INSTITUTIONAL WAIVER.—

13 (1) IN GENERAL.—The Secretary shall waive
14 the institutional requirement under section 484B of
15 the Higher Education Act of 1965 (20 U.S.C.
16 1091b) with respect to the amount of grant or loan
17 assistance (other than assistance received under part
18 C of title IV of such Act) to be returned under such
19 section if a recipient of assistance under title IV of
20 the Higher Education Act of 1965 (20 U.S.C. 1070
21 et seq.) withdraws from the institution of higher
22 education during the payment period or period of
23 enrollment as a result of a qualifying emergency.

24 (2) WAIVERS.—The Secretary shall require
25 each institution using a waiver relating to the with-
26 drawal of recipients under this subsection to report

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1 the number of such recipients, the amount of grant
2 or loan assistance (other than assistance received
3 under part C of title IV of such Act) associated with
4 each such recipient, and the total amount of grant
5 or loan assistance (other than assistance received
6 under part C of title IV of such Act) for which each
7 institution has not returned assistance under title IV
8 to the Secretary.

9 (b) STUDENT WAIVER.—The Secretary shall waive
10 the amounts that students are required to return under
11 section 484B of the Higher Education Act of 1965 (20
12 U.S.C. 1091b) with respect to Federal Pell Grants or
13 other grant assistance if the withdrawals on which the re-
14 turns are based, are withdrawals by students who with-
15 drew from the institution of higher education as a result
16 of a qualifying emergency.

17 (c) CANCELING LOAN OBLIGATION.—Notwith-
18 standing any other provision of the Higher Education Act
19 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall can-
20 cel the borrower's obligation to repay the entire portion
21 of a loan made under part D of title IV of such Act (20
22 U.S.C. 1087a et seq.) associated with a payment period
23 for a recipient of such loan who withdraws from the insti-
24 tution of higher education during the payment period as
25 a result of a qualifying emergency.

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1 (d) APPROVED LEAVE OF ABSENCE.—Notwith-
2 standing any other provision of the Higher Education Act
3 of 1965 (20 U.S.C. 1001 et seq.), for purposes of receiving
4 assistance under title IV of the Higher Education Act of
5 1965 (20 U.S.C. 1070 et seq.), an institution of higher
6 education may, as a result of a qualifying emergency, pro-
7 vide a student with an approved leave of absence that does
8 not require the student to return at the same point in the
9 academic program that the student began the leave of ab-
10 sence if the student returns within the same semester (or
11 the equivalent).

12 **SEC. 3509. SATISFACTORY ACADEMIC PROGRESS.**

13 Notwithstanding section 484 of the Higher Education
14 Act of 1965 (20 U.S.C. 1091), in determining whether a
15 student is maintaining satisfactory academic progress for
16 purposes of title IV of the Higher Education Act of 1965
17 (20 U.S.C. 1070 et seq.), an institution of higher edu-
18 cation may, as a result of a qualifying emergency, exclude
19 from the quantitative component of the calculation any at-
20 tempted credits that were not completed by such student
21 without requiring an appeal by such student.

22 **SEC. 3510. CONTINUING EDUCATION AT AFFECTED FOR-**
23 **EIGN INSTITUTIONS.**

24 (a) IN GENERAL.—Notwithstanding section 481(b)
25 of the Higher Education Act of 1965 (20 U.S.C. 1088(b)),

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1 with respect to a foreign institution, in the case of a public
2 health emergency, major disaster or emergency, or na-
3 tional emergency declared by the applicable government
4 authorities in the country in which the foreign institution
5 is located, the Secretary may permit any part of an other-
6 wise eligible program to be offered via distance education
7 for the duration of such emergency or disaster and the
8 following payment period for purposes of title IV of the
9 Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).
10 (b) ELIGIBILITY.—An otherwise eligible program
11 that is offered in whole or in part through distance edu-
12 cation by a foreign institution between March 1, 2020, and
13 the date of enactment of this Act shall be deemed eligible
14 for the purposes of part D of title IV of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1087a et seq.) for the dura-
16 tion of the qualifying emergency and the following pay-
17 ment period for purposes of title IV of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1070 et seq.). An institu-
19 tion of higher education that uses the authority provided
20 in the previous sentence shall report such use to the Sec-
21 retary—
22 (1) for the 2019–2020 award year, not later
23 than June 30, 2020; and

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1 (2) for an award year subsequent to the 2019–
2 2020 award year, not later than 30 days after such
3 use.
4 (c) REPORT.—Not later than 180 days after the date
5 of enactment of this Act, and every 180 days thereafter
6 for the duration of the qualifying emergency and the fol-
7 lowing payment period, the Secretary shall submit to the
8 authorizing committees (as defined in section 103 of the
9 Higher Education Act of 1965 (20 U.S.C. 1003)) a report
10 that identifies each foreign institution that carried out a
11 distance education program authorized under this section.
12 (d) WRITTEN ARRANGEMENTS.—
13 (1) IN GENERAL.—Notwithstanding section 102
14 of the Higher Education Act of 1965 (20 U.S.C.
15 1002), for the duration of a qualifying emergency
16 and the following payment period, the Secretary may
17 allow a foreign institution to enter into a written ar-
18 rangement with an institution of higher education
19 located in the United States that participates in the
20 Federal Direct Loan Program under part D of title
21 IV of the Higher Education Act of 1965 (20 U.S.C.
22 1087a et seq.) for the purpose of allowing a student
23 of the foreign institution who is a borrower of a loan
24 made under such part to take courses from the insti-

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1 tution of higher education located in the United
2 States.
3 (2) FORM OF ARRANGEMENTS.—
4 (A) PUBLIC OR OTHER NONPROFIT INSTI-
5 TUTIONS.—A foreign institution that is a public
6 or other nonprofit institution may enter into a
7 written arrangement under subsection (a) only
8 with an institution of higher education de-
9 scribed in section 101 of such Act (20 U.S.C.
10 1001).
11 (B) OTHER INSTITUTIONS.—A foreign in-
12 stitution that is a graduate medical school,
13 nursing school, or a veterinary school and that
14 is not a public or other nonprofit institution
15 may enter into a written arrangement under
16 subsection (a) with an institution of higher edu-
17 cation described in section 101 or section 102
18 of such Act (20 U.S.C. 1001 and 1002).
19 (3) REPORT ON USE.—An institution of higher
20 education that uses the authority described in para-
21 graph (2) shall report such use to the Secretary—
22 (A) for the 2019–2020 award year, not
23 later than June 30, 2020; and

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1 (B) for an award year subsequent to the
2 2019–2020 award year, not later than 30 days
3 after such use.
4 (4) REPORT FROM THE SECRETARY.—Not later
5 than 180 days after the date of enactment of this
6 Act, and every 180 days thereafter for the duration
7 of the qualifying emergency and the following pay-
8 ment period, the Secretary shall submit to the au-
9 thorizing committees (as defined in section 103 of
10 the Higher Education Act of 1965 (20 U.S.C.
11 1003)) a report that identifies each foreign institu-
12 tion that entered into a written arrangement author-
13 ized under subsection (a).
14 **SEC. 3511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.**
15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law, the Secretary may, upon the request of a State
17 educational agency or Indian tribe, waive any statutory
18 or regulatory provision described under paragraphs (1)
19 and (2) of subsection (b), and upon the request of a local
20 educational agency, waive any statutory or regulatory pro-
21 vision described under paragraph (2) of subsection (b), if
22 the Secretary determines that such a waiver is necessary
23 and appropriate due to the emergency involving Federal
24 primary responsibility determined to exist by the President
25 under the section 501(b) of the Robert T. Stafford Dis-

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1 aster Relief and Emergency Assistance Act (42 U.S.C.
2 5191(b)) with respect to the Coronavirus Disease 2019
3 (COVID-19).
4 (b) APPLICABLE PROVISIONS OF LAW.—
5 (1) STREAMLINED WAIVERS.—The Secretary
6 shall create an expedited application process to re-
7 quest a waiver and the Secretary may waive any
8 statutory or regulatory requirements for a State
9 educational agency (related to assessments, account-
10 ability, and reporting requirements related to assess-
11 ments and accountability), if the Secretary deter-
12 mines that such a waiver is necessary and appro-
13 priate as described in subsection (a), under the fol-
14 lowing provisions of law:
15 (A) The following provisions under section
16 1111 of the Elementary and Secondary Edu-
17 cation Act of 1965 (20 U.S.C. 6311):
18 (i) Paragraphs (2) and (3) of sub-
19 section (b).
20 (ii) Subsection (c)(4).
21 (iii) Subparagraphs (C) and (D) of
22 subsection (d)(2).
23 (iv) The following provisions under
24 subsection (h) of such section 1111:

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1 (I) Clauses (i), (ii), (iii)(I), (iv),
2 (v), (vi), (vii), and (xi) of paragraph
3 (1)(C).
4 (II) Paragraph (2)(C) with re-
5 spect to the waived requirements
6 under subclause (I).
7 (III) Clauses (i) and (ii) of para-
8 graph (2)(C).
9 (B) Section 421(b) of the General Edu-
10 cation Provisions Act (20 U.S.C. 1225(b)).
11 (2) STATE AND LOCALLY-REQUESTED WAIV-
12 ERS.—For a State educational agency, local edu-
13 cational agency, or Indian tribe that receives funds
14 under a program authorized under the Elementary
15 and Secondary Education Act of 1965 (20 U.S.C.
16 6301 et seq.) that requests a waiver under sub-
17 section (c), the Secretary may waive statutory and
18 regulatory requirements under any of the following
19 provisions of such Act:
20 (A) Section 1114(a)(1).
21 (B) Section 1118(a) and section 8521.
22 (C) Section 1127.
23 (D) Section 4106(d).
24 (E) Subparagraphs (C), (D), and (E) of
25 section 4106(e)(2).

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1 (F) Section 4109(b).
2 (G) The definition under section 8101(42)
3 for purposes of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 6301 et
5 seq.).
6 (3) APPLICABILITY TO CHARTER SCHOOLS.—
7 Any waivers issued by the Secretary under this sec-
8 tion shall be implemented, as applicable—
9 (A) for all public schools, including public
10 charter schools within the boundaries of the re-
11 cipient of the waiver;
12 (B) in accordance with State charter
13 school law; and
14 (C) pursuant to section 1111(c)(5) of the
15 Elementary and Secondary Education Act of
16 1965 (20 U.S.C. 6311(c)(5)).
17 (4) LIMITATION.—Nothing in this section shall
18 be construed to allow the Secretary to waive any
19 statutory or regulatory requirements under applica-
20 ble civil rights laws.
21 (5) ACCOUNTABILITY AND IMPROVEMENT.—
22 Any school located in a State that receives a waiver
23 under paragraph (1) and that is identified for com-
24 prehensive support and improvement, targeted sup-
25 port and improvement, or additional targeted sup-

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1 port in the 2019-2020 school year under section
2 1111(c)(4)(D) or section 1111(d)(2) of the Elemen-
3 tary and Secondary Education Act of 1965 (20
4 U.S.C. 6311(c)(4)(D) or (d)(2)) shall maintain that
5 identification status in the 2020-2021 school year
6 and continue to receive supports and interventions
7 consistent with the school's support and improve-
8 ment plan in the 2020-2021 school year.
9 (c) STATE AND LOCAL REQUESTS FOR WAIVERS.—
10 (1) IN GENERAL.—A State educational agency,
11 local educational agency, or Indian tribe that desires
12 a waiver from any statutory or regulatory provision
13 described under subsection (b)(2), may submit a
14 waiver request to the Secretary in accordance with
15 this subsection.
16 (2) REQUESTS SUBMITTED.—A request for a
17 waiver under this subsection shall—
18 (A) identify the Federal programs affected
19 by the requested waiver;
20 (B) describe which Federal statutory or
21 regulatory requirements are to be waived;
22 (C) describe how the emergency involving
23 Federal primary responsibility determined to
24 exist by the President under the section 501(b)
25 of the Robert T. Stafford Disaster Relief and

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1 Emergency Assistance Act (42 U.S.C. 5191(b))
2 with respect to the Coronavirus Disease 2019
3 (COVID-19) prevents or otherwise restricts the
4 ability of the State, State educational agency,
5 local educational agency, Indian tribe, or school
6 to comply with such statutory or regulatory re-
7 quirements; and
8 (D) provide an assurance that the State
9 educational agency, local educational agency, or
10 Indian tribe will work to mitigate any negative
11 effects, if any, that may occur as a result of the
12 requested waiver.
13 (3) SECRETARY APPROVAL.—
14 (A) IN GENERAL.—Except as provided
15 under subparagraph (B), the Secretary shall
16 approve or disapprove a waiver request sub-
17 mitted under paragraph (1) not more than 30
18 days after the date on which such request is
19 submitted.
20 (B) EXCEPTIONS.—The Secretary may dis-
21 approve a waiver request submitted under para-
22 graph (1), only if the Secretary determines
23 that—
24 (i) the waiver request does not meet
25 the requirements of this section;

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1 (ii) the waiver is not permitted pursu-
2 ant to subsection (b)(2); or
3 (iii) the description required under
4 paragraph (2)(C) provides insufficient in-
5 formation to demonstrate that the waiving
6 of such requirements is necessary or ap-
7 propriate consistent with subsection (a).
8 (4) DURATION.—A waiver approved by the Sec-
9 retary under this section may be for a period not to
10 exceed the 2019–2020 academic year, except to
11 carry out full implementation of any maintenance of
12 effort waivers granted during the 2019–2020 aca-
13 demic year.
14 (d) REPORTING AND PUBLICATION.—
15 (1) PUBLIC NOTICE.—A State educational
16 agency, Indian Tribe, or local educational agency re-
17 questing a waiver under subsection (b)(2) shall pro-
18 vide the public and all local educational agencies in
19 the State with notice of, and the opportunity to com-
20 ment on, the request by posting information regard-
21 ing the waiver request and the process for com-
22 menting on the State website.
23 (2) NOTIFYING CONGRESS.—Not later than 7
24 days after granting a waiver under this section, the
25 Secretary shall notify the Committee on Health,

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1 Education, Labor, and Pensions of the Senate, the
2 Committee on Appropriations of the Senate, the
3 Committee on Education and Labor of the House of
4 Representatives, and the Committee on Appropria-
5 tions of the House of Representatives of such waiv-
6 er.

7 (3) PUBLICATION.—Not later than 30 days
8 after granting a waiver under this section, the Sec-
9 retary shall publish a notice of the Secretary's deci-
10 sion (including which waiver was granted and the
11 reason for granting the waiver) in the Federal Reg-
12 ister and on the website of the Department of Edu-
13 cation.

14 (4) REPORT.—Not later than 30 days after the
15 date of enactment of this Act, the Secretary shall
16 prepare and submit a report to the Committee on
17 Health, Education, Labor, and Pensions and the
18 Committee on Appropriations of the Senate, and the
19 Committee on Education and Labor and the Com-
20 mittee on Appropriations of the House of Represent-
21 atives, with recommendations on any additional
22 waivers under the Individuals with Disabilities Edu-
23 cation Act (20 U.S.C. 1401 et seq.), the Rehabilita-
24 tion Act of 1973 (29 U.S.C. 701 et seq.), the Ele-
25 mentary and Secondary Education Act of 1965 (20

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1 U.S.C. 6301 et seq.), and the Carl D. Perkins Ca-
2 reer and Technical Education Act of 2006 (20
3 U.S.C. 2301 et seq.) the Secretary believes are nec-
4 essary to be enacted into law to provide limited flexi-
5 bility to States and local educational agencies to
6 meet the needs of students during the emergency in-
7 volving Federal primary responsibility determined to
8 exist by the President under section 501(b) of the
9 Robert T. Stafford Disaster Relief and Emergency
10 Assistance Act (42 U.S.C. 5191(b)) with respect to
11 the Coronavirus Disease 2019 (COVID-19).

12 (e) TERMS.—In this section, the term "State edu-
13 cational agency" includes the Bureau of Indian Education,
14 and the term "local educational agency" includes Bureau
15 of Indian Education funded schools operated pursuant to
16 a grant under the Tribally Controlled Schools Act of 1988
17 (25 U.S.C. 2501 et seq.), or a contract under the Indian
18 Self-Determination and Education Assistance Act (25
19 U.S.C. 5301 et seq.).

20 **SEC. 3512. HBCU CAPITAL FINANCING.**

21 (a) DEFERMENT PERIOD.—

22 (1) IN GENERAL.—Notwithstanding any provi-
23 sion of title III of the Higher Education Act of 1965
24 (20 U.S.C. 1051 et seq.), or any regulation promul-
25 gated under such title, the Secretary may grant a

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1 deferment, for the duration of a qualifying emer-
2 gency, to an institution that has received a loan
3 under part D of title III of such Act (20 U.S.C.
4 1066 et seq.).
5 (2) TERMS.—During the deferment period
6 granted under this subsection—
7 (A) the institution shall not be required to
8 pay any periodic installment of principal or in-
9 terest required under the loan agreement for
10 such loan; and
11 (B) the Secretary shall make principal and
12 interest payments otherwise due under the loan
13 agreement.
14 (3) CLOSING.—At the closing of a loan deferred
15 under this subsection, terms shall be set under
16 which the institution shall be required to repay the
17 Secretary for the payments of principal and interest
18 made by the Secretary during the deferment, on a
19 schedule that begins upon repayment to the lender
20 in full on the loan agreement, except in no case shall
21 repayment be required to begin before the date that
22 is 1 full fiscal year after the date that is the end of
23 the qualifying emergency.
24 (b) TERMINATION DATE.—

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1 (1) IN GENERAL.—The authority provided
2 under this section to grant a loan deferment under
3 subsection (a) shall terminate on the date on which
4 the qualifying emergency is no longer in effect.
5 (2) DURATION.—Any provision of a loan agree-
6 ment or insurance agreement modified by the au-
7 thority under this section shall remain so modified
8 for the duration of the period covered by the loan
9 agreement or insurance agreement.
10 (c) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, and every 180 days thereafter
12 during the period beginning on the first day of the quali-
13 fying emergency and ending on September 30 of the fiscal
14 year following the end of the qualifying emergency, the
15 Secretary shall submit to the authorizing committees (as
16 defined in section 103 of the Higher Education Act of
17 1965 (20 U.S.C. 1003)) a report that identifies each insti-
18 tution that received assistance under this section.
19 (d) FUNDING.—There is hereby appropriated, out of
20 any money in the Treasury not otherwise appropriated,
21 $62,000,000 to carry out this section.
22 **SEC. 3513. TEMPORARY RELIEF FOR FEDERAL STUDENT**
23 **LOAN BORROWERS.**
24 (a) IN GENERAL.—The Secretary shall suspend all
25 payments due for loans made under part D and part B

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1 (that are held by the Department of Education) of title
2 IV of the Higher Education Act of 1965 (20 U.S.C. 1087a
3 et seq.; 1071 et seq.) through September 30, 2020.
4 (b) NO ACCRUAL OF INTEREST.—Notwithstanding
5 any other provision of the Higher Education Act of 1965
6 (20 U.S.C. 1001 et seq.), interest shall not accrue on a
7 loan described under subsection (a) for which payment
8 was suspended for the period of the suspension.
9 (c) CONSIDERATION OF PAYMENTS.—Notwith-
10 standing any other provision of the Higher Education Act
11 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall deem
12 each month for which a loan payment was suspended
13 under this section as if the borrower of the loan had made
14 a payment for the purpose of any loan forgiveness pro-
15 gram or loan rehabilitation program authorized under part
16 D or B of title IV of the Higher Education Act of 1965
17 (20 U.S.C. 1087a et seq.; 1071 et seq.) for which the bor-
18 rower would have otherwise qualified.
19 (d) REPORTING TO CONSUMER REPORTING AGEN-
20 CIES.—During the period in which the Secretary suspends
21 payments on a loan under subsection (a), the Secretary
22 shall ensure that, for the purpose of reporting information
23 about the loan to a consumer reporting agency, any pay-
24 ment that has been suspended is treated as if it were a
25 regularly scheduled payment made by a borrower.

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1 (e) SUSPENDING INVOLUNTARY COLLECTION.—During
2 the period in which the Secretary suspends payments
3 on a loan under subsection (a), the Secretary shall sus-
4 pend all involuntary collection related to the loan, includ-
5 ing—
6 (1) a wage garnishment authorized under sec-
7 tion 488A of the Higher Education Act of 1965 (20
8 U.S.C. 1095a) or section 3720D of title 31, United
9 States Code;
10 (2) a reduction of tax refund by amount of debt
11 authorized under section 3720A of title 31, United
12 States Code, or section 6402(d) of the Internal Rev-
13 enue Code of 1986;
14 (3) a reduction of any other Federal benefit
15 payment by administrative offset authorized under
16 section 3716 of title 31, United States Code (includ-
17 ing a benefit payment due to an individual under the
18 Social Security Act or any other provision described
19 in subsection (c)(3)(A)(i) of such section); and
20 (4) any other involuntary collection activity by
21 the Secretary.
22 (f) WAIVERS.—In carrying out this section, the Sec-
23 retary may waive the application of—

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1 (1) subchapter I of chapter 35 of title 44,
2 United States Code (commonly known as the "Pa-
3 perwork Reduction Act");
4 (2) the master calendar requirements under
5 section 482 of the Higher Education Act of 1965
6 (20 U.S.C. 1089);
7 (3) negotiated rulemaking under section 492 of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1098a); and
10 (4) the requirement to publish the notices re-
11 lated to the system of records of the agency before
12 implementation required under paragraphs (4) and
13 (11) of section 552a(e) of title 5, United States
14 Code (commonly known as the "Privacy Act of
15 1974"), except that the notices shall be published
16 not later than 180 days after the date of enactment
17 of this Act.
18 (g) NOTICE TO BORROWERS AND TRANSITION PE-
19 RIOD.—To inform borrowers of the actions taken in ac-
20 cordance with this section and ensure an effective transi-
21 tion, the Secretary shall—
22 (1) not later than 15 days after the date of en-
23 actment of this Act, notify borrowers—

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1 (A) of the actions taken in accordance with
2 subsections (a) and (b) for whom payments
3 have been suspended and interest waived;
4 (B) of the actions taken in accordance with
5 subsection (e) for whom collections have been
6 suspended;
7 (C) of the option to continue making pay-
8 ments toward principal; and
9 (D) that the program under this section is
10 a temporary program.
11 (2) beginning on August 1, 2020, carry out a
12 program to provide not less than 6 notices by postal
13 mail, telephone, or electronic communication to bor-
14 rowers indicating—
15 (A) when the borrower's normal payment
16 obligations will resume; and
17 (B) that the borrower has the option to en-
18 roll in income-driven repayment, including a
19 brief description of such options.

20 **SEC. 3514. PROVISIONS RELATED TO THE CORPORATION**
21 **FOR NATIONAL AND COMMUNITY SERVICE.**

22 (a) ACCRUAL OF SERVICE HOURS.—
23 (1) ACCRUAL THROUGH OTHER SERVICE
24 HOURS.—

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1 (A) IN GENERAL.—Notwithstanding any
2 other provision of the Domestic Volunteer Serv-
3 ice Act of 1973 (42 U.S.C. 4950 et seq.) or the
4 National and Community Service Act of 1990
5 (42 U.S.C. 12501 et seq.), the Corporation for
6 National and Community Service shall allow an
7 individual described in subparagraph (B) to ac-
8 crue other service hours that will count toward
9 the number of hours needed for the individual's
10 education award.
11 (B) AFFECTED INDIVIDUALS.—Subpara-
12 graph (A) shall apply to any individual serving
13 in a position eligible for an educational award
14 under subtitle D of title I of the National and
15 Community Service Act of 1990 (42 U.S.C.
16 12601 et seq.)—
17 (i) who is performing limited service
18 due to COVID-19; or
19 (ii) whose position has been suspended
20 or placed on hold due to COVID-19.
21 (2) PROVISIONS IN CASE OF EARLY EXIT.—In
22 any case where an individual serving in a position el-
23 igible for an educational award under subtitle D of
24 title I of the National and Community Service Act
25 of 1990 (42 U.S.C. 12601 et seq.) was required to

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exit the position early at the direction of the Corporation for National and Community Service, the Chief Executive Officer of the Corporation for National and Community Service may—

(A) deem such individual as having met the requirements of the position; and

(B) award the individual the full value of the educational award under such subtitle for which the individual would otherwise have been eligible.

(b) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, all funds made available to the Corporation for National and Community Service under any Act, including the amounts appropriated to the Corporation under the headings "OPERATING EXPENSES", "SALARIES AND EXPENSES", and "OFFICE OF THE INSPECTOR GENERAL" under the heading "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE" under title IV of Division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), shall remain available for the fiscal year ending September 30, 2021.

(c) NO REQUIRED RETURN OF GRANT FUNDS.—Notwithstanding section 129(l)(3)(A)(i) of the National and Community Service Act of 1990 (42 U.S.C. 12581(l)(3)(A)(i)), the Chief Executive Officer of the Cor-

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1 poration for National and Community Service may permit
2 fixed-amount grant recipients under such section 129(l)
3 to maintain a pro rata amount of grant funds, at the dis-
4 cretion of the Corporation for National and Community
5 Service, for participants who exited, were suspended, or
6 are serving in a limited capacity due to COVID-19, to en-
7 able the grant recipients to maintain operations and to
8 accept participants.

9 (d) EXTENSION OF TERMS AND AGE LIMITS.—Not-
10 withstanding any other provision of law, the Corporation
11 for National and Community Service may extend the term
12 of service (for a period not to exceed the 1-year period
13 immediately following the end of the national emergency)
14 or waive any upper age limit (except in no case shall the
15 maximum age exceed 26 years of age) for national service
16 programs carried out by the National Civilian Community
17 Corps under subtitle E of title I of the National and Com-
18 munity Service Act of 1990 (42 U.S.C. 12611 et seq.),
19 and the participants in such programs, for the purposes
20 of—

21 (1) addressing disruptions due to COVID-19;
22 and

23 (2) minimizing the difficulty in returning to full
24 operation due to COVID-19 on such programs and
25 participants.

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1 **SEC. 3515. WORKFORCE RESPONSE ACTIVITIES.**

2 (a) ADMINISTRATIVE COSTS.—Notwithstanding sec-
3 tion 128(b)(4) of the Workforce Innovation Opportunity
4 Act (29 U.S.C. 3163(b)(4)), of the total amount allocated
5 to a local area (including the total amount allotted to a
6 single State local area) under subtitle B of title I of such
7 Act (29 U.S.C. 3151 et seq.) for program year 2019, not
8 more than 20 percent of the total amount may be used
9 for the administrative costs of carrying out local workforce
10 investment activities under chapter 2 or chapter 3 of sub-
11 title B of title I of such Act, if the portion of the total
12 amount that exceeds 10 percent of the total amount is
13 used to respond to a qualifying emergency.

14 (b) RAPID RESPONSE ACTIVITIES.—

15 (1) STATEWIDE RAPID RESPONSE.—Of the
16 funds reserved by a Governor for program year 2019
17 for statewide activities under section 128(a) of the
18 Workforce Innovation and Opportunity Act (29
19 U.S.C. 3163(a)) that remain unobligated, such
20 funds may be used for statewide rapid response ac-
21 tivities as described in section 134(a)(2)(A) of such
22 Act (29 U.S.C. 3174(a)(2)(A)) for responding to a
23 qualifying emergency.

24 (2) LOCAL BOARDS.—Of the funds reserved by
25 a Governor for program year 2019 under section
26 133(a)(2) of such Act (29 U.S.C. 3173(a)(2)) that

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1 remain unobligated, such funds may be released
2 within 30 days after the date of enactment of this
3 Act to the local boards most impacted by the
4 coronavirus at the determination of the Governor for
5 rapid response activities related to responding to a
6 qualifying emergency.
7 (c) DEFINITIONS.—Except as otherwise provided, the
8 terms in this section have the meanings given the terms
9 in section 3 of the Workforce Innovation and Opportunity
10 Act (29 U.S.C. 3102).

11 **SEC. 3516. TECHNICAL AMENDMENTS.**

12 (a) IN GENERAL.—
13 (1) Section 6103(a)(3) of the Internal Revenue
14 Code of 1986, as amended by the FUTURE Act
15 (Public Law 116-91), is further amended by striking
16 "(13), (16)" and inserting "(13)(A), (13)(B),
17 (13)(C), (13)(D)(i), (16)".
18 (2) Section 6103(p)(3)(A) of such Code, as so
19 amended, is further amended by striking "(12),"
20 and inserting "(12), (13)(A), (13)(B), (13)(C),
21 (13)(D)(i)".
22 (3) Section 6103(p)(4) of such Code, as so
23 amended, is further amended by striking "(13) or
24 (16)" each place it appears and inserting "(13), or
25 (16)".

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1 (4) Section 6103(p)(4) of such Code, as so
2 amended and as amended by paragraph (3), is fur-
3 ther amended by striking "(13)" each place it ap-
4 pears and inserting "(13)(A), (13)(B), (13)(C),
5 (13)(D)(i)".
6 (5) Section 6103(l)(13)(C)(ii) of such Code, as
7 added by the FUTURE Act (Public Law 116-91), is
8 amended by striking "section 236A(e)(4)" and in-
9 serting "section 263A(e)(4)".
10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply as if included in the enactment
12 of the FUTURE Act (Public Law 116-91).

13 **SEC. 3517. WAIVER AUTHORITY AND REPORTING REQUIRE-**
14 **MENT FOR INSTITUTIONAL AID.**

15 (a) WAIVER AUTHORITY.—Notwithstanding any
16 other provision of the Higher Education Act of 1965
17 (U.S.C. 1001 et seq.), unless enacted with specific ref-
18 erence to this section, for any institution of higher edu-
19 cation that was receiving assistance under title III, title
20 V, or subpart 4 of part A of title VII of such Act (20
21 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) at the
22 time of a qualifying emergency, the Secretary may, for the
23 period beginning on the first day of the qualifying emer-
24 gency and ending on September 30 of the fiscal year fol-
25 lowing the end of the qualifying emergency—

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1 (1) waive—
2 (A) the eligibility data requirements set
3 forth in section 391(d) and 521(e) of the High-
4 er Education Act of 1965 (20 U.S.C. 1068(d);
5 1103(e));
6 (B) the wait-out period set forth in section
7 313(d) of the Higher Education Act of 1965
8 (20 U.S.C. 1059(d));
9 (C) the allotment requirements under
10 paragraphs (2) and (3) of subsection 318(e) of
11 the Higher Education Act of 1965 (20 U.S.C.
12 1059e(e)), and the reference to "the academic
13 year preceding the beginning of that fiscal
14 year" under such section 318(e)(1);
15 (D) the allotment requirements under sub-
16 sections (b), (c), and (g) of section 324 of the
17 Higher Education Act of 1965 (20 U.S.C.
18 1063), the reference to "the end of the school
19 year preceding the beginning of that fiscal
20 year" under such section 324(a), and the ref-
21 erence to "the academic year preceding such
22 fiscal year" under such section 324(h);
23 (E) subparagraphs (A), (C), (D), and (E)
24 of section 326(f)(3) of the Higher Education
25 Act of 1965 (20 U.S.C. 1063b(f)(3)), and ref-

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1 erences to "previous year" under such section
2 326(f)(3)(B);
3 (F) subparagraphs (A), (C), (D), and (E)
4 of section 723(f)(3) and subparagraphs (A),
5 (C), (D), and (E) of section 724(f)(3) of the
6 Higher Education Act of 1965 (20 U.S.C.
7 1136a(f)(3); 1136b(f)(3)), and references to
8 "previous academic year" under subparagraph
9 (B) of such sections 723(f)(3) and 724(f)(3);
10 and
11 (G) the allotment restriction set forth in
12 section 318(d)(4) and section 323(c)(2) of the
13 Higher Education Act of 1965 (20 U.S.C.
14 1059e(d)(4); 1062(c)(2)); and
15 (2) waive or modify any statutory or regulatory
16 provision to ensure that institutions that were re-
17 ceiving assistance under title III, title V, or subpart
18 4 of part A of title VII of such Act (20 U.S.C. 1051
19 et seq.; 1101 et seq.; 1136a et seq.) at the time of
20 a qualifying emergency are not adversely affected by
21 any formula calculation for fiscal year 2020 and for
22 the period beginning on the first day of the quali-
23 fying emergency and ending on September 30 of the
24 fiscal year following the end of the qualifying emer-
25 gency, as necessary.

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1 (b) USE OF UNEXPENDED FUNDS.—Any funds paid
2 to an institution under title III, title V, or subpart 4 of
3 part A of title VII of the Higher Education Act of 1965
4 (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) and
5 not expended or used for the purposes for which the funds
6 were paid to the institution during the 5-year period fol-
7 lowing the date on which the funds were first paid to the
8 institution, may be carried over and expended during the
9 succeeding 5-year period.
10 (c) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, and every 180 days thereafter
12 for the period beginning on the first day of the qualifying
13 emergency and ending on September 30 of the fiscal year
14 following the end of the qualifying emergency, the Sec-
15 retary shall submit to the authorizing committees (as de-
16 fined in section 103 of the Higher Education Act of 1965
17 (20 U.S.C. 1003)) a report that identifies each institution
18 that received a waiver or modification under this section.

19 **SEC. 3518. AUTHORIZED USES AND OTHER MODIFICATIONS**
20 **FOR GRANTS.**

21 (a) IN GENERAL.—The Secretary is authorized to
22 modify the required and allowable uses of funds for grants
23 awarded under part A or B of title III, chapter I or II
24 of subpart 2 of part A of title IV, title V, or subpart 4
25 of part A of title VII of the Higher Education Act of 1965

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1 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1070a–11 et seq.;
2 1070a–21 et seq.; 1101 et seq.; 1136a et seq.) to an insti-
3 tution of higher education or other grant recipient (not
4 including individual recipients of Federal student financial
5 assistance), at the request of an institution of higher edu-
6 cation or other recipient of a grant (not including indi-
7 vidual recipients of Federal student financial assistance)
8 as a result of a qualifying emergency, for the period begin-
9 ning on the first day of the qualifying emergency and end-
10 ing on September 30 of the fiscal year following the end
11 of the qualifying emergency.

12 (b) MATCHING REQUIREMENT MODIFICATIONS.—
13 Notwithstanding any other provision of the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary
15 is authorized to modify any Federal share or other finan-
16 cial matching requirement for a grant awarded on a com-
17 petitive basis or a grant awarded under part A or B of
18 title III or subpart 4 of part A of title VII of the Higher
19 Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et
20 seq.; 1136a et seq.) at the request of an institution of
21 higher education or other grant recipient as a result of
22 a qualifying emergency, for the period beginning on the
23 first day of the qualifying emergency and ending on Sep-
24 tember 30 of the fiscal year following the end of the quali-
25 fying emergency.

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1 (c) REPORTS.—Not later than 180 days after the
2 date of enactment of this Act, and every 180 days there-
3 after for the duration of the period beginning on the first
4 day of the qualifying emergency and ending on September
5 30 of the fiscal year following the end of the qualifying
6 emergency, the Secretary shall submit to the authorizing
7 committees (as defined in section 103 of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1003)) a report that identi-
9 fies each institution of higher education or other grant re-
10 cipient that received a modification under this section.

11 **SEC. 3519. SERVICE OBLIGATIONS FOR TEACHERS.**

12 (a) TEACH GRANTS.—For the purpose of section
13 420N of the Higher Education Act of 1965 (20 U.S.C.
14 1070g–2), during a qualifying emergency, the Secretary—
15 (1) may modify the categories of extenuating
16 circumstances under which a recipient of a grant
17 under subpart 9 of part A of title IV of the Higher
18 Education Act of 1965 (20 U.S.C. 1070g et seq.)
19 who is unable to fulfill all or part of the recipient's
20 service obligation may be excused from fulfilling that
21 portion of the service obligation; and
22 (2) shall consider teaching service that, as a re-
23 sult of a qualifying emergency, is part-time or tem-
24 porarily interrupted, to be full-time service and to

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1 fulfill the service obligations under such section
2 420N.
3 (b) TEACHER LOAN FORGIVENESS.—Notwith-
4 standing section 428J or 460 of the Higher Education Act
5 of 1965 (20 U.S.C. 1078–10; 1087j), the Secretary shall
6 waive the requirements under such sections that years of
7 teaching service shall be consecutive if—
8 (1) the teaching service of a borrower is tempo-
9 rarily interrupted due to a qualifying emergency;
10 and
11 (2) after the temporary interruption due to a
12 qualifying emergency, the borrower resumes teaching
13 service and completes a total of 5 years of qualifying
14 teaching service under such sections, including quali-
15 fying teaching service performed before, during, and
16 after such qualifying emergency.

17 **Subtitle C—Labor Provisions**

18 **SEC. 3601. LIMITATION ON PAID LEAVE.**

19 Section 110(b)(2)(B) of the Family and Medical
20 Leave Act of 1993 (as added by the Emergency Family
21 and Medical Leave Expansion Act) is amended by striking
22 clause (ii) and inserting the following:
23 "(ii) LIMITATION.—An employer shall
24 not be required to pay more than $200 per
25 day and $10,000 in the aggregate for each

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1 employee for paid leave under this sec-
2 tion.".

3 **SEC. 3602. EMERGENCY PAID SICK LEAVE ACT LIMITATION.**

4 Section 5102 of the Emergency Paid Sick Leave Act
5 (division E of the Families First Coronavirus Response
6 Act) is amended by adding at the end the following:

7 "(f) LIMITATIONS.—An employer shall not be re-
8 quired to pay more than either—

9 "(1) $511 per day and $5,110 in the aggregate
10 for each employee, when the employee is taking leave
11 for a reason described in paragraph (1), (2), or (3)
12 of section 5102(a); or

13 "(2) $200 per day and $2,000 in the aggregate
14 for each employee, when the employee is taking leave
15 for a reason described in paragraph (4), (5), or (6)
16 of section 5102(a).".

17 **SEC. 3603. UNEMPLOYMENT INSURANCE.**

18 Section 903(h)(2)(B) of the Social Security Act (42
19 U.S.C. 1103(h)(2)(B)), as added by section 4102 of the
20 Emergency Unemployment Insurance Stabilization and
21 Access Act of 2020, is amended to read as follows:

22 "(B) The State ensures that applications
23 for unemployment compensation, and assistance
24 with the application process, are accessible, to

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1 the extent practicable in at least two of the fol-
2 lowing: in person, by phone, or online.''.

3 **SEC. 3604. OMB WAIVER OF PAID FAMILY AND PAID SICK**
4 **LEAVE.**

5 (a) FAMILY AND MEDICAL LEAVE ACT OF 1993.—
6 Section 110(a) of title I of the Family and Medical Leave
7 Act of 1993 (29 U.S.C. 2611 et seq.) (as added by division
8 C of the Families First Coronavirus Response Act) is
9 amended by adding at the end the following new para-
10 graph:

11 ''(4) The Director of the Office of Management
12 and Budget shall have the authority to exclude for
13 good cause from the requirements under subsection
14 (b) certain employers of the United States Govern-
15 ment with respect to certain categories of Executive
16 Branch employees.''.

17 (b) EMERGENCY PAID SICK LEAVE ACT.—The
18 Emergency Paid Sick Leave Act (division E of the Fami-
19 lies First Coronavirus Response Act) is amended by add-
20 ing at the end the following new section:

21 **''SEC. 5112. AUTHORITY TO EXCLUDE CERTAIN EMPLOYEES.**

22 ''The Director of the Office of Management and
23 Budget shall have the authority to exclude for good cause
24 from the definition of employee under section 5110(1) cer-
25 tain employees described in subparagraphs (E) and (F)

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1 of such section, including by exempting certain United
2 States Government employers covered by section
3 5110(2)(A)(i)(V) from the requirements of this title with
4 respect to certain categories of Executive Branch employ-
5 ees.''.

6 **SEC. 3605. PAID LEAVE FOR REHIRED EMPLOYEES.**

7 Section 110(a)(1)(A) of the Family and Medical
8 Leave Act of 1993, as added by section 3102 of the Emer-
9 gency Family and Medical Leave Expansion Act, is
10 amended to read as follows:

11 ''(A) ELIGIBLE EMPLOYEE.—

12 ''(i) IN GENERAL.—In lieu of the defi-
13 nition in sections 101(2)(A) and
14 101(2)(B)(ii), the term 'eligible employee'
15 means an employee who has been employed
16 for at least 30 calendar days by the em-
17 ployer with respect to whom leave is re-
18 quested under section 102(a)(1)(F).

19 ''(ii) RULE REGARDING REHIRED EM-
20 PLOYEES.—For purposes of clause (i), the
21 term 'employed for at least 30 calendar
22 days', used with respect to an employee
23 and an employer described in clause (i), in-
24 cludes an employee who was laid off by
25 that employer not earlier than March 1,

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2020, had worked for the employer for not less than 30 of the last 60 calendar days prior to the employee's layoff, and was re-hired by the employer.".

**SEC. 3606. ADVANCE REFUNDING OF CREDITS.**

(a) PAYROLL CREDIT FOR REQUIRED PAID SICK LEAVE.—Section 7001 of division G of the Families First Coronavirus Response Act is amended—

(1) in subsection (b)(4)(A)—

(A) by striking "(A) In general.—If the amount" and inserting "(A)(i) Credit is refundable.—If the amount"; and

(B) by adding at the end the following:

"(ii) ADVANCING CREDIT.—In anticipation of the credit, including the refundable portion under clause (i), the credit may be advanced, according to forms and instructions provided by the Secretary, up to an amount calculated under subsection (a), subject to the limits under subsection (b), both calculated through the end of the most recent payroll period in the quarter.";

(2) in subsection (f)—

(A) in paragraph (4), by striking ", and" and inserting a comma;

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1 (B) in paragraph (5), by striking the pe-
2 riod at the end and inserting ", and"; and
3 (C) by adding at the end the following:
4 "(6) regulations or other guidance to permit the
5 advancement of the credit determined under sub-
6 section (a)."; and
7 (3) by inserting after subsection (h) the fol-
8 lowing new subsection:
9 "(i) TREATMENT OF DEPOSITS.—The Secretary of
10 the Treasury (or the Secretary's delegate) shall waive any
11 penalty under section 6656 of the Internal Revenue Code
12 of 1986 for any failure to make a deposit of the tax im-
13 posed by section 3111(a) or 3221(a) of such Code if the
14 Secretary determines that such failure was due to the an-
15 ticipation of the credit allowed under this section.".
16 (b) PAYROLL CREDIT FOR REQUIRED PAID FAMILY
17 LEAVE.—Section 7003 of division G of the Families First
18 Coronavirus Response Act is amended—
19 (1) in subsection (b)(3)—
20 (A) by striking "If the amount" and in-
21 serting "(A) Credit is refundable.—If the
22 amount"; and
23 (B) by adding at the end the following:
24 "(B) ADVANCING CREDIT.—In anticipation
25 of the credit, including the refundable portion

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1 under subparagraph (A), the credit may be ad-
2 vanced, according to forms and instructions
3 provided by the Secretary, up to an amount cal-
4 culated under subsection (a), subject to the lim-
5 its under subsection (b), both calculated
6 through the end of the most recent payroll pe-
7 riod in the quarter.";
8 (2) in subsection (f)—
9 (A) in paragraph (4), by striking ", and"
10 and inserting a comma;
11 (B) in paragraph (5), by striking the pe-
12 riod at the end and inserting ", and"; and
13 (C) by adding at the end the following:
14 "(6) regulations or other guidance to permit the
15 advancement of the credit determined under sub-
16 section (a)."; and
17 (c) by inserting after subsection (h) the following new
18 subsection:
19 "(i) TREATMENT OF DEPOSITS.—The Secretary of
20 the Treasury (or the Secretary's delegate) shall waive any
21 penalty under section 6656 of the Internal Revenue Code
22 of 1986 for any failure to make a deposit of the tax im-
23 posed by section 3111(a) or 3221(a) of such Code if the
24 Secretary determines that such failure was due to the an-
25 ticipation of the credit allowed under this section.".

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1 **SEC. 3607. EXPANSION OF DOL AUTHORITY TO POSTPONE**
2 **CERTAIN DEADLINES.**

3 Section 518 of the Employee Retirement Income Se-
4 curity Act of 1974 (29 U.S.C. 1148) is amended by strik-
5 ing "or a terroristic or military action (as defined in sec-
6 tion 692(c)(2) of such Code), the Secretary may" and in-
7 serting "a terroristic or military action (as defined in sec-
8 tion 692(c)(2) of such Code), or a public health emergency
9 declared by the Secretary of Health and Human Services
10 pursuant to section 319 of the Public Health Service Act,
11 the Secretary may".

12 **SEC. 3608. SINGLE-EMPLOYER PLAN FUNDING RULES.**

13 (a) DELAY IN PAYMENT OF MINIMUM REQUIRED
14 CONTRIBUTIONS.—In the case of any minimum required
15 contribution (as determined under section 430(a) of the
16 Internal Revenue Code of 1986 and section 303(a) of the
17 Employee Retirement Income Security Act of 1974 (29
18 U.S.C. 1083(a))) which (but for this section) would other-
19 wise be due under section 430(j) of such Code (including
20 quarterly contributions under paragraph (3) thereof) and
21 section 303(j) of such Act (29 U.S.C. 1083(j)) (including
22 quarterly contributions under paragraph (3) thereof) dur-
23 ing calendar year 2020—

24 (1) the due date for such contributions shall be
25 January 1, 2021, and

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1 (2) the amount of each such minimum required
2 contribution shall be increased by interest accruing
3 for the period between the original due date (without
4 regard to this section) for the contribution and the
5 payment date, at the effective rate of interest for the
6 plan for the plan year which includes such payment
7 date.

8 (b) BENEFIT RESTRICTION STATUS.—For purposes
9 of section 436 of the Internal Revenue Code of 1986 and
10 section 206(g) of the Employee Retirement Income Secu-
11 rity Act of 1974 (29 U.S.C. 1056(g)), a plan sponsor may
12 elect to treat the plan's adjusted funding target attain-
13 ment percentage for the last plan year ending before Janu-
14 ary 1, 2020, as the adjusted funding target attainment
15 percentage for plan years which include calendar year
16 2020.

17 **SEC. 3609. APPLICATION OF COOPERATIVE AND SMALL EM-**
18 **PLOYER CHARITY PENSION PLAN RULES TO**
19 **CERTAIN CHARITABLE EMPLOYERS WHOSE**
20 **PRIMARY EXEMPT PURPOSE IS PROVIDING**
21 **SERVICES WITH RESPECT TO MOTHERS AND**
22 **CHILDREN.**

23 (a) EMPLOYEE RETIREMENT INCOME SECURITY ACT
24 OF 1974.—Section 210(f)(1) of the Employee Retirement

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1 Income Security Act of 1974 (29 U.S.C. 1060(f)(1)) is
2 amended—
3 (1) by striking "or" at the end of subparagraph
4 (B);
5 (2) by striking the period at the end of sub-
6 paragraph (C)(iv) and inserting "; or"; and
7 (3) by inserting after subparagraph (C) the fol-
8 lowing new subparagraph:
9 "(D) that, as of January 1, 2000, was
10 maintained by an employer—
11 "(i) described in section 501(c)(3) of
12 the Internal Revenue Code of 1986,
13 "(ii) who has been in existence since
14 at least 1938,
15 "(iii) who conducts medical research
16 directly or indirectly through grant mak-
17 ing, and
18 "(iv) whose primary exempt purpose
19 is to provide services with respect to moth-
20 ers and children.".
21 (b) INTERNAL REVENUE CODE OF 1986.—Section
22 414(y)(1) of the Internal Revenue Code of 1986 is amend-
23 ed—
24 (1) by striking "or" at the end of subparagraph
25 (B);

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1 (2) by striking the period at the end of sub-
2 paragraph (C)(iv) and inserting "; or"; and
3 (3) by inserting after subparagraph (C) the fol-
4 lowing new subparagraph:
5 "(D) that, as of January 1, 2000, was
6 maintained by an employer—
7 "(i) described in section 501(c)(3),
8 "(ii) who has been in existence since
9 at least 1938,
10 "(iii) who conducts medical research
11 directly or indirectly through grant mak-
12 ing, and
13 "(iv) whose primary exempt purpose
14 is to provide services with respect to moth-
15 ers and children.".
16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to plan years beginning after De-
18 cember 31, 2018.
19 **SEC. 3610. FEDERAL CONTRACTOR AUTHORITY.**
20 Notwithstanding any other provision of law, and sub-
21 ject to the availability of appropriations, funds made avail-
22 able to an agency by this Act or any other Act may be
23 used by such agency to modify the terms and conditions
24 of a contract, or other agreement, without consideration,
25 to reimburse at the minimum applicable contract billing

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1 rates not to exceed an average of 40 hours per week any
2 paid leave, including sick leave, a contractor provides to
3 keep its employees or subcontractors in a ready state, in-
4 cluding to protect the life and safety of Government and
5 contractor personnel, but in no event beyond September
6 30, 2020. Such authority shall apply only to a contractor
7 whose employees or subcontractors cannot perform work
8 on a site that has been approved by the Federal Govern-
9 ment, including a federally-owned or leased facility or site,
10 due to facility closures or other restrictions, and who can-
11 not telework because their job duties cannot be performed
12 remotely during the public health emergency declared on
13 January 31, 2020 for COVID–19: *Provided*, That the
14 maximum reimbursement authorized by this section shall
15 be reduced by the amount of credit a contractor is allowed
16 pursuant to division G of Public Law 116–127 and any
17 applicable credits a contractor is allowed under this Act.

18 **SEC. 3611. TECHNICAL CORRECTIONS.**

19 (1) Section 110(a)(3) of the Family and Med-
20 ical Leave Act of 1993 (as added by the Emergency
21 and Medical Leave Expansion Act) is amended by
22 striking "553(d)(A)" and inserting "553(d)(3)".

23 (2) Section 5111 of the Emergency Paid Sick
24 Leave Act (division E of the Families First

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1 Coronavirus Response Act) is amended by striking
2 "553(d)(A)" and inserting "553(d)(3)".
3 (3) Section 110(c) of the Family and Medical
4 Leave Act of 1993 (as added by the Emergency and
5 Medical Leave Expansion Act) is amended by strik-
6 ing "subsection (a)(2)(A)(iii)" and inserting "sub-
7 section (a)(2)(A)".
8 (4) Section 3104 of the Emergency Family and
9 Medical Leave Expansion Act (division C of the
10 Families First Coronavirus Response Act) is amend-
11 ed—
12 (A) by striking "110(a)(B)" and inserting
13 "section 110(a)(1)(B) of the Family and Med-
14 ical Leave Act of 1993"; and
15 (B) by striking "section 107(a) for a viola-
16 tion of section 102(a)(1)(F) if the employer
17 does not meet the definition of employer set
18 forth in Section 101(4)(A)(i)" and inserting
19 "section 107(a) of such Act for a violation of
20 section 102(a)(1)(F) of such Act if the em-
21 ployer does not meet the definition of employer
22 set forth in section 101(4)(A)(i) of such Act".
23 (5) Section 5110(1) of the Emergency Paid
24 Sick Leave Act (division E of the Families First
25 Coronavirus Response Act) is amended—

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1 (A) in the matter preceding subparagraph
2 (A), by striking "terms" and inserting "term";
3 and
4 (B) in subparagraph (A)(i), by striking
5 "paragraph (5)(A)" and inserting "paragraph
6 (2)(A)".
7 (6) Section 5110(2)(B)(ii) of the Emergency
8 Paid Sick Leave Act (division E of the Families
9 First Coronavirus Response Act) is amended by
10 striking "clause (i)(IV)" and inserting "clause
11 (i)(III)".
12 (7) Section 110(a)(3) of the Family and Med-
13 ical Leave Act of 1993 (as added by the Emergency
14 and Medical Leave Expansion Act) is amended—
15 (A) by striking "and" after the semicolon
16 at the end of subparagraph (A);
17 (B) by striking the period at end of sub-
18 paragraph (B) and inserting "; and"; and
19 (C) by adding at the end the following:
20 "(C) as necessary to carry out the pur-
21 poses of this Act, including to ensure consist-
22 ency between this Act and Division E and Divi-
23 sion G of the Families First Coronavirus Re-
24 sponse Act.".

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1 (8) Section 5104(1) of the Emergency Paid
2 Sick Leave Act (division E of the Families First
3 Coronavirus Response Act) is amended by striking
4 "and" after the semicolon and inserting "or".
5 (9) Section 5105 of the Emergency Paid Sick
6 Leave Act (division E of the Families First
7 Coronavirus Response Act) is amended by adding at
8 the end the following:
9 "(c) INVESTIGATIONS AND COLLECTION OF DATA.—
10 The Secretary of Labor or his designee may investigate
11 and gather data to ensure compliance with this Act in the
12 same manner as authorized by sections 9 and 11 of the
13 Fair Labor Standards Act of 1938 (29 U.S.C. 209;
14 211).".

15 **Subtitle D—Finance Committee**

16 **SEC. 3701. EXEMPTION FOR TELEHEALTH SERVICES.**

17 (a) IN GENERAL.—Paragraph (2) of section 223(c)
18 of the Internal Revenue Code of 1986 is amended by add-
19 ing at the end the following new subparagraph:
20 "(E) SAFE HARBOR FOR ABSENCE OF DE-
21 DUCTIBLE FOR TELEHEALTH.—In the case of
22 plan years beginning on or before December 31,
23 2021, a plan shall not fail to be treated as a
24 high deductible health plan by reason of failing

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1 to have a deductible for telehealth and other re-
2 mote care services.''.
3 (b) CERTAIN COVERAGE DISREGARDED.—Clause (ii)
4 of section 223(c)(1)(B) of the Internal Revenue Code of
5 1986 is amended by striking ''or long-term care'' and in-
6 serting ''long-term care, or (in the case of plan years be-
7 ginning on or before December 31, 2021) telehealth and
8 other remote care''.
9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on the date of the enactment
11 of this Act.

12 **SEC. 3702. INCLUSION OF CERTAIN OVER-THE-COUNTER**
13 **MEDICAL PRODUCTS AS QUALIFIED MEDICAL**
14 **EXPENSES.**

15 (a) HSAS.—Section 223(d)(2) of the Internal Rev-
16 enue Code of 1986 is amended—
17 (1) by striking the last sentence of subpara-
18 graph (A) and inserting the following: ''For pur-
19 poses of this subparagraph, amounts paid for men-
20 strual care products shall be treated as paid for
21 medical care.''; and
22 (2) by adding at the end the following new sub-
23 paragraph:
24 ''(D) MENSTRUAL CARE PRODUCT.—For
25 purposes of this paragraph, the term 'menstrual

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1 care product' means a tampon, pad, liner, cup,
2 sponge, or similar product used by individuals
3 with respect to menstruation or other genital-
4 tract secretions.''.

5 (b) ARCHER MSAS.—Section 220(d)(2)(A) of such
6 Code is amended by striking the last sentence and insert-
7 ing the following: ''For purposes of this subparagraph,
8 amounts paid for menstrual care products (as defined in
9 section 223(d)(2)(D)) shall be treated as paid for medical
10 care.''.

11 (c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS
12 AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Sec-
13 tion 106 of such Code is amended by striking subsection
14 (f) and inserting the following new subsection:

15 ''(f) REIMBURSEMENTS FOR MENSTRUAL CARE
16 PRODUCTS.—For purposes of this section and section
17 105, expenses incurred for menstrual care products (as
18 defined in section 223(d)(2)(D)) shall be treated as in-
19 curred for medical care.''.

20 (d) EFFECTIVE DATES.—

21 (1) DISTRIBUTIONS FROM SAVINGS AC-
22 COUNTS.—The amendment made by subsections (a)
23 and (b) shall apply to amounts paid after December
24 31, 2019.

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1 (2) REIMBURSEMENTS.—The amendment made
2 by subsection (c) shall apply to expenses incurred
3 after December 31, 2019.

4 **SEC. 3703. INCREASING MEDICARE TELEHEALTH FLEXI-**
5 **BILITIES DURING EMERGENCY PERIOD.**

6 Section 1135 of the Social Security Act (42 U.S.C.
7 1320b–5) is amended—
8 (1) in subsection (b)(8), by striking "to an indi-
9 vidual by a qualified provider (as defined in sub-
10 section (g)(3))" and all that follows through the pe-
11 riod and inserting ", the requirements of section
12 1834(m)."; and
13 (2) in subsection (g), by striking paragraph (3).

14 **SEC. 3704. ENHANCING MEDICARE TELEHEALTH SERVICES**
15 **FOR FEDERALLY QUALIFIED HEALTH CEN-**
16 **TERS AND RURAL HEALTH CLINICS DURING**
17 **EMERGENCY PERIOD.**

18 Section 1834(m) of the Social Security Act (42
19 U.S.C. 1395m(m)) is amended—
20 (1) in the first sentence of paragraph (1), by
21 striking "The Secretary" and inserting "Subject to
22 paragraph (8), the Secretary";
23 (2) in paragraph (2)(A), by striking "The Sec-
24 retary" and inserting "Subject to paragraph (8), the
25 Secretary";

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1 (3) in paragraph (4)—
2 (A) in subparagraph (A), by striking "The
3 term" and inserting "Subject to paragraph (8),
4 the term"; and
5 (B) in subparagraph (F)(i), by striking
6 "The term" and inserting "Subject to para-
7 graph (8), the term"; and
8 (4) by adding at the end the following new
9 paragraph:
10 "(8) ENHANCING TELEHEALTH SERVICES FOR
11 FEDERALLY QUALIFIED HEALTH CENTERS AND
12 RURAL HEALTH CLINICS DURING EMERGENCY PE-
13 RIOD.—
14 "(A) IN GENERAL.—During the emergency
15 period described in section 1135(g)(1)(B)—
16 "(i) the Secretary shall pay for tele-
17 health services that are furnished via a
18 telecommunications system by a Federally
19 qualified health center or a rural health
20 clinic to an eligible telehealth individual en-
21 rolled under this part notwithstanding that
22 the Federally qualified health center or
23 rural clinic providing the telehealth service
24 is not at the same location as the bene-
25 ficiary;

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1 "(ii) the amount of payment to a Fed-
2 erally qualified health center or rural
3 health clinic that serves as a distant site
4 for such a telehealth service shall be deter-
5 mined under subparagraph (B); and
6 "(iii) for purposes of this subsection—
7 "(I) the term 'distant site' in-
8 cludes a Federally qualified health
9 center or rural health clinic that fur-
10 nishes a telehealth service to an eligi-
11 ble telehealth individual; and
12 "(II) the term 'telehealth serv-
13 ices' includes a rural health clinic
14 service or Federally qualified health
15 center service that is furnished using
16 telehealth to the extent that payment
17 codes corresponding to services identi-
18 fied by the Secretary under clause (i)
19 or (ii) of paragraph (4)(F) are listed
20 on the corresponding claim for such
21 rural health clinic service or Federally
22 qualified health center service.
23 "(B) SPECIAL PAYMENT RULE.—
24 "(i) IN GENERAL.—The Secretary
25 shall develop and implement payment

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1 methods that apply under this subsection
2 to a Federally qualified health center or
3 rural health clinic that serves as a distant
4 site that furnishes a telehealth service to
5 an eligible telehealth individual during
6 such emergency period. Such payment
7 methods shall be based on payment rates
8 that are similar to the national average
9 payment rates for comparable telehealth
10 services under the physician fee schedule
11 under section 1848. Notwithstanding any
12 other provision of law, the Secretary may
13 implement such payment methods through
14 program instruction or otherwise.

15 "(ii) EXCLUSION FROM FQHC PPS
16 CALCULATION AND RHC AIR CALCULA-
17 TION.—Costs associated with telehealth
18 services shall not be used to determine the
19 amount of payment for Federally qualified
20 health center services under the prospec-
21 tive payment system under section 1834(o)
22 or for rural health clinic services under the
23 methodology for all-inclusive rates (estab-
24 lished by the Secretary) under section
25 1833(a)(3).".

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**SEC. 3705. TEMPORARY WAIVER OF REQUIREMENT FOR FACE-TO-FACE VISITS BETWEEN HOME DIALYSIS PATIENTS AND PHYSICIANS.**

Section 1881(b)(3)(B) of the Social Security Act (42 U.S.C. 1395rr(b)(3)(B)) is amended—

(1) in clause (i), by striking "clause (ii)" and inserting "clauses (ii) and (iii)";

(2) in clause (ii), in the matter preceding subclause (I), by striking "Clause (i)" and inserting "Except as provided in clause (iii), clause (i)"; and

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

"(iii) The Secretary may waive the provisions of clause (ii) during the emergency period described in section 1135(g)(1)(B).".

**SEC. 3706. USE OF TELEHEALTH TO CONDUCT FACE-TO-FACE ENCOUNTER PRIOR TO RECERTIFICATION OF ELIGIBILITY FOR HOSPICE CARE DURING EMERGENCY PERIOD.**

Section 1814(a)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395f(a)(7(D)(i)) is amended—

(1) by striking "a hospice" and inserting "(I) subject to subclause (II), a hospice"; and

(2) by inserting after subclause (I), as added by paragraph (1), the following new subclause:

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1 "(II) during the emergency period de-
2 scribed in section 1135(g)(1)(B), a hospice
3 physician or nurse practitioner may con-
4 duct a face-to-face encounter required
5 under this clause via telehealth, as deter-
6 mined appropriate by the Secretary; and".

7 **SEC. 3707. ENCOURAGING USE OF TELECOMMUNICATIONS**
8 **SYSTEMS FOR HOME HEALTH SERVICES FUR-**
9 **NISHED DURING EMERGENCY PERIOD.**

10 With respect to home health services (as defined in
11 section 1861(m) of the Social Security Act (42 U.S.C.
12 1395x(m)) that are furnished during the emergency period
13 described in section 1135(g)(1)(B) of such Act (42 U.S.C.
14 1320b–5(g)(1)(B)), the Secretary of Health and Human
15 Services shall consider ways to encourage the use of tele-
16 communications systems, including for remote patient
17 monitoring as described in section 409.46(e) of title 42,
18 Code of Federal Regulations (or any successor regula-
19 tions) and other communications or monitoring services,
20 consistent with the plan of care for the individual, includ-
21 ing by clarifying guidance and conducting outreach, as ap-
22 propriate.

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1 **SEC. 3708. IMPROVING CARE PLANNING FOR MEDICARE**
2 **HOME HEALTH SERVICES.**
3 (a) PART A PROVISIONS.—Section 1814(a) of the So-
4 cial Security Act (42 U.S.C. 1395f(a)) is amended—
5 (1) in paragraph (2)—
6 (A) in the matter preceding subparagraph
7 (A), by inserting ", a nurse practitioner or clin-
8 ical nurse specialist (as such terms are defined
9 in section 1861(aa)(5)) who is working in ac-
10 cordance with State law, or a physician assist-
11 ant (as defined in section 1861(aa)(5)) under
12 the supervision of a physician, who is" after "in
13 the case of services described in subparagraph
14 (C), a physician"; and
15 (B) in subparagraph (C)—
16 (i) by inserting ", a nurse practi-
17 tioner, a clinical nurse specialist, or a phy-
18 sician assistant (as the case may be)" after
19 "physician" the first 2 times it appears;
20 and
21 (ii) by striking ", and, in the case of
22 a certification made by a physician" and
23 all that follows through "face-to-face en-
24 counter" and inserting ", and, in the case
25 of a certification made by a physician after
26 January 1, 2010, or by a nurse practi-

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1 tioner, clinical nurse specialist, or physi-
2 cian assistant (as the case may be) after a
3 date specified by the Secretary (but in no
4 case later than the date that is 6 months
5 after the date of the enactment of the
6 CARES Act), prior to making such certifi-
7 cation a physician, nurse practitioner, clin-
8 ical nurse specialist, or physician assistant
9 must document that a physician, nurse
10 practitioner, clinical nurse specialist, cer-
11 tified nurse-midwife (as defined in section
12 1861(gg)) as authorized by State law, or
13 physician assistant has had a face-to-face
14 encounter";
15 (2) in the third sentence—
16 (A) by striking "physician certification"
17 and inserting "certification";
18 (B) by inserting "(or in the case of regula-
19 tions to implement the amendments made by
20 section 3708 of the CARES Act, the Secretary
21 shall prescribe regulations, which shall become
22 effective no later than 6 months after the date
23 of the enactment of such Act)" after "1981";
24 and

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1 (C) by striking "a physician who" and in-
2 serting "a physician, nurse practitioner, clinical
3 nurse specialist, or physician assistant who";
4 (3) in the fourth sentence, by inserting ", nurse
5 practitioner, clinical nurse specialist, or physician as-
6 sistant" after "physician"; and
7 (4) in the fifth sentence—
8 (A) by inserting "or no later than 6
9 months after the date of the enactment of the
10 CARES Act for purposes of documentation for
11 certification and recertification made under
12 paragraph (2) by a nurse practitioner, clinical
13 nurse specialist, or physician assistant," after
14 "January 1, 2019"; and
15 (B) by inserting ", nurse practitioner, clin-
16 ical nurse specialist, or physician assistant"
17 after "of the physician".
18 (b) PART B PROVISIONS.—Section 1835(a) of the So-
19 cial Security Act (42 U.S.C. 1395n(a)) is amended—
20 (1) in paragraph (2)—
21 (A) in the matter preceding subparagraph
22 (A), by inserting ", a nurse practitioner or clin-
23 ical nurse specialist (as those terms are defined
24 in section 1861(aa)(5)) who is working in ac-
25 cordance with State law, or a physician assist-

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1 ant (as defined in section 1861(aa)(5)) under
2 the supervision of a physician, who is'' after ''in
3 the case of services described in subparagraph
4 (A), a physician''; and
5 (B) in subparagraph (A)—
6 (i) in each of clauses (ii) and (iii) of
7 subparagraph (A) by inserting '', a nurse
8 practitioner, a clinical nurse specialist, or a
9 physician assistant (as the case may be)''
10 after ''physician''; and
11 (ii) in clause (iv), by striking ''after
12 January 1, 2010'' and all that follows
13 through ''face-to-face encounter'' and in-
14 serting ''made by a physician after Janu-
15 ary 1, 2010, or by a nurse practitioner,
16 clinical nurse specialist, or physician as-
17 sistant (as the case may be) after a date
18 specified by the Secretary (but in no case
19 later than the date that is 6 months after
20 the date of the enactment of the CARES
21 Act), prior to making such certification a
22 physician, nurse practitioner, clinical nurse
23 specialist, or physician assistant must doc-
24 ument that a physician, nurse practitioner,
25 clinical nurse specialist, certified nurse-

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1 midwife (as defined in section 1861(gg)) as
2 authorized by State law, or physician as-
3 sistant has had a face-to-face encounter";
4 (2) in the third sentence, by inserting ", nurse
5 practitioner, clinical nurse specialist, or physician as-
6 sistant (as the case may be)" after physician;
7 (3) in the fourth sentence—
8 (A) by striking "physician certification"
9 and inserting "certification";
10 (B) by inserting "(or in the case of regula-
11 tions to implement the amendments made by
12 section 3708 of the CARES Act the Secretary
13 shall prescribe regulations which shall become
14 effective no later than 6 months after the enact-
15 ment of such Act)" after "1981"; and
16 (C) by striking "a physician who" and in-
17 serting "a physician, nurse practitioner, clinical
18 nurse specialist, or physician assistant who";
19 (4) in the fifth sentence, by inserting ", nurse
20 practitioner, clinical nurse specialist, or physician as-
21 sistant" after "physician"; and
22 (5) in the sixth sentence—
23 (A) by inserting "or no later than 6
24 months after the date of the enactment of the
25 CARES Act for purposes of documentation for

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1 certification and recertification made under
2 paragraph (2) by a nurse practitioner, clinical
3 nurse specialist, or physician assistant," after
4 "January 1, 2019"; and
5 (B) by inserting ", nurse practitioner, clin-
6 ical nurse specialist, or physician assistant"
7 after "of the physician".
8 (c) DEFINITION PROVISIONS.—
9 (1) HOME HEALTH SERVICES.—Section
10 1861(m) of the Social Security Act (42 U.S.C.
11 1395x(m)) is amended—
12 (A) in the matter preceding paragraph
13 (1)—
14 (i) by inserting ", a nurse practitioner
15 or a clinical nurse specialist (as those
16 terms are defined in subsection (aa)(5)), or
17 a physician assistant (as defined in sub-
18 section (aa)(5))" after "physician" the
19 first place it appears; and
20 (ii) by inserting ", a nurse practi-
21 tioner, a clinical nurse specialist, or a phy-
22 sician assistant" after "physician" the sec-
23 ond place it appears; and

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1 (B) in paragraph (3), by inserting ", a
2 nurse practitioner, a clinical nurse specialist, or
3 a physician assistant" after "physician".
4 (2) HOME HEALTH AGENCY.—Section
5 1861(o)(2) of the Social Security Act (42 U.S.C.
6 1395x(o)(2)) is amended—
7 (A) by inserting ", nurse practitioners or
8 clinical nurse specialists (as those terms are de-
9 fined in subsection (aa)(5)), certified nurse-mid-
10 wives (as defined in subsection (gg)), or physi-
11 cian assistants (as defined in subsection
12 (aa)(5))" after "physicians"; and
13 (B) by inserting ", nurse practitioner, clin-
14 ical nurse specialist, certified nurse-midwife,
15 physician assistant," after "physician".
16 (3) COVERED OSTEOPOROSIS DRUG.—Section
17 1861(kk)(1) of the Social Security Act (42 U.S.C.
18 1395x(kk)(1)) is amended by inserting ", nurse
19 practitioner or clinical nurse specialist (as those
20 terms are defined in subsection (aa)(5)), certified
21 nurse-midwife (as defined in subsection (gg)), or
22 physician assistant (as defined in subsection
23 (aa)(5))" after "attending physician".

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1 (d) HOME HEALTH PROSPECTIVE PAYMENT SYSTEM
2 PROVISIONS.—Section 1895 of the Social Security Act (42
3 U.S.C. 1395fff) is amended—
4 (1) in subsection (c)(1)—
5 (A) by striking "(provided under section
6 1842(r))"; and
7 (B) by inserting "the nurse practitioner or
8 clinical nurse specialist (as those terms are de-
9 fined in section 1861(aa)(5)), or the physician
10 assistant (as defined in section 1861(aa)(5))"
11 after "physician"; and
12 (2) in subsection (e)—
13 (A) in paragraph (1)(A), by inserting "a
14 nurse practitioner or clinical nurse specialist, or
15 a physician assistant" after "physician"; and
16 (B) in paragraph (2)—
17 (i) in the heading, by striking "PHY-
18 SICIAN CERTIFICATION" and inserting
19 "RULE OF CONSTRUCTION REGARDING RE-
20 QUIREMENT FOR CERTIFICATION"; and
21 (ii) by striking "physician".
22 (e) APPLICATION TO MEDICAID.—The amendments
23 made under this section shall apply under title XIX of the
24 Social Security Act in the same manner and to the same

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1 extent as such requirements apply under title XVIII of
2 such Act or regulations promulgated thereunder.
3 (f) EFFECTIVE DATE.—The Secretary of Health and
4 Human Services shall prescribe regulations to apply the
5 amendments made by this section to items and services
6 furnished, which shall become effective no later than 6
7 months after the date of the enactment of this legislation.
8 The Secretary shall promulgate an interim final rule if
9 necessary, to comply with the required effective date.

10 **SEC. 3709. ADJUSTMENT OF SEQUESTRATION.**

11 (a) TEMPORARY SUSPENSION OF MEDICARE SE-
12 QUESTRATION.—During the period beginning on May 1,
13 2020 and ending on December 31, 2020, the Medicare
14 programs under title XVIII of the Social Security Act (42
15 U.S.C. 1395 et seq.) shall be exempt from reduction under
16 any sequestration order issued before, on, or after the date
17 of enactment of this Act.
18 (b) EXTENSION OF DIRECT SPENDING REDUCTIONS
19 THROUGH FISCAL YEAR 2030.—Section 251A(6) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985 (2 U.S.C. 901a(6)) is amended—
22 (1) in subparagraph (B), in the matter pre-
23 ceding clause (i), by striking "through 2029" and
24 inserting "through 2030"; and

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1 (2) in subparagraph (C), in the matter pre-
2 ceding clause (i), by striking "fiscal year 2029" and
3 inserting "fiscal year 2030".

4 **SEC. 3710. MEDICARE HOSPITAL INPATIENT PROSPECTIVE**
5 **PAYMENT SYSTEM ADD-ON PAYMENT FOR**
6 **COVID–19 PATIENTS DURING EMERGENCY PE-**
7 **RIOD.**

8 (a) IN GENERAL.—Section 1886(d)(4)(C) of the So-
9 cial Security Act (42 U.S.C. 1395ww(d)(4)(C)) is amend-
10 ed by adding at the end the following new clause:

11 "(iv)(I) For discharges occurring during the emer-
12 gency period described in section 1135(g)(1)(B), in the
13 case of a discharge of an individual diagnosed with
14 COVID–19, the Secretary shall increase the weighting fac-
15 tor that would otherwise apply to the diagnosis-related
16 group to which the discharge is assigned by 20 percent.
17 The Secretary shall identify a discharge of such an indi-
18 vidual through the use of diagnosis codes, condition codes,
19 or other such means as may be necessary.

20 "(II) Any adjustment under subclause (I) shall not
21 be taken into account in applying budget neutrality under
22 clause (iii)

23 "(III) In the case of a State for which the Secretary
24 has waived all or part of this section under the authority
25 of section 1115A, nothing in this section shall preclude

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1 such State from implementing an adjustment similar to
2 the adjustment under subclause (I).''.
3 (b) IMPLEMENTATION.—Notwithstanding any other
4 provision of law, the Secretary may implement the amend-
5 ment made by subsection (a) by program instruction or
6 otherwise.

7 **SEC. 3711. INCREASING ACCESS TO POST-ACUTE CARE DUR-**
8 **ING EMERGENCY PERIOD.**

9 (a) WAIVER OF IRF 3-HOUR RULE.—With respect
10 to inpatient rehabilitation services furnished by a rehabili-
11 tation facility described in section 1886(j)(1) of the Social
12 Security Act (42 U.S.C. 1395ww(j)(1)) during the emer-
13 gency period described in section 1135(g)(1)(B) of the So-
14 cial Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Sec-
15 retary of Health and Human Services shall waive section
16 412.622(a)(3)(ii) of title 42, Code of Federal Regulations
17 (or any successor regulations), relating to the requirement
18 that patients of an inpatient rehabilitation facility receive
19 at least 15 hours of therapy per week.
20 (b) WAIVER OF SITE-NEUTRAL PAYMENT RATE PRO-
21 VISIONS FOR LONG-TERM CARE HOSPITALS.—With re-
22 spect to inpatient hospital services furnished by a long-
23 term care hospital described in section 1886(d)(1)(B)(iv)
24 of the Social Security Act (42 U.S.C.
25 1395ww(d)(1)(B)(iv)) during the emergency period de-

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1 scribed in section 1135(g)(1)(B) of the Social Security Act
2 (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health
3 and Human Services shall waive the following provisions
4 of section 1886(m)(6) of such Act (42 U.S.C.
5 1395ww(m)(6)):

6 (1) LTCH 50-PERCENT RULE.—Subparagraph
7 (C)(ii) of such section, relating to the payment ad-
8 justment for long-term care hospitals that do not
9 have a discharge payment percentage for the period
10 that is at least 50 percent.

11 (2) SITE-NEUTRAL IPPS PAYMENT RATE.—Sub-
12 paragraph (A)(i) of such section, relating to the ap-
13 plication of the site-neutral payment rate (and pay-
14 ment shall be made to a long-term care hospital
15 without regard to such section) for a discharge if the
16 admission occurs during such emergency period and
17 is in response to the public health emergency de-
18 scribed in such section 1135(g)(1)(B).

19 **SEC. 3712. REVISING PAYMENT RATES FOR DURABLE MED-**
20 **ICAL EQUIPMENT UNDER THE MEDICARE**
21 **PROGRAM THROUGH DURATION OF EMER-**
22 **GENCY PERIOD.**

23 (a) RURAL AND NONCONTIGUOUS AREAS.—The Sec-
24 retary of Health and Human Services shall implement sec-
25 tion 414.210(g)(9)(iii) of title 42, Code of Federal Regula-

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1 tions (or any successor regulation), to apply the transition
2 rule described in such section to all applicable items and
3 services furnished in rural areas and noncontiguous areas
4 (as such terms are defined for purposes of such section)
5 as planned through December 31, 2020, and through the
6 duration of the emergency period described in section
7 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
8 1320b–5(g)(1)(B)), if longer.

9 (b) AREAS OTHER THAN RURAL AND NONCONTIG-
10 UOUS AREAS.—With respect to items and services fur-
11 nished on or after the date that is 30 days after the date
12 of the enactment of this Act, the Secretary of Health and
13 Human Services shall apply section 414.210(g)(9)(iv) of
14 title 42, Code of Federal Regulations (or any successor
15 regulation), as if the reference to "dates of service from
16 June 1, 2018 through December 31, 2020, based on the
17 fee schedule amount for the area is equal to 100 percent
18 of the adjusted payment amount established under this
19 section" were instead a reference to "dates of service from
20 March 6, 2020, through the remainder of the duration of
21 the emergency period described in section 1135(g)(1)(B)
22 of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)),
23 based on the fee schedule amount for the area is equal
24 to 75 percent of the adjusted payment amount established

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1 under this section and 25 percent of the unadjusted fee
2 schedule amount''.

3 **SEC. 3713. COVERAGE OF THE COVID-19 VACCINE UNDER**
4 **PART B OF THE MEDICARE PROGRAM WITH-**
5 **OUT ANY COST-SHARING.**

6 (a) MEDICAL AND OTHER HEALTH SERVICES.—Sec-
7 tion 1861(s)(10)(A) of the Social Security Act (42 U.S.C.
8 1395x(s)(10)(A)) is amended by inserting '', and COVID-
9 19 vaccine and its administration'' after ''influenza vac-
10 cine and its administration''.

11 (b) PART B DEDUCTIBLE.—The first sentence of sec-
12 tion 1833(b) of the Social Security Act (42 U.S.C.
13 1395l(b)) is amended—

14 (1) in paragraph (10), by striking ''and'' at the
15 end; and

16 (2) in paragraph (11), by striking the period at
17 the end and inserting '', and (12) such deductible
18 shall not apply with respect a COVID-19 vaccine
19 and its administration described in section
20 1861(s)(10)(A).''.

21 (c) MEDICARE ADVANTAGE.—Section 1852(a)(1)(B)
22 of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B))
23 is amended—

24 (1) in clause (iv)—

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1 (A) by redesignating subclause (VI) as
2 subclause (VII); and
3 (B) by inserting after subclause (V) the
4 following new subclause:
5 "(VI) A COVID-19 vaccine and
6 its administration described in section
7 1861(s)(10)(A)."; and
8 (2) in clause (v), by striking "subclauses (IV)
9 and (V)" inserting "subclauses (IV), (V), and (VI)".
10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on the date of enactment of
12 this Act and shall apply with respect to a COVID-19 vac-
13 cine beginning on the date that such vaccine is licensed
14 under section 351 of the Public Health Service Act (42
15 U.S.C. 262).
16 (e) IMPLEMENTATION.—Notwithstanding any other
17 provision of law, the Secretary may implement the provi-
18 sions of, and the amendments made by, this section by
19 program instruction or otherwise.

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1 **SEC. 3714. REQUIRING MEDICARE PRESCRIPTION DRUG**
2 **PLANS AND MA–PD PLANS TO ALLOW DURING**
3 **THE COVID-19 EMERGENCY PERIOD FOR**
4 **FILLS AND REFILLS OF COVERED PART D**
5 **DRUGS FOR UP TO A 3-MONTH SUPPLY.**

6 (a) IN GENERAL.—Section 1860D–4(b) of the Social
7 Security Act (42 U.S.C. 1395w–104(b)) is amended by
8 adding at the end the following new paragraph:

9 "(4) ENSURING ACCESS DURING COVID-19 PUB-
10 LIC HEALTH EMERGENCY PERIOD.—

11 "(A) IN GENERAL.—During the emergency
12 period described in section 1135(g)(1)(B), sub-
13 ject to subparagraph (B), a prescription drug
14 plan or MA–PD plan shall, notwithstanding any
15 cost and utilization management, medication
16 therapy management, or other such programs
17 under this part, permit a part D eligible indi-
18 vidual enrolled in such plan to obtain in a sin-
19 gle fill or refill, at the option of such individual,
20 the total day supply (not to exceed a 90-day
21 supply) prescribed for such individual for a cov-
22 ered part D drug.

23 "(B) SAFETY EDIT EXCEPTION.—A pre-
24 scription drug plan or MA–PD plan may not
25 permit a part D eligible individual to obtain a

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1 single fill or refill inconsistent with an applica-
2 ble safety edit.".
3 (b) IMPLEMENTATION.—Notwithstanding any other
4 provision of law, the Secretary of Health and Human
5 Services may implement the amendment made by this sec-
6 tion by program instruction or otherwise.

7 **SEC. 3715. PROVIDING HOME AND COMMUNITY-BASED**
8 **SERVICES IN ACUTE CARE HOSPITALS.**

9 Section 1902(h) of the Social Security Act (42 U.S.C.
10 1396a(h)) is amended—
11 (1) by inserting "(1)" after "(h)";
12 (2) by inserting ", home and community-based
13 services provided under subsection (c), (d), or (i) of
14 section 1915 or under a waiver or demonstration
15 project under section 1115, self-directed personal as-
16 sistance services provided pursuant to a written plan
17 of care under section 1915(j), and home and com-
18 munity-based attendant services and supports under
19 section 1915(k)" before the period; and
20 (3) by adding at the end the following:
21 "(2) Nothing in this title, title XVIII, or title XI shall
22 be construed as prohibiting receipt of any care or services
23 specified in paragraph (1) in an acute care hospital that
24 are—

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1 "(A) identified in an individual's person-cen-
2 tered service plan (or comparable plan of care);
3 "(B) provided to meet needs of the individual
4 that are not met through the provision of hospital
5 services;
6 "(C) not a substitute for services that the hos-
7 pital is obligated to provide through its conditions of
8 participation or under Federal or State law, or
9 under another applicable requirement; and
10 "(D) designed to ensure smooth transitions be-
11 tween acute care settings and home and community-
12 based settings, and to preserve the individual's func-
13 tional abilities.".

14 **SEC. 3716. CLARIFICATION REGARDING UNINSURED INDI-**
15 **VIDUALS.**

16 Subsection (ss) of section 1902 of the Social Security
17 Act (42 U.S.C. 1396a), as added by section 6004(a)(3)(C)
18 of the Families First Coronavirus Response Act, is amend-
19 ed—
20 (1) in paragraph (1), by inserting "(excluding
21 subclause (VIII) of such subsection if the individual
22 is a resident of a State which does not furnish med-
23 ical assistance to individuals described in such sub-
24 clause)" before the semicolon; and

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1 (2) in paragraph (2), by inserting ", except that
2 individuals who are eligible for medical assistance
3 under subsection (a)(10)(A)(ii)(XII), subsection
4 (a)(10)(A)(ii)(XVIII), subsection
5 (a)(10)(A)(ii)(XXI), or subsection (a)(10)(C) (but
6 only to the extent such an individual is considered
7 to not have minimum essential coverage under sec-
8 tion 5000A(f)(1) of the Internal Revenue Code of
9 1986), or who are described in subsection (l)(1)(A)
10 and are eligible for medical assistance only because
11 of subsection (a)(10)(A)(i)(IV) or (a)(10)(A)(ii)(IX)
12 and whose eligibility for such assistance is limited by
13 the State under clause (VII) in the matter following
14 subsection (a)(10)(G), shall not be treated as en-
15 rolled in a Federal health care program for purposes
16 of this paragraph" before the period at the end.

17 **SEC. 3717. CLARIFICATION REGARDING COVERAGE OF**
18 **COVID-19 TESTING PRODUCTS.**

19 Subparagraph (B) of section 1905(a)(3) of the Social
20 Security Act (42 U.S.C. 1396d(a)(3)), as added by section
21 6004(a)(1)(C) of the Families First Coronavirus Response
22 Act (Public Law 116–127), is amended by striking "that
23 are approved, cleared, or authorized under section 510(k),
24 513, 515 or 564 of the Federal Food, Drug, and Cosmetic
25 Act".

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1 **SEC. 3718. AMENDMENTS RELATING TO REPORTING RE-**
2 **QUIREMENTS WITH RESPECT TO CLINICAL**
3 **DIAGNOSTIC LABORATORY TESTS.**

4 (a) REVISED REPORTING PERIOD FOR REPORTING
5 OF PRIVATE SECTOR PAYMENT RATES FOR ESTABLISH-
6 MENT OF MEDICARE PAYMENT RATES.—Section
7 1834A(a)(1)(B) of the Social Security Act (42 U.S.C.
8 1395m–1(a)(1)(B)) is amended—

9 (1) in clause (i), by striking "December 31,
10 2020" and inserting "December 31, 2021"; and

11 (2) in clause (ii)—

12 (A) by striking "January 1, 2021" and in-
13 serting "January 1, 2022"; and

14 (B) by striking "March 31, 2021" and in-
15 serting "March 31, 2022".

16 (b) REVISED PHASE-IN OF REDUCTIONS FROM PRI-
17 VATE PAYOR RATE IMPLEMENTATION.—Section
18 1834A(b)(3) of the Social Security Act (42 U.S.C.
19 1395m–1(b)(3)) is amended—

20 (1) in subparagraph (A), by striking "through
21 2023" and inserting "through 2024"; and

22 (2) in subparagraph (B)—

23 (A) in clause (i), by striking "and" at the
24 end;

25 (B) by redesignating clause (ii) as clause
26 (iii);

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1 (C) by inserting after clause (i) the fol-
2 lowing new clause:
3 "(ii) for 2021, 0 percent; and"; and
4 (D) in clause (iii), as redesignated by sub-
5 paragraph (B), by striking "2021 through
6 2023" and inserting "2022 through 2024".

7 **SEC. 3719. EXPANSION OF THE MEDICARE HOSPITAL AC-**
8 **CELERATED PAYMENT PROGRAM DURING**
9 **THE COVID-19 PUBLIC HEALTH EMERGENCY.**

10 Section 1815 of the Social Security Act (42 U.S.C.
11 1395g) is amended—
12 (1) in subsection (e)(3), by striking "In the
13 case" and inserting "Subject to subsection (f), in the
14 case"; and
15 (2) by adding at the end the following new sub-
16 section:
17 "(f)(1) During the emergency period described in sec-
18 tion 1135(g)(1)(B), the Secretary shall expand the pro-
19 gram under subsection (e)(3) pursuant to paragraph (2).
20 "(2) In expanding the program under subsection
21 (e)(3), the following shall apply:
22 "(A)(i) In addition to the hospitals described in
23 subsection (e)(3), the following hospitals shall be eli-
24 gible to participate in the program:

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1 "(I) Hospitals described in clause (iii) of
2 section 1886(d)(1)(B).
3 "(II) Hospitals described in clause (v) of
4 such section.
5 "(III) Critical access hospitals (as defined
6 in section 1861(mm)(1)).
7 "(ii) Subject to appropriate safeguards against
8 fraud, waste, and abuse, upon a request of a hos-
9 pital described in clause (i), the Secretary shall pro-
10 vide accelerated payments under the program to
11 such hospital.
12 "(B) Upon the request of the hospital, the Sec-
13 retary may do any of the following:
14 "(i) Make accelerated payments on a peri-
15 odic or lump sum basis.
16 "(ii) Increase the amount of payment that
17 would otherwise be made to hospitals under the
18 program up to 100 percent (or, in the case of
19 critical access hospitals, up to 125 percent).
20 "(iii) Extend the period that accelerated
21 payments cover so that it covers up to a 6-
22 month period.
23 "(C) Upon the request of the hospital, the Sec-
24 retary shall do the following:

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"(i) Provide up to 120 days before claims are offset to recoup the accelerated payment.

"(ii) Allow not less than 12 months from the date of the first accelerated payment before requiring that the outstanding balance be paid in full.

"(3) Nothing in this subsection shall preclude the Secretary from carrying out the provisions described in clauses (i), (ii), and (iii) of paragraph (2)(B) and clauses (i) and (ii) of paragraph (2)(C) under the program under subsection (e)(3) after the period for which this subsection applies.

"(4) Notwithstanding any other provision of law, the Secretary may implement the provisions of this subsection by program instruction or otherwise.".

**SEC. 3720. DELAYING REQUIREMENTS FOR ENHANCED FMAP TO ENABLE STATE LEGISLATION NECESSARY FOR COMPLIANCE.**

Section 6008 of the Families First Coronavirus Response Act is amended by adding at the end the following new subsection:

"(d) DELAY IN APPLICATION OF PREMIUM REQUIREMENT.—During the 30 day period beginning on the date of enactment of this Act, a State shall not be ineligible for the increase to the Federal medical assistance percent-

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1 age of the State described in subsection (a) on the basis
2 that the State imposes a premium that violates the re-
3 quirement of subsection (b)(2) if such premium was in ef-
4 fect on the date of enactment of this Act.''.

# 5 Subtitle E—Health and Human
# 6 Services Extenders

## 7 PART I—MEDICARE PROVISIONS

### 8 SEC. 3801. EXTENSION OF THE WORK GEOGRAPHIC INDEX
### 9 FLOOR UNDER THE MEDICARE PROGRAM.

10 Section 1848(e)(1)(E) of the Social Security Act (42
11 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''May
12 23, 2020'' and inserting ''December 1, 2020''.

### 13 SEC. 3802. EXTENSION OF FUNDING FOR QUALITY MEAS-
### 14 URE ENDORSEMENT, INPUT, AND SELECTION.

15 (a) IN GENERAL.—Section 1890(d)(2) of the Social
16 Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—
17 (1) in the first sentence, by striking ''and
18 $4,830,000 for the period beginning on October 1,
19 2019, and ending on May 22, 2020'' and inserting
20 ''$20,000,000 for fiscal year 2020, and for the pe-
21 riod beginning on October 1, 2020, and ending on
22 November 30, 2020, the amount equal to the pro
23 rata portion of the amount appropriated for such pe-
24 riod for fiscal year 2020''; and

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1 (2) in the third sentence, by striking "and 2019
2 and for the period beginning on October 1, 2019,
3 and ending on May 22, 2020" and inserting ",
4 2019, and 2020, and for the period beginning on
5 October 1, 2020, and ending on November 30,
6 2020,".
7 (b) EFFECTIVE DATE.—The amendments made by
8 subsection (a) shall take effect as if included in the enact-
9 ment of the Further Consolidated Appropriations Act,
10 2020 (Public Law 116–94).

11 **SEC. 3803. EXTENSION OF FUNDING OUTREACH AND AS-**
12 **SISTANCE FOR LOW-INCOME PROGRAMS.**

13 (a) FUNDING EXTENSIONS.—
14 (1) ADDITIONAL FUNDING FOR STATE HEALTH
15 INSURANCE PROGRAMS.—Subsection (a)(1)(B) of
16 section 119 of the Medicare Improvements for Pa-
17 tients and Providers Act of 2008 (42 U.S.C. 1395b–
18 3 note), as amended by section 3306 of the Patient
19 Protection and Affordable Care Act (Public Law
20 111–148), section 610 of the American Taxpayer
21 Relief Act of 2012 (Public Law 112–240), section
22 1110 of the Pathway for SGR Reform Act of 2013
23 (Public Law 113–67), section 110 of the Protecting
24 Access to Medicare Act of 2014 (Public Law 113–
25 93), section 208 of the Medicare Access and CHIP

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1 Reauthorization Act of 2015 (Public Law 114–10),
2 section 50207 of division E of the Bipartisan Budg-
3 et Act of 2018 (Public Law 115–123), section 1402
4 of division B of the Continuing Appropriations Act,
5 2020, and Health Extenders Act of 2019 (Public
6 Law 116–59), section 1402 of division B of the Fur-
7 ther Continuing Appropriations Act, 2020, and Fur-
8 ther Health Extenders Act of 2019 (Public Law
9 116–69), and section 103 of division N of the Fur-
10 ther Consolidated Appropriations Act, 2020 (Public
11 Law 116–94) is amended by striking clauses (x)
12 through (xii) and inserting the following new
13 clauses:

14 "(x) for fiscal year 2020, of
15 $13,000,000; and

16 "(xi) for the period beginning on Oc-
17 tober 1, 2020, and ending on November
18 30, 2020, the amount equal to the pro rata
19 portion of the amount appropriated for
20 such period for fiscal year 2020.".

21 (2) ADDITIONAL FUNDING FOR AREA AGENCIES
22 ON AGING.—Subsection (b)(1)(B) of such section
23 119, as so amended, is amended by striking clauses
24 (x) through (xii) and inserting the following new
25 clauses:

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1 "(x) for fiscal year 2020, of
2 $7,500,000; and
3 "(xi) for the period beginning on Oc-
4 tober 1, 2020, and ending on November
5 30, 2020, the amount equal to the pro rata
6 portion of the amount appropriated for
7 such period for fiscal year 2020.".
8 (3) ADDITIONAL FUNDING FOR AGING AND DIS-
9 ABILITY RESOURCE CENTERS.—Subsection (c)(1)(B)
10 of such section 119, as so amended, is amended by
11 striking clauses (x) through (xii) and inserting the
12 following new clauses:
13 "(x) for fiscal year 2020, of
14 $5,000,000; and
15 "(xi) for the period beginning on Oc-
16 tober 1, 2020, and ending on November
17 30, 2020, the amount equal to the pro rata
18 portion of the amount appropriated for
19 such period for fiscal year 2020.".
20 (4) ADDITIONAL FUNDING FOR GRANT OR CON-
21 TRACT WITH THE NATIONAL CENTER FOR BENEFITS
22 AND OUTREACH ENROLLMENT.—Subsection (d)(2)
23 of such section 119, as so amended, is amended by
24 striking clauses (x) through (xii) and inserting the
25 following new clauses:

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"(x) for fiscal year 2020, of $12,000,000; and

"(xi) for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94).

## PART II—MEDICAID PROVISIONS

### SEC. 3811. EXTENSION OF THE MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION PROGRAM.

Section 6071(h) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1), by striking subparagraph (G) and inserting the following:

"(G) subject to paragraph (3), $337,500,000 for the period beginning on January 1, 2020, and ending on September 30, 2020; and

"(H) subject to paragraph (3), for the period beginning on October 1, 2020, and ending

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on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020."; and

(2) in paragraph (3), by striking "and (G)" and inserting ", (G), and (H)".

**SEC. 3812. EXTENSION OF SPOUSAL IMPOVERISHMENT PROTECTIONS.**

(a) IN GENERAL.—Section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) is amended by striking "May 22, 2020" and inserting "November 30, 2020".

(b) RULE OF CONSTRUCTION.—Nothing in section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or section 1902(a)(17) or 1924 of the Social Security Act (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as prohibiting a State from—

(1) applying an income or resource disregard under a methodology authorized under section 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

(A) to the income or resources of an individual described in section 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) (including a disregard of the income or resources of such individual's spouse); or

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1 (B) on the basis of an individual's need for
2 home and community-based services authorized
3 under subsection (c), (d), (i), or (k) of section
4 1915 of such Act (42 U.S.C. 1396n) or under
5 section 1115 of such Act (42 U.S.C. 1315); or
6 (2) disregarding an individual's spousal income
7 and assets under a plan amendment to provide med-
8 ical assistance for home and community-based serv-
9 ices for individuals by reason of being determined el-
10 igible under section 1902(a)(10)(C) of such Act (42
11 U.S.C. 1396a(a)(10)(C)) or by reason of section
12 1902(f) of such Act (42 U.S.C. 1396a(f)) or other-
13 wise on the basis of a reduction of income based on
14 costs incurred for medical or other remedial care
15 under which the State disregarded the income and
16 assets of the individual's spouse in determining the
17 initial and ongoing financial eligibility of an indi-
18 vidual for such services in place of the spousal im-
19 poverishment provisions applied under section 1924
20 of such Act (42 U.S.C. 1396r–5).

21 **SEC. 3813. DELAY OF DSH REDUCTIONS.**

22 Section 1923(f)(7)(A) of the Social Security Act (42
23 U.S.C. 1396r–4(f)(7)(A)) is amended—
24 (1) in clause (i), in the matter preceding sub-
25 clause (I), by striking "May 23, 2020, and ending

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1 September 30, 2020, and for each of fiscal years
2 2021'' and inserting ''December 1, 2020, and ending
3 September 30, 2021, and for each of fiscal years
4 2022''; and
5 (2) in clause (ii)—
6 (A) in subclause (I), by striking ''May 23,
7 2020, and ending September 30, 2020'' and in-
8 serting ''December 1, 2020, and ending Sep-
9 tember 30, 2021''; and
10 (B) in subclause (II), by striking ''2021''
11 and inserting ''2022''.

12 **SEC. 3814. EXTENSION AND EXPANSION OF COMMUNITY**
13 **MENTAL HEALTH SERVICES DEMONSTRA-**
14 **TION PROGRAM.**

15 (a) IN GENERAL.—Section 223(d) of the Protecting
16 Access to Medicare Act of 2014 (42 U.S.C. 1396a note)
17 is amended—
18 (1) in paragraph (3)—
19 (A) by striking ''Not more than'' and in-
20 serting ''Subject to paragraph (8), not more
21 than''; and
22 (B) by striking ''May 22, 2020'' and in-
23 serting ''November 30, 2020''; and
24 (2) by adding at the end the following new
25 paragraph:

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1 "(8) ADDITIONAL PROGRAMS.—
2 "(A) IN GENERAL.—Not later than 6
3 months after the date of enactment of this
4 paragraph, in addition to the 8 States selected
5 under paragraph (1), the Secretary shall select
6 2 States to participate in 2-year demonstration
7 programs that meet the requirements of this
8 subsection.
9 "(B) SELECTION OF STATES.—
10 "(i) IN GENERAL.—Subject to clause
11 (ii), in selecting States under this para-
12 graph, the Secretary—
13 "(I) shall select States that—
14 "(aa) were awarded plan-
15 ning grants under subsection (c);
16 and
17 "(bb) applied to participate
18 in the demonstration programs
19 under this subsection under para-
20 graph (1) but, as of the date of
21 enactment of this paragraph,
22 were not selected to participate
23 under paragraph (1); and
24 "(II) shall use the results of the
25 Secretary's evaluation of each State's

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1 application under paragraph (1) to
2 determine which States to select, and
3 shall not require the submission of
4 any additional application.
5 "(C) REQUIREMENTS FOR SELECTED
6 STATES.—Prior to services being delivered
7 under the demonstration authority in a State
8 selected under this paragraph, the State shall—
9 "(i) submit a plan to monitor certified
10 community behavioral health clinics under
11 the demonstration program to ensure com-
12 pliance with certified community behavioral
13 health criteria during the demonstration
14 period; and
15 "(ii) commit to collecting data, noti-
16 fying the Secretary of any planned changes
17 that would deviate from the prospective
18 payment system methodology outlined in
19 the State's demonstration application, and
20 obtaining approval from the Secretary for
21 any such change before implementing the
22 change.".
23 (b) LIMITATION.—Section 223(d)(5) of the Pro-
24 tecting Access to Medicare Act of 2014 (42 U.S.C. 1396a
25 note) is amended—

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1 (1) in subparagraph (B), in the matter pre-
2 ceding clause (i), by striking "The Federal match-
3 ing" and inserting "Subject to subparagraph
4 (C)(iii), the Federal matching"; and
5 (2) in subparagraph (C), by adding at the end
6 the following new clause:
7 "(iii) PAYMENTS FOR AMOUNTS EX-
8 PENDED AFTER 2019.—The Federal match-
9 ing percentage applicable under subpara-
10 graph (B) to amounts expended by a State
11 participating in the demonstration pro-
12 gram under this subsection shall—
13 "(I) in the case of a State par-
14 ticipating in the demonstration pro-
15 gram as of January 1, 2020, apply to
16 amounts expended by the State dur-
17 ing the 8 fiscal quarter period (or any
18 portion of such period) that begins on
19 January 1, 2020; and
20 "(II) in the case of a State se-
21 lected to participate in the demonstra-
22 tion program under paragraph (8),
23 during first 8 fiscal quarter period (or
24 any portion of such period) that the

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1 State participates in a demonstration
2 program.''.
3 (c) GAO STUDY AND REPORT ON THE COMMUNITY
4 AND MENTAL HEALTH SERVICES DEMONSTRATION PRO-
5 GRAM.—
6 (1) IN GENERAL.—Not later than 18 months
7 after the date of the enactment of this Act, the
8 Comptroller General of the United States shall sub-
9 mit to the Committee on Energy and Commerce of
10 the House of Representatives and the Committee on
11 Finance of the Senate a report on the community
12 and mental health services demonstration program
13 conducted under section 223 of the Protecting Ac-
14 cess to Medicare Act of 2014 (42 U.S.C. 1396a
15 note) (referred to in this subsection as the ''dem-
16 onstration program'').
17 (2) CONTENT OF REPORT.—The report re-
18 quired under paragraph (1) shall include the fol-
19 lowing information:
20 (A) Information on States' experiences
21 participating in the demonstration program, in-
22 cluding the extent to which States—
23 (i) measure the effects of access to
24 certified community behavioral health clin-

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1 ics on patient health and cost of care, in-
2 cluding—
3 (I) engagement in treatment for
4 behavioral health conditions;
5 (II) relevant clinical outcomes, to
6 the extent collected;
7 (III) screening and treatment for
8 comorbid medical conditions; and
9 (IV) use of crisis stabilization,
10 emergency department, and inpatient
11 care.
12 (B) Information on Federal efforts to
13 evaluate the demonstration program, includ-
14 ing—
15 (i) quality measures used to evaluate
16 the program;
17 (ii) assistance provided to States on
18 data collection and reporting;
19 (iii) assessments of the reliability and
20 usefulness of State-submitted data; and
21 (iv) the extent to which such efforts
22 provide information on the relative quality,
23 scope, and cost of services as compared
24 with services not provided under the dem-
25 onstration program, and in comparison to

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1 Medicaid beneficiaries with mental illness
2 and substance use disorders not served
3 under the demonstration program.
4 (C) Recommendations for improvements to
5 the following:
6 (i) The reporting, accuracy, and vali-
7 dation of encounter data.
8 (ii) Accuracy in payments to certified
9 community behavioral health clinics under
10 State plans or waivers under title XIX of
11 the Social Security Act (42 U.S.C. 1396 et
12 seq.).

13 **PART III—HUMAN SERVICES AND OTHER**
14 **HEALTH PROGRAMS**

15 **SEC. 3821. EXTENSION OF SEXUAL RISK AVOIDANCE EDU-**
16 **CATION PROGRAM.**

17 Section 510 of the Social Security Act (42 U.S.C.
18 710) is amended—
19 (1) in subsection (a)—
20 (A) in paragraph (1), in the matter pre-
21 ceding subparagraph (A)—
22 (i) by striking "and 2019 and for the
23 period beginning October 1, 2019, and
24 ending May 22, 2020" and inserting
25 "through 2020 and for the period begin-

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1 ning October 1, 2020, and ending Novem-
2 ber 30, 2020''; and
3 (ii) by striking ''fiscal year 2020'' and
4 inserting ''fiscal year 2021''
5 (B) in paragraph (2)(A)—
6 (i) by striking ''and 2019 and for the
7 period beginning October 1, 2019, and
8 ending May 22, 2020'' and inserting
9 ''through 2020 and for the period begin-
10 ning October 1, 2020, and ending Novem-
11 ber 30, 2020''; and
12 (ii) by striking ''fiscal year 2020'' and
13 inserting ''fiscal year 2021''; and
14 (2) in subsection (f)(1), by striking ''and 2019
15 and $48,287,671 for the period beginning October 1,
16 2019, and ending May 22, 2020'' and inserting
17 ''through 2020, and for the period beginning on Oc-
18 tober 1, 2020, and ending on November 30, 2020,
19 the amount equal to the pro rata portion of the
20 amount appropriated for such period for fiscal year
21 2020''.

22 **SEC. 3822. EXTENSION OF PERSONAL RESPONSIBILITY**
23 **EDUCATION PROGRAM.**

24 Section 513 of the Social Security Act (42 U.S.C.
25 713) is amended—

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1 (1) in subsection (a)—
2 (A) in paragraph (1)—
3 (i) in subparagraph (A), in the matter
4 preceding clause (i), by striking "2019 and
5 for the period beginning October 1, 2019,
6 and ending May 22, 2020" and inserting
7 "2020 and for the period beginning Octo-
8 ber 1, 2020, and ending November 30,
9 2020"; and
10 (ii) in subparagraph (B)(i), by strik-
11 ing by striking "October 1, 2019, and end-
12 ing May 22, 2020" and inserting "October
13 1, 2020, and ending November 30, 2020";
14 (2) in paragraph (4)(A), by striking "2019"
15 each place it appears and inserting "2020"; and
16 (3) in subsection (f), by striking "2019 and
17 $48,287,671 for the period beginning October 1,
18 2019, and ending May 22, 2020" and inserting
19 "2020, and for the period beginning on October 1,
20 2020, and ending on November 30, 2020, the
21 amount equal to the pro rata portion of the amount
22 appropriated for such period for fiscal year 2020".

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1 **SEC. 3823. EXTENSION OF DEMONSTRATION PROJECTS TO**
2 **ADDRESS HEALTH PROFESSIONS WORK-**
3 **FORCE NEEDS.**

4 Activities authorized by section 2008 of the Social Se-
5 curity Act shall continue through November 30, 2020, in
6 the manner authorized for fiscal year 2019, and out of
7 any money in the Treasury of the United States not other-
8 wise appropriated, there are hereby appropriated such
9 sums as may be necessary for such purpose. Grants and
10 payments may be made pursuant to this authority through
11 the date so specified at the pro rata portion of the total
12 amount authorized for such activities in fiscal year 2019.

13 **SEC. 3824. EXTENSION OF THE TEMPORARY ASSISTANCE**
14 **FOR NEEDY FAMILIES PROGRAM AND RE-**
15 **LATED PROGRAMS.**

16 Activities authorized by part A of title IV and section
17 1108(b) of the Social Security Act shall continue through
18 November 30, 2020, in the manner authorized for fiscal
19 year 2019, and out of any money in the Treasury of the
20 United States not otherwise appropriated, there are here-
21 by appropriated such sums as may be necessary for such
22 purpose.

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## PART IV—PUBLIC HEALTH PROVISIONS

### SEC. 3831. EXTENSION FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

(a) COMMUNITY HEALTH CENTERS.—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by striking "and $2,575,342,466 for the period beginning on October 1, 2019, and ending on May 22, 2020" and inserting "$4,000,000,000 for fiscal year 2020, and $668,493,151 for the period beginning on October 1, 2020, and ending on November 30, 2020".

(b) NATIONAL HEALTH SERVICE CORPS.—Section 10503(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

(1) in subparagraph (F), by striking "and" at the end; and

(2) by striking subparagraph (G) and inserting the following:

"(G) $310,000,000 for fiscal year 2020; and

"(H) $51,808,219 for the period beginning on October 1, 2020, and ending on November 30, 2020.".

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1 (c) TEACHING HEALTH CENTERS THAT OPERATE
2 GRADUATE MEDICAL EDUCATION PROGRAMS.—Section
3 340H(g)(1) of the Public Health Service Act (42 U.S.C.
4 256h(g)(1)) is amended by striking "and 2019, and
5 $81,445,205 for the period beginning on October 1, 2019,
6 and ending on May 22, 2020" and inserting "through fis-
7 cal year 2020, and $21,141,096 for the period beginning
8 on October 1, 2020, and ending on November 30, 2020".
9 (d) APPLICATION OF PROVISIONS.—Amounts appro-
10 priated pursuant to the amendments made by this section
11 for fiscal year 2020 and for the period beginning on Octo-
12 ber 1, 2020, and ending on November 30, 2020, shall be
13 subject to the requirements contained in Public Law 116–
14 94 for funds for programs authorized under sections 330
15 through 340 of the Public Health Service Act (42 U.S.C.
16 254 through 256).
17 (e) CONFORMING AMENDMENT.—Paragraph (4) of
18 section 3014(h) of title 18, United States Code, as amend-
19 ed by section 401(e) of division N of Public Law 116–
20 94, is amended by striking "section 401(d) of division N
21 of the Further Consolidated Appropriations Act, 2020"
22 and inserting "section 3831 of the CARES Act".
23 **SEC. 3832. DIABETES PROGRAMS.**
24 (a) TYPE I.—Section 330B(b)(2)(D) of the Public
25 Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is

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1 amended by striking "and 2019, and $96,575,342 for the
2 period beginning on October 1, 2019, and ending on May
3 22, 2020" and inserting "through 2020, and $25,068,493
4 for the period beginning on October 1, 2020, and ending
5 on November 30, 2020".

6 (b) INDIANS.—Section 330C(c)(2)(D) of the Public
7 Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is
8 amended by striking "and 2019, and $96,575,342 for the
9 period beginning on October 1, 2019, and ending on May
10 22, 2020" and inserting "through 2020, and $25,068,493
11 for the period beginning on October 1, 2020, and ending
12 on November 30, 2020".

13 **PART V—MISCELLANEOUS PROVISIONS**

14 **SEC. 3841. PREVENTION OF DUPLICATE APPROPRIATIONS**
15 **FOR FISCAL YEAR 2020.**

16 Expenditures made under any provision of law
17 amended in this title pursuant to the amendments made
18 by the Continuing Appropriations Act, 2020, and Health
19 Extenders Act of 2019 (Public Law 116–59), the Further
20 Continuing Appropriations Act, 2020, and Further Health
21 Extenders Act of 2019 (Public Law 116-69), and the Fur-
22 ther Consolidated Appropriations Act, 2020 (Public Law
23 116–94) for fiscal year 2020 shall be charged to the appli-
24 cable appropriation or authorization provided by the

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1 amendments made by this title to such provision of law
2 for such fiscal year.

# 3 Subtitle F—Over-the-Counter
# 4 Drugs

## 5 PART I—OTC DRUG REVIEW

### 6 SEC. 3851. REGULATION OF CERTAIN NONPRESCRIPTION
### 7 DRUGS THAT ARE MARKETED WITHOUT AN
### 8 APPROVED DRUG APPLICATION.

9 (a) IN GENERAL.—Chapter V of the Federal Food,
10 Drug, and Cosmetic Act is amended by inserting after sec-
11 tion 505F of such Act (21 U.S.C. 355g) the following:

### 12 "SEC. 505G. REGULATION OF CERTAIN NONPRESCRIPTION
### 13 DRUGS THAT ARE MARKETED WITHOUT AN
### 14 APPROVED DRUG APPLICATION.

15 "(a) NONPRESCRIPTION DRUGS MARKETED WITH-
16 OUT AN APPROVED APPLICATION.—Nonprescription
17 drugs marketed without an approved drug application
18 under section 505, as of the date of the enactment of this
19 section, shall be treated in accordance with this sub-
20 section.

21 "(1) DRUGS SUBJECT TO A FINAL MONOGRAPH;
22 CATEGORY I DRUGS SUBJECT TO A TENTATIVE
23 FINAL MONOGRAPH.—A drug is deemed to be gen-
24 erally recognized as safe and effective under section

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1 201(p)(1), not a new drug under section 201(p), and
2 not subject to section 503(b)(1), if—
3 "(A) the drug is—
4 "(i) in conformity with the require-
5 ments for nonprescription use of a final
6 monograph issued under part 330 of title
7 21, Code of Federal Regulations (except as
8 provided in paragraph (2)), the general re-
9 quirements for nonprescription drugs, and
10 conditions or requirements under sub-
11 sections (b), (c), and (k); and
12 "(ii) except as permitted by an order
13 issued under subsection (b) or, in the case
14 of a minor change in the drug, in con-
15 formity with an order issued under sub-
16 section (c), in a dosage form that, imme-
17 diately prior to the date of the enactment
18 of this section, has been used to a material
19 extent and for a material time under sec-
20 tion 201(p)(2); or
21 "(B) the drug is—
22 "(i) classified in category I for safety
23 and effectiveness under a tentative final
24 monograph that is the most recently appli-
25 cable proposal or determination issued

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1 under part 330 of title 21, Code of Federal
2 Regulations;
3 "(ii) in conformity with the proposed
4 requirements for nonprescription use of
5 such tentative final monograph, any appli-
6 cable subsequent determination by the Sec-
7 retary, the general requirements for non-
8 prescription drugs, and conditions or re-
9 quirements under subsections (b), (c), and
10 (k); and
11 "(iii) except as permitted by an order
12 issued under subsection (b) or, in the case
13 of a minor change in the drug, in con-
14 formity with an order issued under sub-
15 section (c), in a dosage form that, imme-
16 diately prior to the date of the enactment
17 of this section, has been used to a material
18 extent and for a material time under sec-
19 tion 201(p)(2).
20 "(2) TREATMENT OF SUNSCREEN DRUGS.—
21 With respect to sunscreen drugs subject to this sec-
22 tion, the applicable requirements in terms of con-
23 formity with a final monograph, for purposes of
24 paragraph (1)(A)(i), shall be the requirements speci-
25 fied in part 352 of title 21, Code of Federal Regula-

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1 tions, as published on May 21, 1999, beginning on
2 page 27687 of volume 64 of the Federal Register,
3 except that the applicable requirements governing ef-
4 fectiveness and labeling shall be those specified in
5 section 201.327 of title 21, Code of Federal Regula-
6 tions.

7 "(3) CATEGORY III DRUGS SUBJECT TO A TEN-
8 TATIVE FINAL MONOGRAPH; CATEGORY I DRUGS
9 SUBJECT TO PROPOSED MONOGRAPH OR ADVANCE
10 NOTICE OF PROPOSED RULEMAKING.—A drug that
11 is not described in paragraph (1), (2), or (4) is not
12 required to be the subject of an application approved
13 under section 505, and is not subject to section
14 503(b)(1), if—

15 "(A) the drug is—

16 "(i) classified in category III for safe-
17 ty or effectiveness in the preamble of a
18 proposed rule establishing a tentative final
19 monograph that is the most recently appli-
20 cable proposal or determination for such
21 drug issued under part 330 of title 21,
22 Code of Federal Regulations;

23 "(ii) in conformity with—

24 "(I) the conditions of use, includ-
25 ing indication and dosage strength, if

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1 any, described for such category III
2 drug in such preamble or in an appli-
3 cable subsequent proposed rule;
4 "(II) the proposed requirements
5 for drugs classified in such tentative
6 final monograph in category I in the
7 most recently proposed rule estab-
8 lishing requirements related to such
9 tentative final monograph and in any
10 final rule establishing requirements
11 that are applicable to the drug; and
12 "(III) the general requirements
13 for nonprescription drugs and condi-
14 tions or requirements under sub-
15 section (b) or (k); and
16 "(iii) in a dosage form that, imme-
17 diately prior to the date of the enactment
18 of this section, had been used to a material
19 extent and for a material time under sec-
20 tion 201(p)(2); or
21 "(B) the drug is—
22 "(i) classified in category I for safety
23 and effectiveness under a proposed mono-
24 graph or advance notice of proposed rule-
25 making that is the most recently applicable

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1 proposal or determination for such drug
2 issued under part 330 of title 21, Code of
3 Federal Regulations;
4 "(ii) in conformity with the require-
5 ments for nonprescription use of such pro-
6 posed monograph or advance notice of pro-
7 posed rulemaking, any applicable subse-
8 quent determination by the Secretary, the
9 general requirements for nonprescription
10 drugs, and conditions or requirements
11 under subsection (b) or (k); and
12 "(iii) in a dosage form that, imme-
13 diately prior to the date of the enactment
14 of this section, has been used to a material
15 extent and for a material time under sec-
16 tion 201(p)(2).
17 "(4) CATEGORY II DRUGS DEEMED NEW
18 DRUGS.—A drug that is classified in category II for
19 safety or effectiveness under a tentative final mono-
20 graph or that is subject to a determination to be not
21 generally recognized as safe and effective in a pro-
22 posed rule that is the most recently applicable pro-
23 posal issued under part 330 of title 21, Code of Fed-
24 eral Regulations, shall be deemed to be a new drug
25 under section 201(p), misbranded under section

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1 502(ee), and subject to the requirement for an ap-
2 proved new drug application under section 505 be-
3 ginning on the day that is 180 calendar days after
4 the date of the enactment of this section, unless, be-
5 fore such day, the Secretary determines that it is in
6 the interest of public health to extend the period
7 during which the drug may be marketed without
8 such an approved new drug application.

9 "(5) DRUGS NOT GRASE DEEMED NEW
10 DRUGS.—A drug that the Secretary has determined
11 not to be generally recognized as safe and effective
12 under section 201(p)(1) under a final determination
13 issued under part 330 of title 21, Code of Federal
14 Regulations, shall be deemed to be a new drug under
15 section 201(p), misbranded under section 502(ee),
16 and subject to the requirement for an approved new
17 drug application under section 505.

18 "(6) OTHER DRUGS DEEMED NEW DRUGS.—
19 Except as provided in subsection (m), a drug is
20 deemed to be a new drug under section 201(p) and
21 misbranded under section 502(ee) if the drug—

22 "(A) is not subject to section 503(b)(1);
23 and

24 "(B) is not described in paragraph (1),
25 (2), (3), (4), or (5), or subsection (b)(1)(B).

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1 "(b) ADMINISTRATIVE ORDERS.—
2 "(1) IN GENERAL.—
3 "(A) DETERMINATION.—The Secretary
4 may, on the initiative of the Secretary or at the
5 request of one or more requestors, issue an ad-
6 ministrative order determining whether there
7 are conditions under which a specific drug, a
8 class of drugs, or a combination of drugs, is de-
9 termined to be—
10 "(i) not subject to section 503(b)(1);
11 and
12 "(ii) generally recognized as safe and
13 effective under section 201(p)(1).
14 "(B) EFFECT.—A drug or combination of
15 drugs shall be deemed to not require approval
16 under section 505 if such drug or combination
17 of drugs—
18 "(i) is determined by the Secretary to
19 meet the conditions specified in clauses (i)
20 and (ii) of subparagraph (A);
21 "(ii) is marketed in conformity with
22 an administrative order under this sub-
23 section;
24 "(iii) meets the general requirements
25 for nonprescription drugs; and

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1 "(iv) meets the requirements under
2 subsections (c) and (k).
3 "(C) STANDARD.—The Secretary shall find
4 that a drug is not generally recognized as safe
5 and effective under section 201(p)(1) if—
6 "(i) the evidence shows that the drug
7 is not generally recognized as safe and ef-
8 fective under section 201(p)(1); or
9 "(ii) the evidence is inadequate to
10 show that the drug is generally recognized
11 as safe and effective under section
12 201(p)(1).
13 "(2) ADMINISTRATIVE ORDERS INITIATED BY
14 THE SECRETARY.—
15 "(A) IN GENERAL.—In issuing an adminis-
16 trative order under paragraph (1) upon the
17 Secretary's initiative, the Secretary shall—
18 "(i) make reasonable efforts to notify
19 informally, not later than 2 business days
20 before the issuance of the proposed order,
21 the sponsors of drugs who have a listing in
22 effect under section 510(j) for the drugs or
23 combination of drugs that will be subject
24 to the administrative order;

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1 "(ii) after any such reasonable efforts
2 of notification—
3 "(I) issue a proposed administra-
4 tive order by publishing it on the
5 website of the Food and Drug Admin-
6 istration and include in such order the
7 reasons for the issuance of such order;
8 and
9 "(II) publish a notice of avail-
10 ability of such proposed order in the
11 Federal Register;
12 "(iii) except as provided in subpara-
13 graph (B), provide for a public comment
14 period with respect to such proposed order
15 of not less than 45 calendar days; and
16 "(iv) if, after completion of the pro-
17 ceedings specified in clauses (i) through
18 (iii), the Secretary determines that it is ap-
19 propriate to issue a final administrative
20 order—
21 "(I) issue the final administrative
22 order, together with a detailed state-
23 ment of reasons, which order shall not
24 take effect until the time for request-

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1 ing judicial review under paragraph
2 (3)(D)(ii) has expired;
3 "(II) publish a notice of such
4 final administrative order in the Fed-
5 eral Register;
6 "(III) afford requestors of drugs
7 that will be subject to such order the
8 opportunity for formal dispute resolu-
9 tion up to the level of the Director of
10 the Center for Drug Evaluation and
11 Research, which initially must be re-
12 quested within 45 calendar days of
13 the issuance of the order, and, for
14 subsequent levels of appeal, within 30
15 calendar days of the prior decision;
16 and
17 "(IV) except with respect to
18 drugs described in paragraph (3)(B),
19 upon completion of the formal dispute
20 resolution procedure, inform the per-
21 sons which sought such dispute reso-
22 lution of their right to request a hear-
23 ing.
24 "(B) EXCEPTIONS.—When issuing an ad-
25 ministrative order under paragraph (1) on the

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1 Secretary's initiative proposing to determine
2 that a drug described in subsection (a)(3) is not
3 generally recognized as safe and effective under
4 section 201(p)(1), the Secretary shall follow the
5 procedures in subparagraph (A), except that—
6 "(i) the proposed order shall include
7 notice of—
8 "(I) the general categories of
9 data the Secretary has determined
10 necessary to establish that the drug is
11 generally recognized as safe and effec-
12 tive under section 201(p)(1); and
13 "(II) the format for submissions
14 by interested persons;
15 "(ii) the Secretary shall provide for a
16 public comment period of no less than 180
17 calendar days with respect to such pro-
18 posed order, except when the Secretary de-
19 termines, for good cause, that a shorter pe-
20 riod is in the interest of public health; and
21 "(iii) any person who submits data in
22 such comment period shall include a cer-
23 tification that the person has submitted all
24 evidence created, obtained, or received by
25 that person that is both within the cat-

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1 egories of data identified in the proposed
2 order and relevant to a determination as to
3 whether the drug is generally recognized as
4 safe and effective under section 201(p)(1).
5 "(3) HEARINGS; JUDICIAL REVIEW.—
6 "(A) IN GENERAL.—Only a person who
7 participated in each stage of formal dispute res-
8 olution under subclause (III) of paragraph
9 (2)(A)(iv) of an administrative order with re-
10 spect to a drug may request a hearing con-
11 cerning a final administrative order issued
12 under such paragraph with respect to such
13 drug. If a hearing is sought, such person must
14 submit a request for a hearing, which shall be
15 based solely on information in the administra-
16 tive record, to the Secretary not later than 30
17 calendar days after receiving notice of the final
18 decision of the formal dispute resolution proce-
19 dure.
20 "(B) NO HEARING REQUIRED WITH RE-
21 SPECT TO ORDERS RELATING TO CERTAIN
22 DRUGS.—
23 "(i) IN GENERAL.—The Secretary
24 shall not be required to provide notice and
25 an opportunity for a hearing pursuant to

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1 paragraph (2)(A)(iv) if the final adminis-
2 trative order involved relates to a drug—
3 "(I) that is described in sub-
4 section (a)(3)(A); and
5 "(II) with respect to which no
6 human or non-human data studies rel-
7 evant to the safety or effectiveness of
8 such drug have been submitted to the
9 administrative record since the
10 issuance of the most recent tentative
11 final monograph relating to such
12 drug.
13 "(ii) HUMAN DATA STUDIES AND
14 NON-HUMAN DATA DEFINED.—In this sub-
15 paragraph:
16 "(I) The term 'human data stud-
17 ies' means clinical trials of safety or
18 effectiveness (including actual use
19 studies), pharmacokinetics studies, or
20 bioavailability studies.
21 "(II) The term 'non-human data'
22 means data from testing other than
23 with human subjects which provides
24 information concerning safety or ef-
25 fectiveness.

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1 "(C) HEARING PROCEDURES.—
2 "(i) DENIAL OF REQUEST FOR HEAR-
3 ING.—If the Secretary determines that in-
4 formation submitted in a request for a
5 hearing under subparagraph (A) with re-
6 spect to a final administrative order issued
7 under paragraph (2)(A)(iv) does not iden-
8 tify the existence of a genuine and sub-
9 stantial question of material fact, the Sec-
10 retary may deny such request. In making
11 such a determination, the Secretary may
12 consider only information and data that
13 are based on relevant and reliable scientific
14 principles and methodologies.
15 "(ii) SINGLE HEARING FOR MULTIPLE
16 RELATED REQUESTS.—If more than one
17 request for a hearing is submitted with re-
18 spect to the same administrative order
19 under subparagraph (A), the Secretary
20 may direct that a single hearing be con-
21 ducted in which all persons whose hearing
22 requests were granted may participate.
23 "(iii) PRESIDING OFFICER.—The pre-
24 siding officer of a hearing requested under
25 subparagraph (A) shall—

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1 "(I) be designated by the Sec-
2 retary;
3 "(II) not be an employee of the
4 Center for Drug Evaluation and Re-
5 search; and
6 "(III) not have been previously
7 involved in the development of the ad-
8 ministrative order involved or pro-
9 ceedings relating to that administra-
10 tive order.
11 "(iv) RIGHTS OF PARTIES TO HEAR-
12 ING.—The parties to a hearing requested
13 under subparagraph (A) shall have the
14 right to present testimony, including testi-
15 mony of expert witnesses, and to cross-ex-
16 amine witnesses presented by other parties.
17 Where appropriate, the presiding officer
18 may require that cross-examination by par-
19 ties representing substantially the same in-
20 terests be consolidated to promote effi-
21 ciency and avoid duplication.
22 "(v) FINAL DECISION.—
23 "(I) At the conclusion of a hear-
24 ing requested under subparagraph
25 (A), the presiding officer of the hear-

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1 ing shall issue a decision containing
2 findings of fact and conclusions of
3 law. The decision of the presiding offi-
4 cer shall be final.
5 "(II) The final decision may not
6 take effect until the period under sub-
7 paragraph (D)(ii) for submitting a re-
8 quest for judicial review of such deci-
9 sion expires.
10 "(D) JUDICIAL REVIEW OF FINAL ADMIN-
11 ISTRATIVE ORDER.—
12 "(i) IN GENERAL.—The procedures
13 described in section 505(h) shall apply
14 with respect to judicial review of final ad-
15 ministrative orders issued under this sub-
16 section in the same manner and to the
17 same extent as such section applies to an
18 order described in such section except that
19 the judicial review shall be taken by filing
20 in an appropriate district court of the
21 United States in lieu of the appellate
22 courts specified in such section.
23 "(ii) PERIOD TO SUBMIT A REQUEST
24 FOR JUDICIAL REVIEW.—A person eligible
25 to request a hearing under this paragraph

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1 and seeking judicial review of a final ad-
2 ministrative order issued under this sub-
3 section shall file such request for judicial
4 review not later than 60 calendar days
5 after the latest of—
6 "(I) the date on which notice of
7 such order is published;
8 "(II) the date on which a hearing
9 with respect to such order is denied
10 under subparagraph (B) or (C)(i);
11 "(III) the date on which a final
12 decision is made following a hearing
13 under subparagraph (C)(v); or
14 "(IV) if no hearing is requested,
15 the date on which the time for re-
16 questing a hearing expires.
17 "(4) EXPEDITED PROCEDURE WITH RESPECT
18 TO ADMINISTRATIVE ORDERS INITIATED BY THE
19 SECRETARY.—
20 "(A) IMMINENT HAZARD TO THE PUBLIC
21 HEALTH.—
22 "(i) IN GENERAL.—In the case of a
23 determination by the Secretary that a
24 drug, class of drugs, or combination of
25 drugs subject to this section poses an im-

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1 minent hazard to the public health, the
2 Secretary, after first making reasonable ef-
3 forts to notify, not later than 48 hours be-
4 fore issuance of such order under this sub-
5 paragraph, sponsors who have a listing in
6 effect under section 510(j) for such drug
7 or combination of drugs—
8 "(I) may issue an interim final
9 administrative order for such drug,
10 class of drugs, or combination of
11 drugs under paragraph (1), together
12 with a detailed statement of the rea-
13 sons for such order;
14 "(II) shall publish in the Federal
15 Register a notice of availability of any
16 such order; and
17 "(III) shall provide for a public
18 comment period of at least 45 cal-
19 endar days with respect to such in-
20 terim final order.
21 "(ii) NONDELEGATION.—The Sec-
22 retary may not delegate the authority to
23 issue an interim final administrative order
24 under this subparagraph.
25 "(B) SAFETY LABELING CHANGES.—

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1 "(i) IN GENERAL.—In the case of a
2 determination by the Secretary that a
3 change in the labeling of a drug, class of
4 drugs, or combination of drugs subject to
5 this section is reasonably expected to miti-
6 gate a significant or unreasonable risk of
7 a serious adverse event associated with use
8 of the drug, the Secretary may—
9 "(I) make reasonable efforts to
10 notify informally, not later than 48
11 hours before the issuance of the in-
12 terim final order, the sponsors of
13 drugs who have a listing in effect
14 under section 510(j) for such drug or
15 combination of drugs;
16 "(II) after reasonable efforts of
17 notification, issue an interim final ad-
18 ministrative order in accordance with
19 paragraph (1) to require such change,
20 together with a detailed statement of
21 the reasons for such order;
22 "(III) publish in the Federal
23 Register a notice of availability of
24 such order; and

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1 "(IV) provide for a public com-
2 ment period of at least 45 calendar
3 days with respect to such interim final
4 order.
5 "(ii) CONTENT OF ORDER.—An in-
6 terim final order issued under this sub-
7 paragraph with respect to the labeling of a
8 drug may provide for new warnings and
9 other information required for safe use of
10 the drug.
11 "(C) EFFECTIVE DATE.—An order under
12 subparagraph (A) or (B) shall take effect on a
13 date specified by the Secretary.
14 "(D) FINAL ORDER.—After the completion
15 of the proceedings in subparagraph (A) or (B),
16 the Secretary shall—
17 "(i) issue a final order in accordance
18 with paragraph (1);
19 "(ii) publish a notice of availability of
20 such final administrative order in the Fed-
21 eral Register; and
22 "(iii) afford sponsors of such drugs
23 that will be subject to such an order the
24 opportunity for formal dispute resolution
25 up to the level of the Director of the Cen-

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1 ter for Drug Evaluation and Research,
2 which must initially be within 45 calendar
3 days of the issuance of the order, and for
4 subsequent levels of appeal, within 30 cal-
5 endar days of the prior decision.
6 "(E) HEARINGS.—A sponsor of a drug
7 subject to a final order issued under subpara-
8 graph (D) and that participated in each stage
9 of formal dispute resolution under clause (iii) of
10 such subparagraph may request a hearing on
11 such order. The provisions of subparagraphs
12 (A), (B), and (C) of paragraph (3), other than
13 paragraph (3)(C)(v)(II), shall apply with re-
14 spect to a hearing on such order in the same
15 manner and to the same extent as such provi-
16 sions apply with respect to a hearing on an ad-
17 ministrative order issued under paragraph
18 (2)(A)(iv).
19 "(F) TIMING.—
20 "(i) FINAL ORDER AND HEARING.—
21 The Secretary shall—
22 "(I) not later than 6 months
23 after the date on which the comment
24 period closes under subparagraph (A)

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1 or (B), issue a final order in accord-
2 ance with paragraph (1); and
3 "(II) not later than 12 months
4 after the date on which such final
5 order is issued, complete any hearing
6 under subparagraph (E).
7 "(ii) DISPUTE RESOLUTION RE-
8 QUEST.—The Secretary shall specify in an
9 interim final order issued under subpara-
10 graph (A) or (B) such shorter periods for
11 requesting dispute resolution under sub-
12 paragraph (D)(iii) as are necessary to
13 meet the requirements of this subpara-
14 graph.
15 "(G) JUDICIAL REVIEW.—A final order
16 issued pursuant to subparagraph (F) shall be
17 subject to judicial review in accordance with
18 paragraph (3)(D).
19 "(5) ADMINISTRATIVE ORDER INITIATED AT
20 THE REQUEST OF A REQUESTOR.—
21 "(A) IN GENERAL.—In issuing an adminis-
22 trative order under paragraph (1) at the re-
23 quest of a requestor with respect to certain
24 drugs, classes of drugs, or combinations of
25 drugs—

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1 "(i) the Secretary shall, after receiv-
2 ing a request under this subparagraph, de-
3 termine whether the request is sufficiently
4 complete and formatted to permit a sub-
5 stantive review;
6 "(ii) if the Secretary determines that
7 the request is sufficiently complete and for-
8 matted to permit a substantive review, the
9 Secretary shall—
10 "(I) file the request; and
11 "(II) initiate proceedings with re-
12 spect to issuing an administrative
13 order in accordance with paragraphs
14 (2) and (3); and
15 "(iii) except as provided in paragraph
16 (6), if the Secretary determines that a re-
17 quest does not meet the requirements for
18 filing or is not sufficiently complete and
19 formatted to permit a substantive review,
20 the requestor may demand that the request
21 be filed over protest, and the Secretary
22 shall initiate proceedings to review the re-
23 quest in accordance with paragraph (2)(A).
24 "(B) REQUEST TO INITIATE PRO-
25 CEEDINGS.—

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1 "(i) IN GENERAL.—A requestor seek-
2 ing an administrative order under para-
3 graph (1) with respect to certain drugs,
4 classes of drugs, or combinations of drugs,
5 shall submit to the Secretary a request to
6 initiate proceedings for such order in the
7 form and manner as specified by the Sec-
8 retary. Such requestor may submit a re-
9 quest under this subparagraph for the
10 issuance of an administrative order—
11 "(I) determining whether a drug
12 is generally recognized as safe and ef-
13 fective under section 201(p)(1), ex-
14 empt from section 503(b)(1), and not
15 required to be the subject of an ap-
16 proved application under section 505;
17 or
18 "(II) determining whether a
19 change to a condition of use of a drug
20 is generally recognized as safe and ef-
21 fective under section 201(p)(1), ex-
22 empt from section 503(b)(1), and not
23 required to be the subject of an ap-
24 proved application under section 505,

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1 if, absent such a changed condition of
2 use, such drug is—
3 "(aa) generally recognized
4 as safe and effective under sec-
5 tion 201(p)(1) in accordance with
6 subsection (a)(1), (a)(2), or an
7 order under this subsection; or
8 "(bb) subject to subsection
9 (a)(3), but only if such requestor
10 initiates such request in conjunc-
11 tion with a request for the Sec-
12 retary to determine whether such
13 drug is generally recognized as
14 safe and effective under section
15 201(p)(1), which is filed by the
16 Secretary under subparagraph
17 (A)(ii).
18 "(ii) EXCEPTION.—The Secretary is
19 not required to complete review of a re-
20 quest for a change described in clause
21 (i)(II) if the Secretary determines that
22 there is an inadequate basis to find the
23 drug is generally recognized as safe and ef-
24 fective under section 201(p)(1) under para-

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1 graph (1) and issues a final order an-
2 nouncing that determination.
3 "(iii) WITHDRAWAL.—The requestor
4 may withdraw a request under this para-
5 graph, according to the procedures set
6 forth pursuant to subsection (d)(2)(B).
7 Notwithstanding any other provision of
8 this section, if such request is withdrawn,
9 the Secretary may cease proceedings under
10 this subparagraph.
11 "(C) EXCLUSIVITY.—
12 "(i) IN GENERAL.—A final adminis-
13 trative order issued in response to a re-
14 quest under this section shall have the ef-
15 fect of authorizing solely the order re-
16 questor (or the licensees, assignees, or suc-
17 cessors in interest of such requestor with
18 respect to the subject of such order), for a
19 period of 18 months following the effective
20 date of such final order and beginning on
21 the date the requestor may lawfully market
22 such drugs pursuant to the order, to mar-
23 ket drugs—
24 "(I) incorporating changes de-
25 scribed in clause (ii); and

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1 "(II) subject to the limitations
2 under clause (iv).
3 "(ii) CHANGES DESCRIBED.—A
4 change described in this clause is a change
5 subject to an order specified in clause (i),
6 which—
7 "(I) provides for a drug to con-
8 tain an active ingredient (including
9 any ester or salt of the active ingre-
10 dient) not previously incorporated in a
11 drug described in clause (iii); or
12 "(II) provides for a change in the
13 conditions of use of a drug, for which
14 new human data studies conducted or
15 sponsored by the requestor (or for
16 which the requestor has an exclusive
17 right of reference) were essential to
18 the issuance of such order.
19 "(iii) DRUGS DESCRIBED.—The drugs
20 described in this clause are drugs—
21 "(I) specified in subsection
22 (a)(1), (a)(2), or (a)(3);
23 "(II) subject to a final order
24 issued under this section;

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1 "(III) subject to a final sun-
2 screen order (as defined in section
3 586(2)(A)); or
4 "(IV) described in subsection
5 (m)(1), other than drugs subject to an
6 active enforcement action under chap-
7 ter III of this Act.
8 "(iv) LIMITATIONS ON EXCLU-
9 SIVITY.—
10 "(I) IN GENERAL.—Only one 18-
11 month period under this subpara-
12 graph shall be granted, under each
13 order described in clause (i), with re-
14 spect to changes (to the drug subject
15 to such order) which are either—
16 "(aa) changes described in
17 clause (ii)(I), relating to active
18 ingredients; or
19 "(bb) changes described in
20 clause (ii)(II), relating to condi-
21 tions of use.
22 "(II) NO EXCLUSIVITY AL-
23 LOWED.—No exclusivity shall apply to
24 changes to a drug which are—

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1 "(aa) the subject of a Tier 2
2 OTC monograph order request
3 (as defined in section 744L);
4 "(bb) safety-related changes,
5 as defined by the Secretary, or
6 any other changes the Secretary
7 considers necessary to assure
8 safe use; or
9 "(cc) changes related to
10 methods of testing safety or effi-
11 cacy.
12 "(v) NEW HUMAN DATA STUDIES DE-
13 FINED.—In this subparagraph, the term
14 'new human data studies' means clinical
15 trials of safety or effectiveness (including
16 actual use studies), pharmacokinetics stud-
17 ies, or bioavailability studies, the results of
18 which—
19 "(I) have not been relied on by
20 the Secretary to support—
21 "(aa) a proposed or final de-
22 termination that a drug described
23 in subclause (I), (II), or (III) of
24 clause (iii) is generally recognized

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1 as safe and effective under sec-
2 tion 201(p)(1); or
3 "(bb) approval of a drug
4 that was approved under section
5 505; and
6 "(II) do not duplicate the results
7 of another study that was relied on by
8 the Secretary to support—
9 "(aa) a proposed or final de-
10 termination that a drug described
11 in subclause (I), (II), or (III) of
12 clause (iii) is generally recognized
13 as safe and effective under sec-
14 tion 201(p)(1); or
15 "(bb) approval of a drug
16 that was approved under section
17 505.
18 "(vi) NOTIFICATION OF DRUG NOT
19 AVAILABLE FOR SALE.—A requestor that
20 is granted exclusivity with respect to a
21 drug under this subparagraph shall notify
22 the Secretary in writing within 1 year of
23 the issuance of the final administrative
24 order if the drug that is the subject of
25 such order will not be available for sale

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1 within 1 year of the date of issuance of
2 such order. The requestor shall include
3 with such notice the—
4 "(I) identity of the drug by es-
5 tablished name and by proprietary
6 name, if any;
7 "(II) strength of the drug;
8 "(III) date on which the drug
9 will be available for sale, if known;
10 and
11 "(IV) reason for not marketing
12 the drug after issuance of the order.
13 "(6) INFORMATION REGARDING SAFE NON-
14 PRESCRIPTION MARKETING AND USE AS CONDITION
15 FOR FILING A GENERALLY RECOGNIZED AS SAFE
16 AND EFFECTIVE REQUEST.—
17 "(A) IN GENERAL.—In response to a re-
18 quest under this section that a drug described
19 in subparagraph (B) be generally recognized as
20 safe and effective, the Secretary—
21 "(i) may file such request, if the re-
22 quest includes information specified under
23 subparagraph (C) with respect to safe non-
24 prescription marketing and use of such
25 drug; or

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1 "(ii) if the request fails to include in-
2 formation specified under subparagraph
3 (C), shall refuse to file such request and
4 require that nonprescription marketing of
5 the drug be pursuant to a new drug appli-
6 cation as described in subparagraph (D).
7 "(B) DRUG DESCRIBED.—A drug de-
8 scribed in this subparagraph is a nonprescrip-
9 tion drug which contains an active ingredient
10 not previously incorporated in a drug—
11 "(i) specified in subsection (a)(1),
12 (a)(2), or (a)(3);
13 "(ii) subject to a final order under
14 this section; or
15 "(iii) subject to a final sunscreen
16 order (as defined in section 586(2)(A)).
17 "(C) INFORMATION DEMONSTRATING
18 PRIMA FACIE SAFE NONPRESCRIPTION MAR-
19 KETING AND USE.—Information specified in
20 this subparagraph, with respect to a request de-
21 scribed in subparagraph (A)(i), is—
22 "(i) information sufficient for a prima
23 facie demonstration that the drug subject
24 to such request has a verifiable history of
25 being marketed and safely used by con-

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1 sumers in the United States as a non-
2 prescription drug under comparable condi-
3 tions of use;
4 "(ii) if the drug has not been pre-
5 viously marketed in the United States as a
6 nonprescription drug, information suffi-
7 cient for a prima facie demonstration that
8 the drug was marketed and safely used
9 under comparable conditions of marketing
10 and use in a country listed in section
11 802(b)(1)(A) or designated by the Sec-
12 retary in accordance with section
13 802(b)(1)(B)—
14 "(I) for such period as needed to
15 provide reasonable assurances con-
16 cerning the safe nonprescription use
17 of the drug; and
18 "(II) during such time was sub-
19 ject to sufficient monitoring by a reg-
20 ulatory body considered acceptable by
21 the Secretary for such monitoring
22 purposes, including for adverse events
23 associated with nonprescription use of
24 the drug; or

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1 "(iii) if the Secretary determines that
2 information described in clause (i) or (ii) is
3 not needed to provide a prima facie dem-
4 onstration that the drug can be safely mar-
5 keted and used as a nonprescription drug,
6 such other information the Secretary deter-
7 mines is sufficient for such purposes.
8 "(D) MARKETING PURSUANT TO NEW
9 DRUG APPLICATION.—In the case of a request
10 described in subparagraph (A)(ii), the drug
11 subject to such request may be resubmitted for
12 filing only if—
13 "(i) the drug is marketed as a non-
14 prescription drug, under conditions of use
15 comparable to the conditions specified in
16 the request, for such period as the Sec-
17 retary determines appropriate (not to ex-
18 ceed 5 consecutive years) pursuant to an
19 application approved under section 505;
20 and
21 "(ii) during such period, 1,000,000
22 retail packages of the drug, or an equiva-
23 lent quantity as determined by the Sec-
24 retary, were distributed for retail sale, as

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1 determined in such manner as the Sec-
2 retary finds appropriate.
3 "(E) RULE OF APPLICATION.—Except in
4 the case of a request involving a drug described
5 in section 586(9), as in effect on January 1,
6 2017, if the Secretary refuses to file a request
7 under this paragraph, the requestor may not
8 file such request over protest under paragraph
9 (5)(A)(iii).
10 "(7) PACKAGING.—An administrative order
11 issued under paragraph (2), (4)(A), or (5) may in-
12 clude requirements for the packaging of a drug to
13 encourage use in accordance with labeling. Such re-
14 quirements may include unit dose packaging, re-
15 quirements for products intended for use by pedi-
16 atric populations, requirements to reduce risk of
17 harm from unsupervised ingestion, and other appro-
18 priate requirements. This paragraph does not au-
19 thorize the Food and Drug Administration to re-
20 quire standards or testing procedures as described in
21 part 1700 of title 16, Code of Federal Regulations.
22 "(8) FINAL AND TENTATIVE FINAL MONO-
23 GRAPHS FOR CATEGORY I DRUGS DEEMED FINAL
24 ADMINISTRATIVE ORDERS.—

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1 "(A) IN GENERAL.—A final monograph or
2 tentative final monograph described in subpara-
3 graph (B) shall be deemed to be a final admin-
4 istrative order under this subsection and may
5 be amended, revoked, or otherwise modified in
6 accordance with the procedures of this sub-
7 section.
8 "(B) MONOGRAPHS DESCRIBED.—For pur-
9 poses of subparagraph (A), a final monograph
10 or tentative final monograph is described in this
11 subparagraph if it—
12 "(i) establishes conditions of use for a
13 drug described in paragraph (1) or (2) of
14 subsection (a); and
15 "(ii) represents the most recently pro-
16 mulgated version of such conditions, in-
17 cluding as modified, in whole or in part, by
18 any proposed or final rule.
19 "(C) DEEMED ORDERS INCLUDE HARMO-
20 NIZING TECHNICAL AMENDMENTS.—The
21 deemed establishment of a final administrative
22 order under subparagraph (A) shall be con-
23 strued to include any technical amendments to
24 such order as the Secretary determines nec-
25 essary to ensure that such order is appro-

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1 priately harmonized, in terms of terminology or
2 cross-references, with the applicable provisions
3 of this Act (and regulations thereunder) and
4 any other orders issued under this section.
5 "(c) PROCEDURE FOR MINOR CHANGES.—
6 "(1) IN GENERAL.—Minor changes in the dos-
7 age form of a drug that is described in paragraph
8 (1) or (2) of subsection (a) or the subject of an
9 order issued under subsection (b) may be made by
10 a requestor without the issuance of an order under
11 subsection (b) if—
12 "(A) the requestor maintains such infor-
13 mation as is necessary to demonstrate that the
14 change—
15 "(i) will not affect the safety or effec-
16 tiveness of the drug; and
17 "(ii) will not materially affect the ex-
18 tent of absorption or other exposure to the
19 active ingredient in comparison to a suit-
20 able reference product; and
21 "(B) the change is in conformity with the
22 requirements of an applicable administrative
23 order issued by the Secretary under paragraph
24 (3).
25 "(2) ADDITIONAL INFORMATION.—

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1 "(A) ACCESS TO RECORDS.—A sponsor
2 shall submit records requested by the Secretary
3 relating to such a minor change under section
4 704(a)(4), within 15 business days of receiving
5 such a request, or such longer period as the
6 Secretary may provide.
7 "(B) INSUFFICIENT INFORMATION.—If the
8 Secretary determines that the information con-
9 tained in such records is not sufficient to dem-
10 onstrate that the change does not affect the
11 safety or effectiveness of the drug or materially
12 affect the extent of absorption or other expo-
13 sure to the active ingredient, the Secretary—
14 "(i) may so inform the sponsor of the
15 drug in writing; and
16 "(ii) if the Secretary so informs the
17 sponsor, shall provide the sponsor of the
18 drug with a reasonable opportunity to pro-
19 vide additional information.
20 "(C) FAILURE TO SUBMIT SUFFICIENT IN-
21 FORMATION.—If the sponsor fails to provide
22 such additional information within a time pre-
23 scribed by the Secretary, or if the Secretary de-
24 termines that such additional information does
25 not demonstrate that the change does not—

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1 "(i) affect the safety or effectiveness
2 of the drug; or
3 "(ii) materially affect the extent of
4 absorption or other exposure to the active
5 ingredient in comparison to a suitable ref-
6 erence product,
7 the drug as modified is a new drug under sec-
8 tion 201(p) and shall be deemed to be mis-
9 branded under section 502(ee).
10 "(3) DETERMINING WHETHER A CHANGE WILL
11 AFFECT SAFETY OR EFFECTIVENESS.—
12 "(A) IN GENERAL.—The Secretary shall
13 issue one or more administrative orders speci-
14 fying requirements for determining whether a
15 minor change made by a sponsor pursuant to
16 this subsection will affect the safety or effective-
17 ness of a drug or materially affect the extent of
18 absorption or other exposure to an active ingre-
19 dient in the drug in comparison to a suitable
20 reference product, together with guidance for
21 applying those orders to specific dosage forms.
22 "(B) STANDARD PRACTICES.—The orders
23 and guidance issued by the Secretary under
24 subparagraph (A) shall take into account rel-
25 evant public standards and standard practices

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1 for evaluating the quality of drugs, and may
2 take into account the special needs of popu-
3 lations, including children.
4 "(d) CONFIDENTIALITY OF INFORMATION SUB-
5 MITTED TO THE SECRETARY.—
6 "(1) IN GENERAL.—Subject to paragraph (2),
7 any information, including reports of testing con-
8 ducted on the drug or drugs involved, that is sub-
9 mitted by a requestor in connection with proceedings
10 on an order under this section (including any minor
11 change under subsection (c)) and is a trade secret
12 or confidential information subject to section
13 552(b)(4) of title 5, United States Code, or section
14 1905 of title 18, United States Code, shall not be
15 disclosed to the public unless the requestor consents
16 to that disclosure.
17 "(2) PUBLIC AVAILABILITY.—
18 "(A) IN GENERAL.—Except as provided in
19 subparagraph (B), the Secretary shall—
20 "(i) make any information submitted
21 by a requestor in support of a request
22 under subsection (b)(5)(A) available to the
23 public not later than the date on which the
24 proposed order is issued; and

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1 "(ii) make any information submitted
2 by any other person with respect to an
3 order requested (or initiated by the Sec-
4 retary) under subsection (b), available to
5 the public upon such submission.
6 "(B) LIMITATIONS ON PUBLIC AVAIL-
7 ABILITY.—Information described in subpara-
8 graph (A) shall not be made public if—
9 "(i) the information pertains to phar-
10 maceutical quality information, unless such
11 information is necessary to establish stand-
12 ards under which a drug is generally rec-
13 ognized as safe and effective under section
14 201(p)(1);
15 "(ii) the information is submitted in a
16 requestor-initiated request, but the re-
17 questor withdraws such request, in accord-
18 ance with withdrawal procedures estab-
19 lished by the Secretary, before the Sec-
20 retary issues the proposed order;
21 "(iii) the Secretary requests and ob-
22 tains the information under subsection (c)
23 and such information is not submitted in
24 relation to an order under subsection (b);
25 or

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1 "(iv) the information is of the type
2 contained in raw datasets.
3 "(e) UPDATES TO DRUG LISTING INFORMATION.—
4 A sponsor who makes a change to a drug subject to this
5 section shall submit updated drug listing information for
6 the drug in accordance with section 510(j) within 30 cal-
7 endar days of the date when the drug is first commercially
8 marketed, except that a sponsor who was the order re-
9 questor with respect to an order subject to subsection
10 (b)(5)(C) (or a licensee, assignee, or successor in interest
11 of such requestor) shall submit updated drug listing infor-
12 mation on or before the date when the drug is first com-
13 mercially marketed.
14 "(f) APPROVALS UNDER SECTION 505.—The provi-
15 sions of this section shall not be construed to preclude a
16 person from seeking or maintaining the approval of an ap-
17 plication for a drug under sections 505(b)(1), 505(b)(2),
18 and 505(j). A determination under this section that a drug
19 is not subject to section 503(b)(1), is generally recognized
20 as safe and effective under section 201(p)(1), and is not
21 a new drug under section 201(p) shall constitute a finding
22 that the drug is safe and effective that may be relied upon
23 for purposes of an application under section 505(b)(2), so
24 that the applicant shall be required to submit for purposes
25 of such application only information needed to support any

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1 modification of the drug that is not covered by such deter-
2 mination under this section.
3 "(g) PUBLIC AVAILABILITY OF ADMINISTRATIVE OR-
4 DERS.—The Secretary shall establish, maintain, update
5 (as determined necessary by the Secretary but no less fre-
6 quently than annually), and make publicly available, with
7 respect to orders issued under this section—
8 "(1) a repository of each final order and in-
9 terim final order in effect, including the complete
10 text of the order; and
11 "(2) a listing of all orders proposed and under
12 development under subsection (b)(2), including—
13 "(A) a brief description of each such order;
14 and
15 "(B) the Secretary's expectations, if re-
16 sources permit, for issuance of proposed orders
17 over a 3-year period.
18 "(h) DEVELOPMENT ADVICE TO SPONSORS OR RE-
19 QUESTORS.—The Secretary shall establish procedures
20 under which sponsors or requestors may meet with appro-
21 priate officials of the Food and Drug Administration to
22 obtain advice on the studies and other information nec-
23 essary to support submissions under this section and other
24 matters relevant to the regulation of nonprescription

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1 drugs and the development of new nonprescription drugs
2 under this section.
3 "(i) PARTICIPATION OF MULTIPLE SPONSORS OR RE-
4 QUESTORS.—The Secretary shall establish procedures to
5 facilitate efficient participation by multiple sponsors or re-
6 questors in proceedings under this section, including provi-
7 sion for joint meetings with multiple sponsors or reques-
8 tors or with organizations nominated by sponsors or re-
9 questors to represent their interests in a proceeding.
10 "(j) ELECTRONIC FORMAT.—All submissions under
11 this section shall be in electronic format.
12 "(k) EFFECT ON EXISTING REGULATIONS GOV-
13 ERNING NONPRESCRIPTION DRUGS.—
14 "(1) REGULATIONS OF GENERAL APPLICA-
15 BILITY TO NONPRESCRIPTION DRUGS.—Except as
16 provided in this subsection, nothing in this section
17 supersedes regulations establishing general require-
18 ments for nonprescription drugs, including regula-
19 tions of general applicability contained in parts 201,
20 250, and 330 of title 21, Code of Federal Regula-
21 tions, or any successor regulations. The Secretary
22 shall establish or modify such regulations by means
23 of rulemaking in accordance with section 553 of title
24 5, United States Code.

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1 "(2) REGULATIONS ESTABLISHING REQUIRE-
2 MENTS FOR SPECIFIC NONPRESCRIPTION DRUGS.—
3 "(A) The provisions of section 310.545 of
4 title 21, Code of Federal Regulations, as in ef-
5 fect on the day before the date of the enact-
6 ment of this section, shall be deemed to be a
7 final order under subsection (b).
8 "(B) Regulations in effect on the day be-
9 fore the date of the enactment of this section,
10 establishing requirements for specific non-
11 prescription drugs marketed pursuant to this
12 section (including such requirements in parts
13 201 and 250 of title 21, Code of Federal Regu-
14 lations), shall be deemed to be final orders
15 under subsection (b), only as they apply to
16 drugs—
17 "(i) subject to paragraph (1), (2), (3),
18 or (4) of subsection (a); or
19 "(ii) otherwise subject to an order
20 under this section.
21 "(3) WITHDRAWAL OF REGULATIONS.—The
22 Secretary shall withdraw regulations establishing
23 final monographs and the procedures governing the
24 over-the-counter drug review under part 330 and
25 other relevant parts of title 21, Code of Federal

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1 Regulations (as in effect on the day before the date
2 of the enactment of this section), or make technical
3 changes to such regulations to ensure conformity
4 with appropriate terminology and cross references.
5 Notwithstanding subchapter II of chapter 5 of title
6 5, United States Code, any such withdrawal or tech-
7 nical changes shall be made without public notice
8 and comment and shall be effective upon publication
9 through notice in the Federal Register (or upon such
10 date as specified in such notice).
11 "(l) GUIDANCE.—The Secretary shall issue guidance
12 that specifies—
13 "(1) the procedures and principles for formal
14 meetings between the Secretary and sponsors or re-
15 questors for drugs subject to this section;
16 "(2) the format and content of data submis-
17 sions to the Secretary under this section;
18 "(3) the format of electronic submissions to the
19 Secretary under this section;
20 "(4) consolidated proceedings for appeal and
21 the procedures for such proceedings where appro-
22 priate; and
23 "(5) for minor changes in drugs, recommenda-
24 tions on how to comply with the requirements in or-
25 ders issued under subsection (c)(3).

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1 "(m) RULE OF CONSTRUCTION.—
2 "(1) IN GENERAL.—This section shall not af-
3 fect the treatment or status of a nonprescription
4 drug—
5 "(A) that is marketed without an applica-
6 tion approved under section 505 as of the date
7 of the enactment of this section;
8 "(B) that is not subject to an order issued
9 under this section; and
10 "(C) to which paragraph (1), (2), (3), (4),
11 or (5) of subsection (a) do not apply.
12 "(2) TREATMENT OF PRODUCTS PREVIOUSLY
13 FOUND TO BE SUBJECT TO TIME AND EXTENT RE-
14 QUIREMENTS.—
15 "(A) Notwithstanding subsection (a), a
16 drug described in subparagraph (B) may only
17 be lawfully marketed, without an application
18 approved under section 505, pursuant to an
19 order issued under this section.
20 "(B) A drug described in this subpara-
21 graph is a drug which, prior to the date of the
22 enactment of this section, the Secretary deter-
23 mined in a proposed or final rule to be ineligible
24 for review under the OTC drug review (as such
25 phrase 'OTC drug review' was used in section

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1 330.14 of title 21, Code of Federal Regulations,
2 as in effect on the day before the date of the
3 enactment of this section).
4 "(3) PRESERVATION OF AUTHORITY.—
5 "(A) Nothing in paragraph (1) shall be
6 construed to preclude or limit the applicability
7 of any provision of this Act other than this sec-
8 tion.
9 "(B) Nothing in subsection (a) shall be
10 construed to prohibit the Secretary from issuing
11 an order under this section finding a drug to be
12 not generally recognized as safe and effective
13 under section 201(p)(1), as the Secretary deter-
14 mines appropriate.
15 "(n) INVESTIGATIONAL NEW DRUGS.—A drug is not
16 subject to this section if an exemption for investigational
17 use under section 505(i) is in effect for such drug.
18 "(o) INAPPLICABILITY OF PAPERWORK REDUCTION
19 ACT.—Chapter 35 of title 44, United States Code, shall
20 not apply to collections of information made under this
21 section.
22 "(p) INAPPLICABILITY OF NOTICE AND COMMENT
23 RULEMAKING AND OTHER REQUIREMENTS.—The re-
24 quirements of subsection (b) shall apply with respect to
25 orders issued under this section instead of the require-

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1 ments of subchapter II of chapter 5 of title 5, United
2 States Code.
3 "(q) DEFINITIONS.—In this section:
4 "(1) The term 'nonprescription drug' refers to
5 a drug not subject to the requirements of section
6 503(b)(1).
7 "(2) The term 'sponsor' refers to any person
8 marketing, manufacturing, or processing a drug
9 that—
10 "(A) is listed pursuant to section 510(j);
11 and
12 "(B) is or will be subject to an administra-
13 tive order under this section of the Food and
14 Drug Administration.
15 "(3) The term 'requestor' refers to any person
16 or group of persons marketing, manufacturing, proc-
17 essing, or developing a drug.".
18 (b) GAO STUDY.—Not later than 4 years after the
19 date of enactment of this Act, the Comptroller General
20 of the United States shall submit a study to the Com-
21 mittee on Energy and Commerce of the House of Rep-
22 resentatives and the Committee on Health, Education,
23 Labor, and Pensions of the Senate addressing the effec-
24 tiveness and overall impact of exclusivity under section
25 505G of the Federal Food, Drug, and Cosmetic Act, as

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1 added by subsection (a), and section 586C of such Act
2 (21 U.S.C. 360fff–3), including the impact of such exclu-
3 sivity on consumer access. Such study shall include—
4 (1) an analysis of the impact of exclusivity
5 under such section 505G for nonprescription drug
6 products, including—
7 (A) the number of nonprescription drug
8 products that were granted exclusivity and the
9 indication for which the nonprescription drug
10 products were determined to be generally recog-
11 nized as safe and effective;
12 (B) whether the exclusivity for such drug
13 products was granted for—
14 (i) a new active ingredient (including
15 any ester or salt of the active ingredient);
16 or
17 (ii) changes in the conditions of use of
18 a drug, for which new human data studies
19 conducted or sponsored by the requestor
20 were essential;
21 (C) whether, and to what extent, the exclu-
22 sivity impacted the requestor's or sponsor's de-
23 cision to develop the drug product;

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1 (D) an analysis of the implementation of
2 the exclusivity provision in such section 505G,
3 including—
4 (i) the resources used by the Food
5 and Drug Administration;
6 (ii) the impact of such provision on
7 innovation, as well as research and devel-
8 opment in the nonprescription drug mar-
9 ket;
10 (iii) the impact of such provision on
11 competition in the nonprescription drug
12 market;
13 (iv) the impact of such provision on
14 consumer access to nonprescription drug
15 products;
16 (v) the impact of such provision on
17 the prices of nonprescription drug prod-
18 ucts; and
19 (vi) whether the administrative orders
20 initiated by requestors under such section
21 505G have been sufficient to encourage the
22 development of nonprescription drug prod-
23 ucts that would likely not be otherwise de-
24 veloped, or developed in as timely a man-
25 ner; and

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1 (E) whether the administrative orders ini-
2 tiated by requestors under such section 505G
3 have been sufficient incentive to encourage in-
4 novation in the nonprescription drug market;
5 and
6 (2) an analysis of the impact of exclusivity
7 under such section 586C for sunscreen ingredients,
8 including—
9 (A) the number of sunscreen ingredients
10 that were granted exclusivity and the specific
11 ingredient that was determined to be generally
12 recognized as safe and effective;
13 (B) whether, and to what extent, the exclu-
14 sivity impacted the requestor's or sponsor's de-
15 cision to develop the sunscreen ingredient;
16 (C) whether, and to what extent, the sun-
17 screen ingredient granted exclusivity had pre-
18 viously been available outside of the United
19 States;
20 (D) an analysis of the implementation of
21 the exclusivity provision in such section 586C,
22 including—
23 (i) the resources used by the Food
24 and Drug Administration;

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1 (ii) the impact of such provision on
2 innovation, as well as research and devel-
3 opment in the sunscreen market;
4 (iii) the impact of such provision on
5 competition in the sunscreen market;
6 (iv) the impact of such provision on
7 consumer access to sunscreen products;
8 (v) the impact of such provision on
9 the prices of sunscreen products; and
10 (vi) whether the administrative orders
11 initiated by requestors under such section
12 505G have been utilized by sunscreen in-
13 gredient sponsors and whether such proc-
14 ess has been sufficient to encourage the
15 development of sunscreen ingredients that
16 would likely not be otherwise developed, or
17 developed in as timely a manner; and
18 (E) whether the administrative orders ini-
19 tiated by requestors under such section 586C
20 have been sufficient incentive to encourage in-
21 novation in the sunscreen market.
22 (c) CONFORMING AMENDMENT.—Section 751(d)(1)
23 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
24 379r(d)(1)) is amended—
25 (1) in the matter preceding subparagraph (A)—

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1 (A) by striking "final regulation promul-
2 gated" and inserting "final order under section
3 505G"; and
4 (B) by striking "and not misbranded"; and
5 (2) in subparagraph (A), by striking "regula-
6 tion in effect" and inserting "regulation or order in
7 effect".

8 **SEC. 3852. MISBRANDING.**

9 Section 502 of the Federal Food, Drug, and Cosmetic
10 Act (21 U.S.C. 352) is amended by adding at the end the
11 following:
12 "(ee) If it is a nonprescription drug that is subject
13 to section 505G, is not the subject of an application ap-
14 proved under section 505, and does not comply with the
15 requirements under section 505G.
16 "(ff) If it is a drug and it was manufactured, pre-
17 pared, propagated, compounded, or processed in a facility
18 for which fees have not been paid as required by section
19 744M.".

20 **SEC. 3853. DRUGS EXCLUDED FROM THE OVER-THE-**
21 **COUNTER DRUG REVIEW.**

22 (a) IN GENERAL.—Nothing in this Act (or the
23 amendments made by this Act) shall apply to any non-
24 prescription drug (as defined in section 505G(q) of the
25 Federal Food, Drug, and Cosmetic Act, as added by sec-

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1 tion 3851 of this subtitle) which was excluded by the Food
2 and Drug Administration from the Over-the-Counter
3 Drug Review in accordance with the paragraph numbered
4 25 on page 9466 of volume 37 of the Federal Register,
5 published on May 11, 1972.

6 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to preclude or limit the applica-
8 bility of any other provision of the Federal Food, Drug,
9 and Cosmetic Act (21 U.S.C. 301 et seq.).

10 **SEC. 3854. TREATMENT OF SUNSCREEN INNOVATION ACT.**

11 (a) REVIEW OF NONPRESCRIPTION SUNSCREEN AC-
12 TIVE INGREDIENTS.—

13 (1) APPLICABILITY OF SECTION 505G FOR
14 PENDING SUBMISSIONS.—

15 (A) IN GENERAL.—A sponsor of a non-
16 prescription sunscreen active ingredient or com-
17 bination of nonprescription sunscreen active in-
18 gredients that, as of the date of enactment of
19 this Act, is subject to a proposed sunscreen
20 order under section 586C of the Federal Food,
21 Drug, and Cosmetic Act (21 U.S.C. 360fff–3)
22 may elect, by means of giving written notifica-
23 tion to the Secretary of Health and Human
24 Services within 180 calendar days of the enact-
25 ment of this Act, to transition into the review

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of such ingredient or combination of ingredients pursuant to the process set out in section 505G of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle.

(B) ELECTION EXERCISED.—Upon receipt by the Secretary of Health and Human Services of a timely notification under subparagraph (A)—

(i) the proposed sunscreen order involved is deemed to be a request for an order under subsection (b) of section 505G of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle; and

(ii) such order is deemed to have been accepted for filing under subsection (b)(6)(A)(i) of such section 505G.

(C) ELECTION NOT EXERCISED.—If a notification under subparagraph (A) is not received by the Secretary of Health and Human Services within 180 calendar days of the date of enactment of this Act, the review of the proposed sunscreen order described in subparagraph (A)—

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1 (i) shall continue under section 586C
2 of the Federal Food, Drug, and Cosmetic
3 Act (21 U.S.C. 360fff–3); and
4 (ii) shall not be eligible for review
5 under section 505G, added by section 3851
6 of this subtitle.
7 (2) DEFINITIONS.—In this subsection, the
8 terms "sponsor", "nonprescription", "sunscreen ac-
9 tive ingredient", and "proposed sunscreen order"
10 have the meanings given to those terms in section
11 586 of the Federal Food, Drug, and Cosmetic Act
12 (21 U.S.C. 360fff).
13 (b) AMENDMENTS TO SUNSCREEN PROVISIONS.—
14 (1) FINAL SUNSCREEN ORDERS.—Paragraph
15 (3) of section 586C(e) of the Federal Food, Drug,
16 and Cosmetic Act (21 U.S.C. 360fff–3(e)) is amend-
17 ed to read as follows:
18 "(3) RELATIONSHIP TO ORDERS UNDER SEC-
19 TION 505G.—A final sunscreen order shall be deemed
20 to be a final order under section 505G.".
21 (2) MEETINGS.—Paragraph (7) of section
22 586C(b) of the Federal Food, Drug, and Cosmetic
23 Act (21 U.S.C. 360fff–3(b)) is amended—
24 (A) by striking "A sponsor may request"
25 and inserting the following:

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1 "(A) IN GENERAL.—A sponsor may re-
2 quest"; and
3 (B) by adding at the end the following:
4 "(B) CONFIDENTIAL MEETINGS.—A spon-
5 sor may request one or more confidential meet-
6 ings with respect to a proposed sunscreen order,
7 including a letter deemed to be a proposed sun-
8 screen order under paragraph (3), to discuss
9 matters relating to data requirements to sup-
10 port a general recognition of safety and effec-
11 tiveness involving confidential information and
12 public information related to such proposed
13 sunscreen order, as appropriate. The Secretary
14 shall convene a confidential meeting with such
15 sponsor in a reasonable time period. If a spon-
16 sor requests more than one confidential meeting
17 for the same proposed sunscreen order, the Sec-
18 retary may refuse to grant an additional con-
19 fidential meeting request if the Secretary deter-
20 mines that such additional confidential meeting
21 is not reasonably necessary for the sponsor to
22 advance its proposed sunscreen order, or if the
23 request for a confidential meeting fails to in-
24 clude sufficient information upon which to base
25 a substantive discussion. The Secretary shall

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1 publish a post-meeting summary of each con-
2 fidential meeting under this subparagraph that
3 does not disclose confidential commercial infor-
4 mation or trade secrets. This subparagraph
5 does not authorize the disclosure of confidential
6 commercial information or trade secrets subject
7 to 552(b)(4) of title 5, United States Code, or
8 section 1905 of title 18, United States Code.".
9 (3) EXCLUSIVITY.—Section 586C of the Fed-
10 eral Food, Drug, and Cosmetic Act (21 U.S.C.
11 360fff–3) is amended by adding at the end the fol-
12 lowing:
13 "(f) EXCLUSIVITY.—
14 "(1) IN GENERAL.—A final sunscreen order
15 shall have the effect of authorizing solely the order
16 requestor (or the licensees, assignees, or successors
17 in interest of such requestor with respect to the sub-
18 ject of such request and listed under paragraph (5))
19 for a period of 18 months, to market a sunscreen in-
20 gredient under this section incorporating changes
21 described in paragraph (2) subject to the limitations
22 under paragraph (4), beginning on the date the re-
23 questor (or any licensees, assignees, or successors in
24 interest of such requestor with respect to the subject
25 of such request and listed under paragraph (5)) may

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1 lawfully market such sunscreen ingredient pursuant
2 to the order.
3 "(2) CHANGES DESCRIBED.—A change de-
4 scribed in this paragraph is a change subject to an
5 order specified in paragraph (1) that permits a sun-
6 screen to contain an active sunscreen ingredient not
7 previously incorporated in a marketed sunscreen list-
8 ed in paragraph (3).
9 "(3) MARKETED SUNSCREEN.—The marketed
10 sunscreen ingredients described in this paragraph
11 are sunscreen ingredients—
12 "(A) marketed in accordance with a final
13 monograph for sunscreen drug products set
14 forth at part 352 of title 21, Code of Federal
15 Regulations (as published at 64 Fed. Reg.
16 27687); or
17 "(B) marketed in accordance with a final
18 order issued under this section.
19 "(4) LIMITATIONS ON EXCLUSIVITY.—Only one
20 18-month period may be granted per ingredient
21 under paragraph (1).
22 "(5) LISTING OF LICENSEES, ASSIGNEES, OR
23 SUCCESSORS IN INTEREST.—Requestors shall submit
24 to the Secretary at the time when a drug subject to
25 such request is introduced or delivered for introduc-

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1 tion into interstate commerce, a list of licensees, as-
2 signees, or successors in interest under paragraph
3 (1).".
4 (4) SUNSET PROVISION.—Subchapter I of chap-
5 ter V of the Federal Food, Drug, and Cosmetic Act
6 (21 U.S.C. 360fff et seq.) is amended by adding at
7 the end the following:
8 **"SEC. 586H. SUNSET.**
9 "This subchapter shall cease to be effective at the end
10 of fiscal year 2022.".
11 (5) TREATMENT OF FINAL SUNSCREEN
12 ORDER.—The Federal Food, Drug, and Cosmetic
13 Act is amended by striking section 586E of such Act
14 (21 U.S.C. 360fff–5).
15 (c) TREATMENT OF AUTHORITY REGARDING FINAL-
16 IZATION OF SUNSCREEN MONOGRAPH.—
17 (1) IN GENERAL.—
18 (A) REVISION OF FINAL SUNSCREEN
19 ORDER.—The Secretary of Health and Human
20 Services (referred to in this subsection as the
21 "Secretary") shall amend and revise the final
22 administrative order concerning nonprescription
23 sunscreen (referred to in this subsection as the
24 "sunscreen order") for which the content, prior
25 to the date of enactment of this Act, was rep-

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1 resented by the final monograph for sunscreen
2 drug products set forth in part 352 of title 21,
3 Code of Federal Regulations (as in effect on
4 May 21, 1999).
5 (B) ISSUANCE OF REVISED SUNSCREEN
6 ORDER; EFFECTIVE DATE.—A revised sunscreen
7 order described in subparagraph (A) shall be—
8 (i) issued in accordance with the pro-
9 cedures described in section 505G(b)(2) of
10 the Federal Food, Drug, and Cosmetic
11 Act;
12 (ii) issued in proposed form not later
13 than 18 months after the date of enact-
14 ment of this Act; and
15 (iii) issued by the Secretary at least 1
16 year prior to the effective date of the re-
17 vised order.
18 (2) REPORTS.—If a revised sunscreen order
19 issued under paragraph (1) does not include provi-
20 sions related to the effectiveness of various sun pro-
21 tection factor levels, and does not address all dosage
22 forms known to the Secretary to be used in sun-
23 screens marketed in the United States without a
24 new drug application approved under section 505 of
25 the Federal Food, Drug, and Cosmetic Act (21

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1 U.S.C. 355), the Secretary shall submit a report to
2 the Committee on Energy and Commerce of the
3 House of Representatives and the Committee on
4 Health, Education, Labor, and Pensions of the Sen-
5 ate on the rationale for omission of such provisions
6 from such order, and a plan and timeline to compile
7 any information necessary to address such provisions
8 through such order.
9 (d) TREATMENT OF NON-SUNSCREEN TIME AND EX-
10 TENT APPLICATIONS.—
11 (1) IN GENERAL.—Any application described in
12 section 586F of the Federal Food, Drug, and Cos-
13 metic Act (21 U.S.C. 360fff–6) that was submitted
14 to the Secretary pursuant to section 330.14 of title
15 21, Code of Federal Regulations, as such provisions
16 were in effect immediately prior to the date of enact-
17 ment date of this Act, shall be extinguished as of
18 such date of enactment, subject to paragraph (2).
19 (2) ORDER REQUEST.—Nothing in paragraph
20 (1) precludes the submission of an order request
21 under section 505G(b) of the Federal Food, Drug,
22 and Cosmetic Act, as added by section 3851 of this
23 subtitle, with respect to a drug that was the subject
24 of an application extinguished under paragraph (1).

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1 **SEC. 3855. ANNUAL UPDATE TO CONGRESS ON APPRO-**
2 **PRIATE PEDIATRIC INDICATION FOR CER-**
3 **TAIN OTC COUGH AND COLD DRUGS.**

4 (a) IN GENERAL.—Subject to subsection (c), the Sec-
5 retary of Health and Human Services shall, beginning not
6 later than 1 year after the date of enactment of this Act,
7 annually submit to the Committee on Energy and Com-
8 merce of the House of Representatives and the Committee
9 on Health, Education, Labor, and Pensions of the Senate
10 a letter describing the progress of the Food and Drug Ad-
11 ministration—

12 (1) in evaluating the cough and cold monograph
13 described in subsection (b) with respect to children
14 under age 6; and

15 (2) as appropriate, revising such cough and cold
16 monograph to address such children through the
17 order process under section 505G(b) of the Federal
18 Food, Drug, and Cosmetic Act, as added by section
19 3851 of this subtitle.

20 (b) COUGH AND COLD MONOGRAPH DESCRIBED.—
21 The cough and cold monograph described in this sub-
22 section consists of the conditions under which nonprescrip-
23 tion drugs containing antitussive, expectorant, nasal de-
24 congestant, or antihistamine active ingredients (or com-
25 binations thereof) are generally recognized as safe and ef-
26 fective, as specified in part 341 of title 21, Code of Federal

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1 Regulations (as in effect immediately prior to the date of
2 enactment of this Act), and included in an order deemed
3 to be established under section 505G(b) of the Federal
4 Food, Drug, and Cosmetic Act, as added by section 3851
5 of this subtitle.

6 (c) DURATION OF AUTHORITY.—The requirement
7 under subsection (a) shall terminate as of the date of a
8 letter submitted by the Secretary of Health and Human
9 Services pursuant to such subsection in which the Sec-
10 retary indicates that the Food and Drug Administration
11 has completed its evaluation and revised, in a final order,
12 as applicable, the cough and cold monograph as described
13 in subsection (a)(2).

14 **SEC. 3856. TECHNICAL CORRECTIONS.**

15 (a) IMPORTS AND EXPORTS.—Section
16 801(e)(4)(E)(iii) of the Federal Food, Drug, and Cosmetic
17 Act (21 U.S.C. 381(e)(4)(E)(iii)) is amended by striking
18 "subparagraph" each place such term appears and insert-
19 ing "paragraph".

20 (b) FDA REAUTHORIZATION ACT OF 2017.—

21 (1) IN GENERAL.—Section 905(b)(4) of the
22 FDA Reauthorization Act of 2017 (Public Law 115–
23 52) is amended by striking "Section 744H(e)(2)(B)"
24 and inserting "Section 744H(f)(2)(B)".

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1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall take effect as of the enact-
3 ment of the FDA Reauthorization Act of 2017
4 (Public Law 115–52).

5 **PART II—USER FEES**

6 **SEC. 3861. FINDING.**

7 The Congress finds that the fees authorized by the
8 amendments made in this part will be dedicated to OTC
9 monograph drug activities, as set forth in the goals identi-
10 fied for purposes of part 10 of subchapter C of chapter
11 VII of the Federal Food, Drug, and Cosmetic Act, in the
12 letters from the Secretary of Health and Human Services
13 to the Chairman of the Committee on Health, Education,
14 Labor, and Pensions of the Senate and the Chairman of
15 the Committee on Energy and Commerce of the House
16 of Representatives, as set forth in the Congressional
17 Record.

18 **SEC. 3862. FEES RELATING TO OVER-THE-COUNTER DRUGS.**

19 Subchapter C of chapter VII of the Federal Food,
20 Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is
21 amended by inserting after part 9 the following:

22 **"PART 10—FEES RELATING TO OVER-THE-**
23 **COUNTER DRUGS**

24 **"SEC. 744L. DEFINITIONS.**

25 "In this part:

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1 "(1) The term 'affiliate' means a business enti-
2 ty that has a relationship with a second business en-
3 tity if, directly or indirectly—
4 "(A) one business entity controls, or has
5 the power to control, the other business entity;
6 or
7 "(B) a third party controls, or has power
8 to control, both of the business entities.
9 "(2) The term 'contract manufacturing organi-
10 zation facility' means an OTC monograph drug facil-
11 ity where neither the owner of such manufacturing
12 facility nor any affiliate of such owner or facility
13 sells the OTC monograph drug produced at such fa-
14 cility directly to wholesalers, retailers, or consumers
15 in the United States.
16 "(3) The term 'costs of resources allocated for
17 OTC monograph drug activities' means the expenses
18 in connection with OTC monograph drug activities
19 for—
20 "(A) officers and employees of the Food
21 and Drug Administration, contractors of the
22 Food and Drug Administration, advisory com-
23 mittees, and costs related to such officers, em-
24 ployees, and committees and costs related to
25 contracts with such contractors;

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1 "(B) management of information, and the
2 acquisition, maintenance, and repair of com-
3 puter resources;
4 "(C) leasing, maintenance, renovation, and
5 repair of facilities and acquisition, maintenance,
6 and repair of fixtures, furniture, scientific
7 equipment, and other necessary materials and
8 supplies; and
9 "(D) collecting fees under section 744M
10 and accounting for resources allocated for OTC
11 monograph drug activities.
12 "(4) The term 'FDA establishment identifier' is
13 the unique number automatically generated by Food
14 and Drug Administration's Field Accomplishments
15 and Compliance Tracking System (FACTS) (or any
16 successor system).
17 "(5) The term 'OTC monograph drug' means a
18 nonprescription drug without an approved new drug
19 application which is governed by the provisions of
20 section 505G.
21 "(6) The term 'OTC monograph drug activities'
22 means activities of the Secretary associated with
23 OTC monograph drugs and inspection of facilities
24 associated with such products, including the fol-
25 lowing activities:

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1 "(A) The activities necessary for review
2 and evaluation of OTC monographs and OTC
3 monograph order requests, including—
4 "(i) orders proposing or finalizing ap-
5 plicable conditions of use for OTC mono-
6 graph drugs;
7 "(ii) orders affecting status regarding
8 general recognition of safety and effective-
9 ness of an OTC monograph ingredient or
10 combination of ingredients under specified
11 conditions of use;
12 "(iii) all OTC monograph drug devel-
13 opment and review activities, including
14 intra-agency collaboration;
15 "(iv) regulation and policy develop-
16 ment activities related to OTC monograph
17 drugs;
18 "(v) development of product standards
19 for products subject to review and evalua-
20 tion;
21 "(vi) meetings referred to in section
22 505G(i);
23 "(vii) review of labeling prior to
24 issuance of orders related to OTC mono-
25 graph drugs or conditions of use; and

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1 "(viii) regulatory science activities re-
2 lated to OTC monograph drugs.
3 "(B) Inspections related to OTC mono-
4 graph drugs.
5 "(C) Monitoring of clinical and other re-
6 search conducted in connection with OTC
7 monograph drugs.
8 "(D) Safety activities with respect to OTC
9 monograph drugs, including—
10 "(i) collecting, developing, and review-
11 ing safety information on OTC monograph
12 drugs, including adverse event reports;
13 "(ii) developing and using improved
14 adverse event data-collection systems, in-
15 cluding information technology systems;
16 and
17 "(iii) developing and using improved
18 analytical tools to assess potential safety
19 risks, including access to external data-
20 bases.
21 "(E) Other activities necessary for imple-
22 mentation of section 505G.
23 "(7) The term 'OTC monograph order request'
24 means a request for an order submitted under sec-
25 tion 505G(b)(5).

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1 "(8) The term 'Tier 1 OTC monograph order
2 request' means any OTC monograph order request
3 not determined to be a Tier 2 OTC monograph
4 order request.
5 "(9)(A) The term 'Tier 2 OTC monograph
6 order request' means, subject to subparagraph (B),
7 an OTC monograph order request for—
8 "(i) the reordering of existing information
9 in the drug facts label of an OTC monograph
10 drug;
11 "(ii) the addition of information to the
12 other information section of the drug facts label
13 of an OTC monograph drug, as limited by sec-
14 tion 201.66(c)(7) of title 21, Code of Federal
15 Regulations (or any successor regulations);
16 "(iii) modification to the directions for use
17 section of the drug facts label of an OTC mono-
18 graph drug, if such changes conform to changes
19 made pursuant to section 505G(c)(3)(A);
20 "(iv) the standardization of the concentra-
21 tion or dose of a specific finalized ingredient
22 within a particular finalized monograph;
23 "(v) a change to ingredient nomenclature
24 to align with nomenclature of a standards-set-
25 ting organization; or

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1 "(vi) addition of an interchangeable term
2 in accordance with section 330.1 of title 21,
3 Code of Federal Regulations (or any successor
4 regulations).
5 "(B) The Secretary may, based on program im-
6 plementation experience or other factors found ap-
7 propriate by the Secretary, characterize any OTC
8 monograph order request as a Tier 2 OTC mono-
9 graph order request (including recharacterizing a re-
10 quest from Tier 1 to Tier 2) and publish such deter-
11 mination in a proposed order issued pursuant to sec-
12 tion 505G.
13 "(10)(A) The term 'OTC monograph drug facil-
14 ity' means a foreign or domestic business or other
15 entity that—
16 "(i) is—
17 "(I) under one management, either di-
18 rect or indirect; and
19 "(II) at one geographic location or ad-
20 dress engaged in manufacturing or proc-
21 essing the finished dosage form of an OTC
22 monograph drug;
23 "(ii) includes a finished dosage form man-
24 ufacturer facility in a contractual relationship
25 with the sponsor of one or more OTC mono-

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1 graph drugs to manufacture or process such
2 drugs; and
3 "(iii) does not include a business or other
4 entity whose only manufacturing or processing
5 activities are one or more of the following: pro-
6 duction of clinical research supplies, testing, or
7 placement of outer packaging on packages con-
8 taining multiple products, for such purposes as
9 creating multipacks, when each monograph
10 drug product contained within the overpack-
11 aging is already in a final packaged form prior
12 to placement in the outer overpackaging.
13 "(B) For purposes of subparagraph (A)(i)(II),
14 separate buildings or locations within close proximity
15 are considered to be at one geographic location or
16 address if the activities conducted in such buildings
17 or locations are—
18 "(i) closely related to the same business
19 enterprise;
20 "(ii) under the supervision of the same
21 local management; and
22 "(iii) under a single FDA establishment
23 identifier and capable of being inspected by the
24 Food and Drug Administration during a single
25 inspection.

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1 "(C) If a business or other entity would meet
2 criteria specified in subparagraph (A), but for being
3 under multiple management, the business or other
4 entity is deemed to constitute multiple facilities, one
5 per management entity, for purposes of this para-
6 graph.
7 "(11) The term 'OTC monograph drug meet-
8 ing' means any meeting regarding the content of a
9 proposed OTC monograph order request.
10 "(12) The term 'person' includes an affiliate of
11 a person.
12 "(13) The terms 'requestor' and 'sponsor' have
13 the meanings given such terms in section 505G.

14 **"SEC. 744M. AUTHORITY TO ASSESS AND USE OTC MONO-**
15 **GRAPH FEES.**

16 "(a) TYPES OF FEES.—Beginning with fiscal year
17 2021, the Secretary shall assess and collect fees in accord-
18 ance with this section as follows:
19 "(1) FACILITY FEE.—
20 "(A) IN GENERAL.—Each person that
21 owns a facility identified as an OTC monograph
22 drug facility on December 31 of the fiscal year
23 or at any time during the preceding 12-month
24 period shall be assessed an annual fee for each

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1 such facility as determined under subsection
2 (c).
3 "(B) EXCEPTIONS.—
4 "(i) FACILITIES THAT CEASE ACTIVI-
5 TIES.—A fee shall not be assessed under
6 subparagraph (A) if the identified OTC
7 monograph drug facility—
8 "(I) has ceased all activities re-
9 lated to OTC monograph drugs prior
10 to December 31 of the year imme-
11 diately preceding the applicable fiscal
12 year; and
13 "(II) has updated its registration
14 to reflect such change under the re-
15 quirements for drug establishment
16 registration set forth in section 510.
17 "(ii) CONTRACT MANUFACTURING OR-
18 GANIZATIONS.—The amount of the fee for
19 a contract manufacturing organization fa-
20 cility shall be equal to two-thirds of the
21 amount of the fee for an OTC monograph
22 drug facility that is not a contract manu-
23 facturing organization facility.

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1 "(C) AMOUNT.—The amount of fees estab-
2 lished under subparagraph (A) shall be estab-
3 lished under subsection (c).
4 "(D) DUE DATE.—
5 "(i) FOR FIRST PROGRAM YEAR.—For
6 fiscal year 2021, the facility fees required
7 under subparagraph (A) shall be due on
8 the later of—
9 "(I) the first business day of
10 July of 2020; or
11 "(II) 45 calendar days after pub-
12 lication of the Federal Register notice
13 provided for under subsection
14 (c)(4)(A).
15 "(ii) SUBSEQUENT FISCAL YEARS.—
16 For each fiscal year after fiscal year 2021,
17 the facility fees required under subpara-
18 graph (A) shall be due on the later of—
19 "(I) the first business day of
20 June of such year; or
21 "(II) the first business day after
22 the enactment of an appropriations
23 Act providing for the collection and
24 obligation of fees under this section
25 for such year.

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1 "(2) OTC MONOGRAPH ORDER REQUEST
2 FEE.—
3 "(A) IN GENERAL.—Each person that sub-
4 mits an OTC monograph order request shall be
5 subject to a fee for an OTC monograph order
6 request. The amount of such fee shall be—
7 "(i) for a Tier 1 OTC monograph
8 order request, $500,000, adjusted for in-
9 flation for the fiscal year (as determined
10 under subsection (c)(1)(B)); and
11 "(ii) for a Tier 2 OTC monograph
12 order request, $100,000, adjusted for in-
13 flation for the fiscal year (as determined
14 under subsection (c)(1)(B)).
15 "(B) DUE DATE.—The OTC monograph
16 order request fees required under subparagraph
17 (A) shall be due on the date of submission of
18 the OTC monograph order request.
19 "(C) EXCEPTION FOR CERTAIN SAFETY
20 CHANGES.—A person who is named as the re-
21 questor in an OTC monograph order shall not
22 be subject to a fee under subparagraph (A) if
23 the Secretary finds that the OTC monograph
24 order request seeks to change the drug facts la-

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1 beling of an OTC monograph drug in a way
2 that would add to or strengthen—
3 "(i) a contraindication, warning, or
4 precaution;
5 "(ii) a statement about risk associated
6 with misuse or abuse; or
7 "(iii) an instruction about dosage and
8 administration that is intended to increase
9 the safe use of the OTC monograph drug.
10 "(D) REFUND OF FEE IF ORDER REQUEST
11 IS RECATEGORIZED AS A TIER 2 OTC MONO-
12 GRAPH ORDER REQUEST.—If the Secretary de-
13 termines that an OTC monograph request ini-
14 tially characterized as Tier 1 shall be re-charac-
15 terized as a Tier 2 OTC monograph order re-
16 quest, and the requestor has paid a Tier 1 fee
17 in accordance with subparagraph (A)(i), the
18 Secretary shall refund the requestor the dif-
19 ference between the Tier 1 and Tier 2 fees de-
20 termined under subparagraphs (A)(i) and
21 (A)(ii), respectively.
22 "(E) REFUND OF FEE IF ORDER REQUEST
23 REFUSED FOR FILING OR WITHDRAWN BEFORE
24 FILING.—The Secretary shall refund 75 percent
25 of the fee paid under subparagraph (B) for any

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1 order request which is refused for filing or was
2 withdrawn before being accepted or refused for
3 filing.

4 "(F) FEES FOR ORDER REQUESTS PRE-
5 VIOUSLY REFUSED FOR FILING OR WITHDRAWN
6 BEFORE FILING.—An OTC monograph order
7 request that was submitted but was refused for
8 filing, or was withdrawn before being accepted
9 or refused for filing, shall be subject to the full
10 fee under subparagraph (A) upon being resub-
11 mitted or filed over protest.

12 "(G) REFUND OF FEE IF ORDER REQUEST
13 WITHDRAWN.—If an order request is withdrawn
14 after the order request was filed, the Secretary
15 may refund the fee or a portion of the fee if no
16 substantial work was performed on the order
17 request after the application was filed. The Sec-
18 retary shall have the sole discretion to refund a
19 fee or a portion of the fee under this subpara-
20 graph. A determination by the Secretary con-
21 cerning a refund under this subparagraph shall
22 not be reviewable.

23 "(3) REFUNDS.—

24 "(A) IN GENERAL.—Other than refunds
25 provided pursuant to any of subparagraphs (D)

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1 through (G) of paragraph (2), the Secretary
2 shall not refund any fee paid under paragraph
3 (1) except as provided in subparagraph (B).
4 "(B) DISPUTES CONCERNING FEES.—To
5 qualify for the return of a fee claimed to have
6 been paid in error under paragraph (1) or (2),
7 a person shall submit to the Secretary a written
8 request justifying such return within 180 cal-
9 endar days after such fee was paid.
10 "(4) NOTICE.—Within the timeframe specified
11 in subsection (c), the Secretary shall publish in the
12 Federal Register the amount of the fees under para-
13 graph (1) for such fiscal year.
14 "(b) FEE REVENUE AMOUNTS.—
15 "(1) FISCAL YEAR 2021.—For fiscal year 2021,
16 fees under subsection (a)(1) shall be established to
17 generate a total facility fee revenue amount equal to
18 the sum of—
19 "(A) the annual base revenue for fiscal
20 year 2021 (as determined under paragraph
21 (3));
22 "(B) the dollar amount equal to the oper-
23 ating reserve adjustment for the fiscal year, if
24 applicable (as determined under subsection
25 (c)(2)); and

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1 "(C) additional direct cost adjustments (as
2 determined under subsection (c)(3)).
3 "(2) SUBSEQUENT FISCAL YEARS.—For each of
4 the fiscal years 2022 through 2025, fees under sub-
5 section (a)(1) shall be established to generate a total
6 facility fee revenue amount equal to the sum of—
7 "(A) the annual base revenue for the fiscal
8 year (as determined under paragraph (3));
9 "(B) the dollar amount equal to the infla-
10 tion adjustment for the fiscal year (as deter-
11 mined under subsection (c)(1));
12 "(C) the dollar amount equal to the oper-
13 ating reserve adjustment for the fiscal year, if
14 applicable (as determined under subsection
15 (c)(2));
16 "(D) additional direct cost adjustments (as
17 determined under subsection (c)(3)); and
18 "(E) additional dollar amounts for each
19 fiscal year as follows:
20 "(i) $7,000,000 for fiscal year 2022.
21 "(ii) $6,000,000 for fiscal year 2023.
22 "(iii) $7,000,000 for fiscal year 2024.
23 "(iv) $3,000,000 for fiscal year 2025.
24 "(3) ANNUAL BASE REVENUE.—For purposes
25 of paragraphs (1)(A) and (2)(A), the dollar amount

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of the annual base revenue for a fiscal year shall be—

"(A) for fiscal year 2021, $8,000,000; and

"(B) for fiscal years 2022 through 2025, the dollar amount of the total revenue amount established under this subsection for the previous fiscal year, not including any adjustments made under subsection (c)(2) or (c)(3).

"(c) ADJUSTMENTS; ANNUAL FEE SETTING.—

"(1) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—For purposes of subsection (b)(2)(B), the dollar amount of the inflation adjustment to the annual base revenue for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—

"(i) such annual base revenue for the fiscal year under subsection (b)(2); and

"(ii) the inflation adjustment percentage under subparagraph (C).

"(B) OTC MONOGRAPH ORDER REQUEST FEES.—For purposes of subsection (a)(2), the dollar amount of the inflation adjustment to the fee for OTC monograph order requests for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—

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1 "(i) the applicable fee under sub-
2 section (a)(2) for the preceding fiscal year;
3 and
4 "(ii) the inflation adjustment percent-
5 age under subparagraph (C).
6 "(C) INFLATION ADJUSTMENT PERCENT-
7 AGE.—The inflation adjustment percentage
8 under this subparagraph for a fiscal year is
9 equal to—
10 "(i) for each of fiscal years 2022 and
11 2023, the average annual percent change
12 that occurred in the Consumer Price Index
13 for urban consumers (Washington-Balti-
14 more, DC–MD–VA–WV; Not Seasonally
15 Adjusted; All items; Annual Index) for the
16 first 3 years of the preceding 4 years of
17 available data; and
18 "(ii) for each of fiscal years 2024 and
19 2025, the sum of—
20 "(I) the average annual percent
21 change in the cost, per full-time equiv-
22 alent position of the Food and Drug
23 Administration, of all personnel com-
24 pensation and benefits paid with re-
25 spect to such positions for the first 3

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1 years of the preceding 4 fiscal years,
2 multiplied by the proportion of per-
3 sonnel compensation and benefits
4 costs to total costs of OTC mono-
5 graph drug activities for the first 3
6 years of the preceding 4 fiscal years;
7 and
8 "(II) the average annual percent
9 change that occurred in the Consumer
10 Price Index for urban consumers
11 (Washington-Baltimore, DC–MD–VA–
12 WV; Not Seasonally Adjusted; All
13 items; Annual Index) for the first 3
14 years of the preceding 4 years of
15 available data multiplied by the pro-
16 portion of all costs other than per-
17 sonnel compensation and benefits
18 costs to total costs of OTC mono-
19 graph drug activities for the first 3
20 years of the preceding 4 fiscal years.
21 "(2) OPERATING RESERVE ADJUSTMENT.—
22 "(A) IN GENERAL.—For fiscal year 2021
23 and subsequent fiscal years, for purposes of
24 subsections (b)(1)(B) and (b)(2)(C), the Sec-
25 retary may, in addition to adjustments under

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1 paragraph (1), further increase the fee revenue
2 and fees if such an adjustment is necessary to
3 provide operating reserves of carryover user
4 fees for OTC monograph drug activities for not
5 more than the number of weeks specified in
6 subparagraph (B).
7 "(B) NUMBER OF WEEKS.—The number of
8 weeks specified in this subparagraph is—
9 "(i) 3 weeks for fiscal year 2021;
10 "(ii) 7 weeks for fiscal year 2022;
11 "(iii) 10 weeks for fiscal year 2023;
12 "(iv) 10 weeks for fiscal year 2024;
13 and
14 "(v) 10 weeks for fiscal year 2025.
15 "(C) DECREASE.—If the Secretary has
16 carryover balances for such process in excess of
17 10 weeks of the operating reserves referred to
18 in subparagraph (A), the Secretary shall de-
19 crease the fee revenue and fees referred to in
20 such subparagraph to provide for not more than
21 10 weeks of such operating reserves.
22 "(D) RATIONALE FOR ADJUSTMENT.—If
23 an adjustment under this paragraph is made,
24 the rationale for the amount of the increase or
25 decrease (as applicable) in fee revenue and fees

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1 shall be contained in the annual Federal Reg-
2 ister notice under paragraph (4) establishing
3 fee revenue and fees for the fiscal year involved.
4 "(3) ADDITIONAL DIRECT COST ADJUST-
5 MENT.—The Secretary shall, in addition to adjust-
6 ments under paragraphs (1) and (2), further in-
7 crease the fee revenue and fees for purposes of sub-
8 section (b)(2)(D) by an amount equal to—
9 "(A) $14,000,000 for fiscal year 2021;
10 "(B) $7,000,000 for fiscal year 2022;
11 "(C) $4,000,000 for fiscal year 2023;
12 "(D) $3,000,000 for fiscal year 2024; and
13 "(E) $3,000,000 for fiscal year 2025.
14 "(4) ANNUAL FEE SETTING.—
15 "(A) FISCAL YEAR 2021.—The Secretary
16 shall, not later than the second Monday in May
17 of 2020—
18 "(i) establish OTC monograph drug
19 facility fees for fiscal year 2021 under sub-
20 section (a), based on the revenue amount
21 for such year under subsection (b) and the
22 adjustments provided under this sub-
23 section; and

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"(ii) publish fee revenue, facility fees, and OTC monograph order requests in the Federal Register.

"(B) SUBSEQUENT FISCAL YEARS.—The Secretary shall, for each fiscal year that begins after September 30, 2021, not later than the second Monday in March that precedes such fiscal year—

"(i) establish for such fiscal year, based on the revenue amounts under subsection (b) and the adjustments provided under this subsection—

"(I) OTC monograph drug facility fees under subsection (a)(1); and

"(II) OTC monograph order request fees under subsection (a)(2); and

"(ii) publish such fee revenue amounts, facility fees, and OTC monograph order request fees in the Federal Register.

"(d) IDENTIFICATION OF FACILITIES.—Each person that owns an OTC monograph drug facility shall submit to the Secretary the information required under this sub-

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1 section each year. Such information shall, for each fiscal
2 year—
3 "(1) be submitted as part of the requirements
4 for drug establishment registration set forth in sec-
5 tion 510; and
6 "(2) include for each such facility, at a min-
7 imum, identification of the facility's business oper-
8 ation as that of an OTC monograph drug facility.
9 "(e) EFFECT OF FAILURE TO PAY FEES.—
10 "(1) OTC MONOGRAPH DRUG FACILITY FEE.—
11 "(A) IN GENERAL.—Failure to pay the fee
12 under subsection (a)(1) within 20 calendar days
13 of the due date as specified in subparagraph
14 (D) of such subsection shall result in the fol-
15 lowing:
16 "(i) The Secretary shall place the fa-
17 cility on a publicly available arrears list.
18 "(ii) All OTC monograph drugs man-
19 ufactured in such a facility or containing
20 an ingredient manufactured in such a facil-
21 ity shall be deemed misbranded under sec-
22 tion 502(ff).
23 "(B) APPLICATION OF PENALTIES.—The
24 penalties under this paragraph shall apply until
25 the fee established by subsection (a)(1) is paid.

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1 "(2) ORDER REQUESTS.—An OTC monograph
2 order request submitted by a person subject to fees
3 under subsection (a) shall be considered incomplete
4 and shall not be accepted for filing by the Secretary
5 until all fees owed by such person under this section
6 have been paid.
7 "(3) MEETINGS.—A person subject to fees
8 under this section shall be considered ineligible for
9 OTC monograph drug meetings until all such fees
10 owed by such person have been paid.
11 "(f) CREDITING AND AVAILABILITY OF FEES.—
12 "(1) IN GENERAL.—Fees authorized under sub-
13 section (a) shall be collected and available for obliga-
14 tion only to the extent and in the amount provided
15 in advance in appropriations Acts. Such fees are au-
16 thorized to remain available until expended. Such
17 sums as may be necessary may be transferred from
18 the Food and Drug Administration salaries and ex-
19 penses appropriation account without fiscal year lim-
20 itation to such appropriation account for salaries
21 and expenses with such fiscal year limitation. The
22 sums transferred shall be available solely for OTC
23 monograph drug activities.
24 "(2) COLLECTIONS AND APPROPRIATION
25 ACTS.—

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1 "(A) IN GENERAL.—Subject to subpara-
2 graph (C), the fees authorized by this section
3 shall be collected and available in each fiscal
4 year in an amount not to exceed the amount
5 specified in appropriation Acts, or otherwise
6 made available for obligation, for such fiscal
7 year.
8 "(B) USE OF FEES AND LIMITATION.—
9 The fees authorized by this section shall be
10 available to defray increases in the costs of the
11 resources allocated for OTC monograph drug
12 activities (including increases in such costs for
13 an additional number of full-time equivalent po-
14 sitions in the Department of Health and
15 Human Services to be engaged in such activi-
16 ties), only if the Secretary allocates for such
17 purpose an amount for such fiscal year (exclud-
18 ing amounts from fees collected under this sec-
19 tion) no less than $12,000,000, multiplied by
20 the adjustment factor applicable to the fiscal
21 year involved under subsection (c)(1).
22 "(C) COMPLIANCE.—The Secretary shall
23 be considered to have met the requirements of
24 subparagraph (B) in any fiscal year if the costs
25 funded by appropriations and allocated for OTC

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1 monograph drug activities are not more than 15
2 percent below the level specified in such sub-
3 paragraph.
4 "(D) PROVISION FOR EARLY PAYMENTS IN
5 SUBSEQUENT YEARS.—Payment of fees author-
6 ized under this section for a fiscal year (after
7 fiscal year 2021), prior to the due date for such
8 fees, may be accepted by the Secretary in ac-
9 cordance with authority provided in advance in
10 a prior year appropriations Act.
11 "(3) AUTHORIZATION OF APPROPRIATIONS.—
12 For each of the fiscal years 2021 through 2025,
13 there is authorized to be appropriated for fees under
14 this section an amount equal to the total amount of
15 fees assessed for such fiscal year under this section.
16 "(g) COLLECTION OF UNPAID FEES.—In any case
17 where the Secretary does not receive payment of a fee as-
18 sessed under subsection (a) within 30 calendar days after
19 it is due, such fee shall be treated as a claim of the United
20 States Government subject to subchapter II of chapter 37
21 of title 31, United States Code.
22 "(h) CONSTRUCTION.—This section may not be con-
23 strued to require that the number of full-time equivalent
24 positions in the Department of Health and Human Serv-
25 ices, for officers, employers, and advisory committees not

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1 engaged in OTC monograph drug activities, be reduced
2 to offset the number of officers, employees, and advisory
3 committees so engaged.

4 **"SEC. 744N. REAUTHORIZATION; REPORTING REQUIRE-**
5 **MENTS.**

6 "(a) PERFORMANCE REPORT.—Beginning with fiscal
7 year 2021, and not later than 120 calendar days after the
8 end of each fiscal year thereafter for which fees are col-
9 lected under this part, the Secretary shall prepare and
10 submit to the Committee on Energy and Commerce of the
11 House of Representatives and the Committee on Health,
12 Education, Labor, and Pensions of the Senate a report
13 concerning the progress of the Food and Drug Adminis-
14 tration in achieving the goals identified in the letters de-
15 scribed in section 3861(b) of the CARES Act during such
16 fiscal year and the future plans of the Food and Drug
17 Administration for meeting such goals.

18 "(b) FISCAL REPORT.—Not later than 120 calendar
19 days after the end of fiscal year 2021 and each subsequent
20 fiscal year for which fees are collected under this part,
21 the Secretary shall prepare and submit to the Committee
22 on Energy and Commerce of the House of Representatives
23 and the Committee on Health, Education, Labor, and
24 Pensions of the Senate a report on the implementation
25 of the authority for such fees during such fiscal year and

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1 the use, by the Food and Drug Administration, of the fees
2 collected for such fiscal year.
3 "(c) PUBLIC AVAILABILITY.—The Secretary shall
4 make the reports required under subsections (a) and (b)
5 available to the public on the internet website of the Food
6 and Drug Administration.
7 "(d) REAUTHORIZATION.—
8 "(1) CONSULTATION.—In developing rec-
9 ommendations to present to the Congress with re-
10 spect to the goals described in subsection (a), and
11 plans for meeting the goals, for OTC monograph
12 drug activities for the first 5 fiscal years after fiscal
13 year 2025, and for the reauthorization of this part
14 for such fiscal years, the Secretary shall consult
15 with—
16 "(A) the Committee on Energy and Com-
17 merce of the House of Representatives;
18 "(B) the Committee on Health, Education,
19 Labor, and Pensions of the Senate;
20 "(C) scientific and academic experts;
21 "(D) health care professionals;
22 "(E) representatives of patient and con-
23 sumer advocacy groups; and
24 "(F) the regulated industry.

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1 "(2) PUBLIC REVIEW OF RECOMMENDA-
2 TIONS.—After negotiations with the regulated indus-
3 try, the Secretary shall—
4 "(A) present the recommendations devel-
5 oped under paragraph (1) to the congressional
6 committees specified in such paragraph;
7 "(B) publish such recommendations in the
8 Federal Register;
9 "(C) provide for a period of 30 calendar
10 days for the public to provide written comments
11 on such recommendations;
12 "(D) hold a meeting at which the public
13 may present its views on such recommenda-
14 tions; and
15 "(E) after consideration of such public
16 views and comments, revise such recommenda-
17 tions as necessary.
18 "(3) TRANSMITTAL OF RECOMMENDATIONS.—
19 Not later than January 15, 2025, the Secretary
20 shall transmit to the Congress the revised rec-
21 ommendations under paragraph (2), a summary of
22 the views and comments received under such para-
23 graph, and any changes made to the recommenda-
24 tions in response to such views and comments.".

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

## Subtitle A—Coronavirus Economic Stabilization Act of 2020

**SEC. 4001. SHORT TITLE.**

This subtitle may be cited as the "Coronavirus Economic Stabilization Act of 2020".

**SEC. 4002. DEFINITIONS.**

In this subtitle:

(1) AIR CARRIER.—The term "air carrier" has the meaning such term has under section 40102 of title 49, United States Code.

(2) CORONAVIRUS.—The term "coronavirus" means SARS-CoV-2 or another coronavirus with pandemic potential.

(3) COVERED LOSS.—The term "covered loss" includes losses incurred directly or indirectly as a result of coronavirus, as determined by the Secretary.

(4) ELIGIBLE BUSINESS.—The term "eligible business" means—

(A) an air carrier; or

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1 (B) a United States business that has not
2 otherwise received adequate economic relief in
3 the form of loans or loan guarantees provided
4 under this Act.
5 (5) EMPLOYEE.—Except where the context oth-
6 erwise requires, the term "employee"—
7 (A) has the meaning given the term in sec-
8 tion 2 of the National Labor Relations Act (29
9 U.S.C. 152); and
10 (B) includes any individual employed by an
11 employer subject to the Railway Labor Act (45
12 U.S.C. 151 et seq.).
13 (6) EQUITY SECURITY; EXCHANGE.—The terms
14 "equity security" and "exchange" have the meanings
15 given the terms in section 3(a) of the Securities Ex-
16 change Act of 1934 (15 U.S.C. 78c(a)).
17 (7) MUNICIPALITY.—The term "municipality"
18 includes—
19 (A) a political subdivision of a State, and
20 (B) an instrumentality of a municipality, a
21 State, or a political subdivision of a State.
22 (8) NATIONAL SECURITIES EXCHANGE.—The
23 term "national securities exchange" means an ex-
24 change registered as a national securities exchange

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1 under section 6 of the Securities Exchange Act of
2 1934 (15 U.S.C. 78f).
3 (9) SECRETARY.—The term "Secretary" means
4 the Secretary of the Treasury, or the designee of the
5 Secretary of the Treasury.
6 (10) STATE.—The term "State" means—
7 (A) any of the several States;
8 (B) the District of Columbia;
9 (C) any of the territories and possessions
10 of the United States;
11 (D) any bi-State or multi-State entity; and
12 (E) any Indian Tribe.

13 **SEC. 4003. EMERGENCY RELIEF AND TAXPAYER PROTEC-**
14 **TIONS.**

15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law, to provide liquidity to eligible businesses,
17 States, and municipalities related to losses incurred as a
18 result of coronavirus, the Secretary is authorized to make
19 loans, loan guarantees, and other investments in support
20 of eligible businesses, States, and municipalities that do
21 not, in the aggregate, exceed $500,000,000,000 and pro-
22 vide the subsidy amounts necessary for such loans, loan
23 guarantees, and other investments in accordance with the
24 provisions of the Federal Credit Reform Act of 1990 (2
25 U.S.C. 661 et seq.).

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1 (b) LOANS, LOAN GUARANTEES, AND OTHER IN-
2 VESTMENTS.—Loans, loan guarantees, and other invest-
3 ments made pursuant to subsection (a) shall be made
4 available as follows:
5 (1) Not more than $25,000,000,000 shall be
6 available to make loans and loan guarantees for pas-
7 senger air carriers, eligible businesses that are cer-
8 tified under part 145 of title 14, Code of Federal
9 Regulations, and approved to perform inspection, re-
10 pair, replace, or overhaul services, and ticket agents
11 (as defined in section 40102 of title 49, United
12 States Code).
13 (2) Not more than $4,000,000,000 shall be
14 available to make loans and loan guarantees for
15 cargo air carriers.
16 (3) Not more than $17,000,000,000 shall be
17 available to make loans and loan guarantees for
18 businesses critical to maintaining national security.
19 (4) Not more than the sum of
20 $454,000,000,000 and any amounts available under
21 paragraphs (1), (2), and (3) that are not used as
22 provided under those paragraphs shall be available
23 to make loans and loan guarantees to, and other in-
24 vestments in, programs or facilities established by
25 the Board of Governors of the Federal Reserve Sys-

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1 tem for the purpose of providing liquidity to the fi-
2 nancial system that supports lending to eligible busi-
3 nesses, States, or municipalities by—
4 (A) purchasing obligations or other inter-
5 ests directly from issuers of such obligations or
6 other interests;
7 (B) purchasing obligations or other inter-
8 ests in secondary markets or otherwise; or
9 (C) making loans, including loans or other
10 advances secured by collateral.
11 (c) TERMS AND CONDITIONS.—
12 (1) IN GENERAL.—
13 (A) FORMS; TERMS AND CONDITIONS.—A
14 loan, loan guarantee, or other investment by the
15 Secretary shall be made under this section in
16 such form and on such terms and conditions
17 and contain such covenants, representations,
18 warranties, and requirements (including re-
19 quirements for audits) as the Secretary deter-
20 mines appropriate. Any loans made by the Sec-
21 retary under this section shall be at a rate de-
22 termined by the Secretary based on the risk
23 and the current average yield on outstanding
24 marketable obligations of the United States of
25 comparable maturity.

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1 (B) PROCEDURES.—As soon as prac-
2 ticable, but in no case later than 10 days after
3 the date of enactment of this Act, the Secretary
4 shall publish procedures for application and
5 minimum requirements, which may be supple-
6 mented by the Secretary in the Secretary's dis-
7 cretion, for making loans, loan guarantees, or
8 other investments under paragraphs (1), (2)
9 and (3) of subsection (b) .
10 (2) LOANS AND LOAN GUARANTEES .—The Sec-
11 retary may enter into agreements to make loans or
12 loan guarantees to 1 or more eligible businesses
13 under paragraphs (1), (2) and (3) of subsection (b)
14 if the Secretary determines that, in the Secretary's
15 discretion—
16 (A) the applicant is an eligible business for
17 which credit is not reasonably available at the
18 time of the transaction;
19 (B) the intended obligation by the appli-
20 cant is prudently incurred;
21 (C) the loan or loan guarantee is suffi-
22 ciently secured or is made at a rate that—
23 (i) reflects the risk of the loan or loan
24 guarantee; and

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1 (ii) is to the extent practicable, not
2 less than an interest rate based on market
3 conditions for comparable obligations prev-
4 alent prior to the outbreak of the
5 coronavirus disease 2019 (COVID–19);
6 (D) the duration of the loan or loan guar-
7 antee is as short as practicable and in any case
8 not longer than 5 years;
9 (E) the agreement provides that, until the
10 date 12 months after the date the loan or loan
11 guarantee is no longer outstanding, neither the
12 eligible business nor any affiliate of the eligible
13 business may purchase an equity security that
14 is listed on a national securities exchange of the
15 eligible business or any parent company of the
16 eligible business, except to the extent required
17 under a contractual obligation in effect as of
18 the date of enactment of this Act;
19 (F) the agreement provides that, until the
20 date 12 months after the date the loan or loan
21 guarantee is no longer outstanding, the eligible
22 business shall not pay dividends or make other
23 capital distributions with respect to the common
24 stock of the eligible business;

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1 (G) the agreement provides that, until Sep-
2 tember 30, 2020, the eligible business shall
3 maintain its employment levels as of March 24,
4 2020, to the extent practicable, and in any case
5 shall not reduce its employment levels by more
6 than 10 percent from the levels on such date;
7 (H) the agreement includes a certification
8 by the eligible business that it is created or or-
9 ganized in the United States or under the laws
10 of the United States and has significant oper-
11 ations in and a majority of its employees based
12 in the United States; and
13 (I) for purposes of a loan or loan guar-
14 antee under paragraphs (1), (2), and (3) of
15 subsection (b), the eligible business must have
16 incurred or is expected to incur covered losses
17 such that the continued operations of the busi-
18 ness are jeopardized, as determined by the Sec-
19 retary.
20 (3) FEDERAL RESERVE PROGRAMS OR FACILI-
21 TIES.—
22 (A) TERMS AND CONDITIONS.—
23 (i) DEFINITION.—In this paragraph,
24 the term "direct loan" means a loan under
25 a bilateral loan agreement that is —

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1 (I) entered into directly with an
2 eligible business as borrower; and
3 (II) not part of a syndicated
4 loan, a loan originated by a financial
5 institution in the ordinary course of
6 business, or a securities or capital
7 markets transaction.
8 (ii) RESTRICTIONS.—The Secretary
9 may make a loan, loan guarantee, or other
10 investment under subsection (b)(4) as part
11 of a program or facility that provides di-
12 rect loans only if the applicable eligible
13 businesses agree—
14 (I) until the date 12 months
15 after the date on which the direct loan
16 is no longer outstanding, not to repur-
17 chase an equity security that is listed
18 on a national securities exchange of
19 the eligible business or any parent
20 company of the eligible business while
21 the direct loan is outstanding, except
22 to the extent required under a con-
23 tractual obligation that is in effect as
24 of the date of enactment of this Act;

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1 (II) until the date 12 months
2 after the date on which the direct loan
3 is no longer outstanding, not to pay
4 dividends or make other capital dis-
5 tributions with respect to the common
6 stock of the eligible business; and
7 (III) to comply with the limita-
8 tions on compensation set forth in
9 section 4004.
10 (iii) WAIVER.—The Secretary may
11 waive the requirement under clause (ii)
12 with respect to any program or facility
13 upon a determination that such waiver is
14 necessary to protect the interests of the
15 Federal Government. If the Secretary exer-
16 cises a waiver under this clause, the Sec-
17 retary shall make himself available to tes-
18 tify before the Committee on Banking,
19 Housing, and Urban Affairs of the Senate
20 and the Committee on Financial Services
21 of the House of Representatives regarding
22 the reasons for the waiver.
23 (B) FEDERAL RESERVE ACT TAXPAYER
24 PROTECTIONS AND OTHER REQUIREMENTS
25 APPLY.—For the avoidance of doubt, any appli-

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1 cable requirements under section 13(3) of the
2 Federal Reserve Act (12 U.S.C. 343(3)), in-
3 cluding requirements relating to loan
4 collateralization, taxpayer protection, and bor-
5 rower solvency, shall apply with respect to any
6 program or facility described in subsection
7 (b)(4).
8 (C) UNITED STATES BUSINESSES.—A pro-
9 gram or facility in which the Secretary makes
10 a loan, loan guarantee, or other investment
11 under subsection (b)(4) shall only purchase ob-
12 ligations or other interests (other than securi-
13 ties that are based on an index or that are
14 based on a diversified pool of securities) from,
15 or make loans or other advances to, businesses
16 that are created or organized in the United
17 States or under the laws of the United States
18 and that have significant operations in and a
19 majority of its employees based in the United
20 States.
21 (D) ASSISTANCE FOR MID-SIZED BUSI-
22 NESSES.—
23 (i) IN GENERAL.—Without limiting
24 the terms and conditions of the programs
25 and facilities that the Secretary may other-

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1 wise provide financial assistance to under
2 subsection (b)(4), the Secretary shall en-
3 deavor to seek the implementation of a
4 program or facility described in subsection
5 (b)(4) that provides financing to banks and
6 other lenders that make direct loans to eli-
7 gible businesses including, to the extent
8 practicable, nonprofit organizations, with
9 between 500 and 10,000 employees, with
10 such direct loans being subject to an
11 annualized interest rate that is not higher
12 than 2 percent per annum. For the first 6
13 months after any such direct loan is made,
14 or for such longer period as the Secretary
15 may determine in his discretion, no prin-
16 cipal or interest shall be due and payable.
17 Any eligible borrower applying for a direct
18 loan under this program shall make a
19 good-faith certification that—
20 (I) the uncertainty of economic
21 conditions as of the date of the appli-
22 cation makes necessary the loan re-
23 quest to support the ongoing oper-
24 ations of the recipient;

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1 (II) the funds it receives will be
2 used to retain at least 90 percent of
3 the recipient's workforce, at full com-
4 pensation and benefits, until Sep-
5 tember 30, 2020;
6 (III) the recipient intends to re-
7 store not less than 90 percent of the
8 workforce of the recipient that existed
9 as of February 1, 2020, and to re-
10 store all compensation and benefits to
11 the workers of the recipient no later
12 than 4 months after the termination
13 date of the public health emergency
14 declared by the Secretary of Health
15 and Human Services on January 31,
16 2020, under section 319 of the Public
17 Health Services Act (42 U.S.C. 247d)
18 in response to COVID–19;
19 (IV) the recipient is an entity or
20 business that is domiciled in the
21 United States with significant oper-
22 ations and employees located in the
23 United States;
24 (V) the recipient is not a debtor
25 in a bankruptcy proceeding;

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1 (VI) the recipient is created or
2 organized in the United States or
3 under the laws of the United States
4 and has significant operations in and
5 a majority of its employees based in
6 the United States;
7 (VII) the recipient will not pay
8 dividends with respect to the common
9 stock of the eligible business, or re-
10 purchase an equity security that is
11 listed on a national securities ex-
12 change of the recipient or any parent
13 company of the recipient while the di-
14 rect loan is outstanding, except to the
15 extent required under a contractual
16 obligation that is in effect as of the
17 date of enactment of this Act;
18 (VIII) the recipient will not
19 outsource or offshore jobs for the
20 term of the loan and 2 years after
21 completing repayment of the loan;
22 (IX) the recipient will not abro-
23 gate existing collective bargaining
24 agreements for the term of the loan

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1 and 2 years after completing repay-
2 ment of the loan; and
3 (X) that the recipient will remain
4 neutral in any union organizing effort
5 for the term of the loan.
6 (ii) MAIN STREET LENDING PRO-
7 GRAM.—Nothing in this subparagraph
8 shall limit the discretion of the Board of
9 Governors of the Federal Reserve System
10 to establish a Main Street Lending Pro-
11 gram or other similar program or facility
12 that supports lending to small and mid-
13 sized businesses on such terms and condi-
14 tions as the Board may set consistent with
15 section 13(3) of the Federal Reserve Act
16 (12 U.S.C. 343(3)), including any such
17 program in which the Secretary makes a
18 loan, loan guarantee, or other investment
19 under subsection (b)(4).
20 (E) GOVERNMENT PARTICIPANTS.—The
21 Secretary shall endeavor to seek the implemen-
22 tation of a program or facility in accordance
23 with subsection (b)(4) that provides liquidity to
24 the financial system that supports lending to
25 States and municipalities.

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1 (d) FINANCIAL PROTECTION OF GOVERNMENT.—
2 (1) WARRANT OR SENIOR DEBT INSTRU-
3 MENT.—The Secretary may not issue a loan to, or
4 a loan guarantee for, an eligible business under
5 paragraph (1), (2), or (3) of subsection (b) unless—
6 (A)(i) the eligible business has issued secu-
7 rities that are traded on a national securities
8 exchange; and
9 (ii) the Secretary receives a warrant or eq-
10 uity interest in the eligible business; or
11 (B) in the case of any eligible business
12 other than an eligible business described in sub-
13 paragraph (A), the Secretary receives, in the
14 discretion of the Secretary—
15 (i) a warrant or equity interest in the
16 eligible business; or
17 (ii) a senior debt instrument issued by
18 the eligible business.
19 (2) TERMS AND CONDITIONS.—The terms and
20 conditions of any warrant, equity interest, or senior
21 debt instrument received under paragraph (1) shall
22 be set by the Secretary and shall meet the following
23 requirements:
24 (A) PURPOSES.—Such terms and condi-
25 tions shall be designed to provide for a reason-

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able participation by the Secretary, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity interest, or a reasonable interest rate premium, in the case of a debt instrument.

(B) AUTHORITY TO SELL, EXERCISE, OR SURRENDER.—For the primary benefit of taxpayers, the Secretary may sell, exercise, or surrender a warrant or any senior debt instrument received under this subsection. The Secretary shall not exercise voting power with respect to any shares of common stock acquired under this section.

(C) SUFFICIENCY.—If the Secretary determines that the eligible business cannot feasibly issue warrants or other equity interests as required by this subsection, the Secretary may accept a senior debt instrument in an amount and on such terms as the Secretary deems appropriate.

(3) PROHIBITION ON LOAN FORGIVENESS.—The principal amount of any obligation issued by an eligible business, State, or municipality under a program described in subsection (b) shall not be reduced through loan forgiveness.

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1 (e) DEPOSIT OF PROCEEDS.—Amounts collected
2 under subsection (b) shall be deposited in the following
3 order of priority:
4 (1) Into the financing accounts established
5 under section 505 of the Federal Credit Reform Act
6 of 1990 (2 U.S.C. 661d) to implement this subtitle,
7 up to an amount equal to the sum of—
8 (A) the amount transferred from the ap-
9 propriation made under section 4027 to the fi-
10 nancing accounts; and
11 (B) the amount necessary to repay any
12 amount lent from the Treasury to such financ-
13 ing accounts.
14 (2) After the deposits specified in paragraph
15 (1) of this subsection have been made, into the Fed-
16 eral Old-Age and Survivors Insurance Trust Fund
17 established under section 201(a) of the Social Secu-
18 rity Act (42 U.S.C. 401).
19 (f) ADMINISTRATIVE PROVISIONS.—Notwithstanding
20 any other provision of law, the Secretary may use not
21 greater than $100,000,000 of the funds made available
22 under section 4027 to pay costs and administrative ex-
23 penses associated with the loans, loan guarantees, and
24 other investments authorized under this section. The Sec-
25 retary is authorized to take such actions as the Secretary

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1 deems necessary to carry out the authorities in this sub-
2 title, including, without limitation—
3 (1) using direct hiring authority to hire employ-
4 ees to administer this subtitle;
5 (2) entering into contracts, including contracts
6 for services authorized by this subtitle;
7 (3) establishing vehicles that are authorized,
8 subject to supervision by the Secretary, to purchase,
9 hold, and sell assets and issue obligations; and
10 (4) issuing such regulations and other guidance
11 as may be necessary or appropriate to carry out the
12 authorities or purposes of this subtitle.
13 (g) FINANCIAL AGENTS.—The Secretary is author-
14 ized to designate financial institutions, including but not
15 limited to, depositories, brokers, dealers, and other institu-
16 tions, as financial agents of the United States. Such insti-
17 tutions shall—
18 (1) perform all reasonable duties the Secretary
19 determines necessary to respond to the coronavirus;
20 and
21 (2) be paid for such duties using appropriations
22 available to the Secretary to reimburse financial in-
23 stitutions in their capacity as financial agents of the
24 United States.

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1 (h) LOANS MADE BY OR GUARANTEED BY THE DE-
2 PARTMENT OF THE TREASURY TREATED AS INDEBTED-
3 NESS FOR TAX PURPOSES.—
4 (1) IN GENERAL.—Any loan made by or guar-
5 anteed by the Department of the Treasury under
6 this section shall be treated as indebtedness for pur-
7 poses of the Internal Revenue Code of 1986, shall be
8 treated as issued for its stated principal amount,
9 and stated interest on such loans shall be treated as
10 qualified stated interest.
11 (2) REGULATIONS OR GUIDANCE.—The Sec-
12 retary of the Treasury (or the Secretary's delegate)
13 shall prescribe such regulations or guidance as may
14 be necessary or appropriate to carry out the pur-
15 poses of this section, including guidance providing
16 that the acquisition of warrants, stock options, com-
17 mon or preferred stock or other equity under this
18 section does not result in an ownership change for
19 purposes of section 382 of the Internal Revenue
20 Code of 1986.
21 **SEC. 4004. LIMITATION ON CERTAIN EMPLOYEE COM-**
22 **PENSATION.**
23 (a) IN GENERAL.—The Secretary may only enter into
24 an agreement with an eligible business to make a loan or
25 loan guarantee under paragraph (1), (2) or (3) of section

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1 4003(b) if such agreement provides that, during the pe-
2 riod beginning on the date on which the agreement is exe-
3 cuted and ending on the date that is 1 year after the date
4 on which the loan or loan guarantee is no longer out-
5 standing—

6 (1) no officer or employee of the eligible busi-
7 ness whose total compensation exceeded $425,000 in
8 calendar year 2019 (other than an employee whose
9 compensation is determined through an existing col-
10 lective bargaining agreement entered into prior to
11 March 1, 2020)—

12 (A) will receive from the eligible business
13 total compensation which exceeds, during any
14 12 consecutive months of such period, the total
15 compensation received by the officer or em-
16 ployee from the eligible business in calendar
17 year 2019; or

18 (B) will receive from the eligible business
19 severance pay or other benefits upon termi-
20 nation of employment with the eligible business
21 which exceeds twice the maximum total com-
22 pensation received by the officer or employee
23 from the eligible business in calendar year
24 2019; and

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(2) no officer or employee of the eligible business whose total compensation exceeded $3,000,000 in calendar year 2019 may receive during any 12 consecutive months of such period total compensation in excess of the sum of—

(A) $3,000,000; and

(B) 50 percent of the excess over $3,000,000 of the total compensation received by the officer or employee from the eligible business in calendar year 2019.

(b) TOTAL COMPENSATION DEFINED.—In this section, the term "total compensation" includes salary, bonuses, awards of stock, and other financial benefits provided by an eligible business to an officer or employee of the eligible business.

**SEC. 4005. CONTINUATION OF CERTAIN AIR SERVICE.**

The Secretary of Transportation is authorized to require, to the extent reasonable and practicable, an air carrier receiving loans and loan guarantees under section 4003 to maintain scheduled air transportation service as the Secretary of Transportation deems necessary to ensure services to any point served by that carrier before March 1, 2020. When considering whether to exercise the authority granted by this section, the Secretary of Transportation shall take into consideration the air transportation

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needs of small and remote communities and the need to maintain well-functioning health care and pharmaceutical supply chains, including for medical devices and supplies. The authority under this section, including any requirement issued by the Secretary under this section, shall terminate on March 1, 2022.

**SEC. 4006. COORDINATION WITH SECRETARY OF TRANSPORTATION.**

In implementing this subtitle with respect to air carriers, the Secretary shall coordinate with the Secretary of Transportation.

**SEC. 4007. SUSPENSION OF CERTAIN AVIATION EXCISE TAXES.**

(a) TRANSPORTATION BY AIR.—In the case of any amount paid for transportation by air (including any amount treated as paid for transportation by air by reason of section 4261(e)(3) of the Internal Revenue Code of 1986) during the excise tax holiday period, no tax shall be imposed under section 4261 or 4271 of such Code. The preceding sentence shall not apply to amounts paid on or before the date of the enactment of this Act.

(b) USE OF KEROSENE IN COMMERCIAL AVIATION.—In the case of kerosene used in commercial aviation (as defined in section 4083 of the Internal Revenue Code of 1986) during the excise tax holiday period—

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1 (1) no tax shall be imposed on such kerosene
2 under—
3 (A) section 4041(c) of the Internal Rev-
4 enue Code of 1986, or
5 (B) section 4081 of such Code (other than
6 at the rate provided in subsection (a)(2)(B)
7 thereof), and
8 (2) section 6427(l) of such Code shall be ap-
9 plied—
10 (A) by treating such use as a nontaxable
11 use, and
12 (B) without regard to paragraph (4)(A)(ii)
13 thereof.
14 (c) EXCISE TAX HOLIDAY PERIOD.—For purposes of
15 this section, the term "excise tax holiday period" means
16 the period beginning after the date of the enactment of
17 this section and ending before January 1, 2021.
18 **SEC. 4008. DEBT GUARANTEE AUTHORITY.**
19 (a) Section 1105 of the Dodd-Frank Wall Street Re-
20 form and Consumer Protection Act (12 U.S.C. 5612) is
21 amended—
22 (1) in subsection (f)—
23 (A) by inserting "in noninterest-bearing
24 transaction accounts" after "institutions"; and

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1 (B) by striking "shall not" and inserting
2 "may"; and
3 (2) by adding at the end the following:
4 "(h) APPROVAL OF GUARANTEE PROGRAM DURING
5 THE COVID–19 CRISIS.—
6 "(1) IN GENERAL.—For purposes of the con-
7 gressional joint resolution of approval provided for
8 in subsections (c)(1) and (2) and (d), notwith-
9 standing any other provision of this section, the
10 Federal Deposit Insurance Corporation is approved
11 upon enactment of this Act to establish a program
12 provided for in subsection (a), provided that any
13 such program and any such guarantee shall termi-
14 nate not later than December 31, 2020.
15 "(2) MAXIMUM AMOUNT.—Any debt guarantee
16 program authorized by this subsection shall include
17 a maximum amount of outstanding debt that is
18 guaranteed.".
19 (b) FEDERAL CREDIT UNION TRANSACTION AC-
20 COUNT GUARANTEES.—Notwithstanding any other provi-
21 sion of law and in coordination with the Federal Deposit
22 Insurance Corporation, the National Credit Union Admin-
23 istration Board may by a vote of the Board increase to
24 unlimited, or such lower amount as the Board approves,
25 the share insurance coverage provided by the National

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1 Credit Union Share Insurance Fund on any noninterest-
2 bearing transaction account in any federally insured credit
3 union without exception, provided that any such increase
4 shall terminate not later than December 31, 2020.

5 **SEC. 4009. TEMPORARY GOVERNMENT IN THE SUNSHINE**
6 **ACT RELIEF.**

7 (a) IN GENERAL.—Except as provided in subsection
8 (b), notwithstanding any other provision of law, if the
9 Chairman of the Board of Governors of the Federal Re-
10 serve System determines, in writing, that unusual and exi-
11 gent circumstances exist, the Board may conduct meetings
12 without regard to the requirements of section 552b of title
13 5, United States Code, during the period beginning on the
14 date of enactment of this Act and ending on the earlier
15 of—

16 (1) the date on which the national emergency
17 concerning the novel coronavirus disease (COVID–
18 19) outbreak declared by the President on March
19 13, 2020 under the National Emergencies Act (50
20 U.S.C. 1601 et seq.) terminates; or

21 (2) December 31, 2020.

22 (b) RECORDS.—The Board of Governors of the Fed-
23 eral Reserve System shall keep a record of all Board votes
24 and the reasons for such votes during the period described
25 in subsection (a).

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1 **SEC. 4010. TEMPORARY HIRING FLEXIBILITY.**

2 (a) DEFINITION.—In this section, the term ''covered
3 period'' means the period beginning on the date of enact-
4 ment of this Act and ending on the sooner of—

5 (1) the termination date of the national emer-
6 gency concerning the novel coronavirus disease
7 (COVID–19) outbreak declared by the President on
8 March 13, 2020 under the National Emergencies
9 Act (50 U.S.C. 1601 et seq.); or

10 (2) December 31, 2020.

11 (b) AUTHORITY.— During the covered period, the
12 Secretary of Housing and Urban Development, the Securi-
13 ties and Exchange Commission, and the Commodity Fu-
14 tures Trading Commission may, without regard to sections
15 3309 through 3318 of title 5, United States Code, recruit
16 and appoint candidates to fill temporary and term ap-
17 pointments within their respective agencies upon a deter-
18 mination that those expedited procedures are necessary
19 and appropriate to enable the respective agencies to pre-
20 vent, prepare for, or respond to COVID–19.

21 **SEC. 4011. TEMPORARY LENDING LIMIT WAIVER.**

22 (a) IN GENERAL.—Section 5200 of the Revised Stat-
23 utes of the United States (12 U.S.C. 84) is amended—

24 (1) in subsection (c)(7)—

25 (A) by inserting ''any nonbank financial
26 company (as that term is defined in section 102

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of the Financial Stability Act of 2010 (12 U.S.C. 5311)),'' after ''Loans or extensions of credit to''; and

(B) by striking ''financial institution or to'' and inserting ''financial institution, or to''; and

(2) in subsection (d), by adding at the end of paragraph (1) the following: ''The Comptroller of the Currency may, by order, exempt any transaction or series of transactions from the requirements of this section upon a finding by the Comptroller that such exemption is in the public interest and consistent with the purposes of this section.''.

(b) EFFECTIVE PERIOD.—This section, and the amendments made by this section, shall be effective during the period beginning on the date of enactment of this Act and ending on the sooner of—

(1) the termination date of the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.); or

(2) December 31, 2020.

**SEC. 4012. TEMPORARY RELIEF FOR COMMUNITY BANKS.**

(a) DEFINITIONS.—In this section—

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1 (1) the term "appropriate Federal banking
2 agency" has the meaning given the term in section
3 2 of the Economic Growth, Regulatory Relief, and
4 Consumer Protection Act (12 U.S.C. 5365 note);
5 and
6 (2) the terms "Community Bank Leverage
7 Ratio" and "qualifying community bank" have the
8 meanings given the terms in section 201(a) of the
9 Economic Growth, Regulatory Relief, and Consumer
10 Protection Act (12 U.S.C. 5371 note).
11 (b) INTERIM RULE.—
12 (1) IN GENERAL.—Notwithstanding any other
13 provision of law or regulation, the appropriate Fed-
14 eral banking agencies shall issue an interim final
15 rule that provides that, for the purposes of section
16 201 of the Economic Growth, Regulatory Relief, and
17 Consumer Protection Act (12 U.S.C. 5371 note)—
18 (A) the Community Bank Leverage Ratio
19 shall be 8 percent; and
20 (B) a qualifying community bank that falls
21 below the Community Bank Leverage Ratio es-
22 tablished under subparagraph (A) shall have a
23 reasonable grace period to satisfy the Commu-
24 nity Bank Leverage Ratio.

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1 (2) EFFECTIVE PERIOD.—The interim rule
2 issued under paragraph (1) shall be effective during
3 the period beginning on the date on which the ap-
4 propriate Federal banking agencies issue the rule
5 and ending on the sooner of—
6 (A) the termination date of the national
7 emergency concerning the novel coronavirus dis-
8 ease (COVID–19) outbreak declared by the
9 President on March 13, 2020 under the Na-
10 tional Emergencies Act (50 U.S.C. 1601 et
11 seq.); or
12 (B) December 31, 2020.
13 (c) GRACE PERIOD.—During a grace period de-
14 scribed in subsection (b)(1)(B), a qualifying community
15 bank to which the grace period applies may continue to
16 be treated as a qualifying community bank and shall be
17 presumed to satisfy the capital and leverage requirements
18 described in section 201(c) of the Economic Growth, Reg-
19 ulatory Relief, and Consumer Protection Act (12 U.S.C.
20 5371 note).
21 **SEC. 4013. TEMPORARY RELIEF FROM TROUBLED DEBT**
22 **RESTRUCTURINGS.**
23 (a) DEFINITIONS.—In this section:
24 (1) APPLICABLE PERIOD.—The term "applica-
25 ble period" means the period beginning on March 1,

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1 2020 and ending on the earlier of December 31,
2 2020, or the date that is 60 days after the date on
3 which the national emergency concerning the novel
4 coronavirus disease (COVID–19) outbreak declared
5 by the President on March 13, 2020 under the Na-
6 tional Emergencies Act (50 U.S.C. 1601 et seq.) ter-
7 minates.
8 (2) APPROPRIATE FEDERAL BANKING AGEN-
9 CY.—The term "appropriate Federal banking agen-
10 cy"—
11 (A) has the meaning given the term in sec-
12 tion 3 of the Federal Deposit Insurance Act (12
13 U.S.C. 1813); and
14 (B) includes the National Credit Union
15 Administration.
16 (b) SUSPENSION.—
17 (1) IN GENERAL.—During the applicable pe-
18 riod, a financial institution may elect to—
19 (A) suspend the requirements under
20 United States generally accepted accounting
21 principles for loan modifications related to the
22 coronavirus disease 2019 (COVID–19) pan-
23 demic that would otherwise be categorized as a
24 troubled debt restructuring; and

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1 (B) suspend any determination of a loan
2 modified as a result of the effects of the
3 coronavirus disease 2019 (COVID–19) pan-
4 demic as being a troubled debt restructuring,
5 including impairment for accounting purposes.
6 (2) APPLICABILITY.—Any suspension under
7 paragraph (1)—
8 (A) shall be applicable for the term of the
9 loan modification, but solely with respect to any
10 modification, including a forbearance arrange-
11 ment, an interest rate modification, a repay-
12 ment plan, and any other similar arrangement
13 that defers or delays the payment of principal
14 or interest, that occurs during the applicable
15 period for a loan that was not more than 30
16 days past due as of December 31, 2019; and
17 (B) shall not apply to any adverse impact
18 on the credit of a borrower that is not related
19 to the coronavirus disease 2019 (COVID–19)
20 pandemic.
21 (c) DEFERENCE.—The appropriate Federal banking
22 agency of the financial institution shall defer to the deter-
23 mination of the financial institution to make a suspension
24 under this section.

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1 (d) RECORDS.—For modified loans for which suspen-
2 sions under subsection (a) apply—
3 (1) financial institutions should continue to
4 maintain records of the volume of loans involved;
5 and
6 (2) the appropriate Federal banking agencies
7 may collect data about such loans for supervisory
8 purposes.

9 **SEC. 4014. OPTIONAL TEMPORARY RELIEF FROM CURRENT**
10 **EXPECTED CREDIT LOSSES.**

11 (a) DEFINITIONS.—In this section:
12 (1) APPROPRIATE FEDERAL BANKING AGEN-
13 CY.—The term ''appropriate Federal banking agen-
14 cy''—
15 (A) has the meaning given the term in sec-
16 tion 3 of the Federal Deposit Insurance Act (12
17 U.S.C. 1813); and
18 (B) includes the National Credit Union
19 Administration.
20 (2) INSURED DEPOSITORY INSTITUTION.—The
21 term ''insured depository institution''—
22 (A) has the meaning given the term in sec-
23 tion 3 of the Federal Deposit Insurance Act (12
24 U.S.C. 1813); and
25 (B) includes a credit union.

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1 (b) TEMPORARY RELIEF FROM CECL STAND-
2 ARDS.—Notwithstanding any other provision of law, no in-
3 sured depository institution, bank holding company, or
4 any affiliate thereof shall be required to comply with the
5 Financial Accounting Standards Board Accounting Stand-
6 ards Update No. 2016–13 (''Measurement of Credit
7 Losses on Financial Instruments''), including the current
8 expected credit losses methodology for estimating allow-
9 ances for credit losses, during the period beginning on the
10 date of enactment of this Act and ending on the earlier
11 of—
12 (1) the date on which the national emergency
13 concerning the novel coronavirus disease (COVID–
14 19) outbreak declared by the President on March
15 13, 2020 under the National Emergencies Act (50
16 U.S.C. 1601 et seq.) terminates; or
17 (2) December 31, 2020.
18 **SEC. 4015. NON-APPLICABILITY OF RESTRICTIONS ON ESF**
19 **DURING NATIONAL EMERGENCY.**
20 (a) IN GENERAL.—Section 131 of the Emergency
21 Economic Stabilization Act of 2008 (12 U.S.C. 5236)
22 shall not apply during the period beginning on the date
23 of enactment of this Act and ending on December 31,
24 2020. Any guarantee established as a result of the applica-
25 tion of subsection (a) shall—

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1 (1) be limited to a guarantee of the total value
2 of a shareholder's account in a participating fund as
3 of the close of business on the day before the an-
4 nouncement of the guarantee; and
5 (2) terminate not later than December 31,
6 2020.
7 (b) DIRECT APPROPRIATION.—Upon the expiration
8 of the period described in subsection (a), there is appro-
9 priated, out of amounts in the Treasury not otherwise ap-
10 propriated, such sums as may be necessary to reimburse
11 the fund established under section 5302(a)(1) of title 31,
12 United States Code, for any funds that are used for the
13 Treasury Money Market Funds Guaranty Program for the
14 United States money market mutual fund industry to the
15 extent a claim payment made exceeds the balance of fees
16 collected by the fund.
17 **SEC. 4016. TEMPORARY CREDIT UNION PROVISIONS.**
18 (a) IN GENERAL.—
19 (1) DEFINITIONS.—Section 302(1) of the Fed-
20 eral Credit Union Act (12 U.S.C. 1795a(1)) is
21 amended, in the matter preceding subparagraph (A),
22 by striking "primarily serving natural persons".
23 (2) MEMBERSHIP.—Section 304(b)(2) of the
24 Federal Credit Union Act (12 U.S.C. 1795c(b)(2))
25 is amended by striking "all those credit unions" and

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1 inserting "such credit unions as the Board may in
2 its discretion determine".
3 (3) EXTENSIONS OF CREDIT.—Section
4 306(a)(1) of the Federal Credit Union Act (12
5 U.S.C. 1795e(a)(1)) is amended, in the second sen-
6 tence, by striking "the intent of which is to expand
7 credit union portfolios" and inserting "without first
8 having obtained evidence from the applicant that the
9 applicant has made reasonable efforts to first use
10 primary sources of liquidity of the applicant, includ-
11 ing balance sheet and market funding sources, to
12 address the liquidity needs of the applicant".
13 (4) POWERS OF THE BOARD.—Section
14 307(a)(4)(A) of the Federal Credit Union Act (12
15 U.S.C. 1795f(a)(4)(A)) is amended by inserting ",
16 provided that, the total face value of such obliga-
17 tions shall not exceed 16 times the subscribed cap-
18 ital stock and surplus of the Facility for the period
19 beginning on the date of enactment of the
20 Coronavirus Economic Stabilization Act of 2020 and
21 ending on December 31, 2020" after "Facility".
22 (b) SUNSET.—
23 (1) IN GENERAL.—
24 (A) DEFINITIONS.—Section 302(1) of the
25 Federal Credit Union Act (12 U.S.C. 1795a(1))

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1 is amended, in the matter preceding subpara-
2 graph (A), by inserting "primarily serving nat-
3 ural persons" after "credit unions".
4 (B) MEMBERSHIP.—Section 304(b)(2) of
5 the Federal Credit Union Act (12 U.S.C.
6 1795c(b)(2)) is amended by striking "such
7 credit unions as the Board may in its discretion
8 determine" and inserting "all those credit
9 unions".
10 (C) EXTENSIONS OF CREDIT.—Section
11 306(a)(1) of the Federal Credit Union Act (12
12 U.S.C. 1795e(a)(1)) is amended, in the second
13 sentence, by striking "without first having ob-
14 tained evidence from the applicant that the ap-
15 plicant has made reasonable efforts to first use
16 primary sources of liquidity of the applicant, in-
17 cluding balance sheet and market funding
18 sources, to address the liquidity needs of the
19 applicant" and inserting "the intent of which is
20 to expand credit union portfolios".
21 (2) EFFECTIVE DATE.—The amendments made
22 by paragraph (1) shall take effect on December 31,
23 2020.

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1 **SEC. 4017. INCREASING ACCESS TO MATERIALS NECESSARY**
2 **FOR NATIONAL SECURITY AND PANDEMIC**
3 **RECOVERY.**

4 Notwithstanding any other provision of law—

5 (1) during the 2-year period beginning on the
6 date of enactment of this Act, the requirements de-
7 scribed in sections 303(a)(6)(C) and 304(e) of the
8 Defense Production Act of 1950 (50 U.S.C.
9 4533(a)(6)(C), 4534(e)) shall not apply; and

10 (2) during the 1-year period beginning on the
11 date of enactment of this Act, the requirements de-
12 scribed in sections 302(d)(1) and 303 (a)(6)(B) of
13 the Defense Production Act of 1950 (50 U.S.C.
14 4532(d)(1), 4533(a)(6)(B)) shall not apply.

15 **SEC. 4018. SPECIAL INSPECTOR GENERAL FOR PANDEMIC**
16 **RECOVERY.**

17 (a) OFFICE OF INSPECTOR GENERAL.—There is
18 hereby established within the Department of the Treasury
19 the Office of the Special Inspector General for Pandemic
20 Recovery.

21 (b) APPOINTMENT OF INSPECTOR GENERAL; RE-
22 MOVAL.—

23 (1) IN GENERAL.—The head of the Office of
24 the Special Inspector General for Pandemic Recov-
25 ery shall be the Special Inspector General for Pan-
26 demic Recovery (referred to in this section as the

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1 "Special Inspector General"), who shall be appointed
2 by the President, by and with the advice and consent
3 of the Senate.

4 (2) NOMINATION.—The nomination of the Spe-
5 cial Inspector General shall be made on the basis of
6 integrity and demonstrated ability in accounting, au-
7 diting, financial analysis, law, management analysis,
8 public administration, or investigations. The nomina-
9 tion of an individual as Special Inspector General
10 shall be made as soon as practicable after any loan,
11 loan guarantee, or other investment is made under
12 section 4003.

13 (3) REMOVAL.—The Special Inspector General
14 shall be removable from office in accordance with
15 the provisions of section 3(b) of the Inspector Gen-
16 eral Act of 1978 (5 U.S.C. App.).

17 (4) POLITICAL ACTIVITY.—For purposes of sec-
18 tion 7324 of title 5, United States Code, the Special
19 Inspector General shall not be considered an em-
20 ployee who determines policies to be pursued by the
21 United States in the nationwide administration of
22 Federal law.

23 (5) BASIC PAY.—The annual rate of basic pay
24 of the Special Inspector General shall be the annual
25 rate of basic pay for an Inspector General under sec-

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1 tion 3(e) of the Inspector General Act of 1978 (5
2 U.S.C. App.).
3 (c) DUTIES.—
4 (1) IN GENERAL.—It shall be the duty of the
5 Special Inspector General to, in accordance with sec-
6 tion 4(b)(1) of the Inspector General Act of 1978 (5
7 U.S.C. App.), conduct, supervise, and coordinate au-
8 dits and investigations of the making, purchase,
9 management, and sale of loans, loan guarantees, and
10 other investments made by the Secretary of the
11 Treasury under any program established by the Sec-
12 retary under this Act, and the management by the
13 Secretary of any program established under this Act,
14 including by collecting and summarizing the fol-
15 lowing information:
16 (A) A description of the categories of the
17 loans, loan guarantees, and other investments
18 made by the Secretary.
19 (B) A listing of the eligible businesses re-
20 ceiving loan, loan guarantees, and other invest-
21 ments made under each category described in
22 subparagraph (A).
23 (C) An explanation of the reasons the Sec-
24 retary determined it to be appropriate to make
25 each loan or loan guarantee under this Act, in-

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1 cluding a justification of the price paid for, and
2 other financial terms associated with, the appli-
3 cable transaction.
4 (D) A listing of, and detailed biographical
5 information with respect to, each person hired
6 to manage or service each loan, loan guarantee,
7 or other investment made under section 4003.
8 (E) A current, as of the date on which the
9 information is collected, estimate of the total
10 amount of each loan, loan guarantee, and other
11 investment made under this Act that is out-
12 standing, the amount of interest and fees ac-
13 crued and received with respect to each loan or
14 loan guarantee, the total amount of matured
15 loans, the type and amount of collateral, if any,
16 and any losses or gains, if any, recorded or ac-
17 crued for each loan, loan guarantee, or other in-
18 vestment.
19 (2) MAINTENANCE OF SYSTEMS.—The Special
20 Inspector General shall establish, maintain, and
21 oversee such systems, procedures, and controls as
22 the Special Inspector General considers appropriate
23 to discharge the duties of the Special Inspector Gen-
24 eral under paragraph (1).

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1 (3) ADDITIONAL DUTIES AND RESPONSIBIL-
2 ITIES.—In addition to the duties described in para-
3 graphs (1) and (2), the Special Inspector General
4 shall also have the duties and responsibilities of in-
5 spectors general under the Inspector General Act of
6 1978 (5 U.S.C. App.).
7 (d) POWERS AND AUTHORITIES.—
8 (1) IN GENERAL.—In carrying out the duties of
9 the Special Inspector General under subsection (c),
10 the Special Inspector General shall have the authori-
11 ties provided in section 6 of the Inspector General
12 Act of 1978 (5 U.S.C. App.).
13 (2) TREATMENT OF OFFICE.—The Office of the
14 Special Inspector General for Pandemic Recovery
15 shall be considered to be an office described in sec-
16 tion 6(f)(3) of the Inspector General Act of 1978 (5
17 U.S.C. App.) and shall be exempt from an initial de-
18 termination by the Attorney General under section
19 6(f)(2) of that Act.
20 (e) PERSONNEL, FACILITIES, AND OTHER RE-
21 SOURCES.—
22 (1) APPOINTMENT OF OFFICERS AND EMPLOY-
23 EES.—The Special Inspector General may select, ap-
24 point, and employ such officers and employees as
25 may be necessary for carrying out the duties of the

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1 Special Inspector General, subject to the provisions
2 of title 5, United States Code, governing appoint-
3 ments in the competitive service, and the provisions
4 of chapter 51 and subchapter III of chapter 53 of
5 that title, relating to classification and General
6 Schedule pay rates.

7 (2) EXPERTS AND CONSULTANTS.—The Special
8 Inspector General may obtain services as authorized
9 under section 3109 of title 5, United States Code,
10 at daily rates not to exceed the equivalent rate pre-
11 scribed for grade GS–15 of the General Schedule by
12 section 5332 of that title.

13 (3) CONTRACTS.—The Special Inspector Gen-
14 eral may enter into contracts and other arrange-
15 ments for audits, studies, analyses, and other serv-
16 ices with public agencies and with private persons,
17 and make such payments as may be necessary to
18 carry out the duties of the Inspector General.

19 (4) REQUESTS FOR INFORMATION.—

20 (A) IN GENERAL.—Upon request of the
21 Special Inspector General for information or as-
22 sistance from any department, agency, or other
23 entity of the Federal Government, the head of
24 that department, agency, or entity shall, to the
25 extent practicable and not in contravention of

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1 any existing law, furnish that information or
2 assistance to the Special Inspector General, or
3 an authorized designee.
4 (B) REFUSAL TO PROVIDE REQUESTED IN-
5 FORMATION.—Whenever information or assist-
6 ance requested by the Special Inspector General
7 is, in the judgment of the Special Inspector
8 General, unreasonably refused or not provided,
9 the Special Inspector General shall report the
10 circumstances to the appropriate committees of
11 Congress without delay.
12 (f) REPORTS.—
13 (1) QUARTERLY REPORTS.—
14 (A) IN GENERAL.—Not later than 60 days
15 after the date on which the Special Inspector
16 General is confirmed, and once every calendar
17 quarter thereafter, the Special Inspector Gen-
18 eral shall submit to the appropriate committees
19 of Congress a report summarizing the activities
20 of the Special Inspector General during the 3-
21 month period ending on the date on which the
22 Special Inspector General submits the report.
23 (B) CONTENTS.—Each report submitted
24 under subparagraph (A) shall include, for the
25 period covered by the report, a detailed state-

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1 ment of all loans, loan guarantees, other trans-
2 actions, obligations, expenditures, and revenues
3 associated with any program established by the
4 Secretary under section 4003, as well as the in-
5 formation collected under subsection (c)(1).
6 (2) RULE OF CONSTRUCTION.—Nothing in this
7 subsection may be construed to authorize the public
8 disclosure of information that is—
9 (A) specifically prohibited from disclosure
10 by any other provision of law;
11 (B) specifically required by Executive order
12 to be protected from disclosure in the interest
13 of national defense or national security or in
14 the conduct of foreign affairs; or
15 (C) a part of an ongoing criminal inves-
16 tigation.
17 (g) FUNDING.—
18 (1) IN GENERAL.—Of the amounts made avail-
19 able to the Secretary under section 4027,
20 $25,000,000 shall be made available to the Special
21 Inspector General to carry out this section.
22 (2) AVAILABILITY.—The amounts made avail-
23 able to the Special Inspector General under para-
24 graph (1) shall remain available until expended.

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1 (h) TERMINATION.—The Office of the Special Inspec-
2 tor General shall terminate on the date 5 years after the
3 enactment of this Act.
4 (i) COUNCIL OF THE INSPECTORS GENERAL ON IN-
5 TEGRITY AND EFFICIENCY.—The Special Inspector Gen-
6 eral shall be a member of the Council of the Inspectors
7 General on Integrity and Efficiency established under sec-
8 tion 11 of the Inspector General Act of 1978 (5 U.S.C.
9 App.) until the date of termination of the Office of the
10 Special Inspector General.
11 (j) CORRECTIVE RESPONSES TO AUDIT PROB-
12 LEMS.—The Secretary shall—
13 (1) take action to address deficiencies identified
14 by a report or investigation of the Special Inspector
15 General; or
16 (2) with respect to a deficiency identified under
17 paragraph (1), certify to the Committee on Banking,
18 Housing, and Urban Affairs of the Senate, the Com-
19 mittee on Finance of the Senate, the Committee on
20 Financial Services of the House of Representatives,
21 and the Committee on Ways and Means of the
22 House of Representatives that no action is necessary
23 or appropriate.
24 **SEC. 4019. CONFLICTS OF INTEREST.**
25 (a) DEFINITIONS.—In this section:

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1 (1) CONTROLLING INTEREST.—The term ''con-
2 trolling interest'' means owning, controlling, or hold-
3 ing not less than 20 percent, by vote or value, indi-
4 vidually or for any covered individual in the aggre-
5 gate with any other covered individual, of any class
6 of equity interest in an entity.
7 (2) COVERED ENTITY.—The term ''covered en-
8 tity'' means an entity in which a covered individual
9 directly or indirectly holds a controlling interest.
10 (3) COVERED INDIVIDUAL.—The term ''covered
11 individual'' means—
12 (A) the President, the Vice President, the
13 head of an Executive department, or a Member
14 of Congress; and
15 (B) the spouse, child, son-in-law, or daugh-
16 ter-in-law, as determined under applicable com-
17 mon law, of an individual described in subpara-
18 graph (A).
19 (4) EQUITY INTEREST.—The term ''equity in-
20 terest'' means—
21 (A) a share in an entity, without regard to
22 whether the share is—
23 (i) transferable; or
24 (ii) classified as stock or anything
25 similar;

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1 (B) an interest in a limited liability com-
2 pany or of a limited partner in a limited part-
3 nership; or
4 (C) a warrant or right, other than a right
5 to convert, to purchase, sell, or subscribe to a
6 share or interest described in subparagraph (A)
7 or (B), respectively.
8 (5) EXECUTIVE DEPARTMENT.—The term ''Ex-
9 ecutive department'' has the meaning given the term
10 in section 101 of title 5, United States Code.
11 (6) MEMBER OF CONGRESS.—The term ''mem-
12 ber of Congress'' means a member of the Senate or
13 House of Representatives, a Delegate to the House
14 of Representatives, and the Resident Commissioner
15 from Puerto Rico.
16 (b) PROHIBITION.—Notwithstanding any other provi-
17 sion of this subtitle, no covered entity may be eligible for
18 any transaction described in section 4003.
19 (c) REQUIREMENT.—The principal executive officer
20 and the principal financial officer, or individuals per-
21 forming similar functions, of an entity seeking to enter
22 a transaction under section 4003 shall, before that trans-
23 action is approved, certify to the Secretary and the Board
24 of Governors of the Federal Reserve System that the enti-

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1 ty is eligible to engage in that transaction, including that
2 the entity is not a covered entity.

3 **SEC. 4020. CONGRESSIONAL OVERSIGHT COMMISSION.**

4 (a) ESTABLISHMENT.—There is hereby established
5 the Congressional Oversight Commission (hereafter in this
6 section referred to as the "Oversight Commission") as an
7 establishment in the legislative branch.

8 (b) DUTIES.—

9 (1) IN GENERAL.—The Oversight Commission
10 shall—

11 (A) conduct oversight of the implementa-
12 tion of this subtitle by the Department of the
13 Treasury and the Board of Governors of the
14 Federal Reserve System, including efforts of
15 the Department and the Board to provide eco-
16 nomic stability as a result of the coronavirus
17 disease 2019 (COVID–19) pandemic of 2020;

18 (B) submit to Congress reports under
19 paragraph (2); and

20 (C) review the implementation of this sub-
21 title by the Federal Government.

22 (2) REGULAR REPORTS.—

23 (A) IN GENERAL.—Reports of the Over-
24 sight Commission shall include the following:

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1 (i) The use by the Secretary and the
2 Board of Governors of the Federal Reserve
3 System of authority under this subtitle, in-
4 cluding with respect to the use of con-
5 tracting authority and administration of
6 the provisions of this subtitle.
7 (ii) The impact of loans, loan guaran-
8 tees, and investments made under this sub-
9 title on the financial well-being of the peo-
10 ple of the United States and the United
11 States economy, financial markets, and fi-
12 nancial institutions.
13 (iii) The extent to which the informa-
14 tion made available on transactions under
15 this subtitle has contributed to market
16 transparency.
17 (iv) The effectiveness of loans, loan
18 guarantees, and investments made under
19 this subtitle of minimizing long-term costs
20 to the taxpayers and maximizing the bene-
21 fits for taxpayers.
22 (B) TIMING.—The reports required under
23 this paragraph shall be submitted not later
24 than 30 days after the first exercise by the Sec-
25 retary and the Board of Governors of the Fed-

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1 eral Reserve System of the authority under this
2 subtitle and every 30 days thereafter.
3 (c) MEMBERSHIP.—
4 (1) IN GENERAL.—The Oversight Commission
5 shall consist of 5 members as follows:
6 (A) 1 member appointed by the Speaker of
7 the House of Representatives.
8 (B) 1 member appointed by the minority
9 leader of the House of Representatives.
10 (C) 1 member appointed by the majority
11 leader of the Senate.
12 (D) 1 member appointed by the minority
13 leader of the Senate.
14 (E) 1 member appointed as Chairperson by
15 the Speaker of the House of Representatives
16 and the majority leader of the Senate, after
17 consultation with the minority leader of the
18 Senate and the minority leader of the House of
19 Representatives
20 (2) PAY.—Each member of the Oversight Com-
21 mission shall be paid at a rate equal to the daily
22 equivalent of the annual rate of basic pay for level
23 I of the Executive Schedule for each day (including
24 travel time) during which such member is engaged

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1 in the actual performance of duties vested in the
2 Oversight Commission.
3 (3) PROHIBITION OF COMPENSATION OF FED-
4 ERAL EMPLOYEES.—Members of the Oversight Com-
5 mission who are full-time officers or employees of
6 the United States may not receive additional pay, al-
7 lowances, or benefits by reason of their service on
8 the Oversight Commission.
9 (4) TRAVEL EXPENSES.—Each member shall
10 receive travel expenses, including per diem in lieu of
11 subsistence, in accordance with applicable provisions
12 under subchapter I of chapter 57 of title 5, United
13 States Code.
14 (5) QUORUM.—Four members of the Oversight
15 Commission shall constitute a quorum but a lesser
16 number may hold hearings.
17 (6) VACANCIES.—A vacancy on the Oversight
18 Commission shall be filled in the manner in which
19 the original appointment was made.
20 (7) MEETINGS.—The Oversight Commission
21 shall meet at the call of the Chairperson or a major-
22 ity of its members.
23 (d) STAFF.—

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1 (1) IN GENERAL.—The Oversight Commission
2 may appoint and fix the pay of any personnel as the
3 Oversight Commission considers appropriate.
4 (2) EXPERTS AND CONSULTANTS.—The Over-
5 sight Commission may procure temporary and inter-
6 mittent services under section 3109(b) of title 5,
7 United States Code.
8 (3) STAFF OF AGENCIES.—Upon request of the
9 Oversight Commission, the head of any Federal de-
10 partment or agency may detail, on a reimbursable
11 basis, any of the personnel of that department or
12 agency to the Oversight Commission to assist it in
13 carrying out its duties under the this subtitle.
14 (e) POWERS.—
15 (1) HEARINGS AND EVIDENCE.—The Oversight
16 Commission, or any subcommittee or member there-
17 of, may, for the purpose of carrying out this section
18 hold hearings, sit and act at times and places, take
19 testimony, and receive evidence as the Oversight
20 Commission considers appropriate and may admin-
21 ister oaths or affirmations to witnesses appearing
22 before it.
23 (2) CONTRACTING.—The Oversight Commission
24 may, to such extent and in such amounts as are pro-
25 vided in appropriation Acts, enter into contracts to

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1 enable the Oversight Commission to discharge its
2 duties under this section.
3 (3) POWERS OF MEMBERS AND AGENTS.—Any
4 member or agent of the Oversight Commission may,
5 if authorized by the Oversight Commission, take any
6 action which the Oversight Commission is authorized
7 to take by this section.
8 (4) OBTAINING OFFICIAL DATA.—The Over-
9 sight Commission may secure directly from any de-
10 partment or agency of the United States information
11 necessary to enable it to carry out this section. Upon
12 request of the Chairperson of the Oversight Commis-
13 sion, the head of that department or agency shall
14 furnish that information to the Oversight Commis-
15 sion.
16 (5) REPORTS.—The Oversight Commission
17 shall receive and consider all reports required to be
18 submitted to the Oversight Commission under this
19 subtitle.
20 (f) TERMINATION.—The Oversight Commission shall
21 terminate on September 30, 2025.
22 (g) FUNDING FOR EXPENSES.—
23 (1) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to the Over-
25 sight Commission such sums as may be necessary

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for any fiscal year, half of which shall be derived from the applicable account of the House of Representatives, and half of which shall be derived from the contingent fund of the Senate.

(2) REIMBURSEMENT OF AMOUNTS.—An amount equal to the expenses of the Oversight Commission shall be promptly transferred by the Secretary and the Board of Governors of the Federal Reserve System, from time to time upon the presentment of a statement of such expenses by the Chairperson of the Oversight Commission, from funds made available to the Secretary under this subtitle to the applicable fund of the House of Representatives and the contingent fund of the Senate, as appropriate, as reimbursement for amounts expended from such account and fund under paragraph (1).

**SEC. 4021. CREDIT PROTECTION DURING COVID–19.**

Section 623(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)(1)) is amended by adding at the end the following:

"(F) REPORTING INFORMATION DURING COVID–19 PANDEMIC.—

"(i) DEFINITIONS.—In this subsection:

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1 "(I) ACCOMMODATION.—The
2 term 'accommodation' includes an
3 agreement to defer 1 or more pay-
4 ments, make a partial payment, for-
5 bear any delinquent amounts, modify
6 a loan or contract, or any other assist-
7 ance or relief granted to a consumer
8 who is affected by the coronavirus dis-
9 ease 2019 (COVID–19) pandemic
10 during the covered period.
11 "(II) COVERED PERIOD.—The
12 term 'covered period' means the pe-
13 riod beginning on January 31, 2020
14 and ending on the later of—
15 "(aa) 120 days after the
16 date of enactment of this sub-
17 paragraph; or
18 "(bb) 120 days after the
19 date on which the national emer-
20 gency concerning the novel
21 coronavirus disease (COVID–19)
22 outbreak declared by the Presi-
23 dent on March 13, 2020 under
24 the National Emergencies Act

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1 (50 U.S.C. 1601 et seq.) termi-
2 nates.
3 "(ii) REPORTING.—Except as pro-
4 vided in clause (iii), if a furnisher makes
5 an accommodation with respect to 1 or
6 more payments on a credit obligation or
7 account of a consumer, and the consumer
8 makes the payments or is not required to
9 make 1 or more payments pursuant to the
10 accommodation, the furnisher shall—
11 "(I) report the credit obligation
12 or account as current; or
13 "(II) if the credit obligation or
14 account was delinquent before the ac-
15 commodation—
16 "(aa) maintain the delin-
17 quent status during the period in
18 which the accommodation is in
19 effect; and
20 "(bb) if the consumer brings
21 the credit obligation or account
22 current during the period de-
23 scribed in item (aa), report the
24 credit obligation or account as
25 current.

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"(iii) EXCEPTION.—Clause (ii) shall not apply with respect to a credit obligation or account of a consumer that has been charged-off.".

**SEC. 4022. FORECLOSURE MORATORIUM AND CONSUMER RIGHT TO REQUEST FORBEARANCE.**

(a) DEFINITIONS.—In this section:

(1) COVID–19 EMERGENCY.—The term "COVID–19 emergency" means the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(2) FEDERALLY BACKED MORTGAGE LOAN.—The term "Federally backed mortgage loan" includes any loan which is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1- to 4-families that is—

(A) insured by the Federal Housing Administration under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

(B) insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20);

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1 (C) guaranteed under section 184 or 184A
2 of the Housing and Community Development
3 Act of 1992 (12 U.S.C. 1715z–13a, 1715z–
4 13b);
5 (D) guaranteed or insured by the Depart-
6 ment of Veterans Affairs;
7 (E) guaranteed or insured by the Depart-
8 ment of Agriculture;
9 (F) made by the Department of Agri-
10 culture; or
11 (G) purchased or securitized by the Fed-
12 eral Home Loan Mortgage Corporation or the
13 Federal National Mortgage Association.
14 (b) FORBEARANCE.—
15 (1) IN GENERAL.—During the covered period, a
16 borrower with a Federally backed mortgage loan ex-
17 periencing a financial hardship due, directly or indi-
18 rectly, to the COVID–19 emergency may request
19 forbearance on the Federally backed mortgage loan,
20 regardless of delinquency status, by—
21 (A) submitting a request to the borrower's
22 servicer; and
23 (B) affirming that the borrower is experi-
24 encing a financial hardship during the COVID–
25 19 emergency.

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1 (2) DURATION OF FORBEARANCE.—Upon a re-
2 quest by a borrower for forbearance under para-
3 graph (1), such forbearance shall be granted for up
4 to 180 days, and shall be extended for an additional
5 period of up to 180 days at the request of the bor-
6 rower, provided that, at the borrower's request, ei-
7 ther the initial or extended period of forbearance
8 may be shortened.
9 (3) ACCRUAL OF INTEREST OR FEES.—During
10 a period of forbearance described in this subsection,
11 no fees, penalties, or interest beyond the amounts
12 scheduled or calculated as if the borrower made all
13 contractual payments on time and in full under the
14 terms of the mortgage contract, shall accrue on the
15 borrower's account.
16 (c) REQUIREMENTS FOR SERVICERS.—
17 (1) IN GENERAL.—Upon receiving a request for
18 forbearance from a borrower under subsection (b),
19 the servicer shall with no additional documentation
20 required other than the borrower's attestation to a
21 financial hardship caused by the COVID–19 emer-
22 gency and with no fees, penalties, or interest (be-
23 yond the amounts scheduled or calculated as if the
24 borrower made all contractual payments on time and
25 in full under the terms of the mortgage contract)

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1 charged to the borrower in connection with the for-
2 bearance, provide the forbearance for up to 180
3 days, which may be extended for an additional pe-
4 riod of up to 180 days at the request of the bor-
5 rower, provided that, the borrower's request for an
6 extension is made during the covered period, and, at
7 the borrower's request, either the initial or extended
8 period of forbearance may be shortened.

9 (2) FORECLOSURE MORATORIUM.—Except with
10 respect to a vacant or abandoned property, a
11 servicer of a Federally backed mortgage loan may
12 not initiate any judicial or non-judicial foreclosure
13 process, move for a foreclosure judgment or order of
14 sale, or execute a foreclosure-related eviction or fore-
15 closure sale for not less than the 60-day period be-
16 ginning on March 18, 2020.

17 **SEC. 4023. FORBEARANCE OF RESIDENTIAL MORTGAGE**
18 **LOAN PAYMENTS FOR MULTIFAMILY PROP-**
19 **ERTIES WITH FEDERALLY BACKED LOANS.**

20 (a) IN GENERAL.—During the covered period, a mul-
21 tifamily borrower with a Federally backed multifamily
22 mortgage loan experiencing a financial hardship due, di-
23 rectly or indirectly, to the COVID–19 emergency may re-
24 quest a forbearance under the terms set forth in this sec-
25 tion.

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1 (b) REQUEST FOR RELIEF.—A multifamily borrower
2 with a Federally backed multifamily mortgage loan that
3 was current on its payments as of February 1, 2020, may
4 submit an oral or written request for forbearance under
5 subsection (a) to the borrower's servicer affirming that the
6 multifamily borrower is experiencing a financial hardship
7 during the COVID–19 emergency.
8 (c) FORBEARANCE PERIOD.—
9 (1) IN GENERAL.—Upon receipt of an oral or
10 written request for forbearance from a multifamily
11 borrower, a servicer shall—
12 (A) document the financial hardship;
13 (B) provide the forbearance for up to 30
14 days; and
15 (C) extend the forbearance for up to 2 ad-
16 ditional 30 day periods upon the request of the
17 borrower provided that, the borrower's request
18 for an extension is made during the covered pe-
19 riod, and, at least 15 days prior to the end of
20 the forbearance period described under sub-
21 paragraph (B).
22 (2) RIGHT TO DISCONTINUE.—A multifamily
23 borrower shall have the option to discontinue the
24 forbearance at any time.

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1 (d) RENTER PROTECTIONS DURING FORBEARANCE
2 PERIOD.—A multifamily borrower that receives a forbear-
3 ance under this section may not, for the duration of the
4 forbearance—
5 (1) evict or initiate the eviction of a tenant
6 from a dwelling unit located in or on the applicable
7 property solely for nonpayment of rent or other fees
8 or charges; or
9 (2) charge any late fees, penalties, or other
10 charges to a tenant described in paragraph (1) for
11 late payment of rent.
12 (e) NOTICE.—A multifamily borrower that receives a
13 forbearance under this section—
14 (1) may not require a tenant to vacate a dwell-
15 ing unit located in or on the applicable property be-
16 fore the date that is 30 days after the date on which
17 the borrower provides the tenant with a notice to va-
18 cate; and
19 (2) may not issue a notice to vacate under
20 paragraph (1) until after the expiration of the for-
21 bearance.
22 (f) DEFINITIONS.—In this section:
23 (1) APPLICABLE PROPERTY.—The term ''appli-
24 cable property'', with respect to a Federally backed
25 multifamily mortgage loan, means the residential

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1 multifamily property against which the mortgage
2 loan is secured by a lien.
3 (2) FEDERALLY BACKED MULTIFAMILY MORT-
4 GAGE LOAN.—The term "Federally backed multi-
5 family mortgage loan" includes any loan (other than
6 temporary financing such as a construction loan)
7 that—
8 (A) is secured by a first or subordinate lien
9 on residential multifamily real property de-
10 signed principally for the occupancy of 5 or
11 more families, including any such secured loan,
12 the proceeds of which are used to prepay or pay
13 off an existing loan secured by the same prop-
14 erty; and
15 (B) is made in whole or in part, or in-
16 sured, guaranteed, supplemented, or assisted in
17 any way, by any officer or agency of the Fed-
18 eral Government or under or in connection with
19 a housing or urban development program ad-
20 ministered by the Secretary of Housing and
21 Urban Development or a housing or related
22 program administered by any other such officer
23 or agency, or is purchased or securitized by the
24 Federal Home Loan Mortgage Corporation or
25 the Federal National Mortgage Association.

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1 (3) MULTIFAMILY BORROWER.—the term "mul-
2 tifamily borrower" means a borrower of a residential
3 mortgage loan that is secured by a lien against a
4 property comprising 5 or more dwelling units.
5 (4) COVID–19 EMERGENCY.—The term
6 "COVID–19 emergency" means the national emer-
7 gency concerning the novel coronavirus disease
8 (COVID–19) outbreak declared by the President on
9 March 13, 2020 under the National Emergencies
10 Act (50 U.S.C. 1601 et seq.).
11 (5) COVERED PERIOD.—The term "covered pe-
12 riod" means the period beginning on the date of en-
13 actment of this Act and ending on the sooner of—
14 (A) the termination date of the national
15 emergency concerning the novel coronavirus dis-
16 ease (COVID–19) outbreak declared by the
17 President on March 13, 2020 under the Na-
18 tional Emergencies Act (50 U.S.C. 1601 et
19 seq.); or
20 (B) December 31, 2020.
21 **SEC. 4024. TEMPORARY MORATORIUM ON EVICTION FIL-**
22 **INGS.**
23 (a) DEFINITIONS.—In this section:
24 (1) COVERED DWELLING.—The term "covered
25 dwelling" means a dwelling that—

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1 (A) is occupied by a tenant—
2 (i) pursuant to a residential lease; or
3 (ii) without a lease or with a lease ter-
4 minable under State law; and
5 (B) is on or in a covered property.
6 (2) COVERED PROPERTY.—The term "covered
7 property" means any property that—
8 (A) participates in—
9 (i) a covered housing program (as de-
10 fined in section 41411(a) of the Violence
11 Against Women Act of 1994 (34 U.S.C.
12 12491(a))); or
13 (ii) the rural housing voucher pro-
14 gram under section 542 of the Housing
15 Act of 1949 (42 U.S.C. 1490r); or
16 (B) has a—
17 (i) Federally backed mortgage loan; or
18 (ii) Federally backed multifamily
19 mortgage loan.
20 (3) DWELLING.—The term "dwelling"—
21 (A) has the meaning given the term in sec-
22 tion 802 of the Fair Housing Act (42 U.S.C.
23 3602); and

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1 (B) includes houses and dwellings de-
2 scribed in section 803(b) of such Act (42
3 U.S.C. 3603(b)).
4 (4) FEDERALLY BACKED MORTGAGE LOAN.—
5 The term "Federally backed mortgage loan" in-
6 cludes any loan (other than temporary financing
7 such as a construction loan) that—
8 (A) is secured by a first or subordinate lien
9 on residential real property (including indi-
10 vidual units of condominiums and cooperatives)
11 designed principally for the occupancy of from
12 1 to 4 families, including any such secured
13 loan, the proceeds of which are used to prepay
14 or pay off an existing loan secured by the same
15 property; and
16 (B) is made in whole or in part, or in-
17 sured, guaranteed, supplemented, or assisted in
18 any way, by any officer or agency of the Fed-
19 eral Government or under or in connection with
20 a housing or urban development program ad-
21 ministered by the Secretary of Housing and
22 Urban Development or a housing or related
23 program administered by any other such officer
24 or agency, or is purchased or securitized by the

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1 Federal Home Loan Mortgage Corporation or
2 the Federal National Mortgage Association.
3 (5) FEDERALLY BACKED MULTIFAMILY MORT-
4 GAGE LOAN.—The term "Federally backed multi-
5 family mortgage loan" includes any loan (other than
6 temporary financing such as a construction loan)
7 that—
8 (A) is secured by a first or subordinate lien
9 on residential multifamily real property de-
10 signed principally for the occupancy of 5 or
11 more families, including any such secured loan,
12 the proceeds of which are used to prepay or pay
13 off an existing loan secured by the same prop-
14 erty; and
15 (B) is made in whole or in part, or in-
16 sured, guaranteed, supplemented, or assisted in
17 any way, by any officer or agency of the Fed-
18 eral Government or under or in connection with
19 a housing or urban development program ad-
20 ministered by the Secretary of Housing and
21 Urban Development or a housing or related
22 program administered by any other such officer
23 or agency, or is purchased or securitized by the
24 Federal Home Loan Mortgage Corporation or
25 the Federal National Mortgage Association.

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1 (b) MORATORIUM.—During the 120-day period be-
2 ginning on the date of enactment of this Act, the lessor
3 of a covered dwelling may not—
4 (1) make, or cause to be made, any filing with
5 the court of jurisdiction to initiate a legal action to
6 recover possession of the covered dwelling from the
7 tenant for nonpayment of rent or other fees or
8 charges; or
9 (2) charge fees, penalties, or other charges to
10 the tenant related to such nonpayment of rent.
11 (c) NOTICE.—The lessor of a covered dwelling unit—
12 (1) may not require the tenant to vacate the
13 covered dwelling unit before the date that is 30 days
14 after the date on which the lessor provides the ten-
15 ant with a notice to vacate; and
16 (2) may not issue a notice to vacate under
17 paragraph (1) until after the expiration of the period
18 described in subsection (b).

19 **SEC. 4025. PROTECTION OF COLLECTIVE BARGAINING**
20 **AGREEMENT.**

21 (a) IN GENERAL.—Neither the Secretary, nor any
22 other actor, department, or agency of the Federal Govern-
23 ment, shall condition the issuance of a loan or loan guar-
24 antee under paragraph (1), (2), or (3) of section 4003(b)
25 of this subtitle on an air carrier's or eligible business's

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1 implementation of measures to enter into negotiations
2 with the certified bargaining representative of a craft or
3 class of employees of the air carrier or eligible business
4 under the Railway Labor Act (45 U.S.C. 151 et seq.) or
5 the National Labor Relations Act (29 U.S.C. 151 et seq.),
6 regarding pay or other terms and conditions of employ-
7 ment.

8 (b) PERIOD OF EFFECT.—With respect to an air car-
9 rier or eligible business to which the loan or loan guar-
10 antee is provided under this subtitle, this section shall be
11 in effect with respect to the air carrier or eligible business
12 beginning on the date on which the air carrier or eligible
13 business is first issued such loan or loan guarantee and
14 ending on the date that is 1 year after the loan or loan
15 guarantee is no longer outstanding.

16 **SEC. 4026. REPORTS.**

17 (a) DISCLOSURE OF TRANSACTIONS.—Not later than
18 72 hours after any transaction by the Secretary under
19 paragraph (1), (2), or (3) of section 4003(b), the Sec-
20 retary shall publish on the website of the Department of
21 the Treasury—

22 (1) a plain-language description of the trans-
23 action, including the date of application, date of ap-
24 plication approval, and identity of the counterparty;

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1 (2) the amount of the loan, loan guarantee, or
2 other investment and a description of the pricing
3 mechanism for the transaction;
4 (3) the interest rate, conditions, and any other
5 material or financial terms associated with the
6 transaction, if applicable;
7 (4) a copy of the relevant and final term sheet,
8 if applicable, and contract or other relevant docu-
9 mentation regarding the transaction; and
10 (5) a justification of the price paid for and
11 other financial terms associated with the trans-
12 action.
13 (b) REPORTS.—
14 (1) IN GENERAL.—In addition to such reports
15 as are required under section 5302(c) of title 31,
16 United States Code, not later than 7 days after the
17 Secretary makes any loan or loan guarantee under
18 paragraph (1), (2), or (3) of section 4003(b), the
19 Secretary shall submit to the Chairmen and Ranking
20 Members of the Committee on Banking, Housing,
21 and Urban Affairs and the Committee on Finance of
22 the Senate and the Chairmen and Ranking Members
23 of the Committee on Financial Services and the
24 Committee on Ways and Means of the House of
25 Representatives a report summarizing—

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1 (A) an overview of actions taken by the
2 Secretary under section 4003(b) during such
3 period;
4 (B) the actual obligation, expenditure, and
5 disbursements of the funds provided for admin-
6 istrative expenses under this Act during such
7 period and the expected expenditure of such
8 funds in the subsequent period; and
9 (C) a detailed financial statement with re-
10 spect to the exercise of authority under section
11 4003(b) showing—
12 (i) all agreements, including loans,
13 loan guarantees, and other investments
14 made, renewed, or restructured;
15 (ii) all transactions during such pe-
16 riod, including the types of parties in-
17 volved;
18 (iii) the nature of the assets pur-
19 chased;
20 (iv) all projected costs and liabilities;
21 (v) operating expenses, including com-
22 pensation for financial agents;
23 (vi) the valuation or pricing method
24 used for each transaction;

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1 (vii) a description of the vehicles es-
2 tablished to exercise such authority;
3 (viii) any or all repayment activity,
4 delinquencies or defaults on loans issued
5 under this Act; and
6 (ix) the current status, credit charac-
7 teristics, and risk of loss of the Treasury
8 portfolio of loans, loan guarantees, or other
9 transactions made under this Act.
10 (2) PUBLICATION.—Not later than 7 days after
11 the Secretary submits a report to the relevant com-
12 mittees of Congress under paragraph (1), the Sec-
13 retary shall publish such report.
14 (3) SUMMARY.—Every 30 days during such
15 time as a loan or loan guarantee under paragraph
16 (1), (2), or (3) of section 4003(b) is outstanding, the
17 Secretary shall publish a report summarizing the in-
18 formation described in paragraph (1).
19 (4) BOARD OF GOVERNORS.—
20 (A) IN GENERAL.—The Board of Gov-
21 ernors of the Federal Reserve System shall pro-
22 vide to the Committee on Banking, Housing,
23 and Urban Affairs of the Senate and the Com-
24 mittee on Financial Services of the House of
25 Representatives such reports as are required to

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be provided under section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3))—

(i) not later than 7 days after the Board authorizes a new facility or other financial assistance in accordance with section 13(3)(C)(i) of the Federal Reserve Act (12 U.S.C. 343(3)(C)(i)); and

(ii) once every 30 days with respect to outstanding loans or financial assistance in accordance with section 13(3)(C)(ii) of the Federal Reserve Act (12 U.S.C. 343(3)(C)(ii)).

(B) PUBLICATION.—Not later than 7 days after the Board of Governors of the Federal Reserve System submits a report to the relevant committees of Congress under paragraph (2), the Board shall publish such report, subject to redactions of confidential information.

(c) TESTIMONY.—The Secretary shall testify, on a quarterly basis, before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the obligations of the Department of the Treasury, and transactions entered into, under this Act.

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1 (d) PROGRAM DESCRIPTIONS.—The Secretary shall
2 post on the website of the Department of the Treasury
3 all criteria, guidelines, eligibility requirements, and appli-
4 cation materials for the making of any loan or loan guar-
5 antee under paragraph (1), (2), or (3) of section 4003(b).
6 (e) ADMINISTRATIVE CONTRACTS.—Not later than
7 24 hours after the Secretary enters into a contract in con-
8 nection with the administration of any loan or loan guar-
9 antee authorized to be made under paragraph (1), (2), or
10 (3) of section 4003(b), the Secretary shall post on the
11 website of the Department of the Treasury a copy of the
12 contract.
13 (f) GOVERNMENT ACCOUNTABILITY OFFICE.—
14 (1) STUDY.—The Comptroller General of the
15 United States shall conduct a study on the loans,
16 loan guarantees, and other investments provided
17 under section 4003.
18 (2) REPORT.—Not later than 9 months after
19 the date of enactment of this Act, and annually
20 thereafter through the year succeeding the last year
21 for which loans, loan guarantees, or other invest-
22 ments made under section 4003 are outstanding, the
23 Comptroller General shall submit to the Committee
24 on Financial Services, the Committee on Transpor-
25 tation and Infrastructure, the Committee on Appro-

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1 priations, and the Committee on the Budget of the
2 House of Representatives and the Committee on
3 Banking, Housing, and Urban Affairs, the Com-
4 mittee on Commerce, Science, and Transportation,
5 the Committee on Appropriations, and the Com-
6 mittee on the Budget of the Senate a report on the
7 loans, loan guarantees, and other investments made
8 under section 4003.

9 (g) REPORTS.—In addition to such reports as are re-
10 quired under section 5302(c) of title 31, United States
11 Code, and section 13(3) of the Federal Reserve Act (12
12 U.S.C. 343(3)), not later than 14 days after the effective
13 date of this Act, every 14 days for the following year, and
14 every 30 days thereafter, the Secretary shall publish on
15 the website of the Department of the Treasury and submit
16 to the Chairmen and Ranking Members of the Committee
17 on Financial Services and the Committee on Ways and
18 Means of the House of Representatives and the Chairmen
19 and Ranking Members of the Committee on Banking,
20 Housing, and Urban Affairs and the Committee on Fi-
21 nance of the Senate, a report summarizing—

22 (1) an overview of actions taken by the Sec-
23 retary under paragraph (1), (2), (3), or (4) of sec-
24 tion 4003(b) during such period;

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1 (2) the actual obligation, expenditure, and dis-
2 bursements of the funds provided for administrative
3 expenses under this Act during such period and the
4 expected expenditure of such funds in the subse-
5 quent period; and
6 (3) a detailed financial statement with respect
7 to the exercise of authority under paragraph (1),
8 (2), (3), or (4) of section 4003(b) showing—
9 (A) all agreements, including loans, loan
10 guarantees, and other investments made, re-
11 newed, or restructured; and
12 (B) all transactions during such period, in-
13 cluding the types of parties involved;
14 (C) the nature of the assets purchased;
15 (D) all projected costs and liabilities;
16 (E) operating expenses, including com-
17 pensation for financial agents;
18 (F) the valuation or pricing method used
19 for each transaction;
20 (G) a description of the vehicles estab-
21 lished to exercise such authority;
22 (H) any or all repayment activity, delin-
23 quencies or defaults on loans issued under this
24 Act; and

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1 (I) the current status, credit characteris-
2 tics, and risk of loss of the Treasury portfolio
3 of loans, loan guarantees, or other transactions
4 made under this Act.

5 (h) TESTIMONY.—The Secretary and the Chairman
6 of the Board of Governors of the Federal Reserve System
7 shall testify, on a quarterly basis, before the Committee
8 on Banking, Housing, and Urban Affairs of the Senate
9 and the Committee on Financial Services of the House of
10 Representatives regarding the obligations of the Depart-
11 ment of the Treasury and the Federal Reserve System,
12 and transactions entered into, under this Act.

13 (i) PROGRAM DESCRIPTIONS.—The Secretary shall
14 post on the website of the Department of the Treasury
15 all criteria, guidelines, eligibility requirements, and appli-
16 cation materials for the making of any loan or loan guar-
17 antee under paragraph (1), (2), (3), or (4) of section
18 4003(b).

19 (j) ADMINISTRATIVE CONTRACTS.—Not later than 24
20 hours after the Secretary enters into a contract in connec-
21 tion with the administration of any loan, or loan guar-
22 antee, or other investment authorized to be made under
23 paragraph (1), (2), (3), or (4) of section 4003(b), the Sec-
24 retary shall post on the website of the Department of the
25 Treasury a copy of the contract.

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1 (k) GOVERNMENT ACCOUNTABILITY OFFICE.—
2 (1) STUDY.—The Comptroller General of the
3 United States shall conduct a study on the loans,
4 loan guarantees, and other investments provided
5 under section 4003.
6 (2) REPORT.—Not later than 9 months after
7 the date of enactment of this Act, and annually
8 thereafter through the year succeeding the last year
9 for which loans, loan guarantees, or other invest-
10 ments made under section 4003 are outstanding, the
11 Comptroller General shall submit to the Committee
12 on Financial Services, the Committee on Transpor-
13 tation and Infrastructure, the Committee on Appro-
14 priations, and the Committee on the Budget of the
15 House of Representatives and the Committee on
16 Banking, Housing, and Urban Affairs, the Com-
17 mittee on Commerce, Science, and Transportation,
18 the Committee on Appropriations, and the Com-
19 mittee on the Budget of the Senate a report on the
20 loans, loan guarantees, and other investments made
21 under section 4003.
22 **SEC. 4027. DIRECT APPROPRIATION.**
23 (a) IN GENERAL.—Notwithstanding any other provi-
24 sion of law, there is appropriated, out of amounts in the
25 Treasury not otherwise appropriated, to the fund estab-

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1 lished under section 5302(a)(1) of title 31, United States
2 Code, $500,000,000,000 to carry out this subtitle.
3 (b) TECHNICAL AND CONFORMING AMENDMENT.—
4 Section 5302(a) of title 31, United States Code, is amend-
5 ed—
6 (1) by striking "and" before "section 3"; and
7 (2) by inserting "and the Coronavirus Eco-
8 nomic Stabilization Act of 2020," before "and for
9 investing".
10 (c) CLARIFICATION.—
11 (1) IN GENERAL.—On or after January 1,
12 2021, any remaining funds made available under
13 section 4003(b) may be used only for—
14 (A) modifications, restructurings, or other
15 amendments of loans, loan guarantees, or other
16 investments in accordance with section
17 4029(b)(1); and
18 (B) exercising any options, warrants, or
19 other investments made prior to January 1,
20 2021; and
21 (C) paying costs and administrative ex-
22 penses as provided in section 4003(f).
23 (2) DEFICIT REDUCTION.—On January 1,
24 2026, any funds described in paragraph (1) that are

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1 remaining shall be transferred to the general fund of
2 the Treasury to be used for deficit reduction.

3 **SEC. 4028. RULE OF CONSTRUCTION.**

4 Nothing in this subtitle shall be construed to allow
5 the Secretary to provide relief to eligible businesses,
6 States, and municipalities except in the form of loans, loan
7 guarantees, and other investments as provided in this sub-
8 title and under terms and conditions that are in the inter-
9 est of the Federal Government.

10 **SEC. 4029. TERMINATION OF AUTHORITY.**

11 (a) IN GENERAL.—Except as provided in subsection
12 (b), on December 31, 2020, the authority provided under
13 this subtitle to make new loans, loan guarantees, or other
14 investments shall terminate.

15 (b) OUTSTANDING.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), any loan, loan guarantee, or other invest-
18 ment outstanding on the date described in sub-
19 section (a)—

20 (A) may be modified, restructured, or oth-
21 erwise amended; and

22 (B) may not be forgiven.

23 (2) DURATION.—The duration of any loan or
24 loan guarantee made under section 4003(b)(1) that
25 is modified, restructured, or otherwise amended

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1 under paragraph (1) shall not be extended beyond 5
2 years from the initial origination date of the loan or
3 loan guarantee.

# 4 Subtitle B—Air Carrier Worker
# 5 Support

6 **SEC. 4111. DEFINITIONS.**

7 Unless otherwise specified, the terms in section
8 40102(a) of title 49, United States Code, shall apply to
9 this subtitle, except that—

10 (1) the term ''airline catering employee'' means
11 an employee who performs airline catering services;

12 (2) the term ''airline catering services'' means
13 preparation, assembly, or both, of food, beverages,
14 provisions and related supplies for delivery, and the
15 delivery of such items, directly to aircraft or to a lo-
16 cation on or near airport property for subsequent
17 delivery to aircraft;

18 (3) the term ''contractor'' means—

19 (A) a person that performs, under contract
20 with a passenger air carrier conducting oper-
21 ations under part 121 of title 14, Code of Fed-
22 eral Regulations—

23 (i) catering functions; or

24 (ii) functions on the property of an
25 airport that are directly related to the air

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1 transportation of persons, property, or
2 mail, including but not limited to the load-
3 ing and unloading of property on aircraft;
4 assistance to passengers under part 382 of
5 title 14, Code of Federal Regulations; se-
6 curity; airport ticketing and check-in func-
7 tions; ground-handling of aircraft; or air-
8 craft cleaning and sanitization functions
9 and waste removal; or
10 (B) a subcontractor that performs such
11 functions;
12 (4) the term "employee" means an individual,
13 other than a corporate officer, who is employed by
14 an air carrier or a contractor; and
15 (5) the term "Secretary" means the Secretary
16 of the Treasury.
17 **SEC. 4112. PANDEMIC RELIEF FOR AVIATION WORKERS.**
18 (a) FINANCIAL ASSISTANCE FOR EMPLOYEE WAGES,
19 SALARIES, AND BENEFITS.—Notwithstanding any other
20 provision of law, to preserve aviation jobs and compensate
21 air carrier industry workers, the Secretary shall provide
22 financial assistance that shall exclusively be used for the
23 continuation of payment of employee wages, salaries, and
24 benefits to—

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1 (1) passenger air carriers, in an aggregate
2 amount up to $25,000,000,000;
3 (2) cargo air carriers, in the aggregate amount
4 up to $4,000,000,000; and
5 (3) contractors, in an aggregate amount up to
6 $3,000,000,000.
7 (b) ADMINISTRATIVE EXPENSES.—Notwithstanding
8 any other provision of law, the Secretary, may use
9 $100,000,000 of the funds made available under section
10 4120(a) for costs and administrative expenses associated
11 with providing financial assistance under this subtitle.

12 **SEC. 4113. PROCEDURES FOR PROVIDING PAYROLL SUP-**
13 **PORT.**

14 (a) AWARDABLE AMOUNTS.—The Secretary shall
15 provide financial assistance under this subtitle—
16 (1) to an air carrier in an amount equal to the
17 salaries and benefits reported by the air carrier to
18 the Department of Transportation pursuant to part
19 241 of title 14, Code of Federal Regulations, for the
20 period from April 1, 2019, through September 30,
21 2019; and
22 (2) to an air carrier that does not transmit re-
23 ports under such part 241, in an amount that such
24 air carrier certifies, using sworn financial statements
25 or other appropriate data, as the amount of wages,

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1 salaries, benefits, and other compensation that such
2 air carrier paid the employees of such air carrier
3 during the period from April 1, 2019, through Sep-
4 tember 30, 2019; and
5 (3) to a contractor, in an amount that the con-
6 tractor certifies, using sworn financial statements or
7 other appropriate data, as the amount of wages, sal-
8 aries, benefits, and other compensation that such
9 contractor paid the employees of such contractor
10 during the period from April 1, 2019, through Sep-
11 tember 30, 2019.
12 (b) DEADLINES AND PROCEDURES.—
13 (1) IN GENERAL.—
14 (A) FORMS; TERMS AND CONDITIONS.—Fi-
15 nancial assistance provided to an air carrier or
16 contractor under this subtitle shall be in such
17 form, on such terms and conditions (including
18 requirements for audits and the clawback of
19 any financial assistance provided upon failure
20 by a passenger air carrier, cargo air carrier, or
21 contractor to honor the assurances specified in
22 section 4114), as the Secretary determines ap-
23 propriate.
24 (B) PROCEDURES.—The Secretary shall
25 publish streamlined and expedited procedures

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1 not later than 5 days after the date of enact-
2 ment of this Act for air carriers and contractors
3 to submit requests for financial assistance
4 under this subtitle.

5 (2) DEADLINE FOR IMMEDIATE PAYROLL AS-
6 SISTANCE.—Not later than 10 days after the date of
7 enactment of this Act, the Secretary shall make ini-
8 tial payments to air carriers and contractors that
9 submit requests for financial assistance approved by
10 to the Secretary.

11 (3) SUBSEQUENT PAYMENTS.—The Secretary
12 shall determine an appropriate method for timely
13 distribution of payments to air carriers and contrac-
14 tors with approved requests for financial assistance
15 from any funds remaining available after providing
16 initial financial assistance payments under para-
17 graph (2).

18 (c) PRO RATA AUTHORITY.—The Secretary shall
19 have the authority to reduce, on a pro rata basis, the
20 amounts due to air carriers and contractors under the ap-
21 plicable paragraph of section 4112 in order to address any
22 shortfall in assistance that would otherwise be provided
23 under such section.

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1 (d) AUDITS.—The Inspector General of the Depart-
2 ment of the Treasury shall audit certifications made under
3 subsection (a).

4 **SEC. 4114. REQUIRED ASSURANCES.**

5 (a) IN GENERAL.—To be eligible for financial assist-
6 ance under this subtitle, an air carrier or contractor shall
7 enter into an agreement with the Secretary, or otherwise
8 certify in such form and manner as the Secretary shall
9 prescribe, that the air carrier or contractor shall—

10 (1) refrain from conducting involuntary fur-
11 loughs or reducing pay rates and benefits until Sep-
12 tember 30, 2020;

13 (2) through September 30, 2021, ensure that
14 neither the air carrier or contractor nor any affiliate
15 of the air carrier or contractor may, in any trans-
16 action, purchase an equity security of the air carrier
17 or contractor or the parent company of the air car-
18 rier or contractor that is listed on a national securi-
19 ties exchange;

20 (3) through September 30, 2021, ensure that
21 the air carrier or contractor shall not pay dividends,
22 or make other capital distributions, with respect to
23 the common stock (or equivalent interest) of the air
24 carrier or contractor; and

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1 (4) meet the requirements of sections 4115 and
2 4116.
3 (b) DEPARTMENT OF TRANSPORTATION AUTHORITY
4 TO CONDITION ASSISTANCE ON CONTINUATION OF SERV-
5 ICE.—
6 (1) IN GENERAL.—The Secretary of Transpor-
7 tation is authorized to require, to the extent reason-
8 able and practicable, an air carrier provided finan-
9 cial assistance under this subtitle to maintain sched-
10 uled air transportation service, as the Secretary of
11 Transportation deems necessary, to ensure services
12 to any point served by that carrier before March 1,
13 2020.
14 (2) REQUIRED CONSIDERATIONS.—When con-
15 sidering whether to exercise the authority provided
16 by this section, the Secretary of Transportation shall
17 take into consideration the air transportation needs
18 of small and remote communities and the need to
19 maintain well-functioning health care supply chains,
20 including medical devices and supplies, and pharma-
21 ceutical supply chains.
22 (3) SUNSET.—The authority provided under
23 this subsection shall terminate on March 1, 2022,
24 and any requirements issued by the Secretary of

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1 Transportation under this subsection shall cease to
2 apply after that date.

3 **SEC. 4115. PROTECTION OF COLLECTIVE BARGAINING**
4 **AGREEMENT.**

5 (a) IN GENERAL.—Neither the Secretary, nor any
6 other actor, department, or agency of the Federal Govern-
7 ment, shall condition the issuance of financial assistance
8 under this subtitle on an air carrier's or contractor's im-
9 plementation of measures to enter into negotiations with
10 the certified bargaining representative of a craft or class
11 of employees of the air carrier or contractor under the
12 Railway Labor Act (45 U.S.C. 151 et seq.) or the National
13 Labor Relations Act (29 U.S.C. 151 et seq.), regarding
14 pay or other terms and conditions of employment.

15 (b) PERIOD OF EFFECT.—With respect to an air car-
16 rier or contractor to which financial assistance is provided
17 under this subtitle, this section shall be in effect with re-
18 spect to the air carrier or contractor beginning on the date
19 on which the air carrier or contractor is first issued such
20 financial assistance and ending on September 30, 2020.

21 **SEC. 4116. LIMITATION ON CERTAIN EMPLOYEE COM-**
22 **PENSATION.**

23 (a) IN GENERAL.—The Secretary may only provide
24 financial assistance under this subtitle to an air carrier
25 or contractor after such carrier or contractor enters into

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1 an agreement with the Secretary which provides that, dur-
2 ing the 2-year period beginning March 24, 2020, and end-
3 ing March 24, 2022, no officer or employee of the air car-
4 rier or contractor whose total compensation exceeded
5 $425,000 in calendar year 2019 (other than an employee
6 whose compensation is determined through an existing col-
7 lective bargaining agreement entered into prior to enact-
8 ment of this Act)—
9 (1) will receive from the air carrier or con-
10 tractor total compensation which exceeds, during
11 any 12 consecutive months of such 2-year period,
12 the total compensation received by the officer or em-
13 ployee from the air carrier or contractor in calendar
14 year 2019;
15 (2) will receive from the air carrier or con-
16 tractor severance pay or other benefits upon termi-
17 nation of employment with the air carrier or con-
18 tractor which exceeds twice the maximum total com-
19 pensation received by the officer or employee from
20 the air carrier or contractor in calendar year 2019;
21 and
22 (3) no officer or employee of the eligible busi-
23 ness whose total compensation exceeded $3,000,000
24 in calendar year 2019 may receive during any 12

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1 consecutive months of such period total compensa-
2 tion in excess of the sum of—
3 (A) $3,000,000; and
4 (B) 50 percent of the excess over
5 $3,000,000 of the total compensation received
6 by the officer or employee from the eligible
7 business in calendar year 2019.
8 (b) TOTAL COMPENSATION DEFINED.—In this sec-
9 tion, the term "total compensation" includes salary, bo-
10 nuses, awards of stock, and other financial benefits pro-
11 vided by an air carrier or contractor to an officer or em-
12 ployee of the air carrier or contractor.

13 **SEC. 4117. TAX PAYER PROTECTION.**

14 The Secretary may receive warrants, options, pre-
15 ferred stock, debt securities, notes, or other financial in-
16 struments issued by recipients of financial assistance
17 under this subtitle which, in the sole determination of the
18 Secretary, provide appropriate compensation to the Fed-
19 eral Government for the provision of the financial assist-
20 ance.

21 **SEC. 4118. REPORTS.**

22 (a) REPORT.—Not later than November 1, 2020, the
23 Secretary shall submit to the Committee on Transpor-
24 tation and Infrastructure and the Committee on Financial
25 Services of the House of Representatives and the Com-

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1 mittee on Commerce, Science, and Transportation and the
2 Committee on Banking, Housing, and Urban Affairs of
3 the Senate a report on the financial assistance provided
4 to air carriers and contractors under this subtitle, includ-
5 ing a description of any financial assistance provided.

6 (b) UPDATE.—Not later than the last day of the 1-
7 year period following the date of enactment of this Act,
8 the Secretary shall update and submit to the Committee
9 on Transportation and the Committee on Financial Serv-
10 ices and Infrastructure of the House of Representatives
11 and the Committee on Commerce, Science, and Transpor-
12 tation and the Committee on Banking, Housing, and
13 Urban Affairs of the Senate the report described in sub-
14 section (a).

15 **SEC. 4119. COORDINATION.**

16 In implementing this subtitle the Secretary shall co-
17 ordinate with the Secretary of Transportation.

18 **SEC. 4120. DIRECT APPROPRIATION.**

19 Notwithstanding any other provision of law, there is
20 appropriated, out of amounts in the Treasury not other-
21 wise appropriated, $32,000,000,000 to carry out this sub-
22 title.

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# TITLE V—CORONAVIRUS RELIEF FUNDS

**SEC. 5001. CORONAVIRUS RELIEF FUND.**

(a) IN GENERAL.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by inserting after title V the following:

# "TITLE VI—CORONAVIRUS RELIEF FUND

**"SEC. 601. CORONAVIRUS RELIEF FUND.**

"(a) APPROPRIATION.—

"(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for making payments to States, Tribal governments, and units of local government under this section, $150,000,000,000 for fiscal year 2020.

"(2) RESERVATION OF FUNDS.—Of the amount appropriated under paragraph (1), the Secretary shall reserve—

"(A) $3,000,000,000 of such amount for making payments to the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa; and

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1 "(B) $8,000,000,000 of such amount for
2 making payments to Tribal governments.
3 "(b) AUTHORITY TO MAKE PAYMENTS.—
4 "(1) IN GENERAL.—Subject to paragraph (2),
5 not later than 30 days after the date of enactment
6 of this section, the Secretary shall pay each State
7 and Tribal government, and each unit of local gov-
8 ernment that meets the condition described in para-
9 graph (2), the amount determined for the State,
10 Tribal government, or unit of local government, for
11 fiscal year 2020 under subsection (c).
12 "(2) DIRECT PAYMENTS TO UNITS OF LOCAL
13 GOVERNMENT.—If a unit of local government of a
14 State submits the certification required by sub-
15 section (e) for purposes of receiving a direct pay-
16 ment from the Secretary under the authority of this
17 paragraph, the Secretary shall reduce the amount
18 determined for that State by the relative unit of
19 local government population proportion amount de-
20 scribed in subsection (c)(5) and pay such amount di-
21 rectly to such unit of local government.
22 "(c) PAYMENT AMOUNTS.—
23 "(1) IN GENERAL.—Subject to paragraph (2),
24 the amount paid under this section for fiscal year
25 2020 to a State that is 1 of the 50 States shall be

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1 the amount equal to the relative population propor-
2 tion amount determined for the State under para-
3 graph (3) for such fiscal year.
4 "(2) MINIMUM PAYMENT.—
5 "(A) IN GENERAL.—No State that is 1 of
6 the 50 States shall receive a payment under
7 this section for fiscal year 2020 that is less
8 than $1,250,000,000.
9 "(B) PRO RATA ADJUSTMENTS.—The Sec-
10 retary shall adjust on a pro rata basis the
11 amount of the payments for each of the 50
12 States determined under this subsection without
13 regard to this subparagraph to the extent nec-
14 essary to comply with the requirements of sub-
15 paragraph (A).
16 "(3) RELATIVE POPULATION PROPORTION
17 AMOUNT.—For purposes of paragraph (1), the rel-
18 ative population proportion amount determined
19 under this paragraph for a State for fiscal year
20 2020 is the product of—
21 "(A) the amount appropriated under para-
22 graph (1) of subsection (a) for fiscal year 2020
23 that remains after the application of paragraph
24 (2) of that subsection; and

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1 "(B) the relative State population propor-
2 tion (as defined in paragraph (4)).
3 "(4) RELATIVE STATE POPULATION PROPOR-
4 TION DEFINED.—For purposes of paragraph (3)(B),
5 the term 'relative State population proportion'
6 means, with respect to a State, the quotient of—
7 "(A) the population of the State; and
8 "(B) the total population of all States (ex-
9 cluding the District of Columbia and territories
10 specified in subsection (a)(2)(A)).
11 "(5) RELATIVE UNIT OF LOCAL GOVERNMENT
12 POPULATION PROPORTION AMOUNT.—For purposes
13 of subsection (b)(2), the term 'relative unit of local
14 government population proportion amount' means,
15 with respect to a unit of local government and a
16 State, the amount equal to the product of—
17 "(A) 45 percent of the amount of the pay-
18 ment determined for the State under this sub-
19 section (without regard to this paragraph); and
20 "(B) the amount equal to the quotient
21 of—
22 "(i) the population of the unit of local
23 government; and

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1 "(ii) the total population of the State
2 in which the unit of local government is lo-
3 cated.
4 "(6) DISTRICT OF COLUMBIA AND TERRI-
5 TORIES.—The amount paid under this section for
6 fiscal year 2020 to a State that is the District of Co-
7 lumbia or a territory specified in subsection
8 (a)(2)(A) shall be the amount equal to the product
9 of—
10 "(A) the amount set aside under sub-
11 section (a)(2)(A) for such fiscal year; and
12 "(B) each such District's and territory's
13 share of the combined total population of the
14 District of Columbia and all such territories, as
15 determined by the Secretary.
16 "(7) TRIBAL GOVERNMENTS.—From the
17 amount set aside under subsection (a)(2)(B) for fis-
18 cal year 2020, the amount paid under this section
19 for fiscal year 2020 to a Tribal government shall be
20 the amount the Secretary shall determine, in con-
21 sultation with the Secretary of the Interior and In-
22 dian Tribes, that is based on increased expenditures
23 of each such Tribal government (or a tribally-owned
24 entity of such Tribal government) relative to aggre-
25 gate expenditures in fiscal year 2019 by the Tribal

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1 government (or tribally-owned entity) and deter-
2 mined in such manner as the Secretary determines
3 appropriate to ensure that all amounts available
4 under subsection (a)(2)(B) for fiscal year 2020 are
5 distributed to Tribal governments.

6 "(8) DATA.—For purposes of this subsection,
7 the population of States and units of local govern-
8 ments shall be determined based on the most recent
9 year for which data are available from the Bureau
10 of the Census.

11 "(d) USE OF FUNDS.—A State, Tribal government,
12 and unit of local government shall use the funds provided
13 under a payment made under this section to cover only
14 those costs of the State, Tribal government, or unit of
15 local government that—

16 "(1) are necessary expenditures incurred due to
17 the public health emergency with respect to the
18 Coronavirus Disease 2019 (COVID-19);

19 "(2) were not accounted for in the budget most
20 recently approved as of the date of enactment of this
21 section for the State or government; and

22 "(3) were incurred during the period that be-
23 gins on March 1, 2020, and ends on December 30,
24 2020.

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1 "(e) CERTIFICATION.—In order to receive a payment
2 under this section, a unit of local government shall provide
3 the Secretary with a certification signed by the Chief Ex-
4 ecutive for the unit of local government that the local gov-
5 ernment's proposed uses of the funds are consistent with
6 subsection (d).

7 "(f) INSPECTOR GENERAL OVERSIGHT;
8 RECOUPMENT.—

9 "(1) OVERSIGHT AUTHORITY.—The Inspector
10 General of the Department of the Treasury shall
11 conduct monitoring and oversight of the receipt, dis-
12 bursement, and use of funds made available under
13 this section.

14 "(2) RECOUPMENT.—If the Inspector General
15 of the Department of the Treasury determines that
16 a State, Tribal government, or unit of local govern-
17 ment has failed to comply with subsection (d), the
18 amount equal to the amount of funds used in viola-
19 tion of such subsection shall be booked as a debt of
20 such entity owed to the Federal Government.
21 Amounts recovered under this subsection shall be de-
22 posited into the general fund of the Treasury.

23 "(3) APPROPRIATION.—Out of any money in
24 the Treasury of the United States not otherwise ap-
25 propriated, there are appropriated to the Office of

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1 the Inspector General of the Department of the
2 Treasury, $35,000,000 to carry out oversight and
3 recoupment activities under this subsection.
4 Amounts appropriated under the preceding sentence
5 shall remain available until expended.
6 "(4) AUTHORITY OF INSPECTOR GENERAL.—
7 Nothing in this subsection shall be construed to di-
8 minish the authority of any Inspector General, in-
9 cluding such authority as provided in the Inspector
10 General Act of 1978 (5 U.S.C. App.).
11 "(g) DEFINITIONS.—In this section:
12 "(1) INDIAN TRIBE.—The term 'Indian Tribe'
13 has the meaning given that term in section 4(e) of
14 the Indian Self-Determination and Education Assist-
15 ance Act (25 U.S.C. 5304(e)).
16 "(2) LOCAL GOVERNMENT.—The term 'unit of
17 local government' means a county, municipality,
18 town, township, village, parish, borough, or other
19 unit of general government below the State level
20 with a population that exceeds 500,000.
21 "(3) SECRETARY.—The term 'Secretary' means
22 the Secretary of the Treasury.
23 "(4) STATE.—The term 'State' means the 50
24 States, the District of Columbia, the Commonwealth
25 of Puerto Rico, the United States Virgin Islands,

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1 Guam, the Commonwealth of the Northern Mariana
2 Islands, and American Samoa.
3 "(5) TRIBAL GOVERNMENT.—The term 'Tribal
4 government' means the recognized governing body of
5 an Indian Tribe.".
6 (b) APPLICATION OF PROVISIONS.—Amounts appro-
7 priated for fiscal year 2020 under section 601(a)(1) of the
8 Social Security Act (as added by subsection (a)) shall be
9 subject to the requirements contained in Public Law 116–
10 94 for funds for programs authorized under sections 330
11 through 340 of the Public Health Service Act (42 U.S.C.
12 254 through 256).

# 13 TITLE VI—MISCELLANEOUS 14 PROVISIONS

## 15 SEC. 6001. COVID–19 BORROWING AUTHORITY FOR THE 16 UNITED STATES POSTAL SERVICE.

17 (a) DEFINITIONS.—In this section—
18 (1) the term "COVID–19 emergency" means
19 the emergency involving Federal primary responsi-
20 bility determined to exist by the President under
21 section 501(b) of the Robert T. Stafford Disaster
22 Relief and Emergency Assistance Act (42 U.S.C.
23 5191(b)) with respect to the Coronavirus Disease
24 2019 (COVID–19); and

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1 (2) the term "Postal Service" means the United
2 States Postal Service.
3 (b) ADDITIONAL BORROWING AUTHORITY.—Not-
4 withstanding section 2005 of title 39, United States Code,
5 or any other provision of law, if the Postal Service deter-
6 mines that, due to the COVID–19 emergency, the Postal
7 Service will not be able to fund operating expenses without
8 borrowing money—
9 (1) the Postal Service may borrow money from
10 the Treasury in an amount not to exceed
11 $10,000,000,000—
12 (A) to be used for such operating expenses;
13 and
14 (B) which may not be used to pay any out-
15 standing debt of the Postal Service; and
16 (2) the Secretary of the Treasury may lend up
17 to the amount described in paragraph (1) at the re-
18 quest of the Postal Service, upon terms and condi-
19 tions mutually agreed upon by the Secretary and the
20 Postal Service.
21 (c) PRIORITIZATION OF DELIVERY FOR MEDICAL
22 PURPOSES DURING COVID–19 EMERGENCY.—Notwith-
23 standing any other provision of law, during the COVID–
24 19 emergency, the Postal Service—

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1 (1) shall prioritize delivery of postal products
2 for medical purposes; and
3 (2) may establish temporary delivery points, in
4 such form and manner as the Postal Service deter-
5 mines necessary, to protect employees of the Postal
6 Service and individuals receiving deliveries from the
7 Postal Service.

8 **SEC. 6002. EMERGENCY DESIGNATION.**

9 (a) IN GENERAL.—The amounts provided under this
10 division are designated as an emergency requirement pur-
11 suant to section 4(g) of the Statutory Pay-As-You-Go Act
12 of 2010 (2 U.S.C. 933(g)).
13 (b) DESIGNATION IN SENATE.—In the Senate, this
14 division is designated as an emergency requirement pursu-
15 ant to section 4112(a) of H. Con. Res. 71 (115th Con-
16 gress), the concurrent resolution on the budget for fiscal
17 year 2018.

# 18 DIVISION B—EMERGENCY AP-
# 19 PROPRIATIONS FOR
# 20 CORONAVIRUS HEALTH RE-
# 21 SPONSE AND AGENCY OPER-
# 22 ATIONS

23 The following sums are hereby are appropriated, out
24 of any money in the Treasury not otherwise appropriated,

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1 for the fiscal year ending September 30, 2020, and for
2 other purposes, namely:

3 TITLE I

4 AGRICULTURAL PROGRAMS

5 OFFICE OF THE SECRETARY

6 For an additional amount for the "Office of the Sec-
7 retary", $9,500,000,000, to remain available until ex-
8 pended, to prevent, prepare for, and respond to
9 coronavirus by providing support for agricultural pro-
10 ducers impacted by coronavirus, including producers of
11 specialty crops, producers that supply local food systems,
12 including farmers markets, restaurants, and schools, and
13 livestock producers, including dairy producers: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 OFFICE OF INSPECTOR GENERAL

19 For an additional amount for "Office of Inspector
20 General", $750,000, to remain available until September
21 30, 2021, to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally: *Provided*,
23 That the funding made available under this heading in
24 this Act shall be used for conducting audits and investiga-
25 tions of projects and activities carried out with funds made

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1 available in this Act to the Department of Agriculture to
2 prevent, prepare for, and respond to coronavirus, domesti-
3 cally or internationally: *Provided further*, That such
4 amount is designated by the Congress as being for an
5 emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 ANIMAL AND PLANT HEALTH INSPECTION SERVICE

9 SALARIES AND EXPENSES

10 For an additional amount for "Salaries and Ex-
11 penses", $55,000,000, to remain available until September
12 30, 2021, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally, including for
14 necessary expenses for salary costs associated with the Ag-
15 riculture Quarantine and Inspection Program: *Provided*,
16 That such amount is designated by the Congress as being
17 for an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 AGRICULTURAL MARKETING SERVICE

21 MARKETING SERVICES

22 For an additional amount for "Marketing Services",
23 $45,000,000, to remain available until September 30,
24 2021, to prevent, prepare for, and respond to coronavirus,
25 domestically or internationally, including necessary ex-

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1 penses for salary costs associated with commodity grading,
2 inspection, and audit activities: *Provided*, That such
3 amount is designated by the Congress as being for an
4 emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 FOOD SAFETY AND INSPECTION SERVICE

8 For an additional amount for "Food Safety and In-
9 spection Service", $33,000,000, to remain available until
10 September 30, 2021, to prevent, prepare for, and respond
11 to coronavirus, domestically or internationally, including
12 for support of temporary and intermittent workers, reloca-
13 tion of inspectors, and, notwithstanding 21 U.S.C. 468,
14 695 and 1053 and 7 U.S.C. 2219a, costs of overtime in-
15 spectors under the Federal Meat Inspection Act, the Poul-
16 try Products Inspection Act, and the Egg Products In-
17 spection Act: *Provided*, That such amount is designated
18 by the Congress as being for an emergency requirement
19 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
20 et and Emergency Deficit Control Act of 1985.

21 FARM PRODUCTION AND CONSERVATION
22 PROGRAMS

23 FARM SERVICE AGENCY

24 For an additional amount for "Salaries and Ex-
25 penses", $3,000,000, to remain available until September

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1 30, 2021, to prevent, prepare for, and respond to
2 coronavirus, domestically or internationally, including nec-
3 essary expenses to hire temporary staff and overtime ex-
4 penses: *Provided*, That such amount is designated by the
5 Congress as being for an emergency requirement pursuant
6 to section 251(b)(2)(A)(i) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 RURAL DEVELOPMENT PROGRAMS

9 RURAL BUSINESS—COOPERATIVE SERVICE

10 RURAL BUSINESS PROGRAM ACCOUNT

11 For an additional amount for "Rural Business Pro-
12 gram Account", $20,500,000, to remain available until
13 September 30, 2021, to prevent, prepare for, and respond
14 to coronavirus, for the cost of loans for rural business de-
15 velopment programs authorized by section 310B and de-
16 scribed in subsection (g) of section 310B of the Consoli-
17 dated Farm and Rural Development Act: *Provided*, That
18 such amount is designated by the Congress as being for
19 an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 RURAL UTILITIES SERVICE

2 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND

3 PROGRAM

4 For an additional amount for "Distance Learning,
5 Telemedicine, and Broadband Program", $25,000,000, to
6 remain available until expended, to prevent, prepare for,
7 and respond to coronavirus, domestically or internation-
8 ally, for telemedicine and distance learning services in
9 rural areas, as authorized by 7 U.S.C. 950aaa et seq.: *Pro-*
10 *vided*, That such amount is designated by the Congress
11 as being for an emergency requirement pursuant to sec-
12 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985.

14 DOMESTIC FOOD PROGRAMS

15 FOOD AND NUTRITION SERVICE

16 CHILD NUTRITION PROGRAMS

17 For an additional amount for "Child Nutrition Pro-
18 grams", $8,800,000,000 to remain available until Sep-
19 tember 30, 2021, to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally: *Provided*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

2 For an additional amount for "Supplemental Nutri-
3 tion Assistance Program", $15,810,000,000, to remain
4 available until September 30, 2021, to prevent, prepare
5 for, and respond to coronavirus, domestically or inter-
6 nationally: *Provided*, That of the amount provided under
7 this heading in this Act, $15,510,000,000 shall be placed
8 in a contingency reserve to be allocated as the Secretary
9 deems necessary to support participation should cost or
10 participation exceed budget estimates to prevent, prepare
11 for, and respond to coronavirus: *Provided further*, That of
12 the amount provided under this heading in this Act,
13 $100,000,000 shall be for the food distribution program
14 on Indian reservations program as authorized by Section
15 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C.
16 2013) and Section 4(a) of the Agriculture and Consumer
17 Protection Act of 1973 (7 U.S.C. 1431) to prevent, pre-
18 pare for, and respond to coronavirus, of which
19 $50,000,000 shall be for facility improvements and equip-
20 ment upgrades and of which $50,000,000 shall be for the
21 costs relating to additional food purchases: *Provided fur-*
22 *ther*, That of the amount provided under this heading in
23 this Act, $200,000,000 to remain available through Sep-
24 tember 30, 2021, shall be available for the Secretary of
25 Agriculture to provide grants to the Commonwealth of the

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1 Northern Mariana Islands, Puerto Rico, and American
2 Samoa for nutrition assistance to prevent, prepare for,
3 and respond to coronavirus, domestically or internation-
4 ally: *Provided further*, That such amount is designated by
5 the Congress as being for an emergency requirement pur-
6 suant to section 251(b)(2)(A)(i) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 COMMODITY ASSISTANCE PROGRAM

9 For an additional amount for "Commodity Assistance
10 Program", $450,000,000, to remain available through
11 September 30, 2021, to prevent, prepare for, and respond
12 to coronavirus, domestically or internationally, for the
13 emergency food assistance program as authorized by sec-
14 tion 27(a) of the Food and Nutrition Act of 2008 (7
15 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency
16 Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)): *Pro-*
17 *vided*, That of the funds made available, the Secretary
18 may use up to $150,000,000 for costs associated with the
19 distribution of commodities: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 FOREIGN ASSISTANCE AND RELATED
2 PROGRAMS
3 FOREIGN AGRICULTURAL SERVICE
4 SALARIES AND EXPENSES
5 For an additional amount for "Salaries and Ex-
6 penses", $4,000,000, to remain available until September
7 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally, including nec-
9 essary expenses to relocate employees and their depend-
10 ents back from overseas posts: *Provided*, That such
11 amount is designated by the Congress as being for an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.
15 RELATED AGENCIES AND FOOD AND DRUG
16 ADMINISTRATION
17 DEPARTMENT OF HEALTH AND HUMAN SERVICES
18 FOOD AND DRUG ADMINISTRATION
19 SALARIES AND EXPENSES
20 For an additional amount for "Salaries and Ex-
21 penses", $80,000,000, to remain available until expended,
22 to prevent, prepare for, and respond to coronavirus, do-
23 mestically or internationally, including funds for the devel-
24 opment of necessary medical countermeasures and vac-
25 cines, advanced manufacturing for medical products, the

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1 monitoring of medical product supply chains, and related
2 administrative activities: *Provided*, That such amount is
3 designated by the Congress as being for an emergency re-
4 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

6 GENERAL PROVISIONS—THIS TITLE

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 11001. Of the funds made available to the Rural
9 Development mission area in this title, and in addition to
10 funds otherwise made available for such purpose, not more
11 than 3 percent may be used for administrative costs to
12 carry out loan, loan guarantee and grant activities funded
13 in this title to prevent, prepare for, and respond to
14 coronavirus, domestically or internationally: *Provided*,
15 That such funds shall be transferred to, and merged with,
16 the appropriation for "Rural Development, Salaries and
17 Expenses" and, once transferred, shall be used only to
18 prevent, prepare for, and respond to coronavirus, domesti-
19 cally or internationally: *Provided further*, that this transfer
20 authority is in addition to any other transfer authority
21 provided by law.

22 COMMODITY CREDIT CORPORATION

23 REIMBURSEMENT OF PRESENT NET REALIZED LOSSES

24 SEC. 11002. Of the amounts provided in the Further
25 Consolidated Appropriations Act, 2020 (Public Law 116–

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1 94) under the heading "Commodity Credit Corporation
2 Fund—Reimbursement for Net Realized Losses",
3 $14,000,000,000, may be used, prior to the completion of
4 the report described in 15 U.S.C. 713a–11, to reimburse
5 the Commodity Credit Corporation for net realized losses
6 sustained, but not previously reimbursed, as reflected in
7 the June 2020 report of its financial condition: *Provided*,
8 That such amount is designated by the Congress as being
9 for an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 SEC. 11003. The Secretary may extend the term of
13 a marketing assistance loan authorized by section 1201
14 of the Agricultural Act of 2014 (7 U.S.C. 9033) for any
15 loan commodity to 12 months: *Provided*, That the author-
16 ity made available pursuant to this section shall expire on
17 September 30, 2020: *Provided further*, That the amount
18 provided by this section is designated by the Congress as
19 being for an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 SEC. 11004. For an additional amount for grants
23 under the pilot program established under section 779 of
24 Public Law 115–141, to prevent, prepare for, and respond
25 to coronavirus, $100,000,000, to remain available until

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1 September 30, 2021: *Provided*, That at least 90 percent
2 of the households to be served by a project receiving a
3 grant shall be in a rural area without sufficient access to
4 broadband: *Provided further*, That for purposes of such
5 pilot program, a rural area without sufficient access to
6 broadband shall be defined as 10 Mbps downstream and
7 1 Mbps upstream, and such definition shall be reevaluated
8 and redefined, as necessary, on an annual basis by the
9 Secretary of Agriculture: *Provided further*, That an entity
10 to which a grant is made under the pilot program shall
11 not use a grant to overbuild or duplicate broadband expan-
12 sion efforts made by any entity that has received a
13 broadband loan from the Rural Utilities Service: *Provided*
14 *further*, That priority consideration for grants shall be
15 given to previous applicants now eligible as a result of ad-
16 justed eligibility requirements: *Provided further*, That such
17 amount is designated by the Congress as being for an
18 emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

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1 TITLE II

2 DEPARTMENT OF COMMERCE

3 ECONOMIC DEVELOPMENT ADMINISTRATION

4 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

5 (INCLUDING TRANSFERS OF FUNDS)

6 Pursuant to section 703 of the Public Works and
7 Economic Development Act (42 U.S.C. 3233), for an addi-
8 tional amount for "Economic Development Assistance
9 Programs", $1,500,000,000, to remain available until
10 September 30, 2022, to prevent, prepare for, and respond
11 to coronavirus, domestically or internationally, including
12 for necessary expenses for responding to economic injury
13 as a result of coronavirus: *Provided*, That such amount
14 shall be for economic adjustment assistance as authorized
15 by section 209 of the Public Works and Economic Devel-
16 opment Act of 1965 (42 U.S.C. 3149): *Provided further*,
17 That within the amount appropriated under this heading
18 in this Act, up to 2 percent of funds may be transferred
19 to the "Salaries and Expenses" account for administration
20 and oversight activities related to preventing, preparing
21 for, and responding to coronavirus: *Provided further*, That
22 the Secretary of Commerce is authorized to appoint and
23 fix the compensation of such temporary personnel as may
24 be necessary to implement the requirements under this
25 heading in this Act to prevent, prepare for, and respond

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1 to coronavirus, without regard to the provisions of title
2 5, United States Code, governing appointments in com-
3 petitive service: *Provided further*, That the Secretary of
4 Commerce is authorized to appoint such temporary per-
5 sonnel, after serving continuously for 2 years, to positions
6 in the Economic Development Administration in the same
7 manner that competitive service employees with competi-
8 tive status are considered for transfer, reassignment, or
9 promotion to such positions and an individual appointed
10 under this provision shall become a career-conditional em-
11 ployee, unless the employee has already completed the
12 service requirements for career tenure: *Provided further*,
13 That within the amount appropriated under this heading
14 in this Act, $3,000,000 shall be transferred to the "Office
15 of Inspector General" account for carrying out investiga-
16 tions and audits related to the funding provided to pre-
17 vent, prepare for, and respond to coronavirus under this
18 heading in this Act: *Provided further*, That such amount
19 is designated by the Congress as being for an emergency
20 requirement pursuant to section 251(b)(2)(A)(i) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

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1 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
2 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES
3 For an additional amount for "Scientific and Tech-
4 nical Research and Services", $6,000,000, to remain avail-
5 able until September, 30, 2021, to prevent, prepare for,
6 and respond to coronavirus, domestically or internation-
7 ally, by supporting continuity of operations, including
8 measurement science to support viral testing and bio-
9 manufacturing: *Provided*, That such amount is designated
10 by the Congress as being for an emergency requirement
11 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
12 et and Emergency Deficit Control Act of 1985.
13 INDUSTRIAL TECHNOLOGY SERVICES
14 For an additional amount for "Industrial Technology
15 Services", $60,000,000, to remain available until Sep-
16 tember 30, 2021, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally: *Provided*,
18 That of the amount provided under this heading in this
19 Act, $50,000,000 shall be for the Hollings Manufacturing
20 Extension Partnership to assist manufacturers to prevent,
21 prepare for, and respond to coronavirus and $10,000,000
22 shall be for the National Network for Manufacturing Inno-
23 vation (also known as "Manufacturing USA") to prevent,
24 prepare for, and respond to coronavirus, including to sup-
25 port development and manufacturing of medical counter-

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1 measures and biomedical equipment and supplies: *Pro-*
2 *vided further*, That none of the funds provided under this
3 heading in this Act shall be subject to cost share require-
4 ments under 15 U.S.C. 278k(e)(2) or 15 U.S.C.
5 278s(e)(7)(A): *Provided further*, That such amount is des-
6 ignated by the Congress as being for an emergency re-
7 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
8 anced Budget and Emergency Deficit Control Act of 1985.

9 NATIONAL OCEANIC AND ATMOSPHERIC
10 ADMINISTRATION
11 OPERATIONS, RESEARCH, AND FACILITIES

12 For an additional amount for "Operations, Research,
13 and Facilities", $20,000,000, to remain available until
14 September, 30, 2021, to prevent, prepare for, and respond
15 to coronavirus, domestically or internationally, by sup-
16 porting continuity of operations, including National
17 Weather Service life and property related operations: *Pro-*
18 *vided*, That such amount is designated by the Congress
19 as being for an emergency requirement pursuant to sec-
20 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985.

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1 DEPARTMENT OF JUSTICE

2 GENERAL ADMINISTRATION

3 JUSTICE INFORMATION SHARING TECHNOLOGY

4 For an additional amount for ''Justice Information
5 Sharing Technology'', $2,000,000, to remain available
6 until expended, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including the
8 impact of coronavirus on the work of the Department of
9 Justice: *Provided*, That such amount is designated by the
10 Congress as being for an emergency requirement pursuant
11 to section 251(b)(2)(A)(i) of the Balanced Budget and
12 Emergency Deficit Control Act of 1985.

13 OFFICE OF INSPECTOR GENERAL

14 For an additional amount for ''Office of Inspector
15 General'', $2,000,000, to remain available until expended
16 to prevent, prepare for, and respond to coronavirus, do-
17 mestically or internationally, including the impact of
18 coronavirus on the work of the Department of Justice and
19 to carry out investigations and audits related to the fund-
20 ing made available for the Department of Justice in this
21 Act: *Provided*, That such amount is designated by the
22 Congress as being for an emergency requirement pursuant
23 to section 251(b)(2)(A)(i) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

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1 LEGAL ACTIVITIES

2 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

3 For an additional amount for "Salaries and Ex-
4 penses, United States Attorneys", $3,000,000, to prevent,
5 prepare for, and respond to coronavirus, domestically or
6 internationally, including the impact of coronavirus on the
7 work of the Department of Justice: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 UNITED STATES MARSHALS SERVICE

13 SALARIES AND EXPENSES

14 For an additional amount for "United States Mar-
15 shals Service, Salaries and Expenses", $15,000,000, to
16 prevent, prepare for, and respond to coronavirus, domesti-
17 cally or internationally, including the impact of
18 coronavirus on the work of the Department of Justice:
19 *Provided*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

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1 FEDERAL BUREAU OF INVESTIGATION

2 SALARIES AND EXPENSES

3 For an additional amount for "Federal Bureau of In-
4 vestigation, Salaries and Expenses", $20,000,000, to pre-
5 vent, prepare for, and respond to coronavirus, domestically
6 or internationally, including the impact of coronavirus on
7 the work of the Department of Justice: *Provided*, That
8 such amount is designated by the Congress as being for
9 an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 DRUG ENFORCEMENT ADMINISTRATION

13 SALARIES AND EXPENSES

14 For an additional amount for "Drug Enforcement
15 Administration, Salaries and Expenses", $15,000,000, to
16 prevent, prepare for, and respond to coronavirus, domesti-
17 cally or internationally, including the impact of
18 coronavirus on the work of the Department of Justice:
19 *Provided*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

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1 FEDERAL PRISON SYSTEM

2 SALARIES AND EXPENSES

3 For an additional amount for "Federal Prison Sys-
4 tem, Salaries and Expenses", $100,000,000, to prevent,
5 prepare for, and respond to coronavirus, domestically or
6 internationally, including the impact of coronavirus on the
7 work of the Department of Justice: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

13 OFFICE OF JUSTICE PROGRAMS

14 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

15 For an additional amount for "State and Local Law
16 Enforcement Assistance", $850,000,000, to remain avail-
17 able until expended, to prevent, prepare for, and respond
18 to coronavirus, domestically or internationally, to be
19 awarded pursuant to the formula allocation (adjusted in
20 proportion to the relative amounts statutorily designated
21 therefor) that was used in fiscal year 2019 for the Edward
22 Byrne Memorial Justice Assistance Grant program as au-
23 thorized by subpart 1 of part E of title I of the Omnibus
24 Crime Control and Safe Streets Acts of 1968 ("1968
25 Act"): *Provided*, That the allocation provisions under sec-

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1 tions 505(a) through (e) and the special rules for Puerto
2 Rico under section 505(g), and section 1001(c), of the
3 1968 Act, shall not apply to the amount provided under
4 this heading in this Act: *Provided further*, That awards
5 hereunder, shall not be subject to restrictions or special
6 conditions that are the same as (or substantially similar
7 to) those, imposed on awards under such subpart in fiscal
8 year 2018, that forbid interference with Federal law en-
9 forcement: *Provided further*, That such amount is des-
10 ignated by the Congress as being for an emergency re-
11 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985.

13 SCIENCE

14 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

15 SAFETY, SECURITY AND MISSION SERVICES

16 For an additional amount for ''Safety, Security and
17 Mission Services'', $60,000,000, to remain available until
18 September 30, 2021, to prevent, prepare for, and respond
19 to coronavirus, domestically or internationally: *Provided*,
20 That such amount is designated by the Congress as being
21 for an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 NATIONAL SCIENCE FOUNDATION

2 RESEARCH AND RELATED ACTIVITIES

3 For an additional amount for "Research and Related
4 Activities", $75,000,000, to remain available until Sep-
5 tember 30, 2021, to prevent, prepare for, and respond to
6 coronavirus, domestically or internationally, including to
7 fund research grants and other necessary expenses: *Pro-*
8 *vided*, That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 AGENCY OPERATIONS AND AWARD MANAGEMENT

13 For an additional amount for "Agency Operations
14 and Award Management", $1,000,000, to prevent, pre-
15 pare for, and respond to coronavirus, domestically or
16 internationally, including to administer research grants
17 and other necessary expenses: *Provided*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 RELATED AGENCIES

2 LEGAL SERVICES CORPORATION

3 PAYMENT TO THE LEGAL SERVICES CORPORATION

4 For an additional amount for "Payment to the Legal
5 Services Corporation", $50,000,000, to prevent, prepare
6 for, and respond to coronavirus, domestically or inter-
7 nationally: *Provided*, That none of the funds appropriated
8 under this heading in this Act to the Legal Services Cor-
9 poration shall be expended for any purpose prohibited or
10 limited by, or contrary to any of the provisions of, sections
11 501, 502, 503, 504, 505, and 506 of Public Law 105–
12 119, and all funds appropriated in this Act to the Legal
13 Services Corporation shall be subject to the same terms
14 and conditions set forth in such sections, except that all
15 references in sections 502 and 503 to 1997 and 1998 shall
16 be deemed to refer instead to 2019 and 2020, respectively,
17 and except that sections 501 and 503 of Public Law 104–
18 134 (referenced by Public Law 105–119) shall not apply
19 to the amount made available under this heading: *Pro-*
20 *vided further*, That for the purposes of this Act, the Legal
21 Services Corporation shall be considered an agency of the
22 United States Government: *Provided further*, That such
23 amount is designated by the Congress as being for an
24 emergency requirement pursuant to section

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

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 12001. Amounts provided by the Consolidated
5 Appropriations Act, 2020, (Public Law 116–93) for the
6 Hollings Manufacturing Extension Partnership under the
7 heading "National Institute of Standards and Tech-
8 nology—Industrial Technology Services" shall not be sub-
9 ject to cost share requirements under 15 U.S.C.
10 278k(e)(2): *Provided*, That the authority made available
11 pursuant to this section shall be elective for any Manufac-
12 turing Extension Partnership Center that also receives
13 funding from a State that is conditioned upon the applica-
14 tion of a Federal cost sharing requirement.

15 SEC. 12002. (a) Funds appropriated in this title for
16 the National Science Foundation may be made available
17 to restore amounts, either directly or through reimburse-
18 ment, for obligations incurred by the National Science
19 Foundation for research grants and other necessary ex-
20 penses to prevent, prepare for, and respond to
21 coronavirus, domestically or internationally, prior to the
22 date of enactment of this Act.

23 (b) Grants or cooperative agreements made by the
24 National Science Foundation under this title, to carry out
25 research grants and other necessary expenses to prevent,

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1 prepare for, and respond to coronavirus, domestically or
2 internationally, shall include amounts to reimburse costs
3 for these purposes incurred between January 20, 2020,
4 and the date of issuance of such grants or agreements.

5 BUREAU OF PRISONS

6 SEC. 12003. (a) DEFINITIONS.—In this section—
7 (1) the term "Bureau" means the Bureau of
8 Prisons;
9 (2) the term "covered emergency period" means
10 the period beginning on the date on which the Presi-
11 dent declared a national emergency under the Na-
12 tional Emergencies Act (50 U.S.C. 1601 et seq.)
13 with respect to the Coronavirus Disease 2019
14 (COVID–19) and ending on the date that is 30 days
15 after the date on which the national emergency dec-
16 laration terminates; and
17 (3) the term "Secretary" means the Secretary
18 of Health and Human Services.
19 (b) SUPPLY OF PERSONAL PROTECTIVE EQUIPMENT
20 AND TEST KITS TO BUREAU OF PRISONS; HOME CON-
21 FINEMENT AUTHORITY.—
22 (1) PERSONAL PROTECTIVE EQUIPMENT AND
23 TEST KITS.—
24 (A) FINDINGS.—Congress finds the fol-
25 lowing:

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1 (i) There is an urgent need for per-
2 sonal protective equipment and test kits to
3 the Bureau based on the density of the in-
4 mate population, the high traffic, the high
5 volume of inmates, the high rate of turn-
6 over of inmates and personnel, and the
7 number of high-security areas, within the
8 facilities of the Bureau.
9 (ii) The inability of the Bureau to se-
10 cure the purchase of infectious disease per-
11 sonal protective equipment and related
12 supplies now and in the future is a vulner-
13 ability.
14 (iii) The Bureau is currently com-
15 peting in and engaging the same landscape
16 of vendors as all other Federal agencies
17 and private entities.
18 (iv) The ability of the Bureau to pur-
19 chase needed equipment and supplies is
20 currently subject to an individual manufac-
21 turer's specific recognition of the Bureau
22 as a priority and subsequent allocation of
23 the inventory of the manufacturer to the
24 Bureau.

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1 (B) CONSIDERATION.—The Secretary shall
2 appropriately consider, relative to other prior-
3 ities of the Department of Health and Human
4 Services for high-risk and high-need popu-
5 lations, the distribution of infectious disease
6 personal protective equipment and COVID–19
7 test kits to the Bureau for use by inmates and
8 personnel of the Bureau.
9 (2) HOME CONFINEMENT AUTHORITY.—During
10 the covered emergency period, if the Attorney Gen-
11 eral finds that emergency conditions will materially
12 affect the functioning of the Bureau, the Director of
13 the Bureau may lengthen the maximum amount of
14 time for which the Director is authorized to place a
15 prisoner in home confinement under the first sen-
16 tence of section 3624(c)(2) of title 18, United States
17 Code, as the Director determines appropriate.
18 (c) VIDEO VISITATION.—
19 (1) IN GENERAL.—During the covered emer-
20 gency period, if the Attorney General finds that
21 emergency conditions will materially affect the func-
22 tioning of the Bureau, the Director of the Bureau
23 shall promulgate rules regarding the ability of in-
24 mates to conduct visitation through video teleconfer-

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1 encing and telephonically, free of charge to inmates,
2 during the covered emergency period.
3 (2) EXEMPTION FROM NOTICE-AND-COMMENT
4 RULEMAKING REQUIREMENTS.—Section 553 of title
5 5, United States Code, shall not apply to the pro-
6 mulgation of rules under paragraph (1) of this sub-
7 section.
8 (d) EMERGENCY REQUIREMENT.—The amount pro-
9 vided by this section is designated by the Congress as
10 being for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.
13 TEMPORARY AUTHORITY OF DIRECTOR OF THE USPTO
14 DURING THE COVID–19 EMERGENCY.
15 SEC. 12004. (a) IN GENERAL.—During the emer-
16 gency period described in subsection (e), the Director may
17 toll, waive, adjust, or modify, any timing deadline estab-
18 lished by title 35, United States Code, the Trademark Act,
19 section 18 of the Leahy-Smith America Invents Act (35
20 U.S.C. 321 note), or regulations promulgated thereunder,
21 in effect during such period, if the Director determines
22 that the emergency related to such period—
23 (1) materially affects the functioning of the
24 Patent and Trademark Office;

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1 (2) prejudices the rights of applicants, reg-
2 istrants, patent owners, or others appearing before
3 the Office; or
4 (3) prevents applicants, registrants, patent own-
5 ers, or others appearing before the Office from filing
6 a document or fee with the Office.
7 (b) PUBLIC NOTICE.—If the Director determines
8 that tolling, waiving, adjusting, or modifying a timing
9 deadline under subsection (a) is appropriate, the Director
10 shall publish publicly a notice to such effect.
11 (c) STATEMENT REQUIRED.—Not later than 20 days
12 after the Director tolls, waives, adjusts, or modifies a tim-
13 ing deadline under subsection (a) and such toll, waiver,
14 adjustment, or modification is in effect for a consecutive
15 or cumulative period exceeding 120 days, the Director
16 shall submit to Congress a statement describing the action
17 taken, relevant background, and rationale for the period
18 of tolling, waiver, adjustment, or modification.
19 (d) OTHER LAWS.—Notwithstanding section 301 of
20 the National Emergencies Act (50 U.S.C. 1631), the au-
21 thority of the Director under subsection (a) is not contin-
22 gent on a specification made by the President under such
23 section or any other requirement under that Act (other
24 than the emergency declaration under section 201(a) of
25 such Act (50 U.S.C. 1621(a))). The authority described

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1 in this section supersedes the authority of title II of the
2 National Emergencies Act (50 U.S.C. 1621 et seq.).
3 (e) EMERGENCY PERIOD.—The emergency period de-
4 scribed in this subsection includes the duration of the por-
5 tion of the emergency declared by the President pursuant
6 to the National Emergencies Act on March 13, 2020, as
7 a result of the COVID–19 outbreak (and any renewal
8 thereof) beginning on or after the date of the enactment
9 of this section and the 60 day period following such dura-
10 tion.
11 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion may be construed as limiting other statutory authori-
13 ties the Director may have to grant relief regarding filings
14 or deadlines.
15 (g) SUNSET.—Notwithstanding subsection (a), the
16 authorities provided under this section shall expire upon
17 the expiration of the 2-year period after the date of the
18 enactment of this section.
19 (h) DEFINITIONS.—In this section:
20 (1) DIRECTOR.—The term ''Director'' means
21 the Under Secretary of Commerce for Intellectual
22 Property and Director of the United States Patent
23 and Trademark Office.
24 (2) TRADEMARK ACT.—The term ''Trademark
25 Act'' means the Act entitled ''An Act to provide for

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1 the registration and protection of trademarks used
2 in commerce, to carry out the provisions of certain
3 international conventions, and for other purposes'',
4 approved July 5, 1946 (15 U.S.C. 1051 et seq.).
5 (i) EMERGENCY REQUIREMENT.—The amount pro-
6 vided by this section is designated by the Congress as
7 being for an emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 ASSISTANCE TO FISHERY PARTICIPANTS

11 SEC. 12005. (a) IN GENERAL.—The Secretary of
12 Commerce is authorized to provide assistance to Tribal,
13 subsistence, commercial, and charter fishery participants
14 affected by the novel coronavirus (COVID–19), which may
15 include direct relief payments.
16 (b) FISHERY PARTICIPANTS.—For the purposes of
17 this section, ''fishery participants'' include Tribes, per-
18 sons, fishing communities, aquaculture businesses not oth-
19 erwise eligible for assistance under part 1416 of title 7
20 of the Code of Federal Regulations for losses related to
21 COVID–19, processors, or other fishery-related busi-
22 nesses, who have incurred, as a direct or indirect result
23 of the coronavirus pandemic—
24 (1) economic revenue losses greater than 35
25 percent as compared to the prior 5-year average rev-
26 enue; or

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1 (2) any negative impacts to subsistence, cul-
2 tural, or ceremonial fisheries.
3 (c) ROLLING BASIS.—Funds may be awarded under
4 this section on a rolling basis, and within a fishing season,
5 to ensure rapid delivery of funds during the COVID–19
6 pandemic.
7 (d) APPROPRIATIONS.—In addition to funds that are
8 otherwise made available to assist fishery participants
9 under this Act, there are authorized to be appropriated,
10 and there are appropriated, $300,000,000, to remain
11 available until September 30, 2021, to carry out this sec-
12 tion, of which up to 2 percent may be used for administra-
13 tion and oversight activities.
14 (e) EMERGENCY REQUIREMENT.—The amount pro-
15 vided by this section is designated by the Congress as
16 being for an emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

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1 TITLE III
2 DEPARTMENT OF DEFENSE
3 MILITARY PERSONNEL
4 NATIONAL GUARD PERSONNEL, ARMY
5 For an additional amount for ''National Guard Per-
6 sonnel, Army'', $746,591,000, to prevent, prepare for, and
7 respond to coronavirus, domestically or internationally:
8 *Provided*, That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.
12 NATIONAL GUARD PERSONNEL, AIR FORCE
13 For an additional amount for ''National Guard Per-
14 sonnel, Air Force'', $482,125,000, to prevent, prepare for,
15 and respond to coronavirus, domestically or internation-
16 ally: *Provided*, That such amount is designated by the
17 Congress as being for an emergency requirement pursuant
18 to section 251(b)(2)(A)(i) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985.
20 OPERATION AND MAINTENANCE
21 OPERATION AND MAINTENANCE, ARMY
22 For an additional amount for ''Operation and Main-
23 tenance, Army'', $160,300,000, to prevent, prepare for,
24 and respond to coronavirus, domestically or internation-
25 ally: *Provided*, That such amount is designated by the

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1 Congress as being for an emergency requirement pursuant
2 to section 251(b)(2)(A)(i) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985.

4 OPERATION AND MAINTENANCE, NAVY

5 For an additional amount for "Operation and Main-
6 tenance, Navy", $360,308,000, to prevent, prepare for,
7 and respond to coronavirus, domestically or internation-
8 ally: *Provided*, That such amount is designated by the
9 Congress as being for an emergency requirement pursuant
10 to section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 For an additional amount for "Operation and Main-
14 tenance, Marine Corps", $90,000,000, to prevent, prepare
15 for, and respond to coronavirus, domestically or inter-
16 nationally: *Provided*, That such amount is designated by
17 the Congress as being for an emergency requirement pur-
18 suant to section 251(b)(2)(A)(i) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, AIR FORCE

21 For an additional amount for "Operation and Main-
22 tenance, Air Force", $155,000,000, to prevent, prepare
23 for, and respond to coronavirus, domestically or inter-
24 nationally: *Provided*, That such amount is designated by
25 the Congress as being for an emergency requirement pur-

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

3 OPERATION AND MAINTENANCE, ARMY RESERVE

4 For an additional amount for "Operation and Main-
5 tenance, Army Reserve", $48,000,000, to prevent, prepare
6 for, and respond to coronavirus, domestically or inter-
7 nationally: *Provided*, That such amount is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 OPERATION AND MAINTENANCE, ARMY NATIONAL
12 GUARD

13 For an additional amount for "Operation and Main-
14 tenance, Army National Guard", $186,696,000, to pre-
15 vent, prepare for, and respond to coronavirus, domestically
16 or internationally: *Provided*, That such amount is des-
17 ignated by the Congress as being for an emergency re-
18 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

21 For an additional amount for "Operation and Main-
22 tenance, Air National Guard", $75,754,000, to prevent,
23 prepare for, and respond to coronavirus, domestically or
24 internationally: *Provided*, That such amount is designated
25 by the Congress as being for an emergency requirement

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

3 OPERATION AND MAINTENANCE, DEFENSE-WIDE

4 For an additional amount for "Operation and Main-
5 tenance, Defense-Wide", $827,800,000, to prevent, pre-
6 pare for, and respond to coronavirus, domestically or
7 internationally: *Provided*, That such amount is designated
8 by the Congress as being for an emergency requirement
9 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
10 et and Emergency Deficit Control Act of 1985.

11 PROCUREMENT

12 DEFENSE PRODUCTION ACT PURCHASES

13 For an additional amount for "Defense Production
14 Act Purchases", $1,000,000,000, to remain available until
15 expended, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally: *Provided*,
17 That for the two-year period beginning with the date of
18 enactment of this Act, the requirements described in Sec-
19 tion 301(a)(3)(A) and 302(c)(1) of Public Law 81–774,
20 shall be waived: *Provided further*, That such amount is
21 designated by the Congress as being for an emergency re-
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985.

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1 REVOLVING AND MANAGEMENT FUNDS

2 DEFENSE WORKING CAPITAL FUNDS

3 For an additional amount for ''Defense Working
4 Capital Funds'', $1,450,000,000, to prevent, position, pre-
5 pare for, and respond to coronavirus, domestically or
6 internationally: *Provided*, That of the amount provided
7 under this heading in this Act, $475,000,000 shall be for
8 the Navy Working Capital Fund, $475,000,000 shall be
9 for the Air Force Working Capital Fund, and
10 $500,000,000 shall be for the Defense-Wide Working Cap-
11 ital Fund: *Provided further*, That such amount is des-
12 ignated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 OTHER DEPARTMENT OF DEFENSE PROGRAMS

16 DEFENSE HEALTH PROGRAM

17 For an additional amount for ''Defense Health Pro-
18 gram'', $3,805,600,000, of which $3,390,600,000 shall be
19 for operation and maintenance, and $415,000,000 shall
20 be for research, development, test and evaluation, to re-
21 main available until September 30, 2021, to prevent, pre-
22 pare for, and respond to coronavirus, domestically or
23 internationally: *Provided*, That, notwithstanding that one
24 percent of funding for operation and maintenance under
25 this heading in Public Law 116–93 shall remain available

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1 for obligation until September 30, 2021, funding for oper-
2 ation and maintenance made available under this heading
3 in this Act shall only be available through September 30,
4 2020: *Provided further*, That such amount is designated
5 by the Congress as being for an emergency requirement
6 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
7 et and Emergency Deficit Control Act of 1985.

8 OFFICE OF THE INSPECTOR GENERAL

9 For an additional amount for "Office of the Inspector
10 General", $20,000,000, to prevent, prepare for, and re-
11 spond to coronavirus, domestically or internationally: *Pro-*
12 *vided*, That the funding made available under this heading
13 in this Act shall be used for conducting audits and inves-
14 tigations of projects and activities carried out with funds
15 made available in this Act to the Department of Defense
16 to prevent, prepare for, and respond to coronavirus, do-
17 mestically or internationally: *Provided further*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 GENERAL PROVISIONS—THIS TITLE

23 SEC. 13001. Funds appropriated by this title may be
24 transferred to, and merged with, other applicable appro-
25 priations of the Department of Defense, except for "Drug

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1 Interdiction and Counter-Drug Activities, Defense'', for
2 expenses incurred in preventing, preparing for, or re-
3 sponding to coronavirus, including expenses of the Depart-
4 ment of Defense incurred in support of other Federal De-
5 partments and agencies, and State, local, and Indian trib-
6 al governments, to be merged with and to be available for
7 the same purposes, and for the same time period, as the
8 appropriation or fund to which transferred: *Provided*,
9 That upon a determination that all or part of the funds
10 transferred pursuant to this section that are not necessary
11 for the purposes provided herein, such funds shall be
12 transferred back to the original appropriation: *Provided*
13 *further*, That the transfer authority provided by this sec-
14 tion is in addition to any other transfer authority provided
15 by law.

16 SEC. 13002. For an additional amount for ''Defense
17 Health Program'', $1,095,500,000, which shall be for op-
18 eration and maintenance, and of which $1,095,500,000
19 may be available for contracts entered into under the
20 TRICARE program: *Provided*, That, notwithstanding that
21 one percent of funding for operation and maintenance
22 under this heading in Public Law 116–93 shall remain
23 available for obligation until September 30, 2021, funding
24 for operation and maintenance made available under this
25 heading in this section shall only be available through Sep-

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1 tember 30, 2020: *Provided further*, That such amount is
2 designated by the Congress as being for an emergency re-
3 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985.
5 SEC. 13003. (a) Notwithstanding section 2208(l)(3)
6 of title 10, United States Code, during fiscal year 2020,
7 the total amount of the advance billings rendered or im-
8 posed for all working-capital funds of the Department of
9 Defense may exceed the amount otherwise specified in
10 such section.
11 (b) In this section, the term ''advance billing'' has
12 the meaning given that term in section 2208(l)(4) of title
13 10, United States Code.
14 SEC. 13004. (a) Section 2326(b)(3) of title 10,
15 United States Code, shall not apply to any undefinitized
16 contract action of the Department of Defense related to
17 the national emergency for the Coronavirus Disease 2019
18 (COVID–19).
19 (b) In this section, the term ''undefinitized contract
20 action'' has the meaning given that term in section
21 2326(j)(6) of title 10, United States Code.
22 SEC. 13005. (a) The head of an agency may waive
23 the provisions of section 2326(b) of title 10, United States
24 Code, with respect to a contract of such agency if the head
25 of the agency determines that the waiver is necessary due

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1 to the national emergency for the Coronavirus Disease
2 2019 (COVID–19).
3 (b) In this section, the term "head of an agency" has
4 the meaning given that term in section 2302(2) of title
5 10, United States Code.
6 SEC. 13006. (a) Notwithstanding paragraph (3) of
7 section 2371b(a) of title 10, United States Code, the au-
8 thority of a senior procurement executive or director of
9 the Defense Advanced Research Projects Agency or Mis-
10 sile Defense Agency under paragraph (2)(A) of such sec-
11 tion, and the authority of the Under Secretaries of De-
12 fense under paragraph (2)(B) of such section, for any
13 transaction related to the national emergency for the
14 Coronavirus Disease 2019 (COVID–19) may be delegated
15 to such officials in the Department of Defense as the Sec-
16 retary of Defense shall specify for purposes of this section.
17 (b)(1) Notwithstanding clause (ii) of section
18 2371b(a)(2)(B) of title 10, United States Code, no ad-
19 vance notice to Congress is required under that clause for
20 transitions described in that section that are related to
21 the national emergency for the Coronavirus Disease 2019
22 (COVID–19).
23 (2) In the event a transaction covered by paragraph
24 (1) is carried out, the Under Secretary of Defense for Re-
25 search and Engineering or the Under Secretary of Defense

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1 for Acquisition and Sustainment, as applicable, shall sub-
2 mit to the congressional defense committees a notice on
3 the carrying out of such transaction as soon as is prac-
4 ticable after the commencement of the carrying out of
5 such transaction.

6 (3) In this subsection, the term "congressional de-
7 fense committees" has the meaning given such term in
8 section 101(a)(16) of title 10, United States Code.

9 SEC. 13007. (a) The President may extend the ap-
10 pointment of the Chief of Army Reserve as prescribed in
11 section 7038(c) of title 10, United States Code, for the
12 incumbent in that position as of the date of the enactment
13 of this Act until the date of the appointment of the suc-
14 cessor to such incumbent, notwithstanding any limitation
15 otherwise imposed on such term by such section 7038(c).

16 (b) The President may extend the appointment of the
17 Chief of Navy Reserve as prescribed in section 8083(c)
18 of title 10, United States Code, for the incumbent in that
19 position as of the date of the enactment of this Act until
20 the date of the appointment of the successor to such in-
21 cumbent, notwithstanding any limitation otherwise im-
22 posed on such term by such section 8083(c).

23 (c) The President may extend the appointment of the
24 Chief of Staff of the Air Force prescribed in section
25 9033(a)(1) of title 10, United States Code, for the incum-

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1 bent in that position as of the date of the enactment of
2 this Act until the date of the appointment of the successor
3 to such incumbent, notwithstanding any limitation other-
4 wise imposed on such term by such section 9033(a)(1).
5 (d) The President may extend the appointment of the
6 Chief of Space Operations, as prescribed in section
7 9082(a)(2) of title 10, United States Code, for the incum-
8 bent in that position as of the date of the enactment of
9 this Act until the date of the appointment of the successor
10 to such incumbent, notwithstanding any limitation other-
11 wise imposed on such term by such section 9082(a)(2).
12 (e) The President may extend the appointment of the
13 Chief of the National Guard Bureau as prescribed in sec-
14 tion 10502(b) of title 10, United States Code, for the in-
15 cumbent in that position as of the date of the enactment
16 of this Act until the date of the appointment of the suc-
17 cessor to such incumbent, notwithstanding any limitation
18 otherwise imposed on such term by such section 10502(b).
19 (f) The President may extend the appointment of Di-
20 rector, Army National Guard and Director, Air National
21 Guard as prescribed in section 10506(a)(3)(D) of title 10,
22 United States Code, for the incumbent in such position
23 as of the date of the enactment of this Act until the date
24 of the appointment of the successor to such incumbent,

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1 notwithstanding any limitation otherwise imposed on such
2 term by such section 10506(a)(3)(D).
3 (g) Notwithstanding paragraph (4) of section
4 10505(a) of title 10, United States Code, the Secretary
5 of Defense may waive the limitations in paragraphs (2)
6 and (3) of that section for a period of not more than 270
7 days.
8 (h)(1) The President may delegate the exercise of the
9 authorities in subsections (a) through (f) to the Secretary
10 of Defense.
11 (2) The Secretary of Defense may not redelegate the
12 exercise of any authority delegated to the Secretary pursu-
13 ant to paragraph (1), and may not delegate the exercise
14 of the authority in subsection (g).

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1 TITLE IV

2 CORPS OF ENGINEERS—CIVIL

3 DEPARTMENT OF THE ARMY

4 OPERATION AND MAINTENANCE

5 For an additional amount for ''Operation and Main-
6 tenance'', $50,000,000, to remain available until Sep-
7 tember 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally: *Provided*,
9 That such amount is designated by the Congress as being
10 for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 EXPENSES

14 For an additional amount for ''Expenses'',
15 $20,000,000, to remain available until September 30,
16 2021, to prevent, prepare for, and respond to coronavirus,
17 domestically or internationally: *Provided*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 DEPARTMENT OF THE INTERIOR

2 BUREAU OF RECLAMATION

3 WATER AND RELATED RESOURCES

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for "Water and Related
6 Resources", $12,500,000, to remain available until Sep-
7 tember 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally: *Provided*,
9 That $500,000 of the funds provided under this heading
10 in this Act shall be transferred to the "Central Utah
11 Project Completion Account" to prevent, prepare for, and
12 respond to coronavirus: *Provided further*, That such
13 amount is designated by the Congress as being for an
14 emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 POLICY AND ADMINISTRATION

18 For an additional amount for "Policy and Adminis-
19 tration", $8,100,000, to remain available until September
20 30, 2021, to prevent, prepare for, and respond to
21 coronavirus, domestically or internationally: *Provided*,
22 That such amount is designated by the Congress as being
23 for an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

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1 DEPARTMENT OF ENERGY

2 ENERGY PROGRAMS

3 SCIENCE

4 For an additional amount for "Science",
5 $99,500,000, to remain available until September 30,
6 2021, to prevent, prepare for, and respond to coronavirus,
7 domestically or internationally, for necessary expenses re-
8 lated to providing support and access to scientific user fa-
9 cilities in the Office of Science and National Nuclear Secu-
10 rity Administration, including equipment, enabling tech-
11 nologies, and personnel associated with the operations of
12 those scientific user facilities: *Provided*, That such amount
13 is designated by the Congress as being for an emergency
14 requirement pursuant to section 251(b)(2)(A)(i) of the
15 Balanced Budget and Emergency Deficit Control Act of
16 1985.

17 DEPARTMENTAL ADMINISTRATION

18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for "Departmental Admin-
20 istration", $28,000,000, to remain available until Sep-
21 tember 30, 2021, to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally, including for
23 necessary expenses related to supporting remote access for
24 personnel: *Provided*, That funds appropriated under this
25 heading in this Act may be transferred to, and merged

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with, other appropriation accounts of the Department of Energy to prevent, prepare for, and respond to coronavirus, including for necessary expenses related to supporting remote access for personnel: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## INDEPENDENT AGENCIES

### NUCLEAR REGULATORY COMMISSION

#### SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $3,300,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That, notwithstanding 42 U.S.C. 2214, such amount shall not be derived from fee revenue: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

## GENERAL PROVISIONS—THIS TITLE

SEC. 14001. Funds appropriated in this title may be made available to restore amounts, either directly or through reimbursement, for obligations incurred to pre-

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1 vent, prepare for, and respond to coronavirus prior to the
2 date of enactment of this Act.
3 SEC. 14002. (a) Section 404 of the Bipartisan Budg-
4 et Act of 2015 (42 U.S.C. 6239 note) is amended—
5 (1) in subsection (e), by striking "2020" and
6 inserting "2022"; and
7 (2) in subsection (g), by striking "2020" and
8 inserting "2022".
9 (b) Title III of division C of the Further Consolidated
10 Appropriations Act, 2020 (Public Law 116–94) is amend-
11 ed in the matter under the heading "Department of En-
12 ergy—Energy Programs—Strategic Petroleum Reserve"
13 by striking the three provisos before the final period and
14 inserting the following:
15 " *Provided*, That, as authorized by section 404 of the
16 Bipartisan Budget Act of 2015 (Public Law 114–74; 42
17 U.S.C. 6239 note), the Secretary of Energy shall draw
18 down and sell not to exceed a total of $450,000,000 of
19 crude oil from the Strategic Petroleum Reserve in fiscal
20 year 2020, fiscal year 2021, or fiscal year 2022: *Provided*
21 *further*, That the proceeds from such drawdown and sale
22 shall be deposited into the 'Energy Security and Infra-
23 structure Modernization Fund' during the fiscal year in
24 which the sale occurs and shall be made available in such
25 fiscal year, to remain available until expended, for nec-

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1 essary expenses to carry out the Life Extension II project
2 for the Strategic Petroleum Reserve''.
3 (c) The amount provided by this section is designated
4 by the Congress as being for an emergency requirement
5 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
6 et and Emergency Deficit Control Act of 1985.
7 SEC. 14003. Any discretionary appropriation for the
8 Corps of Engineers derived from the Harbor Maintenance
9 Trust Fund (not to exceed the total amount deposited in
10 the Harbor Maintenance Trust Fund in the prior fiscal
11 year) shall be subtracted from the estimate of discre-
12 tionary budget authority and outlays for any estimate of
13 an appropriations Act under the Congressional Budget
14 and Impoundment Control Act of 1974 or the Balanced
15 Budget and Emergency Deficit Control Act of 1985: *Pro-*
16 *vided*, That the modifications described in this section
17 shall not take effect until the earlier of January 1, 2021
18 or the date of enactment of legislation authorizing the de-
19 velopment of water resources and shall remain in effect
20 thereafter.
21 SEC. 14004. Section 14321(a)(2)(B)(ii) of title 40,
22 United States Code, is amended by inserting '', except that
23 a discretionary grant to respond to economic distress di-
24 rectly related to the impacts of the Coronavirus Disease

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1 2019 (COVID–19) shall not be included in such aggregate
2 amount'' before the period at the end.

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1 TITLE V

2 DEPARTMENT OF THE TREASURY

3 INTERNAL REVENUE SERVICE

4 ADMINISTRATIVE PROVISION—INTERNAL REVENUE

5 SERVICE

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 15001. In addition to the amounts otherwise
8 available to the Internal Revenue Service in fiscal year
9 2020, $250,000,000, to remain available until September
10 30, 2021, shall be available to prevent, prepare for, and
11 respond to coronavirus, domestically or internationally, in-
12 cluding costs associated with the extended filing season
13 and implementation of the Families First Coronavirus Re-
14 sponse Act: *Provided*, That such funds may be transferred
15 by the Commissioner to the "Taxpayer Services," "En-
16 forcement," or "Operations Support" accounts of the In-
17 ternal Revenue Service for an additional amount to be
18 used solely to prevent, prepare for, and respond to
19 coronavirus, domestically or internationally: *Provided fur-*
20 *ther*, That the Committees on Appropriations of the House
21 of Representatives and the Senate shall be notified in ad-
22 vance of any such transfer: *Provided further*, That such
23 transfer authority is in addition to any other transfer au-
24 thority provided by law: *Provided further*, That not later
25 than 30 days after the date of enactment of this Act, the

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1 Commissioner shall submit to the Committees on Appro-
2 priations of the House of Representatives and the Senate
3 a spending plan for such funds: *Provided further*, That
4 such amount is designated by the Congress as being for
5 an emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 THE JUDICIARY

9 SUPREME COURT OF THE UNITED STATES

10 SALARIES AND EXPENSES

11 For an additional amount for "Salaries and Ex-
12 penses", $500,000, to prevent, prepare for, and respond
13 to coronavirus, domestically or internationally: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
19 JUDICIAL SERVICES

20 SALARIES AND EXPENSES

21 For an additional amount for "Salaries and Ex-
22 penses", $6,000,000, to prevent, prepare for, and respond
23 to coronavirus, domestically or internationally: *Provided*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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

3 DEFENDER SERVICES

4 For an additional amount for "Defender Services",
5 $1,000,000, to remain available until expended, to pre-
6 vent, prepare for, and respond to coronavirus, domestically
7 or internationally: *Provided*, That such amount is des-
8 ignated by the Congress as being for an emergency re-
9 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985.

11 ADMINISTRATIVE PROVISION—THE JUDICIARY

12 VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS

13 SEC. 15002. (a) DEFINITION.—In this section, the
14 term "covered emergency period" means the period begin-
15 ning on the date on which the President declared a na-
16 tional emergency under the National Emergencies Act (50
17 U.S.C. 1601 et seq.) with respect to the Coronavirus Dis-
18 ease 2019 (COVID–19) and ending on the date that is
19 30 days after the date on which the national emergency
20 declaration terminates.

21 (b) VIDEO TELECONFERENCING FOR CRIMINAL PRO-
22 CEEDINGS.—

23 (1) IN GENERAL.—Subject to paragraphs (3),
24 (4), and (5), if the Judicial Conference of the United
25 States finds that emergency conditions due to the

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1 national emergency declared by the President under
2 the National Emergencies Act (50 U.S.C. 1601 et
3 seq.) with respect to the Coronavirus Disease 2019
4 (COVID–19) will materially affect the functioning of
5 either the Federal courts generally or a particular
6 district court of the United States, the chief judge
7 of a district court covered by the finding (or, if the
8 chief judge is unavailable, the most senior available
9 active judge of the court or the chief judge or circuit
10 justice of the circuit that includes the district court),
11 upon application of the Attorney General or the des-
12 ignee of the Attorney General, or on motion of the
13 judge or justice, may authorize the use of video tele-
14 conferencing, or telephone conferencing if video tele-
15 conferencing is not reasonably available, for the fol-
16 lowing events:
17 (A) Detention hearings under section 3142
18 of title 18, United States Code.
19 (B) Initial appearances under Rule 5 of
20 the Federal Rules of Criminal Procedure.
21 (C) Preliminary hearings under Rule 5.1 of
22 the Federal Rules of Criminal Procedure.
23 (D) Waivers of indictment under Rule 7(b)
24 of the Federal Rules of Criminal Procedure.

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1 (E) Arraignments under Rule 10 of the
2 Federal Rules of Criminal Procedure.
3 (F) Probation and supervised release rev-
4 ocation proceedings under Rule 32.1 of the
5 Federal Rules of Criminal Procedure.
6 (G) Pretrial release revocation proceedings
7 under section 3148 of title 18, United States
8 Code.
9 (H) Appearances under Rule 40 of the
10 Federal Rules of Criminal Procedure.
11 (I) Misdemeanor pleas and sentencings as
12 described in Rule 43(b)(2) of the Federal Rules
13 of Criminal Procedure.
14 (J) Proceedings under chapter 403 of title
15 18, United States Code (commonly known as
16 the "Federal Juvenile Delinquency Act"), ex-
17 cept for contested transfer hearings and juve-
18 nile delinquency adjudication or trial pro-
19 ceedings.
20 (2) FELONY PLEAS AND SENTENCING.—
21 (A) IN GENERAL.—Subject to paragraphs
22 (3), (4), and (5), if the Judicial Conference of
23 the United States finds that emergency condi-
24 tions due to the national emergency declared by
25 the President under the National Emergencies

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1 Act (50 U.S.C. 1601 et seq.) with respect to
2 the Coronavirus Disease 2019 (COVID-19) will
3 materially affect the functioning of either the
4 Federal courts generally or a particular district
5 court of the United States, the chief judge of a
6 district court covered by the finding (or, if the
7 chief judge is unavailable, the most senior avail-
8 able active judge of the court or the chief judge
9 or circuit justice of the circuit that includes the
10 district court) specifically finds, upon applica-
11 tion of the Attorney General or the designee of
12 the Attorney General, or on motion of the judge
13 or justice, that felony pleas under Rule 11 of
14 the Federal Rules of Criminal Procedure and
15 felony sentencings under Rule 32 of the Federal
16 Rules of Criminal Procedure cannot be con-
17 ducted in person without seriously jeopardizing
18 public health and safety, and the district judge
19 in a particular case finds for specific reasons
20 that the plea or sentencing in that case cannot
21 be further delayed without serious harm to the
22 interests of justice, the plea or sentencing in
23 that case may be conducted by video teleconfer-
24 ence, or by telephone conference if video tele-
25 conferencing is not reasonably available.

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1 (B) APPLICABILITY TO JUVENILES.—The
2 video teleconferencing and telephone confer-
3 encing authority described in subparagraph (A)
4 shall apply with respect to equivalent plea and
5 sentencing, or disposition, proceedings under
6 chapter 403 of title 18, United States Code
7 (commonly known as the "Federal Juvenile De-
8 linquency Act").
9 (3) REVIEW.—
10 (A) IN GENERAL.—On the date that is 90
11 days after the date on which an authorization
12 for the use of video teleconferencing or tele-
13 phone conferencing under paragraph (1) or (2)
14 is issued, if the emergency authority has not
15 been terminated under paragraph (5), the chief
16 judge of the district court (or, if the chief judge
17 is unavailable, the most senior available active
18 judge of the court or the chief judge or circuit
19 justice of the circuit that includes the district
20 court) to which the authorization applies shall
21 review the authorization and determine whether
22 to extend the authorization.
23 (B) ADDITIONAL REVIEW.—If an author-
24 ization is extended under subparagraph (A), the
25 chief judge of the district court (or, if the chief

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1 judge is unavailable, the most senior available
2 active judge of the court or the chief judge or
3 circuit justice of the circuit that includes the
4 district court) to which the authorization ap-
5 plies shall review the extension of authority not
6 less frequently than once every 90 days until
7 the earlier of—
8 (i) the date on which the chief judge
9 (or other judge or justice) determines the
10 authorization is no longer warranted; or
11 (ii) the date on which the emergency
12 authority is terminated under paragraph
13 (5).
14 (4) CONSENT.—Video teleconferencing or tele-
15 phone conferencing authorized under paragraph (1)
16 or (2) may only take place with the consent of the
17 defendant, or the juvenile, after consultation with
18 counsel.
19 (5) TERMINATION OF EMERGENCY AUTHOR-
20 ITY.—The authority provided under paragraphs (1),
21 (2), and (3), and any specific authorizations issued
22 under those paragraphs, shall terminate on the ear-
23 lier of—
24 (A) the last day of the covered emergency
25 period; or

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1 (B) the date on which the Judicial Con-
2 ference of the United States finds that emer-
3 gency conditions due to the national emergency
4 declared by the President under the National
5 Emergencies Act (50 U.S.C. 1601 et seq.) with
6 respect to the Coronavirus Disease 2019
7 (COVID-19) no longer materially affect the
8 functioning of either the Federal courts gen-
9 erally or the district court in question.
10 (6) NATIONAL EMERGENCIES GENERALLY.—
11 The Judicial Conference of the United States and
12 the Supreme Court of the United States shall con-
13 sider rule amendments under chapter 131 of title
14 28, United States Code (commonly known as the
15 "Rules Enabling Act"), that address emergency
16 measures that may be taken by the Federal courts
17 when the President declares a national emergency
18 under the National Emergencies Act (50 U.S.C.
19 1601 et seq.).
20 (7) RULE OF CONSTRUCTION.—Nothing in this
21 subsection shall obviate a defendant's right to coun-
22 sel under the Sixth Amendment to the Constitution
23 of the United States, any Federal statute, or the
24 Federal Rules of Criminal Procedure.

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1 (c) The amount provided by this section is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
4 et and Emergency Deficit Control Act of 1985.

5 DISTRICT OF COLUMBIA

6 FEDERAL FUNDS

7 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
8 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

9 For an additional amount for ''Federal Payment for
10 Emergency Planning and Security Costs in the District
11 of Columbia'', $5,000,000, to remain available until ex-
12 pended, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 INDEPENDENT AGENCIES

19 ELECTION ASSISTANCE COMMISSION

20 ELECTION SECURITY GRANTS

21 For an additional amount for ''Election Security
22 Grants'', $400,000,000, to prevent, prepare for, and re-
23 spond to coronavirus, domestically or internationally, for
24 the 2020 Federal election cycle: *Provided*, That a State
25 receiving a payment with funds provided under this head-

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1 ing in this Act shall provide to the Election Assistance
2 Commission, within 20 days of each election in the 2020
3 Federal election cycle in that State, a report that includes
4 a full accounting of the State's uses of the payment and
5 an explanation of how such uses allowed the State to pre-
6 vent, prepare for, and respond to coronavirus: *Provided*
7 *further*, That, within 3 days of its receipt of a report re-
8 quired in the preceding proviso, the Election Assistance
9 Commission will transmit the report to the Committee on
10 Appropriations and the Committee on House Administra-
11 tion of the House of Representatives and the Committee
12 on Appropriations and the Committee on Rules and Ad-
13 ministration of the Senate: *Provided further*, That not
14 later than 30 days after the date of enactment of this Act,
15 the Election Assistance Commission shall make the pay-
16 ments to States under this heading: *Provided further*, That
17 any portion of a payment made to a State with funds pro-
18 vided under this heading in this Act which is unobligated
19 on December 31, 2020 shall be returned to the Treasury:
20 *Provided further*, That such amount is designated by the
21 Congress as being for an emergency requirement pursuant
22 to section 251(b)(2)(A)(i) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985.

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1 FEDERAL COMMUNICATIONS COMMISSION

2 SALARIES AND EXPENSES

3 For an additional amount for "Salaries and Ex-
4 penses", $200,000,000, to remain available until ex-
5 pended, to prevent, prepare for, and respond to
6 coronavirus, domestically or internationally, including to
7 support efforts of health care providers to address
8 coronavirus by providing telecommunications services, in-
9 formation services, and devices necessary to enable the
10 provision of telehealth services during an emergency pe-
11 riod, as defined in section 1135(g)(1) of the Social Secu-
12 rity Act (42 U.S.C. 1320b–5(g)(1)): *Provided*, That the
13 Federal Communications Commission may rely on the
14 rules of the Commission under part 54 of title 47, Code
15 of Federal Regulations, in administering the amount pro-
16 vided under the heading in this Act if the Commission de-
17 termines that such administration is in the public interest:
18 *Provided further*, That such amount is designated by the
19 Congress as being for an emergency requirement pursuant
20 to section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

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1 GENERAL SERVICES ADMINISTRATION
2 REAL PROPERTY ACTIVITIES
3 FEDERAL BUILDINGS FUND
4 (INCLUDING TRANSFERS OF FUNDS)
5 For an additional amount to be deposited in the
6 "Federal Buildings Fund", $275,000,000, to remain
7 available until expended, to prevent, prepare for, and re-
8 spond to coronavirus, domestically or internationally: *Pro-*
9 *vided*, That the amount provided under this heading in
10 this Act may be used to reimburse the Fund for obliga-
11 tions incurred for this purpose prior to the date of the
12 enactment of this Act: *Provided further*, That such amount
13 may be transferred to, and merged with, accounts within
14 the Federal Buildings Fund in amounts necessary to cover
15 costs incurred to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally: *Provided fur-*
17 *ther*, That the Administrator of General Services shall no-
18 tify the Committees on Appropriations of the House of
19 Representatives and the Senate quarterly on the obliga-
20 tions and expenditures of the funds provided by this Act
21 by account of the Federal Buildings Fund: *Provided fur-*
22 *ther*, That funds made available to the Administrator in
23 this or any previous Act shall not be subject to section
24 3307 of title 40, United States Code, for the acquisition
25 of space necessary to prevent, prepare for, or respond to

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1 coronavirus, domestically or internationally: *Provided fur-*
2 *ther*, That no action taken by the Administrator to acquire
3 real property and interests in real property or to improve
4 real property in response to coronavirus shall be deemed
5 a Federal action or undertaking and subject to review
6 under the National Environmental Policy Act of 1969, as
7 amended (42 U.S.C. 4321 et seq.), or the National His-
8 toric Preservation Act of 1966, as amended (54 U.S.C.
9 300101 et seq.), respectively: *Provided further*, That such
10 amount is designated by the Congress as being for an
11 emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 GENERAL ACTIVITIES

15 FEDERAL CITIZEN SERVICES FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount to be deposited in the
18 "Federal Citizen Services Fund", $18,650,000, to remain
19 available until expended, to prevent, prepare for, and re-
20 spond to coronavirus, domestically or internationally: *Pro-*
21 *vided*, That such amount is designated by the Congress
22 as being for an emergency requirement pursuant to sec-
23 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985.

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1 WORKING CAPITAL FUND

2 For an additional amount for "Working Capital
3 Fund", $1,500,000, to remain available until expended,
4 to prevent, prepare for, and respond to coronavirus, do-
5 mestically or internationally: *Provided*, That such amount
6 is designated by the Congress as being for an emergency
7 requirement pursuant to section 251(b)(2)(A)(i) of the
8 Balanced Budget and Emergency Deficit Control Act of
9 1985.

10 ADMINISTRATIVE PROVISION—GENERAL SERVICES
11 ADMINISTRATION

12 SEC. 15003. Notwithstanding 41 U.S.C.
13 3304(a)(7)(B), the Administrator, when making a deter-
14 mination that use of noncompetitive procedures is nec-
15 essary for public interest in accordance with 41 U.S.C.
16 3304(a)(7)(A) in response to a public health emergency
17 declaration by the Secretary of Health and Human Serv-
18 ices under section 319 of the Public Health Service Act
19 (42 U.S.C. 247(d)), is required to notify Congress in writ-
20 ing of that determination not less than 3 days prior to
21 the award of the contract.

22 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
23 OPERATING EXPENSES

24 For an additional amount for "Operating Expenses",
25 $8,100,000, to remain available until September 30, 2021,

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1 to prevent, prepare for, and respond to coronavirus, do-
2 mestically or internationally: *Provided*, That the amount
3 provided under this heading in this Act may be used to
4 provide expenses of the Federal Records Center Program
5 for preventing, preparing for, and responding to
6 coronavirus, domestically or internationally: *Provided fur-*
7 *ther*, That such amount is designated by the Congress as
8 being for an emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 OFFICE OF PERSONNEL MANAGEMENT

12 SALARIES AND EXPENSES

13 For an additional amount for "Salaries and Ex-
14 penses", $12,100,000, to remain available until September
15 30, 2021, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally, including
17 technologies for digital case management, short-term
18 methods to allow electronic submissions of retirement ap-
19 plication packages in support of paper-based business op-
20 erations, and increased telecommunications: *Provided*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE

2 For an additional amount for "Pandemic Response
3 Accountability Committee", $80,000,000, to remain avail-
4 able until expended, to promote transparency and support
5 oversight of funds provided in this Act to prevent, prepare
6 for, and respond to coronavirus, domestically or inter-
7 nationally: *Provided*, That such amount is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 SMALL BUSINESS ADMINISTRATION
12 DISASTER LOANS PROGRAM ACCOUNT
13 (INCLUDING TRANSFERS OF FUNDS)

14 For an additional amount for the "Disaster Loans
15 Program Account", $562,000,000, to remain available
16 until expended, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally, for the cost
18 of direct loans authorized by section 7(b) of the Small
19 Business Act and for administrative expenses to carry out
20 the disaster loan program authorized by section 7(b) of
21 the Small Business Act: *Provided*, That the amounts pro-
22 vided under this heading in this Act may be transferred
23 to, and merged with, "Small Business Administration—
24 Salaries and Expenses" to prevent, prepare for, and re-
25 spond to coronavirus, domestically or internationally: *Pro-*

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1 *vided further*, That such amount is designated by the Con-
2 gress as being for an emergency requirement pursuant to
3 section 251(b)(2)(A)(i) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985.

5 GENERAL PROVISIONS—THIS TITLE

6 PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE

7 SEC. 15010. (a) In this section—

8 (1) the term "agency" has the meaning given
9 the term in section 551 of title 5, United States
10 Code;

11 (2) the term "appropriate congressional com-
12 mittees" means—

13 (A) the Committees on Appropriations of
14 the Senate and the House of Representatives;

15 (B) the Committee on Homeland Security
16 and Governmental Affairs of the Senate;

17 (C) the Committee on Oversight and Re-
18 form of the House of Representatives; and

19 (D) any other relevant congressional com-
20 mittee of jurisdiction;

21 (3) the term "Chairperson" means the Chair-
22 person of the Committee;

23 (4) the term "Council" means the Council of
24 the Inspectors General on Integrity and Efficiency

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1 established under section 11 of the Inspector Gen-
2 eral Act of 1978 (5 U.S.C. App);
3 (5) the term "Committee" means the Pandemic
4 Response Accountability Committee established
5 under subsection (b);
6 (6) the term "covered funds" means any funds,
7 including loans, that are made available in any form
8 to any non-Federal entity, not including an indi-
9 vidual, under—
10 (A) this Act;
11 (B) the Coronavirus Preparedness and Re-
12 sponse Supplemental Appropriations Act, 2020
13 (Public Law 116–123);
14 (C) the Families First Coronavirus Re-
15 sponse Act (Public Law 116–127); or
16 (D) any other Act primarily making appro-
17 priations for the Coronavirus response and re-
18 lated activities; and
19 (7) the term "Coronavirus response" means the
20 Federal Government's response to the nationwide
21 public health emergency declared by the Secretary of
22 Health and Human Services, retroactive to January
23 27, 2020, pursuant to section 319 of the Public
24 Health Service Act (42 U.S.C. 247d), as a result of

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1 confirmed cases of the novel coronavirus (COVID–
2 19) in the United States.
3 (b) There is established within the Council the Pan-
4 demic Response Accountability Committee to promote
5 transparency and conduct and support oversight of cov-
6 ered funds and the Coronavirus response to—
7 (1) prevent and detect fraud, waste, abuse, and
8 mismanagement; and
9 (2) mitigate major risks that cut across pro-
10 gram and agency boundaries.
11 (c)(1) The Chairperson of the Committee shall be se-
12 lected by the Chairperson of the Council from among In-
13 spectors General described in subparagraphs (B), (C), and
14 (D) of paragraph (2) with experience managing oversight
15 of large organizations and expenditures.
16 (2) The members of the Committee shall include—
17 (A) the Chairperson;
18 (B) the Inspectors General of the Departments
19 of Defense, Education, Health and Human Services,
20 Homeland Security, Justice, Labor, and the Treas-
21 ury;
22 (C) the Inspector General of the Small Business
23 Administration;
24 (D) the Treasury Inspector General for Tax
25 Administration; and

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1 (E) any other Inspector General, as designated
2 by the Chairperson from any agency that expends or
3 obligates covered funds or is involved in the
4 Coronavirus response.
5 (3)(A) There shall be an Executive Director and a
6 Deputy Executive Director of the Committee.
7 (B)(i) Not later than 30 days after the date of enact-
8 ment of this Act, the Executive Director of the Committee
9 shall be appointed by the Chairperson of the Council, in
10 consultation with the majority leader of the Senate, the
11 Speaker of the House of Representatives, the minority
12 leader of the Senate, and the minority leader of the House
13 of Representatives.
14 (ii) Not later than 90 days after the date of enact-
15 ment of this Act, the Deputy Executive Director of the
16 Committee shall be appointed by the Chairperson of the
17 Council, in consultation with the majority leader of the
18 Senate, the Speaker of the House of Representatives, the
19 minority leader of the Senate, the minority leader of the
20 House of Representatives, and the Executive Director of
21 the Committee.
22 (C) The Executive Director of the Committee shall—
23 (i) report directly to the Chairperson;

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1 (ii) appoint staff of the Committee, subject to
2 the approval of the Chairperson, consistent with sub-
3 section (f);
4 (iii) supervise and coordinate Committee func-
5 tions and staff; and
6 (iv) perform any other duties assigned to the
7 Executive Director by the Committee.
8 (4)(A) Members of the Committee may not receive
9 additional compensation for services performed.
10 (B) The Executive Director and Deputy Executive
11 Director of the Committee shall be compensated at the
12 rate of basic pay prescribed for level IV of the Executive
13 Schedule under section 5315 of title 5, United States
14 Code.
15 (d)(1)(A) The Committee shall conduct and coordi-
16 nate oversight of covered funds and the Coronavirus re-
17 sponse and support Inspectors General in the oversight of
18 covered funds and the Coronavirus response in order to—
19 (i) detect and prevent fraud, waste, abuse, and
20 mismanagement; and
21 (ii) identify major risks that cut across pro-
22 grams and agency boundaries.
23 (B) The functions of the Committee shall include—
24 (i) developing a strategic plan to ensure coordi-
25 nated, efficient, and effective comprehensive over-

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1 sight by the Committee and Inspectors General over
2 all aspects of covered funds and the Coronavirus re-
3 sponse;
4 (ii) auditing or reviewing covered funds, includ-
5 ing a comprehensive audit and review of charges
6 made to Federal contracts pursuant to authorities
7 provided in the Coronavirus Aid, Relief, and Eco-
8 nomic Security Act, to determine whether wasteful
9 spending, poor contract or grant management, or
10 other abuses are occurring and referring matters the
11 Committee considers appropriate for investigation to
12 the Inspector General for the agency that disbursed
13 the covered funds, including conducting randomized
14 audits to identify fraud;
15 (iii) reviewing whether the reporting of con-
16 tracts and grants using covered funds meets applica-
17 ble standards and specifies the purpose of the con-
18 tract or grant and measures of performance;
19 (iv) reviewing the economy, efficiency, and ef-
20 fectiveness in the administration of, and the detec-
21 tion of fraud, waste, abuse, and mismanagement in,
22 Coronavirus response programs and operations;
23 (v) reviewing whether competition requirements
24 applicable to contracts and grants using covered
25 funds have been satisfied;

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1 (vi) serving as a liaison to the Director of the
2 Office of Management and Budget, the Secretary of
3 the Treasury, and other officials responsible for im-
4 plementing the Coronavirus response;
5 (vii) reviewing whether there are sufficient
6 qualified acquisition, grant, and other applicable per-
7 sonnel overseeing covered funds and the Coronavirus
8 response;
9 (viii) reviewing whether personnel whose duties
10 involve the Coronavirus response or acquisitions or
11 grants made with covered funds or are otherwise re-
12 lated to the Coronavirus response receive adequate
13 training, technology support, and other resources;
14 (ix) reviewing whether there are appropriate
15 mechanisms for interagency collaboration relating to
16 the oversight of covered funds and the Coronavirus
17 response, including coordinating and collaborating to
18 the extent practicable with State and local govern-
19 ment entities;
20 (x) expeditiously reporting to the Attorney Gen-
21 eral any instance in which the Committee has rea-
22 sonable grounds to believe there has been a violation
23 of Federal criminal law; and

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1 (xi) coordinating and supporting Inspectors
2 General on matters related to oversight of covered
3 funds and the Coronavirus response.
4 (2)(A)(i) The Committee shall submit to the Presi-
5 dent and Congress, including the appropriate congres-
6 sional committees, management alerts on potential man-
7 agement, risk, and funding problems that require imme-
8 diate attention.
9 (ii) The Committee shall submit to Congress such
10 other reports or provide such periodic updates on the work
11 of the Committee as the Committee considers appropriate
12 on the use of covered funds and the Coronavirus response.
13 (B) The Committee shall submit biannual reports to
14 the President and Congress, including the appropriate
15 congressional committees, and may submit additional re-
16 ports as appropriate—
17 (i) summarizing the findings of the Committee;
18 and
19 (ii) identifying and quantifying the impact of
20 any tax expenditures or credits authorized under
21 this Act to the extent practicable.
22 (C)(i) All reports submitted under this paragraph
23 shall be made publicly available and posted on the website
24 established under subsection (g).

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1 (ii) Any portion of a report submitted under this
2 paragraph may be redacted when made publicly available,
3 if that portion would disclose information that is not sub-
4 ject to disclosure under sections 552 and 552a of title 5,
5 United States Code, or is otherwise prohibited from disclo-
6 sure by law.

7 (3)(A) The Committee shall make recommendations
8 to agencies on measures to prevent or address fraud,
9 waste, abuse and mismanagement, and to mitigate risks
10 that cut across programs and agency boundaries, relating
11 to covered funds and the Coronavirus response.

12 (B) Not later than 30 days after receipt of a rec-
13 ommendation under subparagraph (A), an agency shall
14 submit a report to the President and the appropriate con-
15 gressional committees on—

16 (i) whether the agency agrees or disagrees with
17 the recommendations; and

18 (ii) any actions the agency will take to imple-
19 ment the recommendations, which shall also be in-
20 cluded in the report required under section 2(b) of
21 the GAO–IG Act (31 U.S.C. 1105 note).

22 (e)(1) The Committee shall conduct audits and re-
23 views of programs, operations, and expenditures relating
24 to covered funds and the Coronavirus response and coordi-
25 nate on such activities with the Inspector General of the

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1 relevant agency to avoid unnecessary duplication and over-
2 lap of work.
3 (2) The Committee may—
4 (A) conduct its own independent investigations,
5 audits, and reviews relating to covered funds or the
6 Coronavirus response;
7 (B) collaborate on audits and reviews relating
8 to covered funds with any Inspector General of an
9 agency; and
10 (C) provide support to relevant agency Inspec-
11 tors General in conducting investigations, audits,
12 and reviews relating to the covered funds and
13 Coronavirus response.
14 (3)(A) In conducting and supporting investigations,
15 audits, and reviews under this subsection, the Com-
16 mittee—
17 (i) shall have the authorities provided under
18 section 6 of the Inspector General Act of 1978 (5
19 U.S.C. App.);
20 (ii) may issue subpoenas to compel the testi-
21 mony of persons who are not Federal officers or em-
22 ployees; and
23 (iii) may enforce such subpoenas in the event of
24 a refusal to obey by order of any appropriate United
25 States district court as provided for under section 6

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1 of the Inspector General Act of 1978 (5 U.S.C.
2 App).
3 (B) The Committee shall carry out the powers under
4 paragraphs (1) and (2) in accordance with section 4(b)(1)
5 of the Inspector General Act of 1978 (5 U.S.C. App.).
6 (C) Whenever information or assistance requested by
7 the Committee or an Inspector General is unreasonably
8 refused or not provided, the Committee shall immediately
9 report the circumstances to the appropriate congressional
10 committees.
11 (D) The Committee shall leverage existing informa-
12 tion technology resources within the Council, such as over-
13 sight.gov, to carry out the duties of the Committee.
14 (4)(A) The Committee may hold public hearings and
15 Committee personnel may conduct necessary inquiries.
16 (B) The head of each agency shall make all officers
17 and employees of that agency available to provide testi-
18 mony to the Committee and Committee personnel.
19 (C) The Committee may issue subpoenas to compel
20 the testimony of persons who are not Federal officers or
21 employees at such public hearings, which may be enforced
22 in the same manner as provided for subpoenas under sec-
23 tion 6 of the Inspector General Act of 1978 (5 U.S.C.
24 App.).

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1 (5) The Committee may enter into contracts to en-
2 able the Committee to discharge its duties, including con-
3 tracts and other arrangements for audits, studies, anal-
4 yses, and other services with public agencies and with pri-
5 vate persons, and make such payments as may be nec-
6 essary to carry out the duties of the Committee.
7 (6) The Committee may establish subcommittees to
8 facilitate the ability of the Committee to discharge its du-
9 ties.
10 (7) The Committee may transfer funds appropriated
11 to the Committee for expenses to support administrative
12 support services and audits, reviews, or other activities re-
13 lated to oversight by the Committee of covered funds or
14 the Coronavirus response to any Office of the Inspector
15 General or the General Services Administration.
16 (f)(1)(A)(i) Subject to subparagraph (B), the Com-
17 mittee may exercise the authorities of subsections (b)
18 through (i) of section 3161 of title 5, United States Code
19 (without regard to subsection (a) of that section) to carry
20 out the functions of the Committee under this section.
21 (ii) For purposes of exercising the authorities de-
22 scribed under clause (i), the term ''Chairperson'' shall be
23 substituted for the term ''head of a temporary organiza-
24 tion''.

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1 (iii) In exercising the authorities described in clause
2 (i), the Chairperson shall consult with members of the
3 Committee.
4 (iv) In addition to the authority provided by section
5 3161(c) of title 5, United States Code, upon the request
6 of an Inspector General, the Committee may detail, on a
7 nonreimbursable basis, any personnel of the Council to
8 that Inspector General to assist in carrying out any audit,
9 review, or investigation pertaining to the oversight of cov-
10 ered funds or the Coronavirus response.
11 (B) In exercising the employment authorities under
12 section 3161(b) of title 5, United States Code, as provided
13 under subparagraph (A) of this paragraph—
14 (i) section 3161(b)(2) of that title (relating to
15 periods of appointments) shall not apply; and
16 (ii) no period of appointment may exceed the
17 date on which the Committee terminates.
18 (C)(i) A person employed by the Committee shall ac-
19 quire competitive status for appointment to any position
20 in the competitive service for which the employee possesses
21 the required qualifications upon the completion of 2 years
22 of continuous service as an employee under this sub-
23 section.
24 (ii) No person who is first employed as described in
25 clause (i) more than 2 years after the date of enactment

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1 of this Act may acquire competitive status under clause
2 (i).
3 (2)(A) The Committee may employ annuitants cov-
4 ered by section 9902(g) of title 5, United States Code,
5 for purposes of the oversight of covered funds or the
6 Coronavirus response.
7 (B) The employment of annuitants under this para-
8 graph shall be subject to the provisions of section 9902(g)
9 of title 5, United States Code, as if the Committee was
10 the Department of Defense.
11 (3) Upon request of the Committee for information
12 or assistance from any agency or other entity of the Fed-
13 eral Government, the head of such entity shall, insofar as
14 is practicable and not in contravention of any existing law,
15 and consistent with section 6 of the Inspector General Act
16 of 1978 (5 U.S.C. App.), furnish such information or as-
17 sistance to the Committee, or an authorized designee, in-
18 cluding an Inspector General designated by the Chair-
19 person.
20 (4) Any Inspector General responsible for conducting
21 oversight related to covered funds or the Coronavirus re-
22 sponse may, consistent with the duties, responsibilities,
23 policies, and procedures of the Inspector General, provide
24 information requested by the Committee or an Inspector

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1 General on the Committee relating to the responsibilities
2 of the Committee.
3 (g)(1)(A) Not later than 30 days after the date of
4 enactment of this Act, the Committee shall establish and
5 maintain a user-friendly, public-facing website to foster
6 greater accountability and transparency in the use of cov-
7 ered funds and the Coronavirus response, which shall have
8 a uniform resource locator that is descriptive and memo-
9 rable.
10 (B) The Committee shall leverage existing informa-
11 tion technology and resources, such as oversight.gov, to
12 the greatest extent practicable to meet the requirements
13 under this section.
14 (2) The website established and maintained under
15 paragraph (1) shall be a portal or gateway to key informa-
16 tion relating to the oversight of covered funds and the
17 Coronavirus response and provide connections to other
18 Government websites with related information.
19 (3) In establishing and maintaining the website under
20 paragraph (1), the Committee shall ensure the following:
21 (A) The website shall provide materials and in-
22 formation explaining the Coronavirus response and
23 how covered funds are being used. The materials
24 shall be easy to understand and regularly updated.

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1 (i) The website shall provide accountability in-
2 formation, including findings from Inspectors Gen-
3 eral, including any progress reports, audits, inspec-
4 tions, or other reports, including reports from or
5 links to reports on the website of the Government
6 Accountability Office.
7 (ii) The website shall provide data on relevant
8 operational, economic, financial, grant, subgrant,
9 contract, and subcontract information in user-friend-
10 ly visual presentations to enhance public awareness
11 of the use of covered funds and the Coronavirus re-
12 sponse.
13 (iii) The website shall provide detailed data on
14 any Federal Government awards that expend cov-
15 ered funds, including a unique trackable identifica-
16 tion number for each project, information about the
17 process that was used to award the covered funds,
18 and for any covered funds over $150,000, a detailed
19 explanation of any associated agreement, where ap-
20 plicable.
21 (iv) The website shall include downloadable,
22 machine-readable, open format reports on covered
23 funds obligated by month to each State and congres-
24 sional district, where applicable.

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1 (v) The website shall provide a means for the
2 public to give feedback on the performance of any
3 covered funds and of the Coronavirus response, in-
4 cluding confidential feedback.
5 (vi) The website shall include detailed informa-
6 tion on Federal Government awards that expend
7 covered funds, including data elements required
8 under the Federal Funding Accountability and
9 Transparency Act of 2006 (31 U.S.C. 6101 note),
10 allowing aggregate reporting on awards below
11 $50,000, as prescribed by the Director of the Office
12 of Management and Budget.
13 (vii) The website shall provide a link to esti-
14 mates of the jobs sustained or created by this Act
15 to the extent practicable.
16 (viii) The website shall include appropriate links
17 to other government websites with information con-
18 cerning covered funds and the Coronavirus response,
19 including Federal agency and State websites.
20 (ix) The website shall include a plan from each
21 Federal agency for using covered funds.
22 (x) The website shall provide information on
23 Federal allocations of mandatory and other entitle-
24 ment programs by State, county, or other geo-

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1 graphical unit related to covered funds or the
2 Coronavirus response.
3 (xi) The website shall present the data such
4 that funds subawarded by recipients are not double
5 counted in search results, data visualizations, or
6 other reports.
7 (xii) The website shall include all recommenda-
8 tions made to agencies relating to covered funds and
9 the Coronavirus response, as well as the status of
10 each recommendation.
11 (xiii) The website shall be enhanced and up-
12 dated as necessary to carry out the purposes of this
13 section.
14 (4) The Committee may exclude posting contractual
15 or other information on the website on a case-by-case basis
16 when necessary to protect national security or to protect
17 information that is not subject to disclosure under sections
18 552 and 552a of title 5, United States Code.
19 (h)(1) Nothing in this section shall affect the inde-
20 pendent authority of an Inspector General to determine
21 whether to conduct an audit or investigation of covered
22 funds or the Coronavirus response.
23 (2) If the Committee requests that an Inspector Gen-
24 eral of an agency conduct or refrain from conducting an
25 audit or investigation and the Inspector General rejects

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1 the request in whole or in part, the Inspector General
2 shall, not later than 30 days after rejecting the request,
3 submit a report to the Committee, the head of the applica-
4 ble agency, and the appropriate congressional committees,
5 that states the reasons that the Inspector General has re-
6 jected the request in whole or in part.

7 (i) The Committee shall coordinate its oversight ac-
8 tivities with the Comptroller General of the United States
9 and State auditors.

10 (j) For the purposes of carrying out the mission of
11 the Committee under this section, there are authorized to
12 be appropriated such sums as may be necessary to carry
13 out the duties and functions of the Committee.

14 (k) The Committee shall terminate on September 30,
15 2025.

16 REPORTING ON USE OF FUNDS

17 SEC. 15011. (a) In this section—

18 (1) the terms "agency", "appropriate congres-
19 sional committees", "Committee", "covered funds",
20 and "Coronavirus response" have the meanings
21 given those terms in section 15010;

22 (2) the term "covered recipient"—

23 (A) means any entity that receives large
24 covered funds; and

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1 (B) includes any State, the District of Co-
2 lumbia, and any territory or possession of the
3 United States; and
4 (3) the term "large covered funds" means cov-
5 ered funds that amount to more than $150,000.
6 (b)(1)(A) On a monthly basis until September 30,
7 2021, each agency shall report to the Director of the Of-
8 fice of Management and Budget, the Bureau of Fiscal
9 Service in the Department of the Treasury, the Com-
10 mittee, and the appropriate congressional committees on
11 any obligation or expenditure of large covered funds, in-
12 cluding loans and awards.
13 (B) Not later than 90 days after the date of enact-
14 ment of this Act, each agency shall submit to the Com-
15 mittee a plan describing how the agency will use covered
16 funds.
17 (2) Not later than 10 days after the end of each cal-
18 endar quarter, each covered recipient shall submit to the
19 agency and the Committee a report that contains—
20 (A) the total amount of large covered funds re-
21 ceived from the agency;
22 (B) the amount of large covered funds received
23 that were expended or obligated for each project or
24 activity;

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1 (C) a detailed list of all projects or activities for
2 which large covered funds were expended or obli-
3 gated, including—
4 (i) the name of the project or activity;
5 (ii) a description of the project or activity;
6 and
7 (iii) the estimated number of jobs created
8 or retained by the project or activity, where ap-
9 plicable; and
10 (D) detailed information on any level of sub-
11 contracts or subgrants awarded by the covered re-
12 cipient or its subcontractors or subgrantees, to in-
13 clude the data elements required to comply with the
14 Federal Funding Accountability and Transparency
15 Act of 2006 (31 U.S.C. 6101 note) allowing aggre-
16 gate reporting on awards below $50,000 or to indi-
17 viduals, as prescribed by the Director of the Office
18 of Management and Budget.
19 (3) Not later than 30 days after the end of each cal-
20 endar quarter, the Committee, in consultation with the
21 agency that made large covered funds available to any cov-
22 ered recipient shall make the information in reports sub-
23 mitted under paragraph (2) publicly available by posting
24 the information on the website established under section
25 15010(g).

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1 (4)(A) Each agency, in coordination with the Com-
2 mittee and the Director of the Office of Management and
3 Budget shall provide user-friendly means for covered re-
4 cipients to meet requirements of this subsection.
5 (B) Federal agencies may use existing mechanisms
6 to ensure that information under this subsection is re-
7 ported accurately.
8 (c)(1) The Director of the Office of Management and
9 Budget, in consultation with the Secretary of the Treas-
10 ury, the Administrator of the Small Business Administra-
11 tion, and the Chairperson of the Council of Economic Ad-
12 visors, shall submit to the appropriate congressional com-
13 mittees and publicly release on the website established
14 under section 15010(g) quarterly reports that detail the
15 impact of programs funded through large covered funds
16 on employment, estimated economic growth, and other key
17 economic indicators, including information about impacted
18 industries.
19 (2)(A) The first report submitted under paragraph
20 (1) shall be submitted not later than 45 days after the
21 end of the first full quarter following the date of enact-
22 ment of this Act.
23 (B) The last report required to be submitted under
24 paragraph (1) shall apply to the quarter in which the
25 Committee terminates.

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1 TITLE VI

2 DEPARTMENT OF HOMELAND SECURITY

3 MANAGEMENT DIRECTORATE

4 OPERATIONS AND SUPPORT

5 For an additional amount for ''Operations and Sup-
6 port'', $178,300,000, to remain available until September
7 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally, which shall be
9 for the purchase of personal protective equipment and
10 sanitization materials: *Provided*, That funds provided
11 under this heading in this Act may be transferred by the
12 Secretary of Homeland Security between appropriations in
13 the Department only for the purchase of personal protec-
14 tive equipment and sanitization materials to prevent, pre-
15 pare for, and respond to coronavirus, domestically or
16 internationally: *Provided further*, That none of the funds
17 made available under this heading may be transferred pur-
18 suant to the authority in section 503 of the Department
19 of Homeland Security Appropriations Act, 2020: *Provided*
20 *further*, That the Department shall provide notice of any
21 transfer to the Committees on Appropriations of the Sen-
22 ate and the House of Representatives not later than 5
23 days after executing such transfer: *Provided further*, That
24 such amount is designated by the Congress as being for
25 an emergency requirement pursuant to section

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

3 TRANSPORTATION SECURITY ADMINISTRATION

4 OPERATIONS AND SUPPORT

5 For an additional amount for ''Operations and Sup-
6 port'', $100,000,000, to remain available until September
7 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally, which shall be
9 for cleaning and sanitization at checkpoints and other air-
10 port common areas; overtime and travel costs; and explo-
11 sive detection materials: *Provided*, That such amount is
12 designated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 UNITED STATES COAST GUARD

16 OPERATIONS AND SUPPORT

17 For an additional amount for ''Operations and Sup-
18 port'', $140,800,000, to remain available until September
19 30, 2021, to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally, which shall be
21 for mobilization of reservists and increasing the capability
22 and capacity of Coast Guard information technology sys-
23 tems and infrastructure: *Provided*, That such amount is
24 designated by the Congress as being for an emergency re-

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

3 CYBERSECURITY AND INFRASTRUCTURE SECURITY
4 AGENCY

5 OPERATIONS AND SUPPORT

6 For an additional amount for ''Operations and Sup-
7 port'', $9,100,000, to remain available until September
8 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally, which shall be
10 for support of interagency critical infrastructure coordina-
11 tion and related activities: *Provided*, That such amount
12 is designated by the Congress as being for an emergency
13 requirement pursuant to section 251(b)(2)(A)(i) of the
14 Balanced Budget and Emergency Deficit Control Act of
15 1985.

16 FEDERAL EMERGENCY MANAGEMENT AGENCY

17 OPERATIONS AND SUPPORT

18 For an additional amount for ''Operations and Sup-
19 port'', $44,987,000, to remain available until September
20 30, 2021, to prevent, prepare for, and respond to
21 coronavirus, domestically or internationally, which shall be
22 for enhancements to information technology and for facili-
23 ties support: *Provided*, That such amount is designated
24 by the Congress as being for an emergency requirement

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

3 DISASTER RELIEF FUND

4 For an additional amount for "Disaster Relief
5 Fund", $45,000,000,000, to remain available until ex-
6 pended: *Provided*, That of the amount provided under this
7 heading in this Act, $25,000,000,000 shall be for major
8 disasters declared pursuant to the Robert T. Stafford Dis-
9 aster Relief and Emergency Assistance Act (42 U.S.C.
10 5121 et seq.): *Provided further*, That of the amount pro-
11 vided under this heading in this Act, $15,000,000,000
12 may be used for all purposes authorized under such Act
13 and may be used in addition to amounts designated by
14 the Congress as being for disaster relief pursuant to sec-
15 tion 251(b)(2)(D) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985: *Provided further*, That every
17 30 days the Administrator shall provide the Committees
18 on Appropriations of the Senate and the House of Rep-
19 resentatives both projected and actual costs for funds pro-
20 vided under this heading for major disasters and any other
21 expenses: *Provided further*, That of the amounts provided
22 under this heading, $3,000,000 shall be transferred to
23 "Office of Inspector General" and shall remain available
24 until expended for oversight of activities supported by
25 funds provided under this heading: *Provided further*, That

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1 such amount is designated by the Congress as being for
2 an emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 FEDERAL ASSISTANCE

6 For an additional amount for "Federal Assistance",
7 $400,000,000, to remain available until September 30,
8 2021, to prevent, prepare for, and respond to coronavirus,
9 domestically or internationally: *Provided*, That of the
10 amount provided under this heading in this Act,
11 $100,000,000 shall be for Assistance to Firefighter
12 Grants for the purchase of personal protective equipment
13 and related supplies, including reimbursements;
14 $100,000,000 shall be for Emergency Management Per-
15 formance Grants; and $200,000,000 shall be for the
16 Emergency Food and Shelter Program: *Provided further*,
17 That such amount is designated by the Congress as being
18 for an emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 GENERAL PROVISIONS—THIS TITLE

22 SEC. 16001. Notwithstanding any other provision of
23 law, funds made available under each heading in this title,
24 except for "Federal Emergency Management Agency—

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1 Disaster Relief Fund'', shall only be used for the purposes
2 specifically described under that heading.

3 SEC. 16002. Notwithstanding any other provision of
4 law, any amounts appropriated for ''Federal Emergency
5 Management Agency—Disaster Relief Fund'' in this Act
6 are available only for the purposes for which they were
7 appropriated.

8 SEC. 16003. (a) PREMIUM PAY AUTHORITY.—If
9 services performed during fiscal year 2020 are determined
10 by the head of the agency to be primarily related to prepa-
11 ration, prevention, or response to coronavirus, any pre-
12 mium pay that is funded, either directly or through reim-
13 bursement, by the Federal Emergency Management Agen-
14 cy shall be exempted from the aggregate of basic pay and
15 premium pay calculated under section 5547(a) of title 5,
16 United States Code, and any other provision of law lim-
17 iting the aggregate amount of premium pay payable on
18 a biweekly or calendar year basis.

19 (b) OVERTIME AUTHORITY.—Any overtime that is
20 funded for such services described in subsection (a), either
21 directly or through reimbursement, by the Federal Emer-
22 gency Management Agency shall be exempted from any
23 annual limit on the amount of overtime payable in a cal-
24 endar or fiscal year.

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1 (c) APPLICABILITY OF AGGREGATE LIMITATION ON
2 PAY.—In determining whether an employee's pay exceeds
3 the applicable annual rate of basic pay payable under sec-
4 tion 5307 of title 5, United States Code, the head of an
5 Executive agency shall not include pay exempted under
6 this section.
7 (d) LIMITATION OF PAY AUTHORITY.—Pay exempted
8 from otherwise applicable limits under subsection (a) shall
9 not cause the aggregate pay earned for the calendar year
10 in which the exempted pay is earned to exceed the rate
11 of basic pay payable for a position at level II of the Execu-
12 tive Schedule under section 5313 of title 5, United States
13 Code.
14 (e) EFFECTIVE DATE.—This section shall take effect
15 as if enacted on January 1, 2020.
16 SEC. 16004. (a) Amounts provided for "Coast
17 Guard—Operations and Support" in the Consolidated Ap-
18 propriations Act, 2020 (Public Law 116–93) may be avail-
19 able for pay and benefits of Coast Guard Yard and Vessel
20 Documentation personnel, Non-Appropriated Funds per-
21 sonnel, and for Morale, Welfare and Recreation Programs.
22 (b) No amounts may be used under this section from
23 amounts that were designated by the Congress for Over-
24 seas Contingency Operations/Global War on Terrorism
25 pursuant to the Concurrent Resolution on the Budget or

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1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985.

3 SEC. 16005. (a) Notwithstanding any other provision
4 of law regarding the licensure of health-care providers, a
5 health-care professional described in subsection (b) may
6 practice the health profession or professions of the health-
7 care professional at any location in any State, the District
8 of Columbia, or Commonwealth, territory, or possession
9 of the United States, or any location designated by the
10 Secretary, regardless of where such health-care profes-
11 sional or the patient is located, so long as the practice
12 is within the scope of the authorized Federal duties of
13 such health-care professional.

14 (b) DEFINITION.—As used in this section, the term
15 "health-care professional" means an individual (other
16 than a member of the Coast Guard, a civilian employee
17 of the Coast Guard, member of the Public Health Service
18 who is assigned to the Coast Guard, or an individual with
19 whom the Secretary, pursuant to 10 U.S.C. 1091, has en-
20 tered into a personal services contract to carry out health
21 care responsibilities of the Secretary at a medical treat-
22 ment facility of the Coast Guard) who—

23 (1) is—

24 (A) an employee of the Department of
25 Homeland Security,

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1 (B) a detailee to the Department from an-
2 other Federal agency,
3 (C) a personal services contractor of the
4 Department, or
5 (D) hired under a Contract for Services;
6 (2) performs health care services as part of du-
7 ties of the individual in that capacity;
8 (3) has a current, valid, and unrestricted equiv-
9 alent license certification that is—
10 (A) issued by a State, the District of Co-
11 lumbia, or a Commonwealth, territory, or pos-
12 session of the United States; and
13 (B) for the practice of medicine, osteo-
14 pathic medicine, dentistry, nursing, emergency
15 medical services, or another health profession;
16 and
17 (4) is not affirmatively excluded from practice
18 in the licensing or certifying jurisdiction or in any
19 other jurisdiction.
20 (c) Subsection (a) shall apply during the incident pe-
21 riod of the emergency declared by the President on March
22 13, 2020, pursuant to section 501(b) of the Robert T.
23 Stafford Disaster Relief and Emergency Assistance Act
24 (42 U.S.C. 5121(b)), and to any subsequent major dec-

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1 laration under section 401 of such Act that supersedes
2 such emergency declaration.

3 SEC. 16006. The Secretary of Homeland Security,
4 under the authority granted under section 205(b) of the
5 REAL ID Act of 2005 (Public Law 109–13; 49 U.S.C.
6 30301 note) shall extend the deadline by which States are
7 required to meet the driver license and identification card
8 issuance requirements under section 202(a)(1) of such Act
9 until not earlier than September 30, 2021.

10 SEC. 16007. Section 5 of the Protecting and Securing
11 Chemical Facilities from Terrorist Attacks Act of 2014
12 (Public Law 113–254; 6 U.S.C. 621 note) is amended by
13 striking "the date that is 5 years and 3 months after the
14 effective date of this Act" and inserting "July 23, 2020":
15 *Provided*, That the amount provided by this section is des-
16 ignated by the Congress as being for an emergency re-
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

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1 TITLE VII

2 DEPARTMENT OF THE INTERIOR

3 INDIAN AFFAIRS

4 BUREAU OF INDIAN AFFAIRS

5 OPERATION OF INDIAN PROGRAMS

6 (INCLUDING TRANSFERS OF FUNDS)

7 For an additional amount for "Operation of Indian
8 Programs", $453,000,000, to remain available until Sep-
9 tember 30, 2021, to prevent, prepare for, and respond to
10 coronavirus, domestically or internationally, including, but
11 not limited to, funds for public safety and justice pro-
12 grams, executive direction to carry out deep cleaning of
13 facilities, purchase of personal protective equipment, pur-
14 chase of information technology to improve teleworking ca-
15 pability, welfare assistance and social services programs
16 (including assistance to individuals), and assistance to
17 tribal governments, including tribal governments who par-
18 ticipate in the "Small and Needy" program: *Provided*,
19 That amounts received from funds provided under this
20 heading in this Act for welfare assistance programs shall
21 not be included in the statutory maximum for welfare as-
22 sistance funds included in Public Law 116–94, the Fur-
23 ther Consolidated Appropriations Act, 2020: *Provided fur-*
24 *ther*, That assistance received from funds provided under
25 this heading in this Act shall not be included in the cal-

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1 culation of funds received by those tribal governments who
2 participate in the "Small and Needy" program: *Provided*
3 *further*, That of the amounts provided under this heading
4 in this Act, not less than $400,000,000 shall be made
5 available to meet the direct needs of tribes: *Provided fur-*
6 *ther*, That amounts provided under this heading in this
7 Act may be made available for distribution through tribal
8 priority allocations for tribal response and capacity build-
9 ing activities: *Provided further*, That funds provided under
10 this heading in this Act, if transferred to tribes and tribal
11 organizations under the Indian Self-Determination and
12 Education Assistance Act, will be transferred on a one-
13 time basis and that these non-recurring funds are not part
14 of the amount required by 25 U.S.C. § 5325: *Provided*
15 *further*, That such amount is designated by the Congress
16 as being for an emergency requirement pursuant to sec-
17 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985.

19 BUREAU OF INDIAN EDUCATION

20 OPERATION OF INDIAN EDUCATION PROGRAMS

21 For an additional amount for "Operation of Indian
22 Education Programs", $69,000,000, to remain available
23 until September 30, 2021, to prevent, prepare for, and re-
24 spond to coronavirus, domestically or internationally, in-
25 cluding, but not limited to, funding for tribal colleges and

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1 universities, salaries, transportation, and information
2 technology: *Provided*, That of the amounts provided in this
3 paragraph, not less than $20,000,000 shall be for tribal
4 colleges and universities: *Provided further*, That such
5 amount is designated by the Congress as being for an
6 emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 DEPARTMENTAL OFFICES

10 OFFICE OF THE SECRETARY

11 DEPARTMENTAL OPERATIONS

12 (INCLUDING TRANSFERS OF FUNDS)

13 For an additional amount for "Departmental Oper-
14 ations", $158,400,000, to remain available until Sep-
15 tember 30, 2021, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally, including, but
17 not limited to, funds for purchasing equipment and sup-
18 plies to disinfect and clean buildings and public areas, sup-
19 porting law enforcement and emergency management op-
20 erations, biosurveillance of wildlife and environmental per-
21 sistence studies, employee overtime and special pay ex-
22 penses, and other response, mitigation, or recovery activi-
23 ties: *Provided*, That funds appropriated under this head-
24 ing in this Act shall be used to absorb increased oper-
25 ational costs necessary to prevent, prepare for, and re-

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1 spond to coronavirus, domestically or internationally: *Pro-*
2 *vided further*, That the Secretary of the Interior may
3 transfer the funds provided under this heading in this Act
4 to any other account in the Department to prevent, pre-
5 pare for, and respond to coronavirus, domestically or
6 internationally, and may expend such funds directly or
7 through cooperative agreements: *Provided further*, That
8 the Secretary shall provide a monthly report to the Com-
9 mittees on Appropriations of the House of Representatives
10 and the Senate detailing the allocation and obligation of
11 these funds by account, beginning not later than 90 days
12 after enactment of this Act: *Provided further*, That as soon
13 as practicable after the date of enactment of this Act, the
14 Secretary shall transfer $1,000,000 to the Office of the
15 Inspector General, ''Salaries and Expenses'' account for
16 oversight activities related to the implementation of pro-
17 grams, activities or projects funded herein: *Provided fur-*
18 *ther*, That such amount is designated by the Congress as
19 being for an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 INSULAR AFFAIRS

23 ASSISTANCE TO TERRITORIES

24 For an additional amount for ''Assistance to Terri-
25 tories'', $55,000,000, to remain available until September

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1 30, 2021, to prevent, prepare for, and respond to
2 coronavirus, domestically or internationally, for general
3 technical assistance: *Provided*, That such amount is des-
4 ignated by the Congress as being for an emergency re-
5 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 ENVIRONMENTAL PROTECTION AGENCY

8 SCIENCE AND TECHNOLOGY

9 For an additional amount for "Science and Tech-
10 nology", $2,250,000, to remain available until September
11 30, 2021, to prevent, prepare for, and respond to
12 coronavirus, domestically or internationally: *Provided*,
13 That of the amount provided under this heading in this
14 Act, $750,000 shall be for necessary expenses for cleaning
15 and disinfecting equipment or facilities of, or for use by,
16 the Environmental Protection Agency, and $1,500,000
17 shall be for research on methods to reduce the risks from
18 environmental transmission of coronavirus via contami-
19 nated surfaces or materials: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

2 For an additional amount for ''Environmental Pro-
3 grams and Management'', $3,910,000, to remain available
4 until September 30, 2021, to prevent, prepare for, and re-
5 spond to coronavirus, domestically or internationally: *Pro-*
6 *vided*, That of the amount provided under this heading
7 in this Act, $2,410,000 shall be for necessary expenses
8 for cleaning and disinfecting equipment or facilities of, or
9 for use by, the Environmental Protection Agency, and
10 operational continuity of Environmental Protection Agen-
11 cy programs and related activities, and $1,500,000 shall
12 be for expediting registration and other actions related to
13 pesticides to address coronavirus: *Provided further*, That
14 such amount is designated by the Congress as being for
15 an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 BUILDINGS AND FACILITIES

19 For an additional amount for ''Buildings and Facili-
20 ties'', $300,000, to remain available until September 30,
21 2021, to prevent, prepare for, and respond to coronavirus,
22 domestically or internationally: *Provided*, That the funds
23 provided under this heading in this Act shall be for nec-
24 essary expenses for cleaning and disinfecting equipment
25 or facilities of, or for use by, the Environmental Protection

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1 Agency: *Provided further*, That such amount is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
4 et and Emergency Deficit Control Act of 1985.

5 HAZARDOUS SUBSTANCE SUPERFUND

6 For an additional amount for "Hazardous Substance
7 Superfund", $770,000, to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally: *Provided*,
10 That the funds provided under this heading in this Act
11 shall be for necessary expenses for cleaning and dis-
12 infecting equipment or facilities of, or for use by, the Envi-
13 ronmental Protection Agency: *Provided further*, That such
14 amount is designated by the Congress as being for an
15 emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 RELATED AGENCIES

19 DEPARTMENT OF AGRICULTURE

20 FOREST SERVICE

21 FOREST AND RANGELAND RESEARCH

22 For an additional amount for "Forest and Rangeland
23 Research", $3,000,000, to remain available until Sep-
24 tember 30, 2021, to prevent, prepare for, and respond to
25 coronavirus, domestically or internationally, including for

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1 the reestablishment of abandoned or failed experiments as-
2 sociated with employee restrictions due to the coronavirus
3 outbreak: *Provided*, That amounts provided under this
4 heading in this Act shall be allocated at the discretion of
5 the Chief of the Forest Service: *Provided further*, That
6 such amount is designated by the Congress as being for
7 an emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 NATIONAL FOREST SYSTEM

11 For an additional amount for "National Forest Sys-
12 tem", $34,000,000, to remain available until September
13 30, 2021, to prevent, prepare for, and respond to
14 coronavirus, domestically or internationally, including for
15 cleaning and disinfecting of public recreation amenities
16 and for personal protective equipment and baseline health
17 testing for first responders: *Provided*, That amounts pro-
18 vided under this heading in this Act shall be allocated at
19 the discretion of the Chief of the Forest Service: *Provided*
20 *further*, That such amount is designated by the Congress
21 as being for an emergency requirement pursuant to sec-
22 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985.

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1 CAPITAL IMPROVEMENT AND MAINTENANCE

2 For an additional amount for "Capital Improvement
3 and Maintenance", $26,800,000, to remain available until
4 September 30, 2021, to prevent, prepare for, and respond
5 to coronavirus, domestically or internationally, including
6 for janitorial services: *Provided*, That amounts provided
7 under this heading in this Act shall be allocated at the
8 discretion of the Chief of the Forest Service: *Provided fur-*
9 *ther*, That such amount is designated by the Congress as
10 being for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 WILDLAND FIRE MANAGEMENT

14 For an additional amount for "Wildland Fire Man-
15 agement", $7,000,000, to remain available until Sep-
16 tember 30, 2021, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally, including for
18 personal protective equipment and baseline health testing
19 for first responders: *Provided*, That amounts provided
20 under this heading in this Act shall be allocated at the
21 discretion of the Chief of the Forest Service: *Provided fur-*
22 *ther*, That such amount is designated by the Congress as
23 being for an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

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1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 INDIAN HEALTH SERVICE
4 INDIAN HEALTH SERVICES
5 (INCLUDING TRANSFERS OF FUNDS)
6 For an additional amount for "Indian Health Serv-
7 ices", $1,032,000,000, to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally, including for
10 public health support, electronic health record moderniza-
11 tion, telehealth and other information technology up-
12 grades, Purchased/Referred Care, Catastrophic Health
13 Emergency Fund, Urban Indian Organizations, Tribal
14 Epidemiology Centers, Community Health Representa-
15 tives, and other activities to protect the safety of patients
16 and staff: *Provided*, That of the amount provided under
17 this heading in this Act, up to $65,000,000 is for elec-
18 tronic health record stabilization and support, including
19 for planning and tribal consultation: *Provided further*,
20 That of amounts provided under this heading in this Act,
21 not less than $450,000,000 shall be distributed through
22 IHS directly operated programs and to tribes and tribal
23 organizations under the Indian Self-Determination and
24 Education Assistance Act and through contracts or grants
25 with urban Indian organizations under title V of the In-

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1 dian Health Care Improvement Act: *Provided further*,
2 That any amounts provided in this paragraph not allo-
3 cated pursuant to the preceding proviso shall be allocated
4 at the discretion of the Director of the Indian Health Serv-
5 ice: *Provided further*, That of the funds provided herein,
6 up to $125,000,000 may be transferred to and merged
7 with the "Indian Health Service, Indian Health Facilities"
8 appropriation at the discretion of the Director for the pur-
9 poses specified in this Act: *Provided further*, That amounts
10 provided under this heading in this Act, if transferred to
11 tribes and tribal organizations under the Indian Self-De-
12 termination and Education Assistance Act, will be trans-
13 ferred on a one-time basis and that these non-recurring
14 funds are not part of the amount required by 25 U.S.C.
15 § 5325, and that such amounts may only be used for the
16 purposes identified under this heading notwithstanding
17 any other provision of law: *Provided further*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 AGENCY FOR TOXIC SUBSTANCES AND DISEASE
2 REGISTRY
3 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC
4 HEALTH
5 For an additional amount for "Toxic Substances and
6 Environmental Public Health", $12,500,000, to remain
7 available until September 30, 2021, to prevent, prepare
8 for, and respond to coronavirus, domestically or inter-
9 nationally: *Provided*, That $7,500,000 of the funds pro-
10 vided under this heading in this Act shall be for necessary
11 expenses of the Geospatial Research, Analysis and Serv-
12 ices Program to support spatial analysis and Geographic
13 Information System mapping of infectious disease hot
14 spots, including cruise ships: *Provided further*, That
15 $5,000,000 of the funds provided under this heading in
16 this Act shall be for necessary expenses for awards to Pe-
17 diatric Environmental Health Specialty Units and state
18 health departments to provide guidance and outreach on
19 safe practices for disinfection for home, school, and
20 daycare facilities: *Provided further*, That such amount is
21 designated by the Congress as being for an emergency re-
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985.

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1 OTHER RELATED AGENCIES

2 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
3 CULTURE AND ARTS DEVELOPMENT

4 PAYMENT TO THE INSTITUTE

5 For an additional amount for ''Payment to the Insti-
6 tute'', $78,000, to remain available until September 30,
7 2021, to prevent, prepare for, and respond to coronavirus,
8 domestically or internationally: *Provided*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 SMITHSONIAN INSTITUTION

14 SALARIES AND EXPENSES

15 For an additional amount for ''Salaries and Ex-
16 penses'', $7,500,000, to remain available until September
17 30, 2021, to prevent, prepare for, and respond to
18 coronavirus, domestically or internationally, including
19 funding for deep cleaning, security, information tech-
20 nology, and staff overtime: *Provided*, That such amount
21 is designated by the Congress as being for an emergency
22 requirement pursuant to section 251(b)(2)(A)(i) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985.

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1 JOHN F. KENNEDY CENTER FOR THE PERFORMING
2 ARTS
3 OPERATIONS AND MAINTENANCE
4 For an additional amount for "Operations and Main-
5 tenance", $25,000,000, to remain available until Sep-
6 tember 30, 2021, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including
8 funding for deep cleaning and information technology to
9 improve telework capability and for operations and main-
10 tenance requirements related to the consequences of
11 coronavirus: *Provided*, That notwithstanding the provi-
12 sions of 20 U.S.C. 76h et seq., funds provided under this
13 heading in this Act shall be made available to cover oper-
14 ating expenses required to ensure the continuity of the
15 John F. Kennedy Center for the Performing Arts and its
16 affiliates, including for employee compensation and bene-
17 fits, grants, contracts, payments for rent or utilities, fees
18 for artists or performers, information technology, and
19 other administrative expenses: *Provided further*, That no
20 later than October 31, 2020, the Board of Trustees of the
21 Center shall submit a report to the Committees on Appro-
22 priations of the House of Representatives and Senate that
23 includes a detailed explanation of the distribution of the
24 funds provided herein: *Provided further*, That such
25 amount is designated by the Congress as being for an

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

4 NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES
5 NATIONAL ENDOWMENT FOR THE ARTS
6 GRANTS AND ADMINISTRATION

7 For an additional amount for ''Grants and Adminis-
8 tration'', $75,000,000, to remain available until Sep-
9 tember 30, 2021, to prevent, prepare for, and respond to
10 coronavirus, domestically or internationally, to be distrib-
11 uted in grants: *Provided*, That such funds are available
12 under the same terms and conditions as grant funding ap-
13 propriated to this heading in Public Law 116–94: *Pro-*
14 *vided further*, That 40 percent of such funds shall be dis-
15 tributed to State arts agencies and regional arts organiza-
16 tions and 60 percent of such funds shall be for direct
17 grants: *Provided further*, That notwithstanding any other
18 provision of law, such funds may also be used by the re-
19 cipients of such grants for purposes of the general oper-
20 ations of such recipients: *Provided further*, That the
21 matching requirements under subsections (e), (g)(4)(A),
22 and (p)(3) of section 5 of the National Foundation on the
23 Arts and Humanities Act of 1965 (20 U.S.C. 954) may
24 be waived with respect to such grants: *Provided further*,
25 That such amount is designated by the Congress as being

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1 for an emergency requirement pursuant to section
2 251(b)(2)(A)(i) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 NATIONAL ENDOWMENT FOR THE HUMANITIES

5 GRANTS AND ADMINISTRATION

6 For an additional amount for ''Grants and Adminis-
7 tration'', $75,000,000, to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally, to be distrib-
10 uted in grants: *Provided*, That such funds are available
11 under the same terms and conditions as grant funding ap-
12 propriated to this heading in Public Law 116–94: *Pro-*
13 *vided further*, That 40 percent of such funds shall be dis-
14 tributed to state humanities councils and 60 percent of
15 such funds shall be for direct grants: *Provided further*,
16 That notwithstanding any other provision of law, such
17 funds may also be used by the recipients of such grants
18 for purposes of the general operations of such recipients:
19 *Provided further*, That the matching requirements under
20 subsection (h)(2)(A) of section 7 of the National Founda-
21 tion on the Arts and Humanities Act of 1965 may be
22 waived with respect to such grants: *Provided further*, That
23 such amount is designated by the Congress as being for
24 an emergency requirement pursuant to section

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

AMERICAN OVERSIGHT

1 TITLE VIII

2 DEPARTMENT OF LABOR

3 EMPLOYMENT AND TRAINING ADMINISTRATION

4 TRAINING AND EMPLOYMENT SERVICES

5 For an additional amount for ''Training and Employ-
6 ment Services'', $345,000,000, to remain available
7 through September 30, 2022, to prevent, prepare for, and
8 respond to coronavirus, domestically or internationally, for
9 necessary expenses for the dislocated workers assistance
10 national reserve: *Provided*, That the funds provided under
11 this heading in this Act may be used to replace grant
12 funds previously obligated to the impacted areas: *Provided*
13 *further*, That such amount is designated by the Congress
14 as being for an emergency requirement pursuant to sec-
15 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
16 gency Deficit Control Act of 1985.

17 DEPARTMENTAL MANAGEMENT

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 For an additional amount for ''Departmental Man-
21 agement'', $15,000,000, to remain available through Sep-
22 tember 30, 2022, to prevent, prepare for, and respond to
23 coronavirus, including to enforce worker protection laws
24 and regulations, and to oversee and coordinate activities
25 related to division C, division D, division E, and division

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1 F of Public Law 116–127: *Provided*, That the Secretary
2 of Labor may transfer the amounts provided under this
3 heading in this Act as necessary to "Employee Benefits
4 Security Administration", "Wage and Hour Division",
5 "Occupational Safety and Health Administration", and
6 "Employment and Training Administration—Program
7 Administration" to prevent, prepare for, and respond to
8 coronavirus, including for enforcement, oversight, and co-
9 ordination activities in those accounts: *Provided further*,
10 That of the amount provided under this heading in this
11 Act, $1,000,000, to remain available until expended, shall
12 be transferred to "Office of Inspector General" for over-
13 sight of activities related to Public Law 116–127 and for
14 oversight activities supported with funds appropriated to
15 the Department of Labor to prevent, prepare for, and re-
16 spond to coronavirus: *Provided further*, That 15 days prior
17 to transferring any funds pursuant to the previous pro-
18 visos under the heading in this Act, the Secretary shall
19 provide to the Committees on Appropriations of the House
20 of Representatives and the Senate an operating plan de-
21 scribing the planned uses of each amount proposed to be
22 transferred: *Provided further*, That such amount is des-
23 ignated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 CENTERS FOR DISEASE CONTROL AND PREVENTION
4 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT
5 (INCLUDING TRANSFER OF FUNDS)
6 For an additional amount for "CDC-Wide Activities
7 and Program Support", $4,300,000,000, to remain avail-
8 able until September 30, 2024, to prevent, prepare for,
9 and respond to coronavirus, domestically or internation-
10 ally: *Provided*, That not less than $1,500,000,000 of the
11 amount provided under this heading in this Act shall be
12 for grants to or cooperative agreements with States, local-
13 ities, territories, tribes, tribal organizations, urban Indian
14 health organizations, or health service providers to tribes,
15 including to carry out surveillance, epidemiology, labora-
16 tory capacity, infection control, mitigation, communica-
17 tions, and other preparedness and response activities: *Pro-*
18 *vided further*, That every grantee that received a Public
19 Health Emergency Preparedness grant for fiscal year
20 2019 shall receive not less than 100 percent of that grant
21 level from funds provided in the first proviso under this
22 heading in this Act: *Provided further*, That of the amount
23 in the first proviso, not less than $125,000,000 shall be
24 allocated to tribes, tribal organizations, urban Indian
25 health organizations, or health service providers to tribes:

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1 *Provided further*, That the Director of the Centers for Dis-
2 ease Control and Prevention ("CDC") may satisfy the
3 funding thresholds outlined in the preceding two provisos
4 by making awards through other grant or cooperative
5 agreement mechanisms: *Provided further*, That of the
6 amount provided under this heading in this Act, not less
7 than $500,000,000 shall be for global disease detection
8 and emergency response: *Provided further*, That of the
9 amount provided under this heading in this Act, not less
10 than $500,000,000 shall be for public health data surveil-
11 lance and analytics infrastructure modernization: *Provided*
12 *further*, That CDC shall report to the Committees on Ap-
13 propriations of the House of Representatives and the Sen-
14 ate on the development of a public health surveillance and
15 data collection system for coronavirus within 30 days of
16 enactment of this Act: *Provided further*, That of the
17 amount provided under this heading in this Act,
18 $300,000,000 shall be transferred to and merged with
19 amounts in the Infectious Diseases Rapid Response Re-
20 serve Fund ("Reserve Fund"), established by section 231
21 of division B of Public Law 115–245: *Provided further*,
22 That the Secretary of Health and Human Services, in con-
23 sultation with the Director of the CDC, shall provide a
24 report to the Committees on Appropriations of the House
25 of Representatives and the Senate every 14 days, for one

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1 year from the date from any such declaration or deter-
2 mination described in the third proviso of section 231 of
3 division B of Public Law 115–245, that details commit-
4 ment and obligation information for the Reserve Fund
5 during the prior two weeks, as long as such report would
6 detail obligations in excess of $5,000,000, and upon the
7 request by such Committees: *Provided further*, That funds
8 appropriated under this heading in this Act may be used
9 for grants for the rent, lease, purchase, acquisition, con-
10 struction, alteration, or renovation of non-federally owned
11 facilities to improve preparedness and response capability
12 at the State and local level: *Provided further*, That funds
13 provided under this heading in this Act may be used for
14 purchase and insurance of official motor vehicles in for-
15 eign countries: *Provided further*, That such amount is des-
16 ignated by the Congress as being for an emergency re-
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

19 NATIONAL INSTITUTES OF HEALTH

20 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

21 For an additional amount for "National Heart, Lung,
22 and Blood Institute", $103,400,000, to remain available
23 until September 30, 2024, to prevent, prepare for, and re-
24 spond to coronavirus, domestically or internationally: *Pro-*
25 *vided*, That such amount is designated by the Congress

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as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for "National Institute of Allergy and Infectious Diseases", $706,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That not less than $156,000,000 of the amounts provided under this heading in this Act shall be provided for the study of, construction of, demolition of, renovation of, and acquisition of equipment for, vaccine and infectious diseases research facilities of or used by NIH, including the acquisition of real property: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For an additional amount for "National Institute of Biomedical Imaging and Bioengineering", $60,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or

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internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL LIBRARY OF MEDICINE

For an additional amount for "National Library of Medicine", $10,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For an additional amount for "National Center for Advancing Translational Sciences", $36,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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1 OFFICE OF THE DIRECTOR

2 For an additional amount for "Office of the Direc-
3 tor", $30,000,000, to remain available until September
4 30, 2024, to prevent, prepare for, and respond to
5 coronavirus, domestically or internationally: *Provided*,
6 That these funds shall be available for the Common Fund
7 established under section 402A(c)(1) of the PHS Act: *Pro-*
8 *vided further*, That such amount is designated by the Con-
9 gress as being for an emergency requirement pursuant to
10 section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
13 ADMINISTRATION

14 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

15 For an additional amount for "Heath Surveillance
16 and Program Support", $425,000,000, to remain avail-
17 able through September 30, 2021, to prevent, prepare for,
18 and respond to coronavirus, domestically or internation-
19 ally: *Provided*, That of the amount appropriated under
20 this heading in this Act, not less than $250,000,000 is
21 available for Certified Community Behavioral Health Clin-
22 ic Expansion Grant program: *Provided further*, That of the
23 amount appropriated under this heading in this Act, not
24 less than $50,000,000 shall be available for suicide pre-
25 vention programs: *Provided further*, That of the amount

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1 appropriated under this heading in this Act, not less than
2 $100,000,000 is available for activities authorized under
3 section 501(o) of the Public Health Service Act: *Provided*
4 *further*, That of the funding made available under this
5 heading in this Act, not less than $15,000,000 shall be
6 allocated to tribes, tribal organizations, urban Indian
7 health organizations, or health or behavioral health service
8 providers to tribes: *Provided further*, That such amount
9 is designated by the Congress as being for an emergency
10 requirement pursuant to section 251(b)(2)(A)(i) of the
11 Balanced Budget and Emergency Deficit Control Act of
12 1985.

13 CENTERS FOR MEDICARE & MEDICAID SERVICES

14 PROGRAM MANAGEMENT

15 For an additional amount for "Program Manage-
16 ment", $200,000,000, to remain available through Sep-
17 tember 30, 2023, to prevent, prepare for, and respond to
18 coronavirus, domestically and internationally: *Provided*,
19 That of the amount appropriated under this heading in
20 this Act, not less than $100,000,000 shall be available for
21 necessary expenses of the survey and certification pro-
22 gram, prioritizing nursing home facilities in localities with
23 community transmission of coronavirus: *Provided further*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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

3 ADMINISTRATION FOR CHILDREN AND FAMILIES

4 LOW INCOME HOME ENERGY ASSISTANCE

5 For an additional amount for "Low Income Home
6 Energy Assistance", $900,000,000, to remain available
7 through September 30, 2021, to prevent, prepare for, or
8 respond to coronavirus, domestically or internationally, for
9 making payments under subsection (b) of section 2602 of
10 the Low-Income Home Energy Assistance Act of 1981 (42
11 U.S.C. 8621 et seq.): *Provided*, That of the amount pro-
12 vided under this heading in this Act, $225,000,000 shall
13 be allocated as though the total appropriation for such
14 payments for fiscal year 2020 was less than
15 $1,975,000,000: *Provided further*, That section
16 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B))
17 shall not apply to funds made available under this heading
18 in this Act in fiscal year 2020: *Provided further*, That such
19 amount is designated by the Congress as being for an
20 emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 PAYMENTS TO STATES FOR THE CHILD CARE AND
2 DEVELOPMENT BLOCK GRANT

3 For an additional amount for "Payments to States
4 for the Child Care and Development Block Grant",
5 $3,500,000,000, to remain available through September
6 30, 2021, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including for
8 federal administrative expenses, which shall be used to
9 supplement, not supplant State, Territory, and Tribal gen-
10 eral revenue funds for child care assistance for low-income
11 families within the United States (including territories)
12 without regard to requirements in sections
13 658E(c)(3)(D)–(E) or 658G of the Child Care and Devel-
14 opment Block Grant Act: *Provided*, That funds provided
15 under this heading in this Act may be used to provide con-
16 tinued payments and assistance to child care providers in
17 the case of decreased enrollment or closures related to
18 coronavirus, and to assure they are able to remain open
19 or reopen as appropriate and applicable: *Provided further*,
20 That States, Territories, and Tribes are encouraged to
21 place conditions on payments to child care providers that
22 ensure that child care providers use a portion of funds
23 received to continue to pay the salaries and wages of staff:
24 *Provided further*, That the Secretary shall remind States
25 that CCDBG State plans do not need to be amended prior

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1 to utilizing existing authorities in the CCDBG Act for the
2 purposes provided herein: *Provided further*, That States,
3 Territories, and Tribes are authorized to use funds appro-
4 priated under this heading in this Act to provide child care
5 assistance to health care sector employees, emergency re-
6 sponders, sanitation workers, and other workers deemed
7 essential during the response to coronavirus by public offi-
8 cials, without regard to the income eligibility requirements
9 of section 658P(4) of such Act: *Provided further*, That
10 funds appropriated under this heading in this Act shall
11 be available to eligible child care providers under section
12 658P(6) of the CCDBG Act, even if such providers were
13 not receiving CCDBG assistance prior to the public health
14 emergency as a result of the coronavirus, for the purposes
15 of cleaning and sanitation, and other activities necessary
16 to maintain or resume the operation of programs: *Pro-*
17 *vided further*, That payments made under this heading in
18 this Act may be obligated in this fiscal year or the suc-
19 ceeding two fiscal years: *Provided further*, That funds ap-
20 propriated under this heading in this Act may be made
21 available to restore amounts, either directly or through re-
22 imbursement, for obligations incurred to prevent, prepare
23 for, and respond to coronavirus, domestically or inter-
24 nationally, prior to the date of enactment of this Act: *Pro-*
25 *vided further*, That such amount is designated by the Con-

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1 gress as being for an emergency requirement pursuant to
2 section 251(b)(2)(A)(i) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985.

4 CHILDREN AND FAMILIES SERVICES PROGRAMS

5 For an additional amount for "Children and Families
6 Services Programs", $1,874,000,000, to remain available
7 through September 30, 2021, to prevent, prepare for, and
8 respond to coronavirus, domestically or internationally,
9 which shall be used as follows: (1) $1,000,000,000 for car-
10 rying out activities under sections 674 through 679 of the
11 Community Services Block Grant Act, including for fed-
12 eral administrative expenses, and of which no part shall
13 be subject to section 674(b)(3) of such Act: *Provided*,
14 That to the extent Community Services Block Grant funds
15 are distributed as grant funds by a State to an eligible
16 entity as provided under such Act, and have not been ex-
17 pended by such entity, they shall remain with such entity
18 for carryover into the next two fiscal years for expenditure
19 by such entity consistent with program purpose: *Provided*
20 *further*, That for services furnished under such Act during
21 fiscal years 2020 and 2021, States may apply the last sen-
22 tence of section 673(2) of such Act by substituting "200
23 percent" for "125 percent"; (2) $750,000,000 for making
24 payments under the Head Start Act, including for Federal
25 administrative expenses, and allocated in an amount that

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1 bears the same ratio to such portion as the number of
2 enrolled children served by the agency involved bears to
3 the number of enrolled children by all Head Start agen-
4 cies: *Provided further*, That none of the funds appro-
5 priated in this paragraph shall be included in the calcula-
6 tion of the "base grant" in subsequent fiscal years, as
7 such term is defined in sections 640(a)(7)(A),
8 641A(h)(1)(B), or 645(d)(3) of the Head Start Act: *Pro-*
9 *vided further*, That funds appropriated in this paragraph
10 are not subject to the allocation requirements of section
11 640(a) of the Head Start Act: *Provided further*, That up
12 to $500,000,000 shall be available for the purpose of oper-
13 ating supplemental summer programs through non-com-
14 petitive grant supplements to existing grantees determined
15 to be most ready to operate those programs by the Office
16 of Head Start; (3) $2,000,000 for the National Domestic
17 Violence Hotline as authorized by section 303(b) of the
18 Family Violence Prevention and Services Act: *Provided*
19 *further*, That the Secretary may make such funds available
20 for providing hotline services remotely; (4) $45,000,000
21 for Family Violence Prevention and Services formula
22 grants as authorized by section 303(a) of the Family Vio-
23 lence and Prevention and Services Act with such funds
24 available to grantees without regard to matching require-
25 ments under section 306(c)(4) of such Act: *Provided fur-*

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1 *ther*, That the Secretary may make such funds available
2 for providing temporary housing and assistance to victims
3 of family, domestic, and dating violence; (5) $25,000,000
4 for carrying out activities under the Runaway and Home-
5 less Youth Act: *Provided further*, That such amounts shall
6 be used to supplement, not supplant, existing funds and
7 shall be available without regard to matching require-
8 ments; (6) $45,000,000 shall be used for child welfare
9 services as authorized by subpart 1 of part B of title IV
10 of the Social Security Act (other than sections 426, 427,
11 and 429 of such subpart), with such funds available to
12 grantees without regard to matching requirements under
13 section 424(a) of that Act or any applicable reductions in
14 federal financial participation under section 424(f) of that
15 Act; and (7) $7,000,000 for Federal administrative ex-
16 penses: *Provided further*, That funds appropriated under
17 this heading in this Act may be made available to restore
18 amounts, either directly or through reimbursement, for ob-
19 ligations incurred to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally, prior to the
21 date of enactment of this Act: *Provided further*, That such
22 amount is designated by the Congress as being for an
23 emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

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1 ADMINISTRATION FOR COMMUNITY LIVING
2 AGING AND DISABILITY SERVICES PROGRAMS
3 For an additional amount for "Aging and Disability
4 Services Programs", $955,000,000, to remain available
5 until September 30, 2021, to prevent, prepare for, and re-
6 spond to coronavirus, domestically or internationally: *Pro-*
7 *vided*, That of the amount made available under this head-
8 ing in this Act to prevent, prepare for, and respond to
9 coronavirus, $820,000,000 shall be for activities author-
10 ized under the Older Americans Act of 1965 ("OAA"),
11 including $200,000,000 for supportive services under part
12 B of title III; $500,000,000 for nutrition services under
13 subparts 1 and 2 of part C of title III; $20,000,000 for
14 nutrition services under title VI; $100,000,000 for support
15 services for family caregivers under part E of title III; and
16 $20,000,000 for elder rights protection activities, includ-
17 ing the long-term ombudsman program under title VII of
18 such Act: *Provided further*, That of the amount made
19 available under this heading in this Act, $50,000,000 shall
20 be for aging and disability resource centers authorized in
21 sections 202(b) and 411 of the OAA to prevent, prepare
22 for, and respond to coronavirus: *Provided further*, That of
23 the amount made available under this heading in this Act
24 to prevent, prepare for, and respond to coronavirus,
25 $85,000,000 shall be available for centers for independent

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1 living that have received grants funded under part C of
2 chapter I of title VII of the Rehabilitation Act of 1973:
3 *Provided further*, That to facilitate State use of funds pro-
4 vided under this heading in this Act, matching require-
5 ments under sections 304(d)(1)(D) and 373(g)(2) of the
6 OAA shall not apply to funds made available under this
7 heading in this Act: *Provided further*, That the transfer
8 authority under section 308(b)(4)(A) of the OAA shall
9 apply to funds made available under this heading in this
10 Act by substituting "100 percent" for "40 percent": *Pro-*
11 *vided further*, That the State Long-Term Care Ombuds-
12 man shall have continuing direct access (or other access
13 through the use of technology) to residents of long-term
14 care facilities during any portion of the public health
15 emergency relating to coronavirus beginning on the date
16 of enactment of this Act and ending on September 30,
17 2020, to provide services described in section 712(a)(3)(B)
18 of the OAA: *Provided further*, That such amount is des-
19 ignated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

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1 OFFICE OF THE SECRETARY

2 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

3 FUND

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for ''Public Health and So-
6 cial Services Emergency Fund'', $27,014,500,000, to re-
7 main available until September 30, 2024, to prevent, pre-
8 pare for, and respond to coronavirus, domestically or
9 internationally, including the development of necessary
10 countermeasures and vaccines, prioritizing platform-based
11 technologies with U.S.-based manufacturing capabilities,
12 the purchase of vaccines, therapeutics, diagnostics, nec-
13 essary medical supplies, as well as medical surge capacity,
14 addressing blood supply chain, workforce modernization,
15 telehealth access and infrastructure, initial advanced man-
16 ufacturing, novel dispensing, enhancements to the U.S.
17 Commissioned Corps, and other preparedness and re-
18 sponse activities: *Provided*, That funds appropriated under
19 this paragraph in this Act may be used to develop and
20 demonstrate innovations and enhancements to manufac-
21 turing platforms to support such capabilities: *Provided*
22 *further*, That the Secretary of Health and Human Services
23 shall purchase vaccines developed using funds made avail-
24 able under this paragraph in this Act to respond to an
25 outbreak or pandemic related to coronavirus in quantities

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1 determined by the Secretary to be adequate to address the
2 public health need: *Provided further*, That products pur-
3 chased by the Federal government with funds made avail-
4 able under this paragraph in this Act, including vaccines,
5 therapeutics, and diagnostics, shall be purchased in ac-
6 cordance with Federal Acquisition Regulation guidance on
7 fair and reasonable pricing: *Provided further*, That the
8 Secretary may take such measures authorized under cur-
9 rent law to ensure that vaccines, therapeutics, and
10 diagnostics developed from funds provided in this Act will
11 be affordable in the commercial market: *Provided further*,
12 That in carrying out the previous proviso, the Secretary
13 shall not take actions that delay the development of such
14 products: *Provided further*, That products purchased with
15 funds appropriated under this paragraph in this Act may,
16 at the discretion of the Secretary of Health and Human
17 Services, be deposited in the Strategic National Stockpile
18 under section 319F–2 of the Public Health Service Act:
19 *Provided further*, That of the amount appropriated under
20 this paragraph in this Act, not more than
21 $16,000,000,000 shall be for the Strategic National
22 Stockpile under section 319F–2(a) of such Act: *Provided*
23 *further*, That funds appropriated under this paragraph in
24 this Act may be transferred to, and merged with, the fund
25 authorized by section 319F–4, the Covered Counter-

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1 measure Process Fund, of the Public Health Service Act:
2 *Provided further*, That of the amount appropriated under
3 this paragraph in this Act, not less than $250,000,000
4 shall be available for grants to or cooperative agreements
5 with entities that are either grantees or sub-grantees of
6 the Hospital Preparedness Program authorized in section
7 319C–2 of the Public Health Service Act or that meet
8 such other criteria as the Secretary may prescribe, with
9 such awards issued under such section or section 311 of
10 such Act: *Provided further*, That of the amount provided
11 under this paragraph in this Act, not less than
12 $3,500,000,000 shall be available to the Biomedical Ad-
13 vanced Research and Development Authority for necessary
14 expenses of manufacturing, production, and purchase, at
15 the discretion of the Secretary, of vaccines, therapeutics,
16 diagnostics, and small molecule active pharmaceutical in-
17 gredients, including the development, translation, and
18 demonstration at scale of innovations in manufacturing
19 platforms: *Provided further*, That funds in the previous
20 proviso may be used for the construction or renovation of
21 U.S.-based next generation manufacturing facilities, other
22 than facilities owned by the United States Government:
23 *Provided further*, That of the amount appropriated under
24 this paragraph in this Act, funds may be used to reim-
25 burse the Department of Veterans Affairs for expenses in-

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1 curred by the Veterans Health Administration to prevent,
2 prepare for, and respond to coronavirus, and to provide
3 medical care for such purposes to individuals not otherwise
4 eligible for care: *Provided further*, That funds used for the
5 preceding proviso shall be made available to reimburse the
6 Department of Veterans Affairs only if the Secretary of
7 Health and Human Services certifies to the Committees
8 on Appropriations of the House of Representatives and the
9 Senate that funds available for assignments under Public
10 Law 93–288, as amended, are insufficient and such funds
11 are necessary to reimburse the Department of Veterans
12 Affairs for expenses incurred to provide health care to ci-
13 vilians: *Provided further*, That the Secretary shall notify
14 the Committees on Appropriations of the House of Rep-
15 resentatives and the Senate not less than 3 days prior to
16 such certification: *Provided further*, That of the amounts
17 appropriated under this paragraph in this Act, not more
18 than $289,000,000 may be transferred as necessary to
19 other federal agencies for necessary expenses related to
20 medical care that are incurred to prevent, prepare for, and
21 respond to coronavirus for persons eligible for treatment
22 pursuant to section 322 of the Public Health Service Act,
23 as amended, as determined by the Secretary of the recipi-
24 ent agency: *Provided further*, That of the amount appro-
25 priated under this paragraph in this Act, $1,500,000 shall

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1 be available for the Secretary to enter into an agreement
2 with the National Academies of Sciences, Engineering,
3 and Medicine not later than 60 days after the date of en-
4 actment of this Act to examine, and, in a manner that
5 does not compromise national security, report on, the se-
6 curity of the United States medical product supply chain:
7 *Provided further*, That funds appropriated under this
8 paragraph in this Act may be used for grants for the con-
9 struction, alteration, or renovation of non-federally owned
10 facilities to improve preparedness and response capability
11 at the State and local level: *Provided further*, That funds
12 appropriated under this paragraph in this Act may be
13 used for the construction, alteration, or renovation of non-
14 federally owned facilities for the production of vaccines,
15 therapeutics, and diagnostics where the Secretary deter-
16 mines that such a contract is necessary to secure sufficient
17 amounts of such supplies: *Provided further*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 For an additional amount for the "Public Health and
23 Social Services Emergency Fund", $275,000,000, to re-
24 main available until September 30, 2022, to prevent, pre-
25 pare for, and respond to coronavirus, domestically or

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1 internationally: *Provided*, That $90,000,000 of the funds
2 appropriated under this paragraph shall be transferred to
3 "Health Resources and Services Administration—Ryan
4 White HIV/AIDS Program" to remain available until Sep-
5 tember 30, 2022 for modifications to existing contracts,
6 and supplements to existing grants and cooperative agree-
7 ments under parts A, B, C, D, and section 2692(a) of
8 title XXVI of the Public Health Service Act (referred to
9 as "PHS" Act) to respond to coronavirus, domestically or
10 internationally: *Provided further*, That supplements made
11 in the preceding proviso shall be awarded using a data-
12 driven methodology determined by the Secretary: *Provided*
13 *further*, That sections 2604(c), 2612(b), and 2651(c) of
14 the PHS Act shall not apply to funds under this para-
15 graph: *Provided further*, That $5,000,000 of the funds ap-
16 propriated under this paragraph shall be transferred to
17 "Health Resources and Services Administration—Health
18 Care Systems" to remain available until September 30,
19 2022, for activities under sections 1271 and 1273 of the
20 PHS Act to improve the capacity of poison control centers
21 to respond to increased calls: *Provided further*, That
22 $180,000,000 of the funds appropriated under this para-
23 graph shall be transferred to "Health Resources and Serv-
24 ices Administration—Rural Health" to remain available
25 until September 30, 2022, to carry out telehealth and

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1 rural health activities under sections 330A and 330I of
2 the PHS Act and sections 711 and 1820 of the Social
3 Security Act to prevent, prepare for, and respond to
4 coronavirus, domestically or internationally: *Provided fur-*
5 *ther*, That of the funding in the previous proviso, no less
6 than $15,000,000 shall be allocated to tribes, tribal orga-
7 nizations, urban Indian health organizations, or health
8 service providers to tribes: *Provided further*, That section
9 1820(g)(3)(A), section 1820(g)(3)(D) and section
10 1820(g)(3)(E) of such Act shall not apply to funds in the
11 preceding two provisos: *Provided further*, That funds ap-
12 propriated under this heading in this Act may be made
13 available to restore amounts, either directly or through re-
14 imbursement, for obligations incurred to prevent, prepare
15 for, and respond to coronavirus, domestically or inter-
16 nationally, prior to the date of enactment of this Act: *Pro-*
17 *vided further*, That for the purposes of any funding pro-
18 vided for fiscal year 2020 for the Health Centers Program
19 pursuant to section 330 of the PHS Act (42 U.S.C. 254b),
20 maintaining or increasing health center capacity and staff-
21 ing levels during a public health emergency related to
22 coronavirus shall be deemed a cost of prevention, diag-
23 nosis, and treatment of coronavirus: *Provided further*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.
3 For an additional amount for "Public Health and So-
4 cial Services Emergency Fund", $100,000,000,000, to re-
5 main available until expended, to prevent, prepare for, and
6 respond to coronavirus, domestically or internationally, for
7 necessary expenses to reimburse, through grants or other
8 mechanisms, eligible health care providers for health care
9 related expenses or lost revenues that are attributable to
10 coronavirus: *Provided*, That these funds may not be used
11 to reimburse expenses or losses that have been reimbursed
12 from other sources or that other sources are obligated to
13 reimburse: *Provided further*, That recipients of payments
14 under this paragraph shall submit reports and maintain
15 documentation as the Secretary determines are needed to
16 ensure compliance with conditions that are imposed by
17 this paragraph for such payments, and such reports and
18 documentation shall be in such form, with such content,
19 and in such time as the Secretary may prescribe for such
20 purpose: *Provided further*, That "eligible health care pro-
21 viders" means public entities, Medicare or Medicaid en-
22 rolled suppliers and providers, and such for-profit entities
23 and not-for-profit entities not otherwise described in this
24 proviso as the Secretary may specify, within the United
25 States (including territories), that provide diagnoses, test-

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1 ing, or care for individuals with possible or actual cases
2 of COVID–19: *Provided further*, That the Secretary of
3 Health and Human Services shall, on a rolling basis, re-
4 view applications and make payments under this para-
5 graph in this Act: *Provided further*, That funds appro-
6 priated under this paragraph in this Act shall be available
7 for building or construction of temporary structures, leas-
8 ing of properties, medical supplies and equipment includ-
9 ing personal protective equipment and testing supplies, in-
10 creased workforce and trainings, emergency operation cen-
11 ters, retrofitting facilities, and surge capacity: *Provided*
12 *further*, That, in this paragraph, the term ''payment''
13 means a pre-payment, prospective payment, or retrospec-
14 tive payment, as determined appropriate by the Secretary:
15 *Provided further*, That payments under this paragraph
16 shall be made in consideration of the most efficient pay-
17 ment systems practicable to provide emergency payment:
18 *Provided further*, That to be eligible for a payment under
19 this paragraph, an eligible health care provider shall sub-
20 mit to the Secretary of Health and Human Services an
21 application that includes a statement justifying the need
22 of the provider for the payment and the eligible health
23 care provider shall have a valid tax identification number:
24 *Provided further*, That, not later than 3 years after final
25 payments are made under this paragraph, the Office of

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1 Inspector General of the Department of Health and
2 Human Services shall transmit a final report on audit
3 findings with respect to this program to the Committees
4 on Appropriations of the House of Representatives and the
5 Senate: *Provided further*, That nothing in this section lim-
6 its the authority of the Inspector General or the Comp-
7 troller General to conduct audits of interim payments at
8 an earlier date: *Provided further*, That not later than 60
9 days after the date of enactment of this Act, the Secretary
10 of Health and Human Services shall provide a report to
11 the Committees on Appropriations of the House of Rep-
12 resentatives and the Senate on obligation of funds, includ-
13 ing obligations to such eligible health care providers sum-
14 marized by State of the payment receipt: *Provided further*,
15 That such reports shall be updated and submitted to such
16 Committees every 60 days until funds are expended: *Pro-*
17 *vided further*, That such amount is designated by the Con-
18 gress as being for an emergency requirement pursuant to
19 section 251(b)(2)(A)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985.

21 DEPARTMENT OF EDUCATION

22 EDUCATION STABILIZATION FUND

23 For an additional amount for ''Education Stabiliza-
24 tion Fund'', $30,750,000,000, to remain available through
25 September 30, 2021, to prevent, prepare for, and respond

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1 to coronavirus, domestically or internationally: *Provided*,
2 That such amount is designated by the Congress as being
3 for an emergency requirement pursuant to section
4 251(b)(2)(A)(i) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985.

6 GENERAL PROVISIONS

7 EDUCATION STABILIZATION FUND

8 SEC. 18001. (a) ALLOCATIONS.—From the amount
9 made available under this heading in this Act to carry out
10 the Education Stabilization Fund, the Secretary shall first
11 allocate—

12 (1) not more than 1/2 of 1 percent to the out-
13 lying areas on the basis of their respective needs, as
14 determined by the Secretary, in consultation with
15 the Secretary of the Interior;

16 (2) one-half of 1 percent for the Secretary of
17 Interior, in consultation with the Secretary of Edu-
18 cation, for programs operated or funded by the Bu-
19 reau of Indian Education; and

20 (3) 1 percent for grants to States with the
21 highest coronavirus burden to support activities
22 under this heading in this Act, for which the Sec-
23 retary shall issue a notice inviting applications not
24 later than 30 days of enactment of this Act and ap-

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1 prove or deny applications not later than 30 days
2 after receipt.
3 (b) RESERVATIONS.—After carrying out subsection
4 (a), the Secretary shall reserve the remaining funds made
5 available as follows:
6 (1) 9.8 percent to carry out section 18002 of
7 this title.
8 (2) 43.9 percent to carry out section 18003 of
9 this title.
10 (3) 46.3 percent to carry out section 18004 of
11 this title.
12 GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND
13 SEC. 18002. (a) GRANTS.—From funds reserved
14 under section 18001(b)(1) of this title, the Secretary shall
15 make Emergency Education Relief grants to the Governor
16 of each State with an approved application. The Secretary
17 shall issue a notice inviting applications not later than 30
18 days of enactment of this Act and shall approve or deny
19 applications not later than 30 days after receipt.
20 (b) ALLOCATIONS.—The amount of each grant under
21 subsection (a) shall be allocated by the Secretary to each
22 State as follows:
23 (1) 60 percent on the basis of their relative
24 population of individuals aged 5 through 24.

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1 (2) 40 percent on the basis of their relative
2 number of children counted under section 1124(c) of
3 the Elementary and Secondary Education Act of
4 1965 (referred to under this heading as "ESEA").
5 (c) USES OF FUNDS.—Grant funds awarded under
6 subsection (b) may be used to—
7 (1) provide emergency support through grants
8 to local educational agencies that the State edu-
9 cational agency deems have been most significantly
10 impacted by coronavirus to support the ability of
11 such local educational agencies to continue to pro-
12 vide educational services to their students and to
13 support the on-going functionality of the local edu-
14 cational agency;
15 (2) provide emergency support through grants
16 to institutions of higher education serving students
17 within the State that the Governor determines have
18 been most significantly impacted by coronavirus to
19 support the ability of such institutions to continue to
20 provide educational services and support the on-
21 going functionality of the institution; and
22 (3) provide support to any other institution of
23 higher education, local educational agency, or edu-
24 cation related entity within the State that the Gov-
25 ernor deems essential for carrying out emergency

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1 educational services to students for authorized ac-
2 tivities described in section 18003(d)(1) of this title
3 or the Higher Education Act, the provision of child
4 care and early childhood education, social and emo-
5 tional support, and the protection of education-re-
6 lated jobs.

7 (d) REALLOCATION.—Each Governor shall return to
8 the Secretary any funds received under this section that
9 the Governor does not award within one year of receiving
10 such funds and the Secretary shall reallocate such funds
11 to the remaining States in accordance with subsection (b).

12 ELEMENTARY AND SECONDARY SCHOOL EMERGENCY
13 RELIEF FUND

14 SEC. 18003. (a) GRANTS.—From funds reserved
15 under section 18001(b)(2) of this title, the Secretary shall
16 make elementary and secondary school emergency relief
17 grants to each State educational agency with an approved
18 application. The Secretary shall issue a notice inviting ap-
19 plications not later than 30 days of enactment of this Act
20 and approve or deny applications not later than 30 days
21 after receipt.

22 (b) ALLOCATIONS TO STATES.—The amount of each
23 grant under subsection (a) shall be allocated by the Sec-
24 retary to each State in the same proportion as each State

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1 received under part A of title I of the ESEA of 1965 in
2 the most recent fiscal year.
3 (c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
4 CIES.—Each State shall allocate not less than 90 percent
5 of the grant funds awarded to the State under this section
6 as subgrants to local educational agencies (including char-
7 ter schools that are local educational agencies) in the State
8 in proportion to the amount of funds such local edu-
9 cational agencies and charter schools that are local edu-
10 cational agencies received under part A of title I of the
11 ESEA of 1965 in the most recent fiscal year.
12 (d) USES OF FUNDS.—A local educational agency
13 that receives funds under this title may use the funds for
14 any of the following:
15 (1) Any activity authorized by the ESEA of
16 1965, including the Native Hawaiian Education Act
17 and the Alaska Native Educational Equity, Support,
18 and Assistance Act (20 U.S.C. 6301 et seq.), the In-
19 dividuals with Disabilities Education Act (20 U.S.C.
20 1400 et seq.) ("IDEA"), the Adult Education and
21 Family Literacy Act (20 U.S.C. 1400 et seq.), the
22 Carl D. Perkins Career and Technical Education
23 Act of 2006 (20 U.S.C. 2301 et seq.) ("the Perkins
24 Act"), or subtitle B of title VII of the McKinney-

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1 Vento Homeless Assistance Act (42 U.S.C. 11431 et
2 seq.).
3 (2) Coordination of preparedness and response
4 efforts of local educational agencies with State, local,
5 Tribal, and territorial public health departments,
6 and other relevant agencies, to improve coordinated
7 responses among such entities to prevent, prepare
8 for, and respond to coronavirus.
9 (3) Providing principals and others school lead-
10 ers with the resources necessary to address the
11 needs of their individual schools.
12 (4) Activities to address the unique needs of
13 low-income children or students, children with dis-
14 abilities, English learners, racial and ethnic minori-
15 ties, students experiencing homelessness, and foster
16 care youth, including how outreach and service deliv-
17 ery will meet the needs of each population.
18 (5) Developing and implementing procedures
19 and systems to improve the preparedness and re-
20 sponse efforts of local educational agencies.
21 (6) Training and professional development for
22 staff of the local educational agency on sanitation
23 and minimizing the spread of infectious diseases.

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1 (7) Purchasing supplies to sanitize and clean
2 the facilities of a local educational agency, including
3 buildings operated by such agency.
4 (8) Planning for and coordinating during long-
5 term closures, including for how to provide meals to
6 eligible students, how to provide technology for on-
7 line learning to all students, how to provide guidance
8 for carrying out requirements under the Individuals
9 with Disabilities Education Act (20 U.S.C. 1401 et
10 seq.) and how to ensure other educational services
11 can continue to be provided consistent with all Fed-
12 eral, State, and local requirements.
13 (9) Purchasing educational technology (includ-
14 ing hardware, software, and connectivity) for stu-
15 dents who are served by the local educational agency
16 that aids in regular and substantive educational
17 interaction between students and their classroom in-
18 structors, including low-income students and stu-
19 dents with disabilities, which may include assistive
20 technology or adaptive equipment.
21 (10) Providing mental health services and sup-
22 ports.
23 (11) Planning and implementing activities re-
24 lated to summer learning and supplemental after-
25 school programs, including providing classroom in-

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1 struction or online learning during the summer
2 months and addressing the needs of low-income stu-
3 dents, students with disabilities, English learners,
4 migrant students, students experiencing homeless-
5 ness, and children in foster care.
6 (12) Other activities that are necessary to
7 maintain the operation of and continuity of services
8 in local educational agencies and continuing to em-
9 ploy existing staff of the local educational agency.
10 (e) STATE FUNDING.—With funds not otherwise allo-
11 cated under subsection (c), a State may reserve not more
12 than 1/2 of 1 percent for administrative costs and the re-
13 mainder for emergency needs as determined by the state
14 educational agency to address issues responding to
15 coronavirus, which may be addressed through the use of
16 grants or contracts.
17 (f) REALLOCATION.—A State shall return to the Sec-
18 retary any funds received under this section that the State
19 does not award within 1 year of receiving such funds and
20 the Secretary shall reallocate such funds to the remaining
21 States in accordance with subsection (b).
22 HIGHER EDUCATION EMERGENCY RELIEF FUND
23 SEC. 18004. (a) IN GENERAL.—The Secretary shall
24 allocate funding under this section as follows:

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1 (1) 90 percent to each institution of higher edu-
2 cation to prevent, prepare for, and respond to
3 coronavirus, by apportioning it—
4 (A) 75 percent according to the relative
5 share of full-time equivalent enrollment of Fed-
6 eral Pell Grant recipients who are not exclu-
7 sively enrolled in distance education courses
8 prior to the coronavirus emergency; and
9 (B) 25 percent according to the relative
10 share of full-time equivalent enrollment of stu-
11 dents who were not Federal Pell Grant recipi-
12 ents who are not exclusively enrolled in distance
13 education courses prior to the coronavirus
14 emergency.
15 (2) 7.5 percent for additional awards under
16 parts A and B of title III, parts A and B of title
17 V, and subpart 4 of part A of title VII of the Higher
18 Education Act to address needs directly related to
19 coronavirus, that shall be in addition to awards
20 made in section 18004(a)(1) of this title, and allo-
21 cated by the Secretary proportionally to such pro-
22 grams based on the relative share of funding appro-
23 priated to such programs in the Further Consoli-
24 dated Appropriations Act, 2020 (Public Law 116–
25 94) and which may be used to defray expenses (in-

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1 cluding lost revenue, reimbursement for expenses al-
2 ready incurred, technology costs associated with a
3 transition to distance education, faculty and staff
4 trainings, payroll) incurred by institutions of higher
5 education and for grants to students for any compo-
6 nent of the student's cost of attendance (as defined
7 under section 472 of the Higher Education Act), in-
8 cluding food, housing, course materials, technology,
9 health care, and child care.
10 (3) 2.5 percent for part B of title VII of the
11 Higher Education Act for institutions of higher edu-
12 cation that the Secretary determines have the great-
13 est unmet needs related to coronavirus, which may
14 be used to defray expenses (including lost revenue,
15 reimbursement for expenses already incurred, tech-
16 nology costs associated with a transition to distance
17 education, faculty and staff trainings, payroll) in-
18 curred by institutions of higher education and for
19 grants to students for any component of the stu-
20 dent's cost of attendance (as defined under section
21 472 of the Higher Education Act), including food,
22 housing, course materials, technology, health care,
23 and child care.
24 (b) DISTRIBUTION.—The funds made available to
25 each institution under subsection (a)(1) shall be distrib-

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1 uted by the Secretary using the same systems as the Sec-
2 retary otherwise distributes funding to each institution
3 under title IV of the Higher Education Act of 1965 (20
4 U.S.C. 1001 et seq.).

5 (c) USES OF FUNDS.—Except as otherwise specified
6 in subsection (a), an institution of higher education receiv-
7 ing funds under this section may use the funds received
8 to cover any costs associated with significant changes to
9 the delivery of instruction due to the coronavirus, so long
10 as such costs do not include payment to contractors for
11 the provision of pre-enrollment recruitment activities; en-
12 dowments; or capital outlays associated with facilities re-
13 lated to athletics, sectarian instruction, or religious wor-
14 ship. Institutions of higher education shall use no less
15 than 50 percent of such funds to provide emergency finan-
16 cial aid grants to students for expenses related to the dis-
17 ruption of campus operations due to coronavirus (includ-
18 ing eligible expenses under a student's cost of attendance,
19 such as food, housing, course materials, technology, health
20 care, and child care).

21 (d) SPECIAL PROVISIONS.—(1) In awarding grants
22 under section 18004(a)(3) of this title, the Secretary shall
23 give priority to any institution of higher education that
24 is not otherwise eligible for funding under paragraphs (1)
25 and (2) of section 18004(a) of this title of at least

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1 $500,000 and demonstrates significant unmet needs re-
2 lated to expenses associated with coronavirus.
3 (2) A Historically Black College and University or a
4 Minority Serving Institution may use prior awards pro-
5 vided under titles III, V, and VII of the Higher Education
6 Act to prevent, prepare for, and respond to coronavirus.
7 (e) REPORT.—An institution receiving funds under
8 this section shall submit a report to the Secretary, at such
9 time and in such manner as the Secretary may require,
10 that describes the use of funds provided under this section.
11 ASSISTANCE TO NON-PUBLIC SCHOOLS
12 SEC. 18005. (a) IN GENERAL.—A local educational
13 agency receiving funds under sections 18002 or 18003 of
14 this title shall provide equitable services in the same man-
15 ner as provided under section 1117 of the ESEA of 1965
16 to students and teachers in non-public schools, as deter-
17 mined in consultation with representatives of non-public
18 schools.
19 (b) PUBLIC CONTROL OF FUNDS.—The control of
20 funds for the services and assistance provided to a non-
21 public school under subsection (a), and title to materials,
22 equipment, and property purchased with such funds, shall
23 be in a public agency, and a public agency shall administer
24 such funds, materials, equipment, and property and shall

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1 provide such services (or may contract for the provision
2 of such services with a public or private entity).

3 CONTINUED PAYMENT TO EMPLOYEES

4 SEC. 18006. A local educational agency, State, insti-
5 tution of higher education, or other entity that receives
6 funds under "Education Stabilization Fund", shall to the
7 greatest extent practicable, continue to pay its employees
8 and contractors during the period of any disruptions or
9 closures related to coronavirus.

10 DEFINITIONS

11 SEC. 18007. Except as otherwise provided in sections
12 18001–18006 of this title, as used in such sections—

13 (1) the terms "elementary education" and "sec-
14 ondary education" have the meaning given such
15 terms under State law;

16 (2) the term "institution of higher education"
17 has the meaning given such term in title I of the
18 Higher Education Act of 1965 (20 U.S.C. 1001 et
19 seq.);

20 (3) the term "Secretary" means the Secretary
21 of Education;

22 (4) the term "State" means each of the 50
23 States, the District of Columbia, and the Common-
24 wealth of Puerto Rico;

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1 (5) the term "cost of attendance" has the
2 meaning given such term in section 472 of the High-
3 er Education Act of 1965.
4 (6) the term "Non-public school" means a non-
5 public elementary and secondary school that (A) is
6 accredited, licensed, or otherwise operates in accord-
7 ance with State law; and (B) was in existence prior
8 to the date of the qualifying emergency for which
9 grants are awarded under this section;
10 (7) the term "public school" means a public ele-
11 mentary or secondary school; and
12 (8) any other term used that is defined in sec-
13 tion 8101 of the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C. 7801) shall have the
15 meaning given the term in such section.
16 MAINTENANCE OF EFFORT
17 SEC. 18008. (a) A State's application for funds to
18 carry out sections 18002 or 18003 of this title shall in-
19 clude assurances that the State will maintain support for
20 elementary and secondary education, and State support
21 for higher education (which shall include State funding to
22 institutions of higher education and state need-based fi-
23 nancial aid, and shall not include support for capital
24 projects or for research and development or tuition and
25 fees paid by students) in fiscal years 2020 and 2021 at

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1 least at the levels of such support that is the average of
2 such State's support for elementary and secondary edu-
3 cation and for higher education provided in the 3 fiscal
4 years preceding the date of enactment of this Act.
5 (b) The secretary may waive the requirement in sub-
6 section (a) for the purpose of relieving fiscal burdens on
7 States that have experienced a precipitous decline in fi-
8 nancial resources.

9 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

10 For an additional amount for "Safe Schools and Citi-
11 zenship Education", $100,000,000, to remain available
12 through September 30, 2021, to prevent, prepare for, and
13 respond to coronavirus, domestically or internationally, to
14 supplement funds otherwise available for "Project
15 SERV", including to help elementary, secondary and post-
16 secondary schools clean and disinfect affected schools, and
17 assist in counseling and distance learning and associated
18 costs: *Provided*, That such amount is designated by the
19 Congress as being for an emergency requirement pursuant
20 to section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 GALLAUDET UNIVERSITY

23 For an additional amount for "Gallaudet University",
24 $7,000,000, to remain available through September 30,
25 2021, to prevent, prepare for, and respond to coronavirus,

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1 domestically or internationally, including to help defray
2 the expenses directly caused by coronavirus and to enable
3 grants to students for expenses directly related to
4 coronavirus and the disruption of university operations:
5 *Provided*, That such amount is designated by the Congress
6 as being for an emergency requirement pursuant to sec-
7 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
8 gency Deficit Control Act of 1985.

9 STUDENT AID ADMINISTRATION

10 For an additional amount for "Student Aid Adminis-
11 tration", $40,000,000, to remain available through Sep-
12 tember 30, 2021, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally, for carrying
14 out part D of title I, and subparts 1, 3, 9 and 10 of part
15 A, and parts B, C, D, and E of title IV of the HEA, and
16 subpart 1 of part A of title VII of the Public Health Serv-
17 ice Act: *Provided*, That such amount is designated by the
18 Congress as being for an emergency requirement pursuant
19 to section 251(b)(2)(A)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985.

21 HOWARD UNIVERSITY

22 For an additional amount for "Howard University",
23 $13,000,000, to remain available through September 30,
24 2021, to prevent, prepare for, and respond to coronavirus,
25 domestically or internationally, including to help defray

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1 the expenses directly caused by coronavirus and to enable
2 grants to students for expenses directly related to
3 coronavirus and the disruption of university operations:
4 *Provided*, That such amount is designated by the Congress
5 as being for an emergency requirement pursuant to sec-
6 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985.

8 DEPARTMENTAL MANAGEMENT

9 PROGRAM ADMINISTRATION

10 For an additional amount for "Program Administra-
11 tion", $8,000,000, to remain available through September
12 30, 2021 to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 OFFICE OF THE INSPECTOR GENERAL

19 For an additional amount for "Office of the Inspector
20 General", $7,000,000, to remain available through Sep-
21 tember 30, 2022, to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally, including for
23 salaries and expenses necessary for oversight and audit
24 of programs, grants, and projects funded in this Act to
25 respond to coronavirus: *Provided*, That such amount is

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1 designated by the Congress as being for an emergency re-
2 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985.

4 CORPORATION FOR PUBLIC BROADCASTING

5 For an additional amount for "Corporation for Public
6 Broadcasting", $75,000,000, to remain available through
7 September 30, 2021, to prevent, prepare for, and respond
8 to coronavirus, including for fiscal stabilization grants to
9 public telecommunications entities, as defined by 47
10 U.S.C. 397(12), with no deduction for administrative or
11 other costs of the Corporation, to maintain programming
12 and services and preserve small and rural stations threat-
13 ened by declines in non-Federal revenues: *Provided*, That
14 such amount is designated by the Congress as being for
15 an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

19 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS
20 AND ADMINISTRATION

21 For an additional amount for "Institute of Museum
22 and Library Services", $50,000,000, to remain available
23 until September 30, 2021, to prevent, prepare for, and re-
24 spond to coronavirus, including grants to States, terri-
25 tories and tribes to expand digital network access, pur-

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1 chase internet accessible devices, and provide technical
2 support services: *Provided*, That any matching funds re-
3 quirements for States, tribes, libraries, and museums are
4 waived for grants provided with funds made available
5 under this heading in this Act: *Provided further*, That such
6 amount is designated by the Congress as being for an
7 emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 RAILROAD RETIREMENT BOARD

11 LIMITATION ON ADMINISTRATION

12 For an additional amount for the "Railroad Retire-
13 ment Board", $5,000,000, to remain available until Sep-
14 tember 30, 2021, to prevent, prepare for, and respond to
15 coronavirus, including the purchase of information tech-
16 nology equipment to improve the mobility of the workforce
17 and provide for additional hiring or overtime hours as
18 needed to administer the Railroad Unemployment Insur-
19 ance Act: *Provided*, That such amount is designated by
20 the Congress as being for an emergency requirement pur-
21 suant to section 251(b)(2)(A)(i) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985.

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1 SOCIAL SECURITY ADMINISTRATION

2 LIMITATION ON ADMINISTRATIVE EXPENSES

3 For an additional amount for "Limitation on Admin-
4 istrative Expenses", $300,000,000, to remain available
5 through September 30, 2021 to prevent, prepare for, and
6 respond to coronavirus, domestically or internationally, in-
7 cluding paying the salaries and benefits of all employees
8 affected as a result of office closures, telework, phone and
9 communication services for employees, overtime costs, and
10 supplies, and for resources necessary for processing dis-
11 ability and retirement workloads and backlogs: *Provided*,
12 That such amount is designated by the Congress as being
13 for an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 GENERAL PROVISIONS—THIS TITLE

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 18108. Funds appropriated by this title may be
19 used by the Secretary of the Department of Health and
20 Human Services to appoint, without regard to the provi-
21 sions of sections 3309 through 3319 of title 5 of the
22 United States Code, candidates needed for positions to
23 perform critical work relating to coronavirus for which—
24 (1) public notice has been given; and

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1 (2) the Secretary of Health and Human Serv-
2 ices has determined that such a public health threat
3 exists.

4 SEC. 18109. Funds made available by this title may
5 be used to enter into contracts with individuals for the
6 provision of personal services (as described in section 104
7 of part 37 of title 48, Code of Federal Regulations (48
8 CFR 37.104)) to support the prevention of, preparation
9 for, or response to coronavirus, domestically and inter-
10 nationally, subject to prior notification to the Committees
11 on Appropriations of the House of Representatives and the
12 Senate: *Provided*, That such individuals may not be
13 deemed employees of the United States for the purpose
14 of any law administered by the Office of Personnel Man-
15 agement: *Provided further*, That the authority made avail-
16 able pursuant to this section shall expire on September
17 30, 2024.

18 SEC. 18110. (a) If services performed by an employee
19 during fiscal year 2020 are determined by the head of the
20 agency to be primarily related to preparation, prevention,
21 or response to coronavirus, any premium pay for such
22 services shall be disregarded in calculating the aggregate
23 of such employee's basic pay and premium pay for pur-
24 poses of a limitation under section 5547(a) of title 5,
25 United States Code, or under any other provision of law,

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1 whether such employee's pay is paid on a biweekly or cal-
2 endar year basis.
3 (b) Any overtime pay for such services shall be dis-
4 regarded in calculating any annual limit on the amount
5 of overtime pay payable in a calendar or fiscal year.
6 (c) With regard to such services, any pay that is dis-
7 regarded under either subsection (a) or (b) shall be dis-
8 regarded in calculating such employee's aggregate pay for
9 purposes of the limitation in section 5307 of such title 5.
10 (d)(1) Pay that is disregarded under subsection (a)
11 or (b) shall not cause the aggregate of the employee's basic
12 pay and premium pay for the applicable calendar year to
13 exceed the rate of basic pay payable for a position at level
14 II of the Executive Schedule under section 5313 of title
15 5, United States Code, as in effect at the end of such cal-
16 endar year.
17 (2) For purposes of applying this subsection to an
18 employee who would otherwise be subject to the premium
19 pay limits established under section 5547 of title 5, United
20 States Code, "premium pay" means the premium pay paid
21 under the provisions of law cited in section 5547(a).
22 (3) For purposes of applying this subsection to an
23 employee under a premium pay limit established under an
24 authority other than section 5547 of title 5, United States
25 Code, the agency responsible for administering such limit

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1 shall determine what payments are considered premium
2 pay.
3 (e) This section shall take effect as if enacted on Feb-
4 ruary 2, 2020.
5 (f) If application of this section results in the pay-
6 ment of additional premium pay to a covered employee of
7 a type that is normally creditable as basic pay for retire-
8 ment or any other purpose, that additional pay shall not—
9 (1) be considered to be basic pay of the covered
10 employee for any purpose; or
11 (2) be used in computing a lump-sum payment
12 to the covered employee for accumulated and ac-
13 crued annual leave under section 5551 or section
14 5552 of title 5, United States Code.
15 SEC. 18111. Funds appropriated by this title to the
16 heading "Department of Health and Human Services"
17 may be transferred to, and merged with, other appropria-
18 tion accounts under the headings "Centers for Disease
19 Control and Prevention", "Public Health and Social Serv-
20 ices Emergency Fund", "Administration for Children and
21 Families", "Administration for Community Living", and
22 "National Institutes of Health" to prevent, prepare for,
23 and respond to coronavirus following consultation with the
24 Office of Management and Budget: *Provided*, That the
25 Committees on Appropriations of the House of Represent-

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1 atives and the Senate shall be notified 10 days in advance
2 of any such transfer: *Provided further*, That, upon a deter-
3 mination that all or part of the funds transferred from
4 an appropriation by this title are not necessary, such
5 amounts may be transferred back to that appropriation:
6 *Provided further*, That none of the funds made available
7 by this title may be transferred pursuant to the authority
8 in section 205 of division A of Public Law 116–94 or sec-
9 tion 241(a) of the PHS Act.

10 SEC. 18112. Not later than 30 days after the date
11 of enactment of this Act, the Secretary of Health and
12 Human Services shall provide a detailed spend plan of an-
13 ticipated uses of funds made available to the Department
14 of Health and Human Services in this Act, including esti-
15 mated personnel and administrative costs, to the Commit-
16 tees on Appropriations of the House of Representatives
17 and the Senate: *Provided*, That such plans shall be up-
18 dated and submitted to such Committees every 60 days
19 until September 30, 2024: *Provided further*, That the
20 spend plans shall be accompanied by a listing of each con-
21 tract obligation incurred that exceeds $5,000,000 which
22 has not previously been reported, including the amount of
23 each such obligation.

24 SEC. 18113. Of the funds appropriated by this title
25 under the heading "Public Health and Social Services

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1 Emergency Fund'', up to $4,000,000 shall be transferred
2 to, and merged with, funds made available under the head-
3 ing ''Office of the Secretary, Office of Inspector General'',
4 and shall remain available until expended, for oversight
5 of activities supported with funds appropriated to the De-
6 partment of Health and Human Services to prevent, pre-
7 pare for, and respond to coronavirus, domestically or
8 internationally: *Provided*, That the Inspector General of
9 the Department of Health and Human Services shall con-
10 sult with the Committees on Appropriations of the House
11 of Representatives and the Senate prior to obligating such
12 funds: *Provided further*, That the transfer authority pro-
13 vided by this section is in addition to any other transfer
14 authority provided by law.

15 SEC. 18114. (a) Funds appropriated in title III of
16 the Coronavirus Preparedness and Response Supple-
17 mental Appropriations Act, 2020 (Public Law 116–123)
18 shall be paid to the ''Department of Homeland Security—
19 Countering Weapons of Mass Destruction Office—Federal
20 Assistance''account for costs incurred, including to reim-
21 burse costs incurred prior to the enactment of this Act,
22 under other transaction authority and related to screening
23 for coronavirus, domestically or internationally.

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1 (b) The term coronavirus has the meaning given the
2 term in section 506 of the Coronavirus Preparedness and
3 Response Supplemental Appropriations Act, 2020.
4 (c) The amounts repurposed in this section that were
5 previously designated by the Congress as an emergency
6 requirement pursuant to the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985 are designated by the
8 Congress as an emergency requirement pursuant to sec-
9 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.
11 SEC. 18115. (a) IN GENERAL.—Every laboratory
12 that performs or analyzes a test that is intended to detect
13 SARS–CoV–2 or to diagnose a possible case of COVID–
14 19 shall report the results from each such test, to the Sec-
15 retary of Health and Human Services in such form and
16 manner, and at such timing and frequency, as the Sec-
17 retary may prescribe until the end of the Secretary's Pub-
18 lic Health Emergency declaration with respect to COVID–
19 19 or any extension of such declaration.
20 (b) LABORATORIES COVERED.—The Secretary may
21 prescribe which laboratories must submit reports pursuant
22 to this section.
23 (c) IMPLEMENTATION.—The Secretary may make
24 prescriptions under this section by regulation, including
25 by interim final rule, or by guidance, and may issue such

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1 regulations or guidance without regard to the procedures
2 otherwise required by section 553 of title 5, United States
3 Code.
4 (d) REPEALER.—Section 1702 of division A of the
5 Families First Coronavirus Response Act is repealed.

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# TITLE IX

## LEGISLATIVE BRANCH

## SENATE

### CONTINGENT EXPENSES OF THE SENATE

#### SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For an additional amount for "Sergeant at Arms and Doorkeeper of the Senate", $1,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous Items", $9,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, subject to approval by the Committee on Appropriations of the Senate and the Senate Committee on Rules and Administration: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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1 HOUSE OF REPRESENTATIVES

2 SALARIES AND EXPENSES

3 For an additional amount for "Salaries and Ex-
4 penses", $25,000,000, to remain available until September
5 30, 2021, except that $5,000,000 shall remain available
6 until expended, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, to be allo-
8 cated in accordance with a spend plan submitted to the
9 Committee on Appropriations of the House of Representa-
10 tives by the Chief Administrative Officer and approved by
11 such Committee: *Provided*, That such amount is des-
12 ignated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 JOINT ITEMS

16 OFFICE OF THE ATTENDING PHYSICIAN

17 For an additional amount for "Office of the Attend-
18 ing Physician", $400,000, to remain available until ex-
19 pended, to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally: *Provided*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 CAPITOL POLICE

2 SALARIES

3 For an additional amount for "Salaries",
4 $12,000,000, to remain available until September 30,
5 2021, to prevent, prepare for, and respond to coronavirus,
6 domestically or internationally: *Provided*, That the Capitol
7 Police may transfer amounts appropriated under this
8 heading in this Act to "General Expenses" without the
9 approval requirement of 2 U.S.C. 1907(a): *Provided fur-*
10 *ther*, That such amount is designated by the Congress as
11 being for an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 ARCHITECT OF THE CAPITOL

15 CAPITAL CONSTRUCTION AND OPERATIONS

16 For an additional amount for "Capital Construction
17 and Operations", $25,000,000, to remain available until
18 September 30, 2021, to prevent, prepare for, and respond
19 to coronavirus, domestically or internationally, including
20 to purchase and distribute cleaning and sanitation prod-
21 ucts throughout all facilities and grounds under the care
22 of the Architect of the Capitol, wherever located, and any
23 related services and operational costs: *Provided*, That the
24 Architect of the Capitol shall provide a report within 30
25 days enactment of this Act, and every 30 days thereafter,

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1 to the Committees on Appropriations of the Senate and
2 House of Representatives, the Senate Committee on Rules
3 and Administration, and the Committee on House Admin-
4 istration on expenditure of funds from amounts appro-
5 priated under this heading in this Act: *Provided further*,
6 That this amount shall be in addition to any other funds
7 available for such purposes in appropriations Acts for the
8 legislative branch: *Provided further*, That such amount is
9 designated by the Congress as being for an emergency re-
10 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 LIBRARY OF CONGRESS

13 SALARIES AND EXPENSES

14 For an additional amount for ''Salaries and Ex-
15 penses'', $700,000, to remain available until September
16 30, 2020, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally, to be made
18 available to the Little Scholars Child Development Center,
19 subject to approval by the Committees on Appropriations
20 of the Senate and House of Representatives, the Senate
21 Committee on Rules and Administration, and the Com-
22 mittee on House Administration: *Provided*, That such
23 amount is designated by the Congress as being for an
24 emergency requirement pursuant to section

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

3 GOVERNMENT ACCOUNTABILITY OFFICE

4 SALARIES AND EXPENSES

5 For an additional amount for "Salaries and Ex-
6 penses", $20,000,000, to remain available until expended,
7 to prevent, prepare for, and respond to coronavirus, do-
8 mestically or internationally, for audits and investigations
9 and for reimbursement of the Tiny Findings Child Devel-
10 opment Center for salaries for employees, as authorized
11 by this Act: *Provided*, That not later than 90 days after
12 the date of enactment of this Act, the Government Ac-
13 countability Office shall submit to the Committees on Ap-
14 propriations of the House of Representatives and the Sen-
15 ate a spend plan specifying funding estimates and a
16 timeline for such audits and investigations: *Provided fur-*
17 *ther*, That $600,000 shall be made available to the Tiny
18 Findings Child Development Center, subject to approval
19 by the Committees on Appropriations of the Senate and
20 House of Representatives, the Senate Committee on Rules
21 and Administration, and the Committee on House Admin-
22 istration: *Provided further*, That such amount is des-
23 ignated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

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1 GENERAL PROVISIONS—THIS TITLE

2 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
3 AND EXPENSES OF SENATE EMPLOYEE CHILD CARE
4 CENTER

5 SEC. 19001. The Secretary of the Senate shall reim-
6 burse the Senate Employee Child Care Center for per-
7 sonnel costs incurred starting on April 1, 2020, for em-
8 ployees of such Center who have been ordered to cease
9 working due to measures taken in the Capitol complex to
10 combat coronavirus, not to exceed $84,000 per month,
11 from amounts in the appropriations account "Miscella-
12 neous Items" within the contingent fund of the Senate.

13 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
14 AND EXPENSES OF HOUSE OF REPRESENTATIVES
15 CHILD CARE CENTER

16 SEC. 19002. (a) AUTHORIZING USE OF REVOLVING
17 FUND OR APPROPRIATED FUNDS.—Section 312(d)(3)(A)
18 of the Legislative Branch Appropriations Act, 1992 (2
19 U.S.C. 2062(d)(3)(A)) is amended—

20 (1) in subparagraph (A), by striking the period
21 at the end and inserting the following: ", and, at the
22 option of the Chief Administrative Officer during an
23 emergency situation, the payment of the salary of
24 other employees of the Center."; and

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

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"(C) During an emergency situation, the payment of such other expenses for activities carried out under this section as the Chief Administrative Officer determines appropriate.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2020 and each succeeding fiscal year.

PAYMENTS TO ENSURE CONTINUING AVAILABILITY OF GOODS AND SERVICES DURING THE CORONAVIRUS EMERGENCY

SEC. 19003. (a) AUTHORIZATION TO MAKE PAYMENTS.—Notwithstanding any other provision of law and subject to subsection (b), during an emergency situation, the Chief Administrative Officer of the House of Representatives may make payments under contracts with vendors providing goods and services to the House in amounts and under terms and conditions other than those provided under the contract in order to ensure that those goods and services remain available to the House throughout the duration of the emergency.

(b) CONDITIONS.—

(1) APPROVAL REQUIRED.—The Chief Administrative Officer may not make payments under the authority of subsection (a) without the approval of the Committee on House Administration of the House of Representatives.

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(2) AVAILABILITY OF APPROPRIATIONS.—The authority of the Chief Administrative Officer to make payments under the authority of subsection (a) is subject to the availability of appropriations to make such payments.

(c) APPLICABILITY.—This section shall apply with respect to fiscal year 2020 and each succeeding fiscal year.

SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES AND EXPENSES OF LITTLE SCHOLARS CHILD DEVELOPMENT CENTER

SEC. 19004. The Library of Congress shall reimburse Little Scholars Child Development Center for salaries for employees incurred from April 1, 2020, to September 30, 2020, for employees of such Center who have been ordered to cease working due to measures taken in the Capitol complex to combat coronavirus, not to exceed $113,000 per month, from amounts in the appropriations account "Library of Congress—Salaries and Expenses".

AUTHORIZING PAYMENTS UNDER SERVICE CONTRACTS DURING THE CORONAVIRUS EMERGENCY

SEC. 19005. (a) AUTHORIZING PAYMENTS.—Notwithstanding section 3324(a) of title 31, United States Code, or any other provision of law and subject to subsection (b), if the employees of a contractor with a service contract with the Architect of the Capitol are furloughed or otherwise unable to work during closures, stop work

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1 orders, or reductions in service arising from or related to
2 the impacts of coronavirus, the Architect of the Capitol
3 may continue to make the payments provided for under
4 the contract for the weekly salaries and benefits of such
5 employees for not more than 16 weeks.

6 (b) AVAILABILITY OF APPROPRIATIONS.—The au-
7 thority of the Architect of the Capitol to make payments
8 under the authority of subsection (a) is subject to the
9 availability of appropriations to make such payments.

10 (c) REGULATIONS.—The Architect of the Capitol
11 shall promulgate such regulations as may be necessary to
12 carry out this section.

13 MASS MAILINGS AS FRANKED MAIL

14 SEC. 19006. (a) WAIVER.—Section 3210(a)(6)(D) of
15 title 39, United States Code, is amended by striking the
16 period at the end of the first sentence and inserting the
17 following: ", and in the case of the Commission, to waive
18 this paragraph in the case of mailings sent in response
19 to or to address threats to life safety.".

20 (b) EFFECTIVE DATE.—The amendments made by
21 this subsection shall apply with respect to mailings sent
22 on or after the date of the enactment of this Act.

23 TECHNICAL CORRECTION

24 SEC. 19007. In the matter preceding the first proviso
25 under the heading "Library of Congress—Salaries and
26 Expenses" in division E of the Further Consolidated Ap-

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1 propriations Act, 2020 (Public Law 116–94), strike "
2 $504,164,000" and insert " $510,164,000".

3 CONFORMING AMENDMENT

4 SEC. 19008. Section 110(a)(1)(A) of the Family and
5 Medical Leave Act of 1993 (as added by section 3102 of
6 the Families First Coronavirus Response Act (Public Law
7 116–127)) is amended—

8 (1) by inserting before "In lieu of" the fol-
9 lowing:

10 "(i) IN GENERAL.—"; and

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

12 "(ii) SPECIAL RULE.—For purposes of
13 applying section 102(a)(1)(F) and this sec-
14 tion under the Congressional Account-
15 ability Act of 1995, in lieu of the definition
16 in section 202(a)(2)(B) of that Act (2
17 U.S.C. 1312(a)(2)(B)), the term 'eligible
18 employee' means a covered employee (as
19 defined in section 101 of that Act (2
20 U.S.C. 1301)) who has been employed for
21 at least 30 calendar days by the employing
22 office (as so defined) with respect to whom
23 leave is requested under section
24 102(a)(1)(F).".

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1 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
2 AND EXPENSES OF TINY FINDINGS CHILD DEVELOP-
3 MENT CENTER

4 SEC. 19009. The Government Accountability Office
5 may reimburse the Tiny Findings Child Development Cen-
6 ter for salaries for employees incurred from April 1, 2020,
7 to September 30, 2020, for employees of such Center who
8 have been ordered to cease working due to measures taken
9 in the Capitol complex to combat coronavirus, not to ex-
10 ceed $100,000 per month, from amounts in the appropria-
11 tions account "Government Accountability Office—Sala-
12 ries and Expenses".

13 OVERSIGHT AND AUDIT AUTHORITY

14 SEC. 19010. (a) DEFINITIONS.—In this section—
15 (1) the term "appropriate congressional com-
16 mittees" means—
17 (A) the Committee on Appropriations of
18 the Senate;
19 (B) the Committee on Homeland Security
20 and Governmental Affairs of the Senate;
21 (C) the Committee on Health, Education,
22 Labor, and Pensions of the Senate;
23 (D) the Committee on Appropriations of
24 the House of Representatives;
25 (E) the Committee on Homeland Security
26 of the House of Representatives;

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1 (F) the Committee on Oversight and Re-
2 form of the House of Representatives; and
3 (G) the Committee on Energy and Com-
4 merce of the House of Representatives; and
5 (2) the term "Comptroller General" means the
6 Comptroller General of the United States.
7 (b) AUTHORITY.—The Comptroller General shall con-
8 duct monitoring and oversight of the exercise of authori-
9 ties, or the receipt, disbursement, and use of funds made
10 available, under this Act or any other Act to prepare for,
11 respond to, and recover from the Coronavirus 2019 pan-
12 demic and the effect of the pandemic on the health, econ-
13 omy, and public and private institutions of the United
14 States, including public health and homeland security ef-
15 forts by the Federal Government and the use of selected
16 funds under this or any other Act related to the
17 Coronavirus 2019 pandemic and a comprehensive audit
18 and review of charges made to Federal contracts pursuant
19 to authorities provided in the Coronavirus Aid, Relief, and
20 Economic Security Act.
21 (c) BRIEFINGS AND REPORTS.—In conducting moni-
22 toring and oversight under subsection (b), the Comptroller
23 General shall—
24 (1) during the period beginning on the date of
25 enactment of this Act and ending on the date on

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which the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) expires, offer regular briefings on not less frequently than a monthly basis to the appropriate congressional committees regarding Federal public health and homeland security efforts;

(2) publish reports regarding the ongoing monitoring and oversight efforts, which, along with any audits and investigations conducted by the Comptroller General, shall be submitted to the appropriate congressional committees and posted on the website of the Government Accountability Office—

(A) not later than 90 days after the date of enactment of this Act, and every other month thereafter until the date that is 1 year after the date of enactment of this Act; and

(B) after the period described in subparagraph (A), on a periodic basis; and

(3) submit to the appropriate congressional committees additional reports as warranted by the findings of the monitoring and oversight activities of the Comptroller General.

(d) ACCESS TO INFORMATION.—

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1 (1) RIGHT OF ACCESS.—In conducting moni-
2 toring and oversight activities under this section, the
3 Comptroller General shall have access to records,
4 upon request, of any Federal, State, or local agency,
5 contractor, grantee, recipient, or subrecipient per-
6 taining to any Federal effort or assistance of any
7 type related to the Coronavirus 2019 pandemic
8 under this Act or any other Act, including private
9 entities receiving such assistance.
10 (2) COPIES.—The Comptroller General may
11 make and retain copies of any records accessed
12 under paragraph (1) as the Comptroller General de-
13 termines appropriate.
14 (3) INTERVIEWS.—In addition to such other au-
15 thorities as are available, the Comptroller General or
16 a designee of the Comptroller General may interview
17 Federal, State, or local officials, contractor staff,
18 grantee staff, recipients, or subrecipients pertaining
19 to any Federal effort or assistance of any type re-
20 lated to the Coronavirus 2019 pandemic under this
21 or any other Act, including private entities receiving
22 such assistance.
23 (4) INSPECTION OF FACILITIES.—As deter-
24 mined necessary by the Comptroller General, the
25 Government Accountability Office may inspect facili-

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1 ties at which Federal, State, or local officials, con-
2 tractor staff, grantee staff, or recipients or sub-
3 recipients carry out their responsibilities related to
4 the Coronavirus 2019 pandemic.
5 (5) ENFORCEMENT.—Access rights under this
6 subsection shall be subject to enforcement consistent
7 with section 716 of title 31, United States Code.
8 (e) RELATIONSHIP TO EXISTING AUTHORITY.—
9 Nothing in this section shall be construed to limit, amend,
10 supersede, or restrict in any manner any existing author-
11 ity of the Comptroller General.

12 NATIONAL EMERGENCY RELIEF AUTHORITY FOR THE
13 REGISTER OF COPYRIGHTS

14 SEC. 19011. (a) AMENDMENT.—Chapter 7 of title
15 17, United States Code, is amended by adding at the end
16 the following:

17 **"§ 710. Emergency relief authority**

18 "(a) EMERGENCY ACTION.—If, on or before Decem-
19 ber 31, 2021, the Register of Copyrights determines that
20 a national emergency declared by the President under the
21 National Emergencies Act (50 U.S.C. 1601 et seq.) gen-
22 erally disrupts or suspends the ordinary functioning of the
23 copyright system under this title, or any component there-
24 of, including on a regional basis, the Register may, on a
25 temporary basis, toll, waive, adjust, or modify any timing
26 provision (including any deadline or effective period, ex-

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1 cept as provided in subsection (c)) or procedural provision
2 contained in this title or chapters II or III of title 37,
3 Code of Federal Regulations, for no longer than the Reg-
4 ister reasonably determines to be appropriate to mitigate
5 the impact of the disruption caused by the national emer-
6 gency. In taking such action, the Register shall consider
7 the scope and severity of the particular national emer-
8 gency, and its specific effect with respect to the particular
9 provision, and shall tailor any remedy accordingly.

10 "(b) NOTICE AND EFFECT.—Any action taken by the
11 Register in response to a national emergency pursuant to
12 subsection (a) shall not be subject to section 701(e) or
13 subchapter II of chapter 5 of title 5, United States Code,
14 and chapter 7 of title 5, United States Code. The provision
15 of general public notice detailing the action being taken
16 by the Register in response to the national emergency
17 under subsection (a) is sufficient to effectuate such action.
18 The Register may make such action effective both prospec-
19 tively and retroactively in relation to a particular provision
20 as the Register determines to be appropriate based on the
21 timing, scope, and nature of the public emergency, but any
22 action by the Register may only be retroactive with respect
23 to a deadline that has not already passed before the dec-
24 laration described in subsection (a).

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1 "(c) STATEMENT REQUIRED.—Except as provided in
2 subsection (d), not later than 20 days after taking any
3 action that results in a provision being modified for a cu-
4 mulative total of longer than 120 days, the Register shall
5 submit to Congress a statement detailing the action taken,
6 the relevant background, and rationale for the action.
7 "(d) EXCEPTIONS.—The authority of the Register to
8 act under subsection (a) does not extend provisions under
9 this title requiring the commencement of an action or pro-
10 ceeding in Federal court within a specified period of time,
11 except that if the Register adjusts the license availability
12 date defined in section 115(e)(15), such adjustment shall
13 not affect the ability to commence actions for any claim
14 of infringement of exclusive rights provided by paragraphs
15 (1) and (3) of section 106 against a digital music provider
16 arising from the unauthorized reproduction or distribution
17 of a musical work by such digital music provider in the
18 course of engaging in covered activities that accrued after
19 January 1, 2018, provided that such action is commenced
20 within the time periods prescribed under section
21 115(d)(10)(C)(i) or 115(d)(10)(C)(ii) as calculated from
22 the adjusted license availability date. If the Register ad-
23 justs the license availability date, the Register must pro-
24 vide the statement to Congress under subsection (c) at the

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1 same time as the public notice of such adjustment with
2 a detailed explanation of why such adjustment is needed.
3 "(e) COPYRIGHT TERM EXCEPTION.—The authority
4 of the Register to act under subsection (a) does not extend
5 to provisions under chapter 3, except section 304(c), or
6 section 1401(a)(2).
7 "(f) OTHER LAWS.—Notwithstanding section 301 of
8 the National Emergencies Act (50 U.S.C. 1631), the au-
9 thority of the Register under subsection (a) is not contin-
10 gent on a specification made by the President under such
11 section or any other requirement under that Act (other
12 than the emergency declaration under section 201(a) of
13 such Act (50 U.S.C. 1621(a))). The authority described
14 in this section supersedes the authority of title II of the
15 National Emergencies Act (50 U.S.C. 1621 et seq.).".
16 (b) TECHNICAL AND CONFORMING AMENDMENT.—
17 The table of sections for chapter 7 of title 17, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

"710. Emergency relief authority.".

20 (c) EMERGENCY REQUIREMENT.—The amount pro-
21 vided by this section is designated by the Congress as
22 being for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 TITLE X

2 DEPARTMENT OF VETERANS AFFAIRS

3 VETERANS BENEFITS ADMINISTRATION

4 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

5 ADMINISTRATION

6 For an additional amount for "General Operating
7 Expenses, Veterans Benefits Administration",
8 $13,000,000, to remain available until September 30,
9 2021, to prevent, prepare for, and respond to coronavirus,
10 domestically or internationally: *Provided*, That such
11 amount is designated by the Congress as being for an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 VETERANS HEALTH ADMINISTRATION

16 MEDICAL SERVICES

17 For an additional amount for "Medical Services",
18 $14,432,000,000, to remain available until September 30,
19 2021, to prevent, prepare for, and respond to coronavirus,
20 domestically or internationally, including related impacts
21 on health care delivery, and for support to veterans who
22 are homeless or at risk of becoming homeless: *Provided*,
23 That such amount is designated by the Congress as being
24 for an emergency requirement pursuant to section

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

3 MEDICAL COMMUNITY CARE

4 For an additional amount for "Medical Community
5 Care", $2,100,000,000, to remain available until Sep-
6 tember 30, 2021, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including re-
8 lated impacts on health care delivery: *Provided*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 MEDICAL SUPPORT AND COMPLIANCE

14 For an additional amount for "Medical Support and
15 Compliance", $100,000,000, to remain available until
16 September 30, 2021, to prevent, prepare for, and respond
17 to coronavirus, domestically or internationally, including
18 related impacts on health care delivery: *Provided*, That
19 such amount is designated by the Congress as being for
20 an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 MEDICAL FACILITIES

24 For an additional amount for "Medical Facilities",
25 $606,000,000, to remain available until September 30,

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1 2021, to prevent, prepare for, and respond to coronavirus,
2 domestically or internationally, including related impacts
3 on health care delivery: *Provided*, That such amount is
4 designated by the Congress as being for an emergency re-
5 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 DEPARTMENTAL ADMINISTRATION

8 GENERAL ADMINISTRATION

9 For an additional amount for ''General Administra-
10 tion'', $6,000,000, to remain available until September 30,
11 2021, to prevent, prepare for, and respond to coronavirus,
12 domestically or internationally: *Provided*, That such
13 amount is designated by the Congress as being for an
14 emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 INFORMATION TECHNOLOGY SYSTEMS

18 For an additional amount for ''Information Tech-
19 nology Systems'', $2,150,000,000, to remain available
20 until September 30, 2021, to prevent, prepare for, and re-
21 spond to coronavirus, domestically or internationally, in-
22 cluding related impacts on health care delivery: *Provided*,
23 That the Secretary shall transmit to the Committees on
24 Appropriations of both Houses of Congress a spend plan
25 detailing the allocation of such funds between pay and as-

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1 sociated costs, operations and maintenance, and informa-
2 tion technology systems development: *Provided further*,
3 That after such transmittal is provided, funds may only
4 be reprogrammed among the three subaccounts referenced
5 in the previous proviso after the Secretary of Veterans Af-
6 fairs submits notice to the Committees on Appropriations
7 of both Houses of Congress: *Provided further*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 OFFICE OF INSPECTOR GENERAL

13 For an additional amount for ''Office of Inspector
14 General'', $12,500,000, to remain available until Sep-
15 tember 30, 2022, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally, for oversight
17 and audit of programs, activities, grants and projects
18 funded under this title: *Provided*, That such amount is
19 designated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

22 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
23 FACILITIES

24 For an additional amount for ''Grants for Construc-
25 tion of State Extended Care Facilities'', $150,000,000, to

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1 remain available until September 30, 2021, to prevent,
2 prepare for, and respond to coronavirus, domestically or
3 internationally, including to modify or alter existing hos-
4 pital, nursing home, and domiciliary facilities in State
5 homes: *Provided*, That such amount is designated by the
6 Congress as being for an emergency requirement pursuant
7 to section 251(b)(2)(A)(i) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 RELATED AGENCIES

10 ARMED FORCES RETIREMENT HOME TRUST FUND

11 For an additional amount for the ''Armed Forces Re-
12 tirement Home Trust Fund'', $2,800,000, to remain avail-
13 able until September 30, 2021, to prevent, prepare for,
14 and respond to coronavirus, to be paid from funds avail-
15 able in the Armed Forces Retirement Home Trust Fund:
16 *Provided*, That of the amounts made available under this
17 heading from funds available in the Armed Forces Retire-
18 ment Home Trust Fund, $2,800,000 shall be paid from
19 the general fund of the Treasury to the Trust Fund: *Pro-*
20 *vided further*, That the Chief Executive Officer of the
21 Armed Forces Retirement Home shall submit to the Com-
22 mittees on Appropriations of both Houses of Congress
23 monthly reports detailing obligations, expenditures, and
24 planned activities: *Provided further*, That such amount is
25 designated by the Congress as being for an emergency re-

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

3 GENERAL PROVISIONS—THIS TITLE

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 20001. Amounts made available for the Depart-
6 ment of Veterans Affairs in this title, under the ''Medical
7 Services'', ''Medical Community Care'', ''Medical Support
8 and Compliance'', and ''Medical Facilities'' accounts may
9 be transferred among the accounts to prevent, prepare for,
10 and respond to coronavirus, domestically and internation-
11 ally: *Provided*, That any transfers among the ''Medical
12 Services'', ''Medical Community Care'', ''Medical Support
13 and Compliance'', and ''Medical Facilities'' accounts of 2
14 percent or less of the total amount appropriated to an ac-
15 count in this title may take place subject to notification
16 from the Secretary of Veterans Affairs to the Committees
17 on Appropriations of both Houses of Congress of the
18 amount and purpose of the transfer: *Provided further*,
19 That any transfers among the ''Medical Services'', ''Med-
20 ical Community Care'', ''Medical Support and Compli-
21 ance'', and ''Medical Facilities'' accounts in excess of 2
22 percent of the total amount appropriated to an account
23 in this title, or exceeding a cumulative 2 percent for all
24 of the funds provided in this title, may take place only
25 after the Secretary requests from the Committees on Ap-

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1 propriations of both Houses of Congress the authority to
2 make the transfer and an approval is issued.

3 SEC. 20002. For all of the funds appropriated in this
4 title the Secretary of Veterans Affairs shall submit to the
5 Committees on Appropriations of both Houses of Congress
6 monthly reports detailing obligations, expenditures, and
7 planned activities.

8 PUBLIC HEALTH EMERGENCY

9 SEC. 20003. In this title, the term "public health
10 emergency" means an emergency with respect to COVID–
11 19 declared by a Federal, State, or local authority.

12 SHORT-TERM AGREEMENTS OR CONTRACTS WITH TELE-
13 COMMUNICATIONS PROVIDERS TO EXPAND TELE-
14 MENTAL HEALTH SERVICES FOR ISOLATED VET-
15 ERANS DURING A PUBLIC HEALTH EMERGENCY

16 SEC. 20004. (a) IN GENERAL.—Notwithstanding any
17 other provision of law, the Secretary of Veterans Affairs
18 may enter into short-term agreements or contracts with
19 telecommunications companies to provide temporary, com-
20 plimentary or subsidized, fixed and mobile broadband
21 services for the purposes of providing expanded mental
22 health services to isolated veterans through telehealth or
23 VA Video Connect during a public health emergency.

24 (b) ELIGIBILITY.—

25 (1) IN GENERAL.—The Secretary may expand
26 eligibility for services described in subsection (a)

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1 from the Department of Veterans Affairs to include
2 veterans already receiving care from the Department
3 who may not be eligible for mental health services or
4 other health care services delivered through tele-
5 health or VA Video Connect.
6 (2) PRIORITY.—For purposes of expanding eli-
7 gibility under paragraph (1), the Secretary shall
8 prioritize—
9 (A) veterans who are in unserved and un-
10 derserved areas;
11 (B) veterans who reside in rural and highly
12 rural areas, as defined in the Rural-Urban
13 Commuting Areas coding system of the Depart-
14 ment of Agriculture;
15 (C) low-income veterans; and
16 (D) any other veterans that the Secretary
17 considers to be at a higher risk for suicide and
18 mental health concerns during isolation periods
19 due to a public health emergency.
20 (c) DEFINITIONS.—In this section:
21 (1) TELEHEALTH.—
22 (A) IN GENERAL.—The term "telehealth"
23 means the use of electronic information and
24 telecommunications technologies to support and
25 promote long-distance clinical health care, pa-

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1 tient and professional health-related education,
2 public health, and health administration.
3 (B) TECHNOLOGIES.—For purposes of
4 subparagraph (A), telecommunications tech-
5 nologies include videoconferencing, the internet,
6 streaming media, and terrestrial and wireless
7 communications.
8 (2) VA VIDEO CONNECT.—The term "VA Video
9 Connect" means the program of the Department of
10 Veterans Affairs to connect veterans with their
11 health care team from anywhere, using encryption to
12 ensure a secure and private session.
13 TREATMENT OF STATE HOMES DURING PUBLIC HEALTH
14 EMERGENCY
15 SEC. 20005. (a) WAIVER OF OCCUPANCY RATE RE-
16 QUIREMENTS.—During a public health emergency, occu-
17 pancy rate requirements for State homes for purposes of
18 receiving per diem payments set forth in section 51.40(c)
19 of title 38, Code of Federal Regulations, or successor regu-
20 lations, shall not apply.
21 (b) WAIVER OF VETERAN PERCENTAGE REQUIRE-
22 MENTS.—During a public health emergency, the veteran
23 percentage requirements for State homes set forth in sec-
24 tion 51.210(d) of title 38, Code of Regulations, or suc-
25 cessor regulations, and in agreements for grants to con-
26 struct State homes, shall not apply.

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1 (c) PROVISION OF MEDICINE, EQUIPMENT, AND SUP-
2 PLIES.—
3 (1) IN GENERAL.—During a public health
4 emergency, the Secretary of Veterans Affairs may
5 provide to State homes medicines, personal protec-
6 tive equipment, medical supplies, and any other
7 equipment, supplies, and assistance available to the
8 Department of Veterans Affairs.
9 (2) PROVISION OF EQUIPMENT.—Personal pro-
10 tective equipment may be provided under paragraph
11 (1) through the All Hazards Emergency Cache of
12 the Department of Veterans Affairs or any other
13 source available to the Department.
14 (d) DEFINITIONS.—In this section:
15 (1) PERSONAL PROTECTIVE EQUIPMENT.—The
16 term ''personal protective equipment'' means any
17 protective equipment required to prevent the wearer
18 from contracting COVID–19, including gloves, N–95
19 respirator masks, gowns, goggles, face shields, or
20 other equipment required for safety.
21 (2) PUBLIC HEALTH EMERGENCY.—The term
22 ''public health emergency'' means an emergency with
23 respect to COVID–19 declared by a Federal, State,
24 or local authority.

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1 (3) STATE HOME.—The term "State home" has
2 the meaning given that term in section 101(19) of
3 title 38, United States Code.

4 MODIFICATIONS TO VETERAN DIRECTED CARE PROGRAM
5 OF DEPARTMENT OF VETERANS AFFAIRS

6 SEC. 20006. (a) TELEPHONE OR TELEHEALTH RE-
7 NEWALS.—For the Veteran Directed Care program of the
8 Department of Veterans Affairs (in this section referred
9 to as the "Program"), during a public health emergency,
10 the Secretary of Veterans Affairs shall—

11 (1) waive the requirement that an area agency
12 on aging process new enrollments and six-month re-
13 newals for the Program via an in-person or home
14 visit; and

15 (2) allow new enrollments and sixth-month re-
16 newals for the Program to be conducted via tele-
17 phone or telehealth modality.

18 (b) NO SUSPENSION OR DISENROLLMENT.—During
19 a public health emergency, the Secretary shall not suspend
20 or dis-enroll a veteran or caregiver of a veteran from the
21 Program unless—

22 (1) requested to do so by the veteran or a rep-
23 resentative of the veteran; or

24 (2) a mutual decision is made between the vet-
25 eran and a health care provider of the veteran to

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1 suspend or dis-enroll the veteran or caregiver from
2 the Program.
3 (c) WAIVER OF PAPERWORK REQUIREMENT.—Dur-
4 ing a public health emergency, the Secretary may waive
5 the requirement for signed, mailed paperwork to confirm
6 the enrollment or renewal of a veteran in the Program
7 and may allow verbal consent of the veteran via telephone
8 or telehealth modality to suffice for purposes of such en-
9 rollment or renewal.
10 (d) WAIVER OF OTHER REQUIREMENTS.—During a
11 public health emergency, the Secretary shall waive—
12 (1) any penalty for late paperwork relating to
13 the Program; and
14 (2) any requirement to stop payments for vet-
15 erans or caregivers of veterans under the Program
16 if they are out of State for more than 14 days.
17 (e) AREA AGENCY ON AGING DEFINED.—In this sec-
18 tion, the term "area agency on aging" has the meaning
19 given that term in section 102 of the Older Americans Act
20 of 1965 (42 U.S.C. 3002).
21 PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF
22 PROSTHETIC APPLIANCES THROUGH NON-DEPART-
23 MENT PROVIDERS DURING PUBLIC HEALTH EMER-
24 GENCY
25 SEC. 20007. The Secretary of Veterans Affairs shall
26 ensure that, to the extent practicable, veterans who are

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1 receiving or are eligible to receive a prosthetic appliance
2 under section 1714 or 1719 of title 38, United States
3 Code, are able to receive such an appliance that the Sec-
4 retary determines is needed from a non-Department of
5 Veterans Affairs provider under a contract with the De-
6 partment during a public health emergency.

7 WAIVER OF PAY CAPS FOR EMPLOYEES OF DEPARTMENT
8 OF VETERANS AFFAIRS DURING PUBLIC HEALTH
9 EMERGENCIES

10 SEC. 20008. (a) IN GENERAL.—Notwithstanding any
11 other provision of law, the Secretary of Veterans Affairs
12 may waive any limitation on pay for an employee of the
13 Department of Veterans Affairs during a public health
14 emergency for work done in support of response to the
15 emergency.

16 (b) REPORTING.—

17 (1) IN GENERAL.—For each month that the
18 Secretary waives a limitation under subsection (a),
19 the Secretary shall submit to the Committee on Vet-
20 erans' Affairs of the Senate and the Committee on
21 Veterans' Affairs of the House of Representatives a
22 report on the waiver.

23 (2) CONTENTS.—Each report submitted under
24 paragraph (1) for a waiver or waivers in a month
25 shall include the following:

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1 (A) Where the waiver or waivers were
2 used, including in which component of the De-
3 partment and, as the case may be, which med-
4 ical center of the Department.
5 (B) For how many employees the waiver or
6 waivers were used, disaggregated by component
7 of the Department and, if applicable, medical
8 center of the Department.
9 (C) The average amount by which each
10 payment exceeded the waived pay limitation
11 that was waived, disaggregated by component of
12 the Department and, if applicable, medical cen-
13 ter of the Department.
14 (c) EMPLOYEE OF THE DEPARTMENT OF VETERANS
15 AFFAIRS DEFINED.—In this section, the term "employee
16 of the Department of Veterans Affairs" includes any em-
17 ployee of the Department of Veterans Affairs, regardless
18 of the authority under which the employee was hired.
19 PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF
20 PERSONAL PROTECTIVE EQUIPMENT FOR HOME
21 HEALTH WORKERS
22 SEC. 20009. (a) PROVISION OF EQUIPMENT.—
23 (1) IN GENERAL.—During a public health
24 emergency, the Secretary of Veterans Affairs shall
25 provide to employees and contractors of the Depart-
26 ment of Veterans Affairs personal protective equip-

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1 ment necessary to provide home care to veterans
2 under the laws administered by the Secretary.
3 (2) SOURCE OF EQUIPMENT.—Personal protec-
4 tive equipment may be provided under paragraph (1)
5 through the All Hazards Emergency Cache of the
6 Department or any other source available to the De-
7 partment.
8 (b) DEFINITIONS.—In this section:
9 (1) HOME CARE.—The term "home care" has
10 the meaning given that term in section 1803(c) of
11 title 38, United States Code.
12 (2) PERSONAL PROTECTIVE EQUIPMENT.—The
13 term "personal protective equipment" means any
14 protective equipment required to prevent the wearer
15 from contracting COVID–19, including gloves, N–95
16 respirator masks, gowns, goggles, face shields, or
17 other equipment required for safety.
18 CLARIFICATION OF TREATMENT OF PAYMENTS FOR PUR-
19 POSES OF ELIGIBILITY FOR VETERANS PENSION AND
20 OTHER VETERANS BENEFITS
21 SEC. 20010. Amounts paid to a person under the
22 2020 Recovery Rebate in the Coronavirus Aid, Relief, and
23 Economic Security Act shall not be treated as income or
24 resources for purposes of determining eligibility for pen-
25 sion under chapter 15 of title 38, United States Code, or

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1 any other benefit under a law administered by the Sec-
2 retary of Veterans Affairs.

3 AVAILABILITY OF TELEHEALTH FOR CASE MANAGERS
4 AND HOMELESS VETERANS

5 SEC. 20011. The Secretary of Veterans Affairs shall
6 ensure that telehealth capabilities are available during a
7 public health emergency for case managers of, and home-
8 less veterans participating in, the Department of Housing
9 and Urban Development–Department of Veterans Affairs
10 Supportive Housing program (commonly referred to as
11 "HUD–VASH").

12 FUNDING LIMITS FOR FINANCIAL ASSISTANCE FOR SUP-
13 PORTIVE SERVICES FOR VERY LOW-INCOME VET-
14 ERAN FAMILIES IN PERMANENT HOUSING DURING A
15 PUBLIC HEALTH EMERGENCY

16 SEC. 20012. In the case of a public health emergency,
17 nothing in subsection (e)(1) of section 2044 of title 38,
18 United States Code, may be construed as limiting amounts
19 that may be made available for carrying out subsections
20 (a), (b), and (c) of such section.

21 MODIFICATIONS TO COMPREHENSIVE SERVICE PROGRAMS
22 FOR HOMELESS VETERANS DURING A PUBLIC
23 HEALTH EMERGENCY

24 SEC. 20013. (a) RULE OF CONSTRUCTION.—In the
25 case of a public health emergency, no authorization of ap-
26 propriations in section 2014 of title 38, United States

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1 Code, may be construed as limiting amounts that may be
2 appropriated for carrying out subchapter II of chapter 20
3 of such title.

4 (b) GRANTS AND PER DIEM PAYMENTS.—In the case
5 of a public health emergency, the Secretary of Veterans
6 Affairs may waive any limits on—

7 (1) grant amounts under sections 2011 and
8 2061 of title 38, United States Code; and

9 (2) rates for per diem payments under sections
10 2012 and 2061 of such title.

11 (c) PARTICIPANT ABSENCE.—Notwithstanding Vet-
12 erans Health Administration Handbook 1162.01(1), dated
13 July 12, 2013, and amended June 30, 2014, and titled
14 "Grant and Per Diem (GPD) Program", or any other pro-
15 vision of law, for the duration of a public health emer-
16 gency, the Secretary—

17 (1) shall waive any requirement to discharge a
18 veteran from the grant and per diem program of the
19 Veterans Health Administration after the veteran is
20 absent for 14 days; and

21 (2) may continue to pay per diem to grant re-
22 cipients and eligible entities under the program for
23 any additional days of absence when a veteran has
24 already been absent for more than 72 hours.

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1 SEC. 20014. The amounts provided by sections
2 20003 through 20013 of this title in this Act are des-
3 ignated by the Congress as being for an emergency re-
4 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

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1 TITLE XI

2 DEPARTMENT OF STATE

3 ADMINISTRATION OF FOREIGN AFFAIRS

4 DIPLOMATIC PROGRAMS

5 For an additional amount for ''Diplomatic Pro-
6 grams'', $324,000,000, to remain available until Sep-
7 tember 30, 2022, to prevent, prepare for, and respond to
8 coronavirus, including for necessary expenses to maintain
9 consular operations and to provide for evacuation expenses
10 and emergency preparedness: *Provided*, That such amount
11 is designated by the Congress as being for an emergency
12 requirement pursuant to section 251(b)(2)(A)(i) of the
13 Balanced Budget and Emergency Deficit Control Act of
14 1985.

15 UNITED STATES AGENCY FOR INTERNATIONAL
16 DEVELOPMENT

17 FUNDS APPROPRIATED TO THE PRESIDENT

18 OPERATING EXPENSES

19 For an additional amount for ''Operating Expenses'',
20 $95,000,000, to remain available until September 30,
21 2022, to prevent, prepare for, and respond to coronavirus:
22 *Provided*, That such amount is designated by the Congress
23 as being for an emergency requirement pursuant to sec-
24 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

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1 BILATERAL ECONOMIC ASSISTANCE

2 FUNDS APPROPRIATED TO THE PRESIDENT

3 INTERNATIONAL DISASTER ASSISTANCE

4 For an additional amount for "International Disaster
5 Assistance", $258,000,000, to remain available until ex-
6 pended, to prevent, prepare for, and respond to
7 coronavirus: *Provided*, That such amount is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 DEPARTMENT OF STATE

12 MIGRATION AND REFUGEE ASSISTANCE

13 For an additional amount for "Migration and Ref-
14 ugee Assistance", $350,000,000, to remain available until
15 expended, to prevent, prepare for, and respond to
16 coronavirus: *Provided*, That such amount is designated by
17 the Congress as being for an emergency requirement pur-
18 suant to section 251(b)(2)(A)(i) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 INDEPENDENT AGENCIES

21 PEACE CORPS

22 For an additional amount for "Peace Corps",
23 $88,000,000, to remain available until September 30,
24 2022, to prevent, prepare for, and respond to coronavirus:
25 *Provided*, That such amount is designated by the Congress

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as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 21001. The authorities and limitations of section 402 of the Coronavirus Preparedness and Response Supplemental Appropriations Act (division A of Public Law 116–123) shall apply to funds appropriated by this title as follows:

(1) Subsections (a), (d), (e), and (f) shall apply to funds under the heading "Diplomatic Programs"; and

(2) Subsections (c), (d), (e), and (f) shall apply to funds under the heading "International Disaster Assistance".

SEC. 21002. Funds appropriated by this title under the headings "Diplomatic Programs", "Operating Expenses", and "Peace Corps" may be used to reimburse such accounts administered by the Department of State, the United States Agency for International Development, and the Peace Corps, as appropriate, for obligations incurred to prevent, prepare for, and respond to coronavirus prior to the date of enactment of this Act.

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1 SEC. 21003. The reporting requirement of section
2 406(b) of the Coronavirus Preparedness and Response
3 Supplemental Appropriations Act, 2020 (division A of
4 Public Law 116–123) shall apply to funds appropriated
5 by this title: *Provided*, That the requirement to jointly
6 submit such report shall not apply to the Director of the
7 Peace Corps: *Provided further*, That reports required by
8 such section may be consolidated and shall include infor-
9 mation on all funds made available to such Federal agen-
10 cies to prevent, prepare for, and respond to coronavirus.
11 SEC. 21004. Section 7064(a) of the Department of
12 State, Foreign Operations, and Related Programs Appro-
13 priations Act, 2020 (division G of Public Law 116–94)
14 is amended by striking " $100,000,000" and inserting in
15 lieu thereof " $110,000,000", and by adding the following
16 before the period at the end: ": *Provided*, That no amounts
17 may be used that were designated by the Congress for
18 Overseas Contingency Operations/Global War on Ter-
19 rorism pursuant to the Concurrent Resolution on the
20 Budget or the Balanced Budget and Emergency Deficit
21 Control Act of 1985".
22 SEC. 21005. The Department of State, Foreign Oper-
23 ations, and Related Programs Appropriations Act, 2020
24 (division G of Public Law 116–94) is amended under the
25 heading "Emergencies in the Diplomatic and Consular

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1 Service" in title I by striking " $1,000,000" and inserting
2 in lieu thereof " $5,000,000".

3 SEC. 21006. The Department of State, Foreign Oper-
4 ations, and Related Programs Appropriations Act, 2020
5 (division G of Public Law 116–94) is amended under the
6 heading "Millennium Challenge Corporation" in title III
7 by striking " $105,000,000" in the first proviso and in-
8 serting in lieu thereof " $107,000,000".

9 SEC. 21007. Notwithstanding any other provision of
10 law, and in addition to leave authorized under any other
11 provision of law, the Secretary of State and the Adminis-
12 trator of the United States Agency for International De-
13 velopment may, in order to prevent, prepare for, and re-
14 spond to coronavirus, provide additional paid leave to ad-
15 dress employee hardships resulting from coronavirus: *Pro-*
16 *vided*, That this authority shall apply to leave taken since
17 January 29, 2020, and may be provided abroad and do-
18 mestically: *Provided further*, That the Secretary and the
19 Administrator shall consult with the Committee on Appro-
20 priations and the Committee on Foreign Relations of the
21 Senate and the Committee on Appropriations and the
22 Committee on Foreign Affairs of the House of Representa-
23 tives prior to implementation of such authority: *Provided*
24 *further*, That the authority made available pursuant to
25 this section shall expire on September 30, 2022.

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1 SEC. 21008. The Secretary of State, to prevent, pre-
2 pare for, and respond to coronavirus, may exercise the au-
3 thorities of section 3(j) of the State Department Basic Au-
4 thorities Act of 1956 (22 U.S.C. 2670(j)) to provide med-
5 ical services or related support for private United States
6 citizens, nationals, and permanent resident aliens abroad,
7 or third country nationals connected to such persons or
8 to the diplomatic or development missions of the United
9 States abroad, who are unable to obtain such services or
10 support otherwise: *Provided*, That such assistance shall be
11 provided on a reimbursable basis to the extent feasible:
12 *Provided further*, That such reimbursements may be cred-
13 ited to the applicable Department of State appropriation
14 and shall remain available until expended: *Provided fur-*
15 *ther*, That the Secretary shall prioritize providing medical
16 services or related support to individuals eligible for the
17 health program under section 904 of the Foreign Service
18 Act of 1980 (22 U.S.C. 4084): *Provided further*, That the
19 authority made available pursuant to this section shall ex-
20 pire on September 30, 2022.

21 SEC. 21009. Notwithstanding section 6(b) of the De-
22 partment of State Authorities Act of 2006 (Public Law
23 109–472; 120 Stat. 3556), during fiscal year 2020, pass-
24 port and immigrant visa surcharges collected in any fiscal
25 year pursuant to the fourth paragraph under the heading

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1 "Diplomatic and Consular Programs" in the Department
2 of State and Related Agency Appropriations Act, 2005
3 (title IV of division B of Public Law 108–447; 8 U.S.C.
4 1714) may be obligated and expended for the costs of pro-
5 viding consular services: *Provided*, That such funds should
6 be prioritized for United States citizen services: *Provided*
7 *further*, That not later than 90 days after the expiration
8 of this authority, the Secretary of State shall provide a
9 report to the Committee on Appropriations and the Com-
10 mittee on Foreign Relations of the Senate and the Com-
11 mittee on Appropriations and the Committee on Foreign
12 Affairs of the House of Representatives detailing the spe-
13 cific expenditures made pursuant to this authority: *Pro-*
14 *vided further*, That the amount provided by this section
15 is designated by the Congress as being for an emergency
16 requirement pursuant to section 251(b)(2)(A)(i) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985.

19 SEC. 21010. The Department of State and the
20 United States Agency for International Development are
21 authorized to enter into contracts with individuals for the
22 provision of personal services (as described in section 104
23 of part 37 of title 48, Code of Federal Regulations and
24 including pursuant to section 904 of the Foreign Service
25 Act of 1980 (22 U.S.C. 4084)) to prevent, prepare for,

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1 and respond to coronavirus, within the United States and
2 abroad, subject to prior consultation with, and the notifi-
3 cation procedures of, the Committee on Appropriations
4 and the Committee on Foreign Relations of the Senate
5 and the Committee on Appropriations and the Committee
6 on Foreign Affairs of the House of Representatives: *Pro-*
7 *vided*, That such individuals may not be deemed employees
8 of the United States for the purpose of any law adminis-
9 tered by the Office of Personnel Management: *Provided*
10 *further*, That not later than 15 days after utilizing this
11 authority, the Secretary of State shall provide a report to
12 the Committee on Appropriations and the Committee on
13 Foreign Relations of the Senate and the Committee on
14 Appropriations and the Committee on Foreign Affairs of
15 the House of Representatives on the overall staffing needs
16 for the Office of Medical Services: *Provided further*, That
17 the authority made available pursuant to this section shall
18 expire on September 30, 2022.

19 SEC. 21011. Notwithstanding any other provision of
20 law, the Secretary of State and the Administrator of the
21 United States Agency for International Development may
22 authorize any oath of office required by law to, in par-
23 ticular circumstances that could otherwise pose health
24 risks, be administered remotely, subject to appropriate
25 verification: *Provided*, That prior to initially exercising the

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1 authority of this section, the Secretary and the Adminis-
2 trator shall each submit a report to the Committee on Ap-
3 propriations and the Committee on Foreign Relations of
4 the Senate and the Committee on Appropriations and the
5 Committee on Foreign Affairs of the House of Representa-
6 tives describing the process and procedures for admin-
7 istering such oaths, including appropriate verification:
8 *Provided further*, That the authority made available pursu-
9 ant to this section shall expire on September 30, 2021.
10 SEC. 21012. (a) PURPOSES.—For purposes of
11 strengthening the ability of foreign countries to prevent,
12 prepare for, and respond to coronavirus and to the adverse
13 economic impacts of coronavirus, in a manner that would
14 protect the United States from the spread of coronavirus
15 and mitigate an international economic crisis resulting
16 from coronavirus that may pose a significant risk to the
17 economy of the United States, each paragraph of sub-
18 section (b) shall take effect upon enactment of this Act.
19 (b) CORONAVIRUS RESPONSES.—
20 (1) INTERNATIONAL DEVELOPMENT ASSOCIA-
21 TION REPLENISHMENT.—The International Develop-
22 ment Association Act (22 U.S.C. 284 et seq.) is
23 amended by adding at the end the following new sec-
24 tion:

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1 **"SEC. 31. NINETEENTH REPLENISHMENT.**

2 "(a) IN GENERAL.—The United States Governor of
3 the International Development Association is authorized
4 to contribute on behalf of the United States
5 $3,004,200,000 to the nineteenth replenishment of the re-
6 sources of the Association, subject to obtaining the nec-
7 essary appropriations.

8 "(b) AUTHORIZATION OF APPROPRIATIONS.—In
9 order to pay for the United States contribution provided
10 for in subsection (a), there are authorized to be appro-
11 priated, without fiscal year limitation, $3,004,200,000 for
12 payment by the Secretary of the Treasury.".

13 (2) INTERNATIONAL FINANCE CORPORATION
14 AUTHORIZATION.—The International Finance Cor-
15 poration Act (22 U.S.C. 282 et seq.) is amended by
16 adding at the end the following new section:

17 **"SEC. 18. CAPITAL INCREASES AND AMENDMENT TO THE**
18 **ARTICLES OF AGREEMENT.**

19 "(a) VOTES AUTHORIZED.—The United States Gov-
20 ernor of the Corporation is authorized to vote in favor of—

21 "(1) a resolution to increase the authorized cap-
22 ital stock of the Corporation by 16,999,998 shares,
23 to implement the conversion of a portion of the re-
24 tained earnings of the Corporation into paid-in cap-
25 ital, which will result in the United States being

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1 issued an additional 3,771,899 shares of capital
2 stock, without any cash contribution;
3 "(2) a resolution to increase the authorized cap-
4 ital stock of the Corporation on a general basis by
5 4,579,995 shares; and
6 "(3) a resolution to increase the authorized cap-
7 ital stock of the Corporation on a selective basis by
8 919,998 shares.
9 "(b) AMENDMENT OF THE ARTICLES OF AGREE-
10 MENT.—The United States Governor of the Corporation
11 is authorized to agree to and accept an amendment to arti-
12 cle II, section 2(c)(ii) of the Articles of Agreement of the
13 Corporation that would increase the vote by which the
14 Board of Governors of the Corporation may increase the
15 capital stock of the Corporation from a four-fifths major-
16 ity to an eighty-five percent majority.".
17 (3) AFRICAN DEVELOPMENT BANK.—The Afri-
18 can Development Bank Act (22 U.S.C. 290i et seq.)
19 is amended by adding at the end the following new
20 section:
21 **"SEC. 1345. SEVENTH CAPITAL INCREASE.**
22 "(a) SUBSCRIPTION AUTHORIZED.—
23 "(1) IN GENERAL.—The United States Gov-
24 ernor of the Bank may subscribe on behalf of the

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1 United States to 532,023 additional shares of the
2 capital stock of the Bank.
3 "(2) LIMITATION.—Any subscription by the
4 United States to the capital stock of the Bank shall
5 be effective only to such extent and in such amounts
6 as are provided in advance in appropriations Acts.
7 "(b) AUTHORIZATION OF APPROPRIATIONS.—
8 "(1) IN GENERAL.—In order to pay for the in-
9 crease in the United States subscription to the Bank
10 under subsection (a), there are authorized to be ap-
11 propriated, without fiscal year limitation,
12 $7,286,587,008 for payment by the Secretary of the
13 Treasury.
14 "(2) SHARE TYPES.—Of the amount authorized
15 to be appropriated under paragraph (1)—
16 "(A) $437,190,016 shall be for paid in
17 shares of the Bank; and
18 "(B) $6,849,396,992 shall be for callable
19 shares of the Bank.".
20 (4) AFRICAN DEVELOPMENT FUND.—The Afri-
21 can Development Fund Act (22 U.S.C. 290g et seq.)
22 is amended by adding at the end the following new
23 section:

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1 **"SEC. 226. FIFTEENTH REPLENISHMENT.**

2 "(a) IN GENERAL.—The United States Governor of
3 the Fund is authorized to contribute on behalf of the
4 United States $513,900,000 to the fifteenth replenish-
5 ment of the resources of the Fund, subject to obtaining
6 the necessary appropriations.

7 "(b) AUTHORIZATION OF APPROPRIATIONS.—In
8 order to pay for the United States contribution provided
9 for in subsection (a), there are authorized to be appro-
10 priated, without fiscal year limitation, $513,900,000 for
11 payment by the Secretary of the Treasury.".

12 (5) INTERNATIONAL MONETARY FUND AUTHOR-
13 IZATION FOR NEW ARRANGEMENTS TO BORROW.—

14 (A) IN GENERAL.—Section 17 of the
15 Bretton Woods Agreements Act (22 U.S.C.
16 286e–2) is amended—

17 (i) in subsection (a)—

18 (I) by redesignating paragraphs
19 (3), (4), and (5) as paragraphs (4),
20 (5), and (6), respectively;

21 (II) by inserting after paragraph
22 (2) the following new paragraph:

23 "(3) In order to carry out the purposes of a
24 one-time decision of the Executive Directors of the
25 International Monetary Fund (the Fund) to expand
26 the resources of the New Arrangements to Borrow,

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1 established pursuant to the decision of January 27,
2 1997, referred to in paragraph (1), the Secretary of
3 the Treasury is authorized to make loans, in an
4 amount not to exceed the dollar equivalent of
5 28,202,470,000 of Special Drawing Rights, in addi-
6 tion to any amounts previously authorized under this
7 section, except that prior to activation of the New
8 Arrangements to Borrow, the Secretary of the
9 Treasury shall report to Congress whether supple-
10 mentary resources are needed to forestall or cope
11 with an impairment of the international monetary
12 system and whether the Fund has fully explored
13 other means of funding to the Fund.";
14 (III) in paragraph (5), as so re-
15 designated, by striking "paragraph
16 (3)" and inserting "paragraph (4)";
17 and
18 (IV) in paragraph (6), as so re-
19 designated, by striking "December 16,
20 2022" and inserting "December 31,
21 2025"; and
22 (ii) in subsection (e)(1) by striking
23 "(a)(2)," each place such term appears
24 and inserting "(a)(2), (a)(3),".

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1 (B) EMERGENCY DESIGNATION.—The
2 amount provided by this paragraph is des-
3 ignated by the Congress as being for an emer-
4 gency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985.

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1 TITLE XII

2 DEPARTMENT OF TRANSPORTATION

3 OFFICE OF THE SECRETARY

4 SALARIES AND EXPENSES

5 For an additional amount for "Salaries and Ex-
6 penses", $1,753,000, to remain available until expended,
7 to prevent, prepare for, and respond to coronavirus, in-
8 cluding necessary expenses for operating costs and capital
9 outlays: *Provided*, That such amounts are in addition to
10 any other amounts made available for this purpose: *Pro-*
11 *vided further*, That obligations of amounts under this
12 heading in this Act shall not be subject to the limitation
13 on obligations under the heading "Office of the Sec-
14 retary—Working Capital Fund" in division H of the Fur-
15 ther Consolidated Appropriations Act, 2020 (Public Law
16 116–94): *Provided further*, That such amount is des-
17 ignated by the Congress as being for an emergency re-
18 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 ESSENTIAL AIR SERVICE

21 In addition to funds provided to the "Payments to
22 Air Carriers" program in Public Law 116–94 to carry out
23 the essential air service program under section 41731
24 through 41742 of title 49, United States Code,
25 $56,000,000, to be derived from the general fund of the

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1 Treasury, and to be made available to the Essential Air
2 Service and Rural Improvement Fund, to remain available
3 until expended, to prevent, prepare for, and respond to
4 coronavirus: *Provided*, That such amount is designated by
5 the Congress as being for an emergency requirement pur-
6 suant to section 251(b)(2)(A)(i) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 FEDERAL AVIATION ADMINISTRATION

9 GRANTS-IN-AID FOR AIRPORTS

10 For an additional amount for "Grants-In-Aid for Air-
11 ports", $10,000,000,000, to prevent, prepare for, and re-
12 spond to coronavirus, to remain available until expended:
13 *Provided*, That amounts made available under this head-
14 ing in this Act shall be derived from the general fund of
15 the Treasury: *Provided further*, That funds provided under
16 this heading in this Act shall only be available to sponsors
17 of airports defined in section 47102 of title 49, United
18 States Code: *Provided further*, That funds provided under
19 this heading in this Act shall not otherwise be subject to
20 the requirements of chapter 471 of such title: *Provided*
21 *further*, That funds provided under this heading in this
22 Act may not be used for any purpose not directly related
23 to the airport: *Provided further*, That of the amounts ap-
24 propriated under this heading in this Act—

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1 (1) Not less than $500,000,000 shall be avail-
2 able to pay a Federal share of 100 percent of the
3 costs for which a grant is made under Public Law
4 116–94: *Provided*, That any remaining funds after
5 the apportionment under this paragraph (1) shall be
6 distributed as described in paragraph (2) under this
7 heading in this Act;
8 (2) Not less than $7,400,000,000 shall be avail-
9 able for any purpose for which airport revenues may
10 lawfully be used: *Provided*, That 50 percent of such
11 funds shall be allocated among all commercial serv-
12 ice airports based on each sponsor's calendar year
13 2018 enplanements as a percentage of total 2018
14 enplanements for all commercial service airports:
15 *Provided further*, That the remaining 50 percent of
16 such funds shall be allocated among all commercial
17 service airports based on an equal combination of
18 each sponsor's fiscal year 2018 debt service as a
19 percentage of the combined debt service for all com-
20 mercial service airports and each sponsor's ratio of
21 unrestricted reserves to their respective debt service:
22 *Provided further*, That the Federal share payable of
23 the costs for which a grant is made under this para-
24 graph shall be 100 percent:

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1 (3) Up to $2,000,000,000 shall be available for
2 any purpose for which airport revenues may lawfully
3 be used, and: (A) be apportioned as set forth in sec-
4 tion 47114(c)(1)(C)(i), 47114(c)(1)(C)(ii), or
5 47114(c)(1)(H) of title 49, United States Code; (B)
6 not be subject to the reduced apportionments of 49
7 U.S.C. 47114(f); and (C) have no maximum appor-
8 tionment limit, notwithstanding 47114(c)(1)(C)(iii)
9 of title 49, United States Code: *Provided*, That any
10 remaining funds after the apportionment under this
11 paragraph (3) shall be distributed as described in
12 paragraph (2) under this heading in this Act: *Pro-*
13 *vided further*, That the Federal share payable of the
14 costs for which a grant is made under this para-
15 graph shall be 100 percent; and
16 (4) Not less than $100,000,000 shall be for
17 general aviation airports for any purpose for which
18 airport revenues may lawfully be used, and, which
19 the Secretary shall apportion directly to each eligible
20 airport, as defined in section 47102(8) of title 49,
21 United States Code, based on the categories pub-
22 lished in the most current National Plan of Inte-
23 grated Airport Systems, reflecting the percentage of
24 the aggregate published eligible development costs
25 for each such category, and then dividing the allo-

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1 cated funds evenly among the eligible airports in
2 each category, rounding up to the nearest thousand
3 dollars: *Provided*, That the Federal share payable of
4 the costs for which a grant is made under this para-
5 graph shall be 100 percent:
6 *Provided further*, That the Administrator of the Federal
7 Aviation Administration may retain up to 0.1 percent of
8 the funds provided under this heading in this Act to fund
9 the award and oversight by the Administrator of grants
10 made under this heading in this Act: *Provided further*,
11 That obligations of funds under this heading in this Act
12 shall not be subject to any limitations on obligations pro-
13 vided in Public Law 116–94: *Provided further*, That all
14 airports receiving funds under this heading in this Act
15 shall continue to employ, through December 31, 2020, at
16 least 90 percent of the number of individuals employed
17 (after making adjustments for retirements or voluntary
18 employee separations) by the airport as of the date of en-
19 actment of this Act: *Provided further*, That the Secretary
20 may waive the workforce retention requirement in the pre-
21 vious proviso, if the Secretary determines the airport is
22 experiencing economic hardship as a direct result of the
23 requirement, or the requirement reduces aviation safety
24 or security: *Provided further*, That the workforce retention
25 requirement shall not apply to nonhub airports or nonpri-

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1 mary airports receiving funds under this heading in this
2 Act: *Provided further*, That such amount is designated by
3 the Congress as being for an emergency requirement pur-
4 suant to section 251(b)(2)(A)(i) of the Balanced Budget
5 and Emergency Deficit Control Act of 1985.

6 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

7 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

8 Of prior year unobligated contract authority and liq-
9 uidating cash provided for Motor Carrier Safety in the
10 Transportation Equity Act for the 21st Century (Public
11 Law 105–178), SAFETEA–LU (Public Law 109–59), or
12 other appropriations or authorization acts, in addition to
13 amounts already appropriated in fiscal year 2020 for
14 "Motor Carrier Safety Operations and Programs",
15 $150,000 in additional obligation limitation is provided
16 and repurposed for obligations incurred to support activi-
17 ties to prevent, prepare for, and respond to coronavirus.

18 FEDERAL RAILROAD ADMINISTRATION

19 SAFETY AND OPERATIONS

20 For an additional amount for "Safety and Oper-
21 ations", $250,000, to remain available until September
22 30, 2021, to prevent, prepare for, and respond to
23 coronavirus: *Provided*, That such amount is designated by
24 the Congress as being for an emergency requirement pur-

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

3 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL
4 RAILROAD PASSENGER CORPORATION
5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for "Northeast Corridor
7 Grants to the National Railroad Passenger Corporation",
8 $492,000,000, to remain available until expended, to pre-
9 vent, prepare for, and respond to coronavirus, including
10 to enable the Secretary of Transportation to make or
11 amend existing grants to the National Railroad Passenger
12 Corporation for activities associated with the Northeast
13 Corridor, as authorized by section 11101(a) of the Fixing
14 America's Surface Transportation Act (division A of Pub-
15 lic Law 114–94): *Provided*, That amounts made available
16 under this heading in this Act may be transferred to and
17 merged with "National Network Grants to the National
18 Railroad Passenger Corporation" to prevent, prepare for,
19 and respond to coronavirus: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 NATIONAL NETWORK GRANTS TO THE NATIONAL
2 RAILROAD PASSENGER CORPORATION
3 (INCLUDING TRANSFER OF FUNDS)
4 For an additional amount for "National Network
5 Grants to the National Railroad Passenger Corporation",
6 $526,000,000, to remain available until expended, to pre-
7 vent, prepare for, and respond to coronavirus, including
8 to enable the Secretary of Transportation to make or
9 amend existing grants to the National Railroad Passenger
10 Corporation for activities associated with the National
11 Network as authorized by section 11101(b) of the Fixing
12 America's Surface Transportation Act (division A of Pub-
13 lic Law 114–94): *Provided*, That a State shall not be re-
14 quired to pay the National Railroad Passenger Corpora-
15 tion more than 80 percent of the amount paid in fiscal
16 year 2019 under section 209 of the Passenger Rail Invest-
17 ment and Improvement Act of 2008 (Public Law 110–
18 432) and that not less than $239,000,000 of the amounts
19 made available under this heading in this Act shall be
20 made available for use in lieu of any increase in a State's
21 payment: *Provided further*, That amounts made available
22 under this heading in this Act may be transferred to and
23 merged with "Northeast Corridor Grants to the National
24 Railroad Passenger Corporation" to prevent, prepare for,
25 and respond to coronavirus: *Provided further*, That such

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1 amount is designated by the Congress as being for an
2 emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 FEDERAL TRANSIT ADMINISTRATION

6 TRANSIT INFRASTRUCTURE GRANTS

7 For an additional amount for "Transit Infrastructure
8 Grants", $25,000,000,000, to remain available until ex-
9 pended, to prevent, prepare for, and respond to
10 coronavirus: *Provided*, That the Secretary of Transpor-
11 tation shall provide funds appropriated under this heading
12 in this Act as if such funds were provided under section
13 5307 of title 49, United States Code, and section 5311
14 of title 49, United States Code and apportion such funds
15 in accordance with section 5336 of such title (other than
16 subsections (h)(1) and (h)(4)), section 5311 (other than
17 subsection (b)(3) and (c)(1)(A)), section 5337 and section
18 5340 of title 49, United States Code, and apportion such
19 funds in accordance with such sections except that funds
20 apportioned under section 5337 shall be added to funds
21 apportioned under 5307 for administration under 5307:
22 *Provided further*, That the Secretary shall allocate the
23 amounts provided in the preceding proviso under sections
24 5307, 5311, 5337, and 5340 of title 49, United States
25 Code, among such sections in the same ratio as funds were

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1 provided in the fiscal year 2020 appropriations: *Provided*
2 *further*, That funds apportioned under this heading in this
3 Act shall be apportioned not later than 7 days after the
4 date of enactment of this Act: *Provided further*, That
5 funds shall be apportioned using the fiscal year 2020 ap-
6 portionment formulas: *Provided further*, That not more
7 than three-quarters of 1 percent, but not to exceed
8 $75,000,000, of the funds for transit infrastructure grants
9 provided under this heading in this Act shall be available
10 for administrative expenses and ongoing program manage-
11 ment oversight as authorized under sections 5334 and
12 5338(f)(2) of title 49, United States Code, and shall be
13 in addition to any other appropriations for such purpose:
14 *Provided further*, That notwithstanding subsection (a)(1)
15 or (b) of section 5307 of title 49, United States Code,
16 funds provided under this heading are available for the
17 operating expenses of transit agencies related to the re-
18 sponse to a coronavirus public health emergency as de-
19 scribed in section 319 of the Public Health Service Act,
20 including, beginning on January 20, 2020, reimbursement
21 for operating costs to maintain service and lost revenue
22 due to the coronavirus public health emergency, including
23 the purchase of personal protective equipment, and paying
24 the administrative leave of operations personnel due to re-
25 ductions in service: *Provided further*, That such operating

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1 expenses are not required to be included in a transpor-
2 tation improvement program, long-range transportation,
3 statewide transportation plan, or a statewide transpor-
4 tation improvement program: *Provided further*, That the
5 Secretary shall not waive the requirements of section 5333
6 of title 49, United States Code, for funds appropriated
7 under this heading in this Act or for funds previously
8 made available under section 5307 of title 49, United
9 States Code, or sections 5311, 5337, or 5340 of such title
10 as a result of the coronavirus: *Provided further*, That un-
11 less otherwise specified, applicable requirements under
12 chapter 53 of title 49, United States Code, shall apply to
13 funding made available under this heading in this Act, ex-
14 cept that the Federal share of the costs for which any
15 grant is made under this heading in this Act shall be, at
16 the option of the recipient, up to 100 percent: *Provided*
17 *further*, That the amount made available under this head-
18 ing in this Act shall be derived from the general fund and
19 shall not be subject to any limitation on obligations for
20 transit programs set forth in any Act: *Provided further*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 MARITIME ADMINISTRATION

2 OPERATIONS AND TRAINING

3 For an additional amount for "Operations and Train-
4 ing", $3,134,000, to remain available until September 30,
5 2021, to prevent, prepare for, and respond to coronavirus:
6 *Provided*, That of the amounts made available under this
7 heading in this Act, $1,000,000 shall be for the operations
8 of the United States Merchant Marine Academy: *Provided*
9 *further*, That such amount is designated by the Congress
10 as being for an emergency requirement pursuant to sec-
11 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985.

13 STATE MARITIME ACADEMY OPERATIONS

14 For an additional amount for "State Maritime Acad-
15 emy Operations", $1,000,000, to remain available until
16 September 30, 2021, to prevent, prepare for, and respond
17 to coronavirus: *Provided*, That amounts made available
18 under this heading in this Act shall be for direct payments
19 for State Maritime Academies: *Provided further*, That
20 such amount is designated by the Congress as being for
21 an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 OFFICE OF INSPECTOR GENERAL
2 SALARIES AND EXPENSES
3 For an additional amount for "Office of Inspector
4 General", $5,000,000, to remain available until expended,
5 to prevent, prepare for, and respond to coronavirus: *Pro-*
6 *vided*, That the funding made available under this heading
7 in this Act shall be used for conducting audits and inves-
8 tigations of projects and activities carried out with funds
9 made available in this Act to the Department of Transpor-
10 tation to prevent, prepare for, and respond to coronavirus:
11 *Provided further*, That such amount is designated by the
12 Congress as being for an emergency requirement pursuant
13 to section 251(b)(2)(A)(i) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985.
15 DEPARTMENT OF HOUSING AND URBAN
16 DEVELOPMENT
17 MANAGEMENT AND ADMINISTRATION
18 ADMINISTRATIVE SUPPORT OFFICES
19 For an additional amount for "Administrative Sup-
20 port Offices", $35,000,000, to remain available until Sep-
21 tember 30, 2021, to prevent, prepare for, and respond to
22 coronavirus, for the Office of the Chief Financial Officer,
23 including for Department-wide salaries and expenses, In-
24 formation Technology purposes, and to support the De-
25 partment's workforce in a telework environment: *Provided*,

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1 That the amounts provided under this heading in this Act
2 shall be in addition to amounts otherwise available for
3 such purposes, including amounts made available under
4 the heading "Program Offices" in this Act: *Provided fur-*
5 *ther*, That such amount is designated by the Congress as
6 being for an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 PROGRAM OFFICES

10 For an additional amount for "Program Offices",
11 $15,000,000, to remain available until September 30,
12 2021, to prevent, prepare for, and respond to coronavirus:
13 *Provided*, That of the sums appropriated under this head-
14 ing in this Act—

15 (1) $5,000,000 shall be available for the Office
16 of Public and Indian Housing; and

17 (2) $10,000,000 shall be available for the Office
18 of Community Planning and Development:

19 *Provided further*, That such amount is designated by the
20 Congress as being for an emergency requirement pursuant
21 to section 251(b)(2)(A)(i) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 PUBLIC AND INDIAN HOUSING

2 TENANT-BASED RENTAL ASSISTANCE

3 For an additional amount for "Tenant-Based Rental
4 Assistance", $1,250,000,000, to remain available until ex-
5 pended, to prevent, prepare for, and respond to
6 coronavirus, including to provide additional funds for pub-
7 lic housing agencies to maintain normal operations and
8 take other necessary actions during the period that the
9 program is impacted by coronavirus: *Provided*, That of the
10 amounts made available under this heading in this Act,
11 $850,000,000 shall be available for both administrative
12 expenses and other expenses of public housing agencies for
13 their section 8 programs, including Mainstream vouchers:
14 *Provided further*, That such other expenses shall be new
15 eligible activities to be defined by the Secretary and shall
16 include activities to support or maintain the health and
17 safety of assisted individuals and families, and costs re-
18 lated to retention and support of participating owners:
19 *Provided further*, That amounts made available under
20 paragraph (3) under this heading in Public Law 116–94
21 may be used for such other expenses, as described in the
22 previous proviso, in addition to their other available uses:
23 *Provided further*, That of the amounts made available
24 under this heading in this Act, $400,000,000 shall be
25 available for adjustments in the calendar year 2020 sec-

AMERICAN OVERSIGHT

1 tion 8 renewal funding allocations, in addition to any other
2 appropriations available for such purpose, including Main-
3 stream vouchers, for public housing agencies that experi-
4 ence a significant increase in voucher per-unit costs due
5 to extraordinary circumstances or that, despite taking rea-
6 sonable cost savings measures, as determined by the Sec-
7 retary, would otherwise be required to terminate rental as-
8 sistance for families as a result of insufficient funding:
9 *Provided further*, That the Secretary shall allocate
10 amounts provided in the previous proviso based on need,
11 as determined by the Secretary: *Provided further*, That the
12 Secretary may waive, or specify alternative requirements
13 for, any provision of any statute or regulation that the
14 Secretary administers in connection with the use of the
15 amounts made available under this heading and the same
16 heading of Public Law 116–94 (except for requirements
17 related to fair housing, nondiscrimination, labor stand-
18 ards, and the environment), upon a finding by the Sec-
19 retary that any such waivers or alternative requirements
20 are necessary for the safe and effective administration of
21 these funds, consistent with the purposes described under
22 this heading in this Act, to prevent, prepare for, and re-
23 spond to coronavirus: *Provided further*, That the Secretary
24 shall notify the public through the Federal Register or
25 other appropriate means of any such waiver or alternative

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1 requirement to ensure the most expeditious allocation of
2 this funding, and in order for such waiver or alternative
3 requirement to take effect, and that such public notice
4 may be provided, at a minimum, on the Internet at the
5 appropriate Government web site or through other elec-
6 tronic media, as determined by the Secretary: *Provided*
7 *further*, That any such waivers or alternative requirements
8 shall remain in effect for the time and duration specified
9 by the Secretary in such public notice and may be ex-
10 tended if necessary upon additional notice by the Sec-
11 retary: *Provided further*, That to prevent, prepare for, and
12 respond to coronavirus, the notification required by sec-
13 tion 223 of Public Law 116–6 and section 221 of Public
14 Law 116–94 shall not apply to the award of amounts pro-
15 vided under paragraph (2) of this heading in Public Law
16 116–6 or under paragraph (7)(B) of this heading in Pub-
17 lic Law 116–94 in support of the family unification pro-
18 gram under section 8(x) of such Act: *Provided further*,
19 That the Secretary may award any remaining unobligated
20 balances appropriated under this heading in prior Acts for
21 incremental tenant-based assistance contracts under sec-
22 tion 811 of the Cranston-Gonzalez National Affordable
23 Housing Act (42 U.S.C. 8013), to prevent, prepare for,
24 and respond to coronavirus, without competition, includ-
25 ing for extraordinary administrative fees: *Provided further*,

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1 That no less than 25 percent of such amounts shall be
2 allocated proportionally to public housing agencies who re-
3 ceived awards in the 2017 and 2019 competitions for such
4 purposes within 60 days of enactment of this Act: *Pro-*
5 *vided further*, That the waiver and alternative require-
6 ments authority provided under this heading in this Act
7 shall also apply to such incremental tenant-based assist-
8 ance contract amounts: *Provided further*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 PUBLIC HOUSING OPERATING FUND

14 For an additional amount for "Public Housing Oper-
15 ating Fund", as authorized by section 9(e) of the United
16 States Housing Act of 1937 (42 U.S.C. 1437g(e)),
17 $685,000,000, to remain available until September 30,
18 2021, to prevent, prepare for, and respond to coronavirus,
19 including to provide additional funds for public housing
20 agencies to maintain normal operations and take other
21 necessary actions during the period that the program is
22 impacted by coronavirus: *Provided*, That the amount pro-
23 vided under this heading in this Act shall be combined
24 with the amount appropriated for the same purpose under
25 the same heading of Public Law 116–94, and distributed

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1 to all public housing agencies pursuant to the Operating
2 Fund formula at part 990 of title 24, Code of Federal
3 Regulations: *Provided further*, That for the period from
4 the enactment of this Act through December 31, 2020,
5 such combined total amount may be used for eligible ac-
6 tivities under subsections (d)(1) and (e)(1) of such section
7 9 and for other expenses related to preventing, preparing
8 for, and responding to coronavirus, including activities to
9 support or maintain the health and safety of assisted indi-
10 viduals and families, and activities to support education
11 and child care for impacted families: *Provided further*,
12 That amounts made available under the headings "Public
13 Housing Operating Fund" and "Public Housing Capital
14 Fund" in prior Acts, except for any set-asides listed under
15 such headings, may be used for all of the purposes de-
16 scribed in the previous proviso: *Provided further*, That the
17 expanded uses and funding flexibilities described in the
18 previous two provisos shall be available to all public hous-
19 ing agencies through December 31, 2020, except that the
20 Secretary may extend the period under which such flexi-
21 bilities shall be available in additional 12 month incre-
22 ments upon a finding that individuals and families as-
23 sisted by the public housing program continue to require
24 expanded services due to coronavirus: *Provided further*,
25 That the Secretary may waive, or specify alternative re-

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1 quirements for, any provision of any statute or regulation
2 that the Secretary administers in connection with the use
3 of such combined total amount or funds made available
4 under the headings "Public Housing Operating Fund"
5 and "Public Housing Capital Fund" in prior Acts (except
6 for requirements related to fair housing, nondiscrimina-
7 tion, labor standards, and the environment), upon a find-
8 ing by the Secretary that any such waivers or alternative
9 requirements are necessary for the safe and effective ad-
10 ministration of these funds to prevent, prepare for, and
11 respond to coronavirus: *Provided further*, That the Sec-
12 retary shall notify the public through the Federal Register
13 or other appropriate means of any such waiver or alter-
14 native requirement, to ensure the most expeditious alloca-
15 tion of this funding, in order for such waiver or alternative
16 requirement to take effect, and that such public notice
17 may be provided, at a minimum, on the Internet at the
18 appropriate Government web site or through other elec-
19 tronic media, as determined by the Secretary: *Provided*
20 *further*, That any such waivers or alternative requirements
21 shall remain in effect for the time and duration specified
22 by the Secretary in such public notice and may be ex-
23 tended if necessary upon additional notice by the Sec-
24 retary: *Provided further*, That such amount is designated
25 by the Congress as being for an emergency requirement

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

3 NATIVE AMERICAN PROGRAMS

4 For an additional amount for "Native American Pro-
5 grams", $300,000,000, to remain available until Sep-
6 tember 30, 2024, to prevent, prepare for, and respond to
7 coronavirus, for activities and assistance authorized under
8 title I of the Native American Housing Assistance and
9 Self-Determination Act of 1996 (NAHASDA) (25 U.S.C.
10 4111 et seq.), and under title I of the Housing and Com-
11 munity Development Act of 1974 with respect to Indian
12 tribes (42 U.S.C. 5306(a)(1)): *Provided*, That the
13 amounts made available under this heading in this Act are
14 as follows:

15 (1) No less than $200,000,000 shall be avail-
16 able for the Native American Housing Block Grants
17 program, as authorized under title I of NAHASDA:
18 *Provided*, That amounts made available under this
19 paragraph shall be distributed according to the same
20 funding formula used in fiscal year 2020: *Provided*
21 *further*, That such amounts shall be used by recipi-
22 ents to prevent, prepare for, and respond to
23 coronavirus, including to maintain normal operations
24 and fund eligible affordable housing activities under
25 NAHASDA during the period that the program is

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1 impacted by coronavirus: *Provided further*, That
2 amounts provided under this heading in this Act
3 may be used to cover or reimburse allowable costs to
4 prevent, prepare for, and respond to coronavirus
5 that are incurred by a recipient, including for costs
6 incurred prior to the date of enactment of this Act:
7 *Provided further*, That the Secretary may waive, or
8 specify alternative requirements for, any provision of
9 any statute or regulation that the Secretary admin-
10 isters in connection with the use of amounts made
11 available under this paragraph or under the same
12 paragraph in Public Law 116–94 (except for re-
13 quirements related to fair housing, nondiscrimina-
14 tion, labor standards, and the environment), upon a
15 finding by the Secretary that any such waivers or al-
16 ternative requirements are necessary to expedite or
17 facilitate the use of such amounts to prevent, pre-
18 pare for, and respond to coronavirus: *Provided fur-*
19 *ther*, That any such waivers shall be deemed to be
20 effective as of the date an Indian tribe or tribally
21 designated housing entity began preparing for
22 coronavirus and shall apply to the amounts made
23 available under this paragraph and to the previously
24 appropriated amounts described in the previous pro-
25 viso; and

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1 (2) Up to $100,000,000 shall be available for
2 grants to Indian tribes under the Indian Community
3 Development Block Grant program under title I of
4 the Housing and Community Development Act of
5 1974, notwithstanding section 106(a)(1) of such
6 Act, to prevent, prepare for, and respond to
7 coronavirus, for emergencies that constitute immi-
8 nent threats to health and safety: *Provided*, That the
9 Secretary shall prioritize, without competition, allo-
10 cations of these amounts for activities and projects
11 designed to prevent, prepare for, and respond to
12 coronavirus: *Provided further*, That not to exceed 20
13 percent of any grant made with funds appropriated
14 under this paragraph shall be expended for planning
15 and management development and administration:
16 *Provided further*, That amounts provided under this
17 heading in this Act may be used to cover or reim-
18 burse allowable costs to prevent, prepare for, and re-
19 spond to coronavirus incurred by a recipient, includ-
20 ing for costs incurred prior to the date of enactment
21 of this Act: *Provided further*, That, notwithstanding
22 section 105(a)(8) of such Act (42 U.S.C.
23 5305(a)(8)), there shall be no per centum limitation
24 for the use of funds for public services activities to
25 prevent, prepare for, and respond to coronavirus:

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1 *Provided further*, That the previous proviso shall
2 apply to all such activities for grants of funds made
3 available under this paragraph or under paragraph
4 (4) of this heading in Public Law 116–94: *Provided*
5 *further*, That the Secretary may waive, or specify al-
6 ternative requirements for, any provision of any stat-
7 ute or regulation that the Secretary administers in
8 connection with the use of amounts made available
9 under this paragraph or under paragraph (4) in
10 Public Law 116–94 (except for requirements related
11 to fair housing, nondiscrimination, labor standards,
12 and the environment), upon a finding by the Sec-
13 retary that any such waivers or alternative require-
14 ments are necessary to expedite or facilitate the use
15 of such amounts to prevent, prepare for, and re-
16 spond to coronavirus: *Provided further*, That any
17 such waivers shall be deemed to be effective as of
18 the date an Indian tribe began preparing for
19 coronavirus and shall apply to the amounts made
20 available under this paragraph and to the previously
21 appropriated amounts described in the previous pro-
22 viso:
23 *Provided further*, That such amount is designated by the
24 Congress as being for an emergency requirement pursuant

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

3 COMMUNITY PLANNING AND DEVELOPMENT

4 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

5 For an additional amount for carrying out the
6 "Housing Opportunities for Persons with AIDS" pro-
7 gram, as authorized by the AIDS Housing Opportunity
8 Act (42 U.S.C. 12901 et seq.), $65,000,000, to remain
9 available until September 30, 2021, except that amounts
10 allocated pursuant to section 854(c)(5) of such Act shall
11 remain available until September 30, 2022, to provide ad-
12 ditional funds to maintain operations and for rental assist-
13 ance, supportive services, and other necessary actions, in
14 order to prevent, prepare for, and respond to coronavirus:
15 *Provided*, That not less than $50,000,000 of the amount
16 provided under this heading in this Act shall be allocated
17 pursuant to the formula in section 854 of such Act using
18 the same data elements as utilized pursuant to that same
19 formula in fiscal year 2020: *Provided further*, That up to
20 $10,000,000 of the amount provided under this heading
21 in this Act shall be to provide an additional one-time, non-
22 renewable award to grantees currently administering exist-
23 ing contracts for permanent supportive housing that ini-
24 tially were funded under section 854(c)(5) of such Act
25 from funds made available under this heading in fiscal

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1 year 2010 and prior years: *Provided further*, That such
2 awards shall be made proportionally to their existing
3 grants: *Provided further*, That such awards are not re-
4 quired to be spent on permanent supportive housing: *Pro-*
5 *vided further*, That, notwithstanding section 859(b)(3)(B)
6 of such Act, housing payment assistance for rent, mort-
7 gage, or utilities payments may be provided for a period
8 of up to 24 months: *Provided further*, That, to protect per-
9 sons who are living with HIV/AIDS, such amounts pro-
10 vided under this heading in this Act may be used to self-
11 isolate, quarantine, or to provide other coronavirus infec-
12 tion control services as recommended by the Centers for
13 Disease Control and Prevention for household members
14 not living with HIV/AIDS: *Provided further*, That such
15 amounts may be used to provide relocation services, in-
16 cluding to provide lodging at hotels, motels, or other loca-
17 tions, for persons living with HIV/AIDS and household
18 members not living with HIV/AIDS: *Provided further*,
19 That, notwithstanding section 856(g) of such Act (42
20 U.S.C. 12905(g)), a grantee may use up to 6 percent of
21 its award under this Act for administrative purposes, and
22 a project sponsor may use up to 10 percent of its sub-
23 award under this Act for administrative purposes: *Pro-*
24 *vided further*, That such amounts provided under this
25 heading in this Act may be used to cover or reimburse

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1 allowable costs consistent with the purposes of this head-
2 ing incurred by a grantee or project sponsor regardless
3 of the date on which such costs were incurred: *Provided*
4 *further*, That any regulatory waivers the Secretary may
5 issue may be deemed to be effective as of the date a grant-
6 ee began preparing for coronavirus: *Provided further*, That
7 any additional activities or authorities authorized pursu-
8 ant to this Act may also apply at the discretion and upon
9 notice of the Secretary to all amounts made available
10 under this same heading in Public Law 116–94 if such
11 amounts are used by grantees for the purposes described
12 under this heading: *Provided further*, That up to 2 percent
13 of amounts made available under this heading in this Act
14 may be used, without competition, to increase prior
15 awards made to existing technical assistance providers to
16 provide an immediate increase in capacity building and
17 technical assistance available to grantees under this head-
18 ing and under the same heading in prior Acts: *Provided*
19 *further*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

23 COMMUNITY DEVELOPMENT FUND

24 For an additional amount for "Community Develop-
25 ment Fund", $5,000,000,000, to remain available until

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1 September 30, 2022, to prevent, prepare for, and respond
2 to coronavirus: *Provided*, That up to $2,000,000,000 of
3 the amount made available under this heading in this Act
4 shall be distributed pursuant to section 106 of the Hous-
5 ing and Community Development Act of 1974 (42 U.S.C.
6 5306) to grantees that received allocations pursuant to
7 that same formula in fiscal year 2020, and that such allo-
8 cations shall be made within 30 days of enactment of this
9 Act: *Provided further*, That, in addition to amounts allo-
10 cated pursuant to the preceding proviso, an additional
11 $1,000,000,000 shall be allocated directly to States and
12 insular areas, as defined by 42 U.S.C. 5302(a), to prevent,
13 prepare for, and respond to coronavirus within the State
14 or insular area, including activities within entitlement and
15 nonentitlement communities, based on public health needs,
16 risk of transmission of coronavirus, number of coronavirus
17 cases compared to the national average, and economic and
18 housing market disruptions, and other factors, as deter-
19 mined by the Secretary, using best available data and that
20 such allocations shall be made within 45 days of enact-
21 ment of this Act: *Provided further*, That remaining
22 amounts shall be distributed directly to the State or unit
23 of general local government, at the discretion of the Sec-
24 retary, according to a formula based on factors to be de-
25 termined by the Secretary, prioritizing risk of trans-

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1 mission of coronavirus, number of coronavirus cases com-
2 pared to the national average, and economic and housing
3 market disruptions resulting from coronavirus: *Provided*
4 *further*, That such allocations may be made on a rolling
5 basis based on the best available data at the time of alloca-
6 tion: *Provided further*, That amounts made available in the
7 preceding provisos may be used to cover or reimburse al-
8 lowable costs consistent with the purposes of this heading
9 in this Act incurred by a State or locality regardless of
10 the date on which such costs were incurred: *Provided fur-*
11 *ther*, That section 116(b) of such Act (42 U.S.C. 5316(b))
12 and any implementing regulations, which requires grant-
13 ees to submit their final statements of activities no later
14 than August 16 of a given fiscal year, shall not apply to
15 final statements submitted in accordance with sections
16 104(a)(2) and (a)(3) of such Act (42 U.S.C. 5304(a)(2)
17 and (a)(3)) and comprehensive housing affordability strat-
18 egies submitted in accordance with section 105 of the
19 Cranston-Gonzalez National Affordable Housing Act (42
20 U.S.C. 12705) for fiscal years 2019 and 2020: *Provided*
21 *further*, That such final statements and comprehensive
22 housing affordability strategies shall instead be submitted
23 no later than August 16, 2021: *Provided further*, That the
24 Secretary may waive, or specify alternative requirements
25 for, any provision of any statute or regulation that the

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1 Secretary administers in connection with the use of
2 amounts made available under this heading in this Act and
3 under the same heading in Public Law 116–94 and Public
4 Law 116–6 (except for requirements related to fair hous-
5 ing, nondiscrimination, labor standards, and the environ-
6 ment), upon a finding by the Secretary that any such
7 waivers or alternative requirements are necessary to expe-
8 dite or facilitate the use of such amounts to prevent, pre-
9 pare for, and respond to coronavirus: *Provided further*,
10 That up to $10,000,000 of amounts made available under
11 this heading in this Act may be used to make new awards
12 or increase prior awards to existing technical assistance
13 providers, without competition, to provide an immediate
14 increase in capacity building and technical assistance to
15 support the use of amounts made available under this
16 heading in this Act and under the same heading in prior
17 Acts to prevent, prepare for, and respond to coronavirus:
18 *Provided further*, That, notwithstanding sections
19 104(a)(2), (a)(3), and (c) of the Housing and Community
20 Development Act of 1974 (42 U.S.C. 5304(a)(2), (a)(3),
21 and (c)) and section 105 of the Cranston-Gonzalez Na-
22 tional Affordable Housing Act (42 U.S.C. 12705), a
23 grantee may adopt and utilize expedited procedures to pre-
24 pare, propose, modify, or amend its statement of activities
25 for grants from amounts made available under this head-

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1 ing in this Act and under the same heading in Public Law
2 116–94 and Public Law 116–6: *Provided further*, That
3 under such expedited procedures, the grantee need not
4 hold in-person public hearings, but shall provide citizens
5 with notice and a reasonable opportunity to comment of
6 no less than 5 days: *Provided further*, That, for as long
7 as national or local health authorities recommend social
8 distancing and limiting public gatherings for public health
9 reasons, a grantee may create virtual public hearings to
10 fulfill applicable public hearing requirements for all grants
11 from funds made available under this heading in this Act
12 and under the same heading in Public Law 116–94 and
13 Public Law 116–6: *Provided further*, That any such virtual
14 hearings shall provide reasonable notification and access
15 for citizens in accordance with the grantee's certifications,
16 timely responses from local officials to all citizen questions
17 and issues, and public access to all questions and re-
18 sponses: *Provided further*, That, notwithstanding section
19 105(a)(8) of the Housing and Community Development
20 Act of 1974 (42 U.S.C. 5305(a)(8)), there shall be no per
21 centum limitation for the use of funds for public services
22 activities to prevent, prepare for, and respond to
23 coronavirus: *Provided further*, That the previous proviso
24 shall apply to all such activities for grants of funds made
25 available under this heading in this Act and under the

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1 same heading in Public Law 116–94 and Public Law 116–
2 6: *Provided further*, That the Secretary shall ensure there
3 are adequate procedures in place to prevent any duplica-
4 tion of benefits as required by section 312 of the Robert
5 T. Stafford Disaster Relief and Emergency Assistance Act
6 (42 U.S.C. 5155) and in accordance with section 1210 of
7 the Disaster Recovery Reform Act of 2018 (division D of
8 Public Law 115–254; 132 Stat. 3442), which amended
9 section 312 of the Robert T. Stafford Disaster Relief and
10 Emergency Assistance Act (42 U.S.C. 5155): *Provided*
11 *further*, That such amount is designated by the Congress
12 as being for an emergency requirement pursuant to sec-
13 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985.

15 HOMELESS ASSISTANCE GRANTS

16 For an additional amount for "Homeless Assistance
17 Grants", $4,000,000,000, to remain available until Sep-
18 tember 30, 2022, to prevent, prepare for, and respond to
19 coronavirus, among individuals and families who are
20 homeless or receiving homeless assistance and to support
21 additional homeless assistance and homelessness preven-
22 tion activities to mitigate the impacts created by
23 coronavirus under the Emergency Solutions Grants pro-
24 gram as authorized under subtitle B of title IV of the
25 McKinney-Vento Homeless Assistance Act (42 U.S.C.

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1 11371 et seq.), as amended: *Provided*, That up to
2 $2,000,000,000 of the amount appropriated under this
3 heading in this Act shall be distributed pursuant to 24
4 CFR 576.3 to grantees that received allocations pursuant
5 to that same formula in fiscal year 2020, and that such
6 allocations shall be made within 30 days of enactment of
7 this Act: *Provided further*, That, remaining amounts shall
8 be allocated directly to a State or unit of general local
9 government by a formula to be developed by the Secretary
10 and that such allocations shall be made within 90 days
11 of enactment of this Act: *Provided further*, That such for-
12 mula shall allocate such amounts for the benefit of
13 unsheltered homeless, sheltered homeless, and those at
14 risk of homelessness, to geographical areas with the great-
15 est need based on factors to be determined by the Sec-
16 retary, such as risk of transmission of coronavirus, high
17 numbers or rates of sheltered and unsheltered homeless,
18 and economic and housing market conditions as deter-
19 mined by the Secretary: *Provided further*, That individuals
20 and families whose income does not exceed the Very Low-
21 Income Limit of the area, as determined by the Secretary,
22 shall be considered "at risk of homelessness" and shall
23 be eligible for homelessness prevention if they meet the
24 criteria in section 401(1)(B) and (C) of such Act (42
25 U.S.C. 11360(1)(B) and (C)): *Provided further*, That

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1 amounts provided under this heading in this Act may be
2 used to cover or reimburse allowable costs to prevent, pre-
3 pare for, and respond to coronavirus that are incurred by
4 a State or locality, including for costs incurred prior to
5 the date of enactment of this Act: *Provided further*, That
6 recipients may deviate from applicable procurement stand-
7 ards when procuring goods and services to prevent, pre-
8 pare for, and respond to coronavirus: *Provided further*,
9 That a recipient may use up to 10 percent of its allocation
10 for administrative purposes: *Provided further*, That the
11 use of amounts provided under this heading in this Act
12 shall not be subject to the consultation, citizen participa-
13 tion, or match requirements that otherwise apply to the
14 Emergency Solutions Grants program, except that a re-
15 cipient must publish how it has and will utilize its alloca-
16 tion, at a minimum, on the Internet at the appropriate
17 Government web site or through other electronic media:
18 *Provided further*, That the spending cap established pursu-
19 ant to section 415(b) of such Act (42 U.S.C. 11374) shall
20 not apply to amounts provided under this heading in this
21 Act: *Provided further*, That amounts provided under this
22 heading in this Act may be used to provide temporary
23 emergency shelters (through leasing of existing property,
24 temporary structures, or other means) to prevent, prepare
25 for, and respond to coronavirus, and that such temporary

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1 emergency shelters shall not be subject to the minimum
2 periods of use required by section 416(c)(1) of such Act
3 (42 U.S.C. 11375(c)(1)): *Provided further*, That Federal
4 habitability and environmental review standards and re-
5 quirements shall not apply to the use of such amounts for
6 those temporary emergency shelters that have been deter-
7 mined by State or local health officials to be necessary
8 to prevent, prepare for, and respond to coronavirus: *Pro-*
9 *vided further*, That amounts provided under this heading
10 in this Act may be used for training on infectious disease
11 prevention and mitigation and to provide hazard pay, in-
12 cluding for time worked prior to the date of enactment
13 of this Act, for staff working directly to prevent, prepare
14 for, and respond to coronavirus among persons who are
15 homeless or at risk of homelessness, and that such activi-
16 ties shall not be considered administrative costs for pur-
17 poses of the 10 percent cap: *Provided further*, That in ad-
18 ministering the amounts made available under this head-
19 ing in this Act, the Secretary may waive, or specify alter-
20 native requirements for, any provision of any statute or
21 regulation that the Secretary administers in connection
22 with the obligation by the Secretary or the use by the re-
23 cipient of these amounts (except for requirements related
24 to fair housing, nondiscrimination, labor standards, and
25 the environment unless otherwise provided under this

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1 paragraph), if the Secretary finds that good cause exists
2 for the waiver or alternative requirement and such waiver
3 or alternative requirement is necessary to prevent, prepare
4 for, and respond to coronavirus: *Provided further*, That
5 any such waivers shall be deemed to be effective as of the
6 date a State or unit of local government began preparing
7 for coronavirus and shall apply to the use of amounts pro-
8 vided under this heading in this Act and amounts provided
9 under the same heading for the Emergency Solutions
10 Grant program in prior Acts used by recipients to prevent,
11 prepare for, and respond to coronavirus: *Provided further*,
12 That the Secretary shall notify the public through the
13 Federal Register or other appropriate means of any such
14 waiver or alternative requirement, and that such public
15 notice may be provided, at a minimum, on the Internet
16 at the appropriate Government web site or through other
17 electronic media, as determined by the Secretary: *Provided*
18 *further*, That any additional activities or authorities au-
19 thorized pursuant to this Act, including any waivers and
20 alternative requirements established by the Secretary pur-
21 suant to this Act, may also apply at the discretion and
22 upon notice of the Secretary with respect to all amounts
23 made available for the Emergency Solutions Grants pro-
24 gram under the heading "Homeless Assistance Grants"
25 in any prior Act and used by recipients to prevent, prepare

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1 for, and respond to coronavirus: *Provided further*, That up
2 to 1 percent of amounts made available under this heading
3 in this Act may be used to make new awards or increase
4 prior awards made to existing technical assistance pro-
5 viders with experience in providing health care services to
6 homeless populations, without competition, to provide an
7 immediate increase in capacity building and technical as-
8 sistance available to recipients of amounts for the Emer-
9 gency Solutions Grants program under this heading in this
10 Act and under the same heading in prior Acts: *Provided*
11 *further*, That none of the funds provided under this head-
12 ing in this Act may be used to require people experiencing
13 homelessness to receive treatment or perform any other
14 prerequisite activities as a condition for receiving shelter,
15 housing, or other services: *Provided further*, That such
16 amount is designated by the Congress as being for an
17 emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 HOUSING PROGRAMS

21 PROJECT-BASED RENTAL ASSISTANCE

22 For an additional amount for "Project-Based Rental
23 Assistance", $1,000,000,000, to remain available until ex-
24 pended, to prevent, prepare for, and respond to
25 coronavirus, including to provide additional funds to main-

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1 tain normal operations and take other necessary actions
2 during the period that the program is impacted by
3 coronavirus, for assistance to owners or sponsors of prop-
4 erties receiving project-based assistance pursuant to sec-
5 tion 8 of the United States Housing Act of 1937 (42
6 U.S.C. 1437f et seq.): *Provided*, That the Secretary may
7 waive, or specify alternative requirements for, any provi-
8 sion of any statute or regulation that the Secretary admin-
9 isters in connection with the use of amounts made avail-
10 able under this heading in this Act (except for require-
11 ments related to fair housing, nondiscrimination, labor
12 standards, and the environment), upon a finding by the
13 Secretary that any such waivers or alternative require-
14 ments are necessary to expedite or facilitate the use of
15 such amounts to prevent, prepare for, and respond to
16 coronavirus, and such waiver or alternative requirement
17 is consistent with the purposes described under this head-
18 ing in this Act: *Provided further*, That the Secretary shall
19 notify the public through the Federal Register or other
20 appropriate means of any such waiver or alternative re-
21 quirement in order for such waiver or alternative require-
22 ment to take effect, and that such public notice may be
23 provided, at a minimum, on the Internet at the appro-
24 priate Government web site or through other electronic
25 media, as determined by the Secretary: *Provided further*,

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1 That such amount is designated by the Congress as being
2 for an emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 HOUSING FOR THE ELDERLY

6 For an additional amount for ''Housing for the El-
7 derly'', $50,000,000, to remain available until September
8 30, 2023, to prevent, prepare for, and respond to
9 coronavirus, including to provide additional funds to main-
10 tain normal operations and take other necessary actions
11 during the period that the program is impacted by
12 coronavirus, for assistance to owners or sponsors of prop-
13 erties receiving project-based assistance pursuant to sec-
14 tion 202 of the Housing Act of 1959 (12 U.S.C. 1701q),
15 as amended: *Provided*, That of the amount provided under
16 this heading in this Act, up to $10,000,000 shall be for
17 service coordinators and the continuation of existing con-
18 gregate service grants for residents of assisted housing
19 projects: *Provided further*, That the Secretary may waive,
20 or specify alternative requirements for, any provision of
21 any statute or regulation that the Secretary administers
22 in connection with the use of amounts made available
23 under this heading in this Act (except for requirements
24 related to fair housing, nondiscrimination, labor stand-
25 ards, and the environment), upon a finding by the Sec-

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1 retary that any such waivers or alternative requirements
2 are necessary to expedite or facilitate the use of such
3 amounts to prevent, prepare for, and respond to
4 coronavirus, and such waiver or alternative requirement
5 is consistent with the purposes described under this head-
6 ing in this Act: *Provided further*, That the Secretary shall
7 notify the public through the Federal Register or other
8 appropriate means of any such waiver or alternative re-
9 quirement in order for such waiver or alternative require-
10 ment to take effect, and that such public notice may be
11 provided, at a minimum, on the Internet at the appro-
12 priate Government web site or through other electronic
13 media, as determined by the Secretary: *Provided further*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 HOUSING FOR PERSONS WITH DISABILITIES

19 For an additional amount for ''Housing for Persons
20 with Disabilities'', $15,000,000, to remain available until
21 September 30, 2023, to prevent, prepare for, and respond
22 to coronavirus, including to provide additional funds to
23 maintain normal operations and take other necessary ac-
24 tions during the period that the program is impacted by
25 coronavirus, for assistance to owners or sponsors of prop-

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1 erties receiving project-based assistance pursuant to sec-
2 tion 811 of the Cranston-Gonzalez National Affordable
3 Housing Act (42 U.S.C. 8013), as amended: *Provided*,
4 That the Secretary may waive, or specify alternative re-
5 quirements for, any provision of any statute or regulation
6 that the Secretary administers in connection with the use
7 of amounts made available under this heading in this Act
8 (except for requirements related to fair housing, non-
9 discrimination, labor standards, and the environment),
10 upon a finding by the Secretary that any such waivers or
11 alternative requirements are necessary to expedite or fa-
12 cilitate the use of such amounts to prevent, prepare for,
13 and respond to coronavirus, and such waiver or alternative
14 requirement is consistent with the purposes described
15 under this heading in this Act: *Provided further*, That the
16 Secretary shall notify the public through the Federal Reg-
17 ister or other appropriate means of any such waiver or
18 alternative requirement in order for such waiver or alter-
19 native requirement to take effect, and that such public no-
20 tice may be provided, at a minimum, on the Internet at
21 the appropriate Government web site or through other
22 electronic media, as determined by the Secretary: *Provided*
23 *further*, That such amount is designated by the Congress
24 as being for an emergency requirement pursuant to sec-

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1 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 FAIR HOUSING AND EQUAL OPPORTUNITY

4 FAIR HOUSING ACTIVITIES

5 For an additional amount for "Fair Housing Activi-
6 ties", $2,500,000, to remain available until September 30,
7 2021, for contracts, grants, and other assistance, as au-
8 thorized by title VIII of the Civil Rights Act of 1968, as
9 amended by the Fair Housing Amendments Act of 1988,
10 and section 561 of the Housing and Community Develop-
11 ment Act of 1987, to prevent, prepare for, and respond
12 to coronavirus, of which $1,500,000 shall be for the Fair
13 Housing Assistance Program Partnership for Special En-
14 forcement grants to address fair housing issues relating
15 to coronavirus, and $1,000,000 shall be for the Fair Hous-
16 ing Initiatives Program for education and outreach activi-
17 ties under such section 561 to educate the public about
18 fair housing issues related to coronavirus: *Provided*, That
19 such amount is designated by the Congress as being for
20 an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 OFFICE OF INSPECTOR GENERAL

24 For an additional amount for "Office of Inspector
25 General", $5,000,000, to remain available until expended,

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1 to prevent, prepare for, and respond to coronavirus: *Pro-*
2 *vided*, That the funding made available under this heading
3 in this Act shall be used for conducting audits and inves-
4 tigations of projects and activities carried out with funds
5 made available in this Act to the Department of Housing
6 and Urban Development to prevent, prepare for, and re-
7 spond to coronavirus: *Provided further*, That such amount
8 is designated by the Congress as being for an emergency
9 requirement pursuant to section 251(b)(2)(A)(i) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985.

12 GENERAL PROVISIONS—THIS TITLE

13 SEC. 22001. Of the amounts made available from the
14 Airport and Airway Trust Fund for "Federal Aviation Ad-
15 ministration—Operations" in title XI of division B of the
16 Bipartisan Budget Act of 2018 (Public Law 115–123),
17 up to $25,000,000 may be used to prevent, prepare for,
18 and respond to coronavirus: *Provided*, That amounts
19 repurposed in this section that were previously designated
20 by the Congress as an emergency requirement pursuant
21 to the Balanced Budget and Emergency Deficit Control
22 Act of 1985 are designated by the Congress as an emer-
23 gency requirement pursuant to section 251(b)(2)(A)(i) of
24 the Balanced Budget and Emergency Deficit Control Act
25 of 1985.

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1 SEC. 22002. For amounts made available by this Act
2 under the headings "Northeast Corridor Grants to the Na-
3 tional Railroad Passenger Corporation" and "National
4 Network Grants to the National Railroad Passenger Cor-
5 poration", the Secretary of Transportation may not waive
6 the requirements under section 24312 of title 49, United
7 States Code, and section 24305(f) of title 49, United
8 States Code: *Provided*, That for amounts made available
9 by this Act under such headings the Secretary shall re-
10 quire the National Railroad Passenger Corporation to
11 comply with the Railway Retirement Act of 1974 (45
12 U.S.C. 231 et seq.), the Railway Labor Act (45 U.S.C.
13 151 et seq.), and the Railroad Unemployment Insurance
14 Act (45 U.S.C. 351 et seq.): *Provided further*, That not
15 later than 7 days after the date of enactment of this Act
16 and each subsequent 7 days thereafter, the Secretary shall
17 notify the House and Senate Committees on Appropria-
18 tions, the Committee on Transportation and Infrastruc-
19 ture of the House of Representatives, and the Committee
20 on Commerce, Science, and Transportation of the Senate
21 of any National Railroad Passenger Corporation employee
22 furloughs as a result of efforts to prevent, prepare for,
23 and respond to coronavirus: *Provided further*, That in the
24 event of any National Railroad Passenger Corporation em-
25 ployee furloughs as a result of efforts to prevent, prepare

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1 for, and respond to coronavirus, the Secretary shall re-
2 quire the National Railroad Passenger Corporation to pro-
3 vide such employees the opportunity to be recalled to their
4 previously held positions as intercity passenger rail service
5 is restored to March 1, 2020 levels and not later than the
6 date on which intercity passenger rail service has been
7 fully restored to March 1, 2020 levels.

8 SEC. 22003. For the duration of fiscal year 2020,
9 section 127(i)(1)(A) of title 23, United States Code, shall
10 read as if and apply to situations in which: the President
11 has declared an emergency or a major disaster under the
12 Robert T. Stafford Disaster Relief and Emergency Assist-
13 ance Act (42 U.S.C. 5121 et seq.).

14 SEC. 22004. No later than September 30, 2020, the
15 remaining unobligated balances of funds made available
16 for the youth homelessness demonstration under the head-
17 ing "Department of Housing and Urban Development—
18 Community Planning and Development—Homeless As-
19 sistance Grants" in the Consolidated Appropriations Act,
20 2018 (Public Law 115–141) are hereby permanently re-
21 scinded, and an amount of additional new budget author-
22 ity equivalent to the amount rescinded is hereby appro-
23 priated, to remain available until September 30, 2021, in
24 addition to other funds as may be available for such pur-
25 poses, and shall be available, without additional competi-

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1 tion, for completing the funding of awards made pursuant
2 to the fiscal year 2018 youth homelessness demonstration.
3 HIGHWAY SAFETY GRANTS EMERGENCY AUTHORITY
4 SEC. 22005. (a) IN GENERAL.—The Secretary of
5 Transportation (referred to in this section as the "Sec-
6 retary") may waive or postpone any requirement under
7 section 402, 404, 405, or 412 of title 23, United States
8 Code, section 4001 of the FAST Act (Public Law 114–
9 94; 129 Stat. 1497), or part 1300 of title 23, Code of
10 Federal Regulations (or successor regulations), if the Sec-
11 retary determines that—
12 (1) the Coronavirus Disease 2019 (COVID-19)
13 is having a substantial impact on—
14 (A) the ability of States to implement or
15 carry out any grant, campaign, or program
16 under those provisions; or
17 (B) the ability of the Secretary to carry
18 out any responsibility of the Secretary with re-
19 spect to a grant, campaign, or program under
20 those provisions; or
21 (2) the requirements of those provisions are
22 having a substantial impact on the ability of States
23 or the Secretary to address the Coronavirus Disease
24 2019 (COVID–19).

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1 (b) REPORT.—The Secretary shall periodically sub-
2 mit to the relevant committees of Congress a report de-
3 scribing—
4 (1) each determination made by the Secretary
5 under subsection (a); and
6 (2) each waiver or postponement of a require-
7 ment under that subsection.
8 (c) EMERGENCY REQUIREMENT.—The amount pro-
9 vided by this section is designated by the Congress as
10 being for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

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1 TITLE XIII

2 GENERAL PROVISIONS—THIS ACT

3 SEC. 23001. Each amount appropriated or made
4 available by this Act is in addition to amounts otherwise
5 appropriated for the fiscal year involved.

6 SEC. 23002. No part of any appropriation contained
7 in this Act shall remain available for obligation beyond
8 the current fiscal year unless expressly so provided herein.

9 SEC. 23003. Unless otherwise provided for by this
10 Act, the additional amounts appropriated by this Act to
11 appropriations accounts shall be available under the au-
12 thorities and conditions applicable to such appropriations
13 accounts for fiscal year 2020.

14 SEC. 23004. (a) Subject to subsection (b), and not-
15 withstanding any other provision of law, funds made avail-
16 able in this Act, or transferred pursuant to authorization
17 granted in this Act, may only be used to prevent, prepare
18 for, and respond to coronavirus.

19 (b) Subsection (a) shall not apply to sections 11002,
20 13002, and 18114 of this Act, reimbursements made pur-
21 suant to authority in this Act, or to funds made available
22 in this Act for the Emergency Reserve Fund, established
23 pursuant to section 7058(c)(1) of division J of Public Law
24 115–31, or to funds made available in this Act for the
25 Infectious Diseases Rapid Response Reserve Fund, estab-

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1 lished pursuant to section 231 of division B of Public Law
2 115–245.
3 (c) This section shall not apply to title VI of this Act.
4 SEC. 23005. In this Act, the term ''coronavirus''
5 means SARS–CoV–2 or another coronavirus with pan-
6 demic potential.
7 SEC. 23006. Each amount designated in this Act by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985 shall be avail-
11 able (or rescinded or transferred, if applicable) only if the
12 President subsequently so designates all such amounts
13 and transmits such designations to the Congress.
14 SEC. 23007. Any amount appropriated by this Act,
15 designated by the Congress as an emergency requirement
16 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
17 et and Emergency Deficit Control Act of 1985 and subse-
18 quently so designated by the President, and transferred
19 pursuant to transfer authorities provided by this Act shall
20 retain such designation.
21 BUDGETARY EFFECTS
22 SEC. 23008. (a) STATUTORY PAYGO SCORE-
23 CARDS.—The budgetary effects of this division shall not
24 be entered on either PAYGO scorecard maintained pursu-
25 ant to section 4(d) of the Statutory Pay As-You-Go Act
26 of 2010.

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1 (b) SENATE PAYGO SCORECARDS.—The budgetary
2 effects of this division shall not be entered on any PAYGO
3 scorecard maintained for purposes of section 4106 of H.
4 Con. Res. 71 (115th Congress).
5 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
6 Notwithstanding Rule 3 of the Budget Scorekeeping
7 Guidelines set forth in the joint explanatory statement of
8 the committee of conference accompanying Conference Re-
9 port 105–217 and section 250(c)(7) and (c)(8) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985,
11 the budgetary effects of this division shall be estimated
12 for purposes of section 251 of such Act.
13 (d) ENSURING NO WITHIN-SESSION SEQUESTRA-
14 TION.—Solely for the purpose of calculating a breach with-
15 in a category for fiscal year 2020 pursuant to section
16 251(a)(6) or section 254(g) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985, and notwith-
18 standing any other provision of this division, the budg-
19 etary effects from this division shall be counted as
20 amounts designated as being for an emergency require-
21 ment pursuant to section 251(b)(2)(A) of such Act.
22 This division may be cited as the "Emergency Appro-
23 priations for Coronavirus Health Response and Agency
24 Operations".

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**From:** VanderPloeg, Laurie
**Sent:** Thu, 26 Mar 2020 13:54:39 +0000
**To:** OSEP Staff
**Subject:** Update
**Attachments:** CARES ACT FINAL TEXT.pdf

Good morning!
I want to start this morning with something I shared on the monthly conversation – the real impact on our health, both mental and physical, of the isolation we are all experiencing. We all know that our current situation is not normal and it is understandably difficult. I also want you to know that you do not have to go through this alone – whether you are home by yourself or if you have a large family with you or if your situation is in between. I encourage each of you to take advantage, as needed, of the Employee Assistance Program (EAP). The EAP offers free, confidential services to federal employees and family members. You can call 24 hours a day, seven days a week for confidential help with work, family, personal matters, legal or financial issues. Please take care of yourselves and your families. You are valued and the most important part of this organization.

Information to Start Your Day:

- The Senate unanimously passed the CARES Act early this morning (see attached). It now awaits House approval before going to the White House for the president's signature. We're in the process of going through the act line-by-line, but I wanted to share with you some initial information on provisions related to infants, toddlers, children and youth with disabilities and their families.

  The Department received $30.75 billion. Of that, $16.5 billion is available for programs funded under ESEA (see below).

  The CARES Act provides the Department with $8 million for administration.

  The CARES Act does not provide the Secretary with any waiver authority for IDEA. However, the Act requires the Secretary, not later than 30 days after the date of enactment, to submit a report with recommendations on any additional waivers under IDEA that the Secretary believes are necessary to be enacted into law to provide limited flexibilities to States and LEAs to meet the needs of students during the COVID-19 emergency. (p.330)

  It also does not mention infants and toddlers with disabilities. However, the Act cites to IDEA in its entirety. We are working with OGC to determine the applicability of the CARES Act to Part C.

  Education provisions in title III, subtitle B –
  - Sec. 3511 provides assessment and accountability waiver authority, including reporting on assessments and accountability under ESEA

  Education provisions in division B (p. 755) –
  - Education Stabilization Fund: available through September 30, 2021
    - Governor's Emergency Education Relief Fund ($3 billion)

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- Must apply
- Grant formula based on population (5-24) and relative number of children counted
- Funds used for emergency support to those LEAs most impacted by COVID-19, IHEs in the State most impacted by COVID-19, any other LEA or IHE in the State that the governor deems necessary

- Elementary and Secondary School Emergency Relief Fund ($13.5 billion)
  - Must apply
  - Amount based on the same proportion as each States received under Title I Part A in the most recent fiscal year
  - 90% of grant must be subgranted to the LEAs in the State, including charter schools that are LEAs in proportion of the amount of funds each LEA received under Title I Part A in the most recent fiscal year
  - Funds may be used on:
    - any activity authorized by ESEA, including IDEA (the language of the bill does not specifically exclude Part C)
    - Activities to address the unique needs of … children with disabilities, including how outreach and service delivery will meet the needs of each population
    - Planning for and coordinating during long-term closures including how to provide guidance for carrying out the requirements under IDEA and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements
    - Purchasing educational technology that aids in regular and substantive educational interaction between students and their classroom instructors, including students with disabilities, which may include assistive technology or adaptive equipment
    - Providing mental health services and supports
    - Planning and implementing activities related to summer learning and supplemental afterschool programs, including the needs of students with disabilities
- Assistance to non-public schools
  - LEAs receiving funds must provide equitable services to non-public schools students under ESEA

The Department has a working group that is determining how the Department will administer The CARES Act. OSEP will be represented in this work.

- In response to the directive in the Act, I am interested in your ideas about specific provisions in IDEA that you think should be included in the Secretary's waiver request. Please send your ideas, with citations and a justification, no later than Thursday, April 2. The list already includes many timeline provisions.

Have a great day and I'll be in touch tomorrow morning!

AMERICAN OVERSIGHT

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
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AMENDMENT NO._____ Calendar No._____

Purpose: Providing emergency assistance and health care response for individuals, families and businesses affected by the 2020 coronavirus pandemic.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

# H. R. 748

To amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Coronavirus Aid, Re-
5 lief, and Economic Security Act" or the "CARES Act".

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

7 The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

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TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED ACT

Sec. 1101. Definitions.
Sec. 1102. Paycheck protection program.
Sec. 1103. Entrepreneurial development.
Sec. 1104. State trade expansion program.
Sec. 1105. Waiver of matching funds requirement under the women's business center program.
Sec. 1106. Loan forgiveness.
Sec. 1107. Direct appropriations.
Sec. 1108. Minority business development agency.
Sec. 1109. United States Treasury Program Management Authority.
Sec. 1110. Emergency EIDL grants.
Sec. 1111. Resources and services in languages other than English.
Sec. 1112. Subsidy for certain loan payments.
Sec. 1113. Bankruptcy.
Sec. 1114. Emergency rulemaking authority.

TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES

Subtitle A—Unemployment Insurance Provisions

Sec. 2101. Short title.
Sec. 2102. Pandemic Unemployment Assistance.
Sec. 2103. Emergency unemployment relief for governmental entities and nonprofit organizations.
Sec. 2104. Emergency increase in unemployment compensation benefits.
Sec. 2105. Temporary full Federal funding of the first week of compensable regular unemployment for States with no waiting week.
Sec. 2106. Emergency State staffing flexibility.
Sec. 2107. Pandemic emergency unemployment compensation.
Sec. 2108. Temporary financing of short-time compensation payments in States with programs in law.
Sec. 2109. Temporary financing of short-time compensation agreements.
Sec. 2110. Grants for short-time compensation programs.
Sec. 2111. Assistance and guidance in implementing programs.
Sec. 2112. Waiver of the 7-day waiting period for benefits under the Railroad Unemployment Insurance Act.
Sec. 2113. Enhanced benefits under the Railroad Unemployment Insurance Act.
Sec. 2114. Extended unemployment benefits under the Railroad Unemployment Insurance Act.
Sec. 2115. Funding for the DOL Office of Inspector General for oversight of unemployment provisions.
Sec. 2116. Implementation.

Subtitle B—Rebates and Other Individual Provisions

Sec. 2201. 2020 recovery rebates for individuals.
Sec. 2202. Special rules for use of retirement funds.
Sec. 2203. Temporary waiver of required minimum distribution rules for certain retirement plans and accounts.
Sec. 2204. Allowance of partial above the line deduction for charitable contributions.

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Sec. 2205. Modification of limitations on charitable contributions during 2020.
Sec. 2206. Exclusion for certain employer payments of student loans.

Subtitle C—Business Provisions

Sec. 2301. Employee retention credit for employers subject to closure due to COVID-19.
Sec. 2302. Delay of payment of employer payroll taxes.
Sec. 2303. Modifications for net operating losses.
Sec. 2304. Modification of limitation on losses for taxpayers other than corporations.
Sec. 2305. Modification of credit for prior year minimum tax liability of corporations.
Sec. 2306. Modifications of limitation on business interest.
Sec. 2307. Technical amendments regarding qualified improvement property.
Sec. 2308. Temporary exception from excise tax for alcohol used to produce hand sanitizer.

TITLE III—SUPPORTING AMERICA'S HEALTH CARE SYSTEM IN THE FIGHT AGAINST THE CORONAVIRUS

Subtitle A—Health Provisions

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Sec. 4003. Emergency relief and taxpayer protections.
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TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 6001. COVID–19 borrowing authority for the United States Postal Service.
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DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS

**SEC. 3. REFERENCES.**

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

# DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

## TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED ACT

**SEC. 1101. DEFINITIONS.**

In this title—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 636).

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1 **SEC. 1102. PAYCHECK PROTECTION PROGRAM.**

2 (a) IN GENERAL.—Section 7(a) of the Small Busi-
3 ness Act (15 U.S.C. 636(a)) is amended—

4 (1) in paragraph (2)—

5 (A) in subparagraph (A), in the matter
6 preceding clause (i), by striking "and (E)" and
7 inserting "(E), and (F)"; and

8 (B) by adding at the end the following:

9 "(F) PARTICIPATION IN THE PAYCHECK
10 PROTECTION PROGRAM.—In an agreement to
11 participate in a loan on a deferred basis under
12 paragraph (36), the participation by the Admin-
13 istration shall be 100 percent."; and

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

15 "(36) PAYCHECK PROTECTION PROGRAM.—

16 "(A) DEFINITIONS.—In this paragraph—

17 "(i) the terms 'appropriate Federal
18 banking agency' and 'insured depository
19 institution' have the meanings given those
20 terms in section 3 of the Federal Deposit
21 Insurance Act (12 U.S.C. 1813);

22 "(ii) the term 'covered loan' means a
23 loan made under this paragraph during the
24 covered period;

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"(iii) the term 'covered period' means the period beginning on February 15, 2020 and ending on June 30, 2020;

"(iv) the term 'eligible recipient' means an individual or entity that is eligible to receive a covered loan;

"(v) the term 'eligible self-employed individual' has the meaning given the term in section 7002(b) of the Families First Coronavirus Response Act (Public Law 116–127);

"(vi) the term 'insured credit union' has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

"(vii) the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code;

"(viii) the term 'payroll costs'—

"(I) means—

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1 "(aa) the sum of payments
2 of any compensation with respect
3 to employees that is a—
4 "(AA) salary, wage,
5 commission, or similar com-
6 pensation;
7 "(BB) payment of cash
8 tip or equivalent;
9 "(CC) payment for va-
10 cation, parental, family,
11 medical, or sick leave;
12 "(DD) allowance for
13 dismissal or separation;
14 "(EE) payment re-
15 quired for the provisions of
16 group health care benefits,
17 including insurance pre-
18 miums;
19 "(FF) payment of any
20 retirement benefit; or
21 "(GG) payment of
22 State or local tax assessed
23 on the compensation of em-
24 ployees; and

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1 "(bb) the sum of payments
2 of any compensation to or income
3 of a sole proprietor or inde-
4 pendent contractor that is a
5 wage, commission, income, net
6 earnings from self-employment,
7 or similar compensation and that
8 is in an amount that is not more
9 than $100,000 in 1 year, as pro-
10 rated for the covered period; and
11 "(II) shall not include—
12 "(aa) the compensation of
13 an individual employee in excess
14 of an annual salary of $100,000,
15 as prorated for the covered pe-
16 riod;
17 "(bb) taxes imposed or with-
18 held under chapters 21, 22, or 24
19 of the Internal Revenue Code of
20 1986 during the covered period;
21 "(cc) any compensation of
22 an employee whose principal
23 place of residence is outside of
24 the United States;

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"(dd) qualified sick leave wages for which a credit is allowed under section 7001 of the Families First Coronavirus Response Act (Public Law 116–127); or

"(ee) qualified family leave wages for which a credit is allowed under section 7003 of the Families First Coronavirus Response Act (Public Law 116–127); and

"(ix) the term 'veterans organization' means an organization that is described in section 501(c)(19) of the Internal Revenue Code that is exempt from taxation under section 501(a) of such Code.

"(B) PAYCHECK PROTECTION LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans under the same terms, conditions, and processes as a loan made under this subsection.

"(C) REGISTRATION OF LOANS.—Not later than 15 days after the date on which a loan is made under this paragraph, the Administration

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1 shall register the loan using the TIN (as de-
2 fined in section 7701 of the Internal Revenue
3 Code of 1986) assigned to the borrower.
4 "(D) INCREASED ELIGIBILITY FOR CER-
5 TAIN SMALL BUSINESSES AND ORGANIZA-
6 TIONS.—
7 "(i) IN GENERAL.—During the cov-
8 ered period, in addition to small business
9 concerns, any business concern, nonprofit
10 organization, veterans organization, or
11 Tribal business concern described in sec-
12 tion 31(b)(2)(C) shall be eligible to receive
13 a covered loan if the business concern,
14 nonprofit organization, veterans organiza-
15 tion, or Tribal business concern employs
16 not more than the greater of—
17 "(I) 500 employees; or
18 "(II) if applicable, the size stand-
19 ard in number of employees estab-
20 lished by the Administration for the
21 industry in which the business con-
22 cern, nonprofit organization, veterans
23 organization, or Tribal business con-
24 cern operates.

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"(ii) INCLUSION OF SOLE PROPRIETORS, INDEPENDENT CONTRACTORS, AND ELIGIBLE SELF-EMPLOYED INDIVIDUALS.—

"(I) IN GENERAL.—During the covered period, individuals who operate under a sole proprietorship or as an independent contractor and eligible self-employed individuals shall be eligible to receive a covered loan.

"(II) DOCUMENTATION.—An eligible self-employed individual, independent contractor, or sole proprietorship seeking a covered loan shall submit such documentation as is necessary to establish such individual as eligible, including payroll tax filings reported to the Internal Revenue Service, Forms 1099–MISC, and income and expenses from the sole proprietorship, as determined by the Administrator and the Secretary.

"(iii) BUSINESS CONCERNS WITH MORE THAN 1 PHYSICAL LOCATION.—During the covered period, any business con-

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1 cern that employs not more than 500 em-
2 ployees per physical location of the busi-
3 ness concern and that is assigned a North
4 American Industry Classification System
5 code beginning with 72 at the time of dis-
6 bursal shall be eligible to receive a covered
7 loan.

8 "(iv) WAIVER OF AFFILIATION
9 RULES.—During the covered period, the
10 provisions applicable to affiliations under
11 section 121.103 of title 13, Code of Fed-
12 eral Regulations, or any successor regula-
13 tion, are waived with respect to eligibility
14 for a covered loan for—

15 "(I) any business concern with
16 not more than 500 employees that, as
17 of the date on which the covered loan
18 is disbursed, is assigned a North
19 American Industry Classification Sys-
20 tem code beginning with 72;

21 "(II) any business concern oper-
22 ating as a franchise that is assigned a
23 franchise identifier code by the Ad-
24 ministration; and

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"(III) any business concern that receives financial assistance from a company licensed under section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681).

"(v) EMPLOYEE.—For purposes of determining whether a business concern, nonprofit organization, veterans organization, or Tribal business concern described in section 31(b)(2)(C) employs not more than 500 employees under clause (i)(I), the term 'employee' includes individuals employed on a full-time, part-time, or other basis.

"(vi) AFFILIATION.—The provisions applicable to affiliations under section 121.103 of title 13, Code of Federal Regulations, or any successor thereto, shall apply with respect to a nonprofit organization and a veterans organization in the same manner as with respect to a small business concern.

"(E) MAXIMUM LOAN AMOUNT.—During the covered period, with respect to a covered

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1 loan, the maximum loan amount shall be the
2 lesser of—
3 "(i)(I) the sum of—
4 "(aa) the product obtained by
5 multiplying—
6 "(AA) the average total
7 monthly payments by the appli-
8 cant for payroll costs incurred
9 during the 1-year period before
10 the date on which the loan is
11 made, except that, in the case of
12 an applicant that is seasonal em-
13 ployer, as determined by the Ad-
14 ministrator, the average total
15 monthly payments for payroll
16 shall be for the 12-week period
17 beginning February 15, 2019, or
18 at the election of the eligible re-
19 cipient, March 1, 2019, and end-
20 ing June 30, 2019; by
21 "(BB) 2.5; and
22 "(bb) the outstanding amount of
23 a loan under subsection (b)(2) that
24 was made during the period beginning
25 on January 31, 2020 and ending on

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1 the date on which covered loans are
2 made available to be refinanced under
3 the covered loan; or
4 "(II) if requested by an otherwise eli-
5 gible recipient that was not in business
6 during the period beginning on February
7 15, 2019 and ending on June 30, 2019,
8 the sum of—
9 "(aa) the product obtained by
10 multiplying—
11 "(AA) the average total
12 monthly payments by the appli-
13 cant for payroll costs incurred
14 during the period beginning on
15 January 1, 2020 and ending on
16 February 29, 2020; by
17 "(BB) 2.5; and
18 "(bb) the outstanding amount of
19 a loan under subsection (b)(2) that
20 was made during the period beginning
21 on January 31, 2020 and ending on
22 the date on which covered loans are
23 made available to be refinanced under
24 the covered loan; or
25 "(ii) $10,000,000.

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1 "(F) ALLOWABLE USES OF COVERED
2 LOANS.—
3 "(i) IN GENERAL.—During the cov-
4 ered period, an eligible recipient may, in
5 addition to the allowable uses of a loan
6 made under this subsection, use the pro-
7 ceeds of the covered loan for—
8 "(I) payroll costs;
9 "(II) costs related to the continu-
10 ation of group health care benefits
11 during periods of paid sick, medical,
12 or family leave, and insurance pre-
13 miums;
14 "(III) employee salaries, commis-
15 sions, or similar compensations;
16 "(IV) payments of interest on
17 any mortgage obligation (which shall
18 not include any prepayment of or pay-
19 ment of principal on a mortgage obli-
20 gation);
21 "(V) rent (including rent under a
22 lease agreement);
23 "(VI) utilities; and

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"(VII) interest on any other debt obligations that were incurred before the covered period.

"(ii) DELEGATED AUTHORITY.—

"(I) IN GENERAL.—For purposes of making covered loans for the purposes described in clause (i), a lender approved to make loans under this subsection shall be deemed to have been delegated authority by the Administrator to make and approve covered loans, subject to the provisions of this paragraph.

"(II) CONSIDERATIONS.—In evaluating the eligibility of a borrower for a covered loan with the terms described in this paragraph, a lender shall consider whether the borrower—

"(aa) was in operation on February 15, 2020; and

"(bb)(AA) had employees for whom the borrower paid salaries and payroll taxes; or

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1 "(BB) paid independent
2 contractors, as reported on a
3 Form 1099–MISC.
4 "(iii) ADDITIONAL LENDERS.—The
5 authority to make loans under this para-
6 graph shall be extended to additional lend-
7 ers determined by the Administrator and
8 the Secretary of the Treasury to have the
9 necessary qualifications to process, close,
10 disburse and service loans made with the
11 guarantee of the Administration.
12 "(iv) REFINANCE.—A loan made
13 under subsection (b)(2) during the period
14 beginning on January 31, 2020 and ending
15 on the date on which covered loans are
16 made available may be refinanced as part
17 of a covered loan.
18 "(v) NONRECOURSE.—Notwith-
19 standing the waiver of the personal guar-
20 antee requirement or collateral under sub-
21 paragraph (J), the Administrator shall
22 have no recourse against any individual
23 shareholder, member, or partner of an eli-
24 gible recipient of a covered loan for non-
25 payment of any covered loan, except to the

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1 extent that such shareholder, member, or
2 partner uses the covered loan proceeds for
3 a purpose not authorized under clause (i).
4 "(G) BORROWER REQUIREMENTS.—
5 "(i) CERTIFICATION.—An eligible re-
6 cipient applying for a covered loan shall
7 make a good faith certification—
8 "(I) that the uncertainty of cur-
9 rent economic conditions makes nec-
10 essary the loan request to support the
11 ongoing operations of the eligible re-
12 cipient;
13 "(II) acknowledging that funds
14 will be used to retain workers and
15 maintain payroll or make mortgage
16 payments, lease payments, and utility
17 payments;
18 "(III) that the eligible recipient
19 does not have an application pending
20 for a loan under this subsection for
21 the same purpose and duplicative of
22 amounts applied for or received under
23 a covered loan; and
24 "(IV) during the period begin-
25 ning on February 15, 2020 and end-

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1 ing on December 31, 2020, that the
2 eligible recipient has not received
3 amounts under this subsection for the
4 same purpose and duplicative of
5 amounts applied for or received under
6 a covered loan.
7 "(H) FEE WAIVER.—During the covered
8 period, with respect to a covered loan—
9 "(i) in lieu of the fee otherwise appli-
10 cable under paragraph (23)(A), the Ad-
11 ministrator shall collect no fee; and
12 "(ii) in lieu of the fee otherwise appli-
13 cable under paragraph (18)(A), the Ad-
14 ministrator shall collect no fee.
15 "(I) CREDIT ELSEWHERE.—During the
16 covered period, the requirement that a small
17 business concern is unable to obtain credit else-
18 where, as defined in section 3(h), shall not
19 apply to a covered loan.
20 "(J) WAIVER OF PERSONAL GUARANTEE
21 REQUIREMENT.—During the covered period,
22 with respect to a covered loan—
23 "(i) no personal guarantee shall be re-
24 quired for the covered loan; and

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1 "(ii) no collateral shall be required for
2 the covered loan.
3 "(K) MATURITY FOR LOANS WITH RE-
4 MAINING BALANCE AFTER APPLICATION OF
5 FORGIVENESS.—With respect to a covered loan
6 that has a remaining balance after reduction
7 based on the loan forgiveness amount under
8 section 1106 of the CARES Act—
9 "(i) the remaining balance shall con-
10 tinue to be guaranteed by the Administra-
11 tion under this subsection; and
12 "(ii) the covered loan shall have a
13 maximum maturity of 10 years from the
14 date on which the borrower applies for
15 loan forgiveness under that section.
16 "(L) INTEREST RATE REQUIREMENTS.—A
17 covered loan shall bear an interest rate not to
18 exceed 4 percent.
19 "(M) LOAN DEFERMENT.—
20 "(i) DEFINITION OF IMPACTED BOR-
21 ROWER.—
22 "(I) IN GENERAL.—In this sub-
23 paragraph, the term 'impacted bor-
24 rower' means an eligible recipient
25 that—

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1 "(aa) is in operation on
2 February 15, 2020; and
3 "(bb) has an application for
4 a covered loan that is approved
5 or pending approval on or after
6 the date of enactment of this
7 paragraph.
8 "(II) PRESUMPTION.—For pur-
9 poses of this subparagraph, an im-
10 pacted borrower is presumed to have
11 been adversely impacted by COVID–
12 19.
13 "(ii) DEFERRAL.—During the covered
14 period, the Administrator shall—
15 "(I) consider each eligible recipi-
16 ent that applies for a covered loan to
17 be an impacted borrower; and
18 "(II) require lenders under this
19 subsection to provide complete pay-
20 ment deferment relief for impacted
21 borrowers with covered loans for a pe-
22 riod of not less than 6 months, includ-
23 ing payment of principal, interest, and
24 fees, and not more than 1 year.

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1 "(iii) SECONDARY MARKET.—During
2 the covered period, with respect to a cov-
3 ered loan that is sold on the secondary
4 market, if an investor declines to approve
5 a deferral requested by a lender under
6 clause (ii), the Administrator shall exercise
7 the authority to purchase the loan so that
8 the impacted borrower may receive a defer-
9 ral for a period of not less than 6 months,
10 including payment of principal, interest,
11 and fees, and not more than 1 year.
12 "(iv) GUIDANCE.—Not later than 30
13 days after the date of enactment of this
14 paragraph, the Administrator shall provide
15 guidance to lenders under this paragraph
16 on the deferment process described in this
17 subparagraph.
18 "(N) SECONDARY MARKET SALES.—A cov-
19 ered loan shall be eligible to be sold in the sec-
20 ondary market consistent with this subsection.
21 The Administrator may not collect any fee for
22 any guarantee sold into the secondary market
23 under this subparagraph.
24 "(O) REGULATORY CAPITAL REQUIRE-
25 MENTS.—

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1 "(i) RISK WEIGHT.—With respect to
2 the appropriate Federal banking agencies
3 or the National Credit Union Administra-
4 tion Board applying capital requirements
5 under their respective risk-based capital re-
6 quirements, a covered loan shall receive a
7 risk weight of zero percent.
8 "(ii) TEMPORARY RELIEF FROM TDR
9 DISCLOSURES.—Notwithstanding any other
10 provision of law, an insured depository in-
11 stitution or an insured credit union that
12 modifies a covered loan in relation to
13 COVID–19-related difficulties in a trou-
14 bled debt restructuring on or after March
15 13, 2020, shall not be required to comply
16 with the Financial Accounting Standards
17 Board Accounting Standards Codification
18 Subtopic 310-40 ('Receivables – Troubled
19 Debt Restructurings by Creditors') for
20 purposes of compliance with the require-
21 ments of the Federal Deposit Insurance
22 Act (12 U.S.C. 1811 et seq.), until such
23 time and under such circumstances as the
24 appropriate Federal banking agency or the
25 National Credit Union Administration

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1 Board, as applicable, determines appro-
2 priate.
3 "(P) REIMBURSEMENT FOR PROC-
4 ESSING.—
5 "(i) IN GENERAL.—The Administrator
6 shall reimburse a lender authorized to
7 make a covered loan at a rate, based on
8 the balance of the financing outstanding at
9 the time of disbursement of the covered
10 loan, of—
11 "(I) 5 percent for loans of not
12 more than $350,000;
13 "(II) 3 percent for loans of more
14 than $350,000 and less than
15 $2,000,000; and
16 "(III) 1 percent for loans of not
17 less than $2,000,000.
18 "(ii) FEE LIMITS.—An agent that as-
19 sists an eligible recipient to prepare an ap-
20 plication for a covered loan may not collect
21 a fee in excess of the limits established by
22 the Administrator.
23 "(iii) TIMING.—A reimbursement de-
24 scribed in clause (i) shall be made not later

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1 than 5 days after the disbursement of the
2 covered loan.
3 "(iv) SENSE OF THE SENATE.—It is
4 the sense of the Senate that the Adminis-
5 trator should issue guidance to lenders and
6 agents to ensure that the processing and
7 disbursement of covered loans prioritizes
8 small business concerns and entities in un-
9 derserved and rural markets, including vet-
10 erans and members of the military commu-
11 nity, small business concerns owned and
12 controlled by socially and economically dis-
13 advantaged individuals (as defined in sec-
14 tion 8(d)(3)(C)), women, and businesses in
15 operation for less than 2 years.
16 "(Q) DUPLICATION.—Nothing in this
17 paragraph shall prohibit a recipient of an eco-
18 nomic injury disaster loan made under sub-
19 section (b)(2) during the period beginning on
20 January 31, 2020 and ending on the date on
21 which covered loans are made available that is
22 for a purpose other than paying payroll costs
23 and other obligations described in subparagraph
24 (F) from receiving assistance under this para-
25 graph.

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"(R) WAIVER OF PREPAYMENT PENALTY.—Notwithstanding any other provision of law, there shall be no prepayment penalty for any payment made on a covered loan.".

(b) COMMITMENTS FOR 7(A) LOANS.—During the period beginning on February 15, 2020 and ending on June 30, 2020—

(1) the amount authorized for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), including loans made under paragraph (36) of such section, as added by subsection (a), shall be $349,000,000,000; and

(2) the amount authorized for commitments for such loans under the heading "BUSINESS LOANS PROGRAM ACCOUNT" under the heading "SMALL BUSINESS ADMINISTRATION" under title V of the Consolidated Appropriations Act, 2020 (Public Law 116–93; 133 Stat. 2475) shall not apply.

(c) EXPRESS LOANS.—

(1) IN GENERAL.—Section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking "$350,000" and inserting "$1,000,000".

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1 (2) PROSPECTIVE REPEAL.—Effective on Janu-
2 ary 1, 2021, section 7(a)(31)(D) of the Small Busi-
3 ness Act (15 U.S.C. 636(a)(31)(D)) is amended by
4 striking "$1,000,000" and inserting "$350,000".
5 (d) EXCEPTION TO GUARANTEE FEE WAIVER FOR
6 VETERANS.—Section 7(a)(31)(G) of the Small Business
7 Act (15 U.S.C. 636(a)(31)(G)) is amended—
8 (1) by striking clause (ii); and
9 (2) by redesignating clause (iii) as clause (ii).
10 (e) INTERIM RULE.—On and after the date of enact-
11 ment of this Act, the interim final rule published by the
12 Administrator entitled "Express Loan Programs: Affili-
13 ation Standards" (85 Fed. Reg. 7622 (February 10,
14 2020)) is permanently rescinded and shall have no force
15 or effect.
16 **SEC. 1103. ENTREPRENEURIAL DEVELOPMENT.**
17 (a) DEFINITIONS.—In this section—
18 (1) the term "covered small business concern"
19 means a small business concern that has experi-
20 enced, as a result of COVID–19—
21 (A) supply chain disruptions, including
22 changes in—
23 (i) quantity and lead time, including
24 the number of shipments of components
25 and delays in shipments;

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1 (ii) quality, including shortages in
2 supply for quality control reasons; and
3 (iii) technology, including a com-
4 promised payment network;
5 (B) staffing challenges;
6 (C) a decrease in gross receipts or cus-
7 tomers; or
8 (D) a closure;
9 (2) the term "resource partner" means—
10 (A) a small business development center;
11 and
12 (B) a women's business center;
13 (3) the term "small business development cen-
14 ter" has the meaning given the term in section 3 of
15 the Small Business Act (15 U.S.C. 632); and
16 (4) the term "women's business center" means
17 a women's business center described in section 29 of
18 the Small Business Act (15 U.S.C. 656).
19 (b) EDUCATION, TRAINING, AND ADVISING
20 GRANTS.—
21 (1) IN GENERAL.—The Administration may
22 provide financial assistance in the form of grants to
23 resource partners to provide education, training, and
24 advising to covered small business concerns.

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1 (2) USE OF FUNDS.—Grants under this sub-
2 section shall be used for the education, training, and
3 advising of covered small business concerns and
4 their employees on—
5 (A) accessing and applying for resources
6 provided by the Administration and other Fed-
7 eral resources relating to access to capital and
8 business resiliency;
9 (B) the hazards and prevention of the
10 transmission and communication of COVID–19
11 and other communicable diseases;
12 (C) the potential effects of COVID–19 on
13 the supply chains, distribution, and sale of
14 products of covered small business concerns and
15 the mitigation of those effects;
16 (D) the management and practice of
17 telework to reduce possible transmission of
18 COVID–19;
19 (E) the management and practice of re-
20 mote customer service by electronic or other
21 means;
22 (F) the risks of and mitigation of cyber
23 threats in remote customer service or telework
24 practices;

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(G) the mitigation of the effects of reduced travel or outside activities on covered small business concerns during COVID–19 or similar occurrences; and

(H) any other relevant business practices necessary to mitigate the economic effects of COVID–19 or similar occurrences.

(3) GRANT DETERMINATION.—

(A) SMALL BUSINESS DEVELOPMENT CENTERS.—The Administration shall award 80 percent of funds authorized to carry out this subsection to small business development centers, which shall be awarded pursuant to a formula jointly developed, negotiated, and agreed upon, with full participation of both parties, between the association formed under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) and the Administration.

(B) WOMEN'S BUSINESS CENTERS.—The Administration shall award 20 percent of funds authorized to carry out this subsection to women's business centers, which shall be awarded pursuant to a process established by the Administration in consultation with recipients of assistance.

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1 (C) NO MATCHING FUNDS REQUIRED.—
2 Matching funds shall not be required for any
3 grant under this subsection.
4 (4) GOALS AND METRICS.—
5 (A) IN GENERAL.—Goals and metrics for
6 the funds made available under this subsection
7 shall be jointly developed, negotiated, and
8 agreed upon, with full participation of both par-
9 ties, between the resource partners and the Ad-
10 ministrator, which shall—
11 (i) take into consideration the extent
12 of the circumstances relating to the spread
13 of COVID–19, or similar occurrences, that
14 affect covered small business concerns lo-
15 cated in the areas covered by the resource
16 partner, particularly in rural areas or eco-
17 nomically distressed areas;
18 (ii) generally follow the use of funds
19 outlined in paragraph (2), but shall not re-
20 strict the activities of resource partners in
21 responding to unique situations; and
22 (iii) encourage resource partners to
23 develop and provide services to covered
24 small business concerns.

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1 (B) PUBLIC AVAILABILITY.—The Adminis-
2 trator shall make publicly available the method-
3 ology by which the Administrator and resource
4 partners jointly develop the metrics and goals
5 described in subparagraph (A).
6 (c) RESOURCE PARTNER ASSOCIATION GRANTS.—
7 (1) IN GENERAL.—The Administrator may pro-
8 vide grants to an association or associations rep-
9 resenting resource partners under which the associa-
10 tion or associations shall establish a single central-
11 ized hub for COVID–19 information, which shall in-
12 clude—
13 (A) 1 online platform that consolidates re-
14 sources and information available across mul-
15 tiple Federal agencies for small business con-
16 cerns related to COVID–19; and
17 (B) a training program to educate resource
18 partner counselors, members of the Service
19 Corps of Retired Executives established under
20 section 8(b)(1)(B) of the Small Business Act
21 (15 U.S.C. 637(b)(1)(B)), and counselors at
22 veterans business outreach centers described in
23 section 32 of the Small Business Act (15
24 U.S.C. 657b) on the resources and information
25 described in subparagraph (A).

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1 (2) GOALS AND METRICS.—Goals and metrics
2 for the funds made available under this subsection
3 shall be jointly developed, negotiated, and agreed
4 upon, with full participation of both parties, between
5 the association or associations receiving a grant
6 under this subsection and the Administrator.
7 (d) REPORT.—Not later than 6 months after the date
8 of enactment of this Act, and annually thereafter, the Ad-
9 ministrator shall submit to the Committee on Small Busi-
10 ness and Entrepreneurship of the Senate and the Com-
11 mittee on Small Business of the House of Representatives
12 a report that describes—
13 (1) with respect to the initial year covered by
14 the report—
15 (A) the programs and services developed
16 and provided by the Administration and re-
17 source partners under subsection (b);
18 (B) the initial efforts to provide those serv-
19 ices under subsection (b); and
20 (C) the online platform and training devel-
21 oped and provided by the Administration and
22 the association or associations under subsection
23 (c); and
24 (2) with respect to the subsequent years covered
25 by the report—

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1 (A) with respect to the grant program
2 under subsection (b)—
3 (i) the efforts of the Administrator
4 and resource partners to develop services
5 to assist covered small business concerns;
6 (ii) the challenges faced by owners of
7 covered small business concerns in access-
8 ing services provided by the Administration
9 and resource partners;
10 (iii) the number of unique covered
11 small business concerns that were served
12 by the Administration and resource part-
13 ners; and
14 (iv) other relevant outcome perform-
15 ance data with respect to covered small
16 business concerns, including the number of
17 employees affected, the effect on sales, the
18 disruptions of supply chains, and the ef-
19 forts made by the Administration and re-
20 source partners to mitigate these effects;
21 and
22 (B) with respect to the grant program
23 under subsection (c)—
24 (i) the efforts of the Administrator
25 and the association or associations to de-

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1 velop and evolve an online resource for
2 small business concerns; and
3 (ii) the efforts of the Administrator
4 and the association or associations to de-
5 velop a training program for resource part-
6 ner counselors, including the number of
7 counselors trained.

8 **SEC. 1104. STATE TRADE EXPANSION PROGRAM.**

9 (a) IN GENERAL.—Notwithstanding paragraph
10 (3)(C)(iii) of section 22(l) of the Small Business Act (15
11 U.S.C. 649(l)), for grants under the State Trade Expan-
12 sion Program under such section 22(l) using amounts
13 made available for fiscal year 2018 or fiscal year 2019,
14 the period of the grant shall continue through the end of
15 fiscal year 2021.

16 (b) REIMBURSEMENT.—The Administrator shall re-
17 imburse any recipient of assistance under section 22(l) of
18 the Small Business Act (15 U.S.C. 649(l)) for financial
19 losses relating to a foreign trade mission or a trade show
20 exhibition that was cancelled solely due to a public health
21 emergency declared due to COVID–19 if the reimburse-
22 ment does not exceed a recipient's grant funding.

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**SEC. 1105. WAIVER OF MATCHING FUNDS REQUIREMENT UNDER THE WOMEN'S BUSINESS CENTER PROGRAM.**

During the 3-month period beginning on the date of enactment of this Act, the requirement relating to obtaining cash contributions from non-Federal sources under section 29(c)(1) of the Small Business Act (15 U.S.C. 656(c)(1)) is waived for any recipient of assistance under such section 29.

**SEC. 1106. LOAN FORGIVENESS.**

(a) DEFINITIONS.—In this section—

(1) the term "covered loan" means a loan guaranteed under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102;

(2) the term "covered mortgage obligation" means any indebtedness or debt instrument incurred in the ordinary course of business that—

(A) is a liability of the borrower;

(B) is a mortgage on real or personal property; and

(C) was incurred before February 15, 2020;

(3) the term "covered period" means the 8-week period beginning on the date of the origination of a covered loan;

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1 (4) the term "covered rent obligation" means
2 rent obligated under a leasing agreement in force be-
3 fore February 15, 2020;
4 (5) the term "covered utility payment" means
5 payment for a service for the distribution of elec-
6 tricity, gas, water, transportation, telephone, or
7 internet access for which service began before Feb-
8 ruary 15, 2020;
9 (6) the term "eligible recipient" means the re-
10 cipient of a covered loan;
11 (7) the term "expected forgiveness amount"
12 means the amount of principal that a lender reason-
13 ably expects a borrower to expend during the cov-
14 ered period on the sum of any—
15 (A) payroll costs;
16 (B) payments of interest on any covered
17 mortgage obligation (which shall not include
18 any prepayment of or payment of principal on
19 a covered mortgage obligation);
20 (C) payments on any covered rent obliga-
21 tion; and
22 (D) covered utility payments; and
23 (8) the term "payroll costs" has the meaning
24 given that term in paragraph (36) of section 7(a) of

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1 the Small Business Act (15 U.S.C. 636(a)), as
2 added by section 1102 of this Act.
3 (b) FORGIVENESS.—An eligible recipient shall be eli-
4 gible for forgiveness of indebtedness on a covered loan in
5 an amount equal to the sum of the following costs incurred
6 and payments made during the covered period:
7 (1) Payroll costs.
8 (2) Any payment of interest on any covered
9 mortgage obligation (which shall not include any
10 prepayment of or payment of principal on a covered
11 mortgage obligation).
12 (3) Any payment on any covered rent obliga-
13 tion.
14 (4) Any covered utility payment.
15 (c) TREATMENT OF AMOUNTS FORGIVEN.—
16 (1) IN GENERAL.—Amounts which have been
17 forgiven under this section shall be considered can-
18 celed indebtedness by a lender authorized under sec-
19 tion 7(a) of the Small Business Act (15 U.S.C.
20 636(a)).
21 (2) PURCHASE OF GUARANTEES.—For purposes
22 of the purchase of the guarantee for a covered loan
23 by the Administrator, amounts which are forgiven
24 under this section shall be treated in accordance
25 with the procedures that are otherwise applicable to

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1 a loan guaranteed under section 7(a) of the Small
2 Business Act (15 U.S.C. 636(a)).
3 (3) REMITTANCE.—Not later than 90 days
4 after the date on which the amount of forgiveness
5 under this section is determined, the Administrator
6 shall remit to the lender an amount equal to the
7 amount of forgiveness, plus any interest accrued
8 through the date of payment.
9 (4) ADVANCE PURCHASE OF COVERED LOAN.—
10 (A) REPORT.—A lender authorized under
11 section 7(a) of the Small Business Act (15
12 U.S.C. 636(a)), or, at the discretion of the Ad-
13 ministrator, a third party participant in the sec-
14 ondary market, may, report to the Adminis-
15 trator an expected forgiveness amount on a cov-
16 ered loan or on a pool of covered loans of up
17 to 100 percent of the principal on the covered
18 loan or pool of covered loans, respectively.
19 (B) PURCHASE.—The Administrator shall
20 purchase the expected forgiveness amount de-
21 scribed in subparagraph (A) as if the amount
22 were the principal amount of a loan guaranteed
23 under section 7(a) of the Small Business Act
24 636(a)).

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1 (C) TIMING.—Not later than 15 days after
2 the date on which the Administrator receives a
3 report under subparagraph (A), the Adminis-
4 trator shall purchase the expected forgiveness
5 amount under subparagraph (B) with respect to
6 each covered loan to which the report relates.
7 (d) LIMITS ON AMOUNT OF FORGIVENESS.—
8 (1) AMOUNT MAY NOT EXCEED PRINCIPAL.—
9 The amount of loan forgiveness under this section
10 shall not exceed the principal amount of the financ-
11 ing made available under the applicable covered
12 loan.
13 (2) REDUCTION BASED ON REDUCTION IN NUM-
14 BER OF EMPLOYEES.—
15 (A) IN GENERAL.—The amount of loan
16 forgiveness under this section shall be reduced,
17 but not increased, by multiplying the amount
18 described in subsection (b) by the quotient ob-
19 tained by dividing—
20 (i) the average number of full-time
21 equivalent employees per month employed
22 by the eligible recipient during the covered
23 period; by
24 (ii)(I) at the election of the bor-
25 rower—

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1 (aa) the average number of full-
2 time equivalent employees per month
3 employed by the eligible recipient dur-
4 ing the period beginning on February
5 15, 2019 and ending on June 30,
6 2019; or
7 (bb) the average number of full-
8 time equivalent employees per month
9 employed by the eligible recipient dur-
10 ing the period beginning on January
11 1, 2020 and ending on February 29,
12 2020; or
13 (II) in the case of an eligible recipient
14 that is seasonal employer, as determined
15 by the Administrator, the average number
16 of full-time equivalent employees per
17 month employed by the eligible recipient
18 during the period beginning on February
19 15, 2019 and ending on June 30, 2019.
20 (B) CALCULATION OF AVERAGE NUMBER
21 OF EMPLOYEES.—For purposes of subpara-
22 graph (A), the average number of full-time
23 equivalent employees shall be determined by
24 calculating the average number of full-time

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1 equivalent employees for each pay period falling
2 within a month.
3 (3) REDUCTION RELATING TO SALARY AND
4 WAGES.—
5 (A) IN GENERAL.—The amount of loan
6 forgiveness under this section shall be reduced
7 by the amount of any reduction in total salary
8 or wages of any employee described in subpara-
9 graph (B) during the covered period that is in
10 excess of 25 percent of the total salary or wages
11 of the employee during the most recent full
12 quarter during which the employee was em-
13 ployed before the covered period.
14 (B) EMPLOYEES DESCRIBED.—An em-
15 ployee described in this subparagraph is any
16 employee who did not receive, during any single
17 pay period during 2019, wages or salary at an
18 annualized rate of pay in an amount more than
19 $100,000.
20 (4) TIPPED WORKERS.—An eligible recipient
21 with tipped employees described in section
22 3(m)(2)(A) of the Fair Labor Standards Act of
23 1938 (29 U.S.C. 203(m)(2)(A)) may receive forgive-
24 ness for additional wages paid to those employees.
25 (5) EXEMPTION FOR RE-HIRES.—

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1 (A) IN GENERAL.—In a circumstance de-
2 scribed in subparagraph (B), the amount of
3 loan forgiveness under this section shall be de-
4 termined without regard to a reduction in the
5 number of full-time equivalent employees of an
6 eligible recipient or a reduction in the salary of
7 1 or more employees of the eligible recipient, as
8 applicable, during the period beginning on Feb-
9 ruary 15, 2020 and ending on the date that is
10 30 days after the date of enactment of this Act.
11 (B) CIRCUMSTANCES.—A circumstance de-
12 scribed in this subparagraph is a cir-
13 cumstance—
14 (i) in which—
15 (I) during the period beginning
16 on February 15, 2020 and ending on
17 the date that is 30 days after the date
18 of enactment of this Act, there is a re-
19 duction, as compared to February 15,
20 2020, in the number of full-time
21 equivalent employees of an eligible re-
22 cipient; and
23 (II) not later than June 30,
24 2020, the eligible employer has elimi-

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1 nated the reduction in the number of
2 full-time equivalent employees;
3 (ii) in which—
4 (I) during the period beginning
5 on February 15, 2020 and ending on
6 the date that is 30 days after the date
7 of enactment of this Act, there is a re-
8 duction, as compared to February 15,
9 2020, in the salary or wages of 1 or
10 more employees of the eligible recipi-
11 ent; and
12 (II) not later than June 30,
13 2020, the eligible employer has elimi-
14 nated the reduction in the salary or
15 wages of such employees; or
16 (iii) in which the events described in
17 clause (i) and (ii) occur.
18 (6) EXEMPTIONS.—The Administrator and the
19 Secretary of the Treasury may prescribe regulations
20 granting de minimis exemptions from the require-
21 ments under this subsection.
22 (e) APPLICATION.—An eligible recipient seeking loan
23 forgiveness under this section shall submit to the lender
24 that is servicing the covered loan an application, which
25 shall include—

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1 (1) documentation verifying the number of full-
2 time equivalent employees on payroll and pay rates
3 for the periods described in subsection (d), includ-
4 ing—
5 (A) payroll tax filings reported to the In-
6 ternal Revenue Service; and
7 (B) State income, payroll, and unemploy-
8 ment insurance filings;
9 (2) documentation, including cancelled checks,
10 payment receipts, transcripts of accounts, or other
11 documents verifying payments on covered mortgage
12 obligations, payments on covered lease obligations,
13 and covered utility payments;
14 (3) a certification from a representative of the
15 eligible recipient authorized to make such certifi-
16 cations that—
17 (A) the documentation presented is true
18 and correct; and
19 (B) the amount for which forgiveness is re-
20 quested was used to retain employees, make in-
21 terest payments on a covered mortgage obliga-
22 tion, make payments on a covered rent obliga-
23 tion, or make covered utility payments; and
24 (4) any other documentation the Administrator
25 determines necessary.

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1 (f) PROHIBITION ON FORGIVENESS WITHOUT DOCU-
2 MENTATION.—No eligible recipient shall receive forgive-
3 ness under this section without submitting to the lender
4 that is servicing the covered loan the documentation re-
5 quired under subsection (e).
6 (g) DECISION.—Not later than 60 days after the date
7 on which a lender receives an application for loan forgive-
8 ness under this section from an eligible recipient, the lend-
9 er shall issue a decision on the an application.
10 (h) HOLD HARMLESS.—If a lender has received the
11 documentation required under this section from an eligible
12 recipient attesting that the eligible recipient has accurately
13 verified the payments for payroll costs, payments on cov-
14 ered mortgage obligations, payments on covered lease obli-
15 gations, or covered utility payments during covered pe-
16 riod—
17 (1) an enforcement action may not be taken
18 against the lender under section 47(e) of the Small
19 Business Act (15 U.S.C. 657t(e)) relating to loan
20 forgiveness for the payments for payroll costs, pay-
21 ments on covered mortgage obligations, payments on
22 covered lease obligations, or covered utility pay-
23 ments, as the case may be; and
24 (2) the lender shall not be subject to any pen-
25 alties by the Administrator relating to loan forgive-

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1 ness for the payments for payroll costs, payments on
2 covered mortgage obligations, payments on covered
3 lease obligations, or covered utility payments, as the
4 case may be.

5 (i) TAXABILITY.—For purposes of the Internal Rev-
6 enue Code of 1986, any amount which (but for this sub-
7 section) would be includible in gross income of the eligible
8 recipient by reason of forgiveness described in subsection
9 (b) shall be excluded from gross income.

10 (j) RULE OF CONSTRUCTION.—The cancellation of
11 indebtedness on a covered loan under this section shall not
12 otherwise modify the terms and conditions of the covered
13 loan.

14 (k) REGULATIONS.—Not later than 30 days after the
15 date of enactment of this Act, the Administrator shall
16 issue guidance and regulations implementing this section.

17 **SEC. 1107. DIRECT APPROPRIATIONS.**

18 (a) IN GENERAL.—There is appropriated, out of
19 amounts in the Treasury not otherwise appropriated, for
20 the fiscal year ending September 30, 2020, to remain
21 available until September 30, 2021, for additional
22 amounts—

23 (1) $349,000,000,000 under the heading
24 "Small Business Administration—Business Loans
25 Program Account, CARES Act" for the cost of

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1 guaranteed loans as authorized under paragraph
2 (36) of section 7(a) of the Small Business Act (15
3 U.S.C. 636(a)), as added by section 1102(a) of this
4 Act;
5 (2) $675,000,000 under the heading "Small
6 Business Administration—Salaries and Expenses"
7 for salaries and expenses of the Administration;
8 (3) $25,000,000 under the heading "Small
9 Business Administration—Office of Inspector Gen-
10 eral", to remain available until September 30, 2024,
11 for necessary expenses of the Office of Inspector
12 General of the Administration in carrying out the
13 provisions of the Inspector General Act of 1978 (5
14 U.S.C. App.);
15 (4) $265,000,000 under the heading "Small
16 Business Administration—Entrepreneurial Develop-
17 ment Programs", of which—
18 (A) $240,000,000 shall be for carrying out
19 section 1103(b) of this Act; and
20 (B) $25,000,000 shall be for carrying out
21 section 1103(c) of this Act;
22 (5) $10,000,000 under the heading "Depart-
23 ment of Commerce—Minority Business Development
24 Agency" for minority business centers of the Minor-

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1 ity Business Development Agency to provide tech-
2 nical assistance to small business concerns;
3 (6) $10,000,000,000 under the heading "Small
4 Business Administration—Emergency EIDL
5 Grants" shall be for carrying out section 1110 of
6 this Act;
7 (7) $17,000,000,000 under the heading "Small
8 Business Administration—Business Loans Program
9 Account, CARES Act" shall be for carrying out sec-
10 tion 1112 of this Act; and
11 (8) $25,000,000 under the heading "Depart-
12 ment of the Treasury—Departmental Offices—Sala-
13 ries and Expenses" shall be for carrying out section
14 1109 of this Act.
15 (b) SECONDARY MARKET.—During the period begin-
16 ning on the date of enactment of this Act and ending on
17 September 30, 2021, guarantees of trust certificates au-
18 thorized by section 5(g) of the Small Business Act (15
19 U.S.C. 635(g)) shall not exceed a principal amount of
20 $100,000,000,000.
21 (c) REPORTS.—Not later than 180 days after the
22 date of enactment of this Act, the Administrator shall sub-
23 mit to the Committee on Appropriations of the Senate and
24 the Committee on Appropriations of the House of Rep-
25 resentatives a detailed expenditure plan for using the

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1 amounts appropriated to the Administration under sub-
2 section (a).

3 **SEC. 1108. MINORITY BUSINESS DEVELOPMENT AGENCY.**

4 (a) DEFINITIONS.—In this section—

5 (1) the term "Agency" means the Minority
6 Business Development Agency of the Department of
7 Commerce;

8 (2) the term "minority business center" means
9 a Business Center of the Agency;

10 (3) the term "minority business enterprise"
11 means a for-profit business enterprise—

12 (A) not less than 51 percent of which is
13 owned by 1 or more socially disadvantaged indi-
14 viduals, as determined by the Agency; and

15 (B) the management and daily business
16 operations of which are controlled by 1 or more
17 socially disadvantaged individuals, as deter-
18 mined by the Agency; and

19 (4) the term "minority chamber of commerce"
20 means a chamber of commerce developed specifically
21 to support minority business enterprises.

22 (b) EDUCATION, TRAINING, AND ADVISING
23 GRANTS.—

24 (1) IN GENERAL.—The Agency may provide fi-
25 nancial assistance in the form of grants to minority

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1 business centers and minority chambers of commerce
2 to provide education, training, and advising to mi-
3 nority business enterprises.
4 (2) USE OF FUNDS.—Grants under this section
5 shall be used for the education, training, and advis-
6 ing of minority business enterprises and their em-
7 ployees on—
8 (A) accessing and applying for resources
9 provided by the Agency and other Federal re-
10 sources relating to access to capital and busi-
11 ness resiliency;
12 (B) the hazards and prevention of the
13 transmission and communication of COVID–19
14 and other communicable diseases;
15 (C) the potential effects of COVID–19 on
16 the supply chains, distribution, and sale of
17 products of minority business enterprises and
18 the mitigation of those effects;
19 (D) the management and practice of
20 telework to reduce possible transmission of
21 COVID–19;
22 (E) the management and practice of re-
23 mote customer service by electronic or other
24 means;

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1 (F) the risks of and mitigation of cyber
2 threats in remote customer service or telework
3 practices;
4 (G) the mitigation of the effects of reduced
5 travel or outside activities on minority business
6 enterprises during COVID–19 or similar occur-
7 rences; and
8 (H) any other relevant business practices
9 necessary to mitigate the economic effects of
10 COVID–19 or similar occurrences.
11 (3) NO MATCHING FUNDS REQUIRED.—Match-
12 ing funds shall not be required for any grant under
13 this section.
14 (4) GOALS AND METRICS.—
15 (A) IN GENERAL.—Goals and metrics for
16 the funds made available under this section
17 shall be jointly developed, negotiated, and
18 agreed upon, with full participation of both par-
19 ties, between the minority business centers, mi-
20 nority chambers of commerce, and the Agency,
21 which shall—
22 (i) take into consideration the extent
23 of the circumstances relating to the spread
24 of COVID–19, or similar occurrences, that
25 affect minority business enterprises located

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in the areas covered by minority business centers and minority chambers of commerce, particularly in rural areas or economically distressed areas;

(ii) generally follow the use of funds outlined in paragraph (2), but shall not restrict the activities of minority business centers and minority chambers of commerce in responding to unique situations; and

(iii) encourage minority business centers and minority chambers of commerce to develop and provide services to minority business enterprises.

(B) PUBLIC AVAILABILITY.—The Agency shall make publicly available the methodology by which the Agency, minority business centers, and minority chambers of commerce jointly develop the metrics and goals described in subparagraph (A).

(c) WAIVERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, the Agency may, during the 3-month period that begins on the date of enactment of this Act, waive any matching require-

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1 ment imposed on a minority business center or a
2 specialty center of the Agency under a cooperative
3 agreement between such a center and the Agency if
4 the applicable center is unable to raise funds, or has
5 suffered a loss of revenue, because of the effects of
6 COVID–19.
7 (2) REMAINING COMPLIANT.—Notwithstanding
8 any provision of a cooperative agreement between
9 the Agency and a minority business center, if, dur-
10 ing the period beginning on the date of enactment
11 of this Act and ending on September 30, 2021, such
12 a center decides not to collect fees because of the
13 economic consequences of COVID–19, the center
14 shall be considered to be in compliance with that
15 agreement if—
16 (A) the center notifies the Agency with re-
17 spect to that decision, which the center may
18 provide through electronic mail; and
19 (B) the Agency, not later than 15 days
20 after the date on which the center provides no-
21 tice to the Agency under subparagraph (A)—
22 (i) confirms receipt of the notification
23 under subparagraph (A); and
24 (ii) accepts the decision of the center.

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1 (d) REPORT.—Not later than 6 months after the date
2 of enactment of this Act, and annually thereafter, the
3 Agency shall submit to the Committee on Small Business
4 and Entrepreneurship and the Committee on Commerce,
5 Science, and Transportation of the Senate and the Com-
6 mittee on Small Business and the Committee on Energy
7 and Commerce of the House of Representatives a report
8 that describes—
9 (1) with respect to the period covered by the
10 initial report—
11 (A) the programs and services developed
12 and provided by the Agency, minority business
13 centers, and minority chambers of commerce
14 under subsection (b); and
15 (B) the initial efforts to provide those serv-
16 ices under subsection (b); and
17 (2) with respect to subsequent years covered by
18 the report—
19 (A) with respect to the grant program
20 under subsection (b)—
21 (i) the efforts of the Agency, minority
22 business centers, and minority chambers of
23 commerce to develop services to assist mi-
24 nority business enterprises;

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(ii) the challenges faced by owners of minority business enterprises in accessing services provided by the Agency, minority business centers, and minority chambers of commerce;

(iii) the number of unique minority business enterprises that were served by the Agency, minority business centers, or minority chambers of commerce; and

(iv) other relevant outcome performance data with respect to minority business enterprises, including the number of employees affected, the effect on sales, the disruptions of supply chains, and the efforts made by the Agency, minority business centers, and minority chambers of commerce to mitigate these effects .

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section, to remain available until expended.

**SEC. 1109. UNITED STATES TREASURY PROGRAM MANAGEMENT AUTHORITY.**

(a) DEFINITIONS.—In this section—

(1) the terms "appropriate Federal banking agency" and "insured depository institution" have

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1 the meanings given those terms in section 3 of the
2 Federal Deposit Insurance Act (12 U.S.C. 1813);
3 (2) the term "insured credit union" has the
4 meaning given the term in section 101 of the Fed-
5 eral Credit Union Act (12 U.S.C. 1752); and
6 (3) the term "Secretary" means the Secretary
7 of the Treasury.
8 (b) AUTHORITY TO INCLUDE ADDITIONAL FINAN-
9 CIAL INSTITUTIONS.—The Department of the Treasury,
10 in consultation with the Administrator, and the Chairman
11 of the Farm Credit Administration shall establish criteria
12 for insured depository institutions, insured credit unions,
13 institutions of the Farm Credit System chartered under
14 the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.),
15 and other lenders that do not already participate in lend-
16 ing under programs of the Administration, to participate
17 in the paycheck protection program to provide loans under
18 this section until the date on which the national emergency
19 declared by the President under the National Emergencies
20 Act (50 U.S.C. 1601 et seq.) with respect to the
21 Coronavirus Disease 2019 (COVID–19) expires.
22 (c) SAFETY AND SOUNDNESS.—An insured deposi-
23 tory institution, insured credit union, institution of the
24 Farm Credit System chartered under the Farm Credit Act
25 of 1971 (12 U.S.C. 2001 et seq.), or other lender may

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1 only participate in the program established under this sec-
2 tion if participation does not affect the safety and sound-
3 ness of the institution or lender, as determined by the Sec-
4 retary in consultation with the appropriate Federal bank-
5 ing agencies or the National Credit Union Administration
6 Board, as applicable.

7 (d) REGULATIONS FOR LENDERS AND LOANS.—

8 (1) IN GENERAL.—The Secretary may issue
9 regulations and guidance as necessary to carry out
10 the purposes of this section, including to—

11 (A) allow additional lenders to originate
12 loans under this section; and

13 (B) establish terms and conditions for
14 loans under this section, including terms and
15 conditions concerning compensation, under-
16 writing standards, interest rates, and maturity.

17 (2) REQUIREMENTS.—The terms and condi-
18 tions established under paragraph (1) shall provide
19 for the following:

20 (A) A rate of interest that does not exceed
21 the maximum permissible rate of interest avail-
22 able on a loan of comparable maturity under
23 paragraph (36) of section 7(a) of the Small
24 Business Act (15 U.S.C. 636(a)), as added by
25 section 1102 of this Act.

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1 (B) Terms and conditions that, to the
2 maximum extent practicable, are consistent
3 with the terms and conditions required under
4 the following provisions of paragraph (36) of
5 section 7(a) of the Small Business Act (15
6 U.S.C. 636(a)), as added by section 1102 of
7 this Act:
8 (i) Subparagraph (D), pertaining to
9 borrower eligibility.
10 (ii) Subparagraph (E), pertaining to
11 the maximum loan amount.
12 (iii) Subparagraph (F)(i), pertaining
13 to allowable uses of program loans.
14 (iv) Subparagraph (H), pertaining to
15 fee waivers.
16 (v) Subparagraph (M), pertaining to
17 loan deferment.
18 (C) A guarantee percentage that, to the
19 maximum extent practicable, is consistent with
20 the guarantee percentage required under sub-
21 paragraph (F) of section 7(a)(2) of the Small
22 Business Act (15 U.S.C. 636(a)(2)), as added
23 by section 1102 of this Act.
24 (D) Loan forgiveness under terms and con-
25 ditions that, to the maximum extent prac-

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1 ticable, is consistent with the terms and condi-
2 tions for loan forgiveness under section 1106 of
3 this Act.
4 (e) ADDITIONAL REGULATIONS GENERALLY.—The
5 Secretary may issue regulations and guidance as necessary
6 to carry out the purposes of this section, including to allow
7 additional lenders to originate loans under this title and
8 to establish terms and conditions such as compensation,
9 underwriting standards, interest rates, and maturity for
10 under this section.
11 (f) CERTIFICATION.—As a condition of receiving a
12 loan under this section, a borrower shall certify under
13 terms acceptable to the Secretary that the borrower—
14 (1) does not have an application pending for a
15 loan under section 7(a) of the Small Business Act
16 (15 U.S.C. 636(a)) for the same purpose; and
17 (2) has not received such a loan during the pe-
18 riod beginning on February 15, 2020 and ending on
19 December 31, 2020.
20 (g) OPT-IN FOR SBA QUALIFIED LENDERS.—Lend-
21 ers qualified to participate as a lender under 7(a) of the
22 Small Business Act (15 U.S.C. 636(a)) may elect to par-
23 ticipate in the paycheck protection program under the cri-
24 teria, terms, and conditions established under this section.
25 Such participation shall not preclude the lenders from con-

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1 tinuing participation as a lender under section 7(a) of the
2 Small Business Act (15 U.S.C. 636(a)).
3 (h) PROGRAM ADMINISTRATION.—With guidance
4 from the Secretary, the Administrator shall administer the
5 program established under this section, including the mak-
6 ing and purchasing of guarantees on loans under the pro-
7 gram, until the date on which the national emergency de-
8 clared by the President under the National Emergencies
9 Act (50 U.S.C. 1601 et seq.) with respect to the
10 Coronavirus Disease 2019 (COVID–19) expires.
11 (i) CRIMINAL PENALTIES.—A loan under this section
12 shall be deemed to be a loan under the Small Business
13 Act (15 U.S.C. 631 et seq.) for purposes of section 16
14 of such Act (15 U.S.C. 645).
15 **SEC. 1110. EMERGENCY EIDL GRANTS.**
16 (a) DEFINITIONS.—In this section—
17 (1) the term "covered period" means the period
18 beginning on January 31, 2020 and ending on De-
19 cember 31, 2020; and
20 (2) the term "eligible entity" means—
21 (A) a business with not more than 500 em-
22 ployees;
23 (B) any individual who operates under a
24 sole proprietorship, with or without employees,
25 or as an independent contractor;

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1 (C) a cooperative with not more than 500
2 employees;
3 (D) an ESOP (as defined in section 3 of
4 the Small Business Act (15 U.S.C. 632)) with
5 not more than 500 employees; or
6 (E) a tribal small business concern, as de-
7 scribed in section 31(b)(2)(C) of the Small
8 Business Act (15 U.S.C. 657a(b)(2)(C)), with
9 not more than 500 employees.
10 (b) ELIGIBLE ENTITIES.—During the covered period,
11 in addition to small business concerns, private nonprofit
12 organizations, and small agricultural cooperatives, an eli-
13 gible entity shall be eligible for a loan made under section
14 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)).
15 (c) TERMS; CREDIT ELSEWHERE.—With respect to
16 a loan made under section 7(b)(2) of the Small Business
17 Act (15 U.S.C. 636(b)(2)) in response to COVID–19 dur-
18 ing the covered period, the Administrator shall waive—
19 (1) any rules related the personal guarantee on
20 advances and loans of not more than $200,000 dur-
21 ing the covered period for all applicants;
22 (2) the requirement that an applicant needs to
23 be in business for the 1-year period before the dis-
24 aster, except that no waiver may be made for a busi-

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1 ness that was not in operation on January 31, 2020;
2 and
3 (3) the requirement in the flush matter fol-
4 lowing subparagraph (E) of section 7(b)(2) of the
5 Small Business Act (15 U.S.C. 636(b)(2)), as so re-
6 designated by subsection (f) of this section, that an
7 applicant be unable to obtain credit elsewhere.
8 (d) APPROVAL AND ABILITY TO REPAY FOR SMALL
9 DOLLAR LOANS.—With respect to a loan made under sec-
10 tion 7(b)(2) of the Small Business Act (15 U.S.C.
11 636(b)(2)) in response to COVID–19 during the covered
12 period, the Administrator may—
13 (1) approve an applicant based solely on the
14 credit score of the applicant and shall not require an
15 applicant to submit a tax return or a tax return
16 transcript for such approval; or
17 (2) use alternative appropriate methods to de-
18 termine an applicant's ability to repay.
19 (e) EMERGENCY GRANT.—
20 (1) IN GENERAL.—During the covered period,
21 an entity included for eligibility in subsection (b), in-
22 cluding small business concerns, private nonprofit
23 organizations, and small agricultural cooperatives,
24 that applies for a loan under section 7(b)(2) of the
25 Small Business Act (15 U.S.C. 636(b)(2)) in re-

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1 sponse to COVID–19 may request that the Adminis-
2 trator provide an advance that is, subject to para-
3 graph (3), in the amount requested by such appli-
4 cant to such applicant within 3 days after the Ad-
5 ministrator receives an application from such appli-
6 cant.

7 (2) VERIFICATION.—Before disbursing amounts
8 under this subsection, the Administrator shall verify
9 that the applicant is an eligible entity by accepting
10 a self-certification from the applicant under penalty
11 of perjury pursuant to section 1746 of title 28
12 United States Code.

13 (3) AMOUNT.—The amount of an advance pro-
14 vided under this subsection shall be not more than
15 $10,000.

16 (4) USE OF FUNDS.—An advance provided
17 under this subsection may be used to address any al-
18 lowable purpose for a loan made under section
19 7(b)(2) of the Small Business Act (15 U.S.C.
20 636(b)(2)), including—

21 (A) providing paid sick leave to employees
22 unable to work due to the direct effect of the
23 COVID–19;

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1 (B) maintaining payroll to retain employ-
2 ees during business disruptions or substantial
3 slowdowns;
4 (C) meeting increased costs to obtain ma-
5 terials unavailable from the applicant's original
6 source due to interrupted supply chains;
7 (D) making rent or mortgage payments;
8 and
9 (E) repaying obligations that cannot be
10 met due to revenue losses.
11 (5) REPAYMENT.—An applicant shall not be re-
12 quired to repay any amounts of an advance provided
13 under this subsection, even if subsequently denied a
14 loan under section 7(b)(2) of the Small Business Act
15 (15 U.S.C. 636(b)(2)).
16 (6) UNEMPLOYMENT GRANT.—If an applicant
17 that receives an advance under this subsection trans-
18 fers into, or is approved for, the loan program under
19 section 7(a) of the Small Business Act (15 U.S.C.
20 636(a)), the advance amount shall be reduced from
21 the loan forgiveness amount for a loan for payroll
22 costs made under such section 7(a).
23 (7) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to the Ad-

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1 ministration $10,000,000,000 to carry out this sub-
2 section.
3 (8) TERMINATION.—The authority to carry out
4 grants under this subsection shall terminate on De-
5 cember 31, 2020.
6 (f) EMERGENCIES INVOLVING FEDERAL PRIMARY
7 RESPONSIBILITY QUALIFYING FOR SBA ASSISTANCE.—
8 Section 7(b)(2) of the Small Business Act (15 U.S.C.
9 636(b)(2)) is amended—
10 (1) in subparagraph (A), by striking "or" at
11 the end;
12 (2) in subparagraph (B), by striking "or" at
13 the end;
14 (3) in subparagraph (C), by striking "or" at
15 the end;
16 (4) by redesignating subparagraph (D) as sub-
17 paragraph (E);
18 (5) by inserting after subparagraph (C) the fol-
19 lowing:
20 "(D) an emergency involving Federal pri-
21 mary responsibility determined to exist by the
22 President under the section 501(b) of the Rob-
23 ert T. Stafford Disaster Relief and Emergency
24 Assistance Act (42 U.S.C. 5191(b)); or"; and
25 (6) in subparagraph (E), as so redesignated—

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(A) by striking "or (C)" and inserting "(C), or (D)";

(B) by striking "disaster declaration" each place it appears and inserting "disaster or emergency declaration";

(C) by striking "disaster has occurred" and inserting "disaster or emergency has occurred";

(D) by striking "such disaster" and inserting "such disaster or emergency"; and

(E) by striking "disaster stricken" and inserting "disaster- or emergency-stricken"; and

(7) in the flush matter following subparagraph (E), as so redesignated, by striking the period at the end and inserting the following: ": *Provided further*, That for purposes of subparagraph (D), the Administrator shall deem that such an emergency affects each State or subdivision thereof (including counties), and that each State or subdivision has sufficient economic damage to small business concerns to qualify for assistance under this paragraph and the Administrator shall accept applications for such assistance immediately.".

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1 **SEC. 1111. RESOURCES AND SERVICES IN LANGUAGES**
2 **OTHER THAN ENGLISH.**

3 (a) IN GENERAL.—The Administrator shall provide
4 the resources and services made available by the Adminis-
5 tration to small business concerns in the 10 most com-
6 monly spoken languages, other than English, in the
7 United States, which shall include Mandarin, Cantonese,
8 Japanese, and Korean.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the Administrator
11 $25,000,000 to carry out this section.

12 **SEC. 1112. SUBSIDY FOR CERTAIN LOAN PAYMENTS.**

13 (a) DEFINITION OF COVERED LOAN.—In this sec-
14 tion, the term "covered loan" means a loan that is—

15 (1) guaranteed by the Administration under—
16 (A) section 7(a) of the Small Business Act
17 (15 U.S.C. 636(a))—
18 (i) including a loan made under the
19 Community Advantage Pilot Program of
20 the Administration; and
21 (ii) excluding a loan made under para-
22 graph (36) of such section 7(a), as added
23 by section 1102; or
24 (B) title V of the Small Business Invest-
25 ment Act of 1958 (15 U.S.C. 695 et seq.); or

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1 (2) made by an intermediary to a small busi-
2 ness concern using loans or grants received under
3 section 7(m) of the Small Business Act (15 U.S.C.
4 636(m)).
5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—
7 (1) all borrowers are adversely affected by
8 COVID-19;
9 (2) relief payments by the Administration are
10 appropriate for all borrowers; and
11 (3) in addition to the relief provided under this
12 Act, the Administration should encourage lenders to
13 provide payment deferments, when appropriate, and
14 to extend the maturity of covered loans, so as to
15 avoid balloon payments or any requirement for in-
16 creases in debt payments resulting from deferments
17 provided by lenders during the period of the national
18 emergency declared by the President under the Na-
19 tional Emergencies Act (50 U.S.C. 1601 et seq.)
20 with respect to the Coronavirus Disease 2019
21 (COVID–19).
22 (c) PRINCIPAL AND INTEREST PAYMENTS.—
23 (1) IN GENERAL.—The Administrator shall pay
24 the principal, interest, and any associated fees that

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1 are owed on a covered loan in a regular servicing
2 status—
3 (A) with respect to a covered loan made
4 before the date of enactment of this Act and
5 not on deferment, for the 6-month period begin-
6 ning with the next payment due on the covered
7 loan;
8 (B) with respect to a covered loan made
9 before the date of enactment of this Act and on
10 deferment, for the 6-month period beginning
11 with the next payment due on the covered loan
12 after the deferment period; and
13 (C) with respect to a covered loan made
14 during the period beginning on the date of en-
15 actment of this Act and ending on the date that
16 is 6 months after such date of enactment, for
17 the 6-month period beginning with the first
18 payment due on the covered loan.
19 (2) TIMING OF PAYMENT.—The Administrator
20 shall begin making payments under paragraph (1)
21 on a covered loan not later than 30 days after the
22 date on which the first such payment is due.
23 (3) APPLICATION OF PAYMENT.—Any payment
24 made by the Administrator under paragraph (1)
25 shall be applied to the covered loan such that the

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1 borrower is relieved of the obligation to pay that
2 amount.
3 (d) OTHER REQUIREMENTS.—The Administrator
4 shall—
5 (1) communicate and coordinate with the Fed-
6 eral Deposit Insurance Corporation, the Office of the
7 Comptroller of the Currency, and State bank regu-
8 lators to encourage those entities to not require
9 lenders to increase their reserves on account of re-
10 ceiving payments made by the Administrator under
11 subsection (c);
12 (2) waive statutory limits on maximum loan
13 maturities for any covered loan durations where the
14 lender provides a deferral and extends the maturity
15 of covered loans during the 1-year period following
16 the date of enactment of this Act; and
17 (3) when necessary to provide more time be-
18 cause of the potential of higher volumes, travel re-
19 strictions, and the inability to access some properties
20 during the COVID–19 pandemic, extend lender site
21 visit requirements to—
22 (A) not more than 60 days (which may be
23 extended at the discretion of the Administra-
24 tion) after the occurrence of an adverse event,

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other than a payment default, causing a loan to be classified as in liquidation; and

(B) not more than 90 days after a payment default.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Administrator to make payments pursuant to subsection (c) with respect to a covered loan solely because the covered loan has been sold in the secondary market.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $17,000,000,000 to carry out this section.

**SEC. 1113. BANKRUPTCY.**

(a) SMALL BUSINESS DEBTOR REORGANIZATION.—

(1) IN GENERAL.—Section 1182(1) of title 11, United States Code, is amended to read as follows:

"(1) DEBTOR.—The term 'debtor'—

"(A) subject to subparagraph (B), means a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning single asset real estate) that has aggregate noncontingent liquidated secured and unsecured debts as of the date of the filing of

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1 the petition or the date of the order for relief
2 in an amount not more than $7,500,000 (ex-
3 cluding debts owed to 1 or more affiliates or in-
4 siders) not less than 50 percent of which arose
5 from the commercial or business activities of
6 the debtor; and
7 "(B) does not include—
8 "(i) any member of a group of affili-
9 ated debtors that has aggregate noncontin-
10 gent liquidated secured and unsecured
11 debts in an amount greater than
12 $7,500,000 (excluding debt owed to 1 or
13 more affiliates or insiders);
14 "(ii) any debtor that is a corporation
15 subject to the reporting requirements
16 under section 13 or 15(d) of the Securities
17 Exchange Act of 1934 (15 U.S.C. 78m,
18 78o(d)); or
19 "(iii) any debtor that is an affiliate of
20 an issuer, as defined in section 3 of the Se-
21 curities Exchange Act of 1934 (15 U.S.C.
22 78c).".
23 (2) APPLICABILITY OF CHAPTERS.—Section
24 103(i) of title 11, United States Code, is amended

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1 by striking "small business debtor" and inserting
2 "debtor (as defined in section 1182)".
3 (3) APPLICATION OF AMENDMENT.—The
4 amendment made by paragraph (1) shall apply only
5 with respect to cases commenced under title 11,
6 United States Code, on or after the date of enact-
7 ment of this Act.
8 (4) TECHNICAL CORRECTIONS.—
9 (A) DEFINITION OF SMALL BUSINESS
10 DEBTOR.—Section 101(51D)(B)(iii) of title 11,
11 United States Code, is amended to read as fol-
12 lows:
13 "(iii) any debtor that is an affiliate of
14 an issuer (as defined in section 3 of the
15 Securities Exchange Act of 1934 (15
16 U.S.C. 78c)).".
17 (B) UNCLAIMED PROPERTY.—Section
18 347(b) of title 11, United States Code, is
19 amended by striking "1194" and inserting
20 "1191".
21 (5) SUNSET.—On the date that is 1 year after
22 the date of enactment of this Act, section 1182(1)
23 of title 11, United States Code, is amended to read
24 as follows:

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1 "(1) DEBTOR.—The term 'debtor' means a
2 small business debtor.".
3 (b) BANKRUPTCY RELIEF.—
4 (1) IN GENERAL.—
5 (A) EXCLUSION FROM CURRENT MONTHLY
6 INCOME.—Section 101(10A)(B)(ii) of title 11,
7 United States Code, is amended—
8 (i) in subclause (III), by striking "
9 and" and inserting a semicolon;
10 (ii) in subclause (IV), by striking the
11 period at the end and inserting "; and";
12 and
13 (iii) by adding at the end the fol-
14 lowing:
15 "(V) Payments made under Fed-
16 eral law relating to the national emer-
17 gency declared by the President under
18 the National Emergencies Act (50
19 U.S.C. 1601 et seq.) with respect to
20 the coronavirus disease 2019
21 (COVID–19).".
22 (B) CONFIRMATION OF PLAN.—Section
23 1325(b)(2) of title 11, United States Code, is
24 amended by inserting "payments made under
25 Federal law relating to the national emergency

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1 declared by the President under the National
2 Emergencies Act (50 U.S.C. 1601 et seq.) with
3 respect to the coronavirus disease 2019
4 (COVID–19)," after "other than".
5 (C) MODIFICATION OF PLAN AFTER CON-
6 FIRMATION.—Section 1329 of title 11, United
7 States Code, is amended by adding at end the
8 following:
9 "(d)(1) Subject to paragraph (3), for a plan con-
10 firmed prior to the date of enactment of this subsection,
11 the plan may be modified upon the request of the debtor
12 if—
13 "(A) the debtor is experiencing or has experi-
14 enced a material financial hardship due, directly or
15 indirectly, to the coronavirus disease 2019 (COVID–
16 19) pandemic; and
17 "(B) the modification is approved after notice
18 and a hearing.
19 "(2) A plan modified under paragraph (1) may not
20 provide for payments over a period that expires more than
21 7 years after the time that the first payment under the
22 original confirmed plan was due.
23 "(3) Sections 1322(a), 1322(b), 1323(c), and the re-
24 quirements of section 1325(a) shall apply to any modifica-
25 tion under paragraph (1).".

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1 (D) APPLICABILITY.—
2 (i) The amendments made by sub-
3 paragraphs (A) and (B) shall apply to any
4 case commenced before, on, or after the
5 date of enactment of this Act.
6 (ii) The amendment made by subpara-
7 graph (C) shall apply to any case for which
8 a plan has been confirmed under section
9 1325 of title 11, United States Code, be-
10 fore the date of enactment of this Act.
11 (2) SUNSET.—
12 (A) IN GENERAL.—
13 (i) EXCLUSION FROM CURRENT
14 MONTHLY INCOME.—Section
15 101(10A)(B)(ii) of title 11, United States
16 Code, is amended—
17 (I) in subclause (III), by striking
18 the semicolon at the end and inserting
19 "; and";
20 (II) in subclause (IV), by striking
21 "; and" and inserting a period; and
22 (III) by striking subclause (V).
23 (ii) CONFIRMATION OF PLAN.—Sec-
24 tion 1325(b)(2) of title 11, United States
25 Code, is amended by striking "payments

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1 made under Federal law relating to the na-
2 tional emergency declared by the President
3 under the National Emergencies Act (50
4 U.S.C. 1601 et seq.) with respect to the
5 coronavirus disease 2019 (COVID–19),''.
6 (iii) MODIFICATION OF PLAN AFTER
7 CONFIRMATION.—Section 1329 of title 11,
8 United States Code, is amended by strik-
9 ing subsection (d).
10 (B) EFFECTIVE DATE.—The amendments
11 made by subparagraph (A) shall take effect on
12 the date that is 1 year after the date of enact-
13 ment of this Act.

14 **SEC. 1114. EMERGENCY RULEMAKING AUTHORITY.**

15 Not later than 15 days after the date of enactment
16 of this Act, the Administrator shall issue regulations to
17 carry out this title and the amendments made by this title
18 without regard to the notice requirements under section
19 553(b) of title 5, United States Code.

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# TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES

## Subtitle A—Unemployment Insurance Provisions

**SEC. 2101. SHORT TITLE.**

This subtitle may be cited as the "Relief for Workers Affected by Coronavirus Act".

**SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.**

(a) DEFINITIONS.—In this section:

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

(2) COVID–19 PUBLIC HEALTH EMERGENCY.—The term "COVID-19 public health emergency" means the public health emergency declared by the Secretary of Health and Human Services on January 27, 2020, with respect to the 2019 Novel Coronavirus.

(3) COVERED INDIVIDUAL.—The term "covered individual"—

(A) means an individual who—

(i) is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section

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1 2107, including an individual who has ex-
2 hausted all rights to regular unemployment
3 or extended benefits under State or Fed-
4 eral law or pandemic emergency unemploy-
5 ment compensation under section 2107;
6 and
7 (ii) provides self-certification that the
8 individual—
9 (I) is otherwise able to work and
10 available for work within the meaning
11 of applicable State law, except the in-
12 dividual is unemployed, partially un-
13 employed, or unable or unavailable to
14 work because—
15 (aa) the individual has been
16 diagnosed with COVID–19 or is
17 experiencing symptoms of
18 COVID–19 and seeking a med-
19 ical diagnosis;
20 (bb) a member of the indi-
21 vidual's household has been diag-
22 nosed with COVID–19;
23 (cc) the individual is pro-
24 viding care for a family member
25 or a member of the individual's

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1 household who has been diag-
2 nosed with COVID–19;
3 (dd) a child or other person
4 in the household for which the in-
5 dividual has primary caregiving
6 responsibility is unable to attend
7 school or another facility that is
8 closed as a direct result of the
9 COVID-19 public health emer-
10 gency and such school or facility
11 care is required for the individual
12 to work;
13 (ee) the individual is unable
14 to reach the place of employment
15 because of a quarantine imposed
16 as a direct result of the COVID-
17 19 public health emergency;
18 (ff) the individual is unable
19 to reach the place of employment
20 because the individual has been
21 advised by a health care provider
22 to self-quarantine due to con-
23 cerns related to COVID–19;
24 (gg) the individual was
25 scheduled to commence employ-

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1 ment and does not have a job or
2 is unable to reach the job as a di-
3 rect result of the COVID-19 pub-
4 lic health emergency;
5 (hh) the individual has be-
6 come the breadwinner or major
7 support for a household because
8 the head of the household has
9 died as a direct result of
10 COVID–19;
11 (ii) the individual has to quit
12 his or her job as a direct result
13 of COVID–19;
14 (jj) the individual's place of
15 employment is closed as a direct
16 result of the COVID–19 public
17 health emergency; or
18 (kk) the individual meets
19 any additional criteria established
20 by the Secretary for unemploy-
21 ment assistance under this sec-
22 tion; or
23 (II) is self-employed, is seeking
24 part-time employment, does not have
25 sufficient work history, or otherwise

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1 would not qualify for regular unem-
2 ployment or extended benefits under
3 State or Federal law or pandemic
4 emergency unemployment compensa-
5 tion under section 2107 and meets the
6 requirements of subclause (I); and
7 (B) does not include—
8 (i) an individual who has the ability to
9 telework with pay; or
10 (ii) an individual who is receiving paid
11 sick leave or other paid leave benefits, re-
12 gardless of whether the individual meets a
13 qualification described in items (aa)
14 through (kk) of subparagraph (A)(i)(I).
15 (4) SECRETARY.—The term "Secretary" means
16 the Secretary of Labor.
17 (5) STATE.—The term "State" includes the
18 District of Columbia, the Commonwealth of Puerto
19 Rico, the Virgin Islands, Guam, American Samoa,
20 the Commonwealth of the Northern Mariana Is-
21 lands, the Federated States of Micronesia, the Re-
22 public of the Marshall Islands, and the Republic of
23 Palau.
24 (b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT
25 OF COVID-19.—Subject to subsection (c), the Secretary

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1 shall provide to any covered individual unemployment ben-
2 efit assistance while such individual is unemployed, par-
3 tially unemployed, or unable to work for the weeks of such
4 unemployment with respect to which the individual is not
5 entitled to any other unemployment compensation (as that
6 term is defined in section 85(b) of title 26, United States
7 Code) or waiting period credit.

8 (c) APPLICABILITY.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the assistance authorized under sub-
11 section (b) shall be available to a covered indi-
12 vidual—

13 (A) for weeks of unemployment, partial un-
14 employment, or inability to work caused by
15 COVID–19—

16 (i) beginning on or after January 27,
17 2020; and

18 (ii) ending on or before December 31,
19 2020; and

20 (B) subject to subparagraph (A)(ii), as
21 long as the covered individual's unemployment,
22 partial unemployment, or inability to work
23 caused by COVID–19 continues.

24 (2) LIMITATION ON DURATION OF ASSIST-
25 ANCE.—The total number of weeks for which a cov-

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1 ered individual may receive assistance under this
2 section shall not exceed 39 weeks and such total
3 shall include any week for which the covered indi-
4 vidual received regular compensation or extended
5 benefits under any Federal or State law, except that
6 if after the date of enactment of this Act, the dura-
7 tion of extended benefits is extended, the 39-week
8 period described in this paragraph shall be extended
9 by the number of weeks that is equal to the number
10 of weeks by which the extended benefits were ex-
11 tended.

12 (3) ASSISTANCE FOR UNEMPLOYMENT BEFORE
13 DATE OF ENACTMENT.—The Secretary shall estab-
14 lish a process for making assistance under this sec-
15 tion available for weeks beginning on or after Janu-
16 ary 27, 2020, and before the date of enactment of
17 this Act.

18 (d) AMOUNT OF ASSISTANCE.—

19 (1) IN GENERAL.—The assistance authorized
20 under subsection (b) for a week of unemployment,
21 partial unemployment, or inability to work shall
22 be—

23 (A)(i) the weekly benefit amount author-
24 ized under the unemployment compensation law
25 of the State where the covered individual was

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1 employed, except that the amount may not be
2 less than the minimum weekly benefit amount
3 described in section 625.6 of title 20, Code of
4 Federal Regulations, or any successor thereto;
5 and
6 (ii) the amount of Federal Pandemic Un-
7 employment Compensation under section 2104;
8 and
9 (B) in the case of an increase of the week-
10 ly benefit amount after the date of enactment
11 of this Act, increased in an amount equal to
12 such increase.
13 (2) CALCULATIONS OF AMOUNTS FOR CERTAIN
14 COVERED INDIVIDUALS.—In the case of a covered
15 individual who is self-employed, who lives in a terri-
16 tory described in subsection (c) or (d) of section
17 625.6 of title 20, Code of Federal Regulations, or
18 who would not otherwise qualify for unemployment
19 compensation under State law, the assistance au-
20 thorized under subsection (b) for a week of unem-
21 ployment shall be calculated in accordance with sec-
22 tion 625.6 of title 20, Code of Federal Regulations,
23 or any successor thereto, and shall be increased by
24 the amount of Federal Pandemic Unemployment
25 Compensation under section 2104.

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1 (3) ALLOWABLE METHODS OF PAYMENT.—Any
2 assistance provided for in accordance with para-
3 graph (1)(A)(ii) shall be payable either—
4 (A) as an amount which is paid at the
5 same time and in the same manner as the as-
6 sistance provided for in paragraph (1)(A)(i) is
7 payable for the week involved; or
8 (B) at the option of the State, by pay-
9 ments which are made separately from, but on
10 the same weekly basis as, any assistance pro-
11 vided for in paragraph (1)(A)(i).
12 (e) WAIVER OF STATE REQUIREMENT.—Notwith-
13 standing State law, for purposes of assistance authorized
14 under this section, compensation under this Act shall be
15 made to an individual otherwise eligible for such com-
16 pensation without any waiting period.
17 (f) AGREEMENTS WITH STATES.—
18 (1) IN GENERAL.—The Secretary shall provide
19 the assistance authorized under subsection (b)
20 through agreements with States which, in the judg-
21 ment of the Secretary, have an adequate system for
22 administering such assistance through existing State
23 agencies.
24 (2) PAYMENTS TO STATES.—There shall be
25 paid to each State which has entered into an agree-

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1 ment under this subsection an amount equal to 100
2 percent of—
3 (A) the total amount of assistance provided
4 by the State pursuant to such agreement; and
5 (B) any additional administrative expenses
6 incurred by the State by reason of such agree-
7 ment (as determined by the Secretary), includ-
8 ing any administrative expenses necessary to fa-
9 cilitate processing of applications for assistance
10 under this section online or by telephone rather
11 than in-person.
12 (3) TERMS OF PAYMENTS.—Sums payable to
13 any State by reason of such State's having an agree-
14 ment under this subsection shall be payable, either
15 in advance or by way of reimbursement (as deter-
16 mined by the Secretary), in such amounts as the
17 Secretary estimates the State will be entitled to re-
18 ceive under this subsection for each calendar month,
19 reduced or increased, as the case may be, by any
20 amount by which the Secretary finds that his esti-
21 mates for any prior calendar month were greater or
22 less than the amounts which should have been paid
23 to the State. Such estimates may be made on the
24 basis of such statistical, sampling, or other method

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1 as may be agreed upon by the Secretary and the
2 State agency of the State involved.
3 (g) FUNDING.—
4 (1) ASSISTANCE.—
5 (A) IN GENERAL.—Funds in the extended
6 unemployment compensation account (as estab-
7 lished by section 905(a) of the Social Security
8 Act (42 U.S.C. 1105(a)) of the Unemployment
9 Trust Fund (as established by section 904(a) of
10 such Act (42 U.S.C. 1104(a)) shall be used to
11 make payments to States pursuant to sub-
12 section (f)(2)(A).
13 (B) TRANSFER OF FUNDS.—Notwith-
14 standing any other provision of law, the Sec-
15 retary of the Treasury shall transfer from the
16 general fund of the Treasury (from funds not
17 otherwise appropriated) to the extended unem-
18 ployment compensation account such sums as
19 the Secretary of Labor estimates to be nec-
20 essary to make payments described in subpara-
21 graph (A). There are appropriated from the
22 general fund of the Treasury, without fiscal
23 year limitation, the sums referred to in the pre-
24 ceding sentence and such sums shall not be re-
25 quired to be repaid.

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1 (2) ADMINISTRATIVE EXPENSES.—
2 (A) IN GENERAL.—Funds in the employ-
3 ment security administration account (as estab-
4 lished by section 901(a) of the Social Security
5 Act (42 U.S.C. 1105(a)) of the Unemployment
6 Trust Fund (as established by section 904(a) of
7 such Act (42 U.S.C. 1104(a)) shall be used to
8 make payments to States pursuant to sub-
9 section (f)(2)(B).
10 (B) TRANSFER OF FUNDS.—Notwith-
11 standing any other provision of law, the Sec-
12 retary of the Treasury shall transfer from the
13 general fund of the Treasury (from funds not
14 otherwise appropriated) to the employment se-
15 curity administration account such sums as the
16 Secretary of Labor estimates to be necessary to
17 make payments described in subparagraph (A).
18 There are appropriated from the general fund
19 of the Treasury, without fiscal year limitation,
20 the sums referred to in the preceding sentence
21 and such sums shall not be required to be re-
22 paid.
23 (3) CERTIFICATIONS.—The Secretary of Labor
24 shall from time to time certify to the Secretary of

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1 the Treasury for payment to each State the sums
2 payable to such State under paragraphs (1) and (2).
3 (h) RELATIONSHIP BETWEEN PANDEMIC UNEM-
4 PLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT
5 ASSISTANCE.—Except as otherwise provided in this sec-
6 tion or to the extent there is a conflict between this section
7 and section 625 of title 20, Code of Federal Regulations,
8 such section 625 shall apply to this section as if—
9 (1) the term "COVID–19 public health emer-
10 gency" were substituted for the term "major dis-
11 aster" each place it appears in such section 625; and
12 (2) the term "pandemic" were substituted for
13 the term "disaster" each place it appears in such
14 section 625.

15 **SEC. 2103. EMERGENCY UNEMPLOYMENT RELIEF FOR GOV-**
16 **ERNMENTAL ENTITIES AND NONPROFIT OR-**
17 **GANIZATIONS.**

18 (a) FLEXIBILITY IN PAYING REIMBURSEMENT.—The
19 Secretary of Labor may issue clarifying guidance to allow
20 States to interpret their State unemployment compensa-
21 tion laws in a manner that would provide maximum flexi-
22 bility to reimbursing employers as it relates to timely pay-
23 ment and assessment of penalties and interest pursuant
24 to such State laws.

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1 (b) FEDERAL FUNDING.—Section 903 of the Social
2 Security Act (42 U.S.C. 1103) is amended by adding at
3 the end the following:

4 "Transfers for Federal Reimbursement of State
5 Unemployment Funds

6 "(i)(1)(A) In addition to any other amounts, the Sec-
7 retary of Labor shall provide for the transfer of funds dur-
8 ing the applicable period to the accounts of the States in
9 the Unemployment Trust Fund, by transfer from amounts
10 reserved for that purpose in the Federal unemployment
11 account, in accordance with the succeeding provisions of
12 this subsection.

13 "(B) The amount of funds transferred to the account
14 of a State under subparagraph (A) during the applicable
15 period shall, as determined by the Secretary of Labor, be
16 equal to one-half of the amounts of compensation (as de-
17 fined in section 3306(h) of the Internal Revenue Code of
18 1986) attributable under the State law to service to which
19 section 3309(a)(1) of such Code applies that were paid
20 by the State for weeks of unemployment beginning and
21 ending during such period. Such transfers shall be made
22 at such times as the Secretary of Labor considers appro-
23 priate.

24 "(C) Notwithstanding any other law, funds trans-
25 ferred to the account of a State under subparagraph (A)

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1 shall be used exclusively to reimburse governmental enti-
2 ties and other organizations described in section
3 3309(a)(2) of such Code for amounts paid (in lieu of con-
4 tributions) into the State unemployment fund pursuant to
5 such section.

6 "(D) For purposes of this paragraph, the term 'appli-
7 cable period' means the period beginning on March 13,
8 2020, and ending on December 31, 2020.

9 "(2)(A) Notwithstanding any other provision of law,
10 the Secretary of the Treasury shall transfer from the gen-
11 eral fund of the Treasury (from funds not otherwise ap-
12 propriated) to the Federal unemployment account such
13 sums as the Secretary of Labor estimates to be necessary
14 for purposes of making the transfers described in para-
15 graph (1).

16 "(B) There are appropriated from the general fund
17 of the Treasury, without fiscal year limitation, the sums
18 referred to in subparagraph (A) and such sums shall not
19 be required to be repaid.".

20 **SEC. 2104. EMERGENCY INCREASE IN UNEMPLOYMENT**
21 **COMPENSATION BENEFITS.**

22 (a) FEDERAL-STATE AGREEMENTS.—Any State
23 which desires to do so may enter into and participate in
24 an agreement under this section with the Secretary of
25 Labor (in this section referred to as the "Secretary"). Any

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1 State which is a party to an agreement under this section
2 may, upon providing 30 days' written notice to the Sec-
3 retary, terminate such agreement.
4 (b) PROVISIONS OF AGREEMENT.—
5 (1) FEDERAL PANDEMIC UNEMPLOYMENT COM-
6 PENSATION.—Any agreement under this section
7 shall provide that the State agency of the State will
8 make payments of regular compensation to individ-
9 uals in amounts and to the extent that they would
10 be determined if the State law of the State were ap-
11 plied, with respect to any week for which the indi-
12 vidual is (disregarding this section) otherwise enti-
13 tled under the State law to receive regular com-
14 pensation, as if such State law had been modified in
15 a manner such that the amount of regular com-
16 pensation (including dependents' allowances) payable
17 for any week shall be equal to—
18 (A) the amount determined under the
19 State law (before the application of this para-
20 graph), plus
21 (B) an additional amount of $600 (in this
22 section referred to as "Federal Pandemic Un-
23 employment Compensation").
24 (2) ALLOWABLE METHODS OF PAYMENT.—Any
25 Federal Pandemic Unemployment Compensation

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1 provided for in accordance with paragraph (1) shall
2 be payable either—
3 (A) as an amount which is paid at the
4 same time and in the same manner as any reg-
5 ular compensation otherwise payable for the
6 week involved; or
7 (B) at the option of the State, by pay-
8 ments which are made separately from, but on
9 the same weekly basis as, any regular com-
10 pensation otherwise payable.
11 (c) NONREDUCTION RULE.—
12 (1) IN GENERAL.—An agreement under this
13 section shall not apply (or shall cease to apply) with
14 respect to a State upon a determination by the Sec-
15 retary that the method governing the computation of
16 regular compensation under the State law of that
17 State has been modified in a manner such that the
18 number of weeks (the maximum benefit entitlement),
19 or the average weekly benefit amount, of regular
20 compensation which will be payable during the pe-
21 riod of the agreement (determined disregarding any
22 Federal Pandemic Unemployment Compensation)
23 will be less than the number of weeks, or the aver-
24 age weekly benefit amount, of the average weekly
25 benefit amount of regular compensation which would

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otherwise have been payable during such period under the State law, as in effect on January 1, 2020.

(2) MAXIMUM BENEFIT ENTITLEMENT.—In paragraph (1), the term "maximum benefit entitlement" means the amount of regular unemployment compensation payable to an individual with respect to the individual's benefit year.

(d) PAYMENTS TO STATES.—

(1) IN GENERAL.—

(A) FULL REIMBURSEMENT.—There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 percent of—

(i) the total amount of Federal Pandemic Unemployment Compensation paid to individuals by the State pursuant to such agreement; and

(ii) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(B) TERMS OF PAYMENTS.—Sums payable to any State by reason of such State's having an agreement under this section shall be pay-

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able, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(3) APPROPRIATION.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, such sums as may be necessary for purposes of this subsection.

(e) APPLICABILITY.—An agreement entered into under this section shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

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1 (2) ending on or before July 31, 2020.
2 (f) FRAUD AND OVERPAYMENTS.—
3 (1) IN GENERAL.—If an individual knowingly
4 has made, or caused to be made by another, a false
5 statement or representation of a material fact, or
6 knowingly has failed, or caused another to fail, to
7 disclose a material fact, and as a result of such false
8 statement or representation or of such nondisclosure
9 such individual has received an amount of Federal
10 Pandemic Unemployment Compensation to which
11 such individual was not entitled, such individual—
12 (A) shall be ineligible for further Federal
13 Pandemic Unemployment Compensation in ac-
14 cordance with the provisions of the applicable
15 State unemployment compensation law relating
16 to fraud in connection with a claim for unem-
17 ployment compensation; and
18 (B) shall be subject to prosecution under
19 section 1001 of title 18, United States Code.
20 (2) REPAYMENT.—In the case of individuals
21 who have received amounts of Federal Pandemic
22 Unemployment Compensation to which they were
23 not entitled, the State shall require such individuals
24 to repay the amounts of such Federal Pandemic Un-
25 employment Compensation to the State agency, ex-

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1 cept that the State agency may waive such repay-
2 ment if it determines that—
3 (A) the payment of such Federal Pandemic
4 Unemployment Compensation was without fault
5 on the part of any such individual; and
6 (B) such repayment would be contrary to
7 equity and good conscience.
8 (3) RECOVERY BY STATE AGENCY.—
9 (A) IN GENERAL.—The State agency shall
10 recover the amount to be repaid, or any part
11 thereof, by deductions from any Federal Pan-
12 demic Unemployment Compensation payable to
13 such individual or from any unemployment
14 compensation payable to such individual under
15 any State or Federal unemployment compensa-
16 tion law administered by the State agency or
17 under any other State or Federal law adminis-
18 tered by the State agency which provides for
19 the payment of any assistance or allowance with
20 respect to any week of unemployment, during
21 the 3-year period after the date such individuals
22 received the payment of the Federal Pandemic
23 Unemployment Compensation to which they
24 were not entitled, in accordance with the same
25 procedures as apply to the recovery of overpay-

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1 ments of regular unemployment benefits paid
2 by the State.
3 (B) OPPORTUNITY FOR HEARING.—No re-
4 payment shall be required, and no deduction
5 shall be made, until a determination has been
6 made, notice thereof and an opportunity for a
7 fair hearing has been given to the individual,
8 and the determination has become final.
9 (4) REVIEW.—Any determination by a State
10 agency under this section shall be subject to review
11 in the same manner and to the same extent as deter-
12 minations under the State unemployment compensa-
13 tion law, and only in that manner and to that ex-
14 tent.
15 (g) APPLICATION TO OTHER UNEMPLOYMENT BENE-
16 FITS.—Each agreement under this section shall include
17 provisions to provide that the purposes of the preceding
18 provisions of this section shall be applied with respect to
19 unemployment benefits described in subsection (i)(2) to
20 the same extent and in the same manner as if those bene-
21 fits were regular compensation.
22 (h) DISREGARD OF ADDITIONAL COMPENSATION FOR
23 PURPOSES OF MEDICAID AND CHIP.—The monthly
24 equivalent of any Federal pandemic unemployment com-
25 pensation paid to an individual under this section shall

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1 be disregarded when determining income for any purpose
2 under the programs established under titles XIX and title
3 XXI of the Social Security Act (42 U.S.C. 1396 et seq.,
4 1397aa et seq.) .
5 (i) DEFINITIONS.—For purposes of this section—
6 (1) the terms ''compensation'', ''regular com-
7 pensation'', ''benefit year'', ''State'', ''State agency'',
8 ''State law'', and ''week'' have the respective mean-
9 ings given such terms under section 205 of the Fed-
10 eral-State Extended Unemployment Compensation
11 Act of 1970 (26 U.S.C. 3304 note); and
12 (2) any reference to unemployment benefits de-
13 scribed in this paragraph shall be considered to refer
14 to—
15 (A) extended compensation (as defined by
16 section 205 of the Federal-State Extended Un-
17 employment Compensation Act of 1970);
18 (B) regular compensation (as defined by
19 section 85(b) of the Internal Revenue Code of
20 1986) provided under any program adminis-
21 tered by a State under an agreement with the
22 Secretary;
23 (C) pandemic unemployment assistance
24 under section 2102; and

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1 (D) pandemic emergency unemployment
2 compensation under section 2107.

3 **SEC. 2105. TEMPORARY FULL FEDERAL FUNDING OF THE**
4 **FIRST WEEK OF COMPENSABLE REGULAR**
5 **UNEMPLOYMENT FOR STATES WITH NO WAIT-**
6 **ING WEEK.**

7 (a) FEDERAL-STATE AGREEMENTS.—Any State
8 which desires to do so may enter into and participate in
9 an agreement under this section with the Secretary of
10 Labor (in this section referred to as the ''Secretary''). Any
11 State which is a party to an agreement under this section
12 may, upon providing 30 days' written notice to the Sec-
13 retary, terminate such agreement.

14 (b) REQUIREMENT THAT STATE LAW DOES NOT
15 APPLY A WAITING WEEK.—A State is eligible to enter
16 into an agreement under this section if the State law (in-
17 cluding a waiver of State law) provides that compensation
18 is paid to individuals for their first week of regular unem-
19 ployment without a waiting week. An agreement under
20 this section shall not apply (or shall cease to apply) with
21 respect to a State upon a determination by the Secretary
22 that the State law no longer meets the requirement under
23 the preceding sentence.

24 (c) PAYMENTS TO STATES.—

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1 (1) FULL REIMBURSEMENT.—There shall be
2 paid to each State which has entered into an agree-
3 ment under this section an amount equal to 100 per-
4 cent of—
5 (A) the total amount of regular compensa-
6 tion paid to individuals by the State for their
7 first week of regular unemployment; and
8 (B) any additional administrative expenses
9 incurred by the State by reason of such agree-
10 ment (as determined by the Secretary).
11 (2) TERMS OF PAYMENTS.—Sums payable to
12 any State by reason of such State's having an agree-
13 ment under this section shall be payable, either in
14 advance or by way of reimbursement (as determined
15 by the Secretary), in such amounts as the Secretary
16 estimates the State will be entitled to receive under
17 this section for each calendar month, reduced or in-
18 creased, as the case may be, by any amount by
19 which the Secretary finds that his estimates for any
20 prior calendar month were greater or less than the
21 amounts which should have been paid to the State.
22 Such estimates may be made on the basis of such
23 statistical, sampling, or other method as may be
24 agreed upon by the Secretary and the State agency
25 of the State involved.

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1 (d) FUNDING.—
2 (1) COMPENSATION.—
3 (A) IN GENERAL.—Funds in the Federal
4 unemployment account (as established by sec-
5 tion 905(g)) of the Unemployment Trust Fund
6 (as established by section 904(a)) shall be used
7 to make payments under subsection (c)(1)(A).
8 (B) TRANSFER OF FUNDS.—Notwith-
9 standing any other provision of law, the Sec-
10 retary of the Treasury shall transfer from the
11 general fund of the Treasury (from funds not
12 otherwise appropriated) to the Federal unem-
13 ployment account such sums as the Secretary of
14 Labor estimates to be necessary to make pay-
15 ments described in subparagraph (A). There
16 are appropriated from the general fund of the
17 Treasury, without fiscal year limitation, the
18 sums referred to in the preceding sentence and
19 such sums shall not be required to be repaid.
20 (2) ADMINISTRATIVE EXPENSES.—
21 (A) IN GENERAL.—Funds in the employ-
22 ment security administration account (as estab-
23 lished by section 901(a) of the Social Security
24 Act (42 U.S.C. 1105(a)) of the Unemployment
25 Trust Fund (as established by section 904(a) of

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1 such Act (42 U.S.C. 1104(a)) shall be used to
2 make payments to States pursuant to sub-
3 section (c)(1)(B).
4 (B) TRANSFER OF FUNDS.—Notwith-
5 standing any other provision of law, the Sec-
6 retary of the Treasury shall transfer from the
7 general fund of the Treasury (from funds not
8 otherwise appropriated) to the employment se-
9 curity administration account such sums as the
10 Secretary of Labor estimates to be necessary to
11 make payments described in subparagraph (A).
12 There are appropriated from the general fund
13 of the Treasury, without fiscal year limitation,
14 the sums referred to in the preceding sentence
15 and such sums shall not be required to be re-
16 paid.
17 (3) CERTIFICATIONS.—The Secretary shall
18 from time to time certify to the Secretary of the
19 Treasury for payment to each State the sums pay-
20 able to such State under this section.
21 (e) APPLICABILITY.—An agreement entered into
22 under this section shall apply to weeks of unemployment—
23 (1) beginning after the date on which such
24 agreement is entered into; and
25 (2) ending on or before December 31, 2020.

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1 (f) FRAUD AND OVERPAYMENTS.—The provisions of
2 section 2107(e) shall apply with respect to compensation
3 paid under an agreement under this section to the same
4 extent and in the same manner as in the case of pandemic
5 emergency unemployment compensation under such sec-
6 tion.

7 (g) DEFINITIONS.—For purposes of this section, the
8 terms "regular compensation", "State", "State agency",
9 "State law", and "week" have the respective meanings
10 given such terms under section 205 of the Federal-State
11 Extended Unemployment Compensation Act of 1970 (26
12 U.S.C. 3304 note).

13 **SEC. 2106. EMERGENCY STATE STAFFING FLEXIBILITY.**

14 Section 4102(b) of the Emergency Unemployment
15 Stabilization and Access Act of 2020 (contained in division
16 D of the Families First Coronavirus Response Act) is
17 amended—

18 (1) by striking "or employer experience rating"
19 and inserting "employer experience rating, or, sub-
20 ject to the succeeding sentence, personnel standards
21 on a merit basis"; and

22 (2) by adding at the end the following new sen-
23 tence: "The emergency flexibility for personnel
24 standards on a merit basis shall only apply through
25 December 31, 2020, and is limited to engaging of

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1 temporary staff, rehiring of retirees or former em-
2 ployees on a non-competitive basis, and other tem-
3 porary actions to quickly process applications and
4 claims.''.

5 **SEC. 2107. PANDEMIC EMERGENCY UNEMPLOYMENT COM-**
6 **PENSATION.**

7 (a) FEDERAL-STATE AGREEMENTS.—

8 (1) IN GENERAL.—Any State which desires to
9 do so may enter into and participate in an agree-
10 ment under this section with the Secretary of Labor
11 (in this section referred to as the ''Secretary''). Any
12 State which is a party to an agreement under this
13 section may, upon providing 30 days' written notice
14 to the Secretary, terminate such agreement.

15 (2) PROVISIONS OF AGREEMENT.—Any agree-
16 ment under paragraph (1) shall provide that the
17 State agency of the State will make payments of
18 pandemic emergency unemployment compensation to
19 individuals who—

20 (A) have exhausted all rights to regular
21 compensation under the State law or under
22 Federal law with respect to a benefit year (ex-
23 cluding any benefit year that ended before
24 July1, 2019);

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1 (B) have no rights to regular compensation
2 with respect to a week under such law or any
3 other State unemployment compensation law or
4 to compensation under any other Federal law;
5 (C) are not receiving compensation with
6 respect to such week under the unemployment
7 compensation law of Canada; and
8 (D) are able to work, available to work,
9 and actively seeking work.
10 (3) EXHAUSTION OF BENEFITS.—For purposes
11 of paragraph (2)(A), an individual shall be deemed
12 to have exhausted such individual's rights to regular
13 compensation under a State law when—
14 (A) no payments of regular compensation
15 can be made under such law because such indi-
16 vidual has received all regular compensation
17 available to such individual based on employ-
18 ment or wages during such individual's base pe-
19 riod; or
20 (B) such individual's rights to such com-
21 pensation have been terminated by reason of
22 the expiration of the benefit year with respect
23 to which such rights existed.
24 (4) WEEKLY BENEFIT AMOUNT, ETC.—For
25 purposes of any agreement under this section—

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1 (A) the amount of pandemic emergency
2 unemployment compensation which shall be
3 payable to any individual for any week of total
4 unemployment shall be equal to—
5 (i) the amount of the regular com-
6 pensation (including dependents' allow-
7 ances) payable to such individual during
8 such individual's benefit year under the
9 State law for a week of total unemploy-
10 ment; and
11 (ii) the amount of Federal Pandemic
12 Unemployment Compensation under sec-
13 tion 2104;
14 (B) the terms and conditions of the State
15 law which apply to claims for regular compensa-
16 tion and to the payment thereof (including
17 terms and conditions relating to availability for
18 work, active search for work, and refusal to ac-
19 cept work) shall apply to claims for pandemic
20 emergency unemployment compensation and the
21 payment thereof, except where otherwise incon-
22 sistent with the provisions of this section or
23 with the regulations or operating instructions of
24 the Secretary promulgated to carry out this sec-
25 tion;

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1 (C) the maximum amount of pandemic
2 emergency unemployment compensation payable
3 to any individual for whom an pandemic emer-
4 gency unemployment compensation account is
5 established under subsection (b) shall not ex-
6 ceed the amount established in such account for
7 such individual; and
8 (D) the allowable methods of payment
9 under section 2104(b)(2) shall apply to pay-
10 ments of amounts described in subparagraph
11 (A)(ii).
12 (5) COORDINATION RULE.—An agreement
13 under this section shall apply with respect to a State
14 only upon a determination by the Secretary that,
15 under the State law or other applicable rules of such
16 State, the payment of extended compensation for
17 which an individual is otherwise eligible must be de-
18 ferred until after the payment of any pandemic
19 emergency unemployment compensation under sub-
20 section (b) for which the individual is concurrently
21 eligible.
22 (6) NONREDUCTION RULE.—
23 (A) IN GENERAL.—An agreement under
24 this section shall not apply (or shall cease to
25 apply) with respect to a State upon a deter-

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1 mination by the Secretary that the method gov-
2 erning the computation of regular compensation
3 under the State law of that State has been
4 modified in a manner such that the number of
5 weeks (the maximum benefit entitlement), or
6 the average weekly benefit amount, of regular
7 compensation which will be payable during the
8 period of the agreement will be less than the
9 number of weeks, or the average weekly benefit
10 amount, of the average weekly benefit amount
11 of regular compensation which would otherwise
12 have been payable during such period under the
13 State law, as in effect on January 1, 2020.
14 (B) MAXIMUM BENEFIT ENTITLEMENT.—
15 In subparagraph (A), the term "maximum ben-
16 efit entitlement" means the amount of regular
17 unemployment compensation payable to an indi-
18 vidual with respect to the individual's benefit
19 year.
20 (7) ACTIVELY SEEKING WORK.—
21 (A) IN GENERAL.—Subject to subpara-
22 graph (C), for purposes of paragraph (2)(D),
23 the term "actively seeking work" means, with
24 respect to any individual, that such individual—

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1 (i) is registered for employment serv-
2 ices in such a manner and to such extent
3 as prescribed by the State agency;
4 (ii) has engaged in an active search
5 for employment that is appropriate in light
6 of the employment available in the labor
7 market, the individual's skills and capabili-
8 ties, and includes a number of employer
9 contacts that is consistent with the stand-
10 ards communicated to the individual by the
11 State;
12 (iii) has maintained a record of such
13 work search, including employers con-
14 tacted, method of contact, and date con-
15 tacted; and
16 (iv) when requested, has provided
17 such work search record to the State agen-
18 cy.
19 (B) FLEXIBILITY.—Notwithstanding the
20 requirements under subparagraph (A) and
21 paragraph (2)(D), a State shall provide flexi-
22 bility in meeting such requirements in case of
23 individuals unable to search for work because of
24 COVID-19, including because of illness, quar-
25 antine, or movement restriction.

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1 (b) PANDEMIC EMERGENCY UNEMPLOYMENT COM-
2 PENSATION ACCOUNT.—
3 (1) IN GENERAL.—Any agreement under this
4 section shall provide that the State will establish, for
5 each eligible individual who files an application for
6 pandemic emergency unemployment compensation,
7 an pandemic emergency unemployment compensa-
8 tion account with respect to such individual's benefit
9 year.
10 (2) AMOUNT IN ACCOUNT.—The amount estab-
11 lished in an account under subsection (a) shall be
12 equal to 13 times the individual's average weekly
13 benefit amount, which includes the amount of Fed-
14 eral Pandemic Unemployment Compensation under
15 section 2104, for the benefit year.
16 (3) WEEKLY BENEFIT AMOUNT.—For purposes
17 of this subsection, an individual's weekly benefit
18 amount for any week is the amount of regular com-
19 pensation (including dependents' allowances) under
20 the State law payable to such individual for such
21 week for total unemployment plus the amount of
22 Federal Pandemic Unemployment Compensation
23 under section 2104.

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1 (c) PAYMENTS TO STATES HAVING AGREEMENTS
2 FOR THE PAYMENT OF PANDEMIC EMERGENCY UNEM-
3 PLOYMENT COMPENSATION.—
4 (1) IN GENERAL.—There shall be paid to each
5 State that has entered into an agreement under this
6 section an amount equal to 100 percent of the pan-
7 demic emergency unemployment compensation paid
8 to individuals by the State pursuant to such agree-
9 ment.
10 (2) TREATMENT OF REIMBURSABLE COMPENSA-
11 TION.—No payment shall be made to any State
12 under this section in respect of any compensation to
13 the extent the State is entitled to reimbursement in
14 respect of such compensation under the provisions of
15 any Federal law other than this section or chapter
16 85 of title 5, United States Code. A State shall not
17 be entitled to any reimbursement under such chapter
18 85 in respect of any compensation to the extent the
19 State is entitled to reimbursement under this section
20 in respect of such compensation.
21 (3) DETERMINATION OF AMOUNT.—Sums pay-
22 able to any State by reason of such State having an
23 agreement under this section shall be payable, either
24 in advance or by way of reimbursement (as may be
25 determined by the Secretary), in such amounts as

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1 the Secretary estimates the State will be entitled to
2 receive under this section for each calendar month,
3 reduced or increased, as the case may be, by any
4 amount by which the Secretary finds that the Sec-
5 retary's estimates for any prior calendar month were
6 greater or less than the amounts which should have
7 been paid to the State. Such estimates may be made
8 on the basis of such statistical, sampling, or other
9 method as may be agreed upon by the Secretary and
10 the State agency of the State involved.
11 (d) FINANCING PROVISIONS.—
12 (1) COMPENSATION.—
13 (A) IN GENERAL.—Funds in the extended
14 unemployment compensation account (as estab-
15 lished by section 905(a) of the Social Security
16 Act (42 U.S.C. 1105(a)) of the Unemployment
17 Trust Fund (as established by section 904(a) of
18 such Act (42 U.S.C. 1104(a)) shall be used for
19 the making of payments to States having agree-
20 ments entered into under this section.
21 (B) TRANSFER OF FUNDS.—Notwith-
22 standing any other provision of law, the Sec-
23 retary of the Treasury shall transfer from the
24 general fund of the Treasury (from funds not
25 otherwise appropriated) to the extended unem-

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1 ployment compensation account such sums as
2 the Secretary of Labor estimates to be nec-
3 essary to make payments described in subpara-
4 graph (A). There are appropriated from the
5 general fund of the Treasury, without fiscal
6 year limitation, the sums referred to in the pre-
7 ceding sentence and such sums shall not be re-
8 quired to be repaid.
9 (2) ADMINISTRATION.—
10 (A) IN GENERAL.—There are appropriated
11 out of the employment security administration
12 account (as established by section 901(a) of the
13 Social Security Act (42 U.S.C. 1101(a)) of the
14 Unemployment Trust Fund, without fiscal year
15 limitation, such funds as may be necessary for
16 purposes of assisting States (as provided in title
17 III of the Social Security Act (42 U.S.C. 501
18 et seq.)) in meeting the costs of administration
19 of agreements under this section.
20 (B) TRANSFER OF FUNDS.—Notwith-
21 standing any other provision of law, the Sec-
22 retary of the Treasury shall transfer from the
23 general fund of the Treasury (from funds not
24 otherwise appropriated) to the employment se-
25 curity administration account such sums as the

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1 Secretary of Labor estimates to be necessary to
2 make payments described in subparagraph (A).
3 There are appropriated from the general fund
4 of the Treasury, without fiscal year limitation,
5 the sums referred to in the preceding sentence
6 and such sums shall not be required to be re-
7 paid.

8 (3) CERTIFICATION.—The Secretary shall from
9 time to time certify to the Secretary of the Treasury
10 for payment to each State the sums payable to such
11 State under this subsection. The Secretary of the
12 Treasury, prior to audit or settlement by the Gov-
13 ernment Accountability Office, shall make payments
14 to the State in accordance with such certification, by
15 transfers from the extended unemployment com-
16 pensation account (as so established) to the account
17 of such State in the Unemployment Trust Fund (as
18 so established).

19 (e) FRAUD AND OVERPAYMENTS.—

20 (1) IN GENERAL.—If an individual knowingly
21 has made, or caused to be made by another, a false
22 statement or representation of a material fact, or
23 knowingly has failed, or caused another to fail, to
24 disclose a material fact, and as a result of such false
25 statement or representation or of such nondisclosure

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1 such individual has received an amount of pandemic
2 emergency unemployment compensation under this
3 section to which such individual was not entitled,
4 such individual—
5 (A) shall be ineligible for further pandemic
6 emergency unemployment compensation under
7 this section in accordance with the provisions of
8 the applicable State unemployment compensa-
9 tion law relating to fraud in connection with a
10 claim for unemployment compensation; and
11 (B) shall be subject to prosecution under
12 section 1001 of title 18, United States Code.
13 (2) REPAYMENT.—In the case of individuals
14 who have received amounts of pandemic emergency
15 unemployment compensation under this section to
16 which they were not entitled, the State shall require
17 such individuals to repay the amounts of such pan-
18 demic emergency unemployment compensation to the
19 State agency, except that the State agency may
20 waive such repayment if it determines that—
21 (A) the payment of such pandemic emer-
22 gency unemployment compensation was without
23 fault on the part of any such individual; and
24 (B) such repayment would be contrary to
25 equity and good conscience.

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1 (3) RECOVERY BY STATE AGENCY.—
2 (A) IN GENERAL.—The State agency shall
3 recover the amount to be repaid, or any part
4 thereof, by deductions from any pandemic
5 emergency unemployment compensation payable
6 to such individual under this section or from
7 any unemployment compensation payable to
8 such individual under any State or Federal un-
9 employment compensation law administered by
10 the State agency or under any other State or
11 Federal law administered by the State agency
12 which provides for the payment of any assist-
13 ance or allowance with respect to any week of
14 unemployment, during the 3-year period after
15 the date such individuals received the payment
16 of the pandemic emergency unemployment com-
17 pensation to which they were not entitled, in ac-
18 cordance with the same procedures as apply to
19 the recovery of overpayments of regular unem-
20 ployment benefits paid by the State.
21 (B) OPPORTUNITY FOR HEARING.—No re-
22 payment shall be required, and no deduction
23 shall be made, until a determination has been
24 made, notice thereof and an opportunity for a

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1 fair hearing has been given to the individual,
2 and the determination has become final.
3 (4) REVIEW.—Any determination by a State
4 agency under this section shall be subject to review
5 in the same manner and to the same extent as deter-
6 minations under the State unemployment compensa-
7 tion law, and only in that manner and to that ex-
8 tent.
9 (f) DEFINITIONS.—In this section, the terms ''com-
10 pensation'', ''regular compensation'', ''extended compensa-
11 tion'', ''benefit year'', ''base period'', ''State'', ''State
12 agency'', ''State law'', and ''week'' have the respective
13 meanings given such terms under section 205 of the Fed-
14 eral-State Extended Unemployment Compensation Act of
15 1970 (26 U.S.C. 3304 note).
16 (g) APPLICABILITY.—An agreement entered into
17 under this section shall apply to weeks of unemployment—
18 (1) beginning after the date on which such
19 agreement is entered into; and
20 (2) ending on or before December 31, 2020.
21 **SEC. 2108. TEMPORARY FINANCING OF SHORT-TIME COM-**
22 **PENSATION PAYMENTS IN STATES WITH PRO-**
23 **GRAMS IN LAW.**
24 (a) PAYMENTS TO STATES.—

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1 (1) IN GENERAL.—Subject to paragraph (3),
2 there shall be paid to a State an amount equal to
3 100 percent of the amount of short-time compensa-
4 tion paid under a short-time compensation program
5 (as defined in section 3306(v) of the Internal Rev-
6 enue Code of 1986) under the provisions of the
7 State law.
8 (2) TERMS OF PAYMENTS.—Payments made to
9 a State under paragraph (1) shall be payable by way
10 of reimbursement in such amounts as the Secretary
11 estimates the State will be entitled to receive under
12 this section for each calendar month, reduced or in-
13 creased, as the case may be, by any amount by
14 which the Secretary finds that the Secretary's esti-
15 mates for any prior calendar month were greater or
16 less than the amounts which should have been paid
17 to the State. Such estimates may be made on the
18 basis of such statistical, sampling, or other method
19 as may be agreed upon by the Secretary and the
20 State agency of the State involved.
21 (3) LIMITATIONS ON PAYMENTS.—
22 (A) GENERAL PAYMENT LIMITATIONS.—
23 No payments shall be made to a State under
24 this section for short-time compensation paid to
25 an individual by the State during a benefit year

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in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State under a short-time compensation program if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(b) APPLICABILITY.—Payments to a State under subsection (a) shall be available for weeks of unemployment—

(1) beginning on or after the date of the enactment of this Act; and

(2) ending on or before December 31, 2020.

(c) NEW PROGRAMS.—Subject to subsection (b)(2), if at any point after the date of the enactment of this Act the State enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, the State shall be eligible for payments under this section after the effective date of such enactment.

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1 (d) FUNDING AND CERTIFICATIONS.—
2 (1) FUNDING.—There are appropriated, out of
3 moneys in the Treasury not otherwise appropriated,
4 such sums as may be necessary for purposes of car-
5 rying out this section.
6 (2) CERTIFICATIONS.—The Secretary shall
7 from time to time certify to the Secretary of the
8 Treasury for payment to each State the sums pay-
9 able to such State under this section.
10 (e) DEFINITIONS.—In this section:
11 (1) SECRETARY.—The term "Secretary" means
12 the Secretary of Labor.
13 (2) STATE; STATE AGENCY; STATE LAW.—The
14 terms "State", "State agency", and "State law"
15 have the meanings given those terms in section 205
16 of the Federal-State Extended Unemployment Com-
17 pensation Act of 1970 (26 U.S.C. 3304 note).
18 (f) TECHNICAL CORRECTION TO DEFINITION.—Sec-
19 tion 3306(v)(6) of the Internal Revenue Code of 1986 (26
20 U.S.C. 3306) is amended by striking "Workforce Invest-
21 ment Act of 1998" and inserting "Workforce Innovation
22 and Opportunity Act".
23 **SEC. 2109. TEMPORARY FINANCING OF SHORT-TIME COM-**
24 **PENSATION AGREEMENTS.**
25 (a) FEDERAL-STATE AGREEMENTS.—

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1 (1) IN GENERAL.—Any State which desires to
2 do so may enter into, and participate in, an agree-
3 ment under this section with the Secretary provided
4 that such State's law does not provide for the pay-
5 ment of short-time compensation under a short-time
6 compensation program (as defined in section
7 3306(v) of the Internal Revenue Code of 1986).
8 (2) ABILITY TO TERMINATE.—Any State which
9 is a party to an agreement under this section may,
10 upon providing 30 days' written notice to the Sec-
11 retary, terminate such agreement.
12 (b) PROVISIONS OF FEDERAL-STATE AGREEMENT.—
13 (1) IN GENERAL.—Any agreement under this
14 section shall provide that the State agency of the
15 State will make payments of short-time compensa-
16 tion under a plan approved by the State. Such plan
17 shall provide that payments are made in accordance
18 with the requirements under section 3306(v) of the
19 Internal Revenue Code of 1986.
20 (2) LIMITATIONS ON PLANS.—
21 (A) GENERAL PAYMENT LIMITATIONS.—A
22 short-time compensation plan approved by a
23 State shall not permit the payment of short-
24 time compensation to an individual by the State
25 during a benefit year in excess of 26 times the

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1 amount of regular compensation (including de-
2 pendents' allowances) under the State law pay-
3 able to such individual for a week of total un-
4 employment.

5 (B) EMPLOYER LIMITATIONS.—A short-
6 time compensation plan approved by a State
7 shall not provide payments to an individual if
8 such individual is employed by the participating
9 employer on a seasonal, temporary, or intermit-
10 tent basis.

11 (3) EMPLOYER PAYMENT OF COSTS.—Any
12 short-time compensation plan entered into by an em-
13 ployer must provide that the employer will pay the
14 State an amount equal to one-half of the amount of
15 short-time compensation paid under such plan. Such
16 amount shall be deposited in the State's unemploy-
17 ment fund and shall not be used for purposes of cal-
18 culating an employer's contribution rate under sec-
19 tion 3303(a)(1) of the Internal Revenue Code of
20 1986.

21 (c) PAYMENTS TO STATES.—

22 (1) IN GENERAL.—There shall be paid to each
23 State with an agreement under this section an
24 amount equal to—

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1 (A) one-half of the amount of short-time
2 compensation paid to individuals by the State
3 pursuant to such agreement; and
4 (B) any additional administrative expenses
5 incurred by the State by reason of such agree-
6 ment (as determined by the Secretary).
7 (2) TERMS OF PAYMENTS.—Payments made to
8 a State under paragraph (1) shall be payable by way
9 of reimbursement in such amounts as the Secretary
10 estimates the State will be entitled to receive under
11 this section for each calendar month, reduced or in-
12 creased, as the case may be, by any amount by
13 which the Secretary finds that the Secretary's esti-
14 mates for any prior calendar month were greater or
15 less than the amounts which should have been paid
16 to the State. Such estimates may be made on the
17 basis of such statistical, sampling, or other method
18 as may be agreed upon by the Secretary and the
19 State agency of the State involved.
20 (3) FUNDING.—There are appropriated, out of
21 moneys in the Treasury not otherwise appropriated,
22 such sums as may be necessary for purposes of car-
23 rying out this section.
24 (4) CERTIFICATIONS.—The Secretary shall
25 from time to time certify to the Secretary of the

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1 Treasury for payment to each State the sums pay-
2 able to such State under this section.
3 (d) APPLICABILITY.—An agreement entered into
4 under this section shall apply to weeks of unemployment—
5 (1) beginning on or after the date on which
6 such agreement is entered into; and
7 (2) ending on or before December 31, 2020.
8 (e) SPECIAL RULE.—If a State has entered into an
9 agreement under this section and subsequently enacts a
10 State law providing for the payment of short-time com-
11 pensation under a short-time compensation program that
12 meets the definition of such a program under section
13 3306(v) of the Internal Revenue Code of 1986, the
14 State—
15 (1) shall not be eligible for payments under this
16 section for weeks of unemployment beginning after
17 the effective date of such State law; and
18 (2) subject to section 2108(b)(2), shall be eligi-
19 ble to receive payments under section 2108 after the
20 effective date of such State law.
21 (f) DEFINITIONS.—In this section:
22 (1) SECRETARY.—The term "Secretary" means
23 the Secretary of Labor.
24 (2) STATE; STATE AGENCY; STATE LAW.—The
25 terms "State", "State agency", and "State law"

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1 have the meanings given those terms in section 205
2 of the Federal-State Extended Unemployment Com-
3 pensation Act of 1970 (26 U.S.C. 3304 note).

4 **SEC. 2110. GRANTS FOR SHORT-TIME COMPENSATION PRO-**
5 **GRAMS.**

6 (a) GRANTS.—

7 (1) FOR IMPLEMENTATION OR IMPROVED AD-
8 MINISTRATION.—The Secretary shall award grants
9 to States that enact short-time compensation pro-
10 grams (as defined in subsection (i)(2)) for the pur-
11 pose of implementation or improved administration
12 of such programs.

13 (2) FOR PROMOTION AND ENROLLMENT.—The
14 Secretary shall award grants to States that are eligi-
15 ble and submit plans for a grant under paragraph
16 (1) for such States to promote and enroll employers
17 in short-time compensation programs (as so de-
18 fined).

19 (3) ELIGIBILITY.—

20 (A) IN GENERAL.—The Secretary shall de-
21 termine eligibility criteria for the grants under
22 paragraphs (1) and (2).

23 (B) CLARIFICATION.—A State admin-
24 istering a short-time compensation program
25 that does not meet the definition of a short-

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1 time compensation program under section
2 3306(v) of the Internal Revenue Code of 1986,
3 and a State with an agreement under section
4 2109, shall not be eligible to receive a grant
5 under this section until such time as the State
6 law of the State provides for payments under a
7 short-time compensation program that meets
8 such definition and such law.
9 (b) AMOUNT OF GRANTS.—
10 (1) IN GENERAL.—The maximum amount avail-
11 able for making grants to a State under paragraphs
12 (1) and (2) shall be equal to the amount obtained
13 by multiplying $100,000,000 (less the amount used
14 by the Secretary under subsection (e)) by the same
15 ratio as would apply under subsection (a)(2)(B) of
16 section 903 of the Social Security Act (42 U.S.C.
17 1103) for purposes of determining such State's
18 share of any excess amount (as described in sub-
19 section (a)(1) of such section) that would have been
20 subject to transfer to State accounts, as of October
21 1, 2019, under the provisions of subsection (a) of
22 such section.
23 (2) AMOUNT AVAILABLE FOR DIFFERENT
24 GRANTS.—Of the maximum incentive payment deter-

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1 mined under paragraph (1) with respect to a
2 State—
3 (A) one-third shall be available for a grant
4 under subsection (a)(1); and
5 (B) two-thirds shall be available for a
6 grant under subsection (a)(2).
7 (c) GRANT APPLICATION AND DISBURSAL.—
8 (1) APPLICATION.—Any State seeking a grant
9 under paragraph (1) or (2) of subsection (a) shall
10 submit an application to the Secretary at such time,
11 in such manner, and complete with such information
12 as the Secretary may require. In no case may the
13 Secretary award a grant under this section with re-
14 spect to an application that is submitted after De-
15 cember 31, 2023.
16 (2) NOTICE.—The Secretary shall, within 30
17 days after receiving a complete application, notify
18 the State agency of the State of the Secretary's find-
19 ings with respect to the requirements for a grant
20 under paragraph (1) or (2) (or both) of subsection
21 (a).
22 (3) CERTIFICATION.—If the Secretary finds
23 that the State law provisions meet the requirements
24 for a grant under subsection (a), the Secretary shall
25 thereupon make a certification to that effect to the

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1 Secretary of the Treasury, together with a certifi-
2 cation as to the amount of the grant payment to be
3 transferred to the State account in the Unemploy-
4 ment Trust Fund (as established in section 904(a)
5 of the Social Security Act (42 U.S.C. 1104(a))) pur-
6 suant to that finding. The Secretary of the Treasury
7 shall make the appropriate transfer to the State ac-
8 count within 7 days after receiving such certifi-
9 cation.

10 (4) REQUIREMENT.—No certification of compli-
11 ance with the requirements for a grant under para-
12 graph (1) or (2) of subsection (a) may be made with
13 respect to any State whose—

14 (A) State law is not otherwise eligible for
15 certification under section 303 of the Social Se-
16 curity Act (42 U.S.C. 503) or approvable under
17 section 3304 of the Internal Revenue Code of
18 1986; or

19 (B) short-time compensation program is
20 subject to discontinuation or is not scheduled to
21 take effect within 12 months of the certifi-
22 cation.

23 (d) USE OF FUNDS.—The amount of any grant
24 awarded under this section shall be used for the implemen-
25 tation of short-time compensation programs and the over-

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1 all administration of such programs and the promotion
2 and enrollment efforts associated with such programs,
3 such as through—
4 (1) the creation or support of rapid response
5 teams to advise employers about alternatives to lay-
6 offs;
7 (2) the provision of education or assistance to
8 employers to enable them to assess the feasibility of
9 participating in short-time compensation programs;
10 and
11 (3) the development or enhancement of systems
12 to automate—
13 (A) the submission and approval of plans;
14 and
15 (B) the filing and approval of new and on-
16 going short-time compensation claims.
17 (e) ADMINISTRATION.—The Secretary is authorized
18 to use 0.25 percent of the funds available under subsection
19 (g) to provide for outreach and to share best practices with
20 respect to this section and short-time compensation pro-
21 grams.
22 (f) RECOUPMENT.—The Secretary shall establish a
23 process under which the Secretary shall recoup the
24 amount of any grant awarded under paragraph (1) or (2)
25 of subsection (a) if the Secretary determines that, during

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1 the 5-year period beginning on the first date that any such
2 grant is awarded to the State, the State—
3 (1) terminated the State's short-time compensa-
4 tion program; or
5 (2) failed to meet appropriate requirements
6 with respect to such program (as established by the
7 Secretary).
8 (g) FUNDING.—There are appropriated, out of mon-
9 eys in the Treasury not otherwise appropriated, to the
10 Secretary, $100,000,000 to carry out this section, to re-
11 main available without fiscal year limitation.
12 (h) REPORTING.—The Secretary may establish re-
13 porting requirements for States receiving a grant under
14 this section in order to provide oversight of grant funds.
15 (i) DEFINITIONS.—In this section:
16 (1) SECRETARY.—The term "Secretary" means
17 the Secretary of Labor.
18 (2) SHORT-TIME COMPENSATION PROGRAM.—
19 The term "short-time compensation program" has
20 the meaning given such term in section 3306(v) of
21 the Internal Revenue Code of 1986.
22 (3) STATE; STATE AGENCY; STATE LAW.—The
23 terms "State", "State agency", and "State law"
24 have the meanings given those terms in section 205

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1 of the Federal-State Extended Unemployment Com-
2 pensation Act of 1970 (26 U.S.C. 3304 note).

3 **SEC. 2111. ASSISTANCE AND GUIDANCE IN IMPLEMENTING**
4 **PROGRAMS.**

5 (a) IN GENERAL.—In order to assist States in estab-
6 lishing, qualifying, and implementing short-time com-
7 pensation programs (as defined in section 3306(v) of the
8 Internal Revenue Code of 1986), the Secretary of Labor
9 (in this section referred to as the "Secretary") shall—

10 (1) develop model legislative language, or dis-
11 seminate existing model legislative language, which
12 may be used by States in developing and enacting
13 such programs, and periodically review and revise
14 such model legislative language;

15 (2) provide technical assistance and guidance in
16 developing, enacting, and implementing such pro-
17 grams; and

18 (3) establish reporting requirements for States,
19 including reporting on—

20 (A) the number of estimated averted lay-
21 offs;

22 (B) the number of participating employers
23 and workers; and

24 (C) such other items as the Secretary of
25 Labor determines are appropriate.

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1 (b) MODEL LANGUAGE AND GUIDANCE.—The model
2 language and guidance developed under subsection (a)
3 shall allow sufficient flexibility by States and participating
4 employers while ensuring accountability and program in-
5 tegrity.

6 (c) CONSULTATION.—In developing the model legisla-
7 tive language and guidance under subsection (a), and in
8 order to meet the requirements of subsection (b), the Sec-
9 retary shall consult with employers, labor organizations,
10 State workforce agencies, and other program experts. Ex-
11 isting model legislative language that has been developed
12 through such a consultative process shall be deemed to
13 meet the consultation requirement of this subsection.

14 (d) REPEAL.—Section 4104 of the Emergency Unem-
15 ployment Stabilization and Access Act of 2020 (contained
16 in division D of the Families First Coronavirus Response
17 Act) is repealed.

18 **SEC. 2112. WAIVER OF THE 7-DAY WAITING PERIOD FOR**
19 **BENEFITS UNDER THE RAILROAD UNEM-**
20 **PLOYMENT INSURANCE ACT.**

21 (a) NO WAITING WEEK.—With respect to any reg-
22 istration period beginning after the date of enactment of
23 this Act and ending on or before December 31, 2020, sub-
24 paragraphs (A)(ii) and (B)(ii) of section 2(a)(1) of the

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1 Railroad Unemployment Insurance Act (45 U.S.C.
2 352(a)(1)) shall not apply.
3 (b) OPERATING INSTRUCTIONS AND REGULA-
4 TIONS.—The Railroad Retirement Board may prescribe
5 any operating instructions or regulations necessary to
6 carry out this section.
7 (c) FUNDING.—Out of any funds in the Treasury not
8 otherwise appropriated, there are appropriated
9 $50,000,000 to cover the costs of additional benefits pay-
10 able due to the application of subsection (a). Upon the
11 exhaustion of the funds appropriated under this sub-
12 section, subsection (a) shall no longer apply with respect
13 to any registration period beginning after the date of ex-
14 haustion of funds.
15 (d) DEFINITION OF REGISTRATION PERIOD.—For
16 purposes of this section, the term "registration period"
17 has the meaning given such term under section 1 of the
18 Railroad Unemployment Insurance Act (45 U.S.C. 351).
19 **SEC. 2113. ENHANCED BENEFITS UNDER THE RAILROAD**
20 **UNEMPLOYMENT INSURANCE ACT.**
21 Section 2(a) of the Railroad Unemployment Insur-
22 ance Act (45 U.S.C. § 352(a)) is amended by adding at
23 the end the following:
24 "(5)(A) Notwithstanding paragraph (3), subsection
25 (c)(1)(B), and any other limitation on total benefits in this

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1 Act, for registration periods beginning on or after April
2 1, 2020, but on or before July 31, 2020, a recovery benefit
3 in the amount of $1,200 shall be payable to a qualified
4 employee with respect to any registration period in which
5 the employee received unemployment benefits under para-
6 graph (1)(A), and in any registration period in which the
7 employee did not receive unemployment benefits due to the
8 limitation in subsection (c)(1)(B) or due to reaching the
9 maximum number of days of benefits in the benefit year
10 beginning July 1, 2019, under subsection (c)(1)(A). No
11 recovery benefits shall be payable under this section upon
12 the exhaustion of the funds appropriated under subpara-
13 graph (B) for payment of benefits under this subpara-
14 graph.

15 "(B) Out of any funds in the Treasury not otherwise
16 appropriated, there are appropriated $425,000,000 to
17 cover the cost of recovery benefits provided under subpara-
18 graph (A), to remain available until expended.".

19 **SEC. 2114. EXTENDED UNEMPLOYMENT BENEFITS UNDER**
20 **THE RAILROAD UNEMPLOYMENT INSURANCE**
21 **ACT.**

22 (a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Rail-
23 road Unemployment Insurance Act (45 U.S.C.
24 352(c)(2)(D)(iii) is amended—

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1 (1) by striking "July 1, 2008" and inserting
2 "July 1, 2019";
3 (2) by striking "June 30, 2013" and inserting
4 "June 30, 2020"; and
5 (3) by striking "December 31, 2013" and in-
6 serting "December 31, 2020".
7 (b) CLARIFICATION ON AUTHORITY TO USE
8 FUNDS.—Funds appropriated under either the first or
9 second sentence of clause (iv) of section 2(c)(2)(D) of the
10 Railroad Unemployment Insurance Act shall be available
11 to cover the cost of additional extended unemployment
12 benefits provided under such section 2(c)(2)(D) by reason
13 of the amendments made by subsection (a) as well as to
14 cover the cost of such benefits provided under such section
15 2(c)(2)(D) as in effect on the day before the date of enact-
16 ment of this Act.

17 **SEC. 2115. FUNDING FOR THE DOL OFFICE OF INSPECTOR**
18 **GENERAL FOR OVERSIGHT OF UNEMPLOY-**
19 **MENT PROVISIONS.**

20 There are appropriated, out of moneys in the Treas-
21 ury not otherwise appropriated, to the Office of the In-
22 spector General of the Department of Labor, $25,000,000
23 to carry out audits, investigations, and other oversight ac-
24 tivities authorized under the Inspector General Act of
25 1978 (5 U.S.C. App.) that are related to the provisions

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of, and amendments made by, this subtitle, to remain available without fiscal year limitation.

**SEC. 2116. IMPLEMENTATION.**

(a) NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act of 1995"), shall not apply to the provisions of, and the amendments made by, this subtitle.

(b) OPERATING INSTRUCTIONS OR OTHER GUIDANCE.—Notwithstanding any other provision of law, the Secretary of Labor may issue any operating instructions or other guidance necessary to carry out the provisions of, or the amendments made by, this subtitle.

# Subtitle B—Rebates and Other Individual Provisions

**SEC. 2201. 2020 RECOVERY REBATES FOR INDIVIDUALS.**

(a) IN GENERAL.—Subchapter B of chapter 65 of subtitle F of the Internal Revenue Code of 1986 is amended by inserting after section 6427 the following new section:

**"SEC. 6428. 2020 RECOVERY REBATES FOR INDIVIDUALS.**

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

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1 "(1) $1,200 ($2,400 in the case of eligible indi-
2 viduals filing a joint return), plus
3 "(2) an amount equal to the product of $500
4 multiplied by the number of qualifying children
5 (within the meaning of section 24(c)) of the tax-
6 payer.
7 "(b) TREATMENT OF CREDIT.—The credit allowed by
8 subsection (a) shall be treated as allowed by subpart C
9 of part IV of subchapter A of chapter 1.
10 "(c) LIMITATION BASED ON ADJUSTED GROSS IN-
11 COME.—The amount of the credit allowed by subsection
12 (a) (determined without regard to this subsection and sub-
13 section (e)) shall be reduced (but not below zero) by 5
14 percent of so much of the taxpayer's adjusted gross in-
15 come as exceeds—
16 "(1) $150,000 in the case of a joint return,
17 "(2) $112,500 in the case of a head of house-
18 hold, and
19 "(3) $75,000 in the case of a taxpayer not de-
20 scribed in paragraph (1) or (2).
21 "(d) ELIGIBLE INDIVIDUAL.—For purposes of this
22 section, the term 'eligible individual' means any individual
23 other than—
24 "(1) any nonresident alien individual,

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1 "(2) any individual with respect to whom a de-
2 duction under section 151 is allowable to another
3 taxpayer for a taxable year beginning in the cal-
4 endar year in which the individual's taxable year be-
5 gins, and
6 "(3) an estate or trust.
7 "(e) COORDINATION WITH ADVANCE REFUNDS OF
8 CREDIT.—
9 "(1) IN GENERAL.—The amount of credit
10 which would (but for this paragraph) be allowable
11 under this section shall be reduced (but not below
12 zero) by the aggregate refunds and credits made or
13 allowed to the taxpayer under subsection (f). Any
14 failure to so reduce the credit shall be treated as
15 arising out of a mathematical or clerical error and
16 assessed according to section 6213(b)(1).
17 "(2) JOINT RETURNS.—In the case of a refund
18 or credit made or allowed under subsection (f) with
19 respect to a joint return, half of such refund or cred-
20 it shall be treated as having been made or allowed
21 to each individual filing such return.
22 "(f) ADVANCE REFUNDS AND CREDITS.—
23 "(1) IN GENERAL.—Subject to paragraph (5),
24 each individual who was an eligible individual for
25 such individual's first taxable year beginning in

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1 2019 shall be treated as having made a payment
2 against the tax imposed by chapter 1 for such tax-
3 able year in an amount equal to the advance refund
4 amount for such taxable year.

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

11 "(3) TIMING AND MANNER OF PAYMENTS.—

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

18 "(B) DELIVERY OF PAYMENTS.—Notwith-
19 standing any other provision of law, the Sec-
20 retary may certify and disburse refunds payable
21 under this subsection electronically to any ac-
22 count to which the payee authorized, on or after
23 January 1, 2018, the delivery of a refund of
24 taxes under this title or of a Federal payment

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1 (as defined in section 3332 of title 31, United
2 States Code).
3 "(C) WAIVER OF CERTAIN RULES.—Not-
4 withstanding section 3325 of title 31, United
5 States Code, or any other provision of law, with
6 respect to any payment of a refund under this
7 subsection, a disbursing official in the executive
8 branch of the United States Government may
9 modify payment information received from an
10 officer or employee described in section
11 3325(a)(1)(B) of such title for the purpose of
12 facilitating the accurate and efficient delivery of
13 such payment. Except in cases of fraud or reck-
14 less neglect, no liability under sections 3325,
15 3527, 3528, or 3529 of title 31, United States
16 Code, shall be imposed with respect to pay-
17 ments made under this subparagraph.
18 "(4) NO INTEREST.—No interest shall be al-
19 lowed on any overpayment attributable to this sec-
20 tion.
21 "(5) ALTERNATE TAXABLE YEAR.—In the case
22 of an individual who, at the time of any determina-
23 tion made pursuant to paragraph (3), has not filed
24 a tax return for the year described in paragraph (1),
25 the Secretary may—

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1 "(A) apply such paragraph by substituting
2 '2018' for '2019', and
3 "(B) if the individual has not filed a tax
4 return for such individual's first taxable year
5 beginning in 2018, use information with respect
6 to such individual for calendar year 2019 pro-
7 vided in—
8 "(i) Form SSA-1099, Social Security
9 Benefit Statement, or
10 "(ii) Form RRB-1099, Social Security
11 Equivalent Benefit Statement.
12 "(6) NOTICE TO TAXPAYER.—Not later than 15
13 days after the date on which the Secretary distrib-
14 uted any payment to an eligible taxpayer pursuant
15 to this subsection, notice shall be sent by mail to
16 such taxpayer's last known address. Such notice
17 shall indicate the method by which such payment
18 was made, the amount of such payment, and a
19 phone number for the appropriate point of contact
20 at the Internal Revenue Service to report any failure
21 to receive such payment.
22 "(g) IDENTIFICATION NUMBER REQUIREMENT.—
23 "(1) IN GENERAL.—No credit shall be allowed
24 under subsection (a) to an eligible individual who

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1 does not include on the return of tax for the taxable
2 year—
3 "(A) such individual's valid identification
4 number,
5 "(B) in the case of a joint return, the valid
6 identification number of such individual's
7 spouse, and
8 "(C) in the case of any qualifying child
9 taken into account under subsection (a)(2), the
10 valid identification number of such qualifying
11 child.
12 "(2) VALID IDENTIFICATION NUMBER.—
13 "(A) IN GENERAL.—For purposes of para-
14 graph (1), the term 'valid identification num-
15 ber' means a social security number (as such
16 term is defined in section 24(h)(7)).
17 "(B) ADOPTION TAXPAYER IDENTIFICA-
18 TION NUMBER.—For purposes of paragraph
19 (1)(C), in the case of a qualifying child who is
20 adopted or placed for adoption, the term 'valid
21 identification number' shall include the adop-
22 tion taxpayer identification number of such
23 child.
24 "(3) SPECIAL RULE FOR MEMBERS OF THE
25 ARMED FORCES.—Paragraph (1)(B) shall not apply

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in the case where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year and at least 1 spouse satisfies paragraph (1)(A).

"(4) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Any omission of a correct valid identification number required under this subsection shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) to such omission.

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

(b) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking "and 36B, 168(k)(4)" and inserting "36B, and 6428".

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking "or 32" and inserting "32, or 6428".

(c) TREATMENT OF POSSESSIONS.—

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1 (1) PAYMENTS TO POSSESSIONS.—
2 (A) MIRROR CODE POSSESSION.—The Sec-
3 retary of the Treasury shall pay to each posses-
4 sion of the United States which has a mirror
5 code tax system amounts equal to the loss (if
6 any) to that possession by reason of the amend-
7 ments made by this section. Such amounts shall
8 be determined by the Secretary of the Treasury
9 based on information provided by the govern-
10 ment of the respective possession.
11 (B) OTHER POSSESSIONS.—The Secretary
12 of the Treasury shall pay to each possession of
13 the United States which does not have a mirror
14 code tax system amounts estimated by the Sec-
15 retary of the Treasury as being equal to the ag-
16 gregate benefits (if any) that would have been
17 provided to residents of such possession by rea-
18 son of the amendments made by this section if
19 a mirror code tax system had been in effect in
20 such possession. The preceding sentence shall
21 not apply unless the respective possession has a
22 plan, which has been approved by the Secretary
23 of the Treasury, under which such possession
24 will promptly distribute such payments to its
25 residents.

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1 (2) COORDINATION WITH CREDIT ALLOWED
2 AGAINST UNITED STATES INCOME TAXES.—No cred-
3 it shall be allowed against United States income
4 taxes under section 6428 of the Internal Revenue
5 Code of 1986 (as added by this section) to any per-
6 son—
7 (A) to whom a credit is allowed against
8 taxes imposed by the possession by reason of
9 the amendments made by this section, or
10 (B) who is eligible for a payment under a
11 plan described in paragraph (1)(B).
12 (3) DEFINITIONS AND SPECIAL RULES.—
13 (A) POSSESSION OF THE UNITED
14 STATES.—For purposes of this subsection, the
15 term "possession of the United States" includes
16 the Commonwealth of Puerto Rico and the
17 Commonwealth of the Northern Mariana Is-
18 lands.
19 (B) MIRROR CODE TAX SYSTEM.—For pur-
20 poses of this subsection, the term "mirror code
21 tax system" means, with respect to any posses-
22 sion of the United States, the income tax sys-
23 tem of such possession if the income tax liabil-
24 ity of the residents of such possession under
25 such system is determined by reference to the

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1 income tax laws of the United States as if such
2 possession were the United States.
3 (C) TREATMENT OF PAYMENTS.—For pur-
4 poses of section 1324 of title 31, United States
5 Code, the payments under this subsection shall
6 be treated in the same manner as a refund due
7 from a credit provision referred to in subsection
8 (b)(2) of such section.
9 (d) EXCEPTION FROM REDUCTION OR OFFSET.—
10 Any credit or refund allowed or made to any individual
11 by reason of section 6428 of the Internal Revenue Code
12 of 1986 (as added by this section) or by reason of sub-
13 section (c) of this section shall not be—
14 (1) subject to reduction or offset pursuant to
15 section 3716 or 3720A of title 31, United States
16 Code,
17 (2) subject to reduction or offset pursuant to
18 subsection (d), (e), or (f) of section 6402 of the In-
19 ternal Revenue Code of 1986, or
20 (3) reduced or offset by other assessed Federal
21 taxes that would otherwise be subject to levy or col-
22 lection.
23 (e) PUBLIC AWARENESS CAMPAIGN.—The Secretary
24 of the Treasury (or the Secretary's delegate) shall conduct
25 a public awareness campaign, in coordination with the

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1 Commissioner of Social Security and the heads of other
2 relevant Federal agencies, to provide information regard-
3 ing the availability of the credit and rebate allowed under
4 section 6428 of the Internal Revenue Code of 1986 (as
5 added by this section), including information with respect
6 to individuals who may not have filed a tax return for tax-
7 able year 2018 or 2019.

8 (f) APPROPRIATIONS TO CARRY OUT REBATES.—

9 (1) IN GENERAL.—Immediately upon the enact-
10 ment of this Act, the following sums are appro-
11 priated, out of any money in the Treasury not other-
12 wise appropriated, for the fiscal year ending Sep-
13 tember 30, 2020:

14 (A) DEPARTMENT OF THE TREASURY.—

15 (i) For an additional amount for ''De-
16 partment of the Treasury—Bureau of the
17 Fiscal Service—Salaries and Expenses'',
18 $78,650,000, to remain available until
19 September 30, 2021.

20 (ii) For an additional amount for
21 ''Department of the Treasury—Internal
22 Revenue Service—Taxpayer Services'',
23 $293,500,000, to remain available until
24 September 30, 2021.

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1 (iii) For an additional amount for
2 "Department of the Treasury—Internal
3 Revenue Service—Operations Support",
4 $170,000,000, to remain available until
5 September 30, 2021.
6 (iv) For an additional amount for
7 "Department of Treasury—Internal Rev-
8 enue Service—Enforcement", $37,200,000,
9 to remain available until September 30,
10 2021.
11 Amounts made available in appropriations
12 under clauses (ii), (iii), and (iv) of this subpara-
13 graph may be transferred between such appro-
14 priations upon the advance notification of the
15 Committees on Appropriations of the House of
16 Representatives and the Senate. Such transfer
17 authority is in addition to any other transfer
18 authority provided by law.
19 (B) SOCIAL SECURITY ADMINISTRATION.—
20 For an additional amount for "Social Security
21 Administration—Limitation on Administrative
22 Expenses", $38,000,000, to remain available
23 until September 30, 2021.
24 (2) REPORTS.—No later than 15 days after en-
25 actment of this Act, the Secretary of the Treasury

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1 shall submit a plan to the Committees on Appropria-
2 tions of the House of Representatives and the Sen-
3 ate detailing the expected use of the funds provided
4 by paragraph (1)(A). Beginning 90 days after enact-
5 ment of this Act, the Secretary of the Treasury shall
6 submit a quarterly report to the Committees on Ap-
7 propriations of the House of Representatives and the
8 Senate detailing the actual expenditure of funds pro-
9 vided by paragraph (1)(A) and the expected expendi-
10 ture of such funds in the subsequent quarter.
11 (g) CONFORMING AMENDMENTS.—
12 (1) Paragraph (2) of section 1324(b) of title
13 31, United States Code, is amended by inserting
14 "6428," after "54B(h),".
15 (2) The table of sections for subchapter B of
16 chapter 65 of subtitle F of the Internal Revenue
17 Code of 1986 is amended by inserting after the item
18 relating to section 6427 the following:

"Sec. 6428. 2020 Recovery Rebates for individuals.".

19 **SEC. 2202. SPECIAL RULES FOR USE OF RETIREMENT**
20 **FUNDS.**
21 (a) TAX-FAVORED WITHDRAWALS FROM RETIRE-
22 MENT PLANS.—
23 (1) IN GENERAL.—Section 72(t) of the Internal
24 Revenue Code of 1986 shall not apply to any
25 coronavirus-related distribution.

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1 (2) AGGREGATE DOLLAR LIMITATION.—
2 (A) IN GENERAL.—For purposes of this
3 subsection, the aggregate amount of distribu-
4 tions received by an individual which may be
5 treated as coronavirus-related distributions for
6 any taxable year shall not exceed $100,000.
7 (B) TREATMENT OF PLAN DISTRIBU-
8 TIONS.—If a distribution to an individual would
9 (without regard to subparagraph (A)) be a
10 coronavirus-related distribution, a plan shall not
11 be treated as violating any requirement of the
12 Internal Revenue Code of 1986 merely because
13 the plan treats such distribution as a
14 coronavirus-related distribution, unless the ag-
15 gregate amount of such distributions from all
16 plans maintained by the employer (and any
17 member of any controlled group which includes
18 the employer) to such individual exceeds
19 $100,000.
20 (C) CONTROLLED GROUP.—For purposes
21 of subparagraph (B), the term "controlled
22 group" means any group treated as a single
23 employer under subsection (b), (c), (m), or (o)
24 of section 414 of the Internal Revenue Code of
25 1986.

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1 (3) AMOUNT DISTRIBUTED MAY BE REPAID.—
2 (A) IN GENERAL.—Any individual who re-
3 ceives a coronavirus-related distribution may, at
4 any time during the 3-year period beginning on
5 the day after the date on which such distribu-
6 tion was received, make 1 or more contributions
7 in an aggregate amount not to exceed the
8 amount of such distribution to an eligible retire-
9 ment plan of which such individual is a bene-
10 ficiary and to which a rollover contribution of
11 such distribution could be made under section
12 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or
13 457(e)(16), of the Internal Revenue Code of
14 1986, as the case may be.
15 (B) TREATMENT OF REPAYMENTS OF DIS-
16 TRIBUTIONS FROM ELIGIBLE RETIREMENT
17 PLANS OTHER THAN IRAS.—For purposes of
18 the Internal Revenue Code of 1986, if a con-
19 tribution is made pursuant to subparagraph (A)
20 with respect to a coronavirus-related distribu-
21 tion from an eligible retirement plan other than
22 an individual retirement plan, then the taxpayer
23 shall, to the extent of the amount of the con-
24 tribution, be treated as having received the
25 coronavirus-related distribution in an eligible

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1 rollover distribution (as defined in section
2 402(c)(4) of such Code) and as having trans-
3 ferred the amount to the eligible retirement
4 plan in a direct trustee to trustee transfer with-
5 in 60 days of the distribution.

6 (C) TREATMENT OF REPAYMENTS OF DIS-
7 TRIBUTIONS FROM IRAS.—For purposes of the
8 Internal Revenue Code of 1986, if a contribu-
9 tion is made pursuant to subparagraph (A)
10 with respect to a coronavirus-related distribu-
11 tion from an individual retirement plan (as de-
12 fined by section 7701(a)(37) of such Code),
13 then, to the extent of the amount of the con-
14 tribution, the coronavirus-related distribution
15 shall be treated as a distribution described in
16 section 408(d)(3) of such Code and as having
17 been transferred to the eligible retirement plan
18 in a direct trustee to trustee transfer within 60
19 days of the distribution.

20 (4) DEFINITIONS.—For purposes of this sub-
21 section—

22 (A) CORONAVIRUS-RELATED DISTRIBU-
23 TION.—Except as provided in paragraph (2),
24 the term "coronavirus-related distribution"

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1 means any distribution from an eligible retire-
2 ment plan made—
3 (i) on or after January 1, 2020, and
4 before December 31, 2020,
5 (ii) to an individual—
6 (I) who is diagnosed with the
7 virus SARS-CoV-2 or with
8 coronavirus disease 2019 (COVID-19)
9 by a test approved by the Centers for
10 Disease Control and Prevention,
11 (II) whose spouse or dependent
12 (as defined in section 152 of the In-
13 ternal Revenue Code of 1986) is diag-
14 nosed with such virus or disease by
15 such a test, or
16 (III) who experiences adverse fi-
17 nancial consequences as a result of
18 being quarantined, being furloughed
19 or laid off or having work hours re-
20 duced due to such virus or disease,
21 being unable to work due to lack of
22 child care due to such virus or dis-
23 ease, closing or reducing hours of a
24 business owned or operated by the in-
25 dividual due to such virus or disease,

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1 or other factors as determined by the
2 Secretary of the Treasury (or the Sec-
3 retary's delegate).
4 (B) EMPLOYEE CERTIFICATION.—The ad-
5 ministrator of an eligible retirement plan may
6 rely on an employee's certification that the em-
7 ployee satisfies the conditions of subparagraph
8 (A)(ii) in determining whether any distribution
9 is a coronavirus-related distribution.
10 (C) ELIGIBLE RETIREMENT PLAN.—The
11 term "eligible retirement plan" has the meaning
12 given such term by section 402(c)(8)(B) of the
13 Internal Revenue Code of 1986.
14 (5) INCOME INCLUSION SPREAD OVER 3-YEAR
15 PERIOD.—
16 (A) IN GENERAL.—In the case of any
17 coronavirus-related distribution, unless the tax-
18 payer elects not to have this paragraph apply
19 for any taxable year, any amount required to be
20 included in gross income for such taxable year
21 shall be so included ratably over the 3-taxable-
22 year period beginning with such taxable year.
23 (B) SPECIAL RULE.—For purposes of sub-
24 paragraph (A), rules similar to the rules of sub-

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1 paragraph (E) of section 408A(d)(3) of the In-
2 ternal Revenue Code of 1986 shall apply.
3 (6) SPECIAL RULES.—
4 (A) EXEMPTION OF DISTRIBUTIONS FROM
5 TRUSTEE TO TRUSTEE TRANSFER AND WITH-
6 HOLDING RULES.—For purposes of sections
7 401(a)(31), 402(f), and 3405 of the Internal
8 Revenue Code of 1986, coronavirus-related dis-
9 tributions shall not be treated as eligible roll-
10 over distributions.
11 (B) CORONAVIRUS-RELATED DISTRIBU-
12 TIONS TREATED AS MEETING PLAN DISTRIBU-
13 TION REQUIREMENTS.—For purposes of the In-
14 ternal Revenue Code of 1986, a coronavirus-re-
15 lated distribution shall be treated as meeting
16 the requirements of sections 401(k)(2)(B)(i),
17 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A)
18 of such Code and section 8433(h)(1) of title 5,
19 United States Code.
20 (b) LOANS FROM QUALIFIED PLANS.—
21 (1) INCREASE IN LIMIT ON LOANS NOT TREAT-
22 ED AS DISTRIBUTIONS.—In the case of any loan
23 from a qualified employer plan (as defined under
24 section 72(p)(4) of the Internal Revenue Code of
25 1986) to a qualified individual made during the 180-

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1 day period beginning on the date of the enactment
2 of this Act—
3 (A) clause (i) of section 72(p)(2)(A) of
4 such Code shall be applied by substituting
5 "$100,000" for "$50,000", and
6 (B) clause (ii) of such section shall be ap-
7 plied by substituting "the present value of the
8 nonforfeitable accrued benefit of the employee
9 under the plan" for "one-half of the present
10 value of the nonforfeitable accrued benefit of
11 the employee under the plan".
12 (2) DELAY OF REPAYMENT.—In the case of a
13 qualified individual with an outstanding loan (on or
14 after the date of the enactment of this Act) from a
15 qualified employer plan (as defined in section
16 72(p)(4) of the Internal Revenue Code of 1986)—
17 (A) if the due date pursuant to subpara-
18 graph (B) or (C) of section 72(p)(2) of such
19 Code for any repayment with respect to such
20 loan occurs during the period beginning on the
21 date of the enactment of this Act and ending on
22 December 31, 2020, such due date shall be de-
23 layed for 1 year,
24 (B) any subsequent repayments with re-
25 spect to any such loan shall be appropriately

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1 adjusted to reflect the delay in the due date
2 under subparagraph (A) and any interest accru-
3 ing during such delay, and
4 (C) in determining the 5-year period and
5 the term of a loan under subparagraph (B) or
6 (C) of section 72(p)(2) of such Code, the period
7 described in subparagraph (A) of this para-
8 graph shall be disregarded.
9 (3) QUALIFIED INDIVIDUAL.—For purposes of
10 this subsection, the term "qualified individual"
11 means any individual who is described in subsection
12 (a)(4)(A)(ii).
13 (c) PROVISIONS RELATING TO PLAN AMEND-
14 MENTS.—
15 (1) IN GENERAL.—If this subsection applies to
16 any amendment to any plan or annuity contract—
17 (A) such plan or contract shall be treated
18 as being operated in accordance with the terms
19 of the plan during the period described in para-
20 graph (2)(B)(i), and
21 (B) except as provided by the Secretary of
22 the Treasury (or the Secretary's delegate), such
23 plan or contract shall not fail to meet the re-
24 quirements of section 411(d)(6) of the Internal
25 Revenue Code of 1986 and section 204(g) of

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1 the Employee Retirement Income Security Act
2 of 1974 by reason of such amendment.
3 (2) AMENDMENTS TO WHICH SUBSECTION AP-
4 PLIES.—
5 (A) IN GENERAL.—This subsection shall
6 apply to any amendment to any plan or annuity
7 contract which is made—
8 (i) pursuant to any provision of this
9 section, or pursuant to any regulation
10 issued by the Secretary of the Treasury or
11 the Secretary of Labor (or the delegate of
12 either such Secretary) under any provision
13 of this section, and
14 (ii) on or before the last day of the
15 first plan year beginning on or after Janu-
16 ary 1, 2022, or such later date as the Sec-
17 retary of the Treasury (or the Secretary's
18 delegate) may prescribe.
19 In the case of a governmental plan (as defined
20 in section 414(d) of the Internal Revenue Code
21 of 1986), clause (ii) shall be applied by sub-
22 stituting the date which is 2 years after the
23 date otherwise applied under clause (ii).
24 (B) CONDITIONS.—This subsection shall
25 not apply to any amendment unless—

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1 (i) during the period—
2 (I) beginning on the date that
3 this section or the regulation de-
4 scribed in subparagraph (A)(i) takes
5 effect (or in the case of a plan or con-
6 tract amendment not required by this
7 section or such regulation, the effec-
8 tive date specified by the plan), and
9 (II) ending on the date described
10 in subparagraph (A)(ii) (or, if earlier,
11 the date the plan or contract amend-
12 ment is adopted),
13 the plan or contract is operated as if such
14 plan or contract amendment were in effect,
15 and
16 (ii) such plan or contract amendment
17 applies retroactively for such period.

18 **SEC. 2203. TEMPORARY WAIVER OF REQUIRED MINIMUM**
19 **DISTRIBUTION RULES FOR CERTAIN RETIRE-**
20 **MENT PLANS AND ACCOUNTS.**

21 (a) IN GENERAL.—Section 401(a)(9) of the Internal
22 Revenue Code of 1986 is amended by adding at the end
23 the following new subparagraph:
24 "(I) TEMPORARY WAIVER OF MINIMUM RE-
25 QUIRED DISTRIBUTION.—

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1 "(i) IN GENERAL.—The requirements
2 of this paragraph shall not apply for cal-
3 endar year 2020 to—
4 "(I) a defined contribution plan
5 which is described in this subsection
6 or in section 403(a) or 403(b),
7 "(II) a defined contribution plan
8 which is an eligible deferred com-
9 pensation plan described in section
10 457(b) but only if such plan is main-
11 tained by an employer described in
12 section 457(e)(1)(A), or
13 "(III) an individual retirement
14 plan.
15 "(ii) SPECIAL RULE FOR REQUIRED
16 BEGINNING DATES IN 2020.—Clause (i)
17 shall apply to any distribution which is re-
18 quired to be made in calendar year 2020
19 by reason of—
20 "(I) a required beginning date
21 occurring in such calendar year, and
22 "(II) such distribution not having
23 been made before January 1, 2020.

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1 "(iii) SPECIAL RULES REGARDING
2 WAIVER PERIOD.—For purposes of this
3 paragraph—
4 "(I) the required beginning date
5 with respect to any individual shall be
6 determined without regard to this
7 subparagraph for purposes of applying
8 this paragraph for calendar years
9 after 2020, and
10 "(II) if clause (ii) of subpara-
11 graph (B) applies, the 5-year period
12 described in such clause shall be de-
13 termined without regard to calendar
14 year 2020.".
15 (b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section
16 402(c)(4) of the Internal Revenue Code of 1986 is amend-
17 ed by striking "2009" each place it appears in the last
18 sentence and inserting "2020".
19 (c) EFFECTIVE DATES.—
20 (1) IN GENERAL.—The amendments made by
21 this section shall apply for calendar years beginning
22 after December 31, 2019.
23 (2) PROVISIONS RELATING TO PLAN OR CON-
24 TRACT AMENDMENTS.—

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1 (A) IN GENERAL.—If this paragraph ap-
2 plies to any plan or contract amendment—
3 (i) such plan or contract shall not fail
4 to be treated as being operated in accord-
5 ance with the terms of the plan during the
6 period described in subparagraph (B)(ii)
7 solely because the plan operates in accord-
8 ance with this section, and
9 (ii) except as provided by the Sec-
10 retary of the Treasury (or the Secretary's
11 delegate), such plan or contract shall not
12 fail to meet the requirements of section
13 411(d)(6) of the Internal Revenue Code of
14 1986 and section 204(g) of the Employee
15 Retirement Income Security Act of 1974
16 by reason of such amendment.
17 (B) AMENDMENTS TO WHICH PARAGRAPH
18 APPLIES.—
19 (i) IN GENERAL.—This paragraph
20 shall apply to any amendment to any plan
21 or annuity contract which—
22 (I) is made pursuant to the
23 amendments made by this section,
24 and

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1 (II) is made on or before the last
2 day of the first plan year beginning
3 on or after January 1, 2022.
4 In the case of a governmental plan, sub-
5 clause (II) shall be applied by substituting
6 "2024" for "2022".
7 (ii) CONDITIONS.—This paragraph
8 shall not apply to any amendment unless
9 during the period beginning on the effec-
10 tive date of the amendment and ending on
11 December 31, 2020, the plan or contract is
12 operated as if such plan or contract
13 amendment were in effect.

14 **SEC. 2204. ALLOWANCE OF PARTIAL ABOVE THE LINE DE-**
15 **DUCTION FOR CHARITABLE CONTRIBUTIONS.**

16 (a) IN GENERAL.—Section 62(a) of the Internal Rev-
17 enue Code of 1986 is amended by inserting after para-
18 graph (21) the following new paragraph:
19 "(22) CHARITABLE CONTRIBUTIONS.—In the
20 case of taxable years beginning in 2020, the amount
21 (not to exceed $300) of qualified charitable contribu-
22 tions made by an eligible individual during the tax-
23 able year.".

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1 (b) DEFINITIONS.—Section 62 of such Code is
2 amended by adding at the end the following new sub-
3 section:
4 "(f) DEFINITIONS RELATING TO QUALIFIED CHARI-
5 TABLE CONTRIBUTIONS.—For purposes of subsection
6 (a)(22)—
7 "(1) ELIGIBLE INDIVIDUAL.—The term 'eligible
8 individual' means any individual who does not elect
9 to itemize deductions.
10 "(2) QUALIFIED CHARITABLE CONTRIBU-
11 TIONS.—The term 'qualified charitable contribution'
12 means a charitable contribution (as defined in sec-
13 tion 170(c))—
14 "(A) which is made in cash,
15 "(B) for which a deduction is allowable
16 under section 170 (determined without regard
17 to subsection (b) thereof), and
18 "(C) which is—
19 "(i) made to an organization de-
20 scribed in section 170(b)(1)(A), and
21 "(ii) not—
22 "(I) to an organization described
23 in section 509(a)(3), or
24 "(II) for the establishment of a
25 new, or maintenance of an existing,

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1 donor advised fund (as defined in sec-
2 tion 4966(d)(2)).
3 Such term shall not include any amount
4 which is treated as a charitable contribu-
5 tion made in such taxable year by reason
6 of subsection (b)(1)(G)(ii) or (d)(1) of sec-
7 tion 170.".
8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to taxable years beginning after
10 December 31, 2019.

11 **SEC. 2205. MODIFICATION OF LIMITATIONS ON CHARI-**
12 **TABLE CONTRIBUTIONS DURING 2020.**

13 (a) TEMPORARY SUSPENSION OF LIMITATIONS ON
14 CERTAIN CASH CONTRIBUTIONS.—
15 (1) IN GENERAL.—Except as otherwise pro-
16 vided in paragraph (2), qualified contributions shall
17 be disregarded in applying subsections (b) and (d) of
18 section 170 of the Internal Revenue Code of 1986.
19 (2) TREATMENT OF EXCESS CONTRIBUTIONS.—
20 For purposes of section 170 of the Internal Revenue
21 Code of 1986—
22 (A) INDIVIDUALS.—In the case of an indi-
23 vidual—
24 (i) LIMITATION.—Any qualified con-
25 tribution shall be allowed as a deduction

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1 only to the extent that the aggregate of
2 such contributions does not exceed the ex-
3 cess of the taxpayer's contribution base (as
4 defined in subparagraph (H) of section
5 170(b)(1) of such Code) over the amount
6 of all other charitable contributions allowed
7 under section 170(b)(1) of such Code.
8 (ii) CARRYOVER.—If the aggregate
9 amount of qualified contributions made in
10 the contribution year (within the meaning
11 of section 170(d)(1) of such Code) exceeds
12 the limitation of clause (i), such excess
13 shall be added to the excess described in
14 section 170(b)(1)(G)(ii).
15 (B) CORPORATIONS.—In the case of a cor-
16 poration—
17 (i) LIMITATION.—Any qualified con-
18 tribution shall be allowed as a deduction
19 only to the extent that the aggregate of
20 such contributions does not exceed the ex-
21 cess of 25 percent of the taxpayer's taxable
22 income (as determined under paragraph
23 (2) of section 170(b) of such Code) over
24 the amount of all other charitable con-
25 tributions allowed under such paragraph.

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1 (ii) CARRYOVER.—If the aggregate
2 amount of qualified contributions made in
3 the contribution year (within the meaning
4 of section 170(d)(2) of such Code) exceeds
5 the limitation of clause (i), such excess
6 shall be appropriately taken into account
7 under section 170(d)(2) subject to the limi-
8 tations thereof.
9 (3) QUALIFIED CONTRIBUTIONS.—
10 (A) IN GENERAL.—For purposes of this
11 subsection, the term "qualified contribution"
12 means any charitable contribution (as defined
13 in section 170(c) of the Internal Revenue Code
14 of 1986) if—
15 (i) such contribution is paid in cash
16 during calendar year 2020 to an organiza-
17 tion described in section 170(b)(1)(A) of
18 such Code, and
19 (ii) the taxpayer has elected the appli-
20 cation of this section with respect to such
21 contribution.
22 (B) EXCEPTION.—Such term shall not in-
23 clude a contribution by a donor if the contribu-
24 tion is—

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(i) to an organization described in section 509(a)(3) of the Internal Revenue Code of 1986, or

(ii) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2) of such Code).

(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(ii) shall be made separately by each partner or shareholder.

(b) INCREASE IN LIMITS ON CONTRIBUTIONS OF FOOD INVENTORY.—In the case of any charitable contribution of food during 2020 to which section 170(e)(3)(C) of the Internal Revenue Code of 1986 applies, subclauses (I) and (II) of clause (ii) thereof shall each be applied by substituting "25 percent" for "15 percent."

(c) EFFECTIVE DATE.—This section shall apply to taxable years ending after December 31, 2019.

**SEC. 2206. EXCLUSION FOR CERTAIN EMPLOYER PAYMENTS OF STUDENT LOANS.**

(a) IN GENERAL.—Paragraph (1) of section 127(c) of the Internal Revenue Code of 1986 is amended by strik-

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1 ing "and" at the end of subparagraph (A), by redesig-
2 nating subparagraph (B) as subparagraph (C), and by in-
3 serting after subparagraph (A) the following new subpara-
4 graph:

5 "(B) in the case of payments made before
6 January 1, 2021, the payment by an employer,
7 whether paid to the employee or to a lender, of
8 principal or interest on any qualified education
9 loan (as defined in section 221(d)(1)) incurred
10 by the employee for education of the employee,
11 and".

12 (b) CONFORMING AMENDMENT; DENIAL OF DOUBLE
13 BENEFIT.—The first sentence of paragraph (1) of section
14 221(e) of the Internal Revenue Code of 1986 is amended
15 by inserting before the period the following: ", or for which
16 an exclusion is allowable under section 127 to the taxpayer
17 by reason of the payment by the taxpayer's employer of
18 any indebtedness on a qualified education loan of the tax-
19 payer".

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to payments made after the date
22 of the enactment of this Act.

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# Subtitle C—Business Provisions

**SEC. 2301. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID-19.**

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

(b) LIMITATIONS AND REFUNDABILITY.—

(1) WAGES TAKEN INTO ACCOUNT.—The amount of qualified wages with respect to any employee which may be taken into account under subsection (a) by the eligible employer for all calendar quarters shall not exceed $10,000.

(2) CREDIT LIMITED TO EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the applicable employment taxes (reduced by any credits allowed under subsections (e) and (f) of section 3111 of the Internal Revenue Code of 1986 and sections 7001 and 7003 of the Families First Coronavirus Response Act) on the wages paid with respect to the employment of all the employees of the eligible employer for such calendar quarter.

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1 (3) REFUNDABILITY OF EXCESS CREDIT.—
2 (A) IN GENERAL.—If the amount of the
3 credit under subsection (a) exceeds the limita-
4 tion of paragraph (2) for any calendar quarter,
5 such excess shall be treated as an overpayment
6 that shall be refunded under sections 6402(a)
7 and 6413(b) of the Internal Revenue Code of
8 1986.
9 (B) TREATMENT OF PAYMENTS.—For pur-
10 poses of section 1324 of title 31, United States
11 Code, any amounts due to the employer under
12 this paragraph shall be treated in the same
13 manner as a refund due from a credit provision
14 referred to in subsection (b)(2) of such section.
15 (c) DEFINITIONS.—For purposes of this section—
16 (1) APPLICABLE EMPLOYMENT TAXES.—The
17 term "applicable employment taxes" means the fol-
18 lowing:
19 (A) The taxes imposed under section
20 3111(a) of the Internal Revenue Code of 1986.
21 (B) So much of the taxes imposed under
22 section 3221(a) of such Code as are attrib-
23 utable to the rate in effect under section
24 3111(a) of such Code.
25 (2) ELIGIBLE EMPLOYER.—

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1 (A) IN GENERAL.—The term "eligible em-
2 ployer" means any employer—
3 (i) which was carrying on a trade or
4 business during calendar year 2020, and
5 (ii) with respect to any calendar quar-
6 ter, for which—
7 (I) the operation of the trade or
8 business described in clause (i) is fully
9 or partially suspended during the cal-
10 endar quarter due to orders from an
11 appropriate governmental authority
12 limiting commerce, travel, or group
13 meetings (for commercial, social, reli-
14 gious, or other purposes) due to the
15 coronavirus disease 2019 (COVID-
16 19), or
17 (II) such calendar quarter is
18 within the period described in sub-
19 paragraph (B).
20 (B) SIGNIFICANT DECLINE IN GROSS RE-
21 CEIPTS.—The period described in this subpara-
22 graph is the period—
23 (i) beginning with the first calendar
24 quarter beginning after December 31,
25 2019, for which gross receipts (within the

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1 meaning of section 448(c) of the Internal
2 Revenue Code of 1986) for the calendar
3 quarter are less than 50 percent of gross
4 receipts for the same calendar quarter in
5 the prior year, and
6 (ii) ending with the calendar quarter
7 following the first calendar quarter begin-
8 ning after a calendar quarter described in
9 clause (i) for which gross receipts of such
10 employer are greater than 80 percent of
11 gross receipts for the same calendar quar-
12 ter in the prior year.
13 (C) TAX-EXEMPT ORGANIZATIONS.—In the
14 case of an organization which is described in
15 section 501(c) of the Internal Revenue Code of
16 1986 and exempt from tax under section 501(a)
17 of such Code, clauses (i) and (ii)(I) of subpara-
18 graph (A) shall apply to all operations of such
19 organization.
20 (3) QUALIFIED WAGES.—
21 (A) IN GENERAL.—The term "qualified
22 wages" means—
23 (i) in the case of an eligible employer
24 for which the average number of full-time
25 employees (within the meaning of section

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1 4980H of the Internal Revenue Code of
2 1986) employed by such eligible employer
3 during 2019 was greater than 100, wages
4 paid by such eligible employer with respect
5 to which an employee is not providing serv-
6 ices due to circumstances described in sub-
7 clause (I) or (II) of paragraph (2)(A)(ii),
8 or
9 (ii) in the case of an eligible employer
10 for which the average number of full-time
11 employees (within the meaning of section
12 4980H of the Internal Revenue Code of
13 1986) employed by such eligible employer
14 during 2019 was not greater than 100—
15 (I) with respect to an eligible em-
16 ployer described in subclause (I) of
17 paragraph (2)(A)(ii), wages paid by
18 such eligible employer with respect to
19 an employee during any period de-
20 scribed in such clause, or
21 (II) with respect to an eligible
22 employer described in subclause (II)
23 of such paragraph, wages paid by
24 such eligible employer with respect to
25 an employee during such quarter.

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1 Such term shall not include any wages taken
2 into account under section 7001 or section
3 7003 of the Families First Coronavirus Re-
4 sponse Act.
5 (B) LIMITATION.—Qualified wages paid or
6 incurred by an eligible employer described in
7 subparagraph (A)(i) with respect to an em-
8 ployee for any period described in such sub-
9 paragraph may not exceed the amount such em-
10 ployee would have been paid for working an
11 equivalent duration during the 30 days imme-
12 diately preceding such period.
13 (C) ALLOWANCE FOR CERTAIN HEALTH
14 PLAN EXPENSES.—
15 (i) IN GENERAL.—The term ''qualified
16 wages'' shall include so much of the eligi-
17 ble employer's qualified health plan ex-
18 penses as are properly allocable to such
19 wages.
20 (ii) QUALIFIED HEALTH PLAN EX-
21 PENSES.—For purposes of this paragraph,
22 the term ''qualified health plan expenses''
23 means amounts paid or incurred by the eli-
24 gible employer to provide and maintain a
25 group health plan (as defined in section

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1 5000(b)(1) of the Internal Revenue Code
2 of 1986), but only to the extent that such
3 amounts are excluded from the gross in-
4 come of employees by reason of section
5 106(a) of such Code.
6 (iii) ALLOCATION RULES.—For pur-
7 poses of this paragraph, qualified health
8 plan expenses shall be allocated to quali-
9 fied wages in such manner as the Sec-
10 retary may prescribe. Except as otherwise
11 provided by the Secretary, such allocation
12 shall be treated as properly made if made
13 on the basis of being pro rata among em-
14 ployees and pro rata on the basis of peri-
15 ods of coverage (relative to the periods to
16 which such wages relate).
17 (4) SECRETARY.—The term "Secretary" means
18 the Secretary of the Treasury or the Secretary's del-
19 egate.
20 (5) WAGES.—The term "wages" means wages
21 (as defined in section 3121(a) of the Internal Rev-
22 enue Code of 1986) and compensation (as defined in
23 section 3231(e) of such Code).
24 (6) OTHER TERMS.—Any term used in this sec-
25 tion which is also used in chapter 21 or 22 of the

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1 Internal Revenue Code of 1986 shall have the same
2 meaning as when used in such chapter.
3 (d) AGGREGATION RULE.—All persons treated as a
4 single employer under subsection (a) or (b) of section 52
5 of the Internal Revenue Code of 1986, or subsection (m)
6 or (o) of section 414 of such Code, shall be treated as
7 one employer for purposes of this section.
8 (e) CERTAIN RULES TO APPLY.—For purposes of
9 this section, rules similar to the rules of sections 51(i)(1)
10 and 280C(a) of the Internal Revenue Code of 1986 shall
11 apply.
12 (f) CERTAIN GOVERNMENTAL EMPLOYERS.—This
13 credit shall not apply to the Government of the United
14 States, the government of any State or political subdivi-
15 sion thereof, or any agency or instrumentality of any of
16 the foregoing.
17 (g) ELECTION NOT TO HAVE SECTION APPLY.—This
18 section shall not apply with respect to any eligible em-
19 ployer for any calendar quarter if such employer elects (at
20 such time and in such manner as the Secretary may pre-
21 scribe) not to have this section apply.
22 (h) SPECIAL RULES.—
23 (1) EMPLOYEE NOT TAKEN INTO ACCOUNT
24 MORE THAN ONCE.—An employee shall not be in-
25 cluded for purposes of this section for any period

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1 with respect to any employer if such employer is al-
2 lowed a credit under section 51 of the Internal Rev-
3 enue Code of 1986 with respect to such employee for
4 such period.
5 (2) DENIAL OF DOUBLE BENEFIT.—Any wages
6 taken into account in determining the credit allowed
7 under this section shall not be taken into account for
8 purposes of determining the credit allowed under
9 section 45S of such Code.
10 (3) THIRD PARTY PAYORS.—Any credit allowed
11 under this section shall be treated as a credit de-
12 scribed in section 3511(d)(2) of such Code.
13 (i) TRANSFERS TO FEDERAL OLD-AGE AND SUR-
14 VIVORS INSURANCE TRUST FUND.—There are hereby ap-
15 propriated to the Federal Old-Age and Survivors Insur-
16 ance Trust Fund and the Federal Disability Insurance
17 Trust Fund established under section 201 of the Social
18 Security Act (42 U.S.C. 401) and the Social Security
19 Equivalent Benefit Account established under section
20 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C.
21 14 231n–1(a)) amounts equal to the reduction in revenues
22 to the Treasury by reason of this section (without regard
23 to this subsection). Amounts appropriated by the pre-
24 ceding sentence shall be transferred from the general fund
25 at such times and in such manner as to replicate to the

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1 extent possible the transfers which would have occurred
2 to such Trust Fund or Account had this section not been
3 enacted.

4 (j) RULE FOR EMPLOYERS TAKING SMALL BUSINESS
5 INTERRUPTION LOAN.—If an eligible employer receives a
6 covered loan under paragraph (36) of section 7(a) of the
7 Small Business Act (15 U.S.C. 636(a)), as added by sec-
8 tion 1102 of this Act, such employer shall not be eligible
9 for the credit under this section.

10 (k) TREATMENT OF DEPOSITS.—The Secretary shall
11 waive any penalty under section 6656 of the Internal Rev-
12 enue Code of 1986 for any failure to make a deposit of
13 any applicable employment taxes if the Secretary deter-
14 mines that such failure was due to the reasonable anticipa-
15 tion of the credit allowed under this section.

16 (l) REGULATIONS AND GUIDANCE.—The Secretary
17 shall issue such forms, instructions, regulations, and guid-
18 ance as are necessary—

19 (1) to allow the advance payment of the credit
20 under subsection (a), subject to the limitations pro-
21 vided in this section, based on such information as
22 the Secretary shall require,

23 (2) to provide for the reconciliation of such ad-
24 vance payment with the amount advanced at the

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1 time of filing the return of tax for the applicable cal-
2 endar quarter or taxable year,
3 (3) to provide for the recapture of the credit
4 under this section if such credit is allowed to a tax-
5 payer which receives a loan described in subsection
6 (j) during a subsequent quarter,
7 (4) with respect to the application of the credit
8 under subsection (a) to third party payors (including
9 professional employer organizations, certified profes-
10 sional employer organizations, or agents under sec-
11 tion 3504 of the Internal Revenue Code of 1986),
12 including regulations or guidance allowing such
13 payors to submit documentation necessary to sub-
14 stantiate the eligible employer status of employers
15 that use such payors, and
16 (5) for application of subparagraphs (A)(ii)(II)
17 and (B) of subsection (c)(2) in the case of any em-
18 ployer which was not carrying on a trade or business
19 for all or part of the same calendar quarter in the
20 prior year.
21 (m) APPLICATION.—This section shall only apply to
22 wages paid after March 12, 2020, and before January 1,
23 2021.

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1 **SEC. 2302. DELAY OF PAYMENT OF EMPLOYER PAYROLL**
2 **TAXES.**

3 (a) IN GENERAL.—

4 (1) TAXES.—Notwithstanding any other provi-
5 sion of law, the payment for applicable employment
6 taxes for the payroll tax deferral period shall not be
7 due before the applicable date.

8 (2) DEPOSITS.—Notwithstanding section 6302
9 of the Internal Revenue Code of 1986, an employer
10 shall be treated as having timely made all deposits
11 of applicable employment taxes that are required to
12 be made (without regard to this section) for such
13 taxes during the payroll tax deferral period if all
14 such deposits are made not later than the applicable
15 date.

16 (3) EXCEPTION.—This subsection shall not
17 apply to any taxpayer if such taxpayer has had in-
18 debtedness forgiven under section 1106 of this Act
19 with respect to a loan under paragraph (36) of sec-
20 tion 7(a) of the Small Business Act (15 U.S.C.
21 636(a)), as added by section 1102 of this Act, or in-
22 debtedness forgiven under section 1109 of this Act.

23 (b) SECA.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, the payment for 50 percent of the
26 taxes imposed under section 1401(a) of the Internal

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1 Revenue Code of 1986 for the payroll tax deferral
2 period shall not be due before the applicable date.
3 (2) ESTIMATED TAXES.—For purposes of ap-
4 plying section 6654 of the Internal Revenue Code of
5 1986 to any taxable year which includes any part of
6 the payroll tax deferral period, 50 percent of the
7 taxes imposed under section 1401(a) of such Code
8 for the payroll tax deferral period shall not be treat-
9 ed as taxes to which such section 6654 applies.
10 (c) LIABILITY OF THIRD PARTIES.—
11 (1) ACTS TO BE PERFORMED BY AGENTS.—For
12 purposes of section 3504 of the Internal Revenue
13 Code of 1986, in the case of any person designated
14 pursuant to such section (and any regulations or
15 other guidance issued by the Secretary with respect
16 to such section) to perform acts otherwise required
17 to be performed by an employer under such Code, if
18 such employer directs such person to defer payment
19 of any applicable employment taxes during the pay-
20 roll tax deferral period under this section, such em-
21 ployer shall be solely liable for the payment of such
22 applicable employment taxes before the applicable
23 date for any wages paid by such person on behalf of
24 such employer during such period.

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1 (2) CERTIFIED PROFESSIONAL EMPLOYER OR-
2 GANIZATIONS.—For purposes of section 3511, in the
3 case of a certified professional employer organization
4 (as defined in subsection (a) of section 7705 of the
5 Internal Revenue Code of 1986) that has entered
6 into a service contract described in subsection (e)(2)
7 of such section with a customer, if such customer di-
8 rects such organization to defer payment of any ap-
9 plicable employment taxes during the payroll tax de-
10 ferral period under this section, such customer shall,
11 notwithstanding subsections (a) and (c) of section
12 3511, be solely liable for the payment of such appli-
13 cable employment taxes before the applicable date
14 for any wages paid by such organization to any work
15 site employee performing services for such customer
16 during such period.
17 (d) DEFINITIONS.—For purposes of this section—
18 (1) APPLICABLE EMPLOYMENT TAXES.—The
19 term "applicable employment taxes" means the fol-
20 lowing:
21 (A) The taxes imposed under section
22 3111(a) of the Internal Revenue Code of 1986.
23 (B) So much of the taxes imposed under
24 section 3211(a) of such Code as are attrib-

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1 utable to the rate in effect under section
2 3111(a) of such Code.
3 (C) So much of the taxes imposed under
4 section 3221(a) of such Code as are attrib-
5 utable to the rate in effect under section
6 3111(a) of such Code.
7 (2) PAYROLL TAX DEFERRAL PERIOD.—The
8 term "payroll tax deferral period" means the period
9 beginning on the date of the enactment of this Act
10 and ending before January 1, 2021.
11 (3) APPLICABLE DATE.—The term "applicable
12 date" means—
13 (A) December 31, 2021, with respect to 50
14 percent of the amounts to which subsection (a)
15 or (b), as the case may be, apply, and
16 (B) December 31, 2022, with respect to
17 the remaining such amounts.
18 (4) SECRETARY.—The term "Secretary" means
19 the Secretary of the Treasury (or the Secretary's
20 delegate).
21 (e) TRUST FUNDS HELD HARMLESS.—There are
22 hereby appropriated (out of any money in the Treasury
23 not otherwise appropriated) for each fiscal year to the
24 Federal Old-Age and Survivors Insurance Trust Fund and
25 the Federal Disability Insurance Trust Fund established

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1 under section 201 of the Social Security Act (42 U.S.C.
2 401) and the Social Security Equivalent Benefit Account
3 established under section 15A(a) of the Railroad Retire-
4 ment Act of 1974 (45 U.S.C. 231n–1(a)) an amount equal
5 to the reduction in the transfers to such fund for such
6 fiscal year by reason of this section. Amounts appropriated
7 by the preceding sentence shall be transferred from the
8 general fund at such times and in such manner as to rep-
9 licate to the extent possible the transfers which would have
10 occurred to such Trust Fund had such amendments not
11 been enacted.

12 (f) REGULATORY AUTHORITY.—The Secretary shall
13 issue such regulations or other guidance as necessary to
14 carry out the purposes of this section, including rules for
15 the administration and enforcement of subsection (c).

16 **SEC. 2303. MODIFICATIONS FOR NET OPERATING LOSSES.**

17 (a) TEMPORARY REPEAL OF TAXABLE INCOME LIMI-
18 TATION.—

19 (1) IN GENERAL.—The first sentence of section
20 172(a) of the Internal Revenue Code of 1986 is
21 amended by striking "an amount equal to" and all
22 that follows and inserting "an amount equal to—

23 "(1) in the case of a taxable year beginning be-
24 fore January 1, 2021, the aggregate of the net oper-

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1 ating loss carryovers to such year, plus the net oper-
2 ating loss carrybacks to such year, and
3 "(2) in the case of a taxable year beginning
4 after December 31, 2020, the sum of—
5 "(A) the aggregate amount of net oper-
6 ating losses arising in taxable years beginning
7 before January 1, 2018, carried to such taxable
8 year, plus
9 "(B) the lesser of—
10 "(i) the aggregate amount of net op-
11 erating losses arising in taxable years be-
12 ginning after December 31, 2017, carried
13 to such taxable year, or
14 "(ii) 80 percent of the excess (if any)
15 of—
16 "(I) taxable income computed
17 without regard to the deductions
18 under this section and sections 199A
19 and 250, over
20 "(II) the amount determined
21 under subparagraph (A).".
22 (2) CONFORMING AMENDMENTS.—
23 (A) Section 172(b)(2)(C) of such Code is
24 amended to read as follows:

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"(C) for taxable years beginning after December 31, 2020, be reduced by 20 percent of the excess (if any) described in subsection (a)(2)(B)(ii) for such taxable year.".

(B) Section 172(d)(6)(C) of such Code is amended by striking "subsection (a)(2)" and inserting "subsection (a)(2)(B)(ii)(I)".

(C) Section 860E(a)(3)(B) of such Code is amended by striking all that follows "for purposes of" and inserting "subsection (a)(2)(B)(ii)(I) and the second sentence of subsection (b)(2) of section 172.".

(b) MODIFICATIONS OF RULES RELATING TO CARRYBACKS.—

(1) IN GENERAL.—Section 172(b)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR LOSSES ARISING IN 2018, 2019, AND 2020.—

"(i) IN GENERAL.—In the case of any net operating loss arising in a taxable year beginning after December 31, 2017, and before January 1, 2021—

"(I) such loss shall be a net operating loss carryback to each of the 5

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1 taxable years preceding the taxable
2 year of such loss, and
3 "(II) subparagraphs (B) and
4 (C)(i) shall not apply.
5 "(ii) SPECIAL RULES FOR REITS.—
6 For purposes of this subparagraph—
7 "(I) IN GENERAL.—A net oper-
8 ating loss for a REIT year shall not
9 be a net operating loss carryback to
10 any taxable year preceding the taxable
11 year of such loss.
12 "(II) SPECIAL RULE.—In the
13 case of any net operating loss for a
14 taxable year which is not a REIT
15 year, such loss shall not be carried to
16 any preceding taxable year which is a
17 REIT year.
18 "(III) REIT YEAR.—For pur-
19 poses of this subparagraph, the term
20 'REIT year' means any taxable year
21 for which the provisions of part II of
22 subchapter M (relating to real estate
23 investment trusts) apply to the tax-
24 payer.

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1 "(iii) SPECIAL RULE FOR LIFE INSUR-
2 ANCE COMPANIES.— In the case of a life
3 insurance company, if a net operating loss
4 is carried pursuant to clause (i)(I) to a life
5 insurance company taxable year beginning
6 before January 1, 2018, such net oper-
7 ating loss carryback shall be treated in the
8 same manner as an operations loss
9 carryback (within the meaning of section
10 810 as in effect before its repeal) of such
11 company to such taxable year.
12 "(iv) RULE RELATING TO
13 CARRYBACKS TO YEARS TO WHICH SEC-
14 TION 965 APPLIES.—If a net operating loss
15 of a taxpayer is carried pursuant to clause
16 (i)(I) to any taxable year in which an
17 amount is includible in gross income by
18 reason of section 965(a), the taxpayer shall
19 be treated as having made the election
20 under section 965(n) with respect to each
21 such taxable year.
22 "(v) SPECIAL RULES FOR ELECTIONS
23 UNDER PARAGRAPH (3).—
24 "(I) SPECIAL ELECTION TO EX-
25 CLUDE SECTION 965 YEARS.— If the

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1 5-year carryback period under clause
2 (i)(I) with respect to any net oper-
3 ating loss of a taxpayer includes 1 or
4 more taxable years in which an
5 amount is includible in gross income
6 by reason of section 965(a), the tax-
7 payer may, in lieu of the election oth-
8 erwise available under paragraph (3),
9 elect under such paragraph to exclude
10 all such taxable years from such
11 carryback period.
12 "(II) TIME OF ELECTIONS.—An
13 election under paragraph (3) (includ-
14 ing an election described in subclause
15 (I)) with respect to a net operating
16 loss arising in a taxable year begin-
17 ning in 2018 or 2019 shall be made
18 by the due date (including extensions
19 of time) for filing the taxpayer's re-
20 turn for the first taxable year ending
21 after the date of the enactment of this
22 subparagraph.".
23 (2) CONFORMING AMENDMENT.—Section
24 172(b)(1)(A) of such Code, as amended by sub-

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1 section (c)(2), is amended by striking "and (C)(i)"
2 and inserting ", (C)(i), and (D)".
3 (c) TECHNICAL AMENDMENT RELATING TO SECTION
4 13302 OF PUBLIC LAW 115–97.—
5 (1) Section 13302(e) of Public Law 115–97 is
6 amended to read as follows:
7 "(e) EFFECTIVE DATES.—
8 "(1) NET OPERATING LOSS LIMITATION.—The
9 amendments made by subsections (a) and (d)(2)
10 shall apply to—
11 "(A) taxable years beginning after Decem-
12 ber 31, 2017, and
13 "(B) taxable years beginning on or before
14 such date to which net operating losses arising
15 in taxable years beginning after such date are
16 carried.
17 "(2) CARRYOVERS AND CARRYBACKS.—The
18 amendments made by subsections (b), (c), and
19 (d)(1) shall apply to net operating losses arising in
20 taxable years beginning after December 31, 2017.".
21 (2) Section 172(b)(1)(A) of the Internal Rev-
22 enue Code of 1986 is amended to read as follows:
23 "(A) GENERAL RULE.—A net operating
24 loss for any taxable year—

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"(i) shall be a net operating loss carryback to the extent provided in subparagraphs (B) and (C)(i), and

"(ii) except as provided in subparagraph (C)(ii), shall be a net operating loss carryover—

"(I) in the case of a net operating loss arising in a taxable year beginning before January 1, 2018, to each of the 20 taxable years following the taxable year of the loss, and

"(II) in the case of a net operating loss arising in a taxable year beginning after December 31, 2017, to each taxable year following the taxable year of the loss.".

(d) EFFECTIVE DATES.—

(1) NET OPERATING LOSS LIMITATION.—The amendments made by subsection (a) shall apply—

(A) to taxable years beginning after December 31, 2017, and

(B) to taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

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1 (2) CARRYOVERS AND CARRYBACKS.—The
2 amendment made by subsection (b) shall apply to—
3 (A) net operating losses arising in taxable
4 years beginning after December 31, 2017, and
5 (B) taxable years beginning before, on, or
6 after such date to which such net operating
7 losses are carried.
8 (3) TECHNICAL AMENDMENTS.—The amend-
9 ments made by subsection (c) shall take effect as if
10 included in the provisions of Public Law 115–97 to
11 which they relate.
12 (4) SPECIAL RULE.—In the case of a net oper-
13 ating loss arising in a taxable year beginning before
14 January 1, 2018, and ending after December 31,
15 2017—
16 (A) an application under section 6411(a)
17 of the Internal Revenue Code of 1986 with re-
18 spect to the carryback of such net operating
19 loss shall not fail to be treated as timely filed
20 if filed not later than the date which is 120
21 days after the date of the enactment of this
22 Act, and
23 (B) an election to—
24 (i) forgo any carryback of such net
25 operating loss,

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(ii) reduce any period to which such net operating loss may be carried back, or

(iii) revoke any election made under section 172(b) to forgo any carryback of such net operating loss,

shall not fail to be treated as timely made if made not later than the date which is 120 days after the date of the enactment of this Act.

**SEC. 2304. MODIFICATION OF LIMITATION ON LOSSES FOR TAXPAYERS OTHER THAN CORPORATIONS.**

(a) IN GENERAL.—Section 461(l)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) LIMITATION.—In the case of a taxpayer other than a corporation—

"(A) for any taxable year beginning after December 31, 2017, and before January 1, 2026, subsection (j) (relating to limitation on excess farm losses of certain taxpayers) shall not apply, and

"(B) for any taxable year beginning after December 31, 2020, and before January 1, 2026, any excess business loss of the taxpayer for the taxable year shall not be allowed.".

(b) TECHNICAL AMENDMENTS RELATING TO SECTION 11012 OF PUBLIC LAW 115–97.—

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1 (1) Section 461(l)(2) of the Internal Revenue
2 Code of 1986 is amended by striking "a net oper-
3 ating loss carryover to the following taxable year
4 under section 172" and inserting "a net operating
5 loss for the taxable year for purposes of determining
6 any net operating loss carryover under section
7 172(b) for subsequent taxable years".
8 (2) Section 461(l)(3)(A) of such Code is
9 amended—
10 (A) in clause (i), by inserting "and without
11 regard to any deduction allowable under section
12 172 or 199A" after "under paragraph (1)",
13 and
14 (B) by adding at the end the following
15 flush sentence:
16 "Such excess shall be determined without regard to
17 any deductions, gross income, or gains attributable
18 to any trade or business of performing services as an
19 employee.".
20 (3) Section 461(l)(3) of such Code is amended
21 by redesignating subparagraph (B) as subparagraph
22 (C) and by inserting after subparagraph (A) the fol-
23 lowing new subparagraph:
24 "(B) TREATMENT OF CAPITAL GAINS AND
25 LOSSES.—

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"(i) LOSSES.—Deductions for losses from sales or exchanges of capital assets shall not be taken into account under subparagraph (A)(i).

"(ii) GAINS.—The amount of gains from sales or exchanges of capital assets taken into account under subparagraph (A)(ii) shall not exceed the lesser of—

"(I) the capital gain net income determined by taking into account only gains and losses attributable to a trade or business, or

"(II) the capital gain net income.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2017.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in the provisions of Public Law 115–97 to which they relate.

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**SEC. 2305. MODIFICATION OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY OF CORPORATIONS.**

(a) IN GENERAL.—Section 53(e) of the Internal Revenue Code of 1986 is amended—

(1) by striking "2018, 2019, 2020, or 2021" in paragraph (1) and inserting "2018 or 2019", and

(2) by striking "2021" in paragraph (2) and inserting "2019".

(b) ELECTION TO TAKE ENTIRE REFUNDABLE CREDIT AMOUNT IN 2018.—

(1) IN GENERAL.—Section 53(e) of such Code is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE.—In the case of a corporation making an election under this paragraph—

"(A) paragraph (1) shall not apply, and

"(B) subsection (c) shall not apply to the first taxable year of such corporation beginning in 2018.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(d) SPECIAL RULE.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, a credit or refund for which an application described in paragraph (2)(A) is filed

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1 shall be treated as made under section 6411 of such
2 Code.
3 (2) TENTATIVE REFUND.—
4 (A) APPLICATION.—A taxpayer may file an
5 application for a tentative refund of any
6 amount for which a refund is due by reason of
7 an election under section 53(e)(5) of the Inter-
8 nal Revenue Code of 1986. Such application
9 shall be in such manner and form as the Sec-
10 retary of the Treasury (or the Secretary's dele-
11 gate) may prescribe and shall—
12 (i) be verified in the same manner as
13 an application under section 6411(a) of
14 such Code,
15 (ii) be filed prior to December 31,
16 2020, and
17 (iii) set forth—
18 (I) the amount of the refundable
19 credit claimed under section 53(e) of
20 such Code for such taxable year,
21 (II) the amount of the refundable
22 credit claimed under such section for
23 any previously filed return for such
24 taxable year, and

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1 (III) the amount of the refund
2 claimed.
3 (B) ALLOWANCE OF ADJUSTMENTS.—
4 Within a period of 90 days from the date on
5 which an application is filed under subpara-
6 graph (A), the Secretary of the Treasury (or
7 the Secretary's delegate) shall—
8 (i) review the application,
9 (ii) determine the amount of the over-
10 payment, and
11 (iii) apply, credit, or refund such over-
12 payment,
13 in a manner similar to the manner provided in
14 section 6411(b) of the Internal Revenue Code
15 of 1986.
16 (C) CONSOLIDATED RETURNS.—The provi-
17 sions of section 6411(c) of the Internal Revenue
18 Code of 1986 Code shall apply to an adjust-
19 ment under this paragraph to the same extent
20 and manner as the Secretary of the Treasury
21 (or the Secretary's delegate) may provide.
22 **SEC. 2306. MODIFICATIONS OF LIMITATION ON BUSINESS**
23 **INTEREST.**
24 (a) IN GENERAL.—Section 163(j) of the Internal
25 Revenue Code of 1986 is amended by redesignating para-

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1 graph (10) as paragraph (11) and by inserting after para-
2 graph (9) the following new paragraph:
3 "(10) SPECIAL RULE FOR TAXABLE YEARS BE-
4 GINNING IN 2019 AND 2020.—
5 "(A) IN GENERAL.—
6 "(i) IN GENERAL.—Except as pro-
7 vided in clause (ii) or (iii), in the case of
8 any taxable year beginning in 2019 or
9 2020, paragraph (1)(B) shall be applied by
10 substituting '50 percent' for '30 percent'.
11 "(ii) SPECIAL RULE FOR PARTNER-
12 SHIPS.—In the case of a partnership—
13 "(I) clause (i) shall not apply to
14 any taxable year beginning in 2019,
15 but
16 "(II) unless a partner elects not
17 to have this subclause apply, in the
18 case of any excess business interest of
19 the partnership for any taxable year
20 beginning in 2019 which is allocated
21 to the partner under paragraph
22 (4)(B)(i)(II)—
23 "(aa) 50 percent of such ex-
24 cess business interest shall be
25 treated as business interest

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1 which, notwithstanding para-
2 graph (4)(B)(ii), is paid or ac-
3 crued by the partner in the part-
4 ner's first taxable year beginning
5 in 2020 and which is not subject
6 to the limits of paragraph (1),
7 and
8 "(bb) 50 percent of such ex-
9 cess business interest shall be
10 subject to the limitations of para-
11 graph (4)(B)(ii) in the same
12 manner as any other excess busi-
13 ness interest so allocated.
14 "(iii) ELECTION OUT.—A taxpayer
15 may elect, at such time and in such man-
16 ner as the Secretary may prescribe, not to
17 have clause (i) apply to any taxable year.
18 Such an election, once made, may be re-
19 voked only with the consent of the Sec-
20 retary. In the case of a partnership, any
21 such election shall be made by the partner-
22 ship and may be made only for taxable
23 years beginning in 2020.

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1 "(B) ELECTION TO USE 2019 ADJUSTED
2 TAXABLE INCOME FOR TAXABLE YEARS BEGIN-
3 NING IN 2020.—
4 "(i) IN GENERAL.—Subject to clause
5 (ii), in the case of any taxable year begin-
6 ning in 2020, the taxpayer may elect to
7 apply this subsection by substituting the
8 adjusted taxable income of the taxpayer for
9 the last taxable year beginning in 2019 for
10 the adjusted taxable income for such tax-
11 able year. In the case of a partnership, any
12 such election shall be made by the partner-
13 ship.
14 "(ii) SPECIAL RULE FOR SHORT TAX-
15 ABLE YEARS.—If an election is made
16 under clause (i) for a taxable year which is
17 a short taxable year, the adjusted taxable
18 income for the taxpayer's last taxable year
19 beginning in 2019 which is substituted
20 under clause (i) shall be equal to the
21 amount which bears the same ratio to such
22 adjusted taxable income determined with-
23 out regard to this clause as the number of
24 months in the short taxable year bears to
25 12".

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1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2018.

4 **SEC. 2307. TECHNICAL AMENDMENTS REGARDING QUALI-**
5 **FIED IMPROVEMENT PROPERTY.**

6 (a) IN GENERAL.—Section 168 of the Internal Rev-
7 enue Code of 1986 is amended—
8 (1) in subsection (e)—
9 (A) in paragraph (3)(E), by striking "and"
10 at the end of clause (v), by striking the period
11 at the end of clause (vi) and inserting ", and",
12 and by adding at the end the following new
13 clause:
14 "(vii) any qualified improvement prop-
15 erty.", and
16 (B) in paragraph (6)(A), by inserting
17 "made by the taxpayer" after "any improve-
18 ment", and
19 (2) in the table contained in subsection
20 (g)(3)(B)—
21 (A) by striking the item relating to sub-
22 paragraph (D)(v), and
23 (B) by inserting after the item relating to
24 subparagraph (E)(vi) the following new item:
"(E)(vii) ..... 20".

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1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in section
3 13204 of Public Law 115–97.

4 **SEC. 2308. TEMPORARY EXCEPTION FROM EXCISE TAX FOR**
5 **ALCOHOL USED TO PRODUCE HAND SANI-**
6 **TIZER.**

7 (a) IN GENERAL.—Section 5214(a) of the Internal
8 Revenue Code of 1986 is amended—
9 (1) in paragraph (13), by striking the period at
10 the end and inserting "; or", and
11 (2) by adding at the end the following new
12 paragraph:
13 "(14) with respect to distilled spirits removed
14 after December 31, 2019, and before January 1,
15 2021, free of tax for use in or contained in hand
16 sanitizer produced and distributed in a manner con-
17 sistent with any guidance issued by the Food and
18 Drug Administration that is related to the outbreak
19 of virus SARS-CoV-2 or coronavirus disease 2019
20 (COVID-19).".
21 (b) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to distilled spirits removed after
23 December 31, 2019.
24 (c) APPLICATION OF OTHER LAWS.—Any distilled
25 spirits or product described in paragraph (14) of section

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5214(a) of the Internal Revenue Code of 1986 (as added by this section) shall not be subject to any requirements related to labeling or bulk sales under—

(1) section 105 or 106 of the Federal Alcohol Administration Act (27 U.S.C. 205, 206); or

(2) section 204 of the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 215).

# TITLE III—SUPPORTING AMERICA'S HEALTH CARE SYSTEM IN THE FIGHT AGAINST THE CORONAVIRUS

## Subtitle A—Health Provisions

### SEC. 3001. SHORT TITLE.

This subtitle may be cited as the "Coronavirus Aid, Relief, and Economic Security Act".

## PART I—ADDRESSING SUPPLY SHORTAGES

### Subpart A—Medical Product Supplies

### SEC. 3101. NATIONAL ACADEMIES REPORT ON AMERICA'S MEDICAL PRODUCT SUPPLY CHAIN SECURITY.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the "National Acad-

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1 emies") to examine, and, in a manner that does not com-
2 promise national security, report on, the security of the
3 United States medical product supply chain.
4 (b) PURPOSES.—The report developed under this sec-
5 tion shall—
6 (1) assess and evaluate the dependence of the
7 United States, including the private commercial sec-
8 tor, States, and the Federal Government, on critical
9 drugs and devices that are sourced or manufactured
10 outside of the United States, which may include an
11 analysis of—
12 (A) the supply chain of critical drugs and
13 devices of greatest priority to providing health
14 care;
15 (B) any potential public health security or
16 national security risks associated with reliance
17 on critical drugs and devices sourced or manu-
18 factured outside of the United States, which
19 may include responses to previous or existing
20 shortages or public health emergencies, such as
21 infectious disease outbreaks, bioterror attacks,
22 and other public health threats;
23 (C) any existing supply chain information
24 gaps, as applicable; and

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1 (D) potential economic impact of increased
2 domestic manufacturing; and
3 (2) provide recommendations, which may in-
4 clude a plan to improve the resiliency of the supply
5 chain for critical drugs and devices as described in
6 paragraph (1), and to address any supply
7 vulnerabilities or potential disruptions of such prod-
8 ucts that would significantly affect or pose a threat
9 to public health security or national security, as ap-
10 propriate, which may include strategies to—
11 (A) promote supply chain redundancy and
12 contingency planning;
13 (B) encourage domestic manufacturing, in-
14 cluding consideration of economic impacts, if
15 any;
16 (C) improve supply chain information
17 gaps;
18 (D) improve planning considerations for
19 medical product supply chain capacity during
20 public health emergencies; and
21 (E) promote the accessibility of such drugs
22 and devices.
23 (c) INPUT.—In conducting the study and developing
24 the report under subsection (b), the National Academies
25 shall—

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1 (1) consider input from the Department of
2 Health and Human Services, the Department of
3 Homeland Security, the Department of Defense, the
4 Department of Commerce, the Department of State,
5 the Department of Veterans Affairs, the Department
6 of Justice, and any other Federal agencies as appro-
7 priate; and
8 (2) consult with relevant stakeholders, which
9 may include conducting public meetings and other
10 forms of engagement, as appropriate, with health
11 care providers, medical professional societies, State-
12 based societies, public health experts, State and local
13 public health departments, State medical boards, pa-
14 tient groups, medical product manufacturers, health
15 care distributors, wholesalers and group purchasing
16 organizations, pharmacists, and other entities with
17 experience in health care and public health, as ap-
18 propriate.
19 (d) DEFINITIONS.—In this section, the terms ''de-
20 vice'' and ''drug'' have the meanings given such terms in
21 section 201 of the Federal Food, Drug, and Cosmetic Act
22 (21 U.S.C. 321).

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**SEC. 3102. REQUIRING THE STRATEGIC NATIONAL STOCKPILE TO INCLUDE CERTAIN TYPES OF MEDICAL SUPPLIES.**

Section 319F–2(a)(1) of the Public Health Service Act (42 U.S.C. 247d–6b(a)(1)) is amended by inserting "(including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the administration of drugs, vaccines and other biological products, medical devices, and diagnostic tests in the stockpile)" after "other supplies".

**SEC. 3103. TREATMENT OF RESPIRATORY PROTECTIVE DEVICES AS COVERED COUNTERMEASURES.**

Section 319F–3(i)(1)(D) of the Public Health Service Act (42 U.S.C. 247d–6d(i)(1)(D)) is amended to read as follows:

"(D) a respiratory protective device that is approved by the National Institute for Occupational Safety and Health under part 84 of title 42, Code of Federal Regulations (or any successor regulations), and that the Secretary determines to be a priority for use during a public health emergency declared under section 319.".

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1 **Subpart B—Mitigating Emergency Drug Shortages**

2 **SEC. 3111. PRIORITIZE REVIEWS OF DRUG APPLICATIONS;**
3 **INCENTIVES.**

4 Section 506C(g) of the Federal Food, Drug, and Cos-
5 metic Act (21 U.S.C. 356c(g)) is amended—

6 (1) in paragraph (1), by striking "the Secretary
7 may" and inserting "the Secretary shall, as appro-
8 priate";

9 (2) in paragraph (1), by inserting "prioritize
10 and" before "expedite the review"; and

11 (3) in paragraph (2), by inserting "prioritize
12 and" before "expedite an inspection".

13 **SEC. 3112. ADDITIONAL MANUFACTURER REPORTING RE-**
14 **QUIREMENTS IN RESPONSE TO DRUG SHORT-**
15 **AGES.**

16 (a) EXPANSION TO INCLUDE ACTIVE PHARMA-
17 CEUTICAL INGREDIENTS.—Subsection (a) of section 506C
18 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
19 356c) is amended—

20 (1) in paragraph (1)(C), by inserting "or any
21 such drug that is critical to the public health during
22 a public health emergency declared by the Secretary
23 under section 319 of the Public Health Service Act"
24 after "during surgery"; and

25 (2) in the flush text at the end—

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1 (A) by inserting ", or a permanent dis-
2 continuance in the manufacture of an active
3 pharmaceutical ingredient or an interruption in
4 the manufacture of the active pharmaceutical
5 ingredient of such drug that is likely to lead to
6 a meaningful disruption in the supply of the ac-
7 tive pharmaceutical ingredient of such drug,"
8 before "and the reasons"; and
9 (B) by adding at the end the following:
10 "Notification under this subsection shall include
11 disclosure of reasons for the discontinuation or
12 interruption, and if applicable, an active phar-
13 maceutical ingredient is a reason for, or risk
14 factor in, such discontinuation or interruption,
15 the source of the active pharmaceutical ingre-
16 dient and any alternative sources for the active
17 pharmaceutical ingredient known by the manu-
18 facturer; whether any associated device used for
19 preparation or administration included in the
20 drug is a reason for, or a risk factor in, such
21 discontinuation or interruption; the expected
22 duration of the interruption; and such other in-
23 formation as the Secretary may require.".

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1 (b) RISK MANAGEMENT.—Section 506C of the Fed-
2 eral Food, Drug, and Cosmetic Act (21 U.S.C. 356c) is
3 amended by adding at the end the following:
4 "(j) RISK MANAGEMENT PLANS.—Each manufac-
5 turer of a drug described in subsection (a) or of any active
6 pharmaceutical ingredient or any associated medical de-
7 vice used for preparation or administration included in the
8 drug, shall develop, maintain, and implement, as appro-
9 priate, a redundancy risk management plan that identifies
10 and evaluates risks to the supply of the drug, as applica-
11 ble, for each establishment in which such drug or active
12 pharmaceutical ingredient of such drug is manufactured.
13 A risk management plan under this section shall be sub-
14 ject to inspection and copying by the Secretary pursuant
15 to an inspection or a request under section 704(a)(4).".
16 (c) ANNUAL NOTIFICATION.—Section 506E of the
17 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e)
18 is amended by adding at the end the following:
19 "(d) INTERAGENCY NOTIFICATION.—Not later than
20 180 days after the date of enactment of this subsection,
21 and every 90 days thereafter, the Secretary shall transmit
22 a report regarding the drugs of the current drug shortage
23 list under this section to the Administrator of the Centers
24 for Medicare & Medicaid Services.".

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1 (d) REPORTING AFTER INSPECTIONS.—Section
2 704(b) of the Federal Food, Drug, and Cosmetic Act (21
3 U.S.C. 374(b)) is amended—
4 (1) by redesignating paragraphs (1) and (2)
5 and subparagraphs (A) and (B);
6 (2) by striking "(b) Upon completion" and in-
7 serting "(b)(1) Upon completion"; and
8 (3) by adding at the end the following:
9 "(2) In carrying out this subsection with respect to
10 any establishment manufacturing a drug approved under
11 subsection (c) or (j) of section 505 for which a notification
12 has been submitted in accordance with section 506C is,
13 or has been in the last 5 years, listed on the drug shortage
14 list under section 506E, or that is described in section
15 505(j)(11)(A), a copy of the report shall be sent promptly
16 to the appropriate offices of the Food and Drug Adminis-
17 tration with expertise regarding drug shortages.".
18 (e) REPORTING REQUIREMENT.—Section 510(j) of
19 the Federal Food, Drug, Cosmetic Act (21 U.S.C. 360(j))
20 is amended—
21 (1) by redesignating paragraphs (3) and (4) as
22 paragraphs (4) and (5), respectively; and
23 (2) by inserting after paragraph (2) the fol-
24 lowing:

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1 "(3)(A) Each person who registers with the
2 Secretary under this section with regard to a drug
3 shall report annually to the Secretary on the amount
4 of each drug listed under paragraph (1) that was
5 manufactured, prepared, propagated, compounded,
6 or processed by such person for commercial distribu-
7 tion. Such information may be required to be sub-
8 mitted in an electronic format as determined by the
9 Secretary. The Secretary may require that informa-
10 tion required to be reported under this paragraph be
11 submitted at the time a public health emergency is
12 declared by the Secretary under section 319 of the
13 Public Health Service Act.
14 "(B) By order of the Secretary, certain biologi-
15 cal products or categories of biological products reg-
16 ulated under section 351 of the Public Health Serv-
17 ice Act may be exempt from some or all of the re-
18 porting requirements under subparagraph (A), if the
19 Secretary determines that applying such reporting
20 requirements to such biological products or cat-
21 egories of biological products is not necessary to pro-
22 tect the public health.".
23 (f) CONFIDENTIALITY.—Nothing in the amendments
24 made by this section shall be construed as authorizing the
25 Secretary to disclose any information that is a trade secret

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1 or confidential information subject to section 552(b)(4) of
2 title 5, United States Code, or section 1905 of title 18,
3 United States Code.

4 (g) EFFECTIVE DATE.—The amendments made by
5 this section and section 3111 shall take effect on the date
6 that is 180 days after the date of enactment of this Act.

7 **Subpart C—Preventing Medical Device Shortages**

8 **SEC. 3121. DISCONTINUANCE OR INTERRUPTION IN THE**
9 **PRODUCTION OF MEDICAL DEVICES.**

10 Chapter V of the Federal Food, Drug, and Cosmetic
11 Act (21 U.S.C. 351 et seq.) is amended by inserting after
12 section 506I the following:

13 **"SEC. 506J. DISCONTINUANCE OR INTERRUPTION IN THE**
14 **PRODUCTION OF MEDICAL DEVICES.**

15 "(a) IN GENERAL.—A manufacturer of a device
16 that—

17 "(1) is critical to public health during a public
18 health emergency, including devices that are life-sup-
19 porting, life-sustaining, or intended for use in emer-
20 gency medical care or during surgery; or

21 "(2) for which the Secretary determines that in-
22 formation on potential meaningful supply disrup-
23 tions of such device is needed during, or in advance
24 of, a public health emergency;

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1 shall, during, or in advance of, a public health emergency
2 declared by the Secretary under section 319 of the Public
3 Health Service Act, notify the Secretary, in accordance
4 with subsection (b), of a permanent discontinuance in the
5 manufacture of the device (except for discontinuances as
6 a result of an approved modification of the device) or an
7 interruption of the manufacture of the device that is likely
8 to lead to a meaningful disruption in the supply of that
9 device in the United States, and the reasons for such dis-
10 continuance or interruption.

11 "(b) TIMING.—A notice required under subsection (a)
12 shall be submitted to the Secretary—

13 "(1) at least 6 months prior to the date of the
14 discontinuance or interruption; or

15 "(2) if compliance with paragraph (1) is not
16 possible, as soon as practicable.

17 "(c) DISTRIBUTION.—

18 "(1) PUBLIC AVAILABILITY.—To the maximum
19 extent practicable, subject to paragraph (2), the Sec-
20 retary shall distribute, through such means as the
21 Secretary determines appropriate, information on
22 the discontinuance or interruption of the manufac-
23 ture of devices reported under subsection (a) to ap-
24 propriate organizations, including physician, health
25 provider, patient organizations, and supply chain

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1 partners, as appropriate and applicable, as described
2 in subsection (g).
3 "(2) PUBLIC HEALTH EXCEPTION.—The Sec-
4 retary may choose not to make information collected
5 under this section publicly available pursuant to this
6 section if the Secretary determines that disclosure of
7 such information would adversely affect the public
8 health, such as by increasing the possibility of un-
9 necessary over purchase of product, component
10 parts, or other disruption of the availability of med-
11 ical products to patients.
12 "(d) CONFIDENTIALITY.—Nothing in this section
13 shall be construed as authorizing the Secretary to disclose
14 any information that is a trade secret or confidential infor-
15 mation subject to section 552(b)(4) of title 5, United
16 States Code, or section 1905 of title 18, United States
17 Code.
18 "(e) FAILURE TO MEET REQUIREMENTS.—If a per-
19 son fails to submit information required under subsection
20 (a) in accordance with subsection (b)—
21 "(1) the Secretary shall issue a letter to such
22 person informing such person of such failure;
23 "(2) not later than 30 calendar days after the
24 issuance of a letter under paragraph (1), the person
25 who receives such letter shall submit to the Sec-

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1 retary a written response to such letter setting forth
2 the basis for noncompliance and providing informa-
3 tion required under subsection (a); and
4 "(3) not later than 45 calendar days after the
5 issuance of a letter under paragraph (1), the Sec-
6 retary shall make such letter and any response to
7 such letter under paragraph (2) available to the pub-
8 lic on the internet website of the Food and Drug Ad-
9 ministration, with appropriate redactions made to
10 protect information described in subsection (d), ex-
11 cept that, if the Secretary determines that the letter
12 under paragraph (1) was issued in error or, after re-
13 view of such response, the person had a reasonable
14 basis for not notifying as required under subsection
15 (a), the requirements of this paragraph shall not
16 apply.
17 "(f) EXPEDITED INSPECTIONS AND REVIEWS.—If,
18 based on notifications described in subsection (a) or any
19 other relevant information, the Secretary concludes that
20 there is, or is likely to be, a shortage of an device, the
21 Secretary shall, as appropriate—
22 "(1) prioritize and expedite the review of a sub-
23 mission under section 513(f)(2), 515, review of a no-
24 tification under section 510(k), or 520(m) for a de-

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1 vice that could help mitigate or prevent such short-
2 age; or
3 "(2) prioritize and expedite an inspection or re-
4 inspection of an establishment that could help miti-
5 gate or prevent such shortage.
6 "(g) DEVICE SHORTAGE LIST.—
7 "(1) ESTABLISHMENT.—The Secretary shall es-
8 tablish and maintain an up-to-date list of devices
9 that are determined by the Secretary to be in short-
10 age in the United States.
11 "(2) CONTENTS.—For each device included on
12 the list under paragraph (1), the Secretary shall in-
13 clude the following information:
14 "(A) The category or name of the device in
15 shortage.
16 "(B) The name of each manufacturer of
17 such device.
18 "(C) The reason for the shortage, as deter-
19 mined by the Secretary, selecting from the fol-
20 lowing categories:
21 "(i) Requirements related to com-
22 plying with good manufacturing practices.
23 "(ii) Regulatory delay.
24 "(iii) Shortage or discontinuance of a
25 component or part.

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1 "(iv) Discontinuance of the manufac-
2 ture of the device.
3 "(v) Delay in shipping of the device.
4 "(vi) Delay in sterilization of the de-
5 vice.
6 "(vii) Demand increase for the device.
7 "(viii) Facility closure.
8 "(D) The estimated duration of the short-
9 age as determined by the Secretary.
10 "(3) PUBLIC AVAILABILITY.—
11 "(A) IN GENERAL.—Subject to subpara-
12 graphs (B) and (C), the Secretary shall make
13 the information in the list under paragraph (1)
14 publicly available.
15 "(B) TRADE SECRETS AND CONFIDENTIAL
16 INFORMATION.—Nothing in this subsection
17 shall be construed to alter or amend section
18 1905 of title 18, United States Code, or section
19 552(b)(4) of title 5 of such Code.
20 "(C) PUBLIC HEALTH EXCEPTION.—The
21 Secretary may elect not to make information
22 collected under this subsection publicly available
23 if the Secretary determines that disclosure of
24 such information would adversely affect the
25 public health (such as by increasing the possi-

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1 bility of hoarding or other disruption of the
2 availability of the device to patients).
3 "(h) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed to affect the authority of the Sec-
5 retary on the date of enactment of this section to expedite
6 the review of devices under section 515 of the Federal
7 Food, Drug, and Cosmetic Act, section 515B of such Act
8 relating to the priority review program for devices, and
9 section 564 of such Act relating to the emergency use au-
10 thorization authorities.
11 "(i) DEFINITIONS.—In this section:
12 "(1) MEANINGFUL DISRUPTION.—The term
13 'meaningful disruption'—
14 "(A) means a change in production that is
15 reasonably likely to lead to a reduction in the
16 supply of a device by a manufacturer that is
17 more than negligible and affects the ability of
18 the manufacturer to fill orders or meet expected
19 demand for its product;
20 "(B) does not include interruptions in
21 manufacturing due to matters such as routine
22 maintenance or insignificant changes in manu-
23 facturing so long as the manufacturer expects
24 to resume operations in a short period of time,
25 not to exceed 6 months;

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"(C) does not include interruptions in manufacturing of components or raw materials so long as such interruptions do not result in a shortage of the device and the manufacturer expects to resume operations in a reasonable period of time; and

"(D) does not include interruptions in manufacturing that do not lead to a reduction in procedures or diagnostic tests associated with a medical device designed to perform more than one procedure or diagnostic test.

"(2) SHORTAGE.—The term 'shortage', with respect to a device, means a period of time when the demand or projected demand for the device within the United States exceeds the supply of the device.".

## PART II—ACCESS TO HEALTH CARE FOR COVID-19 PATIENTS

### Subpart A—Coverage of Testing and Preventive Services

#### SEC. 3201. COVERAGE OF DIAGNOSTIC TESTING FOR COVID-19.

Paragraph (1) of section 6001(a) of division F of the Families First Coronavirus Response Act (Public Law 116–127) is amended to read as follows:

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1 "(1) An in vitro diagnostic test defined in sec-
2 tion 809.3 of title 21, Code of Federal Regulations
3 (or successor regulations) for the detection of
4 SARS–CoV–2 or the diagnosis of the virus that
5 causes COVID–19, and the administration of such a
6 test, that—
7 "(A) is approved, cleared, or authorized
8 under section 510(k), 513, 515, or 564 of the
9 Federal Food, Drug, and Cosmetic Act (21
10 U.S.C. 360(k), 360c, 360e, 360bbb–3);
11 "(B) the developer has requested, or in-
12 tends to request, emergency use authorization
13 under section 564 of the Federal Food, Drug,
14 and Cosmetic Act (21 U.S.C. 360bbb–3), unless
15 and until the emergency use authorization re-
16 quest under such section 564 has been denied
17 or the developer of such test does not submit a
18 request under such section within a reasonable
19 timeframe;
20 "(C) is developed in and authorized by a
21 State that has notified the Secretary of Health
22 and Human Services of its intention to review
23 tests intended to diagnose COVID-19; or
24 "(D) other test that the Secretary deter-
25 mines appropriate in guidance.".

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1 **SEC. 3202. PRICING OF DIAGNOSTIC TESTING.**

2 (a) REIMBURSEMENT RATES.—A group health plan
3 or a health insurance issuer providing coverage of items
4 and services described in section 6001(a) of division F of
5 the Families First Coronavirus Response Act (Public Law
6 116–127) with respect to an enrollee shall reimburse the
7 provider of the diagnostic testing as follows:

8 (1) If the health plan or issuer has a negotiated
9 rate with such provider in effect before the public
10 health emergency declared under section 319 of the
11 Public Health Service Act (42 U.S.C. 247d), such
12 negotiated rate shall apply throughout the period of
13 such declaration.

14 (2) If the health plan or issuer does not have
15 a negotiated rate with such provider, such plan or
16 issuer shall reimburse the provider in an amount
17 that equals the cash price for such service as listed
18 by the provider on a public internet website, or such
19 plan or issuer may negotiate a rate with such pro-
20 vider for less than such cash price.

21 (b) REQUIREMENT TO PUBLICIZE CASH PRICE FOR
22 DIAGNOSTIC TESTING FOR COVID-19.—

23 (1) IN GENERAL.—During the emergency pe-
24 riod declared under section 319 of the Public Health
25 Service Act (42 U.S.C. 247d), each provider of a di-
26 agnostic test for COVID-19 shall make public the

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1 cash price for such test on a public internet website
2 of such provider.
3 (2) CIVIL MONETARY PENALTIES.—The Sec-
4 retary of Health and Human Services may impose a
5 civil monetary penalty on any provider of a diag-
6 nostic test for COVID-19 that is not in compliance
7 with paragraph (1) and has not completed a correc-
8 tive action plan to comply with the requirements of
9 such paragraph, in an amount not to exceed $300
10 per day that the violation is ongoing.

11 **SEC. 3203. RAPID COVERAGE OF PREVENTIVE SERVICES**
12 **AND VACCINES FOR CORONAVIRUS.**

13 (a) IN GENERAL.—Notwithstanding 2713(b) of the
14 Public Health Service Act (42 U.S.C. 300gg–13), the Sec-
15 retary of Health and Human Services, the Secretary of
16 Labor, and the Secretary of the Treasury shall require
17 group health plans and health insurance issuers offering
18 group or individual health insurance to cover (without
19 cost-sharing) any qualifying coronavirus preventive serv-
20 ice, pursuant to section 2713(a) of the Public Health Serv-
21 ice Act (42 U.S.C. 300gg–13(a)) (including the regula-
22 tions under sections 2590.715-2713 of title 29, Code of
23 Federal Regulations, section 54.9815-2713 of title 26,
24 Code of Federal Regulations, and section 147.130 of title
25 45, Code of Federal Regulations (or any successor regula-

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1 tions)). The requirement described in this subsection shall
2 take effect with respect to a qualifying coronavirus preven-
3 tive service on the specified date described in subsection
4 (b)(2).

5 (b) DEFINITIONS.—For purposes of this section:

6 (1) QUALIFYING CORONAVIRUS PREVENTIVE
7 SERVICE.—The term "qualifying coronavirus preven-
8 tive service" means an item, service, or immuniza-
9 tion that is intended to prevent or mitigate
10 coronavirus disease 2019 and that is—

11 (A) an evidence-based item or service that
12 has in effect a rating of "A" or "B" in the cur-
13 rent recommendations of the United States Pre-
14 ventive Services Task Force; or

15 (B) an immunization that has in effect a
16 recommendation from the Advisory Committee
17 on Immunization Practices of the Centers for
18 Disease Control and Prevention with respect to
19 the individual involved.

20 (2) SPECIFIED DATE.—The term "specified
21 date" means the date that is 15 business days after
22 the date on which a recommendation is made relat-
23 ing to the qualifying coronavirus preventive service
24 as described in such paragraph.

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1 (3) ADDITIONAL TERMS.—In this section, the
2 terms "group health plan", "health insurance
3 issuer", "group health insurance coverage", and "in-
4 dividual health insurance coverage" have the mean-
5 ings given such terms in section 2791 of the Public
6 Health Service Act (42 U.S.C. 300gg–91), section
7 733 of the Employee Retirement Income Security
8 Act of 1974 (29 U.S.C. 1191b), and section 9832 of
9 the Internal Revenue Code, as applicable.

10 **Subpart B—Support for Health Care Providers**

11 **SEC. 3211. SUPPLEMENTAL AWARDS FOR HEALTH CEN-**
12 **TERS.**

13 (a) SUPPLEMENTAL AWARDS.—Section 330(r) of the
14 Public Health Service Act (42 U.S.C. 254b(r)) is amended
15 by adding at the end the following:

16 "(6) ADDITIONAL AMOUNTS FOR SUPPLE-
17 MENTAL AWARDS.—In addition to any amounts
18 made available pursuant to this subsection, section
19 402A of this Act, or section 10503 of the Patient
20 Protection and Affordable Care Act, there is author-
21 ized to be appropriated, and there is appropriated,
22 out of any monies in the Treasury not otherwise ap-
23 propriated, $1,320,000,000 for fiscal year 2020 for
24 supplemental awards under subsection (d) for the

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1 detection of SARS-CoV-2 or the prevention, diag-
2 nosis, and treatment of COVID-19.''.
3 (b) APPLICATION OF PROVISIONS.—Amounts appro-
4 priated pursuant to the amendment made by subsection
5 (a) for fiscal year 2020 shall be subject to the require-
6 ments contained in Public Law 116–94 for funds for pro-
7 grams authorized under sections 330 through 340 of the
8 Public Health Service Act (42 U.S.C. 254 through 256).

9 **SEC. 3212. TELEHEALTH NETWORK AND TELEHEALTH RE-**
10 **SOURCE CENTERS GRANT PROGRAMS.**

11 Section 330I of the Public Health Service Act (42
12 U.S.C. 254c–14) is amended—
13 (1) in subsection (d)—
14 (A) in paragraph (1)—
15 (i) in the matter preceding subpara-
16 graph (A), by striking ''projects to dem-
17 onstrate how telehealth technologies can be
18 used through telehealth networks'' and in-
19 serting ''evidence-based projects that uti-
20 lize telehealth technologies through tele-
21 health networks'';
22 (ii) in subparagraph (A)—
23 (I) by striking ''the quality of''
24 and inserting ''access to, and the
25 quality of,''; and

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1 (II) by inserting "and" after the
2 semicolon;
3 (iii) by striking subparagraph (B);
4 (iv) by redesignating subparagraph
5 (C) as subparagraph (B); and
6 (v) in subparagraph (B), as so redes-
7 ignated, by striking "and patients and
8 their families, for decisionmaking" and in-
9 serting ", patients, and their families";
10 and
11 (B) in paragraph (2)—
12 (i) by striking "demonstrate how tele-
13 health technologies can be used" and in-
14 serting "support initiatives that utilize
15 telehealth technologies"; and
16 (ii) by striking ", to establish tele-
17 health resource centers";
18 (2) in subsection (e), by striking "4 years" and
19 inserting "5 years";
20 (3) in subsection (f)—
21 (A) by striking paragraph (2);
22 (B) in paragraph (1)(B)—
23 (i) by redesignating clauses (i)
24 through (iii) as paragraphs (1) through

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(3), respectively, and adjusting the margins accordingly;

(ii) in paragraph (3), as so redesignated by clause (i), by redesignating subclauses (I) through (XII) as subparagraphs (A) through (L), respectively, and adjusting the margins accordingly; and

(iii) by striking "(1) TELEHEALTH NETWORK GRANTS—" and all that follows through "(B) TELEHEALTH NETWORKS—"; and

(C) in paragraph (3)(I), as so redesignated, by inserting "and substance use disorder" after "mental health" each place such term appears;

(4) in subsection (g)(2), by striking "or improve" and inserting "and improve";

(5) by striking subsection (h);

(6) by redesignating subsections (i) through (p) as subsection (h) through (o), respectively;

(7) in subsection (h), as so redesignated—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "mental health, public health, long-term care, home care, preventive" and inserting

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1 "mental health care, public health services,
2 long-term care, home care, preventive
3 care";
4 (ii) in subparagraph (E), by inserting
5 "and regional" after "local"; and
6 (iii) by striking subparagraph (F);
7 and
8 (B) in paragraph (2)(A), by striking
9 "medically underserved areas or" and inserting
10 "rural areas, medically underserved areas, or";
11 (8) in paragraph (2) of subsection (i), as so re-
12 designated, by striking "ensure that—" and all that
13 follows through the end of subparagraph (B) and in-
14 serting "ensure that not less than 50 percent of the
15 funds awarded shall be awarded for projects in rural
16 areas.";
17 (9) in subsection (j), as so redesignated—
18 (A) in paragraph (1)(B), by striking "com-
19 puter hardware and software, audio and video
20 equipment, computer network equipment, inter-
21 active equipment, data terminal equipment, and
22 other"; and
23 (B) in paragraph (2)(F), by striking
24 "health care providers and";
25 (10) in subsection (k), as so redesignated—

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1 (A) in paragraph (2), by striking "40 per-
2 cent" and inserting "20 percent"; and
3 (B) in paragraph (3), by striking "(such as
4 laying cable or telephone lines, or purchasing or
5 installing microwave towers, satellite dishes,
6 amplifiers, or digital switching equipment)";
7 (11) by striking subsections (q) and (r) and in-
8 serting the following:
9 "(p) REPORT.—Not later than 4 years after the date
10 of enactment of the Coronavirus Aid, Relief, and Eco-
11 nomic Security Act, and every 5 years thereafter, the Sec-
12 retary shall prepare and submit to the Committee on
13 Health, Education, Labor, and Pensions of the Senate and
14 the Committee on Energy and Commerce of the House
15 of Representatives a report on the activities and outcomes
16 of the grant programs under subsection (b).";
17 (12) by redesignating subsection (s) as sub-
18 section (q); and
19 (13) in subsection (q), as so redesignated, by
20 striking "this section—" and all that follows
21 through the end of paragraph (2) and inserting
22 "this section $29,000,000 for each of fiscal years
23 2021 through 2025.".

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1 **SEC. 3213. RURAL HEALTH CARE SERVICES OUTREACH,**
2 **RURAL HEALTH NETWORK DEVELOPMENT,**
3 **AND SMALL HEALTH CARE PROVIDER QUAL-**
4 **ITY IMPROVEMENT GRANT PROGRAMS.**

5 Section 330A of the Public Health Service Act (42
6 U.S.C. 254c) is amended—

7 (1) in subsection (d)(2)—

8 (A) in subparagraph (A), by striking ''es-
9 sential'' and inserting ''basic''; and

10 (B) in subparagraph (B)—

11 (i) in the matter preceding clause (i),
12 by inserting ''to'' after ''grants''; and

13 (ii) in clauses (i), (ii), and (iii), by
14 striking ''to'' each place such term ap-
15 pears;

16 (2) in subsection (e)—

17 (A) in paragraph (1)—

18 (i) by inserting ''improving and'' after
19 ''outreach by'';

20 (ii) by inserting '', through community
21 engagement and evidence-based or innova-
22 tive, evidence-informed models'' before the
23 period of the first sentence; and

24 (iii) by striking ''3 years'' and insert-
25 ing ''5 years'';

26 (B) in paragraph (2)—

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(i) in the matter preceding subparagraph (A), by inserting "shall" after "entity";

(ii) in subparagraph (A), by striking "shall be a rural public or rural nonprofit private entity" and inserting "be an entity with demonstrated experience serving, or the capacity to serve, rural underserved populations";

(iii) in subparagraphs (B) and (C), by striking "shall" each place such term appears; and

(iv) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting "that" after "members"; and

(II) in clauses (i) and (ii), by striking "that" each place such term appears; and

(C) in paragraph (3)(C), by striking "the local community or region" and inserting "the rural underserved populations in the local community or region";

(3) in subsection (f)—

(A) in paragraph (1)—

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1 (i) in subparagraph (A)—
2 (I) in the matter preceding clause
3 (i), by striking "promote, through
4 planning and implementation, the de-
5 velopment of integrated health care
6 networks that have combined the
7 functions of the entities participating
8 in the networks" and inserting "plan,
9 develop, and implement integrated
10 health care networks that collabo-
11 rate"; and
12 (II) in clause (ii), by striking
13 "essential health care services" and
14 inserting "basic health care services
15 and associated health outcomes"; and
16 (ii) by amending subparagraph (B) to
17 read as follows:
18 "(B) GRANT PERIODS.—The Director may
19 award grants under this subsection for periods
20 of not more than 5 years.";
21 (B) in paragraph (2)—
22 (i) in the matter preceding subpara-
23 graph (A), by inserting "shall" after "enti-
24 ty";

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1 (ii) in subparagraph (A), by striking
2 "shall be a rural public or rural nonprofit
3 private entity" and inserting "be an entity
4 with demonstrated experience serving, or
5 the capacity to serve, rural underserved
6 populations";
7 (iii) in subparagraph (B)—
8 (I) in the matter preceding clause
9 (i)—
10 (aa) by striking "shall"; and
11 (bb) by inserting "that"
12 after "participants"; and
13 (II) in clauses (i) and (ii), by
14 striking "that" each place such term
15 appears; and
16 (iv) in subparagraph (C), by striking
17 "shall"; and
18 (C) in paragraph (3)—
19 (i) by amending clause (iii) of sub-
20 paragraph (C) to read as follows:
21 "(iii) how the rural underserved popu-
22 lations in the local community or region to
23 be served will benefit from and be involved
24 in the development and ongoing operations
25 of the network;"; and

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1 (ii) in subparagraph (D), by striking
2 "the local community or region" and in-
3 serting "the rural underserved populations
4 in the local community or region";
5 (4) in subsection (g)—
6 (A) in paragraph (1)—
7 (i) by inserting ", including activities
8 related to increasing care coordination, en-
9 hancing chronic disease management, and
10 improving patient health outcomes" before
11 the period of the first sentence; and
12 (ii) by striking "3 years" and insert-
13 ing "5 years";
14 (B) in paragraph (2)—
15 (i) in the matter preceding subpara-
16 graph (A), by inserting "shall" after "enti-
17 ty";
18 (ii) in subparagraphs (A) and (B), by
19 striking "shall" each place such term ap-
20 pears; and
21 (iii) in subparagraph (A)(ii), by in-
22 serting "or regional" after "local"; and
23 (C) in paragraph (3)(D), by striking "the
24 local community or region" and inserting "the

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1 rural underserved populations in the local com-
2 munity or region";
3 (5) in subsection (h)(3), in the matter pre-
4 ceding subparagraph (A), by inserting ", as appro-
5 priate," after "the Secretary";
6 (6) by amending subsection (i) to read as fol-
7 lows:
8 "(i) REPORT.—Not later than 4 years after the date
9 of enactment of the Coronavirus Aid, Relief, and Eco-
10 nomic Security Act, and every 5 years thereafter, the Sec-
11 retary shall prepare and submit to the Committee on
12 Health, Education, Labor, and Pensions of the Senate and
13 the Committee on Energy and Commerce of the House
14 of Representatives a report on the activities and outcomes
15 of the grant programs under subsections (e), (f), and (g),
16 including the impact of projects funded under such pro-
17 grams on the health status of rural residents with chronic
18 conditions."; and
19 (7) in subsection (j), by striking "$45,000,000
20 for each of fiscal years 2008 through 2012" and in-
21 serting "$79,500,000 for each of fiscal years 2021
22 through 2025".

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1 **SEC. 3214. UNITED STATES PUBLIC HEALTH SERVICE MOD-**
2 **ERNIZATION.**

3 (a) COMMISSIONED CORPS AND READY RESERVE
4 CORPS.—Section 203 of the Public Health Service Act (42
5 U.S.C. 204) is amended—

6 (1) in subsection (a)(1), by striking "a Ready
7 Reserve Corps for service in time of national emer-
8 gency" and inserting ", for service in time of a pub-
9 lic health or national emergency, a Ready Reserve
10 Corps"; and

11 (2) in subsection (c)—

12 (A) in the heading, by striking "RE-
13 SEARCH" and inserting "RESERVE CORPS";

14 (B) in paragraph (1), by inserting "during
15 public health or national emergencies" before
16 the period;

17 (C) in paragraph (2)—

18 (i) in the matter preceding subpara-
19 graph (A), by inserting ", consistent with
20 paragraph (1)" after "shall";

21 (ii) in subparagraph (C), by inserting
22 "during such emergencies" after "mem-
23 bers"; and

24 (iii) in subparagraph (D), by inserting
25 ", consistent with subparagraph (C)" be-
26 fore the period; and

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1 (D) by adding at the end the following:
2 "(3) STATUTORY REFERENCES TO RESERVE.—
3 A reference in any Federal statute, except in the
4 case of subsection (b), to the 'Reserve Corps' of the
5 Public Health Service or to the 'reserve' of the Pub-
6 lic Health Service shall be deemed to be a reference
7 to the Ready Reserve Corps.".
8 (b) DEPLOYMENT READINESS.—Section
9 203A(a)(1)(B) of the Public Health Service Act (42
10 U.S.C. 204a(a)(1)(B)) is amended by striking "Active Re-
11 serves" and inserting "Ready Reserve Corps".
12 (c) RETIREMENT OF COMMISSIONED OFFICERS.—
13 Section 211 of the Public Health Service Act (42 U.S.C.
14 212) is amended—
15 (1) by striking "the Service" each place it ap-
16 pears and inserting "the Regular Corps";
17 (2) in subsection (a)(4), by striking "(in the
18 case of an officer in the Reserve Corps)";
19 (3) in subsection (c)—
20 (A) in paragraph (1)—
21 (i) by striking "or an officer of the
22 Reserve Corps"; and
23 (ii) by inserting "or under section
24 221(a)(19)" after "subsection (a)"; and

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1 (B) in paragraph (2), by striking "Regular
2 or Reserve Corps" and inserting "Regular
3 Corps or Ready Reserve Corps"; and
4 (4) in subsection (f), by striking "the Regular
5 or Reserve Corps of".
6 (d) RIGHTS, PRIVILEGES, ETC. OF OFFICERS AND
7 SURVIVING BENEFICIARIES.—Section 221 of the Public
8 Health Service Act (42 U.S.C. 213a) is amended—
9 (1) in subsection (a), by adding at the end the
10 following:
11 "(19) Chapter 1223, Retired Pay for Non-Reg-
12 ular Service.
13 "(20) Section 12601, Compensation: Reserve on
14 active duty accepting from any person.
15 "(21) Section 12684, Reserves: separation for
16 absence without authority or sentence to imprison-
17 ment."; and
18 (2) in subsection (b)—
19 (A) by striking "Secretary of Health, Edu-
20 cation, and Welfare or his designee" and insert-
21 ing "Secretary of Health and Human Services
22 or the designee of such secretary";
23 (B) by striking "(b) The authority vested"
24 and inserting the following:
25 "(b)(1) The authority vested";

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1 (C) by striking "For purposes of" and in-
2 serting the following:
3 "(2) For purposes of"; and
4 (D) by adding at the end the following:
5 "(3) For purposes of paragraph (19) of subsection
6 (a), the terms 'Military department', 'Secretary con-
7 cerned', and 'Armed forces' in such title 10 shall be
8 deemed to include, respectively, the Department of Health
9 and Human Services, the Secretary of Health and Human
10 Services, and the Commissioned Corps.".
11 (e) TECHNICAL AMENDMENTS.—Title II of the Pub-
12 lic Health Service Act (42 U.S.C. 202 et seq.) is amend-
13 ed—
14 (1) in sections 204 and 207(c), by striking
15 "Regular or Reserve Corps" each place it appears
16 and inserting "Regular Corps or Ready Reserve
17 Corps";
18 (2) in section 208(a), by striking "Regular and
19 Reserve Corps" each place it appears and inserting
20 "Regular Corps and Ready Reserve Corps"; and
21 (3) in section 205(c), 206(c), 210, and 219,
22 and in subsections (a), (b), and (d) of section 207,
23 by striking "Reserve Corps" each place it appears
24 and inserting "Ready Reserve Corps".

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1 **SEC. 3215. LIMITATION ON LIABILITY FOR VOLUNTEER**
2 **HEALTH CARE PROFESSIONALS DURING**
3 **COVID-19 EMERGENCY RESPONSE.**

4 (a) LIMITATION ON LIABILITY.—Except as provided
5 in subsection (b), a health care professional shall not be
6 liable under Federal or State law for any harm caused
7 by an act or omission of the professional in the provision
8 of health care services during the public health emergency
9 with respect to COVID-19 declared by the Secretary of
10 Health and Human Services (referred to in this section
11 as the "Secretary") under section 319 of the Public
12 Health Service Act (42 U.S.C. 247d) on January 31,
13 2020, if—

14 (1) the professional is providing health care
15 services in response to such public health emergency,
16 as a volunteer; and

17 (2) the act or omission occurs—

18 (A) in the course of providing health care
19 services;

20 (B) in the health care professional's capac-
21 ity as a volunteer;

22 (C) in the course of providing health care
23 services that—

24 (i) are within the scope of the license,
25 registration, or certification of the volun-

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1 teer, as defined by the State of licensure,
2 registration, or certification; and
3 (ii) do not exceed the scope of license,
4 registration, or certification of a substan-
5 tially similar health professional in the
6 State in which such act or omission occurs;
7 and
8 (D) in a good faith belief that the indi-
9 vidual being treated is in need of health care
10 services.
11 (b) EXCEPTIONS.—Subsection (a) does not apply if—
12 (1) the harm was caused by an act or omission
13 constituting willful or criminal misconduct, gross
14 negligence, reckless misconduct, or a conscious fla-
15 grant indifference to the rights or safety of the indi-
16 vidual harmed by the health care professional; or
17 (2) the health care professional rendered the
18 health care services under the influence (as deter-
19 mined pursuant to applicable State law) of alcohol
20 or an intoxicating drug.
21 (c) PREEMPTION.—
22 (1) IN GENERAL.—This section preempts the
23 laws of a State or any political subdivision of a State
24 to the extent that such laws are inconsistent with

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1 this section, unless such laws provide greater protec-
2 tion from liability.
3 (2) VOLUNTEER PROTECTION ACT.—Protec-
4 tions afforded by this section are in addition to those
5 provided by the Volunteer Protection Act of 1997
6 (Public Law 105–19).
7 (d) DEFINITIONS.—In this section—
8 (1) the term ''harm'' includes physical, non-
9 physical, economic, and noneconomic losses;
10 (2) the term ''health care professional'' means
11 an individual who is licensed, registered, or certified
12 under Federal or State law to provide health care
13 services;
14 (3) the term ''health care services'' means any
15 services provided by a health care professional, or by
16 any individual working under the supervision of a
17 health care professional that relate to—
18 (A) the diagnosis, prevention, or treatment
19 of COVID-19; or
20 (B) the assessment or care of the health of
21 a human being related to an actual or sus-
22 pected case of COVID-19; and
23 (4) the term ''volunteer'' means a health care
24 professional who, with respect to the health care
25 services rendered, does not receive compensation or

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1 any other thing of value in lieu of compensation,
2 which compensation—
3 (A) includes a payment under any insur-
4 ance policy or health plan, or under any Fed-
5 eral or State health benefits program; and
6 (B) excludes—
7 (i) receipt of items to be used exclu-
8 sively for rendering health care services in
9 the health care professional's capacity as a
10 volunteer described in subsection (a)(1);
11 and
12 (ii) any reimbursement for travel to
13 the site where the volunteer services are
14 rendered and any payments in cash or kind
15 to cover room and board, if services are
16 being rendered more than 75 miles from
17 the volunteer's principal place of residence.
18 (e) EFFECTIVE DATE.—This section shall take effect
19 upon the date of enactment of this Act, and applies to
20 a claim for harm only if the act or omission that caused
21 such harm occurred on or after the date of enactment.
22 (f) SUNSET.—This section shall be in effect only for
23 the length of the public health emergency declared by the
24 Secretary of Health and Human Services (referred to in
25 this section as the "Secretary") under section 319 of the

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1 Public Health Service Act (42 U.S.C. 247d) on January
2 31, 2020 with respect to COVID-19.

3 **SEC. 3216. FLEXIBILITY FOR MEMBERS OF NATIONAL**
4 **HEALTH SERVICE CORPS DURING EMER-**
5 **GENCY PERIOD.**

6 During the public health emergency declared by the
7 Secretary of Health and Human Services under section
8 319 of the Public Health Service Act (42 U.S.C. 247d)
9 on January 31, 2020, with respect to COVID-19, the Sec-
10 retary may, notwithstanding section 333 of the Public
11 Health Service Act (42 U.S.C. 254f), assign members of
12 the National Health Service Corps, with the voluntary
13 agreement of such corps members, to provide such health
14 services at such places, and for such number of hours, as
15 the Secretary determines necessary to respond to such
16 emergency, provided that such places are within a reason-
17 able distance of the site to which such members were origi-
18 nally assigned, and the total number of hours required are
19 the same as were required of such members prior to the
20 date of enactment of this Act.

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1 **Subpart C—Miscellaneous Provisions**

2 **SEC. 3221. CONFIDENTIALITY AND DISCLOSURE OF**
3 **RECORDS RELATING TO SUBSTANCE USE DIS-**
4 **ORDER.**

5 (a) CONFORMING CHANGES RELATING TO SUB-
6 STANCE USE DISORDER.—Subsections (a) and (h) of sec-
7 tion 543 of the Public Health Service Act (42 U.S.C.
8 290dd–2) are each amended by striking "substance
9 abuse" and inserting "substance use disorder".

10 (b) DISCLOSURES TO COVERED ENTITIES CON-
11 SISTENT WITH HIPAA.—Paragraph (1) of section 543(b)
12 of the Public Health Service Act (42 U.S.C. 290dd–2(b))
13 is amended to read as follows:

14 "(1) CONSENT.—The following shall apply with
15 respect to the contents of any record referred to in
16 subsection (a):

17 "(A) Such contents may be used or dis-
18 closed in accordance with the prior written con-
19 sent of the patient with respect to whom such
20 record is maintained.

21 "(B) Once prior written consent of the pa-
22 tient has been obtained, such contents may be
23 used or disclosed by a covered entity, business
24 associate, or a program subject to this section
25 for purposes of treatment, payment, and health
26 care operations as permitted by the HIPAA

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1 regulations. Any information so disclosed may
2 then be redisclosed in accordance with the
3 HIPAA regulations. Section 13405(c) of the
4 Health Information Technology and Clinical
5 Health Act (42 U.S.C. 17935(c)) shall apply to
6 all disclosures pursuant to subsection (b)(1) of
7 this section.
8 "(C) It shall be permissible for a patient's
9 prior written consent to be given once for all
10 such future uses or disclosures for purposes of
11 treatment, payment, and health care operations,
12 until such time as the patient revokes such con-
13 sent in writing.
14 "(D) Section 13405(a) of the Health In-
15 formation Technology and Clinical Health Act
16 (42 U.S.C. 17935(a)) shall apply to all disclo-
17 sures pursuant to subsection (b)(1) of this sec-
18 tion.".
19 (c) DISCLOSURES OF DE-IDENTIFIED HEALTH IN-
20 FORMATION TO PUBLIC HEALTH AUTHORITIES.—Para-
21 graph (2) of section 543(b) of the Public Health Service
22 Act (42 U.S.C. 290dd–2(b)), is amended by adding at the
23 end the following:
24 "(D) To a public health authority, so long
25 as such content meets the standards established

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1 in section 164.514(b) of title 45, Code of Fed-
2 eral Regulations (or successor regulations) for
3 creating de-identified information.''.
4 (d) DEFINITIONS.—Section 543 of the Public Health
5 Service Act (42 U.S.C. 290dd–2) is amended by adding
6 at the end the following:
7 ''(k) DEFINITIONS.—For purposes of this section:
8 ''(1) BREACH.—The term 'breach' has the
9 meaning given such term for purposes of the HIPAA
10 regulations.
11 ''(2) BUSINESS ASSOCIATE.—The term 'busi-
12 ness associate' has the meaning given such term for
13 purposes of the HIPAA regulations.
14 ''(3) COVERED ENTITY.—The term 'covered en-
15 tity' has the meaning given such term for purposes
16 of the HIPAA regulations.
17 ''(4) HEALTH CARE OPERATIONS.—The term
18 'health care operations' has the meaning given such
19 term for purposes of the HIPAA regulations.
20 ''(5) HIPAA REGULATIONS.—The term
21 'HIPAA regulations' has the meaning given such
22 term for purposes of parts 160 and 164 of title 45,
23 Code of Federal Regulations.

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1 "(6) PAYMENT.—The term 'payment' has the
2 meaning given such term for purposes of the HIPAA
3 regulations.
4 "(7) PUBLIC HEALTH AUTHORITY.—The term
5 'public health authority' has the meaning given such
6 term for purposes of the HIPAA regulations.
7 "(8) TREATMENT.—The term 'treatment' has
8 the meaning given such term for purposes of the
9 HIPAA regulations.
10 "(9) UNSECURED PROTECTED HEALTH INFOR-
11 MATION.—The term 'unprotected health information'
12 has the meaning given such term for purposes of the
13 HIPAA regulations.".
14 (e) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD-
15 MINISTRATIVE INVESTIGATIONS, ACTIONS, OR PRO-
16 CEEDINGS.—Subsection (c) of section 543 of the Public
17 Health Service Act (42 U.S.C. 290dd–2(c)) is amended
18 to read as follows:
19 "(c) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD-
20 MINISTRATIVE CONTEXTS.—Except as otherwise author-
21 ized by a court order under subsection (b)(2)(C) or by the
22 consent of the patient, a record referred to in subsection
23 (a), or testimony relaying the information contained there-
24 in, may not be disclosed or used in any civil, criminal, ad-
25 ministrative, or legislative proceedings conducted by any

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1 Federal, State, or local authority, against a patient, in-
2 cluding with respect to the following activities:
3 "(1) Such record or testimony shall not be en-
4 tered into evidence in any criminal prosecution or
5 civil action before a Federal or State court.
6 "(2) Such record or testimony shall not form
7 part of the record for decision or otherwise be taken
8 into account in any proceeding before a Federal,
9 State, or local agency.
10 "(3) Such record or testimony shall not be used
11 by any Federal, State, or local agency for a law en-
12 forcement purpose or to conduct any law enforce-
13 ment investigation.
14 "(4) Such record or testimony shall not be used
15 in any application for a warrant.".
16 (f) PENALTIES.—Subsection (f) of section 543 of the
17 Public Health Service Act (42 U.S.C. 290dd–2) is amend-
18 ed to read as follows:
19 "(f) PENALTIES.—The provisions of sections 1176
20 and 1177 of the Social Security Act shall apply to a viola-
21 tion of this section to the extent and in the same manner
22 as such provisions apply to a violation of part C of title
23 XI of such Act. In applying the previous sentence—
24 "(1) the reference to 'this subsection' in sub-
25 section (a)(2) of such section 1176 shall be treated

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as a reference to 'this subsection (including as applied pursuant to section 543(f) of the Public Health Service Act)'; and

"(2) in subsection (b) of such section 1176—

"(A) each reference to 'a penalty imposed under subsection (a)' shall be treated as a reference to 'a penalty imposed under subsection (a) (including as applied pursuant to section 543(f) of the Public Health Service Act)'; and

"(B) each reference to 'no damages obtained under subsection (d)' shall be treated as a reference to 'no damages obtained under subsection (d) (including as applied pursuant to section 543(f) of the Public Health Service Act)'.".

(g) ANTIDISCRIMINATION.—Section 543 of the Public Health Service Act (42 U.S.C. 290dd–2) is amended by inserting after subsection (h) the following:

"(i) ANTIDISCRIMINATION.—

"(1) IN GENERAL.—No entity shall discriminate against an individual on the basis of information received by such entity pursuant to an inadvertent or intentional disclosure of records, or information contained in records, described in subsection (a) in—

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1 "(A) admission, access to, or treatment for
2 health care;
3 "(B) hiring, firing, or terms of employ-
4 ment, or receipt of worker's compensation;
5 "(C) the sale, rental, or continued rental of
6 housing;
7 "(D) access to Federal, State, or local
8 courts; or
9 "(E) access to, approval of, or mainte-
10 nance of social services and benefits provided or
11 funded by Federal, State, or local governments.
12 "(2) RECIPIENTS OF FEDERAL FUNDS.—No re-
13 cipient of Federal funds shall discriminate against
14 an individual on the basis of information received by
15 such recipient pursuant to an intentional or inad-
16 vertent disclosure of such records or information
17 contained in records described in subsection (a) in
18 affording access to the services provided with such
19 funds.".
20 (h) NOTIFICATION IN CASE OF BREACH.—Section
21 543 of the Public Health Service Act (42 U.S.C. 290dd–
22 2), as amended by subsection (g), is further amended by
23 inserting after subsection (i) the following:
24 "(j) NOTIFICATION IN CASE OF BREACH.—The pro-
25 visions of section 13402 of the HITECH Act (42 U.S.C.

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1 17932) shall apply to a program or activity described in
2 subsection (a), in case of a breach of records described
3 in subsection (a), to the same extent and in the same man-
4 ner as such provisions apply to a covered entity in the
5 case of a breach of unsecured protected health informa-
6 tion.".

7 (i) REGULATIONS.—

8 (1) IN GENERAL.—The Secretary of Health and
9 Human Services, in consultation with appropriate
10 Federal agencies, shall make such revisions to regu-
11 lations as may be necessary for implementing and
12 enforcing the amendments made by this section,
13 such that such amendments shall apply with respect
14 to uses and disclosures of information occurring on
15 or after the date that is 12 months after the date
16 of enactment of this Act.

17 (2) EASILY UNDERSTANDABLE NOTICE OF PRI-
18 VACY PRACTICES.—Not later than 1 year after the
19 date of enactment of this Act, the Secretary of
20 Health and Human Services, in consultation with
21 appropriate legal, clinical, privacy, and civil rights
22 experts, shall update section 164.520 of title 45,
23 Code of Federal Regulations, so that covered entities
24 and entities creating or maintaining the records de-
25 scribed in subsection (a) provide notice, written in

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1 plain language, of privacy practices regarding pa-
2 tient records referred to in section 543(a) of the
3 Public Health Service Act (42 U.S.C. 290dd–2(a)),
4 including—
5 (A) a statement of the patient's rights, in-
6 cluding self-pay patients, with respect to pro-
7 tected health information and a brief descrip-
8 tion of how the individual may exercise these
9 rights (as required by subsection (b)(1)(iv) of
10 such section 164.520); and
11 (B) a description of each purpose for
12 which the covered entity is permitted or re-
13 quired to use or disclose protected health infor-
14 mation without the patient's written authoriza-
15 tion (as required by subsection (b)(2) of such
16 section 164.520).
17 (j) RULES OF CONSTRUCTION.—Nothing in this Act
18 or the amendments made by this Act shall be construed
19 to limit—
20 (1) a patient's right, as described in section
21 164.522 of title 45, Code of Federal Regulations, or
22 any successor regulation, to request a restriction on
23 the use or disclosure of a record referred to in sec-
24 tion 543(a) of the Public Health Service Act (42

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1 U.S.C. 290dd–2(a)) for purposes of treatment, pay-
2 ment, or health care operations; or
3 (2) a covered entity's choice, as described in
4 section 164.506 of title 45, Code of Federal Regula-
5 tions, or any successor regulation, to obtain the con-
6 sent of the individual to use or disclose a record re-
7 ferred to in such section 543(a) to carry out treat-
8 ment, payment, or health care operation.
9 (k) SENSE OF CONGRESS.—It is the sense of the
10 Congress that—
11 (1) any person treating a patient through a
12 program or activity with respect to which the con-
13 fidentiality requirements of section 543 of the Public
14 Health Service Act (42 U.S.C. 290dd–2) apply is en-
15 couraged to access the applicable State-based pre-
16 scription drug monitoring program when clinically
17 appropriate;
18 (2) patients have the right to request a restric-
19 tion on the use or disclosure of a record referred to
20 in section 543(a) of the Public Health Service Act
21 (42 U.S.C. 290dd–2(a)) for treatment, payment, or
22 health care operations;
23 (3) covered entities should make every reason-
24 able effort to the extent feasible to comply with a

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1 patient's request for a restriction regarding such use
2 or disclosure;
3 (4) for purposes of applying section 164.501 of
4 title 45, Code of Federal Regulations, the definition
5 of health care operations shall have the meaning
6 given such term in such section, except that clause
7 (v) of paragraph (6) shall not apply; and
8 (5) programs creating records referred to in
9 section 543(a) of the Public Health Service Act (42
10 U.S.C. 290dd–2(a)) should receive positive incen-
11 tives for discussing with their patients the benefits
12 to consenting to share such records.

13 **SEC. 3222. NUTRITION SERVICES.**

14 (a) DEFINITIONS.—In this section, the terms "As-
15 sistant Secretary", "Secretary", "State agency", and
16 "area agency on aging" have the meanings given the
17 terms in section 102 of the Older Americans Act of 1965
18 (42 U.S.C. 3002).
19 (b) NUTRITION SERVICES TRANSFER CRITERIA.—
20 During any portion of the COVID–19 public health emer-
21 gency declared under section 319 of the Public Health
22 Service Act (42 U.S.C. 247d), the Secretary shall allow
23 a State agency or an area agency on aging, without prior
24 approval, to transfer not more than 100 percent of the
25 funds received by the State agency or area agency on

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1 aging, respectively, and attributable to funds appropriated
2 under paragraph (1) or (2) of section 303(b) of the Older
3 Americans Act of 1965 (42 U.S.C. 3023(b)), between sub-
4 part 1 and subpart 2 of part C (42 U.S.C. 3030d–2 et
5 seq.) for such use as the State agency or area agency on
6 aging, respectively, considers appropriate to meet the
7 needs of the State or area served.

8 (c) HOME-DELIVERED NUTRITION SERVICES WAIV-
9 ER.—For purposes of State agencies' determining the de-
10 livery of nutrition services under section 337 of the Older
11 Americans Act of 1965 (42 U.S.C. 3030g), during the pe-
12 riod of the COVID–19 public health emergency declared
13 under section 319 of the Public Health Service Act (42
14 U.S.C. 247d), the same meaning shall be given to an indi-
15 vidual who is unable to obtain nutrition because the indi-
16 vidual is practicing social distancing due to the emergency
17 as is given to an individual who is homebound by reason
18 of illness.

19 (d) DIETARY GUIDELINES WAIVER.—To facilitate
20 implementation of subparts 1 and 2 of part C of title III
21 of the Older Americans Act of 1965 (42 U.S.C. 3030d–
22 2 et seq.) during any portion of the COVID–19 public
23 health emergency declared under section 319 of the Public
24 Health Service Act (42 U.S.C. 247d), the Assistant Sec-
25 retary may waive the requirements for meals provided

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1 under those subparts to comply with the requirements of
2 clauses (i) and (ii) of section 339(2)(A) of such Act (42
3 U.S.C. 3030g–21(2)(A)).

4 **SEC. 3223. CONTINUITY OF SERVICE AND OPPORTUNITIES**
5 **FOR PARTICIPANTS IN COMMUNITY SERVICE**
6 **ACTIVITIES UNDER TITLE V OF THE OLDER**
7 **AMERICANS ACT OF 1965.**

8 To ensure continuity of service and opportunities for
9 participants in community service activities under title V
10 of the Older Americans Act of 1965 (42 U.S.C. 3056 et
11 seq.), the Secretary of Labor—

12 (1)(A) may allow individuals participating in
13 projects under such title as of March 1, 2020, to ex-
14 tend their participation for a period that exceeds the
15 period described in section 518(a)(3)(B)(i) of such
16 Act (42 U.S.C. 3056p(a)(3)(B)(i)) if the Secretary
17 determines such extension is appropriate due to the
18 effects of the COVID–19 public health emergency
19 declared under section 319 of the Public Health
20 Service Act (42 U.S.C. 247d); and

21 (B) may increase the average participation cap
22 for eligible individuals applicable to grantees as de-
23 scribed in section 502(b)(1)(C) of the Older Ameri-
24 cans Act of 1965 (42 U.S.C. 3056(b)(1)(C)) to a
25 cap the Secretary determines is appropriate due to

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1 the effects of the COVID–19 public health emer-
2 gency declared under section 319 of the Public
3 Health Service Act (42 U.S.C. 247d); and
4 (2) may increase the amount available to pay
5 the authorized administrative costs for a project, de-
6 scribed in section 502(c)(3) of the Older Americans
7 Act of 1965 (42 U.S.C. 3056(c)(3)) to an amount
8 not to exceed 20 percent of the grant amount if the
9 Secretary determines that such increase is necessary
10 to adequately respond to the additional administra-
11 tive needs to respond to the COVID–19 public
12 health emergency declared under section 319 of the
13 Public Health Service Act (42 U.S.C. 247d).

14 **SEC. 3224. GUIDANCE ON PROTECTED HEALTH INFORMA-**
15 **TION.**

16 Not later than 180 days after the date of enactment
17 of this Act, the Secretary of Health and Human Services
18 shall issue guidance on the sharing of patients' protected
19 health information pursuant to section 160.103 of title 45,
20 Code of Federal Regulations (or any successor regula-
21 tions) during the public health emergency declared by the
22 Secretary of Health and Human Services under section
23 319 of the Public Health Service Act (42 U.S.C. 247d)
24 with respect to COVID-19, during the emergency involv-
25 ing Federal primary responsibility determined to exist by

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1 the President under section 501(b) of the Robert T. Staf-
2 ford Disaster Relief and Emergency Assistance Act (42
3 U.S.C. 5191(b)) with respect to COVID-19, and during
4 the national emergency declared by the President under
5 the National Emergencies Act (50 U.S.C. 1601 et seq.)
6 with respect to COVID-19. Such guidance shall include
7 information on compliance with the regulations promul-
8 gated pursuant to section 264(c) of the Health Insurance
9 Portability and Accountability Act of 1996 (42 U.S.C.
10 1320d–2 note) and applicable policies, including such poli-
11 cies that may come into effect during such emergencies.

12 **SEC. 3225. REAUTHORIZATION OF HEALTHY START PRO-**
13 **GRAM.**

14 Section 330H of the Public Health Service Act (42
15 U.S.C. 254c–8) is amended—
16 (1) in subsection (a)—
17 (A) in paragraph (1), by striking ", during
18 fiscal year 2001 and subsequent years,"; and
19 (B) in paragraph (2), by inserting "or in-
20 creasing above the national average" after
21 "areas with high";
22 (2) in subsection (b)—
23 (A) in paragraph (1), by striking "con-
24 sumers of project services, public health depart-
25 ments, hospitals, health centers under section

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1 330" and inserting "participants and former
2 participants of project services, public health
3 departments, hospitals, health centers under
4 section 330, State substance abuse agencies";
5 and
6 (B) in paragraph (2)—
7 (i) in subparagraph (A), by striking
8 "such as low birthweight" and inserting
9 "including poor birth outcomes (such as
10 low birthweight and preterm birth) and so-
11 cial determinants of health";
12 (ii) by redesignating subparagraph
13 (B) as subparagraph (C);
14 (iii) by inserting after subparagraph
15 (A), the following:
16 "(B) Communities with—
17 "(i) high rates of infant mortality or
18 poor perinatal outcomes; or
19 "(ii) high rates of infant mortality or
20 poor perinatal outcomes in specific sub-
21 populations within the community."; and
22 (iv) in subparagraph (C) (as so redes-
23 ignated)—

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1 (I) by redesignating clauses (i)
2 and (ii) as clauses (ii) and (iii), re-
3 spectively;
4 (II) by inserting before clause (ii)
5 (as so redesignated) the following:
6 "(i) collaboration with the local com-
7 munity in the development of the project;";
8 (III) in clause (ii) (as so redesig-
9 nated), by striking "and" at the end;
10 (IV) in clause (iii) (as so redesig-
11 nated), by striking the period and in-
12 serting "; and"; and
13 (V) by adding at the end the fol-
14 lowing:
15 "(iv) the use and collection of data
16 demonstrating the effectiveness of such
17 program in decreasing infant mortality
18 rates and improving perinatal outcomes, as
19 applicable, or the process by which new ap-
20 plicants plan to collect this data.";
21 (3) in subsection (c)—
22 (A) by striking "Recipients of grants" and
23 inserting the following:
24 "(1) IN GENERAL.—Recipients of grants"; and
25 (B) by adding at the end the following:

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1 "(2) OTHER PROGRAMS.—The Secretary shall
2 ensure coordination of the program carried out pur-
3 suant to this section with other programs and activi-
4 ties related to the reduction of the rate of infant
5 mortality and improved perinatal and infant health
6 outcomes supported by the Department.";
7 (4) in subsection (e)—
8 (A) in paragraph (1), by striking "appro-
9 priated—" and all that follows through the end
10 and inserting "appropriated $125,500,000 for
11 each of fiscal years 2021 through 2025."; and
12 (B) in paragraph (2)(B), by adding at the
13 end the following: "Evaluations may also in-
14 clude, to the extent practicable, information re-
15 lated to—
16 "(i) progress toward achieving any
17 grant metrics or outcomes related to re-
18 ducing infant mortality rates, improving
19 perinatal outcomes, or reducing the dis-
20 parity in health status;
21 "(ii) recommendations on potential
22 improvements that may assist with ad-
23 dressing gaps, as applicable and appro-
24 priate; and

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1 "(iii) the extent to which the grantee
2 coordinated with the community in which
3 the grantee is located in the development
4 of the project and delivery of services, in-
5 cluding with respect to technical assistance
6 and mentorship programs."; and
7 (5) by adding at the end the following:
8 "(f) GAO REPORT.—
9 "(1) IN GENERAL.—Not later than 4 years
10 after the date of the enactment of this subsection,
11 the Comptroller General of the United States shall
12 conduct an independent evaluation, and submit to
13 the appropriate Committees of Congress a report,
14 concerning the Healthy Start program under this
15 section.
16 "(2) EVALUATION.—In conducting the evalua-
17 tion under paragraph (1), the Comptroller General
18 shall consider, as applicable and appropriate, infor-
19 mation from the evaluations under subsection
20 (e)(2)(B).
21 "(3) REPORT.—The report described in para-
22 graph (1) shall review, assess, and provide rec-
23 ommendations, as appropriate, on the following:
24 "(A) The allocation of Healthy Start pro-
25 gram grants by the Health Resources and Serv-

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1 ices Administration, including considerations
2 made by such Administration regarding dispari-
3 ties in infant mortality or perinatal outcomes
4 among urban and rural areas in making such
5 awards.

6 "(B) Trends in the progress made toward
7 meeting the evaluation criteria pursuant to sub-
8 section (e)(2)(B), including programs which de-
9 crease infant mortality rates and improve
10 perinatal outcomes, programs that have not de-
11 creased infant mortality rates or improved
12 perinatal outcomes, and programs that have
13 made an impact on disparities in infant mor-
14 tality or perinatal outcomes.

15 "(C) The ability of grantees to improve
16 health outcomes for project participants, pro-
17 mote the awareness of the Healthy Start pro-
18 gram services, incorporate and promote family
19 participation, facilitate coordination with the
20 community in which the grantee is located, and
21 increase grantee accountability through quality
22 improvement, performance monitoring, evalua-
23 tion, and the effect such metrics may have to-
24 ward decreasing the rate of infant mortality
25 and improving perinatal outcomes.

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"(D) The extent to which such Federal programs are coordinated across agencies and the identification of opportunities for improved coordination in such Federal programs and activities.".

**SEC. 3226. IMPORTANCE OF THE BLOOD SUPPLY.**

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall carry out a national campaign to improve awareness of, and support outreach to the public and health care providers about the importance and safety of blood donation and the need for donations for the blood supply during the public health emergency declared by the Secretary under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID-19.

(b) AWARENESS CAMPAIGN.—In carrying out subsection (a), the Secretary may enter into contracts with one or more public or private nonprofit entities, to establish a national blood donation awareness campaign that may include television, radio, internet, and newspaper public service announcements, and other activities to provide for public and professional awareness and education.

(c) CONSULTATION.—In carrying out subsection (a), the Secretary shall consult with the Commissioner of Food and Drugs, the Assistant Secretary for Health, the Direc-

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1 tor of the Centers for Disease Control and Prevention, the
2 Director of the National Institutes of Health, and the
3 heads of other relevant Federal agencies, and relevant ac-
4 crediting bodies and representative organizations.

5 (d) REPORT TO CONGRESS.—Not later than 2 years
6 after the date of enactment of this Act, the Secretary shall
7 submit to the Committee on Health, Education, Labor,
8 and Pensions of the Senate and the Committee on Energy
9 and Commerce of the House of Representatives, a report
10 that shall include—

11 (1) a description of the activities carried out
12 under subsection (a);

13 (2) a description of trends in blood supply do-
14 nations; and

15 (3) an evaluation of the impact of the public
16 awareness campaign, including any geographic or
17 population variations.

18 **PART III—INNOVATION**

19 **SEC. 3301. REMOVING THE CAP ON OTA DURING PUBLIC**
20 **HEALTH EMERGENCIES.**

21 Section 319L(c)(5)(A) of the Public Health Service
22 Act (42 U.S.C. 247d–7e(c)(5)(A)) is amended—

23 (1) by redesignating clause (iii) as clause (iv);
24 and

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

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1 "(iii) AUTHORITY DURING A PUBLIC
2 HEALTH EMERGENCY.—
3 "(I) IN GENERAL.—Notwith-
4 standing clause (ii), the Secretary,
5 shall, to the maximum extent prac-
6 ticable, use competitive procedures
7 when entering into transactions to
8 carry out projects under this sub-
9 section for purposes of a public health
10 emergency declared by the Secretary
11 under section 319. Any such trans-
12 actions entered into during such pub-
13 lic health emergency shall not be ter-
14 minated solely due to the expiration of
15 such public health emergency, if such
16 public health emergency ends before
17 the completion of the terms of such
18 agreement.
19 "(II) REPORT.—After the expira-
20 tion of the public health emergency
21 declared by the Secretary under sec-
22 tion 319, the Secretary shall provide a
23 report to the Committee on Health,
24 Education, Labor, and Pensions of
25 the Senate and the Committee on En-

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1 ergy and Commerce of the House of
2 Representatives regarding the use of
3 any funds pursuant to the authority
4 under subclause (I), including any
5 outcomes, benefits, and risks associ-
6 ated with the use of such funds, and
7 a description of the reasons for the
8 use of such authority for the project
9 or projects.''.

10 **SEC. 3302. PRIORITY ZOONOTIC ANIMAL DRUGS.**

11 Chapter V of the Federal Food, Drug, and Cosmetic
12 Act (21 U.S.C. 351 et seq.) is amended by inserting after
13 section 512 the following:

14 **''SEC. 512A. PRIORITY ZOONOTIC ANIMAL DRUGS.**

15 ''(a) IN GENERAL.—The Secretary shall, at the re-
16 quest of the sponsor intending to submit an application
17 for approval of a new animal drug under section 512(b)(1)
18 or an application for conditional approval of a new animal
19 drug under section 571, expedite the development and re-
20 view of such new animal drug if preliminary clinical evi-
21 dence indicates that the new animal drug, alone or in com-
22 bination with 1 or more other animal drugs, has the poten-
23 tial to prevent or treat a zoonotic disease in animals, in-
24 cluding a vector borne-disease, that has the potential to

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1 cause serious adverse health consequences for, or serious
2 or life-threatening diseases in, humans.
3 "(b) REQUEST FOR DESIGNATION.—The sponsor of
4 a new animal drug may request the Secretary to designate
5 a new animal drug described in subsection (a) as a priority
6 zoonotic animal drug. A request for the designation may
7 be made concurrently with, or at any time after, the open-
8 ing of an investigational new animal drug file under sec-
9 tion 512(j) or the filing of an application under section
10 512(b)(1) or 571.
11 "(c) DESIGNATION.—
12 "(1) IN GENERAL.—Not later than 60 calendar
13 days after the receipt of a request under subsection
14 (b), the Secretary shall determine whether the new
15 animal drug that is the subject of the request meets
16 the criteria described in subsection (a). If the Sec-
17 retary determines that the new animal drug meets
18 the criteria, the Secretary shall designate the new
19 animal drug as a priority zoonotic animal drug and
20 shall take such actions as are appropriate to expe-
21 dite the development and review of the application
22 for approval or conditional approval of such new ani-
23 mal drug.

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1 "(2) ACTIONS.—The actions to expedite the de-
2 velopment and review of an application under para-
3 graph (1) may include, as appropriate—
4 "(A) taking steps to ensure that the design
5 of clinical trials is as efficient as practicable,
6 when scientifically appropriate, such as by uti-
7 lizing novel trial designs or drug development
8 tools (including biomarkers) that may reduce
9 the number of animals needed for studies;
10 "(B) providing timely advice to, and inter-
11 active communication with, the sponsor (which
12 may include meetings with the sponsor and re-
13 view team) regarding the development of the
14 new animal drug to ensure that the develop-
15 ment program to gather the nonclinical and
16 clinical data necessary for approval is as effi-
17 cient as practicable;
18 "(C) involving senior managers and review
19 staff with experience in zoonotic or vector-borne
20 disease to facilitate collaborative, cross-discipli-
21 nary review, including, as appropriate, across
22 agency centers; and
23 "(D) implementing additional administra-
24 tive or process enhancements, as necessary, to

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1 facilitate an efficient review and development
2 program.".

3 **PART IV—HEALTH CARE WORKFORCE**

4 **SEC. 3401. REAUTHORIZATION OF HEALTH PROFESSIONS**
5 **WORKFORCE PROGRAMS.**

6 Title VII of the Public Health Service Act (42 U.S.C.
7 292 et seq.) is amended—

8 (1) in section 736 (42 U.S.C. 293), by striking
9 subsection (i) and inserting the following:

10 "(i) AUTHORIZATION OF APPROPRIATIONS.—To
11 carry out this section, there is authorized to be appro-
12 priated $23,711,000 for each of fiscal years 2021 through
13 2025.";

14 (2) in section 740 (42 U.S.C. 293d)—

15 (A) in subsection (a), by striking
16 "$51,000,000 for fiscal year 2010, and such
17 sums as may be necessary for each of the fiscal
18 years 2011 through 2014" and inserting
19 "$51,470,000 for each of fiscal years 2021
20 through 2025";

21 (B) in subsection (b), by striking
22 "$5,000,000 for each of the fiscal years 2010
23 through 2014" and inserting "$1,190,000 for
24 each of fiscal years 2021 through 2025";

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1 (C) in subsection (c), by striking
2 "$60,000,000 for fiscal year 2010 and such
3 sums as may be necessary for each of the fiscal
4 years 2011 through 2014" and inserting
5 "$15,000,000 for each of fiscal years 2021
6 through 2025"; and
7 (D) in subsection (d), by striking "Not
8 Later than 6 months after the date of enact-
9 ment of this part, the Secretary shall prepare
10 and submit to the appropriate committees of
11 Congress" and inserting: "Not later than Sep-
12 tember 30, 2025, and every five years there-
13 after, the Secretary shall prepare and submit to
14 the Committee on Health, Education, Labor,
15 and Pensions of the Senate, and the Committee
16 on Energy and Commerce of the House of Rep-
17 resentatives,";
18 (3) in section 747 (42 U.S.C. 293k)—
19 (A) in subsection (a)—
20 (i) in paragraph (1)(G), by striking
21 "to plan, develop, and operate a dem-
22 onstration program that provides training"
23 and inserting: "to plan, develop, and oper-
24 ate a program that identifies or develops
25 innovative models of providing care, and

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1 trains primary care physicians on such
2 models and''; and
3 (ii) by adding at the end the fol-
4 lowing:
5 ''(3) PRIORITIES IN MAKING AWARDS.—In
6 awarding grants or contracts under paragraph (1),
7 the Secretary may give priority to qualified appli-
8 cants that train residents in rural areas, including
9 for Tribes or Tribal Organizations in such areas.'';
10 (B) in subsection (b)(3)(E), by striking
11 ''substance-related disorders'' and inserting
12 ''substance use disorders''; and
13 (C) in subsection (c)(1), by striking
14 ''$125,000,000 for fiscal year 2010, and such
15 sums as may be necessary for each of fiscal
16 years 2011 through 2014'' and inserting
17 ''$48,924,000 for each of fiscal years 2021
18 through 2025'';
19 (4) in section 748 (42 U.S.C. 293k–2)—
20 (A) in subsection (c)(5), by striking ''sub-
21 stance-related disorders'' and inserting ''sub-
22 stance use disorders''; and
23 (B) in subsection (f), by striking
24 ''$30,000,000 for fiscal year 2010 and such
25 sums as may be necessary for each of fiscal

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1 years 2011 through 2015'' and inserting
2 ''$28,531,000 for each of fiscal years 2021
3 through 2025'';
4 (5) in section 749(d)(2) (42 U.S.C. 293l(d)(2)),
5 by striking ''Committee on Labor and Human Re-
6 sources of the Senate, and the Committee on Com-
7 merce of the House of Representatives'' and insert-
8 ing ''Committee on Health, Education, Labor, and
9 Pensions of the Senate, and the Committee on En-
10 ergy and Commerce of the House of Representa-
11 tives'';
12 (6) in section 751(j)(1) (42 U.S.C. 294a(j)(1)),
13 by striking ''$125,000,000 for each of the fiscal
14 years 2010 through 2014'' and inserting
15 ''$41,250,000 for each of fiscal years 2021 through
16 2025'';
17 (7) in section 754(b)(1)(A) (42 U.S.C.
18 294d(b)(1)(A)), by striking ''new and innovative''
19 and inserting ''innovative or evidence-based'';
20 (8) in section 755(b)(1)(A) (42 U.S.C.
21 294e(b)(1)(A)), by striking ''the elderly'' and insert-
22 ing ''geriatric populations or for maternal and child
23 health'';
24 (9) in section 761(e) (42 U.S.C. 294n(e))—

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1 (A) in paragraph (1)(A), by striking
2 "$7,500,000 for each of fiscal years 2010
3 through 2014" and inserting "$5,663,000 for
4 each of fiscal years 2021 through 2025"; and
5 (B) in paragraph (2), by striking "sub-
6 section (a)" and inserting "paragraph (1)";
7 (10) in section 762 (42 U.S.C. 294o)—
8 (A) in subsection (a)(1), by striking "Com-
9 mittee on Labor and Human Resources" and
10 inserting "Committee on Health, Education,
11 Labor, and Pensions";
12 (B) in subsection (b)—
13 (i) in paragraph (2), by striking
14 "Health Care Financing Administration"
15 and inserting "Centers for Medicare &
16 Medicaid Services";
17 (ii) by redesignating paragraphs (4)
18 through (6) as paragraphs (5) through (7),
19 respectively; and
20 (iii) by inserting after paragraph (3),
21 the following:
22 "(4) the Administrator of the Health Resources
23 and Services Administration;";
24 (C) by striking subsections (i), (j), and (k)
25 and inserting the following:

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1 "(i) REPORTS.—Not later than September 30, 2023,
2 and not less than every 5 years thereafter, the Council
3 shall submit to the Secretary, and to the Committee on
4 Health, Education, Labor, and Pensions of the Senate and
5 the Committee on Energy and Commerce of the House
6 of Representatives, a report on the recommendations de-
7 scribed in subsection (a)."; and
8 (D) by redesignating subsection (l) as sub-
9 section (j);
10 (11) in section 766(b)(1) (42 U.S.C.
11 295a(b)(1)), by striking "that plans" and all that
12 follows through the period and inserting "that plans,
13 develops, operates, and evaluates projects to improve
14 preventive medicine, health promotion and disease
15 prevention, or access to and quality of health care
16 services in rural or medically underserved commu-
17 nities.";
18 (12) in section 770(a) (42 U.S.C. 295e(a)), by
19 striking "$43,000,000 for fiscal year 2011, and such
20 sums as may be necessary for each of the fiscal
21 years 2012 through 2015" and inserting
22 "$17,000,000 for each of fiscal years 2021 through
23 2025"; and
24 (13) in section 775(e) (42 U.S.C. 295f(e)), by
25 striking "$30,000,000" and all that follows through

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1 the period and inserting "such sums as may be nec-
2 essary for each of fiscal years 2021 through 2025.".

3 **SEC. 3402. HEALTH WORKFORCE COORDINATION.**

4 (a) STRATEGIC PLAN.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary of
7 Health and Human Services (referred to in this Act
8 as the "Secretary"), in consultation with the Advi-
9 sory Committee on Training in Primary Care Medi-
10 cine and Dentistry and the Advisory Council on
11 Graduate Medical Education, shall develop a com-
12 prehensive and coordinated plan with respect to the
13 health care workforce development programs of the
14 Department of Health and Human Services, includ-
15 ing education and training programs.

16 (2) REQUIREMENTS.—The plan under para-
17 graph (1) shall—

18 (A) include performance measures to de-
19 termine the extent to which the programs de-
20 scribed in paragraph (1) are strengthening the
21 Nation's health care system;

22 (B) identify any gaps that exist between
23 the outcomes of programs described in para-
24 graph (1) and projected health care workforce
25 needs identified in workforce projection reports

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1 conducted by the Health Resources and Serv-
2 ices Administration;
3 (C) identify actions to address the gaps de-
4 scribed in subparagraph (B); and
5 (D) identify barriers, if any, to imple-
6 menting the actions identified under subpara-
7 graph (C).
8 (b) COORDINATION WITH OTHER AGENCIES.—The
9 Secretary shall coordinate with the heads of other Federal
10 agencies and departments that fund or administer health
11 care workforce development programs, including education
12 and training programs, to—
13 (1) evaluate the performance of such programs,
14 including the extent to which such programs are effi-
15 cient and effective and are meeting the nation's
16 health workforce needs; and
17 (2) identify opportunities to improve the quality
18 and consistency of the information collected to evalu-
19 ate within and across such programs, and to imple-
20 ment such improvements.
21 (c) REPORT.—Not later than 2 years after the date
22 of enactment of this Act, the Secretary shall submit to
23 the Committee on Health, Education, Labor, and Pen-
24 sions of the Senate, and the Committee on Energy and
25 Commerce of the House of Representatives, a report de-

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1 scribing the plan developed under subsection (a) and ac-
2 tions taken to implement such plan.

3 **SEC. 3403. EDUCATION AND TRAINING RELATING TO GERI-**
4 **ATRICS.**

5 Section 753 of the Public Health Service Act (42
6 U.S.C. 294c) is amended to read as follows:

7 **"SEC. 753. EDUCATION AND TRAINING RELATING TO GERI-**
8 **ATRICS.**

9 "(a) GERIATRICS WORKFORCE ENHANCEMENT PRO-
10 GRAM.—

11 "(1) IN GENERAL.—The Secretary shall award
12 grants, contracts, or cooperative agreements under
13 this subsection to entities described in paragraph
14 (1), (3), or (4) of section 799B, section 801(2), or
15 section 865(d), or other health professions schools or
16 programs approved by the Secretary, for the estab-
17 lishment or operation of Geriatrics Workforce En-
18 hancement Programs that meet the requirements of
19 paragraph (2).

20 "(2) REQUIREMENTS.—

21 "(A) IN GENERAL.—A Geriatrics Work-
22 force Enhancement Program receiving an
23 award under this section shall support the
24 training of health professionals in geriatrics, in-
25 cluding traineeships or fellowships. Such pro-

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1 grams shall emphasize, as appropriate, patient
2 and family engagement, integration of geriatrics
3 with primary care and other appropriate spe-
4 cialties, and collaboration with community part-
5 ners to address gaps in health care for older
6 adults.

7 "(B) ACTIVITIES.—Activities conducted by
8 a program under this section may include the
9 following:

10 "(i) Clinical training on providing in-
11 tegrated geriatrics and primary care deliv-
12 ery services.

13 "(ii) Interprofessional training to
14 practitioners from multiple disciplines and
15 specialties, including training on the provi-
16 sion of care to older adults.

17 "(iii) Establishing or maintaining
18 training-related community-based pro-
19 grams for older adults and caregivers to
20 improve health outcomes for older adults.

21 "(iv) Providing education on Alz-
22 heimer's disease and related dementias to
23 families and caregivers of older adults, di-
24 rect care workers, and health professions
25 students, faculty, and providers.

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1 "(3) DURATION.—Each grant, contract, or co-
2 operative agreement or contract awarded under
3 paragraph (1) shall be for a period not to exceed 5
4 years.
5 "(4) APPLICATIONS.—To be eligible to receive a
6 grant, contract, or cooperative agreement under
7 paragraph (1), an entity described in such para-
8 graph shall submit to the Secretary an application at
9 such time, in such manner, and containing such in-
10 formation as the Secretary may require.
11 "(5) PROGRAM REQUIREMENTS.—
12 "(A) IN GENERAL.—In awarding grants,
13 contracts, and cooperative agreements under
14 paragraph (1), the Secretary—
15 "(i) shall give priority to programs
16 that demonstrate coordination with an-
17 other Federal or State program or another
18 public or private entity;
19 "(ii) shall give priority to applicants
20 with programs or activities that are ex-
21 pected to substantially benefit rural or
22 medically underserved populations of older
23 adults, or serve older adults in Indian
24 Tribes or Tribal organizations; and

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1 "(iii) may give priority to any pro-
2 gram that—
3 "(I) integrates geriatrics into pri-
4 mary care practice;
5 "(II) provides training to inte-
6 grate geriatric care into other special-
7 ties across care settings, including
8 practicing clinical specialists, health
9 care administrators, faculty without
10 backgrounds in geriatrics, and stu-
11 dents from all health professions;
12 "(III) emphasizes integration of
13 geriatric care into existing service de-
14 livery locations and care across set-
15 tings, including primary care clinics,
16 medical homes, Federally qualified
17 health centers, ambulatory care clin-
18 ics, critical access hospitals, emer-
19 gency care, assisted living and nursing
20 facilities, and home- and community-
21 based services, which may include
22 adult daycare;
23 "(IV) supports the training and
24 retraining of faculty, primary care
25 providers, other direct care providers,

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1 and other appropriate professionals on
2 geriatrics;
3 "(V) emphasizes education and
4 engagement of family caregivers on
5 disease management and strategies to
6 meet the needs of caregivers of older
7 adults; or
8 "(VI) proposes to conduct out-
9 reach to communities that have a
10 shortage of geriatric workforce profes-
11 sionals.
12 "(B) SPECIAL CONSIDERATION.—In
13 awarding grants, contracts, and cooperative
14 agreements under this section, the Secretary
15 shall give special consideration to entities that
16 provide services in areas with a shortage of
17 geriatric workforce professionals.
18 "(6) PRIORITY.—The Secretary may provide
19 awardees with additional support for activities in
20 areas of demonstrated need, which may include edu-
21 cation and training for home health workers, family
22 caregivers, and direct care workers on care for older
23 adults.
24 "(7) REPORTING.—

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1 "(A) REPORTS FROM ENTITIES.—Each en-
2 tity awarded a grant, contract, or cooperative
3 agreement under this section shall submit an
4 annual report to the Secretary on the activities
5 conducted under such grant, contract, or coop-
6 erative agreement, which may include informa-
7 tion on the number of trainees, the number of
8 professions and disciplines, the number of part-
9 nerships with health care delivery sites, the
10 number of faculty and practicing professionals
11 who participated in such programs, and other
12 information, as the Secretary may require.
13 "(B) REPORT TO CONGRESS.—Not later
14 than 4 years after the date of enactment of the
15 Title VII Health Care Workforce Reauthoriza-
16 tion Act of 2019 and every 5 years thereafter,
17 the Secretary shall submit to the Committee on
18 Health, Education, Labor, and Pensions of the
19 Senate and the Committee on Energy and Com-
20 merce of the House of Representatives a report
21 that provides a summary of the activities and
22 outcomes associated with grants, contracts, and
23 cooperative agreements made under this sec-
24 tion. Such reports shall include—

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1 "(i) information on the number of
2 trainees, faculty, and professionals who
3 participated in programs under this sec-
4 tion;
5 "(ii) information on the impact of the
6 program conducted under this section on
7 the health status of older adults, including
8 in areas with a shortage of health profes-
9 sionals; and
10 "(iii) information on outreach and
11 education provided under this section to
12 families and caregivers of older adults.
13 "(C) PUBLIC AVAILABILITY.—The Sec-
14 retary shall make reports submitted under
15 paragraph (B) publically available on the inter-
16 net website of the Department of Health and
17 Human Services.
18 "(b) GERIATRIC ACADEMIC CAREER AWARDS.—
19 "(1) ESTABLISHMENT OF PROGRAM.—The Sec-
20 retary shall, as appropriate, establish or maintain a
21 program to provide geriatric academic career awards
22 to eligible entities applying on behalf of eligible indi-
23 viduals to promote the career development of such
24 individuals as academic geriatricians or other aca-
25 demic geriatrics health professionals.

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1 "(2) ELIGIBILITY.—
2 "(A) ELIGIBLE ENTITY.—For purposes of
3 this subsection, the term 'eligible entity'
4 means—
5 "(i) an entity described in paragraph
6 (1), (3), or (4) of section 799B or section
7 801(2); or
8 "(ii) another accredited health profes-
9 sions school or graduate program approved
10 by the Secretary.
11 "(B) ELIGIBLE INDIVIDUAL.—For pur-
12 poses of this subsection, the term 'eligible indi-
13 vidual' means an individual who—
14 "(i)(I) is board certified or board eli-
15 gible in internal medicine, family practice,
16 psychiatry, or licensed dentistry, or has
17 completed required training in a discipline
18 and is employed in an accredited health
19 professions school or graduate program
20 that is approved by the Secretary; or
21 "(II) has completed an approved fel-
22 lowship program in geriatrics, or has com-
23 pleted specialty training in geriatrics as re-
24 quired by the discipline and any additional

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1 geriatrics training as required by the Sec-
2 retary; and
3 "(ii) has a junior, nontenured, faculty
4 appointment at an accredited health pro-
5 fessions school or graduate program in
6 geriatrics or a geriatrics health profession.
7 "(C) CLARIFICATION.—If an eligible indi-
8 vidual is promoted during the period of an
9 award under this subsection and thereby no
10 longer meets the criteria of subparagraph
11 (B)(ii), the individual shall continue to be treat-
12 ed as an eligible individual through the term of
13 the award.
14 "(3) APPLICATION REQUIREMENTS.—In order
15 to receive an award under paragraph (1), an eligible
16 entity, on behalf of an eligible individual, shall—
17 "(A) submit to the Secretary an applica-
18 tion, at such time, in such manner, and con-
19 taining such information as the Secretary may
20 require;
21 "(B) provide, in such form and manner as
22 the Secretary may require, assurances that the
23 eligible individual will meet the service require-
24 ment described in paragraph (6); and

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1 "(C) provide, in such form and manner as
2 the Secretary may require, assurances that the
3 individual has a full-time faculty appointment
4 in a health professions institution and docu-
5 mented commitment from such eligible entity
6 that the individual will spend 75 percent of the
7 individual's time that is supported by the award
8 on teaching and developing skills in inter-
9 disciplinary education in geriatrics.
10 "(4) EQUITABLE DISTRIBUTION.—In making
11 awards under this subsection, the Secretary shall
12 seek to ensure geographical distribution among
13 award recipients, including among rural or medically
14 underserved areas of the United States.
15 "(5) AMOUNT AND DURATION.—
16 "(A) AMOUNT.—The amount of an award
17 under this subsection shall be at least $75,000
18 for fiscal year 2021, adjusted for subsequent
19 years in accordance with the consumer price
20 index. The Secretary shall determine the
21 amount of an award under this subsection for
22 individuals who are not physicians.
23 "(B) DURATION.—The Secretary shall
24 make awards under paragraph (1) for a period
25 not to exceed 5 years.

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1 "(6) SERVICE REQUIREMENT.—An individual
2 who receives an award under this subsection shall
3 provide training in clinical geriatrics, including the
4 training of interprofessional teams of health care
5 professionals. The provision of such training shall
6 constitute at least 75 percent of the obligations of
7 such individual under the award.
8 "(c) NONAPPLICABILITY OF PROVISION.—Notwith-
9 standing any other provision of this title, section 791(a)
10 shall not apply to awards made under this section.
11 "(d) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated $40,737,000 for each of
13 fiscal years 2021 through 2025 for purposes of carrying
14 out this section.".
15 **SEC. 3404. NURSING WORKFORCE DEVELOPMENT.**
16 (a) IN GENERAL.—Title VIII of the Public Health
17 Service Act (42 U.S.C. 296 et seq.) is amended—
18 (1) in section 801 (42 U.S.C. 296), by adding
19 at the end the following:
20 "(18) NURSE MANAGED HEALTH CLINIC.—The
21 term 'nurse managed health clinic' means a nurse-
22 practice arrangement, managed by advanced practice
23 nurses, that provides primary care or wellness serv-
24 ices to underserved or vulnerable populations and
25 that is associated with a school, college, university or

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1 department of nursing, federally qualified health
2 center, or independent nonprofit health or social
3 services agency.";
4 (2) in section 802(c) (42 U.S.C. 296a(c)), by
5 inserting ", and how such project aligns with the
6 goals in section 806(a)" before the period in the sec-
7 ond sentence;
8 (3) in section 803(b) (42 U.S.C. 296b(b)), by
9 adding at the end the following: "Such Federal
10 funds are intended to supplement, not supplant, ex-
11 isting non-Federal expenditures for such activities.";
12 (4) in section 806 (42 U.S.C. 296e)—
13 (A) in subsection (a), by striking "as need-
14 ed to" and all that follows and inserting the fol-
15 lowing: "as needed to address national nursing
16 needs, including—
17 "(1) addressing challenges, including through
18 supporting training and education of nursing stu-
19 dents, related to the distribution of the nursing
20 workforce and existing or projected nursing work-
21 force shortages in geographic areas that have been
22 identified as having, or that are projected to have,
23 a nursing shortage;
24 "(2) increasing access to and the quality of
25 health care services, including by supporting the

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1 training of professional registered nurses, advanced
2 practice registered nurses, and advanced education
3 nurses within community based settings and in a va-
4 riety of health delivery system settings; or
5 "(3) addressing the strategic goals and prior-
6 ities identified by the Secretary and that are in ac-
7 cordance with this title.
8 Contracts may be entered into under this title with public
9 or private entities as determined necessary by the Sec-
10 retary.";
11 (B) in subsection (b)(2), by striking "a
12 demonstration" and all that follows and insert-
13 ing the following: "the reporting of data and in-
14 formation demonstrating that satisfactory
15 progress has been made by the program or
16 project in meeting the performance outcome
17 standards (as described in section 802) of such
18 program or project.";
19 (C) in subsection (e)(2), by inserting ",
20 and have relevant expertise and experience" be-
21 fore the period at the end of the first sentence;
22 and
23 (D) by adding at the end the following:
24 "(i) BIENNIAL REPORT ON NURSING WORKFORCE
25 PROGRAM IMPROVEMENTS.—Not later than September

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1 30, 2020, and biennially thereafter, the Secretary shall
2 submit to the Committee on Health, Education, Labor,
3 and Pensions of the Senate and the Committee on Energy
4 and Commerce of the House of Representatives, a report
5 that contains an assessment of the programs and activities
6 of the Department of Health and Human Services related
7 to enhancing the nursing workforce, including the extent
8 to which programs and activities under this title meet the
9 identified goals and performance measures developed for
10 the respective programs and activities, and the extent to
11 which the Department coordinates with other Federal de-
12 partments regarding programs designed to improve the
13 nursing workforce.";
14 (5) in section 811 (42 U.S.C. 296j)—
15 (A) in subsection (b)—
16 (i) by striking "Master's" and insert-
17 ing "graduate"; and
18 (ii) by inserting "clinical nurse lead-
19 ers," after "nurse administrators,";
20 (B) by redesignating subsections (f) and
21 (g) as subsections (g) and (h), respectively; and
22 (C) by inserting after subsection (e), the
23 following:
24 "(f) AUTHORIZED CLINICAL NURSE SPECIALIST
25 PROGRAMS.—Clinical nurse specialist programs eligible

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1 for support under this section are education programs
2 that—
3 "(1) provide registered nurses with full-time
4 clinical nurse specialist education; and
5 "(2) have as their objective the education of
6 clinical nurse specialists who will, upon completion
7 of such a program, be qualified to effectively provide
8 care through the wellness and illness continuum to
9 inpatients and outpatients experiencing acute and
10 chronic illness."; and
11 (6) in section 831 (42 U.S.C. 296p)—
12 (A) in the section heading, by striking
13 "**AND QUALITY GRANTS**" and inserting
14 "**QUALITY, AND RETENTION GRANTS**";
15 (B) in subsection (b)(2), by striking "other
16 high-risk groups such as the elderly, individuals
17 with HIV/AIDS, substance abusers, the home-
18 less, and victims" and inserting "high risk
19 groups, such as the elderly, individuals with
20 HIV/AIDS, individuals with mental health or
21 substance use disorders, individuals who are
22 homeless, and survivors";
23 (C) in subsection (c)(1)—
24 (i) in subparagraph (A)—

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1 (I) by striking "advancement for
2 nursing personnel" and inserting the
3 following: "advancement for—
4 "(i) nursing";
5 (II) by striking "professional
6 nurses, advanced education nurses, li-
7 censed practical nurses, certified
8 nurse assistants, and home health
9 aides" and inserting "professional
10 registered nurses, advanced practice
11 registered nurses, and nurses with
12 graduate nursing education"; and
13 (III) by adding at the end the
14 following:
15 "(ii) individuals including licensed
16 practical nurses, licensed vocational nurses,
17 certified nurse assistants, home health
18 aides, diploma degree or associate degree
19 nurses, and other health professionals,
20 such as health aides or community health
21 practitioners certified under the Commu-
22 nity Health Aide Program of the Indian
23 Health Service, to become registered
24 nurses with baccalaureate degrees or
25 nurses with graduate nursing education;";

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1 (ii) in subparagraph (B), by striking
2 the period and inserting "; and"; and
3 (iii) by adding at the end the fol-
4 lowing:
5 "(C) developing and implementing intern-
6 ships, accredited fellowships, and accredited
7 residency programs in collaboration with one or
8 more accredited schools of nursing, to encour-
9 age the mentoring and development of special-
10 ties.";
11 (D) by striking subsections (e) and (h);
12 (E) by redesignating subsections (f) and
13 (g), as subsections (e) and (f), respectively;
14 (F) in subsection (e) (as so redesignated),
15 by striking "The Secretary shall submit to the
16 Congress before the end of each fiscal year"
17 and inserting "As part of the report on nursing
18 workforce programs described in section 806(i),
19 the Secretary shall include"; and
20 (G) in subsection (f) (as so redesignated),
21 by striking "a school of nursing, as defined in
22 section 801(2),," and inserting "an accredited
23 school of nursing, as defined in section 801(2),
24 a health care facility, including federally quali-
25 fied health centers or nurse-managed health

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1 clinics, or a partnership of such a school and
2 facility";
3 (7) by striking section 831A (42 U.S.C. 296p–
4 1);
5 (8) in section 846 (42 U.S.C. 297n)—
6 (A) by striking the last sentence of sub-
7 section (a);
8 (B) in subsection (b)(1), by striking "he
9 began such practice" and inserting "the indi-
10 vidual began such practice"; and
11 (C) in subsection (i), by striking "FUND-
12 ING" in the subsection heading and all that fol-
13 lows through "paragraph (1)" in paragraph (2),
14 and inserting the following: "ALLOCATIONS.—
15 Of the amounts appropriated under section
16 871(b),";
17 (9) in section 846A (42 U.S.C. 247n–1), by
18 striking subsection (f);
19 (10) in section 847 (42 U.S.C. 297o), by strik-
20 ing subsection (g);
21 (11) in section 851 (42 U.S.C. 297t)—
22 (A) in subsection (b)(1)(A)(iv), by striking
23 "and nurse anesthetists" and inserting "nurse
24 anesthetists, and clinical nurse specialists";
25 (B) in subsection (d)(3)—

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1 (i) by striking "3 years after the date
2 of enactment of this section" and inserting
3 "2 years after the date of enactment of the
4 Title VIII Nursing Reauthorization Act";
5 (ii) by striking "Labor and Human
6 Resources" and inserting "Health, Edu-
7 cation, Labor, and Pensions"; and
8 (iii) by inserting "Energy and" before
9 "Commerce"; and
10 (C) in subsection (g), by striking "under
11 this title" and inserting "for carrying out parts
12 B, C, and D";
13 (12) by striking sections 861 and 862 (42
14 U.S.C. 297w and 297x); and
15 (13) in section 871 (42 U.S.C. 298d)—
16 (A) by striking "For the purpose of" and
17 inserting the following:
18 "(a) IN GENERAL.—For the purpose of";
19 (B) by striking "$338,000,000 for fiscal
20 year 2010, and such sums as may be necessary
21 for each of the fiscal years 2011 through 2016"
22 and inserting "$137,837,000 for each of fiscal
23 years 2021 through 2025"; and
24 (C) by adding at the end the following:

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1 "(b) PART E.—For the purpose of carrying out part
2 E, there are authorized to be appropriated $117,135,000
3 for each of the fiscal years 2021 through 2025.".
4 (b) EVALUATION AND REPORT ON NURSE LOAN RE-
5 PAYMENT PROGRAMS.—
6 (1) EVALUATION.—The Comptroller General
7 shall conduct an evaluation of the nurse loan repay-
8 ment programs administered by the Health Re-
9 sources and Services Administration. Such evalua-
10 tion shall include—
11 (A) the manner in which payments are
12 made under such programs;
13 (B) the existing oversight functions nec-
14 essary to ensure the proper use of such pro-
15 grams, including payments made as part of
16 such programs;
17 (C) the identification of gaps, if any, in
18 oversight functions; and
19 (D) information on the number of nurses
20 assigned to facilities pursuant to such pro-
21 grams, including the type of facility to which
22 nurses are assigned and the impact of modi-
23 fying the eligibility requirements for programs
24 under section 846 of the Public Health Service
25 Act (42 U.S.C. 297n), such as the impact on

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1 entities to which nurses had previously been as-
2 signed prior to fiscal year 2019 (such as feder-
3 ally qualified health centers and facilities affili-
4 ated with the Indian Health Service).
5 (2) REPORT.—Not later than 18 months after
6 the enactment of this Act, the Comptroller General
7 shall submit to the Committee on Health, Edu-
8 cation, Labor, and Pensions of the Senate and the
9 Committee on Energy and Commerce of the House
10 of Representatives, a report on the evaluation under
11 paragraph (1), which may include recommendations
12 to improve relevant nursing workforce loan repay-
13 ment programs.

## 14 Subtitle B—Education Provisions

### 15 SEC. 3501. SHORT TITLE.

16 This subtitle may be cited as the "COVID-19 Pan-
17 demic Education Relief Act of 2020".

### 18 SEC. 3502. DEFINITIONS.

19 (a) DEFINITIONS.—In this subtitle:
20 (1) CORONAVIRUS.—The term "coronavirus"
21 has the meaning given the term in section 506 of the
22 Coronavirus Preparedness and Response Supple-
23 mental Appropriations Act, 2020 (Public Law 116–
24 123).

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1 (2) FOREIGN INSTITUTION.—The term ''foreign
2 institution'' means an institution of higher education
3 located outside the United States that is described
4 in paragraphs (1)(C) and (2) of section 102(a) of
5 the Higher Education Act of 1965 (20 U.S.C.
6 1002(a)).
7 (3) INSTITUTION OF HIGHER EDUCATION.—The
8 term ''institution of higher education'' has the
9 meaning of the term under section 102 of the High-
10 er Education Act of 1965 (20 U.S.C. 1002).
11 (4) QUALIFYING EMERGENCY.—The term
12 ''qualifying emergency'' means—
13 (A) a public health emergency related to
14 the coronavirus declared by the Secretary of
15 Health and Human Services pursuant to sec-
16 tion 319 of the Public Health Service Act (42
17 U.S.C. 247d);
18 (B) an event related to the coronavirus for
19 which the President declared a major disaster
20 or an emergency under section 401 or 501, re-
21 spectively, of the Robert T. Stafford Disaster
22 Relief and Emergency Assistance Act (42
23 U.S.C. 5170 and 5191); or
24 (C) a national emergency related to the
25 coronavirus declared by the President under

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1 section 201 of the National Emergencies Act
2 (50 U.S.C. 1601 et seq.).
3 (5) SECRETARY.—The term "Secretary" means
4 the Secretary of Education.

5 **SEC. 3503. CAMPUS-BASED AID WAIVERS.**

6 (a) WAIVER OF NON-FEDERAL SHARE REQUIRE-
7 MENT.—Notwithstanding sections 413C(a)(2) and
8 443(b)(5) of the Higher Education Act of 1965 (20
9 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect
10 to funds made available for award years 2019-2020 and
11 2020-2021, the Secretary shall waive the requirement that
12 a participating institution of higher education provide a
13 non-Federal share to match Federal funds provided to the
14 institution for the programs authorized pursuant to sub-
15 part 3 of part A and part C of title IV of the Higher
16 Education Act of 1965 (20 U.S.C. 1070b et seq. and
17 1087–51 et seq.) for all awards made under such pro-
18 grams during such award years, except nothing in this
19 subsection shall affect the non-Federal share requirement
20 under section 443(c)(3) that applies to private for-profit
21 organizations.

22 (b) AUTHORITY TO REALLOCATE.—Notwithstanding
23 sections 413D, 442, and 488 of the Higher Education Act
24 of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during
25 a period of a qualifying emergency, an institution may

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1 transfer up to 100 percent of the institution's unexpended
2 allotment under section 442 of such Act to the institu-
3 tion's allotment under section 413D of such Act, but may
4 not transfer any funds from the institution's unexpended
5 allotment under section 413D of such Act to the institu-
6 tion's allotment under section 442 of such Act.

7 **SEC. 3504. USE OF SUPPLEMENTAL EDUCATIONAL OPPOR-**
8 **TUNITY GRANTS FOR EMERGENCY AID.**

9 (a) IN GENERAL.—Notwithstanding section 413B of
10 the Higher Education Act of 1965 (20 U.S.C. 1070b–1),
11 an institution of higher education may reserve any amount
12 of an institution's allocation under subpart 3 of part A
13 of title IV of the Higher Education Act of 1965 (20 U.S.C.
14 1070b et seq.) for a fiscal year to award, in such fiscal
15 year, emergency financial aid grants to assist under-
16 graduate or graduate students for unexpected expenses
17 and unmet financial need as the result of a qualifying
18 emergency.

19 (b) DETERMINATIONS.—In determining eligibility for
20 and awarding emergency financial aid grants under this
21 section, an institution of higher education may—

22 (1) waive the amount of need calculation under
23 section 471 of the Higher Education Act of 1965
24 (20 U.S.C. 1087kk);

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1 (2) allow for a student affected by a qualifying
2 emergency to receive funds in an amount that is not
3 more than the maximum Federal Pell Grant for the
4 applicable award year; and
5 (3) utilize a contract with a scholarship-grant-
6 ing organization designated for the sole purpose of
7 accepting applications from or disbursing funds to
8 students enrolled in the institution of higher edu-
9 cation, if such scholarship-granting organization dis-
10 burses the full allocated amount provided to the in-
11 stitution of higher education to the recipients.
12 (c) SPECIAL RULE.—Any emergency financial aid
13 grants to students under this section shall not be treated
14 as other financial assistance for the purposes of section
15 471 of the Higher Education Act of 1965 (20 U.S.C.
16 1087kk).

17 **SEC. 3505. FEDERAL WORK-STUDY DURING A QUALIFYING**
18 **EMERGENCY.**

19 (a) IN GENERAL.—In the event of a qualifying emer-
20 gency, an institution of higher education participating in
21 the program under part C of title IV of the Higher Edu-
22 cation Act of 1965 (20 U.S.C. 1087–51 et seq.) may make
23 payments under such part to affected work-study stu-
24 dents, for the period of time (not to exceed one academic
25 year) in which affected students were unable to fulfill the

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1 students' work-study obligation for all or part of such aca-
2 demic year due to such qualifying emergency, as follows:
3 (1) Payments may be made under such part to
4 affected work-study students in an amount equal to
5 or less than the amount of wages such students
6 would have been paid under such part had the stu-
7 dents been able to complete the work obligation nec-
8 essary to receive work study funds, as a one time
9 grant or as multiple payments.
10 (2) Payments shall not be made to any student
11 who was not eligible for work study or was not com-
12 pleting the work obligation necessary to receive work
13 study funds under such part prior to the occurrence
14 of the qualifying emergency.
15 (3) Any payments made to affected work-study
16 students under this subsection shall meet the match-
17 ing requirements of section 443 of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1087–53), unless
19 such matching requirements are waived by the Sec-
20 retary.
21 (b) DEFINITION OF AFFECTED WORK-STUDY STU-
22 DENT.—In this section, the term "affected work-study
23 student" means a student enrolled at an eligible institu-
24 tion participating in the program under part C of title IV

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1 of the Higher Education Act of 1965 (20 U.S.C. 1087–
2 51 et seq.) who—
3 (1) received a work-study award under section
4 443 of the Higher Education Act of 1965 (20
5 U.S.C. 1087–53) for the academic year during which
6 a qualifying emergency occurred;
7 (2) earned Federal work-study wages from such
8 eligible institution for such academic year; and
9 (3) was prevented from fulfilling the student's
10 work-study obligation for all or part of such aca-
11 demic year due to such qualifying emergency.

12 **SEC. 3506. ADJUSTMENT OF SUBSIDIZED LOAN USAGE LIM-**
13 **ITS.**

14 Notwithstanding section 455(q)(3) of the Higher
15 Education Act of 1965 (20 U.S.C. 1087e(q)(3)), the Sec-
16 retary shall exclude from a student's period of enrollment
17 for purposes of loans made under part D of title IV of
18 the Higher Education Act of 1965 (20 U.S.C. 1087a et
19 seq.) any semester (or the equivalent) that the student
20 does not complete due to a qualifying emergency, if the
21 Secretary is able to administer such policy in a manner
22 that limits complexity and the burden on the student.

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1 **SEC. 3507. EXCLUSION FROM FEDERAL PELL GRANT DURA-**
2 **TION LIMIT.**

3 The Secretary shall exclude from a student's Federal
4 Pell Grant duration limit under section 401(c)(5) of the
5 Higher Education Act of 1965 (2 U.S.C. 1070a(c)(5)) any
6 semester (or the equivalent) that the student does not
7 complete due to a qualifying emergency if the Secretary
8 is able to administer such policy in a manner that limits
9 complexity and the burden on the student.

10 **SEC. 3508. INSTITUTIONAL REFUNDS AND FEDERAL STU-**
11 **DENT LOAN FLEXIBILITY.**

12 (a) INSTITUTIONAL WAIVER.—

13 (1) IN GENERAL.—The Secretary shall waive
14 the institutional requirement under section 484B of
15 the Higher Education Act of 1965 (20 U.S.C.
16 1091b) with respect to the amount of grant or loan
17 assistance (other than assistance received under part
18 C of title IV of such Act) to be returned under such
19 section if a recipient of assistance under title IV of
20 the Higher Education Act of 1965 (20 U.S.C. 1070
21 et seq.) withdraws from the institution of higher
22 education during the payment period or period of
23 enrollment as a result of a qualifying emergency.

24 (2) WAIVERS.—The Secretary shall require
25 each institution using a waiver relating to the with-
26 drawal of recipients under this subsection to report

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1 the number of such recipients, the amount of grant
2 or loan assistance (other than assistance received
3 under part C of title IV of such Act) associated with
4 each such recipient, and the total amount of grant
5 or loan assistance (other than assistance received
6 under part C of title IV of such Act) for which each
7 institution has not returned assistance under title IV
8 to the Secretary.

9 (b) STUDENT WAIVER.—The Secretary shall waive
10 the amounts that students are required to return under
11 section 484B of the Higher Education Act of 1965 (20
12 U.S.C. 1091b) with respect to Federal Pell Grants or
13 other grant assistance if the withdrawals on which the re-
14 turns are based, are withdrawals by students who with-
15 drew from the institution of higher education as a result
16 of a qualifying emergency.

17 (c) CANCELING LOAN OBLIGATION.—Notwith-
18 standing any other provision of the Higher Education Act
19 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall can-
20 cel the borrower's obligation to repay the entire portion
21 of a loan made under part D of title IV of such Act (20
22 U.S.C. 1087a et seq.) associated with a payment period
23 for a recipient of such loan who withdraws from the insti-
24 tution of higher education during the payment period as
25 a result of a qualifying emergency.

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1 (d) APPROVED LEAVE OF ABSENCE.—Notwith-
2 standing any other provision of the Higher Education Act
3 of 1965 (20 U.S.C. 1001 et seq.), for purposes of receiving
4 assistance under title IV of the Higher Education Act of
5 1965 (20 U.S.C. 1070 et seq.), an institution of higher
6 education may, as a result of a qualifying emergency, pro-
7 vide a student with an approved leave of absence that does
8 not require the student to return at the same point in the
9 academic program that the student began the leave of ab-
10 sence if the student returns within the same semester (or
11 the equivalent).

12 **SEC. 3509. SATISFACTORY ACADEMIC PROGRESS.**

13 Notwithstanding section 484 of the Higher Education
14 Act of 1965 (20 U.S.C. 1091), in determining whether a
15 student is maintaining satisfactory academic progress for
16 purposes of title IV of the Higher Education Act of 1965
17 (20 U.S.C. 1070 et seq.), an institution of higher edu-
18 cation may, as a result of a qualifying emergency, exclude
19 from the quantitative component of the calculation any at-
20 tempted credits that were not completed by such student
21 without requiring an appeal by such student.

22 **SEC. 3510. CONTINUING EDUCATION AT AFFECTED FOR-**
23 **EIGN INSTITUTIONS.**

24 (a) IN GENERAL.—Notwithstanding section 481(b)
25 of the Higher Education Act of 1965 (20 U.S.C. 1088(b)),

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1 with respect to a foreign institution, in the case of a public
2 health emergency, major disaster or emergency, or na-
3 tional emergency declared by the applicable government
4 authorities in the country in which the foreign institution
5 is located, the Secretary may permit any part of an other-
6 wise eligible program to be offered via distance education
7 for the duration of such emergency or disaster and the
8 following payment period for purposes of title IV of the
9 Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).
10 (b) ELIGIBILITY.—An otherwise eligible program
11 that is offered in whole or in part through distance edu-
12 cation by a foreign institution between March 1, 2020, and
13 the date of enactment of this Act shall be deemed eligible
14 for the purposes of part D of title IV of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1087a et seq.) for the dura-
16 tion of the qualifying emergency and the following pay-
17 ment period for purposes of title IV of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1070 et seq.). An institu-
19 tion of higher education that uses the authority provided
20 in the previous sentence shall report such use to the Sec-
21 retary—
22 (1) for the 2019–2020 award year, not later
23 than June 30, 2020; and

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1 (2) for an award year subsequent to the 2019–
2 2020 award year, not later than 30 days after such
3 use.
4 (c) REPORT.—Not later than 180 days after the date
5 of enactment of this Act, and every 180 days thereafter
6 for the duration of the qualifying emergency and the fol-
7 lowing payment period, the Secretary shall submit to the
8 authorizing committees (as defined in section 103 of the
9 Higher Education Act of 1965 (20 U.S.C. 1003)) a report
10 that identifies each foreign institution that carried out a
11 distance education program authorized under this section.
12 (d) WRITTEN ARRANGEMENTS.—
13 (1) IN GENERAL.—Notwithstanding section 102
14 of the Higher Education Act of 1965 (20 U.S.C.
15 1002), for the duration of a qualifying emergency
16 and the following payment period, the Secretary may
17 allow a foreign institution to enter into a written ar-
18 rangement with an institution of higher education
19 located in the United States that participates in the
20 Federal Direct Loan Program under part D of title
21 IV of the Higher Education Act of 1965 (20 U.S.C.
22 1087a et seq.) for the purpose of allowing a student
23 of the foreign institution who is a borrower of a loan
24 made under such part to take courses from the insti-

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1 tution of higher education located in the United
2 States.
3 (2) FORM OF ARRANGEMENTS.—
4 (A) PUBLIC OR OTHER NONPROFIT INSTI-
5 TUTIONS.—A foreign institution that is a public
6 or other nonprofit institution may enter into a
7 written arrangement under subsection (a) only
8 with an institution of higher education de-
9 scribed in section 101 of such Act (20 U.S.C.
10 1001).
11 (B) OTHER INSTITUTIONS.—A foreign in-
12 stitution that is a graduate medical school,
13 nursing school, or a veterinary school and that
14 is not a public or other nonprofit institution
15 may enter into a written arrangement under
16 subsection (a) with an institution of higher edu-
17 cation described in section 101 or section 102
18 of such Act (20 U.S.C. 1001 and 1002).
19 (3) REPORT ON USE.—An institution of higher
20 education that uses the authority described in para-
21 graph (2) shall report such use to the Secretary—
22 (A) for the 2019–2020 award year, not
23 later than June 30, 2020; and

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1 (B) for an award year subsequent to the
2 2019–2020 award year, not later than 30 days
3 after such use.
4 (4) REPORT FROM THE SECRETARY.—Not later
5 than 180 days after the date of enactment of this
6 Act, and every 180 days thereafter for the duration
7 of the qualifying emergency and the following pay-
8 ment period, the Secretary shall submit to the au-
9 thorizing committees (as defined in section 103 of
10 the Higher Education Act of 1965 (20 U.S.C.
11 1003)) a report that identifies each foreign institu-
12 tion that entered into a written arrangement author-
13 ized under subsection (a).
14 **SEC. 3511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.**
15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law, the Secretary may, upon the request of a State
17 educational agency or Indian tribe, waive any statutory
18 or regulatory provision described under paragraphs (1)
19 and (2) of subsection (b), and upon the request of a local
20 educational agency, waive any statutory or regulatory pro-
21 vision described under paragraph (2) of subsection (b), if
22 the Secretary determines that such a waiver is necessary
23 and appropriate due to the emergency involving Federal
24 primary responsibility determined to exist by the President
25 under the section 501(b) of the Robert T. Stafford Dis-

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1 aster Relief and Emergency Assistance Act (42 U.S.C.
2 5191(b)) with respect to the Coronavirus Disease 2019
3 (COVID-19).
4 (b) APPLICABLE PROVISIONS OF LAW.—
5 (1) STREAMLINED WAIVERS.—The Secretary
6 shall create an expedited application process to re-
7 quest a waiver and the Secretary may waive any
8 statutory or regulatory requirements for a State
9 educational agency (related to assessments, account-
10 ability, and reporting requirements related to assess-
11 ments and accountability), if the Secretary deter-
12 mines that such a waiver is necessary and appro-
13 priate as described in subsection (a), under the fol-
14 lowing provisions of law:
15 (A) The following provisions under section
16 1111 of the Elementary and Secondary Edu-
17 cation Act of 1965 (20 U.S.C. 6311):
18 (i) Paragraphs (2) and (3) of sub-
19 section (b).
20 (ii) Subsection (c)(4).
21 (iii) Subparagraphs (C) and (D) of
22 subsection (d)(2).
23 (iv) The following provisions under
24 subsection (h) of such section 1111:

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1 (I) Clauses (i), (ii), (iii)(I), (iv),
2 (v), (vi), (vii), and (xi) of paragraph
3 (1)(C).
4 (II) Paragraph (2)(C) with re-
5 spect to the waived requirements
6 under subclause (I).
7 (III) Clauses (i) and (ii) of para-
8 graph (2)(C).
9 (B) Section 421(b) of the General Edu-
10 cation Provisions Act (20 U.S.C. 1225(b)).
11 (2) STATE AND LOCALLY-REQUESTED WAIV-
12 ERS.—For a State educational agency, local edu-
13 cational agency, or Indian tribe that receives funds
14 under a program authorized under the Elementary
15 and Secondary Education Act of 1965 (20 U.S.C.
16 6301 et seq.) that requests a waiver under sub-
17 section (c), the Secretary may waive statutory and
18 regulatory requirements under any of the following
19 provisions of such Act:
20 (A) Section 1114(a)(1).
21 (B) Section 1118(a) and section 8521.
22 (C) Section 1127.
23 (D) Section 4106(d).
24 (E) Subparagraphs (C), (D), and (E) of
25 section 4106(e)(2).

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1 (F) Section 4109(b).
2 (G) The definition under section 8101(42)
3 for purposes of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 6301 et
5 seq.).
6 (3) APPLICABILITY TO CHARTER SCHOOLS.—
7 Any waivers issued by the Secretary under this sec-
8 tion shall be implemented, as applicable—
9 (A) for all public schools, including public
10 charter schools within the boundaries of the re-
11 cipient of the waiver;
12 (B) in accordance with State charter
13 school law; and
14 (C) pursuant to section 1111(c)(5) of the
15 Elementary and Secondary Education Act of
16 1965 (20 U.S.C. 6311(c)(5)).
17 (4) LIMITATION.—Nothing in this section shall
18 be construed to allow the Secretary to waive any
19 statutory or regulatory requirements under applica-
20 ble civil rights laws.
21 (5) ACCOUNTABILITY AND IMPROVEMENT.—
22 Any school located in a State that receives a waiver
23 under paragraph (1) and that is identified for com-
24 prehensive support and improvement, targeted sup-
25 port and improvement, or additional targeted sup-

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1 port in the 2019-2020 school year under section
2 1111(c)(4)(D) or section 1111(d)(2) of the Elemen-
3 tary and Secondary Education Act of 1965 (20
4 U.S.C. 6311(c)(4)(D) or (d)(2)) shall maintain that
5 identification status in the 2020-2021 school year
6 and continue to receive supports and interventions
7 consistent with the school's support and improve-
8 ment plan in the 2020-2021 school year.
9 (c) STATE AND LOCAL REQUESTS FOR WAIVERS.—
10 (1) IN GENERAL.—A State educational agency,
11 local educational agency, or Indian tribe that desires
12 a waiver from any statutory or regulatory provision
13 described under subsection (b)(2), may submit a
14 waiver request to the Secretary in accordance with
15 this subsection.
16 (2) REQUESTS SUBMITTED.—A request for a
17 waiver under this subsection shall—
18 (A) identify the Federal programs affected
19 by the requested waiver;
20 (B) describe which Federal statutory or
21 regulatory requirements are to be waived;
22 (C) describe how the emergency involving
23 Federal primary responsibility determined to
24 exist by the President under the section 501(b)
25 of the Robert T. Stafford Disaster Relief and

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1 Emergency Assistance Act (42 U.S.C. 5191(b))
2 with respect to the Coronavirus Disease 2019
3 (COVID-19) prevents or otherwise restricts the
4 ability of the State, State educational agency,
5 local educational agency, Indian tribe, or school
6 to comply with such statutory or regulatory re-
7 quirements; and
8 (D) provide an assurance that the State
9 educational agency, local educational agency, or
10 Indian tribe will work to mitigate any negative
11 effects, if any, that may occur as a result of the
12 requested waiver.
13 (3) SECRETARY APPROVAL.—
14 (A) IN GENERAL.—Except as provided
15 under subparagraph (B), the Secretary shall
16 approve or disapprove a waiver request sub-
17 mitted under paragraph (1) not more than 30
18 days after the date on which such request is
19 submitted.
20 (B) EXCEPTIONS.—The Secretary may dis-
21 approve a waiver request submitted under para-
22 graph (1), only if the Secretary determines
23 that—
24 (i) the waiver request does not meet
25 the requirements of this section;

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(ii) the waiver is not permitted pursuant to subsection (b)(2); or

(iii) the description required under paragraph (2)(C) provides insufficient information to demonstrate that the waiving of such requirements is necessary or appropriate consistent with subsection (a).

(4) DURATION.—A waiver approved by the Secretary under this section may be for a period not to exceed the 2019–2020 academic year, except to carry out full implementation of any maintenance of effort waivers granted during the 2019–2020 academic year.

(d) REPORTING AND PUBLICATION.—

(1) PUBLIC NOTICE.—A State educational agency, Indian Tribe, or local educational agency requesting a waiver under subsection (b)(2) shall provide the public and all local educational agencies in the State with notice of, and the opportunity to comment on, the request by posting information regarding the waiver request and the process for commenting on the State website.

(2) NOTIFYING CONGRESS.—Not later than 7 days after granting a waiver under this section, the Secretary shall notify the Committee on Health,

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1 Education, Labor, and Pensions of the Senate, the
2 Committee on Appropriations of the Senate, the
3 Committee on Education and Labor of the House of
4 Representatives, and the Committee on Appropria-
5 tions of the House of Representatives of such waiv-
6 er.

7 (3) PUBLICATION.—Not later than 30 days
8 after granting a waiver under this section, the Sec-
9 retary shall publish a notice of the Secretary's deci-
10 sion (including which waiver was granted and the
11 reason for granting the waiver) in the Federal Reg-
12 ister and on the website of the Department of Edu-
13 cation.

14 (4) REPORT.—Not later than 30 days after the
15 date of enactment of this Act, the Secretary shall
16 prepare and submit a report to the Committee on
17 Health, Education, Labor, and Pensions and the
18 Committee on Appropriations of the Senate, and the
19 Committee on Education and Labor and the Com-
20 mittee on Appropriations of the House of Represent-
21 atives, with recommendations on any additional
22 waivers under the Individuals with Disabilities Edu-
23 cation Act (20 U.S.C. 1401 et seq.), the Rehabilita-
24 tion Act of 1973 (29 U.S.C. 701 et seq.), the Ele-
25 mentary and Secondary Education Act of 1965 (20

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1 U.S.C. 6301 et seq.), and the Carl D. Perkins Ca-
2 reer and Technical Education Act of 2006 (20
3 U.S.C. 2301 et seq.) the Secretary believes are nec-
4 essary to be enacted into law to provide limited flexi-
5 bility to States and local educational agencies to
6 meet the needs of students during the emergency in-
7 volving Federal primary responsibility determined to
8 exist by the President under section 501(b) of the
9 Robert T. Stafford Disaster Relief and Emergency
10 Assistance Act (42 U.S.C. 5191(b)) with respect to
11 the Coronavirus Disease 2019 (COVID-19).
12 (e) TERMS.—In this section, the term "State edu-
13 cational agency" includes the Bureau of Indian Education,
14 and the term "local educational agency" includes Bureau
15 of Indian Education funded schools operated pursuant to
16 a grant under the Tribally Controlled Schools Act of 1988
17 (25 U.S.C. 2501 et seq.), or a contract under the Indian
18 Self-Determination and Education Assistance Act (25
19 U.S.C. 5301 et seq.).
20 **SEC. 3512. HBCU CAPITAL FINANCING.**
21 (a) DEFERMENT PERIOD.—
22 (1) IN GENERAL.—Notwithstanding any provi-
23 sion of title III of the Higher Education Act of 1965
24 (20 U.S.C. 1051 et seq.), or any regulation promul-
25 gated under such title, the Secretary may grant a

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1 deferment, for the duration of a qualifying emer-
2 gency, to an institution that has received a loan
3 under part D of title III of such Act (20 U.S.C.
4 1066 et seq.).
5 (2) TERMS.—During the deferment period
6 granted under this subsection—
7 (A) the institution shall not be required to
8 pay any periodic installment of principal or in-
9 terest required under the loan agreement for
10 such loan; and
11 (B) the Secretary shall make principal and
12 interest payments otherwise due under the loan
13 agreement.
14 (3) CLOSING.—At the closing of a loan deferred
15 under this subsection, terms shall be set under
16 which the institution shall be required to repay the
17 Secretary for the payments of principal and interest
18 made by the Secretary during the deferment, on a
19 schedule that begins upon repayment to the lender
20 in full on the loan agreement, except in no case shall
21 repayment be required to begin before the date that
22 is 1 full fiscal year after the date that is the end of
23 the qualifying emergency.
24 (b) TERMINATION DATE.—

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1 (1) IN GENERAL.—The authority provided
2 under this section to grant a loan deferment under
3 subsection (a) shall terminate on the date on which
4 the qualifying emergency is no longer in effect.
5 (2) DURATION.—Any provision of a loan agree-
6 ment or insurance agreement modified by the au-
7 thority under this section shall remain so modified
8 for the duration of the period covered by the loan
9 agreement or insurance agreement.
10 (c) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, and every 180 days thereafter
12 during the period beginning on the first day of the quali-
13 fying emergency and ending on September 30 of the fiscal
14 year following the end of the qualifying emergency, the
15 Secretary shall submit to the authorizing committees (as
16 defined in section 103 of the Higher Education Act of
17 1965 (20 U.S.C. 1003)) a report that identifies each insti-
18 tution that received assistance under this section.
19 (d) FUNDING.—There is hereby appropriated, out of
20 any money in the Treasury not otherwise appropriated,
21 $62,000,000 to carry out this section.
22 **SEC. 3513. TEMPORARY RELIEF FOR FEDERAL STUDENT**
23 **LOAN BORROWERS.**
24 (a) IN GENERAL.—The Secretary shall suspend all
25 payments due for loans made under part D and part B

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1 (that are held by the Department of Education) of title
2 IV of the Higher Education Act of 1965 (20 U.S.C. 1087a
3 et seq.; 1071 et seq.) through September 30, 2020.
4 (b) NO ACCRUAL OF INTEREST.—Notwithstanding
5 any other provision of the Higher Education Act of 1965
6 (20 U.S.C. 1001 et seq.), interest shall not accrue on a
7 loan described under subsection (a) for which payment
8 was suspended for the period of the suspension.
9 (c) CONSIDERATION OF PAYMENTS.—Notwith-
10 standing any other provision of the Higher Education Act
11 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall deem
12 each month for which a loan payment was suspended
13 under this section as if the borrower of the loan had made
14 a payment for the purpose of any loan forgiveness pro-
15 gram or loan rehabilitation program authorized under part
16 D or B of title IV of the Higher Education Act of 1965
17 (20 U.S.C. 1087a et seq.; 1071 et seq.) for which the bor-
18 rower would have otherwise qualified.
19 (d) REPORTING TO CONSUMER REPORTING AGEN-
20 CIES.—During the period in which the Secretary suspends
21 payments on a loan under subsection (a), the Secretary
22 shall ensure that, for the purpose of reporting information
23 about the loan to a consumer reporting agency, any pay-
24 ment that has been suspended is treated as if it were a
25 regularly scheduled payment made by a borrower.

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1 (e) SUSPENDING INVOLUNTARY COLLECTION.—During
2 the period in which the Secretary suspends payments
3 on a loan under subsection (a), the Secretary shall sus-
4 pend all involuntary collection related to the loan, includ-
5 ing—
6 (1) a wage garnishment authorized under sec-
7 tion 488A of the Higher Education Act of 1965 (20
8 U.S.C. 1095a) or section 3720D of title 31, United
9 States Code;
10 (2) a reduction of tax refund by amount of debt
11 authorized under section 3720A of title 31, United
12 States Code, or section 6402(d) of the Internal Rev-
13 enue Code of 1986;
14 (3) a reduction of any other Federal benefit
15 payment by administrative offset authorized under
16 section 3716 of title 31, United States Code (includ-
17 ing a benefit payment due to an individual under the
18 Social Security Act or any other provision described
19 in subsection (c)(3)(A)(i) of such section); and
20 (4) any other involuntary collection activity by
21 the Secretary.
22 (f) WAIVERS.—In carrying out this section, the Sec-
23 retary may waive the application of—

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1 (1) subchapter I of chapter 35 of title 44,
2 United States Code (commonly known as the "Pa-
3 perwork Reduction Act");
4 (2) the master calendar requirements under
5 section 482 of the Higher Education Act of 1965
6 (20 U.S.C. 1089);
7 (3) negotiated rulemaking under section 492 of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1098a); and
10 (4) the requirement to publish the notices re-
11 lated to the system of records of the agency before
12 implementation required under paragraphs (4) and
13 (11) of section 552a(e) of title 5, United States
14 Code (commonly known as the "Privacy Act of
15 1974"), except that the notices shall be published
16 not later than 180 days after the date of enactment
17 of this Act.
18 (g) NOTICE TO BORROWERS AND TRANSITION PE-
19 RIOD.—To inform borrowers of the actions taken in ac-
20 cordance with this section and ensure an effective transi-
21 tion, the Secretary shall—
22 (1) not later than 15 days after the date of en-
23 actment of this Act, notify borrowers—

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1 (A) of the actions taken in accordance with
2 subsections (a) and (b) for whom payments
3 have been suspended and interest waived;
4 (B) of the actions taken in accordance with
5 subsection (e) for whom collections have been
6 suspended;
7 (C) of the option to continue making pay-
8 ments toward principal; and
9 (D) that the program under this section is
10 a temporary program.
11 (2) beginning on August 1, 2020, carry out a
12 program to provide not less than 6 notices by postal
13 mail, telephone, or electronic communication to bor-
14 rowers indicating—
15 (A) when the borrower's normal payment
16 obligations will resume; and
17 (B) that the borrower has the option to en-
18 roll in income-driven repayment, including a
19 brief description of such options.

20 **SEC. 3514. PROVISIONS RELATED TO THE CORPORATION**
21 **FOR NATIONAL AND COMMUNITY SERVICE.**

22 (a) ACCRUAL OF SERVICE HOURS.—
23 (1) ACCRUAL THROUGH OTHER SERVICE
24 HOURS.—

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1 (A) IN GENERAL.—Notwithstanding any
2 other provision of the Domestic Volunteer Serv-
3 ice Act of 1973 (42 U.S.C. 4950 et seq.) or the
4 National and Community Service Act of 1990
5 (42 U.S.C. 12501 et seq.), the Corporation for
6 National and Community Service shall allow an
7 individual described in subparagraph (B) to ac-
8 crue other service hours that will count toward
9 the number of hours needed for the individual's
10 education award.
11 (B) AFFECTED INDIVIDUALS.—Subpara-
12 graph (A) shall apply to any individual serving
13 in a position eligible for an educational award
14 under subtitle D of title I of the National and
15 Community Service Act of 1990 (42 U.S.C.
16 12601 et seq.)—
17 (i) who is performing limited service
18 due to COVID-19; or
19 (ii) whose position has been suspended
20 or placed on hold due to COVID-19.
21 (2) PROVISIONS IN CASE OF EARLY EXIT.—In
22 any case where an individual serving in a position el-
23 igible for an educational award under subtitle D of
24 title I of the National and Community Service Act
25 of 1990 (42 U.S.C. 12601 et seq.) was required to

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exit the position early at the direction of the Corporation for National and Community Service, the Chief Executive Officer of the Corporation for National and Community Service may—

(A) deem such individual as having met the requirements of the position; and

(B) award the individual the full value of the educational award under such subtitle for which the individual would otherwise have been eligible.

(b) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, all funds made available to the Corporation for National and Community Service under any Act, including the amounts appropriated to the Corporation under the headings "OPERATING EXPENSES", "SALARIES AND EXPENSES", and "OFFICE OF THE INSPECTOR GENERAL" under the heading "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE" under title IV of Division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), shall remain available for the fiscal year ending September 30, 2021.

(c) NO REQUIRED RETURN OF GRANT FUNDS.—Notwithstanding section 129(l)(3)(A)(i) of the National and Community Service Act of 1990 (42 U.S.C. 12581(l)(3)(A)(i)), the Chief Executive Officer of the Cor-

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1 poration for National and Community Service may permit
2 fixed-amount grant recipients under such section 129(l)
3 to maintain a pro rata amount of grant funds, at the dis-
4 cretion of the Corporation for National and Community
5 Service, for participants who exited, were suspended, or
6 are serving in a limited capacity due to COVID-19, to en-
7 able the grant recipients to maintain operations and to
8 accept participants.

9 (d) EXTENSION OF TERMS AND AGE LIMITS.—Not-
10 withstanding any other provision of law, the Corporation
11 for National and Community Service may extend the term
12 of service (for a period not to exceed the 1-year period
13 immediately following the end of the national emergency)
14 or waive any upper age limit (except in no case shall the
15 maximum age exceed 26 years of age) for national service
16 programs carried out by the National Civilian Community
17 Corps under subtitle E of title I of the National and Com-
18 munity Service Act of 1990 (42 U.S.C. 12611 et seq.),
19 and the participants in such programs, for the purposes
20 of—

21 (1) addressing disruptions due to COVID-19;
22 and

23 (2) minimizing the difficulty in returning to full
24 operation due to COVID-19 on such programs and
25 participants.

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1 **SEC. 3515. WORKFORCE RESPONSE ACTIVITIES.**

2 (a) ADMINISTRATIVE COSTS.—Notwithstanding sec-
3 tion 128(b)(4) of the Workforce Innovation Opportunity
4 Act (29 U.S.C. 3163(b)(4)), of the total amount allocated
5 to a local area (including the total amount allotted to a
6 single State local area) under subtitle B of title I of such
7 Act (29 U.S.C. 3151 et seq.) for program year 2019, not
8 more than 20 percent of the total amount may be used
9 for the administrative costs of carrying out local workforce
10 investment activities under chapter 2 or chapter 3 of sub-
11 title B of title I of such Act, if the portion of the total
12 amount that exceeds 10 percent of the total amount is
13 used to respond to a qualifying emergency.

14 (b) RAPID RESPONSE ACTIVITIES.—

15 (1) STATEWIDE RAPID RESPONSE.—Of the
16 funds reserved by a Governor for program year 2019
17 for statewide activities under section 128(a) of the
18 Workforce Innovation and Opportunity Act (29
19 U.S.C. 3163(a)) that remain unobligated, such
20 funds may be used for statewide rapid response ac-
21 tivities as described in section 134(a)(2)(A) of such
22 Act (29 U.S.C. 3174(a)(2)(A)) for responding to a
23 qualifying emergency.

24 (2) LOCAL BOARDS.—Of the funds reserved by
25 a Governor for program year 2019 under section
26 133(a)(2) of such Act (29 U.S.C. 3173(a)(2)) that

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1 remain unobligated, such funds may be released
2 within 30 days after the date of enactment of this
3 Act to the local boards most impacted by the
4 coronavirus at the determination of the Governor for
5 rapid response activities related to responding to a
6 qualifying emergency.

7 (c) DEFINITIONS.—Except as otherwise provided, the
8 terms in this section have the meanings given the terms
9 in section 3 of the Workforce Innovation and Opportunity
10 Act (29 U.S.C. 3102).

11 **SEC. 3516. TECHNICAL AMENDMENTS.**

12 (a) IN GENERAL.—

13 (1) Section 6103(a)(3) of the Internal Revenue
14 Code of 1986, as amended by the FUTURE Act
15 (Public Law 116-91), is further amended by striking
16 "(13), (16)" and inserting "(13)(A), (13)(B),
17 (13)(C), (13)(D)(i), (16)".

18 (2) Section 6103(p)(3)(A) of such Code, as so
19 amended, is further amended by striking "(12),"
20 and inserting "(12), (13)(A), (13)(B), (13)(C),
21 (13)(D)(i)".

22 (3) Section 6103(p)(4) of such Code, as so
23 amended, is further amended by striking "(13) or
24 (16)" each place it appears and inserting "(13), or
25 (16)".

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1 (4) Section 6103(p)(4) of such Code, as so
2 amended and as amended by paragraph (3), is fur-
3 ther amended by striking "(13)" each place it ap-
4 pears and inserting "(13)(A), (13)(B), (13)(C),
5 (13)(D)(i)".
6 (5) Section 6103(l)(13)(C)(ii) of such Code, as
7 added by the FUTURE Act (Public Law 116-91), is
8 amended by striking "section 236A(e)(4)" and in-
9 serting "section 263A(e)(4)".
10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply as if included in the enactment
12 of the FUTURE Act (Public Law 116-91).

13 **SEC. 3517. WAIVER AUTHORITY AND REPORTING REQUIRE-**
14 **MENT FOR INSTITUTIONAL AID.**

15 (a) WAIVER AUTHORITY.—Notwithstanding any
16 other provision of the Higher Education Act of 1965
17 (U.S.C. 1001 et seq.), unless enacted with specific ref-
18 erence to this section, for any institution of higher edu-
19 cation that was receiving assistance under title III, title
20 V, or subpart 4 of part A of title VII of such Act (20
21 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) at the
22 time of a qualifying emergency, the Secretary may, for the
23 period beginning on the first day of the qualifying emer-
24 gency and ending on September 30 of the fiscal year fol-
25 lowing the end of the qualifying emergency—

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1 (1) waive—
2 (A) the eligibility data requirements set
3 forth in section 391(d) and 521(e) of the High-
4 er Education Act of 1965 (20 U.S.C. 1068(d);
5 1103(e));
6 (B) the wait-out period set forth in section
7 313(d) of the Higher Education Act of 1965
8 (20 U.S.C. 1059(d));
9 (C) the allotment requirements under
10 paragraphs (2) and (3) of subsection 318(e) of
11 the Higher Education Act of 1965 (20 U.S.C.
12 1059e(e)), and the reference to "the academic
13 year preceding the beginning of that fiscal
14 year" under such section 318(e)(1);
15 (D) the allotment requirements under sub-
16 sections (b), (c), and (g) of section 324 of the
17 Higher Education Act of 1965 (20 U.S.C.
18 1063), the reference to "the end of the school
19 year preceding the beginning of that fiscal
20 year" under such section 324(a), and the ref-
21 erence to "the academic year preceding such
22 fiscal year" under such section 324(h);
23 (E) subparagraphs (A), (C), (D), and (E)
24 of section 326(f)(3) of the Higher Education
25 Act of 1965 (20 U.S.C. 1063b(f)(3)), and ref-

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1 erences to "previous year" under such section
2 326(f)(3)(B);
3 (F) subparagraphs (A), (C), (D), and (E)
4 of section 723(f)(3) and subparagraphs (A),
5 (C), (D), and (E) of section 724(f)(3) of the
6 Higher Education Act of 1965 (20 U.S.C.
7 1136a(f)(3); 1136b(f)(3)), and references to
8 "previous academic year" under subparagraph
9 (B) of such sections 723(f)(3) and 724(f)(3);
10 and
11 (G) the allotment restriction set forth in
12 section 318(d)(4) and section 323(c)(2) of the
13 Higher Education Act of 1965 (20 U.S.C.
14 1059e(d)(4); 1062(c)(2)); and
15 (2) waive or modify any statutory or regulatory
16 provision to ensure that institutions that were re-
17 ceiving assistance under title III, title V, or subpart
18 4 of part A of title VII of such Act (20 U.S.C. 1051
19 et seq.; 1101 et seq.; 1136a et seq.) at the time of
20 a qualifying emergency are not adversely affected by
21 any formula calculation for fiscal year 2020 and for
22 the period beginning on the first day of the quali-
23 fying emergency and ending on September 30 of the
24 fiscal year following the end of the qualifying emer-
25 gency, as necessary.

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1 (b) USE OF UNEXPENDED FUNDS.—Any funds paid
2 to an institution under title III, title V, or subpart 4 of
3 part A of title VII of the Higher Education Act of 1965
4 (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) and
5 not expended or used for the purposes for which the funds
6 were paid to the institution during the 5-year period fol-
7 lowing the date on which the funds were first paid to the
8 institution, may be carried over and expended during the
9 succeeding 5-year period.
10 (c) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, and every 180 days thereafter
12 for the period beginning on the first day of the qualifying
13 emergency and ending on September 30 of the fiscal year
14 following the end of the qualifying emergency, the Sec-
15 retary shall submit to the authorizing committees (as de-
16 fined in section 103 of the Higher Education Act of 1965
17 (20 U.S.C. 1003)) a report that identifies each institution
18 that received a waiver or modification under this section.

19 **SEC. 3518. AUTHORIZED USES AND OTHER MODIFICATIONS**
20 **FOR GRANTS.**

21 (a) IN GENERAL.—The Secretary is authorized to
22 modify the required and allowable uses of funds for grants
23 awarded under part A or B of title III, chapter I or II
24 of subpart 2 of part A of title IV, title V, or subpart 4
25 of part A of title VII of the Higher Education Act of 1965

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1 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1070a–11 et seq.;
2 1070a–21 et seq.; 1101 et seq.; 1136a et seq.) to an insti-
3 tution of higher education or other grant recipient (not
4 including individual recipients of Federal student financial
5 assistance), at the request of an institution of higher edu-
6 cation or other recipient of a grant (not including indi-
7 vidual recipients of Federal student financial assistance)
8 as a result of a qualifying emergency, for the period begin-
9 ning on the first day of the qualifying emergency and end-
10 ing on September 30 of the fiscal year following the end
11 of the qualifying emergency.

12 (b) MATCHING REQUIREMENT MODIFICATIONS.—
13 Notwithstanding any other provision of the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary
15 is authorized to modify any Federal share or other finan-
16 cial matching requirement for a grant awarded on a com-
17 petitive basis or a grant awarded under part A or B of
18 title III or subpart 4 of part A of title VII of the Higher
19 Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et
20 seq.; 1136a et seq.) at the request of an institution of
21 higher education or other grant recipient as a result of
22 a qualifying emergency, for the period beginning on the
23 first day of the qualifying emergency and ending on Sep-
24 tember 30 of the fiscal year following the end of the quali-
25 fying emergency.

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1 (c) REPORTS.—Not later than 180 days after the
2 date of enactment of this Act, and every 180 days there-
3 after for the duration of the period beginning on the first
4 day of the qualifying emergency and ending on September
5 30 of the fiscal year following the end of the qualifying
6 emergency, the Secretary shall submit to the authorizing
7 committees (as defined in section 103 of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1003)) a report that identi-
9 fies each institution of higher education or other grant re-
10 cipient that received a modification under this section.

11 **SEC. 3519. SERVICE OBLIGATIONS FOR TEACHERS.**

12 (a) TEACH GRANTS.—For the purpose of section
13 420N of the Higher Education Act of 1965 (20 U.S.C.
14 1070g–2), during a qualifying emergency, the Secretary—
15 (1) may modify the categories of extenuating
16 circumstances under which a recipient of a grant
17 under subpart 9 of part A of title IV of the Higher
18 Education Act of 1965 (20 U.S.C. 1070g et seq.)
19 who is unable to fulfill all or part of the recipient's
20 service obligation may be excused from fulfilling that
21 portion of the service obligation; and
22 (2) shall consider teaching service that, as a re-
23 sult of a qualifying emergency, is part-time or tem-
24 porarily interrupted, to be full-time service and to

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1 fulfill the service obligations under such section
2 420N.
3 (b) TEACHER LOAN FORGIVENESS.—Notwith-
4 standing section 428J or 460 of the Higher Education Act
5 of 1965 (20 U.S.C. 1078–10; 1087j), the Secretary shall
6 waive the requirements under such sections that years of
7 teaching service shall be consecutive if—
8 (1) the teaching service of a borrower is tempo-
9 rarily interrupted due to a qualifying emergency;
10 and
11 (2) after the temporary interruption due to a
12 qualifying emergency, the borrower resumes teaching
13 service and completes a total of 5 years of qualifying
14 teaching service under such sections, including quali-
15 fying teaching service performed before, during, and
16 after such qualifying emergency.

17 **Subtitle C—Labor Provisions**

18 **SEC. 3601. LIMITATION ON PAID LEAVE.**

19 Section 110(b)(2)(B) of the Family and Medical
20 Leave Act of 1993 (as added by the Emergency Family
21 and Medical Leave Expansion Act) is amended by striking
22 clause (ii) and inserting the following:
23 "(ii) LIMITATION.—An employer shall
24 not be required to pay more than $200 per
25 day and $10,000 in the aggregate for each

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1 employee for paid leave under this sec-
2 tion.".

3 **SEC. 3602. EMERGENCY PAID SICK LEAVE ACT LIMITATION.**

4 Section 5102 of the Emergency Paid Sick Leave Act
5 (division E of the Families First Coronavirus Response
6 Act) is amended by adding at the end the following:

7 "(f) LIMITATIONS.—An employer shall not be re-
8 quired to pay more than either—

9 "(1) $511 per day and $5,110 in the aggregate
10 for each employee, when the employee is taking leave
11 for a reason described in paragraph (1), (2), or (3)
12 of section 5102(a); or

13 "(2) $200 per day and $2,000 in the aggregate
14 for each employee, when the employee is taking leave
15 for a reason described in paragraph (4), (5), or (6)
16 of section 5102(a).".

17 **SEC. 3603. UNEMPLOYMENT INSURANCE.**

18 Section 903(h)(2)(B) of the Social Security Act (42
19 U.S.C. 1103(h)(2)(B)), as added by section 4102 of the
20 Emergency Unemployment Insurance Stabilization and
21 Access Act of 2020, is amended to read as follows:

22 "(B) The State ensures that applications
23 for unemployment compensation, and assistance
24 with the application process, are accessible, to

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1 the extent practicable in at least two of the fol-
2 lowing: in person, by phone, or online.''.

3 **SEC. 3604. OMB WAIVER OF PAID FAMILY AND PAID SICK**
4 **LEAVE.**

5 (a) FAMILY AND MEDICAL LEAVE ACT OF 1993.—
6 Section 110(a) of title I of the Family and Medical Leave
7 Act of 1993 (29 U.S.C. 2611 et seq.) (as added by division
8 C of the Families First Coronavirus Response Act) is
9 amended by adding at the end the following new para-
10 graph:

11 ''(4) The Director of the Office of Management
12 and Budget shall have the authority to exclude for
13 good cause from the requirements under subsection
14 (b) certain employers of the United States Govern-
15 ment with respect to certain categories of Executive
16 Branch employees.''.

17 (b) EMERGENCY PAID SICK LEAVE ACT.—The
18 Emergency Paid Sick Leave Act (division E of the Fami-
19 lies First Coronavirus Response Act) is amended by add-
20 ing at the end the following new section:

21 **''SEC. 5112. AUTHORITY TO EXCLUDE CERTAIN EMPLOYEES.**

22 ''The Director of the Office of Management and
23 Budget shall have the authority to exclude for good cause
24 from the definition of employee under section 5110(1) cer-
25 tain employees described in subparagraphs (E) and (F)

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1 of such section, including by exempting certain United
2 States Government employers covered by section
3 5110(2)(A)(i)(V) from the requirements of this title with
4 respect to certain categories of Executive Branch employ-
5 ees.''.

6 **SEC. 3605. PAID LEAVE FOR REHIRED EMPLOYEES.**

7 Section 110(a)(1)(A) of the Family and Medical
8 Leave Act of 1993, as added by section 3102 of the Emer-
9 gency Family and Medical Leave Expansion Act, is
10 amended to read as follows:

11 ''(A) ELIGIBLE EMPLOYEE.—

12 ''(i) IN GENERAL.—In lieu of the defi-
13 nition in sections 101(2)(A) and
14 101(2)(B)(ii), the term 'eligible employee'
15 means an employee who has been employed
16 for at least 30 calendar days by the em-
17 ployer with respect to whom leave is re-
18 quested under section 102(a)(1)(F).

19 ''(ii) RULE REGARDING REHIRED EM-
20 PLOYEES.—For purposes of clause (i), the
21 term 'employed for at least 30 calendar
22 days', used with respect to an employee
23 and an employer described in clause (i), in-
24 cludes an employee who was laid off by
25 that employer not earlier than March 1,

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2020, had worked for the employer for not less than 30 of the last 60 calendar days prior to the employee's layoff, and was re-hired by the employer.".

**SEC. 3606. ADVANCE REFUNDING OF CREDITS.**

(a) PAYROLL CREDIT FOR REQUIRED PAID SICK LEAVE.—Section 7001 of division G of the Families First Coronavirus Response Act is amended—

(1) in subsection (b)(4)(A)—

(A) by striking "(A) In general.—If the amount" and inserting "(A)(i) Credit is refundable.—If the amount"; and

(B) by adding at the end the following:

"(ii) ADVANCING CREDIT.—In anticipation of the credit, including the refundable portion under clause (i), the credit may be advanced, according to forms and instructions provided by the Secretary, up to an amount calculated under subsection (a), subject to the limits under subsection (b), both calculated through the end of the most recent payroll period in the quarter.";

(2) in subsection (f)—

(A) in paragraph (4), by striking ", and" and inserting a comma;

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1 (B) in paragraph (5), by striking the pe-
2 riod at the end and inserting ", and"; and
3 (C) by adding at the end the following:
4 "(6) regulations or other guidance to permit the
5 advancement of the credit determined under sub-
6 section (a)."; and
7 (3) by inserting after subsection (h) the fol-
8 lowing new subsection:
9 "(i) TREATMENT OF DEPOSITS.—The Secretary of
10 the Treasury (or the Secretary's delegate) shall waive any
11 penalty under section 6656 of the Internal Revenue Code
12 of 1986 for any failure to make a deposit of the tax im-
13 posed by section 3111(a) or 3221(a) of such Code if the
14 Secretary determines that such failure was due to the an-
15 ticipation of the credit allowed under this section.".
16 (b) PAYROLL CREDIT FOR REQUIRED PAID FAMILY
17 LEAVE.—Section 7003 of division G of the Families First
18 Coronavirus Response Act is amended—
19 (1) in subsection (b)(3)—
20 (A) by striking "If the amount" and in-
21 serting "(A) Credit is refundable.—If the
22 amount"; and
23 (B) by adding at the end the following:
24 "(B) ADVANCING CREDIT.—In anticipation
25 of the credit, including the refundable portion

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1 under subparagraph (A), the credit may be ad-
2 vanced, according to forms and instructions
3 provided by the Secretary, up to an amount cal-
4 culated under subsection (a), subject to the lim-
5 its under subsection (b), both calculated
6 through the end of the most recent payroll pe-
7 riod in the quarter.";
8 (2) in subsection (f)—
9 (A) in paragraph (4), by striking ", and"
10 and inserting a comma;
11 (B) in paragraph (5), by striking the pe-
12 riod at the end and inserting ", and"; and
13 (C) by adding at the end the following:
14 "(6) regulations or other guidance to permit the
15 advancement of the credit determined under sub-
16 section (a)."; and
17 (c) by inserting after subsection (h) the following new
18 subsection:
19 "(i) TREATMENT OF DEPOSITS.—The Secretary of
20 the Treasury (or the Secretary's delegate) shall waive any
21 penalty under section 6656 of the Internal Revenue Code
22 of 1986 for any failure to make a deposit of the tax im-
23 posed by section 3111(a) or 3221(a) of such Code if the
24 Secretary determines that such failure was due to the an-
25 ticipation of the credit allowed under this section.".

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1 **SEC. 3607. EXPANSION OF DOL AUTHORITY TO POSTPONE**
2 **CERTAIN DEADLINES.**

3 Section 518 of the Employee Retirement Income Se-
4 curity Act of 1974 (29 U.S.C. 1148) is amended by strik-
5 ing "or a terroristic or military action (as defined in sec-
6 tion 692(c)(2) of such Code), the Secretary may" and in-
7 serting "a terroristic or military action (as defined in sec-
8 tion 692(c)(2) of such Code), or a public health emergency
9 declared by the Secretary of Health and Human Services
10 pursuant to section 319 of the Public Health Service Act,
11 the Secretary may".

12 **SEC. 3608. SINGLE-EMPLOYER PLAN FUNDING RULES.**

13 (a) DELAY IN PAYMENT OF MINIMUM REQUIRED
14 CONTRIBUTIONS.—In the case of any minimum required
15 contribution (as determined under section 430(a) of the
16 Internal Revenue Code of 1986 and section 303(a) of the
17 Employee Retirement Income Security Act of 1974 (29
18 U.S.C. 1083(a))) which (but for this section) would other-
19 wise be due under section 430(j) of such Code (including
20 quarterly contributions under paragraph (3) thereof) and
21 section 303(j) of such Act (29 U.S.C. 1083(j)) (including
22 quarterly contributions under paragraph (3) thereof) dur-
23 ing calendar year 2020—

24 (1) the due date for such contributions shall be
25 January 1, 2021, and

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1 (2) the amount of each such minimum required
2 contribution shall be increased by interest accruing
3 for the period between the original due date (without
4 regard to this section) for the contribution and the
5 payment date, at the effective rate of interest for the
6 plan for the plan year which includes such payment
7 date.

8 (b) BENEFIT RESTRICTION STATUS.—For purposes
9 of section 436 of the Internal Revenue Code of 1986 and
10 section 206(g) of the Employee Retirement Income Secu-
11 rity Act of 1974 (29 U.S.C. 1056(g)), a plan sponsor may
12 elect to treat the plan's adjusted funding target attain-
13 ment percentage for the last plan year ending before Janu-
14 ary 1, 2020, as the adjusted funding target attainment
15 percentage for plan years which include calendar year
16 2020.

17 **SEC. 3609. APPLICATION OF COOPERATIVE AND SMALL EM-**
18 **PLOYER CHARITY PENSION PLAN RULES TO**
19 **CERTAIN CHARITABLE EMPLOYERS WHOSE**
20 **PRIMARY EXEMPT PURPOSE IS PROVIDING**
21 **SERVICES WITH RESPECT TO MOTHERS AND**
22 **CHILDREN.**

23 (a) EMPLOYEE RETIREMENT INCOME SECURITY ACT
24 OF 1974.—Section 210(f)(1) of the Employee Retirement

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1 Income Security Act of 1974 (29 U.S.C. 1060(f)(1)) is
2 amended—
3 (1) by striking "or" at the end of subparagraph
4 (B);
5 (2) by striking the period at the end of sub-
6 paragraph (C)(iv) and inserting "; or"; and
7 (3) by inserting after subparagraph (C) the fol-
8 lowing new subparagraph:
9 "(D) that, as of January 1, 2000, was
10 maintained by an employer—
11 "(i) described in section 501(c)(3) of
12 the Internal Revenue Code of 1986,
13 "(ii) who has been in existence since
14 at least 1938,
15 "(iii) who conducts medical research
16 directly or indirectly through grant mak-
17 ing, and
18 "(iv) whose primary exempt purpose
19 is to provide services with respect to moth-
20 ers and children.".
21 (b) INTERNAL REVENUE CODE OF 1986.—Section
22 414(y)(1) of the Internal Revenue Code of 1986 is amend-
23 ed—
24 (1) by striking "or" at the end of subparagraph
25 (B);

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1 (2) by striking the period at the end of sub-
2 paragraph (C)(iv) and inserting "; or"; and
3 (3) by inserting after subparagraph (C) the fol-
4 lowing new subparagraph:
5 "(D) that, as of January 1, 2000, was
6 maintained by an employer—
7 "(i) described in section 501(c)(3),
8 "(ii) who has been in existence since
9 at least 1938,
10 "(iii) who conducts medical research
11 directly or indirectly through grant mak-
12 ing, and
13 "(iv) whose primary exempt purpose
14 is to provide services with respect to moth-
15 ers and children.".
16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to plan years beginning after De-
18 cember 31, 2018.
19 **SEC. 3610. FEDERAL CONTRACTOR AUTHORITY.**
20 Notwithstanding any other provision of law, and sub-
21 ject to the availability of appropriations, funds made avail-
22 able to an agency by this Act or any other Act may be
23 used by such agency to modify the terms and conditions
24 of a contract, or other agreement, without consideration,
25 to reimburse at the minimum applicable contract billing

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1 rates not to exceed an average of 40 hours per week any
2 paid leave, including sick leave, a contractor provides to
3 keep its employees or subcontractors in a ready state, in-
4 cluding to protect the life and safety of Government and
5 contractor personnel, but in no event beyond September
6 30, 2020. Such authority shall apply only to a contractor
7 whose employees or subcontractors cannot perform work
8 on a site that has been approved by the Federal Govern-
9 ment, including a federally-owned or leased facility or site,
10 due to facility closures or other restrictions, and who can-
11 not telework because their job duties cannot be performed
12 remotely during the public health emergency declared on
13 January 31, 2020 for COVID–19: *Provided*, That the
14 maximum reimbursement authorized by this section shall
15 be reduced by the amount of credit a contractor is allowed
16 pursuant to division G of Public Law 116–127 and any
17 applicable credits a contractor is allowed under this Act.

18 **SEC. 3611. TECHNICAL CORRECTIONS.**

19 (1) Section 110(a)(3) of the Family and Med-
20 ical Leave Act of 1993 (as added by the Emergency
21 and Medical Leave Expansion Act) is amended by
22 striking "553(d)(A)" and inserting "553(d)(3)".

23 (2) Section 5111 of the Emergency Paid Sick
24 Leave Act (division E of the Families First

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1 Coronavirus Response Act) is amended by striking
2 "553(d)(A)" and inserting "553(d)(3)".
3 (3) Section 110(c) of the Family and Medical
4 Leave Act of 1993 (as added by the Emergency and
5 Medical Leave Expansion Act) is amended by strik-
6 ing "subsection (a)(2)(A)(iii)" and inserting "sub-
7 section (a)(2)(A)".
8 (4) Section 3104 of the Emergency Family and
9 Medical Leave Expansion Act (division C of the
10 Families First Coronavirus Response Act) is amend-
11 ed—
12 (A) by striking "110(a)(B)" and inserting
13 "section 110(a)(1)(B) of the Family and Med-
14 ical Leave Act of 1993"; and
15 (B) by striking "section 107(a) for a viola-
16 tion of section 102(a)(1)(F) if the employer
17 does not meet the definition of employer set
18 forth in Section 101(4)(A)(i)" and inserting
19 "section 107(a) of such Act for a violation of
20 section 102(a)(1)(F) of such Act if the em-
21 ployer does not meet the definition of employer
22 set forth in section 101(4)(A)(i) of such Act".
23 (5) Section 5110(1) of the Emergency Paid
24 Sick Leave Act (division E of the Families First
25 Coronavirus Response Act) is amended—

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1 (A) in the matter preceding subparagraph
2 (A), by striking "terms" and inserting "term";
3 and
4 (B) in subparagraph (A)(i), by striking
5 "paragraph (5)(A)" and inserting "paragraph
6 (2)(A)".
7 (6) Section 5110(2)(B)(ii) of the Emergency
8 Paid Sick Leave Act (division E of the Families
9 First Coronavirus Response Act) is amended by
10 striking "clause (i)(IV)" and inserting "clause
11 (i)(III)".
12 (7) Section 110(a)(3) of the Family and Med-
13 ical Leave Act of 1993 (as added by the Emergency
14 and Medical Leave Expansion Act) is amended—
15 (A) by striking "and" after the semicolon
16 at the end of subparagraph (A);
17 (B) by striking the period at end of sub-
18 paragraph (B) and inserting "; and"; and
19 (C) by adding at the end the following:
20 "(C) as necessary to carry out the pur-
21 poses of this Act, including to ensure consist-
22 ency between this Act and Division E and Divi-
23 sion G of the Families First Coronavirus Re-
24 sponse Act.".

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1 (8) Section 5104(1) of the Emergency Paid
2 Sick Leave Act (division E of the Families First
3 Coronavirus Response Act) is amended by striking
4 "and" after the semicolon and inserting "or".
5 (9) Section 5105 of the Emergency Paid Sick
6 Leave Act (division E of the Families First
7 Coronavirus Response Act) is amended by adding at
8 the end the following:
9 "(c) INVESTIGATIONS AND COLLECTION OF DATA.—
10 The Secretary of Labor or his designee may investigate
11 and gather data to ensure compliance with this Act in the
12 same manner as authorized by sections 9 and 11 of the
13 Fair Labor Standards Act of 1938 (29 U.S.C. 209;
14 211).".

15 **Subtitle D—Finance Committee**

16 **SEC. 3701. EXEMPTION FOR TELEHEALTH SERVICES.**

17 (a) IN GENERAL.—Paragraph (2) of section 223(c)
18 of the Internal Revenue Code of 1986 is amended by add-
19 ing at the end the following new subparagraph:
20 "(E) SAFE HARBOR FOR ABSENCE OF DE-
21 DUCTIBLE FOR TELEHEALTH.—In the case of
22 plan years beginning on or before December 31,
23 2021, a plan shall not fail to be treated as a
24 high deductible health plan by reason of failing

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1 to have a deductible for telehealth and other re-
2 mote care services.''.
3 (b) CERTAIN COVERAGE DISREGARDED.—Clause (ii)
4 of section 223(c)(1)(B) of the Internal Revenue Code of
5 1986 is amended by striking ''or long-term care'' and in-
6 serting ''long-term care, or (in the case of plan years be-
7 ginning on or before December 31, 2021) telehealth and
8 other remote care''.
9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on the date of the enactment
11 of this Act.

12 **SEC. 3702. INCLUSION OF CERTAIN OVER-THE-COUNTER**
13 **MEDICAL PRODUCTS AS QUALIFIED MEDICAL**
14 **EXPENSES.**

15 (a) HSAS.—Section 223(d)(2) of the Internal Rev-
16 enue Code of 1986 is amended—
17 (1) by striking the last sentence of subpara-
18 graph (A) and inserting the following: ''For pur-
19 poses of this subparagraph, amounts paid for men-
20 strual care products shall be treated as paid for
21 medical care.''; and
22 (2) by adding at the end the following new sub-
23 paragraph:
24 ''(D) MENSTRUAL CARE PRODUCT.—For
25 purposes of this paragraph, the term 'menstrual

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1 care product' means a tampon, pad, liner, cup,
2 sponge, or similar product used by individuals
3 with respect to menstruation or other genital-
4 tract secretions.''.

5 (b) ARCHER MSAS.—Section 220(d)(2)(A) of such
6 Code is amended by striking the last sentence and insert-
7 ing the following: ''For purposes of this subparagraph,
8 amounts paid for menstrual care products (as defined in
9 section 223(d)(2)(D)) shall be treated as paid for medical
10 care.''.

11 (c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS
12 AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Sec-
13 tion 106 of such Code is amended by striking subsection
14 (f) and inserting the following new subsection:

15 ''(f) REIMBURSEMENTS FOR MENSTRUAL CARE
16 PRODUCTS.—For purposes of this section and section
17 105, expenses incurred for menstrual care products (as
18 defined in section 223(d)(2)(D)) shall be treated as in-
19 curred for medical care.''.

20 (d) EFFECTIVE DATES.—

21 (1) DISTRIBUTIONS FROM SAVINGS AC-
22 COUNTS.—The amendment made by subsections (a)
23 and (b) shall apply to amounts paid after December
24 31, 2019.

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1 (2) REIMBURSEMENTS.—The amendment made
2 by subsection (c) shall apply to expenses incurred
3 after December 31, 2019.

4 **SEC. 3703. INCREASING MEDICARE TELEHEALTH FLEXI-**
5 **BILITIES DURING EMERGENCY PERIOD.**

6 Section 1135 of the Social Security Act (42 U.S.C.
7 1320b–5) is amended—
8 (1) in subsection (b)(8), by striking "to an indi-
9 vidual by a qualified provider (as defined in sub-
10 section (g)(3))" and all that follows through the pe-
11 riod and inserting ", the requirements of section
12 1834(m)."; and
13 (2) in subsection (g), by striking paragraph (3).

14 **SEC. 3704. ENHANCING MEDICARE TELEHEALTH SERVICES**
15 **FOR FEDERALLY QUALIFIED HEALTH CEN-**
16 **TERS AND RURAL HEALTH CLINICS DURING**
17 **EMERGENCY PERIOD.**

18 Section 1834(m) of the Social Security Act (42
19 U.S.C. 1395m(m)) is amended—
20 (1) in the first sentence of paragraph (1), by
21 striking "The Secretary" and inserting "Subject to
22 paragraph (8), the Secretary";
23 (2) in paragraph (2)(A), by striking "The Sec-
24 retary" and inserting "Subject to paragraph (8), the
25 Secretary";

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1 (3) in paragraph (4)—
2 (A) in subparagraph (A), by striking "The
3 term" and inserting "Subject to paragraph (8),
4 the term"; and
5 (B) in subparagraph (F)(i), by striking
6 "The term" and inserting "Subject to para-
7 graph (8), the term"; and
8 (4) by adding at the end the following new
9 paragraph:
10 "(8) ENHANCING TELEHEALTH SERVICES FOR
11 FEDERALLY QUALIFIED HEALTH CENTERS AND
12 RURAL HEALTH CLINICS DURING EMERGENCY PE-
13 RIOD.—
14 "(A) IN GENERAL.—During the emergency
15 period described in section 1135(g)(1)(B)—
16 "(i) the Secretary shall pay for tele-
17 health services that are furnished via a
18 telecommunications system by a Federally
19 qualified health center or a rural health
20 clinic to an eligible telehealth individual en-
21 rolled under this part notwithstanding that
22 the Federally qualified health center or
23 rural clinic providing the telehealth service
24 is not at the same location as the bene-
25 ficiary;

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1 "(ii) the amount of payment to a Fed-
2 erally qualified health center or rural
3 health clinic that serves as a distant site
4 for such a telehealth service shall be deter-
5 mined under subparagraph (B); and
6 "(iii) for purposes of this subsection—
7 "(I) the term 'distant site' in-
8 cludes a Federally qualified health
9 center or rural health clinic that fur-
10 nishes a telehealth service to an eligi-
11 ble telehealth individual; and
12 "(II) the term 'telehealth serv-
13 ices' includes a rural health clinic
14 service or Federally qualified health
15 center service that is furnished using
16 telehealth to the extent that payment
17 codes corresponding to services identi-
18 fied by the Secretary under clause (i)
19 or (ii) of paragraph (4)(F) are listed
20 on the corresponding claim for such
21 rural health clinic service or Federally
22 qualified health center service.
23 "(B) SPECIAL PAYMENT RULE.—
24 "(i) IN GENERAL.—The Secretary
25 shall develop and implement payment

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1 methods that apply under this subsection
2 to a Federally qualified health center or
3 rural health clinic that serves as a distant
4 site that furnishes a telehealth service to
5 an eligible telehealth individual during
6 such emergency period. Such payment
7 methods shall be based on payment rates
8 that are similar to the national average
9 payment rates for comparable telehealth
10 services under the physician fee schedule
11 under section 1848. Notwithstanding any
12 other provision of law, the Secretary may
13 implement such payment methods through
14 program instruction or otherwise.

15 "(ii) EXCLUSION FROM FQHC PPS
16 CALCULATION AND RHC AIR CALCULA-
17 TION.—Costs associated with telehealth
18 services shall not be used to determine the
19 amount of payment for Federally qualified
20 health center services under the prospec-
21 tive payment system under section 1834(o)
22 or for rural health clinic services under the
23 methodology for all-inclusive rates (estab-
24 lished by the Secretary) under section
25 1833(a)(3).".

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1 **SEC. 3705. TEMPORARY WAIVER OF REQUIREMENT FOR**
2 **FACE-TO-FACE VISITS BETWEEN HOME DI-**
3 **ALYSIS PATIENTS AND PHYSICIANS.**

4 Section 1881(b)(3)(B) of the Social Security Act (42
5 U.S.C. 1395rr(b)(3)(B)) is amended—

6 (1) in clause (i), by striking "clause (ii)" and
7 inserting "clauses (ii) and (iii)";

8 (2) in clause (ii), in the matter preceding sub-
9 clause (I), by striking "Clause (i)" and inserting
10 "Except as provided in clause (iii), clause (i)"; and

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

13 "(iii) The Secretary may waive the
14 provisions of clause (ii) during the emer-
15 gency period described in section
16 1135(g)(1)(B).".

17 **SEC. 3706. USE OF TELEHEALTH TO CONDUCT FACE-TO-**
18 **FACE ENCOUNTER PRIOR TO RECERTIFI-**
19 **CATION OF ELIGIBILITY FOR HOSPICE CARE**
20 **DURING EMERGENCY PERIOD.**

21 Section 1814(a)(7)(D)(i) of the Social Security Act
22 (42 U.S.C. 1395f(a)(7(D)(i)) is amended—

23 (1) by striking "a hospice" and inserting "(I)
24 subject to subclause (II), a hospice"; and

25 (2) by inserting after subclause (I), as added by
26 paragraph (1), the following new subclause:

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"(II) during the emergency period described in section 1135(g)(1)(B), a hospice physician or nurse practitioner may conduct a face-to-face encounter required under this clause via telehealth, as determined appropriate by the Secretary; and".

**SEC. 3707. ENCOURAGING USE OF TELECOMMUNICATIONS SYSTEMS FOR HOME HEALTH SERVICES FURNISHED DURING EMERGENCY PERIOD.**

With respect to home health services (as defined in section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) that are furnished during the emergency period described in section 1135(g)(1)(B) of such Act (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health and Human Services shall consider ways to encourage the use of telecommunications systems, including for remote patient monitoring as described in section 409.46(e) of title 42, Code of Federal Regulations (or any successor regulations) and other communications or monitoring services, consistent with the plan of care for the individual, including by clarifying guidance and conducting outreach, as appropriate.

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1 **SEC. 3708. IMPROVING CARE PLANNING FOR MEDICARE**
2 **HOME HEALTH SERVICES.**
3 (a) PART A PROVISIONS.—Section 1814(a) of the So-
4 cial Security Act (42 U.S.C. 1395f(a)) is amended—
5 (1) in paragraph (2)—
6 (A) in the matter preceding subparagraph
7 (A), by inserting ", a nurse practitioner or clin-
8 ical nurse specialist (as such terms are defined
9 in section 1861(aa)(5)) who is working in ac-
10 cordance with State law, or a physician assist-
11 ant (as defined in section 1861(aa)(5)) under
12 the supervision of a physician, who is" after "in
13 the case of services described in subparagraph
14 (C), a physician"; and
15 (B) in subparagraph (C)—
16 (i) by inserting ", a nurse practi-
17 tioner, a clinical nurse specialist, or a phy-
18 sician assistant (as the case may be)" after
19 "physician" the first 2 times it appears;
20 and
21 (ii) by striking ", and, in the case of
22 a certification made by a physician" and
23 all that follows through "face-to-face en-
24 counter" and inserting ", and, in the case
25 of a certification made by a physician after
26 January 1, 2010, or by a nurse practi-

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1 tioner, clinical nurse specialist, or physi-
2 cian assistant (as the case may be) after a
3 date specified by the Secretary (but in no
4 case later than the date that is 6 months
5 after the date of the enactment of the
6 CARES Act), prior to making such certifi-
7 cation a physician, nurse practitioner, clin-
8 ical nurse specialist, or physician assistant
9 must document that a physician, nurse
10 practitioner, clinical nurse specialist, cer-
11 tified nurse-midwife (as defined in section
12 1861(gg)) as authorized by State law, or
13 physician assistant has had a face-to-face
14 encounter";
15 (2) in the third sentence—
16 (A) by striking "physician certification"
17 and inserting "certification";
18 (B) by inserting "(or in the case of regula-
19 tions to implement the amendments made by
20 section 3708 of the CARES Act, the Secretary
21 shall prescribe regulations, which shall become
22 effective no later than 6 months after the date
23 of the enactment of such Act)" after "1981";
24 and

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1 (C) by striking "a physician who" and in-
2 serting "a physician, nurse practitioner, clinical
3 nurse specialist, or physician assistant who";
4 (3) in the fourth sentence, by inserting ", nurse
5 practitioner, clinical nurse specialist, or physician as-
6 sistant" after "physician"; and
7 (4) in the fifth sentence—
8 (A) by inserting "or no later than 6
9 months after the date of the enactment of the
10 CARES Act for purposes of documentation for
11 certification and recertification made under
12 paragraph (2) by a nurse practitioner, clinical
13 nurse specialist, or physician assistant," after
14 "January 1, 2019"; and
15 (B) by inserting ", nurse practitioner, clin-
16 ical nurse specialist, or physician assistant"
17 after "of the physician".
18 (b) PART B PROVISIONS.—Section 1835(a) of the So-
19 cial Security Act (42 U.S.C. 1395n(a)) is amended—
20 (1) in paragraph (2)—
21 (A) in the matter preceding subparagraph
22 (A), by inserting ", a nurse practitioner or clin-
23 ical nurse specialist (as those terms are defined
24 in section 1861(aa)(5)) who is working in ac-
25 cordance with State law, or a physician assist-

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1 ant (as defined in section 1861(aa)(5)) under
2 the supervision of a physician, who is'' after ''in
3 the case of services described in subparagraph
4 (A), a physician''; and
5 (B) in subparagraph (A)—
6 (i) in each of clauses (ii) and (iii) of
7 subparagraph (A) by inserting '', a nurse
8 practitioner, a clinical nurse specialist, or a
9 physician assistant (as the case may be)''
10 after ''physician''; and
11 (ii) in clause (iv), by striking ''after
12 January 1, 2010'' and all that follows
13 through ''face-to-face encounter'' and in-
14 serting ''made by a physician after Janu-
15 ary 1, 2010, or by a nurse practitioner,
16 clinical nurse specialist, or physician as-
17 sistant (as the case may be) after a date
18 specified by the Secretary (but in no case
19 later than the date that is 6 months after
20 the date of the enactment of the CARES
21 Act), prior to making such certification a
22 physician, nurse practitioner, clinical nurse
23 specialist, or physician assistant must doc-
24 ument that a physician, nurse practitioner,
25 clinical nurse specialist, certified nurse-

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1 midwife (as defined in section 1861(gg)) as
2 authorized by State law, or physician as-
3 sistant has had a face-to-face encounter";
4 (2) in the third sentence, by inserting ", nurse
5 practitioner, clinical nurse specialist, or physician as-
6 sistant (as the case may be)" after physician;
7 (3) in the fourth sentence—
8 (A) by striking "physician certification"
9 and inserting "certification";
10 (B) by inserting "(or in the case of regula-
11 tions to implement the amendments made by
12 section 3708 of the CARES Act the Secretary
13 shall prescribe regulations which shall become
14 effective no later than 6 months after the enact-
15 ment of such Act)" after "1981"; and
16 (C) by striking "a physician who" and in-
17 serting "a physician, nurse practitioner, clinical
18 nurse specialist, or physician assistant who";
19 (4) in the fifth sentence, by inserting ", nurse
20 practitioner, clinical nurse specialist, or physician as-
21 sistant" after "physician"; and
22 (5) in the sixth sentence—
23 (A) by inserting "or no later than 6
24 months after the date of the enactment of the
25 CARES Act for purposes of documentation for

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1 certification and recertification made under
2 paragraph (2) by a nurse practitioner, clinical
3 nurse specialist, or physician assistant," after
4 "January 1, 2019"; and
5 (B) by inserting ", nurse practitioner, clin-
6 ical nurse specialist, or physician assistant"
7 after "of the physician".
8 (c) DEFINITION PROVISIONS.—
9 (1) HOME HEALTH SERVICES.—Section
10 1861(m) of the Social Security Act (42 U.S.C.
11 1395x(m)) is amended—
12 (A) in the matter preceding paragraph
13 (1)—
14 (i) by inserting ", a nurse practitioner
15 or a clinical nurse specialist (as those
16 terms are defined in subsection (aa)(5)), or
17 a physician assistant (as defined in sub-
18 section (aa)(5))" after "physician" the
19 first place it appears; and
20 (ii) by inserting ", a nurse practi-
21 tioner, a clinical nurse specialist, or a phy-
22 sician assistant" after "physician" the sec-
23 ond place it appears; and

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1 (B) in paragraph (3), by inserting ", a
2 nurse practitioner, a clinical nurse specialist, or
3 a physician assistant" after "physician".
4 (2) HOME HEALTH AGENCY.—Section
5 1861(o)(2) of the Social Security Act (42 U.S.C.
6 1395x(o)(2)) is amended—
7 (A) by inserting ", nurse practitioners or
8 clinical nurse specialists (as those terms are de-
9 fined in subsection (aa)(5)), certified nurse-mid-
10 wives (as defined in subsection (gg)), or physi-
11 cian assistants (as defined in subsection
12 (aa)(5))" after "physicians"; and
13 (B) by inserting ", nurse practitioner, clin-
14 ical nurse specialist, certified nurse-midwife,
15 physician assistant," after "physician".
16 (3) COVERED OSTEOPOROSIS DRUG.—Section
17 1861(kk)(1) of the Social Security Act (42 U.S.C.
18 1395x(kk)(1)) is amended by inserting ", nurse
19 practitioner or clinical nurse specialist (as those
20 terms are defined in subsection (aa)(5)), certified
21 nurse-midwife (as defined in subsection (gg)), or
22 physician assistant (as defined in subsection
23 (aa)(5))" after "attending physician".

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1 (d) HOME HEALTH PROSPECTIVE PAYMENT SYSTEM
2 PROVISIONS.—Section 1895 of the Social Security Act (42
3 U.S.C. 1395fff) is amended—
4 (1) in subsection (c)(1)—
5 (A) by striking "(provided under section
6 1842(r))"; and
7 (B) by inserting "the nurse practitioner or
8 clinical nurse specialist (as those terms are de-
9 fined in section 1861(aa)(5)), or the physician
10 assistant (as defined in section 1861(aa)(5))"
11 after "physician"; and
12 (2) in subsection (e)—
13 (A) in paragraph (1)(A), by inserting "a
14 nurse practitioner or clinical nurse specialist, or
15 a physician assistant" after "physician"; and
16 (B) in paragraph (2)—
17 (i) in the heading, by striking "PHY-
18 SICIAN CERTIFICATION" and inserting
19 "RULE OF CONSTRUCTION REGARDING RE-
20 QUIREMENT FOR CERTIFICATION"; and
21 (ii) by striking "physician".
22 (e) APPLICATION TO MEDICAID.—The amendments
23 made under this section shall apply under title XIX of the
24 Social Security Act in the same manner and to the same

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1 extent as such requirements apply under title XVIII of
2 such Act or regulations promulgated thereunder.
3 (f) EFFECTIVE DATE.—The Secretary of Health and
4 Human Services shall prescribe regulations to apply the
5 amendments made by this section to items and services
6 furnished, which shall become effective no later than 6
7 months after the date of the enactment of this legislation.
8 The Secretary shall promulgate an interim final rule if
9 necessary, to comply with the required effective date.
10 **SEC. 3709. ADJUSTMENT OF SEQUESTRATION.**
11 (a) TEMPORARY SUSPENSION OF MEDICARE SE-
12 QUESTRATION.—During the period beginning on May 1,
13 2020 and ending on December 31, 2020, the Medicare
14 programs under title XVIII of the Social Security Act (42
15 U.S.C. 1395 et seq.) shall be exempt from reduction under
16 any sequestration order issued before, on, or after the date
17 of enactment of this Act.
18 (b) EXTENSION OF DIRECT SPENDING REDUCTIONS
19 THROUGH FISCAL YEAR 2030.—Section 251A(6) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985 (2 U.S.C. 901a(6)) is amended—
22 (1) in subparagraph (B), in the matter pre-
23 ceding clause (i), by striking "through 2029" and
24 inserting "through 2030"; and

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1 (2) in subparagraph (C), in the matter pre-
2 ceding clause (i), by striking "fiscal year 2029" and
3 inserting "fiscal year 2030".

4 **SEC. 3710. MEDICARE HOSPITAL INPATIENT PROSPECTIVE**
5 **PAYMENT SYSTEM ADD-ON PAYMENT FOR**
6 **COVID–19 PATIENTS DURING EMERGENCY PE-**
7 **RIOD.**

8 (a) IN GENERAL.—Section 1886(d)(4)(C) of the So-
9 cial Security Act (42 U.S.C. 1395ww(d)(4)(C)) is amend-
10 ed by adding at the end the following new clause:

11 "(iv)(I) For discharges occurring during the emer-
12 gency period described in section 1135(g)(1)(B), in the
13 case of a discharge of an individual diagnosed with
14 COVID–19, the Secretary shall increase the weighting fac-
15 tor that would otherwise apply to the diagnosis-related
16 group to which the discharge is assigned by 20 percent.
17 The Secretary shall identify a discharge of such an indi-
18 vidual through the use of diagnosis codes, condition codes,
19 or other such means as may be necessary.

20 "(II) Any adjustment under subclause (I) shall not
21 be taken into account in applying budget neutrality under
22 clause (iii)

23 "(III) In the case of a State for which the Secretary
24 has waived all or part of this section under the authority
25 of section 1115A, nothing in this section shall preclude

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1 such State from implementing an adjustment similar to
2 the adjustment under subclause (I).''.
3 (b) IMPLEMENTATION.—Notwithstanding any other
4 provision of law, the Secretary may implement the amend-
5 ment made by subsection (a) by program instruction or
6 otherwise.

7 **SEC. 3711. INCREASING ACCESS TO POST-ACUTE CARE DUR-**
8 **ING EMERGENCY PERIOD.**

9 (a) WAIVER OF IRF 3-HOUR RULE.—With respect
10 to inpatient rehabilitation services furnished by a rehabili-
11 tation facility described in section 1886(j)(1) of the Social
12 Security Act (42 U.S.C. 1395ww(j)(1)) during the emer-
13 gency period described in section 1135(g)(1)(B) of the So-
14 cial Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Sec-
15 retary of Health and Human Services shall waive section
16 412.622(a)(3)(ii) of title 42, Code of Federal Regulations
17 (or any successor regulations), relating to the requirement
18 that patients of an inpatient rehabilitation facility receive
19 at least 15 hours of therapy per week.
20 (b) WAIVER OF SITE-NEUTRAL PAYMENT RATE PRO-
21 VISIONS FOR LONG-TERM CARE HOSPITALS.—With re-
22 spect to inpatient hospital services furnished by a long-
23 term care hospital described in section 1886(d)(1)(B)(iv)
24 of the Social Security Act (42 U.S.C.
25 1395ww(d)(1)(B)(iv)) during the emergency period de-

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1 scribed in section 1135(g)(1)(B) of the Social Security Act
2 (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health
3 and Human Services shall waive the following provisions
4 of section 1886(m)(6) of such Act (42 U.S.C.
5 1395ww(m)(6)):
6 (1) LTCH 50-PERCENT RULE.—Subparagraph
7 (C)(ii) of such section, relating to the payment ad-
8 justment for long-term care hospitals that do not
9 have a discharge payment percentage for the period
10 that is at least 50 percent.
11 (2) SITE-NEUTRAL IPPS PAYMENT RATE.—Sub-
12 paragraph (A)(i) of such section, relating to the ap-
13 plication of the site-neutral payment rate (and pay-
14 ment shall be made to a long-term care hospital
15 without regard to such section) for a discharge if the
16 admission occurs during such emergency period and
17 is in response to the public health emergency de-
18 scribed in such section 1135(g)(1)(B).
19 **SEC. 3712. REVISING PAYMENT RATES FOR DURABLE MED-**
20 **ICAL EQUIPMENT UNDER THE MEDICARE**
21 **PROGRAM THROUGH DURATION OF EMER-**
22 **GENCY PERIOD.**
23 (a) RURAL AND NONCONTIGUOUS AREAS.—The Sec-
24 retary of Health and Human Services shall implement sec-
25 tion 414.210(g)(9)(iii) of title 42, Code of Federal Regula-

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1 tions (or any successor regulation), to apply the transition
2 rule described in such section to all applicable items and
3 services furnished in rural areas and noncontiguous areas
4 (as such terms are defined for purposes of such section)
5 as planned through December 31, 2020, and through the
6 duration of the emergency period described in section
7 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
8 1320b–5(g)(1)(B)), if longer.

9 (b) AREAS OTHER THAN RURAL AND NONCONTIG-
10 UOUS AREAS.—With respect to items and services fur-
11 nished on or after the date that is 30 days after the date
12 of the enactment of this Act, the Secretary of Health and
13 Human Services shall apply section 414.210(g)(9)(iv) of
14 title 42, Code of Federal Regulations (or any successor
15 regulation), as if the reference to "dates of service from
16 June 1, 2018 through December 31, 2020, based on the
17 fee schedule amount for the area is equal to 100 percent
18 of the adjusted payment amount established under this
19 section" were instead a reference to "dates of service from
20 March 6, 2020, through the remainder of the duration of
21 the emergency period described in section 1135(g)(1)(B)
22 of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)),
23 based on the fee schedule amount for the area is equal
24 to 75 percent of the adjusted payment amount established

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1 under this section and 25 percent of the unadjusted fee
2 schedule amount''.

3 **SEC. 3713. COVERAGE OF THE COVID-19 VACCINE UNDER**
4 **PART B OF THE MEDICARE PROGRAM WITH-**
5 **OUT ANY COST-SHARING.**

6 (a) MEDICAL AND OTHER HEALTH SERVICES.—Sec-
7 tion 1861(s)(10)(A) of the Social Security Act (42 U.S.C.
8 1395x(s)(10)(A)) is amended by inserting '', and COVID-
9 19 vaccine and its administration'' after ''influenza vac-
10 cine and its administration''.

11 (b) PART B DEDUCTIBLE.—The first sentence of sec-
12 tion 1833(b) of the Social Security Act (42 U.S.C.
13 1395l(b)) is amended—

14 (1) in paragraph (10), by striking ''and'' at the
15 end; and

16 (2) in paragraph (11), by striking the period at
17 the end and inserting '', and (12) such deductible
18 shall not apply with respect a COVID-19 vaccine
19 and its administration described in section
20 1861(s)(10)(A).''.

21 (c) MEDICARE ADVANTAGE.—Section 1852(a)(1)(B)
22 of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B))
23 is amended—

24 (1) in clause (iv)—

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1 (A) by redesignating subclause (VI) as
2 subclause (VII); and
3 (B) by inserting after subclause (V) the
4 following new subclause:
5 "(VI) A COVID-19 vaccine and
6 its administration described in section
7 1861(s)(10)(A)."; and
8 (2) in clause (v), by striking "subclauses (IV)
9 and (V)" inserting "subclauses (IV), (V), and (VI)".
10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on the date of enactment of
12 this Act and shall apply with respect to a COVID-19 vac-
13 cine beginning on the date that such vaccine is licensed
14 under section 351 of the Public Health Service Act (42
15 U.S.C. 262).
16 (e) IMPLEMENTATION.—Notwithstanding any other
17 provision of law, the Secretary may implement the provi-
18 sions of, and the amendments made by, this section by
19 program instruction or otherwise.

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1 **SEC. 3714. REQUIRING MEDICARE PRESCRIPTION DRUG**
2 **PLANS AND MA–PD PLANS TO ALLOW DURING**
3 **THE COVID-19 EMERGENCY PERIOD FOR**
4 **FILLS AND REFILLS OF COVERED PART D**
5 **DRUGS FOR UP TO A 3-MONTH SUPPLY.**

6 (a) IN GENERAL.—Section 1860D–4(b) of the Social
7 Security Act (42 U.S.C. 1395w–104(b)) is amended by
8 adding at the end the following new paragraph:

9 "(4) ENSURING ACCESS DURING COVID-19 PUB-
10 LIC HEALTH EMERGENCY PERIOD.—

11 "(A) IN GENERAL.—During the emergency
12 period described in section 1135(g)(1)(B), sub-
13 ject to subparagraph (B), a prescription drug
14 plan or MA–PD plan shall, notwithstanding any
15 cost and utilization management, medication
16 therapy management, or other such programs
17 under this part, permit a part D eligible indi-
18 vidual enrolled in such plan to obtain in a sin-
19 gle fill or refill, at the option of such individual,
20 the total day supply (not to exceed a 90-day
21 supply) prescribed for such individual for a cov-
22 ered part D drug.

23 "(B) SAFETY EDIT EXCEPTION.—A pre-
24 scription drug plan or MA–PD plan may not
25 permit a part D eligible individual to obtain a

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1 single fill or refill inconsistent with an applica-
2 ble safety edit.".
3 (b) IMPLEMENTATION.—Notwithstanding any other
4 provision of law, the Secretary of Health and Human
5 Services may implement the amendment made by this sec-
6 tion by program instruction or otherwise.

7 **SEC. 3715. PROVIDING HOME AND COMMUNITY-BASED**
8 **SERVICES IN ACUTE CARE HOSPITALS.**

9 Section 1902(h) of the Social Security Act (42 U.S.C.
10 1396a(h)) is amended—
11 (1) by inserting "(1)" after "(h)";
12 (2) by inserting ", home and community-based
13 services provided under subsection (c), (d), or (i) of
14 section 1915 or under a waiver or demonstration
15 project under section 1115, self-directed personal as-
16 sistance services provided pursuant to a written plan
17 of care under section 1915(j), and home and com-
18 munity-based attendant services and supports under
19 section 1915(k)" before the period; and
20 (3) by adding at the end the following:
21 "(2) Nothing in this title, title XVIII, or title XI shall
22 be construed as prohibiting receipt of any care or services
23 specified in paragraph (1) in an acute care hospital that
24 are—

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1 "(A) identified in an individual's person-cen-
2 tered service plan (or comparable plan of care);
3 "(B) provided to meet needs of the individual
4 that are not met through the provision of hospital
5 services;
6 "(C) not a substitute for services that the hos-
7 pital is obligated to provide through its conditions of
8 participation or under Federal or State law, or
9 under another applicable requirement; and
10 "(D) designed to ensure smooth transitions be-
11 tween acute care settings and home and community-
12 based settings, and to preserve the individual's func-
13 tional abilities.".

14 **SEC. 3716. CLARIFICATION REGARDING UNINSURED INDI-**
15 **VIDUALS.**

16 Subsection (ss) of section 1902 of the Social Security
17 Act (42 U.S.C. 1396a), as added by section 6004(a)(3)(C)
18 of the Families First Coronavirus Response Act, is amend-
19 ed—
20 (1) in paragraph (1), by inserting "(excluding
21 subclause (VIII) of such subsection if the individual
22 is a resident of a State which does not furnish med-
23 ical assistance to individuals described in such sub-
24 clause)" before the semicolon; and

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1 (2) in paragraph (2), by inserting ", except that
2 individuals who are eligible for medical assistance
3 under subsection (a)(10)(A)(ii)(XII), subsection
4 (a)(10)(A)(ii)(XVIII), subsection
5 (a)(10)(A)(ii)(XXI), or subsection (a)(10)(C) (but
6 only to the extent such an individual is considered
7 to not have minimum essential coverage under sec-
8 tion 5000A(f)(1) of the Internal Revenue Code of
9 1986), or who are described in subsection (l)(1)(A)
10 and are eligible for medical assistance only because
11 of subsection (a)(10)(A)(i)(IV) or (a)(10)(A)(ii)(IX)
12 and whose eligibility for such assistance is limited by
13 the State under clause (VII) in the matter following
14 subsection (a)(10)(G), shall not be treated as en-
15 rolled in a Federal health care program for purposes
16 of this paragraph" before the period at the end.

17 **SEC. 3717. CLARIFICATION REGARDING COVERAGE OF**
18 **COVID-19 TESTING PRODUCTS.**

19 Subparagraph (B) of section 1905(a)(3) of the Social
20 Security Act (42 U.S.C. 1396d(a)(3)), as added by section
21 6004(a)(1)(C) of the Families First Coronavirus Response
22 Act (Public Law 116–127), is amended by striking "that
23 are approved, cleared, or authorized under section 510(k),
24 513, 515 or 564 of the Federal Food, Drug, and Cosmetic
25 Act".

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1 **SEC. 3718. AMENDMENTS RELATING TO REPORTING RE-**
2 **QUIREMENTS WITH RESPECT TO CLINICAL**
3 **DIAGNOSTIC LABORATORY TESTS.**

4 (a) REVISED REPORTING PERIOD FOR REPORTING
5 OF PRIVATE SECTOR PAYMENT RATES FOR ESTABLISH-
6 MENT OF MEDICARE PAYMENT RATES.—Section
7 1834A(a)(1)(B) of the Social Security Act (42 U.S.C.
8 1395m–1(a)(1)(B)) is amended—

9 (1) in clause (i), by striking "December 31,
10 2020" and inserting "December 31, 2021"; and

11 (2) in clause (ii)—

12 (A) by striking "January 1, 2021" and in-
13 serting "January 1, 2022"; and

14 (B) by striking "March 31, 2021" and in-
15 serting "March 31, 2022".

16 (b) REVISED PHASE-IN OF REDUCTIONS FROM PRI-
17 VATE PAYOR RATE IMPLEMENTATION.—Section
18 1834A(b)(3) of the Social Security Act (42 U.S.C.
19 1395m–1(b)(3)) is amended—

20 (1) in subparagraph (A), by striking "through
21 2023" and inserting "through 2024"; and

22 (2) in subparagraph (B)—

23 (A) in clause (i), by striking "and" at the
24 end;

25 (B) by redesignating clause (ii) as clause
26 (iii);

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1 (C) by inserting after clause (i) the fol-
2 lowing new clause:
3 "(ii) for 2021, 0 percent; and"; and
4 (D) in clause (iii), as redesignated by sub-
5 paragraph (B), by striking "2021 through
6 2023" and inserting "2022 through 2024".

7 **SEC. 3719. EXPANSION OF THE MEDICARE HOSPITAL AC-**
8 **CELERATED PAYMENT PROGRAM DURING**
9 **THE COVID-19 PUBLIC HEALTH EMERGENCY.**

10 Section 1815 of the Social Security Act (42 U.S.C.
11 1395g) is amended—
12 (1) in subsection (e)(3), by striking "In the
13 case" and inserting "Subject to subsection (f), in the
14 case"; and
15 (2) by adding at the end the following new sub-
16 section:
17 "(f)(1) During the emergency period described in sec-
18 tion 1135(g)(1)(B), the Secretary shall expand the pro-
19 gram under subsection (e)(3) pursuant to paragraph (2).
20 "(2) In expanding the program under subsection
21 (e)(3), the following shall apply:
22 "(A)(i) In addition to the hospitals described in
23 subsection (e)(3), the following hospitals shall be eli-
24 gible to participate in the program:

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1 "(I) Hospitals described in clause (iii) of
2 section 1886(d)(1)(B).
3 "(II) Hospitals described in clause (v) of
4 such section.
5 "(III) Critical access hospitals (as defined
6 in section 1861(mm)(1)).
7 "(ii) Subject to appropriate safeguards against
8 fraud, waste, and abuse, upon a request of a hos-
9 pital described in clause (i), the Secretary shall pro-
10 vide accelerated payments under the program to
11 such hospital.
12 "(B) Upon the request of the hospital, the Sec-
13 retary may do any of the following:
14 "(i) Make accelerated payments on a peri-
15 odic or lump sum basis.
16 "(ii) Increase the amount of payment that
17 would otherwise be made to hospitals under the
18 program up to 100 percent (or, in the case of
19 critical access hospitals, up to 125 percent).
20 "(iii) Extend the period that accelerated
21 payments cover so that it covers up to a 6-
22 month period.
23 "(C) Upon the request of the hospital, the Sec-
24 retary shall do the following:

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"(i) Provide up to 120 days before claims are offset to recoup the accelerated payment.

"(ii) Allow not less than 12 months from the date of the first accelerated payment before requiring that the outstanding balance be paid in full.

"(3) Nothing in this subsection shall preclude the Secretary from carrying out the provisions described in clauses (i), (ii), and (iii) of paragraph (2)(B) and clauses (i) and (ii) of paragraph (2)(C) under the program under subsection (e)(3) after the period for which this subsection applies.

"(4) Notwithstanding any other provision of law, the Secretary may implement the provisions of this subsection by program instruction or otherwise.".

**SEC. 3720. DELAYING REQUIREMENTS FOR ENHANCED FMAP TO ENABLE STATE LEGISLATION NECESSARY FOR COMPLIANCE.**

Section 6008 of the Families First Coronavirus Response Act is amended by adding at the end the following new subsection:

"(d) DELAY IN APPLICATION OF PREMIUM REQUIREMENT.—During the 30 day period beginning on the date of enactment of this Act, a State shall not be ineligible for the increase to the Federal medical assistance percent-

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1 age of the State described in subsection (a) on the basis
2 that the State imposes a premium that violates the re-
3 quirement of subsection (b)(2) if such premium was in ef-
4 fect on the date of enactment of this Act.''.

# 5 Subtitle E—Health and Human
# 6 Services Extenders

## 7 PART I—MEDICARE PROVISIONS

### 8 SEC. 3801. EXTENSION OF THE WORK GEOGRAPHIC INDEX
### 9 FLOOR UNDER THE MEDICARE PROGRAM.

10 Section 1848(e)(1)(E) of the Social Security Act (42
11 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''May
12 23, 2020'' and inserting ''December 1, 2020''.

### 13 SEC. 3802. EXTENSION OF FUNDING FOR QUALITY MEAS-
### 14 URE ENDORSEMENT, INPUT, AND SELECTION.

15 (a) IN GENERAL.—Section 1890(d)(2) of the Social
16 Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—
17 (1) in the first sentence, by striking ''and
18 $4,830,000 for the period beginning on October 1,
19 2019, and ending on May 22, 2020'' and inserting
20 ''$20,000,000 for fiscal year 2020, and for the pe-
21 riod beginning on October 1, 2020, and ending on
22 November 30, 2020, the amount equal to the pro
23 rata portion of the amount appropriated for such pe-
24 riod for fiscal year 2020''; and

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1 (2) in the third sentence, by striking "and 2019
2 and for the period beginning on October 1, 2019,
3 and ending on May 22, 2020" and inserting ",
4 2019, and 2020, and for the period beginning on
5 October 1, 2020, and ending on November 30,
6 2020,".
7 (b) EFFECTIVE DATE.—The amendments made by
8 subsection (a) shall take effect as if included in the enact-
9 ment of the Further Consolidated Appropriations Act,
10 2020 (Public Law 116–94).

11 **SEC. 3803. EXTENSION OF FUNDING OUTREACH AND AS-**
12 **SISTANCE FOR LOW-INCOME PROGRAMS.**

13 (a) FUNDING EXTENSIONS.—
14 (1) ADDITIONAL FUNDING FOR STATE HEALTH
15 INSURANCE PROGRAMS.—Subsection (a)(1)(B) of
16 section 119 of the Medicare Improvements for Pa-
17 tients and Providers Act of 2008 (42 U.S.C. 1395b–
18 3 note), as amended by section 3306 of the Patient
19 Protection and Affordable Care Act (Public Law
20 111–148), section 610 of the American Taxpayer
21 Relief Act of 2012 (Public Law 112–240), section
22 1110 of the Pathway for SGR Reform Act of 2013
23 (Public Law 113–67), section 110 of the Protecting
24 Access to Medicare Act of 2014 (Public Law 113–
25 93), section 208 of the Medicare Access and CHIP

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1 Reauthorization Act of 2015 (Public Law 114–10),
2 section 50207 of division E of the Bipartisan Budg-
3 et Act of 2018 (Public Law 115–123), section 1402
4 of division B of the Continuing Appropriations Act,
5 2020, and Health Extenders Act of 2019 (Public
6 Law 116–59), section 1402 of division B of the Fur-
7 ther Continuing Appropriations Act, 2020, and Fur-
8 ther Health Extenders Act of 2019 (Public Law
9 116–69), and section 103 of division N of the Fur-
10 ther Consolidated Appropriations Act, 2020 (Public
11 Law 116–94) is amended by striking clauses (x)
12 through (xii) and inserting the following new
13 clauses:

14 "(x) for fiscal year 2020, of
15 $13,000,000; and

16 "(xi) for the period beginning on Oc-
17 tober 1, 2020, and ending on November
18 30, 2020, the amount equal to the pro rata
19 portion of the amount appropriated for
20 such period for fiscal year 2020.".

21 (2) ADDITIONAL FUNDING FOR AREA AGENCIES
22 ON AGING.—Subsection (b)(1)(B) of such section
23 119, as so amended, is amended by striking clauses
24 (x) through (xii) and inserting the following new
25 clauses:

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"(x) for fiscal year 2020, of $7,500,000; and

"(xi) for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020.".

(3) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of such section 119, as so amended, is amended by striking clauses (x) through (xii) and inserting the following new clauses:

"(x) for fiscal year 2020, of $5,000,000; and

"(xi) for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020.".

(4) ADDITIONAL FUNDING FOR GRANT OR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2) of such section 119, as so amended, is amended by striking clauses (x) through (xii) and inserting the following new clauses:

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"(x) for fiscal year 2020, of $12,000,000; and

"(xi) for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94).

## PART II—MEDICAID PROVISIONS

### SEC. 3811. EXTENSION OF THE MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION PROGRAM.

Section 6071(h) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1), by striking subparagraph (G) and inserting the following:

"(G) subject to paragraph (3), $337,500,000 for the period beginning on January 1, 2020, and ending on September 30, 2020; and

"(H) subject to paragraph (3), for the period beginning on October 1, 2020, and ending

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on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020."; and

(2) in paragraph (3), by striking "and (G)" and inserting ", (G), and (H)".

**SEC. 3812. EXTENSION OF SPOUSAL IMPOVERISHMENT PROTECTIONS.**

(a) IN GENERAL.—Section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) is amended by striking "May 22, 2020" and inserting "November 30, 2020".

(b) RULE OF CONSTRUCTION.—Nothing in section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or section 1902(a)(17) or 1924 of the Social Security Act (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as prohibiting a State from—

(1) applying an income or resource disregard under a methodology authorized under section 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

(A) to the income or resources of an individual described in section 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) (including a disregard of the income or resources of such individual's spouse); or

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1 (B) on the basis of an individual's need for
2 home and community-based services authorized
3 under subsection (c), (d), (i), or (k) of section
4 1915 of such Act (42 U.S.C. 1396n) or under
5 section 1115 of such Act (42 U.S.C. 1315); or
6 (2) disregarding an individual's spousal income
7 and assets under a plan amendment to provide med-
8 ical assistance for home and community-based serv-
9 ices for individuals by reason of being determined el-
10 igible under section 1902(a)(10)(C) of such Act (42
11 U.S.C. 1396a(a)(10)(C)) or by reason of section
12 1902(f) of such Act (42 U.S.C. 1396a(f)) or other-
13 wise on the basis of a reduction of income based on
14 costs incurred for medical or other remedial care
15 under which the State disregarded the income and
16 assets of the individual's spouse in determining the
17 initial and ongoing financial eligibility of an indi-
18 vidual for such services in place of the spousal im-
19 poverishment provisions applied under section 1924
20 of such Act (42 U.S.C. 1396r–5).

21 **SEC. 3813. DELAY OF DSH REDUCTIONS.**

22 Section 1923(f)(7)(A) of the Social Security Act (42
23 U.S.C. 1396r–4(f)(7)(A)) is amended—
24 (1) in clause (i), in the matter preceding sub-
25 clause (I), by striking "May 23, 2020, and ending

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1 September 30, 2020, and for each of fiscal years
2 2021'' and inserting ''December 1, 2020, and ending
3 September 30, 2021, and for each of fiscal years
4 2022''; and
5 (2) in clause (ii)—
6 (A) in subclause (I), by striking ''May 23,
7 2020, and ending September 30, 2020'' and in-
8 serting ''December 1, 2020, and ending Sep-
9 tember 30, 2021''; and
10 (B) in subclause (II), by striking ''2021''
11 and inserting ''2022''.

12 **SEC. 3814. EXTENSION AND EXPANSION OF COMMUNITY**
13 **MENTAL HEALTH SERVICES DEMONSTRA-**
14 **TION PROGRAM.**

15 (a) IN GENERAL.—Section 223(d) of the Protecting
16 Access to Medicare Act of 2014 (42 U.S.C. 1396a note)
17 is amended—
18 (1) in paragraph (3)—
19 (A) by striking ''Not more than'' and in-
20 serting ''Subject to paragraph (8), not more
21 than''; and
22 (B) by striking ''May 22, 2020'' and in-
23 serting ''November 30, 2020''; and
24 (2) by adding at the end the following new
25 paragraph:

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1 "(8) ADDITIONAL PROGRAMS.—
2 "(A) IN GENERAL.—Not later than 6
3 months after the date of enactment of this
4 paragraph, in addition to the 8 States selected
5 under paragraph (1), the Secretary shall select
6 2 States to participate in 2-year demonstration
7 programs that meet the requirements of this
8 subsection.
9 "(B) SELECTION OF STATES.—
10 "(i) IN GENERAL.—Subject to clause
11 (ii), in selecting States under this para-
12 graph, the Secretary—
13 "(I) shall select States that—
14 "(aa) were awarded plan-
15 ning grants under subsection (c);
16 and
17 "(bb) applied to participate
18 in the demonstration programs
19 under this subsection under para-
20 graph (1) but, as of the date of
21 enactment of this paragraph,
22 were not selected to participate
23 under paragraph (1); and
24 "(II) shall use the results of the
25 Secretary's evaluation of each State's

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1 application under paragraph (1) to
2 determine which States to select, and
3 shall not require the submission of
4 any additional application.
5 "(C) REQUIREMENTS FOR SELECTED
6 STATES.—Prior to services being delivered
7 under the demonstration authority in a State
8 selected under this paragraph, the State shall—
9 "(i) submit a plan to monitor certified
10 community behavioral health clinics under
11 the demonstration program to ensure com-
12 pliance with certified community behavioral
13 health criteria during the demonstration
14 period; and
15 "(ii) commit to collecting data, noti-
16 fying the Secretary of any planned changes
17 that would deviate from the prospective
18 payment system methodology outlined in
19 the State's demonstration application, and
20 obtaining approval from the Secretary for
21 any such change before implementing the
22 change.".
23 (b) LIMITATION.—Section 223(d)(5) of the Pro-
24 tecting Access to Medicare Act of 2014 (42 U.S.C. 1396a
25 note) is amended—

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1 (1) in subparagraph (B), in the matter pre-
2 ceding clause (i), by striking "The Federal match-
3 ing" and inserting "Subject to subparagraph
4 (C)(iii), the Federal matching"; and
5 (2) in subparagraph (C), by adding at the end
6 the following new clause:
7 "(iii) PAYMENTS FOR AMOUNTS EX-
8 PENDED AFTER 2019.—The Federal match-
9 ing percentage applicable under subpara-
10 graph (B) to amounts expended by a State
11 participating in the demonstration pro-
12 gram under this subsection shall—
13 "(I) in the case of a State par-
14 ticipating in the demonstration pro-
15 gram as of January 1, 2020, apply to
16 amounts expended by the State dur-
17 ing the 8 fiscal quarter period (or any
18 portion of such period) that begins on
19 January 1, 2020; and
20 "(II) in the case of a State se-
21 lected to participate in the demonstra-
22 tion program under paragraph (8),
23 during first 8 fiscal quarter period (or
24 any portion of such period) that the

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1 State participates in a demonstration
2 program.''.
3 (c) GAO STUDY AND REPORT ON THE COMMUNITY
4 AND MENTAL HEALTH SERVICES DEMONSTRATION PRO-
5 GRAM.—
6 (1) IN GENERAL.—Not later than 18 months
7 after the date of the enactment of this Act, the
8 Comptroller General of the United States shall sub-
9 mit to the Committee on Energy and Commerce of
10 the House of Representatives and the Committee on
11 Finance of the Senate a report on the community
12 and mental health services demonstration program
13 conducted under section 223 of the Protecting Ac-
14 cess to Medicare Act of 2014 (42 U.S.C. 1396a
15 note) (referred to in this subsection as the ''dem-
16 onstration program'').
17 (2) CONTENT OF REPORT.—The report re-
18 quired under paragraph (1) shall include the fol-
19 lowing information:
20 (A) Information on States' experiences
21 participating in the demonstration program, in-
22 cluding the extent to which States—
23 (i) measure the effects of access to
24 certified community behavioral health clin-

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1 ics on patient health and cost of care, in-
2 cluding—
3 (I) engagement in treatment for
4 behavioral health conditions;
5 (II) relevant clinical outcomes, to
6 the extent collected;
7 (III) screening and treatment for
8 comorbid medical conditions; and
9 (IV) use of crisis stabilization,
10 emergency department, and inpatient
11 care.
12 (B) Information on Federal efforts to
13 evaluate the demonstration program, includ-
14 ing—
15 (i) quality measures used to evaluate
16 the program;
17 (ii) assistance provided to States on
18 data collection and reporting;
19 (iii) assessments of the reliability and
20 usefulness of State-submitted data; and
21 (iv) the extent to which such efforts
22 provide information on the relative quality,
23 scope, and cost of services as compared
24 with services not provided under the dem-
25 onstration program, and in comparison to

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1 Medicaid beneficiaries with mental illness
2 and substance use disorders not served
3 under the demonstration program.
4 (C) Recommendations for improvements to
5 the following:
6 (i) The reporting, accuracy, and vali-
7 dation of encounter data.
8 (ii) Accuracy in payments to certified
9 community behavioral health clinics under
10 State plans or waivers under title XIX of
11 the Social Security Act (42 U.S.C. 1396 et
12 seq.).

13 **PART III—HUMAN SERVICES AND OTHER**
14 **HEALTH PROGRAMS**

15 **SEC. 3821. EXTENSION OF SEXUAL RISK AVOIDANCE EDU-**
16 **CATION PROGRAM.**

17 Section 510 of the Social Security Act (42 U.S.C.
18 710) is amended—
19 (1) in subsection (a)—
20 (A) in paragraph (1), in the matter pre-
21 ceding subparagraph (A)—
22 (i) by striking "and 2019 and for the
23 period beginning October 1, 2019, and
24 ending May 22, 2020" and inserting
25 "through 2020 and for the period begin-

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1 ning October 1, 2020, and ending Novem-
2 ber 30, 2020''; and
3 (ii) by striking ''fiscal year 2020'' and
4 inserting ''fiscal year 2021''
5 (B) in paragraph (2)(A)—
6 (i) by striking ''and 2019 and for the
7 period beginning October 1, 2019, and
8 ending May 22, 2020'' and inserting
9 ''through 2020 and for the period begin-
10 ning October 1, 2020, and ending Novem-
11 ber 30, 2020''; and
12 (ii) by striking ''fiscal year 2020'' and
13 inserting ''fiscal year 2021''; and
14 (2) in subsection (f)(1), by striking ''and 2019
15 and $48,287,671 for the period beginning October 1,
16 2019, and ending May 22, 2020'' and inserting
17 ''through 2020, and for the period beginning on Oc-
18 tober 1, 2020, and ending on November 30, 2020,
19 the amount equal to the pro rata portion of the
20 amount appropriated for such period for fiscal year
21 2020''.
22 **SEC. 3822. EXTENSION OF PERSONAL RESPONSIBILITY**
23 **EDUCATION PROGRAM.**
24 Section 513 of the Social Security Act (42 U.S.C.
25 713) is amended—

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1 (1) in subsection (a)—
2 (A) in paragraph (1)—
3 (i) in subparagraph (A), in the matter
4 preceding clause (i), by striking "2019 and
5 for the period beginning October 1, 2019,
6 and ending May 22, 2020" and inserting
7 "2020 and for the period beginning Octo-
8 ber 1, 2020, and ending November 30,
9 2020"; and
10 (ii) in subparagraph (B)(i), by strik-
11 ing by striking "October 1, 2019, and end-
12 ing May 22, 2020" and inserting "October
13 1, 2020, and ending November 30, 2020";
14 (2) in paragraph (4)(A), by striking "2019"
15 each place it appears and inserting "2020"; and
16 (3) in subsection (f), by striking "2019 and
17 $48,287,671 for the period beginning October 1,
18 2019, and ending May 22, 2020" and inserting
19 "2020, and for the period beginning on October 1,
20 2020, and ending on November 30, 2020, the
21 amount equal to the pro rata portion of the amount
22 appropriated for such period for fiscal year 2020".

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1 **SEC. 3823. EXTENSION OF DEMONSTRATION PROJECTS TO**
2 **ADDRESS HEALTH PROFESSIONS WORK-**
3 **FORCE NEEDS.**

4 Activities authorized by section 2008 of the Social Se-
5 curity Act shall continue through November 30, 2020, in
6 the manner authorized for fiscal year 2019, and out of
7 any money in the Treasury of the United States not other-
8 wise appropriated, there are hereby appropriated such
9 sums as may be necessary for such purpose. Grants and
10 payments may be made pursuant to this authority through
11 the date so specified at the pro rata portion of the total
12 amount authorized for such activities in fiscal year 2019.

13 **SEC. 3824. EXTENSION OF THE TEMPORARY ASSISTANCE**
14 **FOR NEEDY FAMILIES PROGRAM AND RE-**
15 **LATED PROGRAMS.**

16 Activities authorized by part A of title IV and section
17 1108(b) of the Social Security Act shall continue through
18 November 30, 2020, in the manner authorized for fiscal
19 year 2019, and out of any money in the Treasury of the
20 United States not otherwise appropriated, there are here-
21 by appropriated such sums as may be necessary for such
22 purpose.

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## PART IV—PUBLIC HEALTH PROVISIONS

### SEC. 3831. EXTENSION FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

(a) COMMUNITY HEALTH CENTERS.—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by striking "and $2,575,342,466 for the period beginning on October 1, 2019, and ending on May 22, 2020" and inserting "$4,000,000,000 for fiscal year 2020, and $668,493,151 for the period beginning on October 1, 2020, and ending on November 30, 2020".

(b) NATIONAL HEALTH SERVICE CORPS.—Section 10503(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

(1) in subparagraph (F), by striking "and" at the end; and

(2) by striking subparagraph (G) and inserting the following:

"(G) $310,000,000 for fiscal year 2020; and

"(H) $51,808,219 for the period beginning on October 1, 2020, and ending on November 30, 2020.".

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1 (c) TEACHING HEALTH CENTERS THAT OPERATE
2 GRADUATE MEDICAL EDUCATION PROGRAMS.—Section
3 340H(g)(1) of the Public Health Service Act (42 U.S.C.
4 256h(g)(1)) is amended by striking "and 2019, and
5 $81,445,205 for the period beginning on October 1, 2019,
6 and ending on May 22, 2020" and inserting "through fis-
7 cal year 2020, and $21,141,096 for the period beginning
8 on October 1, 2020, and ending on November 30, 2020".
9 (d) APPLICATION OF PROVISIONS.—Amounts appro-
10 priated pursuant to the amendments made by this section
11 for fiscal year 2020 and for the period beginning on Octo-
12 ber 1, 2020, and ending on November 30, 2020, shall be
13 subject to the requirements contained in Public Law 116–
14 94 for funds for programs authorized under sections 330
15 through 340 of the Public Health Service Act (42 U.S.C.
16 254 through 256).
17 (e) CONFORMING AMENDMENT.—Paragraph (4) of
18 section 3014(h) of title 18, United States Code, as amend-
19 ed by section 401(e) of division N of Public Law 116–
20 94, is amended by striking "section 401(d) of division N
21 of the Further Consolidated Appropriations Act, 2020"
22 and inserting "section 3831 of the CARES Act".
23 **SEC. 3832. DIABETES PROGRAMS.**
24 (a) TYPE I.—Section 330B(b)(2)(D) of the Public
25 Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is

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1 amended by striking "and 2019, and $96,575,342 for the
2 period beginning on October 1, 2019, and ending on May
3 22, 2020" and inserting "through 2020, and $25,068,493
4 for the period beginning on October 1, 2020, and ending
5 on November 30, 2020".

6 (b) INDIANS.—Section 330C(c)(2)(D) of the Public
7 Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is
8 amended by striking "and 2019, and $96,575,342 for the
9 period beginning on October 1, 2019, and ending on May
10 22, 2020" and inserting "through 2020, and $25,068,493
11 for the period beginning on October 1, 2020, and ending
12 on November 30, 2020".

13 **PART V—MISCELLANEOUS PROVISIONS**

14 **SEC. 3841. PREVENTION OF DUPLICATE APPROPRIATIONS**
15 **FOR FISCAL YEAR 2020.**

16 Expenditures made under any provision of law
17 amended in this title pursuant to the amendments made
18 by the Continuing Appropriations Act, 2020, and Health
19 Extenders Act of 2019 (Public Law 116–59), the Further
20 Continuing Appropriations Act, 2020, and Further Health
21 Extenders Act of 2019 (Public Law 116-69), and the Fur-
22 ther Consolidated Appropriations Act, 2020 (Public Law
23 116–94) for fiscal year 2020 shall be charged to the appli-
24 cable appropriation or authorization provided by the

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1 amendments made by this title to such provision of law
2 for such fiscal year.

# 3 Subtitle F—Over-the-Counter
# 4 Drugs

## 5 PART I—OTC DRUG REVIEW

### 6 SEC. 3851. REGULATION OF CERTAIN NONPRESCRIPTION
### 7 DRUGS THAT ARE MARKETED WITHOUT AN
### 8 APPROVED DRUG APPLICATION.

9 (a) IN GENERAL.—Chapter V of the Federal Food,
10 Drug, and Cosmetic Act is amended by inserting after sec-
11 tion 505F of such Act (21 U.S.C. 355g) the following:

### 12 "SEC. 505G. REGULATION OF CERTAIN NONPRESCRIPTION
### 13 DRUGS THAT ARE MARKETED WITHOUT AN
### 14 APPROVED DRUG APPLICATION.

15 "(a) NONPRESCRIPTION DRUGS MARKETED WITH-
16 OUT AN APPROVED APPLICATION.—Nonprescription
17 drugs marketed without an approved drug application
18 under section 505, as of the date of the enactment of this
19 section, shall be treated in accordance with this sub-
20 section.

21 "(1) DRUGS SUBJECT TO A FINAL MONOGRAPH;
22 CATEGORY I DRUGS SUBJECT TO A TENTATIVE
23 FINAL MONOGRAPH.—A drug is deemed to be gen-
24 erally recognized as safe and effective under section

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1 201(p)(1), not a new drug under section 201(p), and
2 not subject to section 503(b)(1), if—
3 "(A) the drug is—
4 "(i) in conformity with the require-
5 ments for nonprescription use of a final
6 monograph issued under part 330 of title
7 21, Code of Federal Regulations (except as
8 provided in paragraph (2)), the general re-
9 quirements for nonprescription drugs, and
10 conditions or requirements under sub-
11 sections (b), (c), and (k); and
12 "(ii) except as permitted by an order
13 issued under subsection (b) or, in the case
14 of a minor change in the drug, in con-
15 formity with an order issued under sub-
16 section (c), in a dosage form that, imme-
17 diately prior to the date of the enactment
18 of this section, has been used to a material
19 extent and for a material time under sec-
20 tion 201(p)(2); or
21 "(B) the drug is—
22 "(i) classified in category I for safety
23 and effectiveness under a tentative final
24 monograph that is the most recently appli-
25 cable proposal or determination issued

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1 under part 330 of title 21, Code of Federal
2 Regulations;
3 "(ii) in conformity with the proposed
4 requirements for nonprescription use of
5 such tentative final monograph, any appli-
6 cable subsequent determination by the Sec-
7 retary, the general requirements for non-
8 prescription drugs, and conditions or re-
9 quirements under subsections (b), (c), and
10 (k); and
11 "(iii) except as permitted by an order
12 issued under subsection (b) or, in the case
13 of a minor change in the drug, in con-
14 formity with an order issued under sub-
15 section (c), in a dosage form that, imme-
16 diately prior to the date of the enactment
17 of this section, has been used to a material
18 extent and for a material time under sec-
19 tion 201(p)(2).
20 "(2) TREATMENT OF SUNSCREEN DRUGS.—
21 With respect to sunscreen drugs subject to this sec-
22 tion, the applicable requirements in terms of con-
23 formity with a final monograph, for purposes of
24 paragraph (1)(A)(i), shall be the requirements speci-
25 fied in part 352 of title 21, Code of Federal Regula-

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1 tions, as published on May 21, 1999, beginning on
2 page 27687 of volume 64 of the Federal Register,
3 except that the applicable requirements governing ef-
4 fectiveness and labeling shall be those specified in
5 section 201.327 of title 21, Code of Federal Regula-
6 tions.

7 "(3) CATEGORY III DRUGS SUBJECT TO A TEN-
8 TATIVE FINAL MONOGRAPH; CATEGORY I DRUGS
9 SUBJECT TO PROPOSED MONOGRAPH OR ADVANCE
10 NOTICE OF PROPOSED RULEMAKING.—A drug that
11 is not described in paragraph (1), (2), or (4) is not
12 required to be the subject of an application approved
13 under section 505, and is not subject to section
14 503(b)(1), if—

15 "(A) the drug is—

16 "(i) classified in category III for safe-
17 ty or effectiveness in the preamble of a
18 proposed rule establishing a tentative final
19 monograph that is the most recently appli-
20 cable proposal or determination for such
21 drug issued under part 330 of title 21,
22 Code of Federal Regulations;

23 "(ii) in conformity with—

24 "(I) the conditions of use, includ-
25 ing indication and dosage strength, if

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1 any, described for such category III
2 drug in such preamble or in an appli-
3 cable subsequent proposed rule;
4 "(II) the proposed requirements
5 for drugs classified in such tentative
6 final monograph in category I in the
7 most recently proposed rule estab-
8 lishing requirements related to such
9 tentative final monograph and in any
10 final rule establishing requirements
11 that are applicable to the drug; and
12 "(III) the general requirements
13 for nonprescription drugs and condi-
14 tions or requirements under sub-
15 section (b) or (k); and
16 "(iii) in a dosage form that, imme-
17 diately prior to the date of the enactment
18 of this section, had been used to a material
19 extent and for a material time under sec-
20 tion 201(p)(2); or
21 "(B) the drug is—
22 "(i) classified in category I for safety
23 and effectiveness under a proposed mono-
24 graph or advance notice of proposed rule-
25 making that is the most recently applicable

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1 proposal or determination for such drug
2 issued under part 330 of title 21, Code of
3 Federal Regulations;
4 "(ii) in conformity with the require-
5 ments for nonprescription use of such pro-
6 posed monograph or advance notice of pro-
7 posed rulemaking, any applicable subse-
8 quent determination by the Secretary, the
9 general requirements for nonprescription
10 drugs, and conditions or requirements
11 under subsection (b) or (k); and
12 "(iii) in a dosage form that, imme-
13 diately prior to the date of the enactment
14 of this section, has been used to a material
15 extent and for a material time under sec-
16 tion 201(p)(2).
17 "(4) CATEGORY II DRUGS DEEMED NEW
18 DRUGS.—A drug that is classified in category II for
19 safety or effectiveness under a tentative final mono-
20 graph or that is subject to a determination to be not
21 generally recognized as safe and effective in a pro-
22 posed rule that is the most recently applicable pro-
23 posal issued under part 330 of title 21, Code of Fed-
24 eral Regulations, shall be deemed to be a new drug
25 under section 201(p), misbranded under section

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1 502(ee), and subject to the requirement for an ap-
2 proved new drug application under section 505 be-
3 ginning on the day that is 180 calendar days after
4 the date of the enactment of this section, unless, be-
5 fore such day, the Secretary determines that it is in
6 the interest of public health to extend the period
7 during which the drug may be marketed without
8 such an approved new drug application.

9 "(5) DRUGS NOT GRASE DEEMED NEW
10 DRUGS.—A drug that the Secretary has determined
11 not to be generally recognized as safe and effective
12 under section 201(p)(1) under a final determination
13 issued under part 330 of title 21, Code of Federal
14 Regulations, shall be deemed to be a new drug under
15 section 201(p), misbranded under section 502(ee),
16 and subject to the requirement for an approved new
17 drug application under section 505.

18 "(6) OTHER DRUGS DEEMED NEW DRUGS.—
19 Except as provided in subsection (m), a drug is
20 deemed to be a new drug under section 201(p) and
21 misbranded under section 502(ee) if the drug—

22 "(A) is not subject to section 503(b)(1);
23 and

24 "(B) is not described in paragraph (1),
25 (2), (3), (4), or (5), or subsection (b)(1)(B).

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1 "(b) ADMINISTRATIVE ORDERS.—
2 "(1) IN GENERAL.—
3 "(A) DETERMINATION.—The Secretary
4 may, on the initiative of the Secretary or at the
5 request of one or more requestors, issue an ad-
6 ministrative order determining whether there
7 are conditions under which a specific drug, a
8 class of drugs, or a combination of drugs, is de-
9 termined to be—
10 "(i) not subject to section 503(b)(1);
11 and
12 "(ii) generally recognized as safe and
13 effective under section 201(p)(1).
14 "(B) EFFECT.—A drug or combination of
15 drugs shall be deemed to not require approval
16 under section 505 if such drug or combination
17 of drugs—
18 "(i) is determined by the Secretary to
19 meet the conditions specified in clauses (i)
20 and (ii) of subparagraph (A);
21 "(ii) is marketed in conformity with
22 an administrative order under this sub-
23 section;
24 "(iii) meets the general requirements
25 for nonprescription drugs; and

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1 "(iv) meets the requirements under
2 subsections (c) and (k).
3 "(C) STANDARD.—The Secretary shall find
4 that a drug is not generally recognized as safe
5 and effective under section 201(p)(1) if—
6 "(i) the evidence shows that the drug
7 is not generally recognized as safe and ef-
8 fective under section 201(p)(1); or
9 "(ii) the evidence is inadequate to
10 show that the drug is generally recognized
11 as safe and effective under section
12 201(p)(1).
13 "(2) ADMINISTRATIVE ORDERS INITIATED BY
14 THE SECRETARY.—
15 "(A) IN GENERAL.—In issuing an adminis-
16 trative order under paragraph (1) upon the
17 Secretary's initiative, the Secretary shall—
18 "(i) make reasonable efforts to notify
19 informally, not later than 2 business days
20 before the issuance of the proposed order,
21 the sponsors of drugs who have a listing in
22 effect under section 510(j) for the drugs or
23 combination of drugs that will be subject
24 to the administrative order;

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1 "(ii) after any such reasonable efforts
2 of notification—
3 "(I) issue a proposed administra-
4 tive order by publishing it on the
5 website of the Food and Drug Admin-
6 istration and include in such order the
7 reasons for the issuance of such order;
8 and
9 "(II) publish a notice of avail-
10 ability of such proposed order in the
11 Federal Register;
12 "(iii) except as provided in subpara-
13 graph (B), provide for a public comment
14 period with respect to such proposed order
15 of not less than 45 calendar days; and
16 "(iv) if, after completion of the pro-
17 ceedings specified in clauses (i) through
18 (iii), the Secretary determines that it is ap-
19 propriate to issue a final administrative
20 order—
21 "(I) issue the final administrative
22 order, together with a detailed state-
23 ment of reasons, which order shall not
24 take effect until the time for request-

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1 ing judicial review under paragraph
2 (3)(D)(ii) has expired;
3 "(II) publish a notice of such
4 final administrative order in the Fed-
5 eral Register;
6 "(III) afford requestors of drugs
7 that will be subject to such order the
8 opportunity for formal dispute resolu-
9 tion up to the level of the Director of
10 the Center for Drug Evaluation and
11 Research, which initially must be re-
12 quested within 45 calendar days of
13 the issuance of the order, and, for
14 subsequent levels of appeal, within 30
15 calendar days of the prior decision;
16 and
17 "(IV) except with respect to
18 drugs described in paragraph (3)(B),
19 upon completion of the formal dispute
20 resolution procedure, inform the per-
21 sons which sought such dispute reso-
22 lution of their right to request a hear-
23 ing.
24 "(B) EXCEPTIONS.—When issuing an ad-
25 ministrative order under paragraph (1) on the

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1 Secretary's initiative proposing to determine
2 that a drug described in subsection (a)(3) is not
3 generally recognized as safe and effective under
4 section 201(p)(1), the Secretary shall follow the
5 procedures in subparagraph (A), except that—
6 "(i) the proposed order shall include
7 notice of—
8 "(I) the general categories of
9 data the Secretary has determined
10 necessary to establish that the drug is
11 generally recognized as safe and effec-
12 tive under section 201(p)(1); and
13 "(II) the format for submissions
14 by interested persons;
15 "(ii) the Secretary shall provide for a
16 public comment period of no less than 180
17 calendar days with respect to such pro-
18 posed order, except when the Secretary de-
19 termines, for good cause, that a shorter pe-
20 riod is in the interest of public health; and
21 "(iii) any person who submits data in
22 such comment period shall include a cer-
23 tification that the person has submitted all
24 evidence created, obtained, or received by
25 that person that is both within the cat-

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1 egories of data identified in the proposed
2 order and relevant to a determination as to
3 whether the drug is generally recognized as
4 safe and effective under section 201(p)(1).
5 "(3) HEARINGS; JUDICIAL REVIEW.—
6 "(A) IN GENERAL.—Only a person who
7 participated in each stage of formal dispute res-
8 olution under subclause (III) of paragraph
9 (2)(A)(iv) of an administrative order with re-
10 spect to a drug may request a hearing con-
11 cerning a final administrative order issued
12 under such paragraph with respect to such
13 drug. If a hearing is sought, such person must
14 submit a request for a hearing, which shall be
15 based solely on information in the administra-
16 tive record, to the Secretary not later than 30
17 calendar days after receiving notice of the final
18 decision of the formal dispute resolution proce-
19 dure.
20 "(B) NO HEARING REQUIRED WITH RE-
21 SPECT TO ORDERS RELATING TO CERTAIN
22 DRUGS.—
23 "(i) IN GENERAL.—The Secretary
24 shall not be required to provide notice and
25 an opportunity for a hearing pursuant to

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1 paragraph (2)(A)(iv) if the final adminis-
2 trative order involved relates to a drug—
3 "(I) that is described in sub-
4 section (a)(3)(A); and
5 "(II) with respect to which no
6 human or non-human data studies rel-
7 evant to the safety or effectiveness of
8 such drug have been submitted to the
9 administrative record since the
10 issuance of the most recent tentative
11 final monograph relating to such
12 drug.
13 "(ii) HUMAN DATA STUDIES AND
14 NON-HUMAN DATA DEFINED.—In this sub-
15 paragraph:
16 "(I) The term 'human data stud-
17 ies' means clinical trials of safety or
18 effectiveness (including actual use
19 studies), pharmacokinetics studies, or
20 bioavailability studies.
21 "(II) The term 'non-human data'
22 means data from testing other than
23 with human subjects which provides
24 information concerning safety or ef-
25 fectiveness.

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1 "(C) HEARING PROCEDURES.—
2 "(i) DENIAL OF REQUEST FOR HEAR-
3 ING.—If the Secretary determines that in-
4 formation submitted in a request for a
5 hearing under subparagraph (A) with re-
6 spect to a final administrative order issued
7 under paragraph (2)(A)(iv) does not iden-
8 tify the existence of a genuine and sub-
9 stantial question of material fact, the Sec-
10 retary may deny such request. In making
11 such a determination, the Secretary may
12 consider only information and data that
13 are based on relevant and reliable scientific
14 principles and methodologies.
15 "(ii) SINGLE HEARING FOR MULTIPLE
16 RELATED REQUESTS.—If more than one
17 request for a hearing is submitted with re-
18 spect to the same administrative order
19 under subparagraph (A), the Secretary
20 may direct that a single hearing be con-
21 ducted in which all persons whose hearing
22 requests were granted may participate.
23 "(iii) PRESIDING OFFICER.—The pre-
24 siding officer of a hearing requested under
25 subparagraph (A) shall—

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1 "(I) be designated by the Sec-
2 retary;
3 "(II) not be an employee of the
4 Center for Drug Evaluation and Re-
5 search; and
6 "(III) not have been previously
7 involved in the development of the ad-
8 ministrative order involved or pro-
9 ceedings relating to that administra-
10 tive order.
11 "(iv) RIGHTS OF PARTIES TO HEAR-
12 ING.—The parties to a hearing requested
13 under subparagraph (A) shall have the
14 right to present testimony, including testi-
15 mony of expert witnesses, and to cross-ex-
16 amine witnesses presented by other parties.
17 Where appropriate, the presiding officer
18 may require that cross-examination by par-
19 ties representing substantially the same in-
20 terests be consolidated to promote effi-
21 ciency and avoid duplication.
22 "(v) FINAL DECISION.—
23 "(I) At the conclusion of a hear-
24 ing requested under subparagraph
25 (A), the presiding officer of the hear-

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1 ing shall issue a decision containing
2 findings of fact and conclusions of
3 law. The decision of the presiding offi-
4 cer shall be final.
5 "(II) The final decision may not
6 take effect until the period under sub-
7 paragraph (D)(ii) for submitting a re-
8 quest for judicial review of such deci-
9 sion expires.
10 "(D) JUDICIAL REVIEW OF FINAL ADMIN-
11 ISTRATIVE ORDER.—
12 "(i) IN GENERAL.—The procedures
13 described in section 505(h) shall apply
14 with respect to judicial review of final ad-
15 ministrative orders issued under this sub-
16 section in the same manner and to the
17 same extent as such section applies to an
18 order described in such section except that
19 the judicial review shall be taken by filing
20 in an appropriate district court of the
21 United States in lieu of the appellate
22 courts specified in such section.
23 "(ii) PERIOD TO SUBMIT A REQUEST
24 FOR JUDICIAL REVIEW.—A person eligible
25 to request a hearing under this paragraph

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1 and seeking judicial review of a final ad-
2 ministrative order issued under this sub-
3 section shall file such request for judicial
4 review not later than 60 calendar days
5 after the latest of—
6 "(I) the date on which notice of
7 such order is published;
8 "(II) the date on which a hearing
9 with respect to such order is denied
10 under subparagraph (B) or (C)(i);
11 "(III) the date on which a final
12 decision is made following a hearing
13 under subparagraph (C)(v); or
14 "(IV) if no hearing is requested,
15 the date on which the time for re-
16 questing a hearing expires.
17 "(4) EXPEDITED PROCEDURE WITH RESPECT
18 TO ADMINISTRATIVE ORDERS INITIATED BY THE
19 SECRETARY.—
20 "(A) IMMINENT HAZARD TO THE PUBLIC
21 HEALTH.—
22 "(i) IN GENERAL.—In the case of a
23 determination by the Secretary that a
24 drug, class of drugs, or combination of
25 drugs subject to this section poses an im-

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1 minent hazard to the public health, the
2 Secretary, after first making reasonable ef-
3 forts to notify, not later than 48 hours be-
4 fore issuance of such order under this sub-
5 paragraph, sponsors who have a listing in
6 effect under section 510(j) for such drug
7 or combination of drugs—
8 "(I) may issue an interim final
9 administrative order for such drug,
10 class of drugs, or combination of
11 drugs under paragraph (1), together
12 with a detailed statement of the rea-
13 sons for such order;
14 "(II) shall publish in the Federal
15 Register a notice of availability of any
16 such order; and
17 "(III) shall provide for a public
18 comment period of at least 45 cal-
19 endar days with respect to such in-
20 terim final order.
21 "(ii) NONDELEGATION.—The Sec-
22 retary may not delegate the authority to
23 issue an interim final administrative order
24 under this subparagraph.
25 "(B) SAFETY LABELING CHANGES.—

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1 "(i) IN GENERAL.—In the case of a
2 determination by the Secretary that a
3 change in the labeling of a drug, class of
4 drugs, or combination of drugs subject to
5 this section is reasonably expected to miti-
6 gate a significant or unreasonable risk of
7 a serious adverse event associated with use
8 of the drug, the Secretary may—
9 "(I) make reasonable efforts to
10 notify informally, not later than 48
11 hours before the issuance of the in-
12 terim final order, the sponsors of
13 drugs who have a listing in effect
14 under section 510(j) for such drug or
15 combination of drugs;
16 "(II) after reasonable efforts of
17 notification, issue an interim final ad-
18 ministrative order in accordance with
19 paragraph (1) to require such change,
20 together with a detailed statement of
21 the reasons for such order;
22 "(III) publish in the Federal
23 Register a notice of availability of
24 such order; and

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1 "(IV) provide for a public com-
2 ment period of at least 45 calendar
3 days with respect to such interim final
4 order.
5 "(ii) CONTENT OF ORDER.—An in-
6 terim final order issued under this sub-
7 paragraph with respect to the labeling of a
8 drug may provide for new warnings and
9 other information required for safe use of
10 the drug.
11 "(C) EFFECTIVE DATE.—An order under
12 subparagraph (A) or (B) shall take effect on a
13 date specified by the Secretary.
14 "(D) FINAL ORDER.—After the completion
15 of the proceedings in subparagraph (A) or (B),
16 the Secretary shall—
17 "(i) issue a final order in accordance
18 with paragraph (1);
19 "(ii) publish a notice of availability of
20 such final administrative order in the Fed-
21 eral Register; and
22 "(iii) afford sponsors of such drugs
23 that will be subject to such an order the
24 opportunity for formal dispute resolution
25 up to the level of the Director of the Cen-

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1 ter for Drug Evaluation and Research,
2 which must initially be within 45 calendar
3 days of the issuance of the order, and for
4 subsequent levels of appeal, within 30 cal-
5 endar days of the prior decision.
6 "(E) HEARINGS.—A sponsor of a drug
7 subject to a final order issued under subpara-
8 graph (D) and that participated in each stage
9 of formal dispute resolution under clause (iii) of
10 such subparagraph may request a hearing on
11 such order. The provisions of subparagraphs
12 (A), (B), and (C) of paragraph (3), other than
13 paragraph (3)(C)(v)(II), shall apply with re-
14 spect to a hearing on such order in the same
15 manner and to the same extent as such provi-
16 sions apply with respect to a hearing on an ad-
17 ministrative order issued under paragraph
18 (2)(A)(iv).
19 "(F) TIMING.—
20 "(i) FINAL ORDER AND HEARING.—
21 The Secretary shall—
22 "(I) not later than 6 months
23 after the date on which the comment
24 period closes under subparagraph (A)

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1 or (B), issue a final order in accord-
2 ance with paragraph (1); and
3 "(II) not later than 12 months
4 after the date on which such final
5 order is issued, complete any hearing
6 under subparagraph (E).
7 "(ii) DISPUTE RESOLUTION RE-
8 QUEST.—The Secretary shall specify in an
9 interim final order issued under subpara-
10 graph (A) or (B) such shorter periods for
11 requesting dispute resolution under sub-
12 paragraph (D)(iii) as are necessary to
13 meet the requirements of this subpara-
14 graph.
15 "(G) JUDICIAL REVIEW.—A final order
16 issued pursuant to subparagraph (F) shall be
17 subject to judicial review in accordance with
18 paragraph (3)(D).
19 "(5) ADMINISTRATIVE ORDER INITIATED AT
20 THE REQUEST OF A REQUESTOR.—
21 "(A) IN GENERAL.—In issuing an adminis-
22 trative order under paragraph (1) at the re-
23 quest of a requestor with respect to certain
24 drugs, classes of drugs, or combinations of
25 drugs—

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1 "(i) the Secretary shall, after receiv-
2 ing a request under this subparagraph, de-
3 termine whether the request is sufficiently
4 complete and formatted to permit a sub-
5 stantive review;
6 "(ii) if the Secretary determines that
7 the request is sufficiently complete and for-
8 matted to permit a substantive review, the
9 Secretary shall—
10 "(I) file the request; and
11 "(II) initiate proceedings with re-
12 spect to issuing an administrative
13 order in accordance with paragraphs
14 (2) and (3); and
15 "(iii) except as provided in paragraph
16 (6), if the Secretary determines that a re-
17 quest does not meet the requirements for
18 filing or is not sufficiently complete and
19 formatted to permit a substantive review,
20 the requestor may demand that the request
21 be filed over protest, and the Secretary
22 shall initiate proceedings to review the re-
23 quest in accordance with paragraph (2)(A).
24 "(B) REQUEST TO INITIATE PRO-
25 CEEDINGS.—

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1 "(i) IN GENERAL.—A requestor seek-
2 ing an administrative order under para-
3 graph (1) with respect to certain drugs,
4 classes of drugs, or combinations of drugs,
5 shall submit to the Secretary a request to
6 initiate proceedings for such order in the
7 form and manner as specified by the Sec-
8 retary. Such requestor may submit a re-
9 quest under this subparagraph for the
10 issuance of an administrative order—
11 "(I) determining whether a drug
12 is generally recognized as safe and ef-
13 fective under section 201(p)(1), ex-
14 empt from section 503(b)(1), and not
15 required to be the subject of an ap-
16 proved application under section 505;
17 or
18 "(II) determining whether a
19 change to a condition of use of a drug
20 is generally recognized as safe and ef-
21 fective under section 201(p)(1), ex-
22 empt from section 503(b)(1), and not
23 required to be the subject of an ap-
24 proved application under section 505,

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1 if, absent such a changed condition of
2 use, such drug is—
3 "(aa) generally recognized
4 as safe and effective under sec-
5 tion 201(p)(1) in accordance with
6 subsection (a)(1), (a)(2), or an
7 order under this subsection; or
8 "(bb) subject to subsection
9 (a)(3), but only if such requestor
10 initiates such request in conjunc-
11 tion with a request for the Sec-
12 retary to determine whether such
13 drug is generally recognized as
14 safe and effective under section
15 201(p)(1), which is filed by the
16 Secretary under subparagraph
17 (A)(ii).
18 "(ii) EXCEPTION.—The Secretary is
19 not required to complete review of a re-
20 quest for a change described in clause
21 (i)(II) if the Secretary determines that
22 there is an inadequate basis to find the
23 drug is generally recognized as safe and ef-
24 fective under section 201(p)(1) under para-

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1 graph (1) and issues a final order an-
2 nouncing that determination.
3 "(iii) WITHDRAWAL.—The requestor
4 may withdraw a request under this para-
5 graph, according to the procedures set
6 forth pursuant to subsection (d)(2)(B).
7 Notwithstanding any other provision of
8 this section, if such request is withdrawn,
9 the Secretary may cease proceedings under
10 this subparagraph.
11 "(C) EXCLUSIVITY.—
12 "(i) IN GENERAL.—A final adminis-
13 trative order issued in response to a re-
14 quest under this section shall have the ef-
15 fect of authorizing solely the order re-
16 questor (or the licensees, assignees, or suc-
17 cessors in interest of such requestor with
18 respect to the subject of such order), for a
19 period of 18 months following the effective
20 date of such final order and beginning on
21 the date the requestor may lawfully market
22 such drugs pursuant to the order, to mar-
23 ket drugs—
24 "(I) incorporating changes de-
25 scribed in clause (ii); and

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1 "(II) subject to the limitations
2 under clause (iv).
3 "(ii) CHANGES DESCRIBED.—A
4 change described in this clause is a change
5 subject to an order specified in clause (i),
6 which—
7 "(I) provides for a drug to con-
8 tain an active ingredient (including
9 any ester or salt of the active ingre-
10 dient) not previously incorporated in a
11 drug described in clause (iii); or
12 "(II) provides for a change in the
13 conditions of use of a drug, for which
14 new human data studies conducted or
15 sponsored by the requestor (or for
16 which the requestor has an exclusive
17 right of reference) were essential to
18 the issuance of such order.
19 "(iii) DRUGS DESCRIBED.—The drugs
20 described in this clause are drugs—
21 "(I) specified in subsection
22 (a)(1), (a)(2), or (a)(3);
23 "(II) subject to a final order
24 issued under this section;

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1 "(III) subject to a final sun-
2 screen order (as defined in section
3 586(2)(A)); or
4 "(IV) described in subsection
5 (m)(1), other than drugs subject to an
6 active enforcement action under chap-
7 ter III of this Act.
8 "(iv) LIMITATIONS ON EXCLU-
9 SIVITY.—
10 "(I) IN GENERAL.—Only one 18-
11 month period under this subpara-
12 graph shall be granted, under each
13 order described in clause (i), with re-
14 spect to changes (to the drug subject
15 to such order) which are either—
16 "(aa) changes described in
17 clause (ii)(I), relating to active
18 ingredients; or
19 "(bb) changes described in
20 clause (ii)(II), relating to condi-
21 tions of use.
22 "(II) NO EXCLUSIVITY AL-
23 LOWED.—No exclusivity shall apply to
24 changes to a drug which are—

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1 "(aa) the subject of a Tier 2
2 OTC monograph order request
3 (as defined in section 744L);
4 "(bb) safety-related changes,
5 as defined by the Secretary, or
6 any other changes the Secretary
7 considers necessary to assure
8 safe use; or
9 "(cc) changes related to
10 methods of testing safety or effi-
11 cacy.
12 "(v) NEW HUMAN DATA STUDIES DE-
13 FINED.—In this subparagraph, the term
14 'new human data studies' means clinical
15 trials of safety or effectiveness (including
16 actual use studies), pharmacokinetics stud-
17 ies, or bioavailability studies, the results of
18 which—
19 "(I) have not been relied on by
20 the Secretary to support—
21 "(aa) a proposed or final de-
22 termination that a drug described
23 in subclause (I), (II), or (III) of
24 clause (iii) is generally recognized

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1 as safe and effective under sec-
2 tion 201(p)(1); or
3 "(bb) approval of a drug
4 that was approved under section
5 505; and
6 "(II) do not duplicate the results
7 of another study that was relied on by
8 the Secretary to support—
9 "(aa) a proposed or final de-
10 termination that a drug described
11 in subclause (I), (II), or (III) of
12 clause (iii) is generally recognized
13 as safe and effective under sec-
14 tion 201(p)(1); or
15 "(bb) approval of a drug
16 that was approved under section
17 505.
18 "(vi) NOTIFICATION OF DRUG NOT
19 AVAILABLE FOR SALE.—A requestor that
20 is granted exclusivity with respect to a
21 drug under this subparagraph shall notify
22 the Secretary in writing within 1 year of
23 the issuance of the final administrative
24 order if the drug that is the subject of
25 such order will not be available for sale

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1 within 1 year of the date of issuance of
2 such order. The requestor shall include
3 with such notice the—
4 "(I) identity of the drug by es-
5 tablished name and by proprietary
6 name, if any;
7 "(II) strength of the drug;
8 "(III) date on which the drug
9 will be available for sale, if known;
10 and
11 "(IV) reason for not marketing
12 the drug after issuance of the order.
13 "(6) INFORMATION REGARDING SAFE NON-
14 PRESCRIPTION MARKETING AND USE AS CONDITION
15 FOR FILING A GENERALLY RECOGNIZED AS SAFE
16 AND EFFECTIVE REQUEST.—
17 "(A) IN GENERAL.—In response to a re-
18 quest under this section that a drug described
19 in subparagraph (B) be generally recognized as
20 safe and effective, the Secretary—
21 "(i) may file such request, if the re-
22 quest includes information specified under
23 subparagraph (C) with respect to safe non-
24 prescription marketing and use of such
25 drug; or

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1 "(ii) if the request fails to include in-
2 formation specified under subparagraph
3 (C), shall refuse to file such request and
4 require that nonprescription marketing of
5 the drug be pursuant to a new drug appli-
6 cation as described in subparagraph (D).
7 "(B) DRUG DESCRIBED.—A drug de-
8 scribed in this subparagraph is a nonprescrip-
9 tion drug which contains an active ingredient
10 not previously incorporated in a drug—
11 "(i) specified in subsection (a)(1),
12 (a)(2), or (a)(3);
13 "(ii) subject to a final order under
14 this section; or
15 "(iii) subject to a final sunscreen
16 order (as defined in section 586(2)(A)).
17 "(C) INFORMATION DEMONSTRATING
18 PRIMA FACIE SAFE NONPRESCRIPTION MAR-
19 KETING AND USE.—Information specified in
20 this subparagraph, with respect to a request de-
21 scribed in subparagraph (A)(i), is—
22 "(i) information sufficient for a prima
23 facie demonstration that the drug subject
24 to such request has a verifiable history of
25 being marketed and safely used by con-

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1 sumers in the United States as a non-
2 prescription drug under comparable condi-
3 tions of use;
4 "(ii) if the drug has not been pre-
5 viously marketed in the United States as a
6 nonprescription drug, information suffi-
7 cient for a prima facie demonstration that
8 the drug was marketed and safely used
9 under comparable conditions of marketing
10 and use in a country listed in section
11 802(b)(1)(A) or designated by the Sec-
12 retary in accordance with section
13 802(b)(1)(B)—
14 "(I) for such period as needed to
15 provide reasonable assurances con-
16 cerning the safe nonprescription use
17 of the drug; and
18 "(II) during such time was sub-
19 ject to sufficient monitoring by a reg-
20 ulatory body considered acceptable by
21 the Secretary for such monitoring
22 purposes, including for adverse events
23 associated with nonprescription use of
24 the drug; or

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1 "(iii) if the Secretary determines that
2 information described in clause (i) or (ii) is
3 not needed to provide a prima facie dem-
4 onstration that the drug can be safely mar-
5 keted and used as a nonprescription drug,
6 such other information the Secretary deter-
7 mines is sufficient for such purposes.
8 "(D) MARKETING PURSUANT TO NEW
9 DRUG APPLICATION.—In the case of a request
10 described in subparagraph (A)(ii), the drug
11 subject to such request may be resubmitted for
12 filing only if—
13 "(i) the drug is marketed as a non-
14 prescription drug, under conditions of use
15 comparable to the conditions specified in
16 the request, for such period as the Sec-
17 retary determines appropriate (not to ex-
18 ceed 5 consecutive years) pursuant to an
19 application approved under section 505;
20 and
21 "(ii) during such period, 1,000,000
22 retail packages of the drug, or an equiva-
23 lent quantity as determined by the Sec-
24 retary, were distributed for retail sale, as

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1 determined in such manner as the Sec-
2 retary finds appropriate.
3 "(E) RULE OF APPLICATION.—Except in
4 the case of a request involving a drug described
5 in section 586(9), as in effect on January 1,
6 2017, if the Secretary refuses to file a request
7 under this paragraph, the requestor may not
8 file such request over protest under paragraph
9 (5)(A)(iii).
10 "(7) PACKAGING.—An administrative order
11 issued under paragraph (2), (4)(A), or (5) may in-
12 clude requirements for the packaging of a drug to
13 encourage use in accordance with labeling. Such re-
14 quirements may include unit dose packaging, re-
15 quirements for products intended for use by pedi-
16 atric populations, requirements to reduce risk of
17 harm from unsupervised ingestion, and other appro-
18 priate requirements. This paragraph does not au-
19 thorize the Food and Drug Administration to re-
20 quire standards or testing procedures as described in
21 part 1700 of title 16, Code of Federal Regulations.
22 "(8) FINAL AND TENTATIVE FINAL MONO-
23 GRAPHS FOR CATEGORY I DRUGS DEEMED FINAL
24 ADMINISTRATIVE ORDERS.—

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1 "(A) IN GENERAL.—A final monograph or
2 tentative final monograph described in subpara-
3 graph (B) shall be deemed to be a final admin-
4 istrative order under this subsection and may
5 be amended, revoked, or otherwise modified in
6 accordance with the procedures of this sub-
7 section.
8 "(B) MONOGRAPHS DESCRIBED.—For pur-
9 poses of subparagraph (A), a final monograph
10 or tentative final monograph is described in this
11 subparagraph if it—
12 "(i) establishes conditions of use for a
13 drug described in paragraph (1) or (2) of
14 subsection (a); and
15 "(ii) represents the most recently pro-
16 mulgated version of such conditions, in-
17 cluding as modified, in whole or in part, by
18 any proposed or final rule.
19 "(C) DEEMED ORDERS INCLUDE HARMO-
20 NIZING TECHNICAL AMENDMENTS.—The
21 deemed establishment of a final administrative
22 order under subparagraph (A) shall be con-
23 strued to include any technical amendments to
24 such order as the Secretary determines nec-
25 essary to ensure that such order is appro-

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1 priately harmonized, in terms of terminology or
2 cross-references, with the applicable provisions
3 of this Act (and regulations thereunder) and
4 any other orders issued under this section.
5 "(c) PROCEDURE FOR MINOR CHANGES.—
6 "(1) IN GENERAL.—Minor changes in the dos-
7 age form of a drug that is described in paragraph
8 (1) or (2) of subsection (a) or the subject of an
9 order issued under subsection (b) may be made by
10 a requestor without the issuance of an order under
11 subsection (b) if—
12 "(A) the requestor maintains such infor-
13 mation as is necessary to demonstrate that the
14 change—
15 "(i) will not affect the safety or effec-
16 tiveness of the drug; and
17 "(ii) will not materially affect the ex-
18 tent of absorption or other exposure to the
19 active ingredient in comparison to a suit-
20 able reference product; and
21 "(B) the change is in conformity with the
22 requirements of an applicable administrative
23 order issued by the Secretary under paragraph
24 (3).
25 "(2) ADDITIONAL INFORMATION.—

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1 "(A) ACCESS TO RECORDS.—A sponsor
2 shall submit records requested by the Secretary
3 relating to such a minor change under section
4 704(a)(4), within 15 business days of receiving
5 such a request, or such longer period as the
6 Secretary may provide.
7 "(B) INSUFFICIENT INFORMATION.—If the
8 Secretary determines that the information con-
9 tained in such records is not sufficient to dem-
10 onstrate that the change does not affect the
11 safety or effectiveness of the drug or materially
12 affect the extent of absorption or other expo-
13 sure to the active ingredient, the Secretary—
14 "(i) may so inform the sponsor of the
15 drug in writing; and
16 "(ii) if the Secretary so informs the
17 sponsor, shall provide the sponsor of the
18 drug with a reasonable opportunity to pro-
19 vide additional information.
20 "(C) FAILURE TO SUBMIT SUFFICIENT IN-
21 FORMATION.—If the sponsor fails to provide
22 such additional information within a time pre-
23 scribed by the Secretary, or if the Secretary de-
24 termines that such additional information does
25 not demonstrate that the change does not—

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1 "(i) affect the safety or effectiveness
2 of the drug; or
3 "(ii) materially affect the extent of
4 absorption or other exposure to the active
5 ingredient in comparison to a suitable ref-
6 erence product,
7 the drug as modified is a new drug under sec-
8 tion 201(p) and shall be deemed to be mis-
9 branded under section 502(ee).
10 "(3) DETERMINING WHETHER A CHANGE WILL
11 AFFECT SAFETY OR EFFECTIVENESS.—
12 "(A) IN GENERAL.—The Secretary shall
13 issue one or more administrative orders speci-
14 fying requirements for determining whether a
15 minor change made by a sponsor pursuant to
16 this subsection will affect the safety or effective-
17 ness of a drug or materially affect the extent of
18 absorption or other exposure to an active ingre-
19 dient in the drug in comparison to a suitable
20 reference product, together with guidance for
21 applying those orders to specific dosage forms.
22 "(B) STANDARD PRACTICES.—The orders
23 and guidance issued by the Secretary under
24 subparagraph (A) shall take into account rel-
25 evant public standards and standard practices

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1 for evaluating the quality of drugs, and may
2 take into account the special needs of popu-
3 lations, including children.
4 "(d) CONFIDENTIALITY OF INFORMATION SUB-
5 MITTED TO THE SECRETARY.—
6 "(1) IN GENERAL.—Subject to paragraph (2),
7 any information, including reports of testing con-
8 ducted on the drug or drugs involved, that is sub-
9 mitted by a requestor in connection with proceedings
10 on an order under this section (including any minor
11 change under subsection (c)) and is a trade secret
12 or confidential information subject to section
13 552(b)(4) of title 5, United States Code, or section
14 1905 of title 18, United States Code, shall not be
15 disclosed to the public unless the requestor consents
16 to that disclosure.
17 "(2) PUBLIC AVAILABILITY.—
18 "(A) IN GENERAL.—Except as provided in
19 subparagraph (B), the Secretary shall—
20 "(i) make any information submitted
21 by a requestor in support of a request
22 under subsection (b)(5)(A) available to the
23 public not later than the date on which the
24 proposed order is issued; and

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1 "(ii) make any information submitted
2 by any other person with respect to an
3 order requested (or initiated by the Sec-
4 retary) under subsection (b), available to
5 the public upon such submission.
6 "(B) LIMITATIONS ON PUBLIC AVAIL-
7 ABILITY.—Information described in subpara-
8 graph (A) shall not be made public if—
9 "(i) the information pertains to phar-
10 maceutical quality information, unless such
11 information is necessary to establish stand-
12 ards under which a drug is generally rec-
13 ognized as safe and effective under section
14 201(p)(1);
15 "(ii) the information is submitted in a
16 requestor-initiated request, but the re-
17 questor withdraws such request, in accord-
18 ance with withdrawal procedures estab-
19 lished by the Secretary, before the Sec-
20 retary issues the proposed order;
21 "(iii) the Secretary requests and ob-
22 tains the information under subsection (c)
23 and such information is not submitted in
24 relation to an order under subsection (b);
25 or

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1 "(iv) the information is of the type
2 contained in raw datasets.
3 "(e) UPDATES TO DRUG LISTING INFORMATION.—
4 A sponsor who makes a change to a drug subject to this
5 section shall submit updated drug listing information for
6 the drug in accordance with section 510(j) within 30 cal-
7 endar days of the date when the drug is first commercially
8 marketed, except that a sponsor who was the order re-
9 questor with respect to an order subject to subsection
10 (b)(5)(C) (or a licensee, assignee, or successor in interest
11 of such requestor) shall submit updated drug listing infor-
12 mation on or before the date when the drug is first com-
13 mercially marketed.
14 "(f) APPROVALS UNDER SECTION 505.—The provi-
15 sions of this section shall not be construed to preclude a
16 person from seeking or maintaining the approval of an ap-
17 plication for a drug under sections 505(b)(1), 505(b)(2),
18 and 505(j). A determination under this section that a drug
19 is not subject to section 503(b)(1), is generally recognized
20 as safe and effective under section 201(p)(1), and is not
21 a new drug under section 201(p) shall constitute a finding
22 that the drug is safe and effective that may be relied upon
23 for purposes of an application under section 505(b)(2), so
24 that the applicant shall be required to submit for purposes
25 of such application only information needed to support any

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1 modification of the drug that is not covered by such deter-
2 mination under this section.
3 "(g) PUBLIC AVAILABILITY OF ADMINISTRATIVE OR-
4 DERS.—The Secretary shall establish, maintain, update
5 (as determined necessary by the Secretary but no less fre-
6 quently than annually), and make publicly available, with
7 respect to orders issued under this section—
8 "(1) a repository of each final order and in-
9 terim final order in effect, including the complete
10 text of the order; and
11 "(2) a listing of all orders proposed and under
12 development under subsection (b)(2), including—
13 "(A) a brief description of each such order;
14 and
15 "(B) the Secretary's expectations, if re-
16 sources permit, for issuance of proposed orders
17 over a 3-year period.
18 "(h) DEVELOPMENT ADVICE TO SPONSORS OR RE-
19 QUESTORS.—The Secretary shall establish procedures
20 under which sponsors or requestors may meet with appro-
21 priate officials of the Food and Drug Administration to
22 obtain advice on the studies and other information nec-
23 essary to support submissions under this section and other
24 matters relevant to the regulation of nonprescription

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1 drugs and the development of new nonprescription drugs
2 under this section.
3 "(i) PARTICIPATION OF MULTIPLE SPONSORS OR RE-
4 QUESTORS.—The Secretary shall establish procedures to
5 facilitate efficient participation by multiple sponsors or re-
6 questors in proceedings under this section, including provi-
7 sion for joint meetings with multiple sponsors or reques-
8 tors or with organizations nominated by sponsors or re-
9 questors to represent their interests in a proceeding.
10 "(j) ELECTRONIC FORMAT.—All submissions under
11 this section shall be in electronic format.
12 "(k) EFFECT ON EXISTING REGULATIONS GOV-
13 ERNING NONPRESCRIPTION DRUGS.—
14 "(1) REGULATIONS OF GENERAL APPLICA-
15 BILITY TO NONPRESCRIPTION DRUGS.—Except as
16 provided in this subsection, nothing in this section
17 supersedes regulations establishing general require-
18 ments for nonprescription drugs, including regula-
19 tions of general applicability contained in parts 201,
20 250, and 330 of title 21, Code of Federal Regula-
21 tions, or any successor regulations. The Secretary
22 shall establish or modify such regulations by means
23 of rulemaking in accordance with section 553 of title
24 5, United States Code.

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1 "(2) REGULATIONS ESTABLISHING REQUIRE-
2 MENTS FOR SPECIFIC NONPRESCRIPTION DRUGS.—
3 "(A) The provisions of section 310.545 of
4 title 21, Code of Federal Regulations, as in ef-
5 fect on the day before the date of the enact-
6 ment of this section, shall be deemed to be a
7 final order under subsection (b).
8 "(B) Regulations in effect on the day be-
9 fore the date of the enactment of this section,
10 establishing requirements for specific non-
11 prescription drugs marketed pursuant to this
12 section (including such requirements in parts
13 201 and 250 of title 21, Code of Federal Regu-
14 lations), shall be deemed to be final orders
15 under subsection (b), only as they apply to
16 drugs—
17 "(i) subject to paragraph (1), (2), (3),
18 or (4) of subsection (a); or
19 "(ii) otherwise subject to an order
20 under this section.
21 "(3) WITHDRAWAL OF REGULATIONS.—The
22 Secretary shall withdraw regulations establishing
23 final monographs and the procedures governing the
24 over-the-counter drug review under part 330 and
25 other relevant parts of title 21, Code of Federal

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1 Regulations (as in effect on the day before the date
2 of the enactment of this section), or make technical
3 changes to such regulations to ensure conformity
4 with appropriate terminology and cross references.
5 Notwithstanding subchapter II of chapter 5 of title
6 5, United States Code, any such withdrawal or tech-
7 nical changes shall be made without public notice
8 and comment and shall be effective upon publication
9 through notice in the Federal Register (or upon such
10 date as specified in such notice).
11 "(l) GUIDANCE.—The Secretary shall issue guidance
12 that specifies—
13 "(1) the procedures and principles for formal
14 meetings between the Secretary and sponsors or re-
15 questors for drugs subject to this section;
16 "(2) the format and content of data submis-
17 sions to the Secretary under this section;
18 "(3) the format of electronic submissions to the
19 Secretary under this section;
20 "(4) consolidated proceedings for appeal and
21 the procedures for such proceedings where appro-
22 priate; and
23 "(5) for minor changes in drugs, recommenda-
24 tions on how to comply with the requirements in or-
25 ders issued under subsection (c)(3).

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1 "(m) RULE OF CONSTRUCTION.—
2 "(1) IN GENERAL.—This section shall not af-
3 fect the treatment or status of a nonprescription
4 drug—
5 "(A) that is marketed without an applica-
6 tion approved under section 505 as of the date
7 of the enactment of this section;
8 "(B) that is not subject to an order issued
9 under this section; and
10 "(C) to which paragraph (1), (2), (3), (4),
11 or (5) of subsection (a) do not apply.
12 "(2) TREATMENT OF PRODUCTS PREVIOUSLY
13 FOUND TO BE SUBJECT TO TIME AND EXTENT RE-
14 QUIREMENTS.—
15 "(A) Notwithstanding subsection (a), a
16 drug described in subparagraph (B) may only
17 be lawfully marketed, without an application
18 approved under section 505, pursuant to an
19 order issued under this section.
20 "(B) A drug described in this subpara-
21 graph is a drug which, prior to the date of the
22 enactment of this section, the Secretary deter-
23 mined in a proposed or final rule to be ineligible
24 for review under the OTC drug review (as such
25 phrase 'OTC drug review' was used in section

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1 330.14 of title 21, Code of Federal Regulations,
2 as in effect on the day before the date of the
3 enactment of this section).
4 "(3) PRESERVATION OF AUTHORITY.—
5 "(A) Nothing in paragraph (1) shall be
6 construed to preclude or limit the applicability
7 of any provision of this Act other than this sec-
8 tion.
9 "(B) Nothing in subsection (a) shall be
10 construed to prohibit the Secretary from issuing
11 an order under this section finding a drug to be
12 not generally recognized as safe and effective
13 under section 201(p)(1), as the Secretary deter-
14 mines appropriate.
15 "(n) INVESTIGATIONAL NEW DRUGS.—A drug is not
16 subject to this section if an exemption for investigational
17 use under section 505(i) is in effect for such drug.
18 "(o) INAPPLICABILITY OF PAPERWORK REDUCTION
19 ACT.—Chapter 35 of title 44, United States Code, shall
20 not apply to collections of information made under this
21 section.
22 "(p) INAPPLICABILITY OF NOTICE AND COMMENT
23 RULEMAKING AND OTHER REQUIREMENTS.—The re-
24 quirements of subsection (b) shall apply with respect to
25 orders issued under this section instead of the require-

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1 ments of subchapter II of chapter 5 of title 5, United
2 States Code.
3 "(q) DEFINITIONS.—In this section:
4 "(1) The term 'nonprescription drug' refers to
5 a drug not subject to the requirements of section
6 503(b)(1).
7 "(2) The term 'sponsor' refers to any person
8 marketing, manufacturing, or processing a drug
9 that—
10 "(A) is listed pursuant to section 510(j);
11 and
12 "(B) is or will be subject to an administra-
13 tive order under this section of the Food and
14 Drug Administration.
15 "(3) The term 'requestor' refers to any person
16 or group of persons marketing, manufacturing, proc-
17 essing, or developing a drug.".
18 (b) GAO STUDY.—Not later than 4 years after the
19 date of enactment of this Act, the Comptroller General
20 of the United States shall submit a study to the Com-
21 mittee on Energy and Commerce of the House of Rep-
22 resentatives and the Committee on Health, Education,
23 Labor, and Pensions of the Senate addressing the effec-
24 tiveness and overall impact of exclusivity under section
25 505G of the Federal Food, Drug, and Cosmetic Act, as

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1 added by subsection (a), and section 586C of such Act
2 (21 U.S.C. 360fff–3), including the impact of such exclu-
3 sivity on consumer access. Such study shall include—
4 (1) an analysis of the impact of exclusivity
5 under such section 505G for nonprescription drug
6 products, including—
7 (A) the number of nonprescription drug
8 products that were granted exclusivity and the
9 indication for which the nonprescription drug
10 products were determined to be generally recog-
11 nized as safe and effective;
12 (B) whether the exclusivity for such drug
13 products was granted for—
14 (i) a new active ingredient (including
15 any ester or salt of the active ingredient);
16 or
17 (ii) changes in the conditions of use of
18 a drug, for which new human data studies
19 conducted or sponsored by the requestor
20 were essential;
21 (C) whether, and to what extent, the exclu-
22 sivity impacted the requestor's or sponsor's de-
23 cision to develop the drug product;

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1 (D) an analysis of the implementation of
2 the exclusivity provision in such section 505G,
3 including—
4 (i) the resources used by the Food
5 and Drug Administration;
6 (ii) the impact of such provision on
7 innovation, as well as research and devel-
8 opment in the nonprescription drug mar-
9 ket;
10 (iii) the impact of such provision on
11 competition in the nonprescription drug
12 market;
13 (iv) the impact of such provision on
14 consumer access to nonprescription drug
15 products;
16 (v) the impact of such provision on
17 the prices of nonprescription drug prod-
18 ucts; and
19 (vi) whether the administrative orders
20 initiated by requestors under such section
21 505G have been sufficient to encourage the
22 development of nonprescription drug prod-
23 ucts that would likely not be otherwise de-
24 veloped, or developed in as timely a man-
25 ner; and

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1 (E) whether the administrative orders ini-
2 tiated by requestors under such section 505G
3 have been sufficient incentive to encourage in-
4 novation in the nonprescription drug market;
5 and
6 (2) an analysis of the impact of exclusivity
7 under such section 586C for sunscreen ingredients,
8 including—
9 (A) the number of sunscreen ingredients
10 that were granted exclusivity and the specific
11 ingredient that was determined to be generally
12 recognized as safe and effective;
13 (B) whether, and to what extent, the exclu-
14 sivity impacted the requestor's or sponsor's de-
15 cision to develop the sunscreen ingredient;
16 (C) whether, and to what extent, the sun-
17 screen ingredient granted exclusivity had pre-
18 viously been available outside of the United
19 States;
20 (D) an analysis of the implementation of
21 the exclusivity provision in such section 586C,
22 including—
23 (i) the resources used by the Food
24 and Drug Administration;

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(ii) the impact of such provision on innovation, as well as research and development in the sunscreen market;

(iii) the impact of such provision on competition in the sunscreen market;

(iv) the impact of such provision on consumer access to sunscreen products;

(v) the impact of such provision on the prices of sunscreen products; and

(vi) whether the administrative orders initiated by requestors under such section 505G have been utilized by sunscreen ingredient sponsors and whether such process has been sufficient to encourage the development of sunscreen ingredients that would likely not be otherwise developed, or developed in as timely a manner; and

(E) whether the administrative orders initiated by requestors under such section 586C have been sufficient incentive to encourage innovation in the sunscreen market.

(c) CONFORMING AMENDMENT.—Section 751(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379r(d)(1)) is amended—

(1) in the matter preceding subparagraph (A)—

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1 (A) by striking "final regulation promul-
2 gated" and inserting "final order under section
3 505G"; and
4 (B) by striking "and not misbranded"; and
5 (2) in subparagraph (A), by striking "regula-
6 tion in effect" and inserting "regulation or order in
7 effect".

8 **SEC. 3852. MISBRANDING.**

9 Section 502 of the Federal Food, Drug, and Cosmetic
10 Act (21 U.S.C. 352) is amended by adding at the end the
11 following:
12 "(ee) If it is a nonprescription drug that is subject
13 to section 505G, is not the subject of an application ap-
14 proved under section 505, and does not comply with the
15 requirements under section 505G.
16 "(ff) If it is a drug and it was manufactured, pre-
17 pared, propagated, compounded, or processed in a facility
18 for which fees have not been paid as required by section
19 744M.".

20 **SEC. 3853. DRUGS EXCLUDED FROM THE OVER-THE-**
21 **COUNTER DRUG REVIEW.**

22 (a) IN GENERAL.—Nothing in this Act (or the
23 amendments made by this Act) shall apply to any non-
24 prescription drug (as defined in section 505G(q) of the
25 Federal Food, Drug, and Cosmetic Act, as added by sec-

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1 tion 3851 of this subtitle) which was excluded by the Food
2 and Drug Administration from the Over-the-Counter
3 Drug Review in accordance with the paragraph numbered
4 25 on page 9466 of volume 37 of the Federal Register,
5 published on May 11, 1972.

6 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to preclude or limit the applica-
8 bility of any other provision of the Federal Food, Drug,
9 and Cosmetic Act (21 U.S.C. 301 et seq.).

10 **SEC. 3854. TREATMENT OF SUNSCREEN INNOVATION ACT.**

11 (a) REVIEW OF NONPRESCRIPTION SUNSCREEN AC-
12 TIVE INGREDIENTS.—

13 (1) APPLICABILITY OF SECTION 505G FOR
14 PENDING SUBMISSIONS.—

15 (A) IN GENERAL.—A sponsor of a non-
16 prescription sunscreen active ingredient or com-
17 bination of nonprescription sunscreen active in-
18 gredients that, as of the date of enactment of
19 this Act, is subject to a proposed sunscreen
20 order under section 586C of the Federal Food,
21 Drug, and Cosmetic Act (21 U.S.C. 360fff–3)
22 may elect, by means of giving written notifica-
23 tion to the Secretary of Health and Human
24 Services within 180 calendar days of the enact-
25 ment of this Act, to transition into the review

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of such ingredient or combination of ingredients pursuant to the process set out in section 505G of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle.

(B) ELECTION EXERCISED.—Upon receipt by the Secretary of Health and Human Services of a timely notification under subparagraph (A)—

(i) the proposed sunscreen order involved is deemed to be a request for an order under subsection (b) of section 505G of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle; and

(ii) such order is deemed to have been accepted for filing under subsection (b)(6)(A)(i) of such section 505G.

(C) ELECTION NOT EXERCISED.—If a notification under subparagraph (A) is not received by the Secretary of Health and Human Services within 180 calendar days of the date of enactment of this Act, the review of the proposed sunscreen order described in subparagraph (A)—

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1 (i) shall continue under section 586C
2 of the Federal Food, Drug, and Cosmetic
3 Act (21 U.S.C. 360fff–3); and
4 (ii) shall not be eligible for review
5 under section 505G, added by section 3851
6 of this subtitle.
7 (2) DEFINITIONS.—In this subsection, the
8 terms "sponsor", "nonprescription", "sunscreen ac-
9 tive ingredient", and "proposed sunscreen order"
10 have the meanings given to those terms in section
11 586 of the Federal Food, Drug, and Cosmetic Act
12 (21 U.S.C. 360fff).
13 (b) AMENDMENTS TO SUNSCREEN PROVISIONS.—
14 (1) FINAL SUNSCREEN ORDERS.—Paragraph
15 (3) of section 586C(e) of the Federal Food, Drug,
16 and Cosmetic Act (21 U.S.C. 360fff–3(e)) is amend-
17 ed to read as follows:
18 "(3) RELATIONSHIP TO ORDERS UNDER SEC-
19 TION 505G.—A final sunscreen order shall be deemed
20 to be a final order under section 505G.".
21 (2) MEETINGS.—Paragraph (7) of section
22 586C(b) of the Federal Food, Drug, and Cosmetic
23 Act (21 U.S.C. 360fff–3(b)) is amended—
24 (A) by striking "A sponsor may request"
25 and inserting the following:

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1 "(A) IN GENERAL.—A sponsor may re-
2 quest"; and
3 (B) by adding at the end the following:
4 "(B) CONFIDENTIAL MEETINGS.—A spon-
5 sor may request one or more confidential meet-
6 ings with respect to a proposed sunscreen order,
7 including a letter deemed to be a proposed sun-
8 screen order under paragraph (3), to discuss
9 matters relating to data requirements to sup-
10 port a general recognition of safety and effec-
11 tiveness involving confidential information and
12 public information related to such proposed
13 sunscreen order, as appropriate. The Secretary
14 shall convene a confidential meeting with such
15 sponsor in a reasonable time period. If a spon-
16 sor requests more than one confidential meeting
17 for the same proposed sunscreen order, the Sec-
18 retary may refuse to grant an additional con-
19 fidential meeting request if the Secretary deter-
20 mines that such additional confidential meeting
21 is not reasonably necessary for the sponsor to
22 advance its proposed sunscreen order, or if the
23 request for a confidential meeting fails to in-
24 clude sufficient information upon which to base
25 a substantive discussion. The Secretary shall

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1 publish a post-meeting summary of each con-
2 fidential meeting under this subparagraph that
3 does not disclose confidential commercial infor-
4 mation or trade secrets. This subparagraph
5 does not authorize the disclosure of confidential
6 commercial information or trade secrets subject
7 to 552(b)(4) of title 5, United States Code, or
8 section 1905 of title 18, United States Code.".
9 (3) EXCLUSIVITY.—Section 586C of the Fed-
10 eral Food, Drug, and Cosmetic Act (21 U.S.C.
11 360fff–3) is amended by adding at the end the fol-
12 lowing:
13 "(f) EXCLUSIVITY.—
14 "(1) IN GENERAL.—A final sunscreen order
15 shall have the effect of authorizing solely the order
16 requestor (or the licensees, assignees, or successors
17 in interest of such requestor with respect to the sub-
18 ject of such request and listed under paragraph (5))
19 for a period of 18 months, to market a sunscreen in-
20 gredient under this section incorporating changes
21 described in paragraph (2) subject to the limitations
22 under paragraph (4), beginning on the date the re-
23 questor (or any licensees, assignees, or successors in
24 interest of such requestor with respect to the subject
25 of such request and listed under paragraph (5)) may

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1 lawfully market such sunscreen ingredient pursuant
2 to the order.
3 "(2) CHANGES DESCRIBED.—A change de-
4 scribed in this paragraph is a change subject to an
5 order specified in paragraph (1) that permits a sun-
6 screen to contain an active sunscreen ingredient not
7 previously incorporated in a marketed sunscreen list-
8 ed in paragraph (3).
9 "(3) MARKETED SUNSCREEN.—The marketed
10 sunscreen ingredients described in this paragraph
11 are sunscreen ingredients—
12 "(A) marketed in accordance with a final
13 monograph for sunscreen drug products set
14 forth at part 352 of title 21, Code of Federal
15 Regulations (as published at 64 Fed. Reg.
16 27687); or
17 "(B) marketed in accordance with a final
18 order issued under this section.
19 "(4) LIMITATIONS ON EXCLUSIVITY.—Only one
20 18-month period may be granted per ingredient
21 under paragraph (1).
22 "(5) LISTING OF LICENSEES, ASSIGNEES, OR
23 SUCCESSORS IN INTEREST.—Requestors shall submit
24 to the Secretary at the time when a drug subject to
25 such request is introduced or delivered for introduc-

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1 tion into interstate commerce, a list of licensees, as-
2 signees, or successors in interest under paragraph
3 (1).".
4 (4) SUNSET PROVISION.—Subchapter I of chap-
5 ter V of the Federal Food, Drug, and Cosmetic Act
6 (21 U.S.C. 360fff et seq.) is amended by adding at
7 the end the following:
8 **"SEC. 586H. SUNSET.**
9 "This subchapter shall cease to be effective at the end
10 of fiscal year 2022.".
11 (5) TREATMENT OF FINAL SUNSCREEN
12 ORDER.—The Federal Food, Drug, and Cosmetic
13 Act is amended by striking section 586E of such Act
14 (21 U.S.C. 360fff–5).
15 (c) TREATMENT OF AUTHORITY REGARDING FINAL-
16 IZATION OF SUNSCREEN MONOGRAPH.—
17 (1) IN GENERAL.—
18 (A) REVISION OF FINAL SUNSCREEN
19 ORDER.—The Secretary of Health and Human
20 Services (referred to in this subsection as the
21 "Secretary") shall amend and revise the final
22 administrative order concerning nonprescription
23 sunscreen (referred to in this subsection as the
24 "sunscreen order") for which the content, prior
25 to the date of enactment of this Act, was rep-

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1 resented by the final monograph for sunscreen
2 drug products set forth in part 352 of title 21,
3 Code of Federal Regulations (as in effect on
4 May 21, 1999).
5 (B) ISSUANCE OF REVISED SUNSCREEN
6 ORDER; EFFECTIVE DATE.—A revised sunscreen
7 order described in subparagraph (A) shall be—
8 (i) issued in accordance with the pro-
9 cedures described in section 505G(b)(2) of
10 the Federal Food, Drug, and Cosmetic
11 Act;
12 (ii) issued in proposed form not later
13 than 18 months after the date of enact-
14 ment of this Act; and
15 (iii) issued by the Secretary at least 1
16 year prior to the effective date of the re-
17 vised order.
18 (2) REPORTS.—If a revised sunscreen order
19 issued under paragraph (1) does not include provi-
20 sions related to the effectiveness of various sun pro-
21 tection factor levels, and does not address all dosage
22 forms known to the Secretary to be used in sun-
23 screens marketed in the United States without a
24 new drug application approved under section 505 of
25 the Federal Food, Drug, and Cosmetic Act (21

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1 U.S.C. 355), the Secretary shall submit a report to
2 the Committee on Energy and Commerce of the
3 House of Representatives and the Committee on
4 Health, Education, Labor, and Pensions of the Sen-
5 ate on the rationale for omission of such provisions
6 from such order, and a plan and timeline to compile
7 any information necessary to address such provisions
8 through such order.

9 (d) TREATMENT OF NON-SUNSCREEN TIME AND EX-
10 TENT APPLICATIONS.—

11 (1) IN GENERAL.—Any application described in
12 section 586F of the Federal Food, Drug, and Cos-
13 metic Act (21 U.S.C. 360fff–6) that was submitted
14 to the Secretary pursuant to section 330.14 of title
15 21, Code of Federal Regulations, as such provisions
16 were in effect immediately prior to the date of enact-
17 ment date of this Act, shall be extinguished as of
18 such date of enactment, subject to paragraph (2).

19 (2) ORDER REQUEST.—Nothing in paragraph
20 (1) precludes the submission of an order request
21 under section 505G(b) of the Federal Food, Drug,
22 and Cosmetic Act, as added by section 3851 of this
23 subtitle, with respect to a drug that was the subject
24 of an application extinguished under paragraph (1).

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1 **SEC. 3855. ANNUAL UPDATE TO CONGRESS ON APPRO-**
2 **PRIATE PEDIATRIC INDICATION FOR CER-**
3 **TAIN OTC COUGH AND COLD DRUGS.**

4 (a) IN GENERAL.—Subject to subsection (c), the Sec-
5 retary of Health and Human Services shall, beginning not
6 later than 1 year after the date of enactment of this Act,
7 annually submit to the Committee on Energy and Com-
8 merce of the House of Representatives and the Committee
9 on Health, Education, Labor, and Pensions of the Senate
10 a letter describing the progress of the Food and Drug Ad-
11 ministration—

12 (1) in evaluating the cough and cold monograph
13 described in subsection (b) with respect to children
14 under age 6; and

15 (2) as appropriate, revising such cough and cold
16 monograph to address such children through the
17 order process under section 505G(b) of the Federal
18 Food, Drug, and Cosmetic Act, as added by section
19 3851 of this subtitle.

20 (b) COUGH AND COLD MONOGRAPH DESCRIBED.—
21 The cough and cold monograph described in this sub-
22 section consists of the conditions under which nonprescrip-
23 tion drugs containing antitussive, expectorant, nasal de-
24 congestant, or antihistamine active ingredients (or com-
25 binations thereof) are generally recognized as safe and ef-
26 fective, as specified in part 341 of title 21, Code of Federal

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1 Regulations (as in effect immediately prior to the date of
2 enactment of this Act), and included in an order deemed
3 to be established under section 505G(b) of the Federal
4 Food, Drug, and Cosmetic Act, as added by section 3851
5 of this subtitle.

6 (c) DURATION OF AUTHORITY.—The requirement
7 under subsection (a) shall terminate as of the date of a
8 letter submitted by the Secretary of Health and Human
9 Services pursuant to such subsection in which the Sec-
10 retary indicates that the Food and Drug Administration
11 has completed its evaluation and revised, in a final order,
12 as applicable, the cough and cold monograph as described
13 in subsection (a)(2).

14 **SEC. 3856. TECHNICAL CORRECTIONS.**

15 (a) IMPORTS AND EXPORTS.—Section
16 801(e)(4)(E)(iii) of the Federal Food, Drug, and Cosmetic
17 Act (21 U.S.C. 381(e)(4)(E)(iii)) is amended by striking
18 "subparagraph" each place such term appears and insert-
19 ing "paragraph".

20 (b) FDA REAUTHORIZATION ACT OF 2017.—

21 (1) IN GENERAL.—Section 905(b)(4) of the
22 FDA Reauthorization Act of 2017 (Public Law 115–
23 52) is amended by striking "Section 744H(e)(2)(B)"
24 and inserting "Section 744H(f)(2)(B)".

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1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall take effect as of the enact-
3 ment of the FDA Reauthorization Act of 2017
4 (Public Law 115–52).

5 **PART II—USER FEES**

6 **SEC. 3861. FINDING.**

7 The Congress finds that the fees authorized by the
8 amendments made in this part will be dedicated to OTC
9 monograph drug activities, as set forth in the goals identi-
10 fied for purposes of part 10 of subchapter C of chapter
11 VII of the Federal Food, Drug, and Cosmetic Act, in the
12 letters from the Secretary of Health and Human Services
13 to the Chairman of the Committee on Health, Education,
14 Labor, and Pensions of the Senate and the Chairman of
15 the Committee on Energy and Commerce of the House
16 of Representatives, as set forth in the Congressional
17 Record.

18 **SEC. 3862. FEES RELATING TO OVER-THE-COUNTER DRUGS.**

19 Subchapter C of chapter VII of the Federal Food,
20 Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is
21 amended by inserting after part 9 the following:

22 **"PART 10—FEES RELATING TO OVER-THE-**
23 **COUNTER DRUGS**

24 **"SEC. 744L. DEFINITIONS.**

25 "In this part:

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1 "(1) The term 'affiliate' means a business enti-
2 ty that has a relationship with a second business en-
3 tity if, directly or indirectly—
4 "(A) one business entity controls, or has
5 the power to control, the other business entity;
6 or
7 "(B) a third party controls, or has power
8 to control, both of the business entities.
9 "(2) The term 'contract manufacturing organi-
10 zation facility' means an OTC monograph drug facil-
11 ity where neither the owner of such manufacturing
12 facility nor any affiliate of such owner or facility
13 sells the OTC monograph drug produced at such fa-
14 cility directly to wholesalers, retailers, or consumers
15 in the United States.
16 "(3) The term 'costs of resources allocated for
17 OTC monograph drug activities' means the expenses
18 in connection with OTC monograph drug activities
19 for—
20 "(A) officers and employees of the Food
21 and Drug Administration, contractors of the
22 Food and Drug Administration, advisory com-
23 mittees, and costs related to such officers, em-
24 ployees, and committees and costs related to
25 contracts with such contractors;

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1 "(B) management of information, and the
2 acquisition, maintenance, and repair of com-
3 puter resources;
4 "(C) leasing, maintenance, renovation, and
5 repair of facilities and acquisition, maintenance,
6 and repair of fixtures, furniture, scientific
7 equipment, and other necessary materials and
8 supplies; and
9 "(D) collecting fees under section 744M
10 and accounting for resources allocated for OTC
11 monograph drug activities.
12 "(4) The term 'FDA establishment identifier' is
13 the unique number automatically generated by Food
14 and Drug Administration's Field Accomplishments
15 and Compliance Tracking System (FACTS) (or any
16 successor system).
17 "(5) The term 'OTC monograph drug' means a
18 nonprescription drug without an approved new drug
19 application which is governed by the provisions of
20 section 505G.
21 "(6) The term 'OTC monograph drug activities'
22 means activities of the Secretary associated with
23 OTC monograph drugs and inspection of facilities
24 associated with such products, including the fol-
25 lowing activities:

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1 "(A) The activities necessary for review
2 and evaluation of OTC monographs and OTC
3 monograph order requests, including—
4 "(i) orders proposing or finalizing ap-
5 plicable conditions of use for OTC mono-
6 graph drugs;
7 "(ii) orders affecting status regarding
8 general recognition of safety and effective-
9 ness of an OTC monograph ingredient or
10 combination of ingredients under specified
11 conditions of use;
12 "(iii) all OTC monograph drug devel-
13 opment and review activities, including
14 intra-agency collaboration;
15 "(iv) regulation and policy develop-
16 ment activities related to OTC monograph
17 drugs;
18 "(v) development of product standards
19 for products subject to review and evalua-
20 tion;
21 "(vi) meetings referred to in section
22 505G(i);
23 "(vii) review of labeling prior to
24 issuance of orders related to OTC mono-
25 graph drugs or conditions of use; and

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1 "(viii) regulatory science activities re-
2 lated to OTC monograph drugs.
3 "(B) Inspections related to OTC mono-
4 graph drugs.
5 "(C) Monitoring of clinical and other re-
6 search conducted in connection with OTC
7 monograph drugs.
8 "(D) Safety activities with respect to OTC
9 monograph drugs, including—
10 "(i) collecting, developing, and review-
11 ing safety information on OTC monograph
12 drugs, including adverse event reports;
13 "(ii) developing and using improved
14 adverse event data-collection systems, in-
15 cluding information technology systems;
16 and
17 "(iii) developing and using improved
18 analytical tools to assess potential safety
19 risks, including access to external data-
20 bases.
21 "(E) Other activities necessary for imple-
22 mentation of section 505G.
23 "(7) The term 'OTC monograph order request'
24 means a request for an order submitted under sec-
25 tion 505G(b)(5).

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1 "(8) The term 'Tier 1 OTC monograph order
2 request' means any OTC monograph order request
3 not determined to be a Tier 2 OTC monograph
4 order request.
5 "(9)(A) The term 'Tier 2 OTC monograph
6 order request' means, subject to subparagraph (B),
7 an OTC monograph order request for—
8 "(i) the reordering of existing information
9 in the drug facts label of an OTC monograph
10 drug;
11 "(ii) the addition of information to the
12 other information section of the drug facts label
13 of an OTC monograph drug, as limited by sec-
14 tion 201.66(c)(7) of title 21, Code of Federal
15 Regulations (or any successor regulations);
16 "(iii) modification to the directions for use
17 section of the drug facts label of an OTC mono-
18 graph drug, if such changes conform to changes
19 made pursuant to section 505G(c)(3)(A);
20 "(iv) the standardization of the concentra-
21 tion or dose of a specific finalized ingredient
22 within a particular finalized monograph;
23 "(v) a change to ingredient nomenclature
24 to align with nomenclature of a standards-set-
25 ting organization; or

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1 "(vi) addition of an interchangeable term
2 in accordance with section 330.1 of title 21,
3 Code of Federal Regulations (or any successor
4 regulations).
5 "(B) The Secretary may, based on program im-
6 plementation experience or other factors found ap-
7 propriate by the Secretary, characterize any OTC
8 monograph order request as a Tier 2 OTC mono-
9 graph order request (including recharacterizing a re-
10 quest from Tier 1 to Tier 2) and publish such deter-
11 mination in a proposed order issued pursuant to sec-
12 tion 505G.
13 "(10)(A) The term 'OTC monograph drug facil-
14 ity' means a foreign or domestic business or other
15 entity that—
16 "(i) is—
17 "(I) under one management, either di-
18 rect or indirect; and
19 "(II) at one geographic location or ad-
20 dress engaged in manufacturing or proc-
21 essing the finished dosage form of an OTC
22 monograph drug;
23 "(ii) includes a finished dosage form man-
24 ufacturer facility in a contractual relationship
25 with the sponsor of one or more OTC mono-

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1 graph drugs to manufacture or process such
2 drugs; and
3 "(iii) does not include a business or other
4 entity whose only manufacturing or processing
5 activities are one or more of the following: pro-
6 duction of clinical research supplies, testing, or
7 placement of outer packaging on packages con-
8 taining multiple products, for such purposes as
9 creating multipacks, when each monograph
10 drug product contained within the overpack-
11 aging is already in a final packaged form prior
12 to placement in the outer overpackaging.
13 "(B) For purposes of subparagraph (A)(i)(II),
14 separate buildings or locations within close proximity
15 are considered to be at one geographic location or
16 address if the activities conducted in such buildings
17 or locations are—
18 "(i) closely related to the same business
19 enterprise;
20 "(ii) under the supervision of the same
21 local management; and
22 "(iii) under a single FDA establishment
23 identifier and capable of being inspected by the
24 Food and Drug Administration during a single
25 inspection.

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1 "(C) If a business or other entity would meet
2 criteria specified in subparagraph (A), but for being
3 under multiple management, the business or other
4 entity is deemed to constitute multiple facilities, one
5 per management entity, for purposes of this para-
6 graph.
7 "(11) The term 'OTC monograph drug meet-
8 ing' means any meeting regarding the content of a
9 proposed OTC monograph order request.
10 "(12) The term 'person' includes an affiliate of
11 a person.
12 "(13) The terms 'requestor' and 'sponsor' have
13 the meanings given such terms in section 505G.

14 **"SEC. 744M. AUTHORITY TO ASSESS AND USE OTC MONO-**
15 **GRAPH FEES.**

16 "(a) TYPES OF FEES.—Beginning with fiscal year
17 2021, the Secretary shall assess and collect fees in accord-
18 ance with this section as follows:
19 "(1) FACILITY FEE.—
20 "(A) IN GENERAL.—Each person that
21 owns a facility identified as an OTC monograph
22 drug facility on December 31 of the fiscal year
23 or at any time during the preceding 12-month
24 period shall be assessed an annual fee for each

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1 such facility as determined under subsection
2 (c).
3 "(B) EXCEPTIONS.—
4 "(i) FACILITIES THAT CEASE ACTIVI-
5 TIES.—A fee shall not be assessed under
6 subparagraph (A) if the identified OTC
7 monograph drug facility—
8 "(I) has ceased all activities re-
9 lated to OTC monograph drugs prior
10 to December 31 of the year imme-
11 diately preceding the applicable fiscal
12 year; and
13 "(II) has updated its registration
14 to reflect such change under the re-
15 quirements for drug establishment
16 registration set forth in section 510.
17 "(ii) CONTRACT MANUFACTURING OR-
18 GANIZATIONS.—The amount of the fee for
19 a contract manufacturing organization fa-
20 cility shall be equal to two-thirds of the
21 amount of the fee for an OTC monograph
22 drug facility that is not a contract manu-
23 facturing organization facility.

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1 "(C) AMOUNT.—The amount of fees estab-
2 lished under subparagraph (A) shall be estab-
3 lished under subsection (c).
4 "(D) DUE DATE.—
5 "(i) FOR FIRST PROGRAM YEAR.—For
6 fiscal year 2021, the facility fees required
7 under subparagraph (A) shall be due on
8 the later of—
9 "(I) the first business day of
10 July of 2020; or
11 "(II) 45 calendar days after pub-
12 lication of the Federal Register notice
13 provided for under subsection
14 (c)(4)(A).
15 "(ii) SUBSEQUENT FISCAL YEARS.—
16 For each fiscal year after fiscal year 2021,
17 the facility fees required under subpara-
18 graph (A) shall be due on the later of—
19 "(I) the first business day of
20 June of such year; or
21 "(II) the first business day after
22 the enactment of an appropriations
23 Act providing for the collection and
24 obligation of fees under this section
25 for such year.

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1 "(2) OTC MONOGRAPH ORDER REQUEST
2 FEE.—
3 "(A) IN GENERAL.—Each person that sub-
4 mits an OTC monograph order request shall be
5 subject to a fee for an OTC monograph order
6 request. The amount of such fee shall be—
7 "(i) for a Tier 1 OTC monograph
8 order request, $500,000, adjusted for in-
9 flation for the fiscal year (as determined
10 under subsection (c)(1)(B)); and
11 "(ii) for a Tier 2 OTC monograph
12 order request, $100,000, adjusted for in-
13 flation for the fiscal year (as determined
14 under subsection (c)(1)(B)).
15 "(B) DUE DATE.—The OTC monograph
16 order request fees required under subparagraph
17 (A) shall be due on the date of submission of
18 the OTC monograph order request.
19 "(C) EXCEPTION FOR CERTAIN SAFETY
20 CHANGES.—A person who is named as the re-
21 questor in an OTC monograph order shall not
22 be subject to a fee under subparagraph (A) if
23 the Secretary finds that the OTC monograph
24 order request seeks to change the drug facts la-

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1 beling of an OTC monograph drug in a way
2 that would add to or strengthen—
3 "(i) a contraindication, warning, or
4 precaution;
5 "(ii) a statement about risk associated
6 with misuse or abuse; or
7 "(iii) an instruction about dosage and
8 administration that is intended to increase
9 the safe use of the OTC monograph drug.
10 "(D) REFUND OF FEE IF ORDER REQUEST
11 IS RECATEGORIZED AS A TIER 2 OTC MONO-
12 GRAPH ORDER REQUEST.—If the Secretary de-
13 termines that an OTC monograph request ini-
14 tially characterized as Tier 1 shall be re-charac-
15 terized as a Tier 2 OTC monograph order re-
16 quest, and the requestor has paid a Tier 1 fee
17 in accordance with subparagraph (A)(i), the
18 Secretary shall refund the requestor the dif-
19 ference between the Tier 1 and Tier 2 fees de-
20 termined under subparagraphs (A)(i) and
21 (A)(ii), respectively.
22 "(E) REFUND OF FEE IF ORDER REQUEST
23 REFUSED FOR FILING OR WITHDRAWN BEFORE
24 FILING.—The Secretary shall refund 75 percent
25 of the fee paid under subparagraph (B) for any

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1 order request which is refused for filing or was
2 withdrawn before being accepted or refused for
3 filing.
4 "(F) FEES FOR ORDER REQUESTS PRE-
5 VIOUSLY REFUSED FOR FILING OR WITHDRAWN
6 BEFORE FILING.—An OTC monograph order
7 request that was submitted but was refused for
8 filing, or was withdrawn before being accepted
9 or refused for filing, shall be subject to the full
10 fee under subparagraph (A) upon being resub-
11 mitted or filed over protest.
12 "(G) REFUND OF FEE IF ORDER REQUEST
13 WITHDRAWN.—If an order request is withdrawn
14 after the order request was filed, the Secretary
15 may refund the fee or a portion of the fee if no
16 substantial work was performed on the order
17 request after the application was filed. The Sec-
18 retary shall have the sole discretion to refund a
19 fee or a portion of the fee under this subpara-
20 graph. A determination by the Secretary con-
21 cerning a refund under this subparagraph shall
22 not be reviewable.
23 "(3) REFUNDS.—
24 "(A) IN GENERAL.—Other than refunds
25 provided pursuant to any of subparagraphs (D)

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1 through (G) of paragraph (2), the Secretary
2 shall not refund any fee paid under paragraph
3 (1) except as provided in subparagraph (B).
4 "(B) DISPUTES CONCERNING FEES.—To
5 qualify for the return of a fee claimed to have
6 been paid in error under paragraph (1) or (2),
7 a person shall submit to the Secretary a written
8 request justifying such return within 180 cal-
9 endar days after such fee was paid.
10 "(4) NOTICE.—Within the timeframe specified
11 in subsection (c), the Secretary shall publish in the
12 Federal Register the amount of the fees under para-
13 graph (1) for such fiscal year.
14 "(b) FEE REVENUE AMOUNTS.—
15 "(1) FISCAL YEAR 2021.—For fiscal year 2021,
16 fees under subsection (a)(1) shall be established to
17 generate a total facility fee revenue amount equal to
18 the sum of—
19 "(A) the annual base revenue for fiscal
20 year 2021 (as determined under paragraph
21 (3));
22 "(B) the dollar amount equal to the oper-
23 ating reserve adjustment for the fiscal year, if
24 applicable (as determined under subsection
25 (c)(2)); and

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"(C) additional direct cost adjustments (as determined under subsection (c)(3)).

"(2) SUBSEQUENT FISCAL YEARS.—For each of the fiscal years 2022 through 2025, fees under subsection (a)(1) shall be established to generate a total facility fee revenue amount equal to the sum of—

"(A) the annual base revenue for the fiscal year (as determined under paragraph (3));

"(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(1));

"(C) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(2));

"(D) additional direct cost adjustments (as determined under subsection (c)(3)); and

"(E) additional dollar amounts for each fiscal year as follows:

"(i) $7,000,000 for fiscal year 2022.

"(ii) $6,000,000 for fiscal year 2023.

"(iii) $7,000,000 for fiscal year 2024.

"(iv) $3,000,000 for fiscal year 2025.

"(3) ANNUAL BASE REVENUE.—For purposes of paragraphs (1)(A) and (2)(A), the dollar amount

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of the annual base revenue for a fiscal year shall be—

"(A) for fiscal year 2021, $8,000,000; and

"(B) for fiscal years 2022 through 2025, the dollar amount of the total revenue amount established under this subsection for the previous fiscal year, not including any adjustments made under subsection (c)(2) or (c)(3).

"(c) ADJUSTMENTS; ANNUAL FEE SETTING.—

"(1) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—For purposes of subsection (b)(2)(B), the dollar amount of the inflation adjustment to the annual base revenue for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—

"(i) such annual base revenue for the fiscal year under subsection (b)(2); and

"(ii) the inflation adjustment percentage under subparagraph (C).

"(B) OTC MONOGRAPH ORDER REQUEST FEES.—For purposes of subsection (a)(2), the dollar amount of the inflation adjustment to the fee for OTC monograph order requests for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—

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"(i) the applicable fee under subsection (a)(2) for the preceding fiscal year; and

"(ii) the inflation adjustment percentage under subparagraph (C).

"(C) INFLATION ADJUSTMENT PERCENTAGE.—The inflation adjustment percentage under this subparagraph for a fiscal year is equal to—

"(i) for each of fiscal years 2022 and 2023, the average annual percent change that occurred in the Consumer Price Index for urban consumers (Washington-Baltimore, DC–MD–VA–WV; Not Seasonally Adjusted; All items; Annual Index) for the first 3 years of the preceding 4 years of available data; and

"(ii) for each of fiscal years 2024 and 2025, the sum of—

"(I) the average annual percent change in the cost, per full-time equivalent position of the Food and Drug Administration, of all personnel compensation and benefits paid with respect to such positions for the first 3

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1 years of the preceding 4 fiscal years,
2 multiplied by the proportion of per-
3 sonnel compensation and benefits
4 costs to total costs of OTC mono-
5 graph drug activities for the first 3
6 years of the preceding 4 fiscal years;
7 and
8 "(II) the average annual percent
9 change that occurred in the Consumer
10 Price Index for urban consumers
11 (Washington-Baltimore, DC–MD–VA–
12 WV; Not Seasonally Adjusted; All
13 items; Annual Index) for the first 3
14 years of the preceding 4 years of
15 available data multiplied by the pro-
16 portion of all costs other than per-
17 sonnel compensation and benefits
18 costs to total costs of OTC mono-
19 graph drug activities for the first 3
20 years of the preceding 4 fiscal years.
21 "(2) OPERATING RESERVE ADJUSTMENT.—
22 "(A) IN GENERAL.—For fiscal year 2021
23 and subsequent fiscal years, for purposes of
24 subsections (b)(1)(B) and (b)(2)(C), the Sec-
25 retary may, in addition to adjustments under

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1 paragraph (1), further increase the fee revenue
2 and fees if such an adjustment is necessary to
3 provide operating reserves of carryover user
4 fees for OTC monograph drug activities for not
5 more than the number of weeks specified in
6 subparagraph (B).
7 "(B) NUMBER OF WEEKS.—The number of
8 weeks specified in this subparagraph is—
9 "(i) 3 weeks for fiscal year 2021;
10 "(ii) 7 weeks for fiscal year 2022;
11 "(iii) 10 weeks for fiscal year 2023;
12 "(iv) 10 weeks for fiscal year 2024;
13 and
14 "(v) 10 weeks for fiscal year 2025.
15 "(C) DECREASE.—If the Secretary has
16 carryover balances for such process in excess of
17 10 weeks of the operating reserves referred to
18 in subparagraph (A), the Secretary shall de-
19 crease the fee revenue and fees referred to in
20 such subparagraph to provide for not more than
21 10 weeks of such operating reserves.
22 "(D) RATIONALE FOR ADJUSTMENT.—If
23 an adjustment under this paragraph is made,
24 the rationale for the amount of the increase or
25 decrease (as applicable) in fee revenue and fees

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1 shall be contained in the annual Federal Reg-
2 ister notice under paragraph (4) establishing
3 fee revenue and fees for the fiscal year involved.
4 "(3) ADDITIONAL DIRECT COST ADJUST-
5 MENT.—The Secretary shall, in addition to adjust-
6 ments under paragraphs (1) and (2), further in-
7 crease the fee revenue and fees for purposes of sub-
8 section (b)(2)(D) by an amount equal to—
9 "(A) $14,000,000 for fiscal year 2021;
10 "(B) $7,000,000 for fiscal year 2022;
11 "(C) $4,000,000 for fiscal year 2023;
12 "(D) $3,000,000 for fiscal year 2024; and
13 "(E) $3,000,000 for fiscal year 2025.
14 "(4) ANNUAL FEE SETTING.—
15 "(A) FISCAL YEAR 2021.—The Secretary
16 shall, not later than the second Monday in May
17 of 2020—
18 "(i) establish OTC monograph drug
19 facility fees for fiscal year 2021 under sub-
20 section (a), based on the revenue amount
21 for such year under subsection (b) and the
22 adjustments provided under this sub-
23 section; and

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1 "(ii) publish fee revenue, facility fees,
2 and OTC monograph order requests in the
3 Federal Register.
4 "(B) SUBSEQUENT FISCAL YEARS.—The
5 Secretary shall, for each fiscal year that begins
6 after September 30, 2021, not later than the
7 second Monday in March that precedes such fis-
8 cal year—
9 "(i) establish for such fiscal year,
10 based on the revenue amounts under sub-
11 section (b) and the adjustments provided
12 under this subsection—
13 "(I) OTC monograph drug facil-
14 ity fees under subsection (a)(1); and
15 "(II) OTC monograph order re-
16 quest fees under subsection (a)(2);
17 and
18 "(ii) publish such fee revenue
19 amounts, facility fees, and OTC mono-
20 graph order request fees in the Federal
21 Register.
22 "(d) IDENTIFICATION OF FACILITIES.—Each person
23 that owns an OTC monograph drug facility shall submit
24 to the Secretary the information required under this sub-

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1 section each year. Such information shall, for each fiscal
2 year—
3 "(1) be submitted as part of the requirements
4 for drug establishment registration set forth in sec-
5 tion 510; and
6 "(2) include for each such facility, at a min-
7 imum, identification of the facility's business oper-
8 ation as that of an OTC monograph drug facility.
9 "(e) EFFECT OF FAILURE TO PAY FEES.—
10 "(1) OTC MONOGRAPH DRUG FACILITY FEE.—
11 "(A) IN GENERAL.—Failure to pay the fee
12 under subsection (a)(1) within 20 calendar days
13 of the due date as specified in subparagraph
14 (D) of such subsection shall result in the fol-
15 lowing:
16 "(i) The Secretary shall place the fa-
17 cility on a publicly available arrears list.
18 "(ii) All OTC monograph drugs man-
19 ufactured in such a facility or containing
20 an ingredient manufactured in such a facil-
21 ity shall be deemed misbranded under sec-
22 tion 502(ff).
23 "(B) APPLICATION OF PENALTIES.—The
24 penalties under this paragraph shall apply until
25 the fee established by subsection (a)(1) is paid.

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1 "(2) ORDER REQUESTS.—An OTC monograph
2 order request submitted by a person subject to fees
3 under subsection (a) shall be considered incomplete
4 and shall not be accepted for filing by the Secretary
5 until all fees owed by such person under this section
6 have been paid.
7 "(3) MEETINGS.—A person subject to fees
8 under this section shall be considered ineligible for
9 OTC monograph drug meetings until all such fees
10 owed by such person have been paid.
11 "(f) CREDITING AND AVAILABILITY OF FEES.—
12 "(1) IN GENERAL.—Fees authorized under sub-
13 section (a) shall be collected and available for obliga-
14 tion only to the extent and in the amount provided
15 in advance in appropriations Acts. Such fees are au-
16 thorized to remain available until expended. Such
17 sums as may be necessary may be transferred from
18 the Food and Drug Administration salaries and ex-
19 penses appropriation account without fiscal year lim-
20 itation to such appropriation account for salaries
21 and expenses with such fiscal year limitation. The
22 sums transferred shall be available solely for OTC
23 monograph drug activities.
24 "(2) COLLECTIONS AND APPROPRIATION
25 ACTS.—

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1 "(A) IN GENERAL.—Subject to subpara-
2 graph (C), the fees authorized by this section
3 shall be collected and available in each fiscal
4 year in an amount not to exceed the amount
5 specified in appropriation Acts, or otherwise
6 made available for obligation, for such fiscal
7 year.
8 "(B) USE OF FEES AND LIMITATION.—
9 The fees authorized by this section shall be
10 available to defray increases in the costs of the
11 resources allocated for OTC monograph drug
12 activities (including increases in such costs for
13 an additional number of full-time equivalent po-
14 sitions in the Department of Health and
15 Human Services to be engaged in such activi-
16 ties), only if the Secretary allocates for such
17 purpose an amount for such fiscal year (exclud-
18 ing amounts from fees collected under this sec-
19 tion) no less than $12,000,000, multiplied by
20 the adjustment factor applicable to the fiscal
21 year involved under subsection (c)(1).
22 "(C) COMPLIANCE.—The Secretary shall
23 be considered to have met the requirements of
24 subparagraph (B) in any fiscal year if the costs
25 funded by appropriations and allocated for OTC

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1 monograph drug activities are not more than 15
2 percent below the level specified in such sub-
3 paragraph.
4 "(D) PROVISION FOR EARLY PAYMENTS IN
5 SUBSEQUENT YEARS.—Payment of fees author-
6 ized under this section for a fiscal year (after
7 fiscal year 2021), prior to the due date for such
8 fees, may be accepted by the Secretary in ac-
9 cordance with authority provided in advance in
10 a prior year appropriations Act.
11 "(3) AUTHORIZATION OF APPROPRIATIONS.—
12 For each of the fiscal years 2021 through 2025,
13 there is authorized to be appropriated for fees under
14 this section an amount equal to the total amount of
15 fees assessed for such fiscal year under this section.
16 "(g) COLLECTION OF UNPAID FEES.—In any case
17 where the Secretary does not receive payment of a fee as-
18 sessed under subsection (a) within 30 calendar days after
19 it is due, such fee shall be treated as a claim of the United
20 States Government subject to subchapter II of chapter 37
21 of title 31, United States Code.
22 "(h) CONSTRUCTION.—This section may not be con-
23 strued to require that the number of full-time equivalent
24 positions in the Department of Health and Human Serv-
25 ices, for officers, employers, and advisory committees not

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1 engaged in OTC monograph drug activities, be reduced
2 to offset the number of officers, employees, and advisory
3 committees so engaged.

4 **"SEC. 744N. REAUTHORIZATION; REPORTING REQUIRE-**
5 **MENTS.**

6 "(a) PERFORMANCE REPORT.—Beginning with fiscal
7 year 2021, and not later than 120 calendar days after the
8 end of each fiscal year thereafter for which fees are col-
9 lected under this part, the Secretary shall prepare and
10 submit to the Committee on Energy and Commerce of the
11 House of Representatives and the Committee on Health,
12 Education, Labor, and Pensions of the Senate a report
13 concerning the progress of the Food and Drug Adminis-
14 tration in achieving the goals identified in the letters de-
15 scribed in section 3861(b) of the CARES Act during such
16 fiscal year and the future plans of the Food and Drug
17 Administration for meeting such goals.

18 "(b) FISCAL REPORT.—Not later than 120 calendar
19 days after the end of fiscal year 2021 and each subsequent
20 fiscal year for which fees are collected under this part,
21 the Secretary shall prepare and submit to the Committee
22 on Energy and Commerce of the House of Representatives
23 and the Committee on Health, Education, Labor, and
24 Pensions of the Senate a report on the implementation
25 of the authority for such fees during such fiscal year and

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1 the use, by the Food and Drug Administration, of the fees
2 collected for such fiscal year.
3 "(c) PUBLIC AVAILABILITY.—The Secretary shall
4 make the reports required under subsections (a) and (b)
5 available to the public on the internet website of the Food
6 and Drug Administration.
7 "(d) REAUTHORIZATION.—
8 "(1) CONSULTATION.—In developing rec-
9 ommendations to present to the Congress with re-
10 spect to the goals described in subsection (a), and
11 plans for meeting the goals, for OTC monograph
12 drug activities for the first 5 fiscal years after fiscal
13 year 2025, and for the reauthorization of this part
14 for such fiscal years, the Secretary shall consult
15 with—
16 "(A) the Committee on Energy and Com-
17 merce of the House of Representatives;
18 "(B) the Committee on Health, Education,
19 Labor, and Pensions of the Senate;
20 "(C) scientific and academic experts;
21 "(D) health care professionals;
22 "(E) representatives of patient and con-
23 sumer advocacy groups; and
24 "(F) the regulated industry.

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1 "(2) PUBLIC REVIEW OF RECOMMENDA-
2 TIONS.—After negotiations with the regulated indus-
3 try, the Secretary shall—
4 "(A) present the recommendations devel-
5 oped under paragraph (1) to the congressional
6 committees specified in such paragraph;
7 "(B) publish such recommendations in the
8 Federal Register;
9 "(C) provide for a period of 30 calendar
10 days for the public to provide written comments
11 on such recommendations;
12 "(D) hold a meeting at which the public
13 may present its views on such recommenda-
14 tions; and
15 "(E) after consideration of such public
16 views and comments, revise such recommenda-
17 tions as necessary.
18 "(3) TRANSMITTAL OF RECOMMENDATIONS.—
19 Not later than January 15, 2025, the Secretary
20 shall transmit to the Congress the revised rec-
21 ommendations under paragraph (2), a summary of
22 the views and comments received under such para-
23 graph, and any changes made to the recommenda-
24 tions in response to such views and comments.".

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

## Subtitle A—Coronavirus Economic Stabilization Act of 2020

**SEC. 4001. SHORT TITLE.**

This subtitle may be cited as the "Coronavirus Economic Stabilization Act of 2020".

**SEC. 4002. DEFINITIONS.**

In this subtitle:

(1) AIR CARRIER.—The term "air carrier" has the meaning such term has under section 40102 of title 49, United States Code.

(2) CORONAVIRUS.—The term "coronavirus" means SARS-CoV-2 or another coronavirus with pandemic potential.

(3) COVERED LOSS.—The term "covered loss" includes losses incurred directly or indirectly as a result of coronavirus, as determined by the Secretary.

(4) ELIGIBLE BUSINESS.—The term "eligible business" means—

(A) an air carrier; or

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1 (B) a United States business that has not
2 otherwise received adequate economic relief in
3 the form of loans or loan guarantees provided
4 under this Act.
5 (5) EMPLOYEE.—Except where the context oth-
6 erwise requires, the term "employee"—
7 (A) has the meaning given the term in sec-
8 tion 2 of the National Labor Relations Act (29
9 U.S.C. 152); and
10 (B) includes any individual employed by an
11 employer subject to the Railway Labor Act (45
12 U.S.C. 151 et seq.).
13 (6) EQUITY SECURITY; EXCHANGE.—The terms
14 "equity security" and "exchange" have the meanings
15 given the terms in section 3(a) of the Securities Ex-
16 change Act of 1934 (15 U.S.C. 78c(a)).
17 (7) MUNICIPALITY.—The term "municipality"
18 includes—
19 (A) a political subdivision of a State, and
20 (B) an instrumentality of a municipality, a
21 State, or a political subdivision of a State.
22 (8) NATIONAL SECURITIES EXCHANGE.—The
23 term "national securities exchange" means an ex-
24 change registered as a national securities exchange

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1 under section 6 of the Securities Exchange Act of
2 1934 (15 U.S.C. 78f).
3 (9) SECRETARY.—The term "Secretary" means
4 the Secretary of the Treasury, or the designee of the
5 Secretary of the Treasury.
6 (10) STATE.—The term "State" means—
7 (A) any of the several States;
8 (B) the District of Columbia;
9 (C) any of the territories and possessions
10 of the United States;
11 (D) any bi-State or multi-State entity; and
12 (E) any Indian Tribe.

13 **SEC. 4003. EMERGENCY RELIEF AND TAXPAYER PROTEC-**
14 **TIONS.**

15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law, to provide liquidity to eligible businesses,
17 States, and municipalities related to losses incurred as a
18 result of coronavirus, the Secretary is authorized to make
19 loans, loan guarantees, and other investments in support
20 of eligible businesses, States, and municipalities that do
21 not, in the aggregate, exceed $500,000,000,000 and pro-
22 vide the subsidy amounts necessary for such loans, loan
23 guarantees, and other investments in accordance with the
24 provisions of the Federal Credit Reform Act of 1990 (2
25 U.S.C. 661 et seq.).

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1 (b) LOANS, LOAN GUARANTEES, AND OTHER IN-
2 VESTMENTS.—Loans, loan guarantees, and other invest-
3 ments made pursuant to subsection (a) shall be made
4 available as follows:
5 (1) Not more than $25,000,000,000 shall be
6 available to make loans and loan guarantees for pas-
7 senger air carriers, eligible businesses that are cer-
8 tified under part 145 of title 14, Code of Federal
9 Regulations, and approved to perform inspection, re-
10 pair, replace, or overhaul services, and ticket agents
11 (as defined in section 40102 of title 49, United
12 States Code).
13 (2) Not more than $4,000,000,000 shall be
14 available to make loans and loan guarantees for
15 cargo air carriers.
16 (3) Not more than $17,000,000,000 shall be
17 available to make loans and loan guarantees for
18 businesses critical to maintaining national security.
19 (4) Not more than the sum of
20 $454,000,000,000 and any amounts available under
21 paragraphs (1), (2), and (3) that are not used as
22 provided under those paragraphs shall be available
23 to make loans and loan guarantees to, and other in-
24 vestments in, programs or facilities established by
25 the Board of Governors of the Federal Reserve Sys-

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1 tem for the purpose of providing liquidity to the fi-
2 nancial system that supports lending to eligible busi-
3 nesses, States, or municipalities by—
4 (A) purchasing obligations or other inter-
5 ests directly from issuers of such obligations or
6 other interests;
7 (B) purchasing obligations or other inter-
8 ests in secondary markets or otherwise; or
9 (C) making loans, including loans or other
10 advances secured by collateral.
11 (c) TERMS AND CONDITIONS.—
12 (1) IN GENERAL.—
13 (A) FORMS; TERMS AND CONDITIONS.—A
14 loan, loan guarantee, or other investment by the
15 Secretary shall be made under this section in
16 such form and on such terms and conditions
17 and contain such covenants, representations,
18 warranties, and requirements (including re-
19 quirements for audits) as the Secretary deter-
20 mines appropriate. Any loans made by the Sec-
21 retary under this section shall be at a rate de-
22 termined by the Secretary based on the risk
23 and the current average yield on outstanding
24 marketable obligations of the United States of
25 comparable maturity.

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1 (B) PROCEDURES.—As soon as prac-
2 ticable, but in no case later than 10 days after
3 the date of enactment of this Act, the Secretary
4 shall publish procedures for application and
5 minimum requirements, which may be supple-
6 mented by the Secretary in the Secretary's dis-
7 cretion, for making loans, loan guarantees, or
8 other investments under paragraphs (1), (2)
9 and (3) of subsection (b) .
10 (2) LOANS AND LOAN GUARANTEES .—The Sec-
11 retary may enter into agreements to make loans or
12 loan guarantees to 1 or more eligible businesses
13 under paragraphs (1), (2) and (3) of subsection (b)
14 if the Secretary determines that, in the Secretary's
15 discretion—
16 (A) the applicant is an eligible business for
17 which credit is not reasonably available at the
18 time of the transaction;
19 (B) the intended obligation by the appli-
20 cant is prudently incurred;
21 (C) the loan or loan guarantee is suffi-
22 ciently secured or is made at a rate that—
23 (i) reflects the risk of the loan or loan
24 guarantee; and

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1 (ii) is to the extent practicable, not
2 less than an interest rate based on market
3 conditions for comparable obligations prev-
4 alent prior to the outbreak of the
5 coronavirus disease 2019 (COVID–19);
6 (D) the duration of the loan or loan guar-
7 antee is as short as practicable and in any case
8 not longer than 5 years;
9 (E) the agreement provides that, until the
10 date 12 months after the date the loan or loan
11 guarantee is no longer outstanding, neither the
12 eligible business nor any affiliate of the eligible
13 business may purchase an equity security that
14 is listed on a national securities exchange of the
15 eligible business or any parent company of the
16 eligible business, except to the extent required
17 under a contractual obligation in effect as of
18 the date of enactment of this Act;
19 (F) the agreement provides that, until the
20 date 12 months after the date the loan or loan
21 guarantee is no longer outstanding, the eligible
22 business shall not pay dividends or make other
23 capital distributions with respect to the common
24 stock of the eligible business;

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1 (G) the agreement provides that, until Sep-
2 tember 30, 2020, the eligible business shall
3 maintain its employment levels as of March 24,
4 2020, to the extent practicable, and in any case
5 shall not reduce its employment levels by more
6 than 10 percent from the levels on such date;
7 (H) the agreement includes a certification
8 by the eligible business that it is created or or-
9 ganized in the United States or under the laws
10 of the United States and has significant oper-
11 ations in and a majority of its employees based
12 in the United States; and
13 (I) for purposes of a loan or loan guar-
14 antee under paragraphs (1), (2), and (3) of
15 subsection (b), the eligible business must have
16 incurred or is expected to incur covered losses
17 such that the continued operations of the busi-
18 ness are jeopardized, as determined by the Sec-
19 retary.
20 (3) FEDERAL RESERVE PROGRAMS OR FACILI-
21 TIES.—
22 (A) TERMS AND CONDITIONS.—
23 (i) DEFINITION.—In this paragraph,
24 the term "direct loan" means a loan under
25 a bilateral loan agreement that is —

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1 (I) entered into directly with an
2 eligible business as borrower; and
3 (II) not part of a syndicated
4 loan, a loan originated by a financial
5 institution in the ordinary course of
6 business, or a securities or capital
7 markets transaction.
8 (ii) RESTRICTIONS.—The Secretary
9 may make a loan, loan guarantee, or other
10 investment under subsection (b)(4) as part
11 of a program or facility that provides di-
12 rect loans only if the applicable eligible
13 businesses agree—
14 (I) until the date 12 months
15 after the date on which the direct loan
16 is no longer outstanding, not to repur-
17 chase an equity security that is listed
18 on a national securities exchange of
19 the eligible business or any parent
20 company of the eligible business while
21 the direct loan is outstanding, except
22 to the extent required under a con-
23 tractual obligation that is in effect as
24 of the date of enactment of this Act;

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1 (II) until the date 12 months
2 after the date on which the direct loan
3 is no longer outstanding, not to pay
4 dividends or make other capital dis-
5 tributions with respect to the common
6 stock of the eligible business; and
7 (III) to comply with the limita-
8 tions on compensation set forth in
9 section 4004.
10 (iii) WAIVER.—The Secretary may
11 waive the requirement under clause (ii)
12 with respect to any program or facility
13 upon a determination that such waiver is
14 necessary to protect the interests of the
15 Federal Government. If the Secretary exer-
16 cises a waiver under this clause, the Sec-
17 retary shall make himself available to tes-
18 tify before the Committee on Banking,
19 Housing, and Urban Affairs of the Senate
20 and the Committee on Financial Services
21 of the House of Representatives regarding
22 the reasons for the waiver.
23 (B) FEDERAL RESERVE ACT TAXPAYER
24 PROTECTIONS AND OTHER REQUIREMENTS
25 APPLY.—For the avoidance of doubt, any appli-

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1 cable requirements under section 13(3) of the
2 Federal Reserve Act (12 U.S.C. 343(3)), in-
3 cluding requirements relating to loan
4 collateralization, taxpayer protection, and bor-
5 rower solvency, shall apply with respect to any
6 program or facility described in subsection
7 (b)(4).

8 (C) UNITED STATES BUSINESSES.—A pro-
9 gram or facility in which the Secretary makes
10 a loan, loan guarantee, or other investment
11 under subsection (b)(4) shall only purchase ob-
12 ligations or other interests (other than securi-
13 ties that are based on an index or that are
14 based on a diversified pool of securities) from,
15 or make loans or other advances to, businesses
16 that are created or organized in the United
17 States or under the laws of the United States
18 and that have significant operations in and a
19 majority of its employees based in the United
20 States.

21 (D) ASSISTANCE FOR MID-SIZED BUSI-
22 NESSES.—

23 (i) IN GENERAL.—Without limiting
24 the terms and conditions of the programs
25 and facilities that the Secretary may other-

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1 wise provide financial assistance to under
2 subsection (b)(4), the Secretary shall en-
3 deavor to seek the implementation of a
4 program or facility described in subsection
5 (b)(4) that provides financing to banks and
6 other lenders that make direct loans to eli-
7 gible businesses including, to the extent
8 practicable, nonprofit organizations, with
9 between 500 and 10,000 employees, with
10 such direct loans being subject to an
11 annualized interest rate that is not higher
12 than 2 percent per annum. For the first 6
13 months after any such direct loan is made,
14 or for such longer period as the Secretary
15 may determine in his discretion, no prin-
16 cipal or interest shall be due and payable.
17 Any eligible borrower applying for a direct
18 loan under this program shall make a
19 good-faith certification that—
20 (I) the uncertainty of economic
21 conditions as of the date of the appli-
22 cation makes necessary the loan re-
23 quest to support the ongoing oper-
24 ations of the recipient;

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1 (II) the funds it receives will be
2 used to retain at least 90 percent of
3 the recipient's workforce, at full com-
4 pensation and benefits, until Sep-
5 tember 30, 2020;
6 (III) the recipient intends to re-
7 store not less than 90 percent of the
8 workforce of the recipient that existed
9 as of February 1, 2020, and to re-
10 store all compensation and benefits to
11 the workers of the recipient no later
12 than 4 months after the termination
13 date of the public health emergency
14 declared by the Secretary of Health
15 and Human Services on January 31,
16 2020, under section 319 of the Public
17 Health Services Act (42 U.S.C. 247d)
18 in response to COVID–19;
19 (IV) the recipient is an entity or
20 business that is domiciled in the
21 United States with significant oper-
22 ations and employees located in the
23 United States;
24 (V) the recipient is not a debtor
25 in a bankruptcy proceeding;

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1 (VI) the recipient is created or
2 organized in the United States or
3 under the laws of the United States
4 and has significant operations in and
5 a majority of its employees based in
6 the United States;
7 (VII) the recipient will not pay
8 dividends with respect to the common
9 stock of the eligible business, or re-
10 purchase an equity security that is
11 listed on a national securities ex-
12 change of the recipient or any parent
13 company of the recipient while the di-
14 rect loan is outstanding, except to the
15 extent required under a contractual
16 obligation that is in effect as of the
17 date of enactment of this Act;
18 (VIII) the recipient will not
19 outsource or offshore jobs for the
20 term of the loan and 2 years after
21 completing repayment of the loan;
22 (IX) the recipient will not abro-
23 gate existing collective bargaining
24 agreements for the term of the loan

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1 and 2 years after completing repay-
2 ment of the loan; and
3 (X) that the recipient will remain
4 neutral in any union organizing effort
5 for the term of the loan.
6 (ii) MAIN STREET LENDING PRO-
7 GRAM.—Nothing in this subparagraph
8 shall limit the discretion of the Board of
9 Governors of the Federal Reserve System
10 to establish a Main Street Lending Pro-
11 gram or other similar program or facility
12 that supports lending to small and mid-
13 sized businesses on such terms and condi-
14 tions as the Board may set consistent with
15 section 13(3) of the Federal Reserve Act
16 (12 U.S.C. 343(3)), including any such
17 program in which the Secretary makes a
18 loan, loan guarantee, or other investment
19 under subsection (b)(4).
20 (E) GOVERNMENT PARTICIPANTS.—The
21 Secretary shall endeavor to seek the implemen-
22 tation of a program or facility in accordance
23 with subsection (b)(4) that provides liquidity to
24 the financial system that supports lending to
25 States and municipalities.

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1 (d) FINANCIAL PROTECTION OF GOVERNMENT.—
2 (1) WARRANT OR SENIOR DEBT INSTRU-
3 MENT.—The Secretary may not issue a loan to, or
4 a loan guarantee for, an eligible business under
5 paragraph (1), (2), or (3) of subsection (b) unless—
6 (A)(i) the eligible business has issued secu-
7 rities that are traded on a national securities
8 exchange; and
9 (ii) the Secretary receives a warrant or eq-
10 uity interest in the eligible business; or
11 (B) in the case of any eligible business
12 other than an eligible business described in sub-
13 paragraph (A), the Secretary receives, in the
14 discretion of the Secretary—
15 (i) a warrant or equity interest in the
16 eligible business; or
17 (ii) a senior debt instrument issued by
18 the eligible business.
19 (2) TERMS AND CONDITIONS.—The terms and
20 conditions of any warrant, equity interest, or senior
21 debt instrument received under paragraph (1) shall
22 be set by the Secretary and shall meet the following
23 requirements:
24 (A) PURPOSES.—Such terms and condi-
25 tions shall be designed to provide for a reason-

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able participation by the Secretary, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity interest, or a reasonable interest rate premium, in the case of a debt instrument.

(B) AUTHORITY TO SELL, EXERCISE, OR SURRENDER.—For the primary benefit of taxpayers, the Secretary may sell, exercise, or surrender a warrant or any senior debt instrument received under this subsection. The Secretary shall not exercise voting power with respect to any shares of common stock acquired under this section.

(C) SUFFICIENCY.—If the Secretary determines that the eligible business cannot feasibly issue warrants or other equity interests as required by this subsection, the Secretary may accept a senior debt instrument in an amount and on such terms as the Secretary deems appropriate.

(3) PROHIBITION ON LOAN FORGIVENESS.—The principal amount of any obligation issued by an eligible business, State, or municipality under a program described in subsection (b) shall not be reduced through loan forgiveness.

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1 (e) DEPOSIT OF PROCEEDS.—Amounts collected
2 under subsection (b) shall be deposited in the following
3 order of priority:
4 (1) Into the financing accounts established
5 under section 505 of the Federal Credit Reform Act
6 of 1990 (2 U.S.C. 661d) to implement this subtitle,
7 up to an amount equal to the sum of—
8 (A) the amount transferred from the ap-
9 propriation made under section 4027 to the fi-
10 nancing accounts; and
11 (B) the amount necessary to repay any
12 amount lent from the Treasury to such financ-
13 ing accounts.
14 (2) After the deposits specified in paragraph
15 (1) of this subsection have been made, into the Fed-
16 eral Old-Age and Survivors Insurance Trust Fund
17 established under section 201(a) of the Social Secu-
18 rity Act (42 U.S.C. 401).
19 (f) ADMINISTRATIVE PROVISIONS.—Notwithstanding
20 any other provision of law, the Secretary may use not
21 greater than $100,000,000 of the funds made available
22 under section 4027 to pay costs and administrative ex-
23 penses associated with the loans, loan guarantees, and
24 other investments authorized under this section. The Sec-
25 retary is authorized to take such actions as the Secretary

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1 deems necessary to carry out the authorities in this sub-
2 title, including, without limitation—
3 (1) using direct hiring authority to hire employ-
4 ees to administer this subtitle;
5 (2) entering into contracts, including contracts
6 for services authorized by this subtitle;
7 (3) establishing vehicles that are authorized,
8 subject to supervision by the Secretary, to purchase,
9 hold, and sell assets and issue obligations; and
10 (4) issuing such regulations and other guidance
11 as may be necessary or appropriate to carry out the
12 authorities or purposes of this subtitle.
13 (g) FINANCIAL AGENTS.—The Secretary is author-
14 ized to designate financial institutions, including but not
15 limited to, depositories, brokers, dealers, and other institu-
16 tions, as financial agents of the United States. Such insti-
17 tutions shall—
18 (1) perform all reasonable duties the Secretary
19 determines necessary to respond to the coronavirus;
20 and
21 (2) be paid for such duties using appropriations
22 available to the Secretary to reimburse financial in-
23 stitutions in their capacity as financial agents of the
24 United States.

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1 (h) LOANS MADE BY OR GUARANTEED BY THE DE-
2 PARTMENT OF THE TREASURY TREATED AS INDEBTED-
3 NESS FOR TAX PURPOSES.—
4 (1) IN GENERAL.—Any loan made by or guar-
5 anteed by the Department of the Treasury under
6 this section shall be treated as indebtedness for pur-
7 poses of the Internal Revenue Code of 1986, shall be
8 treated as issued for its stated principal amount,
9 and stated interest on such loans shall be treated as
10 qualified stated interest.
11 (2) REGULATIONS OR GUIDANCE.—The Sec-
12 retary of the Treasury (or the Secretary's delegate)
13 shall prescribe such regulations or guidance as may
14 be necessary or appropriate to carry out the pur-
15 poses of this section, including guidance providing
16 that the acquisition of warrants, stock options, com-
17 mon or preferred stock or other equity under this
18 section does not result in an ownership change for
19 purposes of section 382 of the Internal Revenue
20 Code of 1986.
21 **SEC. 4004. LIMITATION ON CERTAIN EMPLOYEE COM-**
22 **PENSATION.**
23 (a) IN GENERAL.—The Secretary may only enter into
24 an agreement with an eligible business to make a loan or
25 loan guarantee under paragraph (1), (2) or (3) of section

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1 4003(b) if such agreement provides that, during the pe-
2 riod beginning on the date on which the agreement is exe-
3 cuted and ending on the date that is 1 year after the date
4 on which the loan or loan guarantee is no longer out-
5 standing—

6 (1) no officer or employee of the eligible busi-
7 ness whose total compensation exceeded $425,000 in
8 calendar year 2019 (other than an employee whose
9 compensation is determined through an existing col-
10 lective bargaining agreement entered into prior to
11 March 1, 2020)—

12 (A) will receive from the eligible business
13 total compensation which exceeds, during any
14 12 consecutive months of such period, the total
15 compensation received by the officer or em-
16 ployee from the eligible business in calendar
17 year 2019; or

18 (B) will receive from the eligible business
19 severance pay or other benefits upon termi-
20 nation of employment with the eligible business
21 which exceeds twice the maximum total com-
22 pensation received by the officer or employee
23 from the eligible business in calendar year
24 2019; and

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(2) no officer or employee of the eligible business whose total compensation exceeded $3,000,000 in calendar year 2019 may receive during any 12 consecutive months of such period total compensation in excess of the sum of—

(A) $3,000,000; and

(B) 50 percent of the excess over $3,000,000 of the total compensation received by the officer or employee from the eligible business in calendar year 2019.

(b) TOTAL COMPENSATION DEFINED.—In this section, the term "total compensation" includes salary, bonuses, awards of stock, and other financial benefits provided by an eligible business to an officer or employee of the eligible business.

**SEC. 4005. CONTINUATION OF CERTAIN AIR SERVICE.**

The Secretary of Transportation is authorized to require, to the extent reasonable and practicable, an air carrier receiving loans and loan guarantees under section 4003 to maintain scheduled air transportation service as the Secretary of Transportation deems necessary to ensure services to any point served by that carrier before March 1, 2020. When considering whether to exercise the authority granted by this section, the Secretary of Transportation shall take into consideration the air transportation

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needs of small and remote communities and the need to maintain well-functioning health care and pharmaceutical supply chains, including for medical devices and supplies. The authority under this section, including any requirement issued by the Secretary under this section, shall terminate on March 1, 2022.

**SEC. 4006. COORDINATION WITH SECRETARY OF TRANSPORTATION.**

In implementing this subtitle with respect to air carriers, the Secretary shall coordinate with the Secretary of Transportation.

**SEC. 4007. SUSPENSION OF CERTAIN AVIATION EXCISE TAXES.**

(a) TRANSPORTATION BY AIR.—In the case of any amount paid for transportation by air (including any amount treated as paid for transportation by air by reason of section 4261(e)(3) of the Internal Revenue Code of 1986) during the excise tax holiday period, no tax shall be imposed under section 4261 or 4271 of such Code. The preceding sentence shall not apply to amounts paid on or before the date of the enactment of this Act.

(b) USE OF KEROSENE IN COMMERCIAL AVIATION.—In the case of kerosene used in commercial aviation (as defined in section 4083 of the Internal Revenue Code of 1986) during the excise tax holiday period—

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1 (1) no tax shall be imposed on such kerosene
2 under—
3 (A) section 4041(c) of the Internal Rev-
4 enue Code of 1986, or
5 (B) section 4081 of such Code (other than
6 at the rate provided in subsection (a)(2)(B)
7 thereof), and
8 (2) section 6427(l) of such Code shall be ap-
9 plied—
10 (A) by treating such use as a nontaxable
11 use, and
12 (B) without regard to paragraph (4)(A)(ii)
13 thereof.
14 (c) EXCISE TAX HOLIDAY PERIOD.—For purposes of
15 this section, the term "excise tax holiday period" means
16 the period beginning after the date of the enactment of
17 this section and ending before January 1, 2021.
18 **SEC. 4008. DEBT GUARANTEE AUTHORITY.**
19 (a) Section 1105 of the Dodd-Frank Wall Street Re-
20 form and Consumer Protection Act (12 U.S.C. 5612) is
21 amended—
22 (1) in subsection (f)—
23 (A) by inserting "in noninterest-bearing
24 transaction accounts" after "institutions"; and

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1 (B) by striking "shall not" and inserting
2 "may"; and
3 (2) by adding at the end the following:
4 "(h) APPROVAL OF GUARANTEE PROGRAM DURING
5 THE COVID–19 CRISIS.—
6 "(1) IN GENERAL.—For purposes of the con-
7 gressional joint resolution of approval provided for
8 in subsections (c)(1) and (2) and (d), notwith-
9 standing any other provision of this section, the
10 Federal Deposit Insurance Corporation is approved
11 upon enactment of this Act to establish a program
12 provided for in subsection (a), provided that any
13 such program and any such guarantee shall termi-
14 nate not later than December 31, 2020.
15 "(2) MAXIMUM AMOUNT.—Any debt guarantee
16 program authorized by this subsection shall include
17 a maximum amount of outstanding debt that is
18 guaranteed.".
19 (b) FEDERAL CREDIT UNION TRANSACTION AC-
20 COUNT GUARANTEES.—Notwithstanding any other provi-
21 sion of law and in coordination with the Federal Deposit
22 Insurance Corporation, the National Credit Union Admin-
23 istration Board may by a vote of the Board increase to
24 unlimited, or such lower amount as the Board approves,
25 the share insurance coverage provided by the National

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1 Credit Union Share Insurance Fund on any noninterest-
2 bearing transaction account in any federally insured credit
3 union without exception, provided that any such increase
4 shall terminate not later than December 31, 2020.

5 **SEC. 4009. TEMPORARY GOVERNMENT IN THE SUNSHINE**
6 **ACT RELIEF.**

7 (a) IN GENERAL.—Except as provided in subsection
8 (b), notwithstanding any other provision of law, if the
9 Chairman of the Board of Governors of the Federal Re-
10 serve System determines, in writing, that unusual and exi-
11 gent circumstances exist, the Board may conduct meetings
12 without regard to the requirements of section 552b of title
13 5, United States Code, during the period beginning on the
14 date of enactment of this Act and ending on the earlier
15 of—

16 (1) the date on which the national emergency
17 concerning the novel coronavirus disease (COVID–
18 19) outbreak declared by the President on March
19 13, 2020 under the National Emergencies Act (50
20 U.S.C. 1601 et seq.) terminates; or

21 (2) December 31, 2020.

22 (b) RECORDS.—The Board of Governors of the Fed-
23 eral Reserve System shall keep a record of all Board votes
24 and the reasons for such votes during the period described
25 in subsection (a).

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1 **SEC. 4010. TEMPORARY HIRING FLEXIBILITY.**

2 (a) DEFINITION.—In this section, the term ''covered
3 period'' means the period beginning on the date of enact-
4 ment of this Act and ending on the sooner of—

5 (1) the termination date of the national emer-
6 gency concerning the novel coronavirus disease
7 (COVID–19) outbreak declared by the President on
8 March 13, 2020 under the National Emergencies
9 Act (50 U.S.C. 1601 et seq.); or

10 (2) December 31, 2020.

11 (b) AUTHORITY.— During the covered period, the
12 Secretary of Housing and Urban Development, the Securi-
13 ties and Exchange Commission, and the Commodity Fu-
14 tures Trading Commission may, without regard to sections
15 3309 through 3318 of title 5, United States Code, recruit
16 and appoint candidates to fill temporary and term ap-
17 pointments within their respective agencies upon a deter-
18 mination that those expedited procedures are necessary
19 and appropriate to enable the respective agencies to pre-
20 vent, prepare for, or respond to COVID–19.

21 **SEC. 4011. TEMPORARY LENDING LIMIT WAIVER.**

22 (a) IN GENERAL.—Section 5200 of the Revised Stat-
23 utes of the United States (12 U.S.C. 84) is amended—

24 (1) in subsection (c)(7)—

25 (A) by inserting ''any nonbank financial
26 company (as that term is defined in section 102

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of the Financial Stability Act of 2010 (12 U.S.C. 5311)),'' after ''Loans or extensions of credit to''; and

(B) by striking ''financial institution or to'' and inserting ''financial institution, or to''; and

(2) in subsection (d), by adding at the end of paragraph (1) the following: ''The Comptroller of the Currency may, by order, exempt any transaction or series of transactions from the requirements of this section upon a finding by the Comptroller that such exemption is in the public interest and consistent with the purposes of this section.''.

(b) EFFECTIVE PERIOD.—This section, and the amendments made by this section, shall be effective during the period beginning on the date of enactment of this Act and ending on the sooner of—

(1) the termination date of the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.); or

(2) December 31, 2020.

**SEC. 4012. TEMPORARY RELIEF FOR COMMUNITY BANKS.**

(a) DEFINITIONS.—In this section—

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1 (1) the term "appropriate Federal banking
2 agency" has the meaning given the term in section
3 2 of the Economic Growth, Regulatory Relief, and
4 Consumer Protection Act (12 U.S.C. 5365 note);
5 and
6 (2) the terms "Community Bank Leverage
7 Ratio" and "qualifying community bank" have the
8 meanings given the terms in section 201(a) of the
9 Economic Growth, Regulatory Relief, and Consumer
10 Protection Act (12 U.S.C. 5371 note).
11 (b) INTERIM RULE.—
12 (1) IN GENERAL.—Notwithstanding any other
13 provision of law or regulation, the appropriate Fed-
14 eral banking agencies shall issue an interim final
15 rule that provides that, for the purposes of section
16 201 of the Economic Growth, Regulatory Relief, and
17 Consumer Protection Act (12 U.S.C. 5371 note)—
18 (A) the Community Bank Leverage Ratio
19 shall be 8 percent; and
20 (B) a qualifying community bank that falls
21 below the Community Bank Leverage Ratio es-
22 tablished under subparagraph (A) shall have a
23 reasonable grace period to satisfy the Commu-
24 nity Bank Leverage Ratio.

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1 (2) EFFECTIVE PERIOD.—The interim rule
2 issued under paragraph (1) shall be effective during
3 the period beginning on the date on which the ap-
4 propriate Federal banking agencies issue the rule
5 and ending on the sooner of—
6 (A) the termination date of the national
7 emergency concerning the novel coronavirus dis-
8 ease (COVID–19) outbreak declared by the
9 President on March 13, 2020 under the Na-
10 tional Emergencies Act (50 U.S.C. 1601 et
11 seq.); or
12 (B) December 31, 2020.
13 (c) GRACE PERIOD.—During a grace period de-
14 scribed in subsection (b)(1)(B), a qualifying community
15 bank to which the grace period applies may continue to
16 be treated as a qualifying community bank and shall be
17 presumed to satisfy the capital and leverage requirements
18 described in section 201(c) of the Economic Growth, Reg-
19 ulatory Relief, and Consumer Protection Act (12 U.S.C.
20 5371 note).
21 **SEC. 4013. TEMPORARY RELIEF FROM TROUBLED DEBT**
22 **RESTRUCTURINGS.**
23 (a) DEFINITIONS.—In this section:
24 (1) APPLICABLE PERIOD.—The term "applica-
25 ble period" means the period beginning on March 1,

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1 2020 and ending on the earlier of December 31,
2 2020, or the date that is 60 days after the date on
3 which the national emergency concerning the novel
4 coronavirus disease (COVID–19) outbreak declared
5 by the President on March 13, 2020 under the Na-
6 tional Emergencies Act (50 U.S.C. 1601 et seq.) ter-
7 minates.
8 (2) APPROPRIATE FEDERAL BANKING AGEN-
9 CY.—The term "appropriate Federal banking agen-
10 cy"—
11 (A) has the meaning given the term in sec-
12 tion 3 of the Federal Deposit Insurance Act (12
13 U.S.C. 1813); and
14 (B) includes the National Credit Union
15 Administration.
16 (b) SUSPENSION.—
17 (1) IN GENERAL.—During the applicable pe-
18 riod, a financial institution may elect to—
19 (A) suspend the requirements under
20 United States generally accepted accounting
21 principles for loan modifications related to the
22 coronavirus disease 2019 (COVID–19) pan-
23 demic that would otherwise be categorized as a
24 troubled debt restructuring; and

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1 (B) suspend any determination of a loan
2 modified as a result of the effects of the
3 coronavirus disease 2019 (COVID–19) pan-
4 demic as being a troubled debt restructuring,
5 including impairment for accounting purposes.
6 (2) APPLICABILITY.—Any suspension under
7 paragraph (1)—
8 (A) shall be applicable for the term of the
9 loan modification, but solely with respect to any
10 modification, including a forbearance arrange-
11 ment, an interest rate modification, a repay-
12 ment plan, and any other similar arrangement
13 that defers or delays the payment of principal
14 or interest, that occurs during the applicable
15 period for a loan that was not more than 30
16 days past due as of December 31, 2019; and
17 (B) shall not apply to any adverse impact
18 on the credit of a borrower that is not related
19 to the coronavirus disease 2019 (COVID–19)
20 pandemic.
21 (c) DEFERENCE.—The appropriate Federal banking
22 agency of the financial institution shall defer to the deter-
23 mination of the financial institution to make a suspension
24 under this section.

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1 (d) RECORDS.—For modified loans for which suspen-
2 sions under subsection (a) apply—
3 (1) financial institutions should continue to
4 maintain records of the volume of loans involved;
5 and
6 (2) the appropriate Federal banking agencies
7 may collect data about such loans for supervisory
8 purposes.

9 **SEC. 4014. OPTIONAL TEMPORARY RELIEF FROM CURRENT**
10 **EXPECTED CREDIT LOSSES.**

11 (a) DEFINITIONS.—In this section:
12 (1) APPROPRIATE FEDERAL BANKING AGEN-
13 CY.—The term ''appropriate Federal banking agen-
14 cy''—
15 (A) has the meaning given the term in sec-
16 tion 3 of the Federal Deposit Insurance Act (12
17 U.S.C. 1813); and
18 (B) includes the National Credit Union
19 Administration.
20 (2) INSURED DEPOSITORY INSTITUTION.—The
21 term ''insured depository institution''—
22 (A) has the meaning given the term in sec-
23 tion 3 of the Federal Deposit Insurance Act (12
24 U.S.C. 1813); and
25 (B) includes a credit union.

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1 (b) TEMPORARY RELIEF FROM CECL STAND-
2 ARDS.—Notwithstanding any other provision of law, no in-
3 sured depository institution, bank holding company, or
4 any affiliate thereof shall be required to comply with the
5 Financial Accounting Standards Board Accounting Stand-
6 ards Update No. 2016–13 (''Measurement of Credit
7 Losses on Financial Instruments''), including the current
8 expected credit losses methodology for estimating allow-
9 ances for credit losses, during the period beginning on the
10 date of enactment of this Act and ending on the earlier
11 of—
12 (1) the date on which the national emergency
13 concerning the novel coronavirus disease (COVID–
14 19) outbreak declared by the President on March
15 13, 2020 under the National Emergencies Act (50
16 U.S.C. 1601 et seq.) terminates; or
17 (2) December 31, 2020.
18 **SEC. 4015. NON-APPLICABILITY OF RESTRICTIONS ON ESF**
19 **DURING NATIONAL EMERGENCY.**
20 (a) IN GENERAL.—Section 131 of the Emergency
21 Economic Stabilization Act of 2008 (12 U.S.C. 5236)
22 shall not apply during the period beginning on the date
23 of enactment of this Act and ending on December 31,
24 2020. Any guarantee established as a result of the applica-
25 tion of subsection (a) shall—

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1 (1) be limited to a guarantee of the total value
2 of a shareholder's account in a participating fund as
3 of the close of business on the day before the an-
4 nouncement of the guarantee; and
5 (2) terminate not later than December 31,
6 2020.
7 (b) DIRECT APPROPRIATION.—Upon the expiration
8 of the period described in subsection (a), there is appro-
9 priated, out of amounts in the Treasury not otherwise ap-
10 propriated, such sums as may be necessary to reimburse
11 the fund established under section 5302(a)(1) of title 31,
12 United States Code, for any funds that are used for the
13 Treasury Money Market Funds Guaranty Program for the
14 United States money market mutual fund industry to the
15 extent a claim payment made exceeds the balance of fees
16 collected by the fund.
17 **SEC. 4016. TEMPORARY CREDIT UNION PROVISIONS.**
18 (a) IN GENERAL.—
19 (1) DEFINITIONS.—Section 302(1) of the Fed-
20 eral Credit Union Act (12 U.S.C. 1795a(1)) is
21 amended, in the matter preceding subparagraph (A),
22 by striking "primarily serving natural persons".
23 (2) MEMBERSHIP.—Section 304(b)(2) of the
24 Federal Credit Union Act (12 U.S.C. 1795c(b)(2))
25 is amended by striking "all those credit unions" and

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1 inserting "such credit unions as the Board may in
2 its discretion determine".
3 (3) EXTENSIONS OF CREDIT.—Section
4 306(a)(1) of the Federal Credit Union Act (12
5 U.S.C. 1795e(a)(1)) is amended, in the second sen-
6 tence, by striking "the intent of which is to expand
7 credit union portfolios" and inserting "without first
8 having obtained evidence from the applicant that the
9 applicant has made reasonable efforts to first use
10 primary sources of liquidity of the applicant, includ-
11 ing balance sheet and market funding sources, to
12 address the liquidity needs of the applicant".
13 (4) POWERS OF THE BOARD.—Section
14 307(a)(4)(A) of the Federal Credit Union Act (12
15 U.S.C. 1795f(a)(4)(A)) is amended by inserting ",
16 provided that, the total face value of such obliga-
17 tions shall not exceed 16 times the subscribed cap-
18 ital stock and surplus of the Facility for the period
19 beginning on the date of enactment of the
20 Coronavirus Economic Stabilization Act of 2020 and
21 ending on December 31, 2020" after "Facility".
22 (b) SUNSET.—
23 (1) IN GENERAL.—
24 (A) DEFINITIONS.—Section 302(1) of the
25 Federal Credit Union Act (12 U.S.C. 1795a(1))

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1 is amended, in the matter preceding subpara-
2 graph (A), by inserting "primarily serving nat-
3 ural persons" after "credit unions".
4 (B) MEMBERSHIP.—Section 304(b)(2) of
5 the Federal Credit Union Act (12 U.S.C.
6 1795c(b)(2)) is amended by striking "such
7 credit unions as the Board may in its discretion
8 determine" and inserting "all those credit
9 unions".
10 (C) EXTENSIONS OF CREDIT.—Section
11 306(a)(1) of the Federal Credit Union Act (12
12 U.S.C. 1795e(a)(1)) is amended, in the second
13 sentence, by striking "without first having ob-
14 tained evidence from the applicant that the ap-
15 plicant has made reasonable efforts to first use
16 primary sources of liquidity of the applicant, in-
17 cluding balance sheet and market funding
18 sources, to address the liquidity needs of the
19 applicant" and inserting "the intent of which is
20 to expand credit union portfolios".
21 (2) EFFECTIVE DATE.—The amendments made
22 by paragraph (1) shall take effect on December 31,
23 2020.

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1 **SEC. 4017. INCREASING ACCESS TO MATERIALS NECESSARY**
2 **FOR NATIONAL SECURITY AND PANDEMIC**
3 **RECOVERY.**

4 Notwithstanding any other provision of law—

5 (1) during the 2-year period beginning on the
6 date of enactment of this Act, the requirements de-
7 scribed in sections 303(a)(6)(C) and 304(e) of the
8 Defense Production Act of 1950 (50 U.S.C.
9 4533(a)(6)(C), 4534(e)) shall not apply; and

10 (2) during the 1-year period beginning on the
11 date of enactment of this Act, the requirements de-
12 scribed in sections 302(d)(1) and 303 (a)(6)(B) of
13 the Defense Production Act of 1950 (50 U.S.C.
14 4532(d)(1), 4533(a)(6)(B)) shall not apply.

15 **SEC. 4018. SPECIAL INSPECTOR GENERAL FOR PANDEMIC**
16 **RECOVERY.**

17 (a) OFFICE OF INSPECTOR GENERAL.—There is
18 hereby established within the Department of the Treasury
19 the Office of the Special Inspector General for Pandemic
20 Recovery.

21 (b) APPOINTMENT OF INSPECTOR GENERAL; RE-
22 MOVAL.—

23 (1) IN GENERAL.—The head of the Office of
24 the Special Inspector General for Pandemic Recov-
25 ery shall be the Special Inspector General for Pan-
26 demic Recovery (referred to in this section as the

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1 "Special Inspector General"), who shall be appointed
2 by the President, by and with the advice and consent
3 of the Senate.

4 (2) NOMINATION.—The nomination of the Spe-
5 cial Inspector General shall be made on the basis of
6 integrity and demonstrated ability in accounting, au-
7 diting, financial analysis, law, management analysis,
8 public administration, or investigations. The nomina-
9 tion of an individual as Special Inspector General
10 shall be made as soon as practicable after any loan,
11 loan guarantee, or other investment is made under
12 section 4003.

13 (3) REMOVAL.—The Special Inspector General
14 shall be removable from office in accordance with
15 the provisions of section 3(b) of the Inspector Gen-
16 eral Act of 1978 (5 U.S.C. App.).

17 (4) POLITICAL ACTIVITY.—For purposes of sec-
18 tion 7324 of title 5, United States Code, the Special
19 Inspector General shall not be considered an em-
20 ployee who determines policies to be pursued by the
21 United States in the nationwide administration of
22 Federal law.

23 (5) BASIC PAY.—The annual rate of basic pay
24 of the Special Inspector General shall be the annual
25 rate of basic pay for an Inspector General under sec-

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1 tion 3(e) of the Inspector General Act of 1978 (5
2 U.S.C. App.).
3 (c) DUTIES.—
4 (1) IN GENERAL.—It shall be the duty of the
5 Special Inspector General to, in accordance with sec-
6 tion 4(b)(1) of the Inspector General Act of 1978 (5
7 U.S.C. App.), conduct, supervise, and coordinate au-
8 dits and investigations of the making, purchase,
9 management, and sale of loans, loan guarantees, and
10 other investments made by the Secretary of the
11 Treasury under any program established by the Sec-
12 retary under this Act, and the management by the
13 Secretary of any program established under this Act,
14 including by collecting and summarizing the fol-
15 lowing information:
16 (A) A description of the categories of the
17 loans, loan guarantees, and other investments
18 made by the Secretary.
19 (B) A listing of the eligible businesses re-
20 ceiving loan, loan guarantees, and other invest-
21 ments made under each category described in
22 subparagraph (A).
23 (C) An explanation of the reasons the Sec-
24 retary determined it to be appropriate to make
25 each loan or loan guarantee under this Act, in-

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1 cluding a justification of the price paid for, and
2 other financial terms associated with, the appli-
3 cable transaction.
4 (D) A listing of, and detailed biographical
5 information with respect to, each person hired
6 to manage or service each loan, loan guarantee,
7 or other investment made under section 4003.
8 (E) A current, as of the date on which the
9 information is collected, estimate of the total
10 amount of each loan, loan guarantee, and other
11 investment made under this Act that is out-
12 standing, the amount of interest and fees ac-
13 crued and received with respect to each loan or
14 loan guarantee, the total amount of matured
15 loans, the type and amount of collateral, if any,
16 and any losses or gains, if any, recorded or ac-
17 crued for each loan, loan guarantee, or other in-
18 vestment.
19 (2) MAINTENANCE OF SYSTEMS.—The Special
20 Inspector General shall establish, maintain, and
21 oversee such systems, procedures, and controls as
22 the Special Inspector General considers appropriate
23 to discharge the duties of the Special Inspector Gen-
24 eral under paragraph (1).

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1 (3) ADDITIONAL DUTIES AND RESPONSIBIL-
2 ITIES.—In addition to the duties described in para-
3 graphs (1) and (2), the Special Inspector General
4 shall also have the duties and responsibilities of in-
5 spectors general under the Inspector General Act of
6 1978 (5 U.S.C. App.).
7 (d) POWERS AND AUTHORITIES.—
8 (1) IN GENERAL.—In carrying out the duties of
9 the Special Inspector General under subsection (c),
10 the Special Inspector General shall have the authori-
11 ties provided in section 6 of the Inspector General
12 Act of 1978 (5 U.S.C. App.).
13 (2) TREATMENT OF OFFICE.—The Office of the
14 Special Inspector General for Pandemic Recovery
15 shall be considered to be an office described in sec-
16 tion 6(f)(3) of the Inspector General Act of 1978 (5
17 U.S.C. App.) and shall be exempt from an initial de-
18 termination by the Attorney General under section
19 6(f)(2) of that Act.
20 (e) PERSONNEL, FACILITIES, AND OTHER RE-
21 SOURCES.—
22 (1) APPOINTMENT OF OFFICERS AND EMPLOY-
23 EES.—The Special Inspector General may select, ap-
24 point, and employ such officers and employees as
25 may be necessary for carrying out the duties of the

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1 Special Inspector General, subject to the provisions
2 of title 5, United States Code, governing appoint-
3 ments in the competitive service, and the provisions
4 of chapter 51 and subchapter III of chapter 53 of
5 that title, relating to classification and General
6 Schedule pay rates.

7 (2) EXPERTS AND CONSULTANTS.—The Special
8 Inspector General may obtain services as authorized
9 under section 3109 of title 5, United States Code,
10 at daily rates not to exceed the equivalent rate pre-
11 scribed for grade GS–15 of the General Schedule by
12 section 5332 of that title.

13 (3) CONTRACTS.—The Special Inspector Gen-
14 eral may enter into contracts and other arrange-
15 ments for audits, studies, analyses, and other serv-
16 ices with public agencies and with private persons,
17 and make such payments as may be necessary to
18 carry out the duties of the Inspector General.

19 (4) REQUESTS FOR INFORMATION.—

20 (A) IN GENERAL.—Upon request of the
21 Special Inspector General for information or as-
22 sistance from any department, agency, or other
23 entity of the Federal Government, the head of
24 that department, agency, or entity shall, to the
25 extent practicable and not in contravention of

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1 any existing law, furnish that information or
2 assistance to the Special Inspector General, or
3 an authorized designee.
4 (B) REFUSAL TO PROVIDE REQUESTED IN-
5 FORMATION.—Whenever information or assist-
6 ance requested by the Special Inspector General
7 is, in the judgment of the Special Inspector
8 General, unreasonably refused or not provided,
9 the Special Inspector General shall report the
10 circumstances to the appropriate committees of
11 Congress without delay.
12 (f) REPORTS.—
13 (1) QUARTERLY REPORTS.—
14 (A) IN GENERAL.—Not later than 60 days
15 after the date on which the Special Inspector
16 General is confirmed, and once every calendar
17 quarter thereafter, the Special Inspector Gen-
18 eral shall submit to the appropriate committees
19 of Congress a report summarizing the activities
20 of the Special Inspector General during the 3-
21 month period ending on the date on which the
22 Special Inspector General submits the report.
23 (B) CONTENTS.—Each report submitted
24 under subparagraph (A) shall include, for the
25 period covered by the report, a detailed state-

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1 ment of all loans, loan guarantees, other trans-
2 actions, obligations, expenditures, and revenues
3 associated with any program established by the
4 Secretary under section 4003, as well as the in-
5 formation collected under subsection (c)(1).
6 (2) RULE OF CONSTRUCTION.—Nothing in this
7 subsection may be construed to authorize the public
8 disclosure of information that is—
9 (A) specifically prohibited from disclosure
10 by any other provision of law;
11 (B) specifically required by Executive order
12 to be protected from disclosure in the interest
13 of national defense or national security or in
14 the conduct of foreign affairs; or
15 (C) a part of an ongoing criminal inves-
16 tigation.
17 (g) FUNDING.—
18 (1) IN GENERAL.—Of the amounts made avail-
19 able to the Secretary under section 4027,
20 $25,000,000 shall be made available to the Special
21 Inspector General to carry out this section.
22 (2) AVAILABILITY.—The amounts made avail-
23 able to the Special Inspector General under para-
24 graph (1) shall remain available until expended.

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1 (h) TERMINATION.—The Office of the Special Inspec-
2 tor General shall terminate on the date 5 years after the
3 enactment of this Act.
4 (i) COUNCIL OF THE INSPECTORS GENERAL ON IN-
5 TEGRITY AND EFFICIENCY.—The Special Inspector Gen-
6 eral shall be a member of the Council of the Inspectors
7 General on Integrity and Efficiency established under sec-
8 tion 11 of the Inspector General Act of 1978 (5 U.S.C.
9 App.) until the date of termination of the Office of the
10 Special Inspector General.
11 (j) CORRECTIVE RESPONSES TO AUDIT PROB-
12 LEMS.—The Secretary shall—
13 (1) take action to address deficiencies identified
14 by a report or investigation of the Special Inspector
15 General; or
16 (2) with respect to a deficiency identified under
17 paragraph (1), certify to the Committee on Banking,
18 Housing, and Urban Affairs of the Senate, the Com-
19 mittee on Finance of the Senate, the Committee on
20 Financial Services of the House of Representatives,
21 and the Committee on Ways and Means of the
22 House of Representatives that no action is necessary
23 or appropriate.
24 **SEC. 4019. CONFLICTS OF INTEREST.**
25 (a) DEFINITIONS.—In this section:

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1 (1) CONTROLLING INTEREST.—The term ''con-
2 trolling interest'' means owning, controlling, or hold-
3 ing not less than 20 percent, by vote or value, indi-
4 vidually or for any covered individual in the aggre-
5 gate with any other covered individual, of any class
6 of equity interest in an entity.
7 (2) COVERED ENTITY.—The term ''covered en-
8 tity'' means an entity in which a covered individual
9 directly or indirectly holds a controlling interest.
10 (3) COVERED INDIVIDUAL.—The term ''covered
11 individual'' means—
12 (A) the President, the Vice President, the
13 head of an Executive department, or a Member
14 of Congress; and
15 (B) the spouse, child, son-in-law, or daugh-
16 ter-in-law, as determined under applicable com-
17 mon law, of an individual described in subpara-
18 graph (A).
19 (4) EQUITY INTEREST.—The term ''equity in-
20 terest'' means—
21 (A) a share in an entity, without regard to
22 whether the share is—
23 (i) transferable; or
24 (ii) classified as stock or anything
25 similar;

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1 (B) an interest in a limited liability com-
2 pany or of a limited partner in a limited part-
3 nership; or
4 (C) a warrant or right, other than a right
5 to convert, to purchase, sell, or subscribe to a
6 share or interest described in subparagraph (A)
7 or (B), respectively.
8 (5) EXECUTIVE DEPARTMENT.—The term ''Ex-
9 ecutive department'' has the meaning given the term
10 in section 101 of title 5, United States Code.
11 (6) MEMBER OF CONGRESS.—The term ''mem-
12 ber of Congress'' means a member of the Senate or
13 House of Representatives, a Delegate to the House
14 of Representatives, and the Resident Commissioner
15 from Puerto Rico.
16 (b) PROHIBITION.—Notwithstanding any other provi-
17 sion of this subtitle, no covered entity may be eligible for
18 any transaction described in section 4003.
19 (c) REQUIREMENT.—The principal executive officer
20 and the principal financial officer, or individuals per-
21 forming similar functions, of an entity seeking to enter
22 a transaction under section 4003 shall, before that trans-
23 action is approved, certify to the Secretary and the Board
24 of Governors of the Federal Reserve System that the enti-

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1 ty is eligible to engage in that transaction, including that
2 the entity is not a covered entity.

3 **SEC. 4020. CONGRESSIONAL OVERSIGHT COMMISSION.**

4 (a) ESTABLISHMENT.—There is hereby established
5 the Congressional Oversight Commission (hereafter in this
6 section referred to as the "Oversight Commission") as an
7 establishment in the legislative branch.

8 (b) DUTIES.—

9 (1) IN GENERAL.—The Oversight Commission
10 shall—

11 (A) conduct oversight of the implementa-
12 tion of this subtitle by the Department of the
13 Treasury and the Board of Governors of the
14 Federal Reserve System, including efforts of
15 the Department and the Board to provide eco-
16 nomic stability as a result of the coronavirus
17 disease 2019 (COVID–19) pandemic of 2020;

18 (B) submit to Congress reports under
19 paragraph (2); and

20 (C) review the implementation of this sub-
21 title by the Federal Government.

22 (2) REGULAR REPORTS.—

23 (A) IN GENERAL.—Reports of the Over-
24 sight Commission shall include the following:

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1 (i) The use by the Secretary and the
2 Board of Governors of the Federal Reserve
3 System of authority under this subtitle, in-
4 cluding with respect to the use of con-
5 tracting authority and administration of
6 the provisions of this subtitle.
7 (ii) The impact of loans, loan guaran-
8 tees, and investments made under this sub-
9 title on the financial well-being of the peo-
10 ple of the United States and the United
11 States economy, financial markets, and fi-
12 nancial institutions.
13 (iii) The extent to which the informa-
14 tion made available on transactions under
15 this subtitle has contributed to market
16 transparency.
17 (iv) The effectiveness of loans, loan
18 guarantees, and investments made under
19 this subtitle of minimizing long-term costs
20 to the taxpayers and maximizing the bene-
21 fits for taxpayers.
22 (B) TIMING.—The reports required under
23 this paragraph shall be submitted not later
24 than 30 days after the first exercise by the Sec-
25 retary and the Board of Governors of the Fed-

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1 eral Reserve System of the authority under this
2 subtitle and every 30 days thereafter.
3 (c) MEMBERSHIP.—
4 (1) IN GENERAL.—The Oversight Commission
5 shall consist of 5 members as follows:
6 (A) 1 member appointed by the Speaker of
7 the House of Representatives.
8 (B) 1 member appointed by the minority
9 leader of the House of Representatives.
10 (C) 1 member appointed by the majority
11 leader of the Senate.
12 (D) 1 member appointed by the minority
13 leader of the Senate.
14 (E) 1 member appointed as Chairperson by
15 the Speaker of the House of Representatives
16 and the majority leader of the Senate, after
17 consultation with the minority leader of the
18 Senate and the minority leader of the House of
19 Representatives
20 (2) PAY.—Each member of the Oversight Com-
21 mission shall be paid at a rate equal to the daily
22 equivalent of the annual rate of basic pay for level
23 I of the Executive Schedule for each day (including
24 travel time) during which such member is engaged

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1 in the actual performance of duties vested in the
2 Oversight Commission.
3 (3) PROHIBITION OF COMPENSATION OF FED-
4 ERAL EMPLOYEES.—Members of the Oversight Com-
5 mission who are full-time officers or employees of
6 the United States may not receive additional pay, al-
7 lowances, or benefits by reason of their service on
8 the Oversight Commission.
9 (4) TRAVEL EXPENSES.—Each member shall
10 receive travel expenses, including per diem in lieu of
11 subsistence, in accordance with applicable provisions
12 under subchapter I of chapter 57 of title 5, United
13 States Code.
14 (5) QUORUM.—Four members of the Oversight
15 Commission shall constitute a quorum but a lesser
16 number may hold hearings.
17 (6) VACANCIES.—A vacancy on the Oversight
18 Commission shall be filled in the manner in which
19 the original appointment was made.
20 (7) MEETINGS.—The Oversight Commission
21 shall meet at the call of the Chairperson or a major-
22 ity of its members.
23 (d) STAFF.—

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1 (1) IN GENERAL.—The Oversight Commission
2 may appoint and fix the pay of any personnel as the
3 Oversight Commission considers appropriate.
4 (2) EXPERTS AND CONSULTANTS.—The Over-
5 sight Commission may procure temporary and inter-
6 mittent services under section 3109(b) of title 5,
7 United States Code.
8 (3) STAFF OF AGENCIES.—Upon request of the
9 Oversight Commission, the head of any Federal de-
10 partment or agency may detail, on a reimbursable
11 basis, any of the personnel of that department or
12 agency to the Oversight Commission to assist it in
13 carrying out its duties under the this subtitle.
14 (e) POWERS.—
15 (1) HEARINGS AND EVIDENCE.—The Oversight
16 Commission, or any subcommittee or member there-
17 of, may, for the purpose of carrying out this section
18 hold hearings, sit and act at times and places, take
19 testimony, and receive evidence as the Oversight
20 Commission considers appropriate and may admin-
21 ister oaths or affirmations to witnesses appearing
22 before it.
23 (2) CONTRACTING.—The Oversight Commission
24 may, to such extent and in such amounts as are pro-
25 vided in appropriation Acts, enter into contracts to

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1 enable the Oversight Commission to discharge its
2 duties under this section.
3 (3) POWERS OF MEMBERS AND AGENTS.—Any
4 member or agent of the Oversight Commission may,
5 if authorized by the Oversight Commission, take any
6 action which the Oversight Commission is authorized
7 to take by this section.
8 (4) OBTAINING OFFICIAL DATA.—The Over-
9 sight Commission may secure directly from any de-
10 partment or agency of the United States information
11 necessary to enable it to carry out this section. Upon
12 request of the Chairperson of the Oversight Commis-
13 sion, the head of that department or agency shall
14 furnish that information to the Oversight Commis-
15 sion.
16 (5) REPORTS.—The Oversight Commission
17 shall receive and consider all reports required to be
18 submitted to the Oversight Commission under this
19 subtitle.
20 (f) TERMINATION.—The Oversight Commission shall
21 terminate on September 30, 2025.
22 (g) FUNDING FOR EXPENSES.—
23 (1) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to the Over-
25 sight Commission such sums as may be necessary

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for any fiscal year, half of which shall be derived from the applicable account of the House of Representatives, and half of which shall be derived from the contingent fund of the Senate.

(2) REIMBURSEMENT OF AMOUNTS.—An amount equal to the expenses of the Oversight Commission shall be promptly transferred by the Secretary and the Board of Governors of the Federal Reserve System, from time to time upon the presentment of a statement of such expenses by the Chairperson of the Oversight Commission, from funds made available to the Secretary under this subtitle to the applicable fund of the House of Representatives and the contingent fund of the Senate, as appropriate, as reimbursement for amounts expended from such account and fund under paragraph (1).

**SEC. 4021. CREDIT PROTECTION DURING COVID–19.**

Section 623(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)(1)) is amended by adding at the end the following:

"(F) REPORTING INFORMATION DURING COVID–19 PANDEMIC.—

"(i) DEFINITIONS.—In this subsection:

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1 "(I) ACCOMMODATION.—The
2 term 'accommodation' includes an
3 agreement to defer 1 or more pay-
4 ments, make a partial payment, for-
5 bear any delinquent amounts, modify
6 a loan or contract, or any other assist-
7 ance or relief granted to a consumer
8 who is affected by the coronavirus dis-
9 ease 2019 (COVID–19) pandemic
10 during the covered period.
11 "(II) COVERED PERIOD.—The
12 term 'covered period' means the pe-
13 riod beginning on January 31, 2020
14 and ending on the later of—
15 "(aa) 120 days after the
16 date of enactment of this sub-
17 paragraph; or
18 "(bb) 120 days after the
19 date on which the national emer-
20 gency concerning the novel
21 coronavirus disease (COVID–19)
22 outbreak declared by the Presi-
23 dent on March 13, 2020 under
24 the National Emergencies Act

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1 (50 U.S.C. 1601 et seq.) termi-
2 nates.
3 "(ii) REPORTING.—Except as pro-
4 vided in clause (iii), if a furnisher makes
5 an accommodation with respect to 1 or
6 more payments on a credit obligation or
7 account of a consumer, and the consumer
8 makes the payments or is not required to
9 make 1 or more payments pursuant to the
10 accommodation, the furnisher shall—
11 "(I) report the credit obligation
12 or account as current; or
13 "(II) if the credit obligation or
14 account was delinquent before the ac-
15 commodation—
16 "(aa) maintain the delin-
17 quent status during the period in
18 which the accommodation is in
19 effect; and
20 "(bb) if the consumer brings
21 the credit obligation or account
22 current during the period de-
23 scribed in item (aa), report the
24 credit obligation or account as
25 current.

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"(iii) EXCEPTION.—Clause (ii) shall not apply with respect to a credit obligation or account of a consumer that has been charged-off.".

**SEC. 4022. FORECLOSURE MORATORIUM AND CONSUMER RIGHT TO REQUEST FORBEARANCE.**

(a) DEFINITIONS.—In this section:

(1) COVID–19 EMERGENCY.—The term "COVID–19 emergency" means the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(2) FEDERALLY BACKED MORTGAGE LOAN.—The term "Federally backed mortgage loan" includes any loan which is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1- to 4-families that is—

(A) insured by the Federal Housing Administration under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

(B) insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20);

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1 (C) guaranteed under section 184 or 184A
2 of the Housing and Community Development
3 Act of 1992 (12 U.S.C. 1715z–13a, 1715z–
4 13b);
5 (D) guaranteed or insured by the Depart-
6 ment of Veterans Affairs;
7 (E) guaranteed or insured by the Depart-
8 ment of Agriculture;
9 (F) made by the Department of Agri-
10 culture; or
11 (G) purchased or securitized by the Fed-
12 eral Home Loan Mortgage Corporation or the
13 Federal National Mortgage Association.
14 (b) FORBEARANCE.—
15 (1) IN GENERAL.—During the covered period, a
16 borrower with a Federally backed mortgage loan ex-
17 periencing a financial hardship due, directly or indi-
18 rectly, to the COVID–19 emergency may request
19 forbearance on the Federally backed mortgage loan,
20 regardless of delinquency status, by—
21 (A) submitting a request to the borrower's
22 servicer; and
23 (B) affirming that the borrower is experi-
24 encing a financial hardship during the COVID–
25 19 emergency.

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1 (2) DURATION OF FORBEARANCE.—Upon a re-
2 quest by a borrower for forbearance under para-
3 graph (1), such forbearance shall be granted for up
4 to 180 days, and shall be extended for an additional
5 period of up to 180 days at the request of the bor-
6 rower, provided that, at the borrower's request, ei-
7 ther the initial or extended period of forbearance
8 may be shortened.
9 (3) ACCRUAL OF INTEREST OR FEES.—During
10 a period of forbearance described in this subsection,
11 no fees, penalties, or interest beyond the amounts
12 scheduled or calculated as if the borrower made all
13 contractual payments on time and in full under the
14 terms of the mortgage contract, shall accrue on the
15 borrower's account.
16 (c) REQUIREMENTS FOR SERVICERS.—
17 (1) IN GENERAL.—Upon receiving a request for
18 forbearance from a borrower under subsection (b),
19 the servicer shall with no additional documentation
20 required other than the borrower's attestation to a
21 financial hardship caused by the COVID–19 emer-
22 gency and with no fees, penalties, or interest (be-
23 yond the amounts scheduled or calculated as if the
24 borrower made all contractual payments on time and
25 in full under the terms of the mortgage contract)

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1 charged to the borrower in connection with the for-
2 bearance, provide the forbearance for up to 180
3 days, which may be extended for an additional pe-
4 riod of up to 180 days at the request of the bor-
5 rower, provided that, the borrower's request for an
6 extension is made during the covered period, and, at
7 the borrower's request, either the initial or extended
8 period of forbearance may be shortened.

9 (2) FORECLOSURE MORATORIUM.—Except with
10 respect to a vacant or abandoned property, a
11 servicer of a Federally backed mortgage loan may
12 not initiate any judicial or non-judicial foreclosure
13 process, move for a foreclosure judgment or order of
14 sale, or execute a foreclosure-related eviction or fore-
15 closure sale for not less than the 60-day period be-
16 ginning on March 18, 2020.

17 **SEC. 4023. FORBEARANCE OF RESIDENTIAL MORTGAGE**
18 **LOAN PAYMENTS FOR MULTIFAMILY PROP-**
19 **ERTIES WITH FEDERALLY BACKED LOANS.**

20 (a) IN GENERAL.—During the covered period, a mul-
21 tifamily borrower with a Federally backed multifamily
22 mortgage loan experiencing a financial hardship due, di-
23 rectly or indirectly, to the COVID–19 emergency may re-
24 quest a forbearance under the terms set forth in this sec-
25 tion.

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1 (b) REQUEST FOR RELIEF.—A multifamily borrower
2 with a Federally backed multifamily mortgage loan that
3 was current on its payments as of February 1, 2020, may
4 submit an oral or written request for forbearance under
5 subsection (a) to the borrower's servicer affirming that the
6 multifamily borrower is experiencing a financial hardship
7 during the COVID–19 emergency.
8 (c) FORBEARANCE PERIOD.—
9 (1) IN GENERAL.—Upon receipt of an oral or
10 written request for forbearance from a multifamily
11 borrower, a servicer shall—
12 (A) document the financial hardship;
13 (B) provide the forbearance for up to 30
14 days; and
15 (C) extend the forbearance for up to 2 ad-
16 ditional 30 day periods upon the request of the
17 borrower provided that, the borrower's request
18 for an extension is made during the covered pe-
19 riod, and, at least 15 days prior to the end of
20 the forbearance period described under sub-
21 paragraph (B).
22 (2) RIGHT TO DISCONTINUE.—A multifamily
23 borrower shall have the option to discontinue the
24 forbearance at any time.

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1 (d) RENTER PROTECTIONS DURING FORBEARANCE
2 PERIOD.—A multifamily borrower that receives a forbear-
3 ance under this section may not, for the duration of the
4 forbearance—
5 (1) evict or initiate the eviction of a tenant
6 from a dwelling unit located in or on the applicable
7 property solely for nonpayment of rent or other fees
8 or charges; or
9 (2) charge any late fees, penalties, or other
10 charges to a tenant described in paragraph (1) for
11 late payment of rent.
12 (e) NOTICE.—A multifamily borrower that receives a
13 forbearance under this section—
14 (1) may not require a tenant to vacate a dwell-
15 ing unit located in or on the applicable property be-
16 fore the date that is 30 days after the date on which
17 the borrower provides the tenant with a notice to va-
18 cate; and
19 (2) may not issue a notice to vacate under
20 paragraph (1) until after the expiration of the for-
21 bearance.
22 (f) DEFINITIONS.—In this section:
23 (1) APPLICABLE PROPERTY.—The term ''appli-
24 cable property'', with respect to a Federally backed
25 multifamily mortgage loan, means the residential

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1 multifamily property against which the mortgage
2 loan is secured by a lien.
3 (2) FEDERALLY BACKED MULTIFAMILY MORT-
4 GAGE LOAN.—The term "Federally backed multi-
5 family mortgage loan" includes any loan (other than
6 temporary financing such as a construction loan)
7 that—
8 (A) is secured by a first or subordinate lien
9 on residential multifamily real property de-
10 signed principally for the occupancy of 5 or
11 more families, including any such secured loan,
12 the proceeds of which are used to prepay or pay
13 off an existing loan secured by the same prop-
14 erty; and
15 (B) is made in whole or in part, or in-
16 sured, guaranteed, supplemented, or assisted in
17 any way, by any officer or agency of the Fed-
18 eral Government or under or in connection with
19 a housing or urban development program ad-
20 ministered by the Secretary of Housing and
21 Urban Development or a housing or related
22 program administered by any other such officer
23 or agency, or is purchased or securitized by the
24 Federal Home Loan Mortgage Corporation or
25 the Federal National Mortgage Association.

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1 (3) MULTIFAMILY BORROWER.—the term "mul-
2 tifamily borrower" means a borrower of a residential
3 mortgage loan that is secured by a lien against a
4 property comprising 5 or more dwelling units.
5 (4) COVID–19 EMERGENCY.—The term
6 "COVID–19 emergency" means the national emer-
7 gency concerning the novel coronavirus disease
8 (COVID–19) outbreak declared by the President on
9 March 13, 2020 under the National Emergencies
10 Act (50 U.S.C. 1601 et seq.).
11 (5) COVERED PERIOD.—The term "covered pe-
12 riod" means the period beginning on the date of en-
13 actment of this Act and ending on the sooner of—
14 (A) the termination date of the national
15 emergency concerning the novel coronavirus dis-
16 ease (COVID–19) outbreak declared by the
17 President on March 13, 2020 under the Na-
18 tional Emergencies Act (50 U.S.C. 1601 et
19 seq.); or
20 (B) December 31, 2020.
21 **SEC. 4024. TEMPORARY MORATORIUM ON EVICTION FIL-**
22 **INGS.**
23 (a) DEFINITIONS.—In this section:
24 (1) COVERED DWELLING.—The term "covered
25 dwelling" means a dwelling that—

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1 (A) is occupied by a tenant—
2 (i) pursuant to a residential lease; or
3 (ii) without a lease or with a lease ter-
4 minable under State law; and
5 (B) is on or in a covered property.
6 (2) COVERED PROPERTY.—The term "covered
7 property" means any property that—
8 (A) participates in—
9 (i) a covered housing program (as de-
10 fined in section 41411(a) of the Violence
11 Against Women Act of 1994 (34 U.S.C.
12 12491(a))); or
13 (ii) the rural housing voucher pro-
14 gram under section 542 of the Housing
15 Act of 1949 (42 U.S.C. 1490r); or
16 (B) has a—
17 (i) Federally backed mortgage loan; or
18 (ii) Federally backed multifamily
19 mortgage loan.
20 (3) DWELLING.—The term "dwelling"—
21 (A) has the meaning given the term in sec-
22 tion 802 of the Fair Housing Act (42 U.S.C.
23 3602); and

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1 (B) includes houses and dwellings de-
2 scribed in section 803(b) of such Act (42
3 U.S.C. 3603(b)).
4 (4) FEDERALLY BACKED MORTGAGE LOAN.—
5 The term "Federally backed mortgage loan" in-
6 cludes any loan (other than temporary financing
7 such as a construction loan) that—
8 (A) is secured by a first or subordinate lien
9 on residential real property (including indi-
10 vidual units of condominiums and cooperatives)
11 designed principally for the occupancy of from
12 1 to 4 families, including any such secured
13 loan, the proceeds of which are used to prepay
14 or pay off an existing loan secured by the same
15 property; and
16 (B) is made in whole or in part, or in-
17 sured, guaranteed, supplemented, or assisted in
18 any way, by any officer or agency of the Fed-
19 eral Government or under or in connection with
20 a housing or urban development program ad-
21 ministered by the Secretary of Housing and
22 Urban Development or a housing or related
23 program administered by any other such officer
24 or agency, or is purchased or securitized by the

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1 Federal Home Loan Mortgage Corporation or
2 the Federal National Mortgage Association.
3 (5) FEDERALLY BACKED MULTIFAMILY MORT-
4 GAGE LOAN.—The term "Federally backed multi-
5 family mortgage loan" includes any loan (other than
6 temporary financing such as a construction loan)
7 that—
8 (A) is secured by a first or subordinate lien
9 on residential multifamily real property de-
10 signed principally for the occupancy of 5 or
11 more families, including any such secured loan,
12 the proceeds of which are used to prepay or pay
13 off an existing loan secured by the same prop-
14 erty; and
15 (B) is made in whole or in part, or in-
16 sured, guaranteed, supplemented, or assisted in
17 any way, by any officer or agency of the Fed-
18 eral Government or under or in connection with
19 a housing or urban development program ad-
20 ministered by the Secretary of Housing and
21 Urban Development or a housing or related
22 program administered by any other such officer
23 or agency, or is purchased or securitized by the
24 Federal Home Loan Mortgage Corporation or
25 the Federal National Mortgage Association.

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1 (b) MORATORIUM.—During the 120-day period be-
2 ginning on the date of enactment of this Act, the lessor
3 of a covered dwelling may not—
4 (1) make, or cause to be made, any filing with
5 the court of jurisdiction to initiate a legal action to
6 recover possession of the covered dwelling from the
7 tenant for nonpayment of rent or other fees or
8 charges; or
9 (2) charge fees, penalties, or other charges to
10 the tenant related to such nonpayment of rent.
11 (c) NOTICE.—The lessor of a covered dwelling unit—
12 (1) may not require the tenant to vacate the
13 covered dwelling unit before the date that is 30 days
14 after the date on which the lessor provides the ten-
15 ant with a notice to vacate; and
16 (2) may not issue a notice to vacate under
17 paragraph (1) until after the expiration of the period
18 described in subsection (b).

19 **SEC. 4025. PROTECTION OF COLLECTIVE BARGAINING**
20 **AGREEMENT.**

21 (a) IN GENERAL.—Neither the Secretary, nor any
22 other actor, department, or agency of the Federal Govern-
23 ment, shall condition the issuance of a loan or loan guar-
24 antee under paragraph (1), (2), or (3) of section 4003(b)
25 of this subtitle on an air carrier's or eligible business's

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1 implementation of measures to enter into negotiations
2 with the certified bargaining representative of a craft or
3 class of employees of the air carrier or eligible business
4 under the Railway Labor Act (45 U.S.C. 151 et seq.) or
5 the National Labor Relations Act (29 U.S.C. 151 et seq.),
6 regarding pay or other terms and conditions of employ-
7 ment.

8 (b) PERIOD OF EFFECT.—With respect to an air car-
9 rier or eligible business to which the loan or loan guar-
10 antee is provided under this subtitle, this section shall be
11 in effect with respect to the air carrier or eligible business
12 beginning on the date on which the air carrier or eligible
13 business is first issued such loan or loan guarantee and
14 ending on the date that is 1 year after the loan or loan
15 guarantee is no longer outstanding.

16 **SEC. 4026. REPORTS.**

17 (a) DISCLOSURE OF TRANSACTIONS.—Not later than
18 72 hours after any transaction by the Secretary under
19 paragraph (1), (2), or (3) of section 4003(b), the Sec-
20 retary shall publish on the website of the Department of
21 the Treasury—

22 (1) a plain-language description of the trans-
23 action, including the date of application, date of ap-
24 plication approval, and identity of the counterparty;

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1 (2) the amount of the loan, loan guarantee, or
2 other investment and a description of the pricing
3 mechanism for the transaction;
4 (3) the interest rate, conditions, and any other
5 material or financial terms associated with the
6 transaction, if applicable;
7 (4) a copy of the relevant and final term sheet,
8 if applicable, and contract or other relevant docu-
9 mentation regarding the transaction; and
10 (5) a justification of the price paid for and
11 other financial terms associated with the trans-
12 action.
13 (b) REPORTS.—
14 (1) IN GENERAL.—In addition to such reports
15 as are required under section 5302(c) of title 31,
16 United States Code, not later than 7 days after the
17 Secretary makes any loan or loan guarantee under
18 paragraph (1), (2), or (3) of section 4003(b), the
19 Secretary shall submit to the Chairmen and Ranking
20 Members of the Committee on Banking, Housing,
21 and Urban Affairs and the Committee on Finance of
22 the Senate and the Chairmen and Ranking Members
23 of the Committee on Financial Services and the
24 Committee on Ways and Means of the House of
25 Representatives a report summarizing—

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1 (A) an overview of actions taken by the
2 Secretary under section 4003(b) during such
3 period;
4 (B) the actual obligation, expenditure, and
5 disbursements of the funds provided for admin-
6 istrative expenses under this Act during such
7 period and the expected expenditure of such
8 funds in the subsequent period; and
9 (C) a detailed financial statement with re-
10 spect to the exercise of authority under section
11 4003(b) showing—
12 (i) all agreements, including loans,
13 loan guarantees, and other investments
14 made, renewed, or restructured;
15 (ii) all transactions during such pe-
16 riod, including the types of parties in-
17 volved;
18 (iii) the nature of the assets pur-
19 chased;
20 (iv) all projected costs and liabilities;
21 (v) operating expenses, including com-
22 pensation for financial agents;
23 (vi) the valuation or pricing method
24 used for each transaction;

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(vii) a description of the vehicles established to exercise such authority;

(viii) any or all repayment activity, delinquencies or defaults on loans issued under this Act; and

(ix) the current status, credit characteristics, and risk of loss of the Treasury portfolio of loans, loan guarantees, or other transactions made under this Act.

(2) PUBLICATION.—Not later than 7 days after the Secretary submits a report to the relevant committees of Congress under paragraph (1), the Secretary shall publish such report.

(3) SUMMARY.—Every 30 days during such time as a loan or loan guarantee under paragraph (1), (2), or (3) of section 4003(b) is outstanding, the Secretary shall publish a report summarizing the information described in paragraph (1).

(4) BOARD OF GOVERNORS.—

(A) IN GENERAL.—The Board of Governors of the Federal Reserve System shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives such reports as are required to

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be provided under section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3))—

(i) not later than 7 days after the Board authorizes a new facility or other financial assistance in accordance with section 13(3)(C)(i) of the Federal Reserve Act (12 U.S.C. 343(3)(C)(i)); and

(ii) once every 30 days with respect to outstanding loans or financial assistance in accordance with section 13(3)(C)(ii) of the Federal Reserve Act (12 U.S.C. 343(3)(C)(ii)).

(B) PUBLICATION.—Not later than 7 days after the Board of Governors of the Federal Reserve System submits a report to the relevant committees of Congress under paragraph (2), the Board shall publish such report, subject to redactions of confidential information.

(c) TESTIMONY.—The Secretary shall testify, on a quarterly basis, before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the obligations of the Department of the Treasury, and transactions entered into, under this Act.

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1 (d) PROGRAM DESCRIPTIONS.—The Secretary shall
2 post on the website of the Department of the Treasury
3 all criteria, guidelines, eligibility requirements, and appli-
4 cation materials for the making of any loan or loan guar-
5 antee under paragraph (1), (2), or (3) of section 4003(b).
6 (e) ADMINISTRATIVE CONTRACTS.—Not later than
7 24 hours after the Secretary enters into a contract in con-
8 nection with the administration of any loan or loan guar-
9 antee authorized to be made under paragraph (1), (2), or
10 (3) of section 4003(b), the Secretary shall post on the
11 website of the Department of the Treasury a copy of the
12 contract.
13 (f) GOVERNMENT ACCOUNTABILITY OFFICE.—
14 (1) STUDY.—The Comptroller General of the
15 United States shall conduct a study on the loans,
16 loan guarantees, and other investments provided
17 under section 4003.
18 (2) REPORT.—Not later than 9 months after
19 the date of enactment of this Act, and annually
20 thereafter through the year succeeding the last year
21 for which loans, loan guarantees, or other invest-
22 ments made under section 4003 are outstanding, the
23 Comptroller General shall submit to the Committee
24 on Financial Services, the Committee on Transpor-
25 tation and Infrastructure, the Committee on Appro-

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1 priations, and the Committee on the Budget of the
2 House of Representatives and the Committee on
3 Banking, Housing, and Urban Affairs, the Com-
4 mittee on Commerce, Science, and Transportation,
5 the Committee on Appropriations, and the Com-
6 mittee on the Budget of the Senate a report on the
7 loans, loan guarantees, and other investments made
8 under section 4003.

9 (g) REPORTS.—In addition to such reports as are re-
10 quired under section 5302(c) of title 31, United States
11 Code, and section 13(3) of the Federal Reserve Act (12
12 U.S.C. 343(3)), not later than 14 days after the effective
13 date of this Act, every 14 days for the following year, and
14 every 30 days thereafter, the Secretary shall publish on
15 the website of the Department of the Treasury and submit
16 to the Chairmen and Ranking Members of the Committee
17 on Financial Services and the Committee on Ways and
18 Means of the House of Representatives and the Chairmen
19 and Ranking Members of the Committee on Banking,
20 Housing, and Urban Affairs and the Committee on Fi-
21 nance of the Senate, a report summarizing—

22 (1) an overview of actions taken by the Sec-
23 retary under paragraph (1), (2), (3), or (4) of sec-
24 tion 4003(b) during such period;

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1 (2) the actual obligation, expenditure, and dis-
2 bursements of the funds provided for administrative
3 expenses under this Act during such period and the
4 expected expenditure of such funds in the subse-
5 quent period; and
6 (3) a detailed financial statement with respect
7 to the exercise of authority under paragraph (1),
8 (2), (3), or (4) of section 4003(b) showing—
9 (A) all agreements, including loans, loan
10 guarantees, and other investments made, re-
11 newed, or restructured; and
12 (B) all transactions during such period, in-
13 cluding the types of parties involved;
14 (C) the nature of the assets purchased;
15 (D) all projected costs and liabilities;
16 (E) operating expenses, including com-
17 pensation for financial agents;
18 (F) the valuation or pricing method used
19 for each transaction;
20 (G) a description of the vehicles estab-
21 lished to exercise such authority;
22 (H) any or all repayment activity, delin-
23 quencies or defaults on loans issued under this
24 Act; and

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1 (I) the current status, credit characteris-
2 tics, and risk of loss of the Treasury portfolio
3 of loans, loan guarantees, or other transactions
4 made under this Act.

5 (h) TESTIMONY.—The Secretary and the Chairman
6 of the Board of Governors of the Federal Reserve System
7 shall testify, on a quarterly basis, before the Committee
8 on Banking, Housing, and Urban Affairs of the Senate
9 and the Committee on Financial Services of the House of
10 Representatives regarding the obligations of the Depart-
11 ment of the Treasury and the Federal Reserve System,
12 and transactions entered into, under this Act.

13 (i) PROGRAM DESCRIPTIONS.—The Secretary shall
14 post on the website of the Department of the Treasury
15 all criteria, guidelines, eligibility requirements, and appli-
16 cation materials for the making of any loan or loan guar-
17 antee under paragraph (1), (2), (3), or (4) of section
18 4003(b).

19 (j) ADMINISTRATIVE CONTRACTS.—Not later than 24
20 hours after the Secretary enters into a contract in connec-
21 tion with the administration of any loan, or loan guar-
22 antee, or other investment authorized to be made under
23 paragraph (1), (2), (3), or (4) of section 4003(b), the Sec-
24 retary shall post on the website of the Department of the
25 Treasury a copy of the contract.

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1 (k) GOVERNMENT ACCOUNTABILITY OFFICE.—
2 (1) STUDY.—The Comptroller General of the
3 United States shall conduct a study on the loans,
4 loan guarantees, and other investments provided
5 under section 4003.
6 (2) REPORT.—Not later than 9 months after
7 the date of enactment of this Act, and annually
8 thereafter through the year succeeding the last year
9 for which loans, loan guarantees, or other invest-
10 ments made under section 4003 are outstanding, the
11 Comptroller General shall submit to the Committee
12 on Financial Services, the Committee on Transpor-
13 tation and Infrastructure, the Committee on Appro-
14 priations, and the Committee on the Budget of the
15 House of Representatives and the Committee on
16 Banking, Housing, and Urban Affairs, the Com-
17 mittee on Commerce, Science, and Transportation,
18 the Committee on Appropriations, and the Com-
19 mittee on the Budget of the Senate a report on the
20 loans, loan guarantees, and other investments made
21 under section 4003.
22 **SEC. 4027. DIRECT APPROPRIATION.**
23 (a) IN GENERAL.—Notwithstanding any other provi-
24 sion of law, there is appropriated, out of amounts in the
25 Treasury not otherwise appropriated, to the fund estab-

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1 lished under section 5302(a)(1) of title 31, United States
2 Code, $500,000,000,000 to carry out this subtitle.
3 (b) TECHNICAL AND CONFORMING AMENDMENT.—
4 Section 5302(a) of title 31, United States Code, is amend-
5 ed—
6 (1) by striking "and" before "section 3"; and
7 (2) by inserting "and the Coronavirus Eco-
8 nomic Stabilization Act of 2020," before "and for
9 investing".
10 (c) CLARIFICATION.—
11 (1) IN GENERAL.—On or after January 1,
12 2021, any remaining funds made available under
13 section 4003(b) may be used only for—
14 (A) modifications, restructurings, or other
15 amendments of loans, loan guarantees, or other
16 investments in accordance with section
17 4029(b)(1); and
18 (B) exercising any options, warrants, or
19 other investments made prior to January 1,
20 2021; and
21 (C) paying costs and administrative ex-
22 penses as provided in section 4003(f).
23 (2) DEFICIT REDUCTION.—On January 1,
24 2026, any funds described in paragraph (1) that are

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1 remaining shall be transferred to the general fund of
2 the Treasury to be used for deficit reduction.

3 **SEC. 4028. RULE OF CONSTRUCTION.**

4 Nothing in this subtitle shall be construed to allow
5 the Secretary to provide relief to eligible businesses,
6 States, and municipalities except in the form of loans, loan
7 guarantees, and other investments as provided in this sub-
8 title and under terms and conditions that are in the inter-
9 est of the Federal Government.

10 **SEC. 4029. TERMINATION OF AUTHORITY.**

11 (a) IN GENERAL.—Except as provided in subsection
12 (b), on December 31, 2020, the authority provided under
13 this subtitle to make new loans, loan guarantees, or other
14 investments shall terminate.

15 (b) OUTSTANDING.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), any loan, loan guarantee, or other invest-
18 ment outstanding on the date described in sub-
19 section (a)—

20 (A) may be modified, restructured, or oth-
21 erwise amended; and

22 (B) may not be forgiven.

23 (2) DURATION.—The duration of any loan or
24 loan guarantee made under section 4003(b)(1) that
25 is modified, restructured, or otherwise amended

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1 under paragraph (1) shall not be extended beyond 5
2 years from the initial origination date of the loan or
3 loan guarantee.

# 4 Subtitle B—Air Carrier Worker
# 5 Support

6 **SEC. 4111. DEFINITIONS.**

7 Unless otherwise specified, the terms in section
8 40102(a) of title 49, United States Code, shall apply to
9 this subtitle, except that—

10 (1) the term ''airline catering employee'' means
11 an employee who performs airline catering services;

12 (2) the term ''airline catering services'' means
13 preparation, assembly, or both, of food, beverages,
14 provisions and related supplies for delivery, and the
15 delivery of such items, directly to aircraft or to a lo-
16 cation on or near airport property for subsequent
17 delivery to aircraft;

18 (3) the term ''contractor'' means—

19 (A) a person that performs, under contract
20 with a passenger air carrier conducting oper-
21 ations under part 121 of title 14, Code of Fed-
22 eral Regulations—

23 (i) catering functions; or

24 (ii) functions on the property of an
25 airport that are directly related to the air

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1 transportation of persons, property, or
2 mail, including but not limited to the load-
3 ing and unloading of property on aircraft;
4 assistance to passengers under part 382 of
5 title 14, Code of Federal Regulations; se-
6 curity; airport ticketing and check-in func-
7 tions; ground-handling of aircraft; or air-
8 craft cleaning and sanitization functions
9 and waste removal; or
10 (B) a subcontractor that performs such
11 functions;
12 (4) the term "employee" means an individual,
13 other than a corporate officer, who is employed by
14 an air carrier or a contractor; and
15 (5) the term "Secretary" means the Secretary
16 of the Treasury.
17 **SEC. 4112. PANDEMIC RELIEF FOR AVIATION WORKERS.**
18 (a) FINANCIAL ASSISTANCE FOR EMPLOYEE WAGES,
19 SALARIES, AND BENEFITS.—Notwithstanding any other
20 provision of law, to preserve aviation jobs and compensate
21 air carrier industry workers, the Secretary shall provide
22 financial assistance that shall exclusively be used for the
23 continuation of payment of employee wages, salaries, and
24 benefits to—

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1 (1) passenger air carriers, in an aggregate
2 amount up to $25,000,000,000;
3 (2) cargo air carriers, in the aggregate amount
4 up to $4,000,000,000; and
5 (3) contractors, in an aggregate amount up to
6 $3,000,000,000.
7 (b) ADMINISTRATIVE EXPENSES.—Notwithstanding
8 any other provision of law, the Secretary, may use
9 $100,000,000 of the funds made available under section
10 4120(a) for costs and administrative expenses associated
11 with providing financial assistance under this subtitle.

12 **SEC. 4113. PROCEDURES FOR PROVIDING PAYROLL SUP-**
13 **PORT.**

14 (a) AWARDABLE AMOUNTS.—The Secretary shall
15 provide financial assistance under this subtitle—
16 (1) to an air carrier in an amount equal to the
17 salaries and benefits reported by the air carrier to
18 the Department of Transportation pursuant to part
19 241 of title 14, Code of Federal Regulations, for the
20 period from April 1, 2019, through September 30,
21 2019; and
22 (2) to an air carrier that does not transmit re-
23 ports under such part 241, in an amount that such
24 air carrier certifies, using sworn financial statements
25 or other appropriate data, as the amount of wages,

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1 salaries, benefits, and other compensation that such
2 air carrier paid the employees of such air carrier
3 during the period from April 1, 2019, through Sep-
4 tember 30, 2019; and
5 (3) to a contractor, in an amount that the con-
6 tractor certifies, using sworn financial statements or
7 other appropriate data, as the amount of wages, sal-
8 aries, benefits, and other compensation that such
9 contractor paid the employees of such contractor
10 during the period from April 1, 2019, through Sep-
11 tember 30, 2019.
12 (b) DEADLINES AND PROCEDURES.—
13 (1) IN GENERAL.—
14 (A) FORMS; TERMS AND CONDITIONS.—Fi-
15 nancial assistance provided to an air carrier or
16 contractor under this subtitle shall be in such
17 form, on such terms and conditions (including
18 requirements for audits and the clawback of
19 any financial assistance provided upon failure
20 by a passenger air carrier, cargo air carrier, or
21 contractor to honor the assurances specified in
22 section 4114), as the Secretary determines ap-
23 propriate.
24 (B) PROCEDURES.—The Secretary shall
25 publish streamlined and expedited procedures

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1 not later than 5 days after the date of enact-
2 ment of this Act for air carriers and contractors
3 to submit requests for financial assistance
4 under this subtitle.

5 (2) DEADLINE FOR IMMEDIATE PAYROLL AS-
6 SISTANCE.—Not later than 10 days after the date of
7 enactment of this Act, the Secretary shall make ini-
8 tial payments to air carriers and contractors that
9 submit requests for financial assistance approved by
10 to the Secretary.

11 (3) SUBSEQUENT PAYMENTS.—The Secretary
12 shall determine an appropriate method for timely
13 distribution of payments to air carriers and contrac-
14 tors with approved requests for financial assistance
15 from any funds remaining available after providing
16 initial financial assistance payments under para-
17 graph (2).

18 (c) PRO RATA AUTHORITY.—The Secretary shall
19 have the authority to reduce, on a pro rata basis, the
20 amounts due to air carriers and contractors under the ap-
21 plicable paragraph of section 4112 in order to address any
22 shortfall in assistance that would otherwise be provided
23 under such section.

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1 (d) AUDITS.—The Inspector General of the Depart-
2 ment of the Treasury shall audit certifications made under
3 subsection (a).

4 **SEC. 4114. REQUIRED ASSURANCES.**

5 (a) IN GENERAL.—To be eligible for financial assist-
6 ance under this subtitle, an air carrier or contractor shall
7 enter into an agreement with the Secretary, or otherwise
8 certify in such form and manner as the Secretary shall
9 prescribe, that the air carrier or contractor shall—

10 (1) refrain from conducting involuntary fur-
11 loughs or reducing pay rates and benefits until Sep-
12 tember 30, 2020;

13 (2) through September 30, 2021, ensure that
14 neither the air carrier or contractor nor any affiliate
15 of the air carrier or contractor may, in any trans-
16 action, purchase an equity security of the air carrier
17 or contractor or the parent company of the air car-
18 rier or contractor that is listed on a national securi-
19 ties exchange;

20 (3) through September 30, 2021, ensure that
21 the air carrier or contractor shall not pay dividends,
22 or make other capital distributions, with respect to
23 the common stock (or equivalent interest) of the air
24 carrier or contractor; and

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1 (4) meet the requirements of sections 4115 and
2 4116.
3 (b) DEPARTMENT OF TRANSPORTATION AUTHORITY
4 TO CONDITION ASSISTANCE ON CONTINUATION OF SERV-
5 ICE.—
6 (1) IN GENERAL.—The Secretary of Transpor-
7 tation is authorized to require, to the extent reason-
8 able and practicable, an air carrier provided finan-
9 cial assistance under this subtitle to maintain sched-
10 uled air transportation service, as the Secretary of
11 Transportation deems necessary, to ensure services
12 to any point served by that carrier before March 1,
13 2020.
14 (2) REQUIRED CONSIDERATIONS.—When con-
15 sidering whether to exercise the authority provided
16 by this section, the Secretary of Transportation shall
17 take into consideration the air transportation needs
18 of small and remote communities and the need to
19 maintain well-functioning health care supply chains,
20 including medical devices and supplies, and pharma-
21 ceutical supply chains.
22 (3) SUNSET.—The authority provided under
23 this subsection shall terminate on March 1, 2022,
24 and any requirements issued by the Secretary of

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1 Transportation under this subsection shall cease to
2 apply after that date.

3 **SEC. 4115. PROTECTION OF COLLECTIVE BARGAINING**
4 **AGREEMENT.**

5 (a) IN GENERAL.—Neither the Secretary, nor any
6 other actor, department, or agency of the Federal Govern-
7 ment, shall condition the issuance of financial assistance
8 under this subtitle on an air carrier's or contractor's im-
9 plementation of measures to enter into negotiations with
10 the certified bargaining representative of a craft or class
11 of employees of the air carrier or contractor under the
12 Railway Labor Act (45 U.S.C. 151 et seq.) or the National
13 Labor Relations Act (29 U.S.C. 151 et seq.), regarding
14 pay or other terms and conditions of employment.

15 (b) PERIOD OF EFFECT.—With respect to an air car-
16 rier or contractor to which financial assistance is provided
17 under this subtitle, this section shall be in effect with re-
18 spect to the air carrier or contractor beginning on the date
19 on which the air carrier or contractor is first issued such
20 financial assistance and ending on September 30, 2020.

21 **SEC. 4116. LIMITATION ON CERTAIN EMPLOYEE COM-**
22 **PENSATION.**

23 (a) IN GENERAL.—The Secretary may only provide
24 financial assistance under this subtitle to an air carrier
25 or contractor after such carrier or contractor enters into

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1 an agreement with the Secretary which provides that, dur-
2 ing the 2-year period beginning March 24, 2020, and end-
3 ing March 24, 2022, no officer or employee of the air car-
4 rier or contractor whose total compensation exceeded
5 $425,000 in calendar year 2019 (other than an employee
6 whose compensation is determined through an existing col-
7 lective bargaining agreement entered into prior to enact-
8 ment of this Act)—
9 (1) will receive from the air carrier or con-
10 tractor total compensation which exceeds, during
11 any 12 consecutive months of such 2-year period,
12 the total compensation received by the officer or em-
13 ployee from the air carrier or contractor in calendar
14 year 2019;
15 (2) will receive from the air carrier or con-
16 tractor severance pay or other benefits upon termi-
17 nation of employment with the air carrier or con-
18 tractor which exceeds twice the maximum total com-
19 pensation received by the officer or employee from
20 the air carrier or contractor in calendar year 2019;
21 and
22 (3) no officer or employee of the eligible busi-
23 ness whose total compensation exceeded $3,000,000
24 in calendar year 2019 may receive during any 12

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1 consecutive months of such period total compensa-
2 tion in excess of the sum of—
3 (A) $3,000,000; and
4 (B) 50 percent of the excess over
5 $3,000,000 of the total compensation received
6 by the officer or employee from the eligible
7 business in calendar year 2019.
8 (b) TOTAL COMPENSATION DEFINED.—In this sec-
9 tion, the term "total compensation" includes salary, bo-
10 nuses, awards of stock, and other financial benefits pro-
11 vided by an air carrier or contractor to an officer or em-
12 ployee of the air carrier or contractor.

13 **SEC. 4117. TAX PAYER PROTECTION.**

14 The Secretary may receive warrants, options, pre-
15 ferred stock, debt securities, notes, or other financial in-
16 struments issued by recipients of financial assistance
17 under this subtitle which, in the sole determination of the
18 Secretary, provide appropriate compensation to the Fed-
19 eral Government for the provision of the financial assist-
20 ance.

21 **SEC. 4118. REPORTS.**

22 (a) REPORT.—Not later than November 1, 2020, the
23 Secretary shall submit to the Committee on Transpor-
24 tation and Infrastructure and the Committee on Financial
25 Services of the House of Representatives and the Com-

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1 mittee on Commerce, Science, and Transportation and the
2 Committee on Banking, Housing, and Urban Affairs of
3 the Senate a report on the financial assistance provided
4 to air carriers and contractors under this subtitle, includ-
5 ing a description of any financial assistance provided.

6 (b) UPDATE.—Not later than the last day of the 1-
7 year period following the date of enactment of this Act,
8 the Secretary shall update and submit to the Committee
9 on Transportation and the Committee on Financial Serv-
10 ices and Infrastructure of the House of Representatives
11 and the Committee on Commerce, Science, and Transpor-
12 tation and the Committee on Banking, Housing, and
13 Urban Affairs of the Senate the report described in sub-
14 section (a).

15 **SEC. 4119. COORDINATION.**

16 In implementing this subtitle the Secretary shall co-
17 ordinate with the Secretary of Transportation.

18 **SEC. 4120. DIRECT APPROPRIATION.**

19 Notwithstanding any other provision of law, there is
20 appropriated, out of amounts in the Treasury not other-
21 wise appropriated, $32,000,000,000 to carry out this sub-
22 title.

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# TITLE V—CORONAVIRUS RELIEF FUNDS

**SEC. 5001. CORONAVIRUS RELIEF FUND.**

(a) IN GENERAL.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by inserting after title V the following:

# "TITLE VI—CORONAVIRUS RELIEF FUND

**"SEC. 601. CORONAVIRUS RELIEF FUND.**

"(a) APPROPRIATION.—

"(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for making payments to States, Tribal governments, and units of local government under this section, $150,000,000,000 for fiscal year 2020.

"(2) RESERVATION OF FUNDS.—Of the amount appropriated under paragraph (1), the Secretary shall reserve—

"(A) $3,000,000,000 of such amount for making payments to the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa; and

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1 "(B) $8,000,000,000 of such amount for
2 making payments to Tribal governments.
3 "(b) AUTHORITY TO MAKE PAYMENTS.—
4 "(1) IN GENERAL.—Subject to paragraph (2),
5 not later than 30 days after the date of enactment
6 of this section, the Secretary shall pay each State
7 and Tribal government, and each unit of local gov-
8 ernment that meets the condition described in para-
9 graph (2), the amount determined for the State,
10 Tribal government, or unit of local government, for
11 fiscal year 2020 under subsection (c).
12 "(2) DIRECT PAYMENTS TO UNITS OF LOCAL
13 GOVERNMENT.—If a unit of local government of a
14 State submits the certification required by sub-
15 section (e) for purposes of receiving a direct pay-
16 ment from the Secretary under the authority of this
17 paragraph, the Secretary shall reduce the amount
18 determined for that State by the relative unit of
19 local government population proportion amount de-
20 scribed in subsection (c)(5) and pay such amount di-
21 rectly to such unit of local government.
22 "(c) PAYMENT AMOUNTS.—
23 "(1) IN GENERAL.—Subject to paragraph (2),
24 the amount paid under this section for fiscal year
25 2020 to a State that is 1 of the 50 States shall be

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1 the amount equal to the relative population propor-
2 tion amount determined for the State under para-
3 graph (3) for such fiscal year.
4 "(2) MINIMUM PAYMENT.—
5 "(A) IN GENERAL.—No State that is 1 of
6 the 50 States shall receive a payment under
7 this section for fiscal year 2020 that is less
8 than $1,250,000,000.
9 "(B) PRO RATA ADJUSTMENTS.—The Sec-
10 retary shall adjust on a pro rata basis the
11 amount of the payments for each of the 50
12 States determined under this subsection without
13 regard to this subparagraph to the extent nec-
14 essary to comply with the requirements of sub-
15 paragraph (A).
16 "(3) RELATIVE POPULATION PROPORTION
17 AMOUNT.—For purposes of paragraph (1), the rel-
18 ative population proportion amount determined
19 under this paragraph for a State for fiscal year
20 2020 is the product of—
21 "(A) the amount appropriated under para-
22 graph (1) of subsection (a) for fiscal year 2020
23 that remains after the application of paragraph
24 (2) of that subsection; and

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1 "(B) the relative State population propor-
2 tion (as defined in paragraph (4)).
3 "(4) RELATIVE STATE POPULATION PROPOR-
4 TION DEFINED.—For purposes of paragraph (3)(B),
5 the term 'relative State population proportion'
6 means, with respect to a State, the quotient of—
7 "(A) the population of the State; and
8 "(B) the total population of all States (ex-
9 cluding the District of Columbia and territories
10 specified in subsection (a)(2)(A)).
11 "(5) RELATIVE UNIT OF LOCAL GOVERNMENT
12 POPULATION PROPORTION AMOUNT.—For purposes
13 of subsection (b)(2), the term 'relative unit of local
14 government population proportion amount' means,
15 with respect to a unit of local government and a
16 State, the amount equal to the product of—
17 "(A) 45 percent of the amount of the pay-
18 ment determined for the State under this sub-
19 section (without regard to this paragraph); and
20 "(B) the amount equal to the quotient
21 of—
22 "(i) the population of the unit of local
23 government; and

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"(ii) the total population of the State in which the unit of local government is located.

"(6) DISTRICT OF COLUMBIA AND TERRITORIES.—The amount paid under this section for fiscal year 2020 to a State that is the District of Columbia or a territory specified in subsection (a)(2)(A) shall be the amount equal to the product of—

"(A) the amount set aside under subsection (a)(2)(A) for such fiscal year; and

"(B) each such District's and territory's share of the combined total population of the District of Columbia and all such territories, as determined by the Secretary.

"(7) TRIBAL GOVERNMENTS.—From the amount set aside under subsection (a)(2)(B) for fiscal year 2020, the amount paid under this section for fiscal year 2020 to a Tribal government shall be the amount the Secretary shall determine, in consultation with the Secretary of the Interior and Indian Tribes, that is based on increased expenditures of each such Tribal government (or a tribally-owned entity of such Tribal government) relative to aggregate expenditures in fiscal year 2019 by the Tribal

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1 government (or tribally-owned entity) and deter-
2 mined in such manner as the Secretary determines
3 appropriate to ensure that all amounts available
4 under subsection (a)(2)(B) for fiscal year 2020 are
5 distributed to Tribal governments.

6 "(8) DATA.—For purposes of this subsection,
7 the population of States and units of local govern-
8 ments shall be determined based on the most recent
9 year for which data are available from the Bureau
10 of the Census.

11 "(d) USE OF FUNDS.—A State, Tribal government,
12 and unit of local government shall use the funds provided
13 under a payment made under this section to cover only
14 those costs of the State, Tribal government, or unit of
15 local government that—

16 "(1) are necessary expenditures incurred due to
17 the public health emergency with respect to the
18 Coronavirus Disease 2019 (COVID-19);

19 "(2) were not accounted for in the budget most
20 recently approved as of the date of enactment of this
21 section for the State or government; and

22 "(3) were incurred during the period that be-
23 gins on March 1, 2020, and ends on December 30,
24 2020.

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1 "(e) CERTIFICATION.—In order to receive a payment
2 under this section, a unit of local government shall provide
3 the Secretary with a certification signed by the Chief Ex-
4 ecutive for the unit of local government that the local gov-
5 ernment's proposed uses of the funds are consistent with
6 subsection (d).

7 "(f) INSPECTOR GENERAL OVERSIGHT;
8 RECOUPMENT.—

9 "(1) OVERSIGHT AUTHORITY.—The Inspector
10 General of the Department of the Treasury shall
11 conduct monitoring and oversight of the receipt, dis-
12 bursement, and use of funds made available under
13 this section.

14 "(2) RECOUPMENT.—If the Inspector General
15 of the Department of the Treasury determines that
16 a State, Tribal government, or unit of local govern-
17 ment has failed to comply with subsection (d), the
18 amount equal to the amount of funds used in viola-
19 tion of such subsection shall be booked as a debt of
20 such entity owed to the Federal Government.
21 Amounts recovered under this subsection shall be de-
22 posited into the general fund of the Treasury.

23 "(3) APPROPRIATION.—Out of any money in
24 the Treasury of the United States not otherwise ap-
25 propriated, there are appropriated to the Office of

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1 the Inspector General of the Department of the
2 Treasury, $35,000,000 to carry out oversight and
3 recoupment activities under this subsection.
4 Amounts appropriated under the preceding sentence
5 shall remain available until expended.
6 "(4) AUTHORITY OF INSPECTOR GENERAL.—
7 Nothing in this subsection shall be construed to di-
8 minish the authority of any Inspector General, in-
9 cluding such authority as provided in the Inspector
10 General Act of 1978 (5 U.S.C. App.).
11 "(g) DEFINITIONS.—In this section:
12 "(1) INDIAN TRIBE.—The term 'Indian Tribe'
13 has the meaning given that term in section 4(e) of
14 the Indian Self-Determination and Education Assist-
15 ance Act (25 U.S.C. 5304(e)).
16 "(2) LOCAL GOVERNMENT.—The term 'unit of
17 local government' means a county, municipality,
18 town, township, village, parish, borough, or other
19 unit of general government below the State level
20 with a population that exceeds 500,000.
21 "(3) SECRETARY.—The term 'Secretary' means
22 the Secretary of the Treasury.
23 "(4) STATE.—The term 'State' means the 50
24 States, the District of Columbia, the Commonwealth
25 of Puerto Rico, the United States Virgin Islands,

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1 Guam, the Commonwealth of the Northern Mariana
2 Islands, and American Samoa.
3 "(5) TRIBAL GOVERNMENT.—The term 'Tribal
4 government' means the recognized governing body of
5 an Indian Tribe.".
6 (b) APPLICATION OF PROVISIONS.—Amounts appro-
7 priated for fiscal year 2020 under section 601(a)(1) of the
8 Social Security Act (as added by subsection (a)) shall be
9 subject to the requirements contained in Public Law 116–
10 94 for funds for programs authorized under sections 330
11 through 340 of the Public Health Service Act (42 U.S.C.
12 254 through 256).

13 # TITLE VI—MISCELLANEOUS
14 # PROVISIONS

15 **SEC. 6001. COVID–19 BORROWING AUTHORITY FOR THE**
16 **UNITED STATES POSTAL SERVICE.**

17 (a) DEFINITIONS.—In this section—
18 (1) the term "COVID–19 emergency" means
19 the emergency involving Federal primary responsi-
20 bility determined to exist by the President under
21 section 501(b) of the Robert T. Stafford Disaster
22 Relief and Emergency Assistance Act (42 U.S.C.
23 5191(b)) with respect to the Coronavirus Disease
24 2019 (COVID–19); and

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1 (2) the term "Postal Service" means the United
2 States Postal Service.
3 (b) ADDITIONAL BORROWING AUTHORITY.—Not-
4 withstanding section 2005 of title 39, United States Code,
5 or any other provision of law, if the Postal Service deter-
6 mines that, due to the COVID–19 emergency, the Postal
7 Service will not be able to fund operating expenses without
8 borrowing money—
9 (1) the Postal Service may borrow money from
10 the Treasury in an amount not to exceed
11 $10,000,000,000—
12 (A) to be used for such operating expenses;
13 and
14 (B) which may not be used to pay any out-
15 standing debt of the Postal Service; and
16 (2) the Secretary of the Treasury may lend up
17 to the amount described in paragraph (1) at the re-
18 quest of the Postal Service, upon terms and condi-
19 tions mutually agreed upon by the Secretary and the
20 Postal Service.
21 (c) PRIORITIZATION OF DELIVERY FOR MEDICAL
22 PURPOSES DURING COVID–19 EMERGENCY.—Notwith-
23 standing any other provision of law, during the COVID–
24 19 emergency, the Postal Service—

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(1) shall prioritize delivery of postal products for medical purposes; and

(2) may establish temporary delivery points, in such form and manner as the Postal Service determines necessary, to protect employees of the Postal Service and individuals receiving deliveries from the Postal Service.

**SEC. 6002. EMERGENCY DESIGNATION.**

(a) IN GENERAL.—The amounts provided under this division are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

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

# DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS

The following sums are hereby are appropriated, out of any money in the Treasury not otherwise appropriated,

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1 for the fiscal year ending September 30, 2020, and for
2 other purposes, namely:

3 TITLE I

4 AGRICULTURAL PROGRAMS

5 OFFICE OF THE SECRETARY

6 For an additional amount for the "Office of the Sec-
7 retary", $9,500,000,000, to remain available until ex-
8 pended, to prevent, prepare for, and respond to
9 coronavirus by providing support for agricultural pro-
10 ducers impacted by coronavirus, including producers of
11 specialty crops, producers that supply local food systems,
12 including farmers markets, restaurants, and schools, and
13 livestock producers, including dairy producers: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 OFFICE OF INSPECTOR GENERAL

19 For an additional amount for "Office of Inspector
20 General", $750,000, to remain available until September
21 30, 2021, to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally: *Provided*,
23 That the funding made available under this heading in
24 this Act shall be used for conducting audits and investiga-
25 tions of projects and activities carried out with funds made

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1 available in this Act to the Department of Agriculture to
2 prevent, prepare for, and respond to coronavirus, domesti-
3 cally or internationally: *Provided further*, That such
4 amount is designated by the Congress as being for an
5 emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 ANIMAL AND PLANT HEALTH INSPECTION SERVICE

9 SALARIES AND EXPENSES

10 For an additional amount for "Salaries and Ex-
11 penses", $55,000,000, to remain available until September
12 30, 2021, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally, including for
14 necessary expenses for salary costs associated with the Ag-
15 riculture Quarantine and Inspection Program: *Provided*,
16 That such amount is designated by the Congress as being
17 for an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 AGRICULTURAL MARKETING SERVICE

21 MARKETING SERVICES

22 For an additional amount for "Marketing Services",
23 $45,000,000, to remain available until September 30,
24 2021, to prevent, prepare for, and respond to coronavirus,
25 domestically or internationally, including necessary ex-

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1 penses for salary costs associated with commodity grading,
2 inspection, and audit activities: *Provided*, That such
3 amount is designated by the Congress as being for an
4 emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 FOOD SAFETY AND INSPECTION SERVICE

8 For an additional amount for "Food Safety and In-
9 spection Service", $33,000,000, to remain available until
10 September 30, 2021, to prevent, prepare for, and respond
11 to coronavirus, domestically or internationally, including
12 for support of temporary and intermittent workers, reloca-
13 tion of inspectors, and, notwithstanding 21 U.S.C. 468,
14 695 and 1053 and 7 U.S.C. 2219a, costs of overtime in-
15 spectors under the Federal Meat Inspection Act, the Poul-
16 try Products Inspection Act, and the Egg Products In-
17 spection Act: *Provided*, That such amount is designated
18 by the Congress as being for an emergency requirement
19 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
20 et and Emergency Deficit Control Act of 1985.

21 FARM PRODUCTION AND CONSERVATION
22 PROGRAMS

23 FARM SERVICE AGENCY

24 For an additional amount for "Salaries and Ex-
25 penses", $3,000,000, to remain available until September

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1 30, 2021, to prevent, prepare for, and respond to
2 coronavirus, domestically or internationally, including nec-
3 essary expenses to hire temporary staff and overtime ex-
4 penses: *Provided*, That such amount is designated by the
5 Congress as being for an emergency requirement pursuant
6 to section 251(b)(2)(A)(i) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 RURAL DEVELOPMENT PROGRAMS

9 RURAL BUSINESS—COOPERATIVE SERVICE

10 RURAL BUSINESS PROGRAM ACCOUNT

11 For an additional amount for "Rural Business Pro-
12 gram Account", $20,500,000, to remain available until
13 September 30, 2021, to prevent, prepare for, and respond
14 to coronavirus, for the cost of loans for rural business de-
15 velopment programs authorized by section 310B and de-
16 scribed in subsection (g) of section 310B of the Consoli-
17 dated Farm and Rural Development Act: *Provided*, That
18 such amount is designated by the Congress as being for
19 an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 RURAL UTILITIES SERVICE

2 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND

3 PROGRAM

4 For an additional amount for "Distance Learning,
5 Telemedicine, and Broadband Program", $25,000,000, to
6 remain available until expended, to prevent, prepare for,
7 and respond to coronavirus, domestically or internation-
8 ally, for telemedicine and distance learning services in
9 rural areas, as authorized by 7 U.S.C. 950aaa et seq.: *Pro-*
10 *vided*, That such amount is designated by the Congress
11 as being for an emergency requirement pursuant to sec-
12 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985.

14 DOMESTIC FOOD PROGRAMS

15 FOOD AND NUTRITION SERVICE

16 CHILD NUTRITION PROGRAMS

17 For an additional amount for "Child Nutrition Pro-
18 grams", $8,800,000,000 to remain available until Sep-
19 tember 30, 2021, to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally: *Provided*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

2 For an additional amount for "Supplemental Nutri-
3 tion Assistance Program", $15,810,000,000, to remain
4 available until September 30, 2021, to prevent, prepare
5 for, and respond to coronavirus, domestically or inter-
6 nationally: *Provided*, That of the amount provided under
7 this heading in this Act, $15,510,000,000 shall be placed
8 in a contingency reserve to be allocated as the Secretary
9 deems necessary to support participation should cost or
10 participation exceed budget estimates to prevent, prepare
11 for, and respond to coronavirus: *Provided further*, That of
12 the amount provided under this heading in this Act,
13 $100,000,000 shall be for the food distribution program
14 on Indian reservations program as authorized by Section
15 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C.
16 2013) and Section 4(a) of the Agriculture and Consumer
17 Protection Act of 1973 (7 U.S.C. 1431) to prevent, pre-
18 pare for, and respond to coronavirus, of which
19 $50,000,000 shall be for facility improvements and equip-
20 ment upgrades and of which $50,000,000 shall be for the
21 costs relating to additional food purchases: *Provided fur-*
22 *ther*, That of the amount provided under this heading in
23 this Act, $200,000,000 to remain available through Sep-
24 tember 30, 2021, shall be available for the Secretary of
25 Agriculture to provide grants to the Commonwealth of the

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1 Northern Mariana Islands, Puerto Rico, and American
2 Samoa for nutrition assistance to prevent, prepare for,
3 and respond to coronavirus, domestically or internation-
4 ally: *Provided further*, That such amount is designated by
5 the Congress as being for an emergency requirement pur-
6 suant to section 251(b)(2)(A)(i) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 COMMODITY ASSISTANCE PROGRAM

9 For an additional amount for "Commodity Assistance
10 Program", $450,000,000, to remain available through
11 September 30, 2021, to prevent, prepare for, and respond
12 to coronavirus, domestically or internationally, for the
13 emergency food assistance program as authorized by sec-
14 tion 27(a) of the Food and Nutrition Act of 2008 (7
15 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency
16 Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)): *Pro-*
17 *vided*, That of the funds made available, the Secretary
18 may use up to $150,000,000 for costs associated with the
19 distribution of commodities: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 FOREIGN ASSISTANCE AND RELATED
2 PROGRAMS
3 FOREIGN AGRICULTURAL SERVICE
4 SALARIES AND EXPENSES
5 For an additional amount for ''Salaries and Ex-
6 penses'', $4,000,000, to remain available until September
7 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally, including nec-
9 essary expenses to relocate employees and their depend-
10 ents back from overseas posts: *Provided*, That such
11 amount is designated by the Congress as being for an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.
15 RELATED AGENCIES AND FOOD AND DRUG
16 ADMINISTRATION
17 DEPARTMENT OF HEALTH AND HUMAN SERVICES
18 FOOD AND DRUG ADMINISTRATION
19 SALARIES AND EXPENSES
20 For an additional amount for ''Salaries and Ex-
21 penses'', $80,000,000, to remain available until expended,
22 to prevent, prepare for, and respond to coronavirus, do-
23 mestically or internationally, including funds for the devel-
24 opment of necessary medical countermeasures and vac-
25 cines, advanced manufacturing for medical products, the

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1 monitoring of medical product supply chains, and related
2 administrative activities: *Provided*, That such amount is
3 designated by the Congress as being for an emergency re-
4 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

6 GENERAL PROVISIONS—THIS TITLE

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 11001. Of the funds made available to the Rural
9 Development mission area in this title, and in addition to
10 funds otherwise made available for such purpose, not more
11 than 3 percent may be used for administrative costs to
12 carry out loan, loan guarantee and grant activities funded
13 in this title to prevent, prepare for, and respond to
14 coronavirus, domestically or internationally: *Provided*,
15 That such funds shall be transferred to, and merged with,
16 the appropriation for "Rural Development, Salaries and
17 Expenses" and, once transferred, shall be used only to
18 prevent, prepare for, and respond to coronavirus, domesti-
19 cally or internationally: *Provided further*, that this transfer
20 authority is in addition to any other transfer authority
21 provided by law.

22 COMMODITY CREDIT CORPORATION

23 REIMBURSEMENT OF PRESENT NET REALIZED LOSSES

24 SEC. 11002. Of the amounts provided in the Further
25 Consolidated Appropriations Act, 2020 (Public Law 116–

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1 94) under the heading "Commodity Credit Corporation
2 Fund—Reimbursement for Net Realized Losses",
3 $14,000,000,000, may be used, prior to the completion of
4 the report described in 15 U.S.C. 713a–11, to reimburse
5 the Commodity Credit Corporation for net realized losses
6 sustained, but not previously reimbursed, as reflected in
7 the June 2020 report of its financial condition: *Provided*,
8 That such amount is designated by the Congress as being
9 for an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 SEC. 11003. The Secretary may extend the term of
13 a marketing assistance loan authorized by section 1201
14 of the Agricultural Act of 2014 (7 U.S.C. 9033) for any
15 loan commodity to 12 months: *Provided*, That the author-
16 ity made available pursuant to this section shall expire on
17 September 30, 2020: *Provided further*, That the amount
18 provided by this section is designated by the Congress as
19 being for an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 SEC. 11004. For an additional amount for grants
23 under the pilot program established under section 779 of
24 Public Law 115–141, to prevent, prepare for, and respond
25 to coronavirus, $100,000,000, to remain available until

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1 September 30, 2021: *Provided*, That at least 90 percent
2 of the households to be served by a project receiving a
3 grant shall be in a rural area without sufficient access to
4 broadband: *Provided further*, That for purposes of such
5 pilot program, a rural area without sufficient access to
6 broadband shall be defined as 10 Mbps downstream and
7 1 Mbps upstream, and such definition shall be reevaluated
8 and redefined, as necessary, on an annual basis by the
9 Secretary of Agriculture: *Provided further*, That an entity
10 to which a grant is made under the pilot program shall
11 not use a grant to overbuild or duplicate broadband expan-
12 sion efforts made by any entity that has received a
13 broadband loan from the Rural Utilities Service: *Provided*
14 *further*, That priority consideration for grants shall be
15 given to previous applicants now eligible as a result of ad-
16 justed eligibility requirements: *Provided further*, That such
17 amount is designated by the Congress as being for an
18 emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 TITLE II

2 DEPARTMENT OF COMMERCE

3 ECONOMIC DEVELOPMENT ADMINISTRATION

4 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

5 (INCLUDING TRANSFERS OF FUNDS)

6 Pursuant to section 703 of the Public Works and
7 Economic Development Act (42 U.S.C. 3233), for an addi-
8 tional amount for "Economic Development Assistance
9 Programs", $1,500,000,000, to remain available until
10 September 30, 2022, to prevent, prepare for, and respond
11 to coronavirus, domestically or internationally, including
12 for necessary expenses for responding to economic injury
13 as a result of coronavirus: *Provided*, That such amount
14 shall be for economic adjustment assistance as authorized
15 by section 209 of the Public Works and Economic Devel-
16 opment Act of 1965 (42 U.S.C. 3149): *Provided further*,
17 That within the amount appropriated under this heading
18 in this Act, up to 2 percent of funds may be transferred
19 to the "Salaries and Expenses" account for administration
20 and oversight activities related to preventing, preparing
21 for, and responding to coronavirus: *Provided further*, That
22 the Secretary of Commerce is authorized to appoint and
23 fix the compensation of such temporary personnel as may
24 be necessary to implement the requirements under this
25 heading in this Act to prevent, prepare for, and respond

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1 to coronavirus, without regard to the provisions of title
2 5, United States Code, governing appointments in com-
3 petitive service: *Provided further*, That the Secretary of
4 Commerce is authorized to appoint such temporary per-
5 sonnel, after serving continuously for 2 years, to positions
6 in the Economic Development Administration in the same
7 manner that competitive service employees with competi-
8 tive status are considered for transfer, reassignment, or
9 promotion to such positions and an individual appointed
10 under this provision shall become a career-conditional em-
11 ployee, unless the employee has already completed the
12 service requirements for career tenure: *Provided further*,
13 That within the amount appropriated under this heading
14 in this Act, $3,000,000 shall be transferred to the "Office
15 of Inspector General" account for carrying out investiga-
16 tions and audits related to the funding provided to pre-
17 vent, prepare for, and respond to coronavirus under this
18 heading in this Act: *Provided further*, That such amount
19 is designated by the Congress as being for an emergency
20 requirement pursuant to section 251(b)(2)(A)(i) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

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1 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
2 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES
3 For an additional amount for "Scientific and Tech-
4 nical Research and Services", $6,000,000, to remain avail-
5 able until September, 30, 2021, to prevent, prepare for,
6 and respond to coronavirus, domestically or internation-
7 ally, by supporting continuity of operations, including
8 measurement science to support viral testing and bio-
9 manufacturing: *Provided*, That such amount is designated
10 by the Congress as being for an emergency requirement
11 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
12 et and Emergency Deficit Control Act of 1985.
13 INDUSTRIAL TECHNOLOGY SERVICES
14 For an additional amount for "Industrial Technology
15 Services", $60,000,000, to remain available until Sep-
16 tember 30, 2021, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally: *Provided*,
18 That of the amount provided under this heading in this
19 Act, $50,000,000 shall be for the Hollings Manufacturing
20 Extension Partnership to assist manufacturers to prevent,
21 prepare for, and respond to coronavirus and $10,000,000
22 shall be for the National Network for Manufacturing Inno-
23 vation (also known as "Manufacturing USA") to prevent,
24 prepare for, and respond to coronavirus, including to sup-
25 port development and manufacturing of medical counter-

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1 measures and biomedical equipment and supplies: *Pro-*
2 *vided further*, That none of the funds provided under this
3 heading in this Act shall be subject to cost share require-
4 ments under 15 U.S.C. 278k(e)(2) or 15 U.S.C.
5 278s(e)(7)(A): *Provided further*, That such amount is des-
6 ignated by the Congress as being for an emergency re-
7 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
8 anced Budget and Emergency Deficit Control Act of 1985.

9 NATIONAL OCEANIC AND ATMOSPHERIC
10 ADMINISTRATION
11 OPERATIONS, RESEARCH, AND FACILITIES

12 For an additional amount for "Operations, Research,
13 and Facilities", $20,000,000, to remain available until
14 September, 30, 2021, to prevent, prepare for, and respond
15 to coronavirus, domestically or internationally, by sup-
16 porting continuity of operations, including National
17 Weather Service life and property related operations: *Pro-*
18 *vided*, That such amount is designated by the Congress
19 as being for an emergency requirement pursuant to sec-
20 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 DEPARTMENT OF JUSTICE

2 GENERAL ADMINISTRATION

3 JUSTICE INFORMATION SHARING TECHNOLOGY

4 For an additional amount for ''Justice Information
5 Sharing Technology'', $2,000,000, to remain available
6 until expended, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including the
8 impact of coronavirus on the work of the Department of
9 Justice: *Provided*, That such amount is designated by the
10 Congress as being for an emergency requirement pursuant
11 to section 251(b)(2)(A)(i) of the Balanced Budget and
12 Emergency Deficit Control Act of 1985.

13 OFFICE OF INSPECTOR GENERAL

14 For an additional amount for ''Office of Inspector
15 General'', $2,000,000, to remain available until expended
16 to prevent, prepare for, and respond to coronavirus, do-
17 mestically or internationally, including the impact of
18 coronavirus on the work of the Department of Justice and
19 to carry out investigations and audits related to the fund-
20 ing made available for the Department of Justice in this
21 Act: *Provided*, That such amount is designated by the
22 Congress as being for an emergency requirement pursuant
23 to section 251(b)(2)(A)(i) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 LEGAL ACTIVITIES

2 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

3 For an additional amount for "Salaries and Ex-
4 penses, United States Attorneys", $3,000,000, to prevent,
5 prepare for, and respond to coronavirus, domestically or
6 internationally, including the impact of coronavirus on the
7 work of the Department of Justice: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 UNITED STATES MARSHALS SERVICE

13 SALARIES AND EXPENSES

14 For an additional amount for "United States Mar-
15 shals Service, Salaries and Expenses", $15,000,000, to
16 prevent, prepare for, and respond to coronavirus, domesti-
17 cally or internationally, including the impact of
18 coronavirus on the work of the Department of Justice:
19 *Provided*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

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1 FEDERAL BUREAU OF INVESTIGATION

2 SALARIES AND EXPENSES

3 For an additional amount for "Federal Bureau of In-
4 vestigation, Salaries and Expenses", $20,000,000, to pre-
5 vent, prepare for, and respond to coronavirus, domestically
6 or internationally, including the impact of coronavirus on
7 the work of the Department of Justice: *Provided*, That
8 such amount is designated by the Congress as being for
9 an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 DRUG ENFORCEMENT ADMINISTRATION

13 SALARIES AND EXPENSES

14 For an additional amount for "Drug Enforcement
15 Administration, Salaries and Expenses", $15,000,000, to
16 prevent, prepare for, and respond to coronavirus, domesti-
17 cally or internationally, including the impact of
18 coronavirus on the work of the Department of Justice:
19 *Provided*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

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1 FEDERAL PRISON SYSTEM

2 SALARIES AND EXPENSES

3 For an additional amount for "Federal Prison Sys-
4 tem, Salaries and Expenses", $100,000,000, to prevent,
5 prepare for, and respond to coronavirus, domestically or
6 internationally, including the impact of coronavirus on the
7 work of the Department of Justice: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

13 OFFICE OF JUSTICE PROGRAMS

14 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

15 For an additional amount for "State and Local Law
16 Enforcement Assistance", $850,000,000, to remain avail-
17 able until expended, to prevent, prepare for, and respond
18 to coronavirus, domestically or internationally, to be
19 awarded pursuant to the formula allocation (adjusted in
20 proportion to the relative amounts statutorily designated
21 therefor) that was used in fiscal year 2019 for the Edward
22 Byrne Memorial Justice Assistance Grant program as au-
23 thorized by subpart 1 of part E of title I of the Omnibus
24 Crime Control and Safe Streets Acts of 1968 ("1968
25 Act"): *Provided*, That the allocation provisions under sec-

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1 tions 505(a) through (e) and the special rules for Puerto
2 Rico under section 505(g), and section 1001(c), of the
3 1968 Act, shall not apply to the amount provided under
4 this heading in this Act: *Provided further*, That awards
5 hereunder, shall not be subject to restrictions or special
6 conditions that are the same as (or substantially similar
7 to) those, imposed on awards under such subpart in fiscal
8 year 2018, that forbid interference with Federal law en-
9 forcement: *Provided further*, That such amount is des-
10 ignated by the Congress as being for an emergency re-
11 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985.

13 SCIENCE

14 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

15 SAFETY, SECURITY AND MISSION SERVICES

16 For an additional amount for ''Safety, Security and
17 Mission Services'', $60,000,000, to remain available until
18 September 30, 2021, to prevent, prepare for, and respond
19 to coronavirus, domestically or internationally: *Provided*,
20 That such amount is designated by the Congress as being
21 for an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 NATIONAL SCIENCE FOUNDATION

2 RESEARCH AND RELATED ACTIVITIES

3 For an additional amount for "Research and Related
4 Activities", $75,000,000, to remain available until Sep-
5 tember 30, 2021, to prevent, prepare for, and respond to
6 coronavirus, domestically or internationally, including to
7 fund research grants and other necessary expenses: *Pro-*
8 *vided*, That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 AGENCY OPERATIONS AND AWARD MANAGEMENT

13 For an additional amount for "Agency Operations
14 and Award Management", $1,000,000, to prevent, pre-
15 pare for, and respond to coronavirus, domestically or
16 internationally, including to administer research grants
17 and other necessary expenses: *Provided*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 RELATED AGENCIES

2 LEGAL SERVICES CORPORATION

3 PAYMENT TO THE LEGAL SERVICES CORPORATION

4 For an additional amount for "Payment to the Legal
5 Services Corporation", $50,000,000, to prevent, prepare
6 for, and respond to coronavirus, domestically or inter-
7 nationally: *Provided*, That none of the funds appropriated
8 under this heading in this Act to the Legal Services Cor-
9 poration shall be expended for any purpose prohibited or
10 limited by, or contrary to any of the provisions of, sections
11 501, 502, 503, 504, 505, and 506 of Public Law 105–
12 119, and all funds appropriated in this Act to the Legal
13 Services Corporation shall be subject to the same terms
14 and conditions set forth in such sections, except that all
15 references in sections 502 and 503 to 1997 and 1998 shall
16 be deemed to refer instead to 2019 and 2020, respectively,
17 and except that sections 501 and 503 of Public Law 104–
18 134 (referenced by Public Law 105–119) shall not apply
19 to the amount made available under this heading: *Pro-*
20 *vided further*, That for the purposes of this Act, the Legal
21 Services Corporation shall be considered an agency of the
22 United States Government: *Provided further*, That such
23 amount is designated by the Congress as being for an
24 emergency requirement pursuant to section

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

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 12001. Amounts provided by the Consolidated
5 Appropriations Act, 2020, (Public Law 116–93) for the
6 Hollings Manufacturing Extension Partnership under the
7 heading "National Institute of Standards and Tech-
8 nology—Industrial Technology Services" shall not be sub-
9 ject to cost share requirements under 15 U.S.C.
10 278k(e)(2): *Provided*, That the authority made available
11 pursuant to this section shall be elective for any Manufac-
12 turing Extension Partnership Center that also receives
13 funding from a State that is conditioned upon the applica-
14 tion of a Federal cost sharing requirement.

15 SEC. 12002. (a) Funds appropriated in this title for
16 the National Science Foundation may be made available
17 to restore amounts, either directly or through reimburse-
18 ment, for obligations incurred by the National Science
19 Foundation for research grants and other necessary ex-
20 penses to prevent, prepare for, and respond to
21 coronavirus, domestically or internationally, prior to the
22 date of enactment of this Act.

23 (b) Grants or cooperative agreements made by the
24 National Science Foundation under this title, to carry out
25 research grants and other necessary expenses to prevent,

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1 prepare for, and respond to coronavirus, domestically or
2 internationally, shall include amounts to reimburse costs
3 for these purposes incurred between January 20, 2020,
4 and the date of issuance of such grants or agreements.

5 BUREAU OF PRISONS

6 SEC. 12003. (a) DEFINITIONS.—In this section—
7 (1) the term "Bureau" means the Bureau of
8 Prisons;
9 (2) the term "covered emergency period" means
10 the period beginning on the date on which the Presi-
11 dent declared a national emergency under the Na-
12 tional Emergencies Act (50 U.S.C. 1601 et seq.)
13 with respect to the Coronavirus Disease 2019
14 (COVID–19) and ending on the date that is 30 days
15 after the date on which the national emergency dec-
16 laration terminates; and
17 (3) the term "Secretary" means the Secretary
18 of Health and Human Services.
19 (b) SUPPLY OF PERSONAL PROTECTIVE EQUIPMENT
20 AND TEST KITS TO BUREAU OF PRISONS; HOME CON-
21 FINEMENT AUTHORITY.—
22 (1) PERSONAL PROTECTIVE EQUIPMENT AND
23 TEST KITS.—
24 (A) FINDINGS.—Congress finds the fol-
25 lowing:

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1 (i) There is an urgent need for per-
2 sonal protective equipment and test kits to
3 the Bureau based on the density of the in-
4 mate population, the high traffic, the high
5 volume of inmates, the high rate of turn-
6 over of inmates and personnel, and the
7 number of high-security areas, within the
8 facilities of the Bureau.
9 (ii) The inability of the Bureau to se-
10 cure the purchase of infectious disease per-
11 sonal protective equipment and related
12 supplies now and in the future is a vulner-
13 ability.
14 (iii) The Bureau is currently com-
15 peting in and engaging the same landscape
16 of vendors as all other Federal agencies
17 and private entities.
18 (iv) The ability of the Bureau to pur-
19 chase needed equipment and supplies is
20 currently subject to an individual manufac-
21 turer's specific recognition of the Bureau
22 as a priority and subsequent allocation of
23 the inventory of the manufacturer to the
24 Bureau.

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1 (B) CONSIDERATION.—The Secretary shall
2 appropriately consider, relative to other prior-
3 ities of the Department of Health and Human
4 Services for high-risk and high-need popu-
5 lations, the distribution of infectious disease
6 personal protective equipment and COVID–19
7 test kits to the Bureau for use by inmates and
8 personnel of the Bureau.
9 (2) HOME CONFINEMENT AUTHORITY.—During
10 the covered emergency period, if the Attorney Gen-
11 eral finds that emergency conditions will materially
12 affect the functioning of the Bureau, the Director of
13 the Bureau may lengthen the maximum amount of
14 time for which the Director is authorized to place a
15 prisoner in home confinement under the first sen-
16 tence of section 3624(c)(2) of title 18, United States
17 Code, as the Director determines appropriate.
18 (c) VIDEO VISITATION.—
19 (1) IN GENERAL.—During the covered emer-
20 gency period, if the Attorney General finds that
21 emergency conditions will materially affect the func-
22 tioning of the Bureau, the Director of the Bureau
23 shall promulgate rules regarding the ability of in-
24 mates to conduct visitation through video teleconfer-

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encing and telephonically, free of charge to inmates, during the covered emergency period.

(2) EXEMPTION FROM NOTICE-AND-COMMENT RULEMAKING REQUIREMENTS.—Section 553 of title 5, United States Code, shall not apply to the promulgation of rules under paragraph (1) of this subsection.

(d) EMERGENCY REQUIREMENT.—The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TEMPORARY AUTHORITY OF DIRECTOR OF THE USPTO DURING THE COVID–19 EMERGENCY.

SEC. 12004. (a) IN GENERAL.—During the emergency period described in subsection (e), the Director may toll, waive, adjust, or modify, any timing deadline established by title 35, United States Code, the Trademark Act, section 18 of the Leahy-Smith America Invents Act (35 U.S.C. 321 note), or regulations promulgated thereunder, in effect during such period, if the Director determines that the emergency related to such period—

(1) materially affects the functioning of the Patent and Trademark Office;

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1 (2) prejudices the rights of applicants, reg-
2 istrants, patent owners, or others appearing before
3 the Office; or
4 (3) prevents applicants, registrants, patent own-
5 ers, or others appearing before the Office from filing
6 a document or fee with the Office.
7 (b) PUBLIC NOTICE.—If the Director determines
8 that tolling, waiving, adjusting, or modifying a timing
9 deadline under subsection (a) is appropriate, the Director
10 shall publish publicly a notice to such effect.
11 (c) STATEMENT REQUIRED.—Not later than 20 days
12 after the Director tolls, waives, adjusts, or modifies a tim-
13 ing deadline under subsection (a) and such toll, waiver,
14 adjustment, or modification is in effect for a consecutive
15 or cumulative period exceeding 120 days, the Director
16 shall submit to Congress a statement describing the action
17 taken, relevant background, and rationale for the period
18 of tolling, waiver, adjustment, or modification.
19 (d) OTHER LAWS.—Notwithstanding section 301 of
20 the National Emergencies Act (50 U.S.C. 1631), the au-
21 thority of the Director under subsection (a) is not contin-
22 gent on a specification made by the President under such
23 section or any other requirement under that Act (other
24 than the emergency declaration under section 201(a) of
25 such Act (50 U.S.C. 1621(a))). The authority described

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1 in this section supersedes the authority of title II of the
2 National Emergencies Act (50 U.S.C. 1621 et seq.).
3 (e) EMERGENCY PERIOD.—The emergency period de-
4 scribed in this subsection includes the duration of the por-
5 tion of the emergency declared by the President pursuant
6 to the National Emergencies Act on March 13, 2020, as
7 a result of the COVID–19 outbreak (and any renewal
8 thereof) beginning on or after the date of the enactment
9 of this section and the 60 day period following such dura-
10 tion.
11 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion may be construed as limiting other statutory authori-
13 ties the Director may have to grant relief regarding filings
14 or deadlines.
15 (g) SUNSET.—Notwithstanding subsection (a), the
16 authorities provided under this section shall expire upon
17 the expiration of the 2-year period after the date of the
18 enactment of this section.
19 (h) DEFINITIONS.—In this section:
20 (1) DIRECTOR.—The term "Director" means
21 the Under Secretary of Commerce for Intellectual
22 Property and Director of the United States Patent
23 and Trademark Office.
24 (2) TRADEMARK ACT.—The term "Trademark
25 Act" means the Act entitled "An Act to provide for

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1 the registration and protection of trademarks used
2 in commerce, to carry out the provisions of certain
3 international conventions, and for other purposes'',
4 approved July 5, 1946 (15 U.S.C. 1051 et seq.).
5 (i) EMERGENCY REQUIREMENT.—The amount pro-
6 vided by this section is designated by the Congress as
7 being for an emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 ASSISTANCE TO FISHERY PARTICIPANTS

11 SEC. 12005. (a) IN GENERAL.—The Secretary of
12 Commerce is authorized to provide assistance to Tribal,
13 subsistence, commercial, and charter fishery participants
14 affected by the novel coronavirus (COVID–19), which may
15 include direct relief payments.
16 (b) FISHERY PARTICIPANTS.—For the purposes of
17 this section, ''fishery participants'' include Tribes, per-
18 sons, fishing communities, aquaculture businesses not oth-
19 erwise eligible for assistance under part 1416 of title 7
20 of the Code of Federal Regulations for losses related to
21 COVID–19, processors, or other fishery-related busi-
22 nesses, who have incurred, as a direct or indirect result
23 of the coronavirus pandemic—
24 (1) economic revenue losses greater than 35
25 percent as compared to the prior 5-year average rev-
26 enue; or

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1 (2) any negative impacts to subsistence, cul-
2 tural, or ceremonial fisheries.
3 (c) ROLLING BASIS.—Funds may be awarded under
4 this section on a rolling basis, and within a fishing season,
5 to ensure rapid delivery of funds during the COVID–19
6 pandemic.
7 (d) APPROPRIATIONS.—In addition to funds that are
8 otherwise made available to assist fishery participants
9 under this Act, there are authorized to be appropriated,
10 and there are appropriated, $300,000,000, to remain
11 available until September 30, 2021, to carry out this sec-
12 tion, of which up to 2 percent may be used for administra-
13 tion and oversight activities.
14 (e) EMERGENCY REQUIREMENT.—The amount pro-
15 vided by this section is designated by the Congress as
16 being for an emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

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1 TITLE III
2 DEPARTMENT OF DEFENSE
3 MILITARY PERSONNEL
4 NATIONAL GUARD PERSONNEL, ARMY
5 For an additional amount for ''National Guard Per-
6 sonnel, Army'', $746,591,000, to prevent, prepare for, and
7 respond to coronavirus, domestically or internationally:
8 *Provided*, That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.
12 NATIONAL GUARD PERSONNEL, AIR FORCE
13 For an additional amount for ''National Guard Per-
14 sonnel, Air Force'', $482,125,000, to prevent, prepare for,
15 and respond to coronavirus, domestically or internation-
16 ally: *Provided*, That such amount is designated by the
17 Congress as being for an emergency requirement pursuant
18 to section 251(b)(2)(A)(i) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985.
20 OPERATION AND MAINTENANCE
21 OPERATION AND MAINTENANCE, ARMY
22 For an additional amount for ''Operation and Main-
23 tenance, Army'', $160,300,000, to prevent, prepare for,
24 and respond to coronavirus, domestically or internation-
25 ally: *Provided*, That such amount is designated by the

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1 Congress as being for an emergency requirement pursuant
2 to section 251(b)(2)(A)(i) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985.

4 OPERATION AND MAINTENANCE, NAVY

5 For an additional amount for "Operation and Main-
6 tenance, Navy", $360,308,000, to prevent, prepare for,
7 and respond to coronavirus, domestically or internation-
8 ally: *Provided*, That such amount is designated by the
9 Congress as being for an emergency requirement pursuant
10 to section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 For an additional amount for "Operation and Main-
14 tenance, Marine Corps", $90,000,000, to prevent, prepare
15 for, and respond to coronavirus, domestically or inter-
16 nationally: *Provided*, That such amount is designated by
17 the Congress as being for an emergency requirement pur-
18 suant to section 251(b)(2)(A)(i) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, AIR FORCE

21 For an additional amount for "Operation and Main-
22 tenance, Air Force", $155,000,000, to prevent, prepare
23 for, and respond to coronavirus, domestically or inter-
24 nationally: *Provided*, That such amount is designated by
25 the Congress as being for an emergency requirement pur-

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

3 OPERATION AND MAINTENANCE, ARMY RESERVE

4 For an additional amount for "Operation and Main-
5 tenance, Army Reserve", $48,000,000, to prevent, prepare
6 for, and respond to coronavirus, domestically or inter-
7 nationally: *Provided*, That such amount is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 OPERATION AND MAINTENANCE, ARMY NATIONAL
12 GUARD

13 For an additional amount for "Operation and Main-
14 tenance, Army National Guard", $186,696,000, to pre-
15 vent, prepare for, and respond to coronavirus, domestically
16 or internationally: *Provided*, That such amount is des-
17 ignated by the Congress as being for an emergency re-
18 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

21 For an additional amount for "Operation and Main-
22 tenance, Air National Guard", $75,754,000, to prevent,
23 prepare for, and respond to coronavirus, domestically or
24 internationally: *Provided*, That such amount is designated
25 by the Congress as being for an emergency requirement

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

3 OPERATION AND MAINTENANCE, DEFENSE-WIDE

4 For an additional amount for "Operation and Main-
5 tenance, Defense-Wide", $827,800,000, to prevent, pre-
6 pare for, and respond to coronavirus, domestically or
7 internationally: *Provided*, That such amount is designated
8 by the Congress as being for an emergency requirement
9 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
10 et and Emergency Deficit Control Act of 1985.

11 PROCUREMENT

12 DEFENSE PRODUCTION ACT PURCHASES

13 For an additional amount for "Defense Production
14 Act Purchases", $1,000,000,000, to remain available until
15 expended, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally: *Provided*,
17 That for the two-year period beginning with the date of
18 enactment of this Act, the requirements described in Sec-
19 tion 301(a)(3)(A) and 302(c)(1) of Public Law 81–774,
20 shall be waived: *Provided further*, That such amount is
21 designated by the Congress as being for an emergency re-
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985.

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1 REVOLVING AND MANAGEMENT FUNDS

2 DEFENSE WORKING CAPITAL FUNDS

3 For an additional amount for "Defense Working
4 Capital Funds", $1,450,000,000, to prevent, position, pre-
5 pare for, and respond to coronavirus, domestically or
6 internationally: *Provided*, That of the amount provided
7 under this heading in this Act, $475,000,000 shall be for
8 the Navy Working Capital Fund, $475,000,000 shall be
9 for the Air Force Working Capital Fund, and
10 $500,000,000 shall be for the Defense-Wide Working Cap-
11 ital Fund: *Provided further*, That such amount is des-
12 ignated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 OTHER DEPARTMENT OF DEFENSE PROGRAMS

16 DEFENSE HEALTH PROGRAM

17 For an additional amount for "Defense Health Pro-
18 gram", $3,805,600,000, of which $3,390,600,000 shall be
19 for operation and maintenance, and $415,000,000 shall
20 be for research, development, test and evaluation, to re-
21 main available until September 30, 2021, to prevent, pre-
22 pare for, and respond to coronavirus, domestically or
23 internationally: *Provided*, That, notwithstanding that one
24 percent of funding for operation and maintenance under
25 this heading in Public Law 116–93 shall remain available

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1 for obligation until September 30, 2021, funding for oper-
2 ation and maintenance made available under this heading
3 in this Act shall only be available through September 30,
4 2020: *Provided further*, That such amount is designated
5 by the Congress as being for an emergency requirement
6 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
7 et and Emergency Deficit Control Act of 1985.

8 OFFICE OF THE INSPECTOR GENERAL

9 For an additional amount for "Office of the Inspector
10 General", $20,000,000, to prevent, prepare for, and re-
11 spond to coronavirus, domestically or internationally: *Pro-*
12 *vided*, That the funding made available under this heading
13 in this Act shall be used for conducting audits and inves-
14 tigations of projects and activities carried out with funds
15 made available in this Act to the Department of Defense
16 to prevent, prepare for, and respond to coronavirus, do-
17 mestically or internationally: *Provided further*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 GENERAL PROVISIONS—THIS TITLE

23 SEC. 13001. Funds appropriated by this title may be
24 transferred to, and merged with, other applicable appro-
25 priations of the Department of Defense, except for "Drug

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1 Interdiction and Counter-Drug Activities, Defense'', for
2 expenses incurred in preventing, preparing for, or re-
3 sponding to coronavirus, including expenses of the Depart-
4 ment of Defense incurred in support of other Federal De-
5 partments and agencies, and State, local, and Indian trib-
6 al governments, to be merged with and to be available for
7 the same purposes, and for the same time period, as the
8 appropriation or fund to which transferred: *Provided*,
9 That upon a determination that all or part of the funds
10 transferred pursuant to this section that are not necessary
11 for the purposes provided herein, such funds shall be
12 transferred back to the original appropriation: *Provided*
13 *further*, That the transfer authority provided by this sec-
14 tion is in addition to any other transfer authority provided
15 by law.

16 SEC. 13002. For an additional amount for ''Defense
17 Health Program'', $1,095,500,000, which shall be for op-
18 eration and maintenance, and of which $1,095,500,000
19 may be available for contracts entered into under the
20 TRICARE program: *Provided*, That, notwithstanding that
21 one percent of funding for operation and maintenance
22 under this heading in Public Law 116–93 shall remain
23 available for obligation until September 30, 2021, funding
24 for operation and maintenance made available under this
25 heading in this section shall only be available through Sep-

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1 tember 30, 2020: *Provided further*, That such amount is
2 designated by the Congress as being for an emergency re-
3 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985.
5 SEC. 13003. (a) Notwithstanding section 2208(l)(3)
6 of title 10, United States Code, during fiscal year 2020,
7 the total amount of the advance billings rendered or im-
8 posed for all working-capital funds of the Department of
9 Defense may exceed the amount otherwise specified in
10 such section.
11 (b) In this section, the term ''advance billing'' has
12 the meaning given that term in section 2208(l)(4) of title
13 10, United States Code.
14 SEC. 13004. (a) Section 2326(b)(3) of title 10,
15 United States Code, shall not apply to any undefinitized
16 contract action of the Department of Defense related to
17 the national emergency for the Coronavirus Disease 2019
18 (COVID–19).
19 (b) In this section, the term ''undefinitized contract
20 action'' has the meaning given that term in section
21 2326(j)(6) of title 10, United States Code.
22 SEC. 13005. (a) The head of an agency may waive
23 the provisions of section 2326(b) of title 10, United States
24 Code, with respect to a contract of such agency if the head
25 of the agency determines that the waiver is necessary due

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1 to the national emergency for the Coronavirus Disease
2 2019 (COVID–19).
3 (b) In this section, the term "head of an agency" has
4 the meaning given that term in section 2302(2) of title
5 10, United States Code.
6 SEC. 13006. (a) Notwithstanding paragraph (3) of
7 section 2371b(a) of title 10, United States Code, the au-
8 thority of a senior procurement executive or director of
9 the Defense Advanced Research Projects Agency or Mis-
10 sile Defense Agency under paragraph (2)(A) of such sec-
11 tion, and the authority of the Under Secretaries of De-
12 fense under paragraph (2)(B) of such section, for any
13 transaction related to the national emergency for the
14 Coronavirus Disease 2019 (COVID–19) may be delegated
15 to such officials in the Department of Defense as the Sec-
16 retary of Defense shall specify for purposes of this section.
17 (b)(1) Notwithstanding clause (ii) of section
18 2371b(a)(2)(B) of title 10, United States Code, no ad-
19 vance notice to Congress is required under that clause for
20 transitions described in that section that are related to
21 the national emergency for the Coronavirus Disease 2019
22 (COVID–19).
23 (2) In the event a transaction covered by paragraph
24 (1) is carried out, the Under Secretary of Defense for Re-
25 search and Engineering or the Under Secretary of Defense

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1 for Acquisition and Sustainment, as applicable, shall sub-
2 mit to the congressional defense committees a notice on
3 the carrying out of such transaction as soon as is prac-
4 ticable after the commencement of the carrying out of
5 such transaction.

6 (3) In this subsection, the term "congressional de-
7 fense committees" has the meaning given such term in
8 section 101(a)(16) of title 10, United States Code.

9 SEC. 13007. (a) The President may extend the ap-
10 pointment of the Chief of Army Reserve as prescribed in
11 section 7038(c) of title 10, United States Code, for the
12 incumbent in that position as of the date of the enactment
13 of this Act until the date of the appointment of the suc-
14 cessor to such incumbent, notwithstanding any limitation
15 otherwise imposed on such term by such section 7038(c).

16 (b) The President may extend the appointment of the
17 Chief of Navy Reserve as prescribed in section 8083(c)
18 of title 10, United States Code, for the incumbent in that
19 position as of the date of the enactment of this Act until
20 the date of the appointment of the successor to such in-
21 cumbent, notwithstanding any limitation otherwise im-
22 posed on such term by such section 8083(c).

23 (c) The President may extend the appointment of the
24 Chief of Staff of the Air Force prescribed in section
25 9033(a)(1) of title 10, United States Code, for the incum-

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1 bent in that position as of the date of the enactment of
2 this Act until the date of the appointment of the successor
3 to such incumbent, notwithstanding any limitation other-
4 wise imposed on such term by such section 9033(a)(1).
5 (d) The President may extend the appointment of the
6 Chief of Space Operations, as prescribed in section
7 9082(a)(2) of title 10, United States Code, for the incum-
8 bent in that position as of the date of the enactment of
9 this Act until the date of the appointment of the successor
10 to such incumbent, notwithstanding any limitation other-
11 wise imposed on such term by such section 9082(a)(2).
12 (e) The President may extend the appointment of the
13 Chief of the National Guard Bureau as prescribed in sec-
14 tion 10502(b) of title 10, United States Code, for the in-
15 cumbent in that position as of the date of the enactment
16 of this Act until the date of the appointment of the suc-
17 cessor to such incumbent, notwithstanding any limitation
18 otherwise imposed on such term by such section 10502(b).
19 (f) The President may extend the appointment of Di-
20 rector, Army National Guard and Director, Air National
21 Guard as prescribed in section 10506(a)(3)(D) of title 10,
22 United States Code, for the incumbent in such position
23 as of the date of the enactment of this Act until the date
24 of the appointment of the successor to such incumbent,

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1 notwithstanding any limitation otherwise imposed on such
2 term by such section 10506(a)(3)(D).
3 (g) Notwithstanding paragraph (4) of section
4 10505(a) of title 10, United States Code, the Secretary
5 of Defense may waive the limitations in paragraphs (2)
6 and (3) of that section for a period of not more than 270
7 days.
8 (h)(1) The President may delegate the exercise of the
9 authorities in subsections (a) through (f) to the Secretary
10 of Defense.
11 (2) The Secretary of Defense may not redelegate the
12 exercise of any authority delegated to the Secretary pursu-
13 ant to paragraph (1), and may not delegate the exercise
14 of the authority in subsection (g).

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1 TITLE IV

2 CORPS OF ENGINEERS—CIVIL

3 DEPARTMENT OF THE ARMY

4 OPERATION AND MAINTENANCE

5 For an additional amount for ''Operation and Main-
6 tenance'', $50,000,000, to remain available until Sep-
7 tember 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally: *Provided*,
9 That such amount is designated by the Congress as being
10 for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 EXPENSES

14 For an additional amount for ''Expenses'',
15 $20,000,000, to remain available until September 30,
16 2021, to prevent, prepare for, and respond to coronavirus,
17 domestically or internationally: *Provided*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 DEPARTMENT OF THE INTERIOR

2 BUREAU OF RECLAMATION

3 WATER AND RELATED RESOURCES

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for "Water and Related
6 Resources", $12,500,000, to remain available until Sep-
7 tember 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally: *Provided*,
9 That $500,000 of the funds provided under this heading
10 in this Act shall be transferred to the "Central Utah
11 Project Completion Account" to prevent, prepare for, and
12 respond to coronavirus: *Provided further*, That such
13 amount is designated by the Congress as being for an
14 emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 POLICY AND ADMINISTRATION

18 For an additional amount for "Policy and Adminis-
19 tration", $8,100,000, to remain available until September
20 30, 2021, to prevent, prepare for, and respond to
21 coronavirus, domestically or internationally: *Provided*,
22 That such amount is designated by the Congress as being
23 for an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

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1 DEPARTMENT OF ENERGY

2 ENERGY PROGRAMS

3 SCIENCE

4 For an additional amount for "Science",
5 $99,500,000, to remain available until September 30,
6 2021, to prevent, prepare for, and respond to coronavirus,
7 domestically or internationally, for necessary expenses re-
8 lated to providing support and access to scientific user fa-
9 cilities in the Office of Science and National Nuclear Secu-
10 rity Administration, including equipment, enabling tech-
11 nologies, and personnel associated with the operations of
12 those scientific user facilities: *Provided*, That such amount
13 is designated by the Congress as being for an emergency
14 requirement pursuant to section 251(b)(2)(A)(i) of the
15 Balanced Budget and Emergency Deficit Control Act of
16 1985.

17 DEPARTMENTAL ADMINISTRATION

18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for "Departmental Admin-
20 istration", $28,000,000, to remain available until Sep-
21 tember 30, 2021, to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally, including for
23 necessary expenses related to supporting remote access for
24 personnel: *Provided*, That funds appropriated under this
25 heading in this Act may be transferred to, and merged

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1 with, other appropriation accounts of the Department of
2 Energy to prevent, prepare for, and respond to
3 coronavirus, including for necessary expenses related to
4 supporting remote access for personnel: *Provided further*,
5 That such amount is designated by the Congress as being
6 for an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 INDEPENDENT AGENCIES

10 NUCLEAR REGULATORY COMMISSION

11 SALARIES AND EXPENSES

12 For an additional amount for "Salaries and Ex-
13 penses", $3,300,000, to remain available until September
14 30, 2021, to prevent, prepare for, and respond to
15 coronavirus, domestically or internationally: *Provided*,
16 That, notwithstanding 42 U.S.C. 2214, such amount shall
17 not be derived from fee revenue: *Provided further*, That
18 such amount is designated by the Congress as being for
19 an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 GENERAL PROVISIONS—THIS TITLE

23 SEC. 14001. Funds appropriated in this title may be
24 made available to restore amounts, either directly or
25 through reimbursement, for obligations incurred to pre-

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1 vent, prepare for, and respond to coronavirus prior to the
2 date of enactment of this Act.
3 SEC. 14002. (a) Section 404 of the Bipartisan Budg-
4 et Act of 2015 (42 U.S.C. 6239 note) is amended—
5 (1) in subsection (e), by striking "2020" and
6 inserting "2022"; and
7 (2) in subsection (g), by striking "2020" and
8 inserting "2022".
9 (b) Title III of division C of the Further Consolidated
10 Appropriations Act, 2020 (Public Law 116–94) is amend-
11 ed in the matter under the heading "Department of En-
12 ergy—Energy Programs—Strategic Petroleum Reserve"
13 by striking the three provisos before the final period and
14 inserting the following:
15 " *Provided*, That, as authorized by section 404 of the
16 Bipartisan Budget Act of 2015 (Public Law 114–74; 42
17 U.S.C. 6239 note), the Secretary of Energy shall draw
18 down and sell not to exceed a total of $450,000,000 of
19 crude oil from the Strategic Petroleum Reserve in fiscal
20 year 2020, fiscal year 2021, or fiscal year 2022: *Provided*
21 *further*, That the proceeds from such drawdown and sale
22 shall be deposited into the 'Energy Security and Infra-
23 structure Modernization Fund' during the fiscal year in
24 which the sale occurs and shall be made available in such
25 fiscal year, to remain available until expended, for nec-

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1 essary expenses to carry out the Life Extension II project
2 for the Strategic Petroleum Reserve''.
3 (c) The amount provided by this section is designated
4 by the Congress as being for an emergency requirement
5 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
6 et and Emergency Deficit Control Act of 1985.
7 SEC. 14003. Any discretionary appropriation for the
8 Corps of Engineers derived from the Harbor Maintenance
9 Trust Fund (not to exceed the total amount deposited in
10 the Harbor Maintenance Trust Fund in the prior fiscal
11 year) shall be subtracted from the estimate of discre-
12 tionary budget authority and outlays for any estimate of
13 an appropriations Act under the Congressional Budget
14 and Impoundment Control Act of 1974 or the Balanced
15 Budget and Emergency Deficit Control Act of 1985: *Pro-*
16 *vided*, That the modifications described in this section
17 shall not take effect until the earlier of January 1, 2021
18 or the date of enactment of legislation authorizing the de-
19 velopment of water resources and shall remain in effect
20 thereafter.
21 SEC. 14004. Section 14321(a)(2)(B)(ii) of title 40,
22 United States Code, is amended by inserting '', except that
23 a discretionary grant to respond to economic distress di-
24 rectly related to the impacts of the Coronavirus Disease

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1 2019 (COVID–19) shall not be included in such aggregate
2 amount'' before the period at the end.

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1 TITLE V

2 DEPARTMENT OF THE TREASURY

3 INTERNAL REVENUE SERVICE

4 ADMINISTRATIVE PROVISION—INTERNAL REVENUE

5 SERVICE

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 15001. In addition to the amounts otherwise
8 available to the Internal Revenue Service in fiscal year
9 2020, $250,000,000, to remain available until September
10 30, 2021, shall be available to prevent, prepare for, and
11 respond to coronavirus, domestically or internationally, in-
12 cluding costs associated with the extended filing season
13 and implementation of the Families First Coronavirus Re-
14 sponse Act: *Provided*, That such funds may be transferred
15 by the Commissioner to the "Taxpayer Services," "En-
16 forcement," or "Operations Support" accounts of the In-
17 ternal Revenue Service for an additional amount to be
18 used solely to prevent, prepare for, and respond to
19 coronavirus, domestically or internationally: *Provided fur-*
20 *ther*, That the Committees on Appropriations of the House
21 of Representatives and the Senate shall be notified in ad-
22 vance of any such transfer: *Provided further*, That such
23 transfer authority is in addition to any other transfer au-
24 thority provided by law: *Provided further*, That not later
25 than 30 days after the date of enactment of this Act, the

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1 Commissioner shall submit to the Committees on Appro-
2 priations of the House of Representatives and the Senate
3 a spending plan for such funds: *Provided further*, That
4 such amount is designated by the Congress as being for
5 an emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 THE JUDICIARY

9 SUPREME COURT OF THE UNITED STATES

10 SALARIES AND EXPENSES

11 For an additional amount for ''Salaries and Ex-
12 penses'', $500,000, to prevent, prepare for, and respond
13 to coronavirus, domestically or internationally: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
19 JUDICIAL SERVICES

20 SALARIES AND EXPENSES

21 For an additional amount for ''Salaries and Ex-
22 penses'', $6,000,000, to prevent, prepare for, and respond
23 to coronavirus, domestically or internationally: *Provided*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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

3 DEFENDER SERVICES

4 For an additional amount for "Defender Services",
5 $1,000,000, to remain available until expended, to pre-
6 vent, prepare for, and respond to coronavirus, domestically
7 or internationally: *Provided*, That such amount is des-
8 ignated by the Congress as being for an emergency re-
9 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985.

11 ADMINISTRATIVE PROVISION—THE JUDICIARY

12 VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS

13 SEC. 15002. (a) DEFINITION.—In this section, the
14 term "covered emergency period" means the period begin-
15 ning on the date on which the President declared a na-
16 tional emergency under the National Emergencies Act (50
17 U.S.C. 1601 et seq.) with respect to the Coronavirus Dis-
18 ease 2019 (COVID–19) and ending on the date that is
19 30 days after the date on which the national emergency
20 declaration terminates.

21 (b) VIDEO TELECONFERENCING FOR CRIMINAL PRO-
22 CEEDINGS.—

23 (1) IN GENERAL.—Subject to paragraphs (3),
24 (4), and (5), if the Judicial Conference of the United
25 States finds that emergency conditions due to the

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1 national emergency declared by the President under
2 the National Emergencies Act (50 U.S.C. 1601 et
3 seq.) with respect to the Coronavirus Disease 2019
4 (COVID–19) will materially affect the functioning of
5 either the Federal courts generally or a particular
6 district court of the United States, the chief judge
7 of a district court covered by the finding (or, if the
8 chief judge is unavailable, the most senior available
9 active judge of the court or the chief judge or circuit
10 justice of the circuit that includes the district court),
11 upon application of the Attorney General or the des-
12 ignee of the Attorney General, or on motion of the
13 judge or justice, may authorize the use of video tele-
14 conferencing, or telephone conferencing if video tele-
15 conferencing is not reasonably available, for the fol-
16 lowing events:
17 (A) Detention hearings under section 3142
18 of title 18, United States Code.
19 (B) Initial appearances under Rule 5 of
20 the Federal Rules of Criminal Procedure.
21 (C) Preliminary hearings under Rule 5.1 of
22 the Federal Rules of Criminal Procedure.
23 (D) Waivers of indictment under Rule 7(b)
24 of the Federal Rules of Criminal Procedure.

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1 (E) Arraignments under Rule 10 of the
2 Federal Rules of Criminal Procedure.
3 (F) Probation and supervised release rev-
4 ocation proceedings under Rule 32.1 of the
5 Federal Rules of Criminal Procedure.
6 (G) Pretrial release revocation proceedings
7 under section 3148 of title 18, United States
8 Code.
9 (H) Appearances under Rule 40 of the
10 Federal Rules of Criminal Procedure.
11 (I) Misdemeanor pleas and sentencings as
12 described in Rule 43(b)(2) of the Federal Rules
13 of Criminal Procedure.
14 (J) Proceedings under chapter 403 of title
15 18, United States Code (commonly known as
16 the "Federal Juvenile Delinquency Act"), ex-
17 cept for contested transfer hearings and juve-
18 nile delinquency adjudication or trial pro-
19 ceedings.
20 (2) FELONY PLEAS AND SENTENCING.—
21 (A) IN GENERAL.—Subject to paragraphs
22 (3), (4), and (5), if the Judicial Conference of
23 the United States finds that emergency condi-
24 tions due to the national emergency declared by
25 the President under the National Emergencies

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1 Act (50 U.S.C. 1601 et seq.) with respect to
2 the Coronavirus Disease 2019 (COVID-19) will
3 materially affect the functioning of either the
4 Federal courts generally or a particular district
5 court of the United States, the chief judge of a
6 district court covered by the finding (or, if the
7 chief judge is unavailable, the most senior avail-
8 able active judge of the court or the chief judge
9 or circuit justice of the circuit that includes the
10 district court) specifically finds, upon applica-
11 tion of the Attorney General or the designee of
12 the Attorney General, or on motion of the judge
13 or justice, that felony pleas under Rule 11 of
14 the Federal Rules of Criminal Procedure and
15 felony sentencings under Rule 32 of the Federal
16 Rules of Criminal Procedure cannot be con-
17 ducted in person without seriously jeopardizing
18 public health and safety, and the district judge
19 in a particular case finds for specific reasons
20 that the plea or sentencing in that case cannot
21 be further delayed without serious harm to the
22 interests of justice, the plea or sentencing in
23 that case may be conducted by video teleconfer-
24 ence, or by telephone conference if video tele-
25 conferencing is not reasonably available.

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1 (B) APPLICABILITY TO JUVENILES.—The
2 video teleconferencing and telephone confer-
3 encing authority described in subparagraph (A)
4 shall apply with respect to equivalent plea and
5 sentencing, or disposition, proceedings under
6 chapter 403 of title 18, United States Code
7 (commonly known as the "Federal Juvenile De-
8 linquency Act").
9 (3) REVIEW.—
10 (A) IN GENERAL.—On the date that is 90
11 days after the date on which an authorization
12 for the use of video teleconferencing or tele-
13 phone conferencing under paragraph (1) or (2)
14 is issued, if the emergency authority has not
15 been terminated under paragraph (5), the chief
16 judge of the district court (or, if the chief judge
17 is unavailable, the most senior available active
18 judge of the court or the chief judge or circuit
19 justice of the circuit that includes the district
20 court) to which the authorization applies shall
21 review the authorization and determine whether
22 to extend the authorization.
23 (B) ADDITIONAL REVIEW.—If an author-
24 ization is extended under subparagraph (A), the
25 chief judge of the district court (or, if the chief

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1 judge is unavailable, the most senior available
2 active judge of the court or the chief judge or
3 circuit justice of the circuit that includes the
4 district court) to which the authorization ap-
5 plies shall review the extension of authority not
6 less frequently than once every 90 days until
7 the earlier of—
8 (i) the date on which the chief judge
9 (or other judge or justice) determines the
10 authorization is no longer warranted; or
11 (ii) the date on which the emergency
12 authority is terminated under paragraph
13 (5).
14 (4) CONSENT.—Video teleconferencing or tele-
15 phone conferencing authorized under paragraph (1)
16 or (2) may only take place with the consent of the
17 defendant, or the juvenile, after consultation with
18 counsel.
19 (5) TERMINATION OF EMERGENCY AUTHOR-
20 ITY.—The authority provided under paragraphs (1),
21 (2), and (3), and any specific authorizations issued
22 under those paragraphs, shall terminate on the ear-
23 lier of—
24 (A) the last day of the covered emergency
25 period; or

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1 (B) the date on which the Judicial Con-
2 ference of the United States finds that emer-
3 gency conditions due to the national emergency
4 declared by the President under the National
5 Emergencies Act (50 U.S.C. 1601 et seq.) with
6 respect to the Coronavirus Disease 2019
7 (COVID-19) no longer materially affect the
8 functioning of either the Federal courts gen-
9 erally or the district court in question.
10 (6) NATIONAL EMERGENCIES GENERALLY.—
11 The Judicial Conference of the United States and
12 the Supreme Court of the United States shall con-
13 sider rule amendments under chapter 131 of title
14 28, United States Code (commonly known as the
15 "Rules Enabling Act"), that address emergency
16 measures that may be taken by the Federal courts
17 when the President declares a national emergency
18 under the National Emergencies Act (50 U.S.C.
19 1601 et seq.).
20 (7) RULE OF CONSTRUCTION.—Nothing in this
21 subsection shall obviate a defendant's right to coun-
22 sel under the Sixth Amendment to the Constitution
23 of the United States, any Federal statute, or the
24 Federal Rules of Criminal Procedure.

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1 (c) The amount provided by this section is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
4 et and Emergency Deficit Control Act of 1985.

5 DISTRICT OF COLUMBIA

6 FEDERAL FUNDS

7 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
8 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

9 For an additional amount for ''Federal Payment for
10 Emergency Planning and Security Costs in the District
11 of Columbia'', $5,000,000, to remain available until ex-
12 pended, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 INDEPENDENT AGENCIES

19 ELECTION ASSISTANCE COMMISSION

20 ELECTION SECURITY GRANTS

21 For an additional amount for ''Election Security
22 Grants'', $400,000,000, to prevent, prepare for, and re-
23 spond to coronavirus, domestically or internationally, for
24 the 2020 Federal election cycle: *Provided*, That a State
25 receiving a payment with funds provided under this head-

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1 ing in this Act shall provide to the Election Assistance
2 Commission, within 20 days of each election in the 2020
3 Federal election cycle in that State, a report that includes
4 a full accounting of the State's uses of the payment and
5 an explanation of how such uses allowed the State to pre-
6 vent, prepare for, and respond to coronavirus: *Provided*
7 *further*, That, within 3 days of its receipt of a report re-
8 quired in the preceding proviso, the Election Assistance
9 Commission will transmit the report to the Committee on
10 Appropriations and the Committee on House Administra-
11 tion of the House of Representatives and the Committee
12 on Appropriations and the Committee on Rules and Ad-
13 ministration of the Senate: *Provided further*, That not
14 later than 30 days after the date of enactment of this Act,
15 the Election Assistance Commission shall make the pay-
16 ments to States under this heading: *Provided further*, That
17 any portion of a payment made to a State with funds pro-
18 vided under this heading in this Act which is unobligated
19 on December 31, 2020 shall be returned to the Treasury:
20 *Provided further*, That such amount is designated by the
21 Congress as being for an emergency requirement pursuant
22 to section 251(b)(2)(A)(i) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985.

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1 FEDERAL COMMUNICATIONS COMMISSION

2 SALARIES AND EXPENSES

3 For an additional amount for "Salaries and Ex-
4 penses", $200,000,000, to remain available until ex-
5 pended, to prevent, prepare for, and respond to
6 coronavirus, domestically or internationally, including to
7 support efforts of health care providers to address
8 coronavirus by providing telecommunications services, in-
9 formation services, and devices necessary to enable the
10 provision of telehealth services during an emergency pe-
11 riod, as defined in section 1135(g)(1) of the Social Secu-
12 rity Act (42 U.S.C. 1320b–5(g)(1)): *Provided*, That the
13 Federal Communications Commission may rely on the
14 rules of the Commission under part 54 of title 47, Code
15 of Federal Regulations, in administering the amount pro-
16 vided under the heading in this Act if the Commission de-
17 termines that such administration is in the public interest:
18 *Provided further*, That such amount is designated by the
19 Congress as being for an emergency requirement pursuant
20 to section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

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1 GENERAL SERVICES ADMINISTRATION
2 REAL PROPERTY ACTIVITIES
3 FEDERAL BUILDINGS FUND
4 (INCLUDING TRANSFERS OF FUNDS)
5 For an additional amount to be deposited in the
6 "Federal Buildings Fund", $275,000,000, to remain
7 available until expended, to prevent, prepare for, and re-
8 spond to coronavirus, domestically or internationally: *Pro-*
9 *vided*, That the amount provided under this heading in
10 this Act may be used to reimburse the Fund for obliga-
11 tions incurred for this purpose prior to the date of the
12 enactment of this Act: *Provided further*, That such amount
13 may be transferred to, and merged with, accounts within
14 the Federal Buildings Fund in amounts necessary to cover
15 costs incurred to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally: *Provided fur-*
17 *ther*, That the Administrator of General Services shall no-
18 tify the Committees on Appropriations of the House of
19 Representatives and the Senate quarterly on the obliga-
20 tions and expenditures of the funds provided by this Act
21 by account of the Federal Buildings Fund: *Provided fur-*
22 *ther*, That funds made available to the Administrator in
23 this or any previous Act shall not be subject to section
24 3307 of title 40, United States Code, for the acquisition
25 of space necessary to prevent, prepare for, or respond to

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1 coronavirus, domestically or internationally: *Provided fur-*
2 *ther*, That no action taken by the Administrator to acquire
3 real property and interests in real property or to improve
4 real property in response to coronavirus shall be deemed
5 a Federal action or undertaking and subject to review
6 under the National Environmental Policy Act of 1969, as
7 amended (42 U.S.C. 4321 et seq.), or the National His-
8 toric Preservation Act of 1966, as amended (54 U.S.C.
9 300101 et seq.), respectively: *Provided further*, That such
10 amount is designated by the Congress as being for an
11 emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 GENERAL ACTIVITIES

15 FEDERAL CITIZEN SERVICES FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount to be deposited in the
18 "Federal Citizen Services Fund", $18,650,000, to remain
19 available until expended, to prevent, prepare for, and re-
20 spond to coronavirus, domestically or internationally: *Pro-*
21 *vided*, That such amount is designated by the Congress
22 as being for an emergency requirement pursuant to sec-
23 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985.

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1 WORKING CAPITAL FUND

2 For an additional amount for "Working Capital
3 Fund", $1,500,000, to remain available until expended,
4 to prevent, prepare for, and respond to coronavirus, do-
5 mestically or internationally: *Provided*, That such amount
6 is designated by the Congress as being for an emergency
7 requirement pursuant to section 251(b)(2)(A)(i) of the
8 Balanced Budget and Emergency Deficit Control Act of
9 1985.

10 ADMINISTRATIVE PROVISION—GENERAL SERVICES
11 ADMINISTRATION

12 SEC. 15003. Notwithstanding 41 U.S.C.
13 3304(a)(7)(B), the Administrator, when making a deter-
14 mination that use of noncompetitive procedures is nec-
15 essary for public interest in accordance with 41 U.S.C.
16 3304(a)(7)(A) in response to a public health emergency
17 declaration by the Secretary of Health and Human Serv-
18 ices under section 319 of the Public Health Service Act
19 (42 U.S.C. 247(d)), is required to notify Congress in writ-
20 ing of that determination not less than 3 days prior to
21 the award of the contract.

22 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
23 OPERATING EXPENSES

24 For an additional amount for "Operating Expenses",
25 $8,100,000, to remain available until September 30, 2021,

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1 to prevent, prepare for, and respond to coronavirus, do-
2 mestically or internationally: *Provided*, That the amount
3 provided under this heading in this Act may be used to
4 provide expenses of the Federal Records Center Program
5 for preventing, preparing for, and responding to
6 coronavirus, domestically or internationally: *Provided fur-*
7 *ther*, That such amount is designated by the Congress as
8 being for an emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 OFFICE OF PERSONNEL MANAGEMENT

12 SALARIES AND EXPENSES

13 For an additional amount for "Salaries and Ex-
14 penses", $12,100,000, to remain available until September
15 30, 2021, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally, including
17 technologies for digital case management, short-term
18 methods to allow electronic submissions of retirement ap-
19 plication packages in support of paper-based business op-
20 erations, and increased telecommunications: *Provided*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE

2 For an additional amount for "Pandemic Response
3 Accountability Committee", $80,000,000, to remain avail-
4 able until expended, to promote transparency and support
5 oversight of funds provided in this Act to prevent, prepare
6 for, and respond to coronavirus, domestically or inter-
7 nationally: *Provided*, That such amount is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 SMALL BUSINESS ADMINISTRATION
12 DISASTER LOANS PROGRAM ACCOUNT
13 (INCLUDING TRANSFERS OF FUNDS)

14 For an additional amount for the "Disaster Loans
15 Program Account", $562,000,000, to remain available
16 until expended, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally, for the cost
18 of direct loans authorized by section 7(b) of the Small
19 Business Act and for administrative expenses to carry out
20 the disaster loan program authorized by section 7(b) of
21 the Small Business Act: *Provided*, That the amounts pro-
22 vided under this heading in this Act may be transferred
23 to, and merged with, "Small Business Administration—
24 Salaries and Expenses" to prevent, prepare for, and re-
25 spond to coronavirus, domestically or internationally: *Pro-*

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1 *vided further*, That such amount is designated by the Con-
2 gress as being for an emergency requirement pursuant to
3 section 251(b)(2)(A)(i) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985.

5 GENERAL PROVISIONS—THIS TITLE

6 PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE

7 SEC. 15010. (a) In this section—

8 (1) the term "agency" has the meaning given
9 the term in section 551 of title 5, United States
10 Code;

11 (2) the term "appropriate congressional com-
12 mittees" means—

13 (A) the Committees on Appropriations of
14 the Senate and the House of Representatives;

15 (B) the Committee on Homeland Security
16 and Governmental Affairs of the Senate;

17 (C) the Committee on Oversight and Re-
18 form of the House of Representatives; and

19 (D) any other relevant congressional com-
20 mittee of jurisdiction;

21 (3) the term "Chairperson" means the Chair-
22 person of the Committee;

23 (4) the term "Council" means the Council of
24 the Inspectors General on Integrity and Efficiency

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1 established under section 11 of the Inspector Gen-
2 eral Act of 1978 (5 U.S.C. App);
3 (5) the term "Committee" means the Pandemic
4 Response Accountability Committee established
5 under subsection (b);
6 (6) the term "covered funds" means any funds,
7 including loans, that are made available in any form
8 to any non-Federal entity, not including an indi-
9 vidual, under—
10 (A) this Act;
11 (B) the Coronavirus Preparedness and Re-
12 sponse Supplemental Appropriations Act, 2020
13 (Public Law 116–123);
14 (C) the Families First Coronavirus Re-
15 sponse Act (Public Law 116–127); or
16 (D) any other Act primarily making appro-
17 priations for the Coronavirus response and re-
18 lated activities; and
19 (7) the term "Coronavirus response" means the
20 Federal Government's response to the nationwide
21 public health emergency declared by the Secretary of
22 Health and Human Services, retroactive to January
23 27, 2020, pursuant to section 319 of the Public
24 Health Service Act (42 U.S.C. 247d), as a result of

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1 confirmed cases of the novel coronavirus (COVID–
2 19) in the United States.
3 (b) There is established within the Council the Pan-
4 demic Response Accountability Committee to promote
5 transparency and conduct and support oversight of cov-
6 ered funds and the Coronavirus response to—
7 (1) prevent and detect fraud, waste, abuse, and
8 mismanagement; and
9 (2) mitigate major risks that cut across pro-
10 gram and agency boundaries.
11 (c)(1) The Chairperson of the Committee shall be se-
12 lected by the Chairperson of the Council from among In-
13 spectors General described in subparagraphs (B), (C), and
14 (D) of paragraph (2) with experience managing oversight
15 of large organizations and expenditures.
16 (2) The members of the Committee shall include—
17 (A) the Chairperson;
18 (B) the Inspectors General of the Departments
19 of Defense, Education, Health and Human Services,
20 Homeland Security, Justice, Labor, and the Treas-
21 ury;
22 (C) the Inspector General of the Small Business
23 Administration;
24 (D) the Treasury Inspector General for Tax
25 Administration; and

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1 (E) any other Inspector General, as designated
2 by the Chairperson from any agency that expends or
3 obligates covered funds or is involved in the
4 Coronavirus response.
5 (3)(A) There shall be an Executive Director and a
6 Deputy Executive Director of the Committee.
7 (B)(i) Not later than 30 days after the date of enact-
8 ment of this Act, the Executive Director of the Committee
9 shall be appointed by the Chairperson of the Council, in
10 consultation with the majority leader of the Senate, the
11 Speaker of the House of Representatives, the minority
12 leader of the Senate, and the minority leader of the House
13 of Representatives.
14 (ii) Not later than 90 days after the date of enact-
15 ment of this Act, the Deputy Executive Director of the
16 Committee shall be appointed by the Chairperson of the
17 Council, in consultation with the majority leader of the
18 Senate, the Speaker of the House of Representatives, the
19 minority leader of the Senate, the minority leader of the
20 House of Representatives, and the Executive Director of
21 the Committee.
22 (C) The Executive Director of the Committee shall—
23 (i) report directly to the Chairperson;

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1 (ii) appoint staff of the Committee, subject to
2 the approval of the Chairperson, consistent with sub-
3 section (f);
4 (iii) supervise and coordinate Committee func-
5 tions and staff; and
6 (iv) perform any other duties assigned to the
7 Executive Director by the Committee.
8 (4)(A) Members of the Committee may not receive
9 additional compensation for services performed.
10 (B) The Executive Director and Deputy Executive
11 Director of the Committee shall be compensated at the
12 rate of basic pay prescribed for level IV of the Executive
13 Schedule under section 5315 of title 5, United States
14 Code.
15 (d)(1)(A) The Committee shall conduct and coordi-
16 nate oversight of covered funds and the Coronavirus re-
17 sponse and support Inspectors General in the oversight of
18 covered funds and the Coronavirus response in order to—
19 (i) detect and prevent fraud, waste, abuse, and
20 mismanagement; and
21 (ii) identify major risks that cut across pro-
22 grams and agency boundaries.
23 (B) The functions of the Committee shall include—
24 (i) developing a strategic plan to ensure coordi-
25 nated, efficient, and effective comprehensive over-

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1 sight by the Committee and Inspectors General over
2 all aspects of covered funds and the Coronavirus re-
3 sponse;
4 (ii) auditing or reviewing covered funds, includ-
5 ing a comprehensive audit and review of charges
6 made to Federal contracts pursuant to authorities
7 provided in the Coronavirus Aid, Relief, and Eco-
8 nomic Security Act, to determine whether wasteful
9 spending, poor contract or grant management, or
10 other abuses are occurring and referring matters the
11 Committee considers appropriate for investigation to
12 the Inspector General for the agency that disbursed
13 the covered funds, including conducting randomized
14 audits to identify fraud;
15 (iii) reviewing whether the reporting of con-
16 tracts and grants using covered funds meets applica-
17 ble standards and specifies the purpose of the con-
18 tract or grant and measures of performance;
19 (iv) reviewing the economy, efficiency, and ef-
20 fectiveness in the administration of, and the detec-
21 tion of fraud, waste, abuse, and mismanagement in,
22 Coronavirus response programs and operations;
23 (v) reviewing whether competition requirements
24 applicable to contracts and grants using covered
25 funds have been satisfied;

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1 (vi) serving as a liaison to the Director of the
2 Office of Management and Budget, the Secretary of
3 the Treasury, and other officials responsible for im-
4 plementing the Coronavirus response;
5 (vii) reviewing whether there are sufficient
6 qualified acquisition, grant, and other applicable per-
7 sonnel overseeing covered funds and the Coronavirus
8 response;
9 (viii) reviewing whether personnel whose duties
10 involve the Coronavirus response or acquisitions or
11 grants made with covered funds or are otherwise re-
12 lated to the Coronavirus response receive adequate
13 training, technology support, and other resources;
14 (ix) reviewing whether there are appropriate
15 mechanisms for interagency collaboration relating to
16 the oversight of covered funds and the Coronavirus
17 response, including coordinating and collaborating to
18 the extent practicable with State and local govern-
19 ment entities;
20 (x) expeditiously reporting to the Attorney Gen-
21 eral any instance in which the Committee has rea-
22 sonable grounds to believe there has been a violation
23 of Federal criminal law; and

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1 (xi) coordinating and supporting Inspectors
2 General on matters related to oversight of covered
3 funds and the Coronavirus response.
4 (2)(A)(i) The Committee shall submit to the Presi-
5 dent and Congress, including the appropriate congres-
6 sional committees, management alerts on potential man-
7 agement, risk, and funding problems that require imme-
8 diate attention.
9 (ii) The Committee shall submit to Congress such
10 other reports or provide such periodic updates on the work
11 of the Committee as the Committee considers appropriate
12 on the use of covered funds and the Coronavirus response.
13 (B) The Committee shall submit biannual reports to
14 the President and Congress, including the appropriate
15 congressional committees, and may submit additional re-
16 ports as appropriate—
17 (i) summarizing the findings of the Committee;
18 and
19 (ii) identifying and quantifying the impact of
20 any tax expenditures or credits authorized under
21 this Act to the extent practicable.
22 (C)(i) All reports submitted under this paragraph
23 shall be made publicly available and posted on the website
24 established under subsection (g).

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1 (ii) Any portion of a report submitted under this
2 paragraph may be redacted when made publicly available,
3 if that portion would disclose information that is not sub-
4 ject to disclosure under sections 552 and 552a of title 5,
5 United States Code, or is otherwise prohibited from disclo-
6 sure by law.

7 (3)(A) The Committee shall make recommendations
8 to agencies on measures to prevent or address fraud,
9 waste, abuse and mismanagement, and to mitigate risks
10 that cut across programs and agency boundaries, relating
11 to covered funds and the Coronavirus response.

12 (B) Not later than 30 days after receipt of a rec-
13 ommendation under subparagraph (A), an agency shall
14 submit a report to the President and the appropriate con-
15 gressional committees on—

16 (i) whether the agency agrees or disagrees with
17 the recommendations; and

18 (ii) any actions the agency will take to imple-
19 ment the recommendations, which shall also be in-
20 cluded in the report required under section 2(b) of
21 the GAO–IG Act (31 U.S.C. 1105 note).

22 (e)(1) The Committee shall conduct audits and re-
23 views of programs, operations, and expenditures relating
24 to covered funds and the Coronavirus response and coordi-
25 nate on such activities with the Inspector General of the

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1 relevant agency to avoid unnecessary duplication and over-
2 lap of work.
3 (2) The Committee may—
4 (A) conduct its own independent investigations,
5 audits, and reviews relating to covered funds or the
6 Coronavirus response;
7 (B) collaborate on audits and reviews relating
8 to covered funds with any Inspector General of an
9 agency; and
10 (C) provide support to relevant agency Inspec-
11 tors General in conducting investigations, audits,
12 and reviews relating to the covered funds and
13 Coronavirus response.
14 (3)(A) In conducting and supporting investigations,
15 audits, and reviews under this subsection, the Com-
16 mittee—
17 (i) shall have the authorities provided under
18 section 6 of the Inspector General Act of 1978 (5
19 U.S.C. App.);
20 (ii) may issue subpoenas to compel the testi-
21 mony of persons who are not Federal officers or em-
22 ployees; and
23 (iii) may enforce such subpoenas in the event of
24 a refusal to obey by order of any appropriate United
25 States district court as provided for under section 6

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1 of the Inspector General Act of 1978 (5 U.S.C.
2 App).
3 (B) The Committee shall carry out the powers under
4 paragraphs (1) and (2) in accordance with section 4(b)(1)
5 of the Inspector General Act of 1978 (5 U.S.C. App.).
6 (C) Whenever information or assistance requested by
7 the Committee or an Inspector General is unreasonably
8 refused or not provided, the Committee shall immediately
9 report the circumstances to the appropriate congressional
10 committees.
11 (D) The Committee shall leverage existing informa-
12 tion technology resources within the Council, such as over-
13 sight.gov, to carry out the duties of the Committee.
14 (4)(A) The Committee may hold public hearings and
15 Committee personnel may conduct necessary inquiries.
16 (B) The head of each agency shall make all officers
17 and employees of that agency available to provide testi-
18 mony to the Committee and Committee personnel.
19 (C) The Committee may issue subpoenas to compel
20 the testimony of persons who are not Federal officers or
21 employees at such public hearings, which may be enforced
22 in the same manner as provided for subpoenas under sec-
23 tion 6 of the Inspector General Act of 1978 (5 U.S.C.
24 App.).

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1 (5) The Committee may enter into contracts to en-
2 able the Committee to discharge its duties, including con-
3 tracts and other arrangements for audits, studies, anal-
4 yses, and other services with public agencies and with pri-
5 vate persons, and make such payments as may be nec-
6 essary to carry out the duties of the Committee.
7 (6) The Committee may establish subcommittees to
8 facilitate the ability of the Committee to discharge its du-
9 ties.
10 (7) The Committee may transfer funds appropriated
11 to the Committee for expenses to support administrative
12 support services and audits, reviews, or other activities re-
13 lated to oversight by the Committee of covered funds or
14 the Coronavirus response to any Office of the Inspector
15 General or the General Services Administration.
16 (f)(1)(A)(i) Subject to subparagraph (B), the Com-
17 mittee may exercise the authorities of subsections (b)
18 through (i) of section 3161 of title 5, United States Code
19 (without regard to subsection (a) of that section) to carry
20 out the functions of the Committee under this section.
21 (ii) For purposes of exercising the authorities de-
22 scribed under clause (i), the term ''Chairperson'' shall be
23 substituted for the term ''head of a temporary organiza-
24 tion''.

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1 (iii) In exercising the authorities described in clause
2 (i), the Chairperson shall consult with members of the
3 Committee.
4 (iv) In addition to the authority provided by section
5 3161(c) of title 5, United States Code, upon the request
6 of an Inspector General, the Committee may detail, on a
7 nonreimbursable basis, any personnel of the Council to
8 that Inspector General to assist in carrying out any audit,
9 review, or investigation pertaining to the oversight of cov-
10 ered funds or the Coronavirus response.
11 (B) In exercising the employment authorities under
12 section 3161(b) of title 5, United States Code, as provided
13 under subparagraph (A) of this paragraph—
14 (i) section 3161(b)(2) of that title (relating to
15 periods of appointments) shall not apply; and
16 (ii) no period of appointment may exceed the
17 date on which the Committee terminates.
18 (C)(i) A person employed by the Committee shall ac-
19 quire competitive status for appointment to any position
20 in the competitive service for which the employee possesses
21 the required qualifications upon the completion of 2 years
22 of continuous service as an employee under this sub-
23 section.
24 (ii) No person who is first employed as described in
25 clause (i) more than 2 years after the date of enactment

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1 of this Act may acquire competitive status under clause
2 (i).
3 (2)(A) The Committee may employ annuitants cov-
4 ered by section 9902(g) of title 5, United States Code,
5 for purposes of the oversight of covered funds or the
6 Coronavirus response.
7 (B) The employment of annuitants under this para-
8 graph shall be subject to the provisions of section 9902(g)
9 of title 5, United States Code, as if the Committee was
10 the Department of Defense.
11 (3) Upon request of the Committee for information
12 or assistance from any agency or other entity of the Fed-
13 eral Government, the head of such entity shall, insofar as
14 is practicable and not in contravention of any existing law,
15 and consistent with section 6 of the Inspector General Act
16 of 1978 (5 U.S.C. App.), furnish such information or as-
17 sistance to the Committee, or an authorized designee, in-
18 cluding an Inspector General designated by the Chair-
19 person.
20 (4) Any Inspector General responsible for conducting
21 oversight related to covered funds or the Coronavirus re-
22 sponse may, consistent with the duties, responsibilities,
23 policies, and procedures of the Inspector General, provide
24 information requested by the Committee or an Inspector

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1 General on the Committee relating to the responsibilities
2 of the Committee.
3 (g)(1)(A) Not later than 30 days after the date of
4 enactment of this Act, the Committee shall establish and
5 maintain a user-friendly, public-facing website to foster
6 greater accountability and transparency in the use of cov-
7 ered funds and the Coronavirus response, which shall have
8 a uniform resource locator that is descriptive and memo-
9 rable.
10 (B) The Committee shall leverage existing informa-
11 tion technology and resources, such as oversight.gov, to
12 the greatest extent practicable to meet the requirements
13 under this section.
14 (2) The website established and maintained under
15 paragraph (1) shall be a portal or gateway to key informa-
16 tion relating to the oversight of covered funds and the
17 Coronavirus response and provide connections to other
18 Government websites with related information.
19 (3) In establishing and maintaining the website under
20 paragraph (1), the Committee shall ensure the following:
21 (A) The website shall provide materials and in-
22 formation explaining the Coronavirus response and
23 how covered funds are being used. The materials
24 shall be easy to understand and regularly updated.

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1 (i) The website shall provide accountability in-
2 formation, including findings from Inspectors Gen-
3 eral, including any progress reports, audits, inspec-
4 tions, or other reports, including reports from or
5 links to reports on the website of the Government
6 Accountability Office.
7 (ii) The website shall provide data on relevant
8 operational, economic, financial, grant, subgrant,
9 contract, and subcontract information in user-friend-
10 ly visual presentations to enhance public awareness
11 of the use of covered funds and the Coronavirus re-
12 sponse.
13 (iii) The website shall provide detailed data on
14 any Federal Government awards that expend cov-
15 ered funds, including a unique trackable identifica-
16 tion number for each project, information about the
17 process that was used to award the covered funds,
18 and for any covered funds over $150,000, a detailed
19 explanation of any associated agreement, where ap-
20 plicable.
21 (iv) The website shall include downloadable,
22 machine-readable, open format reports on covered
23 funds obligated by month to each State and congres-
24 sional district, where applicable.

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1 (v) The website shall provide a means for the
2 public to give feedback on the performance of any
3 covered funds and of the Coronavirus response, in-
4 cluding confidential feedback.
5 (vi) The website shall include detailed informa-
6 tion on Federal Government awards that expend
7 covered funds, including data elements required
8 under the Federal Funding Accountability and
9 Transparency Act of 2006 (31 U.S.C. 6101 note),
10 allowing aggregate reporting on awards below
11 $50,000, as prescribed by the Director of the Office
12 of Management and Budget.
13 (vii) The website shall provide a link to esti-
14 mates of the jobs sustained or created by this Act
15 to the extent practicable.
16 (viii) The website shall include appropriate links
17 to other government websites with information con-
18 cerning covered funds and the Coronavirus response,
19 including Federal agency and State websites.
20 (ix) The website shall include a plan from each
21 Federal agency for using covered funds.
22 (x) The website shall provide information on
23 Federal allocations of mandatory and other entitle-
24 ment programs by State, county, or other geo-

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1 graphical unit related to covered funds or the
2 Coronavirus response.
3 (xi) The website shall present the data such
4 that funds subawarded by recipients are not double
5 counted in search results, data visualizations, or
6 other reports.
7 (xii) The website shall include all recommenda-
8 tions made to agencies relating to covered funds and
9 the Coronavirus response, as well as the status of
10 each recommendation.
11 (xiii) The website shall be enhanced and up-
12 dated as necessary to carry out the purposes of this
13 section.
14 (4) The Committee may exclude posting contractual
15 or other information on the website on a case-by-case basis
16 when necessary to protect national security or to protect
17 information that is not subject to disclosure under sections
18 552 and 552a of title 5, United States Code.
19 (h)(1) Nothing in this section shall affect the inde-
20 pendent authority of an Inspector General to determine
21 whether to conduct an audit or investigation of covered
22 funds or the Coronavirus response.
23 (2) If the Committee requests that an Inspector Gen-
24 eral of an agency conduct or refrain from conducting an
25 audit or investigation and the Inspector General rejects

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1 the request in whole or in part, the Inspector General
2 shall, not later than 30 days after rejecting the request,
3 submit a report to the Committee, the head of the applica-
4 ble agency, and the appropriate congressional committees,
5 that states the reasons that the Inspector General has re-
6 jected the request in whole or in part.

7 (i) The Committee shall coordinate its oversight ac-
8 tivities with the Comptroller General of the United States
9 and State auditors.

10 (j) For the purposes of carrying out the mission of
11 the Committee under this section, there are authorized to
12 be appropriated such sums as may be necessary to carry
13 out the duties and functions of the Committee.

14 (k) The Committee shall terminate on September 30,
15 2025.

16 REPORTING ON USE OF FUNDS

17 SEC. 15011. (a) In this section—

18 (1) the terms "agency", "appropriate congres-
19 sional committees", "Committee", "covered funds",
20 and "Coronavirus response" have the meanings
21 given those terms in section 15010;

22 (2) the term "covered recipient"—

23 (A) means any entity that receives large
24 covered funds; and

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1 (B) includes any State, the District of Co-
2 lumbia, and any territory or possession of the
3 United States; and
4 (3) the term "large covered funds" means cov-
5 ered funds that amount to more than $150,000.
6 (b)(1)(A) On a monthly basis until September 30,
7 2021, each agency shall report to the Director of the Of-
8 fice of Management and Budget, the Bureau of Fiscal
9 Service in the Department of the Treasury, the Com-
10 mittee, and the appropriate congressional committees on
11 any obligation or expenditure of large covered funds, in-
12 cluding loans and awards.
13 (B) Not later than 90 days after the date of enact-
14 ment of this Act, each agency shall submit to the Com-
15 mittee a plan describing how the agency will use covered
16 funds.
17 (2) Not later than 10 days after the end of each cal-
18 endar quarter, each covered recipient shall submit to the
19 agency and the Committee a report that contains—
20 (A) the total amount of large covered funds re-
21 ceived from the agency;
22 (B) the amount of large covered funds received
23 that were expended or obligated for each project or
24 activity;

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1 (C) a detailed list of all projects or activities for
2 which large covered funds were expended or obli-
3 gated, including—
4 (i) the name of the project or activity;
5 (ii) a description of the project or activity;
6 and
7 (iii) the estimated number of jobs created
8 or retained by the project or activity, where ap-
9 plicable; and
10 (D) detailed information on any level of sub-
11 contracts or subgrants awarded by the covered re-
12 cipient or its subcontractors or subgrantees, to in-
13 clude the data elements required to comply with the
14 Federal Funding Accountability and Transparency
15 Act of 2006 (31 U.S.C. 6101 note) allowing aggre-
16 gate reporting on awards below $50,000 or to indi-
17 viduals, as prescribed by the Director of the Office
18 of Management and Budget.
19 (3) Not later than 30 days after the end of each cal-
20 endar quarter, the Committee, in consultation with the
21 agency that made large covered funds available to any cov-
22 ered recipient shall make the information in reports sub-
23 mitted under paragraph (2) publicly available by posting
24 the information on the website established under section
25 15010(g).

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1 (4)(A) Each agency, in coordination with the Com-
2 mittee and the Director of the Office of Management and
3 Budget shall provide user-friendly means for covered re-
4 cipients to meet requirements of this subsection.
5 (B) Federal agencies may use existing mechanisms
6 to ensure that information under this subsection is re-
7 ported accurately.
8 (c)(1) The Director of the Office of Management and
9 Budget, in consultation with the Secretary of the Treas-
10 ury, the Administrator of the Small Business Administra-
11 tion, and the Chairperson of the Council of Economic Ad-
12 visors, shall submit to the appropriate congressional com-
13 mittees and publicly release on the website established
14 under section 15010(g) quarterly reports that detail the
15 impact of programs funded through large covered funds
16 on employment, estimated economic growth, and other key
17 economic indicators, including information about impacted
18 industries.
19 (2)(A) The first report submitted under paragraph
20 (1) shall be submitted not later than 45 days after the
21 end of the first full quarter following the date of enact-
22 ment of this Act.
23 (B) The last report required to be submitted under
24 paragraph (1) shall apply to the quarter in which the
25 Committee terminates.

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1 TITLE VI

2 DEPARTMENT OF HOMELAND SECURITY

3 MANAGEMENT DIRECTORATE

4 OPERATIONS AND SUPPORT

5 For an additional amount for ''Operations and Sup-
6 port'', $178,300,000, to remain available until September
7 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally, which shall be
9 for the purchase of personal protective equipment and
10 sanitization materials: *Provided*, That funds provided
11 under this heading in this Act may be transferred by the
12 Secretary of Homeland Security between appropriations in
13 the Department only for the purchase of personal protec-
14 tive equipment and sanitization materials to prevent, pre-
15 pare for, and respond to coronavirus, domestically or
16 internationally: *Provided further*, That none of the funds
17 made available under this heading may be transferred pur-
18 suant to the authority in section 503 of the Department
19 of Homeland Security Appropriations Act, 2020: *Provided*
20 *further*, That the Department shall provide notice of any
21 transfer to the Committees on Appropriations of the Sen-
22 ate and the House of Representatives not later than 5
23 days after executing such transfer: *Provided further*, That
24 such amount is designated by the Congress as being for
25 an emergency requirement pursuant to section

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

3 TRANSPORTATION SECURITY ADMINISTRATION

4 OPERATIONS AND SUPPORT

5 For an additional amount for ''Operations and Sup-
6 port'', $100,000,000, to remain available until September
7 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally, which shall be
9 for cleaning and sanitization at checkpoints and other air-
10 port common areas; overtime and travel costs; and explo-
11 sive detection materials: *Provided*, That such amount is
12 designated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 UNITED STATES COAST GUARD

16 OPERATIONS AND SUPPORT

17 For an additional amount for ''Operations and Sup-
18 port'', $140,800,000, to remain available until September
19 30, 2021, to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally, which shall be
21 for mobilization of reservists and increasing the capability
22 and capacity of Coast Guard information technology sys-
23 tems and infrastructure: *Provided*, That such amount is
24 designated by the Congress as being for an emergency re-

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

3 CYBERSECURITY AND INFRASTRUCTURE SECURITY
4 AGENCY

5 OPERATIONS AND SUPPORT

6 For an additional amount for ''Operations and Sup-
7 port'', $9,100,000, to remain available until September
8 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally, which shall be
10 for support of interagency critical infrastructure coordina-
11 tion and related activities: *Provided*, That such amount
12 is designated by the Congress as being for an emergency
13 requirement pursuant to section 251(b)(2)(A)(i) of the
14 Balanced Budget and Emergency Deficit Control Act of
15 1985.

16 FEDERAL EMERGENCY MANAGEMENT AGENCY

17 OPERATIONS AND SUPPORT

18 For an additional amount for ''Operations and Sup-
19 port'', $44,987,000, to remain available until September
20 30, 2021, to prevent, prepare for, and respond to
21 coronavirus, domestically or internationally, which shall be
22 for enhancements to information technology and for facili-
23 ties support: *Provided*, That such amount is designated
24 by the Congress as being for an emergency requirement

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

3 DISASTER RELIEF FUND

4 For an additional amount for "Disaster Relief
5 Fund", $45,000,000,000, to remain available until ex-
6 pended: *Provided*, That of the amount provided under this
7 heading in this Act, $25,000,000,000 shall be for major
8 disasters declared pursuant to the Robert T. Stafford Dis-
9 aster Relief and Emergency Assistance Act (42 U.S.C.
10 5121 et seq.): *Provided further*, That of the amount pro-
11 vided under this heading in this Act, $15,000,000,000
12 may be used for all purposes authorized under such Act
13 and may be used in addition to amounts designated by
14 the Congress as being for disaster relief pursuant to sec-
15 tion 251(b)(2)(D) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985: *Provided further*, That every
17 30 days the Administrator shall provide the Committees
18 on Appropriations of the Senate and the House of Rep-
19 resentatives both projected and actual costs for funds pro-
20 vided under this heading for major disasters and any other
21 expenses: *Provided further*, That of the amounts provided
22 under this heading, $3,000,000 shall be transferred to
23 "Office of Inspector General" and shall remain available
24 until expended for oversight of activities supported by
25 funds provided under this heading: *Provided further*, That

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1 such amount is designated by the Congress as being for
2 an emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 FEDERAL ASSISTANCE

6 For an additional amount for "Federal Assistance",
7 $400,000,000, to remain available until September 30,
8 2021, to prevent, prepare for, and respond to coronavirus,
9 domestically or internationally: *Provided*, That of the
10 amount provided under this heading in this Act,
11 $100,000,000 shall be for Assistance to Firefighter
12 Grants for the purchase of personal protective equipment
13 and related supplies, including reimbursements;
14 $100,000,000 shall be for Emergency Management Per-
15 formance Grants; and $200,000,000 shall be for the
16 Emergency Food and Shelter Program: *Provided further*,
17 That such amount is designated by the Congress as being
18 for an emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 GENERAL PROVISIONS—THIS TITLE

22 SEC. 16001. Notwithstanding any other provision of
23 law, funds made available under each heading in this title,
24 except for "Federal Emergency Management Agency—

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1 Disaster Relief Fund'', shall only be used for the purposes
2 specifically described under that heading.

3 SEC. 16002. Notwithstanding any other provision of
4 law, any amounts appropriated for ''Federal Emergency
5 Management Agency—Disaster Relief Fund'' in this Act
6 are available only for the purposes for which they were
7 appropriated.

8 SEC. 16003. (a) PREMIUM PAY AUTHORITY.—If
9 services performed during fiscal year 2020 are determined
10 by the head of the agency to be primarily related to prepa-
11 ration, prevention, or response to coronavirus, any pre-
12 mium pay that is funded, either directly or through reim-
13 bursement, by the Federal Emergency Management Agen-
14 cy shall be exempted from the aggregate of basic pay and
15 premium pay calculated under section 5547(a) of title 5,
16 United States Code, and any other provision of law lim-
17 iting the aggregate amount of premium pay payable on
18 a biweekly or calendar year basis.

19 (b) OVERTIME AUTHORITY.—Any overtime that is
20 funded for such services described in subsection (a), either
21 directly or through reimbursement, by the Federal Emer-
22 gency Management Agency shall be exempted from any
23 annual limit on the amount of overtime payable in a cal-
24 endar or fiscal year.

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1 (c) APPLICABILITY OF AGGREGATE LIMITATION ON
2 PAY.—In determining whether an employee's pay exceeds
3 the applicable annual rate of basic pay payable under sec-
4 tion 5307 of title 5, United States Code, the head of an
5 Executive agency shall not include pay exempted under
6 this section.
7 (d) LIMITATION OF PAY AUTHORITY.—Pay exempted
8 from otherwise applicable limits under subsection (a) shall
9 not cause the aggregate pay earned for the calendar year
10 in which the exempted pay is earned to exceed the rate
11 of basic pay payable for a position at level II of the Execu-
12 tive Schedule under section 5313 of title 5, United States
13 Code.
14 (e) EFFECTIVE DATE.—This section shall take effect
15 as if enacted on January 1, 2020.
16 SEC. 16004. (a) Amounts provided for "Coast
17 Guard—Operations and Support" in the Consolidated Ap-
18 propriations Act, 2020 (Public Law 116–93) may be avail-
19 able for pay and benefits of Coast Guard Yard and Vessel
20 Documentation personnel, Non-Appropriated Funds per-
21 sonnel, and for Morale, Welfare and Recreation Programs.
22 (b) No amounts may be used under this section from
23 amounts that were designated by the Congress for Over-
24 seas Contingency Operations/Global War on Terrorism
25 pursuant to the Concurrent Resolution on the Budget or

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1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985.

3 SEC. 16005. (a) Notwithstanding any other provision
4 of law regarding the licensure of health-care providers, a
5 health-care professional described in subsection (b) may
6 practice the health profession or professions of the health-
7 care professional at any location in any State, the District
8 of Columbia, or Commonwealth, territory, or possession
9 of the United States, or any location designated by the
10 Secretary, regardless of where such health-care profes-
11 sional or the patient is located, so long as the practice
12 is within the scope of the authorized Federal duties of
13 such health-care professional.

14 (b) DEFINITION.—As used in this section, the term
15 "health-care professional" means an individual (other
16 than a member of the Coast Guard, a civilian employee
17 of the Coast Guard, member of the Public Health Service
18 who is assigned to the Coast Guard, or an individual with
19 whom the Secretary, pursuant to 10 U.S.C. 1091, has en-
20 tered into a personal services contract to carry out health
21 care responsibilities of the Secretary at a medical treat-
22 ment facility of the Coast Guard) who—

23 (1) is—

24 (A) an employee of the Department of
25 Homeland Security,

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1 (B) a detailee to the Department from an-
2 other Federal agency,
3 (C) a personal services contractor of the
4 Department, or
5 (D) hired under a Contract for Services;
6 (2) performs health care services as part of du-
7 ties of the individual in that capacity;
8 (3) has a current, valid, and unrestricted equiv-
9 alent license certification that is—
10 (A) issued by a State, the District of Co-
11 lumbia, or a Commonwealth, territory, or pos-
12 session of the United States; and
13 (B) for the practice of medicine, osteo-
14 pathic medicine, dentistry, nursing, emergency
15 medical services, or another health profession;
16 and
17 (4) is not affirmatively excluded from practice
18 in the licensing or certifying jurisdiction or in any
19 other jurisdiction.
20 (c) Subsection (a) shall apply during the incident pe-
21 riod of the emergency declared by the President on March
22 13, 2020, pursuant to section 501(b) of the Robert T.
23 Stafford Disaster Relief and Emergency Assistance Act
24 (42 U.S.C. 5121(b)), and to any subsequent major dec-

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1 laration under section 401 of such Act that supersedes
2 such emergency declaration.

3 SEC. 16006. The Secretary of Homeland Security,
4 under the authority granted under section 205(b) of the
5 REAL ID Act of 2005 (Public Law 109–13; 49 U.S.C.
6 30301 note) shall extend the deadline by which States are
7 required to meet the driver license and identification card
8 issuance requirements under section 202(a)(1) of such Act
9 until not earlier than September 30, 2021.

10 SEC. 16007. Section 5 of the Protecting and Securing
11 Chemical Facilities from Terrorist Attacks Act of 2014
12 (Public Law 113–254; 6 U.S.C. 621 note) is amended by
13 striking "the date that is 5 years and 3 months after the
14 effective date of this Act" and inserting "July 23, 2020":
15 *Provided*, That the amount provided by this section is des-
16 ignated by the Congress as being for an emergency re-
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

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1 TITLE VII
2 DEPARTMENT OF THE INTERIOR
3 INDIAN AFFAIRS
4 BUREAU OF INDIAN AFFAIRS
5 OPERATION OF INDIAN PROGRAMS
6 (INCLUDING TRANSFERS OF FUNDS)
7 For an additional amount for "Operation of Indian
8 Programs", $453,000,000, to remain available until Sep-
9 tember 30, 2021, to prevent, prepare for, and respond to
10 coronavirus, domestically or internationally, including, but
11 not limited to, funds for public safety and justice pro-
12 grams, executive direction to carry out deep cleaning of
13 facilities, purchase of personal protective equipment, pur-
14 chase of information technology to improve teleworking ca-
15 pability, welfare assistance and social services programs
16 (including assistance to individuals), and assistance to
17 tribal governments, including tribal governments who par-
18 ticipate in the "Small and Needy" program: *Provided*,
19 That amounts received from funds provided under this
20 heading in this Act for welfare assistance programs shall
21 not be included in the statutory maximum for welfare as-
22 sistance funds included in Public Law 116–94, the Fur-
23 ther Consolidated Appropriations Act, 2020: *Provided fur-*
24 *ther*, That assistance received from funds provided under
25 this heading in this Act shall not be included in the cal-

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1 culation of funds received by those tribal governments who
2 participate in the "Small and Needy" program: *Provided*
3 *further*, That of the amounts provided under this heading
4 in this Act, not less than $400,000,000 shall be made
5 available to meet the direct needs of tribes: *Provided fur-*
6 *ther*, That amounts provided under this heading in this
7 Act may be made available for distribution through tribal
8 priority allocations for tribal response and capacity build-
9 ing activities: *Provided further*, That funds provided under
10 this heading in this Act, if transferred to tribes and tribal
11 organizations under the Indian Self-Determination and
12 Education Assistance Act, will be transferred on a one-
13 time basis and that these non-recurring funds are not part
14 of the amount required by 25 U.S.C. § 5325: *Provided*
15 *further*, That such amount is designated by the Congress
16 as being for an emergency requirement pursuant to sec-
17 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985.

19 BUREAU OF INDIAN EDUCATION

20 OPERATION OF INDIAN EDUCATION PROGRAMS

21 For an additional amount for "Operation of Indian
22 Education Programs", $69,000,000, to remain available
23 until September 30, 2021, to prevent, prepare for, and re-
24 spond to coronavirus, domestically or internationally, in-
25 cluding, but not limited to, funding for tribal colleges and

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1 universities, salaries, transportation, and information
2 technology: *Provided*, That of the amounts provided in this
3 paragraph, not less than $20,000,000 shall be for tribal
4 colleges and universities: *Provided further*, That such
5 amount is designated by the Congress as being for an
6 emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 DEPARTMENTAL OFFICES

10 OFFICE OF THE SECRETARY

11 DEPARTMENTAL OPERATIONS

12 (INCLUDING TRANSFERS OF FUNDS)

13 For an additional amount for "Departmental Oper-
14 ations", $158,400,000, to remain available until Sep-
15 tember 30, 2021, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally, including, but
17 not limited to, funds for purchasing equipment and sup-
18 plies to disinfect and clean buildings and public areas, sup-
19 porting law enforcement and emergency management op-
20 erations, biosurveillance of wildlife and environmental per-
21 sistence studies, employee overtime and special pay ex-
22 penses, and other response, mitigation, or recovery activi-
23 ties: *Provided*, That funds appropriated under this head-
24 ing in this Act shall be used to absorb increased oper-
25 ational costs necessary to prevent, prepare for, and re-

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1 spond to coronavirus, domestically or internationally: *Pro-*
2 *vided further*, That the Secretary of the Interior may
3 transfer the funds provided under this heading in this Act
4 to any other account in the Department to prevent, pre-
5 pare for, and respond to coronavirus, domestically or
6 internationally, and may expend such funds directly or
7 through cooperative agreements: *Provided further*, That
8 the Secretary shall provide a monthly report to the Com-
9 mittees on Appropriations of the House of Representatives
10 and the Senate detailing the allocation and obligation of
11 these funds by account, beginning not later than 90 days
12 after enactment of this Act: *Provided further*, That as soon
13 as practicable after the date of enactment of this Act, the
14 Secretary shall transfer $1,000,000 to the Office of the
15 Inspector General, ''Salaries and Expenses'' account for
16 oversight activities related to the implementation of pro-
17 grams, activities or projects funded herein: *Provided fur-*
18 *ther*, That such amount is designated by the Congress as
19 being for an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 INSULAR AFFAIRS

23 ASSISTANCE TO TERRITORIES

24 For an additional amount for ''Assistance to Terri-
25 tories'', $55,000,000, to remain available until September

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1 30, 2021, to prevent, prepare for, and respond to
2 coronavirus, domestically or internationally, for general
3 technical assistance: *Provided*, That such amount is des-
4 ignated by the Congress as being for an emergency re-
5 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 ENVIRONMENTAL PROTECTION AGENCY

8 SCIENCE AND TECHNOLOGY

9 For an additional amount for "Science and Tech-
10 nology", $2,250,000, to remain available until September
11 30, 2021, to prevent, prepare for, and respond to
12 coronavirus, domestically or internationally: *Provided*,
13 That of the amount provided under this heading in this
14 Act, $750,000 shall be for necessary expenses for cleaning
15 and disinfecting equipment or facilities of, or for use by,
16 the Environmental Protection Agency, and $1,500,000
17 shall be for research on methods to reduce the risks from
18 environmental transmission of coronavirus via contami-
19 nated surfaces or materials: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

2 For an additional amount for ''Environmental Pro-
3 grams and Management'', $3,910,000, to remain available
4 until September 30, 2021, to prevent, prepare for, and re-
5 spond to coronavirus, domestically or internationally: *Pro-*
6 *vided*, That of the amount provided under this heading
7 in this Act, $2,410,000 shall be for necessary expenses
8 for cleaning and disinfecting equipment or facilities of, or
9 for use by, the Environmental Protection Agency, and
10 operational continuity of Environmental Protection Agen-
11 cy programs and related activities, and $1,500,000 shall
12 be for expediting registration and other actions related to
13 pesticides to address coronavirus: *Provided further*, That
14 such amount is designated by the Congress as being for
15 an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 BUILDINGS AND FACILITIES

19 For an additional amount for ''Buildings and Facili-
20 ties'', $300,000, to remain available until September 30,
21 2021, to prevent, prepare for, and respond to coronavirus,
22 domestically or internationally: *Provided*, That the funds
23 provided under this heading in this Act shall be for nec-
24 essary expenses for cleaning and disinfecting equipment
25 or facilities of, or for use by, the Environmental Protection

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1 Agency: *Provided further*, That such amount is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
4 et and Emergency Deficit Control Act of 1985.

5 HAZARDOUS SUBSTANCE SUPERFUND

6 For an additional amount for "Hazardous Substance
7 Superfund", $770,000, to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally: *Provided*,
10 That the funds provided under this heading in this Act
11 shall be for necessary expenses for cleaning and dis-
12 infecting equipment or facilities of, or for use by, the Envi-
13 ronmental Protection Agency: *Provided further*, That such
14 amount is designated by the Congress as being for an
15 emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 RELATED AGENCIES

19 DEPARTMENT OF AGRICULTURE

20 FOREST SERVICE

21 FOREST AND RANGELAND RESEARCH

22 For an additional amount for "Forest and Rangeland
23 Research", $3,000,000, to remain available until Sep-
24 tember 30, 2021, to prevent, prepare for, and respond to
25 coronavirus, domestically or internationally, including for

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1 the reestablishment of abandoned or failed experiments as-
2 sociated with employee restrictions due to the coronavirus
3 outbreak: *Provided*, That amounts provided under this
4 heading in this Act shall be allocated at the discretion of
5 the Chief of the Forest Service: *Provided further*, That
6 such amount is designated by the Congress as being for
7 an emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 NATIONAL FOREST SYSTEM

11 For an additional amount for "National Forest Sys-
12 tem", $34,000,000, to remain available until September
13 30, 2021, to prevent, prepare for, and respond to
14 coronavirus, domestically or internationally, including for
15 cleaning and disinfecting of public recreation amenities
16 and for personal protective equipment and baseline health
17 testing for first responders: *Provided*, That amounts pro-
18 vided under this heading in this Act shall be allocated at
19 the discretion of the Chief of the Forest Service: *Provided*
20 *further*, That such amount is designated by the Congress
21 as being for an emergency requirement pursuant to sec-
22 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985.

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1 CAPITAL IMPROVEMENT AND MAINTENANCE

2 For an additional amount for "Capital Improvement
3 and Maintenance", $26,800,000, to remain available until
4 September 30, 2021, to prevent, prepare for, and respond
5 to coronavirus, domestically or internationally, including
6 for janitorial services: *Provided*, That amounts provided
7 under this heading in this Act shall be allocated at the
8 discretion of the Chief of the Forest Service: *Provided fur-*
9 *ther*, That such amount is designated by the Congress as
10 being for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 WILDLAND FIRE MANAGEMENT

14 For an additional amount for "Wildland Fire Man-
15 agement", $7,000,000, to remain available until Sep-
16 tember 30, 2021, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally, including for
18 personal protective equipment and baseline health testing
19 for first responders: *Provided*, That amounts provided
20 under this heading in this Act shall be allocated at the
21 discretion of the Chief of the Forest Service: *Provided fur-*
22 *ther*, That such amount is designated by the Congress as
23 being for an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

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1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 INDIAN HEALTH SERVICE
4 INDIAN HEALTH SERVICES
5 (INCLUDING TRANSFERS OF FUNDS)
6 For an additional amount for "Indian Health Serv-
7 ices", $1,032,000,000, to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally, including for
10 public health support, electronic health record moderniza-
11 tion, telehealth and other information technology up-
12 grades, Purchased/Referred Care, Catastrophic Health
13 Emergency Fund, Urban Indian Organizations, Tribal
14 Epidemiology Centers, Community Health Representa-
15 tives, and other activities to protect the safety of patients
16 and staff: *Provided*, That of the amount provided under
17 this heading in this Act, up to $65,000,000 is for elec-
18 tronic health record stabilization and support, including
19 for planning and tribal consultation: *Provided further*,
20 That of amounts provided under this heading in this Act,
21 not less than $450,000,000 shall be distributed through
22 IHS directly operated programs and to tribes and tribal
23 organizations under the Indian Self-Determination and
24 Education Assistance Act and through contracts or grants
25 with urban Indian organizations under title V of the In-

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1 dian Health Care Improvement Act: *Provided further*,
2 That any amounts provided in this paragraph not allo-
3 cated pursuant to the preceding proviso shall be allocated
4 at the discretion of the Director of the Indian Health Serv-
5 ice: *Provided further*, That of the funds provided herein,
6 up to $125,000,000 may be transferred to and merged
7 with the "Indian Health Service, Indian Health Facilities"
8 appropriation at the discretion of the Director for the pur-
9 poses specified in this Act: *Provided further*, That amounts
10 provided under this heading in this Act, if transferred to
11 tribes and tribal organizations under the Indian Self-De-
12 termination and Education Assistance Act, will be trans-
13 ferred on a one-time basis and that these non-recurring
14 funds are not part of the amount required by 25 U.S.C.
15 § 5325, and that such amounts may only be used for the
16 purposes identified under this heading notwithstanding
17 any other provision of law: *Provided further*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 AGENCY FOR TOXIC SUBSTANCES AND DISEASE
2 REGISTRY
3 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC
4 HEALTH
5 For an additional amount for "Toxic Substances and
6 Environmental Public Health", $12,500,000, to remain
7 available until September 30, 2021, to prevent, prepare
8 for, and respond to coronavirus, domestically or inter-
9 nationally: *Provided*, That $7,500,000 of the funds pro-
10 vided under this heading in this Act shall be for necessary
11 expenses of the Geospatial Research, Analysis and Serv-
12 ices Program to support spatial analysis and Geographic
13 Information System mapping of infectious disease hot
14 spots, including cruise ships: *Provided further*, That
15 $5,000,000 of the funds provided under this heading in
16 this Act shall be for necessary expenses for awards to Pe-
17 diatric Environmental Health Specialty Units and state
18 health departments to provide guidance and outreach on
19 safe practices for disinfection for home, school, and
20 daycare facilities: *Provided further*, That such amount is
21 designated by the Congress as being for an emergency re-
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985.

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1 OTHER RELATED AGENCIES

2 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
3 CULTURE AND ARTS DEVELOPMENT

4 PAYMENT TO THE INSTITUTE

5 For an additional amount for ''Payment to the Insti-
6 tute'', $78,000, to remain available until September 30,
7 2021, to prevent, prepare for, and respond to coronavirus,
8 domestically or internationally: *Provided*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 SMITHSONIAN INSTITUTION

14 SALARIES AND EXPENSES

15 For an additional amount for ''Salaries and Ex-
16 penses'', $7,500,000, to remain available until September
17 30, 2021, to prevent, prepare for, and respond to
18 coronavirus, domestically or internationally, including
19 funding for deep cleaning, security, information tech-
20 nology, and staff overtime: *Provided*, That such amount
21 is designated by the Congress as being for an emergency
22 requirement pursuant to section 251(b)(2)(A)(i) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985.

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1 JOHN F. KENNEDY CENTER FOR THE PERFORMING
2 ARTS
3 OPERATIONS AND MAINTENANCE
4 For an additional amount for "Operations and Main-
5 tenance", $25,000,000, to remain available until Sep-
6 tember 30, 2021, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including
8 funding for deep cleaning and information technology to
9 improve telework capability and for operations and main-
10 tenance requirements related to the consequences of
11 coronavirus: *Provided*, That notwithstanding the provi-
12 sions of 20 U.S.C. 76h et seq., funds provided under this
13 heading in this Act shall be made available to cover oper-
14 ating expenses required to ensure the continuity of the
15 John F. Kennedy Center for the Performing Arts and its
16 affiliates, including for employee compensation and bene-
17 fits, grants, contracts, payments for rent or utilities, fees
18 for artists or performers, information technology, and
19 other administrative expenses: *Provided further*, That no
20 later than October 31, 2020, the Board of Trustees of the
21 Center shall submit a report to the Committees on Appro-
22 priations of the House of Representatives and Senate that
23 includes a detailed explanation of the distribution of the
24 funds provided herein: *Provided further*, That such
25 amount is designated by the Congress as being for an

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

4 NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES
5 NATIONAL ENDOWMENT FOR THE ARTS
6 GRANTS AND ADMINISTRATION

7 For an additional amount for ''Grants and Adminis-
8 tration'', $75,000,000, to remain available until Sep-
9 tember 30, 2021, to prevent, prepare for, and respond to
10 coronavirus, domestically or internationally, to be distrib-
11 uted in grants: *Provided*, That such funds are available
12 under the same terms and conditions as grant funding ap-
13 propriated to this heading in Public Law 116–94: *Pro-*
14 *vided further*, That 40 percent of such funds shall be dis-
15 tributed to State arts agencies and regional arts organiza-
16 tions and 60 percent of such funds shall be for direct
17 grants: *Provided further*, That notwithstanding any other
18 provision of law, such funds may also be used by the re-
19 cipients of such grants for purposes of the general oper-
20 ations of such recipients: *Provided further*, That the
21 matching requirements under subsections (e), (g)(4)(A),
22 and (p)(3) of section 5 of the National Foundation on the
23 Arts and Humanities Act of 1965 (20 U.S.C. 954) may
24 be waived with respect to such grants: *Provided further*,
25 That such amount is designated by the Congress as being

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1 for an emergency requirement pursuant to section
2 251(b)(2)(A)(i) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 NATIONAL ENDOWMENT FOR THE HUMANITIES

5 GRANTS AND ADMINISTRATION

6 For an additional amount for ''Grants and Adminis-
7 tration'', $75,000,000, to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally, to be distrib-
10 uted in grants: *Provided*, That such funds are available
11 under the same terms and conditions as grant funding ap-
12 propriated to this heading in Public Law 116–94: *Pro-*
13 *vided further*, That 40 percent of such funds shall be dis-
14 tributed to state humanities councils and 60 percent of
15 such funds shall be for direct grants: *Provided further*,
16 That notwithstanding any other provision of law, such
17 funds may also be used by the recipients of such grants
18 for purposes of the general operations of such recipients:
19 *Provided further*, That the matching requirements under
20 subsection (h)(2)(A) of section 7 of the National Founda-
21 tion on the Arts and Humanities Act of 1965 may be
22 waived with respect to such grants: *Provided further*, That
23 such amount is designated by the Congress as being for
24 an emergency requirement pursuant to section

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

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1 TITLE VIII

2 DEPARTMENT OF LABOR

3 EMPLOYMENT AND TRAINING ADMINISTRATION

4 TRAINING AND EMPLOYMENT SERVICES

5 For an additional amount for ''Training and Employ-
6 ment Services'', $345,000,000, to remain available
7 through September 30, 2022, to prevent, prepare for, and
8 respond to coronavirus, domestically or internationally, for
9 necessary expenses for the dislocated workers assistance
10 national reserve: *Provided*, That the funds provided under
11 this heading in this Act may be used to replace grant
12 funds previously obligated to the impacted areas: *Provided*
13 *further*, That such amount is designated by the Congress
14 as being for an emergency requirement pursuant to sec-
15 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
16 gency Deficit Control Act of 1985.

17 DEPARTMENTAL MANAGEMENT

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 For an additional amount for ''Departmental Man-
21 agement'', $15,000,000, to remain available through Sep-
22 tember 30, 2022, to prevent, prepare for, and respond to
23 coronavirus, including to enforce worker protection laws
24 and regulations, and to oversee and coordinate activities
25 related to division C, division D, division E, and division

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1 F of Public Law 116–127: *Provided*, That the Secretary
2 of Labor may transfer the amounts provided under this
3 heading in this Act as necessary to "Employee Benefits
4 Security Administration", "Wage and Hour Division",
5 "Occupational Safety and Health Administration", and
6 "Employment and Training Administration—Program
7 Administration" to prevent, prepare for, and respond to
8 coronavirus, including for enforcement, oversight, and co-
9 ordination activities in those accounts: *Provided further*,
10 That of the amount provided under this heading in this
11 Act, $1,000,000, to remain available until expended, shall
12 be transferred to "Office of Inspector General" for over-
13 sight of activities related to Public Law 116–127 and for
14 oversight activities supported with funds appropriated to
15 the Department of Labor to prevent, prepare for, and re-
16 spond to coronavirus: *Provided further*, That 15 days prior
17 to transferring any funds pursuant to the previous pro-
18 visos under the heading in this Act, the Secretary shall
19 provide to the Committees on Appropriations of the House
20 of Representatives and the Senate an operating plan de-
21 scribing the planned uses of each amount proposed to be
22 transferred: *Provided further*, That such amount is des-
23 ignated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

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1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 CENTERS FOR DISEASE CONTROL AND PREVENTION
4 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT
5 (INCLUDING TRANSFER OF FUNDS)
6 For an additional amount for "CDC-Wide Activities
7 and Program Support", $4,300,000,000, to remain avail-
8 able until September 30, 2024, to prevent, prepare for,
9 and respond to coronavirus, domestically or internation-
10 ally: *Provided*, That not less than $1,500,000,000 of the
11 amount provided under this heading in this Act shall be
12 for grants to or cooperative agreements with States, local-
13 ities, territories, tribes, tribal organizations, urban Indian
14 health organizations, or health service providers to tribes,
15 including to carry out surveillance, epidemiology, labora-
16 tory capacity, infection control, mitigation, communica-
17 tions, and other preparedness and response activities: *Pro-*
18 *vided further*, That every grantee that received a Public
19 Health Emergency Preparedness grant for fiscal year
20 2019 shall receive not less than 100 percent of that grant
21 level from funds provided in the first proviso under this
22 heading in this Act: *Provided further*, That of the amount
23 in the first proviso, not less than $125,000,000 shall be
24 allocated to tribes, tribal organizations, urban Indian
25 health organizations, or health service providers to tribes:

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1 *Provided further*, That the Director of the Centers for Dis-
2 ease Control and Prevention ("CDC") may satisfy the
3 funding thresholds outlined in the preceding two provisos
4 by making awards through other grant or cooperative
5 agreement mechanisms: *Provided further*, That of the
6 amount provided under this heading in this Act, not less
7 than $500,000,000 shall be for global disease detection
8 and emergency response: *Provided further*, That of the
9 amount provided under this heading in this Act, not less
10 than $500,000,000 shall be for public health data surveil-
11 lance and analytics infrastructure modernization: *Provided*
12 *further*, That CDC shall report to the Committees on Ap-
13 propriations of the House of Representatives and the Sen-
14 ate on the development of a public health surveillance and
15 data collection system for coronavirus within 30 days of
16 enactment of this Act: *Provided further*, That of the
17 amount provided under this heading in this Act,
18 $300,000,000 shall be transferred to and merged with
19 amounts in the Infectious Diseases Rapid Response Re-
20 serve Fund ("Reserve Fund"), established by section 231
21 of division B of Public Law 115–245: *Provided further*,
22 That the Secretary of Health and Human Services, in con-
23 sultation with the Director of the CDC, shall provide a
24 report to the Committees on Appropriations of the House
25 of Representatives and the Senate every 14 days, for one

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1 year from the date from any such declaration or deter-
2 mination described in the third proviso of section 231 of
3 division B of Public Law 115–245, that details commit-
4 ment and obligation information for the Reserve Fund
5 during the prior two weeks, as long as such report would
6 detail obligations in excess of $5,000,000, and upon the
7 request by such Committees: *Provided further*, That funds
8 appropriated under this heading in this Act may be used
9 for grants for the rent, lease, purchase, acquisition, con-
10 struction, alteration, or renovation of non-federally owned
11 facilities to improve preparedness and response capability
12 at the State and local level: *Provided further*, That funds
13 provided under this heading in this Act may be used for
14 purchase and insurance of official motor vehicles in for-
15 eign countries: *Provided further*, That such amount is des-
16 ignated by the Congress as being for an emergency re-
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

19 NATIONAL INSTITUTES OF HEALTH

20 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

21 For an additional amount for "National Heart, Lung,
22 and Blood Institute", $103,400,000, to remain available
23 until September 30, 2024, to prevent, prepare for, and re-
24 spond to coronavirus, domestically or internationally: *Pro-*
25 *vided*, That such amount is designated by the Congress

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1 as being for an emergency requirement pursuant to sec-
2 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
3 gency Deficit Control Act of 1985.

4 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
5 DISEASES

6 For an additional amount for "National Institute of
7 Allergy and Infectious Diseases", $706,000,000, to re-
8 main available until September 30, 2024, to prevent, pre-
9 pare for, and respond to coronavirus, domestically or
10 internationally: *Provided*, That not less than
11 $156,000,000 of the amounts provided under this heading
12 in this Act shall be provided for the study of, construction
13 of, demolition of, renovation of, and acquisition of equip-
14 ment for, vaccine and infectious diseases research facilities
15 of or used by NIH, including the acquisition of real prop-
16 erty: *Provided further*, That such amount is designated by
17 the Congress as being for an emergency requirement pur-
18 suant to section 251(b)(2)(A)(i) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
21 BIOENGINEERING

22 For an additional amount for "National Institute of
23 Biomedical Imaging and Bioengineering", $60,000,000, to
24 remain available until September 30, 2024, to prevent,
25 prepare for, and respond to coronavirus, domestically or

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internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL LIBRARY OF MEDICINE

For an additional amount for "National Library of Medicine", $10,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For an additional amount for "National Center for Advancing Translational Sciences", $36,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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1 OFFICE OF THE DIRECTOR

2 For an additional amount for "Office of the Direc-
3 tor", $30,000,000, to remain available until September
4 30, 2024, to prevent, prepare for, and respond to
5 coronavirus, domestically or internationally: *Provided*,
6 That these funds shall be available for the Common Fund
7 established under section 402A(c)(1) of the PHS Act: *Pro-*
8 *vided further*, That such amount is designated by the Con-
9 gress as being for an emergency requirement pursuant to
10 section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
13 ADMINISTRATION

14 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

15 For an additional amount for "Heath Surveillance
16 and Program Support", $425,000,000, to remain avail-
17 able through September 30, 2021, to prevent, prepare for,
18 and respond to coronavirus, domestically or internation-
19 ally: *Provided*, That of the amount appropriated under
20 this heading in this Act, not less than $250,000,000 is
21 available for Certified Community Behavioral Health Clin-
22 ic Expansion Grant program: *Provided further*, That of the
23 amount appropriated under this heading in this Act, not
24 less than $50,000,000 shall be available for suicide pre-
25 vention programs: *Provided further*, That of the amount

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1 appropriated under this heading in this Act, not less than
2 $100,000,000 is available for activities authorized under
3 section 501(o) of the Public Health Service Act: *Provided*
4 *further*, That of the funding made available under this
5 heading in this Act, not less than $15,000,000 shall be
6 allocated to tribes, tribal organizations, urban Indian
7 health organizations, or health or behavioral health service
8 providers to tribes: *Provided further*, That such amount
9 is designated by the Congress as being for an emergency
10 requirement pursuant to section 251(b)(2)(A)(i) of the
11 Balanced Budget and Emergency Deficit Control Act of
12 1985.

13 CENTERS FOR MEDICARE & MEDICAID SERVICES

14 PROGRAM MANAGEMENT

15 For an additional amount for "Program Manage-
16 ment", $200,000,000, to remain available through Sep-
17 tember 30, 2023, to prevent, prepare for, and respond to
18 coronavirus, domestically and internationally: *Provided*,
19 That of the amount appropriated under this heading in
20 this Act, not less than $100,000,000 shall be available for
21 necessary expenses of the survey and certification pro-
22 gram, prioritizing nursing home facilities in localities with
23 community transmission of coronavirus: *Provided further*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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

3 ADMINISTRATION FOR CHILDREN AND FAMILIES

4 LOW INCOME HOME ENERGY ASSISTANCE

5 For an additional amount for "Low Income Home
6 Energy Assistance", $900,000,000, to remain available
7 through September 30, 2021, to prevent, prepare for, or
8 respond to coronavirus, domestically or internationally, for
9 making payments under subsection (b) of section 2602 of
10 the Low-Income Home Energy Assistance Act of 1981 (42
11 U.S.C. 8621 et seq.): *Provided*, That of the amount pro-
12 vided under this heading in this Act, $225,000,000 shall
13 be allocated as though the total appropriation for such
14 payments for fiscal year 2020 was less than
15 $1,975,000,000: *Provided further*, That section
16 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B))
17 shall not apply to funds made available under this heading
18 in this Act in fiscal year 2020: *Provided further*, That such
19 amount is designated by the Congress as being for an
20 emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

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1 PAYMENTS TO STATES FOR THE CHILD CARE AND
2 DEVELOPMENT BLOCK GRANT

3 For an additional amount for "Payments to States
4 for the Child Care and Development Block Grant",
5 $3,500,000,000, to remain available through September
6 30, 2021, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including for
8 federal administrative expenses, which shall be used to
9 supplement, not supplant State, Territory, and Tribal gen-
10 eral revenue funds for child care assistance for low-income
11 families within the United States (including territories)
12 without regard to requirements in sections
13 658E(c)(3)(D)–(E) or 658G of the Child Care and Devel-
14 opment Block Grant Act: *Provided*, That funds provided
15 under this heading in this Act may be used to provide con-
16 tinued payments and assistance to child care providers in
17 the case of decreased enrollment or closures related to
18 coronavirus, and to assure they are able to remain open
19 or reopen as appropriate and applicable: *Provided further*,
20 That States, Territories, and Tribes are encouraged to
21 place conditions on payments to child care providers that
22 ensure that child care providers use a portion of funds
23 received to continue to pay the salaries and wages of staff:
24 *Provided further*, That the Secretary shall remind States
25 that CCDBG State plans do not need to be amended prior

AMERICAN OVERSIGHT

1 to utilizing existing authorities in the CCDBG Act for the
2 purposes provided herein: *Provided further*, That States,
3 Territories, and Tribes are authorized to use funds appro-
4 priated under this heading in this Act to provide child care
5 assistance to health care sector employees, emergency re-
6 sponders, sanitation workers, and other workers deemed
7 essential during the response to coronavirus by public offi-
8 cials, without regard to the income eligibility requirements
9 of section 658P(4) of such Act: *Provided further*, That
10 funds appropriated under this heading in this Act shall
11 be available to eligible child care providers under section
12 658P(6) of the CCDBG Act, even if such providers were
13 not receiving CCDBG assistance prior to the public health
14 emergency as a result of the coronavirus, for the purposes
15 of cleaning and sanitation, and other activities necessary
16 to maintain or resume the operation of programs: *Pro-*
17 *vided further*, That payments made under this heading in
18 this Act may be obligated in this fiscal year or the suc-
19 ceeding two fiscal years: *Provided further*, That funds ap-
20 propriated under this heading in this Act may be made
21 available to restore amounts, either directly or through re-
22 imbursement, for obligations incurred to prevent, prepare
23 for, and respond to coronavirus, domestically or inter-
24 nationally, prior to the date of enactment of this Act: *Pro-*
25 *vided further*, That such amount is designated by the Con-

AMERICAN OVERSIGHT

1 gress as being for an emergency requirement pursuant to
2 section 251(b)(2)(A)(i) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985.

4 CHILDREN AND FAMILIES SERVICES PROGRAMS

5 For an additional amount for "Children and Families
6 Services Programs", $1,874,000,000, to remain available
7 through September 30, 2021, to prevent, prepare for, and
8 respond to coronavirus, domestically or internationally,
9 which shall be used as follows: (1) $1,000,000,000 for car-
10 rying out activities under sections 674 through 679 of the
11 Community Services Block Grant Act, including for fed-
12 eral administrative expenses, and of which no part shall
13 be subject to section 674(b)(3) of such Act: *Provided*,
14 That to the extent Community Services Block Grant funds
15 are distributed as grant funds by a State to an eligible
16 entity as provided under such Act, and have not been ex-
17 pended by such entity, they shall remain with such entity
18 for carryover into the next two fiscal years for expenditure
19 by such entity consistent with program purpose: *Provided*
20 *further*, That for services furnished under such Act during
21 fiscal years 2020 and 2021, States may apply the last sen-
22 tence of section 673(2) of such Act by substituting "200
23 percent" for "125 percent"; (2) $750,000,000 for making
24 payments under the Head Start Act, including for Federal
25 administrative expenses, and allocated in an amount that

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1 bears the same ratio to such portion as the number of
2 enrolled children served by the agency involved bears to
3 the number of enrolled children by all Head Start agen-
4 cies: *Provided further*, That none of the funds appro-
5 priated in this paragraph shall be included in the calcula-
6 tion of the "base grant" in subsequent fiscal years, as
7 such term is defined in sections 640(a)(7)(A),
8 641A(h)(1)(B), or 645(d)(3) of the Head Start Act: *Pro-*
9 *vided further*, That funds appropriated in this paragraph
10 are not subject to the allocation requirements of section
11 640(a) of the Head Start Act: *Provided further*, That up
12 to $500,000,000 shall be available for the purpose of oper-
13 ating supplemental summer programs through non-com-
14 petitive grant supplements to existing grantees determined
15 to be most ready to operate those programs by the Office
16 of Head Start; (3) $2,000,000 for the National Domestic
17 Violence Hotline as authorized by section 303(b) of the
18 Family Violence Prevention and Services Act: *Provided*
19 *further*, That the Secretary may make such funds available
20 for providing hotline services remotely; (4) $45,000,000
21 for Family Violence Prevention and Services formula
22 grants as authorized by section 303(a) of the Family Vio-
23 lence and Prevention and Services Act with such funds
24 available to grantees without regard to matching require-
25 ments under section 306(c)(4) of such Act: *Provided fur-*

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1 *ther*, That the Secretary may make such funds available
2 for providing temporary housing and assistance to victims
3 of family, domestic, and dating violence; (5) $25,000,000
4 for carrying out activities under the Runaway and Home-
5 less Youth Act: *Provided further*, That such amounts shall
6 be used to supplement, not supplant, existing funds and
7 shall be available without regard to matching require-
8 ments; (6) $45,000,000 shall be used for child welfare
9 services as authorized by subpart 1 of part B of title IV
10 of the Social Security Act (other than sections 426, 427,
11 and 429 of such subpart), with such funds available to
12 grantees without regard to matching requirements under
13 section 424(a) of that Act or any applicable reductions in
14 federal financial participation under section 424(f) of that
15 Act; and (7) $7,000,000 for Federal administrative ex-
16 penses: *Provided further*, That funds appropriated under
17 this heading in this Act may be made available to restore
18 amounts, either directly or through reimbursement, for ob-
19 ligations incurred to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally, prior to the
21 date of enactment of this Act: *Provided further*, That such
22 amount is designated by the Congress as being for an
23 emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

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1 ADMINISTRATION FOR COMMUNITY LIVING
2 AGING AND DISABILITY SERVICES PROGRAMS
3 For an additional amount for "Aging and Disability
4 Services Programs", $955,000,000, to remain available
5 until September 30, 2021, to prevent, prepare for, and re-
6 spond to coronavirus, domestically or internationally: *Pro-*
7 *vided*, That of the amount made available under this head-
8 ing in this Act to prevent, prepare for, and respond to
9 coronavirus, $820,000,000 shall be for activities author-
10 ized under the Older Americans Act of 1965 ("OAA"),
11 including $200,000,000 for supportive services under part
12 B of title III; $500,000,000 for nutrition services under
13 subparts 1 and 2 of part C of title III; $20,000,000 for
14 nutrition services under title VI; $100,000,000 for support
15 services for family caregivers under part E of title III; and
16 $20,000,000 for elder rights protection activities, includ-
17 ing the long-term ombudsman program under title VII of
18 such Act: *Provided further*, That of the amount made
19 available under this heading in this Act, $50,000,000 shall
20 be for aging and disability resource centers authorized in
21 sections 202(b) and 411 of the OAA to prevent, prepare
22 for, and respond to coronavirus: *Provided further*, That of
23 the amount made available under this heading in this Act
24 to prevent, prepare for, and respond to coronavirus,
25 $85,000,000 shall be available for centers for independent

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1 living that have received grants funded under part C of
2 chapter I of title VII of the Rehabilitation Act of 1973:
3 *Provided further*, That to facilitate State use of funds pro-
4 vided under this heading in this Act, matching require-
5 ments under sections 304(d)(1)(D) and 373(g)(2) of the
6 OAA shall not apply to funds made available under this
7 heading in this Act: *Provided further*, That the transfer
8 authority under section 308(b)(4)(A) of the OAA shall
9 apply to funds made available under this heading in this
10 Act by substituting "100 percent" for "40 percent": *Pro-*
11 *vided further*, That the State Long-Term Care Ombuds-
12 man shall have continuing direct access (or other access
13 through the use of technology) to residents of long-term
14 care facilities during any portion of the public health
15 emergency relating to coronavirus beginning on the date
16 of enactment of this Act and ending on September 30,
17 2020, to provide services described in section 712(a)(3)(B)
18 of the OAA: *Provided further*, That such amount is des-
19 ignated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

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1 OFFICE OF THE SECRETARY

2 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

3 FUND

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for ''Public Health and So-
6 cial Services Emergency Fund'', $27,014,500,000, to re-
7 main available until September 30, 2024, to prevent, pre-
8 pare for, and respond to coronavirus, domestically or
9 internationally, including the development of necessary
10 countermeasures and vaccines, prioritizing platform-based
11 technologies with U.S.-based manufacturing capabilities,
12 the purchase of vaccines, therapeutics, diagnostics, nec-
13 essary medical supplies, as well as medical surge capacity,
14 addressing blood supply chain, workforce modernization,
15 telehealth access and infrastructure, initial advanced man-
16 ufacturing, novel dispensing, enhancements to the U.S.
17 Commissioned Corps, and other preparedness and re-
18 sponse activities: *Provided*, That funds appropriated under
19 this paragraph in this Act may be used to develop and
20 demonstrate innovations and enhancements to manufac-
21 turing platforms to support such capabilities: *Provided*
22 *further*, That the Secretary of Health and Human Services
23 shall purchase vaccines developed using funds made avail-
24 able under this paragraph in this Act to respond to an
25 outbreak or pandemic related to coronavirus in quantities

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1 determined by the Secretary to be adequate to address the
2 public health need: *Provided further*, That products pur-
3 chased by the Federal government with funds made avail-
4 able under this paragraph in this Act, including vaccines,
5 therapeutics, and diagnostics, shall be purchased in ac-
6 cordance with Federal Acquisition Regulation guidance on
7 fair and reasonable pricing: *Provided further*, That the
8 Secretary may take such measures authorized under cur-
9 rent law to ensure that vaccines, therapeutics, and
10 diagnostics developed from funds provided in this Act will
11 be affordable in the commercial market: *Provided further*,
12 That in carrying out the previous proviso, the Secretary
13 shall not take actions that delay the development of such
14 products: *Provided further*, That products purchased with
15 funds appropriated under this paragraph in this Act may,
16 at the discretion of the Secretary of Health and Human
17 Services, be deposited in the Strategic National Stockpile
18 under section 319F–2 of the Public Health Service Act:
19 *Provided further*, That of the amount appropriated under
20 this paragraph in this Act, not more than
21 $16,000,000,000 shall be for the Strategic National
22 Stockpile under section 319F–2(a) of such Act: *Provided*
23 *further*, That funds appropriated under this paragraph in
24 this Act may be transferred to, and merged with, the fund
25 authorized by section 319F–4, the Covered Counter-

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1 measure Process Fund, of the Public Health Service Act:
2 *Provided further*, That of the amount appropriated under
3 this paragraph in this Act, not less than $250,000,000
4 shall be available for grants to or cooperative agreements
5 with entities that are either grantees or sub-grantees of
6 the Hospital Preparedness Program authorized in section
7 319C–2 of the Public Health Service Act or that meet
8 such other criteria as the Secretary may prescribe, with
9 such awards issued under such section or section 311 of
10 such Act: *Provided further*, That of the amount provided
11 under this paragraph in this Act, not less than
12 $3,500,000,000 shall be available to the Biomedical Ad-
13 vanced Research and Development Authority for necessary
14 expenses of manufacturing, production, and purchase, at
15 the discretion of the Secretary, of vaccines, therapeutics,
16 diagnostics, and small molecule active pharmaceutical in-
17 gredients, including the development, translation, and
18 demonstration at scale of innovations in manufacturing
19 platforms: *Provided further*, That funds in the previous
20 proviso may be used for the construction or renovation of
21 U.S.-based next generation manufacturing facilities, other
22 than facilities owned by the United States Government:
23 *Provided further*, That of the amount appropriated under
24 this paragraph in this Act, funds may be used to reim-
25 burse the Department of Veterans Affairs for expenses in-

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1 curred by the Veterans Health Administration to prevent,
2 prepare for, and respond to coronavirus, and to provide
3 medical care for such purposes to individuals not otherwise
4 eligible for care: *Provided further*, That funds used for the
5 preceding proviso shall be made available to reimburse the
6 Department of Veterans Affairs only if the Secretary of
7 Health and Human Services certifies to the Committees
8 on Appropriations of the House of Representatives and the
9 Senate that funds available for assignments under Public
10 Law 93–288, as amended, are insufficient and such funds
11 are necessary to reimburse the Department of Veterans
12 Affairs for expenses incurred to provide health care to ci-
13 vilians: *Provided further*, That the Secretary shall notify
14 the Committees on Appropriations of the House of Rep-
15 resentatives and the Senate not less than 3 days prior to
16 such certification: *Provided further*, That of the amounts
17 appropriated under this paragraph in this Act, not more
18 than $289,000,000 may be transferred as necessary to
19 other federal agencies for necessary expenses related to
20 medical care that are incurred to prevent, prepare for, and
21 respond to coronavirus for persons eligible for treatment
22 pursuant to section 322 of the Public Health Service Act,
23 as amended, as determined by the Secretary of the recipi-
24 ent agency: *Provided further*, That of the amount appro-
25 priated under this paragraph in this Act, $1,500,000 shall

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1 be available for the Secretary to enter into an agreement
2 with the National Academies of Sciences, Engineering,
3 and Medicine not later than 60 days after the date of en-
4 actment of this Act to examine, and, in a manner that
5 does not compromise national security, report on, the se-
6 curity of the United States medical product supply chain:
7 *Provided further*, That funds appropriated under this
8 paragraph in this Act may be used for grants for the con-
9 struction, alteration, or renovation of non-federally owned
10 facilities to improve preparedness and response capability
11 at the State and local level: *Provided further*, That funds
12 appropriated under this paragraph in this Act may be
13 used for the construction, alteration, or renovation of non-
14 federally owned facilities for the production of vaccines,
15 therapeutics, and diagnostics where the Secretary deter-
16 mines that such a contract is necessary to secure sufficient
17 amounts of such supplies: *Provided further*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 For an additional amount for the "Public Health and
23 Social Services Emergency Fund", $275,000,000, to re-
24 main available until September 30, 2022, to prevent, pre-
25 pare for, and respond to coronavirus, domestically or

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1 internationally: *Provided*, That $90,000,000 of the funds
2 appropriated under this paragraph shall be transferred to
3 "Health Resources and Services Administration—Ryan
4 White HIV/AIDS Program" to remain available until Sep-
5 tember 30, 2022 for modifications to existing contracts,
6 and supplements to existing grants and cooperative agree-
7 ments under parts A, B, C, D, and section 2692(a) of
8 title XXVI of the Public Health Service Act (referred to
9 as "PHS" Act) to respond to coronavirus, domestically or
10 internationally: *Provided further*, That supplements made
11 in the preceding proviso shall be awarded using a data-
12 driven methodology determined by the Secretary: *Provided*
13 *further*, That sections 2604(c), 2612(b), and 2651(c) of
14 the PHS Act shall not apply to funds under this para-
15 graph: *Provided further*, That $5,000,000 of the funds ap-
16 propriated under this paragraph shall be transferred to
17 "Health Resources and Services Administration—Health
18 Care Systems" to remain available until September 30,
19 2022, for activities under sections 1271 and 1273 of the
20 PHS Act to improve the capacity of poison control centers
21 to respond to increased calls: *Provided further*, That
22 $180,000,000 of the funds appropriated under this para-
23 graph shall be transferred to "Health Resources and Serv-
24 ices Administration—Rural Health" to remain available
25 until September 30, 2022, to carry out telehealth and

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1 rural health activities under sections 330A and 330I of
2 the PHS Act and sections 711 and 1820 of the Social
3 Security Act to prevent, prepare for, and respond to
4 coronavirus, domestically or internationally: *Provided fur-*
5 *ther*, That of the funding in the previous proviso, no less
6 than $15,000,000 shall be allocated to tribes, tribal orga-
7 nizations, urban Indian health organizations, or health
8 service providers to tribes: *Provided further*, That section
9 1820(g)(3)(A), section 1820(g)(3)(D) and section
10 1820(g)(3)(E) of such Act shall not apply to funds in the
11 preceding two provisos: *Provided further*, That funds ap-
12 propriated under this heading in this Act may be made
13 available to restore amounts, either directly or through re-
14 imbursement, for obligations incurred to prevent, prepare
15 for, and respond to coronavirus, domestically or inter-
16 nationally, prior to the date of enactment of this Act: *Pro-*
17 *vided further*, That for the purposes of any funding pro-
18 vided for fiscal year 2020 for the Health Centers Program
19 pursuant to section 330 of the PHS Act (42 U.S.C. 254b),
20 maintaining or increasing health center capacity and staff-
21 ing levels during a public health emergency related to
22 coronavirus shall be deemed a cost of prevention, diag-
23 nosis, and treatment of coronavirus: *Provided further*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.
3 For an additional amount for "Public Health and So-
4 cial Services Emergency Fund", $100,000,000,000, to re-
5 main available until expended, to prevent, prepare for, and
6 respond to coronavirus, domestically or internationally, for
7 necessary expenses to reimburse, through grants or other
8 mechanisms, eligible health care providers for health care
9 related expenses or lost revenues that are attributable to
10 coronavirus: *Provided*, That these funds may not be used
11 to reimburse expenses or losses that have been reimbursed
12 from other sources or that other sources are obligated to
13 reimburse: *Provided further*, That recipients of payments
14 under this paragraph shall submit reports and maintain
15 documentation as the Secretary determines are needed to
16 ensure compliance with conditions that are imposed by
17 this paragraph for such payments, and such reports and
18 documentation shall be in such form, with such content,
19 and in such time as the Secretary may prescribe for such
20 purpose: *Provided further*, That "eligible health care pro-
21 viders" means public entities, Medicare or Medicaid en-
22 rolled suppliers and providers, and such for-profit entities
23 and not-for-profit entities not otherwise described in this
24 proviso as the Secretary may specify, within the United
25 States (including territories), that provide diagnoses, test-

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1 ing, or care for individuals with possible or actual cases
2 of COVID–19: *Provided further*, That the Secretary of
3 Health and Human Services shall, on a rolling basis, re-
4 view applications and make payments under this para-
5 graph in this Act: *Provided further*, That funds appro-
6 priated under this paragraph in this Act shall be available
7 for building or construction of temporary structures, leas-
8 ing of properties, medical supplies and equipment includ-
9 ing personal protective equipment and testing supplies, in-
10 creased workforce and trainings, emergency operation cen-
11 ters, retrofitting facilities, and surge capacity: *Provided*
12 *further*, That, in this paragraph, the term ''payment''
13 means a pre-payment, prospective payment, or retrospec-
14 tive payment, as determined appropriate by the Secretary:
15 *Provided further*, That payments under this paragraph
16 shall be made in consideration of the most efficient pay-
17 ment systems practicable to provide emergency payment:
18 *Provided further*, That to be eligible for a payment under
19 this paragraph, an eligible health care provider shall sub-
20 mit to the Secretary of Health and Human Services an
21 application that includes a statement justifying the need
22 of the provider for the payment and the eligible health
23 care provider shall have a valid tax identification number:
24 *Provided further*, That, not later than 3 years after final
25 payments are made under this paragraph, the Office of

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1 Inspector General of the Department of Health and
2 Human Services shall transmit a final report on audit
3 findings with respect to this program to the Committees
4 on Appropriations of the House of Representatives and the
5 Senate: *Provided further*, That nothing in this section lim-
6 its the authority of the Inspector General or the Comp-
7 troller General to conduct audits of interim payments at
8 an earlier date: *Provided further*, That not later than 60
9 days after the date of enactment of this Act, the Secretary
10 of Health and Human Services shall provide a report to
11 the Committees on Appropriations of the House of Rep-
12 resentatives and the Senate on obligation of funds, includ-
13 ing obligations to such eligible health care providers sum-
14 marized by State of the payment receipt: *Provided further*,
15 That such reports shall be updated and submitted to such
16 Committees every 60 days until funds are expended: *Pro-*
17 *vided further*, That such amount is designated by the Con-
18 gress as being for an emergency requirement pursuant to
19 section 251(b)(2)(A)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985.

21 DEPARTMENT OF EDUCATION

22 EDUCATION STABILIZATION FUND

23 For an additional amount for ''Education Stabiliza-
24 tion Fund'', $30,750,000,000, to remain available through
25 September 30, 2021, to prevent, prepare for, and respond

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1 to coronavirus, domestically or internationally: *Provided*,
2 That such amount is designated by the Congress as being
3 for an emergency requirement pursuant to section
4 251(b)(2)(A)(i) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985.

6 GENERAL PROVISIONS

7 EDUCATION STABILIZATION FUND

8 SEC. 18001. (a) ALLOCATIONS.—From the amount
9 made available under this heading in this Act to carry out
10 the Education Stabilization Fund, the Secretary shall first
11 allocate—

12 (1) not more than 1/2 of 1 percent to the out-
13 lying areas on the basis of their respective needs, as
14 determined by the Secretary, in consultation with
15 the Secretary of the Interior;

16 (2) one-half of 1 percent for the Secretary of
17 Interior, in consultation with the Secretary of Edu-
18 cation, for programs operated or funded by the Bu-
19 reau of Indian Education; and

20 (3) 1 percent for grants to States with the
21 highest coronavirus burden to support activities
22 under this heading in this Act, for which the Sec-
23 retary shall issue a notice inviting applications not
24 later than 30 days of enactment of this Act and ap-

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1 prove or deny applications not later than 30 days
2 after receipt.
3 (b) RESERVATIONS.—After carrying out subsection
4 (a), the Secretary shall reserve the remaining funds made
5 available as follows:
6 (1) 9.8 percent to carry out section 18002 of
7 this title.
8 (2) 43.9 percent to carry out section 18003 of
9 this title.
10 (3) 46.3 percent to carry out section 18004 of
11 this title.
12 GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND
13 SEC. 18002. (a) GRANTS.—From funds reserved
14 under section 18001(b)(1) of this title, the Secretary shall
15 make Emergency Education Relief grants to the Governor
16 of each State with an approved application. The Secretary
17 shall issue a notice inviting applications not later than 30
18 days of enactment of this Act and shall approve or deny
19 applications not later than 30 days after receipt.
20 (b) ALLOCATIONS.—The amount of each grant under
21 subsection (a) shall be allocated by the Secretary to each
22 State as follows:
23 (1) 60 percent on the basis of their relative
24 population of individuals aged 5 through 24.

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1 (2) 40 percent on the basis of their relative
2 number of children counted under section 1124(c) of
3 the Elementary and Secondary Education Act of
4 1965 (referred to under this heading as "ESEA").
5 (c) USES OF FUNDS.—Grant funds awarded under
6 subsection (b) may be used to—
7 (1) provide emergency support through grants
8 to local educational agencies that the State edu-
9 cational agency deems have been most significantly
10 impacted by coronavirus to support the ability of
11 such local educational agencies to continue to pro-
12 vide educational services to their students and to
13 support the on-going functionality of the local edu-
14 cational agency;
15 (2) provide emergency support through grants
16 to institutions of higher education serving students
17 within the State that the Governor determines have
18 been most significantly impacted by coronavirus to
19 support the ability of such institutions to continue to
20 provide educational services and support the on-
21 going functionality of the institution; and
22 (3) provide support to any other institution of
23 higher education, local educational agency, or edu-
24 cation related entity within the State that the Gov-
25 ernor deems essential for carrying out emergency

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1 educational services to students for authorized ac-
2 tivities described in section 18003(d)(1) of this title
3 or the Higher Education Act, the provision of child
4 care and early childhood education, social and emo-
5 tional support, and the protection of education-re-
6 lated jobs.

7 (d) REALLOCATION.—Each Governor shall return to
8 the Secretary any funds received under this section that
9 the Governor does not award within one year of receiving
10 such funds and the Secretary shall reallocate such funds
11 to the remaining States in accordance with subsection (b).

12 ELEMENTARY AND SECONDARY SCHOOL EMERGENCY
13 RELIEF FUND

14 SEC. 18003. (a) GRANTS.—From funds reserved
15 under section 18001(b)(2) of this title, the Secretary shall
16 make elementary and secondary school emergency relief
17 grants to each State educational agency with an approved
18 application. The Secretary shall issue a notice inviting ap-
19 plications not later than 30 days of enactment of this Act
20 and approve or deny applications not later than 30 days
21 after receipt.

22 (b) ALLOCATIONS TO STATES.—The amount of each
23 grant under subsection (a) shall be allocated by the Sec-
24 retary to each State in the same proportion as each State

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1 received under part A of title I of the ESEA of 1965 in
2 the most recent fiscal year.
3 (c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
4 CIES.—Each State shall allocate not less than 90 percent
5 of the grant funds awarded to the State under this section
6 as subgrants to local educational agencies (including char-
7 ter schools that are local educational agencies) in the State
8 in proportion to the amount of funds such local edu-
9 cational agencies and charter schools that are local edu-
10 cational agencies received under part A of title I of the
11 ESEA of 1965 in the most recent fiscal year.
12 (d) USES OF FUNDS.—A local educational agency
13 that receives funds under this title may use the funds for
14 any of the following:
15 (1) Any activity authorized by the ESEA of
16 1965, including the Native Hawaiian Education Act
17 and the Alaska Native Educational Equity, Support,
18 and Assistance Act (20 U.S.C. 6301 et seq.), the In-
19 dividuals with Disabilities Education Act (20 U.S.C.
20 1400 et seq.) ("IDEA"), the Adult Education and
21 Family Literacy Act (20 U.S.C. 1400 et seq.), the
22 Carl D. Perkins Career and Technical Education
23 Act of 2006 (20 U.S.C. 2301 et seq.) ("the Perkins
24 Act"), or subtitle B of title VII of the McKinney-

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1 Vento Homeless Assistance Act (42 U.S.C. 11431 et
2 seq.).
3 (2) Coordination of preparedness and response
4 efforts of local educational agencies with State, local,
5 Tribal, and territorial public health departments,
6 and other relevant agencies, to improve coordinated
7 responses among such entities to prevent, prepare
8 for, and respond to coronavirus.
9 (3) Providing principals and others school lead-
10 ers with the resources necessary to address the
11 needs of their individual schools.
12 (4) Activities to address the unique needs of
13 low-income children or students, children with dis-
14 abilities, English learners, racial and ethnic minori-
15 ties, students experiencing homelessness, and foster
16 care youth, including how outreach and service deliv-
17 ery will meet the needs of each population.
18 (5) Developing and implementing procedures
19 and systems to improve the preparedness and re-
20 sponse efforts of local educational agencies.
21 (6) Training and professional development for
22 staff of the local educational agency on sanitation
23 and minimizing the spread of infectious diseases.

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1 (7) Purchasing supplies to sanitize and clean
2 the facilities of a local educational agency, including
3 buildings operated by such agency.
4 (8) Planning for and coordinating during long-
5 term closures, including for how to provide meals to
6 eligible students, how to provide technology for on-
7 line learning to all students, how to provide guidance
8 for carrying out requirements under the Individuals
9 with Disabilities Education Act (20 U.S.C. 1401 et
10 seq.) and how to ensure other educational services
11 can continue to be provided consistent with all Fed-
12 eral, State, and local requirements.
13 (9) Purchasing educational technology (includ-
14 ing hardware, software, and connectivity) for stu-
15 dents who are served by the local educational agency
16 that aids in regular and substantive educational
17 interaction between students and their classroom in-
18 structors, including low-income students and stu-
19 dents with disabilities, which may include assistive
20 technology or adaptive equipment.
21 (10) Providing mental health services and sup-
22 ports.
23 (11) Planning and implementing activities re-
24 lated to summer learning and supplemental after-
25 school programs, including providing classroom in-

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1 struction or online learning during the summer
2 months and addressing the needs of low-income stu-
3 dents, students with disabilities, English learners,
4 migrant students, students experiencing homeless-
5 ness, and children in foster care.
6 (12) Other activities that are necessary to
7 maintain the operation of and continuity of services
8 in local educational agencies and continuing to em-
9 ploy existing staff of the local educational agency.
10 (e) STATE FUNDING.—With funds not otherwise allo-
11 cated under subsection (c), a State may reserve not more
12 than 1/2 of 1 percent for administrative costs and the re-
13 mainder for emergency needs as determined by the state
14 educational agency to address issues responding to
15 coronavirus, which may be addressed through the use of
16 grants or contracts.
17 (f) REALLOCATION.—A State shall return to the Sec-
18 retary any funds received under this section that the State
19 does not award within 1 year of receiving such funds and
20 the Secretary shall reallocate such funds to the remaining
21 States in accordance with subsection (b).
22 HIGHER EDUCATION EMERGENCY RELIEF FUND
23 SEC. 18004. (a) IN GENERAL.—The Secretary shall
24 allocate funding under this section as follows:

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1 (1) 90 percent to each institution of higher edu-
2 cation to prevent, prepare for, and respond to
3 coronavirus, by apportioning it—
4 (A) 75 percent according to the relative
5 share of full-time equivalent enrollment of Fed-
6 eral Pell Grant recipients who are not exclu-
7 sively enrolled in distance education courses
8 prior to the coronavirus emergency; and
9 (B) 25 percent according to the relative
10 share of full-time equivalent enrollment of stu-
11 dents who were not Federal Pell Grant recipi-
12 ents who are not exclusively enrolled in distance
13 education courses prior to the coronavirus
14 emergency.
15 (2) 7.5 percent for additional awards under
16 parts A and B of title III, parts A and B of title
17 V, and subpart 4 of part A of title VII of the Higher
18 Education Act to address needs directly related to
19 coronavirus, that shall be in addition to awards
20 made in section 18004(a)(1) of this title, and allo-
21 cated by the Secretary proportionally to such pro-
22 grams based on the relative share of funding appro-
23 priated to such programs in the Further Consoli-
24 dated Appropriations Act, 2020 (Public Law 116–
25 94) and which may be used to defray expenses (in-

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1 cluding lost revenue, reimbursement for expenses al-
2 ready incurred, technology costs associated with a
3 transition to distance education, faculty and staff
4 trainings, payroll) incurred by institutions of higher
5 education and for grants to students for any compo-
6 nent of the student's cost of attendance (as defined
7 under section 472 of the Higher Education Act), in-
8 cluding food, housing, course materials, technology,
9 health care, and child care.
10 (3) 2.5 percent for part B of title VII of the
11 Higher Education Act for institutions of higher edu-
12 cation that the Secretary determines have the great-
13 est unmet needs related to coronavirus, which may
14 be used to defray expenses (including lost revenue,
15 reimbursement for expenses already incurred, tech-
16 nology costs associated with a transition to distance
17 education, faculty and staff trainings, payroll) in-
18 curred by institutions of higher education and for
19 grants to students for any component of the stu-
20 dent's cost of attendance (as defined under section
21 472 of the Higher Education Act), including food,
22 housing, course materials, technology, health care,
23 and child care.
24 (b) DISTRIBUTION.—The funds made available to
25 each institution under subsection (a)(1) shall be distrib-

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1 uted by the Secretary using the same systems as the Sec-
2 retary otherwise distributes funding to each institution
3 under title IV of the Higher Education Act of 1965 (20
4 U.S.C. 1001 et seq.).

5 (c) USES OF FUNDS.—Except as otherwise specified
6 in subsection (a), an institution of higher education receiv-
7 ing funds under this section may use the funds received
8 to cover any costs associated with significant changes to
9 the delivery of instruction due to the coronavirus, so long
10 as such costs do not include payment to contractors for
11 the provision of pre-enrollment recruitment activities; en-
12 dowments; or capital outlays associated with facilities re-
13 lated to athletics, sectarian instruction, or religious wor-
14 ship. Institutions of higher education shall use no less
15 than 50 percent of such funds to provide emergency finan-
16 cial aid grants to students for expenses related to the dis-
17 ruption of campus operations due to coronavirus (includ-
18 ing eligible expenses under a student's cost of attendance,
19 such as food, housing, course materials, technology, health
20 care, and child care).

21 (d) SPECIAL PROVISIONS.—(1) In awarding grants
22 under section 18004(a)(3) of this title, the Secretary shall
23 give priority to any institution of higher education that
24 is not otherwise eligible for funding under paragraphs (1)
25 and (2) of section 18004(a) of this title of at least

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1 $500,000 and demonstrates significant unmet needs re-
2 lated to expenses associated with coronavirus.
3 (2) A Historically Black College and University or a
4 Minority Serving Institution may use prior awards pro-
5 vided under titles III, V, and VII of the Higher Education
6 Act to prevent, prepare for, and respond to coronavirus.
7 (e) REPORT.—An institution receiving funds under
8 this section shall submit a report to the Secretary, at such
9 time and in such manner as the Secretary may require,
10 that describes the use of funds provided under this section.
11 ASSISTANCE TO NON-PUBLIC SCHOOLS
12 SEC. 18005. (a) IN GENERAL.—A local educational
13 agency receiving funds under sections 18002 or 18003 of
14 this title shall provide equitable services in the same man-
15 ner as provided under section 1117 of the ESEA of 1965
16 to students and teachers in non-public schools, as deter-
17 mined in consultation with representatives of non-public
18 schools.
19 (b) PUBLIC CONTROL OF FUNDS.—The control of
20 funds for the services and assistance provided to a non-
21 public school under subsection (a), and title to materials,
22 equipment, and property purchased with such funds, shall
23 be in a public agency, and a public agency shall administer
24 such funds, materials, equipment, and property and shall

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1 provide such services (or may contract for the provision
2 of such services with a public or private entity).

3 CONTINUED PAYMENT TO EMPLOYEES

4 SEC. 18006. A local educational agency, State, insti-
5 tution of higher education, or other entity that receives
6 funds under "Education Stabilization Fund", shall to the
7 greatest extent practicable, continue to pay its employees
8 and contractors during the period of any disruptions or
9 closures related to coronavirus.

10 DEFINITIONS

11 SEC. 18007. Except as otherwise provided in sections
12 18001–18006 of this title, as used in such sections—

13 (1) the terms "elementary education" and "sec-
14 ondary education" have the meaning given such
15 terms under State law;

16 (2) the term "institution of higher education"
17 has the meaning given such term in title I of the
18 Higher Education Act of 1965 (20 U.S.C. 1001 et
19 seq.);

20 (3) the term "Secretary" means the Secretary
21 of Education;

22 (4) the term "State" means each of the 50
23 States, the District of Columbia, and the Common-
24 wealth of Puerto Rico;

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1 (5) the term "cost of attendance" has the
2 meaning given such term in section 472 of the High-
3 er Education Act of 1965.
4 (6) the term "Non-public school" means a non-
5 public elementary and secondary school that (A) is
6 accredited, licensed, or otherwise operates in accord-
7 ance with State law; and (B) was in existence prior
8 to the date of the qualifying emergency for which
9 grants are awarded under this section;
10 (7) the term "public school" means a public ele-
11 mentary or secondary school; and
12 (8) any other term used that is defined in sec-
13 tion 8101 of the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C. 7801) shall have the
15 meaning given the term in such section.
16 MAINTENANCE OF EFFORT
17 SEC. 18008. (a) A State's application for funds to
18 carry out sections 18002 or 18003 of this title shall in-
19 clude assurances that the State will maintain support for
20 elementary and secondary education, and State support
21 for higher education (which shall include State funding to
22 institutions of higher education and state need-based fi-
23 nancial aid, and shall not include support for capital
24 projects or for research and development or tuition and
25 fees paid by students) in fiscal years 2020 and 2021 at

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1 least at the levels of such support that is the average of
2 such State's support for elementary and secondary edu-
3 cation and for higher education provided in the 3 fiscal
4 years preceding the date of enactment of this Act.

5 (b) The secretary may waive the requirement in sub-
6 section (a) for the purpose of relieving fiscal burdens on
7 States that have experienced a precipitous decline in fi-
8 nancial resources.

9 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

10 For an additional amount for ''Safe Schools and Citi-
11 zenship Education'', $100,000,000, to remain available
12 through September 30, 2021, to prevent, prepare for, and
13 respond to coronavirus, domestically or internationally, to
14 supplement funds otherwise available for ''Project
15 SERV'', including to help elementary, secondary and post-
16 secondary schools clean and disinfect affected schools, and
17 assist in counseling and distance learning and associated
18 costs: *Provided*, That such amount is designated by the
19 Congress as being for an emergency requirement pursuant
20 to section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 GALLAUDET UNIVERSITY

23 For an additional amount for ''Gallaudet University'',
24 $7,000,000, to remain available through September 30,
25 2021, to prevent, prepare for, and respond to coronavirus,

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1 domestically or internationally, including to help defray
2 the expenses directly caused by coronavirus and to enable
3 grants to students for expenses directly related to
4 coronavirus and the disruption of university operations:
5 *Provided*, That such amount is designated by the Congress
6 as being for an emergency requirement pursuant to sec-
7 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
8 gency Deficit Control Act of 1985.

9 STUDENT AID ADMINISTRATION

10 For an additional amount for "Student Aid Adminis-
11 tration", $40,000,000, to remain available through Sep-
12 tember 30, 2021, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally, for carrying
14 out part D of title I, and subparts 1, 3, 9 and 10 of part
15 A, and parts B, C, D, and E of title IV of the HEA, and
16 subpart 1 of part A of title VII of the Public Health Serv-
17 ice Act: *Provided*, That such amount is designated by the
18 Congress as being for an emergency requirement pursuant
19 to section 251(b)(2)(A)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985.

21 HOWARD UNIVERSITY

22 For an additional amount for "Howard University",
23 $13,000,000, to remain available through September 30,
24 2021, to prevent, prepare for, and respond to coronavirus,
25 domestically or internationally, including to help defray

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1 the expenses directly caused by coronavirus and to enable
2 grants to students for expenses directly related to
3 coronavirus and the disruption of university operations:
4 *Provided*, That such amount is designated by the Congress
5 as being for an emergency requirement pursuant to sec-
6 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985.

8 DEPARTMENTAL MANAGEMENT

9 PROGRAM ADMINISTRATION

10 For an additional amount for "Program Administra-
11 tion", $8,000,000, to remain available through September
12 30, 2021 to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 OFFICE OF THE INSPECTOR GENERAL

19 For an additional amount for "Office of the Inspector
20 General", $7,000,000, to remain available through Sep-
21 tember 30, 2022, to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally, including for
23 salaries and expenses necessary for oversight and audit
24 of programs, grants, and projects funded in this Act to
25 respond to coronavirus: *Provided*, That such amount is

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1 designated by the Congress as being for an emergency re-
2 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985.

4 CORPORATION FOR PUBLIC BROADCASTING

5 For an additional amount for "Corporation for Public
6 Broadcasting", $75,000,000, to remain available through
7 September 30, 2021, to prevent, prepare for, and respond
8 to coronavirus, including for fiscal stabilization grants to
9 public telecommunications entities, as defined by 47
10 U.S.C. 397(12), with no deduction for administrative or
11 other costs of the Corporation, to maintain programming
12 and services and preserve small and rural stations threat-
13 ened by declines in non-Federal revenues: *Provided*, That
14 such amount is designated by the Congress as being for
15 an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

19 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS
20 AND ADMINISTRATION

21 For an additional amount for "Institute of Museum
22 and Library Services", $50,000,000, to remain available
23 until September 30, 2021, to prevent, prepare for, and re-
24 spond to coronavirus, including grants to States, terri-
25 tories and tribes to expand digital network access, pur-

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1 chase internet accessible devices, and provide technical
2 support services: *Provided*, That any matching funds re-
3 quirements for States, tribes, libraries, and museums are
4 waived for grants provided with funds made available
5 under this heading in this Act: *Provided further*, That such
6 amount is designated by the Congress as being for an
7 emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 RAILROAD RETIREMENT BOARD

11 LIMITATION ON ADMINISTRATION

12 For an additional amount for the "Railroad Retire-
13 ment Board", $5,000,000, to remain available until Sep-
14 tember 30, 2021, to prevent, prepare for, and respond to
15 coronavirus, including the purchase of information tech-
16 nology equipment to improve the mobility of the workforce
17 and provide for additional hiring or overtime hours as
18 needed to administer the Railroad Unemployment Insur-
19 ance Act: *Provided*, That such amount is designated by
20 the Congress as being for an emergency requirement pur-
21 suant to section 251(b)(2)(A)(i) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985.

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1 SOCIAL SECURITY ADMINISTRATION

2 LIMITATION ON ADMINISTRATIVE EXPENSES

3 For an additional amount for "Limitation on Admin-
4 istrative Expenses", $300,000,000, to remain available
5 through September 30, 2021 to prevent, prepare for, and
6 respond to coronavirus, domestically or internationally, in-
7 cluding paying the salaries and benefits of all employees
8 affected as a result of office closures, telework, phone and
9 communication services for employees, overtime costs, and
10 supplies, and for resources necessary for processing dis-
11 ability and retirement workloads and backlogs: *Provided*,
12 That such amount is designated by the Congress as being
13 for an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 GENERAL PROVISIONS—THIS TITLE

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 18108. Funds appropriated by this title may be
19 used by the Secretary of the Department of Health and
20 Human Services to appoint, without regard to the provi-
21 sions of sections 3309 through 3319 of title 5 of the
22 United States Code, candidates needed for positions to
23 perform critical work relating to coronavirus for which—
24 (1) public notice has been given; and

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1 (2) the Secretary of Health and Human Serv-
2 ices has determined that such a public health threat
3 exists.

4 SEC. 18109. Funds made available by this title may
5 be used to enter into contracts with individuals for the
6 provision of personal services (as described in section 104
7 of part 37 of title 48, Code of Federal Regulations (48
8 CFR 37.104)) to support the prevention of, preparation
9 for, or response to coronavirus, domestically and inter-
10 nationally, subject to prior notification to the Committees
11 on Appropriations of the House of Representatives and the
12 Senate: *Provided*, That such individuals may not be
13 deemed employees of the United States for the purpose
14 of any law administered by the Office of Personnel Man-
15 agement: *Provided further*, That the authority made avail-
16 able pursuant to this section shall expire on September
17 30, 2024.

18 SEC. 18110. (a) If services performed by an employee
19 during fiscal year 2020 are determined by the head of the
20 agency to be primarily related to preparation, prevention,
21 or response to coronavirus, any premium pay for such
22 services shall be disregarded in calculating the aggregate
23 of such employee's basic pay and premium pay for pur-
24 poses of a limitation under section 5547(a) of title 5,
25 United States Code, or under any other provision of law,

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1 whether such employee's pay is paid on a biweekly or cal-
2 endar year basis.
3 (b) Any overtime pay for such services shall be dis-
4 regarded in calculating any annual limit on the amount
5 of overtime pay payable in a calendar or fiscal year.
6 (c) With regard to such services, any pay that is dis-
7 regarded under either subsection (a) or (b) shall be dis-
8 regarded in calculating such employee's aggregate pay for
9 purposes of the limitation in section 5307 of such title 5.
10 (d)(1) Pay that is disregarded under subsection (a)
11 or (b) shall not cause the aggregate of the employee's basic
12 pay and premium pay for the applicable calendar year to
13 exceed the rate of basic pay payable for a position at level
14 II of the Executive Schedule under section 5313 of title
15 5, United States Code, as in effect at the end of such cal-
16 endar year.
17 (2) For purposes of applying this subsection to an
18 employee who would otherwise be subject to the premium
19 pay limits established under section 5547 of title 5, United
20 States Code, "premium pay" means the premium pay paid
21 under the provisions of law cited in section 5547(a).
22 (3) For purposes of applying this subsection to an
23 employee under a premium pay limit established under an
24 authority other than section 5547 of title 5, United States
25 Code, the agency responsible for administering such limit

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1 shall determine what payments are considered premium
2 pay.
3 (e) This section shall take effect as if enacted on Feb-
4 ruary 2, 2020.
5 (f) If application of this section results in the pay-
6 ment of additional premium pay to a covered employee of
7 a type that is normally creditable as basic pay for retire-
8 ment or any other purpose, that additional pay shall not—
9 (1) be considered to be basic pay of the covered
10 employee for any purpose; or
11 (2) be used in computing a lump-sum payment
12 to the covered employee for accumulated and ac-
13 crued annual leave under section 5551 or section
14 5552 of title 5, United States Code.
15 SEC. 18111. Funds appropriated by this title to the
16 heading "Department of Health and Human Services"
17 may be transferred to, and merged with, other appropria-
18 tion accounts under the headings "Centers for Disease
19 Control and Prevention", "Public Health and Social Serv-
20 ices Emergency Fund", "Administration for Children and
21 Families", "Administration for Community Living", and
22 "National Institutes of Health" to prevent, prepare for,
23 and respond to coronavirus following consultation with the
24 Office of Management and Budget: *Provided*, That the
25 Committees on Appropriations of the House of Represent-

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1 atives and the Senate shall be notified 10 days in advance
2 of any such transfer: *Provided further*, That, upon a deter-
3 mination that all or part of the funds transferred from
4 an appropriation by this title are not necessary, such
5 amounts may be transferred back to that appropriation:
6 *Provided further*, That none of the funds made available
7 by this title may be transferred pursuant to the authority
8 in section 205 of division A of Public Law 116–94 or sec-
9 tion 241(a) of the PHS Act.

10 SEC. 18112. Not later than 30 days after the date
11 of enactment of this Act, the Secretary of Health and
12 Human Services shall provide a detailed spend plan of an-
13 ticipated uses of funds made available to the Department
14 of Health and Human Services in this Act, including esti-
15 mated personnel and administrative costs, to the Commit-
16 tees on Appropriations of the House of Representatives
17 and the Senate: *Provided*, That such plans shall be up-
18 dated and submitted to such Committees every 60 days
19 until September 30, 2024: *Provided further*, That the
20 spend plans shall be accompanied by a listing of each con-
21 tract obligation incurred that exceeds $5,000,000 which
22 has not previously been reported, including the amount of
23 each such obligation.

24 SEC. 18113. Of the funds appropriated by this title
25 under the heading "Public Health and Social Services

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1 Emergency Fund'', up to $4,000,000 shall be transferred
2 to, and merged with, funds made available under the head-
3 ing ''Office of the Secretary, Office of Inspector General'',
4 and shall remain available until expended, for oversight
5 of activities supported with funds appropriated to the De-
6 partment of Health and Human Services to prevent, pre-
7 pare for, and respond to coronavirus, domestically or
8 internationally: *Provided*, That the Inspector General of
9 the Department of Health and Human Services shall con-
10 sult with the Committees on Appropriations of the House
11 of Representatives and the Senate prior to obligating such
12 funds: *Provided further*, That the transfer authority pro-
13 vided by this section is in addition to any other transfer
14 authority provided by law.

15 SEC. 18114. (a) Funds appropriated in title III of
16 the Coronavirus Preparedness and Response Supple-
17 mental Appropriations Act, 2020 (Public Law 116–123)
18 shall be paid to the ''Department of Homeland Security—
19 Countering Weapons of Mass Destruction Office—Federal
20 Assistance''account for costs incurred, including to reim-
21 burse costs incurred prior to the enactment of this Act,
22 under other transaction authority and related to screening
23 for coronavirus, domestically or internationally.

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1 (b) The term coronavirus has the meaning given the
2 term in section 506 of the Coronavirus Preparedness and
3 Response Supplemental Appropriations Act, 2020.
4 (c) The amounts repurposed in this section that were
5 previously designated by the Congress as an emergency
6 requirement pursuant to the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985 are designated by the
8 Congress as an emergency requirement pursuant to sec-
9 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.
11 SEC. 18115. (a) IN GENERAL.—Every laboratory
12 that performs or analyzes a test that is intended to detect
13 SARS–CoV–2 or to diagnose a possible case of COVID–
14 19 shall report the results from each such test, to the Sec-
15 retary of Health and Human Services in such form and
16 manner, and at such timing and frequency, as the Sec-
17 retary may prescribe until the end of the Secretary's Pub-
18 lic Health Emergency declaration with respect to COVID–
19 19 or any extension of such declaration.
20 (b) LABORATORIES COVERED.—The Secretary may
21 prescribe which laboratories must submit reports pursuant
22 to this section.
23 (c) IMPLEMENTATION.—The Secretary may make
24 prescriptions under this section by regulation, including
25 by interim final rule, or by guidance, and may issue such

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1 regulations or guidance without regard to the procedures
2 otherwise required by section 553 of title 5, United States
3 Code.
4 (d) REPEALER.—Section 1702 of division A of the
5 Families First Coronavirus Response Act is repealed.

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# TITLE IX

## LEGISLATIVE BRANCH

## SENATE

### CONTINGENT EXPENSES OF THE SENATE

#### SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For an additional amount for "Sergeant at Arms and Doorkeeper of the Senate", $1,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous Items", $9,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, subject to approval by the Committee on Appropriations of the Senate and the Senate Committee on Rules and Administration: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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1 HOUSE OF REPRESENTATIVES

2 SALARIES AND EXPENSES

3 For an additional amount for "Salaries and Ex-
4 penses", $25,000,000, to remain available until September
5 30, 2021, except that $5,000,000 shall remain available
6 until expended, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, to be allo-
8 cated in accordance with a spend plan submitted to the
9 Committee on Appropriations of the House of Representa-
10 tives by the Chief Administrative Officer and approved by
11 such Committee: *Provided*, That such amount is des-
12 ignated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 JOINT ITEMS

16 OFFICE OF THE ATTENDING PHYSICIAN

17 For an additional amount for "Office of the Attend-
18 ing Physician", $400,000, to remain available until ex-
19 pended, to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally: *Provided*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 CAPITOL POLICE

2 SALARIES

3 For an additional amount for "Salaries",
4 $12,000,000, to remain available until September 30,
5 2021, to prevent, prepare for, and respond to coronavirus,
6 domestically or internationally: *Provided*, That the Capitol
7 Police may transfer amounts appropriated under this
8 heading in this Act to "General Expenses" without the
9 approval requirement of 2 U.S.C. 1907(a): *Provided fur-*
10 *ther*, That such amount is designated by the Congress as
11 being for an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 ARCHITECT OF THE CAPITOL

15 CAPITAL CONSTRUCTION AND OPERATIONS

16 For an additional amount for "Capital Construction
17 and Operations", $25,000,000, to remain available until
18 September 30, 2021, to prevent, prepare for, and respond
19 to coronavirus, domestically or internationally, including
20 to purchase and distribute cleaning and sanitation prod-
21 ucts throughout all facilities and grounds under the care
22 of the Architect of the Capitol, wherever located, and any
23 related services and operational costs: *Provided*, That the
24 Architect of the Capitol shall provide a report within 30
25 days enactment of this Act, and every 30 days thereafter,

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1 to the Committees on Appropriations of the Senate and
2 House of Representatives, the Senate Committee on Rules
3 and Administration, and the Committee on House Admin-
4 istration on expenditure of funds from amounts appro-
5 priated under this heading in this Act: *Provided further*,
6 That this amount shall be in addition to any other funds
7 available for such purposes in appropriations Acts for the
8 legislative branch: *Provided further*, That such amount is
9 designated by the Congress as being for an emergency re-
10 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 LIBRARY OF CONGRESS

13 SALARIES AND EXPENSES

14 For an additional amount for ''Salaries and Ex-
15 penses'', $700,000, to remain available until September
16 30, 2020, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally, to be made
18 available to the Little Scholars Child Development Center,
19 subject to approval by the Committees on Appropriations
20 of the Senate and House of Representatives, the Senate
21 Committee on Rules and Administration, and the Com-
22 mittee on House Administration: *Provided*, That such
23 amount is designated by the Congress as being for an
24 emergency requirement pursuant to section

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

3 GOVERNMENT ACCOUNTABILITY OFFICE

4 SALARIES AND EXPENSES

5 For an additional amount for "Salaries and Ex-
6 penses", $20,000,000, to remain available until expended,
7 to prevent, prepare for, and respond to coronavirus, do-
8 mestically or internationally, for audits and investigations
9 and for reimbursement of the Tiny Findings Child Devel-
10 opment Center for salaries for employees, as authorized
11 by this Act: *Provided*, That not later than 90 days after
12 the date of enactment of this Act, the Government Ac-
13 countability Office shall submit to the Committees on Ap-
14 propriations of the House of Representatives and the Sen-
15 ate a spend plan specifying funding estimates and a
16 timeline for such audits and investigations: *Provided fur-*
17 *ther*, That $600,000 shall be made available to the Tiny
18 Findings Child Development Center, subject to approval
19 by the Committees on Appropriations of the Senate and
20 House of Representatives, the Senate Committee on Rules
21 and Administration, and the Committee on House Admin-
22 istration: *Provided further*, That such amount is des-
23 ignated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

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1 GENERAL PROVISIONS—THIS TITLE

2 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
3 AND EXPENSES OF SENATE EMPLOYEE CHILD CARE
4 CENTER

5 SEC. 19001. The Secretary of the Senate shall reim-
6 burse the Senate Employee Child Care Center for per-
7 sonnel costs incurred starting on April 1, 2020, for em-
8 ployees of such Center who have been ordered to cease
9 working due to measures taken in the Capitol complex to
10 combat coronavirus, not to exceed $84,000 per month,
11 from amounts in the appropriations account "Miscella-
12 neous Items" within the contingent fund of the Senate.

13 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
14 AND EXPENSES OF HOUSE OF REPRESENTATIVES
15 CHILD CARE CENTER

16 SEC. 19002. (a) AUTHORIZING USE OF REVOLVING
17 FUND OR APPROPRIATED FUNDS.—Section 312(d)(3)(A)
18 of the Legislative Branch Appropriations Act, 1992 (2
19 U.S.C. 2062(d)(3)(A)) is amended—

20 (1) in subparagraph (A), by striking the period
21 at the end and inserting the following: ", and, at the
22 option of the Chief Administrative Officer during an
23 emergency situation, the payment of the salary of
24 other employees of the Center."; and

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

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"(C) During an emergency situation, the payment of such other expenses for activities carried out under this section as the Chief Administrative Officer determines appropriate.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2020 and each succeeding fiscal year.

PAYMENTS TO ENSURE CONTINUING AVAILABILITY OF GOODS AND SERVICES DURING THE CORONAVIRUS EMERGENCY

SEC. 19003. (a) AUTHORIZATION TO MAKE PAYMENTS.—Notwithstanding any other provision of law and subject to subsection (b), during an emergency situation, the Chief Administrative Officer of the House of Representatives may make payments under contracts with vendors providing goods and services to the House in amounts and under terms and conditions other than those provided under the contract in order to ensure that those goods and services remain available to the House throughout the duration of the emergency.

(b) CONDITIONS.—

(1) APPROVAL REQUIRED.—The Chief Administrative Officer may not make payments under the authority of subsection (a) without the approval of the Committee on House Administration of the House of Representatives.

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1 (2) AVAILABILITY OF APPROPRIATIONS.—The
2 authority of the Chief Administrative Officer to
3 make payments under the authority of subsection
4 (a) is subject to the availability of appropriations to
5 make such payments.
6 (c) APPLICABILITY.—This section shall apply with re-
7 spect to fiscal year 2020 and each succeeding fiscal year.
8 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
9 AND EXPENSES OF LITTLE SCHOLARS CHILD DEVEL-
10 OPMENT CENTER
11 SEC. 19004. The Library of Congress shall reimburse
12 Little Scholars Child Development Center for salaries for
13 employees incurred from April 1, 2020, to September 30,
14 2020, for employees of such Center who have been ordered
15 to cease working due to measures taken in the Capitol
16 complex to combat coronavirus, not to exceed $113,000
17 per month, from amounts in the appropriations account
18 "Library of Congress—Salaries and Expenses".
19 AUTHORIZING PAYMENTS UNDER SERVICE CONTRACTS
20 DURING THE CORONAVIRUS EMERGENCY
21 SEC. 19005. (a) AUTHORIZING PAYMENTS.—Not-
22 withstanding section 3324(a) of title 31, United States
23 Code, or any other provision of law and subject to sub-
24 section (b), if the employees of a contractor with a service
25 contract with the Architect of the Capitol are furloughed
26 or otherwise unable to work during closures, stop work

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1 orders, or reductions in service arising from or related to
2 the impacts of coronavirus, the Architect of the Capitol
3 may continue to make the payments provided for under
4 the contract for the weekly salaries and benefits of such
5 employees for not more than 16 weeks.

6 (b) AVAILABILITY OF APPROPRIATIONS.—The au-
7 thority of the Architect of the Capitol to make payments
8 under the authority of subsection (a) is subject to the
9 availability of appropriations to make such payments.

10 (c) REGULATIONS.—The Architect of the Capitol
11 shall promulgate such regulations as may be necessary to
12 carry out this section.

13 MASS MAILINGS AS FRANKED MAIL

14 SEC. 19006. (a) WAIVER.—Section 3210(a)(6)(D) of
15 title 39, United States Code, is amended by striking the
16 period at the end of the first sentence and inserting the
17 following: ", and in the case of the Commission, to waive
18 this paragraph in the case of mailings sent in response
19 to or to address threats to life safety.".

20 (b) EFFECTIVE DATE.—The amendments made by
21 this subsection shall apply with respect to mailings sent
22 on or after the date of the enactment of this Act.

23 TECHNICAL CORRECTION

24 SEC. 19007. In the matter preceding the first proviso
25 under the heading "Library of Congress—Salaries and
26 Expenses" in division E of the Further Consolidated Ap-

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1 propriations Act, 2020 (Public Law 116–94), strike "
2 $504,164,000" and insert " $510,164,000".

3 CONFORMING AMENDMENT

4 SEC. 19008. Section 110(a)(1)(A) of the Family and
5 Medical Leave Act of 1993 (as added by section 3102 of
6 the Families First Coronavirus Response Act (Public Law
7 116–127)) is amended—

8 (1) by inserting before "In lieu of" the fol-
9 lowing:

10 "(i) IN GENERAL.—"; and

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

12 "(ii) SPECIAL RULE.—For purposes of
13 applying section 102(a)(1)(F) and this sec-
14 tion under the Congressional Account-
15 ability Act of 1995, in lieu of the definition
16 in section 202(a)(2)(B) of that Act (2
17 U.S.C. 1312(a)(2)(B)), the term 'eligible
18 employee' means a covered employee (as
19 defined in section 101 of that Act (2
20 U.S.C. 1301)) who has been employed for
21 at least 30 calendar days by the employing
22 office (as so defined) with respect to whom
23 leave is requested under section
24 102(a)(1)(F).".

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1 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
2 AND EXPENSES OF TINY FINDINGS CHILD DEVELOP-
3 MENT CENTER

4 SEC. 19009. The Government Accountability Office
5 may reimburse the Tiny Findings Child Development Cen-
6 ter for salaries for employees incurred from April 1, 2020,
7 to September 30, 2020, for employees of such Center who
8 have been ordered to cease working due to measures taken
9 in the Capitol complex to combat coronavirus, not to ex-
10 ceed $100,000 per month, from amounts in the appropria-
11 tions account "Government Accountability Office—Sala-
12 ries and Expenses".

13 OVERSIGHT AND AUDIT AUTHORITY

14 SEC. 19010. (a) DEFINITIONS.—In this section—
15 (1) the term "appropriate congressional com-
16 mittees" means—
17 (A) the Committee on Appropriations of
18 the Senate;
19 (B) the Committee on Homeland Security
20 and Governmental Affairs of the Senate;
21 (C) the Committee on Health, Education,
22 Labor, and Pensions of the Senate;
23 (D) the Committee on Appropriations of
24 the House of Representatives;
25 (E) the Committee on Homeland Security
26 of the House of Representatives;

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1 (F) the Committee on Oversight and Re-
2 form of the House of Representatives; and
3 (G) the Committee on Energy and Com-
4 merce of the House of Representatives; and
5 (2) the term "Comptroller General" means the
6 Comptroller General of the United States.
7 (b) AUTHORITY.—The Comptroller General shall con-
8 duct monitoring and oversight of the exercise of authori-
9 ties, or the receipt, disbursement, and use of funds made
10 available, under this Act or any other Act to prepare for,
11 respond to, and recover from the Coronavirus 2019 pan-
12 demic and the effect of the pandemic on the health, econ-
13 omy, and public and private institutions of the United
14 States, including public health and homeland security ef-
15 forts by the Federal Government and the use of selected
16 funds under this or any other Act related to the
17 Coronavirus 2019 pandemic and a comprehensive audit
18 and review of charges made to Federal contracts pursuant
19 to authorities provided in the Coronavirus Aid, Relief, and
20 Economic Security Act.
21 (c) BRIEFINGS AND REPORTS.—In conducting moni-
22 toring and oversight under subsection (b), the Comptroller
23 General shall—
24 (1) during the period beginning on the date of
25 enactment of this Act and ending on the date on

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which the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) expires, offer regular briefings on not less frequently than a monthly basis to the appropriate congressional committees regarding Federal public health and homeland security efforts;

(2) publish reports regarding the ongoing monitoring and oversight efforts, which, along with any audits and investigations conducted by the Comptroller General, shall be submitted to the appropriate congressional committees and posted on the website of the Government Accountability Office—

(A) not later than 90 days after the date of enactment of this Act, and every other month thereafter until the date that is 1 year after the date of enactment of this Act; and

(B) after the period described in subparagraph (A), on a periodic basis; and

(3) submit to the appropriate congressional committees additional reports as warranted by the findings of the monitoring and oversight activities of the Comptroller General.

(d) ACCESS TO INFORMATION.—

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1 (1) RIGHT OF ACCESS.—In conducting moni-
2 toring and oversight activities under this section, the
3 Comptroller General shall have access to records,
4 upon request, of any Federal, State, or local agency,
5 contractor, grantee, recipient, or subrecipient per-
6 taining to any Federal effort or assistance of any
7 type related to the Coronavirus 2019 pandemic
8 under this Act or any other Act, including private
9 entities receiving such assistance.
10 (2) COPIES.—The Comptroller General may
11 make and retain copies of any records accessed
12 under paragraph (1) as the Comptroller General de-
13 termines appropriate.
14 (3) INTERVIEWS.—In addition to such other au-
15 thorities as are available, the Comptroller General or
16 a designee of the Comptroller General may interview
17 Federal, State, or local officials, contractor staff,
18 grantee staff, recipients, or subrecipients pertaining
19 to any Federal effort or assistance of any type re-
20 lated to the Coronavirus 2019 pandemic under this
21 or any other Act, including private entities receiving
22 such assistance.
23 (4) INSPECTION OF FACILITIES.—As deter-
24 mined necessary by the Comptroller General, the
25 Government Accountability Office may inspect facili-

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ties at which Federal, State, or local officials, contractor staff, grantee staff, or recipients or subrecipients carry out their responsibilities related to the Coronavirus 2019 pandemic.

(5) ENFORCEMENT.—Access rights under this subsection shall be subject to enforcement consistent with section 716 of title 31, United States Code.

(e) RELATIONSHIP TO EXISTING AUTHORITY.—Nothing in this section shall be construed to limit, amend, supersede, or restrict in any manner any existing authority of the Comptroller General.

NATIONAL EMERGENCY RELIEF AUTHORITY FOR THE REGISTER OF COPYRIGHTS

SEC. 19011. (a) AMENDMENT.—Chapter 7 of title 17, United States Code, is amended by adding at the end the following:

**"§ 710. Emergency relief authority**

"(a) EMERGENCY ACTION.—If, on or before December 31, 2021, the Register of Copyrights determines that a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) generally disrupts or suspends the ordinary functioning of the copyright system under this title, or any component thereof, including on a regional basis, the Register may, on a temporary basis, toll, waive, adjust, or modify any timing provision (including any deadline or effective period, ex-

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1 cept as provided in subsection (c)) or procedural provision
2 contained in this title or chapters II or III of title 37,
3 Code of Federal Regulations, for no longer than the Reg-
4 ister reasonably determines to be appropriate to mitigate
5 the impact of the disruption caused by the national emer-
6 gency. In taking such action, the Register shall consider
7 the scope and severity of the particular national emer-
8 gency, and its specific effect with respect to the particular
9 provision, and shall tailor any remedy accordingly.

10 "(b) NOTICE AND EFFECT.—Any action taken by the
11 Register in response to a national emergency pursuant to
12 subsection (a) shall not be subject to section 701(e) or
13 subchapter II of chapter 5 of title 5, United States Code,
14 and chapter 7 of title 5, United States Code. The provision
15 of general public notice detailing the action being taken
16 by the Register in response to the national emergency
17 under subsection (a) is sufficient to effectuate such action.
18 The Register may make such action effective both prospec-
19 tively and retroactively in relation to a particular provision
20 as the Register determines to be appropriate based on the
21 timing, scope, and nature of the public emergency, but any
22 action by the Register may only be retroactive with respect
23 to a deadline that has not already passed before the dec-
24 laration described in subsection (a).

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1 "(c) STATEMENT REQUIRED.—Except as provided in
2 subsection (d), not later than 20 days after taking any
3 action that results in a provision being modified for a cu-
4 mulative total of longer than 120 days, the Register shall
5 submit to Congress a statement detailing the action taken,
6 the relevant background, and rationale for the action.
7 "(d) EXCEPTIONS.—The authority of the Register to
8 act under subsection (a) does not extend provisions under
9 this title requiring the commencement of an action or pro-
10 ceeding in Federal court within a specified period of time,
11 except that if the Register adjusts the license availability
12 date defined in section 115(e)(15), such adjustment shall
13 not affect the ability to commence actions for any claim
14 of infringement of exclusive rights provided by paragraphs
15 (1) and (3) of section 106 against a digital music provider
16 arising from the unauthorized reproduction or distribution
17 of a musical work by such digital music provider in the
18 course of engaging in covered activities that accrued after
19 January 1, 2018, provided that such action is commenced
20 within the time periods prescribed under section
21 115(d)(10)(C)(i) or 115(d)(10)(C)(ii) as calculated from
22 the adjusted license availability date. If the Register ad-
23 justs the license availability date, the Register must pro-
24 vide the statement to Congress under subsection (c) at the

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1 same time as the public notice of such adjustment with
2 a detailed explanation of why such adjustment is needed.
3 "(e) COPYRIGHT TERM EXCEPTION.—The authority
4 of the Register to act under subsection (a) does not extend
5 to provisions under chapter 3, except section 304(c), or
6 section 1401(a)(2).
7 "(f) OTHER LAWS.—Notwithstanding section 301 of
8 the National Emergencies Act (50 U.S.C. 1631), the au-
9 thority of the Register under subsection (a) is not contin-
10 gent on a specification made by the President under such
11 section or any other requirement under that Act (other
12 than the emergency declaration under section 201(a) of
13 such Act (50 U.S.C. 1621(a))). The authority described
14 in this section supersedes the authority of title II of the
15 National Emergencies Act (50 U.S.C. 1621 et seq.).".
16 (b) TECHNICAL AND CONFORMING AMENDMENT.—
17 The table of sections for chapter 7 of title 17, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

"710. Emergency relief authority.".

20 (c) EMERGENCY REQUIREMENT.—The amount pro-
21 vided by this section is designated by the Congress as
22 being for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 TITLE X

2 DEPARTMENT OF VETERANS AFFAIRS

3 VETERANS BENEFITS ADMINISTRATION

4 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

5 ADMINISTRATION

6 For an additional amount for "General Operating
7 Expenses, Veterans Benefits Administration",
8 $13,000,000, to remain available until September 30,
9 2021, to prevent, prepare for, and respond to coronavirus,
10 domestically or internationally: *Provided*, That such
11 amount is designated by the Congress as being for an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 VETERANS HEALTH ADMINISTRATION

16 MEDICAL SERVICES

17 For an additional amount for "Medical Services",
18 $14,432,000,000, to remain available until September 30,
19 2021, to prevent, prepare for, and respond to coronavirus,
20 domestically or internationally, including related impacts
21 on health care delivery, and for support to veterans who
22 are homeless or at risk of becoming homeless: *Provided*,
23 That such amount is designated by the Congress as being
24 for an emergency requirement pursuant to section

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

3 MEDICAL COMMUNITY CARE

4 For an additional amount for "Medical Community
5 Care", $2,100,000,000, to remain available until Sep-
6 tember 30, 2021, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including re-
8 lated impacts on health care delivery: *Provided*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 MEDICAL SUPPORT AND COMPLIANCE

14 For an additional amount for "Medical Support and
15 Compliance", $100,000,000, to remain available until
16 September 30, 2021, to prevent, prepare for, and respond
17 to coronavirus, domestically or internationally, including
18 related impacts on health care delivery: *Provided*, That
19 such amount is designated by the Congress as being for
20 an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 MEDICAL FACILITIES

24 For an additional amount for "Medical Facilities",
25 $606,000,000, to remain available until September 30,

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1 2021, to prevent, prepare for, and respond to coronavirus,
2 domestically or internationally, including related impacts
3 on health care delivery: *Provided*, That such amount is
4 designated by the Congress as being for an emergency re-
5 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 DEPARTMENTAL ADMINISTRATION

8 GENERAL ADMINISTRATION

9 For an additional amount for ''General Administra-
10 tion'', $6,000,000, to remain available until September 30,
11 2021, to prevent, prepare for, and respond to coronavirus,
12 domestically or internationally: *Provided*, That such
13 amount is designated by the Congress as being for an
14 emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 INFORMATION TECHNOLOGY SYSTEMS

18 For an additional amount for ''Information Tech-
19 nology Systems'', $2,150,000,000, to remain available
20 until September 30, 2021, to prevent, prepare for, and re-
21 spond to coronavirus, domestically or internationally, in-
22 cluding related impacts on health care delivery: *Provided*,
23 That the Secretary shall transmit to the Committees on
24 Appropriations of both Houses of Congress a spend plan
25 detailing the allocation of such funds between pay and as-

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1 sociated costs, operations and maintenance, and informa-
2 tion technology systems development: *Provided further*,
3 That after such transmittal is provided, funds may only
4 be reprogrammed among the three subaccounts referenced
5 in the previous proviso after the Secretary of Veterans Af-
6 fairs submits notice to the Committees on Appropriations
7 of both Houses of Congress: *Provided further*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 OFFICE OF INSPECTOR GENERAL

13 For an additional amount for ''Office of Inspector
14 General'', $12,500,000, to remain available until Sep-
15 tember 30, 2022, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally, for oversight
17 and audit of programs, activities, grants and projects
18 funded under this title: *Provided*, That such amount is
19 designated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

22 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
23 FACILITIES

24 For an additional amount for ''Grants for Construc-
25 tion of State Extended Care Facilities'', $150,000,000, to

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1 remain available until September 30, 2021, to prevent,
2 prepare for, and respond to coronavirus, domestically or
3 internationally, including to modify or alter existing hos-
4 pital, nursing home, and domiciliary facilities in State
5 homes: *Provided*, That such amount is designated by the
6 Congress as being for an emergency requirement pursuant
7 to section 251(b)(2)(A)(i) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 RELATED AGENCIES

10 ARMED FORCES RETIREMENT HOME TRUST FUND

11 For an additional amount for the ''Armed Forces Re-
12 tirement Home Trust Fund'', $2,800,000, to remain avail-
13 able until September 30, 2021, to prevent, prepare for,
14 and respond to coronavirus, to be paid from funds avail-
15 able in the Armed Forces Retirement Home Trust Fund:
16 *Provided*, That of the amounts made available under this
17 heading from funds available in the Armed Forces Retire-
18 ment Home Trust Fund, $2,800,000 shall be paid from
19 the general fund of the Treasury to the Trust Fund: *Pro-*
20 *vided further*, That the Chief Executive Officer of the
21 Armed Forces Retirement Home shall submit to the Com-
22 mittees on Appropriations of both Houses of Congress
23 monthly reports detailing obligations, expenditures, and
24 planned activities: *Provided further*, That such amount is
25 designated by the Congress as being for an emergency re-

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

3 GENERAL PROVISIONS—THIS TITLE

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 20001. Amounts made available for the Depart-
6 ment of Veterans Affairs in this title, under the ''Medical
7 Services'', ''Medical Community Care'', ''Medical Support
8 and Compliance'', and ''Medical Facilities'' accounts may
9 be transferred among the accounts to prevent, prepare for,
10 and respond to coronavirus, domestically and internation-
11 ally: *Provided*, That any transfers among the ''Medical
12 Services'', ''Medical Community Care'', ''Medical Support
13 and Compliance'', and ''Medical Facilities'' accounts of 2
14 percent or less of the total amount appropriated to an ac-
15 count in this title may take place subject to notification
16 from the Secretary of Veterans Affairs to the Committees
17 on Appropriations of both Houses of Congress of the
18 amount and purpose of the transfer: *Provided further*,
19 That any transfers among the ''Medical Services'', ''Med-
20 ical Community Care'', ''Medical Support and Compli-
21 ance'', and ''Medical Facilities'' accounts in excess of 2
22 percent of the total amount appropriated to an account
23 in this title, or exceeding a cumulative 2 percent for all
24 of the funds provided in this title, may take place only
25 after the Secretary requests from the Committees on Ap-

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1 propriations of both Houses of Congress the authority to
2 make the transfer and an approval is issued.

3 SEC. 20002. For all of the funds appropriated in this
4 title the Secretary of Veterans Affairs shall submit to the
5 Committees on Appropriations of both Houses of Congress
6 monthly reports detailing obligations, expenditures, and
7 planned activities.

8 PUBLIC HEALTH EMERGENCY

9 SEC. 20003. In this title, the term "public health
10 emergency" means an emergency with respect to COVID–
11 19 declared by a Federal, State, or local authority.

12 SHORT-TERM AGREEMENTS OR CONTRACTS WITH TELE-
13 COMMUNICATIONS PROVIDERS TO EXPAND TELE-
14 MENTAL HEALTH SERVICES FOR ISOLATED VET-
15 ERANS DURING A PUBLIC HEALTH EMERGENCY

16 SEC. 20004. (a) IN GENERAL.—Notwithstanding any
17 other provision of law, the Secretary of Veterans Affairs
18 may enter into short-term agreements or contracts with
19 telecommunications companies to provide temporary, com-
20 plimentary or subsidized, fixed and mobile broadband
21 services for the purposes of providing expanded mental
22 health services to isolated veterans through telehealth or
23 VA Video Connect during a public health emergency.

24 (b) ELIGIBILITY.—

25 (1) IN GENERAL.—The Secretary may expand
26 eligibility for services described in subsection (a)

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1 from the Department of Veterans Affairs to include
2 veterans already receiving care from the Department
3 who may not be eligible for mental health services or
4 other health care services delivered through tele-
5 health or VA Video Connect.
6 (2) PRIORITY.—For purposes of expanding eli-
7 gibility under paragraph (1), the Secretary shall
8 prioritize—
9 (A) veterans who are in unserved and un-
10 derserved areas;
11 (B) veterans who reside in rural and highly
12 rural areas, as defined in the Rural-Urban
13 Commuting Areas coding system of the Depart-
14 ment of Agriculture;
15 (C) low-income veterans; and
16 (D) any other veterans that the Secretary
17 considers to be at a higher risk for suicide and
18 mental health concerns during isolation periods
19 due to a public health emergency.
20 (c) DEFINITIONS.—In this section:
21 (1) TELEHEALTH.—
22 (A) IN GENERAL.—The term "telehealth"
23 means the use of electronic information and
24 telecommunications technologies to support and
25 promote long-distance clinical health care, pa-

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1 tient and professional health-related education,
2 public health, and health administration.
3 (B) TECHNOLOGIES.—For purposes of
4 subparagraph (A), telecommunications tech-
5 nologies include videoconferencing, the internet,
6 streaming media, and terrestrial and wireless
7 communications.
8 (2) VA VIDEO CONNECT.—The term "VA Video
9 Connect" means the program of the Department of
10 Veterans Affairs to connect veterans with their
11 health care team from anywhere, using encryption to
12 ensure a secure and private session.
13 TREATMENT OF STATE HOMES DURING PUBLIC HEALTH
14 EMERGENCY
15 SEC. 20005. (a) WAIVER OF OCCUPANCY RATE RE-
16 QUIREMENTS.—During a public health emergency, occu-
17 pancy rate requirements for State homes for purposes of
18 receiving per diem payments set forth in section 51.40(c)
19 of title 38, Code of Federal Regulations, or successor regu-
20 lations, shall not apply.
21 (b) WAIVER OF VETERAN PERCENTAGE REQUIRE-
22 MENTS.—During a public health emergency, the veteran
23 percentage requirements for State homes set forth in sec-
24 tion 51.210(d) of title 38, Code of Regulations, or suc-
25 cessor regulations, and in agreements for grants to con-
26 struct State homes, shall not apply.

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1 (c) PROVISION OF MEDICINE, EQUIPMENT, AND SUP-
2 PLIES.—
3 (1) IN GENERAL.—During a public health
4 emergency, the Secretary of Veterans Affairs may
5 provide to State homes medicines, personal protec-
6 tive equipment, medical supplies, and any other
7 equipment, supplies, and assistance available to the
8 Department of Veterans Affairs.
9 (2) PROVISION OF EQUIPMENT.—Personal pro-
10 tective equipment may be provided under paragraph
11 (1) through the All Hazards Emergency Cache of
12 the Department of Veterans Affairs or any other
13 source available to the Department.
14 (d) DEFINITIONS.—In this section:
15 (1) PERSONAL PROTECTIVE EQUIPMENT.—The
16 term ''personal protective equipment'' means any
17 protective equipment required to prevent the wearer
18 from contracting COVID–19, including gloves, N–95
19 respirator masks, gowns, goggles, face shields, or
20 other equipment required for safety.
21 (2) PUBLIC HEALTH EMERGENCY.—The term
22 ''public health emergency'' means an emergency with
23 respect to COVID–19 declared by a Federal, State,
24 or local authority.

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1 (3) STATE HOME.—The term "State home" has
2 the meaning given that term in section 101(19) of
3 title 38, United States Code.

4 MODIFICATIONS TO VETERAN DIRECTED CARE PROGRAM
5 OF DEPARTMENT OF VETERANS AFFAIRS

6 SEC. 20006. (a) TELEPHONE OR TELEHEALTH RE-
7 NEWALS.—For the Veteran Directed Care program of the
8 Department of Veterans Affairs (in this section referred
9 to as the "Program"), during a public health emergency,
10 the Secretary of Veterans Affairs shall—

11 (1) waive the requirement that an area agency
12 on aging process new enrollments and six-month re-
13 newals for the Program via an in-person or home
14 visit; and

15 (2) allow new enrollments and sixth-month re-
16 newals for the Program to be conducted via tele-
17 phone or telehealth modality.

18 (b) NO SUSPENSION OR DISENROLLMENT.—During
19 a public health emergency, the Secretary shall not suspend
20 or dis-enroll a veteran or caregiver of a veteran from the
21 Program unless—

22 (1) requested to do so by the veteran or a rep-
23 resentative of the veteran; or

24 (2) a mutual decision is made between the vet-
25 eran and a health care provider of the veteran to

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1 suspend or dis-enroll the veteran or caregiver from
2 the Program.
3 (c) WAIVER OF PAPERWORK REQUIREMENT.—Dur-
4 ing a public health emergency, the Secretary may waive
5 the requirement for signed, mailed paperwork to confirm
6 the enrollment or renewal of a veteran in the Program
7 and may allow verbal consent of the veteran via telephone
8 or telehealth modality to suffice for purposes of such en-
9 rollment or renewal.
10 (d) WAIVER OF OTHER REQUIREMENTS.—During a
11 public health emergency, the Secretary shall waive—
12 (1) any penalty for late paperwork relating to
13 the Program; and
14 (2) any requirement to stop payments for vet-
15 erans or caregivers of veterans under the Program
16 if they are out of State for more than 14 days.
17 (e) AREA AGENCY ON AGING DEFINED.—In this sec-
18 tion, the term "area agency on aging" has the meaning
19 given that term in section 102 of the Older Americans Act
20 of 1965 (42 U.S.C. 3002).
21 PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF
22 PROSTHETIC APPLIANCES THROUGH NON-DEPART-
23 MENT PROVIDERS DURING PUBLIC HEALTH EMER-
24 GENCY
25 SEC. 20007. The Secretary of Veterans Affairs shall
26 ensure that, to the extent practicable, veterans who are

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1 receiving or are eligible to receive a prosthetic appliance
2 under section 1714 or 1719 of title 38, United States
3 Code, are able to receive such an appliance that the Sec-
4 retary determines is needed from a non-Department of
5 Veterans Affairs provider under a contract with the De-
6 partment during a public health emergency.

7 WAIVER OF PAY CAPS FOR EMPLOYEES OF DEPARTMENT
8 OF VETERANS AFFAIRS DURING PUBLIC HEALTH
9 EMERGENCIES

10 SEC. 20008. (a) IN GENERAL.—Notwithstanding any
11 other provision of law, the Secretary of Veterans Affairs
12 may waive any limitation on pay for an employee of the
13 Department of Veterans Affairs during a public health
14 emergency for work done in support of response to the
15 emergency.

16 (b) REPORTING.—

17 (1) IN GENERAL.—For each month that the
18 Secretary waives a limitation under subsection (a),
19 the Secretary shall submit to the Committee on Vet-
20 erans' Affairs of the Senate and the Committee on
21 Veterans' Affairs of the House of Representatives a
22 report on the waiver.

23 (2) CONTENTS.—Each report submitted under
24 paragraph (1) for a waiver or waivers in a month
25 shall include the following:

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1 (A) Where the waiver or waivers were
2 used, including in which component of the De-
3 partment and, as the case may be, which med-
4 ical center of the Department.
5 (B) For how many employees the waiver or
6 waivers were used, disaggregated by component
7 of the Department and, if applicable, medical
8 center of the Department.
9 (C) The average amount by which each
10 payment exceeded the waived pay limitation
11 that was waived, disaggregated by component of
12 the Department and, if applicable, medical cen-
13 ter of the Department.
14 (c) EMPLOYEE OF THE DEPARTMENT OF VETERANS
15 AFFAIRS DEFINED.—In this section, the term "employee
16 of the Department of Veterans Affairs" includes any em-
17 ployee of the Department of Veterans Affairs, regardless
18 of the authority under which the employee was hired.
19 PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF
20 PERSONAL PROTECTIVE EQUIPMENT FOR HOME
21 HEALTH WORKERS
22 SEC. 20009. (a) PROVISION OF EQUIPMENT.—
23 (1) IN GENERAL.—During a public health
24 emergency, the Secretary of Veterans Affairs shall
25 provide to employees and contractors of the Depart-
26 ment of Veterans Affairs personal protective equip-

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1 ment necessary to provide home care to veterans
2 under the laws administered by the Secretary.
3 (2) SOURCE OF EQUIPMENT.—Personal protec-
4 tive equipment may be provided under paragraph (1)
5 through the All Hazards Emergency Cache of the
6 Department or any other source available to the De-
7 partment.
8 (b) DEFINITIONS.—In this section:
9 (1) HOME CARE.—The term "home care" has
10 the meaning given that term in section 1803(c) of
11 title 38, United States Code.
12 (2) PERSONAL PROTECTIVE EQUIPMENT.—The
13 term "personal protective equipment" means any
14 protective equipment required to prevent the wearer
15 from contracting COVID–19, including gloves, N–95
16 respirator masks, gowns, goggles, face shields, or
17 other equipment required for safety.
18 CLARIFICATION OF TREATMENT OF PAYMENTS FOR PUR-
19 POSES OF ELIGIBILITY FOR VETERANS PENSION AND
20 OTHER VETERANS BENEFITS
21 SEC. 20010. Amounts paid to a person under the
22 2020 Recovery Rebate in the Coronavirus Aid, Relief, and
23 Economic Security Act shall not be treated as income or
24 resources for purposes of determining eligibility for pen-
25 sion under chapter 15 of title 38, United States Code, or

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1 any other benefit under a law administered by the Sec-
2 retary of Veterans Affairs.

3 AVAILABILITY OF TELEHEALTH FOR CASE MANAGERS
4 AND HOMELESS VETERANS

5 SEC. 20011. The Secretary of Veterans Affairs shall
6 ensure that telehealth capabilities are available during a
7 public health emergency for case managers of, and home-
8 less veterans participating in, the Department of Housing
9 and Urban Development–Department of Veterans Affairs
10 Supportive Housing program (commonly referred to as
11 "HUD–VASH").

12 FUNDING LIMITS FOR FINANCIAL ASSISTANCE FOR SUP-
13 PORTIVE SERVICES FOR VERY LOW-INCOME VET-
14 ERAN FAMILIES IN PERMANENT HOUSING DURING A
15 PUBLIC HEALTH EMERGENCY

16 SEC. 20012. In the case of a public health emergency,
17 nothing in subsection (e)(1) of section 2044 of title 38,
18 United States Code, may be construed as limiting amounts
19 that may be made available for carrying out subsections
20 (a), (b), and (c) of such section.

21 MODIFICATIONS TO COMPREHENSIVE SERVICE PROGRAMS
22 FOR HOMELESS VETERANS DURING A PUBLIC
23 HEALTH EMERGENCY

24 SEC. 20013. (a) RULE OF CONSTRUCTION.—In the
25 case of a public health emergency, no authorization of ap-
26 propriations in section 2014 of title 38, United States

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1 Code, may be construed as limiting amounts that may be
2 appropriated for carrying out subchapter II of chapter 20
3 of such title.

4 (b) GRANTS AND PER DIEM PAYMENTS.—In the case
5 of a public health emergency, the Secretary of Veterans
6 Affairs may waive any limits on—

7 (1) grant amounts under sections 2011 and
8 2061 of title 38, United States Code; and

9 (2) rates for per diem payments under sections
10 2012 and 2061 of such title.

11 (c) PARTICIPANT ABSENCE.—Notwithstanding Vet-
12 erans Health Administration Handbook 1162.01(1), dated
13 July 12, 2013, and amended June 30, 2014, and titled
14 "Grant and Per Diem (GPD) Program", or any other pro-
15 vision of law, for the duration of a public health emer-
16 gency, the Secretary—

17 (1) shall waive any requirement to discharge a
18 veteran from the grant and per diem program of the
19 Veterans Health Administration after the veteran is
20 absent for 14 days; and

21 (2) may continue to pay per diem to grant re-
22 cipients and eligible entities under the program for
23 any additional days of absence when a veteran has
24 already been absent for more than 72 hours.

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1 SEC. 20014. The amounts provided by sections
2 20003 through 20013 of this title in this Act are des-
3 ignated by the Congress as being for an emergency re-
4 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

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1 TITLE XI

2 DEPARTMENT OF STATE

3 ADMINISTRATION OF FOREIGN AFFAIRS

4 DIPLOMATIC PROGRAMS

5 For an additional amount for "Diplomatic Pro-
6 grams", $324,000,000, to remain available until Sep-
7 tember 30, 2022, to prevent, prepare for, and respond to
8 coronavirus, including for necessary expenses to maintain
9 consular operations and to provide for evacuation expenses
10 and emergency preparedness: *Provided*, That such amount
11 is designated by the Congress as being for an emergency
12 requirement pursuant to section 251(b)(2)(A)(i) of the
13 Balanced Budget and Emergency Deficit Control Act of
14 1985.

15 UNITED STATES AGENCY FOR INTERNATIONAL
16 DEVELOPMENT

17 FUNDS APPROPRIATED TO THE PRESIDENT

18 OPERATING EXPENSES

19 For an additional amount for "Operating Expenses",
20 $95,000,000, to remain available until September 30,
21 2022, to prevent, prepare for, and respond to coronavirus:
22 *Provided*, That such amount is designated by the Congress
23 as being for an emergency requirement pursuant to sec-
24 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

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1 BILATERAL ECONOMIC ASSISTANCE

2 FUNDS APPROPRIATED TO THE PRESIDENT

3 INTERNATIONAL DISASTER ASSISTANCE

4 For an additional amount for "International Disaster
5 Assistance", $258,000,000, to remain available until ex-
6 pended, to prevent, prepare for, and respond to
7 coronavirus: *Provided*, That such amount is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 DEPARTMENT OF STATE

12 MIGRATION AND REFUGEE ASSISTANCE

13 For an additional amount for "Migration and Ref-
14 ugee Assistance", $350,000,000, to remain available until
15 expended, to prevent, prepare for, and respond to
16 coronavirus: *Provided*, That such amount is designated by
17 the Congress as being for an emergency requirement pur-
18 suant to section 251(b)(2)(A)(i) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 INDEPENDENT AGENCIES

21 PEACE CORPS

22 For an additional amount for "Peace Corps",
23 $88,000,000, to remain available until September 30,
24 2022, to prevent, prepare for, and respond to coronavirus:
25 *Provided*, That such amount is designated by the Congress

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as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 21001. The authorities and limitations of section 402 of the Coronavirus Preparedness and Response Supplemental Appropriations Act (division A of Public Law 116–123) shall apply to funds appropriated by this title as follows:

(1) Subsections (a), (d), (e), and (f) shall apply to funds under the heading "Diplomatic Programs"; and

(2) Subsections (c), (d), (e), and (f) shall apply to funds under the heading "International Disaster Assistance".

SEC. 21002. Funds appropriated by this title under the headings "Diplomatic Programs", "Operating Expenses", and "Peace Corps" may be used to reimburse such accounts administered by the Department of State, the United States Agency for International Development, and the Peace Corps, as appropriate, for obligations incurred to prevent, prepare for, and respond to coronavirus prior to the date of enactment of this Act.

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1 SEC. 21003. The reporting requirement of section
2 406(b) of the Coronavirus Preparedness and Response
3 Supplemental Appropriations Act, 2020 (division A of
4 Public Law 116–123) shall apply to funds appropriated
5 by this title: *Provided*, That the requirement to jointly
6 submit such report shall not apply to the Director of the
7 Peace Corps: *Provided further*, That reports required by
8 such section may be consolidated and shall include infor-
9 mation on all funds made available to such Federal agen-
10 cies to prevent, prepare for, and respond to coronavirus.
11 SEC. 21004. Section 7064(a) of the Department of
12 State, Foreign Operations, and Related Programs Appro-
13 priations Act, 2020 (division G of Public Law 116–94)
14 is amended by striking " $100,000,000" and inserting in
15 lieu thereof " $110,000,000", and by adding the following
16 before the period at the end: ": *Provided*, That no amounts
17 may be used that were designated by the Congress for
18 Overseas Contingency Operations/Global War on Ter-
19 rorism pursuant to the Concurrent Resolution on the
20 Budget or the Balanced Budget and Emergency Deficit
21 Control Act of 1985".
22 SEC. 21005. The Department of State, Foreign Oper-
23 ations, and Related Programs Appropriations Act, 2020
24 (division G of Public Law 116–94) is amended under the
25 heading "Emergencies in the Diplomatic and Consular

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1 Service" in title I by striking " $1,000,000" and inserting
2 in lieu thereof " $5,000,000".

3 SEC. 21006. The Department of State, Foreign Oper-
4 ations, and Related Programs Appropriations Act, 2020
5 (division G of Public Law 116–94) is amended under the
6 heading "Millennium Challenge Corporation" in title III
7 by striking " $105,000,000" in the first proviso and in-
8 serting in lieu thereof " $107,000,000".

9 SEC. 21007. Notwithstanding any other provision of
10 law, and in addition to leave authorized under any other
11 provision of law, the Secretary of State and the Adminis-
12 trator of the United States Agency for International De-
13 velopment may, in order to prevent, prepare for, and re-
14 spond to coronavirus, provide additional paid leave to ad-
15 dress employee hardships resulting from coronavirus: *Pro-*
16 *vided*, That this authority shall apply to leave taken since
17 January 29, 2020, and may be provided abroad and do-
18 mestically: *Provided further*, That the Secretary and the
19 Administrator shall consult with the Committee on Appro-
20 priations and the Committee on Foreign Relations of the
21 Senate and the Committee on Appropriations and the
22 Committee on Foreign Affairs of the House of Representa-
23 tives prior to implementation of such authority: *Provided*
24 *further*, That the authority made available pursuant to
25 this section shall expire on September 30, 2022.

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1 SEC. 21008. The Secretary of State, to prevent, pre-
2 pare for, and respond to coronavirus, may exercise the au-
3 thorities of section 3(j) of the State Department Basic Au-
4 thorities Act of 1956 (22 U.S.C. 2670(j)) to provide med-
5 ical services or related support for private United States
6 citizens, nationals, and permanent resident aliens abroad,
7 or third country nationals connected to such persons or
8 to the diplomatic or development missions of the United
9 States abroad, who are unable to obtain such services or
10 support otherwise: *Provided*, That such assistance shall be
11 provided on a reimbursable basis to the extent feasible:
12 *Provided further*, That such reimbursements may be cred-
13 ited to the applicable Department of State appropriation
14 and shall remain available until expended: *Provided fur-*
15 *ther*, That the Secretary shall prioritize providing medical
16 services or related support to individuals eligible for the
17 health program under section 904 of the Foreign Service
18 Act of 1980 (22 U.S.C. 4084): *Provided further*, That the
19 authority made available pursuant to this section shall ex-
20 pire on September 30, 2022.

21 SEC. 21009. Notwithstanding section 6(b) of the De-
22 partment of State Authorities Act of 2006 (Public Law
23 109–472; 120 Stat. 3556), during fiscal year 2020, pass-
24 port and immigrant visa surcharges collected in any fiscal
25 year pursuant to the fourth paragraph under the heading

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1 "Diplomatic and Consular Programs" in the Department
2 of State and Related Agency Appropriations Act, 2005
3 (title IV of division B of Public Law 108–447; 8 U.S.C.
4 1714) may be obligated and expended for the costs of pro-
5 viding consular services: *Provided*, That such funds should
6 be prioritized for United States citizen services: *Provided*
7 *further*, That not later than 90 days after the expiration
8 of this authority, the Secretary of State shall provide a
9 report to the Committee on Appropriations and the Com-
10 mittee on Foreign Relations of the Senate and the Com-
11 mittee on Appropriations and the Committee on Foreign
12 Affairs of the House of Representatives detailing the spe-
13 cific expenditures made pursuant to this authority: *Pro-*
14 *vided further*, That the amount provided by this section
15 is designated by the Congress as being for an emergency
16 requirement pursuant to section 251(b)(2)(A)(i) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985.

19 SEC. 21010. The Department of State and the
20 United States Agency for International Development are
21 authorized to enter into contracts with individuals for the
22 provision of personal services (as described in section 104
23 of part 37 of title 48, Code of Federal Regulations and
24 including pursuant to section 904 of the Foreign Service
25 Act of 1980 (22 U.S.C. 4084)) to prevent, prepare for,

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1 and respond to coronavirus, within the United States and
2 abroad, subject to prior consultation with, and the notifi-
3 cation procedures of, the Committee on Appropriations
4 and the Committee on Foreign Relations of the Senate
5 and the Committee on Appropriations and the Committee
6 on Foreign Affairs of the House of Representatives: *Pro-*
7 *vided*, That such individuals may not be deemed employees
8 of the United States for the purpose of any law adminis-
9 tered by the Office of Personnel Management: *Provided*
10 *further*, That not later than 15 days after utilizing this
11 authority, the Secretary of State shall provide a report to
12 the Committee on Appropriations and the Committee on
13 Foreign Relations of the Senate and the Committee on
14 Appropriations and the Committee on Foreign Affairs of
15 the House of Representatives on the overall staffing needs
16 for the Office of Medical Services: *Provided further*, That
17 the authority made available pursuant to this section shall
18 expire on September 30, 2022.

19 SEC. 21011. Notwithstanding any other provision of
20 law, the Secretary of State and the Administrator of the
21 United States Agency for International Development may
22 authorize any oath of office required by law to, in par-
23 ticular circumstances that could otherwise pose health
24 risks, be administered remotely, subject to appropriate
25 verification: *Provided*, That prior to initially exercising the

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1 authority of this section, the Secretary and the Adminis-
2 trator shall each submit a report to the Committee on Ap-
3 propriations and the Committee on Foreign Relations of
4 the Senate and the Committee on Appropriations and the
5 Committee on Foreign Affairs of the House of Representa-
6 tives describing the process and procedures for admin-
7 istering such oaths, including appropriate verification:
8 *Provided further*, That the authority made available pursu-
9 ant to this section shall expire on September 30, 2021.
10 SEC. 21012. (a) PURPOSES.—For purposes of
11 strengthening the ability of foreign countries to prevent,
12 prepare for, and respond to coronavirus and to the adverse
13 economic impacts of coronavirus, in a manner that would
14 protect the United States from the spread of coronavirus
15 and mitigate an international economic crisis resulting
16 from coronavirus that may pose a significant risk to the
17 economy of the United States, each paragraph of sub-
18 section (b) shall take effect upon enactment of this Act.
19 (b) CORONAVIRUS RESPONSES.—
20 (1) INTERNATIONAL DEVELOPMENT ASSOCIA-
21 TION REPLENISHMENT.—The International Develop-
22 ment Association Act (22 U.S.C. 284 et seq.) is
23 amended by adding at the end the following new sec-
24 tion:

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1 **"SEC. 31. NINETEENTH REPLENISHMENT.**

2 "(a) IN GENERAL.—The United States Governor of
3 the International Development Association is authorized
4 to contribute on behalf of the United States
5 $3,004,200,000 to the nineteenth replenishment of the re-
6 sources of the Association, subject to obtaining the nec-
7 essary appropriations.

8 "(b) AUTHORIZATION OF APPROPRIATIONS.—In
9 order to pay for the United States contribution provided
10 for in subsection (a), there are authorized to be appro-
11 priated, without fiscal year limitation, $3,004,200,000 for
12 payment by the Secretary of the Treasury.".

13 (2) INTERNATIONAL FINANCE CORPORATION
14 AUTHORIZATION.—The International Finance Cor-
15 poration Act (22 U.S.C. 282 et seq.) is amended by
16 adding at the end the following new section:

17 **"SEC. 18. CAPITAL INCREASES AND AMENDMENT TO THE**
18 **ARTICLES OF AGREEMENT.**

19 "(a) VOTES AUTHORIZED.—The United States Gov-
20 ernor of the Corporation is authorized to vote in favor of—

21 "(1) a resolution to increase the authorized cap-
22 ital stock of the Corporation by 16,999,998 shares,
23 to implement the conversion of a portion of the re-
24 tained earnings of the Corporation into paid-in cap-
25 ital, which will result in the United States being

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1 issued an additional 3,771,899 shares of capital
2 stock, without any cash contribution;
3 "(2) a resolution to increase the authorized cap-
4 ital stock of the Corporation on a general basis by
5 4,579,995 shares; and
6 "(3) a resolution to increase the authorized cap-
7 ital stock of the Corporation on a selective basis by
8 919,998 shares.
9 "(b) AMENDMENT OF THE ARTICLES OF AGREE-
10 MENT.—The United States Governor of the Corporation
11 is authorized to agree to and accept an amendment to arti-
12 cle II, section 2(c)(ii) of the Articles of Agreement of the
13 Corporation that would increase the vote by which the
14 Board of Governors of the Corporation may increase the
15 capital stock of the Corporation from a four-fifths major-
16 ity to an eighty-five percent majority.".
17 (3) AFRICAN DEVELOPMENT BANK.—The Afri-
18 can Development Bank Act (22 U.S.C. 290i et seq.)
19 is amended by adding at the end the following new
20 section:
21 **"SEC. 1345. SEVENTH CAPITAL INCREASE.**
22 "(a) SUBSCRIPTION AUTHORIZED.—
23 "(1) IN GENERAL.—The United States Gov-
24 ernor of the Bank may subscribe on behalf of the

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1 United States to 532,023 additional shares of the
2 capital stock of the Bank.
3 "(2) LIMITATION.—Any subscription by the
4 United States to the capital stock of the Bank shall
5 be effective only to such extent and in such amounts
6 as are provided in advance in appropriations Acts.
7 "(b) AUTHORIZATION OF APPROPRIATIONS.—
8 "(1) IN GENERAL.—In order to pay for the in-
9 crease in the United States subscription to the Bank
10 under subsection (a), there are authorized to be ap-
11 propriated, without fiscal year limitation,
12 $7,286,587,008 for payment by the Secretary of the
13 Treasury.
14 "(2) SHARE TYPES.—Of the amount authorized
15 to be appropriated under paragraph (1)—
16 "(A) $437,190,016 shall be for paid in
17 shares of the Bank; and
18 "(B) $6,849,396,992 shall be for callable
19 shares of the Bank.".
20 (4) AFRICAN DEVELOPMENT FUND.—The Afri-
21 can Development Fund Act (22 U.S.C. 290g et seq.)
22 is amended by adding at the end the following new
23 section:

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1 **"SEC. 226. FIFTEENTH REPLENISHMENT.**

2 "(a) IN GENERAL.—The United States Governor of
3 the Fund is authorized to contribute on behalf of the
4 United States $513,900,000 to the fifteenth replenish-
5 ment of the resources of the Fund, subject to obtaining
6 the necessary appropriations.

7 "(b) AUTHORIZATION OF APPROPRIATIONS.—In
8 order to pay for the United States contribution provided
9 for in subsection (a), there are authorized to be appro-
10 priated, without fiscal year limitation, $513,900,000 for
11 payment by the Secretary of the Treasury.".

12 (5) INTERNATIONAL MONETARY FUND AUTHOR-
13 IZATION FOR NEW ARRANGEMENTS TO BORROW.—

14 (A) IN GENERAL.—Section 17 of the
15 Bretton Woods Agreements Act (22 U.S.C.
16 286e–2) is amended—

17 (i) in subsection (a)—

18 (I) by redesignating paragraphs
19 (3), (4), and (5) as paragraphs (4),
20 (5), and (6), respectively;

21 (II) by inserting after paragraph
22 (2) the following new paragraph:

23 "(3) In order to carry out the purposes of a
24 one-time decision of the Executive Directors of the
25 International Monetary Fund (the Fund) to expand
26 the resources of the New Arrangements to Borrow,

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1 established pursuant to the decision of January 27,
2 1997, referred to in paragraph (1), the Secretary of
3 the Treasury is authorized to make loans, in an
4 amount not to exceed the dollar equivalent of
5 28,202,470,000 of Special Drawing Rights, in addi-
6 tion to any amounts previously authorized under this
7 section, except that prior to activation of the New
8 Arrangements to Borrow, the Secretary of the
9 Treasury shall report to Congress whether supple-
10 mentary resources are needed to forestall or cope
11 with an impairment of the international monetary
12 system and whether the Fund has fully explored
13 other means of funding to the Fund.";
14 (III) in paragraph (5), as so re-
15 designated, by striking "paragraph
16 (3)" and inserting "paragraph (4)";
17 and
18 (IV) in paragraph (6), as so re-
19 designated, by striking "December 16,
20 2022" and inserting "December 31,
21 2025"; and
22 (ii) in subsection (e)(1) by striking
23 "(a)(2)," each place such term appears
24 and inserting "(a)(2), (a)(3),".

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1 (B) EMERGENCY DESIGNATION.—The
2 amount provided by this paragraph is des-
3 ignated by the Congress as being for an emer-
4 gency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985.

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1 TITLE XII

2 DEPARTMENT OF TRANSPORTATION

3 OFFICE OF THE SECRETARY

4 SALARIES AND EXPENSES

5 For an additional amount for "Salaries and Ex-
6 penses", $1,753,000, to remain available until expended,
7 to prevent, prepare for, and respond to coronavirus, in-
8 cluding necessary expenses for operating costs and capital
9 outlays: *Provided*, That such amounts are in addition to
10 any other amounts made available for this purpose: *Pro-*
11 *vided further*, That obligations of amounts under this
12 heading in this Act shall not be subject to the limitation
13 on obligations under the heading "Office of the Sec-
14 retary—Working Capital Fund" in division H of the Fur-
15 ther Consolidated Appropriations Act, 2020 (Public Law
16 116–94): *Provided further*, That such amount is des-
17 ignated by the Congress as being for an emergency re-
18 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 ESSENTIAL AIR SERVICE

21 In addition to funds provided to the "Payments to
22 Air Carriers" program in Public Law 116–94 to carry out
23 the essential air service program under section 41731
24 through 41742 of title 49, United States Code,
25 $56,000,000, to be derived from the general fund of the

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1 Treasury, and to be made available to the Essential Air
2 Service and Rural Improvement Fund, to remain available
3 until expended, to prevent, prepare for, and respond to
4 coronavirus: *Provided*, That such amount is designated by
5 the Congress as being for an emergency requirement pur-
6 suant to section 251(b)(2)(A)(i) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 FEDERAL AVIATION ADMINISTRATION

9 GRANTS-IN-AID FOR AIRPORTS

10 For an additional amount for "Grants-In-Aid for Air-
11 ports", $10,000,000,000, to prevent, prepare for, and re-
12 spond to coronavirus, to remain available until expended:
13 *Provided*, That amounts made available under this head-
14 ing in this Act shall be derived from the general fund of
15 the Treasury: *Provided further*, That funds provided under
16 this heading in this Act shall only be available to sponsors
17 of airports defined in section 47102 of title 49, United
18 States Code: *Provided further*, That funds provided under
19 this heading in this Act shall not otherwise be subject to
20 the requirements of chapter 471 of such title: *Provided*
21 *further*, That funds provided under this heading in this
22 Act may not be used for any purpose not directly related
23 to the airport: *Provided further*, That of the amounts ap-
24 propriated under this heading in this Act—

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1 (1) Not less than $500,000,000 shall be avail-
2 able to pay a Federal share of 100 percent of the
3 costs for which a grant is made under Public Law
4 116–94: *Provided*, That any remaining funds after
5 the apportionment under this paragraph (1) shall be
6 distributed as described in paragraph (2) under this
7 heading in this Act;
8 (2) Not less than $7,400,000,000 shall be avail-
9 able for any purpose for which airport revenues may
10 lawfully be used: *Provided*, That 50 percent of such
11 funds shall be allocated among all commercial serv-
12 ice airports based on each sponsor's calendar year
13 2018 enplanements as a percentage of total 2018
14 enplanements for all commercial service airports:
15 *Provided further*, That the remaining 50 percent of
16 such funds shall be allocated among all commercial
17 service airports based on an equal combination of
18 each sponsor's fiscal year 2018 debt service as a
19 percentage of the combined debt service for all com-
20 mercial service airports and each sponsor's ratio of
21 unrestricted reserves to their respective debt service:
22 *Provided further*, That the Federal share payable of
23 the costs for which a grant is made under this para-
24 graph shall be 100 percent:

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1 (3) Up to $2,000,000,000 shall be available for
2 any purpose for which airport revenues may lawfully
3 be used, and: (A) be apportioned as set forth in sec-
4 tion 47114(c)(1)(C)(i), 47114(c)(1)(C)(ii), or
5 47114(c)(1)(H) of title 49, United States Code; (B)
6 not be subject to the reduced apportionments of 49
7 U.S.C. 47114(f); and (C) have no maximum appor-
8 tionment limit, notwithstanding 47114(c)(1)(C)(iii)
9 of title 49, United States Code: *Provided*, That any
10 remaining funds after the apportionment under this
11 paragraph (3) shall be distributed as described in
12 paragraph (2) under this heading in this Act: *Pro-*
13 *vided further*, That the Federal share payable of the
14 costs for which a grant is made under this para-
15 graph shall be 100 percent; and
16 (4) Not less than $100,000,000 shall be for
17 general aviation airports for any purpose for which
18 airport revenues may lawfully be used, and, which
19 the Secretary shall apportion directly to each eligible
20 airport, as defined in section 47102(8) of title 49,
21 United States Code, based on the categories pub-
22 lished in the most current National Plan of Inte-
23 grated Airport Systems, reflecting the percentage of
24 the aggregate published eligible development costs
25 for each such category, and then dividing the allo-

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1 cated funds evenly among the eligible airports in
2 each category, rounding up to the nearest thousand
3 dollars: *Provided*, That the Federal share payable of
4 the costs for which a grant is made under this para-
5 graph shall be 100 percent:
6 *Provided further*, That the Administrator of the Federal
7 Aviation Administration may retain up to 0.1 percent of
8 the funds provided under this heading in this Act to fund
9 the award and oversight by the Administrator of grants
10 made under this heading in this Act: *Provided further*,
11 That obligations of funds under this heading in this Act
12 shall not be subject to any limitations on obligations pro-
13 vided in Public Law 116–94: *Provided further*, That all
14 airports receiving funds under this heading in this Act
15 shall continue to employ, through December 31, 2020, at
16 least 90 percent of the number of individuals employed
17 (after making adjustments for retirements or voluntary
18 employee separations) by the airport as of the date of en-
19 actment of this Act: *Provided further*, That the Secretary
20 may waive the workforce retention requirement in the pre-
21 vious proviso, if the Secretary determines the airport is
22 experiencing economic hardship as a direct result of the
23 requirement, or the requirement reduces aviation safety
24 or security: *Provided further*, That the workforce retention
25 requirement shall not apply to nonhub airports or nonpri-

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1 mary airports receiving funds under this heading in this
2 Act: *Provided further*, That such amount is designated by
3 the Congress as being for an emergency requirement pur-
4 suant to section 251(b)(2)(A)(i) of the Balanced Budget
5 and Emergency Deficit Control Act of 1985.

6 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

7 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

8 Of prior year unobligated contract authority and liq-
9 uidating cash provided for Motor Carrier Safety in the
10 Transportation Equity Act for the 21st Century (Public
11 Law 105–178), SAFETEA–LU (Public Law 109–59), or
12 other appropriations or authorization acts, in addition to
13 amounts already appropriated in fiscal year 2020 for
14 "Motor Carrier Safety Operations and Programs",
15 $150,000 in additional obligation limitation is provided
16 and repurposed for obligations incurred to support activi-
17 ties to prevent, prepare for, and respond to coronavirus.

18 FEDERAL RAILROAD ADMINISTRATION

19 SAFETY AND OPERATIONS

20 For an additional amount for "Safety and Oper-
21 ations", $250,000, to remain available until September
22 30, 2021, to prevent, prepare for, and respond to
23 coronavirus: *Provided*, That such amount is designated by
24 the Congress as being for an emergency requirement pur-

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

3 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL
4 RAILROAD PASSENGER CORPORATION
5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for "Northeast Corridor
7 Grants to the National Railroad Passenger Corporation",
8 $492,000,000, to remain available until expended, to pre-
9 vent, prepare for, and respond to coronavirus, including
10 to enable the Secretary of Transportation to make or
11 amend existing grants to the National Railroad Passenger
12 Corporation for activities associated with the Northeast
13 Corridor, as authorized by section 11101(a) of the Fixing
14 America's Surface Transportation Act (division A of Pub-
15 lic Law 114–94): *Provided*, That amounts made available
16 under this heading in this Act may be transferred to and
17 merged with "National Network Grants to the National
18 Railroad Passenger Corporation" to prevent, prepare for,
19 and respond to coronavirus: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 NATIONAL NETWORK GRANTS TO THE NATIONAL
2 RAILROAD PASSENGER CORPORATION
3 (INCLUDING TRANSFER OF FUNDS)
4 For an additional amount for "National Network
5 Grants to the National Railroad Passenger Corporation",
6 $526,000,000, to remain available until expended, to pre-
7 vent, prepare for, and respond to coronavirus, including
8 to enable the Secretary of Transportation to make or
9 amend existing grants to the National Railroad Passenger
10 Corporation for activities associated with the National
11 Network as authorized by section 11101(b) of the Fixing
12 America's Surface Transportation Act (division A of Pub-
13 lic Law 114–94): *Provided*, That a State shall not be re-
14 quired to pay the National Railroad Passenger Corpora-
15 tion more than 80 percent of the amount paid in fiscal
16 year 2019 under section 209 of the Passenger Rail Invest-
17 ment and Improvement Act of 2008 (Public Law 110–
18 432) and that not less than $239,000,000 of the amounts
19 made available under this heading in this Act shall be
20 made available for use in lieu of any increase in a State's
21 payment: *Provided further*, That amounts made available
22 under this heading in this Act may be transferred to and
23 merged with "Northeast Corridor Grants to the National
24 Railroad Passenger Corporation" to prevent, prepare for,
25 and respond to coronavirus: *Provided further*, That such

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1 amount is designated by the Congress as being for an
2 emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 FEDERAL TRANSIT ADMINISTRATION

6 TRANSIT INFRASTRUCTURE GRANTS

7 For an additional amount for "Transit Infrastructure
8 Grants", $25,000,000,000, to remain available until ex-
9 pended, to prevent, prepare for, and respond to
10 coronavirus: *Provided*, That the Secretary of Transpor-
11 tation shall provide funds appropriated under this heading
12 in this Act as if such funds were provided under section
13 5307 of title 49, United States Code, and section 5311
14 of title 49, United States Code and apportion such funds
15 in accordance with section 5336 of such title (other than
16 subsections (h)(1) and (h)(4)), section 5311 (other than
17 subsection (b)(3) and (c)(1)(A)), section 5337 and section
18 5340 of title 49, United States Code, and apportion such
19 funds in accordance with such sections except that funds
20 apportioned under section 5337 shall be added to funds
21 apportioned under 5307 for administration under 5307:
22 *Provided further*, That the Secretary shall allocate the
23 amounts provided in the preceding proviso under sections
24 5307, 5311, 5337, and 5340 of title 49, United States
25 Code, among such sections in the same ratio as funds were

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1 provided in the fiscal year 2020 appropriations: *Provided*
2 *further*, That funds apportioned under this heading in this
3 Act shall be apportioned not later than 7 days after the
4 date of enactment of this Act: *Provided further*, That
5 funds shall be apportioned using the fiscal year 2020 ap-
6 portionment formulas: *Provided further*, That not more
7 than three-quarters of 1 percent, but not to exceed
8 $75,000,000, of the funds for transit infrastructure grants
9 provided under this heading in this Act shall be available
10 for administrative expenses and ongoing program manage-
11 ment oversight as authorized under sections 5334 and
12 5338(f)(2) of title 49, United States Code, and shall be
13 in addition to any other appropriations for such purpose:
14 *Provided further*, That notwithstanding subsection (a)(1)
15 or (b) of section 5307 of title 49, United States Code,
16 funds provided under this heading are available for the
17 operating expenses of transit agencies related to the re-
18 sponse to a coronavirus public health emergency as de-
19 scribed in section 319 of the Public Health Service Act,
20 including, beginning on January 20, 2020, reimbursement
21 for operating costs to maintain service and lost revenue
22 due to the coronavirus public health emergency, including
23 the purchase of personal protective equipment, and paying
24 the administrative leave of operations personnel due to re-
25 ductions in service: *Provided further*, That such operating

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1 expenses are not required to be included in a transpor-
2 tation improvement program, long-range transportation,
3 statewide transportation plan, or a statewide transpor-
4 tation improvement program: *Provided further*, That the
5 Secretary shall not waive the requirements of section 5333
6 of title 49, United States Code, for funds appropriated
7 under this heading in this Act or for funds previously
8 made available under section 5307 of title 49, United
9 States Code, or sections 5311, 5337, or 5340 of such title
10 as a result of the coronavirus: *Provided further*, That un-
11 less otherwise specified, applicable requirements under
12 chapter 53 of title 49, United States Code, shall apply to
13 funding made available under this heading in this Act, ex-
14 cept that the Federal share of the costs for which any
15 grant is made under this heading in this Act shall be, at
16 the option of the recipient, up to 100 percent: *Provided*
17 *further*, That the amount made available under this head-
18 ing in this Act shall be derived from the general fund and
19 shall not be subject to any limitation on obligations for
20 transit programs set forth in any Act: *Provided further*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 MARITIME ADMINISTRATION

2 OPERATIONS AND TRAINING

3 For an additional amount for "Operations and Train-
4 ing", $3,134,000, to remain available until September 30,
5 2021, to prevent, prepare for, and respond to coronavirus:
6 *Provided*, That of the amounts made available under this
7 heading in this Act, $1,000,000 shall be for the operations
8 of the United States Merchant Marine Academy: *Provided*
9 *further*, That such amount is designated by the Congress
10 as being for an emergency requirement pursuant to sec-
11 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985.

13 STATE MARITIME ACADEMY OPERATIONS

14 For an additional amount for "State Maritime Acad-
15 emy Operations", $1,000,000, to remain available until
16 September 30, 2021, to prevent, prepare for, and respond
17 to coronavirus: *Provided*, That amounts made available
18 under this heading in this Act shall be for direct payments
19 for State Maritime Academies: *Provided further*, That
20 such amount is designated by the Congress as being for
21 an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 OFFICE OF INSPECTOR GENERAL
2 SALARIES AND EXPENSES
3 For an additional amount for "Office of Inspector
4 General", $5,000,000, to remain available until expended,
5 to prevent, prepare for, and respond to coronavirus: *Pro-*
6 *vided*, That the funding made available under this heading
7 in this Act shall be used for conducting audits and inves-
8 tigations of projects and activities carried out with funds
9 made available in this Act to the Department of Transpor-
10 tation to prevent, prepare for, and respond to coronavirus:
11 *Provided further*, That such amount is designated by the
12 Congress as being for an emergency requirement pursuant
13 to section 251(b)(2)(A)(i) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985.
15 DEPARTMENT OF HOUSING AND URBAN
16 DEVELOPMENT
17 MANAGEMENT AND ADMINISTRATION
18 ADMINISTRATIVE SUPPORT OFFICES
19 For an additional amount for "Administrative Sup-
20 port Offices", $35,000,000, to remain available until Sep-
21 tember 30, 2021, to prevent, prepare for, and respond to
22 coronavirus, for the Office of the Chief Financial Officer,
23 including for Department-wide salaries and expenses, In-
24 formation Technology purposes, and to support the De-
25 partment's workforce in a telework environment: *Provided*,

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1 That the amounts provided under this heading in this Act
2 shall be in addition to amounts otherwise available for
3 such purposes, including amounts made available under
4 the heading "Program Offices" in this Act: *Provided fur-*
5 *ther*, That such amount is designated by the Congress as
6 being for an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 PROGRAM OFFICES

10 For an additional amount for "Program Offices",
11 $15,000,000, to remain available until September 30,
12 2021, to prevent, prepare for, and respond to coronavirus:
13 *Provided*, That of the sums appropriated under this head-
14 ing in this Act—

15 (1) $5,000,000 shall be available for the Office
16 of Public and Indian Housing; and

17 (2) $10,000,000 shall be available for the Office
18 of Community Planning and Development:

19 *Provided further*, That such amount is designated by the
20 Congress as being for an emergency requirement pursuant
21 to section 251(b)(2)(A)(i) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

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1 PUBLIC AND INDIAN HOUSING

2 TENANT-BASED RENTAL ASSISTANCE

3 For an additional amount for "Tenant-Based Rental
4 Assistance", $1,250,000,000, to remain available until ex-
5 pended, to prevent, prepare for, and respond to
6 coronavirus, including to provide additional funds for pub-
7 lic housing agencies to maintain normal operations and
8 take other necessary actions during the period that the
9 program is impacted by coronavirus: *Provided*, That of the
10 amounts made available under this heading in this Act,
11 $850,000,000 shall be available for both administrative
12 expenses and other expenses of public housing agencies for
13 their section 8 programs, including Mainstream vouchers:
14 *Provided further*, That such other expenses shall be new
15 eligible activities to be defined by the Secretary and shall
16 include activities to support or maintain the health and
17 safety of assisted individuals and families, and costs re-
18 lated to retention and support of participating owners:
19 *Provided further*, That amounts made available under
20 paragraph (3) under this heading in Public Law 116–94
21 may be used for such other expenses, as described in the
22 previous proviso, in addition to their other available uses:
23 *Provided further*, That of the amounts made available
24 under this heading in this Act, $400,000,000 shall be
25 available for adjustments in the calendar year 2020 sec-

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1 tion 8 renewal funding allocations, in addition to any other
2 appropriations available for such purpose, including Main-
3 stream vouchers, for public housing agencies that experi-
4 ence a significant increase in voucher per-unit costs due
5 to extraordinary circumstances or that, despite taking rea-
6 sonable cost savings measures, as determined by the Sec-
7 retary, would otherwise be required to terminate rental as-
8 sistance for families as a result of insufficient funding:
9 *Provided further*, That the Secretary shall allocate
10 amounts provided in the previous proviso based on need,
11 as determined by the Secretary: *Provided further*, That the
12 Secretary may waive, or specify alternative requirements
13 for, any provision of any statute or regulation that the
14 Secretary administers in connection with the use of the
15 amounts made available under this heading and the same
16 heading of Public Law 116–94 (except for requirements
17 related to fair housing, nondiscrimination, labor stand-
18 ards, and the environment), upon a finding by the Sec-
19 retary that any such waivers or alternative requirements
20 are necessary for the safe and effective administration of
21 these funds, consistent with the purposes described under
22 this heading in this Act, to prevent, prepare for, and re-
23 spond to coronavirus: *Provided further*, That the Secretary
24 shall notify the public through the Federal Register or
25 other appropriate means of any such waiver or alternative

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1 requirement to ensure the most expeditious allocation of
2 this funding, and in order for such waiver or alternative
3 requirement to take effect, and that such public notice
4 may be provided, at a minimum, on the Internet at the
5 appropriate Government web site or through other elec-
6 tronic media, as determined by the Secretary: *Provided*
7 *further*, That any such waivers or alternative requirements
8 shall remain in effect for the time and duration specified
9 by the Secretary in such public notice and may be ex-
10 tended if necessary upon additional notice by the Sec-
11 retary: *Provided further*, That to prevent, prepare for, and
12 respond to coronavirus, the notification required by sec-
13 tion 223 of Public Law 116–6 and section 221 of Public
14 Law 116–94 shall not apply to the award of amounts pro-
15 vided under paragraph (2) of this heading in Public Law
16 116–6 or under paragraph (7)(B) of this heading in Pub-
17 lic Law 116–94 in support of the family unification pro-
18 gram under section 8(x) of such Act: *Provided further*,
19 That the Secretary may award any remaining unobligated
20 balances appropriated under this heading in prior Acts for
21 incremental tenant-based assistance contracts under sec-
22 tion 811 of the Cranston-Gonzalez National Affordable
23 Housing Act (42 U.S.C. 8013), to prevent, prepare for,
24 and respond to coronavirus, without competition, includ-
25 ing for extraordinary administrative fees: *Provided further*,

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1 That no less than 25 percent of such amounts shall be
2 allocated proportionally to public housing agencies who re-
3 ceived awards in the 2017 and 2019 competitions for such
4 purposes within 60 days of enactment of this Act: *Pro-*
5 *vided further*, That the waiver and alternative require-
6 ments authority provided under this heading in this Act
7 shall also apply to such incremental tenant-based assist-
8 ance contract amounts: *Provided further*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 PUBLIC HOUSING OPERATING FUND

14 For an additional amount for "Public Housing Oper-
15 ating Fund", as authorized by section 9(e) of the United
16 States Housing Act of 1937 (42 U.S.C. 1437g(e)),
17 $685,000,000, to remain available until September 30,
18 2021, to prevent, prepare for, and respond to coronavirus,
19 including to provide additional funds for public housing
20 agencies to maintain normal operations and take other
21 necessary actions during the period that the program is
22 impacted by coronavirus: *Provided*, That the amount pro-
23 vided under this heading in this Act shall be combined
24 with the amount appropriated for the same purpose under
25 the same heading of Public Law 116–94, and distributed

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1 to all public housing agencies pursuant to the Operating
2 Fund formula at part 990 of title 24, Code of Federal
3 Regulations: *Provided further*, That for the period from
4 the enactment of this Act through December 31, 2020,
5 such combined total amount may be used for eligible ac-
6 tivities under subsections (d)(1) and (e)(1) of such section
7 9 and for other expenses related to preventing, preparing
8 for, and responding to coronavirus, including activities to
9 support or maintain the health and safety of assisted indi-
10 viduals and families, and activities to support education
11 and child care for impacted families: *Provided further*,
12 That amounts made available under the headings "Public
13 Housing Operating Fund" and "Public Housing Capital
14 Fund" in prior Acts, except for any set-asides listed under
15 such headings, may be used for all of the purposes de-
16 scribed in the previous proviso: *Provided further*, That the
17 expanded uses and funding flexibilities described in the
18 previous two provisos shall be available to all public hous-
19 ing agencies through December 31, 2020, except that the
20 Secretary may extend the period under which such flexi-
21 bilities shall be available in additional 12 month incre-
22 ments upon a finding that individuals and families as-
23 sisted by the public housing program continue to require
24 expanded services due to coronavirus: *Provided further*,
25 That the Secretary may waive, or specify alternative re-

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1 quirements for, any provision of any statute or regulation
2 that the Secretary administers in connection with the use
3 of such combined total amount or funds made available
4 under the headings "Public Housing Operating Fund"
5 and "Public Housing Capital Fund" in prior Acts (except
6 for requirements related to fair housing, nondiscrimina-
7 tion, labor standards, and the environment), upon a find-
8 ing by the Secretary that any such waivers or alternative
9 requirements are necessary for the safe and effective ad-
10 ministration of these funds to prevent, prepare for, and
11 respond to coronavirus: *Provided further*, That the Sec-
12 retary shall notify the public through the Federal Register
13 or other appropriate means of any such waiver or alter-
14 native requirement, to ensure the most expeditious alloca-
15 tion of this funding, in order for such waiver or alternative
16 requirement to take effect, and that such public notice
17 may be provided, at a minimum, on the Internet at the
18 appropriate Government web site or through other elec-
19 tronic media, as determined by the Secretary: *Provided*
20 *further*, That any such waivers or alternative requirements
21 shall remain in effect for the time and duration specified
22 by the Secretary in such public notice and may be ex-
23 tended if necessary upon additional notice by the Sec-
24 retary: *Provided further*, That such amount is designated
25 by the Congress as being for an emergency requirement

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

3 NATIVE AMERICAN PROGRAMS

4 For an additional amount for "Native American Pro-
5 grams", $300,000,000, to remain available until Sep-
6 tember 30, 2024, to prevent, prepare for, and respond to
7 coronavirus, for activities and assistance authorized under
8 title I of the Native American Housing Assistance and
9 Self-Determination Act of 1996 (NAHASDA) (25 U.S.C.
10 4111 et seq.), and under title I of the Housing and Com-
11 munity Development Act of 1974 with respect to Indian
12 tribes (42 U.S.C. 5306(a)(1)): *Provided*, That the
13 amounts made available under this heading in this Act are
14 as follows:

15 (1) No less than $200,000,000 shall be avail-
16 able for the Native American Housing Block Grants
17 program, as authorized under title I of NAHASDA:
18 *Provided*, That amounts made available under this
19 paragraph shall be distributed according to the same
20 funding formula used in fiscal year 2020: *Provided*
21 *further*, That such amounts shall be used by recipi-
22 ents to prevent, prepare for, and respond to
23 coronavirus, including to maintain normal operations
24 and fund eligible affordable housing activities under
25 NAHASDA during the period that the program is

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1 impacted by coronavirus: *Provided further*, That
2 amounts provided under this heading in this Act
3 may be used to cover or reimburse allowable costs to
4 prevent, prepare for, and respond to coronavirus
5 that are incurred by a recipient, including for costs
6 incurred prior to the date of enactment of this Act:
7 *Provided further*, That the Secretary may waive, or
8 specify alternative requirements for, any provision of
9 any statute or regulation that the Secretary admin-
10 isters in connection with the use of amounts made
11 available under this paragraph or under the same
12 paragraph in Public Law 116–94 (except for re-
13 quirements related to fair housing, nondiscrimina-
14 tion, labor standards, and the environment), upon a
15 finding by the Secretary that any such waivers or al-
16 ternative requirements are necessary to expedite or
17 facilitate the use of such amounts to prevent, pre-
18 pare for, and respond to coronavirus: *Provided fur-*
19 *ther*, That any such waivers shall be deemed to be
20 effective as of the date an Indian tribe or tribally
21 designated housing entity began preparing for
22 coronavirus and shall apply to the amounts made
23 available under this paragraph and to the previously
24 appropriated amounts described in the previous pro-
25 viso; and

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1 (2) Up to $100,000,000 shall be available for
2 grants to Indian tribes under the Indian Community
3 Development Block Grant program under title I of
4 the Housing and Community Development Act of
5 1974, notwithstanding section 106(a)(1) of such
6 Act, to prevent, prepare for, and respond to
7 coronavirus, for emergencies that constitute immi-
8 nent threats to health and safety: *Provided*, That the
9 Secretary shall prioritize, without competition, allo-
10 cations of these amounts for activities and projects
11 designed to prevent, prepare for, and respond to
12 coronavirus: *Provided further*, That not to exceed 20
13 percent of any grant made with funds appropriated
14 under this paragraph shall be expended for planning
15 and management development and administration:
16 *Provided further*, That amounts provided under this
17 heading in this Act may be used to cover or reim-
18 burse allowable costs to prevent, prepare for, and re-
19 spond to coronavirus incurred by a recipient, includ-
20 ing for costs incurred prior to the date of enactment
21 of this Act: *Provided further*, That, notwithstanding
22 section 105(a)(8) of such Act (42 U.S.C.
23 5305(a)(8)), there shall be no per centum limitation
24 for the use of funds for public services activities to
25 prevent, prepare for, and respond to coronavirus:

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1 *Provided further*, That the previous proviso shall
2 apply to all such activities for grants of funds made
3 available under this paragraph or under paragraph
4 (4) of this heading in Public Law 116–94: *Provided*
5 *further*, That the Secretary may waive, or specify al-
6 ternative requirements for, any provision of any stat-
7 ute or regulation that the Secretary administers in
8 connection with the use of amounts made available
9 under this paragraph or under paragraph (4) in
10 Public Law 116–94 (except for requirements related
11 to fair housing, nondiscrimination, labor standards,
12 and the environment), upon a finding by the Sec-
13 retary that any such waivers or alternative require-
14 ments are necessary to expedite or facilitate the use
15 of such amounts to prevent, prepare for, and re-
16 spond to coronavirus: *Provided further*, That any
17 such waivers shall be deemed to be effective as of
18 the date an Indian tribe began preparing for
19 coronavirus and shall apply to the amounts made
20 available under this paragraph and to the previously
21 appropriated amounts described in the previous pro-
22 viso:
23 *Provided further*, That such amount is designated by the
24 Congress as being for an emergency requirement pursuant

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

3 COMMUNITY PLANNING AND DEVELOPMENT

4 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

5 For an additional amount for carrying out the
6 "Housing Opportunities for Persons with AIDS" pro-
7 gram, as authorized by the AIDS Housing Opportunity
8 Act (42 U.S.C. 12901 et seq.), $65,000,000, to remain
9 available until September 30, 2021, except that amounts
10 allocated pursuant to section 854(c)(5) of such Act shall
11 remain available until September 30, 2022, to provide ad-
12 ditional funds to maintain operations and for rental assist-
13 ance, supportive services, and other necessary actions, in
14 order to prevent, prepare for, and respond to coronavirus:
15 *Provided*, That not less than $50,000,000 of the amount
16 provided under this heading in this Act shall be allocated
17 pursuant to the formula in section 854 of such Act using
18 the same data elements as utilized pursuant to that same
19 formula in fiscal year 2020: *Provided further*, That up to
20 $10,000,000 of the amount provided under this heading
21 in this Act shall be to provide an additional one-time, non-
22 renewable award to grantees currently administering exist-
23 ing contracts for permanent supportive housing that ini-
24 tially were funded under section 854(c)(5) of such Act
25 from funds made available under this heading in fiscal

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1 year 2010 and prior years: *Provided further*, That such
2 awards shall be made proportionally to their existing
3 grants: *Provided further*, That such awards are not re-
4 quired to be spent on permanent supportive housing: *Pro-*
5 *vided further*, That, notwithstanding section 859(b)(3)(B)
6 of such Act, housing payment assistance for rent, mort-
7 gage, or utilities payments may be provided for a period
8 of up to 24 months: *Provided further*, That, to protect per-
9 sons who are living with HIV/AIDS, such amounts pro-
10 vided under this heading in this Act may be used to self-
11 isolate, quarantine, or to provide other coronavirus infec-
12 tion control services as recommended by the Centers for
13 Disease Control and Prevention for household members
14 not living with HIV/AIDS: *Provided further*, That such
15 amounts may be used to provide relocation services, in-
16 cluding to provide lodging at hotels, motels, or other loca-
17 tions, for persons living with HIV/AIDS and household
18 members not living with HIV/AIDS: *Provided further*,
19 That, notwithstanding section 856(g) of such Act (42
20 U.S.C. 12905(g)), a grantee may use up to 6 percent of
21 its award under this Act for administrative purposes, and
22 a project sponsor may use up to 10 percent of its sub-
23 award under this Act for administrative purposes: *Pro-*
24 *vided further*, That such amounts provided under this
25 heading in this Act may be used to cover or reimburse

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1 allowable costs consistent with the purposes of this head-
2 ing incurred by a grantee or project sponsor regardless
3 of the date on which such costs were incurred: *Provided*
4 *further*, That any regulatory waivers the Secretary may
5 issue may be deemed to be effective as of the date a grant-
6 ee began preparing for coronavirus: *Provided further*, That
7 any additional activities or authorities authorized pursu-
8 ant to this Act may also apply at the discretion and upon
9 notice of the Secretary to all amounts made available
10 under this same heading in Public Law 116–94 if such
11 amounts are used by grantees for the purposes described
12 under this heading: *Provided further*, That up to 2 percent
13 of amounts made available under this heading in this Act
14 may be used, without competition, to increase prior
15 awards made to existing technical assistance providers to
16 provide an immediate increase in capacity building and
17 technical assistance available to grantees under this head-
18 ing and under the same heading in prior Acts: *Provided*
19 *further*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

23 COMMUNITY DEVELOPMENT FUND

24 For an additional amount for ''Community Develop-
25 ment Fund'', $5,000,000,000, to remain available until

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1 September 30, 2022, to prevent, prepare for, and respond
2 to coronavirus: *Provided*, That up to $2,000,000,000 of
3 the amount made available under this heading in this Act
4 shall be distributed pursuant to section 106 of the Hous-
5 ing and Community Development Act of 1974 (42 U.S.C.
6 5306) to grantees that received allocations pursuant to
7 that same formula in fiscal year 2020, and that such allo-
8 cations shall be made within 30 days of enactment of this
9 Act: *Provided further*, That, in addition to amounts allo-
10 cated pursuant to the preceding proviso, an additional
11 $1,000,000,000 shall be allocated directly to States and
12 insular areas, as defined by 42 U.S.C. 5302(a), to prevent,
13 prepare for, and respond to coronavirus within the State
14 or insular area, including activities within entitlement and
15 nonentitlement communities, based on public health needs,
16 risk of transmission of coronavirus, number of coronavirus
17 cases compared to the national average, and economic and
18 housing market disruptions, and other factors, as deter-
19 mined by the Secretary, using best available data and that
20 such allocations shall be made within 45 days of enact-
21 ment of this Act: *Provided further*, That remaining
22 amounts shall be distributed directly to the State or unit
23 of general local government, at the discretion of the Sec-
24 retary, according to a formula based on factors to be de-
25 termined by the Secretary, prioritizing risk of trans-

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1 mission of coronavirus, number of coronavirus cases com-
2 pared to the national average, and economic and housing
3 market disruptions resulting from coronavirus: *Provided*
4 *further*, That such allocations may be made on a rolling
5 basis based on the best available data at the time of alloca-
6 tion: *Provided further*, That amounts made available in the
7 preceding provisos may be used to cover or reimburse al-
8 lowable costs consistent with the purposes of this heading
9 in this Act incurred by a State or locality regardless of
10 the date on which such costs were incurred: *Provided fur-*
11 *ther*, That section 116(b) of such Act (42 U.S.C. 5316(b))
12 and any implementing regulations, which requires grant-
13 ees to submit their final statements of activities no later
14 than August 16 of a given fiscal year, shall not apply to
15 final statements submitted in accordance with sections
16 104(a)(2) and (a)(3) of such Act (42 U.S.C. 5304(a)(2)
17 and (a)(3)) and comprehensive housing affordability strat-
18 egies submitted in accordance with section 105 of the
19 Cranston-Gonzalez National Affordable Housing Act (42
20 U.S.C. 12705) for fiscal years 2019 and 2020: *Provided*
21 *further*, That such final statements and comprehensive
22 housing affordability strategies shall instead be submitted
23 no later than August 16, 2021: *Provided further*, That the
24 Secretary may waive, or specify alternative requirements
25 for, any provision of any statute or regulation that the

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1 Secretary administers in connection with the use of
2 amounts made available under this heading in this Act and
3 under the same heading in Public Law 116–94 and Public
4 Law 116–6 (except for requirements related to fair hous-
5 ing, nondiscrimination, labor standards, and the environ-
6 ment), upon a finding by the Secretary that any such
7 waivers or alternative requirements are necessary to expe-
8 dite or facilitate the use of such amounts to prevent, pre-
9 pare for, and respond to coronavirus: *Provided further*,
10 That up to $10,000,000 of amounts made available under
11 this heading in this Act may be used to make new awards
12 or increase prior awards to existing technical assistance
13 providers, without competition, to provide an immediate
14 increase in capacity building and technical assistance to
15 support the use of amounts made available under this
16 heading in this Act and under the same heading in prior
17 Acts to prevent, prepare for, and respond to coronavirus:
18 *Provided further*, That, notwithstanding sections
19 104(a)(2), (a)(3), and (c) of the Housing and Community
20 Development Act of 1974 (42 U.S.C. 5304(a)(2), (a)(3),
21 and (c)) and section 105 of the Cranston-Gonzalez Na-
22 tional Affordable Housing Act (42 U.S.C. 12705), a
23 grantee may adopt and utilize expedited procedures to pre-
24 pare, propose, modify, or amend its statement of activities
25 for grants from amounts made available under this head-

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1 ing in this Act and under the same heading in Public Law
2 116–94 and Public Law 116–6: *Provided further*, That
3 under such expedited procedures, the grantee need not
4 hold in-person public hearings, but shall provide citizens
5 with notice and a reasonable opportunity to comment of
6 no less than 5 days: *Provided further*, That, for as long
7 as national or local health authorities recommend social
8 distancing and limiting public gatherings for public health
9 reasons, a grantee may create virtual public hearings to
10 fulfill applicable public hearing requirements for all grants
11 from funds made available under this heading in this Act
12 and under the same heading in Public Law 116–94 and
13 Public Law 116–6: *Provided further*, That any such virtual
14 hearings shall provide reasonable notification and access
15 for citizens in accordance with the grantee's certifications,
16 timely responses from local officials to all citizen questions
17 and issues, and public access to all questions and re-
18 sponses: *Provided further*, That, notwithstanding section
19 105(a)(8) of the Housing and Community Development
20 Act of 1974 (42 U.S.C. 5305(a)(8)), there shall be no per
21 centum limitation for the use of funds for public services
22 activities to prevent, prepare for, and respond to
23 coronavirus: *Provided further*, That the previous proviso
24 shall apply to all such activities for grants of funds made
25 available under this heading in this Act and under the

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1 same heading in Public Law 116–94 and Public Law 116–
2 6: *Provided further*, That the Secretary shall ensure there
3 are adequate procedures in place to prevent any duplica-
4 tion of benefits as required by section 312 of the Robert
5 T. Stafford Disaster Relief and Emergency Assistance Act
6 (42 U.S.C. 5155) and in accordance with section 1210 of
7 the Disaster Recovery Reform Act of 2018 (division D of
8 Public Law 115–254; 132 Stat. 3442), which amended
9 section 312 of the Robert T. Stafford Disaster Relief and
10 Emergency Assistance Act (42 U.S.C. 5155): *Provided*
11 *further*, That such amount is designated by the Congress
12 as being for an emergency requirement pursuant to sec-
13 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985.

15 HOMELESS ASSISTANCE GRANTS

16 For an additional amount for "Homeless Assistance
17 Grants", $4,000,000,000, to remain available until Sep-
18 tember 30, 2022, to prevent, prepare for, and respond to
19 coronavirus, among individuals and families who are
20 homeless or receiving homeless assistance and to support
21 additional homeless assistance and homelessness preven-
22 tion activities to mitigate the impacts created by
23 coronavirus under the Emergency Solutions Grants pro-
24 gram as authorized under subtitle B of title IV of the
25 McKinney-Vento Homeless Assistance Act (42 U.S.C.

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1 11371 et seq.), as amended: *Provided*, That up to
2 $2,000,000,000 of the amount appropriated under this
3 heading in this Act shall be distributed pursuant to 24
4 CFR 576.3 to grantees that received allocations pursuant
5 to that same formula in fiscal year 2020, and that such
6 allocations shall be made within 30 days of enactment of
7 this Act: *Provided further*, That, remaining amounts shall
8 be allocated directly to a State or unit of general local
9 government by a formula to be developed by the Secretary
10 and that such allocations shall be made within 90 days
11 of enactment of this Act: *Provided further*, That such for-
12 mula shall allocate such amounts for the benefit of
13 unsheltered homeless, sheltered homeless, and those at
14 risk of homelessness, to geographical areas with the great-
15 est need based on factors to be determined by the Sec-
16 retary, such as risk of transmission of coronavirus, high
17 numbers or rates of sheltered and unsheltered homeless,
18 and economic and housing market conditions as deter-
19 mined by the Secretary: *Provided further*, That individuals
20 and families whose income does not exceed the Very Low-
21 Income Limit of the area, as determined by the Secretary,
22 shall be considered "at risk of homelessness" and shall
23 be eligible for homelessness prevention if they meet the
24 criteria in section 401(1)(B) and (C) of such Act (42
25 U.S.C. 11360(1)(B) and (C)): *Provided further*, That

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1 amounts provided under this heading in this Act may be
2 used to cover or reimburse allowable costs to prevent, pre-
3 pare for, and respond to coronavirus that are incurred by
4 a State or locality, including for costs incurred prior to
5 the date of enactment of this Act: *Provided further*, That
6 recipients may deviate from applicable procurement stand-
7 ards when procuring goods and services to prevent, pre-
8 pare for, and respond to coronavirus: *Provided further*,
9 That a recipient may use up to 10 percent of its allocation
10 for administrative purposes: *Provided further*, That the
11 use of amounts provided under this heading in this Act
12 shall not be subject to the consultation, citizen participa-
13 tion, or match requirements that otherwise apply to the
14 Emergency Solutions Grants program, except that a re-
15 cipient must publish how it has and will utilize its alloca-
16 tion, at a minimum, on the Internet at the appropriate
17 Government web site or through other electronic media:
18 *Provided further*, That the spending cap established pursu-
19 ant to section 415(b) of such Act (42 U.S.C. 11374) shall
20 not apply to amounts provided under this heading in this
21 Act: *Provided further*, That amounts provided under this
22 heading in this Act may be used to provide temporary
23 emergency shelters (through leasing of existing property,
24 temporary structures, or other means) to prevent, prepare
25 for, and respond to coronavirus, and that such temporary

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1 emergency shelters shall not be subject to the minimum
2 periods of use required by section 416(c)(1) of such Act
3 (42 U.S.C. 11375(c)(1)): *Provided further*, That Federal
4 habitability and environmental review standards and re-
5 quirements shall not apply to the use of such amounts for
6 those temporary emergency shelters that have been deter-
7 mined by State or local health officials to be necessary
8 to prevent, prepare for, and respond to coronavirus: *Pro-*
9 *vided further*, That amounts provided under this heading
10 in this Act may be used for training on infectious disease
11 prevention and mitigation and to provide hazard pay, in-
12 cluding for time worked prior to the date of enactment
13 of this Act, for staff working directly to prevent, prepare
14 for, and respond to coronavirus among persons who are
15 homeless or at risk of homelessness, and that such activi-
16 ties shall not be considered administrative costs for pur-
17 poses of the 10 percent cap: *Provided further*, That in ad-
18 ministering the amounts made available under this head-
19 ing in this Act, the Secretary may waive, or specify alter-
20 native requirements for, any provision of any statute or
21 regulation that the Secretary administers in connection
22 with the obligation by the Secretary or the use by the re-
23 cipient of these amounts (except for requirements related
24 to fair housing, nondiscrimination, labor standards, and
25 the environment unless otherwise provided under this

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1 paragraph), if the Secretary finds that good cause exists
2 for the waiver or alternative requirement and such waiver
3 or alternative requirement is necessary to prevent, prepare
4 for, and respond to coronavirus: *Provided further*, That
5 any such waivers shall be deemed to be effective as of the
6 date a State or unit of local government began preparing
7 for coronavirus and shall apply to the use of amounts pro-
8 vided under this heading in this Act and amounts provided
9 under the same heading for the Emergency Solutions
10 Grant program in prior Acts used by recipients to prevent,
11 prepare for, and respond to coronavirus: *Provided further*,
12 That the Secretary shall notify the public through the
13 Federal Register or other appropriate means of any such
14 waiver or alternative requirement, and that such public
15 notice may be provided, at a minimum, on the Internet
16 at the appropriate Government web site or through other
17 electronic media, as determined by the Secretary: *Provided*
18 *further*, That any additional activities or authorities au-
19 thorized pursuant to this Act, including any waivers and
20 alternative requirements established by the Secretary pur-
21 suant to this Act, may also apply at the discretion and
22 upon notice of the Secretary with respect to all amounts
23 made available for the Emergency Solutions Grants pro-
24 gram under the heading "Homeless Assistance Grants"
25 in any prior Act and used by recipients to prevent, prepare

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1 for, and respond to coronavirus: *Provided further*, That up
2 to 1 percent of amounts made available under this heading
3 in this Act may be used to make new awards or increase
4 prior awards made to existing technical assistance pro-
5 viders with experience in providing health care services to
6 homeless populations, without competition, to provide an
7 immediate increase in capacity building and technical as-
8 sistance available to recipients of amounts for the Emer-
9 gency Solutions Grants program under this heading in this
10 Act and under the same heading in prior Acts: *Provided*
11 *further*, That none of the funds provided under this head-
12 ing in this Act may be used to require people experiencing
13 homelessness to receive treatment or perform any other
14 prerequisite activities as a condition for receiving shelter,
15 housing, or other services: *Provided further*, That such
16 amount is designated by the Congress as being for an
17 emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 HOUSING PROGRAMS

21 PROJECT-BASED RENTAL ASSISTANCE

22 For an additional amount for "Project-Based Rental
23 Assistance", $1,000,000,000, to remain available until ex-
24 pended, to prevent, prepare for, and respond to
25 coronavirus, including to provide additional funds to main-

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1 tain normal operations and take other necessary actions
2 during the period that the program is impacted by
3 coronavirus, for assistance to owners or sponsors of prop-
4 erties receiving project-based assistance pursuant to sec-
5 tion 8 of the United States Housing Act of 1937 (42
6 U.S.C. 1437f et seq.): *Provided*, That the Secretary may
7 waive, or specify alternative requirements for, any provi-
8 sion of any statute or regulation that the Secretary admin-
9 isters in connection with the use of amounts made avail-
10 able under this heading in this Act (except for require-
11 ments related to fair housing, nondiscrimination, labor
12 standards, and the environment), upon a finding by the
13 Secretary that any such waivers or alternative require-
14 ments are necessary to expedite or facilitate the use of
15 such amounts to prevent, prepare for, and respond to
16 coronavirus, and such waiver or alternative requirement
17 is consistent with the purposes described under this head-
18 ing in this Act: *Provided further*, That the Secretary shall
19 notify the public through the Federal Register or other
20 appropriate means of any such waiver or alternative re-
21 quirement in order for such waiver or alternative require-
22 ment to take effect, and that such public notice may be
23 provided, at a minimum, on the Internet at the appro-
24 priate Government web site or through other electronic
25 media, as determined by the Secretary: *Provided further*,

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1 That such amount is designated by the Congress as being
2 for an emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 HOUSING FOR THE ELDERLY

6 For an additional amount for ''Housing for the El-
7 derly'', $50,000,000, to remain available until September
8 30, 2023, to prevent, prepare for, and respond to
9 coronavirus, including to provide additional funds to main-
10 tain normal operations and take other necessary actions
11 during the period that the program is impacted by
12 coronavirus, for assistance to owners or sponsors of prop-
13 erties receiving project-based assistance pursuant to sec-
14 tion 202 of the Housing Act of 1959 (12 U.S.C. 1701q),
15 as amended: *Provided*, That of the amount provided under
16 this heading in this Act, up to $10,000,000 shall be for
17 service coordinators and the continuation of existing con-
18 gregate service grants for residents of assisted housing
19 projects: *Provided further*, That the Secretary may waive,
20 or specify alternative requirements for, any provision of
21 any statute or regulation that the Secretary administers
22 in connection with the use of amounts made available
23 under this heading in this Act (except for requirements
24 related to fair housing, nondiscrimination, labor stand-
25 ards, and the environment), upon a finding by the Sec-

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1 retary that any such waivers or alternative requirements
2 are necessary to expedite or facilitate the use of such
3 amounts to prevent, prepare for, and respond to
4 coronavirus, and such waiver or alternative requirement
5 is consistent with the purposes described under this head-
6 ing in this Act: *Provided further*, That the Secretary shall
7 notify the public through the Federal Register or other
8 appropriate means of any such waiver or alternative re-
9 quirement in order for such waiver or alternative require-
10 ment to take effect, and that such public notice may be
11 provided, at a minimum, on the Internet at the appro-
12 priate Government web site or through other electronic
13 media, as determined by the Secretary: *Provided further*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 HOUSING FOR PERSONS WITH DISABILITIES

19 For an additional amount for "Housing for Persons
20 with Disabilities", $15,000,000, to remain available until
21 September 30, 2023, to prevent, prepare for, and respond
22 to coronavirus, including to provide additional funds to
23 maintain normal operations and take other necessary ac-
24 tions during the period that the program is impacted by
25 coronavirus, for assistance to owners or sponsors of prop-

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1 erties receiving project-based assistance pursuant to sec-
2 tion 811 of the Cranston-Gonzalez National Affordable
3 Housing Act (42 U.S.C. 8013), as amended: *Provided*,
4 That the Secretary may waive, or specify alternative re-
5 quirements for, any provision of any statute or regulation
6 that the Secretary administers in connection with the use
7 of amounts made available under this heading in this Act
8 (except for requirements related to fair housing, non-
9 discrimination, labor standards, and the environment),
10 upon a finding by the Secretary that any such waivers or
11 alternative requirements are necessary to expedite or fa-
12 cilitate the use of such amounts to prevent, prepare for,
13 and respond to coronavirus, and such waiver or alternative
14 requirement is consistent with the purposes described
15 under this heading in this Act: *Provided further*, That the
16 Secretary shall notify the public through the Federal Reg-
17 ister or other appropriate means of any such waiver or
18 alternative requirement in order for such waiver or alter-
19 native requirement to take effect, and that such public no-
20 tice may be provided, at a minimum, on the Internet at
21 the appropriate Government web site or through other
22 electronic media, as determined by the Secretary: *Provided*
23 *further*, That such amount is designated by the Congress
24 as being for an emergency requirement pursuant to sec-

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1 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 FAIR HOUSING AND EQUAL OPPORTUNITY

4 FAIR HOUSING ACTIVITIES

5 For an additional amount for "Fair Housing Activi-
6 ties", $2,500,000, to remain available until September 30,
7 2021, for contracts, grants, and other assistance, as au-
8 thorized by title VIII of the Civil Rights Act of 1968, as
9 amended by the Fair Housing Amendments Act of 1988,
10 and section 561 of the Housing and Community Develop-
11 ment Act of 1987, to prevent, prepare for, and respond
12 to coronavirus, of which $1,500,000 shall be for the Fair
13 Housing Assistance Program Partnership for Special En-
14 forcement grants to address fair housing issues relating
15 to coronavirus, and $1,000,000 shall be for the Fair Hous-
16 ing Initiatives Program for education and outreach activi-
17 ties under such section 561 to educate the public about
18 fair housing issues related to coronavirus: *Provided*, That
19 such amount is designated by the Congress as being for
20 an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 OFFICE OF INSPECTOR GENERAL

24 For an additional amount for "Office of Inspector
25 General", $5,000,000, to remain available until expended,

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1 to prevent, prepare for, and respond to coronavirus: *Pro-*
2 *vided*, That the funding made available under this heading
3 in this Act shall be used for conducting audits and inves-
4 tigations of projects and activities carried out with funds
5 made available in this Act to the Department of Housing
6 and Urban Development to prevent, prepare for, and re-
7 spond to coronavirus: *Provided further*, That such amount
8 is designated by the Congress as being for an emergency
9 requirement pursuant to section 251(b)(2)(A)(i) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985.

12 GENERAL PROVISIONS—THIS TITLE

13 SEC. 22001. Of the amounts made available from the
14 Airport and Airway Trust Fund for "Federal Aviation Ad-
15 ministration—Operations" in title XI of division B of the
16 Bipartisan Budget Act of 2018 (Public Law 115–123),
17 up to $25,000,000 may be used to prevent, prepare for,
18 and respond to coronavirus: *Provided*, That amounts
19 repurposed in this section that were previously designated
20 by the Congress as an emergency requirement pursuant
21 to the Balanced Budget and Emergency Deficit Control
22 Act of 1985 are designated by the Congress as an emer-
23 gency requirement pursuant to section 251(b)(2)(A)(i) of
24 the Balanced Budget and Emergency Deficit Control Act
25 of 1985.

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1 SEC. 22002. For amounts made available by this Act
2 under the headings "Northeast Corridor Grants to the Na-
3 tional Railroad Passenger Corporation" and "National
4 Network Grants to the National Railroad Passenger Cor-
5 poration", the Secretary of Transportation may not waive
6 the requirements under section 24312 of title 49, United
7 States Code, and section 24305(f) of title 49, United
8 States Code: *Provided*, That for amounts made available
9 by this Act under such headings the Secretary shall re-
10 quire the National Railroad Passenger Corporation to
11 comply with the Railway Retirement Act of 1974 (45
12 U.S.C. 231 et seq.), the Railway Labor Act (45 U.S.C.
13 151 et seq.), and the Railroad Unemployment Insurance
14 Act (45 U.S.C. 351 et seq.): *Provided further*, That not
15 later than 7 days after the date of enactment of this Act
16 and each subsequent 7 days thereafter, the Secretary shall
17 notify the House and Senate Committees on Appropria-
18 tions, the Committee on Transportation and Infrastruc-
19 ture of the House of Representatives, and the Committee
20 on Commerce, Science, and Transportation of the Senate
21 of any National Railroad Passenger Corporation employee
22 furloughs as a result of efforts to prevent, prepare for,
23 and respond to coronavirus: *Provided further*, That in the
24 event of any National Railroad Passenger Corporation em-
25 ployee furloughs as a result of efforts to prevent, prepare

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1 for, and respond to coronavirus, the Secretary shall re-
2 quire the National Railroad Passenger Corporation to pro-
3 vide such employees the opportunity to be recalled to their
4 previously held positions as intercity passenger rail service
5 is restored to March 1, 2020 levels and not later than the
6 date on which intercity passenger rail service has been
7 fully restored to March 1, 2020 levels.

8 SEC. 22003. For the duration of fiscal year 2020,
9 section 127(i)(1)(A) of title 23, United States Code, shall
10 read as if and apply to situations in which: the President
11 has declared an emergency or a major disaster under the
12 Robert T. Stafford Disaster Relief and Emergency Assist-
13 ance Act (42 U.S.C. 5121 et seq.).

14 SEC. 22004. No later than September 30, 2020, the
15 remaining unobligated balances of funds made available
16 for the youth homelessness demonstration under the head-
17 ing "Department of Housing and Urban Development—
18 Community Planning and Development—Homeless As-
19 sistance Grants" in the Consolidated Appropriations Act,
20 2018 (Public Law 115–141) are hereby permanently re-
21 scinded, and an amount of additional new budget author-
22 ity equivalent to the amount rescinded is hereby appro-
23 priated, to remain available until September 30, 2021, in
24 addition to other funds as may be available for such pur-
25 poses, and shall be available, without additional competi-

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1 tion, for completing the funding of awards made pursuant
2 to the fiscal year 2018 youth homelessness demonstration.
3 HIGHWAY SAFETY GRANTS EMERGENCY AUTHORITY
4 SEC. 22005. (a) IN GENERAL.—The Secretary of
5 Transportation (referred to in this section as the "Sec-
6 retary") may waive or postpone any requirement under
7 section 402, 404, 405, or 412 of title 23, United States
8 Code, section 4001 of the FAST Act (Public Law 114–
9 94; 129 Stat. 1497), or part 1300 of title 23, Code of
10 Federal Regulations (or successor regulations), if the Sec-
11 retary determines that—
12 (1) the Coronavirus Disease 2019 (COVID-19)
13 is having a substantial impact on—
14 (A) the ability of States to implement or
15 carry out any grant, campaign, or program
16 under those provisions; or
17 (B) the ability of the Secretary to carry
18 out any responsibility of the Secretary with re-
19 spect to a grant, campaign, or program under
20 those provisions; or
21 (2) the requirements of those provisions are
22 having a substantial impact on the ability of States
23 or the Secretary to address the Coronavirus Disease
24 2019 (COVID–19).

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1 (b) REPORT.—The Secretary shall periodically sub-
2 mit to the relevant committees of Congress a report de-
3 scribing—
4 (1) each determination made by the Secretary
5 under subsection (a); and
6 (2) each waiver or postponement of a require-
7 ment under that subsection.
8 (c) EMERGENCY REQUIREMENT.—The amount pro-
9 vided by this section is designated by the Congress as
10 being for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

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1 TITLE XIII

2 GENERAL PROVISIONS—THIS ACT

3 SEC. 23001. Each amount appropriated or made
4 available by this Act is in addition to amounts otherwise
5 appropriated for the fiscal year involved.

6 SEC. 23002. No part of any appropriation contained
7 in this Act shall remain available for obligation beyond
8 the current fiscal year unless expressly so provided herein.

9 SEC. 23003. Unless otherwise provided for by this
10 Act, the additional amounts appropriated by this Act to
11 appropriations accounts shall be available under the au-
12 thorities and conditions applicable to such appropriations
13 accounts for fiscal year 2020.

14 SEC. 23004. (a) Subject to subsection (b), and not-
15 withstanding any other provision of law, funds made avail-
16 able in this Act, or transferred pursuant to authorization
17 granted in this Act, may only be used to prevent, prepare
18 for, and respond to coronavirus.

19 (b) Subsection (a) shall not apply to sections 11002,
20 13002, and 18114 of this Act, reimbursements made pur-
21 suant to authority in this Act, or to funds made available
22 in this Act for the Emergency Reserve Fund, established
23 pursuant to section 7058(c)(1) of division J of Public Law
24 115–31, or to funds made available in this Act for the
25 Infectious Diseases Rapid Response Reserve Fund, estab-

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1 lished pursuant to section 231 of division B of Public Law
2 115–245.
3 (c) This section shall not apply to title VI of this Act.
4 SEC. 23005. In this Act, the term ''coronavirus''
5 means SARS–CoV–2 or another coronavirus with pan-
6 demic potential.
7 SEC. 23006. Each amount designated in this Act by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985 shall be avail-
11 able (or rescinded or transferred, if applicable) only if the
12 President subsequently so designates all such amounts
13 and transmits such designations to the Congress.
14 SEC. 23007. Any amount appropriated by this Act,
15 designated by the Congress as an emergency requirement
16 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
17 et and Emergency Deficit Control Act of 1985 and subse-
18 quently so designated by the President, and transferred
19 pursuant to transfer authorities provided by this Act shall
20 retain such designation.
21 BUDGETARY EFFECTS
22 SEC. 23008. (a) STATUTORY PAYGO SCORE-
23 CARDS.—The budgetary effects of this division shall not
24 be entered on either PAYGO scorecard maintained pursu-
25 ant to section 4(d) of the Statutory Pay As-You-Go Act
26 of 2010.

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1 (b) SENATE PAYGO SCORECARDS.—The budgetary
2 effects of this division shall not be entered on any PAYGO
3 scorecard maintained for purposes of section 4106 of H.
4 Con. Res. 71 (115th Congress).
5 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
6 Notwithstanding Rule 3 of the Budget Scorekeeping
7 Guidelines set forth in the joint explanatory statement of
8 the committee of conference accompanying Conference Re-
9 port 105–217 and section 250(c)(7) and (c)(8) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985,
11 the budgetary effects of this division shall be estimated
12 for purposes of section 251 of such Act.
13 (d) ENSURING NO WITHIN-SESSION SEQUESTRA-
14 TION.—Solely for the purpose of calculating a breach with-
15 in a category for fiscal year 2020 pursuant to section
16 251(a)(6) or section 254(g) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985, and notwith-
18 standing any other provision of this division, the budg-
19 etary effects from this division shall be counted as
20 amounts designated as being for an emergency require-
21 ment pursuant to section 251(b)(2)(A) of such Act.
22 This division may be cited as the "Emergency Appro-
23 priations for Coronavirus Health Response and Agency
24 Operations".

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**From:** VanderPloeg, Laurie
**Sent:** Mon, 23 Mar 2020 23:00:34 +0000
**To:** OSEP Staff
**Subject:** Update

Good evening!!!! I hope that you were able to find some time to relax and recharge this weekend. I finally got some fresh air- I walked 8.8 miles on Saturday to the grocery store and back and then from my apartment in Ballston (Arlington) to the Tidal Basin to take a quick picture of the Cherry Blossoms. I left due to not being able to practice social distancing. There is true beauty in DC in spite of what we are currently experiencing! I know that many of you are putting forth extra effort during this time to both address the needs of your families and work responsibilities. I am so appreciative of all of you. I want you to have the information you need.

This weekend, the Department issued a supplemental fact sheet addressing the risk of COVID-19 in preschool, elementary and secondary schools while serving children with disabilities (https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/Supple%20Fact%20Sheet%203.21.20%20FINAL.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=). The fact sheet makes clear that ensuring compliance with IDEA, 504, Title II should not prevent any school from offering educational programs through distance instruction.

Also, as I'm sure you have read, Congress is considering providing the Secretary with waiver authority. The legislation is being referred to as the "McConnell bill." We are not publicly discussing the proposal. However, I want to be clear with you that we are not proposing to waive the delivery of early intervention services or the provision of FAPE. The Secretary would use the waiver authority to provide relief for specific regulatory requirements, like timelines during a period when school buildings are closed because of COVID-19.

I understand that timely communication is critical to ensuring that OSEP is able to achieve its mission and to ensure that you have the information needed to complete your responsibilities. I am committed to that. Starting tomorrow, I will send an email each morning to provide you with information to start your day. I also want to address your specific questions. Please send your questions in an email to me with a cc to Becca and I'll do my best to provide you with an answer.

Again, thank you for your continued dedication to our work!!!!

**Laurie VanderPloeg**
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**From:** VanderPloeg, Laurie
**Sent:** Fri, 17 Apr 2020 20:00:48 +0000
**To:** OSEP Staff
**Subject:** Update
**Attachments:** OSEP 2020 Organizational Climate Summative Report - Final.pdf

Happy Friday!
What a week it has been! Here is my latest news- Two workers here with a big plastic tarp separating my kitchen from my living room. They will be tearing up the kitchen floor and taking apart sections of two walls. They hauled in four big fans that will need to run for the rest of the weekend to dry everything out. Then next week they come back and put in a new floor and new walls. I am hoping for nice weather so I can get out of here, take a walk, get some fresh air and not have to listen to fans humming. I just keep telling myself this too shall pass!!! Take out orders will be my go to this weekend. Excited about some good food that I don't have to prepare!!!

In November, OSEP partnered with OPM's Human Resources Solutions to conduct an organizational climate assessment using a focus group process. The goals of the assessment were to evaluate OSEP's current organizational climate in 10 dimensions (teamwork and communication, customer orientation, training, resources, flexibility and innovation, rewards, supervision, strategic management, employee support, ethics) and to identify the needs and preferences of OSEP employees. 43% of OSEP employees (28 non-supervisory employees and 6 supervisory employees) participated in at least one focus group.

Focus group participants indicated concern about what would happen to the results of the organizational climate assessment, and to the extent possible, also voiced a desire to collaborate with leadership to address the concerns and suggestions for improvement. In that spirit, I have attached the full climate assessment summative report submitted by the OPM team. Take the opportunity to read the report and formulate your ideas. I'd like to begin our work to meaningfully address these concerns and make changes for the future with a discussion during our next monthly conversation on April 29th.

Hope you have a relaxing, enjoyable weekend! Stay safe and stay healthy! I appreciate all of you!!!!

**Laurie VanderPloeg**
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Email: laurie.vanderploeg@ed.gov

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OPM HR SOLUTIONS *by government, for government*

# Office of Special Education and Rehabilitative Services
# U.S. Department of Education
# Climate Assessment Summative Report

presented by

Assessment & Evaluation Branch
HR Solutions
U.S. Office of Personnel Management

February 2020

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# Executive Summary

In November, 2019 the U.S. Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs (OSEP) partnered with the U.S. Office of Personnel Management's Human Resources Solutions (OPM) to conduct an organizational climate assessment.

The goals of the assessment were to evaluate the current organizational climate within OSEP along 10 specific dimensions and to identify the needs and preferences of OSEP employees. OSEP requested OPM facilitate five focus groups with employees and leaders throughout the organization and prepare a single summative report. This report describes the methodology of the data collection process and the results, conclusions, and recommendations derived from the OSEP climate assessment.

Several conclusions may be drawn from these results. Employees would like to participate in more content-specific training related to their profession in order to stay at the forefront of innovation and better support their customers. They would like physical workspace more conducive to productive and efficient work and greater autonomy and flexibility in completing that work. Supervisors and non-supervisors acknowledge the need for supervisory training to improve communication, interpersonal skills, and supervisory duties such as performance evaluation and mentoring. The organization would benefit from an increase in staffing, which is already occurring, and more transparency and equity in how leaders hire, promote, and notify employees of decisions. Employees would also benefit from a clearer understanding of the organization's vision and short- and long-term goals. Finally, OSEP should quickly and decisively address employee concerns regarding mental health and physical safety in the workplace.

Employees indicated concern about what will happen to the results of this assessment. They requested OSEP leadership share the results and make known what steps the organization plans to take to address them. To the extent possible, employees also voiced a desire to collaborate with leadership in forming a path forward. They offered meaningful and pragmatic recommendations for improvement and engaged in the assessment with a positive attitude. Their comments and strong desire to fulfill the organization's mission suggest a willingness to engage further and to assist in making organizational improvements. This indicates future investments by the organization to improve OSEP's culture and climate will likely be met with success.



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# Introduction

In November, 2019 the U.S. Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs (OSEP) partnered with the U.S. Office of Personnel Management's Human Resources Solutions (OPM) to conduct a climate assessment in order to identify the organizational needs and preferences of employees. OSEP requested that OPM prepare a single summative report explaining the results, conclusions, and recommendations derived from the climate assessment.

OSEP's mission is to improve results for infants, toddlers, children and youth with disabilities ages birth through 21 by providing leadership and financial support to assist states and local districts. The organization is comprised of 80 supervisory and non-supervisory employees. These employees are knowledgeable on an expansive number of topics and must keep abreast of changing complexities within their profession.

The goals of the current assessment were to assess the organizational climate within OSEP along 10 specific dimensions and to identify the needs and preferences of OSEP employees. These goals were accomplished by conducting a series of five focus groups with employees and leaders throughout OSEP. The purpose of this report is to describe the methodology of the data collection process and the results derived from the assessment. Conclusions and recommendations based on those results are also provided. Information contained in this report will allow OSEP to make strategic programmatic decisions to both meet employees' needs and achieve OSEP's mission.



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## Methodology

OPM psychologists, in partnership with OSEP leadership, developed two focus group protocols to collect data from non-supervisory employees and members of leadership. Both protocols asked questions covering a variety of aspects of organizational climate. These protocols can be found in Appendices A and B.

A total of five OSEP focus groups were conducted in person January 14 -16, 2020. For maximum inclusiveness, OSEP requested that all employees be invited to participate. Supervisory employees were separated from non-supervisory employees and placed in a single focus group. Non-supervisory employees were placed at random in one of four focus groups. Individuals were moved to different groups by request to allow for scheduling conflicts. Participants were invited to attend the focus groups via an email from OPM. The text of this email can be found in Appendix C.

Each session was two hours in length and facilitated by two OPM psychologists – one who facilitated the discussion and one who took notes. A total of 34 employees participated in the five groups for a 43% participation rate. Specific information concerning focus group participation for these groups is shown below.

**OSEP Focus Group Dates, Supervisory Status & Participation**

| Focus Group | Date | Supervisory Status | Participation (n) |
|---|---|---|---|
| Focus Group #1 | January 14, 2020 | Non-Supervisors | 6 |
| Focus Group #2 | January 14, 2020 | Supervisors/Leaders | 6 |
| Focus Group #3 | January 15, 2020 | Non-Supervisors | 4 |
| Focus Group #4 | January 15, 2020 | Non-Supervisors | 5 |
| Focus Group #5 | January 16, 2020 | Non-Supervisors | 13 |


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## Results

A variety of factors affect organizational climate and the extent to which employees are satisfied and able to be productive within their organizations. Ten of these factors were discussed with OSEP focus group participants. The results of these discussions can be found below, including recommendations for improvement.

### Teamwork & Communication

Participants across focus groups were asked if they feel employees collaborate to get the job done and how teamwork and communication within OSEP might improve. Nearly all participants indicated there are examples of both good and bad teamwork within OSEP. One person indicated the organization has "extremes" such that "when teams work well, they work very well. When they don't do well, it is extremely bad."

Many individuals noted differences between the Research to Practice (RTP) and Monitoring and State Improvement Planning (MSIP) divisions. Several commented RTP "works better," has higher engagement than in the past because of new employees coming onboard, has "good comradery" and "more fluid, organic teams." Those in MSIP noted they have a more complex, matrixed structure that can, at times, lead to a lack of clarity concerning who is taking the lead in interactions with states. One person commented SOPs have been created in the past to help with this issue but have not succeeded. MSIP employees also stated concern with decreasing flexibility and autonomy in choosing teams. Most felt this has been a negative change.

Several participants discussed collaboration across the two divisions. They stated there are few mission-related opportunities for RTP and MSIP colleagues to work together on teams, but instances in which this has occurred have been very positive and beneficial to both groups. One person did comment, however, leadership often highlights differences in education, grade level, and "importance" between the two groups, which is perceived as driving a wedge between employees that should be thought of as a single team of valued experts.

Focus group participants described some examples of "bad" teamwork. They conveyed issues including competitiveness between team members, lack of communication and information sharing, sub-grouping and pairing off, and inequity in the amount of effort and work team members contribute. Several stated many of these behaviors are unintentional and not "mean-spirited." Rather, they indicated conditions such as a lack of time, lack of staffing, having too many working groups, too much mission-related work, complicated team structures, and a lack of a clear goals as contributing to less-than-optimal team collaboration and communication. One participant noted it is "sometimes easier to have one or two people just run with an idea to get it over with" so they can go back to their regular work. Another commented most communication issues are due to employees simply not "closing the loop" or moving too fast to include everyone who should be included.

However, participants made clear there are team behaviors that are intentionally bad. Individuals noted there are "doers and watchers" in the organization and certain employees are "purposefully lazy" and either won't volunteer or won't contribute on teams to which they are assigned. One person indicated some of these employees have the skills to do the work and just "don't feel like it," while others don't have



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the necessary skills, and are not interested in educating themselves to obtain them. Several participants noted frustration that members of leadership are aware of these people and "do nothing" to either reprimand or compel them to acquire needed skills. It was felt by many that leaders are "afraid," don't want to be sued, or don't want to become involved for fear of retaliation. Employees noted they don't want to "call people out" with whom they must continue to work, and don't have time to deal with interpersonal problems that may ensue. One stated it is easier to "work around" teammates who won't contribute, but this simply leads to greater inequity and frustration for those who consistently perform.

Many participants agreed breakdowns in communication and teamwork make employees' jobs harder and increase burnout and frustration. They also noted that poor teamwork results in less mentoring and poorer quality training for new employees. Finally, one employee conveyed that OSEP's "low trust" environment makes employees "assume the worst" by interpreting even unintended breakdowns in communication and teamwork as intentional and hurtful.

**Recommendations**

Participants provided a number of recommendations for improving teamwork and communication within OSEP. Employees within RTP stated their preference to maintain current team structures as they are. For MSIP, participants recommended making another attempt at clarifying SOPs for how matrixed teams work and who takes the lead in various scenarios. They also requested increased input about team structure and which teams they may join. If they cannot be allowed to choose their own team participation, it is recommended leadership more clearly articulate the rationale for structuring teams and assigning team participants and give advance notice and opportunities to provide feedback before implementing team changes.

Participants from both divisions recommended creating time and space to allow for cross-collaboration between RTP and MSIP when it makes sense. Several also noted members of leadership need to be more careful in the way they communicate the importance of each group. Leaders should seek opportunities to focus on the positive contributions of each division and emphasize the "one team" mentality.

As noted above, many communication and teamwork issues result from understaffing and a lack of time. However, steps may be taken to improve these issues outside of increasing staff and decreasing individual workloads. Leaders should work to make participation on project teams more equitable. Participants recommended expectations concerning equity be clearly communicated and individual contributions tracked. They noted employees should feel comfortable discussing lapses of equitable participation with supervisors and supported in a professional manner during those discussions. Supervisors should discuss performance issues with employees in private and work to ascertain whether the employee simply won't do the work or does not have the skills to accomplish it and respond accordingly. Supervisors should also train or encourage employees to complete the work given to them and minimize reallocating work to other employees. If supervisors lack the skills to have these discussions or hold poor performers accountable, they should be provided training. Supervisors should also be supported by higher-level leadership when they attempt to take corrective action against poor performers.

Additional recommendations for improvement concern communication between teammates and members of leadership. Participants requested that leaders make team goals and guidance clear and empower



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team members to ask clarifying questions instead of "making something up" to move forward. They also recommended that communications include all necessary information and all members of the team. Sub-grouping and communications between sub-portions of teams should be dissuaded. Meeting notes or project logs may also be instituted.

Finally, it was recommended by two participants that OSEP consider using high-functioning teams as models for other teams throughout the organization. One person suggested several high-performing teams provide best-practices in writing or in an open forum so others can choose elements to improve their own team functioning. Another suggested members of leadership identify high-performing teams and replicate their structure throughout OSEP. Both employees noted the importance of maintaining some flexibility to allow for different team sizes, missions, and preferences, but strongly encouraged the use of best-practices to improve team functioning across the organization.

## Customer Orientation

OSEP employees were asked if the organization has a focus on customer service and if it empowers employees to help customers in the way they need. Participants discussed a wide range of internal and external customers, noting their "ultimate stakeholders" are children with disabilities. Several discussed the complex relationship employees have with the states they service because of their dual role of providing customer service while conducting oversight and monitoring. Overwhelmingly, employees describe themselves and OSEP as highly dedicated to customer support and feel empowered by the organization to help customers. Members of leadership noted there has been a recent push to increase employees' professional development opportunities and customer service skills, which may be contributing to their positive perspective.

MSIP employees noted they are not always able to do what customers want because of the rules and regulations to which they must adhere. This is seen by many as frustrating to customers and, at times, OSEP employees as well. However, one individual commented they sometimes feel as though OSEP "bends too much" to meet the needs of customers, which takes away valuable time for other efforts.

Although participants had an overall positive perspective about customer orientation, they noted several specific issues impacting their ability to provide customer service. Several stated reduced staffing has led to "thinner" teams that struggle to meet customer needs. One added there is a lack of planning for transitioning customers to new employee points of contact when retirements or turnover occurs. This leads to lower quality customer service during staff transitions. A different participant stated yearly internal changes to monitoring protocols makes consistent customer service more difficult, as does a lack of communication about monitoring changes and other important information.

As previously mentioned, one person noted MSIP service suffers when there is confusion about who is taking the lead with a customer, which results in frustration, redundancy of effort and delay. Another participant stated they do not always have the most current information available to share with customers because they are not allowed to attend professional conferences to update their knowledge and skills.

One member of leadership indicated an issue exists concerning the three-person internal customer service team and state team leads. They commented state leads want customer service team members to handle more incoming issues without referral. However, members of leadership feel customer service



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team members may not have the necessary skills to handle many of the issues and therefore refer them to the state leads with high frequency.

Another group participant discussed recent changes in risk management procedures within the agency. This person indicated such changes have led to slower processing time and more difficulty "getting the work out." They commented there is not enough "push back" and advocacy from higher-level leadership to compel faster or fewer risk management reviews.

Several other participants identified technology limitations that impede customer service. Specifically, they noted firewalls limit access to platforms for conducting outreach and customer webinars. Additionally, they indicated OSEP has no means by which to collect feedback or suggestions from customers. One RTP employee noted having to personally purchase a survey software in order to ask customers relevant improvement-related questions.

Focus group participants spoke more broadly about their ability to obtain feedback from customers on their service. Confusion exists among employees concerning what feedback mechanisms are available and the information they collect. Several employees stated the Department has a "state survey" that collects customer feedback, but they were unclear about the content of the assessment and who sees the results. One person indicated their group does see results but noted feedback is rare and "trickles down" through leadership and supervisors. Another participant commented "employees don't get complaints often" but "aren't sure which parts work for customers and which don't."

Finally, participants in one group indicated an overall change in OSEP's relationship with customers "since January of 2017." They noted "prior to that date [they] took a lot of suggestions, collaborated with external partners, and worked with them." One employee stated that "has all stopped now" because of a lack of trust and a feeling that OSEP employees are "here to break down education." Participants also commented that in recent years states have become "defiant of the laws" because they feel OSEP "doesn't have any teeth anymore" and will not withhold money for non-compliance. One person indicated states "say we don't know what we are doing," noting they have received an increase in complaints from customers stating the Department isn't "implementing things they should under the law."

**Recommendations**

A number of recommendations concerning customer orientation were offered by group participants. Several requested additional staffing. Others recommended OSEP create protocols for transitioning customers to new OSEP points of contact when employee turnover occurs. One employee stated the need for more complete and timely communication of changes to monitoring processes and other information necessary for effective customer interactions. Another suggested a "24-hour response rule" to ensure all customer contacts are addressed – even if it is only to acknowledge their contact – in a timely manner.

Concerning the customer service team, OSEP leadership should identify the skills needed for team members to be more autonomous and successful at providing service without referring issues to state leads. Members of the team should be better trained or replaced with those who have the necessary skills. If this can't be accomplished, supervisors should better communicate the expectation for each role and which issues should be referred to state leads. Additionally, leadership may want to examine the current risk management procedure and explore ways to expedite or eliminate the most arduous aspects of the process. If nothing can be done, leadership should better communicate to employees the Department's rationale for keeping the procedure in place.



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Group participants recommended OSEP work with the Department's IT group to seek better approaches for customer outreach and webinar use that are conducive to platform security. Several employees also requested access to customer service assessment tools in order to collect feedback with which to improve services. If customer feedback results already exist, members of leadership should work to disseminate them to front-line employees so they may improve service and respond to customer requests.

Finally, participants indicated that negative changes in relationships with customers resulting from Department policy changes will be difficult to ameliorate. It is recommended employees increase and maintain consistent, open communication, receptivity to suggestions, clear explanations of policy changes, and displays of empathy and interest in customer needs.

## Training

Employees were asked if they are given the training they need, if leadership supports participation in training, and if the content and quality of training is adequate for their needs. Participants discussed a number of issues associated with this topic. Several non-supervisory employees noted training has improved in recent years and with new leadership in some areas. However, many still had pressing concerns. Among the most prominent is the amount of time they have to participate in training. There was near universal consensus that employees don't have time to train because of under-staffing and high workloads. Several also indicated they don't have time to research training opportunities for the same reason. One person noted "if I'm doing that, I'm not doing my work, and I can barely keep up with my work as it is." Participants stated they receive little-to-no guidance from supervisors concerning their career paths, areas in need of development, or courses in which to participate. Members of leadership commented they generally support training and "never deny training requests" but acknowledged they don't provide guidance to employees concerning their training needs. Many supervisors asserted they would be willing to do this, but don't have the time to research training themselves and, in some cases, don't have the skill to guide these types of conversations.

Employees also commented training sessions are often "repeated 20 times" to ensure attendance because of busy staff schedules. One person noted this wastes both time and money for the agency. Another asserted the organization could and should record training sessions, but noted employees still need time to go back and watch the training. Others commented on the frustration of having to multitask while attending training (e.g., reading and answering emails, stepping out to take calls). Several participants indicated these issues would only be resolved by higher-level leadership "protecting their time," "acknowledging the importance of training and making accommodations for it," and "setting expectations" for training.

Focus group participants spoke to a number of other aspects and types of training. Two people noted grants monitoring training is useful and well-executed. One person commented some employees and members of leadership lack basic technical skills (e.g., letter writing, using Outlook calendars, setting up Skype). This person added no accountability exists to ensure these skills are acquired or maintained.

Members of leadership made a distinction between training on processes and training on content, noting they feel OSEP does a "good job" training on new or changed processes. However, a number of employees felt otherwise. One stated training on new software is often inadequate or non-existent, leading employees to avoid using software installed on their computers. Another noted new laptops were provided with a single page of instructions "set on top," causing significant learning-curve delays and work



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slow-downs for employees who had to figure out new systems on their own. A third employee stated quality training was not provided for a new data submission platform which, again, slowed employees' ability to get their work done.

Most focus group participants agreed content training in areas of expertise is what is most lacking. There was wide consensus among employees and members of leadership that not enough outside training opportunities exist. Further, those that do exist are not customized enough to the work OSEP does.

Employees were vocal about their desire to attend professional conferences, describing these venues as the "most valuable" opportunities to gain content expertise, update their knowledge about new trends in their field, network with other experts, and gain understanding of new concepts that would lead to innovation in the organization. Supervisors strongly agreed with these assertions and indicated their support for conference attendance. However, several noted their "hands are tied" because of rules created by higher-level leadership limiting conference attendance and requiring those who attend to present. Employees discussed confusion and a "lack of transparency and equity" concerning who attends conferences and how they are chosen. Some discussed a lack of travel or training funding (or both) while others indicated leadership "lets certain favorite people go even if they are not presenting." Several individuals noted having to pay for their own hotel or paying conference registration fees while also taking annual leave to attend. They describe these experiences as "demoralizing" and commented they don't feel valued as professionals with expertise in their field.

Participants voiced confusion concerning training funding as well. One non-supervisory employee stated "they tell us they have funds, then they say they don't, but we don't know why." Another noted leadership asks for training budget forecasts for the year before they know what training is available, who may want to participate or how much it will cost. One member of leadership clarified the training funding cycle is complex and often dictated by the overall Department budget and continuing resolutions. Added to this is the timing of conferences, the announcement of training events and employees' workloads that fluctuate at different points in the year.

Participants also discussed the concepts of internal and informal training. One person indicated another group has had success bringing trainers in-house to instruct an entire group of employees at the same time. This was seen as beneficial because it saved both travel time and training funds for the organization. Another employee commented the agency is "wasting talent" by not using the internal expertise they have and conducting in-house training for one-another. Others noted it takes time for employees to create internal training and attendance would still be questionable if voluntary. One person stated their group has tried internal training in the past but "overcomplicated things" by setting up "laborious processes" associated with brown bag sessions, making them "not worth the effort."

Members of leadership also discussed limitations surrounding supervisory training. They noted new supervisor training and supervisory skills "maintenance training" is mandatory. However, one person indicated quality is lacking and most supervisors simply "click their way through" training to acquire the requisite number of hours. Another person stated options for content are limited and not what supervisors in OSEP feel they need.

Finally, employees discussed outcomes of participating in training. One participant commented even if they attend training, "nothing happens" afterward. Others agreed, stating there is no follow-up from their supervisor or colleagues asking what they learned or if it was beneficial. There is no attempt to integrate new skills learned and no time for employees to explore integration on their own. One person added there



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is “no reward” for attending training – it is not seen as “a positive” and not considered in bonuses or performance evaluations.

**Recommendations**

A number of recommendations to improve training within OSEP were provided. Employees want higher-level leaders to support training, communicate its importance to the agency, and “leave room” for employees to attend. They recommended setting clear expectations for setting aside time to participate in training that can trickle down to front-line supervisors and employees. They also recommended tracking training participation to indicate its importance and ensure it doesn’t get pushed aside.

One of the strongest recommendations offered was for supervisors to become more involved in assessing employee training needs and guiding their training participation. Participants requested supervisors hold discussions with employees concerning their career paths and tying their training to the mission of the organization. Employees want supervisors to identify areas in which they feel employees need development and recommend specific types of training and even specific training events. In order for this to happen, supervisors also need to be given time and training. One participant recommended supervisors hold formal training and career path meetings with individual employees and consider using individual development plans (IDPs) to document a path forward. However, these tools must be used carefully and with training, so they don’t become “empty exercises” that add more work without any real benefit to the employee or the organization.

Participants also offered recommendations on a number of other training aspects. One participant suggested using technology to record training and considering virtual training options as a way to save time and allow for greater flexibility. Another requested supervisors set and communicate expectations for “basic skills” (e.g., written communication, use of common software), hold those who don’t meet those expectations accountable and train them to meet standards. Employees also recommended creating clear, high-quality training for every new system or process within OSEP.

Concerning training on technical expertise, and specifically conference attendance, employees recommended more transparency about who is attending, and the criteria used to determine participation. The overwhelming majority also requested they be allowed to attend more conferences and for leadership to understand the importance and benefits of conference attendance. Employees also recommended leadership attempt to better forecast the training funding cycle. One person suggested improvements in tracking when workload is heaviest and when conferences and other training opportunities are going to be held. Better communication and lead time about training funding and opportunities would also support employee training. This person noted these efforts would be made easier by having a dedicated training expert or group of employees who are focused on OSEP training needs.

Other employees suggested bringing more relevant, customized training into the organization for groups of employees to attend and asking employees for suggestions about relevant training content. Participants also recommended exploring easy, flexible ways for employees to share professional expertise without oversight or undue burden. For all of these opportunities to be successful, however, employees must have both time and leadership support. One person suggested “shutting down” for an hour, half-day, or day of training to indicate the value of training and allow everyone to stop what they are doing and focus on developing skills without others in the organization moving forward or needing their attention.



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Members of leadership recommended supervisory training content be improved. Specifically, supervisors want training on how to deal with conflict resolution and poor performers and how to conduct effective performance evaluations. It is also recommended they be trained on how to support employee development, as previously noted. Supervisory training should be interactive and at a high-enough level to engage and challenge supervisors, not allowing or encouraging them to simply "click-through."

Finally, there are many steps OSEP may take to make the outcome of employee and supervisory training more meaningful. Training attendance should be recognized and possibly rewarded. Supervisors should ask for feedback on training attended. This may be done in informal meetings with supervisors, all-hands or staff meetings, or written submissions via email or newsletters. Employees may be asked to share what they have learned, how they intend to use it, and their thoughts about the training they attended as a review for others. They may also be asked to share information in a train-the-trainer format if they are comfortable. These steps will hold employees accountable for learning, propagate further learning by others through information sharing, and show employees their efforts and knowledge acquisition is valued by the organization.

## Resources

Focus group participants discussed the resources they feel they need to get their jobs done including technology, workspace, staffing, and other needed and desired resources. Most employees agreed OSEP technology has improved in the last year with the acquisition of new laptops. Members of leadership indicated they feel "tech is fine now." However, non-supervisory focus group participants noted several areas in need of further improvement. One person commented phones "fail regularly," causing employees to rely on their personal cell phones for work-related calls. Another noted the organization mandated the use of Skype - instead of Zoom or other similar products - which does not allow recording. Employees agreed this function would be useful to them. Screen sharing and other desired capabilities were noted, but participants indicated these are limited because of firewalls and other IT security limitations.

One employee stated the new laptops also "have issues." They described problems with docking, PIV cards that lock, corrupted files, and multiple calls to the help desk. Others indicated the G5 system "only works sometimes" and employees must load notes into the system one page at a time. Participants commented this is a "waste of a GS-14 salary" and slows more meaningful work. One person indicated employees must always have a "plan B" in case technology doesn't work, and stakeholders see OSEP as "less effective" because of technical limitations.

The most prominent topic of discussion concerning resources was physical workspace. Employees indicated the agency recently made physical work "cubes" smaller and closer together. There was unanimous agreement that the current cube configuration does not make for a productive work environment. Non-supervisory employees clarified they work with clients and data and need a quiet, private environment in which to work. One member of leadership supported this, indicating "writing, reading and phone calls comprise most of what we do. Cubes are not conducive to any of those work duties." Another stated supervisors "couldn't be productive" in a cube environment either and that they have offices with doors in which to get their work done.

Employees described being able to "hear 20 people" speaking, eating and talking on the phone while they attempt to work. One participant noted people routinely "drop in" on her and her nearest colleagues, creating frequent interruptions. Another stated she and others commonly hear employees "talking crap"



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about colleagues and indicated she overheard a mean-spirited conversation about herself taking place near her cube while she attempted to work.

Participants further described not being allowed to take conference calls at their desk but stated they do not have enough conference space for everyone who needs it. One employee commented they have taken work-related phone calls in a storage closet. Others noted that moving to conference spaces still causes interruption because employees must "pack up" their work and computer throughout the day and computers "don't always connect" when employees are away from their workspace. One person indicated they had to schedule eight one-hour sessions in various conference rooms because they needed quiet space to write a report and were denied the ability to telework for the day.

Many employees discussed the assigning of cube space by seniority, grade and step. Several commented the handling of cube assignments had "created animosity" among employees. One participant noted being told to move after years in the same cube because someone of a higher grade was hired and being placed in the cube they occupied. The employee expressed anger and embarrassment at being "made to move down." Another agreed, stating "you are made well aware of the pecking order and who is important." Some confusion was noted in one group when a participant indicated a member of high-level leadership "put people" where they wanted them based on how much the leader liked them. Finally, one participant commented they spoke to leadership about moving cubes but were denied while others "simply got up and moved." This person felt their attempt at professionalism was punished while those who sidestepped the rules were rewarded with the cube space they wanted and suffered no repercussions.

Staffing was another resource discussed by participants. One person commented MSIP is "grossly understaffed" due to hiring freezes, attrition, and retirement. Another described staffing across all of OSEP as the "biggest need right now." Members of leadership clarified the hiring freeze has ended and OSEP has begun the hiring process for several positions. However, they note the process within the larger organization is a slow, lengthy one and they are "doing their best." Supervisors indicated they "have the staff they need to get the job done and done well," but employees are "missing out on other things" like innovation, collaboration and training because of their workload. Employees expressed a more negative perspective, commenting "supervisors keep going to the best staff and asking them to take more and more in an unsustainable way." Several employees agreed this has lowered morale and led to employee burnout. One member of leadership added it also forces supervisors to be "in the work," lessening their ability to conduct supervisory work and support employees.

Employees discussed other resources they feel are lacking or are of poor quality. One indicated there are not enough office supplies and if employees "aren't friends with the person who holds the supply cabinet key [they] can't get what they need." Many people discussed a recent decision to make employees remove plants from the building. One participant stated "they can't even get their rationale right – they think we are stupid." This person noted some supervisors told them it was building policy, even though other floors still have plants, while other supervisors said it was "because of poor air quality" or "a new Departmentwide rule." One participant described it as an example of the "constant chipping away at morale." Others described the way it was handled as "dehumanizing" – that leaders "went from cube to cube to check for contraband like they do in jail cells."

Participants also stated staff were promised noise-cancelling headphones over a year ago but have not been supplied with them. One person noted there is insufficient lighting over employee cubes. Several



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participants commented there aren't enough support staff and that OSEP is "paying GS-14 salaries for people to copy and collate."

Finally, participants voiced frustration over the suggestion box in the office, stating it makes them feel like they are "in middle school." One person added the box is not accessible to everyone and emailing suggestions would not be anonymous and does not make employees comfortable. Several people added that other types of reasonable accommodations are not handled correctly, even when employees work through proper channels with documentation of their case. One employee described bias in how their accommodation case was handled, stating several other employees had the same accommodation but they were told it would "set a bad precedent" if it were allowed for them.

**Recommendations**

A number of resource-related improvements were recommended. Employees suggested OSEP work with the IT group to obtain recording technology and screen-sharing ability. One person requested software for merging emails and PDF documents correctly. Others recommended leadership seek out a single, dedicated IT point-person to work with and consider assigning an internal "tech-savvy" OSEP employee to work with IT on all technology-related issues. Leaders should further investigate G5 issues and limitations and work with the point-of-contact for the G5 system on increasing capability. If no changes to the system can be made, OSEP may want to consider assigning mundane tasks (e.g., loading notes into the system) to a student intern or lower-graded administrative support person.

Participant feedback strongly indicates the current workspace configuration is not allowing for a productive work environment. OSEP supervisors and members of leadership are viewed by employees as empathetic to concerns about the workspace. It is also understood that options for improvement are limited because of higher-level leadership mandates. However, employees did recommend steps that may be taken by OSEP to improve conditions within the current parameters. Leaders should explore ways to access more conference and collaboration space for telephone calls, writing, and other tasks that require privacy or quiet. Ensure all technology within conference and collaboration spaces works, and stock them with supplies to make them more functional for employees working away from their own desks. Explore whether lighting may be adjusted or "softened" in certain areas of the workspace. Employees also recommended leadership review the process for cube assignments and consider taking suggestions on how best to allocate spaces. One person also suggested leaders more clearly communicate the rationale for why the current system was used and attempt to limit future relocations to minimize disruption.

Increasing staffing levels will clearly benefit all members of the organization and is already in process. It is recommended leaders and direct supervisors frequently communicate progress on hiring. This will increase morale and remind staff that leaders are working hard on a daily basis to address this concern.

Employees requested OSEP make office supplies easily available to staff. If supplies are already available, communicate how to access them. In addition, leaders should either clarify why plants were removed from the office or return the ability to have plants to employees. If possible, OSEP should purchase and disseminate quality noise-cancelling headphones to support employees need for quiet. One employee also suggested creating some type of protocol for alerting colleagues when staff in nearby cubes cannot be interrupted (e.g., a sign on the cube opening, the wearing of headphones, etc.).



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Other recommendations from participants include considering options for increasing administrative staff and moving administrative work away from higher GS-level employees. Employees in one group also requested the removal of the office suggestion box. Finally, it is recommended supervisors and mid-level members of leadership be retrained on the accurate handling of reasonable accommodation cases. A system for oversite of these cases should also be created if one does not currently exist.

## Flexibility & Innovation

Focus group participants were asked if they feel the organization can adapt to change and if they would describe it as innovative. Most participants agreed OSEP employees "do a good job" of adapting to change and that "only a small number of people are not flexible." One employee in MSIP noted their group is "constantly changing" to add new functionality. This person noted, however, that training and technology limit their ability to change at times. Other participants noted OSEP employees are "forced to change," and referenced changes to telework, workspace, and having plants in the office. One person commented they "have no choice – either adapt or leave." Several others commented they are so committed to the OSEP mission they "tolerate a lot" and are "flexible to the point of breaking." They noted however, no matter how committed they are to the mission, some days forced changes stifle their motivation, resulting in an "oh well" mentality with one employee stating they often wonder "why am I still here?"

Non-supervisory employees commented there is a culture of "dropping things on them without planning" and that OSEP often "builds the plane while flying." One example given to support this is the need for multiple changes to telework based on parallel changes to workspace. Several participants stated when forced or disorganized changes occur, there is "no empathy or support" from OSEP leadership or direct supervisors. One person noted "leadership says it has no control over anything and we all just have to put up with it, but there are things like communication they can control." Others agreed, noting their desire for OSEP leadership to "push back harder" on higher-level leadership changes.

Members of leadership also indicated some frustration with change. While several noted OSEP has a long history of adaptability, requests for change in recent years have come from senior leaders without technical knowledge. One person stated these leaders don't ask for advice from technical experts in the field and instead "just push change," leading to "learned helplessness" among those who do have technical expertise.

Employees and leaders had a similar message when asked about innovation. One member of leadership stated if OSERS wanted to increase innovation, decision-making would "need to go back to the solution areas." The same leader commented OSEP was "amazingly innovative" in the past but now must "sneak innovation in" because the organization has become a "culture of no." This has led employees to feel as though they must "prove their technical credibility all the time." Others commented innovative ideas are "shot down" by leadership or "fizzle out" at higher levels. There was general agreement this leads employees to be less motivated and less likely to innovate in the future.

Another member of leadership commented work shouldn't require "so much leadership scrutiny," and that employees should be "treated like the professionals they are." This person further indicated there is too much "institutional micromanaging" and employees are not given the autonomy to own their work product.



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Finally, members of MSIP indicated innovation is "not natural" in their group. Another employee commented MSIP has tried to create new roles but "staffing impeded these plans." They noted MSIP is now "stuck between two visions and is executing both of them poorly."

**Recommendations**

Few recommendations for improved flexibility were offered by participants. Employees suggested OSEP attempt to use more advance planning and coordination prior to making sweeping changes that must be changed again within a short timeframe. Several individuals noted their understanding that this is challenging for OSEP leadership when they are also given immediate directives and little advance notice from higher levels in the agency. Others requested more communication and transparency concerning changes that will occur and to be "brought in" earlier, even if they will not be part of the decision-making process. One person also recommended employees be given more opportunity for feedback when possible, particularly in changes that directly affect them.

Several group participants requested leadership offer more empathy and have more respect for employees in the way they communicate change. One suggested certain office members and supervisors be trained on more effective oral and written communication skills. Employees widely agreed there is room for improvement in how leaders communicate and that many, having been told this before, lack the ability to improve without outside help.

Non-supervisory employees recommended supervisors and OSEP leadership "push-back" more on higher-level leadership to "fight for their employees." One participant also stated if leadership is pushing back, they would "like to hear more about it and what is being said." This person indicated even the perception that leadership is fighting for employees would "go a long way" to improve morale and trust.

Finally, participants recommended leaders find ways to value employees' technical expertise and "showcase" or honor innovation at the local level. One person indicated this would be difficult because of time constraints but would make employees feel more trusted and professional. Others recommended offering employees more trust by giving them greater ownership of their own work product, more autonomy, and less oversight, even if this can only occur at the OSEP level of the organization.

## Rewards

Focus group participants were asked how they feel about how the organization rewards employees, if awards are allocated fairly and if they feel rewards are motivating. Employees across groups had differing opinions concerning the fairness of awards. Several people indicated "allocation of rewards is fair" and there is a "fair distribution based on inputs." One person stated "those who complain [about rewards] are the ones who don't step up to go above and beyond." However, others indicated "rewards are based on favoritism" and they don't know if rewards are fair but know "they are not transparent."

Participants also commented the fairness of rewards depends on the supervisor for which an employee works. One person noted some supervisors are "open to discussion and managing up." Another stated "some managers are good at assessing strengths and weaknesses and rewarding them – some aren't and develop a strong like for certain people instead." Others similarly discussed rewards coming down to the "luck of the draw on supervisors."

Employees discussed various types of rewards available in OSEP. Most focused on performance evaluations and year-end performance awards. One person commented employees used to receive a



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reward only for "going above and beyond," and "now every satisfactory performance rating gets a reward." This person likened this approach to giving "participation trophies." A member of leadership supported this notion, commenting there aren't many poor performance evaluation ratings given to employees, resulting in little variation in end-of-year bonuses. One participant expressed their feeling that "appreciating staff is not giving everyone a reward." Others within the group agreed.

Participants also discussed promotions within the organization. One supervisor commented that, despite attempts to clarify, misunderstandings about how promotions are given are still widely prevalent among employees. This person clarified OSEP does not create positions with automatic grade advancement - that "all promotions must be applied for competitively." Non-supervisory employees across groups did express confusion on that point. While some insisted colleagues have been given non-competitive promotions, others countered their claims. Several employees noted promotions are "predetermined" regardless of their competitive status. One participant stated "you can tell who will get promoted based on how many times they have applied in the past." This person went on to say members of leadership give some promotions because they fear employees will complain or sue for being "passed over."

Supervisors also expressed frustration over the elimination of "increase-in-duty" promotions. They indicated higher-level leadership now insists they reduce staff duties rather than promote an employee based on the level of work they are asked to do. Members of leadership noted this is particularly problematic in their current staffing situation because they do not have the ability to stop employees from doing necessary, mission-related work and instead must ask them to do it without begin promoted to the level that aligns with that work.

Some participants noted rewards and promotions are determined by how work is assigned by supervisors, which is not entirely under the control of employees. One stated "if you are given a high-profile assignment you are more likely to see rewards from that, but others are working just as hard on what they do." Another participant commented that even when allowed discretion to pick assignments, it can be difficult for employees to step outside the division to gain skills and participate in growth opportunities. This person noted "it causes hurt feelings and problems with peers in the division" and "is a burden because we are already understaffed."

Employees discussed a number of other rewards available in the organization and how they are perceived by staff. Spot cash awards are "well liked" and used by some supervisors routinely. One supervisor described an informal event where "fake, funny" awards were given, indicating it "boosted staff morale and they seemed to enjoy it." Several participants discussed OSERS peer awards, which were described as "not used often." While supervisors noted these are also "nice morale boosters" other employees commented peers don't have time to write up rewards, so it "comes down to who has time to write you up." Others agreed, stating "if you get written up, you will probably get an award."

Two ways in which employees are informally recognized were also discussed. Members of leadership noted there are "staff shout-outs" in the bi-weekly newsletter. These are infrequent and supervisors "struggle to get input." One person also voiced concern that the "same people get recognized all the time," which may be off-putting to other employees. Finally, one supervisor described writing emails to employees' supervisors to give positive feedback and copying the employee, so they know it occurred.

**Recommendations**

Few recommendations were offered for improving rewards and recognition. Participants would like more transparency and communication about how the performance appraisal and end-of-year bonus process



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works. Several also recommended greater differentiation of employees instead of giving all employees similar ratings and bonuses. Employees who viewed performance rewards and promotions as dependent upon which supervisor a person works for recommended better training for supervisors and more standardization of the process to eliminate bias.

Additional clarity about the competitive status of promotions is also needed. It is unlikely perceptions of favoritism will ever be entirely eliminated, but members of leadership can lessen this by communicating the status of each promotion, emailing job postings, discussing the promotion process for each specific position, and highlighting the adherence to proper hiring procedures. Higher-level leadership should examine closely any instance in which these standards cannot be met to ensure fairness. Concerning distribution of high-visibility work, supervisors should track who is receiving these types of assignments and consider asking for volunteers to allow fair opportunities for all employees.

Employees recommended continuing and expanding the use of spot-cash awards and making sure all supervisors are using them equally. Employees should be urged to use the OSERS peer award and newsletter shout-outs to reward one-another. Supervisors may assist by communicating the steps in the award process or asking employees to take turns writing up peers to ensure balanced participation.

Participants liked the idea of having an informal award event, noting it would be fun and bring people together. They recommended leadership host and provide decorations and basic food or desserts instead of asking employees to bring food and "create the party themselves." It was felt that a small show of good-will, without a great deal of expense, would make employees feel more valued and show effort on behalf of leadership.

## Supervision

Focus group participants were asked how they feel about supervision within the organization, and if supervisors provide useful performance feedback and clear guidance and expectations for their work. There was variation in how employees feel about their direct supervisors. Several participants indicated their direct supervisor is "transparent and able to talk with us," and they "trust them," with one noting "supervision in RTP and OSEP is great."

Many participants were not as positive about supervision within OSEP, focusing on managers' supervisory and interpersonal skills. These participants indicated skill "varies widely" depending on the supervisor and the division. One person stated when issues are brought to supervisors' attention they are not addressed or dealt with appropriately, and that one second-line supervisor is "notorious" for "pacifying those in leadership and letting perpetrators get away with it."

One employee commented "new leaders come in with no supervisory skills, social skills or personality to do the job." Another stated "managers don't know how to manage – they don't have knowledge, expertise, or people skills." A third commented there is a difference between managers and leaders, and OSEP has "managers…timekeepers…turn-it-in-on-time people" who spend their day verifying where employees are and if they are working. One participant agreed many supervisors lack leadership skills, but also pushed back, noting "they are stretched really thin – they don't have time to lead. They barely have time to manage because they are in meetings all day."

Participants focused on several other specific aspects of supervision they would like to see improved. Several commented supervisors' "attitudes are degrading and disrespectful" and they "won't treat others the way they would want to be treated." One stated "they are working with highly educated national



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experts but don't treat people as adults or professionals and won't listen to our opinions or advice." Another took issue with the concept of "seat-time" – tracking when individuals are in their seats to begin work – calling it "ineffective and demoralizing." They went on to say seat-time sends a message that "sitting down at a certain time is more important than the quality of our work" and shows distrust. Another participant agreed, noting it is "not the way to treat white-collar professionals." A third stated "we are not children in grammar school, and this is not an 1800's factory."

Participants in one group also discussed gossip about employees between managers, noting it was unprofessional and employees "know" it occurs. Others spoke about needing a protocol for how supervisors talk to one-another about staff members not under their direct supervision. One person commented they felt 'blind-sided and embarrassed" when their own supervisor came to them with a complaint about their behavior from another supervisor who had never spoken to them directly.

Employees across groups discussed interactions with their supervisors during the performance evaluation process. Members of leadership noted OSEP staff have annual evaluations with specific performance elements that are adapted to employees individually. Non-supervisory employees clarified they have both mid-year and year-end review sessions, and most agreed they have monthly conversations with supervisors as well. One participant commented they find their performance review "useful" and another described the monthly conversation with their supervisor as "strategic." This person added their supervisor asks how they can support the employee in their year-end evaluation and that this is "important" to them. One person stated they feel their performance plan is "too generic" and should be further individualized through discussions with their supervisor. Another indicated they have received some helpful feedback, but at times they feel "spoken down to" by a supervisor who "lacks social skills" and whose communication is "brash."

Focus group participants were also asked if there is a distinction between how they feel about their direct supervisors and higher-level leadership within the Department. When discussing higher-level leadership, one supervisor stated there are "two types of leaders: people-focused, who will fight for the will of the people, and business-focused who don't care how decisions affect us. Business-focused leaders always win out and that is what we have." Others voiced frustration about decision making at the highest levels of the Department, with one person stating leaders have "no knowledge but very strong opinions." Another commented mid-level and front-line supervisors are "made to do things that lack face validity and make no sense," adding they are not involved in decisions made for their staff and are simply told what they must pass along. This person elaborated, saying this creates an "odd middle-man role" in which they cannot justify decisions to staff and may not agree with them.

At the OSERS level, employees noted they don't have consistency in leadership. One person commented this is due to multiple SES moves in recent years. Several participants indicated a preference for a career person who "understands the ins and outs of our work and stays longer."

Members of leadership discussed other specific barriers to effective supervision and leadership within the organization. One person noted the confusion created by GS-15 employees supervising other GS-15s. Another added some GS-15s supervise as many as 40 employees, while others are "given technical 15's" with the same pay but don't have to supervise anyone. This person indicated this causes hostility and frustration among supervisors, particularly when it is not clear how or why certain individuals obtained technical GS-15 positions. Finally, one supervisor indicated there is too much oversight, offering the example of regulations surrounding letter writing protocols. They noted "nine people are involved in editing, proofing, reviewing and approving," resulting in a "waste of time" and "overkill." This person also



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stated these processes reinforce a feeling of distrust among employees and members of lower-level leadership.

Participants spent a considerable amount of time discussing other leadership communication issues as well. One person said it is often difficult to determine if work is being allocated to them by their first- or second-line supervisor, which creates confusion. Others commented communication frequently happens within certain groups without "considering the ripple effect" of how decisions affect other areas of the organization. Another noted many decisions feel like "one-offs" that don't consider next steps, leading managers to "overcorrect in the other direction." One employee gave an example of a funding decision made hastily that greatly affected their work. They noted "unless you have a conversation at the water cooler you don't hear about it or see how it affects you." Finally, employees voiced frustration about leaders who use a "command and control" style of impersonal communication that lacks empathy or respect.

Participants also discussed what they termed "leadership through sidebar," indicating decisions are often made outside of formal meetings and without all stakeholders present. One person stated decisions shouldn't be made "at the water cooler between two people." Others voiced frustration that decisions are often made at "non-mandatory" meetings, noting "if you aren't at the meeting you miss a lot of information – don't call it non-mandatory if there are going to be discussions that staff must be a part of or should hear." One person stated some groups are good at taking notes and keeping meeting minutes, but not good at "pointing people to them."

Participants discussed two other topics specific to supervision. The first concerns the role of program leads within RTP. One person stated program leads "run people but don't have any authority." They went on to say they cannot tell staff where to be or direct any of their work. Another indicated program leads are expected to act in the role "indefinitely without authority, incentive to continue, or reward."

Finally, employees discussed supervisory responsibility for mentoring current and new employees. One participant commented new employees start with a single mentor and then "branch out" as they progress. However, several employees noted OSEP "lacks a culture of mentoring" that must come from supervision. Members of leadership agreed, saying they lack time to coach and mentor employees. One cautioned they are not certain all supervisors would have the skills to effectively perform those duties even if time allowed.

**Recommendations**

Focus group participants offered many recommendations for improvement in the area of supervision. Foremost, they indicated supervisors and second-line managers need more, and more effective supervisory and interpersonal skills training. In addition, they must be given time to practice these skills when they return from training and be monitored and coached by leaders above them to ensure best practices are being used. This will help to eliminate degrading and inappropriate communication styles used by certain supervisors and support others in taking decisive action when the situation warrants.

Several people recommended leaders discuss ways to lessen or eliminate micromanagement of employees and focus oversight and scrutiny on those who have proven themselves untrustworthy. One person asked that leadership not "punish the many for the sins of the few" and instead deal with individuals who abuse privileges privately instead of sending email directives or creating new rules for everyone. Similarly, employees recommended OSEP leadership evaluate concepts like "seat-time" and



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making employees "prove" where they have been. Participants felt this would improve morale and trust in leadership.

One participant suggested devising a better system for communicating information about an employee to their supervisor. For example, calling a meeting or writing an email including both the employee and their direct supervisor if something about them needs to be discussed, rather than the supervisors speaking first without the employee's knowledge. This would eliminate embarrassment and surprise on the part of the employee and allow them to provide an explanation of the situation from their perspective.

Several recommendations were made specific to performance evaluations. One person asked that supervisors be given specific guidance on how to conduct a performance evaluation and focus on their "tone" during the meeting. Others asked that performance plans be made more individualized and less generic. One supervisor recommended "revamping performance elements" and linking them to capacity development and training opportunities so supervisors can articulate to employees what they need to accomplish to reach each level of development. Finally, one employee suggested adding mentoring to supervisors' performance plans to ensure that it is valued and rewarded.

Few recommendations were offered for managers who are "stuck" between higher-level leadership and their direct reports. Although frustrating, this is by no means a unique experience for mid-level leaders. Managers can only communicate as much information as possible, frequently and with empathy. One employee recommended leaders "start with the assumption that employees are adults who are motivated to accomplish the mission" and include non-supervisory experts in discussions and decision-making. Several others suggested using more face-to-face communication with employees, especially when discussing difficult topics. One member of leadership supported this, recommending managers make more of an effort to "reach out and spend time with employees." They indicated this would have an impact on how supervisors are perceived by employees and would "go a long way toward a cultural shift."

One person stated supervisors should share more information with employees and increase transparency, noting "don't tell us to just be flexible and roll with it – share as much as you can. It would make a big difference." They also recommended providing truthful rationale for decisions, even if it is to say "I don't know why." This was seen as strongly preferable to managers "making up stories" and spreading distrust.

Concerning equity among leadership positions, one employee suggested examining the number of employees supervised by GS-15s and possibly rewarding those who carry a greater supervisory load. Similarly, it was recommended that OSEP leadership examine the position of program leads within RTP. One person suggested either granting greater authority to program leads to make the job easier or offering rewards to those who take on the role.

Participants acknowledged higher-level leadership oversight and protocols are likely to remain unchanged. However, they recommended leadership reduce the number of editors and levels of work product review to the extent possible. It was felt this would allow employees greater ownership of their work product, indicate greater trust in their expertise, and reduce redundancy and inefficiencies that cost the organization valuable time.

Finally, employees recommended improvements to communication within and across working groups. They suggested supervisors and non-supervisors pause to consider the ramifications of decisions being made on other work groups and funding streams. One recommended creating a system for tracking decisions and making sure meeting minutes are created and people know where to find them. Another



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highlighted the importance of including all necessary parties in key discussions and stated there should be "no side-bars" or informal discussions between small groups in which important decisions are made "on the fly."

## Strategic Management

Employees were asked if they feel they understand the mission, vision, and values of the organization and if they are clearly communicated to them. Participants across all groups stated they understand OSEP's mission, can articulate it clearly, and frequently discuss it with customers and stakeholders. Several participants went further, saying employees are "tied to the mission and are passionate about it," that it is "in our DNA," and is the "employees' mission, not just the organizations." One person summed it up by stating "I have a clear personal mission and vision for doing this work."

Participants felt less clear about the vision of the organization. One person noted "in the past the vision statement has been vast and convoluted" and attempts to simplify it have been 'useless." Another participant commented OSEP "had a vision, and now the vision is gone," asking "so what is the new vision?" A third commented "no one articulates the vision or why things happen."

Other comments concerning mission, vision and values pertained to OSEP's alignment with higher-levels within the Department. One participant stated OSEP was created because of a "historical neglect of kids with disabilities and is different from every other division within the Department. This person further noted the OSEP mission "sometimes conflicts with the messages from current high-level leadership." Others agreed, adding "diversions from our mission or attempts to create barriers are offensive" both professionally – and for many – personally. Non-supervisory employees spoke of being "at the mercy of the whims of the political system," being "too malleable and politically based," and "having no buy-in outside of OSEP." Members of leadership agreed, commenting this "complicates our work" and causes issues for OSEP leadership because they are caught in the middle.

**Recommendations**

Participants did not have many recommendations to offer in this area. It is clear OSEP employees have no difficulty understanding the organization's mission and many have made it their own. However, they recommended leadership more clearly articulate the vision of the organization and "be clearer about how they see the next year." One person suggested voicing a goal for the next 1-3 years so employees "know what they are aiming at." Another requested leadership communicate how organizational decisions are linked back to OSEP's mission and vision.

## Employee Support

Focus group participants were asked if the organization cares about its employees and if it has family-friendly attitudes and policies. Many employees indicated there is support for employees at the local OSEP level of the organization but not at higher levels. One stated "those at OSERS and the Department level care less-so than lower levels." One employee indicated "OSEP leadership 100% cares about staff" while others stated OSEP employees support one-another and direct supervisors support employees. A member of leadership agreed, noting "care about family issues within OSEP has always been there but we have to work within the constraints imposed from above."

However, several participants stated employee support and treatment "depends on who your supervisor is." They noted some supervisors are family-friendly and flexible while others are not. One person



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indicated family-friendly support is dependent on higher-level OSEP leadership, stating "our leader is awesome, which trickles down to my supervisor."

Some discussion was offered concerning reasonable accommodations given to employees. One person commented it "takes forever" to be granted an accommodation. Another voiced frustration about a supervisor "calling them out" for behaviors that fall under the employee's accommodation. This person stated they feel "a schizophrenic does my plan" because the same person granted the accommodation and yet denigrates the employee and scrutinizes their behavior. Similarly, other employees discussed being criticized for taking sick leave for legitimate, provable reasons. One person commented on the "lack of humanity and empathy" a supervisor exhibited in one instance, noting they felt "targeted" for something within their rights and beyond their control.

The most widely discussed topic concerning employee support was the telework policy. While employees noted OSEP leaders are "sympathetic" to flexibilities being removed, most stated the organization "used to be a much more family-friendly place to work," that current telework policy is a "high-level policy forced down on us" and "isn't family friendly at all." One added the reduction in telework amounts to "essentially a pay cut and a stressor." Several participants noted first- and second-line supervisors want to be more accommodating but can't because "their emails track what they allow and don't allow." A member of leadership agreed that the new telework policy does not "send a message that we care about employees."

Participants went on to discuss ramifications of the telework policy. One person noted they "feel like I have to be in DC unnecessarily." They went on to say this creates more stress and employees get less done, "setting them up to fail." Another commented the policy affects female employees with children disproportionately because they are most often the ones that need flexibility and have to take family members to appointments. A supervisor gave an example of an employee who teleworks on Monday but needed to bring a child to an appointment on a Tuesday. This person was not allowed to switch telework days and take two hours of leave under the new policy, which resulted in the employee taking an entire day of sick leave because they live at a distance. The supervisor noted with frustration "reasonable requests must be denied based on policy." Another non-supervisory employee commented the policy "doesn't even make sense" because it forces employees to take off more time even though the group "can't keep up with work because of staffing."

Some participants commented on being asked to change their telework schedule on short notice. One employee explained families with disabilities, and others, schedule therapy and meetings on afternoons they do not have to commute. This person noted employees are "locked in to our telework days without flexibility, but the expectation is that we can change it on a moment's notice for meetings and other non-essential organizational events." Others agreed, stating it creates "havoc and terrible stress" to rearrange appointments, find babysitters, and rely on family and friends unexpectedly."

Many group participants said they "take [the telework policy] personally" because "there is no reasonable rationale." One employee described it as "family hostile," while others stated the policy was implemented "solely to reduce the Department." They further indicated a departmental email concerning the results of a telework survey indicated "everyone hates the new telework policy." However, one person commented the Departmental leaders "don't care" and made clear "the beatings will continue until morale improves."

Employees stated they follow the new rules but have "lost [their] loyalty to the organization." Others indicated employee "motivation and engagement has gone way down" and "people are so tired and sick



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of everything – morale is so low we don't do any of the fun things we used to do." One person stated the telework policy shows a "complete lack of respect" and that OSEP has "lost lots of good people because of it."

Focus group participants were also asked if they feel physically safe when they are at work. They noted their OPM Federal Employee Viewpoint Survey (OPM FEVS) results stated employees don't feel safe from physical threats. One member of leadership voiced concern that employees are not screened by security when entering the building. They noted this had been brought to the attention of the head of building security, but nothing was done. A non-supervisory employee added there is only one entrance and exit for the building and it would be difficult for people to get out in an emergency. Another person commented an employee in a wheelchair was left behind during a fire drill, noting protocols are inadequate. Employees voiced frustration that high-level leadership "knows all these things – they are just waiting for something to happen."

Employees across focus groups also shared concerns about individual employees making them feel unsafe. One person noted they experienced someone making them feel unsafe and a supervisor "addressed it in the best way they could." However, they felt the actions taken were ineffective and were "left feeling scared." Other participants commented "When you hear about mass shootings, one person comes to mind" and "people talk, and the same person's name comes up every time."

Employees further discussed the emotional state of colleagues, indicating "they don't have a recourse to keep safe." One person chillingly stated "we have people talking about escape routes and where to hide if one of our colleagues starts shooting people. What kind of way is that to live and come to work every day?" Another inquired how the organization is treating mental health and struggling employees, stating "the organization will be responsible if something happens to that person or any of us."

**Recommendations**

Employees offered several recommendations to improve employee support. Participants suggested family-friendly flexibilities be offered as frequently as possible and consistently across supervisors to ensure fairness. They asked that requests for accommodations be acted upon more quickly and that supervisors not exhibit retribution or a lack of professionalism when handling accommodation-related issues or legitimate requests for leave. One employee also suggested training for supervisors in how to discuss these issues with empathy.

One employee summed up the collective requests of many by stating "give me my telework back." Participants acknowledged there is little to be done about the Departmentwide telework policy. However, they asked that supervisors bend to the extent possible, particularly when telework requests directly benefit mission-related work such as report writing or allow employees to take less leave and accomplish more work. Others recommended supervisors give more lead-time when requesting employees change their telework days and limit these requests to essential events that require face-to-face interaction.

Leadership should also work to increase building and individual employee safety. Participants recommended high-level members of leadership work to ensure screening of all individuals entering the building and improve emergency evacuation protocols. Most critically, employees urged leadership to take precautionary steps to reduce the threat of individual employees harming themselves or others and to take seriously the need for mental health support and accommodations.



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## Ethics

Employees were asked if the organization creates an ethical environment for them to work in and if they are treated fairly. Employees agreed front-line employees are ethical and remind each other, particularly new employees, what can and cannot be done according to law and regulations. While one person noted the OPM FEVS results indicate employees question higher-level staff ethics, career staff "have it figured out" when it comes to ethical work behavior.

However, many participants noted perceptions of inequality and favoritism by OSEP supervisors. One person commented certain employees are repeatedly given opportunities to attend conferences, training and onsite visits while others are denied. Another called it "blatant" and a member of leadership supported this, noting "there have been issues with the same people being given opportunities."

As previously noted, participants also voiced concern over inequity in hiring and promotions within OSEP. One employee stated they can "almost predict who will be the next manager by who hangs out with certain people." Another indicated "I was explicitly told a position was created for a specific person." Others said they have not seen this personally but had heard of it occurring. One employee corrected another, commenting they "knew for a fact" a position was competed fairly. Similarly, a member of leadership acknowledged employees' perceptions but noted a FOIA request "showed documents supporting a fair hiring process."

Participants noted other behaviors they consider to be unethical, including "bullying and gossiping" by leadership. One person described receiving an inappropriate message from a leader through private communication which they reported to management. The employee stated there was no apology offered or acknowledgement of wrongdoing. Another described hearing inappropriate jokes in a lunch area, stating "when I called them out on it, they just doubled down on the joke, knowing they wouldn't get in any trouble with leadership." Another participant noted leaders often gossip unprofessionally behind employees' backs and model such behavior for staff. Others agreed, indicating a "complete culture shift is in order." A third employee explained two individuals within OSEP are married to one another, stating this is "inappropriate, if not unethical" and voicing concerns about the employees sharing confidential information in a private setting.

Finally, participants were asked if the organization values diversity. One participant responded the organization "wants the appearance of valuing diversity" but they are "not sure they really care." Others noted OSEP does not have "sustained conversations" about diversity, and behavior doesn't always reflect valuing diversity. One employee commented "we have bursts of conversation about things but then it goes away." Another agreed but commented the organization doesn't have time to address issues, stating "why open a can of worms without the effort and time to deal with it?" A third participant commented "they do some training and then walk away."

Others noted inconsistencies between the work they do and the way OSEP employees are treated. For example, one person stated deaf employees consistently needs to schedule their own interpreters for meetings because the organization fails to do it for them. Another noted blind employees require assistance starting their computers daily because of a silent screen prompt that has not been changed. And a third commented wheelchair access to the building is "not great." One employee summed it up by stating "we are the Office of Special Education Programs – you would think they would try harder."



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**Recommendations**

Employees offered few specific recommendations for improvement. They reiterated leadership needs to ensure no favoritism or bias exists in offering rewards, travel or promotions within the organization. If perceptions of bias are erroneous, members of leadership should make fair practices that follow ethical and legal guidelines clear and advertise instances of equitable treatment to reinforce employees' understanding. Second-line leaders must also not allow supervisors to gossip, bully or engage in other unprofessional behavior, and must hold supervisors accountable in instances where these behaviors occur. Participants again recommended supervisors speak directly to employees, instead of about them, and maintain a professional tone. They also suggested training for behavioral issues and removing repeat offenders from leadership roles.

Finally, employees strongly recommended OSEP be more attentive to special needs and diversity issues. One person suggested creating points-of-contact within groups for employees to contact. Another noted, however, leaders must act on issues that are brought up and follow through beyond short-term discussions or training events.



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## Conclusions

As with any comprehensive organizational analysis, it is difficult to make broad, generalized conclusions for the group as a whole. Inherent to any organization is the need to offer unique experiences that meet the needs of many different types of employees. However, there are some important conclusions to be drawn based on the results of this organizational assessment.

Quality of teamwork and communication within and across OSEP divisions varies widely. Overall, employees within RTP described better communication and higher functioning teams than those in MSIP. Employees describing poorly functioning teams indicated more staffing, reduced workloads, and greater clarification about matrixed team structures would help. However, supervisors must also hold under-performers accountable, ensure equitable contributions across employees, and make certain staff members have the skills they need or receive training. Supervisors who cannot accomplish these tasks may need training themselves.

OSEP employees describe themselves and the organization as strongly dedicated to customer support. Most also feel the organization empowers them to help customers in an effective way. There are many things that can be done to further support customer orientation, including increased staffing, better planning for customer transitions, and updating employee skills and professional knowledge. In addition, OSEP may benefit from enhancing technology associated with customer outreach and creating a better customer feedback system to identify and address customer issues. This may also increase trust and reinforce customer relationships employees feel have been strained in recent years.

Training is a topic that consumed a great deal of participants' attention. Employees indicated a desire for training but no time to participate. They want more assistance from supervisors in identifying their skill deficits, creating career paths and providing guidance and recommendations for training opportunities. Supervisors require more time and higher-quality training themselves in order to meet those needs. Better training on basic skills and processes in the organization would increase productivity and allow employees more time for mission-related work and professional development. In addition, increasing conference attendance would offer numerous benefits including increased innovation, enhanced customer service, improvements in employee satisfaction and engagement and reductions in staff turnover intention. Finally, tracking, recognizing and rewarding training participation would hold employees accountable for learning and incentivize them to participate in the future. Most of this cannot occur, however, without messages from high-level leadership that make clear the organization values training and supports a culture of learning.

Employees acknowledge improvements in IT resources since receiving new laptops but offered many technology-related suggestions for further improvement. Several of these may be easy to implement once explored and would offer increased productivity and an obvious sign of improvement to employees. Similarly, suggestions such as improving access to supplies, purchasing headphones, and giving employees their plants back are relatively simple ways to improve morale. The physical space employees must work in represents the largest resource challenge OSEP faces and was reported to contribute significantly to employee dissatisfaction and loss of productivity. The organization would likely see great benefit from improving "cube spaces" and increasing the availability of conference and collaboration space. In addition, OSEP should closely examine its handling of reasonable accommodations, both to ensure empathy and fairness to employees and to avoid stepping outside the law and putting the organization at risk.



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There is a great desire among OSEP employees to be treated fairly and with respect for their professionalism and technical expertise. When discussing flexibility and innovation, employees voiced their willingness to adapt to change and their desire to innovate to achieve and advance OSEP's mission. Yet they describe change in the organization as something done to them, not in collaboration with them, and in absence of communication and planning. Similarly, employees and members of leadership describe innovation as suppressed, hidden, micromanaged, and shot-down. While OSEP leadership is frequently caught between their employees wants and the demands of higher-level leadership, they would benefit from seeking ways to reward innovation and initiative and from treating employees as respected technical experts within their field. It appears most employees are ready and willing to rise to the occasion and respond with professionalism and high levels of engagement in return.

Rewards and recognition were not of primary importance in focus group discussions. Although employees offered opinions about performance awards and promotions, they appeared more concerned about their daily work environment and treatment. Many did request greater transparency in reward and promotion processes. Most also indicated a desire for greater differentiation of performance, both in end-of-year ratings and the bonuses attached to them. Other opportunities to reward employees, such as use of spot-cash awards, informal praise, and award events may be quick, easy and visible ways to boost employee satisfaction and motivation.

Employees appeared to understand it is not OSEP's role to alter the protocols and directives of higher-level leadership within the Department. However, most felt changes to mid-level and front-line supervision would greatly improve many areas of concern throughout the organization. OSEP supervisors need more and better training on conducting performance evaluations, communicating with staff, decision-making, and mentoring, among other topics. They also need support and coaching from those above them, time to train and practice leadership skills, and accountability for lapses in professional behavior.

Supervisors recommended performance evaluations be reviewed and linked to capacity development and training. Employees also want leadership to reduce oversight and micromanagement across the organization and improve protocols for effective decision-making. While these recommendations are broad and may take considerable effort to implement, the improvements they offered to leadership and organizational functioning make them a priority for consideration.

Employees' clear understanding of OSEP's mission and their passion for the work they do is a strength for the organization and has kept many employees from leaving despite other perceived hardships. However, they warn of a limit in their ability to endure. They also indicated a need for a clearer vision of the organization's short-term and long-term future. Employees want to know what organizational goals they are aiming to achieve and how decisions that are made directly tie to these goals.

Changes to the telework policy have led to greater stress and dissatisfaction, increased leave-taking and a loss of productivity among employees. Participants indicate the change has directly resulted in a less family-friendly environment. The policy, in concert with changes to physical workspace and a perceived absence of rationale for both, has left employees feeling demoralized and suspicious that the organization is intentionally making things harder for employees in the hope that they will leave.

OSEP leadership should also be aware there is a prevalent and strong perceived threat to physical safety in the organization. Although employees did not specifically identify the threat as imminent, many made clear that they believe it to be real and urgent. Leaders should consider immediate steps to ameliorate possible threats. Such steps may include providing accommodations, mental health support, and



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empathy to employees in need, and pushing for physical safety measure such as building entry screening.

Finally, it appears most employees believe their colleagues to be ethical. However, they noted a number of behaviors that fall under the category of inappropriate, if not wholly unethical. These include favoritism by leaders and offensive language and behavior. OSEP should do more to limit these behaviors and also increase awareness, training, and, most critically, action surrounding diversity.

OSEP has a large number of technically skilled, dedicated employees who are struggling under the weight of organizational parameters and restrictions. The result, as described by OSEP focus group participants, is an environment of mental and emotional exhaustion, anxiety and fear of other employees' mental states and behavior, demoralization and lessening engagement, inability to optimally support the OSEP mission, and an increased threat of turnover for the organization.

Overall, OSEP is comprised of an educated workforce that conducts sophisticated and important work. Employees care about the mission of the organization and want to contribute in meaningful ways. They require respect and support in order to be effective. By addressing the needs identified in this assessment, OSEP will ensure it has the culture needed to hire and retain employees that are satisfied with their work and excel at what they do.



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# Appendix A. Climate Assessment Focus Group Non-Supervisory Participant Protocol

**Introduction**

Thank you for taking the time to be here today. My name is XXX and this is my colleague, XXX. We are Personnel Research Psychologists from the U.S. Office of Personnel Management in Washington, DC. Your organization has asked us to conduct a series of focus groups concerning employee satisfaction within the organization. There will be a total of 5 focus groups with participants from across the organization. All employees were invited to participate and share their views and suggestions for improvement.

We are grateful that you took the time to meet with us today because *you* are the subject matter experts in your organization when it comes to employee experiences. We will discuss a variety of aspects of the organization and have a series of questions to cover. We are interested in hearing from all of you. There are no right or wrong answers, and we expect that you will have differing points of view. We do ask that you be mindful of the time when you are responding and that only one person speak at a time. You may hear me move the group along at times to ensure that I hear from a range of individuals and cover all of the topics we need to discuss. This is your opportunity to speak candidly about what works and does not work within your organization and to offer suggestions for how to make improvements.

We'd like you to feel comfortable sharing information today. Your input will be confidential and will be used to help us formulate recommendations and improvements. We will be taking notes on what you say, but we will not match your name with your comments. We ask that you also help to maintain confidentiality by not sharing with others what is said today.

Finally, we expect to be together for about 2 hours, depending on how the conversation goes.

Is it the case that all of you are NON-SUPERVISORS?

Do you have any questions before we begin?



AMERICAN OVERSIGHT

1. **Teamwork:** Do employees collaborate to get the job done? If not, why?
    - How can teamwork and communication improve?

2. **Customer Orientation:** Does the organization have a focus on customer service? Does it empower employees to help customers in the way they need? Why or why not? How can this improve?

3. **Training:** Are employees given the training they need? Does leadership support participation in training? Is training content and quality adequate for employee's needs? Why or why not? What about training could be improved?

4. **Resources:** Do you have the resources you need to get your job done (e.g., staff, information, workspace, technology)? What do you feel you need and why?

5. **Flexibility:** Do you feel the organization can adapt to change? Why or why not?
    - Are there barriers that make your job harder? What are they? How can they be improved?
    - Would you describe the organization as innovative? Why or why not What can be done to make it more innovative?

6. **Rewards:** How do you feel about how the organization rewards employees?
    - Are rewards allocated fairly? Why do you feel that way?
    - Do you feel rewards are motivating? If not, what could make them more so?

7. **Supervision:** How do you feel about the overall supervision within the organization?
    - Does your supervisor provide useful feedback on your performance?
    - Does your supervisor provide clear guidance and expectations for your work?
    - Is there a distinction between how you feel about your direct supervisor and higher-level leadership? Can you say more about that?

8. **Strategic Management:** Do you feel you understand the mission, vision and values of the organization? Why or why not? Is it clearly communicated to you? Would it benefit you to understand it better?

9. **Employee Support:** Does the organization care about its employees? Why do you feel that way?
    - Do you feel physically safe when you are at work?
    - Does the organization have family-friendly attitudes and policies? What could be done to improve in this area?

10. **Ethics:** Does the organization create an ethical environment for you to work in? Why or why not?
    - Are employees treated fairly?
    - Does the organization value diversity?



AMERICAN OVERSIGHT

ED-20-0731-A-007298

**Is there anything further that you would like to discuss that we did not touch on here today? Any last recommendations for improvement?**

**Summary**

Thank you very much for your time today. In the coming days, if you think of something that you might like to add or something you'd like to share that you didn't feel comfortable sharing in a group setting, you are welcome to contact me directly via email and send those comments. My email address is Jennifer.Hartenstine@opm.gov. You are welcome to write to me within the next week. Again, we will not attach your name to the comments you send; we will only lift the comments from your email and add them to the summative notes for this session.

In terms of next steps, we will be writing a single report that combine the information from these focus groups. The reports will be going to your leadership in the coming weeks. If you have questions about the reports or next steps, please contact Melanie Winston.

Thank you again and have a great day!



AMERICAN OVERSIGHT

ED-20-0731-A-007299

# Appendix B. Climate Assessment Focus Group Supervisory Participant Protocol

**Introduction**

Thank you for taking the time to be here today. My name is XXX and this is my colleague, XXX. We are Personnel Research Psychologists from the U.S. Office of Personnel Management in Washington, DC. Your organization has asked us to conduct a series of focus groups concerning employee satisfaction within the organization. There will be a total of 5 focus groups with participants from across the organization. All employees were invited to participate and share their views and suggestions for improvement.

We are grateful that you took the time to meet with us today because *you* are the subject matter experts in your organization when it comes to employee experiences. We will discuss a variety of aspects of the organization and have a series of questions to cover. We are interested in hearing from all of you. There are no right or wrong answers, and we expect that you will have differing points of view. We do ask that you be mindful of the time when you are responding and that only one person speak at a time. You may hear me move the group along at times to ensure that I hear from a range of individuals and cover all of the topics we need to discuss. This is your opportunity to speak candidly about what works and does not work within your organization and to offer suggestions for how to make improvements.

We'd like you to feel comfortable sharing information today. Your input will be confidential and will be used to help us formulate recommendations and improvements. We will be taking notes on what you say, but we will not match your name with your comments. We ask that you also help to maintain confidentiality by not sharing with others what is said today.

Finally, we expect to be together for about 2 hours, depending on how the conversation goes.

Is it the case that all of you are SUPERVISORS?

Do you have any questions before we begin?



AMERICAN OVERSIGHT

ED-20-0731-A-007300

For all of the topics we discuss today, you may feel free to answer based on your own experiences, or those of your employees from your supervisory point of view. Please just clarify who you are speaking about so we can capture the information correctly. For example, when speaking about support for training, you can speak to your own training experiences, or those of your employees (or both).

1. **Teamwork:** Do employees collaborate to get the job done? If not, why?
   *a.* How can teamwork and communication improve?

2. **Customer Orientation:** Does the organization have a focus on customer service? Does it empower employees to help customers in the way they need? Why or why not? How can this improve?

3. **Training:** Are employees given the training they need? Does leadership support participation in training? Is training content and quality adequate for employee's needs? Why or why not? What about training could be improved?

4. **Resources:** Do you have the resources you need to get your job done (e.g., staff, information, workspace, technology)? What do you feel you need and why?

5. **Flexibility:** Do you feel the organization can adapt to change? Why or why not?
   *a.* Are there barriers that make your job harder? What are they? How can they be improved?
   *b.* Would you describe the organization as innovative? Why or why not? What can be done to make it more innovative?

6. **Rewards:** How do you feel about how the organization rewards employees?
   *a.* Are rewards allocated fairly? Why do you feel that way?
   *b.* Do you feel rewards are motivating? If not, what could make them more so?

7. **Supervision:** How do you feel about the overall supervision within the organization?
   *a.* Do supervisors provide useful feedback on performance?
   *b.* Do supervisors provide clear guidance and expectations for work?

8. **Strategic Management:** Do you feel you understand the mission, vision and values of the organization? Why or why not? Is it clearly communicated to you by senior leadership? Would it benefit you to understand it better?

9. **Employee Support:** Does the organization care about its employees? Why do you feel that way?
   **a.** Do you feel physically safe when you are at work?
   **b.** Does the organization have family-friendly attitudes and policies? What could be done to improve in this area?

10. **Ethics:** Does the organization create an ethical environment for you to work in? Why or why not?
    a. Are employees treated fairly?
    b. Does the organization value diversity?



AMERICAN OVERSIGHT

ED-20-0731-A-007301

**Is there anything further that you would like to discuss that we did not touch on here today? Any last recommendations for improvement?**

**Summary**

Thank you very much for your time today. In the coming days, if you think of something that you might like to add or something you'd like to share that you didn't feel comfortable sharing in a group setting, you are welcome to contact me directly via email and send those comments. My email address is Jennifer.Hartenstine@opm.gov. You are welcome to write to me within the next week. Again, we will not attach your name to the comments you send; we will only lift the comments from your email and add them to the summative notes for this session.

In terms of next steps, we will be writing a single report that combine the information from these focus groups. The reports will be going to your leadership in the coming weeks. If you have questions about the reports or next steps, please contact Melanie Winston.

Thank you again and have a great day!



AMERICAN OVERSIGHT

ED-20-0731-A-007302

# Appendix C. Climate Assessment Invitation Email Text

Good morning:

My name is Jennifer Hartenstine – I am an organizational psychologist in HR Solutions within the Office of Personnel Management. Your organization has hired us to conduct a series of employee focus groups to allow employees to voice opinions on what is working and not working within your organization, and to offer suggestions for improvement. This is an opportunity to speak directly to senior leadership in your own words. You have the full support of your leadership and direct supervisor to attend this meeting, and there is nothing you need to prepare in order to participate.

We will be taking notes during the focus group, but we will not be taking notes on who is speaking during the discussions. We are interested in *what* you have to say but will not identify *who* said it. All results will be combined into a summative report provided to your leadership in February.

Your focus group will be held at the following location, date and time:

- Location: Room 5170
- Date: xxx
- Time: xxx

**ACTION REQUIRED**: It is important that we hear back from you by **January 10, 2020** on whether or not you will be able to attend. Please reply to me, Jennifer Hartenstine at Jennifer.hartenstine@opm.gov with your response.

Thank you very much,

Jennifer Hartenstine



AMERICAN OVERSIGHT

ED-20-0731-A-007303

**From:** VanderPloeg, Laurie
**Sent:** Fri, 17 Apr 2020 00:24:48 +0000
**To:** OSEP Staff
**Subject:** Update

Sorry for the late update! Busy day and a broken value in my refrigerator that soaked the outside hallway! Men in masks came in to repair and my landlord came by tonight. My sterile apartment became not so sterile today. That does not make me happy since I have been in isolation and trying so hard to keep myself safe. On a positive note great conversations today with staff as well as external stakeholders. Talked to the NASDSE board today and listened to their concerns as well as success stories. Gathering stories of where there are positive, innovative, collaborative practices with parents and school personnel across the nation. While we as a nation have a lot of challenges ahead with instructional supports and related service provision options for our infants, toddlers, children and youth with disabilities there are some amazing efforts by parents, staff and administrators. Let's focus on all the positive relationships we are helping to build as well as the positive results for our students we are supporting. I am amazed daily at the work you are doing, what the OSEP funded TA centers are producing and our mission and vision to move forward in the mist of this pandemic. You make me proud! Please let me know if you need anything! Thanks for your continued commitment! Stay safe and stay healthy!!!

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

AMERICAN OVERSIGHT

**From:** Bradley, Renee
**Sent:** Thu, 9 Apr 2020 19:16:10 +0000
**To:** VanderPloeg, Laurie;Levorse, Audrey
**Cc:** Wexler, Larry
**Subject:** virtual learning briefs
**Attachments:** Online Learning Briefs_Template_Teachers_DRAFT_for OSEP delivery.docx, Online Learning Briefs_Template_Families_DRAFT_for OSEP review (1).docx

Laurie and Audrey

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We are hoping to go live with the new IDEAStthatwork COVID page by next Wednesday and would like these documents on the site for this release.

The site will be linked to other program offices, ED resources, NSCI and ECTA as well as highlight COVID specific products developed by our centers

It would be great to get any feedback or questions from yall by Monday PM so we can get them ready.

Miss seeing you guys –

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**From:** Bradley, Renee
**Sent:** Thu, 9 Apr 2020 19:16:10 +0000
**To:** VanderPloeg, Laurie;Levorse, Audrey
**Cc:** Wexler, Larry
**Subject:** virtual learning briefs
**Attachments:** Online Learning Briefs_Template_Teachers_DRAFT_for OSEP delivery.docx, Online Learning Briefs_Template_Families_DRAFT_for OSEP review (1).docx

Laurie and Audrey

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We are hoping to go live with the new IDEAStthatwork COVID page by next Wednesday and would like these documents on the site for this release.

The site will be linked to other program offices, ED resources, NSCI and ECTA as well as highlight COVID specific products developed by our centers

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Miss seeing you guys –

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AMERICAN OVERSIGHT

**From:** Wexler, Larry
**Sent:** Tue, 31 Mar 2020 14:39:30 +0000
**To:** Walawender, Rebecca
**Cc:** VanderPloeg, Laurie;Rosenquist, Celia;Davis, Richelle
**Subject:** Waiver: Service Obligation
**Attachments:** 2006Regs.pdf

(b)(5)

IDEA (d) *Service obligation.* Upon exiting the training program under paragraph
(a) of this section, subsequently maintain employment—
(1) On a full-time or full-time equivalent basis; and
(2) For a period of at least two years for every academic year for which assistance was received;

Sec. 3519. Service Obligations for Teachers. pp. 129 – 130; 134 Stat. 409 – 410.

The Secretary may modify the circumstances in which a recipient of a TEACH Grant may be excused from fulfilling all or a portion of their service obligation, and will count any service obligation that is reduced to part-time service due to the national emergency as having fulfilled the full-time service obligation.
For purposes of teacher loan forgiveness, if the borrower's ability to teach is temporarily interrupted due to the national emergency, but they resume teaching at the end of the emergency and complete a total of 5 years of qualified teaching, the Secretary will consider those years of teaching to have been consecutive

AMERICAN OVERSIGHT

Federal Register

Monday,
June 5, 2006

# Part IV

# Department of Education

## 34 CFR Part 304

## Service Obligations Under Special Education; Preparation of Leadership Personnel; Combined Priority for Personnel Preparation; Interdisciplinary Training in Analysis of Large-Scale Databases; Final Rule and Notices

AMERICAN OVERSIGHT

**DEPARTMENT OF EDUCATION**

**34 CFR Part 304**

**RIN 1820–AB58**

## Service Obligations Under Special Education—Personnel Development to Improve Services and Results for Children With Disabilities

**AGENCY:** Office of Special Education and Rehabilitative Services, Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The Secretary issues final regulations governing specific provisions of the Personnel Development to Improve Services and Results for Children with Disabilities program authorized under part D of the Individuals with Disabilities Education Act, as amended (IDEA or Act). The regulations are needed to implement changes made to IDEA, as amended by the Individuals with Disabilities Education Improvement Act of 2004.

**DATES:** These regulations are effective July 5, 2006.

**FOR FURTHER INFORMATION CONTACT:** Louis C. Danielson, U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center Plaza, room 4160, Washington, DC 20202–2641. Telephone: (202) 245–7371.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay System (FRS) at 1–800–877–8339.

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**SUPPLEMENTARY INFORMATION:** These regulations implement specific provisions of part D of the IDEA. On June 21, 2005, we published a notice of proposed rulemaking (NPRM) in the **Federal Register** (70 FR 35782) (NPRM) to amend the regulations governing the Assistance to States for the Education of Children with Disabilities Program; Preschool Grants for Children with Disabilities Program; and Service Obligations under Special Education—Personnel Development to Improve Services and Results for Children with Disabilities. The proposed regulations for Service Obligations under Special Education—Personnel Development to Improve Services and Results for Children with Disabilities in 34 CFR part 304 are described on pages 35817 through 35818 of the preamble to the NPRM. The text of the proposed regulations can be found on pages 35890 through 35892 of the NPRM.

In the preamble to the NPRM, the Secretary discussed the major changes proposed in that document to implement the provisions of the Service Obligations under Special Education—Personnel Development to Improve Services and Results for Children with Disabilities program, as specified in section 662(h) of the Act. These included the following:

- Clarifying in §§ 304.21 and 304.22 that stipends are not included in the cost of attendance and are not limited by the cap in § 304.22(b).
- Clarifying in § 304.30 that the Secretary is responsible for ensuring that scholars comply with the service obligation requirements.
- Describing in one section—§ 304.30—all of the requirements a scholar must meet.

As more fully explained in the *Analysis of Comments and Changes* section of this notice, these final regulations for part 304 contain several changes from the regulations proposed in the NPRM.

### Major Changes in the Regulations

The following is a summary of the major substantive changes in these final regulations from the regulations proposed in the NPRM:

1. Eligible employment options for scholars have been expanded (§ 304.30(e)(3)).
2. The number of additional years allowed to fulfill a scholar's service obligation has been increased from three to five years (§ 304.30(f)(1)).

### Analysis of Comments and Changes

In response to the Secretary's invitation in the NPRM, five parties submitted comments on the proposed regulations for the Service Obligations Under Special Education—Personnel Development to Improve Services and Results for Children with Disabilities (Personnel Development Program). An analysis of the comments and of the changes in the regulations since publication of the NPRM follows. We discuss substantive issues under the section to which they pertain. References to sections in this analysis are to those contained in the final regulations. The analysis generally does not address minor changes, including technical changes made to the language published in the NPRM, suggested changes the Secretary is not legally authorized to make under applicable statutory authority, or comments that express concerns of a general nature about the Department or other matters that are not directly relevant to these regulations.

*Assurances that Must be Provided by Grantee (§ 304.23)*

*Comment:* None.

*Discussion:* Upon further review, the Department has determined that, at the time of exit from the program, the grantee should provide the scholar with a list containing all of the scholar's obligations under § 304.30, and the scholar should certify that this list of obligations is correct. We believe that this requirement should be added because it clarifies that the grantees, which have the best access to this information, are responsible for sharing this information with the scholars.

*Change:* We have deleted the requirement contained in § 304.23(c) that the grantee must "establish policies and procedures for receiving and maintaining records of written certification from scholars." We have modified § 304.23(c) by adding new §§ 304.23(c)(1) and (2), which require the grantee to provide information to the scholar and specify that, upon receipt of this information, the scholar must provide written certification to the grantee that this information is correct.

*Requirements for Scholar (§ 304.30(e))*

*Comment:* A few commenters stated that the "majority of children" and the "majority of time" requirements in § 304.30(e)(1) and (2) cause hardship for some scholars. The commenters stated that scholars who provide direct services in early intervention and adaptive physical education are most impacted by these requirements because early intervention and adaptive physical education positions involve working primarily, or exclusively, in settings in which scholars provide educational services, but not necessarily special education services, to students with the full range of abilities and disabilities in a general education setting. The commenters recommended eliminating the current "majority of children" and the "majority of time" requirements in § 304.30(e)(1) and (2) and instead requiring only that scholars "provide special education and related services to children with disabilities * * *" consistent with section 662(h)(1) of the Act.

*Discussion:* The Department supports the provision of special education and related services and early intervention services in settings with nondisabled children. However, the Department believes that the limited funds available for the Personnel Development Program should be targeted to support and train scholars who, following completion of

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training, will be employed in positions (other than supervisory, postsecondary faculty, research, policy, technical assistance, program development, or administration) that meet the ''majority of time'' or the ''majority of children'' requirements in § 304.30(e)(1) and (2) to ensure that the need for qualified special education personnel can be met. The Department believes that these majority requirements are necessary to ensure that there are sufficient numbers of qualified personnel to provide the most effective special education, related services, and early intervention services to infants, toddlers, and children with disabilities.

*Changes:* None.

*Comment:* None.

*Discussion:* Upon internal review, the Department has determined that it would be helpful to define more precisely the term ''majority,'' as it is used in § 304.30(e).

*Changes:* We have modified the language in § 304.30(e) to substitute the term ''51 percent'' for the term ''majority'' throughout this section.

*Comment:* A few commenters stated that the range of employment options to satisfy the service obligation requirements in § 304.30(e)(3) through (5) is too restrictive and should be expanded. The commenters stated that scholars should be allowed to satisfy their service obligation through work in other areas, such as policy, administration, professional development, technical assistance, and program development related to special education, related services, and early intervention services.

*Discussion:* The Department agrees that there may be situations in which an individual can fulfill his or her service obligation in a position that is not described in § 304.30(e), including positions involving policy, technical assistance, program development, or administration, when the individual spends at least 51 percent of his or her time performing work related to the training for which a scholarship was received.

*Changes:* We have deleted § 304.30(e)(4) and (5), and modified the language in § 304.30(e)(3) to clarify that, in addition to positions involving supervision, teaching at the postsecondary level, and research, a scholar may fulfill the scholar's service obligation in a position involving policy, technical assistance, program development, or administration when the scholar spends at least 51 percent of his or her time performing work related to the training for which a scholarship was received under section 662 of the Act.

*Comment:* A few commenters stated that recent Federal education policy, as articulated in the No Child Left Behind Act of 2001 and the 2004 reauthorization of IDEA, focuses on addressing the needs and performance of children with disabilities within programs, policies, and procedures of the general education system. The commenters recommended that the Department expand the eligible employment options to include, under limited circumstances, employment that addresses the needs of children with disabilities within the broader context of prevention and intervention initiatives in the general education system that are designed to accommodate the needs of a wide range of children.

*Discussion:* The purpose of providing scholarships under the Personnel Development Program is to ensure that there are sufficient numbers of qualified personnel to provide special education, related services, and early intervention services to infants, toddlers, and children with disabilities. While scholarships under this program may be used to provide support for training and professional development on topics leading to the identification of children with disabilities (*e.g.*, progress monitoring and response to intervention), we do not believe scholars should be permitted to satisfy their service obligation in positions that focus primarily on nondisabled students or nondisabled students who may be at risk of having a disability.

*Changes:* None.

*Time Period (§ 304.30(f))*

*Comment:* A few commenters suggested changing the length of the service obligation in § 304.30(f)(1) so that scholars who are unable to satisfy the ''majority of children'' or the ''majority of time'' requirement in any single year would either automatically be subject to one extra year of service, or, upon request, receive a deferral of up to two years.

*Discussion:* Section 304.30(f)(1) requires scholars to complete at least two years of service obligation for every academic year for which assistance was received and to complete their service obligation in not more than the sum of the number of years required plus three additional years. The Department recognizes that some employment circumstances may make it difficult for scholars to fulfill their service obligation, as defined in § 304.30(e), within this time period. While implementing the commenters' recommendations would be too complex and burdensome to administer and monitor, we believe it would be appropriate to expand the number of years that scholars will have to fulfill their service obligation.

*Changes:* We have revised § 304.30(f)(1) to allow all scholars five, instead of three, additional years to fulfill their service obligation.

*Comment:* A few commenters expressed concern that, when scholars who are qualified service providers before they enter an academic program (*e.g.*, teachers returning to school for a masters degree) do not complete one academic year of study because of personal or professional reasons, they must repay their scholarship. The commenters stated that these scholars, who are already qualified to provide special education, related services, or early intervention services to children with disabilities, should be permitted to satisfy their obligation through service, rather than repaying the cost of the scholarship, even though they have not accumulated one year of academic credit, as required in § 304.30(f)(2).

*Discussion:* The Department believes that scholars are unlikely to make substantial gains in their knowledge and skills in less than one year such that they would be able to provide improved special education, related services, or early intervention services to infants, toddlers, and children with disabilities.

*Changes:* None.

**Executive Order 12866**

These final regulations have been reviewed by the Office of Management and Budget (OMB) as a significant regulatory action in accordance with Executive Order 12866. Under the terms of the order we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the final regulations are those resulting from statutory requirements and those we have determined to be necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits of these final regulations, we have determined that the benefits of the regulations justify the costs.

**Summary of Potential Costs and Benefits**

**Service Obligation Tracking Burden**

The statutory change incorporated in these final regulations, which shifts the burden for ensuring that scholars comply with their service obligation from grantees to the Secretary, was not specifically addressed in the *Summary of potential costs and benefits section* contained in the NPRM because this

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change does not impose any additional burden on grantees, and will not result in any significant additional costs or benefits.

We include additional discussion of potential costs and benefits in the section of this preamble titled *Analysis of Comment and Changes.*

**Paperwork Reduction Act of 1995**

The Paperwork Reduction Act of 1995 does not require you to respond to a collection of information unless it displays a valid OMB control number. The collection of information in these final regulations has been approved by OMB under OMB control number 1820–0622. We also display this OMB control number in these final regulations at the end of the affected sections of the regulations.

The clarification of the written certification requirement from the scholar in § 304.23(c)(2) was not discussed in the NPRM but has been added to the final regulations. This imposes a new information collection requirement, however, it does not fall under the Paperwork Reduction Act's definition of ''information'' as explained in 5 CFR 1320.3(h).

**Intergovernmental Review**

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal Financial assistance.

In accordance with the order, we intend this document to provide early notification of the Department's specific plans and actions for this program.

**Assessment of Educational Impact**

In the NPRM we requested comments on whether the proposed regulations would require transmission of information that any other agency or authority of the United States gathers or makes available.

Based on the response to the NPRM and on our review, we have determined that these final regulations do not require transmission of information that any other agency or authority of the United States gathers or makes available.

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**Note:** The official version of the document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

(Catalog of Federal Domestic Assistance Number 84.325 Personnel Development to Improve Services and Results for Children with Disabilities).

**List of Subjects in 34 CFR Part 304**

Service obligations under special education—personnel development to improve services and results for children with disabilities.

Dated: May 26, 2006.

**John H. Hager,**

*Assistant Secretary for Special Education and Rehabilitative Services.*

■ For the reasons set forth above, the Department revises 34 CFR part 304 to read as follows:

## PART 304—SERVICE OBLIGATIONS UNDER SPECIAL EDUCATION—PERSONNEL DEVELOPMENT TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES

### Subpart A—General

Sec.

304.1 Purpose.
304.3 Definitions.

### Subpart B—Conditions That Must Be Met by Grantee

304.21 Allowable costs.
304.22 Requirements for grantees in disbursing scholarships.
304.23 Assurances that must be provided by grantee.

### Subpart C—Conditions That Must Be Met by Scholar

304.30 Requirements for scholar.
304.31 Requirements for obtaining an exception or deferral to performance or repayment under an agreement.

**Authority:** 20 U.S.C. 1462(h), unless otherwise noted.

### Subpart A—General

**§ 304.1 Purpose.**

Individuals who receive scholarship assistance from projects funded under the Special Education—Personnel Development to Improve Services and Results for Children with Disabilities program are required to complete a service obligation, or repay all or part of the costs of such assistance, in accordance with section 662(h) of the Act and the regulations of this part.

(Authority: 20 U.S.C. 1462(h))

**§ 304.3 Definitions.**

The following definitions apply to this program:

(a) *Academic year* means—

(1) A full-time course of study—

(i) Taken for a period totaling at least nine months; or

(ii) Taken for the equivalent of at least two semesters, two trimesters, or three quarters; or

(2) For a part-time scholar, the accumulation of periods of part-time courses of study that is equivalent to an ''academic year'' under paragraph (a)(1) of this definition.

(b) *Act* means the Individuals with Disabilities Education Act, as amended, 20 U.S.C. 1400 *et seq.*

(c) *Early intervention services* means early intervention services as defined in section 632(4) of the Act and includes early intervention services to infants and toddlers with disabilities, and as applicable, to infants and toddlers at risk for disabilities under sections 632(1) and 632(5)(b) of the Act.

(d) *Full-time,* for purposes of determining whether an individual is employed full-time in accordance with § 304.30 means a full-time position as defined by the individual's employer or by the agencies served by the individual.

(e) *Related services* means related services as defined in section 602(26) of the Act.

(f) *Repayment* means monetary reimbursement of scholarship assistance in lieu of completion of a service obligation.

(g) *Scholar* means an individual who is pursuing a degree, license, endorsement, or certification related to special education, related services, or early intervention services and who receives scholarship assistance under section 662 of the Act.

(h) *Scholarship* means financial assistance to a scholar for training under the program and includes all disbursements or credits for tuition, fees, stipends, books, and travel in conjunction with training assignments.

(i) *Service obligation* means a scholar's employment obligation, as described in section 662(h) of the Act and § 304.30.

(j) *Special education* means special education as defined in section 602(29) of the Act.

(Authority: 20 U.S.C. 1462(h))

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## Subpart B—Conditions That Must be Met by Grantee

### § 304.21 Allowable costs.

In addition to the allowable costs established in the Education Department General Administrative Regulations in 34 CFR 75.530 through 75.562, the following items are allowable expenditures by projects funded under the program:

(a) Cost of attendance, as defined in Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087*ll* (HEA), including the following:

(1) Tuition and fees.

(2) An allowance for books, supplies, transportation, and miscellaneous personal expenses.

(3) An allowance for room and board.

(b) Stipends.

(c) Travel in conjunction with training assignments.

(Authority: 20 U.S.C. 1462(h))

### § 304.22 Requirements for grantees in disbursing scholarships.

Before disbursement of scholarship assistance to an individual, a grantee must—

(a) Ensure that the scholar—

(1) Is a citizen or national of the United States;

(2) Is a permanent resident of—

(i) Puerto Rico, the United States Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands; or

(ii) The Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau during the period in which these entities are eligible to receive an award under the Personnel Development to Improve Services and Results for Children with Disabilities program; or

(3) Provides evidence from the U.S. Department of Homeland Security that the individual is—

(i) A lawful permanent resident of the United States; or

(ii) In the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident;

(b) Limit the cost of attendance portion of the scholarship assistance (as discussed in § 304.21(a)) to the amount by which the individual's cost of attendance at the institution exceeds the amount of grant assistance the scholar is to receive for the same academic year under title IV of the HEA; and

(c) Obtain a Certification of Eligibility for Federal Assistance from each scholar, as prescribed in 34 CFR 75.60, 75.61, and 75.62.

(Authority: 20 U.S.C. 1462(h))

### § 304.23 Assurances that must be provided by grantee.

Before receiving an award, a grantee that intends to grant scholarships under the program must include in its application an assurance that the following requirements will be satisfied:

(a) *Requirement for agreement.* Prior to granting a scholarship, the grantee will require each scholar to enter into a written agreement in which the scholar agrees to the terms and conditions set forth in § 304.30. This agreement must explain the Secretary's authority to grant deferrals and exceptions to the service obligation pursuant to § 304.31 and include the current Department address for purposes of the scholar's compliance with § 304.30(i), or any other purpose under this part.

(b) *Standards for satisfactory progress.* The grantee must establish, notify scholars of, and apply reasonable standards for measuring whether a scholar is maintaining satisfactory progress in the scholar's course of study.

(c) *Exit certification.*

(1) At the time of exit from the program, the grantee must provide the following information to the scholar:

(i) The number of years the scholar needs to work to satisfy the work requirements in § 304.30(d);

(ii) The total amount of scholarship assistance received subject to § 304.30;

(iii) The time period, consistent with § 304.30(f)(1), during which the scholar must satisfy the work requirements; and

(iv) As applicable, all other obligations of the scholar under § 304.30.

(2) Upon receipt of this information from the grantee, the scholar must provide written certification to the grantee that the information is correct.

(d) *Information.* The grantee must forward the information and written certification required in paragraph (c) of this section to the Secretary, as well as any other information that is necessary to carry out the Secretary's functions under section 662 of the Act and this part.

(e) *Notification to the Secretary.* If the grantee is aware that the scholar has chosen not to fulfill or will be unable to fulfill the obligation under § 304.30(d), the grantee must notify the Secretary when the scholar exits the program.

(Approved by the Office of Management and Budget under control number 1820–0622)

(Authority: 20 U.S.C. 1462(h))

## Subpart C—Conditions That Must Be Met by Scholar

### § 304.30 Requirements for scholar.

Individuals who receive scholarship assistance from grantees funded under section 662 of the Act must—

(a) *Training.* Receive the training at the educational institution or agency designated in the scholarship;

(b) *Educational allowances.* Not accept payment of educational allowances from any other entity if that allowance conflicts with the scholar's obligation under section 662 of the Act and this part;

(c) *Satisfactory progress.* Maintain satisfactory progress toward the degree, certificate, endorsement, or license as determined by the grantee;

(d) *Service obligation.* Upon exiting the training program under paragraph (a) of this section, subsequently maintain employment—

(1) On a full-time or full-time equivalent basis; and

(2) For a period of at least two years for every academic year for which assistance was received;

(e) *Eligible employment.* In order to meet the requirements of paragraph (d) of this section for any project funded under section 662 of the Act, be employed in a position in which—

(1) At least 51 percent of the infants, toddlers, and children to whom the individual provides services are receiving special education, related services, or early intervention services from the individual;

(2) The individual spends at least 51 percent of his or her time providing special education, related services, or early intervention services to infants, toddlers, and children with disabilities; or

(3) If the position involves supervision (including in the capacity of a principal), teaching at the postsecondary level, research, policy, technical assistance, program development, or administration, the individual spends at least 51 percent of his or her time performing work related to the training for which a scholarship was received under section 662 of the Act.

(f) *Time period.* Meet the service obligation under paragraph (d) of this section as follows:

(1) A scholar must complete the service obligation within the period ending not more than the sum of the number of years required in paragraph (d)(2) of this section, as appropriate, plus five additional years, from the date the scholar completes the training for which the scholarship assistance was awarded.

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(2) A scholar may begin eligible employment subsequent to the completion of one academic year of the training for which the scholarship assistance was received that otherwise meets the requirements of paragraph (1);

(g) *Part-time scholars.* If the scholar is pursuing coursework on a part-time basis, meet the service obligation in this section based on the accumulated academic years of training for which the scholarship is received;

(h) *Information upon exit.* Provide the grantee all requested information necessary for the grantee to meet the exit certification requirements under § 304.23(c);

(i) *Information after exit.* Within 60 days after exiting the program, and as necessary thereafter for any changes, provide the Department, via U.S. mail, all information that the Secretary needs to monitor the scholar's service obligation under this section, including social security number, address, employment setting, and employment status;

(j) *Repayment.* If not fulfilling the requirements in this section, subject to the provisions in § 304.31 regarding an exception or deferral, repay any scholarship received, plus interest, in an amount proportional to the service obligation not completed as follows:

(1) The Secretary charges the scholar interest on the unpaid balance owed in accordance with the Debt Collection Act of 1982, as amended, 31 U.S.C. 3717.

(2)(i) Interest on the unpaid balance accrues from the date the scholar is determined to have entered repayment status under paragraph (4) of this section.

(ii) Any accrued interest is capitalized at the time the scholar's repayment schedule is established.

(iii) No interest is charged for the period of time during which repayment has been deferred under § 304.31.

(3) Under the authority of the Debt Collection Act of 1982, as amended, the Secretary may impose reasonable collection costs.

(4) A scholar enters repayment status on the first day of the first calendar month after the earliest of the following dates, as applicable:

(i) The date the scholar informs the grantee or the Secretary that the scholar does not plan to fulfill the service obligation under the agreement.

(ii) Any date when the scholar's failure to begin or maintain employment makes it impossible for that individual to complete the service obligation within the number of years required in § 304.30(f).

(iii) Any date on which the scholar discontinues enrollment in the course of study under § 304.30(a).

(5) The scholar must make payments to the Secretary that cover principal, interest, and collection costs according to a schedule established by the Secretary.

(6) Any amount of the scholarship that has not been repaid pursuant to paragraphs (j)(1) through (j)(5) of this section will constitute a debt owed to the United States that may be collected by the Secretary in accordance with 34 CFR part 30.

(Approved by the Office of Management and Budget under control number 1820–0622)

(Authority: 20 U.S.C. 1462(h))

**§ 304.31 Requirements for obtaining an exception or deferral to performance or repayment under an agreement.**

(a) Based upon sufficient evidence to substantiate the grounds, the Secretary may grant an exception to the repayment requirement in § 304.30(j), in whole or part, if the scholar—

(1) Is unable to continue the course of study in § 304.30 or perform the service obligation because of a permanent disability; or

(2) Has died.

(b) Based upon sufficient evidence to substantiate the grounds, the Secretary may grant a deferral of the repayment requirement in § 304.30(j) during the time the scholar—

(1) Is engaging in a full-time course of study at an institution of higher education;

(2) Is serving on active duty as a member of the armed services of the United States;

(3) Is serving as a volunteer under the Peace Corps Act; or

(4) Is serving as a full-time volunteer under title I of the Domestic Volunteer Service Act of 1973.

(Authority: 20 U.S.C. 1462(h))

[FR Doc. 06–5111 Filed 6–2–06; 8:45 am]

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**From:** VanderPloeg, Laurie
**Sent:** Tue, 7 Apr 2020 14:47:09 +0000
**To:** Levorse, Audrey
**Subject:** Waiver Talking Points
**Attachments:** Waiver talking points.docx

(b)(5)

**Laurie VanderPloeg**
**Director**
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**From:** Richey, Kimberly
**Sent:** Mon, 20 Apr 2020 11:18:36 +0000
**To:** Richey, Kimberly;VanderPloeg, Laurie
**Subject:** Waivers

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**From:** Zais, Mitchell
**Sent:** Mon, 20 Apr 2020 11:12:59 +0000
**To:** Zais, Mitchell;Brogan, Frank;Viana, Aimee;Schultz, Mark;VanderPloeg, Laurie;Garcia, Daniela
**Cc:** Falconer, Susan;Robb, Carly;Honeysett, Adam;Chamberlain, Michael;Waters, Erica;Dalton, Ashley
**Subject:** Western State Superintendent Conference Call
**Attachments:** Western State Chiefs bios.docx

WYOMING SUPERINTENDENT OF PUBLIC INSTRUCTION JILLIAN BALOW – CCSSO PRESIDENT
ALASKA COMMISSIONER OF EDUCATION MICHAEL JOHNSON
IDAHO SUPERINTENDENT OF PUBLIC INSTRUCTION SHERRI YBARRA
MONTANA SUPERINTENDENT OF PUBLIC INSTRUCTION ELSIE ARNTZEN
NORTH DAKOTA SUPERINTENDENT OF PUBLIC INSTRUCTION KIRSTEN BAESLER
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**Confirmed on the call**

## ALASKA COMMISSIONER OF EDUCATION MICHAEL JOHNSON

Dr. Michael Johnson began his service as Commissioner of Education on July 1, 2016. He previous served in the Copper River School District as superintendent, principal, curriculum and staff development director, elementary teacher, and special education program assistant. During his tenure as its principal, Glennallen Elementary School was named a National Blue Ribbon School by ED.

He is also a recipient of the prestigious Milken Educator Award.

He holds certification in Alaska as a teacher and administrator. He holds a bachelor of arts degree and a master of arts in teaching degree in elementary education from Columbia International University and a doctorate of philosophy in education and intercultural studies from the University of Alaska-Fairbanks.

## MONTANA SUPERINTENDENT OF PUBLIC INSTRUCTION ELSIE ARNTZEN

Elected in 2016 to a four-year term, Elsie Arntzen is the current State Super-intendent. She is fourth-generation Montanan from Billings, the daughter of two Montana public school teachers, and taught fifth- and sixth-grade in Billings Public Schools for 23 years. She has degrees in Economics and Education from the University of Montana and Montana State University, respectively.

In addition to her teaching career, she served in the State Legislature for 12 years. She served four terms in the Montana House of Representatives from 2005 to 2013 and one term in the Montana Senate from 2013 until she was sworn in as State Superintendent on January 2, 2017.

It is her mission to put Montana students first at the Office of Public Instruction. She is accomplishing this through four key initiatives: Montana Hope, which is the whole child approach to education; Montana Teach, which promotes teacher leaders; Montana Learn, which focuses on academic achieve-ment; and Montana Ready, which prepares students to be community, college, and career ready.

## SOUTH DAKOTA SECRETARY OF EDUCATION BEN JONES

Benjamin Jones serves as Secretary of Education. He grew up in Sioux Falls and De Smet and graduated from South Dakota State University. Upon graduation, he earned his commission and served in the Air Force for 23 years in a variety of logistics, strategic planning, and teaching assignments in the United States, Guam, Germany, Great Britain,

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Afghanistan, and at the Air Force Academy.

Returning to South Dakota in 2013, he became the dean of arts and sciences at Dakota State University where he facilitated the growth of the General Beadle Honors Program, led the "First In The World/ Jump Start" grant, and expanded the role of the humanities, social sciences, and fine arts in the univer-sity's courses, degree programs, and public outreach.

A historian, he enjoys working to educate and prepare children for the changes they will experience over their lifetimes. He earned his master's degree from the University of Nebraska and his PhD from the University of Kansas. His book, *Eisenhower's Guerrillas: The Jedburghs, the Maquis and the Liber-ation of France*, was published by the University of Oxford Press.

**WYOMING SUPERINTENDENT OF PUBLIC INSTRUCTION JILLIAN BALOW**

Jillian Balow was elected to a second term as Wyoming's State Superintendent of Public Instruction in 2018 and is constitutionally entrusted with supervision of Wyoming's public education system. As the State Superintendent, she is one of Wyoming's five statewide elected officials.

Nationally, she is president of the Board of Directors for the Council of Chief State School Officers, an organization that provides leadership, advocacy, and technical assistance on major educational issues.

She is also a current Hunt-Kean Leadership Fellow, where she joins numerous governors, members of Congress, and state chiefs to discuss innovative ways to enhance and forward education policy. More-over, she is a current member and past treasurer for the Education Commission of the States, an organ-ization of national education policy leaders who collaborate to address issues by sharing resources and expertise.

Balow is a fifth-generation Wyoming native. She taught for over a decade in Wyoming classrooms.

She has an undergraduate degree in education from the University of Wyoming and a master's degree in education from Regis University. In addition to teaching, she has consulted in the private sector, served as an administrator at both the Wyoming Department of Education and Family Services, and was a policy adviser to Governor Matt Mead (R).

**IDAHO SUPERINTENDENT OF PUBLIC INSTRUCTION SHERRI YBARRA**

Sherri Ybarra is the elected Superintendent of Public Instruction and has nearly two decades of service in the field of education. Her extensive experience includes 11 years as a classroom teacher and six years in the

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administrative arena as an assistant principal and principal. At the time she was elected, she had been serving at the district level as a director of curriculum and federal programs.

She has been recognized and awarded the district's "Outstanding Educator Award" twice. She has written numerous grant proposals, acquiring funding for such educational advancements as technology, 21st century learning labs, and STEM projects.

Her academic career includes a B.A. in Elementary Education, an M.A. in Educational Leadership, and an Ed. S.E.D., with an emphasis in the Superintendency. She is also working on her Ed. D. in Education.

**Tentative**

**NORTH DAKOTA SUPERINTENDENT OF PUBLIC INSTRUCTION KIRSTEN BAESLER**

Kirsten Baesler is the State Superintendent for the North Dakota Department of Public Instruction. She and her 88-person team oversee the education of more than 121,000 students in nearly 500 buildings across the state. She was elected in November 2012 and re-elected to her second term in 2016 with 75% of the vote.

She serves on more than a dozen boards, including the Education Standards and Practices Board, the Career and Technical Education Board, the Teachers' Fund for Retirement board, and the Board of University and School Lands, which manages state land holdings and oversees a $4.2 billion trust fund that benefits North Dakota's public schools.

Before taking office in January 2013, she had a 24-year career in the Bismarck public school system – the state's largest school district – as a vice principal, library media specialist, classroom teacher, and instructional assistant. She also spent nine years as an elected member of the Mandan school board, serving as their president for seven of those nine years. And, she worked for a time as the North Dakota School Boards Association as the association's assistant director.

Baesler earned two associates' degrees from Bismarck State College, a bachelor's degree in education from Minot State University, and a master's degree in library and information technology integration from Valley City State University. She has earned the Valley City State University's Distinguished Alumni Award, the Rising Star Award from Bismarck State College, and has completed the Graduate School Educational Leadership Program at Harvard University. She is one of the nine directors of the Council of Chief State School Officers.

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Subject: Discuss COVID-19 Round 2 Questions
Location: Skype Meeting
Start: Tue 3/31/2020 9:00 AM
End: Tue 3/31/2020 9:30 AM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Goff, Jessica
Required Attendees: Miller, Sharon Lee; Peternith, Rachel; Stump, Scott
Optional Attendees: Koeppel, Dennis

.....

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[!OC([1033])!]

.....

To discuss the attached document.

---

Subject:Confirmed: Higher Education Stakeholder Call re: COVID19
Location: CALL
Start: Tue 3/31/2020 3:30 PM
End: Tue 3/31/2020 4:30 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Pena, Alexandra
Required Attendees: Brown, Mark; Stump, Scott
Optional Attendees: Garcia, Daniela; Falconer, Susan; Sacks, Casey; Pettey, Richard; Mansour, Eli; Bradshaw, Jim
Categories: Orange Category
*Updated agenda attached. 3/31
For speakers, below is the private speakers line that should only be used by speaker's on tomorrow's call. This is a live hot mic call so when they are not speaking they need to have their lines muted or the call will pick up a lot of background disturbance. Speakers should dial in at 3:15pm for microphone check.
* Private Speaker's Line Dial-in: (b)(6)
Speaker Access Code: (b)(6) Enter the access code on your telephone keypad, followed immediately by the # symbol two times in succession to bypass system prompts)
For staff, please use the call in below. Staff should begin dialing in using this option at 3:20pm. If staff cannot get on at 3:20pm, they should hang up, and try again.
* Dial-in Number: (b)(6)
Access Code: (b)(6) Participant number if prompted: Hit ##

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Subject:Tydings Waiver Discussion
Location: Skype Meeting
Start: Mon 3/30/2020 10:30 AM
End: Mon 3/30/2020 11:00 AM
Recurrence: (none)
Meeting Status: Meeting organizer
Organizer: Stump, Scott
Required Attendees: Cheryl Keenan; Sharon Miller; Casey Sacks; Pettey, Richard; Braden Goetz
Categories: Orange Category
OESE is putting together a Waiver Template that will include a Tydings waiver. Under the CARES Act (Sec 3511(b)(1)(B)) our programs can allow an extra year beyond the Tydings year. The discussion is to include our two programs on the OESE form or to do a separate form. I look forward to the discussion. Draft form without Perkins and AEFLA attached.

.....

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[!OC([1033])!]

.....

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Subject:Cross Cutting Process Discussion
Location: via Skype phone number
Start: Thu 3/26/2020 2:30 PM
End: Thu 3/26/2020 3:00 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Talbert, Kent
Required Attendees: Brown, Mark; Jones, Diane; King, Robert; Brogan, Frank; Blew, Jim; Stump, Scott; Schultz, Mark; Hill, Elizabeth; Rubinstein, Reed; Schneider, Mark; Harding, Jordan; Carter, Denise; St.Pierre, Tracey; Marcus, Kenneth
Optional Attendees: Eitel, Robert; Rosenfelt, Phil; Malawer, Hilary; Brinton, Jed; Jordan, April; O'Brien, Marianna; Viana, Aimee
+ Tracey St. Pierre

.....

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.....
The purpose of this meeting is to follow-up on the 8:00 AM call today to discuss what a process would look like for
dealing with current COVID-19 related issues that cut across multiple programs.
I hope that by the end of the call we will have consensus on a process such that the cross-cutting issues will then
be able to be addressed consistently in guidance and in a coordinated manner.
Please let me know if questions in the meantime, (b)(6)

---

Subject:Higher Education Stakeholder Call re: COVID19
Location: Skype Meeting
Start: Tue 3/24/2020 4:00 PM
End: Tue 3/24/2020 4:30 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Pena, Alexandra
Required Attendees: Garcia, Daniela; Stump, Scott; Falconer, Susan
Categories: Red Category
.....
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.....

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Subject:COVID-19 Q&As for Perkins
Location: Skype Meeting
Start: Mon 3/23/2020 10:30 AM
End: Mon 3/23/2020 11:00 AM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Miller, Sharon Lee
Required Attendees: Miller, Sharon Lee; Stump, Scott; Peternith, Rachel; Goff, Jessica; Barlow, Christine; Koeppel, Dennis
Optional Attendees: Pettey, Richard
Categories: Orange Category
Team –

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Hoping we can jump on a call to discuss lingering issues and a timeframe for clearing the document.
Best –
Sharon
.....
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Conference ID: (b)(6)
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[!OC([1033])!]
.....

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Subject:CCSSO Call
Location: Dial In: (b)(6)
Start: Fri 3/20/2020 12:30 PM
End: Fri 3/20/2020 1:45 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Garcia, Daniela
Required Attendees: Garcia, Daniela; Stump, Scott; Burrichter, Douglas; VanderPloeg, Laurie; Brogan, Frank; Dalton, Ashley; Falconer, Susan
Optional Attendees: Honeysett, Adam; Waters, Erica; Levorse, Audrey; Feldpausch, Sarah; Condie, Caitlin; Pettey, Richard; Robb, Carly; Mitchell, Noah; Schultz, Mark; Viana, Aimee (Aimee.Viana@ed.gov)
Categories: Orange Category
All – CCSSO is asking speakers to call in at 12:30 to ensure everyone can be heard and is on the line for the 12:45 pm call. We have a hard stop at 1:45 p.m. Once you are on the call and checked please mute your phones until the beginning of the call.
Agenda (Tentative)
12:45-12:50: Carissa opening
12:50-12:55: Secretary DeVos Remarks
12:55-1:10: Assistant Secretary Frank Brogan (OESE) – Waivers
1:10-1:15: Assistant Secretary Scott Stump (OCTAE) – Perkins 5
1:15-1:35: Director Laurie VanderPloeg (OSERS) – Special Education
1:35-1:45: Q&A for CCSSO staff and any ED staff still on the line
Subject:Call with Kim Green
Location: Kim to call Scott's office at 202-245-6688
Start: Fri 3/20/2020 2:45 PM
End: Fri 3/20/2020 3:15 PM
Recurrence: (none)
Meeting Status: Meeting organizer
Organizer: Stump, Scott
Required Attendees: Sharon Miller

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Wondering next steps and how the OGC call went. Also saw this:
"The Coronavirus Aid, Relief, and Economic Security Act gives the education secretary the power to grant "national emergency educational waivers" from the Every Student Succeeds Act, as well as the Higher Education Act and the Carl D. Perkins Career and Technical Education Act. Specifically, the legislation gives DeVos the power to "waive any statutory or regulatory requirement (such as those requirements related to assessments, accountability, allocation of funds, and reporting), for which a waiver request is submitted ... if the Secretary determines that such a waiver is necessary and appropriate.":
Thanks!

---

Subject:Call with Kim Green
Location: Kim to call Scott's office at 202-245-6688
Start: Fri 3/20/2020 2:45 PM
End: Fri 3/20/2020 3:15 PM
Recurrence: (none)
Meeting Status: Meeting organizer
Organizer: Stump, Scott
Required Attendees: Sharon Miller
Wondering next steps and how the OGC call went. Also saw this:
"The Coronavirus Aid, Relief, and Economic Security Act gives the education secretary the power to grant "national emergency educational waivers" from the Every Student Succeeds Act, as well as the Higher Education Act and the Carl D. Perkins Career and Technical Education Act. Specifically, the legislation gives DeVos the power to "waive any statutory or regulatory requirement (such as those requirements related to assessments, accountability, allocation of funds, and reporting), for which a waiver request is submitted ... if the Secretary determines that such a waiver is necessary and appropriate.":
Thanks!

---

Subject:Perkins V COVID-19 Town Hall Recap and Next Steps
Location: Skype Meeting
Start: Thu 3/19/2020 3:00 PM
End: Thu 3/19/2020 4:00 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Miller, Sharon Lee
Required Attendees: Burrichter, Douglas; Stump, Scott; Sacks, Casey; Goetz, Braden (Braden.Goetz@ed.gov); Peternith, Rachel; Goff, Jessica (Jessica.Goff@ed.gov); Koeppel, Dennis (Dennis.Koeppel@ed.gov); Pettey, Richard (Richard.Pettey@ed.gov)
Hoping everyone can start right at 3:00.
.....
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Subject:Town Hall Skype Call with OCTAE Assistant Secretary Scott Stump
Location: Skype Meeting
Start: Thu 3/19/2020 2:00 PM
End: Thu 3/19/2020 3:00 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Miller, Sharon Lee
Required Attendees: Miller, Sharon Lee; OCTAE DATE STAFF; 'Kimberly Green' (kgreen@careertech.org); Kate Blosveren Kreamer; LeAnn Wilson; Steve DeWitt; Alysha Hyslop; 'jworth@aacc.nche.edu'; 'dbaime@aacc.nche.edu'; 'Alabama - Daniel Boyd (dboyd@alsde.edu)'; 'Alaska - deborah.riddle@alaska.gov'; 'Arizona - (cathie.raymond@azed.gov)'; 'Arkansas - Angela Kremers'; 'California - Pradeep Kotomraju '; 'Colorado (Sarah.Heath@cccs.edu)'; 'Connecticut - Melissa Hickey'; 'DC - Richard Kincaid (Richard.Kincaid@dc.gov)'; 'Delaware'; 'Florida - Henry Mack'; 'Georgia - Barbara Wall (bwall@doe.k12.ga.us)'; 'Guam'; 'Hawaii - Bernadette Howard'; 'Idaho - Clay Long'; 'Illinois - Marcia Johnson (MarJohns@isbe.net)'; 'Indiana - Chris Deaton'; 'Iowa - Dennis Harden'; 'Kansas-Scott Smathers'; 'Kentucky (david.horseman@education.ky.gov)'; 'Louisiana'; 'Maine (Dwight.a.littlefield@Maine.gov)'; 'Maryland - Tiara Booker-Dwyer'; 'Massachusetts - Cliff Chuang (cchuang@doe.mass.edu)'; 'Michigan - Dr. Brian Pyles (PylesB@michigan.gov)'; 'Minnesota (jeralyn.jargo@minnstate.edu)'; 'Mississippi - Aimee Brown'; 'Mississippi - Rozelia Harris'; 'Missouri - Henningsen, Blaine (Blaine.Henningsen@dese.mo.gov)'; 'Montana - Jacque Treaster'; 'Nebraska - Katie Graham (katie.graham@nebraska.gov)'; 'Nevada - Randi Hunewill'; 'New Hampshire - Eric Frauwirth'; 'New Jersey - Erskine R. Glover'; 'New Mexico (elaine.perea@state.nm.us)'; 'New York - Amy Cox'; 'New York - Deborah Reiter'; 'North Carolina - Trey Michael (trey.michael@dpi.nc.gov)'; 'North Dakota - Wayne Sick (WASick@nd.gov)'; 'Ohio - Leah Amstutz'; 'Oklahoma'; 'Oregon - (Laura.Foley@state.or.us)'; 'Palau'; 'Pennsylvania'; 'Puerto Rico - Yolanda Cartagena '; 'Rhode Island - Spencer Sherman'; 'South Carolina - Angel Malone '; 'South Dakota - Laura Scheibe'; 'Tennessee - Steve Playl'; 'Texas - Heather Justice (Heather.Justice@tea.texas.gov)'; 'Utah - Thalea Longhurst'; 'Vermont (Jay.Ramsey@vermont.gov)'; 'Virgin Islands - Nancy Callwood'; 'Virginia-George Wilcox (George.Willcox@doe.virginia.gov)'; 'Washington'; 'West Virginia (tucker@wvctcs.org)'; 'Wisconsin - Colleen McCabe'; 'Wyoming - Michelle Aldrich'; Burrichter, Douglas; Rosenfelt, Phil; Peternith, Rachel; Goff, Jessica; Barlow, Christine; Koeppel, Dennis
Optional Attendees: Hill, Allison; Stump, Scott; Goodman, Tara; Wagner, Mark; Taylor, Kathleen; Spradley, Gloria; Ferderer, Gwen M.; Romer, Margaret; Fountain, Marilyn; bmccain@careertech.org; mhills@careertech.org; mwills@careertech.org; aestes@careertech.org; Craig Statucki; Johnson, Andrew; sdunietz@careertech.org; kfitzgerald@careertech.org; Billings, Brad G (EED); ebennett@glts.net; Tiner, Donna; Swygert, Maria; Head, Sharon; Murrell, Jamelah; Figueroa, Jose; Beard, Jeffry; Pettey, Richard; Palacios, Albert; Bob Witchger; Lewis, Diane; Richard Goff;

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jeffrey.fletcher@iowa.gov; McConnell, Paul; Garland, Denise; Pamela Castleman; Rachel Moran; Melissa Scott; Frits.Rizor@education.ohio.gov; Jonathan.Beard@education.ohio.gov; Matthew.Winkle@education.ohio.gov; Sanchez, Sandra; Gardner, Marilyn; Mrizek, Jeff; Frauwirth, Eric; Donaldson, Sherene; Black, Christine (MDE); Collins, Elizabeth (MDE); Greenacre, Lee (MDE); Felder, Valerie (MDE); Ye, Yincheng (MDE); Church, Joan (MDE); Vinson, Candace (MDE); Kroll, Jill (MDE); Susie P. King; Shell.Nichols@education.ohio.gov; Sadek, Muhammed (MDE); Medina, Mary; Thompson, Thomas - Division of Technical Schools and Continuous Improvement; Whitaker, Kiley - Division of Technical Schools and Continuous Improvement; Osborne-Clay, Tracy - Division of Technical Schools and Continuous Improvement; Whitaker, Crystal - Division of Technical Schools and Continuous Improvement; nicassia.belton@maryland.gov; Sacks, Casey; Mahony, Joanne (MDE); jane.bradley@iowa.gov
Categories: Orange Category
-----Original Appointment-----
From: Miller, Sharon Lee <Sharon.Miller@ed.gov>
Sent: Monday, March 16, 2020 4:11 PM
To: Miller, Sharon Lee; OCTAE DATE STAFF; 'Kimberly Green' (kgreen@careertech.org); Kate Blosveren Kreamer; LeAnn Wilson; Steve DeWitt; Alysha Hyslop; 'jworth@aacc.nche.edu'; 'dbaime@aacc.nche.edu'; 'Alabama - Daniel Boyd (dboyd@alsde.edu)'; 'Alaska - deborah.riddle@alaska.gov'; 'Arizona - (cathie.raymond@azed.gov)'; 'Arkansas - Angela Kremers'; 'California - Pradeep Kotomraju '; 'Colorado (Sarah.Heath@cccs.edu)'; 'Connecticut - Melissa Hickey'; 'DC - Richard Kincaid (Richard.Kincaid@dc.gov)'; 'Delaware'; 'Florida - Henry Mack'; 'Georgia - Barbara Wall (bwall@doe.k12.ga.us)'; 'Guam'; 'Hawaii - Bernadette Howard'; 'Idaho - Clay Long'; 'Illinois - Marcia Johnson (MarJohns@isbe.net)'; 'Indiana - Chris Deaton'; 'Iowa - Dennis Harden'; 'Kansas-Scott Smathers'; 'Kentucky (david.horseman@education.ky.gov)'; 'Louisiana'; 'Maine (Dwight.a.littlefield@Maine.gov)'; 'Maryland - Tiara Booker-Dwyer'; 'Massachusetts - Cliff Chuang (cchuang@doe.mass.edu)'; 'Michigan - Dr. Brian Pyles (PylesB@michigan.gov)'; 'Minnesota (jeralyn.jargo@minnstate.edu)'; 'Mississippi - Aimee Brown'; 'Mississippi - Rozelia Harris'; 'Missouri - Henningsen, Blaine (Blaine.Henningsen@dese.mo.gov)'; 'Montana - Jacque Treaster'; 'Nebraska - Katie Graham (katie.graham@nebraska.gov)'; 'Nevada - Randi Hunewill'; 'New Hampshire - Eric Frauwirth'; 'New Jersey - Erskine R. Glover'; 'New Mexico (elaine.perea@state.nm.us)'; 'New York - Amy Cox'; 'New York - Deborah Reiter'; 'North Carolina - Trey Michael (trey.michael@dpi.nc.gov)'; 'North Dakota - Wayne Sick (WASick@nd.gov)'; 'Ohio - Leah Amstutz'; 'Oklahoma'; 'Oregon - (Laura.Foley@state.or.us)'; 'Palau'; 'Pennsylvania'; 'Puerto Rico - Yolanda Cartagena '; 'Rhode Island - Spencer Sherman'; 'South Carolina - Angel Malone '; 'South Dakota - Laura Scheibe'; 'Tennessee - Steve Playl'; 'Texas - Heather Justice (Heather.Justice@tea.texas.gov)'; 'Utah - Thalea Longhurst'; 'Vermont (Jay.Ramsey@vermont.gov)'; 'Virgin Islands - Nancy Callwood'; 'Virginia-George Wilcox (George.Willcox@doe.virginia.gov)'; 'Washington'; 'West Virginia (tucker@wvctcs.org)'; 'Wisconsin - Colleen McCabe'; 'Wyoming - Michelle Aldrich'; Burrichter, Douglas
Subject: Town Hall Skype Call with OCTAE Assistant Secretary Scott Stump
When: Thursday, March 19, 2020 2:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Skype Meeting
Dear Colleagues –
Please join OCTAE Assistant Secretary Scott Stump this Thursday, March 19 at 2:00 ET as he addresses

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questions and answers regarding Perkins V grants during the evolving COVID-19 pandemic. The Skype log-in and call-in number for the Town Hall are provided below.
Be well –
Sharon
Sharon Lee Miller
Director, Division of Academic and Technical Education
Office of Career, Technical, and Adult Education
U. S. Department of Education
Potomac Center Plaza
550 12th St, SW, Room 11106
Washington, DC 20202
202-245-7846
Sharon.miller@ed.gov
.....
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Subject:COVID-19 Working Group Call re: Summer Programs & Conferences
Location: (b)(6)
Start: Thu 3/19/2020 3:30 PM
End: Thu 3/19/2020 4:15 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Talbert, Kent
Required Attendees: King, Robert; Brogan, Frank; Viana, Aimee; Jones, Diane; Schultz, Mark; VanderPloeg, Laurie; McHugh, Erin; Blew, Jim; Stump, Scott; Marcus, Kenneth; Sacks, Casey; Tryon, David; Rosenfelt, Phil; Ryder, Ruth; Zais, Mitchell; Carter, Denise; Currell, Daniel; Brickman, Michael; Ashe, Anya; Stader, Jim
Optional Attendees: Rogers, James
Categories: Orange Category
*James Rogers will initiate call*

---

Subject:Special Shop Talk Event: OCTAE Invites States to Join a Virtual Town Hall on Adult Education and COVID-19
Location: Phone (In body)
Start: Wed 3/18/2020 1:00 PM
End: Wed 3/18/2020 2:00 PM

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Recurrence: (none)
Organizer: Stump, Scott
Categories: Orange Category
Phone: (b)(6)
Conference ID: (b)(6)

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Subject:Special Shop Talk Event: OCTAE Invites States to Join a Virtual Town Hall on Adult Education and COVID-19
Location: Phone (In body)
Start: Wed 3/18/2020 11:00 AM
End: Wed 3/18/2020 12:00 PM
Recurrence: (none)
Organizer: Stump, Scott
Categories: Orange Category
Phone: (b)(6)
Conference ID: (b)(6)

---

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Hey Richard,

Thanks for sending this through. I had not yet received it.

Scott

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**From:** Smith, Richard <Richard.Smith@ed.gov>
**Sent:** Tuesday, March 31, 2020 6:02:21 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>; Goetz, Braden <Braden.Goetz@ed.gov>
**Subject:** FW: Secretary DeVos Announces New Federal Deadline Flexibility for Career and Technical Education Leaders, Allowing Them to Focus on Serving Students During the COVID-19 Outbreak

I apologize in advance if you have already received this.

Richard

**From:** U.S. Department of Education <ed.gov@public.govdelivery.com>
**Sent:** Tuesday, March 31, 2020 7:44 PM
**To:** Smith, Richard <Richard.Smith@ed.gov>
**Subject:** Secretary DeVos Announces New Federal Deadline Flexibility for Career and Technical Education Leaders, Allowing Them to Focus on Serving Students During the COVID-19 Outbreak

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U.S. DEPARTMENT OF EDUCATION

**FOR IMMEDIATE RELEASE**

March 31, 2020

**Contact: Press Office**

(202) 401-1576 or press@ed.gov

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# Secretary DeVos Announces New Federal Deadline Flexibility for Career and Technical Education Leaders, Allowing Them to Focus on Serving Students During the COVID-19 Outbreak

WASHINGTON – U.S. Secretary of Education Betsy DeVos announced today new flexibilities for career and technical education (CTE) leaders who are required to submit their local CTE plan for FY 2020-2023 under the Strengthening Career and Technical Education Act for the 21st Century Act (Perkins V) by April 15, 2020.

Following up on feedback she received from town hall meetings between the Department and state CTE directors, the Secretary has decided to use transition authority to provide an extension for states that need additional time to submit their Perkins V state plans, allow states and local Perkins recipients to receive their first installment of Perkins V funds on time—even if they need an extension, and allow states to provide funding recipients additional time to complete their applications.

"The 12 million students in career and technical education programs today are tomorrow's first responders, nurses, and medical assistants—those who are right now on the front lines of the fight against the coronavirus," said Secretary DeVos. "They are also those who will help rebuild and grow our economy. This Administration's commitment to CTE programs is unwavering, and the flexibilities provided today will help to ensure their critical work continues."

Information on the new flexibilities was provided to local leaders through a new Q&A document which can be found here.

Perkins V plans allow state and local education agencies and institutions of higher education to receive federal support for CTE programs that develop more fully the academic, technical, and employability skills of secondary and postsecondary students. These programs are designed to

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expand opportunities for every student to explore, choose, and follow career pathways to earn credentials of value.

For more information on all the efforts the Department is taking to address the COVID-19 national emergency, visit ed.gov/coronavirus.

For more information about COVID-19, please visit the following websites: coronavirus.gov, cdc.gov/coronavirus/2019-ncov/index.html and usa.gov/coronavirus.

###

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FYI

Have a great evening!
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---

**From:** Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Sent:** Tuesday, March 31, 2020 4:43:18 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** FW: Release of Q&As Regarding Perkins and COVID-19

**From:** Miller, Sharon Lee
**Sent:** Tuesday, March 31, 2020 4:31 PM
**To:** Alabama - Daniel Boyd (dboyd@alsde.edu) <dboyd@alsde.edu>; Alaska - deborah.riddle@alaska.gov <deborah.riddle@alaska.gov>; Arizona - (cathie.raymond@azed.gov) <cathie.raymond@azed.gov>; Arkansas - Angela Kremers <angela.kremers@arkansas.gov>; California - Pradeep Kotomraju <PKotamraju@cde.ca.gov>; Colorado (Sarah.Heath@cccs.edu) <Sarah.Heath@cccs.edu>; Connecticut - Melissa Hickey <melissa.hickey@ct.gov>; DC - Richard Kincaid (Richard.Kincaid@dc.gov)

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<Richard.Kincaid@dc.gov>; Delaware <luke.rhine@doe.k12.de.us>; Florida - Henry Mack <henry.mack@fldoe.org>; Georgia - Barbara Wall (bwall@doe.k12.ga.us) <bwall@doe.k12.ga.us>; Hawaii - Bernadette Howard <Mbhoward@hawaii.edu>; Idaho - Clay Long <clay.long@cte.idaho.gov>; Illinois - Marcia Johnson (MarJohns@isbe.net) <MarJohns@isbe.net>; Indiana - Chris Deaton <chdeaton@gov.in.gov>; Iowa - Dennis Harden <dennis.harden@iowa.gov>; Kansas-Scott Smathers <ssmathers@ksbor.org>; Kentucky (david.horseman@education.ky.gov) <david.horseman@education.ky.gov>; Louisiana <patriciafelder@lctcs.edu>; Maine (Dwight.a.littlefield@Maine.gov) <Dwight.a.littlefield@Maine.gov>; Maryland - Tiara Booker-Dwyer <tiara.booker-dwyer@maryland.gov>; Massachusetts - Cliff Chuang (cchuang@doe.mass.edu) <cchuang@doe.mass.edu>; Michigan - Dr. Brian Pyles (PylesB@michigan.gov) <PylesB@michigan.gov>; Minnesota (jeralyn.jargo@minnstate.edu) <jeralyn.jargo@minnstate.edu>; Mississippi - Aimee Brown <acbrown@mdek12.org>; Mississippi - Rozelia Harris <rharris@mdek12.org>; Missouri - Henningsen, Blaine (Blaine.Henningsen@dese.mo.gov) <Blaine.Henningsen@dese.mo.gov>; Montana - Jacque Treaster <jtreaster@montana.edu>; Nebraska - Katie Graham (katie.graham@nebraska.gov) <katie.graham@nebraska.gov>; Nevada - Craig Statucki <CStatucki@doe.nv.gov>; New Hampshire - Eric Frauwirth <eric.frauwirth@nh.gov>; New Jersey - Erskine R. Glover <Erskine.glover@doe.nj.gov>; New Mexico (elaine.perea@state.nm.us) <elaine.perea@state.nm.us>; New York - Amy Cox <amy.cox@nysed.gov>; New York - Deborah Reiter <deborah.reiter@nysed.gov>; North Carolina - Trey Michael (trey.michael@dpi.nc.gov) <trey.michael@dpi.nc.gov>; North Dakota - Wayne Sick (WASick@nd.gov) <WASick@nd.gov>; Ohio - Leah Amstutz <leah.amstutz@education.ohio.gov>; Oklahoma <Marcie.Mack@careertech.ok.gov>; Oregon - (Laura.Foley@state.or.us) <Laura.Foley@state.or.us>; Palau <RMechol@palaumoe.net>; Pennsylvania <lburket@pa.gov>; Puerto Rico - Yolanda Cartagena <cartagenaoy@de.pr.gov>; Rhode Island <paul.mcconnell@ride.ri.gov>; South Carolina - Angel Malone <amalone@ed.sc.gov>; South Dakota - Laura Scheibe <Laura.Scheibe@state.sd.us>; Tennessee - Steve Playl <steve.playl@tn.gov>; Texas - Heather Justice (Heather.Justice@tea.texas.gov) <Heather.Justice@tea.texas.gov>; Utah - Thalea Longhurst <Thalea.Longhurst@schools.utah.gov>; Vermont (Jay.Ramsey@vermont.gov) <Jay.Ramsey@vermont.gov>; Virginia-George Wilcox (George.Willcox@doe.virginia.gov) <George.Willcox@doe.virginia.gov>; Washington <Epapadakis@wtb.wa.gov>; West Virginia (tucker@wvctcs.org) <tucker@wvctcs.org>; Wisconsin - Colleen McCabe <Colleen.McCabe@wtcsystem.edu>; Wyoming - Michelle Aldrich <Michelle.aldrich@wyo.gov>
**Cc:** OCTAE DATE STAFF <OCTAEDATESTAFF@ed.gov>; 'Kimberly Green' (kgreen@careertech.org) <kgreen@careertech.org>; Kate Blosveren Kreamer <kkreamer@careertech.org>; LeAnn Wilson <lwilson@acteonline.org>; Steve DeWitt <sdewitt@acteonline.org>; Alysha Hyslop <ahyslop@acteonline.org>; 'dbaime@aacc.nche.edu' <dbaime@aacc.nche.edu>; 'jworth@aacc.nche.edu' <jworth@aacc.nche.edu>
**Subject:** Release of Q&As Regarding Perkins and COVID-19

Dear Colleagues –

State agencies and local CTE program providers alike have been impacted by the COVID-19 outbreak. During our recent Town Hall Webinar and via emails with you and your team members, we have learned of shifting State staff priorities to address the outbreak, as well as widespread closures of local CTE programs that require hands-on learning under the direction of skilled instructors or workplace mentors.

At the same time, State directors identified as their immediate need flexibilities in the submission dates for full State and local plans, covering Fiscal Years (FY) 2020-23, which are required this year under the

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Perkins V statute. Last year, for FY 2019, the first year after passage of the Act, the Secretary used the transition authority in the statute to enable States and local CTE program providers to submit one-year plans. This year, for FY 2020, States and local CTE program providers are expected to submit full plans that meet the requirements of the Act. This first set of questions and answers (Q&As), attached for your convenience and posted to the Perkins Collaborative Resource Network (PCRN) Website at https://cte.ed.gov/grants/covid-19-information, respond to these much-needed flexibilities.

OCTAE continues to remain in close contact with you and your team, and will provide on-going support through additional FAQs, if needed, and technical assistance during the COVID-19 outbreak.

Wishing health and safety for you, your family, and your staff in these unprecedented times -

Sharon

Sharon Lee Miller
Director, Division of Academic and Technical Education
Office of Career, Technical, and Adult Education
U. S. Department of Education
Potomac Center Plaza
550 12th Street, SW
Room 11106
Washington, DC 20202
Sharon.miller@ed.gov
(202) 245-7846

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Hey Susan,

Do you have a moment for a quick call? If so, give me a call at 202-718-7056.

Scott

**From:** Falconer, Susan <Susan.Falconer@ed.gov>
**Sent:** Tuesday, March 31, 2020 4:36 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** RE: CCSSO inquiry

Thank you!

I just saw the invitation go out from OCTAE to Adult Education State Directors and their staffs for a "Shop Talk" COVID-19 briefing call this Thursday afternoon. What are you looking to convey on that call that will be different from the one on Friday? In theory, wouldn't you want the Adult Education State Directors to participate in your briefing call on Friday and then you address everyone at the same time or are there two different purposes?

Susan

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**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Tuesday, March 31, 2020 4:28 PM
**To:** Falconer, Susan <Susan.Falconer@ed.gov>
**Subject:** RE: CCSSO inquiry

Hey Susan,

Your timing was perfect! This afternoon we were able to post the first set of approved FAQs for Perkins. They are specifically focused at flexibilities for State Chiefs.

The FAQs are available at: https://s3.amazonaws.com/PCRN/docs/20-0086.FAQs_Perkins.pdf and on the Department's main Coronavirus site.

Let me know if you have questions.

Scott

**From:** Falconer, Susan <Susan.Falconer@ed.gov>
**Sent:** Tuesday, March 31, 2020 3:28 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** CCSSO inquiry

Good afternoon Scott,

CCSSO (Chief Staff School Officers) reached out to me and asked me if there was any information that I could provide them in writing to be shared with their members regarding the Perkins deadline related to challenges that states MAY have related to meeting them or extension requests.

Is there anything I can share with them?

Susan Falconer

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Liz and Jordan,

The Perkins FAQ document is through the final stage of clearance. The final copy is attached. My team is working to create the 508 compliant version of the document for posting and will send the link to OCO (Sally and Ryan) for posting this afternoon.

We are developing talking points for the social media team and working with Eli on a press release.

I will keep you updated on the estimated time of posting when it is available.

Let me know if you have questions.

Scott

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**From:** Stevens, Sharon <Sharon.Stevens@ed.gov>
**Sent:** Tuesday, March 31, 2020 10:30 AM
**To:** Goetz, Braden <Braden.Goetz@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>
**Cc:** St.Pierre, Tracey <Tracey.StPierre@ed.gov>
**Subject:** OS Approval - Perkins V QAs

Good morning. The Office of the Secretary has approved the Perkins V Qs and As.

**Sharon Stevens**
**OS/Exec Sec**
**202-205-4386**

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**From:** Stump, Scott
**Sent:** Tuesday, March 31, 2020 10:39 AM
**To:** Goetz, Braden (Braden.Goetz@ed.gov) <Braden.Goetz@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Cc:** Pettey, Richard <Richard.Pettey@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** FW: OS Approval - Perkins V QAs

Hey Sharon,

As Braden shared, the approved document has arrived! (Pause for celebration here!)

Please work to create a 508 compliant version asap. I will send this document on to OLCA for congressional notification and OCO for background. Our posting and emailing time will be contingent on the 508 readiness. As soon as you have a timeline on that, please let me know.

Thanks to all!

Scott

**From:** Stevens, Sharon <Sharon.Stevens@ed.gov>
**Sent:** Tuesday, March 31, 2020 10:30 AM
**To:** Goetz, Braden <Braden.Goetz@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>
**Cc:** St.Pierre, Tracey <Tracey.StPierre@ed.gov>
**Subject:** OS Approval - Perkins V QAs

Good morning. The Office of the Secretary has approved the Perkins V Qs and As.

**Sharon Stevens**
**OS/Exec Sec**
**202-205-4386**

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**From:** Stump, Scott
**Sent:** Tuesday, March 31, 2020 9:51 AM
**To:** Pettey, Richard <Richard.Pettey@ed.gov>
**Subject:** FW: Third Economic Stimulus

**From:** Harding, Jordan <Jordan.Harding@ed.gov>
**Sent:** Wednesday, March 25, 2020 10:37 PM
**To:** Bailey, Nathan <Nathan.Bailey@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Gray, Jason <Jason.Gray@ed.gov>; Schneider, Mark <Mark.Schneider@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Robb, Carly <Carly.Robb@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; Richey, Kimberly <Kimberly.Richey@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Huston, John <John.Huston@ed.gov>; King, Robert <Robert.King@ed.gov>
**Cc:** Kean, Larry <Larry.Kean@ed.gov>
**Subject:** RE: Third Economic Stimulus

All,

Please see attached FINAL text for the CARES Act. The ED provisions remain unaltered from what I sent around earlier today, but this is the final text of the bill, just released, that will be voted on this evening.

Let me know if you have any questions.

**From:** Harding, Jordan
**Sent:** Wednesday, March 25, 2020 2:41 PM
**To:** Bailey, Nathan <Nathan.Bailey@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Gray, Jason <Jason.Gray@ed.gov>; Schneider, Mark <Mark.Schneider@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Robb, Carly <Carly.Robb@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; Richey, Kimberly <Kimberly.Richey@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Huston, John <John.Huston@ed.gov>; King, Robert

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<Robert.King@ed.gov>
**Cc:** Kean, Larry <Larry.Kean@ed.gov>
**Subject:** RE: Third Economic Stimulus

And here is the authorizing piece (to accompany the ED section-by-section in my previous email). I don't think they have released the final final bill yet, but the ED text won't change.

**From:** Harding, Jordan
**Sent:** Wednesday, March 25, 2020 1:08 PM
**To:** Bailey, Nathan <Nathan.Bailey@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Gray, Jason <Jason.Gray@ed.gov>; Schneider, Mark <Mark.Schneider@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Robb, Carly <Carly.Robb@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; Richey, Kimberly <Kimberly.Richey@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Huston, John <John.Huston@ed.gov>; King, Robert <Robert.King@ed.gov>
**Cc:** Kean, Larry <Larry.Kean@ed.gov>
**Subject:** Third Economic Stimulus

All,

The stimulus package was just finalized and made public. Attaching the official bill text along with a summary from the Senate Appropriations Committee. Additionally, I'm attaching a section-by-section of the ED provisions.

Please let me know if you have any questions!

Thanks,

**Jordan Forbes Harding**
*Principal Deputy Assistant Secretary*
Office of Legislation and Congressional Affairs
United States Department of Education
400 Maryland Avenue, SW | Washington, DC 20202
O: 202-453-6253

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**From:** Stump, Scott
**Sent:** Monday, March 30, 2020 2:16 PM
**To:** Pettey, Richard <Richard.Pettey@ed.gov>
**Subject:** draft script

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Draft copy of remarks. Note, not yet approved by OGC.

Scott

**Scott Stump**
Assistant Secretary
Office of Career, Technical and Adult Education
United States Department of Education
550 12th Street, SW – 11th Floor |Washington, DC 20202
O: 202-245-6688
E: scott.stump@ed.gov

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**From:** Stump, Scott
**Sent:** Monday, March 30, 2020 1:40 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>
**Cc:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>
**Subject:** RE: Scripts for tomorrow

Hey Kent,

Here is the script that I provided to Phil on Friday. I have not made any changes since submitting it to Phil.

Scott

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Monday, March 30, 2020 1:25 PM
**To:** Brown, Mark <Mark.Brown@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; King, Robert <Robert.King@ed.gov>
**Cc:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; McCaghren, Christopher <Christopher.McCaghren@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>
**Subject:** Scripts for tomorrow

I need to please review the latest versions of your statements for tomorrow's stakeholder call (one more time) in light of some new information. Please call me if questions.

Would you send me the latest versions of your statements as they exist as of 1:15 PM today? Please also cc Phil Rosenfelt when you do that.

Many thanks.

Kent
(b)(6)

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**From:** Stump, Scott
**Sent:** Monday, March 30, 2020 12:37 PM
**To:** Goetz, Braden (Braden.Goetz@ed.gov) <Braden.Goetz@ed.gov>
**Cc:** Miller, Sharon Lee (Sharon.Miller@ed.gov) <Sharon.Miller@ed.gov>; Keenan, Cheryl (Cheryl.Keenan@ed.gov) <Cheryl.Keenan@ed.gov>
**Subject:** FW: Waiver template and letter

Based on our discussion with Sharon and Cheryl this morning, please add Perkins and Adult Ed (with the appropriate sections of each act noted) to the ESEA Waiver Template when it comes through for clearance today. Please also recommend adjustments to the introductory language to reflect Cheryl's concern that it was too limiting regarding examples of subrecipients and the use of "consolidated plan."

Let me know if you have questions.

Scott

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Monday, March 30, 2020 8:07 AM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** Waiver template and letter

Good morning

I wanted to let you know that we have developed a second set of waivers based on the CARES Act. Most of them are fiscal issues relevant only to ESEA. I did want to draw your attention to the Tydings waiver though. Under the CARES Act (Sec 3511(b)(1)(B)) your programs can allow an extra year beyond the Tydings year. We discussed whether to include OSERS and OCTAE programs in this second waiver but decided it was your program office decision.

We hope this will go into ED clearance this morning and issue later today or tomorrow.

Mark and Laurie – I'm also asking questions about waivers for service obligation. The CARES Act included a waiver option related to TEACH grants and I'm wondering if it makes sense to ask for something related to our Indian Ed professional development program. Figured you might be interested in doing the same for OSEP and RSA PD programs. I'm just asking questions right now. Not clear it's an option or necessary but don't want to pass it up if it would be useful.

Happy to discuss if it would be helpful.
Ruth

---

**From:** Stump, Scott
**Sent:** Monday, March 30, 2020 11:00 AM
**To:** Peternith, Rachel <Rachel.Peternith@ed.gov>; Goff, Jessica <Jessica.Goff@ed.gov>; Koeppel, Dennis

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<Dennis.Koeppel@ed.gov>; Harris, Lisa (OGC) <Lisa.Harris@ed.gov>; Lagaard, Soren <Soren.Lagaard@ed.gov>
**Cc:** Keenan, Cheryl (Cheryl.Keenan@ed.gov) <Cheryl.Keenan@ed.gov>; Miller, Sharon Lee (Sharon.Miller@ed.gov) <Sharon.Miller@ed.gov>; Goetz, Braden (Braden.Goetz@ed.gov) <Braden.Goetz@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** FW: Waiver template and letter

Good morning OGC!

OCTAE would like to have both Perkins and Adult Ed included in the Tydings waiver section of the OESE waiver template if possible and applicable. We have 29 Adult Ed and 35 Perkins recipients that are the State Education Agency. I wanted to first confirm that the Cares Act Tydings waiver extended to both of OCTAE's programs.

In addition, as we discussed this question this morning, we also wanted to confirm that this latitude would also be extended to our eligible recipients that were not the State Education Agency, like those that are housed in community college systems and with workforce boards. If that is correct, we will need your assistance in expeditiously creating a similar waiver request form for those entities.

We look forward to your guidance and input.

Let me know if you have questions.

Scott

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Monday, March 30, 2020 8:07 AM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** Waiver template and letter

Good morning

I wanted to let you know that we have developed a second set of waivers based on the CARES Act. Most of them are fiscal issues relevant only to ESEA. I did want to draw your attention to the Tydings waiver though. Under the CARES Act (Sec 3511(b)(1)(B)) your programs can allow an extra year beyond the Tydings year. We discussed whether to include OSERS and OCTAE programs in this second waiver but decided it was your program office decision.

We hope this will go into ED clearance this morning and issue later today or tomorrow.

Mark and Laurie – I'm also asking questions about waivers for service obligation. The CARES Act included a waiver option related to TEACH grants and I'm wondering if it makes sense to ask for something related to our Indian Ed professional development program. Figured you might be interested in doing the same for OSEP and RSA PD programs. I'm just asking questions right now. Not clear it's an option or necessary but don't want to pass it up if it would be useful.

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Happy to discuss if it would be helpful.
Ruth

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**From:** Stump, Scott
**Sent:** Monday, March 30, 2020 9:46 AM
**To:** Utz, Robin <Robin.Utz@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Subject:** RE: questions from ACTE BOD members

Hey Robin,

Thank you for raising these questions! Sharon, we will need to see if these questions are covered under the FAQs currently under development or if they will need to be added as new questions.

Scott

**From:** Utz, Robin <Robin.Utz@ed.gov>
**Sent:** Saturday, March 28, 2020 3:42 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Subject:** questions from ACTE BOD members

Scott and Sharon-
Two questions from BOD members of ACTE – (one aggie to another, BTW)

1. Professional development funds that were targeted for Spring 2020 regional conferences – this fiscal year – The conferences are postponed to Fall 2020. Is there a waiver to allot those funds between fiscal years for the same activity?

2. Looking forward: Currently states are ceasing mandatory testing for state assessments for THIS year. The concern is that schools/students are going to need more than one year to recover from this pandemic (in academic achievement). Will the Dept provide waivers for state assessments in the outgoing years?

In case you are wondering: My update amounted to sharing the website: https://www.ed.gov/coronavirus?src=feature And, told them I was hopeful the Perkins V FAQs will be posted early next week. Also, said the Dept is providing as much flexibility as possible. Also, told them they can always submit questions to cte@ed.gov. And, finally, I added the CTSO definition from Perkins V legislation in the chat box, because JROTC gave a presentation and advocated to be recognized as a CTSO. And, I got the question (naturally). ED's position is state and locals make the determination of what constitutes an integral CTSO in a CTE program.

Over and out. 10-4 Good Buddies. -Robin

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**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Friday, March 27, 2020 1:44 PM
**To:** Goetz, Braden <Braden.Goetz@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Subject:** Re: REVISED URGENT OS Clearance (20-0086) - DUE 10:00 AM COB MAR 27 - FAQs on Perkins V and COVID-19

Sounds good!

Get Outlook for iOS

---

**From:** Goetz, Braden <Braden.Goetz@ed.gov>
**Sent:** Friday, March 27, 2020 11:43:20 AM
**To:** Miller, Sharon Lee <Sharon.Miller@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>
**Subject:** FW: REVISED URGENT OS Clearance (20-0086) - DUE 10:00 AM COB MAR 27 - FAQs on Perkins V and COVID-19

OGC had very minor edits that I'll just accept and send it back to Exec Sec.

**From:** Goff, Jessica <Jessica.Goff@ed.gov>
**Sent:** Friday, March 27, 2020 1:02 PM
**To:** Stevens, Sharon <Sharon.Stevens@ed.gov>; Canada, June <June.Canada@ed.gov>
**Cc:** Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Canty, Waquesha <Waquesha.Canty@ed.gov>; Goetz, Braden <Braden.Goetz@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>
**Subject:** RE: REVISED URGENT OS Clearance (20-0086) - DUE 10:00 AM COB MAR 27 - FAQs on Perkins V and COVID-19

Hi Sharon,

Apologies for the delay. See attached for some minor tweaks from OGC. As you mentioned, Phil may submit separate comments.

Best,
Jess

**From:** Stevens, Sharon <Sharon.Stevens@ed.gov>
**Sent:** Friday, March 27, 2020 12:30 PM
**To:** Canada, June <June.Canada@ed.gov>
**Cc:** Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Goff, Jessica <Jessica.Goff@ed.gov>; Canty, Waquesha <Waquesha.Canty@ed.gov>; Goetz, Braden <Braden.Goetz@ed.gov>
**Subject:** FW: REVISED URGENT OS Clearance (20-0086) - DUE 10:00 AM COB MAR 27 - FAQs on Perkins V and COVID-19

Good afternoon OGC colleagues – did you have any comments on this revised version? I understand that Phil may be sending comments later, thank you - Sharon

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**From:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>
**Sent:** Friday, March 27, 2020 10:07 AM
**To:** Stevens, Sharon <Sharon.Stevens@ed.gov>
**Cc:** ExecSec_OSClearance <ExecSec_OSClearance@ed.gov>; Canty, Waquesha <Waquesha.Canty@ed.gov>; Goetz, Braden <Braden.Goetz@ed.gov>; Goff, Jessica <Jessica.Goff@ed.gov>; Canada, June <June.Canada@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>
**Subject:** RE: REVISED URGENT OS Clearance (20-0086) - DUE 10:00 AM COB MAR 27 - FAQs on Perkins V and COVID-19

Sharon: I will not be able to comment by the deadline, because of other coronavirus deadlines. Everyone should send in their comments and not wait for me, and just indicate that I may comment later today. Please let me know if you have any questions. Thanks again for including us and reaching out.

Phil

**From:** Stevens, Sharon <Sharon.Stevens@ed.gov>
**Sent:** Thursday, March 26, 2020 2:42 PM
**To:** Goff, Jessica <Jessica.Goff@ed.gov>; Canada, June <June.Canada@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>
**Cc:** ExecSec_OSClearance <ExecSec_OSClearance@ed.gov>; Canty, Waquesha <Waquesha.Canty@ed.gov>; Goetz, Braden <Braden.Goetz@ed.gov>
**Subject:** REVISED URGENT OS Clearance (20-0086) - DUE 10:00 AM COB MAR 27 - FAQs on Perkins V and COVID-19

Thank you for your quick review. OCTAE revised the FAQs document and provided a redline. Can you please send me any additional comments or your approval by **10:00 am tomorrow, March 27?**

As always, thank you. Sharon

**From:** Stevens, Sharon
**Sent:** Tuesday, March 24, 2020 3:58 PM
**To:** Canada, June <June.Canada@ed.gov>; Patillo, Ashley <Ashley.Patillo@ed.gov>; Owens, AnnMargaret <AnnMargaret.Owens@ed.gov>; Ahmad, Shavonney <Shavonney.Ahmad@ed.gov>; Bates, Monica <Monica.Bates@ed.gov>; Robb, Carly <Carly.Robb@ed.gov>; Sherman, Brandon <Brandon.Sherman@ed.gov>; Hokanson, Jesse <Jesse.Hokanson@ed.gov>
**Cc:** Canty, Waquesha <Waquesha.Canty@ed.gov>; Surprenant, Kala <Kala.Surprenant@ed.gov>; Goff, Jessica <Jessica.Goff@ed.gov>; Peternith, Rachel <Rachel.Peternith@ed.gov>; Barlow, Christine <Christine.Barlow@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>; Mould, Jim <Jim.Mould@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Adair, Lucas (John) <John.Adair@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Goetz, Braden <Braden.Goetz@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Bartlett, Anna <Anna.Bartlett@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>; Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>; ExecSec_OSClearance

AMERICAN OVERSIGHT

<ExecSec_OSClearance@ed.gov>
**Subject:** URGENT OS Clearance (20-0086) - DUE COB Wed, MAR 25 - FAQs on Perkins V and COVID-19

We are requesting your expedited review of the attached FAQs on Perkins V and COVID-19. We appreciate your assistance.

**Document Information**

**Subject: FAQs FOR STATE CTE DIRECTORS ON PERKINS V AND COVID-19**
**Prepared by: OCTAE**
**Contact in Originating Office: Braden Goetz**
**Due Date for Review: URGENT 10:00 AM March 27, 2020**
**Control Number: 20-0086**
**Offices Reviewing Document: OGC**
**Offices Receiving for Information: OCTAE**

If there are other offices that should also review this document (in addition to those listed above), please let us know ASAP.

Please respond by e-mail to **SHARON STEVENS** with a cc: ExecSec_OSClearance@ed.gov. In responding to the Executive Secretariat, please complete the following: (Check one or more that apply.)

____ Clears the document as written.
____ Comments on the document in the office's unique area of responsibility that must be addressed.
____ Comments on the document to improve the document's quality, clarity, and integrity.
Reviewed by: _____

Other:
____ Declines review/not going to review this document.
____ Defers to _____ (name of office) on this document.

Thank you.

**Sharon Stevens**
**OS/Exec Sec**
**202-205-4386**

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**From:** Stump, Scott
**Sent:** Friday, March 27, 2020 10:55 AM

AMERICAN OVERSIGHT

**To:** Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** FW: Adult Education and RSA Guidance

Hey Casey,

Here is the Adult Ed Guidance that will be going out to the field at 1 pm today.

As I mentioned this morning, Perkins and PPE guidance is expected to go to OMB for review over the weekend. We should have a final decision on Monday.

Scott

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Thursday, March 26, 2020 7:03 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Cc:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; St.Pierre, Tracey <Tracey.StPierre@ed.gov>; Morabito, Angela <Angela.Morabito@ed.gov>; Stevens, Sharon <Sharon.Stevens@ed.gov>
**Subject:** Adult Education and RSA Guidance

Scott and Mark,

The two guidance documents were approved by OMB, Jim Blew, and Nate, in addition to the approvals by others earlier in the process.

I have attached WORD and pdf versions of each.

I recommend we have a conf call with Liz first thing tomorrow morning to quickly talk through timing and sequencing of posting it, and how to best equip her to handle any questions that reporters or others may have once the docs are published.

Liz, I assume that we will follow normal protocol where each program office does the posting (timing to be coordinated with you) to their respective web sites (tomorrow) and then they send to you the links for purposes of also putting on the COVID-19 page?

Thanks Scott, Mark, Phil.

Please let me know if questions.

Kent

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**From:** Stump, Scott
**Sent:** Friday, March 27, 2020 8:41 AM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Morabito, Angela <Angela.Morabito@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Cc:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>
**Subject:** RE: Adult Education and RSA Guidance

AMERICAN OVERSIGHT

Hey Kent, Jordan, and Angela,

Mark and I connected this morning and agreed that we would like to distribute our concurrent guidance at 1 pm today. Our thought is that 1 pm will allow time for OLCA to notify congress and for OCO to prepare to post it on the COVID-19 site.

Here is a proposed timeline for consideration.

| | |
|---|---|
| 10 AM | OLCA – Congressional Notification |
| 1 PM | OCATE/OSERS – Email distribution to State leaders for Adult Education and Vocational Rehabilitation and post on OCTAE/OSERS websites |
| 1 PM | OCO – Post on Ed.Gov COVID-19 website |
| TBD | OCTAE and OSERS work with OCO (Angela) for social media messaging |

Mark and I look forward to your feedback. We also would be happy to jump on a call this morning if it would be helpful.

Scott

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Thursday, March 26, 2020 7:19 PM
**To:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Cc:** Stump, Scott <Scott.Stump@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; St.Pierre, Tracey <Tracey.StPierre@ed.gov>; Morabito, Angela <Angela.Morabito@ed.gov>; Stevens, Sharon <Sharon.Stevens@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>
**Subject:** RE: Adult Education and RSA Guidance

+ Jordan Harding

Okay thanks.

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Thursday, March 26, 2020 7:18 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>
**Cc:** Stump, Scott <Scott.Stump@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; St.Pierre, Tracey <Tracey.StPierre@ed.gov>; Morabito, Angela <Angela.Morabito@ed.gov>; Stevens, Sharon <Sharon.Stevens@ed.gov>
**Subject:** Re: Adult Education and RSA Guidance

Ok. If we don't need a press release, then we should just coordinate with OLCA on congressional notifications and get these pushed out to the field and linked on our COVID-19 site. We can follow up with social media content.

Liz Hill
Communications Director

AMERICAN OVERSIGHT

U.S. Department of Education
202-465-0509
Sent from my iPhone

On Mar 26, 2020, at 7:17 PM, Talbert, Kent <Kent.Talbert@ed.gov> wrote:

Yes, Scott and Mark want to get them out tomorrow.

Kent

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Thursday, March 26, 2020 7:16 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>
**Cc:** Stump, Scott <Scott.Stump@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; St.Pierre, Tracey <Tracey.StPierre@ed.gov>; Morabito, Angela <Angela.Morabito@ed.gov>; Stevens, Sharon <Sharon.Stevens@ed.gov>
**Subject:** Re: Adult Education and RSA Guidance

Hi Kent,

I'd love for Angela and I to hop on the phone with you guys and figure out how best to support this rollout from a Comms perspective. Tomorrow morning is slammed from 8-11:30 unfortunately. Are these items we're trying to roll out tomorrow?

Liz Hill
Communications Director
U.S. Department of Education
(b)(6)
Sent from my iPhone

On Mar 26, 2020, at 7:03 PM, Talbert, Kent <Kent.Talbert@ed.gov> wrote:

Scott and Mark,

The two guidance documents were approved by OMB, Jim Blew, and Nate, in addition to the approvals by others earlier in the process.

I have attached WORD and pdf versions of each.

I recommend we have a conf call with Liz first thing tomorrow morning to quickly talk through timing and sequencing of posting it, and how to best equip her to handle any questions that reporters or others may have once the docs are published.

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Liz, I assume that we will follow normal protocol where each program office does the posting (timing to be coordinated with you) to their respective web sites (tomorrow) and then they send to you the links for purposes of also putting on the COVID-19 page?

Thanks Scott, Mark, Phil.

Please let me know if questions.

Kent

<20-0083.AEFLA_QAs, FINAL.docx>
<20-0083.AEFLA_QAs, FINAL.pdf>
<20-0083.RSA_QAs, FINAL, 3.26.20.docx>
<20-0083.RSA_QAs, FINAL, 3.26.20.pdf>

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**From:** Stump, Scott
**Sent:** Thursday, March 26, 2020 7:07 PM
**To:** Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>
**Subject:** Higher Education Stakeholders Call Draft Remarks for Review

Hey Phil,

Thank you for all of your efforts to help move the Adult Ed FAQs forward today. My fingers are crossed that the CTE/Perkins FAQs will be able to move on the same way tomorrow.

In the meantime, I will be representing OCTAE on the Higher Education call on Tuesday. OCO asked that presenters have their remarks reviewed by OGC prior to the call. My draft remarks are attached. They reflect abbreviated versions of the FAQ answers that are through or working their way through clearance. Daniel recommended reaching out to you for the review. If you would rather I start with Rachel, Jess, Lisa and Soren, I will be happy to reach out to them first thing tomorrow morning.

I look forward to your guidance.

Scott

**Scott Stump**
Assistant Secretary
Office of Career, Technical and Adult Education
United States Department of Education
550 12th Street, SW – 11th Floor |Washington, DC 20202
O: 202-245-6688
E: scott.stump@ed.gov

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AMERICAN OVERSIGHT

**From:** Stump, Scott
**Sent:** Thursday, March 26, 2020 7:00 PM
**To:** Garcia, Daniela <Daniela.Garcia@ed.gov>
**Subject:** Higher Ed Stakeholders Script

Hey Daniela,

Attached are my draft remarks and questions for next Tuesday. I know that the goal was to have them in OGC clearance by Friday. My question is whether you want me to send them through OCTAE program attorneys for Perkins and Adult Ed or if you had a person in mind that I needed to have review them. Let me know when you have a moment and I will send them on for review.

Scott

**Scott Stump**
Assistant Secretary
Office of Career, Technical and Adult Education
United States Department of Education
550 12th Street, SW – 11th Floor |Washington, DC 20202
O: 202-245-6688
E: scott.stump@ed.gov

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**From:** Stump, Scott
**Sent:** Thursday, March 26, 2020 1:19 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>
**Cc:** Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** FW: FAQs - UPDATED

Hey Kent,

Thank you again for all of your help today! Chris Pope just sent me the OSERS formatted document which will be the companion to the Adult Ed document. As noted below, Mark has approved it.

Where it has the same information as parts of the Adult Ed document we believe it would make sense for it to go to OMB for review at the same time.

Let Mark or I know if you have questions.

Scott

**From:** Pope, Christopher <Christopher.Pope@ed.gov>
**Sent:** Thursday, March 26, 2020 1:04 PM
**To:** Campbell, Lekesha <Lekesha.Campbell@ed.gov>; Keenan, Cheryl <Cheryl.Keenan@ed.gov>
**Subject:** RE: FAQs - UPDATED

AMERICAN OVERSIGHT

Attached is the OSERS document that Mark just approved to move to OMB if/when ED gives final approval.

Keep me posted please!

Thanks,
Chris

**From:** Campbell, Lekesha <Lekesha.Campbell@ed.gov>
**Sent:** Thursday, March 26, 2020 11:37 AM
**To:** Pope, Christopher <Christopher.Pope@ed.gov>; Keenan, Cheryl <Cheryl.Keenan@ed.gov>
**Subject:** RE: FAQs - UPDATED

UPDATED VERSION to incorporate the edit on Q2 that Chris pointed out. Chris, if you notice anything else, please let me know. Otherwise, we'll just fix it on the back end once it comes back from OMB. Thanks!

**From:** Campbell, Lekesha
**Sent:** Thursday, March 26, 2020 11:20 AM
**To:** Pope, Christopher <Christopher.Pope@ed.gov>; Keenan, Cheryl <Cheryl.Keenan@ed.gov>
**Cc:** Goetz, Braden <Braden.Goetz@ed.gov>
**Subject:** RE: FAQs

Hi Chris,

Attached is the PDF.

**From:** Pope, Christopher <Christopher.Pope@ed.gov>
**Sent:** Thursday, March 26, 2020 10:59 AM
**To:** Keenan, Cheryl <Cheryl.Keenan@ed.gov>; Campbell, Lekesha <Lekesha.Campbell@ed.gov>
**Cc:** Goetz, Braden <Braden.Goetz@ed.gov>
**Subject:** FAQs

Hey OCTAE: Mark wants to publish the two VR-specific FAQs when OCTAE publishes its PM with all of your FAQs. Can you send me the draft PM so I can see how you've introduced it?

The last version of the FAQs I saw were what OGC program attorneys approved yesterday morning – clean version attached.

Thanks,
Chris

---

**From:** Stump, Scott
**Sent:** Thursday, March 26, 2020 8:57 AM
**To:** Newman, Jessica <Jessica.Newman@ed.gov>
**Cc:** Burrichter, Douglas <Douglas.Burrichter@ed.gov>; Neumann, Kara <Kara.Neumann@ed.gov>
**Subject:** RE: Gratis Assistance For COVID Education Crisis

AMERICAN OVERSIGHT

Hey Jessica,

I confirmed with Susan Falconer yesterday afternoon that the Department is planning to stand up a site to connect State and local education leaders to resources to assist with the transition to online learning. I would recommend that we thank Mr. Heppelmann for ptc's and NAM's commitment to helping America's learners continue to learn during this unprecedented time. Inform him of the Department's intent to provide information like this to K-12 and postsecondary leaders across the nation through an organized process. And, assure him that we will be in touch to request additional information as needed for dissemination of the information.

Let me know if you need additional information.

Scott

**From:** Newman, Jessica <Jessica.Newman@ed.gov>
**Sent:** Wednesday, March 25, 2020 3:02 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Cc:** Burrichter, Douglas <Douglas.Burrichter@ed.gov>; Neumann, Kara <Kara.Neumann@ed.gov>
**Subject:** FW: Gratis Assistance For COVID Education Crisis

Hi Scott! Can you take a look at the notes below and the attached letter? Do you have a recommendation on how we can respond?
Thanks,
Jessica

**From:** Stuart, John <JStuart@ptc.com>
**Sent:** Monday, March 23, 2020 12:10 PM
**To:** Newman, Jessica <Jessica.Newman@ed.gov>
**Cc:** Alyssa Shooshan <AShooshan@nam.org>
**Subject:** FW: Gratis Assistance For COVID Education Crisis

Hi Jessica:

Hope you are well and holding up okay.

Alyssa was kind enough to give me your email address at my request.
Hope that is okay.

PTC has partnered with the NAM on a variety of meaty topics like corporate strategy, manufacturing recruitment, STEM education and of course working remotely now with the Coronavirus:

https://www.linkedin.com/company/national-association-of-manufacturers---nam/

If you can, is it possible to squeeze in a call with the Secretary and our Jim Heppelmann?

https://www.ptc.com/en/product-lifecycle-report/ptc-commitment-customers-covid-19

Thanks so much and all the best!

AMERICAN OVERSIGHT

John Stuart
DVP, ThingWorx Kepware
Country Manager, PTC Romania
NAM Liaison
jstuart@ptc.com
+1 617 733 7804

**From:** Heppelmann, James <JHeppelmann@ptc.com>
**Sent:** Monday, March 23, 2020 11:50 AM
**To:** Betsy.DeVos@ed.gov
**Cc:** Cox, Jordan <jocox@ptc.com>; Jessica.Newman@ed.gov
**Subject:** Gratis Assistance For COVID Education Crisis

Hi Secretary DeVos:

I'm the CEO of a large ($1.4B) Boston-based public software company with a compelling offer of gratis help for the education community. I know you get a lot of mail, particularly now as national education efforts are being disrupted by the COVID-19 crisis. It is my hope you will personally read the attached letter as I'd like to offer the help of my organization to you and the education community during this time, and explore with you how we can work together in future.

Behind PTC, we have the support of Blake Moret, CEO of Rockwell Automation, Jay Timmons, CEO of the National Association of Manufacturers (VP Pence briefed the NAM on Friday) and others. We also have strategic relationships and work closely with many large companies in your backyard like Stryker, Steelcase, Whirlpool, Haworth, Herman Miller, etc.

With your permission, I will work through Jessica to schedule a virtual call to explain further how PTC can support the DOE during this unprecedented time.

Respectfully yours,

James E. (Jim) Heppelmann
President & CEO
PTC
781-588-5747

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**From:** Stump, Scott
**Sent:** Thursday, March 26, 2020 8:47 AM
**To:** Garcia, Daniela <Daniela.Garcia@ed.gov>; Falconer, Susan <Susan.Falconer@ed.gov>
**Subject:** CTE Distance Learning Resources Examples

Hey Daniela and Susan,

I know that you are gathering examples of entities that are stepping forward to help schools in moving quickly into the online learning space. Here are a few examples from the CTE community.

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Let me know if you have any questions.

Scott

**Scott Stump**
Assistant Secretary
Office of Career, Technical and Adult Education
United States Department of Education
550 12th Street, SW – 11th Floor |Washington, DC 20202
O: 202-245-6688
E: scott.stump@ed.gov

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**From:** Stump, Scott
**Sent:** Thursday, March 26, 2020 8:09 AM
**To:** Utz, Robin <Robin.Utz@ed.gov>
**Subject:** RE: CTE

Robin,

Thank you for the update. That sounds like a great response. Let me know if she would like to connect in person.

Scott

**From:** Utz, Robin <Robin.Utz@ed.gov>
**Sent:** Thursday, March 26, 2020 8:07 AM
**To:** Stump, Scott <Scott.Stump@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>
**Cc:** Pettey, Richard <Richard.Pettey@ed.gov>
**Subject:** RE: CTE

Good morning.
I will connect her to cte.ed.gov and the state profiles and resources, ACTE's employer engagement work, Advance CTE, and the CTSOs. Also, will make introductions to US DOT and US DOL contacts. And, add her on our list of employers for any future events.

Oh, and will inform her of the work of AGC-NAHB and connect her to Gregory Zick. -Robin

**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Thursday, March 26, 2020 7:42 AM
**To:** Utz, Robin <Robin.Utz@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>
**Cc:** Pettey, Richard <Richard.Pettey@ed.gov>
**Subject:** Re: CTE

AMERICAN OVERSIGHT

Robin,

Thank you for sharing the email. Not sure about the others, but I had not received the inquiry. What would you recommend for next steps?

Scott

Scott Stump
Assistant Secretary
Office of Career, Technical and Adult Education
United States Department of Education

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**From:** Utz, Robin <Robin.Utz@ed.gov>
**Sent:** Wednesday, March 25, 2020 4:01:40 PM
**To:** Miller, Sharon Lee <Sharon.Miller@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>
**Cc:** Pettey, Richard <Richard.Pettey@ed.gov>
**Subject:** FW: CTE

Thinking you received the same inquiry?

**From:** Lauren Williams <lwilliams@americanbakers.org>
**Sent:** Wednesday, March 25, 2020 5:18 PM
**To:** Utz, Robin <Robin.Utz@ed.gov>
**Cc:** Christina Donnelly <cdonnelly@americanbakers.org>
**Subject:** CTE

Ms. Utz:

I hope you are doing well.

I wanted to reach out to you to see if you might have any suggestions for us or if there are ways we could work with the Department in the future. For your background, the American Bakers Association (ABA) represents the wholesale baking industry. ABA represents more than 1,000 baking facilities and baking company suppliers. During the COVID-19 outbreak the US government declared our members to be critical infrastructure, in order to ensure the food supply of the country. We recently surveyed our membership on job openings and did an announcement, we currently have over 700 temporary jobs and 2,500 permanent jobs throughout the country. One position that our members are in critical need of is maintenance mechanics, this is where we thought career and technical schools might have students that are looking for employment – which we understand during this outbreak it would be a scary period of time to be graduating.

We wanted to reach out and see if you might have any suggestions of how we can better connect with those candidates during this crisis and moving forward.

AMERICAN OVERSIGHT

Thanks in advance,
Lauren

**Lauren Williams**
Director of Government Relations

**American Bakers Association**
601 Pennsylvania Avenue, NW, Suite 230
Washington, DC 20004

**Phone:** (202)-789-0300 X121

**Email:** lwilliams@americanbakers.org
**Web:** www.americanbakers.org

**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Wednesday, March 25, 2020 5:10 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** Re: FAQs on Adult Ed and RSA

Thank you Kent.

I also wanted to let you know that my staff connected with the RSA Staff (Chris Pope) and they recommend that both RSA and OCTAE issue separate documents. There is a concern that one document will confuse the two different sets of stakeholders. The information related to both grant program will remain the same in each release.

Let me know if you have questions.

Scott

Get Outlook for iOS

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**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Wednesday, March 25, 2020 4:47:56 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Cc:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Subject:** RE: FAQs on Adult Ed and RSA

+ Liz

Liz and her team. I think Sally Harris is the webmaster for OCO. But I think the POC has been posting to its own site and then Liz or the webmaster then links to the POC's once the POC notifies Liz.

AMERICAN OVERSIGHT

**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:27 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>
**Subject:** RE: FAQs on Adult Ed and RSA

Thanks, Kent! One other quick question. Who do we need to connect with to have the document posted on the Ed.Gov COVID-19 site when it is ready?

Scott

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:24 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** RE: FAQs on Adult Ed and RSA

I don't. I just welcome your good judgment in light of all you know about what is currently posted.

Kent

**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:19 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Subject:** RE: FAQs on Adult Ed and RSA

Thank you for the update, Kent. We are happy to put the FAQs in whatever format you recommend. Yesterday we looked through the https://www.ed.gov/coronavirus?src=feature COVID-19 Site on Ed.Gov and found a variety of styles. Mark and I will have our team work on the cobranded letterhead. Are there other suggestions you have for a consistent look moving forward?

Scott

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:09 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>
**Cc:** Stevens, Sharon <Sharon.Stevens@ed.gov>
**Subject:** FAQs on Adult Ed and RSA

For the Adult Ed/RSA Town Hall FAQs, I assume that will be put on joint letterhead and the font adjusted to what others have used?

Looks like it will need some refinements to the header and overall look so we can try to stay consistent with other documents posted to our COVID-19 page.

I see it is going through clearance with due date of COB today.

Thanks for your work on getting this into the clearance process. I hope to look at it later today.

AMERICAN OVERSIGHT

Kent

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**From:** Stump, Scott
**Sent:** Wednesday, March 25, 2020 2:30 PM
**To:** Goetz, Braden (Braden.Goetz@ed.gov) <Braden.Goetz@ed.gov>
**Cc:** Smith, Richard <Richard.Smith@ed.gov>
**Subject:** FW: Data Call: Quarterly Performance Review (QPR), Quarter 2

Hey Braden,
FYI on the next QPR call for data.
Richard, for situational awareness, Craig Stanton, took the lead in this space working with the PRES team to collect and submit the data. Braden, agreed to accept the leadership role after Craig's departure.
I will ask Doug to schedule some time for the three of us to discuss leadership of this work moving forward.
Scott
**From:** Battle, Sandra <Sandra.Battle@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:11 PM
**To:** Todd, Jennifer <Jennifer.Todd@ed.gov>; McKinney, Jessica <Jessica.Mckinney@ed.gov>; Ramakis, Jessica <Jessica.Ramakis@ed.gov>; Adair, Lucas (John) <John.Adair@ed.gov>; Fare, John <John.Fare@ed.gov>; Huston, John <John.Huston@ed.gov>; Surprenant, Kala <Kala.Surprenant@ed.gov>; Ellis, Kathryn <Kathryn.Ellis@ed.gov>; Ivatts, Katrina R. <Katrina.Ivatts@ed.gov>; Cline, Kelly <Kelly.Cline@ed.gov>; Terpak, Kelly <Kelly.Terpak@ed.gov>; Worthington, Kelly <Kelly.Worthington@ed.gov>; Taylor, Kenneth <Kenneth.Taylor@ed.gov>; Okahara, Kim <Kim.Okahara@ed.gov>; Richey, Kimberly <Kimberly.Richey@ed.gov>; Kean, Larry <Larry.Kean@ed.gov>; Wexler, Larry <Larry.Wexler@ed.gov>; Kennedy, Lauren <Lauren.Kennedy@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Braga, Leticia <Leticia.Braga@ed.gov>; Byrd-Johnson, Linda <Linda.Byrd-Johnson@ed.gov>; Sadeghi, Lisa <Lisa.Sadeghi@ed.gov>; Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; O'Brien, Marianna <Marianna.OBrien@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Santucci, Mark <Mark.Santucci@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Washington, Mark <Mark.Washington@ed.gov>; Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>; Greene, Matthew <Matthew.Greene@ed.gov>; Soldner, Matthew <Matthew.Soldner@ed.gov>; Reasor, Megan <Megan.Reasor@ed.gov>; Miceli, Meredith <Meredith.Miceli@ed.gov>; Sattler, Neil <Neil.Sattler@ed.gov>; Ofodile-Carruthers, Nkemjika <Nkemjika.Ofodile-Carruthers@ed.gov>; Kilby-Robb, Patricia <Patricia.Kilby-Robb@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>; Penny.Medford@ed.gov; Hoang, Peter <Peter.Hoang@ed.gov>; Juengst, Phillip <Phillip.Juengst@ed.gov>; Crowner, Quasette <Quasette.Crowner@ed.gov>; Crawford, Ray <Ray.Crawford@ed.gov>; Smith, Richard <Richard.Smith@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; King, Robert <Robert.King@ed.gov>; Santy, Ross <Ross.Santy@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Ryan, Sam <Sam.Ryan@ed.gov>; Newman, Sarah <Sarah.Newman@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Boivin, Sharon <Sharon.Boivin@ed.gov>; Leu, Sharon <Sharon.Leu@ed.gov>; Evans, Sherrell <Sherrell.Evans@ed.gov>; Sathya, Soumya <Soumya.Sathya@ed.gov>; Hernandez, Steven <Steven.Hernandez@ed.gov>; McClain, Tiffany <Tiffany.McClain@ed.gov>; Otter, Tina <Tina.Otter@ed.gov>; Hardin, Tonya

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<Tonya.Hardin@ed.gov>; Koumare, Tracy <Tracy.Koumare@ed.gov>; Tesoriero, Vanessa <Vanessa.Tesoriero@ed.gov>; Robinson, Vicki <Vicki.Robinson@ed.gov>; Hammer, Victoria <Victoria.Hammer@ed.gov>; Davis, Wanda <Wanda.Davis@ed.gov>; Yeung, Wing <Wing.Yeung@ed.gov>
**Cc:** Soldner, Matthew <Matthew.Soldner@ed.gov>; Heister, Stephen <Stephen.Heister@ed.gov>
**Subject:** Data Call: Quarterly Performance Review (QPR), Quarter 2

Hello Colleagues:

I am writing to let you know that, to assist while teleworking, the Quarterly Performance Review (QPR), Quarter 2 data call will open early – on tomorrow, **Thursday, March 26**. This early opening is intended to give extra time for data entries.

If you have not yet done so, please gather data on your accomplishments. It's important to include the work of the range of offices across the Department that support your goal and its strategic objectives.
For this data call, you need to convey information on what was accomplished during Quarter 2 (January 2020 through March 2020). This is an opportunity to acknowledge the work performed and discuss plans as well as challenges and other events that may affect the outcomes for this fiscal year. For example, as appropriate, include an analysis of the impact of the coronavirus (COVID-19) and the closure of schools across the nation on metrics, strategic objectives and goal performance.

**Objective Self-Assessment:**
The Department must report to OMB on how the Department is progressing in meeting each of its 16 strategic objectives in FY 2020. At the end of Quarter 2, each strategic objective **must** be assessed – including those whose metrics have annual-only data.

Give your opinion: On the main PIO webpage, on the left-hand side of the page, DoubleClick the tab labeled "Objective Assessments." In the assessment column click where it says, "No Current Assessment". This will reveal a dropdown menu and then, click the drop-down arrow for options:

- Area of Noteworthy Progress
- At Expected Progress
- Below Expected Progress
- Area of Focused Improvement

Add an evidence-based justification for the self-assessment.

Please review the information provided in this email and on the PIO's Data Call Homepage to re-familiarize yourself with the schedule and expectations. A summary is provided below.

***Schedule:***

**March 26 through April 8:** Contributors log activities on the Narrative Update Page and provide data updates on the Metric Data Update Page.

- Contributors nominate the narrative information to include on metric slides using the Metric Slide Selection Page.

**April 9 through April 15:** Goal leaders and coordinators review slide content.

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- Suggest metrics for discussion during the QPR meeting and suggest content for the goal slides using the Goal Slide Selection Page.
- When suggesting content for the goal slides, please nominate material that represents significant activities your team has accomplished to advance the goal and each of its strategic objectives – even if metric data is not available for a strategic objective.
- The goal page is available for teams to discuss activities that are not related to specific metrics. Information provided on the goal pages should not be discussed on a metric page and vice versa.
- **April 15, 5 p.m.:** Access to the SharePoint site will be closed to allow PIO team members to finalize slide decks.
- **April 28, 10:00 a.m. - 12:00 p.m.:** The QPR will be held in the Secretary's Conference Room. Slide decks will be sent to goal leaders and coordinators prior to the QPR.

***Guidelines:***

**Do not limit narrative content to metrics. For additional guidance, please refer to the PowerPoint presentation given on March 11 regarding data entries. A copy of this presentation has been placed on the External Documents page of the PIO SharePoint site, and can be accessed here: https://share.ed.gov/teams/ODS/Offices/IO/PIO/WebsiteHelp/Powerpoint%20Review%20of%20Quarterly%20Performance%20Review%20and%20Data%20Entry%20Process.pptx.**

**Reach out with questions, comments and concerns.** The PIO's team is here to provide guidance and assist everyone through this process. Contact us at any time throughout this Data Call. We cannot hold the QPR without your contributions and are happy to be of whatever assistance we can throughout this process.

For users who experience trouble using the site, please contact Stephen Heister, Stephen.Heister@ed.gov, 202-377-4021 for technical support.

Sincerely,
*Sandy*

**Sandra Battle**
Performance Improvement Officer | Office of the Secretary | U.S. Department of Education
400 Maryland Avenue, SW | Room 7W200 | Washington, DC 20202
Desk (202) 453-5958 | sandra.battle@ed.gov

***

Scott

**From:** Sacks, Casey <Casey.Sacks@ed.gov>
**Sent:** Wednesday, March 25, 2020 12:15 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** FW: Virtual Training

FYI – looping you in just so you can see Burstein's ask for Perkins waivers in the most recent response. Nice to know it's already on the radar.

*Casey*

Casey K. Sacks, Ph.D.
Deputy Assistant Secretary for Community Colleges
Office of Career, Technical, and Adult Education
550 12th Street, SW
Washington, DC 20202
202-245-8483 (office)

If your message requires immediate assistance please feel free to contact my executive assistant, Francine Sinclair, at Francine.Sinclair@ed.gov or 202-245-7712.

Please consider the environmental impact of printing this message

**From:** Michael Brustein <mbrustein@bruman.com>
**Sent:** Wednesday, March 25, 2020 12:07 PM
**To:** Sacks, Casey <Casey.Sacks@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>; Fountain, Marilyn <Marilyn.Fountain@ed.gov>; Johnson, Andrew <Andrew.Johnson@ed.gov>; Figueroa, Jose <Jose.Figueroa@ed.gov>
**Cc:** Steven Spillan <sspillan@bruman.com>; Kris Hartley <KHartley@bruman.com>; Tiffany Winters Kesslar <tkesslar@bruman.com>; Kelly Christiansen <kchristiansen@bruman.com>
**Subject:** RE: Virtual Training

Thanks Casey. Let's definitely reconnect in a couple of weeks. Will the virtual MOA conference hosted by OCR be available to me? I am assisting a number of states on restructuring the MOA.
On an unrelated matter, one of the questions that surfaced last week during the Town Hall was the authority for LEAs/colleges to carry over unobligated funds past July 1. As you know, Section 133(b) prohibits such practice, and GEPA does not authorize a waiver. Inasmuch as all districts/colleges will face a "funding cliff" on July 1, 2020 due to the double whammy of substantially reduced state/local revenues and significantly increased expenditures, it is critically important that they be allowed to protect whatever reserves they now have due to school closures. So hopefully Congress might consider in one of the upcoming supplemental bills a waiver authority of Section 133(b).

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Stay safe,
Michael

**From:** Sacks, Casey <Casey.Sacks@ed.gov>
**Sent:** Wednesday, March 25, 2020 11:18 AM
**To:** Michael Brustein <mbrustein@bruman.com>; Miller, Sharon Lee <Sharon.Miller@ed.gov>; Fountain, Marilyn <Marilyn.Fountain@ed.gov>; Johnson, Andrew <Andrew.Johnson@ed.gov>; Figueroa, Jose <Jose.Figueroa@ed.gov>
**Cc:** Steven Spillan <sspillan@bruman.com>; Kris Hartley <KHartley@bruman.com>; Tiffany Winters Kesslar <tkesslar@bruman.com>
**Subject:** RE: Virtual Training

Hello Michael,
Great to hear from you.
We are very interested in helping with a virtual MOA training. The May 5th date overlaps with the virtual MOA conference hosted by OCR, might a later date be a possibility?
As our COVID-19 responses are rapidly evolving and informing our current practices around technical assistance and UGG, I am not yet ready to commit my team to providing a 90 minute presentation in those areas. Could we reconnect in a couple of weeks when we have more guidance out to the field and we're better prepared to give this kind of presentation?

Hope to talk to you soon,

*Casey*

Casey K. Sacks, Ph.D.
Deputy Assistant Secretary for Community Colleges
Office of Career, Technical, and Adult Education
550 12th Street, SW
Washington, DC 20202
202-245-8483 (office)

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Please consider the environmental impact of printing this message

**From:** Michael Brustein <mbrustein@bruman.com>
**Sent:** Monday, March 23, 2020 3:50 PM
**To:** Sacks, Casey <Casey.Sacks@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>; Fountain, Marilyn <Marilyn.Fountain@ed.gov>; Johnson, Andrew <Andrew.Johnson@ed.gov>; Figueroa, Jose <Jose.Figueroa@ed.gov>
**Cc:** Steven Spillan <sspillan@bruman.com>; Kris Hartley <KHartley@bruman.com>; Tiffany Winters Kesslar <tkesslar@bruman.com>
**Subject:** RE: Virtual Training

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Hello All,
I wanted to follow-up with all of you. At this point it makes much more sense to conduct the May 5 webinar from the confines of your own home rather than our offices. We'll be using www.webinato.com and it will be entirely audio along with a PowerPoint. It would be very helpful if you could let me know of your availability for that date from 1:00 to 2:30 P.M. The issues which I set forth in my March 16 email to Casey below deal generally with OCTAE monitoring and technical assistance under Perkins V. I would also to discuss your views on state monitoring of locals for 1) Perkins programmatic matters, 2) UGG financial management of federal funds, and 3) civil rights/MOA compliance. We would not target administrative flexibilities under coronavirus inasmuch as Scott Stump indicated in the Town Hall last week that such guidance will be posted as soon as it is issued. All states, however, will be very interested to hear what Andy has to say about the process OCTAE has used in the past to consider waivers for maintenance of effort.
Stay safe,
Michael

**From:** Sacks, Casey <Casey.Sacks@ed.gov>
**Sent:** Monday, March 16, 2020 1:24 PM
**To:** Michael Brustein <mbrustein@bruman.com>; Miller, Sharon Lee <Sharon.Miller@ed.gov>; Fountain, Marilyn <Marilyn.Fountain@ed.gov>
**Cc:** Steven Spillan <sspillan@bruman.com>; Kris Hartley <KHartley@bruman.com>; Tiffany Winters Kesslar <tkesslar@bruman.com>
**Subject:** RE: Virtual Training

Great to hear from you Michael. I have May 5th held on my calendar. Just to flag the date for you, it overlaps with the MOA conference sponsored by OCR. We're still holding on that to decide if it's moving online. But I imagine a number of the people we want to reach will be attending the OCR conference either in person or virtually that same date.

I know Marilyn is planning on the NACTEI conference. We'll stand by for more information. If the Department cancels trips through May because of COVID-19 we'll need to participate virtually instead of in person.

Talk to you soon,

*Casey*

Casey K. Sacks, Ph.D.
Deputy Assistant Secretary for Community Colleges
Office of Career, Technical, and Adult Education
550 12th Street, SW
Washington, DC 20202
202-245-8483 (office)

If your message requires immediate assistance please feel free to contact my executive assistant, Francine Sinclair, at Francine.Sinclair@ed.gov or 202-245-7712.

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Please consider the environmental impact of printing this message

**From:** Michael Brustein <mbrustein@bruman.com>
**Sent:** Monday, March 16, 2020 12:13 PM
**To:** Sacks, Casey <Casey.Sacks@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>; Fountain, Marilyn <Marilyn.Fountain@ed.gov>
**Cc:** Steven Spillan <sspillan@bruman.com>; Kris Hartley <KHartley@bruman.com>; Tiffany Winters Kesslar <tkesslar@bruman.com>
**Subject:** Virtual Training

Hi Casey/Sharon/Marilyn

I wanted to follow up with you from our communications last week. No one knows when this public health emergency will end, and so I wanted to suggest to you Tuesday, May 5, from 1:00 to 2:30 PM (EDT) as a possible date to conduct a virtual training (e.g. Zoom) from our offices. As of this moment, the NACTEI conference to take place the following week in May has not been cancelled because the Gaylord Hotel has been inflexible. I suspect their position will change in light of the National and State declared emergencies.

The major subjects I would like to moderate at the May 5 virtual training would be 1) the types of technical assistance that OCTAE will be providing to states under Perkins V, 2) what consideration is being given to on-site versus virtual monitoring, and 3) a general discussion of how states might strategize their own monitoring requirements under the UGG and new MOA. We will have the capacity to take questions from the field as well.

Please let me know if this arrangement might work.

Stay safe,
Michael

---

**From:** Stump, Scott
**Sent:** Tuesday, March 24, 2020 3:07 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>
**Cc:** Goetz, Braden (Braden.Goetz@ed.gov) <Braden.Goetz@ed.gov>
**Subject:** FW: COVID-19 and Perkins Grants - Questions from the Field - Final Draft for Clearance - 3-24-2020
**Importance:** High

Hey Kent,

The FAQs for our Perkins V recipients have now been cleared by our program attorneys in OGC and are ready to start their way through clearance. Please note that is one of the formula programs that you, Phil and I have discussed and may be discussing as a group during tomorrow morning's 8:30 am call.

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I have asked Braden Goetz, OCTAE's Director of Policy, Research, and Evaluation to reach out to Tracey, Sharon, and you with the document, POCs to include and timeline.

Please let me know if you have any questions.

Scott

---

**From:** Stump, Scott
**Sent:** Tuesday, March 24, 2020 2:19 PM
**To:** Keenan, Cheryl (Cheryl.Keenan@ed.gov) <Cheryl.Keenan@ed.gov>
**Subject:** FW: MSSC Announces Partnership with ProctorU to offer Certification Tests from Home in Response to Coronavirus

Hey Cheryl,

Though you might be interested in MSSC's use of Proctor U as a virtual proctor for assessments based on our conversations over the past week on virtual proctoring.

Scott

**From:** MSSC <info@msscusa.org>
**Sent:** Monday, March 23, 2020 4:44 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** MSSC Announces Partnership with ProctorU to offer Certification Tests from Home in Response to Coronavirus

# MSSC Announces Partnership with ProctorU to offer Certification Tests from Home in Response to Coronavirus

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MSSC's Authorized Assessment Centers can place orders for their test takers to take assessments from their own home or remote location

*Details on this and related actions the MSSC has taken to enable students to secure MSSC training and assessments at home are detailed below*

In response to the Coronavirus crisis, the Manufacturing Skill Standards Council (MSSC) has strengthened its capacity to offer a fully online learning and testing solution that will enable prospective certificants to secure the full suite of MSSC certifications.

## Online Testing

Until now, most students had to take MSSC certification tests only at MSSC Authorized Assessment Centers. ***MSSC has just contracted with the remote proctoring service, ProctorU, that will enable students to take MSSC assessments from home***.

This vendor will require a period of time to upload all tests related to each MSSC certification into their system and to train more proctors, but we are pleased to report that this online testing will be available ***no later than May 15***.

This will apply to all modular assessments needed for the high stakes, in-demand MSSC Certified Production Technician (CPT) and Certified Logistics Technician (CLT). The Certified Forklift Technician (CFT) online pre-qualification assessment will be available for remote testing, but to earn the Full CFT certification the hands-on training and assessment must be conducted with your center's local forklift dealership.

We are offering this valuable and innovative service at the current rate of $63 per/assessment for Post-Secondary Centers & $54 per/assessment for Secondary Centers for 60 days, i.e., until mid-July.

## Online Courses

Until now, most courses were delivered in a classroom in a blended learning environment, i.e. part direct instructor training plus computer-based learning under direct supervision by an instructor.

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***MSSC has just sent guidance to all of its instructors to how to work with students online to mentor them through the fully online MSSC courses that they can take at home. Follow this link to view the guidance paper.***

Course orders will continue to be placed through educational or training institutions in which the student is enrolled.

## Online Instructor Training

Most CPT Instructor Training was delivered by a Master Trainer either at the Mid-America Science Park in Indiana or by a Master Trainer traveling to a remote site that required a minimum number of six MSSC instructor trainees for three-day training at $2200 per Instructor trainee.

Now MSSC Instructor trainees can take the CPT & CLT Instructor Training from the comfort of their home. Each training provides 180-day access to the online e-learning materials for instructors to review in a self-guided manner, includes registration and assessments, course syllabi, etc.

Instructors can select from the following options for either CPT or CLT Instructor Training:

- **CPT Instructor Training E-package**- Self-paced, purely online Instructor Training option- $600 per Instructor
- **CPT Online Instructor Training-** Includes 3 hour webinar with a MSSC Master Trainer- $1500 per Instructor
- **CLT Online Instructor Training**- $275 per Instructor

MSSC will continue to require that education and training institutions must have a MSSC-trained CPT &/or CLT Instructor available before ordering courses.

## Benefits of Home Study Now

Since most students and many workers will be working from home during the Coronavirus crisis, this is an ideal time to use this time to secure MSSC's industry certifications in both the manufacturing and distribution-logistics industry.

In the manufacturing arena, the increasing fragility of the global supply chain will require an increase in re-shoring in domestic manufacturing. On the logistics side, the explosion of eCommerce will increase the demand for qualified workers in the distribution and fulfillment centers.

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To learn more about implementing a purely online solution for your institution today contact Catherine Feeney, Senior Marketing Manager,
MSSC cfeeney@msscusa.org or Direct Line 571-414-0721

MSSC, 901 N. Washington Street, Suite 600, Alexandria, VA 22314

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---

**From:** Stump, Scott
**Sent:** Tuesday, March 24, 2020 2:18 PM
**To:** Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** FW: MSSC Announces Partnership with ProctorU to offer Certification Tests from Home in Response to Coronavirus

FYI

**From:** MSSC <info@msscusa.org>
**Sent:** Monday, March 23, 2020 4:44 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** MSSC Announces Partnership with ProctorU to offer Certification Tests from Home in Response to Coronavirus

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MSSC cfeeney@msscusa.org or Direct Line 571-414-0721

MSSC, 901 N. Washington Street, Suite 600, Alexandria, VA 22314

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---

**From:** Stump, Scott
**Sent:** Tuesday, March 24, 2020 2:08 PM
**To:** Shields, Trina <Trina.Shields@ed.gov>
**Subject:** RE: Input Requested: Request for POC Issued COVID19 Related Resources

Thank you Trina,

Scott

**From:** Shields, Trina <Trina.Shields@ed.gov>
**Sent:** Tuesday, March 24, 2020 11:40 AM
**To:** Stump, Scott <Scott.Stump@ed.gov>; Smith, Richard <Richard.Smith@ed.gov>; Goetz, Braden <Braden.Goetz@ed.gov>; Keenan, Cheryl <Cheryl.Keenan@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** Input Requested: Request for POC Issued COVID19 Related Resources

Good Morning Team,

This email is a follow-up in reference to the information I shared at today's leadership team meeting. Below is the Office of Grants Administration's (OGA) request for copies of any COVID-19 related FAQs,

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guidance documents, or other information that we have developed and made available. The goal is to share the information with ED staff in a central location on ConnectED's Corona virus resource page.

The information is due to OGA by March 27th:

I'm happy to submit the requested materials on OCTAE's behalf.

Thank you for your help, team.

Take care.

Sincerely,

Trina Shields, PhD | Executive Officer
U.S. Department of Education
Office of Career, Technical, and Adult Education
202.245.6950 | trina.shields@ed.gov

**From:** Romero, Pedro <Pedro.Romero@ed.gov>
**Sent:** Tuesday, March 24, 2020 9:46 AM
**To:** Adler, Sheryl <Sheryl.Adler@ed.gov>; Araujo, Liza <Liza.Araujo@ed.gov>; Bellamy, Brittany <Brittany.Bellamy@ed.gov>; Chester, LaVerne <LaVerne.Chester@ed.gov>; Crowner, Quasette <Quasette.Crowner@ed.gov>; Dixon, Cindy <Cindy.Dixon@ed.gov>; Doyle, William <William.Doyle@ed.gov>; Edwards-Kemp, Ayesha <Ayesha.Edwards-Kemp@ed.gov>; Gray, Jason <Jason.Gray@ed.gov>; Hunter, Tina <Tina.Hunter@ed.gov>; Maddox, Keith M. <Keith.Maddox@ed.gov>; Miller, Daniel J <Daniel.J.Miller@ed.gov>; Minor, Leontyne <Leontyne.Minor@ed.gov>; Morgan, Earl <Earl.Morgan@ed.gov>; Mwalimu, Munira <Munira.Mwalimu@ed.gov>; Owens, AnnMargaret <AnnMargaret.Owens@ed.gov>; Richardson, Tameka <Tameka.Richardson@ed.gov>; Shields, Trina <Trina.Shields@ed.gov>; Stanard, Stephanie V <Stephanie.V.Stanard@ed.gov>; Winston, Melanie <Melanie.Winston@ed.gov>; Woodard, John <John.Woodard@ed.gov>; Young, Will <Will.Young@ed.gov>
**Cc:** Crowe, Ayisa <Ayisa.Crowe@ed.gov>; Downey, David <David.Downey@ed.gov>; Pettiford, Alfreida <Alfreida.Pettiford@ed.gov>
**Subject:** Request for POC Issued COVID19 Related Resources

Good morning. We hope that you and your families are doing well and staying healthy during these unusual times.

To coordinate ED's effort in responding to grantee concerns regarding the Coronavirus (COVID19) crisis, the Office of Grants Administration(OGA) has been tasked with soliciting Principal Offices to provide any and all frequently asked questions, guidance documents, program office plans, and other documents that have been developed. Once gathered, this information will be posted as resources available to ED staff within ED's Coronavirus (COVID 19) Resources ConnectED page available at: Coronavirus (COVID19) Resources. If your office has developed any such resources, please forward them (or provide a link to them) to David Downey, Freida Pettiford, and Pedro Romero by March 27, 2020. OGA will work with ConnectED webmasters to have this information posted, and will announce the availability of these

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resources via the OGA listserve once posted on the Coronavirus (COVID19) Resources webpage. If your office has not developed any such resources, please let us know this as well.

Thank you in advance for your timely response to this request.

---

**From:** Stump, Scott
**Sent:** Tuesday, March 24, 2020 8:25 AM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Peternith, Rachel <Rachel.Peternith@ed.gov>; Goff, Jessica <Jessica.Goff@ed.gov>
**Cc:** Miller, Sharon Lee (Sharon.Miller@ed.gov) <Sharon.Miller@ed.gov>
**Subject:** FW: New articles on CCDaily this week

Hey All,

In addition to the three requests from States we received over the past few days for guidance on donating CTE health program PPE to hospitals, the Association for Community Colleges, released the article encouraging the practice this morning.

Scott

**From:** CCDaily <ccdaily@aacc.nche.edu>
**Sent:** Tuesday, March 24, 2020 6:02 AM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** New articles on CCDaily this week

AMERICAN OVERSIGHT

WEEKLY DIGEST
COMMUNITY COLLEGE DAILY
AMERICAN ASSOCIATION OF COMMUNITY COLLEGES

**Donating medical masks, gloves to hospitals**
Community colleges are urged to donate respiratory masks, gloves and other protective equipment from their health-related classes to local hospitals and other healthcare facilities that are scrambling to find enough supplies in the face of the coronavirus outbreak.

**Handling clinicals, apprenticeships and more**
Community colleges across the country are shifting classes to online instruction in response to the coronavirus pandemic, but they're finding more challenges in figuring what to do about nursing clinicals, apprenticeships and other hands-on programs.

**Emergency response and 'silver linings'**
Responding to and managing a crisis is never easy, but community college leaders are prepared to address the myriad of issues that arise during a crisis such as the COVID-19 pandemic.

**Community college libraries: Ready to serve**
Today's college libraries offer extensive online resources available 24/7, which are a benefit as community college courses across the nation move from in-person to online in response to the coronavirus pandemic.

**The Census, students and COVID-19**
The U.S. Census Bureau aims to complete its 2020 Census as scheduled, which is why it is encouraging individuals residents to complete the Census questionnaire online, over the phone or by mail.

**Federal efforts pertaining to COVID-19**
Congress and the Trump administration are working on legislation and guidance related to federal student aid and other issues affecting colleges and students as a result of the coronavirus pandemic.

**A GED and career path**
An innovative program between a Kansas college and health system is helping incumbent workers attain their GED with a new career path in sight.

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**DOL webinar on IRAPs:** Register for the U.S. Department of Labor's March 26 webinar on its final rule pertaining to industry-recognized apprenticeship programs as well as next steps.

**CCIC deadline extended:** April 24 is the new deadline for applications for the Community College Innovation Challenge.

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Community College Daily is published by the American Association of Community Colleges, the national voice for the nation's community, junior and technical colleges.

American Association of Community Colleges One Dupont Circle, NW, Suite 700. Washington, DC 20036 202-728-0200 .
www.aacc.nche.edu

This message was intended for: scott.stump@ed.gov
You were added to the system February 26, 2019.
For more information click here.
Change your subscription preferences.

Unsubscribe | Unsubscribe via email

---

**From:** Stump, Scott
**Sent:** Tuesday, March 24, 2020 8:11 AM

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**To:** Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** FW: Emergency Appropriations Package

Hey Casey,

I would like for you to step into this work. I am wondering if it would be good to have Braden join you for the call to help with the initial design work for OCTAE.

Thoughts?

Scott

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Tuesday, March 24, 2020 7:41 AM
**To:** Stump, Scott <Scott.Stump@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>
**Cc:** Brogan, Frank <Frank.Brogan@ed.gov>; Miller, Meredith <Meredith.Miller@ed.gov>
**Subject:** Emergency Appropriations Package

Good morning

We are convening a small group to begin working on the Ed programs in the Emergency Appropriations package. Although it's not yet been passed into law, we hear from Budget Service and OGC that it is highly likely to be enacted. Please see pages 94-103 on the attached which is what we are working from at the moment. We have 30 days from enactment to get out applications for $20 bil split between several programs, including higher ed.

Frank asked me to reach out to you to see if you would like to designate someone to join our workgroup which is being led by Meredith Miller. We currently have several OESE staff, as well as representatives from OGC, OPEPD and Budget Service. We have a planning call today at 1:00 and would be happy to have someone from your team join. I know everyone is stretched thin right now and we are committed to keeping everyone updated as this moves forward.

Best
Ruth

**Ruth E. Ryder**
**Deputy Assistant Secretary for Formula Grants**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5570
Email: ruth.ryder@ed.gov

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**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Monday, March 23, 2020 8:49 PM
**To:** Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Subject:** Fwd: COVID-19 Q&As for Perkins

Hey Sharon,

I am good with the State plan section. However, I do not think the local section adequately responds to the need to keep funds moving forward on July 1. Thoughts?

Scott

Scott Stump
Assistant Secretary
Office of Career, Technical and Adult Education
United States Department of Education

---

**From:** Peternith, Rachel <Rachel.Peternith@ed.gov>
**Sent:** Monday, March 23, 2020 5:38:07 PM
**To:** Miller, Sharon Lee <Sharon.Miller@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Goff, Jessica <Jessica.Goff@ed.gov>; Barlow, Christine <Christine.Barlow@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>
**Cc:** Pettey, Richard <Richard.Pettey@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>
**Subject:** RE: COVID-19 Q&As for Perkins

All,
Please see tracked and clean versions of the Perkins COVID-19 Q&As. We had some difficulty understanding the nuances and attempted to clarify in our revisions. If we misunderstood your intentions, please let's discuss further tomorrow. And feel free to further "fix-up" the language, it was a fast group-edit and likely could use further polishing.

Thanks much.
Rachel

-----Original Appointment-----
**From:** Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Sent:** Monday, March 23, 2020 8:19 AM
**To:** Miller, Sharon Lee; Stump, Scott; Peternith, Rachel; Goff, Jessica; Barlow, Christine; Koeppel, Dennis
**Cc:** Pettey, Richard
**Subject:** COVID-19 Q&As for Perkins
**When:** Monday, March 23, 2020 10:30 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).
**Where:** Skype Meeting

Team –

Hoping we can jump on a call to discuss lingering issues and a timeframe for clearing the document.

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Best –

Sharon

Join Skype Meeting

Trouble Joining? Try Skype Web App

Join by phone

Toll number: (b)(6) English (United States)

Find a local number

Conference ID: (b)(6)

Forgot your dial-in PIN? | Help

---

**From:** Stump, Scott
**Sent:** Monday, March 23, 2020 3:37 PM
**To:** Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Subject:** RE: Format for Q&As to be placed on the Dep't Coronavirus Website

Hey Sharon,

Thank you for putting together the draft. My edited version is attached.

Scott

**From:** Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Sent:** Monday, March 23, 2020 2:23 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** Format for Q&As to be placed on the Dep't Coronavirus Website

Hey Scott –

The information and resources on the Website are a mish-mash of formats. Looks like we can do whatever works best for us.

Here is one idea…see what you think. Let's talk after our 2:30 pm call or whenever you are free. (b)(6) (b)(6)

Sharon

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**From:** Stump, Scott
**Sent:** Monday, March 23, 2020 11:02 AM
**To:** Sacks, Casey <Casey.Sacks@ed.gov>; Goetz, Braden (Braden.Goetz@ed.gov) <Braden.Goetz@ed.gov>
**Cc:** Reid, Hugh (Hugh.Reid@ed.gov) <Hugh.Reid@ed.gov>
**Subject:** RE: CMTS DUE BY COB TODAY 3-23; Draft 1: COVID-19 National Emergency 3.22.20 aw

I concur. No changes to recommend.

Scott

**From:** Sacks, Casey <Casey.Sacks@ed.gov>
**Sent:** Monday, March 23, 2020 10:35 AM
**To:** Goetz, Braden <Braden.Goetz@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>
**Cc:** Reid, Hugh <Hugh.Reid@ed.gov>
**Subject:** RE: CMTS DUE BY COB TODAY 3-23; Draft 1: COVID-19 National Emergency 3.22.20 aw

Thanks Braden. No further comments from me. Though I do want to know the OGC response to some of Diane's questions in the margins.

*Casey*

Casey K. Sacks, Ph.D.
Deputy Assistant Secretary for Community Colleges
Office of Career, Technical, and Adult Education
550 12th Street, SW
Washington, DC 20202
202-245-8483 (office)

If your message requires immediate assistance please feel free to contact my executive assistant, Francine Sinclair, at Francine.Sinclair@ed.gov or 202-245-7712.

Please consider the environmental impact of printing this message

**From:** Goetz, Braden <Braden.Goetz@ed.gov>
**Sent:** Monday, March 23, 2020 9:59 AM
**To:** Sacks, Casey <Casey.Sacks@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>
**Cc:** Reid, Hugh <Hugh.Reid@ed.gov>
**Subject:** FW: CMTS DUE BY COB TODAY 3-23; Draft 1: COVID-19 National Emergency 3.22.20 aw
**Importance:** High

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Here is guidance from OPE. Can you please let me know if you have any comments or concerns before 3 pm? Thanks!

**From:** Carter, Leslie <leslie.carter@ed.gov>
**Sent:** Monday, March 23, 2020 9:50 AM
**To:** Sherman, Brandon <Brandon.Sherman@ed.gov>; OUS <OUS@ed.gov>; Patillo, Ashley <Ashley.Patillo@ed.gov>; Johnson, Sandra <Sandra.Johnson@ed.gov>; Siegel, Brian <Brian.Siegel@ed.gov>; Amann, Amanda <Amanda.Amann@ed.gov>; Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>; Escalante, Melissa <Melissa.Escalante@ed.gov>; Smith, Richard <Richard.Smith@ed.gov>; IC DocketMgr <ICDocketMgr@ed.gov>; Hammond, Cynthia <Cynthia.Hammond@ed.gov>; Butler, Connie <Connie.Butler@ed.gov>; March, Greg <Greg.March@ed.gov>; Reid, Hugh <Hugh.Reid@ed.gov>; Reinhard, Kristin (OIG) <Kristin.Reinhard@ed.gov>; Stanton, Craig <Craig.Stanton@ed.gov>; Miller, Daniel J <Daniel.J.Miller@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>; Dyson, Geraldine <Geraldine.Dyson@ed.gov>
**Cc:** Hokanson, Jesse <Jesse.Hokanson@ed.gov>; Owens, AnnMargaret <AnnMargaret.Owens@ed.gov>; Ahmad, Shavonney <Shavonney.Ahmad@ed.gov>; Lee, Erica <Erica.Lee@ed.gov>; Saunders, Azilea <Azilea.Saunders@ed.gov>; Bolden, Betty <Betty.Bolden@ed.gov>; Simpson, Daniel <Daniel.Simpson@ed.gov>; Byrd, Steven <Steven.Byrd@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>; Campbell, Ellen <Ellen.Campbell@ed.gov>; Malawer, Hilary <Hilary.Malawer@ed.gov>; Brinton, Jed <Jed.Brinton@ed.gov>; Mangold, Donna <Donna.Mangold@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Anand, Supreet <Supreet.Anand@ed.gov>; Mansfield, Stephanie <Stephanie.Mansfield@ed.gov>; Mullan, Kate <Kate.Mullan@ed.gov>; Goetz, Braden <Braden.Goetz@ed.gov>; Cahalan, Teresa <Teresa.Cahalan@ed.gov>; Devine, Katherine <Katherine.Devine@ed.gov>; Gordon, Bryon S. <Bryon.Gordon@ed.gov>; Nekrasz, Jeffrey <Jeffrey.Nekrasz@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; King, Robert <Robert.King@ed.gov>; Weisman, Annmarie <Annmarie.Weisman@ed.gov>; Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; Martin, Gregory <Gregory.Martin@ed.gov>; Sanders, P.J. <Phyllis.Jean.Sanders@ed.gov>; Weisman, Annmarie <Annmarie.Weisman@ed.gov>
**Subject:** CMTS DUE BY COB TODAY 3-23; Draft 1: COVID-19 National Emergency 3.22.20 aw
**Importance:** High

All,

Please review the attached OPE document, "UPDATED Guidance for interruptions of study related to Coronavirus (COVID-19)".

Return this email with any comments or concurrence to AnnMarie Weisman and Leslie Carter.

I apologize for the short turnaround time, but your deadline is **3pm today, March 23.**

Thank you.

Leslie

**CLEARANCE: (Check one or more of the following that apply.)**

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**Reviewer Name(s):** **Office:**

**A. [ ] Clears the document as written**
**B. [ ] Comments on the document in the office's unique area of responsibility that must be addressed.**
**C. [ ] Comments on the document to improve the document's quality, clarity, and integrity.**

**Other:**
**D. [ ] Declines review/not going to review this document.**
**E. [ ] Defers to: (name of office) on this document.**

**Other Comments:**

---

**From:** Stump, Scott
**Sent:** Friday, March 20, 2020 11:51 AM
**To:** Kimberly Green <kgreen@careertech.org>
**Subject:** RE: time to check in today?

Absolutely, I have time to connect later today. I am in meetings until 2:30 pm. Wide open after that. How about you give me a call at 2:45 pm at 202-245-6688?

Talk to you soon.

Scott

**From:** Kimberly Green <kgreen@careertech.org>
**Sent:** Friday, March 20, 2020 11:48 AM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** time to check in today?

I am in meetings until 1 pm but have time to chat after that? Wondering next steps and how the OGC call went. Also saw this:

"The Coronavirus Aid, Relief, and Economic Security Act **gives the education secretary the power to grant "national emergency educational waivers" from the Every Student Succeeds Act, as well as the Higher Education Act and the Carl D. Perkins Career and Technical Education Act**. Specifically, the legislation gives DeVos the power to "waive any statutory or regulatory requirement (such as those requirements related to assessments, accountability, allocation of funds, and reporting), for which a waiver request is submitted ... if the Secretary determines that such a waiver is necessary and appropriate.":

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Thanks!

--

Kimberly Green

Executive Director

Advance CTE

301-588-9630

8484 Georgia Avenue, Suite 620

Silver Spring, MD 20910

kgreen@careertech.org

Twitter: @KimGreenCTE

www.careertech.org

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**From:** Stump, Scott
**Sent:** Friday, March 20, 2020 11:00 AM
**To:** Burrichter, Douglas <Douglas.Burrichter@ed.gov>
**Subject:** RE: NSBA Letter-Flexibility for K-12 Public Schools in the Wake of Coronavirus National Emergency

Thanks!

**From:** Burrichter, Douglas <Douglas.Burrichter@ed.gov>
**Sent:** Friday, March 20, 2020 10:50 AM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** RE: NSBA Letter-Flexibility for K-12 Public Schools in the Wake of Coronavirus National Emergency

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It did. I think they added the wrong person in the email. It was sent to Amy in OSERS.

Doug

**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Friday, March 20, 2020 10:50 AM
**To:** Burrichter, Douglas <Douglas.Burrichter@ed.gov>
**Subject:** RE: NSBA Letter-Flexibility for K-12 Public Schools in the Wake of Coronavirus National Emergency

How did your conversation with Jessica go on rerouting this email to OSERS and OCR?

Scott

**From:** Burrichter, Douglas <Douglas.Burrichter@ed.gov>
**Sent:** Friday, March 20, 2020 8:31 AM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** FW: NSBA Letter-Flexibility for K-12 Public Schools in the Wake of Coronavirus National Emergency

I am going to send this to Margaret if you are good with that? Just want to make sure it is going to the right person.

Doug

**From:** Newman, Jessica <Jessica.Newman@ed.gov>
**Sent:** Thursday, March 19, 2020 7:09 PM
**To:** DeVos, Betsy <Betsy.DeVos@ed.gov>
**Cc:** Neumann, Kara <Kara.Neumann@ed.gov>; Burrichter, Douglas <Douglas.Burrichter@ed.gov>
**Subject:** Fwd: NSBA Letter-Flexibility for K-12 Public Schools in the Wake of Coronavirus National Emergency

Can y'all route this letter? Thanks!

Sent from my iPhone

Begin forwarded message:

**From:** Kimberly Muse <KMuse@nsba.org>
**Date:** March 19, 2020 at 6:17:36 PM EDT
**To:** "Neumann, Kara" <Kara.Neumann@ed.gov>, "Newman, Jessica" <Jessica.Newman@ed.gov>, "Burrichter, Douglas" <Douglas.Burrichter@ed.gov>
**Cc:** Francisco Negron <fnegron@nsba.org>, Lenora Johnson <ljohnson@nsba.org>
**Subject: NSBA Letter-Flexibility for K-12 Public Schools in the Wake of Coronavirus National Emergency**

**To: Secretary DeVos**

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Through: Kara Neuman
Jessica Newman
Douglass Burrichter

**From: Tom Gentzel**

Attached please find the Flexibility for K-12 Public Schools in the Wake of Coronavirus National Emergency letter from the National School Boards Association (NSBA). Let me know if you'd like to schedule a call to further discuss. Thank you kindly.

---

**From:** Stump, Scott
**Sent:** Friday, March 20, 2020 8:53 AM
**To:** Keenan, Cheryl (Cheryl.Keenan@ed.gov) <Cheryl.Keenan@ed.gov>; Miller, Sharon Lee (Sharon.Miller@ed.gov) <Sharon.Miller@ed.gov>
**Subject:** Timeline for High Priority Questions from the Field

Good morning Cheryl and Sharon,

First and foremost, thank you for the leadership you exhibited this week in hosting the conversations with our State leaders. Over the two days we were able to connect with and listen to nearly 500 individuals who are eager to receive answers to their questions.

Yesterday we walked through the process. In short …

1. Combine common questions
2. Prioritize critical and most timely questions
3. Work with OGC on most critical questions to secure approval on response
4. Provide questions to Scott for quick review
5. Scott will send to Department Working Group for review and approval
6. When working group approves, FAQs will be sent to OMB for review and approval
7. With final approval, we will send to OCO to post on Ed.Gov Coronavirus site and email to State Directors of Adult Ed and CTE

We will then repeat the process for lower priority questions and new questions as they arrive.

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My ask of you and your teams is that we have the first set of critical questions ready for my review by the end of today if possible. I know that may not be feasible. If that is the case, please let me know when you believe the first set of questions will be ready for my review.

Please stay in touch and let me know how I can be of assistance.

Scott

**Scott Stump**
Assistant Secretary
Office of Career, Technical and Adult Education
United States Department of Education
550 12th Street, SW – 11th Floor |Washington, DC 20202
O: 202-245-6688
E: scott.stump@ed.gov

---

**From:** Stump, Scott
**Sent:** Wednesday, March 18, 2020 5:29 PM
**To:** Miller, Sharon Lee <Sharon.Miller@ed.gov>; Keenan, Cheryl (Cheryl.Keenan@ed.gov) <Cheryl.Keenan@ed.gov>
**Subject:** RE: Inquiry - WIOA Title II during COVID 19

Sharon,

Where this is squarely in the Adult Ed lane, I am looping in Cheryl for a response. His question reflects a key theme that we heard during the call today with Adult Ed State Leaders. Sharon, I would recommend you let him know that we have received similar questions from State Leaders and are in the process of creating answers to the questions he has raised. When they are ready, which we anticipate being in the near future, they will be posted at https://www.ed.gov/coronavirus?src=feature

Let me know if you have questions.

Scott

**From:** Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Sent:** Wednesday, March 18, 2020 6:55 AM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** Fwd: Inquiry - WIOA Title II during COVID 19

Hey Scott -

How shall I respond?

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Sent from my iPhone

Begin forwarded message:

**From:** Chris Andresen <Chris.Andresen@dutkogr.com>
**Date:** March 17, 2020 at 1:05:32 PM EDT
**To:** "Miller, Sharon Lee" <Sharon.Miller@ed.gov>
**Subject: Inquiry - WIOA Title II during COVID 19**

Sharon,

I am not sure if you are the correct person on this issue but like the PWDA, I work with several state workforce development associations and many of them are navigating this COVID 19 crisis on the ground. We have many questions from our adult and CTE education partners in terms of what to expect with flexibility under WIOA Title II. This is something before this outbreak that we had discussed with Assistant Secretary Stump.

Is there any federal guidance currently as there are questions about distance learning and reimbursements if there are not people physically in seats during this time.

Appreciate any thoughts/insight you have on this.

Thank you very much,

Chris

**Chris Andresen**
**Senior Vice President**
**Dutko GR**
**80 M St SE, Suite 130**
**Washington, DC 20003**
**(703) 201-1351 (cell)**
chris.andresen@dutkogr.com

---

**From:** Stump, Scott
**Sent:** Tuesday, March 17, 2020 5:02 PM
**To:** Shields, Trina <Trina.Shields@ed.gov>; Smith, Richard <Richard.Smith@ed.gov>
**Subject:** RE: F/Up: Supporting our students, protecting your health

Hey Trina,

Thank you for the update. Your choice to move to 100% telework, is warranted and appropriate.

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Have a great evening!

Scott

**From:** Shields, Trina <Trina.Shields@ed.gov>
**Sent:** Tuesday, March 17, 2020 10:37 AM
**To:** Smith, Richard <Richard.Smith@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>
**Subject:** F/Up: Supporting our students, protecting your health

Good Morning Scott and Richard,

I have an update based on our fluid, constantly-changing environment.

I had initially planned to come into the office at least one day per week. Given the Secretary's email below, and her push for us to telework through April 10th; unless there is an urgent need to not do so, I will plan for 100% telework. I am happy to come into the office, as needed, however; don't want to discount the warnings and cautions that are encouraged.

Please let me know if you need anything from me. I am fully accessible, including via email and phone, and for virtual meetings.

Thank you for your support.

Sincerely,

Trina Shields, PhD | Executive Officer
U.S. Department of Education
Office of Career, Technical, and Adult Education
202.245.6950 | trina.shields@ed.gov

**From:** DeVos, Betsy <Betsy.DeVos@ed.gov>
**Sent:** Tuesday, March 17, 2020 9:50 AM
**To:** All Exchange Users <All_Exchange_Users@ed.gov>
**Subject:** Supporting our students, protecting your health

Dear Department of Education Family,

These, no doubt, are challenging times for you, for your families, and for our nation's students and educators. Each day, we are presented with new information and new reasons for concern. Yet our duty remains constant — to fulfill the Department's mission and to support the education of our nation's students.

Thank you for your continued efforts to help the rising generation succeed. They are counting on you — on all of us — to keep our work going, to provide needed information and resources, and to approach new challenges as opportunities to demonstrate flexibility, ingenuity, and creativity.

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In order to continue to serve the public, our team must remain healthy. To that end, I'm asking each of you in an eligible position, unless it is absolutely critical for you to report to the office, to telework through April 10, 2020.

By maximizing the use of telework during this emergency period, we can reduce the risk for everyone, while ensuring ED's continued operations. As we approach April 10, we'll continue to monitor the health of our team and remain watchful of Office of Personnel Management directives and guidelines.

Even though we will not be at our desks, it is important to continue to operate effectively. During this time, I ask each of you to work with your supervisor and team to stay engaged, seek clarification when necessary, remain in communication with your manager, and meet deadlines. I also ask that you bring forward ideas that could help improve our services or better meet the needs of our schools and students.

With school and childcare facility closures, I understand that you may not be able to work your normal schedule. Please contact your supervisor to discuss different work schedules that allow for greater flexibility during this emergency telework period.

It's also important that we all do our part to slow the spread of COVID-19. The White House and CDC released the following helpful guidance yesterday that encourages:

- Listening to the directions of state and local authorities;
- Staying home if you feel sick;
- Keeping children who are sick at home;
- Keeping your entire family at home if someone in your household has tested positive for COVID-19;
- Staying at home if you are over 60 or have underlying health conditions;
- Working from home;
- Avoiding social gatherings;
- Avoiding bars and restaurants (instead use delivery or pick-up options);
- Avoiding discretionary travel;
- Practicing good hygiene; and
- Staying away from nursing homes or long-term care facilities unless providing critical assistance.

Please continue to follow the CDC guidance regarding COVID-19 to prevent illness and recognize symptoms: https://www.cdc.gov/coronavirus/2019-nCoV/index.html.

Thank you for your continued support and dedication to the work that we do for students and schools. We'll get through this by working together and come back stronger than ever.

Wishing you all good health,
Betsy

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**From:** Stump, Scott
**Sent:** Tuesday, March 17, 2020 12:27 PM
**To:** Pettey, Richard <Richard.Pettey@ed.gov>
**Subject:** RE: Guidance to SCP ESI Participants

Let's hold until asked.

Thanks for tracking down the information.

Scott

**From:** Pettey, Richard <Richard.Pettey@ed.gov>
**Sent:** Tuesday, March 17, 2020 12:26 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** FW: Guidance to SCP ESI Participants

Mr. Stump,

Would you like me to proactively get this information to Liz/Angela, or hold until asked?

Richard

**From:** Moseley-Hobbs, Kerri <Kerri.MoseleyHobbs@ed.gov>
**Sent:** Tuesday, March 17, 2020 11:16 AM
**To:** Pettey, Richard <Richard.Pettey@ed.gov>
**Subject:** RE: Guidance to SCP ESI Participants

Not specifically. We are referring them to the general guidance that applies to all schools right now. Here is the "standard language" being used to communicate with them when they inquire.

Please refer to the March 5 EA which provides guidance that applies to schools (including those participating in the Second Chance Pell experiment as well). In that announcement, the Department provides broad flexibility for the institution to 1) change the modality of the course to an online format; or 2) suspend classes temporarily and make changes to the length of the term later to accommodate students (without concerns about making the program nonstandard term or nonterm). However, if the institution ultimately determines that it must cancel classes and will be unable to restart those classes, it must consider the students withdrawn for the term and perform R2T4 calculations accordingly.

**Kerri Moseley-Hobbs**
Policy Liaison and Implementation
Federal Student Aid
Office: (202) 377-3291
kerri.moseleyhobbs@ed.gov
StudentAid.gov

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Federal Student Aid
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**From:** Pettey, Richard <Richard.Pettey@ed.gov>
**Sent:** Tuesday, March 17, 2020 10:54 AM
**To:** Moseley-Hobbs, Kerri <Kerri.MoseleyHobbs@ed.gov>
**Subject:** Guidance to SCP ESI Participants

Hi Kerri,

I anticipate that we might get some press inquiries regarding any TA or guidance the agency is giving to SCP ESI participants regarding coronavirus and classes – especially considering the majority of participants operate in-person programs. Are you aware of anything?

Richard

--

**Richard Pettey**
Senior Policy Advisor
Office of Career, Technical, and Adult Education (OCTAE)
U. S. Department of Education
(202) 245-8249 (O)
(202) 316-8463 (C)

---

**From:** Stump, Scott
**Sent:** Monday, March 16, 2020 6:36 PM
**To:** Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** RE: A Message to Lumina's Partners About COVID-19

You are correct, that is a great email.

When you have a minute, please share the email with Liz with your suggestion.

Scott

**From:** Sacks, Casey <Casey.Sacks@ed.gov>
**Sent:** Monday, March 16, 2020 5:13 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** FW: A Message to Lumina's Partners About COVID-19

I think a message like this should go out from the Secretary to all Chiefs and College Presidents.

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*Casey*

Casey K. Sacks, Ph.D.
Deputy Assistant Secretary for Community Colleges
Office of Career, Technical, and Adult Education
550 12th Street, SW
Washington, DC 20202
202-245-8483 (office)

If your message requires immediate assistance please feel free to contact my executive assistant, Francine Sinclair, at Francine.Sinclair@ed.gov or 202-245-7712.

Please consider the environmental impact of printing this message

**From:** Lumina Foundation <mjenkins@luminafoundation.org>
**Sent:** Monday, March 16, 2020 5:10 PM
**To:** Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** A Message to Lumina's Partners About COVID-19

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A message from Lumina President and CEO Jamie Merisotis View in browser »

## A Message to Lumina's Partners About COVID-19

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## Lumina's Work Continues

A lot has changed rapidly since the emergence of COVID-19, including the declaration of state and national emergencies, international travel restrictions, the cancellation of events locally and nationally, and a sudden and widespread emphasis on working from home to slow the spread of this harmful new virus.

I am writing to assure you the work of Lumina Foundation goes on even as we exercise caution amid the coronavirus pandemic to protect our employees and the people we come into contact with. Our offices in Indianapolis and Washington, D.C., are closed, and we are working remotely. We also are postponing or canceling meetings and convenings until further notice. However, we remain available through email, phone calls, and video conferences even as we refrain from in-person contact.

We want to assure you we will continue to make timely, uninterrupted payments to grantees and contractors, although some processes and procedures for doing so could change.

We know the COVID-19 pandemic has placed unexpected stresses, financial and otherwise, on the organizations we work with. And we want to let you know we are here and plan to help in the following ways:

- We can talk about adjusting, delaying, or waiving terms and timelines of any grant or contract (including interim and final reports) so that you can put your focus where it needs to be right now. We will do what's best for you and the work to ensure the continued strength of our partners—and the best outcomes.
- We will continue to consider new grants and contracts advanced by Lumina's employees.
- To ensure Lumina's partners maintain sufficient cash flow, we can accelerate payments under already-approved grants, based on an

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organization's circumstances. This includes payments scheduled for later in 2020 or in 2021. For example, if you have a second grant payment due in the fall or even in 2021, we could make this payment earlier.

- We can work with you on events and gatherings, large and small, that are part of your work with us and are likely to be postponed or canceled. This flexibility includes exploring with you how your grant or contract allocations might be repurposed.

In the weeks and months ahead, your Lumina officers or directors will be your primary points of contact. You should contact them about any of these matters or other issues you want to bring to Lumina's attention.

We value you and your work, and we want to demonstrate the empathy, flexibility, and responsiveness this public health crisis demands. We also know that this situation will cause enormous financial stress on many organizations, so we are also exploring ways that we can help our partners and communities who are particularly vulnerable, and we welcome your thoughts and suggestions on how best to do so.

Jamie Merisotis
President and CEO

**COVID-19 Resources from Our Colleagues**

This email was sent to: [redacted]

This email was sent by:
**Lumina Foundation**
30 S. Meridian St., Ste. 700
Indianapolis, IN 46204,

Update Your Contact Info | Forward to a friend | Unsubscribe

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**From:** Stump, Scott
**Sent:** Monday, March 16, 2020 1:58 PM
**To:** OCTAE All Users <OCTAE_All_Users@ed.gov>
**Subject:** RE: Updated Department-wide Guidance on Telework Flexibilities

With attachment this time 😊

**From:** Stump, Scott
**Sent:** Monday, March 16, 2020 1:50 PM
**To:** OCTAE All Users <OCTAE_All_Users@ed.gov>
**Subject:** RE: Updated Department-wide Guidance on Telework Flexibilities

Greetings Team OCTAE,

With this morning's OFO email we enter a new phase of our Business Continuity Plan (BCP). I hope that each of you are reading this email from a place that you feel safe and secure! As noted, we will continue to provide service to our learners, systems, and stakeholders via telework through Friday, April 10. As you prepare for this period of extended telework, below are a few helpful information technology reminders that will help maximize our collective effectiveness. For your convenience, please also refer to the outline of IT telework resources in the OCIO document attached.

- Please forward your work phones to a designated telephone number where you can be directly reached. You can forward your work phone from Here. As per Jimmy's guidance, when designating the telephone number to forward, please be sure to put 9 and then your area code and telephone number. Please also ensure that your telephone number is included in your email signature line.
- Please use the Department's virtual capabilities, such as Skype, and Microsoft Teams for meetings and on-line collaborations. SharePoint and One-Drive can also support virtual collaborations.
- Please, as much as possible, defer to virtual options when disseminating materials or other items that may require printing, as there will be limited persons in the office to assist with printing and mailing items.

I know that many of you have received questions from state leaders and others regarding the formula and discretionary grants we manage. I would ask that you share those questions with your direct supervisor and Division director so that we can maintain consistency of responses

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across OCTAE and Department as necessary. Sharon, Cheryl and Braden are working with other leaders across the Department to update a shared guidance document for grant recipients that will be going through clearance later today.

You should have already received an invitation to virtual, weekly OCTAE All Staff Meetings. These meetings will provide a place and space for updates and Q & A as we journey together through the next few weeks.

Thank you for your flexibility and continued commitment to each other and the learners we serve. Richard Smith (It is good to officially welcome him back to OCTAE!), Casey and I plan to be in the office this week. Please reach out if there is anything you need.

Scott

**From:** OfficeofFinanceandOperations <OfficeofFinanceandOperations@ed.gov>
**Sent:** Monday, March 16, 2020 8:35 AM
**To:** OfficeofFinanceandOperations <OfficeofFinanceandOperations@ed.gov>
**Subject:** Updated Department-wide Guidance on Telework Flexibilities
**Importance:** High

**Distribution List: All ED Employees**

Dear ED Family,

Your health and safety are of the utmost importance to me. Your families, communities and all our nation's students depend on you and the work you do here at the U.S. Department of Education. During this unprecedented time, in order to keep our workforce healthy, and so that we can continue to serve students, I am directing everyone who is in a position that is deemed telework eligible to begin telework immediately. This directive is in accordance with the new CDC and OMB guidance issued yesterday and is in the best interests of our federal workforce.

All Department telework eligible employees should begin teleworking to the extent possible, through Friday, April 10. This timing will be assessed continually, and we will inform you of any changes. Please coordinate with your supervisor if you are in a telework-eligible position.

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Employees who are in telework eligible positions, but not telework ready, must come into the office to gather their government-furnished equipment and other items that may be needed for them to telework. To the maximum extent possible, supervisors are to identify opportunities to shift work assignments of staff who are currently in non-telework-eligible positions to telework- eligible status by identifying portable work for them to perform.

By taking these social distancing measures, we hope to reduce the risk for everyone while continuing ED's operations and the accomplishment of ED's mission.

**Additional Flexibilities**

We recognize that the closing of local schools may present challenges for those of you with children at home and that, as a result, you may not be able to work your normal schedule. However, ED's Telework Program permits telework eligible employees to telework with children and/or elders at their approved alternate work locations provided employees account for work and non-work hours (i.e., time spent providing care or carrying out other personal responsibilities) and take appropriate leave to account for time spent away from normal work-related duties due to dependent care. Employees should work with their supervisors regarding their specific circumstances. Information on emergency backup care can be found at Worklife4You.com or you can call (800) 222-0364.

Supervisors may also allow staff to temporarily use different work schedules that allow for greater flexibility in the performance of their duties.

**High Risk Staff**

We recognize that there may be staff who are in positions that are not telework eligible but are at a higher risk for serious complications from COVID-19. Vulnerable populations include older adults and individuals who have chronic health conditions, such as high blood pressure, heart disease, diabetes, lung disease, or compromised immune systems. Currently, individuals who are at high risk need to take additional measure to protect themselves.

Weather and safety leave may be granted for a "condition that prevents the employee or group of employees from safely traveling to or performing work at an approved location." Please work with your supervisor if you fall in this category.

**Health and Safety**

Please continue to follow the CDC guidance about COVID-19 to prevent illness and recognize symptoms. If you are sick, stay home, or go home immediately if you are at work, and call your healthcare provider for medical advice.

**Contacts**

Thank you for your continued dedication to ED's mission. If you have a specific safety question or concern please contact the Department's Safety Officer, Curtis Wolridge at Curtis.Wolridge@ed.gov or (202) 401-1301.

If your office needs guidance related to workplace flexibilities, please email benefitsandwork/life@ed.gov.

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If you have general questions regarding COVID-19 and agency operations, please email Employee_Communications@ed.gov.

For the most up-to-date CDC information concerning 2019-nCOV, please visit: https://www.cdc.gov/coronavirus/2019-ncov/index.html.

Thank you for your ongoing service to America's students and families.

---

**From:** Stump, Scott
**Sent:** Saturday, March 14, 2020 12:10 PM
**To:** Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** RE: Conferences and Summer Programs

Thank you Casey!

**From:** Sacks, Casey <Casey.Sacks@ed.gov>
**Sent:** Friday, March 13, 2020 1:12 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** RE: Conferences and Summer Programs

Thanks Scott,
Will you please add the March 19-20 rural community college convening. It was supposed to be in Denver at the Community college of Denver. There were 80 attendees.
And the OCT MOA conference in Florida May 5-8 doesn't look like it's on the list yet.

I don't know if it belongs on our list, but we're a partner with Commerce for SelectUSA June 1-3.

*Casey*

Casey K. Sacks, Ph.D.
Deputy Assistant Secretary for Community Colleges
Office of Career, Technical, and Adult Education
550 12th Street, SW
Washington, DC 20202
202-245-8483 (office)

If your message requires immediate assistance please feel free to contact my executive assistant, Francine Sinclair, at Francine.Sinclair@ed.gov or 202-245-7712.

Please consider the environmental impact of printing this message

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**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Friday, March 13, 2020 12:06 PM
**To:** Sacks, Casey <Casey.Sacks@ed.gov>; Goetz, Braden <Braden.Goetz@ed.gov>; Keenan, Cheryl <Cheryl.Keenan@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Subject:** Fwd: Conferences and Summer Programs

Cheryl, Casey, Braden and Sharon,

Please review the attached list of upcoming events and let me know if there are any adjustments for the OCTAE sponsored activities. Please also let me know if there are any missing.

Please note, I will need your input by the end of day tomorrow. Let me know if you will not be able to review and provide input due to the short timeline.

Scott

Scott Stump
Assistant Secretary
Office of Career, Technical and Adult Education
United States Department of Education

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**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Friday, March 13, 2020 10:04:12 AM
**To:** Jones, Diane <Diane.Jones@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>; Gray, Jason <Jason.Gray@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Anand, Supreet <Supreet.Anand@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Schneider, Mark <Mark.Schneider@ed.gov>; Bruce, Sandra <Sandra.Bruce@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; King, Robert <Robert.King@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>
**Cc:** Zais, Mitchell <Mitchell.Zais@ed.gov>
**Subject:** RE: Conferences and Summer Programs

My apologies on the earlier chart. It did not include March but only April through Dec.

March is now included.

Kent

**From:** Talbert, Kent
**Sent:** Friday, March 13, 2020 10:27 AM
**To:** Jones, Diane <Diane.Jones@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>; Gray, Jason <Jason.Gray@ed.gov>; Brogan, Frank (Frank.Brogan@ed.gov) <Frank.Brogan@ed.gov>; Anand, Supreet <Supreet.Anand@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Schneider, Mark

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<Mark.Schneider@ed.gov>; Bruce, Sandra <Sandra.Bruce@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Blew, James (James.Blew@ed.gov) <James.Blew@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; King, Robert <Robert.King@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>
**Cc:** Zais, Mitchell <Mitchell.Zais@ed.gov>
**Subject:** Conferences and Summer Programs
**Importance:** High

**CONFERENCES**. In follow-up to the Coronavirus Working Group call this morning, I am developing a complete inventory of certain (see below) upcoming conferences for the balance of March and for all of April.

In that vein, please review the attached spreadsheet of conferences and let me know of (1) any other conferences for that time period that your office is sponsoring or cosponsoring with others that does not appear on the spreadsheet (and please also include the details indicated by the headings on the columns in the spreadsheet); and (2) any other conferences for that time period where a third party is conducting a conference for your office and that is not captured by # 1 above (and please also include the details indicated by the headings on the columns in the spreadsheet). I think the spreadsheet is fairly complete, but I want to be sure.

Please provide the information **no later than 2:00 PM, Sunday, March 15,** and please feel free to reach out to me should you have any questions (b)(6) This will be an item of discussion early Monday morning when the Working Group meets again.

**SUMMER PROGRAMS**. Summer programs are another item of follow-up from the Working Group from the morning call. The issue of summer programs arose in the context of whether they should continue to go forward and what communications would be prudent for us to get to the field. As above, we are seeking an inventory of summer programs—those that we run or grantees operate, and those that contractors operate where we have involvement. Examples of summer programs for the purpose of this email: Foreign language and Area Studies program (summer fellowships), https://www2.ed.gov/programs/iegpsflasf/index.html and 21st Century Community Learning Centers (summer activities), https://www2.ed.gov/programs/21stcclc/index.html

For summer programs, all I need is the name of the program and then a sentence or two about what happens during the summer, when the program starts, and its approximate duration.

Please provide the information by **no later than 2:00 PM on Sunday, March 15.**

Please let me know if questions, (b)(6)

Many thanks.

Kent Talbert

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**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Friday, March 13, 2020 12:31 PM
**To:** OCTAE All Users <OCTAE_All_Users@ed.gov>
**Subject:** Coronavirus/COVID-19 Staff Update

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Members of the OCTAE family,

Thank you for sharing with your supervisors and me your questions and concerns related to this evolving situation. Please know that OCATE's leadership team is working to answer those questions and respond to our collective needs as expeditiously as possible.

As Deputy Secretary Zais noted, OCTAE has updated our Continuity of Operation Plan (COOP). If we need to activate it, please know that you will receive notification both through Send Word Now and the OCTAE call tree to ensure that everyone is reached with the relevant information.

As we move through the next few days and weeks, I would ask everyone's assistance in keeping the 11th floor as clean as possible. The department has asked the GSA cleaning crew to make sure that the shared space is clean and the hand sanitizer dispensers are full. Please let Trina know when one becomes empty so that it can be refilled as soon as possible.

Please note that our cleaning agreement does not include wiping our office surfaces or conference room tables. Trina and her team are working to order supplies to keep in each meeting room but due to lack of availability, those supplies will not arrive for a few weeks. In the meantime, OCTAE's leadership team has volunteered to bring in disinfecting wipes to put in each meeting room so that the tables can be wiped down daily or as needed. My hope is that each of us will keep our offices, and most importantly, our shared spaces (meeting rooms, pantries and printers) as clean as possible.

In addition, I wanted to reinforce a couple of items from the Deputy Secretary's Wednesday email.

1. Be telework ready. Take your computer home each evening.
2. Visit with your supervisor relative to upcoming conferences and travel.
3. Discuss with your supervisor the use of episodic Telework in cases where it may be unadvisable for you to report to the workplace.

Given the closure of schools across the DMV, I anticipate that there will be additional guidance coming out shortly.

One final thought. Uncertain times are the most critical time to let our values shine. To help us all get through this situation, remember to: put people first, respect those around you, seek excellence and collaboration, and remain committed to the purpose that brings us together.

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Reach out if you have any questions.

Scott

Scott Stump

Assistant Secretary

Office of Career, Technical and Adult Education

United States Department of Education

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**From:** Mitchell, Noah <Noah.Mitchell@ed.gov> on behalf of Zais, Mitchell <Mitchell.Zais@ed.gov>
**Sent:** Wednesday, March 11, 2020 2:25:54 PM
**To:** DoED - All ED Employees <DoED-AllEDEmployees@ed.gov>
**Subject:** Coronavirus/COVID-19 Staff Update

The following provides updated information regarding matters related to the Department of Education's (ED's) COVID-19 response along with health and wellness actions you can take.

ED's leadership team is committed to keeping you updated and informed as we work toward implementing the best solutions to protect the health and safety of our workforce and move forward with carrying out the important work of fostering educational excellence and ensuring equal access.

**Here's what ED is doing**

In addition to working closely with the Office of Management and Budget, the Office of Personnel Management, and other Federal partner agencies to implement best practices and ensure that we have timely, accurate, useful information to share with you, we have taken several internal actions since our last update to you, including the following:

- We have coordinated with offices on updating their Business Continuity Plans to ensure that staff are prepared to continue essential services should the Department need to activate its Continuity of Operations Plan.

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- We are working with the General Services Administration (GSA) and their supply vendors to make sure that offices are as clean as possible, hand sanitizer is readily available in all ED facilities, and that informative posters on protecting yourself from the virus are on available and on display in all ED facilities.

- We are reminding all supervisors that the current Telework Policy provides authority for the use of episodic Telework in cases where it may be unadvisable for the employee to report to the workplace. Examples include employees with a potentially communicable illness that does not impact their ability to carry out their duties or where they need to care for family members who are ill, but still have hours where they are not providing care and are available to work remotely. Employees on 4-10 alternate work schedules can participate in episodic telework if they are on an episodic telework agreement.

- We are working with Office Heads on reviewing upcoming conferences and travel schedules and identifying opportunities to host electronic forums where it makes sense. More information will be forthcoming on this topic.

## What You Can Do

Employees can take these actions to maintain situational awareness and prepare for office closures as a result of the virus.

1. **Stay Abreast of Federal Guidance.**
    a. The Office of Personnel Management (OPM) released updated COVID-19 guidance for Federal employees which includes a list of Frequently Asked Questions (FAQs) - https://www.opm.gov/policy-data-oversight/covid-19/

    b. Continue to monitor the Center for Disease Control website at: CDC.gov/covid19

2. **Be Telework Ready.** Employees eligible to telework, but who do not have a Telework Agreement should submit a request for situational purposes (https://share.ed.gov/teams/employeeservices/HRServices/Teleworkportal/SitePages/Home.aspx). Please complete the Telework for Government Employees training in FedTalent.

Effective immediately, take your laptop home nightly to ensure you can work from an alternate location (e.g., ensure you know how to connect to the network through the VPN) if and/or when necessary. **Please note that in a COOP situation, all employees in Telework eligible positions will be required to work.**

Again, first-line supervisors have authority to approve episodic telework on a case-by-case basis, but you must be ready and prepared should you need to work remotely.

3. **Business Travel.**At this time, mission critical travel can continue at the discretion of Principal Operating Component (POC) leadership - decisions will be based on mission needs, location of travel, and specific risk factors for employees. Personal travel, of course, is at your discretion. We encourage you to research your destinations and travel related information to determine if there is

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any mandatory, or recommended, self-monitoring or assessment required upon your return. Please also inform your supervisors of any planned personal travel, as it is important for ongoing communication to occur.

4. **Make Smart Decisions.** We continue to strongly encourage everyday disease prevention strategies in the workplace and staying up to date on COVID-19 guidance. The Centers for Disease Control (CDC) has updated its fact sheet on the coronavirus/COVID-19 and steps to protect yourself (CDC fact sheet). This includes: washing your hands often with soap and water; using an alcohol-based hand sanitizer containing at least 60% alcohol if soap and water are not available; avoid touching your eyes, nose, and mouth with unwashed hands; avoid close contact with people who are sick; and s**ocial distancing (i.e., avoid large crowds, mass gatherings, etc.) when possible**.

Employees feeling sick should request approval for leave from their supervisor and contact their healthcare provider. If employees begin feeling sick at work, please request leave with your supervisor and contact your healthcare provider.

5. **Know Your Risk Level.** While the risk to average Americans remains low, and most cases will be mild, seniors and persons with underlying health conditions may need to take additional precautions:

   - Older adults and people with severe underlying health conditions should be taking specific steps to limit their risk – avoiding contact with others who are sick, washing hands often, paying attention to symptoms, avoiding crowds and places where people gather together in groups, especially in poorly ventilated spaces. Also, supervisors have the authority to approve episodic telework, as needed.

ED is monitoring this evolving situation closely to ensure the safety of our employees and continuity of operations. Please know that we will be monitoring news and updates from local, State, and other Federal offices and are committed to sharing as much information as quickly as possible. And while we do our part to keep you informed, we encourage all of you to stay on top of your local news for information on any school or office building closures, or air travel disruption in your immediate area.

Thank you for your continued dedication to ED's mission. If you have a specific safety question or concern please contact the Department's Safety Officer, Curtis Wolridge by email at Curtis.Wolridge@ed.gov or by telephone at (202) 401-1301.

If your office needs guidance related to workplace flexibilities, please emailbenefitsandwork/life@ed.gov.

If you have a general question regarding COVID-19 and agency operations, please send your inquiry toEmployee_Communications@ed.gov.

The federal government has a strong and resilient workforce. We will get through this together.

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Mick Zais
Deputy Secretary

**Noah Mitchell on behalf of Deputy Secretary Mick Zais**
Office of the Deputy Secretary
United States Department of Education
400 Maryland Avenue, SW | Washington, DC 20202

---

**From:** Stump, Scott
**Sent:** Thursday, March 12, 2020 2:27 PM
**To:** Carter, Denise <Denise.Carter@ed.gov>
**Subject:** FW: Draft OCATE email for your review

**From:** Stump, Scott
**Sent:** Thursday, March 12, 2020 2:24 PM
**To:** Hill, Elizabeth <Liz.Hill@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>
**Subject:** Draft OCATE email for your review

Hey Liz and Denise,

Here is a draft of an email I would like to send to all of the OCATE team later today. Please review and let me know if you see any edits or adjustments that I need to make.

Thank you for your assistance!!

Members of the OCTAE family,

Thank you for sharing with your supervisors and me your questions and concerns related to this evolving situation. Please know that OCATE's leadership team is working to answer those questions and respond to our collective needs as expeditiously as possible.

As Deputy Secretary Zais noted, OCATE has updated our Continuity of Operation Plan. If we need to activate it, please know that you will receive notification both through Send Word Now and the OCTAE call tree to ensure that everyone is reached with the relevant information.

As we move through the next few days and weeks, I would ask everyone's assistance in keeping the 11th floor as clean as possible. The department has asked the GSA cleaning crew to make sure that the shared space is clean and the hand sanitizer dispensers are full. Please let Trina know when one becomes empty so that it can be refilled as soon as possible.

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Reach out if you have any questions.

Scott

Scott Stump
Assistant Secretary
Office of Career, Technical and Adult Education
United States Department of Education

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**Sent:** Wednesday, March 11, 2020 2:25:54 PM
**To:** DoED - All ED Employees <DoED-AllEDEmployees@ed.gov>
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**Here's what ED is doing**

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ensure that we have timely, accurate, useful information to share with you, we have taken several internal actions since our last update to you, including the following:

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- We are working with the General Services Administration (GSA) and their supply vendors to make sure that offices are as clean as possible, hand sanitizer is readily available in all ED facilities, and that informative posters on protecting yourself from the virus are on available and on display in all ED facilities.

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**What You Can Do**

Employees can take these actions to maintain situational awareness and prepare for office closures as a result of the virus.

1. **Stay Abreast of Federal Guidance.**
    a. The Office of Personnel Management (OPM) released updated COVID-19 guidance for Federal employees which includes a list of Frequently Asked Questions (FAQs) - https://www.opm.gov/policy-data-oversight/covid-19/

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b. Continue to monitor the Center for Disease Control website at: CDC.gov/covid19

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2. **Be Telework Ready.** Employees eligible to telework, but who do not have a Telework Agreement should submit a request for situational purposes (https://share.ed.gov/teams/employeeservices/HRServices/Teleworkportal/SitePages/Home.aspx). Please complete the Telework for Government Employees training in FedTalent.

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-

3. **Business Travel.**At this time, mission critical travel can continue at the discretion of Principal Operating Component (POC) leadership - decisions will be based on mission needs, location of travel, and specific risk factors for employees. Personal travel, of course, is at your discretion. We encourage you to research your destinations and travel related information to determine if there is any mandatory, or recommended, self-monitoring or assessment required upon your return. Please also inform your supervisors of any planned personal travel, as it is important for ongoing communication to occur.

4. **Make Smart Decisions.** We continue to strongly encourage everyday disease prevention strategies in the workplace and staying up to date on COVID-19 guidance. The Centers for Disease Control (CDC) has updated its fact sheet on the coronavirus/COVID-19 and steps to protect yourself (CDC fact sheet). This includes: washing your hands often with soap and water; using an alcohol-based hand sanitizer containing at least 60% alcohol if soap and water are not available; avoid touching your eyes, nose, and mouth with unwashed hands; avoid close contact with people who are sick; and s**ocial distancing (i.e., avoid large crowds, mass gatherings, etc.) when possible**.

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Thank you for your continued dedication to ED's mission. If you have a specific safety question or concern please contact the Department's Safety Officer, Curtis Wolridge by email at Curtis.Wolridge@ed.gov or by telephone at (202) 401-1301.

If your office needs guidance related to workplace flexibilities, please emailbenefitsandwork/life@ed.gov.

If you have a general question regarding COVID-19 and agency operations, please send your inquiry toEmployee_Communications@ed.gov.

The federal government has a strong and resilient workforce. We will get through this together.

Mick Zais
Deputy Secretary

**Noah Mitchell on behalf of Deputy Secretary Mick Zais**
Office of the Deputy Secretary
United States Department of Education
400 Maryland Avenue, SW | Washington, DC 20202

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**From:** Stump, Scott
**Sent:** Thursday, March 12, 2020 2:24 PM
**To:** Hill, Elizabeth <Liz.Hill@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>
**Subject:** Draft OCATE email for your review

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Hey Liz and Denise,

Here is a draft of an email I would like to send to all of the OCATE team later today. Please review and let me know if you see any edits or adjustments that I need to make.

Thank you for your assistance!!

Members of the OCTAE family,

Thank you for sharing with your supervisors and me your questions and concerns related to this evolving situation. Please know that OCATE's leadership team is working to answer those questions and respond to our collective needs as expeditiously as possible.

As Deputy Secretary Zais noted, OCATE has updated our Continuity of Operation Plan. If we need to activate it, please know that you will receive notification both through Send Word Now and the OCTAE call tree to ensure that everyone is reached with the relevant information.

As we move through the next few days and weeks, I would ask everyone's assistance in keeping the 11th floor as clean as possible. The department has asked the GSA cleaning crew to make sure that the shared space is clean and the hand sanitizer dispensers are full. Please let Trina know when one becomes empty so that it can be refilled as soon as possible.

Please note that our cleaning agreement does not include wiping our office surfaces or conference room tables. Trina and her team are working to order supplied to keep in each meeting room but due to lack of availability, those supplies will not arrive for a few weeks. In the meantime, OCTAE's leadership team has volunteered to bring in disinfecting wipes to put in each meeting room so that the tables can be wiped down daily or as needed. My hope is that each of us will keep our offices, and most importantly, our shared spaces (meeting rooms, pantries and printers) as clean as possible.

In addition, I wanted to reinforce a couple of items from the Deputy Secretary's email.

1. Be telework ready. Take your computer home each evening.
2. Visit with your supervisor relative to upcoming conferences and travel.
3. Discuss with your supervisor the use of episodic Telework in cases where it may be unadvisable for you to report to the workplace.

One final thought. Uncertain times are the most critical time to let our values shine. To help us all get through this situation, remember to: put people first, respect those around you, seek excellence and collaboration, and remain committed to the purpose that brings us together.

Reach out if you have any questions.

Scott

Scott Stump
Assistant Secretary

AMERICAN OVERSIGHT

Office of Career, Technical and Adult Education
United States Department of Education

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**From:** Mitchell, Noah <Noah.Mitchell@ed.gov> on behalf of Zais, Mitchell <Mitchell.Zais@ed.gov>
**Sent:** Wednesday, March 11, 2020 2:25:54 PM
**To:** DoED - All ED Employees <DoED-AllEDEmployees@ed.gov>
**Subject:** Coronavirus/COVID-19 Staff Update

The following provides updated information regarding matters related to the Department of Education's (ED's) COVID-19 response along with health and wellness actions you can take.

ED's leadership team is committed to keeping you updated and informed as we work toward implementing the best solutions to protect the health and safety of our workforce and move forward with carrying out the important work of fostering educational excellence and ensuring equal access.

**Here's what ED is doing**

In addition to working closely with the Office of Management and Budget, the Office of Personnel Management, and other Federal partner agencies to implement best practices and ensure that we have timely, accurate, useful information to share with you, we have taken several internal actions since our last update to you, including the following:

- We have coordinated with offices on updating their Business Continuity Plans to ensure that staff are prepared to continue essential services should the Department need to activate its Continuity of Operations Plan.

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**What You Can Do**

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   a. The Office of Personnel Management (OPM) released updated COVID-19 guidance for Federal employees which includes a list of Frequently Asked Questions (FAQs) - https://www.opm.gov/policy-data-oversight/covid-19/

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encourage you to research your destinations and travel related information to determine if there is any mandatory, or recommended, self-monitoring or assessment required upon your return. Please also inform your supervisors of any planned personal travel, as it is important for ongoing communication to occur.

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Deputy Secretary

**Noah Mitchell on behalf of Deputy Secretary Mick Zais**
Office of the Deputy Secretary
United States Department of Education
400 Maryland Avenue, SW | Washington, DC 20202

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**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Thursday, March 12, 2020 2:24 PM
**To:** Goetz, Braden <Braden.Goetz@ed.gov>; Keenan, Cheryl <Cheryl.Keenan@ed.gov>; Shields, Trina <Trina.Shields@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Subject:** Fwd: Coronavirus/COVID-19 Staff Update

Hey Leadership Team,

Here is a draft of an email I would like to send to all of the OCATE team later today. Please review and let me know if you have any suggestions for improvement.

Members of the OCTAE family,

Thank you for sharing with your supervisors and me your questions and concerns related to this evolving situation. Please know that OCATE's leadership team is working to answer those questions and respond to our collective needs as expeditiously as possible.

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Scott Stump
Assistant Secretary
Office of Career, Technical and Adult Education
United States Department of Education

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AMERICAN OVERSIGHT

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Mick Zais
Deputy Secretary

**Noah Mitchell on behalf of Deputy Secretary Mick Zais**
Office of the Deputy Secretary
United States Department of Education
400 Maryland Avenue, SW | Washington, DC 20202

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**From:** Stump, Scott
**Sent:** Thursday, March 12, 2020 10:52 AM
**To:** Miller, Sharon Lee (Sharon.Miller@ed.gov) <Sharon.Miller@ed.gov>
**Subject:** FW: Procedures for Responding to Inquiries Relating to Higher Education

Hey Sharon,

Where the question you raised on allowability of Perkins expenditures for cancelled travel and events will be relevant to higher ed institutions, I would recommend that you submit the question to Shaina and Jack as noted below. This will ensure we are consistent across the agency.

Let me know if you have questions.

Scott

**From:** Employee_Communications <Employee_Communications@ed.gov>
**Sent:** Tuesday, March 10, 2020 2:57 PM
**To:** Employee_Communications <Employee_Communications@ed.gov>
**Subject:** Procedures for Responding to Inquiries Relating to Higher Education

**Distribution List: All ED Employees**

DEPARTMENT OF EDUCATION
Employee Communications

AMERICAN OVERSIGHT

Dear colleagues,

In order to ensure that the Department is providing **clear, accurate and consistent** communications to the community, the Department is instituting a new process for the intake of higher education coronavirus related questions that will be managed by the Office of Postsecondary Education (OPE). Employees are directed NOT to provide substantive responses to any coronavirus related questions until the question has been logged into our system, and an answer has been drafted and vetted by the appropriate staff. The only exception is if you are simply forwarding coronavirus communication that has already been posted by the Department. It is critical that all employees abide by these instructions, so the Department can effectively and consistently manage these issues. **To the extent possible, OPE would like to provide answers to inquiries on these matters within 48 hours**. Please follow the following steps after receiving a coronavirus related question:

**Instructions for intake of coronavirus related questions:**

1. When an employee receives a coronavirus related question that has not been addressed in previous communication posted by the Department, they should respond to the inquiring party acknowledging receipt of the question and informing them that the Department will respond as soon as possible. *Please note that if it's unclear whether the question has been addressed by previous Department communication, employees should err on the side of sending the inquiry up the chain.*
2. The employee should email the inquiry to their first line supervisor.
3. The first line supervisor should then forward the inquiry to Shaina Hilsey (Shaina.hilsey@ed.gov) and Jack Cox (jack.cox@ed.gov) who work within OPE, and copy leadership from their POC. Supervisors are encouraged to develop a suggested response to the inquiry, if practical. However, they should forward the question to Ms. Hilsey and Mr. Cox before developing the response and should indicate in the email to them if they plan to develop a response or would recommend another staff person develop a response. All draft responses should be forwarded to Shaina and Jack BEFORE the response is published or given to the source of the question or inquiry. *Other POCs are permitted to develop alternative internal POC procedures at the discretion of their leaders, however, OPE would encourage that such processes ensure that we are notified as quickly as possible after an inquiry has been received.*
4. Shaina and Jack will log all inquiries into our data base, then work with relevant subject matter experts and senior leadership in developing a response. They will then share the approved response with the relevant supervisors, who can then direct the responses to the individual source of the inquiry, and with OLCA and the Departmental Communication (OCO) site that is being established for these specific purposes.

**Instructions for questions that you have already received**

Please send all communications you have already received related the Coronavirus using the instructions above. If an employee has already responded to the inquiry, please attach the email that you sent to the inquiring party.

**INTERNAL FSA PROCESS**

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**FSA Instructions for intake of coronavirus-related questions that call for policy judgments or interpretations from the financial aid community:**

1. When an FSA employee receives a coronavirus-related question from the financial aid community, that has not been addressed in previous communication posted by the Department, the FSA employee should respond to the inquiring party acknowledging receipt of the question and informing them that the Department will respond as soon as possible. Please note that if it's unclear whether the question has been addressed by previous Department communications, FSA employees will follow the process outlined below.
2. The FSA employee will email the inquiry to
- their first line supervisor,
- copy their deputy chief operating officer (COO), and
- send the email to the following mailbox – federalstudentaid@ed.gov.

This mailbox will be monitored by FSA's Strategic Communications team (Strat Comms). This team will identify a subject matter expert(s) for each question(s), only when appropriate. The SME may be asked to draft a proposed response for the Office of Postsecondary Education's (OPE) review.
3. Strat Comms will forward immediately the initial inquiry to OPE, including the identified SME, and whether the SME is drafting a proposed response. In the event a draft response is provided to Strat Comms by the SME, Strat Comms will forward the proposed response to OPE for review.
4. For all FSA inquiries, OPE will log them and work with relevant SMEs, which may be identified by Strat Comms, and senior leadership in developing a final response. OPE will then email federalstudentaid@ed.gov and provide the approved response.
5. Strat Comms is responsible to provide the approved response to the original FSA employee who initiated the inquiry, their first-line supervisor, and their deputy COO.
6. The FSA employee who initiated the inquiry is responsible to provide the approved response to the requestor.

Robert L. King
Assistant Secretary for Postsecondary Education
U.S. Department of Education

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**From:** Stump, Scott
**Sent:** Tuesday, March 10, 2020 5:47 PM
**To:** Burrichter, Douglas <Douglas.Burrichter@ed.gov>; Sinclair, Francine (Francine.Sinclair@ed.gov) <Francine.Sinclair@ed.gov>
**Subject:** FW: ASU GSV 2020 Rescheduled for 9/28-10/1 in San Diego

Hey Doug and Francine,

California travel has been postponed. Please adjust my schedule and travel plans when you have time. Thanks.

Scott

AMERICAN OVERSIGHT

**From:** Deborah Quazzo <dquazzo@gsv.com>
**Sent:** Tuesday, March 10, 2020 5:27 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** ASU GSV 2020 Rescheduled for 9/28-10/1 in San Diego

Dear Scott,

We are so grateful for your willingness to take part in our world-class program for our 2020 ASU+GSV Summit. After much consultation with our partners at the Hyatt and other key stakeholders, we have concluded that the best option to protect our community and to have a truly productive convening is to postpone the ASU+GSV Summit to Tuesday, September 29th - Thursday, October 1st in San Diego when we assume that the Coronavirus will have abated.

We will be sending an announcement to the entire ASU+GSV community in the next few hours, but wanted to share this information with our program participants first to answer any questions you may have.

We appreciate your patience and support as we have faced the very serious Coronavirus issues and their impact on the ASU+GSV Summit and its community. We hope that you will be able to participate with the new dates and will be reaching out to confirm shortly. We recognize everyone's busy schedules and are looking forward to seeing you share your insights and expertise on our stage.

We cannot wait to see this world-class program live in a few months. Please reach out to one of us or any other members of the team with thoughts and comments.

All the best,

Deborah, Michael and Dana

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**From:** Stump, Scott
**Sent:** Tuesday, March 10, 2020 10:49 AM
**To:** Shields, Trina <Trina.Shields@ed.gov>
**Subject:** RE: Important Notice - FSA UCP Operations for March 10, 2020

Hey Trina,

AMERICAN OVERSIGHT

When you have a moment, let's connect to discuss next steps for managing questions like these.

Scott

**From:** Shields, Trina <Trina.Shields@ed.gov>
**Sent:** Tuesday, March 10, 2020 10:40 AM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** FYI: Important Notice - FSA UCP Operations for March 10, 2020

Hi Scott…keeping you in the loop.

Please refer to the email below, as FYI. This email shows the other rising concerns among staff, as we field questions all day.

I also attached OPM's recent FAQ they released on Saturday.

Sincerely,

Trina Shields, PhD | Executive Officer
U.S. Department of Education
Office of Career, Technical, and Adult Education
202.245.6950 | trina.shields@ed.gov

**From:** Hill, Allison <Allison.Hill@ed.gov>
**Sent:** Tuesday, March 10, 2020 10:23 AM
**To:** Shields, Trina <Trina.Shields@ed.gov>
**Cc:** Hill, Allison <Allison.Hill@ed.gov>
**Subject:** FW: Important Notice - FSA UCP Operations for March 10, 2020

Hello, Trina! I surely hope you are well! This email is most disturbing, and I have been trying to figure out what my next steps will be in light of this information. Is it possible for leadership to meet with staff around this issue…with all team members-better, a Skype meeting for Q&A. It seems that agencies/offices may have some discretion around how these items are handled, and it would be excellent to determine what flexibilities are available for ED, in light of the message below.

I am certainly a woman of faith, and I am also being watchful and alert. I have a niece with stage 4 cancer, who I am responsible, along with her mother and my family, of taking care of on a daily basis. Her white blood cell count is extremely low due to the chemo and other treatments for her cancer—she cannot afford to even catch a serious cold. Her employer, at the Smithsonian Institute, has taken every precaution to keep her safe. I feel I must do the same.

It seems that we are being put in a position to take leave instead of being offered telework in such situations—if there are certain flexibilities, then I would like to know what they are and how to take advantage of them. The contractor in question could have travelled to multiple buildings for meetings, lunch, etc., and, therefore, like the traveling salesman, we have not an idea of how many people could have been impacted, especially since we have not idea of the exact spread-cause of the virus.

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Thank you for your attention to this matter—please, feel free to share with others who could help us figure out next steps, especially Scott, who's messages and emails have been of great care and concern for our health and safety, and I greatly appreciate him for his "proactive approach" to taking care of his team!

Thank you!

**From:** OfficeofFinanceandOperations <OfficeofFinanceandOperations@ed.gov>
**Sent:** Tuesday, March 10, 2020 12:02 AM
**To:** OfficeofFinanceandOperations <OfficeofFinanceandOperations@ed.gov>
**Subject:** FW: Important Notice - FSA UCP Operations for March 10, 2020

**Distribution List: All ED Employees**

ED staff,

The following FSA employee notice is being forwarded for your situational awareness. We will provide additional information as it becomes available.

**From:** Brown, Mark <Mark.Brown@ed.gov>
**Sent:** Monday, March 9, 2020 11:54 PM
**To:** FSA HQ Employees <FSAHQEmployees@ed.gov>; FSA Region 1 <FSARegion1@ed.gov>; FSA Region 2 <FSARegion2@ed.gov>; FSA Region 3 <FSARegion3@ed.gov>; FSA Region 4 <FSARegion4@ed.gov>; FSA Region 5 <FSARegion5@ed.gov>; FSA Region 6 <FSARegion6@ed.gov>; FSA Region 7 <FSARegion7@ed.gov>; FSA Region 8 <FSARegion8@ed.gov>; FSA Region 9 <FSARegion9@ed.gov>; FSA Region 10 <FSARegion10@ed.gov>
**Subject:** Important Notice - FSA UCP Operations for March 10, 2020

Dear FSA Family,

I am writing you at this late hour because I was recently informed that a contracted employee came in contact with an individual who has tested positive for COVID-19, commonly known as coronavirus. The contractor worked in Union Center Plaza (UCP) from Monday, Feb. 24 through Friday, March 6, and now, has developed flu-like symptoms.

This evening, the contractor went to be tested for COVID-19. As we await those test results, we are aggressively researching the contractor's movements throughout UCP and the surrounding area and contacting specific individuals who we know interacted with the contractor.

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As we continue to seek answers to this rapidly developing situation, I am putting your health and safety first. Therefore, out of an abundance of caution, I am authorizing UCP-based employees or anyone from a regional office who worked in UCP during the timeframe noted above to take unscheduled telework on Tuesday, March 10. At my request, the deputy chief operating officers have initiated calls to all employees to provide the information in this email.

I will continue to provide you with updates on this situation as I receive them. If you have questions, please contact your deputy chief operating officer.

Respectfully,

mab

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**From:** Stump, Scott
**Sent:** Saturday, March 7, 2020 8:07 AM
**To:** Lahasky, Rosemary A. EOP/WHO <Rosemary.A.Lahasky@who.eop.gov>
**Subject:** RE: [EXTERNAL] Fwd: Dept. of Ed Communication...

Rosemary,

Thank you for sharing the new language. It is absolutely in concert with the document's current tone. We will make sure to weave it into the document over the weekend.

Scott

**From:** Lahasky, Rosemary A. EOP/WHO <Rosemary.A.Lahasky@who.eop.gov>
**Sent:** Friday, March 6, 2020 5:33 PM
**To:** Sacks, Casey <Casey.Sacks@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>
**Cc:** Redstone, James J. EOP/WHO <James.J.Redstone@who.eop.gov>
**Subject:** FW: [EXTERNAL] Fwd: Dept. of Ed Communication...

I thought this was useful, so passing along.

No need to change the ED blurb, this is primarily for us on the strategy, etc.

Thanks!

**From:** Ned McCulloch <nmcculloch@us.ibm.com>
**Sent:** Friday, March 6, 2020 5:24 PM
**To:** Lahasky, Rosemary A. EOP/WHO <Rosemary.A.Lahasky@who.eop.gov>
**Cc:** David Byer <dbyer@apple.com>
**Subject:** [EXTERNAL] Fwd: Dept. of Ed Communication...

Rosemary,

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In the weekly update circulated by the Department of Ed, they had a brief blurb about the National Campaign.

1) Wanted to alert you so that they don't get ahead of Ivanka's launch on the 16th.
2) Also call out that they described the campaign using the old messaging which was driving "post secondary education and training alternatives to a four-year degree". Leaving aside that only 10.1% of attendees at public institutions receive a Bachelor's degree within 4-years, the higher education and states in the AWPAB are opposed to messaging that describes the campaign as an alternative rather than some version of additional pathways. After WGU and Indiana had the same reaction to the draft website, Wes was good enough to suggest some language that was consistent with our goals, without creating the conflict. We thought the language was helpful. The edit will not affect the video, and is just an edit to the website and some of the other creative. The edit will hold the education and state AWPAB support while driving the additional pathways.

His Suggested website language was something like "the old rules say there's only one path to career success. But today, there are new rules. There are many pathways to where you want to go — [and then it lists are normal set of pathways]

The old website language was The old rules may no longer apply. Going to a university with the goal of getting an office job isn't for everyone. Many pathways, like community college . . .

Ned McCulloch
Global Issue Manager — Skill Development and Education
IBM
600 14th Street, NW
Suite 300
Washington DC 20005
USA

Nmcculloch@us.ibm.com
(b)(6)
Find me @nedmcculloch and at >www.perkinscte.com<
>Http://www.ibm.com/Ibm/GP/<

Begin forwarded message:

**From:** Wesley Smith <wesley.smith@wgu.edu>
**Date:** March 6, 2020 at 4:56:39 PM EST
**To:** Byer David <dbyer@apple.com>, Ned McCulloch <nmcculloch@us.ibm.com>, Dzu Bui <DBui@AdCouncil.org>
**Subject: [EXTERNAL] Dept. of Ed Communication...**

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See odd and ends below — with link to Ad Council campaign. "The Ad Council is set to launch a national advertising promotion for postsecondary education and training alternatives to the four-year college degree."

I would imagine this email has significant distribution to education stakeholders and I'm guessing that none of us had a role in crafting the language so this email is just to surface it to this group. I'm sure we can implement more effective "and" language in the future.

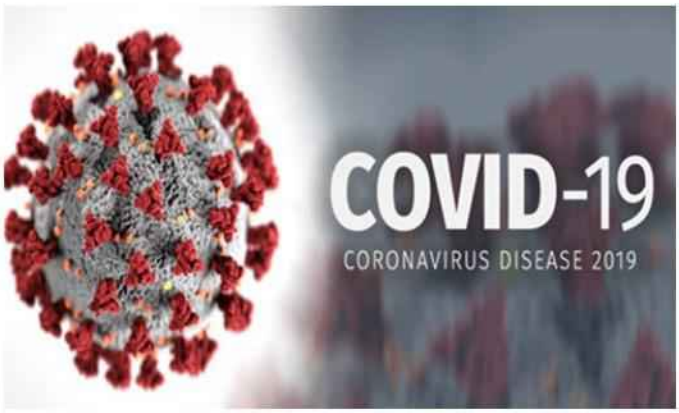
Thanks for the productive week. We appreciate your partnership.

Wes

**From:** "Honeysett, Adam" <00000017320f1fbd-dmarc-request@LISTSERV.ED.GOV>
**Date:** March 6, 2020 at 9:45:01 AM EST
**To:** ED_REVIEW@LISTSERV.ED.GOV
**Subject: [ED_REVIEW] ED Review (03/06/20)**
**Reply-To:** "Honeysett, Adam" <Adam.Honeysett@ED.GOV>

**March 6, 2020**

## COVID-19 INFORMATION




The Department recently launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most

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current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

## ON THE ROAD AGAIN

Last week, Secretary DeVos traveled to Tennessee to highlight the Administration's Education Freedom Scholarships proposal. The visit was a follow-up to her April 2019 roundtable discussion with Governor Bill Lee and more than 30 families, educators, stakeholders, and elected officials at the State Capitol concerning the policy proposal. While in the state, in celebration of Career and Technical Education (CTE) Month, she also toured Tennessee College of Applied Technology (TCAT) Nashville, which is strategically investing federal *Perkins V* funding in students and their futures (CTE visit video).

About the same time, the Secretary shared via Twitter that surveys are showing bipartisan support for education freedom policies, especially "among families with the most at stake," and directed followers to an op-ed by former New Mexico Secretary of Education Christopher Ruszkowski expounding upon the data.

Meanwhile, Deputy Secretary Mitchell Zais traveled to the Texas, stopping by Texas Wesleyan University in Fort Worth and Blanson CTE High School in Houston; Principal Deputy Assistant Secretary for Elementary and Secondary Education Aimee Viana visited Liberty High School in Bealeton, Virginia, witnessing multiple CTE offerings; Director of Special Education Programs Laurie VanderPloeg traveled to Illinois for a training conference and toured an elementary school and an early learning center in Springfield; and Assistant Secretary for Career, Technical, and Adult Education Scott Stump visited Mill Run Elementary School in Ashburn, Virginia, observing teacher cadets from nearby Briar Woods High School provide classroom instruction.

## STEM EDUCATION NEWSLETTER

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Subscribe today to the Department's new Science, Technology, Engineering, and Mathematics (STEM) monthly newsletter, with news, events, and unique opportunities relevant to the STEM community and other education stakeholders.

## BETTER SERVING BORROWERS

On February 24, the Department's Office of Federal Student Aid (FSA) announced transformative upgrades to StudentAid.gov. The updated web site now features new tools, providing students with detailed information about the grants and loans they have received and guiding them to a personalized recommendation for a loan repayment plan. FSA also launched a pilot that allows a subset of borrowers, for the first time ever, to make loan repayments directly on StudentAid.gov (press release and blog post).

These updates complement the President's budget request, which includes calls to simplify student loan types, amounts, and repayment options and provide customers with access to an online portal with tailored information to help them easily understand their options and make informed decisions throughout the financial aid lifecycle.

The Aid Summary feature allows borrowers to see specific information for each grant and loan they have received, including type, date received, repayment plan, and interest rate. Borrowers can use this tool to track their remaining eligibility for federal Pell Grants and Direct Loans. They will also be able to see their progress toward repaying their loans, receive alerts about their account, and track the number of qualifying payments they have made toward Public Service Loan Forgiveness.

The Loan Simulator helps borrowers chart a course to successful repayment by allowing them to compare options. The tool combines information entered by a customer, like earnings and family composition, with loan data provided by FSA to develop a personalized repayment strategy. Borrowers can use this tool to compare repayment plans and test-drive which plan provides them with the lowest monthly payment, fastest payoff term, or lowest amount paid overall.

Also, borrowers whose federally managed loans are in repayment and assigned to either Great Lakes or Nelnet can participate in the Make a Payment pilot. This pilot program allows borrowers to schedule upcoming monthly payments right on StudentAid.gov. Eventually, all Direct Loan customers will be able to repay their loans through StudentAid.gov.

Separately, FSA launched the myFSApay pilot program for students as the University of California-Riverside, the University of Georgia, Purdue University, and Jackson State University. This pilot allows students at the participating schools to choose to receive their financial aid refunds -- after expenses, such as tuition, fees, and room and board, are paid -- on a pre-paid card with a linked

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online account accessible through the myStudentAid mobile application. There is no cost for students or schools to participate in the pilot, and schools will be added throughout 2020 (press release).

## COMBATTING SEXUAL ASSAULT

On successive days last month, Secretary DeVos announced major actions regarding Title IX protections.

First, on February 26, the Secretary announced a new Title IX enforcement initiative, led by the Department's Office for Civil Rights (OCR), to combat the troubling rise of sexual assault in K-12 public schools. This effort will enhance OCR's enforcement of Title IX in elementary and secondary public schools and strengthen the ability of schools to respond to all incidents of sexual harassment and assault. It also builds on the Department's work to implement the "Pass the Trash" provisions of the *Every Student Succeeds Act* (ESSA), which prohibits schools from simply moving employees who have committed acts of sexual misconduct.

OCR's initiative will include the following activities:

- Compliance Reviews. OCR will conduct nationwide compliance reviews in schools and districts, examining how sexual assault cases are handled under Title IX, including sexual incidents involving teachers and school staff. OCR will work with districts to identify and correct compliance concerns.
- Public Awareness and Support. OCR will focus on raising awareness of the issue of sexual assault in schools, including making information available to educators, school leaders, parents, and families.
- Data Quality Reviews. OCR will conduct data quality reviews (DQRs) of the sexual assault/offenses data submitted by districts through the Civil Rights Data Collection (CRDC). As part of conducting DQRs, OCR will partner with the National Center for Education Statistics (NCES) and work with districts to ensure that incidents of sexual assault/offenses are being accurately recorded and reported under the CRDC.
- Proposed CRDC Data Collection. OCR has proposed, for the 2019-20 data collection, to collect more detailed data on sexual assault. The proposed data collection includes incidents perpetrated by school staff or personnel. If adopted, the inclusion of this data would make the CRDC collection the first universal collection to gather such data systemically by school.

Then, on February 27, the Secretary announced that OCR will require the University of Southern California (USC) to make sweeping changes to its Title IX procedures after finding that the institution failed to protect students from Dr. George Tyndall, formerly employed as a gynecologist at USC's student health center, since as far back as 1989. As a result of the systemic failures at USC, the Department is requiring the institution to overhaul its Title IX processes, conduct a formal review of current and former employees to determine if they responded appropriately to notice of possible sexual discrimination, and permit OCR to monitor its compliance for three years. The Resolution Agreement also requires USC to make reasonable efforts to contact the nine patients who complained of misconduct by Dr. Tyndall and notify current and former students, and current and former institution employees who may have interacted with him, to offer to remedy the harm done. Remedies may include academic accommodations and counseling.

Under the leadership of Secretary DeVos, OCR has moved aggressively to investigate schools that fail to protect students from sexual misconduct and bring them into compliance with civil rights laws. Notably, the Department has required sweeping reforms to protect students in Chicago Public Schools and at Michigan State University.

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## FROM THE FEDERAL REGISTER

Just in case you are not visiting the *Federal Register* on a daily basis, below are a few items of note.

A February 26 notice announces the existence and location of the Department's Guidance Portal. This portal is designed, pursuant to Executive Order 13891, to make it easy for education stakeholders and other interested parties to find the agency's guidance documents. The Department will not retain in effect any guidance document without including it in this portal, nor shall it, in the future, issue guidance without including it in the portal.

A March 2 notice announces opportunities for individuals to participate in the Department's peer review process for reviewing applications for competitive grant funding. The notice spotlights specific needs of the Office of Elementary and Secondary Education (OESE), the Office of Postsecondary Education (OPE), and the Office of Special Education and Rehabilitative Services (OSERS). The Department will accept submissions on a rolling basis, although requests should be submitted at least four weeks prior to a program's application deadline. (Note: The Department has also issued a toolkit titled "How to be considered as a Peer Reviewer for programs administered by the Department of Education.")

A March 4 notice provides information to parties on submitting written comments for accrediting agencies currently undergoing review for purposes of recognition by the Secretary of Education.

## ODDS AND ENDS

- The Ad Council is set to launch a national advertising promotion for postsecondary education and training alternatives to the four-year college degree.
- During Statistics in Schools Week (March 2-6), classrooms have been taking part in engaging activities that underscore the importance of responding to the 2020 Census and counting everyone, especially children. At the end of the week, teachers will distribute a take-home flyer to every student. This flyer, available in English and 12 other languages, is intended to help the adults in students' homes on the Census. (Note: The material on the Census Bureau's web site is being provided for convenience as a potential resource for schools and educators. It was not developed by the Department, and the Department does not control or guarantee the accuracy, relevance, timeliness, or completeness of the information. Furthermore, the inclusion of any hyperlinks and the content presented is not intended to convey their importance, nor is it intended to endorse any views expressed or products or services offered. The Department does not control, direct, or encourage any information in a curriculum. The use of Census Bureau materials or other materials by a school or educator is strictly a state and local matter.)
- The Department's latest "Annual Report to Congress on the Implementation of the *Individuals with Disabilities Education Act* (IDEA)" shows the number of students receiving special education services is on the rise: more than 6.1 million students across the U.S. ages 6 to 21, or 9.2% of all students, were served under IDEA in 2017, up from 8.6% in 2008.
- On February 25, OSERS Acting Assistant Secretary Mark Schultz moderated a panel discussion of transition services experiences, which has been added to the resources (including Success Stories) on the Vocational Rehabilitation 100th anniversary page.
- New from NCES: information about state-level revenues and expenditures in the nation's public K-12 education system for the 2016-17 school year and *Fast Facts* on Historically Black Colleges and Universities (HBCUs).

## QUOTE TO NOTE

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"I think the President would respect any decisions that are made at the state and local level…. Those are decisions that governors, in consultation with local health officials, will make as they deem that necessary. But, other than in areas where there are individuals that have been infected with the Coronavirus, people need to understand that, for the average American, the risk does remain low. We're ready."

-- Vice President Mike Pence (3/1/20), from an interview with Chuck Todd on "Meet the Press," when asked about closing schools due to the spread of COVID-19.

## UPCOMING EVENTS

Among other observations, March is Women's History Month.

The Department's Office of Special Education Programs (OSEP) will livestream its "Attract, Prepare, and Retain: OSEP National Summit on Improving Effective Personnel for Children with Disabilities" on March 19 from 1 to 5 p.m. Eastern Time.

Registration is now open for the third in a series of convenings designed to help rural community colleges identify, plan, and design critical projects for federal grant applications. This convening, co-hosted by the Department and the American Association of Community Colleges, will be held March 19 and 20 at the Community College of Denver and cover the same content as past offerings in Racine, Wisconsin, and Gulfport, Mississippi.

In recognition of the 20th anniversary of the *Trafficking Victims Protection Act*, the Department is holding a webinar -- the second in a series during 2020 -- on March 25, from 3 to 4:15 p.m. ET, discussing anti-trafficking strategies at the state, district, and school level. The event is designed to provide school-level administrators, teachers, and instructional staff with strategies, rooted in trauma-informed and survivor-centered approaches, for preventing students from falling prey to trafficking activity.

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***ED Review* is a product of the U.S. Department of Education Office of Communications and Outreach, State and Local Engagement**

**To be added or removed from distribution or submit comments (we welcome your feedback!), please contact Managing Director Adam Honeysett at (202) 401-3003 orAdam.Honeysett@ed.gov. Or, visit >http://www2.ed.gov/news/newsletters/edreview/<.**

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ABOUT US | CONTACT US | FAQs
400 Maryland Avenue, SW, Washington, D.C. 20202

KEEP UPDATED:

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**From:** Stump, Scott
**Sent:** Thursday, March 5, 2020 4:07 PM
**To:** OCTAE All Users <OCTAE_All_Users@ed.gov>
**Subject:** OCATE Update

Good afternoon OCATE,

As I mentioned to many of you yesterday, when kicking off our shared State Plan (WIOA and Perkins) approval season, your health and safety are of top concern to me and every leader in OCTAE and the Department.

Please know that OCTAE has updated it's Agency Continuity of Operations Plan (COOP) to include the recommended elements necessary to protect OCTAE employees and operations from the potential risk of COVID-19 which, at this time remains low.

Today, you may have received an email from a colleague which contained personal recommendations which are not part of our COOP. According to the CDC Prevention and Treatment website, CDC *does not recommend* that people who are well wear a facemask to protect themselves from respiratory diseases, including COVID-19.

The best way to prevent illness is to avoid being exposed to this virus. However, as a reminder, CDC always recommends everyday preventive actions to help prevent the spread of respiratory diseases, including:

- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose, and mouth.
- Stay home when you are sick.

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- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces using a regular household cleaning spray or wipe.
- Wash your hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing, or sneezing.
    - If soap and water are not readily available, use an alcohol-based hand sanitizer with at least 60% alcohol. Always wash hands with soap and water if hands are visibly dirty.

As Dr. Zais noted in yesterday's email, the Department will continue to provide guidance as it becomes available from OPM and CDC. In the meantime, you and your family can stay up to date on activities and guidance to help contain and prevent the spread of COVID-19 via the links below.

OPM:
https://www.chcoc.gov/content/preliminary-guidance-agencies-during-coronavirus-disease-2019-covid-19

CDC:
https://www.cdc.gov/coronavirus/2019-ncov/index.html

Occupational Safety and Health Administration:
https://www.osha.gov/SLTC/covid-19/

Please let me know if you have any questions.

Scott

**Scott Stump**
Assistant Secretary
Office of Career, Technical and Adult Education
United States Department of Education
550 12th Street, SW – 11th Floor |Washington, DC 20202
O: 202-245-6688
E: scott.stump@ed.gov

---

**From:** Stump, Scott
**Sent:** Thursday, March 5, 2020 3:45 PM
**To:** Carter, Denise <Denise.Carter@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>
**Cc:** Simmons, Lee (Dougie) <LeeD.Simmons@ed.gov>; Smith, Richard <Richard.Smith@ed.gov>; Hairfield, James <James.Hairfield@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>
**Subject:** RE: Just In Case! - OCTAE Message

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Liz and Denise,

Here is the draft email that I propose sending to OCTAE in response to the prior email of the day. After visiting with Denise, I we will not plan to collect the masks from the individuals who have already received them. Please let me know what changes I need to make and additional actions I need to take.

Scott

Good afternoon OCATE,

As I mentioned to many of you yesterday, when kicking off our shared State Plan (WIOA and Perkins) approval season, your health and safety are of top concern to me and every leader in OCTAE and the Department.

Please know that OCTAE has updated it's Agency Continuity of Operations Plan (COOP) to include the recommended elements necessary to protect OCTAE employees and operations from the potential risk of COVID-19 which, at this time remains low.

Today, you received the email below, which is not a part of our COOP, nor is warranted at this time. I have asked Laticia to hold on the distribution of the respirator masks and gloves. According to the CDC Prevention and Treatment website, CDC *does not recommend* that people who are well wear a facemask to protect themselves from respiratory diseases, including COVID-19.

The best way to prevent illness is to avoid being exposed to this virus. However, as a reminder, CDC always recommends everyday preventive actions to help prevent the spread of respiratory diseases, including:

- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose, and mouth.
- Stay home when you are sick.
- Cover your cough or sneeze with a tissue, then throw the tissue in the trash.
- Clean and disinfect frequently touched objects and surfaces using a regular household cleaning spray or wipe.
- Wash your hands often with soap and water for at least 20 seconds, especially after going to the bathroom; before eating; and after blowing your nose, coughing, or sneezing.
    - If soap and water are not readily available, use an alcohol-based hand sanitizer with at least 60% alcohol. Always wash hands with soap and water if hands are visibly dirty.

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Ask Dr. Zais noted in yesterday's email, the Department will continue to provide guidance as it becomes available from OPM and CDC. In the meantime, you and your family can stay up to date on activities and guidance to help contain and prevent the spread of COVID-19 via the links below.

OPM:
https://www.chcoc.gov/content/preliminary-guidance-agencies-during-coronavirus-disease-2019-covid-19

CDC:
https://www.cdc.gov/coronavirus/2019-ncov/index.html

Occupational Safety and Health Administration:
https://www.osha.gov/SLTC/covid-19/

Please let me know if you have any questions.

Scott

**From:** Carter, Denise <Denise.Carter@ed.gov>
**Sent:** Thursday, March 5, 2020 2:22 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Cc:** Simmons, Lee (Dougie) <LeeD.Simmons@ed.gov>; Smith, Richard <Richard.Smith@ed.gov>; Hairfield, James <James.Hairfield@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>
**Subject:** Fwd: Just In Case! - OCTAE Message

Scott,

Please call me ASAP. We can't do this for one office and not the others. CDC doesn't recommend everyone wear masks.

Thanks,
Denise
(b)(6) cell

Begin forwarded message:

**From:** Melton, Laticia <Laticia.Melton@ed.gov>

**Sent:** Thursday, March 5, 2020 9:42 AM
**To:** OCTAE All Users <OCTAE_All_Users@ed.gov>
**Subject:** Just In Case!

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Good Morning, *Mighty* OCTAE!

I will be distributing the following items:

1. 2 Latex Free Respirator Masks (See example and instructions in photos below.)
2. 1 Pair of Latex Free Nitrile Powder Free Exam Gloves (See example, in photo below.)

**NOTICE:** If you are not in the office during the distribution period, please see me when you return to work, to pick up your items.

Sincerely,

*Laticia Melton*

**U.S. Department of Education**

**Office of Career, Technical, and Adult Education**

**The *Mighty* OCTAE!**

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**Office: 202.245.7142** | Laticia.Melton@ed.gov

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**From:** Stump, Scott
**Sent:** Thursday, March 5, 2020 10:33 AM
**To:** Miller, Rebecca <Rebecca.Miller@ed.gov>
**Cc:** McLaughlin, Maureen <Maureen.McLaughlin@ed.gov>; Burrichter, Douglas <Douglas.Burrichter@ed.gov>
**Subject:** RE: Rescheduling of USAID Global Education Conference

Thank you for the update Rebecca!

Scott

**From:** Miller, Rebecca <Rebecca.Miller@ed.gov>
**Sent:** Thursday, March 5, 2020 10:08 AM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Cc:** McLaughlin, Maureen <Maureen.McLaughlin@ed.gov>; Burrichter, Douglas <Douglas.Burrichter@ed.gov>
**Subject:** FW: Rescheduling of USAID Global Education Conference

Good morning Scott,

USAID is rescheduling the Global Education Conference to a date yet to be determined because of the COVID-19 outbreak. We had planned for you to speak the morning of April 8 and hope that you will still be available once the conference is rescheduled. We will keep you updated as we receive information.

Thanks as always for your support of our work in IAO.

Best,
Beckey Miller
International Affairs Specialist
Office of the Secretary
U.S. Department of Education
(202) 401-2035

**From:** Anna Roberts <anroberts@usaid.gov>
**Sent:** Thursday, March 5, 2020 9:53 AM
**To:** benjamin.muskovitz@fas.usda.gov; McLaughlin, Maureen <Maureen.McLaughlin@ed.gov>; Newton.Martha.E@dol.gov; PollackMJ@state.gov; achrekara@state.gov; Kandahari, Rahima <KandahariRX@state.gov>; Stoll, Lona S (DCO/SEC-OPS) <stollls@mcc.gov>; Rust, Stephanie <srust@peacecorps.gov>; Ardjosoediro, Ingrid - FAS <Ingrid.Ardjosoediro@fas.usda.gov>; Rumery, Molly - FAS <Molly.Rumery@fas.usda.gov>; Rubas, Debbie - FAS <debbie.rubas@fas.usda.gov>; Miller, Rebecca <Rebecca.Miller@ed.gov>; Hammer, Victoria <Victoria.Hammer@ed.gov>; Muirragui, Eileen -

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ILAB <Muirragui.Eileen@dol.gov>; Loewer, Kelly M <Loewerkm@state.gov>; Mungai, Paul <MungaiP@state.gov>; Toiv, Nora <toivn@state.gov>; Duke, Hannah A <DukeHA@state.gov>; juliana.gabrovsky@treasury.gov; Goldman, Lawrence R (DCO/SEC-OPS) <GoldmanLR@mcc.gov>; Heintz, Jenny A (DPE/EE-ME) <HeintzJA@mcc.gov>; Brady, Brock <bbrady@peacecorps.gov>; Nathaniel Haight <nhaight@usaid.gov>; Aaron Rossi <arossi@usaid.gov>; Matthews, Roslyn N <matthewsrn@state.gov>; Clarke, Mamie - FAS, Washington, DC <Mamie.Clarke@fas.usda.gov>; Thomas, Andi - FAS, Washington, DC <Andi.Thomas@fas.usda.gov>; Beamon, Ta'Adhmeeka R <BeamonTR@state.gov>; Christopher Ying <cying@dexisonline.com>; Morefield, Eleanor - FAS, <eleanor.morefield@usda.gov>; Laboy-Rivera, Jomara <jlaboyrivera@peacecorps.gov>; Asrat, Lily <lasrat@peacecorps.gov>; Jaffe, Maureen - ILAB <Jaffe.Maureen@dol.gov>; Chen, WeiCheng - ILAB <Chen.WeiCheng@dol.gov>; Dotson, Rana D - ILAB <Dotson.Rana.D@dol.gov>
**Subject:** Rescheduling of USAID Global Education Conference

Dear USG Colleagues:

In light of the evolving COVID-19 (coronavirus) situation, and to ensure the health and safety of everyone involved, USAID has made the difficult decision to reschedule the 2020 Global Education Conference.

We are currently exploring options for holding the conference at a later date. I will let you know as soon as a new date is identified.

Please see the attached FAQs for answers to some questions we expect you might have. In addition, you will receive an official notice later today to all participants and attendees from USAID.
While we are disappointed by this development, we know that it is the right decision. Thank you again for your understanding.

Anna

--
**Anna Roberts**
Senior Advisor
Bureau for Economic Growth, Education and the Environment
United States Agency for International Development | **USAID**
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AnRoberts@usaid.gov | office: 202.810.1191 |
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**From:** Stump, Scott
**Sent:** Wednesday, March 4, 2020 5:13 PM
**To:** Glaze, Cheryl <cglaze@ffa.org>
**Subject:** RE: National FFA Board of Directors Conference Call re Coronavirus

Hey Cheryl,

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I did not have the call-in information for tonight's conference call and I do not see it in Board Book. When you have a moment would you please send that information my way?

Thanks.

Scott

**From:** Glaze, Cheryl <cglaze@ffa.org>
**Sent:** Wednesday, March 4, 2020 3:39 PM
**To:** Arkansas - Chris Bacchus <chris.bacchus@arkansas.gov>; David Gossman <dgossman@muhsd.org>; Deimler, Buddy <bdeimler@ffa.org>; Eric Rubenstein <erubenstein@uga.edu>; Jessica Blythe <jmblythe@mail.wvu.edu>; Missouri - Leon Busdieker <Leon.Busdieker@dese.mo.gov>; Ohio - Matt Winkle <matthew.winkle@education.ohio.gov>; Stump, Scott <Scott.Stump@ed.gov>; Shailee Berry <Shailee.berry@k12.wa.us>; Burrichter, Douglas <Douglas.Burrichter@ed.gov>; Susanne Wasson <Susanne.wasson@corteva.com>; Travis Bradshaw <tbradshaw@elginps.net>; Utah - William (Buddy) Deimler <william.deimler@schools.utah.gov>; Washington - Denny Wallace <dennis.wallace@k12.wa.us>; Wasson Asst. - Kristin McMurray <Kristin.mcmurray@corteva.com>; Wisconsin - Cheryl Zimmerman <czimmerman@wisconsinffa.org>; Woodard, James <jrwoodard@ffa.org>; Zimmerman, Cheryl <czimmerman@ffa.org>; Currie, Blaze <bcurrie@ffa.org>; Hefner, Cindy <CHefner@ffa.org>; Hertel, Mamie <mhertel@ffa.org>; Lehman, Kourtney <klehman@ffa.org>; Logemann, Lyle <llogemann@ffa.org>; McCoy, Kolesen <kmccoy@ffa.org>; Roman, Yomar <yroman@ffa.org>; Seibel, Tess <tseibel@ffa.org>; Poeschl, Mark <mpoeschl@ffa.org>; Ball, Molly <mball@ffa.org>; White, Christine <cwhite@ffa.org>; Schapker, David <dschapker@ffa.org>; Weathersbe, Denise <dweathersbe@ffa.org>
**Cc:** Kemp, Donna <dkemp@ffa.org>; Glaze, Cheryl <cglaze@ffa.org>
**Subject:** National FFA Board of Directors Conference Call re Coronavirus
**Importance:** High

Dear All,

For this evening's board conference call at 7:00 PM (EST), attached is the Coronavirus Plan of Action Outline.

Thank you,
Cheryl

**CHERYL GLAZE**
Executive Assistant
Administration
P 317-802-4267 | E cglaze@ffa.org

National FFA Organization
6060 FFA Drive, P.O. Box 68960, Indianapolis, IN 46268-0960
FFA.org

PREMIER LEADERSHIP - PERSONAL GROWTH - CAREER SUCCESS

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**From:** Stump, Scott
**Sent:** Wednesday, March 4, 2020 5:02 PM
**To:** Hairfield, James <James.Hairfield@ed.gov>
**Cc:** Shields, Trina (Trina.Shields@ed.gov) <Trina.Shields@ed.gov>
**Subject:** OCTAE's Updated BCP Appendix H

Hey Jim,

Attached is OCTAE's draft new section of our BCP that was requested on Monday. Please let me know if you have questions or edits to recommend.

Scott

**Scott Stump**
Assistant Secretary
Office of Career, Technical and Adult Education
United States Department of Education
550 12th Street, SW – 11th Floor |Washington, DC 20202
O: 202-245-6688
E: scott.stump@ed.gov

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**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Tuesday, February 4, 2020 9:50 PM
**To:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Subject:** Re: President Donald J. Trump's State Of The Union Address: Remarks As Prepared For Delivery

Thank you Nate!

Get Outlook for iOS

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**From:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Sent:** Tuesday, February 4, 2020 9:47:41 PM
**To:** Slack, Emily <Emily.Slack@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>
**Subject:** Fwd: President Donald J. Trump's State Of The Union Address: Remarks As Prepared For Delivery

My Budget also contains an exciting vision for our Nation's high schools. Tonight, I ask the Congress to support our students and back my plan to offer vocational and technical education in every single high school in America.

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Sent from my iPad

Begin forwarded message:

**From:** White House Press Office <info@mail.whitehouse.gov>
**Date:** February 4, 2020 at 9:20:42 PM EST
**To:** <nathan.bailey@ed.gov>
**Subject: President Donald J. Trump's State Of The Union Address: Remarks As Prepared For Delivery**
**Reply-To:** White House Press Office <info@mail.whitehouse.gov>

Office of the Press Secretary

FOR IMMEDIATE RELEASE
February 4, 2020

*EMBARGOED FOR RELEASE UNTIL CONCLUSION OF REMARKS*

PRESIDENT DONALD J. TRUMP'S STATE OF THE UNION ADDRESS
Remarks as prepared for delivery

TO THE CONGRESS OF THE UNITED STATES:

Madam Speaker, Mr. Vice President, Members of Congress, the First Lady of the United States, and my fellow citizens:

Three years ago, we launched the great American comeback. Tonight, I stand before you to share the incredible results. Jobs are booming, incomes are soaring, poverty is plummeting, crime is falling, confidence is surging, and our country is thriving and highly respected again! America's enemies are on the run, America's fortunes are on the rise, and America's future is blazing bright.

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The years of economic decay are over. The days of our country being used, taken advantage of, and even scorned by other nations are long behind us. Gone too are the broken promises, jobless recoveries, tired platitudes, and constant excuses for the depletion of American wealth, power, and prestige.

In just 3 short years, we have shattered the mentality of American decline, and we have rejected the downsizing of America's destiny. We are moving forward at a pace that was unimaginable just a short time ago, and we are never going back!

I am thrilled to report to you tonight that our economy is the best it has ever been. Our military is completely rebuilt, with its power being unmatched anywhere in the world -- and it is not even close. Our borders are secure. Our families are flourishing. Our values are renewed. Our pride is restored. And for all these reasons, I say to the people of our great country, and to the Members of Congress before me: The State of our Union is stronger than ever before!

The vision I will lay out this evening demonstrates how we are building the world's most prosperous and inclusive society -- one where every citizen can join in America's unparalleled success, and where every community can take part in America's extraordinary rise.

From the instant I took office, I moved rapidly to revive the United States economy -- slashing a record number of job-killing regulations, enacting historic and record-setting tax cuts, and fighting for fair and reciprocal trade agreements. Our agenda is relentlessly pro-worker, pro-family, pro-growth, and,

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most of all, pro-American. We are advancing with unbridled optimism and lifting high our citizens of every race, color, religion, and creed.

Since my election, we have created 7 million new jobs -- 5 million more than Government experts projected during the previous administration.

The unemployment rate is the lowest in over half a century.

Incredibly, the average unemployment rate under my Administration is lower than any administration in the history of our country. If we had not reversed the failed economic policies of the previous administration, the world would not now be witness to America's great economic success.

The unemployment rates for African-Americans, Hispanic-Americans, and Asian-Americans have reached the lowest levels in history. African-American youth unemployment has reached an all-time low.

African-American poverty has declined to the lowest rate ever recorded.

The unemployment rate for women reached the lowest level in almost 70 years -- and last year, women filled 72 percent of all new jobs added.

The veterans' unemployment rate dropped to a record low.

The unemployment rate for disabled Americans has reached an all-time low.

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Workers without a high school diploma have achieved the lowest unemployment rate recorded in United States history.

A record number of young Americans are now employed.

Under the last administration, more than 10 million people were added to the food stamp rolls. Under my Administration, 7 million Americans have come off of food stamps, and 10 million people have been lifted off of welfare.

In 8 years under the last administration, over 300,000 working-age people dropped out of the workforce. In just 3 years of my Administration, 3.5 million working-age people have joined the workforce.

Since my election, the net worth of the bottom half of wage-earners has increased by 47 percent -- 3 times faster than the increase for the top 1 percent. After decades of flat and falling incomes, wages are rising fast -- and, wonderfully, they are rising fastest for low-income workers, who have seen a 16 percent pay-increase since my election. This is a blue collar boom.

Real median household income is now at the highest level ever recorded!

Since my election, United States stock markets have soared 70 percent, adding more than $12 trillion to our Nation's wealth, transcending anything anyone believed was possible -- this, as other countries are not doing well. Consumer confidence has reached amazing new heights.

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All of those millions of people with 401(k)s and pensions are doing far better than they have ever done before with increases of 60, 70, 80, 90, and even 100 percent.

Jobs and investment are pouring into 9,000 previously-neglected neighborhoods thanks to Opportunity Zones, a plan spearheaded by Senator Tim Scott as part of our great Republican tax cuts. In other words, wealthy people and companies are pouring money into poor neighborhoods or areas that have not seen investment in many decades, creating jobs, energy, and excitement. This is the first time that these deserving communities have seen anything like this. It is all working!

Opportunity Zones are helping Americans like Army Veteran Tony Rankins from Cincinnati, Ohio. After struggling with drug addiction, Tony lost his job, his house, and his family -- he was homeless. But then Tony found a construction company that invests in Opportunity Zones. He is now a top tradesman, drug-free, reunited with his family, and he is here tonight. Tony: Keep up the great work.

Our roaring economy has, for the first time ever, given many former prisoners the ability to get a great job and a fresh start. This second chance at life is made possible because we passed landmark Criminal Justice Reform into law. Everybody said that Criminal Justice Reform could not be done, but I got it done, and the people in this room got it done.

Thanks to our bold regulatory reduction campaign, the United States has become the number one producer of oil and natural gas in the world, by far. With the tremendous progress we have made

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over the past 3 years, America is now energy independent, and energy jobs, like so many elements of our country, are at a record high. We are doing numbers that no one would have thought possible just 3 years ago.

Likewise, we are restoring our Nation's manufacturing might, even though predictions were that this could never be done. After losing 60,000 factories under the previous two administrations, America has now gained 12,000 new factories under my Administration with thousands upon thousands of plants and factories being planned or built. We have created over half a million new manufacturing jobs. Companies are not leaving; they are coming back. Everybody wants to be where the action is, and the United States of America is, indeed, where the action is.

One of the single biggest promises I made to the American people was to replace the disastrous NAFTA trade deal. In fact, unfair trade is perhaps the single biggest reason that I decided to run for President. Following NAFTA's adoption, our Nation lost one in four manufacturing jobs. Many politicians came and went, pledging to change or replace NAFTA -- only to do absolutely nothing. But unlike so many who came before me, I keep my promises. Six days ago, I replaced NAFTA and signed the brand new United States-Mexico-Canada Agreement (USMCA) into law.

The USMCA will create nearly 100,000 new high-paying American auto jobs, and massively boost exports for our farmers, ranchers, and factory workers. It will also bring trade with Mexico and Canada to a much higher degree, but also to a much greater level of fairness and reciprocity. This is the first major trade deal in many years to earn the strong backing of

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America's labor unions.

I also promised our citizens that I would impose tariffs to confront China's massive theft of American jobs. Our strategy worked. Days ago, we signed the groundbreaking new agreement with China that will defend our workers, protect our intellectual property, bring billions of dollars into our treasury, and open vast new markets for products made and grown right here in the United States of America. For decades, China has taken advantage of the United States, now we have changed that but, at the same time, we have perhaps the best relationship we have ever had with China, including with President Xi. They respect what we have done because, quite frankly, they could never believe what they were able to get away with year after year, decade after decade, without someone in our country stepping up and saying: Enough. Now, we want to rebuild our country, and that is what we are doing.

As we restore American leadership throughout the world, we are once again standing up for freedom in our hemisphere. That is why my Administration reversed the failing policies of the previous administration on Cuba. We are supporting the hopes of Cubans, Nicaraguans, and Venezuelans to restore democracy. The United States is leading a 59-nation diplomatic coalition against the socialist dictator of Venezuela, Nicolás Maduro. Maduro is an illegitimate ruler, a tyrant who brutalizes his people. But Maduro's grip of tyranny will be smashed and broken. Here this evening is a man who carries with him the hopes, dreams, and aspirations of all Venezuelans. Joining us in the gallery is the true and legitimate President of Venezuela, Juan Guaidó. Mr. President, please take this message back to your homeland. All Americans

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are united with the Venezuelan people in their righteous struggle for freedom! Socialism destroys nations. But always remember, freedom unifies the soul.

To safeguard American Liberty, we have invested a record-breaking $2.2 trillion in the United States Military. We have purchased the finest planes, missiles, rockets, ships, and every other form of military equipment -- all made in the United States of America. We are also finally getting our allies to help pay their fair share. I have raised contributions from the other NATO members by more than $400 billion, and the number of allies meeting their minimum obligations has more than doubled.

And just weeks ago, for the first time since President Truman established the Air Force more than 70 years earlier, we created a new branch of the United States Armed Forces, the Space Force.

In the gallery tonight, we have one of the Space Force's youngest potential recruits: 13-year-old Iain Lanphier, an eighth grader from Arizona. Iain has always dreamed of going to space. He was first in his class and among the youngest at an aviation academy. He aspires to go to the Air Force Academy, and then, he has his eye on the Space Force. As Iain says, "most people look up at space, I want to look down on the world."

Sitting beside Iain tonight is his great hero. Charles McGee was born in Cleveland, Ohio, one century ago. Charles is one of the last surviving Tuskegee Airmen -- the first black fighter pilots -- and he also happens to be Iain's great-grandfather. After more than 130 combat missions in World

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War II, he came back to a country still struggling for Civil Rights and went on to serve America in Korea and Vietnam. On December 7th, Charles celebrated his 100th birthday. A few weeks ago, I signed a bill promoting Charles McGee to Brigadier General. And earlier today, I pinned the stars on his shoulders in the Oval Office. General McGee: Our Nation salutes you.

From the pilgrims to our Founders, from the soldiers at Valley Forge to the marchers at Selma, and from President Lincoln to the Reverend Dr. Martin Luther King, Jr., Americans have always rejected limits on our children's future.

Members of Congress, we must never forget that the only victories that matter in Washington are victories that deliver for the American people. The people are the heart of our country, their dreams are the soul of our country, and their love is what powers and sustains our country. We must always remember that our job is to put America first!

The next step forward in building an inclusive society is making sure that every young American gets a great education and the opportunity to achieve the American Dream. Yet, for too long, countless American children have been trapped in failing government schools. To rescue these students, 18 States have created school choice in the form of Opportunity Scholarships. The programs are so popular, that tens of thousands of students remain on waiting lists. One of those students is Janiyah Davis, a fourth grader from Philadelphia. Janiyah's mom Stephanie is a single parent. She would do anything to give her daughter a better future. But last year, that future was put further out of reach when Pennsylvania's Governor vetoed legislation to expand school

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choice for 50,000 children.

Janiyah and Stephanie are in the gallery this evening. But there is more to their story. Janiyah, I am pleased to inform you that your long wait is over. I can proudly announce tonight that an Opportunity Scholarship has become available, it is going to you, and you will soon be heading to the school of your choice!

Now, I call on the Congress to give 1 million American children the same opportunity Janiyah has just received. Pass the Education Freedom Scholarships and Opportunity Act -- because no parent should be forced to send their child to a failing government school.

Every young person should have a safe and secure environment in which to learn and grow. For this reason, our magnificent First Lady has launched the "Be Best" initiative -- to advance a safe, healthy, supportive, and drug-free life for the next generation, online, in school, and in our communities. Thank you, Melania, for your extraordinary love and profound care for America's children.

My Administration is determined to give our citizens the opportunities they need regardless of age or background. Through our Pledge to American Workers, over 400 companies will also provide new jobs and education opportunities to almost 15 million Americans.

My Budget also contains an exciting vision for our Nation's high schools. Tonight, I ask the Congress to support our students and back my plan to offer vocational and technical

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education in every single high school in America.

To expand equal opportunity, I am also proud that we achieved record and permanent funding for our Nation's Historically Black Colleges and Universities.

A good life for American families also requires the most affordable, innovative, and high-quality healthcare system on Earth. Before I took office, health insurance premiums had more than doubled in just 5 years. I moved quickly to provide affordable alternatives. Our new plans are up to 60 percent less expensive. I have also made an ironclad pledge to American families: We will always protect patients with pre-existing conditions -- that is a guarantee. And we will always protect your Medicare and your Social Security.

The American patient should never be blindsided by medical bills. That is why I signed an Executive Order requiring price transparency. Many experts believe that transparency, which will go into full effect at the beginning of next year, will be even bigger than healthcare reform. It will save families massive amounts of money for substantially better care.

But as we work to improve Americans' healthcare, there are those who want to take away your healthcare, take away your doctor, and abolish private insurance entirely. One hundred thirty-two lawmakers in this room have endorsed legislation to impose a socialist takeover of our healthcare system, wiping out the private health insurance plans of 180 million Americans. To those watching at home tonight, I want you to know: We will never let socialism destroy American healthcare!

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Over 130 legislators in this chamber have endorsed legislation that would bankrupt our Nation by providing free taxpayer-funded healthcare to millions of illegal aliens, forcing taxpayers to subsidize free care for anyone in the world who unlawfully crosses our borders. These proposals would raid the Medicare benefits our seniors depend on, while acting as a powerful lure for illegal immigration. This is what is happening in California and other States -- their systems are totally out of control, costing taxpayers vast and unaffordable amounts of money. If forcing American taxpayers to provide unlimited free healthcare to illegal aliens sounds fair to you, then stand with the radical left. But if you believe that we should defend American patients and American seniors, then stand with me and pass legislation to prohibit free Government healthcare for illegal aliens!

This will be a tremendous boon to our already very-strongly guarded southern border where, as we speak, a long, tall, and very powerful wall is being built. We have now completed over 100 miles and will have over 500 miles fully completed by early next year.

My Administration is also taking on the big pharmaceutical companies. We have approved a record number of affordable generic drugs, and medicines are being approved by the FDA at a faster clip than ever before. I was pleased to announce last year that, for the first time in 51 years, the cost of prescription drugs actually went down.

And working together, the Congress can reduce drug prices substantially from current levels. I have been speaking to Senator Chuck Grassley of Iowa and others in the Congress in

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order to get something on drug pricing done, and done properly. I am calling for bipartisan legislation that achieves the goal of dramatically lowering prescription drug prices. Get a bill to my desk, and I will sign it into law without delay.

With unyielding commitment, we are curbing the opioid epidemic -- drug overdose deaths declined for the first time in nearly 30 years. Among the States hardest hit, Ohio is down 22 percent, Pennsylvania is down 18 percent, Wisconsin is down 10 percent -- and we will not quit until we have beaten the opioid epidemic once and for all.

Protecting Americans' health also means fighting infectious diseases. We are coordinating with the Chinese government and working closely together on the Coronavirus outbreak in China. My Administration will take all necessary steps to safeguard our citizens from this threat.

We have launched ambitious new initiatives to substantially improve care for Americans with kidney disease, Alzheimer's, and those struggling with mental health challenges. And because the Congress funded my request, we are pursuing new cures for childhood cancer, and we will eradicate the AIDS epidemic in America by the end of the decade.

Almost every American family knows the pain when a loved one is diagnosed with a serious illness. Here tonight is a special man, someone beloved by millions of Americans who just received a Stage 4 advanced cancer diagnosis. This is not good news, but what is good news is that he is the greatest fighter and winner that you will ever meet. Rush Limbaugh: Thank you for your decades of tireless devotion to our country. Rush,

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in recognition of all that you have done for our Nation, the millions of people a day that you speak to and inspire, and all of the incredible work that you have done for charity, I am proud to announce tonight that you will be receiving our country's highest civilian honor, the Presidential Medal of Freedom. I will now ask the First Lady of the United States to please stand and present you with the honor. Rush, Kathryn, congratulations!

As we pray for all who are sick, we know that America is constantly achieving new medical breakthroughs. In 2017, doctors at St. Luke's hospital in Kansas City delivered one of the earliest premature babies ever to survive. Born at just 21 weeks and 6 days, and weighing less than a pound, Ellie Schneider was born a fighter. Through the skill of her doctors -- and the prayers of her parents -- little Ellie kept on winning the battle for life. Today, Ellie is a strong, healthy 2-year-old girl sitting with her amazing mother Robin in the gallery. Ellie and Robin: We are so glad you are here.

Ellie reminds us that every child is a miracle of life. Thanks to modern medical wonders, 50 percent of very premature babies delivered at the hospital where Ellie was born now survive. Our goal should be to ensure that every baby has the best chance to thrive and grow just like Ellie. That is why I am asking the Congress to provide an additional $50 million to fund neo-natal research for America's youngest patients. That is also why I am calling upon the Members of Congress here tonight to pass legislation finally banning the late-term abortion of babies.

Whether we are Republican, Democrat, or Independent, surely we must all agree that every human life is a sacred gift from

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God!

As we support America's moms and dads, I was recently proud to sign the law providing new parents in the Federal workforce paid family leave, serving as a model for the rest of the country. Now, I call on the Congress to pass the bipartisan Advancing Support for Working Families Act, extending family leave to mothers and fathers all across the Nation.

Forty million American families have an average $2,200 extra thanks to our child tax credit. I have also overseen historic funding increases for high-quality child care, enabling 17 States to serve more children, many of which have reduced or eliminated their waitlists altogether. And I sent the Congress a plan with a vision to further expand access to high-quality childcare and urge you to act immediately.

To protect the environment, days ago, I announced that the United States will join the One Trillion Trees Initiative, an ambitious effort to bring together Government and the private sector to plant new trees in America and around the world.

We must also rebuild America's infrastructure. I ask you to pass Senator Barrasso's highway bill -- to invest in new roads, bridges, and tunnels across our land.

I am also committed to ensuring that every citizen can have access to high-speed internet, including rural America.

A better tomorrow for all Americans also requires us to keep America safe. That means supporting the men and women of law enforcement at every level, including our Nation's heroic ICE

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officers.

Last year, our brave ICE officers arrested more than 120,000 criminal aliens charged with nearly 10,000 burglaries, 5,000 sexual assaults, 45,000 violent assaults, and 2,000 murders.

Tragically, there are many cities in America where radical politicians have chosen to provide sanctuary for these criminal illegal aliens. In Sanctuary Cities, local officials order police to release dangerous criminal aliens to prey upon the public, instead of handing them over to ICE to be safely removed.

Just 29 days ago, a criminal alien freed by the Sanctuary City of New York was charged with the brutal rape and murder of a 92-year-old woman. The killer had been previously arrested for assault, but under New York's sanctuary policies, he was set free. If the city had honored ICE's detainer request, his victim would be alive today.

The State of California passed an outrageous law declaring their whole State to be a sanctuary for criminal illegal immigrants -- with catastrophic results.

Here is just one tragic example. In December 2018, California police detained an illegal alien with five prior arrests, including convictions for robbery and assault. But as required by California's Sanctuary Law, local authorities released him.

Days later, the criminal alien went on a gruesome spree of deadly violence. He viciously shot one man going about his daily work; he approached a woman sitting in her car and shot her

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in the arm and the chest. He walked into a convenience store and wildly fired his weapon. He hijacked a truck and smashed into vehicles, critically injuring innocent victims. One of the victims of his bloody rampage was a 51-year-old American named Rocky Jones. Rocky was at a gas station when this vile criminal fired eight bullets at him from close range, murdering him in cold blood. Rocky left behind a devoted family, including his brothers who loved him more than anything. One of his grieving brothers is here with us tonight. Jody, would you please stand? Jody, our hearts weep for your loss -- and we will not rest until you have justice.

Senator Thom Tillis has introduced legislation to allow Americans like Jody to sue Sanctuary Cities and States when a loved one is hurt or killed as a result of these deadly policies. I ask the Congress to pass the Justice for Victims of Sanctuary Cities Act immediately. The United States of America should be a sanctuary for law-abiding Americans -- not criminal aliens!

In the last 3 years, ICE has arrested over 5,000 wicked human traffickers -- and I have signed 9 pieces of legislation to stamp out the menace of human trafficking, domestically and around the globe.

My Administration has undertaken an unprecedented effort to secure the southern border of the United States.

Before I came into office, if you showed up illegally on our southern border and were arrested, you were simply released and allowed into our country, never to be seen again. My Administration has ended Catch-and-Release. If you come

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illegally, you will now be promptly removed. We entered into historic cooperation agreements with the Governments of Mexico, Honduras, El Salvador, and Guatemala. As a result of our unprecedented efforts, illegal crossings are down 75 percent since May -- dropping 8 straight months in a row. And as the wall goes up, drug seizures rise, and border crossings go down.

Last year, I traveled to the border in Texas and met Chief Patrol Agent Raul Ortiz. Over the last 24 months, Agent Ortiz and his team have seized more than 200,000 pounds of poisonous narcotics, arrested more than 3,000 human smugglers, and rescued more than 2,000 migrants. Days ago, Agent Ortiz was promoted to Deputy Chief of Border Patrol -- and he joins us tonight. Chief Ortiz: Please stand -- a grateful Nation thanks you and all the heroes of Border Patrol.

To build on these historic gains, we are working on legislation to replace our outdated and randomized immigration system with one based on merit, welcoming those who follow the rules, contribute to our economy, support themselves financially, and uphold our values.

With every action, my Administration is restoring the rule of law and re-asserting the culture of American freedom. Working with Senate Majority Leader McConnell and his colleagues in the Senate, we have confirmed a record number of 187 new Federal judges to uphold our Constitution as written. This includes two brilliant new Supreme Court Justices, Neil Gorsuch, and Brett Kavanaugh.

My Administration is also defending religious liberty, and that includes the Constitutional right to pray in public

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schools. In America, we do not punish prayer. We do not tear down crosses. We do not ban symbols of faith. We do not muzzle preachers and pastors. In America, we celebrate faith. We cherish religion. We lift our voices in prayer, and we raise our sights to the Glory of God!

Just as we believe in the First Amendment, we also believe in another Constitutional right that is under siege all across our country. So long as I am President I will always protect your Second Amendment right to keep and bear arms.

In reaffirming our heritage as a free Nation, we must remember that America has always been a frontier nation. Now we must embrace the next frontier, America's manifest destiny in the stars. I am asking the Congress to fully fund the Artemis program to ensure that the next man and the first woman on the moon will be American astronauts -- using this as a launching pad to ensure that America is the first nation to plant its flag on Mars.

My Administration is also strongly defending our national security and combating radical Islamic terrorism. Last week, I announced a groundbreaking plan for peace between Israel and the Palestinians. Recognizing that all past attempts have failed, we must be determined and creative in order to stabilize the region and give millions of young people the change to realize a better future.

Three years ago, the barbarians of ISIS held over 20,000 square miles of territory in Iraq and Syria. Today, the ISIS territorial caliphate has been 100 percent destroyed, and the founder and leader of ISIS -- the bloodthirsty killer

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Al-Baghdadi -- is dead!

We are joined this evening by Carl and Marsha Mueller. After graduating from college, their beautiful daughter Kayla became a humanitarian aid worker. Kayla once wrote, "Some people find God in church. Some people find God in nature. Some people find God in love; I find God in suffering. I've known for some time what my life's work is, using my hands as tools to relieve suffering." In 2013, while caring for suffering civilians in Syria, Kayla was kidnapped, tortured, and enslaved by ISIS, and kept as a prisoner of Al-Baghdadi himself. After more than 500 horrifying days of captivity, Al-Baghdadi murdered young Kayla. She was just 26 years old.

On the night that United States Special Forces Operators ended Al-Baghdadi's miserable life, the Chairman of the Joint Chiefs of Staff, General Mark Milley, received a call in the Situation Room. He was told that the brave men of the elite Special Forces team, that so perfectly carried out the operation, had given their mission a name -- "Task Force 8-14." It was a reference to a special day: August 14th -- Kayla's birthday. Carl and Marsha, America's warriors never forgot Kayla -- and neither will we.

Every day, America's men and women in uniform demonstrate the infinite depths of love that dwells in the human heart.

One of these American heroes was Army Staff Sergeant Christopher Hake. On his second deployment to Iraq in 2008, Sergeant Hake wrote a letter to his 1-year-old son, Gage: "I will be with you again," he wrote to Gage. "I will teach you to ride your first bike, build your first sand box,

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watch you play sports and see you have kids also. I love you son, take care of your mother. I am always with you. Dad." On Easter Sunday of 2008, Chris was out on patrol in Baghdad when his Bradley Fighting Vehicle was hit by a roadside bomb. That night, he made the ultimate sacrifice for our country. Sergeant Hake now rests in eternal glory in Arlington, and his wife Kelli is in the gallery tonight, joined by their son, who is now 13 years old. To Kelli and Gage: Chris will live in our hearts forever.

The terrorist responsible for killing Sergeant Hake was Qasem Soleimani, who provided the deadly roadside bomb that took Chris's life. Soleimani was the Iranian Regime's most ruthless butcher, a monster who murdered or wounded thousands of American service members in Iraq. As the world's top terrorist, Soleimani orchestrated the deaths of countless men, women, and children. He directed the December assault on United States Forces in Iraq, and was actively planning new attacks. That is why, last month, at my direction, the United States Military executed a flawless precision strike that killed Soleimani and terminated his evil reign of terror forever.

Our message to the terrorists is clear: You will never escape American justice. If you attack our citizens, you forfeit your life!

In recent months, we have seen proud Iranians raise their voices against their oppressive rulers. The Iranian regime must abandon its pursuit of nuclear weapons, stop spreading terror, death, and destruction, and start working for the good of its own people. Because of our powerful sanctions, the Iranian economy is doing very poorly. We can help them make it very good in a

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short period of time, but perhaps they are too proud or too foolish to ask for that help. We are here. Let's see which road they choose. It is totally up to them.

As we defend American lives, we are working to end America's wars in the Middle East.

In Afghanistan, the determination and valor of our warfighters has allowed us to make tremendous progress, and peace talks are underway. I am not looking to kill hundreds of thousands of people in Afghanistan, many of them innocent. It is also not our function to serve other nations as a law enforcement agency. These are warfighters, the best in the world, and they either want to fight to win or not fight at all. We are working to finally end America's longest war and bring our troops back home!

War places a heavy burden on our Nation's extraordinary military families, especially spouses like Amy Williams from Fort Bragg, North Carolina, and her 2 children -- 6-year-old Elliana and 3-year-old Rowan. Amy works full time, and volunteers countless hours helping other military families. For the past 7 months, she has done it all while her husband, Sergeant First Class Townsend Williams, is in Afghanistan on his fourth deployment to the Middle East. Amy's kids have not seen their father's face in many months. Amy, your family's sacrifice makes it possible for all of our families to live in safety and peace -- we thank you.

As the world bears witness tonight, America is a land of heroes. This is the place where greatness is born, where destinies are forged, and where legends come to life. This is

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the home of Thomas Edison and Teddy Roosevelt, of many great Generals, including Washington, Pershing, Patton, and MacArthur. This is the home of Abraham Lincoln, Frederick Douglass, Amelia Earhart, Harriet Tubman, the Wright Brothers, Neil Armstrong, and so many more. This is the country where children learn names like Wyatt Earp, Davy Crockett, and Annie Oakley. This is the place where the pilgrims landed at Plymouth and where Texas patriots made their last stand at the Alamo.

The American Nation was carved out of the vast frontier by the toughest, strongest, fiercest, and most determined men and women ever to walk the face of the Earth. Our ancestors braved the unknown; tamed the wilderness; settled the Wild West; lifted millions from poverty, disease, and hunger; vanquished tyranny and fascism; ushered the world to new heights of science and medicine; laid down the railroads, dug out canals, raised up the skyscrapers -- and, ladies and gentlemen, our ancestors built the most exceptional Republic ever to exist in all of human history. And we are making it greater than ever before!

This is our glorious and magnificent inheritance.

We are Americans. We are the pioneers. We are the pathfinders. We settled the new world, we built the modern world, and we changed history forever by embracing the eternal truth that everyone is made equal by the hand of Almighty God.

America is the place where anything can happen! America is the place where anyone can rise. And here, on this land, on this soil, on this continent, the most incredible dreams come true!

This Nation is our canvas, and this country is our

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masterpiece. We look at tomorrow and see unlimited frontiers just waiting to be explored. Our brightest discoveries are not yet known. Our most thrilling stories are not yet told. Our grandest journeys are not yet made. The American Age, the American Epic, the American Adventure, has only just begun!

Our spirit is still young; the sun is still rising; God's grace is still shining; and my fellow Americans, the best is yet to come!

Thank you. God Bless You. God Bless America.

THE WHITE HOUSE,
February 4, 2020.

Unsubscribe

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**From:** Stump, Scott
**Sent:** Tuesday, March 31, 2020 5:15 PM
**To:** Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** RE: Texas Community College

Casey,

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Thank you for checking and doing the presentation for the TACC. The only item I might add would be to direct those of them that are Adult Ed providers to the guidance released last week on program performance, competitions and distance learning flexibilities.

Other than that, I think your thoughts are ready to send on to Reed for review and input.

Scott

**From:** Sacks, Casey <Casey.Sacks@ed.gov>
**Sent:** Tuesday, March 31, 2020 3:16 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** FW: Texas Community College

Hi Scott,
Susan asked me to speak to the Texas Association of Community Colleges on Friday. Daniella outlined the steps below to get my remarks approved. Will you please read through the attached and let me know if you have any feedback about what I'm thinking I'll share?
Thanks,

*Casey*

Casey K. Sacks, Ph.D.
Deputy Assistant Secretary for Community Colleges
Office of Career, Technical, and Adult Education
550 12th Street, SW
Washington, DC 20202
202-245-8483 (office)

If your message requires immediate assistance please feel free to contact my executive assistant, Francine Sinclair, at Francine.Sinclair@ed.gov or 202-245-7712.

Please consider the environmental impact of printing this message

**From:** Garcia, Daniela <Daniela.Garcia@ed.gov>
**Sent:** Tuesday, March 31, 2020 2:41 PM
**To:** Sacks, Casey <Casey.Sacks@ed.gov>
**Cc:** Falconer, Susan <Susan.Falconer@ed.gov>; Burrichter, Douglas <Douglas.Burrichter@ed.gov>
**Subject:** Texas Community College

Hi Casey,

Susan shared with me a request you received from a Texas community college group to speak with them regarding COVID-19. We have a very rigorous process when participating in stakeholder calls on COVID-19. The following will need to happen if you are to give remarks to associations/organizations. As you

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will see this takes time and coordination, so the more time you have to plan/prep the better as there are a lot of things going through clearance.

- You will need to draft your scripted remarks for the call and receive approval from your POC leader;
- Once you complete your remarks please email them Reed Rubinstein for OGC review, please cc me on the email to Reed;
- When OGC returns your script, please make any changes that are advised/directed by OGC;
- After you incorporate OGC edits please send the remarks back to me;
- I will then forward to Senior Leaders for final approval;
- When final approval is given on your script I will get it back to you.

Please let me know if you have questions.

Best,
Daniela

**Daniela R. García**
Deputy Assistant Secretary for Outreach
U.S. Department of Education
(202) 453-6109 (O)
(202) 701-6019 (C)

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**From:** Stump, Scott
**Sent:** Thursday, March 26, 2020 9:03 AM
**To:** Tom Clancy <tom.clancy@uipath.com>
**Subject:** RE: UiPath eLearning

Tom,

Thank you for your email. I hope you are also well and safe in these unprecedented times.

I want to start by thanking you and UiPATH for your commitment to preparing tomorrow's workforce and helping America's learners continue to learn during this unprecedented time. The Department intends to provide information like this to K-12 and postsecondary leaders across the nation through an organized process. The process and protocols are still under development. We will keep you updated on our work to disseminate opportunities like yours to learners across the country.

Please stay in touch with questions.

Scott

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**From:** Tom Clancy <tom.clancy@uipath.com>
**Sent:** Monday, March 23, 2020 5:51 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** UiPath eLearning

Hi Scott,

I hope you are fairing well with our latest health challenge.

I am reaching out to see if there is something we should do together. When watching President Trump on Sunday, he mentioned the country needing to focus on distance learning. We are ready to help! This is what we do best in one of the hottest tech segments in the market. Our RPA market continues to grow, but continues to have a huge skills gap. This is our opportunity.

The discussions we've had regarding Robotic Process Automation and 'free' eLearning just became much more important. Our (my) challenge is awareness. Too many prospective American workers are unaware that RPA exists and could be a great career for them. This is true in both federal and commercial markets.

Approximately 70 Federal agencies are our customers so they are very familiar with RPA and have taken our eLearning. We have a majority of the F500 companies as customers. We have 500 universities leveraging our courses as part of our Academic Alliance (60 in the US). And, we have over 550K subscribers to UiPath Academy globally, so we know the demand is there. We just need to accelerate the awareness in the USA.

We continue to target 750K Americans trained in 5 years. Our growth rate continues to increase each month. So there is a lot of good news. However, there is an opportunity to reach much larger audiences such as our veterans, armed forces, non-profits, healthcare, community colleges, and others that the US Government can reach.

If you would like to discuss, I am always available. I am happy to discuss some of the things we are doing to increase awareness.

Thanks, Tom

Tom Clancy
SVP, UiPath Learning
508-330-8060
UiPath

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**From:** Stump, Scott
**Sent:** Tuesday, March 24, 2020 3:37 PM
**To:** Keenan, Cheryl <Cheryl.Keenan@ed.gov>
**Cc:** Goetz, Braden <Braden.Goetz@ed.gov>
**Subject:** RE: Hope all is going well!

Thank you for the update and representing out programs and learners well.

Now for a process question, Braden, will this need to go back through clearance or now that the internal Ed issues have been resolved is it ready to go to OS and OMB?

Scott

**From:** Keenan, Cheryl <Cheryl.Keenan@ed.gov>
**Sent:** Tuesday, March 24, 2020 3:35 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Cc:** Goetz, Braden <Braden.Goetz@ed.gov>
**Subject:** RE: Hope all is going well!

I was able to come to agreement with OGC on the assessment issue. Took some foot stomping and a lot of rewording, but we are all comfortable now. States will have what they need. We are no longer "increasing flexibility" (they actually lined through our sentence saying that we are allowing additional flexibility) and no longer giving them the option to "suspend testing". We are now "recognizing that local programs may not be able to conduct in person testing." Here is the language we will use.

**Q7. What flexibilities will OCTAE allow in terms of assessment, as it relates to education practices? Will States be given the option to conduct virtual pre/post-assessment testing?**

OCTAE recognizes that local programs may not be able to conduct in-person testing of students enrolled in distance learning programs during program closures due to the COVID-19 outbreak. If local programs are unable to conduct in-person testing, States may be able to report measurable skill gains (MSG) using other measures available to AEFLA programs under the MSG indicator, such as credit completion or high school completion. The inability to test distance learning students may adversely impact the number of MSGs a State would report in the NRS. States that are experiencing declines in testing rates should put procedures in place to identify students who were not tested due to an inability to conduct in-person testing, so that the impact of the COVID-19 outbreak can be appropriately tracked.

Additionally, States may choose to develop procedures to implement virtual test proctoring. States that choose to use this flexibility must have procedures to ensure the student who is testing can be properly identified, that any approved test (i.e., any test determined suitable for use in the NRS) that is used is properly secured, and that the virtual proctor can properly administer the test. Test security measures would require that only secure electronic versions of a test are administered by a virtual proctor and are deemed secure by the test publisher.

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**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Tuesday, March 24, 2020 3:13 PM
**To:** Keenan, Cheryl <Cheryl.Keenan@ed.gov>
**Subject:** Hope all is going well!

Hey Cheryl,

I am hoping that the adage that, "no news, is good news" is true and that you made good progress with Lisa today. Let me know if there is anything I can do to assist.

Scott

**Scott Stump**
Assistant Secretary
Office of Career, Technical and Adult Education
United States Department of Education
550 12th Street, SW – 11th Floor |Washington, DC 20202
O: 202-245-6688
E: scott.stump@ed.gov

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**From:** Stump, Scott
**Sent:** Tuesday, March 24, 2020 3:31 PM
**To:** Michael Ritchie <michael@mindplay.com>
**Subject:** RE: Question/Confirmation

Michael,

Thank you for your email and prayers. My prayers are with you as well!

It is my understanding that Congress is still working to finalize a stimulus package that might include funds for education institutions to expand their distance learning capabilities. Time will tell what emerges from the current deliberations.

I commend you on doing your part to support learners in this unprecedented time.

Stay safe and healthy!

Scott

**From:** Michael Ritchie <michael@mindplay.com>
**Sent:** Friday, March 20, 2020 11:02 AM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** Question/Confirmation

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Good morning, Scott. I pray this finds you and yours safely navigating these challenging waters.

I wanted to ask if you had information or confirmation regarding reports that the Federal Government
is stepping in to provide reimbursement grants for Districts that provide online or virtual services during
the Covid-19 closure. States are varying in their response to District shutdowns…some a few weeks, many
have 'quasi-closed' for the remainder of their school year.

I realize this is outside *your* specific oversights in (OCTAE) …as it is more a K-12 question at this time, but was
wondering if there any official policy (that is public information) that you could share that would be helpful.
MindPlay has lowered its price by as much as 85% during this time of national need (as low as $5.00 per student
per month).

**Thank you for your leadership.**

With warmest regards and respect,

*Michael Ritchie*, MBS
Vice President of Sales & Marketing
5151 E. Broadway Blvd., Suite 1403
Tucson, AZ 85711
800-221-7911 Ext. 112
(b)(6) Cell
mindplay.com

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**From:** Stump, Scott
**Sent:** Thursday, March 26, 2020 8:57 AM
**To:** Newman, Jessica <Jessica.Newman@ed.gov>
**Cc:** Burrichter, Douglas <Douglas.Burrichter@ed.gov>; Neumann, Kara <Kara.Neumann@ed.gov>
**Subject:** RE: Gratis Assistance For COVID Education Crisis

Hey Jessica,

I confirmed with Susan Falconer yesterday afternoon that the Department is planning to stand up a site to connect State and local education leaders to resources to assist with the transition to online learning. I would recommend that we thank Mr. Heppelmann for ptc's and NAM's commitment to helping America's learners continue to learn during this unprecedented time. Inform him of the Department's intent to provide information like this to K-12 and postsecondary leaders across the nation through an organized process. And, assure him that we will be in touch to request additional information as needed for dissemination of the information.

Let me know if you need additional information.

Scott

**From:** Newman, Jessica <Jessica.Newman@ed.gov>
**Sent:** Wednesday, March 25, 2020 3:02 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Cc:** Burrichter, Douglas <Douglas.Burrichter@ed.gov>; Neumann, Kara <Kara.Neumann@ed.gov>
**Subject:** FW: Gratis Assistance For COVID Education Crisis

Hi Scott! Can you take a look at the notes below and the attached letter? Do you have a recommendation on how we can respond?
Thanks,
Jessica

**From:** Stuart, John <JStuart@ptc.com>
**Sent:** Monday, March 23, 2020 12:10 PM
**To:** Newman, Jessica <Jessica.Newman@ed.gov>
**Cc:** Alyssa Shooshan <AShooshan@nam.org>
**Subject:** FW: Gratis Assistance For COVID Education Crisis

Hi Jessica:

Hope you are well and holding up okay.

Alyssa was kind enough to give me your email address at my request.
Hope that is okay.

PTC has partnered with the NAM on a variety of meaty topics like corporate strategy, manufacturing recruitment, STEM education and of course working remotely now with the Coronavirus:

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https://www.linkedin.com/company/national-association-of-manufacturers---nam/

If you can, is it possible to squeeze in a call with the Secretary and our Jim Heppelmann?

https://www.ptc.com/en/product-lifecycle-report/ptc-commitment-customers-covid-19

Thanks so much and all the best!

John Stuart
DVP, ThingWorx Kepware
Country Manager, PTC Romania
NAM Liaison
jstuart@ptc.com
+1 617 733 7804

**From:** Heppelmann, James <JHeppelmann@ptc.com>
**Sent:** Monday, March 23, 2020 11:50 AM
**To:** Betsy.DeVos@ed.gov
**Cc:** Cox, Jordan <jocox@ptc.com>; Jessica.Newman@ed.gov
**Subject:** Gratis Assistance For COVID Education Crisis

Hi Secretary DeVos:

I'm the CEO of a large ($1.4B) Boston-based public software company with a compelling offer of gratis help for the education community. I know you get a lot of mail, particularly now as national education efforts are being disrupted by the COVID-19 crisis. It is my hope you will personally read the attached letter as I'd like to offer the help of my organization to you and the education community during this time, and explore with you how we can work together in future.

Behind PTC, we have the support of Blake Moret, CEO of Rockwell Automation, Jay Timmons, CEO of the National Association of Manufacturers (VP Pence briefed the NAM on Friday) and others. We also have strategic relationships and work closely with many large companies in your backyard like Stryker, Steelcase, Whirlpool, Haworth, Herman Miller, etc.

With your permission, I will work through Jessica to schedule a virtual call to explain further how PTC can support the DOE during this unprecedented time.

Respectfully yours,

James E. (Jim) Heppelmann
President & CEO
PTC
781-588-5747

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**From:** Stump, Scott
**Sent:** Thursday, March 26, 2020 8:04 AM
**To:** Goetz, Braden <Braden.Goetz@ed.gov>
**Cc:** Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Subject:** RE: Excess funds for Native American and Native Hawaiian CTE Programs

Braden,

Thank you for the reminder and the update. I like the direction you and the team have recommended. No need for a meeting. Please plan to proceed with the plan as defined in the email below.

Scott

**From:** Goetz, Braden <Braden.Goetz@ed.gov>
**Sent:** Thursday, March 26, 2020 7:57 AM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Cc:** Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Subject:** Excess funds for Native American and Native Hawaiian CTE Programs

Hi, Scott. As we may have shared with you before, we have more funds than we need to make continuation awards to Native American and Native Hawaiian grantees this year—an excess of about $750k for Native American and $250k for Native Hawaiian. We have these additional funds because the appropriation for the formula grant increased in FY 2019 and funding for these programs is generated by a percentage setaside of the formula grant appropriation.

DATE and PRES recommend that we offer these funds as supplemental awards to the grantees to pay for any unforeseen expenses related to the COVID-19 pandemic and associated events, or other unforeseen expenses associated with implementing the projects described in their approved applications. Robin has heard from some grantees that are trying to continue instruction through online learning, for example, and others may be looking at extending the duration of their programs or offering them in the summer. Because both the Native American and Native Hawaiian programs are entering the third and final year of their project periods, we do not think it makes sense to make new awards. A draft OPEPD memo circulated this week encouraged POCs looking at supplements to think about focusing them on COVID-19 costs. We would expect the supplemental awards to be up to about $25k per grantee.

If you are comfortable with this general direction, we will seek concurrence from the Grants Policy Office, as well as OGC. If it would be helpful to have a conversation about this strategy, please let me know and I will ask Doug to find time for us to talk. Thank you!

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**From:** Stump, Scott
**Sent:** Monday, March 23, 2020 8:32 AM
**To:** Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** FW: Request for your expert advice - A chance to help parents during distance learning

Hey Casey,

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As you compile the list of CTE partners that are delivering free Virtual CTE content to learners, please know that we will be building any release of that information in with related work out of OPE and OESE. We have been asked to share contact information and URL's with Daniela and Alexandra.

Scott

**From:** Jones, Diane <Diane.Jones@ed.gov>
**Sent:** Monday, March 23, 2020 8:23 AM
**To:** Stump, Scott <Scott.Stump@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>; Pena, Alexandra <Alexandra.Pena@ed.gov>
**Cc:** King, Robert <Robert.King@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** RE: Request for your expert advice - A chance to help parents during distance learning

Hi Scott,
This is great stuff! We are working on developing one or more webinars that feature the kinds of programs and tools that various distance learning providers are making available to students. As you might expect, my focus is on postsecondary but there is a parallel effort focused on K-12 and we've had discussions about merging the two (or at least elements of the two) since some post-secondary providers might be able to assist K-12 schools as they try to serve students. This is good information and we will make sure you are looped into the planning effort. In addition to the event, we have talked about developing resource lists, so if you can share contact information or URLs to demonstrations that could be included on such a list, that would be great! Please copy Daniela and Alexandra on materials you send.

Thanks,
Diane

**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Sunday, March 22, 2020 11:46 AM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Jones, Diane <Diane.Jones@ed.gov>; King, Robert <Robert.King@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** Re: Request for your expert advice - A chance to help parents during distance learning

Hey Kent,

We have a variety of CTE related virtual learning resources from companies like Lincoln Electric, Tooling U and coding boot camps that are providing their online instructional resources for free for the next month. Would those resource be appropriate to share through this distribution channel?

Scott

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Scott Stump
Assistant Secretary
Office of Career, Technical and Adult Education
United States Department of Education

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**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Sunday, March 22, 2020 10:17:45 AM
**To:** Kesner, Paul <Paul.Kesner@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>
**Cc:** Jones, Diane <Diane.Jones@ed.gov>; King, Robert <Robert.King@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Subject:** Fwd: Request for your expert advice - A chance to help parents during distance learning

FYI, this is a school safety k-12 group of teachers and administrators.

Do we have anything specific at this point that could help them on distance learning or anything we could point them to?

Obviously, we don't get involved in curriculum but perhaps there are some best practices or tech assistance things of REMS Center or other tech assistance centers?

Kent

Sent from my iPhone

Begin forwarded message:

**From:** School Safety Summit Committee <summit@notinmyschool.com>
**Date:** March 22, 2020 at 9:52:19 AM EDT
**To:** Alice Cedillo <acedillo@ems-isd.net>, Ana Rubio <anarubio@streamlinemiami.org>, Andria Amador <andriaamador100@gmail.com>, Ashley Kolaya <ashley@ted.com>, Benjamin Fernandez <benjamin.fernandez@lcps.org>, Bill Polasky <bpolasky@mail.meridian223.org>, Brian McDaniel <drbrianemcdaniel@gmail.com>, "Anderson, Chad" <chad.anderson@mps.k12.al.us>, JAMES CHRISTINA L <christina.james@christina.k12.de.us>, David J Schonfeld <schonfel@usc.edu>, "Ed@teacheq.com" <Ed@teacheq.com>, "crouch.eric.m@muscogee.k12.ga.us" <crouch.eric.m@muscogee.k12.ga.us>, Estella Owoimaha-Church <estella.owoimaha.chu@gmail.com>, Gloria Robertson <gloria.robertson@medford.k12.or.us>, "Hallman, Joshua" <jhallman@gwd51.org>, Katherine Villone <kvillone@bergenfield.org>, Katie Eklund <katie.eklund@wisc.edu>, Melinda Wilson <melindawilsondancer@gmail.com>, Melissa Collins <melissascollinsnbct@gmail.com>, Michael Soskil <mrsoskil@gmail.com>, Michelle Zimmerman <m.zimmerman@rentonprep.org>, Mo Canady <mo.canady@nasro.org>, Nadia Lopez <nlopez.mhba@gmail.com>, "pbiller@washoeschools.net" <pbiller@washoeschools.net>, Qynn McCann <qmccann@risdtx.us>, Sandy Austin <sandy4bionic@gmail.com>, "sslade@ascd.org" <sslade@ascd.org>, "sherry-earle@comcast.net" <sherry-earle@comcast.net>, Souad Belcaid <souadbelcaid@gmail.com>, Stephanie Kozofsky <skozofsky@gmail.com>, Susan Converse <sconverse@ecusd7.org>, Tera Simmons

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<tsimmons@hoover.k12.al.us>, Terry Kaldhusdal <kaldhust@kmsd.edu>, Andrea Donegan <adonegan@basd.k12.wi.us>, Carol Johnson-Coote <pancoote64@gmail.com>, "Talbert, Kent" <Kent.Talbert@ed.gov>
**Subject: Re: Request for your expert advice - A chance to help parents during distance learning**

Good morning,

This is a follow-up to the earlier request for SEL based lessons and activities we can share with parents and teachers, as well as short videos, that we encourage a group like this to share.

We have to anticipate we won't be back to school probably the rest of the school year, like colleges are doing. This is going to put increasing pressure and levels of stress and anxiousness on students and parents alike, and I imagine many are already feeling like they are drinking from the proverbial fire hose with the flood of resources educators have been putting online. Parents are beginning to feel overwhelmed by having TOO MANY options, and with a lack of explanation and advice for what works best for their child.

This is where a short (1-3 minute) video that either accompanies a lesson to show how to do it or why it is useful to do, or gives practical advice and encouragement to a stressed out parent, can be helpful and welcome.

So think about statements of advice and guidance for parents, who are now forced into the role of teacher for their children. If you have a lesson you think is great for distance learning please share - and consider a video for what is the purpose and big idea of the lesson, and what is the best approach to deliver the lesson to the child. Just some advice for the parents, who likely have some self-doubt about their ability to teach their child.
Or think PSA: A short video with advice about best practices of keeping a child mentally and physically healthy during this period. Children may be isolated from friends and classmates for a couple months for all we know...how do we keep each other mentally and emotionally healthy, so we can still be learning and having a productive, happy life? So the SEL type of advice and activities we know work with children are going to be vital as far as resources parents will need to be aware of. See Ed's suggestions in his response to the original email (thanks, Ed).

If you have anything online that you would like to share, please just send any links to files and/or videos to this email address or mvondracek@comcast.net, and we can begin to put them on the NCSS and LifeChanger websites and social media platforms.

I hope this helps clarify the purpose and goal. We could use any number of videos anyone wants to produce and share. We would like to form a small library of these on all sorts of topics and issues and lessons, to help parents who are in different circumstances. And we can say, "Here is some advice from a nationally/globally recognized educator..." which will carry some weight and legitimacy. For VTAs, we may be doing something similar soon on a global scale...stay tuned.

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THANK YOU for everything you continue to do to help your students and society as a whole!!
Mark

**National Coalition for Safe Schools**
Board of Directors
https://www.notinmyschool.com

On Wed, Mar 18, 2020 at 11:09 PM School Safety Summit Committee <summit@notinmyschool.com> wrote:
Hi everyone,

First, I hope everyone is doing well, and that things are going as well as possible for you and your families.

As things have been professionally crazy for all of us these past few days, one thing has become obvious as I have been in contact with numerous educators across the country and globally - with an estimated 400 million students now being at home and experiencing some form of distance learning, parents are now in an unprecedented position to deal with, long term, the academics, SEL issues/concerns and special needs requirements for their children, that their schools largely handle through experts such as yourselves. While some schools have the means and planning in place to still help students, parents and families, we all know this is **not** the norm at many other schools and communities around the country and the world. And help, guidance and advice for the parents is too often largely lacking.

One service NCSS can offer, and would like to begin immediately, in partnership with the National Life Group (NLG) and their LifeChanger of the Year Program, is to **get top recommended resources and bits of advice from top experts in their fields that are useful for parents.** These will be used in posts on various social media platforms that will go through a variety of national and global networks. I wanted to be sure to offer the opportunity to you, if you have anything you think is essential for parents to know and be aware of should they be in an unfortunate position of no longer having sufficient support through their school. It could be general resources and advice, or something specific in your field. These carry extra weight when we can say it comes from nationally and globally recognized educators!

There is an additional service we plan on producing along with recommended resources - *short (2-4 minute) videos of experts talking through a recommended resource, issue, technique, lesson, or whatever it is you think is essential for parents to know as they work with their children*. Just providing links to resources is fine, and many individuals and organizations are doing this, but what is largely missing are explanations and directions for how to best use a resource that parents can understand. *If you are willing to make such a brief video, please let*

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*me know in a separate email (mvondracek@comcast.net).* Any videos will also be distributed both nationally and globally.

**If you would like to share something you think is useful and vital for parents to know, related to your field of expertise and experience, please share in the Google Sheet,** https://docs.google.com/spreadsheets/d/1zL0voupsxAaFRNGcLoDrJcazeccP_ULKYaog6vYCrbk/edit?usp=sharing. There is one sheet for teachers, and a second sheet for student support services such as counselors, psychologists and social workers. We will begin sharing out as soon as tomorrow afternoon or evening, once the messaging is finalized.

**Thank you** so much for your consideration to share vital information and resources! I hope you take the few minutes to share something we can get out to parents - and even better if you might take a few minutes to create a helpful video for parents who are in a bind!!
Here's to good health during these next days, weeks and months -
Mark

**National Coalition for Safe Schools**
Board of Directors
https://www.notinmyschool.com

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**From:** Stump, Scott
**Sent:** Monday, March 23, 2020 1:22 PM
**To:** Pettey, Richard <Richard.Pettey@ed.gov>; Burrichter, Douglas <Douglas.Burrichter@ed.gov>
**Subject:** RE: LSU Perkins Loan

Hey Doug,

Richard Smith recommends that Melanie be directed to Joyce DeMoss. Joyce is FSA's Ombudsman and can be reached at (202) 377-3992 or Joyce.DeMoss@ed.gov. Joyce has been helpful in the past on higher ed questions and if she does not know the answer, she knows who to direct the question to.

Please let me know if you have any questions or need additional information.

Scott

**From:** Pettey, Richard <Richard.Pettey@ed.gov>
**Sent:** Monday, March 23, 2020 1:19 PM
**To:** Burrichter, Douglas <Douglas.Burrichter@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>
**Subject:** Re: LSU Perkins Loan

Hey Doug,

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Let Shaina know that Melanie is not asking about the Perkins grants administered by OCTAE, but about the Federal Perkins Loan Program, which no longer issues new loans.

Scott will follow up with a contact at FSA, for which Shaina can reach out.

Richard

Get Outlook for iOS

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**From:** Burrichter, Douglas <Douglas.Burrichter@ed.gov>
**Sent:** Monday, March 23, 2020 1:01:54 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Cc:** Pettey, Richard <Richard.Pettey@ed.gov>
**Subject:** FW: LSU Perkins Loan

Hey Scott and Richard,

Who would be the proper person to send this question to?

Doug

**From:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Sent:** Monday, March 23, 2020 11:25 AM
**To:** Burrichter, Douglas <Douglas.Burrichter@ed.gov>
**Subject:** FW: LSU Perkins Loan

Hey,

Can someone in your office help answer this?

**From:** Melanie Powell <melaniep@lsu.edu>
**Sent:** Monday, March 23, 2020 11:22 AM
**To:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Subject:** RE: LSU Perkins Loan

Thank you for the information.

I do have another question that I need clarification on as well.

Friday, the President said they were suspending payments and interest on all Federally held loans for 120 days. Since the Perkins Loan is not federally held, the payments and interest accruals are to continue as normal.

Can you verify that for me please? We have borrowers sending emails saying that they are do not have to make the payments based on the President's declaration.

Thanks so much.

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Melanie Powell
Assistant Director
Bursar Operations
Louisiana State University
125 Thomas Boyd Hall, Baton Rouge, LA 70803
office 225-578-3378 | fax 225-578-3969
melaniep@lsu.edu | lsu.edu |http://www.lsu.edu/administration/ofa/oas/bur/

**From:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Sent:** Friday, March 20, 2020 10:06 AM
**To:** Melanie Powell <melaniep@lsu.edu>
**Subject:** FW: LSU Perkins Loan

Hello,

All of the guidance we currently have related to Perkins Loan collection is contained in DCL GEN-17-08, now in effect as a result of the President's declaration of national emergency. I have copied the relevant section below.

*Federal Perkins Loan Program*
*Reporting Student Enrollment Status (§674.16(j)). If an institution is unable to report a student's enrollment status to NSLDS under the established schedule as a direct result of a disaster, it must contact NSLDS Customer Service at 1-800-999-8219 to modify its reporting schedule. An institution using the National Student Clearinghouse or another third party servicer should contact its servicer to see if its enrollment data submission schedule needs to be adjusted. If an institution receives a warning letter from NSLDS regarding missed reporting deadlines, it should contact NSLDS Customer Service to ensure that reporting schedule modifications have been made.*
*A Borrower's Loan Status (§674.31). If a Perkins Loan borrower who was in an "in-school" status on the date the borrower's attendance at the institution was interrupted due to a disaster, the institution should continue to report that borrower's status to NSLDS as "in-school." The institution should continue the borrower in that status until the borrower withdraws or fails to resume attendance on at least a half-time basis in the next regular enrollment period, whichever is earlier. The institution should then change the borrower's status from "in-school" to "in grace," effective as of the withdrawal date or the day prior to the first day of the next regular enrollment period, as applicable. (A borrower who resumes at least half-time enrollment in the next regular enrollment period would continue in an "in-school" status.)*
*For example, assume a borrower begins attendance on September 5. On September 30, the institution temporarily closes due to a disaster. The institution reopens October 25 but the borrower (who has not withdrawn) does not return until the start of the next semester in January. The borrower's status should be reported as "in-school" throughout the fall semester.*
*In a different situation, assume that the borrower does not return to the institution at all after it temporarily closes on September 30. The borrower's status should be reported as "in-school" throughout the fall semester. If the institution determines that the borrower has not returned for the spring semester in January, the institution would report the borrower's status as "in-grace," effective as of the last date of the fall semester.*

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*Borrowers in Initial or Post-Deferment Grace Periods (§674.42). The appropriate School Participation Division will address any concerns about borrowers in initial and post-deferment grace periods, on a case-by-case basis.*
*Borrowers in Repayment (§674.33). The Department authorizes institutions to grant forbearance, for a period not to exceed three months, to a Federal Perkins Loan borrower who is in repayment at the time of a disaster and who is unable to make payments due to the disaster.*
*Interest accrues during any period of forbearance. A borrower may request this forbearance orally or in writing, and is not required to submit documentation to be considered eligible for this forbearance. An institution must document the forbearance in the borrower's file. To receive forbearance beyond the three-month period, the borrower must make a request to the institution and provide supporting documentation. (At the expiration of the three month period, the institution should examine the borrower's situation to determine potential eligibility for an economic hardship deferment or unemployment deferment, as appropriate.) This period of forbearance is counted toward the 3-year maximum limit on the number of years of forbearance that may be granted to a borrower.*
*Collection of Defaulted Loans (Part 674, Subpart C—Due Diligence). The institution may stop collection activities for three months upon notification by the borrower, a member of the borrower's family, or another reliable source that the borrower has been affected by a disaster. Collection activities must resume at the end of the 3-month period. The institution must document in the loan file why it suspended collection activities on the loan, and is not required to obtain evidence of the borrower's status while collection activities have been suspended. The appropriate School Participation Division will address any additional concerns about required billing and collection activities on a case-by-case basis.*
*Satisfactory Repayment Arrangements on Defaulted Loans (§674.2). During the time a borrower is affected by a disaster, an institution should not treat any scheduled payment the borrower fails to make as a missed payment in the stream of six on-time, consecutive, monthly payments required for the borrower to make satisfactory repayment arrangements on a defaulted Perkins Loan and to re-establish his or her eligibility for assistance under Title IV of the HEA. When the borrower is no longer affected by the disaster, the required sequence of qualifying payments may resume at the point at which it was discontinued.*

*Payments to Rehabilitate Defaulted Loans (§674.39). During the time a borrower is affected by a disaster, an institution should not treat any scheduled payment the borrower fails to make as a missed payment in the stream of nine on-time, consecutive, monthly payments required for the borrower to rehabilitate the defaulted loan. When the borrower is no longer affected by the disaster, the required sequence of qualifying payments may resume at the point at which it was discontinued.*

**From:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Sent:** Friday, March 20, 2020 9:03 AM
**To:** Martin, Gregory <Gregory.Martin@ed.gov>; Weisman, Annmarie <Annmarie.Weisman@ed.gov>
**Subject:** FW: LSU Perkins Loan

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 19, 2020 4:50 PM
**To:** Cox, Jack <Jack.Cox@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: LSU Perkins Loan

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Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Melanie Powell <melaniep@lsu.edu>
**Sent:** Thursday, March 19, 2020 4:44 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** LSU Perkins Loan

Is there any guidance for Campus Based Perkins loans due to COVID – 19?

Some of our concerns are listed below:
Payments mailed to LSU while personnel are working remotely and do not have access to mail
Processing credit bureau reporting that may be inaccurate due to not posting payments timely due to personnel working remotely
Continue to charge interest on the loans since it is not held by the Federal government
Situations where the borrower has lost all sources of income and cannot make the payment
NSLDS monthly processing

Thanks

LSU
Melanie Powell
Assistant Director
Bursar Operations/Perkins Loan
Louisiana State University
125 Thomas Boyd Hall, Baton Rouge, LA 70803
office 225-578-3378 | fax 225-578-3969
melaniep@lsu.edu | lsu.edu | http://www.lsu.edu/administration/ofa/oas/bur/

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**From:** Stump, Scott
**Sent:** Monday, March 16, 2020 9:50 AM
**To:** Miller, Sharon Lee (Sharon.Miller@ed.gov) <Sharon.Miller@ed.gov>; Keenan, Cheryl (Cheryl.Keenan@ed.gov) <Cheryl.Keenan@ed.gov>; Goetz, Braden (Braden.Goetz@ed.gov) <Braden.Goetz@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>; Smith, Richard <Richard.Smith@ed.gov>; Shields, Trina (Trina.Shields@ed.gov) <Trina.Shields@ed.gov>
**Subject:** FW: Heads up: Clearance of flexibility and waiver document

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For our conversation at 10 am.

Scott

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Sunday, March 15, 2020 3:23 PM
**To:** Schultz, Mark <Mark.Schultz@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Goetz, Braden <Braden.Goetz@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; King, Robert <Robert.King@ed.gov>
**Cc:** Talbert, Kent <Kent.Talbert@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>
**Subject:** Heads up: Clearance of flexibility and waiver document

OESE has been working with colleagues in OGC to update the disaster preparedness document on flexibility and waivers (attached). This document was developed in December of 2017. In addition to ESEA it includes IDEA Parts B and C, Adult and Career education, postsecondary education and FSA issues.

I wanted to alert you that this document will go into ED clearance late Monday or early Tuesday with a short turnaround. We are generally keeping responses as is, with conforming changes related to COVID-19 being substituted for disaster. Let me know if you have any questions or concerns.

Thanks

**Ruth E. Ryder**
**Deputy Assistant Secretary for Formula Grants**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5570
Email: ruth.ryder@ed.gov

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**From:** Stump, Scott
**Sent:** Tuesday, March 31, 2020 4:13 PM
**To:** Goetz, Braden <Braden.Goetz@ed.gov>
**Subject:** RE: 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

Hey Braden,

Please do clear it based on our change in direction.

Scott

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**From:** Goetz, Braden <Braden.Goetz@ed.gov>
**Sent:** Tuesday, March 31, 2020 2:52 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** FW: 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

Since there's a new plan for our Tydings waivers, should I just clear OESE's template as written?

**From:** Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>
**Sent:** Tuesday, March 31, 2020 2:13 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Blew, Jim <James.Blew@ed.gov>; McHugh, Erin <Erin.McHugh@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>
**Cc:** Rogers, James <James.Rogers@ed.gov>; Willox, Kendyl <Kendyl.Willox@ed.gov>; Pena, Alexandra <Alexandra.Pena@ed.gov>; Canada, June <June.Canada@ed.gov>; Canty, Waquesha <Waquesha.Canty@ed.gov>; March, Greg <Greg.March@ed.gov>; Patillo, Ashley <Ashley.Patillo@ed.gov>; Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>; Bates, Monica <Monica.Bates@ed.gov>; Goetz, Braden <Braden.Goetz@ed.gov>; St.Pierre, Tracey <Tracey.StPierre@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>; ExecSec_OSClearance <ExecSec_OSClearance@ed.gov>
**Subject:** 20-0098 -- DUE 2:00pm WEDNESDAY, APRIL 1st -- 2nd ESEA Waiver Invitation and Template

Please review the attached documents, noting any suggested changes.

**Document Information**

**Subject: COVID-19 2nd Waiver Invitation and Template for Waivers under ESEA**
**Prepared by: OESE**
**Contact in Originating Office: Chris Rinkus**
**Due Date for Review: Tomorrow - Wednesday, April 1, 2020 @ 2:00pm**
**Control Number: 20-0098**
**Offices Reviewing Document: OS, OGC, OPEPD, OCO, OSERS, OLCA, OCTAE**
**Offices Receiving Document for Information:**

If there are other offices that should also review this document (in addition to those listed above), please let us know ASAP.

Please respond by e-mail with comments/edits to Mary Louise Dirrigl with a cc: ExecSec_OSClearance@ed.gov.

In responding to the Executive Secretariat, please complete the following: (Check one or more that apply.)

____ Clears the document as written.

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____ Comments on the document in the office's unique area of responsibility that must be addressed.
____ Comments on the document to improve the document's quality, clarity, and integrity.
Reviewed by: _____

Other:
____ Declines review/not going to review this document.
____ Defers to _____ (name of office) on this document.

Thank you.
Mary Louise Dirrigl
OS/Exec Sec

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**From:** Stump, Scott
**Sent:** Tuesday, March 31, 2020 9:30 AM
**To:** Sharon Miller <Sharon.Miller@ed.gov>; Cheryl Keenan <Cheryl.Keenan@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>; Pettey, Richard <Richard.Pettey@ed.gov>; Sharon Miller <Sharon.Miller@ed.gov>; Cheryl Keenan <Cheryl.Keenan@ed.gov>
**Subject:** RE: Discuss Tydings Waiver Path forward

Hey Team,

Sharon and I are finishing up a call with OGC on Perkins FAQs. We will be a few minutes late to the call on Tydings waiver.

Scott

-----Original Appointment-----
**From:** Stump, Scott
**Sent:** Monday, March 30, 2020 6:32 PM
**To:** Stump, Scott; Sharon Miller; Cheryl Keenan; Sacks, Casey; Pettey, Richard; Sharon Miller; Cheryl Keenan
**Subject:** Discuss Tydings Waiver Path forward
**When:** Tuesday, March 31, 2020 9:30 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
**Where:** Skype Meeting

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Forgot your dial-in PIN? | Help

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**From:** Stump, Scott
**Sent:** Wednesday, March 25, 2020 11:56 AM
**To:** Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** FW: possible waivers

**From:** Stump, Scott
**Sent:** Tuesday, March 24, 2020 1:14 PM
**To:** Pettey, Richard <Richard.Pettey@ed.gov>
**Subject:** possible waivers

Waivers that we anticipate being valuable to states as they respond to COVID 19 include:

1. Section 133 (b) that requires local recipients to return any unexpended funds at the end of the academic year to the eligible agency for redistribution in the following year. (The concern is that locals will not be able to expend Perkins funds by the end of this year for activities and purchases planned but postponed.)
2. Section 211 (a) That requires funds made available under this Act for career and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out career and technical education activities. (In this difficult time, investments of Federal dollars may be needed cover costs to deliver services or secure resources that historically were covered with state or local dollars. There is a concern that State and local actions may be seen as supplanting.)

**Scott Stump**
Assistant Secretary
Office of Career, Technical and Adult Education
United States Department of Education
550 12th Street, SW – 11th Floor | Washington, DC 20202
O: 202-245-6688
E: scott.stump@ed.gov

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Linda,

You are correct with the implication. I concur with the edits in red.

Scott

**From:** Wilson, Linda <Linda.Wilson@ed.gov>
**Sent:** Friday, March 20, 2020 4:38 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Cc:** Petersen, Molly <Molly.Petersen@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Subject:** RE: secretarial waivers and perkins

Sorry to belabor this but doesn't it imply then that we can address all of the issues through guidance and we don't need the waiver authority?
Should we say instead…red below?

**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Friday, March 20, 2020 4:24 PM
**To:** Wilson, Linda <Linda.Wilson@ed.gov>
**Cc:** Petersen, Molly <Molly.Petersen@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Subject:** RE: secretarial waivers and perkins

Looping in Molly, Sharon and Jordan.

**From:** Stump, Scott
**Sent:** Friday, March 20, 2020 4:24 PM
**To:** Wilson, Linda <Linda.Wilson@ed.gov>
**Subject:** RE: secretarial waivers and perkins

How about this language …

Hi. Regarding waivers, OCTAE only has the authority to waive the maintenance of effort requirements in Sec. 211(b) for eligible agencies that are unable to meet the fiscal effort requirements due to the uncontrollable circumstances related to the COVID-19 national emergency. The Secretary waived MOE requirements in the past, most recently for Puerto Rico following Hurricane Maria in 2017.

As referenced on the phone call yesterday, we have heard from many States about meeting the April 15 deadline to submit state plans. OCATE will provide broad flexibility on the submission timeline and not penalize states for submitting after April 15. The Department will also work diligently to avoid delays in reviewing plans and issuing Perkins V grant awards on schedule on July 1.

In addition to the state plan submission timing, OCTAE is also hearing from States that their local recipients will have a difficult time submitting complete local applications based on the required Comprehensive Local Needs Assessment (CLNA) by June 30, which may delay LEA access to funds. The Department plans to use the transition authority in section 4 of Perkins V to enable States to provide a

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three-month extension to the timeline for local recipients to submit their local applications for approval.

We also heard from States about a number of issues on the call yesterday that we are working to address through FAQs soon, for example related to data requirements and timelines. Other issues that were raised we do not have authority to waive, such as redistribution of unexpended funds and supplement not supplant.

Scott

**From:** Wilson, Linda <Linda.Wilson@ed.gov>
**Sent:** Friday, March 20, 2020 4:08 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Cc:** Harding, Jordan <Jordan.Harding@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Subject:** RE: secretarial waivers and perkins

That appears to be what the Murray staff is asking but since we haven't provided this before to Alexanders we should stick to broad waiver authority would be helpful.

Could we rephrase it as something we heard from States yesterday that they may need but we don't have current authority to provide? Would that be ok? Confirming w/Molly and Jordan.

thnx

**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Friday, March 20, 2020 4:04 PM
**To:** Wilson, Linda <Linda.Wilson@ed.gov>
**Cc:** Harding, Jordan <Jordan.Harding@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Subject:** RE: secretarial waivers and perkins

Thanks for checking Linda, You are correct that those are examples of waiver requests we anticipate. I mistook your email as a request for a few examples.

I would recommend that the examples be removed and we hold to the prior language that broad waiver authority would be beneficial to the States.

Let me know if you have additional questions.

Scott

**From:** Wilson, Linda <Linda.Wilson@ed.gov>
**Sent:** Friday, March 20, 2020 4:00 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Cc:** Harding, Jordan <Jordan.Harding@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Subject:** RE: secretarial waivers and perkins

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Just to clarify, that last part is if you get the waiver authority from Congress, these are 2 examples of what you would waive, SNS and an extension to use funds. We haven't provided this information before – we just said broad authority would be helpful?

**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Friday, March 20, 2020 3:50 PM
**To:** Wilson, Linda <Linda.Wilson@ed.gov>
**Cc:** Harding, Jordan <Jordan.Harding@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Subject:** RE: secretarial waivers and perkins

Hey Linda,

Thank you for your assistance, here are our edits.

Scott

**From:** Wilson, Linda <Linda.Wilson@ed.gov>
**Sent:** Friday, March 20, 2020 3:10 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>
**Cc:** Petersen, Molly <Molly.Petersen@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>
**Subject:** FW: secretarial waivers and perkins

Scott – is this ok to send back to Murray staff, modified version of what sent to Alexander yesterday. Note comment about use of transition authority. Anything more to add?

Hi. Regarding waivers, OCTAE only has the authority to waive the maintenance of effort requirements in Sec. 211(b) for eligible agencies that are unable to meet the fiscal effort requirements due to the uncontrollable circumstances related to the COVID-19 national emergency. The Secretary waived MOE requirements in the past, most recently for Puerto Rico following Hurricane Maria in 2017.

As referenced on the phone call yesterday, we have heard from many States about meeting the April 15 deadline to submit state plans. OCATE will provide broad flexibility on the submission timeline and not penalize states for submitting after April 15. The Department will also work diligently to avoid delays in reviewing plans and issuing Perkins V grant awards on schedule on July 1.

In addition to the state plan submission timing, OCTAE is also hearing from States that their local recipients will have a difficult time submitting complete local applications based on the required Comprehensive Local Needs Assessment (CLNA) by June 30, which may delay LEA access to funds. The Department plans to use the transition authority in section 4 of Perkins V to enable States to provide a three-month extension to the timeline for local recipients to submit their local applications for approval.

We also heard from States about a number of issues on the call yesterday that we are working to address through FAQs soon. These have to do with data requirements and timelines.

Waivers that we anticipate being valuable to states as they respond to COVID 19 include:

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1. Section 133 (b) that requires local recipients to return any unexpended funds at the end of the academic year to the eligible agency for redistribution in the following year. (The concern is that locals will not be able to expend Perkins funds by the end of this year for activities and purchases planned but postponed.)
2. Section 211 (a) That requires funds made available under this Act for career and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out career and technical education activities. (In this difficult time, investments of Federal dollars may be needed cover costs to deliver services or secure resources that historically were covered with state or local dollars. There is a concern that State and local actions may be seen as supplanting.)

Hi Linda, I'm the new workforce staffer for the HELP Dems. Obviously, things are moving and shifting very quickly with agencys' response to COVID. I was able to dial in for a little bit during the townhall yesterday. But I'm reaching out to try and get a better sense of where OCTAE sees needs around waivers. Particularly anything that may fall out of the scope of the current transition authority the secretary has (till June 30th, correct?) via the implementation of Perkins V.

We're trying to negotiate on waivers presently, so I hate to pressure you (especially in my first email) but if you all have needs can we discuss asap?

Thanks so much,

-Jennifer

Jennifer Stiddard
Senior Policy Advisory
Senate HELP Committee, Ranking Member Patty Murray
(b)(6) (cell)

---

**From:** Stump, Scott
**Sent:** Thursday, March 19, 2020 1:06 PM
**To:** Bailey, Nathan (Nathan.Bailey@ed.gov) <Nathan.Bailey@ed.gov>
**Cc:** Talbert, Kent <Kent.Talbert@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>
**Subject:** FW: Georgia's Request - Adult Education and Family Literacy - Competitive Grant Process

Hey Nate,

I wanted to let you know that we anticipated this question and plan to have a response ready within 24 hours. We anticipate the response to be, "yes" and one that does not require waiver authority.

Let me know if you have questions. Otherwise, we will have the response ready and vetted shortly.

Scott

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**From:** Good, Cayanna <CGood@tcsg.edu>
**Sent:** Thursday, March 19, 2020 11:50 AM
**To:** DeVos, Betsy <Betsy.DeVos@ed.gov>
**Cc:** Keenan, Cheryl <Cheryl.Keenan@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>
**Subject:** Georgia's Request - Adult Education and Family Literacy - Competitive Grant Process

Dear Secretary DeVos,

Thank you for your leadership during this unprecedented time. Attached to this email is a formal request to suspend the state's FY20 competitive grant application for our Adult Education and Family Literacy federal and state funds due to the significant disruption of COVID19. We anticipate continuing to fund our current portfolio throughout FY21.

Cayanna Good, Ph.D.
Office of Adult Education
Assistant Commissioner
cgood@tcsg.edu
404-679-1647 (main)
(b)(6)
1800 Century Place N.E./Suite 300
Atlanta, GA 30345

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**From:** Stump, Scott
**Sent:** Wednesday, March 18, 2020 5:31 PM
**To:** Pettey, Richard <Richard.Pettey@ed.gov>
**Subject:** RE: draft and delib

Hey Richard,

Now that we have new answers and potential waiver authority under consideration, do we need to loop back with McKenzie?

Scott

**From:** Pettey, Richard <Richard.Pettey@ed.gov>
**Sent:** Tuesday, March 17, 2020 12:11 PM
**To:** Snow, McKenzie <McKenzie.Snow@ed.gov>
**Cc:** Stump, Scott <Scott.Stump@ed.gov>
**Subject:** RE: draft and delib

Thanks, McKenzie. Looping Scott in here, who I will update on our call and the process through which things are currently working.

Richard

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**From:** Snow, McKenzie <McKenzie.Snow@ed.gov>
**Sent:** Tuesday, March 17, 2020 12:04 PM
**To:** Pettey, Richard <Richard.Pettey@ed.gov>
**Subject:** draft and delib

For Perkins V, we also need waiver authority of Supplement/Not Supplant. We do not need new authority to delay the April 15th, 2020 state plan deadline, but may need flexibility on the requirement that ED must obligate funds by July 1st, 2020 should applications not yet be received. Local plans based on local needs assessment must be substantially approvable, as defined by states, before the local entities may draw down funds, which may require statutory flexibility.

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**From:** Stump, Scott
**Sent:** Wednesday, March 18, 2020 3:22 PM
**To:** Cordes, Bill <Bill.Cordes@ed.gov>
**Subject:** RE: URGENT TA REQUEST - 2:45pm DEADLINE

Thanks, Bill!

I saw the same comment and feel like it will take care of any issues.

Scott

**From:** Cordes, Bill <Bill.Cordes@ed.gov>
**Sent:** Wednesday, March 18, 2020 3:20 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>; Goetz, Braden <Braden.Goetz@ed.gov>
**Subject:** FW: URGENT TA REQUEST - 2:45pm DEADLINE

OGC was way ahead of us; see its comment at the top of page 10, which I believe addresses your concern.

**From:** Smith, Megan <Megan.Smith@ed.gov>
**Sent:** Wednesday, March 18, 2020 3:05 PM
**To:** Riddle, Paul <Paul.Riddle@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; King, Robert <Robert.King@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; King, Elizabeth <Elizabeth.King@ed.gov>; Wilson, Nathan <Nathan.Wilson@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Huston, John <John.Huston@ed.gov>; Kean, Larry <Larry.Kean@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>; Simpson, Daniel <Daniel.Simpson@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Talbert, Kent

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<Kent.Talbert@ed.gov>; Slack, Emily <Emily.Slack@ed.gov>
**Cc:** Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Ellis, Kathryn <Kathryn.Ellis@ed.gov>; Lopez, Francisco (Frank) (OGC) <Frank.Lopez@ed.gov>; Bowen, Jennifer <Jennifer.Bowen@ed.gov>; Hansen, Randy <Randy.Hansen@ed.gov>; Merolli, Emily <Emily.Merolli@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>; Pettey, Richard <Richard.Pettey@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Ellis, Kathryn <Kathryn.Ellis@ed.gov>; Lopez, Francisco (Frank) (OGC) <Frank.Lopez@ed.gov>
**Subject:** RE: URGENT TA REQUEST - 2:45pm DEADLINE

OGC comments attached.

**From:** Riddle, Paul <Paul.Riddle@ed.gov>
**Sent:** Wednesday, March 18, 2020 2:49 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; King, Robert <Robert.King@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; King, Elizabeth <Elizabeth.King@ed.gov>; Wilson, Nathan <Nathan.Wilson@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Huston, John <John.Huston@ed.gov>; Kean, Larry <Larry.Kean@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>; Simpson, Daniel <Daniel.Simpson@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Slack, Emily <Emily.Slack@ed.gov>
**Cc:** Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Ellis, Kathryn <Kathryn.Ellis@ed.gov>; Lopez, Francisco (Frank) (OGC) <Frank.Lopez@ed.gov>; Bowen, Jennifer <Jennifer.Bowen@ed.gov>; Hansen, Randy <Randy.Hansen@ed.gov>; Merolli, Emily <Emily.Merolli@ed.gov>; Smith, Megan <Megan.Smith@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>; Pettey, Richard <Richard.Pettey@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Ellis, Kathryn <Kathryn.Ellis@ed.gov>; Lopez, Francisco (Frank) (OGC) <Frank.Lopez@ed.gov>
**Subject:** RE: URGENT TA REQUEST - 2:45pm DEADLINE

You'll note, in the OGC comments that you're about to see, that we suggest replacing (rather than adding to) the list of programs in section 10 with broad language that covers all our programs. Conversely, we recommend naming the civil rights laws that cannot be waived, so there's no doubt what they are.

Thanks.

**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Wednesday, March 18, 2020 2:33 PM
**To:** Harding, Jordan <Jordan.Harding@ed.gov>; King, Robert <Robert.King@ed.gov>; Riddle, Paul

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<Paul.Riddle@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; King, Elizabeth <Elizabeth.King@ed.gov>; Wilson, Nathan <Nathan.Wilson@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Huston, John <John.Huston@ed.gov>; Kean, Larry <Larry.Kean@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>; Simpson, Daniel <Daniel.Simpson@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Slack, Emily <Emily.Slack@ed.gov>
**Cc:** Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Ellis, Kathryn <Kathryn.Ellis@ed.gov>; Lopez, Francisco (Frank) (OGC) <Frank.Lopez@ed.gov>; Bowen, Jennifer <Jennifer.Bowen@ed.gov>; Hansen, Randy <Randy.Hansen@ed.gov>; Merolli, Emily <Emily.Merolli@ed.gov>; Smith, Megan <Megan.Smith@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>; Pettey, Richard <Richard.Pettey@ed.gov>
**Subject:** RE: URGENT TA REQUEST - 2:45pm DEADLINE

Hey Jordan,

Thank you for sharing. OCTAE would definitely like the two acts that we administer also included in the Section 10 National Emergency Educational Waivers list.

They are:
Carl D. Perkins Career and Technical Education Act of 2006
Adult Education and Family Literacy Act

Let me know if you have questions.

Scott

**From:** Harding, Jordan <Jordan.Harding@ed.gov>
**Sent:** Wednesday, March 18, 2020 2:22 PM
**To:** King, Robert <Robert.King@ed.gov>; Riddle, Paul <Paul.Riddle@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; King, Elizabeth <Elizabeth.King@ed.gov>; Wilson, Nathan <Nathan.Wilson@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Huston, John <John.Huston@ed.gov>; Kean, Larry <Larry.Kean@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>; Simpson, Daniel <Daniel.Simpson@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Slack, Emily <Emily.Slack@ed.gov>
**Cc:** Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Ellis, Kathryn <Kathryn.Ellis@ed.gov>;

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Lopez, Francisco (Frank) (OGC) <Frank.Lopez@ed.gov>; Bowen, Jennifer <Jennifer.Bowen@ed.gov>; Hansen, Randy <Randy.Hansen@ed.gov>; Merolli, Emily <Emily.Merolli@ed.gov>; Smith, Megan <Megan.Smith@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>; Pettey, Richard <Richard.Pettey@ed.gov>
**Subject:** RE: URGENT TA REQUEST - 2:45pm DEADLINE

+Scott, Casey and Richard. I didn't see anything in here for OCTAE, so I would recommend Paul's edits if you feel that's necessary.

**From:** King, Robert <Robert.King@ed.gov>
**Sent:** Wednesday, March 18, 2020 2:19 PM
**To:** Riddle, Paul <Paul.Riddle@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; King, Elizabeth <Elizabeth.King@ed.gov>; Wilson, Nathan <Nathan.Wilson@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Huston, John <John.Huston@ed.gov>; Kean, Larry <Larry.Kean@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>; Simpson, Daniel <Daniel.Simpson@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Slack, Emily <Emily.Slack@ed.gov>
**Cc:** Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Ellis, Kathryn <Kathryn.Ellis@ed.gov>; Lopez, Francisco (Frank) (OGC) <Frank.Lopez@ed.gov>; Bowen, Jennifer <Jennifer.Bowen@ed.gov>; Hansen, Randy <Randy.Hansen@ed.gov>; Merolli, Emily <Emily.Merolli@ed.gov>; Smith, Megan <Megan.Smith@ed.gov>
**Subject:** RE: URGENT TA REQUEST - 2:45pm DEADLINE

Get Scott Stump and Casey Saks on the email distribution.

Robert L. King
Assistant Secretary for Postsecondary Education
U.S. Department of Education

**From:** Riddle, Paul <Paul.Riddle@ed.gov>
**Sent:** Wednesday, March 18, 2020 2:15 PM
**To:** Harding, Jordan <Jordan.Harding@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; King, Robert <Robert.King@ed.gov>; King, Elizabeth <Elizabeth.King@ed.gov>; Wilson, Nathan <Nathan.Wilson@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Huston, John <John.Huston@ed.gov>; Kean, Larry <Larry.Kean@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>; Simpson, Daniel <Daniel.Simpson@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Talbert, Kent

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<Kent.Talbert@ed.gov>; Slack, Emily <Emily.Slack@ed.gov>
**Cc:** Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Koeppel, Dennis <Dennis.Koeppel@ed.gov>; Rigling, Kay <Kay.Rigling@ed.gov>; Ellis, Kathryn <Kathryn.Ellis@ed.gov>; Lopez, Francisco (Frank) (OGC) <Frank.Lopez@ed.gov>; Bowen, Jennifer <Jennifer.Bowen@ed.gov>; Hansen, Randy <Randy.Hansen@ed.gov>; Merolli, Emily <Emily.Merolli@ed.gov>; Smith, Megan <Megan.Smith@ed.gov>
**Subject:** RE: URGENT TA REQUEST - 2:45pm DEADLINE

I've attached a version that accepts all their edits. Would it make more sense to mark that up than to red-line their red-line?

Also, section 10 does not cover several ED programs, such as McKinney-Vento, Perkins CTE, and Adult Ed. Should we ask them to add them?

Thanks.
**From:** Harding, Jordan <Jordan.Harding@ed.gov>
**Sent:** Wednesday, March 18, 2020 1:02 PM
**To:** Jones, Diane <Diane.Jones@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; King, Robert <Robert.King@ed.gov>; King, Elizabeth <Elizabeth.King@ed.gov>; Wilson, Nathan <Nathan.Wilson@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Huston, John <John.Huston@ed.gov>; Kean, Larry <Larry.Kean@ed.gov>; Cordes, Bill <Bill.Cordes@ed.gov>; Simpson, Daniel <Daniel.Simpson@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Levorse, Audrey <Audrey.Levorse@ed.gov>; VanderPloeg, Laurie <Laurie.VanderPloeg@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Riddle, Paul <Paul.Riddle@ed.gov>
**Cc:** Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
**Subject:** URGENT TA REQUEST - 2:45pm DEADLINE
**Importance:** High

All,

We just received the attached TA request from HELP Majority staff. Given that things are moving very fast on the Hill, **they need this back by 3pm TODAY**. Please prioritize this request over any other questions you have gotten from OLCA and submit ONE consolidated document from your respective offices, to me and Molly, by 2:45pm today. We will then combine into one document and get to the Hill by 3pm.

Note: You do not need to worry about the FUTURE Act section, per HELP.

Let me know if you have any questions and thanks in advance!

Jordan

**Jordan Forbes Harding**

AMERICAN OVERSIGHT

*Principal Deputy Assistant Secretary*
Office of Legislation and Congressional Affairs
United States Department of Education
400 Maryland Avenue, SW | Washington, DC 20202
O: 202-453-6253

---

**From:** Stump, Scott
**Sent:** Wednesday, March 18, 2020 2:00 PM
**To:** Jones, Diane <Diane.Jones@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Blew, Jim <James.Blew@ed.gov>
**Cc:** Pettey, Richard <Richard.Pettey@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** RE: Update on Flexibilities Available and Needed for OCATE

Thanks for raising that question Diane! I have not heard of any issues yet. But, will raise the question during tomorrow's virtual meeting with the State Directors of CTE. Casey and I will also reach out to the licensing bodies separately to get a sense of their approach to the situation.

Scott

**From:** Jones, Diane <Diane.Jones@ed.gov>
**Sent:** Wednesday, March 18, 2020 1:49 PM
**To:** Stump, Scott <Scott.Stump@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Blew, Jim <James.Blew@ed.gov>
**Cc:** Pettey, Richard <Richard.Pettey@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** RE: Update on Flexibilities Available and Needed for OCATE

Hi Scott,
Thanks for this. We've also gotten questions about how students enrolled in CTE courses that cannot be moved online will complete the term. What are you hearing from the field in the way of creative solutions? Are relevant licensing bodies engaged in this conversation yet? We've heard from AAMC about medical schools and related licensure, but what about other fields?
Diane

**From:** Stump, Scott <Scott.Stump@ed.gov>
**Sent:** Wednesday, March 18, 2020 1:23 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Blew, Jim <James.Blew@ed.gov>
**Cc:** Pettey, Richard <Richard.Pettey@ed.gov>; Sacks, Casey <Casey.Sacks@ed.gov>
**Subject:** Update on Flexibilities Available and Needed for OCATE

Hey Nate, Kent, McKenzie, Liz, Diane, Bob, and Jim,

AMERICAN OVERSIGHT

This email is in response to Nate's suggestion from Monday that we consider where the Department may need additional waiver authority to assist State and local recipients in administering their CTE and Adult Ed programs during this evolving situation. In addition, Yesterday we received questions from the HELP committee and a follow-up email today, both of which asked for insight into these specific short-term issues with CTE, as well as any additional suggestions we might have that could be included in the appropriations package. We recommend the following actions to secure the flexibility State and local education agencies will need to continue operations in the short-term and be best set up for success in the long-term.

We look forward to your questions, recommendations and guidance on next steps.

**Requires No Legislative Action**

Problem

First and foremost, there is an issue in some states will their ability to submit their state plans in by April 15 due to the State Board not meeting in March or April.

Potential Solution(s)

1. We have let states know that we will commit to reviewing and approving their plans by June 30 even if they are submitted after April 15.
2. If for some reason a State cannot submit a State approved prior to July 1, we are confirming with OGC that we could use the Transition Authority in Perkins V to extend the Transition year end from June 30 to September 30. This action would allow states to continue to operate and receive funds under their already approved Transition Plan.

Problem

LEAs have reported that they will have difficulty completing the stakeholder engagement required under the new Perkins V Comprehensive Local Needs Assessment and Local Application Process prior to July 1. If they do not have a substantially approvable application submitted July 1, they are not allowed to receive funds as a subgrantee.

Potential Solutions

1. We are also confirming with OGC that if we use the Transition Authority to extend the Transition Year for the state by 3 months, could that also extend the Transition Year for the local recipients. This would allow funds to flow based on already approved local plans.
2. States also have the existing authority to define what is a "substantially approvable" plan. We could encourage them to use that flexibility to approve local plans (most likely still in progress) on June 30, and use the fall to work with LEAs to complete the local application process.

**Requires Legislative Action**

In addition to these key short-term issues, the long-term issue is the funds not being expended this spring due to school closures. Currently, no waiver authority exists for the Secretary to allow states to retain unspent funds beyond 27 months like in ESSA. In addition, no carryover authority exists for LEA's who have unspent funds in a given year. We propose the Department recommend technical amendments that could allow the Secretary to waive targeted fiscal requirements in Perkins and WIOA in the case of exceptional or uncontrollable circumstances.

1. The Secretary could be given the authority to grant waivers that extend the availability of Perkins and AEFLA funds for obligation and liquidation beyond the 27 months allowed by GEPA. Under ESEA, the Secretary is granted the authority to waive these "Tydings"

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requirements for ESEA programs due to exceptional or uncontrollable circumstances, such as a natural disaster or national emergency. This authority does not exist in Perkins or AEFLA.

2. Equip Perkins and AEFLA with the "Carryover and Waiver" flexibilities in ESEA Title I, Part A, which allows LEA's to carry over and extend the availability of unexpended funds into the next fiscal year.

   *ESSA - SEC. 1127. [20 U.S.C. 6339] CARRYOVER AND WAIVER.*

   *(a) LIMITATION ON CARRYOVER.—Notwithstanding section 421(b) of the General Education Provisions Act or any other provision of law, not more than 15 percent of the funds allocated to a local educational agency for any fiscal year under this subpart (but not including funds received through any reallocation under this subpart) may remain available for obligation by such agency for one additional fiscal year.*

   *(b) WAIVER.—A State educational agency may, once every 3 years, waive the percentage limitation in subsection (a) if—*

   *(1) the agency determines that the request of a local educational agency is reasonable and necessary; or*

   *(2) supplemental appropriations for this subpart become available.*

   *(c) EXCLUSION.—The percentage limitation under subsection (a) shall not apply to any local educational agency that receives less than $50,000 under this subpart for any fiscal year.*

**Scott Stump**
Assistant Secretary
Office of Career, Technical and Adult Education
United States Department of Education
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O: 202-245-6688
E: scott.stump@ed.gov

---

**From:** Stump, Scott
**Sent:** Tuesday, March 31, 2020 4:23 PM
**To:** Kimberly Green <kgreen@careertech.org>; Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Subject:** RE: can you share language about your priorities?

Hey Kim,

Thank you for your email. Due to Department restrictions on sharing of information for the potential of lobbying, Sharon and I will not be able to send that information your way. However, we know that you will move forward with the best interested of CTE students and programs in mind.

Scott

**From:** Kimberly Green <kgreen@careertech.org>
**Sent:** Tuesday, March 31, 2020 3:15 PM

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**To:** Stump, Scott <Scott.Stump@ed.gov>; Miller, Sharon Lee <Sharon.Miller@ed.gov>
**Subject:** can you share language about your priorities?

If you can share any language about your three priorities, we can reinforce them in a similar (not the same language) in what we are sending to the Hill tonight. Meant to ask, we don't need to do anything on academic year? Or do we just solve that through TA to states?
Thanks!
Kim

--

Kimberly Green

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# Non-Regulatory Guidance on Flexibility and Waivers for Grantees and Program Participants Impacted by Federally Declared Disasters

U.S. Department of Education

September 2017



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ED-20-0731-A-007609

## Introduction

The U.S. Department of Education (Department) is issuing this guidance to help Department grantees and program participants restore teaching and learning environments and resume services following Federally declared disasters[1] (including Hurricanes Harvey, Irma and Maria) that impact the 2017–2018 academic school year. We recognize your challenges and want to express our concern and extend our support during this process of recovery and resumption of normal business operations.

This document generally discusses waivers and other forms of relief from Federal requirements in order to provide schools, State educational agencies (SEAs), State lead agencies (LAs), local educational agencies (LEAs), local early intervention service (EIS) programs and providers, State Vocational Rehabilitation (VR) agencies, the Department of the Interior's Bureau of Indian Education -funded schools,[2] Tribes, and postsecondary institutions with the operational flexibility necessary to continue operations as they recover from extended school or program closures due to a disaster. The guidance addresses flexibility on reporting deadlines, timelines for grant-funded activities, and maintenance of fiscal effort or matching requirements, where applicable; proposes potential alternatives and strategies for providing program services after disruption; and suggests methods for ensuring continuity of services and communication with program participants. In addition, the document covers a variety of topics specific to various program areas.

We strongly encourage all interested parties to contact the Department with any requests for assistance beyond the scope of this document. We are committed to collaborating with impacted parties, as well as other Federal, state and local agencies, to remove barriers and expedite the work necessary to respond to and recover from the recent hurricanes. As necessary, we will update this guidance with answers to additional questions.

It is important to emphasize that this guidance addresses only Federal requirements and flexibilities, and that only State and local officials can address State and local requirements and flexibilities.

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[1] The phrase "Federally declared disaster" or "Presidentially declared disaster" means a disaster declared by the President to be a major disaster or emergency under section 401 or section 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191). Throughout this guidance, we use the term "disaster" to refer to "Federally declared disaster," which includes, for example, Hurricane Harvey, Tropical Storm Harvey, Hurricane Irma, and Hurricane Maria.

[2] The BIE has assumed the duties of an SEA under the ESEA with regard to the BIE-funded schools, and may request waivers under section 8401 of the ESEA. BIE-funded schools may submit waiver requests to the BIE as LEAs do under section 8401. Under section 611(h)(2)(A) of Part B of the IDEA and its implementing regulation in 34 CFR § 300.708, the BIE and BIE-funded schools assume the responsibilities of an SEA and LEA, respectively. Thus, references in this document to SEAs and LEAs include BIE and BIE-funded schools as they relate to programs under the ESEA and Part B of the IDEA.



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Each section addresses the implications of a prolonged school or program closure or other disruptions in the educational and other services to students and other program participants; legal questions that may arise for school or program administrators when faced with extended closures due to the disaster's impact; and the possibility of waiving requirements or finding other flexibility in Federal laws and regulations.



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## A. General Discretionary and Formula Grant Issues

This section discusses the waivers and other forms of relief that the Department may provide to grantees and grant applicants regarding Federal grant requirements following a disaster.

### A-1. How will the Department provide flexibility to entities applying for discretionary grants?

To the greatest extent possible, the Department will postpone discretionary grant competitions and extend application and other filing deadlines for institutions affected by a disaster when permissible under the law. Appropriations Acts generally provide funds for specific programs, purposes, and activities. The Department has very limited authority to redirect funds appropriated for one program or purpose to another program or purpose. The Department will:

- Ensure that any funds that have been statutorily authorized for relief efforts are awarded to eligible recipients; and
- Determine on a program-by-program basis whether a regular grant competition schedule should be suspended.

### A-2. How will an extended closure due to a disaster affect a grantee's receipt of funds?

Until a Department official has obligated Federal program funds to a grantee, no binding commitment exists with regard to these funds. If delays in Federal obligations are caused by a disaster, the Department staff will work with grantees on the obligations to the extent permitted by law, and warranted by the conditions and effects of the disaster, and consider using the "pre-award period" to negotiate a delay of the grant start-up date, and to authorize pre-award costs.

### A-3. Will a grantee be able to draw grant funds to pay for grant activities during the recovery period following a disaster?

The Department is committed to making every effort to have its existing electronic infrastructure available so that grantees can continue to draw funds for allowable grant expenditures that are consistent with their progress on the project. Grantees are cautioned that they should draw down grant funds only at the rate that they are able to carry out grant activities. Grantees should refer to 2 CFR § 200.305 for further information.

### A-4. What if a grantee has difficulty fulfilling grant activities because it is affected by a disaster?

During the recovery period from a disaster, grantees are expected to notify the relevant Department program office as soon as they are aware that they may have difficulty fulfilling grant activities. The Department is committed to working with its grantees to provide them with the maximum flexibility in making changes to project activities and timelines that might become



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necessary as a result of a disaster. For example, discretionary grantees that have partners or participants in areas affected by a disaster should alert the program offices as quickly as possible to make changes to the project activities and timelines. Additionally, with regard to formula grant programs, State VR agencies and grantees should contact their Office of Special Education and Rehabilitative Services (OSERS)/Rehabilitation Services Administration (RSA) State liaisons to address issues resulting from the disaster to renegotiate and/or redirect the scope of their work plans, as needed. LEAs should work through their SEAs to renegotiate and/or redirect the scope of their work plans, as needed. Grantees should refer to 2 CFR § 200.308 for further guidance.

**A-5. Generally, is another entity allowed to perform activities related to a grantee's project, if the grantee is unable to do so?**

The Department may allow another entity to perform activities for a grantee in some situations. As a part of their response and recovery efforts, grantees are encouraged to develop a backup plan for the operation of their grants that includes sharing project responsibilities and activities with other entities in the event that the grantee is not able to perform them. When the backup plan needs to be invoked, the grantee should seek approval from the Department to revise the grant in accordance with 2 CFR § 200.308. Grant backup plans might include, for example:

- Entering into arrangements and agreements with other organizations in the region to ensure the continuity of grant operations during recovery, including sharing or loaning of staff, facilities, space, materials, and supplies (contracting work to a third party has to comply with the procurement requirements set out in 2 CFR §§ 200.316 to 200.326);
- Shifting various activities and responsibilities to other members of an already approved partnership or consortium; or
- Transferring an entire grant to another entity (such a transfer has to be approved by the Department and implemented according to Department policies).

For more specific information regarding the transfer of State-administered grants and discretionary grants, see questions A-6 and A-7 below.

**A-6. For State-administered grants, is another entity allowed to perform activities related to a grantee's project, if the grantee is unable to do so?**

Yes, but States and their subgrantees, when applicable, will continue to be legally responsible for the administration of the grants and subgrants, as well as the monitoring of contracts. States have some discretion to make changes to their grants without prior approval by the Department under 2 CFR § 200.308. If a change requires prior approval, however, 2 CFR § 200.308 sets forth the procedures States follow to request prior approval from the Department. The Department will consider these requests on an expedited basis and will generally approve those that are consistent with the State plan or application that was filed and approved by the Department and reasonable in light of the specific circumstances of a disaster.



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**A-7. May a discretionary grant be transferred to another eligible entity if the grantee is unable to perform project activities due to a disaster?**

Yes, in limited circumstances a discretionary grant may be transferred from one entity to another. The transfer, however, requires formal approval by the Department, and the grantee must follow procedures to ensure that the grant continues to serve the same or a very similar population, and is of the same scope and meets the objectives as approved by the Department. The entity to which a grant is transferred must be an eligible recipient. To ensure that proposed changes are within the scope and objectives of the grant as approved, amendments to grant awards require formal approval by the Department under 2 CFR § 200.308.

**A-8. Must a grantee follow the various administrative requirements related to a grant (e.g., meeting reporting deadlines and obtaining administrative approvals) if it is affected by a disaster?**

Generally, yes, but the Department understands that grantees may need to make administrative changes to grant projects if they are affected by a disaster. Grantees have flexibility under 2 CFR § 200.308 and 34 CFR § 75.261 to make some changes without Department approval. Any relief from regulatory requirements provided to all grantees during the recovery period will be posted on the Department's website.

**A-9. In the event that grant-related activities are not being implemented because schools or program offices have been closed or staffing resources are not available, will the Department provide relief from meeting evaluation requirements?**

Yes, in such cases, the Department will consider modifying the project evaluation requirements, if appropriate; however, once grant activities resume, a proper evaluation of the project will need to be completed.

**A-10. If a grantee is required to provide services to partners, how can these partners receive grant management and grant administrative information needed to maintain their grant-related activities?**

Grantees are encouraged to establish communication systems with partner organizations, such as contractors and consortium members, and develop strategies based on the impact and estimated recovery period. Such planning may require establishing a backup strategy that will be operational throughout the recovery period. Grantees should coordinate such planning with their partners to make sure all affected entities have access to grant-related information.

Grantees can view examples of local plans at the following web address: www.ed.gov/admins/lead/safety/emergencyplan/pandemic/sampleplans/index.html.

**A-11. If a grantee is required to provide equitable services to private school students and teachers, how will private schools be notified of the availability and delivery of such services during the recovery period?**



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Grantees should, during the required consultation process with private school officials under sections 1117(b) and 8501(c) of the ESEA and under section 612(a)(10)(A)(iii) of the IDEA, establish procedures and strategies, including a communication process, that the entity will implement in the event of an extended school closure. Planning for this effort may require establishing a backup strategy that will be operational throughout the recovery period. Grantees should coordinate such planning with private school officials to make sure that all appropriate private schools have access to information related to Federal education equitable services provided to their private school students and teachers. Grantees and private school officials may also consider enlisting the assistance of the designated ESEA State ombudsman regarding ESEA equitable services assistance. See questions B-4 and C-7 in this guidance for additional program-specific guidance on the provision of equitable services.

**A-12. Discretionary grantees have specific performance targets that are approved in their applications. Will the Department renegotiate performance targets due to delays in project implementation, school closings, or reduced staff capacity?**

Yes. In general, the Department expects grantees to strive to achieve performance targets as stated in their approved grant applications; however, the Department understands that grantees may experience delays in achieving performance targets as the result of a disaster. If necessary, grantees may request approval from the Department to adjust project timelines so that approved performance targets can be met, but at a later date than originally planned. In addition, grantees may exercise the administrative flexibility in 34 CFR § 75.261 and initiate a one-time extension of up to one year without prior approval to complete unfinished project activities, and thereby meet approved performance targets in accordance with revised project timelines.

**A-13. What does the Department expect with regard to the treatment of institutional employees who are supported by Federal higher education grants or other employees paid with Federal education program funds?**

Institutional employees who are supported with Federal grants awarded by the Department, including grants authorized by the Higher Education Act (HEA), and the other programs discussed in this guidance such as the IDEA, and Title I of the ESEA, should be treated the same as similarly situated employees of the institution. In the case of programs serving K-12, Federally funded employees should be treated the same as similarly situated State and locally funded employees. This means that if the institution's policy or State and local law and policies provide for similarly situated employees to be paid during an extended closure due to a disaster, those supported with Federal grants would also be paid. These employees should return to the duties for which the grant funds were provided as soon as possible and, to the extent practicable, should work on project activities during the time the school is closed. Employees supported with Federal grant funds who are intended to provide direct services to students may maintain contact with students during the recovery period, through appropriate methods such as telephone, videophone, and email.



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## B. Elementary and Secondary Education Issues - The Elementary and Secondary Education Act (ESEA)

This section discusses potential legal issues that school administrators may face when responding to and recovering from extended school closures and otherwise addresses disruption in elementary and secondary educational services funded under the ESEA. Specifically, this section discusses waivers and other forms of relief from elementary and secondary (K-12) Federal education requirements and other flexibilities the Department may provide.

### B-1. May the Department provide flexibility to SEAs, LEAs, and Indian Tribes with regard to Federal K-12 requirements governed by the ESEA in response to a disaster?

Yes, to the extent permissible under law, the Department may provide SEAs (as well as LEAs and schools through their SEA) and Indian Tribes with flexibility as necessary to appropriately address the impact a natural disaster has had upon the normal functioning or delivery of educational services. Section 8401 of the ESEA (20 U.S.C. § 7861) permits the Secretary to grant waivers of most ESEA requirements to SEAs, (as well as LEAs and schools through their SEA) and Indian Tribes that receive ESEA funds and that request such waivers. Specifically, if warranted due to the impact of a disaster that impedes functioning or delivery of educational services in a State, LEA, or school, the Department may, upon request by SEAs or Indian Tribes, grant waivers as it determines appropriate of most ESEA statutory and regulatory requirements.

### B-2. Which entity/entities is/are responsible for requesting a waiver related to Federal K-12 requirements or deadlines?

Only SEAs and Indian Tribes that receive funds under a program authorized by the ESEA may request a waiver, consistent with the provisions in section 8401. If an LEA would like to request a waiver, section 8401 requires that it submit a waiver request to its SEA, which may then submit it to the Department if the SEA determines the waiver to be appropriate. Similarly, an elementary or secondary school may submit a waiver request to its LEA, which may then submit it to the SEA if the LEA determines the waiver to be appropriate. The SEA may then submit the request to the Department, if the SEA determines the waiver to be appropriate. To clarify this process, SEAs may choose to provide guidance and a process for LEAs and schools to submit a waiver request to the SEA.

If an SEA or Indian Tribe believes a waiver may be needed, the Department requests that, if possible, the entity contact the Department to receive technical assistance before requesting the waiver. The Department will then assist the SEA or Indian Tribe in requesting a waiver.

### B-3. What is the general process for applying for a waiver of ESEA requirements?



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To obtain a waiver, the ESEA requires that an SEA, LEA (through its SEA), Indian Tribe, or school (through its LEA and SEA or Indian Tribe) submit a request to the Secretary. Section 8401(b) of the ESEA requires an SEA (on behalf of the SEA or on behalf of, and based on the requests of, LEAs in the State) or Indian Tribe (on behalf of schools operated by the Tribe) to include in its waiver request a plan that:

- Identifies the Federal program(s) affected by the requested waiver;
- Describes which Federal statutory or regulatory requirements are to be waived;
- Describes how the waiving of such requirements will advance student academic achievement;
- Describes the methods the SEA, LEA, school, or Indian Tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the waiver;
- Includes only information directly related to the waiver request; and
- Describes how schools will continue to assist the same populations served by the program for which the waiver is requested.

Before submitting the waiver request to the Department, an SEA must:

- Provide the public and any interested LEA in the State, to the extent the request impacts the LEA, with notice and a reasonable opportunity to comment and provide input on the request in the manner in which the SEA customarily provides similar notice and opportunity to comment; and
- Submit the comments and input to the Department with a description of how the SEA addressed any comments and input. (Section 8401(b)(3)(A) of the ESEA).

An SEA may also describe what may occur if it does not receive a waiver.

In the case of a waiver request submitted by an LEA, the request must be reviewed and approved by the SEA in accordance with section 8401(a)(2) before being submitted to the Secretary. The LEA must also provide notice and a reasonable opportunity to comment on the waiver request to the SEA and the public in the manner in which the LEA customarily provides similar notice and opportunity to comment to the public. (Section 8401(b)(3)(B) of the ESEA). Any comments received from the SEA and public must accompany the request when submitted to the Department.

The Department encourages any SEA, LEA, school, or Indian Tribe that intends to seek a waiver to review section 8401 of the ESEA, which may be accessed at the following web address: https://www2.ed.gov/documents/essa-act-of-1965.pdf.

Affected agencies or schools may also contact the Department's Office of Elementary and Secondary Education with questions about ESEA waivers by calling (202) 401-0113.

**B-4. <u>If an LEA is required to provide equitable services to private school students under an ESEA program, how should the LEA communicate with officials of these private schools during an extended school closure due to a disaster?</u>**



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The Department suggests that an LEA, during the required consultation process with private school representatives or officials under sections 1117(b) and 8501(c) of the ESEA, establish a communication process for use throughout a closure necessitated by a disaster. For example, the LEA may establish an emergency call tree to ensure any needed information can be shared within the LEA and from the LEA to private schools, as needed. The LEA may also establish procedures for how equitable services will be impacted in the case of closure due to a disaster and share those procedures with the private school representatives or officials. It will be helpful for LEAs to coordinate such planning with appropriate private school officials to make sure that they have access to information related to equitable services for their eligible students and, as applicable, their teachers and families. Grantees and private school officials may also consider enlisting the assistance of the designated State ombudsman regarding ESEA equitable services matters. As noted under the answer to B-7, the equitable participation of private school students and teachers may not be waived under section 8401(c) of the ESEA.

**B-5. Does the ESEA allow for any flexibility with respect to meeting maintenance of effort (MOE) without waiver approval?**

Yes. There is some flexibility in the MOE provisions in the ESEA.

It is important to understand the delay in when the current year's expenditures are taken into account for MOE determinations. For example, expenditures in school year 2017-2018 (fiscal year (FY) 2017 funds) will not affect MOE determinations until school year 2019-2020 (FY 2019 funds). In 2019-2020, the "preceding fiscal year" for MOE determinations will be expenditures for school year 2017-2018; likewise, expenditures in school year 2017-2018 will be the "second preceding fiscal year" for MOE determinations for school year 2020-2021 (FY 2020 funds). Under the MOE provisions in section 8521(b)(2) of the ESEA, an LEA that does not maintain effort during school year 2017-2018 (i.e., based on expenditures during the July 1, 2017 to June 30, 2018 period) would not be penalized with a reduction in Federal FY 2019 (school year 2019-2020) ESEA funds unless the LEA also failed to maintain effort in one or more of the five fiscal years preceding July 1, 2017. If an LEA faces a reduction in FY 2019 ESEA funds, the LEA (or the SEA on the LEA's behalf) may request an MOE waiver under section 8521(c)(1), which gives the Department the authority to waive the MOE requirements in the case of a natural disaster or another exceptional or uncontrollable circumstance.

Finally, we note that, under 34 CFR § 299.5(d)(2)(i), an SEA excludes from an ESEA MOE determination supplemental expenditures of State and local funds made as a result of a Presidentially declared disaster. Therefore, if an LEA's expenditures increase significantly in school year 2017-2018 due to increased spending in response to such a disaster, the SEA will exclude these expenditures from MOE calculations, which will decrease the possibility that a one-time increase in school year 2017-2018 expenditures will cause an LEA to fail to maintain effort in school year 2018-2019 (affecting allocations for the 2020-2021 school year) when expenditures from school year 2018-2019 are compared to school year 2017-2018 expenditures.

**B-6. How should SEAs and LEAs identify and serve students who may be residing in homeless situations as a result of a disaster?**



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The Education for Homeless Children and Youth (EHCY) program is authorized under Title VII-B of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) (McKinney-Vento Act). The purpose of the McKinney-Vento Act is to ensure that homeless children and youth have equal access to the same free, appropriate public education as provided to other children and youth. (*See* section 721 of the McKinney-Vento Act). Under section 725(2)(A) of the McKinney-Vento Act, a child or youth is considered homeless if he or she lacks "a fixed, regular, and adequate nighttime residence." This includes children and youth who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters, cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings. (Section 721(b) of the McKinney-Vento Act).

Under the McKinney-Vento Act, each SEA has a State Coordinator for the Education of Homeless Children and Youths (EHCY). (*See* section 722(f) of the McKinney-Vento Act). In addition, each LEA also has a staff person who is designated to serve as the local liaison for homeless education. (*See* section 722(g)(1)(J)(ii) of the McKinney-Vento Act). In the event of a disaster, State Coordinators and local liaisons will want to work together to coordinate and facilitate services to children and families made homeless by the disaster.

To facilitate identification of homeless students, local liaisons may choose to display posters or distribute brochures on McKinney-Vento rights in places where people affected by the disaster are likely to assemble. Local liaisons should also notify social services, housing, and other types of agencies working with individuals and families affected by the disaster to assist with identification.

Local liaisons can be proactive in preparing schools to enroll displaced students and arranging for additional staff to assist with the identification and enrollment process. The McKinney-Vento Act requires homeless students to be immediately enrolled in school, even if the student is lacking documentation normally required for enrollment or has missed enrollment deadlines during any period of homelessness. (Section 722(g)(3)(C) of the McKinney-Vento Act). The LEA and school must also allow a student to remain in his or her school of origin (i.e., the school in which he or she was last enrolled or that he or she attended when permanently housed) if it is in the student's best interest to remain in that school and ensure that the student is provided transportation to and from that school if requested. (Sections 722(g)(3)(A) and 722(g)(1)(J)(iii) of the McKinney-Vento Act).

For more information on the EHCY program, please see the Department's non-regulatory guidance, which is available at: https://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716updated0317.pdf. In addition, the National Center for Homeless Education has technical assistance products on Disaster Preparation and Response, which are available at: http://nche.ed.gov/ibt/dis_prep.php .



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**B-7. <u>Are there certain Federal K-12 requirements under the ESEA that may not be waived in response to a disaster?</u>**

Yes. Section 8401(c) of the ESEA restricts the requirements for which the Department may consider waivers under section 8401. The requirements for which the Department *may not* grant waivers under this section include:

(1) The allocation or distribution of funds to States, LEAs, Indian Tribes, or other recipients of funds under the ESEA;
(2) Maintenance of effort (as noted below, section 8521 of the ESEA gives the Department the authority to waive this requirement under certain circumstances);
(3) Comparability of services;
(4) Use of Federal funds to supplement, not supplant, non-Federal funds;
(5) Equitable participation of private school students and teachers;
(6) Parental participation and involvement;
(7) Applicable civil rights requirements;
(8) The requirement for a charter school under Part C of Title IV of the ESEA;
(9) The prohibitions—
    (A) In Subpart 2 of Part F of Title VIII of the ESEA;
    (B) Regarding use of funds for religious worship or instruction in section 8505 of the ESEA; and
    (C) Regarding activities in section 8526 of the ESEA (prohibited uses of funds); and
(10) The selection of a school attendance area or schools under subsections (a) and (b) of section 1113 of the ESEA, except that the Department may grant a waiver to allow a school attendance area or school to participate in activities under Part A of Title I if the percentage of children from low-income families in the school attendance area or who attend the school is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school of the LEA that meets the requirements of subsections (a) and (b) of section 1113.

In addition, the section 8401 waiver authority does not apply to the Impact Aid Program (Title VII of the ESEA).

## C. Elementary and Secondary Education Issues- Part B of the IDEA, Section 504 of the Rehabilitation Act (Section 504), and Title II of the Americans with Disabilities Act (ADA)

Following a disaster, once schools resume, elementary and secondary schools must ensure equal access to educational opportunities for students with disabilities, and provide a free appropriate public education (FAPE). Under IDEA, LEAs where private elementary schools and secondary schools are located must also ensure the provision of equitable services to eligible students with disabilities enrolled by their parents in those private schools. (34 CFR §§ 300.130-300.144). The Department currently has no legal authority to waive IDEA requirements, except



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for the requirement to maintain State financial support for special education and related services, as explained in question C-9 below. Therefore, the following questions primarily address best practices for SEAs, LEAs, and schools when addressing extended school closures as a result of a disaster.

**C-1. Is an LEA required to continue to provide FAPE to students with disabilities during a school closure caused by a disaster?**

The IDEA, Section 504, and the ADA do not specifically address a situation in which elementary and secondary schools are closed for an extended period of time because of exceptional circumstances, such as a disaster.

If an LEA closes its schools because the functioning or delivery of educational services is disrupted, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The Department understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed to make up for any skills that may have been lost because of an extended school closure.

If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. (34 CFR §§ 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)). SEAs, LEAs, and schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP developed under IDEA, or a plan developed under Section 504. (34 CFR §§ 300.101 and 300.201 (IDEA), and 34 CFR § 104.33 (Section 504)).

**C-2. In the event of a school closure due to a disaster, how might educational services be provided to students with disabilities?**

Schools should consider ways of ensuring that continuing education activities (i.e., services provided during a school closure) are accessible to students with disabilities when they are provided to the general education population. Technology may afford students, including students with disabilities, an opportunity to have access to high-quality educational instruction during an extended school closure, especially when continuing education must be provided through distance learning. If schools are providing educational opportunities to the general student population, SEAs and LEAs are required to provide the services and accommodations needed for students with disabilities to have an equal opportunity to participate in a distance-



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learning program. (34 CFR § 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)).

**C-3. What must a school do if it cannot provide services in accordance with a student's IEP or Section 504 plan?**

If a school continues to provide instruction to the general school population during an extended closure due to a disaster, but is not able to provide services to a student with a disability in accordance with the student's IEP, the student's IEP Team determines which services can be provided to appropriately meet the student's needs. The IEP Team may meet by teleconference or other means to determine if some, or all, of the identified services can be provided through alternate or additional methods. Appropriate personnel responsible under Section 504 must take similar actions regarding a student who has a Section 504 plan. Additionally, under IDEA, eligible students enrolled by their parents in private schools who have services plans would need similar consideration and actions. If there has been an extended school closure, once school resumes, a student's IEP Team, or appropriate personnel under Section 504, must determine whether, and to what extent, compensatory services are needed consistent with the respective applicable requirements. (*See* Q&A C-5). (34 CFR §§ 300.320-300.324 (IDEA) and 34 CFR §§ 104.33-104.35(c) (Section 504)).

**C-4. In the event that a school is closed for an extended period of time due to a disaster, would an IEP Team be required to meet? Would an LEA be required to conduct an evaluation of a student with a disability?**

IEP Teams are not required to meet in person while schools are closed. IEP Teams may continue to work with parents and students with disabilities during such school closures and offer advice, as needed. If an evaluation of a student with a disability requires a face-to-face meeting or observation, the evaluation would need to be delayed until school reopens. Evaluations and reevaluations that do not require face-to-face assessments or observations may take place while schools are closed, if the parent consents. These same principles apply to similar activities conducted by appropriate personnel for a student with a disability who has a plan developed under Section 504 or who is being evaluated under Section 504.

**C-5. What steps must be taken to serve a student with a disability who may have lost skills as a result of an extended absence from school due to a disaster?**

The student's IEP Team (or appropriate personnel under Section 504) must make an individualized determination as to whether, and to what extent, it may be necessary to provide compensatory education. (34 CFR §§ 300.320-300.324 (IDEA), and 34 CFR §§ 104.33-104.35 (Section 504)).

Compensatory services may be necessary when there is a decline in the student's skills that occurred as a result of a student not receiving services during an extended closure due to a disaster.



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The student's IEP Team also must review the student's IEP and determine whether any other changes to the IEP are needed as a result of the extended absence from school. (34 CFR § 300.324(b)(1)). An IEP Team may consider using informal assessments to determine whether there have been changes in a student's performance. Similarly, the appropriate personnel under Section 504 must also review the student's plan developed under Section 504 to determine whether any other changes are needed as a result of a prolonged absence from school. (34 CFR § 104.35(c)).

**C-6. What steps must a school district unaffected by a disaster take in order to serve a student with a disability who relocates to that school district? What if the child's family does not have a copy of the child's current IEP in this situation?**

During such a difficult time, as schools attempt to locate or preserve records and work to rebuild school facilities, the Department recognizes the challenges associated with serving students who are displaced from their current school as a result of a disaster. For children with disabilities, the requirements under the IDEA related to student transfers do not contain specific exceptions due to disasters or situations where a school is unable to provide educational services to students. IDEA contains specific provisions governing IEPs and services for students with disabilities who transfer to a new school district within the same State or a different State in the same school year. (34 CFR § 300.323(e)-(g)). While different requirements apply to within-State and out-of-State transfers, students with IEPs must receive FAPE through the provision of services comparable to those described in the child's IEP from the previous public agency until, in the case of an in-State transfer, the new school district implements an IEP for the student. In the case of an out-of-State transfer, the new school district conducts an evaluation if determined necessary and implements a new IEP, if appropriate. The new school district must take steps to attempt to obtain the child's records from the previous school district, if such records exist, and the previous school district must attempt to promptly respond to the records request. (34 CFR § 300.323(g)). If a child's family relocates to a new school district in a different State, and the new school district believes that the child has a disability, but the parents cannot provide a copy of the child's IEP or the previous school district has not provided a copy of the child's IEP, the new school district may provide the child with special education and related services through a temporary IEP, subject to the parent's agreement. Recipient LEAs also are responsible for providing FAPE consistent with the requirements of Section 504 to students with disabilities who are in the jurisdiction of the LEA.

**C-7. Is an LEA required to provide equitable services to parentally placed private school students with disabilities during an extended school closure due to a disaster? How should the LEA communicate with these private schools?**

LEAs with students with disabilities parentally placed in private schools should have, during the required consultation process with private school officials under section 612(a)(10)(A)(iii) of the IDEA, established procedures and strategies, including a communication process that will be implemented in the event of an extended school closure. Planning for this effort may require establishing a new strategy to be employed during the extended closure. LEAs should coordinate such planning with appropriate private school



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officials to make sure that they have access to information related to equitable services for their eligible students.

**C-8. How should a State impacted by a disaster report data on its FFY 2017 IDEA Part B SPP/APR?**

The Department recognizes the damaging effects of disasters on impacted LEAs and their impact on LEAs' ability to report data. In developing the State's FFY 2017 IDEA Part B SPP/APR (which covers the period July 1, 2017 through June 30, 2018), the State should include for each indicator that it is relevant to, information that discusses the extent to which any LEAs that were affected by a disaster were unable to meet applicable timelines or where the collection of valid and reliable data was not possible. Please include any other relevant information for the Office of Special Education Programs (OSEP) to take into account.

**C-9. Does the Department have the authority to waive the requirement to maintain State financial support for special education and related services due to a disaster?**

Yes. The Secretary may waive, one fiscal year at a time, the requirement under Part B of the IDEA that States not reduce the amount of State financial support for special education and related services for children with disabilities if doing so would be equitable due to exceptional or uncontrollable circumstances, such as a disaster or unforeseen decline in the financial resources of the State. (34 CFR § 300.163(c)(1)). A State that wishes to seek such a waiver would contact its State Lead in OSEP for technical assistance.

## D. Issues Related to Services for Infants and Toddlers under Part C of the Individuals with Disabilities Education Act (IDEA)

Part C of the IDEA provides funds to the State LA to make early intervention services available to all eligible infants and toddlers with disabilities and their families living within the State. These services are provided in a variety of settings, including the child's home, daycare, preschools, and community centers. The following questions and answers primarily address the best practices for the State LA and its local EIS programs and providers when faced with unforeseen programmatic circumstances due to a disaster.

**D-1. Are the State LA or EIS program or provider required to continue providing early intervention services to infants and toddlers with disabilities under Part C of the IDEA if the offices are closed due to the impacts of a disaster?**

If the offices of the State LA or the EIS program or provider are closed, then services under Part C of the IDEA would not need to be provided to infants and toddlers with disabilities and their families during that period of time. If the LA's offices are open but the offices of the EIS program or provider in a specific geographical area are closed due to public health, flooding



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and/or safety concerns as a result of destruction in the area, the EIS program or provider would not be required to provide services during the closure.

If the local EIS program or provider's offices remain open, but IDEA Part C services cannot be provided in a particular location (such as in the child's home) by a particular EIS provider, then the LA should take reasonable steps to identify alternatives for continuing services. For example, services may be provided in an alternate location, using a different EIS provider, identifying other parent or community resources, or through alternate means, such as through teleconference or consultative services to the parent (if feasible).

**D-2. What steps must be taken if early intervention services are not provided for an extended period of time to an infant or toddler with a disability under Part C of the IDEA?**

Once the offices re-open and/or EIS programs and providers are able to provide services, the service coordinator and EIS providers for each child must resume providing the services on the child's Individualized Family Service Plan (IFSP) as soon as possible. (20 U.S.C. 1435(a)(4) and 1436; 34 CFR § 303.342(e)). For children who did not receive early intervention services for an extended period of time, once services resume, the service coordinator and EIS providers must determine if the child's service needs have changed, determine whether the IFSP Team should review the child's IFSP to identify whether any changes are needed, and consider whether compensatory services are needed. (20 U.S.C. 1436; 34 CFR § 303.342(b)). The IFSP team may meet by teleconference or other means to review the IFSP if conditions warrant or if the family requests a periodic review. *Id.*

**D-3. What steps can be taken to resume the provision of early intervention services after a family has been displaced and has relocated, and what can be done if early intervention records cannot be located or accessed?**

The Department recognizes the disruption to families and challenges to providers in continuing to provide early intervention services to families who are in a new location as a result of a natural disaster. Once early intervention services can be provided, if a family is in a new location, the first step is to contact the EIS program or provider where the child was receiving IDEA Part C services to obtain a copy of the child's early intervention record and most recent IFSP (with parent consent, if needed under 34 CFR § 303.414). If the child's records cannot be located or accessed due to circumstances relating to a disaster, a State may provide IDEA Part C services if parental consent is obtained by using an interim IFSP under 20 U.S.C. 1436(c) and 34 CFR § 303.345, until such time as the records establishing eligibility and the child's IFSP are available or, in the case of no records being available or a new family initially referred to IDEA Part C, such time as an evaluation and assessment can be conducted to determine eligibility.

**D-4. Does IDEA allow for flexibility in meeting the 45-day timeline for conducting a child's initial evaluation, assessment, and IFSP meeting?**

While the Department does not have the authority to waive the IDEA Part C 45-day timeline requirement in 34 CFR § 303.310(a), this timeline includes two allowable exceptions. These exceptions apply if the child or parent is unavailable due to exceptional family



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circumstances or a natural disaster; or if the parent has not provided consent despite documented, repeated attempts by the LA or EIS provider to obtain parental consent. (34 CFR § 303.310(b)). Both of these exceptional circumstances may apply in situations where a family has been displaced as a result of a disaster. In these situations, the LA or EIS program or provider must document application of the exception in the child's early intervention records. (34 CFR § 303.310(c)(1)). In situations such as a natural disaster, when families and providers are displaced and when offices are closed, delays can be expected. States must complete the initial evaluation, assessment, and IFSP meeting as soon as the exceptional family circumstance no longer exists and parental consent is obtained. (34 CFR § 303.310(c)(2)). As mentioned in question D-3, if appropriate, an interim IFSP may be put into place with parent consent under 34 CFR § 303.345 to provide IDEA Part C services before the evaluation or assessment is completed.

**D-5. How should the State report data on its Federal Fiscal Year (FFY) 2017 State Performance Plan/Annual Performance Report (SPP/APR) for IDEA Part C?**

The Department recognizes the damaging effects of recent natural disasters on EIS programs and providers and the infants and toddlers and families who are served by those programs. In developing the FFY 2017 SPP/APR (which covers the period July 1, 2017, through June 30, 2018) under Part C of the IDEA, the State should include for each indicator that it is relevant to, information that discusses the extent to which any EIS programs that were affected by the recent hurricanes, were unable to meet applicable timelines or where the collection of valid and reliable data was not possible. Please include under Indicators 1, 7, and 8 any documented exceptional family circumstances and other relevant information for OSEP to take into account.

## E. Adult Education and Career and Technical Education Program Issues

**E-1. May States receive a one-year waiver of their maintenance of effort (MOE) requirements for adult education and career and technical education programs if a disaster causes a disruption in services?**

Yes. Section 241(b)(4) of the Adult Education and Family Literacy Act (AEFLA) authorizes the Secretary to waive a State's MOE requirement for not more than one fiscal year if "the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster." Similarly, section 311(b)(2) of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV) allows the Secretary to waive a State's MOE requirement due to exceptional or uncontrollable circumstances (such as Hurricane Harvey, Hurricane Irma or Hurricane Maria) that affect a State's ability to meet such requirements.

**E-2. May States and local recipients renegotiate their agreed-upon performance levels for career and technical education programs if there are extended closures due to a disaster?**



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Yes, if the devastation from a disaster makes it excessively difficult to meet performance goals. Section 113(b)(3)(A)(vii) of Perkins IV provides the Secretary with the authority to renegotiate annual performance goals if certain unanticipated circumstances arise. (*See* the Office of Career, Technical, and Adult Education's Questions and Answers Regarding Perkins IV Non-Regulatory Guidance, Version 3 (Questions B-40 through B-45), https://s3.amazonaws.com/PCRN/docs/Compiled_List_of_QAs-8-8-16.docx).

**E-3. Will a State be subject to a financial sanction if it is not able to submit its performance report, as required under the Workforce Innovation and Opportunity Act (WIOA), by the report due date because of a disaster?**

No. In accordance with WIOA's implementing regulations at 34 CFR § 463.185(b), a State will not be subject to a financial sanction if it does not submit a complete performance report by the report due date as a result of exceptional circumstances outside of the State's control, including a disaster.

In the event that a State is not able to submit a complete performance report by the report due date, the State must notify the Secretary of Labor or Secretary of Education as soon as possible, but no later than 30 days prior to the established deadline for submission, of a potential impact on the State's ability to submit its performance report in order to not be considered failing to report. In circumstances where unexpected events occur less than 30 days before the established deadline for submission of the performance report, the Secretaries of Labor and Education will review requests for extending the reporting deadline in accordance with their Departments' procedures. (*See* 34 CFR § 463.185(c)).

## F. Postsecondary Education Issues Generally

This section discusses the waivers and other forms of relief the Department may provide to postsecondary institutions and other postsecondary program participants regarding Federal education requirements during an extended school closure as a result of a disaster, such as a hurricane, that disrupts the functioning or delivery of educational services. For additional information, see the guidance posted at the following Web address: https://ifap.ed.gov/ifap/disaster.jsp.

**F-1. What should institutions do if a disaster disrupts the delivery of educational services?**

Institutions should have alternatives for the delivery of educational programs for use during an extended closure due to a hurricane or other disaster. These alternatives could include creating or expanding distance learning opportunities, either through existing institutional capacity or through agreements with other institutions. Any written agreements with other institutions should be put in place as soon as possible so that they are available to address the needs of students, including students with disabilities. The requirements for these types of



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agreements for purposes of Federal Student Aid (FSA) programs can be found in 34 CFR § 668.5.

Because the ADA and Section 504 also prohibit discrimination on the basis of disability, institutions that receive Federal financial assistance or that are covered by the ADA must ensure that students with disabilities have equal access to educational opportunities. This includes plans for distance learning. Institutions should prepare strategies to ensure that students with disabilities have equal access to these programs. These include strategies for providing reasonable accommodations such as auxiliary aids and services and modifications to academic requirements where necessary to enable these students to access distance learning programs. (34 CFR § 104.44; 28 CFR §§ 35.130(b)(7) and 35.160).

Institutions should have plans ready to serve all students residing on campus, or to perform other functions if the campus itself is used for other purposes by the State or local community. Emergency preparedness and emergency response programs must also be accessible to individuals with disabilities. For additional information, *see* "An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities," available at the following website: http://www.ada.gov/emergencyprepguide.htm.

**F-2. What should an institution do if it is unable to properly administer its Federal student assistance programs under Title IV of the Higher Education Act of 1965 (HEA) due to a disaster?**

If an institution determines that it is, or will be, unable to properly administer its Title IV programs (including continuation of its educational programs) as a result of a disaster, it should immediately contact the FSA School Participation Division in the Department for further guidance. The contact information can be found at the following web address: https://ifap.ed.gov/ifap/helpContactInformationDetailedList.jsp?contactname=School%20Participation%20Division.

**F-3. What steps should institutions take if incoming students are unable to complete high school graduation requirements due to extended closures caused by a disaster and its disruptions to the functioning or delivery of educational services?**

Under institutional eligibility requirements for the Department's Federal student financial aid programs (34 CFR §§ 600.4(a)(2), 600.5(a)(3), and 600.6(a)(2)), institutions participating in those programs must admit as regular students only persons who have a high school diploma, have the recognized equivalent of a high school diploma, or are beyond the age of compulsory school attendance in the State in which the institution is physically located. Accordingly, institutions are strongly encouraged to consult with the high school the student was attending to best address a plan for the student to receive the high school diploma or its equivalent. The Department recognizes this may be a difficult task, particularly for students attending high school in a different State from the State in which the institution is located; however, officials at



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the high school will be the most aware of any modifications or waivers provided by the SEA or LEA.

### F-4. What if an institution's accreditation is up for renewal during an extended closure due to a disaster and the accrediting agency cannot complete its work on time?

The Secretary urges accrediting agencies to establish reasonable written policies (if they do not already have such policies) to extend accreditation or pre-accreditation if an institution is closed as a direct result of a disaster. Generally, the Department will consider policies granting extensions of accreditation or pre-accreditation due to expire within three months of a disaster or the deferral of already-pending accreditation actions as reasonable and consistent with good practice. For institutional eligibility purposes, the Department will accept reasonable extensions of existing accreditation or pre-accreditation even if granted by an agency that lacks a plan for extended closures.

### F-5. What if an institution's application to be recertified to participate in the FSA program is not submitted timely because of a disaster?

The Department will consider extending the institution's Program Participation Agreement if the institution has been impacted by a disaster. Institutions that need an extension should contact the School Participation Division of FSA.

## G. Issues Related to the Administration of the Federal Student Aid Programs

### G-1. What if an institution closes for several weeks during an academic year and it is not possible to reschedule instructional time?

If, as a result of a disaster, an institution is temporarily closed for an extended period of time that impacts the length of its academic year, the Department, through the FSA School Participation Division, will assist the institution to determine the continued eligibility of its programs and its students for HEA Title IV assistance. The Secretary may permit institutions with academic years of 30 weeks or longer to shorten their academic years to not less than 26 weeks, on a case-by-case basis under section 481(a) of the HEA, and 34 CFR § 668.3.

### G-2. What can an institution do to mitigate the impact that a disaster may have on the financial aid that students receive?

To reduce the potential impact of a disaster on student financial aid, the Department suggests the following:

- **Professional Judgment:** Section 479A of the HEA specifically provides the financial aid administrator (FAA) the authority to use professional judgment to make adjustments to the cost of attendance or to the values of the items used in calculating the Expected Family Contribution (EFC) to reflect a student's special circumstances. The Secretary



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encourages FAAs to use professional judgment to reflect more accurately the financial need of students and families affected by a disaster. The use of professional judgment is discussed in the Department's FSA Handbook, which can be accessed at: https://ifap.ed.gov/ifap/byAwardYear.jsp?type=fsahandbook&awardyear=2016-2017.

- **Refunds and Re-Enrollment:** The Department strongly encourages institutions to provide a full refund of tuition, fees, and other institutional charges, or to provide credit in a comparable amount against future charges, for students who withdraw from school as a direct result of a disaster. The Department also urges institutions to consider providing easy and flexible re-enrollment options to such students.
- **Satisfactory Academic Progress:** When a student fails to meet the institution's satisfactory academic progress standards due to a disaster, the institution may apply the "other special circumstances" exception provision in 34 CFR § 668.34(a)(9)(ii).
- **Return of Title IV Funds:** If a student withdraws from school because of a disaster, the institution must perform the return of HEA Title IV funds calculations in accordance with 34 CFR § 668.22, as it must for any student who withdraws. Institutions should not include the days the school was not offering classes due to the disaster in either the numerator or denominator of the calculation.
- **Late Disbursements:** The Department's disbursement regulations allow, under certain conditions and within certain time frames, for a late disbursement of Title IV funds when the late disbursement was not the fault of the student. These regulations would permit a disbursement of Title IV funds to accommodate students affected by a disaster (*see* 34 CFR § 668.164(j)).

### G-3. What relief from the requirements in the Student Assistance General Provisions regulations may the Department provide to institutions, and how may institutions go about requesting this relief?

If appropriate, the Department may provide the following relief to institutions:

- **Cash Management:** The Secretary will work with institutions affected by a disaster to address specific problems arising from regulatory requirements regarding credit balances, notices and authorizations, excess cash, and the handling of Direct Loan Fund Proceeds (*see* 34 CFR part 668, subpart K). Please contact the FSA School Participation Division for assistance.
- **Campus Security Report and Equity in Athletics Disclosure Report:** If an institution is unable to provide the Department with its crime and fire statistics or its Equity in Athletics Disclosure Report by the established deadlines because its administrative capability is directly impacted by a disaster, the Department will consider adjusting the reporting deadlines (*see* 34 CFR §§ 668.41, 668.46, and 668.47). This also includes the dissemination of an Annual Security Report to the school's community by October 1 of each year. Please contact the FSA School Participation Division for assistance.
- **Enrollment Reporting:** If an institution is unable to report enrollment information to the National Student Loan Data System (NSLDS) according to the established schedule



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as a direct result of a disaster, it must contact NSLDS Customer Service at 1-800-999-8219 to modify its reporting schedule.

### G-4. What administrative relief can the Department provide to institutions regarding campus-based programs?

Section 413D(d) of the HEA penalizes institutions for underutilization of their campus-based funding. Section 413D(d)(2) of the HEA, however, authorizes the Secretary to waive this penalty for an institution if enforcing the reduction would be contrary to the interest of the program. The Secretary will consider the failure of an institution to expend funds due to a disaster as an appropriate basis for granting a waiver (*see* 34 CFR § 673.4(d)(3)).

The HEA also requires an institution to use at least seven percent of the total amount of its Federal Work Study (FWS) allocation to compensate students employed in community service (42 U.S.C. 2753(b)(2)(B)). The Secretary may waive this requirement if the Secretary determines that enforcing it would cause a hardship for students at the institution. The Secretary will consider the failure of an institution to expend at least seven percent of its FWS allocation for community service due to a disaster that disrupts the functioning or delivery of educational services as an appropriate basis for a waiver (*see* 34 CFR § 675.18(g)).

In addition, the Secretary will consider extending the Fiscal Operations Report and Application to Participate reporting deadlines on a case-by-case basis if a disaster affects an institution's ability to meet these required reporting deadlines. To receive such consideration, institutions may contact the FSA School Participation Division.

### G-5. What administrative relief can the Department provide to institutions regarding enrollment reporting requirements?

Any borrower who maintains an "in-school" status but who is unable to complete course requirements or enroll in classes because of an issue caused by a disaster will be considered to have maintained his or her "in-school" status during the relevant period of nonattendance until the borrower withdraws or re-enrolls in the next regular enrollment period (whichever is earlier). The relevant period of nonattendance should not require a borrower to enter or use any of his or her grace period.

This guidance does not affect the way an institution should report a borrower's enrollment status.

### G-6. What administrative relief will the Department provide to institutions regarding the Direct Loan program?

Generally, institutions are required to submit the Direct Loan promissory note, loan origination record, and initial disbursement record for a loan to the Secretary no later than 15 days following the date of the initial disbursement of the loan. If an institution is severely affected by a disaster, however, the Secretary, through the appropriate FSA School Participation



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Division, will take steps to address an institution's concerns about meeting these deadlines on a case-by-case basis (*see* 34 CFR § 685.301(c)).

### G-7. What administrative relief can the Department provide to institutions regarding the Federal Perkins Loan program?

In the event that services are severely disrupted or disrupted for an extended period of time due to a disaster, the Secretary, through the appropriate FSA School Participation Division, will consider addressing concerns about the billing and collection activities required on a case-by-case basis (*see* 34 CFR Part 674, Subpart C). If an institution contracts with a third-party servicer for this activity, that billing and collecting service of prior year borrowers should continue. The Secretary, through the appropriate FSA School Participation Division, will also consider addressing, on a case-by-case basis, concerns about borrowers in initial and post-deferment grace periods (*see* 34 CFR § 674.42).

The Secretary will consider authorizing the institution to grant forbearance, for a period not to exceed three months, to a borrower who is in repayment, but is unable to continue to repay the loan due to the disaster. A borrower may request this forbearance orally, or in writing, and is not required to submit documentation to be considered eligible for this forbearance. This period of forbearance will be counted toward the three-year maximum limit on the number of years of forbearance that may be granted to a borrower. In order to receive forbearance beyond the three-month period, the borrower must make a written request to the institution and provide supporting documentation (*see* 34 CFR § 674.33).

### G-8. What administrative relief can the Department provide to loan holders regarding enrollment status requirements for Federal Family Education Loan (FFEL)?

In accordance with the Department's regulations, loan holders may grant an administrative forbearance to FFEL borrowers who have been adversely affected by a disaster. The holder may grant forbearance for up to three months and must document the reasons why it granted the forbearance, but does not need to obtain supporting documentation or a signed written agreement from the borrower (*see* 34 CFR §§ 682.211(f)(11)). The Secretary believes that it is in the best interest of the student loan programs to consider each Federal Stafford or PLUS loan that is in an "in-school" or in an "in-school" deferment status on the date the borrower's attendance at the institution was interrupted due to a natural disaster to be in an "in-school" status. Each loan should continue in that status until the borrower withdraws or re-enrolls in the next regular enrollment period, whichever is earlier. This period of nonattendance due to a disaster should not result in a borrower entering or using any of his or her grace period on the loan (*see* 34 CFR §§ 682.209(a) and 682.210).

The Secretary will treat Direct Loan borrowers in accordance with the administrative forbearance guidance discussed above.



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### G-9. What administrative relief can the Department provide institutions regarding the Federal Pell Grant and Iraq-Afghanistan Service Grant disbursement records?

Normally, an institution must submit to the Department a Federal Pell Grant and Iraq-Afghanistan Service Grant disbursement record for a student not later than 15 calendar days after the institution makes a payment to the student. In addition, if the institution becomes aware that a previously reported payment or expected payment for a student is no longer accurate, the institution must submit an accurate disbursement record for that student to the Department not later than 15 calendar days after becoming aware of the need to make the change. The Secretary will consider revising these deadlines for institutions affected by a disaster (*see* 34 CFR § 690.83).

## H. Vocational Rehabilitation (VR) Program Issues

This section discusses the forms of relief the Department may provide to State VR agencies, as well as recommendations to ensure the continuity of services during an extended agency/office closure as a result of a disaster that disrupts the program's functioning or delivery of VR services.

### H-1. What flexibility can the Department provide regarding program and fiscal reporting?

Understanding that case management systems may be impacted, OSERS' Rehabilitation Services Administration (RSA) fiscal and data staff can assist grantees impacted by disasters by providing flexibility in the reporting of program and fiscal data. VR agencies should contact the OSERS/RSA Fiscal and Data units as issues arise.

### H-2. Will a State be subject to a financial sanction if it is not able to submit its performance report, as required under WIOA, by the report due date because of a disaster?

No. In accordance with WIOA's implementing regulations at 34 CFR § 361.185(b), a State will not be subject to a financial sanction if it does not submit a complete performance report by the report due date as a result of exceptional circumstances outside of the State's control, including a disaster.

In the event that a State is not able to submit a complete performance report by the report due date, the State must notify the Secretary of Labor or Secretary of Education as soon as possible, but no later than 30 days prior to the established deadline for submission, of a potential impact on the State's ability to submit its performance report in order to not be considered failing to report. In circumstances where unexpected events occur less than 30 days before the established deadline for submission of the performance report, the Secretaries of Labor and Education will review requests for extending the reporting deadline in accordance with their Departments' procedures. (*See* 34 CFR § 361.185(c)).



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**H-3. What should VR agencies do if a disaster disrupts the delivery of VR services?**

The Department recognizes the challenges associated with serving individuals and youth with disabilities who are displaced as a result of a disaster. As VR agencies attempt to continue to serve individuals with disabilities, including youth with disabilities, who have been displaced, we recommend that VR agencies identify alternative means for delivering VR services for use during an extended closure due to a disaster. These alternatives can include consolidating or expanding responsibilities of local VR offices in order to effectively serve program participants and communicating with community rehabilitation providers to ensure that the VR service needs of individuals with disabilities are not unduly or unnecessarily delayed.

**H-4. Does the Department have the authority to waive the maintenance of effort requirement under the State VR program due to a natural disaster?**

Yes. A State may request a waiver or modification of the maintenance of effort requirement if it fails to meet that requirement because of certain specific circumstances, such as natural disasters. The Secretary may grant a waiver or modification of the maintenance of effort shortfall when an action would be an equitable response to exceptional or uncontrollable circumstances affecting the State. A State that wishes to seek such a waiver should contact its State liaison in OSERS/RSA for technical assistance.

**H-5. Does the Department have the authority to waive the match requirement under the VR State program?**

No. Without a legislative change by Congress, the Department is unable to waive the VR match requirement.



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March 26, 2020

The Office of Special Education and Rehabilitative Services' Rehabilitation Services Administration (RSA) issues this Questions and Answers document to outline its plans for implementing performance accountability provisions under title I of the Workforce Innovation and Opportunity Act (WIOA) as State Vocational Rehabilitation (VR) agencies seek to provide continuity of operations for individuals with disabilities in the current COVID-19 environment.

In the near future, RSA plans to issue additional Questions and Answers related to the VR program and State Supported Employment Services program to respond to other questions that State VR agencies have recently asked. State VR agencies should contact their RSA State Liaison with additional questions. Additional information specific to the COVID-19 pandemic may be found online at https://www.ed.gov/coronavirus.

WIOA Performance Accountability

**Q1. What steps will RSA take to account for a decrease in State performance in Program Year (PY) 2019 because of extended program closures during the pandemic? Will States be penalized for performance issues?**

The U.S. Departments of Education and Labor (Departments) will not make any determinations of performance success or failure based on PY 2019 performance data, submitted by October 1, 2020. RSA did not establish performance levels with VR agencies for PY 2019. Therefore, without this data, we will not have the requisite data to determine whether a State has met its performance levels. The Departments will take the effect of the COVID-19 outbreak into consideration in reviewing PY 2019 data. RSA encourages State VR agencies to remain in contact with RSA related to the impact of COVID-19 on service delivery and performance outcomes.

RSA Technical Assistance Circular 20-02[1] states that the first year for which performance success or failure can be determined for some indicators applies to PY 2020; this data is reported by October 1, 2021. The Departments will continue to closely monitor the effect of the COVID-19 outbreak and its impact on services and performance outcomes.

**Q2. Will RSA consider delaying performance negotiations, as State offices may be closed for an unspecified period of time?**

At this time, the U.S. Department of Education (the Department) anticipates that the negotiations process will proceed, and we will conduct negotiations with States. The Department anticipates

[1] RSA TAC 20-02: *Negotiations and Sanctions Guidance for the Workforce Innovation and Opportunity Act (WIOA) Core Programs* is available at: https://www2.ed.gov/policy/speced/guid/rsa/subregulatory/tac-20-02.pdf



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negotiated levels of performance will be included in the approved Unified or Combined State Plans for the four-year period covering PYs 2020 through 2023. The Department is aware that some State offices are closed, and some States have implemented remote work. The Department is also aware that State agency leadership and management staff may be involved with COVID-19 response efforts. As a result, the Department will be as flexible as possible in conducting negotiations, including scheduling meetings at times that meet States' needs.

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PSC

# Introducing Emergency Backup Care

As a Department of Education employee, you now have access to Emergency Backup Care, a program designed to help you secure—and pay for—backup care when your regular care plans are disrupted. Emergency Backup Care provides:

### Coverage for the entire family

- Children and adult loved ones, including mildly ill
- Self-care if you are ill or recovering from illness or surgery

### Flexible placement options

- Licensed centers and in-home care providers in our network
- Other licensed providers in your area
- Friends and family members you know and trust

### Affordable, convenient care

- You can reserve care up to 30 days in advance or call for last-minute emergencies
- You pay only $10 a day per covered family member when you use network providers
- We'll reimburse you for the cost of care minus the $10 co-pay when you use out-of-network providers
- We'll reimburse you up to $100 per day for the cost of care when you use friends and family members
- You can use the service for up to 5 visits per covered family member per fiscal

**Be Prepared**
Most child care centers require current health/immunization records in order to care for your child. It is recommended that you keep up-to-date copies of these records at home where they are easily accessible if needed.

FEDERAL OCCUPATIONAL HEALTH

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FOH Publication 15.3598

Dear Chief State School Officer:

The President recently signed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which provides substantial relief to children and educators who have been profoundly affected by the Novel Coronavirus Disease (COVID-19). In addition to providing an influx of Federal funds to help Governors, State educational agencies (SEAs), and local educational agencies (LEAs) address some of the devastating effects of COVID-19 on the learning environment, this Act authorizes the Secretary to provide additional flexibility through waivers of specific requirements. As you know, on March 20, 2020, Secretary DeVos provided flexibility with respect to certain requirements in Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) regarding statewide assessments, accountability and school improvement, and some reporting requirements for the 2019-2020 school year due to the unprecedented challenges you are facing due to COVID-19. In light of this on-going national emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and to help you in your planning for how to resume education, today I am writing to offer additional flexibilities under the CARES Act.

Pursuant to the authority under the CARES Act, I am inviting you to request waivers of the following provisions:

- Section 1127(b) of Title I, Part A of the ESEA so that your SEA may waive, more than once every three years, if necessary, the 15 percent carryover limitation in ESEA section 1127(a) for FY 2019 Title I, Part A funds.
- Section 421(b) of the General Education Provisions Act (GEPA) to extend the period of availability of FY 2018 funds for programs in which your SEA participates under its approved consolidated State plan until September 30, 2021, and the period of availability of FY 2019 funds for these same programs until September 30, 2022.
- Section 4106(d) of Title IV, Part A of the ESEA related to LEA needs assessments for the 2019-2020 school year.
- Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA with respect to content-area spending requirements for the 2019-2020 school year.
- Section 4109(b) of Title IV, Part A of the ESEA with respect to the spending limitation for technology infrastructure for FY 2018 and FY 2019 Title IV, Part A funds.
- Section 8101(42) of the ESEA, which defines "professional development," for activities funded for the 2019-2020 school year.

Through these waivers, your SEA would be able to approve an LEA to carry over more than 15 percent of its Title I, Part A funds, even if the LEA had received approval to exceed this limitation in the past three years. Your SEA would be able to extend for itself and its subgrantees the period of availability of programs included in your consolidated State plan to allow additional time to obligate those funds. Your SEA would also be able to permit LEAs and consortia of LEAs to use their Title IV, Part A funds to best meet their needs without regard to content-area spending requirements, spending limits on technology infrastructure, or completing a needs assessment. Finally, by waiving the definition of professional development, your SEA and subgrantees would be able to conduct time-sensitive, one-time or stand-alone professional development focused on supporting your educators to provide effective distance learning.

I want to continue to thank you for the work you are doing to help ensure learning continues for all your State's students in this difficult time. The U.S. Department of Education is committed to supporting you with every tool at our disposal and extending all flexibilities within our control.

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If you are interested in receiving one or more of these waivers on behalf of your SEA and its subgrantees, please submit your request to OESE.Titlei-a@ed.gov. I am enclosing a streamlined

template for your convenience that includes a checklist to designate the waivers you desire. My staff is committed to providing a response within one business day to any SEA that submits a waiver request using this optional waiver template. I recognize that you have many questions and will need additional supports, including the possibility of additional waivers, as you deal with the COVID-19 national emergency.

If you have additional questions or concerns regarding these waivers, contact us at OESE.Titlei-a@ed.gov. If you have general questions regarding COVID-19 and how the Department can best support you, please contact COVID19@ed.gov. I encourage you to continue to monitor information regarding COVID-19 from the Centers for Disease Control and Prevention at www.cdc.gov/coronavirus/ and at our website, www.ed.gov/coronavirus.

Thank you for your continued commitment to our nation's students during these extraordinary circumstances.

Sincerely,

Frank T. Brogan
Assistant Secretary for Elementary
and Secondary Education

Enclosure

cc: Council of Chief State School Officers
State Title I, Part A Directors
State Title I, Part C Directors
State Title I, Part D Directors
State Title II, Part A Directors
State Title III, Part A Directors
State Title IV, Part A Directors
State Title IV, Part B Directors
State Title V, Part B, Subpart 2 Directors
State Assessment Directors

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## Distance Learning Tools for Learners in CTE

As we've entered this uncharted territory in education students, educators, and parents have done incredible things overnight in the space of online learning and instruction. One of the challenges we've heard about here at the Department is about how do to take career and technical education and work-based learning online? Here are some examples of non-governmental organizations and companies that are providing assistance in this space.

TechforLearners.org, a new resource for educators, administrators, and public officials who are turning to online learning as coronavirus response disrupts the school year. TechforLearners.org is a searchable online database of education technology tools that facilitate online classrooms and teaching, allowing educators to search for free and discounted tools and services by grade level, product type, and subject matter. The site, coordinated by the Software & Information Industry Association (SIIA), will be continually updated and will soon include additional resources geared towards parents and students.

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Several companies have contacted us directly and said they will offer access to their resources for free for a month:

- **Lincoln Electric** https://education.lincolnelectric.com/
- **NC3** https://www.nc3.net/keep-cte-moving/
- **camInstructor** https://share.hsforms.com/1vMICfJtsTdOdFNI6nMjqFA2bydq
- **180Skills** http://www.180skills.com/manufacturing-skills-courses/
- **ToolingU** www.toolingU.com

A few states have highlighted additional entities that have been helpful. Out of Florida, ESSCO, NCER, Pearson, ShadowHealth, and I-Patient. North Carolina mentioned MBA research and Certiport as good resources. And Nevada said BusinessU and MBA Research are particularly helpful for business and marketing education.

ACTE has distance learning professional development for free www.acteonline.org/professional-development/opportunities/distance-learning-resources/ . ACTE also has a list of distance learning resources https://careertech.org/covid19 including:

**White House OSTP Leads Effort to Increase Access to Online Education Resources**
New resource for educators, administrators, and public officials who are turning to online learning as coronavirus response disrupts the school year.
**Distance Learning Resources**, The Smithsonian
**Rapid Response Resources: COVID -19,** including specific resources for states, PIE Network

**Resources for Learning from Home During COVID-19 School Closures**, Thomas B. Fordham Institute

America's Promise Alliance released a list of **resources** that can be helpful to young people, families, and those of you who work with and care deeply about young people and children.

Advance CTE's CTE on the Frontier **brief** that covers distance learning including case studies of North Dakota's Interactive Television program and Idaho's virtual learning academy.

A **weekly webcast** with engaging learner tasks for students while at home, Code.org

**Moving to Flexible Deliveries**, Teaching and Learning Center

**Matching Technology to Components of Instruction**, Teaching and Learning Center

**Keep Calm Keep Teaching**, Teaching and Learning Center

**CTE Toolkit** consisting of resources, rubrics, videos and more, Asia Society

**Adult Basic Education Distance Learning Resource Site**, EdTech Center @ World Education

**CTE Learn offer** for free courses to prepare educators to teach online, ACTE

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## APPENDIX H: CORONAVIRUS PLAN

### NOTIFICATION PLAN

If it is necessary to contact all employees to provide them emergency instructions, the Department's Send Word Now automated emergency notification system and OCTAE's established call tree protocols will be used. Once the Coronavirus Plan is initiated by the Assistant Secretary or his/her designate, every supervisor will be contacted and will, in turn, contact each member of his/her staff. Based on the Assistant Secretary's guidance, supervisors would provide information to staff on future communications concerning work activities and general welfare issues.

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## ESSENTIAL EMPLOYEES

A team of essential employees are designated to ensure that operations continue to function in the event of a widespread illness such as a coronavirus pandemic. The essential employees are as follows:

- Scott Stump, Assistant Secretary
- Richard Smith, Deputy Assistant Secretary for Management and Planning
- Casey Sacks, Deputy Assistant Secretary for Community Colleges
- Trina Shields, Executive Officer
- Cheryl Keenan, Director, Division of Adult Education and Literacy
- Sharon Miller, Director, Division of Academic and Technical Education
- Braden Goetz, Director, Policy, Research, and Evaluation Staff
- Christopher Coro, Deputy Director, Director of Adult Education and Literacy
- Katrina Lancaster, Lead Budget Analyst
- James Holmquist, ISSO & IT Manager

## ESSENTIAL FUNCTIONS

OCTAE has no essential functions as defined by the Department – activities that are so critical that they cannot go for 30 days without being performed. However, OCTAE has defined the following business processes as essential to our operations:

- External communications. This includes the business-related information that we receive from any and all of our customers and stakeholders – and providing information to employees, customers and stakeholders on all aspects of lines of business.

- Budget execution and administration. This includes budget formulation and execution; financial management; electronic transfer of funds; purchasing and simplified acquisitions; personnel administration; HR-related services; travel management; IT asset management; IT acquisition; IT security; facilities management; physical security; and safety.

- Formula grants and monitoring. Activities include verifying funds allocation, placing special terms and conditions on grants and the creation/obligation of grants in the Grants Administration and Payment Systems (GAPS).

- Discretionary grants processing. Activities include publishing grant announcements, reviewing applications, making awards and the use of EDCAPS and GAPS to execute awards.

- Contracts. This includes ensuring that all grant and contract actions required to obligate funding are completed prior to the end of the fiscal year.

- FOIA requests. This includes responding to FOIA requests for information on matters.

- Program activities. This includes work that supports mission responsibilities.

## CONVENE STAFF VIA REMOTE ACCESS

If necessary, OCTAE staff will be placed on approved telework agreements to work at alternate locations such as their homes. A central location (or several) such as a hotel meeting room, community hall or school may be used to serve as an area where employees may meet, exchange information, receive work assignments, and perform work if the situation permits. If it is not possible for

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employees to convene in this manner, employees will work from their homes.

**FLEXIBLE AND SCALABLE RESPONSE**

The BCP is a flexible and scalable plan that can be used to address the full spectrum of implementation of staff in telework arrangements at levels of 30%, 60%, 80%, and 100%. The plan may be activated *fully* or *partially*, depending on the nature and impact of the spread of the virus.

The OCTAE Principal Officer has the authority to activate the plan and to order the response actions taken, as discussed in Section 3.3.

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This template is an example that may be used for the submission of a request for waivers of the requirements noted below. Note that the Department will accept, process, and approve any appropriate waiver request; for assistance please contact OESE.Titlei-a@ed.gov. However, the Department plans to respond in one business day to a State educational agency that follows the example and provides all necessary information in an accessible way.

The Honorable Frank T. Brogan
Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Brogan:

I am writing to request waivers, pursuant to section 3511 of Division A of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act, P.L. 116-136 (H.R. 748), 34 Stat. 281 (Mar. 27, 2020)), of the requirements enumerated below on behalf of the State educational agency (SEA) and its subgrantees (e.g., local educational agencies (LEAs)).

State:

*Please check all that apply:*

- ☐ Carryover limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) for Federal fiscal year (FY) 2019 Title I, Part A funds (i.e., the Title I, Part A funds that will become carryover funds on October 1, 2020): the requirement that limits an SEA's ability to grant to its LEAs a waiver of the 15 percent Title I, Part A carryover limitation in section 1127(a) more than once every three years.

Period of availability in section 421(b) of the General Education Provisions Act (GEPA): to extend the period of availability of FY 2018 funds[1] for programs in which the SEA participates under its approved consolidated State plan until September 30, 2021, and the period of availability of FY 2019 funds for these same programs until September 30, 2022. The programs are (check all that apply):

[1] If an SEA has already obligated all of its FY 2018 funds for a program and checks the box for that program, the Department will interpret the request as applying to FY 2019 funds only.

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- ☐ Title I, Part A of the ESEA (Improving Basic Programs Operated by LEAs), including the portions of the SEA's Title I, Part A award used to carry out section 1003 school improvement and Title I, Part D, Subpart 2
- ☐ Title I, Part B of the ESEA (State Assessment Formula Grants)
- ☐ Title I, Part C of the ESEA (Education of Migratory Children)
- ☐ Title I, Part D, Subpart 1 of the ESEA (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk)
- ☐ Title II, Part A of the ESEA (Supporting Effective Instruction)
- ☐ Title III, Part A of the ESEA (English Language Acquisition, Language Enhancement, and Academic Achievement)
- ☐ Title IV, Part A of the ESEA (Student Support and Academic Enrichment Grants)
- ☐ Title IV, Part B of the ESEA (21st Century Community Learning Centers)
- ☐ Title V, Part B, Subpart 2 of the ESEA (Rural and Low-Income School Program)
- ☐ McKinney-Vento Education for Homeless Children and Youth Program

The following requirements in Title IV, Part A of the ESEA for the 2019-2020 school year (check those that apply):

- ☐ Needs assessment requirements in section 4106(d).
- ☐ Content area spending requirements in section 4106(e)(2)(C), (D), and (E): the requirements to use a minimum percentage of Title IV, Part A funds for activities under sections 4107, 4108 and 4109.
- ☐ Spending limitation in section 4109(b): the 15 percent limit on the use of funds under section 4109 to purchase technology infrastructure for FY 2019 and any available FY 2018 carryover funds.

- ☐ The definition of professional development in section 8101(42) of the ESEA for the 2019-2020 school year.

I am requesting these waivers because it is not possible to obligate funds on a timely basis as originally planned due to extensive school closures in the State. In addition, my State needs increased flexibility in the use of Title IV, Part A funds to support continuity of services due to these school closures. The school closures also present unique needs with respect to professional development for educators to meet the immediate needs of children whose education has been severely disrupted by school closures. These closures are in response to extraordinary circumstances for which a national emergency has been duly declared by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and will protect the health and safety of students, staff, and our communities.

In seeking these waivers, I assure that:

- ☐ The SEA will use, and ensure that its subgrantees use, funds under the respective programs in accordance with the provisions of all applicable statutes, regulations, program plans, and applications not subject to these waivers.

- ☐ The SEA will work to mitigate, and ensure that its subgrantees work to mitigate, any negative effects, if any, that may occur as a result of the requested waivers.

- ☐ The SEA will provide the public and all LEAs in the State with notice of, and the opportunity to comment on, this request by posting information regarding the waiver request and the process for commenting on the State website.

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Thank you for your consideration.

Sincerely,

[CHIEF STATE SCHOOL OFFICER]

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March 24, 2020

Dear State CTE Directors:

I first want to acknowledge the unprecedented challenges that each of you are facing in response to the COVID-19 pandemic and commend you on the steps you have taken, and continue to take, to ensure the health and success of your students. Over the past few weeks, via emails and Town Hall conference calls, we have heard the many questions and issues you are facing regarding your Perkins-funded State formula and discretionary grant programs in the current environment.

Below, we begin by answering the most critical questions that center around the forthcoming State and local application submission and approval flexibilities. We will update this document with additional questions and responses as quickly as we can. And, at any time you have a new and emerging question, please reach out to your State's Perkins Regional Coordinator (PRC) or send an email to our career and technical education (CTE) mailbox at cte@ed.gov. Thank you for your commitment to the over 12 million CTE students we serve!

Sincerely,

/s/

Scott Stump

* * *

1. Is the Department providing additional time for States to submit their Perkins V State Plans, which are currently due on April 15, 2020?

   Yes. While, we encourage States that are prepared to meet the original April 15 application deadline to do so, we recognize that a number of Perkins eligible recipients (States) may have difficulty submitting their Perkins V State Plans, covering fiscal years (FY) 2020-23, by that due date as a result of the challenging circumstances surrounding the novel coronavirus disease 2019 (COVID-19). For example, some States may need additional time to secure State Board approval and/or provide an opportunity for Governor review and joint signature.

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Accordingly, we are providing the following flexibilities for States that need additional time to submit their Perkins V State Plans.

- If the State is able to submit its State plan by June 15, 2020, OCTAE expects to complete review and approval of the Plan by June 30, 2020, and provide the State its first installment of FY2020 Perkins funds on schedule on July 1, 2020.

- If the State is unable to submit its State plan by June 15, 2020, the Department will use the transition authority in section 4 of Perkins V to extend the duration by three months, through September 30, 2020, of the State's One-Year Transition Plan, covering FY 2019-20 (July 1, 2019 – June 30, 2020). For such State, OCTAE will issue the first installment of FY 2020 Perkins funds on schedule on July 1, 2020, and provide a condition on the State's July 1 grant award that the State will submit its full Perkins V State Plan by September 15, 2020. The September 15 date will allow time for OCTAE to approve the State's plan prior to making the State's supplemental FY 2020 Perkins award on schedule on October 1, 2020. These States may continue to seamlessly administer their Perkins V grants, including issuing FY 2020 Perkins subgrants to local recipients.

We ask that States needing these flexibilities keep their Perkins Regional Coordinator (PRC) up to date on the status of their State plan submission. Our office commits to working diligently to review and approve State plans as quickly as possible.

2. <u>May a State award a Perkins V grant to a subrecipient without having fully approved its local application for funding?</u>

Under CFR § 76.708, a State may authorize an applicant (local recipient) for a subgrant to obligate funds on the later of the following two dates: (1) the date that the State may begin to obligate funds; or (2) the date that the applicant (local recipient) submits its application to the State in substantially approvable form. While the State always has the authority and flexibility to determine what constitutes a substantially approvable application, the State may further refine its definition in light of the unprecedented impact of COVID-19 on local recipients.

3. <u>May a State provide local recipients additional time to complete their local applications, covering FY 2020-23, due to the impact of COVID-19?</u>

For local recipients that are unable to submit a substantially approvable application to their State for approval by the State's due date for local applications (July 1, 2020 for most States), the Department is using the transition authority in section 4 of Perkins V to enable States to extend the duration of the local recipient's One-Year Local Application, covering FY 2019-20, by three months. For such a local recipient, the State will issue its FY 2020 Perkins subgrant on schedule to enable the local recipient to continue to seamlessly administer its Perkins V programs and services. States should inform their Perkins Regional Coordinator (PRCs) as soon as possible of the revised due dates for the submission of local applications.



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# PROGRAM MEMORANDUM OCTAE 20-3

**DATE:** March 26, 2020

**TO:** State Directors of Adult Education

**FROM:** Scott Stump /s/
Assistant Secretary

**RE:** Adult Education and Family Literacy Act and COVID-19 – Frequently Asked Questions

## Purpose

The purpose of this memorandum is to provide clarification, flexibilities, and supports to State Adult Education Offices as States seek to provide continuity of operations for adult learners in the current COVID-19 environment.

## Performance/Negotiations

### Q1. What steps will the Office of Career, Technical, and Adult Education (OCTAE) take to account for a decrease in State performance in Program Year (PY) 2019 because of extended program closures during the pandemic? Will States be penalized for performance issues?

The U.S. Departments of Education and Labor (Departments) will not make any determinations of performance success or failure based on PY 2019 performance data, submitted by October 1, 2020. OCTAE did not have sufficient data available to develop and apply the statistical model required by the Workforce Innovation and Opportunity Act[1] (WIOA) at the time PY 2019 performance targets were established for each State. Therefore, without this data, we will not have the requisite data to determine whether a State has met its performance levels.

The Departments will take the effect of the COVID-19 outbreak into consideration in reviewing PY 2019 data. OCTAE encourages State adult education agencies to monitor the effect of the

[1] Workforce Innovation and Opportunity Act (Pub. L. 113-128) available at: https://www.govinfo.gov/content/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf.



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outbreak on its performance and address the impacts in its annual narrative report submitted in December 2020.

OCTAE Program Memorandum 20-2[2] states that the first year for which performance success or failure can be determined for some indicators applies to PY 2020; this data is reported by October 1, 2021. The Departments will continue to closely monitor the effect of the COVID-19 outbreak and its impact on services and performance outcomes.

## Q2. Will OCTAE consider delaying performance negotiations, as State offices may be closed for an unspecified period of time?

At this time, the Department of Education anticipates that the negotiations process will proceed, and we will conduct negotiations with States. The Department anticipates negotiated levels of performance will be included in the approved Unified or Combined State Plans for the four-year period covering PYs 2020 through 2023. The Department is aware that some State offices are closed, and some States have implemented remote work. The Department is also aware that State agency leadership and management staff may be involved with COVID-19 response efforts. As a result, the Department will be as flexible as possible in conducting negotiations, including scheduling meetings at times that meet States' needs.

## Scheduled Grant Competitions

### Q3. For States with requests for proposals currently out for July 1 award, what options will be available to States to prevent a gap in service delivery? (i.e., can states extend current contracts for a short period of time to prevent a gap in service delivery? Can states extend the closing date of the grant competition? With the current disruptions, it would be difficult to have applications reviewed and approved by July 1).

Yes, because of the potential for broad impact of COVID-19 on both State administration of Adult Education and Family Literacy Act (AEFLA) programs and service delivery by eligible providers, an AEFLA State eligible agency may modify its plans for competitions involving Fiscal Year (FY) 2020 AEFLA funds. While the "direct and equitable access" requirement in section 231(c) of WIOA would generally preclude extensions of AEFLA grants and contracts, under these difficult and unique circumstances related to COVID-19, States may (1) suspend FY 2020 competitions and extend current eligible providers' grants and contracts for a one-year period, or (2) adjust competition timelines, delaying the award of grants or contracts to successful AEFLA applicants until a later date than planned and extending current grants and contracts accordingly.

State eligible agencies should follow State procedures in notifying current grantees, current applicants, and potential applicants of such changes, ensuring that all current and potential applicants receive information about these changes in the same way the notice of availability of funds was made public.

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[2] OCTAE Program Memorandum 20-2: *Negotiations and Sanctions Guidance for the Workforce Innovation and Opportunity Act (WIOA) Core Programs* is available at: https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/octae-program-memo-20-2.pdf.



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Given that the very purpose of either postponing competitions for a year or adjusting current competition deadlines would be to help prevent disruptions in service delivery, States should work to ensure that any changes in FY 2020 competition plans do not result in a gap in service delivery.

## Q4. Is a State required to request approval from OCTAE to extend current grants/contracts if a competition is suspended or delayed?

No, States are not required to request approval from OCTAE if a competition is modified or postponed. In accordance with 2 CFR 200.407, OCTAE is providing States with prior approval to make changes to their scheduled AEFLA competitions because of disruptions and other effects of COVID-19. While States need not seek this approval from OCTAE, States must notify their Area Coordinators of any changes in competition plans, including plans to extend current eligible providers' grants or contracts.

## Distance Learning

### Q5. Will OCTAE provide flexibility regarding the reporting of hours for distance learning? What types of instruction can States allow programs to report as instructional hours or seat time, and how do we track these virtual learning hours on these various platforms?

States may, but are not required to, report in the National Reporting System (NRS) the time that participants spent on distance learning activities. Recording hours is useful for determining when a post-test should be administered. The NRS Technical Assistance (TA) Guide[3] helps States that record distance learning hours by providing options for reporting "proxy hours" rather than classroom instructional hours. States that wish to record proxy contact hours may do so using one of the following models:

- **Clock Time Model,** which assigns contact hours based on the elapsed time that a participant is connected to, or engaged in, an online or stand-alone software program that tracks time;
- **Teacher Verification Model**, which assigns a fixed number of hours of credit for each assignment based on teacher determination of the extent to which a participant engaged in, or completed, the assignment; or
- **Learner Mastery Model**, which assigns a fixed number of hours of credit based on the participant passing a test on the content of each lesson. Participants work with the curriculum and materials and, when they feel they have mastered the material, take a test. A high percentage of correct answers (typically 70%–80%) earns the credit hours attached to the material.

The NRS TA Guide further advises that the State should use the proxy contact hour model appropriate for the distance education curricula being used.

[3] The National Reporting System Technical Assistance Guide is available at https://nrsweb.org/policy-data/nrs-ta- guide.



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## Q6. Is it possible to waive the requirement of 12 hours of "actual contact" for distance education for reporting purposes for the remainder of the 2019-2020 program year?

All eligible individuals receiving services under AEFLA must complete at least 12 hours of instruction to be considered a "participant" under 34 CFR 463.150. Program closures due to COVID-19 have resulted in placing students in distance learning settings, and those students may be in various stages of completing the initial 12 contact hours needed for them to be considered a participant.

One category of students who have been transferred from classroom-based instruction to distance learning services have already completed the initial 12 contact hours needed to be considered a participant. These individuals do not need to complete another 12 contact hours, as they have already met the 12-hour threshold.

Another category of students who have been transferred from classroom-based instruction to distance learning services have not yet completed the initial 12 contact hours needed to be considered a participant. These individuals may continue to accrue the required 12 contact hours through telephone, video, teleconference, or online communication, where participant and program staff can interact and through which participant identity is verifiable.

Students newly enrolled in distance learning programs and who were not receiving classroom instruction before COVID-19-related program closures must meet the 12-hour requirement before being considered an AEFLA participant. The 12-hour enrollment requirement for distance learners can be met by accruing contact hours through telephone, video, teleconference, or online communication, where participant and program staff can interact and through which participant identity is verifiable.

## Q7. What flexibilities will OCTAE allow in terms of assessment, as it relates to education practices? Will States be given the option to conduct virtual pre/post-assessment testing?

OCTAE recognizes that local programs may not be able to conduct in-person testing of students enrolled in distance learning programs during program closures due to the COVID-19 outbreak. If local programs are unable to conduct in-person testing, States may be able to report measurable skill gains (MSG) using other measures available to AEFLA programs under the MSG indicator, such as credit completion or high school completion. The inability to test distance learning students may adversely impact the number of MSGs a State would report in the NRS. States that are experiencing declines in testing rates should put procedures in place to identify students who were not tested due to an inability to conduct in-person testing, so that the impact of the COVID-19 outbreak can be appropriately tracked.

Additionally, States may choose to develop procedures to implement virtual test proctoring. States that choose to use this flexibility must have procedures to ensure that (1) the student who is testing can be properly identified, (2) any approved test (i.e., any test determined suitable for use in the NRS) that is used is properly secured, and (3) the virtual proctor can properly administer the test. Test security measures would require that only secure electronic versions of a test are administered by a virtual proctor and are deemed secure by the test publisher.



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## Q8. For States that did not have online learning options in place in their WIOA contracts with local programs, can the State give permission to local programs to provide online learning to students in lieu of classroom instruction on a short-term emergency basis?

**What flexibilities do States have to change their existing distance learning policies?**

Yes, consistent with a State's grant administration policies, a State may allow currently funded AEFLA grantees to administer distance learning programs, even if the State does not have an established State distance learning policy in place. However, OCTAE urges States to put a policy in place (or change current policy) as soon as feasible. Statewide distance learning policies help address how the State intends to collect instructional hours (if it chooses to do so), as well as convey its policies on student assessment. State policies may also convey important information about distance learning curricula that local programs can use to provide distance education.

## Q9. Can the State pay teachers for this online instruction?

Yes, States can use AEFLA funds to pay teachers delivering distance learning programs if such programs deliver adult education and literacy activities allowable under AEFLA.

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Dear Chief State School Officer:

The President recently signed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which provides substantial relief to students and educators who have been profoundly affected by the Novel Coronavirus Disease (COVID-19). I understand that many of you have questions about the CARES Act, especially available funding, and the U.S. Department of Education (Department) will be providing additional information to you as soon as possible. In the interim, you are welcome to submit questions by e-mail to CARES-ACT-questions@ed.gov.

The CARES Act authorizes the Secretary of Education to grant waivers requested by State educational agencies (SEAs) of section 421(b) of the General Education Provisions Act (GEPA), often referred to as the "Tydings Amendment," to extend the period of availability of State formula grant funds authorized by the Carl D. Perkins Career and Technical Education Act (Perkins Act) and the Adult Education and Family Literacy Act (AEFLA). We understand that the disruptions caused by COVID-19 may make it difficult for SEAs and their subgrantees to obligate their Fiscal Year (FY) 2018 and 2019 funds within the 27 months provided by section 421(b) of GEPA. If this is a concern for your State, I invite you to request a waiver or waivers to extend the availability of these funds for obligation by sending your request to AskOCTAE@ed.gov. I am enclosing a streamlined template for your convenience that you may use to request these waivers. My staff is committed to providing a response within one business day to any SEA that submits a waiver request using this optional waiver template.



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I want to thank you for the work you are doing to help ensure learning continues for all your State's students in this difficult time. The Department is committed to supporting you with every tool at our disposal and extending all flexibilities within our control.

If you have additional questions or concerns regarding these waivers, contact us at AskOCTAE@ed.gov. We are also interested in your input on other requirements related to the Perkins Act or AEFLA for which you anticipate a need for a waiver that are not currently covered by the CARES Act. If you have suggestions, please submit those to AskOCTAE@ed.gov. If you have general questions regarding COVID-19 and how the Department can best support you, please contact COVID19@ed.gov. I encourage you to continue to monitor information regarding COVID-19 from the Centers for Disease Control and Prevention at www.cdc.gov/coronavirus/ and at our website, www.ed.gov/coronavirus.

Thank you for your continued commitment to our nation's students during these extraordinary circumstances.

Sincerely,

Scott Stump
Assistant Secretary for Career,
Technical, and Adult Education

Enclosure

cc: State Directors of Adult Education
State Directors of Career and Technical Education
Council of Chief State School Officers
Advance CTE
National Association of State Directors of Adult Education



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4. Is the Department providing additional time to States for submission of Perkins V State Plans, which are currently due on April 15, 2020?

We recognize that a number of Perkins eligible recipients (States) may have difficulty submitting their Perkins V State Plans, covering fiscal years (FY) 2020-23, by the April 15 deadline as a result of novel coronavirus disease 2019 (COVID-19). For example, some States may need additional time to finalize their plan, secure State Board approval and/or provide an opportunity for Governor review. As a result, we are providing flexibility for States that need additional time to complete and submit their Perkins V State Plans.

In light of the challenging circumstances related to COVID-19, OCTAE is offering following options for State Plan submission:

- A State that has completed its Perkins V State Plan and would like early review and approval by the Department, may submit its plan by the April 15, 2020 deadline.
- A State that is unable to meet the April 15, 2020 deadline, should submit its State Plan as soon as possible.
  - If the State is able to submit by June 15, 2020, OCTAE expects to complete review of the Plan by June 30, 2020 in order to provide the State its initial Perkins FY2020 installment on July 1, 2020.
  - If the State is unable to submit by June 15, 2020, the Department will use the transition authority in section 4 of Perkins V to extend by three months, through September 30, 2020, the duration of the State's One-Year Transition Plan. For such a State, the Department will issue the first installment of its FY 2020 Perkins V grant award on July 1 based on the approval of the One-Year Transition plan and a condition on the July 1 award that the State will submit its full Perkins V State Plan by September 15, 2020. These States may continue to seamlessly administer their Perkins V grants, including issuing FY 2020 subgrants to local recipients.

We ask that States inform their Perkins Regional Coordinator (PRC) as soon as possible of the date they anticipate submitting their State Plan. Our office will work diligently to avoid any delays in reviewing plans and to issue Perkins V grant awards on schedule on July 1.

5. May a State extend the duration of a local subrecipient's One-Year Transition Plan beyond June 30, 2020 if the local subrecipient needs additional time to complete its local Perkins V plan due to the impact of COVID-19?

The Department is using its transition authority in section 4 of Perkins V to enable States to provide a three-month extension to the timeline for local recipients to submit their local applications for approval. States should inform their PRC as soon as



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possible of the revised deadline for the submission of local applications.

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This template is an example that may be used for the submission of a request for waivers of the requirement noted below. Note that the Department will accept, process, and approve any appropriate waiver request; for assistance please contact AskOCTAE@ed.gov. However, the Department plans to respond in one business day to a State educational agency that follows the example and provides all necessary information in an accessible way.

The Honorable Scott Stump
Assistant Secretary for Career, Technical, and Adult Education
Office of Career, Technical, and Adult Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Stump:

Pursuant to section 3511 of Division A of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act, P.L. 116-136 (H.R. 748), 34 Stat. 281 (Mar. 27, 2020)), I am writing to request a waiver, on behalf of the State educational agency (SEA) and its subgrantees (e.g., local educational agencies (LEAs), institutions of higher education) of section 421(b) of the General Education Provisions Act (GEPA) to extend the period of availability of Fiscal Year (FY) 2018 funds for programs in which the SEA participates as the eligible agency until September 30, 2021, and the period of availability of FY 2019 funds for these same programs until September 30, 2022. The programs are (check the programs for which the waiver is requested):

- ☐ State grants authorized by Title I of the Carl D. Perkins Career and Technical Education Act of 2006
- ☐ State grants authorized by Title II of the Workforce Innovation and Opportunity Act, the Adult Education and Family Literacy Act

I am requesting this (these) waiver(s) because it is not possible to obligate funds on a timely basis as originally planned due to extensive school and program closures in the State. These closures are in response to extraordinary circumstances for which a national emergency related to the COVID-19 pandemic has been duly declared by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 100-707, and will protect the health and safety of students, staff, and our communities.

In seeking these waivers, I assure that:

(1) The SEA will use, and ensure that its subgrantees use, funds under the respective programs in accordance with the provisions of all applicable statutes, regulations, program plans, and applications not subject to these waivers;

(2) The SEA will work to mitigate, and ensure that its subgrantees work to mitigate, any negative effects, if any, that may occur as a result of the requested waiver(s); and



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(3) The SEA will provide the public and all subgrantees in the State with notice of, and the opportunity to comment on, this request by posting information regarding the waiver request and the process for commenting on the State website.

Thank you for your consideration.

Sincerely,

[CHIEF STATE SCHOOL OFFICER]

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March 26, 2020

The Office of Special Education and Rehabilitative Services' Rehabilitation Services Administration (RSA) issues this Questions and Answers document to outline its plans for implementing performance accountability provisions under title I of the Workforce Innovation and Opportunity Act (WIOA) as State Vocational Rehabilitation (VR) agencies seek to provide continuity of operations for individuals with disabilities in the current COVID-19 environment.

In the near future, RSA plans to issue additional Questions and Answers related to the VR program and State Supported Employment Services program to respond to other questions that State VR agencies have recently asked. State VR agencies should contact their RSA State Liaison with additional questions. Additional information specific to the COVID-19 pandemic may be found online at https://www.ed.gov/coronavirus.

WIOA Performance Accountability

**Q1. What steps will RSA take to account for a decrease in State performance in Program Year (PY) 2019 because of extended program closures during the pandemic? Will States be penalized for performance issues?**

The U.S. Departments of Education and Labor (Departments) will not make any determinations of performance success or failure based on PY 2019 performance data, submitted by October 1, 2020. RSA did not establish performance levels with VR agencies for PY 2019. Therefore, without this data, we will not have the requisite data to determine whether a State has met its performance levels. The Departments will take the effect of the COVID-19 outbreak into consideration in reviewing PY 2019 data. RSA encourages State VR agencies to remain in contact with RSA related to the impact of COVID-19 on service delivery and performance outcomes.

RSA Technical Assistance Circular 20-02[2] states that the first year for which performance success or failure can be determined for some indicators applies to PY 2020; this data is reported

[2] RSA TAC 20-02: *Negotiations and Sanctions Guidance for the Workforce Innovation and Opportunity Act (WIOA) Core Programs* is available at: https://www2.ed.gov/policy/speced/guid/rsa/subregulatory/tac-20-02.pdf



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by October 1, 2021. The Departments will continue to closely monitor the effect of the COVID-19 outbreak and its impact on services and performance outcomes.

**Q2. Will RSA consider delaying performance negotiations, as State offices may be closed for an unspecified period of time?**

At this time, the U.S. Department of Education (the Department) anticipates that the negotiations process will proceed, and we will conduct negotiations with States. The Department anticipates negotiated levels of performance will be included in the approved Unified or Combined State Plans for the four-year period covering PYs 2020 through 2023. The Department is aware that some State offices are closed, and some States have implemented remote work. The Department is also aware that State agency leadership and management staff may be involved with COVID-19 response efforts. As a result, the Department will be as flexible as possible in conducting negotiations, including scheduling meetings at times that meet States' needs.

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6. Is the Department providing additional time to States for submission of Perkins V State Plans, which are currently due on April 15, 2020?

   We recognize that a number of of Perkins eligible recipients (States) may have difficulty submitting their Perkins V State Plans covering fiscal years (FY) 2020-23. by the April 15 deadline as a result of novel coronavirus disease 2019 (COVID-19). For example, some States may need additional time to finalize their plan, secure State Board approval and/or provide an opportunity for Governor review. As a result, we are providing flexibility for States that need additional time to complete and submit their Perkins V State Plans.

   In light of the challenging circumstances related to COVID-19, OCTAE is offering following options for State Plan submission:

- A state that has completed its Perkins V State Plan and would like early review and approval by the Department, may submit its plan by the April 15, 2020 deadline;
- A State that is unable to meet the April 15, 2020 deadline, should submit its State Plan at the earliest possible date.
  - If the State is able to submit by June 15, 2020, OCTAE expects to complete review of the Plan by June 30, 2020 in order to provide the State its initial Perkins FY2020 installment on July 1, 2020.
  - If the State is unable to submit by June 15, 2020, the Department will use the transition authority in section 4 of Perkins V to extend by three months, through September 30, 2020, the duration of the State's One-Year Transition Plan. For such a State, the Department will issue the first installment of its FY 2020 Perkins V grant award on July 1 based on the approval of the One-Year Transition plan and a condition on the July 1 award that the State will submit its full Perkins V State Plan by September 15, 2020. These States



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may continue to seamlessly administer their Perkins V grants, including issuing FY 2020 subgrants to local recipients.

We ask that States inform their Perkins Regional Coordinator (PRC) as soon as possible of the date they anticipate submitting their State Plan. Our office will work diligently to avoid any delays in reviewing plans and to issue Perkins V grant awards on schedule on July 1.

7. May a State extend the duration beyond June 30, 2020 of a local subrecipient's One-Year Transition Plan if the local subrecipient needs additional time to complete its local Perkins V plan due to the impact of COVID-19?

   The Department is using its transition authority in section 4 of Perkins V to enable State to provide a three-month extension to the timeline for local recipients to submit their local applications for approval. States should inform their PRC as soon as possible of the revised deadline for the submission of local applications.

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April 1, 2020

**Career Technical Education Priorities for the Relaunching America's Workforce Act**

On behalf of the Association for Career and Technical Education (ACTE), the nation's largest not-for-profit association committed to the advancement of education that prepares youth and adults for career success, and Advance CTE, the nation's longest-standing not-for-profit that represents State Directors and leaders responsible for secondary, postsecondary and adult Career Technical Education (CTE) across all 50 states and U.S. territories, this memo summarizes input we have gathered from our memberships related to their emerging and forecasted needs as a result of the COVID-19 (Coronavirus) pandemic.

This pandemic is taxing and testing our nation's educational, digital and technology infrastructure. The CTE community, which is the talent pipeline for many of our nation's skilled workers, is not immune to these challenges. The following recommendations include suggestions for new investment priorities, as well as needed waivers or flexibilities in federal statute or policy.

**New investments priorities**

- **Distance Learning:** With widespread closures of educational institutions across the country, whether temporary or for the remainder of the instructional year, distance learning is being relied on as the primary means for delivering all instruction, including CTE. Based on discussions with our members, we know there are significant discrepancies among states and local communities with regard to their experience,



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expertise, digital and physical infrastructure to successfully carry out distance education. In addition, the delivery of lab-based or hands-on CTE courses can be extremely difficult to operationalize in a distance learning environment. In general, postsecondary institutions have more experience and infrastructure to transition to online delivery of instruction. The challenge for postsecondary systems is to deliver at scale and across content areas, both now in the state of emergency and to prepare for the forecasted, significant influxes of students seeking reskilling. Most secondary education is delivered in person. As such, the shift to online instruction has had a more significant short-term impact on secondary schools. Secondary schools have been working tirelessly to put in place the equipment and online curriculum and instruction platforms to deliver instruction, and to find creative solutions to applied tasks. *A major focus of any new investment must support this massive systemic shift in educational delivery to include professional development of instructors and ensuring equitable access to curriculum, laptops and broadband access by learners.*

- **Digital and Physical Infrastructure:** The necessary digital and physical infrastructure to provide CTE programs via distance education at scale does not exist in our country and is especially lacking in rural communities and for low-income populations. Challenges to be addressed include ensuring that every learner has a computer (or digital device) and access to reliable internet access sufficient to support synchronous online instruction. At a systems level, investments are needed to expand existing online learning platforms or invest in new platforms, ensuring that these platforms are secure and protect student privacy. To meet the current and future demand, an infusion of new funding is needed to expand online classrooms to reach every secondary, postsecondary and adult CTE student, regardless of zip code.

- **Professional Development:** The rapid shift to delivering instruction via distance education has placed an immediate burden on the shoulders of secondary and postsecondary instructors. Many are making this shift with limited experience or expertise. Widespread and extended professional development is needed to ensure that instructors are able to successfully utilize digital learning tools and platforms to provide learners with CTE instruction and educational experiences to meet the competencies defined in state and industry standards. Further, to retain those new to the teaching profession, ongoing support and mentoring is needed.

- **Equity and Access:** The Coronavirus has shined a light on the nation's digital divide, which has only expanded in the past few weeks given the growing reliance on online delivery of education. It is imperative that states and local communities have the resources to ensure that every school system and



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postsecondary institution is equipped to provide a high-quality education to each learner. Flexibilities in the existing Perkins funding formula can ensure rural areas and others in need are able to obtain the funding necessary to expand access.

- **Work-Based Learning:** Work-based learning is one of the key components of high-quality CTE programs. The full impact of the pandemic on our nation's economy has not yet been calculated. Based on historical experience, we know work-based learning placements are more difficult during a recession. Investments are needed to incubate innovation in the delivery of virtual work-based learning; to expand equitable access to and scaling of workplace simulations; and to provide subsidies for employers and students to incentivize and support these experiences. Note: Perkins funds currently cannot be used for subsidies, nor are employers eligible grantees.

**Requested statutory flexibility or waivers**

**Establish a Redistribution waiver (Perkins):** One of the emerging challenges for local school districts and postsecondary institutions relates to the allocation of their remaining FY 2019 Perkins funds before the fiscal year ends on June 30. Many recipients had planned to use funds for activities near the end of the school year or in early summer. For example, funds may have been budgeted for Career and Technical Student Organization conferences, or professional development for educators. These activities have been cancelled or postponed until later in the summer or fall, leaving schools with additional funds remaining, but no real opportunity to spend those funds at the current time in ways that meet the original goals. Current Perkins law requires that any funds remaining at the end of the year be returned to the state and added to the formula for distribution among all recipients in the following year. Additional flexibility is needed to allow local recipients to keep this funding so that needs can still be met once school resumes, professional development is rescheduled, or other purchases can be made. Providing the Secretary the authority to waive Perkins Section 133(b) for one year would provide this needed flexibility.

**Extend National Emergency Education Waivers to all Perkins eligible agencies (CARES)**: The CARES Act provided flexibility for national emergency education waivers to states (section 3511). This broad waiver authority was intended to cover all educational programs, including Perkins. However, the construction of the language extends the authority to state education agencies (SEA) and Indian tribes but excluded some agencies that administer Perkins. Currently, 13 states (CO, HI, ID, IN, KS, LA, MN, MT, ND, OK, WA, WI, WV), have selected a state agency other than the SEA to administer the state's Perkins funds. In order to have this flexibility extended to all state agencies that administer Perkins, a minor amendment is needed to this language or an additional waiver needs to be added to a future stimulus bill to extend the waiver flexibility to these agencies with regard to their oversight of Perkins. There are two places where the Perkins eligible agency should be added to the CARES legislative language, as noted below.

*SEC. 3511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.*



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*(a) In General. – Notwithstanding any other provision of law, the Secretary may, upon the request of a State educational agency, Perkins eligible agency or Indian tribe, waive any statutory or regulatory provision described under paragraphs (1) and (2) of subsection (b), and upon the request of a local educational agency, waive any statutory or regulatory provision described under paragraph (2) of subsection (b), if the Secretary determines that such a waiver is necessary and appropriate due to the emergency involving Federal primary responsibility determined to exist by the President under the section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to the Coronavirus Disease 2019 (COVID–19).*

*(c) State And Local Requests For Waivers. –*

*(1) IN GENERAL. – A State educational agency, Perkins eligible agency, local educational agency, or Indian tribe that desires a waiver from any statutory or regulatory provision described under subsection (b)(2), may submit a waiver request to the Secretary in accordance with this subsection.*

**Rescind supplement not supplant provisions for one year (Perkins)**: Given the challenges facing states and locals in meeting the rapidly changing needs of learners, providing the Secretary of Education the ability to waive section 211(a) of Perkins, supplement not supplant provisions, for one program year would allow the flexibility to spend federal funding on identified and emergent needs without concern of violating this provision.

**Expand pooling flexibility (Perkins)**: As states and local communities are creating solutions to support high school seniors in securing required credits, clinicals and competencies to successfully complete high school and transition to postsecondary education, flexible collaboration between secondary and postsecondary institutions will be necessary. States are looking at CTE-related "bridge" programs, expanding dual enrollment programs to allow high school students to participate in postsecondary CTE online offerings, etc. To provide for additional collaboration among the systems, we recommend expanding the pooling option allowed for in section 135(c) of Perkins , which is currently restricted to only pooling funds for professional development (the reference to subsection (b)(2). This could be accomplished by simply modifying the clause below by striking the (2).

*(c) POOLING FUNDS.--An eligible recipient may pool a portion of funds received under this Act with a portion of funds received under this Act available to one or more eligible recipients to support implementation of programs of study through the activities described in subsection(b)~~(2).~~*

Thank you for your support of CTE and for your consideration of these recommendations. If you have any questions, please feel free to reach out to Kimberly Green, Advance CTE's Executive Director at kgreen@careertech.org or Alisha Hyslop, ACTE's Director of Public Policy at ahyslop@acteonline.org.

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Dear State CTE Directors:



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I first want to acknowledge the unprecedented challenges I know each of you are facing and commend you on the steps you have, are continuing to take to ensure the success of your students. Over the past few weeks, we have heard from you via emails and Town Hall conference calls the questions and issues regarding Perkins-funded State formula and discretionary grant programs in the current environment.

Below, we begin by answering the most critical questions which center around State Plan and local application submission and approval flexibilities. We will update this document with additional questions and responses as quickly as we can. And, at any time you have a new and emerging question, please reach out to your State's Perkins Regional Coordinator (PRC) or send an email to our CTE mailbox at cte@ed.gov. Thank you for your commitment to the over 12 million career and technical education students we serve!

Sincerely,

/s/

Scott Stump

* * *

**State Plans**

- Question

  Answer

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**EMBARGOED DATA**

**GEORGETOWN UNIVERSITY CENTER ON EDUCATION AND THE WORKFORCE**

(b)(5)

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(b)(5)



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(b)(5)



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(b)(5)

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This template is an example that may be used for the submission of a request for waivers of the requirements noted below. Note that the Department will accept, process, and approve any appropriate waiver request; for assistance please contact OESE.Titlei-a@ed.gov. However, the Department plans to respond in one business day to a State educational agency that follows the example and provides all necessary information in an accessible way.

The Honorable Frank T. Brogan
Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Brogan:

I am writing to request waivers, pursuant to section 3511 of Division A of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act, P.L. 116-136 (H.R. 748), 34 Stat. 281 (Mar. 27, 2020)), of the requirements enumerated below on behalf of the State educational agency (SEA) and its subgrantees (e.g., local educational agencies (LEAs)).



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State:

*Please check all that apply:*

- ☐ Carryover limitation in section 1127(b) of the Elementary and Secondary Education Act of 1965 (ESEA) for Federal fiscal year (FY) 2019 Title I, Part A funds (i.e., the Title I, Part A funds that will become carryover funds on October 1, 2020): the requirement that limits an SEA's ability to grant to its LEAs a waiver of the 15 percent Title I, Part A carryover limitation in section 1127(a) more than once every three years.

Period of availability in section 421(b) of the General Education Provisions Act (GEPA): to extend the period of availability of FY 2018 funds[4] for programs in which the SEA participates under its approved consolidated State plan until September 30, 2021, and the period of availability of FY 2019 funds for these same programs until September 30, 2022. The programs are (check all that apply):

- ☐ Title I, Part A of the ESEA (Improving Basic Programs Operated by LEAs), including the portions of the SEA's Title I, Part A award used to carry out section 1003 school improvement and Title I, Part D, Subpart 2
- ☐ Title I, Part B of the ESEA (State Assessment Formula Grants)
- ☐ Title I, Part C of the ESEA (Education of Migratory Children)
- ☐ Title I, Part D, Subpart 1 of the ESEA (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk)
- ☐ Title II, Part A of the ESEA (Supporting Effective Instruction)
- ☐ Title III, Part A of the ESEA (English Language Acquisition, Language Enhancement, and Academic Achievement)
- ☐ Title IV, Part A of the ESEA (Student Support and Academic Enrichment Grants)
- ☐ Title IV, Part B of the ESEA (21st Century Community Learning Centers)
- ☐ Title V, Part B, Subpart 2 of the ESEA (Rural and Low-Income School Program)
- ☐ McKinney-Vento Education for Homeless Children and Youth Program

The following requirements in Title IV, Part A of the ESEA for the 2019-2020 school year (check those that apply):

- ☐ Needs assessment requirements in section 4106(d).
- ☐ Content area spending requirements in section 4106(e)(2)(C), (D), and (E): the requirements to use a minimum percentage of Title IV, Part A funds for activities under sections 4107, 4108 and 4109.
- ☐ Spending limitation in section 4109(b): the 15 percent limit on the use of funds under section 4109 to purchase technology infrastructure for FY 2019 and any available FY 2018 carryover funds.

- ☐ The definition of professional development in section 8101(42) of the ESEA for the 2019-2020 school year.

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[4] If an SEA has already obligated all of its FY 2018 funds for a program and checks the box for that program, the Department will interpret the request as applying to FY 2019 funds only.



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I am requesting these waivers because it is not possible to obligate funds on a timely basis as originally planned due to extensive school closures in the State. In addition, my State needs increased flexibility in the use of Title IV, Part A funds to support continuity of services due to these school closures. The school closures also present unique needs with respect to professional development for educators to meet the immediate needs of children whose education has been severely disrupted by school closures. These closures are in response to extraordinary circumstances for which a national emergency has been duly declared by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and will protect the health and safety of students, staff, and our communities.

In seeking these waivers, I assure that:

- ☐ The SEA will use, and ensure that its subgrantees use, funds under the respective programs in accordance with the provisions of all applicable statutes, regulations, program plans, and applications not subject to these waivers.

- ☐ The SEA will work to mitigate, and ensure that its subgrantees work to mitigate, any negative effects, if any, that may occur as a result of the requested waivers.

- ☐ The SEA will provide the public and all LEAs in the State with notice of, and the opportunity to comment on, this request by posting information regarding the waiver request and the process for commenting on the State website.

Thank you for your consideration.

Sincerely,

[CHIEF STATE SCHOOL OFFICER]

**Office of Career, Technical, and Adult Education**
**Division of Academic and Technical Education**

**COVID-19 PANDEMIC:** ***ROUND #2 QUESTIONS FROM THE FIELD REGARDING PERKINS V***

## I. Perkins V Formula Grants

### A. State Plans

8. Is the Department providing additional time for States to submit their Perkins V State Plans, which are currently due on April 15, 2020? (Answered in Round #1 – 3-25-2020)



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9. Is the Department providing additional time for States to submit their Perkins V State Plans, which are currently due on April 15, 2020?

Yes. While, we encourage States that are prepared to meet the original April 15 application deadline to do so, we recognize that a number of Perkins eligible recipients (States) may have difficulty submitting their Perkins V State Plans, covering fiscal years (FY) 2020-23, by that due date as a result of the challenging circumstances surrounding the novel coronavirus disease 2019 (COVID-19). For example, some States may need additional time to secure State Board approval and/or provide an opportunity for Governor review and joint signature. Accordingly, we are providing the following flexibilities for States that need additional time to submit their Perkins V State Plans.

- If the State is able to submit its State plan by June 15, 2020, OCTAE expects to complete review and approval of the Plan by June 30, 2020, and provide the State its first installment of FY2020 Perkins funds on schedule on July 1, 2020.

- If the State is unable to submit its State plan by June 15, 2020, the Department will use the transition authority in section 4 of Perkins V to extend the duration by three months, through September 30, 2020, of the State's One-Year Transition Plan, covering FY 2019-20 (July 1, 2019 – June 30, 2020). For such State, OCTAE will issue the first installment of FY 2020 Perkins funds on schedule on July 1, 2020, and provide a condition on the State's July 1 grant award that the State will submit its full Perkins V State Plan by September 15, 2020. The September 15 date will allow time for OCTAE to approve the State's plan prior to making the State's supplemental FY 2020 Perkins award on schedule on October 1, 2020. These States may continue to seamlessly administer their Perkins V grants, including issuing FY 2020 Perkins subgrants to local recipients.

We ask that States needing these flexibilities keep their Perkins Regional Coordinator (PRC) up to date on the status of their State plan submission. Our office commits to working diligently to review and approve State plans as quickly as possible.

## B. State Administration and Fiscal Responsibility

10. May a grantee or subgrantee continue to pay the salary and fringe benefits of an employee supported with Federal education funds during the period the employee is unable to work because his or her organization is closed due to COVID-19?

11. May a State cancel its on-site monitoring visits to local recipients for the current year?

Yes, States have considerable flexibility in how to structure monitoring cycles. Under 2 CFR § 200.331, a State has responsibility to monitor the activities of its local



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recipients as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. While a State could accomplish this through on-site monitoring, a State could, instead, monitor its local recipients remotely by reviewing financial and performance reports and providing training and technical assistance on program-related matters. In addition, a State could consider postponing upcoming monitoring events during a specified period of time (e.g. period of greatest impact of COVID-19 ), and subsequently include the entities that had monitoring postponed in the next year's cycle. A State always has full flexibility to determine how best to provide oversight, but especially in unforeseen times.

12. May a State extend its traditional academic year so that local Perkins recipients may continue to expend their funds?

    Yes. A State has the authority to define its academic year; Perkins V does not impact this local education issue. A State may extend its academic year to meet the needs of its local recipients consistent with relevant State law and policy.

13. If a conference, training, or other activity related to a Federal education grant is cancelled due to COVID-19, may Federal education funds be used to reimburse nonrefundable travel (e.g., conveyance or lodging) or registration costs that were properly chargeable to the Federal grant at the time of booking?

    Yes. A State and its local recipients must first seek to recover nonrefundable costs (e.g., travel, registration fees) associated with a Federal education grant from the relevant entity that charged the fee (e.g., airline, hotel, conference organizer). Some businesses are offering flexibility with regard to refunds, credits, and other remedies for losses due to the COVID-19 outbreak. If a State or local recipient is unable to recover the costs, the State or local grantee may charge the appropriate Federal education grant for the costs, provided the costs were reasonable and incurred in order to carry out an allowable activity under the grant.

## C. Local Applications

14. May a State award a Perkins V grant to a local recipient without having fully approved its local application for funding? (Answered in Round #1 – 3-25-2020)

    Yes. Under CFR § 76.708, a State may authorize a local recipient applying for a subgrant to obligate funds on the later of the following two dates: (1) the date that the State may begin to obligate funds; or (2) the date that the local recipient submits its application to the State in substantially approvable form. The State has the authority and flexibility to determine what constitutes a substantially approvable application.



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15. May a State provide local recipients additional time to complete their local applications, covering FY 2020-23, due to the impact of COVID-19? (Answered in Round #1 – 3-25-2020)

For local recipients that are unable to submit a substantially approvable application to their State for approval by the State's due date for local applications (July 1, 2020 for most States), the Department is using the transition authority in section 4 of Perkins V to enable States to extend the duration of the local recipient's One-Year Local Application, covering FY 2019-20, by three months. For such a local recipient, the State will issue its FY 2020 Perkins subgrant on schedule to enable the local recipient to continue to seamlessly administer its Perkins V programs and services. States should inform their Perkins Regional Coordinator (PRC) as soon as possible of the revised due dates for the submission of local applications.

16. Does section 134(d) of Perkins V require a local recipient to conduct in-person consultation with a diverse body of stakeholders in order to complete the required comprehensive local needs assessment (CLNA)?

No. While we recognize the value of in-person consultation, given the circumstances surrounding COVID-19, we encourage local recipients to consult with stakeholders remotely, to the extent possible, in order to conduct their CLNAs and develop their local Perkins applications.

## D. State Determined Performance Levels

11. How would a State revise the State Determined Performance Levels if there are no data to establish a new baseline?

Each State has the authority to develop its processes and procedures for establishing its baseline levels as it fully implements Perkins V for the first time for its State Determined Performance Levels (SDPLs) for the section 113 core indicators of performance. In the event that no data are available, a State may estimate a baseline using data from similar core indicators under the prior Perkins IV statute or any other valid and reliable data source.

Moreover, pursuant to section 113(b)(3)(A)(iii), if unanticipated circumstances arise in a State or changes occur related to improvement in data or measurement approaches, the eligible agency, at the end of a program year, may revise the State determined levels of performance.

## E. Performance Data

12. Is there any flexibility with regard to the submission of performance data if schools are closed, students cannot complete the academic year, States cannot obtain data from closed school district offices, or similar problems impact performance data?



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The Department recognizes that State and local recipients may not be able to gather and report data on each of the section 113 Perkins core indicators of performance for the 2019-20 academic year. In those instances, the State and local recipients would report -1 in those data cells, indicating that data are not available.

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## II. Perkins V Discretionary Grants

### A. Payment of Stipends

1. May a Native American Career and Technical Education Program (NACTEP) (discretionary) grantee continue to issue student stipends even as the college postpones or cancels classes and labs?

   Program Requirement 3 in the Notice Inviting Applications (NIA) for New Awards for fiscal year 2018 for the Native American Career and Technical Education Programs (NACTEP) provides that—(1) To be eligible for a stipend a student must—(i) be enrolled in a CTE project funded under this program; (ii) be in regular attendance in a NACTEP project and meet the training institution's attendance requirement; (iii) maintain satisfactory progress in his or her program of study according to the training institution's published standards for satisfactory progress; and (iv) have an acute economic need that—(A) prevents participation in a project funded under this program without a stipend; and (B) cannot be met through a work-study program. The regulation further stipulates that the amount of the stipend is calculated based on the number of hours the student actually attends CTE instruction. See Requirement 3(4). Because the stipend is directly tied to participation in the program, a stipend may continue to be issued only if the classes or labs are held remotely.

2. May a discretionary grantee, or its approved contractor(s), continue through the COVID-19 pandemic its project activities via remote or distance learning?

   Yes. The Department encourages schools to offer educational programs through distance instruction to all students including, students with disabilities, consistent with guidance issued by the Department.

3. What flexibilities exist for a discretionary grantee to carry over funds due to the cancellation or postponement of project activities?

   Pursuant to 2 CFR § 200.308(d) and EDGAR § 75.253(d)(1), unexpended funds at the end of one budget period may be used in the next budget period without any action by the Department or the grantee unless restricted by a condition of the award. If there is a large available balance, the Department may require a written explanation from the grantee, unless the balance can be explained by the budget.

**Special Shop Talk Event:**



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# OCTAE Invites States to Join a Virtual Town Hall on Adult Education and COVID-19

## Wednesday, March 18, 2020
## At
## 11:00 AM (EDT)
## or
## 1:00 PM (EDT)

The Town Hall provides an opportunity for OCTAE to more fully understand the impact of COVID-19 on Adult Education programs and to identify supports State Adult Education Offices need to provide continuity of operations to adult learners.
Please submit any questions that you would like included in the town hall to askAEFLA@ed.gov
OCTAE will address questions for which information is available. Please submit your questions by COB Tuesday, March 17.
The Town Hall will be conducted via SKYPE Audio conference. Please use the following call in information below for the time you plan to join.

March 18; 11:00AM - 12:00pm

Phone: +1 (b)(6)

Conference ID: (b)(6)

March 18; 1:00 PM - 2:00PM

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3:30-3:31 p.m. **Daniela Garcia, Deputy Assistant Secretary for Outreach**

- Welcome remarks and call overview
- Introduce Secretary Betsy DeVos

3:31-3:40 p.m. **U.S. Secretary of Education Betsy DeVos**

3:40-3:45 p.m. **Mark Brown, Chief Operating Officer, Federal Student Aid**

- Interest reduction and administrative forbearance as part of the COVID-19 response

3:45-3:50 p.m. **Assistant Secretary Scott Stump, Office for Career, Technical, and Adult Education**

- Flexibilities provided to Adult Education and Perkins participants in response to COVID-19

3:50- 4:00 p.m. Conclusion/Buffer time in case it runs long.

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**OCTAE Proposed Talking Points for Higher Education Stakeholder Call**
Presenter: Scott Stump, Assistant Secretary for Career, Technical, and Adult Education
5 Minutes
Thank you, Daniela! I want to echo the thanks of the Secretary and my colleagues for your commitment to putting the safety and futures of your students and faculty first when faced with unprecedented decisions. Over the past few weeks, via emails and Town Hall listening sessions, we have heard from State Career, Technical, and Adult Education leaders, and community college presidents. You have raised important questions and issues you are facing regarding Perkins and AEFLA-funded CTE and adult education programs. We will address all the questions gathered so far through sets of frequently asked questions on the Department's website at ed.gov/coronavirus. I will address some of the most critical questions you've asked today on this webinar. But definitely encourage you to look at our COVID-19 resources online for more detailed responses.
A number of you have asked questions about career and technical education specifically about Perkins V State plan and local application submission and approval dates. You have asked, will there be flexibility with the State plan and local application due dates? The answer is yes. While, we are encouraging States that are prepared to meet the original April 15 application deadline for Perkins V to do so, we recognize that a number of States may have difficulty submitting their plans by that due date. For example, some States may need additional time to secure State Board approval or to provide an opportunity for your Governor to review the plan. Accordingly, we are providing the flexibility for States that need additional time to submit their Perkins V State Plans while ensuring that States can receive their first installment of FY2020 Perkins funds on schedule on July 1, 2020.
Our office has also heard concerns from colleges and school districts, that they may not be able to complete their local application in time to receive Perkins funds when they become available



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July 1. For local recipients that are unable to submit an application to their State for approval by July 1, the Department is using the transition authority in section 4 of Perkins V to enable States to extend the duration of the local recipient's One-Year Local Application, covering FY 2019-20, by three months. In that way, the State can issue its FY 2020 Perkins subgrant on schedule to enable the local recipient to continue to seamlessly administer its Perkins V programs and services. Our intent is to provide the flexibility needed for Perkins resources to be able to flow to State and local recipients as needed on July 1 and to allow colleges time to fully complete the local application including the comprehensive local needs assessment process in July, August, and September

For those of you who offer Adult Education programs supported by the Adult Education and Family Literacy Act funds, we have heard the concerns regarding state requests for proposal competitions that are currently underway and potential performance data issues due to extended program closures.

The U.S. Departments of Education and Labor (Departments) will take the COVID-19 outbreak into consideration in reviewing PY 2019 data. And will not make any determinations of performance success or failure based on PY 2019 performance data, submitted by October 1, 2020.

For States with Adult Education requests for proposals out and competitions currently under way. The Department has informed States that they may modify plans for competitions involving Fiscal Year (FY) 2020 AEFLA funds. Under these difficult and unique circumstances, States may (1) suspend FY 2020 competitions and extend current eligible providers' grants and contracts for a one-year period, or (2) adjust competition timelines, delaying the award of grants or contracts to successful AEFLA applicants until a later date than planned and extending current grants and contracts accordingly.

Thank you to the community college leaders on the call. Due to your unique role and mission, your institutions have prepared the vast majority of nurses, first responders, medical assistants and others who are on the front line of this pandemic. Please know that the Department and our office stand willing and ready to work with your staff and State leaders to provide the flexibility and assistance necessary to make our way together through this uncertain season.

Questions (and answers)

1. Can CTE programs with PPE (Healthcare, construction, cosmetology) donate these supplies to the healthcare system in our area even if it was purchased with federal funds?
    a. (Insert answer under development from OGC here)
2. Have you seen/heard of any best practices in teaching CTE content online or through distance education modalities?
    a. We've seen a number of colleges and systems getting creative. Kansas has shared several resources through their Board of Regents including leveraging help from industry providers that have started to offer their content for free in this transition period, UiPath, NC3 and Lincoln Electric for example.
3. How do we deal with our state licensing boards that may not allow students to use online instruction and still sit for licensure?
    a. We've started to see some states waiving some of those requirements, like SC. Still others have said they are exploring gubernatorial executive orders to allow students, particularly in the critical field of nursing, use online instruction and still be eligible to sit for licensure.



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4. As unemployment is skyrocketing, what can community colleges do to help position themselves to train the workforce needed to help America?
    a. Partnerships with business and industry and strong relationships that you have with your local workforce boards will serve your current and future students well as we look to the future and think about what will need to happen to retrain workers.

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Our office has also heard concerns from colleges and school districts, that they may not be able to complete their local application in time to receive Perkins funds when they become available July 1. For local recipients that are unable to submit an application to their State for approval by July 1, the Department is using the transition authority in section 4 of Perkins V to enable States to extend the duration of the local recipient's One-Year Local Application, covering FY 2019-20, by three months. In that way, the State can issue its FY 2020 Perkins subgrant on schedule to enable the local recipient to continue to seamlessly administer its Perkins V programs and services. Our intent is to provide the flexibility needed for Perkins resources to be able to flow to State and local recipients as needed on July 1 and to allow colleges time to fully complete the local application including the comprehensive local needs assessment process in July, August, and September
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# Department of Education Teleworking Resources

## Getting Connected through Virtual Private Network (VPN)

Connecting to GlobalProtect VPN Job Aid – Detailed instructions for how to connect to the VPN for the first time from a Government Furnished Equipment (GFE) machine.
Once connected to the VPN, your access to the Office 365 online and offline suites (including Outlook, OneDrive, Skype and Teams) and network resources such as SharePoint will function as though you are in the office.



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If you are a contractor without a GFE machine, you can find more details on downloading the VPN client and connecting for the first time in the **First Time Setup of GoToWork on non-GFE Job Aid**. Just note that the ED Customer Service Desk will not have privileges to perform an install on your machine. Further details on connecting to the FSA Citrix environment are available in the **Accessing FSA Citrix Job Aid**.

### Getting Help

If you are unable to connect with GlobalProtect or have issues with logging into your machine, please contact the ED Customer Service Desk:

**ED Customer Service Desk**

(b)(6)

OCIOEnterpriseHelpDesk@ed.gov

For questions related to error messages received while connecting to the Citrix environment, please contact the FSA/NGDC Helpdesk.

**FSA/NGDC Helpdesk**

(b)(6)

## Tips and Tricks

**Home Office Printer Use** – There will be no local printing available during telework. Print jobs can be sent to the print queue and be collected when back in the office. Print jobs have a 96-hour lifetime in the queue.

**Changing Your Network Password** – If you are unable to come into the office to perform your password change, it is important to follow the directions in the **Changing Network Password Job Aid** to avoid a possible work stoppage.

**Submitting Requests for Help** – The ED Self-Service portal is available to request assistance, access ED Knowledgebase resources and check the status of currently open Incidents and Requests https://ed.servicenowservices.com/doed_sp/

**Mobile Hot Spot** – If you have a government furnished iPhone, you may use the device for internet service by turning on the "Personal Hotspot," located in the "Settings" application on your home screen.

## Conference Capabilities

**Using Skype to Join Teleconferencing Meetings** – Using Skype or Teams, it is possible to join your Outlook meetings using your computer, or to dial into a meeting from your phone. See **How To Find and Join Meetings in Skype Job Aid** and **How To Find and Join Meetings in Teams Job Aid** for a breakdown of the process to join a meeting virtually.

**Using Skype to Chat Directly with Another Employee** – If you do not currently have another ED employee added to your contacts list see the articles **How To Begin a Conversation with Department of Education Staff using Skype Job Aid** or **How To Begin a Conversation with Department of Education Staff using Microsoft Teams Job Aid** for further help on reaching them.

You cannot dial outbound to phone lines from Skype or Teams. All conversations in Skype and Teams are archived and available to review indefinitely. For further details to troubleshoot issues with Skype connectivity or for general meeting information see **Skype for Business Conferencing FAQ**.

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Under section 3511(d)(4) of the CARES Act, the Secretary is to submit a report to Congress with recommendations for additional needed waivers. On that note, OGC is compiling a Department-wide list of additional needed waiver authorities to submit to Congress in the Secretary's report.

The Secretary, through the Office of Career, Technical, and Adult Education, seeks authority to waive the following provisions (listed in priority order) in the two acts below:

**Carl D. Perkins Career and Technical Education Act of 2006 (P.L 88-210)**



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1. Section 133(b)(1) requires that, in any academic year that an eligible recipient does not expend all of the amounts, the eligible recipient is allocated for such year under section 131 or 132, such eligible recipient shall return any unexpended amounts to the eligible agency for reallocation to local recipients. OCTAE is concerned that local eligible recipients will not be able to expend Perkins funds by June 30, 2020 and potentially, June 30, 2021 for activities and purchases planned but delayed or postponed.

2. Section 3511(a) and 3511(b)(1) of the Coronavirus Aid, Relief, and Economic Security Act should be expanded to include other State agencies that serve as the Perkins eligible agency, in addition to the State education agency. This would provide the Secretary with the authority to grant "Tydings" waivers to all Perkins eligible agencies and extend the availability of FY 2018 Perkins funds for obligation and liquidation beyond the 27 months required by section 421(b) of the General Education Provisions Act (GEPA).

3. Section 211(a) requires that funds made available under the Act for career and technical education activities to supplement, and not supplant, non-Federal funds expended to carry out career and technical education activities. In this difficult time, investments of Federal dollars may be needed cover costs to deliver services or secure resources that historically were covered with state or local dollars. There is a concern that State and local recipients may be hesitant to expend funds on the most critical needs out of fear of supplanting.

**The Adult Education and Family Literacy Act (AEFLA) (Title II of the Workforce Innovation and Opportunity Act) (P.L. 113-128)**

1. Waiver authority allowed in Section 3511(a) and 3511(b)(1) of the Coronavirus Aid, Relief, and Economic Security Act should be expanded to include State agencies that serve as the AEFLA eligible agency, in addition to the State education agency. This would provide the Secretary with the authority to grant "Tydings" waivers to all AEFLA eligible agencies and extend the availability of FY 2018 AEFLA funds for obligation and liquidation beyond the 27 months required by section 421(b) of the General Education Provisions Act (GEPA).

2. Section 222(b) requires the eligible agency to provide a 25% non-federal contribution (12.5% for outlying areas) in order to be eligible to receive a grant from the Secretary of Education. Waiving this requirement would allow the Department to continue to provide AEFLA grants to States that could not provide its non-federal share due to economic hardship as a result of the COVID-19 pandemic.

3. Section 222(a) requires the eligible agency to use specified percentages of its state grant funds on administration, state leadership, and local grants or contracts. Waiving this requirement would allow greater state flexibility by removing spending minimums and maximums during the pandemic to be responsive to shifting programmatic and administrative needs.



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4. Section 241(a) requires that a state eligible agency use AEFLA funds to supplement other state and local funds, rather than to supplant those funds. Waiving this requirement would provide needed flexibility to States to redeploy resources to address pandemic related expenditures. There is a concern that State and local recipients may be hesitant to expend funds on the most critical needs out of fear of supplanting.

5. Title I-A section 107(d)(11) pertains to functions of the local boards. It requires local boards to coordinate with education agencies, in part by reviewing applications to provide adult education and literacy services under Title II to determine if such applications are consistent with local plans and to make recommendations to the eligible agency to promote alignment with the local plan. Further, 34 CFR 463.21 requires the eligible agency to have processes in place to determine the extent to which a local application is aligned with a local plan. Waivers to statutory and regulatory requirements would relieve burden on States who are competing funds during the pandemic, by streamlining the application review process and reducing the time and burden associated with a local board review.

6. Section 223(a)(1) requires eligible agencies to use state leadership funds on four required activities. Waiving this requirement would allow eligible agencies greater flexibility to invest in leadership activities that are responsive to the adult education needs in each State.

7. Section 225(c) requires an eligible agency to give priority to serving individuals who are likely to leave the correctional institution within 5 years of participation in the program. Waiving this priority would accommodate early release practices due to the pandemic and allow institutions to serve those individuals who will remain incarcerated and may be more than five years from release.

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March 31, 2020

Dear State CTE Directors:

I first want to acknowledge the unprecedented challenges that each of you is facing in response to the COVID-19 pandemic and commend you on the steps you have taken, and continue to take, to ensure the health and success of your students. Over the past few weeks, via emails and Town Hall conference calls, we have heard the many questions and issues you are facing regarding your Perkins-funded State formula and discretionary grant programs in the current environment.

Below, we begin by answering the most critical questions that center around the forthcoming State and local application submission and approval flexibilities. We will update this document with additional questions and responses when they become available. And, if at any time you



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have a new and emerging question, please reach out to your State's Perkins Regional Coordinator (PRC) or send an email to our career and technical education (CTE) mailbox at cte@ed.gov. Thank you for your commitment to the more than 12 million CTE students that we serve!

Sincerely,

/s/

Scott Stump

* * *

17. Is the U.S. Department of Education (Department) providing additional time for States to submit their Perkins V State Plans, which are currently due on April 15, 2020?

    Yes. While we encourage States that are prepared to meet the original April 15 application deadline to submit their State Plans by that due date, we recognize that a number of Perkins eligible recipients (States) may have difficulty submitting their Perkins V State Plans, covering fiscal years (FY) 2020-23, by that due date as a result of the challenging circumstances surrounding the novel coronavirus disease 2019 (COVID-19). For example, some States may need additional time to secure State Board approval and/or provide an opportunity for Governor review and joint signature.



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Accordingly, we are providing the following flexibilities for States that need additional time to submit their Perkins V State Plans.

- If the State is able to submit its State plan by June 15, 2020, the Office of Career, Technical and Adult Education (OCTAE) expects to complete review and approval of the Plan by June 30, 2020, and provide the State its first installment of FY 2020 Perkins funds on schedule on July 1, 2020.

- If the State is unable to submit its State plan by June 15, 2020, the Department will use the transition authority in section 4 of Perkins V to extend the duration by three months, through September 30, 2020, of the State's One-Year Transition Plan, covering FY 2019-20 (July 1, 2019 – June 30, 2020). For such a State, OCTAE will issue the first installment of FY 2020 Perkins funds on schedule on July 1, 2020, under the condition that the State will submit its full Perkins V State Plan by September 15, 2020. The September 15 date will allow enough time for OCTAE to approve the State's plan prior to making the State's supplemental FY 2020 Perkins award on schedule on October 1, 2020. These States may continue to seamlessly administer their Perkins V grants, including issuing FY 2020 Perkins subgrants to local recipients.

States needing these flexibilities should keep their PRCs up to date on the status of their State plan submission. OCTAE commits to working diligently to review and approve State plans as quickly as possible.

18. <u>May a State award a Perkins V subgrant to a local recipient prior to fully approving its local application for funding?</u>

    Yes. Under 34 C.F.R. § 76.708, a State may authorize a local recipient applying for a subgrant to obligate funds on the later of the following two dates: (1) the date that the State may begin to obligate funds; or (2) the date that the local recipient submits its application to the State in substantially approvable form. The State has the authority and flexibility to determine what constitutes a substantially approvable application.

19. <u>May a State provide local recipients additional time to complete their local applications, covering FY 2020-23, due to the impact of COVID-19?</u>

    Yes. For local recipients that are unable to submit a substantially approvable application to their State for approval by the State's due date for local applications (July 1, 2020, for most States), the Department is using the transition authority in section 4 of Perkins V to enable States to extend the duration of the local recipient's One-Year Local Application, covering FY 2019-20, by three months. For such a local recipient, the State may issue its FY 2020 Perkins subgrant on schedule to enable the local recipient to continue to seamlessly administer its Perkins V programs and services.

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The Office of Special Education and Rehabilitative Services' Rehabilitation Services Administration (RSA) issues this Questions and Answers document to outline its plans for implementing performance accountability provisions under title I of the Workforce Innovation and Opportunity Act (WIOA) as State Vocational Rehabilitation (VR) agencies seek to provide continuity of operations for individuals with disabilities in the current COVID-19 environment.

In the near future, RSA plans to issue additional Questions and Answers related to the VR program and State Supported Employment Services program to respond to other questions State VR agencies have recently asked. State VR agencies should contact their RSA State Liaison with additional questions. Additional information specific to the COVID-19 pandemic may be found online at https://www.ed.gov/coronavirus.

WIOA Performance Accountability

**Q1. What steps will RSA take to account for a decrease in State performance in Program Year (PY) 2019 because of extended program closures during the pandemic? Will States be penalized for performance issues?**

The U.S. Departments of Education and Labor (Departments) will not make any determinations of performance success or failure based on PY 2019 performance data, submitted by October 1, 2020. RSA did not establish performance levels with Vocational Rehabilitation (VR) agencies for PY 2019. Therefore, without this data, we will not have the requisite data to determine whether a State has met its performance levels. The Departments will take the effect of the COVID-19 outbreak into consideration in reviewing PY 2019 data. RSA encourages State VR agencies to remain in contact with RSA related to the impact of COVID-19 on service delivery and performance outcomes.

RSA Technical Assistance Circular 20-02[5] states that the first year for which performance success or failure can be determined for some indicators applies to PY 2020; this data is reported by October 1, 2021. The Departments will continue to closely monitor the effect of the COVID-19 outbreak and its impact on services and performance outcomes.

**Q2. Will RSA consider delaying performance negotiations, as State offices may be closed for an unspecified period of time?**

At this time, the U.S. Department of Education (the Department) anticipates that the negotiations process will proceed and we will conduct negotiations with States. The Department anticipates negotiated levels of performance will be included in the approved Unified or Combined State Plans for the four-year period covering PYs 2020 through 2023. The Department is aware that some State offices are closed and some States have implemented remote work. The Department is also aware that State agency leadership and management staff may be involved with COVID-19 response efforts. As a result, the Department will be as flexible as possible in conducting negotiations, including scheduling meetings at times that meet States'

[5] RSA TAC 20-02: *Negotiations and Sanctions Guidance for the Workforce Innovation and Opportunity Act (WIOA) Core Programs* is available at: https://www2.ed.gov/policy/speced/guid/rsa/subregulatory/tac-20-02.pdf



AMERICAN OVERSIGHT

needs.

**PLANNED CONFERENCES March through December 2020**

*As of 3/5/2020*

| Conference ID | Start Date | End Date | Conference Name | Conference Type | City | State | Venue | Total At | Acting Submitter | POC | Column1 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| OCTAE-1494 | 4/20/2020 | 4/22/2020 | Implementing State-Adopted Challenging Content Standards for ELLs | ED-sponsored training for Non-Federal Attendees | Washington | DC | Potomac Center Plaza | 25 | Spacone, Ronna | Spacone, Ronna | |
| OCTAE-1497 | 4/20/2020 | 4/22/2020 | Implementing State-Adopted Challenging Content Standards for ELLs | ED-sponsored training for Non-Federal Attendees | Washington | DC | Potomac Center Plaza | 25 | Spacone, Ronna | Spacone, Ronna | |
| OCTAE-1452 | 4/28/2020 | 4/30/2020 | TASK 4 - Annual State Director's Meeting (ASDM) | General Conference | Washington | DC | HOTEL - TBD | 195 | Andrews, Melody | Andrews, Melody | |
| OCTAE-2313 | (b)(5) | | TASK 4 - Annual State Director's Meeting (ASDM) | General Conference | Washington | DC | Hotel : TBD | 195 | Andrews, Melody | | |
| OCTAE-1565 | 5/4/2020 | 5/7/2020 | TASK 4 Annual State Director's Meeting (ASDM) | General Conference | Washington | DC | Washington Plaza Hotel | 195 | Andrews, Melody | Andrews, Melody | |
| OCTAE-1458 | 5/6/2020 | 5/7/2020 | Perkins V Advisory Panel | Board/Panel/FACA Meeting | Washington | DC | PCP | 41 | Lee, Carolyn | Lee, Carolyn | Will not occur in May. Rescheduling for October. |
| OCTAE-2305 | 6/8/2020 | 6/12/2020 | IET Pilot Design Camp | ED-sponsored training for Non-Federal Attendees | | | | | Perez, Joseph | | |
| OCTAE-1472 | 6/16/2020 | 6/17/2020 | 2020 Young Adult Diversion National Convening | ED-sponsored training for Non-Federal Attendees | Washington | DC | Lyndon Baines Johnson Building | 50 | Donaldson, Sherene | Donaldson, Sherene | |
| OCTAE-1463 | 6/25/2020 | 6/26/2020 | Community College Career and Technical Education (CTE) Stackable Credentials Expansion and Dissemination Initiative | ED-sponsored training for Non-Federal Attendees | TBD | TBD | TBD - Community College Campus | 110 | Donaldson, Sherene | Donaldson, Sherene | |
| OCTAE-2311 | 10/27/2020 | 10/29/2020 | SIA 2.0 Regional Training Institute | Contractor Sponsored Conference | | | | | Spacone, Ronna | | |
| OCTAE-2285 | 10/27/2020 | 10/29/2020 | SIA 2.0 Regional Training Institute | ED-sponsored training for Non-Federal Attendees | Denver | CO | TBD | 81 | Spacone, Ronna | | |
| OCTAE-2276 | 11/17/2020 | 11/19/2020 | Data Quality Institute | General Conference | Washington, D.C. | DC | LBJ | 145 | Murrell, Jamelah | | |
| OCTAE-2314 | (b)(5) | | sk 4 - New State Director's Meeting SDM) | General Conference | Washington | DC | PCP Auditorium | 60 | Andrews, Melody | | |
| OCTAE - NEW | 8/19/2020 | 8/20/2020 | Pathways to STEM Apprenticeships Project Director's Meeting | Grantee Meeting | Washington | DC | PCP | 20 | Erin Berg | | |
| OCTAE - NEW | 10/14/2020 | 10/15/2020 | Career and Technical Education (CTE) Teacher Pathway Initiative Project Director's Meeting | Grantee Meeting | Washington | DC | PCP | 20 | Laura Messenger | | |
| OCTAE - NEW | 10/20/2020 | 10/22/2020 | Innovation and Modernization (I&M) Project Director's Meeting | Grantee Meeting | Washington | DC | PCP | 20 | Laura Messenger | | |
| OCTAE - NEW | 3/19/2020 | 3/20/2020 | Rural Community College Convening | General Conference | Denver | CO | Community College of Denver | 80 | Casey Sacks | Postponed | |



AMERICAN OVERSIGHT

Technical College
System of Georgia

Brian P. Kemp
Governor

Gregory C. Dozier
Commissioner

March 19, 2020

Mrs. Betsy DeVos, Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary DeVos:

In response to the rapidly evolving situation around COVID-19 and the rapid response to deliver 100% distance learning among our 30 sub-grantees, the Georgia Office of Adult Education plans to postpone the April 1, 2020 deadline for the FY20 Competitive Grant until late fall of 2020. The new timeframe would allow external review from late fall/early spring. Programs would be notified of award in late April/early May of 2021. Programs that have already begun their application will not be penalized, because the application will not materially change during this time. Existing programs that are currently funded with federal and state AEFLA dollars will carry-over funds as allowable under the 27 month term.

If our plan meets with your approval, the Office of Adult Education will share information about the postponement with all current and potential applicants in a variety of modalities (email, website, and notice in the local organ of each county in Georgia) as early as this week.

Sincerely,

Cayanna Good, Ph.D.
Assistant Commissioner
Office of Adult Education
Technical College System of Georgia
cgood@tcsg.edu
404-432-1607

Cc: Mr. Scott Stump, Assistant Secretary, Career, Technical, and Adult Education
Ms. Cheryl Keenan, Director, Division of Adult Education and Literacy

AMERICAN OVERSIGHT



ED-20-0731-A-007684

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF CAREER, TECHNICAL, AND ADULT EDUCATION

OFFICE OF THE ASSISTANT SECRETARY

March 31, 2020

Dear State CTE Directors:

I first want to acknowledge the unprecedented challenges that each of you is facing in response to the COVID-19 pandemic and commend you on the steps you have taken, and continue to take, to ensure the health and success of your students. Over the past few weeks, via emails and Town Hall conference calls, we have heard the many questions and issues you are facing regarding your Perkins-funded State formula and discretionary grant programs in the current environment.

Below, we begin by answering the most critical questions that center around the forthcoming State and local application submission and approval flexibilities. We will update this document with additional questions and responses when they become available. And, if at any time you have a new and emerging question, please reach out to your State's Perkins Regional Coordinator (PRC) or send an email to our career and technical education (CTE) mailbox at cte@ed.gov. Thank you for your commitment to the more than 12 million CTE students that we serve!

Sincerely,

/s/

Scott Stump

* * *

1. Is the U.S. Department of Education (Department) providing additional time for States to submit their Perkins V State Plans, which are currently due on April 15, 2020?

   Yes. While we encourage States that are prepared to meet the original April 15 application deadline to submit their State Plans by that due date, we recognize that a number of Perkins eligible recipients (States) may have difficulty submitting their Perkins V State Plans, covering fiscal years (FY) 2020-23, by that due date as a result of the challenging circumstances surrounding the novel coronavirus disease 2019 (COVID-19). For example, some States may need additional time to secure State Board approval and/or provide an opportunity for Governor review and joint signature.



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Accordingly, we are providing the following flexibilities for States that need additional time to submit their Perkins V State Plans.

- If the State is able to submit its State plan by June 15, 2020, the Office of Career, Technical and Adult Education (OCTAE) expects to complete review and approval of the Plan by June 30, 2020, and provide the State its first installment of FY 2020 Perkins funds on schedule on July 1, 2020.

- If the State is unable to submit its State plan by June 15, 2020, the Department will use the transition authority in section 4 of Perkins V to extend the duration by three months, through September 30, 2020, of the State's One-Year Transition Plan, covering FY 2019-20 (July 1, 2019 – June 30, 2020). For such a State, OCTAE will issue the first installment of FY 2020 Perkins funds on schedule on July 1, 2020, under the condition that the State will submit its full Perkins V State Plan by September 15, 2020. The September 15 date will allow enough time for OCTAE to approve the State's plan prior to making the State's supplemental FY 2020 Perkins award on schedule on October 1, 2020. These States may continue to seamlessly administer their Perkins V grants, including issuing FY 2020 Perkins subgrants to local recipients.

States needing these flexibilities should keep their PRCs up to date on the status of their State plan submission. OCTAE commits to working diligently to review and approve State plans as quickly as possible.

2. <u>May a State award a Perkins V subgrant to a local recipient prior to fully approving its local application for funding?</u>

   Yes. Under 34 C.F.R. § 76.708, a State may authorize a local recipient applying for a subgrant to obligate funds on the later of the following two dates: (1) the date that the State may begin to obligate funds; or (2) the date that the local recipient submits its application to the State in substantially approvable form. The State has the authority and flexibility to determine what constitutes a substantially approvable application.

3. <u>May a State provide local recipients additional time to complete their local applications, covering FY 2020-23, due to the impact of COVID-19?</u>

   Yes. For local recipients that are unable to submit a substantially approvable application to their State for approval by the State's due date for local applications (July 1, 2020, for most States), the Department is using the transition authority in section 4 of Perkins V to enable States to extend the duration of the local recipient's One-Year Local Application, covering FY 2019-20, by three months. For such a local recipient, the State may issue its FY 2020 Perkins subgrant on schedule to enable the local recipient to continue to seamlessly administer its Perkins V programs and services.

AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Thu, 19 Mar 2020 20:37:55 +0000
**To:** Talbert, Kent;Jones, Diane;Eitel, Robert
**Cc:** Jordan, April;O'Brien, Marianna;Harding, Jordan;Hill, Elizabeth;Lindsey, Joe;Essex, Adam;King, Robert
**Subject:** : Q&As for customers on SA.gov + Text for loan servicer websites
**Attachments:** New coronavirus QAs for SA-gov v06 w Comments.docx, New coronavirus QAs for SA-gov v06.docx
**Importance:** High

Senior Leaders,

Attached you will find updated Q&As that will be posted to StudentAid.gov/coronavirus for students, parents, and borrowers. These Q&As are related to tomorrow's interest waiver and forbearance announcement. In fact, the press release directs people to visit StudentAid.gov/coronavirus for more information. Therefore, it is critical to get final approval on the words to have them live on our website before the press announcement.

For your convenience, two versions of the same document are attached.

- Document #1 (v06 w Comments) is a clean version of the updated Q&As **with** the answers to questions that were posed in the margin yesterday.

- Document #2 (v06) is the clean version of the updated Q&As without comments. If the responses in document #1 are acceptable, document #2 is ready to be forwarded to OMB for clearance.

Additionally, please find the updated wording for the loan servicers' websites. As a reminder, it is standard practice for FSA to provide uniform wording. This, too, is ready to move to OMB for expedited clearance to meet our obligations to be ready for tomorrow's announcement.

> Federal Student Aid's coronavirus (COVID-19) information page is located at StudentAid.gov/coronavirus. The page includes information for student, parents, and borrowers about the interest rate waiver announced by President Trump and availability of administrative forbearance authorized by Secretary DeVos to provide student loan relief to borrowers during the national emergency. Please visit the page regularly for updates as the pandemic evolves.

If you have specific questions about wording in these documents, please let me know. In the interest of time, feel free to contact April Jordan, who is coordinating these items at FSA.

Respectfully,

Mark

AMERICAN OVERSIGHT

Page 05633

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Page 05634

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Page 05635

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Page 05636

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Page 05637

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

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Page 05638

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:39 +0000
**To:** michelle.w.lanier@accenturefederal.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** Accenture - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2020 - Michelle Lanier - Accenture 042120.pdf

Dear Michelle,

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Michelle,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

Given the Department's critical need for the services provided by federal loan servicers and contact centers in direct support of the federal response to the national emergency, it is expected that individuals providing such services will be afforded the freedom of movement necessary to operationalize student aid related relief efforts and access all systems and facilities supporting the Department's ability to operate in a timely and accurate manner.

As contact centers and loan servicers continue to operate, the Department urges those entities to adhere to all federal, state, and local guidelines, to the maximum extent possible, regarding social distancing, bans on public gatherings, and other safety precautions put in place to ensure the health and safety of their staff. Further, loan servicers and contact centers should continue to expeditiously develop and implement remote operating solutions.

Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:24 +0000
**To:** jperrine@actionfinancial.us.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** Action Financial - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2019 - Jane Perrine - Action Financial 042120.pdf

**Dear Jane,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Jane,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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As contact centers and loan servicers continue to operate, the Department urges those entities to adhere to all federal, state, and local guidelines, to the maximum extent possible, regarding social distancing, bans on public gatherings, and other safety precautions put in place to ensure the health and safety of their staff. Further, loan servicers and contact centers should continue to expeditiously develop and implement remote operating solutions.

Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 02:23:55 +0000
**To:** pbass@bass-associates.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** Bass and Associates - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2019 - Patti Bass - Bass and Associates 042120.pdf

**Dear Patti,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Patti,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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As contact centers and loan servicers continue to operate, the Department urges those entities to adhere to all federal, state, and local guidelines, to the maximum extent possible, regarding social distancing, bans on public gatherings, and other safety precautions put in place to ensure the health and safety of their staff. Further, loan servicers and contact centers should continue to expeditiously develop and implement remote operating solutions.

Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:20 +0000
**To:** pbass@bass-associates.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** Bass and Associates - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2019 - Patti Bass - Bass and Associates 042120.pdf

**Dear Patti,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Patti,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 02:23:53 +0000
**To:** karena_holt@central-research.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** Central Research - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2019 - Karena Holt - Central Research 042120.pdf

**Dear Karena,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Karena,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:28 +0000
**To:** jprince@coastprofessional.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** Coast - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2019 - Jon Prince - Coast 042120.pdf

**Dear Jon**,

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Jon,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Thu, 9 Apr 2020 03:26:14 +0000
**To:** cthornton@gsmr.org
**Cc:** Essex, Adam;Greene, Chris;Piccolo, Marc
**Subject:** Continuity of Operations During the Novel Coronavirus Disease 2019
**Attachments:** Cointinuity of Operations During the Novel Coronavirus Disease 2019 - The NHHEAF Network Organizations 040820.pdf

Hi Christiana,

Please find the attached letter concerning continuity of operations.

All my best…

mab

AMERICAN OVERSIGHT

April 8, 2020

Dear Christiana,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of federal student loan borrowers during this unprecedented national emergency.

Given the Department's critical need for the services provided by federal loan servicers and contact centers in direct support of the federal response to the national emergency, it is expected that individuals providing such services will be afforded the freedom of movement necessary to operationalize student aid related relief efforts and access all systems and facilities supporting the Department's ability to operate in a timely and accurate manner.

As contact centers and loan servicers continue to operate, the Department urges those entities to adhere to all federal, state, and local guidelines, to the maximum extent possible, regarding social distancing, bans on public gatherings, and other safety precautions put in place to ensure the health and safety of their staff. Further, loan servicers and contact centers should continue to expeditiously develop and implement remote operating solutions.

Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

Federal Student Aid
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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Thu, 9 Apr 2020 03:34:53 +0000
**To:** JFarha@osla.org
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam
**Subject:** Continuity of Operations During the Novel Coronavirus Disease 2019
**Attachments:** Cointinuity of Operations During the Novel Coronavirus Disease 2019 - OSLA 040820.pdf

Dear Jim,

Please find attached letter on continuity of operations.

Best...

mab

AMERICAN OVERSIGHT

April 8, 2020

Dear Jim,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Thu, 9 Apr 2020 03:28:46 +0000
**To:** jeffrey.noordhoek@nelnet.net
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam
**Subject:** Continuity of Operations During the Novel Coronavirus Disease 2019
**Attachments:** Cointinuity of Operations During the Novel Coronavirus Disease 2019 - Nelnet 040820.pdf

Hi Jeff,

Please find the attached letter concerning continuity of operations.

Best

Mark

AMERICAN OVERSIGHT

April 8, 2020

Dear Jeff,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Thu, 9 Apr 2020 03:31:14 +0000
**To:** THollin@edfinancial.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam
**Subject:** Continuity of Operations During the Novel Coronavirus Disease 2019
**Attachments:** Cointinuity of Operations During the Novel Coronavirus Disease 2019 - Edfinancial HESC 040820.pdf

Hi Tony,

Please find the attached letter concerning continuity of operations.

Best…

mab

AMERICAN OVERSIGHT

April 8, 2020

Dear Tony,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Mark A. Brown
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**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 02:23:52 +0000
**To:** Michelle.mcneil@caiarm.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** Credit Adjustment - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2019 - Michelle McNeil - Credit Adjustment 042120.pdf

**Dear Michelle,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Michelle,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Sincerely,

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Mark A. Brown
Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Mon, 16 Mar 2020 04:49:50 +0000
**To:** Jones, Diane
**Cc:** Eitel, Robert;Bailey, Nathan;Greene, Chris;Lindsey, Joe;Rubinstein, Reed
**Subject:** Directive to Loan Servicers
**Attachments:** CR_CoronavirusEmergency_v2.docx

Attached is a draft of the Change Request that we will use to summarize to loan servicers our directions in support of the Presidential announcement regarding the interest rate reduction. Please let us know if you have any concerns with this directive. We can also discuss during tomorrow's update. If there are no concerns, we will conduct a conference call with loan servicers NLT Tuesday of this week.

A summary of these changes follow:

(b)(5)

I've spoken with the loan servicer CEOs over the weekend. They are ready to get started with this once we give them the green light.

Mark

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Page 05662

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

Page 05663

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

Page 05664

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Tue, 10 Mar 2020 03:03:08 +0000
**To:** O'Brien, Marianna;Jordan, April
**Subject:** draft

Dear FSA Family,

(b)(5)

Respectfully,

mab

AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:41 +0000
**To:** eives@ecsi.net
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** ECSI - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2020 - Eric Ives - ECSI 042120.pdf

Dear Eric,

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Eric,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:29 +0000
**To:** lschnell@ersinc.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** ERS - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2019 - Linda Schnell - ERS 042120.pdf

**Dear Linda**,

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Linda,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Sincerely,

Mark Anthony Brown

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**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 02:23:51 +0000
**To:** KCann@fhcann.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** F.H Cann - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2019 - Kara Caan - FH Cann and Associates 042120.pdf

**Dear Kara,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Kara,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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**From:** Brown, Mark
**Sent:** Mon, 2 Mar 2020 17:15:50 +0000
**To:** Lindsey, Joe
**Cc:** Minor, Robin;Essex, Adam
**Subject:** FW: Coronavirus/ Guidance from ED?

---

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Monday, March 2, 2020 10:22 AM
**To:** Jones, Diane <Diane.Jones@ed.gov>; King, Robert <Robert.King@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>
**Cc:** Robb, Carly <Carly.Robb@ed.gov>
**Subject:** FW: Coronavirus/ Guidance from ED?

Fyi, incoming from ACE. Let's discuss after the 4:15 PM senior officers today.

Kent

---

**From:** Garcia, Daniela <Daniela.Garcia@ed.gov>
**Sent:** Monday, March 2, 2020 10:20 AM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>
**Subject:** FW: Coronavirus/ Guidance from ED?

Kent,

Below you will find the contact information for Sarah Spreitzer who is with the Dept of Government and Public Affairs at ACE, she has been inquiring about students abroad, Title IV and operational plans.

Best,
Daniela

---

**From:** Spreitzer, Sarah <SaSpreitzer@ACENET.EDU>
**Sent:** Thursday, February 27, 2020 9:19 AM
**To:** Garcia, Daniela <Daniela.Garcia@ed.gov>
**Subject:** RE: Coronavirus/ Guidance from ED?

Hi Daniela,

Yes, it would be great to connect with the Deputy Secretary's office. I'm keeping a running list of questions from institutions, including:

- Will the Department offer any R2T4 relief for students in education abroad programs who have to withdraw?

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- Any continuity plan to ensure Title IV grants and student aid will continue to be disbursed in the event of a mass scale quarantine.

I can do coffee the week of March 9 (assuming we aren't all quarantined by that time). Could you do morning of 3/10 or 3/11? I can come meet you at the starbucks across from headquarters.

Sarah

**Sarah K. Spreitzer**
*Director*
Department of Government
And Public Affairs
American Council on Education
One Dupont Circle NW
Washington, DC
Phone: (202) 939-9553
Fax: (202) 838-4730
saspreitzer@acenet.edu
www.acenet.edu

---

**From:** Garcia, Daniela [mailto:Daniela.Garcia@ed.gov]
**Sent:** Thursday, February 27, 2020 8:55 AM
**To:** Spreitzer, Sarah <SaSpreitzer@ACENET.EDU>
**Subject:** RE: Coronavirus/ Guidance from ED?

Hi Sarah,

You can always reach out on not fun or exciting issues! Yes, the Secretary has charged Deputy Secretary Mick Zais with leading our continuity operations plan with respect to coronavirus (I assume this is what you are referring to). Please let me know if you would like me to connect you with the Deputy Secretary.

Yes, coffee soon!

Best,
Daniela

---

**From:** Spreitzer, Sarah <SaSpreitzer@ACENET.EDU>
**Sent:** Wednesday, February 26, 2020 4:17 PM
**To:** Garcia, Daniela <Daniela.Garcia@ed.gov>
**Subject:** Coronavirus/ Guidance from ED?

Hi Daniela,

Sorry to reach out on yet another not super fun issue (thank you again for your help on Census!), but we have had a question from campuses about whether or not ED has a continuity plan for the disbursement

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of grants and federal student aid in case of a quarantine situation. Dan Madzelan in our office said ED has catastrophic plans, but I thought I would check to see if there is anything you are working on, or if you have anything already in place you can point me too.

Sorry, I wish it was a happier topic! We should do coffee soon!

Sarah

**Sarah K. Spreitzer**
*Director*
Department of Government
And Public Affairs
American Council on Education
One Dupont Circle NW
Washington, DC
Phone: (202) 939-9553
Fax: (202) 838-4730
saspreitzer@acenet.edu
www.acenet.edu

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**Learn, connect, and be inspired by attending the higher education leadership event of the year: ACE2020 in San Diego**

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**From:** Brown, Mark
**Sent:** Tue, 28 Jul 2020 01:20:02 +0000
**To:** Hameed, Anique;Zais, Mitchell
**Cc:** McGinnis, Colleen;Jordan, April;Sullivan, Wayne;Lindsey, Joe
**Subject:** FW: COVID-19 Mailbox Inquiries by POC Week of July 20-July 24.2020
**Attachments:** COVID-19 Mailbox Inquiries by POC Week of July 20-July 24.2020.docx

Gen Zais,

Indeed this is good work. The worker responsible for this good work, in part, is Mrs. Anique Hameed.

Thank you Anique and team for this turn around performance. Very proud of you all!

mab

---

**From:** Zais, Mitchell <Mitchell.Zais@ed.gov>
**Sent:** Monday, July 27, 2020 5:59 PM
**To:** Hill, Elizabeth <Liz.Hill@ed.gov>; Schneider, Mark <Mark.Schneider@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; King, Robert <Robert.King@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Snow, McKenzie <McKenzie.Snow@ed.gov>; Richey, Kimberly <Kimberly.Richey@ed.gov>
**Cc:** Bailey, Nathan <Nathan.Bailey@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** COVID-19 Mailbox Inquiries by POC Week of July 20-July 24.2020

All:

Here's the latest. Mark, nice work.

Mick

---

**From:** Kesner, Paul <Paul.Kesner@ed.gov>
**Sent:** Monday, July 27, 2020 5:31 PM
**To:** Zais, Mitchell <Mitchell.Zais@ed.gov>
**Subject:** COVID-19 Mailbox Inquiries by POC Week of July 20-July 24.2020

Dr. Zais,
Attached is the summary of the COVID-19 Mailbox inquiries by POC for the week of July 20-24, 2020.
Let me know if you have any questions. Thanks, paul

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## COVID-19 Inquiry Report by POC
## Week of July 20 – July 24, 2020

| PROGRAM OFFICE | Total New Inquiries Received (this week) | Total New Inquiries Closed (this week) | Cumulative Total Inquiries Received | Cumulative Total Inquiries Closed | % Cumulative Total Closed |
|---|---|---|---|---|---|
| Press | 6 | 6 | 159 | 159 | 100% |
| NCES/IPED | 0 | 0 | 1 | 1 | 100% |
| SPPO | 0 | 0 | 1 | 1 | 100% |
| FSA | 19 | 52 | 1288 | 1237 | 96% |
| *OESE | 18 | 3 | 736 | 574 | 78% |
| OPE | 7 | 3 | 1297 | 938 | 72% |
| OSERS | 9 | 4 | 695 | 456 | 66% |
| ONPE | 20 | 2 | 277 | 175 | 63% |
| OCR | 15 | 0 | 100 | 53 | 53% |
| TOTAL | 94 | 70 | 4554 | 3594 | 79% |

***OESE -** OESE is waiting on Senior Approval (21 Inquiries) and Final Policy (14 Inquiries). Cumulative Total Closed with Responses Pending Policy (83%).

AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 18 Mar 2020 14:26:54 +0000
**To:** Lindsey, Joe
**Cc:** Luczak, Ronald;Brunson, Miryam;Essex, Adam
**Subject:** FW: Federal Agency Operational Alignment to Slow the Spread of Coronavirus COVID - Discussion Agenda
**Attachments:** Federal Agency Operational Alignment to Slow the Spread of Coronavirus COVID - Discussion Agenda.docx
**Importance:** High

Joe,

These bldg. issues need to be fully vetted and updated though your groups report and recapped in the 9 am stand-up. Also, we can make sure that those than come in work in isolation with significant distance and have the option to drive and park. We also need to make sure before this Friday that we have adequate reporting systems on contractors and that our list of contractors match that of the Department.

Thanks…mab

---

**From:** Carter, Denise <Denise.Carter@ed.gov>
**Sent:** Wednesday, March 18, 2020 9:05 AM
**To:** Zais, Mitchell <Mitchell.Zais@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Rosenfelt, Phil <Phil.Rosenfelt@ed.gov>; Sasser, Tracey <Tracey.Sasser@ed.gov>; Gray, Jason <Jason.Gray@ed.gov>; Hairfield, James <James.Hairfield@ed.gov>; Harris, Antonia <Antonia.Harris@ed.gov>; Stader, Jim <Jim.Stader@ed.gov>; Scott, Janet <Janet.Scott@ed.gov>; Currell, Daniel <Daniel.Currell@ed.gov>; Bruce, Sandra <Sandra.Bruce@ed.gov>; Lindsey, Joe <joe.lindsey@ed.gov>; Brunson, Miryam <Miryam.Brunson@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>
**Subject:** Federal Agency Operational Alignment to Slow the Spread of Coronavirus COVID - Discussion Agenda
**Importance:** High

Good morning,

Attached is the agenda for the 9:30 call.

Talk to you soon,
Denise

AMERICAN OVERSIGHT

**Federal Agency Operational Alignment to Slow the Spread of Coronavirus COVID-19 (M-20-16)**
**Implementation Planning Discussion**
**March 18, 2020 – 09:30 a.m.**
**Conference Bridge:** (b)(6) **– Code** (b)(6)

## Discussion Topics

### Limit Public Services/Contact

- FSA - Impact

### Facilities

- Government facilities will remain open
  - Employees who need to come in can, but must practice effective social distancing
- No visitors
  - OIG – Any impact on investigators?
  - FSA – Any public contact still ongoing?

### Contractor Services

- Mailroom – Reduce
- Guards – Reduce
  - Go down to one entrance in the LBJ
- ID Office – Reduce services (Onboarding only)
- Cleaning Crew – Reduce services
- Fitness Center – Suspend
- Shuttle Services – Suspend
- Moving Services – Suspend
- Transportation Services - Suspend
- Eisenhower Memorial Contractors – Discuss with GSA
- IT Contract support -?
- Health Unit -?
- Facilities Help Desk -?
- Other onsite contractors?
- Contractor pay – Available emergency provisions
- Cafeteria opening - Discuss

### Telework

- Mandatory Language
  - Employees in non-eligible positions can be put on weather and safety leave
  - Employees in telework-eligible positions must telework

### Other Topics

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**From:** Brown, Mark
**Sent:** Thu, 30 Jul 2020 15:58:24 +0000
**To:** Bailey, Nathan;Eitel, Robert;Zais, Mitchell;Jones, Diane;Rubinstein, Reed
**Cc:** Hill, Elizabeth;Garcia, Daniela;Talbert, Kent;Blew, Jim;McGinnis, Colleen;Jordan, April;Sullivan, Wayne;Lindsey, Joe;Greene, Chris
**Subject:** FW: GEN BROWN ACTION // Email to ED leaders re- Aug. 1 CARES Act communications
**Attachments:** Aug 1 Customer Comms 2020-07-30_For Awareness.docx
**Importance:** High

Senior Leaders,

**Background**

Federal Student Aid (FSA) has developed a communications plan to inform borrowers about the student loan benefits provided by the *CARES Act*—including the suspension of payments and a 0% interest rate on ED-held loans—and the fact these temporary benefits are scheduled to end Sept. 30, 2020. FSA will communicate with customers through multiple channels, including FSA and loan servicer website, email, social media, and contact centers. Additionally, FSA will utilize other digital channels, including paid media and its Aidan[SM] virtual assistant to directly reach customers.

Communications began in March highlighting the benefits provided by the *CARES Act*. FSA created a special page on StudentAid.gov—StudentAid.gov/coronavirus—which included a Q&A section that has been updated regularly. In addition, FSA shared information via Facebook and Twitter and continues to respond to questions posed on those platforms.

Additionally, loan servicer notifications—as required by the *CARES Act*—confirmed actions were taken to place borrower accounts in administrative forbearance and apply the 0% interest rate or in a stopped collections status.

In July, FSA emailed borrowers to remind them that their loans currently are in administrative forbearance and encouraged them to visit *Loan Simulator* on StudentAid.gov to determine the best repayment plan for them based on their current financial situation.

On Aug. 1, FSA will update the StudentAid.gov home page banner and the feature box on StudentAid.gov/coronavirus to highlight the fact that administrative forbearance and the 0% interest rate will end Sept. 30. FSA will post content on Twitter and Facebook with the same messaging. The Aug. 1 communications push will continue throughout early August and will be complemented by providing the following for loan servicers and private collection agencies (PCAs):

- website banner text to post on their sites, and
- notification for contact center customer service reps about the Aug. 1 communications and key messages.

The attached document illustrates the current language and the updates that will appear Aug. 1.

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The Aug. 1 communications will serve as the lead up to the first of the six communications required by the *CARES Act*, which will begin Aug. 15. You will receive more detailed information about the six required communications and key messages in each. As a reminder, these communications are part of the customer communications plan, which we briefed in June. Our plans include our standard coordination with OCO and OLCA.

Thank you,

Mark

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**NOTE**

The updates to StudentAid.gov will be live between 9 and 10 a.m. ET on Aug. 1. Social media content will post throughout the day.

## StudentAid.gov Home Page Banner

### CURRENT

Coronavirus and Forbearance Information for Students, Borrowers, and Parents

### ON AUG. 1

Loan Repayment Begins After Sept. 30
Coronavirus and Forbearance Information for Students, Borrowers, and Parents

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## StudentAid.gov/coronavirus Intro Text and Feature Box

### CURRENT

Coronavirus and Forbearance Info for Students, Borrowers, and Parents

We at the U.S. Department of Education (ED) office of Federal Student Aid are actively monitoring the new coronavirus/COVID-19 outbreak.

On March 27, 2020, the president signed the *CARES Act* into law, which, among other things, provides broad relief for federal student loan borrowers. Below we have answered questions about several provisions of the *Act*. Questions that have been added or updated are identified with **"NEW"** or **"UPDATED"** before each question.

If you're concerned about your studies or loan repayment, we can help you understand what to do in certain circumstances. We'll be adding information for students, borrowers, and parents to this page on a regular basis, so please check back frequently.

**Your payments will automatically stop from March 13, 2020, through Sept. 30, 2020.**

To provide relief to student loan borrowers during the COVID-19 national emergency, federal student loan borrowers are automatically being placed in an administrative forbearance, which allows you to temporarily stop making your monthly loan payment. This suspension of payments will last until Sept. 30, 2020, but you can still make payments if you choose. Read the borrower Q&As below to learn more.

### ON AUG. 1

# Coronavirus and Forbearance Info for Students, Borrowers, and Parents

We at the U.S. Department of Education (ED) office of Federal Student Aid are actively monitoring the coronavirus/COVID-19 emergency.

On March 27, 2020, the president signed the *CARES Act* into law, which, among other things, provides broad relief for federal student loan borrowers. As of Aug. 1, 2020, both the suspension of student loan payments provided under the *CARES Act* and a temporary 0% interest rate are scheduled to end Sept. 30, 2020. Check out *Loan Simulator* to explore your repayment options. Also, make sure your loan servicer has your current contact information. In the coming weeks, you'll receive more information from your loan servicer about the end of the payment suspension.

Below we have answered questions about several provisions of the *CARES Act*. Questions that have been added or updated are identified with **"NEW"** or **"UPDATED"** before each question.

If you're concerned about your studies or loan repayment, we can help you understand what to do in certain circumstances. We'll be adding information for students, borrowers, and parents to this page on a regular basis, so please check back frequently.

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## FSA Twitter and Facebook Content

NOTE: Each post will include the text (message copy) and image with text (image copy)

**Aug. 1 Post 1:**

Heads up, federal student loan borrowers. As of Aug. 1, 2020, CARES Act benefits, including the administrative forbearance and 0% interest rate, will end Sept. 30, 2020. Learn more: https://StudentAid.gov/coronavirus

**Aug. 1 Post 2:**

Mark your calendar!

As of Aug. 1, 2020, the 0% interest rate, administrative forbearance, and other CARES Act flexibilities will end on Sept. 30, 2020. Here's what that means for you and your federally held student loans.

https://StudentAid.gov/coronavirus

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## Early August Social Content

**Post 3:**

Already on an income-driven repayment (IDR) plan? If your income has changed due to the #coronavirus (COVID-19), you may qualify for a new, lower payment amount. Follow these steps to update your income: https://studentaid.gov/app/ibrInstructions.action

**Post 4:**

The 0% interest rate, administrative forbearance period, and other CARES Act benefits are scheduled to end Sept. 30, 2020. Make sure your federal loan servicer has your correct contact info so you can receive important updates about your repayment options: https://studentaid.gov/manage-loans/repayment/servicers

### FEDERAL LOAN SERVICERS' CONTACT INFORMATION

| SERVICER NAME | WEBSITE |
|---|---|
| CornerStone | mycornerstoneloan.org |
| FedLoan Servicing (PHEAA) | pheaa.org |
| Granite State – GSMR | gsmr.org |
| Great Lakes Educational Loan Services, Inc. | mygreatlakes.org |
| HESC/Edfinancial | edfinancial.com |
| MOHELA | mohela.com |
| Navient | navient.com |
| Nelnet | nelnet.com |
| OSLA Servicing | public.osla.org |
| ECSI | heartlandecsi.com |
| Default Resolution Group (also known as Maximus Federal Services, Inc.) | myeddebt.ed.gov |

Federal Student Aid



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**Post 5:**

CARES Act benefits are scheduled to end Sept. 30, 2020, which means your monthly payments would begin again in October.

Wondering what your options are?

Use our Loan Simulator to help you choose the repayment plan that's best for your current situation: https://studentaid.gov/loan-simulator/

YOUTUBE.COM

**Introducing Our Loan Simulator Tool**

If you're looking for help with your student loan decisions, our new Loan…



AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:27 +0000
**To:** Juan.Blanco@icrsolutions.net
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** FW: ICR - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2019 -Juan Blanco -ICR 042120.pdf

**Dear Juan,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Juan,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

Given the Department's critical need for the services provided by federal loan servicers and contact centers in direct support of the federal response to the national emergency, it is expected that individuals providing such services will be afforded the freedom of movement necessary to operationalize student aid related relief efforts and access all systems and facilities supporting the Department's ability to operate in a timely and accurate manner.

As contact centers and loan servicers continue to operate, the Department urges those entities to adhere to all federal, state, and local guidelines, to the maximum extent possible, regarding social distancing, bans on public gatherings, and other safety precautions put in place to ensure the health and safety of their staff. Further, loan servicers and contact centers should continue to expeditiously develop and implement remote operating solutions.

Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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830 First Street, NE, Washington, DC 20202
StudentAid.gov

AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Mon, 16 Mar 2020 01:14:40 +0000
**To:** Lindsey, Joe;Dean, Michael (Michael.Dean@ed.gov);Minor, Robin;Greene, Chris;Albers, David;O'Brien, Marianna;Jordan, April
**Cc:** Essex, Adam
**Subject:** FW: Important: EPMC - Updated Guidance for the National Capital Region on Telework Flexibilities in Response to Coronavirus
**Attachments:** M20-15-Telework-Guidance-OMB.pdf

Leaders,

(b)(5)

Strat Comms please start considering a note from me to our personnel that will amplify this OPM guidance.

v/r mab

---

**From:** Carter, Denise <Denise.Carter@ed.gov>
**Sent:** Sunday, March 15, 2020 8:47 PM
**To:** Zais, Mitchell <Mitchell.Zais@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Simmons, Lee (Dougie) <LeeD.Simmons@ed.gov>; Robb, Carly <Carly.Robb@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Gray, Jason <Jason.Gray@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>; Schneider, Mark <Mark.Schneider@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Harris, Antonia <Antonia.Harris@ed.gov>; Hairfield, James <James.Hairfield@ed.gov>
**Cc:** Paciorek, Sarah <Sarah.Paciorek@ed.gov>; Mitchell, Noah <Noah.Mitchell@ed.gov>; Rogers, James <James.Rogers@ed.gov>
**Subject:** Important: EPMC - Updated Guidance for the National Capital Region on Telework Flexibilities in Response to Coronavirus

Good evening Everyone,

In an effort to slow the COVID-19 community spread, OMB just issued updated telework guidance for federal agencies. We are preparing an updated employee communication which will be distributed tomorrow, but wanted to quickly make you aware of the upcoming changes.

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Also, the media is now broadcasting a CDC alert asking organizations to temporarily suspend gatherings of 50 people or more. We will discuss this update tomorrow as well.

Thank you for your patience as we continue to adapt to the changing landscape.

Thanks,
Denise
(b)(6) cell

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**From:** Daphnis, Kristy L. EOP/OMB <Kristy_L._Daphnis@omb.eop.gov>
**Sent:** Sunday, March 15, 2020 7:21 PM
**To:** Daphnis, Kristy L. EOP/OMB
**Cc:** DL OMB Dir Office OMB_COVID19OPS
**Subject:** EPMC - Updated Guidance for the National Capital Region on Telework Flexibilities in Response to Coronavirus

Updated Guidance for the National Capital Region on Telework Flexibilities in Response to Coronavirus
Here is the link: https://www.whitehouse.gov/wp-content/uploads/2020/03/M20-15-Telework-Guidance-OMB.pdf

**Kristy L. Daphnis**
Personnel Team Lead, Office of Performance & Personnel Management
Office of Management and Budget
202.395.3087
kdaphnis@omb.eop.gov

AMERICAN OVERSIGHT

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

March 15, 2020

M-20-15

MEMORANDUM FOR THE HEADS OF DEPARTMENTS AND AGENCIES

FROM: Russell T. Vought
Acting Director

SUBJECT: Updated Guidance for the National Capital Region on Telework Flexibilities in Response to Coronavirus

In light of the evolving situation concerning the coronavirus ("COVID-19") and the National Capitol Region (NCR) experiencing community transmission, the Administration wants to ensure that department and agency leaders assertively safeguard the health and safety of their workforce while remaining open to serve the American people and conduct mission critical functions.

All Federal Executive Branch departments and agencies within the National Capital Region (NCR), consistent with OMB's recent guidance (OMB M-20-13), are asked to offer maximum telework flexibilities to all current telework eligible employees, consistent with operational needs of the departments and agencies as determined by their heads. In addition, we encourage agencies to use all existing authorities to offer telework to additional employees, to the extent their work could be telework enabled. If employees are not eligible for telework, agency heads have the discretion to offer weather and safety leave, or the agency's equivalent, including for employees who may not have been considered "at higher risk" under OMB M-20-13. Furthermore, agency heads should develop an operational plan that maximizes resources and functional areas to most safely and efficiently deliver these mission-critical functions and other Government services (including but not limited to staggered work schedules and other operational mitigation measures).

We encourage agencies to consult with current CDC operating guidance https://www.cdc.gov/coronavirus/2019-ncov/downloads/community-mitigation-strategy.pdf to maximize safe working environments and implement substantial mitigation strategies for the workplace.

AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:26 +0000
**To:** jack.frazier@pioneer-credit.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** FW: Pioneer Credit Recovery - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2019 - Jack Frazier - Pioneer Credit Recovery 042120.pdf

**Dear Jack,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Jack,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

Given the Department's critical need for the services provided by federal loan servicers and contact centers in direct support of the federal response to the national emergency, it is expected that individuals providing such services will be afforded the freedom of movement necessary to operationalize student aid related relief efforts and access all systems and facilities supporting the Department's ability to operate in a timely and accurate manner.

As contact centers and loan servicers continue to operate, the Department urges those entities to adhere to all federal, state, and local guidelines, to the maximum extent possible, regarding social distancing, bans on public gatherings, and other safety precautions put in place to ensure the health and safety of their staff. Further, loan servicers and contact centers should continue to expeditiously develop and implement remote operating solutions.

Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 02:23:50 +0000
**To:** mjustice@pbcmcorp.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** FW: Professional Bureau of Collections of MD - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2019 - Matthew Justice - Profession Bureau Collections of MD 042120.pdf

**Dear Mr. Justice,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Matthew,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 18 Mar 2020 13:00:12 +0000
**To:** O'Brien, Marianna;Minor, Robin;Greene, Chris;Dean, Michael (Michael.Dean@ed.gov);Lindsey, Joe;Albers, David
**Cc:** Essex, Adam
**Subject:** FW: Student Loan Crisis (Coronavirus)

(b)(6) I expect this type to discussion to gather steam. Anticipate how we would respond.

**From:** (b)(6)
**Sent:** Wednesday, March 18, 2020 8:28 AM
**To:** Brown, Mark <Mark.Brown@ed.gov>
**Subject:** Student Loan Crisis (Coronavirus)

Great post here:

It was a nice gesture for President Trump to suspend interest on student loans, but it is not nearly enough.

This coronavirus crisis is going to create the biggest economic depression of the last 100 years. Most young people I know already are saying they're going to default on their student loans just so they can buy food and medicine.

Here is what all young conservatives, we know, are saying needs to be done:

- An automatic 18 month deferment on all student loans for everyone. I mean everyone. And it's automatic. All people are given an 18 month deferment without even applying for it. (If they want, they can opt-out, but the default is a deferment without even applying for it.)

- Wipe out 1/2 of all the current student loan debt currently held by each American. In other words, each American's student loan debt is cut in half.

Please, we beg you, do the above. It's time to put America First.

(b)(6)
Young Conservatives

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AMERICAN
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**From:** Brown, Mark
**Sent:** Thu, 9 Apr 2020 17:23:42 +0000
**To:** O'Brien, Marianna
**Subject:** Fwd: Follow Up on COVID-19 Servicing Policy Decisions

Mark A. Brown
Chief Operating Officer
Federal Student Aid
"Stay in the Fight!"

Begin forwarded message:

**From:** "Brown, Mark" <Mark.Brown@ed.gov>
**Date:** April 8, 2020 at 11:03:00 PM EDT
**To:** "Jones, Diane" <Diane.Jones@ed.gov>, "Brinton, Jed" <Jed.Brinton@ed.gov>
**Cc:** "Rubinstein, Reed" <Reed.Rubinstein@ed.gov>, "Greene, Chris" <Chris.Greene@ed.gov>, "O'Brien, Marianna" <Marianna.OBrien@ed.gov>, "Lindsey, Joe" <joe.lindsey@ed.gov>, "Essex, Adam" <Adam.Essex@ed.gov>, "Hokanson, Jesse" <Jesse.Hokanson@ed.gov>
**Subject: Follow Up on COVID-19 Servicing Policy Decisions**

Diane, Jed,

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AMERICAN OVERSIGHT

Mark

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**From:** Mark.Brown@ed.gov
**Sent:** Mon, 8 Jun 2020 22:05:40 -0400
**To:** Greene, Chris;Dean, Michael
**Cc:** Lindsey, Joe;Minor, Robin;Albers, David;Essex, Adam
**Subject:** Fwd: GAO Draft for Comment: 90 day report on COVID-19 pandemic response
**Attachments:** Student Loan Enclosure for Agency Comment (104237).pdf, ATT00001.htm, ENCLOSURE_EDUCATION_STABILIZATION_FUND for agency comment.pdf, ATT00002.htm, ENCLOSURE_HEERF_STUDENT_AID for agency comment.pdf, ATT00003.htm, DRAFT GAO-20-625.pdf, ATT00004.htm

Let's take a good read and prepare to reply.

Mark A. Brown
Chief Operating Officer
Federal Student Aid
"Stay in the Fight!"

Begin forwarded message:

> **From:** "Talbert, Kent" <Kent.Talbert@ed.gov>
> **Date:** June 8, 2020 at 8:24:00 PM EDT
> **To:** "King, Robert" <Robert.King@ed.gov>, "Zais, Mitchell" <Mitchell.Zais@ed.gov>, "Jones, Diane" <Diane.Jones@ed.gov>, "Brown, Mark" <Mark.Brown@ed.gov>
> **Cc:** "McCaghren, Christopher" <Christopher.McCaghren@ed.gov>, "Robb, Carly" <Carly.Robb@ed.gov>, "Magro, Tony" <Tony.Magro@ed.gov>
> **Subject: Fwd: GAO Draft for Comment: 90 day report on COVID-19 pandemic response**

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AMERICAN OVERSIGHT

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OVERSIGHT

**From:** Brown, Mark
**Sent:** Fri, 6 Mar 2020 17:52:18 +0000
**To:** Minor, Robin
**Subject:** Fwd: University of Washington orders remote classes after positive coronavirus test

Mark A. Brown
Chief Operating Officer
Federal Student Aid
"Stay in the Fight!"

Begin forwarded message:

**From:** "Eitel, Robert" <Robert.Eitel@ed.gov>
**Date:** March 6, 2020 at 12:35:11 PM EST
**To:** "Jones, Diane" <Diane.Jones@ed.gov>, "King, Robert" <Robert.King@ed.gov>, "Brown, Mark" <Mark.Brown@ed.gov>
**Subject: FW: University of Washington orders remote classes after positive coronavirus test**

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**From:** POLITICO Pro Education <politicoemail@politicopro.com>
**Sent:** Friday, March 6, 2020 12:34 PM
**To:** Eitel, Robert <Robert.Eitel@ed.gov>
**Subject:** University of Washington orders remote classes after positive coronavirus test

**University of Washington orders remote classes after positive coronavirus test**

By Juan Perez Jr.

03/06/2020 12:31 PM EST

The University of Washington will hold classes and final exams remotely until March 20, school officials announced today after a UW worker returned a "presumptive positive" test for the coronavirus that has upended commerce and travel across the globe — and landed especially hard on the Pacific Northwest state.

UW classes will no longer meet in person starting Monday, university President Ana Mari Cauce said in a message to the campus community. Instructors have been asked to conduct classes and exams remotely, but UW campuses will remain open — including hospitals, clinics, dining

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services and residence halls.

"Our goal is to make sure that your academic work is fairly recognized and that any disruption does not present any disadvantage to your future academic progress, including admission to your preferred major in the months or years to come," Cauce wrote.

The university president said the system plans to resume normal operations on March 30, the beginning of the spring quarter, "pending public health guidance." Facilities crews will use the dormant time on campus to clean UW classrooms, auditoriums, bathrooms and other public spaces, she said.

he plan to scrap in-person classes at the state's flagship university comes as a Seattle-based staff member received what officials described as a "presumptive positive" test for Covid-19. That employee is in self-isolation at home, officials said.

The Roosevelt Commons East building, just west of UW's Seattle campus, has been closed. The staff member was last in the building on Feb. 24, 27 and 28, but is believed to have had "limited contact" with anyone outside of the individual's immediate office floor.

"Because of the circumstances, the risk to the broader Seattle campus community from this case is believed to be low," officials said in a message to the university system.

Meanwhile, public health officials in Los Angeles are testing three UCLA students for the coronavirus, campus Chancellor Gene Block announced.

The students are self-isolating off campus, Block said, adding that no one at the enormous California campus has tested positive for Covid-19.

Classes and campus operations will continue to proceed as normal for the time being.

"We are actively monitoring and responding to the situation and will continue to follow the guidance of public health agencies," Block said in a message to campus.

The Los Angeles County Department of Public Health "has committed to expediting these tests for UCLA," Block said, and any potential impacts to the school will be announced once the results are returned.

*To view online*:
https://subscriber.politicopro.com/education/article/2020/03/university-of-washington-orders-remote-classes-after-positive-coronavirus-test-3977448

**You received this POLITICO Pro content because your customized settings include: Colleges and Universities. To change your alert settings, please go to https://subscriber.politicopro.com/settings.**

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This email was sent to robert.eitel@ed.gov by:
POLITICO, LLC
1000 Wilson Blvd.
Arlington, VA 22209
USA

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**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:39 +0000
**To:** 'dcoughlan@gsmr.org'
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** Granite State - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2020 - Dan Coughlan - GS 042120.pdf

**Dear Dan,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Dan,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

Given the Department's critical need for the services provided by federal loan servicers and contact centers in direct support of the federal response to the national emergency, it is expected that individuals providing such services will be afforded the freedom of movement necessary to operationalize student aid related relief efforts and access all systems and facilities supporting the Department's ability to operate in a timely and accurate manner.

As contact centers and loan servicers continue to operate, the Department urges those entities to adhere to all federal, state, and local guidelines, to the maximum extent possible, regarding social distancing, bans on public gatherings, and other safety precautions put in place to ensure the health and safety of their staff. Further, loan servicers and contact centers should continue to expeditiously develop and implement remote operating solutions.

Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:30 +0000
**To:** MLehmann@glhec.org
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** Great Lakes - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2020 - Mary Lehmann - GL 042120.pdf

**Dear Mary,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Mary,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Mark.Brown@ed.gov
**Sent:** Fri, 3 Apr 2020 08:20:29 -0400
**To:** Eitel, Robert;Jones, Diane;Rubinstein, Reed;Hill, Elizabeth
**Cc:** King, Robert;O'Brien, Marianna;Greene, Chris;Jordan, April;Lindsey, Joe;Zais, Mitchell
**Subject:** Health Education Assistance Loan (HEAL) loans

Senior leaders,

(b)(5)

Respectfully,

Mark

**Background**

(b)(5)

**Today's Requested Actions**

(b)(5)

Mark

Mark A. Brown
Chief Operating Officer
Federal Student Aid
"Stay in the Fight!"

AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:36 +0000
**To:** 'bcox@edfinancial.com'
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** HESC - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2020 - Brenda Cox - HESC 042120.pdf

**Dear Brenda,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab

MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Brenda,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Tue, 10 Mar 2020 03:53:53 +0000
**To:** FSA HQ Employees;FSA Region 1;FSA Region 2;FSA Region 3;FSA Region 4;FSA Region 5;FSA Region 6;FSA Region 7;FSA Region 8;FSA Region 9;FSA Region 10
**Cc:** Smith, Richard;Carter, Denise;Talbert, Kent;Jones, Diane;King, Robert
**Subject:** Important Notice - FSA UCP Operations for March 10, 2020

Dear FSA Family,

I am writing you at this late hour because I was recently informed that a contracted employee came in contact with an individual who has tested positive for COVID-19, commonly known as coronavirus. The contractor worked in Union Center Plaza (UCP) from Monday, Feb. 24 through Friday, March 6, and now, has developed flu-like symptoms.

This evening, the contractor went to be tested for COVID-19. As we await those test results, we are aggressively researching the contractor's movements throughout UCP and the surrounding area and contacting specific individuals who we know interacted with the contractor.

As we continue to seek answers to this rapidly developing situation, I am putting your health and safety first. Therefore, out of an abundance of caution, I am authorizing UCP-based employees or anyone from a regional office who worked in UCP during the timeframe noted above to take unscheduled telework on Tuesday, March 10. At my request, the deputy chief operating officers have initiated calls to all employees to provide the information in this email.

I will continue to provide you with updates on this situation as I receive them. If you have questions, please contact your deputy chief operating officer.

Respectfully,

mab

AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Fri, 1 Nov 2019 16:33:50 +0000
**To:** Bailey, Nathan;Eitel, Robert;Jones, Diane
**Cc:** Hill, Elizabeth;Morabito, Angela;O'Brien, Marianna;Jordan, April
**Subject:** (b)(5) CAB Updates

Leaders,

I wanted to bring to your attention to school actions that will appear in this weeks FSA CAB. In my estimation, they both have potential media attention. Please let me know if you have any concerns.

Best…Mark

(b)(5)

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**From:** Mark.Brown@ed.gov
**Sent:** Mon, 4 Nov 2019 06:27:25 -0500
**To:** Minor, Robin
**Cc:** O'Brien, Marianna
**Subject:** (b)(5)

Robin,

I removed (b)(5) from the CAB in order to work on this question:

(b)(5)

If this is a simple straight forward answer, I'd like to take it to senior staff meeting and in my follow-on meeting with Nate.

Thank you.

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Mark.Brown@ed.gov
**Sent:** Thu, 7 Nov 2019 19:01:00 -0500
**To:** Rubinstein, Reed
**Cc:** Bailey, Nathan;Jones, Diane
**Subject:** (b)(5) Request for Legal Opinion
**Attachments:** (b)(5) final.docx, ATT00001.htm, Staff Summary Sheet - (b)(5) .doc, ATT00002.htm

Reed,

Please find attached the draft "Request for Information" letter for (b)(5) (b)(5) and the Staff Summary Sheet that describes what I have been told is why we are taking the action.

I would appreciate a legal opinion on our authority to move forward with the request.

Thank you.

Mark

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**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:35 +0000
**To:** RobertSantos@maximus.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam
**Subject:** MAXIMUS - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2020 - Robert Santos - Maximus 042120.pdf

**Dear Robert,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Robert,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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As contact centers and loan servicers continue to operate, the Department urges those entities to adhere to all federal, state, and local guidelines, to the maximum extent possible, regarding social distancing, bans on public gatherings, and other safety precautions put in place to ensure the health and safety of their staff. Further, loan servicers and contact centers should continue to expeditiously develop and implement remote operating solutions.

Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:33 +0000
**To:** Farmer, Jennifer - x3484
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** MOHELA - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2020 - Jennifer Farmer - MOHELA 042120.pdf

**Dear Jennifer,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Jennifer,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 02:23:50 +0000
**To:** haidari@ncscollect.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** National Credit Services - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2019 - Hardari Sarajy - National Credit Services 042120.pdf

**Dear Haidari**,

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Haidari,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:27 +0000
**To:** Joelkunza@nationalrecoveries.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** National Recoveries - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2019 - Joel Kunza - National Recoveries 042120.pdf

**Dear Joel**,

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Joel,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:32 +0000
**To:** Maier, Mike
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** Navient - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2020 - Mike Maier - Navient 042120.pdf

**Dear Mike**,

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Mike,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:38 +0000
**To:** Jarvis.Robinson@perspecta.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** Perspecta - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2020 - Jarvis Robinson - Perspecta 042120.pdf

**Dear Jarvis,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Jarvis,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

Given the Department's critical need for the services provided by federal loan servicers and contact centers in direct support of the federal response to the national emergency, it is expected that individuals providing such services will be afforded the freedom of movement necessary to operationalize student aid related relief efforts and access all systems and facilities supporting the Department's ability to operate in a timely and accurate manner.

As contact centers and loan servicers continue to operate, the Department urges those entities to adhere to all federal, state, and local guidelines, to the maximum extent possible, regarding social distancing, bans on public gatherings, and other safety precautions put in place to ensure the health and safety of their staff. Further, loan servicers and contact centers should continue to expeditiously develop and implement remote operating solutions.

Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

Federal Student Aid
An OFFICE of the U.S. DEPARTMENT of EDUCATION
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830 First Street, NE, Washington, DC 20202
StudentAid.gov

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**From:** Brown, Mark
**Sent:** Mon, 30 Mar 2020 14:29:57 +0000
**To:** Eitel, Robert;Jones, Diane;King, Robert;Rubinstein, Reed
**Cc:** Jordan, April;Hill, Elizabeth;O'Brien, Marianna;Lindsey, Joe;Greene, Chris;Harding, Jordan;Brinton, Jed;Carter, Denise
**Subject:** Pre-Clearance - ACTION REQ -- SA.gov COVID-19 Q&As - Ready for ED pre-clearance
**Attachments:** Coronavirus SA.gov page updates based on CARES Act 2020-03-30 for clearance_ED.docx
**Importance:** High

Attached please find the updated Q&A copy for StudentAid.gov/coronavirus. Obviously, we would like to get this content on StudentAid.gov/coronavirus as soon as possible. If you can not reach me, feel free to work with April Jordan.

Highlights and desired timeline below.

Respectfully,

Mark

---

**Background**
Now that the *Coronavirus Aid, Relief, and Economic Security Act* (*CARES Act*) was signed into law, Federal Student Aid (FSA) has updated existing Q&As at StudentAid.gov/coronavirus and added new Q&As as appropriate. To help readers understand what may have changed online, the web copy now notes what's "UPDATED" and what's "NEW." Additionally, Q&As have been further categorized by topic, such as "Questions About the Interest Waiver" and "Questions About the Forbearance."

It is important for borrowers to have the right information about the relief being extended to them. We are already seeing comments on social media and through our other feedback channels. The schedule of requested actions reflects this sense of urgency.

**Today's Requested Actions**
- Pre-clearance by OUS, OGC, OPE, OS, and OCO by noon.
- Expedited clearance by OMB with simultaneous expedited formal ED clearance by 2 p.m.
- Expedited clearance by chief of staff by 4 p.m.

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**From:** Brown, Mark
**Sent:** Wed, 3 Jun 2020 03:01:36 +0000
**To:** King, Robert;Rosenfelt, Phil;Brinton, Jed
**Cc:** Jones, Diane;Talbert, Kent;Siegel, Brian;Rubinstein, Reed;Greene, Chris;Jordan, April
**Subject:** PSLF Q&A
**Attachments:** Coronavirus QA (PSLF) for SA-gov 2020-05-18 for OMB Approval FSA Response.docx
**Importance:** High

Bob, Phil, and Jed:

Thanks to the efforts of Budget Services, FSA, and OUS, we are ready to return comments to OMB related to a Q&A for StudentAid.gov/coronavirus about suspended payments, Public Service Loan Forgiveness, and qualifying repayment plans.

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For our convenience, here's the language from the *CARES Act*:

> (c) CONSIDERATION OF PAYMENTS.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall deem each month for which a loan payment was suspended under this section as if the borrower of the loan had made a payment for the purpose of any loan forgiveness program or loan rehabilitation program authorized under part D or B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.) for which the borrower would have otherwise qualified.

At Kent's request, I am returning the response to OMB first to you for your review; the revised Q&A and margin response have been approved by Diane. With your approval, Kent will be in a position to return the document to OMB.

Thank you,

mab

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**From:** Mark.Brown@ed.gov
**Sent:** Fri, 13 Mar 2020 20:49:10 -0400
**To:** Sullivan, Wayne
**Cc:** Lindsey, Joe;O'Brien, Marianna;FSA CPU;Essex, Adam;DeVaughn, Natalie;Greenfield, Valencia
**Subject:** Re: Read Aheads for Monday, March 16, 2020

We need to put status of CORONAVIRUS 19 interest waiver actions as the lead topic for Monday's discussion with OUS. Otherwise good to go.

Mark A. Brown
Chief Operating Officer
Federal Student Aid
"Stay in the Fight!"

On Mar 13, 2020, at 7:27 PM, Sullivan, Wayne <Wayne.Sullivan@ed.gov> wrote:

General Brown,

Please see below for a status of your read-ahead documents for Monday, March 16, 2020. Hard copies are currently printed at UCP, and electronic copies are attached for your review.

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**From:** Brown, Mark
**Sent:** Fri, 5 Jun 2020 00:37:56 +0000
**To:** Essex, Adam
**Subject:** Re: [EXTERNAL] MAXIMUS - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter

Ok

Mark A. Brown
Chief Operating Officer
Federal Student Aid
"Stay in the Fight!"

On Jun 4, 2020, at 5:16 PM, Essex, Adam <Adam.Essex@ed.gov> wrote:

General,

The meeting with Maximus has been scheduled:

- **Maximus Discussion**
  **Tuesday June 9**
  **4:00pm-4:30pm**

We will work with SEAD to get a Read Ahead drafted and over to FSA CPU.

Thank you,
Adam

---

**From:** Brown, Mark <Mark.Brown@ed.gov>
**Sent:** Thursday, June 4, 2020 12:24 PM
**To:** Santos, Bob F <RobertSantos@maximus.com>
**Cc:** Greene, Chris <Chris.Greene@ed.gov>; Piccolo, Marc <Marc.Piccolo@ed.gov>; Essex, Adam <Adam.Essex@ed.gov>; Sundberg, Harry T <HarryTSundberg@maximus.com>; Essex, Adam <Adam.Essex@ed.gov>; Davis, James E. <James.E.Davis@ed.gov>
**Subject:** RE: [EXTERNAL] MAXIMUS - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter

Hi Bob,

Thank you for the note. I'm copying our scheduling team. We will set this meeting up. I look forward to our discussion.

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mab

---

**From:** Santos, Bob F <RobertSantos@maximus.com>
**Sent:** Thursday, June 4, 2020 10:59 AM
**To:** Brown, Mark <Mark.Brown@ed.gov>
**Cc:** Greene, Chris <Chris.Greene@ed.gov>; Piccolo, Marc <Marc.Piccolo@ed.gov>; Essex, Adam <Adam.Essex@ed.gov>; Sundberg, Harry T <HarryTSundberg@maximus.com>
**Subject:** Re: [EXTERNAL] MAXIMUS - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter

Hello General Brown, I hope this email finds you in good health.

At your convenience, I would like to request a brief meeting with you to update you on our progress towards the COVID – 19 response, what we have in place as far as the MAXIMUS team, including our partners and share some thoughts of activities as we return to collection activities. But mostly I would like to hear from you about how things are going and what else we could possibly do to support the mission.

I would like to bring by manager, Harry Sundberg, Sr VP of Federal Civilian Agencies. He and I both work for Tom Romeo, so I would like you have the opportunity to meet him virtually as well.

I realize that you are very busy, but as one of your major partners, I think it is important that we reach out and make sure we are doing all we can.

Thankyou,
bob

**Bob Santos**
VP, Debt Management and Collection System (DMCS) Program Executive
**MAXIMUS Federal**
5202 Presidents Court
Frederick, MD 21703
Office: 240.772.3862
Mobile: (b)(6)
RobertSantos@maximus.com
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**From:** "Brown, Mark" <Mark.Brown@ed.gov>
**Date:** Wednesday, April 22, 2020 at 7:21 AM
**To:** "Santos, Bob F" <RobertSantos@maximus.com>
**Cc:** "Greene, Chris" <Chris.Greene@ed.gov>, "Piccolo, Marc" <Marc.Piccolo@ed.gov>, "Essex, Adam" <Adam.Essex@ed.gov>

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**Subject:** [EXTERNAL] MAXIMUS - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter

**Dear Robert,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

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**From:** Brown, Mark
**Sent:** Fri, 10 Apr 2020 00:28:53 +0000
**To:** Tony Hollin
**Subject:** Re: Continuity of Operations During the Novel Coronavirus Disease 2019

Thank you Tony. Enjoy your Easter weekend and family time.

Mark A. Brown
Chief Operating Officer
Federal Student Aid
"Stay in the Fight!"

On Apr 9, 2020, at 2:06 PM, Tony Hollin <THollin@edfinancial.com> wrote:

General,
Good to hear from you. I hope all is well with you and your family. Wanted to confirm that I had received your communication and we are operating as essential and our servicing is currently working well and operative at 100%. We currently have about 95% of all contact personnel working from home.

Best wishes and hope you are able to spend so time with your family during the Easter weekend.

Tony

---

**From:** Brown, Mark <Mark.Brown@ed.gov>
**Sent:** Wednesday, April 8, 2020 11:31 PM
**To:** Tony Hollin <THollin@edfinancial.com>
**Cc:** Greene, Chris <Chris.Greene@ed.gov>; Piccolo, Marc <Marc.Piccolo@ed.gov>; Essex, Adam <Adam.Essex@ed.gov>
**Subject:** Continuity of Operations During the Novel Coronavirus Disease 2019

Hi Tony,

Please find the attached letter concerning continuity of operations.

Best...

mab

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**From:** Brown, Mark
**Sent:** Wed, 20 May 2020 11:44:18 +0000
**To:** Greene, Chris
**Subject:** Re: Coronavirus QA (PSLF) for SA-gov 2020-05-18 for OMB Approval FSA Response cbg

Yes you are clear to move this forward.

Mark A. Brown
Chief Operating Officer
Federal Student Aid
"Stay in the Fight!"

On May 20, 2020, at 6:47 AM, Greene, Chris <Chris.Greene@ed.gov> wrote:

Gen. Brown-

Please let me know if Im OK to proceed with sending this to Diane as she requested at Monday's meeting. Thank you.

Chris

---

**From:** Greene, Chris
**Sent:** Tuesday, May 19, 2020 12:26 PM
**To:** Brown, Mark <Mark.Brown@ed.gov>
**Subject:** Coronavirus QA (PSLF) for SA-gov 2020-05-18 for OMB Approval FSA Response cbg

Gen. Brown-

After yesterday afternoon's meeting with Diane and Jed regarding treatment of payment suspension for the purposes of PSLF and IDR forgiveness, Diane asked that I draft a response to OMB's comments in the original Q&A document and send it to her to review. I have added the response to the OMB comment in the attached. My plan is to send it to her with the following note. Let me know if you have any questions or concerns with this approach. I will wait for your guidance before responding. Thanks

Chris

Diane-

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As a follow up to yesterday's conversation regarding payment waivers for purposes of PSLF and IDR forgiveness under the CARES Act, attached are OMB's original comments on the 2 Q&A's in questions. Per your request, I drafted up a response to OMB's comment and am providing it to you for review. Please let me know how you'd like us to proceed. Thanks

Chris

<Coronavirus QA (PSLF) for SA-gov 2020-05-18 for OMB Approval FSA Response cbg.docx>

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**From:** Brown, Mark
**Sent:** Wed, 1 Apr 2020 00:36:55 +0000
**To:** Zelnik, Kathy
**Cc:** Dean, Michael;Lindsey, Joe;Bellamy, Brittany;FSA CPU;Essex, Adam
**Subject:** Re: Coronavirus risk work
**Attachments:** image001.jpg

Kathy,

I need you to explain this to me. I'm certain that we need a visible and active risk process but I'm struggling with the description of what we are doing and what we get out of it.

Let's have a breakout session to go deeper in this area with COVID-19 as the example.

Mark A. Brown
Chief Operating Officer
Federal Student Aid
"Stay in the Fight!"

On Mar 31, 2020, at 7:07 PM, Zelnik, Kathy <Kathy.Zelnik@ed.gov> wrote:

Good afternoon, Mark!

BLUF:

(b)(5)

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I look forward to continuing to work with FSA at all levels to bring the risk view into focus. Please let me know if you have any questions or require additional follow-up.
Kathy

The email that accompanied the SSS to the DCOOs last Friday:
Executive leaders-

Attached is the Staff Summary Sheet to coordinate awareness of the current Risk Assessment of the Implementation of President Trump's COVID-19 Student Loan Relief Directive. The assessment also includes a Risk Register that shows a comprehensive Risk Portfolio associated with the implementation. This is to provide transparency into the risks, implications should those risks manifest, key risk mitigation activities operationalized to reduce risk, Key Risk Indicators (KRIs) to measure the efficacy of the risk mitigation activities, and the assessment of the risks in the COVID-19 Risk Portfolio. This was a collaboration between the ERMO, SEAD, EPIC, and OIO. Thank you to everyone for helping pull this together!

Next week, a dashboard will be delivered to highlight key risks and KRIs to effectively track our performance against the goals set forward by President Trump and Secretary DeVos.

The Risk Assessment, Risk Portfolio, and dashboard will continue to evolve as the President and the Secretary continue to announce opportunities to help borrowers as the US responds to the current pandemic.

Be well!
Kathy

cc: FSA CPU

AMERICAN OVERSIGHT

Kathy Zelnik
Chief Risk Officer
Office: 202-377-3029 Cell: (b)(6)
kathy.zelnik@ed.gov

<image001.jpg>

StudentAid.gov

<Risk Assessment COVID-19 Student Loan Response v1.4_3.31.20.docx>
<FSA-Staff-Summary Risk Assessment Implementation of President Trumps COVID-19 Student Loan Relief Directive.doc>
<Risk Register - Coronavirus Response V.7.xlsx>
<Coronavirus Dashboard Wireframes.pptx>



AMERICAN OVERSIGHT

**From:** Mark.Brown@ed.gov
**Sent:** Tue, 2 Jun 2020 07:48:41 -0400
**To:** Campbell, Patrick
**Cc:** Piccolo, Marc;Lindsey, Joe;Albers, David;Dean, Michael;Greene, Chris;Minor, Robin;Essex, Adam;Jordan, April;Davis, James E.;Britt, Kerry;McNeal, David;Zelnik, Kathy;Tessitore, Lisa;DeMoss, Joyce;Pacchetti, Ed;Sullivan, Wayne;Hardiman, Darrick;Jackson, William;LaVia, Mark;Tyrrell, Pete;Abell, Annette;Luczak, Ronald;Brunson, Miryam;Bellamy, Brittany;Broadus, Wanda;Crowner, Quasette;Doone, Alison;Brussow, Irma;Dare, Michael;Douglas, Jennifer;Eliadis, Pam;Evans, Sidney;Festa, John;Gwaltney, Patricia;Harry, Deborah;Kane, John;Mastrianna, Joe;Schrecengost, Chad;Searcy, Hunter;DeVaughn, Natalie;Greenfield, Valencia;Shingler, M LaVonne;Magro, Tony;Hoapili, Betty;Peterson, Lesjanusar;Fenwick, Benjamin;Coy-Blackwell, Cynthia;Burris, Joshua;Benson, Mark;Szathmary, Michael;Shock, Edward;Vecera, Michael
**Subject:** Re: COVID-19 Flash Reports from SEAD (Vendor Ops, Oversight & Customer Listening) June 1, 2020

Thanks Patrick. When we meet, I'd like to know more about the following:

FSAIC - (b)(5)

PHEAA - TEACH. (b)(5)
(b)(5)

Mark A. Brown
Chief Operating Officer
Federal Student Aid
"Stay in the Fight!"

> On Jun 2, 2020, at 7:13 AM, Campbell, Patrick <Patrick.Campbell@ed.gov> wrote:
>
>

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**From:** Brown, Mark
**Sent:** Thu, 18 Jun 2020 15:28:34 +0000
**To:** Campbell, Patrick;Piccolo, Marc
**Cc:** Lindsey, Joe;Albers, David;Dean, Michael;Greene, Chris;Minor, Robin;Essex, Adam;Jordan, April;Davis, James E.;Britt, Kerry;McNeal, David;Zelnik, Kathy;Tessitore, Lisa;DeMoss, Joyce;Pacchetti, Ed;Sullivan, Wayne;Hardiman, Darrick;Jackson, William;LaVia, Mark;Tyrrell, Pete;Abell, Annette;Luczak, Ronald;Brunson, Miryam;Bellamy, Brittany;Sullivan, Wayne;Broadus, Wanda;Crowner, Quasette;Doone, Alison;Brussow, Irma;Dare, Michael;Douglas, Jennifer;Eliadis, Pam;Evans, Sidney;Festa, John;Gwaltney, Patricia;Harry, Deborah;Kane, John;Mastrianna, Joe;Schrecengost, Chad;Searcy, Hunter;DeVaughn, Natalie;Greenfield, Valencia;Shingler, M LaVonne;Hardiman, Darrick;Magro, Tony;Hoapili, Betty;Peterson, Lesjanusar;Fenwick, Benjamin;Coy-Blackwell, Cynthia;Burris, Joshua;Benson, Mark;Szathmary, Michael;Shock, Edward;Vecera, Michael
**Subject:** RE: COVID-19 Flash Reports from SEAD (Vendor Ops, Oversight & Customer Listening) June 17, 2020

Thanks Patrick. In addition to (b)(5), I would like further explanation of the following items:

(b)(5)

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**From:** Campbell, Patrick <Patrick.Campbell@ed.gov>
**Sent:** Wednesday, June 17, 2020 8:46 PM
**To:** Brown, Mark <Mark.Brown@ed.gov>; Piccolo, Marc <Marc.Piccolo@ed.gov>
**Cc:** Lindsey, Joe <joe.lindsey@ed.gov>; Albers, David <david.albers@ed.gov>; Dean, Michael <Michael.Dean@ed.gov>; Greene, Chris <Chris.Greene@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>; Essex, Adam <Adam.Essex@ed.gov>; Jordan, April <April.Jordan@ed.gov>; Davis, James E. <James.E.Davis@ed.gov>; Britt, Kerry <Kerry.Britt@ed.gov>; McNeal, David <david.mcneal@ed.gov>; Zelnik, Kathy <Kathy.Zelnik@ed.gov>; Tessitore, Lisa <Lisa.Tessitore@ed.gov>; DeMoss, Joyce <Joyce.DeMoss@ed.gov>; Pacchetti, Ed <Ed.Pacchetti@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; Hardiman, Darrick <Darrick.Hardiman@ed.gov>; Jackson, William <William.Jackson@ed.gov>; LaVia, Mark <Mark.LaVia@ed.gov>; Tyrrell, Pete <Pete.Tyrrell@ed.gov>; Abell, Annette <Annette.Abell@ed.gov>; Luczak, Ronald <Ronald.Luczak@ed.gov>; Brunson, Miryam <Miryam.Brunson@ed.gov>; Bellamy, Brittany <Brittany.Bellamy@ed.gov>; Sullivan, Wayne

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(b)(5)

**Patrick Campbell**
Vendor Oversight and Program Accountability Directorate (VOPA)
Student Experience and Aid Delivery (SEAD)
Federal Student Aid (FSA)
US Department of Education
Office: (202) 377-3830

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**From:** Campbell, Patrick
**Sent:** Monday, June 15, 2020 8:45 PM
**To:** Brown, Mark <Mark.Brown@ed.gov>; Piccolo, Marc <Marc.Piccolo@ed.gov>
**Cc:** Lindsey, Joe <joe.lindsey@ed.gov>; Albers, David <david.albers@ed.gov>; Dean, Michael <Michael.Dean@ed.gov>; Greene, Chris <Chris.Greene@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>; Essex, Adam <Adam.Essex@ed.gov>; Jordan, April <April.Jordan@ed.gov>; Davis, James E. <James.E.Davis@ed.gov>; Britt, Kerry <Kerry.Britt@ed.gov>; McNeal, David <david.mcneal@ed.gov>; Zelnik, Kathy <Kathy.Zelnik@ed.gov>; Tessitore, Lisa <Lisa.Tessitore@ed.gov>; DeMoss, Joyce <Joyce.DeMoss@ed.gov>; Pacchetti, Ed <Ed.Pacchetti@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; Hardiman, Darrick <Darrick.Hardiman@ed.gov>; Jackson, William <William.Jackson@ed.gov>; LaVia, Mark <Mark.LaVia@ed.gov>; Tyrrell, Pete <Pete.Tyrrell@ed.gov>; Abell, Annette <Annette.Abell@ed.gov>; Luczak, Ronald <Ronald.Luczak@ed.gov>; Brunson, Miryam <Miryam.Brunson@ed.gov>; Bellamy, Brittany <Brittany.Bellamy@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; Broadus, Wanda <Wanda.Broadus@ed.gov>; Crowner, Quasette <Quasette.Crowner@ed.gov>; Doone, Alison <Alison.Doone@ed.gov>; Brussow, Irma <Irma.Brussow@ed.gov>; Dare, Michael <Michael.Dare@ed.gov>; Douglas, Jennifer <Jennifer.Douglas@ed.gov>; Eliadis, Pam <Pam.Eliadis@ed.gov>; Evans, Sidney <Sidney.Evans@ed.gov>; Festa, John <john.festa@ed.gov>; Gwaltney, Patricia <Patricia.Gwaltney@ed.gov>; Harry, Deborah <deborah.harry@ed.gov>; Kane, John <John.Kane@ed.gov>; Mastrianna, Joe <Joe.Mastrianna@ed.gov>; Schrecengost, Chad <chad.schrecengost@ed.gov>; Searcy, Hunter <Hunter.Searcy@ed.gov>; DeVaughn, Natalie <Natalie.DeVaughn@ed.gov>; Greenfield, Valencia <Valencia.Greenfield@ed.gov>; Shingler, M LaVonne <M.LaVonne.Shingler@ed.gov>; Hardiman, Darrick <Darrick.Hardiman@ed.gov>; Magro, Tony <Tony.Magro@ed.gov>; Hoapili, Betty <betty.hoapili@ed.gov>; Peterson, Lesjanusar <Lesjanusar.Peterson@ed.gov>; Fenwick, Benjamin <benjamin.fenwick@ed.gov>; Coy-Blackwell, Cynthia <Cynthia.Coy-Blackwel@ed.gov>; Burris, Joshua <Joshua.Burris@ed.gov>; Benson, Mark <Mark.Benson@ed.gov>; Szathmary, Michael <Michael.Szathmary@ed.gov>; Shock, Edward <edward.shock@ed.gov>; Vecera, Michael <Michael.Vecera@ed.gov>

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(b)(5)

**Patrick Campbell**
Vendor Oversight and Program Accountability Directorate (VOPA)
Student Experience and Aid Delivery (SEAD)
Federal Student Aid (FSA)
US Department of Education
Office: (202) 377-3830

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**From:** Campbell, Patrick
**Sent:** Wednesday, June 10, 2020 8:42 PM
**To:** Brown, Mark <Mark.Brown@ed.gov>; Piccolo, Marc <Marc.Piccolo@ed.gov>

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**Cc:** Lindsey, Joe <joe.lindsey@ed.gov>; Albers, David <david.albers@ed.gov>; Dean, Michael <Michael.Dean@ed.gov>; Greene, Chris <Chris.Greene@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>; Essex, Adam <Adam.Essex@ed.gov>; Jordan, April <April.Jordan@ed.gov>; Davis, James E. <James.E.Davis@ed.gov>; Britt, Kerry <Kerry.Britt@ed.gov>; McNeal, David <david.mcneal@ed.gov>; Zelnik, Kathy <Kathy.Zelnik@ed.gov>; Tessitore, Lisa <Lisa.Tessitore@ed.gov>; DeMoss, Joyce <Joyce.DeMoss@ed.gov>; Pacchetti, Ed <Ed.Pacchetti@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; Hardiman, Darrick <Darrick.Hardiman@ed.gov>; Jackson, William <William.Jackson@ed.gov>; LaVia, Mark <Mark.LaVia@ed.gov>; Tyrrell, Pete <Pete.Tyrrell@ed.gov>; Abell, Annette <Annette.Abell@ed.gov>; Luczak, Ronald <Ronald.Luczak@ed.gov>; Brunson, Miryam <Miryam.Brunson@ed.gov>; Bellamy, Brittany <Brittany.Bellamy@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; Broadus, Wanda <Wanda.Broadus@ed.gov>; Crowner, Quasette <Quasette.Crowner@ed.gov>; Doone, Alison <Alison.Doone@ed.gov>; Brussow, Irma <Irma.Brussow@ed.gov>; Dare, Michael <Michael.Dare@ed.gov>; Douglas, Jennifer <Jennifer.Douglas@ed.gov>; Eliadis, Pam <Pam.Eliadis@ed.gov>; Evans, Sidney <Sidney.Evans@ed.gov>; Festa, John <john.festa@ed.gov>; Gwaltney, Patricia <Patricia.Gwaltney@ed.gov>; Harry, Deborah <deborah.harry@ed.gov>; Kane, John <John.Kane@ed.gov>; Mastrianna, Joe <Joe.Mastrianna@ed.gov>; Schrecengost, Chad <chad.schrecengost@ed.gov>; Searcy, Hunter <Hunter.Searcy@ed.gov>; DeVaughn, Natalie <Natalie.DeVaughn@ed.gov>; Greenfield, Valencia <Valencia.Greenfield@ed.gov>; Shingler, M LaVonne <M.LaVonne.Shingler@ed.gov>; Hardiman, Darrick <Darrick.Hardiman@ed.gov>; Magro, Tony <Tony.Magro@ed.gov>; Hoapili, Betty <betty.hoapili@ed.gov>; Peterson, Lesjanusar <Lesjanusar.Peterson@ed.gov>; Fenwick, Benjamin <benjamin.fenwick@ed.gov>; Coy-Blackwell, Cynthia <Cynthia.Coy-Blackwel@ed.gov>; Burris, Joshua <Joshua.Burris@ed.gov>; Benson, Mark <Mark.Benson@ed.gov>; Szathmary, Michael <Michael.Szathmary@ed.gov>; Shock, Edward <edward.shock@ed.gov>; Vecera, Michael <Michael.Vecera@ed.gov>
**Subject:** RE: COVID-19 Flash Reports from SEAD (Vendor Ops, Oversight & Customer Listening) June 10, 2020

Sir,

Attached are the COVID-19 Flash Reports from SEAD for June 10, 2020. Changes highlighted in red.

(b)(5)

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(b)(5)

**Patrick Campbell**
Vendor Oversight and Program Accountability Directorate (VOPA)
Student Experience and Aid Delivery (SEAD)
Federal Student Aid (FSA)
US Department of Education
Office: (202) 377-3830

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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Mon, 16 Mar 2020 18:41:27 +0000
**To:** Essex, Adam
**Subject:** Re: Daily Stand Up Meeting

This week only for now. I want to have a portion of stand-up dedicated to CORONAVIRUS 19 update.

Mark A. Brown
Chief Operating Officer
Federal Student Aid
"Stay in the Fight!"

> On Mar 16, 2020, at 2:36 PM, Essex, Adam <Adam.Essex@ed.gov> wrote:
>
> Please see below.
>
> Just confirming that you want Miryam and Ron added to all five Daily Stand Up meetings, going forward indefinitely.
>
> -----Original Message-----
> From: Bellamy, Brittany <Brittany.Bellamy@ed.gov>
> Sent: Monday, March 16, 2020 2:32 PM
> To: Essex, Adam <Adam.Essex@ed.gov>
> Cc: Brunson, Miryam <Miryam.Brunson@ed.gov>; Luczak, Ronald <Ronald.Luczak@ed.gov>; DeVaughn, Natalie <Natalie.DeVaughn@ed.gov>
> Subject: RE: Daily Stand Up Meeting
>
> Adam,
>
> Please add Miryam Brunson and Ron Luczack to the reoccurring 9:00 AM Stand-Up meetings until further notice.
>
> Thank you,
>
> Brittany Bellamy
> Executive Officer
> Office of the Principal Deputy Chief Operating Officer U.S. Department of Education Federal Student Aid
>
>
>
>
> -----Original Appointment-----
> From: Essex, Adam <Adam.Essex@ed.gov>
> Sent: Monday, March 16, 2020 2:22 PM
> To: Yates, Amanda; Bellamy, Brittany
> Subject: Daily Stand Up Meeting
> When: Friday, March 20, 2020 9:00 AM-10:00 AM (UTC-05:00) Eastern Time (US & Canada).
> Where: https://fsatraining.zoom.us/j/743275833
>
> Join Zoom Meeting
> (b)(6)
>
> Meeting ID: (b)(6)
>
> One tap mobile

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(b)(6) US (New York)
US (Chicago)
>
> Dial by your location
> (b)(6) (New York)
> (Chicago)
> (San Jose)
>
>
> (Houston)
> Meeting ID: (b)(6)
> Find your local number: (b)(6)

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**From:** Brown, Mark
**Sent:** Mon, 16 Mar 2020 12:01:47 +0000
**To:** Jones, Diane
**Cc:** Eitel, Robert;Bailey, Nathan;Greene, Chris;Lindsey, Joe;Rubinstein, Reed
**Subject:** RE: Directive to Loan Servicers

You all will see them. They are coming around for coordination. We just completed working them over the weekend.

---

**From:** Jones, Diane <Diane.Jones@ed.gov>
**Sent:** Monday, March 16, 2020 8:00 AM
**To:** Brown, Mark <Mark.Brown@ed.gov>
**Cc:** Eitel, Robert <Robert.Eitel@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Greene, Chris <Chris.Greene@ed.gov>; Lindsey, Joe <joe.lindsey@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>
**Subject:** RE: Directive to Loan Servicers

Thanks, Mark! Please make sure that I see the Q&As before they get posted. Do others on this email also want to review?
Diane

---

**From:** Brown, Mark <Mark.Brown@ed.gov>
**Sent:** Monday, March 16, 2020 7:49 AM
**To:** Jones, Diane <Diane.Jones@ed.gov>
**Cc:** Eitel, Robert <Robert.Eitel@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Greene, Chris <Chris.Greene@ed.gov>; Lindsey, Joe <joe.lindsey@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>
**Subject:** RE: Directive to Loan Servicers

Yes to both.

(b)(5)

As for the banner, we already have a banner on SA.gov for information on coronavirus. We produced Q&As over the weekend (to include on our coronavirus page) to explain the Presidents' announcement including the points you raised. Those questions have not yet made it through the review process yet but should do so early this week.

I will resend the directive with defaulted borrowers included.

---

**From:** Jones, Diane <Diane.Jones@ed.gov>
**Sent:** Monday, March 16, 2020 5:09 AM
**To:** Brown, Mark <Mark.Brown@ed.gov>
**Cc:** Eitel, Robert <Robert.Eitel@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Greene, Chris <Chris.Greene@ed.gov>; Lindsey, Joe <joe.lindsey@ed.gov>; Rubinstein, Reed

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<Reed.Rubinstein@ed.gov>
**Subject:** Re: Directive to Loan Servicers

Hi Mark,
What about defaulted loans and loans in collections? I didn't see them listed in the instructions and just wanted to check on this.

(b)(5)

Thanks
Diane

Sent from my iPhone

On Mar 16, 2020, at 12:49 AM, Brown, Mark <Mark.Brown@ed.gov> wrote:

Attached is a draft of the Change Request that we will use to summarize to loan servicers our directions in support of the Presidential announcement regarding the interest rate reduction. Please let us know if you have any concerns with this directive. We can also discuss during tomorrow's update. If there are no concerns, we will conduct a conference call with loan servicers NLT Tuesday of this week.

A summary of these changes follow:

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I've spoken with the loan servicer CEOs over the weekend. They are ready to get started with this once we give them the green light.

Mark

<CR_CoronavirusEmergency_v2.docx>

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**From:** Brown, Mark
**Sent:** Fri, 26 Jun 2020 21:49:48 +0000
**To:** Crowner, Quasette;Lindsey, Joe;Minor, Robin;Dean, Michael;Greene, Chris;Albers, David
**Cc:** Essex, Adam;Davis, James E.;Doone, Alison;Brunson, Miryam;Brussow, Irma;Waggoner, Matthew;Sullivan, Wayne;McGinnis, Colleen;Vecera, Michael
**Subject:** RE: Executive Services Update - June 26, 2020

Thanks Quay. I'm not certain why #4 would be impacted by COVID 19?

---

**From:** Crowner, Quasette <Quasette.Crowner@ed.gov>
**Sent:** Friday, June 26, 2020 5:01 PM
**To:** Brown, Mark <Mark.Brown@ed.gov>; Lindsey, Joe <joe.lindsey@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>; Dean, Michael <Michael.Dean@ed.gov>; Greene, Chris <Chris.Greene@ed.gov>; Albers, David <david.albers@ed.gov>
**Cc:** Essex, Adam <Adam.Essex@ed.gov>; Davis, James E. <James.E.Davis@ed.gov>; Doone, Alison <Alison.Doone@ed.gov>; Brunson, Miryam <Miryam.Brunson@ed.gov>; Brussow, Irma <Irma.Brussow@ed.gov>; Waggoner, Matthew <matthew.waggoner@ed.gov>; Sullivan, Wayne <Wayne.Sullivan@ed.gov>; McGinnis, Colleen <Colleen.McGinnis@ed.gov>; Vecera, Michael <Michael.Vecera@ed.gov>
**Subject:** Executive Services Update - June 26, 2020

Good afternoon,

Please see the Executive Services update for June 26, 2020. Please share with others as appropriate for awareness and collaboration.

Enjoy the weekend. Q

Quay Crowner
Director of Executive Services
Federal Student Aid
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(b)(5)

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(b)(5)

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**From:** Brown, Mark
**Sent:** Wed, 18 Mar 2020 18:33:51 +0000
**To:** Lindsey, Joe
**Cc:** O'Brien, Marianna;Jordan, April;Bellamy, Brittany;Essex, Adam
**Subject:** RE: HOT // Requesting approval - Q and A's - Coronavirus

I am still not conviced that these questions albeit published have truly been cleared by the Dept. Get clearance and a paper trail that states OCLA, Liz, and Kent have approved these to specifically be published on IFAP. Show me that in writing and I will approve.

---

**From:** Lindsey, Joe <joe.lindsey@ed.gov>
**Sent:** Wednesday, March 18, 2020 1:44 PM
**To:** Brown, Mark <Mark.Brown@ed.gov>
**Cc:** O'Brien, Marianna <Marianna.OBrien@ed.gov>; Jordan, April <April.Jordan@ed.gov>; Bellamy, Brittany <Brittany.Bellamy@ed.gov>; Essex, Adam <Adam.Essex@ed.gov>
**Subject:** HOT // Requesting approval - Q and A's - Coronavirus

Gen Brown,

A gentle reminder for you to approve the attached Q&As. Please let me know how I can assist.

Respectfully,
Joe

JOE L. LINDSEY, U.S. Department of Education
Principal Deputy, Chief Operating Officer
Office of Federal Student Aid

---

**From:** O'Brien, Marianna <Marianna.OBrien@ed.gov>
**Sent:** Wednesday, March 18, 2020 10:44 AM
**To:** Brown, Mark <Mark.Brown@ed.gov>
**Cc:** Lindsey, Joe <joe.lindsey@ed.gov>; Jordan, April <April.Jordan@ed.gov>
**Subject:** Requesting approval - Q and A's - Coronavirus

General Brown,

I am asking for your approval to post the attached Coronavirus q and a's on IFAP today. These were the q and a's shared with NASFAA yesterday and they were approved by the Department and OMB (see below). Posting these will facilitate our responses to the financial aid community as these responses will answer many of the outstanding questions.

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As an FYI, April is convening an internal FSA communications group to facilitate all the messaging around the soon to be released Press Release including a tick tock to keep us all coordinated with servicers, our customers, the media, etc.

Thank you,
Marianna

---

**From:** Hill, Elizabeth <Liz.Hill@ed.gov>
**Sent:** Tuesday, March 17, 2020 4:37 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; King, Robert <Robert.King@ed.gov>; Brinton, Jed <Jed.Brinton@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>
**Cc:** Hammond, Cynthia <Cynthia.Hammond@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; Musser, David <David.Musser@ed.gov>
**Subject:** RE: March 5th guidance document

Just checking on the status of the Q&A doc. I just want to make sure comms knows what to do with it. Is the Q&A doc going out on IFAP? If so, can someone send me the link to the announcement so we can also post it on our COVID-19 website?

---

**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Tuesday, March 17, 2020 4:15 PM
**To:** Jones, Diane <Diane.Jones@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; King, Robert <Robert.King@ed.gov>; Brinton, Jed <Jed.Brinton@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>
**Cc:** Hammond, Cynthia <Cynthia.Hammond@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; Musser, David <David.Musser@ed.gov>
**Subject:** RE: March 5th guidance document

OMB cleared the Q and A quickly this afternoon. So keep getting to me to get to them.

---

**From:** Jones, Diane <Diane.Jones@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:56 PM
**To:** Eitel, Robert <Robert.Eitel@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; King, Robert <Robert.King@ed.gov>; Brinton, Jed <Jed.Brinton@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>
**Cc:** Hammond, Cynthia <Cynthia.Hammond@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; Musser, David <David.Musser@ed.gov>
**Subject:** RE: March 5th guidance document

Got it! I'd still like to keep TA on existing guidance separate from new guidance so that TA can be cleared quickly and timely posted.

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**From:** Eitel, Robert <Robert.Eitel@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:34 PM
**To:** Jones, Diane <Diane.Jones@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; King, Robert <Robert.King@ed.gov>; Brinton, Jed <Jed.Brinton@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>
**Cc:** Hammond, Cynthia <Cynthia.Hammond@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; Musser, David <David.Musser@ed.gov>
**Subject:** RE: March 5th guidance document

OMB has told us that it wants to review everything (and indeed reviewed this document), so let's be sure to include time for it do so as we develop and clear documents.

---

**From:** Jones, Diane <Diane.Jones@ed.gov>
**Sent:** Tuesday, March 17, 2020 2:57 PM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Zais, Mitchell <Mitchell.Zais@ed.gov>; King, Robert <Robert.King@ed.gov>; Brinton, Jed <Jed.Brinton@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>
**Cc:** Hammond, Cynthia <Cynthia.Hammond@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; Musser, David <David.Musser@ed.gov>
**Subject:** March 5th guidance document

Hi everyone,
OPE and FSA have created a Q&A document that provides technical assistance to institutions based on the questions we have received in response to the March 5th guidance. Many of you say that draft last night, and it was finalized just an hour or so ago (and circulated by me to many of you on this email). Therefore, I am asking for permission for us to add a link to the March 5, 2020 document (noting that we are adding that link today) that would take the viewer to the Q&A document, which will be posted on IFAP. This Q&A document can be a living document that continues to answer incoming questions that we receive on already-issued guidance. The IFAP Q&A document would not need OMB approval since it would be TA based on guidance already cleared and posted. Is it okay with everyone if we add a new link to the March 5th document (linking to the IFAP Q&A document) that is posted on the COVID-19 website? In addition, would it be okay to add to the list of higher education guidance documents the new Q&A document (which we could call Technical Assistance Based on Previously Issued Guidance or something like that). Then, people can keep referring back to the Q&A document, which will continue to grow as new questions come in? We can divide the Q&A document into sections so that people can go right to the questions they want to review about a specific topic.

In addition, we will probably need to issue a new guidance document that responds to the declaration of a national emergency. That is an effort that is separate from the Q&A document, and will likely require OMB approval since the national emergency provides some additional regulatory relief related to TIV/R2T4. That will move separately and we will keep you in the loop as it is developed.

If you have any concerns, please let me know.
Diane

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Diane Auer Jones
Principal Deputy Under Secretary delegated
the duties of Under Secretary
400 Maryland Avenue, SW
Washington, DC 20202

202-453-7333

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**From:** Brown, Mark
**Sent:** Thu, 5 Mar 2020 15:43:26 +0000
**To:** Zais, Mitchell
**Cc:** Lindsey, Joe;Minor, Robin
**Subject:** RE: Important Information Regarding Coronavirus & ED Operations

Sir,

We will take care of this.

Respectfully,

Mark

---

**From:** Hines, Niambi <Niambi.Hines@ed.gov>
**Sent:** Thursday, March 5, 2020 10:30 AM
**To:** Zais, Mitchell <Mitchell.Zais@ed.gov>
**Cc:** Brown, Mark <Mark.Brown@ed.gov>
**Subject:** RE: Important Information Regarding Coronavirus & ED Operations
**Importance:** High

Good morning,

I am an employee in the San Francisco regional office. California just declared a state of emergency regarding the Coronavirus and has stated for employees to work remotely. I have grave concerns as I take public transportation to get to work. I am deeply concerned about my risk and exposure to the Coronavirus in mass transportation. I have a family and I also do not want to get sick and infect my children.

I would like to obtain the approval to work from home remotely until California's state of emergency is lifted. At this time I do not feel comfortable going in to the office to work as this is a serious and deadly virus. This would not hinder my ability to complete my assignments as I work online using share drive and I do not work in a customer facing environment. I am also currently working detail until April and I work remotely reporting to headquarters in DC.

Warmest Regards,

Niambi L. Hines
Loan Analyst
U.S. Department of Education
Office of Federal Student Aid
Business Operations
Student Aid Entitlements

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**From:** Mitchell, Noah <Noah.Mitchell@ed.gov> **On Behalf Of** Zais, Mitchell
**Sent:** Wednesday, March 4, 2020 1:22 PM
**To:** DoED - All ED Employees <DoED-AllEDEmployees@ed.gov>
**Subject:** Important Information Regarding Coronavirus & ED Operations

**Distribution List:** All Employees

As you continue to undertake the important work you do on behalf of students, families and educators across the country, your health and safety are of top concern to me and every leader of this Department. Yesterday, the U.S. Office of Personnel Management (OPM) released extensive guidance regarding the 2019 Novel Coronavirus, also known as COVID-19. In order to keep employees updated, I have provided a link to OPM's guidance below. OPM is closely coordinating with the Centers for Disease Control and Prevention (CDC) to educate the Federal community on COVID-19. The CDC continues to remind the American public that the immediate health risk from COVID-19 remains low at this time. The President has directed the White House Task Force to take all steps necessary to ensure the health and well-being of the American people.

As you read through the OPM guidance you will note emphasis on Agency Continuity of Operations Plans (COOP). Please know that the Department of Education's (ED) COOP Team has already incorporated the recommended elements necessary to protect ED employees and operations. We will notify employees if we determine a need to activate the Department's COOP.

As you discuss business continuity planning, please consider the following:

- Confirm your emergency contact information is accurate and up to date for your office call trees.
- Test your ability to remotely connect to the network and to required applications.
- Test your ability to join Skype video calls.
- Assess your short- and long-term records management requirements for paper-based manual processes.
- Identify processes that require U.S. Postal Service mail delivery and courier deliveries.

Also, please continue promoting everyday health and wellness strategies in the workplace:

- If you are sick, stay home.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue. If you don't have a tissue, cough or sneeze into your upper sleeve.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

OPM will continue to provide updated information on COVID-19 to Federal agencies. As guidance becomes available for distribution, we will provide updates to all employees. In the

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meantime, we are providing additional relevant links below so you and your family can stay up to date on activities and guidance to help contain and prevent the spread of COVID-19:

OPM:
https://www.chcoc.gov/content/preliminary-guidance-agencies-during-coronavirus-disease-2019-covid-19

CDC:
https://www.cdc.gov/coronavirus/2019-ncov/index.html

Occupational Safety and Health Administration:
https://www.osha.gov/SLTC/covid-19/

Thank you for your continued dedication to ED's mission. If you have a specific safety question or concern please contact the Department's Safety Officer, Curtis Wolridge by email at Curtis.Wolridge@ed.gov or by telephone at 202-401-1301.

If your office needs guidance related to workplace flexibilities, please email benefitsandwork/life@ed.gov.

**Noah Mitchell on behalf of Deputy Secretary Mick Zais**
Office of the Deputy Secretary
United States Department of Education
400 Maryland Avenue, SW | Washington, DC 20202

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**From:** Brown, Mark
**Sent:** Mon, 16 Mar 2020 12:20:54 +0000
**To:** O'Brien, Marianna;Jordan, April
**Cc:** Oknich, Mary;Lindsey, Joe;Essex, Adam
**Subject:** RE: Important: EPMC - Updated Guidance for the National Capital Region on Telework Flexibilities in Response to Coronavirus

Craft something along the lines of "unplanned telework" effective today. Today will essentially be a day for orderly transfer. I want to double down on daily reporting of activity (see Joe Lindsey) and encouraging the use of ZOOM. Should not carry the tone of cancelling anything but completing things virtual, online etc.

---

**From:** O'Brien, Marianna <Marianna.OBrien@ed.gov>
**Sent:** Monday, March 16, 2020 8:10 AM
**To:** Brown, Mark <Mark.Brown@ed.gov>; Jordan, April <April.Jordan@ed.gov>
**Cc:** Oknich, Mary <Mary.Oknich@ed.gov>
**Subject:** RE: Important: EPMC - Updated Guidance for the National Capital Region on Telework Flexibilities in Response to Coronavirus

General – we are drafting something using the same formula as Friday. Your message will follow one from Zais that refers to the OMB message below. Of course, we will have to fill in the details once they are known.

Marianna

---

**From:** Brown, Mark <Mark.Brown@ed.gov>
**Sent:** Sunday, March 15, 2020 9:36 PM
**To:** Jordan, April <April.Jordan@ed.gov>
**Cc:** O'Brien, Marianna <Marianna.OBrien@ed.gov>
**Subject:** RE: Important: EPMC - Updated Guidance for the National Capital Region on Telework Flexibilities in Response to Coronavirus

I understand but as you know our note must follow the Department's discussion and clarification. Some may decide to contact their supervisor and make other arrangements. If so, they will simply be following my earlier guidance.

---

**From:** Jordan, April <April.Jordan@ed.gov>
**Sent:** Sunday, March 15, 2020 9:30 PM
**To:** Brown, Mark <Mark.Brown@ed.gov>
**Cc:** O'Brien, Marianna <Marianna.OBrien@ed.gov>
**Subject:** RE: Important: EPMC - Updated Guidance for the National Capital Region on Telework Flexibilities in Response to Coronavirus

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For your awareness, the image below is from the OPM app. Any employee that subscribes to OPM alerts and updates knows this information.

-asj

**From:** Brown, Mark <Mark.Brown@ed.gov>
**Sent:** Sunday, March 15, 2020 9:15 PM
**To:** Lindsey, Joe <joe.lindsey@ed.gov>; Dean, Michael <Michael.Dean@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>; Greene, Chris <Chris.Greene@ed.gov>; Albers, David <david.albers@ed.gov>; O'Brien, Marianna <Marianna.OBrien@ed.gov>; Jordan, April <April.Jordan@ed.gov>
**Cc:** Essex, Adam <Adam.Essex@ed.gov>
**Subject:** FW: Important: EPMC - Updated Guidance for the National Capital Region on Telework Flexibilities in Response to Coronavirus

Leaders,

(b)(5) Providing for your awareness. I will work with the senior leaders to implement this as soon as possible tomorrow. In summary, we will further extend Telework

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as needed by our workforce. However, I need to get the wording correct before going forward in writing.

Strat Comms please start considering a note from me to our personnel that will amplify this OPM guidance.

v/r mab

---

**From:** Carter, Denise <Denise.Carter@ed.gov>
**Sent:** Sunday, March 15, 2020 8:47 PM
**To:** Zais, Mitchell <Mitchell.Zais@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Hill, Elizabeth <Liz.Hill@ed.gov>; Simmons, Lee (Dougie) <LeeD.Simmons@ed.gov>; Robb, Carly <Carly.Robb@ed.gov>; Blew, Jim <James.Blew@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Schultz, Mark <Mark.Schultz@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Gray, Jason <Jason.Gray@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>; Rubinstein, Reed <Reed.Rubinstein@ed.gov>; Schneider, Mark <Mark.Schneider@ed.gov>; Marcus, Kenneth <Kenneth.Marcus@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Stump, Scott <Scott.Stump@ed.gov>; Harris, Antonia <Antonia.Harris@ed.gov>; Hairfield, James <James.Hairfield@ed.gov>
**Cc:** Paciorek, Sarah <Sarah.Paciorek@ed.gov>; Mitchell, Noah <Noah.Mitchell@ed.gov>; Rogers, James <James.Rogers@ed.gov>
**Subject:** Important: EPMC - Updated Guidance for the National Capital Region on Telework Flexibilities in Response to Coronavirus

Good evening Everyone,

In an effort to slow the COVID-19 community spread, OMB just issued updated telework guidance for federal agencies. We are preparing an updated employee communication which will be distributed tomorrow, but wanted to quickly make you aware of the upcoming changes.

Also, the media is now broadcasting a CDC alert asking organizations to temporarily suspend gatherings of 50 people or more. We will discuss this update tomorrow as well.

Thank you for your patience as we continue to adapt to the changing landscape.

Thanks,
Denise
(b)(6) - cell

---

**From:** Daphnis, Kristy L. EOP/OMB <Kristy_L._Daphnis@omb.eop.gov>
**Sent:** Sunday, March 15, 2020 7:21 PM
**To:** Daphnis, Kristy L. EOP/OMB
**Cc:** DL OMB Dir Office OMB_COVID19OPS
**Subject:** EPMC - Updated Guidance for the National Capital Region on Telework Flexibilities in Response to Coronavirus

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Updated Guidance for the National Capital Region on Telework Flexibilities in Response to Coronavirus
Here is the link: https://www.whitehouse.gov/wp-content/uploads/2020/03/M20-15-Telework-Guidance-OMB.pdf

**Kristy L. Daphnis**

Personnel Team Lead, Office of Performance & Personnel Management
Office of Management and Budget
202.395.3087
kdaphnis@omb.eop.gov

AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Fri, 1 Nov 2019 17:52:24 +0000
**To:** Bailey, Nathan
**Subject:** RE: (b)(5) CAB Updates

Yes, I'm available now if that will work.

---

**From:** Bailey, Nathan <Nathan.Bailey@ed.gov>
**Sent:** Friday, November 1, 2019 1:50 PM
**To:** Brown, Mark <Mark.Brown@ed.gov>
**Subject:** Re (b)(5) CAB Updates

Mark, can you talk today?

Sent from my iPhone

On Nov 1, 2019, at 12:33 PM, Brown, Mark <Mark.Brown@ed.gov> wrote:

> Leaders,
>
> I wanted to bring to your attention to school actions that will appear in this weeks FSA CAB. In my estimation, they both have potential media attention. Please let me know if you have any concerns.
>
> Best…Mark

(b)(5)

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(b)(5)

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**From:** Mark.Brown@ed.gov
**Sent:** Fri, 8 Nov 2019 07:08:53 -0600
**To:** Rubinstein, Reed
**Cc:** Bailey, Nathan;Jones, Diane
**Subject:** Re: (b)(5) Request for Legal Opinion

Understand.

Sent from my iPhone

On Nov 8, 2019, at 6:59 AM, Rubinstein, Reed <Reed.Rubinstein@ed.gov> wrote:

OGC will proceed with the analysis. Please ensure no action is taken until we have completed our review.

---

**From:** Brown, Mark <Mark.Brown@ed.gov>
**Sent:** Thursday, November 7, 2019 7:01 PM
**To:** Rubinstein, Reed <Reed.Rubinstein@ed.gov>
**Cc:** Bailey, Nathan <Nathan.Bailey@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>
**Subject:** (b)(5) Request for Legal Opinion

Reed,

Please find attached the draft "Request for Information" letter for (b)(5) (b)(5) and the Staff Summary Sheet that describes what I have been told is why we are taking the action.

I would appreciate a legal opinion on our authority to move forward with the request.

Thank you.

Mark

AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Thu, 26 Mar 2020 11:32:54 +0000
**To:** Greene, Chris
**Cc:** Piccolo, Marc
**Subject:** Re: POLITICO Pro Breaking News: Text of $2T coronavirus bill released

Certainly, we will look for time to do this.

Mark A. Brown
Chief Operating Officer
Federal Student Aid
"Stay in the Fight!"

On Mar 26, 2020, at 5:06 AM, Greene, Chris <Chris.Greene@ed.gov> wrote:

Gen. Brown-Today's QA summit is certainly timely. It would be nice if we could carve out a few minutes to discuss this bill. When it passes, there is some near term work that we are going to have to undertake (e.g. putting everyone in emergency forbearance and extending 0% interest through 9/31, planning Comms to all borrowers within 15 days and planning for August 1 Comms, etc.) and at least queuing it up and seeing if there are any questions or unanticipated issues with everyone sitting around the table would be useful. We're happy to lead the discussion if I can get 15 min?
We should also discuss (b)(5)
Chris

Sent from my iPhone

Begin forwarded message:

**From:** "Campbell, Patrick" <Patrick.Campbell@ed.gov>
**Date:** March 25, 2020 at 10:39:27 PM EDT
**To:** "Brown, Mark" <Mark.Brown@ed.gov>, "Greene, Chris" <Chris.Greene@ed.gov>, "Minor, Robin" <Robin.Minor@ed.gov>, "Albers, David" <david.albers@ed.gov>, "Lindsey, Joe" <joe.lindsey@ed.gov>
**Cc:** "Piccolo, Marc" <Marc.Piccolo@ed.gov>, "Douglas, Jennifer" <Jennifer.Douglas@ed.gov>, "Tessitore, Lisa" <Lisa.Tessitore@ed.gov>, "LaVia, Mark" <Mark.LaVia@ed.gov>, "McGinnis, Colleen" <Colleen.McGinnis@ed.gov>, "Campbell, Patrick" <Patrick.Campbell@ed.gov>
**Subject: FW: POLITICO Pro Breaking News: Text of $2T**

AMERICAN OVERSIGHT

**coronavirus bill released**

Sir,

According to Politico attached is the text of the Covid-19 stimulus bill (see attached PDF). I pulled out the sections that affect FSA (see attached word document). I apologize if you already have one of these summaries.

Below is a short summary of those sections:

**SEC. 3513. TEMPORARY RELIEF FOR FEDERAL STUDENT LOAN BORROWERS.**

- **SUSPENSION OF PAYMENTS—**
  - Secretary shall suspend all payments due for loans made under part D and part B (that are held by the Department of Education) of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.) through September 30, 2020.
- **NO ACCRUAL INTEREST—**
  - Interest shall not accrue on a loan described under subsection (a) for which payment was suspended for the period of the suspension.
- **CONSIDERATION OF PAYMENTS—**
  - Secretary shall deem each month for which a loan payment was suspended under this section as if the borrower of the loan had made a payment for the purpose of any loan forgiveness program or loan rehabilitation program
- **REPORTING TO CONSUMER REPORTING AGENCIES.—**
  - Secretary shall ensure that, for the purpose of reporting information about the loan to a consumer reporting agency, any payment that has been suspended is treated as if it were a regularly scheduled payment made by a borrower.
- **SUSPENDING INVOLUNTARY COLLECTION.—**
  - the Secretary shall suspend all involuntary collection related to the loan (e.g., AWG, TOP)
- **WAIVERS.—**
- **NOTICE TO BORROWERS AND TRANSITION PERIOD.—**
  - To inform borrowers of the actions taken in accordance with this section and ensure an effective transition, the Secretary shall not later than 15 days after the date of enactment of this Act, notify borrowers (suspension, interest waiver, collection suspension, option to continue making payments)
  - Beginning on August 1, 2020, carry out a provide to provide notice (when payments will resume, options to enroll in IDR)

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**SEC. 2206. EXCLUSION FOR CERTAIN EMPLOYER PAYMENTS OF STUDENT LOANS.**

- Student Loan payments made by employers will not be taxable

**SEC. 3508. INSTITUTIONAL REFUNDS AND FEDERAL STUDENT LOAN FLEXIBILITY.**

- Requires Secretary to waive "return to Title IV" requirements if a student withdraws as a result of qualifying emergency
- Waives requirements for students to return Title IV funds if a student withdraws as a result of qualifying emergency
- Secretary shall cancel the borrower's obligation to repay the entire Student loans
- Approved leave of absences

**SEC. 3509. SATISFACTORY ACADEMIC PROGRESS.**

**SEC. 3510. CONTINUING EDUCATION AT AFFECTED FOREIGN INSTITUTIONS.**

**SEC. 3511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.**

- K-12 waivers

**SEC. 3512. HBCU CAPITAL FINANCING.**

**Patrick Campbell**
Vendor Oversight and Program Accountability Directorate (VOPA)
Student Experience and Aid Delivery (SEAD)
Federal Student Aid (FSA)
US Department of Education
Office: (202) 377-3830

<image001.png>

---

**From:** POLITICO Pro <politicoemail@politicopro.com>
**Sent:** Wednesday, March 25, 2020 8:26 PM
**To:** Campbell, Patrick <Patrick.Campbell@ed.gov>
**Subject:** POLITICO Pro Breaking News: Text of $2T coronavirus bill released

POLITICO has obtained the final text of the $2 trillion coronavirus relief bill; a vote on the legislation is expected later tonight.

The massive rescue package — the biggest in U.S. history — would provide hundreds of billions of dollars in loans and grants to major

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industries and small businesses, direct cash payments to taxpayers and significantly expands unemployment benefits.

Read the bill text here.

**To change your alert settings, please go to https://subscriber.politicopro.com/newsletter-settings**

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POLITICOPRO

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This email was sent to patrick.campbell@ed.gov by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

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<COVID 19 Stimulus Legislation.docx>

<HR748 COVID 19.pdf>

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**From:** Brown, Mark
**Sent:** Tue, 17 Mar 2020 17:00:58 +0000
**To:** O'Brien, Marianna
**Cc:** Jordan, April
**Subject:** RE: Request for coronavirus hotline numbers

This means we need a hot line or call center type operation…similar to BD

---

**From:** O'Brien, Marianna <Marianna.OBrien@ed.gov>
**Sent:** Tuesday, March 17, 2020 12:46 PM
**To:** Brown, Mark <Mark.Brown@ed.gov>
**Cc:** Jordan, April <April.Jordan@ed.gov>
**Subject:** RE: Request for coronavirus hotline numbers

General Brown –

Kent Talbert is correct. The Department does not have a coronavirus specific phone number. Schools are contacting us through an email provided to them in the OPE Electronic Announcement posted on March 5. Today, if a student calls with a coronavirus question to the Federal Student Aid Information Center, or FSAIC for short at 1-800-4-FED-AID (1-800-433-3243), students are told to call their schools. Borrowers are told to call their servicers.

Please let me know if you have more questions or if I can provide more detail.

Marianna

---

**From:** Brown, Mark <Mark.Brown@ed.gov>
**Sent:** Tuesday, March 17, 2020 12:24 PM
**To:** O'Brien, Marianna <Marianna.OBrien@ed.gov>
**Subject:** FW: Request for coronavirus hotline numbers

What is our hotline for these type questions: 1-800-4-fed-aid

---

**From:** King, Robert <Robert.King@ed.gov>
**Sent:** Tuesday, March 17, 2020 11:46 AM
**To:** Talbert, Kent <Kent.Talbert@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>
**Cc:** Bailey, Nathan <Nathan.Bailey@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>
**Subject:** RE: Request for coronavirus hotline numbers

We have been taking questions from a variety of sources, FSA, Diane, me—all getting questions and feeding them into our system for answers from our career staff at OPE, FSA, OGC and then Diane. Bob

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Robert L. King
Assistant Secretary for Postsecondary Education
U.S. Department of Education

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**From:** Talbert, Kent <Kent.Talbert@ed.gov>
**Sent:** Tuesday, March 17, 2020 11:25 AM
**To:** Harding, Jordan <Jordan.Harding@ed.gov>
**Cc:** Bailey, Nathan <Nathan.Bailey@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; King, Robert <Robert.King@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Carter, Denise <Denise.Carter@ed.gov>
**Subject:** Re: Request for coronavirus hotline numbers

Not to my knowledge. Only the new COVID email. Frank? Diane? Bob? Mark? Denise?

Sent from my iPhone

On Mar 17, 2020, at 11:22 AM, Harding, Jordan <Jordan.Harding@ed.gov> wrote:

Kent, please see below. Do we have an ED hotline I can share with WH leg affairs?

---

**From:** Parker, Nathaniel A. EOP/WHO <Nathaniel.A.Parker@who.eop.gov>
**Sent:** Tuesday, March 17, 2020 11:15 AM
**To:** Gillespie, Jamie M. EOP/WHO <James.M.Gillespie@who.eop.gov>; McMillin, Virginia D. EOP/WHO <Virginia.D.McMillin@who.eop.gov>; Christ, Katelyn E. EOP/NSC <Katelyn.E.Christ@nsc.eop.gov>; Frederick.Vaughan@treasury.gov; McKenna, Michael A. EOP/WHO <Michael.A.McKenna@who.eop.gov>; credmon@usaid.gov; Brand, Anstice M. (CDC/OD/CDCWO) <atb6@cdc.gov>; Pence, Laura (HHS/ASL) <Laura.Pence@hhs.gov>; FAULKNER, CHARLES <charles.faulkner@hq.dhs.gov>; uyen.dinh@hq.dhs.gov; Kennedy, Wendy <KennedyW@state.gov>; Lange, John <john.lange@hq.dhs.gov>; Ciccone, Christine <christine.ciccone@hq.dhs.gov>; Kaldahl, Ryan M <KaldahlRM@state.gov>; Arbes, Sarah (HHS/ASL) <Sarah.Arbes@hhs.gov>; Giannangeli, Giulia R <GiannangeliGR@state.gov>; Planning, David M. EOP/WHO <David.M.Planning@who.eop.gov>; Telle, Adam R. EOP/WHO <Adam.R.Telle@who.eop.gov>; Alison, Kelly <ayk7@cdc.gov>; Killion, William <KillionW@state.gov>; Nichols, Jennifer L <NicholsJL@state.gov>; Tourk, Nancy R. (CDC/OD/CDCWO) <wxk8@cdc.gov>; Boney, Virginia M. EOP/WHO <Virginia.M.Boney@who.eop.gov>; Swonger, Amy H. EOP/WHO <Amy.H.Swonger@who.eop.gov>; Sugarman, AJ J. EOP/WHO <Alec.J.Sugarman@who.eop.gov>; Hodgson, Christopher M. EOP/OVP <Christopher.M.Hodgson@ovp.eop.gov>; KWESKIN, BENJAMIN <benjamin.kweskin@hq.dhs.gov>; Moore, Jessica L <MooreJL2@state.gov>; Cantrell, Benjamin B. EOP/OVP <Benjamin.B.Cantrell@ovp.eop.gov>; Wolfe, William E <WolfeWE@state.gov>; ccole@usaid.gov; Rose, Jay E. EOP/NSC <Jason.E.Rose@nsc.eop.gov>; Serna, Christina (CDC/OD/CDCWO) <yyh9@cdc.gov>; Bulgrin, Julie K. EOP/NSC <Julie.K.Bulgrin@nsc.eop.gov>; Gross, Karas <Karas.Gross@fda.hhs.gov>; Bradsher, Kris (HHS/ASL) <Kris.Bradsher@hhs.gov>; Kehoe,

AMERICAN OVERSIGHT

Brian (HHS/ASL) <Brian.Kehoe@hhs.gov>; Delaney, William (USMS) <William.Delaney@usdoj.gov>; Rault, Nick M. EOP/NSC <Nicholas.M.Rault@nsc.eop.gov>; KASPER, JOSEPH <joseph.kasper@hq.dhs.gov>; Shuy, Bryan (OS/ASPR/IO) <Bryan.Shuy@hhs.gov>; Messonnier, Nancy (CDC/DDID/NCIRD/OD) <nar5@cdc.gov>; Shwedo, Eric P COL USARMY OSD OASD LA (USA) <eric.p.shwedo.mil@mail.mil>; DL NSC Legislative <DL.Legislative@whmo.mil>; skorde@usaid.gov; ''Robby Wehagen' <robby.wehagen@fema.dhs.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Riley, Mary Christina <MaryChristina.Riley@ed.gov>; 'Brian.McGuire@treasury.gov' <Brian.McGuire@treasury.gov>; 'Frederick.Vaughan@treasury.gov' <Frederick.Vaughan@treasury.gov>; 'Wheeler, Joe - OCIA' <Wheeler.Joe@dol.gov>; 'Ken.Barbic@usda.gov' <Ken.Barbic@usda.gov>; 'evan.lee@usda.gov' <evan.lee@usda.gov>
**Subject:** RE: Request for coronavirus hotline numbers

Adding FEMA, Education, Treasury, Labor, and USDA.

All, we are looking for any agency **coronavirus hotline contact information you may have ASAP**. Please see below and share it on this chain.

Thank you,
White House Leg

---

**From:** Gillespie, Jamie M. EOP/WHO <James.M.Gillespie@who.eop.gov>
**Sent:** Tuesday, March 17, 2020 9:53 AM
**To:** McMillin, Virginia D. EOP/WHO <Virginia.D.McMillin@who.eop.gov>; Christ, Katelyn E. EOP/NSC <Katelyn.E.Christ@nsc.eop.gov>; Frederick.Vaughan@treasury.gov; McKenna, Michael A. EOP/WHO <Michael.A.McKenna@who.eop.gov>; credmon@usaid.gov; Brand, Anstice M. (CDC/OD/CDCWO) <atb6@cdc.gov>; Pence, Laura (HHS/ASL) <Laura.Pence@hhs.gov>; FAULKNER, CHARLES <charles.faulkner@hq.dhs.gov>; uyen.dinh@hq.dhs.gov; Kennedy, Wendy <KennedyW@state.gov>; Lange, John <john.lange@hq.dhs.gov>; Ciccone, Christine <christine.ciccone@hq.dhs.gov>; Kaldahl, Ryan M <KaldahlRM@state.gov>; Arbes, Sarah (HHS/ASL) <Sarah.Arbes@hhs.gov>; Giannangeli, Giulia R <GiannangeliGR@state.gov>; Planning, David M. EOP/WHO <David.M.Planning@who.eop.gov>; Telle, Adam R. EOP/WHO <Adam.R.Telle@who.eop.gov>; Alison, Kelly <ayk7@cdc.gov>; Killion, William <KillionW@state.gov>; Nichols, Jennifer L <NicholsJL@state.gov>; Tourk, Nancy R. (CDC/OD/CDCWO) <wxk8@cdc.gov>; Boney, Virginia M. EOP/WHO <Virginia.M.Boney@who.eop.gov>; Swonger, Amy H. EOP/WHO <Amy.H.Swonger@who.eop.gov>; Sugarman, AJ J. EOP/WHO <Alec.J.Sugarman@who.eop.gov>; Hodgson, Christopher M. EOP/OVP <Christopher.M.Hodgson@ovp.eop.gov>; KWESKIN, BENJAMIN <benjamin.kweskin@hq.dhs.gov>; Moore, Jessica L <MooreJL2@state.gov>; Cantrell, Benjamin B. EOP/OVP <Benjamin.B.Cantrell@ovp.eop.gov>; Wolfe, William E <WolfeWE@state.gov>; ccole@usaid.gov; Rose, Jay E. EOP/NSC <Jason.E.Rose@nsc.eop.gov>; Serna, Christina (CDC/OD/CDCWO) <yyh9@cdc.gov>; Bulgrin, Julie K. EOP/NSC <Julie.K.Bulgrin@nsc.eop.gov>; Gross, Karas <Karas.Gross@fda.hhs.gov>; Bradsher, Kris (HHS/ASL) <Kris.Bradsher@hhs.gov>; Kehoe,

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Brian (HHS/ASL) <Brian.Kehoe@hhs.gov>; Delaney, William (USMS) <William.Delaney@usdoj.gov>; Rault, Nick M. EOP/NSC <Nicholas.M.Rault@nsc.eop.gov>; KASPER, JOSEPH <joseph.kasper@hq.dhs.gov>; Shuy, Bryan (OS/ASPR/IO) <Bryan.Shuy@hhs.gov>; Messonnier, Nancy (CDC/DDID/NCIRD/OD) <nar5@cdc.gov>; Shwedo, Eric P COL USARMY OSD OASD LA (USA) <eric.p.shwedo.mil@mail.mil>; DL NSC Legislative <DL.Legislative@whmo.mil>; skorde@usaid.gov
**Cc:** Parker, Nathaniel A. EOP/WHO <Nathaniel.A.Parker@who.eop.gov>
**Subject:** RE: Request for coronavirus hotline numbers

As of this morning, we are still looking for a few more hotlines to share with the Hill. Below is what Nate and I have collected so far.

Please continue to send any additions.

Thanks,
Jamie

**USDA:**

**Commerce:**

**DOD:**

**Education:**

**FEMA:**

**FDA:** FDA's hotline (1-888-INFO-FDA) is available 24 hours a day for labs to call regarding difficulties obtaining supplies for collecting patient samples for COVID-19 testing, including swabs, media needed for transport, and conservation of the samples. We also encourage labs to reach out at CDRH-EUA-Templates@fda.hhs.gov with any questions related to diagnostic development. You may also be interested in our COVID-19 Frequently Asked Questions page, which contains information on vaccines, diagnostic tests, drugs, medical devices, food and other products FDA regulates.

**HHS:**

**DHS:**

**Labor:**

**SBA:**

**State:** The Department of State's phone (1-888407-4747) is available from 8 AM to 8 PM Eastern Standard and is toll-free in the United States and Canada. From other countries, citizens may call 1-202-501-4444. Citizens may also reach out directly to U.S. Embassies and consulates overseas. Links to Embassy links with country specific COVID-19 information is available here and health alerts can be found by searching specific countries

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here. Travelers who register through the Smart Traveler Enrollment Program at Step.State.gov will receive urgent country-specific updates via e-mail.

---

**From:** McMillin, Virginia D. EOP/WHO <Virginia.D.McMillin@who.eop.gov>
**Sent:** Monday, March 16, 2020 1:47 PM
**To:** Christ, Katelyn E. EOP/NSC <Katelyn.E.Christ@nsc.eop.gov>; Frederick.Vaughan@treasury.gov; McKenna, Michael A. EOP/WHO <Michael.A.McKenna@who.eop.gov>; credmon@usaid.gov; Brand, Anstice M. (CDC/OD/CDCWO) <atb6@cdc.gov>; Pence, Laura (HHS/ASL) <Laura.Pence@hhs.gov>; FAULKNER, CHARLES <charles.faulkner@hq.dhs.gov>; uyen.dinh@hq.dhs.gov; Kennedy, Wendy <KennedyW@state.gov>; Lange, John <john.lange@hq.dhs.gov>; Ciccone, Christine <christine.ciccone@hq.dhs.gov>; Kaldahl, Ryan M <KaldahlRM@state.gov>; Arbes, Sarah (HHS/ASL) <Sarah.Arbes@hhs.gov>; Giannangeli, Giulia R <GiannangeliGR@state.gov>; Planning, David M. EOP/WHO <David.M.Planning@who.eop.gov>; Telle, Adam R. EOP/WHO <Adam.R.Telle@who.eop.gov>; Alison, Kelly <ayk7@cdc.gov>; Killion, William <KillionW@state.gov>; Nichols, Jennifer L <NicholsJL@state.gov>; Tourk, Nancy R. (CDC/OD/CDCWO) <wxk8@cdc.gov>; Boney, Virginia M. EOP/WHO <Virginia.M.Boney@who.eop.gov>; Swonger, Amy H. EOP/WHO <Amy.H.Swonger@who.eop.gov>; Sugarman, AJ J. EOP/WHO <Alec.J.Sugarman@who.eop.gov>; Hodgson, Christopher M. EOP/OVP <Christopher.M.Hodgson@ovp.eop.gov>; KWESKIN, BENJAMIN <benjamin.kweskin@hq.dhs.gov>; Moore, Jessica L <MooreJL2@state.gov>; Cantrell, Benjamin B. EOP/OVP <Benjamin.B.Cantrell@ovp.eop.gov>; Wolfe, William E <WolfeWE@state.gov>; ccole@usaid.gov; Rose, Jay E. EOP/NSC <Jason.E.Rose@nsc.eop.gov>; Serna, Christina (CDC/OD/CDCWO) <yyh9@cdc.gov>; Bulgrin, Julie K. EOP/NSC <Julie.K.Bulgrin@nsc.eop.gov>; Gross, Karas <Karas.Gross@fda.hhs.gov>; Bradsher, Kris (HHS/ASL) <Kris.Bradsher@hhs.gov>; Kehoe, Brian (HHS/ASL) <Brian.Kehoe@hhs.gov>; Delaney, William (USMS) <William.Delaney@usdoj.gov>; Rault, Nick M. EOP/NSC <Nicholas.M.Rault@nsc.eop.gov>; KASPER, JOSEPH <joseph.kasper@hq.dhs.gov>; Shuy, Bryan (OS/ASPR/IO) <Bryan.Shuy@hhs.gov>; Messonnier, Nancy (CDC/DDID/NCIRD/OD) <nar5@cdc.gov>; Shwedo, Eric P COL USARMY OSD OASD LA (USA) <eric.p.shwedo.mil@mail.mil>; DL NSC Legislative <DL.Legislative@whmo.mil>; skorde@usaid.gov
**Cc:** Parker, Nathaniel A. EOP/WHO <Nathaniel.A.Parker@who.eop.gov>; Gillespie, Jamie M. EOP/WHO <James.M.Gillespie@who.eop.gov>
**Subject:** Request for coronavirus hotline numbers

Hello,

White House OLA requests that you share any agency coronavirus hotline contact information with Nate Parker and Jamie Gillespie, cc'd here, by COB today.

*Please provide the information in this example* – FDA's hotline (1-888-INFO-FDA) is available 24 hours a day for labs to call regarding difficulties obtaining supplies for collecting patient samples for COVID-19 testing, including swabs, media needed for transport, and conservation of the samples. We also encourage labs to reach out at CDRH-EUA-Templates@fda.hhs.gov with any questions related to diagnostic development.

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We are all receiving one off requests on who states, providers, constituents, etc. should contact to get in touch with various agencies during this outbreak. To alleviate and streamline these requests, we'd like to compile this information in one centralized place to distribute to the hill.

Thank you,
White House Office of Legislative Affairs

Virginia Heppner McMillin
Special Assistant to the President
Office of Legislative Affairs
(b)(6)

AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Fri, 20 Mar 2020 01:21:39 +0000
**To:** Jones, Diane
**Cc:** Hill, Elizabeth;Bailey, Nathan;Eitel, Robert
**Subject:** RE: Tick-tock

Yes I understand. What I mean by not a "show stopper" is that this is what they will see tomorrow:

"First, we update the Coronavirus banner (already exists) on the homepage of SA.gov to reference forbearance and add content on the page that will provide immediate guidance to students who come to our site looking for information. We expect to get this content completed tomorrow morning and submitted to the formal coronavirus info clearance process. If we can get that quickly cleared, we can get SA.gov updated tomorrow"

The phone call is about the Q&As that you all cleared earlier today and that if OMB clears we need OMB support to get on the website.

Sorry for "show stoppers" lingo. It simply means we have this including the numerous changes under control.

-----Original Message-----
From: Jones, Diane <Diane.Jones@ed.gov>
Sent: Thursday, March 19, 2020 9:16 PM
To: Brown, Mark <Mark.Brown@ed.gov>
Cc: Hill, Elizabeth <Liz.Hill@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>
Subject: RE: Tick-tock

(b)(5)

-----Original Message-----
From: Brown, Mark <Mark.Brown@ed.gov>
Sent: Thursday, March 19, 2020 9:00 PM
To: Jones, Diane <Diane.Jones@ed.gov>
Cc: Hill, Elizabeth <Liz.Hill@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; King, Robert <Robert.King@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Morabito, Angela <Angela.Morabito@ed.gov>; Strand, Ryan <Ryan.Strand@ed.gov>; Mansour, Eli <Mark.Mansour@ed.gov>; Jordan, April <April.Jordan@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>; Falconer, Susan <Susan.Falconer@ed.gov>
Subject: RE: Tick-tock

Colleen and the team briefed me earlier today. I asked them to follow-up on a couple of issues. The bottom line is that there are no show stoppers on SA.gov.

Today:

(b)(5)

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(b)(5)

Please let me know if you have any questions.

Mark

-----Original Message-----
From: Jones, Diane <Diane.Jones@ed.gov>
Sent: Thursday, March 19, 2020 6:57 PM
To: Hill, Elizabeth <Liz.Hill@ed.gov>; Bailey, Nathan <Nathan.Bailey@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; King, Robert <Robert.King@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>
Cc: Morabito, Angela <Angela.Morabito@ed.gov>; Strand, Ryan <Ryan.Strand@ed.gov>; Mansour, Eli <Mark.Mansour@ed.gov>; Jordan, April <April.Jordan@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>; Falconer, Susan <Susan.Falconer@ed.gov>

AMERICAN OVERSIGHT

Subject: RE: Tick-tock

(b)(5)

Diane

-----Original Message-----
From: Hill, Elizabeth <Liz.Hill@ed.gov>
Sent: Thursday, March 19, 2020 6:39 PM
To: Bailey, Nathan <Nathan.Bailey@ed.gov>; Eitel, Robert <Robert.Eitel@ed.gov>; Talbert, Kent <Kent.Talbert@ed.gov>; Harding, Jordan <Jordan.Harding@ed.gov>; Jones, Diane <Diane.Jones@ed.gov>; King, Robert <Robert.King@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>; Viana, Aimee <Aimee.Viana@ed.gov>; Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Brown, Mark <Mark.Brown@ed.gov>
Cc: Morabito, Angela <Angela.Morabito@ed.gov>; Strand, Ryan <Ryan.Strand@ed.gov>; Mansour, Eli <Mark.Mansour@ed.gov>; Jordan, April <April.Jordan@ed.gov>; Garcia, Daniela <Daniela.Garcia@ed.gov>; Falconer, Susan <Susan.Falconer@ed.gov>
Subject: Tick-tock

Hi Nate,

I want to get a tick-tock going on the higher ed and k-12 announcements happening tomorrow. Any word from WH on what time the POTUS briefing is or what his remarks will contain—both or just one of the announcements? I know we have a lot of moving parts between servicers updating their websites, our press release and social content on the higher ed side, and the letter to the field, the stakeholder call, social content and the press release on the k-12 side (on top of not stepping on POTUS's toes).

Liz

Liz Hill
Communications Director
U.S. Department of Education
(b)(6)
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 02:23:49 +0000
**To:** mbrickner@reliant-cap.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** Reliant - Continuity of Operations During the Novel Coronavirus Disease 2019
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2019 - Margie Brickner - Reliant 042120.pdf

---

**Dear Mrs. Brickner,**

**Please find a note concerning your companies performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating OFFICER

AMERICAN OVERSIGHT

April 21, 2020

Dear Margie,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

Given the Department's critical need for the services provided by federal loan servicers and contact centers in direct support of the federal response to the national emergency, it is expected that individuals providing such services will be afforded the freedom of movement necessary to operationalize student aid related relief efforts and access all systems and facilities supporting the Department's ability to operate in a timely and accurate manner.

As contact centers and loan servicers continue to operate, the Department urges those entities to adhere to all federal, state, and local guidelines, to the maximum extent possible, regarding social distancing, bans on public gatherings, and other safety precautions put in place to ensure the health and safety of their staff. Further, loan servicers and contact centers should continue to expeditiously develop and implement remote operating solutions.

Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

Federal Student Aid
An OFFICE of the U.S. DEPARTMENT of EDUCATION
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830 First Street, NE, Washington, DC 20202
StudentAid.gov

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**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:37 +0000
**To:** JGayhart@senture.com
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** Senture - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2020 - Jim Gayhart - Senture 042120.pdf

**Dear Jim,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Jim,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

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Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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StudentAid.gov

AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 22 Apr 2020 11:21:31 +0000
**To:** svanorman@utahsbr.edu
**Cc:** Greene, Chris;Piccolo, Marc;Essex, Adam;O'Brien, Marianna
**Subject:** UHEAA - Continuity of Operations During the Novel Coronavirus Disease 2020 Letter
**Attachments:** Continuity of Operations During the Novel Coronavirus Disease 2020 - Sasha VanOrman - UHEAA 042120.pdf

**Dear Sasha,**

**Please find a note concerning your company's performance during COVID-19 response. Thank you!**

mab
MARK A. BROWN
Chief Operating Officer

AMERICAN OVERSIGHT

April 21, 2020

Dear Sasha,

In an effort to support continuity of operations during the novel coronavirus disease 2019 (COVID-19) national emergency, the U.S. Department of Education (Department) Office of Federal Student Aid (FSA) has determined that federal loan servicers and other FSA contact centers provide essential services. Federal loan servicers and contact centers have a material impact on the accomplishment of the FSA mission. Specifically, federal student loan servicer and contact center operations are critical to the Department's ability to implement federal government relief measures for more than 40 million federal student loan borrowers and aid recipients impacted by the COVID-19 outbreak. This work is absolutely essential to meet the needs of fedral student loan borrowers during this unprecedented national emergency.

Given the Department's critical need for the services provided by federal loan servicers and contact centers in direct support of the federal response to the national emergency, it is expected that individuals providing such services will be afforded the freedom of movement necessary to operationalize student aid related relief efforts and access all systems and facilities supporting the Department's ability to operate in a timely and accurate manner.

As contact centers and loan servicers continue to operate, the Department urges those entities to adhere to all federal, state, and local guidelines, to the maximum extent possible, regarding social distancing, bans on public gatherings, and other safety precautions put in place to ensure the health and safety of their staff. Further, loan servicers and contact centers should continue to expeditiously develop and implement remote operating solutions.

Sincerely,

Mark Anthony Brown

Mark A. Brown
Chief Operating Officer

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830 First Street, NE, Washington, DC 20202
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AMERICAN OVERSIGHT

**From:** Brown, Mark
**Sent:** Wed, 11 Mar 2020 22:22:24 +0000
**To:** FSA HQ Employees;FSA Region 1;FSA Region 2;FSA Region 3;FSA Region 4;FSA Region 5;FSA Region 6;FSA Region 7;FSA Region 8;FSA Region 9;FSA Region 10
**Subject:** Update - COVID-19
**Importance:** High

Dear FSA Family,

In our effort to be as prepared for the continuity of FSA's critical mission in light of the rapidly evolving scenarios generated by the coronavirus, telework-ready staff should immediately begin bringing government laptops homes on a daily basis, if not already doing so. Additionally, to proactively identify and correct any potential connectivity issues with government furnished laptops, telework-ready staff should test the government laptop VPN connectivity from their home network. In the event any FSA staff is without a government laptop, there are other options available through FSA Citrix. I highly encourage FSA staff physically connect to the ED network through two methods (VPN and Citrix). To proactively assess FSA's readiness to execute continuity of operations, I've asked senior leadership to collect the data on your ability to connect and/or any issues you may have connecting. Testing these connections will only take a minimal amount of time. If it takes any longer than just a few minutes you should contact the following:

- ED Customer Service Desk by phone at 202-708-HELP (4357) or via e-mail at OCIOEnterpriseHelpDesk@ed.gov or
- FSA Citrix connection questions, contact the FSA NGDC Helpdesk (fsan-svd@uspsector.com) or by phone at 1-844-829-4469 or
- For all general questions concerning remote access email: FSAITServiceRequest@ed.gov.

FSA Enterprise Technology Office will provide webinar training to FSA staff by the end of this week on connecting via all of these methods. (meeting invite and details forthcoming).

We currently estimate approximately 90% of FSA staff is telework-ready. If you are not currently telework-ready, the links below are for training, creating an agreement as well as Q&A's.

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1. **Telework Training**: See link below. Once completed. You should save your training certificate in PDF form to your computer (please be mindful as to where you save it). You will need to retrieve it later when you are in the Telework (aka Flexiplace) portal preparing the agreement. https://edfedtalent.ibc.doi.gov/enrol/index.php?id=11242

2. **Telework Agreement**: To initiate the process, click on the link below which will take you to the Department's Telework Program portal where you will find the automated telework agreement. https://share.ed.gov/teams/employeeservices/HRServices/TeleworkPortal/SitePages/Home.aspx.

3. **Telework Program Frequently Asked Questions**. https://connected.ed.gov/Pages/Telework-Program-Changes.aspx

Finally, as a reminder, Telework Policy HCP 368-1 states situational telework ("unscheduled telework") is what employees will be offered during emergency situations declared by OPM, or as integral part of ED's plans for Business Continuity Plans (BCP) allowing the Federal Gov't to remain responsive to the nation at all times. If a program participant (employee) declines to participate in the situational telework then the employee must take leave for all or any portion of the day that the employee ceases to be telework-ready. Additionally, but more importantly, if a disruption in government operations requires activation of our Business Continuity Plan at a region or HQs, employees at those locations who are telework ready and in telework eligible positions will be required to work. If the employee isn't telework ready, they can request leave. The supervisor has the authority to approve/deny leave.

My sincere thanks!

"Stay in the fight"

mab

MARK A. BROWN
Office of Federal Student Aid
Chief Operating Officer

AMERICAN OVERSIGHT

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OVERSIGHT

**From:** Bianca Aniski
**Sent:** Fri, 28 Feb 2020 18:50:37 -0500
**To:** COVID-19
**Subject:** Fever

Provide a clear definition for a fever instead of beating around the bush. Anyone at 100 needs to stay home, at 100.4 you are already sick and spreading illness.

AMERICAN OVERSIGHT

**From:** Alex Howland
**Sent:** Sat, 29 Feb 2020 10:36:24 -0800
**To:** COVID-19
**Subject:** Supporting Online Education

We have solutions for online education and remote work. If we can be of any assistance, please do not hesitate to contact us. https://www.virbela.com/

Thanks,
Alex

Alex Howland, PhD
Founder & President
VirBELA
ahowland@virbela.com
+1.508.207.3860
Download VirBELA Open Campus
virbela.com

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| Tracking Number | How Received | Date Received | Received From First Name | Received From Last Name | Email | Phone | State | Category | SUMMARY | URL Link | Name(s) Assigned to SSS Staff | Date Reecived Draft from SSS Staff | Name(s) Assigned to other POC | POCs | Ruth (sending Incoming/ Draft) | Approval (Yes/No) | Date Reply to Customer | Date FWD/ Completed |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | COVID-19@ed.gov | 2/28/20 | Aniski | Bianca | (b)(6) | (b)(6) | | Parent | Clear definition of a fever | | Amy Banks | | | OESE-SSS | | Yes | 3/6/20 | 3/6/20 |
| 2 | COVID-19@ed.gov | 2/29/20 | Alex | Howland, PhD | ahowland@virbela.com | | | Resource | Online education and remote work | https://www.virbela.com/ | Amy Banks | | | | | | | 3/6/20 |
| 3 | COVID-19@ed.gov | 3/2/20 | Bill | Chappell | Bill.Chappell@citrix.com | | | Resource | Using Technology and Social Media to reduce the risk of virus and future virus | https://www.linkedin.com/feed/up | Amy Banks | | | | | | | 3/6/20 |
| 4 | COVID-19@ed.gov | 3/3/20 | Michael | Yancey | michael.yancey@mail.house.gov | 202-225-7771 | | Congressional | Email List - info on prevent the spread | | Bryan Williams | | Linda Wilson | OLCA | | | | 3/3/20 |
| 5 | COVID-19@ed.gov | 3/3/20 | Abigail | Hess | Abigail.Hess@nbcuni.com | | | Press | Article for CNBC about schools to close | | Bryan Williams | | JoAnn Webb | OCO | | | | 3/3/20 |
| 6 | OESE.SGR.Alaska | 3/3/20 | Isaac | Paulson | saac.paulson@alaska.gov | 907-465-8431 | AK | SEA | Assessment if schools need to be closed during the testing window or if schools are closed for large portions of the academic year prior to testing | | Bryan Williams | | | OESE-SSS | | Yes | 3/16/20 | 3/16/20 |
| 7 | COVID-19@ed.gov | 3/3/20 | Ashley | Fetters | afetters@theatlantic.com | | NY | Press | Article for the Atlantic - how schools are dealing with and/or preparing for the spread | | Bryan Williams | | JoAnn Webb | OCO | | | | 3/3/20 |
| 8 | COVID-19@ed.gov | 3/3/20 | Loretta | Lockin | (b)(6) | | | Parent | Son returing from Italy - Self isolation and family members | | Madeline Sullivan | | | OESE-SSS | | Yes | 3/5/20 | 3/5/20 |
| 9 | COVID-19@ed.gov | 3/3/20 | Marybeth | Tonkery | | | | Student | NYSED has advised no traveling for students in schools | | Madeline Sullivan | | | OESE-SSS | | Yes | 3/5/20 | 3/5/20 |
| 10 | COVID-19@ed.gov | 3/5/20 | Ashutosh | Mishra | (b)(6) | | | Other | FYI email - The blood sample of Past Infected People, Because they have the Antibodies for Corona Virus | | Bryan Williams | | | | | | | 3/5/20 |
| 11 | Secretary Mail | 3/5/20 | Tammy | Reh | (b)(6) | | | Parent | Rice University is already quarantining. Start implementing online classes so healthy children and families can begin sheltering in place without anyone missing any school should they choose. | | Earl Myers | | | OESE-SSS | | Yes | 3/6/20 | 3/6/20 |
| 12 | COVID-19@ed.gov | 3/5/20 | Brandy | Whitney | | | | Suggestion | USA teachers should prepare 10 days ( two school weeks) of lessons for our students to be able to do from home | | Earl Myers | | | OESE-SSS | | Yes | 3/6/20 | 3/6/20 |
| 13 | COVID-19@ed.gov | 3/5/20 | Katherine | Brodie | KDBrodie@duanemorris.com | 202-776-5241 | DC | IHE | School offers clock hour based programs for which students earn clock hours for both theory (in class learning) and part practical (clinic) training hours. | | Elyse Roberston | | Shaina Hilsey | OPE | | | | 3/6/20 |
| 14 | COVID-19@ed.gov | 3/5/20 | Kevin | McDonald | kevin@keynectup.com | 781-856-4934 | | Resource | KeynectUp works with colleges nationwide providing safety communication tools for traveling students | | Franciso Ramirez | | | | | | | 3/6/20 |
| 15 | COVID-19@ed.gov | 3/5/20 | Sarah | Swenson | financialaid@saci-florence.edu | | NY | IHE | Professional Judgment element be increasing an award because of unexpected additional airfare resulting from school closure due | | Kelly Patrick | | Shaina Hilsey | OPE | | | | 3/6/20 |
| 16 | COVID-19@ed.gov | 3/5/20 | Sarah | Swenson | financialaid@saci-florence.edu | | NY | IHE | Temporary reduction in academic year | | Kelly Patrick | | | OPE | | | | 3/6/20 |
| 17 | COVID-19@ed.gov | 3/5/20 | Jerry | McKeen | jmckeen@callutheran.edu | 805-493-3139 | CA | IHE | Clarification on students in cancelled study-abroad programs | | Kelly Patrick | | | OPE | | | | 3/5/20 |
| 18 | COVID-19@ed.gov | 3/5/20 | Holly | Furdyna | (b)(6) | | MD | Suggestion | schools start on a delayed morning time schedule? | | Madeline Sullivan | | | OESE-SSS | | Yes | 3/17/20 | 3/6/20 |
| 19 | COVID-19@ed.gov | 3/5/20 | Sue | Standley | suestandley@augustana.edu | 309-794-7207 | | IHE | Guidance for interruptions of study or FSA | | | | Shaina Hilsey | OPE | | | | 3/6/20 |
| 20 | COVID-19@ed.gov | 3/5/20 | Cynthia | Grunden | cgrunden@colum.edu | | | IHE | Study abroad | | Lee Cook | | Shaina Hilsey | OPE | | | | 3/6/20 |
| 21 | COVID-19@ed.gov | 3/5/20 | Scott | Seibring | seibring@iwu.edu | 309-556-3393 | IL | IHE | Recent guidance related to federal aid and coronavirus | | | | Shaina Hilsey | OPE | | | | 3/6/20 |

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**From:** Aiswarryaa Ganapaneni
**Sent:** Sun, 15 Mar 2020 10:52:52 +0530
**To:** COVID-19

Why r u people not giving holidays for medical college students...
Are we not the future of the nation
Why only partiality to eng people

AMERICAN OVERSIGHT

**From:** Sarah Loomis
**Sent:** Sun, 15 Mar 2020 15:28:13 -0400
**To:** COVID-19
**Subject:** West Penn Hospital School of Nursing

To whom it may concern,

West Penn Hospital School of Nursing is looking for recommendation as to best practices/protocol in regards to Title IV aid. We are a nursing school that is affiliated with Allegheny Health Network. Allegheny Health Network is no longer allowing nursing students at the clinical sites due to the COVID-19 outbreak. We have 4 terms in our academic year. The students just finished their 3rd term and have one week break before they are due to come back on March 23rd. We are discussing the option of offering online course work for the theory portion of the course. We are trying to plan what to do for the clinical aspect. For our first year students they can do clinical simulations within our SIM lab but we are worried about our 2nd year students. The 2nd year students will be taking their transition to the nursing practice and is 80/20 in regards to clinical/theory. We are planning to have the students complete most of their theory for the first portion of the course. Our question is what if they will not be able to complete their clinical portion? We can offer them a leave of absents correct? But what if they will not be able to come back to the clinical site before the term was suppose to end? What would your recommendations be?

Sincerely,

Sarah Loomis
4900 Friendship Ave
Pittsburgh, PA 15224
sarah.loomis@ahn.org
412-528-5530 - Phone

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**From:** Amanda McKiernan
**Sent:** Mon, 16 Mar 2020 10:30:45 -0400
**To:** COVID-19
**Subject:** 4410 SED and Coronavirus

We desperately need clarification!!! Do the mandatory school closings in NYS and Westchester County pertain to 4410 SED programs? There are 4410 SED programs continuing to provide services at full capacity in Westchester County and Nassau County (that I know of). Please clarify that these closings are not just for public and private schools, but ALSO for 4410 programs.

Thank you for continuing to provide us with up-to-date information as this situation unfolds.

Thank you!
Amanda

AMERICAN OVERSIGHT

**From:** Brooks, Anthony
**Sent:** Mon, 16 Mar 2020 21:01:32 +0000
**To:** COVID-19
**Cc:** Bah, Ibrahim
**Subject:** 030520 Guidance4interruptionsrelated2CoronavirusCOVID19

Good afternoon,

We have two questions as it relates to the information provided below
**030520Guidance4interruptionsrelated2CoronavirusCOVID19, Posted Date, March 05, 2020**
**Author, Office of Postsecondary Education**, regarding the information provided in this electronic announcement:

1. The decision has been made to move all of our classes to on-line effective March 21st. What is the guidance for handling Federal Student Aid funding for room & board if students are not on /or returning to campus due to the COVID-19? What should we do about refunds to students for room & board?

2. In reference to the Department of Education guidance for when institutions of higher education can pay students using federal Title IV funds. Can we assume that work study students whose activities are impacted by Coronavirus (COVID-19), either directly being affected or indirectly because the student can no longer participate in working because the institution has asked them temporarily not to report to duty, will be paid for their regular shifts?

3. If so, how do we determine how much we should pay work-study students? For example, if the maximum hours weekly is 20, do we pay them for the aforementioned hours?

Please advise.

Best,

**Anthony M. Brooks, MBA**
Chief Enrollment Management Officer
919.719.1983 | anthony.brooks@shawu.edu
118 E. South Street | Raleigh, NC 27601
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# IFAP

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**030520Guidance4interruptionsrelated2CoronavirusCOVID19**
Posted Date

March 05, 2020
Author

Office of Postsecondary Education
Subject

Guidance for interruptions of study related to Coronavirus (COVID-19)
This electronic announcement addresses concerns expressed by higher education leaders regarding how they should comply with Title IV, Higher Education Act (HEA) policies for students whose activities are impacted by Coronavirus (COVID-19), either directly because the student is ill or quarantined, or indirectly because the student was recalled from travel-abroad experiences, can no longer participate in internships or clinical rotations, or attends a campus that temporarily suspended operations. This information provides flexibilities for schools that are working to help students complete the term in which they are currently enrolled.
These instructions do not contemplate accommodations for students who have not yet enrolled or whose term has not yet begun, with certain exceptions. We will continue to monitor the situation and make a later determination of what accommodations may be necessary should longer-term interruptions become likely. We will continue to provide updates to this information as appropriate.

We encourage institutions to visit the Department's Coronavirus webpage, https://www.ed.gov/coronavirus?src=feature, on this topic frequently, as we will post updates as they become available. In addition, the Department's webpage has links to guidance from the Centers for Disease Control and Prevention, including for how Institutions of Higher Education should manage human health risks associated with Coronavirus.
We address five potential student and campus scenarios: that may prompt an institution to have questions about how to comply with Title IV, HEA requirements if the Coronavirus impacts a student or a campus:

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- A student was enrolled or was supposed to begin a travel-abroad experience and either the student has been called back to the U.S. or was never able to begin the travel abroad experience;
- A student was enrolled in a program and met the requirements for full-time enrollment; however, due to the COVID-19, one or more classes – such as an internship, a clinical rotation, student teaching or fieldwork – have been cancelled and now the student has fallen below the 12 credit hour minimum and is no longer considered to be a full-time student;
- A student is quarantined and misses class or a student is incapacitated due to COVID-19 illness;
- A campus temporarily stops offering ground-based classes in order to prevent the spread of COVID-19;
- A foreign school that serves U.S. students who participate in title IV programs temporarily suspends operations due to COVID-19.

We offer information below about options we are making available to institutions under our current statutory authority to provide as much flexibility as possible so that you can continue to serve students. In some instances, we have been asked to consider providing flexibilities that are beyond our statutory authority. As a result, we cannot provide those flexibilities. If you have questions about the information provided in this electronic announcement, or you are encountering a scenario that we have not addressed, please email the Department at COVID-19@ed.gov.
We recommend that institutions document, as contemporaneously as possible, any actions taken as a result of COVID-19, including those actions described in this document.

Accommodating Students Whose Enrollment is Disrupted by Coronavirus
Our goal is to work with institutions and find ways to enable you to accommodate students and help them continue their education despite interruptions caused by COVID-19. For many institutions, online education will provide a viable option for continuing to teach students through COVID-19-related interruptions. In some instances, students enrolled in ground-based programs at campuses that must temporarily close could participate in distance education for a period of time and then resume ground-based attendance when the campus reopens. In other instances, an institution may provide online learning opportunities for a student who was recalled from a travel-abroad program but the student is too late into the semester to enroll in other classes offered by the home campus, or the student who arrived in a foreign country intending to complete a travel abroad experience finds that the program has now been cancelled or temporarily suspended. We are providing the following flexibilities to institutions to help them understand what options they can make available to students and remain in compliance with Title IV requirements.

Approval to Offer Distance Education
The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in the event that an institution is otherwise required to seek Departmental approval for the use or expansion of distance learning programs. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner requiring the Department's approval after that point, it must seek approval under the Department's normal process.
We are also permitting accreditors to waive their distance education review requirements for institutions working to accommodate students whose enrollment is otherwise interrupted as a result of COVID-19. We currently are limiting that permission to distance learning opportunities developed for

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the purpose of serving students who were already in attendance, but whose attendance was interrupted by COVID-19. Please note that this flexibility is not available for clock-hour courses that lead to licensure if the licensure body will not accept distance learning courses or hours or give credit for them toward the number of hours a student must complete.

We want to make clear to institutions that for Title IV, HEA purposes, distance learning does not require the use of sophisticated learning management systems or online platforms, though accreditors may have additional standards included in their review of distance learning programs. We are, however, permitting accreditors to waive those standards for schools implementing distance learning programs solely for the purpose of allowing currently enrolled students to complete a term that is interrupted by COVID-19 closures. To meet the Department's requirements for providing distance education, an institution must communicate to students through one of several types of technology – including email – described under 34 CFR § 600.2, and instructors must initiate substantive communication with students, either individually or collectively, on a regular basis. In other words, an instructor could use email to provide instructional materials to students enrolled in his or her class, use chat features to communicate with students, set up conference calls to facilitate group conversations, engage in email exchanges or require students to submit work electronically that the instructor will evaluate.

Institutions may provide distance learning temporarily to accommodate students as a result of a COVID-19 interruption, including in cases where students began attendance in classes offered in a brick-and-mortar setting but were transitioned to a distance education format in the middle of the term. In these cases, we will accept the accreditation and state authorization of the institution for the programs in which those students were enrolled prior to the interruption due to COVID-19 to enable students to complete the current term.

Institutions may also enter into temporary consortium agreements with other institutions so that students can complete courses at other institutions but be awarded credit by their home institution. In addition, in instances where accrediting agencies require students to complete a final number or percentage of credits in residence at the institution, accrediting agencies may waive that requirement for students impacted by COVID-19 without objection by the Department.

The Department will permit students who wish to take an approved leave of absence for COVID-19-related concerns or limitations (such as interruption of a travel-abroad program), to take such leave, even if the student notifies the institution in writing after the approved leave of absence has begun. In such a case, the institution may retain those Title IV funds to apply when the student continues enrollment. If the student does not return to complete their program within 180 days, the school would then be expected to perform the Return of Title IV funds calculation based on the date on which the leave-of-absence began. Note that in term-based programs, if a student takes an approved leave of absence from a term-based program, the institution must ensure that the student is permitted to complete the coursework he or she began prior to the leave of absence.

Finally, because we understand that some students may have been recalled from travel abroad programs or canceled-out of experiential learning opportunities after the semester began, institutions may offer courses to those students on a schedule that would otherwise be considered a non-standard term, if doing so enables those students to complete the term. These flexibilities will also be provided to institutions, or their additional locations or programs, that must temporarily close as a result of COVID-19.

-

Foreign Schools

We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who

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participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

-

Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

-

Length of Academic Year

The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

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Professional Judgement

Financial aid administrators (FAA) have statutory authority to use professional judgement to make adjustments on a case-by-case basis to the cost of attendance or to the data elements used in calculating the EFC to reflect a student's special circumstances. The use of professional judgement where students and/or their families have been affected by COVID-19 is permitted, such as in the case where an employer closes for a period of time as a result of COVID-19. In making professional judgement determinations, FAAs must obtain documentation and retain it in each student's file. This documentation must substantiate the reason for any adjustment. Institutions are reminded that, regardless of how broadly an event may affect its student population, professional judgement determinations must be made and documented on a case-by-case basis.

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Satisfactory Academic Progress (SAP)

An institution's SAP appeal policy (34 CFR § 668.34(a)(9)) must, among other things, describe the basis on which a student may file an appeal: the death of a relative, an injury or illness of the student, or other special circumstances. Circumstances related to an outbreak of COVID-19, including, but not limited to, the illness of a student or family member, compliance with a quarantine period, or the general disruption resulting from such an outbreak may form the basis of a student's SAP appeal even if not specifically articulated in the institution's SAP policy.

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Students Who Did Not Begin Attendance

We are aware that many U.S. students enrolled in eligible foreign institutions and in study abroad programs offered by domestic institutions have already been affected by local outbreaks of COVID-19 and the measures taken by institutions in response. Of immediate concern are those students who travelled to overseas destinations but were unable to begin classes due to school closures. There may also be instances where students at domestic institutions are similarly affected and unable to begin classes. Because these students did not begin attendance in a payment period or period of enrollment, 34 CFR § 668.21 (rather than Return of Title IV Funds) applies. In such a situation, the institution must return all Title IV grant funds disbursed for the payment period or period of enrollment and all Direct Loan funds that were credited to the student's account at the institution for that period. The institution must also return Direct Loan funds in the amount of payments made directly by or on behalf of the student to the institution for the period, up to the total amount of the loan funds disbursed. The institution is not responsible for returning Direct Loan funds that were disbursed directly to the student in the form of a credit balance as long as the institution was not aware that the student would not attend prior to the disbursement, and students will be able to repay those funds as a part of their educational loans. In these circumstances, institutions are permitted, but not required, to return all of a student's Direct Loan funds, including the amount comprising the credit balance.

Normally institutions, once aware that a student will not begin or has not begun attendance, must notify the loan servicer which results in issuance of a final demand letter to the borrower. However, we have determined that in the case where a student was unable to begin attendance due to a COVID-19-related school closure, the provisions of 34 CFR § 668.21(a)(2)(ii), requiring the institution to notify the servicer of that student's failure to begin attendance, do not apply because the option for the student to begin attendance did not exist. Accordingly, the institution should not notify the servicer that the student did not begin attendance. He or she will be permitted to repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption.

Enrollment Status Changes

We do not have the authority to waive the requirement to award or disburse Title IV funds based on a student's actual enrollment status. For example, assuming an institution defines full-time enrollment as 12 credit hours, when a full-time student enrolled for 12 credit hours drops or withdraws from three credits, that student is now enrolled at three-quarter time status. However, we remind institutions that for Direct Loans, the institution must only confirm at least half-time enrollment status as of the time of disbursement. It is not necessary to recalculate a student's Direct Loan eligibility based on changes in enrollment status that occur after the institution originates a Direct Loan. For enrollment status changes that occur after an institution's established Pell Grant recalculation (census) date, we do not require recalculation. Note that the student must have begun attendance in all courses comprising the enrollment status on which the Pell Grant payment was based.

Return of Title IV Funds

Even in the case of a disruption from COVID-19, an institution must return any Title IV funds for which it is responsible in accordance with the provisions of 34 CFR § 668.22 when a student withdraws. Currently, we do not have the authority to waive the statutory requirement for the return of unearned Title IV funds in the case where a student (who receives Title IV assistance) withdraws from an institution during a payment period or period of enrollment after having begun attendance. However, the guidance provided below explains the requirements for performing Return of Title IV Funds

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calculations in situations where an institution has temporarily ceased operations as a result of a COVID-19 disruption.

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Definition of a Withdrawal Date

If an institution ceases operation during a payment period and fails to reopen by the end of that payment period, its students are considered no longer in attendance and must be considered withdrawn for that payment period or period of enrollment, and would be subject to Return of Title IV funds requirements. Similarly, if an institution closes and subsequently reopens during a payment period, any students who began attendance during that payment period but failed to return when the institution reopens must be considered withdrawn for that payment period. If the institution is required to take attendance, the withdrawal date is the last day of documented attendance prior to the closure. If the institution is not required to take attendance, the institution can use any applicable option under 34 CFR § 668.22(c), including the midpoint of the payment period or period of enrollment under 34 CFR § 668.2(c)(1)(iii) or, because the closure was a circumstance that the student could not control under 34 CFR § 668.22(c)(1)(iv), the date that the institution ceased operation. When determining the number of days in the payment period or period of enrollment (the denominator of the calculation), the institution should include all the days that the student was scheduled to attend during that period on the date of the withdrawal. For a clock-hour program, an institution should not include as "scheduled hours" any hours on days that it was closed.

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Date of Determination and Timeframes for Returns

Normally, if a student does not provide notification to an institution of his/her withdrawal, the date of determination that the student has withdrawn is the date that the institution becomes aware that the student ceased attendance. This is, in most cases when an institution closes for reasons beyond its control, the date of the closure. Therefore, the timeframes for completing Return of Title IV Funds calculations and making the appropriate returns or post-withdrawal disbursements begin on that date (e.g. 30 days to perform the calculation, 45 days to return the funds, etc.).

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Reentering the Same Payment Period

If an institution that has closed subsequently reopens during the same payment period or period of enrollment, and permits students to continue coursework that they were taking at the time of the closure, students that return to class at that time are considered to have reentered the same period and retain eligibility for Title IV aid that they were otherwise eligible to receive before the closure. If a student in this situation subsequently withdraws, the institution must exclude the number of days that it was closed (if the closure was for at least five consecutive days, in combination with weekends or other scheduled breaks) from both the number of days the student completed and the total number of days in the payment period or period of enrollment. If the institution altered the number of days in the payment period or period of enrollment following the closure (e.g. if it adds days to the term to make up for the time when it was closed), the institution should use the new number of days in the student's Return of Title IV funds calculation.

-

NSLDS Enrollment Reporting

In general, when a student withdraws during a payment period, the effective date for the withdrawn ('W') status for enrollment reporting purposes is the withdrawal date used by the institution in accordance with 34 CFR § 668.22(b) or (c). However, notwithstanding the requirement that the institution perform a Return of Title IV funds calculation for students when an institution unexpectedly ceases operation during a payment period and fails to reopen during that payment period, we permit an

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institution to defer reporting an affected student's enrollment status as "withdrawn" in these circumstances when the institution has a reasonable expectation that—

1. The institution will reopen at the start of a payment period that begins no later than 90 days following the closure; and
2. The student will resume attendance when the institution reopens.

In these cases, the institution should continue reporting the most recent enrollment status that it reported for the affected student prior to the closure. If the student does not resume attendance as expected, the institution must change the student's enrollment status to "withdrawn" using the student's actual withdrawal date as the enrollment status effective date.

While the coronavirus threat to the American public remains low, we encourage school communities to take all steps to ensure the health and well-being of students, faculty, and staff. We established the website, https://www.ed.gov/coronavirus?src=feature, to provide general information and guidance for school communities, including links to information posted by the Centers for Disease Control and Prevention. We appreciate your cooperation and welcome any additional questions at COVID-19@ed.gov.

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**From:** Brooks, Anthony
**Sent:** Mon, 16 Mar 2020 20:54:53 +0000
**To:** COVID-19
**Cc:** Bah, Ibrahim
**Subject:** 030520 Guidance4interruptionsrelated2CoronavirusCOVID19

Good afternoon,

We have two questions as it relates to the information provided below
**030520Guidance4interruptionsrelated2CoronavirusCOVID19, Posted Date, March 05, 2020**
**Author, Office of Postsecondary Education**, regarding the information provided in this electronic announcement:

1. What is the guidance for handling Federal Student Aid funding for room & board if students are not on /or returning to campus due to the COVID-19? Beginning Saturday, March 21 classes are scheduled to transition to online classes as opposed to face-to-face.

2. In reference to the Department of Education guidance for when institutions of higher education can pay students using federal Title IV funds. Can we assume that work study students whose activities are impacted by Coronavirus (COVID-19), either directly being affected or indirectly because the student can no longer participate in working because the institution has asked them temporarily not to report to duty, will be paid for their regular shifts?

3. If so, how do we determine how much we should pay work-study students? For example, if the maximum hours weekly is 20, do we pay them for the aforementioned hours?

Please advise.

Best,

**Anthony M. Brooks, MBA**
Chief Enrollment Management Officer
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**030520Guidance4interruptionsrelated2CoronavirusCOVID19**
Posted Date

March 05, 2020
Author

Office of Postsecondary Education
Subject

Guidance for interruptions of study related to Coronavirus (COVID-19)
This electronic announcement addresses concerns expressed by higher education leaders regarding how they should comply with Title IV, Higher Education Act (HEA) policies for students whose activities are impacted by Coronavirus (COVID-19), either directly because the student is ill or quarantined, or indirectly because the student was recalled from travel-abroad experiences, can no longer participate in internships or clinical rotations, or attends a campus that temporarily suspended operations. This information provides flexibilities for schools that are working to help students complete the term in which they are currently enrolled.
These instructions do not contemplate accommodations for students who have not yet enrolled or whose term has not yet begun, with certain exceptions. We will continue to monitor the situation and make a later determination of what accommodations may be necessary should longer-term interruptions become likely. We will continue to provide updates to this information as appropriate.

We encourage institutions to visit the Department's Coronavirus webpage, https://www.ed.gov/coronavirus?src=feature, on this topic frequently, as we will post updates as they become available. In addition, the Department's webpage has links to guidance from the Centers for Disease Control and Prevention, including for how Institutions of Higher Education should manage human health risks associated with Coronavirus.
We address five potential student and campus scenarios: that may prompt an institution to have questions about how to comply with Title IV, HEA requirements if the Coronavirus impacts a student or a campus:

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- A student was enrolled or was supposed to begin a travel-abroad experience and either the student has been called back to the U.S. or was never able to begin the travel abroad experience;
- A student was enrolled in a program and met the requirements for full-time enrollment; however, due to the COVID-19, one or more classes – such as an internship, a clinical rotation, student teaching or fieldwork – have been cancelled and now the student has fallen below the 12 credit hour minimum and is no longer considered to be a full-time student;
- A student is quarantined and misses class or a student is incapacitated due to COVID-19 illness;
- A campus temporarily stops offering ground-based classes in order to prevent the spread of COVID-19;
- A foreign school that serves U.S. students who participate in title IV programs temporarily suspends operations due to COVID-19.

We offer information below about options we are making available to institutions under our current statutory authority to provide as much flexibility as possible so that you can continue to serve students. In some instances, we have been asked to consider providing flexibilities that are beyond our statutory authority. As a result, we cannot provide those flexibilities. If you have questions about the information provided in this electronic announcement, or you are encountering a scenario that we have not addressed, please email the Department at COVID-19@ed.gov.
We recommend that institutions document, as contemporaneously as possible, any actions taken as a result of COVID-19, including those actions described in this document.

Accommodating Students Whose Enrollment is Disrupted by Coronavirus
Our goal is to work with institutions and find ways to enable you to accommodate students and help them continue their education despite interruptions caused by COVID-19. For many institutions, online education will provide a viable option for continuing to teach students through COVID-19-related interruptions. In some instances, students enrolled in ground-based programs at campuses that must temporarily close could participate in distance education for a period of time and then resume ground-based attendance when the campus reopens. In other instances, an institution may provide online learning opportunities for a student who was recalled from a travel-abroad program but the student is too late into the semester to enroll in other classes offered by the home campus, or the student who arrived in a foreign country intending to complete a travel abroad experience finds that the program has now been cancelled or temporarily suspended. We are providing the following flexibilities to institutions to help them understand what options they can make available to students and remain in compliance with Title IV requirements.

Approval to Offer Distance Education
The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in the event that an institution is otherwise required to seek Departmental approval for the use or expansion of distance learning programs. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner requiring the Department's approval after that point, it must seek approval under the Department's normal process.
We are also permitting accreditors to waive their distance education review requirements for institutions working to accommodate students whose enrollment is otherwise interrupted as a result of COVID-19. We currently are limiting that permission to distance learning opportunities developed for

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the purpose of serving students who were already in attendance, but whose attendance was interrupted by COVID-19. Please note that this flexibility is not available for clock-hour courses that lead to licensure if the licensure body will not accept distance learning courses or hours or give credit for them toward the number of hours a student must complete.

We want to make clear to institutions that for Title IV, HEA purposes, distance learning does not require the use of sophisticated learning management systems or online platforms, though accreditors may have additional standards included in their review of distance learning programs. We are, however, permitting accreditors to waive those standards for schools implementing distance learning programs solely for the purpose of allowing currently enrolled students to complete a term that is interrupted by COVID-19 closures. To meet the Department's requirements for providing distance education, an institution must communicate to students through one of several types of technology – including email – described under 34 CFR § 600.2, and instructors must initiate substantive communication with students, either individually or collectively, on a regular basis. In other words, an instructor could use email to provide instructional materials to students enrolled in his or her class, use chat features to communicate with students, set up conference calls to facilitate group conversations, engage in email exchanges or require students to submit work electronically that the instructor will evaluate.

Institutions may provide distance learning temporarily to accommodate students as a result of a COVID-19 interruption, including in cases where students began attendance in classes offered in a brick-and-mortar setting but were transitioned to a distance education format in the middle of the term. In these cases, we will accept the accreditation and state authorization of the institution for the programs in which those students were enrolled prior to the interruption due to COVID-19 to enable students to complete the current term.

Institutions may also enter into temporary consortium agreements with other institutions so that students can complete courses at other institutions but be awarded credit by their home institution. In addition, in instances where accrediting agencies require students to complete a final number or percentage of credits in residence at the institution, accrediting agencies may waive that requirement for students impacted by COVID-19 without objection by the Department.

The Department will permit students who wish to take an approved leave of absence for COVID-19-related concerns or limitations (such as interruption of a travel-abroad program), to take such leave, even if the student notifies the institution in writing after the approved leave of absence has begun. In such a case, the institution may retain those Title IV funds to apply when the student continues enrollment. If the student does not return to complete their program within 180 days, the school would then be expected to perform the Return of Title IV funds calculation based on the date on which the leave-of-absence began. Note that in term-based programs, if a student takes an approved leave of absence from a term-based program, the institution must ensure that the student is permitted to complete the coursework he or she began prior to the leave of absence.

Finally, because we understand that some students may have been recalled from travel abroad programs or canceled-out of experiential learning opportunities after the semester began, institutions may offer courses to those students on a schedule that would otherwise be considered a non-standard term, if doing so enables those students to complete the term. These flexibilities will also be provided to institutions, or their additional locations or programs, that must temporarily close as a result of COVID-19.

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Foreign Schools

We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who

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participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

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Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

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Length of Academic Year

The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

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Professional Judgement

Financial aid administrators (FAA) have statutory authority to use professional judgement to make adjustments on a case-by-case basis to the cost of attendance or to the data elements used in calculating the EFC to reflect a student's special circumstances. The use of professional judgement where students and/or their families have been affected by COVID-19 is permitted, such as in the case where an employer closes for a period of time as a result of COVID-19. In making professional judgement determinations, FAAs must obtain documentation and retain it in each student's file. This documentation must substantiate the reason for any adjustment. Institutions are reminded that, regardless of how broadly an event may affect its student population, professional judgement determinations must be made and documented on a case-by-case basis.

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Satisfactory Academic Progress (SAP)

An institution's SAP appeal policy (34 CFR § 668.34(a)(9)) must, among other things, describe the basis on which a student may file an appeal: the death of a relative, an injury or illness of the student, or other special circumstances. Circumstances related to an outbreak of COVID-19, including, but not limited to, the illness of a student or family member, compliance with a quarantine period, or the general disruption resulting from such an outbreak may form the basis of a student's SAP appeal even if not specifically articulated in the institution's SAP policy.

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Students Who Did Not Begin Attendance

We are aware that many U.S. students enrolled in eligible foreign institutions and in study abroad programs offered by domestic institutions have already been affected by local outbreaks of COVID-19 and the measures taken by institutions in response. Of immediate concern are those students who travelled to overseas destinations but were unable to begin classes due to school closures. There may also be instances where students at domestic institutions are similarly affected and unable to begin classes. Because these students did not begin attendance in a payment period or period of enrollment, 34 CFR § 668.21 (rather than Return of Title IV Funds) applies. In such a situation, the institution must return all Title IV grant funds disbursed for the payment period or period of enrollment and all Direct Loan funds that were credited to the student's account at the institution for that period. The institution must also return Direct Loan funds in the amount of payments made directly by or on behalf of the student to the institution for the period, up to the total amount of the loan funds disbursed. The institution is not responsible for returning Direct Loan funds that were disbursed directly to the student in the form of a credit balance as long as the institution was not aware that the student would not attend prior to the disbursement, and students will be able to repay those funds as a part of their educational loans. In these circumstances, institutions are permitted, but not required, to return all of a student's Direct Loan funds, including the amount comprising the credit balance.

Normally institutions, once aware that a student will not begin or has not begun attendance, must notify the loan servicer which results in issuance of a final demand letter to the borrower. However, we have determined that in the case where a student was unable to begin attendance due to a COVID-19-related school closure, the provisions of 34 CFR § 668.21(a)(2)(ii), requiring the institution to notify the servicer of that student's failure to begin attendance, do not apply because the option for the student to begin attendance did not exist. Accordingly, the institution should not notify the servicer that the student did not begin attendance. He or she will be permitted to repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption.

Enrollment Status Changes

We do not have the authority to waive the requirement to award or disburse Title IV funds based on a student's actual enrollment status. For example, assuming an institution defines full-time enrollment as 12 credit hours, when a full-time student enrolled for 12 credit hours drops or withdraws from three credits, that student is now enrolled at three-quarter time status. However, we remind institutions that for Direct Loans, the institution must only confirm at least half-time enrollment status as of the time of disbursement. It is not necessary to recalculate a student's Direct Loan eligibility based on changes in enrollment status that occur after the institution originates a Direct Loan. For enrollment status changes that occur after an institution's established Pell Grant recalculation (census) date, we do not require recalculation. Note that the student must have begun attendance in all courses comprising the enrollment status on which the Pell Grant payment was based.

Return of Title IV Funds

Even in the case of a disruption from COVID-19, an institution must return any Title IV funds for which it is responsible in accordance with the provisions of 34 CFR § 668.22 when a student withdraws. Currently, we do not have the authority to waive the statutory requirement for the return of unearned Title IV funds in the case where a student (who receives Title IV assistance) withdraws from an institution during a payment period or period of enrollment after having begun attendance. However, the guidance provided below explains the requirements for performing Return of Title IV Funds

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calculations in situations where an institution has temporarily ceased operations as a result of a COVID-19 disruption.

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Definition of a Withdrawal Date

If an institution ceases operation during a payment period and fails to reopen by the end of that payment period, its students are considered no longer in attendance and must be considered withdrawn for that payment period or period of enrollment, and would be subject to Return of Title IV funds requirements. Similarly, if an institution closes and subsequently reopens during a payment period, any students who began attendance during that payment period but failed to return when the institution reopens must be considered withdrawn for that payment period. If the institution is required to take attendance, the withdrawal date is the last day of documented attendance prior to the closure. If the institution is not required to take attendance, the institution can use any applicable option under 34 CFR § 668.22(c), including the midpoint of the payment period or period of enrollment under 34 CFR § 668.2(c)(1)(iii) or, because the closure was a circumstance that the student could not control under 34 CFR § 668.22(c)(1)(iv), the date that the institution ceased operation. When determining the number of days in the payment period or period of enrollment (the denominator of the calculation), the institution should include all the days that the student was scheduled to attend during that period on the date of the withdrawal. For a clock-hour program, an institution should not include as "scheduled hours" any hours on days that it was closed.

-

Date of Determination and Timeframes for Returns

Normally, if a student does not provide notification to an institution of his/her withdrawal, the date of determination that the student has withdrawn is the date that the institution becomes aware that the student ceased attendance. This is, in most cases when an institution closes for reasons beyond its control, the date of the closure. Therefore, the timeframes for completing Return of Title IV Funds calculations and making the appropriate returns or post-withdrawal disbursements begin on that date (e.g. 30 days to perform the calculation, 45 days to return the funds, etc.).

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Reentering the Same Payment Period

If an institution that has closed subsequently reopens during the same payment period or period of enrollment, and permits students to continue coursework that they were taking at the time of the closure, students that return to class at that time are considered to have reentered the same period and retain eligibility for Title IV aid that they were otherwise eligible to receive before the closure. If a student in this situation subsequently withdraws, the institution must exclude the number of days that it was closed (if the closure was for at least five consecutive days, in combination with weekends or other scheduled breaks) from both the number of days the student completed and the total number of days in the payment period or period of enrollment. If the institution altered the number of days in the payment period or period of enrollment following the closure (e.g. if it adds days to the term to make up for the time when it was closed), the institution should use the new number of days in the student's Return of Title IV funds calculation.

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NSLDS Enrollment Reporting

In general, when a student withdraws during a payment period, the effective date for the withdrawn ('W') status for enrollment reporting purposes is the withdrawal date used by the institution in accordance with 34 CFR § 668.22(b) or (c). However, notwithstanding the requirement that the institution perform a Return of Title IV funds calculation for students when an institution unexpectedly ceases operation during a payment period and fails to reopen during that payment period, we permit an

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institution to defer reporting an affected student's enrollment status as "withdrawn" in these circumstances when the institution has a reasonable expectation that—

1. The institution will reopen at the start of a payment period that begins no later than 90 days following the closure; and
2. The student will resume attendance when the institution reopens.

In these cases, the institution should continue reporting the most recent enrollment status that it reported for the affected student prior to the closure. If the student does not resume attendance as expected, the institution must change the student's enrollment status to "withdrawn" using the student's actual withdrawal date as the enrollment status effective date.

While the coronavirus threat to the American public remains low, we encourage school communities to take all steps to ensure the health and well-being of students, faculty, and staff. We established the website, https://www.ed.gov/coronavirus?src=feature, to provide general information and guidance for school communities, including links to information posted by the Centers for Disease Control and Prevention. We appreciate your cooperation and welcome any additional questions at COVID-19@ed.gov.

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**From:** Brooks, Anthony
**Sent:** Mon, 16 Mar 2020 21:07:44 +0000
**To:** COVID-19
**Cc:** Bah, Ibrahim
**Subject:** 030520 Guidance4interruptionsrelated2CoronavirusCOVID19

Good afternoon,

We have two questions as it relates to the information provided below **030520Guidance4interruptionsrelated2CoronavirusCOVID19, Posted Date, March 05, 2020, Author, Office of Postsecondary Education**, regarding the information provided in this electronic announcement:

1. The decision has been made to move all of our classes to on-line effective March 21st. What is the guidance for handling Federal Student Aid funding for room & board if students are not on /or returning to campus due to the COVID-19? What should we do about refunds to students for room & board?

2. In reference to the Department of Education guidance for when institutions of higher education can pay students using federal Title IV funds. Can we assume that work study students whose activities are impacted by Coronavirus (COVID-19), either directly being affected or indirectly because the student can no longer participate in working because the institution has asked them temporarily not to report to duty, will be paid for their regular shifts?

3. If so, how do we determine how much we should pay work-study students? For example, if the maximum hours weekly is 20, do we pay them for the aforementioned hours?

Please advise.

Best,

**Anthony M. Brooks, MBA**
Chief Enrollment Management Officer
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**030520Guidance4interruptionsrelated2CoronavirusCOVID19**
Posted Date

March 05, 2020
Author

Office of Postsecondary Education
Subject

Guidance for interruptions of study related to Coronavirus (COVID-19)
This electronic announcement addresses concerns expressed by higher education leaders regarding how they should comply with Title IV, Higher Education Act (HEA) policies for students whose activities are impacted by Coronavirus (COVID-19), either directly because the student is ill or quarantined, or indirectly because the student was recalled from travel-abroad experiences, can no longer participate in internships or clinical rotations, or attends a campus that temporarily suspended operations. This information provides flexibilities for schools that are working to help students complete the term in which they are currently enrolled.
These instructions do not contemplate accommodations for students who have not yet enrolled or whose term has not yet begun, with certain exceptions. We will continue to monitor the situation and make a later determination of what accommodations may be necessary should longer-term interruptions become likely. We will continue to provide updates to this information as appropriate.

We encourage institutions to visit the Department's Coronavirus webpage, https://www.ed.gov/coronavirus?src=feature, on this topic frequently, as we will post updates as they become available. In addition, the Department's webpage has links to guidance from the Centers for Disease Control and Prevention, including for how Institutions of Higher Education should manage human health risks associated with Coronavirus.
We address five potential student and campus scenarios: that may prompt an institution to have questions about how to comply with Title IV, HEA requirements if the Coronavirus impacts a student or a campus:

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- A student was enrolled or was supposed to begin a travel-abroad experience and either the student has been called back to the U.S. or was never able to begin the travel abroad experience;
- A student was enrolled in a program and met the requirements for full-time enrollment; however, due to the COVID-19, one or more classes – such as an internship, a clinical rotation, student teaching or fieldwork – have been cancelled and now the student has fallen below the 12 credit hour minimum and is no longer considered to be a full-time student;
- A student is quarantined and misses class or a student is incapacitated due to COVID-19 illness;
- A campus temporarily stops offering ground-based classes in order to prevent the spread of COVID-19;
- A foreign school that serves U.S. students who participate in title IV programs temporarily suspends operations due to COVID-19.

We offer information below about options we are making available to institutions under our current statutory authority to provide as much flexibility as possible so that you can continue to serve students. In some instances, we have been asked to consider providing flexibilities that are beyond our statutory authority. As a result, we cannot provide those flexibilities. If you have questions about the information provided in this electronic announcement, or you are encountering a scenario that we have not addressed, please email the Department at COVID-19@ed.gov.
We recommend that institutions document, as contemporaneously as possible, any actions taken as a result of COVID-19, including those actions described in this document.

Accommodating Students Whose Enrollment is Disrupted by Coronavirus
Our goal is to work with institutions and find ways to enable you to accommodate students and help them continue their education despite interruptions caused by COVID-19. For many institutions, online education will provide a viable option for continuing to teach students through COVID-19-related interruptions. In some instances, students enrolled in ground-based programs at campuses that must temporarily close could participate in distance education for a period of time and then resume ground-based attendance when the campus reopens. In other instances, an institution may provide online learning opportunities for a student who was recalled from a travel-abroad program but the student is too late into the semester to enroll in other classes offered by the home campus, or the student who arrived in a foreign country intending to complete a travel abroad experience finds that the program has now been cancelled or temporarily suspended. We are providing the following flexibilities to institutions to help them understand what options they can make available to students and remain in compliance with Title IV requirements.

Approval to Offer Distance Education
The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in the event that an institution is otherwise required to seek Departmental approval for the use or expansion of distance learning programs. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner requiring the Department's approval after that point, it must seek approval under the Department's normal process.
We are also permitting accreditors to waive their distance education review requirements for institutions working to accommodate students whose enrollment is otherwise interrupted as a result of COVID-19. We currently are limiting that permission to distance learning opportunities developed for

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the purpose of serving students who were already in attendance, but whose attendance was interrupted by COVID-19. Please note that this flexibility is not available for clock-hour courses that lead to licensure if the licensure body will not accept distance learning courses or hours or give credit for them toward the number of hours a student must complete.

We want to make clear to institutions that for Title IV, HEA purposes, distance learning does not require the use of sophisticated learning management systems or online platforms, though accreditors may have additional standards included in their review of distance learning programs. We are, however, permitting accreditors to waive those standards for schools implementing distance learning programs solely for the purpose of allowing currently enrolled students to complete a term that is interrupted by COVID-19 closures. To meet the Department's requirements for providing distance education, an institution must communicate to students through one of several types of technology – including email – described under 34 CFR § 600.2, and instructors must initiate substantive communication with students, either individually or collectively, on a regular basis. In other words, an instructor could use email to provide instructional materials to students enrolled in his or her class, use chat features to communicate with students, set up conference calls to facilitate group conversations, engage in email exchanges or require students to submit work electronically that the instructor will evaluate.

Institutions may provide distance learning temporarily to accommodate students as a result of a COVID-19 interruption, including in cases where students began attendance in classes offered in a brick-and-mortar setting but were transitioned to a distance education format in the middle of the term. In these cases, we will accept the accreditation and state authorization of the institution for the programs in which those students were enrolled prior to the interruption due to COVID-19 to enable students to complete the current term.

Institutions may also enter into temporary consortium agreements with other institutions so that students can complete courses at other institutions but be awarded credit by their home institution. In addition, in instances where accrediting agencies require students to complete a final number or percentage of credits in residence at the institution, accrediting agencies may waive that requirement for students impacted by COVID-19 without objection by the Department.

The Department will permit students who wish to take an approved leave of absence for COVID-19-related concerns or limitations (such as interruption of a travel-abroad program), to take such leave, even if the student notifies the institution in writing after the approved leave of absence has begun. In such a case, the institution may retain those Title IV funds to apply when the student continues enrollment. If the student does not return to complete their program within 180 days, the school would then be expected to perform the Return of Title IV funds calculation based on the date on which the leave-of-absence began. Note that in term-based programs, if a student takes an approved leave of absence from a term-based program, the institution must ensure that the student is permitted to complete the coursework he or she began prior to the leave of absence.

Finally, because we understand that some students may have been recalled from travel abroad programs or canceled-out of experiential learning opportunities after the semester began, institutions may offer courses to those students on a schedule that would otherwise be considered a non-standard term, if doing so enables those students to complete the term. These flexibilities will also be provided to institutions, or their additional locations or programs, that must temporarily close as a result of COVID-19.

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Foreign Schools

We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who

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participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

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Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

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Length of Academic Year

The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

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Professional Judgement

Financial aid administrators (FAA) have statutory authority to use professional judgement to make adjustments on a case-by-case basis to the cost of attendance or to the data elements used in calculating the EFC to reflect a student's special circumstances. The use of professional judgement where students and/or their families have been affected by COVID-19 is permitted, such as in the case where an employer closes for a period of time as a result of COVID-19. In making professional judgement determinations, FAAs must obtain documentation and retain it in each student's file. This documentation must substantiate the reason for any adjustment. Institutions are reminded that, regardless of how broadly an event may affect its student population, professional judgement determinations must be made and documented on a case-by-case basis.

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Satisfactory Academic Progress (SAP)

An institution's SAP appeal policy (34 CFR § 668.34(a)(9)) must, among other things, describe the basis on which a student may file an appeal: the death of a relative, an injury or illness of the student, or other special circumstances. Circumstances related to an outbreak of COVID-19, including, but not limited to, the illness of a student or family member, compliance with a quarantine period, or the general disruption resulting from such an outbreak may form the basis of a student's SAP appeal even if not specifically articulated in the institution's SAP policy.

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Students Who Did Not Begin Attendance

We are aware that many U.S. students enrolled in eligible foreign institutions and in study abroad programs offered by domestic institutions have already been affected by local outbreaks of COVID-19 and the measures taken by institutions in response. Of immediate concern are those students who travelled to overseas destinations but were unable to begin classes due to school closures. There may also be instances where students at domestic institutions are similarly affected and unable to begin classes. Because these students did not begin attendance in a payment period or period of enrollment, 34 CFR § 668.21 (rather than Return of Title IV Funds) applies. In such a situation, the institution must return all Title IV grant funds disbursed for the payment period or period of enrollment and all Direct Loan funds that were credited to the student's account at the institution for that period. The institution must also return Direct Loan funds in the amount of payments made directly by or on behalf of the student to the institution for the period, up to the total amount of the loan funds disbursed. The institution is not responsible for returning Direct Loan funds that were disbursed directly to the student in the form of a credit balance as long as the institution was not aware that the student would not attend prior to the disbursement, and students will be able to repay those funds as a part of their educational loans. In these circumstances, institutions are permitted, but not required, to return all of a student's Direct Loan funds, including the amount comprising the credit balance.

Normally institutions, once aware that a student will not begin or has not begun attendance, must notify the loan servicer which results in issuance of a final demand letter to the borrower. However, we have determined that in the case where a student was unable to begin attendance due to a COVID-19-related school closure, the provisions of 34 CFR § 668.21(a)(2)(ii), requiring the institution to notify the servicer of that student's failure to begin attendance, do not apply because the option for the student to begin attendance did not exist. Accordingly, the institution should not notify the servicer that the student did not begin attendance. He or she will be permitted to repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption.

Enrollment Status Changes

We do not have the authority to waive the requirement to award or disburse Title IV funds based on a student's actual enrollment status. For example, assuming an institution defines full-time enrollment as 12 credit hours, when a full-time student enrolled for 12 credit hours drops or withdraws from three credits, that student is now enrolled at three-quarter time status. However, we remind institutions that for Direct Loans, the institution must only confirm at least half-time enrollment status as of the time of disbursement. It is not necessary to recalculate a student's Direct Loan eligibility based on changes in enrollment status that occur after the institution originates a Direct Loan. For enrollment status changes that occur after an institution's established Pell Grant recalculation (census) date, we do not require recalculation. Note that the student must have begun attendance in all courses comprising the enrollment status on which the Pell Grant payment was based.

Return of Title IV Funds

Even in the case of a disruption from COVID-19, an institution must return any Title IV funds for which it is responsible in accordance with the provisions of 34 CFR § 668.22 when a student withdraws. Currently, we do not have the authority to waive the statutory requirement for the return of unearned Title IV funds in the case where a student (who receives Title IV assistance) withdraws from an institution during a payment period or period of enrollment after having begun attendance. However, the guidance provided below explains the requirements for performing Return of Title IV Funds

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calculations in situations where an institution has temporarily ceased operations as a result of a COVID-19 disruption.

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Definition of a Withdrawal Date

If an institution ceases operation during a payment period and fails to reopen by the end of that payment period, its students are considered no longer in attendance and must be considered withdrawn for that payment period or period of enrollment, and would be subject to Return of Title IV funds requirements. Similarly, if an institution closes and subsequently reopens during a payment period, any students who began attendance during that payment period but failed to return when the institution reopens must be considered withdrawn for that payment period. If the institution is required to take attendance, the withdrawal date is the last day of documented attendance prior to the closure. If the institution is not required to take attendance, the institution can use any applicable option under 34 CFR § 668.22(c), including the midpoint of the payment period or period of enrollment under 34 CFR § 668.2(c)(1)(iii) or, because the closure was a circumstance that the student could not control under 34 CFR § 668.22(c)(1)(iv), the date that the institution ceased operation. When determining the number of days in the payment period or period of enrollment (the denominator of the calculation), the institution should include all the days that the student was scheduled to attend during that period on the date of the withdrawal. For a clock-hour program, an institution should not include as "scheduled hours" any hours on days that it was closed.

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Date of Determination and Timeframes for Returns

Normally, if a student does not provide notification to an institution of his/her withdrawal, the date of determination that the student has withdrawn is the date that the institution becomes aware that the student ceased attendance. This is, in most cases when an institution closes for reasons beyond its control, the date of the closure. Therefore, the timeframes for completing Return of Title IV Funds calculations and making the appropriate returns or post-withdrawal disbursements begin on that date (e.g. 30 days to perform the calculation, 45 days to return the funds, etc.).

-

Reentering the Same Payment Period

If an institution that has closed subsequently reopens during the same payment period or period of enrollment, and permits students to continue coursework that they were taking at the time of the closure, students that return to class at that time are considered to have reentered the same period and retain eligibility for Title IV aid that they were otherwise eligible to receive before the closure. If a student in this situation subsequently withdraws, the institution must exclude the number of days that it was closed (if the closure was for at least five consecutive days, in combination with weekends or other scheduled breaks) from both the number of days the student completed and the total number of days in the payment period or period of enrollment. If the institution altered the number of days in the payment period or period of enrollment following the closure (e.g. if it adds days to the term to make up for the time when it was closed), the institution should use the new number of days in the student's Return of Title IV funds calculation.

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NSLDS Enrollment Reporting

In general, when a student withdraws during a payment period, the effective date for the withdrawn ('W') status for enrollment reporting purposes is the withdrawal date used by the institution in accordance with 34 CFR § 668.22(b) or (c). However, notwithstanding the requirement that the institution perform a Return of Title IV funds calculation for students when an institution unexpectedly ceases operation during a payment period and fails to reopen during that payment period, we permit an

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institution to defer reporting an affected student's enrollment status as "withdrawn" in these circumstances when the institution has a reasonable expectation that—

1. The institution will reopen at the start of a payment period that begins no later than 90 days following the closure; and
2. The student will resume attendance when the institution reopens.

In these cases, the institution should continue reporting the most recent enrollment status that it reported for the affected student prior to the closure. If the student does not resume attendance as expected, the institution must change the student's enrollment status to "withdrawn" using the student's actual withdrawal date as the enrollment status effective date.

While the coronavirus threat to the American public remains low, we encourage school communities to take all steps to ensure the health and well-being of students, faculty, and staff. We established the website, https://www.ed.gov/coronavirus?src=feature, to provide general information and guidance for school communities, including links to information posted by the Centers for Disease Control and Prevention. We appreciate your cooperation and welcome any additional questions at COVID-19@ed.gov.

AMERICAN OVERSIGHT

**From:** Mike Johnson
**Sent:** Mon, 16 Mar 2020 09:48:02 -0700
**To:** COVID-19
**Subject:** Academic year length change request

Good morning,

I'm trying to follow guidance in the March 5 EA, and from the San Francisco School Participation team who asked me to use this email address for my questions. Thanks in advance for your help.

1. We are planning to start Spring quarter a week later than scheduled. That change gives us a 33-week academic year instead of the scheduled 34-week academic year.

2. The change to Spring quarter puts our scheduled disbursement date 1 day outside the allowed 10 day period before the start of the payment period. Will schools get temporary relief from that requirement, or will we need to change all of our disbursement dates and aid program records?

Again, thanks for all that you're doing.

Mike
--
G. Michael Johnson, MA, CFAA™; Director of Financial Aid
Columbia Gorge Community College
400 E. Scenic Dr.
The Dalles, OR 97058-3434
(541) 506-6038
mjohnson@cgcc.edu

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**From:** Miller, Vicki L.
**Sent:** Mon, 16 Mar 2020 22:21:47 +0000
**To:** COVID-19
**Subject:** Adjustments to institutional changes and impacts to cost of attendance.

Can you please provide guidance on the following questions?

- If the university makes a decision to reduce an institutional fee such as a non-resident surcharge for the term (example: as a result of moving to an online environment) does the cost of attendance need to be adjusted accordingly?

- Term calendar changes: If a spring break is extended from 5 to 10 days in the middle of the term, and the end date of the term is extended to maintain almost the same number of days of instruction, does the calendar change need to be reported and require approval from the Department of Education?

Thanks for clarification! We appreciate the assistance as we continue to navigate institutional impacts of COVID-19. Vicki

THE OHIO STATE UNIVERSITY

**Vicki Miller, MA**
Senior Associate Director
Compliance and Athletic Aid
Office of Student Academic Success/Student Financial Aid
460 Student Academic Services Building, 281 West Lane Avenue, 4th Floor, Columbus, OH 43210
614-688-8228 Office
miller.6050@osu.edu

AMERICAN OVERSIGHT

**From:** christy@primrosesouthtampa.com
**Sent:** Mon, 16 Mar 2020 17:34:53 -0400
**To:** KilpatrickB@HillsboroughCounty.ORG
**Cc:** 'Watler, Kevin';COVID-19;christy@primrosesouthtampa.com
**Subject:** Advice COVID-19

Hello Mr. Kilpatrick,

This is Christy from Primrose School of South Tampa. I tried leaving you a voicemail but it is full. Also the main number is closed so I cannot contact anyone.
We are on hold with the health department, and Covid Hotline, but I wanted to reach out to you in case you get emails after hours.

We have a teacher who was just notified that she must self-quarantine effective immediately. The teachers' roommate just vacationed to and from California last week, and the roommates' travel companion has tested positive for COVID-19. She left the school immediately (with her Mother who is also a teacher here). Please advise what information you need from me and our next steps.

Thank you,
Christy
- - - - - - - - - - - - -
*Best Regards,*
*Christy Blackard*

*Ms Christy Blackard*
*Franchise Partner*
*Primrose School of SouthTampa*
*1700 West Kennedy Blvd.*
*Tampa FL 33606*
*Lic# CTA432695*
☎ Tel: **813.876.1000**
**CELL 972.955.7285**
✉ E-mail: Registrar@PrimroseSouthTampa.com
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**From:** Jackie Cann
**Sent:** Mon, 16 Mar 2020 15:26:01 -0400
**To:** COVID-19
**Cc:** stevem@apexschool.net
**Subject:** Apex Technical School - OPE ID: 00751800

Apex Technical School
OPE ID: 00751800

Please be advised that as a precaution for our students and staff, effective today, March 16th, Apex Technical School will be suspending classes until Monday, April 20, 2020.

Best,
Jackie

**Jackie Cann**
Assistant Vice President
Apex Technical School
2402 Queens Plaza South
Long Island City, NY 11101
212.645.3300 x3065
Jackiec@apexschool.net

AMERICAN OVERSIGHT

**From:** Ilya Gaidarov
**Sent:** Mon, 16 Mar 2020 18:04:56 -0700
**To:** COVID-19
**Cc:** OCRWebAccessTA
**Subject:** CK-12 Foundation: Resources for online learning during school closures

Hi Department of Education team,

I hope you're staying safe and healthy!

I'm Ilya, head of digital marketing at CK-12 Foundation. We're a nonprofit that creates deeply interactive and intelligent digital textbooks. We have over 100 million users worldwide, and all of our resources are 100% free and aligned to Common Core.

We've developed a variety of resources to help educators and parents deal with school closures. I want to share them with you so that you can pass them along to anyone who can benefit from them.

1. A **student-friendly page about the coronavirus.** It interactively explains the viral life cycle, offers tips on how to stay safe, and ends with discussion questions.
Link: https://links.ck12.org/what-is-coronavirus-department-of-education

2. A **new resource page** with hand-picked lessons in math and science that are popular during the month of March. Bookmark it - we'll keep it updated moving forward.
Link: https://links.ck12.org/top-concepts-department-of-education

3. A webinar with more than 16K views on **"School closure: How to teach online and learn from home with CK-12"**. Learn how to quickly get set up on our platform, stay connected with students, and take advantage of our best resources. Link: https://links.ck12.org/school-closure-ck12-webinar-department-of-education

If you have any bandwidth, I'd love to chat about how else we can help during this crisis.

Ilya

Ilya Gaidarov
**Marketing** | CK-12 Foundation
**MBA**, Kellogg | **BA**, Stanford
**Certifications** | Google Ads Search, Display, and Measurement; Google Analytics IQ; Hootsuite Social Marketing; HubSpot Email and Inbound Marketing

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AMERICAN OVERSIGHT

**From:** Rolston, Lauren
**Sent:** Mon, 16 Mar 2020 12:58:05 +0000
**To:** COVID-19
**Subject:** CLOCK HOUR

Good morning,

I am the Financial Aid Coordinator for the Lee County Technical Colleges: Fort Myers Technical College and Cape Coral Technical College. These are CLOCK HOUR schools. Based on decisions made by the Florida Department of Education and our local school district, that we are a part of, our school will be shut down until March 30th. Our school is on our regular scheduled spring break this week, March 16-20. However, the closure next week, March 23-27 is my concern, as it was not planned. I have read the documentation available on ifap regarding this. However, due to the fact that we are a clock hour school, is there anything different we need to do? Will distance learning be accepted for clock hours? Should we, instead, make up the time upon the students return?

I know that you must be overwhelmed with questions. I appreciate your assistance.

Laurie Rolston
Financial Aid Coordinator

FMTC
FORT MYERS TECHNICAL COLLEGE

Fort Myers Technical College
Southwest Florida Public Service Academy
3800 Michigan Ave., Fort Myers, FL 33916
239-334-4544 ext. 320
239-332-4839 (Fax)

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**From:** Skloot, Evan
**Sent:** Mon, 16 Mar 2020 21:25:42 +0000
**To:** Siry, Melissa;Rooney, Patrick
**Cc:** COVID-19
**Subject:** Conversation with South Carolina Dept of Education (SCDE)

Melissa, Patrick, & COVID-19 response:

I wanted to summarize a call I had with John Payne (Deputy Superintendent, Division of Federal Programs, Accountability and School Improvement, South Carolina Department of Education) today, 3/16:

I (Evan Skloot) spoke with John Payne on the phone on Mon, 3/16. We discussed SCDE's plan to suspend all spring assessments and hold harmless all school identification from the previous year; accordingly, he wanted to know what the protocol and logistics would be for waivers. SCDE had reached out to Deputy Secretary Zais earlier in the day, but had not heard back from him yet. I pointed him to our current COVID-19 guidance and explained that this was just a starting point, and that we were working to answer more questions and provide more guidance as the situation evolves. I noted that the Department is looking at ways to provide statutorily allowable flexibility, and understands that the needs will vary by State. I recommended that John send all questions as he has them to the COVID-19@ed.gov mailbox and copy me and the Title I mailbox, so that we can keep track of all questions and see what the FAQs are. John also noted that the State Superintendent was exploring sending formal correspondence to the Department about SCDE's decision to suspend spring assessments and its intent to seek a waiver, and asked who to address it to. I noted that although this is not required at this time, it is the State's prerogative to do so, and could be sent to Assistant Secretary Brogan with the COVID-19 email copied. Additionally, John mentioned that he was receiving requests from several districts to speak directly with ED about needing waivers. I confirmed that SCDE should speak directly with ED about assessment-related waivers, as any potential waivers would most likely be on the State level. John thanked me and said the reassurance that ED plans to work with States on necessary flexibility, as possible, is what the SEA and the Governor were hoping to get to ease anxieties on both the local and State level.

Best,

**Evan Skloot**
Education Program Specialist (PMF)
Office of School Support and Accountability
U.S. Department of Education
400 Maryland Ave. SW | Rm. 3W112 | Washington, DC 20202
Phone: 202.453.6515 | evan.skloot@ed.gov

AMERICAN OVERSIGHT

**From:** Kaley DellaSala
**Sent:** Mon, 16 Mar 2020 15:08:14 +1100
**To:** COVID-19
**Subject:** Coronavirus online classes

To whom it may concern,

My name is Kaley and I receive US federal aid for my law degree at the University of Sydney. I am being told that my loan money will stop if classes are moved online due to COVID-19. That is illegal. In the face of an international crisis, you are going to stop providing funding to students for circumstances that are beyond their control? This has to stop. Something needs to be done now to change this rule as the way things are heading, it looks like all universities will be shut down sooner rather than later. This is unacceptable behaviour from the government to not take care of its citizens in a crisis. I am appalled that you could even think to do this to helpless people who are working day and night to get their degrees just to be told that because the government has decided to quarantine people and shut down schools, they can no longer receive funding. I do not want to be told I have to take out additional loans at this time. This is YOUR responsibility. I refuse to accept that the law cannot be changed in this regard. This needs to end, now.

Sincerely,
Kaley DellaSala
--
Sent from Gmail Mobile

AMERICAN OVERSIGHT

**From:** Amninder Kaur
**Sent:** Sun, 15 Mar 2020 22:06:51 -0700
**To:** COVID-19;nCoV@acgov.org
**Subject:** Coronavirus- Shutdown Day care centers?

Hi,
I wanted to check if Department of Education plan to shutdown Pre-schools/daycares?
The schools like Genius kids sent email saying "our centers are not under the jurisdiction of the school district and if the school district closes the schools, this does not require us to close. We are mandated by the Department of Education, Department of Health and Department of Social Services. If and when they require us to close, that is when we will follow those instructions and act accordingly." .
They also require parents to give 15 days notice if we want to pull out kid from school. We do not want to pull kid out of school but want to keep them home till COVID is under control. We do not want to pay the school while we worry if our kids are safe. No one can take full responsibility of kids safety.
I feel like the schools are acting greedy in this sensitive situation.

I as a parent of pre-schooler, request Department of Education and Department of Health to order pre-school/daycare closure like jurisdiction of school district ordered the closure of public schools.

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Thanks,
**Amninder Kaur**
**Cell:** (b)(6)

AMERICAN OVERSIGHT

**From:** Nicholas Kent
**Sent:** Mon, 16 Mar 2020 16:20:36 +0000
**To:** COVID-19;Brickman, Michael;Mahaffie, Lynn;Martin, Gregory
**Subject:** COVID-19 and Distance Education

**These questions are for the Office of the Under Secretary or Office of Postsecondary Education.**

On March 5, 2020, ED published an electronic announcement titled *Guidance for interruptions of study related to Coronavirus (COVID-19)*.

This guidance explains ED's broad approval for institutions of higher education participating in the Title IV programs to use online technologies to accommodate students on a temporary basis without going through ED's regular approval process. However, as noted in the March 5 guidance, this flexibility only applies to a program during a payment period that overlaps the date of the March 5 electronic announcement or the following payment period.

Several of our member schools have expressed growing concern that limiting the ability to offer online courses to the payment period that overlaps the date of the March 5 electronic announcement or the following payment period and maintain Title IV eligibility will significantly impede the ability to enroll new students. As you know, many career schools offer short-term programs that start every few weeks. Without the ability to enroll and fund new students using online technologies during this unprecedented time, many small career schools' financial positions will be adversely impacted.

National Institute of Allergy and Infectious Diseases Director Anthony Fauci told lawmakers last week that, "Things will get worse than they are right now." See: https://www.washingtonpost.com/health/coronavirus-forecasts-are-grim-its-going-to-get-worse/2020/03/11/2a177e0a-63b4-11ea-acca-80c22bbee96f_story.html. Dr. Fauci's statement suggests that institutions of higher education need longer-term flexibilities beyond those provided for in the March 5 electronic announcement, including the ability for schools to enroll new students using online technologies and maintain Title IV eligibility.

**Is ED working on guidance that will extend the ability for institutions of higher education to enroll new students using online technologies and maintain Title IV eligibility? If so, when does ED hope to publish this guidance? If not, does ED have a process to expediate the review and approval of distance education for those institutions not currently approved for online delivery?**

We recognize this pandemic is rapidly evolving, and ED staff are working tirelessly to help mitigate the impact to institutions and students. We thank you for your service during these uncertain times and your response to these questions.

**Nicholas Kent**
Senior Vice President of Policy and Research
Career Education Colleges and Universities (CECU)
1530 Wilson Blvd., Suite 1050
Arlington, VA 22209
(571) 800-6524 (Direct)
nicholas.kent@career.org

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**From:** Wyndham-Cooke, Tami
**Sent:** Mon, 16 Mar 2020 16:49:19 +0000
**To:** COVID-19
**Subject:** COVID-19 and Federal Work Study

Good afternoon,

MUSC is an academic health center, with many (but not all) offices working remotely. Governor McMaster has switched students to distance education platform
Our HR office says FWS students are allowed to work from remote. Is this for FWS? If so, how would you address inequity?

For example, the Gymnasium is closed to the public (no opportunity to work from home) while the Diversity and Pharmacy College can provide work to their student workers remotely.

Please advise and thanks,

Tami Wyndham-Cooke
Associate Director-Student Financial Aid
Office of Enrollment Management MSC 203
Charleston, SC 29425
(843) 792-3670 (phone)
(843) 792-6356 (fax)
Pronouns: she, her, hers

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**From:** Tiffanie Karcher
**Sent:** Mon, 16 Mar 2020 16:13:26 +0000
**To:** COVID-19
**Subject:** COVID-19 and Impact to COA

Good morning!
I work at a private college with a study abroad campus in Florence. Due to COVID-19, we asked all students at our Florence site to return to the US and will be providing instruction online for the remainder of the Spring 2020 term.
The institution decided to prorate housing, fee and meal plan charges for impacted students. These changes to institutional charges are occurring after our census date.
**Are we required to adjust cost of attendance and aid for impacted students?**
Thank you in advance for your guidance!
Tiffanie Karcher
Marist College
Associate Director of Compliance and Analyst
Office of Student Financial Services
Telephone: 845-575-3000 ext 2431
Fax: 845-575-3099

AMERICAN OVERSIGHT

**From:** Mullen, Frank
**Sent:** Mon, 16 Mar 2020 18:58:07 +0000
**To:** COVID-19
**Subject:** COVID-19 Compliance Question

Good afternoon,

In order to deal with the current public health crisis, Dean College has extended spring break for 1 week. We plan to continue with online learning next week.

According to the electronic announcement dated 3-5-2020, "Guidance for interruptions of study related to Coronavirus (COVID-19)", if a school closes as a result of a campus health emergency it may contact the school participation team to request a temporary reduction in the length of it's academic year. I have reached out to the school participation team, but I have not received a response.

My compliance question is, by extending spring break for one extra week, do we need approval to have a temporary reduction in length of our academic year? Additionally, if we need permission to reduce the length of our academic year, how does that affect our R2T4 calendar for the remainder of the term?

I know this is a difficult time for all schools and I imagine you are inundated with these types of questions. I truly appreciate any guidance you can provide.

All the best,

Frank

**Frank Mullen**
*Dean, Student Financial Planning and Services*
Ph: 508-541-1518
Fax: 508-541-1941

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AMERICAN OVERSIGHT

**From:** Patrick, Kelly
**Sent:** Mon, 16 Mar 2020 20:51:18 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** COVID-19 Emails for OESE
**Attachments:** FW: COVID-19 and Assessments, FW: In person School Site Council Meetings if schools close, FW: In person School Site Council Meetings if schools close, FW: Entitlement grants-guidance : COVID-19, RE: Funding positions with federal grants, FW: ESSA Program Implementation and COVID 19, FW: Section 8401 Waiver Request - Tennessee, RE: Reimbursing Spending for Interrupted Professional Development, RE: Reimbursing Spending for Interrupted Professional Development

Hello,

Please see attached emails received in the COVID-19 mailbox for OESE programs.

Thanks,
Kelly

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**From:** OESE.SGR.Alaska
**Sent:** Tue, 3 Mar 2020 18:09:24 +0000
**To:** COVID-19
**Cc:** Ramsey, Tara;Hodgdon, Jane;McKenzie, Lakesha
**Subject:** FW: COVID-19 and Assessments
**Importance:** High

Good afternoon,

The message below came into SGR's Alaska e-mailbox, and the program office responded.

Corrinne Callins
Office of State and Grantee Relations
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202
Email: Corrinne.Callins@ed.gov
Phone: 202-453-5795
Website: oese.ed.gov

---

**From:** OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
**Sent:** Tuesday, March 3, 2020 12:59 PM
**To:** Paulson, Isaac J (EED) <isaac.paulson@alaska.gov>; OESE.SGR.Alaska <Alaska.oese@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
**Cc:** Riddle, Deborah A (EED) <deborah.riddle@alaska.gov>; Van Wyhe, Tamara L (EED) <tamara.vanwyhe@alaska.gov>
**Subject:** RE: COVID-19 and Assessments

Hello:
At this time no Department specific guidance has been issued.

In the past, States that had schools missing assessment due to extraordinary events have requested waivers from the assessment requirements. The Department has approved some of these waivers. The Department does not, however, approve such waivers pre-emptively.

Don
Donald Peasley, Ph.D.
Assessment Team Lead, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Donald.peasley@ed.gov Ph. 202 453 7982
Email the OESE Assessment team at ESEA.Assessment@ed.gov

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See ED Standards and Assessments Information at
https://www2.ed.gov/admins/lead/account/saa.html#Standards_and_Assessments_Peer_Review_

---

**From:** Paulson, Isaac J (EED) <isaac.paulson@alaska.gov>
**Sent:** Tuesday, March 3, 2020 12:10 PM
**To:** OESE.SGR.Alaska <Alaska.oese@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
**Cc:** Peasley, Donald <Donald.Peasley@ed.gov>; Riddle, Deborah A (EED) <deborah.riddle@alaska.gov>; Van Wyhe, Tamara L (EED) <tamara.vanwyhe@alaska.gov>
**Subject:** COVID-19 and Assessments

Good morning,

As our State Department of Education coordinates our response to the possibility of COVID-19 in Alaksa, the question has come up about what to do about large scale assessment if schools need to be closed during the testing window or if schools are closed for large portions of the academic year prior to testing. Has U.S. ED developed any guidance for states COVID-19 and school closures, specifically related to assessment, beyond what is available on the CDC web site and the U.S. ED COVID-19 page? Is there a possibility for waivers, etc., for states that suspend testing due to virus-related school closures?

Thank you,

**Isaac Paulson**
Assessment Administrator
Alaska Department of Education & Early Development
PO Box 110500, Juneau, AK 99811-0500
Phone 907.465.8431

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**From:** OESE.SGR.California
**Sent:** Mon, 16 Mar 2020 17:45:27 +0000
**To:** COVID-19
**Cc:** Hodgdon, Jane;Ramsey, Tara;McKenzie, Lakesha
**Subject:** FW: In person School Site Council Meetings if schools close

Please see the response below regarding the inquiry from California that I forwarded this morning.

I suspected that this might have been sent to the ED by mistake.

Corrinne Callins
Office of State and Grantee Relations
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202
Email: Corrinne.Callins@ed.gov
Phone: 202-453-5795
Website: oese.ed.gov

**From:** Johanna Hoffmann <johanna.hoffmann@ousd.org>
**Sent:** Monday, March 16, 2020 12:58 PM
**To:** OESE.SGR.California <California.oese@ed.gov>
**Subject:** Re: In person School Site Council Meetings if schools close

You can disregard my question. Governor Newsom issued an executive order on Friday that addressed my question.

Thank you,
Johanna

**Johanna Hoffmann**
Strategic Resource Planning
Specialist, Middle School Network and Private School Equitable Services Program
Oakland Unified School District
1000 Broadway, Suite 450
Oakland, CA 94607
***Every Student Thrives!***
www.ousd.org
office: 510-879-1027
mobile: 415-867-9963
johanna.hoffmann@ousd.org
Students First | Equity | Excellence | Integrity | Cultural Responsiveness | Joy

On Mon, Mar 16, 2020 at 9:09 AM OESE.SGR.California <California.oese@ed.gov> wrote:

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Hello Ms. Hoffmann,

Is this a question for a specific grant program?

Corrinne Callins
Office of State and Grantee Relations
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202
Email: Corrinne.Callins@ed.gov
Phone: 202-453-5795
Website: oese.ed.gov

**From:** Johanna Hoffmann <johanna.hoffmann@ousd.org>
**Sent:** Friday, March 13, 2020 4:53 PM
**To:** OESE.SGR.California <California.oese@ed.gov>
**Subject:** In person School Site Council Meetings if schools close

Would an SSC be allowed to waive a requirement that is currently in their bylaws, stating they are not allowed to have virtual meetings, if schools are closed due to COVID-19?

Thank you,
Johanna

**Johanna Hoffmann**
Strategic Resource Planning
Specialist, Middle School Network and Private School Equitable Services Program
Oakland Unified School District
1000 Broadway, Suite 450
Oakland, CA 94607
***Every Student Thrives!***
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office: 510-879-1027
mobile: 415-867-9963
johanna.hoffmann@ousd.org
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**From:** OESE.SGR.California
**Sent:** Mon, 16 Mar 2020 14:52:10 +0000
**To:** COVID-19
**Cc:** Ramsey, Tara;Hodgdon, Jane;McKenzie, Lakesha
**Subject:** FW: In person School Site Council Meetings if schools close

Good morning,

This question came into the SGR California inbox on Friday. I have not yet responded.

Thank you,

Corrinne Callins
Office of State and Grantee Relations
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202
Email: Corrinne.Callins@ed.gov
Phone: 202-453-5795
Website: oese.ed.gov

**From:** Johanna Hoffmann <johanna.hoffmann@ousd.org>
**Sent:** Friday, March 13, 2020 4:53 PM
**To:** OESE.SGR.California <California.oese@ed.gov>
**Subject:** In person School Site Council Meetings if schools close

Would an SSC be allowed to waive a requirement that is currently in their bylaws, stating they are not allowed to have virtual meetings, if schools are closed due to COVID-19?

Thank you,
Johanna

**Johanna Hoffmann**
Strategic Resource Planning
Specialist, Middle School Network and Private School Equitable Services Program
Oakland Unified School District
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johanna.hoffmann@ousd.org
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**From:** OESE.SGR.Massachusetts
**Sent:** Mon, 16 Mar 2020 13:29:16 +0000
**To:** COVID-19
**Cc:** Ramsey, Tara;Hodgdon, Jane;McKenzie, Lakesha
**Subject:** FW: Entitlement grants- guidance : COVID-19

Dear COVID-19,

Below is another inquiry.

Thanks,
-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
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---

**From:** Lynch, Simone E (DOE) <simone.e.lynch@state.ma.us>
**Sent:** Monday, March 16, 2020 8:40 AM
**To:** OESE.SGR.Massachusetts <Massachusetts.oese@ed.gov>
**Subject:** Entitlement grants- guidance : COVID-19

Good morning, Amy,
I hope this email finds you and the rest of the ED colleagues well during these trying times.

We have been fielding a number of questions from our LEAs about use of certain entitlement funds during this time. I'm hoping you can help bring clarity to the following question:

"Is it allowable to use Title I grant funds to continue to pay staff who are funded out of TI and they are currently out of work due to COVID-19?"

Thanks for your help in advance.

Best,
Simone

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**From:** OESE.SGR.New Hampshire
**Sent:** Thu, 12 Mar 2020 15:19:54 +0000
**To:** Frame, Ashley;COVID-19
**Cc:** Carney, Timothy;Nichol, Kathryn;OESE.OSS.New Hampshire;Hodgdon, Jane;Ramsey, Tara;McKenzie, Lakesha
**Subject:** RE: Funding positions with federal grants

Dear Ashley,

Thank you for your message. We have received your inquiry and shared it with our colleagues who are responding to questions related to the coronavirus at COVID-19@ed.gov. To learn more about the U.S. Department of Education's prevention plan and how you can help prevent the spread of coronavirus, please visit www.ed.gov/coronavirus for more details.

Sincerely,
-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
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---

**From:** Frame, Ashley <Ashley.Frame@doe.nh.gov>
**Sent:** Thursday, March 12, 2020 11:00 AM
**To:** OESE.OSS.New Hampshire <OSS.NewHampshire@ed.gov>
**Cc:** Carney, Timothy <Timothy.Carney@doe.nh.gov>; Nichol, Kathryn <Kathryn.Nichol@doe.nh.gov>
**Subject:** Funding positions with federal grants

Dear Office of State Support,

Some of our LEAs are reaching out with questions about how to support positions or grant-funded events that are stalled or quarantined due to the Corona virus. Is there a recommended course of action for how to guide LEAs through these decisions and how the funding connects?

Thank you for any assistance you can provide. Sincerely,

Ashley Frame, M.Ed.
Administrator|ESEA Programs
Department of Education
101 Pleasant Street
Concord, NH 03301

AMERICAN OVERSIGHT

ashley.frame@doe.nh.gov
(603) 271-6579
C:(603) 223-7557

AMERICAN OVERSIGHT

**From:** OESE.SGR.South Carolina
**Sent:** Mon, 16 Mar 2020 18:33:05 +0000
**To:** COVID-19
**Cc:** OESE COVID 19
**Subject:** FW: ESSA Program Implementation and COVID 19

Please see below for a COVID-19 inquiry from South Carolina.

*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** Stanley, Jewell <JStanley@ed.sc.gov>
**Sent:** Monday, March 16, 2020 2:03 PM
**To:** OESE.SGR.South Carolina <SouthCarolina.oese@ed.gov>
**Subject:** ESSA Program Implementation and COVID 19

Good afternoon,

By Executive Order of Governor Henry McMaster, all South Carolina public schools are closed through the end of March. Of course, we do not know if this will be extended beyond this timeframe. With school closures, LEAs are beginning to question our office about waivers and extensions for grants expiring in 2020. What is the USED's stance of possibly extending the grant window? Another concern is a district's ability to meet the 15% carryover threshold. Will we be able to provide a blanket waiver to all districts that are not able to meet the requirement without penalty?

We are of course advising district's to review what is in their plans and amend as necessary.

Thank you for any help you can provide.

# Jewell

Jewell R. Stanley
Team Leader, Consolidated Finance and Applications
Office of Federal and State Accountability
South Carolina Department of Education

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Rutledge Building, 504-C
1429 Senate Street
Columbia, SC 29201
Ph: 803.734.8131

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**From:** OESE.SGR.Tennessee
**Sent:** Mon, 16 Mar 2020 16:11:20 +0000
**To:** Lovitt, Brittney
**Cc:** OESE.titlei-a;COVID-19
**Subject:** FW: Section 8401 Waiver Request - Tennessee
**Attachments:** Tennessee_Waiver_Request_16Mar20.pdf

Hi, Brittney-

This request was addressed to all of the right OESE office lead folks, I think, but wanted to loop you in for timeliness.

Thanks,

Chris Fenton
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

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**From:** Eve Carney <Eve.Carney@tn.gov>
**Sent:** Monday, March 16, 2020 11:37 AM
**To:** OESE.OSS.Tennessee <OSS.Tennessee@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Roney, Collette <Collette.Roney@ed.gov>; Penny Schwinn <Penny.Schwinn@tn.gov>; Sam Pearcy <Sam.Pearcy@tn.gov>; Drew Harpool <Drew.Harpool@tn.gov>; Michael Hardy <Michael.Hardy@tn.gov>; Eve Carney <Eve.Carney@tn.gov>
**Subject:** Section 8401 Waiver Request - Tennessee

Please see the attached waiver request related to COVID-19 and additional state of emergency currently impacting Tennessee schools and students.

Thank you for your consideration of this request.

Respectfully,
Eve Carney

Eve Carney, Ed.D. | Chief Districts and Schools Officer
Andrew Johnson Tower, 12h Floor
710 James Robertson Parkway, Nashville, TN 37243
615-532-1245

AMERICAN OVERSIGHT

Eve.Carney@tn.gov
tn.gov/education
#TNBestforAll

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STATE OF TENNESSEE
**DEPARTMENT OF EDUCATION**
9th FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

**BILL LEE**
GOVERNOR

**PENNY SCHWINN**
COMMISSIONER

Asst. Secretary Brogan
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

March 16, 2020

RE: Waiver Request as allowed by Section 8401 of the Elementary and Secondary Education Act

Assistant Secretary Brogan:

The Tennessee Department of Education (TDOE) is requesting Secretary DeVos to utilize the wavier authority pursuant to Section 8401 of the Elementary and Secondary Education Act (20 U.S.C §7861) as the state continues to address both the COVID-19 outbreak and the state of emergency resulting from recent tornadoes across Tennessee.

Tennessee counties experienced seven EF3 and EF4 tornadoes on March 2 and 3 which destroyed numerous homes, schools, and lives—the second deadliest tornado outbreak in Tennessee history. We are continuing to support our district and school leaders in recovering from this natural disaster, but many schools are not yet able to resume a normal school schedule, and the impact on communities is significant. On March 3, Governor Bill Lee declared a state of emergency for this natural disaster.

While in this state of emergency, Tennessee continues to have a growing number of districts that have suspended classes over the past week with the number of confirmed cases of COVID-19 continuing to increase daily. Last week alone, schools serving over 50% of the state's 973,659 students have suspended classes. Today, Governor Bill Lee announced that all public schools in Tennessee would close through the end of March—a decision that would be reevaluated and possibly extended later in the month. Districts are working to develop and implement continuity of instruction plans; however, many of our largest urban and suburban districts, serving over 500,000 of Tennessee's students, also serve most of the state's highest poverty schools whose students, which in many instances, do not have appropriate access to technology in their homes, making instructional continuity more challenging.

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To ensure that the TDOE is equipped to serve our districts and schools in recovering from these crises while continuing to meet our state requirements, Tennessee is seeking available flexibilities and waivers for assessment, accountability determinations, and accountability components, as well as other requirements of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act.

***Assessment:***
As this is an evolving situation expected to intensify in the weeks and months to come, Tennessee is requesting flexibility and approval to apply either of the following waivers as determined by the needs of the state:

- With Tennessee addressing needs from both COVID-19 and a natural disaster and with all schools closing, we are seeking a one-year waiver to exclude assessments for the 2019-20 school year from accountability determinations and reporting. This will require Tennessee to adjust or extend the assessment window as appropriate to accommodate as many students as possible. With the health crisis still evolving, it is indeterminable at this time what adjustments may be necessary.
- With Tennessee addressing needs from both COVID-19 and a natural disaster and with all schools closing, we are seeking a one-year waiver on all assessments currently outlined in our approved ESSA state plan.

***Accountability determinations:***

- The state is seeking a targeted, one-year waiver to identify schools for comprehensive and targeted support and improvement as required in §1111(c)(4)(C)(iii) in the four counties impacted by the tornadoes: Davidson, Wilson, Benton, and Putnam counties.

As this is an evolving situation expected to intensify in the weeks and months to come, Tennessee is requesting flexibility and approval to apply either of the following waivers noted below as determined by the needs of the state:

- The state is seeking a one-year waiver on the identification of schools for comprehensive and targeted support and improvement as required in §1111(c)(4)(C)(iii) for all impacted schools.
- The state is seeking a one-year waiver on Tennessee's current accountability framework pursuant to §1111(c) as detailed in the state's approved ESSA state plan.

***Accountability components***:

- The state is seeking a statewide waiver for the 95 percent assessment student participation rate as required in § 1111(c)(4)(E) of ESSA not to be considered when calculating the Academic Achievement indicator for end of year assessments.
- One-year waiver to exclude chronic absenteeism from the school quality and student success indicator in its accountability system—which in Tennessee is the chronically out of school indicator.

***Fiscal and other requirements***:
The TDOE does not expect that districts will expend their Title I, A allocations according to the requirements during the period of availability due to the current medical and natural disasters noted above. As such, we are requesting the following:

- A waiver to extend the period of availability for Tennessee's the Title I, part A award (S010A190001) to September 30, 2022. With extended school closures, this waiver would allow districts time and flexibility to reset and reevaluate how best to support students following the current crisis.

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- A waiver of the 15% carryover cap for Title I, part A funds and is also requesting to exclude any district waiver requested for the 2019-20 school year from the carryover limitation (no more than one in a three-year period).
- Consideration for other maintenance of effort flexibilities that may be forthcoming to states and districts during the current COVID-19 outbreak.

Due to the evolving nature and scope of the current crises Tennessee is facing, we did not provide public notice prior to submission of this waiver request. We will actively communicate this request and provide appropriate follow-up communication with stakeholders.

School and district leaders currently have to balance decisions regarding the safety and education of their students. This balance may be impacted by leaders' fear of repercussions in accountability, assessment, and funding. These waiver requests represent the best faith efforts of the TDOE to assuage these fears so district leaders can make the decisions that are in the best interest of students, teachers, and families without fear of repercussion.

Thank you for consideration of these requests. Tennessee is committed first to ensuring that all students are safe and fed during these crises; we are also committed to ensuring that the TDOE supports the recovery of impacted districts and schools so we can continue to focus on the provision of an excellent education and setting all students on a path to success.

Please feel free to contact Eve Carney, by telephone at 615-532-1245 or at Eve.Carney@tn.gov if there are questions regarding this request or if additional information is needed.

Best,

Dr. Penny Schwinn, Ph.D.
Commissioner

CC: Eve Carney, Chief Districts and Schools Officer
Mike Hardy, Chief Strategy Officer
Drew Harpool, Chief Financial Officer
Sam Pearcy, Chief Operations Officer

AMERICAN OVERSIGHT

**From:** OESE.SGR.Vermont
**Sent:** Mon, 16 Mar 2020 15:09:00 +0000
**To:** Roy, Jesse;OESE.SGR.Vermont;COVID-19
**Cc:** Hodgdon, Jane;Ramsey, Tara;McKenzie, Lakesha
**Subject:** RE: Reimbursing Spending for Interrupted Professional Development

Good morning, Jesse,

I will send your additional question to the original inquiry. Please know, we are never too busy to respond to inquiries and assist our stakeholders.

Stay safe,
-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
Connect. Engage. Empower.

---

**From:** Roy, Jesse <Jesse.Roy@vermont.gov>
**Sent:** Monday, March 16, 2020 11:03 AM
**To:** OESE.SGR.Vermont <Vermont.oese@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Hodgdon, Jane <Jane.Hodgdon@ed.gov>; Ramsey, Tara <Tara.Ramsey@ed.gov>; McKenzie, Lakesha <Lakesha.McKenzie@ed.gov>
**Subject:** RE: Reimbursing Spending for Interrupted Professional Development

Thank you all—I can only imagine how much you are responding to right now.

I would like to add to my original request that now, in light of school closures statewide, Vermont (and I'm guessing SEAs in general) would welcome guidance around reimbursing LEAs for the work of Title-funded staff in the weeks and months that students will not attend.

**Jesse Roy**
Assistant Division Director – Federal Education Support Programs
Vermont Agency of Education | 1 National Life Drive, Davis 5 | Montpelier, VT 05620
(802) 828-1390| jesse.roy@vermont.gov

---

**From:** OESE.SGR.Vermont <Vermont.oese@ed.gov>
**Sent:** Friday, March 13, 2020 10:04 AM
**To:** Roy, Jesse <Jesse.Roy@vermont.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.SGR.Vermont <Vermont.oese@ed.gov>; Hodgdon, Jane <Jane.Hodgdon@ed.gov>; Ramsey, Tara <Tara.Ramsey@ed.gov>; McKenzie, Lakesha <Lakesha.McKenzie@ed.gov>
**Subject:** RE: Reimbursing Spending for Interrupted Professional Development

AMERICAN OVERSIGHT

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Good morning Jesse,

Thank you for your message. We have received your inquiry and shared it with our colleagues who are responding to questions related to the coronavirus at COVID-19@ed.gov. To learn more about the U.S. Department of Education's prevention plan and how you can help prevent the spread of coronavirus, please visit www.ed.gov/coronavirus for more details.

Stay safe,
-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
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---

**From:** Roy, Jesse <Jesse.Roy@vermont.gov>
**Sent:** Friday, March 13, 2020 9:51 AM
**To:** OESE.SGR.Vermont <Vermont.oese@ed.gov>
**Subject:** Reimbursing Spending for Interrupted Professional Development

Good Morning,

A number of Vermont LEAs have reached out with this type of question: they have spent local funds on plane tickets, registration fees, etc., for Professional Development events that were approved in their Title applications. Due to COVID-19 concerns, they have either elected not to take the trips or to attend the events, or in some case the events have simply been cancelled.

Our understanding is that we cannot reimburse with federal funds for activities that didn't end up happening—for example a flight that wasn't taken or a conference that wasn't attended—which leaves our LEAs, some of which can't afford to cover the costs ultimately with local funds, in a tough spot.

I guess I have two questions. First, is our understanding of the rules correct; that we can not reimburse for a purchased plane ticket or a conference registration with Title funds if attendance doesn't actually happen? Second, if this is the case, can the DOE provide some flexibility around this restriction in light of the circumstances?

Appreciatively,

**Jesse Roy**
Assistant Division Director – Federal Education Support Programs
Vermont Agency of Education | 1 National Life Drive, Davis 5 | Montpelier, VT 05620
(802) 828-1390| jesse.roy@vermont.gov

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** OESE.SGR.Vermont
**Sent:** Fri, 13 Mar 2020 14:04:11 +0000
**To:** Roy, Jesse;COVID-19
**Cc:** OESE.SGR.Vermont;Hodgdon, Jane;Ramsey, Tara;McKenzie, Lakesha
**Subject:** RE: Reimbursing Spending for Interrupted Professional Development

Good morning Jesse,

Thank you for your message. We have received your inquiry and shared it with our colleagues who are responding to questions related to the coronavirus at COVID-19@ed.gov. To learn more about the U.S. Department of Education's prevention plan and how you can help prevent the spread of coronavirus, please visit www.ed.gov/coronavirus for more details.

Stay safe,
-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
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---

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AMERICAN OVERSIGHT

**From:** Peterson, Amanda M.
**Sent:** Mon, 16 Mar 2020 16:30:05 +0000
**To:** COVID-19
**Subject:** COVID-19 follow up question

Greetings,

We have read the COVID-19 announcement but have a few questions.

If decide to close our dorms and offer a refund for housing and meal plans. Are we required to adjust their Cost of Attendance (COA).

We have already locked in enrollment, so I do not believe we need to adjust Pell grant or Direct loans but if we adjust the COA, then in some situation, we will have over awards.

Thank you for your assistance in this confusing time.

Regards,

Amanda Peterson
Financial Aid, Compliance Manager
Pace University
914-923-2294
914-923-2813 fax

This is not a secured and encrypted email account. Do not send any personal identifiable information (PII) to this email. If you want to submit documents to the Financial Aid Office, send them to the Department's secured email account at: financialaid@pace.edu.

*CONFIDENTIALITY NOTICE: This transmission is intended only for the addressee shown above. It may contain information that is privileged, confidential or otherwise protected from disclosure. Any review, dissemination or use of this transmission or any of its contents by persons other than the addressee is strictly prohibited. If you received this transmission in error, please advise me immediately by e-mail. Keep the contents of this e-mail and any attachments confidential, and immediately delete this e-mail and any attachments in their entirety.*

AMERICAN OVERSIGHT

**From:** Johnson, Melanie
**Sent:** Mon, 16 Mar 2020 17:07:19 +0000
**To:** COVID-19
**Subject:** COVID-19 Guidance & Assistance

Good Afternoon,

The campus has extended the spring break by 1 week, March 16 thru 20, 2020. Now that we've extended our break, will we need to modify the entire academic calendar for Spring 2020? We have mini-sessions and refund dates that will be affected. We want to ensure that we remain compliant in all cases.

The electronica announcement shows the following:

We address five potential student and campus scenarios: that may prompt an institution to have questions about how to comply with Title IV, HEA requirements if the Coronavirus impacts a student or a campus:

A campus temporarily stops offering ground-based classes in order to prevent the spread of COVID-19;

Length of Academic Year
The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

Please assist as soon as possible,
MJohnson

**TeamWorkMakesTheDreamWork!**

2020 – 2021 FAFSA: www.fafsa.ed.gov
School Code: 010439
TNPromise: http://TNPromise.gov/
TN Reconnect Application: https://TNReconnect.gov/

**Ms. M D Johnson**

AMERICAN OVERSIGHT

**Interim Director of Financial Aid**
**Student Financial Aid**
**Southwest Tennessee Community College**
**Office Phone: 901.333.5960+ Fax: (901) 333 – 4345**
www.southwest.tn.edu

AMERICAN
OVERSIGHT

**From:** Tiffanie Karcher
**Sent:** Mon, 16 Mar 2020 19:41:59 +0000
**To:** COVID-19
**Subject:** COVID-19 Question

Good afternoon,
I work at a private college with a location in Florence, Italy. Students who were studying abroad for spring were enrolled in a traditional on-ground term from January 21, 2020 to May 15, 2020.
These students were asked to return to the US on 2/28 and are scheduled to resume instruction online as of 3/23. To reflect the work completed in Florence, the courses these students were enrolled in are being updated from 3 credit courses to 2 credit courses, presumably ending as of 2/28. The students are then being enrolled in online courses for the remainder of the term (3/23 to 5/15) that will bring them back up to a full-time course load.
Questions:
1- If a student does not complete the online portion of the term, we should treat them as a withdrawal and perform a R2T4 as they were originally scheduled to attend until May, correct?
2- If a student does not continue the online portion, after adjusting the academic credit value of the on-ground portion, they will no longer reflect full-time status. Would their Pell and other aid need to be recalculated before performing an R2T4, or no because they were enrolled full-time as of our census date?
3- Are there any other financial aid implications/ issues that could arise from this solution?
Thank you again in advance for any guidance!
Tiffanie Karcher
Marist College
Associate Director of Compliance and Analyst
Office of Student Financial Services
Telephone: 845-575-3000 ext 2431
Fax: 845-575-3099

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 19:32:29 +0000
**To:** sapnatauro@gmail.com
**Cc:** COVID-19
**Subject:** COVID-19 Response from U.S. Department of Education

Dear Ms. Tauro:

Thank you for your letter to Secretary DeVos at the U.S. Department of Education (Department) concerning COVID-19 ("coronavirus") and its impact on schools.

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

As you have noted, administrators and health officials are making difficult decisions related to potential school closures. The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19 and has issued recommendations on school closures based on available data, reports from other countries and consultation with school health experts. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

The Department has established the "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Tamara Stoner
**Sent:** Mon, 16 Mar 2020 16:13:35 +0000
**To:** COVID-19
**Subject:** COVID-19
**Importance:** High

Good afternoon,

Is it a requirement that students who receive federal work study continue to be paid if they are no longer permitted to be on campus due to COVID-19, regardless if they work remotely or not?

Tamara L. Stoner
University Secretary
Office of the President
**Delaware State University**
1200 N. DuPont Hwy.
Dover, DE 19901
Telephone: (302) 857-7841
Mobile: (302) 603-5399
Facsimile: (302) 857-6083
tstoner@desu.edu

Think Green - Not every email needs to be printed.

AMERICAN OVERSIGHT

**From:** Allen Treece
**Sent:** Mon, 16 Mar 2020 22:24:58 +0000 (UTC)
**To:** COVID-19
**Subject:** Elderly workers

The Governor and numerous other sources have encourged elderly citizens to stay home. If a school has a elderly employee are they required to use sick days in order to follow the advised precautions to avoid exposure?

Sent from Yahoo Mail on Android

AMERICAN OVERSIGHT

**From:** Corrin Gonzales
**Sent:** Mon, 16 Mar 2020 21:14:46 -0500
**To:** COVID-19
**Subject:** Evaluation Timelines

Has there been any guidance for initial evaluations and timelines?

--

Corrin Gonzales, M.Ed.
Bridge City ISD
Special Education Director
409-735-1552

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AMERICAN OVERSIGHT

**From:** Grafton, Cindy
**Sent:** Sun, 15 Mar 2020 05:54:46 +0000
**To:** COVID-19
**Cc:** Rochin, Blanca;Sanchez, Frances
**Subject:** Clarification - New Enrollees

Hello,

We need clarification after reading *ELECTRONIC ANNOUNCEMENTS March 05, 2020 (OPE Announcements) Subject: Guidance for interruptions of study related to Coronavirus (COVID-19)*

**We need clarification on new enrollees:**

Downey Adult School is approved to offer the Medical Biller Coder program via online delivery. Our school district just announced that our school will not allow students to attend classes on campus from March 16th – March 26th. Our school is switching to strictly online delivery. Can our school allow new students to start a program on March 23 if the program was already approved to offer it via online?

Examples:

Vocational Nursing – Not approved for online instruction – DAS cannot start a new enrollee via online instruction during this period
Medical Biller Coder – Approved for online instruction – DAS can continue to enroll new enrollees via online instruction during this period

Thank you for your help.

Cindy Grafton
Assistant Principal
DAS Career & Education Center
(562)940-6203 office
(310)502-7463 cell
(310)469-7826 fax

AMERICAN OVERSIGHT

**From:** B Parker
**Sent:** Sun, 15 Mar 2020 14:11:26 -0400
**To:** COVID-19
**Subject:** Coronavirus testing

---------- Forwarded message ----------
From: B Parker <savedbygraceisme@gmail.com>
To: covid19@slhealth.gov
Cc:
Bcc:
Date: Sun, 15 Mar 2020 14:04:18 -0400
Subject: Covid19 testing in Indian River county
I think I might have been exposed to a Corona virus I was Norman tearing for the Super Bowl and then you for the US open and I was doing over are people coming out of port Everglades to the airport and I have been sleeping for 4 days straight a hard time breathing and coughing..coughing so hard my urine has blood in it. I can't get any straight answers to do I didn't understand why people are freaking out so badd but now that I think I am I have it and can't find any answers I'm gonna start freaking out I'm going to become part of the problem instead of part of the solution I've been given all kinds of phone numbers to call one of them doesn't answer the other 1 hours on hold for almost 2 hours and then got this connected I've called 911 I've called my house care provider I've called the hospital everybody keeps telling me something different but nobody is giving me information where to go

Thank you

Blayne Michelle Parker
1466 26th ave sw
Vero Beach Florida 32962

---

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From: B Parker <savedbygraceisme@gmail.com<mailto:savedbygraceisme@gmail.com>>
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AMERICAN OVERSIGHT

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Thank you

Blayne Michelle Parker
1466 26th ave sw
Vero Beach Florida 32962

AMERICAN OVERSIGHT

**From:** David Zeiler
**Sent:** Sun, 15 Mar 2020 20:07:35 -0400
**To:** COVID-19
**Subject:** COVID-19 Question

Is the department going to waive the requirement of 900 hours for high schools? Rule 6A-1.045111, Florida Administrative Code, specifies the hourly equivalent as not less than 720 net instructional hours for kindergarten through grade 3 and not less than 900 hours for grades 4 through 12.

Thanks,

David

AMERICAN OVERSIGHT

**From:** Martha Haynes
**Sent:** Sun, 15 Mar 2020 13:58:16 -0400
**To:** COVID-19
**Subject:** FSA - K-12 Inquiry

What is the plan to expand the FSA testing window? Currently, my 10th graders are scheduled to take FSA Writes the Thursday after they return on Tuesday. A significant number will not do as well as they might have due to stress and missing regular reinforcement of skills for two weeks (instead of one). I hope there's a plan to sort this out without hurting students.

Martha Haynes, Ph. D.
Wakulla High School

AMERICAN OVERSIGHT

**From:** Johnson, Cammy
**Sent:** Sun, 15 Mar 2020 17:15:17 +0000
**To:** COVID-19
**Subject:** FWS question

In the event that we cancel classes for the week but staff offices remain open the question has been raised if a student worker that works in the offices would they be able to work during this time is they would like to?

**Cammy Johnson**
Financial Aid System Analyst

My 5 Strengths:
Achiever | Analytical | Responsibility | Positivity | Consistency

*Every Student • Every Day*

Western Technical College
THE ESSENTIAL EXPERIENCE

PHONE: 608.785.9569 | FAX: 608.789.4760
400 7th St. North, La Crosse, WI 54601 | www.westerntc.edu

AMERICAN OVERSIGHT

**From:** Venus Puliafico
**Sent:** Sun, 15 Mar 2020 12:39:30 -0400
**To:** COVID-19
**Subject:** Question about housing and meal plan rebates

Hello,

If the university decides to provide a rebate on housing and meal plans for the 20-21 academic year (probably just for fall semester) to offset the spring 2020 underutilized usage, will we need to consider this as a resource for purposes of financial assistance?

Thank you,

Venus M. Puliafico
Director
University Financial Aid
Case Western Reserve University

10900 Euclid Avenue
Cleveland, Ohio 44106-7049
Yost Hall, Room 435

P: 216/368-6574
F: 216/368-5054

**For your protection, please do not send personally identifiable or confidential information, including tax records and social security numbers, via email.**

venus.puliafico@case.edu
https://case.edu/financialaid/

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AMERICAN OVERSIGHT

**From:** Collins, Amy
**Sent:** Sun, 15 Mar 2020 20:53:31 -0500
**To:** COVID-19
**Subject:** School Timelines

Good evening! We are very concerned about the timelines that require schools to look at calendar days for compliance. This would include initial referrals where testing is completed and ARDs have been scheduled to meet the timeline. The mandatory school break interferes with some of these meetings, causing us to miss the 30 day timeline. Similar for annual reviews and reevaluations. My assessment staff is already stretched so thin with the increase of referrals due to the Corrective Action Plan. It would make sense for us to have the liberty to NOT count the days missed due to COVID-19 as calendar days and continue the timeline count on the first instructional day back. I have a team of people making a good faith effort daily to meet timelines. It does not make sense to hold them to a standard that is frankly not attainable considering the circumstances that are out of our control. Let's say we do have meetings during this mandatory school break. If the child is not at school to receive the services, then the meeting would really be unnecessary until we are back in a scenario where the child is able to receive services.

Please consider these facts above when discussing timeline requirements

--

**Amy L. Collins, M.S.**

**Director of Special Education Hallsville ISD**

**Licensed Specialist in School Psychology**
**Licensed Professional Counselor**

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Nicole Kaye
**Sent:** Sun, 15 Mar 2020 14:43:41 -0400
**To:** COVID-19
**Subject:** Teacher Compensation during National Emergency

Should teachers be paid during the two- week shut down our Governor has implemented? As a teacher in Delaware, we are being told we will not be paid for time not spent in the classroom. I'd love for this to be addressed.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 15:53:13 +0000
**To:** OESECOVID19@ed.gov
**Cc:** COVID-19
**Subject:** FW: Clarification - New Enrollees

Hello,

The COVID-19 mailbox received an inquiry about State Grantee Relations. Below is the inquiry.

Thanks,
Kelly

---

**From:** Grafton, Cindy <cgrafton@dusd.net>
**Sent:** Sunday, March 15, 2020 1:55 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Rochin, Blanca <brochin@dusd.net>; Sanchez, Frances <fsanchez@dusd.net>
**Subject:** Clarification - New Enrollees

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Vocational Nursing – Not approved for online instruction – DAS cannot start a new enrollee via online instruction during this period
Medical Biller Coder – Approved for online instruction – DAS can continue to enroll new enrollees via online instruction during this period

Thank you for your help.

Cindy Grafton
Assistant Principal

AMERICAN OVERSIGHT

DAS Career & Education Center
(562)940-6203 office
(310)502-7463 cell
(310)469-7826 fax

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:41:54 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Clarification - New Enrollees

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Grafton, Cindy <cgrafton@dusd.net>
**Sent:** Sunday, March 15, 2020 1:55 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Rochin, Blanca <brochin@dusd.net>; Sanchez, Frances <fsanchez@dusd.net>
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Thank you for your help.

Cindy Grafton
Assistant Principal

AMERICAN OVERSIGHT

DAS Career & Education Center
(562)940-6203 office
(310)502-7463 cell
(310)469-7826 fax

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:53:48 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Clarification - New Enrollees

Hello,

The COVID-19 mailbox received an inquiry about State Grantee Relations. Below is the inquiry.

Thanks,
Kelly

---

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**Sent:** Sunday, March 15, 2020 1:55 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Rochin, Blanca <brochin@dusd.net>; Sanchez, Frances <fsanchez@dusd.net>
**Subject:** Clarification - New Enrollees

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Thank you for your help.

Cindy Grafton

AMERICAN OVERSIGHT

Assistant Principal
DAS Career & Education Center
(562)940-6203 office
(310)502-7463 cell
(310)469-7826 fax

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:39:53 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: CLOCK HOUR

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Rolston, Lauren <LaurenMR@LeeSchools.net>
**Sent:** Monday, March 16, 2020 8:58 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** CLOCK HOUR

Good morning,

I am the Financial Aid Coordinator for the Lee County Technical Colleges: Fort Myers Technical College and Cape Coral Technical College. These are CLOCK HOUR schools. Based on decisions made by the Florida Department of Education and our local school district, that we are a part of, our school will be shut down until March 30th. Our school is on our regular scheduled spring break this week, March 16-20. However, the closure next week, March 23-27 is my concern, as it was not planned. I have read the documentation available on ifap regarding this. However, due to the fact that we are a clock hour school, is there anything different we need to do? Will distance learning be accepted for clock hours? Should we, instead, make up the time upon the students return?

I know that you must be overwhelmed with questions. I appreciate your assistance.

Laurie Rolston
Financial Aid Coordinator

FMTC
FORT MYERS TECHNICAL COLLEGE

Fort Myers Technical College
Southwest Florida Public Service Academy
3800 Michigan Ave., Fort Myers, FL 33916
239-334-4544 ext. 320
239-332-4839 (Fax)

AMERICAN OVERSIGHT

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There should be no expectation of privacy.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:39:59 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COA and COVID-19 School Actions

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

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**From:** Hand, Kelli M <kmhand@catawba.edu>
**Sent:** Monday, March 16, 2020 10:06 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: COA and COVID-19 School Actions

Our school is evaluating a refund of a portion of room and board for this semester based on changing to an online format for the time being (until at least April 12)due to COVID-19. We have given the students the option to move home for now. Of course, it may be the remainder of the semester if needed. My question is, if we refund a portion of room and board for some students, do we have to adjust those students' COA ? I want to be able to provide our Cabinet members thorough information as to if it would affect their financial aid.

Thank you!!

**Kelli Hand**
**Director of Financial Aid**

CATAWBA COLLEGE
2300 W. Innes St. Salisbury, NC 28144
704-637-4416
kmhand@catawba.edu

TRANSFORM INSPIRE BELONG

Catawba College **inspires** students to **transform** their sense of what's possible and prepare for fulfilling lives in a place where

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they **belong**.

**#transform**inspirebelong

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:40:55 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: College Student

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Aiswarryaa Ganapaneni (b)(6)
**Sent:** Sunday, March 15, 2020 1:23 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** College Student

Why r u people not giving holidays for medical college students...
Are we not the future of the nation
Why only partiality to eng people

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:44:37 +0000
**To:** Sullivan, Madeline
**Cc:** COVID-19
**Subject:** FW: Communication
**Attachments:** Health - COVID-19 - General Inquiry.docx

Hi Madeline,

Please find attached an email from the Covid-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

---

**From:** Christie Dittmer (b)(6)
**Sent:** Friday, March 13, 2020 7:41 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Communication

Hello,

Could we please be put on your email list to receive updates and recommendations regarding how schools should respond to coronavirus? I'm seeing that public schools have been advised by DOE to close through March 27, but I haven't received any information about what is advised for private schools. Also, I'm not seeing such advice on the http://www.fldoe.org/em-response/index.stml. We would be very grateful for any information you could provide to keep us informed.

Sincerely,

Christie Dittmer
Admissions Director

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Dear NAME:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 21:30:58 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Conversation with South Carolina Dept of Education (SCDE)

FYI

---

**From:** Skloot, Evan <evan.skloot@ed.gov>
**Sent:** Monday, March 16, 2020 5:26 PM
**To:** Siry, Melissa <Melissa.Siry@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** Conversation with South Carolina Dept of Education (SCDE)

Melissa, Patrick, & COVID-19 response:

I wanted to summarize a call I had with John Payne (Deputy Superintendent, Division of Federal Programs, Accountability and School Improvement, South Carolina Department of Education) today, 3/16:

I (Evan Skloot) spoke with John Payne on the phone on Mon, 3/16. We discussed SCDE's plan to suspend all spring assessments and hold harmless all school identification from the previous year; accordingly, he wanted to know what the protocol and logistics would be for waivers. SCDE had reached out to Deputy Secretary Zais earlier in the day, but had not heard back from him yet. I pointed him to our current COVID-19 guidance and explained that this was just a starting point, and that we were working to answer more questions and provide more guidance as the situation evolves. I noted that the Department is looking at ways to provide statutorily allowable flexibility, and understands that the needs will vary by State. I recommended that John send all questions as he has them to the COVID-19@ed.gov mailbox and copy me and the Title I mailbox, so that we can keep track of all questions and see what the FAQs are. John also noted that the State Superintendent was exploring sending formal correspondence to the Department about SCDE's decision to suspend spring assessments and its intent to seek a waiver, and asked who to address it to. I noted that although this is not required at this time, it is the State's prerogative to do so, and could be sent to Assistant Secretary Brogan with the COVID-19 email copied. Additionally, John mentioned that he was receiving requests from several districts to speak directly with ED about needing waivers. I confirmed that SCDE should speak directly with ED about assessment-related waivers, as any potential waivers would most likely be on the State level. John thanked me and said the reassurance that ED plans to work with States on necessary flexibility, as possible, is what the SEA and the Governor were hoping to get to ease anxieties on both the local and State level.

Best,

**Evan Skloot**
Education Program Specialist (PMF)

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Office of School Support and Accountability
U.S. Department of Education
400 Maryland Ave. SW | Rm. 3W112 | Washington, DC 20202
Phone: 202.453.6515 | evan.skloot@ed.gov

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**From:** AtlantaSPD
**Sent:** Mon, 16 Mar 2020 10:54:13 +0000
**To:** classiter@shorter.edu;COVID-19
**Subject:** FW: coronavirus - FW: Message from SHORTER UNIVERS (97062337337)
**Attachments:** VoiceMessage.wav

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Thank you for your voicemail message. I am forwarding your message to our COVID-19 response mailbox, COVID-19@ed.gov for review and response.

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:42:11 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Coronavirus online classes

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Kaley DellaSala (b)(6)
**Sent:** Monday, March 16, 2020 12:08 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Coronavirus online classes

To whom it may concern,
My name is Kaley and I receive US federal aid for my law degree at the University of Sydney. I am being told that my loan money will stop if classes are moved online due to COVID-19. That is illegal. In the face of an international crisis, you are going to stop providing funding to students for circumstances that are beyond their control? This has to stop. Something needs to be done now to change this rule as the way things are heading, it looks like all universities will be shut down sooner rather than later. This is unacceptable behaviour from the government to not take care of its citizens in a crisis. I am appalled that you could even think to do this to helpless people who are working day and night to get their degrees just to be told that because the government has decided to quarantine people and shut down schools, they can no longer receive funding. I do not want to be told I have to take out additional loans at this time. This is YOUR responsibility. I refuse to accept that the law cannot be changed in this regard. This needs to end, now.

Sincerely,
Kaley DellaSala
--
Sent from Gmail Mobile

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:41:40 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Coverdell Credit

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Tom <catcasual@sbcglobal.net>
**Sent:** Saturday, March 14, 2020 11:35 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Coverdell Credit

The college is giving students the option to move out of the dorms for the rest of the semester since the college is transitioning to online classes only. They will be giving prorated refunds for room and board. If Coverdell funds were used to pay for room and board and are part of the refund how are students supposed to handle this situation?

I look forward to your response or a response posted online.

Thanks!
--
Sent from my Android phone with K-9 Mail. Please excuse my brevity.

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 21:06:02 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: CoVID19
**Attachments:** Richardson ACCSC COVID.docx, Dallas ACCSC COVID.docx

Hi OPE,

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Thanks,
Kelly

---

**From:** Peggy Rogers <progers@pcihealth.com>
**Sent:** Monday, March 16, 2020 3:18 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: CoVID19

Good afternoon

PCI has made the decision to change the modality of teaching effective 3/17/20. The Institution has notified the Accrediting Agency and the State. Attached is what was sent to them. Are there any other actions necessary? PCI wants to make sure we have covered all of our basis and are in compliance.

Please advise

Thank You

Peggy Rogers
Director of Financial Aid
progers@pcihealth.com
Direct - 214-637-9211
Front Office - 214-630-0568

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1. A copy of the school's contingency plan in preparation for possible quarantines or limits to in-person learning.

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*** All laboratory classes that are missed will be rescheduled prior to the student beginning their externship.**

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**Effective date of change of delivery method is Tuesday March 17, 2020.**

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c. Description of delivery method (i.e., Skype, Distance Education Platform, Go-to-Meeting, etc.)

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d. Support for students

i. Management oversight;

**All Distance Ed learning will be overseen by G. Taylor and N. Ramirez. A. Goss will oversee the Learning Resource Center. These managers will be available via phone or email and have access to D2L.**

ii. Technology support as appropriate; and

**Students will access D2L through their home computers, tablets or cell phones. D2L is available through a cloud based system with no need for technical support.**

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**Students have access to the LIRN (online LRS) via LIRN website.**

3. For schools with allied health programs – please describe school's plan for making up clinical experience/practicums as needed.

**Students are sent to various offices for their externship experience. If needed a student can be relocated to another office to continue externship.**

4. Periodic updates to ACCSC as to when the school expects to return to normal operations.

**<u>Suspending Classes</u>**

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**At this time PCI has no plans to suspend classes for any length of time because of the ability to use the distance education platform, Students have been trained to use this platform and will begin using it March 17, 2020.**

Should a school need to suspend classes, please provide the following:

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**Students will have access to faculty via email, D2L online LMS, texting through Group Me.**

e. Description of how students will access educational resources like LRS, other learning materials/resources.

**Students have access to the LIRN (online LRS) via LIRN website.**

3. For schools with allied health programs – please describe school's plan for making up clinical experience/practicums as needed.

**Students are sent to various offices for their externship experience. If needed a student can be relocated to another office to continue externship.**

4. Periodic updates to ACCSC as to when the school expects to return to normal operations.

**<u>Suspending Classes</u>**

AMERICAN OVERSIGHT

**At this time PCI has no plans to suspend classes for any length of time because of the ability to use the distance education platform, Students have been trained to use this platform and will begin using it March 17, 2020.**

Should a school need to suspend classes, please provide the following:

1. Effective date with estimate of how long classes will be suspended and when the school will re-evaluate.

2. A copy of the notification to students, including the effective date and how the school will communicate the start of classes post emergency.

3. How the missed time will be made up (e.g., increase length of term; increase time/day over the period of the remainder of the term, etc.).

4. The school's plan for any information due to the Commission during the suspension (i.e., reporting, self-evaluation report, etc.).

**Disruption of Clinical, Practicum, or Externship Experiences**

If a clinical, practicum, or externship experience is impacted, please provide the following:

1. Expected timeline for suspension of the experience, including re-evaluation of suspension.

**PCI has no plans to suspend the externship experience. The plans is to relocate students to another facility if the one they are currently doing their externship at becomes unavailable.**

2. A copy of the school's plan to make up time and/or options for students. Options may include, but are not limited to the following:

a. Clinical Simulations if available (per programmatic accreditor's acceptance or recommendation);

b. The rescheduling of the experience after the classes return to normal; and

c. Options to move students to sites that are still available and willing to accept students, even with reduced procedures.

AMERICAN OVERSIGHT

**If a site where a student is doing externship closes or no longer allows student on site, PCI will find another site that is willing to accept the student.**

**Extended Absences for Students**

Should a school have students who need to self-quarantine or need time for recovery, please provide the following:

1. A copy of the school's plan to accommodate students who may be unable to attend classes due to exposure to COVID-19 or illness from the virus, including Leave of Absence and/or waiver of attendance policy.

**Should a student need to self-quarantine or have the need for recovery time, they will have access to the distance education platform to watch/read lectures, submit assignments, do online research or take tests.**

**If the student is not able to participate in the online learning activities, a Leave of Absence is another option for the student as well.**

2. How the school will assist students returning to classes to make up the work missed.

**Student will continue to have online access to class lectures and assignments. They can also turn in assignments to the teacher in class. Arrangements will be made so that any missed laboratories can be rescheduled.**

Other: If the school identifies additional areas not addressed above, please provide ACCSC a description and the school's plan of action.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:04:06 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 and Distance Education

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Nicholas Kent <nicholas.kent@career.org>
**Sent:** Monday, March 16, 2020 12:21 PM
**To:** COVID-19 <COVID-19@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Mahaffie, Lynn <Lynn.Mahaffie@ed.gov>; Martin, Gregory <Gregory.Martin@ed.gov>
**Subject:** COVID-19 and Distance Education

**These questions are for the Office of the Under Secretary or Office of Postsecondary Education.**

On March 5, 2020, ED published an electronic announcement titled *Guidance for interruptions of study related to Coronavirus (COVID-19)*.

This guidance explains ED's broad approval for institutions of higher education participating in the Title IV programs to use online technologies to accommodate students on a temporary basis without going through ED's regular approval process. However, as noted in the March 5 guidance, this flexibility only applies to a program during a payment period that overlaps the date of the March 5 electronic announcement or the following payment period.

Several of our member schools have expressed growing concern that limiting the ability to offer online courses to the payment period that overlaps the date of the March 5 electronic announcement or the following payment period and maintain Title IV eligibility will significantly impede the ability to enroll new students. As you know, many career schools offer short-term programs that start every few weeks. Without the ability to enroll and fund new students using online technologies during this unprecedented time, many small career schools' financial positions will be adversely impacted.

National Institute of Allergy and Infectious Diseases Director Anthony Fauci told lawmakers last week that, "Things will get worse than they are right now." See: https://www.washingtonpost.com/health/coronavirus-forecasts-are-grim-its-going-to-get-worse/2020/03/11/2a177e0a-63b4-11ea-acca-80c22bbee96f_story.html. Dr. Fauci's statement suggests that institutions of higher education need longer-term flexibilities beyond those provided for in the March 5 electronic announcement, including the ability for schools to enroll new students using online technologies and maintain Title IV eligibility.

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**Is ED working on guidance that will extend the ability for institutions of higher education to enroll new students using online technologies and maintain Title IV eligibility? If so, when does ED hope to publish this guidance? If not, does ED have a process to expediate the review and approval of distance education for those institutions not currently approved for online delivery?**

We recognize this pandemic is rapidly evolving, and ED staff are working tirelessly to help mitigate the impact to institutions and students. We thank you for your service during these uncertain times and your response to these questions.

**Nicholas Kent**
Senior Vice President of Policy and Research
Career Education Colleges and Universities (CECU)
1530 Wilson Blvd., Suite 1050
Arlington, VA 22209
(571) 800-6524 (Direct)
nicholas.kent@career.org
career.org | YouTube | Twitter | Facebook

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 21:04:19 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: COVID-19 and dying federal funds

Hello,

The COVID-19 mailbox received an inquiry about State Grantee Relations. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.SGR.Wyoming <Wyoming.oese@ed.gov>
**Sent:** Friday, March 13, 2020 2:45 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.SGR.Wyoming <Wyoming.oese@ed.gov>; McKenzie, Lakesha <Lakesha.McKenzie@ed.gov>
**Subject:** FW: COVID-19 and dying federal funds

Hello,

The below email was sent to the SGR state mailbox. The agency would like to know how to request a longer period of availability for dying grant funds.

Respectfully,

Lear Cook
State and Grantee Relations
Office of Elementary and Secondary Education
U.S. Department of Education
202.205.9085
OESE@ed.gov

**From:** Jess Binning (WDE) <jess.binning@wyo.gov>
**Sent:** Friday, March 13, 2020 12:10 PM
**To:** OESE.OSS.Wyoming <OSS.Wyoming@ed.gov>
**Cc:** Mark Bowers <mark.bowers@wyo.gov>; Les Koch <les.koch1@wyo.gov>; Jessica Fancher <jessica.fancher3@wyo.gov>; Diana Thompson <diana.thompson@wyo.gov>; Shannon Cranmore <shannon.cranmore@wyo.gov>
**Subject:** COVID-19 and dying federal funds

Support Contacts at US Department of Education:

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we have some school districts reaching out about 2018-2019 grant funds that will expire at the end of September. Some districts have grant balances from funds that started July 1, 2018. They have plans that have been in place and approved for using the funds, but some of the activities were to be executed through this school year and summer.

What can we do as an agency to request a longer period of availability (if that is even an option) for these dying grant funds? Or, will the US Department of Education be understanding if states have to return grant funds that were unused because of the current circumstances that are causing disruptions?

The best examples I can share:
Cancelled Professional Development that uses Title II-A funds.
Cancelled additional tutoring services provided using Title I-A funds.
Cancelled Parent and Family Engagement activities that use Title I-A, and Title III funds.

Thank you so much for a quick response so that we can support our districts.

Sincerely,
Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
**Cheyenne, WY 82002**

Register for STAR here:
**https://2020starconference.eventbrite.com/**

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:07:55 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 and Federal Work Study

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Wyndham-Cooke, Tami <cooket@musc.edu>
**Sent:** Monday, March 16, 2020 12:49 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 and Federal Work Study

Good afternoon,

MUSC is an academic health center, with many (but not all) offices working remotely. Governor McMaster has switched students to distance education platform
Our HR office says FWS students are allowed to work from remote. Is this for FWS? If so, how would you address inequity?

For example, the Gymnasium is closed to the public (no opportunity to work from home) while the Diversity and Pharmacy College can provide work to their student workers remotely.

Please advise and thanks,

Tami Wyndham-Cooke
Associate Director-Student Financial Aid
Office of Enrollment Management MSC 203
Charleston, SC 29425
(843) 792-3670 (phone)
(843) 792-6356 (fax)
Pronouns: she, her, hers

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:03:20 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 and Impact to COA

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Tiffanie Karcher <Tiffanie.Karcher@marist.edu>
**Sent:** Monday, March 16, 2020 12:13 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 and Impact to COA

Good morning!

I work at a private college with a study abroad campus in Florence. Due to COVID-19, we asked all students at our Florence site to return to the US and will be providing instruction online for the remainder of the Spring 2020 term.

The institution decided to prorate housing, fee and meal plan charges for impacted students. These changes to institutional charges are occurring after our census date.
**Are we required to adjust cost of attendance and aid for impacted students?**

Thank you in advance for your guidance!

Tiffanie Karcher

Marist College

Associate Director of Compliance and Analyst

Office of Student Financial Services

Telephone: 845-575-3000 ext 2431

Fax: 845-575-3099

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:59:34 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 Compliance Question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

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**From:** Mullen, Frank <fmullen@DEAN.edu>
**Sent:** Monday, March 16, 2020 2:58 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 Compliance Question

Good afternoon,

In order to deal with the current public health crisis, Dean College has extended spring break for 1 week. We plan to continue with online learning next week.

According to the electronic announcement dated 3-5-2020, "Guidance for interruptions of study related to Coronavirus (COVID-19)", if a school closes as a result of a campus health emergency it may contact the school participation team to request a temporary reduction in the length of it's academic year. I have reached out to the school participation team, but I have not received a response.

My compliance question is, by extending spring break for one extra week, do we need approval to have a temporary reduction in length of our academic year? Additionally, if we need permission to reduce the length of our academic year, how does that affect our R2T4 calendar for the remainder of the term?

I know this is a difficult time for all schools and I imagine you are inundated with these types of questions. I truly appreciate any guidance you can provide.

All the best,

Frank

**Frank Mullen**
*Dean, Student Financial Planning and Services*
Ph: 508-541-1518
Fax: 508-541-1941

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:07:02 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 follow up question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Peterson, Amanda M. <apeterson3@pace.edu>
**Sent:** Monday, March 16, 2020 12:30 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 follow up question

Greetings,

We have read the COVID-19 announcement but have a few questions.

If decide to close our dorms and offer a refund for housing and meal plans. Are we required to adjust their Cost of Attendance (COA).

We have already locked in enrollment, so I do not believe we need to adjust Pell grant or Direct loans but if we adjust the COA, then in some situation, we will have over awards.

Thank you for your assistance in this confusing time.

Regards,

Amanda Peterson
Financial Aid, Compliance Manager
Pace University
914-923-2294
914-923-2813 fax

This is not a secured and encrypted email account. Do not send any personal identifiable information (PII) to this email. If you want to submit documents to the Financial Aid Office, send them to the Department's secured email account at: financialaid@pace.edu.

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:09:41 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 Guidance & Assistance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

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**From:** Johnson, Melanie <melanie_johnson@southwest.tn.edu>
**Sent:** Monday, March 16, 2020 1:07 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 Guidance & Assistance

Good Afternoon,

The campus has extended the spring break by 1 week, March 16 thru 20, 2020. Now that we've extended our break, will we need to modify the entire academic calendar for Spring 2020? We have mini-sessions and refund dates that will be affected. We want to ensure that we remain compliant in all cases.

The electronica announcement shows the following:

We address five potential student and campus scenarios: that may prompt an institution to have questions about how to comply with Title IV, HEA requirements if the Coronavirus impacts a student or a campus:

A campus temporarily stops offering ground-based classes in order to prevent the spread of COVID-19;

<u>Length of Academic Year</u>
The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

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Please assist as soon as possible,
MJohnson

**TeamWorkMakesTheDreamWork!**

2020 – 2021 FAFSA: www.fafsa.ed.gov
School Code: 010439
TNPromise: http://TNPromise.gov/
TN Reconnect Application: https://TNReconnect.gov/

**Ms. M D Johnson**
**Interim Director of Financial Aid**
**Student Financial Aid**
**Southwest Tennessee Community College**
**Office Phone: 901.333.5960+ Fax: (901) 333 – 4345**
www.southwest.tn.edu

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:44:20 +0000
**To:** Sullivan, Madeline
**Cc:** COVID-19
**Subject:** FW: COVID-19 Question
**Attachments:** Health - COVID-19 - General Inquiry.docx

Hi Madeline,

Please find attached an email from the Covid-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

**From:** David Zeiler <davidkzeiler@gmail.com>
**Sent:** Sunday, March 15, 2020 8:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 Question

Is the department going to waive the requirement of 900 hours for high schools? Rule 6A-1.045111, Florida Administrative Code, specifies the hourly equivalent as not less than 720 net instructional hours for kindergarten through grade 3 and not less than 900 hours for grades 4 through 12.

Thanks,

David

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Dear NAME:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 21:08:42 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 Question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Tiffanie Karcher <Tiffanie.Karcher@marist.edu>
**Sent:** Monday, March 16, 2020 3:42 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 Question

Good afternoon,

I work at a private college with a location in Florence, Italy. Students who were studying abroad for spring were enrolled in a traditional on-ground term from January 21, 2020 to May 15, 2020.

These students were asked to return to the US on 2/28 and are scheduled to resume instruction online as of 3/23. To reflect the work completed in Florence, the courses these students were enrolled in are being updated from 3 credit courses to 2 credit courses, presumably ending as of 2/28. The students are then being enrolled in online courses for the remainder of the term (3/23 to 5/15) that will bring them back up to a full-time course load.

Questions:
1- If a student does not complete the online portion of the term, we should treat them as a withdrawal and perform a R2T4 as they were originally scheduled to attend until May, correct?
2- If a student does not continue the online portion, after adjusting the academic credit value of the on-ground portion, they will no longer reflect full-time status. Would their Pell and other aid need to be recalculated before performing an R2T4, or no because they were enrolled full-time as of our census date?
3- Are there any other financial aid implications/ issues that could arise from this solution?

Thank you again in advance for any guidance!

Tiffanie Karcher

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Marist College

Associate Director of Compliance and Analyst

Office of Student Financial Services

Telephone: 845-575-3000 ext 2431

Fax: 845-575-3099

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:42:15 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 -school closure and new enrollees

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Rodarte, Rita <rrodarte@dusd.net>
**Sent:** Friday, March 13, 2020 7:43 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Grafton, Cindy <cgrafton@dusd.net>; Rochin, Blanca <brochin@dusd.net>
**Subject:** COVID-19 -school closure and new enrollees

Greetings,

Downey Adult School's Administration has advised me to ask ED for clarification regarding flexibilities afforded to institutions as a result of our on-campus school closure due to COVID-19.

Background:
Our school district has moved to provide instruction via an online modality. As a non-term, clock-hours school, we have received approval from the licensure bodies (BVNPT, EMS, and CAMTC) which typically prohibit online instruction, to temporarily provide online instruction during our school closure. In addition, we have amended a few policies which align with the guidelines and flexibilities afforded to us through the *ELECTRONIC ANNOUNCEMENTS March 05, 2020 (OPE Announcements) Subject: Guidance for interruptions of study related to Coronavirus (COVID-19).* Many of our non-term, clock hour programs offer new start dates (points of entry) that begin approximately every 5 weeks.

We need specific clarification on the following:
Since these programs are already approved for online instruction by our accreditor, The Council on Occupational Education, can we still allow new students to begin their respective programs on start dates that fall within the period of our school's closure? The "new" student would begin their instruction through the already-approved online modality. Furthermore, are institutions allowed to extend the flexibilities allowed by ED to students who begin instruction on a date after March 5th, 2020, which is the release of the *ELECTRONIC ANNOUNCEMENTS*

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*March 05, 2020 (OPE Announcements) Subject: Guidance for interruptions of study related to Coronavirus (COVID-19)*?

Your guidance is greatly appreciated.

Thank you,

Rita Rodarte-Myers
Financial Aid Administrator/Career Counseling
VA School Certifying Official
**Financial Aid/VA Services Department -Building H61**
**DAS Career and Education Center**
(562) 940-6247
(562) 940-6256 fax
www.das.edu

"You can´t have a perfect day without doing something for someone who will never be able to repay you." - John Wooden

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 22:36:09 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: CoVID19
**Attachments:** Richardson ACCSC COVID.docx, Dallas ACCSC COVID.docx

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Peggy Rogers <progers@pcihealth.com>
**Sent:** Monday, March 16, 2020 3:18 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: CoVID19

Good afternoon

PCI has made the decision to change the modality of teaching effective 3/17/20. The Institution has notified the Accrediting Agency and the State. Attached is what was sent to them. Are there any other actions necessary? PCI wants to make sure we have covered all of our basis and are in compliance.

Please advise

Thank You

Peggy Rogers
Director of Financial Aid
progers@pcihealth.com
Direct - 214-637-9211
Front Office - 214-630-0568

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**Need for Temporary Distance Education Delivery**

1. A copy of the school's contingency plan in preparation for possible quarantines or limits to in-person learning.

**PCI will offer Distance Education temporarily.**

*** Online LMS system training for all teachers through D2L (Brightspace) in setting up classes and delivering course content via D2L has been completed.**

*** Online LMS system training for all students through D2L (Brightspace). This will include assignment submission, accessing the LRS, and testing.**

*** All laboratory classes that are missed will be rescheduled prior to the student beginning their externship.**

2. A copy of the school's plan to notify and assist students with modified learning environment to include the following:

**PCI has notified all students of the plans to use the distance education platform. All students have been registered in D2L, received an email granting access and have logged on and participated in an activity through D2L.**

a. Description of programs/classes impacted, including didactic/lab hours as appropriate.

**PCI's Programs that will be impacted are:**

**Medical Assistant – 5 days per week at the campus which includes 1 day each week of lab.**

**Medical Office Assistant – 5 days per week at the campus.**

**Dental Assistant - 5 days per week at the campus which includes 1 day each week of lab.**

b. Effective date of change in delivery method and/or cancelling face-to-face classes.

**Effective date of change of delivery method is Tuesday March 17, 2020.**

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c. Description of delivery method (i.e., Skype, Distance Education Platform, Go-to-Meeting, etc.)

**PCI will be delivering content via Distance Education Platform using D2L (Brightspace). Lectures will be provided via Zoom, a video conferencing platform. Students will be able to listen to lectures in real time and ask questions through the chat feature on Zoom.**

d. Support for students

i. Management oversight;

**All Distance Ed learning will be overseen by G. Taylor and N. Ramirez. A. Goss will oversee the Learning Resource Center. These managers will be available via phone or email and have access to D2L.**

ii. Technology support as appropriate; and

**Students will access D2L through their home computers, tablets or cell phones. D2L is available through a cloud based system with no need for technical support.**

iii. Access to faculty (i.e., phone, email, DE platform, etc)

**Students will have access to faculty via email, D2L online LMS, texting through Group Me.**

e. Description of how students will access educational resources like LRS, other learning materials/resources.

**Students have access to the LIRN (online LRS) via LIRN website.**

3. For schools with allied health programs – please describe school's plan for making up clinical experience/practicums as needed.

**Students are sent to various offices for their externship experience. If needed a student can be relocated to another office to continue externship.**

4. Periodic updates to ACCSC as to when the school expects to return to normal operations.

**<u>Suspending Classes</u>**

AMERICAN OVERSIGHT

**At this time PCI has no plans to suspend classes for any length of time because of the ability to use the distance education platform, Students have been trained to use this platform and will begin using it March 17, 2020.**

Should a school need to suspend classes, please provide the following:

1. Effective date with estimate of how long classes will be suspended and when the school will re-evaluate.

2. A copy of the notification to students, including the effective date and how the school will communicate the start of classes post emergency.

3. How the missed time will be made up (e.g., increase length of term; increase time/day over the period of the remainder of the term, etc.).

4. The school's plan for any information due to the Commission during the suspension (i.e., reporting, self-evaluation report, etc.).

**Disruption of Clinical, Practicum, or Externship Experiences**

If a clinical, practicum, or externship experience is impacted, please provide the following:

1. Expected timeline for suspension of the experience, including re-evaluation of suspension.

**PCI has no plans to suspend the externship experience. The plans is to relocate students to another facility if the one they are currently doing their externship at becomes unavailable.**

2. A copy of the school's plan to make up time and/or options for students. Options may include, but are not limited to the following:

a. Clinical Simulations if available (per programmatic accreditor's acceptance or recommendation);

b. The rescheduling of the experience after the classes return to normal; and

c. Options to move students to sites that are still available and willing to accept students, even with reduced procedures.

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**If a site where a student is doing externship closes or no longer allows student on site, PCI will find another site that is willing to accept the student.**

**Extended Absences for Students**

Should a school have students who need to self-quarantine or need time for recovery, please provide the following:

1. A copy of the school's plan to accommodate students who may be unable to attend classes due to exposure to COVID-19 or illness from the virus, including Leave of Absence and/or waiver of attendance policy.

**Should a student need to self-quarantine or have the need for recovery time, they will have access to the distance education platform to watch/read lectures, submit assignments, do online research or take tests.**

**If the student is not able to participate in the online learning activities, a Leave of Absence is another option for the student as well.**

2. How the school will assist students returning to classes to make up the work missed.

**Student will continue to have online access to class lectures and assignments. They can also turn in assignments to the teacher in class. Arrangements will be made so that any missed laboratories can be rescheduled.**

Other: If the school identifies additional areas not addressed above, please provide ACCSC a description and the school's plan of action.

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**Need for Temporary Distance Education Delivery**

1. A copy of the school's contingency plan in preparation for possible quarantines or limits to in-person learning.

**PCI will offer Distance Education temporarily.**

*** Online LMS system training for all teachers through D2L (Brightspace) in setting up classes and delivering course content via D2L has been completed.**

*** Online LMS system training for all students through D2L (Brightspace). This will include assignment submission, accessing the LRS, and testing.**

*** All laboratory classes that are missed will be rescheduled prior to the student beginning their externship.**

2. A copy of the school's plan to notify and assist students with modified learning environment to include the following:

**PCI has notified all students of the plans to use the distance education platform. All students have been registered in D2L, received an email granting access and have logged on and participated in an activity through D2L.**

a. Description of programs/classes impacted, including didactic/lab hours as appropriate.

**PCI's Programs that will be impacted are:**

**Medical Assistant – 5 days per week at the campus which includes 1 day each week of lab.**

**Medical Office Assistant – 5 days per week at the campus.**

b. Effective date of change in delivery method and/or cancelling face-to-face classes.

**Effective date of change of delivery method is Tuesday March 17, 2020.**

c. Description of delivery method (i.e., Skype, Distance Education Platform, Go-to-Meeting, etc.)

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**PCI will be delivering content via Distance Education Platform using D2L (Brightspace). Lectures will be provided via Zoom, a video conferencing platform. Students will be able to listen to lectures in real time and ask questions through the chat feature on Zoom.**

d. Support for students

i. Management oversight;

**All Distance Ed learning will be overseen by G. Taylor and N. Ramirez. A. Goss will oversee the Learning Resource Center. These managers will be available via phone or email and have access to D2L.**

ii. Technology support as appropriate; and

**Students will access D2L through their home computers, tablets or cell phones. D2L is available through a cloud based system with no need for technical support.**

iii. Access to faculty (i.e., phone, email, DE platform, etc)

**Students will have access to faculty via email, D2L online LMS, texting through Group Me.**

e. Description of how students will access educational resources like LRS, other learning materials/resources.

**Students have access to the LIRN (online LRS) via LIRN website.**

3. For schools with allied health programs – please describe school's plan for making up clinical experience/practicums as needed.

**Students are sent to various offices for their externship experience. If needed a student can be relocated to another office to continue externship.**

4. Periodic updates to ACCSC as to when the school expects to return to normal operations.

**<u>Suspending Classes</u>**

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**At this time PCI has no plans to suspend classes for any length of time because of the ability to use the distance education platform, Students have been trained to use this platform and will begin using it March 17, 2020.**

Should a school need to suspend classes, please provide the following:

1. Effective date with estimate of how long classes will be suspended and when the school will re-evaluate.

2. A copy of the notification to students, including the effective date and how the school will communicate the start of classes post emergency.

3. How the missed time will be made up (e.g., increase length of term; increase time/day over the period of the remainder of the term, etc.).

4. The school's plan for any information due to the Commission during the suspension (i.e., reporting, self-evaluation report, etc.).

**Disruption of Clinical, Practicum, or Externship Experiences**

If a clinical, practicum, or externship experience is impacted, please provide the following:

1. Expected timeline for suspension of the experience, including re-evaluation of suspension.

**PCI has no plans to suspend the externship experience. The plans is to relocate students to another facility if the one they are currently doing their externship at becomes unavailable.**

2. A copy of the school's plan to make up time and/or options for students. Options may include, but are not limited to the following:

a. Clinical Simulations if available (per programmatic accreditor's acceptance or recommendation);

b. The rescheduling of the experience after the classes return to normal; and

c. Options to move students to sites that are still available and willing to accept students, even with reduced procedures.

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**If a site where a student is doing externship closes or no longer allows student on site, PCI will find another site that is willing to accept the student.**

**Extended Absences for Students**

Should a school have students who need to self-quarantine or need time for recovery, please provide the following:

1. A copy of the school's plan to accommodate students who may be unable to attend classes due to exposure to COVID-19 or illness from the virus, including Leave of Absence and/or waiver of attendance policy.

**Should a student need to self-quarantine or have the need for recovery time, they will have access to the distance education platform to watch/read lectures, submit assignments, do online research or take tests.**

**If the student is not able to participate in the online learning activities, a Leave of Absence is another option for the student as well.**

2. How the school will assist students returning to classes to make up the work missed.

**Student will continue to have online access to class lectures and assignments. They can also turn in assignments to the teacher in class. Arrangements will be made so that any missed laboratories can be rescheduled.**

Other: If the school identifies additional areas not addressed above, please provide ACCSC a description and the school's plan of action.

AMERICAN OVERSIGHT

**From:** Kim Johnson
**Sent:** Tue, 17 Mar 2020 02:20:15 +0000
**To:** COVID-19
**Subject:** Evaluations

We are struggling to find a way to complete evaluations and maintain the recommended 6 foot social distancing requirement. Having to point to specific test items, observe student responses, give students manipulatives are just a few examples of things done in the evaluation session which won't allow the evaluator to maintain the appropriate distance. We can't find a way to do these virtually, either. I would ask that your department seriously considers allowing districts to suspend evaluation timelines until we are able to work with students face to face. We want our students to have the services they need, but not at the risk of their or our staff members' health.

Sent from Mail<https://go.microsoft.com/fwlink/?LinkId=550986> for Windows 10

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**From:** Dawn Blanchette
**Sent:** Mon, 16 Mar 2020 12:45:08 +0000
**To:** COVID-19
**Cc:** Dawn Blanchette
**Subject:** extending the academic year

Hello,

We have a culinary weekend program, however due to Covid-19, our labs were unable to start this past weekend. The question came from our Academic department to see if we could have these students make up the lab at the end of our term adding 4 weeks to the end of this program. It would overlap into our summer term. I do not believe that we can do this, but wasn't sure if there was any leeway with the state of affairs we are in.

Thank you.

Dawn Blanchette
Director of Student Financial Services
Johnson & Wales University
(401)598-1857

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**From:** Adam Lenehan
**Sent:** Mon, 16 Mar 2020 11:04:14 -0500
**To:** COVID-19
**Subject:** Federal Work Study in a different state

Can Federal Work Study students (specifically peer tutors) work in another state virtually if a school is closed due to Covid-19?

Thank you,

**Adam Lenehan, MSHE**
Coordinator of Tutor and Academic Services

Student Academic Support Center (SASC)
Luther College
700 College Drive, Preus Library, Suite 108D
Decorah, IA 52101

Phone: 563.387.1688
Fax: 563.387.1411
Email: adam.lenehan@luther.edu

Pronouns: He/Him/His

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**From:** Charles P. Rose
**Sent:** Mon, 16 Mar 2020 21:47:00 +0000
**To:** COVID-19
**Cc:** Dennis Cariello
**Subject:** Federal Work Study Question

To Whom It May Concern: In its Guidance for interruptions of study related to Coronavirus (COVID-19) issued March 5, 2020, ED advised the following under the heading Federal Work Study (FWS): "For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement." We represent institutions of higher education who plan to discontinue paying non-FSW student employees after closure due to COVID-19 (and conversion to remote instruction) because they will no longer be on campus and/or be working during the closure. However, institutions will continue paying other employees, including faculty and staff, after closure (and conversion to remote instruction) because they will continue to be working during the closure. As we interpret ED's March 5, 2020 guidance quoted above, it is permissible for institutions to continue paying the student FSW wages while discontinuing payment to non-FSW student employees because they will no longer be on campus and/or be working during the closure. Is this the correct interpretation? If you need further information, my contact information is below. Thank you for your assistance. Charlie.

---

Charles P. Rose
**Hogan Marren Babbo & Rose, Ltd.**
321 North Clark Street, Suite 1301, Chicago, Illinois 60654
cpr@hmbr.com | (312) 540-4425 (direct) | (312) 946-9818 (fax) | (773) 620-3207 (mobile) |
www.hmbr.com
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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:39:00 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: 4410 SED and Coronavirus

Hi Laurie,

The COVID-19 mailbox received an inquiry about Special ED. Below is the inquiry.

Thanks,
Kelly

**From:** Amanda McKiernan <amanda.mckiernan8@gmail.com>
**Sent:** Monday, March 16, 2020 10:31 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** 4410 SED and Coronavirus

We desperately need clarification!!! Do the mandatory school closings in NYS and Westchester County pertain to 4410 SED programs? There are 4410 SED programs continuing to provide services at full capacity in Westchester County and Nassau County (that I know of). Please clarify that these closings are not just for public and private schools, but ALSO for 4410 programs.

Thank you for continuing to provide us with up-to-date information as this situation unfolds.

Thank you!
Amanda

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 21:12:00 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: 030520 Guidance4interruptionsrelated2CoronavirusCOVID19
**Attachments:** 030520 Guidance4interruptionsrelated2CoronavirusCOVID19, 030520 Guidance4interruptionsrelated2CoronavirusCOVID19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Attached is the inquiries.

Thanks,
Kelly

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**From:** Brooks, Anthony
**Sent:** Mon, 16 Mar 2020 21:01:32 +0000
**To:** COVID-19
**Cc:** Bah, Ibrahim
**Subject:** 030520 Guidance4interruptionsrelated2CoronavirusCOVID19

Good afternoon,

We have two questions as it relates to the information provided below
**030520Guidance4interruptionsrelated2CoronavirusCOVID19, Posted Date, March 05, 2020**
**Author, Office of Postsecondary Education**, regarding the information provided in this electronic announcement:

1. The decision has been made to move all of our classes to on-line effective March 21st. What is the guidance for handling Federal Student Aid funding for room & board if students are not on /or returning to campus due to the COVID-19? What should we do about refunds to students for room & board?

2. In reference to the Department of Education guidance for when institutions of higher education can pay students using federal Title IV funds. Can we assume that work study students whose activities are impacted by Coronavirus (COVID-19), either directly being affected or indirectly because the student can no longer participate in working because the institution has asked them temporarily not to report to duty, will be paid for their regular shifts?

3. If so, how do we determine how much we should pay work-study students? For example, if the maximum hours weekly is 20, do we pay them for the aforementioned hours?

Please advise.

Best,

SHAW UNIVERSITY 1865
**Anthony M. Brooks, MBA**
Chief Enrollment Management Officer
919.719.1983 | anthony.brooks@shawu.edu
118 E. South Street | Raleigh, NC 27601
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# IFAP

- IFAP HOME
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**030520Guidance4interruptionsrelated2CoronavirusCOVID19**
Posted Date

March 05, 2020
Author

Office of Postsecondary Education
Subject

Guidance for interruptions of study related to Coronavirus (COVID-19)
This electronic announcement addresses concerns expressed by higher education leaders regarding how they should comply with Title IV, Higher Education Act (HEA) policies for students whose activities are impacted by Coronavirus (COVID-19), either directly because the student is ill or quarantined, or indirectly because the student was recalled from travel-abroad experiences, can no longer participate in internships or clinical rotations, or attends a campus that temporarily suspended operations. This information provides flexibilities for schools that are working to help students complete the term in which they are currently enrolled.
These instructions do not contemplate accommodations for students who have not yet enrolled or whose term has not yet begun, with certain exceptions. We will continue to monitor the situation and make a later determination of what accommodations may be necessary should longer-term interruptions become likely. We will continue to provide updates to this information as appropriate.

We encourage institutions to visit the Department's Coronavirus webpage, https://www.ed.gov/coronavirus?src=feature, on this topic frequently, as we will post updates as they become available. In addition, the Department's webpage has links to guidance from the Centers for Disease Control and Prevention, including for how Institutions of Higher Education should manage human health risks associated with Coronavirus.
We address five potential student and campus scenarios: that may prompt an institution to have questions about how to comply with Title IV, HEA requirements if the Coronavirus impacts a student or a campus:

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- A student was enrolled or was supposed to begin a travel-abroad experience and either the student has been called back to the U.S. or was never able to begin the travel abroad experience;
- A student was enrolled in a program and met the requirements for full-time enrollment; however, due to the COVID-19, one or more classes – such as an internship, a clinical rotation, student teaching or fieldwork – have been cancelled and now the student has fallen below the 12 credit hour minimum and is no longer considered to be a full-time student;
- A student is quarantined and misses class or a student is incapacitated due to COVID-19 illness;
- A campus temporarily stops offering ground-based classes in order to prevent the spread of COVID-19;
- A foreign school that serves U.S. students who participate in title IV programs temporarily suspends operations due to COVID-19.

We offer information below about options we are making available to institutions under our current statutory authority to provide as much flexibility as possible so that you can continue to serve students. In some instances, we have been asked to consider providing flexibilities that are beyond our statutory authority. As a result, we cannot provide those flexibilities. If you have questions about the information provided in this electronic announcement, or you are encountering a scenario that we have not addressed, please email the Department at COVID-19@ed.gov.
We recommend that institutions document, as contemporaneously as possible, any actions taken as a result of COVID-19, including those actions described in this document.

Accommodating Students Whose Enrollment is Disrupted by Coronavirus

Our goal is to work with institutions and find ways to enable you to accommodate students and help them continue their education despite interruptions caused by COVID-19. For many institutions, online education will provide a viable option for continuing to teach students through COVID-19-related interruptions. In some instances, students enrolled in ground-based programs at campuses that must temporarily close could participate in distance education for a period of time and then resume ground-based attendance when the campus reopens. In other instances, an institution may provide online learning opportunities for a student who was recalled from a travel-abroad program but the student is too late into the semester to enroll in other classes offered by the home campus, or the student who arrived in a foreign country intending to complete a travel abroad experience finds that the program has now been cancelled or temporarily suspended. We are providing the following flexibilities to institutions to help them understand what options they can make available to students and remain in compliance with Title IV requirements.

Approval to Offer Distance Education

The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in the event that an institution is otherwise required to seek Departmental approval for the use or expansion of distance learning programs. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner requiring the Department's approval after that point, it must seek approval under the Department's normal process.
We are also permitting accreditors to waive their distance education review requirements for institutions working to accommodate students whose enrollment is otherwise interrupted as a result of COVID-19. We currently are limiting that permission to distance learning opportunities developed for the purpose of serving students who were already in attendance, but whose attendance was interrupted

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by COVID-19. Please note that this flexibility is not available for clock-hour courses that lead to licensure if the licensure body will not accept distance learning courses or hours or give credit for them toward the number of hours a student must complete.

We want to make clear to institutions that for Title IV, HEA purposes, distance learning does not require the use of sophisticated learning management systems or online platforms, though accreditors may have additional standards included in their review of distance learning programs. We are, however, permitting accreditors to waive those standards for schools implementing distance learning programs solely for the purpose of allowing currently enrolled students to complete a term that is interrupted by COVID-19 closures. To meet the Department's requirements for providing distance education, an institution must communicate to students through one of several types of technology – including email – described under 34 CFR § 600.2, and instructors must initiate substantive communication with students, either individually or collectively, on a regular basis. In other words, an instructor could use email to provide instructional materials to students enrolled in his or her class, use chat features to communicate with students, set up conference calls to facilitate group conversations, engage in email exchanges or require students to submit work electronically that the instructor will evaluate.

Institutions may provide distance learning temporarily to accommodate students as a result of a COVID-19 interruption, including in cases where students began attendance in classes offered in a brick-and-mortar setting but were transitioned to a distance education format in the middle of the term. In these cases, we will accept the accreditation and state authorization of the institution for the programs in which those students were enrolled prior to the interruption due to COVID-19 to enable students to complete the current term.

Institutions may also enter into temporary consortium agreements with other institutions so that students can complete courses at other institutions but be awarded credit by their home institution. In addition, in instances where accrediting agencies require students to complete a final number or percentage of credits in residence at the institution, accrediting agencies may waive that requirement for students impacted by COVID-19 without objection by the Department.

The Department will permit students who wish to take an approved leave of absence for COVID-19-related concerns or limitations (such as interruption of a travel-abroad program), to take such leave, even if the student notifies the institution in writing after the approved leave of absence has begun. In such a case, the institution may retain those Title IV funds to apply when the student continues enrollment. If the student does not return to complete their program within 180 days, the school would then be expected to perform the Return of Title IV funds calculation based on the date on which the leave-of-absence began. Note that in term-based programs, if a student takes an approved leave of absence from a term-based program, the institution must ensure that the student is permitted to complete the coursework he or she began prior to the leave of absence.

Finally, because we understand that some students may have been recalled from travel abroad programs or canceled-out of experiential learning opportunities after the semester began, institutions may offer courses to those students on a schedule that would otherwise be considered a non-standard term, if doing so enables those students to complete the term. These flexibilities will also be provided to institutions, or their additional locations or programs, that must temporarily close as a result of COVID-19.

Foreign Schools

We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

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Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

Length of Academic Year

The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

Professional Judgement

Financial aid administrators (FAA) have statutory authority to use professional judgement to make adjustments on a case-by-case basis to the cost of attendance or to the data elements used in calculating the EFC to reflect a student's special circumstances. The use of professional judgement where students and/or their families have been affected by COVID-19 is permitted, such as in the case where an employer closes for a period of time as a result of COVID-19. In making professional judgement determinations, FAAs must obtain documentation and retain it in each student's file. This documentation must substantiate the reason for any adjustment. Institutions are reminded that, regardless of how broadly an event may affect its student population, professional judgement determinations must be made and documented on a case-by-case basis.

Satisfactory Academic Progress (SAP)

An institution's SAP appeal policy (34 CFR § 668.34(a)(9)) must, among other things, describe the basis on which a student may file an appeal: the death of a relative, an injury or illness of the student, or other special circumstances. Circumstances related to an outbreak of COVID-19, including, but not limited to, the illness of a student or family member, compliance with a quarantine period, or the general disruption resulting from such an outbreak may form the basis of a student's SAP appeal even if not specifically articulated in the institution's SAP policy.

Students Who Did Not Begin Attendance

We are aware that many U.S. students enrolled in eligible foreign institutions and in study abroad programs offered by domestic institutions have already been affected by local outbreaks of COVID-19 and the measures taken by institutions in response. Of immediate concern are those students who travelled to overseas destinations but were unable to begin classes due to school closures. There may also be instances where students at domestic institutions are similarly affected and unable to begin classes. Because these students did not begin attendance in a payment period or period of enrollment, 34 CFR § 668.21 (rather than Return of Title IV Funds) applies. In such a situation, the institution must

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return all Title IV grant funds disbursed for the payment period or period of enrollment and all Direct Loan funds that were credited to the student's account at the institution for that period. The institution must also return Direct Loan funds in the amount of payments made directly by or on behalf of the student to the institution for the period, up to the total amount of the loan funds disbursed. The institution is not responsible for returning Direct Loan funds that were disbursed directly to the student in the form of a credit balance as long as the institution was not aware that the student would not attend prior to the disbursement, and students will be able to repay those funds as a part of their educational loans. In these circumstances, institutions are permitted, but not required, to return all of a student's Direct Loan funds, including the amount comprising the credit balance.

Normally institutions, once aware that a student will not begin or has not begun attendance, must notify the loan servicer which results in issuance of a final demand letter to the borrower. However, we have determined that in the case where a student was unable to begin attendance due to a COVID-19-related school closure, the provisions of 34 CFR § 668.21(a)(2)(ii), requiring the institution to notify the servicer of that student's failure to begin attendance, do not apply because the option for the student to begin attendance did not exist. Accordingly, the institution should not notify the servicer that the student did not begin attendance. He or she will be permitted to repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption.

Enrollment Status Changes

We do not have the authority to waive the requirement to award or disburse Title IV funds based on a student's actual enrollment status. For example, assuming an institution defines full-time enrollment as 12 credit hours, when a full-time student enrolled for 12 credit hours drops or withdraws from three credits, that student is now enrolled at three-quarter time status. However, we remind institutions that for Direct Loans, the institution must only confirm at least half-time enrollment status as of the time of disbursement. It is not necessary to recalculate a student's Direct Loan eligibility based on changes in enrollment status that occur after the institution originates a Direct Loan. For enrollment status changes that occur after an institution's established Pell Grant recalculation (census) date, we do not require recalculation. Note that the student must have begun attendance in all courses comprising the enrollment status on which the Pell Grant payment was based.

Return of Title IV Funds

Even in the case of a disruption from COVID-19, an institution must return any Title IV funds for which it is responsible in accordance with the provisions of 34 CFR § 668.22 when a student withdraws. Currently, we do not have the authority to waive the statutory requirement for the return of unearned Title IV funds in the case where a student (who receives Title IV assistance) withdraws from an institution during a payment period or period of enrollment after having begun attendance. However, the guidance provided below explains the requirements for performing Return of Title IV Funds calculations in situations where an institution has temporarily ceased operations as a result of a COVID-19 disruption.

Definition of a Withdrawal Date

If an institution ceases operation during a payment period and fails to reopen by the end of that payment period, its students are considered no longer in attendance and must be considered withdrawn for that payment period or period of enrollment, and would be subject to Return of Title IV funds requirements. Similarly, if an institution closes and subsequently reopens during a payment period, any students who began attendance during that payment period but failed to return when the institution reopens must be considered withdrawn for that payment period. If the institution is required to take attendance, the withdrawal date is the last day of documented attendance prior to the closure. If the institution is not required to take attendance, the institution can use any applicable option under 34 CFR

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§ 668.22(c), including the midpoint of the payment period or period of enrollment under 34 CFR § 668.2(c)(1)(iii) or, because the closure was a circumstance that the student could not control under 34 CFR § 668.22(c)(1)(iv), the date that the institution ceased operation. When determining the number of days in the payment period or period of enrollment (the denominator of the calculation), the institution should include all the days that the student was scheduled to attend during that period on the date of the withdrawal. For a clock-hour program, an institution should not include as "scheduled hours" any hours on days that it was closed.

Date of Determination and Timeframes for Returns

Normally, if a student does not provide notification to an institution of his/her withdrawal, the date of determination that the student has withdrawn is the date that the institution becomes aware that the student ceased attendance. This is, in most cases when an institution closes for reasons beyond its control, the date of the closure. Therefore, the timeframes for completing Return of Title IV Funds calculations and making the appropriate returns or post-withdrawal disbursements begin on that date (e.g. 30 days to perform the calculation, 45 days to return the funds, etc.).

Reentering the Same Payment Period

If an institution that has closed subsequently reopens during the same payment period or period of enrollment, and permits students to continue coursework that they were taking at the time of the closure, students that return to class at that time are considered to have reentered the same period and retain eligibility for Title IV aid that they were otherwise eligible to receive before the closure. If a student in this situation subsequently withdraws, the institution must exclude the number of days that it was closed (if the closure was for at least five consecutive days, in combination with weekends or other scheduled breaks) from both the number of days the student completed and the total number of days in the payment period or period of enrollment. If the institution altered the number of days in the payment period or period of enrollment following the closure (e.g. if it adds days to the term to make up for the time when it was closed), the institution should use the new number of days in the student's Return of Title IV funds calculation.

NSLDS Enrollment Reporting

In general, when a student withdraws during a payment period, the effective date for the withdrawn ('W') status for enrollment reporting purposes is the withdrawal date used by the institution in accordance with 34 CFR § 668.22(b) or (c). However, notwithstanding the requirement that the institution perform a Return of Title IV funds calculation for students when an institution unexpectedly ceases operation during a payment period and fails to reopen during that payment period, we permit an institution to defer reporting an affected student's enrollment status as "withdrawn" in these circumstances when the institution has a reasonable expectation that—

1. The institution will reopen at the start of a payment period that begins no later than 90 days following the closure; and
2. The student will resume attendance when the institution reopens.

In these cases, the institution should continue reporting the most recent enrollment status that it reported for the affected student prior to the closure. If the student does not resume attendance as expected, the institution must change the student's enrollment status to "withdrawn" using the student's actual withdrawal date as the enrollment status effective date.

While the coronavirus threat to the American public remains low, we encourage school communities to take all steps to ensure the health and well-being of students, faculty, and staff. We established the website, https://www.ed.gov/coronavirus?src=feature, to provide general information and guidance for school communities, including links to information posted by the Centers for Disease Control and Prevention. We appreciate your cooperation and welcome any additional questions at COVID-19@ed.gov.

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**From:** Brooks, Anthony
**Sent:** Mon, 16 Mar 2020 21:07:44 +0000
**To:** COVID-19
**Cc:** Bah, Ibrahim
**Subject:** 030520 Guidance4interruptionsrelated2CoronavirusCOVID19

Good afternoon,

We have two questions as it relates to the information provided below **030520Guidance4interruptionsrelated2CoronavirusCOVID19, Posted Date, March 05, 2020, Author, Office of Postsecondary Education**, regarding the information provided in this electronic announcement:

1. The decision has been made to move all of our classes to on-line effective March 21st. What is the guidance for handling Federal Student Aid funding for room & board if students are not on /or returning to campus due to the COVID-19? What should we do about refunds to students for room & board?

2. In reference to the Department of Education guidance for when institutions of higher education can pay students using federal Title IV funds. Can we assume that work study students whose activities are impacted by Coronavirus (COVID-19), either directly being affected or indirectly because the student can no longer participate in working because the institution has asked them temporarily not to report to duty, will be paid for their regular shifts?

3. If so, how do we determine how much we should pay work-study students? For example, if the maximum hours weekly is 20, do we pay them for the aforementioned hours?

Please advise.

Best,

**Anthony M. Brooks, MBA**
Chief Enrollment Management Officer
919.719.1983 | anthony.brooks@shawu.edu
118 E. South Street | Raleigh, NC 27601
**Apply | Visit | Give » www.shawu.edu**

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# IFAP

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**030520Guidance4interruptionsrelated2CoronavirusCOVID19**
Posted Date

March 05, 2020
Author

Office of Postsecondary Education
Subject

Guidance for interruptions of study related to Coronavirus (COVID-19)
This electronic announcement addresses concerns expressed by higher education leaders regarding how they should comply with Title IV, Higher Education Act (HEA) policies for students whose activities are impacted by Coronavirus (COVID-19), either directly because the student is ill or quarantined, or indirectly because the student was recalled from travel-abroad experiences, can no longer participate in internships or clinical rotations, or attends a campus that temporarily suspended operations. This information provides flexibilities for schools that are working to help students complete the term in which they are currently enrolled.
These instructions do not contemplate accommodations for students who have not yet enrolled or whose term has not yet begun, with certain exceptions. We will continue to monitor the situation and make a later determination of what accommodations may be necessary should longer-term interruptions become likely. We will continue to provide updates to this information as appropriate.

We encourage institutions to visit the Department's Coronavirus webpage, https://www.ed.gov/coronavirus?src=feature, on this topic frequently, as we will post updates as they become available. In addition, the Department's webpage has links to guidance from the Centers for Disease Control and Prevention, including for how Institutions of Higher Education should manage human health risks associated with Coronavirus.
We address five potential student and campus scenarios: that may prompt an institution to have questions about how to comply with Title IV, HEA requirements if the Coronavirus impacts a student or a campus:

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- A student was enrolled or was supposed to begin a travel-abroad experience and either the student has been called back to the U.S. or was never able to begin the travel abroad experience;
- A student was enrolled in a program and met the requirements for full-time enrollment; however, due to the COVID-19, one or more classes – such as an internship, a clinical rotation, student teaching or fieldwork – have been cancelled and now the student has fallen below the 12 credit hour minimum and is no longer considered to be a full-time student;
- A student is quarantined and misses class or a student is incapacitated due to COVID-19 illness;
- A campus temporarily stops offering ground-based classes in order to prevent the spread of COVID-19;
- A foreign school that serves U.S. students who participate in title IV programs temporarily suspends operations due to COVID-19.

We offer information below about options we are making available to institutions under our current statutory authority to provide as much flexibility as possible so that you can continue to serve students. In some instances, we have been asked to consider providing flexibilities that are beyond our statutory authority. As a result, we cannot provide those flexibilities. If you have questions about the information provided in this electronic announcement, or you are encountering a scenario that we have not addressed, please email the Department at COVID-19@ed.gov.
We recommend that institutions document, as contemporaneously as possible, any actions taken as a result of COVID-19, including those actions described in this document.

Accommodating Students Whose Enrollment is Disrupted by Coronavirus
Our goal is to work with institutions and find ways to enable you to accommodate students and help them continue their education despite interruptions caused by COVID-19. For many institutions, online education will provide a viable option for continuing to teach students through COVID-19-related interruptions. In some instances, students enrolled in ground-based programs at campuses that must temporarily close could participate in distance education for a period of time and then resume ground-based attendance when the campus reopens. In other instances, an institution may provide online learning opportunities for a student who was recalled from a travel-abroad program but the student is too late into the semester to enroll in other classes offered by the home campus, or the student who arrived in a foreign country intending to complete a travel abroad experience finds that the program has now been cancelled or temporarily suspended. We are providing the following flexibilities to institutions to help them understand what options they can make available to students and remain in compliance with Title IV requirements.

Approval to Offer Distance Education
The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in the event that an institution is otherwise required to seek Departmental approval for the use or expansion of distance learning programs. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner requiring the Department's approval after that point, it must seek approval under the Department's normal process.
We are also permitting accreditors to waive their distance education review requirements for institutions working to accommodate students whose enrollment is otherwise interrupted as a result of COVID-19. We currently are limiting that permission to distance learning opportunities developed for

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the purpose of serving students who were already in attendance, but whose attendance was interrupted by COVID-19. Please note that this flexibility is not available for clock-hour courses that lead to licensure if the licensure body will not accept distance learning courses or hours or give credit for them toward the number of hours a student must complete.

We want to make clear to institutions that for Title IV, HEA purposes, distance learning does not require the use of sophisticated learning management systems or online platforms, though accreditors may have additional standards included in their review of distance learning programs. We are, however, permitting accreditors to waive those standards for schools implementing distance learning programs solely for the purpose of allowing currently enrolled students to complete a term that is interrupted by COVID-19 closures. To meet the Department's requirements for providing distance education, an institution must communicate to students through one of several types of technology – including email – described under 34 CFR § 600.2, and instructors must initiate substantive communication with students, either individually or collectively, on a regular basis. In other words, an instructor could use email to provide instructional materials to students enrolled in his or her class, use chat features to communicate with students, set up conference calls to facilitate group conversations, engage in email exchanges or require students to submit work electronically that the instructor will evaluate.

Institutions may provide distance learning temporarily to accommodate students as a result of a COVID-19 interruption, including in cases where students began attendance in classes offered in a brick-and-mortar setting but were transitioned to a distance education format in the middle of the term. In these cases, we will accept the accreditation and state authorization of the institution for the programs in which those students were enrolled prior to the interruption due to COVID-19 to enable students to complete the current term.

Institutions may also enter into temporary consortium agreements with other institutions so that students can complete courses at other institutions but be awarded credit by their home institution. In addition, in instances where accrediting agencies require students to complete a final number or percentage of credits in residence at the institution, accrediting agencies may waive that requirement for students impacted by COVID-19 without objection by the Department.

The Department will permit students who wish to take an approved leave of absence for COVID-19-related concerns or limitations (such as interruption of a travel-abroad program), to take such leave, even if the student notifies the institution in writing after the approved leave of absence has begun. In such a case, the institution may retain those Title IV funds to apply when the student continues enrollment. If the student does not return to complete their program within 180 days, the school would then be expected to perform the Return of Title IV funds calculation based on the date on which the leave-of-absence began. Note that in term-based programs, if a student takes an approved leave of absence from a term-based program, the institution must ensure that the student is permitted to complete the coursework he or she began prior to the leave of absence.

Finally, because we understand that some students may have been recalled from travel abroad programs or canceled-out of experiential learning opportunities after the semester began, institutions may offer courses to those students on a schedule that would otherwise be considered a non-standard term, if doing so enables those students to complete the term. These flexibilities will also be provided to institutions, or their additional locations or programs, that must temporarily close as a result of COVID-19.

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Foreign Schools

We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who

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participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

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Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

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Length of Academic Year

The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

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Professional Judgement

Financial aid administrators (FAA) have statutory authority to use professional judgement to make adjustments on a case-by-case basis to the cost of attendance or to the data elements used in calculating the EFC to reflect a student's special circumstances. The use of professional judgement where students and/or their families have been affected by COVID-19 is permitted, such as in the case where an employer closes for a period of time as a result of COVID-19. In making professional judgement determinations, FAAs must obtain documentation and retain it in each student's file. This documentation must substantiate the reason for any adjustment. Institutions are reminded that, regardless of how broadly an event may affect its student population, professional judgement determinations must be made and documented on a case-by-case basis.

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Satisfactory Academic Progress (SAP)

An institution's SAP appeal policy (34 CFR § 668.34(a)(9)) must, among other things, describe the basis on which a student may file an appeal: the death of a relative, an injury or illness of the student, or other special circumstances. Circumstances related to an outbreak of COVID-19, including, but not limited to, the illness of a student or family member, compliance with a quarantine period, or the general disruption resulting from such an outbreak may form the basis of a student's SAP appeal even if not specifically articulated in the institution's SAP policy.

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Students Who Did Not Begin Attendance

We are aware that many U.S. students enrolled in eligible foreign institutions and in study abroad programs offered by domestic institutions have already been affected by local outbreaks of COVID-19 and the measures taken by institutions in response. Of immediate concern are those students who travelled to overseas destinations but were unable to begin classes due to school closures. There may also be instances where students at domestic institutions are similarly affected and unable to begin classes. Because these students did not begin attendance in a payment period or period of enrollment, 34 CFR § 668.21 (rather than Return of Title IV Funds) applies. In such a situation, the institution must return all Title IV grant funds disbursed for the payment period or period of enrollment and all Direct Loan funds that were credited to the student's account at the institution for that period. The institution must also return Direct Loan funds in the amount of payments made directly by or on behalf of the student to the institution for the period, up to the total amount of the loan funds disbursed. The institution is not responsible for returning Direct Loan funds that were disbursed directly to the student in the form of a credit balance as long as the institution was not aware that the student would not attend prior to the disbursement, and students will be able to repay those funds as a part of their educational loans. In these circumstances, institutions are permitted, but not required, to return all of a student's Direct Loan funds, including the amount comprising the credit balance.

Normally institutions, once aware that a student will not begin or has not begun attendance, must notify the loan servicer which results in issuance of a final demand letter to the borrower. However, we have determined that in the case where a student was unable to begin attendance due to a COVID-19-related school closure, the provisions of 34 CFR § 668.21(a)(2)(ii), requiring the institution to notify the servicer of that student's failure to begin attendance, do not apply because the option for the student to begin attendance did not exist. Accordingly, the institution should not notify the servicer that the student did not begin attendance. He or she will be permitted to repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption.

Enrollment Status Changes

We do not have the authority to waive the requirement to award or disburse Title IV funds based on a student's actual enrollment status. For example, assuming an institution defines full-time enrollment as 12 credit hours, when a full-time student enrolled for 12 credit hours drops or withdraws from three credits, that student is now enrolled at three-quarter time status. However, we remind institutions that for Direct Loans, the institution must only confirm at least half-time enrollment status as of the time of disbursement. It is not necessary to recalculate a student's Direct Loan eligibility based on changes in enrollment status that occur after the institution originates a Direct Loan. For enrollment status changes that occur after an institution's established Pell Grant recalculation (census) date, we do not require recalculation. Note that the student must have begun attendance in all courses comprising the enrollment status on which the Pell Grant payment was based.

Return of Title IV Funds

Even in the case of a disruption from COVID-19, an institution must return any Title IV funds for which it is responsible in accordance with the provisions of 34 CFR § 668.22 when a student withdraws. Currently, we do not have the authority to waive the statutory requirement for the return of unearned Title IV funds in the case where a student (who receives Title IV assistance) withdraws from an institution during a payment period or period of enrollment after having begun attendance. However, the guidance provided below explains the requirements for performing Return of Title IV Funds

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calculations in situations where an institution has temporarily ceased operations as a result of a COVID-19 disruption.

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Definition of a Withdrawal Date

If an institution ceases operation during a payment period and fails to reopen by the end of that payment period, its students are considered no longer in attendance and must be considered withdrawn for that payment period or period of enrollment, and would be subject to Return of Title IV funds requirements. Similarly, if an institution closes and subsequently reopens during a payment period, any students who began attendance during that payment period but failed to return when the institution reopens must be considered withdrawn for that payment period. If the institution is required to take attendance, the withdrawal date is the last day of documented attendance prior to the closure. If the institution is not required to take attendance, the institution can use any applicable option under 34 CFR § 668.22(c), including the midpoint of the payment period or period of enrollment under 34 CFR § 668.2(c)(1)(iii) or, because the closure was a circumstance that the student could not control under 34 CFR § 668.22(c)(1)(iv), the date that the institution ceased operation. When determining the number of days in the payment period or period of enrollment (the denominator of the calculation), the institution should include all the days that the student was scheduled to attend during that period on the date of the withdrawal. For a clock-hour program, an institution should not include as "scheduled hours" any hours on days that it was closed.

-

Date of Determination and Timeframes for Returns

Normally, if a student does not provide notification to an institution of his/her withdrawal, the date of determination that the student has withdrawn is the date that the institution becomes aware that the student ceased attendance. This is, in most cases when an institution closes for reasons beyond its control, the date of the closure. Therefore, the timeframes for completing Return of Title IV Funds calculations and making the appropriate returns or post-withdrawal disbursements begin on that date (e.g. 30 days to perform the calculation, 45 days to return the funds, etc.).

-

Reentering the Same Payment Period

If an institution that has closed subsequently reopens during the same payment period or period of enrollment, and permits students to continue coursework that they were taking at the time of the closure, students that return to class at that time are considered to have reentered the same period and retain eligibility for Title IV aid that they were otherwise eligible to receive before the closure. If a student in this situation subsequently withdraws, the institution must exclude the number of days that it was closed (if the closure was for at least five consecutive days, in combination with weekends or other scheduled breaks) from both the number of days the student completed and the total number of days in the payment period or period of enrollment. If the institution altered the number of days in the payment period or period of enrollment following the closure (e.g. if it adds days to the term to make up for the time when it was closed), the institution should use the new number of days in the student's Return of Title IV funds calculation.

-

NSLDS Enrollment Reporting

In general, when a student withdraws during a payment period, the effective date for the withdrawn ('W') status for enrollment reporting purposes is the withdrawal date used by the institution in accordance with 34 CFR § 668.22(b) or (c). However, notwithstanding the requirement that the institution perform a Return of Title IV funds calculation for students when an institution unexpectedly ceases operation during a payment period and fails to reopen during that payment period, we permit an

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institution to defer reporting an affected student's enrollment status as "withdrawn" in these circumstances when the institution has a reasonable expectation that—

1. The institution will reopen at the start of a payment period that begins no later than 90 days following the closure; and
2. The student will resume attendance when the institution reopens.

In these cases, the institution should continue reporting the most recent enrollment status that it reported for the affected student prior to the closure. If the student does not resume attendance as expected, the institution must change the student's enrollment status to "withdrawn" using the student's actual withdrawal date as the enrollment status effective date.

While the coronavirus threat to the American public remains low, we encourage school communities to take all steps to ensure the health and well-being of students, faculty, and staff. We established the website, https://www.ed.gov/coronavirus?src=feature, to provide general information and guidance for school communities, including links to information posted by the Centers for Disease Control and Prevention. We appreciate your cooperation and welcome any additional questions at COVID-19@ed.gov.

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:42:22 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Academic Probation Flexibilities

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

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**From:** Bryan Karazsia <BKarazsia@wooster.edu>
**Sent:** Friday, March 13, 2020 7:52 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Academic Probation Flexibilities

To Whom It May Concern:

Thank you for the information that you have offered to guide higher education leaders during this time of continual changes. I am writing to request guidance on grading of courses that began in-person, then experienced a pause, and then resumed in alternative delivery (such as online). Some faculty may find it difficult to assess and evaluate students fairly, systematically, and consistently in this context of change. One potential solution is to move all classes to an automatic pass-fail (S/NC or S/U) grading scheme. One limitation, however, is this would preclude an opportunity for a student to increase their GPA…and in some instances this would automatically lead to continuation of a student on Academic Probation (I.e., not in good academic standing) by the qualitative standard. This could lead to situations where students are continued become ineligible for federal financial aid.

Is there flexibility in any of the financial aid policies to permit flexible grading this semester?

Thank you,

Bryan

--
Bryan T. Karazsia, Ph.D.
Dean for Curriculum and Academic Engagement
Associate Professor of Psychology
The College of Wooster
Wooster, OH 44691

phone: 330-263-2008
e-mail: bkarazsia@wooster.edu

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:07:38 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Academic year length change request

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Mike Johnson <mjohnson@cgcc.edu>
**Sent:** Monday, March 16, 2020 12:48 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Academic year length change request

Good morning,

I'm trying to follow guidance in the March 5 EA, and from the San Francisco School Participation team who asked me to use this email address for my questions. Thanks in advance for your help.

1. We are planning to start Spring quarter a week later than scheduled. That change gives us a 33-week academic year instead of the scheduled 34-week academic year.

2. The change to Spring quarter puts our scheduled disbursement date 1 day outside the allowed 10 day period before the start of the payment period. Will schools get temporary relief from that requirement, or will we need to change all of our disbursement dates and aid program records?

Again, thanks for all that you're doing.

Mike
--
G. Michael Johnson, MA, CFAA™; Director of Financial Aid
Columbia Gorge Community College
400 E. Scenic Dr.
The Dalles, OR 97058-3434
(541) 506-6038
mjohnson@cgcc.edu

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**From:** Ortiz-Velazquez, Judith
**Sent:** Mon, 16 Mar 2020 20:48:53 +0000
**To:** COVID-19
**Cc:** Curry, Christopher;Coughlin, Betty
**Subject:** FW: Actions COVID19
**Attachments:** Action Notification - COVID19.pdf

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**From:** Daritza Mulero <dmulero@columbiacentral.edu>
**Sent:** Monday, March 16, 2020 4:30 PM
**To:** Ortiz-Velazquez, Judith <Judith.Ortiz-Velazquez@ed.gov>
**Cc:** Gloria Mirabal <gmirabal@columbiacentral.edu>
**Subject:** Actions COVID19

Mrs. Ortiz:

Good afternoon. Attached please find the letter that we have sent to our accreditor MSCHE. The letter references the actions that the institution has taken to maintain the academic activity during the closure of on site activity imposed by our government during the emergency caused by COVID-19.

Although remotely, we will be available to provide any other information that may be required.

Regards,

**Daritza Mulero Méndez**

Presidenta

Columbia Central University

Tel: 787 743 4041 ext. 208

www.columbiacentral.edu

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Dr. Hilda Colón Plumey
MSCHE Vice President Liaison

March 16, 2020

Dear Dr. Colón:

Subject to the Executive Order issued by the Governor of Puerto Rico, Columbia Central University has ceased all ground operations from March 16, 2020 thru March 30, 2020. As an alternative, the institution has decided to continue offering its courses to all undergraduate students using distance education. The determination has been made based on the Guidance for interruptions of study related to Coronavirus (COVID-19) issued by the Office of Postsecondary Education on March 05, 2020.

This guidance states that "to meet the Department's requirements for providing distance education, an institution must communicate to students through one of several types of technology – including email – described under 34 CFR § 600.2, and instructors must initiate substantive communication with students, either individually or collectively, on a regular basis. In other words, an instructor could use email to provide instructional materials to students enrolled in his or her class, use chat features to communicate with students, set up conference calls to facilitate group conversations, engage in email exchanges or require students to submit work electronically that the instructor will evaluate."

Columbia will maintain communication and academic activity with its students via one or more of the following: institutional email, Big Blue Button, Edmodo, group chats, conference calls, Skype, amongst others. All activities will be properly documented and followed up by the Academic Deanship. In regards to the graduate level, the March – May academic term has been postponed until March 31, 2020. This change will not affect the remaining academic term of the year's academic calendar.

We remain available for any other information that may be required.

Regards,

Daritza Mulero Méndez
President

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 21:29:33 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Actions COVID19
**Attachments:** Action Notification - COVID19.pdf

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ortiz-Velazquez, Judith <Judith.Ortiz-Velazquez@ed.gov>
**Sent:** Monday, March 16, 2020 4:49 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Curry, Christopher <Christopher.Curry@ed.gov>; Coughlin, Betty <Betty.Coughlin@ed.gov>
**Subject:** FW: Actions COVID19

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**From:** Daritza Mulero <dmulero@columbiacentral.edu>
**Sent:** Monday, March 16, 2020 4:30 PM
**To:** Ortiz-Velazquez, Judith <Judith.Ortiz-Velazquez@ed.gov>
**Cc:** Gloria Mirabal <gmirabal@columbiacentral.edu>
**Subject:** Actions COVID19

Mrs. Ortiz:

Good afternoon. Attached please find the letter that we have sent to our accreditor MSCHE. The letter references the actions that the institution has taken to maintain the academic activity during the closure of on site activity imposed by our government during the emergency caused by COVID-19.

Although remotely, we will be available to provide any other information that may be required.

Regards,

**Daritza Mulero Méndez**

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Presidenta

Columbia Central University

Tel: 787 743 4041 ext. 208

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AMERICAN OVERSIGHT

Dr. Hilda Colón Plumey
MSCHE Vice President Liaison

March 16, 2020

Dear Dr. Colón:

Subject to the Executive Order issued by the Governor of Puerto Rico, Columbia Central University has ceased all ground operations from March 16, 2020 thru March 30, 2020. As an alternative, the institution has decided to continue offering its courses to all undergraduate students using distance education. The determination has been made based on the Guidance for interruptions of study related to Coronavirus (COVID-19) issued by the Office of Postsecondary Education on March 05, 2020.

This guidance states that "to meet the Department's requirements for providing distance education, an institution must communicate to students through one of several types of technology – including email – described under 34 CFR § 600.2, and instructors must initiate substantive communication with students, either individually or collectively, on a regular basis. In other words, an instructor could use email to provide instructional materials to students enrolled in his or her class, use chat features to communicate with students, set up conference calls to facilitate group conversations, engage in email exchanges or require students to submit work electronically that the instructor will evaluate."

Columbia will maintain communication and academic activity with its students via one or more of the following: institutional email, Big Blue Button, Edmodo, group chats, conference calls, Skype, amongst others. All activities will be properly documented and followed up by the Academic Deanship. In regards to the graduate level, the March – May academic term has been postponed until March 31, 2020. This change will not affect the remaining academic term of the year's academic calendar.

We remain available for any other information that may be required.

Regards,

Daritza Mulero Méndez
President

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 22:39:46 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Adjustments to institutional changes and impacts to cost of attendance.

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Miller, Vicki L. <miller.6050@osu.edu>
**Sent:** Monday, March 16, 2020 6:22 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Adjustments to institutional changes and impacts to cost of attendance.

Can you please provide guidance on the following questions?

- If the university makes a decision to reduce an institutional fee such as a non-resident surcharge for the term (example: as a result of moving to an online environment) does the cost of attendance need to be adjusted accordingly?

- Term calendar changes: If a spring break is extended from 5 to 10 days in the middle of the term, and the end date of the term is extended to maintain almost the same number of days of instruction, does the calendar change need to be reported and require approval from the Department of Education?

Thanks for clarification! We appreciate the assistance as we continue to navigate institutional impacts of COVID-19. Vicki

**Vicki Miller, MA**
Senior Associate Director
Compliance and Athletic Aid
Office of Student Academic Success/Student Financial Aid
460 Student Academic Services Building, 281 West Lane Avenue, 4th Floor, Columbus, OH 43210
614-688-8228 Office
miller.6050@osu.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:41:51 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Campus-based guidance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Geoff Marsh <geoff.marsh@biola.edu>
**Sent:** Saturday, March 14, 2020 6:04 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Campus-based guidance

Good afternoon!

As a campus, we are allowing students to move off-campus to finish their semester at home or elsewhere as we move all of our courses to an online format. As part of this, we are providing housing refunds to our students who do choose to leave our residence halls. This change technically would impact a student's COA for the semester and could in some cases impact unmet need and remaining cost. I know that this does not impact Direct Loan eligibility for loans that have been disbursed; however, the FSA Handbook does discuss the impact of changes in enrollment levels and the impact of additional resources on Campus-base eligibility. There is actually no reference to how a change in COA relate impacts Campus-based aid; however, a change in COA can in fact impact a student's need.

Under this current unique situation, are schools required to recalculate COA if a student moves off-campus?

Thank you for any guidance you can provide.

Geoff Marsh
Senior Director of Financial Aid
Phone: 562-903-4742
Fax: 562-906-4541

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:41:32 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal work study and "closed" schools

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Andrea Stagg <astagg@barnard.edu>
Sent: Saturday, March 14, 2020 9:47 AM
To: COVID-19 <COVID-19@ed.gov>
Subject: Federal work study and "closed" schools

Hello,

The guidance states that federal work study students can continue to be paid (without working) if a school closes. Many schools including ours haven't closed completely, but rather have moved to distance learning for the duration of the semester and encouraged students to leave campus if they can. This is different than truly closing, but is the guidance applicable nonetheless?

Also, if employees are moving to remote work, may FWS students also continue working remotely?

Thank you for the clarification.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:02:21 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study in a different state

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Adam Lenehan <adam.lenehan@luther.edu>
**Sent:** Monday, March 16, 2020 12:04 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study in a different state

Can Federal Work Study students (specifically peer tutors) work in another state virtually if a school is closed due to Covid-19?

Thank you,

**Adam Lenehan, MSHE**
Coordinator of Tutor and Academic Services

Student Academic Support Center (SASC)
Luther College
700 College Drive, Preus Library, Suite 108D
Decorah, IA 52101

Phone: 563.387.1688
Fax: 563.387.1411
Email: adam.lenehan@luther.edu

Pronouns: He/Him/His

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 22:37:29 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study Question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Charles P. Rose <cpr@hmbr.com>
**Sent:** Monday, March 16, 2020 5:47 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Dennis Cariello <dennis.cariello@hmbr.com>
**Subject:** Federal Work Study Question

To Whom It May Concern: In its Guidance for interruptions of study related to Coronavirus (COVID-19) issued March 5, 2020, ED advised the following under the heading Federal Work Study (FWS): "For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement." We represent institutions of higher education who plan to discontinue paying non-FSW student employees after closure due to COVID-19 (and conversion to remote instruction) because they will no longer be on campus and/or be working during the closure. However, institutions will continue paying other employees, including faculty and staff, after closure (and conversion to remote instruction) because they will continue to be working during the closure. As we interpret ED's March 5, 2020 guidance quoted above, it is permissible for institutions to continue paying the student FSW wages while discontinuing payment to non-FSW student employees because they will no longer be on campus and/or be working during the closure. Is this the correct interpretation? If you need further information, my contact information is below. Thank you for your assistance. Charlie.

Charles P. Rose
**Hogan Marren Babbo & Rose, Ltd.**
321 North Clark Street, Suite 1301, Chicago, Illinois 60654
cpr@hmbr.com | (312) 540-4425 (direct) | (312) 946-9818 (fax) | (b)(6) (mobile) |
www.hmbr.com
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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:41:52 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Financial Hardship

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Tamara Bullock (b)(6)
**Sent:** Saturday, March 14, 2020 7:27 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Financial Hardship

My money was offset February 26th an
2020 my tax refund was taken from me now that we are going through a national emergency and a Public Health crisis I need to know if the Department of Education can take that under consideration I have recent ask for the package for financial hardship because me and my family is definitely going through hardship. The Dept of Edu took my tax refund last year and now we going through a Public Health crisis I really need to know if I can get my money back are you guys going to take that under review for those people just had an offset now that we going through this Public Health crisis. We can still get the packet in 3 days to fill out the financial crisis package but now that we are going through a financial hardship Nationwide going through a national emergency those who just have an Offset you guys really need to consider getting the money back to special someone like me who's been making all the payments but one and the only thing that was missing was a piece of paper was paperwork my money was offset due to paperwork. Derek Bullock

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:41:30 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Foreign Institutions and Distance Learning

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

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**From:** Hamilton, Billie Jo <bjhamilton@usf.edu>
**Sent:** Saturday, March 14, 2020 9:10 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Hamilton, Billie Jo <bjhamilton@usf.edu>
**Subject:** Foreign Institutions and Distance Learning

We have students who started in country face-to-face study abroad programs at foreign institutions who have or will be coming home from level 3+ countries. Some of those foreign institutions are helping prevent the students from losing an entire semester of classes by completing coursework remotely using various modalities of "distance learning". Are we now required to cancel their federal aid for this semester as foreign institutions are not approved for distance learning? If so, this would be financially catastrophic for students who have already experienced considerable academic and personal disruption due to no fault of their own.

Please advise.

**Billie Jo Hamilton**
Associate Vice President
Enrollment Planning and Management
University of South Florida
813-974-3039

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:41:39 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FSA Testing

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: William Caldecutt <WCaldecutt@polk.edu>
Sent: Saturday, March 14, 2020 11:16 AM
To: COVID-19 <COVID-19@ed.gov>
Subject: FSA Testing

Will the schedule for FSA Testing be changed? I home school my children and get little or no contact from the schools here in Lake County.
Please Note: Due to Florida's very broad public records law, most written communications to or from College employees regarding College business are public records, available to the public and media upon request. Therefore, this email communication may be subject to public disclosure.

Save a tree - Think before you print this email

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 19:56:20 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS and COVID 19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Simone Sutherland <sw622@nova.edu>
**Sent:** Monday, March 16, 2020 11:20 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS and COVID 19

Good Morning,
Due to COVID19, the ED included provisions for institution to continue to pay FWS students who are impacted by COVID19. This allowance is based on institutions that are closed and/or employers that are closed. May you please confirm if this also include instances where the campus is open but all classes and academic related activities are suspended and students in residential Life and Housing are asked to leave the halls until classes resume? In addition, does the provision to pay FWS student during COVID19 include allowances where ground classes are suspended and moving to online platforms and/or classes are suspended but students are able to participate in online academic related activities, such as discussions?

Thank you for your assistance.

**Simone Sutherland**
Associate Director of Financial Aid
Enrollment and Student Services
(954)262-7436
sw622@nova.edu
nova.edu
NOVA SOUTHEASTERN UNIVERSITY | NSU Florida

**http://www.nova.edu/financialaid/index.html**
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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 19:59:12 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Community Service Expenditure Requirements - COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Becky Birdsell <becky.birdsell@ic.edu>
**Sent:** Monday, March 16, 2020 11:44 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS Community Service Expenditure Requirements - COVID-19

Will there be exceptions allowed to the Federal Work Study Community Service Expenditure Requirements for not being able to expend at least seven percent of our FWS allocation due to COVID-19? Our students are employed at the local YMCA which has closed for at least two weeks. The guidance for interruptions of study related to COVID-19 states:
*FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.*

Are we allowed to only pay the students employed at our community service partner in order to meet our seven percent requirement or must we pay all FWS students?

Thanks,

**Becky Birdsell**

Director of Student Financial Services
Illinois College
1101 West College Avenue
Jacksonville, IL 62650
217.245.3033
Fax: 217.245.3274
www.ic.edu

**SFS has moved! We are now located in Baxter 104, across from Mondos.**

AMERICAN OVERSIGHT

**NOTE:** For your protection, please do not email any personally identifiable or sensitive information to our office, as we cannot guarantee the security of any information sent to us via email. Please fax this information to our office, 217.245.3274.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:40:04 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS during University closure - COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Smith, Roberta <rj-smith3@wiu.edu>
**Sent:** Monday, March 16, 2020 10:36 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Fwd: FWS during University closure - COVID-19

---------- Forwarded message ---------
From: **Smith, Roberta** <rj-smith3@wiu.edu>
Date: Mon, Mar 16, 2020 at 9:35 AM
Subject: FWS during University closure - COVID-19
To: AskAFed <askafed@ed.gov>

My question regarding this provision has to do with alternative form of instruction and the variance in temporary closure vs closure for the term. As an institution we have extended our Spring break (cancelled classes) during the week of March 16-20. Beginning March 21, 2020 we will resume instruction under an alternative format (i.e. Distance Education) through April 3, 2020. I suspect this will be extended but, at this point that is the University directive. Since this "closure" is temporary can we pay FWS to students during the "closure?" If so, would we calculate hours worked based on an average from the current term (i.e. total number of hours worked to date (from the start of the Spring term) divided by the total weeks (8)? If the answer is no because the closure is currently temporary and the closure extends through the payment period would we be required to back pay those students that would have otherwise been eligible?

*"Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal*

AMERICAN OVERSIGHT

*work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked."*

--

Bobbi J Smith, CFAA®
Associate Director of Financial Aid

Western Illinois University
1 University Circle | Sherman Hall, 127 | Macomb, IL 61455
P: 309-298-2446 F: 309-298-2353

--
Bobbi J Smith, CFAA®
Associate Director of Financial Aid

Western Illinois University
1 University Circle | Sherman Hall, 127 | Macomb, IL 61455
P: 309-298-2446 F: 309-298-2353

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:41:58 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Johnson, Cammy <JohnsonC@westerntc.edu>
**Sent:** Sunday, March 15, 2020 1:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS question

In the event that we cancel classes for the week but staff offices remain open the question has been raised if a student worker that works in the offices would they be able to work during this time is they would like to?

**Cammy Johnson**
Financial Aid System Analyst

My 5 Strengths:
Achiever | Analytical | Responsibility | Positivity | Consistency

*Every Student • Every Day*
Western Technical College
THE ESSENTIAL EXPERIENCE

PHONE: 608.785.9569 | FAX: 608.789.4760
400 7th St. North, La Crosse, WI 54601 | www.westerntc.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:56:56 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Jenerette, Kim <kimjenerette@cedarville.edu>
**Sent:** Monday, March 16, 2020 2:39 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS question

Excellent job on the EA0305. Regarding paying the institutional share ... if a student has a job that meets the 100% America Reads/Counts requirement (and there is no inst. share), are we still able to pay them their "earnings"? Thus, their total wages would be non-institutional?

Also, NASFAA provided direction last week and noted, with other criteria, that a school sends "all" students home. I do not see this in the EA0305. For example, we are completely online instruction and we have about 50 students who are on campus due to the hardship they face in returning home (mostly international students). Thus, while there is no in-class instruction right now, we have not sent all students home ... is this an issue?

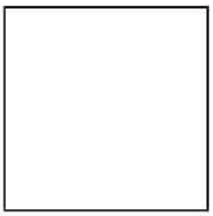
Thank you,

********** Contact during University Coronavirus Response **********
**Due to the precautions the University has taken for the coronavirus between March 11-27th, the preferred method of contact at this time is through email. Please send your questions to finaid@cedarville.edu with the student's name, Cedarville ID, and the nature of your request in the subject line**. ** NOTE: Parents of current students who email finaid should also include their student's privacy permission code word within their email. Emails will be directed to the appropriate staff member to assist you.
**********

Mr. Kim Jenerette

AMERICAN OVERSIGHT

*Executive Director of Financial Aid*
Financial Aid
**Cedarville University**
o: 937-766-7866
cedarville.edu



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:40:00 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS: Distance only instruction

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Barnes, Kevin <kbarnes@philander.edu>
**Sent:** Monday, March 16, 2020 10:09 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS: Distance only instruction

Good morning,

I understand that FWS payments may continue under certain circumstances if an institution must close temporarily. If the institution remains open and moves to distance only instruction, are we permitted to continue work-study payments, or does that only apply to closure?

Sincerely,

Kevin D. Barnes
Interim Director
Office of Financial Aid
Philander Smith College
www.philander.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 21:09:32 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS/Students who Self-quarantine

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Cooper, Candace <ccooper@mitchellcc.edu>
**Sent:** Monday, March 16, 2020 3:53 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** West, Mark <MWest2@mitchellcc.edu>
**Subject:** FWS/Students who Self-quarantine

Hello,

I have read the FWS guidance you all have provided but I am not finding an answer to a question I was just asked by a department:

The Distance Learning department, on our campus has two FWS students who traveled to another country over spring break, the week of March 9th, who are being required to self-quarantine.
Our college has extended spring break, this week, the week of March 16th. These two students could have come in and worked but are unable to, due to being self-quarantined.
The DL department wants to know, "Can the two students work from home, under this circumstance, assisting their department by addressing emails and handling phone calls and get paid FWS, during the additional spring break for students?"

At this time, our college is open and as I mentioned above have extended spring break, this week. Our college plans on moving towards offering classes online, the week of March 23rd.
I understand the FWS guidance, if the college decides to close or if the college decides not to close but decides to send students home, and moves to online classes.

If you could answer the question, since it is outside of the guidance, that would be great. The COVID-19 virus/self-quarantine part is the tricky part. If this was a routine spring break and these students were sick and could not work, we would not pay them FWS, since they would not be under supervision.

Thank you,

**Candace Cooper, Financial Aid Director**

AMERICAN OVERSIGHT

Mitchell Community College
500 W. Broad St., Statesville, NC 28677
(704) 878-3256 office
(704) 978-1302 fax

AMERICAN OVERSIGHT

**From:** Peasley, Donald
**Sent:** Mon, 16 Mar 2020 13:45:41 +0000
**To:** COVID-19
**Subject:** FW: Guidance for NY on Assessments in Light of School Closures
**Importance:** High

Good morning.
We received the question below from New York State Education Department Testing office this morning. They are asking for a rapid response regarding their State tests; it reads like they are considering statewide cancellation. If they do this, they need to decide quickly as the logistics of their testing program require time to start and stop.

We've directed them to the March 12 fact sheet, but they desire something more targeted from ED. I think they want an assurance that should they cancel tests Statewide, that the waiver request they'd submit would be favorably considered by ED.

I might suggest that we consider a response as follows:
"In the event that a State chooses to cancel Statewide assessment as a result of Statewide school closures, ED will consider one year waivers of ESEA testing requirements by that State. "

---

**From:** Zachary Warner <Zachary.Warner@nysed.gov>
**Sent:** Monday, March 16, 2020 8:22 AM
**To:** Peasley, Donald <Donald.Peasley@ed.gov>
**Cc:** Kim Wilkins <Kim.Wilkins@nysed.gov>; Steven Katz <Steven.Katz@nysed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
**Subject:** Guidance for NY on Assessments in Light of School Closures
**Importance:** High

Don,

I am reaching out to you at the request of my Deputy Commissioner for P12 Kim Wilkins. As I'm sure that you're aware, NY is now the state with the most confirmed cases of COVID-19 and that number is expected to continue growing in the coming weeks. At this point, many schools in NY have closed for extended periods of time with April 20 being the most commonly scheduled return date. All of the Big 5 City School Districts have closed which accounts for approximately half of NY's student population.

We are seeking guidance on our Grades 3-8 ELA tests. The test window is scheduled to open one week from tomorrow. In line with the guidance issued by the USDE last week, we extended our window by an additional week. However, the schools closures have also extended in duration and leave us at a point where many (if not all, as the numbers continue to grow) schools in NY may be closed. We know that the USDE does not preliminarily consider waivers, so we are looking for guidance at this time. It does not seem practicable to administer our ELA tests and end up with results that inform instruction or contribute to accountability.

One additional consideration is that, as you recall, NY's assessment program is still predominantly paper-based. This further complicates any shifting of administration windows and creates additional

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decision points regarding shipping tests to empty school buildings and how to best avoid test material breaches.

We would appreciate any guidance that the USDE can offer us since we need to address these issue immediately as schools continue to close statewide. If a phone call would be a better approach, we can make time today for that.

Many thanks!
Zach

**Zachary B. Warner, PhD**
Director
Office of State Assessment
New York State Education Department
Zachary.Warner@nysed.gov

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:11:01 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Guidance on Cost of Attendance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Muhammad, Robert <muhammadr@wssu.edu>
Sent: Monday, March 16, 2020 1:34 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Guidance on Cost of Attendance

Good afternoon.

Is there any guidance on adjusting cost of attendance for schools that go to online instruction? Also any guidance on refunds to students for housing/meals (as applicable)? (Students may be encouraged to stay away from campus, and do so, but still have open housing and meal plans.)

Thanks in advance for your guidance answers.

Best,

Robert

Robert Muhammad, Director
Office of Scholarships and Financial Aid Winston-Salem State University

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 21:28:56 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: Guidance

Hi Laurie,

The COVID-19 mailbox received an inquiry about special ED. Below is the inquiry.

Thanks,
Kelly

**From:** Sheila Jones <sheila.jones@quinlanisd.net>
**Sent:** Monday, March 16, 2020 4:18 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Guidance

To Whom it May Concern,

Serious Questions about evaluations.

1) With the shortage of evaluation staff and some with their own health concerns, how are we to meet the high demand of evaluations and timelines? Norm referenced tests can not be done virtually.

2) As part of the evaluation, observations should be done in an educational setting. How are we to accomplish this and keep staff and students safe in multiple home environments?

3) We are in a rural district with little wifi and internet service. Providing instruction or services is not a viable option. How are we to provide special education services?

4) Many of our related services are delivered directly or small group, by contracted people. How can we possibly send providers into student homes?

5) Early intervention transition to school (Three is Three) evaluations, may be hard to meet as schools may not be in brick and mortar. Will those timelines be extended?

--
Sheila Jones
Director of Special Programs

AMERICAN OVERSIGHT

Quinlan ISD
401 E. Richmond
Quinlan, Texas 75474
903-356-1220

"Imagine going to work and not being able to do your job. Now imagine that you can't leave your job. Imagine having to do that every day. This is what life is like for children with learning disabilities."

This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version.

AMERICAN OVERSIGHT

**From:** OESE.SGR.California
**Sent:** Mon, 16 Mar 2020 14:52:10 +0000
**To:** COVID-19
**Cc:** Ramsey, Tara;Hodgdon, Jane;McKenzie, Lakesha
**Subject:** FW: In person School Site Council Meetings if schools close

Good morning,

This question came into the SGR California inbox on Friday. I have not yet responded.

Thank you,

Corrinne Callins
Office of State and Grantee Relations
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202
Email: Corrinne.Callins@ed.gov
Phone: 202-453-5795
Website: oese.ed.gov

**From:** Johanna Hoffmann <johanna.hoffmann@ousd.org>
**Sent:** Friday, March 13, 2020 4:53 PM
**To:** OESE.SGR.California <California.oese@ed.gov>
**Subject:** In person School Site Council Meetings if schools close

Would an SSC be allowed to waive a requirement that is currently in their bylaws, stating they are not allowed to have virtual meetings, if schools are closed due to COVID-19?

Thank you,
Johanna

**Johanna Hoffmann**
Strategic Resource Planning
Specialist, Middle School Network and Private School Equitable Services Program
Oakland Unified School District
1000 Broadway, Suite 450
Oakland, CA 94607
***Every Student Thrives!***
www.ousd.org
office: 510-879-1027
mobile: 415-867-9963
johanna.hoffmann@ousd.org
Students First | Equity | Excellence | Integrity | Cultural Responsiveness | Joy

AMERICAN OVERSIGHT

**From:** OESE.SGR.California
**Sent:** Mon, 16 Mar 2020 17:45:27 +0000
**To:** COVID-19
**Cc:** Hodgdon, Jane;Ramsey, Tara;McKenzie, Lakesha
**Subject:** FW: In person School Site Council Meetings if schools close

Please see the response below regarding the inquiry from California that I forwarded this morning.

I suspected that this might have been sent to the ED by mistake.

Corrinne Callins
Office of State and Grantee Relations
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202
Email: Corrinne.Callins@ed.gov
Phone: 202-453-5795
Website: oese.ed.gov

**From:** Johanna Hoffmann <johanna.hoffmann@ousd.org>
**Sent:** Monday, March 16, 2020 12:58 PM
**To:** OESE.SGR.California <California.oese@ed.gov>
**Subject:** Re: In person School Site Council Meetings if schools close

You can disregard my question. Governor Newsom issued an executive order on Friday that addressed my question.

Thank you,
Johanna

**Johanna Hoffmann**
Strategic Resource Planning
Specialist, Middle School Network and Private School Equitable Services Program
Oakland Unified School District
1000 Broadway, Suite 450
Oakland, CA 94607
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mobile: 415-867-9963
johanna.hoffmann@ousd.org
Students First | Equity | Excellence | Integrity | Cultural Responsiveness | Joy

On Mon, Mar 16, 2020 at 9:09 AM OESE.SGR.California <California.oese@ed.gov> wrote:

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Hello Ms. Hoffmann,

Is this a question for a specific grant program?

Corrinne Callins
Office of State and Grantee Relations
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202
Email: Corrinne.Callins@ed.gov
Phone: 202-453-5795
Website: oese.ed.gov

**From:** Johanna Hoffmann <johanna.hoffmann@ousd.org>
**Sent:** Friday, March 13, 2020 4:53 PM
**To:** OESE.SGR.California <California.oese@ed.gov>
**Subject:** In person School Site Council Meetings if schools close

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Thank you,
Johanna

**Johanna Hoffmann**
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Students First | Equity | Excellence | Integrity | Cultural Responsiveness | Joy

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 22:33:33 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Inquiry re Temporary Closures

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Gray, Sherry <Sherry.Gray@PowersLaw.com>
**Sent:** Monday, March 16, 2020 5:34 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Inquiry re Temporary Closures

Greetings,

We appreciate the Department's guidance to institutions impacted by the Coronavirus (COVID-19) and have two additional questions relating to the Department's March 5, 2020 electronic announcement and the discussion therein relating to Return of Title IV funds (R2T4) issues.

Date of Determination following Temporary Closure

First, we are having difficulty reconciling the guidance under "*Date of Determination and Timeframes for Returns*" with the other R2T4-related guidance in the March 5 announcement. The announcement appears to indicate that institutions need not perform R2T4 calculations during a temporary closure period, and that students who return following the temporary closure are not considered to have withdrawn provided the institution resumes operations within the same payment period. However, the March 5 guidance also indicates that the date of determination and required timeframes run from the start of the closure:

> Normally, if a student does not provide notification to an institution of his/her withdrawal, the date of determination that the student has withdrawn is the date that the institution becomes aware that the student ceased attendance. This is, in most cases when an institution closes for reasons beyond its control, the date of the closure. Therefore, the timeframes for completing Return of Title IV Funds calculations and making the appropriate returns or post-withdrawal disbursements begin on that date (e.g. 30 days to perform the calculation, 45 days to return the funds, etc.).

As an example, assume an institution has closed for 50 days, reopens during the same payment period, and learns that a student has not returned (i.e., has unofficially withdrawn). Per the above excerpts, the

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date of determination for this student would be the date of closure, but in fact, the institution would not become aware of the student's unofficial withdrawal until it reopened 50 days later. By this point, the 30- and 45-day deadlines noted above would have expired.

Does this mean the Department expects institutions to process returns of Title IV funds for any closure that will last more than 30 days?

We believe that under the circumstances it would be more feasible for the date of determination to be the date an institution resumes operations and learns which of its students have not returned to school. This would be consistent with the March 5 guidance, which looks to "the date that the institution becomes aware that the student ceased attendance." While the student's withdrawal date may rightly be regarded as the date of closure, the institution would not actually "become aware" of an unofficial withdrawal until reopening.

Scope of R2T4 Guidance

We assume the discussion of R2T4 issues in the March 5 guidance applies also to individual educational program closures where an institution otherwise continues to operate. Is this right?

For example, assume an institution is moving toward online-only operations in response to COVID-19 concerns but concludes that a certain laboratory-intensive program must be suspended altogether because the coursework cannot be completed online, and that enrolled students would therefore need to stop receiving any instruction while the program is suspended. We presume the R2T4 discussion in the March 5 guidance, including the related timing and other accommodations, should extend to students in this individual program, who would experience an interruption in study due to reasons beyond their or the institution's control. Does the Department agree?

We again thank the Department for its efforts. Please do not hesitate to let us know if additional information is needed in connection with the above inquiries.

Regards,
Sherry

Sherry Mastrostefano Gray, Principal
**POWERS**
Powers Pyles Sutter & Verville PC
1501 M Street NW, Seventh Floor
Washington, DC 20005-1700
tel 202-872-6778 | fax 202-785-1756
Sherry.Gray@PowersLaw.com | www.PowersLaw.com

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:57:48 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Interest Rate Freeze

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Christopher Stompanato <cstompanato@ecsi.net>
**Sent:** Monday, March 16, 2020 2:58 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Interest Rate Freeze

Regarding the student loan interest rate freeze announced by President Trump, does this apply to Federal Perkins student loans? My understanding through my contact at FSA is the freeze does apply to federally held Perkins loans but for loans that are school held, I was advised to send a message to this email address.

If the interest rate freeze does not apply to school held Perkins loans, can those schools decide to impose their own interest rate freeze on those loans?

We are receiving many questions from our school clients with Perkins portfolios, so your help is greatly appreciated.

Thanks

**Christopher Stompanato**
*Client Relationship Coordinator, SME*

**ECSI**

+1 412.865.5687 O/M

cstompanato@ecsi.net

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:39:51 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Itawamba Community College 00240900
**Attachments:** VoiceMessage.wav

Hi OPE,

The COVID-19 mailbox received a voicemail about IHE. Attached is the message.

Thanks,
Kelly

---

**From:** McGinness, Margaret <Margaret.McGinness@ed.gov>
**Sent:** Monday, March 16, 2020 8:48 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>; tgbland@iccms.edu
**Subject:** Itawamba Community College 00240900

Thank you for your message. I am forwarding it to our COVID-19 mailbox for review and response.

---

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 19:58:26 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Maximum Time-Frame_ Clock hour programs

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Wendy Wang <wewang@gia.edu>
**Sent:** Monday, March 16, 2020 11:35 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** AskAFed <AskAFed@ed.gov>
**Subject:** Maximum Time-Frame_ Clock hour programs

Hello,

I hope this email find you well. We have couple questions:

Background:
GIA is non-profit private school. We have 3 on-campus clock hours FSA approved programs. Each one is 780 clock hours and 26 instructional weeks (Approx: 6 months). Due to the COVID-19, we have to suspend all on-campus classes for an initial period of two weeks or might be longer beginning Monday, March 16, 2020. Our program does not lead to licensure. Some of the program cannot offer the online learning, it must be hands-on.

Questions:

1. Since our program is only 6 months long and the Maximum Time-Frame (MTF) within 150% is 9 months, it become mathematically impossible for some of the class/students. Can student submit an appeal to extend their 150%MTF exceed 9 months due to COVID-19?
2. If the entire class (20 students Max) will be extended until the school re-open, Instead of approving the appeal for each student, can we document the situation and extend the entire class to exceed 150% MTF?

Please feel free to call me at 760-603-4175 or cell 760-697-2559

Thank you.

Kind Regards,

AMERICAN OVERSIGHT

**Wendy Wang**

Wendy Loh Wang, AJP and Graduate Pearls
**Director, Student Financial Aid**
Tel: 760-603-4175 or 800-421-7250 Ext 4175
Fax: 760-603-4421
E-mail: wendy.wang@gia.edu

Gemological Institute of America (GIA)
The Robert Mouawad Campus
5345 Armada Drive MS #7
Carlsbad, California 92008

**GIA.edu**

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 21:06:57 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: NHEP grantees x COVID-19?
**Importance:** High

Hello,

The COVID-19 mailbox received an inquiry about State Grantee Relations. Below is the inquiry.

Thanks,
Kelly

---

**From:** Johnson, Patricia <Patricia.Johnson@ed.gov>
**Sent:** Monday, March 16, 2020 3:38 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Osborne, Joanne <Joanne.Osborne@ed.gov>; Carr, Patrick <Patrick.Carr@ed.gov>
**Subject:** FW: NHEP grantees x COVID-19?
**Importance:** High

Here are several questions from grantees of the Native Hawaiian Education Program. The most urgent question is whether they can pay staff supported through the grant who are not able to do the planned work (e.g. work with children or communities) but who may be relying on the pay to support themselves and their families.

Let me know if you have any questions.

Pat O'Connell Johnson
Group Leader, Native Achievement Programs
RINAP
Room 3E230 LBJ
U.S. Department of Education
Washington, DC
Patricia.Johnson@ed.gov
(202) 260-7813

---

**From:** Osborne, Joanne <Joanne.Osborne@ed.gov>
**Sent:** Monday, March 16, 2020 1:55 PM
**To:** Johnson, Patricia <Patricia.Johnson@ed.gov>

AMERICAN OVERSIGHT

**Subject:** FW: NHEP grantees x COVID-19?
**Importance:** High

Hi Pat- see the email below- my initial response would be -we recommend that grantees follow state/local mandates and to take precautions to ensure project participants are safe.

Surely, other grant programs are asking similar questions. Have you heard about any [planned] guidance that will come from the Department to grantees?
thanks-
joanne

---

**From:** Elena Farden <elena@nhec.org>
**Sent:** Monday, March 16, 2020 1:07 PM
**To:** Osborne, Joanne <Joanne.Osborne@ed.gov>
**Subject:** NHEP grantees x COVID-19?
**Importance:** High

Aloha e Joanne,
Hope all is well. I was unable to leave a voice mail for you this morning due to your voicemail box being full, so hope you'll have a moment to respond. Please feel free to call my cell, if easier, at (b)(6)

Please advise any guidance addressing our NHEP grantees as they make adjustments to their programming for the safety of their staff and community. Yesterday I talked with Partners In Development and they are already making accommodations for staff that can work from home. However, their concern is regarding other program staff unable to work from home.

Some initial quick questions and guessing this may also prompt some follow-up, so feel free to call me if easier. Or, feel free to let me know a good time to reach you over the phone.

- **What allowances/guidance can US DOE share for grantees in compensating their staff amid COVID-19 adjustments?**
- **Any guidance DOE can share on extended timelines for grantee reporting and/or milestones?**

Of course, please let me know how NHEC can help support our grantees during this time.

Mahalo in advance for your guidance and response,
Elena
cell 808-429-4888

AMERICAN OVERSIGHT

**From:** Johnson, Patricia
**Sent:** Mon, 16 Mar 2020 19:38:14 +0000
**To:** COVID-19
**Cc:** Osborne, Joanne;Carr, Patrick
**Subject:** FW: NHEP grantees x COVID-19?
**Importance:** High

Here are several questions from grantees of the Native Hawaiian Education Program. The most urgent question is whether they can pay staff supported through the grant who are not able to do the planned work (e.g. work with children or communities) but who may be relying on the pay to support themselves and their families.

Let me know if you have any questions.

Pat O'Connell Johnson
Group Leader, Native Achievement Programs
RINAP
Room 3E230 LBJ
U.S. Department of Education
Washington, DC
Patricia.Johnson@ed.gov
(202) 260-7813

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**From:** Osborne, Joanne <Joanne.Osborne@ed.gov>
**Sent:** Monday, March 16, 2020 1:55 PM
**To:** Johnson, Patricia <Patricia.Johnson@ed.gov>
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**Importance:** High

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thanks-
joanne

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**To:** Osborne, Joanne <Joanne.Osborne@ed.gov>
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AMERICAN OVERSIGHT

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Of course, please let me know how NHEC can help support our grantees during this time.

Mahalo in advance for your guidance and response,
Elena
cell (b)(6)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 22:35:47 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: NHEP grantees x COVID-19?

Hello,

The COVID-19 mailbox received an inquiry about State Grantee Relations. Below is the inquiry.

Thanks,
Kelly

---

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**Sent:** Monday, March 16, 2020 3:38 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Osborne, Joanne <Joanne.Osborne@ed.gov>; Carr, Patrick <Patrick.Carr@ed.gov>
**Subject:** FW: NHEP grantees x COVID-19?
**Importance:** High

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Pat O'Connell Johnson
Group Leader, Native Achievement Programs
RINAP
Room 3E230 LBJ
U.S. Department of Education
Washington, DC
Patricia.Johnson@ed.gov
(202) 260-7813

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**From:** Osborne, Joanne <Joanne.Osborne@ed.gov>
**Sent:** Monday, March 16, 2020 1:55 PM
**To:** Johnson, Patricia <Patricia.Johnson@ed.gov>
**Subject:** FW: NHEP grantees x COVID-19?
**Importance:** High

AMERICAN OVERSIGHT

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joanne

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**Importance:** High

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Mahalo in advance for your guidance and response,
Elena
cell (b)(6)

AMERICAN OVERSIGHT

**From:** Johnson, Patricia
**Sent:** Mon, 16 Mar 2020 19:40:09 +0000
**To:** COVID-19
**Cc:** Carr, Patrick;Reed, Almita
**Subject:** FW: No Cost Extensions-Alaska Native Education Program

A question on impact of COVID-19 on grantees.

Let me know if you have any questions.

Pat O'Connell Johnson
Group Leader, Native Achievement Programs
RINAP
Room 3E230 LBJ
U.S. Department of Education
Washington, DC
Patricia.Johnson@ed.gov
(202) 260-7813

---

**From:** Reed, Almita <Almita.Reed@ed.gov>
**Sent:** Monday, March 16, 2020 1:55 PM
**To:** Johnson, Patricia <Patricia.Johnson@ed.gov>
**Subject:** No Cost Extensions

Hey Pat,

Do you know how OESE will be handling No Cost Extensions due to the Corona Virus. I have a few grantees that are in their No Cost Extension year, however due the virus the grantee has postponed a lot of their travel and activities.

Do you know if OESE will be working with grantees to graciously grant a 2nd time No Cost Extension to grantees due to the Corona pandemic. Patrick briefly touched on some of this last week, however nothing was firm, he was just getting ideas of ways that we could support our grantees.

Please advise.

Thanks,

**Almita Reed**
**Program Manager**
**Alaska Native Education Program**
**Office of Elementary and Secondary Education**
**U.S. Department of Education**

AMERICAN OVERSIGHT

**400 Maryland Avenue, SW, Room 3E222**
**Washington, DC 20202**
**Telephone: (202) 260-1979**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 21:08:02 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: No Cost Extensions-Alaska Native Education Program

Hello,

The COVID-19 mailbox received an inquiry about State Grantee Relations. Below is the inquiry.

Thanks,
Kelly

---

**From:** Johnson, Patricia <Patricia.Johnson@ed.gov>
**Sent:** Monday, March 16, 2020 3:40 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Carr, Patrick <Patrick.Carr@ed.gov>; Reed, Almita <Almita.Reed@ed.gov>
**Subject:** FW: No Cost Extensions-Alaska Native Education Program

A question on impact of COVID-19 on grantees.

Let me know if you have any questions.

Pat O'Connell Johnson
Group Leader, Native Achievement Programs
RINAP
Room 3E230 LBJ
U.S. Department of Education
Washington, DC
Patricia.Johnson@ed.gov
(202) 260-7813

---

**From:** Reed, Almita <Almita.Reed@ed.gov>
**Sent:** Monday, March 16, 2020 1:55 PM
**To:** Johnson, Patricia <Patricia.Johnson@ed.gov>
**Subject:** No Cost Extensions

Hey Pat,

AMERICAN OVERSIGHT

Do you know how OESE will be handling No Cost Extensions due to the Corona Virus. I have a few grantees that are in their No Cost Extension year, however due the virus the grantee has postponed a lot of their travel and activities.

Do you know if OESE will be working with grantees to graciously grant a 2nd time No Cost Extension to grantees due to the Corona pandemic. Patrick briefly touched on some of this last week, however nothing was firm, he was just getting ideas of ways that we could support our grantees.

Please advise.

Thanks,

**Almita Reed**
**Program Manager**
**Alaska Native Education Program**
**Office of Elementary and Secondary Education**
**U.S. Department of Education**
**400 Maryland Avenue, SW, Room 3E222**
**Washington, DC 20202**
**Telephone: (202) 260-1979**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 22:34:27 +0000
**To:** Webb, Jo Ann
**Cc:** COVID-19
**Subject:** FW: Number of States with School Closures

Hi JoAnn,

The COVID-19 mailbox received an inquiry from press. Below is the inquiry.

Thanks,
Kelly

**From:** Dina Garrett <dina.garrett@weathergroup.com>
**Sent:** Monday, March 16, 2020 1:00 PM
**To:** COVID-19 <COVID-19@ed.gov>; DL News Desk <newsdesk@weathergroup.com>
**Subject:** Number of States with School Closures

All,

We are working to clarify the number of states that are enforcing state-wide school closures. Is there a location where we can track that information?

Thank you!

**Dina Garrett**
**Assignment Editor**
**770-226-2119**
**Dina.Garrett@weathergroup.com**
**twitter: @DinaWeather**
**insta: newsgirl73**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:42:30 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Nursing program

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Alicia Cordial (b)(6)
Sent: Friday, March 13, 2020 7:06 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Nursing program

How is this outbreak going to effect students who are applying for the practical nursing program in Missouri?

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:03:34 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Tamara Stoner <tstoner@desu.edu>
**Sent:** Monday, March 16, 2020 12:14 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19
**Importance:** High

Good afternoon,

Is it a requirement that students who receive federal work study continue to be paid if they are no longer permitted to be on campus due to COVID-19, regardless if they work remotely or not?

Tamara L. Stoner
University Secretary
Office of the President
**Delaware State University**
1200 N. DuPont Hwy.
Dover, DE 19901
Telephone: (302) 857-7841
Mobile: (302) 603-5399
Facsimile: (302) 857-6083
tstoner@desu.edu

Think Green - Not every email needs to be printed.

AMERICAN OVERSIGHT

**From:** Wertenberger, Lindsay
**Sent:** Mon, 16 Mar 2020 17:49:58 +0000
**To:** COVID-19
**Subject:** FW: CTP question

Hello,

I was advised by my supervisor to send this question to the COVID-19 mailbox.

Thanks,
Lindsay Wertenberger
Program Specialist, Policy Liaison and Implementation
Federal Student Aid

---

**From:** Hammond, Cynthia <Cynthia.Hammond@ed.gov>
**Sent:** Monday, March 16, 2020 1:40 PM
**To:** Wertenberger, Lindsay <Lindsay.Wertenberger@ed.gov>; Musser, David <David.Musser@ed.gov>
**Subject:** RE: CTP question

This question should be forwarded to the COVID-19 mailbox.

---

**From:** Wertenberger, Lindsay <Lindsay.Wertenberger@ed.gov>
**Sent:** Monday, March 16, 2020 1:32 PM
**To:** Hammond, Cynthia <Cynthia.Hammond@ed.gov>; Musser, David <David.Musser@ed.gov>
**Subject:** FW: CTP question

Hi Cynthia and David,

I have received a question on whether COVID-19/coronavirus campus closures would complicate federal student aid for students in CTP programs given that traditionally physical attendance would be required as a program element for CTP programs.

Thanks,
Lindsay

---

**From:** Clare K Papay <Clare.Papay@umb.edu>
**Sent:** Monday, March 16, 2020 12:34 PM
**To:** Wertenberger, Lindsay <Lindsay.Wertenberger@ed.gov>
**Subject:** CTP question

Hi Lindsay

AMERICAN OVERSIGHT

Question for you: in response to COVID-19, many institutions of higher education are moving to online coursework for the remainder of the semester. The CTP program requirements say that students must be physically attending the institution. For students with intellectual disability who are attending CTP programs, will there be any impact on federal financial aid they have received now that they are not physically on campus?

Just thinking through the questions we might get over the next couple of weeks as we all adjust to the new reality.

Thanks
Clare

--
Clare Papay
Senior Research Associate
Think College
Institute for Community Inclusion
UMass Boston
clare.papay@umb.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:42:31 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: CTP question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Wertenberger, Lindsay <Lindsay.Wertenberger@ed.gov>
**Sent:** Monday, March 16, 2020 1:50 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: CTP question

Hello,

I was advised by my supervisor to send this question to the COVID-19 mailbox.

Thanks,
Lindsay Wertenberger
Program Specialist, Policy Liaison and Implementation
Federal Student Aid

---

**From:** Hammond, Cynthia <Cynthia.Hammond@ed.gov>
**Sent:** Monday, March 16, 2020 1:40 PM
**To:** Wertenberger, Lindsay <Lindsay.Wertenberger@ed.gov>; Musser, David <David.Musser@ed.gov>
**Subject:** RE: CTP question

This question should be forwarded to the COVID-19 mailbox.

---

**From:** Wertenberger, Lindsay <Lindsay.Wertenberger@ed.gov>
**Sent:** Monday, March 16, 2020 1:32 PM
**To:** Hammond, Cynthia <Cynthia.Hammond@ed.gov>; Musser, David <David.Musser@ed.gov>
**Subject:** FW: CTP question

Hi Cynthia and David,

AMERICAN OVERSIGHT

I have received a question on whether COVID-19/coronavirus campus closures would complicate federal student aid for students in CTP programs given that traditionally physical attendance would be required as a program element for CTP programs.

Thanks,
Lindsay

---

**From:** Clare K Papay <Clare.Papay@umb.edu>
**Sent:** Monday, March 16, 2020 12:34 PM
**To:** Wertenberger, Lindsay <Lindsay.Wertenberger@ed.gov>
**Subject:** CTP question

Hi Lindsay

Question for you: in response to COVID-19, many institutions of higher education are moving to online coursework for the remainder of the semester. The CTP program requirements say that students must be physically attending the institution. For students with intellectual disability who are attending CTP programs, will there be any impact on federal financial aid they have received now that they are not physically on campus?

Just thinking through the questions we might get over the next couple of weeks as we all adjust to the new reality.

Thanks
Clare

--
Clare Papay
Senior Research Associate
Think College
Institute for Community Inclusion
UMass Boston
clare.papay@umb.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:44:02 +0000
**To:** Sullivan, Madeline
**Cc:** COVID-19
**Subject:** FW: Does this affect private school?
**Attachments:** Health - COVID-19 - General Inquiry.docx

Hi Madeline,

Please find attached an email from the Covid-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

**From:** Bizzozzaro, Joseph <bizzozzaroj@flaglerschools.com>
**Sent:** Friday, March 13, 2020 7:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Does this affect private school?

Is this action to close schools until March 30th for ALL schools operating in the state of Florida, including private schools?
--

**Very Respectfully,**

**Mr. Bizzozzaro**
American History - Social Studies Department
Flagler Palm Coast High School

*Contact Information*
bizzozzaroj@flaglerschools.com
**386-437-7540 - EXT 3261**

*"A lie does not become truth, wrong does not become right, and evil does not become good just because it is accepted by a majority"* - Booker T. Washington

AMERICAN OVERSIGHT

Dear NAME:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:39:46 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ewa Stankiewicz <ewa.stankiewicz@uj.edu.pl>
**Sent:** Monday, March 16, 2020 5:27 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Miles, Eric <Eric.Miles@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** Odp.: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,

I am writing to follow-up on my previous email.

I would like to inform you that in addition to JU Rector's decision on cancellation of lectures at Jagiellonian University, the Government of Poland has announced other restrictions, including closures of all schools, universities, and cultural institutions until March 25, 2020.

Please let me know if the above precautions taken due to COVID-19 have any impact to Title IV recipients as Jagiellonian Univeristy is a foreign school. The 2019-2020 summer semester disbursement will not be made until we receive the information from you. Please note, that there are thirteen U.S. students at JU who are waiting for the summer semester disbursements which cover their costs of living while studying in Poland.

I look forward to receiving your updates.

Best regards,

AMERICAN OVERSIGHT

Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

---

**From:** Ewa Stankiewicz
**Sent:** Wednesday, March 11, 2020 8:46 AM
**To:** 'COVID-19@ed.gov' <COVID-19@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,

I am writing in connection with the Office of Postsecondary Education's electronic announcement of March 05, 2020 and the part regarding foreign schools: "We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Due to the spread of Coronavirus (COVID-19) in Europe and following the safety recommendations of the Chief Sanitary Inspectorate, JU Rector Prof. Wojciech Nowak has cancelled all lectures conducted at Jagiellonian University. Wherever applicable, lectures should be made available online. Other classes (which take place in a smaller groups) will be held as per usual, with any additional restrictions to be introduced by the Faculties.

Please let me know if the above regulations (authorizing distance learning at programs which are not usually distance) do have an impact on students' eligibility for Title IV funds in the 2019-2020 summer semester and should we withhold the disbursements for this semester. Please note that these are exceptional circumstances and all decisions have been made to ensure student safety.

I would appreciate a reply asap as we have just evaluated students' Satisfactory Academic Progress after winter semester and we are ready to make the Title IV funds disbursements for the second semester.

Thank you,
Ewa Stankiewicz

Financial Aid Administrator

AMERICAN OVERSIGHT

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

**From:** OESE.SGR.Massachusetts
**Sent:** Mon, 16 Mar 2020 13:29:16 +0000
**To:** COVID-19
**Cc:** Ramsey, Tara;Hodgdon, Jane;McKenzie, Lakesha
**Subject:** FW: Entitlement grants- guidance : COVID-19

Dear COVID-19,

Below is another inquiry.

Thanks,
-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
Connect. Engage. Empower.

---

**From:** Lynch, Simone E (DOE) <simone.e.lynch@state.ma.us>
**Sent:** Monday, March 16, 2020 8:40 AM
**To:** OESE.SGR.Massachusetts <Massachusetts.oese@ed.gov>
**Subject:** Entitlement grants- guidance : COVID-19

Good morning, Amy,
I hope this email finds you and the rest of the ED colleagues well during these trying times.

We have been fielding a number of questions from our LEAs about use of certain entitlement funds during this time. I'm hoping you can help bring clarity to the following question:

"Is it allowable to use Title I grant funds to continue to pay staff who are funded out of TI and they are currently out of work due to COVID-19?"

Thanks for your help in advance.

Best,
Simone

Get Outlook for iOS

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:40:13 +0000
**To:** Rooney, Patrick
**Cc:** COVID-19
**Subject:** FW: Entitlement grants- guidance : COVID-19

Hi Patrick,

The COVID-19 mailbox received an inquiry Title I grant funds. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.SGR.Massachusetts <Massachusetts.oese@ed.gov>
**Sent:** Monday, March 16, 2020 9:29 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Ramsey, Tara <Tara.Ramsey@ed.gov>; Hodgdon, Jane <Jane.Hodgdon@ed.gov>; McKenzie, Lakesha <Lakesha.McKenzie@ed.gov>
**Subject:** FW: Entitlement grants- guidance : COVID-19

Dear COVID-19,

Below is another inquiry.

Thanks,
-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
Connect. Engage. Empower.

---

**From:** Lynch, Simone E (DOE) <simone.e.lynch@state.ma.us>
**Sent:** Monday, March 16, 2020 8:40 AM
**To:** OESE.SGR.Massachusetts <Massachusetts.oese@ed.gov>
**Subject:** Entitlement grants- guidance : COVID-19

Good morning, Amy,
I hope this email finds you and the rest of the ED colleagues well during these trying times.

We have been fielding a number of questions from our LEAs about use of certain entitlement funds during this time. I'm hoping you can help bring clarity to the following question:

AMERICAN OVERSIGHT

"Is it allowable to use Title I grant funds to continue to pay staff who are funded out of TI and they are currently out of work due to COVID-19?"

Thanks for your help in advance.

Best,
Simone

Get Outlook for iOS

AMERICAN OVERSIGHT

**From:** OESE.SGR.South Carolina
**Sent:** Mon, 16 Mar 2020 18:33:05 +0000
**To:** COVID-19
**Cc:** OESE COVID 19
**Subject:** FW: ESSA Program Implementation and COVID 19

Please see below for a COVID-19 inquiry from South Carolina.

*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** Stanley, Jewell <JStanley@ed.sc.gov>
**Sent:** Monday, March 16, 2020 2:03 PM
**To:** OESE.SGR.South Carolina <SouthCarolina.oese@ed.gov>
**Subject:** ESSA Program Implementation and COVID 19

Good afternoon,

By Executive Order of Governor Henry McMaster, all South Carolina public schools are closed through the end of March. Of course, we do not know if this will be extended beyond this timeframe. With school closures, LEAs are beginning to question our office about waivers and extensions for grants expiring in 2020. What is the USED's stance of possibly extending the grant window? Another concern is a district's ability to meet the 15% carryover threshold. Will we be able to provide a blanket waiver to all districts that are not able to meet the requirement without penalty?

We are of course advising district's to review what is in their plans and amend as necessary.

Thank you for any help you can provide.

# Jewell

Jewell R. Stanley
Team Leader, Consolidated Finance and Applications
Office of Federal and State Accountability

AMERICAN OVERSIGHT

South Carolina Department of Education
Rutledge Building, 504-C
1429 Senate Street
Columbia, SC 29201
Ph: 803.734.8131

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:39:48 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: extending the academic year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Dawn Blanchette <Dawn.Blanchette@jwu.edu>
**Sent:** Monday, March 16, 2020 8:45 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Dawn Blanchette <Dawn.Blanchette@jwu.edu>
**Subject:** extending the academic year

Hello,

We have a culinary weekend program, however due to Covid-19, our labs were unable to start this past weekend. The question came from our Academic department to see if we could have these students make up the lab at the end of our term adding 4 weeks to the end of this program. It would overlap into our summer term. I do not believe that we can do this, but wasn't sure if there was any leeway with the state of affairs we are in.

Thank you.

Dawn Blanchette
Director of Student Financial Services
Johnson & Wales University
(401)598-1857

****Confidentiality Notice: This email is intended only for the addressee(s) named herein and contains privileged and/or confidential information. If you are not the named recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail or any of the attachments to this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify the sender by e-mail or by telephone (collect) at the above number and permanently delete the original and any copy of this e-mail and of any attachments sent with this e-mail from your computer and destroy any printout(s) thereof. Thank you****

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:01:46 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question about federal funds

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** ADELIS L ALVAREZ-NIEVES <adelis.alvarez@upr.edu>
**Sent:** Monday, March 16, 2020 12:02 PM
**Subject:** Question about federal funds

Good evening,
My name is Adelis Alvarez and I am a student from the University of Puerto Rico Rio Piedras who receives federal funds and who is currently on a study abroad program in Rennes 2, France; and I find myself in a difficult situation regarding our federal funds along with 3 other students here in France.Due to the current situation regarding the COVID-19, the president of France has decided to temporarily close down schools and universities to avoid spreading the virus. The university of Rennes 2 here in France has offered to continue the courses online (distance learning) meanwhile we're on lockdown, but the university of Puerto Rico has sent us an email las Friday stating that if we were to decide to stay abroad and take the clases online here in France we are to return all federal funds and loans inmediately. **[email below]**

They state that they will not accept any courses that we take temporarily online in France, but the students that receive federal funds in the University of Puerto Rico are not being asked to return any type of federal loans even though Puerto Rico finds itself in the exact same circumstances as France and they are also currently taking courses online.

Their email doesn't make any sense to us since first of all, the federal loans have a certain time period in which we are allowed to pay them and to our knowdlege taking courses online temporarily due to a pandemic isn't a reason to immediately pay back the loans that we received in full 2 weeks a ago.
Especially since last Friday the House, Senate released an article regarding Title IV concerns due to the coronavirus stating that: ...*the bill expands the eligible program definition, which currently excludes foreign institutions from providing distance education to U.S. students not enrolled in a study abroad program. The bill adds an exemption to this prohibition that would allow foreign institutions to offer distance education in the case of a public health emergency, major disaster or emergency, or national emergency declaration by the foreign government where the foreign institution is located. Note that current law allows a student enrolled at a U.S. institution participating in a study abroad program to take courses via distance education from a foreign institution.* (https://www.nasfaa.org/news-item/21196/House_Senate_Introduce_Coronavirus_Legislation_Addressing_Title_IV_Concerns)

AMERICAN OVERSIGHT

Finally we would like to know that since we will be taking clases in Europe online temporarily due to the pandemic, does this act exempt us from receiving any federal funds or loans? Or is our university giving us false information? Thank you in advance.

Cordially,
Adelis Alvarez

Email from University of Puerto Rico sent on the 13th of March 2020
Estimado estudiante:

La Universidad de Puerto Rico, ha decretado la cancelación de clases presenciales para la semana del 16 al 23 de marzo de 2020. Se realizarán tareas administrativas limitadas en los Departamentos, Facultades y oficinas de servicio. Por tanto, la mejor forma de gestionar y solicitar trámites con nuestra oficina será vía correo electrónico y teléfono. Por favor no acuda al recinto y maneje sus peticiones por estos medios.

Si usted determina regresar y completar sus estudios del semestre en la UPR:

- Debe comunicarse por teléfono o correo electrónico directamente con el Decano Auxiliar de Asuntos Estudiantiles de su Facultad, quien ha recibido instrucciones de gestionar su solicitud. Se adjunta la lista de Decanos y su información de contacto. Los Decanos realizarán una evaluación académica individual para identificar los cursos que pueda tomar para completar la carga académica completa, mínima de 12 créditos.

- Se han planteado las siguientes alternativas:

    a. Estudios independientes: el estudiante se matricula en un curso y realiza estudios individualizados en coordinación con el profesor. Se coordinan reuniones, trabajos y exámenes entre ambos.

    a. Cursos en UPR Carolina- cuatrimestre de abril 2020: podría optar por tomar cursos en este recinto mediante un permiso especial, conforme a la oferta disponible allí.

    b. Acreditación de cursos en línea: si su universidad de destino le ha ofrecido la oportunidad de continuar tomando cursos en línea desde Puerto Rico, debe presentar evidencia de esta autorización. Recuerde que en toda instancia se requiere una transcripción oficial para completar el ACOI y que se le acrediten los cursos en la Oficina del Registrador.

        **Observación importante: Por disposición del Departamento de Educación Federal ( ver anejo – *Guidance for interruptions of study related to Coronavirus – Foreign Schools*) , no se pueden convalidar cursos no presenciales de instituciones en el extranjero a estudiantes que hayan recibido los beneficios de asistencia económica federal para pagar su matrícula en los programas de intercambio. Si usted interesa que le sean convalidados, deberá devolver el dinero recibido. Si usted no recibió beca ni préstamo federal, no le aplica esta .**

AMERICAN OVERSIGHT

Si tiene alguna duda sobre estos asuntos, recuerde ponerse en contacto con el personal de su Facultad y Programa.

Reiteramos que se mantengan vigilantes a los avisos y comunicados administrativos oficiales de la UPR y su universidad de destino . De igual forma,  que repasen las recomendaciones emitidas en el correo electrónico del pasado lunes 9 de marzo.

AMERICAN OVERSIGHT

**From:** Oligschlaeger, Kim
**Sent:** Mon, 16 Mar 2020 18:55:28 +0000
**To:** COVID-19
**Cc:** Stephenson, Todd;Kempker, Kelly
**Subject:** FW: Question about Federal Staff

See below. I would assume that we would still reimburse staff paid for with federal funds.

-----Original Message-----
From: Glaspy, Victoria <Victoria.Glaspy@slps.org>
Sent: Monday, March 16, 2020 11:32 AM
To: Oligschlaeger, Kim <Kim.Oligschlaeger@dese.mo.gov>; Scott, Christina <Christina.Scott@dese.mo.gov>
Subject: Question about Federal Staff

As you know, all St. Louis city and county schools have closed due to the coronavirus epidemic. Are staff costs still reimbursable during this time of closure?

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:41:56 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question about housing and meal plan rebates

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Venus Puliafico <vxp4@case.edu>
**Sent:** Sunday, March 15, 2020 12:40 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question about housing and meal plan rebates

Hello,

If the university decides to provide a rebate on housing and meal plans for the 20-21 academic year (probably just for fall semester) to offset the spring 2020 underutilized usage, will we need to consider this as a resource for purposes of financial assistance?

Thank you,

Venus M. Puliafico
Director
University Financial Aid
Case Western Reserve University

10900 Euclid Avenue
Cleveland, Ohio 44106-7049
Yost Hall, Room 435

P: 216/368-6574
F: 216/368-5054

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venus.puliafico@case.edu
https://case.edu/financialaid/

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:09:13 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: question about services during extended school closings

Hi Laurie

The COVID-19 mailbox received an inquiry about IEPs. Below is the inquiry.

Thanks,
Kelly

---

**From:** Lisa Lightner <lisalightner@yahoo.com>
**Sent:** Monday, March 16, 2020 1:02 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** question about services during extended school closings

First, I have read and re-read your Q&A document regarding school closures due to COVID-19 and kids with IEPs.

However, it does not address one issue: There is a segment of students, albeit a small percentage, for whom online learning, packets and telephone learning is not appropriate. For some students, the only way for them to receive FAPE would be direct teaching, in person, from a qualified professional provider.

That practice is in direct conflict with what the general societal guidelines are--to stay away from each other.

What is your guidance on that?

LL

Lisa Lightner

e: Lisa@ADayInOurShoes.com

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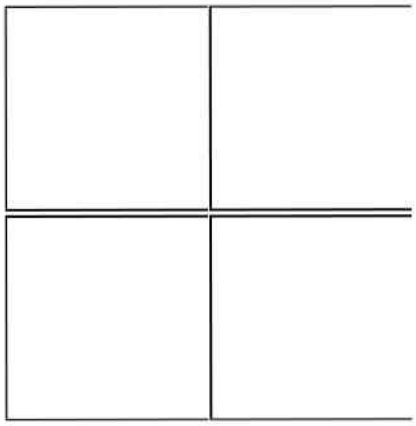

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:00:22 +0000
**To:** Rooney, Patrick
**Cc:** COVID-19
**Subject:** FW: Question from Idaho Sec 1127(b) - Title 1

Hi Patrick

The COVID-19 mailbox received an inquiry Title 1. Below is the inquiry.

Thanks,
Kelly

---

**From:** Hembrey, Tanesha <Tanesha.Hembrey@ed.gov>
**Sent:** Monday, March 16, 2020 11:46 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** FW: Question from Idaho Sec 1127(b)

This question came in to the Title I mailbox.

---

**From:** Karen J Seay <KSeay@sde.idaho.gov>
**Sent:** Monday, March 16, 2020 9:53 AM
**To:** OESE.SGR.Idaho <Idaho.oese@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** Alexandra McCann <amccann@sde.idaho.gov>; Brandy Diaz Scott <bdiazscott@sde.idaho.gov>; Tim McMurtrey <tmcmurtrey@sde.idaho.gov>
**Subject:** Question from Idaho Sec 1127(b)

As Idaho Districts begin to make the difficult decision to close schools, they are cancelling professional development activities, conferences, trainings, and events. We are beginning to hear from these districts a concern about excessive carryover above the 15% (Sec. 1127(a)) for Title I-A.
Idaho's question: For districts that have already received a Title I-A waiver (Sec. 1127(b)) within the last three years, will they be eligible for another waiver for carryover beyond 15% for 2019-2020 due to these unprecedented circumstances beyond their control?
We look forward to hearing from you. Karen

Karen J.M. Seay
Director, Federal Programs
State Department of Education
650 W. State Street
PO Box 83720
Boise ID 83720-0027
kseay@sde.idaho.gov
208.332.6978 work
208.830.6394 cell

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Fax: 208.334.2228

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**From:** Hembrey, Tanesha
**Sent:** Mon, 16 Mar 2020 15:45:51 +0000
**To:** COVID-19
**Cc:** OESE.titlei-a
**Subject:** FW: Question from Idaho Sec 1127(b)

This question came in to the Title I mailbox.

---

**From:** Karen J Seay <KSeay@sde.idaho.gov>
**Sent:** Monday, March 16, 2020 9:53 AM
**To:** OESE.SGR.Idaho <Idaho.oese@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** Alexandra McCann <amccann@sde.idaho.gov>; Brandy Diaz Scott <bdiazscott@sde.idaho.gov>; Tim McMurtrey <tmcmurtrey@sde.idaho.gov>
**Subject:** Question from Idaho Sec 1127(b)

As Idaho Districts begin to make the difficult decision to close schools, they are cancelling professional development activities, conferences, trainings, and events. We are beginning to hear from these districts a concern about excessive carryover above the 15% (Sec. 1127(a)) for Title I-A.
Idaho's question: For districts that have already received a Title I-A waiver (Sec. 1127(b)) within the last three years, will they be eligible for another waiver for carryover beyond 15% for 2019-2020 due to these unprecedented circumstances beyond their control?
We look forward to hearing from you. Karen

Karen J.M. Seay
Director, Federal Programs
State Department of Education
650 W. State Street
PO Box 83720
Boise ID 83720-0027
kseay@sde.idaho.gov
208.332.6978 work
208.830.6394 cell
Fax: 208.334.2228

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:39:56 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question on Cost of Attendance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Kristin Hmieleski <khmieleski@marlboro.edu>
**Sent:** Monday, March 16, 2020 9:17 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question on Cost of Attendance

To Whom It May Concern:
There seems to be circulation of this question on a FA listserv and further guidance is needed:

Due to Covid-19, if a college closes its campus for the remainder of the semester and moves instruction online and provides a proration for room and board charges, does the student's cost of attendance need to be adjusted? Our on-campus COA is higher than our off campus COA.

If the COA is adjusted down, we understand any Pell and DL already originated and disbursed does not need to be adjusted, but does FWS and FSEOG funding need to be adjusted?

What if an overaward in all types of financial aid (loans, state, federal, institutional) is created because of the adjustment?

Regards,

Kristin Hmieleski
Director of Financial Aid
khmieleski@marlboro.edu

Marlboro College
P.O. Box A, 2582 South Rd.
Marlboro, VT 05344-0300
Phone: 802-258-9237
Fax: 802-258-9300

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 21:09:06 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4 and an Extended Spring Break

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Louise Driver <louise.driver@umwestern.edu>
**Sent:** Monday, March 16, 2020 3:45 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Bartlett, David <David.Bartlett@ed.gov>
**Subject:** R2T4 and an Extended Spring Break

I think my answer is Yes but I wanted to reach out and verify it due to the Coronavirus situation.

Our college extended the spring break an extra week to set up courses for online deliverance. My questions are:

1. Do I need to extend my spring break week in the R2T4 calculation from one week to two weeks to include this extra week?
2. Do I need to re-process any R2T4 calculations on **prior** students? (as long as the period includes this time of the semester-we have four-blocks within our semester & depending on how the student was enrolled, may or may not have included this period of time)

Thank you in advance for your guidance,

Louise

**LOUISE DRIVER** | Director of Financial Aid | The University of Montana Western | 710 S Atlantic Street | Dillon MT 59725 | 406-683-7511 | 406-683-7510 (f) | https://w.umwestern.edu/info/financial-aid/

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:10:39 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4 Calculation and Break extension

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Mathew Catanese <mcatanese@collegeforcreativestudies.edu>
**Sent:** Monday, March 16, 2020 1:31 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** R2T4 Calculation and Break extension

Hello,

Can you please provide some guidance on the following situation regarding the COVID-19:

Our school had a scheduled Spring Break, 03.08.20 - 03.14.20. The school has decided to extend Spring Break by one week, to allow faculty to develop a transition plan to online teaching. All prior R2T4s included the original Spring Break into the calculation.

Do we need to recalculate all R2T4s completed prior to the Spring Break extension due to the COVID-19 situation?

If you have any questions or need additional assistance, please feel free to contact me.

Thank you,
Matt

Matt Catanese
Financial Aid Director

College for Creative Studies
Yamasaki Building, Main Floor
P: 313.664.7497

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 15:14:35 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4 Calculations

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Perry, John <jperry@govst.edu>
**Sent:** Monday, March 16, 2020 11:10 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** R2T4 Calculations

Good morning,

I had a question on the calculation of Return of Title IV funds. Our school is extending spring break by one week. I understand that we should adjust our numerator and denominator to accommodate this change. We have already calculated many R2T4's prior to the COVID-19 guidance and our institution's decision to extend spring break. Do we need to recalculate all prior R2T4's? Or is this change effective from the change? Please advise.

Thank you.

**John L. Perry, Ed.D.**
**Interim Executive Director of Student Financial Services**
Governors State University
1 University Parkway
University Park, IL 60484
*Office: 708-534-4480*
*Fax: 708-534-1172*

*"The value of a college education is not the learning of many facts but the training of the mind to think."*
~Albert Einstein

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 15:15:12 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4 coronavirus!

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Pat Jackson <Pat.Jackson@jalc.edu>
**Sent:** Monday, March 16, 2020 11:05 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** R2T4 coronavirus!

My college has extended Spring Break for another week instead of one week because of the Covid-19. Will I have to change the return of funds calculation in COD for two weeks instead of one week?

Thanks,

Pat Jackson
Director of Financial Assistance
John A Logan College
700 Logan College Road
Carterville, IL 62918
618-985-2828 x8691

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:07:23 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Refunds and COA

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

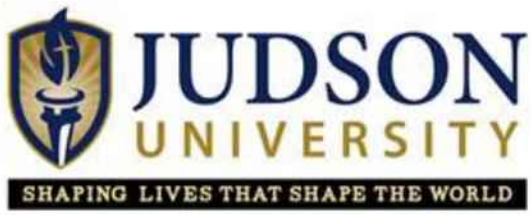
---

**From:** Diana Winton <diana.winton@judsonu.edu>
**Sent:** Monday, March 16, 2020 12:39 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Refunds and COA

Our institution requested that all residents (that could) return home due to the coronavirus. If we provide a refund for the days that they didn't stay in the dorm or get meals would we have to adjust the student's COA?

Thank you,

**Diana M. Winton**
Director of Financial Aid
Office 847.628.2531| Fax 847.628.2533

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:42:20 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Reporting School Closure due to COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Patricia Albor <palbor@urbanbarbercollege.com>
**Sent:** Friday, March 13, 2020 7:02 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Reporting School Closure due to COVID-19

Hello, How can we report the closure of our school due to coronavirus.

--

**Patricia Albor**
**Financial Aid Officer**
**1827 Willow Pass Rd**
**Concord CA 94520**
**(925) 671-0121**
**palbor@urbanbarbercollege.com**
**www.urbanbarbercollege.com**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:08:32 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Return of Title IV

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Emmilee M. Mitchell <mitchell_em@mercer.edu>
**Sent:** Monday, March 16, 2020 1:02 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Return of Title IV

Please confirm I need to exclude days on COVID-19 school closures of 5 days or more from Period of Enrollment for students who withdraw AFTER a school closure.

Thanks,

**Emmilee M. Mitchell**
Director of Operations & Compliance
Student Financial Planning
Mercer University
https://financialaid.mercer.edu
**e:** mitchell_em@mercer.edu
**t:** 478.301.2839
**f:** 478.301.2671

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:12:25 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Rt4 questions

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Lisa Stone <lstone@getfasolutions.com>
**Sent:** Monday, March 16, 2020 1:34 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Rt4 questions

As we have started getting very specific questions regarding school closures related to the Coronavirus and how it will affect the RT4's we want to ensure that our understanding of the guidelines are correct so that we may assist moving forward.

A couple of scenarios.

The school elects to extend their spring break by a week. So now there two weeks, student does not return after the extended spring break, do we exclude both weeks or just the scheduled break?

HI,
The school closes and does not reopen within the same payment period and/or the student does not return within the same payment period. The student is a withdrawal. The payment period will remain the full length of the original payment period as the LDA will be prior to the school closure. The RT4 will be based on the full number of days in the payment period no excluded days for the numerator or denominator in the RT4 for the closure.

The school closes/reopens and the student returns to class but then subsequently withdraws. The payment period will exclude the number of days the school was closed from both the numerator and the denominator in the RT4 calculation.

There is a piece of the guidelines that state that a campus can be approved for a shortened academic year. Can you give me some explanation on what this would look like? I think my specific interest is will this consist of shortened payment periods or just fewer payment periods within the academic year.

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**Lisa Stone**
Director of Compliance
**FA Solutions, LLC**
Phone: 727-565-2048
Email:lstone@getfasolutions.com

**"Sometimes faith will make you look stupid; until it rains." - Noah**

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:56:32 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: School Closure Guidance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Stephanie Broyles <sbroyles@rolla.k12.mo.us>
**Sent:** Monday, March 16, 2020 2:36 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** School Closure Guidance

Greetings,

We are a public, clock-hour school required to take attendance. We are currently facing a district mandated shut down and are putting a plan in place for continued learning.

We are accredited by the Council on Occupational Education. They have issued guidance that, in accordance with ED's March 5th memorandum, they will grant temporary approval for distance learning. They have further clarified that they do not require any approval for distance learning that will not be substantive, i.e. electronic submission of assignments, email, chat forums, etc. The memorandum from ED, though, says those things are distance learning.

Here are my questions:

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1. Regardless as to whether we offer learning via platforms our accreditor doesn't consider distance learning, do we have to have their temporary approval in order for it to count?

2. We are not currently approved for any distance learning and do not offer it. If we chose to include distance learning in our plan, how does that affect the attendance requirements for our school? In other words, what do we have to do to be able to count the distance learning towards students meeting the hours in their payment periods?

Thank you,
Stephanie

Stephanie Broyles, Ed.D.
Student Services/Financial Aid Director
Rolla Technical Institute/Center
1304 E. 10th Street/500 Forum Drive
Rolla, MO 65401
573.458.0150 Ext. 15194
573.458.0160 Ext. 16073

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:42:33 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: School Closures

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Jessica Fry (b)(6)
**Sent:** Friday, March 13, 2020 6:46 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** School Closures

If our school district shuts down from a global emergency, such as the Coronavirus, will the days need to be added on to the summer break? Or is the closure exempt from the 180 day federal mandate of days in school due to the nature of the situation?

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**From:** Ortiz-Velazquez, Judith
**Sent:** Mon, 16 Mar 2020 15:49:13 +0000
**To:** COVID-19
**Cc:** Coughlin, Betty;Curry, Christopher
**Subject:** FW: School Notification regarding: Temporary School Closing

**From:** Jose Cuevas (b)(6)
**Sent:** Monday, March 16, 2020 11:25 AM
**To:** NYBostonSPD <NYBostonSPD@ed.gov>; Ortiz-Velazquez, Judith <Judith.Ortiz-Velazquez@ed.gov>
**Subject:** School Notification regarding: Temporary School Closing

School Notification regarding: Temporary School Closing due to Executive Order from the Governor of Puerto Rico

Emma's Beauty Academy
OPE ID 0307560001
Carretera 592
Juana Díaz, PR 00795

In response to the COVID-19 (coronavirus) the governor of Puerto Rico has ordered a curfew. Per the administrative bulletin number OE-2020-023 this is in effect from March 15th, 2020 until March 30, 2020. Emma's Beauty Academy will remain closed during this time period.

The Institution is communicating operational, safety protocols, status and key updates to the students and community via the Institution's Facebook page.

In the event of changes we will be updating your office.

José H. Cuevas
President
Emma's Beauty Academy
Juana Díaz, Puerto Rico

AMERICAN OVERSIGHT

**From:** OESE.SGR.Tennessee
**Sent:** Mon, 16 Mar 2020 16:11:20 +0000
**To:** Lovitt, Brittney
**Cc:** OESE.titlei-a;COVID-19
**Subject:** FW: Section 8401 Waiver Request - Tennessee
**Attachments:** Tennessee_Waiver_Request_16Mar20.pdf

Hi, Brittney-

This request was addressed to all of the right OESE office lead folks, I think, but wanted to loop you in for timeliness.

Thanks,

*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** Eve Carney <Eve.Carney@tn.gov>
**Sent:** Monday, March 16, 2020 11:37 AM
**To:** OESE.OSS.Tennessee <OSS.Tennessee@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Roney, Collette <Collette.Roney@ed.gov>; Penny Schwinn <Penny.Schwinn@tn.gov>; Sam Pearcy <Sam.Pearcy@tn.gov>; Drew Harpool <Drew.Harpool@tn.gov>; Michael Hardy <Michael.Hardy@tn.gov>; Eve Carney <Eve.Carney@tn.gov>
**Subject:** Section 8401 Waiver Request - Tennessee

Please see the attached waiver request related to COVID-19 and additional state of emergency currently impacting Tennessee schools and students.

Thank you for your consideration of this request.

Respectfully,
Eve Carney

Eve Carney, Ed.D. | Chief Districts and Schools Officer
Andrew Johnson Tower, 12h Floor
710 James Robertson Parkway, Nashville, TN 37243
615-532-1245

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Eve.Carney@tn.gov
tn.gov/education
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STATE OF TENNESSEE
**DEPARTMENT OF EDUCATION**
9th FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

**BILL LEE**
GOVERNOR

**PENNY SCHWINN**
COMMISSIONER

Asst. Secretary Brogan
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

March 16, 2020

RE: Waiver Request as allowed by Section 8401 of the Elementary and Secondary Education Act

Assistant Secretary Brogan:

The Tennessee Department of Education (TDOE) is requesting Secretary DeVos to utilize the wavier authority pursuant to Section 8401 of the Elementary and Secondary Education Act (20 U.S.C §7861) as the state continues to address both the COVID-19 outbreak and the state of emergency resulting from recent tornadoes across Tennessee.

Tennessee counties experienced seven EF3 and EF4 tornadoes on March 2 and 3 which destroyed numerous homes, schools, and lives—the second deadliest tornado outbreak in Tennessee history. We are continuing to support our district and school leaders in recovering from this natural disaster, but many schools are not yet able to resume a normal school schedule, and the impact on communities is significant. On March 3, Governor Bill Lee declared a state of emergency for this natural disaster.

While in this state of emergency, Tennessee continues to have a growing number of districts that have suspended classes over the past week with the number of confirmed cases of COVID-19 continuing to increase daily. Last week alone, schools serving over 50% of the state's 973,659 students have suspended classes. Today, Governor Bill Lee announced that all public schools in Tennessee would close through the end of March—a decision that would be reevaluated and possibly extended later in the month. Districts are working to develop and implement continuity of instruction plans; however, many of our largest urban and suburban districts, serving over 500,000 of Tennessee's students, also serve most of the state's highest poverty schools whose students, which in many instances, do not have appropriate access to technology in their homes, making instructional continuity more challenging.

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To ensure that the TDOE is equipped to serve our districts and schools in recovering from these crises while continuing to meet our state requirements, Tennessee is seeking available flexibilities and waivers for assessment, accountability determinations, and accountability components, as well as other requirements of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act.

***Assessment:***
As this is an evolving situation expected to intensify in the weeks and months to come, Tennessee is requesting flexibility and approval to apply either of the following waivers as determined by the needs of the state:

- With Tennessee addressing needs from both COVID-19 and a natural disaster and with all schools closing, we are seeking a one-year waiver to exclude assessments for the 2019-20 school year from accountability determinations and reporting. This will require Tennessee to adjust or extend the assessment window as appropriate to accommodate as many students as possible. With the health crisis still evolving, it is indeterminable at this time what adjustments may be necessary.
- With Tennessee addressing needs from both COVID-19 and a natural disaster and with all schools closing, we are seeking a one-year waiver on all assessments currently outlined in our approved ESSA state plan.

***Accountability determinations:***

- The state is seeking a targeted, one-year waiver to identify schools for comprehensive and targeted support and improvement as required in §1111(c)(4)(C)(iii) in the four counties impacted by the tornadoes: Davidson, Wilson, Benton, and Putnam counties.

As this is an evolving situation expected to intensify in the weeks and months to come, Tennessee is requesting flexibility and approval to apply either of the following waivers noted below as determined by the needs of the state:

- The state is seeking a one-year waiver on the identification of schools for comprehensive and targeted support and improvement as required in §1111(c)(4)(C)(iii) for all impacted schools.
- The state is seeking a one-year waiver on Tennessee's current accountability framework pursuant to §1111(c) as detailed in the state's approved ESSA state plan.

***Accountability components***:

- The state is seeking a statewide waiver for the 95 percent assessment student participation rate as required in § 1111(c)(4)(E) of ESSA not to be considered when calculating the Academic Achievement indicator for end of year assessments.
- One-year waiver to exclude chronic absenteeism from the school quality and student success indicator in its accountability system—which in Tennessee is the chronically out of school indicator.

***Fiscal and other requirements***:
The TDOE does not expect that districts will expend their Title I, A allocations according to the requirements during the period of availability due to the current medical and natural disasters noted above. As such, we are requesting the following:

- A waiver to extend the period of availability for Tennessee's the Title I, part A award (S010A190001) to September 30, 2022. With extended school closures, this waiver would allow districts time and flexibility to reset and reevaluate how best to support students following the current crisis.

AMERICAN OVERSIGHT

- A waiver of the 15% carryover cap for Title I, part A funds and is also requesting to exclude any district waiver requested for the 2019-20 school year from the carryover limitation (no more than one in a three-year period).
- Consideration for other maintenance of effort flexibilities that may be forthcoming to states and districts during the current COVID-19 outbreak.

Due to the evolving nature and scope of the current crises Tennessee is facing, we did not provide public notice prior to submission of this waiver request. We will actively communicate this request and provide appropriate follow-up communication with stakeholders.

School and district leaders currently have to balance decisions regarding the safety and education of their students. This balance may be impacted by leaders' fear of repercussions in accountability, assessment, and funding. These waiver requests represent the best faith efforts of the TDOE to assuage these fears so district leaders can make the decisions that are in the best interest of students, teachers, and families without fear of repercussion.

Thank you for consideration of these requests. Tennessee is committed first to ensuring that all students are safe and fed during these crises; we are also committed to ensuring that the TDOE supports the recovery of impacted districts and schools so we can continue to focus on the provision of an excellent education and setting all students on a path to success.

Please feel free to contact Eve Carney, by telephone at 615-532-1245 or at Eve.Carney@tn.gov if there are questions regarding this request or if additional information is needed.

Best,

Dr. Penny Schwinn, Ph.D.
Commissioner

CC: Eve Carney, Chief Districts and Schools Officer
Mike Hardy, Chief Strategy Officer
Drew Harpool, Chief Financial Officer
Sam Pearcy, Chief Operations Officer

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:40:01 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: South Alabama

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Monday, March 16, 2020 10:28 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** msklopan@southalabama.edu
**Subject:** South Alabama

Thank you for your message – It has been forwarded to our COVID-19 mailbox for review and response.

---

**From:** Marla Sklopan <msklopan@southalabama.edu>
**Sent:** Monday, March 16, 2020 9:43 AM
**To:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** COVID-19 and Federal Aid Impacts: Message from UNIVERSITY OF S (92514606231)

Ms. Guadio,

We need further guidance on a few things in relation to the impact of COVID-19 and federal aid eligibility.

1. If students are not allowed on campus beginning May 16 and all courses will be moved to online beginning May 23, can we continue to pay federal work study funds to students that would normally be working on campus? We also have students that work off campus either as a reading tutor or for a non-profit organization. Are they required to continue working if they are off campus, or can they be treated the same as an on campus work study student?

2. If any housing or meal plans are prorated and refunded to the student, are we required to adjust the cost of attendance for that term?

1. Our on campus classes have been canceled for March 16 – March 22 for all classes except for those offered by College of Medicine. Starting May 23, all courses will be moved online. Since this not a scheduled break and will not affect our on-line courses, must this time period be

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excluded for R2T4 calculations for those students who are only enrolled in all on campus courses (the FSA Handbook references that any temporary closures due to a circumstance that is outside of the control of the institution be addressed with our FSA School Participation Division)?

3. If emergency displacement aid is made available to a student due to COVID-19, do we have to adjust aid for any over award that this may cause?

I realize that your office is probably inundated with questions right now, but we would appreciate a response as soon as possible.

---

**From:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Sent:** Monday, March 16, 2020 8:18 AM
**To:** msklopan@southalabama.edu
**Subject:** FW: Message from UNIVERSITY OF S (92514606231)

Ms. Sklopan, I have received your voicemail. Please let me know what your questions are so I can provide guidance or forward to someone that can assist you.
Thank you
Renee Gaudio

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 22:38:25 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: Special education evaluation timelines

Hi Laurie,

The COVID-19 mailbox received an inquiry about special ED. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Altman Family <altmanfamily5@comcast.net>
Sent: Monday, March 16, 2020 6:02 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Special education evaluation timelines

Good evening. The Q & A released on 3/12/20 regarding providing services to students with disabilities is very helpful. However, there is no guidance on special education timelines for evaluations and the eligibility/IEP process when schools are closed due to COVID-19. The governor of Virginia mandated that all K-12 schools close for at least 2 weeks. Please direct me where to find this very important information.

Thank you,

Stephanie Altman
Educational Diagnostician

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:41:49 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Student Budget for Third Term

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

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**From:** Chang, Malina A. <machang@caltech.edu>
**Sent:** Saturday, March 14, 2020 5:13 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Student Budget for Third Term

Dear Support,
Caltech will be holding third term classes online. Do we need to change the student budget for students on aid to off-campus or living with parents for third term and adjust aid accordingly?
Thanks for your help.
Malina

**Malina Chang**
Acting Director of Financial Aid
Caltech
626-395-3309
machang@caltech.edu
www.finaid.caltech.edu

Please do not send any documents with personally identifiable information (PII), e.g., social security numbers, birthdates, etc., via email as it is not secure. Use the Caltech Financial Aid Dropbox.

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**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 15:15:05 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: student loan wage garnishments

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Kayla Pumphrey <dawsons_dream_fund@aol.com>
**Sent:** Monday, March 16, 2020 11:07 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** student loan wage garnishments

I am trying to determine if I am eligible to temporarily stop wage garnishment from student loan debt due to financial hardship already starting due to the COVID-19 shutdowns affecting child care and employment in my home.

Kayla Pumphrey
dawsons_dream_fund@aol.com

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:40:58 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Student Loans

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Nix H (b)(6)
**Sent:** Monday, March 16, 2020 12:10 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Student Loans

Hello,

There's a possibility my husband and/or myself could lose our jobs and we have 4 young children. Is there any assistance with my husband's loan? I paid mine off a while ago. We're still paying over $200 a month. We're concerned.

Sincerely,

Nicole Howlett

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:41:35 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Studying Abroad and Receiving Title IV Funds

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Adriana S. Márquez Morales <adriana.marquez2@upr.edu>
**Sent:** Saturday, March 14, 2020 10:16 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** policy@nasfaa.org
**Subject:** Studying Abroad and Receiving Title IV Funds

Hello,

My name is Adriana Márquez and I am currently studying abroad at the University of Rennes 2 in Rennes, France. My home institution is the University of Puerto Rico - Río Piedras located in San Juan, Puerto Rico. I am writing you because I recently received an email from my home institution indicating that if I were to stay and take online classes from my host institution, I would be required to give back the Pell Grant money I received for this semester.

I accessed NASFAA's website this morning and saw this article: "Senators Introduce Coronavirus Legislation Addressing Title IV Concerns" (https://www.nasfaa.org/news-item/21196/Senators_Introduce_Coronavirus_Legislation_Addressing_Title_IV_Concerns).

I am still doubtful of how I will have to proceed. If I decide to continue taking the classes online provided by my host institution, will I still have to give the Pell Grant money back? I find this incredibly inflexible considering the extraordinary circumstances we are in currently. I have been here for almost 3 months, and have already spent that money on the flight here, the rent, groceries, and other necessities.

I just want to know how to proceed. I want to stay here and continue taking the classes online for two reasons: first, I don't know if the classes will go back to being in-person before the semester ends, and second, the classes I am taking here are not offered at my home institution. This is a once in a lifetime opportunity. However, I don't have the means to return the Pell Grant funds I received. I hope that you can shed some light on this situation and provide the best alternative.

Thank you for you attention. I await your response.

Sincerely,

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Adriana Márquez

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:41:44 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Studying abroad and Title IV funds

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** PAOLA S NAVIER-NAZARIO <paola.navier@upr.edu>
**Sent:** Saturday, March 14, 2020 12:54 PM
**To:** policy@nasfaa.org
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** Studying abroad and Title IV funds

Hi. My name is Paola S. Navier Nazario and I am currently studying abroad at Université Rennes 2 in France. As you probably know, all the universities in the country are closed. We don't know if they are going to open anytime soon, but the University of Rennes is giving us the option of continuing our classes online. My home institution (the University of Puerto Rico) sent en email yesterday saying that if I want my clases to be validated, I have to give back the pell grant I receive and the loan I took to be able to do this exchange program. They said that students who receive federal aid and are in a foreign institution cannot have their classes validated because they are not in-person classes, but online classes. And for my classes to be validated, I have to give the money back. All this is if I decide to return to Puerto Rico. If I decide to stay, do I still need to give the money back? This situation has me very confused, and I honestly don't know what to do. If I have to give the money back, then I will not have any to return home, and even then, I have used half of the money for rent, food, to pay the tuition, etc. It's not my decision not to take in-person classes, it's not in my hands. I would appreciate if you could clear up this situation for me.
I await your response, thank you.
--
Paola S. Navier Nazario

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:41:47 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Studying abroad and Title IV funds

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** ADRIANA G HERNANDEZ-MERCADO <adriana.hernandez13@upr.edu>
**Sent:** Saturday, March 14, 2020 2:59 PM
**To:** policy@nasfaa.org
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** Studying abroad and Title IV funds

Hi, my name is Adriana G. Hernández Mercado, and I am currently studying abroad in France at the University of Rennes 2. My home school is the University of Puerto Rico, Río Piedras campus. I approach because I am concerned due to a mail that was sent to us yesterday from our university. As you might know, we are experiencing a very tough time due to the pandemic. The alternative that the university here at France offers is to continue the classes online because almost every university in Europe is closed. In my case, we haven't been given an exact date to restart classes. The email said that the students that receive federal aid must give the money back if they want their online classes to be validated in Puerto Rico. Basically, if we don't give the money back our classes won't be validated. This is what concerns me because not only me, but the other puertoricans that are here, rely on that money to cover expenses such as: food, rent, tuition, tickets to go back to P.R, and other basic needs. Also, we have been living here for almost three months and we have been using that money to cover the expenses to live here. I would like to recieve clearer information about this subject because it isn't clear. We need to be sure to make decisions. We would like to know if it's better to go back or stay here. I would like to stay here, but if I need to give the money back, it would be impossible because I rely on that money to cover the expenses, and most importantly, a ticket to go back to Puerto Rico when the semester is finished.
Thank you for your regard, I await your response.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:57:23 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Submitting COVID-19 questions

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Terry, Tamela <Tamela.Terry@ed.gov>
Sent: Monday, March 16, 2020 2:45 PM
To: COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
Subject: Submitting COVID-19 questions

Please clarify what individual FSA staff members should be doing with Kovy Dash 19 questions that come to their email boxes?
Should askafed@ED.gov continue to send questions to federalstudentaid@ED.gov?

Tamela

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 22:36:33 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Tax offset

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Annelie Rios (b)(6)
**Sent:** Monday, March 16, 2020 5:35 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Tax offset

I have been having an issue that needs addressing. My refund was offset due to just one missed payment, the month I became unemployed. I called  to figure out a new payment plan since I was unable to pay the $300+ being unemployed. I continued making payments after I found out the new amount. I did not know my refund was to be offset I applied for my taxes early.

The payment I made for February is extremely close to when my refund was processed for the Dept of Ed. I have had financial hardship since that time to now. I been applying for employment diligently. With the COVID-19 outbreak, it has put even more of a strain for me. With all the closures, looking for work to even be financially independent has been difficult. Being able to receive my refund during this harsh time would be helpful and if there is anyway to reach out to someone please let me know who to reach. I recently saw this article and saw the portion about receiving my offset back. If you can call me with more info, my number is 516-603-5410, my name is Annelie Rios.

https://www.studentloanborrowerassistance.org/repaying-student-loans-amid-covid-19-outbreak/

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:39:57 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Title IV documentation for temporary distance education

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Christina Boyle, MBA <cboyle@mcinj.edu>
**Sent:** Monday, March 16, 2020 9:22 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Title IV documentation for temporary distance education

Hello:

After reading the https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19, I have a question:

We are not an approved distance education school. I understand from this document we do not need to have distance education technology in place and we may be able to continue educational services through e-mail and instructor/student interaction.

However, how do we document student participation/time so there is no interruption? Students' attendance was entered daily here at the institution. We are a quarter credit institution. Our state will be mandating a closure.

Please advise.

Christina Boyle, MBA

**Medical Career Institute | 901 West Park Ave St 201 | Ocean Township, NJ 07712**

**P: 732-695-1190 | F: 732-695-1160 | www.mcinj.edu**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:45:53 +0000
**To:** Sullivan, Madeline
**Cc:** COVID-19
**Subject:** FW: Package delivery
**Attachments:** Health - COVID-19 - General Inquiry.docx

Hi Madeline,

Please find attached an email from the Covid-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

---

**From:** Patricia Hammer <patricia.hammer@att.net>
**Sent:** Monday, March 16, 2020 10:42 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Package delivery

Do I need to do anything to a package and contents (clothing) when it arrives?

Sent from Mail for Windows 10

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Dear NAME:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:41:26 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Paying FWS Students during extended break

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Linda Kinziger <kinzigerl@ripon.edu>
Sent: Saturday, March 14, 2020 8:40 AM
To: COVID-19 <COVID-19@ed.gov>
Subject: Paying FWS Students during extended break

Hello,

Our College has extended the spring break to allow for the school to determine if/when classes will resume back on campus physically or if it will pursue alternative methods of delivery (online) and most likely it will pursue the latter. My question is and several people on email threads have been asking, can students be paid during the extended spring break? Also, what about students that stay on campus once campus moves to the online format, can they still be paid? We will continue to have classes, so the college itself perceives it will remain "open", but we encourage students not to return to campus for health concerns. Is there a difference between students who remain on campus that are pd that actually work vs those who don't work and are still paid?

One other question, if the college gives a partial refund for housing and dining, are we able to apply it to the student account for next year (for those that return) in the form of a credit to their account instead of giving them a refund this year?

Thank you for your time,

Linda Kinziger
Director of Financial Aid
Ripon College 00388400

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:40:02 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Paying FWS students during the coronavirus pandemic once the school moves to online instruction only

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Laura Diven-Brown <ldivenbr@olemiss.edu>
**Sent:** Monday, March 16, 2020 10:36 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Paying FWS students during the coronavirus pandemic once the school moves to online instruction only

Hello everyone - One big issue, as I know you're aware, is what can be done to help Work-Study students who can no longer work their jobs.

==========

A recent question to NASFAA'S Ask Regs was:
Does the term "other employees" include other student employees not being paid through Work-Study? While our institution currently plans to continue paying faculty and staff, we may not pay all other types of student employees during the time period that we will conduct online instruction only. Are we permitted to pay faculty, staff, and Work-Study employees who are not working, but not pay students who are not working and are paid from other sources?

The answer was:
It is our understanding that "other employees" specifically includes all non-FWS employees. This includes non-FWS student employees, as well as faculty and staff (not just faculty and staff). If you don't pay non-FWS student employees during the closure or interruption in classes, then you cannot pay FWS students under the guidance provided in the March 5, 2020 Electronic Announcement.

I have told our administration that I thought we should follow this guidance unless told differently from DOE directly. Do you agree this is a correct interpretation?

==========

Also, it sounds like it is up to the school to determine HOW to pay once we determine if we actually will pay. So can the Work-Study funds be processed through financial aid basically like a grant, or must it be

AMERICAN OVERSIGHT

disbursed by pushing it through payroll? The latter would be kinda weird because we would have to log in actual dates and hours for specific days, when there was really no work... And then taxes are taken out, etc. Do you have any advice? NASFAA seems to be saying that that we should do timesheets.

Per ED, the school can have the student submit a timesheet for the hours he or she was scheduled to work and pay FWS wages based on that. Beyond that, ED's guidance is silent on how and when the school will pay these students, so it is the school's decision to make.

If we have to pay the OTHER students (non-W-S), will that be a grant from the school? Or can we still get that funding treated as "wages"? Otherwise it goes in the FA packages, which no one wants.

I would appreciate any guidance you can provide

-Laura

**Laura E. Diven-Brown**

Financial Aid Director

The University of Mississippi

Office of Financial Aid

P.O. Box 1848

257 Martindale Student Services Center

University, MS 38677-1848

U.S.A.

O: +1-662-915-5788 | F: +1-662-915-1164

Student Financial Services Helpline: +1-800-891-4596

ldivenbr@olemiss.edu | www.olemiss.edu

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:12:54 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Paying Work Study

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Irene Jasper <irene.jasper@duke.edu>
**Sent:** Monday, March 16, 2020 1:35 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Paying Work Study

I have a question about paying students work study for the remainder of spring..

Because students are not on campus anymore, is it okay if the department manager submits a request to pay the student for the remaining balance of the term rather than having the student complete a time card? We are going with the assumption that the amount we pay students' for the second half of the spring term will be the same as the first half.

For example, if the student only worked 4 shifts during the first 8 weeks of the term, we are going to assume they would have worked 4 shifts the second 8 weeks.

Any guidance you can offer will be greatly appreciated.

Thanks,
-Irene

Irene Jasper, CPA ◦ Director
*Duke University, Office of Personal Finance & Student Loans*
*www.finaid.duke.edu/loans ◦ www.personalfinance.duke.edu*
*2127 Campus Drive, Durham, NC 27708*
*v: 919.684.4568 ◦ f: 919.684.6132*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 21:13:12 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Penalty for FWS underuse due to social distancing response to COVID19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Sarah Freestone <sfreestone@grandview.edu>
**Sent:** Monday, March 16, 2020 5:04 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Penalty for FWS underuse due to social distancing response to COVID19

Will schools be subject to a penalty for underuse of FWS due to moving courses online, cancelling athletic and other events, and social distancing?

**Sarah Freestone**, M.Ed.
*Director of Financial Aid*
Grand View University
515-263-2853

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 14:39:55 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Previous guidance in answer to questions
**Attachments:** Previous guidance in answer to questions, SAP

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Attached is the inquiries.

Thanks,
Kelly

AMERICAN OVERSIGHT

**From:** Deb Dew
**Sent:** Mon, 16 Mar 2020 08:10:13 -0500
**To:** COVID-19
**Subject:** Previous guidance in answer to questions

I e-mailed questions regarding FWS and Distance Learning for students returning from Study Abroad programs. I received answers for both questions.
However, the guidance that NASFAA has come out with, especially regarding Study Abroad programs offering distance learning, is the exact opposite of the answer I received from this address. Supposedly, NASFAA's guidance came from ED.
I normally believe ED over NASFAA, but I'm confused now and would like to know which guidance I should believe.
Thank you!
Deb

Deborah A. Dew
**Director of Financial Aid**
**Beloit College**

AMERICAN OVERSIGHT

**From:** Deb Dew
**Sent:** Mon, 16 Mar 2020 08:05:03 -0500
**To:** COVID-19
**Subject:** SAP

Dear Colleagues:

I have read the March 5th electronic announcement but have a question regarding SAP and the calculation of GPA.

Our school is considering using Pass/Fail grades rather than letter grades for the remainder of this semester. How would that affect the calculation of GPA for SAP purposes?

Thanks for your help.

Deb
Deborah A. Dew

**Director of Financial Aid**
**Beloit College**

AMERICAN OVERSIGHT

**From:** Deb Dew
**Sent:** Mon, 16 Mar 2020 08:05:03 -0500
**To:** COVID-19
**Subject:** SAP

Dear Colleagues:

I have read the March 5th electronic announcement but have a question regarding SAP and the calculation of GPA.

Our school is considering using Pass/Fail grades rather than letter grades for the remainder of this semester. How would that affect the calculation of GPA for SAP purposes?

Thanks for your help.

Deb

Deborah A. Dew

**Director of Financial Aid**
**Beloit College**

AMERICAN OVERSIGHT

**From:** Stephanie Broyles
**Sent:** Mon, 16 Mar 2020 13:36:23 -0500
**To:** COVID-19
**Subject:** School Closure Guidance

Greetings,

We are a public, clock-hour school required to take attendance. We are currently facing a district mandated shut down and are putting a plan in place for continued learning.

We are accredited by the Council on Occupational Education. They have issued guidance that, in accordance with ED's March 5th memorandum, they will grant temporary approval for distance learning. They have further clarified that they do not require any approval for distance learning that will not be substantive, i.e. electronic submission of assignments, email, chat forums, etc. The memorandum from ED, though, says those things are distance learning.

Here are my questions:
1. Regardless as to whether we offer learning via platforms our accreditor doesn't consider distance learning, do we have to have their temporary approval in order for it to count?

2. We are not currently approved for any distance learning and do not offer it. If we chose to include distance learning in our plan, how does that affect the attendance requirements for our school? In other words, what do we have to do to be able to count the distance learning towards students meeting the hours in their payment periods?

Thank you,
Stephanie

Stephanie Broyles, Ed.D.

Student Services/Financial Aid Director
Rolla Technical Institute/Center

1304 E. 10th Street/500 Forum Drive

Rolla, MO 65401

AMERICAN OVERSIGHT

573.458.0150 Ext. 15194

573.458.0160 Ext. 16073

AMERICAN OVERSIGHT

**From:** AtlantaSPD
**Sent:** Mon, 16 Mar 2020 14:27:31 +0000
**To:** COVID-19
**Cc:** msklopan@southalabama.edu
**Subject:** South Alabama

Thank you for your message – It has been forwarded to our COVID-19 mailbox for review and response.

---

**From:** Marla Sklopan <msklopan@southalabama.edu>
**Sent:** Monday, March 16, 2020 9:43 AM
**To:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** COVID-19 and Federal Aid Impacts: Message from UNIVERSITY OF S (92514606231)

Ms. Guadio,

We need further guidance on a few things in relation to the impact of COVID-19 and federal aid eligibility.

1. If students are not allowed on campus beginning May 16 and all courses will be moved to online beginning May 23, can we continue to pay federal work study funds to students that would normally be working on campus? We also have students that work off campus either as a reading tutor or for a non-profit organization. Are they required to continue working if they are off campus, or can they be treated the same as an on campus work study student?

2. If any housing or meal plans are prorated and refunded to the student, are we required to adjust the cost of attendance for that term?

1. Our on campus classes have been canceled for March 16 – March 22 for all classes except for those offered by College of Medicine. Starting May 23, all courses will be moved online. Since this not a scheduled break and will not affect our on-line courses, must this time period be excluded for R2T4 calculations for those students who are only enrolled in all on campus courses (the FSA Handbook references that any temporary closures due to a circumstance that is outside of the control of the institution be addressed with our FSA School Participation Division)?

3. If emergency displacement aid is made available to a student due to COVID-19, do we have to adjust aid for any over award that this may cause?

I realize that your office is probably inundated with questions right now, but we would appreciate a response as soon as possible.

AMERICAN OVERSIGHT

**From:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Sent:** Monday, March 16, 2020 8:18 AM
**To:** msklopan@southalabama.edu
**Subject:** FW: Message from UNIVERSITY OF S (92514606231)

Ms. Sklopan, I have received your voicemail. Please let me know what your questions are so I can provide guidance or forward to someone that can assist you.
Thank you
Renee Gaudio

AMERICAN OVERSIGHT

**From:** Altman Family
**Sent:** Mon, 16 Mar 2020 18:02:28 -0400
**To:** COVID-19
**Subject:** Special education evaluation timelines

Good evening. The Q & A released on 3/12/20 regarding providing services to students with disabilities is very helpful. However, there is no guidance on special education timelines for evaluations and the eligibility/IEP process when schools are closed due to COVID-19. The governor of Virginia mandated that all K-12 schools close for at least 2 weeks. Please direct me where to find this very important information.

Thank you,

Stephanie Altman
Educational Diagnostician

AMERICAN OVERSIGHT

**From:** Alexis Crouch
**Sent:** Mon, 16 Mar 2020 08:33:57 -0400
**To:** COVID-19
**Subject:** State testing?

Hello,

As of right now I understand that Florida is a low-risk. As a state and nation we do not have a good idea of how many are affected due to the lack of testing. Has the state started making a plan or have a plan if schools are closed during state testing?

Thank you,
Alexis

AMERICAN OVERSIGHT

**From:** Kayla Pumphrey
**Sent:** Mon, 16 Mar 2020 15:06:41 +0000 (UTC)
**To:** COVID-19
**Subject:** student loan wage garnishments

I am trying to determine if I am eligible to temporarily stop wage garnishment from student loan debt due to financial hardship already starting due to the COVID-19 shutdowns affecting child care and employment in my home.

Kayla Pumphrey
dawsons_dream_fund@aol.com

AMERICAN OVERSIGHT

**From:** Nix H
**Sent:** Sun, 15 Mar 2020 23:10:09 -0500
**To:** COVID-19
**Subject:** Student Loans

Hello,

There's a possibility my husband and/or myself could lose our jobs and we have 4 young children. Is there any assistance with my husband's loan? I paid mine off a while ago. We're still paying over $200 a month. We're concerned.

Sincerely,

Nicole Howlett

AMERICAN OVERSIGHT

**From:** Terry, Tamela
**Sent:** Mon, 16 Mar 2020 18:45:09 +0000
**To:** COVID-19;FederalStudentAid
**Subject:** Submitting COVID-19 questions

Please clarify what individual FSA staff members should be doing with Kovy Dash 19 questions that come to their email boxes?
Should askafed@ED.gov continue to send questions to federalstudentaid@ED.gov?

Tamela

AMERICAN OVERSIGHT

**From:** Annelie Rios
**Sent:** Mon, 16 Mar 2020 17:34:42 -0400
**To:** COVID-19
**Subject:** Tax offset

I have been having an issue that needs addressing. My refund was offset due to just one missed payment, the month I became unemployed. I called to figure out a new payment plan since I was unable to pay the $300+ being unemployed. I continued making payments after I found out the new amount. I did not know my refund was to be offset I applied for my taxes early.

The payment I made for February is extremely close to when my refund was processed for the Dept of Ed. I have had financial hardship since that time to now. I been applying for employment diligently. With the COVID-19 outbreak, it has put even more of a strain for me. With all the closures, looking for work to even be financially independent has been difficult. Being able to receive my refund during this harsh time would be helpful and if there is anyway to reach out to someone please let me know who to reach. I recently saw this article and saw the portion about receiving my offset back. If you can call me with more info, my number is 516-603-5410, my name is Annelie Rios.

https://www.studentloanborrowerassistance.org/repaying-student-loans-amid-covid-19-outbreak/

AMERICAN OVERSIGHT

**From:** Christina Boyle, MBA
**Sent:** Mon, 16 Mar 2020 13:22:24 +0000 (UTC)
**To:** COVID-19
**Subject:** Title IV documentation for temporary distance education

Hello:

After reading the https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19, I have a question:

We are not an approved distance education school. I understand from this document we do not need to have distance education technology in place and we may be able to continue educational services through e-mail and instructor/student interaction.

However, how do we document student participation/time so there is no interruption? Students' attendance was entered daily here at the institution. We are a quarter credit institution. Our state will be mandating a closure.

Please advise.

Christina Boyle, MBA

**Medical Career Institute | 901 West Park Ave St 201 | Ocean Township, NJ 07712**

**P: 732-695-1190 | F: 732-695-1160 | www.mcinj.edu**

AMERICAN OVERSIGHT

**From:** Julie McKinney
**Sent:** Mon, 16 Mar 2020 11:37:29 -0400
**To:** COVID-19
**Subject:** What can we tell families who need school meals or urgent special services?

Hello,

Our not-for-profit, Exceptional Lives, provides information for families of kids with special needs. We are sharing information with people about how to get support during school closings.

Is there a national, or state-by-state page people can go to for information about how to get school meals during the closures, and how they can get support for kids with urgent needs for ongoing therapy like speech, OT or ABA?

thanks so much,
Julie

--

**Julie McKinney**

Director of Product Content / Health Literacy Specialist

julie.mckinney@exceptionallives.org | 617-699-9472

https://www.exceptionallives.org

AMERICAN OVERSIGHT

**From:** Payne Cervera, Brandi
**Sent:** Mon, 16 Mar 2020 22:30:33 +0000
**To:** COVID-19
**Subject:** what constitutes a school closure - for payment of FWS wages

Hello,

If our school moves to online instruction to the extent possible, and requires school employees to work from home, does that constitute a school closure for purposes of paying Federal Work Study (FWS) wages? This question relates to the following guidance we received regarding a school's ability to continue paying FWS student wages in the event of school closure. Would we be able to continue paying FWS student wages if online classes continue and we are requiring our employees to work from home, since our FWS students would not have the ability to work from home? Thank you for the information.

Guidance:
*For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work.*

Brandi Payne Cervera
Director of Financial Aid
Laramie County Community College
1400 E College Drive | 204E Clay Pathfinder Building
Cheyenne, WY 82007
(307) 778-1218

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*Transforming our students' lives through the power of inspired learning.*

AMERICAN OVERSIGHT

**From:** "Dr. Elizabeth Vázquez"
**Sent:** Mon, 16 Mar 2020 08:20:24 -0700
**To:** COVID-19
**Subject:** Work study impacted by COVID 19

Good morning,
I'm contacting you for guidance on a couple of concerns. Could you please let me know what will happen to students who rely on work study to pay for rent and other expenses? Are there emergency funds available to them?

Also, what about students studying out of state? Are there emergency funds to cover emergency travel costs?

Thank you!
Liz

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Jennifer J Zimmers
**Sent:** Mon, 16 Mar 2020 18:56:03 +0000
**To:** COVID-19
**Subject:** Work-study pay question

Hello,

Referencing the electronic announcement that was published on March 5, on the COVID-19. Can you answer this question concerning FWS? Our campus has not closed, however we are moving to online instruction. Some work-study students will not be able to continue working as their supervisor is now either working from home or the lack of students on campus they are no longer needed. Will we continue to pay them Federal work-study funds even though they are no longer working?

**Jennifer J. Zimmers, M.B.A.**
Director, Financial Aid & Scholarships
Taylor Building
208.732.6277 | Fax 208.736.3014
www.csi.edu/financialaid

Apply for Federal Financial Aid Now! www.fafsa.gov
Check your status @ netpartner.csi.edu

**IMPORTANT NOTE:** Effective immediately, the Financial Aid Office will no longer accept emailed documents that contain any kind of personal information. Documents must be faxed, mailed, brought in or sent in encrypted emails.

AMERICAN OVERSIGHT

**From:** (b)(6)
**Sent:** Mon, 16 Mar 2020 20:05:51 +1200 (GMT+12:00)
**To:** COVID-19
**Subject:** yogic advice for curing covid19.

Sir,salutations. By God's name immortal almighty nature God's everywhere always saving. Pray well with results and studies actively for getting everything with god and good health by God's blessings always. Wills have ways. Faith reminds God. Caring get gems. Pain gains. Searching with results and devotion and praying with results for getting everything easily by God's blessings always. Get medicines for all diseases by mixing many previous medicines of other diseases by God's blessings and results of work and studies laws easily as done earlier by doctors and pharmacy. By celibacy and austerity and praying and devotion and nonviolence with results Gods have overcome death and become immortal by God's blessings always. Spread now this for benefits of all. Thanks. Salutations. Namaste. Om dav. Help. Bharat. 17.3.20. May God bless all for good health ever. Thanks.

--
Sent from Easy.Mail for mobile

---

Sir,salutations. By God's name immortal almighty nature God's everywhere always saving. Pray well with results and studies actively for getting everything with god and good health by God's blessings always. Wills have ways. Faith reminds God. Caring get gems. Pain gains. Searching with results and devotion and praying with results for getting everything easily by God's blessings always. Get medicines for all diseases by mixing many previous medicines of other diseases by God's blessings and results of work and studies laws easily as done earlier by doctors and pharmacy. By celibacy and austerity and praying and devotion and nonviolence with results Gods have overcome death and become immortal by God's blessings always. Spread now this for benefits of all. Thanks. Salutations. Namaste. Om dav. Help. Bharat. 17.3.20. May God bless all for good health ever. Thanks.

--
Sent from
Easy.Mail<https://play.google.com/store/apps/details?id=com.mail.emailapp.easymail2018> for mobile

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**From:** (b)(6)
**Sent:** Mon, 16 Mar 2020 20:05:51 +1200 (GMT+12:00)
**To:** COVID-19
**Subject:** yogic advice for curing covid19.

Sir,salutations. By God's name immortal almighty nature God's everywhere always saving. Pray well with results and studies actively for getting everything with god and good health by God's blessings always. Wills have ways. Faith reminds God. Caring get gems. Pain gains. Searching

AMERICAN OVERSIGHT

with results and devotion and praying with results for getting everything easily by God's blessings always. Get medicines for all diseases by mixing many previous medicines of other diseases by God's blessings and results of work and studies laws easily as done earlier by doctors and pharmacy. By celibacy and austerity and praying and devotion and nonviolence with results Gods have overcome death and become immortal by God's blessings always. Spread now this for benefits of all. Thanks. Salutations. Namaste. Om dav. Help. Bharat. 17.3.20. May God bless all for good health ever. Thanks.

--
Sent from Easy.Mail for mobile

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 15:14:06 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Wage Garnishment Orders

Hi OPE,

The customer is following-up on their inquiry. Below is the inquiry.

Thanks,
Kelly

---

**From:** Garnishments <Garnishments@fultonschools.org>
**Sent:** Monday, March 16, 2020 11:09 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** answers <answers@ed.gov>
**Subject:** RE: Wage Garnishment Orders

Good morning,

We are following up to our request from last week.
Could you kindly provide us with an update?

Thank you in advance!

Kind Regards,

Payroll Department | Fulton County Schools
6201 Powers Ferry Road NW | Atlanta, GA 30339
470-254-6849 ph | 470-254-5515 fax
garnishments@fultonschools.org | www.fultonschools.org

*"Payroll's mission is to approach each assignment with integrity while providing customer service that fosters trust, respect, transparency, and resolve."*

---

**From:** Garnishments <Garnishments@fultonschools.org>
**Sent:** Friday, March 13, 2020 8:49 AM
**To:** COVID-19@ed.gov
**Cc:** answers@ed.gov
**Subject:** Wage Garnishment Orders

AMERICAN OVERSIGHT

Good morning,

We hope this email finds you well.
We are reaching out and wish for this email to be forwarded to the proper area for handling of our request.

In preparation for the Corona Virus impact to our work operation, we are needing to know if there is a way that Student Loan Wage Garnishment Orders coming from the U.S. Department of Education, could be emailed to Payroll directly.
Currently we receive all Student Loan Wage Garnishment Orders by mail delivery.

Please kindly consider our request and inform us of the process to get this converted to email delivery.
Thank you in advance for your help and consideration of this as we all work through the impact of the coronavirus!

Kind Regards,

Payroll Department | Fulton County Schools | Fulton County Board of Education
6201 Powers Ferry Road NW | Atlanta, GA 30339
470-254-6849 ph | 470-254-5515 fax
garnishments@fultonschools.org | www.fultonschools.org

*"Payroll's mission is to approach each assignment with integrity while providing customer service that fosters trust, respect, transparency, and resolve."*

Fulton County Schools
Where Students Come First

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:42:09 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: West Penn Hospital School of Nursing

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Sarah Loomis <Sarah.Loomis@AHN.ORG>
Sent: Sunday, March 15, 2020 3:28 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: West Penn Hospital School of Nursing

To whom it may concern,

West Penn Hospital School of Nursing is looking for recommendation as to best practices/protocol in regards to Title IV aid. We are a nursing school that is affiliated with Allegheny Health Network. Allegheny Health Network is no longer allowing nursing students at the clinical sites due to the COVID-19 outbreak. We have 4 terms in our academic year. The students just finished their 3rd term and have one week break before they are due to come back on March 23rd. We are discussing the option of offering online course work for the theory portion of the course. We are trying to plan what to do for the clinical aspect. For our first year students they can do clinical simulations within our SIM lab but we are worried about our 2nd year students. The 2nd year students will be taking their transition to the nursing practice and is 80/20 in regards to clinical/theory. We are planning to have the students complete most of their theory for the first portion of the course. Our question is what if they will not be able to complete their clinical portion? We can offer them a leave of absents correct? But what if they will not be able to come back to the clinical site before the term was suppose to end? What would your recommendations be?

Sincerely,

Sarah Loomis
4900 Friendship Ave
Pittsburgh, PA 15224
sarah.loomis@ahn.org
412-528-5530 - Phone

Confidentiality Notice: This e-mail message and any attachments are intended solely for the individual or individuals designated above. It may contain confidential or proprietary information and may be subject to confidentiality protections and may be legally privileged. If you are not the intended recipient, you are not authorized to read, copy, retain or distribute this message. If you receive this message in error, please immediately notify the sender by reply e-mail and delete this message. The sender does not waive any privilege or right of privacy or confidentiality that may attach to this communication. You are not authorized to read, copy, retain, or distribute this message, or disclose its contents to any other person. Thank you.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:41:42 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: What are the protocols for trade schools closures?

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

**From:** Val D'Ambrosio (b)(6)
**Sent:** Saturday, March 14, 2020 11:40 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** What are the protocols for trade schools closures?

My daughter is scheduled to start cosmetology school in DC this Monday. I spoke with the school and they have not received any guidelines about closure. Could you please address this? I am sending her in so she may pick up her books however it is essential that the government address Trade schools and their financial aid immediately.

Thank you
Val D'Ambrosio

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 21:00:25 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: What can we tell families who need school meals or urgent special services?

Hi Laurie,

The COVID-19 mailbox received an inquiry about special ED. Below is the inquiry.

Thanks,
Kelly

**From:** Julie McKinney <julie.mckinney@exceptionallives.org>
**Sent:** Monday, March 16, 2020 11:37 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** What can we tell families who need school meals or urgent special services?

Hello,

Our not-for-profit, Exceptional Lives, provides information for families of kids with special needs. We are sharing information with people about how to get support during school closings.

Is there a national, or state-by-state page people can go to for information about how to get school meals during the closures, and how they can get support for kids with urgent needs for ongoing therapy like speech, OT or ABA?

thanks so much,
Julie

--

AMERICAN OVERSIGHT

**Julie McKinney**

Director of Product Content / Health Literacy Specialist

julie.mckinney@exceptionallives.org | 617-699-9472

https://www.exceptionallives.org

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 22:39:20 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: what constitutes a school closure - for payment of FWS wages

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Payne Cervera, Brandi <BCervera@lccc.wy.edu>
**Sent:** Monday, March 16, 2020 6:31 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** what constitutes a school closure - for payment of FWS wages

Hello,

If our school moves to online instruction to the extent possible, and requires school employees to work from home, does that constitute a school closure for purposes of paying Federal Work Study (FWS) wages? This question relates to the following guidance we received regarding a school's ability to continue paying FWS student wages in the event of school closure. Would we be able to continue paying FWS student wages if online classes continue and we are requiring our employees to work from home, since our FWS students would not have the ability to work from home? Thank you for the information.

Guidance:
*For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work.*

Brandi Payne Cervera
Director of Financial Aid
Laramie County Community College
1400 E College Drive | 204E Clay Pathfinder Building
Cheyenne, WY 82007

AMERICAN OVERSIGHT

(307) 778-1218

LCCC

*Transforming our students' lives through the power of inspired learning.*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 13:42:36 +0000
**To:** Webb, Jo Ann
**Cc:** COVID-19
**Subject:** FW: WINK News inquiry

Hi JoAnn,

The COVID-19 mailbox received an inquiry from the press. Below is the inquiry.

Thanks,
Kelly

---

**From:** Emily Ford <emily.ford@winknews.com>
**Sent:** Friday, March 13, 2020 6:25 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** WINK News inquiry

Hello,

We are hearing that all Florida public schools are going to be closed until March 30.

Can you confirm this?

Thanks

EMILY FORD | ASSIGNMENT EDITOR | 239-344-5000 | emily.ford@winknews.com

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 19:57:35 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Work study impacted by COVID 19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly
-----Original Message-----
From: Dr. Elizabeth Vázquez (b)(6)
Sent: Monday, March 16, 2020 11:20 AM
To: COVID-19 <COVID-19@ed.gov>
Subject: Work study impacted by COVID 19

Good morning,
I'm contacting you for guidance on a couple of concerns. Could you please let me know what will happen to students who rely on work study to pay for rent and other expenses? Are there emergency funds available to them?

Also, what about students studying out of state? Are there emergency funds to cover emergency travel costs?

Thank you!
Liz

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:56:00 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Work-Study Clarification

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Nolan, Holly Ann <Nolan@UHCL.edu>
**Sent:** Monday, March 16, 2020 2:35 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Nolan, Holly Ann <Nolan@UHCL.edu>
**Subject:** Work-Study Clarification

Thank you so much for providing this detailed information.

My question is in regards to work-study. Our university is going online, but student workers are allowed on-campus to work if they feel comfortable.

In order to continue to pay students work-study funds when they are unable to work, does the university have to not allow student workers on campus or can this be case-by case basis when a student tells us they are unable to since classes are going online, etc.

Just wanted to clarify if this needed to be across the board that students lost access to their positions or on a case-by-case basis.

Thank you in advance for any clarification.

Sincerely,

Holly A. Nolan
Executive Director

**Office of Student Financial Aid**
**University of Houston - Clear Lake**
**Student Services and Classroom Building (SSCB), Room 105**
**2700 Bay Area Blvd. Houston , Texas 77058**

@ nolan@uhcl.edu

AMERICAN OVERSIGHT

281.283.2480
281.283.2502

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 16 Mar 2020 20:59:01 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Work-study pay question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jennifer J Zimmers <JZimmers@csi.edu>
**Sent:** Monday, March 16, 2020 2:56 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Work-study pay question

Hello,

Referencing the electronic announcement that was published on March 5, on the COVID-19. Can you answer this question concerning FWS? Our campus has not closed, however we are moving to online instruction. Some work-study students will not be able to continue working as their supervisor is now either working from home or the lack of students on campus they are no longer needed. Will we continue to pay them Federal work-study funds even though they are no longer working?

**Jennifer J. Zimmers, M.B.A.**
Director, Financial Aid & Scholarships
Taylor Building
208.732.6277 | Fax 208.736.3014
www.csi.edu/financialaid

www.fafsa.gov

Check your status @ netpartner.csi.edu

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AMERICAN OVERSIGHT

**From:** Foss, Ian
**Sent:** Mon, 16 Mar 2020 14:52:51 +0000
**To:** COVID-19
**Cc:** Utz, Jon;Shewack, Linda;Martin, Gregory
**Subject:** Fwd: Confirmation needed - Administrative Forbearance - Virus

See the below from NCHER.
**From:** Vicki Shipley <vshipley@ncher.us>
**Sent:** Monday, March 16, 2020 9:36:46 AM
**To:** Foss, Ian <Ian.Foss@ed.gov>; Utz, Jon <Jon.Utz@ed.gov>
**Subject:** Confirmation needed - Administrative Forbearance - Virus

Good morning! Not sure who this should go to but hoping you can loop in the correct folks at ED to confirm our understanding of the following provision. Stay healthy – thanks!
**********

Q. Does the President's March 13, 2020 declaration of a national emergency to combat the coronavirus trigger use of administrative forbearance?

A. Yes.

Rationale:

1. The 90-day administrative forbearance [682.211(f)((12), 685.205(b)(8)] is triggered by either a "natural disaster", "local or national emergency", or military mobilization".

- FFELP - 682.211(f)((12) - For a period not to exceed 3 months when the lender determines that a borrower's ability to make payments has been adversely affected by a natural disaster, a local or national emergency as declared by the appropriate government agency, or a military mobilization;
- Direct - 685.205(b)(8) - A period during which the Secretary has authorized forbearance due to a national military mobilization or other local or national emergency;

2. Servicers have used this forbearance for weather/fire related disasters which the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended, 42 U.S.C. 5121) defines as:

- Sec. 102. Definitions (42 U.S.C. 5122) – "Major disaster" means any natural catastrophe (including any hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

3. Although servicers have not used it for instances such as an infectious disease (i.e., virus); the forbearance should be triggered by the March 13, 2020 presidential declaration of a national emergency to combat the coronavirus because the Robert T. Stafford Disaster Relief and Emergency Assistance Act definition of "emergency" is broad enough to include any "catastrophe":

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- Sec. 102. Definitions (42 U.S.C. 5122) - "Emergency" means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

AMERICAN OVERSIGHT

**From:** Smith, Roberta
**Sent:** Mon, 16 Mar 2020 09:36:15 -0500
**To:** COVID-19
**Subject:** Fwd: FWS during University closure - COVID-19

---------- Forwarded message ---------
From: **Smith, Roberta** <rj-smith3@wiu.edu>
Date: Mon, Mar 16, 2020 at 9:35 AM
Subject: FWS during University closure - COVID-19
To: AskAFed <askafed@ed.gov>

My question regarding this provision has to do with alternative form of instruction and the variance in temporary closure vs closure for the term. As an institution we have extended our Spring break (cancelled classes) during the week of March 16-20. Beginning March 21, 2020 we will resume instruction under an alternative format (i.e. Distance Education) through April 3, 2020. I suspect this will be extended but, at this point that is the University directive. Since this "closure" is temporary can we pay FWS to students during the "closure?" If so, would we calculate hours worked based on an average from the current term (i.e. total number of hours worked to date (from the start of the Spring term) divided by the total weeks (8)? If the answer is no because the closure is currently temporary and the closure extends through the payment period would we be required to back pay those students that would have otherwise been eligible?

*"Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked."*

--
Bobbi J Smith, CFAA®
Associate Director of Financial Aid

AMERICAN OVERSIGHT

Western Illinois University
1 University Circle | Sherman Hall, 127 | Macomb, IL 61455
P: 309-298-2446 F: 309-298-2353

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Bobbi J Smith, CFAA®
Associate Director of Financial Aid

Western Illinois University
1 University Circle | Sherman Hall, 127 | Macomb, IL 61455
P: 309-298-2446 F: 309-298-2353

AMERICAN OVERSIGHT

**From:** Simone Sutherland
**Sent:** Mon, 16 Mar 2020 15:20:01 +0000
**To:** COVID-19
**Subject:** FWS and COVID 19

Good Morning,
Due to COVID19, the ED included provisions for institution to continue to pay FWS students who are impacted by COVID19. This allowance is based on institutions that are closed and/or employers that are closed. May you please confirm if this also include instances where the campus is open but all classes and academic related activities are suspended and students in residential Life and Housing are asked to leave the halls until classes resume? In addition, does the provision to pay FWS student during COVID19 include allowances where ground classes are suspended and moving to online platforms and/or classes are suspended but students are able to participate in online academic related activities, such as discussions?

Thank you for your assistance.

**Simone Sutherland**
Associate Director of Financial Aid
Enrollment and Student Services
(954)262-7436
sw622@nova.edu
nova.edu
NOVA SOUTHEASTERN UNIVERSITY | NSU Florida

**http://www.nova.edu/financialaid/index.html**
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AMERICAN OVERSIGHT

**From:** Becky Birdsell
**Sent:** Mon, 16 Mar 2020 10:44:29 -0500
**To:** COVID-19
**Subject:** FWS Community Service Expenditure Requirements - COVID-19

Will there be exceptions allowed to the Federal Work Study Community Service Expenditure Requirements for not being able to expend at least seven percent of our FWS allocation due to COVID-19? Our students are employed at the local YMCA which has closed for at least two weeks. The guidance for interruptions of study related to COVID-19 states:
*FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.*

Are we allowed to only pay the students employed at our community service partner in order to meet our seven percent requirement or must we pay all FWS students?

Thanks,

**Becky Birdsell**

Director of Student Financial Services
Illinois College
1101 West College Avenue
Jacksonville, IL 62650
217.245.3033
Fax: 217.245.3274
www.ic.edu

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AMERICAN OVERSIGHT

**From:** Jenerette, Kim
**Sent:** Mon, 16 Mar 2020 14:39:21 -0400
**To:** COVID-19
**Subject:** FWS question

Excellent job on the EA0305. Regarding paying the institutional share ... if a student has a job that meets the 100% America Reads/Counts requirement (and there is no inst. share), are we still able to pay them their "earnings"? Thus, their total wages would be non-institutional?

Also, NASFAA provided direction last week and noted, with other criteria, that a school sends "all" students home. I do not see this in the EA0305. For example, we are completely online instruction and we have about 50 students who are on campus due to the hardship they face in returning home (mostly international students). Thus, while there is no in-class instruction right now, we have not sent all students home ... is this an issue?

Thank you,

********** Contact during University Coronavirus Response **********

**Due to the precautions the University has taken for the coronavirus between March 11-27th, the preferred method of contact at this time is through email. Please send your questions to finaid@cedarville.edu with the student's name, Cedarville ID, and the nature of your request in the subject line.** ** NOTE: Parents of current students who email finaid should also include their student's privacy permission code word within their email. Emails will be directed to the appropriate staff member to assist you.

**********

Mr. Kim Jenerette

*Executive Director of Financial Aid*
Financial Aid
**Cedarville University**
o: 937-766-7866
cedarville.edu

for the **WORD OF GOD** and the **TESTIMONY** of **JESUS CHRIST**

AMERICAN OVERSIGHT

**From:** Barnes, Kevin
**Sent:** Mon, 16 Mar 2020 09:09:24 -0500
**To:** COVID-19
**Subject:** FWS: Distance only instruction

Good morning,

I understand that FWS payments may continue under certain circumstances if an institution must close temporarily. If the institution remains open and moves to distance only instruction, are we permitted to continue work-study payments, or does that only apply to closure?

Sincerely,

Kevin D. Barnes
Interim Director
Office of Financial Aid
Philander Smith College
www.philander.edu

AMERICAN OVERSIGHT

**From:** Cooper, Candace
**Sent:** Mon, 16 Mar 2020 19:52:35 +0000
**To:** COVID-19
**Cc:** West, Mark
**Subject:** FWS/Students who Self-quarantine

Hello,

I have read the FWS guidance you all have provided but I am not finding an answer to a question I was just asked by a department:

The Distance Learning department, on our campus has two FWS students who traveled to another country over spring break, the week of March 9th, who are being required to self-quarantine.
Our college has extended spring break, this week, the week of March 16th. These two students could have come in and worked but are unable to, due to being self-quarantined.
The DL department wants to know, "Can the two students work from home, under this circumstance, assisting their department by addressing emails and handling phone calls and get paid FWS, during the additional spring break for students?"

At this time, our college is open and as I mentioned above have extended spring break, this week. Our college plans on moving towards offering classes online, the week of March 23rd.
I understand the FWS guidance, if the college decides to close or if the college decides not to close but decides to send students home, and moves to online classes.

If you could answer the question, since it is outside of the guidance, that would be great. The COVID-19 virus/self-quarantine part is the tricky part. If this was a routine spring break and these students were sick and could not work, we would not pay them FWS, since they would not be under supervision.

Thank you,

**Candace Cooper, Financial Aid Director**
Mitchell Community College
500 W. Broad St., Statesville, NC 28677
(704) 878-3256 office
(704) 978-1302 fax

AMERICAN OVERSIGHT

**From:** Muhammad, Robert
**Sent:** Mon, 16 Mar 2020 17:34:14 +0000
**To:** COVID-19
**Subject:** Guidance on Cost of Attendance

Good afternoon.

Is there any guidance on adjusting cost of attendance for schools that go to online instruction? Also any guidance on refunds to students for housing/meals (as applicable)? (Students may be encouraged to stay away from campus, and do so, but still have open housing and meal plans.)

Thanks in advance for your guidance answers.

Best,

Robert

Robert Muhammad, Director
Office of Scholarships and Financial Aid
Winston-Salem State University

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Sheila Jones
**Sent:** Mon, 16 Mar 2020 15:18:29 -0500
**To:** COVID-19
**Subject:** Guidance

To Whom it May Concern,

Serious Questions about evaluations.

1) With the shortage of evaluation staff and some with their own health concerns, how are we to meet the high demand of evaluations and timelines? Norm referenced tests can not be done virtually.

2) As part of the evaluation, observations should be done in an educational setting. How are we to accomplish this and keep staff and students safe in multiple home environments?

3) We are in a rural district with little wifi and internet service. Providing instruction or services is not a viable option. How are we to provide special education services?

4) Many of our related services are delivered directly or small group, by contracted people. How can we possibly send providers into student homes?

5) Early intervention transition to school (Three is Three) evaluations, may be hard to meet as schools may not be in brick and mortar. Will those timelines be extended?

--
Sheila Jones
Director of Special Programs
Quinlan ISD
401 E. Richmond
Quinlan, Texas 75474
903-356-1220

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AMERICAN OVERSIGHT

**From:** Luisiana Xavier Cundin
**Sent:** Mon, 16 Mar 2020 21:34:17 +0000
**To:** COVID-19
**Subject:** Help needed: on-line proctoring

To whom it may concern,

I am a TA working for a professor of physics at the University of New Orleans, namely, Dr. Ashok Puri. With the advent of the coronavirus disruption, normal in-person class schedules have been transferred to online; we are struggling, to say the least, with this transition.

Of many problems I could raise, our greatest concern is presently how to give exams online. We do not want to use online e-proctoring companies, like ProctorU, because this would cause undue financial hardship to our student body, which is already struggling to cope with this unprecedented event.

Would you, or anyone in your staff, know of an open source e-proctoring solution? Are there any resources available through the Depart. of Ed. to assist us in setting up such a system? Any help in this regard would be greatly appreciated.

Thank you,

Luisiana Cundin
Physics Depart.
University of New Orleans, LA
504-701-5452
Lcundin@uno.edu

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AMERICAN OVERSIGHT

**From:** Eddy
**Sent:** Mon, 16 Mar 2020 12:25:25 -0600
**To:** COVID-19
**Subject:** I am a Albuquerque at Home Caregiver For Seniors

I am a female caregiver in Albuquerque NM. I do not have the means to buy PPE for personal peace of mind and also most importantly the safety of my multiple senior clients, including one In a aging and long term care facility . Is there any resources that I could use during Clovid-19?

Thank you

Eddy M Chavez

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Gray, Sherry
**Sent:** Mon, 16 Mar 2020 21:34:18 +0000
**To:** COVID-19
**Subject:** Inquiry re Temporary Closures

Greetings,

We appreciate the Department's guidance to institutions impacted by the Coronavirus (COVID-19) and have two additional questions relating to the Department's March 5, 2020 electronic announcement and the discussion therein relating to Return of Title IV funds (R2T4) issues.

Date of Determination following Temporary Closure

First, we are having difficulty reconciling the guidance under "*Date of Determination and Timeframes for Returns*" with the other R2T4-related guidance in the March 5 announcement. The announcement appears to indicate that institutions need not perform R2T4 calculations during a temporary closure period, and that students who return following the temporary closure are not considered to have withdrawn provided the institution resumes operations within the same payment period. However, the March 5 guidance also indicates that the date of determination and required timeframes run from the start of the closure:

> Normally, if a student does not provide notification to an institution of his/her withdrawal, the date of determination that the student has withdrawn is the date that the institution becomes aware that the student ceased attendance. This is, in most cases when an institution closes for reasons beyond its control, the date of the closure. Therefore, the timeframes for completing Return of Title IV Funds calculations and making the appropriate returns or post-withdrawal disbursements begin on that date (e.g. 30 days to perform the calculation, 45 days to return the funds, etc.).

As an example, assume an institution has closed for 50 days, reopens during the same payment period, and learns that a student has not returned (i.e., has unofficially withdrawn). Per the above excerpts, the date of determination for this student would be the date of closure, but in fact, the institution would not become aware of the student's unofficial withdrawal until it reopened 50 days later. By this point, the 30- and 45-day deadlines noted above would have expired.

Does this mean the Department expects institutions to process returns of Title IV funds for any closure that will last more than 30 days?

We believe that under the circumstances it would be more feasible for the date of determination to be the date an institution resumes operations and learns which of its students have not returned to school. This would be consistent with the March 5 guidance, which looks to "the date that the institution becomes aware that the student ceased attendance." While the student's withdrawal date may rightly be regarded as the date of closure, the institution would not actually "become aware" of an unofficial withdrawal until reopening.

Scope of R2T4 Guidance

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We assume the discussion of R2T4 issues in the March 5 guidance applies also to individual educational program closures where an institution otherwise continues to operate. Is this right?

For example, assume an institution is moving toward online-only operations in response to COVID-19 concerns but concludes that a certain laboratory-intensive program must be suspended altogether because the coursework cannot be completed online, and that enrolled students would therefore need to stop receiving any instruction while the program is suspended. We presume the R2T4 discussion in the March 5 guidance, including the related timing and other accommodations, should extend to students in this individual program, who would experience an interruption in study due to reasons beyond their or the institution's control. Does the Department agree?

We again thank the Department for its efforts. Please do not hesitate to let us know if additional information is needed in connection with the above inquiries.

Regards,
Sherry

Sherry Mastrostefano Gray, Principal
**POWERS**
Powers Pyles Sutter & Verville PC
1501 M Street NW, Seventh Floor
Washington, DC 20005-1700
tel 202-872-6778 | fax 202-785-1756
Sherry.Gray@PowersLaw.com | www.PowersLaw.com

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AMERICAN OVERSIGHT

**From:** Christopher Stompanato
**Sent:** Mon, 16 Mar 2020 13:58:11 -0500
**To:** COVID-19
**Subject:** Interest Rate Freeze

Regarding the student loan interest rate freeze announced by President Trump, does this apply to Federal Perkins student loans? My understanding through my contact at FSA is the freeze does apply to federally held Perkins loans but for loans that are school held, I was advised to send a message to this email address.

If the interest rate freeze does not apply to school held Perkins loans, can those schools decide to impose their own interest rate freeze on those loans?

We are receiving many questions from our school clients with Perkins portfolios, so your help is greatly appreciated.

Thanks

**Christopher Stompanato**
*Client Relationship Coordinator, SME*

**ECSI**

+1 412.865.5687 O/M

cstompanato@ecsi.net

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AMERICAN OVERSIGHT

**From:** McGinness, Margaret
**Sent:** Mon, 16 Mar 2020 12:48:21 +0000
**To:** COVID-19
**Cc:** AtlantaSPD;tgbland@iccms.edu
**Subject:** Itawamba Community College 00240900
**Attachments:** VoiceMessage.wav

Thank you for your message. I am forwarding it to our COVID-19 mailbox for review and response.

---

AMERICAN OVERSIGHT

**From:** Wendy Wang
**Sent:** Mon, 16 Mar 2020 15:34:34 +0000
**To:** COVID-19
**Cc:** AskAFed
**Subject:** Maximum Time-Frame_ Clock hour programs

Hello,

I hope this email find you well. We have couple questions:

Background:
GIA is non-profit private school. We have 3 on-campus clock hours FSA approved programs. Each one is 780 clock hours and 26 instructional weeks (Approx: 6 months). Due to the COVID-19, we have to suspend all on-campus classes for an initial period of two weeks or might be longer beginning Monday, March 16, 2020. Our program does not lead to licensure. Some of the program cannot offer the online learning, it must be hands-on.

Questions:

1. Since our program is only 6 months long and the Maximum Time-Frame (MTF) within 150% is 9 months, it become mathematically impossible for some of the class/students. Can student submit an appeal to extend their 150%MTF exceed 9 months due to COVID-19?
2. If the entire class (20 students Max) will be extended until the school re-open, Instead of approving the appeal for each student, can we document the situation and extend the entire class to exceed 150% MTF?

Please feel free to call me at 760-603-4175 or cell 760-697-2559

Thank you.

Kind Regards,

**Wendy Wang**

Wendy Loh Wang, AJP and Graduate Pearls
**Director, Student Financial Aid**
Tel: 760-603-4175 or 800-421-7250 Ext 4175
Fax: 760-603-4421
E-mail: wendy.wang@gia.edu

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The Robert Mouawad Campus
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Carlsbad, California 92008

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AMERICAN OVERSIGHT

**From:** Deb Coulter
**Sent:** Mon, 16 Mar 2020 18:23:11 -0500
**To:** COVID-19
**Subject:** Meeting annual timelines

Greetings. I'm an educational diagnostician at Hallsville. My school is closed for the next two weeks. During that time, I was supposed to have 11 meetings, most all are annuals and one is a 30 day transfer ARD.

According to all I've read thus far, I'm still held responsible for meeting these timelines. Teachers aren't permitted at school. I don't have video conference capabilities from my home. I'm unsure as to how I can proceed and meet these timelines.

I was hoping for further guidance as to what a meeting would look like under these circumstances with all the major players at different places at their homes.

Thank you for any help,

Debra Coulter

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*
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AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Slattery, Colleen - x3929
**Sent:** Mon, 16 Mar 2020 22:12:37 +0000
**To:** COVID-19
**Cc:** Farmer, Jennifer - x3484
**Subject:** National Emergency and Commercial FFELP Borrowers

Good Afternoon! MOHELA submits the following in regards to our Commercial FFELP portfolio:

Based on President Trump's declaration of a national emergency on Friday, March 13th this would allow the use of the administrative forbearance under 34 CFR 682.211(f)(12). The declaration will allow MOHELA to apply the forbearance for up to 3 months based on "a borrower's ability to make payments has been adversely affected by a natural disaster, a local or national emergency as declared by the appropriate government agency, or a military mobilization". Since this is an administrative forbearance we are not required to have the borrower's request upfront however we must notify the borrower of the application of the forbearance and that they have the option to end the forbearance at any time. Also, this would allow the borrower the ability to suspend payment and not utilize their discretionary forbearance time. MOHELA has been discussing taking the following actions and welcome your thoughts or any concerns you may have:

- Delinquent Borrowers
  - If the borrower is one or more days delinquent as of 3/13/2020 or after, we would apply the administrative forbearance for up to 3 months into the future and cover any prior delinquency with a "delinquency" forbearance.
  - Notify the borrower that MOHELA applied the forbearance and they have the option to end this forbearance.
  - Notate the system of our actions.

- Non-delinquent Borrowers
  - Esign: "Due to the National Emergency declared for the Coronavirus, I have been adversely affected, please apply a forbearance for 3 months into the future."
  - Verbally: "Due the National Emergency declared for the Coronavirus, I have been adversely affected, please apply a forbearance for 3 months into the future."
  - Notify the borrower that MOHELA applied the forbearance and they have the option to end this forbearance.
  - Notate the system of our actions.

Thanks,

Colleen

**Colleen Slattery**
Federal Contract and Compliance Officer | MOHELA
633 Spirit Drive | Chesterfield MO 63005
866.333.7860 x3929 | 636.733.3700 x3929 | 636.733.3729
colleens@mohela.com

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Dina Garrett
**Sent:** Mon, 16 Mar 2020 13:00:03 -0400
**To:** COVID-19;DL News Desk
**Subject:** Number of States with School Closures

All,

We are working to clarify the number of states that are enforcing state-wide school closures. Is there a location where we can track that information?

Thank you!

**Dina Garrett**
**Assignment Editor**
**770-226-2119**
**Dina.Garrett@weathergroup.com**
**twitter: @DinaWeather**
**insta: newsgirl73**

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AMERICAN OVERSIGHT

**From:** Ewa Stankiewicz
**Sent:** Mon, 16 Mar 2020 09:27:01 +0000
**To:** COVID-19
**Cc:** Vu, Larry;Miles, Eric;Dział Obsługi Studiów
**Subject:** Odp. Enquiry regarding students eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,
I am writing to follow-up on my previous email.
I would like to inform you that in addition to JU Rector's decision on cancellation of lectures at Jagiellonian University, the Government of Poland has announced other restrictions, including closures of all schools, universities, and cultural institutions until March 25, 2020.
Please let me know if the above precautions taken due to COVID-19 have any impact to Title IV recipients as Jagiellonian Univeristy is a foreign school. The 2019-2020 summer semester disbursement will not be made until we receive the information from you. Please note, that there are thirteen U.S. students at JU who are waiting for the summer semester disbursements which cover their costs of living while studying in Poland.
I look forward to receiving your updates.

Best regards,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

---

**From:** Ewa Stankiewicz
**Sent:** Wednesday, March 11, 2020 8:46 AM
**To:** 'COVID-19@ed.gov' <COVID-19@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,

I am writing in connection with the Office of Postsecondary Education's electronic announcement of March 05, 2020 and the part regarding foreign schools: "We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

AMERICAN OVERSIGHT

Due to the spread of Coronavirus (COVID-19) in Europe and following the safety recommendations of the Chief Sanitary Inspectorate, JU Rector Prof. Wojciech Nowak has cancelled all lectures conducted at Jagiellonian University. Wherever applicable, lectures should be made available online. Other classes (which take place in a smaller groups) will be held as per usual, with any additional restrictions to be introduced by the Faculties.

Please let me know if the above regulations (authorizing distance learning at programs which are not usually distance) do have an impact on students' eligibility for Title IV funds in the 2019-2020 summer semester and should we withhold the disbursements for this semester. Please note that these are exceptional circumstances and all decisions have been made to ensure student safety.

I would appreciate a reply asap as we have just evaluated students' Satisfactory Academic Progress after winter semester and we are ready to make the Title IV funds disbursements for the second semester.

Thank you,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

**From:** Stephanie Cardona
**Sent:** Mon, 16 Mar 2020 14:41:51 -0400
**To:** COVID-19
**Subject:** Open childcare facilities

Good afternoon,
In regards to childcare facilities in Miami Fl are they suppose to continue to open or close like the public schools in the county?

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Patricia Hammer
**Sent:** Mon, 16 Mar 2020 09:42:19 -0500
**To:** COVID-19
**Subject:** Package delivery
**Importance:** Normal

Do I need to do anything to a package and contents (clothing) when it arrives?

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

**From:** Laura Diven-Brown
**Sent:** Mon, 16 Mar 2020 14:35:48 +0000
**To:** COVID-19
**Subject:** Paying FWS students during the coronavirus pandemic once the school moves to online instruction only

Hello everyone - One big issue, as I know you're aware, is what can be done to help Work-Study students who can no longer work their jobs.

==========

A recent question to NASFAA'S Ask Regs was:
Does the term "other employees" include other student employees not being paid through Work-Study? While our institution currently plans to continue paying faculty and staff, we may not pay all other types of student employees during the time period that we will conduct online instruction only. Are we permitted to pay faculty, staff, and Work-Study employees who are not working, but not pay students who are not working and are paid from other sources?

The answer was:
It is our understanding that "other employees" specifically includes all non-FWS employees. This includes non-FWS student employees, as well as faculty and staff (not just faculty and staff). If you don't pay non-FWS student employees during the closure or interruption in classes, then you cannot pay FWS students under the guidance provided in the March 5, 2020 Electronic Announcement.

I have told our administration that I thought we should follow this guidance unless told differently from DOE directly. Do you agree this is a correct interpretation?

==========

Also, it sounds like it is up to the school to determine HOW to pay once we determine if we actually will pay. So can the Work-Study funds be processed through financial aid basically like a grant, or must it be disbursed by pushing it through payroll? The latter would be kinda weird because we would have to log in actual dates and hours for specific days, when there was really no work... And then taxes are taken out, etc. Do you have any advice? NASFAA seems to be saying that that we should do timesheets.

Per ED, the school can have the student submit a timesheet for the hours he or she was scheduled to work and pay FWS wages based on that. Beyond that, ED's guidance is silent on how and when the school will pay these students, so it is the school's decision to make.

If we have to pay the OTHER students (non-W-S), will that be a grant from the school? Or can we still get that funding treated as "wages"? Otherwise it goes in the FA packages, which no one wants.

I would appreciate any guidance you can provide

-Laura

AMERICAN OVERSIGHT

**Laura E. Diven-Brown**

Financial Aid Director

The University of Mississippi

Office of Financial Aid

P.O. Box 1848

257 Martindale Student Services Center

University, MS 38677-1848

U.S.A.

O: +1-662-915-5788 | F: +1-662-915-1164

Student Financial Services Helpline: +1-800-891-4596

ldivenbr@olemiss.edu | www.olemiss.edu

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AMERICAN OVERSIGHT

**From:** Irene Jasper
**Sent:** Mon, 16 Mar 2020 17:34:39 +0000
**To:** COVID-19
**Subject:** Paying Work Study

I have a question about paying students work study for the remainder of spring..

Because students are not on campus anymore, is it okay if the department manager submits a request to pay the student for the remaining balance of the term rather than having the student complete a time card? We are going with the assumption that the amount we pay students' for the second half of the spring term will be the same as the first half.

For example, if the student only worked 4 shifts during the first 8 weeks of the term, we are going to assume they would have worked 4 shifts the second 8 weeks.

Any guidance you can offer will be greatly appreciated.

Thanks,
-Irene

Irene Jasper, CPA ◦ Director
*Duke University, Office of Personal Finance & Student Loans*
*www.finaid.duke.edu/loans ◦ www.personalfinance.duke.edu*
*2127 Campus Drive, Durham, NC 27708*
*v: 919.684.4568 ◦ f: 919.684.6132*

AMERICAN OVERSIGHT

**From:** Sarah Freestone
**Sent:** Mon, 16 Mar 2020 21:03:34 +0000
**To:** COVID-19
**Subject:** Penalty for FWS underuse due to social distancing response to COVID19

Will schools be subject to a penalty for underuse of FWS due to moving courses online, cancelling athletic and other events, and social distancing?

**Sarah Freestone**, M.Ed.
*Director of Financial Aid*
Grand View University
515-263-2853

AMERICAN OVERSIGHT

**From:** Deb Dew
**Sent:** Mon, 16 Mar 2020 08:10:13 -0500
**To:** COVID-19
**Subject:** Previous guidance in answer to questions

I e-mailed questions regarding FWS and Distance Learning for students returning from Study Abroad programs. I received answers for both questions.

However, the guidance that NASFAA has come out with, especially regarding Study Abroad programs offering distance learning, is the exact opposite of the answer I received from this address. Supposedly, NASFAA's guidance came from ED.

I normally believe ED over NASFAA, but I'm confused now and would like to know which guidance I should believe.

Thank you!

Deb
Deborah A. Dew

**Director of Financial Aid**
**Beloit College**

AMERICAN OVERSIGHT

**From:** ADELIS L ALVAREZ-NIEVES
**Sent:** Mon, 16 Mar 2020 12:01:42 -0400
**To:** Undisclosed recipients:
**Subject:** Question about federal funds

Good evening,
My name is Adelis Alvarez and I am a student from the University of Puerto Rico Rio Piedras who receives federal funds and who is currently on a study abroad program in Rennes 2, France; and I find myself in a difficult situation regarding our federal funds along with 3 other students here in France.Due to the current situation regarding the COVID-19, the president of France has decided to temporarily close down schools and universities to avoid spreading the virus. The university of Rennes 2 here in France has offered to continue the courses online (distance learning) meanwhile we're on lockdown, but the university of Puerto Rico has sent us an email las Friday stating that if we were to decide to stay abroad and take the clases online here in France we are to return all federal funds and loans inmediately. **[email below]**

They state that they will not accept any courses that we take temporarily online in France, but the students that receive federal funds in the University of Puerto Rico are not being asked to return any type of federal loans even though Puerto Rico finds itself in the exact same circumstances as France and they are also currently taking courses online.

Their email doesn't make any sense to us since first of all, the federal loans have a certain time period in which we are allowed to pay them and to our knowdlege taking courses online temporarily due to a pandemic isn't a reason to immediately pay back the loans that we received in full 2 weeks a ago. Especially since last Friday the House, Senate released an article regarding Title IV concerns due to the coronavirus stating that: *...the bill expands the eligible program definition, which currently excludes foreign institutions from providing distance education to U.S. students not enrolled in a study abroad program. The bill adds an exemption to this prohibition that would allow foreign institutions to offer distance education in the case of a public health emergency, major disaster or emergency, or national emergency declaration by the foreign government where the foreign institution is located. Note that current law allows a student enrolled at a U.S. institution participating in a study abroad program to take courses via distance education from a foreign institution.* (https://www.nasfaa.org/news-item/21196/House_Senate_Introduce_Coronavirus_Legislation_Addressing_Title_IV_Concerns)

Finally we would like to know that since we will be taking clases in Europe online temporarily due to the pandemic, does this act exempt us from receiving any federal funds or loans? Or is our university giving us false information? Thank you in advance.

Cordially,
Adelis Alvarez

Email from University of Puerto Rico sent on the 13th of March 2020
Estimado estudiante:

AMERICAN OVERSIGHT

La Universidad de Puerto Rico, ha decretado la cancelación de clases presenciales para la semana del 16 al 23 de marzo de 2020. Se realizarán tareas administrativas limitadas en los Departamentos, Facultades y oficinas de servicio. Por tanto, la mejor forma de gestionar y solicitar trámites con nuestra oficina será vía correo electrónico y teléfono. Por favor no acuda al recinto y maneje sus peticiones por estos medios.

Si usted determina regresar y completar sus estudios del semestre en la UPR:

- Debe comunicarse por teléfono o correo electrónico directamente con el Decano Auxiliar de Asuntos Estudiantiles de su Facultad, quien ha recibido instrucciones de gestionar su solicitud. Se adjunta la lista de Decanos y su información de contacto. Los Decanos realizarán una evaluación académica individual para identificar los cursos que pueda tomar para completar la carga académica completa, mínima de 12 créditos.
- Se han planteado las siguientes alternativas:
    a. Estudios independientes: el estudiante se matricula en un curso y realiza estudios individualizados en coordinación con el profesor. Se coordinan reuniones, trabajos y exámenes entre ambos.
    a. Cursos en UPR Carolina- cuatrimestre de abril 2020: podría optar por tomar cursos en este recinto mediante un permiso especial, conforme a la oferta disponible allí.
    b. Acreditación de cursos en línea: si su universidad de destino le ha ofrecido la oportunidad de continuar tomando cursos en línea desde Puerto Rico, debe presentar evidencia de esta autorización. Recuerde que en toda instancia se requiere una transcripción oficial para completar el ACOI y que se le acrediten los cursos en la Oficina del Registrador.

**Observación importante: Por disposición del Departamento de Educación Federal ( ver anejo – *Guidance for interruptions of study related to Coronavirus – Foreign Schools*) , no se pueden convalidar cursos no presenciales de instituciones en el extranjero a estudiantes que hayan recibido los beneficios de asistencia económica federal para pagar su matrícula en los programas de intercambio. Si usted interesa que le sean convalidados, deberá devolver el dinero recibido. Si usted no recibió beca ni préstamo federal, no le aplica esta .**

Si tiene alguna duda sobre estos asuntos, recuerde ponerse en contacto con el personal de su Facultad y Programa.

Reiteramos que se mantengan vigilantes a los avisos y comunicados administrativos oficiales de la UPR y su universidad de destino . De igual forma, que repasen las recomendaciones emitidas en el correo electrónico del pasado lunes 9 de marzo.

AMERICAN OVERSIGHT

**From:** Lisa Lightner
**Sent:** Mon, 16 Mar 2020 17:01:45 +0000 (UTC)
**To:** COVID-19
**Subject:** question about services during extended school closings

First, I have read and re-read your Q&A document regarding school closures due to COVID-19 and kids with IEPs.

However, it does not address one issue: There is a segment of students, albeit a small percentage, for whom online learning, packets and telephone learning is not appropriate. For some students, the only way for them to receive FAPE would be direct teaching, in person, from a qualified professional provider.

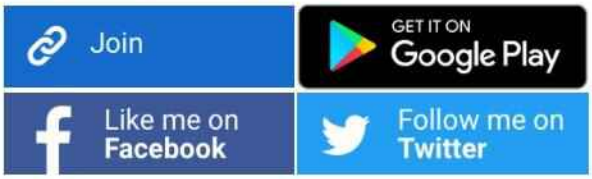
That practice is in direct conflict with what the general societal guidelines are--to stay away from each other.

What is your guidance on that?

LL

Lisa Lightner

e: Lisa@ADayInOurShoes.com




AMERICAN OVERSIGHT

**From:** Kristin Hmieleski
**Sent:** Mon, 16 Mar 2020 09:17:00 -0400
**To:** COVID-19
**Subject:** Question on Cost of Attendance

To Whom It May Concern:
There seems to be circulation of this question on a FA listserv and further guidance is needed:

Due to Covid-19, if a college closes its campus for the remainder of the semester and moves instruction online and provides a proration for room and board charges, does the student's cost of attendance need to be adjusted? Our on-campus COA is higher than our off campus COA.

If the COA is adjusted down, we understand any Pell and DL already originated and disbursed does not need to be adjusted, but does FWS and FSEOG funding need to be adjusted?

What if an overaward in all types of financial aid (loans, state, federal, institutional) is created because of the adjustment?

Regards,

Kristin Hmieleski
Director of Financial Aid
khmieleski@marlboro.edu

Marlboro College
P.O. Box A, 2582 South Rd.
Marlboro, VT 05344-0300
Phone: 802-258-9237
Fax: 802-258-9300

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AMERICAN OVERSIGHT

**From:** Louise Driver
**Sent:** Mon, 16 Mar 2020 19:44:44 +0000
**To:** COVID-19
**Cc:** Bartlett, David
**Subject:** R2T4 and an Extended Spring Break

I think my answer is Yes but I wanted to reach out and verify it due to the Coronavirus situation.

Our college extended the spring break an extra week to set up courses for online deliverance. My questions are:

1. Do I need to extend my spring break week in the R2T4 calculation from one week to two weeks to include this extra week?
2. Do I need to re-process any R2T4 calculations on **prior** students? (as long as the period includes this time of the semester-we have four-blocks within our semester & depending on how the student was enrolled, may or may not have included this period of time)

Thank you in advance for your guidance,

Louise

**LOUISE DRIVER** | Director of Financial Aid | The University of Montana Western | 710 S Atlantic Street | Dillon MT 59725 | 406-683-7511 | 406-683-7510 (f) | https://w.umwestern.edu/info/financial-aid/

AMERICAN OVERSIGHT

**From:** Mathew Catanese
**Sent:** Mon, 16 Mar 2020 13:31:00 -0400
**To:** COVID-19
**Subject:** R2T4 Calculation and Break extension

Hello,

Can you please provide some guidance on the following situation regarding the COVID-19:

Our school had a scheduled Spring Break, 03.08.20 - 03.14.20. The school has decided to extend Spring Break by one week, to allow faculty to develop a transition plan to online teaching. All prior R2T4s included the original Spring Break into the calculation.

Do we need to recalculate all R2T4s completed prior to the Spring Break extension due to the COVID-19 situation?

If you have any questions or need additional assistance, please feel free to contact me.

Thank you,
Matt

Matt Catanese
Financial Aid Director

College for Creative Studies
Yamasaki Building, Main Floor
P: 313.664.7497

AMERICAN OVERSIGHT

**From:** Perry, John
**Sent:** Mon, 16 Mar 2020 15:09:49 +0000
**To:** COVID-19
**Subject:** R2T4 Calculations

Good morning,

I had a question on the calculation of Return of Title IV funds. Our school is extending spring break by one week. I understand that we should adjust our numerator and denominator to accommodate this change. We have already calculated many R2T4's prior to the COVID-19 guidance and our institution's decision to extend spring break. Do we need to recalculate all prior R2T4's? Or is this change effective from the change? Please advise.

Thank you.

**John L. Perry, Ed.D.**
**Interim Executive Director of Student Financial Services**
Governors State University
1 University Parkway
University Park, IL 60484
*Office: 708-534-4480*
*Fax: 708-534-1172*

Governors State UNIVERSITY

*"The value of a college education is not the learning of many facts but the training of the mind to think."*
~Albert Einstein

AMERICAN OVERSIGHT

**From:** Pat Jackson
**Sent:** Mon, 16 Mar 2020 15:04:55 +0000
**To:** COVID-19
**Subject:** R2T4 coronavirus!

My college has extended Spring Break for another week instead of one week because of the Covid-19. Will I have to change the return of funds calculation in COD for two weeks instead of one week?

Thanks,

Pat Jackson
Director of Financial Assistance
John A Logan College
700 Logan College Road
Carterville, IL 62918
618-985-2828 x8691

AMERICAN OVERSIGHT

**From:** Hand, Kelli M
**Sent:** Mon, 16 Mar 2020 14:06:19 +0000
**To:** COVID-19
**Subject:** RE: COA and COVID-19 School Actions

Our school is evaluating a refund of a portion of room and board for this semester based on changing to an online format for the time being (until at least April 12)due to COVID-19. We have given the students the option to move home for now. Of course, it may be the remainder of the semester if needed. My question is, if we refund a portion of room and board for some students, do we have to adjust those students' COA ? I want to be able to provide our Cabinet members thorough information as to if it would affect their financial aid.

Thank you!!

**Kelli Hand**
**Director of Financial Aid**

CATAWBA COLLEGE
2300 W. Innes St. Salisbury, NC 28144
704-637-4416
kmhand@catawba.edu

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AMERICAN OVERSIGHT

**From:** Jess Binning (WDE)
**Sent:** Mon, 16 Mar 2020 10:22:48 -0600
**To:** OESE.OSS.Wyoming;COVID-19
**Cc:** Mark Bowers;Les Koch;Jessica Fancher;Diana Thompson;Shannon Cranmore;John Bole
**Subject:** Re: COVID-19 and dying federal funds

Additional Question, specific to School Closures and staff pay:

Some districts/schools in Wyoming are closing for 2-3 weeks in lieu of COVID-19 precautions. State and local funds will still pay contract teachers. The question from one of our districts is: can federal funds continue to pay contracted teachers (such as Title I teachers) during these closure events? What about hourly paid federally funded staff, such as Title I tutors, paraprofessionals, and district Consolidated Grant Managers?

Our team would like to allow this, but need guidance from US Department of Education since time and effort requirements are a consideration with federal grant funds.

Sincerely,
Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
**Cheyenne, WY 82002**

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**https://2020starconference.eventbrite.com/**

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On Fri, Mar 13, 2020 at 10:10 AM Jess Binning (WDE) <jess.binning@wyo.gov> wrote:

Support Contacts at US Department of Education:

we have some school districts reaching out about 2018-2019 grant funds that will expire at the end of September. Some districts have grant balances from funds that started July 1, 2018. They have plans that have been in place and approved for using the funds, but some of the activities were to be executed through this school year and summer.

AMERICAN OVERSIGHT

What can we do as an agency to request a longer period of availability (if that is even an option) for these dying grant funds? Or, will the US Department of Education be understanding if states have to return grant funds that were unused because of the current circumstances that are causing disruptions?

The best examples I can share:
Cancelled Professional Development that uses Title II-A funds.
Cancelled additional tutoring services provided using Title I-A funds.
Cancelled Parent and Family Engagement activities that use Title I-A, and Title III funds.

Thank you so much for a quick response so that we can support our districts.

Sincerely,
Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
**Cheyenne, WY 82002**

Register for STAR here:
**https://2020starconference.eventbrite.com/**

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AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Mon, 16 Mar 2020 14:03:22 +0000
**To:** COVID-19
**Subject:** RE: Entitlement grants- guidance : COVID-19

That's Patrick Rooney's program…

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 16, 2020 10:01 AM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: Entitlement grants- guidance : COVID-19

Hi Bryan,

The COVID-19 mailbox received the below inquiry. Who in OESE handle Title I grant funds?

Kelly

---

**From:** OESE.SGR.Massachusetts <Massachusetts.oese@ed.gov>
**Sent:** Monday, March 16, 2020 9:29 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Ramsey, Tara <Tara.Ramsey@ed.gov>; Hodgdon, Jane <Jane.Hodgdon@ed.gov>; McKenzie, Lakesha <Lakesha.McKenzie@ed.gov>
**Subject:** FW: Entitlement grants- guidance : COVID-19

Dear COVID-19,

Below is another inquiry.

Thanks,
-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
Connect. Engage. Empower.

---

**From:** Lynch, Simone E (DOE) <simone.e.lynch@state.ma.us>
**Sent:** Monday, March 16, 2020 8:40 AM
**To:** OESE.SGR.Massachusetts <Massachusetts.oese@ed.gov>
**Subject:** Entitlement grants- guidance : COVID-19

Good morning, Amy,
I hope this email finds you and the rest of the ED colleagues well during these trying times.

AMERICAN OVERSIGHT

We have been fielding a number of questions from our LEAs about use of certain entitlement funds during this time. I'm hoping you can help bring clarity to the following question:

"Is it allowable to use Title I grant funds to continue to pay staff who are funded out of TI and they are currently out of work due to COVID-19?"

Thanks for your help in advance.

Best,
Simone

Get Outlook for iOS

AMERICAN OVERSIGHT

**From:** Rooney, Patrick
**Sent:** Mon, 16 Mar 2020 14:47:08 +0000
**To:** COVID-19
**Subject:** RE: Entitlement grants- guidance : COVID-19

Thanks Kelly – this is a broader question that impacts all of our grant programs. Do you know if the team answering COVID questions is working on this one?

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 16, 2020 10:40 AM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Entitlement grants- guidance : COVID-19

Hi Patrick,

The COVID-19 mailbox received an inquiry Title I grant funds. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.SGR.Massachusetts <Massachusetts.oese@ed.gov>
**Sent:** Monday, March 16, 2020 9:29 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Ramsey, Tara <Tara.Ramsey@ed.gov>; Hodgdon, Jane <Jane.Hodgdon@ed.gov>; McKenzie, Lakesha <Lakesha.McKenzie@ed.gov>
**Subject:** FW: Entitlement grants- guidance : COVID-19

Dear COVID-19,

Below is another inquiry.

Thanks,
-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
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---

**From:** Lynch, Simone E (DOE) <simone.e.lynch@state.ma.us>
**Sent:** Monday, March 16, 2020 8:40 AM

AMERICAN OVERSIGHT

**To:** OESE.SGR.Massachusetts <Massachusetts.oese@ed.gov>
**Subject:** Entitlement grants- guidance : COVID-19

Good morning, Amy,
I hope this email finds you and the rest of the ED colleagues well during these trying times.

We have been fielding a number of questions from our LEAs about use of certain entitlement funds during this time. I'm hoping you can help bring clarity to the following question:

"Is it allowable to use Title I grant funds to continue to pay staff who are funded out of TI and they are currently out of work due to COVID-19?"

Thanks for your help in advance.

Best,
Simone

Get Outlook for iOS

AMERICAN OVERSIGHT

**From:** Sue Vickers
**Sent:** Mon, 16 Mar 2020 15:24:37 +0000
**To:** COVID-19
**Cc:** Hilsey, Shaina;Finkelstein, Jon;Somnath Chatterjee
**Subject:** RE: Florida State University 00148900 - COVID-19 Inquiry

Good morning,

In our planning at FSU, we have come up with some possible options on how to best protect our students during this critical time, but do need some guidance to ensure we are meeting FSA compliance.

1. If we chose to shorten the spring 2020 semester in the following ways, how would that impact FSA?
    a. Shorten term by 2 weeks (reduced to 13 weeks of instruction)
        i. COA adjustments required?
        ii. Loan period adjustments required?
        iii. Other impacts?
    b. Shorten term by 3 weeks (reduced to 12 weeks of instruction)
        i. COA adjustments required?
        ii. Loan period adjustments required?
        iii. Other impacts?
2. If we chose to pause the spring semester for 2 weeks and then extend the term by two weeks. (Initially, the term would have ended 5/1/2020 but instead it will end on 5/15/2020 to make up the instructional time).
        i. COA adjustments required?
        ii. Loan period adjustments required?
        iii. Other impacts?

Additional notes that may help: The 60% point in the semester was 3/11/2020 for FSU and we are not a school that recalculates.

We greatly appreciate your help and guidance.

**Sue Vickers**
Sr. Associate Director

Office of Financial Aid
Florida State University
282 Champions Way
Tallahassee, FL 32306
850.644.1019
svickers@fsu.edu
financialaid.fsu.edu

FLORIDA STATE UNIVERSITY

AMERICAN OVERSIGHT

**From:** Sue Vickers
**Sent:** Thursday, March 12, 2020 4:30 PM
**To:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Subject:** RE: Florida State University 00148900 - COVID-19 Inquiry

Hi Shaina-

Thank you for your quick response.

In order to eliminate the possibility of misinterpreting the guidance and additional details you have provided, can you define "unable to work?"

At FSU, I can foresee a few possible scenarios for our FWS students:

1. A student becomes ill and is unable to work
2. A student has traveled on spring break (March 16-20) and has potentially been exposed to COVID-19
3. A student has traveled and wants to return to work, but has been encouraged to remain off-campus for a two week period (March 23- April 6)
4. A student did not leave campus

Of the scenarios above, I could clearly say that 1 and 2 would be "unable to work," but I am unsure if scenarios 3 and 4 qualify and we would like to be consistent in our guidance to all FWS students.

Again, please know that we truly appreciate your guidance during this critical time.

**Sue Vickers**
Sr. Associate Director

Office of Financial Aid
Florida State University
282 Champions Way
Tallahassee, FL 32306
850.644.1019
svickers@fsu.edu
financialaid.fsu.edu

FLORIDA STATE UNIVERSITY

**From:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Sent:** Thursday, March 12, 2020 1:48 PM
**To:** Sue Vickers <svickers@fsu.edu>
**Subject:** RE: Florida State University 00148900 - COVID-19 Inquiry

Hello,

An institution does not need to be closed in order for the guidance described in the March 5, 2020 electronic announcement to apply. The guidance related to Federal Work Study (FWS) applies when the

AMERICAN OVERSIGHT

student is unable to work hours that he or she was scheduled to work at a FWS position as a result of the Coronavirus threat. It is fine to have the student submit a timesheet for the hours he or she was scheduled to work and pay FWS wages based on that.

Best,
Shaina

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 12, 2020 12:44 PM
**To:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Florida State University 00148900 - COVID-19 Inquiry

Hi Shaina,

The COVID-19 mailbox received an inquiry about IHE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Sue Vickers <svickers@fsu.edu>
**Sent:** Thursday, March 12, 2020 10:08 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Somnath Chatterjee <somnath@fsu.edu>; Sue Vickers <svickers@fsu.edu>
**Subject:** Florida State University 00148900 - COVID-19 Inquiry

Good morning,

Florida State University has proactively monitored and responded to daily developments as the novel coronavirus (COVID-19) has spread in Florida and across the United States. Therefore, we will be shifting to an online instruction mode for a temporary period of two weeks beginning March 23rd. During this time our campus will be open, but students are encouraged to leave campus but are not required to do so. We are requesting additional guidance and clarity on the language released by the USDOE recently:https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

We would like to know whether in our situation, we can continue to pay our FWS students without the need for them to be present and working on campus.
We do greatly appreciate your guidance.

*Federal Work Study (FWS)*
*Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating.The impact may be magnified if the institution accommodates students by*

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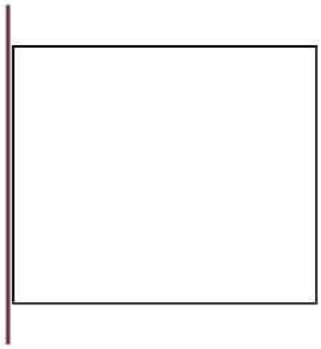
*providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.*

Thanks,

**Sue Vickers**
Sr. Associate Director

Office of Financial Aid
Florida State University
282 Champions Way
Tallahassee, FL 32306
850.644.1019
svickers@fsu.edu
financialaid.fsu.edu



AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Mon, 16 Mar 2020 14:24:05 +0000
**To:** COVID-19
**Subject:** RE: Guidance for NY on Assessments in Light of School Closures

I don't think so because of the upcoming changes that I just sent you regarding the mailbox. I'll see what Paul suggests…

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 16, 2020 10:23 AM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: Guidance for NY on Assessments in Light of School Closures
**Importance:** High

Bryan,

The COVID-19 mailbox received a copy of inquiry on ESEA. Have any instructions been sent out to OESE directors?

Please advise on how to handle the below inquiry.

Thanks,
Kelly

---

**From:** Peasley, Donald <Donald.Peasley@ed.gov>
**Sent:** Monday, March 16, 2020 9:46 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Guidance for NY on Assessments in Light of School Closures
**Importance:** High

Good morning.
We received the question below from New York State Education Department Testing office this morning. They are asking for a rapid response regarding their State tests; it reads like they are considering statewide cancellation. If they do this, they need to decide quickly as the logistics of their testing program require time to start and stop.

We've directed them to the March 12 fact sheet, but they desire something more targeted from ED. I think they want an assurance that should they cancel tests Statewide, that the waiver request they'd submit would be favorably considered by ED.

I might suggest that we consider a response as follows:
"In the event that a State chooses to cancel Statewide assessment as a result of Statewide school closures, ED will consider one year waivers of ESEA testing requirements by that State. "

AMERICAN OVERSIGHT

**From:** Zachary Warner <Zachary.Warner@nysed.gov>
**Sent:** Monday, March 16, 2020 8:22 AM
**To:** Peasley, Donald <Donald.Peasley@ed.gov>
**Cc:** Kim Wilkins <Kim.Wilkins@nysed.gov>; Steven Katz <Steven.Katz@nysed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
**Subject:** Guidance for NY on Assessments in Light of School Closures
**Importance:** High

Don,

I am reaching out to you at the request of my Deputy Commissioner for P12 Kim Wilkins. As I'm sure that you're aware, NY is now the state with the most confirmed cases of COVID-19 and that number is expected to continue growing in the coming weeks. At this point, many schools in NY have closed for extended periods of time with April 20 being the most commonly scheduled return date. All of the Big 5 City School Districts have closed which accounts for approximately half of NY's student population.

We are seeking guidance on our Grades 3-8 ELA tests. The test window is scheduled to open one week from tomorrow. In line with the guidance issued by the USDE last week, we extended our window by an additional week. However, the schools closures have also extended in duration and leave us at a point where many (if not all, as the numbers continue to grow) schools in NY may be closed. We know that the USDE does not preliminarily consider waivers, so we are looking for guidance at this time. It does not seem practicable to administer our ELA tests and end up with results that inform instruction or contribute to accountability.

One additional consideration is that, as you recall, NY's assessment program is still predominantly paper-based. This further complicates any shifting of administration windows and creates additional decision points regarding shipping tests to empty school buildings and how to best avoid test material breaches.

We would appreciate any guidance that the USDE can offer us since we need to address these issue immediately as schools continue to close statewide. If a phone call would be a better approach, we can make time today for that.

Many thanks!
Zach

**Zachary B. Warner, PhD**
Director
Office of State Assessment
New York State Education Department
Zachary.Warner@nysed.gov

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AMERICAN OVERSIGHT

**From:** Rooney, Patrick
**Sent:** Tue, 17 Mar 2020 02:11:45 +0000
**To:** COVID-19
**Subject:** RE: Question from Idaho Sec 1127(b) - Title 1

Thanks Kelly.

Are you logging these in a central location?

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 16, 2020 4:00 PM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Question from Idaho Sec 1127(b) - Title 1

Hi Patrick

The COVID-19 mailbox received an inquiry Title 1. Below is the inquiry.

Thanks,
Kelly

---

**From:** Hembrey, Tanesha <Tanesha.Hembrey@ed.gov>
**Sent:** Monday, March 16, 2020 11:46 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** FW: Question from Idaho Sec 1127(b)

This question came in to the Title I mailbox.

---

**From:** Karen J Seay <KSeay@sde.idaho.gov>
**Sent:** Monday, March 16, 2020 9:53 AM
**To:** OESE.SGR.Idaho <Idaho.oese@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** Alexandra McCann <amccann@sde.idaho.gov>; Brandy Diaz Scott <bdiazscott@sde.idaho.gov>; Tim McMurtrey <tmcmurtrey@sde.idaho.gov>
**Subject:** Question from Idaho Sec 1127(b)

As Idaho Districts begin to make the difficult decision to close schools, they are cancelling professional development activities, conferences, trainings, and events. We are beginning to hear from these districts a concern about excessive carryover above the 15% (Sec. 1127(a)) for Title I-A.
Idaho's question: For districts that have already received a Title I-A waiver (Sec. 1127(b)) within the last three years, will they be eligible for another waiver for carryover beyond 15% for 2019-2020 due to these unprecedented circumstances beyond their control?

AMERICAN OVERSIGHT

We look forward to hearing from you. Karen

Karen J.M. Seay
Director, Federal Programs
State Department of Education
650 W. State Street
PO Box 83720
Boise ID 83720-0027
kseay@sde.idaho.gov
208.332.6978 work
208.830.6394 cell
Fax: 208.334.2228

AMERICAN OVERSIGHT

**From:** Roy, Jesse
**Sent:** Mon, 16 Mar 2020 15:02:34 +0000
**To:** OESE.SGR.Vermont;COVID-19
**Cc:** Hodgdon, Jane;Ramsey, Tara;McKenzie, Lakesha
**Subject:** RE: Reimbursing Spending for Interrupted Professional Development

Thank you all—I can only imagine how much you are responding to right now.

I would like to add to my original request that now, in light of school closures statewide, Vermont (and I'm guessing SEAs in general) would welcome guidance around reimbursing LEAs for the work of Title-funded staff in the weeks and months that students will not attend.

**Jesse Roy**
Assistant Division Director – Federal Education Support Programs
Vermont Agency of Education | 1 National Life Drive, Davis 5 | Montpelier, VT 05620
(802) 828-1390| jesse.roy@vermont.gov

---

**From:** OESE.SGR.Vermont <Vermont.oese@ed.gov>
**Sent:** Friday, March 13, 2020 10:04 AM
**To:** Roy, Jesse <Jesse.Roy@vermont.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.SGR.Vermont <Vermont.oese@ed.gov>; Hodgdon, Jane <Jane.Hodgdon@ed.gov>; Ramsey, Tara <Tara.Ramsey@ed.gov>; McKenzie, Lakesha <Lakesha.McKenzie@ed.gov>
**Subject:** RE: Reimbursing Spending for Interrupted Professional Development

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**
Good morning Jesse,

Thank you for your message. We have received your inquiry and shared it with our colleagues who are responding to questions related to the coronavirus at COVID-19@ed.gov. To learn more about the U.S. Department of Education's prevention plan and how you can help prevent the spread of coronavirus, please visit www.ed.gov/coronavirus for more details.

Stay safe,
-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
Connect. Engage. Empower.

---

**From:** Roy, Jesse <Jesse.Roy@vermont.gov>
**Sent:** Friday, March 13, 2020 9:51 AM

AMERICAN OVERSIGHT

**To:** OESE.SGR.Vermont <Vermont.oese@ed.gov>
**Subject:** Reimbursing Spending for Interrupted Professional Development

Good Morning,

A number of Vermont LEAs have reached out with this type of question: they have spent local funds on plane tickets, registration fees, etc., for Professional Development events that were approved in their Title applications. Due to COVID-19 concerns, they have either elected not to take the trips or to attend the events, or in some case the events have simply been cancelled.

Our understanding is that we cannot reimburse with federal funds for activities that didn't end up happening—for example a flight that wasn't taken or a conference that wasn't attended—which leaves our LEAs, some of which can't afford to cover the costs ultimately with local funds, in a tough spot.

I guess I have two questions. First, is our understanding of the rules correct; that we can not reimburse for a purchased plane ticket or a conference registration with Title funds if attendance doesn't actually happen? Second, if this is the case, can the DOE provide some flexibility around this restriction in light of the circumstances?

Appreciatively,

**Jesse Roy**
Assistant Division Director – Federal Education Support Programs
Vermont Agency of Education | 1 National Life Drive, Davis 5 | Montpelier, VT 05620
(802) 828-1390| jesse.roy@vermont.gov

AMERICAN OVERSIGHT

**From:** OESE.SGR.Vermont
**Sent:** Mon, 16 Mar 2020 15:09:00 +0000
**To:** Roy, Jesse;OESE.SGR.Vermont;COVID-19
**Cc:** Hodgdon, Jane;Ramsey, Tara;McKenzie, Lakesha
**Subject:** RE: Reimbursing Spending for Interrupted Professional Development

Good morning, Jesse,

I will send your additional question to the original inquiry. Please know, we are never too busy to respond to inquiries and assist our stakeholders.

Stay safe,
-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
Connect. Engage. Empower.

---

**From:** Roy, Jesse <Jesse.Roy@vermont.gov>
**Sent:** Monday, March 16, 2020 11:03 AM
**To:** OESE.SGR.Vermont <Vermont.oese@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Hodgdon, Jane <Jane.Hodgdon@ed.gov>; Ramsey, Tara <Tara.Ramsey@ed.gov>; McKenzie, Lakesha <Lakesha.McKenzie@ed.gov>
**Subject:** RE: Reimbursing Spending for Interrupted Professional Development

Thank you all—I can only imagine how much you are responding to right now.

I would like to add to my original request that now, in light of school closures statewide, Vermont (and I'm guessing SEAs in general) would welcome guidance around reimbursing LEAs for the work of Title-funded staff in the weeks and months that students will not attend.

**Jesse Roy**
Assistant Division Director – Federal Education Support Programs
Vermont Agency of Education | 1 National Life Drive, Davis 5 | Montpelier, VT 05620
(802) 828-1390| jesse.roy@vermont.gov

---

**From:** OESE.SGR.Vermont <Vermont.oese@ed.gov>
**Sent:** Friday, March 13, 2020 10:04 AM
**To:** Roy, Jesse <Jesse.Roy@vermont.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.SGR.Vermont <Vermont.oese@ed.gov>; Hodgdon, Jane <Jane.Hodgdon@ed.gov>; Ramsey, Tara <Tara.Ramsey@ed.gov>; McKenzie, Lakesha <Lakesha.McKenzie@ed.gov>
**Subject:** RE: Reimbursing Spending for Interrupted Professional Development

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**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Good morning Jesse,

Thank you for your message. We have received your inquiry and shared it with our colleagues who are responding to questions related to the coronavirus at COVID-19@ed.gov. To learn more about the U.S. Department of Education's prevention plan and how you can help prevent the spread of coronavirus, please visit www.ed.gov/coronavirus for more details.

Stay safe,
-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
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---

**From:** Roy, Jesse <Jesse.Roy@vermont.gov>
**Sent:** Friday, March 13, 2020 9:51 AM
**To:** OESE.SGR.Vermont <Vermont.oese@ed.gov>
**Subject:** Reimbursing Spending for Interrupted Professional Development

Good Morning,

A number of Vermont LEAs have reached out with this type of question: they have spent local funds on plane tickets, registration fees, etc., for Professional Development events that were approved in their Title applications. Due to COVID-19 concerns, they have either elected not to take the trips or to attend the events, or in some case the events have simply been cancelled.

Our understanding is that we cannot reimburse with federal funds for activities that didn't end up happening—for example a flight that wasn't taken or a conference that wasn't attended—which leaves our LEAs, some of which can't afford to cover the costs ultimately with local funds, in a tough spot.

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Appreciatively,

**Jesse Roy**
Assistant Division Director – Federal Education Support Programs
Vermont Agency of Education | 1 National Life Drive, Davis 5 | Montpelier, VT 05620
(802) 828-1390| jesse.roy@vermont.gov

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Garnishments
**Sent:** Mon, 16 Mar 2020 15:09:23 +0000
**To:** COVID-19
**Cc:** answers
**Subject:** RE: Wage Garnishment Orders

Good morning,

We are following up to our request from last week.
Could you kindly provide us with an update?

Thank you in advance!

Kind Regards,

Payroll Department | Fulton County Schools
6201 Powers Ferry Road NW | Atlanta, GA 30339
470-254-6849 ph | 470-254-5515 fax
garnishments@fultonschools.org | www.fultonschools.org

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---

**From:** Garnishments <Garnishments@fultonschools.org>
**Sent:** Friday, March 13, 2020 8:49 AM
**To:** COVID-19@ed.gov
**Cc:** answers@ed.gov
**Subject:** Wage Garnishment Orders

Good morning,

We hope this email finds you well.
We are reaching out and wish for this email to be forwarded to the proper area for handling of our request.

In preparation for the Corona Virus impact to our work operation, we are needing to know if there is a way that Student Loan Wage Garnishment Orders coming from the U.S. Department of Education, could be emailed to Payroll directly.
Currently we receive all Student Loan Wage Garnishment Orders by mail delivery.

Please kindly consider our request and inform us of the process to get this converted to email delivery.
Thank you in advance for your help and consideration of this as we all work through the impact of the coronavirus!

AMERICAN OVERSIGHT

Kind Regards,

Payroll Department | Fulton County Schools | Fulton County Board of Education
6201 Powers Ferry Road NW | Atlanta, GA 30339
470-254-6849 ph | 470-254-5515 fax
garnishments@fultonschools.org | www.fultonschools.org

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Fulton County Schools
Where Students Come First

AMERICAN OVERSIGHT

**From:** Webb, Jo Ann
**Sent:** Mon, 16 Mar 2020 13:43:40 +0000
**To:** COVID-19
**Subject:** RE: WINK News inquiry

Got it. Thanks!

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 16, 2020 9:43 AM
**To:** Webb, Jo Ann <JoAnn.Webb@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: WINK News inquiry

Hi JoAnn,

The COVID-19 mailbox received an inquiry from the press. Below is the inquiry.

Thanks,
Kelly

---

**From:** Emily Ford <emily.ford@winknews.com>
**Sent:** Friday, March 13, 2020 6:25 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** WINK News inquiry

Hello,

We are hearing that all Florida public schools are going to be closed until March 30.

Can you confirm this?

Thanks

EMILY FORD | ASSIGNMENT EDITOR | 239-344-5000 | emily.ford@winknews.com

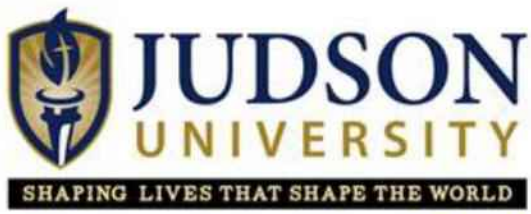
AMERICAN OVERSIGHT

**From:** Diana Winton
**Sent:** Mon, 16 Mar 2020 16:38:50 +0000
**To:** COVID-19
**Subject:** Refunds and COA

Our institution requested that all residents (that could) return home due to the coronavirus. If we provide a refund for the days that they didn't stay in the dorm or get meals would we have to adjust the student's COA?

Thank you,

**Diana M. Winton**
Director of Financial Aid
Office 847.628.2531| Fax 847.628.2533




Judson University | Elgin, IL 60123 | JudsonU.edu
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AMERICAN OVERSIGHT

**From:** Emmilee M. Mitchell
**Sent:** Mon, 16 Mar 2020 17:01:36 +0000
**To:** COVID-19
**Subject:** Return of Title IV

Please confirm I need to exclude days on COVID-19 school closures of 5 days or more from Period of Enrollment for students who withdraw AFTER a school closure.

Thanks,

**Emmilee M. Mitchell**
Director of Operations & Compliance
Student Financial Planning
Mercer University
https://financialaid.mercer.edu
**e:** mitchell_em@mercer.edu
**t:** 478.301.2839
**f:** 478.301.2671

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AMERICAN OVERSIGHT

**From:** Lisa Stone
**Sent:** Mon, 16 Mar 2020 11:34:01 -0600
**To:** COVID-19
**Subject:** Rt4 questions

As we have started getting very specific questions regarding school closures related to the Coronavirus and how it will affect the RT4's we want to ensure that our understanding of the guidelines are correct so that we may assist moving forward.

A couple of scenarios.

The school elects to extend their spring break by a week. So now there two weeks, student does not return after the extended spring break, do we exclude both weeks or just the scheduled break?

HI,
The school closes and does not reopen within the same payment period and/or the student does not return within the same payment period. The student is a withdrawal. The payment period will remain the full length of the original payment period as the LDA will be prior to the school closure. The RT4 will be based on the full number of days in the payment period no excluded days for the numerator or denominator in the RT4 for the closure.

The school closes/reopens and the student returns to class but then subsequently withdraws. The payment period will exclude the number of days the school was closed from both the numerator and the denominator in the RT4 calculation.

There is a piece of the guidelines that state that a campus can be approved for a shortened academic year. Can you give me some explanation on what this would look like? I think my specific interest is will this consist of shortened payment periods or just fewer payment periods within the academic year.

**Lisa Stone**
Director of Compliance
**FA Solutions, LLC**
Phone: 727-565-2048
Email:lstone@getfasolutions.com

**"Sometimes faith will make you look stupid; until it rains." - Noah**

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**From:** Elias, Stephanny
**Sent:** Tue, 17 Mar 2020 10:01:34 +0000
**To:** COVID-19
**Cc:** Loconto, Robert
**Subject:** grades vs pass/fail

Hello.

We have closed the campus temporarily for students and are teaching on-line. Our Provost's Office is asking about changing the grading structure for this semester for students who choose to switch their courses from a grade to a pass/fail.

Our typical pass/fail policy:
A student may choose to take up to a maximum of four courses on a Grade/Pass/Fail (GPF) option during their academic career. Only one GPF can be taken during a semester. Under this option, a student may specify a minimum course grade of "D-" or higher* by contract with the course instructor.
If the final grade is at or above the contracted grade, the professor will report that grade. The grade will be included in the overall grade point average.
If the final grade is a passing grade but is lower than the contracted minimum grade, the professor will award a "P." The "P" grade will not be included in the overall grade point average.
If a student fails to achieve course goals, the professor will assign an "F." The "F" will be include in the overall grade point average and credit will not be granted for the course.
The GPF is not an option in courses in the student's major, except field experience courses that may be part of the major. Only one "P" grade be used in a minor. *Please note: when exploring the GPF option, students must confirm any minimum course grade requirements with individual departments and programs. The GPF is not an option in credit-bearing graduate courses.

I am seeking guidance on pass/fail impact to SAP:

1. Can we change our documented grade/pass/fail policy because of the current situation and allow students more of these options than policy dictates?
2. IF the answer to #1 above is yes and if a student chooses to do all courses as pass/fail, they would not receive a grade point average. Therefore, how do we incorporate in to SAP? Our SAP policy requires a minimum 2.0 for GPA. The percent of credits attempted and passed/failed works even with the pass/fail option selected but it is unclear how we would treat someone who passed all courses with a "P" but receives no GPA for the semester.

Thank you for your time.

Stephanny J. Elias
Stephanny J. Elias
Associate Vice President of
Financial Aid
Curry College
1071 Blue Hill Avenue
Milton, MA 02186

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Tel. 617.333.2010
Fax 617.333.2915
*Note: Students and/or parents sending personal information, such as a copy of a Federal tax return, to our office should send it via fax or encrypted e-mail.*

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**From:** Jessica Christensen
**Sent:** Tue, 17 Mar 2020 14:56:33 +0000
**To:** COVID-19
**Subject:** Guidance for interruptions of study related to Coronavirus (COVID-19)

Hello,

We have a situation where a student had started their term abroad and the abroad institution has now closed so they are unable to complete the term there with the exception of a portion of their credits that has already been completed.

Because their abroad campus has closed, we have advised the student to return to the US and have secured accommodations for them to do so this week. We can offer this student distance learning courses through our campus and can provide opportunities to work with them to be able to continue their education and complete their term here at the home institution.

However, the student is indicating that they have travel fears and have a place to stay in Germany with extended family and want to remain in Germany for the time being because they feel travelling right now is putting themselves at a greater risk of contracting the COVID-19 virus.

I believe their campus closed approximately 5-7 days ago. It is my understanding that they would need to be back in the US if their abroad school has closed for us to offer alternate learning opportunities from the students home campus. Can you please confirm that if we offer the student distance learning opportunities from our campus that they can or cannot complete that work while remaining in Germany?

If they must be back in the US for us to offer these opportunities, I am aware that we can have some flexibility on some non-standard dates as far as completion of the coursework that we can provide. If their abroad campus closed on approximately March 10th and our campus term here at the home institution technically ends May 3rd how long can we give them to get here to resume courses? Is there a regulatory time limit on this and is there any regulatory guidance we should follow if the student does not want to travel back to the states at this point in time?

Thanks

**Jess Christensen**

ASSOCIATE DIRECTOR
CONCORDIA COLLEGE | FINANCIAL AID

o 218.299.3010 | f 218.299.3025
jchriste@cord.edu

901 8th St. S, Moorhead, Minn. 56562 | ConcordiaCollege.edu

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AMERICAN OVERSIGHT

**From:** Alex Andjaparidze
**Sent:** Tue, 17 Mar 2020 09:16:52 +0000 (UTC)
**To:** Alex Andjaparidze
**Subject:** How to fight COVID-19
**Attachments:** HowToFightCOVID19_DrAlexAndjaparidze.pdf

Dear Colleagues in public health,

I am a WHO retiree with over two decades of experience advising governments across Asia on how to deal with various types of outbreaks of bacterial and viral infections. I am also one of the lead research scientists that discovered Hepatitis E in humans and Hepatitis A in monkeys.

I am writing to you because I believe there is an opportunity to save lives. We can improve the global response to the COVID-19 pandemic by making better use of two widely available medicines. As described in my briefing (link and attached), there is strong evidence in support of using a hydrogen peroxide rinse and a povidone-iodine solution in the fight against COVID-19. Furthermore, these treatments are easy to self-administer and do not have side effects as long as instructions are followed.

I believe greater awareness on the availability of these treatments is in the public interest. I would appreciate if you would consider informing the public about these measures. I am available to discuss any aspect of these findings at your convenience.

Kind regards,

Dr. Alex

Dr. Alexander Andjaparidze M.D. Sc.D. M.S. e-mail: aandja@yahoo.com Mob.: +995 571 40 44 39 Tel.: +995 322 93 25 51

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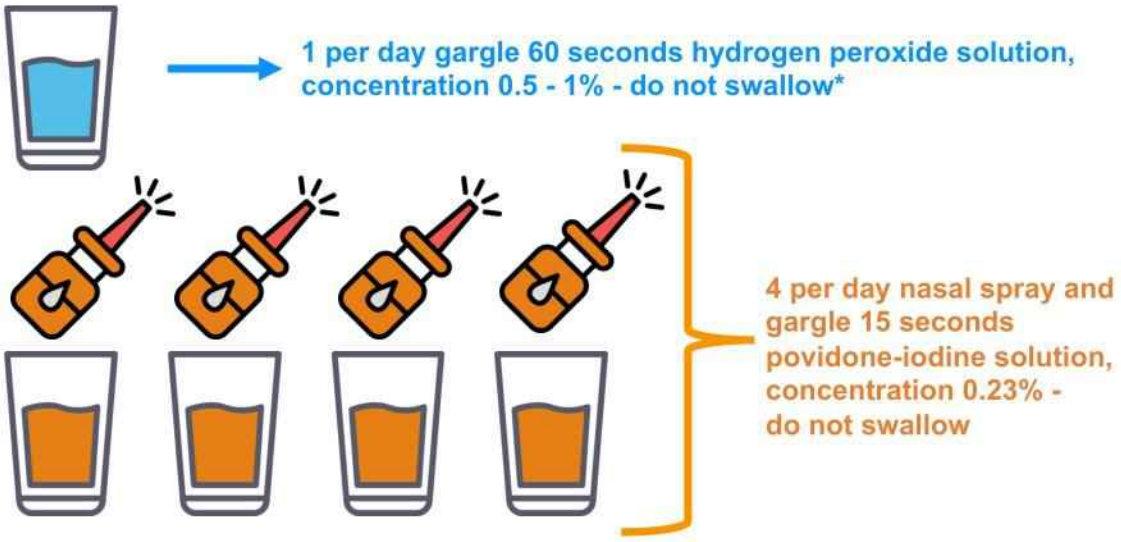
# HOW TO FIGHT COVID-19

Dr. Alexander Andjaparidze, 13 March 2020

- We can improve our response to the COVID-19 pandemic by making better use of two widely available medicines.
- In addition to the protective behaviors[1] communicated by WHO against COVID-19, the below measures will strengthen prevention and better treat infected patients by reducing virus load:
    1. Once daily gargling for 60 seconds of hydrogen peroxide solution, concentration of 0.5 - 1% - do not swallow and after 10 minutes gargle again with warm water (not recommended for children under the age of 16)
    2. Four times a day nasal spray and gargling for 15 seconds of povidone-iodine solution, concentration of 0.23% - do not swallow
- Coronavirus can be killed in the throat and nasal passage by using two readily available medicines hydrogen peroxide and povidone-iodine-based solutions.
- This procedure is recommended for medical staff, suspected patients (personal isolation, quarantine) confirmed patients at early stage of infection and persons who had close contact with COVID-19 patients. It is not recommended for severe patients who already developed pulmonary manifestation.

## Widely available medicines to help prevent and treat COVID-19




Source: Dr. Alexander Andjaparidze using images from Darius Dan and Good Ware
Note: These measures are in addition to the protetive behaviors communicated by WHO
*After 10 minutes gargle with warm water. Hydrogen peroxide solution is not recommended for children below the age of 16.

### Hydrogen peroxide: benefits, user instructions and results

- Hydrogen peroxide rinse is a mild antiseptic commonly used for gargling and to help relieve minor mouth irritation. It works by releasing oxygen when it is applied to the affected area. The release of oxygen causes foaming, which helps to remove mucus and clean the area.
- It is well documented that hydrogen peroxide in concentrations of 0.5% is able to inactivate similar viruses, such as the human coronavirus 229E and SARS CoV FFM. This has been shown under experimental conditions on hard surfaces when hydrogen peroxide is applied for 60 to 120 seconds.[i]

[1] Key protective behaviors communicated by WHO against COVID-19 include frequently cleaning hands, covering nose when sneezing and mouth when coughing, and avoiding contact with people exhibiting flu like symptoms.



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- Prevention will be strengthened, and treatment of infected persons improved with daily gargling for 60 seconds (followed by spitting out) of hydrogen peroxide solution with a concentration of 0.5 - 1% - do not swallow and after 10 minutes gargle again with warm water (not recommended under the age of 16). The hydrogen peroxide may cause some foaming in the mouth which is normal.
- Generally, hydrogen peroxide is available in pharmacies in 3% of water solution. For gargling, hydrogen peroxide should be further diluted in water (3 portion of water and one portion of 3% hydrogen peroxide solution). The diluted solution will be around 0.75% hydrogen peroxide.
- For those infected, the use of hydrogen peroxide in the early phase of infection can have the benefit of reducing virus load while allowing the immune system to prepare.
- The majority of patients that show signs of illness due to COVID-19 start with low or high temperature and flu like symptoms. The replication of the virus in early phases is more concentrated in the throat and nasal track. Inflammation in the lungs generally happens only during or after the second week. Reducing the virus load in early phases of infection, may prevent inflammation in the lungs and give sufficient time for the immunological response. This should reduce disease severity.
- Several studies investigated hydrogen peroxide ability to preserve antigenic epitopes and other studies used it as inactivating agent for development of viral vaccines against both DNA and RNA viruses including Lymphocytic Choriomeningitis Virus (LCMV), *Yellow* Fever Virus (YFV), West Nile Virus (WNV), Vaccinia virus (VV) and Monkeypox Virus (MPV) Rabis Virus.[ii,iii,iv] In other words, the virus killed by hydrogen peroxide will act as antigen for production of specific antibodies.

**Povidone-iodine: benefits, user instructions and results**

- Povidone-iodine is a broad-spectrum antimicrobial that has been used in infection control and prevention for over 60 years.[v] Povidone-iodine has well established general antimicrobial activity, demonstrating in vitro efficacy against many bacteria [vi,vii,viii] and a wide range of enveloped and non-enveloped viruses [ix,x, xi] including Ebola virus and MERS-CoV.[xii,xiii]
- Considering the proven in vitro efficacy, gargling with povidone-iodine may be an effective method of preventing the spread of respiratory viruses. The benefit of gargling with povidone-iodine has been noted in Japanese clinical respiratory guidelines.[xiv]
- Four times a day nasal spray and gargling for 15 seconds of povidone-iodine solution (do not swallow), concentration of 0.23% is sufficient to kill the coronavirus in the nasal and oral cavity. This has been documented in published research.[xv]
- The safety profile of povidone-iodine is well established. In contrast to other antiseptic agents, oral povidone-iodine care products do not lead to any irritation or damage of the oral mucosa, even with prolonged use.[xvi] Although measurable systemic iodine absorption may occur with the long-term use of, povidone-iodine its clinical manifestation as thyroid dysfunction is not very common.[xvii]

Dr. Alexander Andjaparidze M.D. Sc.D. M.S.
E-mail: aandja@yahoo.com
Mob.: +995 571 40 44 39

*About the author: Alexander Andjaparidze is a virologist who was one of the lead scientists in discovering human hepatitis E virus and monkey hepatitis A virus. For over 25 years, he worked for the World Health Organization in various leadership positions. He is currently an independent consultant.*



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## References


[i] G. Kampf , D. Todt , S. Pfaender, E. Steinmann Persistence of coronaviruses on inanimate surfaces and their inactivation with biocidal agents. Journal of Hospital Infection 2020, 104 246e251

[ii] Siber GR, Thakrar N, Yancey BA, Herzog L, Todd C, et al. Safety and immunogenicity of hydrogen peroxide-inactivated pertussis toxoid in 18-month-old children. Vaccine, 1991, 9(10): 735-740.

[iii] Amanna IJ, Raué HP, Slifka MK. Development of a new hydrogen peroxide-based vaccine platform Nat Med 2012,18(6): 974–979.

[iv] Kareem Essam, Reham Mohsen, Eman Amin Ismail and Aly Fahmy Mohamed. In Vitro Preparation of H2O2 Inactivated Rabies Vaccine and Related Immunogenicity. International J Pul & Res Sci.2018, v3, I 4: 1-8.

[v] Sneader W. Drug discovery: a history. New York Wiley; 2005. P.68

[vi] Traore O, Fayard SF, Laveran H. An in vitro evaluation of the activity of povidone-iodine against nosocomial bacterial strains. J Hosp Infect. 1996;34:217-22.

[vii] Shimizu M, Okuzumi K, Yoneyama A, et al. In vitro antiseptic susceptibility of clinical isolates from nosocomial Infections. Dermatology. 2002;204(Suppl 1):21-7.

[viii] Rikimaru T, Kondo M, Kondo S, Oeriumizumi K. Bactericidal activities of povidone-iodine against Mycobacterium. Dermatology. 1997;195(Suppl 2):104-6.

[ix] Wutzler P, Sauerbrei A, Klocking R, Brogmann B, Reimer K. Virucidal activity and cytotoxicity of the liposomal formulation of povidone-iodine. Antiviral Res. 2002;54:89-97.

[x] Kawana R, Kitamura T, Nakagomi O, et al. Inactivation of human viruses by povidone-iodine in comparison with other antiseptics. Dermatology. 1997;195(Suppl 2):29-35.

[xi] Kariwa H, Fujii N, Takashima I. Inactivation of SARS coronavirus by means of povidone-iodine, physical conditions and chemical reagents. Dermatology. 2006;212(Suppl 1):119-23.

[xii] Eggers M, Eickmann M, Kowalski K, Zorn J, Reimer K. Povidone-iodine hand wash and hand rub products demonstrated excellent in vitro virucidal efficacy against Ebola virus and modified vaccinia virus Ankara, the new European test virus for enveloped viruses. BMC Infect Dis. 2015;15:375.

[xiii] Eggers M, Eickmann M, Zorn J. Rapid and effective virucidal activity of povidone-iodine products against Middle East respiratory syndrome coronavirus (MERS-CoV) and modified vaccinia virus ankara (MVA). Infect Dis Ther. 2015;4:491-501.

[xiv] Committee for the Japanese Respiratory Society Guidelines in Management of Respiratory. Prevention of hospital-acquired pneumonia (strategies for prevention of hospital-acquired infections). Respirology. 2004;9:S48-50.

[xv] Maren Eggers,Torsten Koburger-Janssen, Markus Eickman,Jurgen Zorn. In Vitro Bacterial and Virucidal Efficacy of Povidone-Iodine Gargle/Mouthwash Agenst Respiratory and Oral Tract Pathogens. Infect. Dis.Ther. 2018 7:249-259.

[xvi] Madan PD, Sequeira PS, Shenoy K, Shetty J. The effect of three mouthwashes on radiation-induced oral mucositis in patients with head and neck malignancies: a randomized control trial. J Cancer Res Ther. 2008;4:3-8.

[xvii] Kanagalingam J, Feliciano R, Hah JH, Labib H, Le TA, Lin JC. Practical use of povidone-iodine antiseptic in the maintenance of oral health and in the prevention and treatment of common oropharyngeal infections. Int J Clin Pract. 2015;69(11):1247-56.





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**From:** Collier, Angela
**Sent:** Tue, 17 Mar 2020 11:58:14 +0000
**To:** COVID-19
**Subject:** IEP services inregards to Therapy

What is the expectation of the parents in regards to the school districts providing therapies outlined in the child's IEP during the extended school closure?
Should parents contact their health care provider and discuss an alternative plan?
Is the school districts going to provide therapy to the children that need it daily during the extended school closures?

**Angie Collier**
Referral and Support Specialist
89 E. Howe Rd. | Tallmadge, OH | 44278
Phone: 330-634-8052
acollier@summitdd.org

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**From:** Kathleen Colt
**Sent:** Tue, 17 Mar 2020 22:16:07 +0000
**To:** COVID-19
**Subject:** Inquiry pursuant to March 5, 2020 Guidance for interruptions of study related to Coronavirus (COVID 19)

Dear U.S. Department of Education,

America and the world at large is encountering unprecedented challenges in the face of the COVID-19 pandemic. I am writing on behalf of Texas Barber College (TBC) to notify you of an interruption in the normal delivery of barber instruction (*classroom theory and practical training on the clinic floor with live clients and mannequins*) at TBC.

To navigate through these troubling times, TBC intends to do the following:

**Clinic services** – we will cease clinic floor operations on the general public at or before the close of business on 3/18/2020.

**Scheduled Hours** – we will immediately cease our scheduled educational activities effective 3/18/2020 lasting through 4/1/2020.

**Makeup Hours** – during the period of 3/18 – 4/1/2020, we intend to make "make up" hours available to students who have fallen behind within their educational program. Students who are on pace to graduate according to their course schedule will not be eligible to participate in these services.

It is our team's conviction that this strategy will serve our student population in the following ways:

- This will allow those students who are at the highest risk of dropping out to maintain continuity with their educational program
- This will facilitate preparation for licensure, as those who need the assistance will have small-group access to instructors
- This strategy will undoubtedly drive down the daily population within our schools, allowing us to implement the social distancing methods prescribed by the CDC.

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Please share any questions or concerns you have about TBC moving forward with the above-described plan. Thank you.

Sincerely,

**Kathleen B. Colt**
President/General Counsel
TBC TEXAS BARBER COLLEGE
Phone: 713.953.0262, ext. 1406
Fax 713.574.2731

AMERICAN OVERSIGHT

**From:** Diana Walle
**Sent:** Tue, 17 Mar 2020 22:45:17 +0000
**To:** COVID-19
**Subject:** Late Disbursement of Financial Aid

Hi there! My name is Diana Walle and I am currently a 1st-year college student receiving financial aid. With classes being pushed back a couple of weeks, I have verified with my college's financial aid office that we will not be getting the disbursements from what is left over after tuition until later than originally planned.
The reason for this message is that I have seen a lot of claims online (but not a lot of specifics) stating that the Department of Education will be giving help for those who rely on that sum for other necessities such as food, bills, and such. Is this accurate information? If so, could I be given a bit more information?
Thank You
Diana Walle

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**From:** Pruitt, Kylie
**Sent:** Tue, 17 Mar 2020 19:14:25 +0000
**To:** COVID-19
**Subject:** Length of Academic Year

Hello,

My institution needs to extend spring break by a week in order to move classes online due to the COVID-19 issues. I tried calling our School Participation Team, but was unable to get through or leave a message. Can you please direct me to the appropriate person for assistance? This change will make the length of our academic year go from 30 weeks to 29 weeks.

Thank you for your assistance.

Trevecca Nazarene University-00352600

**Kylie Pruitt**
**Trevecca Nazarene University**
Director of Student Financial Services
Student Financial Services

(615) 248-1253
333 Murfreesboro Road, Nashville, TN 37210
www.trevecca.edu

AMERICAN OVERSIGHT

**From:** Caycee Clark
**Sent:** Tue, 17 Mar 2020 20:49:48 +0000
**To:** COVID-19
**Cc:** Nanette Rohrbaugh;Mike Redeen
**Subject:** looking for guidance on temporary school closures due to COVID-19

Hello,
I am from school OPEID #011481-00. Our school is located in King County in the state of WA; and I do believe that we have had the highest total number of confirmed COVID-19 cases in the country located right here in King County. On Friday 03/13/2020 during the afternoon, our Governor, Jay Inslee, issued a proclamation that all institutions of higher education in WA shut down ground based operations starting by 12:01am on 03/17/2020 and going through 04/24/2020. Unfortunately, our training is so very specialized that we are not able to offer online training; enter into consortium agreements with other schools, or be able to be considered lab type work where persons would be able to keep the required 6 foot distance from another (per the governor). We considered all alternative options that were presented to us by the state, and unfortunately, this was the only choice we were able to make to be compliant with the Governor's proclamation. We fully intend to resume operations as usual starting on 04/27/2020 (unless otherwise directed).
I have a few questions and points of clarification that I would like to ask for from topics that were addressed in the 03/05/2020 electronic announcement. Questions like:

- How do I report these students' enrollment status moving forward?
- Do we have to put everyone on a LOA, though it's not possible to get signed LOA requests from an entire student body when we were just told the afternoon of Friday 03/13/2020 that we had to close the school by 12:01am on 03/17/20? If we do have to put everyone on LOAs, do we have to go back and have every single student that was still in active attendance submit their official request for a COVID-19 LOA in writing? Could their requests be via email? Prior to the Governor's proclamation coming down, only one of our students had officially requested a COVID-19 LOA. So, they did not all "choose" to request this leave.
- If we don't put everyone on LOA, we'd have to drop every single student and perform R2T4 calculations on them all after 14 days?

I am sure more things will come to mind, and these are all of my most immediate initial thoughts. Please advise. I need to ensure we are taking whatever measures are necessary so that we may remain operation and return to training as planned on 04/27/2020.


Caycee Clark
Director of Financial Aid
O: 206.783.5542
F: 206.839.5088
Virtual Tour


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**From:** Amy Slater
**Sent:** Tue, 17 Mar 2020 14:00:54 +0000
**To:** COVID-19
**Subject:** Media inquiry -- Coronavirus and IDEA due process hearings

Hello,

I'm a legal editor with LRP Publications in Palm Beach Gardens, Fla. I'm researching issues related to COVID-19 for LRP's Special Ed Connection® website, and I was hoping you could answer a few questions.

Given the number of schools and offices that are closing to help stop the spread of coronavirus, we're likely to see delays in resolving IDEA due process complaints. These closures may affect the 15-day period for convening a resolution session, the 30-day resolution period, and the timeliness of due process hearings and hearing decisions.

I'd like to know what steps state and local educational agencies should be taking right now to ensure that IDEA disputes are resolved in a timely manner. Specifically, I'd like to know:

- Does the Part B regulation at 34 CFR 300.328 (Alternative means of meeting participation) allow a district to convene a "virtual" resolution session in which all team members participate by phone or video conference? Would the 30-day time frame for resolving the dispute apply?
- If a virtual resolution session is not feasible, is the district still bound by the 15-day timeline for convening a resolution session? If not, when would the 15-day period begin?
- Does the 45-day timeline for hearing officer decisions still apply? What about the 30-day time frame for state-level review? Can the deadline be extended due to a shortage of hearing officers?
- Do states have the option of conducting virtual due process hearings? What happens if one or more witnesses are unavailable due to illness?
- What advice would you give to district administrators about trying to resolve IDEA disputes during a COVID-19 outbreak?

Any answers you can provide will be greatly appreciated. If you'd prefer to speak by phone, let me know what time works best for you. I can call you at your convenience.

Amy

Amy E. Slater, Esq.
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**From:** Franks-McRae, Leslie
**Sent:** Tue, 17 Mar 2020 21:56:18 +0000
**To:** COVID-19;OESE.titlei-a
**Cc:** Stephenson, Todd;Rooney, Patrick;McDonald, Peggy;Schulz-Eskow, Colleen;Young, Jesse
**Subject:** NJ DOE Questions

Good afternoon – following are NJ DOEs immediate questions:

1. Can LEAs use Title I funding to support the basic necessities for families – food, beverages, cleaning supplies?
2. Can LEAs use Title IV-A funds to purchase additional cleaning supplies such as anti-viral wipes, hand sanitizer, or other cleaning supplies that they would normally not have been purchased?
3. Will monitoring the language proficiency test administration of schools be waived?

Thank you!

# Leslie

**Leslie K. Franks McRae**
Director: Office of Supplemental Educational Programs
NJ Department of Education
100 Riverview Plaza
Trenton, New Jersey 08625
Phone: (609) 376-3499

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**From:** Stacy Dieckman
**Sent:** Tue, 17 Mar 2020 20:39:54 +0000
**To:** COVID-19
**Subject:** Northeast Community College

Northeast Community College had a scheduled winter break from March 9 thru March 13, the decision was made to extend that winter break by an additional 5 days due to COVID-19 which brought this payment period to 16 weeks so we are still above the 30 week minimum requirement. Am I correct that since we are still above the required minimum of 30 week academic year that I do not need to notify my program participation team?

Also if you extended an already scheduled break which impacts the start date of a module do you need to adjust your student information system so all sections of that module have the new start date? Currently we extended an already scheduled winter break by one week; however we still have 16 weeks scheduled in the semester so we are meeting the 30 week minimum requirement. No decision has been made to extend the term yet. We are moving courses that we can to online format and some of the applied tech labs at this time are planning on meeting. The module is part of our standard term is there any guidance that I need to be aware of if extending an already scheduled break impacted a module start date?

Thanks

Stacy

**STACY DIECKMAN** DIRECTOR OF FINANCIAL AID

402-844-7288 | stacyd@northeast.edu

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**From:** Tammy Marinis
**Sent:** Tue, 17 Mar 2020 22:59:41 +0000
**To:** COVID-19
**Cc:** Tammy Marinis
**Subject:** Notify the department if offering approved distance learning

Hello!
Do we need to notify the department if we are approved and offering distance learning?

Tammy Marinis
Director of Compliance
419.656.7927
Paul Mitchell The School Columbus
PaulMitchell.edu/Columbus

Paul Mitchell The School Cleveland
PaulMitchell.edu/Cleveland

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**From:** Lucretia Nicopulos
**Sent:** Tue, 17 Mar 2020 07:12:02 -0400
**To:** COVID-19
**Subject:** Parent working in health feel

Mrs. Nicks Kids learning Center in home Group.

Have parent working in hospital , the child is also related to me. Still open because of the need for medical workers. As far as a red I can continue to be open.Only three children and daycare all related to me. I will continue to follow the updates. ? ?

Lucretia Nicopulos

Sent from my iPad

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**From:** AtlantaSPD
**Sent:** Tue, 17 Mar 2020 19:35:40 +0000
**To:** COVID-19;FederalStudentAid
**Cc:** AtlantaSPD
**Subject:** Pearl River Community College

For your review and response.

---

**From:** Tyia Brooks <tbrooks@prcc.edu>
**Sent:** Tuesday, March 17, 2020 3:03 PM
**To:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Subject:** Permission to shorten the school term

Hello Renee,

I hope you and your family are well. As per guidelines from NASFAA, do I need to get permission from your area to extend our school's spring break.

Doing so it will reduce our instructional time and academic year.

Please advise.

Tyia M. Brooks, M.Ed.
Director
Office of Financial Aid
Pearl River Community College
101 Highway 11 North
Poplarville, MS 39470
Office: 601-403-1029
Fax: 601-403-1036
tbrooks@prcc.edu

AMERICAN OVERSIGHT

**From:** Juliet Pellin
**Sent:** Tue, 17 Mar 2020 14:43:54 +0000
**To:** COVID-19
**Subject:** Potential Closure

I have read the guidance provided on March 5th and have a few follow up questions. If we are mandated to close by State of Federal Government order, who do we notify and what is the preferred method of contact?

We would also notify that we plan to resume operations as of the date the order is lifted. Please confirm that if that is within 30 days, we would not be required to perform R2T4 calculations.

For NSLDS reporting, we are a clock hour school so each student is at a different place in the payment period. All student would be returning in the same period the temporary school closure occurred, would we be able to defer reporting students as withdrawn as long as they return when the school reopens?

How would students on a current approved leave of absence be affected by a temporary school closure? Would they be able to resume the LOA once the school reopened and how would the days the schools was closed be considered when determining the length of the LOA?

Thank you,

Juliet Pellin
Corporate Director of Financial Aid
Casal and Brown Aveda Institutes
330-792-6504 ext 103

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AMERICAN OVERSIGHT

**From:** Jenna Talbot
**Sent:** Tue, 17 Mar 2020 08:32:20 -0700
**To:** COVID-19
**Subject:** Prior Written Notice for SWD

Hello! Hope you are well. Quick question, is it advised to provide parents with a Prior Written Notice when a school decides to move to "school dismissal" and provide online/distance learning to their students? Is there a generic template that has been created? Thank you.

--

**Jenna Talbot**
**Special Education Manager**
**909-973-3713**

*This message (and any associated files) may contain confidential and/or privileged information. If you are not the intended recipient or authorized to receive this for the intended recipient, you must not use, copy, disclose or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by sending a reply e-mail and delete this message. Thank you for your cooperation.*

AMERICAN OVERSIGHT

**From:** Valentine, Ingrid
**Sent:** Wed, 18 Mar 2020 03:08:15 +0000
**To:** Early, Jeremy;Gifford, Nancy Paula
**Cc:** COVID-19
**Subject:** RE: COVID-19 Webinar

Sarah's question was escalated and determined that these schools should send their questions to COVID-19@ed.gov for response.

Ingrid

---

**From:** Early, Jeremy <Jeremy.Early@ed.gov>
**Sent:** Tuesday, March 17, 2020 4:35 PM
**To:** Gifford, Nancy Paula <Nancy.Paula.Gifford@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Subject:** FW: COVID-19 Webinar

Do we know how to answer Sarah's email?

Here is what Musser just replied with:

We are aware of this issue. NASFAA just held a webinar that 6,000 people attended, and in that webinar they announced that schools would need to contact their School Participation Divisions to request a reduction in their academic year if they were forced to reduce the length of their terms as a result of COVID-19.

As you know, FSA has been asked to forward questions about Coronavirus issues to federalstudentaid@ed.gov, and that currently still applies to requests like the ones Sarah received via voicemail. I would recommend escalating this to make management aware of the issue. We are doing the same on the policy side.

PIP is also saying to update applications which will cause eligibility work to dramatically increase while we are still figuring out how to do everything from home.

I've told her I was reaching out to see if you all knew how we are responding. Do all of these requests go to the email?

Sorry if I missed an announcement about the webinars and what they would say.

---

**From:** Adams, Sarah <Sarah.Adams@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:29 PM
**To:** Early, Jeremy <Jeremy.Early@ed.gov>; Sawyer, Tammi <Tammi.Sawyer@ed.gov>; Yette, Brenda <Brenda.Yette@ed.gov>
**Cc:** Musser, David <David.Musser@ed.gov>
**Subject:** COVID-19 Webinar

AMERICAN OVERSIGHT

I just received 10 voicemails within a 15 minute period. Some of them indicated they had attended a webinar today that told them to call the SPD to inform them they required a reduction in academic year due to extending spring break by a week.

Was anyone on this webinar? Do they only have to call and tell us? On the PIP elig concall this afternoon there was just a discussion of having the schools submit an e-app with that information, but if the schools are being told to only call do I only make a notation in PEPS permanent comments?

Sarah Adams
Senior Institutional Review Specialist
Chicago/Denver School Participation Division
Federal Student Aid, Program Compliance
U.S. Department of Education
JCK Federal Building
230 S. Dearborn Street, #3838I
Chicago, IL 60604
(312) 730-1514

AMERICAN OVERSIGHT

**From:** Zilma Lopes
**Sent:** Tue, 17 Mar 2020 16:39:52 +0000
**To:** COVID-19
**Subject:** RE: FWS Compensation Over Extended Spring Break

Also, are there any provisions on collecting student signatures for timesheets during this time?

***Zilma Lopes, MS***
*Director of Financial Aid*
*2019-2020 NCASFAA Treasurer*
5160 Fayetteville Road
Lumberton, NC 28360
Tel: 910.272.3662
Fax: 910.272.3314
Email: zlopes@robeson.edu

"You have not lived today successfully until you have done something for someone who can never repay you"
~John Bunyan

---

**From:** Zilma Lopes
**Sent:** Tuesday, March 17, 2020 12:22 PM
**To:** COVID-19@ed.gov
**Subject:** FWS Compensation Over Extended Spring Break

Good Afternoon,

I have a question regarding compensating FWS students during the COVID-19 pandemic. Due to the COVID-19, we extended our spring break to include this current week of March 16th thru March 20th and then we are moving to online instruction as of next Monday, March 23rd. We've asked students to not come to campus and we would like to compensate our FWS students during this time.

**My question is**: Do I start compensating students starting this week for our extended spring break or starting next Monday, March 233rd, which is when we will resume classes through online modality?

AMERICAN OVERSIGHT

Thank you,

***Zilma Lopes, MS***
*Director of Financial Aid*
*2019-2020 NCASFAA Treasurer*
5160 Fayetteville Road
Lumberton, NC 28360
Tel: 910.272.3662
Fax: 910.272.3314
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~John Bunyan

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

AMERICAN OVERSIGHT

**From:** Okahara, Kim
**Sent:** Tue, 17 Mar 2020 12:32:55 +0000
**To:** Hoffman, Amanda;Lewis, Samantha;Newman, Sarah;COVID-19
**Subject:** RE: PSC Ticket #20-03252 (JB) - NY, 20-03348

Sorry – minor tweak to the process. We need to send everything to COVID-19@ed.gov. We don't have response times figured out yet. Does the response need to come from PSC or can it come from the COVID email address cc'ing relevant parties?

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**From:** Hoffman, Amanda <Amanda.Hoffman@ed.gov>
**Sent:** Tuesday, March 17, 2020 8:27 AM
**To:** Okahara, Kim <Kim.Okahara@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>; Newman, Sarah <Sarah.Newman@ed.gov>
**Subject:** RE: PSC Ticket #20-03252 (JB) - NY, 20-03348

Hi Kim,

What is the email address? Also do we know how we will get the responses back? Since some of these involve OSEP response- PSC sends back a joint response from the two offices.

Amanda

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**Sent:** Tuesday, March 17, 2020 8:13 AM
**To:** Lewis, Samantha <samantha.lewis@ed.gov>; Hoffman, Amanda <Amanda.Hoffman@ed.gov>; Newman, Sarah <Sarah.Newman@ed.gov>
**Subject:** RE: PSC Ticket #20-03252 (JB) - NY, 20-03348

Hi Sam,

I forwarded this to the OESE COVID email address.

Thanks,
Kim

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**To:** Hoffman, Amanda <Amanda.Hoffman@ed.gov>; Okahara, Kim <Kim.Okahara@ed.gov>; Newman, Sarah <Sarah.Newman@ed.gov>
**Subject:** PSC Ticket #20-03252 (JB) - NY, 20-03348

Hi Kim & Amanda,

PSC Ticket #20-03252 (JB) - NY and #20-03348 VT are tickets related to the coronavirus.

AMERICAN OVERSIGHT

Samantha

Samantha Lewis
OESE – LBJ 3W337

---

**From:** Roney, Collette <Collette.Roney@ed.gov>
**Sent:** Thursday, March 12, 2020 12:12 PM
**To:** Hoffman, Amanda <Amanda.Hoffman@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Spitz, Deborah <Deborah.Spitz@ed.gov>; Choroser, Stephanie <Stephanie.Choroser@ed.gov>; Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>
**Cc:** Newman, Sarah <Sarah.Newman@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>; Okahara, Kim <Kim.Okahara@ed.gov>; OESE.PSC <OESE.PSC@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** RE: OESE, OESE/Title III, OESE/OSSS/N or D, OESE and OSERS/OSEP and OSEP Policy - PSC Ticket #20-03252 (JB) - NY

Hi Amanda,

I have forwarded the two assessment ones I received to the assessment team. They will work on a response. Assessment questions should be forwarded to the assessment team mailbox (cc:ed here) and question on other issue related to Title I can be sent to our Title I mailbox (also cc:ed here), and, of course, both mailboxes if the questions are cross-cutting.

Thanks,
Collette

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**From:** Hoffman, Amanda <Amanda.Hoffman@ed.gov>
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**To:** Roney, Collette <Collette.Roney@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Spitz, Deborah <Deborah.Spitz@ed.gov>; Choroser, Stephanie <Stephanie.Choroser@ed.gov>; Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>
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**Subject:** RE: OESE, OESE/Title III, OESE/OSSS/N or D, OESE and OSERS/OSEP and OSEP Policy - PSC Ticket #20-03252 (JB) - NY

Thank you Collette for letting us know. I assumed you all have started to work on this response. We will hold off until we hear from your office.

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**Cc:** Newman, Sarah <Sarah.Newman@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>; Okahara, Kim <Kim.Okahara@ed.gov>; OESE.PSC <OESE.PSC@ed.gov>

AMERICAN OVERSIGHT

**Subject:** RE: OESE, OESE/Title III, OESE/OSSS/N or D, OESE and OSERS/OSEP and OSEP Policy - PSC Ticket #20-03252 (JB) - NY

Two others came to me today. I've also forwarded to Don and Deborah. Melissa said hold off on a reply as more info was coming later today.

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**Sent:** Thursday, March 12, 2020 11:59 AM
**To:** Siry, Melissa <Melissa.Siry@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Spitz, Deborah <Deborah.Spitz@ed.gov>; Choroser, Stephanie <Stephanie.Choroser@ed.gov>; Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>; Roney, Collette <Collette.Roney@ed.gov>
**Cc:** Newman, Sarah <Sarah.Newman@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>; Okahara, Kim <Kim.Okahara@ed.gov>; OESE.PSC <OESE.PSC@ed.gov>
**Subject:** FW: OESE, OESE/Title III, OESE/OSSS/N or D, OESE and OSERS/OSEP and OSEP Policy - PSC Ticket #20-03252 (JB) - NY
**Importance:** High

Good Morning,

So we have gotten our first request for information on state testing and extended school closure. I imagine this won't be the first or the last request from an EDFacts Coordinator. It might be helpful if we could create a generic response for PSC to give states that directs them to the appropriate people about this policy decisions.

Cheers,
Amanda

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**From:** Fening, Elizabeth <Elizabeth.Fening@ed.gov>
**Sent:** Thursday, March 12, 2020 11:47 AM
**To:** Newman, Sarah <Sarah.Newman@ed.gov>; Hoffman, Amanda <Amanda.Hoffman@ed.gov>; Okahara, Kim <Kim.Okahara@ed.gov>; Miceli, Meredith <Meredith.Miceli@ed.gov>; Bae, Amy <Amy.Bae@ed.gov>; Smith, Rebecca (OSERS) <Rebecca.Smith@ed.gov>; Davis, Richelle <Richelle.Davis@ed.gov>
**Cc:** Murphy, Joseph <Joseph.Murphy@ed.gov>
**Subject:** FW: OESE, OESE/Title III, OESE/OSSS/N or D, OESE and OSERS/OSEP and OSEP Policy - PSC Ticket #20-03252 (JB) - NY

OESE/OSEP,

We just got the below escalation from New York and I am sure they are not the only ones who will be asking this question. Do we have any guidance on how states should manage state assessment testing in the event that schools and/or districts closed for an extended amount of time during the assessment window due to the current health concern surrounding the Coronavirus?

Thanks,
Liz

AMERICAN OVERSIGHT

**From:** Jessica Greene <Jessica.Greene@aemcorp.com>
**Sent:** Thursday, March 12, 2020 10:59 AM
**To:** Murphy, Joseph <Joseph.Murphy@ed.gov>
**Cc:** Timm, Barbara <Barbara.Timm@ed.gov>; Scott, Brandon <Brandon.Scott@ed.gov>; Worthington, Kelly <Kelly.Worthington@ed.gov>; Lee, David <David.Lee@ed.gov>; Murphy, Joseph <Joseph.Murphy@ed.gov>; Fening, Elizabeth <Elizabeth.Fening@ed.gov>; Dinardo, Mark <Mark.Dinardo@ed.gov>; Chen, Chen-Su <Chen-Su.Chen@ed.gov>; Davies, Jennifer <Jennifer.Davies@ed.gov>; Skilling, John (Contractor) <John.Skilling@ed.gov>; Kalb, Jennifer (Contractor) <Jennifer.Kalb@ed.gov>; Matt K. Boli <matt.boli@aemcorp.com>; Steve Lenker <steve.lenker@aemcorp.com>; Sheeba Rooney <Sheeba.Rooney@aemcorp.com>; Julia Redmon <Julia.Redmon@aemcorp.com>; Melissa Wilks (QIP) <melissawilks@qi-partners.com>; Beth Sinclair <Beth.Sinclair@aemcorp.com>; EDFactsPSC <EDFactsPSC@aemcorp.com>; Angela Roessler <angela.roessler@aemcorp.com>; OSEP Idea Data <osepIDEAdata@ed.gov>; OESE.PSC <OESE.PSC@ed.gov>; Karen Madden <karen.madden@aemcorp.com>
**Subject:** ESB Policy - PSC Ticket # 20-03252 (JB) - NY

Joe,

**Who:**
NY

**Issue:**
New York's EDFacts Coordinator, Kristen DeSalvatore, contacted PSC requesting guidance on how states should manage state assessment testing in the event that schools and/or districts closed for an extended amount of time during the assessment window due to the current health concern surrounding the Coronavirus. She writes:

> Good afternoon,
>
> New York is wondering if there is any guidance expected from ED on how states are to manage state assessment testing in the event that schools and/or districts are closed for extended periods of time during the assessment window. I've looked on https://www.ed.gov/coronavirus and didn't see anything. I would imagine this is a question on the minds of many states and a prompt response would be very helpful.
>
> Thank you,
> Kristen DeSalvatore

How would ED like to respond to the state?

**School Year:**
SY 2019-20

**Specification(s):**
FS050 — Title III English Language Proficiency Results
FS119 — N or D Participation - State Agency
FS125 — N or D Academic Achievement - LEA
FS137 — English Language Proficiency Test

AMERICAN OVERSIGHT

FS138 — Title III English Language Proficiency
FS139 — English Language Proficiency Results
FS175 — Academic Achievement in Mathematics
FS178 — Academic Achievement in Reading (Language Arts)
FS179 — Academic Achievement in Science
FS185 — Assessment Participation in Mathematics
FS188 — Assessment Participation in Reading/Language Arts
FS189 — Assessment Participation in Science
FS199 — Graduation Rate Indicator Status
FS200 — Academic Achievement Indicator Status

**ED Program Office:**
OESE
OESE/Title III
OESE/OSSS/N or D
OESE and OSERS/OSEP
OSEP

Thank you,
PSC

**Jess Greene**
ED*Facts* Partner Support Center
jessica.greene@aemcorp.com
Office: (703) 464-7030

AEM Education Services
www.aemcorp.com/education

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AMERICAN OVERSIGHT

**From:** Hoffman, Amanda
**Sent:** Tue, 17 Mar 2020 12:45:17 +0000
**To:** Okahara, Kim;Lewis, Samantha;Newman, Sarah;COVID-19
**Subject:** RE: PSC Ticket #20-03252 (JB) - NY, 20-03348

No problem. This is an evolving process as things are changing rapidly. As for best way to proceed and responding- let me get back to you in an hour or two. Since this involves two other POCs I am not sure what is the best way to proceed.

---

**From:** Okahara, Kim <Kim.Okahara@ed.gov>
**Sent:** Tuesday, March 17, 2020 8:33 AM
**To:** Hoffman, Amanda <Amanda.Hoffman@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>; Newman, Sarah <Sarah.Newman@ed.gov>; COVID-19 <COVID-19@ed.gov>
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Samantha

Samantha Lewis
OESE – LBJ 3W337

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**Importance:** High

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**Cc:** Murphy, Joseph <Joseph.Murphy@ed.gov>
**Subject:** FW: OESE, OESE/Title III, OESE/OSSS/N or D, OESE and OSERS/OSEP and OSEP Policy - PSC Ticket #20-03252 (JB) - NY

AMERICAN OVERSIGHT

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Thanks,
Liz

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**Cc:** Timm, Barbara <Barbara.Timm@ed.gov>; Scott, Brandon <Brandon.Scott@ed.gov>; Worthington, Kelly <Kelly.Worthington@ed.gov>; Lee, David <David.Lee@ed.gov>; Murphy, Joseph <Joseph.Murphy@ed.gov>; Fening, Elizabeth <Elizabeth.Fening@ed.gov>; Dinardo, Mark <Mark.Dinardo@ed.gov>; Chen, Chen-Su <Chen-Su.Chen@ed.gov>; Davies, Jennifer <Jennifer.Davies@ed.gov>; Skilling, John (Contractor) <John.Skilling@ed.gov>; Kalb, Jennifer (Contractor) <Jennifer.Kalb@ed.gov>; Matt K. Boli <matt.boli@aemcorp.com>; Steve Lenker <steve.lenker@aemcorp.com>; Sheeba Rooney <Sheeba.Rooney@aemcorp.com>; Julia Redmon <Julia.Redmon@aemcorp.com>; Melissa Wilks (QIP) <melissawilks@qi-partners.com>; Beth Sinclair <Beth.Sinclair@aemcorp.com>; EDFactsPSC <EDFactsPSC@aemcorp.com>; Angela Roessler <angela.roessler@aemcorp.com>; OSEP Idea Data <osepIDEAdata@ed.gov>; OESE.PSC <OESE.PSC@ed.gov>; Karen Madden <karen.madden@aemcorp.com>
**Subject:** ESB Policy - PSC Ticket # 20-03252 (JB) - NY

Joe,

**Who:**
NY

**Issue:**
New York's EDFacts Coordinator, Kristen DeSalvatore, contacted PSC requesting guidance on how states should manage state assessment testing in the event that schools and/or districts closed for an extended amount of time during the assessment window due to the current health concern surrounding the Coronavirus. She writes:

> Good afternoon,
>
> New York is wondering if there is any guidance expected from ED on how states are to manage state assessment testing in the event that schools and/or districts are closed for extended periods of time during the assessment window. I've looked on https://www.ed.gov/coronavirus and didn't see anything. I would imagine this is a question on the minds of many states and a prompt response would be very helpful.
>
> Thank you,
> Kristen DeSalvatore

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How would ED like to respond to the state?

**School Year:**
SY 2019-20

**Specification(s):**
FS050 — Title III English Language Proficiency Results
FS119 — N or D Participation - State Agency
FS125 — N or D Academic Achievement - LEA
FS137 — English Language Proficiency Test
FS138 — Title III English Language Proficiency
FS139 — English Language Proficiency Results
FS175 — Academic Achievement in Mathematics
FS178 — Academic Achievement in Reading (Language Arts)
FS179 — Academic Achievement in Science
FS185 — Assessment Participation in Mathematics
FS188 — Assessment Participation in Reading/Language Arts
FS189 — Assessment Participation in Science
FS199 — Graduation Rate Indicator Status
FS200 — Academic Achievement Indicator Status

**ED Program Office:**
OESE
OESE/Title III
OESE/OSSS/N or D
OESE and OSERS/OSEP
OSEP

Thank you,
PSC

**Jess Greene**
ED*Facts* Partner Support Center
jessica.greene@aemcorp.com
Office: (703) 464-7030

AEM Education Services
www.aemcorp.com/education

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**From:** Brian Rains
**Sent:** Tue, 17 Mar 2020 09:17:15 -0500
**To:** COVID-19
**Cc:** Jason Todd
**Subject:** RE: Questions in regards to moving online only

I have one other question and this is in regard to taking attendance. With this adjustment to all online classes due to the COVID-19, how are schools determining attendance? Are schools required to take attendance during this time of emergency? Is the 14-day policy still in effect, especially if a school's spring break has been extended or the student is having to find ways to do their work online? If a student does have the COVID-19 and doesn't do any school related activities while they have the virus is the school required to take attendance on that student?

---

**From:** Brian Rains [mailto:brains@gobbc.edu]
**Sent:** Tuesday, March 17, 2020 9:06 AM
**To:** 'covid-19@ed.gov' <covid-19@ed.gov>
**Cc:** Jason Todd (jtodd@gobbc.edu) <jtodd@gobbc.edu>
**Subject:** Questions in regards to moving online only

Good morning,
I have just a couple of questions that were not addressed in the "Dear Colleague" letter nor the electronic letters that I'm hoping you could assist me with.

1. If we pro-rate Room and Board and refund the student back the pro-rated amount, is the school required to complete a Cost of Attendance adjustment, even though the decision to move all classes online and to have the student move off-campus was beyond their and the school's control due to the federal emergency of COVID-19?
2. On students who are on Federal Work-study, since all students have been sent home because of COVID-19, can the school, based on the average hours the student has worked to this point, calculate wages for the rest of the semester as if the student was still here and working? With sending students home and still having to pay for tuition, a loss of a job will create a financial hardship for the student. If a school cannot average out hours worked, can the student stay on campus and continue to work while continuing to take classes online for the remainder of the year?

Brian Rains
Director of Financial Aid
Baptist Bible College
Phone: 417-268-6045

AMERICAN OVERSIGHT

**From:** OESE.ESEA.Assessment
**Sent:** Tue, 17 Mar 2020 19:09:00 +0000
**To:** Payne, John R;COVID-19;OESE.ESEA.Assessment;OESE.titlei-a;Skloot, Evan
**Cc:** Brown, Ryan;Traywick, Laurie
**Subject:** RE: South Carolina Correspondence Related to COVID-19

We appreciate your notification of the State's plans and acknowledge receipt. Thank you.

We'll keep you apprised of any more detailed guidance that we have on this issue as it becomes available.
Be safe and be well.

Don
Donald Peasley, Ph.D.
Assessment Team Lead, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Donald.peasley@ed.gov Ph. 202 453 7982
Email the OESE Assessment team at ESEA.Assessment@ed.gov
See ED Standards and Assessments Information at https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/standards-and-assessments/

---

**From:** Payne, John R <JRPayne@ed.sc.gov>
**Sent:** Tuesday, March 17, 2020 2:58 PM
**To:** COVID-19 <COVID-19@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Skloot, Evan <evan.skloot@ed.gov>
**Cc:** Brown, Ryan <RyBrown@ed.sc.gov>; Traywick, Laurie <ltraywick@ed.sc.gov>
**Subject:** South Carolina Correspondence Related to COVID-19

Attached, please find correspondence from South Carolina's State Superintendent Molly M. Spearman to Deputy Secretary Mitchell Zais.

This correspondence was also directly sent to Deputy Zais.

If you have any questions, please let me know.

Sincerely,

John R. Payne
Deputy Superintendent
Division of Federal Programs, Accountability and School Improvement
South Carolina Department of Education

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1429 Senate Street
Columbia, South Carolina 29201
jrpayne@ed.sc.gov
http://www.ed.sc.gov

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**From:** Tiffany Schlaeger
**Sent:** Tue, 17 Mar 2020 17:27:38 +0000
**To:** COVID-19
**Subject:** RE: temporary approval of distance education

To whom this may concern,

OPE ID: 04183600

## Guidance for interruptions of study related to Coronavirus (COVID-19)

## Seeking clarity on a few questions:

- We fall under the scenario of a campus temporarily stops offering education in a clock hour school to prevent the spread of COVID-19. We have obtained state approval to offer theory instruction via distance Education. We have applied for temporary approval of distance education with NACCAS.
- Once we obtain approval from NACCAS do we need to get approval from DOE to offer distance education for this direct interruption?
- We offer a Full Time program and a Part Time program – Does the approval stand for Part-Time programs the same as Full Time programs or are they treated differently? I didn't see any scenario referencing a part time program, just full time.
- What documentation do you recommend we keep on hand if needed for future review from DOE?
- Do you have any examples of documentation you could send.

I appreciate your direction! If more clarity is needed please reach out to me by phone or email (847-702-8772, tiffany@kenoshatspa.com)

Kind Regards,

Tiffany Schlaeger
CEO
The Salon Professional Academy of Kenosha
www.KenoshaTSPA.com
Mobile:847.702.8772 Office: 262.697.6000

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**From:** Tiffany Schlaeger
**Sent:** Tuesday, March 17, 2020 10:30 AM
**To:** 'COVID-19@ed.gov' <COVID-19@ed.gov>
**Subject:** temporary approval of distance education

To whom this may concern,

I hope this email finds you well!

Our academy has received approval by our state and is awaiting approval by NACCAS for temporary approval of distance education. If you would please assist me with the proper documentation that the DOE needs to approve our distance education once we receive approval from NACCAS that would be greatly appreciated. We offer a 1550 hr Cosmetology program and 600 hr Aesthetics program. I have attached our NACCAS application for reference on the theory units we are requesting to offer, if approved for distance education.

Thank you in advance for your support!

Kind Regards,

Tiffany Schlaeger
CEO
The Salon Professional Academy of Kenosha
www.KenoshaTSPA.com
Mobile:847.702.8772 Office: 262.697.6000

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**From:** Sandra Oerly-Bennett
**Sent:** Tue, 17 Mar 2020 20:45:26 +0000
**To:** COVID-19
**Subject:** Reduced Academic Year

As per the guidance released from FSA on the March 5:
*The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year."*
I am inquiring as to what is needed/required for us to obtain approval for a reduction of term length for the current spring semester of two total weeks with the end of instruction on Friday, April 24, and finals ending on May 1.
I do not have an email address for our School Participation team in Philadelphia, only phone numbers, and have been unsuccessful at reaching anyone.
I appreciate any assistance/guidance you can provide.
Thank you, Sandra
Sandra Oerly-Bennett
Assistant Vice President
Student Financial Services
West Virginia University (003827)
304-293-2831

Sent from my iPad

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**From:** randi@larkeducationassociates.com
**Sent:** Tue, 17 Mar 2020 12:16:53 -0700
**To:** COVID-19
**Subject:** reporting temporary closure of school due to the covid-19

Please advise on how to report to the US Depart of Education the temporary closing of a private postsecondary due to the COVID-19.

Best Regards,

Randi Smith
Accreditation Consultant
Owner
LARK Education Associates
(304) 280-2833
randi@larkeducationassociates.com
www.larkeducationassociates.com

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**From:** Dowling, Maureen
**Sent:** Tue, 17 Mar 2020 19:37:35 +0000
**To:** Patrick, Kelly
**Subject:** Response - Fwd: Does this affect private school?

Patrick,
FYI- my response is below.

Maureen Dowling
Director
Office of Non-Public Education
U.S. Department of Education
202-260-7820

Begin forwarded message:

> **From:** Maureen.Dowling@ed.gov
> **Date:** March 17, 2020 at 3:36:02 PM EDT
> **To:** bizzozzaroj@flaglerschools.com
> **Subject: Re: Does this affect private school?**

Dear Mr. Bizzozzaro,
Thank you for contacting the U. S. Department of Education's COVID-19 mailbox. If the Florida Department has made a decision to close schools, you would want to contact your FL Department of Education and inquire about their decision and the applicability to your private school as Florida has jurisdiction over private schools within the state of Florida. Following is contact information for the Florida Department of Education.
FL Department of Education
Office of the Commissioner
**Turlington Building, Suite 1514**
325 West Gaines Street
Tallahassee, Florida 32399
**Email:** Commissioner@fldoe.org
**Phone:** 850-245-0505
**Fax:** 850-245-9667
At the same time, you may also consider reading the following information sheet regarding the Administration's guidance on school closures:

https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf

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For additional information on COVID-19, I also encourage you to visit the Centers for Disease Control website at: https://www.cdc.gov/.
I hope this is helpful. Be well.
Maureen
Maureen Dowling
Director
Office of Non-Public Education
U.S. Department of Education
202-260-7820

On Mar 17, 2020, at 2:19 PM, Patrick, Kelly <Kelly.Patrick@ed.gov> wrote:

Hi Marurren

The COVID-19 mailbox received an inquiry for ONPE. Below is the inquiry.

Thanks,
Kelly

**From:** Bizzozzaro, Joseph <bizzozzaroj@flaglerschools.com>
**Sent:** Friday, March 13, 2020 7:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Does this affect private school?

Is this action to close schools until March 30th for ALL schools operating in the state of Florida, including private schools?
--
**Very Respectfully,**

**Mr. Bizzozzaro**
American History - Social Studies Department
Flagler Palm Coast High School

*Contact Information*
bizzozzaroj@flaglerschools.com
**386-437-7540 - EXT 3261**

*"A lie does not become truth, wrong does not become right, and evil does not become good just because it is accepted by a majority"* - Booker T. Washington

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 23:58:26 +0000
**To:** kwalters@siskiyoucoe.net
**Cc:** COVID-19
**Subject:** Response from U.S. Department of Education - COVID-19
**Attachments:** COVID-19 WH Information from March 11.docx

Dear Mr. Walters:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("coronavirus").

As requested, attached please find the White House conference call information from March 11, 2020.

If you have any further questions, please contact us at COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

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THE WHITE HOUSE

State Leader and Staff,

Below you will find a summary of recent Federal actions, updated resources, and readout of recent briefing calls. As a reminder, the best resource for up-to-date information and guidance is **www.coronavirus.gov**.

- **Helpful Guidance for Your State Health Officer & State Health Lab**: FAQs on Diagnostic Testing (more here)

**Presidential Proclamation to Protect the Homeland from Travel-Related Coronavirus Spread**

On Thursday, March 12, President Donald J. Trump signed a **Presidential Proclamation**, which suspends the entry of most foreign nationals who have been in certain European countries at any point during the 14 days prior to their scheduled arrival to the United States. These countries, known as the Schengen Area, include: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland. *This does not apply to legal permanent residents, (generally) immediate family members of U.S. citizens, and other individuals who are identified in the proclamation.*

- DHS Acting Secretary Wolf's Statement on Presidential Proclamation to Protect the Homeland from Travel-Related Coronavirus Spread *(more here)*
- Fact Sheet – President Donald J. Trump Has Taken Unprecedented Steps to Respond to the Coronavirus and Protect the Health and Safety of Americans *(more here)*

**Framework Mitigation Strategies for Communities with Local COVID-19 Transmission**

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Protect yourself and your community from getting and spreading respiratory illnesses like coronavirus disease 2019. Everyone has a role to play in getting ready and staying healthy. CDC is aggressively responding to the global outbreak of COVID-19 and community spread in the United States. CDC's all of community approach is focused to slow the transmission of COVID-19, reduce illness and death, while minimizing social and economic impacts.

- A Framework for Mitigation: Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission *(more here; 10-page frame work for States, localities, and communities)*
- CDC mitigation strategies for Santa Clara (CA), Seattle (WA), and New Rochelle (NY)

Thanks,
Nic

--
Nicholas D. Pottebaum
Special Assistant to the President and Deputy Director
White House Office of Intergovernmental Affairs
O: 202-456-2132 | C: 202-881-7803| E: Nicholas.D.Pottebaum@who.eop.gov

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# Background & Additional Information for State & Local Officials

**U.S. Department of Health & Human Services (HHS)**

- The Department of Health and Human Services is committed to providing as much information as possible to prepare communities for response to COVID-19. The Department, through the Centers for Disease Control and Prevention, the Food and Drug Administration, and other agencies, continuously provide guidance to healthcare providers, laboratories, communities, and state and local officials for dealing with suspected or confirmed cases of COVID-19. The most up-to-date information can be found at **www.coronavirus.gov**.
- Wednesday, March 12, CDC **announced** the imminent release of almost $600 million to support state and local authorities respond to the COVID-19 outbreak. Full funding amounts are **here**.
- CDC released their "**Implementation of Mitigation Strategies for Communities with Local COVID-19 Transmission**." This is a guide for communities describing possible coronavirus transmission. Community mitigation strategies are often the most available interventions to help slow the transmission of COVID-19 in communities.
- The CDC has been actively working to address the need for testing across the country. You can find more information about testing **here**. We encourage review of the **Updated Guidance on Evaluating and Testing Persons for Coronavirus Disease 2019**, as well as the recently updated the **FAQ website for laboratories** to determine best practices for testing.
- The U.S. Public Health Service Commissioned Corps has deployed hundreds of officers to help with this response. As America's Health Responders, the Commissioned Corps is currently very involved in assisting the CDC with airport screenings, deploying staff to support hospitals, among other important missions. Find out more about Commissioned Corps activities **here**.

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- Part of preparedness includes a robust blood supply. The current situation around COVID-19 heightens the need for a ready blood supply, please encourage your health community members to keep their appointments to donate blood.
- CDC released updated **guidance** on infection prevention and control recommendations for healthcare workers. Healthcare workers are fighting this outbreak on the front lines, and this guidance is intended to provide assistance to healthcare settings that are handling suspected or confirmed cases of COVID-19. This guidance is applicable to all U.S. healthcare settings.

**U.S. Small Business Administration (SBA)**

- The Small Business Administration will work directly with state Governors to provide targeted, low-interest loans to small businesses and non-profits that have been severely impacted by the Coronavirus (COVID-19). The SBA's Economic Injury Disaster Loan program provides small businesses with working capital loans of up to $2 million that can provide vital economic support to small businesses to help overcome the temporary loss of revenue they are experiencing.
- The Coronavirus Preparedness and Response Supplemental expanded the disaster definition for the Small Business Administration's Economic Injury Disaster Loans (EIDL) to include COVID-19. Economic Injury Disaster Loans are SBA loans that are available to eligible Small Businesses, Small agricultural cooperatives, and most non-profits that have experienced substantial economic injury as a result of a disaster.
    - EIDLs are available in areas that are declared a disaster area by the SBA.
    - There has to be an SBA Disaster Declaration in an area for EIDL loans to be made available, which originates from a request made by the Governor.
    - To assist in the efforts, the SBA engages with States' Emergency Response Teams to help them comply with the requirements before a request is made.
- EIDL Loan Details
    - Entities that can apply for EIDL loans are eligible Small Businesses, Small agricultural cooperatives, and most private nonprofit organizations.
    - EIDL Loans are up to $2million and have terms as long as 30 years.
- State and local officials who have been contacted by Small Businesses that may have been affected should share that information with their Governor or the State's Emergency Response Officials. More information on SBA's disaster loans, including eligibility and how to apply for loans, can be found here: **www.SBA.gov/disaster**

**U.S. Department of Education (DoED)**

- The Department of Education has established a dedicated Coronavirus **webpage**, which includes resources for institutions of higher education and for K-12.
    - The website includes **guidance** for students at institutions of higher education, and covers Coronavirus-related scenarios that could impact students who are enrolled in study abroad programs, students who meet full-time requirements but fall below 12 credit hours, students who are quarantined and miss class, campuses that have temporarily stopped offering ground-based classes to prevent the spread of Coronavirus, and foreign schools that serve Americans who receive Federal financial aid. Also see a **letter from the Office for Civil Rights** that addresses potential discrimination associated with coronavirus.
- The Department is working on additional information for families and communities including:
    - Information regarding certain flexibilities under the Every Student Succeeds Act, or "ESSA;"

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    - Information regarding services to children with disabilities;
    - A fact sheet from our Office for Civil Rights on the risk of Coronavirus in schools while protecting the civil rights of students; and
    - Information on the Family Education Records Privacy Act, or "FERPA," as it pertains to K-12 and higher education students.
- The Department will continue to update its website, ed.gov/coronavirus. Please direct education related questions to **COVID-19@ed.gov**.

**U.S. Department of Transportation (DOT)**

- The U.S. Department of Transportation, in its important supporting role, has and will continue to coordinate with transportation stakeholders, foreign counterparts and other federal agencies to manage the risk in the United States.
- DOT continues to ensure: an active air bridge remains in place for the safe return of Americans from affected areas; airlines are funneling passenger flights to one of the eleven designated U.S. airports equipped to health-screen Americans returning from affected areas; continued air and sea cargo traffic between the US and China; health protocols are established to protect the crews of aircraft continuing to fly between the US and foreign locations; and, dissemination of health messages about the virus, for airlines to use to inform their passengers.
- The U.S. government's travel restrictions and advisories have been a remarkably effective 'first layer' of containment. These travel requirements delayed the arrival of the virus to the United States, giving the nation precious time to prepare further measures, and plan for mitigation. This achievement took the cooperation of nearly 200 commercial airlines, a like number of overseas airports, and the Civil Aviation Authority of China.
- External Stakeholder outreach is being actively conducted throughout the modes of transportation in DOT. DOT has already hosted calls with stakeholders for the Federal Aviation Administration, Federal Transit Authority, Federal Motor Carrier Safety Administration, and others. Additional calls are scheduled for outreach to additional stakeholders in all surface transportation, maritime, and labor.

**U.S. Department of Labor (DOL)**

- The Occupational Safety and Health Administration (OSHA) developed COVID-19 **planning guidance** for employers to implement engineering, administrative, and work practice controls and personal protective equipment (PPE). The guidance is intended for planning purposes – employers and workers should use the planning guidance to help identify risk levels in workplace settings and to determine any appropriate control measures to implement.
- The U.S. Office of Personnel Management (OPM), an independent agency that serves as the chief human resources agency and personnel policy manager for the Federal Government, issued **guidance** for Federal Agencies regarding COVID-19 and human resources policies.
- DOL announced new guidance outlining flexibilities that States have in administering their unemployment (UI) programs to assist Americans affected by the COVID-19 outbreak. Under the guidance, federal law.

**U.S. Department of Housing & Urban Development (HUD)**

- The health and well-being of our country's most vulnerable citizens is Secretary Ben Carson's highest priority. At the direction of Secretary Carson senior HUD, officials have developed an Infectious Disease Toolkit for Continuum of Care homeless shelters (CoC).

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This includes specific documents addressing preparedness in shelters and encampment settings. More **here**.

- HUD has sent communication to CoC and Housing Opportunities for Persons With AIDS (HOPWA) grantees, highlighting the importance of infectious disease preparedness and linking to CDC and Healthcare for the Homeless resources: **Infectious Disease Preparedness Among Homeless Assistance Providers**
- HUD is coordinating with the CDC, Healthcare for the Homeless, United States Interagency Council on Homelessness (USICH) on messaging and cross-promoting resource materials. This will continue on an ongoing basis. Also, the Department is reaching out to Health Resources and Services Administration (HRSA) and Substance Abuse and Mental Health Services Administration (SAMHSA) for future coordination.
- HUD has plenty of resources for your communities including:
    - Communities can use their unspent Emergency Solutions Grants and Continuum of Care Program funds to help address needs related to coronavirus. Additionally, a portion of CDBG funds are also available for public services, including health care.
    - Technical Assistance is available for ESG and CoC Program recipients if requested. Additionally, communities that want to amend their CDBG plans, can reach out to their CPD representative if they need assistance.

**U.S. Department of Agriculture (USDA)**

- USDA Secretary Sonny Perdue **announced proactive flexibilities** to allow meal service during school closures to minimize potential exposure to the coronavirus. During an unexpected school closure, schools can leverage their participation in one of USDA's summer meal programs to provide meals at no cost to students. Under normal circumstances, those meals must be served in a group setting. However, in a public health emergency, the law allows USDA the authority to waive the group setting meal requirement, which is vital during a social distancing situation.
- USDA intends to use all available program flexibilities and contingencies to serve program participants across our 15 nutrition programs. USDA has already begun to issue waivers to ease program operations and protect the health of participants. USDA is receiving requests for waivers on an ongoing basis. As of today, USDA has been asked to waive congregate feeding requirements in Washington, California, Maryland, Alaska, Utah, Pennsylvania, Wyoming, Maine, Kansas, New Jersey, New York, South Carolina, South Dakota, and Virginia and USDA has granted those requests.
- For more information about the coronavirus response across USDA, please visit: **www.usda.gov/coronavirus**.

**U.S. Department of Homeland Security (DHS)**

- While the overall risk to the American public remains low, actions by DHS and the administration are decreasing the strain on public health officials by screening incoming travelers, expediting the processing of U.S. citizens returning from China, and ensuring resources are focused on the health and safety of the American people. It is important to recognize, that while there is a significant focus on containing and mitigating the spread of COVID-19, all departments and agencies of DHS are continuing to perform their regular duties with no impact on their mission.
- DHS is working to recognize, detect, and assist individuals attempting to enter the U.S. through our, airports, land ports, or waterways who may be carrying the virus: Cruise Lines International Association, CDC, USCG, and CBP. DHS is working with the Department of State, HHS, and the senior public health leadership with the Government of Mexico to prepare for any COVID-19 cases identified along the South West

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Border. This effort includes coordination with state, and local Public Health Officials to develop reporting and response courses of action.
- FEMA has rostered 56 four-person Incident Management Assistance Teams.
- The Countering Weapons of Mass Destruction Office, which contains the National Biosurveillance Integration Center and the Chief Medical Officer, has maintained close coordination with our Components and U.S. Government partners regarding the status of the outbreak and associated U.S. Government response actions.

# Recent Announcements

**SBA To Provide Disaster Loans for Small Businesses Impacted by Coronavirus (COVID-19)**
On Thursday, March 12, SBA Administrator Jovita Carranza issued the following statement: "The President took bold, decisive action to make our 30 million small businesses more resilient to Coronavirus-related economic disruptions. Small businesses are vital economic engines in every community and state, and they have helped make our economy the strongest in the world. Our Agency will work directly with state Governors to provide targeted, low-interest disaster recovery loans to small businesses that have been severely impacted by the situation. Additionally, the SBA continues to assist small businesses with counseling and navigating their own preparedness plans through our network of 68 District Offices and numerous Resource Partners located around the country. The SBA will continue to provide every small business with the most effective and customer-focused response possible during these times of uncertainty." SBA's Economic Injury Disaster Loans offer up to $2 million in assistance for a small business. These loans can provide vital economic support to small businesses to help overcome the temporary loss of revenue they are experiencing. More information can be found **here**.

**CDC to Award Over $560 Million to State & Local Jurisdictions in Support of COVID-19 Response**
The Department of Health and Human Services (HHS) is announcing another upcoming action by the Centers for Disease Control and Prevention (CDC) to provide resources to state and local jurisdictions in support of our nation's response to the coronavirus disease 2019 (COVID-19). The $8.3 billion dollar Supplemental passed by Congress included **statutory language** which prescribed the exact formula for disbursing the money: states will receive 90% of their **2019 CDC PHEP grants**. This marks the first tranche of funding to states from the $8.3 billion supplemental. Your state health officers are receiving a letter today from CDC outlining what is needed to receive the funding, essentially they need to submit a spend plan and they will receive guidance on what that spend plan should contain. More **here**.

**Centers for Medicare & Medicaid Services (CMS) Nursing Home Guidance**
As you know, nursing homes and their residents are vulnerable populations for COVID-19. This week, CMS released updated guidance for infection control and prevention of COVID-19 in Nursing Homes which can be found here (3/9). The Press Release can be found here and all CMS guidance related to COVID-19 can be found **here**.

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# COVID-19: Background & Additional Information

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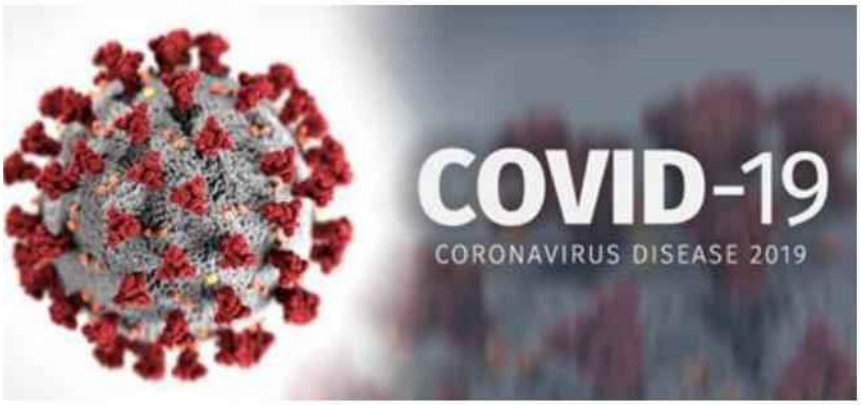


## Background

Under the leadership of President Trump and Vice President Pence, the full weight of the U.S. Government is working to protect the health and safety of the American people. Since the beginning of the outbreak, President Trump has taken unprecedented steps – including prudent travel restrictions and an early containment strategy – to protect the health of Americans in response to the coronavirus. In January, the President formed a Coronavirus Task Force, led by Vice President Mike Pence and comprised of subject-matter experts, to organize a whole-of-government response (**President Donald J. Trump Has Taken Unprecedented Steps to Respond To the Coronavirus and Protect the Health and Safety of Americans**). The Coronavirus Task Force and broader Administration have and will continue to work with State-Local-Tribal officials and private sector and non-profit partners in preparing for and responding to the Coronavirus. ***It is important to note that at this time, the risk to the average American remains low. All agencies are working aggressively to monitor this continuously evolving situation and to keep our partners and the public informed***.

## Up-To-Date Information

- The most up-to-date information and guidance can be found via the Centers for Disease Control and Prevention Coronavirus Disease 2019 website (**here**)
- HHS/CDC Community Framework for Mitigation (**here**)
- Guidance for families, businesses, schools and others (**here**).
- The Coronavirus Task Force holds frequent national briefings which can be viewed live (**here**)
- You are also encouraged to follow HHS, CDC, and other agency social media channels for up-to-date information.

## What You Need To Know

- What You Should Know - How COVID-19 Spreads, Symptoms, etc. (**here**)
- Situation Summary (**here**)
- Travel Information (**here**)
- Preventing COVID-10 Spread in Communities (**here**)
- Higher Risk & Special Populations (**here**)
- Healthcare Professionals (**here**)
- Resources for Healthcare Facilities (**here**)
- Resources for Health Departments (**here**)
- Laboratories (**here**)

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- Communication Resources (**here**)

## Agency Resources and Contact Information

Below, please find agency-by-agency information, guidance, and contact information.

***Resources*** *– Below, please find agency-by-agency resources and guidance.*

- U.S. Department of Health and Human Services (**here**)
- Centers for Medicare and Medicaid (**here**)
- U.S. Food & Drug Administration (**here**)
- U.S. Department of Education (**here**)
- U.S. Department of Agriculture (**here**)
- U.S. Department of Labor (**here**)
- U.S. Department of Homeland Security (**here**)
- U.S. Department of State (**here**)
- U.S. Department of Veterans Affairs (**here**)
- U.S. Environmental Protection Agency (**here**)
- U.S. Department of the Interior (**here**)
- U.S. Election Assistance Commission (**here**)

***Contact Information*** *– Below, please find contact information for our Intergovernmental Affairs colleagues across the federal family. As State and local elected officials, they are your primary points of contact.*

- U.S. Department of Health & Human Services: Darcie Johnston (Phone – 202-690-1058 / Email – darcie.johnston@hhs.gov)
- U.S. Department of Homeland Security: Cherie Short (Phone – 202-893-2941 / Email – cherie.short@hq.dhs.gov)
- U.S. Department of State: Bill Killion (Phone – 202-647-7595 / Email – killionw@state.gov)
- U.S. Department of Transportation: Sean Poole (Office – 202-597-5109 / Cell – 202-366-3132 / Email – sean.poole@dot.gov)
- U.S. Department of Education: Susan Falconer (Phone – 202-320-6837 / Email – susan.falconer@ed.gov)
- U.S. Department of Veterans Affairs: Thayer Verschoor (Phone – 202-461-7385 / Email – Thayer.verschoor@va.gov)
- U.S. Environmental Protection Agency: Britt Carter (Phone – 202-440-0728 / Email – carter.brittanys@epa.gov)
- U.S. Small Business Administration: Ryan Lambert (Phone – 202-615-6570 / Email – ryan.lambert@sba.gov)
- U.S. Department of Agriculture: Lillie Brady (Phone – 202-845-3872 / Email - lillie.brady@usda.gov)

## Local Preparedness Tips

- Response is locally executed, state managed, and federally supported.
- Ensuring clear, open lines of communication with the public and making information and guidance readily available.
- Proactively sharing and disseminating *verified and accurate* guidance and information such as HHS/CDC **guidance for families, businesses, and schools**.

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- Reviewing Federal guidance such as the HHS/CDC **Community Mitigation Framework**.
- Coordinating with State and local health authorities.
- Reviewing local preparedness plans and strategies.

## Recent Task Force Actions

Below, please find pertinent updates on pertinent Administrations actions.

- Task Force Briefings (briefings are held on a frequent basis and can be viewed live **here**)
    - March 10: **Video**
    - March 9: **Video**
    - March 6: **Video**
    - March 4: **Video**
    - March 2: **Video**
    - February 29: **Video**
  - Remarks by President Trump in Address to the Nation (March 11) (**transcript**/**video**)
- Remarks by President Trump and Vice President Pence at a Coronavirus Briefing with Health Insurers (March 10) (**transcript**/**video**)
- Readout from the Vice President's Discussion with our Nation's Governors on COVID-19 Coordination & Preparedness (March 9) (**readout**)
- Remarks by Vice President Pence in a Coronavirus Briefing with Cruise Line Executives and Port Directors (March 7) (**transcript**)
- Remarks by President Trump After Tour of the Centers for Disease Control and Prevention (March 5) (**transcript**)
- President Trump Signs the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (March 6) (**transcript**/**video**)
- President Trump and Vice President Pence attend Coronavirus Briefing with Airline CEOs (March 4) (**transcript**/**video**)
- Vice President Pence meets with Long-Term, Post-Acute and Palliative Care Provider Executives (March 4) (**transcript**)
- Centers for Medicare & Medicaid Services (CMS) Announces Actions to Address Spread of Coronavirus (March 4) (more **here**)
- President Trump Visits the National Institutes of Health and attends Roundtable Briefing (March 3) (**transcript**)
- Vice President Pence attends Coronavirus Briefing with Diagnostic Lab CEOs (March 4) (**transcript**/**video**)
- Readout from the Vice President's Discussion with our Nation's Governors on COVID-19 Coordination & Preparedness (**readout**)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 23:55:05 +0000
**To:** daveandkim99@gmail.com
**Cc:** COVID-19
**Subject:** Response from U.S. Department of Education - COVID-19

Dear Ms. NewMyer:

Thank you for contacting the U.S. Department of Education (Department) about COVID-19 ("coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

Regarding your specific concerns, please note that the Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19 and has issued recommendations on school closures based on available data, reports from other countries and consultation with school health experts. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

The Department has also established the "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 23:54:56 +0000
**To:** thewillsfamily@me.com
**Cc:** COVID-19
**Subject:** Response from U.S. Department of Education - COVID-19

Dear Willis Family,

Thank you for contacting the U.S. Department of Education (Department) about COVID-19 ("coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

Regarding your concerns about school closures, please note that, in accordance with the most recent interim guidance issued by the Centers for Disease Control and Prevention (CDC), the Department is recommending that decisions related to implementing school-based strategies (e.g., dismissals, event cancellations, and other social distancing measures) be made locally, in collaboration with local health officials who can help determine the level of transmission in the community. For further information and guidance about school closures in your area, we suggest that you contact your local school district or your State department of education.

The Department has established the "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 23:54:35 +0000
**To:** arsenia@me.com
**Cc:** COVID-19
**Subject:** Response from U.S. Department of Education - COVID-19

Dear Ms. Brickley:

Thank you for contacting the U.S. Department of Education (Department) about COVID-19 ("coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

Regarding your specific concerns about school closures, please note that, in accordance with the most recent interim guidance issued by the Centers for Disease Control and Prevention (CDC), the Department is recommending that decisions related to implementing school-based strategies (e.g., dismissals, event cancellations, and other social distancing measures) be made locally, in collaboration with local health officials who can help determine the level of transmission in the community. For further information about specific closures in your area, we suggest that you contact your local school district or your State department of education.

The Department has also established the "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for contacting us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 23:54:23 +0000
**Cc:** COVID-19
**Subject:** Response from U.S. Department of Education - COVID-19

Dear Mr. Taylor:

Thank you for contacting the U.S. Department of Education (Department) about COVID-19 ("coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

Regarding your specific concerns, please note that, in accordance with the most recent interim guidance issued by the Centers for Disease Control and Prevention (CDC), the Department is recommending that decisions related to implementing school-based strategies (e.g., dismissals, event cancellations, and other social distancing measures) be made locally, in collaboration with local health officials who can help determine the level of transmission in the community. For further information, and the most up-to-date information on COVID-19, please visit CDC's webpage at www.cdc.gov/coronavirus/2019-nCoV.

The Department has also established the "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 23:54:21 +0000
**To:** mariaxabela@gmail.com
**Cc:** COVID-19
**Subject:** Response from U.S. Department of Education - COVID-19

Dear Ms. Abela:

Thank you for contacting the U.S. Department of Education (Department) about COVID-19 ("coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

Regarding your specific concerns, please note that, in accordance with the most recent interim guidance issued by the Centers for Disease Control and Prevention (CDC), the Department is recommending that decisions related to implementing school-based strategies (e.g., dismissals, event cancellations, and other social distancing measures) be made locally, in collaboration with local health officials who can help determine the level of transmission in the community. For further information, and the most up-to-date information on COVID-19, please visit CDC's webpage at www.cdc.gov/coronavirus/2019-nCoV.

The Department has also established the "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 23:50:38 +0000
**To:** l.r.mendel414@gmail.com
**Cc:** COVID-19
**Subject:** Response from U.S. Department of Education - COVID-19

Dear Ms. Mendel:

Thank you for contacting the U.S. Department of Education (Department) about COVID-19 ("coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

Regarding your specific concern, please note that, in accordance with the most recent interim guidance issued by the Centers for Disease Control and Prevention (CDC), the Department is recommending that decisions related to implementing school-based strategies (e.g., dismissals, event cancellations, and other social distancing measures) be made locally, in collaboration with local health officials who can help determine the level of transmission in the community. For further information, and the most up-to-date information on COVID-19, please visit www.cdc.gov/coronavirus/2019-nCoV.

The Department has also established the "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 23:49:17 +0000
**To:** bpallatta@yahoo.com
**Cc:** COVID-19
**Subject:** Response from U.S. Department of Education - COVID-19

Dear Ms. Pallatta:

Thank you for contacting the U.S. Department of Education (Department) about COVID-19 ("coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

Regarding your specific concerns about your relative, please note that, in accordance with the most recent interim guidance issued by the Centers for Disease Control and Prevention (CDC), the Department is encouraging that decisions related to implementing school-based strategies (e.g., dismissals, event cancellations, and other social distancing measures) be made locally, in collaboration with local health officials who can help determine the level of transmission in the community. Therefore, we suggest contacting school officials directly to learn more about mitigation efforts and how they are protecting faculty and staff.

For further information, and the most up-to-date information on COVID-19, please visit CDC's webpage at www.cdc.gov/coronavirus/2019-nCoV. The Department has also established the "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 00:01:02 +0000
**To:** superjtaylor@outlook.com
**Cc:** COVID-19
**Subject:** Response from U.S. Department of Education - COVID-19

Dear Mr. Taylor:

Thank you for contacting the U.S. Department of Education (Department) about COVID-19 ("coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

Regarding your specific concerns, please note that, in accordance with the most recent interim guidance issued by the Centers for Disease Control and Prevention (CDC), the Department is recommending that decisions related to implementing school-based strategies (e.g., dismissals, event cancellations, and other social distancing measures) be made locally, in collaboration with local health officials who can help determine the level of transmission in the community. For further information, and the most up-to-date information on COVID-19, please visit CDC's webpage at www.cdc.gov/coronavirus/2019-nCoV.

The Department has also established the "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Mrs Perry
**Sent:** Tue, 17 Mar 2020 13:25:09 +0000
**To:** COVID-19
**Subject:** School and The Villages

Hello. I am a concerned parent in the villages Florida area. I understand other schools are closing down or extending their vacation or spring break however my daughters beauty school she attends in the villages is still open and I'm not sure I understand why? She attends to ""Tenja salon Institute ""and there are quite a few kids and staff that attend there and although they are not excepting clients it is still a large amount of people in each room and a closed in building. Makes it very dangerous considering we just had a brand new Lady Lake coronavirus case as of St. Patrick's Day! I would like To know if somebody has been in contact with the school and is helping them close the school? I believe it's an issue of financial aid but I'm not sure can somebody please touch base with the school and find out why they are still open?!!!
Thank you
Mrs Perry
Get Outlook for iOS

AMERICAN OVERSIGHT

**From:** Shanti Stephenson-Hudson
**Sent:** Tue, 17 Mar 2020 15:29:11 +0000
**To:** COVID-19
**Cc:** Richard Simpson
**Subject:** School Closure

Hello,

We have informed our Accreditor, ACCSC and BPSS of temporary closure at the moment. Do we also need to inform DOE for schools that have Title IV?

We just want to make sure we have covered all areas.

Thank you,

**Shanti Stephenson-Hudson** | Director of Student Financial Services
**Institute of Culinary Education** | 225 Liberty Street | New York, NY 10281
P: 212-847-0792| F: 212-847-0738
Sstephenson-hudson@ice.edu | www.ice.edu | **@iceculinary**

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***New for 2020: Health-Supportive Culinary Arts program launched!***

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**From:** BUCHEN, RACHEL
**Sent:** Tue, 17 Mar 2020 15:06:02 +0000
**To:** COVID-19
**Subject:** SEP During Closure

Good morning,
I am a Financial Aid Administrator at Central New Mexico Community College, and I have a question regarding the Statement of Educational Purpose. Should and institute close in an attempt to prevent the spread of COVID-19, but still allow students to submit documents via email during the closure, can an exception be made to the in person requirements, or would the student need to follow the procedure for when they are unable to submit in person, that requires notarization?
Thank you,

Rachel Buchen
Financial Aid Supervisor
P: 224-4000 ext. 51456
F: 224-3124
Input, Intellection, Strategic, Achiever, Relator

AMERICAN OVERSIGHT

**From:** Geier, Marisa
**Sent:** Tue, 17 Mar 2020 19:33:41 +0000
**To:** COVID-19;AskAFed;FSA Case Teams
**Subject:** Shortening the Academic Year

Hi,

Due to the Corona Virus and Washington State's Governor Jay Inslee's request for public education, we are planning to shorten our academic year from 34 weeks to 32 weeks, we will still be within the required 30 weeks of instruction. Our planned term dates for Spring were 4/6/20-6/18/20 but it will now be 4/20/20-6/18/20. NASFAA is telling schools that if we don't add these two weeks on to the end of the term, which would make our term dates 4/20/20-7/2/20 that we must do a new PPA. Please advise on how we should proceed.

Marisa Geier, M.P.A.
Director, Financial Aid
360-442-2391
Lower Columbia College
School Code: 00378200

**Important!** LCC communicates with **students** primarily via the LCC Financial Aid Portal. Check it often!
Lower Columbia College has partnered with iGrad and Solutions at ECMC to provide Financial Wellness and **FREE** Federal Student Loan Assistance.

***The information contained in this message and any attachments may be confidential and privileged. Unauthorized review, use or disclosure of this information is strictly prohibited. If you are not the intended recipient or have received this communication in error, please notify the sender immediately and promptly delete the message. Thank you.***

AMERICAN OVERSIGHT

**From:** Payne, John R
**Sent:** Tue, 17 Mar 2020 18:57:41 +0000
**To:** COVID-19;OESE.ESEA.Assessment;OESE.titlei-a;Skloot, Evan
**Cc:** Brown, Ryan;Traywick, Laurie
**Subject:** South Carolina Correspondence Related to COVID-19
**Attachments:** Testing Suspension - MS.pdf

Attached, please find correspondence from South Carolina's State Superintendent Molly M. Spearman to Deputy Secretary Mitchell Zais.

This correspondence was also directly sent to Deputy Zais.

If you have any questions, please let me know.

Sincerely,

John R. Payne
Deputy Superintendent
Division of Federal Programs, Accountability and School Improvement
South Carolina Department of Education
1429 Senate Street
Columbia, South Carolina 29201
jrpayne@ed.sc.gov
http://www.ed.sc.gov

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STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION
MOLLY M. SPEARMAN
*STATE SUPERINTENDENT OF EDUCATION*

March 17, 2020

The Honorable Mitchell Zais
Deputy Secretary of Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Deputy Secretary Zais:

The United States and our public school systems are experiencing an unprecedented, historic crisis related to the novel coronavirus, COVID-19. South Carolina joins many other states in statewide closures of our public schools to contain and reduce the contagion, to protect our most valuable assets–the students we serve. We know that hard days still lie ahead as we have yet to feel the impact of this virus on our citizens and society.

On March 15, 2020, I joined South Carolina Governor Henry McMaster, as he issued an Executive Order to close all public schools, from 4k through universities, until March 31, 2020. That date is subject to extension based upon the scientific guidance we receive from the Centers for Disease Control and our South Carolina Department of Health and Environmental Control.

This closure comes as we gear up for how we hold our state, districts, and schools accountable–our end-of-year testing season. At the March 15 press conference, I announced with the support of our Governor, our intent to suspend spring assessments required by the Every Student Succeeds Act (ESSA) and our intent to seek a waiver from the United States Department of Education (USED).

I understand that the USED is continuing to review the impact of COVID-19 on state accountability systems and assessments along with developing processes for statewide waivers, and we look forward to you releasing additional guidance in the coming days. I want to share South Carolina's intent for the following and stand ready to submit any documentation or information as you deem appropriate:

RUTLEDGE BUILDING · 1429 SENATE STREET · COLUMBIA, SC 29201
PHONE: 803-734-8500 · FAX: 803-734-3389 · ED.SC.GOV

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1. South Carolina intends to suspend all federally-required testing during spring 2020 and requests a waiver of those testing requirements, including ESSA's 95 percent assessment participation requirement;
2. South Carolina intends to request a waiver to delay the identification of any school for comprehensive or targeted support and improvement based upon 2019–20;
3. South Carolina intends to apply a hold-harmless provision and keep ratings from the 2018–19 state report cards in place until the 2020–21 school year; and
4. South Carolina may seek additional waivers related to funding and programs, when we determine any impact that COVID-19 may have on the use of ESSA funds.

We hope that the USED will consider broad waivers and expedited approvals so that states and local school districts can focus on ensuring the health and wellness of our students, faculty, and their families, during these unparalleled times.

We appreciate your guidance and leadership.

Sincerely,

Molly M. Spearman
State Superintendent of Education

cc: The Honorable Henry McMaster, Governor
South Carolina Congressional Delegation



AMERICAN OVERSIGHT

**From:** Tracey Lehman
**Sent:** Tue, 17 Mar 2020 18:59:28 +0000
**To:** COVID-19
**Subject:** spring term change

Because of COVID 19, we are extending spring break and starting spring term a week late. Instructors will cover the same course material in a full term. This shortens that academic year by a week. Do I need permission from the school participation team for shortened academic year and how do I request that?

Thank you.

Tracey

Tracey Lehman
Director of Financial Aid
tracey.lehman@oit.edu
541-885-1291

AMERICAN OVERSIGHT

**From:** Livolsi, Maria
**Sent:** Tue, 17 Mar 2020 21:16:42 +0000
**To:** COVID-19
**Subject:** Student Loan Interest Rate Freeze Info

Good afternoon,
Can you tell me if the President's freeze on student loan interest applies to Federal Perkins, Health Professions and Nursing student loans? We are getting a lot of questions as you can imagine and want to provide guidance that is accurate.

Thank you!

Maria

Maria Livolsi, Director

State University of New York
Student Loan Service Center
5 University Place, A310
Rensselaer, NY 12144
518-525-2628

AMERICAN OVERSIGHT

**From:** Eric Bruce
**Sent:** Wed, 18 Mar 2020 00:08:48 +0100
**To:** COVID-19
**Subject:** Student Loans Not Disbursing - Foreign School

Hello,

I am a first year graduate student currently enrolled full-time at Jagiellonian University in Poland. Several days ago, classes were temporarily suspended in the country, and as a result, we have shifted to remote learning methods. I've been told by the financial aid office at Jagiellonian that I am now ineligible to receive my disbursement of aid due to the suspension of regular classes on campus. A March 5th announcement indicated this in the section below:

"We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Due to this situation, I am no longer able to afford my tuition or basic cost of living--nor am I able to afford a return ticket to the United States. In other words, I am stuck in a rather precarious situation where I cannot stay in Poland yet also cannot return home. I know that I am not the only student going through difficulties right now, but I do not feel that my aid being delayed/withheld--despite the fact that I'm still enrolled full-time and completing required coursework--is a reasonable measure.

At this point, some level of clarification would be extremely helpful. I know that the effects of COVID-19 are unpredictable, but American students studying at foreign institutions should be afforded the means to continue their studies while remaining in a state of quarantine, just as other students are. If you could provide me with any updated information I would really appreciate it.

Best regards,

Eric Bruce
+1 720-568-9454

AMERICAN OVERSIGHT

**From:** Tiffany Schlaeger
**Sent:** Tue, 17 Mar 2020 15:29:48 +0000
**To:** COVID-19
**Subject:** temporary approval of distance education
**Attachments:** Cosmo_No. 059047-00_Temporary DE Application.pdf, Aesthi_No. 059047-00_Temporary DE Application.pdf

To whom this may concern,

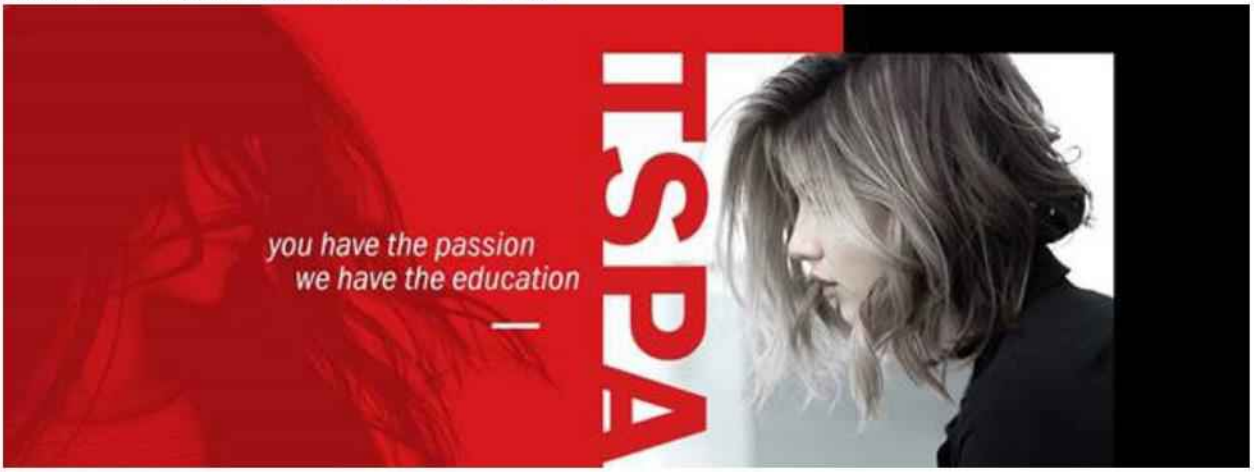
I hope this email finds you well!

Our academy has received approval by our state and is awaiting approval by NACCAS for temporary approval of distance education. If you would please assist me with the proper documentation that the DOE needs to approve our distance education once we receive approval from NACCAS that would be greatly appreciated. We offer a 1550 hr Cosmetology program and 600 hr Aesthetics program. I have attached our NACCAS application for reference on the theory units we are requesting to offer, if approved for distance education.

Thank you in advance for your support!

Kind Regards,

Tiffany Schlaeger
CEO
The Salon Professional Academy of Kenosha
www.KenoshaTSPA.com
Mobile:847.702.8772 Office: 262.697.6000




AMERICAN OVERSIGHT

# Application for Temporary Approval of Distance Education

**Instructions:**
Please download this form to your computer (in the upper-left corner, click on "File"-> "Save As" -> "Download a Copy") and complete it for each program to be temporarily offered via distance education in the event of an interruption of instruction due to the Coronavirus (COVID-19) outbreak. Save the combined PDF document with a filename to include the institution's reference number and the phrase "Temporary DE Application". Upload the application via the NACCAS User Login Portal. Select "Directive Response" as the Document Type for upload. There is no fee associated with the processing of this application.

1) Complete the Sections highlighted in Yellow below (to include both pages of the application).

2) Print one (1) copy of each completed form. Sign and date the form on the fields indicated. Scan the signed copy and save it as a PDF document.

3) Save or scan the following Exhibits as PDF documents for each program:
   a) Evidence of State approval to utilize distance education for the program, or evidence that such approval is not required by the State regulatory agency.
   b) Evidence of any restrictions from the State regulatory agency upon the units of instruction that may be offered via distance education, or evidence that no such restrictions exist.
   c) Evidence that either (i) the local, State or federal government has recommended or required that the institution temporarily cease on-site instruction or (ii) individual student(s) have been quarantined due to Coronavirus and prohibited from attending class on-site in accordance with physician's orders.

4) Using the Insert Pages function of Adobe Acrobat, combine forms for all programs and their associated attachments into

| | | |
|---|---|---|
| **Official School Name:** | **The Salon Professional Academy of Kenosha** | |
| **School Reference Number:** | **059047-00** | |
| **Program Name:** | **Cosmetology** | |
| **Total Length of Program:** | **1550** | **Clock Hours** |

*Length of Program must be represented in Clock Hours. For institutions which have been approved to advertise programs in Credit Hours, the program length must be converted to clock hours in accordance with Section 4.8(a)(1) of the NACCAS *Rules of Practice and Procedure.*

**CERTIFICATION:** I hereby certify that the institution for which this application is being made is not under any citation by the state licensing agency for any violations of licensing laws. The institution will not make any promotional use of the application prior to approval of this application by NACCAS.

In addition, I hereby provide a release for purposes of eliciting information from state boards and government entities, as well as an acknowledgment of the fact that accrediting information may, at the discretion of NACCAS, be shared with other accrediting agencies and governmental entities.

I certify that I understand that the use of any technical assistance or consultation services provided by NACCAS does not in any way guarantee the approval of this application.

I certify that the information provided herein is true and correct to the best of my knowledge and belief. I further understand that knowingly providing false or misleading information to NACCAS may result in the Commission taking adverse action against the institution.

| | |
|---|---|
| **Printed Name of Designated Owner Representative:** | **Tiffany Schlaeger** |
| **Designated Owner Representative Signature:** | Tiffany Schlaeger |
| **Date:** | **March 16, 2020** |

| | |
|---|---|
| **FOR NACCAS USE ONLY:** **Percentage of Program Proposed to be offered via Distance Education:** | **35%** |

AMERICAN OVERSIGHT

# Application for Temporary Approval of Distance Education

| Units of Instruction for: | Cosmetology Program | |
|---|---|---|
| **Name of Unit of Instruction** | **Clock Hours Devoted to Instruction** | **Proposed to be delivered via Distance Ed?** |
| Hygiene, grooming and personal development | 10 | Yes |
| Bacteriology, sterilization and sanitation | 20 | Yes |
| Bacteriology, sterilization and sanitation | 20 | No |
| Haircutting, hair tapering | 140 | Yes |
| Haircutting, hair tapering | 440 | No |
| Hair straightening, hair relaxing, thermal hair staightening, blow-outs, permanents, hair coloring, tinting, beaching and chemistry. Tools, equipment and implements | 185 | Yes |
| Hair straightening, hair relaxing, thermal hair staightening, blow-outs, permanents, hair coloring, tinting, beaching and chemistry. Tools, equipment and implements | 392 | No |
| Shaving, beard and mustache shaping, trimming, superfluous hair removal, waxing, facials, facial massages, facial makeup, eyelashes, light therapy, basic principles of electricity, and introduction to electrology. Tools, equipment and implements | 35 | Yes |
| Shaving, beard and mustache shaping, trimming, superfluous hair removal, waxing, facials, facial massages, facial makeup, eyelashes, light therapy, basic principles of electricity, and introduction to electrology. Tools, equipment and implements | 60 | No |
| Manicuring, including nail enhancement. Tools, equipment and implements | 10 | Yes |
| Manicuring, including nail enhancement. Tools, equipment and implements | 25 | No |
| Anatomy and physiology of the hair, skin and nails and disorders of the hair, skin, scalp and nails | 50 | Yes |
| Product knowledge, product use and sales, preparing and consulting with customer for services. | 30 | Yes |
| Laws, rules, professional ethics and history of cosmetology. | 18 | Yes |
| Individual student needs, industry trends and electives | 40 | Yes |
| Individual student needs, industry trends and electives | 75 | No |
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AMERICAN OVERSIGHT

# Application for Temporary Approval of Distance Education

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| **TOTAL (Must Match Total Length of Program):** | **1550** | |

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# Application for Temporary Approval of Distance Education

**Instructions:**
Please download this form to your computer (in the upper-left corner, click on "File"-> "Save As" -> "Download a Copy") and complete it for each program to be temporarily offered via distance education in the event of an interruption of instruction due to the Coronavirus (COVID-19) outbreak. Save the combined PDF document with a filename to include the institution's reference number and the phrase "Temporary DE Application". Upload the application via the NACCAS User Login Portal. Select "Directive Response" as the Document Type for upload. There is no fee associated with the processing of this application.

1) Complete the Sections highlighted in Yellow below (to include both pages of the application).

2) Print one (1) copy of each completed form. Sign and date the form on the fields indicated. Scan the signed copy and save it as a PDF document.

3) Save or scan the following Exhibits as PDF documents for each program:
   a) Evidence of State approval to utilize distance education for the program, or evidence that such approval is not required by the State regulatory agency.
   b) Evidence of any restrictions from the State regulatory agency upon the units of instruction that may be offered via distance education, or evidence that no such restrictions exist.
   c) Evidence that either (i) the local, State or federal government has recommended or required that the institution temporarily cease on-site instruction or (ii) individual student(s) have been quarantined due to Coronavirus and prohibited from attending class on-site in accordance with physician's orders.

4) Using the Insert Pages function of Adobe Acrobat, combine forms for all programs and their associated attachments into

| | | |
|---|---|---|
| **Official School Name:** | **The Salon Professional Academy of Kenosha** | |
| **School Reference Number:** | **059047-00** | |
| **Program Name:** | **Aesthetics** | |
| **Total Length of Program:** | **600** | **Clock Hours** |

*Length of Program must be represented in Clock Hours. For institutions which have been approved to advertise programs in Credit Hours, the program length must be converted to clock hours in accordance with Section 4.8(a)(1) of the NACCAS *Rules of Practice and Procedure.*

**CERTIFICATION:** I hereby certify that the institution for which this application is being made is not under any citation by the state licensing agency for any violations of licensing laws. The institution will not make any promotional use of the application prior to approval of this application by NACCAS.

In addition, I hereby provide a release for purposes of eliciting information from state boards and government entities, as well as an acknowledgment of the fact that accrediting information may, at the discretion of NACCAS, be shared with other accrediting agencies and governmental entities.

I certify that I understand that the use of any technical assistance or consultation services provided by NACCAS does not in any way guarantee the approval of this application.

I certify that the information provided herein is true and correct to the best of my knowledge and belief. I further understand that knowingly providing false or misleading information to NACCAS may result in the Commission taking adverse action against the institution.

| | |
|---|---|
| **Printed Name of Designated Owner Representative:** | **Tiffany Schlaeger** |
| **Designated Owner Representative Signature:** | Tiffany Schlaeger |
| **Date:** | **March 16, 2020** |

| | |
|---|---|
| **FOR NACCAS USE ONLY:** **Percentage of Program Proposed to be offered via Distance Education:** | **38%** |

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# Application for Temporary Approval of Distance Education

| Units of Instruction for: | Aesthetics Program | |
|---|---|---|
| **Name of Unit of Instruction** | **Clock Hours Devoted to Instruction** | **Proposed to be delivered via Distance Ed?** |
| Management, History, and Ethics | 26 | yes |
| Safety, Sanitation and Sterilization | 30 | Yes |
| Anatomy and physiology | 30 | Yes |
| Chemistry, Treatments and Process | 24 | yes |
| Treatment - Product and Techniques | 32 | Yes |
| Electricity, Machines and Equipment | 10 | Yes |
| Make-up and Color Analysis | 12 | Yes |
| Individual Student Needs and Electives | 65 | Yes |
| Safety, Sanitation and Sterilization | 30 | No |
| Treatment - Product and Techniques | 116 | No |
| Electricity, Machines and Equipment | 45 | No |
| Make-up and Color Analysis | 20 | No |
| Individual Student Needs and Electives | 150 | No |
| Anatomy and physiology | 10 | No |
| | | |
| | | |
| | |

**From:** AtlantaSPD
**Sent:** Tue, 17 Mar 2020 15:46:15 +0000
**To:** COVID-19;FederalStudentAid
**Cc:** AtlantaSPD
**Subject:** Temporary closure - Alabama School of Nail Technology & Cosmetology

FYI -

**From:** Teri Mclemore: ASNT&C (b)(6)
**Sent:** Tuesday, March 17, 2020 8:05 AM
**To:** Scott, Alicia
**Subject:** Covid-19 Notification

Hello Ms. Scott,

I am writing to you today to make you aware, we will be transitioning to online Distance Education now through April 13th at the latest at this point.

We are not closing and only offering this opportunity to our student since our State has requested all schools offer at home education during this time.

I am unclear if I need to do anything further.

Teri McLemore
Alabama School of Nail Technology & Cosmetology
042555

Sent from AOL Mobile Mail
Get the new AOL app: mail.mobile.aol.com

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**From:** Amy Parker
**Sent:** Tue, 17 Mar 2020 20:08:27 +0000
**To:** COVID-19
**Cc:** Sarah Arno;Esther Cuellar
**Subject:** Temporary Closure due to Corona Virus COVID-19

To Whom it May Concern,

RE: Temporary School Closure Opeid #: 02224600

We have temporarily ceased all instruction as of March 16 due to the El Paso Department of Health issuance of recommendations for schools to remain closed until April 6th to prevent transmission of the COVID-19. We plan on remaining closed until April 6th unless there is further guidance to stay closed. I know we need to notify the Department of Education but I am not sure where we need to send this notification, please advise.

Best Regards,

Amy Parker-Morris, President/Owner
Tri-State Cosmetology Institute
1120 Vista de Oro Drive
El Paso, TX 79935

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**From:** Jonathan Vukmanic
**Sent:** Tue, 17 Mar 2020 17:49:00 +0000
**To:** COVID-19
**Subject:** temporary closure questions

If our school is temporarily closed, and we are anticipating using distance/online learning to continue their classes do they have to request an approved Leave of Absence, and if they don't, do I have to withdrawal them?

I know I have three options: 1. LOA 2. Withdrawal 3. Do nothing if the students resume attendance no later than 90 days from the closure date.

Last question. If I wait for the 90 days and the students do not resume attendance or the school does not reopen, I know I have to complete the withdraws, but am I out of compliance because my determination date will be well passed 14 days from the LDA?

Any guidance would be greatly appreciated.

Best Regards,

Jon Vukmanic
Director of Financial Aid
Pittsburgh Institute of Aeronautics
PO Box 10897
Pittsburgh, PA 15236
412-346-2114
OPEID: 00531000

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**From:** AtlantaSPD
**Sent:** Tue, 17 Mar 2020 15:22:58 +0000
**To:** COVID-19;FederalStudentAid
**Cc:** AtlantaSPD
**Subject:** Temporary school closure - New Beginning College of Cosmetology
**Importance:** High

FYI – temporary school closure for New Beginning College of Cosmetology

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**From:** Amanda Baugh [mailto:abaugh@nbccosmetology.com]
**Sent:** Tuesday, March 17, 2020 10:33 AM
**To:** Scott, Alicia
**Subject:** Temporary DE Application
**Importance:** High

Good Morning,

Due to the pandemic this is a short term closure due to the Coronavirus and any applicable government orders. We do plan to reopen the school as soon as we are able to do so. Should you have any questions please feel free to contact me at 256-572-1046.

**Thank you,**
**Amanda Baugh**

New Beginning College of Cosmetology
President/ Financial Aid Director
421 Martling Road
Albertville, Al 35951
Phone 256-878-6430
Fax 256-878-9992
Email: abaugh@nbccosmetology.com
www.nbccosmetology.com

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**From:** Roni Nelson
**Sent:** Tue, 17 Mar 2020 17:32:06 +0000
**To:** COVID-19
**Cc:** Tony Harris
**Subject:** Temporary school closure

I am sending this email to notify the US Dept of Education that College of Cosmetology, OPE ID 021061 is temporarily closing, effective March 17, 2020, until at least April 1, 2020 due to the COVID-19 issue. Our students, accrediting agency and Oregon Higher Education Coordinating Commission have all been notified in writing.
Please let me know if I need to do anything further.
Sincerely,

Roni L Nelson, General Manager
College of Cosmetology
357 East Main St
Klamath Falls, OR 97601
(541) 882-6644

AMERICAN OVERSIGHT

**From:** Finaid
**Sent:** Tue, 17 Mar 2020 13:08:58 -0400
**To:** COVID-19
**Subject:** Temporary School Closure

We are temporarily closing our schools due to the evolving situation with the Coronavirus (COVID-19) and looking for direction on the proper channels to notify the U.S. Department of Education. We have notified our State and Accrediting Agency as well as sending a letter and email to one of the Chicago Region representatives. Please provide guidance if there is another direct contact we need to inform.

Thank you,
Cheryl Halblaub

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**From:** Cindy Long
**Sent:** Tue, 17 Mar 2020 14:41:48 -0700
**To:** COVID-19
**Cc:** PCCOVID19
**Subject:** Temporary school closure
**Importance:** High

I am sending this email to notify the US Department of Education the College of Hair Design Careers, OPE ID 02337900 is temporarily closing, effective 3/17/2020 until at least 4/1/2020 due to the
COVID-19 issues.
Our students, accrediting agency and Oregon Higher Education Coordinating Commission all have been notified in writing.
Please let me know if there is any thing further that I need to do.
Sincerely,

Cindy Long
Administrator
College of Hair Design Careers
1684 Clay ST. NE
Salem, OR. 97301
503-588-5888
cindy@collegeofhairdesigncareers.com

AMERICAN OVERSIGHT

**From:** Melita Chris
**Sent:** Tue, 17 Mar 2020 17:15:40 +0000
**Cc:** COVID-19
**Subject:** this my idea as personal about covid-19
**Attachments:** ice green cough drops.jpg, waragi.jpg

hello how are you?
am chris but just iwas asking about covid-19 and learn more about it?
they say that aperson with it get fluo and cough?right?
iwas asking if you mix waragi and ice green cough drops and drink, will it reduces coughs and fluo for some days but not science made but in african ways some people uses it to fight cough and fluo.do you think if you add more arts in it can help?am not adoctor but my idea may be can aadd.
irequest not to take me in this wrongly but if is wrongly irequest to forgive me because covid-19 eats everyone so thats why iwas asking if african way works too?
COVID-19@ed.gov.

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1-A-008529

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**From:** Martinez, Sarah
**Sent:** Tue, 17 Mar 2020 12:24:41 +0000
**To:** COVID-19;OESE COVID 19
**Cc:** Meyertholen, Patricia;Gillette, Lisa
**Subject:** Three COVID-19 Qs from California Department of Education (CDE)
**Attachments:** FW: SPAC Conference, FW: Migrant Program Update 3/12/20

See attached emails from CDE received 3/12/20 and 3/13/20, asking about the use of Federal (Title I, Part C – MEP) funds for cancellation fees charged by hotels— for event space/costs and hotel rooms. Events were cancelled by CDE and its subgrantees, or are in the process of being cancelled, in response to the State Governor's guidance regarding large gatherings. OME recommends providing a combined response to both questions related to cancellation fees. We have sent the issue to our program attorneys, but we believe this will not be a program-specific response.

In CDE's 3/12/20 email, there is a separate question regarding in-person signatures on the MEP Certificate of Eligibility (COE). OME has drafted a response to this question, as it has been raised by other MEP grantees. The draft response is currently with our program attorneys.

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**From:** Celina Torres
**Sent:** Sat, 14 Mar 2020 00:28:16 +0000
**To:** Gillette, Lisa;Martinez, Sarah
**Cc:** Veronica Aguila
**Subject:** FW: SPAC Conference

Hello Lisa and Sarah,

Apologies for bringing this up again, but the Mariott has decided to bill our subgrantees for a cancellation fee for one night. I just received the email below and the cancellation fee is one nights stay for about 25 people for this subgrantee, but, as you know, we have 20 subgrants. The total for all our subgrantees one-night cancellation will be about $108,000. If we don't contest the charges now, there will be no way to do it in the future as they will receive their payment by cashing the checks and billing the credit cards.

Should we move forward and contest the charges? Or will you allow us to utilize funds to pay this cancellation fee?

Thank you for your attention to this matter.

Kind regards,
Celina

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**From:** Tony Velasquez <tonyv@tcoe.org>
**Sent:** Friday, March 13, 2020 4:27 PM
**To:** Celina Torres <CTorres@cde.ca.gov>; Teresa Palomino <TPalomino@cde.ca.gov>
**Subject:** [EXTERNAL] SPAC Conference

Hello Celina, Teresa

We just received an invoice from Santa Clara Marriott stating that they were going to refund some days , but were going to keep the charges for one night. Is this correct ? Or is CDE looking into this.

Thanks, I know there are other bigger fish to fry!

Tony Velásquez
Migrant Director, Administrator | (559) 651-3035
Tulare County Office of Education | Migrant Education Program
6200 S. Mooney Blvd., Visalia, CA
Mail: PO Box 5091, Visalia CA, 93278-5091

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**From:** Celina Torres
**Sent:** Fri, 13 Mar 2020 00:12:36 +0000
**To:** Martinez, Sarah;Gillette, Lisa
**Cc:** Jamie Contreras;Veronica Aguila
**Subject:** FW: Migrant Program Update 3/12/20
**Attachments:** Gathering_Guidance_03.11.20.pdf

Hello Lisa and Sarah,

Hope you are well. I'm sending you a copy of an update I just sent to the field (see below). In it, at the bottom, I reference that I've submitted a few questions to you related to the event and service cancellations taking place because of the corona virus. Here they are:

- Do recruiters have to acquire an in-person signature for the COE? Is there a short-term alternative?
- Can the mep pay for cancellation fees in contracts where no services were rendered?

On the CDE end, as you know, we had to cancel the parent conference from last weekend because the day before the event, the Santa Clara County Department of Public Health recommended cancellation of large events. Our contracted hotel is now asking for $220,000 in cancellation fees. We are not able to reschedule such a large event in the time that remains in the current school year. Also, this is a biennial event and next year, local conference are held so we cannot hold it next year.

On another note, we also have our Speech and Debate Tournament coming up in May and the local superintendent in Fresno (where it will be hosted) wants to cancel all events/student activities. This event is coordinated by our subgrantee Fresno County Office of Education and their hotel contract has a cancellation fee of $154,000. Because we are a local control state, its very difficult estimating if all the different counties will allow students to attend so if we don't cancel we may not even have enough students to compete.

Just a few of the issues we are facing. Your guidance is greatly appreciated.

Kind regards,
Celina

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**From:** Celina Torres
**Sent:** Thursday, March 12, 2020 4:48 PM
**To:** DL-MEO Consultants <DL-MEOConsultants@cde.ca.gov>

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**Cc:** Veronica Aguila <VAguila@cde.ca.gov>; Kerri Wong <KeWong@cde.ca.gov>
**Subject:** Migrant Program Update 3/12/20

Hello MEP Directors and Asst. Superintendents,

We have a few updates regarding upcoming events. As you are all aware, the guidance about the corona virus is changing daily and we will try to bring you updates quickly when there is a change. I'm providing you an update from the Governor's office that was posted yesterday, 3/11/20 at this link: https://www.gov.ca.gov/2020/03/11/california-public-health-experts-mass-gatherings-should-be-postponed-or-canceled-statewide-to-slow-the-spread-of-covid-19/. I've cut and pasted the first paragraph at the end of the message, and I've also attached the guidance they reference in the press release.

Briefly, to protect the public health, the Governor is recommending, in the month of March, cancellation or postponement of events that are of 250 or more and cancellation or postponement of events where we are not able to provide "social distancing of 6 feet or more."

Therefore, as some of our activities/events cross into early April, we will be rescheduling those events and, where possible, will re-evaluate mid-April to determine if other activities/events need to be rescheduled. Here is our current schedule:

- March 19 Virtual I&R Committee Meeting – Will continue as scheduled
- March 30 I&R Coordinators Meeting in Sacramento – Rescheduled to June
- March 31 I&R State Training – Rescheduled to June
- April 4 State Parent Advisory Council Meeting – Rescheduled to June
- April 23-24 Family Biliteracy - Will be rescheduled – Update coming next week
- May 15-17 Speech and Debate Tournament - In discussion with Fresno COE and Fresno Unified with an update in a few days.
- July Migrant Student Leadership Institute, CSU Channel Islands - To be discussed with an update next week.

**Regarding local events with migrant funds**

As always, please follow the guidance from your local Superintendent. If you see the need to cancel an event/activity, we recommend you to try to reschedule. If that's not possible, please review cancellation clauses in contracts and determine how you will pay for incurred costs. Please ensure your supervisor is aware of the cost and approves the fees. We do not yet

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have a response from the federal office regarding payment for services not rendered.

**Migrant Parent Conference**
We are working with the hotel to determine cost. Please do not reallocate funds to other projects. If you have questions on this matter, contact Lizette Rocha by email lrocha@cde.ca.gov or by phone at 916.323.2241.

**Other related issues**
Some regions have called asking about alternatives to acquiring signatures on COEs. We have forwarded this concern to the federal office this week. We will notify you when there is guidance provided. Another region requested an extension to the due date for BR 4. We will respond next week.

Be well!
Kind regards,
Celina

Text from the Governor's Press Release
SACRAMENTO – Governor Gavin Newsom announced that California public health officials this evening issued an updated policy on gatherings to protect public health and slow the spread of COVID-19. The state's public health experts have determined that gatherings should be postponed or canceled across the state until at least the end of March. Non-essential gatherings must be limited to no more than 250 people, while smaller events can proceed only if the organizers can implement social distancing of 6 feet per person. Gatherings of individuals who are at higher risk for severe illness from COVID-19 should be limited to no more than 10 people, while also following social distancing guidelines.

Celina Torres, Administrator
English Learner Support Division, Migrant Education Office
California Department of Education
1430 N Street, Suite 2204
Sacramento, CA 95814
Phone: 916-319-0230
ctorres@cde.ca.gov
www.cde.ca.gov

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**To protect public health and slow the rate of transmission of COVID-19, gatherings as described below should be postponed or canceled across the state of California for at least the remainder of the month of March.**

The California Department of Public Health finds the following:

- Large gatherings that include 250 people or more should be postponed or canceled.
    - This includes gatherings such as concerts, conferences, and professional, college, and school sporting events.
- Smaller gatherings held in venues that do not allow social distancing of six feet per person should be postponed or canceled.
    - This includes gatherings in crowded auditoriums, rooms or other venues.
- Gatherings of individuals who are at higher risk for severe illness from COVID-19 should be limited to no more than 10 people.
    - This includes gatherings such as those at retirement facilities, assisted living facilities, developmental homes, and support groups for people with health conditions.
- A "gathering" is any event or convening that brings together people in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, cafeteria, or any other indoor or outdoor space.

This applies to all non-essential professional, social, and community gatherings regardless of their sponsor. Gatherings that do not meet the aforementioned criteria should only be conducted when they are essential—that is, if the activity is essential and could not be postponed or achieved without gathering, meaning that some other means of communication could not be used to conduct the essential function.

**What will this achieve?**

The timely implementation of aggressive strategies that create social distance and those that reduce close contact of people not regularly together, including limiting gatherings, has proven effective in prior pandemics at delaying rates of transmission and reducing illness and death.

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By decreasing the prevalence of disease across California we will:

- Reduce the number of Californians who contract COVID-19 before an effective treatment or vaccine is available.
- Protect those most likely to experience severe symptoms, such as older Californians and those with underlying chronic conditions.
- Preserve and protect our health care delivery system, including our health care workforce, so they can care for the least healthy individuals in the community for any medical condition, not just COVID-19.
- Minimize the social and economic impacts of COVID-19 over the long run.

**How long will these limitations apply?**

This guidance will remain in place at least through the month of March. As with all guidance that relates to COVID-19 response, authorities will revisit this guidance on a regular basis to evaluate the continued public health need for it and to evaluate if any elements need to be changed. To stay informed, continue to monitor this link:
https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Guidance.aspx

**What is Social Distancing and how is it achieved?**

Social distancing is a practice recommended by public health officials to stop or slow down the spread of contagious diseases. It requires the creation of physical space between individuals who may spread certain infectious diseases. The key is to minimize the number of gatherings as much as possible and to achieve space between individuals when events or activities cannot be modified, postponed, or canceled.

Although the Department expects most events with more than 250 attendees to be postponed or canceled, we emphasize that the venue space does matter. Achieving space between individuals of approximately six feet is advisable. Additionally, there is a particular focus on creating space between individuals who have come together on a one-time or rare basis and who have very different travel patterns such as those coming from multiple countries, states or counties.

**What can be done to a make a gathering safer if it is essential or small?**

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- Stagger activities.
- Add frequency of an event to spread out attendance, e.g. hold more, smaller gatherings.
- Add distance between where individuals sit or stand around tables.
- Add additional hand washing stations and restrooms.
- Limit the number of people in lines.
- Avoid direct physical contact, such as hand-shaking, holding hands, and hugging.
- Extend hours to allow for staggering of attendance or participation.
- Use phones, videos or video conferencing to reduce the need for close interactions.
- Consider ways to encourage anyone with fever and respiratory symptoms to stay home when sick, such as
    - Offering refunds or support reselling of tickets for persons who become ill.
    - Placing messages on websites, tickets, and venue entrances reminding people to protect one another by staying home if sick.

**Examples of Essential Events this Does Not Apply To**

The goal of this recommendation is to prevent people physically coming together unnecessarily, where people who have the infection can easily spread it to others. This guidance does not apply to activities such as attendance at regular school classes, work, or essential services.

Please see the guidance for schools document for additional information.

Certain activities are essential to the functioning of our state and must continue. Hence, this does not apply to essential public transportation, airport travel, or shopping at a store or mall. Other specific guidance can be found on the CDPH website to help people take actions that can protect them in those settings.

This does not apply to congregate living situations, including dormitories and homeless encampments. For more information on what can be done to protect homeless individuals, please see the Guidance for Homeless Assistance Providers on Novel Coronavirus (COVID-19) (PDF).

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**From:** Smith, Jennifer
**Sent:** Tue, 17 Mar 2020 22:29:07 +0000
**To:** COVID-19
**Subject:** TONI&GUY Hairdressing Academy Distance Education

Hello-

How do we apply with the Department or notify the Department that we are closing our school and moving to Distance Education for our Students due to the concerns of COVID-19.

We are getting out accreditor approval and have state approval to do so for emergency distance education but were also told that we need to notify the Department.

Thanks,

**Jennifer Smith**
Paralegal & Compliance Specialist
TONI&GUY HAIRDRESSING
4251 Kellway Circle
Addison, TX 75001
ph. 214-273-2679
fx. 972-407-7597

AMERICAN OVERSIGHT

**From:** anne-marie.emanuel@universaluti.edu
**Sent:** Tue, 17 Mar 2020 16:28:15 -0400
**To:** WalkerD2@dca.njorg.gov;trainingevaluationunit@dol.nj.gov;COVID-19
**Subject:** UTI'S CONTIGENCY PLAN AND REQUEST FOR TEMPORARY APPROVAL TO TRANSITION TO ONLINE PLATFORM
**Attachments:** UTI CONTIGENCY PLAN AND REQUEST FOR TEMPORARY APPROVAL FOR ONLINE LECTURE.pdf

Dear Dr. Walker,

Please be advised that, out of great concern for the welfare of our students, faculty, staff and community at large, Universal Training Institute, is taking some initial steps towards the prevention of the COVID-19 virus within our immediate environment.

UTI has therefore updated our Emergency Preparedness Plan to mediate some of the concerns and issues the COVID-19 virus has presented to our campus. The goal of this plan is to accommodate students and help them continue their education despite the interruptions caused by COVID-19.

We also request approval to enable us transition to online platform for classes and academic activities and we have attached the request for you record

**Anne-marie Emanuel**

Asst Director of Nursing

+347-430-6744

+732-826-0155

anne-marie.emanuel@universaluti.edu

AMERICAN OVERSIGHT

**Universal Training Institute**
**174 Jefferson Street, 2nd Floor, Perth Amboy, N.J. 08861**
**Phone: (732) 826-0155; Fax: (732) 826-0322**
**universaluti.com**

March 17, 2020

United States Department of Education
Federal Student Aid / Compliance
830 First Street N.E. UCP III
Washington, D.C. 20202-5430
Attn: Sherrie Patrice Fleming

Dear Representatives,

Please be advised that, out of great concern for the welfare of our students, faculty, staff and community at large, Universal Training Institute, is taking some initial steps towards the prevention of the COVID-19 virus within our immediate environment. UTI has therefore **updated** our Emergency Preparedness Plan to mediate some of the concerns and issues the COVID-19 virus has presented to our campus.

## Our Objective:

The goal of updating the Emergency Preparedness Plan is to accommodate students and help them continue their education despite interruptions caused by the COVID-19. Anytime coursework is interrupted, it is incumbent that the school take immediate and necessary steps to help students navigate through the program till such time they have completed the program. To this end UTI will initiate the following protocols:

## Risk Factors:

- The risk that students and faculty members including administrative staff could be unduly exposed to Covid-19 if UTI continues to hold regular classes in its facility is present
- Most of our students work in Health Care facilities across the State and might be exposed to other individuals with known/ unknown symptoms that could be a major risk factor for other members of UTI if they continue to be present at school on a regular basis.

AMERICAN OVERSIGHT

- A number of students and faculty members do daily commute to school by public transportation system which may not be deemed safe at this period of outbreak
- Failure to comply by the various pronouncement by government agencies across the nation and particularly the State of New Jersey will not be a prudent choice for UTI.

## Impact of the Risks:

- Students may contract the virus and infect others within UTI facility even before symptoms manifest
- Students may contract the virus and infect their family members and others in their community
- A sick ( possibly infected) member of staff or faculty member could infect others or students if they continue to be present at work
- The possibility of the Coronavirus outbreak lasting longer than anticipated
- Inability to access needed resources (IT and Human) in the event of delayed action to support continuity and recovery when needed

## Operation Continuity strategies:

- Close the school for an initial period of two weeks effective 3/18/20 (with possible extension as events unfold)
- Clean and disinfect the school (including classrooms, bathrooms, labs and computer assets during this period).
- Institute online classes to consist of a combination of lecture, discussions, written assignments and examinations by deploying "Zoom web conferencing" platform to augment our legacy SIS platform.
-
    - It is believed that online (ground-based) education provides a viable option for continuing to teach students through COVID-19 related interruptions.

    - The student's attendance will be taken by the faculty and monitored throughout the course of the day to ensure they are meeting the requisite daily requirements.

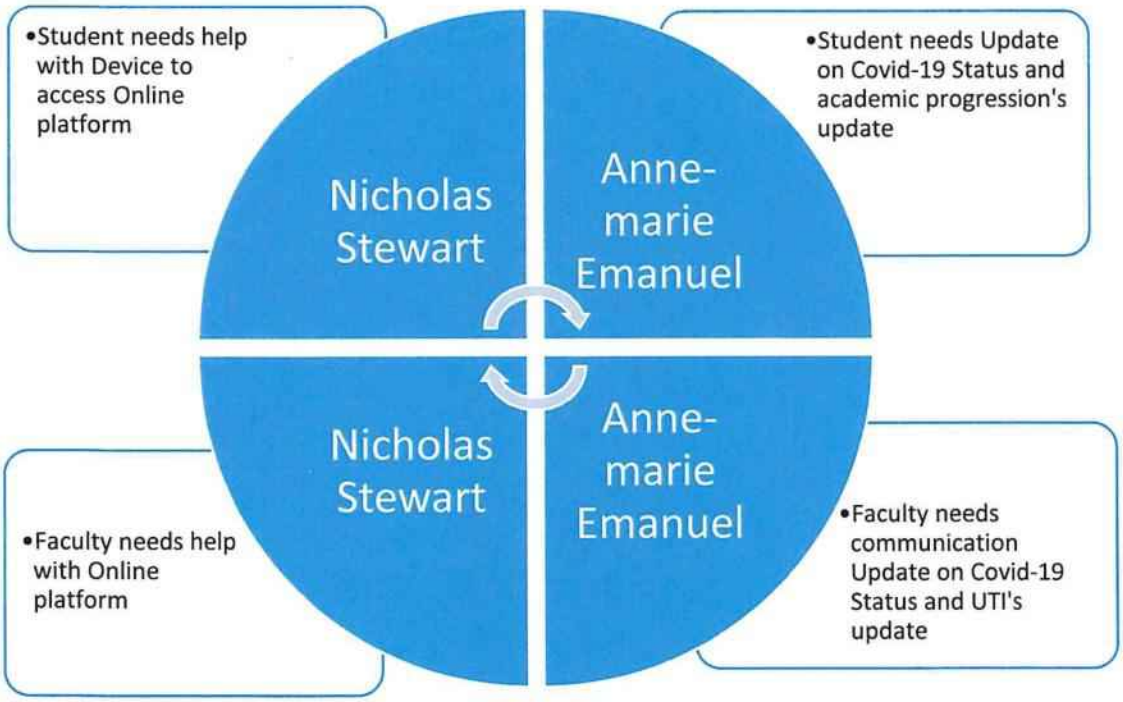
- Discontinued all clinical rotations at local healthcare facilities and to this effect, students are now required to participate in online video case-studies and presentations to enhance and support their clinical knowledge.
- All faculty members will be lecturing and testing offsite from their respective homes, and they will be monitored to meet all UTI expectations.
- Students will be given the opportunity to take a 'Leave of Absence' if they feel they cannot cope with any of the aforementioned expectations and requirements
- All students, faculty and staff have been thoroughly informed about the signs and symptoms of the virus including any and all steps for prevention and treatment as outlined by the Center for Disease Control (CDC).

AMERICAN OVERSIGHT

**First Responder Team:**

- Two staff members have been approved and dedicated to attend to all issues related to IT Assets, online platform issues resolution, class facilitation and; compliance issues as it relates to communication with the students and staff as well as the regulatory bodies in this time of unforeseen outbreak:
    - Nicholas Stewart – IT Assets and Online platform support
        - 732-841-1095
    - Anne-marie Emanuel- Compliance and Communications Support
        - 347-430-6744

**Communication Tree**:

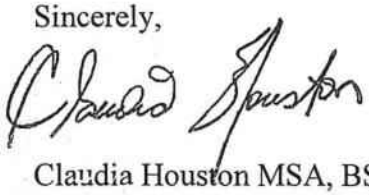



UTI recognizes that online Distance Learning Education is for a limited time. It is our sincere intention to offer a robust and comprehensive program for the duration of the interruption. We further understand that no formal approval is required by the accrediting bodies or DOE. However, because UTI is a clock-hour based program, we are reaching out to your office for approval and assistance during this transition.

AMERICAN OVERSIGHT

We wish to thank you for your guidance and assistance during this difficult time. I can be reached at schooladministratot@universalui.gov or (732) 744-4287.

Sincerely,



Claudia Houston MSA, BSN, RN
School Administrator

CC:

ACCET
Accrediting Council for Continuing Education & Training
1722 N. Street, N.W.
Washington, DC, 20036

New Jersey Department of Labor & Workforce Development
School Approval Unit
John Fitch Way, 6th Floor
P.O. Box 955
Trenton, New Jersey -8625-0955

New Jersey Division of Consumer Affairs
124 Halsey Street
Newark, New Jersey 07102

AMERICAN OVERSIGHT

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**Sent:** Tue, 17 Mar 2020 16:44:17 -0400
**To:** WalkerD2@dca.njoag.gov;COVID-19;trainingevaluationunit@dol.nj.gov
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We also request approval to enable us transition to online platform for classes and academic activities and we have attached the request for your review. We have forwarded the same request to our Accrediting Agency and the Department of Labor for processing.

Thank you for your continued support particularly in this difficult period.

Sincerely.

**Anne-marie Emanuel**

Asst Director of Nursing

+347-430-6744

-732-826-0155

anne-marie.emanuel@universaluti.edu

AMERICAN OVERSIGHT

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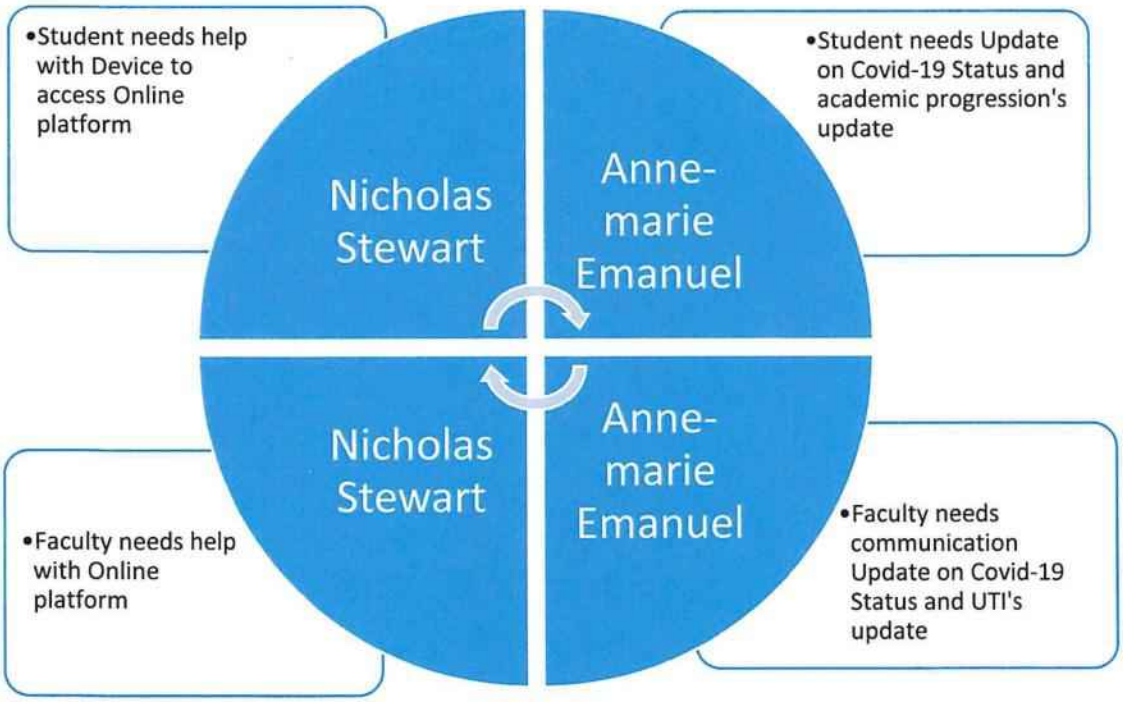


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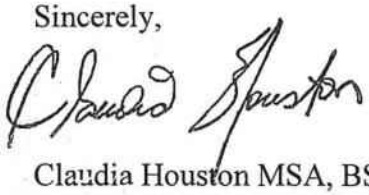

Claudia Houston MSA, BSN, RN
School Administrator

CC:

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New Jersey Department of Labor & Workforce Development
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John Fitch Way, 6th Floor
P.O. Box 955
Trenton, New Jersey -8625-0955

New Jersey Division of Consumer Affairs
124 Halsey Street
Newark, New Jersey 07102

AMERICAN OVERSIGHT

**From:** Gavin Hamms
**Sent:** Tue, 17 Mar 2020 15:32:31 +0000
**To:** COVID-19
**Subject:** Work-Study Question

Good Morning
How should institutions determine the amount to pay students for work-study?

Gavin R. Hamms, Ph.D.
Director of Student Financial Aid
Fax: 318-274-3358

AMERICAN OVERSIGHT

**From:** Jess Binning (WDE)
**Sent:** Tue, 17 Mar 2020 08:44:29 -0600
**To:** OESE.OSS.Wyoming;COVID-19
**Subject:** 2nd Attempt - Hoping for responses

Support Contacts at US Department of Education:

we have some school districts reaching out about 2018-2019 grant funds that will expire at the end of September. Some districts have grant balances from funds that started July 1, 2018. They have plans that have been in place and approved for using the funds, but some of the activities were to be executed through this school year and summer.

What can we do as an agency to request a longer period of availability (if that is even an option) for these dying grant funds? Or, will the US Department of Education be understanding if states have to return grant funds that were unused because of the current circumstances that are causing disruptions?

The best examples I can share:
Cancelled Professional Development that uses Title II-A funds.
Cancelled additional tutoring services provided using Title I-A funds.
Cancelled Parent and Family Engagement activities that use Title I-A, and Title III funds.

**An additional question specific to school closures and staff pay:**
Some districts/schools in Wyoming are closing for 2-3 weeks in lieu of COVID-19 precautions. State and local funds will still pay contract teachers. The question from one of our districts is: can federal funds continue to pay contracted teachers (such as Title I teachers) during these closure events? What about hourly paid federally funded staff, such as Title I tutors, paraprofessionals, and district Consolidated Grant Managers?

Our team would like to allow this, but we need guidance from the US Department of Education since time and effort requirements are a consideration with federal grant funds. We have found CFR 200.431, where if an agency has granted authorized leave (ie, emergency leave categorized under fringe benefits) the staff may be paid if there is a policy written around that leave. We are wondering if that is the category this pay would stem from?

Sincerely,
Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
**Cheyenne, WY 82002**

AMERICAN OVERSIGHT

Register for STAR here:
**https://2020starconference.eventbrite.com/**

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

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AMERICAN OVERSIGHT

**From:** David Pelletier
**Sent:** Tue, 17 Mar 2020 10:00:16 +0000
**To:** COVID-19
**Subject:** 180 day LOA

To whom it may concern,

The March 5, 2020 USDE Electronic Announcement indicates that a student may take a Leave of Absence (LOA) of up to 180 days due to the Coronavirus. Current USDE regulations state that an LOA cannot exceed 180 days in any 12 month period of time. Our question is that if a student had previously taken a six month LOA from 8/1/19 – 2/1/20, does the LOA language in the March 5, 2020 EA, allow the student to take an additional 180 day LOA due to the coronavirus, even in cases where this would cause the student to exceed the 180 days in any 12 month period of time LOA USDE regulation?

Thank you in advance for your response!

David Pelletier
The Boston Educational Network
1-800-224-5983

AMERICAN OVERSIGHT

**From:** Curtin, Valerie
**Sent:** Tue, 17 Mar 2020 14:28:51 +0000
**To:** COVID-19
**Subject:** 00757000 Helena College University of Montana

I have a few questions regarding the course of which our academics is attempting to meet all course learning outcomes in light of our current environment with COVID. Please see my questions below. I greatly appreciate your assistance.

- How will seat time be treated if a course is completed earlier than anticipated? This would come into effect if a student were to complete all of the courses for which they are registered prior to the normally scheduled term.
- What if a student were to have a skills assessment in order to satisfy course learning outcomes; much like a challenged course. This is really only being done in order to minimize students from the need to be on campus for those programs that can only be completed in-person. This is the case for our trades programs (welding, diesel, auto, aviation, machining).
    - I understand that normally this would be treated as a challenged course and no aid would be available. However, this course of action is due to the extraordinary circumstances we are all facing at this time.

Just minutes ago, I was actually made aware that the Chief Academic Officers in Montana were discussing attempting to complete all coursework by April 24th. This is apparently the timeframe that has been calculated as to when the virus will truly hit the state with full force. Even if we are offering online courses, it still is not optimal for students who are truly sick.

Stay well,

**Valerie Curtin | Director of Financial Aid**

**p:** 406.447.6913 | **f:** 406.447.6397 | **e:** valerie.curtin@helenacollege.edu

**Donaldson Campus** 1115 North Roberts, Helena, MT 59601

**Airport Campus** 2300 Airport Road, Helena, MT 59601

**p:** 406.447.6900 | www.helenacollege.edu

This message may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message. Thank you for your cooperation.

AMERICAN OVERSIGHT

**From:** Brown, Erinn
**Sent:** Tue, 17 Mar 2020 19:12:47 +0000
**To:** COVID-19
**Subject:** academic year length

If we extend our spring break I realize it shortens our academic year. If our academic year remains over 30 weeks (17 weeks Fall + 15 weeks Spring (updated) = 32 weeks), do we need to contact the school participation division? I've been on the NASFAA webinar and the answer was unclear.

Thanks!

Erinn Brown
Area Director of Financial Aid
Mid-Plains Community College
browne@mpcc.edu
office: (308) 345-8112

WE ARE MPCC.

AMERICAN OVERSIGHT

**From:** Perry, John
**Sent:** Tue, 17 Mar 2020 20:14:53 +0000
**To:** COVID-19
**Subject:** Academic Year

Good afternoon,

I had a question. Our school has already shortened the academic term by extending spring break by one week. There is a possibility that it might be shortened more but that decision has not been made as of yet. Should we go ahead and contact the School Participation Team now and notify of this change or wait for the potential future changes?

Thanks so much! Have a great day!

**John L. Perry, Ed.D.**
**Interim Executive Director of Student Financial Services**
Governors State University
1 University Parkway
University Park, IL 60484
*Office: 708-534-4480*
*Fax: 708-534-1172*

Governors State UNIVERSITY

"*The value of a college education is not the learning of many facts but the training of the mind to think.*"
~Albert Einstein

AMERICAN OVERSIGHT

**From:** Greg Windham
**Sent:** Tue, 17 Mar 2020 19:08:11 +0000
**To:** Dillard, Vanessa;Russell, Rodney
**Cc:** COVID-19
**Subject:** Approval For Shortening Term

Good afternoon, I thank you in advance for your time especially in such a tough time.

I would like to know what steps we need to make to request a shorting of our academic week by one week. We extended our spring break this week by one week.

***Greg Windham, MBA***
***Director of Financial Aid***
***662-720-7210***

NORTHEAST
MISSISSIPPI COMMUNITY COLLEGE

AMERICAN OVERSIGHT

**From:** AtlantaSPD
**Sent:** Tue, 17 Mar 2020 15:06:30 +0000
**To:** COVID-19;FederalStudentAid
**Cc:** AtlantaSPD
**Subject:** Bold Beauty Academy

Thank you, Mr. Priest. We are forwarding your information to COVID-19@ed.gov for additional assistance.

---

**From:** Jason Priest [mailto:jason@boldbeautyacademy.com]
**Sent:** Tuesday, March 17, 2020 6:34 AM
**To:** Scott, Alicia
**Cc:** Ms. Nicole King
**Subject:** temporary school closure

Good Morning Ms. Scott,

I'm sure you're quite busy but in the past you've been so hepful I thought I would seek some guidance from you.

Montana has closed its schools for two weeks and we feel we need to do the same.

I have searched the web and the DOE's website to find some way of providing notice of this temporary situation but I can't find it. Surely, it is required.

Can you assist me?

Thank you in advance.

Jason

Jason
Bold Beauty Academy
928 Broadwater Avenue
Billings, MT 59068

AMERICAN OVERSIGHT

**From:** CoraBeth Halverson
**Sent:** Tue, 17 Mar 2020 23:24:20 +0000
**To:** COVID-19
**Subject:** Changes to the Academic Year

We are SAY and have a 17 week fall semester and a 17 week spring semester, for a total of a 34 weeks. If we were to extend spring break one week and have a 16 week spring semester, do I need to reach out the school participation team to get this approved?

If yes, do I call or is there an email I should be sending the request to?

Best,

**CoraBeth Halverson**
Financial Aid Manager
608.822.2316
chalverson@swtc.edu

Southwest Tech
www.swtc.edu
1800 Bronson Blvd.
Fennimore, WI 53809

**Reminder: Starting October 1st, complete the 2020-2021 FAFSA at www.studentaid.gov with 2018 tax information.**

AMERICAN OVERSIGHT

**From:** Forsythe, Patricia
**Sent:** Tue, 17 Mar 2020 18:24:53 +0000
**To:** COVID-19
**Subject:** Clock Hour Pell

I am looking for guidance with clock hour programs.
We do not currently have any programs that are online, or hybrid, that we award any Federal Aid to. However, with the shutdown of school, and in the interest of our students completing their programs on time, I am wondering if the restrictions will be lifted for clock hour schools to work with the students online and for the students to be credited towards their payment periods.
I appreciate any information that you can give me to help us in moving forward. Thank you.

***Pat Forsythe***
***Financial Aid Coordinator***
***Manatee Technical College***
***941-751-7900 ext 1035***

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"Florida has a very broad Public Records Law. Virtually all written communications to or from School District Personnel are public records available to the public and media upon request. E-mail sent or received on the School District system will be considered public and will only be withheld from disclosure if deemed confidential pursuant to State Law."

AMERICAN OVERSIGHT

**From:** Advanced Barber
**Sent:** Tue, 17 Mar 2020 18:17:00 +0000 (UTC)
**To:** COVID-19
**Subject:** clock hour schools

Hello,

This email is from Advanced Barber College and we would like some insight on our plans for next week. Our licencing agency TDLR has given us permission to use distance learning to keep large crowds from forming. We could have upwards of 100 students, faculty, and customers in a building at a time. So this being said are we allowed to give the students the six hours they are scheduled if they finish the assigned work sent by email? If so how long is this going to be allowed?

I appreciate your response to the matter, we just want to be safe but also still be able to function and pay our employees their wages.

Jaime Garza
Office Administrator
Advanced Barber College

PS Just to inform you we are on spring break this week so this would be for next week

AMERICAN OVERSIGHT

**From:** Melanie
**Sent:** Tue, 17 Mar 2020 11:11:15 -0700
**To:** COVID-19
**Subject:** Clock-hour question

Hello,

We are a clock-hour school that has been forced to close until 3/31/2020 due to COVID-19. Regarding the Department's guidance on 3/5/2020, I wanted to clarify the need for R2T4. Since we are clock-hour and therefore BBAY, each students' payment period will not end until they actually reach hours (and the number of weeks) in their payment period. Since they won't be attending for the next two weeks, none of their payment periods will end because they will not be accumulating hours. Therefore we should not need to do R2T4 for anyone UNLESS we reopen and a student does not return, correct?

Regards,

# Melanie Sas

Melanie Sas
Financial Aid Director / Accountant
Palomar Institute of Cosmetology
melanie@pic.edu
(760) 744-7900 ext.118

AMERICAN OVERSIGHT

**From:** Rebecca Rees
**Sent:** Tue, 17 Mar 2020 16:02:32 -0400
**To:** COVID-19
**Subject:** Concerning Refund Policies Related to COVID-19

To Whom It May Concern,

Do schools need to have a refund policy in place, specifically regarding room and board, due to the COVID-19 issue?

Kindly,

Rebecca Rees, MA
Director of Financial Aid
Financial Aid Office
College of Saint Elizabeth
2 Convent Road
Morristown, NJ 07960-6989
Rrees@cse.edu
973-290-4721

Book your appointment with me today! https://rrees.youcanbook.me

AMERICAN OVERSIGHT

**From:** Rick Cox
**Sent:** Tue, 17 Mar 2020 17:03:48 +0000
**To:** COVID-19
**Subject:** Coronovirus Interruptions

Hi – I have some questions regarding the 3/5/20 electronic announcement regarding interruptions resulting from Coronavirus. Many of our clients have continued normal operations during the Coronavirus outbreak including beginning new terms and new students. Some clients have starts all throughout the year such as monthly. Some of these clients are now considering changes such as moving to online distance education in order to allow students to continue their education without interruption. The 3/5/20 electronic announcement states "These instructions do not contemplate accommodations for students who have not yet enrolled or whose term has not yet begun, with certain exceptions." This has led to a number of questions:

If a client makes the decision to change their operations, are they permitted to apply the 3/5/20 electronic announcement to all students currently enrolled including those that may have started after the 3/5/20 electronic announcement? For example, if a school had a start on 3/9/20 and they make a decision today to move to online education, can they apply ED's guidance from the 3/5/20 electronic announcement to those students that started on 3/9/20?

How should a college handle a new class of students scheduled to begin in the future? For example, a college has a new class scheduled to start on 3/23/20. Is the school permitted to allow those students to begin on 3/23/20 and apply the 3/5/20 guidance to that group? For example, if the college made the decision to move to online distance education, would it be permissible to provide instruction to these new starts through distance education if the program had not previously been approved for distance education?

Cancelling all upcoming new starts will be a hardship on some of our clients. Are they permitted to continue normal operations regarding enrollment of new students and allow those students to begin classes under their modified format such as using distance education for a program that had not previously been approved for distance education?

If a student had previously attended and withdrawn, can they be allowed to re-enter and resume their education even if the re-entry date is after the 3/5/20 electronic announcement? Is the school able to apply the 3/5/20 electronic announcement guidance to these re-entry students? For example, a student wants to return on 3/23/20 to resume their education. However, the school which was not previously approved for distance education has made the decision to move to online instruction to avoid interruptions. Would this student be allowed to re-enter in the distance education format or would they need to postpone their return date until the school returns to normal ground-based instruction?

Any guidance you can provide on the questions above is greatly appreciated.

AMERICAN OVERSIGHT

---

Best,

Rick Cox
Executive Director of Regulatory Affairs and Compliance
Global Financial Aid Services, Inc.
Office: 918.606.9227
Email: rcox@globalfas.com
http://www.globalfas.com

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AMERICAN OVERSIGHT

**From:** Leigh Ann Gardner
**Sent:** Tue, 17 Mar 2020 16:08:18 +0000
**To:** COVID-19
**Subject:** Covid-19 and Dept. of Ed grants

Is there any Department of Education guidance for Dept. of Education Grant Recipients or Applicants?

Leigh Ann Gardner, CRA
Award Management Specialist
Middle Tennessee State University
Office of Research and Sponsored Programs
Sam Ingram Building G011C
MTSU Box 124
Murfreesboro, TN 37132
(615) 494-7600
www.mtsu.edu/ors

Click below to search for funding

AMERICAN OVERSIGHT

**From:** Paul Witte
**Sent:** Tue, 17 Mar 2020 21:01:02 +0000
**To:** COVID-19
**Subject:** Covid-19 and Refund of Room and Board
**Importance:** High

I have not been able to find a definitive answer to this question in the resources provided:

If an institution refunds a portion of room & board charges, is it required to recalculate Cost of Attendance or an option?

Thanks for your answer or pointing me to an appropriate resource for the answer.

Paul Witte
Director | Financial Aid
prw3@calvin.edu | (616) 526-7920

AMERICAN OVERSIGHT

**From:** Martinez, Sarah
**Sent:** Tue, 17 Mar 2020 12:36:05 +0000
**To:** OESE COVID 19;COVID-19
**Cc:** Meyertholen, Patricia;Gillette, Lisa
**Subject:** COVID-19 Illinois State Board of Education (ISBE) request for guidance on MEP recruitment and school closures

---

**From:** CLYDE JOANNE <JCLYDE@isbe.net>
**Sent:** Monday, March 16, 2020 11:56 AM
**To:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Subject:** RE: Coronavirus guidance

Hi Sarah,

Thank you. While we wait for your guidance, would OME object to ISBE issuing temporary guidance in line with our current K-12 school closure plans? This would suspend in person recruitment and services through March 30th.

Thank you,

Joanne Clyde

---

**From:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Sent:** Monday, March 16, 2020 10:54 AM
**To:** CLYDE JOANNE <JCLYDE@isbe.net>
**Subject:** RE: Coronavirus guidance

Good Morning Joanne,

Thank you for your question about the impact of coronavirus and related school closures on MEP identification and recruitment (ID&R) and services. We have received similar inquiries from other MEP grantees and the Department is working to provide you a response as soon as possible. Thank you for bringing this to our attention.

Sincerely,
Sarah

---

**From:** CLYDE JOANNE <JCLYDE@isbe.net>
**Sent:** Monday, March 16, 2020 11:09 AM
**To:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Subject:** Coronavirus guidance

Hi Sarah,

AMERICAN OVERSIGHT

Is there any OME guidance for regular year migrant programs with regards to recruiting and providing services during the coronavirus outbreak? As you may or may not be aware, Illinois has closed all K-12 schools through March 30th with the possibility of extending the closures for longer. I'd like to ensure that our migrant students remain as healthy as possible and that our service providers also aren't put into danger.

Stay healthy,

**Joanne Clyde**
Director of Multilingual Services
Multilingual Department
Illinois State Board of Education
100 W. Randolph, Suite 14-300
Chicago, IL 60601
312-814-3850 – phone
312-814-9636 - fax
jclyde@isbe.net

AMERICAN OVERSIGHT

**From:** Martinez, Sarah
**Sent:** Tue, 17 Mar 2020 12:30:44 +0000
**To:** COVID-19;OESE COVID 19
**Cc:** Meyertholen, Patricia;Gillette, Lisa
**Subject:** COVID-19 Pennsylvania Department of Education request for guidance on MEP recruitment

OME has drafted a response to the Georgia Department of Education's questions re: recruitment that can be used to address the first part of Pennsylvania's inquiry. We have not yet addressed PA's question of whether there will be exceptions based on declining numbers.

---

**From:** Medina, Carmen <cmedina@pa.gov>
**Sent:** Friday, March 13, 2020 9:41 AM
**To:** Gillette, Lisa <Lisa.Gillette@ed.gov>
**Cc:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>
**Subject:** COVID-19 and MEP

Good morning,

I hope you are doing well and staying safe. I am writing to see if your office has discussed the effect of the COVID-19 on the MEP specially in the area of recruitment. As the state is getting ready to receive many workers and for most farms to start full time operations there is a concerned about the effects the virus might have on recruitment practices and numbers. We are struggling here in PA as cases keep popping up and schools keep closing. We have been going around and around to have a contingency plan and we end almost empty handed. Any advice? Are there going to be exceptions if the numbers go down? Any information will be appreciated.

Thank you.

**Carmen M. Medina** | Chief
Pennsylvania Department of Education | Bureau of School Support
333 Market Street, 3rd Floor | Harrisburg, PA | 17126
Phone: 717.783.6466 | Fax: 717.783.6642
cmedina@pa.gov
www.education.pa.gov

VIDEO: #PAHasYourBack

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**From:** Martinez, Sarah
**Sent:** Tue, 17 Mar 2020 12:37:32 +0000
**To:** COVID-19;OESE COVID 19
**Cc:** Meyertholen, Patricia;Gillette, Lisa
**Subject:** COVID-19 Q from California Department of Education (CDE) re: MEP-funded staff salaries during school closures
**Importance:** High

---

**From:** Veronica Aguila <VAguila@cde.ca.gov>
**Sent:** Monday, March 16, 2020 3:22 PM
**To:** Martinez, Sarah <Sarah.Martinez@ed.gov>; Gillette, Lisa <Lisa.Gillette@ed.gov>
**Cc:** Celina Torres <CTorres@cde.ca.gov>
**Subject:** FW: [EXTERNAL] MEP I & R Recruiters
**Importance:** High

Sarah and Lisa,

We are receiving many inquiries such as the one below for the subgrantees ability to use migrant funds to pay salaries when schools are closed. More and more counties are closing. This would be salaries for recruiters, after school programs and cancelation fees for hotels etc...

Migrant is a unique program and we need confirmation that we can pay for services not rendered due to the pandemic.

I understand Nevada closed all their schools. California is slowly closing schools county by county as each local area is making that determination.

Subgrantees are seeking direction on the use of migrant funds.

I know you are gathering questions and appreciate your prompt response.

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: Sandra Kofford <skofford@icoe.org>
Date: 3/16/20 10:51 AM (GMT-08:00)
To: Celina Torres <CTorres@cde.ca.gov>, Veronica Aguila <VAguila@cde.ca.gov>
Cc: Sandra Kofford <skofford@icoe.org>
Subject: [EXTERNAL] MEP I & R Recruiters

Good morning Celina and Veronica,

AMERICAN OVERSIGHT

Imperial County Office of Education is requesting guidance regarding ICOE-MEP I & R Recruiters, if ICOE closes for a month or so, could they be paid with MEP funds? We need guidance asap as ICOE is having a special meeting at 3:00 p.m.

Best regards,

*Dr. Sandra Kofford*
*ICOE-MEP Region 6 Senior Director*
*Phone number: 760-312-6448*

AMERICAN OVERSIGHT

**From:** Martinez, Sarah
**Sent:** Tue, 17 Mar 2020 12:33:43 +0000
**To:** COVID-19;OESE COVID 19
**Cc:** Meyertholen, Patricia;Gillette, Lisa
**Subject:** COVID-19 Q from Kansas State Department of Education - MEP recruitment by phone, postpone COE signature

OME has drafted a response to the Georgia Department of Education's questions re: MEP recruitment that can be used to address this inquiry from Kansas. Draft response is with our program attorneys.

---

**From:** Doug L. Boline <dboline@ksde.org>
**Sent:** Friday, March 13, 2020 11:29 AM
**To:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>
**Subject:** Recruiting

Good morning Pat,

Because of the panic about coronavirus, my recruiters are asking if they can recruit by phone and sign for the family or have them sign at a later date. Thoughts?

Doug Boline
*Assistant Director*
Special Education and Title Services

(785) 296-2600
dboline@ksde.org
www.ksde.org

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AMERICAN OVERSIGHT

**From:** Martinez, Sarah
**Sent:** Tue, 17 Mar 2020 12:26:34 +0000
**To:** COVID-19;OESE COVID 19
**Cc:** Meyertholen, Patricia;Gillette, Lisa
**Subject:** COVID-19 Qs from Georgia Department of Education (GDOE) re: MEP identification and recruitment (ID&R)

OME has drafted a response to the three questions below from GDOE. The draft response is currently with our program attorneys.

---

**From:** Jose Cortez <jcortez@doe.k12.ga.us>
**Sent:** Thursday, March 12, 2020 12:26 PM
**To:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Subject:** IDR guidance

Sarah,

We are starting to receive some questions about IDR and we are wondering if your department will be sending some guidance during the recent health concern with the COVID-19 (coronavirus)

The majority of questions are related to the ID&R face to face requirement, the travel, and community contact that it requires.
We would like to know if OME has, or is planning to develop and publish any guidance relate ID&R practices at present circumstances.

We would appreciate any guidance to the questions below:

- Can OME waive the face to face ID&R interview requirement?
- Could ID&R be done by phone?
- What about the signature? Can it be waived, obtain by mail?

Israel Cortez
Program Manager
Title I, Part C – Education of Migratory Children
Georgia Department of Education
221 N. Robinson St.
Lenox, GA 31637
(866) 505-3182
(229) 546-3248
404-272-8780 Cell
FAX (229) 546-3251
jcortez@doe.k12.ga.us
www.gadoe.org
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**From:** Mike Smith
**Sent:** Tue, 17 Mar 2020 16:43:46 +0000
**To:** COVID-19
**Subject:** COVID-19 question

Good Morning,

I am seeking clarification regarding new enrollments and re-entry students after the implementation of a temporary online course delivery due to the COVID-19 outbreak. Spartan College operates on a rolling/continuous start model where new and re-entry students begin classes every few weeks. The ED guidance released March 5th appears to have been written using a traditional semester-based model and does not speak to rolling starts. Given the fluid situation of this outbreak, are any updates expected? Do you know how schools like ours are dealing with this?

1. The COVID-19 ED guidance addressed students enrolled as of 3/5.
    a. For new students that began posting attendance for the first time after 3/5/20, can they be part of the transfer to modified online instruction along with students that were posting attendance on or before 3/5?
    b. In an effort to cause minimal or no disruption, we proceeded with traditional educational delivery for our students who began on March 9thand March 16th with the anticipation that the impact of the COVID-19 virus would pass. Given that the virus now has far reaching implications, we are beginning the implementation phase of the online alternative to all students.

2. Our plan is to use synchronous instruction via Zoom and/or Canvas teleconference. Students will be participating during the scheduled class time, but from home via video teleconference.

3. Does the fact that our delivery will be provided via synchronous learning change the guidance related to moving to a distance learning model rather than standard distance learning using an asynchronous model?

We are well equipped to teach the online format as we already deliver an online Hybrid program at one of our campuses which is approved by the FAA, our accreditor, and our state agency.

**Respectfully,**

**Mike Smith** | Vice President of Corporate Compliance and Student Finance
Spartan Education Group, LLC.
Spartan College of Aeronautics and Technology
1 N. Franklin st., Chicago Il 60605
Phone: +1 (918) 831-5210 | Cell: (918) 284-4782

AMERICAN OVERSIGHT

**From:** Korinne Peterson
**Sent:** Tue, 17 Mar 2020 20:38:31 +0000
**To:** COVID-19
**Subject:** Definition of "Closed" for FWS purposes

Thank you for your response. Follow up question: We have gone to an online modality for classes but the campus is considered "open" and "fully operational". Are we still able to pay FWS students who do not work their hours? Our students have been offered the option to work (if they are local) but for those who are not and have gone home (due to closing of the resident's halls), they are unable. Should they be getting paid?
Best,

***Korinne Peterson, MS***
Director, Financial Aid Services
University of Massachusetts Dartmouth
*Private University Experience. Public University Value.*
Phone: 508.999.8643 | Fax: 508.999.8935
Foster Administration Building | RM 105
Pronouns in use: She, her, hers

AMERICAN OVERSIGHT

**From:** Suzanne Ringle
**Sent:** Tue, 17 Mar 2020 10:12:28 -0700
**To:** COVID-19
**Subject:** Delivering Clock programs in an online format

Hello all,

Can you provide some guidance on this? We are a Clock and Credit hour school. We're in the process of moving our Credit programs to online formats, but are stumped on what we can do for our Clock programs.

Has there been a discussion regarding this, and if so, any recommendations?

Thank you,
Suzanne Ringle

**SUZANNE RINGLE**
**GATEWAY COMMUNITY COLLEGE**
Director, Financial Aid
108 N. 40th Street Phoenix, AZ 85034
602-286-8110 | 602-900-4243
ringle@gatewaycc.edu
https://www.gatewaycc.edu/

AMERICAN OVERSIGHT

**From:** Ashley Riggleman
**Sent:** Tue, 17 Mar 2020 17:15:59 +0000
**To:** COVID-19
**Subject:** Dept of Ed Grants
**Importance:** High

Hi,

Is there any guidance as to the expectations of grant awardees with respect to the their reporting, outcomes, services, timeline of deliverables, etc?

Thank you,
Ashley Riggleman

---

Ashley Riggleman, MSEd
Assistant Director, Research Services
Youngstown State University
Youngstown, OH 44555
330.941.1462
arriggleman@ysu.edu

AMERICAN OVERSIGHT

**From:** Elina Bascom
**Sent:** Tue, 17 Mar 2020 10:28:32 -0700
**To:** COVID-19
**Subject:** Enrollment Period Date Changes

Good morning,

In response to COVID-19, our institution has decided to begin our final 1920 term 1 week later and end 1 week later. We will not be shortening our year, but we will be offering all online instruction for the next few weeks or longer if we need to keep the campus closed. We contacted our school participation team in San Francisco to make sure we didn't need special permission to change our period of enrollment dates, and they referred us to you. Please advise.

Thank you,

*Elina Bascom, Director*

La Sierra UNIVERSITY | *Office of Student Financial Services*

AMERICAN OVERSIGHT

**From:** Carmen J. Rivera López
**Sent:** Tue, 17 Mar 2020 18:40:02 +0000
**To:** COVID-19
**Subject:** ENROLLMENT REPORTING

Hi

My name is Carmen Rivera, I work with the Ana G. Mendez University in Puerto Rico. With the declaration of the President and the Order of our Governor, the face-to-face classes are being offered online and the employees will be two weeks away due to the closure of the institutions.

Precisely in this period, it must be sent in the Enrollment Reporting file but we do not have how to do it.

I would be grateful if you could guide us in this regard so as not to fail to comply with it as it is a situation beyond our control.

Thank you.

Any doubt I am at your disposal.

Cordially yours

***Carmen Julia Rivera Lopez***
Directora Sistémica de Operación y Cumplimiento de Asistencia Económica
Vicepresidencia Asociada de Asistencia Económica
Universidad Ana G. Mendez
Telefono: 787-751-0178 ext 7424
Email: ut_crivera@uagm.edu
**Please note that my email domain changed to @uagm.edu. I will stop receiving emails to the previous domain @suagm.edu after February 2020. Thank you!**

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UAGM

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**From:** ramirez mayra
**Sent:** Tue, 17 Mar 2020 16:12:32 +0000 (UTC)
**To:** COVID-19
**Subject:** Enrollment transmission

To whom it may concern:
Good morning,
My name is Mayra Ramirez , Registrar of the Center of Advance Studies of Puerto Rico and the Caribbean..
I'm just worry about the enrollment transmission that was suppose transmit tomorrow. The university is closed intol march 31..
How you can help me with this?
Ope I'd 02166000
Mayra Ramirez
Sent from Yahoo Mail on Android

AMERICAN OVERSIGHT

**From:** Joe Mattox
**Sent:** Tue, 17 Mar 2020 19:39:08 +0000
**To:** COVID-19
**Subject:** Extended Spring Break due to COVID-19

Hello,
Huntington University is switching to an online teaching format to complete the rest of the spring semester. To prepare our faculty and campus for this adjustment, spring break has been extended two days. Before this occurred, we had completed a handful of return of Title 4 calculations (R2T4) for students who had withdrawn from our spring semester. These withdrawals occurred before any changes to our spring break were made so the published spring break dates were used in the R2T4 calculations.

We now have a student who has just withdrawn and an R2T4 needs to be completed. It seems appropriate to use the updated spring break dates, since the break will now be two days longer. However, using the longer spring break dates would cause the number of days in the semester to be different than our previous R2T4 calculations.

Can it be confirmed if we should use the longer spring break dates for this current R2T4, or should we use the original published spring break dates? If we are to use the updated spring break dates, can the previous R2T4 calculations we completed be considered correct based on the spring break dates that were in place at the time in R2T4 calculation was completed? Meaning, we just want to confirm we do not have to redo any previous R2T4 calculations that were completed on the original spring break dates, as they were correct at the time.

Thank you for clarification on this,

**Joe Mattox**
Assistant Director
Office of Financial Aid

**Huntington University**
2303 College Avenue
Huntington, IN 46750
260-359-4326
finaid@huntington.edu

AMERICAN OVERSIGHT

**From:** Eilers, Katherine

**Sent:** Tue, 17 Mar 2020 19:15:29 +0000

**To:** COVID-19;COVID-19

**Subject:** Extending Spring Term with overlap of summer

Hello,

With the COVID-19 updates, our university administration is looking into extending our Spring 2020 term to incorporate time to host clinical time, internships, etc. our current term is a 17 standard week term ending May 8. Summer term begins May 11th. As we know, adding two weeks to Spring 2020 would overlap with Summer 2020 therefore creating a non term. Our goal is to extend the semester, yet keep within standard term. We've heard there's accommodations for the overlaps due to COVID-19. Is this true and possible?

If so, do we need to notify our school participation term or notify (if at all)?

Thank you for your help with this. Your response is appreciated.

Best,

Katie Eilers

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**From:** Bauder, Sarah
**Sent:** Tue, 17 Mar 2020 12:09:52 +0000
**To:** COVID-19
**Cc:** Bauder, Sarah
**Subject:** Federal Work Study clarification

Hi all,

In the language provided on the flexibility in paying FWS students who are not able to work due to the COVID-19. The language implies that the institution needs to remain fair and equitable as follows:

For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.

My question is: Are institutions required to pay non-federal work study students for work not performed the same as FWS?

Thanks,

Sarah

---

Sarah J. Bauder
Chief Transformation Officer
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Pennsylvania's State System of Higher Education
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**From:** Evelyn
**Sent:** Tue, 17 Mar 2020 15:29:27 -0400
**To:** COVID-19
**Subject:** Federal work study regulations aren't being complied with what's being said in the website.

Hello
My name is Eve and I am a work study student at a local community college.
I'm wondering why the school isn't paying us for the time being?
According to the link:
https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19
The school should be paying us since we aren't being able to work but I don't think the school is paying us or we can work from home.
For me, FWS is one of my main income to pay bills and I'm not gonna be able to look for another job while going to school and especially at this time of covid-19.
I need this matter to be take seriously and fwd it to someone higher who's In charge,pls.
The way that I'm being treated is unfair because the website clearly states some instructions.
--

**Eve Dew**
Learner, Achiever, Focus, Analytical, Responsibility
**M:** 2695986571
**E:** evephyu90@gmail.com

AMERICAN OVERSIGHT

**From:** AtlantaSPD
**Sent:** Tue, 17 Mar 2020 14:48:22 +0000
**To:** Casey, Brian;COVID-19
**Cc:** AtlantaSPD
**Subject:** Florida Gulf Coast Univ.

https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

Thanks for your question, Brian – I have attached our electronic announcement (above) and am referring your question to our COVID-19@ed.gov mailbox. They will respond to your questions.

Best regards,
Meg

Meg McGinness
Institutional Review Specialist
U. S. Department of Education
Federal Student Aid
School Participation Division - Atlanta

(404) 974-9288 office
(404) 974-9322 fax
Margaret.McGinness@ed.gov
StudentAid.gov

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**From:** Casey, Brian <bcasey@fgcu.edu>
**Sent:** Tuesday, March 17, 2020 8:30 AM
**To:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** COVID 19 and extending length of term

We are currently having discussions regarding extending the length of the Spring term by two days. I would like to know how this would affect R2T4 calculations as well as cost of attendance.

I'm most concerned with R2T4. Once we announce an extension, would we need to calculate any complete term WDs with the new term dates but students that withdrew prior to the announcement would be okay with the calculation that have already been completed?

Thanks,

Brian Casey
Associate Director
Office of Financial Aid & Scholarships
Florida Gulf Coast University
Phone: 239-590-7965
Fax: 239-590-7923

AMERICAN OVERSIGHT

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**From:** AtlantaSPD
**Sent:** Tue, 17 Mar 2020 15:17:21 +0000
**To:** COVID-19
**Cc:** AtlantaSPD
**Subject:** Florida Panhandle College
**Attachments:** VoiceMessage.wav

For your review and response

---

---

This is Belinda Collins, Florida Panhandle Technical College, OPEID 00751600, 850-638-1208, Belinda.collins@fptc.edu

Looking for information on Virus info for webinars, provisions, Dear Colleague letter for distribution for Pell, attendance etc.

Renee

AMERICAN OVERSIGHT

**From:** foreignloans-sts
**Sent:** Tue, 17 Mar 2020 15:50:20 +0000
**To:** COVID-19
**Subject:** Foreign School with Title IV - What to do?

Dear Sir/Madam,

At the University of Amsterdam (School code 837700) in the Netherlands, we had to move all education online due to COVID-19.

Seeing that we are a foreign school with Title IV, the implications for our Direct Loan students appear to be disastrous. The last communication I could find from IFAP is the following:

> Foreign Schools
> We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

I was hoping to receive an update regarding steps we need to take. It is not clear for the communication. Do I need to report all our students as withdrawn and file and R2T4? Even if we re-open within this payment period?

I hope you understand that this will have a major impact on those students, putting them in immediate financial distress and possibly forcing them to discontinue their degree. We are very much hoping that there will be further flexibilities regarding foreign schools with Title IV eligibility.

In any case: please assist us in the next step. Hoping to hear from you soon.

Best regards,
Danna Harmsen
---

**University of Amsterdam**
Financial Aid Office
Danna Harmsen
*Financial Aid Officer*
Postbus 15832 | 1000 NH Amsterdam
Roetersstraat 11 | 1018 WB Amsterdam | The Netherlands
T: +31 (0)6 18 42 42 77
Available on: Mon | Tues | Thurs | Fri

AMERICAN OVERSIGHT

**From:** Sandra De Freitas
**Sent:** Tue, 17 Mar 2020 10:07:09 +0000
**To:** CPSSAIG;COVID-19
**Subject:** Foreign Schools and COVID -19
**Attachments:** Federal Student Aid - IFAP 030520Guidance4interruptionsrelated2CoronavirusCOVID.pdf
**Importance:** High

Hi There,

As the global crisis of COVID-19 takes charge, I am reaching out to gain some understanding of what we as a foreign school we can or can't do in regards to students with Title IV, Federal Loan funds.

The University of Western Australia will be hosting the majority of our face to face class teaching to online lectures and tutorials as of Monday 23rd March which means no Face to face classes on campus.

This off course does not comply with the Title IV Education Act for distance learning.

- What is are the measure we can take to assist the student we have enrolled with us to ensure that they are supported?
- What is the US Government doing about student who are currently residing in foreign countries due to Exchange programs and study etc?
- What advice can we provide our students to ensure we are not providing misguided information that they maybe receiving through their channels in the US?
- Are students expected to withdraw and return back to the US?

I have attached the information presented on IFAP but need further assistance in relation to foreign schools and next steps with student loan, NSLDS Reporting etc.

Kind regards
Sandra

**Sandra De Freitas**
**Manager Coursework Scholarships & Prizes**
**Executive Officer for Coursework Scholarships Committee**
Student Experience, Student Central • M356, 35 Stirling Highway, Crawley, WA 6009 Australia

**T** +61 8 6488 8196 • **E** sandra.defreitas@uwa.edu.au

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Posted Date: March 05, 2020

Author: Office of Postsecondary Education

Subject: Guidance for interruptions of study related to Coronavirus (COVID-19)

This electronic announcement addresses concerns expressed by higher education leaders regarding how they should comply with Title IV, Higher Education Act (HEA) policies for students whose activities are impacted by Coronavirus (COVID-19), either directly because the student is ill or quarantined, or indirectly because the student was recalled from travel-abroad experiences, can no longer participate in internships or clinical rotations, or attends a campus that temporarily suspended operations. This information provides flexibilities for schools that are working to help students complete the term in which they are currently enrolled.

These instructions do not contemplate accommodations for students who have not yet enrolled or whose term has not yet begun, with certain exceptions. We will continue to monitor the situation and make a later determination of what accommodations may be necessary should longer-term interruptions become likely. We will continue to provide updates to this information as appropriate.

We encourage institutions to visit the Department's Coronavirus webpage, https://www.ed.gov/coronavirus?src=feature, on this topic frequently, as we will post updates as they become available. In addition, the Department's webpage has links to guidance from the Centers for Disease Control and Prevention, including for how Institutions of Higher Education should manage human health risks associated with Coronavirus.

We address five potential student and campus scenarios: that may prompt an institution to have questions about how to comply with Title IV, HEA requirements if the Coronavirus impacts a student or a campus:

- A student was enrolled or was supposed to begin a travel-abroad experience and either the student has been called back to the U.S. or was never able to begin

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the travel abroad experience;

- A student was enrolled in a program and met the requirements for full-time enrollment; however, due to the COVID-19, one or more classes – such as an internship, a clinical rotation, student teaching or fieldwork – have been cancelled and now the student has fallen below the 12 credit hour minimum and is no longer considered to be a full-time student;
- A student is quarantined and misses class or a student is incapacitated due to COVID-19 illness;
- A campus temporarily stops offering ground-based classes in order to prevent the spread of COVID-19;
- A foreign school that serves U.S. students who participate in title IV programs temporarily suspends operations due to COVID-19.

We offer information below about options we are making available to institutions under our current statutory authority to provide as much flexibility as possible so that you can continue to serve students. In some instances, we have been asked to consider providing flexibilities that are beyond our statutory authority. As a result, we cannot provide those flexibilities. If you have questions about the information provided in this electronic announcement, or you are encountering a scenario that we have not addressed, please email the Department at COVID-19@ed.gov.

We recommend that institutions document, as contemporaneously as possible, any actions taken as a result of COVID-19, including those actions described in this document.

Accommodating Students Whose Enrollment is Disrupted by Coronavirus

Our goal is to work with institutions and find ways to enable you to accommodate students and help them continue their education despite interruptions caused by COVID-19. For many institutions, online education will provide a viable option for continuing to teach students through COVID-19-related interruptions. In some instances, students enrolled in ground-based programs at campuses that must temporarily close could participate in distance education for a period of time and then resume ground-based attendance when the campus reopens. In other instances, an institution may provide online learning opportunities for a student who was recalled from a travel-abroad program but the student is too late into the semester to enroll in

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other classes offered by the home campus, or the student who arrived in a foreign country intending to complete a travel abroad experience finds that the program has now been cancelled or temporarily suspended. We are providing the following flexibilities to institutions to help them understand what options they can make available to students and remain in compliance with Title IV requirements.

Approval to Offer Distance Education

The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in the event that an institution is otherwise required to seek Departmental approval for the use or expansion of distance learning programs. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner requiring the Department's approval after that point, it must seek approval under the Department's normal process.

We are also permitting accreditors to waive their distance education review requirements for institutions working to accommodate students whose enrollment is otherwise interrupted as a result of COVID-19. We currently are limiting that permission to distance learning opportunities developed for the purpose of serving students who were already in attendance, but whose attendance was interrupted by COVID-19. Please note that this flexibility is not available for clock-hour courses that lead to licensure if the licensure body will not accept distance learning courses or hours or give credit for them toward the number of hours a student must complete.

We want to make clear to institutions that for Title IV, HEA purposes, distance learning does not require the use of sophisticated learning management systems or online platforms, though accreditors may have additional standards included in their review of distance learning programs. We are, however, permitting accreditors to waive those standards for schools implementing distance learning programs solely for the purpose of allowing currently enrolled students to complete a term that is interrupted by COVID-19 closures. To meet the Department's requirements for providing distance education, an institution must communicate to students through one of several types of technology – including email – described under 34 CFR § 600.2, and instructors must initiate substantive communication with students, either individually or collectively, on a regular basis. In other words, an instructor could use email to provide instructional materials to students enrolled in his or her class, use

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chat features to communicate with students, set up conference calls to facilitate group conversations, engage in email exchanges or require students to submit work electronically that the instructor will evaluate.

Institutions may provide distance learning temporarily to accommodate students as a result of a COVID-19 interruption, including in cases where students began attendance in classes offered in a brick-and-mortar setting but were transitioned to a distance education format in the middle of the term. In these cases, we will accept the accreditation and state authorization of the institution for the programs in which those students were enrolled prior to the interruption due to COVID-19 to enable students to complete the current term.

Institutions may also enter into temporary consortium agreements with other institutions so that students can complete courses at other institutions but be awarded credit by their home institution. In addition, in instances where accrediting agencies require students to complete a final number or percentage of credits in residence at the institution, accrediting agencies may waive that requirement for students impacted by COVID-19 without objection by the Department.

The Department will permit students who wish to take an approved leave of absence for COVID-19-related concerns or limitations (such as interruption of a travel-abroad program), to take such leave, even if the student notifies the institution in writing after the approved leave of absence has begun. In such a case, the institution may retain those Title IV funds to apply when the student continues enrollment. If the student does not return to complete their program within 180 days, the school would then be expected to perform the Return of Title IV funds calculation based on the date on which the leave-of-absence began. Note that in term-based programs, if a student takes an approved leave of absence from a term-based program, the institution must ensure that the student is permitted to complete the coursework he or she began prior to the leave of absence.

Finally, because we understand that some students may have been recalled from travel abroad programs or canceled-out of experiential learning opportunities after the semester began, institutions may offer courses to those students on a schedule that would otherwise be considered a non-standard term, if doing so enables those students to complete the term. These flexibilities will also be provided to institutions, or their additional locations or programs, that must temporarily close as a result of COVID-19.

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Foreign Schools

We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

Length of Academic Year

The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

Professional Judgement

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Financial aid administrators (FAA) have statutory authority to use professional judgement to make adjustments on a case-by-case basis to the cost of attendance or to the data elements used in calculating the EFC to reflect a student's special circumstances. The use of professional judgement where students and/or their families have been affected by COVID-19 is permitted, such as in the case where an employer closes for a period of time as a result of COVID-19. In making professional judgement determinations, FAAs must obtain documentation and retain it in each student's file. This documentation must substantiate the reason for any adjustment. Institutions are reminded that, regardless of how broadly an event may affect its student population, professional judgement determinations must be made and documented on a case-by-case basis.

Satisfactory Academic Progress (SAP)

An institution's SAP appeal policy (34 CFR § 668.34(a)(9)) must, among other things, describe the basis on which a student may file an appeal: the death of a relative, an injury or illness of the student, or other special circumstances. Circumstances related to an outbreak of COVID-19, including, but not limited to, the illness of a student or family member, compliance with a quarantine period, or the general disruption resulting from such an outbreak may form the basis of a student's SAP appeal even if not specifically articulated in the institution's SAP policy.

Students Who Did Not Begin Attendance

We are aware that many U.S. students enrolled in eligible foreign institutions and in study abroad programs offered by domestic institutions have already been affected by local outbreaks of COVID-19 and the measures taken by institutions in response. Of immediate concern are those students who travelled to overseas destinations but were unable to begin classes due to school closures. There may also be instances where students at domestic institutions are similarly affected and unable to begin classes. Because these students did not begin attendance in a payment period or period of enrollment, 34 CFR § 668.21 (rather than Return of Title IV Funds) applies. In such a situation, the institution must return all Title IV grant funds disbursed for the payment period or period of enrollment and all Direct Loan funds that were credited to the student's account at the institution for that period. The institution must also return Direct Loan funds in the amount of payments made directly by or on behalf of the student to the institution for the period, up to the total amount of the loan funds disbursed. The institution is not responsible for returning Direct Loan funds that were disbursed directly to the student in the form of a credit balance as long as the institution was not aware that the student would not attend prior to the disbursement,

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and students will be able to repay those funds as a part of their educational loans. In these circumstances, institutions are permitted, but not required, to return all of a student's Direct Loan funds, including the amount comprising the credit balance.

Normally institutions, once aware that a student will not begin or has not begun attendance, must notify the loan servicer which results in issuance of a final demand letter to the borrower. However, we have determined that in the case where a student was unable to begin attendance due to a COVID-19-related school closure, the provisions of 34 CFR § 668.21(a)(2)(ii), requiring the institution to notify the servicer of that student's failure to begin attendance, do not apply because the option for the student to begin attendance did not exist. Accordingly, the institution should not notify the servicer that the student did not begin attendance. He or she will be permitted to repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption.

Enrollment Status Changes

We do not have the authority to waive the requirement to award or disburse Title IV funds based on a student's actual enrollment status. For example, assuming an institution defines full-time enrollment as 12 credit hours, when a full-time student enrolled for 12 credit hours drops or withdraws from three credits, that student is now enrolled at three-quarter time status. However, we remind institutions that for Direct Loans, the institution must only confirm at least half-time enrollment status as of the time of disbursement. It is not necessary to recalculate a student's Direct Loan eligibility based on changes in enrollment status that occur after the institution originates a Direct Loan. For enrollment status changes that occur after an institution's established Pell Grant recalculation (census) date, we do not require recalculation. Note that the student must have begun attendance in all courses comprising the enrollment status on which the Pell Grant payment was based.

Return of Title IV Funds

Even in the case of a disruption from COVID-19, an institution must return any Title IV funds for which it is responsible in accordance with the provisions of 34 CFR § 668.22 when a student withdraws. Currently, we do not have the authority to waive the statutory requirement for the return of unearned Title IV funds in the case where a student (who receives Title IV assistance) withdraws from an institution during a payment period or period of enrollment after having begun attendance. However, the

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guidance provided below explains the requirements for performing Return of Title IV Funds calculations in situations where an institution has temporarily ceased operations as a result of a COVID-19 disruption.

Definition of a Withdrawal Date

If an institution ceases operation during a payment period and fails to reopen by the end of that payment period, its students are considered no longer in attendance and must be considered withdrawn for that payment period or period of enrollment, and would be subject to Return of Title IV funds requirements. Similarly, if an institution closes and subsequently reopens during a payment period, any students who began attendance during that payment period but failed to return when the institution reopens must be considered withdrawn for that payment period. If the institution is required to take attendance, the withdrawal date is the last day of documented attendance prior to the closure. If the institution is not required to take attendance, the institution can use any applicable option under 34 CFR § 668.22(c), including the midpoint of the payment period or period of enrollment under 34 CFR § 668.2(c)(1)(iii) or, because the closure was a circumstance that the student could not control under 34 CFR § 668.22(c)(1)(iv), the date that the institution ceased operation. When determining the number of days in the payment period or period of enrollment (the denominator of the calculation), the institution should include all the days that the student was scheduled to attend during that period on the date of the withdrawal. For a clock-hour program, an institution should not include as “scheduled hours” any hours on days that it was closed.

Date of Determination and Timeframes for Returns

Normally, if a student does not provide notification to an institution of his/her withdrawal, the date of determination that the student has withdrawn is the date that the institution becomes aware that the student ceased attendance. This is, in most cases when an institution closes for reasons beyond its control, the date of the closure. Therefore, the timeframes for completing Return of Title IV Funds calculations and making the appropriate returns or post-withdrawal disbursements begin on that date (e.g. 30 days to perform the calculation, 45 days to return the funds, etc.).

Reentering the Same Payment Period

If an institution that has closed subsequently reopens during the same payment period or period of enrollment, and permits students to continue coursework that they were taking at the time of the closure, students that return to class at that time are

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considered to have reentered the same period and retain eligibility for Title IV aid that they were otherwise eligible to receive before the closure. If a student in this situation subsequently withdraws, the institution must exclude the number of days that it was closed (if the closure was for at least five consecutive days, in combination with weekends or other scheduled breaks) from both the number of days the student completed and the total number of days in the payment period or period of enrollment. If the institution altered the number of days in the payment period or period of enrollment following the closure (e.g. if it adds days to the term to make up for the time when it was closed), the institution should use the new number of days in the student's Return of Title IV funds calculation.

NSLDS Enrollment Reporting

In general, when a student withdraws during a payment period, the effective date for the withdrawn ('W') status for enrollment reporting purposes is the withdrawal date used by the institution in accordance with 34 CFR § 668.22(b) or (c). However, notwithstanding the requirement that the institution perform a Return of Title IV funds calculation for students when an institution unexpectedly ceases operation during a payment period and fails to reopen during that payment period, we permit an institution to defer reporting an affected student's enrollment status as "withdrawn" in these circumstances when the institution has a reasonable expectation that—

1. The institution will reopen at the start of a payment period that begins no later than 90 days following the closure; and

2. The student will resume attendance when the institution reopens.

In these cases, the institution should continue reporting the most recent enrollment status that it reported for the affected student prior to the closure. If the student does not resume attendance as expected, the institution must change the student's enrollment status to "withdrawn" using the student's actual withdrawal date as the enrollment status effective date.

While the coronavirus threat to the American public remains low, we encourage school communities to take all steps to ensure the health and well-being of students, faculty, and staff. We established the website, https://www.ed.gov/coronavirus?src=feature, to provide general information and guidance for school communities, including links to information posted by the Centers for Disease Control and Prevention. We appreciate your cooperation and welcome any additional questions at COVID-19@ed.gov.

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**From:** Mai Hoa Nguyenová
**Sent:** Tue, 17 Mar 2020 15:35:41 +0000
**To:** COVID-19
**Subject:** FSA Foreign School COVID-19 next steps

Dear Sir/Madam,
I would like to inquire about more information on what are recommended steps for foreign schools which are temporarily closed due to COVID-19 outbreak. Our school is closed since 12 March: https://www.muni.cz/en/coronavirus Our Rector's decision followed governmental order to close down all schools, which was followed by further closings and limitations of public life, ending now in state quarantine.

In Guidance for interruptions of study related to Coronavirus (https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19) we have learned the flexibility of use of distance learning does not apply to foreign schools, however, since then we could not find any more updates or information on how should we proceed. Furthermore, there are students who have not been disbursed their aid yet due to various reasons. We are unsure how to proceed in their case as well.

I would be very grateful for any information or direction whom to contact with these questions.
Thank you very much in advance,
With my best regards,

**Mai Hoa Nguyenová**

MUNI
CZS

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T: +420 549 498 900 | M: +420 775 853 057
W: czs.muni.cz | IG: @muni_international | FB: @MasarykUniversity

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:59:01 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: [EXTERNAL] UTI'S CONTIGENCY PLAN AND REQUEST FOR TEMPORARY APPROVAL TO TRANSITION TO ONLINE PLATFORM

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

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**From:** Training Evaluation Unit <TrainingEvaluationUnit@dol.nj.gov>
**Sent:** Tuesday, March 17, 2020 5:52 PM
**To:** anne-marie.emanuel@universaluti.edu; WalkerD2@dca.njoag.gov; COVID-19 <COVID-19@ed.gov>
**Subject:** Re: [EXTERNAL] UTI'S CONTIGENCY PLAN AND REQUEST FOR TEMPORARY APPROVAL TO TRANSITION TO ONLINE PLATFORM

Thank you for contacting the Training Evaluation Unit at the New Jersey Department of Labor (NJDOL). If your private career school would like to move any educational instruction online, please provide:

- The name of each program for which you are seeking approval using the program name(s) listed on your approval notice;
- The number of students enrolled in each program; and
- A link to your online delivery system home page (e.g., Google, Blackboard).

**IMPORTANT NOTE:** Before changing to online instruction, you are required to survey all enrolled students to determine whether they are able to access online instruction. You will also be required provide alternative in-person instruction at no additional cost to students who cannot access online instruction when the provider facility reopens.

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***Please be advised the Certified Nurse Aid (CNA) programs are not eligible, per the Department of Health.***

Approval of any temporary change in modality of instruction will be reviewed to ensure that the quality of the instruction is maintained. Please contact the Training Evaluation Unit at TrainingEvaluationUnit@dol.nj.gov with any questions.

Sincerely,

Training Evaluation Unit

NJDOL

*NJ Department of Labor & Workforce Development*

*Center for Occupational Employment Information*

*Training Evaluation Unit*

*PO Box 057*

*Trenton, NJ 08625-0057*

*(609) 292-4287 - Voicemail*

*(609) 292-6692 - FAX*

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**From:** anne-marie.emanuel@universaluti.edu <anne-marie.emanuel@universaluti.edu>
**Sent:** Tuesday, March 17, 2020 4:44 PM
**To:** WalkerD2@dca.njoag.gov <WalkerD2@dca.njoag.gov>; COVID-19@ed.gov <COVID-19@ed.gov>; Training Evaluation Unit <TrainingEvaluationUnit@dol.nj.gov>
**Subject:** [EXTERNAL] UTI'S CONTIGENCY PLAN AND REQUEST FOR TEMPORARY APPROVAL TO TRANSITION TO ONLINE PLATFORM

Dear Dr. Walker,

Please be advised that, out of great concern for the welfare of our students, faculty, staff and community at large, Universal Training Institute, is taking some initial steps towards the prevention of the COVID-19 virus within our immediate environment.

UTI has therefore updated our Emergency Preparedness Plan to mediate some of the concerns and issues the COVID-19 virus has presented to our campus. The goal of this plan

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is to accommodate students and help them continue their education despite the interruptions caused by COVID-19.

We also request approval to enable us transition to online platform for classes and academic activities and we have attached the request for your review. We have forwarded the same request to our Accrediting Agency and the Department of Labor for processing.

Thank you for your continued support particularly in this difficult period.

Sincerely.

**Anne-marie Emanuel**

Asst Director of Nursing

+347-430-6744

-732-826-0155

anne-marie.emanuel@universaluti.edu

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:03:42 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: 2nd Attempt - Hoping for responses

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

**From:** Jess Binning (WDE) <jess.binning@wyo.gov>
**Sent:** Tuesday, March 17, 2020 10:44 AM
**To:** OESE.OSS.Wyoming <OSS.Wyoming@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** 2nd Attempt - Hoping for responses

Support Contacts at US Department of Education:

we have some school districts reaching out about 2018-2019 grant funds that will expire at the end of September. Some districts have grant balances from funds that started July 1, 2018. They have plans that have been in place and approved for using the funds, but some of the activities were to be executed through this school year and summer.

What can we do as an agency to request a longer period of availability (if that is even an option) for these dying grant funds? Or, will the US Department of Education be understanding if states have to return grant funds that were unused because of the current circumstances that are causing disruptions?

The best examples I can share:
Cancelled Professional Development that uses Title II-A funds.
Cancelled additional tutoring services provided using Title I-A funds.
Cancelled Parent and Family Engagement activities that use Title I-A, and Title III funds.

**An additional question specific to school closures and staff pay:**
Some districts/schools in Wyoming are closing for 2-3 weeks in lieu of COVID-19 precautions. State and local funds will still pay contract teachers. The question from one of our districts is: can federal funds continue to pay contracted teachers (such as Title I teachers) during these closure events? What about hourly paid federally funded staff, such as Title I tutors, paraprofessionals, and district Consolidated Grant Managers?

Our team would like to allow this, but we need guidance from the US Department of Education since time and effort requirements are a consideration with federal grant funds. We have found CFR 200.431, where if an agency has granted authorized leave (ie, emergency leave categorized under fringe benefits)

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the staff may be paid if there is a policy written around that leave. We are wondering if that is the category this pay would stem from?

Sincerely,
Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
**Cheyenne, WY 82002**

Register for STAR here:
**https://2020starconference.eventbrite.com/**

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:04:48 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: 180 day LOA

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

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**From:** David Pelletier <dpelletier@boston-ed.com>
**Sent:** Tuesday, March 17, 2020 6:00 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** 180 day LOA

To whom it may concern,

The March 5, 2020 USDE Electronic Announcement indicates that a student may take a Leave of Absence (LOA) of up to 180 days due to the Coronavirus. Current USDE regulations state that an LOA cannot exceed 180 days in any 12 month period of time. Our question is that if a student had previously taken a six month LOA from 8/1/19 – 2/1/20, does the LOA language in the March 5, 2020 EA, allow the student to take an additional 180 day LOA due to the coronavirus, even in cases where this would cause the student to exceed the 180 days in any 12 month period of time LOA USDE regulation?

Thank you in advance for your response!

David Pelletier
The Boston Educational Network
1-800-224-5983

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:04:35 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: 00757000 Helena College University of Montana

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

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**From:** Curtin, Valerie <Valerie.Curtin@HelenaCollege.edu>
**Sent:** Tuesday, March 17, 2020 10:29 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** 00757000 Helena College University of Montana

I have a few questions regarding the course of which our academics is attempting to meet all course learning outcomes in light of our current environment with COVID. Please see my questions below. I greatly appreciate your assistance.

- How will seat time be treated if a course is completed earlier than anticipated? This would come into effect if a student were to complete all of the courses for which they are registered prior to the normally scheduled term.
- What if a student were to have a skills assessment in order to satisfy course learning outcomes; much like a challenged course. This is really only being done in order to minimize students from the need to be on campus for those programs that can only be completed in-person. This is the case for our trades programs (welding, diesel, auto, aviation, machining).
    - I understand that normally this would be treated as a challenged course and no aid would be available. However, this course of action is due to the extraordinary circumstances we are all facing at this time.

Just minutes ago, I was actually made aware that the Chief Academic Officers in Montana were discussing attempting to complete all coursework by April 24th. This is apparently the timeframe that has been calculated as to when the virus will truly hit the state with full force. Even if we are offering online courses, it still is not optimal for students who are truly sick.

Stay well,

**Valerie Curtin | Director of Financial Aid**
**p:** 406.447.6913 | **f:** 406.447.6397 | **e:** valerie.curtin@helenacollege.edu

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**Donaldson Campus** 1115 North Roberts, Helena, MT 59601

**Airport Campus** 2300 Airport Road, Helena, MT 59601

**p:** 406.447.6900 | www.helenacollege.edu

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:12:41 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Academic Year Length

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

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**From:** Erica M. Miller <emiller@tlu.edu>
**Sent:** Tuesday, March 17, 2020 3:41 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Cathleen F. Wright <cwright@tlu.edu>
**Subject:** Academic Year Length

Good afternoon,

I am reaching out to request an exception to the academic year length requirement for Texas Lutheran University (003641-00) due to COVID-19. We extended our scheduled Spring Break by one week and have not extended the end date of the Spring term, so the term is being reduced from 15 weeks to 14 weeks.

Please let me know if any additional information is needed to approve this reduction in the academic year length.

**Note:**
**To better ensure that your documents remain secure, please DO NOT send documents to TLU by email. Please use our Financial Aid Secure File Upload process located on MyTLU (my.tlu.edu). Click the Public tab then Financial Aid on the left side. Scroll down to the Financial Aid Secure File Upload link.**

Thank you,

Erica Miller
Director of Financial Aid

Student Financial Services

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Texas Lutheran University
1000 West Court Street | Seguin, Texas 78155
Office: 830.372.8077

www.tlu.edu
Facebook | YouTube | Twitter: @txlutheran

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:13:14 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: academic year length

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Brown, Erinn <browne@mpcc.edu>
**Sent:** Tuesday, March 17, 2020 3:13 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** academic year length

If we extend our spring break I realize it shortens our academic year. If our academic year remains over 30 weeks (17 weeks Fall + 15 weeks Spring (updated) = 32 weeks), do we need to contact the school participation division? I've been on the NASFAA webinar and the answer was unclear.

Thanks!

Erinn Brown
Area Director of Financial Aid
Mid-Plains Community College
browne@mpcc.edu
office: (308) 345-8112

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:12:31 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Academic Year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Perry, John <jperry@govst.edu>
**Sent:** Tuesday, March 17, 2020 4:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Academic Year

Good afternoon,

I had a question. Our school has already shortened the academic term by extending spring break by one week. There is a possibility that it might be shortened more but that decision has not been made as of yet. Should we go ahead and contact the School Participation Team now and notify of this change or wait for the potential future changes?

Thanks so much! Have a great day!

**John L. Perry, Ed.D.**
**Interim Executive Director of Student Financial Services**
Governors State University
1 University Parkway
University Park, IL 60484
*Office: 708-534-4480*
*Fax: 708-534-1172*

*"The value of a college education is not the learning of many facts but the training of the mind to think."*
~Albert Einstein

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:13:18 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Approval For Shortening Term

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Greg Windham <jgwindham@nemcc.edu>
**Sent:** Tuesday, March 17, 2020 3:08 PM
**To:** Dillard, Vanessa <Vanessa.Dillard@ed.gov>; Russell, Rodney <Rodney.Russell@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** Approval For Shortening Term

Good afternoon, I thank you in advance for your time especially in such a tough time.

I would like to know what steps we need to make to request a shorting of our academic week by one week. We extended our spring break this week by one week.

***Greg Windham, MBA***
***Director of Financial Aid***
***662-720-7210***

NORTHEAST
MISSISSIPPI COMMUNITY COLLEGE

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Tue, 17 Mar 2020 20:11:12 +0000
**To:** COVID-19
**Cc:** OESE.titlei-a
**Subject:** FW: Change in Colorado Department of Ed Personnel

Hi,

The Title I, Part A team in OESE received the questions below from Colorado.

Best,
Stephanie Choroser
U.S. Department of Education
Office of Elementary and Secondary Education
Title I, Part A
202.453.6829
Rm 3W107

---

**From:** Mohajeri-Nelson, Nazanin <Mohajeri-Nelson_n@cde.state.co.us>
**Sent:** Tuesday, March 17, 2020 2:04 AM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** RE: Change in Colorado Department of Ed Personnel

Hi Stephanie,

Thanks for reaching out! I look forward to working with you.

The only question that I have at this time is whether there have been any communications about delays, suspensions, or holds on any ESEA requirements due to COVID-19? I was on the call last week that was jointly held by CCSSO, USDE, OCR, FCC, and a couple of other agencies. But I was not sure if there has been any other communications directly from ED?

I recently became our primary contact on Titles I and II and want to make sure that I did not miss any recent communications, particularly pertaining to flexibilities being extended to states due to COVID.
Thanks so much,
Nazie

Nazanin Mohajeri-Nelson, Ph.D.
ESEA Office Director
Federal Programs

P 303.866.6205
1560 Broadway, Suite 1100, Denver, CO 80202-5149
Mohajeri- | www.cde.state.co.us

AMERICAN OVERSIGHT

Nelson_n@cde.state.co.us

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**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Monday, March 16, 2020 9:47 AM
**To:** Mohajeri-Nelson, Nazanin <Mohajeri-Nelson_n@cde.state.co.us>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** RE: Change in Colorado Department of Ed Personnel

Good morning,

I wanted to confirm that I am now Colorado's contact for all matters Title I, Part A. Please feel free to reach out with any questions or concerns.

I hope you're all staying safe.

Best,
Stephanie Choroser
U.S. Department of Education
Office of Elementary and Secondary Education
Title I, Part A
202.453.6829
Rm 3W107

---

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Monday, March 9, 2020 4:11 PM
**To:** Mohajeri-Nelson, Nazanin <Mohajeri-Nelson_n@cde.state.co.us>; Wright, Cynthia <Cynthia.Wright@ed.gov>; Stephenson, Todd <Todd.Stephenson@ed.gov>
**Cc:** Colsman, Melissa <Colsman_M@cde.state.co.us>; Cox, Morgan <Cox_M@cde.state.co.us>; Mejia, Tomas <Mejia_T@cde.state.co.us>; Hollingshead, Jessica <Hollingshead_J@cde.state.co.us>; Gillette, Lisa <Lisa.Gillette@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Carr, Patrick <Patrick.Carr@ed.gov>; Moore, Crystal <Crystal.Moore@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; OESE.titleiii-a <OESE.titleiii-a@ed.gov>; OESE.titleii-a <OESE.titleii-a@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; TitleI-D <TitleI-D@ed.gov>; OESE.HomelessEd <HomelessEd@ed.gov>; OESE Foster Care <FosterCare@ed.gov>; OESE 21st CCLC <21stCCLC@ed.gov>; OESE.SGR <SGR@ed.gov>
**Subject:** RE: Change in Colorado Department of Ed Personnel

Thanks Nazie. I'm copying a few colleagues to make sure everyone is aware of this change. That's happy news for Pat – I enjoyed working with him over the years. I hope he enjoys retirement!

-Patrick

AMERICAN OVERSIGHT

**From:** Mohajeri-Nelson, Nazanin <Mohajeri-Nelson_n@cde.state.co.us>
**Sent:** Monday, March 9, 2020 1:37 PM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Wright, Cynthia <Cynthia.Wright@ed.gov>; Stephenson, Todd <Todd.Stephenson@ed.gov>
**Cc:** Colsman, Melissa <Colsman_M@cde.state.co.us>; Cox, Morgan <Cox_M@cde.state.co.us>; Mejia, Tomas <Mejia_T@cde.state.co.us>; Hollingshead, Jessica <Hollingshead_J@cde.state.co.us>
**Subject:** Change in Colorado Department of Ed Personnel

Hi Patrick, Cynthia, and Todd,

Hope you are doing well. We just wanted to make sure that you and others at the Department have been notified that Patrick Chapman has retired from the Colorado Department of Education, Unit of Federal Programs Administration. As we continue to strive for excellence in our implementation of ESSA in Colorado, and until we fill his position, please include the following CDE representatives on communications from the Department that would have previously gone to Pat:

- Morgan Cox [cox_m@cde.state.co.us] ~ all Title III matters;
- Tomas Mejia [mejia_t@cde.state.co.us] ~ all Title I, Part C (migrant) matters; and
- Nazanin (Nazie) Mohajeri-Nelson [mohajeri-nelson_n@cde.state.co.us] ~ all other ESEA matters.
- Please also include Dr. Melissa Colsman [colsman_m@cde.state.co.us] on all communications with our unit.

Should you have any questions or require us to submit notifications via any other channels, please do not hesitate to contact us.

Thanks,
Nazie

Nazanin Mohajeri-Nelson, Ph.D.
ESEA Office Director
Federal Programs

COLORADO
Department of Education

P 303.866.6205
1560 Broadway, Suite 1100, Denver, CO 80202-5149
Mohajeri-Nelson_n@cde.state.co.us | www.cde.state.co.us

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:13:32 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Change in Colorado Department of Ed Personnel

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Tuesday, March 17, 2020 4:11 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** FW: Change in Colorado Department of Ed Personnel

Hi,

The Title I, Part A team in OESE received the questions below from Colorado.

Best,
Stephanie Choroser
U.S. Department of Education
Office of Elementary and Secondary Education
Title I, Part A
202.453.6829
Rm 3W107

---

**From:** Mohajeri-Nelson, Nazanin <Mohajeri-Nelson_n@cde.state.co.us>
**Sent:** Tuesday, March 17, 2020 2:04 AM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** RE: Change in Colorado Department of Ed Personnel

Hi Stephanie,

Thanks for reaching out! I look forward to working with you.

The only question that I have at this time is whether there have been any communications about delays, suspensions, or holds on any ESEA requirements due to COVID-19? I was on the call last week that was jointly held by CCSSO, USDE, OCR, FCC, and a couple of other agencies. But I was not sure if there has been any other communications directly from ED?

AMERICAN OVERSIGHT

I recently became our primary contact on Titles I and II and want to make sure that I did not miss any recent communications, particularly pertaining to flexibilities being extended to states due to COVID.
Thanks so much,
Nazie

Nazanin Mohajeri-Nelson, Ph.D.
ESEA Office Director
Federal Programs

P 303.866.6205
1560 Broadway, Suite 1100, Denver, CO 80202-5149
Mohajeri-Nelson_n@cde.state.co.us | www.cde.state.co.us

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**Sent:** Monday, March 16, 2020 9:47 AM
**To:** Mohajeri-Nelson, Nazanin <Mohajeri-Nelson_n@cde.state.co.us>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** RE: Change in Colorado Department of Ed Personnel

Good morning,

I wanted to confirm that I am now Colorado's contact for all matters Title I, Part A. Please feel free to reach out with any questions or concerns.

I hope you're all staying safe.

Best,
Stephanie Choroser
U.S. Department of Education
Office of Elementary and Secondary Education
Title I, Part A
202.453.6829
Rm 3W107

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Monday, March 9, 2020 4:11 PM
**To:** Mohajeri-Nelson, Nazanin <Mohajeri-Nelson_n@cde.state.co.us>; Wright, Cynthia <Cynthia.Wright@ed.gov>; Stephenson, Todd <Todd.Stephenson@ed.gov>
**Cc:** Colsman, Melissa <Colsman_M@cde.state.co.us>; Cox, Morgan <Cox_M@cde.state.co.us>; Mejia,

AMERICAN OVERSIGHT

Tomas <Mejia_T@cde.state.co.us>; Hollingshead, Jessica <Hollingshead_J@cde.state.co.us>; Gillette, Lisa <Lisa.Gillette@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Carr, Patrick <Patrick.Carr@ed.gov>; Moore, Crystal <Crystal.Moore@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; OESE.titleiii-a <OESE.titleiii-a@ed.gov>; OESE.titleii-a <OESE.titleii-a@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; TitleI-D <TitleI-D@ed.gov>; OESE.HomelessEd <HomelessEd@ed.gov>; OESE Foster Care <FosterCare@ed.gov>; OESE 21st CCLC <21stCCLC@ed.gov>; OESE.SGR <SGR@ed.gov>
**Subject:** RE: Change in Colorado Department of Ed Personnel

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-Patrick

---

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**Sent:** Monday, March 9, 2020 1:37 PM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Wright, Cynthia <Cynthia.Wright@ed.gov>; Stephenson, Todd <Todd.Stephenson@ed.gov>
**Cc:** Colsman, Melissa <Colsman_M@cde.state.co.us>; Cox, Morgan <Cox_M@cde.state.co.us>; Mejia, Tomas <Mejia_T@cde.state.co.us>; Hollingshead, Jessica <Hollingshead_J@cde.state.co.us>
**Subject:** Change in Colorado Department of Ed Personnel

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- Tomas Mejia [mejia_t@cde.state.co.us] ~ all Title I, Part C (migrant) matters; and
- Nazanin (Nazie) Mohajeri-Nelson [mohajeri-nelson_n@cde.state.co.us] ~ all other ESEA matters.
- Please also include Dr. Melissa Colsman [colsman_m@cde.state.co.us] on all communications with our unit.

Should you have any questions or require us to submit notifications via any other channels, please do not hesitate to contact us.

Thanks,
Nazie

Nazanin Mohajeri-Nelson, Ph.D.
ESEA Office Director
Federal Programs

AMERICAN OVERSIGHT

COLORADO
Department of Education

P 303.866.6205
1560 Broadway, Suite 1100, Denver, CO 80202-5149
Mohajeri-Nelson_n@cde.state.co.us | www.cde.state.co.us

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 18:09:34 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Clarification Needed

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Tuesday, March 17, 2020 1:58 PM
**To:** Bradley, Rebecca L <rm1104@txstate.edu>; COVID-19 <COVID-19@ed.gov>
**Cc:** Murr, Christopher D <murr@txstate.edu>
**Subject:** RE: Clarification Needed

Thank you for your query.

This email acknowledges that we received and are working on your question(s) and will get back to you in a timely manner.

FSA Communications

---

**From:** Bradley, Rebecca L <rm1104@txstate.edu>
**Sent:** Friday, March 13, 2020 1:17 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Murr, Christopher D <murr@txstate.edu>
**Subject:** Clarification Needed
**Importance:** High

Good Afternoon,

I have verbally been instructed by our Dallas School Participation Team to direct clarification questions regarding the COVID-19 guidance published on 3/5/20 to this email address (federalstudentaid@ed.gov). I am also sending to COVID-19@ed.gov due to guidance received from the National Association of Student Financial Aid Administrators (NASFAA).

In the electronic announcement, it states that "If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year." Our institution, as well as many others, have decided to extend spring break (cancel

AMERICAN OVERSIGHT

classes) for an additional week and to offer classes remotely only for the two weeks following that break. For now, the plan is to begin offering normal classes after that timeframe but, as you know, that depends on how our community is effected by COVID-19. Also, if institutions are required to notify the Department of their closure plans, please know you can find that evolving information for our institution anytime at https://www.txstate.edu/coronavirus.

The question we have is do we have to extend our term end date to make up those days classes are cancelled? Or is the intent of this Electronic Announcement flexibility there to enable institutions to end on the original term end date (essentially it will shorten the term)?

Please know that we are aware of and have educated ourselves on the published guidance from ED thus far, including the COVID-19 ("Coronavirus") Information and Resources for Schools and School Personnel Website. This clarification would be most helpful to enable institutions to make decisions that will ultimately effect students' educational future.

**Rebecca Bradley**
Assistant Director
Financial Aid & Scholarships
finaid.txstate.edu
Phone: 512.245.6574

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 18:21:02 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: clock hour schools

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Advanced Barber <advancedbarbercollege@yahoo.com>
**Sent:** Tuesday, March 17, 2020 2:17 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** clock hour schools

Hello,

This email is from Advanced Barber College and we would like some insight on our plans for next week. Our licencing agency TDLR has given us permission to use distance learning to keep large crowds from forming. We could have upwards of 100 students, faculty, and customers in a building at a time. So this being said are we allowed to give the students the six hours they are scheduled if they finish the assigned work sent by email? If so how long is this going to be allowed?

I appreciate your response to the matter, we just want to be safe but also still be able to function and pay our employees their wages.

Jaime Garza
Office Administrator
Advanced Barber College

PS Just to inform you we are on spring break this week so this would be for next week

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 18:18:29 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Clock-hour question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Melanie <melanie@pic.edu>
**Sent:** Tuesday, March 17, 2020 2:11 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Clock-hour question

Hello,

We are a clock-hour school that has been forced to close until 3/31/2020 due to COVID-19. Regarding the Department's guidance on 3/5/2020, I wanted to clarify the need for R2T4. Since we are clock-hour and therefore BBAY, each students' payment period will not end until they actually reach hours (and the number of weeks) in their payment period. Since they won't be attending for the next two weeks, none of their payment periods will end because they will not be accumulating hours. Therefore we should not need to do R2T4 for anyone UNLESS we reopen and a student does not return, correct?

Regards,

# Melanie Sas

Melanie Sas
Financial Aid Director / Accountant
Palomar Institute of Cosmetology
melanie@pic.edu
(760) 744-7900 ext.118

AMERICAN OVERSIGHT

**From:** AtlantaSPD
**Sent:** Tue, 17 Mar 2020 14:41:07 +0000
**To:** AtlantaSPD
**Cc:** COVID-19;FederalStudentAid
**Subject:** FW: Coastal Carolina Community College (OPEID: 00531600) Cessation of Ground-Based Classes

---

**From:** Herrmann, Matthew <herrmannm@coastalcarolina.edu>
**Sent:** Monday, March 16, 2020 3:34 PM
**To:** AtlantaSPD <AtlantaSPD@ed.gov>
**Cc:** Lyon, Tammy <lyont@coastalcarolina.edu>; Tuton, Ginger <TutonG@CoastalCarolina.edu>; McGinnis, Sharon <McGinnisS@CoastalCarolina.edu>; Harpine, Annette <harpinea@coastalcarolina.edu>
**Subject:** Coastal Carolina Community College (OPEID: 00531600) Cessation of Ground-Based Classes

Good afternoon,

In accordance with guidance provided by the Office of Postsecondary Education on March 5, 2020, this serves as notification that Coastal Carolina Community College has, effective immediately (i.e., March 16, 2020), ceased to offer any ground-based classes in any instructional format as a result of the disruption from COVID-19. The College is also in the process of moving classes to an online format via distance education by Monday, March 23, 2020, as well as notifying appropriate accrediting bodies, in order to prevent the spread of COVID-19.

If you require further information, please do not hesitate to contact me. Further information regarding our operational status will also be communicated as it becomes available.

With kind regards,

Matthew Herrmann

*Matthew Herrmann, MLitt, MA*
Division Chair for Student Services
Coastal Carolina Community College
444 Western Boulevard
Jacksonville, North Carolina 28546
(T) 910-938-6245
(F) 910-455-2767

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:04:56 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Coastal Carolina Community College (OPEID: 00531600) Cessation of Ground-Based Classes

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Tuesday, March 17, 2020 10:41 AM
**To:** AtlantaSPD <AtlantaSPD@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: Coastal Carolina Community College (OPEID: 00531600) Cessation of Ground-Based Classes

---

**From:** Herrmann, Matthew <herrmannm@coastalcarolina.edu>
**Sent:** Monday, March 16, 2020 3:34 PM
**To:** AtlantaSPD <AtlantaSPD@ed.gov>
**Cc:** Lyon, Tammy <lyont@coastalcarolina.edu>; Tuton, Ginger <TutonG@CoastalCarolina.edu>; McGinnis, Sharon <McGinnisS@CoastalCarolina.edu>; Harpine, Annette <harpinea@coastalcarolina.edu>
**Subject:** Coastal Carolina Community College (OPEID: 00531600) Cessation of Ground-Based Classes

Good afternoon,

In accordance with guidance provided by the Office of Postsecondary Education on March 5, 2020, this serves as notification that Coastal Carolina Community College has, effective immediately (i.e., March 16, 2020), ceased to offer any ground-based classes in any instructional format as a result of the disruption from COVID-19. The College is also in the process of moving classes to an online format via distance education by Monday, March 23, 2020, as well as notifying appropriate accrediting bodies, in order to prevent the spread of COVID-19.

If you require further information, please do not hesitate to contact me. Further information regarding our operational status will also be communicated as it becomes available.

AMERICAN OVERSIGHT

With kind regards,

Matthew Herrmann

*Matthew Herrmann, MLitt, MA*
Division Chair for Student Services
Coastal Carolina Community College
444 Western Boulevard
Jacksonville, North Carolina 28546
(T) 910-938-6245
(F) 910-455-2767

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 18:19:44 +0000
**To:** Dowling, Maureen
**Cc:** COVID-19
**Subject:** FW: Communication

Hi Marurren

The COVID-19 mailbox received an inquiry for ONPE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Christie Dittmer <christie.northbay@gmail.com>
**Sent:** Friday, March 13, 2020 7:41 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Communication

Hello,

Could we please be put on your email list to receive updates and recommendations regarding how schools should respond to coronavirus? I'm seeing that public schools have been advised by DOE to close through March 27, but I haven't received any information about what is advised for private schools. Also, I'm not seeing such advice on the http://www.fldoe.org/em-response/index.stml. We would be very grateful for any information you could provide to keep us informed.

Sincerely,

Christie Dittmer
Admissions Director

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:12:35 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Concerning Refund Policies Related to COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Rebecca Rees <rrees@cse.edu>
**Sent:** Tuesday, March 17, 2020 4:03 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Concerning Refund Policies Related to COVID-19

To Whom It May Concern,

Do schools need to have a refund policy in place, specifically regarding room and board, due to the COVID-19 issue?

Kindly,

Rebecca Rees, MA
Director of Financial Aid
Financial Aid Office
College of Saint Elizabeth
2 Convent Road
Morristown, NJ 07960-6989
Rrees@cse.edu
973-290-4721

Book your appointment with me today! https://rrees.youcanbook.me

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:11:15 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Coronovirus Interruptions

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Rick Cox <rcox@globalfas.com>
**Sent:** Tuesday, March 17, 2020 1:04 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Coronovirus Interruptions

Hi – I have some questions regarding the 3/5/20 electronic announcement regarding interruptions resulting from Coronavirus. Many of our clients have continued normal operations during the Coronavirus outbreak including beginning new terms and new students. Some clients have starts all throughout the year such as monthly. Some of these clients are now considering changes such as moving to online distance education in order to allow students to continue their education without interruption. The 3/5/20 electronic announcement states "These instructions do not contemplate accommodations for students who have not yet enrolled or whose term has not yet begun, with certain exceptions." This has led to a number of questions:

If a client makes the decision to change their operations, are they permitted to apply the 3/5/20 electronic announcement to all students currently enrolled including those that may have started after the 3/5/20 electronic announcement? For example, if a school had a start on 3/9/20 and they make a decision today to move to online education, can they apply ED's guidance from the 3/5/20 electronic announcement to those students that started on 3/9/20?

How should a college handle a new class of students scheduled to begin in the future? For example, a college has a new class scheduled to start on 3/23/20. Is the school permitted to allow those students to begin on 3/23/20 and apply the 3/5/20 guidance to that group? For example, if the college made the decision to move to online distance education, would it be permissible to provide instruction to these new starts through distance education if the program had not previously been approved for distance education?

Cancelling all upcoming new starts will be a hardship on some of our clients. Are they permitted to continue normal operations regarding enrollment of new students and allow those students to

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begin classes under their modified format such as using distance education for a program that had not previously been approved for distance education?

If a student had previously attended and withdrawn, can they be allowed to re-enter and resume their education even if the re-entry date is after the 3/5/20 electronic announcement? Is the school able to apply the 3/5/20 electronic announcement guidance to these re-entry students? For example, a student wants to return on 3/23/20 to resume their education. However, the school which was not previously approved for distance education has made the decision to move to online instruction to avoid interruptions. Would this student be allowed to re-enter in the distance education format or would they need to postpone their return date until the school returns to normal ground-based instruction?

Any guidance you can provide on the questions above is greatly appreciated.

---

Best,
Rick Cox
Executive Director of Regulatory Affairs and Compliance
Global Financial Aid Services, Inc.
Office: 918.606.9227
Email: rcox@globalfas.com
http://www.globalfas.com

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**Global Financial Aid Services, Inc. 10467 Corporate Drive, Gulfport MS 39503**

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:03:31 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Covid-19 and Dept. of Ed grants

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly
s

---

**From:** Leigh Ann Gardner <LeighAnn.Gardner@mtsu.edu>
**Sent:** Tuesday, March 17, 2020 12:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Covid-19 and Dept. of Ed grants

Is there any Department of Education guidance for Dept. of Education Grant Recipients or Applicants?

Leigh Ann Gardner, CRA
Award Management Specialist
Middle Tennessee State University
Office of Research and Sponsored Programs
Sam Ingram Building G011C
MTSU Box 124
Murfreesboro, TN 37132
(615) 494-7600
www.mtsu.edu/ors

Click below to search for funding

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:11:56 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Covid-19 and Refund of Room and Board
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly
s

---

**From:** Paul Witte <prw3@calvin.edu>
**Sent:** Tuesday, March 17, 2020 5:01 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Covid-19 and Refund of Room and Board
**Importance:** High

I have not been able to find a definitive answer to this question in the resources provided:

If an institution refunds a portion of room & board charges, is it required to recalculate Cost of Attendance or an option?

Thanks for your answer or pointing me to an appropriate resource for the answer.

Paul Witte
Director | Financial Aid
prw3@calvin.edu | (616) 526-7920

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:05:01 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Mike Smith <Mike.Smith@Spartan.edu>
**Sent:** Tuesday, March 17, 2020 12:44 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 question

Good Morning,

I am seeking clarification regarding new enrollments and re-entry students after the implementation of a temporary online course delivery due to the COVID-19 outbreak. Spartan College operates on a rolling/continuous start model where new and re-entry students begin classes every few weeks. The ED guidance released March 5th appears to have been written using a traditional semester-based model and does not speak to rolling starts. Given the fluid situation of this outbreak, are any updates expected? Do you know how schools like ours are dealing with this?

1. The COVID-19 ED guidance addressed students enrolled as of 3/5.
    a. For new students that began posting attendance for the first time after 3/5/20, can they be part of the transfer to modified online instruction along with students that were posting attendance on or before 3/5?
    b. In an effort to cause minimal or no disruption, we proceeded with traditional educational delivery for our students who began on March 9thand March 16th with the anticipation that the impact of the COVID-19 virus would pass. Given that the virus now has far reaching implications, we are beginning the implementation phase of the online alternative to all students.

2. Our plan is to use synchronous instruction via Zoom and/or Canvas teleconference. Students will be participating during the scheduled class time, but from home via video teleconference.

3. Does the fact that our delivery will be provided via synchronous learning change the guidance related to moving to a distance learning model rather than standard distance learning using an asynchronous model?

We are well equipped to teach the online format as we already deliver an online Hybrid program at one of our campuses which is approved by the FAA, our accreditor, and our state agency.

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**Respectfully,**

**Mike Smith** | Vice President of Corporate Compliance and Student Finance
Spartan Education Group, LLC.
Spartan College of Aeronautics and Technology
1 N. Franklin st., Chicago Il 60605
Phone: +1 (918) 831-5210 | Cell: (b)(6)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:12:23 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Definition of "Closed" for FWS purposes

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Korinne Peterson <kpeterson1@umassd.edu>
**Sent:** Tuesday, March 17, 2020 4:39 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Definition of "Closed" for FWS purposes

Thank you for your response. Follow up question: We have gone to an online modality for classes but the campus is considered "open" and "fully operational". Are we still able to pay FWS students who do not work their hours? Our students have been offered the option to work (if they are local) but for those who are not and have gone home (due to closing of the resident's halls), they are unable. Should they be getting paid?

Best,

***Korinne Peterson, MS***
Director, Financial Aid Services
University of Massachusetts Dartmouth
*Private University Experience. Public University Value.*
Phone: 508.999.8643 | Fax: 508.999.8935
Foster Administration Building | RM 105

Pronouns in use: She, her, hers

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:14:11 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Delivering Clock programs in an online format

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Suzanne Ringle <ringle@gatewaycc.edu>
**Sent:** Tuesday, March 17, 2020 1:12 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Delivering Clock programs in an online format

Hello all,

Can you provide some guidance on this? We are a Clock and Credit hour school. We're in the process of moving our Credit programs to online formats, but are stumped on what we can do for our Clock programs.

Has there been a discussion regarding this, and if so, any recommendations?

Thank you,
Suzanne Ringle

**SUZANNE RINGLE**
**GATEWAY COMMUNITY COLLEGE**
Director, Financial Aid
108 N. 40th Street Phoenix, AZ 85034
602-286-8110 | 602-900-4243
ringle@gatewaycc.edu
https://www.gatewaycc.edu/

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:20:15 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Dept of Ed Grants
**Importance:** High

Hello,

The COVID-19 mailbox received an inquiry about ED grants. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ashley Riggleman <arriggleman@ysu.edu>
**Sent:** Tuesday, March 17, 2020 1:16 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Dept of Ed Grants
**Importance:** High

Hi,

Is there any guidance as to the expectations of grant awardees with respect to the their reporting, outcomes, services, timeline of deliverables, etc?

Thank you,
Ashley Riggleman

---
Ashley Riggleman, MSEd
Assistant Director, Research Services
Youngstown State University
Youngstown, OH 44555
330.941.1462
arriggleman@ysu.edu

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**From:** Patrick, Kelly
**Sent:** Tue, 17 Mar 2020 19:50:18 +0000
**To:** COVID-19
**Subject:** FW: Does this affect private school?

FYI

---

**From:** Dowling, Maureen <Maureen.Dowling@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:38 PM
**To:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Subject:** Fwd: Does this affect private school?

Patrick,

FYI- my response is below.

Maureen Dowling
Director
Office of Non-Public Education
U.S. Department of Education
202-260-7820

Begin forwarded message:

> **From:** Maureen.Dowling@ed.gov
> **Date:** March 17, 2020 at 3:36:02 PM EDT
> **To:** bizzozzaroj@flaglerschools.com
> **Subject: Re: Does this affect private school?**
>
> Dear Mr. Bizzozzaro,
>
> Thank you for contacting the U. S. Department of Education's COVID-19 mailbox.
>
> If the Florida Department has made a decision to close schools, you would want to contact your FL Department of Education and inquire about their decision and the applicability to your private school as Florida has jurisdiction over private schools within the state of Florida. Following is contact information for the Florida Department of Education.
>
> FL Department of Education
> Office of the Commissioner
> **Turlington Building, Suite 1514**
> 325 West Gaines Street
> Tallahassee, Florida 32399

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**Email:** Commissioner@fldoe.org
**Phone:** 850-245-0505
**Fax:** 850-245-9667

At the same time, you may also consider reading the following information sheet regarding the Administration's guidance on school closures:

https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf

For additional information on COVID-19, I also encourage you to visit the Centers for Disease Control website at: https://www.cdc.gov/.

I hope this is helpful. Be well.

Maureen
Maureen Dowling
Director
Office of Non-Public Education
U.S. Department of Education
202-260-7820

On Mar 17, 2020, at 2:19 PM, Patrick, Kelly <Kelly.Patrick@ed.gov> wrote:

Hi Marurren

The COVID-19 mailbox received an inquiry for ONPE. Below is the inquiry.

Thanks,
Kelly

**From:** Bizzozzaro, Joseph <bizzozzaroj@flaglerschools.com>
**Sent:** Friday, March 13, 2020 7:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Does this affect private school?

Is this action to close schools until March 30th for ALL schools operating in the state of Florida, including private schools?
--
**Very Respectfully,**

**Mr. Bizzozzaro**

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American History - Social Studies Department
Flagler Palm Coast High School

*Contact Information*
bizzozzaroj@flaglerschools.com
**386-437-7540 - EXT 3261**

*"A lie does not become truth, wrong does not become right, and evil does not become good just because it is accepted by a majority"* - Booker T. Washington

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 18:07:01 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Enrollment Period Date Changes

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Elina Bascom <ebascom@lasierra.edu>
**Sent:** Tuesday, March 17, 2020 1:29 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Enrollment Period Date Changes

Good morning,

In response to COVID-19, our institution has decided to begin our final 1920 term 1 week later and end 1 week later. We will not be shortening our year, but we will be offering all online instruction for the next few weeks or longer if we need to keep the campus closed. We contacted our school participation team in San Francisco to make sure we didn't need special permission to change our period of enrollment dates, and they referred us to you. Please advise.

Thank you,

*Elina Bascom, Director*

La Sierra UNIVERSITY | *Office of Student Financial Services*

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:13:24 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: ENROLLMENT REPORTING

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Carmen J. Rivera López <ut_crivera@uagm.edu>
**Sent:** Tuesday, March 17, 2020 2:40 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** ENROLLMENT REPORTING

Hi

My name is Carmen Rivera, I work with the Ana G. Mendez University in Puerto Rico. With the declaration of the President and the Order of our Governor, the face-to-face classes are being offered online and the employees will be two weeks away due to the closure of the institutions.

Precisely in this period, it must be sent in the Enrollment Reporting file but we do not have how to do it.

I would be grateful if you could guide us in this regard so as not to fail to comply with it as it is a situation beyond our control.

Thank you.

Any doubt I am at your disposal.

Cordially yours

***Carmen Julia Rivera Lopez***
Directora Sistémica de Operación y Cumplimiento de Asistencia Económica
Vicepresidencia Asociada de Asistencia Económica
Universidad Ana G. Mendez
Telefono: 787-751-0178 ext 7424
Email: ut_crivera@uagm.edu
**Please note that my email domain changed to @uagm.edu. I will stop receiving emails to the previous domain @suagm.edu after February 2020. Thank you!**

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Tenga en cuenta que mi dominio de correo electrónico cambió a @ uagm.edu. Dejaré de recibir correos electrónicos al dominio anterior @ suagm.edu después de febrero de 2020. ¡Gracias!

UNIVERSIDAD
ANA G. MÉNDEZ
UAGM

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:05:09 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Enrollment transmission

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** ramirez mayra (b)(6)
**Sent:** Tuesday, March 17, 2020 12:13 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Enrollment transmission

To whom it may concern:
Good morning,
My name is Mayra Ramirez , Registrar of the Center of Advance Studies of Puerto Rico and the Caribbean..
I'm just worry about the enrollment transmission that was suppose transmit tomorrow. The university is closed intol march 31..
How you can help me with this?
Ope I'd 02166000
Mayra Ramirez
Sent from Yahoo Mail on Android

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:11:52 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: Evaluation Timelines

Hi Laurie,

The COVID-19 mailbox received an inquiry for Special ED. Below is the inquiry.

Thanks,
Kelly

**From:** Corrin Gonzales <corrin.gonzales@bridgecityisd.net>
**Sent:** Monday, March 16, 2020 10:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Evaluation Timelines

Has there been any guidance for initial evaluations and timelines?

--
Corrin Gonzales, M.Ed.
Bridge City ISD
Special Education Director
409-735-1552

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:12:44 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Extended Spring Break due to COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Joe Mattox <jmattox@huntington.edu>
**Sent:** Tuesday, March 17, 2020 3:39 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Extended Spring Break due to COVID-19

Hello,
Huntington University is switching to an online teaching format to complete the rest of the spring semester. To prepare our faculty and campus for this adjustment, spring break has been extended two days. Before this occurred, we had completed a handful of return of Title 4 calculations (R2T4) for students who had withdrawn from our spring semester. These withdrawals occurred before any changes to our spring break were made so the published spring break dates were used in the R2T4 calculations.

We now have a student who has just withdrawn and an R2T4 needs to be completed. It seems appropriate to use the updated spring break dates, since the break will now be two days longer. However, using the longer spring break dates would cause the number of days in the semester to be different than our previous R2T4 calculations.

Can it be confirmed if we should use the longer spring break dates for this current R2T4, or should we use the original published spring break dates? If we are to use the updated spring break dates, can the previous R2T4 calculations we completed be considered correct based on the spring break dates that were in place at the time in R2T4 calculation was completed? Meaning, we just want to confirm we do not have to redo any previous R2T4 calculations that were completed on the original spring break dates, as they were correct at the time.

Thank you for clarification on this,

**Joe Mattox**
Assistant Director
Office of Financial Aid

**Huntington University**
2303 College Avenue
Huntington, IN 46750

AMERICAN OVERSIGHT

260-359-4326
finaid@huntington.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:13:06 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Extending Spring Term with overlap of summer

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Eilers, Katherine <keilers@siue.edu>
**Sent:** Tuesday, March 17, 2020 3:15 PM
**To:** COVID-19 <COVID-19@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** Extending Spring Term with overlap of summer

Hello,

With the COVID-19 updates, our university administration is looking into extending our Spring 2020 term to incorporate time to host clinical time, internships, etc. our current term is a 17 standard week term ending May 8. Summer term begins May 11th. As we know, adding two weeks to Spring 2020 would overlap with Summer 2020 therefore creating a non term. Our goal is to extend the semester, yet keep within standard term. We've heard there's accommodations for the overlaps due to COVID-19. Is this true and possible?

If so, do we need to notify our school participation term or notify (if at all)?

Thank you for your help with this. Your response is appreciated.

Best,
Katie Eilers

Get Outlook for iOS

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**From:** OESE.SGR.South Carolina
**Sent:** Tue, 17 Mar 2020 16:32:30 +0000
**To:** COVID-19
**Subject:** FW: Federal Programs and COVID-19 Impact

*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** Stanley, Jewell <JStanley@ed.sc.gov>
**Sent:** Tuesday, March 17, 2020 12:19 PM
**To:** OESE.SGR.South Carolina <SouthCarolina.oese@ed.gov>
**Subject:** Federal Programs and COVID-19 Impact

Good morning,

Our state has closed all schools for two weeks. Of course, there is the potential for the closure to be prolonged. At this time our office continues to receive questions regarding the impact this will have on our federal programs. Here is one of the questions from the field:

> Our district has regularly scheduled hourly interventionists in our schools. Can we continue to pay them during the time the schools are closed because of the virus?

Is there any guidance you can provide regarding our grants paying for part-time employees or paraprofessionals at this time?

Thank you,
s

# Jewell

Jewell R. Stanley
Team Leader, Consolidated Finance and Applications
Office of Federal and State Accountability
South Carolina Department of Education

AMERICAN OVERSIGHT

Rutledge Building, 504-C
1429 Senate Street
Columbia, SC 29201
Ph: 803.734.8131

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:03:28 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Federal Programs and COVID-19 Impact

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.SGR.South Carolina <SouthCarolina.oese@ed.gov>
**Sent:** Tuesday, March 17, 2020 12:33 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Federal Programs and COVID-19 Impact

*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** Stanley, Jewell <JStanley@ed.sc.gov>
**Sent:** Tuesday, March 17, 2020 12:19 PM
**To:** OESE.SGR.South Carolina <SouthCarolina.oese@ed.gov>
**Subject:** Federal Programs and COVID-19 Impact

Good morning,

Our state has closed all schools for two weeks. Of course, there is the potential for the closure to be prolonged. At this time our office continues to receive questions regarding the impact this will have on our federal programs. Here is one of the questions from the field:

> Our district has regularly scheduled hourly interventionists in our schools. Can we continue to pay them during the time the schools are closed because of the virus?

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Is there any guidance you can provide regarding our grants paying for part-time employees or paraprofessionals at this time?

Thank you,
s

# Jewell

Jewell R. Stanley
Team Leader, Consolidated Finance and Applications
Office of Federal and State Accountability
South Carolina Department of Education
Rutledge Building, 504-C
1429 Senate Street
Columbia, SC 29201
Ph: 803.734.8131

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:05:14 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study clarification

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Bauder, Sarah <SBauder@passhe.edu>
**Sent:** Tuesday, March 17, 2020 8:10 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Bauder, Sarah <SBauder@passhe.edu>
**Subject:** Federal Work Study clarification

Hi all,

In the language provided on the flexibility in paying FWS students who are not able to work due to the COVID-19. The language implies that the institution needs to remain fair and equitable as follows:

For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.

My question is: Are institutions required to pay non-federal work study students for work not performed the same as FWS?

Thanks,

Sarah

----------
Sarah J. Bauder
Chief Transformation Officer
Office of Innovation and Transformation
Pennsylvania's State System of Higher Education
Office of the Chancellor
2986 North Second Street
Harrisburg, PA 17110-1201

AMERICAN OVERSIGHT

(w) 717-720-4158
(c) (b)(6)
www.passhe.edu

---

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:12:57 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal work study regulations aren't being complied with what's being said in the website.

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Evelyn <(b)(6) gmail.com>
**Sent:** Tuesday, March 17, 2020 3:29 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal work study regulations aren't being complied with what's being said in the website.

Hello
My name is Eve and I am a work study student at a local community college.
I'm wondering why the school isn't paying us for the time being?
According to the link:
https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19
The school should be paying us since we aren't being able to work but I don't think the school is paying us or we can work from home.
For me, FWS is one of my main income to pay bills and I'm not gonna be able to look for another job while going to school and especially at this time of covid-19.
I need this matter to be take seriously and fwd it to someone higher who's In charge,pls.
The way that I'm being treated is unfair because the website clearly states some instructions.
--
**Eve Dew**
Learner, Achiever, Focus, Analytical, Responsibility

**M:** 2695986571
**E:** (b)(6) gmail.com

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:05:34 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Florida Gulf Coast Univ.

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Tuesday, March 17, 2020 10:48 AM
**To:** Casey, Brian <bcasey@fgcu.edu>; COVID-19 <COVID-19@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** Florida Gulf Coast Univ.

https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

Thanks for your question, Brian – I have attached our electronic announcement (above) and am referring your question to our COVID-19@ed.gov mailbox. They will respond to your questions.

Best regards,
Meg

Meg McGinness
Institutional Review Specialist
U. S. Department of Education
Federal Student Aid
School Participation Division - Atlanta

(404) 974-9288 office
(404) 974-9322 fax
Margaret.McGinness@ed.gov
StudentAid.gov

Federal Student Aid
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**From:** Casey, Brian <bcasey@fgcu.edu>
**Sent:** Tuesday, March 17, 2020 8:30 AM
**To:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** COVID 19 and extending length of term

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We are currently having discussions regarding extending the length of the Spring term by two days. I would like to know how this would affect R2T4 calculations as well as cost of attendance.

I'm most concerned with R2T4. Once we announce an extension, would we need to calculate any complete term WDs with the new term dates but students that withdrew prior to the announcement would be okay with the calculation that have already been completed?

Thanks,

Brian Casey
Associate Director
Office of Financial Aid & Scholarships
Florida Gulf Coast University
Phone: 239-590-7965
Fax: 239-590-7923

********** ***Confidentiality Statement*** **********

*Florida has a very broad public records law. As a result, any written communication created or received by Florida Gulf Coast University employees is subject to disclosure to the public and the media, upon request, unless otherwise exempt. Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.*

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:05:40 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Florida Panhandle College
**Attachments:** VoiceMessage.wav

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

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**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Tuesday, March 17, 2020 11:17 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** Florida Panhandle College

For your review and response

---

This is Belinda Collins, Florida Panhandle Technical College, OPEID 00751600, 850-638-1208, Belinda.collins@fptc.edu

Looking for information on Virus info for webinars, provisions, Dear Colleague letter for distribution for Pell, attendance etc.

Renee

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:05:45 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Foreign School with Title IV - What to do?

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** foreignloans-sts <foreignloans-sts@uva.nl>
**Sent:** Tuesday, March 17, 2020 11:50 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Foreign School with Title IV - What to do?

Dear Sir/Madam,

At the University of Amsterdam (School code 837700) in the Netherlands, we had to move all education online due to COVID-19.

Seeing that we are a foreign school with Title IV, the implications for our Direct Loan students appear to be disastrous. The last communication I could find from IFAP is the following:

> Foreign Schools
> We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

I was hoping to receive an update regarding steps we need to take. It is not clear for the communication. Do I need to report all our students as withdrawn and file and R2T4? Even if we re-open within this payment period?

I hope you understand that this will have a major impact on those students, putting them in immediate financial distress and possibly forcing them to discontinue their degree. We are very much hoping that there will be further flexibilities regarding foreign schools with Title IV eligibility.

In any case: please assist us in the next step. Hoping to hear from you soon.

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Best regards,
Danna Harmsen

---

**University of Amsterdam**
Financial Aid Office
Danna Harmsen
*Financial Aid Officer*
Postbus 15832 | 1000 NH Amsterdam
Roetersstraat 11 | 1018 WB Amsterdam | The Netherlands
T: +31 (0)6 18 42 42 77
Available on: Mon | Tues | Thurs | Fri

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:06:06 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Foreign Schools and COVID -19
**Attachments:** Federal Student Aid - IFAP 030520Guidance4interruptionsrelated2CoronavirusCOVID.pdf
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Sandra De Freitas <sandra.defreitas@uwa.edu.au>
**Sent:** Tuesday, March 17, 2020 6:07 AM
**To:** CPSSAIG <CPSSAIG@cpsemail.ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** Foreign Schools and COVID -19
**Importance:** High

Hi There,

As the global crisis of COVID-19 takes charge, I am reaching out to gain some understanding of what we as a foreign school we can or can't do in regards to students with Title IV, Federal Loan funds.

The University of Western Australia will be hosting the majority of our face to face class teaching to online lectures and tutorials as of Monday 23rd March which means no Face to face classes on campus.

This off course does not comply with the Title IV Education Act for distance learning.

- What is are the measure we can take to assist the student we have enrolled with us to ensure that they are supported?
- What is the US Government doing about student who are currently residing in foreign countries due to Exchange programs and study etc?
- What advice can we provide our students to ensure we are not providing misguided information that they maybe receiving through their channels in the US?
- Are students expected to withdraw and return back to the US?

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I have attached the information presented on IFAP but need further assistance in relation to foreign schools and next steps with student loan, NSLDS Reporting etc.

Kind regards
Sandra

**Sandra De Freitas**
**Manager Coursework Scholarships & Prizes**
**Executive Officer for Coursework Scholarships Committee**
Student Experience, Student Central • M356, 35 Stirling Highway, Crawley, WA 6009 Australia

**T** +61 8 6488 8196 • **E** sandra.defreitas@uwa.edu.au

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CLOSE WINDOW

Posted Date: March 05, 2020

Author: Office of Postsecondary Education

Subject: Guidance for interruptions of study related to Coronavirus (COVID-19)

This electronic announcement addresses concerns expressed by higher education leaders regarding how they should comply with Title IV, Higher Education Act (HEA) policies for students whose activities are impacted by Coronavirus (COVID-19), either directly because the student is ill or quarantined, or indirectly because the student was recalled from travel-abroad experiences, can no longer participate in internships or clinical rotations, or attends a campus that temporarily suspended operations. This information provides flexibilities for schools that are working to help students complete the term in which they are currently enrolled.

These instructions do not contemplate accommodations for students who have not yet enrolled or whose term has not yet begun, with certain exceptions. We will continue to monitor the situation and make a later determination of what accommodations may be necessary should longer-term interruptions become likely. We will continue to provide updates to this information as appropriate.

We encourage institutions to visit the Department's Coronavirus webpage, https://www.ed.gov/coronavirus?src=feature, on this topic frequently, as we will post updates as they become available. In addition, the Department's webpage has links to guidance from the Centers for Disease Control and Prevention, including for how Institutions of Higher Education should manage human health risks associated with Coronavirus.

We address five potential student and campus scenarios: that may prompt an institution to have questions about how to comply with Title IV, HEA requirements if the Coronavirus impacts a student or a campus:

- A student was enrolled or was supposed to begin a travel-abroad experience and either the student has been called back to the U.S. or was never able to begin

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the travel abroad experience;

- A student was enrolled in a program and met the requirements for full-time enrollment; however, due to the COVID-19, one or more classes – such as an internship, a clinical rotation, student teaching or fieldwork – have been cancelled and now the student has fallen below the 12 credit hour minimum and is no longer considered to be a full-time student;
- A student is quarantined and misses class or a student is incapacitated due to COVID-19 illness;
- A campus temporarily stops offering ground-based classes in order to prevent the spread of COVID-19;
- A foreign school that serves U.S. students who participate in title IV programs temporarily suspends operations due to COVID-19.

We offer information below about options we are making available to institutions under our current statutory authority to provide as much flexibility as possible so that you can continue to serve students. In some instances, we have been asked to consider providing flexibilities that are beyond our statutory authority. As a result, we cannot provide those flexibilities. If you have questions about the information provided in this electronic announcement, or you are encountering a scenario that we have not addressed, please email the Department at COVID-19@ed.gov.

We recommend that institutions document, as contemporaneously as possible, any actions taken as a result of COVID-19, including those actions described in this document.

Accommodating Students Whose Enrollment is Disrupted by Coronavirus

Our goal is to work with institutions and find ways to enable you to accommodate students and help them continue their education despite interruptions caused by COVID-19. For many institutions, online education will provide a viable option for continuing to teach students through COVID-19-related interruptions. In some instances, students enrolled in ground-based programs at campuses that must temporarily close could participate in distance education for a period of time and then resume ground-based attendance when the campus reopens. In other instances, an institution may provide online learning opportunities for a student who was recalled from a travel-abroad program but the student is too late into the semester to enroll in

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other classes offered by the home campus, or the student who arrived in a foreign country intending to complete a travel abroad experience finds that the program has now been cancelled or temporarily suspended. We are providing the following flexibilities to institutions to help them understand what options they can make available to students and remain in compliance with Title IV requirements.

Approval to Offer Distance Education

The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in the event that an institution is otherwise required to seek Departmental approval for the use or expansion of distance learning programs. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner requiring the Department's approval after that point, it must seek approval under the Department's normal process.

We are also permitting accreditors to waive their distance education review requirements for institutions working to accommodate students whose enrollment is otherwise interrupted as a result of COVID-19. We currently are limiting that permission to distance learning opportunities developed for the purpose of serving students who were already in attendance, but whose attendance was interrupted by COVID-19. Please note that this flexibility is not available for clock-hour courses that lead to licensure if the licensure body will not accept distance learning courses or hours or give credit for them toward the number of hours a student must complete.

We want to make clear to institutions that for Title IV, HEA purposes, distance learning does not require the use of sophisticated learning management systems or online platforms, though accreditors may have additional standards included in their review of distance learning programs. We are, however, permitting accreditors to waive those standards for schools implementing distance learning programs solely for the purpose of allowing currently enrolled students to complete a term that is interrupted by COVID-19 closures. To meet the Department's requirements for providing distance education, an institution must communicate to students through one of several types of technology – including email – described under 34 CFR § 600.2, and instructors must initiate substantive communication with students, either individually or collectively, on a regular basis. In other words, an instructor could use email to provide instructional materials to students enrolled in his or her class, use

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chat features to communicate with students, set up conference calls to facilitate group conversations, engage in email exchanges or require students to submit work electronically that the instructor will evaluate.

Institutions may provide distance learning temporarily to accommodate students as a result of a COVID-19 interruption, including in cases where students began attendance in classes offered in a brick-and-mortar setting but were transitioned to a distance education format in the middle of the term. In these cases, we will accept the accreditation and state authorization of the institution for the programs in which those students were enrolled prior to the interruption due to COVID-19 to enable students to complete the current term.

Institutions may also enter into temporary consortium agreements with other institutions so that students can complete courses at other institutions but be awarded credit by their home institution. In addition, in instances where accrediting agencies require students to complete a final number or percentage of credits in residence at the institution, accrediting agencies may waive that requirement for students impacted by COVID-19 without objection by the Department.

The Department will permit students who wish to take an approved leave of absence for COVID-19-related concerns or limitations (such as interruption of a travel-abroad program), to take such leave, even if the student notifies the institution in writing after the approved leave of absence has begun. In such a case, the institution may retain those Title IV funds to apply when the student continues enrollment. If the student does not return to complete their program within 180 days, the school would then be expected to perform the Return of Title IV funds calculation based on the date on which the leave-of-absence began. Note that in term-based programs, if a student takes an approved leave of absence from a term-based program, the institution must ensure that the student is permitted to complete the coursework he or she began prior to the leave of absence.

Finally, because we understand that some students may have been recalled from travel abroad programs or canceled-out of experiential learning opportunities after the semester began, institutions may offer courses to those students on a schedule that would otherwise be considered a non-standard term, if doing so enables those students to complete the term. These flexibilities will also be provided to institutions, or their additional locations or programs, that must temporarily close as a result of COVID-19.

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Foreign Schools

We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19.

Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

Length of Academic Year

The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

Professional Judgement

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Financial aid administrators (FAA) have statutory authority to use professional judgement to make adjustments on a case-by-case basis to the cost of attendance or to the data elements used in calculating the EFC to reflect a student's special circumstances. The use of professional judgement where students and/or their families have been affected by COVID-19 is permitted, such as in the case where an employer closes for a period of time as a result of COVID-19. In making professional judgement determinations, FAAs must obtain documentation and retain it in each student's file. This documentation must substantiate the reason for any adjustment. Institutions are reminded that, regardless of how broadly an event may affect its student population, professional judgement determinations must be made and documented on a case-by-case basis.

Satisfactory Academic Progress (SAP)

An institution's SAP appeal policy (34 CFR § 668.34(a)(9)) must, among other things, describe the basis on which a student may file an appeal: the death of a relative, an injury or illness of the student, or other special circumstances. Circumstances related to an outbreak of COVID-19, including, but not limited to, the illness of a student or family member, compliance with a quarantine period, or the general disruption resulting from such an outbreak may form the basis of a student's SAP appeal even if not specifically articulated in the institution's SAP policy.

Students Who Did Not Begin Attendance

We are aware that many U.S. students enrolled in eligible foreign institutions and in study abroad programs offered by domestic institutions have already been affected by local outbreaks of COVID-19 and the measures taken by institutions in response. Of immediate concern are those students who travelled to overseas destinations but were unable to begin classes due to school closures. There may also be instances where students at domestic institutions are similarly affected and unable to begin classes. Because these students did not begin attendance in a payment period or period of enrollment, 34 CFR § 668.21 (rather than Return of Title IV Funds) applies. In such a situation, the institution must return all Title IV grant funds disbursed for the payment period or period of enrollment and all Direct Loan funds that were credited to the student's account at the institution for that period. The institution must also return Direct Loan funds in the amount of payments made directly by or on behalf of the student to the institution for the period, up to the total amount of the loan funds disbursed. The institution is not responsible for returning Direct Loan funds that were disbursed directly to the student in the form of a credit balance as long as the institution was not aware that the student would not attend prior to the disbursement,

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and students will be able to repay those funds as a part of their educational loans. In these circumstances, institutions are permitted, but not required, to return all of a student's Direct Loan funds, including the amount comprising the credit balance.

Normally institutions, once aware that a student will not begin or has not begun attendance, must notify the loan servicer which results in issuance of a final demand letter to the borrower. However, we have determined that in the case where a student was unable to begin attendance due to a COVID-19-related school closure, the provisions of 34 CFR § 668.21(a)(2)(ii), requiring the institution to notify the servicer of that student's failure to begin attendance, do not apply because the option for the student to begin attendance did not exist. Accordingly, the institution should not notify the servicer that the student did not begin attendance. He or she will be permitted to repay any Direct Loan funds received under the terms of the promissory note. This will also prevent a student from being required to enter repayment within six months of withdrawing if the student withdrew as a result of a Coronavirus-related interruption.

Enrollment Status Changes

We do not have the authority to waive the requirement to award or disburse Title IV funds based on a student's actual enrollment status. For example, assuming an institution defines full-time enrollment as 12 credit hours, when a full-time student enrolled for 12 credit hours drops or withdraws from three credits, that student is now enrolled at three-quarter time status. However, we remind institutions that for Direct Loans, the institution must only confirm at least half-time enrollment status as of the time of disbursement. It is not necessary to recalculate a student's Direct Loan eligibility based on changes in enrollment status that occur after the institution originates a Direct Loan. For enrollment status changes that occur after an institution's established Pell Grant recalculation (census) date, we do not require recalculation. Note that the student must have begun attendance in all courses comprising the enrollment status on which the Pell Grant payment was based.

Return of Title IV Funds

Even in the case of a disruption from COVID-19, an institution must return any Title IV funds for which it is responsible in accordance with the provisions of 34 CFR § 668.22 when a student withdraws. Currently, we do not have the authority to waive the statutory requirement for the return of unearned Title IV funds in the case where a student (who receives Title IV assistance) withdraws from an institution during a payment period or period of enrollment after having begun attendance. However, the

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guidance provided below explains the requirements for performing Return of Title IV Funds calculations in situations where an institution has temporarily ceased operations as a result of a COVID-19 disruption.

Definition of a Withdrawal Date

If an institution ceases operation during a payment period and fails to reopen by the end of that payment period, its students are considered no longer in attendance and must be considered withdrawn for that payment period or period of enrollment, and would be subject to Return of Title IV funds requirements. Similarly, if an institution closes and subsequently reopens during a payment period, any students who began attendance during that payment period but failed to return when the institution reopens must be considered withdrawn for that payment period. If the institution is required to take attendance, the withdrawal date is the last day of documented attendance prior to the closure. If the institution is not required to take attendance, the institution can use any applicable option under 34 CFR § 668.22(c), including the midpoint of the payment period or period of enrollment under 34 CFR § 668.2(c)(1)(iii) or, because the closure was a circumstance that the student could not control under 34 CFR § 668.22(c)(1)(iv), the date that the institution ceased operation. When determining the number of days in the payment period or period of enrollment (the denominator of the calculation), the institution should include all the days that the student was scheduled to attend during that period on the date of the withdrawal. For a clock-hour program, an institution should not include as “scheduled hours” any hours on days that it was closed.

Date of Determination and Timeframes for Returns

Normally, if a student does not provide notification to an institution of his/her withdrawal, the date of determination that the student has withdrawn is the date that the institution becomes aware that the student ceased attendance. This is, in most cases when an institution closes for reasons beyond its control, the date of the closure. Therefore, the timeframes for completing Return of Title IV Funds calculations and making the appropriate returns or post-withdrawal disbursements begin on that date (e.g. 30 days to perform the calculation, 45 days to return the funds, etc.).

Reentering the Same Payment Period

If an institution that has closed subsequently reopens during the same payment period or period of enrollment, and permits students to continue coursework that they were taking at the time of the closure, students that return to class at that time are

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considered to have reentered the same period and retain eligibility for Title IV aid that they were otherwise eligible to receive before the closure. If a student in this situation subsequently withdraws, the institution must exclude the number of days that it was closed (if the closure was for at least five consecutive days, in combination with weekends or other scheduled breaks) from both the number of days the student completed and the total number of days in the payment period or period of enrollment. If the institution altered the number of days in the payment period or period of enrollment following the closure (e.g. if it adds days to the term to make up for the time when it was closed), the institution should use the new number of days in the student's Return of Title IV funds calculation.

NSLDS Enrollment Reporting

In general, when a student withdraws during a payment period, the effective date for the withdrawn ('W') status for enrollment reporting purposes is the withdrawal date used by the institution in accordance with 34 CFR § 668.22(b) or (c). However, notwithstanding the requirement that the institution perform a Return of Title IV funds calculation for students when an institution unexpectedly ceases operation during a payment period and fails to reopen during that payment period, we permit an institution to defer reporting an affected student's enrollment status as "withdrawn" in these circumstances when the institution has a reasonable expectation that—

1. The institution will reopen at the start of a payment period that begins no later than 90 days following the closure; and

2. The student will resume attendance when the institution reopens.

In these cases, the institution should continue reporting the most recent enrollment status that it reported for the affected student prior to the closure. If the student does not resume attendance as expected, the institution must change the student's enrollment status to "withdrawn" using the student's actual withdrawal date as the enrollment status effective date.

While the coronavirus threat to the American public remains low, we encourage school communities to take all steps to ensure the health and well-being of students, faculty, and staff. We established the website, https://www.ed.gov/coronavirus?src=feature, to provide general information and guidance for school communities, including links to information posted by the Centers for Disease Control and Prevention. We appreciate your cooperation and welcome any additional questions at COVID-19@ed.gov.

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:06:11 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FSA Foreign School COVID-19 next steps

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Mai Hoa Nguyenová <nguyenova@czs.muni.cz>
**Sent:** Tuesday, March 17, 2020 11:36 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FSA Foreign School COVID-19 next steps

Dear Sir/Madam,
I would like to inquire about more information on what are recommended steps for foreign schools which are temporarily closed due to COVID-19 outbreak. Our school is closed since 12 March: https://www.muni.cz/en/coronavirus Our Rector's decision followed governmental order to close down all schools, which was followed by further closings and limitations of public life, ending now in state quarantine.

In Guidance for interruptions of study related to Coronavirus (https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19) we have learned the flexibility of use of distance learning does not apply to foreign schools, however, since then we could not find any more updates or information on how should we proceed. Furthermore, there are students who have not been disbursed their aid yet due to various reasons. We are unsure how to proceed in their case as well.

I would be very grateful for any information or direction whom to contact with these questions.
Thank you very much in advance,
With my best regards,

**Mai Hoa Nguyenová**

MUNI
CZS

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**Masaryk University | Centre for International Cooperation**
T: +420 549 498 900 | M: +4(b)(6)
W: czs.muni.cz | IG: @muni_international | FB: @MasarykUniversity

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**From:** AtlantaSPD
**Sent:** Tue, 17 Mar 2020 16:16:33 +0000
**To:** COVID-19;FederalStudentAid
**Cc:** Dillard, Vanessa
**Subject:** FW: Further Coronavirus guidance needed for state agency

We are seeking additional guidance and/or information that we can share with persons in the Florida Department of Education regarding questions they are receiving from their schools. Please see the email thread below that includes a typical question received by FL Department of Education. Please respond to both AtlantaSPD@ed.gov and Vanessa.Dillard@ed.gov .

Best regards,

Meg McGinness
Institutional Review Specialist
U. S. Department of Education
Federal Student Aid
School Participation Division - Atlanta

(404) 974-9288 office
(404) 974-9322 fax
Margaret.McGinness@ed.gov
StudentAid.gov

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**From:** Dillard, Vanessa <Vanessa.Dillard@ed.gov>
**Sent:** Monday, March 16, 2020 4:48 PM
**To:** AtlantaSPD <AtlantaSPD@ed.gov>
**Cc:** Simpson Miller, Vinita <Vinita.Simpson-Miller@ed.gov>
**Subject:** FW: [AACS List] Further Coronavirus guidance please

Hi all,

Susan Hood from one of our state partners, Florida , is getting questions from clock hour schools re: COVID-19 and forwarded question below from Boca Beauty Academy. I'd like to keep Susan looped in on the guidance provided. So, if someone could let me know what I can share with her an FYI, that would be very helpful.

Thanks!

VPD

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**From:** Hood, Susan <SUSAN.HOOD@fldoe.org>
**Sent:** Monday, March 16, 2020 4:38 PM
**To:** Dillard, Vanessa <Vanessa.Dillard@ed.gov>
**Subject:** FW: [AACS List] Further Coronavirus guidance please

Also, we have had phone calls from students stating that clock hour student must attend classes
Thanks for any assistance.

---

**From:** Jack Bragin [mailto:jbragin@bocabeautyacademy.edu]
**Sent:** Monday, March 16, 2020 3:30 PM
**To:** Hood, Susan <SUSAN.HOOD@fldoe.org>
**Cc:** David Colozzi <dcolozzi@bocabeautyacademy.edu>; Roxana Spirea <rspirea@bocabeautyacademy.edu>; Schenck, Ashley <Ashley.Schenck@fldoe.org>
**Subject:** FW: [AACS List] Further Coronavirus guidance please

Good afternoon Susan:

I hope you are safe and well. I apologize in advance for our persistence as I am sure you are being inundated with questions.
Counsel for the AACS sent the information below.
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If you can email me back to update us on whether we can anticipate receiving such approval today, that would be most appreciated during this time of uncertainty.

Thank you in advance, as always!

Jack

AMERICAN OVERSIGHT

**Jack Bragin**
*Chairman & CEO*
Office: (561) 487-1191

http://www.bocabeautyacademy.edu

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---

**From:** aacslist <aacslist-bounces+jbragin=bocabeautyacademy.edu@listserve.com> **On Behalf Of** Brodie, Katherine D. via aacslist
**Sent:** Saturday, March 14, 2020 1:38 PM
**To:** 'Daykel Menendez' <menendez@celebrity.edu>; 'AACS List' <aacslist@listserve.com>
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March 12, 2020

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Please note that on March 10, 2020, Senator Patricia Murray and 32 other senators wrote to Education Secretary Betsy DeVos seeking additional guidance from the Department on a number of additional issues including:

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- Assistance with ensuring accessible online instructional materials for students with disabilities;
- Continuity of mental health services;
- Ensuring quality of online education including guidance around the "regular and substantive" online interaction requirement;
- Greater flexibility for Satisfactory Academic Progress measurement;
- Proactive warnings to students regarding return of Title IV procedures for mid-term withdrawals to avoid unnecessary federal aid expenditures for students;

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- Institutional partnerships with non-Title IV entities.

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5. A foreign school temporarily suspends operations.

*Note*: The scenarios do not include students who have not yet enrolled or whose programs have not yet started.

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Institutions can temporarily move classes online until they are given the "all clear" to resume classroom instruction; enter into temporary agreements with other schools for students to complete courses; ask the Department for permission for a temporary, reduced academic year; and/or or accreditors can waive their requirements for students to complete a certain number of

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credits at an institution to finish their degrees. Again, the flexibility offered to accrediting agencies is dependent upon the agencies agreeing to adopt such policies.

### Clock Hour Programs Not Fully Addressed

Importantly for schools that measure attendance in clock hours, this flexibility is *not* available for courses that lead to state licensure if the licensure body will not accept distance learning courses or hours or give credit for them toward the number of hours a student must complete. Therefore, clock hour institutions will want to work with their state licensure agencies to urge them to accept online learning options on an emergency basis or risk having enrolled students deemed Title IV ineligible if part or all of an affected program is provided through distance education.

### Federal Student Aid Funds

The Department will also allow students to request a leave of absence and let institutions keep the Title IV funds to use when the students return, as long as they come back within the current length of an acceptable leave of absence, which is 180 days. For students who have not yet started their programs, the institution must return all Title IV funds and all Direct Loan funds credited to a student's account for the period. Institutions should also notify students' loan servicers that the student did not begin attendance to protect them from entering repayment within six months of withdrawing.

The Department will also allow schools to continue paying student federal work-study wages during a temporary coronavirus-related closure. However, the Department does not have the authority to waive the requirement to award Title IV funds based on a student's enrollment status if they fall below full-time enrollment or 12 credit hours.

For additional updates, please continue to check the Department's resource page.

### About Duane Morris

Duane Morris has created a COVID-19 Strategy Team to help institutions plan, respond to and address this fast-moving situation. Prior *Alerts* and articles on the topic are available on the team's webpage.

### For Further Information

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If you have any questions related to this *Alert*, please contact Katherine D. Brodie, Edward Cramp, Kristina Gill, Brandi A. Taylor any of the attorneys in the Higher Education Group or the attorney in the firm with whom you are regularly in contact.

*Disclaimer: This Alert has been prepared and published for informational purposes only and is not offered, nor should be construed, as legal advice. For more information, please see the firm's full disclaimer.*

**Katherine D. Brodie**
Partner and Co-Lead, Education Industry Group

**Duane Morris LLP**
**P:** +1 202 776 5241
**C:** +1 (b)(6)

505 9th Street NW, Suite 1000
Washington, DC 20004-2166

KDBrodie@duanemorris.com
www.duanemorris.com

---

**From:** aacslist <aacslist-bounces+kdbrodie=duanemorris.com@listserve.com> **On Behalf Of** Daykel Menendez via aacslist
**Sent:** Saturday, March 14, 2020 12:23 PM
**To:** aacslist@listserve.com
**Subject:** [AACS List] Further Coronavirus guidance please

Hello all,

Since the webinar AACS hosted last week on the Coronavirus preparedness for our schools, things have escalated.
-Cities have declared a state of emergency.
-State surgeon generals have declared a Public Health Emergency.
-President Trump declared a national emergency.

I noted that Ed Cramp mentioned during the presentation that if a public health emergency was declared we would have to have additional considerations. That declaration has now occurred, at all government levels (at least in our area). In our area (as is the case for many areas in the country), public schools (at all levels --elementary, middle, high and colleges/universities) are closing, effective Monday 3/16/20. Some are closing for 2 weeks, others indefinitely, while some have closed and moving their classes to a virtual/distance setting.

We now have been experiencing elevated pressure (though questions and facial expressions) from our students and staff to determine if we remain open or if we follow others and close. It

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feels as if our school community expects us to close "since we are a school and all other schools are closing." We are strongly considering closing for 2 weeks, but also have considered the consequences of closing. If we close is mostly to follow along with other (public) schools and as a courtesy to students and staff to allow them to make family arrangements, but luckily, our school community has not been directly affected or disturbed (as of now). Another consideration is, what will be different in 2 weeks? Perhaps we will have reports of many more cases, more public panic and would be expected to close further days/weeks.

So, any further thoughts? Is AACS working on further guidance for the membership. Any legal considerations?

Stay safe everyone!

Daykel Menendez

Corporate Director

Celebrity School of Beauty

8478 SW 8th Street. Miami, Fl 33144

PH: 305.267.7277

WB: www.celebrity.edu

For more information about Duane Morris, please visit http://www.DuaneMorris.com

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:06:22 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Further Coronavirus guidance needed for state agency

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Tuesday, March 17, 2020 12:17 PM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Dillard, Vanessa <Vanessa.Dillard@ed.gov>
**Subject:** FW: Further Coronavirus guidance needed for state agency

We are seeking additional guidance and/or information that we can share with persons in the Florida Department of Education regarding questions they are receiving from their schools. Please see the email thread below that includes a typical question received by FL Department of Education. Please respond to both AtlantaSPD@ed.gov and Vanessa.Dillard@ed.gov .

Best regards,

Meg McGinness
Institutional Review Specialist
U. S. Department of Education
Federal Student Aid
School Participation Division - Atlanta

(404) 974-9288 office
(404) 974-9322 fax
Margaret.McGinness@ed.gov
StudentAid.gov

---

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**From:** Dillard, Vanessa <Vanessa.Dillard@ed.gov>
**Sent:** Monday, March 16, 2020 4:48 PM
**To:** AtlantaSPD <AtlantaSPD@ed.gov>

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**Cc:** Simpson Miller, Vinita <Vinita.Simpson-Miller@ed.gov>
**Subject:** FW: [AACS List] Further Coronavirus guidance please

Hi all,

Susan Hood from one of our state partners, Florida , is getting questions from clock hour schools re: COVID-19 and forwarded question below from Boca Beauty Academy. I'd like to keep Susan looped in on the guidance provided. So, if someone could let me know what I can share with her an FYI, that would be very helpful.

Thanks!

VPD

---

**From:** Hood, Susan <SUSAN.HOOD@fldoe.org>
**Sent:** Monday, March 16, 2020 4:38 PM
**To:** Dillard, Vanessa <Vanessa.Dillard@ed.gov>
**Subject:** FW: [AACS List] Further Coronavirus guidance please

Also, we have had phone calls from students stating that clock hour student must attend classes
Thanks for any assistance.

---

**From:** Jack Bragin [mailto:jbragin@bocabeautyacademy.edu]
**Sent:** Monday, March 16, 2020 3:30 PM
**To:** Hood, Susan <SUSAN.HOOD@fldoe.org>
**Cc:** David Colozzi <dcolozzi@bocabeautyacademy.edu>; Roxana Spirea <rspirea@bocabeautyacademy.edu>; Schenck, Ashley <Ashley.Schenck@fldoe.org>
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AMERICAN OVERSIGHT

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**Katherine D. Brodie**
Partner and Co-Lead, Education Industry Group

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**C:** + (b)(6)

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Corporate Director

Celebrity School of Beauty

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**From:** AtlantaSPD
**Sent:** Tue, 17 Mar 2020 15:29:02 +0000
**To:** COVID-19
**Cc:** AtlantaSPD
**Subject:** FW: FWS and COVID 19

For your review and response.

---

**From:** Simone Sutherland <sw622@nova.edu>
**Sent:** Monday, March 16, 2020 11:01 AM
**To:** Dillard, Vanessa <Vanessa.Dillard@ed.gov>
**Subject:** FWS and COVID 19

Good Morning Ms. Dillard,
Due to COVID19, the ED included provisions for institution to continue to pay FWS students who are impacted by COVID19. This allowance is based on institutions that are closed and/or employers that are closed. May you please confirm if this also include instances where the campus is open but all classes and academic related activities are suspended and students in residential Life and Housing are asked to leave the halls until classes resume? In addition, does the provision to pay FWS student during COVID19 include allowances where ground classes are suspended and moving to online platforms and/or classes are suspended but students are able to participate in online academic related activities, such as discussions?

Thank you for your assistance.

**Simone Sutherland**
Associate Director of Financial Aid
Enrollment and Student Services
(954)262-7436
sw622@nova.edu
nova.edu
NOVA SOUTHEASTERN UNIVERSITY | NSU Florida

**http://www.nova.edu/financialaid/index.html**

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:06:25 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS and COVID 19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

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**Sent:** Tuesday, March 17, 2020 11:29 AM
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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:11:58 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS and voluntary closure

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kujawa, Nicholas <nkujawa@ndm.edu>
**Sent:** Tuesday, March 17, 2020 4:59 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS and voluntary closure

Good afternoon,

In the Dear Colleague letter from March 5 relating to COVID-19, it stated that with FWS:

Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.

My question with this is wondering if this is the case if our University voluntarily closes or is it only in a case of a State or National Emergency requiring colleges and universities to close?

Thank you in advance for your clarification,

AMERICAN OVERSIGHT

Nicholas Kujawa
Assistant Director, Financial Aid
Notre Dame of Maryland University
4701 North Charles Street
Baltimore, Maryland 21201

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OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:06:34 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Compensation Over Extended Spring Break

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Zilma Lopes <zlopes@robeson.edu>
**Sent:** Tuesday, March 17, 2020 12:22 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS Compensation Over Extended Spring Break

Good Afternoon,

I have a question regarding compensating FWS students during the COVID-19 pandemic. Due to the COVID-19, we extended our spring break to include this current week of March 16th thru March 20th and then we are moving to online instruction as of next Monday, March 23rd. We've asked students to not come to campus and we would like to compensate our FWS students during this time.

**My question is**: Do I start compensating students starting this week for our extended spring break or starting next Monday, March 233rd, which is when we will resume classes through online modality?

Thank you,

***Zilma Lopes, MS***
*Director of Financial Aid*
*2019-2020 NCASFAA Treasurer*
5160 Fayetteville Road
Lumberton, NC 28360
Tel: 910.272.3662
Fax: 910.272.3314
Email: zlopes@robeson.edu

"You have not lived today successfully until you have done something for someone who can never repay you"
~John Bunyan

AMERICAN OVERSIGHT

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:25:18 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Question
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Mary Anne Stano <mastano@loyola.edu>
**Sent:** Tuesday, March 17, 2020 5:19 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS Question
**Importance:** High

How do we determine the number of hours worked for FWS students who work sporadically. For example, we have tutors that may work one hour for one week, two hours the next and then may not work again for another week or so. These students do not work by regularly scheduled hours so may we determine an average number of hours based on prior pay periods?

I am so grateful for your guidance.

Thank you, and please stay well.

Sincerely,

**Mary Anne**

\\\ **Mary Anne Stano**
Director | Office of Financial Aid

LOYOLA
UNIVERSITY MARYLAND

4501 North Charles Street, Baltimore, MD 21210
410-617-2576 \ financialaid@loyola.edu

**MORE THAN READY. LOYOLA READY.**

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OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:06:39 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: grades vs pass/fail

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Elias, Stephanny <selias0104@post03.curry.edu>
**Sent:** Tuesday, March 17, 2020 6:02 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Loconto, Robert <robert.loconto@curry.edu>
**Subject:** grades vs pass/fail

Hello.

We have closed the campus temporarily for students and are teaching on-line. Our Provost's Office is asking about changing the grading structure for this semester for students who choose to switch their courses from a grade to a pass/fail.

Our typical pass/fail policy:
A student may choose to take up to a maximum of four courses on a Grade/Pass/Fail (GPF) option during their academic career. Only one GPF can be taken during a semester. Under this option, a student may specify a minimum course grade of "D-" or higher* by contract with the course instructor.
If the final grade is at or above the contracted grade, the professor will report that grade. The grade will be included in the overall grade point average.
If the final grade is a passing grade but is lower than the contracted minimum grade, the professor will award a "P." The "P" grade will not be included in the overall grade point average.
If a student fails to achieve course goals, the professor will assign an "F." The "F" will be include in the overall grade point average and credit will not be granted for the course.
The GPF is not an option in courses in the student's major, except field experience courses that may be part of the major. Only one "P" grade be used in a minor. *Please note: when exploring the GPF option, students must confirm any minimum course grade requirements with individual departments and programs. The GPF is not an option in credit-bearing graduate courses.

I am seeking guidance on pass/fail impact to SAP:

1. Can we change our documented grade/pass/fail policy because of the current situation and allow students more of these options than policy dictates?

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2. IF the answer to #1 above is yes and if a student chooses to do all courses as pass/fail, they would not receive a grade point average. Therefore, how do we incorporate in to SAP? Our SAP policy requires a minimum 2.0 for GPA. The percent of credits attempted and passed/failed works even with the pass/fail option selected but it is unclear how we would treat someone who passed all courses with a "P" but receives no GPA for the semester.

Thank you for your time.

Stephanny J. Elias
Stephanny J. Elias
Associate Vice President of
Financial Aid
Curry College
1071 Blue Hill Avenue
Milton, MA 02186
Tel. 617.333.2010
Fax 617.333.2915
*Note: Students and/or parents sending personal information, such as a copy of a Federal tax return, to our office should send it via fax or encrypted e-mail.*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:06:45 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Guidance for interruptions of study related to Coronavirus (COVID-19)

---

**From:** Jessica Christensen <jchriste@cord.edu>
**Sent:** Tuesday, March 17, 2020 10:57 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Guidance for interruptions of study related to Coronavirus (COVID-19)

Hello,

We have a situation where a student had started their term abroad and the abroad institution has now closed so they are unable to complete the term there with the exception of a portion of their credits that has already been completed.

Because their abroad campus has closed, we have advised the student to return to the US and have secured accommodations for them to do so this week. We can offer this student distance learning courses through our campus and can provide opportunities to work with them to be able to continue their education and complete their term here at the home institution.

However, the student is indicating that they have travel fears and have a place to stay in Germany with extended family and want to remain in Germany for the time being because they feel travelling right now is putting themselves at a greater risk of contracting the COVID-19 virus.

I believe their campus closed approximately 5-7 days ago. It is my understanding that they would need to be back in the US if their abroad school has closed for us to offer alternate learning opportunities from the students home campus. Can you please confirm that if we offer the student distance learning opportunities from our campus that they can or cannot complete that work while remaining in Germany?

If they must be back in the US for us to offer these opportunities, I am aware that we can have some flexibility on some non-standard dates as far as completion of the coursework that we can provide. If their abroad campus closed on approximately March 10th and our campus term here at the home institution technically ends May 3rd how long can we give them to get here to resume courses? Is there a regulatory time limit on this and is there any regulatory guidance we should follow if the student does not want to travel back to the states at this point in time?

Thanks
**Jess Christensen**

ASSOCIATE DIRECTOR
CONCORDIA COLLEGE | FINANCIAL AID

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o 218.299.3010 | f 218.299.3025
jchriste@cord.edu

901 8th St. S, Moorhead, Minn. 56562 | ConcordiaCollege.edu

facebook | twitter | linkedin | youtube | instagram

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AMERICAN OVERSIGHT

**From:** Chang, Maria
**Sent:** Tue, 17 Mar 2020 18:52:11 +0000
**To:** COVID-19
**Cc:** Forrester, Tiffany
**Subject:** FW: Guidance/Concerns as a result of the COVID-19 Pandemic
**Attachments:** EO 2020-04 Relative to Responding to Confirmed Cases of Novel Coronavirus (COVID-19).pdf (2).pdf

Dear Colleague:

I hope this email finds you well.

I'm writing to share a recent email I received from one of my grantees related to COVID-19. Please see the email below.

Thank you for your help and time.

Enjoy your day.

Sincerely,

Maria Chang
Program Officer, Insular Areas
Rural, Insular, and Native Achievement Programs
Office of Elementary and Secondary Education
U.S. Dept. of Education
202.453.6080
maria.chang@ed.gov

**From:** Ignacio C. Santos <icsantos@gdoe.net>
**Sent:** Tuesday, March 17, 2020 1:49 AM
**To:** Chang, Maria <Maria.Chang@ed.gov>
**Cc:** Forrester, Tiffany <Tiffany.Forrester@ed.gov>; Jon Fernandez (Superintendent)

AMERICAN OVERSIGHT

<jonfernandez@gdoe.net>; CG STATE <cg-state@gdoe.net>
**Subject:** Guidance/Concerns as a result of the COVID-19 Pandemic

**Maria!**

***Buenas yan Hafa Adai!*** Thank you for meeting with us last week on the Quarterly Progress Update in DC. We appreciate the feedback and inquiries.

As noted during our meeting last week, the Guam Department of Education (GDOE) – Federal Programs Division (FPD)/Grants Office seeks guidance on the following as it relates to the use and security of Consolidated Grant Application (CGA) funds amid the COVID-19 Global Pandemic. On March 14, 2020, the Governor of Guam, Lourdes Leon Guerrero, had issued an Executive Order declaring a Public Health Emergency as a result of 3 confirmed cases of COVID-19 in the last few days. The following are in place, effective March 14, 2020, as a result of the Executive Order:

- Closure of non-essential government of Guam offices
- Closure of all public, private and charter schools
- Prohibition of large gatherings of 50 or more

-

**FY2018 Carryover/FY2019 Consolidated Grant Application:**

In light of the Executive Order, the global pandemic, and the undetermined length of time of school closures GDOE– Federal Programs Division (FPD)/Grants Office seeks guidance from the US Department of Education (US-Ed) on the allowability and flexibility to amend the FY2019 CGA amending project activities to align with the current and evolving educational needs of students, and situation as a result of this unprecedented event.

GDOE seeks guidance on the following relative to mitigating the potential reduced use/expenditure of CGA funds for both the FY18 Carryover and the FY19, limited draw-down activity, and decreased implementation of approved project activities:

- GDOE has postponed and/or cancelled professional development activities for teachers and staff as allowed within the CGA. Numerous project activities, performance measures, and other relative reporting requirements will be impacted as a result.

- GDOE has considered postponing the 31st Pacific Educational Conference (PEC) scheduled for July 2020. Postponement will result of excess unobligated/unexpended funding due to the number of participant registration fees.

- Payment of personnel not able to work as a result of the current situation. Hourly CGA personnel will be severely impacted such as Teacher Assistants, Part-time teachers for Summer School, *Eskuelan Puengi* and ASPIRE. GDOE seeks guidance with regard to addressing these circumstances.

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- Teacher Assistants: Hourly pay is their primary source for household income

- Part-time Teachers: Part-time pay supplements their regular school year salaries, providing supplemental income to support their families.

❖ As a result of the COVID-19 Global Pandemic and the closure of Guam's schools (public, private, and charters), kindly advise of any Federal legislation that safeguards Part-Time employees who are adversely impacted by the closure of schools.

Consequently, due to activity cancelations and/or postponement, and school closures, CGA expenditures will reduce significantly. In an effort to safeguard Federal funds while still supplementing the educational needs of Guam's students in light of the current situation, GDOE proposes to amend the FY2019 CGA for the following:

- Procurement of health and safety supplies and materials such as masks, hand sanitizers, disinfectant wipes, rubbing alcohol, disinfectant solutions, spray bottles and other essential health and safety supplies for teachers, students, CGA social workers and essential CGA funded personnel under the ISLA-*Ayudante*' Project, Student, Parent and Community Engagement Project, and State Administration.

  - The three projects include health and safety supplies and materials or for students and teachers for the Summer School, *Eskuelan Puengi,* ASPIRE, social worker activities, as well as for Teacher Assistants throughout the year.

- Procurement of additional laptops/carts and other relative equipment to support students and teachers as GDOE may need to distribute laptops to students to continue school work from home.

- Procurement of supplemental education services and supplemental portable Wi-Fi services to support the educational needs of students who do not possess the means, infrastructure, and/or live in sub-standard conditions.

- Special arrangements for personnel such as teacher assistants, to support and accommodate students who do not possess the means or infrastructure, and/or live in sub-standard conditions and possibly, assist in the delivery of school meals to at-risk students.

As a result of this unprecedented event, GDOE foresees additional challenges ahead, a constantly evolving situation, therefore, circumstances may require additional adjustments to the FY2019 CGA as Guam possesses a large number of economically challenged at-risk students, other unforeseen issues may arise, and the needs of the students to be served is expected to fluctuate.,

The GDOE Federal Programs/Grant Office seeks US-Ed's guidance as to the allowability and flexibility with regard to amending project activities to align with the current needs and situation while remaining within the scope of the approved application. Your utmost attention and assistance is greatly appreciated.

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Should you have any concerns, please do not hesitate to contact me at icssantos@gdoe.net or at my personal cell phone, (b)(6) We look forward to your prompt response and guidance. Be safe and thank you!

--

***Si Yu'os Ma'ase!***
***Ike***

GDOE SY 2019-2020

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**ISLAND OF GUAM**
**OFFICE OF THE GOVERNOR**
**HAGÅTÑA, GUAM 96932**
**U.S.A.**

# EXECUTIVE ORDER NO. 2020-04

## RELATIVE TO RESPONDING TO CONFIRMED CASES OF NOVEL CORONAVIRUS (COVID-19)

**WHEREAS**, on March 14, 2020, I, Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*, Governor of Guam, acting pursuant to the power provided to me by the Organic Act and the laws of Guam, declared a public health emergency in the island of Guam due to the potential dangers posed by the 2019 novel coronavirus ("COVID-19"); and

**WHEREAS**, since the declaration of a public health emergency, Guam has confirmed three cases of COVID-19; and

**WHEREAS**, it is of the upmost importance that *I Maga'hågan Guåhan* utilizes all available resources of the government of Guam to respond to this public health threat evidenced by these newfound cases; and

**WHEREAS**, the Director of the Guam Department of Public Health and Social Services ("DPHSS") and members of the Federal Centers for Disease Control and Prevention ("CDC") have advised that Guam undergo an "investigatory period" to detect and track the potential spread of COVID-19; and

**WHEREAS**, as a community, we place special emphasis on care for those most vulnerable among us, especially the *manåmko'*, who, along with those with pre-existing medical conditions, are most at risk of severe effects from COVID-19; and

**WHEREAS**, the CDC and DPHSS recommend implementation of community mitigation strategies, including limiting government operations to essential services and the prohibition of large gatherings in an effort to further prevent the transmission of COVID-19.

**NOW, THEREFORE, I, LOURDES A. LEON GUERRERO,** *I Maga'hågan Guåhan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order:

1. **CLOSURE OF NON-ESSENTIAL GOVERNMENT OF GUAM OFFICES.** Effective immediately and through March 30, 2020, all non-essential government of Guam offices are closed and such services are suspended. Essential personnel shall be identified and contacted by their appropriate supervisors.

2. **CLOSURE OF ALL SCHOOLS.** Pursuant to Section 3317, Article 3, Chapter 3, of Title 10, Guam Code Annotated, beginning March 17, 2020, all public and private schools on Guam serving prekindergarten through 12th grade students must close for educational purposes through March 30, 2020. The definition of habitual truancy pursuant to Article 4, Chapter 6, of Title 17, Guam Code Annotated, is



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suspended. And student absences due to school closures and absences connected to the transmission of COVID-19 during the effect of this Executive Order shall not contribute to the calculation of habitual truancy.\

3. **PROHIBITION ON LARGE GATHERINGS**. Pursuant to Section 3317, Article 3, Chapter 3, of Title 10, Guam Code Annotated, effective immediately and through March 30, 2020, gatherings of 50 people or more in a single room or single space at the same time for social, spiritual and recreational activities, including, but not limited to, community, civic, public, leisure, faith-based, or sporting events, parades, concerts, festivals, fiestas, conventions, fundraisers and similar activities are prohibited throughout the island of Guam.

4. **EMERGENCY MEASURES CONCERNING FACILITIES AND MATERIALS**. Effective immediately and through March 30, 2020, any place of business or public accommodation for which attendance is anticipated to be fewer than 50 people, shall operate at no greater than 50% occupancy, and no greater than 50% of seating capacity.

   The preceding directive shall not apply to retail establishments providing basic food and necessities (e.g. grocery and convenience stores), hospitals, pharmacies, or other medical offices/facilities. This Order is not intended to prohibit routine business gatherings held at the place of business.

5. **MANDATORY SOCIAL-DISTANCING**. In all other instances not captured by this prohibition, it is strongly recommended that mitigation measures are implemented and enforced. These measures include but are not limited to social distancing of at least six feet; frequent cleaning of all surfaces; posting of signs; and permitting/encouraging teleworking. Older residents and those with pre-existing medical conditions are encouraged to limit excursions of any type.

6. **RESTRICTING ENTRY INTO GUAM**. Pursuant to Section 3333, Article 3, Chapter 3, of Title 10, Guam Code Annotated, all persons who are non-residents who have been in a country with confirmed COVID-19 cases for more than one (1) week and do not possess a DPHSS recognized and certified document that attests that they are not infected with COVID-19, shall be restricted entry into Guam. The date of the test must not be more than one (1) week from the date of attempted entry into Guam.

   Any individual who enters into Guam without the proper documentation shall be quarantined pursuant to this Section and Sections 19604 and 19605 of Article 6, Chapter 19 of Title 10, Guam Code Annotated.

   Any and all costs associated with the quarantine and/or treatment of individuals who are subject to restricted entry into Guam pursuant to this Executive Order shall be the responsibility of the individual and the carrier that the individual contracted with to travel to Guam.



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7. **ENFORCEMENT.** DPHSS is directed to issue guidance, subject to my approval to implement the terms of this Order. DPHSS shall enforce this Order and, if necessary, may do so with the assistance of the Guam Police Department.

8. **SEVERABILITY.** If any provision of this executive order or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this order that can be given effect without the invalid provision or application, and to this end, the provisions of this order are severable.

**SIGNED AND PROMULGATED** at Hagåtña, Guam, this **16th** day of **March 2020**.

**LOURDES A. LEON GUERRERO**
*Maga'hågan Guåhan*
Governor of Guam

Attested by:

**JOSHUA F. TENORIO**
*Sigundo Maga'låhen Guåhan*
Lieutenant Governor of Guam



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:13:55 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Guidance/Concerns as a result of the COVID-19 Pandemic
**Attachments:** EO 2020-04 Relative to Responding to Confirmed Cases of Novel Coronavirus (COVID-19).pdf (2).pdf

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Chang, Maria <Maria.Chang@ed.gov>
**Sent:** Tuesday, March 17, 2020 2:52 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Forrester, Tiffany <Tiffany.Forrester@ed.gov>
**Subject:** FW: Guidance/Concerns as a result of the COVID-19 Pandemic

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I hope this email finds you well.

I'm writing to share a recent email I received from one of my grantees related to COVID-19. Please see the email below.

Thank you for your help and time.

Enjoy your day.

Sincerely,

Maria Chang
Program Officer, Insular Areas
Rural, Insular, and Native Achievement Programs
Office of Elementary and Secondary Education
U.S. Dept. of Education
202.453.6080
maria.chang@ed.gov

AMERICAN OVERSIGHT

**From:** Ignacio C. Santos <icsantos@gdoe.net>
**Sent:** Tuesday, March 17, 2020 1:49 AM
**To:** Chang, Maria <Maria.Chang@ed.gov>
**Cc:** Forrester, Tiffany <Tiffany.Forrester@ed.gov>; Jon Fernandez (Superintendent) <jonfernandez@gdoe.net>; CG STATE <cg-state@gdoe.net>
**Subject:** Guidance/Concerns as a result of the COVID-19 Pandemic

**Maria!**

***Buenas yan Hafa Adai!*** Thank you for meeting with us last week on the Quarterly Progress Update in DC. We appreciate the feedback and inquiries.

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-

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Consequently, due to activity cancelations and/or postponement, and school closures, CGA expenditures will reduce significantly. In an effort to safeguard Federal funds while still supplementing the educational needs of Guam's students in light of the current situation, GDOE proposes to amend the FY2019 CGA for the following:

- Procurement of health and safety supplies and materials such as masks, hand sanitizers, disinfectant wipes, rubbing alcohol, disinfectant solutions, spray bottles and other essential health and safety supplies for teachers, students, CGA social workers and essential CGA funded personnel under the ISLA-*Ayudante*' Project, Student, Parent and Community Engagement Project, and State Administration.

    - The three projects include health and safety supplies and materials or for students and teachers for the Summer School, *Eskuelan Puengi,* ASPIRE, social worker activities, as well as for Teacher Assistants throughout the year.

- Procurement of additional laptops/carts and other relative equipment to support students and teachers as GDOE may need to distribute laptops to students to continue school work from home.

- Procurement of supplemental education services and supplemental portable Wi-Fi services to support the educational needs of students who do not possess the means, infrastructure, and/or live in sub-standard conditions.

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- Special arrangements for personnel such as teacher assistants, to support and accommodate students who do not possess the means or infrastructure, and/or live in sub-standard conditions and possibly, assist in the delivery of school meals to at-risk students.

As a result of this unprecedented event, GDOE foresees additional challenges ahead, a constantly evolving situation, therefore, circumstances may require additional adjustments to the FY2019 CGA as Guam possesses a large number of economically challenged at-risk students, other unforeseen issues may arise, and the needs of the students to be served is expected to fluctuate.,

The GDOE Federal Programs/Grant Office seeks US-Ed's guidance as to the allowability and flexibility with regard to amending project activities to align with the current needs and situation while remaining within the scope of the approved application. Your utmost attention and assistance is greatly appreciated.

Should you have any concerns, please do not hesitate to contact me at icssantos@gdoe.net or at my personal cell phone, (671) 482-0010. We look forward to your prompt response and guidance. Be safe and thank you!

--
***Si Yu'os Ma'ase!***
***Ike***

GDOE SY 2019-2020

AMERICAN OVERSIGHT

**ISLAND OF GUAM**
**OFFICE OF THE GOVERNOR**
**HAGÅTÑA, GUAM 96932**
**U.S.A.**

# EXECUTIVE ORDER NO. 2020-04

## RELATIVE TO RESPONDING TO CONFIRMED CASES OF NOVEL CORONAVIRUS (COVID-19)

**WHEREAS**, on March 14, 2020, I, Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*, Governor of Guam, acting pursuant to the power provided to me by the Organic Act and the laws of Guam, declared a public health emergency in the island of Guam due to the potential dangers posed by the 2019 novel coronavirus ("COVID-19"); and

**WHEREAS**, since the declaration of a public health emergency, Guam has confirmed three cases of COVID-19; and

**WHEREAS**, it is of the upmost importance that *I Maga'hågan Guåhan* utilizes all available resources of the government of Guam to respond to this public health threat evidenced by these newfound cases; and

**WHEREAS**, the Director of the Guam Department of Public Health and Social Services ("DPHSS") and members of the Federal Centers for Disease Control and Prevention ("CDC") have advised that Guam undergo an "investigatory period" to detect and track the potential spread of COVID-19; and

**WHEREAS**, as a community, we place special emphasis on care for those most vulnerable among us, especially the *manåmko'*, who, along with those with pre-existing medical conditions, are most at risk of severe effects from COVID-19; and

**WHEREAS**, the CDC and DPHSS recommend implementation of community mitigation strategies, including limiting government operations to essential services and the prohibition of large gatherings in an effort to further prevent the transmission of COVID-19.

**NOW, THEREFORE, I, LOURDES A. LEON GUERRERO,** *I Maga'hågan Guåhan*, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order:

1. **CLOSURE OF NON-ESSENTIAL GOVERNMENT OF GUAM OFFICES.** Effective immediately and through March 30, 2020, all non-essential government of Guam offices are closed and such services are suspended. Essential personnel shall be identified and contacted by their appropriate supervisors.

2. **CLOSURE OF ALL SCHOOLS.** Pursuant to Section 3317, Article 3, Chapter 3, of Title 10, Guam Code Annotated, beginning March 17, 2020, all public and private schools on Guam serving prekindergarten through 12th grade students must close for educational purposes through March 30, 2020. The definition of habitual truancy pursuant to Article 4, Chapter 6, of Title 17, Guam Code Annotated, is



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suspended. And student absences due to school closures and absences connected to the transmission of COVID-19 during the effect of this Executive Order shall not contribute to the calculation of habitual truancy.\

3. **PROHIBITION ON LARGE GATHERINGS**. Pursuant to Section 3317, Article 3, Chapter 3, of Title 10, Guam Code Annotated, effective immediately and through March 30, 2020, gatherings of 50 people or more in a single room or single space at the same time for social, spiritual and recreational activities, including, but not limited to, community, civic, public, leisure, faith-based, or sporting events, parades, concerts, festivals, fiestas, conventions, fundraisers and similar activities are prohibited throughout the island of Guam.

4. **EMERGENCY MEASURES CONCERNING FACILITIES AND MATERIALS**. Effective immediately and through March 30, 2020, any place of business or public accommodation for which attendance is anticipated to be fewer than 50 people, shall operate at no greater than 50% occupancy, and no greater than 50% of seating capacity.

   The preceding directive shall not apply to retail establishments providing basic food and necessities (e.g. grocery and convenience stores), hospitals, pharmacies, or other medical offices/facilities. This Order is not intended to prohibit routine business gatherings held at the place of business.

5. **MANDATORY SOCIAL-DISTANCING**. In all other instances not captured by this prohibition, it is strongly recommended that mitigation measures are implemented and enforced. These measures include but are not limited to social distancing of at least six feet; frequent cleaning of all surfaces; posting of signs; and permitting/encouraging teleworking. Older residents and those with pre-existing medical conditions are encouraged to limit excursions of any type.

6. **RESTRICTING ENTRY INTO GUAM**. Pursuant to Section 3333, Article 3, Chapter 3, of Title 10, Guam Code Annotated, all persons who are non-residents who have been in a country with confirmed COVID-19 cases for more than one (1) week and do not possess a DPHSS recognized and certified document that attests that they are not infected with COVID-19, shall be restricted entry into Guam. The date of the test must not be more than one (1) week from the date of attempted entry into Guam.

   Any individual who enters into Guam without the proper documentation shall be quarantined pursuant to this Section and Sections 19604 and 19605 of Article 6, Chapter 19 of Title 10, Guam Code Annotated.

   Any and all costs associated with the quarantine and/or treatment of individuals who are subject to restricted entry into Guam pursuant to this Executive Order shall be the responsibility of the individual and the carrier that the individual contracted with to travel to Guam.



AMERICAN OVERSIGHT

7. **ENFORCEMENT.** DPHSS is directed to issue guidance, subject to my approval to implement the terms of this Order. DPHSS shall enforce this Order and, if necessary, may do so with the assistance of the Guam Police Department.

8. **SEVERABILITY.** If any provision of this executive order or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this order that can be given effect without the invalid provision or application, and to this end, the provisions of this order are severable.

**SIGNED AND PROMULGATED** at Hagåtña, Guam, this **16th** day of **March 2020**.

**LOURDES A. LEON GUERRERO**
*Maga'hågan Guåhan*
Governor of Guam

Attested by:

**JOSHUA F. TENORIO**
*Sigundo Maga'låhen Guåhan*
Lieutenant Governor of Guam



AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Tue, 17 Mar 2020 15:17:39 +0000
**To:** COVID-19
**Cc:** Pagano, Lisa;Poynter, Leslie;OESE.titlei-a
**Subject:** FW: IEP Dates during a statewide school closure

Thanks, Lisa -

Copying the COVID inbox on this incoming question, as we've been asked to do in our office.

Best,
Leslie

---

**From:** Pagano, Lisa <Lisa.Pagano@ed.gov>
**Sent:** Tuesday, March 17, 2020 9:16 AM
**To:** bill gehrlein <billgehrlein@gmail.com>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** RE: IEP Dates during a statewide school closure

Thank you for your question. The U.S. Department of Education's Office of Special Education Programs (OSEP) is collecting, reviewing, and responding to questions. As you might expect, we have received many questions about the effect of school closures on timelines. I will be in touch with a response as soon as I have updated information to share.

Thank you in advance for your patience and understanding as we work to address your question.

Sincerely,

**Lisa M. Pagano**
Policy Specialist
Monitoring and State Improvement Planning Division
Office of Special Education Programs | US Department of Education
550 12th Street SW|Washington, DC 20202
(202)245-7413 | lisa.pagano@ed.gov

---

**From:** bill gehrlein (b)(6)
**Sent:** Tuesday, March 17, 2020 8:57 AM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** Pagano, Lisa <Lisa.Pagano@ed.gov>
**Subject:** Re: IEP Dates during a statewide school closure

Leslie and Lisa,

AMERICAN OVERSIGHT

Thank you for your reply. I have seen this document and the question I have is "sort-of" answered. Here's the language:

"If an LEA closes its schools to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The Department understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements."

The problem is that our district is unsure if this language postpones IEP meetings or services or both. Do "services to students" as stated in the language include IEP meetings or just the implementation of the IEP?

Thank you for getting back to me in such a timely fashion. Either of you is welcome to call me as well.

Sincerely,
Bill Gehrlein

412-860-2906

On Mar 17, 2020, at 8:38 AM, OESE.titlei-a <OESE.titlei-a@ed.gov> wrote:

Good Morning, and thank you for this question. This question is best answered by our colleagues in the Office of Special Education Programs, and I have copied the policy specialist from their office, Lisa Pagano, on this email. However, I can share with you one resource which the Department just published, specific to students with disabilities that may be helpful: https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf

If your questions are not answered through this resource, I recommend that you send them to the Department at: COVID-19@ed.gov. A team of individuals are monitoring that inbox to provide answers to questions at this time.

Best,
Leslie

---

AMERICAN OVERSIGHT

Leslie Poynter
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

-----Original Message-----
From: bill gehrlein (b)(6)
Sent: Monday, March 16, 2020 7:45 PM
To: OESE.titlei-a <OESE.titlei-a@ed.gov>
Subject: IEP Dates during a statewide school closure

Hello,
Due to COVID-19, are schools required to have IEP meetings during a statewide school closure? Can the date of the IEP be changed to a later date even though the IEP would technically be out of compliance?

Thank you,
Bill Gehrlein

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:14:16 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: IEP Dates during a statewide school closure

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Tuesday, March 17, 2020 11:18 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Pagano, Lisa <Lisa.Pagano@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** FW: IEP Dates during a statewide school closure

Thanks, Lisa -

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Leslie

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**From:** Pagano, Lisa <Lisa.Pagano@ed.gov>
**Sent:** Tuesday, March 17, 2020 9:16 AM
**To:** bill gehrlein (b)(6) ; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** RE: IEP Dates during a statewide school closure

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Thank you in advance for your patience and understanding as we work to address your question.

Sincerely,

**Lisa M. Pagano**

AMERICAN OVERSIGHT

Policy Specialist
Monitoring and State Improvement Planning Division
Office of Special Education Programs | US Department of Education
550 12th Street SW|Washington, DC 20202
(202)245-7413 | lisa.pagano@ed.gov

---

**From:** bill gehrlein (b)(6)
**Sent:** Tuesday, March 17, 2020 8:57 AM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** Pagano, Lisa <Lisa.Pagano@ed.gov>
**Subject:** Re: IEP Dates during a statewide school closure

Leslie and Lisa,
Thank you for your reply. I have seen this document and the question I have is "sort-of" answered. Here's the language:

"If an LEA closes its schools to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The Department understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements."

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Sincerely,
Bill Gehrlein

412-860-2906

On Mar 17, 2020, at 8:38 AM, OESE.titlei-a <OESE.titlei-a@ed.gov> wrote:

Good Morning, and thank you for this question. This question is best answered by our colleagues in the Office of Special Education Programs, and I have copied the policy

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specialist from their office, Lisa Pagano, on this email. However, I can share with you one resource which the Department just published, specific to students with disabilities that may be helpful: https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf

If your questions are not answered through this resource, I recommend that you send them to the Department at: COVID-19@ed.gov. A team of individuals are monitoring that inbox to provide answers to questions at this time.

Best,
Leslie

---

Leslie Poynter
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

-----Original Message-----
From: bill gehrlein (b)(6)
Sent: Monday, March 16, 2020 7:45 PM
To: OESE.titlei-a <OESE.titlei-a@ed.gov>
Subject: IEP Dates during a statewide school closure

Hello,
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Thank you,
Bill Gehrlein

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:03:26 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: IEP services inregards to Therapy

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Collier, Angela <acollier@summitdd.org>
**Sent:** Tuesday, March 17, 2020 7:58 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** IEP services inregards to Therapy

What is the expectation of the parents in regards to the school districts providing therapies outlined in the child's IEP during the extended school closure?
Should parents contact their health care provider and discuss an alternative plan?
Is the school districts going to provide therapy to the children that need it daily during the extended school closures?

Angie Collier
Referral and Support Specialist
89 E. Howe Rd. | Tallmadge, OH | 44278
Phone: 330-634-8052
acollier@summitdd.org

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 22:21:29 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Inquiry pursuant to March 5, 2020 Guidance for interruptions of study related to Coronavirus (COVID 19)

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kathleen Colt <kathleen_colt@txbarber.edu>
**Sent:** Tuesday, March 17, 2020 6:16 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Inquiry pursuant to March 5, 2020 Guidance for interruptions of study related to Coronavirus (COVID 19)

Dear U.S. Department of Education,

America and the world at large is encountering unprecedented challenges in the face of the COVID-19 pandemic. I am writing on behalf of Texas Barber College (TBC) to notify you of an interruption in the normal delivery of barber instruction (*classroom theory and practical training on the clinic floor with live clients and mannequins*) at TBC.

To navigate through these troubling times, TBC intends to do the following:

**Clinic services** – we will cease clinic floor operations on the general public at or before the close of business on 3/18/2020.

**Scheduled Hours** – we will immediately cease our scheduled educational activities effective 3/18/2020 lasting through 4/1/2020.

**Makeup Hours** – during the period of 3/18 – 4/1/2020, we intend to make "make up" hours available to students who have fallen behind within their educational program. Students who are on pace to graduate according to their course schedule will not be eligible to participate in these services.

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It is our team's conviction that this strategy will serve our student population in the following ways:

- This will allow those students who are at the highest risk of dropping out to maintain continuity with their educational program
- This will facilitate preparation for licensure, as those who need the assistance will have small-group access to instructors
- This strategy will undoubtedly drive down the daily population within our schools, allowing us to implement the social distancing methods prescribed by the CDC.

Please share any questions or concerns you have about TBC moving forward with the above-described plan. Thank you.

Sincerely,

**Kathleen B. Colt**
President/General Counsel
TBC TEXAS BARBER COLLEGE
Phone: 713.953.0262, ext. 1406
Fax 713.574.2731

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:13:01 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Landmark College, OPE ID# 02532600

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Blue, Jacqueline <Jacqueline.Blue@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:29 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Blue, Jacqueline <Jacqueline.Blue@ed.gov>
**Subject:** FW: Landmark College, OPE ID# 02532600

Please see the question below.

Thanks,

jacqueline blue
Institutional Review Specialist
Phone: (617) 289-0191
Federal Student Aid | PROUD SPONSOR of the AMERICAN MIND
An OFFICE of the U.S. DEPARTMENT of EDUCATION

*You can't Believe your way out of something you Behaved your way into. ~DWright*

---

**From:** Michael Mertes <MichaelMertes@landmark.edu>
**Sent:** Tuesday, March 17, 2020 3:03 PM
**To:** Matus, Melissa <Melissa.Matus@ed.gov>
**Cc:** Blue, Jacqueline <Jacqueline.Blue@ed.gov>
**Subject:** Landmark College, OPE ID# 02532600

Landmark College is extending its Spring Break one week due to COVID-19 pandemic. This in effect shortens our Academic year by one week. My understanding is that we must request permission to do this.
Please provide guidance on how we go about this.

Thank you

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 23:00:05 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Late Disbursement of Financial Aid

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Diana Walle <dianawalle@outlook.com>
**Sent:** Tuesday, March 17, 2020 6:45 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Late Disbursement of Financial Aid

Hi there! My name is Diana Walle and I am currently a 1st-year college student receiving financial aid. With classes being pushed back a couple of weeks, I have verified with my college's financial aid office that we will not be getting the disbursements from what is left over after tuition until later than originally planned.

The reason for this message is that I have seen a lot of claims online (but not a lot of specifics) stating that the Department of Education will be giving help for those who rely on that sum for other necessities such as food, bills, and such. Is this accurate information? If so, could I be given a bit more information?

Thank You

Diana Walle

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:13:09 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Length of Academic Year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Pruitt, Kylie <KPruitt1@trevecca.edu>
**Sent:** Tuesday, March 17, 2020 3:14 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Length of Academic Year

Hello,

My institution needs to extend spring break by a week in order to move classes online due to the COVID-19 issues. I tried calling our School Participation Team, but was unable to get through or leave a message. Can you please direct me to the appropriate person for assistance? This change will make the length of our academic year go from 30 weeks to 29 weeks.

Thank you for your assistance.

Trevecca Nazarene University-00352600

**Kylie Pruitt**
**Trevecca Nazarene University**
Director of Student Financial Services
Student Financial Services

(615) 248-1253
333 Murfreesboro Road, Nashville, TN 37210
www.trevecca.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:12:04 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: looking for guidance on temporary school closures due to COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Caycee Clark <cclark@diversinstitute.edu>
**Sent:** Tuesday, March 17, 2020 4:50 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Nanette Rohrbaugh <nrohrbaugh@diversinstitute.edu>; Mike Redeen <mredeen@diversinstitute.edu>
**Subject:** looking for guidance on temporary school closures due to COVID-19

Hello,
I am from school OPEID #011481-00. Our school is located in King County in the state of WA; and I do believe that we have had the highest total number of confirmed COVID-19 cases in the country located right here in King County. On Friday 03/13/2020 during the afternoon, our Governor, Jay Inslee, issued a proclamation that all institutions of higher education in WA shut down ground based operations starting by 12:01am on 03/17/2020 and going through 04/24/2020. Unfortunately, our training is so very specialized that we are not able to offer online training; enter into consortium agreements with other schools, or be able to be considered lab type work where persons would be able to keep the required 6 foot distance from another (per the governor). We considered all alternative options that were presented to us by the state, and unfortunately, this was the only choice we were able to make to be compliant with the Governor's proclamation. We fully intend to resume operations as usual starting on 04/27/2020 (unless otherwise directed).
I have a few questions and points of clarification that I would like to ask for from topics that were addressed in the 03/05/2020 electronic announcement. Questions like:

- How do I report these students' enrollment status moving forward?
- Do we have to put everyone on a LOA, though it's not possible to get signed LOA requests from an entire student body when we were just told the afternoon of Friday 03/13/2020 that we had to close the school by 12:01am on 03/17/20? If we do have to put everyone on LOAs, do we have to go back and have every single student that was still in active attendance submit their official request for a COVID-19 LOA in writing? Could their requests be via email? Prior to the Governor's proclamation coming down,

AMERICAN OVERSIGHT

only one of our students had officially requested a COVID-19 LOA. So, they did not all "choose" to request this leave.

- If we don't put everyone on LOA, we'd have to drop every single student and perform R2T4 calculations on them all after 14 days?

I am sure more things will come to mind, and these are all of my most immediate initial thoughts. Please advise. I need to ensure we are taking whatever measures are necessary so that we may remain operation and return to training as planned on 04/27/2020.


Caycee Clark

Director of Financial Aid

O: 206.783.5542

F: 206.839.5088

Virtual Tour


AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:08:30 +0000
**To:** Webb, Jo Ann
**Cc:** COVID-19
**Subject:** FW: Media inquiry -- Coronavirus and IDEA due process hearings

Hi JoAnn,

The COVID-19 mailbox received an inquiry from the press. Below is the inquiry.

Thanks,
Kelly

---

**From:** Amy Slater <aslater@lrp.com>
**Sent:** Tuesday, March 17, 2020 10:01 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Media inquiry -- Coronavirus and IDEA due process hearings

Hello,

I'm a legal editor with LRP Publications in Palm Beach Gardens, Fla. I'm researching issues related to COVID-19 for LRP's Special Ed Connection® website, and I was hoping you could answer a few questions.

Given the number of schools and offices that are closing to help stop the spread of coronavirus, we're likely to see delays in resolving IDEA due process complaints. These closures may affect the 15-day period for convening a resolution session, the 30-day resolution period, and the timeliness of due process hearings and hearing decisions.

I'd like to know what steps state and local educational agencies should be taking right now to ensure that IDEA disputes are resolved in a timely manner. Specifically, I'd like to know:

- Does the Part B regulation at 34 CFR 300.328 (Alternative means of meeting participation) allow a district to convene a "virtual" resolution session in which all team members participate by phone or video conference? Would the 30-day time frame for resolving the dispute apply?
- If a virtual resolution session is not feasible, is the district still bound by the 15-day timeline for convening a resolution session? If not, when would the 15-day period begin?
- Does the 45-day timeline for hearing officer decisions still apply? What about the 30-day time frame for state-level review? Can the deadline be extended due to a shortage of hearing officers?
- Do states have the option of conducting virtual due process hearings? What happens if one or more witnesses are unavailable due to illness?
- What advice would you give to district administrators about trying to resolve IDEA disputes during a COVID-19 outbreak?

AMERICAN OVERSIGHT

Any answers you can provide will be greatly appreciated. If you'd prefer to speak by phone, let me know what time works best for you. I can call you at your convenience.

Amy

Amy E. Slater, Esq.
Special education legal editor
LRP Publications
360 Hiatt Dr.
Palm Beach Gardens, FL 33418
(561)622-6520 ext. 8704
aslater@lrp.com
www.specialedconnection.com
www.schoolattorneysconf.com
www.lrpinstitute.com

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 22:00:22 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: NJ DOE Questions

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Franks-McRae, Leslie <Leslie.Franks-McRae@doe.nj.gov>
**Sent:** Tuesday, March 17, 2020 5:56 PM
**To:** COVID-19 <COVID-19@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** Stephenson, Todd <Todd.Stephenson@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>; McDonald, Peggy <Peggy.McDonald@doe.nj.gov>; Schulz-Eskow, Colleen <Colleen.Schulz-Eskow@doe.nj.gov>; Young, Jesse <Jesse.Young@doe.nj.gov>
**Subject:** NJ DOE Questions

Good afternoon – following are NJ DOEs immediate questions:

1. Can LEAs use Title I funding to support the basic necessities for families – food, beverages, cleaning supplies?
2. Can LEAs use Title IV-A funds to purchase additional cleaning supplies such as anti-viral wipes, hand sanitizer, or other cleaning supplies that they would normally not have been purchased?
3. Will monitoring the language proficiency test administration of schools be waived?

Thank you!

# Leslie

**Leslie K. Franks McRae**
Director: Office of Supplemental Educational Programs
NJ Department of Education
100 Riverview Plaza
Trenton, New Jersey 08625
Phone: (609) 376-3499

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AMERICAN OVERSIGHT

communication in error, please immediately contact the New Jersey Department of Education at (609) 376-3500 to arrange for the return of this information.

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:12:22 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Northeast Community College

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Stacy Dieckman <stacyd@northeast.edu>
**Sent:** Tuesday, March 17, 2020 4:40 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Northeast Community College

Northeast Community College had a scheduled winter break from March 9 thru March 13, the decision was made to extend that winter break by an additional 5 days due to COVID-19 which brought this payment period to 16 weeks so we are still above the 30 week minimum requirement. Am I correct that since we are still above the required minimum of 30 week academic year that I do not need to notify my program participation team?

Also if you extended an already scheduled break which impacts the start date of a module do you need to adjust your student information system so all sections of that module have the new start date? Currently we extended an already scheduled winter break by one week; however we still have 16 weeks scheduled in the semester so we are meeting the 30 week minimum requirement. No decision has been made to extend the term yet. We are moving courses that we can to online format and some of the applied tech labs at this time are planning on meeting. The module is part of our standard term is there any guidance that I need to be aware of if extending an already scheduled break impacted a module start date?

Thanks

Stacy

**STACY DIECKMAN** DIRECTOR OF FINANCIAL AID

402-844-7288 | stacyd@northeast.edu

AMERICAN OVERSIGHT

This email and any files transmitted with it are confidential and solely for the use of the intended recipient(s). If you have received this email in error, please notify the sender immediately by email and delete this email from your system. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the College. The recipient should check this email and any attachments for the presence of viruses. The College accepts no liability for any damage caused by any virus transmitted by this email.

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801 E. BENJAMIN AVE. | PO BOX 469 | NORFOLK, NE 68702
402-371-2020 800-348-9033 FAX 402-844-7400

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:12:47 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Pearl River Community College

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:36 PM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** Pearl River Community College

For your review and response.

---

**From:** Tyia Brooks <tbrooks@prcc.edu>
**Sent:** Tuesday, March 17, 2020 3:03 PM
**To:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Subject:** Permission to shorten the school term

Hello Renee,

I hope you and your family are well. As per guidelines from NASFAA, do I need to get permission from your area to extend our school's spring break.

Doing so it will reduce our instructional time and academic year.

Please advise.

Tyia M. Brooks, M.Ed.
Director
Office of Financial Aid
Pearl River Community College
101 Highway 11 North
Poplarville, MS 39470
Office: 601-403-1029
Fax: 601-403-1036
tbrooks@prcc.edu

AMERICAN OVERSIGHT

PEARL RIVER
COMMUNITY COLLEGE

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:06:53 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Potential Closure

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Juliet Pellin <jpellin@casalaveda.com>
**Sent:** Tuesday, March 17, 2020 10:44 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Potential Closure

I have read the guidance provided on March 5th and have a few follow up questions. If we are mandated to close by State of Federal Government order, who do we notify and what is the preferred method of contact?

We would also notify that we plan to resume operations as of the date the order is lifted. Please confirm that if that is within 30 days, we would not be required to perform R2T4 calculations.

For NSLDS reporting, we are a clock hour school so each student is at a different place in the payment period. All student would be returning in the same period the temporary school closure occurred, would we be able to defer reporting students as withdrawn as long as they return when the school reopens?

How would students on a current approved leave of absence be affected by a temporary school closure? Would they be able to resume the LOA once the school reopened and how would the days the schools was closed be considered when determining the length of the LOA?

Thank you,

Juliet Pellin
Corporate Director of Financial Aid
Casal and Brown Aveda Institutes
330-792-6504 ext 103

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:08:10 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: Prior Written Notice for SWD

Hi Laurie,

The COVID-19 mailbox received an inquiry about special ED. Below is the inquiry.

Thanks,
Kelly

**From:** Jenna Talbot <jtalbot@skyrocket-ed.com>
**Sent:** Tuesday, March 17, 2020 11:32 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Prior Written Notice for SWD

Hello! Hope you are well. Quick question, is it advised to provide parents with a Prior Written Notice when a school decides to move to "school dismissal" and provide online/distance learning to their students? Is there a generic template that has been created? Thank you.

--

**Jenna Talbot**
**Special Education Manager**
**909-973-3713**

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:03:22 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: PSC Ticket #20-03252 (JB) - NY, 20-03348

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Hoffman, Amanda <Amanda.Hoffman@ed.gov>
**Sent:** Tuesday, March 17, 2020 8:45 AM
**To:** Okahara, Kim <Kim.Okahara@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>; Newman, Sarah <Sarah.Newman@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: PSC Ticket #20-03252 (JB) - NY, 20-03348

No problem. This is an evolving process as things are changing rapidly. As for best way to proceed and responding- let me get back to you in an hour or two. Since this involves two other POCs I am not sure what is the best way to proceed.

---

**From:** Okahara, Kim <Kim.Okahara@ed.gov>
**Sent:** Tuesday, March 17, 2020 8:33 AM
**To:** Hoffman, Amanda <Amanda.Hoffman@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>; Newman, Sarah <Sarah.Newman@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: PSC Ticket #20-03252 (JB) - NY, 20-03348

Sorry – minor tweak to the process. We need to send everything to COVID-19@ed.gov. We don't have response times figured out yet. Does the response need to come from PSC or can it come from the COVID email address cc'ing relevant parties?

---

**From:** Hoffman, Amanda <Amanda.Hoffman@ed.gov>
**Sent:** Tuesday, March 17, 2020 8:27 AM
**To:** Okahara, Kim <Kim.Okahara@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>; Newman, Sarah <Sarah.Newman@ed.gov>
**Subject:** RE: PSC Ticket #20-03252 (JB) - NY, 20-03348

Hi Kim,

What is the email address? Also do we know how we will get the responses back? Since some of these involve OSEP response- PSC sends back a joint response from the two offices.

AMERICAN OVERSIGHT

Amanda

---

**From:** Okahara, Kim <Kim.Okahara@ed.gov>
**Sent:** Tuesday, March 17, 2020 8:13 AM
**To:** Lewis, Samantha <samantha.lewis@ed.gov>; Hoffman, Amanda <Amanda.Hoffman@ed.gov>; Newman, Sarah <Sarah.Newman@ed.gov>
**Subject:** RE: PSC Ticket #20-03252 (JB) - NY, 20-03348

Hi Sam,

I forwarded this to the OESE COVID email address.

Thanks,
Kim

---

**From:** Lewis, Samantha <samantha.lewis@ed.gov>
**Sent:** Monday, March 16, 2020 5:29 PM
**To:** Hoffman, Amanda <Amanda.Hoffman@ed.gov>; Okahara, Kim <Kim.Okahara@ed.gov>; Newman, Sarah <Sarah.Newman@ed.gov>
**Subject:** PSC Ticket #20-03252 (JB) - NY, 20-03348

Hi Kim & Amanda,

PSC Ticket #20-03252 (JB) - NY and #20-03348 VT are tickets related to the coronavirus.

Samantha

Samantha Lewis
OESE – LBJ 3W337

---

**From:** Roney, Collette <Collette.Roney@ed.gov>
**Sent:** Thursday, March 12, 2020 12:12 PM
**To:** Hoffman, Amanda <Amanda.Hoffman@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Spitz, Deborah <Deborah.Spitz@ed.gov>; Choroser, Stephanie <Stephanie.Choroser@ed.gov>; Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>
**Cc:** Newman, Sarah <Sarah.Newman@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>; Okahara, Kim <Kim.Okahara@ed.gov>; OESE.PSC <OESE.PSC@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** RE: OESE, OESE/Title III, OESE/OSSS/N or D, OESE and OSERS/OSEP and OSEP Policy - PSC Ticket #20-03252 (JB) - NY

Hi Amanda,

AMERICAN OVERSIGHT

I have forwarded the two assessment ones I received to the assessment team. They will work on a response. Assessment questions should be forwarded to the assessment team mailbox (cc:ed here) and question on other issue related to Title I can be sent to our Title I mailbox (also cc:ed here), and, of course, both mailboxes if the questions are cross-cutting.

Thanks,
Collette

---

**From:** Hoffman, Amanda <Amanda.Hoffman@ed.gov>
**Sent:** Thursday, March 12, 2020 12:05 PM
**To:** Roney, Collette <Collette.Roney@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Spitz, Deborah <Deborah.Spitz@ed.gov>; Choroser, Stephanie <Stephanie.Choroser@ed.gov>; Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>
**Cc:** Newman, Sarah <Sarah.Newman@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>; Okahara, Kim <Kim.Okahara@ed.gov>; OESE.PSC <OESE.PSC@ed.gov>
**Subject:** RE: OESE, OESE/Title III, OESE/OSSS/N or D, OESE and OSERS/OSEP and OSEP Policy - PSC Ticket #20-03252 (JB) - NY

Thank you Collette for letting us know. I assumed you all have started to work on this response. We will hold off until we hear from your office.

---

**From:** Roney, Collette <Collette.Roney@ed.gov>
**Sent:** Thursday, March 12, 2020 12:03 PM
**To:** Hoffman, Amanda <Amanda.Hoffman@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Spitz, Deborah <Deborah.Spitz@ed.gov>; Choroser, Stephanie <Stephanie.Choroser@ed.gov>; Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>
**Cc:** Newman, Sarah <Sarah.Newman@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>; Okahara, Kim <Kim.Okahara@ed.gov>; OESE.PSC <OESE.PSC@ed.gov>
**Subject:** RE: OESE, OESE/Title III, OESE/OSSS/N or D, OESE and OSERS/OSEP and OSEP Policy - PSC Ticket #20-03252 (JB) - NY

Two others came to me today. I've also forwarded to Don and Deborah. Melissa said hold off on a reply as more info was coming later today.

---

**From:** Hoffman, Amanda <Amanda.Hoffman@ed.gov>
**Sent:** Thursday, March 12, 2020 11:59 AM
**To:** Siry, Melissa <Melissa.Siry@ed.gov>; Peasley, Donald <Donald.Peasley@ed.gov>; Spitz, Deborah <Deborah.Spitz@ed.gov>; Choroser, Stephanie <Stephanie.Choroser@ed.gov>; Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>; Roney, Collette <Collette.Roney@ed.gov>
**Cc:** Newman, Sarah <Sarah.Newman@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>; Okahara, Kim <Kim.Okahara@ed.gov>; OESE.PSC <OESE.PSC@ed.gov>
**Subject:** FW: OESE, OESE/Title III, OESE/OSSS/N or D, OESE and OSERS/OSEP and OSEP Policy - PSC Ticket #20-03252 (JB) - NY
**Importance:** High

Good Morning,

AMERICAN OVERSIGHT

So we have gotten our first request for information on state testing and extended school closure. I imagine this won't be the first or the last request from an EDFacts Coordinator. It might be helpful if we could create a generic response for PSC to give states that directs them to the appropriate people about this policy decisions.

Cheers,
Amanda

---

**From:** Fening, Elizabeth <Elizabeth.Fening@ed.gov>
**Sent:** Thursday, March 12, 2020 11:47 AM
**To:** Newman, Sarah <Sarah.Newman@ed.gov>; Hoffman, Amanda <Amanda.Hoffman@ed.gov>; Okahara, Kim <Kim.Okahara@ed.gov>; Miceli, Meredith <Meredith.Miceli@ed.gov>; Bae, Amy <Amy.Bae@ed.gov>; Smith, Rebecca (OSERS) <Rebecca.Smith@ed.gov>; Davis, Richelle <Richelle.Davis@ed.gov>
**Cc:** Murphy, Joseph <Joseph.Murphy@ed.gov>
**Subject:** FW: OESE, OESE/Title III, OESE/OSSS/N or D, OESE and OSERS/OSEP and OSEP Policy - PSC Ticket #20-03252 (JB) - NY

OESE/OSEP,

We just got the below escalation from New York and I am sure they are not the only ones who will be asking this question. Do we have any guidance on how states should manage state assessment testing in the event that schools and/or districts closed for an extended amount of time during the assessment window due to the current health concern surrounding the Coronavirus?

Thanks,
Liz

---

**From:** Jessica Greene <Jessica.Greene@aemcorp.com>
**Sent:** Thursday, March 12, 2020 10:59 AM
**To:** Murphy, Joseph <Joseph.Murphy@ed.gov>
**Cc:** Timm, Barbara <Barbara.Timm@ed.gov>; Scott, Brandon <Brandon.Scott@ed.gov>; Worthington, Kelly <Kelly.Worthington@ed.gov>; Lee, David <David.Lee@ed.gov>; Murphy, Joseph <Joseph.Murphy@ed.gov>; Fening, Elizabeth <Elizabeth.Fening@ed.gov>; Dinardo, Mark <Mark.Dinardo@ed.gov>; Chen, Chen-Su <Chen-Su.Chen@ed.gov>; Davies, Jennifer <Jennifer.Davies@ed.gov>; Skilling, John (Contractor) <John.Skilling@ed.gov>; Kalb, Jennifer (Contractor) <Jennifer.Kalb@ed.gov>; Matt K. Boli <matt.boli@aemcorp.com>; Steve Lenker <steve.lenker@aemcorp.com>; Sheeba Rooney <Sheeba.Rooney@aemcorp.com>; Julia Redmon <Julia.Redmon@aemcorp.com>; Melissa Wilks (QIP) <melissawilks@qi-partners.com>; Beth Sinclair <Beth.Sinclair@aemcorp.com>; EDFactsPSC <EDFactsPSC@aemcorp.com>; Angela Roessler <angela.roessler@aemcorp.com>; OSEP Idea Data <osepIDEAdata@ed.gov>; OESE.PSC <OESE.PSC@ed.gov>; Karen Madden <karen.madden@aemcorp.com>
**Subject:** ESB Policy - PSC Ticket # 20-03252 (JB) - NY

Joe,

**Who:**

AMERICAN OVERSIGHT

NY

**Issue:**
New York's EDFacts Coordinator, Kristen DeSalvatore, contacted PSC requesting guidance on how states should manage state assessment testing in the event that schools and/or districts closed for an extended amount of time during the assessment window due to the current health concern surrounding the Coronavirus. She writes:

> Good afternoon,
>
> New York is wondering if there is any guidance expected from ED on how states are to manage state assessment testing in the event that schools and/or districts are closed for extended periods of time during the assessment window. I've looked on https://www.ed.gov/coronavirus and didn't see anything. I would imagine this is a question on the minds of many states and a prompt response would be very helpful.
>
> Thank you,
> Kristen DeSalvatore

How would ED like to respond to the state?

**School Year:**
SY 2019-20

**Specification(s):**
FS050 — Title III English Language Proficiency Results
FS119 — N or D Participation - State Agency
FS125 — N or D Academic Achievement - LEA
FS137 — English Language Proficiency Test
FS138 — Title III English Language Proficiency
FS139 — English Language Proficiency Results
FS175 — Academic Achievement in Mathematics
FS178 — Academic Achievement in Reading (Language Arts)
FS179 — Academic Achievement in Science
FS185 — Assessment Participation in Mathematics
FS188 — Assessment Participation in Reading/Language Arts
FS189 — Assessment Participation in Science
FS199 — Graduation Rate Indicator Status
FS200 — Academic Achievement Indicator Status

**ED Program Office:**
OESE
OESE/Title III
OESE/OSSS/N or D
OESE and OSERS/OSEP
OSEP

Thank you,

AMERICAN OVERSIGHT

PSC

**Jess Greene**
ED*Facts* Partner Support Center
jessica.greene@aemcorp.com
Office: (703) 464-7030

AEM Education Services
www.aemcorp.com/education

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AMERICAN OVERSIGHT

**From:** Valerie Montoya
**Sent:** Tue, 17 Mar 2020 14:20:23 -0600
**To:** COVID-19
**Subject:** FW: Question for Online Distance Learning due to COVID-19

Hello there,

Per the response I received from David Barnicki. I am asking the question below for guidance:

We are currently waiting for temporary approval for online distance education because we are an on campus vocational/career school. My question is, once approved, would I need to repackage the currently enrolled students due to a possible COA change due to no longer having transportation included? Or since the students enrolled prior, do we keep the award letter as is?

Would we even have a COA update during this time since the school is asking for temporary online distance approval for our enrolled students?

We have 5 programs: Barbering, Cosmetology, Hairstyling, Esthetician, and Nail Technician.

We are not enrolling any future students per Fed. Guidelines.

I hope I explained this correctly, if you need more info, please let me know ☺

Valerie Montoya
Director of Financial Aid
ELEVATE SALON INSTITUTE
6775 W. 88th Ave.
Westminster, CO 80031
303-776-8110 ext 206

---

**From:** Bartnicki, David <David.Bartnicki@ed.gov>
**Sent:** Tuesday, March 17, 2020 2:12 PM
**To:** Valerie Montoya <Valerie@esiwestminster.com>
**Subject:** RE: Question for Online Distance Learning due to COVID-19

All questions related to or because of the coronavirus need to go to COVID-19@ed.gov.

We expect additional Q & As and more guidance from the Department shortly (may even come out today). Stay tuned to IFAP. We are simply trying to ensure we have all the proper approvals for any new or modified guidance and that we are providing consistent answers.

Many of your concerns will be addressed in the upcoming Q & As.

DAVE

AMERICAN OVERSIGHT

David Bartnicki
Policy Liaison and Implementation
Federal Student Aid
U.S. Department of Education
Phone number – 404-974-9312
Business cell – 678-780-9034
Fax – 404-974-9322

## Customer Service:

Please provide any comments or feedback in regard to the assistance received today, to David.Musser@ed.gov. FSA is committed to providing the best possible customer service. Help us, help you!

---

**From:** Valerie Montoya <Valerie@esiwestminster.com>
**Sent:** Tuesday, March 17, 2020 4:08 PM
**To:** Bartnicki, David <David.Bartnicki@ed.gov>
**Subject:** Question for Online Distance Learning due to COVID-19

Hi David,

My name is Valerie Montoya and I am with Elevate Salon Institute located in Colorado. I attended the FSA training for clock hour schools in Atlanta not too long ago. We are currently waiting for temporary approval for online distance education because we are an on campus vocational/career school. My question is, once approved, would I need to repackage the currently enrolled students due to a possible COA change due to no longer having transportation included? Or since the students enrolled prior, do we keep the award letter as is?

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Valerie Montoya
Director of Financial Aid
ELEVATE SALON INSTITUTE
6775 W. 88th Ave.
Westminster, CO 80031
303-776-8110 ext 206

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:12:25 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question for Online Distance Learning due to COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Valerie Montoya <Valerie@esiwestminster.com>
**Sent:** Tuesday, March 17, 2020 4:20 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Question for Online Distance Learning due to COVID-19

Hello there,

Per the response I received from David Barnicki. I am asking the question below for guidance:

We are currently waiting for temporary approval for online distance education because we are an on campus vocational/career school. My question is, once approved, would I need to repackage the currently enrolled students due to a possible COA change due to no longer having transportation included? Or since the students enrolled prior, do we keep the award letter as is?

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Valerie Montoya
Director of Financial Aid
ELEVATE SALON INSTITUTE
6775 W. 88th Ave.
Westminster, CO 80031
303-776-8110 ext 206

AMERICAN OVERSIGHT

**From:** Bartnicki, David <David.Bartnicki@ed.gov>
**Sent:** Tuesday, March 17, 2020 2:12 PM
**To:** Valerie Montoya <Valerie@esiwestminster.com>
**Subject:** RE: Question for Online Distance Learning due to COVID-19

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We expect additional Q & As and more guidance from the Department shortly (may even come out today). Stay tuned to IFAP. We are simply trying to ensure we have all the proper approvals for any new or modified guidance and that we are providing consistent answers.

Many of your concerns will be addressed in the upcoming Q & As.

DAVE

David Bartnicki
Policy Liaison and Implementation
Federal Student Aid
U.S. Department of Education
Phone number – 404-974-9312
Business cell – 678-780-9034
Fax – 404-974-9322

## Customer Service:

Please provide any comments or feedback in regard to the assistance received today, to David.Musser@ed.gov. FSA is committed to providing the best possible customer service. Help us, help you!

---

**From:** Valerie Montoya <Valerie@esiwestminster.com>
**Sent:** Tuesday, March 17, 2020 4:08 PM
**To:** Bartnicki, David <David.Bartnicki@ed.gov>
**Subject:** Question for Online Distance Learning due to COVID-19

Hi David,

My name is Valerie Montoya and I am with Elevate Salon Institute located in Colorado. I attended the FSA training for clock hour schools in Atlanta not too long ago. We are currently waiting for temporary approval for online distance education because we are an on campus vocational/career school. My question is, once approved, would I need to repackage the currently enrolled students due to a possible COA change due to no longer having transportation included? Or since the students enrolled prior, do we keep the award letter as is?

Would we even have a COA update during this time since the school is asking for temporary online distance approval for our enrolled students?

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We are not enrolling any future students per Fed. Guidelines.

I hope I explained this correctly, if you need more info, please let me know ☺

Valerie Montoya
Director of Financial Aid
ELEVATE SALON INSTITUTE
6775 W. 88th Ave.
Westminster, CO 80031
303-776-8110  ext 206

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:06:57 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: question on students about to start school at college

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Chris Gearin <gearinchris@gmail.com>
**Sent:** Tuesday, March 17, 2020 10:56 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** question on students about to start school at college

Dear DOE:

I am a faculty member and administrator for a university, and I am looking for guidance. If students are ready to begin classes at the university (for the first time), and their new on-ground program is online, can they still start their classes as a new student?
Please let me know.
Thanks,
Chris Gearin (314) 705-4590

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:07:02 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: question regarding colleges with two campuses

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Autumn Grace <agrace@cte.edu>
**Sent:** Tuesday, March 17, 2020 9:45 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** question regarding colleges with two campuses

Good Morning,

I hope this email finds you well. I am need of clarification as we work to figure out how to best serve our students during the COVID-19 pandemic. I have a main campus and a branch located in two different cities. The main campus is credit based and the branch is hour based. We can make accommodations for the main campus but we are unable to accommodate the branch so we are considering leaving the branch campus open. If we wanted to close the main campus and keep the branch open, is that allowed? Or would we need to close both? I am unable to find any guidance online. Any guidance you could offer would be greatly appreciated.

Regards,

Autumn Grace
Director of Financial Aid
College for Technical Education
1165 Centre Parkway Suite 120
Lexington KY 40517
859-272-5225 ext 105 (P)
859-272-5115 (F)
agrace@cte.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:12:33 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question regarding March 5 COVID-19 Guidance - Federal Work Study

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Erv Switzer <eos@greensfelder.com>
**Sent:** Tuesday, March 17, 2020 4:04 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question regarding March 5 COVID-19 Guidance - Federal Work Study

I am attorney and have a question regarding the March 5 "Guidance for interruptions of study related to Coronavirus (COVID-19)" as it relates to Federal Work Study:
Does the relief described in the Guidance apply when the school sends all students home but moves all class to an online format? The sentence about which I am asking states:
**"For students enrolled and performing FWS at <u>a campus that must</u> <u>close</u> due to COVID-19, or for a FWS student who is employed <u>by an employer that closes</u> as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if …."**

We interpret the section to include within the word "close," moving to an online-only environment rather than just a complete cessation of all instruction, but request verification. We note that the sentence that precedes the above reads:
**"The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award."**
Thank you for your attention to this question!

**Erwin (Erv) Switzer**

AMERICAN OVERSIGHT

Greensfelder, Hemker & Gale, P.C.
10 S. Broadway | Suite 2000
St. Louis, MO 63102
314-335-6825

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:13:16 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question regarding number of weeks of enrollment

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kenneth Ferreira <Ferreirak@franklinpierce.edu>
**Sent:** Tuesday, March 17, 2020 3:09 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Kenneth Ferreira <Ferreirak@franklinpierce.edu>
**Subject:** Question regarding number of weeks of enrollment

Hello,

Franklin Pierce University opted to extend our scheduled spring break by an additional 5 days in order to fully transition to an online delivery of academic programs for our on-campus students.

From your March 5, 2020 memo:

"If an institution has closed subsequently reopens during the same payment period or period of enrollment and permits students to continue coursework that they were taking at the time of closure, students that return to class at that time are considered to have reentered the same period and retain eligibility for Title IV aid that they were otherwise eligible to receive before the closure."

1. We are technically closing for 1 week beyond planned and then transitioning to online all within the same payment period
    a. Do we need to recalculate aid eligibility based on one, less week in the academic year? Or does this only impact Return of Title IV funds?

Thanks,
Ken

**Kenneth Ferreira**
Associate Vice President
Student Financial Services
Franklin Pierce University
40 University Drive | Rindge, NH 03461
1-877-372-7347 toll free

AMERICAN OVERSIGHT

603-899-4186 direct|603-899-4372 fax
ferreirak@franklinpierce.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:07:06 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Questions in regards to moving online only

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Brian Rains <brains@gobbc.edu>
**Sent:** Tuesday, March 17, 2020 10:17 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Jason Todd <jtodd@gobbc.edu>
**Subject:** RE: Questions in regards to moving online only

I have one other question and this is in regard to taking attendance. With this adjustment to all online classes due to the COVID-19, how are schools determining attendance? Are schools required to take attendance during this time of emergency? Is the 14-day policy still in effect, especially if a school's spring break has been extended or the student is having to find ways to do their work online? If a student does have the COVID-19 and doesn't do any school related activities while they have the virus is the school required to take attendance on that student?

---

**From:** Brian Rains [mailto:brains@gobbc.edu]
**Sent:** Tuesday, March 17, 2020 9:06 AM
**To:** 'covid-19@ed.gov' <covid-19@ed.gov>
**Cc:** Jason Todd (jtodd@gobbc.edu) <jtodd@gobbc.edu>
**Subject:** Questions in regards to moving online only

Good morning,
I have just a couple of questions that were not addressed in the "Dear Colleague" letter nor the electronic letters that I'm hoping you could assist me with.

1. If we pro-rate Room and Board and refund the student back the pro-rated amount, is the school required to complete a Cost of Attendance adjustment, even though the decision to move all classes online and to have the student move off-campus was beyond their and the school's control due to the federal emergency of COVID-19?
2. On students who are on Federal Work-study, since all students have been sent home because of COVID-19, can the school, based on the average hours the student has worked to this point, calculate wages for the rest of the semester as if the student was still here

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and working? With sending students home and still having to pay for tuition, a loss of a job will create a financial hardship for the student. If a school cannot average out hours worked, can the student stay on campus and continue to work while continuing to take classes online for the remainder of the year?

Brian Rains
Director of Financial Aid
Baptist Bible College
Phone: 417-268-6045

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:13:04 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4 inquiry

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

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**From:** McDaniel, Dustin <DMcDaniel@tcsg.edu>
**Sent:** Tuesday, March 17, 2020 3:22 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** R2T4 inquiry

Good morning,

Guidance on March 5th under "Reentering the Same Payment Period" for colleges that close then reopen (resulting in a longer or additional break), it is clear that R2T4 calculations after the closure should be calculated using the updated days in term and break days.

It is also my understanding that a school is not required to complete a recalculation for an R2T4 processed before the closure and updated term/break days. Please correct if that is wrong.

Can a school choose to recalculate based on the updated term/breaks days if a recalculation for an R2T4 processed before a closure would be beneficial to the student (i.e. result in more aid earned by the student)?

Thank you for the clarification.

**Dustin McDaniel**
*Software Applications Specialist*
Office of Information Technology & Data Services
404.679.5967| dmcdaniel@tcsg.edu | TCSG.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:12:00 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4 Questions & Guidance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Cleary, Douglas B (KCTCS) <doug.cleary@kctcs.edu>
**Sent:** Tuesday, March 17, 2020 4:53 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** R2T4 Questions & Guidance

As a result of the COVID-19 pandemic, our institution has elected to cancel brick-and-mortar classes for two days (March 16-17, 2020) as we convert to an online delivery method for the remainder of our scheduled spring term. Online classes that were scheduled for 3/16-3/17 still took place as normal.

Our regularly scheduled spring break ran from 3/9-3/13 (but since we do not offer courses on Saturdays or Sundays, we count all of the period of 3/7-3/15 as our break for r2t4 purposes). Since the COVID-19 class cancellation occurs on immediately subsequent days, we are thinking 3/16 and 3/17 must now be included in our break period of 5+ days. Is this a fair assumption?

Could you please review the scenarios below and let us know if we are on the right track?

**Students who withdrew prior to March 16th:**

Both 3/16 and 3/17 were days the student was scheduled to attend at the point of withdrawal. Therefore, these days should still be included in the denominator of the r2t4 calculation.

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**Students who withdrew during the class cancellation on either 3/16 or 3/17**:

Since they withdrew as a direct result of circumstances outside of their control, their withdrawal date should be 3/16. Both 3/16 and 3/17 should still be included in the denominator of the r2t4 calculation.

**Students who re-enter the payment period and subsequently withdraw:**

Student withdraws on or after 3/18: We assume this student has re-entered the payment period and subsequently withdrawn. Both 3/16 and 3/17 should now be treated as 'break days' for this student and will not be included in the denominator nor the numerator of the r2t4 calculation.

DOUG

Douglas Cleary
System Director of Financial Aid
Kentucky Community and Technical College System
300 N. Main Street
Versailles, KY 40383

Office: 859-256-3215
Cell: (b)(6)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 18:09:54 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Julie DiPuccio <jdipuccio@fameinc.com>
**Sent:** Tuesday, March 17, 2020 2:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** R2T4

Good Afternoon,

I am with a third party servicer and asking this question on behalf of my clients. A school has a credit hour residential program. If a student unofficially withdraws during a term the school does not determine that a student is no longer enrolled until the end of the term. For that same program due to COVID-19 the school is closing for a week to get a temporary online process in place for their students. Is the DOD process the same if student is in the term and after school closed for a week, the student starts the online process but then unofficially withdraws and again the school does not determine the student unofficially withdrew until end of term?

Thank you for your assistance.

Julie

***Julie Dipuccio***
*Sr.Financial Aid Consultant*

**FAME**
1200 SW 145 Avenue, Suite 301
Pembroke Pines, FL 33027

Toll free: 800.327.5772x159
Local: 954.772.5883x159
Fax: 954.772.6257
Email: jdipuccio@FAMEinc.com
Web www.FAMEinc.com

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:12:07 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Reduced Academic Year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Sandra Oerly-Bennett <sybennett@mail.wvu.edu>
**Sent:** Tuesday, March 17, 2020 4:45 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Reduced Academic Year

As per the guidance released from FSA on the March 5:

*The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year."*

I am inquiring as to what is needed/required for us to obtain approval for a reduction of term length for the current spring semester of two total weeks with the end of instruction on Friday, April 24, and finals ending on May 1.

I do not have an email address for our School Participation team in Philadelphia, only phone numbers, and have been unsuccessful at reaching anyone.

I appreciate any assistance/guidance you can provide.

Thank you, Sandra

Sandra Oerly-Bennett
Assistant Vice President
Student Financial Services
West Virginia University (003827)
304-293-2831

AMERICAN OVERSIGHT

Sent from my iPad

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:07:16 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: School and The Villages

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Mrs Perry <mrs_perry@live.com>
**Sent:** Tuesday, March 17, 2020 9:25 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** School and The Villages

Hello. I am a concerned parent in the villages Florida area. I understand other schools are closing down or extending their vacation or spring break however my daughters beauty school she attends in the villages is still open and I'm not sure I understand why? She attends to ""Tenja salon Institute ""and there are quite a few kids and staff that attend there and although they are not excepting clients it is still a large amount of people in each room and a closed in building. Makes it very dangerous considering we just had a brand new Lady Lake coronavirus case as of St. Patrick's Day! I would like To know if somebody has been in contact with the school and is helping them close the school? I believe it's an issue of financial aid but I'm not sure can somebody please touch base with the school and find out why they are still open?!!!
Thank you
Mrs Perry

Get Outlook for iOS

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:07:33 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: School Closure

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Shanti Stephenson-Hudson <SStephenson-Hudson@ice.edu>
**Sent:** Tuesday, March 17, 2020 11:29 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Richard Simpson <richard@ice.edu>
**Subject:** School Closure

Hello,

We have informed our Accreditor, ACCSC and BPSS of temporary closure at the moment. Do we also need to inform DOE for schools that have Title IV?

We just want to make sure we have covered all areas.

Thank you,

**Shanti Stephenson-Hudson** | Director of Student Financial Services
**Institute of Culinary Education** | 225 Liberty Street | New York, NY 10281
P: 212-847-0792| F: 212-847-0738
Sstephenson-hudson@ice.edu | www.ice.edu | **@iceculinary**

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:07:39 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: SEP During Closure

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** BUCHEN, RACHEL <rbuchen@cnm.edu>
**Sent:** Tuesday, March 17, 2020 11:06 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** SEP During Closure

Good morning,
I am a Financial Aid Administrator at Central New Mexico Community College, and I have a question regarding the Statement of Educational Purpose. Should and institute close in an attempt to prevent the spread of COVID-19, but still allow students to submit documents via email during the closure, can an exception be made to the in person requirements, or would the student need to follow the procedure for when they are unable to submit in person, that requires notarization?
Thank you,

Rachel Buchen
Financial Aid Supervisor
P: 224-4000 ext. 51456
F: 224-3124
Input, Intellection, Strategic, Achiever, Relator

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:12:51 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Shortening the Academic Year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Geier, Marisa <mgeier@lcc.ctc.edu>
**Sent:** Tuesday, March 17, 2020 3:34 PM
**To:** COVID-19 <COVID-19@ed.gov>; AskAFed <AskAFed@ed.gov>; FSA Case Teams <CaseTeams@ed.gov>
**Subject:** Shortening the Academic Year

Hi,

Due to the Corona Virus and Washington State's Governor Jay Inslee's request for public education, we are planning to shorten our academic year from 34 weeks to 32 weeks, we will still be within the required 30 weeks of instruction. Our planned term dates for Spring were 4/6/20-6/18/20 but it will now be 4/20/20-6/18/20. NASFAA is telling schools that if we don't add these two weeks on to the end of the term, which would make our term dates 4/20/20-7/2/20 that we must do a new PPA. Please advise on how we should proceed.

Marisa Geier, M.P.A.
Director, Financial Aid
360-442-2391
Lower Columbia College
School Code: 00378200

**Important!** LCC communicates with **students** primarily via the LCC Financial Aid Portal. Check it often!
Lower Columbia College has partnered with iGrad and Solutions at ECMC to provide Financial Wellness and **FREE** Federal Student Loan Assistance.

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:15:05 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: South Carolina Correspondence Related to COVID-19

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:09 PM
**To:** Payne, John R <JRPayne@ed.sc.gov>; COVID-19 <COVID-19@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Skloot, Evan <evan.skloot@ed.gov>
**Cc:** Brown, Ryan <RyBrown@ed.sc.gov>; Traywick, Laurie <ltraywick@ed.sc.gov>
**Subject:** RE: South Carolina Correspondence Related to COVID-19

We appreciate your notification of the State's plans and acknowledge receipt. Thank you.

We'll keep you apprised of any more detailed guidance that we have on this issue as it becomes available.
Be safe and be well.

Don
Donald Peasley, Ph.D.
Assessment Team Lead, School Support and Accountability (SSA)
Office of Elementary and Secondary Education (OESE)
US Department of Education
Donald.peasley@ed.gov Ph. 202 453 7982
Email the OESE Assessment team at ESEA.Assessment@ed.gov
See ED Standards and Assessments Information at https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/standards-and-assessments/

---

**From:** Payne, John R <JRPayne@ed.sc.gov>
**Sent:** Tuesday, March 17, 2020 2:58 PM
**To:** COVID-19 <COVID-19@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Skloot, Evan <evan.skloot@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Brown, Ryan <RyBrown@ed.sc.gov>; Traywick, Laurie <ltraywick@ed.sc.gov>
**Subject:** South Carolina Correspondence Related to COVID-19

Attached, please find correspondence from South Carolina's State Superintendent Molly M. Spearman to Deputy Secretary Mitchell Zais.

This correspondence was also directly sent to Deputy Zais.

If you have any questions, please let me know.

Sincerely,

John R. Payne
Deputy Superintendent
Division of Federal Programs, Accountability and School Improvement
South Carolina Department of Education
1429 Senate Street
Columbia, South Carolina 29201
jrpayne@ed.sc.gov
http://www.ed.sc.gov

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:15:15 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: South Carolina Correspondence Related to COVID-19
**Attachments:** Testing Suspension - MS.pdf

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Payne, John R <JRPayne@ed.sc.gov>
**Sent:** Tuesday, March 17, 2020 2:58 PM
**To:** COVID-19 <COVID-19@ed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Skloot, Evan <evan.skloot@ed.gov>
**Cc:** Brown, Ryan <RyBrown@ed.sc.gov>; Traywick, Laurie <ltraywick@ed.sc.gov>
**Subject:** South Carolina Correspondence Related to COVID-19

Attached, please find correspondence from South Carolina's State Superintendent Molly M. Spearman to Deputy Secretary Mitchell Zais.

This correspondence was also directly sent to Deputy Zais.

If you have any questions, please let me know.

Sincerely,

John R. Payne
Deputy Superintendent
Division of Federal Programs, Accountability and School Improvement
South Carolina Department of Education
1429 Senate Street
Columbia, South Carolina 29201
jrpayne@ed.sc.gov
http://www.ed.sc.gov

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AMERICAN OVERSIGHT

STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION
MOLLY M. SPEARMAN
*STATE SUPERINTENDENT OF EDUCATION*

March 17, 2020

The Honorable Mitchell Zais
Deputy Secretary of Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Deputy Secretary Zais:

The United States and our public school systems are experiencing an unprecedented, historic crisis related to the novel coronavirus, COVID-19. South Carolina joins many other states in statewide closures of our public schools to contain and reduce the contagion, to protect our most valuable assets–the students we serve. We know that hard days still lie ahead as we have yet to feel the impact of this virus on our citizens and society.

On March 15, 2020, I joined South Carolina Governor Henry McMaster, as he issued an Executive Order to close all public schools, from 4k through universities, until March 31, 2020. That date is subject to extension based upon the scientific guidance we receive from the Centers for Disease Control and our South Carolina Department of Health and Environmental Control.

This closure comes as we gear up for how we hold our state, districts, and schools accountable–our end-of-year testing season. At the March 15 press conference, I announced with the support of our Governor, our intent to suspend spring assessments required by the Every Student Succeeds Act (ESSA) and our intent to seek a waiver from the United States Department of Education (USED).

I understand that the USED is continuing to review the impact of COVID-19 on state accountability systems and assessments along with developing processes for statewide waivers, and we look forward to you releasing additional guidance in the coming days. I want to share South Carolina's intent for the following and stand ready to submit any documentation or information as you deem appropriate:

RUTLEDGE BUILDING · 1429 SENATE STREET · COLUMBIA, SC 29201
PHONE: 803-734-8500 · FAX: 803-734-3389 · ED.SC.GOV

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1. South Carolina intends to suspend all federally-required testing during spring 2020 and requests a waiver of those testing requirements, including ESSA's 95 percent assessment participation requirement;
2. South Carolina intends to request a waiver to delay the identification of any school for comprehensive or targeted support and improvement based upon 2019–20;
3. South Carolina intends to apply a hold-harmless provision and keep ratings from the 2018–19 state report cards in place until the 2020–21 school year; and
4. South Carolina may seek additional waivers related to funding and programs, when we determine any impact that COVID-19 may have on the use of ESSA funds.

We hope that the USED will consider broad waivers and expedited approvals so that states and local school districts can focus on ensuring the health and wellness of our students, faculty, and their families, during these unparalleled times.

We appreciate your guidance and leadership.

Sincerely,

Molly M. Spearman

Molly M. Spearman
State Superintendent of Education

cc: The Honorable Henry McMaster, Governor
South Carolina Congressional Delegation



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:13:20 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: spring term change

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Tracey Lehman <Tracey.Lehman@oit.edu>
**Sent:** Tuesday, March 17, 2020 2:59 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** spring term change

Because of COVID 19, we are extending spring break and starting spring term a week late. Instructors will cover the same course material in a full term. This shortens that academic year by a week. Do I need permission from the school participation team for shortened academic year and how do I request that?

Thank you.

Tracey

Tracey Lehman
Director of Financial Aid
tracey.lehman@oit.edu
541-885-1291

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:12:37 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Standard Term

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Johnson, Cammy <JohnsonC@westerntc.edu>
**Sent:** Tuesday, March 17, 2020 3:42 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Standard Term

Is it my understanding after today's webinar that if our school is a 15 week standard trimester school (we do not have a spring break), if we temporarily cancel classes for 1 week we would need to request a program reduction to 14 weeks from the school participation team? But if we extend the term by 1 week we do not need to do anything?

Thank you.
Cammy

**Cammy Johnson**
Financial Aid System Analyst

My 5 Strengths:
Achiever | Analytical | Responsibility | Positivity | Consistency

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PHONE: 608.785.9569 | FAX: 608.789.4760
400 7th St. North, La Crosse, WI 54601 | www.westerntc.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:23:06 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Student Loan Interest Rate Freeze Info

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Livolsi, Maria <mlivolsi@albany.edu>
**Sent:** Tuesday, March 17, 2020 5:17 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Student Loan Interest Rate Freeze Info

Good afternoon,

Can you tell me if the President's freeze on student loan interest applies to Federal Perkins, Health Professions and Nursing student loans? We are getting a lot of questions as you can imagine and want to provide guidance that is accurate.
Thank you!
Maria

Maria Livolsi, Director
State University of New York
Student Loan Service Center
5 University Place, A310
Rensselaer, NY 12144
518-525-2628

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 23:17:24 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Student Loans Not Disbursing - Foreign School

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Eric Bruce <erbruce@rams.colostate.edu>
**Sent:** Tuesday, March 17, 2020 7:09 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Student Loans Not Disbursing - Foreign School

Hello,

I am a first year graduate student currently enrolled full-time at Jagiellonian University in Poland. Several days ago, classes were temporarily suspended in the country, and as a result, we have shifted to remote learning methods. I've been told by the financial aid office at Jagiellonian that I am now ineligible to receive my disbursement of aid due to the suspension of regular classes on campus. A March 5th announcement indicated this in the section below:

"We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Due to this situation, I am no longer able to afford my tuition or basic cost of living--nor am I able to afford a return ticket to the United States. In other words, I am stuck in a rather precarious situation where I cannot stay in Poland yet also cannot return home. I know that I am not the only student going through difficulties right now, but I do not feel that my aid being delayed/withheld--despite the fact that I'm still enrolled full-time and completing required coursework--is a reasonable measure.

At this point, some level of clarification would be extremely helpful. I know that the effects of COVID-19 are unpredictable, but American students studying at foreign institutions should be afforded the means to continue their studies while remaining in a state of quarantine, just as other students are. If you could provide me with any updated information I would really appreciate it.

Best regards,

AMERICAN OVERSIGHT

Eric Bruce
+1 720-568-9454

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 18:06:25 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: temporary approval of distance education

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Tiffany Schlaeger <tiffany@kenoshatspa.com>
**Sent:** Tuesday, March 17, 2020 1:28 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: temporary approval of distance education

To whom this may concern,

OPE ID: 04183600

## Guidance for interruptions of study related to Coronavirus (COVID-19)

## Seeking clarity on a few questions:

- We fall under the scenario of a campus temporarily stops offering education in a clock hour school to prevent the spread of COVID-19. We have obtained state approval to offer theory instruction via distance Education. We have applied for temporary approval of distance education with NACCAS.
- Once we obtain approval from NACCAS do we need to get approval from DOE to offer distance education for this direct interruption?
- We offer a Full Time program and a Part Time program – Does the approval stand for Part-Time programs the same as Full Time programs or are they treated differently? I didn't see any scenario referencing a part time program, just full time.
- What documentation do you recommend we keep on hand if needed for future review from DOE?
- Do you have any examples of documentation you could send.

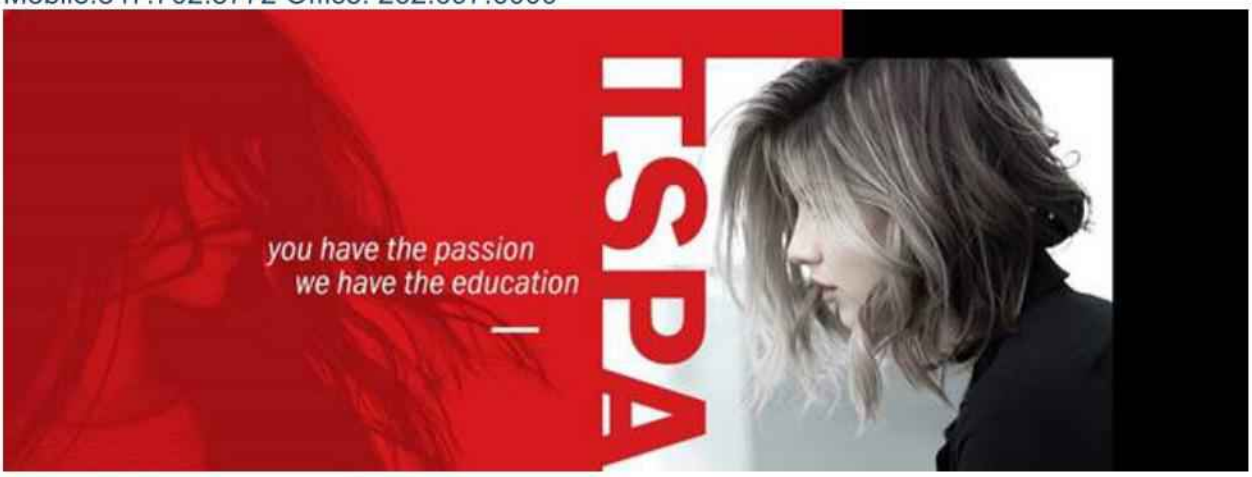
I appreciate your direction! If more clarity is needed please reach out to me by phone or email (847-702-8772, tiffany@kenoshatspa.com)

Kind Regards,

Tiffany Schlaeger

AMERICAN OVERSIGHT

CEO
The Salon Professional Academy of Kenosha
www.KenoshaTSPA.com
Mobile:847.702.8772 Office: 262.697.6000




**From:** Tiffany Schlaeger
**Sent:** Tuesday, March 17, 2020 10:30 AM
**To:** 'COVID-19@ed.gov' <COVID-19@ed.gov>
**Subject:** temporary approval of distance education

To whom this may concern,

I hope this email finds you well!

Our academy has received approval by our state and is awaiting approval by NACCAS for temporary approval of distance education. If you would please assist me with the proper documentation that the DOE needs to approve our distance education once we receive approval from NACCAS that would be greatly appreciated. We offer a 1550 hr Cosmetology program and 600 hr Aesthetics program. I have attached our NACCAS application for reference on the theory units we are requesting to offer, if approved for distance education.

Thank you in advance for your support!

Kind Regards,

Tiffany Schlaeger
CEO
The Salon Professional Academy of Kenosha
www.KenoshaTSPA.com
Mobile:847.702.8772 Office: 262.697.6000

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 23:00:14 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Temporary Closure due to Corona Virus COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Amy Parker <amy@tristatecos.edu>
**Sent:** Tuesday, March 17, 2020 4:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Sarah Arno <sarah@tristatecos.edu>; Esther Cuellar <esther@tristatecos.edu>
**Subject:** Temporary Closure due to Corona Virus COVID-19

To Whom it May Concern,

RE: Temporary School Closure Opeid #: 02224600

We have temporarily ceased all instruction as of March 16 due to the El Paso Department of Health issuance of recommendations for schools to remain closed until April 6th to prevent transmission of the COVID-19. We plan on remaining closed until April 6th unless there is further guidance to stay closed. I know we need to notify the Department of Education but I am not sure where we need to send this notification, please advise.

Best Regards,

Amy Parker-Morris, President/Owner
Tri-State Cosmetology Institute
1120 Vista de Oro Drive
El Paso, TX 79935

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 18:09:08 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: temporary closure questions

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jonathan Vukmanic <JVukmanic@pia.edu>
**Sent:** Tuesday, March 17, 2020 1:49 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** temporary closure questions

If our school is temporarily closed, and we are anticipating using distance/online learning to continue their classes do they have to request an approved Leave of Absence, and if they don't, do I have to withdrawal them?

I know I have three options: 1. LOA 2. Withdrawal 3. Do nothing if the students resume attendance no later than 90 days from the closure date.

Last question. If I wait for the 90 days and the students do not resume attendance or the school does not reopen, I know I have to complete the withdraws, but am I out of compliance because my determination date will be well passed 14 days from the LDA?

Any guidance would be greatly appreciated.

Best Regards,

Jon Vukmanic
Director of Financial Aid
Pittsburgh Institute of Aeronautics
PO Box 10897
Pittsburgh, PA 15236
412-346-2114
OPEID: 00531000

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:11:54 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Temporary school closure - New Beginning College of Cosmetology
**Importance:** High

FYI

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Tuesday, March 17, 2020 11:23 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** Temporary school closure - New Beginning College of Cosmetology
**Importance:** High

FYI – temporary school closure for New Beginning College of Cosmetology

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**From:** Amanda Baugh [mailto:abaugh@nbccosmetology.com]
**Sent:** Tuesday, March 17, 2020 10:33 AM
**To:** Scott, Alicia
**Subject:** Temporary DE Application
**Importance:** High

Good Morning,

Due to the pandemic this is a short term closure due to the Coronavirus and any applicable government orders. We do plan to reopen the school as soon as we are able to do so. Should you have any questions please feel free to contact me at 256-572-1046.

**Thank you,**
**Amanda Baugh**

New Beginning College of Cosmetology
President/ Financial Aid Director
421 Martling Road
Albertville, Al 35951
Phone 256-878-6430
Fax 256-878-9992
Email: abaugh@nbccosmetology.com
www.nbccosmetology.com

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AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 18:08:18 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Temporary school closure

FYI

---

**From:** Roni Nelson <roni@collegeofcos.com>
**Sent:** Tuesday, March 17, 2020 1:32 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Tony Harris <tony@collegeofcos.com>
**Subject:** Temporary school closure

I am sending this email to notify the US Dept of Education that College of Cosmetology, OPE ID 021061 is temporarily closing, effective March 17, 2020, until at least April 1, 2020 due to the COVID-19 issue. Our students, accrediting agency and Oregon Higher Education Coordinating Commission have all been notified in writing.
Please let me know if I need to do anything further.
Sincerely,

Roni L Nelson, General Manager
College of Cosmetology
357 East Main St
Klamath Falls, OR 97601
(541) 882-6644

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:11:55 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Temporary School Closure

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Finaid <finaid@salonschools.com>
Sent: Tuesday, March 17, 2020 1:09 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Temporary School Closure

We are temporarily closing our schools due to the evolving situation with the Coronavirus (COVID-19) and looking for direction on the proper channels to notify the U.S. Department of Education. We have notified our State and Accrediting Agency as well as sending a letter and email to one of the Chicago Region representatives. Please provide guidance if there is another direct contact we need to inform.

Thank you,
Cheryl Halblaub

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:43:09 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Temporary school closure
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Cindy Long <cindy@collegeofhairdesigncareers.com>
**Sent:** Tuesday, March 17, 2020 5:42 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** PCCOVID19 <PCCOVID19@ed.gov>
**Subject:** Temporary school closure
**Importance:** High

I am sending this email to notify the US Department of Education the College of Hair Design Careers, OPE ID 02337900 is temporarily closing, effective 3/17/2020 until at least 4/1/2020 due to the
COVID-19 issues.
Our students, accrediting agency and Oregon Higher Education Coordinating Commission all have been notified in writing.
Please let me know if there is any thing further that I need to do.
Sincerely,

Cindy Long
Administrator
College of Hair Design Careers
1684 Clay ST. NE
Salem, OR. 97301
503-588-5888
cindy@collegeofhairdesigncareers.com

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Tue, 17 Mar 2020 20:03:31 +0000
**To:** COVID-19
**Cc:** OESE.titlei-a
**Subject:** FW: Title I Guidance

Good afternoon,

The Title I, Part A team in OESE received the questions below from Arizona.

Best,
Stephanie Choroser
U.S. Department of Education
Office of Elementary and Secondary Education
Title I, Part A
202.453.6829
Rm 3W107

---

**From:** Snyder, Keith <Keith.Snyder@azed.gov>
**Sent:** Monday, March 16, 2020 4:49 PM
**To:** OESE.SGR.Arizona <Arizona.oese@ed.gov>; OESE.OSS.Arizona <OSS.Arizona@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** Stephenson, Todd <Todd.Stephenson@ed.gov>; Scott, James <James.Scott@azed.gov>; Edman, Sue <Sue.Edman@azed.gov>; Pollack-Neuser, Cheryl <Cheryl.Pollack-Neuser@azed.gov>
**Subject:** Title I Guidance

Good afternoon,

Due to the COVID-19 Pandemic, we have been fielding some unique questions from LEAs, and we are seeking ED's guidance.

1. The Governor of Arizona has closed all public schools for two weeks. LEAs are allowed to submit a 15% carryover waiver once every three years. Are there any exceptions to the 15% carryover waiver due to these unprecedented circumstances we are all facing?

2. If LEAs continue to pay non-Title-I employees during these closures, will LEAs be allowed to use Title-I funds to pay currently funded Title-I staff?

We look forward to your response.

Sincerely,

Keith Snyder
Deputy Associate Superintendent
Educator and School Excellence
Title I-A | Title I-D | Title II-A | Title IV-A | Title V-B
Arizona Department of Education

AMERICAN OVERSIGHT

1535 West Jefferson Street, Bin #32
Phoenix, Arizona 85007
keith.snyder@azed.gov
TEL: (602) 364-1957 | FAX: (602) 542-5010

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:15:26 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Title I Guidance

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Tuesday, March 17, 2020 4:04 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** FW: Title I Guidance

Good afternoon,

The Title I, Part A team in OESE received the questions below from Arizona.

Best,
Stephanie Choroser
U.S. Department of Education
Office of Elementary and Secondary Education
Title I, Part A
202.453.6829
Rm 3W107

---

**From:** Snyder, Keith <Keith.Snyder@azed.gov>
**Sent:** Monday, March 16, 2020 4:49 PM
**To:** OESE.SGR.Arizona <Arizona.oese@ed.gov>; OESE.OSS.Arizona <OSS.Arizona@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** Stephenson, Todd <Todd.Stephenson@ed.gov>; Scott, James <James.Scott@azed.gov>; Edman, Sue <Sue.Edman@azed.gov>; Pollack-Neuser, Cheryl <Cheryl.Pollack-Neuser@azed.gov>
**Subject:** Title I Guidance

Good afternoon,

Due to the COVID-19 Pandemic, we have been fielding some unique questions from LEAs, and we are seeking ED's guidance.

AMERICAN OVERSIGHT

1. The Governor of Arizona has closed all public schools for two weeks. LEAs are allowed to submit a 15% carryover waiver once every three years. Are there any exceptions to the 15% carryover waiver due to these unprecedented circumstances we are all facing?

2. If LEAs continue to pay non-Title-I employees during these closures, will LEAs be allowed to use Title-I funds to pay currently funded Title-I staff?

We look forward to your response.

Sincerely,

Keith Snyder
Deputy Associate Superintendent
Educator and School Excellence
Title I-A | Title I-D | Title II-A | Title IV-A | Title V-B
Arizona Department of Education
1535 West Jefferson Street, Bin #32
Phoenix, Arizona 85007
keith.snyder@azed.gov
TEL: (602) 364-1957 | FAX: (602) 542-5010

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 23:00:00 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: TONI&GUY Hairdressing Academy Distance Education

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Smith, Jennifer <jsmith@toniguy.com>
**Sent:** Tuesday, March 17, 2020 6:29 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** TONI&GUY Hairdressing Academy Distance Education

Hello-

How do we apply with the Department or notify the Department that we are closing our school and moving to Distance Education for our Students due to the concerns of COVID-19.

We are getting out accreditor approval and have state approval to do so for emergency distance education but were also told that we need to notify the Department.

Thanks,

**Jennifer Smith**
Paralegal & Compliance Specialist
TONI&GUY HAIRDRESSING
4251 Kellway Circle
Addison, TX 75001
ph. 214-273-2679
fx. 972-407-7597

AMERICAN OVERSIGHT

**From:** Carr, Steven
**Sent:** Tue, 17 Mar 2020 16:05:47 +0000
**To:** COVID-19;OESECOVID19@usdedeop.onmicrosoft.com.
**Cc:** Gillette, Lisa;Bentley-Memon, Millicent
**Subject:** FW: USF CAMP students Alternative Spring Break

We have drafted a proposed response which is currently under review per the covid-19 inquiry guidelines.

---

**From:** Doone, Patrick <Doone@usf.edu>
**Sent:** Tuesday, March 10, 2020 1:54 PM
**To:** Carr, Steven <Steven.Carr@ed.gov>
**Subject:** USF CAMP students Alternative Spring Break

Good Afternoon Steve,
Due to the coronavirus (COVID-19) outbreak and concerns regarding domestic travel, the USF office of Student Success is cancelling all university-sponsored Alternative Spring Break trips. Each year CAMP sponsors approximately 10-13 students on these service trips throughout the United States. It is a remarkable opportunity for our students to learn about other issues impacting local communities such homelessness and hunger, human trafficking, women empowerment and others. We have promoted this throughout the year, so the students are very disappointed.
I am writing to see if there is any way to provide this opportunity next year for these students. I know they are no longer considered freshman, but the funds have been budgeted and returned to our account. Please let me know what is possible.
Best,

**Patrick Doone**
HEP/CAMP Director
Center for Migrant Education
University of South Florida
4202 E. Fowler Ave., EDU # 105
Tampa, FL 33620
P. 813.974.0915

UNIVERSITY OF SOUTH FLORIDA
A PREEMINENT RESEARCH UNIVERSITY

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 21:12:20 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: UTI'S CONTIGENCY PLAN AND REQUEST FOR TEMPORARY APPROVAL TO TRANSITION TO ONLINE PLATFORM
**Attachments:** UTI CONTIGENCY PLAN AND REQUEST FOR TEMPORARY APPROVAL FOR ONLINE LECTURE.pdf

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** anne-marie.emanuel@universaluti.edu <anne-marie.emanuel@universaluti.edu>
**Sent:** Tuesday, March 17, 2020 4:44 PM
**To:** WalkerD2@dca.njoag.gov; COVID-19 <COVID-19@ed.gov>; trainingevaluationunit@dol.nj.gov
**Subject:** UTI'S CONTIGENCY PLAN AND REQUEST FOR TEMPORARY APPROVAL TO TRANSITION TO ONLINE PLATFORM

Dear Dr. Walker,

Please be advised that, out of great concern for the welfare of our students, faculty, staff and community at large, Universal Training Institute, is taking some initial steps towards the prevention of the COVID-19 virus within our immediate environment.

UTI has therefore updated our Emergency Preparedness Plan to mediate some of the concerns and issues the COVID-19 virus has presented to our campus. The goal of this plan is to accommodate students and help them continue their education despite the interruptions caused by COVID-19.

We also request approval to enable us transition to online platform for classes and academic activities and we have attached the request for your review. We have forwarded the same request to our Accrediting Agency and the Department of Labor for processing.

Thank you for your continued support particularly in this difficult period.

Sincerely.

**Anne-marie Emanuel**

AMERICAN OVERSIGHT

Asst Director of Nursing

+347-430-6744

-732-826-0155

anne-marie.emanuel@universaluti.edu

AMERICAN OVERSIGHT

**Universal Training Institute**
**174 Jefferson Street, 2nd Floor, Perth Amboy, N.J. 08861**
**Phone: (732) 826-0155; Fax: (732) 826-0322**
**universaluti.com**

March 17, 2020

United States Department of Education
Federal Student Aid / Compliance
830 First Street N.E. UCP III
Washington, D.C. 20202-5430
Attn: Sherrie Patrice Fleming

Dear Representatives,

Please be advised that, out of great concern for the welfare of our students, faculty, staff and community at large, Universal Training Institute, is taking some initial steps towards the prevention of the COVID-19 virus within our immediate environment. UTI has therefore **updated** our Emergency Preparedness Plan to mediate some of the concerns and issues the COVID-19 virus has presented to our campus.

## Our Objective:

The goal of updating the Emergency Preparedness Plan is to accommodate students and help them continue their education despite interruptions caused by the COVID-19. Anytime coursework is interrupted, it is incumbent that the school take immediate and necessary steps to help students navigate through the program till such time they have completed the program. To this end UTI will initiate the following protocols:

## Risk Factors:

- The risk that students and faculty members including administrative staff could be unduly exposed to Covid-19 if UTI continues to hold regular classes in its facility is present
- Most of our students work in Health Care facilities across the State and might be exposed to other individuals with known/ unknown symptoms that could be a major risk factor for other members of UTI if they continue to be present at school on a regular basis.

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- A number of students and faculty members do daily commute to school by public transportation system which may not be deemed safe at this period of outbreak
- Failure to comply by the various pronouncement by government agencies across the nation and particularly the State of New Jersey will not be a prudent choice for UTI.

## Impact of the Risks:

- Students may contract the virus and infect others within UTI facility even before symptoms manifest
- Students may contract the virus and infect their family members and others in their community
- A sick ( possibly infected) member of staff or faculty member could infect others or students if they continue to be present at work
- The possibility of the Coronavirus outbreak lasting longer than anticipated
- Inability to access needed resources (IT and Human) in the event of delayed action to support continuity and recovery when needed

## Operation Continuity strategies:

- Close the school for an initial period of two weeks effective 3/18/20 (with possible extension as events unfold)
- Clean and disinfect the school (including classrooms, bathrooms, labs and computer assets during this period).
- Institute online classes to consist of a combination of lecture, discussions, written assignments and examinations by deploying "Zoom web conferencing" platform to augment our legacy SIS platform.
-
    - It is believed that online (ground-based) education provides a viable option for continuing to teach students through COVID-19 related interruptions.

    - The student's attendance will be taken by the faculty and monitored throughout the course of the day to ensure they are meeting the requisite daily requirements.

- Discontinued all clinical rotations at local healthcare facilities and to this effect, students are now required to participate in online video case-studies and presentations to enhance and support their clinical knowledge.
- All faculty members will be lecturing and testing offsite from their respective homes, and they will be monitored to meet all UTI expectations.
- Students will be given the opportunity to take a 'Leave of Absence' if they feel they cannot cope with any of the aforementioned expectations and requirements
- All students, faculty and staff have been thoroughly informed about the signs and symptoms of the virus including any and all steps for prevention and treatment as outlined by the Center for Disease Control (CDC).

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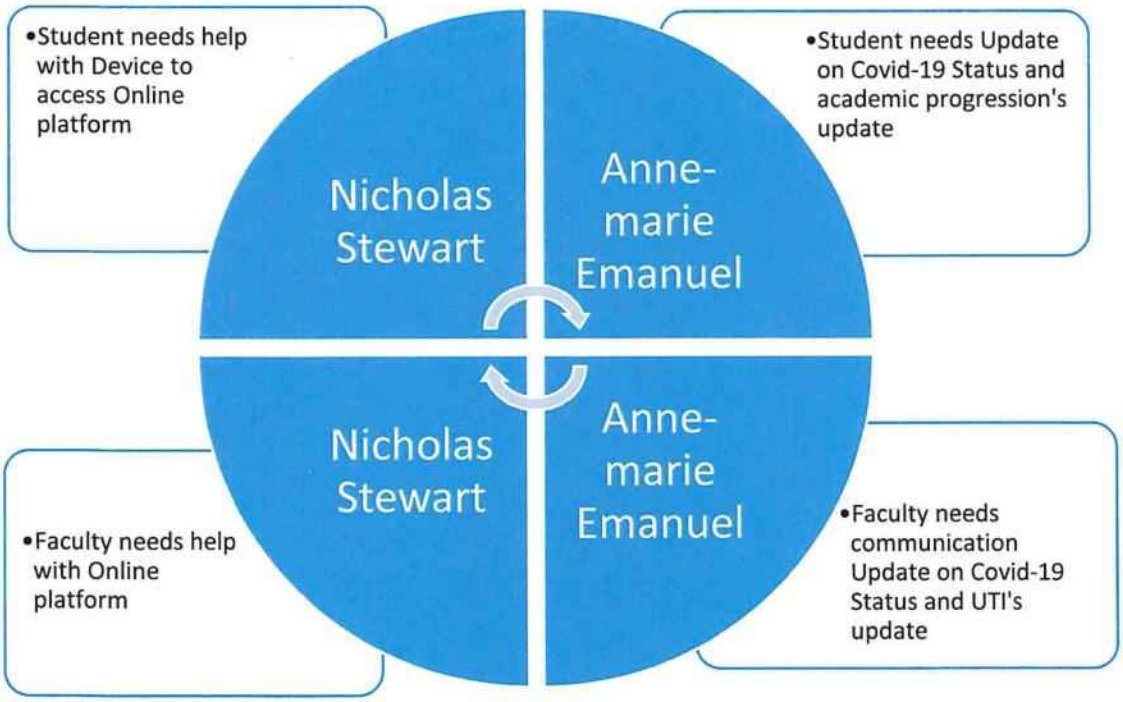
**First Responder Team:**

- Two staff members have been approved and dedicated to attend to all issues related to IT Assets, online platform issues resolution, class facilitation and; compliance issues as it relates to communication with the students and staff as well as the regulatory bodies in this time of unforeseen outbreak:
    - Nicholas Stewart – IT Assets and Online platform support
        - 732-841-1095
    - Anne-marie Emanuel- Compliance and Communications Support
        - 347-430-6744

**Communication Tree**:

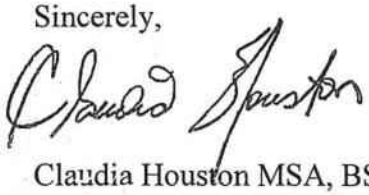



UTI recognizes that online Distance Learning Education is for a limited time. It is our sincere intention to offer a robust and comprehensive program for the duration of the interruption. We further understand that no formal approval is required by the accrediting bodies or DOE. However, because UTI is a clock-hour based program, we are reaching out to your office for approval and assistance during this transition.

AMERICAN OVERSIGHT

We wish to thank you for your guidance and assistance during this difficult time. I can be reached at schooladministratot@universalui.gov or (732) 744-4287.

Sincerely,



Claudia Houston MSA, BSN, RN
School Administrator

CC:

ACCET
Accrediting Council for Continuing Education & Training
1722 N. Street, N.W.
Washington, DC, 20036

New Jersey Department of Labor & Workforce Development
School Approval Unit
John Fitch Way, 6th Floor
P.O. Box 955
Trenton, New Jersey -8625-0955

New Jersey Division of Consumer Affairs
124 Halsey Street
Newark, New Jersey 07102

AMERICAN OVERSIGHT

**From:** Carr, Steven
**Sent:** Tue, 17 Mar 2020 16:05:36 +0000
**To:** COVID-19;OESECOVID19@usdedeop.onmicrosoft.com.
**Cc:** Gillette, Lisa;Bentley-Memon, Millicent
**Subject:** FW: Virus and university shutdown

We have drafted a proposed response which is currently under review per the covid-19 inquiry guidelines.

---

**From:** Doone, Patrick <Doone@usf.edu>
**Sent:** Wednesday, March 11, 2020 1:17 PM
**To:** Carr, Steven <Steven.Carr@ed.gov>
**Subject:** Virus and university shutdown

Hi Steve,

As a FYI, USF is making preparations to offer classes all online. Although this will not impact CAMP students attending class, it will impact our support services, mentoring, tutoring and counseling if implemented. The bigger concern though is HEP since we are a residential program, and our students hail from various parts of the state. I just wanted to put that on the table and see if there had been any discussion within OME on its impact on residential programs if our HEP students are sent home..

Best,

Patrick

**Patrick Doone**
HEP/CAMP Director
Center for Migrant Education
University of South Florida
4202 E. Fowler Ave., EDU # 105
Tampa, FL 33620
P. 813.974.0915

AMERICAN OVERSIGHT

**From:** Drummond, Charlene
**Sent:** Tue, 17 Mar 2020 16:31:00 +0000
**To:** COVID-19
**Subject:** FW: Waiving Interest on Federal Loans
**Importance:** High

Please see inquiry below-

Thank you!

**Charlene Drummond** | Client Services UAS
**University Accounting Service, LLC**
Phone: 678-727-6590
250 N SUNNY SLOPE ROAD, STE 110 , BROOKFIELD, WI 53005
Email: Charlene.Drummond@tsico.com | Website: www.tsico.com

---

**From:** Drummond, Charlene
**Sent:** Tuesday, March 17, 2020 11:38 AM
**To:** 'tamy.abernathy@ed.gov' <tamy.abernathy@ed.gov>
**Cc:** 'gregg.gerrans@ed.gov' <gregg.gerrans@ed.gov>; 'brian.smith@ed.gov' <brian.smith@ed.gov>
**Subject:** Waiving Interest on Federal Loans
**Importance:** High

Good Morning!

Based on President Trump's recent comments on waiving interest on Federal Student loans, should we be placing a freeze on interest accruals on the Perkins loans from yesterday forward? Will ED be providing guidance on how this should be handled? (ie: just stop accruing for a designated period of time, process a benefit type TBD to track waived interest accruals, some other process???)

Thank you!

**Charlene Drummond** | Client Services UAS
**University Accounting Service, LLC**
Phone: 678-727-6590
250 N SUNNY SLOPE ROAD, STE 110 , BROOKFIELD, WI 53005
Email: Charlene.Drummond@tsico.com | Website: www.tsico.com

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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:07:44 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Waiving Interest on Federal Loans
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Drummond, Charlene <Charlene.Drummond@tsico.com>
**Sent:** Tuesday, March 17, 2020 12:31 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Waiving Interest on Federal Loans
**Importance:** High

Please see inquiry below-

Thank you!

uas
**Charlene Drummond** | Client Services UAS
**University Accounting Service, LLC**
Phone: 678-727-6590
250 N SUNNY SLOPE ROAD, STE 110 , BROOKFIELD, WI 53005
Email: Charlene.Drummond@tsico.com | Website: www.tsico.com

---

**From:** Drummond, Charlene
**Sent:** Tuesday, March 17, 2020 11:38 AM
**To:** 'tamy.abernathy@ed.gov' <tamy.abernathy@ed.gov>
**Cc:** 'gregg.gerrans@ed.gov' <gregg.gerrans@ed.gov>; 'brian.smith@ed.gov' <brian.smith@ed.gov>
**Subject:** Waiving Interest on Federal Loans
**Importance:** High

Good Morning!

Based on President Trump's recent comments on waiving interest on Federal Student loans, should we be placing a freeze on interest accruals on the Perkins loans from yesterday forward? Will ED be providing guidance on how this should be handled? (ie: just stop accruing for a designated period of time, process a benefit type TBD to track waived interest accruals, some other process???)

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Thank you!

**Charlene Drummond** | Client Services UAS
**University Accounting Service, LLC**
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**From:** COVID-19
**Sent:** Tue, 17 Mar 2020 17:07:49 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Work-Study Question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Gavin Hamms <hammsg@gram.edu>
**Sent:** Tuesday, March 17, 2020 11:33 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Work-Study Question

Good Morning

How should institutions determine the amount to pay students for work-study?

Gavin R. Hamms, Ph.D.

Director of Student Financial Aid

Fax: 318-274-3358

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**From:** Kujawa, Nicholas
**Sent:** Tue, 17 Mar 2020 20:58:31 +0000
**To:** COVID-19
**Subject:** FWS and voluntary closure

Good afternoon,

In the Dear Colleague letter from March 5 relating to COVID-19, it stated that with FWS:

Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement.

My question with this is wondering if this is the case if our University voluntarily closes or is it only in a case of a State or National Emergency requiring colleges and universities to close?

Thank you in advance for your clarification,

Nicholas Kujawa
Assistant Director, Financial Aid
Notre Dame of Maryland University
4701 North Charles Street
Baltimore, Maryland 21201

NOTRE DAME OF MARYLAND UNIVERSITY

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**From:** Zilma Lopes
**Sent:** Tue, 17 Mar 2020 16:22:02 +0000
**To:** COVID-19
**Subject:** FWS Compensation Over Extended Spring Break

Good Afternoon,

I have a question regarding compensating FWS students during the COVID-19 pandemic. Due to the COVID-19, we extended our spring break to include this current week of March 16th thru March 20th and then we are moving to online instruction as of next Monday, March 23rd. We've asked students to not come to campus and we would like to compensate our FWS students during this time.

**My question is**: Do I start compensating students starting this week for our extended spring break or starting next Monday, March 233rd, which is when we will resume classes through online modality?

Thank you,

***Zilma Lopes, MS***
*Director of Financial Aid*
*2019-2020 NCASFAA Treasurer*
5160 Fayetteville Road
Lumberton, NC 28360
Tel: 910.272.3662
Fax: 910.272.3314
Email: zlopes@robeson.edu

"You have not lived today successfully until you have done something for someone who can never repay you"
~John Bunyan

ROBESON COMMUNITY COLLEGE

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**From:** Mary Anne Stano
**Sent:** Tue, 17 Mar 2020 21:19:13 +0000
**To:** COVID-19
**Subject:** FWS Question
**Importance:** High

How do we determine the number of hours worked for FWS students who work sporadically. For example, we have tutors that may work one hour for one week, two hours the next and then may not work again for another week or so. These students do not work by regularly scheduled hours so may we determine an average number of hours based on prior pay periods?

I am so grateful for your guidance.

Thank you, and please stay well.

Sincerely,

**Mary Anne**

\\\ **Mary Anne Stano**
Director | Office of Financial Aid

LOYOLA
UNIVERSITY MARYLAND

4501 North Charles Street, Baltimore, MD 21210
410-617-2576 \ financialaid@loyola.edu

**MORE THAN READY. LOYOLA READY.**

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**From:** Williams, Bryan
**Sent:** Wed, 18 Mar 2020 17:32:57 +0000
**To:** COVID-19
**Subject:** RE: Bold Beauty Academy

Ok - thanks

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 18, 2020 1:32 PM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: Bold Beauty Academy

I forward to Shaina/Jack in OPE.

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Tuesday, March 17, 2020 11:07 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** Bold Beauty Academy

Thank you, Mr. Priest. We are forwarding your information to COVID-19@ed.gov for additional assistance.

---

**From:** Jason Priest [mailto:jason@boldbeautyacademy.com]
**Sent:** Tuesday, March 17, 2020 6:34 AM
**To:** Scott, Alicia
**Cc:** Ms. Nicole King
**Subject:** temporary school closure

Good Morning Ms. Scott,

I'm sure you're quite busy but in the past you've been so hepful I thought I would seek some guidance from you.

Montana has closed its schools for two weeks and we feel we need to do the same.

I have searched the web and the DOE's website to find some way of providing notice of this temporary situation but I can't find it. Surely, it is required.

Can you assist me?

Thank you in advance.

Jason

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Jason
Bold Beauty Academy
928 Broadwater Avenue
Billings, MT 59068

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**From:** OESE.SGR.Wyoming
**Sent:** Wed, 18 Mar 2020 12:59:27 +0000
**To:** Jess Binning (WDE);OESE.OSS.Wyoming;COVID-19
**Cc:** Mark Bowers;Les Koch;Jessica Fancher;Diana Thompson;Shannon Cranmore;John Bole
**Subject:** RE: COVID-19 and dying federal funds

Hello,

Thank you for your message. We have received your inquiry and shared it with our colleagues who are responding to questions related to the coronavirus at COVID-19@ed.gov. To learn more about the U.S. Department of Education's prevention plan and how you can help prevent the spread of coronavirus, please visit www.ed.gov/coronavirus for more details.

Respectfully,

Lakesha

**From:** Jess Binning (WDE) <jess.binning@wyo.gov>
**Sent:** Monday, March 16, 2020 12:23 PM
**To:** OESE.OSS.Wyoming <OSS.Wyoming@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Mark Bowers <mark.bowers@wyo.gov>; Les Koch <les.koch1@wyo.gov>; Jessica Fancher <jessica.fancher3@wyo.gov>; Diana Thompson <diana.thompson@wyo.gov>; Shannon Cranmore <shannon.cranmore@wyo.gov>; John Bole <john.bole@wyo.gov>
**Subject:** Re: COVID-19 and dying federal funds

Additional Question, specific to School Closures and staff pay:

Some districts/schools in Wyoming are closing for 2-3 weeks in lieu of COVID-19 precautions. State and local funds will still pay contract teachers. The question from one of our districts is: can federal funds continue to pay contracted teachers (such as Title I teachers) during these closure events? What about hourly paid federally funded staff, such as Title I tutors, paraprofessionals, and district Consolidated Grant Managers?

Our team would like to allow this, but need guidance from US Department of Education since time and effort requirements are a consideration with federal grant funds.

Sincerely,
Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
**Cheyenne, WY 82002**

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**https://2020starconference.eventbrite.com/**

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On Fri, Mar 13, 2020 at 10:10 AM Jess Binning (WDE) <jess.binning@wyo.gov> wrote:

Support Contacts at US Department of Education:

we have some school districts reaching out about 2018-2019 grant funds that will expire at the end of September. Some districts have grant balances from funds that started July 1, 2018. They have plans that have been in place and approved for using the funds, but some of the activities were to be executed through this school year and summer.

What can we do as an agency to request a longer period of availability (if that is even an option) for these dying grant funds? Or, will the US Department of Education be understanding if states have to return grant funds that were unused because of the current circumstances that are causing disruptions?

The best examples I can share:
Cancelled Professional Development that uses Title II-A funds.
Cancelled additional tutoring services provided using Title I-A funds.
Cancelled Parent and Family Engagement activities that use Title I-A, and Title III funds.

Thank you so much for a quick response so that we can support our districts.

Sincerely,
Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
**Cheyenne, WY 82002**

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https://2020starconference.eventbrite.com/

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**From:** Vu, Larry
**Sent:** Wed, 18 Mar 2020 14:45:58 +0000
**To:** Ewa Stankiewicz;COVID-19
**Cc:** Miles, Eric;Dzial Obslugi Studiów
**Subject:** RE: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Ewa,

You will need to reference OPE's guidance on March 5, 2020: https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19.

"Foreign Schools
We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Please let me know if you have any other questions.

Larry Vu

---

**From:** Ewa Stankiewicz <ewa.stankiewicz@uj.edu.pl>
**Sent:** Monday, March 16, 2020 5:27 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Miles, Eric <Eric.Miles@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** Odp.: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,

I am writing to follow-up on my previous email.

I would like to inform you that in addition to JU Rector's decision on cancellation of lectures at Jagiellonian University, the Government of Poland has announced other restrictions, including closures of all schools, universities, and cultural institutions until March 25, 2020.

Please let me know if the above precautions taken due to COVID-19 have any impact to Title IV recipients as Jagiellonian Univeristy is a foreign school. The 2019-2020 summer semester disbursement

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will not be made until we receive the information from you. Please note, that there are thirteen U.S. students at JU who are waiting for the summer semester disbursements which cover their costs of living while studying in Poland.

I look forward to receiving your updates.

Best regards,

Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

---

**From:** Ewa Stankiewicz
**Sent:** Wednesday, March 11, 2020 8:46 AM
**To:** 'COVID-19@ed.gov' <COVID-19@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,

I am writing in connection with the Office of Postsecondary Education's electronic announcement of March 05, 2020 and the part regarding foreign schools: "We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Due to the spread of Coronavirus (COVID-19) in Europe and following the safety recommendations of the Chief Sanitary Inspectorate, JU Rector Prof. Wojciech Nowak has cancelled all lectures conducted at Jagiellonian University. Wherever applicable, lectures should be made available online. Other classes (which take place in a smaller groups) will be held as per usual, with any additional restrictions to be introduced by the Faculties.

Please let me know if the above regulations (authorizing distance learning at programs which are not usually distance) do have an impact on students' eligibility for Title IV funds in the 2019-2020 summer

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semester and should we withhold the disbursements for this semester. Please note that these are exceptional circumstances and all decisions have been made to ensure student safety.

I would appreciate a reply asap as we have just evaluated students' Satisfactory Academic Progress after winter semester and we are ready to make the Title IV funds disbursements for the second semester.

Thank you,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

**From:** Roney, Collette
**Sent:** Wed, 18 Mar 2020 13:52:11 +0000
**To:** Leslie.Franks-McRae@doe.nj.gov
**Cc:** OESE.titlei-a;COVID-19;Stephenson, Todd
**Subject:** RE: NJ DOE Questions

Hello Leslie,

Thank you for your questions. I am e-mailing here to acknowledge receipt. We will follow-up with a fuller response in the near future.

Best,
Collette

---

**From:** Franks-McRae, Leslie <Leslie.Franks-McRae@doe.nj.gov>
**Sent:** Tuesday, March 17, 2020 5:56 PM
**To:** COVID-19 <COVID-19@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** Stephenson, Todd <Todd.Stephenson@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>; McDonald, Peggy <Peggy.McDonald@doe.nj.gov>; Schulz-Eskow, Colleen <Colleen.Schulz-Eskow@doe.nj.gov>; Young, Jesse <Jesse.Young@doe.nj.gov>
**Subject:** NJ DOE Questions

Good afternoon – following are NJ DOEs immediate questions:

1. Can LEAs use Title I funding to support the basic necessities for families – food, beverages, cleaning supplies?
2. Can LEAs use Title IV-A funds to purchase additional cleaning supplies such as anti-viral wipes, hand sanitizer, or other cleaning supplies that they would normally not have been purchased?
3. Will monitoring the language proficiency test administration of schools be waived?

Thank you!

# Leslie

**Leslie K. Franks McRae**
Director: Office of Supplemental Educational Programs
NJ Department of Education
100 Riverview Plaza
Trenton, New Jersey 08625
Phone: (609) 376-3499

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**From:** Bounds, Herman
**Sent:** Wed, 18 Mar 2020 15:44:14 +0000
**To:** Giggetts, Stephanie;COVID-19
**Subject:** RE: School Year 2020-2021

Hi Stephanie, I sent out a guidance letter last night. Did you not receive it?

Herman Bounds Jr., Ed.S., MS.
Director
Accreditation Group
Office of Post Secondary Education
US Department of Education
400 Maryland Ave
Washington DC 20202
Herman.Bounds@ed.gov<mailto:Herman.Bounds@ed.gov>
202-453-7615

---

**From:** Giggetts, Stephanie <Stephanie.Giggetts@americanbar.org>
**Sent:** Wednesday, March 18, 2020 11:16 AM
**To:** COVID-19 <COVID-19@ed.gov>; Bounds, Herman <Herman.Bounds@ed.gov>
**Subject:** School Year 2020-2021

Hello,

We are hoping to get some guidance on any regulatory flexibilities that the Department is considering for this summer and fall 2020. Schools are already planning for summer and fall semesters and are looking for guidance on what to do and if they will continue to be able to utilize distance education.

Thanks,

**Stephanie Giggetts**
Accreditation Counsel
Section of Legal Education and Admissions to the Bar
American Bar Association
321 N. Clark St.
Chicago, IL 60654

T: (312) 988-5210
F: (312) 988-5681
**Stephanie.Giggetts@americanbar.org**

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**From:** OESE.titlei-a
**Sent:** Wed, 18 Mar 2020 13:00:50 +0000
**To:** Starke, Adam R - Director State/federal Prgrms, State & Federal Programs;OESE.titlei-a
**Cc:** Poynter, Leslie;Stephenson, Todd;Siry, Melissa;COVID-19
**Subject:** RE: Title I-A and ESSA Consolidated Application Fiscal Questions

Good Morning, Dr. Starke, and thank you very much for reaching out to us with these questions. We know this is an unprecedented time and are working to provide answers in the coming days. As we have more information available, it will be posted on our website at: https://www.ed.gov/coronavirus/ so that it is available to you and others experiencing similar challenges. We will also respond to you directly.

Thank you again, and please take good care. If other questions emerge, you may send them to us at OESE.titlei-a@ed.gov and COVID-19@ed.gov.

Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

---

**From:** Starke, Adam R - Director State/federal Prgrms, State & Federal Programs <astark@sisd.net>
**Sent:** Tuesday, March 17, 2020 8:05 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** Title I-A and ESSA Consolidated Application Fiscal Questions

Good afternoon. My name is Dr. Adam Starke, director of state and federal programs in the Socorro Independent School District (El Paso, Texas). Our school district is currently closed. Plans are to reopen the schools to students on April 6, 2020, but the situation, as in every other locality in our country, is fluid at this time. With the closure, spending has been halted and I now have a concern about meeting requirements that we normally meet as a matter of course. Questions I have are below:

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1. We always meet maintenance of effort. If we were not able to solely because of the COVID-19 closing, would we be able to receive a waiver?

2. We always exceed the 85% Title I, Part A expenditure requirement; we carry over less than 15% each fiscal year. If we cannot do that this year for this reason, will that be waived?

3. If we cannot reach the 85% Title I-A expenditure requirement and it is waived, will our carryover be capped at 15% or will we receive what we could not expend due to the closure?

4. Through our first/second allocation and carryover, our participating Private/Non-Profit schools have received all required funding by the prescribed formula. If they do not expend their allocations to the percentage required due to closures, will that be waived as a requirement for this year?

5. Will districts be required to submit any kind of waiver application if MOE, Title I-A 85%, etc., are not met due to the prolonged school closure?

6. As we are all well aware, our entire country is affected by COVID-19. Will that cause the planning amounts and the availability of the 2020-2021 ESSA Consolidated Application to be delayed or will the availability be around the normal time (April to May)?

7. We currently have one school that was identified to receive the School Improvement grant. Expenditures were steady before the closure; this campus has received these funds in previous years and has always spent close to 100% of the funding. If that maintenance of effort was not met this year due to the closure, will that be waived?

I thank you in advance for answering my questions; I look forward to hearing from you soon. Thank you.

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**From:** Julie Hodge
**Sent:** Wed, 18 Mar 2020 15:46:45 -0400
**To:** COVID-19
**Subject:** Request for Reduced Academic Year

Hello,

Belmont Abbey College (002910) is seeking approval to extend our Spring Break by one additional week due to COVID-19. Please let me know what steps are required of the college to request a reduced academic year.

Thank you for your help.

Julie Hodge
Director of Financial Aid
Belmont Abbey College
704-461-7006
704-461-6882 FAX

Belmont Abbey
COLLEGE

AMERICAN OVERSIGHT

**From:** Julie Hodge
**Sent:** Wed, 18 Mar 2020 16:33:51 -0400
**To:** Russell, Rodney;COVID-19
**Subject:** Request for Temporary Reduction of Academic Year

Mr. Russell,

Belmont Abbey College (002910) is seeking approval to have a temporary reduction of our academic year due to COVID -19.

The State of North Carolina has declared a State of Emergency and cases have been identified local to the Charlotte metro area. In alignment with guidance from the Centers for Disease Control (CDC), the U.S. Department of Education, and state and local authorities, the College is preparing to extend Spring Break and temporarily relocate instruction on-line.

Students enrolled in traditional 15- week spring semester courses are currently on Spring Break so those classes are not held this week. We are extending Spring Break and do not plan to hold 15-week classes the week of March 23-29, 2020.
We will use this time to provide significant support to faculty to prepare for the likelihood of moving some, and potentially all, of our courses to remote course delivery. The earliest we would shift these courses to on-line is Monday, March 30, 2020.

For students taking classes in our 8-week term, we began on-line instruction on Monday, March 16, 2020. There are limited courses offered in the condensed session and most are already offered in a hybrid format. As such, we are positioned to move quickly to shift those courses to remote delivery.

Once classes are shifted to on-line delivery we expect them to remain on-line through the end of the spring term, May 12, 2020. At this time, our plan is to return all courses to in-person classes for the Summer term.

Thank you for your consideration of our request to have a temporary reduction of our academic year.

Julie Hodge
Director of Financial Aid
Belmont Abbey College
704-461-7006
704-461-6882 FAX

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Belmont Abbey COLLEGE

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**From:** Naury Y. Sánchez Cintrón
**Sent:** Wed, 18 Mar 2020 19:32:05 +0000
**To:** COVID-19
**Cc:** Decanato Finanzas;Asistencia Economica
**Subject:** Requesting an extension on the Single Audit submission date

Greetings!
On March 16 the Governor of Puerto Rico, Hon. Wanda Vazquez Garced has issue an Executive Order decreeing a total curfew from March 16 through the 30th. This means that everyone need to stay at home 24/7 unless you work on health and security. This decision is base on the several case confirm on COVID-19 in the island. The intentions with this action is to control the propagation of the virus to an extent that the health system can handle it.
We will be returning to the University the first week of april. For that reasons we ask you to consider our petition to grant us an extension on the due date to submit the Single Audit Report.
Any help will be appreciated,
Sincerely,
Prof. Naury Y. Sanchez Cintron
President
Get Outlook for iOS

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**From:** Jackson, Melodie
**Sent:** Wed, 18 Mar 2020 15:17:42 +0000
**To:** COVID-19
**Subject:** ROOM AND BOARD ADJUSTMENTS

Greetings,

Due to response to COVID-19, if a school offers a partial refund of spring 2020 room and board charges as a credit to the fall 2020 term charges because classes were moved online, is the credit counted as EFA in Fall 2020 or would COA need to be adjusted?

Best,

Melodie

Melodie Jackson
Director of Financial Aid
Elizabethtown College
One Alpha Drive
Elizabethtown, PA 17022-2298
717-361-1404
717-361-1514 (F)
jacksonmr@etown.edu

**"It always seems impossible until it's done." - Nelson Mandela**

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**From:** Damian Gugliotti
**Sent:** Wed, 18 Mar 2020 13:29:35 +0000
**To:** COVID-19
**Subject:** School notice

Good Morning,

This email is just to keep the Department informed. Due to the corona virus, our schools 0415240 and 04152401, have closed from 03/16/2020-3/18/2020, effective on 3/19/2020 we are starting distance learning for our students. We have received approval from our accreditor and our state. Thank you for your flexibility during these difficult times for our students.

Thank you,

Damian

*Damian Gugliotti*
Director of Financial Aid
International Institute of Cosmetology
Plainville & Wethersfield, CT
www.studyhair.com
(860) 571-0330

Stay connected with IIC on

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AMERICAN OVERSIGHT

**From:** Giggetts, Stephanie
**Sent:** Wed, 18 Mar 2020 15:16:13 +0000
**To:** COVID-19;Bounds, Herman
**Subject:** School Year 2020-2021

Hello,

We are hoping to get some guidance on any regulatory flexibilities that the Department is considering for this summer and fall 2020. Schools are already planning for summer and fall semesters and are looking for guidance on what to do and if they will continue to be able to utilize distance education.

Thanks,

**Stephanie Giggetts**
Accreditation Counsel
Section of Legal Education and Admissions to the Bar
American Bar Association
321 N. Clark St.
Chicago, IL 60654

T: (312) 988-5210
F: (312) 988-5681
Stephanie.Giggetts@americanbar.org

AMERICAN OVERSIGHT

**From:** Leah Claudio
**Sent:** Wed, 18 Mar 2020 12:41:45 -0400
**To:** COVID-19
**Subject:** Schools/educational services/Covid-19 out

Question: If schools are providing review materials, are not requiring it to be completed, are not grading it and are not providing any new teaching. Are they required to provide the same materials to students with disabilities or would they have to ensure the materials follow the students' IEP guidelines? Would they have to ensure students are able to access and are able to use online resources during the time the students are out of school?

AMERICAN OVERSIGHT

**From:** Colleen Lassiter
**Sent:** Wed, 18 Mar 2020 20:28:46 +0000
**To:** COVID-19;Russell, Rodney
**Subject:** Shorter University 001591 00

Good afternoon,

Shorter University 00159100 would like to reduce our academic year from 24 credit hours in 30 weeks of instruction to 24 credit hours to in 29 weeks of instruction. We need to insert an additional break into our traditional Spring Semester, to give our Professors who teach on ground classes the time to gear up for completing the semester via distance learning. Our online classes will continue with the 24 credit hours in 30 weeks of instruction.

How do I apply for the one-time reduction?

Any assistance that you can provide is greatly appreciated.

Sincerely,

Colleen Lassiter
Director of Financial Aid
Shorter University
Rome, GA 30165
PH: (706)233-7337
Fax: (706)233-7314

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AMERICAN OVERSIGHT

**From:** Lawyer, Mary
**Sent:** Wed, 18 Mar 2020 15:56:00 -0400
**To:** COVID-19
**Subject:** Siena College (002816-00)- Term Length

Siena College has extended spring break, due to Coronavirus. How do we obtain permission to shorten our term to accommodate this additional break? Who should make the request? What information do you need included in the request? Where shold we send the request? How long will it take for us to be informed if our request has been approved?

Thank you!
Mary

**Mary Lawyer** | Siena College
Associate Vice President of Enrollment Management

O 518-783-4288
C (b)(6)
E mlawyer@siena.edu
W siena.edu

*The Siena experience is built for a new generation of leaders eager to create a more just, peaceful and humane world. It empowers them through a transformative journey of intellectual, spiritual and personal discovery.*

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AMERICAN OVERSIGHT

**From:** Wanda Laducer
**Sent:** Wed, 18 Mar 2020 12:58:36 -0500
**To:** COVID-19
**Cc:** Wanda Laducer
**Subject:** Student Interns/Student Teaching

My name is Wanda Laducer. I am the Dean of Students at the Turtle Mountain Community College- a tribal college in North Dakota. We are moving to online instruction after our spring break next week until April 13, 2020. At that time, the Coronavirus situation will be reassessed to see if we need to continue with online instruction.

My question is - How will this affect our students enrolled in Bachelor's degree programs who are doing their student teaching in the school systems? If the school closes for the next three to four weeks and possibly for the rest of the school year, how will this impact the 12 credits that they would have earned for the student teaching portion of their program of study in order to complete the requirement of the number of hours that the needed to student teach.

The same situation arises for our students who are in a Bachelor's degree program that requires they do an internship at an organization within the community. Our students are required to take 12 credits of internship at an organization in our community. What if the organization closes down temporarily because of COVID-19? How will this affect those 12 credits and with completing their program of study?

Are students required to have so many contact hours - in the classroom or internship to have considered completing the 12 credit hours? How will this impact those hours if everything gets shut down in our community?

Thank you and I look forward to a response.

Wanda

--
Wanda Laducer, Dean of Students
Turtle Mountain Community College
701.477.7862 x. 1156
wladucer@tm.edu
P.O. Box 340
10145 BIA Road 7
Belcourt, ND 58316

AMERICAN OVERSIGHT

**From:** Integrated Devt for Marginalized Community
**Sent:** Wed, 18 Mar 2020 19:16:29 +0300
**To:** COVID-19
**Subject:** Suggestion Re, urgent help to fight corona virus
**Attachments:** Corona Virus fight Concept paper.docx

Dear Sir/madam,

Please receive the attached project concept

Kind regards and God bless you

Muliwabyo Justus

IDMC Director

AMERICAN OVERSIGHT

# INTEGRATED DEVELOPMENT FOR MARGINALIZED COMMUNITY – (IDMC)

*"For People Empowerment"*

**Tel**: +256 782823621

**Email:** integratedcommunitydevt@gmail.com/
info@idm-community.org

**Website:** http://www.idm-community.org

P. o Box 65, Kasese, Uganda
Address: Margarita Street Opposite Umeme Town Center
Central Division Offices Kasese Municipality 2nd floor

URL
Website: http://www.idm-community.org
Face book: http://www.facebook.com/IDMCommunity/
Twitter: http://www.twittter.com/IDMC16 @IDMC16
EURO account for Integrated Development
IDMC Euro account no as 6004775110
,Swift Code:BARCUGKX, IBAN:GB43BARC20325357227222,in ABSA bank of Uganda LTD P.O.Box 2971 Kampala.


---

**Date: 18/03/2020**

**Dear Sir/Madam;**

**RE:URGENT REQUEST FOR FUNDS WORTH EUROS 150500 FOR CORONA VIRUS SAFE EDUCATION INITIATIVE.**

**Name of the organization**: Integrated Development for marginalized community (IDMC) is a non-profit making voluntary organization and it started in 2010. IDMC is registered with Kasese District community development office with REG NO: **1106** and also incorporated at National level as nonprofit with REG No: **8002001404179** with registrar of companies – Kampala and also registered with the NGO board with registration No: **MIA/NB/2018/12/1716**, having our head office in the Kasese District.

Corona virus Safe Education Initiative

Summary

The Uganda has thousands of seafarers and Overseas Ugandan Workers (OFWs) which might carry the novel corona-virus back to their home-place and spread the contagion. The virus emanates from Wuhan, China and is now spreading worldwide. This project will educate local people by means of leaflets, launch our sensitization Centre, social media and small meetings on how to detect symptoms, what to do in order to prevent transmission and how to practice health precautions when a case starts to appear and infect people.

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Challenge

The novel corona-virus emanating from Wuhan, China is spreading rapidly mainly due to the ease of travel nowadays. The Uganda has thousands of seafarers and overseas workers who may be unknowing carriers and spreaders of the virus when they go back home or when their ships dock in the country. With little education, the virus can spread quickly with destructive impact to the people. The need for education while this is still not the case is urgent and the time is now!

Solution

We will provide education campaign, launch A sensitization centre via multiple sources and mainly through social media, flyers and leaflets, bulletin boards and small meetings in order to inform the public about symptoms of the virus, what to do in order to prevent transmission and what health precautions to take when a suspected case arise.

Long-Term Impact

The health and wellness of people and communities is paramount. With very little education and when the virus spreads, it will spread very quickly and will result to thousands if not millions in morbidity and mortality. With pro-active prevention, the spread will be contained and damage minimal.

Muliwabyo

Muliwabyo Justus

IDMC Director

AMERICAN OVERSIGHT

**From:** Cleary, Douglas B (KCTCS)
**Sent:** Wed, 18 Mar 2020 14:57:04 +0000
**To:** COVID-19
**Subject:** Term extension

Here are a couple of scenarios that I need some guidance on.

We are able to deliver instruction to students either on-ground or on-line but for students who require contact hours (clinicals/labs) could the term be extended to accommodate the lost time?

If permitted, what would be the repercussions for R2T4?

Or would it be simpler to give Incompletes and provide the opportunities for those students to make up the labs etc. when it is safe?

DOUG

Douglas Cleary
System Director of Financial Aid
Kentucky Community and Technical College System
300 N. Main Street
Versailles, KY 40383

Office: 859-256-3215
Cell: 8(b)(6)

AMERICAN OVERSIGHT

**From:** John D. Barbry
**Sent:** Wed, 18 Mar 2020 22:31:55 +0000
**To:** COVID-19
**Cc:** Tullos, Tanya;Williams, Bianca;Lonita F. Fantroy;Marshall Pierite;Francine Darby;Earl J. Barbry, Jr.;Jacob L. Snow
**Subject:** Tunica-Biloxi S299A160104 - COVID-19 Grant Guidance
**Attachments:** Remote Learning Plan - Tunica-Biloxi Ed Program S299A160104.pdf, Letter for Covid 19 response highlighted.pdf
**Importance:** High

Dear DOE COVID-19 Response Team:

The Tunica-Biloxi Council declared a state of emergency on Thursday, March 12, following the Louisiana public health emergency declared by Governor Edwards on Wednesday, March 11. The Tunica-Biloxi tribal government offices are likely to close due to safety concerns related to the COVID-17. Local schools closed as of March 16.

As of today, the Avoyelles Parish School District is still compiling electronic and paper resource packets for students. The district is counting on parents to reach out to pick up these paper packets or retrieve them online. The School District has been distributing USDA Food and Nutrition Service funded meals via drive-by pickup for students up to age 18.

During school and office closures, Tunica-Biloxi Education Program (TBEP) staff will encourage program students to take part in activities via online applications. (See the attached plan). TBEP will be contacting parents and guardians of all enrolled grant program students to make sure they are taking advantage of work to help them stay caught up.

I received the attached letter from USET which outlines OMB guidance on the emergency response related to COVID-19 during the period formally declared by the Department of Health and Human Services through the 90 Day Public Health Emergency Declaration (Public Health Emergency Period).

Can you provide specific guidance on whether we can still pay our NYCP-Demonstration grant coordinator, academic counselors, outreach specialist/administrative assistant and project director from our NYCP Demonstration Grant – *Tunica-Biloxi Education Program to Prevent Drop-outs* (S299A160104) during our Tribe's potential shutdown?

Hita (take care),

John D. Barbry
Director of Development & Programing
Language & Culture Revitalization Program
Education Program

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Scholarship Program
Tunica-Biloxi Tribe of Louisiana
150 Melacon Road
Marksville, LA 71351
O (318) 240-6412
M (b)(6)
F (318) 253-9791

Find us on

Excerpt from attached letter:

**6. Expenditure of award funds for salaries and other project activities.**

A warding agencies may allow recipients to continue to charge salaries and benefits to currently active Federal awards consistent with the recipient organization's policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and nonFederal. Agencies may allow other costs to be charged to Federal awards, including those necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the project. Federal agencies may also evaluate the recipient's ability to resume the project activity in the future and the appropriateness of future funding, as done under normal circumstances, based on subsequent progress reports and other communications with the recipient.

---

**From:** Brandy Venuti [mailto:BVenuti@USETINC.ORG]
**Sent:** Tuesday, March 17, 2020 4:03 PM
**To:** Brandy Venuti
**Subject:** USET Program Alert: OMB COVID-19 Grant Guidance
**Importance:** High

Good afternoon USET Board of Directors and Committee members,

The Office of Management and Budget (0MB) has identified the following agency actions to relieve short term administrative, financial management and audit requirements under 2 CFR 200, Uniform Administrative Requirements, Cost principles and Audit Requirements for Federal Awards, without compromising Federal financial assistance accountability requirements. In accordance with 2 CFR § 200.102, Exceptions, 0MB is allowing Federal agencies to grant class exceptions in instances where the

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agency has determined that the purpose of the Federal awards is to support the continued research and services necessary to carry out the emergency response related to COVID-19. Further, agencies are reminded of their existing flexibility to issue exceptions on a case-by-case basis in accordance with 2 CFR § 200.102, Exceptions.

The Administration will evaluate if these flexibilities should be extended to recipients whose operations have been adversely impacted in the emergency response related to COVID-19 at a later date.

Please see the attached document for additional information regarding Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19).

Thank you and have a great day!

brandy sue venuti
special projects coordinator
*Office Hours Mon-Fri 7:30 am – 1:30 pm CT*

United South & Eastern Tribes, Inc.
711 Stewarts Ferry Pike, Suite 100
Nashville, TN 37214
615.456.6553 (p)
615.872.7417 (f)

bvenuti@usetinc.org

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**Tunica-Biloxi Education Program Remote Learning Plan during school and tribal government closings due to COVID-19**

REMOTE COMMUNICATION TECHNOLOGY

- Options for remote (virtual) learning may include Skype in the Classroom, FlipGrid, Go to Meetings, Zoom, Google Classroom
- Academic Lesson using PowerPoint, Khan Academy, Google Classrooms, March2Success
- Virtual Conference: Assisting students with homework/assignments, email, text, phone Face Time, Google Duo and/or group chats
- Staff administrative duties: Data Entry, Lesson Planning & Summer Planning and Student Advocacy/Correspondence with District Administrators and Schools
- An optional learning plan will be provide to students living in rural areas with limited access to technology, students enrolled in online learning schools, and students with a disability

PROPOSED SCHEDULE

**Monday**

| STUDENTS | TIME | WORKSHOPS (VIRTUAL LEARNING) |
|---|---|---|
| In Avoyelles Parish public school students attend classes 4-days per week | | |
| Staff – Lesson Prep Day and Planning<br>Staff will use the day for staff discussions, contact data entry and updating student database. | | |

**Tuesday / Thursday**

| STUDENTS | TIME | ACADEMIC READINESS LABS |
|---|---|---|
| Middle School Students (Grades 6-8) | 9:00am | Math / Science |
| | 10:00am | ELA / Reading |
| | 11:00am | Homework & Assignment Help |
| | | |
| High School Students (Grades 9-12) | 1:00pm | Math |
| | 2:00pm | Science |
| | 3:00pm | English / History |
| Lessons will be taught through various technologies such as Khan Academy, March²Success, ZOOM, Go To Meetings, Zearn | | |

**Wednesday**

| STUDENTS | TIME | WORKSHOPS (VIRTUAL LEARNING) |
|---|---|---|
| All Students (Grades 6-12) | 9:00am | Independent Learning |
| | 10:00am | College / Career |
| | 11:00am | Culture / Life Skills |
| Workshops<br>• **College / Career** – ONET and Career presentations, Virtual College Tours<br>• **Culture** – Tunica Language, Etiquette, Cultures and historical facts, Virtual Sight-seeing & Travel, Virtual Museums Tours | | |

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| |
|---|
| • **Life Skills** – Basic Accounting (balancing a checkbook, Money 101 (check-debit-credit cards & savings), Keyboarding (Typing), Research, DIY Projects, Preparing a balance meal, Goal-setting (vision boards) |
| Staff will use the afternoon to assess student learning and assign independent projects.<br>As well as data entry of student contacts & notes. |

**Friday**

| STUDENTS | TIME | EDUCATIONAL ENRICHMENT (VIRTUAL ACTIVITIES) |
|---|---|---|
| | 9:00am – 10:00am | Educational Enrichment |
| | 10:00am – 12:00pm | College Prep |
| | 2:00pm – 4:00pm | Virtual Conference |
| | | |

**Educational Fun:** utilize technology to maintain relations amongst students (Anagram, Jeopardy, Kahoot)

**College Prep:** Working with graduating students (grade 11 & 12) on ACT Test Prep (ACT Academy/ March²Success) & College Prep (Scholarships/FinAid and Admissions).

**Virtual Conference:** Staff will use the afternoon to conference with students and parents via text, phone, email, FaceTime, Google Duo, Skype, Zoom.

**School Advocacy:** Correspondence day with District Administrators District and Schools for updates and student progress.

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEPUTY DIRECTOR
FOR MANAGEMENT

March 9, 2020

M-20-11

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Margaret Weichert
Deputy Director of Management

SUBJECT: Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

The Office of Management and Budget (OMB) has identified the following agency actions to relieve short term administrative, financial management and audit requirements under 2 CFR 200, *Uniform Administrative Requirements, Cost principles and Audit Requirements for Federal Awards*, without compromising Federal financial assistance accountability requirements. In accordance with 2 CFR § 200.102, *Exceptions,* OMB is allowing Federal agencies to grant class exceptions in instances where the agency has determined that the purpose of the Federal awards is to support the continued research and services necessary to carry out the emergency response related to COVID-19. Further, agencies are reminded of their existing flexibility to issue exceptions on a case-by-case basis in accordance with 2 CFR § 200.102, *Exceptions.*

The Administration will evaluate if these flexibilities should be extended to recipients whose operations have been adversely impacted in the emergency response related to COVID-19 at a later date.

Awarding agencies are authorized to take the following actions, as they deem appropriate, with respect to the administrative provisions that apply to this class of Federal awards. These exceptions are time limited and are only applicable for those awards that support the continued research and services necessary to carry out the emergency response related to COVID-19 during the period formally declared by the Department of Health and Human Services through the 90 Day Public Health Emergency Declaration (Public Health Emergency Period).

**1. Flexibility with SAM registration/recertification for applicants.**

Awarding agencies can relax the requirement for active SAM registration at time of application in order to expeditiously issue funding. At the time of award, the requirements of 2 CFR § 200.205, *Federal awarding agency review of risk posed by applicants*, continue to apply.

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**2. Waiver for Notice of Funding Opportunities (NOFOs) Publication.**

Awarding agencies can publish emergency Notice of Funding Opportunities (NOFOs) for less than thirty (30) days without separately justifying shortening the timeframe for each NOFO. Awarding agencies would still be required to document and track NOFOs published for less than thirty (30) days under this emergency waiver.

**3. Pre-award costs.**

Awarding agencies may allow necessary pre-award costs that are incurred (i) from January 20, 2020 through the Public Health Emergency Period and (ii) prior to the effective date of a Federal award.

**4. No-cost extensions on expiring awards.**

Awarding agencies may extend awards which are active as of March 31, 2020 and scheduled to expire prior or up to December 31, 2020, automatically at no-cost for a period up to twelve (12) months. This will allow time for recipient assessments, the resumption of many individual projects, and a report on program progress and financial status to agency staff. Project-specific financial and performance reports will be due 90 days following the end date of the extension. Agencies will examine the need to extend other project reporting as the need arises.

**5. Abbreviated non-competitive continuation requests.**

For non-competitive continuation requests scheduled to come in from April 1, 2020 to December 31, 2020 from projects with planned future support, awarding agencies may accept a brief statement from grantee organizations to verify that they are in a position to: (i) resume or restore their project activities and (ii) accept a planned continuation award. Agencies should post any specific instructions on their website. Agencies will examine the need to extend this approach on subsequent continuation award start dates as grantee organizations have an opportunity to assess the situation.

**6. Expenditure of award funds for salaries and other project activities.**

Awarding agencies may allow recipients to continue to charge salaries and benefits to currently active Federal awards consistent with the recipient organization's policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal. Agencies may allow other costs to be charged to Federal awards, including those necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the project. Federal agencies may also evaluate the recipient's ability to resume the project activity in the future and the appropriateness of future funding, as done under normal circumstances, based on subsequent progress reports and other communications with the recipient.



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**7. Waivers from prior approval requirements.**

Awarding agencies are authorized to waive prior approval requirements as necessary to effectively address the response. All costs charged to Federal awards must be consistent with Federal cost policy guidelines and the terms of the award, except where specified in this memorandum.

**8. Exemption of certain procurement requirements.**

Awarding agencies may waive the procurement requirements contained in 2 CFR § 200.319(b) regarding geographical preferences and 2 CFR § 200.321 regarding contracting small and minority businesses, women's business enterprises, and labor surplus area firms.

**9. Extension of financial and other reporting.**

Awarding agencies may allow recipients to delay submission of financial and other reports up to three (3) months beyond the normal due date. If an agency allows such a delay, recipients will continue to draw down Federal funds without the timely submission of these reports. However, these reports must be submitted at the end of the postponed period.

**10. Extension of Single Audit submission.**

Awarding agencies should allow grantees to delay the completion and submission of the Single Audit report as required under Subpart F of 2 CFR 200, *Audit Requirements*, to twelve (12) months beyond the normal due date. The delayed completion and submission would still qualify the grantee as a "low-risk auditee" under the criteria of 2 CFR § 200.520(a), *Criteria for a low-risk auditee*.

Questions regarding the above administrative relief provisions should be directed to Office of Federal Financial Management – Gilbert Tran at (202) 395-3052 or Rhea Hubbard at (202) 395-2743.



AMERICAN OVERSIGHT

**From:** Mark Parish
**Sent:** Wed, 18 Mar 2020 18:30:41 +0000
**To:** COVID-19
**Subject:** UV Lights - grant funding

Is there possibly a grant or Federal funding available for Schools and Business to offset the cost of the installation of UV lighting into HVAC equipment that can be applied for? I have a large central Arkansas school district asking questions on this. UV lighting is one of the methods for killing virus and preventing the spread. Any assistance you can give me will be most appreciated.

**Mark Parish**

Commercial Air Inc.
9811 I-30
Little Rock, Ar 72209
Ph (501) 562-6982_
Cell (501)773-4102

AMERICAN OVERSIGHT

**From:** Deana Coady
**Sent:** Wed, 18 Mar 2020 23:10:41 +0000
**To:** AskAFed;COVID-19
**Cc:** Deana Coady
**Subject:** Verification Question: Required documentation to complete V4/V5
**Attachments:** 2019-2020 AVG Identity and Statement of Educational Purpose pg. 89.pdf

*Greetings*

*I have a question related to Verification groups 4 and 5 and the documentation schools are required to collect to verify student identity. I have attached a PDF of the relevant pages from the 2019/2020 FSA Application and Verification Guide.*

*Presently, a student who is selected for verification group 4 or 5 is required to appear in person at the school and sign ("wet" signature) the statement of educational purpose that certifies who s/he is and that the federal student aid s/he may receive will only be used for educational purposes and for the cost of attending the school for the 2019–2020 year. The student must then submit to the school that statement (again, with the "wet" signature), and present a valid, unexpired, government-issued photo identification (ID) such as a passport or a driver's license or other state-issued ID.*

*If the student is unable to appear at the school, s/he must go in person to a notary public and sign the statement of educational purpose. The student must then submit to the school that statement (again, with the "wet" signature), a certification from the notary that s/he appeared before the notary and presented a government issued photo ID confirming his/her identity, and a copy of the same ID (presented).*

*Currently, ED does not does not authorize the use of online notary services as an alternative to traditional, in person notary services.*
*During the current COVID-19 emergency, will this guidance be revisited to allow an impacted student use an online notary service to complete the documentation required to completed V4 or V5?*

*Please advise.*
*Thanks*
*Deana*

**Deana M Coady,** Vice President, Federal Policy and Reporting
**University of Phoenix**
4025 S. Riverpoint Parkway | CF-K903 | Phoenix, AZ 85040
phone: 602.412.9295 | cell: 480.319.3237 | fax: 602.735.4657
email: deana.coady@phoenix.edu

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phoenix.edu

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- An academic transcript that indicates the student successfully completed at least a two-year program that is acceptable for full credit toward a bachelor's degree at any participating school. You do not have to collect proof of high school status for graduate students if admission into their program required the completion of at least two years of undergraduate coursework.
- For a student who has not completed high school and is seeking enrollment in a program that leads to at least an associate degree or its equivalent, documentation from the high school that he excelled academically and from your school that he meets your written policy for admitting such students. This should be a rare occurrence.
- For homeschooled students, a copy of a secondary school completion credential for homeschool (other than a high school diploma or its recognized equivalent) if state law requires homeschooled students to get that credential. If it is not required, a transcript or the equivalent signed by the parent or guardian that lists the secondary school courses the student completed and documents the successful completion of a secondary school education in a homeschool setting.
- For students in an "eligible career pathway program," documentation that they passed an approved ATB test or completed at least 6 credit hours or 225 clock hours that are applicable toward a degree or certificate offered by your school. See the margin note.

If your school has already received one of these documents as part of the admission process, you do not need to ask for another. If you successfully verified a student's high school completion in a prior year, you do not need to do it again. Some schools collect seventh semester high school transcripts prior to students receiving an actual diploma, or they collect high school transcripts for some but not all of their students because they may have special programs that admit students without a high school diploma. In both cases, schools must collect separate documentation that shows the date when the diploma was awarded.

When documentation of high school completion is unavailable—e.g., the school is closed and no information is available from another source such as the school district or state department of education, or the parent or guardian who homeschooled the student is deceased—you may accept alternative documentation, such as a military *DD Form 214 Certificate of Release or Discharge from Active Duty* that indicates that the student is a high school graduate or equivalent. However, a student's self-certification is not acceptable except in rare instances for refugees, asylees, and victims of human trafficking, as explained in the margin note on page 88.

### *Identity and statement of educational purpose*

Students should appear in person at your school and present a valid, unexpired,* government-issued photo identification (ID) such as a passport or a driver's license or other state-issued ID. You must maintain an annotated copy of that ID that includes the date it was received and the name of the person your school authorized to receive it.** Note that an ID issued by a state university or college is not sufficient for this purpose.

**Timing of signature**

Any required signatures, such as signatures on worksheets or on copies of tax returns, must be collected at the time of verification—they can't be collected after the verification deadline for that award year.

**Electronic signatures**

For verification documentation, a school may collect an electronic signature for an applicant, parent, or spouse if the process includes an assurance of the identity of the person signing. This is often accomplished with a PIN or password that is assigned only after the identity of the person receiving the PIN or password has been authenticated.

**V4 and V5 reporting**

As explained on page 79, schools are required to report through FAA Access the outcomes of verifying high school completion status and identity/statement of educational purpose for applications with tracking flags V4 and V5.

* The ID just needs to be unexpired at the time it is checked. For proving identity, it does not matter if the ID is due to expire during the award year.

** The school may determine which of its staff are authorized to review an applicant's identity. We do recommend that the person(s) be full-time staff and that the school keep a record of who they are.



AMERICAN OVERSIGHT
ED-20-0731-A-008860

**From:** Angela Grant
**Sent:** Wed, 18 Mar 2020 10:01:56 -0400
**To:** COVID-19
**Subject:** work study positions

Hello,

if we have some students working their work study positions remotely, do we need them to complete new W4 forms for state withholdings in their own state? Or can they continue with their Massachusetts paperwork as if they were on campus?

Warm Regards,

Angela Grant
Director of Financial Aid
Emerson College
(617) 824-8204
angela_grant@emerson.edu

AMERICAN OVERSIGHT

**From:** Chris Gearin
**Sent:** Tue, 17 Mar 2020 09:56:22 -0500
**To:** COVID-19
**Subject:** question on students about to start school at college

Dear DOE:

I am a faculty member and administrator for a university, and I am looking for guidance. If students are ready to begin classes at the university (for the first time), and their new on-ground program is online, can they still start their classes as a new student?
Please let me know.
Thanks,
Chris Gearin (314) 705-4590

AMERICAN OVERSIGHT

**From:** Autumn Grace
**Sent:** Tue, 17 Mar 2020 09:45:14 -0400
**To:** COVID-19
**Subject:** question regarding colleges with two campuses

Good Morning,

I hope this email finds you well. I am need of clarification as we work to figure out how to best serve our students during the COVID-19 pandemic. I have a main campus and a branch located in two different cities. The main campus is credit based and the branch is hour based. We can make accommodations for the main campus but we are unable to accommodate the branch so we are considering leaving the branch campus open. If we wanted to close the main campus and keep the branch open, is that allowed? Or would we need to close both? I am unable to find any guidance online. Any guidance you could offer would be greatly appreciated.

Regards,

Autumn Grace
Director of Financial Aid
College for Technical Education
1165 Centre Parkway Suite 120
Lexington KY 40517
859-272-5225 ext 105 (P)
859-272-5115 (F)
agrace@cte.edu

AMERICAN OVERSIGHT

**From:** Erv Switzer
**Sent:** Tue, 17 Mar 2020 20:03:34 +0000
**To:** COVID-19
**Subject:** Question regarding March 5 COVID-19 Guidance - Federal Work Study

I am attorney and have a question regarding the March 5 "Guidance for interruptions of study related to Coronavirus (COVID-19)" as it relates to Federal Work Study:
Does the relief described in the Guidance apply when the school sends all students home but moves all class to an online format? The sentence about which I am asking states:
**"For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if …."**

We interpret the section to include within the word "close," moving to an online-only environment rather than just a complete cessation of all instruction, but request verification. We note that the sentence that precedes the above reads:
**"The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award."**
Thank you for your attention to this question!

**Erwin (Erv) Switzer**
Greensfelder, Hemker & Gale, P.C.
10 S. Broadway | Suite 2000
St. Louis, MO 63102
314-335-6825

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**From:** Kenneth Ferreira
**Sent:** Tue, 17 Mar 2020 19:09:24 +0000
**To:** COVID-19
**Cc:** Kenneth Ferreira
**Subject:** Question regarding number of weeks of enrollment

Hello,

Franklin Pierce University opted to extend our scheduled spring break by an additional 5 days in order to fully transition to an online delivery of academic programs for our on-campus students.

From your March 5, 2020 memo:

"If an institution has closed subsequently reopens during the same payment period or period of enrollment and permits students to continue coursework that they were taking at the time of closure, students that return to class at that time are considered to have reentered the same period and retain eligibility for Title IV aid that they were otherwise eligible to receive before the closure."

1. We are technically closing for 1 week beyond planned and then transitioning to online all within the same payment period
    a. Do we need to recalculate aid eligibility based on one, less week in the academic year? Or does this only impact Return of Title IV funds?

Thanks,
Ken

_____

**Kenneth Ferreira**
Associate Vice President
Student Financial Services
Franklin Pierce University
40 University Drive | Rindge, NH 03461
1-877-372-7347 toll free
603-899-4186 direct|603-899-4372 fax
ferreirak@franklinpierce.edu

AMERICAN OVERSIGHT

**From:** Brian Rains
**Sent:** Tue, 17 Mar 2020 09:05:56 -0500
**To:** COVID-19
**Cc:** Jason Todd
**Subject:** Questions in regards to moving online only

Good morning,
I have just a couple of questions that were not addressed in the "Dear Colleague" letter nor the electronic letters that I'm hoping you could assist me with.

1. If we pro-rate Room and Board and refund the student back the pro-rated amount, is the school required to complete a Cost of Attendance adjustment, even though the decision to move all classes online and to have the student move off-campus was beyond their and the school's control due to the federal emergency of COVID-19?
2. On students who are on Federal Work-study, since all students have been sent home because of COVID-19, can the school, based on the average hours the student has worked to this point, calculate wages for the rest of the semester as if the student was still here and working? With sending students home and still having to pay for tuition, a loss of a job will create a financial hardship for the student. If a school cannot average out hours worked, can the student stay on campus and continue to work while continuing to take classes online for the remainder of the year?

Brian Rains
Director of Financial Aid
Baptist Bible College
Phone: 417-268-6045

AMERICAN OVERSIGHT

**From:** Renee Beaudean
**Sent:** Tue, 17 Mar 2020 00:36:35 -0500
**To:** COVID-19
**Subject:** Questions re: promoting

I have two children that are concerned about failing this year due to not being able to return to school due to corona virus. Can you please elaborate regarding this issue. Is there an automatic promotion to next grade as a result of this crisis that was not anyone's fault. ?

Thanks in advance
Renee

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** McDaniel, Dustin
**Sent:** Tue, 17 Mar 2020 19:22:11 +0000
**To:** COVID-19
**Subject:** R2T4 inquiry

Good morning,

Guidance on March 5th under "Reentering the Same Payment Period" for colleges that close then reopen (resulting in a longer or additional break), it is clear that R2T4 calculations after the closure should be calculated using the updated days in term and break days.

It is also my understanding that a school is not required to complete a recalculation for an R2T4 processed before the closure and updated term/break days. Please correct if that is wrong.

Can a school choose to recalculate based on the updated term/breaks days if a recalculation for an R2T4 processed before a closure would be beneficial to the student (i.e. result in more aid earned by the student)?

Thank you for the clarification.

**Dustin McDaniel**
*Software Applications Specialist*
Office of Information Technology & Data Services
404.679.5967| dmcdaniel@tcsg.edu | TCSG.edu

AMERICAN OVERSIGHT

**From:** Cleary, Douglas B (KCTCS)
**Sent:** Tue, 17 Mar 2020 20:52:53 +0000
**To:** COVID-19
**Subject:** R2T4 Questions & Guidance

As a result of the COVID-19 pandemic, our institution has elected to cancel brick-and-mortar classes for two days (March 16-17, 2020) as we convert to an online delivery method for the remainder of our scheduled spring term. Online classes that were scheduled for 3/16-3/17 still took place as normal.

Our regularly scheduled spring break ran from 3/9-3/13 (but since we do not offer courses on Saturdays or Sundays, we count all of the period of 3/7-3/15 as our break for r2t4 purposes). Since the COVID-19 class cancellation occurs on immediately subsequent days, we are thinking 3/16 and 3/17 must now be included in our break period of 5+ days. Is this a fair assumption?

Could you please review the scenarios below and let us know if we are on the right track?

**Students who withdrew prior to March 16th:**

Both 3/16 and 3/17 were days the student was scheduled to attend at the point of withdrawal. Therefore, these days should still be included in the denominator of the r2t4 calculation.

**Students who withdrew during the class cancellation on either 3/16 or 3/17**:

Since they withdrew as a direct result of circumstances outside of their control, their withdrawal date should be 3/16. Both 3/16 and 3/17 should still be included in the denominator of the r2t4 calculation.

**Students who re-enter the payment period and subsequently withdraw:**

Student withdraws on or after 3/18: We assume this student has re-entered the payment period and subsequently withdrawn. Both 3/16 and 3/17 should now be treated as 'break days' for this student and will not be included in the denominator nor the numerator of the r2t4 calculation.

AMERICAN OVERSIGHT

DOUG

Douglas Cleary
System Director of Financial Aid
Kentucky Community and Technical College System
300 N. Main Street
Versailles, KY 40383

Office: 859-256-3215
Cell: 859-753-1550

AMERICAN OVERSIGHT

**From:** Julie DiPuccio
**Sent:** Tue, 17 Mar 2020 14:07:57 -0400
**To:** COVID-19
**Subject:** R2T4

Good Afternoon,

I am with a third party servicer and asking this question on behalf of my clients. A school has a credit hour residential program. If a student unofficially withdraws during a term the school does not determine that a student is no longer enrolled until the end of the term. For that same program due to COVID-19 the school is closing for a week to get a temporary online process in place for their students. Is the DOD process the same if student is in the term and after school closed for a week, the student starts the online process but then unofficially withdraws and again the school does not determine the student unofficially withdrew until end of term?

Thank you for your assistance.

Julie

***Julie Dipuccio***
*Sr.Financial Aid Consultant*

**FAME**
1200 SW 145 Avenue, Suite 301
Pembroke Pines, FL 33027

Toll free: 800.327.5772x159
Local: 954.772.5883x159
Fax: 954.772.6257
Email: jdipuccio@FAMEinc.com
Web www.FAMEinc.com

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AMERICAN OVERSIGHT

**From:** Training Evaluation Unit
**Sent:** Tue, 17 Mar 2020 21:52:22 +0000
**To:** anne-marie.emanuel@universaluti.edu;WalkerD2@dca.njoag.gov;COVID-19
**Subject:** Re: [EXTERNAL] UTI'S CONTIGENCY PLAN AND REQUEST FOR TEMPORARY APPROVAL TO TRANSITION TO ONLINE PLATFORM

Thank you for contacting the Training Evaluation Unit at the New Jersey Department of Labor (NJDOL). If your private career school would like to move any educational instruction online, please provide:

- The name of each program for which you are seeking approval using the program name(s) listed on your approval notice;
- The number of students enrolled in each program; and
- A link to your online delivery system home page (e.g., Google, Blackboard).

**IMPORTANT NOTE:** Before changing to online instruction, you are required to survey all enrolled students to determine whether they are able to access online instruction. You will also be required provide alternative in-person instruction at no additional cost to students who cannot access online instruction when the provider facility reopens.
***Please be advised the Certified Nurse Aid (CNA) programs are not eligible, per the Department of Health.***

Approval of any temporary change in modality of instruction will be reviewed to ensure that the quality of the instruction is maintained. Please contact the Training Evaluation Unit at TrainingEvaluationUnit@dol.nj.gov with any questions.

Sincerely,
Training Evaluation Unit
NJDOL

*NJ Department of Labor & Workforce Development*
*Center for Occupational Employment Information*
*Training Evaluation Unit*
*PO Box 057*
*Trenton, NJ 08625-0057*
*(609) 292-4287 - Voicemail*
*(609) 292-6692 - FAX*

**From:** anne-marie.emanuel@universaluti.edu <anne-marie.emanuel@universaluti.edu>
**Sent:** Tuesday, March 17, 2020 4:44 PM
**To:** WalkerD2@dca.njoag.gov <WalkerD2@dca.njoag.gov>; COVID-19@ed.gov <COVID-19@ed.gov>; Training Evaluation Unit <TrainingEvaluationUnit@dol.nj.gov>
**Subject:** [EXTERNAL] UTI'S CONTIGENCY PLAN AND REQUEST FOR TEMPORARY APPROVAL TO TRANSITION TO ONLINE PLATFORM

AMERICAN OVERSIGHT

Dear Dr. Walker,
Please be advised that, out of great concern for the welfare of our students, faculty, staff and community at large, Universal Training Institute, is taking some initial steps towards the prevention of the COVID-19 virus within our immediate environment.
UTI has therefore updated our Emergency Preparedness Plan to mediate some of the concerns and issues the COVID-19 virus has presented to our campus. The goal of this plan is to accommodate students and help them continue their education despite the interruptions caused by COVID-19.
We also request approval to enable us transition to online platform for classes and academic activities and we have attached the request for your review. We have forwarded the same request to our Accrediting Agency and the Department of Labor for processing.
Thank you for your continued support particularly in this difficult period.
Sincerely.

**Anne-marie Emanuel**
Asst Director of Nursing
+347-430-6744
-732-826-0155
anne-marie.emanuel@universaluti.edu

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Tue, 17 Mar 2020 17:57:38 +0000
**To:** Bradley, Rebecca L;COVID-19
**Cc:** Murr, Christopher D
**Subject:** RE: Clarification Needed

Thank you for your query.

This email acknowledges that we received and are working on your question(s) and will get back to you in a timely manner.

FSA Communications

---

**From:** Bradley, Rebecca L <rm1104@txstate.edu>
**Sent:** Friday, March 13, 2020 1:17 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Murr, Christopher D <murr@txstate.edu>
**Subject:** Clarification Needed
**Importance:** High

Good Afternoon,

I have verbally been instructed by our Dallas School Participation Team to direct clarification questions regarding the COVID-19 guidance published on 3/5/20 to this email address (federalstudentaid@ed.gov). I am also sending to COVID-19@ed.gov due to guidance received from the National Association of Student Financial Aid Administrators (NASFAA).

In the electronic announcement, it states that "If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year." Our institution, as well as many others, have decided to extend spring break (cancel classes) for an additional week and to offer classes remotely only for the two weeks following that break. For now, the plan is to begin offering normal classes after that timeframe but, as you know, that depends on how our community is effected by COVID-19. Also, if institutions are required to notify the Department of their closure plans, please know you can find that evolving information for our institution anytime at https://www.txstate.edu/coronavirus.

The question we have is do we have to extend our term end date to make up those days classes are cancelled? Or is the intent of this Electronic Announcement flexibility there to enable institutions to end on the original term end date (essentially it will shorten the term)?

Please know that we are aware of and have educated ourselves on the published guidance from ED thus far, including the COVID-19 ("Coronavirus") Information and

AMERICAN OVERSIGHT

Resources for Schools and School Personnel Website. This clarification would be most helpful to enable institutions to make decisions that will ultimately effect students' educational future.

**Rebecca Bradley**
Assistant Director
Financial Aid & Scholarships
finaid.txstate.edu
Phone: 512.245.6574

AMERICAN OVERSIGHT

**From:** Dowling, Maureen
**Sent:** Tue, 17 Mar 2020 19:43:06 +0000
**To:** COVID-19;patrick.kelly@ed.gov
**Subject:** Re: Communication
**Attachments:** image001.png

Patrick,

I think some of these individuals are getting confused with what their state is telling them to do vs what the federal government is telling them. I will go ahead and respond to this person, but we should be directing people who are asking about their state directives to reach out to their own state Department of Education. Granted, we can also give them information from the CDC and the White House. But when it comes to K-12 private schools, they are under the jurisdiction of their state.

Maureen Dowling
Director
Office of Non-Public Education
U.S. Department of Education
202-260-7820

On Mar 17, 2020, at 2:19 PM, COVID-19 <COVID-19@ed.gov> wrote:

Hi Marurren

The COVID-19 mailbox received an inquiry for ONPE. Below is the inquiry.

Thanks,
Kelly

---

**From:** Christie Dittmer <christie.northbay@gmail.com>
**Sent:** Friday, March 13, 2020 7:41 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Communication

Hello,

Could we please be put on your email list to receive updates and recommendations regarding how schools should respond to coronavirus? I'm seeing that public schools have

AMERICAN OVERSIGHT

been advised by DOE to close through March 27, but I haven't received any information about what is advised for private schools. Also, I'm not seeing such advice on the http://www.fldoe.org/em-response/index.stml. We would be very grateful for any information you could provide to keep us informed.

Sincerely,

Christie Dittmer
Admissions Director
<image001.png>

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NORTHBAY
Christian Academy

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

**From:** Matison, Kim
**Sent:** Wed, 18 Mar 2020 19:23:08 +0000
**To:** COVID-19
**Subject:** 30 day delay loans

Hello –

We are moving to online classes and delaying our start date for spring by one week
Is there any relief for 30 day delay loans and single quarter loan disbursements, or must those dates be pushed back as well?

Thank you.

*Kim Matison*
Director
Financial Aid Services, Bldg. 14
Tacoma Community College
6501 So. 19th St., Tacoma WA 98466
253.566.5194/my fax 253.566.5194/TCC Financial Aid office fax 253.460.2020
www.tacomacc.edu

AMERICAN OVERSIGHT

**From:** Catherine Mix
**Sent:** Wed, 18 Mar 2020 10:50:21 -0400
**To:** COVID-19
**Subject:** Adjustment to Academic Term for University of Dayton (00312700)

Good morning,

The University of Dayton made a decision to extend our Spring break by 3 days which in effect has shortened our academic term.

Our current academic term is 01/13/2020 - 05/08/2020.

The start and end dates remain the same but we did extend our Spring break by 3 days. Please let me know what additional information you may need or if there is someone else that I should be working with.

Thank you,

Catherine

Catherine W. Mix
Assistant Vice President
Director, Financial Aid
Phone: 1-800-427-5029 or (937)229-4311
Website: http://www.udayton.edu/fss/

Hear my name

AMERICAN OVERSIGHT

**From:** Jessica Herrick
**Sent:** Wed, 18 Mar 2020 19:31:30 +0000
**To:** COVID-19
**Subject:** Campus Closures

Hi,

Are there options for extending the semester if we have a campus shutdown due to safety issues related to the coronavirus? Our Spring 2020 semester is supposed to end May 1st and Summer 2020 is supposed to begin June 1st. If we have to shutdown, campus leadership wonders if we can extend the Spring 2020 semester past our published end date to allow students time to finish their classes. If extending the semester end date is an option, do we have to leave a certain amount of time between the new Spring end date and the published start of the summer semester? Are there options for bumping back the beginning of the Summer semester as well?

Jessica Herrick
Director of Financial Aid
Montcalm Community College
989-328-1228

AMERICAN OVERSIGHT

**From:** April K. Tretter
**Sent:** Wed, 18 Mar 2020 22:32:31 +0000
**To:** COVID-19
**Subject:** Cancelling on campus classes

Good Evening,

My campus is cancelling on campus classes for one week and then bringing up all classes online. We did not extend spring break. We returned from spring break for 3 days and then decided to cancel on campus classes only. All in-person classes are cancelled beginning Thursday and will resume the following Wednesday online. During this time, all online classes will continue as normal and with no interruption.

Two questions related to this-
Do I need to update my calendar for R2T4 because we had an additional break?
Do I need to request a temporary reduction in the length of our academic year?

Thanks,
April

***April K. Tretter***
**Bellarmine University**
atretter@bellarmine.edu

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AMERICAN OVERSIGHT

**From:** Megan McQuiston
**Sent:** Thu, 19 Mar 2020 01:53:29 +0000
**To:** COVID-19
**Cc:** Paul Fitzgerald
**Subject:** Clarification of language re: distance ed

Good morning,
I was hoping to receive some language clarification regarding the temporary approval to offer distance education.
We are a semester based school with a BBAY that starts 4 times per year. We have just this week moved to 100% online instruction in light of the Pennsylvania Governor's request to close all non-essential businesses due to the risks around COVID-19.
When referring to the IFAP document "Guidance for interruptions of study related to Coronavirus (COVID-19)", I understand that the flexibility to offer distance education applies to the current term and following term only, unless otherwise notified.
I think it's important to note that our next term begins in 11 days, on Monday, March 30th.
The related language that I was hoping for clarification on states the following: "We are currently limiting that permission to distance learning opportunities developed for the purpose of serving students who were already in attendance, but whose attendance was interrupted by COVID-19."
So the way this is written indicates that we would not be able to offer Title IV aid to any students new to our school for the start of our next term on 3/30/20, if in fact we are still using distance ed only (which quite frankly seems as though it will be likely since it's only 11 days out.) Is this accurate, that we cannot offer Title IV aid to new students if we are still in distance learning only mode strictly because of COVID-19?
Please feel free to respond with any follow-up questions as needed. I greatly appreciate your time.
Sincerely,
Megan McQuiston
Erie Institute of Technology

AMERICAN OVERSIGHT

**From:** Berner, J'Dale
**Sent:** Wed, 18 Mar 2020 20:54:55 +0000
**To:** COVID-19
**Subject:** Clock-Hour Program & COVID-19

Can you provide some guidance for clock-hour programs, please?

Question #1) We're required to take attendance and process R2T4 if a student has not been in attendance for 14 days. Our institution officially closed on 3/16 and is projected to be closed until at least 4/6 at this point (3 weeks). Will every student in our clock-hour program need an R2T4 since they will not be in attendance for 14 days? We are little more than a month into our payment period, so any R2T4 will result in a return on funds for our students and significant financial liability.

Question #2) We are required to make multiple disbursements in a payment period because of our default rate. The students received their first disbursement right before the school closed, however, because of school closure, their second disbursement will be delayed until they meet half the hour/weeks in their payment period. We have a number of students who are relying on refunds from their student aid to pay for educational related expenses, including rent and utilities. The clock-hour program is a nursing program, so the state licensing board at this point has not indicated that they will accept distance learning hours, therefore, the students have no opportunity to progress through their payment period in order to receive those additional funds. Is there any guidance on making additional disbursements during closure or possibility of waiving the multiple disbursement requirement?

Thank you for your help.

AMERICAN OVERSIGHT

**From:** Diane Corbett
**Sent:** Wed, 18 Mar 2020 18:06:33 +0000
**To:** Reyes, Frank
**Cc:** COVID-19
**Subject:** Cornell University 00271100

Dear Mr. Reyes,
Cornell University is requesting a temporary reduction in the weeks of instruction for the 2019-2020 academic year for the Ithaca campus in order to minimize the risks associated with the COVID-19 pandemic. For students in almost all programs on the Ithaca campus, classes were suspended at 5pm on Friday, March 13, 2020 and will resume online on Monday, April 6, 2020. The time of class suspension includes a scheduled spring break. The last day of the semester will be extended by one week. This change results in a one week reduction in the weeks of instruction for the 2019-2020 academic calendar from 33 weeks to 32 weeks and reduces the Spring 2020 semester from 16 weeks to 15 weeks. With our move to a revised academic calendar and remote instruction, the total learning time will remain the same, redistributing contact hours across alternative modes of interaction including extra asynchronous course lectures, discussion boards, email exchanges, reading, assignments, research, and group work.
Please let me know if you have questions.
Thank you,
Diane

*Diane Corbett*
*Executive Director of Financial Aid*

*Cornell University*
*203 Day Hall*
*Ithaca, NY 14853*
*(607)255-5334*
*drc263@cornell.edu*

AMERICAN OVERSIGHT

**From:** Dr. Wanda White
**Sent:** Wed, 18 Mar 2020 23:23:18 +0000
**To:** COVID-19
**Cc:** James "JW" Kelley;Miller, Christopher
**Subject:** Coronavirus and Title IV Flexibility

Dr. Wanda White has shared a OneDrive for Business file with you. To view it, click the link below.

FA Questions for DOE - 3.18.20 final.docx

To Whom It may Concern:
The NC Community System is planning a Skype Conference with financial aid administrators from the 58 community colleges in North Carolina on March 25, 2020. In order to address the outstanding questions from financial aid administrators regarding the Coronavirus and Title IV Flexibility, I am emailing the questions to the Department of Education. We were directed by Chris Miller of the Department of Education to submit these questions to this email address.
If possible, please review these questions and provide your responses to me by Monday, March 23, 2020. By doing so, you will assist us in providing the necessary guidance to college personnel in the North Carolina community colleges.
If you have questions or need additional information, please feel free to contact me. I can be reached by email at whitew@nccommunitycolleges.edu.
Thanks in advance for your assistance.

Wanda White, Ed.D.
Director of Student Services
NC Community College System
200 West Jones Street
Raleigh, NC 27603
whitew@nccommunitycolleges.edu
919-807-7104

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**From:** Miller, Christopher <Christopher.Miller@ed.gov>
**Sent:** Monday, March 16, 2020 4:49 PM
**To:** James "JW" Kelley <kelleyj@nccommunitycolleges.edu>
**Cc:** Dr. Wanda White <whitew@nccommunitycolleges.edu>; Dillard, Vanessa <Vanessa.Dillard@ed.gov>; Simpson Miller, Vinita <Vinita.Simpson-Miller@ed.gov>; McGinness, Margaret <Margaret.McGinness@ed.gov>; Weems, Cassandra <Cassandra.Weems@ed.gov>
**Subject:** RE: Coronavirus and Title IV Flexibility

We are referring all school inquiries to https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19 which is an Electronic Announcement. It tells you where to email questions.

AMERICAN OVERSIGHT

We are referring all student/parent/borrower questions to www.studentaid.gov/coronavirus .

Unlike the disaster assistance our office has provided in the past, we are unable to participate in Q and A sessions at this time.

Thank you,

Chris Miller, Director
Atlanta School Participation Division
61 Forsyth Street, Room 18T40
Atlanta GA, 30303

Office: (404) 974-9297
christopher.miller@ed.gov
StudentAid.gov

Federal Student Aid
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**From:** James "JW" Kelley <kelleyj@nccommunitycolleges.edu>
**Sent:** Monday, March 16, 2020 4:39 PM
**To:** Miller, Christopher <Christopher.Miller@ed.gov>; Lancaster, Lisa <Lisa.Lancaster@ed.gov>
**Cc:** Dr. Wanda White <whitew@nccommunitycolleges.edu>
**Subject:** Coronavirus and Title IV Flexibility
**Importance:** High

Chris and Lisa,

You're assistance with during the Hurricane a couple of years ago was very helpful. I'd like to request that you participate in a Question and Answer because of the coronavirus. Colleges would like to know what their options are to continue to serve students.

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Act and shall be disclosed to third parties when required by Chapter 132 of the North Carolina General Statutes.

AMERICAN OVERSIGHT

**From:** Chandy Haskins
**Sent:** Wed, 18 Mar 2020 18:38:13 +0000
**To:** COVID-19
**Cc:** Carol Perry
**Subject:** Covid-19 & Federal Work Study Program

Rockingham community college is unsure how to proceed with work study as the college transitions to completely online instruction. We are not a residential college, and are still open to the public. I am not sure if previous guidance from DOE that work study students can continue to be paid for hours they were schedule to work applies to our situation. Does this guidance apply to all colleges with a work study program that are transitioning to completely online instruction? Or, should we require work study students to continue to work on campus in order to be paid since the college is still technically open?
Please advise.
Thanks,

**Chandy Haskins**
Rockingham Community College
*Assistant Director of Financial Aid*
Phone: 336-342-4261 ext. 2319
Email: haskinsc2595@rockinghamcc.edu

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AMERICAN OVERSIGHT

**From:** Ludwig Makhyan
**Sent:** Wed, 18 Mar 2020 16:05:02 -0700
**To:** COVID-19
**Subject:** COVID-19 Guides and Policies for Businesses

Hi,

I'm sure you get a lot of content submissions, but I wanted to bring to your attention to a new guide we released about the COVID-19 and policies for businesses:
https://askalmanac.com/articles/10783/covid-19-company-playbook

This helpful how-to guide includes templates from 100+ companies, business communications about Coronavirus, how to transition to work from home, social distancing at workplaces and much more. The guides have been downloaded more than 5000 times already and the usage keeps growing.

Do you think it would be a good fit for the Coronavirus resources for businesses on this page?
https://www.ed.gov/coronavirus

I'd love to get your thoughts.

Best,
Ludwig

AMERICAN OVERSIGHT

**From:** Demetra L. Chase
**Sent:** Wed, 18 Mar 2020 13:52:37 +0000
**To:** COVID-19
**Subject:** COVID-19 Perkins and Institutional Loans
**Importance:** High

Good Morning.

Our office has been receiving numerous emails and calls regarding their student loans during this COVID-19 crisis. My understanding of the U.S. Department of Education's regulations is the interest waiver and other changes only pertains to Stafford loans or loans handled by the Government. Is this accurate?

Do you have any information regarding assistance due to COVID-19 for Federal Perkins loans and institutional loans?

I was looking for clarification so our office is giving our borrowers the appropriate information.

Stay healthy and safe.

Best,
Demetra Chase
Dartmouth College

DARTMOUTH
Demetra Chase | *Loans and Accounts Receivable Collections Specialist*
Campus Billing | 6132 McNutt Hall, Room 103 | Hanover, New Hampshire 03755
(603) 646-3292 | Demetra.L.Chase@dartmouth.edu | (pronouns: she/her/hers/herself)

AMERICAN OVERSIGHT

**From:** Elaine Pimentel
**Sent:** Wed, 18 Mar 2020 14:20:54 +0000
**To:** COVID-19
**Subject:** Distance Education and Calendar Updates

Good morning COVID-19 Team,
Our State Governor announced that our institution will be transiting to fully online distance education instruction beginning 3/19/20 for the duration of the spring 2020 term. In-person classroom/lecture was postponed from 3/12/20-3/18/20. The University and all its campuses is/are open, and are continuing to provide all academic related activities necessary to lead to the completion of the term. Faculty is available on campus for student office visits, and student/faculty academic engagement is continuing to take place throughout via several types of technology, ranging from email and conference calls to more sophisticated learning management platforms, applications and cloud resources that are available, including Blackboard, CUNYfirst, our PeopleSoft system, Microsoft Office 365 (including OneDrive), Dropbox, and WebEx available to faculty and students as they transition to a distance learning modality. The academic calendar for the term is not changing, as we are also making use of previously not scheduled days and extending class meeting times to accommodate all instruction. Given the continuous academic engagement, should any days be considered for exclusion from the numerator or the denominator of the Return to Title IV calculations or academic calendar?

AMERICAN OVERSIGHT

**From:** Patricia Cornette
**Sent:** Wed, 18 Mar 2020 20:55:00 +0000
**To:** COVID-19
**Subject:** DoED grant award guidance

Dear Program Officer/Administrator,

We have not seen any specific guidance regarding Covid-19/Managing Grant Awards so here are two quick questions:

1) Do you have guidance regarding positions funded through a DoED award? In the event the university is officially closed as a result of the COVID-19 outbreak, can award funds be used to pay employment costs? If my institution has a policy for allowable remote/telework and/or emergency operations, would charges to the grant be allowable?

2) A conference has been canceled, but I have nonrefundable travel, registration, and/or hotel costs. Can these be charged to an DoED grant?

Thank you so much for your guidance in this matter.

Best,
**Patricia D. Cornette, L.L.M., CRA**
Director, Sponsored Research and Programs
Office of Sponsored Research and Programs
1 University Drive I P.O. Box 1510 I Pembroke, NC 28372
O: 910.521-6357 I F: 910.521.6553 I patricia.cornette@uncp.edu

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AMERICAN OVERSIGHT

**From:** Morrison, Lisa
**Sent:** Wed, 18 Mar 2020 18:53:26 +0000
**To:** COVID-19
**Subject:** Extending Academic Year

Hi,

How would we go about getting approval to extend our academic year? Our fall semester was 17 weeks and our spring semester was 17 weeks, but we added a week to spring break, making spring 16 weeks. It is being consider to extend the spring semester for our career and technical programs since they have labs and hands on requirements. For example: our dental hygiene students have labs at Creighton University and they are possibly not allowing students in for 6-8 weeks. I'm not sure how long they would like to extend, but they wanted to see how we go about getting approval to extend and if there was a limit on how far we could extend?

Thank you for your help!

**Lisa Morrison**
Director of Financial Aid
Iowa Western Community College
712-325-3287

AMERICAN OVERSIGHT

**From:** Loduha, Susan
**Sent:** Wed, 18 Mar 2020 14:49:46 +0000
**To:** COVID-19
**Subject:** Extending an Academic Year due to COVID-19

Dear Department:

In your posting on 11 March on exceptions due to COVID-19, I see two areas where schools are given permission to shorten an academic year but it does not address if a school wants to extend the academic year. We are a two year MBA program. I have been approached by one of our formats since before the student graduates they have an intensive one week residency that will need to be moved on-line now. The students in this format work full-time and because of child care issues, nurses and doctors being required to work, etc. that they would like to extend the academic year for the graduating class only to break the on-line residency into separate weeks; thus extending the end of the academic year by a week or two. Students that are in the same format that are in their first year would begin their 'summer' session so there would be a different end date based on year in school too.

Have you considered this possibility and would this be an exception that could be considered?

Best,
Susan

Susan R. Loduha
Director of Financial Aid
University of Virginia
Darden School of Business
P.O. Box 6550
Charlottesville, VA 22906
Phone: +1-434-924-4784
Fax: +1-434-243-5033
loduhas@darden.virginia.edu

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AMERICAN OVERSIGHT

**From:** Wanda Laducer
**Sent:** Wed, 18 Mar 2020 13:35:08 -0500
**To:** COVID-19
**Cc:** Wanda Laducer
**Subject:** Federal Work Study Program

My name is Wanda Laducer. I am the Dean of Students at the Turtle Mountain Community College in Belcourt, ND.

My question is - do we continue to pay students who are under the federal work study program if our campus has moved to online instruction only until April 13, 2020? There will be no students on campus due to temporary social isolation. The situation will be reassessed in April to see if the time of online instruction needs to be extended.

When I read the announcement it states that "For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student". When you say "MUST" close - does that also mean - choosing to close the campus to students and the college having online instruction so that students don't come on campus?

It seems like it is just a matter of interpretation however I am just looking for something more specific.

Thanks, Wanda

--
Wanda Laducer, Dean of Students
Turtle Mountain Community College
701.477.7862 x. 1156
wladucer@tm.edu
P.O. Box 340
10145 BIA Road 7
Belcourt, ND 58316

AMERICAN OVERSIGHT

**From:** OESE.SGR.Michigan
**Sent:** Wed, 18 Mar 2020 12:06:43 +0000
**To:** COVID-19
**Subject:** FW: (MI) Letter to U.S. Secretary of Education
**Attachments:** 2020-03-17 USED State Testing.pdf, Assessment Waivers.pdf

Good Morning,

I am forwarding this information to the COVID-19 team due to the challenges addressed in the attached waiver requests.

**Brandon Webber**
U.S. Department of Education
Office of Elementary and Secondary Education
Office of State and Grantee Relations (SGR)
400 Maryland Avenue, SW
Washington, D.C. 20202
Office: (202) 453-7944 | E-mail
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---

**From:** Shrewsbury, Alisande (MDE) <ShrewsburyA@michigan.gov>
**Sent:** Tuesday, March 17, 2020 12:44 PM
**Subject:** Letter to U.S. Secretary of Education

Good afternoon,

Attached, please find a letter sent from State Superintendent of Public Instruction Michael F. Rice, Ph.D. to U.S. Secretary of Education Betsy DeVos, and related press release.

Alisande

**Alisande Shrewsbury**
*Special Assistant to the State Superintendent*

Michigan Department of Education
517-241-2077
shrewsburya@michigan.gov

March is Reading Month for All

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STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

March 17, 2020

Ms. Betsy DeVos, Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary DeVos:

During the COVID-19 crisis, we write to strongly urge that you waive the requirement that students *nationally* take state summative assessments.

As you are aware, states across the country, including Michigan, have closed schools for at least three weeks, as have many districts in states that have not yet closed their schools entirely. It is certainly possible that these closures could extend further into the spring in parts of the country.

Last Friday, we inquired of the United States Department of Education if we were permitted to cancel or waive the requirement to do annual state testing under the federal Every Student Succeeds Act. We were told that such permission was possible only if the window for state testing overlapped with the closure period. In Michigan, ours does not. Rather, our three-week closure period goes from Monday, March 16 until Sunday, April 5. Many schools have spring break the following week of April 6, and our testing window begins the week of April 13. In other words, assuming that our school closure ends April 5, for these districts, the first day back at school would be April 13, and students would begin to test April 14.

For a variety of reasons, this is not simply an undesirable situation; it is a completely unacceptable one. Many children will struggle with the long absence from school. It will take many districts a considerable period of time to resume normal functioning, not to mention refocusing on the instruction of children.

When we return to school, the focus should be on tending to children's immediate needs: physical, socioemotional, and academic. In many cases, children will have experienced trauma. In other cases, they will simply need to be re-acclimated into their schools. In all cases, students will have missed instruction, and this lost instruction will render any conclusions about test results dubious,

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especially any comparisons across school years and in light of the pending public health concerns of parents, students, and staff.

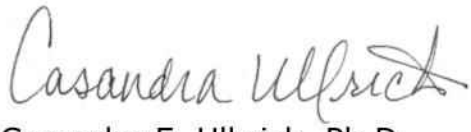
Upon return to school, our focus *nationally* should be on instruction, supports, and nurturing of students, not on state summative assessments. Any state summative assessment results would not be an accurate reflection of student learning given the tremendous disruption in children's education and lives during this extraordinary period.

By waiving the requirement *nationally* to provide state assessments under ESSA, you help schools put students first and focus on providing the supports that students will need in the coming weeks and months.

Thank you for your consideration of the needs of our children.

Sincerely,

Michael F. Rice, Ph.D.
Michigan Superintendent
of Public Instruction



Casandra E. Ulbrich, Ph.D.
President, State Board of Education

cc: State Board of Education
Governor Gretchen Whitmer
U.S. Senator Gary Peters
U.S. Senator Debbie Stabenow
U.S. Representatives from Michigan
U.S. Senator Lamar Alexander
U.S. Senator Patty Murray
U.S. Representative Bobby Scott
U.S. Representative Virginia Foxx
Michigan Senate Majority Leader Mike Shirkey
Michigan Senate Minority Leader Jim Ananich
Michigan House Speaker Lee Chatfield
Michigan House Minority Leader Christine Greig
U.S. Assistant Secretary Frank Brogan
MDE Chief Deputy Superintendent Sheila Alles
MDE Deputy Superintendent Venessa A. Keesler, Ph.D.
MDE Director Andrew Middlestead
CCSSO Executive Director Dr. Carissa Moffat Miller
CCSSO President Jillian Balow

AMERICAN OVERSIGHT

MICHIGAN Department of Education

# News Release

Contact: Martin Ackley, Director of Public and Governmental Affairs, 517-241-4395
Bill Disessa, Spokesperson, 517-335-6649

## State Education Leaders Urge National Waiver of State Assessments

March 17, 2020

LANSING – Michigan's president of the State Board of Education and its state superintendent urged U.S. Secretary of Education Betsy DeVos today to grant a nationwide waiver of statewide student assessments.

With the current coronavirus pandemic closing schools in Michigan and across the United States for weeks leading up to scheduled statewide assessments, State Board of Education President Dr. Casandra Ulbrich and State Superintendent Dr. Michael Rice wrote to DeVos to say that federally mandated state testing should be waived this year in favor of focusing on the more immediate needs of children.

"It's time for Betsy DeVos to do the right thing on behalf of our students and waive statewide assessments," said Governor Gretchen Whitmer. "When our kids get back to school, our number one priority must be ensuring they have the resources they need to get back on track."

Dr. Rice noted, "When we return to school, the focus should be on tending to children's immediate needs: physical, socioemotional, and academic. In many cases, children will have experienced trauma. In other cases, they will simply need to be re-acclimated into their schools. In all cases, students will have missed instruction, and this lost instruction will render any conclusions about test results dubious, especially any comparisons across school years and in light of the pending public health concerns of parents, students, and staff."

Michigan's annual M-STEP tests are scheduled to begin the week of April 13 and run through May 28. An executive order by Governor Whitmer closed all K-12 schools in Michigan for a three-week period, from March 16 through April 5. The trajectory and duration of the pandemic remain uncertain.

"For a variety of reasons, this is not simply an undesirable situation; it is a completely unacceptable one," Drs. Ulbrich and Rice included in their letter to DeVos. "Many children will struggle with the long absence from school. It will take many districts a considerable period of time to resume normal functioning, not to mention refocusing on the instruction of children."

AMERICAN OVERSIGHT

Any state summative assessment results would not be an accurate reflection of student learning given the tremendous disruption in children's education and lives during this extraordinary period, Dr. Rice added.

"Upon return to school, our focus nationally should be on instruction, supports, and nurturing of students, not on state summative assessments," the letter to DeVos added. "By waiving the requirement nationally to provide state assessments under the federal Every Student Succeeds Act, you help schools put students first and focus on providing the supports that students will need in the coming weeks and months."

Dr. Rice said he will also be working with Michigan's state legislators to waive the requirements in state law to administer the M-STEP tests.

###

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:14:39 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: (MI) Letter to U.S. Secretary of Education
**Attachments:** 2020-03-17 USED State Testing.pdf, Assessment Waivers.pdf

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.SGR.Michigan <Michigan.oese@ed.gov>
**Sent:** Wednesday, March 18, 2020 8:07 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: (MI) Letter to U.S. Secretary of Education

Good Morning,

I am forwarding this information to the COVID-19 team due to the challenges addressed in the attached waiver requests.

**Brandon Webber**
U.S. Department of Education
Office of Elementary and Secondary Education
Office of State and Grantee Relations (SGR)
400 Maryland Avenue, SW
Washington, D.C. 20202
Office: (202) 453-7944 | **E-mail**
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---

**From:** Shrewsbury, Alisande (MDE) <ShrewsburyA@michigan.gov>
**Sent:** Tuesday, March 17, 2020 12:44 PM
**Subject:** Letter to U.S. Secretary of Education

Good afternoon,

Attached, please find a letter sent from State Superintendent of Public Instruction Michael F. Rice, Ph.D. to U.S. Secretary of Education Betsy DeVos, and related press release.

Alisande

AMERICAN OVERSIGHT

**Alisande Shrewsbury**
*Special Assistant to the State Superintendent*

Michigan Department of Education
517-241-2077
shrewsburya@michigan.gov

AMERICAN OVERSIGHT

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

March 17, 2020

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U.S. Department of Education
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Washington, D.C. 20202

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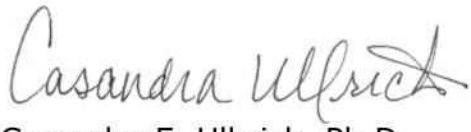
By waiving the requirement *nationally* to provide state assessments under ESSA, you help schools put students first and focus on providing the supports that students will need in the coming weeks and months.

Thank you for your consideration of the needs of our children.

Sincerely,

Michael F. Rice, Ph.D.
Michigan Superintendent
of Public Instruction



Casandra E. Ulbrich, Ph.D.
President, State Board of Education

cc: State Board of Education
Governor Gretchen Whitmer
U.S. Senator Gary Peters
U.S. Senator Debbie Stabenow
U.S. Representatives from Michigan
U.S. Senator Lamar Alexander
U.S. Senator Patty Murray
U.S. Representative Bobby Scott
U.S. Representative Virginia Foxx
Michigan Senate Majority Leader Mike Shirkey
Michigan Senate Minority Leader Jim Ananich
Michigan House Speaker Lee Chatfield
Michigan House Minority Leader Christine Greig
U.S. Assistant Secretary Frank Brogan
MDE Chief Deputy Superintendent Sheila Alles
MDE Deputy Superintendent Venessa A. Keesler, Ph.D.
MDE Director Andrew Middlestead
CCSSO Executive Director Dr. Carissa Moffat Miller
CCSSO President Jillian Balow

AMERICAN OVERSIGHT

MICHIGAN Department of Education

# News Release

Contact: Martin Ackley, Director of Public and Governmental Affairs, 517-241-4395
Bill Disessa, Spokesperson, 517-335-6649

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Dr. Rice said he will also be working with Michigan's state legislators to waive the requirements in state law to administer the M-STEP tests.

###

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:13:48 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: 2nd Attempt - Hoping for responses
**Attachments:** RE: 2nd Attempt - Hoping for responses, Re: 2nd Attempt - Hoping for responses

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Attached are two inquiry from Jess Binning (WDE).

Thanks,
Kelly

AMERICAN OVERSIGHT

**From:** OESE.SGR.Wyoming
**Sent:** Wed, 18 Mar 2020 13:07:03 +0000
**To:** Jess Binning (WDE);OESE.OSS.Wyoming;COVID-19
**Subject:** RE: 2nd Attempt - Hoping for responses

Hello Jess,

The email, below, was already sent to the COVID-19 mailbox on Friday, 3/13/20 by my colleague, Lear Cook. As well, you cc'd the COVID-19 mailbox, yesterday. Please allow the COVID-19 team some time to provide you with a response.

Thank you,

Lakesha

**From:** Jess Binning (WDE) <jess.binning@wyo.gov>
**Sent:** Tuesday, March 17, 2020 10:44 AM
**To:** OESE.OSS.Wyoming <OSS.Wyoming@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** 2nd Attempt - Hoping for responses

Support Contacts at US Department of Education:

we have some school districts reaching out about 2018-2019 grant funds that will expire at the end of September. Some districts have grant balances from funds that started July 1, 2018. They have plans that have been in place and approved for using the funds, but some of the activities were to be executed through this school year and summer.

What can we do as an agency to request a longer period of availability (if that is even an option) for these dying grant funds? Or, will the US Department of Education be understanding if states have to return grant funds that were unused because of the current circumstances that are causing disruptions?

The best examples I can share:
Cancelled Professional Development that uses Title II-A funds.
Cancelled additional tutoring services provided using Title I-A funds.
Cancelled Parent and Family Engagement activities that use Title I-A, and Title III funds.

**An additional question specific to school closures and staff pay:**
Some districts/schools in Wyoming are closing for 2-3 weeks in lieu of COVID-19 precautions. State and local funds will still pay contract teachers. The question from one of our districts is: can federal funds continue to pay contracted teachers (such as Title I teachers) during these closure events? What about hourly paid federally funded staff, such as Title I tutors, paraprofessionals, and district Consolidated Grant Managers?

Our team would like to allow this, but we need guidance from the US Department of Education since time and effort requirements are a consideration with federal grant funds. We have found CFR 200.431, where if an agency has granted authorized leave (ie, emergency leave categorized under fringe benefits)

AMERICAN OVERSIGHT

the staff may be paid if there is a policy written around that leave. We are wondering if that is the category this pay would stem from?

Sincerely,
Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
**Cheyenne, WY 82002**

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AMERICAN OVERSIGHT

**From:** Jess Binning (WDE)
**Sent:** Wed, 18 Mar 2020 07:15:03 -0600
**To:** OESE.SGR.Wyoming
**Cc:** OESE.OSS.Wyoming;COVID-19
**Subject:** Re: 2nd Attempt - Hoping for responses

Is there any idea how long it will take to get a response? We're kind of leaving districts hanging, so if I knew what to expect it would help me set that expectation for them.

Thank you, Lakesha, for responding.

Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
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On Wed, Mar 18, 2020 at 7:07 AM OESE.SGR.Wyoming <Wyoming.oese@ed.gov> wrote:

Hello Jess,

The email, below, was already sent to the COVID-19 mailbox on Friday, 3/13/20 by my colleague, Lear Cook. As well, you cc'd the COVID-19 mailbox, yesterday. Please allow the COVID-19 team some time to provide you with a response.

Thank you,

AMERICAN OVERSIGHT

Lakesha

**From:** Jess Binning (WDE) <jess.binning@wyo.gov>
**Sent:** Tuesday, March 17, 2020 10:44 AM
**To:** OESE.OSS.Wyoming <OSS.Wyoming@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** 2nd Attempt - Hoping for responses

Support Contacts at US Department of Education:

we have some school districts reaching out about 2018-2019 grant funds that will expire at the end of September. Some districts have grant balances from funds that started July 1, 2018. They have plans that have been in place and approved for using the funds, but some of the activities were to be executed through this school year and summer.

What can we do as an agency to request a longer period of availability (if that is even an option) for these dying grant funds? Or, will the US Department of Education be understanding if states have to return grant funds that were unused because of the current circumstances that are causing disruptions?

The best examples I can share:

Cancelled Professional Development that uses Title II-A funds.

Cancelled additional tutoring services provided using Title I-A funds.

Cancelled Parent and Family Engagement activities that use Title I-A, and Title III funds.

**An additional question specific to school closures and staff pay:**

Some districts/schools in Wyoming are closing for 2-3 weeks in lieu of COVID-19 precautions. State and local funds will still pay contract teachers. The question from one of our districts is: can federal funds continue to pay contracted teachers (such as Title I teachers) during these closure events? What about hourly paid federally funded staff, such as Title I tutors, paraprofessionals, and district Consolidated Grant Managers?

AMERICAN OVERSIGHT

Our team would like to allow this, but we need guidance from the US Department of Education since time and effort requirements are a consideration with federal grant funds. We have found CFR 200.431, where if an agency has granted authorized leave (ie, emergency leave categorized under fringe benefits) the staff may be paid if there is a policy written around that leave. We are wondering if that is the category this pay would stem from?

Sincerely,

Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***

E-mail: jess.binning@wyo.gov
Phone: 307-777-6208

**Wyoming Department of Education**

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Moore, Crystal
**Sent:** Wed, 18 Mar 2020 18:22:34 +0000
**To:** COVID-19
**Cc:** Ryder, Ruth
**Subject:** FW: ADA/AM implications

Hello,

Numerous OIE grantees are wondering if OIE grant budgeted staff, employees, contractors will continue to get paid via those funds if their school remains closed. Then, with a follow-up question: What about grant budgeted staff members' pay for schools do not make up that missed time? Meaning, are we going to pay them grant funds even if they are not able to tele-work/work?

Hope that make sense.

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

---

**From:** Hall, Marilyn <Marilyn.Hall@ed.gov>
**Sent:** Wednesday, March 18, 2020 10:52 AM
**To:** Carr, Patrick <Patrick.Carr@ed.gov>
**Cc:** Moore, Crystal <Crystal.Moore@ed.gov>
**Subject:** RE: ADA/AM implications

Patrick, we will be discussing the ADA implications internally this afternoon. After that I will get back with you.
Marilyn

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Tuesday, March 17, 2020 7:29 PM
**To:** Carr, Patrick <Patrick.Carr@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Hall, Marilyn <Marilyn.Hall@ed.gov>; Moore, Crystal <Crystal.Moore@ed.gov>
**Subject:** ADA/AM implications

If you could take the lead, it would be most helpful. I think this could be worked outside of the RRT since it seems more complex.

I'm looping Marilyn and Crystal since their programs came up.

Thanks for reminding me about this. Questions on it have seemed to die down but clearly it is something we need to consider.

---

**From:** Carr, Patrick <Patrick.Carr@ed.gov>
**Sent:** Tuesday, March 17, 2020 10:10 AM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** RE: 9:00 meeting: (202) 991-0393, Conference ID: 121717911

Hi Ruth,

We didn't get to the question below during our meeting, but I've actually run it by our program attorneys for REAP and it is not an issue, since we already have data for FY 20 awards and will not need to collect until that data again till October/November. They did reply that it is an issue for OIE and Impact Aid. Would it be helpful if our team took that lead on coordinating a response to ADA/ADM questions? If so, should we be preparing a response for the COVID-19 OESE workgroup or someone else?

> Questions related to ADA/ADM (average daily attendance/membership) have come up. We think there are minor issues for ADA in Title I but more serious implications for rural. Are there other programs where there are implications? Is anyone willing to try to flesh out this issue?

**Ruth E. Ryder**
**Deputy Assistant Secretary for Formula Grants**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5570
Email: ruth.ryder@ed.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:52:30 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Adjustment to Academic Term for University of Dayton (00312700)

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Catherine Mix <cmix01@udayton.edu>
**Sent:** Wednesday, March 18, 2020 10:50 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Adjustment to Academic Term for University of Dayton (00312700)

Good morning,

The University of Dayton made a decision to extend our Spring break by 3 days which in effect has shortened our academic term.

Our current academic term is 01/13/2020 - 05/08/2020.

The start and end dates remain the same but we did extend our Spring break by 3 days. Please let me know what additional information you may need or if there is someone else that I should be working with.

Thank you,

Catherine

Catherine W. Mix
Assistant Vice President
Director, Financial Aid
Phone: 1-800-427-5029 or (937)229-4311
Website: http://www.udayton.edu/fss/

AMERICAN OVERSIGHT

**From:** AtlantaSPD
**Sent:** Wed, 18 Mar 2020 11:10:54 +0000
**To:** COVID-19;FederalStudentAid
**Cc:** AtlantaSPD
**Subject:** FW: Caldwell Community College, OPEID 00483500 FW: Message from CALDWELL COM CO (98287594400)
**Attachments:** VoiceMessage.wav

Please see below message and attached voicemail message for your review and response

---

**From:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:24 PM
**Subject:** Caldwell Community College, OPEID 00483500 FW: Message from CALDWELL COM CO (98287594400)

This is from Julie Ahouse, Caldwell Community College, OPEID 00483500, 828-726-2715, Question for process to Extend or shorten Academic Calendar.

Renee

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:38:19 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Caldwell Community College, OPEID 00483500 FW: Message from CALDWELL COM CO (98287594400)
**Attachments:** VoiceMessage.wav

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Attached is the voicemail and below is the inquiry.

Thanks,
Kelly

---

**From:** Atlantad <AtlantaSPD@ed.gov>
**Sent:** Wednesday, March 18, 2020 7:11 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** FW: Caldwell Community College, OPEID 00483500 FW: Message from CALDWELL COM CO (98287594400)

Please see below message and attached voicemail message for your review and response

---

**From:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:24 PM
**Subject:** Caldwell Community College, OPEID 00483500 FW: Message from CALDWELL COM CO (98287594400)

This is from Julie Ahouse, Caldwell Community College, OPEID 00483500, 828-726-2715, Question for process to Extend or shorten Academic Calendar.

Renee

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:39:02 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Changes to the Academic Year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** CoraBeth Halverson <chalverson@swtc.edu>
**Sent:** Tuesday, March 17, 2020 7:24 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Changes to the Academic Year

We are SAY and have a 17 week fall semester and a 17 week spring semester, for a total of a 34 weeks. If we were to extend spring break one week and have a 16 week spring semester, do I need to reach out the school participation team to get this approved?

If yes, do I call or is there an email I should be sending the request to?

Best,

**CoraBeth Halverson**
Financial Aid Manager
608.822.2316
chalverson@swtc.edu

Southwest Tech
www.swtc.edu
1800 Bronson Blvd.
Fennimore, WI 53809

**Reminder: Starting October 1st, complete the 2020-2021 FAFSA at www.studentaid.gov with 2018 tax information.**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:14:16 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: COVID-19 and dying federal funds

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.SGR.Wyoming <Wyoming.oese@ed.gov>
**Sent:** Wednesday, March 18, 2020 9:02 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: COVID-19 and dying federal funds

Hello,

The email, below, was sent to State and Grantee Relations.

Lakesha

**From:** Jess Binning (WDE) <jess.binning@wyo.gov>
**Sent:** Monday, March 16, 2020 12:23 PM
**To:** OESE.OSS.Wyoming <OSS.Wyoming@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Mark Bowers <mark.bowers@wyo.gov>; Les Koch <les.koch1@wyo.gov>; Jessica Fancher <jessica.fancher3@wyo.gov>; Diana Thompson <diana.thompson@wyo.gov>; Shannon Cranmore <shannon.cranmore@wyo.gov>; John Bole <john.bole@wyo.gov>
**Subject:** Re: COVID-19 and dying federal funds

Additional Question, specific to School Closures and staff pay:

Some districts/schools in Wyoming are closing for 2-3 weeks in lieu of COVID-19 precautions. State and local funds will still pay contract teachers. The question from one of our districts is: can federal funds continue to pay contracted teachers (such as Title I teachers) during these closure events? What about hourly paid federally funded staff, such as Title I tutors, paraprofessionals, and district Consolidated Grant Managers?

Our team would like to allow this, but need guidance from US Department of Education since time and effort requirements are a consideration with federal grant funds.

Sincerely,
Jess

AMERICAN OVERSIGHT

Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
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On Fri, Mar 13, 2020 at 10:10 AM Jess Binning (WDE) <jess.binning@wyo.gov> wrote:

Support Contacts at US Department of Education:

we have some school districts reaching out about 2018-2019 grant funds that will expire at the end of September. Some districts have grant balances from funds that started July 1, 2018. They have plans that have been in place and approved for using the funds, but some of the activities were to be executed through this school year and summer.

What can we do as an agency to request a longer period of availability (if that is even an option) for these dying grant funds? Or, will the US Department of Education be understanding if states have to return grant funds that were unused because of the current circumstances that are causing disruptions?

The best examples I can share:
Cancelled Professional Development that uses Title II-A funds.
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Cancelled Parent and Family Engagement activities that use Title I-A, and Title III funds.

Thank you so much for a quick response so that we can support our districts.

Sincerely,
Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**

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Cheyenne, WY 82002

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AMERICAN OVERSIGHT

**From:** OESE.SGR.Wyoming
**Sent:** Wed, 18 Mar 2020 13:02:05 +0000
**To:** COVID-19
**Subject:** FW: COVID-19 and dying federal funds

Hello,

The email, below, was sent to State and Grantee Relations.

Lakesha

**From:** Jess Binning (WDE) <jess.binning@wyo.gov>
**Sent:** Monday, March 16, 2020 12:23 PM
**To:** OESE.OSS.Wyoming <OSS.Wyoming@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Mark Bowers <mark.bowers@wyo.gov>; Les Koch <les.koch1@wyo.gov>; Jessica Fancher <jessica.fancher3@wyo.gov>; Diana Thompson <diana.thompson@wyo.gov>; Shannon Cranmore <shannon.cranmore@wyo.gov>; John Bole <john.bole@wyo.gov>
**Subject:** Re: COVID-19 and dying federal funds

Additional Question, specific to School Closures and staff pay:

Some districts/schools in Wyoming are closing for 2-3 weeks in lieu of COVID-19 precautions. State and local funds will still pay contract teachers. The question from one of our districts is: can federal funds continue to pay contracted teachers (such as Title I teachers) during these closure events? What about hourly paid federally funded staff, such as Title I tutors, paraprofessionals, and district Consolidated Grant Managers?

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***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
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Sincerely,
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Jessica Binning
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Phone: 307-777-6208
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**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:14:29 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: COVID-19 and dying federal funds

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.SGR.Wyoming <Wyoming.oese@ed.gov>
**Sent:** Wednesday, March 18, 2020 8:59 AM
**To:** Jess Binning (WDE) <jess.binning@wyo.gov>; OESE.OSS.Wyoming <OSS.Wyoming@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Mark Bowers <mark.bowers@wyo.gov>; Les Koch <les.koch1@wyo.gov>; Jessica Fancher <jessica.fancher3@wyo.gov>; Diana Thompson <diana.thompson@wyo.gov>; Shannon Cranmore <shannon.cranmore@wyo.gov>; John Bole <john.bole@wyo.gov>
**Subject:** RE: COVID-19 and dying federal funds

Hello,

Thank you for your message. We have received your inquiry and shared it with our colleagues who are responding to questions related to the coronavirus at COVID-19@ed.gov. To learn more about the U.S. Department of Education's prevention plan and how you can help prevent the spread of coronavirus, please visit www.ed.gov/coronavirus for more details.

Respectfully,

Lakesha

**From:** Jess Binning (WDE) <jess.binning@wyo.gov>
**Sent:** Monday, March 16, 2020 12:23 PM
**To:** OESE.OSS.Wyoming <OSS.Wyoming@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Mark Bowers <mark.bowers@wyo.gov>; Les Koch <les.koch1@wyo.gov>; Jessica Fancher <jessica.fancher3@wyo.gov>; Diana Thompson <diana.thompson@wyo.gov>; Shannon Cranmore <shannon.cranmore@wyo.gov>; John Bole <john.bole@wyo.gov>
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AMERICAN OVERSIGHT

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Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
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Cancelled Parent and Family Engagement activities that use Title I-A, and Title III funds.

AMERICAN OVERSIGHT

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Sincerely,
Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:36:40 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 Perkins and Institutional Loans
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Demetra L. Chase <Demetra.L.Chase@dartmouth.edu>
**Sent:** Wednesday, March 18, 2020 9:53 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 Perkins and Institutional Loans
**Importance:** High

Good Morning.

Our office has been receiving numerous emails and calls regarding their student loans during this COVID-19 crisis. My understanding of the U.S. Department of Education's regulations is the interest waiver and other changes only pertains to Stafford loans or loans handled by the Government. Is this accurate?

Do you have any information regarding assistance due to COVID-19 for Federal Perkins loans and institutional loans?

I was looking for clarification so our office is giving our borrowers the appropriate information.

Stay healthy and safe.

Best,
Demetra Chase
Dartmouth College

DARTMOUTH
Demetra Chase | *Loans and Accounts Receivable Collections Specialist*
Campus Billing | 6132 McNutt Hall, Room 103 | Hanover, New Hampshire 03755
(603) 646-3292 | Demetra.L.Chase@dartmouth.edu | (pronouns: she/her/hers/herself)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:38:35 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 Webinar

FYI

---

**From:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Sent:** Tuesday, March 17, 2020 11:08 PM
**To:** Early, Jeremy <Jeremy.Early@ed.gov>; Gifford, Nancy Paula <Nancy.Paula.Gifford@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: COVID-19 Webinar

Sarah's question was escalated and determined that these schools should send their questions to COVID-19@ed.gov for response.

Ingrid

---

**From:** Early, Jeremy <Jeremy.Early@ed.gov>
**Sent:** Tuesday, March 17, 2020 4:35 PM
**To:** Gifford, Nancy Paula <Nancy.Paula.Gifford@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>
**Subject:** FW: COVID-19 Webinar

Do we know how to answer Sarah's email?

Here is what Musser just replied with:

We are aware of this issue. NASFAA just held a webinar that 6,000 people attended, and in that webinar they announced that schools would need to contact their School Participation Divisions to request a reduction in their academic year if they were forced to reduce the length of their terms as a result of COVID-19.

As you know, FSA has been asked to forward questions about Coronavirus issues to federalstudentaid@ed.gov, and that currently still applies to requests like the ones Sarah received via voicemail. I would recommend escalating this to make management aware of the issue. We are doing the same on the policy side.

PIP is also saying to update applications which will cause eligibility work to dramatically increase while we are still figuring out how to do everything from home.

I've told her I was reaching out to see if you all knew how we are responding. Do all of these requests go to the email?

Sorry if I missed an announcement about the webinars and what they would say.

AMERICAN OVERSIGHT

**From:** Adams, Sarah <Sarah.Adams@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:29 PM
**To:** Early, Jeremy <Jeremy.Early@ed.gov>; Sawyer, Tammi <Tammi.Sawyer@ed.gov>; Yette, Brenda <Brenda.Yette@ed.gov>
**Cc:** Musser, David <David.Musser@ed.gov>
**Subject:** COVID-19 Webinar

I just received 10 voicemails within a 15 minute period. Some of them indicated they had attended a webinar today that told them to call the SPD to inform them they required a reduction in academic year due to extending spring break by a week.

Was anyone on this webinar? Do they only have to call and tell us? On the PIP elig concall this afternoon there was just a discussion of having the schools submit an e-app with that information, but if the schools are being told to only call do I only make a notation in PEPS permanent comments?

Sarah Adams
Senior Institutional Review Specialist
Chicago/Denver School Participation Division
Federal Student Aid, Program Compliance
U.S. Department of Education
JCK Federal Building
230 S. Dearborn Street, #3838I
Chicago, IL 60604
(312) 730-1514

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:35:24 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Distance Education and Calendar Updates

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Elaine Pimentel <Elaine.Pimentel@cuny.edu>
**Sent:** Wednesday, March 18, 2020 10:21 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Distance Education and Calendar Updates

Good morning COVID-19 Team,

Our State Governor announced that our institution will be transiting to fully online distance education instruction beginning 3/19/20 for the duration of the spring 2020 term. In-person classroom/lecture was postponed from 3/12/20-3/18/20. The University and all its campuses is/are open, and are continuing to provide all academic related activities necessary to lead to the completion of the term. Faculty is available on campus for student office visits, and student/faculty academic engagement is continuing to take place throughout via several types of technology, ranging from email and conference calls to more sophisticated learning management platforms, applications and cloud resources that are available, including Blackboard, CUNYfirst, our PeopleSoft system, Microsoft Office 365 (including OneDrive), Dropbox, and WebEx available to faculty and students as they transition to a distance learning modality. The academic calendar for the term is not changing, as we are also making use of previously not scheduled days and extending class meeting times to accommodate all instruction. Given the continuous academic engagement, should any days be considered for exclusion from the numerator or the denominator of the Return to Title IV calculations or academic calendar?

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:46:51 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

FYI

---

**From:** Vu, Larry <Larry.Vu@ed.gov>
**Sent:** Wednesday, March 18, 2020 10:46 AM
**To:** Ewa Stankiewicz <ewa.stankiewicz@uj.edu.pl>; COVID-19 <COVID-19@ed.gov>
**Cc:** Miles, Eric <Eric.Miles@ed.gov>; Dzial Obslugi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** RE: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Ewa,

You will need to reference OPE's guidance on March 5, 2020: https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19.

"Foreign Schools
We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Please let me know if you have any other questions.

Larry Vu

---

**From:** Ewa Stankiewicz <ewa.stankiewicz@uj.edu.pl>
**Sent:** Monday, March 16, 2020 5:27 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Miles, Eric <Eric.Miles@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** Odp.: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,

AMERICAN OVERSIGHT

I am writing to follow-up on my previous email.

I would like to inform you that in addition to JU Rector's decision on cancellation of lectures at Jagiellonian University, the Government of Poland has announced other restrictions, including closures of all schools, universities, and cultural institutions until March 25, 2020.

Please let me know if the above precautions taken due to COVID-19 have any impact to Title IV recipients as Jagiellonian Univeristy is a foreign school. The 2019-2020 summer semester disbursement will not be made until we receive the information from you. Please note, that there are thirteen U.S. students at JU who are waiting for the summer semester disbursements which cover their costs of living while studying in Poland.

I look forward to receiving your updates.

Best regards,

Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

---

**From:** Ewa Stankiewicz
**Sent:** Wednesday, March 11, 2020 8:46 AM
**To:** 'COVID-19@ed.gov' <COVID-19@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,

I am writing in connection with the Office of Postsecondary Education's electronic announcement of March 05, 2020 and the part regarding foreign schools: "We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

AMERICAN OVERSIGHT

Due to the spread of Coronavirus (COVID-19) in Europe and following the safety recommendations of the Chief Sanitary Inspectorate, JU Rector Prof. Wojciech Nowak has cancelled all lectures conducted at Jagiellonian University. Wherever applicable, lectures should be made available online. Other classes (which take place in a smaller groups) will be held as per usual, with any additional restrictions to be introduced by the Faculties.

Please let me know if the above regulations (authorizing distance learning at programs which are not usually distance) do have an impact on students' eligibility for Title IV funds in the 2019-2020 summer semester and should we withhold the disbursements for this semester. Please note that these are exceptional circumstances and all decisions have been made to ensure student safety.

I would appreciate a reply asap as we have just evaluated students' Satisfactory Academic Progress after winter semester and we are ready to make the Title IV funds disbursements for the second semester.

Thank you,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:52:24 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Extending an Academic Year due to COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Loduha, Susan <LoduhaS@darden.virginia.edu>
**Sent:** Wednesday, March 18, 2020 10:50 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Extending an Academic Year due to COVID-19

Dear Department:

In your posting on 11 March on exceptions due to COVID-19, I see two areas where schools are given permission to shorten an academic year but it does not address if a school wants to extend the academic year. We are a two year MBA program. I have been approached by one of our formats since before the student graduates they have an intensive one week residency that will need to be moved on-line now. The students in this format work full-time and because of child care issues, nurses and doctors being required to work, etc. that they would like to extend the academic year for the graduating class only to break the on-line residency into separate weeks; thus extending the end of the academic year by a week or two. Students that are in the same format that are in their first year would begin their 'summer' session so there would be a different end date based on year in school too.

Have you considered this possibility and would this be an exception that could be considered?

Best,
Susan

Susan R. Loduha
Director of Financial Aid
University of Virginia
Darden School of Business
P.O. Box 6550
Charlottesville, VA 22906
Phone: +1-434-924-4784
Fax: +1-434-243-5033
loduhas@darden.virginia.edu

AMERICAN OVERSIGHT

UNIVERSITY of VIRGINIA | DARDEN SCHOOL of BUSINESS

AMERICAN OVERSIGHT

**From:** Bangura, Marie
**Sent:** Wed, 18 Mar 2020 16:52:23 +0000
**To:** COVID-19
**Subject:** FW: Farmingdale State College 00285800 (SUNY)

Hello Team,

Below are the emails I received from this school.

Thank you,
Marie

**Marie M. Bangura**
Institutional Review Specialist

Office: (202) 377-3072
marie.bangura@ed.gov

Federal Student Aid
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**From:** Diane Kazanecki [mailto:kazaned@farmingdale.edu]
**Sent:** Wednesday, March 18, 2020 12:09 PM
**To:** Bangura, Marie
**Subject:** RE: Farmingdale State College 00285800

Ms. Bangura,

In response to COVID 19, Farmingdale State College cancelled classes March 12 - March 14 and has extended Spring break one week to prepare for the switch to on-line learning, to the extent possible, and prepare for remote services for offices and faculty. We received approval for such changes from the State Education department as we are using flexibility to adjust the time in class and assigned work that can be completed outside the classroom with the assurance that all course learning outcomes will continue to be met.

We are requesting approval to continue to process all federal financial aid and calculate our R2T4s based upon these changes for the Spring 2020 semester.

Please let me know if there is anything else you need.

Thank you for your consideration of this request.

Be safe, Diane

**Diane Kazanecki Kempter**
*Director of Student Financial Services*

AMERICAN OVERSIGHT

Financial Aid
T. 934-420-2065
F. 934-420-3662
diane.kazanecki@farmingdale.edu

Farmingdale State College
State University of New York
2350 Broadhollow Road
Farmingdale, NY 11735
farmingdale.edu

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---

**From:** Diane Kazanecki [mailto:kazaned@farmingdale.edu]
**Sent:** Wednesday, March 18, 2020 11:10 AM
**To:** Bangura, Marie
**Subject:** RE: Farmingdale State College 00285800

Ms. Bongura,

I am currently in a teleconference and we will be extending spring break, as well, so I will have to change my request. I'll get back to you once I have all of the details.

Thank you, Diane

**Diane Kazanecki Kempter**
*Director of Student Financial Services*
Financial Aid
T. 934-420-2065
F. 934-420-3662
diane.kazanecki@farmingdale.edu

Farmingdale State College
State University of New York
2350 Broadhollow Road
Farmingdale, NY 11735
farmingdale.edu

Facebook | Twitter | Instagram

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**From:** Diane Kazanecki
**Sent:** Wednesday, March 18, 2020 9:49 AM
**To:** Bangura, Marie <Marie.Bangura@ed.gov>
**Subject:** RE: Farmingdale State College 00285800

Hello, Ms. Bangura.

AMERICAN OVERSIGHT

We had to cancel classed for three days, Thursday, March 12th through Saturday, March 14th, while we prepare to switch to an almost all on-line instruction mode.

I am requesting permission for us to reduce our Spring 2020 semester by those three days.

I understand that we also must change the number of days in that semester in our R2T4 calculations going forward from that tie.

Please let me know if you need anything further from me.

Thank you, Diane

**Diane Kazanecki Kempter**
*Director of Student Financial Services*
Financial Aid
T. 934-420-2065
F. 934-420-3662
diane.kazanecki@farmingdale.edu

Farmingdale State College
State University of New York
2350 Broadhollow Road
Farmingdale, NY 11735
farmingdale.edu

Facebook | Twitter | Instagram

AMERICAN OVERSIGHT

**From:** Paulette Gutierrez
**Sent:** Wed, 18 Mar 2020 20:45:35 +0000 (UTC)
**To:** COVID-19
**Subject:** Fw: FOR WCT DIRECT RESPONSE TO CUSTOMER

Hello,

I am a FWS and was wondering as to what would be the process to obtain my remaining grant money due to the COVID-19 precautions? As of Friday 13th, 2020 my FWS job at CSULB left me without work. Unable to seek unemployment, I am left in distress. **What is the process of obtaining my grant money** as I'm worried for next month's check.... I have a remaining 76.5 hours I believe and would like to know any updates on what will happen.

I would appreciate it if I heard back by the end of the week, thanks in advance. I have already been provided the following information and would like feedback on a process implementation:

Federal Work Study (FWS)
Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

Thank you.

Best regards,
Paulette Mouett Gutierrez

AMERICAN OVERSIGHT

----- Forwarded Message -----
**From:** Web Communications <webcommunications@ed.gov>
**To:** gutierrez_paulette@yahoo.com <gutierrez_paulette@yahoo.com>
**Cc:** Web Communications <webcommunications@ed.gov>
**Sent:** Wednesday, March 18, 2020, 07:52:21 AM PDT
**Subject:** FW: FOR WCT DIRECT RESPONSE TO CUSTOMER

Good morning Ms. Gutierrez,

My name is Stephanie Deas, a member of Web Communication team. Our office has received your inquiry. Please see StudentAid.gov/coronavirus for COVID-15 guidance below.

Federal Student Aid - IFAP: 030520Guidance4interruptionsrelated2CoronavirusCOVID19

**Federal Student Aid - IFAP: 030520Guidance4interruptionsrelated2Coronavi...**

Any additional question's you may have should be emailed to COVID-19@ed.gov.

I hope this information is helpful.

Regards,

Stephanie Deas

# Stephanie Y. Minor-Deas

U.S. Department of Education

Federal Student Aid

AMERICAN OVERSIGHT

Information for Financial Aid Professionals (IFAP)

Web Communications Team

☎: 202.377.4342

Stephanie.deas@ed.gov

---

**From:** ifap@ed.gov <ifap@ed.gov>
**Sent:** Tuesday, March 17, 2020 7:38 PM
**To:** Web Communications <WebCommunications@ed.gov>
**Subject:** Webform submission from:

Submitted on Tue, 03/17/2020 - 19:37

Submitted by: Anonymous

Submitted values are:

# Feedback Regarding a Specific Page on IFAP

**Page URL**
http://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

**Questions or Comments:**
Hello,

I am a FWS and was wondering as to what would be the process to obtain my remaining grant money due to the COVID-19 precautions? As of Friday 13th, 2020 my FWS job at CSULB left me without work. Unable to seek unemployment, I am left in distress. What is the process of obtaining my grant money as I'm worried for next month's check.... I have a remaining 72 hours I believe and would like to know any updates on what will happen.

Thank you.

Best regards,
Paulette Mouett Gutierrez

**Does your question or comment require a response?**
Yes

**First Name:**
Paulette

**Last Name**
Gutierrez

AMERICAN OVERSIGHT

**Business Email:**
gutierrez_paulette@yahoo.com

**Business Phone:**
6264229765

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 16:14:33 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Payments for not working - Lump Sum or weekly paychecks?

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Amaya, Jennifer <jennifer_amaya@fas.harvard.edu>
**Sent:** Wednesday, March 18, 2020 11:26 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS Payments for not working - Lump Sum or weekly paychecks?

Good morning,

We are looking more at our option to continue paying FWS students when they are unable to continue working on campus or remotely. Are we able to pay these students in a lump sum for their scheduled hours for the rest of the term or do we need to continue paying them via payroll, weekly in our case?

Best,
Jen

**Jen Amaya**
*Associate Director of Financial Aid for Federal and State Programs*
*University Director of the Federal Work Study Program*

Harvard College Admissions & Financial Aid
86 Brattle Street Cambridge, MA 02138
P: 617-496-5250

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 16:14:26 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Question
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Caprice Odom <codom@cia.edu>
**Sent:** Wednesday, March 18, 2020 12:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Martin J. Carney Jr. <mcarney@cia.edu>
**Subject:** FWS Question
**Importance:** High

To whom it may concern:

Is there further guidance on the manner in which FWS employees who are unable to work due to their inability to physically be on campus as it pertains to them being paid based on scheduled hours?

**Caprice Odom** | Financial Aid Counselor/Survey Coordinator
**Office of Financial Aid 11610 Euclid Avenue, Cleveland, OH 44106**
Voice: 216.421.7425 Fax: 216.754.3634 | financialaid@cia.edu | **www.cia.edu**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 16:14:29 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS students paid during the COVID disruption

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Allison Dering <allison.dering@sowela.edu>
**Sent:** Wednesday, March 18, 2020 11:41 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS students paid during the COVID disruption

Good morning,

We are currently not allowing our FWS students to work. Our campus is open to an extent but we can only have a max of 10 people in a given space. Our college has stated that only essential personnel should be here which would exclude the FWS students. Can we pay the FWS students even though we are technically open since they are unable to work? I sat in on a NASFAA webinar yesterday that it sound as though we could (since they are unable to work) but I wanted to get your take. Thank you.

Allison

Allison Dering
Director of Enrollment Management & Financial Aid
Office: (337) 421-6955
Fax: (337) 491-2663

SOWELA Technical Community College does not discriminate on the basis of race, color, national origin, gender, disability, or age in its programs or activities. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Title: Compliance Office
Address: 3820 Senator J. Bennett Johnston Ave, Lake Charles, LA 70616
Telephone No: 337-421-6565 or 800-256-0483

AMERICAN OVERSIGHT

Email: complianceofficer@sowela.edu

AMERICAN OVERSIGHT

**From:** AtlantaSPD
**Sent:** Wed, 18 Mar 2020 11:06:56 +0000
**To:** COVID-19;FederalStudentAid
**Cc:** AtlantaSPD
**Subject:** FW: Georgia Southern University, OPEID 00157200 FW: Message from GEORGIA SOUTHER (99124785413)
**Attachments:** VoiceMessage.wav

Please see below message and attached voicemail for your review and response.

**From:** Gaudio, Renee <Renee.Gaudio@ed.gov>

This is from Tracy Mingo, FAD, Georgia Southern University, OPEID 00157200, 912-478-1263, Tmingo@georgiasouthern.edu

Extended spring break by 1 week, reduces a week in instruction. Asking permission to reduce due to COVID-19.

Renee

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:38:33 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Georgia Southern University, OPEID 00157200 FW: Message from GEORGIA SOUTHER (99124785413)
**Attachments:** VoiceMessage.wav

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Attached is the voicemail and below is the inquiry.

Thanks,
Kelly

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Wednesday, March 18, 2020 7:07 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** FW: Georgia Southern University, OPEID 00157200 FW: Message from GEORGIA SOUTHER (99124785413)

Please see below message and attached voicemail for your review and response.

**From:** Gaudio, Renee <Renee.Gaudio@ed.gov>

This is from Tracy Mingo, FAD, Georgia Southern University, OPEID 00157200, 912-478-1263, Tmingo@georgiasouthern.edu

Extended spring break by 1 week, reduces a week in instruction. Asking permission to reduce due to COVID-19.

Renee

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:36:23 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Guidance for Peace Corp Cancellations and suspension of Volunteer Activities

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Rhonda Emery <rsemery@umich.edu>
**Sent:** Wednesday, March 18, 2020 10:00 AM
**To:** Smith, Brian <Brian.Smith@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** Guidance for Peace Corp Cancellations and suspension of Volunteer Activities

Hello,

We had a borrower whose original termination date with the Peace Corp was to be September of 2020. Since the agency suspended all operations due to the COVID-19 pandemic, a certificate of eligibility was issued to him with a close date of March 5, 2020. He was due for a cancellation in June. Can you guide me on how to proceed with the Peace Corp cancellations for Perkins and how COVID-19 suspension of activities affect these?

Thanks in advance,

Rhonda Emery
University of Michigan
Student Loans and Collections
6000 Wolverine Tower
734-763-6607

AMERICAN OVERSIGHT

**From:** Carr, Steven
**Sent:** Wed, 18 Mar 2020 13:52:34 +0000
**To:** COVID-19;OESE COVID 19
**Cc:** Gillette, Lisa;Bentley-Memon, Millicent
**Subject:** FW: HEP Program - Wake Tech (Raleigh)

This High School Equivalency Program grantee is requesting guidance on flexibility regarding performance measures and any other Department/program guidance regarding covid-19.

---

**From:** Katie Covington <kmcovington@waketech.edu>
**Sent:** Tuesday, March 17, 2020 4:17 PM
**To:** Carr, Steven <Steven.Carr@ed.gov>
**Subject:** HEP Program - Wake Tech (Raleigh)

Hi Steve,

I wanted to check in and see if there has been any guidance from OME about allowances for not being able to meet grant objectives by June 30th. Our program is already 100% online, so we are probably faring better than most, but we have been impacted by not being able to test students and of course, we do not know when testing centers will be open again. I will be evaluating our budget and objectives with our grants office this week. Do you have any information from your office about the current situation?

Thanks, and be well!

Katie Covington

Director, HEP (High School Equivalency Program)
Wake Technical Community College
Beltline Education Center
Raleigh, NC
919.334.1599

**Check us out!**

- HEP Online
- HEP in Facebook
- HEP in Moodle

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:37:13 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Lord Fairfax Community College

FYI

---

**From:** Steven C. Wilson (Fin Aid) <stevenwilson@lfcc.edu>
**Sent:** Wednesday, March 18, 2020 9:49 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** FSA Case Teams <CaseTeams@ed.gov>; Kaitlyn L. Lambert <KLambert@lfcc.edu>
**Subject:** Lord Fairfax Community College

Good Morning,

We would like to notify ED regarding our decision to lengthen our Spring break at Lord Fairfax Community College (00865900) by one day to include Monday March 16th.

If we must notify someone else or take additional action, please let us know.

Thank You,

Steven "Buddy" Wilson
Director of Financial Aid
Lord Fairfax Community College
173 Skirmisher Lane
Middletown, VA 22645
P: (540) 868-7132
F: (540) 868-7274
stevenwilson@lfcc.edu

***Need Help Now?*** Contact our 24/7 Financial Aid Support Team

AMERICAN OVERSIGHT

**From:** AtlantaSPD
**Sent:** Wed, 18 Mar 2020 11:14:51 +0000
**To:** COVID-19;FederalStudentAid
**Cc:** AtlantaSPD
**Subject:** FW: Message from Greensboro Coll (93362177200)
**Attachments:** VoiceMessage.wav

**Please see below message and attached voicemail for your review and response**

---

**From:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:28 PM

**Subject:** FW: Message from Greensboro Coll (93362177200)

This is from Lindsey Latham, Greensboro College, OPEID 00293000, 336-272-8=7102, ext 5253.

Has questions on Extending the Spring Break/Academic Calendar.

Renee

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:38:08 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Message from Greensboro Coll (93362177200)
**Attachments:** VoiceMessage.wav

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Attached is the voicemail and below is the inquiry.

Thanks,
Kelly

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Wednesday, March 18, 2020 7:15 AM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** AtlantaSPD <AtlantaSPD@ed.gov>
**Subject:** FW: Message from Greensboro Coll (93362177200)

**Please see below message and attached voicemail for your review and response**

---

**From:** Gaudio, Renee <Renee.Gaudio@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:28 PM

**Subject:** FW: Message from Greensboro Coll (93362177200)

This is from Lindsey Latham, Greensboro College, OPEID 00293000, 336-272-8=7102, ext 5253.

Has questions on Extending the Spring Break/Academic Calendar.

Renee

AMERICAN OVERSIGHT

**From:** Tanner-Dean, Angela
**Sent:** Wed, 18 Mar 2020 19:10:56 +0000
**To:** COVID-19
**Subject:** FW: Nebraska Part C Question re: COVID-19
**Importance:** High

---

**From:** Bunnell, Amy <Amy.Bunnell@nebraska.gov>
**Sent:** Wednesday, March 18, 2020 2:41 PM
**To:** Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>; Williams, Tony G <TonyG.Williams@ed.gov>
**Cc:** Rhone, Amy <Amy.Rhone@nebraska.gov>; Docter, Julie <Julie.Docter@nebraska.gov>; Johnson, Cole <Cole.Johnson@nebraska.gov>
**Subject:** Nebraska Part C Question re: COVID-19
**Importance:** High

Hello – we recognize you are incredibly busy but we have a clarifying question on the OSEP Q/A re: Providing Services to Children with disabilities during the Coronavirus Disease 2019 Outbreak.

We are seeking clarification of provision of Part C services for states such as Nebraska, who are birth mandate states and provide FAPE to infants/toddlers with disabilities. If a state lead agency (in Nebraska this equates to Department of Education and Dept of Health and Human Services) remains open; and the EIS program's (in Nebraska this equates to the local school district and the services coordination agency) office buildings are closed but the school district continues to provide educational opportunities to the general student population during a school closure, then must the school ensure equal access to the same opportunities, including the provision of FAPE to infants/toddlers with disabilities? Is the SEA and EIS program (school district) required to ensure that each infant/toddler with a disability be provided the FAPE services identified in the infant/toddlers IFSP in this instance?

Our school districts are asking if they are responsible for the provision of Part C services if their building is closed but yet are providing educational opportunities to students ages 3-21.

Any guidance you can provide would be extremely helpful to us as we want to be sure we are correctly implementing the Q/A guidance in accordance with FAPE. Thank you!

**Amy Bunnell**
Early Childhood Special Education Supervisor
Early Development Network Coordinator
Office of Special Education
301 Centennial Mall South
Lincoln NE, 68508
P: (402) 471-0817

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E: amy.bunnell@nebraska.gov

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**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:35:39 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Original documentation

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Rosanna M. Mendiola <Rosanna.Mendiola@utsa.edu>
**Sent:** Wednesday, March 18, 2020 10:34 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Kim Canady <Kim.Canady@utsa.edu>; Arnold Trejo <Arnold.Trejo@utsa.edu>; Diana S. Martinez (Financial Aid) <Diana.Martinez1@utsa.edu>; Jennifer Lozano-Lowe <Jennifer.LozanoLowe@utsa.edu>; Alejandra Gonzalez <Alejandra.Gonzalez@utsa.edu>; Monica Torrez <Monica.Torrez@utsa.edu>
**Subject:** Original documentation

Hello,
Regarding document intake, there are several documents for which we have to make copies of the originals (i.e. IDs, Passports, Visas, marriage certs.) Will the Department allow institutions to accept copies instead of originals during this time? The plan is to work remotely. With that said, will there be an exception made since we will not be seeing students in person?

Thank you!

Rosanna Mendiola
Assistant Director of Compliance
Student Financial Aid & Scholarships
The University of Texas at San Antonio
One UTSA Circle
San Antonio, TX 78254
210-458-7664

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**From:** Carr, Steven
**Sent:** Wed, 18 Mar 2020 13:45:04 +0000
**To:** COVID-19;OESE COVID 19
**Cc:** Gillette, Lisa;Bentley-Memon, Millicent
**Subject:** FW: Question

The below non-profit discretionary grantee for the High School Equivalency Program asked the below COVID-19 related question on performance reporting/evaluation during interruption of program services.

**From:** Karina Smith <karina.smith@hdesd.org>
**Sent:** Monday, March 16, 2020 4:34 PM
**To:** Carr, Steven <Steven.Carr@ed.gov>
**Subject:** Question

Steven,

I hope this email finds you well. As we were getting ready to start our classes in April, we are now facing changes due to COVID-19. I would like to ask you if you have any recommendations to serve our students while seeking to keep our staff safe.

Our college is currently thinking to start classes back during the second week of April and we are asking ourselves how it would impact our program if we are not able to start then and we have not had classes as of yet.

I look forward to hearing from you.

Thank you, Steven.

-Karina

--
**Karina Smith**
Director of Regional Migrant Education Services
karina.smith@hdesd.org
High Desert ESD
Office: 541-693-5663
Fax: 541-638-9656

**Pronouns: she/her/hers***

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* I respect the diversity of gender identity and don't want you to have to make assumptions about mine. I identify as female and use the pronouns she and her. I would love to know which pronouns you use.

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**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 16:14:39 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: ROOM AND BOARD ADJUSTMENTS

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jackson, Melodie <jacksonmr@etown.edu>
**Sent:** Wednesday, March 18, 2020 11:18 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** ROOM AND BOARD ADJUSTMENTS

Greetings,

Due to response to COVID-19, if a school offers a partial refund of spring 2020 room and board charges as a credit to the fall 2020 term charges because classes were moved online, is the credit counted as EFA in Fall 2020 or would COA need to be adjusted?

Best,

Melodie

Melodie Jackson
Director of Financial Aid
Elizabethtown College
One Alpha Drive
Elizabethtown, PA 17022-2298
717-361-1404
717-361-1514 (F)
jacksonmr@etown.edu

**"It always seems impossible until it's done." - Nelson Mandela**

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information is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply email and delete the original message. Thank you for your compliance.

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**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:37:18 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: School notice

FYI

---

**From:** Damian Gugliotti <damiang@studyhair.com>
**Sent:** Wednesday, March 18, 2020 9:30 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** School notice

Good Morning,

This email is just to keep the Department informed. Due to the corona virus, our schools 0415240 and 04152401, have closed from 03/16/2020-3/18/2020, effective on 3/19/2020 we are starting distance learning for our students. We have received approval from our accreditor and our state. Thank you for your flexibility during these difficult times for our students.

Thank you,

Damian

*Damian Gugliotti*
Director of Financial Aid
International Institute of Cosmetology
Plainville & Wethersfield, CT
www.studyhair.com
(860) 571-0330
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***Confidentiality Notice:*** This electronic communication and any attachments hereto contain confidential information from the International Institute of Cosmetology, LLC. This information is only for use by the intended recipient and use by any other party is not authorized. If you are not the intended recipient, or believe that you have received this electronic communication in error, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this communication or its attachments is strictly prohibited. If you have received this email in error, please delete it from your system and notify us immediately by telephone at (860) 571-0330 or reply by email to me, Thank You.

AMERICAN OVERSIGHT

**From:** Carr, Steven
**Sent:** Wed, 18 Mar 2020 13:43:10 +0000
**To:** COVID-19;OESE COVID 19
**Cc:** Gillette, Lisa;Bentley-Memon, Millicent
**Subject:** FW: SER HEP

The below non-profit discretionary grantee for the High School Equivalency Program asked the below COVID-19 related question on reporting and paying staff during interruption of program services.

---

**From:** Michael Jimenez <mjimenez@sercalifornia.org>
**Sent:** Monday, March 16, 2020 5:29 PM
**To:** Carr, Steven <Steven.Carr@ed.gov>
**Cc:** MARTHA ANAYA <manaya@sercalifornia.org>; Adriana Chavez <achavez@sercalifornia.org>; Veronica Dominguez <veronicadominguez@sercalifornia.org>
**Subject:** SER HEP

Hi Steve,

Hope all is well. I just completed a conference call with our HEP staff in Imperial County, Fresno County, and Santa Barbara County regarding the corona virus that is impacting so many communities. There were several questions that were raised and I was hoping you might be able to answer for us. As a result of the school closures and other facilities in each county, we are unable to continue with classes, as we have been using these facilities to conduct HEP instruction. Also the local Adult Education Programs have closed as well and are not providing HSE testing until further notice. That being said I'd like to know if the HEP will still be held to the performance measures for this year and if we are able to pay staff while we deal with this situation or will they have to apply for state unemployment? If you need more clarification please feel free to contact me.

Michael Jimenez, Vice President
SER-Jobs for Progress, Inc
(559) 452-0881

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**From:** Harris, Roslyn
**Sent:** Wed, 18 Mar 2020 14:00:18 +0000
**To:** COVID-19
**Cc:** Sawyer, Tammi;Early, Jeremy
**Subject:** FW: Shortening the Academic Semester University of Wisconsin - Oshkosh (00392000)

Hello,

Please see the question below from University of Wisconsin – Oshkosh (00392000) regarding reducing the academic year due to COVID-19.

Thank you,

Roslyn Harris
Institutional Review Specialist
Program Compliance
Chicago/Denver School Participation Division
Phone: (312) 730-1690
Fax: (312) 730-1520

---

**From:** Kim Donat <donatk@uwosh.edu>
**Sent:** Monday, March 16, 2020 10:45 AM
**To:** Harris, Roslyn <Roslyn.Harris@ed.gov>
**Subject:** Shortening the Academic Semester

Hi Rolsyn,

Last week, the UW Oshkosh campus decided to shorten the semester by one week as a result of the COVID 19 pandemic. No classes are being held the week of March 16th. This was a decision made by leadership and Chancellor Anrdrew Leavitt. Is there a process that we need act upon in order to do this formally with the School Participation team? Please advise. Thank you for all of your assistance. I appreciate it!

Kim Donat
Director of Financial Aid
UW Oshkosh

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:37:03 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Shortening the Academic Semester University of Wisconsin - Oshkosh (00392000)

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Harris, Roslyn <Roslyn.Harris@ed.gov>
**Sent:** Wednesday, March 18, 2020 10:00 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Sawyer, Tammi <Tammi.Sawyer@ed.gov>; Early, Jeremy <Jeremy.Early@ed.gov>
**Subject:** FW: Shortening the Academic Semester University of Wisconsin - Oshkosh (00392000)

Hello,

Please see the question below from University of Wisconsin – Oshkosh (00392000) regarding reducing the academic year due to COVID-19.

Thank you,

Roslyn Harris
Institutional Review Specialist
Program Compliance
Chicago/Denver School Participation Division
Phone: (312) 730-1690
Fax: (312) 730-1520

Federal Student Aid
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---

**From:** Kim Donat <donatk@uwosh.edu>
**Sent:** Monday, March 16, 2020 10:45 AM
**To:** Harris, Roslyn <Roslyn.Harris@ed.gov>
**Subject:** Shortening the Academic Semester

AMERICAN OVERSIGHT

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Kim Donat
Director of Financial Aid
UW Oshkosh

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:39:24 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Term End Dates

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Anne McDermott <anne.mcdermott@salve.edu>
**Sent:** Tuesday, March 17, 2020 7:52 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Term End Dates

Hello,

Can you clarify if we do or do not have to change the end dates of the term if we are extending our spring break by a week but also extending our end of term by a week? Same number of weeks of instruction. I want to be sure that we don't have a problem with processing loans and/or reporting to NSLDS.

Thank you!

**Anne McDermott**
Director of Financial Aid
Salve Regina University

p: (401) 341-2140 e: anne.mcdermott@salve.edu
100 Ochre Point Ave., Newport, RI 02840
www.salve.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 15:11:01 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Term extension

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Cleary, Douglas B (KCTCS) <doug.cleary@kctcs.edu>
**Sent:** Wednesday, March 18, 2020 10:57 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Term extension

Here are a couple of scenarios that I need some guidance on.

We are able to deliver instruction to students either on-ground or on-line but for students who require contact hours (clinicals/labs) could the term be extended to accommodate the lost time?

If permitted, what would be the repercussions for R2T4?

Or would it be simpler to give Incompletes and provide the opportunities for those students to make up the labs etc. when it is safe?

DOUG

Douglas Cleary
System Director of Financial Aid
Kentucky Community and Technical College System
300 N. Main Street
Versailles, KY 40383

Office: 859-256-3215
Cell: 859-753-1550

AMERICAN OVERSIGHT

**From:** OESE.SGR.Texas
**Sent:** Wed, 18 Mar 2020 11:56:40 +0000
**To:** COVID-19
**Subject:** FW: Texas Waiver Request - March 17, 2020
**Attachments:** Texas Waiver Request_3-17-20_SIGNED.pdf

Good Morning,

I have forwarded Texas' attached waiver request for relief from assessments due to COVID-19. The Title I-A office has responded to the SEA.

**Brandon Webber**
U.S. Department of Education
Office of Elementary and Secondary Education
Office of State and Grantee Relations (SGR)
400 Maryland Avenue, SW
Washington, D.C. 20202
Office: (202) 453-7944 | E-mail
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---

**From:** Poynter, Leslie <Leslie.Poynter@ed.gov>
**Sent:** Tuesday, March 17, 2020 3:48 PM
**To:** Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; OESE.OSS.Texas <OSS.Texas@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** Aghazadian, Megan <Megan.Aghazadian@tea.texas.gov>; Kopycinski, Julie <Julie.Kopycinski@tea.texas.gov>; Ward, Frank <Frank.Ward@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Harrington, Sarah <Sarah.Harrington@tea.texas.gov>; Kane, Tyson <Tyson.Kane@tea.texas.gov>; Cole, Julie <Julie.Cole@tea.texas.gov>; Smalley, Heather <Heather.Smalley@tea.texas.gov>; Brady, Leslie <Leslie.Brady@tea.texas.gov>; Crowe, Jamie <Jamie.Crowe@tea.texas.gov>; Mary Lynn Pruneda <marylynn.pruneda@gov.texas.gov>
**Subject:** RE: Texas Waiver Request - March 17, 2020

Good Afternoon, Alejandro,

Thank you for the time your team has taken to prepare this request. I will share it with my team and we will work to respond as soon as we have more information available. Please don't hesitate to reach back out to us if needed as you move forward with your efforts.

Take good care,
Leslie

---

AMERICAN OVERSIGHT

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

---

**From:** Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>
**Sent:** Tuesday, March 17, 2020 3:23 PM
**To:** Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.OSS.Texas <OSS.Texas@ed.gov>
**Cc:** Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Aghazadian, Megan <Megan.Aghazadian@tea.texas.gov>; Kopycinski, Julie <Julie.Kopycinski@tea.texas.gov>; Ward, Frank <Frank.Ward@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Harrington, Sarah <Sarah.Harrington@tea.texas.gov>; Kane, Tyson <Tyson.Kane@tea.texas.gov>; Cole, Julie <Julie.Cole@tea.texas.gov>; Smalley, Heather <Heather.Smalley@tea.texas.gov>; Brady, Leslie <Leslie.Brady@tea.texas.gov>; Crowe, Jamie <Jamie.Crowe@tea.texas.gov>; Mary Lynn Pruneda <marylynn.pruneda@gov.texas.gov>
**Subject:** Texas Waiver Request - March 17, 2020

Hi Leslie,

Please find attached Texas' request request to our state plan.

Thank you for your consideration of this amendment request. We look forward to hearing from the Department.

Alejandro Delgado
Texas Education Agency
Deputy Chief of Staff
512-940-7329

AMERICAN OVERSIGHT

Texas Education Agency

Commissioner Mike Morath

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March 17, 2020

Frank T. Brogan
Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW Washington, DC 20202

Dear Mr. Brogan:

The Texas Education Agency (TEA) is requesting a waiver from select statutes and regulations relating to the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA). On March 13, 2020, Governor Abbott issued a disaster declaration in response to the COVID-19 pandemic. On March 16, 2020, Governor Abbott waived the state requirements related to State of Texas Assessments of Academic Readiness (STAAR®) for the 2019-2020 school year. In light of this waiver and at the request of Governor Abbott, TEA is requesting the Department of Education (DOE) to waive the federal testing and accountability requirements for the 2019-2020 school year, which include the end-of-course (EOC) and grade 3–8 assessments for every school district and open-enrollment charter school in the state.

Governor Abbott is working closely with the Texas Education Agency (TEA) to ensure that schools continue to deliver instruction to students while students are absent or while schools are closed due to COVID-19. This includes tailoring instruction for students with special needs so that they have access to the same education as other students in the district. Governor Abbott will continue to work with the TEA on developing additional methods to ensure that students are learning and ready to succeed at the next grade level.

Texas is seeking to waive the assessment and accountability requirements under ESSA for 2019–2020 in this extraordinary circumstance where the closure of schools during the state's testing window has inhibited the ability of the state to accurately measure students' performance and report results to parents and stakeholders.

## Waiver Request Plan

State educational agencies seeking a waiver are required to include a plan addressing the requirements of section 8401(b) of ESSA. TEA has addressed each of these requirements below.



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Texas Education Agency

Commissioner Mike Morath

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### Federal Programs Affected by the Requested Waiver—ESEA, §8401(b)(1)(A)

The approval of this waiver by the U.S. Department of Education would affect Title I, Part A, Subpart 1— Basic Program Requirements. Section 1111(b)(2)(B)(i)(I–II) requires "the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State; and administered to all public elementary school and secondary school students in the State." Section 1111(b)(2)(D) allows a State to provide alternate assessments aligned with challenging State academic standards. Section 1111(b)(4)(C) requires "a system of meaningfully differentiating, on an annual basis, all public schools in the State." Section 1111(b)(4)(D) requires the state to identify schools "based on the system of meaningful differentiation." Approval of this waiver would align federal requirements with the prioritization of public health during this pandemic crisis. TEA has not identified any avoidable consequences to the State's assessment and accountability systems or to students and educators that would result from the approval of this request.

### Federal Statutory or Regulatory Requirements to be Waived—ESEA, §8401(b)(1)(B)

TEA is requesting a waiver for the 2019–2020 school year of the assessment and accountability requirements in sections 1111(b)(2)(B)(i), 1111(b)(2)(D), 1111(b)(4)(C), and 1111(b)(4)(D), which detail the required frequency of assessments, accountability, and identification of schools for improvement.

### Advancing Student Achievement—ESEA, §8401(b)(1)(C)

The approval of this waiver would support the state's prioritization of student and public health in the face of the COVID-19 pandemic crisis.

### Monitoring and Evaluation of Implementation Effectiveness—ESEA, §8401(b)(1)(D)

The approval of this waiver will not break the chain of consecutive years of low performance under section 1111(b)(4)(D). TEA will monitor the performance of previously identified campuses.

Sincerely,

Mike Morath
Commissioner of Education



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:14:44 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Texas Waiver Request - March 17, 2020
**Attachments:** Texas Waiver Request_3-17-20_SIGNED.pdf

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.SGR.Texas <Texas.oese@ed.gov>
**Sent:** Wednesday, March 18, 2020 7:57 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Texas Waiver Request - March 17, 2020

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**Brandon Webber**
U.S. Department of Education
Office of Elementary and Secondary Education
Office of State and Grantee Relations (SGR)
400 Maryland Avenue, SW
Washington, D.C. 20202
Office: (202) 453-7944 | **E-mail**
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**To:** Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; OESE.OSS.Texas <OSS.Texas@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** Aghazadian, Megan <Megan.Aghazadian@tea.texas.gov>; Kopycinski, Julie <Julie.Kopycinski@tea.texas.gov>; Ward, Frank <Frank.Ward@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Harrington, Sarah <Sarah.Harrington@tea.texas.gov>; Kane, Tyson <Tyson.Kane@tea.texas.gov>; Cole, Julie <Julie.Cole@tea.texas.gov>; Smalley, Heather <Heather.Smalley@tea.texas.gov>; Brady, Leslie <Leslie.Brady@tea.texas.gov>; Crowe, Jamie <Jamie.Crowe@tea.texas.gov>; Mary Lynn Pruneda <marylynn.pruneda@gov.texas.gov>
**Subject:** RE: Texas Waiver Request - March 17, 2020

AMERICAN OVERSIGHT

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Take good care,
Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

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**Sent:** Tuesday, March 17, 2020 3:23 PM
**To:** Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.OSS.Texas <OSS.Texas@ed.gov>
**Cc:** Delgado, Alejandro <Alejandro.Delgado@tea.texas.gov>; Aghazadian, Megan <Megan.Aghazadian@tea.texas.gov>; Kopycinski, Julie <Julie.Kopycinski@tea.texas.gov>; Ward, Frank <Frank.Ward@tea.texas.gov>; Thompson, Hunter <Hunter.Thompson@tea.texas.gov>; Harrington, Sarah <Sarah.Harrington@tea.texas.gov>; Kane, Tyson <Tyson.Kane@tea.texas.gov>; Cole, Julie <Julie.Cole@tea.texas.gov>; Smalley, Heather <Heather.Smalley@tea.texas.gov>; Brady, Leslie <Leslie.Brady@tea.texas.gov>; Crowe, Jamie <Jamie.Crowe@tea.texas.gov>; Mary Lynn Pruneda <marylynn.pruneda@gov.texas.gov>
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Texas Education Agency
Deputy Chief of Staff
512-940-7329

AMERICAN OVERSIGHT

Texas Education Agency

Commissioner Mike Morath

1701 North Congress Avenue • Austin, Texas 78701-1494 • 512 463-9734 • 512 463-9838 FAX • tea.texas.gov

March 17, 2020

Frank T. Brogan
Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW Washington, DC 20202

Dear Mr. Brogan:

The Texas Education Agency (TEA) is requesting a waiver from select statutes and regulations relating to the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA). On March 13, 2020, Governor Abbott issued a disaster declaration in response to the COVID-19 pandemic. On March 16, 2020, Governor Abbott waived the state requirements related to State of Texas Assessments of Academic Readiness (STAAR®) for the 2019-2020 school year. In light of this waiver and at the request of Governor Abbott, TEA is requesting the Department of Education (DOE) to waive the federal testing and accountability requirements for the 2019-2020 school year, which include the end-of-course (EOC) and grade 3–8 assessments for every school district and open-enrollment charter school in the state.

Governor Abbott is working closely with the Texas Education Agency (TEA) to ensure that schools continue to deliver instruction to students while students are absent or while schools are closed due to COVID-19. This includes tailoring instruction for students with special needs so that they have access to the same education as other students in the district. Governor Abbott will continue to work with the TEA on developing additional methods to ensure that students are learning and ready to succeed at the next grade level.

Texas is seeking to waive the assessment and accountability requirements under ESSA for 2019–2020 in this extraordinary circumstance where the closure of schools during the state's testing window has inhibited the ability of the state to accurately measure students' performance and report results to parents and stakeholders.

## Waiver Request Plan

State educational agencies seeking a waiver are required to include a plan addressing the requirements of section 8401(b) of ESSA. TEA has addressed each of these requirements below.



AMERICAN OVERSIGHT

Texas Education Agency

Commissioner Mike Morath

1701 North Congress Avenue • Austin, Texas 78701-1494 • 512 463-9734 • 512 463-9838 FAX • tea.texas.gov

### Federal Programs Affected by the Requested Waiver—ESEA, §8401(b)(1)(A)

The approval of this waiver by the U.S. Department of Education would affect Title I, Part A, Subpart 1— Basic Program Requirements. Section 1111(b)(2)(B)(i)(I–II) requires "the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State; and administered to all public elementary school and secondary school students in the State." Section 1111(b)(2)(D) allows a State to provide alternate assessments aligned with challenging State academic standards. Section 1111(b)(4)(C) requires "a system of meaningfully differentiating, on an annual basis, all public schools in the State." Section 1111(b)(4)(D) requires the state to identify schools "based on the system of meaningful differentiation." Approval of this waiver would align federal requirements with the prioritization of public health during this pandemic crisis. TEA has not identified any avoidable consequences to the State's assessment and accountability systems or to students and educators that would result from the approval of this request.

### Federal Statutory or Regulatory Requirements to be Waived—ESEA, §8401(b)(1)(B)

TEA is requesting a waiver for the 2019–2020 school year of the assessment and accountability requirements in sections 1111(b)(2)(B)(i), 1111(b)(2)(D), 1111(b)(4)(C), and 1111(b)(4)(D), which detail the required frequency of assessments, accountability, and identification of schools for improvement.

### Advancing Student Achievement—ESEA, §8401(b)(1)(C)

The approval of this waiver would support the state's prioritization of student and public health in the face of the COVID-19 pandemic crisis.

### Monitoring and Evaluation of Implementation Effectiveness—ESEA, §8401(b)(1)(D)

The approval of this waiver will not break the chain of consecutive years of low performance under section 1111(b)(4)(D). TEA will monitor the performance of previously identified campuses.

Sincerely,

Mike Morath
Commissioner of Education



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:14:22 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Title I-A and ESSA Consolidated Application Fiscal Questions

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Wednesday, March 18, 2020 9:01 AM
**To:** Starke, Adam R - Director State/federal Prgrms, State & Federal Programs <astark@sisd.net>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** Poynter, Leslie <Leslie.Poynter@ed.gov>; Stephenson, Todd <Todd.Stephenson@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Title I-A and ESSA Consolidated Application Fiscal Questions

Good Morning, Dr. Starke, and thank you very much for reaching out to us with these questions. We know this is an unprecedented time and are working to provide answers in the coming days. As we have more information available, it will be posted on our website at: https://www.ed.gov/coronavirus/ so that it is available to you and others experiencing similar challenges. We will also respond to you directly.

Thank you again, and please take good care. If other questions emerge, you may send them to us at OESE.titlei-a@ed.gov and COVID-19@ed.gov.

Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

AMERICAN OVERSIGHT

**From:** Starke, Adam R - Director State/federal Prgrms, State & Federal Programs <astark@sisd.net>
**Sent:** Tuesday, March 17, 2020 8:05 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** Title I-A and ESSA Consolidated Application Fiscal Questions

Good afternoon. My name is Dr. Adam Starke, director of state and federal programs in the Socorro Independent School District (El Paso, Texas). Our school district is currently closed. Plans are to reopen the schools to students on April 6, 2020, but the situation, as in every other locality in our country, is fluid at this time. With the closure, spending has been halted and I now have a concern about meeting requirements that we normally meet as a matter of course. Questions I have are below:

1. We always meet maintenance of effort. If we were not able to solely because of the COVID-19 closing, would we be able to receive a waiver?

2. We always exceed the 85% Title I, Part A expenditure requirement; we carry over less than 15% each fiscal year. If we cannot do that this year for this reason, will that be waived?

3. If we cannot reach the 85% Title I-A expenditure requirement and it is waived, will our carryover be capped at 15% or will we receive what we could not expend due to the closure?

4. Through our first/second allocation and carryover, our participating Private/Non-Profit schools have received all required funding by the prescribed formula. If they do not expend their allocations to the percentage required due to closures, will that be waived as a requirement for this year?

5. Will districts be required to submit any kind of waiver application if MOE, Title I-A 85%, etc., are not met due to the prolonged school closure?

6. As we are all well aware, our entire country is affected by COVID-19. Will that cause the planning amounts and the availability of the 2020-2021 ESSA Consolidated Application to be delayed or will the availability be around the normal time (April to May)?

7. We currently have one school that was identified to receive the School Improvement grant. Expenditures were steady before the closure; this campus has received these funds in previous years and has always spent close to 100% of the funding. If that maintenance of effort was not met this year due to the closure, will that be waived?

I thank you in advance for answering my questions; I look forward to hearing from you soon. Thank you.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 18 Mar 2020 14:35:49 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: work study positions

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Angela Grant <angela_grant@emerson.edu>
**Sent:** Wednesday, March 18, 2020 10:02 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** work study positions

Hello,

if we have some students working their work study positions remotely, do we need them to complete new W4 forms for state withholdings in their own state? Or can they continue with their Massachusetts paperwork as if they were on campus?

Warm Regards,

Angela Grant
Director of Financial Aid
Emerson College
(617) 824-8204
angela_grant@emerson.edu

AMERICAN OVERSIGHT

**From:** Tori Waters
**Sent:** Wed, 18 Mar 2020 19:22:31 +0000
**To:** COVID-19
**Subject:** FWS "Working during class times"

Hello,

How should we treat the "no working during class times" regulation for FWS students that are working remotely for our University while classes have all moved online? Now that their classes are not on a structured schedule, should we be limiting them based on their previous on-campus class schedule or not limiting them at all?

Thank you for your guidance on this question.

Sincerely,

**Tori Waters**
*Student Employment Coordinator*
CENTER FOR CAREER DEVELOPMENT
316 Boulevard | Anderson, SC 29621
**P:** 864.231.5675 **E:** twaters@andersonuniversity.edu
www.andersonuniversity.edu/center-career-development

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"But seek first his kingdom and his righteousness, and all these things will be given to you as well."
**Matthew 6:33**

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AMERICAN OVERSIGHT

**From:** Amaya, Jennifer
**Sent:** Wed, 18 Mar 2020 15:26:16 +0000
**To:** COVID-19
**Subject:** FWS Payments for not working - Lump Sum or weekly paychecks?

Good morning,

We are looking more at our option to continue paying FWS students when they are unable to continue working on campus or remotely. Are we able to pay these students in a lump sum for their scheduled hours for the rest of the term or do we need to continue paying them via payroll, weekly in our case?

Best,
Jen

**Jen Amaya**
*Associate Director of Financial Aid for Federal and State Programs*
*University Director of the Federal Work Study Program*

Harvard College Admissions & Financial Aid
86 Brattle Street Cambridge, MA 02138
P: 617-496-5250

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AMERICAN OVERSIGHT

**From:** Caprice Odom
**Sent:** Wed, 18 Mar 2020 16:04:45 +0000
**To:** COVID-19
**Cc:** Martin J. Carney Jr.
**Subject:** FWS Question
**Importance:** High

To whom it may concern:

Is there further guidance on the manner in which FWS employees who are unable to work due to their inability to physically be on campus as it pertains to them being paid based on scheduled hours?

**Caprice Odom** | Financial Aid Counselor/Survey Coordinator
**Office of Financial Aid 11610 Euclid Avenue, Cleveland, OH 44106**
Voice: 216.421.7425 Fax: 216.754.3634 | financialaid@cia.edu | **www.cia.edu**

AMERICAN OVERSIGHT

**From:** Allison Dering
**Sent:** Wed, 18 Mar 2020 15:41:04 +0000
**To:** COVID-19
**Subject:** FWS students paid during the COVID disruption

Good morning,

We are currently not allowing our FWS students to work. Our campus is open to an extent but we can only have a max of 10 people in a given space. Our college has stated that only essential personnel should be here which would exclude the FWS students. Can we pay the FWS students even though we are technically open since they are unable to work? I sat in on a NASFAA webinar yesterday that it sound as though we could (since they are unable to work) but I wanted to get your take. Thank you.

Allison

Allison Dering
Director of Enrollment Management & Financial Aid
Office: (337) 421-6955
Fax: (337) 491-2663

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Title: Compliance Office
Address: 3820 Senator J. Bennett Johnston Ave, Lake Charles, LA 70616
Telephone No: 337-421-6565 or 800-256-0483
Email: complianceofficer@sowela.edu

AMERICAN OVERSIGHT

**From:** Rivera Laboy, Carmen
**Sent:** Wed, 18 Mar 2020 17:29:46 +0000
**To:** COVID-19
**Subject:** FWSP

Our institution move classes move to distance education, and closed the facilities. We are paying the FWSP students while they are in their homes. Some students are asking if they can continue working remoted. Our concern is that some students can work remote, but others no. Can we allow to do that?

**Carmen E. Rivera Laboy**
Dean of Students Affairs and Compliance Officer
Carlos Albizu University- San Juan Campus
PO BOX 9023711
San Juan, PR 00902-3711
crivera@albizu.edu
Ofic. 787.725.6500 ext. 1560

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Donnelly, Deena [JRDUS]
**Sent:** Wed, 18 Mar 2020 17:42:56 +0000
**To:** COVID-19
**Subject:** Garnishment of wages

Is there a policy in place to cease the garnishment of wages right now due to the COVID-19. I have lost 2 part-time jobs (restaurant industry) because of the outbreak.

I'm a single mom trying to provide necessities for my children right now. And my garnishments is preventing me from doing this. Right now my electric, rent, and other bills are now late. I can't survive right now. Let alone I don't have food for my family.

AMERICAN OVERSIGHT

**From:** Natasha Oliver
**Sent:** Wed, 18 Mar 2020 18:10:04 -0400
**To:** COVID-19
**Subject:** Graduate student Seeking CRC

Hello, I am a graduate student pursuing my Master's in Rehabilitation Counseling at University of Little Rock Arkansas. My instructor required us to do an assignment to interview a CRC. I live in Orlando, Fl. I reached out to him several weeks back informing him of my challenges finding a CRC in my area. He was supposed to find me a CRC in Arkansas to interview. Due to the Coronavirus, my university is closed and all classes are on online and all instructors are no longer in office. Is there anyone I can contact to complete this assignment. This assignment is due in April. Also I'm looking for a place to shadow as well.

Thank you for your time.
Natasha Oliver
918-852-9531
Graduate Student

AMERICAN OVERSIGHT

**From:** Rhonda Emery
**Sent:** Wed, 18 Mar 2020 10:00:20 -0400
**To:** Smith, Brian;COVID-19
**Subject:** Guidance for Peace Corp Cancellations and suspension of Volunteer Activities

Hello,

We had a borrower whose original termination date with the Peace Corp was to be September of 2020. Since the agency suspended all operations due to the COVID-19 pandemic, a certificate of eligibility was issued to him with a close date of March 5, 2020. He was due for a cancellation in June. Can you guide me on how to proceed with the Peace Corp cancellations for Perkins and how COVID-19 suspension of activities affect these?

Thanks in advance,

Rhonda Emery

University of Michigan

Student Loans and Collections

6000 Wolverine Tower

734-763-6607

AMERICAN OVERSIGHT

**From:** Muhammad, Robert
**Sent:** Wed, 18 Mar 2020 16:45:20 +0000
**To:** COVID-19
**Subject:** Guidance: Federal Work-Study - Pay Out

Good morning.

With regard to Federal-Work Study, I have two questions:

1. Are Title III school that have a waiver for the 25% matching able to use the provision in the March 5, 20120 correspondence to allow students to still work?
2. Can schools pay a "lump sum" for remaining FWS or do we need to pay it bi-weekly? (We do not yet know how long that we are going to be closed.)

Thanks,

Best,

Robert

Robert Muhammad, Director
Office of Scholarships and Financial Aid Winston-Salem State University

AMERICAN OVERSIGHT

**From:** Catherine Fowler
**Sent:** Wed, 18 Mar 2020 13:00:17 -0400
**To:** COVID-19
**Subject:** IDEA related question - waiver

We were asked by a stakeholder if " a waiver will be needed to extend eligibility for individuals who might age out during this time?" (since a student will be missing out on key transition activities [e.g., work based learning, transition fairs])

--
Catherine Fowler, PhD

NTACT

Co-Director
UNC Charlotte - Cato College of Education
chfowler@uncc.edu
704-687-8735
www.transitionTA.org

AMERICAN OVERSIGHT

**From:** Raghunath Mohapatra
**Sent:** Wed, 18 Mar 2020 21:36:41 +1200
**To:** COVID-19;covid19@nea.gov.in;covid-19@nba.gov.in;covid-19@nva.gov.in;covid19@nba.gov.in;covid19@nva.gov.in;ncov2019@gmail.com;principal@gunupurcollege.org;principal.gacbpt@gmail.com;principal.gmc.sbp@gmail.com;info@vikramdebcollege.ac.in;info@vikramdebcollege.org;info@mpcautocollege.org.in;rcollegebgr@gmail.com;ngrautocol@yahoo.co.in;rcmscollegekhallikote@gmail.com;remunadegreecollege@gmail.com;info@ssjmrajnagar.ac.in;principal@gmbanpur.org;bpcollege@gmail.com;vyasanagarautocollege@gmail.com;support@malkangiricollege.org.in;registrar@cutm.ac.in;principalvpc@gmail.com;sriram.angul@gmail.com;contact@mydomain.com;contact@birjepurcollege.com;contact@bijepurcollege.com;principalalakacollege@gmail.com;info@lncjharsuguda.org;admin@cscollege.in;rayagadacollege@gmail.com;ncollegensp@gmail.com;bankiautocol@yahoo.co.in;ranpurcollege@gmail.com;prin_mkcgmcberhampur@yahoo.com;scbmcctc@gmail.com;vssmcburlaorissa@gmail.com
**Subject:** Important.

Sir,salutations. Truely the criminals of our society , in plenty are real of all fatal disease causing viruses without good religions and spirituality and God's devotion at present. So please take care of this urgent present fierce situation of world and take urgent actions to eradicate such problems of bad of people causing all problems as all fatal diseases being out of control now. Wills have ways. Pain gains. Searching get everything. Caring get gems. By spirituality get God and salvation and peace and immortality by God's blessings. Faith reminds God. Please spread this now for benefits of all as most urgent as all are severely suffering from all these ferocious maladies at present with no remedies. Otherwise dissolution of world is very near us due to God's anger due to this. Thanks. Salutations. Goodday. Om santih. Help. Odisha. India. 18.3.20.

AMERICAN OVERSIGHT

**From:** TABACHOW, Daisy
**Sent:** Wed, 18 Mar 2020 19:00:44 +0000
**To:** COVID-19
**Subject:** Incompletes

So many of our students have had their clinicals cancelled for now. Their courses which require completion of exams have been delayed so students are going to be given Incompletes until they can take these again? How long can an incomplete be given for and how does that affect any aid they may have gotten but is delayed because of COVID 19.?

Please help ☺

**Daisy Tabachow**
Financial Aid Director
Daisy.Tabachow@ahu.edu
407-303-9203
AdventHealth UNIVERSITY

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**From:** Suellen
**Sent:** Wed, 18 Mar 2020 03:17:28 -0500
**To:** COVID-19
**Subject:** Initial and re-evaluation assessments

What is the guidance OSEP is providing regarding evaluation timelines? Parents gave permission for initial evaluations, which are to be conducted within sixty days. The MET meeting to determine eligibility must be held within fifteen days of the completion of then assessment report. Due to school closures, some of these timelines will not be met.

How should teachers handle IEPs that will expire while out of school?

Your guidance is generate appreciated.

Suellen Furlow, Ed.S
Psychometrist
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Kaitlyn Anderson
**Sent:** Wed, 18 Mar 2020 17:47:33 -0400
**To:** COVID-19
**Subject:** INTERNSHIPS

I'm a college student who could not finish their internship due to this pandemic. What is being done for students like me??? Will there be a waiver ?

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Steven C. Wilson (Fin Aid)
**Sent:** Wed, 18 Mar 2020 13:48:44 +0000
**To:** COVID-19
**Cc:** FSA Case Teams;Kaitlyn L. Lambert
**Subject:** Lord Fairfax Community College

Good Morning,

We would like to notify ED regarding our decision to lengthen our Spring break at Lord Fairfax Community College (00865900) by one day to include Monday March 16th.

If we must notify someone else or take additional action, please let us know.

Thank You,

Steven "Buddy" Wilson
Director of Financial Aid
Lord Fairfax Community College
173 Skirmisher Lane
Middletown, VA 22645
P: (540) 868-7132
F: (540) 868-7274
stevenwilson@lfcc.edu

***Need Help Now?*** Contact our 24/7 Financial Aid Support Team

AMERICAN OVERSIGHT

**From:** Jessica Johnson
**Sent:** Wed, 18 Mar 2020 14:20:15 -0400
**To:** COVID-19
**Subject:** Morgan State Univ. FWS question

Hello,
Our President just announced that our students are not to return to the university after spring break and those who live one campus now have to vacate. With this declaration, is it true that we are to continue to pay our FWS student their contracted hours for the remainder of the semester? We would just like to verify.

Thank you for your time.

--
Jessica Johnson
**America Challenges Tutorial program**
**Employment Coordinator**
**Office of Student Employment**
Morgan State University
Montebello Complex, A223
1700 E. Cold Spring Lane
Baltimore, Maryland 21251
**443-885-4559**
**Jessica.Johnson@morgan.edu**

AMERICAN OVERSIGHT

**From:** Ewa Stankiewicz
**Sent:** Wed, 18 Mar 2020 21:43:47 +0000
**To:** Vu, Larry
**Cc:** Miles, Eric;Dział Obsługi Studiów;COVID-19
**Subject:** Odp.: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Larry,

Thank you very much for the response.
According to the OPE's guidance on March 5, 2020, Jagiellonian University is not allowed to disburse Title IV funds for the U.S. students who participate in Title IV programs at JU even if they are enrolled for the programs which do not usually offer online courses, but due to this unusual circumstances, have been temporarily adapted to the distance learning.
Due to the above I have two following questions to you:
1. As the 2019/2020 summer semester at JU has started on February 24, 2020 and all JU's programs have been adapted to the distance learning on March 10, 2020, is JU allowed to disburse Title IV funds for the period from February 24 to March 10, 2020?
Also, if the disbursement for this period will be possible, I have concerns regarding how to calculate the COA amount for this period. Please see JU's COA based on a 9-month period (academic year): https://studiuje.uj.edu.pl/financial-aid/attendance-cost
There is no problem to divide the rent, food, transportation, course materials etc. costs accordingly, however the cost of international flights (return ticket x 1 as for one semester) is undivided.
2. Please let me know whether the JU will be allowed to disburse Title IV funds (costs reduced according to the duration of distance learning) to students if their programs are switched to the standard, non-distance mode? Due to the decision issued by the Minister of Science and Higher Education in Poland all classes are cancelled until March 25, 2020 (wherever applicable, lectures should be made available online) and we do not know if the cancelation will be extended.
Thank you in advance for your clarification and I look forward to your reply.

Please keep me posted with any future ED's guidance for foreign schools due to the COVID-19.
Best,
Ewa

Ewa Stankiewicz
Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego

AMERICAN OVERSIGHT

31-113 Kraków
**Od:** Vu, Larry <Larry.Vu@ed.gov>
**Wysłane:** 18 marca 2020 15:45
**Do:** Ewa Stankiewicz; COVID-19
**DW:** Miles, Eric; Dział Obsługi Studiów
**Temat:** RE: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Ewa,

You will need to reference OPE's guidance on March 5, 2020: https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19.

"Foreign Schools
We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Please let me know if you have any other questions.

Larry Vu

---

**From:** Ewa Stankiewicz <ewa.stankiewicz@uj.edu.pl>
**Sent:** Monday, March 16, 2020 5:27 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Miles, Eric <Eric.Miles@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** Odp.: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,

I am writing to follow-up on my previous email.

I would like to inform you that in addition to JU Rector's decision on cancellation of lectures at Jagiellonian University, the Government of Poland has announced other restrictions, including closures of all schools, universities, and cultural institutions until March 25, 2020.

Please let me know if the above precautions taken due to COVID-19 have any impact to Title IV recipients as Jagiellonian Univeristy is a foreign school. The 2019-2020 summer semester disbursement will not be made until we receive the information from you. Please note, that there are thirteen U.S.

AMERICAN OVERSIGHT

students at JU who are waiting for the summer semester disbursements which cover their costs of living while studying in Poland.

I look forward to receiving your updates.

Best regards,

Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

---

**From:** Ewa Stankiewicz
**Sent:** Wednesday, March 11, 2020 8:46 AM
**To:** 'COVID-19@ed.gov' <COVID-19@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,

I am writing in connection with the Office of Postsecondary Education's electronic announcement of March 05, 2020 and the part regarding foreign schools: "We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Due to the spread of Coronavirus (COVID-19) in Europe and following the safety recommendations of the Chief Sanitary Inspectorate, JU Rector Prof. Wojciech Nowak has cancelled all lectures conducted at Jagiellonian University. Wherever applicable, lectures should be made available online. Other classes (which take place in a smaller groups) will be held as per usual, with any additional restrictions to be introduced by the Faculties.

Please let me know if the above regulations (authorizing distance learning at programs which are not usually distance) do have an impact on students' eligibility for Title IV funds in the 2019-2020 summer semester and should we withhold the disbursements for this semester. Please note that these are exceptional circumstances and all decisions have been made to ensure student safety.

AMERICAN OVERSIGHT

I would appreciate a reply asap as we have just evaluated students' Satisfactory Academic Progress after winter semester and we are ready to make the Title IV funds disbursements for the second semester.

Thank you,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

**From:** Moore, Crystal
**Sent:** Wed, 18 Mar 2020 19:15:02 +0000
**To:** COVID-19
**Cc:** Ryder, Ruth
**Subject:** OIE Formula Grantee's COVID Related Questions No.2

Hello,

Please find our current list of OIE Formula Grantee's COVID related questions below. Don't hesitate to contact me with any questions.

| Date Created | Agency Name | Agency State | Caller Name | Summary |
|---|---|---|---|---|
| Mar 17 2020 15:47:20 | Baraboo School District | WI | Nicholas Karls | EASIE: Can Previously Designa |
| Mar 17 2020 14:54:25 | Brainerd Public Schools | MN | Ashley Ingebrigtson | EASIE: What are the expectat |
| Mar 16 2020 10:41:30 | Lafourche Parish | | Leslie Pelotto | EASIE: How will the grant pro |
| Mar 16 2020 09:49:00 | Bloomington Public Schools | | Hiedi Hecker | EASIE: Public Hearing, Parent |
| Mar 13 2020 14:52:47 | Grand Coulee Dam SD | | Kim Stanger | EASIE: Will there be an exten |
| Mar 13 2020 14:26:30 | Guilford County Schools | | Mia Malesovas | EASIE: Public Meetings have |
| Mar 13 2020 11:30:10 | Eugene School District-4J | | Brenda Brainard | EASIE: How do we address th |
| Mar 12 2020 15:46:56 | Douglas County | | Juliana Marez | EASIE: Will we still be require |

AMERICAN OVERSIGHT

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

AMERICAN OVERSIGHT

**From:** Joy Crowley
**Sent:** Wed, 18 Mar 2020 11:27:01 -0400
**To:** COVID-19
**Subject:** Online coursework

Hello,
Since the governor of NJ closed all schools and private institutions on March 18, and for the safety of our staff and students, we have applied to offer classes online.
We began a class on March 16 and they have attended 2 days. Can we include that class in the online offering?
Please advise

**Joy Crowley**
**Administrative Coordinator**
**Healthcare Training Institute**
1969 Morris Ave.
Union, NJ 07083
(908)851-7711

AMERICAN OVERSIGHT

**From:** Martinez, Sarah
**Sent:** Wed, 18 Mar 2020 18:28:27 +0000
**To:** COVID-19
**Cc:** Gillette, Lisa;Meyertholen, Patricia
**Subject:** Oregon Department of Education (ODE) questions re: MEP recruitment procedures

I have sent an acknowledgement email to Mr. Fernow.

FYI: OME has drafted a response to similar inquiries. The draft response is currently with our program attorneys for review.

---

**From:** FERNOW Jonathan - ODE <jonathan.fernow@state.or.us>
**Sent:** Wednesday, March 18, 2020 1:12 PM
**To:** Gillette, Lisa <Lisa.Gillette@ed.gov>; Martinez, Sarah <Sarah.Martinez@ed.gov>
**Cc:** Roger Rosenthal <rrosenthal@mlap.org>; Francisco Garcia <fcgarcia@q.com>
**Subject:** Recruitment ideas

Lisa and Sarah,

Oregon schools are now closed till April 28th. The big question for us and other states is how to recruit during this time. The worse scenario would be a recruiter that doesn't show symptoms of the virus and goes into the homes of our migrant families and passes on the disease. I have told recruiters not to go into homes to recruit, but to work on paperwork, filing, ID&R local Plan, etc. during these two weeks that are now stretching into 6 weeks and maybe more.
In the past with the H1 N1 I believe you allowed phone interviews in CA. Would that be allowed now? During the interview, the recruiter would ask if he/she could sign the COE for the family.
Maybe another option could be video conferencing used that records the questions and answers. In May we are moving towards an Electronic COE that would add to the steps in recruitment during the COVID-19 season.
I believe it would be beneficial to get some guidance from you and you allowing a phone conference for recruitment during this time (s).
Please let me know your thoughts.
Kind Regards,
Jonathan

Jonathan Fernow
Title IC, Migrant Specialist
Office of Enhancing Student Opportunities | Federal Programs
(503) 947-5807
Jonathan.fernow@state.or.us| www.oregon.gov/ode

AMERICAN OVERSIGHT

**From:** Rosanna M. Mendiola
**Sent:** Wed, 18 Mar 2020 14:33:36 +0000
**To:** COVID-19
**Cc:** Kim Canady;Arnold Trejo;Diana S. Martinez (Financial Aid);Jennifer Lozano-Lowe;Alejandra Gonzalez;Monica Torrez
**Subject:** Original documentation

Hello,
Regarding document intake, there are several documents for which we have to make copies of the originals (i.e. IDs, Passports, Visas, marriage certs.) Will the Department allow institutions to accept copies instead of originals during this time? The plan is to work remotely. With that said, will there be an exception made since we will not be seeing students in person?

Thank you!

Rosanna Mendiola
Assistant Director of Compliance
Student Financial Aid & Scholarships
The University of Texas at San Antonio
One UTSA Circle
San Antonio, TX 78254
210-458-7664

AMERICAN OVERSIGHT

**From:** Nitajsha Edwards
**Sent:** Wed, 18 Mar 2020 16:47:07 +0000
**To:** COVID-19
**Subject:** Professional Judgment

Hello.
I'm hoping to clarify a statement in the electronic announcement dated March 5, 2020, Guidance for interruptions of study related to Coronavirus (COVID-19).
The announcement indicated that FAAs have the 'authority to use professional judgment to make adjustments to cost of attendance on a case-by-case basis.' The final sentence in that paragraph states that while many students may have the same circumstances, PJ determinations and the corresponding documentation must be made on a case-by-case basis. This seems to indicate that schools can adjust the COA for all students who have similar circumstances, as long as it is done on a case-by-case basis.
If my understanding is correct, that means that the direction in the announcement is in direct conflict with HEA Sec. 479(a) which states: Special circumstances shall be conditions that differentiate an individual student from a class of students rather than conditions that exist across a class of students.
So, I just want to be sure that I understand the 3/5/2020 announcement correctly.
1. Is it saying that in this unique situation due to COVID-19, because of which schools are opting to (a) move all classes online and (b) students have to vacate on-campus housing, FAAs can perform PJs to adjust COA?
2. And further, is the announcement saying that this adjustment may be made for ALL students in this circumstance, as long as each PJ is done on an individual basis?
Thanks in advance for your response.
Nitajsha Edwards
Higher Ed Strategies, LLC
Cell: (860) 539-9268

AMERICAN OVERSIGHT

**From:** Carla Minchello
**Sent:** Wed, 18 Mar 2020 18:16:52 +0000
**To:** COVID-19
**Subject:** Question about Pass/Fail

Dear Dept. of Education Representative:

Due to COVID-19, our school is interested in allowing students to complete their classes for this semester on a pass/fail basis. This would be an exception to our usual academic policies, which allow students to take one course per semester on a pass/fail basis, and there are other restrictions with our usual policy as well.

Are there any problems with Title IV eligibility if we make such a change for this semester only? We are aware that this will affect students who are not making SAP, as they will not be able to raise their cumulative GPAs with this semester's grades if they take all of their classes on a pass/fail basis.

Thanks in advance for any answers you can provide.

Sincerely,

Carla Minchello
Director of Financial Aid
Framingham State University
100 State Street, PO Box 9101
Framingham, MA 01701-9101
(508) 626-4535

AMERICAN OVERSIGHT

**From:** Mitchell A. Campbell
**Sent:** Wed, 18 Mar 2020 20:55:48 +0000
**To:** COVID-19
**Subject:** Question posed by Faculty

Question: With the virtual learning formats suggested in their original response, how many of the 96 required clinical hours can be completed in this virtual format during this crisis mode? In all other circumstances we are only allowed to complete 48 of the 96 hours in this format(50% of the hours) do we still have to abide by this and give incompletes to students until they can get to a clinical setting potentially this summer or can we complete all 96 hours (100% of the time required) in this format. (the one exception I realize is the PN OB clinical which can be delivered 100% in a simulated format, but we do not have one of these PN clinics until June).

Thank you in advance.

Respectfully,

Mitchell Campbell, RN, MSN Ed
Dean of Allied Health
Bay College
2001 North Lincoln Road
Escanaba, MI 49829

Phone- 906-217-4012
Mobile- 715-482-0736
FAX- 906-217-1607

*"Change is the law of life. And those who look only to the past or the present are certain to miss the future."* – John F. Kennedy

AMERICAN OVERSIGHT

**From:** Heaton, Cynthia Carole
**Sent:** Wed, 18 Mar 2020 17:00:05 +0000
**To:** COVID-19
**Subject:** Question regarding FWS and the IFAP Announcement dated 03-05-2020

Hello-

We have a question regarding the highlighted part of the excerpt below from the IFAP Announcement dated 03-05-2020 concerning the Coronavirus (COVID-19).

**Question:** Would you please clarify this statement from the IFAP Announcement dated 03-05-2020 regarding paying FWS wages for hours not worked: *"For students enrolled and performing FWS at a campus that must close due to COVID-19, … the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff)…"*? We need additional guidance on the definition of employee. Does the definition include other part-time, non-permanent employees, such as student employees whose wages are paid solely from institutional funds?

We appreciate your assistance and look forward to hearing from you.

Cynthia C. Heaton
Director for Student Aid Compliance and Training
The Pennsylvania State University
Office of Student Aid
University Park, PA 16802
phone: 814-865-6301

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**From:** Fredette, Rebecca
**Sent:** Wed, 18 Mar 2020 18:32:18 +0000
**To:** COVID-19
**Subject:** questions - IDEA funds

Hello
I am wondering if you could give guidance around the use of IDEA funds to pay salaries if school has been closed by the governor. Also should private providers of special education be expected to receive continued tuition for students who are not allowed to attend because of the districts interpretation of the governors order?

Also, I just read the guidance from the Office of Civil Rights that says face to face evaluations should not be done, however OSEP is stating that timelines will not be waived, these seem to contradict each other. Can you please clarify.

Any help or guidance you can provide would be great. As a new director I am seeking as much support as I can get.

Thank you,

Rebecca A. Fredette, M.Ed.
Administrator, Bureau of Student Support
State Director of Special Education
NH Department of Education
101 Pleasant Street
Concord, NH 03301

Phone: (603)271-6693
Fax: (603)271-1099

Rebecca.Fredette@doe.nh.gov

Do you want to enrich the life of a child with a disability? Please consider becoming an Educational Surrogate Parent. To learn more about the Educational Surrogate Parent Program, contact Janelle Cotnoir at (603) 271-3737 or Janelle.Cotnoir@doe.nh.gov.

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**From:** Bridget Horton
**Sent:** Wed, 18 Mar 2020 18:12:59 +0000
**To:** COVID-19
**Subject:** Questions about work-study

Good Afternoon,

I know everyone is busy but I had 3 questions about work-study. I received the links, videos, etc. but I am still confused.

1. Do you have to pay students Federal Work Study if we are going strictly online and they won't be on campus?

2. We have students that were using their work-study money that they earned each month(after working their hours) to help pay off their bill. Assuming that we don't have to pay them can we choose to only pay those that are using their work-study to cover their balances on their bills? Or would we have to pay all of them if we decided to pay some?

3. If we did pay everyone that had Federal Work-Study how would we go off of their previous time sheets? Do they mean what they received for the previous semester or what they worked previous time-sheet?

I am sorry for the many questions I just want to make sure we are getting clarification and completing things correctly.

Thanks,

**Bridget Horton**
**Assistant Director of Financial Aid**
**302 Bibb Street**
**Marion, AL 36756**
bhorton@judson.edu
**334-683-5170**
**334-683-5282 FAX**

**"And now abideth faith, hope, charity, these three; but the greatest of these is charity".1 Corinthians 13:13**

AMERICAN OVERSIGHT

**From:** Jess Binning (WDE)
**Sent:** Wed, 18 Mar 2020 07:15:03 -0600
**To:** OESE.SGR.Wyoming
**Cc:** OESE.OSS.Wyoming;COVID-19
**Subject:** Re: 2nd Attempt - Hoping for responses

Is there any idea how long it will take to get a response? We're kind of leaving districts hanging, so if I knew what to expect it would help me set that expectation for them.

Thank you, Lakesha, for responding.

Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
**Cheyenne, WY 82002**

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On Wed, Mar 18, 2020 at 7:07 AM OESE.SGR.Wyoming <Wyoming.oese@ed.gov> wrote:

Hello Jess,

The email, below, was already sent to the COVID-19 mailbox on Friday, 3/13/20 by my colleague, Lear Cook. As well, you cc'd the COVID-19 mailbox, yesterday. Please allow the COVID-19 team some time to provide you with a response.

Thank you,

AMERICAN OVERSIGHT

Lakesha

**From:** Jess Binning (WDE) <jess.binning@wyo.gov>
**Sent:** Tuesday, March 17, 2020 10:44 AM
**To:** OESE.OSS.Wyoming <OSS.Wyoming@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** 2nd Attempt - Hoping for responses

Support Contacts at US Department of Education:

we have some school districts reaching out about 2018-2019 grant funds that will expire at the end of September. Some districts have grant balances from funds that started July 1, 2018. They have plans that have been in place and approved for using the funds, but some of the activities were to be executed through this school year and summer.

What can we do as an agency to request a longer period of availability (if that is even an option) for these dying grant funds? Or, will the US Department of Education be understanding if states have to return grant funds that were unused because of the current circumstances that are causing disruptions?

The best examples I can share:

Cancelled Professional Development that uses Title II-A funds.

Cancelled additional tutoring services provided using Title I-A funds.

Cancelled Parent and Family Engagement activities that use Title I-A, and Title III funds.

**An additional question specific to school closures and staff pay:**

Some districts/schools in Wyoming are closing for 2-3 weeks in lieu of COVID-19 precautions. State and local funds will still pay contract teachers. The question from one of our districts is: can federal funds continue to pay contracted teachers (such as Title I teachers) during these closure events? What about hourly paid federally funded staff, such as Title I tutors, paraprofessionals, and district Consolidated Grant Managers?

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Our team would like to allow this, but we need guidance from the US Department of Education since time and effort requirements are a consideration with federal grant funds. We have found CFR 200.431, where if an agency has granted authorized leave (ie, emergency leave categorized under fringe benefits) the staff may be paid if there is a policy written around that leave. We are wondering if that is the category this pay would stem from?

Sincerely,

Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***

E-mail: jess.binning@wyo.gov
Phone: 307-777-6208

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**From:** OESE.SGR.Wyoming
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**To:** Jess Binning (WDE);OESE.OSS.Wyoming;COVID-19
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**To:** OESE.OSS.Wyoming <OSS.Wyoming@ed.gov>; COVID-19 <COVID-19@ed.gov>
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AMERICAN OVERSIGHT

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**Sent:** Wed, 18 Mar 2020 18:05:47 +0000
**To:** Jess Binning (WDE);OESE.SGR.Wyoming
**Cc:** OESE.OSS.Wyoming;COVID-19
**Subject:** RE: 2nd Attempt - Hoping for responses

Hi Jess,

I understand that you need a response. We certainly don't want to "leave districts hanging." I can assure you that your request is being handled as a priority and that a response will be issued to you as soon as the COVID-19 team develops the response.

Lakesha

**From:** Jess Binning (WDE) <jess.binning@wyo.gov>
**Sent:** Wednesday, March 18, 2020 9:15 AM
**To:** OESE.SGR.Wyoming <Wyoming.oese@ed.gov>
**Cc:** OESE.OSS.Wyoming <OSS.Wyoming@ed.gov>; COVID-19 <COVID-19@ed.gov>
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Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
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Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
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**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:07 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Questions about work-study

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Bridget Horton <bhorton@judson.edu>
**Sent:** Wednesday, March 18, 2020 2:13 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions about work-study

Good Afternoon,

I know everyone is busy but I had 3 questions about work-study. I received the links, videos, etc. but I am still confused.

1. Do you have to pay students Federal Work Study if we are going strictly online and they won't be on campus?

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I am sorry for the many questions I just want to make sure we are getting clarification and completing things correctly.

Thanks,

**Bridget Horton**
**Assistant Director of Financial Aid**
**302 Bibb Street**
**Marion, AL 36756**
bhorton@judson.edu

AMERICAN OVERSIGHT

**334-683-5170**
**334-683-5282 FAX**

**"And now abideth faith, hope, charity, these three; but the greatest of these is charity".1 Corinthians 13:13**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 22:59:30 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Questions Directed to TLSP

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Richardson, Scott <scott.richardson@ed.gov>
**Sent:** Thursday, March 19, 2020 5:28 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Thurmond, Bryan <Bryan.Thurmond@ed.gov>
**Subject:** Questions Directed to TLSP

I was asked to collect and send to this mailbox the questions we have received related to the COVID-19 emergency. These can be seen below.

From TIIPA folks

- Can Title IV-A well rounded funds pay for hot spots so students and staff can continue learning at home ?
- Will there be a waiver for Title IVA cap of 15% for Effective Use of Technology ?

From MT

Please let me know if there is guidance forthcoming specific to any reporting requirements or flexibility to SEAs for the Title II, Part A State Level Activities funds.

From SETDA

1. **Can Title IIA SEA funds be used to purchase devices (tablets/laptops or hot spots for connectivity) for students to ensure equitable access to effective educators since students can't go to school? Or will there be a waiver about purchasing devices?**

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2. **Since for many districts, engaging in online learning is not part of regular instruction - is this supplemental? What types of purchases would be permitted?**

3. **Will there be a waiver for Title IVA cap of 15% for Effective Use of Technology ?**

4. **Are any plans to extend the federal grant period?**
    a. Will dates for both 2018-19 and 19-20 be moved? Districts are concerned about carryover that expires this September 2020.

From GA

Is there guidance on ways Title II, Part A State Activities funds and LEA allocated funds can be used during this time to improve equitable access to effective teachers?

From MN (FAQ document for LEAs)

**What is the impact of this closure on MCA/MTAS?** MDE does not have the authority to cancel/exempt districts from providing the MCA/MTAS. We are closely monitoring federal guidance and conversations to determine whether or not there will be any national decisions that shift testing expectations.

From NY (guidance for LEAs)

**Designing for Unique Needs of All Students.** Instructional design, course design and plans for support must be aligned with the skill level of age groups and abilities, including students with disabilities and English Language Learners, to the greatest extent possible. For example, those serving the elementary and middle-school levels might have to consider creating instructional materials for both students and parents, while high school students are likely more capable independent learners.

• **Ensuring Accessibility**. Not all students may have access to the Internet, phone lines, TV or radio at the same time, or at all, during a prolonged school closure or student absence. Therefore, it is important to offer a variety of methods of learning. Districts considering online learning will need to ensure that the means used complies with all applicable laws, including the Family Educational Rights and Privacy Act and Education Law S. 2-d, and Section 508 of the Rehabilitation Act which provides accessibility guidelines for students with disabilities.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:55:05 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4 Clarification

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Carter, Traci <Traci.Carter@ttu.edu>
**Sent:** Thursday, March 19, 2020 2:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** R2T4 Clarification

Hello,

I would like to ask for clarification regarding the Coronavirus R2T4 AskRegs Q&A published on 3/16/2020 (https://www.nasfaa.org/news-item/21209/Must_the_School_Redo_R2T4_Calculations_That_Were_Done_Before_Payment_Period_Adjustments_Were_Made_Due_To_Coronavirus)).

In the response, it indicates *"Any R2T4 calculations that are performed after the school's **action to close and/or extend scheduled breaks** will need to be performed using the adjusted payment period dates, and will need to exclude any scheduled breaks of five or more consecutive days (numerator and denominator)."* I would like clarification on the "action to close and/or extend" phrasing.

Should an adjusted R2T4 calendar be used beginning on the date the decision was announced to extend a break or close? Or is it used beginning on the effective date of the change?

For example, our institution was scheduled for Spring Break 3/14-3/22. The decision to extend Spring Break through 3/29 was announced on 3/12. Would the adjusted calendar be used as of 3/12 or as of 3/23 (the beginning of the extended break)?

**Traci L Carter**
*Assistant Director*
Student Financial Aid & Scholarships
Texas Tech University
West Hall 322B | P.O. Box 45011-5011
Lubbock, TX 79409
806-834-1401 (Office) | 806-742-0880 (Fax)
financialaid.ttu.edu

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:54:35 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Michelle L. Williams <mlwilliams@ranken.edu>
**Sent:** Thursday, March 19, 2020 3:06 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** R2T4

I have read the guidance but find it confusing. We are a semester school (16 weeks in the Fall & 16 weeks in the Spring). We extended spring break by one week and ARE NOT extending the semester. Do I need to add the additional week of break to any return calculations that occur once classes resume?

Thank you,
Michelle

---

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:55:27 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Refunds

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Kinziger, Linda <kinzigerl@ripon.edu>
**Sent:** Thursday, March 19, 2020 1:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Refunds

Hello,

I have seen/heard answers that do not agree with each other in regards to COA and partial refunds for housing and dining and let's throw in tuition.

On the NASFAA webinar this week it was said that we would not have to adjust COA based on refunds, however in email threads, there was an answer from Shaina Hilsey that said schools must change the COA. Which is true?

Linda

--
Linda Kinziger
Director of Financial Aid

Ripon College
300 W. Seward St.
Ripon, WI 54971
(p) 920-748-8358

Visit us at ripon.edu

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:55:18 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Reimbursements for Housing and Meal Plan charges to students

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Chavez, Susan R <srchavez@nmhu.edu>
**Sent:** Thursday, March 19, 2020 1:48 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Martinez, Gayle J <gjmartinez@nmhu.edu>; Montoya, Emily R <castellanoe@nmhu.edu>
**Subject:** Reimbursements for Housing and Meal Plan charges to students

Good Morning,

My university is having discussions regarding reimbursements to students in housing and on meal plans, who are transitioning to online learning because of the COVID-19 related pandemic. Can you please give direction as to whether to refund students or carry a credit balance, which runs into a R2T4 issue?

Thank you,

Susan Chavez

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:55:42 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Request for FISAP Information on COVID - 19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Saerom Lee <saerom.lee@purdueglobal.edu>
**Sent:** Thursday, March 19, 2020 12:44 PM
**To:** COVID-19 <COVID-19@ed.gov>; COD Support <CODSupport@ed.gov>
**Subject:** Request for FISAP Information on COVID - 19

To whom it may concern,

I am writing in request for guidance regarding those students who are affected by COVID-19. The March 05, 2020 Electronic Announcement permits the institutions and employers to continue paying the Federal Work Study wages with the COVID-19 disruption. A national emergency has been formally declared as a result of the Coronavirus, and I would like to know how this will impact the FISAP submission. I require guidance and instructions pertaining to the institution's requirements when dealing with COVID-19 affected students who may be eligible to receive FSEOG or FWS.

Sincerely,
Saerom

--
**Saerom Lee**
**Agency Reporting and Case Resolution Manager**
**Title IV and Student Relations**

T: 954-512-5995
E: Saerom.Lee@purdueglobal.edu
www.PurdueGlobal.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:43 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Request for Reduced Academic Year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Julie Hodge <juliehodge@bac.edu>
**Sent:** Wednesday, March 18, 2020 3:47 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Request for Reduced Academic Year

Hello,

Belmont Abbey College (002910) is seeking approval to extend our Spring Break by one additional week due to COVID-19. Please let me know what steps are required of the college to request a reduced academic year.

Thank you for your help.

Julie Hodge
Director of Financial Aid
Belmont Abbey College
704-461-7006
704-461-6882 FAX

Belmont Abbey COLLEGE

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:49 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Request for Temporary Reduction of Academic Year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Julie Hodge <juliehodge@bac.edu>
**Sent:** Wednesday, March 18, 2020 4:34 PM
**To:** Russell, Rodney <Rodney.Russell@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** Request for Temporary Reduction of Academic Year

Mr. Russell,

Belmont Abbey College (002910) is seeking approval to have a temporary reduction of our academic year due to COVID -19.

The State of North Carolina has declared a State of Emergency and cases have been identified local to the Charlotte metro area. In alignment with guidance from the Centers for Disease Control (CDC), the U.S. Department of Education, and state and local authorities, the College is preparing to extend Spring Break and temporarily relocate instruction on-line.

Students enrolled in traditional 15- week spring semester courses are currently on Spring Break so those classes are not held this week. We are extending Spring Break and do not plan to hold 15-week classes the week of March 23-29, 2020.
We will use this time to provide significant support to faculty to prepare for the likelihood of moving some, and potentially all, of our courses to remote course delivery. The earliest we would shift these courses to on-line is Monday, March 30, 2020.

For students taking classes in our 8-week term, we began on-line instruction on Monday, March 16, 2020. There are limited courses offered in the condensed session and most are already offered in a hybrid format. As such, we are positioned to move quickly to shift those courses to remote delivery.

Once classes are shifted to on-line delivery we expect them to remain on-line through the end of the spring term, May 12, 2020. At this time, our plan is to return all courses to in-person classes for the Summer term.

AMERICAN OVERSIGHT

Thank you for your consideration of our request to have a temporary reduction of our academic year.

Julie Hodge
Director of Financial Aid
Belmont Abbey College
704-461-7006
704-461-6882 FAX

Belmont Abbey
COLLEGE

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:40 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Requesting an extension on the Single Audit submission date

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Naury Y. Sánchez Cintrón <Presidente@mizpa.edu>
**Sent:** Wednesday, March 18, 2020 3:32 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Decanato Finanzas <decanatofinanzas@mizpa.edu>; Asistencia Economica <Asistenciaeconomica@mizpa.edu>
**Subject:** Requesting an extension on the Single Audit submission date

Greetings!

On March 16 the Governor of Puerto Rico, Hon. Wanda Vazquez Garced has issue an Executive Order decreeing a total curfew from March 16 through the 30th. This means that everyone need to stay at home 24/7 unless you work on health and security. This decision is base on the several case confirm on COVID-19 in the island. The intentions with this action is to control the propagation of the virus to an extent that the health system can handle it.

We will be returning to the University the first week of april. For that reasons we ask you to consider our petition to grant us an extension on the due date to submit the Single Audit Report.

Any help will be appreciated,

Sincerely,
Prof. Naury Y. Sanchez Cintron
President

Get Outlook for iOS

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**From:** Tullos, Tanya
**Sent:** Thu, 19 Mar 2020 19:09:37 +0000
**To:** COVID-19
**Cc:** Tullos, Tanya
**Subject:** FW: S299A160006-COVID19

Please advise...

-----Original Message-----
From: Zhao H. Qiu <Zhaoq@pinoleville-nsn.gov>
Sent: Wednesday, March 18, 2020 7:25 PM
To: Tullos, Tanya <tanya.tullos@ed.gov>
Subject: RE: S299A160006-COVID19

Hi Tanya:

Thank you for checking in on us and your kind words are very soothing when everything around us is little chaotic.

Things are changing rapidly here in Northern California. The schools are all closed yesterday till April 13. And Governor just announced that all schools will most likely be out for the rest of the school year. We had two emergency meetings at the Tribal and program level for last two days. For our project, Mentoring program staff at our Partner site are all required to work at home since yesterday so all mentoring group activities are suspended till further notice. For cultural education on reservation and an in schools, everything is cancelled while each partner is waiting for more directives. For tutoring and counseling, we just submitted requests for online meeting software subscription for tutors and Microsoft Team integration to have capacity to run partnership meetings/staff meeting. It is expected that Mendocino County will issue Residence Shelter in Plane order at 5:00 p.m. effective 10 pm tonight.

In the meanwhile, we trained tutoring staff yesterday and today on how to use free Zoom software to deliver online tutoring sessions (limited to 40 minutes). Because everything happened so fast, we are still in the middle of surveying 50 Native students served by the tutoring and counseling program on their availability, computer & internet availability, transportation need, students who are too young to be tutored online, Elders in the household and adults who are able to supervise youth in on-line sessions. So things are not really together at this moment. We are planning and responding as changes happen daily.

Our school district are asking our program to help some Native students who has no internet access purchase hotspot in order to complete their homework online. I asked the school district to survey % Native students (around 600 AI students total in our district) and find out how many have the need. We have some savings in personnel that can be allocated to deal with this emergency. I will run this by you after I get an idea of the needs are and cost estimate to fulfill the need. Can you help me figure out if this is an allowable cost? We did anticipated coronavirus coming when we wrote our proposal.

Hope things are calmer your way or keep your Center calm.

In Wellness,

Zhao Qiu
Project Director
Pinoleville Pomo Nation
500 B. Pinoleville Drive
Ukiah, CA 95482
Tel: 7074631454

AMERICAN OVERSIGHT

-----Original Message-----
From: tanya.tullos@ed.gov <tanya.tullos@ed.gov>
Sent: Monday, March 16, 2020 5:30 AM
To: Zhao H. Qiu <Zhaoq@pinoleville-nsn.gov>
Cc: tanya.tullos@ed.gov
Subject: S299A160006-COVID19

Dear Grantees:

As the news of COVID-19 begins to affect our communities, I just wanted to check in with you and ask how your Tribe/Educational Institution is preparing for the pandemic? Have the schools been closed and if so, for how long? How will any closures impact your project? Make sure to note this in your APR. I also want to remind you to make sure that you take care of yourself too! Your program is important but you are more important. ☺

Have a Great Day and an even better week!

Respectfully,

Tanya D. Tullos (Mississippi Choctaw),
Education Program Specialist
Office Of Indian Education
OESE| US Department of Education
400 Maryland Ave. SW, (LBJ- 3W234)
Washington, DC 20202
(202) 453-6037 (Office)
(202) 260-7764 (Fax)
Tanya.tullos@ed.gov

Grant Fiscal Management: www.g5.gov
Help Desk: 8AM to 6 PM ET, M-F, except on Federal holidays.
Toll-Free:1-888-336-8930 / TTY:800-877-8339, Email:edcaps.user@ed.gov

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:48:33 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: S299A160006-COVID19

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Tullos, Tanya <tanya.tullos@ed.gov>
Sent: Thursday, March 19, 2020 3:10 PM
To: COVID-19 <COVID-19@ed.gov>
Cc: Tullos, Tanya <tanya.tullos@ed.gov>
Subject: FW: S299A160006-COVID19

Please advise...

-----Original Message-----
From: Zhao H. Qiu <Zhaoq@pinoleville-nsn.gov>
Sent: Wednesday, March 18, 2020 7:25 PM
To: Tullos, Tanya <tanya.tullos@ed.gov>
Subject: RE: S299A160006-COVID19

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estimate to fulfill the need. Can you help me figure out if this is an allowable cost? We did anticipated coronavirus coming when we wrote our proposal.

Hope things are calmer your way or keep your Center calm.

In Wellness,

Zhao Qiu
Project Director
Pinoleville Pomo Nation
500 B. Pinoleville Drive
Ukiah, CA 95482
Tel: 7074631454

-----Original Message-----
From: tanya.tullos@ed.gov <tanya.tullos@ed.gov>
Sent: Monday, March 16, 2020 5:30 AM
To: Zhao H. Qiu <Zhaoq@pinoleville-nsn.gov>
Cc: tanya.tullos@ed.gov
Subject: S299A160006-COVID19

Dear Grantees:

As the news of COVID-19 begins to affect our communities, I just wanted to check in with you and ask how your Tribe/Educational Institution is preparing for the pandemic? Have the schools been closed and if so, for how long? How will any closures impact your project? Make sure to note this in your APR. I also want to remind you to make sure that you take care of yourself too! Your program is important but you are more important. ☺

Have a Great Day and an even better week!

Respectfully,

Tanya D. Tullos (Mississippi Choctaw),
Education Program Specialist
Office Of Indian Education
OESE| US Department of Education
400 Maryland Ave. SW, (LBJ- 3W234)
Washington, DC 20202
(202) 453-6037 (Office)
(202) 260-7764 (Fax)
Tanya.tullos@ed.gov

Grant Fiscal Management: www.g5.gov
Help Desk: 8AM to 6 PM ET, M-F, except on Federal holidays.
Toll-Free:1-888-336-8930 / TTY:800-877-8339, Email:edcaps.user@ed.gov

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:55:09 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: School Closure

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Eva Ochoa <eochoa@beaumontusd.k12.ca.us>
**Sent:** Thursday, March 19, 2020 2:01 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** School Closure

Hello Team,

My school is a clock hour program and has been closed by the my school district Beaumont Unified, who was instructed to close all schools by the Riverside County Public Health Officer in our county due to the COVID-19. Due to this closure our VN students are not allowed to come onto the campus nor continue with their clinical hours. We are not able to provide online or distance learning for the program. Nor are the students able to attend their clinical sites. I would like to know what I need to do to stay in compliance with Title IV. Do I need to update NSLDS enrollment, and what should I do with the students financial aid? The students will continue where they left off once we are able to return to school.

We are scheduled to return back to school on April 30, 2020.

Thank you,
--
*Eva Ochoa, FA*
*Beaumont Adult School*
*1575 Cherry Ave.*
*Beaumont, CA 92223*
*(951) 845-6012 ext. 5*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 21:12:00 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: School Closures

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

**From:** Jessica Fry <silent.jfry@gmail.com>
**Sent:** Friday, March 13, 2020 6:46 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** School Closures

If our school district shuts down from a global emergency, such as the Coronavirus, will the days need to be added on to the summer break? Or is the closure exempt from the 180 day federal mandate of days in school due to the nature of the situation?

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 20:48:16 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: School District Title Obligations - COVID-19

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Thursday, March 19, 2020 4:27 PM
**To:** Lisa H. Woloszynek <lwoloszynek@walterhav.com>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: School District Title Obligations - COVID-19

Good Afternoon,

Thank you for your question. I have copied the Department's dedicated inbox on this topic at COVID-19@ed.gov for a response.

Best,
Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

---

**From:** Lisa H. Woloszynek <lwoloszynek@walterhav.com>
**Sent:** Thursday, March 19, 2020 2:08 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** School District Title Obligations - COVID-19

AMERICAN OVERSIGHT

I represent a variety of school districts in Ohio and we are struggling to find some information. Please provide guidance regarding school district obligations under Title I, Part A during COVID-19 school closures.

Thank you,

**Lisa H. Woloszynek**

ASSOCIATE
DIRECT LINE (216) 619-7835
1301 E. Ninth St. | Suite 3500 | Cleveland, OH 44114

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TRANSFER LARGE FILES TO ME

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:55:05 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: Schools/educational services/Covid-19 out

Hi Laurie,

The COVID-19 mailbox received an inquiry for Special ED. Below is the inquiry.

Thanks,
Kelly

**From:** Leah Claudio <leahclaudio@gmail.com>
**Sent:** Wednesday, March 18, 2020 12:42 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Schools/educational services/Covid-19 out

Question: If schools are providing review materials, are not requiring it to be completed, are not grading it and are not providing any new teaching. Are they required to provide the same materials to students with disabilities or would they have to ensure the materials follow the students' IEP guidelines? Would they have to ensure students are able to access and are able to use online resources during the time the students are out of school?

AMERICAN OVERSIGHT

**From:** Stephenson, Todd
**Sent:** Thu, 19 Mar 2020 15:59:17 +0000
**To:** COVID-19
**Cc:** OESE.titlei-a
**Subject:** FW: SEA carryover of ESSA funs

Please see COVID 19 question from New Jersey about extending the period of availability of Federal funds.

-----Original Message-----
From: Egan, Martin <Martin.Egan@doe.nj.gov>
Sent: Thursday, March 19, 2020 11:25 AM
To: Stephenson, Todd <Todd.Stephenson@ed.gov>
Subject: SEA carryover of ESSA funs

Todd,

Good evening. Please let me introduce myself I am Martin Egan and I am the director of Grants Management at the New Jersey Department of Education. I understand you have worked with many of my colleagues and we have touched base on a few conference calls. In light of the current situation facing our nation the pandemic of COVID-19 all schools in New Jersey are closed for now. I want to be prepared to preserve our federal funding. I'm certain many states are facing the same issue. Should we be prepared to request a waiver for all federal funds?
CONFIDENTIALITY NOTICE: The information contained in this communication from the New Jersey Department of Education is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this email, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the New Jersey Department of Education at (609) 376-3500 to arrange for the return of this information.

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:48:51 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: SEA carryover of ESSA funs

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Stephenson, Todd <Todd.Stephenson@ed.gov>
Sent: Thursday, March 19, 2020 11:59 AM
To: COVID-19 <COVID-19@ed.gov>
Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>
Subject: FW: SEA carryover of ESSA funs

Please see COVID 19 question from New Jersey about extending the period of availability of Federal funds.

-----Original Message-----
From: Egan, Martin <Martin.Egan@doe.nj.gov>
Sent: Thursday, March 19, 2020 11:25 AM
To: Stephenson, Todd <Todd.Stephenson@ed.gov>
Subject: SEA carryover of ESSA funs

Todd,

Good evening. Please let me introduce myself I am Martin Egan and I am the director of Grants Management at the New Jersey Department of Education. I understand you have worked with many of my colleagues and we have touched base on a few conference calls. In light of the current situation facing our nation the pandemic of COVID-19 all schools in New Jersey are closed for now. I want to be prepared to preserve our federal funding. I'm certain many states are facing the same issue. Should we be prepared to request a waiver for all federal funds?
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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:54:40 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Waiver of the 30 week Academic Year Requirement

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Linda Handy <handy@uindy.edu>
**Sent:** Thursday, March 19, 2020 10:45 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Waiver of the 30 week Academic Year Requirement

University of Indianapolis has decided to extend spring break by one week which would make our academic year 29 weeks instead of 30. The semester will continue until the scheduled end date with students continuing to be enrolled in an online format. Can you tell me who I need to contact to ask for a temporary waiver of the 30 week academic year requirement?

Linda

--

Linda B. Handy
Associate Vice President for Financial Aid
University of Indianapolis
1400 E. Hanna Avenue, EH141
Indianapolis, IN 46227
(317) 788-3217
(800) 232-8634
(317) 788-6136 – Fax
handy@uindy.edu

http://financialaid.uindy.edu

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AMERICAN OVERSIGHT

**From:** Roger Wilson
**Sent:** Thu, 19 Mar 2020 16:05:09 +0000
**To:** COVID-19
**Subject:** FWS question

Hi.

Our students are taking classes remotely, but have been given the option of staying in the dorms (although encouraged to not stay, if it's an option)

Some students live in the area, and some stayed, and are continuing to do their FWS jobs. Others have gone home, but do not have the option of working remotely.

Are we to continue paying those that are not still working, or because they could have stayed and worked, and didn't, their pay end? I have seen varying opinions on listserves.

Thanks.

OPEID 003783
TG50861

If you need those.

Roger Wilson
Director for Financial Aid Services
office 425.889.5336 fax 425.889.5224
Northwest UNIVERSITY

AMERICAN OVERSIGHT

**From:** Martin Gutierrez
**Sent:** Thu, 19 Mar 2020 23:11:38 +0000
**To:** COVID-19
**Subject:** FWS Questions

Your assistance is needed with the following situations:
Our institution has not closed due to COVID-19; however, classes are being offered Distance Ed and most services are being offered remotely. Some students are unable to continue to do FWS due to issues with childcare because the kinds schools have closed. Other FWS will not be able to work because the departments (services) for whom they worked are now being offered remotely.
Can we continue to pay FWS for those students affected by the unavailability of childcare and for those students whose department is operating remotely?
Your assistance is greatly appreciated.

Martin Gutierrez
Director of Financial Aid
Yuba College
2088 North Beale Road
Marysville, CA 95901
(530) 741-69369

AMERICAN OVERSIGHT

**From:** Chantal Ebarle
**Sent:** Thu, 19 Mar 2020 11:11:36 -0700
**To:** COVID-19
**Subject:** grant proposal deadlines postponed?

**Hello,**
**I was wondering if the grant proposal deadlines will be postponed due to the pandemic we are all dealing with? California has a shelter in place and unless you are essential to the University, you are not working from home. It has been very tough to try and collect CV's and data needed to complete any proposals for grant projects. Some cycles are only done on a 4 year basis so we really don't want to miss the deadlines but submissions may not be the best quality under the circumstances. I have seen most other sponsors have delayed or postponed deadlines but I haven't heard anything about the Dept. of Education making any announcements.**
**Can you please let me know if this is something you are considering?**
**Thank you for the consideration.**

**I hope you and all your loved ones are safe and healthy.**
**Chantal**

Chantal Ebarle
Senior Pre-Award Specialist
Office of Research & Sponsored Programs
California State University, East Bay
510-885-4239

AMERICAN OVERSIGHT

**From:** Jennifer Rissler
**Sent:** Thu, 19 Mar 2020 14:47:43 -0700
**To:** COVID-19
**Subject:** Guidance on reducing the weeks in an academic year

To Whom it May Concern,

I'm writing to ask for guidance on how to request a reduction in weeks of instruction for the current semester at my university, the San Francisco Art Institute. We are considering our options as the COVID-19 pandemic continues to prevent us from having face to face instruction. As an art school, we struggle with teaching fine art online and remotely without access to studio facilities.

To whom would I make this request?

I appreciate your help.

Best,
Jennifer

--
**JENNIFER RISSLER**
Vice President and Dean of Academic Affairs
Accreditation Liaison Officer (ALO)

**SAN FRANCISCO ART INSTITUTE**
800 Chestnut Street, San Francisco, CA 94133
**t** 415.749.4586 | **e** jrissler@sfai.edu | **w** sfai.edu

***On View***
***Postcommodity: The Point of Final Collapse***
Chestnut Street Campus
The Tower

***Flash Point***
Chestnut Street Campus
Walter & McBean Galleries: Dec.6 - March 28, 2020

***To Be Real***
By Rashaad Newsome in partnership with FMCAC
Fort Mason Campus
Main Gallery: January 10 - February 23, 2020

AMERICAN OVERSIGHT

**From:** Martinez, Sarah
**Sent:** Thu, 19 Mar 2020 12:56:37 +0000
**To:** COVID-19
**Cc:** Meyertholen, Patricia;Gillette, Lisa
**Subject:** Indiana Department of Education COVID-19 impact on recruitment, in-home services, summer programs, summer counts

FYI: OME has drafted a response to the first question, which will be responsive to several similar inquiries we have already received (GA, CA, KS, PA).

---

**From:** Williamson, Nathan <nwilliamson@doe.in.gov>
**Sent:** Wednesday, March 18, 2020 3:43 PM
**To:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Cc:** Beard, Valerie <vbeard@doe.in.gov>; Salinas, Emily <ESalinas@doe.in.gov>
**Subject:** MEP and coronavirus questions

Hi Sarah,

We have a few questions that are likely similar to other states. Hoping to get some support on these as we navigate this difficult time.

Thanks!

1. How do we advise recruiters to determine eligibility if they can't physically get a signature on an eCOE or paper COE?
2. Advice for family engagement and recruitment staff who provide in-home consultation with families?
3. Advice if summer programming has to be drastically changed or cancelled?
4. If so, potential to use the Summer 2019 summer school #s for funding purposes rather than Summer 2020?

I'm sure there will be more.

**Nathan Williamson**
*Director of Title Grants and Support*
**Indiana Department of Education**
(317) 232-6671 | nwilliamson@doe.in.gov
www.doe.in.gov Feedback: How are we doing?

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OVERSIGHT

**From:** Annie Ascunce
**Sent:** Thu, 19 Mar 2020 19:41:49 +0000
**To:** COVID-19
**Subject:** Inquiry about COVID-19 Effect on Upcoming Deadlines

Hello,

I hope you are well! I am writing to inquire about the Department of Education's policy concerning upcoming grant deadlines in light of COVID-19. I'm particularly interested in if the UISFL deadline will extended. Any guidance you can offer would be great. Thank you!

Best,
Annie Ascunce

**Annie Ascunce**
Higher Education Research Analys
t
McAllister & Quinn
Phone:(202) 296-2741 x1017

Connect with McAllister & Quinn
Web LinkedIn Twitter YouTube

AMERICAN OVERSIGHT

**From:** Sara Durner
**Sent:** Thu, 19 Mar 2020 12:09:19 -0500
**To:** COVID-19
**Subject:** Kansas

Good afternoon-
I know this is a very vague question, however what do Kansas schools need to do in order to meet all of the requirements to fulfill our contractual obligations for SRSA/REAP funds?

Sara Durner
Board Clerk
USD 369 - Burrton
durners@usd369.org
Phone- 620-463-3840 ext. 110
Fax- 620-463-2636

"Learning never exhausts the mind" - Leonardo Da Vinci

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AMERICAN OVERSIGHT

**From:** Melanie Powell
**Sent:** Thu, 19 Mar 2020 20:44:13 +0000
**To:** COVID-19
**Subject:** LSU Perkins Loan

Is there any guidance for Campus Based Perkins loans due to COVID – 19?

Some of our concerns are listed below:
Payments mailed to LSU while personnel are working remotely and do not have access to mail
Processing credit bureau reporting that may be inaccurate due to not posting payments timely due to personnel working remotely
Continue to charge interest on the loans since it is not held by the Federal government
Situations where the borrower has lost all sources of income and cannot make the payment
NSLDS monthly processing

Thanks

LSU
Melanie Powell
Assistant Director
Bursar Operations/Perkins Loan
Louisiana State University
125 Thomas Boyd Hall, Baton Rouge, LA 70803
office 225-578-3378 | fax 225-578-3969
melaniep@lsu.edu | lsu.edu | http://www.lsu.edu/administration/ofa/oas/bur/

AMERICAN OVERSIGHT

**From:** Martinez, Sarah
**Sent:** Thu, 19 Mar 2020 20:56:26 +0000
**To:** COVID-19
**Cc:** Meyertholen, Patricia;Gillette, Lisa
**Subject:** Maine DOE - MEP recruitment, COE signatures

---

**From:** Lyons, Amelia <Amelia.Lyons@maine.gov>
**Sent:** Thursday, March 19, 2020 4:34 PM
**To:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Subject:** Question - COE signature

Hi Sarah,

I hope you're doing ok in this crazy time. Quick question for you --

During a state of emergency where social distancing is required, can we have COEs completed by phone where parents verbally agree to the signature, until the emergency is over? Then we can go and get the signature in person?

If not, could we use an electronic signature like Docusign?

Or, could we mail paper copies of COEs to homes for signature?

Whatever guidance you can provide is much appreciated! Thank you.

**Amelia Lyons**
Consultant for Migratory and Highly Mobile Students
Department of Education
23 State House Station
Augusta, ME 04333
Office: (207) 624-6722
Cell: (207) 557-1787
*she / her / hers*

AMERICAN OVERSIGHT

**To protect students' privacy, please remember not to send students' names or other personally identifiable information via email. Use state student identification numbers only. Thank you!**

AMERICAN OVERSIGHT

**From:** Rick Ortiz
**Sent:** Thu, 19 Mar 2020 22:26:52 +0000
**To:** COVID-19
**Subject:** New Enrollments During COVID-19

Dear Department,

With regard to the guidance issued March 05, 2020 ***"Guidance for Interruption of Study Related to Coronavirus (COVID-19)"***, it is my understanding the guidance is primarily to be used for **current students only** whose studies were interrupted due to COVID-19. If so, what guidance is there for new enrollments during COVID-19? Can a school continue to enroll and start new students (on campus) during COVID-19, providing they are six-feet apart and no more than 10 in a classroom?

Now, there's a section within the guidance that says *"the Department will grant approval to institutions to use online technologies to accommodate students"*. Is this guidance intended for institutions to accommodate new & current students? See the excerpt below…

-

***Approval to Offer Distance Education***

*The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in the event that an institution is otherwise required to seek Departmental approval for the use or expansion of distance learning programs. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner requiring the Department's approval after that point, it must seek approval under the Department's normal process.*

Your prompt response regarding our concerns are greatly appreciated.

Kind regards,

Richard Ortiz
Director of Financial Aid
(818) 758-2740

AMERICAN OVERSIGHT

**From:** Franks-McRae, Leslie
**Sent:** Thu, 19 Mar 2020 20:01:38 +0000
**To:** COVID-19;OESE.titlei-a
**Cc:** Stephenson, Todd;McDonald, Peggy;Schulz-Eskow, Colleen;Young, Jesse;Ehling, Kathleen;Roney, Collette
**Subject:** NJ DOE Question

Good afternoon,

Thank you, Collette, for acknowledging receipt of yesterday's questions. Please add the following from NJ DOE:

1. Due to the unexpected and extended closures of LEAs, will the USED extend the project period for FFY18 and FFY19 funds?

Thank you all for the continued work during this crisis period!

Stay healthy!

# Leslie

**Leslie K. Franks McRae**
Director: Office of Supplemental Educational Programs
Division of Student Services
NJ Department of Education
100 Riverview Plaza
Trenton, New Jersey 08625
Phone: (609) 376-3499
Cell: (201) 572-2015

---

**From:** Franks-McRae, Leslie
**Sent:** Tuesday, March 17, 2020 5:56 PM
**To:** COVID-19@ed.gov; OESE.titlei-a@ed.gov
**Cc:** Stephenson, Todd <Todd.Stephenson@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>; McDonald, Peggy <Peggy.McDonald@doe.nj.gov>; Schulz-Eskow, Colleen <Colleen.Schulz-Eskow@doe.nj.gov>; Young, Jesse <Jesse.Young@doe.nj.gov>
**Subject:** NJ DOE Questions

Good afternoon – following are NJ DOEs immediate questions:

2. Can LEAs use Title I funding to support the basic necessities for families – food, beverages, cleaning supplies?
3. Can LEAs use Title IV-A funds to purchase additional cleaning supplies such as anti-viral wipes, hand sanitizer, or other cleaning supplies that they would normally not have been purchased?
4. Will monitoring the language proficiency test administration of schools be waived?

AMERICAN OVERSIGHT

Thank you!

# Leslie

**Leslie K. Franks McRae**
Director: Office of Supplemental Educational Programs
NJ Department of Education
100 Riverview Plaza
Trenton, New Jersey 08625
Phone: (609) 376-3499

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AMERICAN OVERSIGHT

**From:** Ewa Stankiewicz
**Sent:** Thu, 19 Mar 2020 14:50:10 +0000
**To:** Vu, Larry
**Cc:** COVID-19;Miles, Eric;Dział Obsługi Studiów
**Subject:** Odp.: Enquiry regarding students' eligibility for Title IV in connection with the distance learning

Dear Larry,

I would like to assure you that Jagiellonian University is acquainted with the OPE's guidance of March 5, 2020.

On behalf of Prof. Armen Edigarian, Ph.D., Vice-Rector for Educational Affairs, I would like to ask you for the definitive interpretation of the OPE's guidance. By Jagiellonian University Rector's decision made in connection with the Government of Poland's regulations due to COVID-19, Jagiellonian University provides distance learning from March 10, 2020 until further notice. The 2019/2020 summer semester at Jagiellonian University starts on February 24, 2020 and ends on September 30, 2020. Therefore, please determine whether Jagiellonian University is not allowed to disburse Title IV funds for the entire 2019-2020 summer semester?

Due to numerous inquiries from students, I would appreciate your prompt reply.

Thank you in advance,
Ewa

Ewa Stankiewicz
Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków
**Od:** Vu, Larry <Larry.Vu@ed.gov>
**Wysłane:** 19 marca 2020 11:58
**Do:** Ewa Stankiewicz
**Temat:** RE: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Hi Ewa,

I am only allowed to tell you to refer to the guidance on March 5, 2020.

What is your understanding of the guidance? Do you think you are allowed or not allowed to disburse aid under your situation? If so or if not, why do you think that?

AMERICAN OVERSIGHT

Larry Vu

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**From:** Ewa Stankiewicz <ewa.stankiewicz@uj.edu.pl>
**Sent:** Wednesday, March 18, 2020 5:44 PM
**To:** Vu, Larry <Larry.Vu@ed.gov>
**Cc:** Miles, Eric <Eric.Miles@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>; COVID-19 <COVID-19@ed.gov>
**Subject:** Odp.: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Larry,

Thank you very much for the response.

According to the OPE's guidance on March 5, 2020, Jagiellonian University is not allowed to disburse Title IV funds for the U.S. students who participate in Title IV programs at JU even if they are enrolled for the programs which do not usually offer online courses, but due to this unusual circumstances, have been temporarily adapted to the distance learning.

Due to the above I have two following questions to you:

1. As the 2019/2020 summer semester at JU has started on February 24, 2020 and all JU's programs have been adapted to the distance learning on March 10, 2020, is JU allowed to disburse Title IV funds for the period from February 24 to March 10, 2020?
Also, if the disbursement for this period will be possible, I have concerns regarding how to calculate the COA amount for this period. Please see JU's COA based on a 9-month period (academic year): https://studiuje.uj.edu.pl/financial-aid/attendance-cost
There is no problem to divide the rent, food, transportation, course materials etc. costs accordingly, however the cost of international flights (return ticket x 1 as for one semester) is undivided.

2. Please let me know whether the JU will be allowed to disburse Title IV funds (costs reduced according to the duration of distance learning) to students if their programs are switched to the standard, non-distance mode? Due to the decision issued by the Minister of Science and Higher Education in Poland all classes are cancelled until March 25, 2020 (wherever applicable, lectures should be made available online) and we do not know if the cancelation will be extended.

Thank you in advance for your clarification and I look forward to your reply.

Please keep me posted with any future ED's guidance for foreign schools due to the COVID-19.

Best,
Ewa

AMERICAN OVERSIGHT

Ewa Stankiewicz
Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

---

**Od:** Vu, Larry <Larry.Vu@ed.gov>
**Wysłane:** 18 marca 2020 15:45
**Do:** Ewa Stankiewicz; COVID-19
**DW:** Miles, Eric; Dział Obsługi Studiów
**Temat:** RE: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Ewa,

You will need to reference OPE's guidance on March 5, 2020: https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19.

"Foreign Schools
We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Please let me know if you have any other questions.

Larry Vu

---

**From:** Ewa Stankiewicz <ewa.stankiewicz@uj.edu.pl>
**Sent:** Monday, March 16, 2020 5:27 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Miles, Eric <Eric.Miles@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** Odp.: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,

AMERICAN OVERSIGHT

I am writing to follow-up on my previous email.

I would like to inform you that in addition to JU Rector's decision on cancellation of lectures at Jagiellonian University, the Government of Poland has announced other restrictions, including closures of all schools, universities, and cultural institutions until March 25, 2020.

Please let me know if the above precautions taken due to COVID-19 have any impact to Title IV recipients as Jagiellonian Univeristy is a foreign school. The 2019-2020 summer semester disbursement will not be made until we receive the information from you. Please note, that there are thirteen U.S. students at JU who are waiting for the summer semester disbursements which cover their costs of living while studying in Poland.

I look forward to receiving your updates.

Best regards,

Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

---

**From:** Ewa Stankiewicz
**Sent:** Wednesday, March 11, 2020 8:46 AM
**To:** 'COVID-19@ed.gov' <COVID-19@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,

I am writing in connection with the Office of Postsecondary Education's electronic announcement of March 05, 2020 and the part regarding foreign schools: "We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Due to the spread of Coronavirus (COVID-19) in Europe and following the safety recommendations of the Chief Sanitary Inspectorate, JU Rector Prof. Wojciech Nowak has cancelled all lectures conducted at

AMERICAN OVERSIGHT

Jagiellonian University. Wherever applicable, lectures should be made available online. Other classes (which take place in a smaller groups) will be held as per usual, with any additional restrictions to be introduced by the Faculties.

Please let me know if the above regulations (authorizing distance learning at programs which are not usually distance) do have an impact on students' eligibility for Title IV funds in the 2019-2020 summer semester and should we withhold the disbursements for this semester. Please note that these are exceptional circumstances and all decisions have been made to ensure student safety.

I would appreciate a reply asap as we have just evaluated students' Satisfactory Academic Progress after winter semester and we are ready to make the Title IV funds disbursements for the second semester.

Thank you,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

**From:** Dowling, Maureen
**Sent:** Thu, 19 Mar 2020 16:55:03 +0000
**To:** Curtis, Patti;COVID-19
**Cc:** Velez-Anderson, Mischele
**Subject:** Online Resources?

Patti and Response Team,

I had a very frustrated public school teacher form AL contact our office (via phone) asking for resources for online learning. I know that you have been trying to pull together a list. Might you be able to provide some resources at this stage or do you have any recommendations?

I have also included the COVID-19 mailbox to see if they have a response that we can provide to this callerMis.

Maureen

**MAUREEN DOWLING, ED.D.**
**DIRECTOR**
OFFICE OF NON-PUBLIC EDUCATION
OFFICE OF THE SECRETARY | U.S. DEPARTMENT OF EDUCATION
400 MARYLAND AVE, SW | WASHINGTON, DC 20202 | 202-260-7820
JOIN THE ONPE LISTSERV!

AMERICAN OVERSIGHT

**From:** Gloria Dwyer
**Sent:** Thu, 19 Mar 2020 15:05:44 +0000
**To:** COVID-19
**Subject:** OPE ID 02056400

Good Morning,
Our school Capri Cosmetology Learning Centers located in Nanuet and Newburgh, New York, OPE ID 02056400 will be temporarily closed until Monday, March 30, 2020. We are planning on reopening on Monday, March 30. Once we hear from our local and state government regarding any extended closing times , we will let you know.
Thank you,

**Gloria Dwyer**
**Director of Financial Aid**
**Capri Cosmetology Learning Centers**
**251 Route 59**
**Nanuet, NY 10954**
**P - 845-623-6339 x 13**
**F - 845-623-6298**
**Gdwyer@caprinow.edu**
**www.Caprinow.edu**

**Find Capri Cosmetology On:**

**Professional Associations:**

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AMERICAN OVERSIGHT

**From:** Cooper, Lisa
**Sent:** Thu, 19 Mar 2020 15:09:25 +0000
**To:** COVID-19
**Subject:** Pass/fail grades

Hi-
My school moved to on line delivery for the remainder of the spring semester.
They are considering a Pass/fail grading system.
What are the issues surrounding pass/fail? Is there any exemption for that type of grading system during COVID 19?
Lisa

Lisa J. Cooper
Executive Director, Financial Aid
Enrollment Management

Thomas Jefferson University
4201 Henry Avenue
Philadelphia, PA 19144
T 215-951-2940
Lisa.Cooper@Jefferson.edu

AMERICAN OVERSIGHT

**From:** Catrina Viramontez
**Sent:** Thu, 19 Mar 2020 10:46:29 -0500
**To:** COVID-19
**Subject:** Paul Mitchell the School Milwaukee

Hello,

We will begin distance learning when approved by NACCAS. How many hours can our students earn weekly using distance learning?
--
Catrina

AMERICAN OVERSIGHT

**From:** taclark1985@gmail.com
**Sent:** Thu, 19 Mar 2020 17:34:39 -0400
**To:** COVID-19
**Subject:** Pell Grant

Good afternoon,

We were informed that our April disbursements of the Pell Grant will no longer take place since the school is being closed by the government due to the COVID 19 outbreak. The school will be moving in class learning to distance learning until the school reopens. Can you please clarify the status of our PELL Grant April disbursements?

Sent from my iPhone

Thank you
M. Clark

AMERICAN OVERSIGHT

**From:** Selena Healey
**Sent:** Fri, 20 Mar 2020 00:29:56 +0000
**To:** COVID-19
**Subject:** Question about impact on COA

Good afternoon,

Can you please provide clarification on the impact of a refund of housing and meals on the COA and estimated financial assistance?

The scenario is that our school will be adjusting the charges for students for the remainder of the semester since they are no longer in housing and no longer using their meal plans. For example, our original COA will have approximately $7000 for spring 2020 in room and board (I'm rounding). Once we refund students, the total charges to the students will be $3500 for the semester. Are we required to adjust the COA?

If the charge is not adjusted, and the student receives a waiver instead… Is it correct to not adjust the COA and to add the amount of the waiver as part of the student's total estimated financial assistance for spring?

Or it is ok to refund or waive the room and board with no changes to COA or estimated financial assistance? This is the rumor going around, and I have a lot of non-Financial Aid professionals pushing for this.

I would appreciate any guidance you can provide as I would like to make sure we are documenting students files accurately.

Thank you,

Selena Healey
Associate Director
Financial Aid Office
American University (school code 00143400)
4400 Massachusetts Avenue, NW
Washington, DC 20016-8001
202-885-6116 (phone)
202-885-1025 (fax)

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AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Lenz Annie
**Sent:** Thu, 19 Mar 2020 18:48:05 -0500
**To:** COVID-19
**Subject:** Question regarding higher education

Hello,
The nursing school I attend has cancelled in seat classes and clinical assignments for the rest of the semester. However, we received an email today that stated we will be required to return to school for exams. The exams will be held in an auditorium with at least 60 people or more inside. This leaves me with tremendous fear, uncertainty, and anxiety for the health of my children and my elderly parents for whom I care for.
Please provide guidance.
Sincerely,
Annie McDonald
608-295-2352

AMERICAN OVERSIGHT

**From:** Dave Heckeler
**Sent:** Thu, 19 Mar 2020 14:46:41 +0000
**To:** COVID-19
**Subject:** Question regarding limit of permission to offer distance learning opportunities to students

To whom it may concern,

After reading your March 5th 2020 memorandum, **Guidance for interruptions of study related to Coronavirus (COVID-19)**, it became clear we needed additional guidance relative to the highlighted portion of the guidance below. It appears there is no opportunity for students who began their new term after March 5th to participate in the temporary online delivery of their classes due to the COVID-19 pandemic.
We believe this was not the intention of the Department.
We ask you to research this matter and make whatever adjustments are necessary to provide the opportunity for these students to participate in the temporary online delivery of their classes during the COVID-19 pandemic.

I look forward to your action and response.

Thank you. David Heckeler

Approval to Offer Distance Education
The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in the event that an institution is otherwise required to seek Departmental approval for the use or expansion of distance learning programs. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner requiring the Department's approval after that point, it must seek approval under the Department's normal process.
We are also permitting accreditors to waive their distance education review requirements for institutions working to accommodate students whose enrollment is otherwise interrupted as a result of COVID-19. We currently are limiting that permission to distance learning opportunities developed for the purpose of serving students who were already in attendance, but whose attendance was interrupted by COVID-19. Please note that this flexibility is not available for clock-hour courses that lead to licensure if the licensure body will not accept distance learning courses or hours or give credit for them toward the number of hours a student must complete.

David Heckeler
Chief Academic Officer
Career Quest Learning Centers, Inc.
3215 S. Pennsylvania Avenue
Lansing, Michigan 48910
517-318-3330

AMERICAN OVERSIGHT

Career Quest
LEARNING CENTERS

CELEBRATING 25 YEARS! 1995-2020

AMERICAN OVERSIGHT

**From:** Melissa Ferguson
**Sent:** Thu, 19 Mar 2020 10:32:32 -0400
**To:** COVID-19
**Subject:** Question regarding term start in June 2020

To Whom It May Concern:
My name is Melissa Ferguson and I am the Vice President of Student Affairs at The Modern College of Design in Kettering Ohio. As we work through the transition of taking courses on-line due to COVID-19, we are continuing to prepare not only for this semester but also trying to better understand how future semesters might look. Currently we have a summer semester and new cohort start that will begin on June 8, 2020. Should we still be under a no face-to-face class advisement, will we be able to start the semester with online classes? We are just wanting to make sure we are fully prepared in case we do not get the clearing to resume face-to-face classes. Thank you in advance for your help through all of this.

Sincerely,
Melissa Ferguson

--
Melissa Ferguson
Vice President of Student Affairs
**The Modern College of Design**
937.294.0592
www.themodern.edu

AMERICAN OVERSIGHT

**From:** Richardson, Scott
**Sent:** Thu, 19 Mar 2020 21:28:03 +0000
**To:** COVID-19
**Cc:** Muhammad, Faatimah;Thurmond, Bryan
**Subject:** Questions Directed to TLSP

I was asked to collect and send to this mailbox the questions we have received related to the COVID-19 emergency. These can be seen below.

From TIIPA folks

- Can Title IV-A well rounded funds pay for hot spots so students and staff can continue learning at home ?
- Will there be a waiver for Title IVA cap of 15% for Effective Use of Technology ?

From MT

Please let me know if there is guidance forthcoming specific to any reporting requirements or flexibility to SEAs for the Title II, Part A State Level Activities funds.

From SETDA

1. **Can Title IIA SEA funds be used to purchase devices (tablets/laptops or hot spots for connectivity) for students to ensure equitable access to effective educators since students can't go to school? Or will there be a waiver about purchasing devices?**

2. **Since for many districts, engaging in online learning is not part of regular instruction - is this supplemental? What types of purchases would be permitted?**

3. **Will there be a waiver for Title IVA cap of 15% for Effective Use of Technology ?**

4. **Are any plans to extend the federal grant period?**
    a. Will dates for both 2018-19 and 19-20 be moved? Districts are concerned about carryover that expires this September 2020.

From GA

Is there guidance on ways Title II, Part A State Activities funds and LEA allocated funds can be used during this time to improve equitable access to effective teachers?

AMERICAN OVERSIGHT

From MN (FAQ document for LEAs)

**What is the impact of this closure on MCA/MTAS?** MDE does not have the authority to cancel/exempt districts from providing the MCA/MTAS. We are closely monitoring federal guidance and conversations to determine whether or not there will be any national decisions that shift testing expectations.

From NY (guidance for LEAs)

**Designing for Unique Needs of All Students.** Instructional design, course design and plans for support must be aligned with the skill level of age groups and abilities, including students with disabilities and English Language Learners, to the greatest extent possible. For example, those serving the elementary and middle-school levels might have to consider creating instructional materials for both students and parents, while high school students are likely more capable independent learners.

• **Ensuring Accessibility**. Not all students may have access to the Internet, phone lines, TV or radio at the same time, or at all, during a prolonged school closure or student absence. Therefore, it is important to offer a variety of methods of learning. Districts considering online learning will need to ensure that the means used complies with all applicable laws, including the Family Educational Rights and Privacy Act and Education Law S. 2-d, and Section 508 of the Rehabilitation Act which provides accessibility guidelines for students with disabilities.

AMERICAN OVERSIGHT

**From:** Carter, Traci
**Sent:** Thu, 19 Mar 2020 18:08:00 +0000
**To:** COVID-19
**Subject:** R2T4 Clarification

Hello,

I would like to ask for clarification regarding the Coronavirus R2T4 AskRegs Q&A published on 3/16/2020 (https://www.nasfaa.org/news-item/21209/Must_the_School_Redo_R2T4_Calculations_That_Were_Done_Before_Payment_Period_Adjustments_Were_Made_Due_To_Coronavirus)).

In the response, it indicates *"Any R2T4 calculations that are performed after the school's **action to close and/or extend scheduled breaks** will need to be performed using the adjusted payment period dates, and will need to exclude any scheduled breaks of five or more consecutive days (numerator and denominator)."* I would like clarification on the "action to close and/or extend" phrasing.

Should an adjusted R2T4 calendar be used beginning on the date the decision was announced to extend a break or close? Or is it used beginning on the effective date of the change?

For example, our institution was scheduled for Spring Break 3/14-3/22. The decision to extend Spring Break through 3/29 was announced on 3/12. Would the adjusted calendar be used as of 3/12 or as of 3/23 (the beginning of the extended break)?

**Traci L Carter**
*Assistant Director*
Student Financial Aid & Scholarships
Texas Tech University
West Hall 322B | P.O. Box 45011-5011
Lubbock, TX 79409
806-834-1401 (Office) | 806-742-0880 (Fax)
financialaid.ttu.edu

AMERICAN OVERSIGHT

**From:** Michelle L. Williams
**Sent:** Thu, 19 Mar 2020 19:05:37 +0000
**To:** COVID-19
**Subject:** R2T4

I have read the guidance but find it confusing. We are a semester school (16 weeks in the Fall & 16 weeks in the Spring). We extended spring break by one week and ARE NOT extending the semester. Do I need to add the additional week of break to any return calculations that occur once classes resume?

Thank you,
Michelle

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AMERICAN OVERSIGHT

**From:** Kesner, Paul
**Sent:** Thu, 19 Mar 2020 19:42:34 +0000
**To:** COVID-19
**Subject:** Re: ACADEMIC BREAK NOTIFICATION - COVID-19

I think OPE
Get Outlook for iOS
**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Thursday, March 19, 2020 3:28:21 PM
**To:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: ACADEMIC BREAK NOTIFICATION - COVID-19

Is this OPE or OESE COVID19?

---

**From:** Jemira Colón <jcolon@etepr.edu>
**Sent:** Thursday, March 19, 2020 1:28 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** franciscosantiagocaraballo@gmail.com
**Subject:** ACADEMIC BREAK NOTIFICATION - COVID-19
**Importance:** High

Good afternoon,

Among the determinations announced by the Governor of Puerto Rico, a state of emergency was declared throughout the Island, the National Guard was activated, and the work of the central government, agencies and public instrumentalities unrelated to safety and health were canceled.

In relation to the general population and as a precautionary measure to reduce the risk of contagion, the cancellation of all activities where many people are concentrated was recommended until March 30, 2020. Similarly, a closing order has been decreed of shops from March 15 at 6:00 pm and a curfew starting at 9:00 p.m., until five in the morning until March 30.

Within the announced recommendations, the Government of Puerto Rico has requested private companies to establish work plans so that employees, to the extent possible and within the pertinent parameters and labor rules, work from their homes. This to avoid exposure to possible contagion.

Consistent with the Government's request, the Escuela Técnica de Electricidad, Inc. has decided to suspend face-to-face activities in our campuses through an academic break from March 16, 2020 to March 30, 2020.

We have faith and hope that we will succeed in controlling the spread of COVID-19 and that we will soon be able to resume our work as normal.

Best regards,

AMERICAN OVERSIGHT

Jemira Z. Colón Otero
Administrative Director
Escuela Técnica de Electricidad
(787)843-7100 / (787)843-3588
jcolon@etepr.edu

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:54:17 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** RE: ACADEMIC BREAK NOTIFICATION - COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jemira Colón <jcolon@etepr.edu>
**Sent:** Thursday, March 19, 2020 1:28 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** franciscosantiagocaraballo@gmail.com
**Subject:** ACADEMIC BREAK NOTIFICATION - COVID-19
**Importance:** High

Good afternoon,

Among the determinations announced by the Governor of Puerto Rico, a state of emergency was declared throughout the Island, the National Guard was activated, and the work of the central government, agencies and public instrumentalities unrelated to safety and health were canceled.

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Best regards,

AMERICAN OVERSIGHT

Jemira Z. Colón Otero
Administrative Director
Escuela Técnica de Electricidad
(787)843-7100 / (787)843-3588
jcolon@etepr.edu

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AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Thu, 19 Mar 2020 20:16:32 +0000
**To:** kward@cwclosangeles.org;OESE.ESEA.Assessment;OESE.titlei-a;LCFF;OESE.SGR.California;CRDC
**Cc:** COVID-19
**Subject:** RE: Compliance During COVID-19

Thank you, Karla, for reaching out to us – I have copied the Department's dedicated inbox on these questions at COVID-19@ed.gov for a response.

Best,
Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

**From:** Karla Ward <kward@cwclosangeles.org>
**Sent:** Thursday, March 19, 2020 3:36 PM
**To:** OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; LCFF <lcff@cde.ca.gov>; OESE.SGR.California <California.oese@ed.gov>; CRDC <CRDC@sanametrix.com>
**Subject:** Compliance During COVID-19

Hello,

Our schools are concerned regarding the many compliance related documents and/or reports that they would address during the normal course of the school year (i.e., LCAP, Title I, etc.).

We have shifted ALL of our focus, resources, and support to instruction and operations that would support our students and families. We are concerned about the capacity to focus on these things in addition to these compliance related documents and/or reports.

Will there be any guidance about whether schools will be required to submit these documents/reports and all the activities required to engage families?

Any guidance is appreciated.

AMERICAN OVERSIGHT

--
Thank you,

**Karla Ward Chavarin**
**Director of Data and Compliance**

**Citizens of the World - Los Angeles**
5371 Wilshire Blvd, Suite 200
Los Angeles, California 90036

**Phone:** 323-315-0235 EXT 120
**Email:** kward@cwclosangeles.org
**Website:** www.cwclosangeles.org

AMERICAN OVERSIGHT

**From:** Patrick, Kelly
**Sent:** Thu, 19 Mar 2020 20:46:23 +0000
**To:** Dowling, Maureen
**Cc:** COVID-19;Stephenson, Todd;Binder, Isadora;Morrisey, Jenay;OESE COVID 19
**Subject:** RE: FW: Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance

Hi Maureen -
I'm adding OESE COVID-19 to the CC list.

Kelly

---

**From:** Dowling, Maureen <Maureen.Dowling@ed.gov>
**Sent:** Thursday, March 19, 2020 4:45 PM
**To:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>; Stephenson, Todd <Todd.Stephenson@ed.gov>; Binder, Isadora <Isadora.Binder@ed.gov>; Morrisey, Jenay <Jenay.Morrisey@ed.gov>
**Subject:** FW: FW: Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

Patrick,

ONPE actually submitted these two inquiries as we will need the involvement of OESE and OGC in resolving them. I have looped in Todd who may be aware that ONPE submitted these two COVID-19 inquiries.

Maureen

**MAUREEN DOWLING, ED.D.**
**DIRECTOR**
OFFICE OF NON-PUBLIC EDUCATION
OFFICE OF THE SECRETARY | U.S. DEPARTMENT OF EDUCATION
400 MARYLAND AVE, SW | WASHINGTON, DC 20202 | 202-260-7820
JOIN THE ONPE LISTSERV!

---

**From:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Sent:** Thursday, March 19, 2020 3:58 PM
**To:** Dowling, Maureen <Maureen.Dowling@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

Hi Maureen,

AMERICAN OVERSIGHT

The COVID-19 mailbox received an inquiry for ONPE. Attached is the inquiry.

Thanks,
Kelly

AMERICAN OVERSIGHT

**From:** Muhammad, Robert
**Sent:** Thu, 19 Mar 2020 17:34:07 +0000
**To:** COVID-19
**Subject:** Re: Guidance: Federal Work-Study - Pay Out

Good afternoon. Please see the email below. Please provide guidance.

Thank you,

Robert

Robert Muhammad, Director
Office of Scholarships and Financial Aid
Winston-Salem State University

Sent from my iPhone

> On Mar 18, 2020, at 12:45 PM, Muhammad, Robert <muhammadr@wssu.edu> wrote:
>
> Good morning.
>
> With regard to Federal-Work Study, I have two questions:
>
> 1. Are Title III school that have a waiver for the 25% matching able to use the provision in the March 5, 20120 correspondence to allow students to still work?
> 2. Can schools pay a "lump sum" for remaining FWS or do we need to pay it bi-weekly? (We do not yet know how long that we are going to be closed.)
>
> Thanks,
>
> Best,
>
> Robert
>
> Robert Muhammad, Director
> Office of Scholarships and Financial Aid Winston-Salem State University

AMERICAN OVERSIGHT

**From:** DonFrancesco, Christine [NEA]
**Sent:** Thu, 19 Mar 2020 19:29:31 +0000
**To:** OESE.titlei-a;OESE.ESEA.Assessment
**Cc:** COVID-19
**Subject:** Re: How can we track which states requested flexibility/waivers for assessments and accountability?

That's very kind of you, Leslie. Thanks for your quick response!
**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Thursday, March 19, 2020 3:28 PM
**To:** DonFrancesco, Christine [NEA] <cdonfrancesco@nea.org>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: How can we track which states requested flexibility/waivers for assessments and accountability?

Thank you for your inquiry – I am copying COVID-19@ed.gov for a response.

Best,
Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

---

**From:** DonFrancesco, Christine [NEA] <cdonfrancesco@nea.org>
**Sent:** Thursday, March 19, 2020 3:11 PM
**To:** OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** How can we track which states requested flexibility/waivers for assessments and accountability?

Hello!

Is there a place on the website where we can track which states have received permission from USED to enact waivers of assessments/accountability? I have seen some states announce that they won't be conducting statewide testing but couldn't find a list of approvals on the USED website.

AMERICAN OVERSIGHT

Thank you in advance for your consideration of this request! And thank you for all you are doing for our schools during this challenging time.

Respectfully,

Christine DonFrancesco
Education Policy & Practice Department
National Education Association
202.203.9726
cdonfrancesco@nea.org

NEA COVID-19 Resources

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Thu, 19 Mar 2020 19:28:47 +0000
**To:** DonFrancesco, Christine [NEA];OESE.ESEA.Assessment;OESE.titlei-a
**Cc:** COVID-19
**Subject:** RE: How can we track which states requested flexibility/waivers for assessments and accountability?

Thank you for your inquiry – I am copying COVID-19@ed.gov for a response.

Best,
Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

---

**From:** DonFrancesco, Christine [NEA] <cdonfrancesco@nea.org>
**Sent:** Thursday, March 19, 2020 3:11 PM
**To:** OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** How can we track which states requested flexibility/waivers for assessments and accountability?

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Respectfully,

Christine DonFrancesco
Education Policy & Practice Department
National Education Association
202.203.9726
cdonfrancesco@nea.org

AMERICAN OVERSIGHT

NEA COVID-19 Resources

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:48:19 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** RE: How can we track which states requested flexibility/waivers for assessments and accountability?
**Attachments:** RE: How can we track which states requested flexibility/waivers for assessments and accountability?, Re: How can we track which states requested flexibility/waivers for assessments and accountability?

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Attached is the inquiries.

Thanks,
Kelly

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Thu, 19 Mar 2020 19:28:47 +0000
**To:** DonFrancesco, Christine [NEA];OESE.ESEA.Assessment;OESE.titlei-a
**Cc:** COVID-19
**Subject:** RE: How can we track which states requested flexibility/waivers for assessments and accountability?

Thank you for your inquiry – I am copying COVID-19@ed.gov for a response.

Best,
Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

---

**From:** DonFrancesco, Christine [NEA] <cdonfrancesco@nea.org>
**Sent:** Thursday, March 19, 2020 3:11 PM
**To:** OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** How can we track which states requested flexibility/waivers for assessments and accountability?

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Respectfully,

Christine DonFrancesco
Education Policy & Practice Department
National Education Association
202.203.9726
cdonfrancesco@nea.org

AMERICAN OVERSIGHT

NEA COVID-19 Resources

AMERICAN OVERSIGHT

**From:** DonFrancesco, Christine [NEA]
**Sent:** Thu, 19 Mar 2020 19:29:31 +0000
**To:** OESE.titlei-a;OESE.ESEA.Assessment
**Cc:** COVID-19
**Subject:** Re: How can we track which states requested flexibility/waivers for assessments and accountability?

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**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
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**To:** DonFrancesco, Christine [NEA] <cdonfrancesco@nea.org>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: How can we track which states requested flexibility/waivers for assessments and accountability?

Thank you for your inquiry – I am copying COVID-19@ed.gov for a response.
Best,
Leslie
---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

---

**From:** DonFrancesco, Christine [NEA] <cdonfrancesco@nea.org>
**Sent:** Thursday, March 19, 2020 3:11 PM
**To:** OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** How can we track which states requested flexibility/waivers for assessments and accountability?

Hello!
Is there a place on the website where we can track which states have received permission from USED to enact waivers of assessments/accountability? I have seen some states announce that they won't be conducting statewide testing but couldn't find a list of approvals on the USED website.
Thank you in advance for your consideration of this request! And thank you for all you are doing for our schools during this challenging time.

Respectfully,
Christine DonFrancesco
Education Policy & Practice Department
National Education Association
202.203.9726
cdonfrancesco@nea.org
NEA COVID-19 Resources

AMERICAN OVERSIGHT

**From:** Kesner, Paul
**Sent:** Thu, 19 Mar 2020 11:58:49 +0000
**To:** COVID-19;Williams, Bryan
**Subject:** RE: OIE Formula Grantee's COVID Related Questions No.2

Send it to OESE.Covid

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 18, 2020 7:14 PM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: OIE Formula Grantee's COVID Related Questions No.2

Hello,

What am I supposed to do with this email? See below.

Kelly

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Wednesday, March 18, 2020 3:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** OIE Formula Grantee's COVID Related Questions No.2

Hello,

Please find our current list of OIE Formula Grantee's COVID related questions below. Don't hesitate to contact me with any questions.

| Date Created | Agency Name | Agency State | Caller Name | Summary |
|---|---|---|---|---|
| Mar 17 2020 15:47:20 | Baraboo School District | WI | Nicholas Karls | EASIE: Can Previously Designa |
| Mar 17 2020 14:54:25 | Brainerd Public Schools | MN | Ashley Ingebrigtson | EASIE: What are the expectat |
| Mar 16 2020 10:41:30 | Lafourche Parish | | Leslie Pelotto | EASIE: How will the grant pro |
| Mar 16 2020 09:49:00 | Bloomington Public Schools | | Hiedi Hecker | EASIE: Public Hearing, Parent |
| Mar 13 2020 14:52:47 | Grand Coulee Dam | | Kim Stanger | EASIE: Will there be an exten |

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| | | | |
|---|---|---|---|
| Mar 13 2020 14:26:30 | SD Guilford County Schools | Mia Malesovas | EASIE: Public Meetings have |
| Mar 13 2020 11:30:10 | Eugene School District-4J | Brenda Brainard | EASIE: How do we address th |
| Mar 12 2020 15:46:56 | Douglas County | Juliana Marez | EASIE: Will we still be require |

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

AMERICAN OVERSIGHT

**From:** Curtis, Patti
**Sent:** Thu, 19 Mar 2020 17:05:42 +0000
**To:** Dowling, Maureen;COVID-19
**Cc:** Velez-Anderson, Mischele
**Subject:** RE: Online Resources?
**Attachments:** STEM Resources.docx, Fed STEM Resources.docx

Here's one that came together quickly via the Tech Industry & OSTP
**Tech Related**
https://www.techforlearners.org/ hosted by SIIA
And here is another trusted source:
Council of State Science Supervisors -
http://stemteachingtools.org/news/2020/guidance-for-supporting-science-learning-during-covid-19
And attaching my list of other Federal resources since ED doesn't create or endorse curricula and another personal list.

---

**From:** Dowling, Maureen <Maureen.Dowling@ed.gov>
**Sent:** Thursday, March 19, 2020 12:55 PM
**To:** Curtis, Patti <Patti.Curtis@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Velez-Anderson, Mischele <MiSchele.Velez-Anderson@ed.gov>
**Subject:** Online Resources?

Patti and Response Team,

I had a very frustrated public school teacher form AL contact our office (via phone) asking for resources for online learning. I know that you have been trying to pull together a list. Might you be able to provide some resources at this stage or do you have any recommendations?

I have also included the COVID-19 mailbox to see if they have a response that we can provide to this callerMis.

Maureen

**MAUREEN DOWLING, ED.D.**
**DIRECTOR**
OFFICE OF NON-PUBLIC EDUCATION
OFFICE OF THE SECRETARY | U.S. DEPARTMENT OF EDUCATION
400 MARYLAND AVE, SW | WASHINGTON, DC 20202 | 202-260-7820
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## STEM Resources

- Techbridge Girls – Science: It's Family Affair
- STEMNext – Family Engagement Project
- PBS Kids – Engineering Games, SciGirls, Design Squad
- Boston Children's Museum – Family STEM Workbook
- The Connectory
- National Girls Collaborative Project – STEM & Wellness
- National PTA – STEM + Families
- Discover Engineering
- JHU – outreach activities
- NYSCI – The Pack
- Family Engineering
- http://sciencenetlinks.com/
- http://teachers.egfi-k12.org/
- Math https://illuminations.nctm.org/
- Family playlists from Power My Learning
- Khan Academy Kids
- Bedtime Math for younger ones (3-8)

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# Federal STEM Resources

**DEFENSE**
https://dodstem.us/stem-programs

**EDUCATION**
www.ed.gov/stem
https://y4y.ed.gov
https://ies.ed.gov

**ENERGY**
https://www.energy.gov/science-innovation/stem-rising

**EPA**
https://www.epa.gov/education

**Federal Reserve Board**
https://www.federalreserveeducation.org/

**International Space Station**
https://www.spacestationexplorers.org/

**NASA**
https://www.nasa.gov/stem/foreducators

**NIH**
https://newsinhealth.nih.gov/2019/09/stem-teaching-resources

**NIST**
https://www.nist.gov/itl/applied-cybersecurity/nice

**NOAA**
https://www.noaa.gov/education

**NSF**
http://www.nsfresources.org/
www.INCLUDESnetwork.org
www.STEMtlnetwork.org

**Smithsonian Institution**
www.ssec.si.edu/global-goals
www.ssec.si.edu/makerspaces

**US Census**
https://census.gov/schools

**USDA**
https://nifa.usda.gov/education

**USGS**
www.usgs.gov/education

**USPTO**
https://www.uspto.gov/learning-and-resources/outreach-and-education

**Non-Federal Resources**
Family Engagement in STEM
STEM Ecosystems
www.100kin10.org
Link Engineering
PBS Kids
Engineering Games, SciGirls, Design Squad
The Connectory
National Girls Collaborative Project
Discover E

Compiled by Robert Noyce/Ellen Lettvin STEM Fellow Patti Curtis
patti.curtis@ed.gov
Disclaimer: Not endorsed by the U.S. Department of Education
AMERICAN OVERSIGHT

**From:** Thurmond, Bryan
**Sent:** Thu, 19 Mar 2020 15:30:03 +0000
**To:** Schleicher, Leigh (MDE)
**Cc:** Reyes, Roberto (MDE);COVID-19;OESE.HomelessEd
**Subject:** RE: our role during shut down?

Hi Leigh,

Thank you so much for reaching out—and thank you for all you are doing during this time to support students experiencing homelessness across Minnesota. As you know, the Department is closely monitoring the impact of COVID-19, and the Department is working to issue guidance as quickly as possible. To date we have not released guidance specific to the McKinney-Vento EHCY program. As the Department releases additional guidance, we will share it via our listservs and update the Department's COVID-19 website, which is available at www.ed.gov/coronavirus. I've also copied the Department's COVID-19 mailbox to this email; we are trying to route all COVID-19 related questions (and responses) through this mailbox.

Finally, I wanted to share a link to a recent resource from the U.S. Interagency Council on Homelessness (USICH): https://www.usich.gov/tools-for-action/supporting-children-and-youth-experiencing-homelessness-during-the-covid-19-outbreak-questions-to-consider. While this is officially a USICH resource, our team did collaborate with USICH to finalize the document. I hope you will find it helpful.

Of course, please don't hesitate to reach out if I can be helpful in any other way, and we will be in contact with additional information as soon as possible. Thank you for your partnership!

Bryan

**Bryan Thurmond**
Teachers, Leaders, and Special Populations Team
Office of School Support and Accountability
Office of Elementary and Secondary Education
U.S. Department of Education
bryan.thurmond@ed.gov
202-205-4914 (office)

---

**From:** Schleicher, Leigh (MDE) <leigh.schleicher@state.mn.us>
**Sent:** Friday, March 13, 2020 11:01 AM
**To:** Tate, Christopher <christopher.tate@ed.gov>; Thurmond, Bryan <Bryan.Thurmond@ed.gov>
**Cc:** Reyes, Roberto (MDE) <roberto.reyes@state.mn.us>; Rowan, Maria <maria.rowan@ed.gov>
**Subject:** RE: our role during shut down?

Thank you for routing this appropriately and thank you all for your leadership during this unprecedented time. As districts are planning for e-learning and other measures, we want to be sure to get information and considerations specific to students experiencing homelessness out there.

**Leigh Schleicher**

AMERICAN OVERSIGHT

Supervisor, Office of Equity and Opportunity
Office 651-582-8326 | Cell 651-276-1568 | leigh.schleicher@state.mn.us

**Minnesota Department of Education**
1500 Highway 36 West, Roseville, MN 55113
education.state.mn.us

---

**From:** Tate, Christopher <christopher.tate@ed.gov>
**Sent:** Friday, March 13, 2020 9:01 AM
**To:** Schleicher, Leigh (MDE) <leigh.schleicher@state.mn.us>
**Cc:** Reyes, Roberto (MDE) <roberto.reyes@state.mn.us>; Thurmond, Bryan <Bryan.Thurmond@ed.gov>; Rowan, Maria <maria.rowan@ed.gov>
**Subject:** RE: our role during shut down?

Hi Leigh-

My colleague Bryan Thurmond manages the MV program. Shutdowns because of COVID-19 are not addressed under AHCY because of the statutory authorization of the program is specific to the named disasters it supports.

+ Maria, AHCY program lead, for awareness.

Christopher

---

**From:** Schleicher, Leigh (MDE) <leigh.schleicher@state.mn.us>
**Sent:** Friday, March 13, 2020 9:55 AM
**To:** Tate, Christopher <christopher.tate@ed.gov>
**Cc:** Reyes, Roberto (MDE) <roberto.reyes@state.mn.us>
**Subject:** FW: our role during shut down?
**Importance:** High

Hi Chris – is there any EHCY specific information available? See question below. Thank you for your guidance. Leigh

**Leigh Schleicher**
Supervisor, Office of Equity and Opportunity
Office 651-582-8326 | Cell 651-276-1568 | leigh.schleicher@state.mn.us

**Minnesota Department of Education**
1500 Highway 36 West, Roseville, MN 55113
education.state.mn.us

AMERICAN OVERSIGHT

DEPARTMENT OF EDUCATION

**From:** Elizabeth McInerney <anne.mcinerney@spps.org>
**Sent:** Friday, March 13, 2020 8:46 AM
**To:** Reyes, Roberto (MDE) <roberto.reyes@state.mn.us>; Schleicher, Leigh (MDE) <leigh.schleicher@state.mn.us>
**Subject:** our role during shut down?

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---

If the schools are shut down, what is our role as the MV liaison?

**Anne McInerney**
Supervisor, Project REACH/Fostering Connections
**Saint Paul Public Schools** • 1021 Marion St. St. Paul, MN 55117
Office: 651-744-2565 • Cell: 651-231-0404• Fax: 651-632-3780
spps.org/projectreach

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Thu, 19 Mar 2020 20:26:54 +0000
**To:** Lisa H. Woloszynek;OESE.titlei-a
**Cc:** COVID-19
**Subject:** RE: School District Title Obligations - COVID-19

Good Afternoon,

Thank you for your question. I have copied the Department's dedicated inbox on this topic at COVID-19@ed.gov for a response.

Best,
Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

---

**From:** Lisa H. Woloszynek <lwoloszynek@walterhav.com>
**Sent:** Thursday, March 19, 2020 2:08 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** School District Title Obligations - COVID-19

I represent a variety of school districts in Ohio and we are struggling to find some information. Please provide guidance regarding school district obligations under Title I, Part A during COVID-19 school closures.

Thank you,

**Lisa H. Woloszynek**

ASSOCIATE
DIRECT LINE (216) 619-7835
1301 E. Ninth St. | Suite 3500 | Cleveland, OH 44114

AMERICAN OVERSIGHT

WALTER | HAVERFIELD LLP
Attorneys At Law

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AMERICAN OVERSIGHT

**From:** Garnishments
**Sent:** Thu, 19 Mar 2020 12:12:17 +0000
**To:** COVID-19
**Cc:** answers
**Subject:** RE: Wage Garnishment Orders

Good morning,

We hope this email finds you well.
We wanted to follow up and see if you have had a chance to review our request.

Thank you kindly in advance!

Kind Regards,

Payroll Department | Fulton County Schools
6201 Powers Ferry Road NW | Atlanta, GA 30339
470-254-6849 ph | 470-254-5515 fax
garnishments@fultonschools.org | www.fultonschools.org

*"Payroll's mission is to approach each assignment with integrity while providing customer service that fosters trust, respect, transparency, and resolve."*

---

**From:** Garnishments <Garnishments@fultonschools.org>
**Sent:** Monday, March 16, 2020 11:09 AM
**To:** COVID-19@ed.gov
**Cc:** answers@ed.gov
**Subject:** RE: Wage Garnishment Orders

Good morning,

We are following up to our request from last week.
Could you kindly provide us with an update?

Thank you in advance!

Kind Regards,

Payroll Department | Fulton County Schools
6201 Powers Ferry Road NW | Atlanta, GA 30339
470-254-6849 ph | 470-254-5515 fax
garnishments@fultonschools.org | www.fultonschools.org

AMERICAN OVERSIGHT

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**From:** Garnishments <Garnishments@fultonschools.org>
**Sent:** Friday, March 13, 2020 8:49 AM
**To:** COVID-19@ed.gov
**Cc:** answers@ed.gov
**Subject:** Wage Garnishment Orders

Good morning,

We hope this email finds you well.
We are reaching out and wish for this email to be forwarded to the proper area for handling of our request.

In preparation for the Corona Virus impact to our work operation, we are needing to know if there is a way that Student Loan Wage Garnishment Orders coming from the U.S. Department of Education, could be emailed to Payroll directly.
Currently we receive all Student Loan Wage Garnishment Orders by mail delivery.

Please kindly consider our request and inform us of the process to get this converted to email delivery.
Thank you in advance for your help and consideration of this as we all work through the impact of the coronavirus!

Kind Regards,

Payroll Department | Fulton County Schools | Fulton County Board of Education
6201 Powers Ferry Road NW | Atlanta, GA 30339
470-254-6849 ph | 470-254-5515 fax
garnishments@fultonschools.org | www.fultonschools.org

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AMERICAN OVERSIGHT

**From:** Kinziger, Linda
**Sent:** Thu, 19 Mar 2020 12:09:31 -0500
**To:** COVID-19
**Subject:** Refunds

Hello,

I have seen/heard answers that do not agree with each other in regards to COA and partial refunds for housing and dining and let's throw in tuition.

On the NASFAA webinar this week it was said that we would not have to adjust COA based on refunds, however in email threads, there was an answer from Shaina Hilsey that said schools must change the COA. Which is true?

Linda

--
Linda Kinziger
Director of Financial Aid

Ripon College
300 W. Seward St.
Ripon, WI 54971
(p) 920-748-8358

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AMERICAN OVERSIGHT

**From:** Chavez, Susan R
**Sent:** Thu, 19 Mar 2020 17:48:03 +0000
**To:** COVID-19
**Cc:** Martinez, Gayle J;Montoya, Emily R
**Subject:** Reimbursements for Housing and Meal Plan charges to students

Good Morning,
My university is having discussions regarding reimbursements to students in housing and on meal plans, who are transitioning to online learning because of the COVID-19 related pandemic. Can you please give direction as to whether to refund students or carry a credit balance, which runs into a R2T4 issue?
Thank you,
Susan Chavez

AMERICAN OVERSIGHT

**From:** Saerom Lee
**Sent:** Thu, 19 Mar 2020 12:44:09 -0400
**To:** COVID-19;COD Support
**Subject:** Request for FISAP Information on COVID - 19

To whom it may concern,

I am writing in request for guidance regarding those students who are affected by COVID-19. The March 05, 2020 Electronic Announcement permits the institutions and employers to continue paying the Federal Work Study wages with the COVID-19 disruption. A national emergency has been formally declared as a result of the Coronavirus, and I would like to know how this will impact the FISAP submission. I require guidance and instructions pertaining to the institution's requirements when dealing with COVID-19 affected students who may be eligible to receive FSEOG or FWS.

Sincerely,
Saerom

--

**Saerom Lee**

**Agency Reporting and Case Resolution Manager**

**Title IV and Student Relations**

T: 954-512-5995

E: Saerom.Lee@purdueglobal.edu

www.PurdueGlobal.edu

PURDUE GLOBAL UNIVERSITY

AMERICAN OVERSIGHT

**From:** Eva Ochoa
**Sent:** Thu, 19 Mar 2020 11:01:27 -0700
**To:** COVID-19
**Subject:** School Closure

Hello Team,

My school is a clock hour program and has been closed by the my school district Beaumont Unified, who was instructed to close all schools by the Riverside County Public Health Officer in our county due to the COVID-19. Due to this closure our VN students are not allowed to come onto the campus nor continue with their clinical hours. We are not able to provide online or distance learning for the program. Nor are the students able to attend their clinical sites. I would like to know what I need to do to stay in compliance with Title IV. Do I need to update NSLDS enrollment, and what should I do with the students financial aid? The students will continue where they left off once we are able to return to school.

We are scheduled to return back to school on April 30, 2020.

Thank you,
--
*Eva Ochoa, FA*
*Beaumont Adult School*
*1575 Cherry Ave.*
*Beaumont, CA 92223*
*(951) 845-6012 ext. 5*

AMERICAN OVERSIGHT

**From:** McKinney, Paul
**Sent:** Thu, 19 Mar 2020 19:14:54 +0000
**To:** COVID-19
**Subject:** shorting a term and FWS

If we end our semester early can I still pay the work-study through what was suppose to be end of the term?
Or does the FWS end with the end of shortened term?
Paul

AMERICAN OVERSIGHT

**From:** Joseph Benson
**Sent:** Thu, 19 Mar 2020 08:00:59 +0000
**To:** COVID-19
**Subject:** Support

To whom it may concern,

I am writing as an International student ( US citizen pursuing my postgraduate degree in the U.K) who is seeking advice on financial support. Considering this pandemic, I decided to stay in the UK and not travel back to the USA to avoid the spread of this disease.

However, considering this ongoing economic crisis will affect my finances in relation to tuition fees, I am writing to seek any advice, guidance, assistance, or help as to how I will survive financially given my status and not being able to access any financial benefits that may be made available for American citizens at home.

I am hoping to hear from someone soon.

Thank you!
Sincerely,
Joseph Benson.

--
***"Being humble means recognizing that we are not on earth to see how important we can become, but to see how much difference we can make in the lives of others"***

AMERICAN OVERSIGHT

**From:** PhoenixDoyle, Kathey, DOH
**Sent:** Thu, 19 Mar 2020 18:16:10 +0000
**To:** COVID-19
**Subject:** Supporting Early Intervention Providers

Will any funding be sent to states to ensure our current Early Intervention Provider Agencies are able to remain open due to the loss of revenue during this health emergency? Following social distancing guidelines will mean no home visits thus lack of revenue via fee for service payment.

Will guidance be given regarding Part C timelines during the COVID-19 crisis or do we continue to refer to the 2018 material?

Will the SSIP deadline be extended due to the immense strain on State Coordinators being pulled to support their state with the emergency?

Thank You

Kathey Phoenix-Doyle

**Kathey Phoenix-Doyle**
**FIT Program Manager**

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AMERICAN OVERSIGHT

**From:** Lisa Stone
**Sent:** Thu, 19 Mar 2020 07:27:48 -0600
**To:** COVID-19
**Subject:** Term schools

Good morning,

From the guidance issued on March 5. It was my understanding that term schools could also have LOA's with the understanding that the student will still have to be able to come back exactly where they left off? Or the ED LOA rules remain the same and an LOA is not something a term school can consider as this is happening in the middle of the term?

Lisa

**Lisa Stone**
Director of Compliance
**FA Solutions, LLC**
Phone: 727-565-2048
Email:lstone@getfasolutions.com

**"Sometimes faith will make you look stupid; until it rains." - Noah**

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AMERICAN OVERSIGHT

**From:** Edwin Renteria
**Sent:** Thu, 19 Mar 2020 11:46:51 -0700
**To:** COVID-19
**Subject:** University Committed Bribery

Under Section 1341 Title 18 and decided, devise, and construct fraudulent pretenses, representations, dispose of a $10,000 check/funds, exchange, alter, distribute a settlement to me in order from myself not institute legal proceedings against that institution/university in the future. Devry wanted to accommodate on me signing a settlement so if that I agree with a lawful conflict.
Sincerely,
Edwin Renteria
670 Erie St, Apt. 7 Pomona, CA 91768
(909)272-7614

AMERICAN OVERSIGHT

**From:** Pena, Denise
**Sent:** Thu, 19 Mar 2020 06:13:08 +0000
**To:** COVID-19
**Subject:** Vanguard University: request for a reduction in length of the academic year

Good Evening,

In response to the COVID-19 outbreak, Vanguard University (OPEID 001293-00) decided to extend Spring Break by 1 week and not extend the academic year out. Plainly, we are reducing the length of our SP2020 term and AY by 1 week.

Can someone please assist us in getting this approval for our institution? Classes will resume online for the remainder of the term.

Thank you.

Peace,

**DENISE PEÑA**
Director | Financial Aid Office
T 714.619.6691 F 714.619.6655 financialaid.vanguard.edu

AMERICAN OVERSIGHT

**From:** Peterson, David (peterd8)
**Sent:** Thu, 19 Mar 2020 21:01:21 +0000
**To:** COVID-19
**Subject:** Verification Relief for V4 & V5 Selected Students

ED,

Please provide guidance or relief from the in person requirement for the Identity and Statement of Educational Purpose requirements of V4 and V5 selected students.

Our institution has 21 students for 2019-2020 who cannot complete this requirement due to the COVID-19 outbreak.

Sincerely,

David Peterson

---

*David A. Peterson*
*Assistant Vice Provost*
*Enrollment Management/Student Financial Aid*
*547 University Pavilion*
*University of Cincinnati*
*Cincinnati, OH 45221-0125*
*513-556-9939*

AMERICAN OVERSIGHT

**From:** Linda Handy
**Sent:** Thu, 19 Mar 2020 10:45:21 -0400
**To:** COVID-19
**Subject:** Waiver of the 30 week Academic Year Requirement

University of Indianapolis has decided to extend spring break by one week which would make our academic year 29 weeks instead of 30. The semester will continue until the scheduled end date with students continuing to be enrolled in an online format. Can you tell me who I need to contact to ask for a temporary waiver of the 30 week academic year requirement?

Linda

--

Linda B. Handy
Associate Vice President for Financial Aid
University of Indianapolis
1400 E. Hanna Avenue, EH141
Indianapolis, IN 46227
(317) 788-3217
(800) 232-8634
(317) 788-6136 – Fax
handy@uindy.edu
http://financialaid.uindy.edu

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AMERICAN OVERSIGHT

**From:** Moore, Crystal
**Sent:** Thu, 19 Mar 2020 23:08:26 +0000
**To:** COVID-19
**Subject:** 3/19/20 Formula Team COVID-19 related questions/concerns

Hello,

Please find our recent OIE Formula Team COVID-19 related questions/concerns included in the table below.

| | | | | | | |
|---|---|---|---|---|---|---|
| Mar 19 2020 16:27:03 | Mar 19 2020 16:52:00 | OIE | Canton Public Schools | OK | Julie Boucher | EASIE: How are we to complete public hearing and pca meeting requirements with COVID-19 concerns? |
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| Mar 19 2020 11:01:50 | Mar 19 2020 16:48:00 | OIE | Clinton City Schools | NC | Kelly Batts | EASIE: Is there any guidance related to COVID that can be provided? |
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| Mar 19 2020 11:48:12 | Mar 19 2020 13:57:00 | OIE | Bandon | OR | Karina Taylor | EASIE: Can we still fund Indian ED salaries with Title VI funds during statewide school closure? |

Yakoke (Thank You),

Crystal

AMERICAN OVERSIGHT

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

AMERICAN OVERSIGHT

**From:** Jemira Colón
**Sent:** Thu, 19 Mar 2020 13:28:04 -0400
**To:** COVID-19
**Cc:** franciscosantiagocaraballo@gmail.com
**Subject:** ACADEMIC BREAK NOTIFICATION - COVID-19
**Importance:** High

Good afternoon,

Among the determinations announced by the Governor of Puerto Rico, a state of emergency was declared throughout the Island, the National Guard was activated, and the work of the central government, agencies and public instrumentalities unrelated to safety and health were canceled.

In relation to the general population and as a precautionary measure to reduce the risk of contagion, the cancellation of all activities where many people are concentrated was recommended until March 30, 2020. Similarly, a closing order has been decreed of shops from March 15 at 6:00 pm and a curfew starting at 9:00 p.m., until five in the morning until March 30.

Within the announced recommendations, the Government of Puerto Rico has requested private companies to establish work plans so that employees, to the extent possible and within the pertinent parameters and labor rules, work from their homes. This to avoid exposure to possible contagion.

Consistent with the Government's request, the Escuela Técnica de Electricidad, Inc. has decided to suspend face-to-face activities in our campuses through an academic break from March 16, 2020 to March 30, 2020.

We have faith and hope that we will succeed in controlling the spread of COVID-19 and that we will soon be able to resume our work as normal.

Best regards,

Jemira Z. Colón Otero
Administrative Director
Escuela Técnica de Electricidad
(787)843-7100 / (787)843-3588
jcolon@etepr.edu

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AMERICAN OVERSIGHT

**From:** Alford, Keyimani L
**Sent:** Thu, 19 Mar 2020 18:15:03 +0000
**To:** COVID-19
**Subject:** Academic Calendar

Hi Department,

With the guidance about changes in the academic terms structure presented in November 2019, we were told that terms do not have to be equal length and could be 14-21 weeks. On Tuesday, it was shared by NASFAA that flexibility was granted, due to COVID-19, that we could overlap our term into the summer and where we would normally be considered nonstandard because of such, we would not. Is this correct? If so, here's a scenario that I'd like you to confirm my accuracy.

We are an institution that has a j-term, a three (3) week session that is attached to our Spring 2020 semester - which is 16 weeks. Therefore, our Spring term is a total of 19 weeks. Due to COVID, our institution wants to extend our spring break next week. However, it wants to make up the instruction in summer. I understand if we do the extended spring break and do nothing it's a reduced academic year which I must get permission from our School Participation Office. Spring ends on May 15, 2020 and Summer begins the next week on May 16, 2020. Is it accurate that although we have guidance to crossover into the next term, it does not eliminate the academic term length guidance - essentially only have two weeks to utilize to make up the lost week based on our current term length of 21 weeks? This would allow us to extend our Spring term to May 29, 2020.

What are your thoughts?

Keyimani

Keyimani L. Alford, Ph.D.
Director | Student Financial Support Services
**Madison Area Technical College**
1701 Wright Street | Madison, Wisconsin | 53704
Office (608) 246-6320 | Fax (608) 243-4245
klalford@madisoncollege.edu

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AMERICAN OVERSIGHT

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OVERSIGHT

**From:** Jerry Martinez
**Sent:** Thu, 19 Mar 2020 15:15:28 +0000
**To:** COVID-19
**Subject:** Adjustments to COA for prorated housing and meal charges

Hello,

If an institution is planning to prorate housing and meal charges due to students moving off campus and potentially issuing refunds to students for those charges. Is the financial aid office required to reduce or adjust the student Cost of Attendance and therefore any Title IV aid?

Thanks,

| Jerry Martinez | Colorado School of Mines | Office of Financial Aid|
COLORADOSCHOOLOFMINES
EARTH • ENERGY • ENVIRONMENT

AMERICAN OVERSIGHT

**From:** Lori Lewis
**Sent:** Thu, 19 Mar 2020 10:01:07 -0400
**To:** COVID-19
**Cc:** Lori Lewis
**Subject:** cancellation of classes for a couple days?

Good morning!
Our campus has moved to online courses to finish the semester. But a new decision was made this week to close the campus but continue online courses. Which is allowed, etc.

The issue that I have is that the VP of Academic Affairs canceled classes for today and tomorrow, which takes our semester below 15 weeks. It puts us at 14 weeks.

Can you advise what we need to do about this?
Do we only see approval from you or do we need to add the days back to the end of the semester somehow?

I apologize, I was notified of this decision as it was being announced and not asked before.

Let me know.
Thanks for all you do!
Lori Lewis

--

**Lori Lewis, CFAA®**
Director of Financial Aid
CPO 6342 PO Box 9000
Asheville, NC 28815
Phone: 828.771.2081
Fax: 828.771.2030
www.warren-wilson.edu/finaid
You can make an appointment with me by clicking here!

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**Please visit your MyWWC account to view and pay your Warren Wilson bill.**

***To ensure data and information remain secure and private, please do not include personal or private information in an e-mail or as an attachment when communicating with staff in the Financial Aid Office.*** Such attachments will NOT be opened or accepted, and instead should be postal mailed, faxed, or delivered in-person to our office.

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Arlyn Villaruz
**Sent:** Thu, 19 Mar 2020 23:56:00 +0000
**To:** COVID-19
**Subject:** Cessation of Interest by the Trump Administration

http://freestudentloanadvice.org/student-loan-strategies-for-those-affected-by-covid-19/

Good afternoon,

In reading this article regarding President Trump's announcement of cessation of interest on federally held Perkins Loans, what would be the difference on Institutional held Perkins Loans? Why couldn't schools who service their loans through non-federal servicers also cease interest?

Thank you for your time.

Sincerely,

Arlyn

**Arlyn Villaruz**
Director of Student Accounts
*Office of Administration and Finance*

Marshall B. Ketchum University
2575 Yorba Linda Blvd., Fullerton, CA 92831
**P** 714.449.7437 | ketchum.edu | Student Accounts Services

Marshall B.
KETCHUM UNIVERSITY

AMERICAN OVERSIGHT

**From:** Ernst, Nathan
**Sent:** Thu, 19 Mar 2020 13:24:42 +0000
**To:** COVID-19
**Subject:** COD, FAA Access, and NSLDS Access

Good morning,

As you know, we will have a number of financial aid administrators working from home over the next few weeks. They may attempt to sign in to COD, FAA Access, and NSLDS from a different IP address. In past, ED would flag users who signed in from multiple IP addresses. Is this going to cause problem for financial aid administrators over the next few weeks as they work from home? Thanks.

***Students: Please include your student ID number in all e-mails.***

Nathan Ernst
Director, Student Financial Services & Registrar
International PDSO
VA Certifying Official
Midwestern University – Downers Grove, IL Campus
Phone: (630) 515-6101
Fax: (630) 515-6384

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AMERICAN OVERSIGHT

**From:** Jennifer Beck
**Sent:** Thu, 19 Mar 2020 13:11:43 -0500
**To:** COVID-19
**Subject:** COVID & FWS

Per NASFAA, the U.S. Department of Education (ED), the student can be paid only for the FWS hours he, she, or they were scheduled to work for the interrupted term or nonterm period. By definition, scheduled hours are not necessarily the same as average hours.
http://www.nasfaa.org/news-item/21221/Trending_AskRegs_Q_A_How_Do_We_Determine_How_Much_To_Pay_FWS_Students_When_Enrollment_Is_Disrupted_By_Coronavirus

For student employee whose work schedules varied from week to week with no set schedule. If not using the average what should we use?

Best,
Jennifer

_____

Jennifer M. Beck
Sr. Director of Student Financial Aid
Student Financial Services | St. Edward's University About Us
3001 South Congress Avenue | MB 204 | Austin, TX 78704-6489
PH: 512.448.8516 | FAX: 512.416.**5837**| Campus Mailbox 16
EMAIL: jbeck@stedwards.edu
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Have you filed your FAFSA? Please remember to include St. Edward's school code: 003621
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AMERICAN OVERSIGHT

**From:** Stephanie Barlow
**Sent:** Thu, 19 Mar 2020 15:49:01 +0000
**To:** COVID-19
**Subject:** COVID question

Good Morning,

If a school decides to go online but then decides to close for the remainder of the semester, are we required to complete R2T4s for every student if their courses are not offered until the following spring semester?

Thank you,

Stephanie Barlow
Financial Aid Coordinator
St. Joseph's College of Nursing

stephanie.barlow@sjhcon.edu
**W** 315.448.5266
**F** 315.448.5745

206 Prospect Avenue
Syracuse, NY 13203

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-

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AMERICAN OVERSIGHT

**From:** Natalie Guidry
**Sent:** Thu, 19 Mar 2020 09:26:04 -0500
**To:** COVID-19
**Cc:** 'Brooks Powell'
**Subject:** COVID unaddressed scenario-Re-entry students
**Importance:** High

Good morning,

I looking for additional guidance in regards to students who are inquiring about re-entering into a non-standard term program within or after 180 days of their initial withdrawal date.

Our institution has converted to distance learning effective on 03/23/2020 due to COVID19 and the guidance released in the electronic announcement on March 5, 2020. If any previously withdrawn students were not active as of the date of the electronic announcement or prior to the dates of temporary closure, are we allowed to re-enter the students into their program on or after 03/23/2020?

Please contact me if any additional clarification is required.

Thanks,

Natalie Guidry, MBA

Unitech Training Academy
227-B Bendel Road
Lafayette, LA 70503
337-988-4042 office
337-988-9350 fax
nguidry@unitechtrainingacademy.com

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AMERICAN OVERSIGHT

**From:** Denise Spellman
**Sent:** Thu, 19 Mar 2020 11:32:38 -0500
**To:** COVID-19
**Subject:** COVID-19 Academic Question_Dillard University

Dear Representative:

Please provide me with guidance regarding an Academic/Registrar's consideration to possibly provide students with a pass or fail grade under this unusual time. How will this impact us regarding SAP or any other matter of concern for Financial Aid from a DOE/Federal Student Aid perspective?

Sincerely,


Denise B. Spellman

Denise B. Spellman
Director
Office of Financial Aid & Scholarships
**Dillard University**
2601 Gentilly Blvd – RH 126
New Orleans, Louisiana 70122
**P:** (504) 816-4864 **F:** (504) 816-5456
**E:** dspellman@dillard.edu
**W:** www.dillard.edu



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AMERICAN OVERSIGHT

**From:** Yarritu, Daniel
**Sent:** Thu, 19 Mar 2020 14:01:16 +0000
**To:** COVID-19
**Cc:** policy@nasfaa.gov
**Subject:** Credit to No-Credit change
**Importance:** High

Good morning,

I would like to know what is the impact for students receiving Title IV aid if the institution made the decision to move some courses from 'Credit' to 'NO-Credit' status instead of assigning a grade due to the COVID-19 closures and complication for some programs to be administered online.

Thanks,

***Daniel Yarritu***
Director, Financial Aid
Brazosport College
500 College Drive | Lake Jackson, TX 77566
t. (979) 230-3377 |f. (979) 230-3543

AMERICAN OVERSIGHT

**From:** Carrie Short
**Sent:** Thu, 19 Mar 2020 12:09:00 +0000
**To:** COVID-19
**Subject:** Did we shorten our academic year, or no?

Hello -

I have a question based on something I learned on the NASFAA webinar Tuesday… It was about shortening the academic year and needing to get permission. As you know, a lot of schools extended their spring break. We started ours early for in-person classes and extended it for in-person classes, but we did not adjust online classes. Does that require permission/submission or no?

Thanks!

Carrie Short

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

**From:** Hendricken, Kelly
**Sent:** Thu, 19 Mar 2020 15:49:50 +0000
**To:** COVID-19
**Cc:** Casey, Sandra;Thompson, Patricia
**Subject:** Do Cash Management Rules Apply for Refunds and Credits of Title IV Funds to Students?
**Importance:** High

To Whom it May Concern:

The State University of New York System is seeking guidance and clarification on whether the cash management rules apply when issuing refunds and/or credits to students who have completed over 60% of their semester who have not withdrawn, but are seeking refunds and/or credits for a specific purpose. These are still Title IV funds, however. These refunds and/or credits would be in relation to room and board costs, potentially meal plan costs as well, along with other non-tuition related costs depending upon the circumstances. The System was considering issuing refunds for these costs where applicable, and/or credits for returning students where applicable, but wanted to ensure we were complying with all proper rules and regulations. Thus far, we have not seen any specific guidance from the Department, and were wondering if the Department would be providing any guidance on this for colleges and universities across the country.

Our understanding is that an authorization from the student would be sufficient and that the cash management rules would not apply here. Please let us know if this is correct. Thank you.

Sincerely,

Kelly Hendricken

**Kelly H. Hendricken, Esq.**
*Assistant Counsel*
Office of General Counsel
The State University of New York
State University Plaza - Albany, New York 12246
Tel: 518.320.1400 Fax: 518.320.1541
Pronouns: She/Her/Hers

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**From:** Moore, Crystal
**Sent:** Thu, 19 Mar 2020 20:21:26 +0000
**To:** COVID-19
**Cc:** Ryder, Ruth;Hernandez-Marshall, Angela
**Subject:** EASIE Broadcast

Hello,

The OIE Formula Team is seeking permission to send the generic content below to our grantees via an email blast:

**To:** All users that certified Part I by the March 12, 2020, deadline
**Subject:** EASIE Title VI Application and COVID-19 Update
**Distribution Date:** Upon Approval

---

Dear EASIE User,

PSC is reaching out to provide an update regarding the EASIE Title VI grant application in relation to current COVID-19 health concerns. PSC has received questions and concerns from EASIE applicants about the current SY 2020-21 Title VI application timeline and how to implement current SY 2019-20 Title VI programs.

The Office of Indian Education (OIE) is currently working internally to address all received concerns and questions. PSC will send a broadcast to all applicants once more information is available. Your patience is appreciated.

Additional information regarding COVID-19 can be found here:
https://www.ed.gov/coronavirus

Sincerely,

ED*Facts* Partner Support Center on behalf of the Office of Indian Education

Voice: (877) 457-3336 (877-HLP-EDEN)

Fax: (888) 329-3336 (888-FAX-EDEN)

Federal Relay Service: 800-877-0996 (Voice/TTY) /
federalrelay@sprint.com

AMERICAN OVERSIGHT

Email: eden_oie@ed.gov

https://easie.grads360.org

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

AMERICAN OVERSIGHT

**From:** Alford, Keyimani L
**Sent:** Thu, 19 Mar 2020 17:03:38 +0000
**To:** COVID-19
**Subject:** Extended Spring Break - COVID Impact

Hello School Participation Division,

My institution, Madison College (00400700) is preparing to have an extended spring break due to COVID-19. We were informed this is shortening our semester and requires approval to do so.

What steps do we need to take in order to accomplish this?

Thank you for your time.

Keyimani

Keyimani L. Alford, Ph.D.
Director | Student Financial Support Services
**Madison Area Technical College**
1701 Wright Street | Madison, Wisconsin | 53704
Office (608) 246-6320 | Fax (608) 243-4245
klalford@madisoncollege.edu

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AMERICAN OVERSIGHT

**From:** Feucht, Stephanie A.
**Sent:** Thu, 19 Mar 2020 20:46:03 +0000
**To:** COVID-19
**Subject:** Extended Spring Break

Hello,

I also left a message with our School Participation Team, however, I heard they were referring schools to this email.

We would like to extend our spring break one week due to the COVID-19, reducing the length of our academic year.

Our school code is 005301
Northeast Wisconsin Technical College.

Please let me know what my next steps are.

Thank you,

**Stephanie Feucht**
Financial Aid Manager

Northeast Wisconsin Technical College
2740 W. Mason Street
Green Bay, WI 54307
**Office** 920-498-5544 | **Fax** 920-491-2619
stephanie.feucht@nwtc.edu | nwtc.edu

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WI Technical College

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AMERICAN OVERSIGHT

**From:** Ashley Reilly
**Sent:** Thu, 19 Mar 2020 21:57:41 +0000
**To:** COVID-19
**Subject:** FERPA for counselors/tele-counseling

Hello and thank you for your availability to respond to questions and/or for considering putting out guidance on the following:

I read the following communication from HHS OCR, detailing enforcement discretion for telehealth as it pertains to HIPAA. I am curious if similar guidance is/will be issued for school-based mental health providers who are bound by FERPA?

https://www.hhs.gov/about/news/2020/03/17/ocr-announces-notification-of-enforcement-discretion-for-telehealth-remote-communications-during-the-covid-19.html#.XnFBcjQsOpg.mailto

I appreciate your feedback and consideration.

Ashley

---

Ashley Wolfe Reilly, LCSW, PPSC
Social Emotional Counselor | Benjamin Holt College Preparatory Academy
Phone: (209) 955-1477 ext. 12343 | Fax: (209) 955-1472
Email: ashley.reilly@aspirepublicschools.org

AMERICAN OVERSIGHT

**From:** Jim Bowen
**Sent:** Thu, 19 Mar 2020 09:54:55 -0500
**To:** COVID-19
**Cc:** Bowen Jim
**Subject:** Free Online Video resource for AP Calculus teachers !!! ⍰⍰⍰

A free valuable online video resource for AP Calculus teachers !!!

==========

Because of the Coronavirous, many high school AP Calculus teachers may find themselves in the position of returning from spring break and suddenly ( and unexpectedly ) having to switch to some form of online instruction to complete the school year.

To assist teachers who find themselves in this position, with no time to develop their own individual video lessons, this free series of 240 AP Calculus video lessons created at Stillwater High School in Oklahoma might prove to be a very beneficial resource to administrators, teachers, and students preparing for the upcoming AP Calculus exam.

These free videos may be accessed directly at the following address:

apcalculusstillwater.wordpress.com

Please feel free to use these videos in any way you choose !!!

(Please share this information with other teachers, administrators, and students )

Hope this helps and good luck !!!

Jim Bowen

Stillwater High School

Stillwater, Oklahoma

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 23:17:50 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: 3/19/20 Formula Team COVID-19 related questions/concerns

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Thursday, March 19, 2020 7:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** 3/19/20 Formula Team COVID-19 related questions/concerns

Hello,

Please find our recent OIE Formula Team COVID-19 related questions/concerns included in the table below.

| | | | | | | |
|---|---|---|---|---|---|---|
| Mar 19 2020 16:27:03 | Mar 19 2020 16:52:00 | OIE | Canton Public Schools | OK | Julie Boucher | EASIE: How are we to complete public hearing and pca meeting requirements with COVID-19 concerns? |
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| Mar 19 2020 11:01:50 | Mar 19 2020 16:48:00 | OIE | Clinton City Schools | NC | Kelly Batts | EASIE: Is there any guidance related to COVID that can be provided? |
| Mar 19 2020 10:41:46 | Mar 19 2020 16:40:00 | OIE | Rapid City Area Sch Dist 51-4 | SD | Whitnee Pearce | EASIE: How to handle PCA form signatures during COVID? |

AMERICAN OVERSIGHT

| | | | | | | |
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| Mar 19 2020 11:45:54 | Mar 19 2020 13:59:00 | OIE | Edmonds School District 15 | WA | Kelly Moses | EASIE: Will the Part II deadlines be affected by COVID? |
| Mar 19 2020 11:48:12 | Mar 19 2020 13:57:00 | OIE | Bandon | OR | Karina Taylor | EASIE: Can we still fund Indian ED salaries with Title VI funds during statewide school closure? |

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:28 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: 30 day delay loans

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Matison, Kim <kmatison@tacomacc.edu>
**Sent:** Wednesday, March 18, 2020 3:23 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** 30 day delay loans

Hello –

We are moving to online classes and delaying our start date for spring by one week
Is there any relief for 30 day delay loans and single quarter loan disbursements, or must those dates be pushed back as well?

Thank you.

*Kim Matison*
Director
Financial Aid Services, Bldg. 14
Tacoma Community College
6501 So. 19th St., Tacoma WA 98466
253.566.5194/my fax 253.566.5194/TCC Financial Aid office fax 253.460.2020
www.tacomacc.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:54:58 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Academic Calendar

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Alford, Keyimani L <klalford@madisoncollege.edu>
**Sent:** Thursday, March 19, 2020 2:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Academic Calendar

Hi Department,

With the guidance about changes in the academic terms structure presented in November 2019, we were told that terms do not have to be equal length and could be 14-21 weeks. On Tuesday, it was shared by NASFAA that flexibility was granted, due to COVID-19, that we could overlap our term into the summer and where we would normally be considered nonstandard because of such, we would not. Is this correct? If so, here's a scenario that I'd like you to confirm my accuracy.

We are an institution that has a j-term, a three (3) week session that is attached to our Spring 2020 semester - which is 16 weeks. Therefore, our Spring term is a total of 19 weeks. Due to COVID, our institution wants to extend our spring break next week. However, it wants to make up the instruction in summer. I understand if we do the extended spring break and do nothing it's a reduced academic year which I must get permission from our School Participation Office. Spring ends on May 15, 2020 and Summer begins the next week on May 16, 2020. Is it accurate that although we have guidance to crossover into the next term, it does not eliminate the academic term length guidance - essentially only have two weeks to utilize to make up the lost week based on our current term length of 21 weeks? This would allow us to extend our Spring term to May 29, 2020.

What are your thoughts?

Keyimani

Keyimani L. Alford, Ph.D.

AMERICAN OVERSIGHT

Director | Student Financial Support Services
**Madison Area Technical College**
1701 Wright Street | Madison, Wisconsin | 53704
Office (608) 246-6320 | Fax (608) 243-4245
klalford@madisoncollege.edu

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:11:58 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: ADA/AM implications

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Wednesday, March 18, 2020 2:23 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** FW: ADA/AM implications

Hello,

Numerous OIE grantees are wondering if OIE grant budgeted staff, employees, contractors will continue to get paid via those funds if their school remains closed. Then, with a follow-up question: What about grant budgeted staff members' pay for schools do not make up that missed time? Meaning, are we going to pay them grant funds even if they are not able to tele-work/work?

Hope that make sense.

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

AMERICAN OVERSIGHT

**From:** Hall, Marilyn <Marilyn.Hall@ed.gov>
**Sent:** Wednesday, March 18, 2020 10:52 AM
**To:** Carr, Patrick <Patrick.Carr@ed.gov>
**Cc:** Moore, Crystal <Crystal.Moore@ed.gov>
**Subject:** RE: ADA/AM implications

Patrick, we will be discussing the ADA implications internally this afternoon. After that I will get back with you.
Marilyn

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Tuesday, March 17, 2020 7:29 PM
**To:** Carr, Patrick <Patrick.Carr@ed.gov>
**Cc:** Hall, Marilyn <Marilyn.Hall@ed.gov>; Moore, Crystal <Crystal.Moore@ed.gov>
**Subject:** ADA/AM implications

If you could take the lead, it would be most helpful. I think this could be worked outside of the RRT since it seems more complex.

I'm looping Marilyn and Crystal since their programs came up.

Thanks for reminding me about this. Questions on it have seemed to die down but clearly it is something we need to consider.

---

**From:** Carr, Patrick <Patrick.Carr@ed.gov>
**Sent:** Tuesday, March 17, 2020 10:10 AM
**To:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** RE: 9:00 meeting: (202) 991-0393, Conference ID: 121717911

Hi Ruth,

We didn't get to the question below during our meeting, but I've actually run it by our program attorneys for REAP and it is not an issue, since we already have data for FY 20 awards and will not need to collect until that data again till October/November. They did reply that it is an issue for OIE and Impact Aid. Would it be helpful if our team took that lead on coordinating a response to ADA/ADM questions? If so, should we be preparing a response for the COVID-19 OESE workgroup or someone else?

> Questions related to ADA/ADM (average daily attendance/membership) have come up. We think there are minor issues for ADA in Title I but more serious implications for rural. Are there other programs where there are implications? Is anyone willing to try to flesh out this issue?

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**Ruth E. Ryder**
**Deputy Assistant Secretary for Formula Grants**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5570
Email: ruth.ryder@ed.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:56:12 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Adjustments to COA for prorated housing and meal charges

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jerry Martinez <jermarti@mines.edu>
**Sent:** Thursday, March 19, 2020 11:15 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Adjustments to COA for prorated housing and meal charges

Hello,

If an institution is planning to prorate housing and meal charges due to students moving off campus and potentially issuing refunds to students for those charges. Is the financial aid office required to reduce or adjust the student Cost of Attendance and therefore any Title IV aid?

Thanks,

| Jerry Martinez | Colorado School of Mines | Office of Financial Aid|
COLORADOSCHOOLOFMINES
EARTH • ENERGY • ENVIRONMENT

AMERICAN OVERSIGHT

**From:** Smith, Danielle
**Sent:** Thu, 19 Mar 2020 16:58:00 +0000
**To:** COVID-19
**Cc:** Cantrell, David;Siry, Melissa
**Subject:** FW: Assessment and Accountability Waivers and Identification

Please find the below question from Dani Pierce with the Council of Chief State School Officers:

"States have questions about how they might handle identification if they request and receive assessment and accountability waivers. Do you have any guidance for states on what this might look like? Some states are curious about what this will mean for schools that will likely move from ATSI to CSI."

**Danielle Smith**
Group Leader, Technical Assistance
Program and Grantee Support Services
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave S.W.
Washington, DC 20202
Phone: (202) 453-5546
Danielle.Smith2@ed.gov

*Visit our website at oese.ed.gov!*

---

**From:** Dani Pierce <danielle.pierce@ccsso.org>
**Sent:** Thursday, March 19, 2020 9:32 AM
**To:** Smith, Danielle <Danielle.Smith2@ed.gov>
**Cc:** Monica Taylor <Monica.Taylor@ccsso.org>
**Subject:** Assessment and Accountability Waivers and Identification

Hi Danielle,

I hope this email finds you well.

I'm reaching out because some of our states have questions about how they might handle identification if they request and receive assessment and accountability waivers. Do you have any guidance for states on what this might look like? Some states are curious about what this will mean for schools that will likely move from ATSI to CSI.

If you have any guidance to share with school improvement and accountability/assessment leads that I might share that would be helpful.

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Thanks so much,
Dani

**Dani Pierce**
Senior Program Associate
School Improvement

Email: danielle.pierce@ccsso.org

Office: 202-336-7018

One Massachusetts Ave. NW, Suite 700
Washington, DC 20001
http://www.ccsso.org

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:48:45 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Assessment and Accountability Waivers and Identification

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Smith, Danielle <Danielle.Smith2@ed.gov>
**Sent:** Thursday, March 19, 2020 12:58 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Cantrell, David <David.Cantrell@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
**Subject:** FW: Assessment and Accountability Waivers and Identification

Please find the below question from Dani Pierce with the Council of Chief State School Officers:

"States have questions about how they might handle identification if they request and receive assessment and accountability waivers. Do you have any guidance for states on what this might look like? Some states are curious about what this will mean for schools that will likely move from ATSI to CSI."

**Danielle Smith**
Group Leader, Technical Assistance
Program and Grantee Support Services
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave S.W.
Washington, DC 20202
Phone: (202) 453-5546
Danielle.Smith2@ed.gov

*Visit our website at oese.ed.gov!*

---

**From:** Dani Pierce <danielle.pierce@ccsso.org>
**Sent:** Thursday, March 19, 2020 9:32 AM
**To:** Smith, Danielle <Danielle.Smith2@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Monica Taylor <Monica.Taylor@ccsso.org>
**Subject:** Assessment and Accountability Waivers and Identification

Hi Danielle,

I hope this email finds you well.

I'm reaching out because some of our states have questions about how they might handle identification if they request and receive assessment and accountability waivers. Do you have any guidance for states on what this might look like? Some states are curious about what this will mean for schools that will likely move from ATSI to CSI.

If you have any guidance to share with school improvement and accountability/assessment leads that I might share that would be helpful.

Thanks so much,
Dani

**Dani Pierce**
Senior Program Associate
School Improvement

Email: danielle.pierce@ccsso.org

Office: 202-336-7018

One Massachusetts Ave. NW, Suite 700
Washington, DC 20001
http://www.ccsso.org

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 21:11:49 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Attendance

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

**From:** andrewprax@att.net <andrewprax@att.net>
**Sent:** Friday, March 13, 2020 7:34 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Attendance

Will students have to make up school days, potentially extending the school year, if they go over the maximum amount of days allowed missed?

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:37 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Campus Closures

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jessica Herrick <jessicah@montcalm.edu>
**Sent:** Wednesday, March 18, 2020 3:32 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Campus Closures

Hi,

Are there options for extending the semester if we have a campus shutdown due to safety issues related to the coronavirus? Our Spring 2020 semester is supposed to end May 1st and Summer 2020 is supposed to begin June 1st. If we have to shutdown, campus leadership wonders if we can extend the Spring 2020 semester past our published end date to allow students time to finish their classes. If extending the semester end date is an option, do we have to leave a certain amount of time between the new Spring end date and the published start of the summer semester? Are there options for bumping back the beginning of the Summer semester as well?

Jessica Herrick
Director of Financial Aid
Montcalm Community College
989-328-1228

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:55:02 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: cancellation of classes for a couple days?

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Lori Lewis <llewis@warren-wilson.edu>
**Sent:** Thursday, March 19, 2020 10:01 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Lori Lewis <llewis@warren-wilson.edu>
**Subject:** cancellation of classes for a couple days?

Good morning!
Our campus has moved to online courses to finish the semester. But a new decision was made this week to close the campus but continue online courses. Which is allowed, etc.

The issue that I have is that the VP of Academic Affairs canceled classes for today and tomorrow, which takes our semester below 15 weeks. It puts us at 14 weeks.

Can you advise what we need to do about this?
Do we only see approval from you or do we need to add the days back to the end of the semester somehow?

I apologize, I was notified of this decision as it was being announced and not asked before.

Let me know.
Thanks for all you do!
Lori Lewis

--

**Lori Lewis, CFAA®**
Director of Financial Aid
CPO 6342 PO Box 9000
Asheville, NC 28815

AMERICAN OVERSIGHT

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Fax: 828.771.2030
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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:55:53 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Cancelling on campus classes

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** April K. Tretter <atretter@bellarmine.edu>
**Sent:** Wednesday, March 18, 2020 6:33 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Cancelling on campus classes

Good Evening,

My campus is cancelling on campus classes for one week and then bringing up all classes online. We did not extend spring break. We returned from spring break for 3 days and then decided to cancel on campus classes only. All in-person classes are cancelled beginning Thursday and will resume the following Wednesday online. During this time, all online classes will continue as normal and with no interruption.

Two questions related to this-
Do I need to update my calendar for R2T4 because we had an additional break?
Do I need to request a temporary reduction in the length of our academic year?

Thanks,
April

***April K. Tretter***
**Bellarmine University**
atretter@bellarmine.edu

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OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 21:11:43 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CK-12 Foundation: Resources for online learning during school closures

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

**From:** Ilya Gaidarov <ilya.gaidarov@ck12.org>
**Sent:** Monday, March 16, 2020 9:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OCRWebAccessTA <OCRWebAccessTA@ed.gov>
**Subject:** CK-12 Foundation: Resources for online learning during school closures

Hi Department of Education team,

I hope you're staying safe and healthy!

I'm Ilya, head of digital marketing at CK-12 Foundation. We're a nonprofit that creates deeply interactive and intelligent digital textbooks. We have over 100 million users worldwide, and all of our resources are 100% free and aligned to Common Core.

We've developed a variety of resources to help educators and parents deal with school closures. I want to share them with you so that you can pass them along to anyone who can benefit from them.

1. A **student-friendly page about the coronavirus.** It interactively explains the viral life cycle, offers tips on how to stay safe, and ends with discussion questions. Link: https://links.ck12.org/what-is-coronavirus-department-of-education

2. A **new resource page** with hand-picked lessons in math and science that are popular during the month of March. Bookmark it - we'll keep it updated moving forward. Link: https://links.ck12.org/top-concepts-department-of-education

3. A webinar with more than 16K views on **"School closure: How to teach online and learn from home with CK-12"**. Learn how to quickly get set up on our platform, stay connected with students, and take advantage of our best resources. Link: https://links.ck12.org/school-closure-ck12-webinar-department-of-education

If you have any bandwidth, I'd love to chat about how else we can help during this crisis.

AMERICAN OVERSIGHT

Ilya

Ilya Gaidarov
**Marketing** | CK-12 Foundation
**MBA**, Kellogg | **BA**, Stanford
**Certifications** / Google Ads Search, Display, and Measurement; Google Analytics IQ; Hootsuite Social Marketing; HubSpot Email and Inbound Marketing

--

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:55:43 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Clarification of language re: distance ed

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Megan McQuiston <meganm@erieit.edu>
**Sent:** Wednesday, March 18, 2020 9:53 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Paul Fitzgerald <paulf@erieit.edu>
**Subject:** Clarification of language re: distance ed

Good morning,

I was hoping to receive some language clarification regarding the temporary approval to offer distance education.

We are a semester based school with a BBAY that starts 4 times per year. We have just this week moved to 100% online instruction in light of the Pennsylvania Governor's request to close all non-essential businesses due to the risks around COVID-19.

When referring to the IFAP document "Guidance for interruptions of study related to Coronavirus (COVID-19)", I understand that the flexibility to offer distance education applies to the current term and following term only, unless otherwise notified.

I think it's important to note that our next term begins in 11 days, on Monday, March 30th.

The related language that I was hoping for clarification on states the following: "We are currently limiting that permission to distance learning opportunities developed for the purpose of serving students who were already in attendance, but whose attendance was interrupted by COVID-19."

So the way this is written indicates that we would not be able to offer Title IV aid to any students new to our school for the start of our next term on 3/30/20, if in fact we are still using distance ed only (which quite frankly seems as though it will be likely since it's only 11 days

AMERICAN OVERSIGHT

out.) Is this accurate, that we cannot offer Title IV aid to new students if we are still in distance learning only mode strictly because of COVID-19?

Please feel free to respond with any follow-up questions as needed. I greatly appreciate your time.

Sincerely,

Megan McQuiston
Erie Institute of Technology

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:55:36 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Clock-Hour Program & COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Berner, J'Dale <jberner@onboces.org>
**Sent:** Wednesday, March 18, 2020 4:55 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Clock-Hour Program & COVID-19

Can you provide some guidance for clock-hour programs, please?

Question #1) We're required to take attendance and process R2T4 if a student has not been in attendance for 14 days. Our institution officially closed on 3/16 and is projected to be closed until at least 4/6 at this point (3 weeks). Will every student in our clock-hour program need an R2T4 since they will not be in attendance for 14 days? We are little more than a month into our payment period, so any R2T4 will result in a return on funds for our students and significant financial liability.

Question #2) We are required to make multiple disbursements in a payment period because of our default rate. The students received their first disbursement right before the school closed, however, because of school closure, their second disbursement will be delayed until they meet half the hour/weeks in their payment period. We have a number of students who are relying on refunds from their student aid to pay for educational related expenses, including rent and utilities. The clock-hour program is a nursing program, so the state licensing board at this point has not indicated that they will accept distance learning hours, therefore, the students have no opportunity to progress through their payment period in order to receive those additional funds. Is there any guidance on making additional disbursements during closure or possibility of waiving the multiple disbursement requirement?

Thank you for your help.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:55:10 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COD, FAA Access, and NSLDS Access

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ernst, Nathan <NERNST@midwestern.edu>
**Sent:** Thursday, March 19, 2020 9:25 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COD, FAA Access, and NSLDS Access

Good morning,

As you know, we will have a number of financial aid administrators working from home over the next few weeks. They may attempt to sign in to COD, FAA Access, and NSLDS from a different IP address. In past, ED would flag users who signed in from multiple IP addresses. Is this going to cause problem for financial aid administrators over the next few weeks as they work from home? Thanks.

***Students: Please include your student ID number in all e-mails.***

Nathan Ernst
Director, Student Financial Services & Registrar
International PDSO
VA Certifying Official
Midwestern University – Downers Grove, IL Campus
Phone: (630) 515-6101
Fax: (630) 515-6384

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 20:14:38 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Compliance During COVID-19

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.SGR.California <California.oese@ed.gov>
**Sent:** Thursday, March 19, 2020 4:07 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** FW: Compliance During COVID-19

Good afternoon,

The following inquiry came in from California. I am logging it in SCOUT and forwarding to you for a response.

Corrinne Callins
Office of State and Grantee Relations
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202
Email: Corrinne.Callins@ed.gov
Phone: 202-453-5795
Website: oese.ed.gov

**From:** Karla Ward <kward@cwclosangeles.org>
**Sent:** Thursday, March 19, 2020 3:36 PM
**To:** OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; LCFF <lcff@cde.ca.gov>; OESE.SGR.California <California.oese@ed.gov>; CRDC <CRDC@sanametrix.com>
**Subject:** Compliance During COVID-19

Hello,

AMERICAN OVERSIGHT

Our schools are concerned regarding the many compliance related documents and/or reports that they would address during the normal course of the school year (i.e., LCAP, Title I, etc.).

We have shifted ALL of our focus, resources, and support to instruction and operations that would support our students and families. We are concerned about the capacity to focus on these things in addition to these compliance related documents and/or reports.

Will there be any guidance about whether schools will be required to submit these documents/reports and all the activities required to engage families?

Any guidance is appreciated.

--
Thank you,

**Karla Ward Chavarin**
**Director of Data and Compliance**

**Citizens of the World - Los Angeles**
5371 Wilshire Blvd, Suite 200
Los Angeles, California 90036

**Phone:** 323-315-0235 EXT 120
**Email:** kward@cwclosangeles.org
**Website:** www.cwclosangeles.org

AMERICAN OVERSIGHT

**From:** OESE.SGR.California
**Sent:** Thu, 19 Mar 2020 20:06:35 +0000
**To:** COVID-19
**Cc:** OESE.titlei-a
**Subject:** FW: Compliance During COVID-19

Good afternoon,

The following inquiry came in from California. I am logging it in SCOUT and forwarding to you for a response.

Corrinne Callins
Office of State and Grantee Relations
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202
Email: Corrinne.Callins@ed.gov
Phone: 202-453-5795
Website: oese.ed.gov

**From:** Karla Ward <kward@cwclosangeles.org>
**Sent:** Thursday, March 19, 2020 3:36 PM
**To:** OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; LCFF <lcff@cde.ca.gov>; OESE.SGR.California <California.oese@ed.gov>; CRDC <CRDC@sanametrix.com>
**Subject:** Compliance During COVID-19

Hello,

Our schools are concerned regarding the many compliance related documents and/or reports that they would address during the normal course of the school year (i.e., LCAP, Title I, etc.).

We have shifted ALL of our focus, resources, and support to instruction and operations that would support our students and families. We are concerned about the capacity to focus on these things in addition to these compliance related documents and/or reports.

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Any guidance is appreciated.

--

AMERICAN OVERSIGHT

Thank you,

**Karla Ward Chavarin**
**Director of Data and Compliance**

**Citizens of the World - Los Angeles**
5371 Wilshire Blvd, Suite 200
Los Angeles, California 90036

**Phone:** 323-315-0235 EXT 120
**Email:** kward@cwclosangeles.org
**Website:** www.cwclosangeles.org

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 20:17:56 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Compliance During COVID-19

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Thursday, March 19, 2020 4:17 PM
**To:** kward@cwclosangeles.org; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; LCFF <lcff@cde.ca.gov>; OESE.SGR.California <California.oese@ed.gov>; CRDC <CRDC@sanametrix.com>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Compliance During COVID-19

Thank you, Karla, for reaching out to us – I have copied the Department's dedicated inbox on these questions at COVID-19@ed.gov for a response.

Best,
Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

**From:** Karla Ward <kward@cwclosangeles.org>
**Sent:** Thursday, March 19, 2020 3:36 PM
**To:** OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; LCFF <lcff@cde.ca.gov>; OESE.SGR.California <California.oese@ed.gov>; CRDC <CRDC@sanametrix.com>
**Subject:** Compliance During COVID-19

Hello,

AMERICAN OVERSIGHT

Our schools are concerned regarding the many compliance related documents and/or reports that they would address during the normal course of the school year (i.e., LCAP, Title I, etc.).

We have shifted ALL of our focus, resources, and support to instruction and operations that would support our students and families. We are concerned about the capacity to focus on these things in addition to these compliance related documents and/or reports.

Will there be any guidance about whether schools will be required to submit these documents/reports and all the activities required to engage families?

Any guidance is appreciated.

--
Thank you,

**Karla Ward Chavarin**
**Director of Data and Compliance**

**Citizens of the World - Los Angeles**
5371 Wilshire Blvd, Suite 200
Los Angeles, California 90036

**Phone:** 323-315-0235 EXT 120
**Email:** kward@cwclosangeles.org
**Website:** www.cwclosangeles.org

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:02 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Cornell University 00271100

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Diane Corbett <drc263@cornell.edu>
**Sent:** Wednesday, March 18, 2020 2:07 PM
**To:** Reyes, Frank <Frank.Reyes@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** Cornell University 00271100

Dear Mr. Reyes,
Cornell University is requesting a temporary reduction in the weeks of instruction for the 2019-2020 academic year for the Ithaca campus in order to minimize the risks associated with the COVID-19 pandemic. For students in almost all programs on the Ithaca campus, classes were suspended at 5pm on Friday, March 13, 2020 and will resume online on Monday, April 6, 2020. The time of class suspension includes a scheduled spring break. The last day of the semester will be extended by one week. This change results in a one week reduction in the weeks of instruction for the 2019-2020 academic calendar from 33 weeks to 32 weeks and reduces the Spring 2020 semester from 16 weeks to 15 weeks. With our move to a revised academic calendar and remote instruction, the total learning time will remain the same, redistributing contact hours across alternative modes of interaction including extra asynchronous course lectures, discussion boards, email exchanges, reading, assignments, research, and group work.
Please let me know if you have questions.
Thank you,
Diane

*Diane Corbett*
*Executive Director of Financial Aid*

*Cornell University*
*203 Day Hall*
*Ithaca, NY 14853*
*(607)255-5334*
*drc263@cornell.edu*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:55:32 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Coronavirus and Title IV Flexibility
**Attachments:** image00001.png, image00001.png

Patrick, Kelly has shared a OneDrive for Business file with you. To view it, click the link below.

FA Questions for DOE - 3.18.20 final.docx

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Dr. Wanda White <whitew@nccommunitycolleges.edu>
**Sent:** Wednesday, March 18, 2020 7:23 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** James "JW" Kelley <kelleyj@nccommunitycolleges.edu>; Miller, Christopher <Christopher.Miller@ed.gov>
**Subject:** Coronavirus and Title IV Flexibility

To Whom It may Concern:

The NC Community System is planning a Skype Conference with financial aid administrators from the 58 community colleges in North Carolina on March 25, 2020. In order to address the outstanding questions from financial aid administrators regarding the Coronavirus and Title IV Flexibility, I am emailing the questions to the Department of Education. We were directed by Chris Miller of the Department of Education to submit these questions to this email address.

If possible, please review these questions and provide your responses to me by Monday, March 23, 2020. By doing so, you will assist us in providing the necessary guidance to college personnel in the North Carolina community colleges.

If you have questions or need additional information, please feel free to contact me. I can be reached by email at whitew@nccommunitycolleges.edu.
Thanks in advance for your assistance.

AMERICAN OVERSIGHT

Wanda White, Ed.D.

Director of Student Services

NC Community College System

200 West Jones Street

Raleigh, NC 27603

whitew@nccommunitycolleges.edu

919-807-7104

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---

**From:** Miller, Christopher <Christopher.Miller@ed.gov>
**Sent:** Monday, March 16, 2020 4:49 PM
**To:** James "JW" Kelley <kelleyj@nccommunitycolleges.edu>
**Cc:** Dr. Wanda White <whitew@nccommunitycolleges.edu>; Dillard, Vanessa <Vanessa.Dillard@ed.gov>; Simpson Miller, Vinita <Vinita.Simpson-Miller@ed.gov>; McGinness, Margaret <Margaret.McGinness@ed.gov>; Weems, Cassandra <Cassandra.Weems@ed.gov>
**Subject:** RE: Coronavirus and Title IV Flexibility

We are referring all school inquiries to https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19 which is an Electronic Announcement. It tells you where to email questions.

We are referring all student/parent/borrower questions to www.studentaid.gov/coronavirus .

Unlike the disaster assistance our office has provided in the past, we are unable to participate in Q and A sessions at this time.

Thank you,

Chris Miller, Director

AMERICAN OVERSIGHT

Atlanta School Participation Division
61 Forsyth Street, Room 18T40
Atlanta GA, 30303

Office: (404) 974-9297
christopher.miller@ed.gov
StudentAid.gov

Federal Student Aid
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---

**From:** James "JW" Kelley <kelleyj@nccommunitycolleges.edu>
**Sent:** Monday, March 16, 2020 4:39 PM
**To:** Miller, Christopher <Christopher.Miller@ed.gov>; Lancaster, Lisa <Lisa.Lancaster@ed.gov>
**Cc:** Dr. Wanda White <whitew@nccommunitycolleges.edu>
**Subject:** Coronavirus and Title IV Flexibility
**Importance:** High

Chris and Lisa,

You're assistance with during the Hurricane a couple of years ago was very helpful. I'd like to request that you participate in a Question and Answer because of the coronavirus. Colleges would like to know what their options are to continue to serve students.

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AMERICAN OVERSIGHT

**From:** Tanner-Dean, Angela
**Sent:** Thu, 19 Mar 2020 21:38:22 +0000
**To:** COVID-19
**Cc:** Moran, Kate;Duos, Laura
**Subject:** FW: Coronavirus guidance request

---

**From:** Joanne LaCrosse <Joanne.LaCrosse@nysed.gov>
**Sent:** Thursday, March 19, 2020 5:02 PM
**To:** Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>; Duos, Laura <Laura.Duos@ed.gov>
**Cc:** Joanne LaCrosse <Joanne.LaCrosse@nysed.gov>; Christopher Suriano <Christopher.Suriano@nysed.gov>
**Subject:** Coronavirus guidance request

Hi Laura and Angela,
I hope you are staying healthy during these challenging times. I promise, this is the last time today I will write you!! No promises about not contacting you tomorrow, however!

In past conversations with OSEP, it's my understanding that NYSED was provided approval from OSEP at the time of Hurricane Sandy in 2012, that we should clearly acknowledge in guidance to the field that the State is not authorized to provide waivers to federal law and regulation requirements, nor may USDOE, however that we could indicate we would not issue findings of noncompliance to a school district because of its failure to meet these requirements when it is evident that they are the direct result of the an extreme emergency. It is expected that school districts will use such flexibility only to the extent and for the duration as absolutely necessary and consistent with the conditions they are facing to bring normalcy back to the education programs for their students with disabilities. We were hoping to apply this same guidance in the current pandemic situation. Please advise and thank you for your consideration of this request.
Joanne LaCrosse

*Joanne LaCrosse*
*Director of Special Education Services*
*89 Washington Avenue*
*Room 309 EB*
*Albany, NY 12234*
*Phone:(518) 473-4818*
*Fax (518) 473-5387*

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 23:00:50 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Coronavirus guidance request

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>
**Sent:** Thursday, March 19, 2020 5:38 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Moran, Kate <Kate.Moran@ed.gov>; Duos, Laura <Laura.Duos@ed.gov>
**Subject:** FW: Coronavirus guidance request

---

**From:** Joanne LaCrosse <Joanne.LaCrosse@nysed.gov>
**Sent:** Thursday, March 19, 2020 5:02 PM
**To:** Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>; Duos, Laura <Laura.Duos@ed.gov>
**Cc:** Joanne LaCrosse <Joanne.LaCrosse@nysed.gov>; Christopher Suriano <Christopher.Suriano@nysed.gov>
**Subject:** Coronavirus guidance request

Hi Laura and Angela,
I hope you are staying healthy during these challenging times. I promise, this is the last time today I will write you!! No promises about not contacting you tomorrow, however!

In past conversations with OSEP, it's my understanding that NYSED was provided approval from OSEP at the time of Hurricane Sandy in 2012, that we should clearly acknowledge in guidance to the field that the State is not authorized to provide waivers to federal law and regulation requirements, nor may USDOE, however that we could indicate we would not issue findings of noncompliance to a school district because of its failure to meet these requirements when it is evident that they are the direct result of the an extreme emergency. It is expected that school districts will use such flexibility only to the extent and for the duration as absolutely necessary and consistent with the conditions they are facing to bring normalcy back to the education programs for their students with disabilities. We were hoping to apply this same guidance in the current pandemic situation. Please advise and thank you for your consideration of this request.
Joanne LaCrosse

*Joanne LaCrosse*

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*Director of Special Education Services*
*89 Washington Avenue*
*Room 309 EB*
*Albany, NY 12234*
*Phone:(518) 473-4818*
*Fax (518) 473-5387*

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:55:14 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID & FWS

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jennifer Beck <jbeck@stedwards.edu>
**Sent:** Thursday, March 19, 2020 2:12 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID & FWS

Per NASFAA, the U.S. Department of Education (ED), the student can be paid only for the FWS hours he, she, or they were scheduled to work for the interrupted term or nonterm period. By definition, scheduled hours are not necessarily the same as average hours.
http://www.nasfaa.org/news-item/21221/Trending_AskRegs_Q_A_How_Do_We_Determine_How_Much_To_Pay_FWS_Students_When_Enrollment_Is_Disrupted_By_Coronavirus

For student employee whose work schedules varied from week to week with no set schedule. If not using the average what should we use?

Best,
Jennifer

_____

Jennifer M. Beck
Sr. Director of Student Financial Aid
Student Financial Services | St. Edward's University About Us
3001 South Congress Avenue | MB 204 | Austin, TX 78704-6489
PH: 512.448.8516 | FAX: 512.416.**5837**| Campus Mailbox 16
EMAIL: jbeck@stedwards.edu
"Take On Your World"

Have you filed your FAFSA? Please remember to include St. Edward's school code: 003621
Explore our virtual campus visit experiences at stedwards.edu/visit.
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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:55:52 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Stephanie Barlow <Stephanie.Barlow@sjhcon.edu>
**Sent:** Thursday, March 19, 2020 11:49 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID question

Good Morning,

If a school decides to go online but then decides to close for the remainder of the semester, are we required to complete R2T4s for every student if their courses are not offered until the following spring semester?

Thank you,

Stephanie Barlow
Financial Aid Coordinator
St. Joseph's College of Nursing

stephanie.barlow@sjhcon.edu
**W** 315.448.5266
**F** 315.448.5745

206 Prospect Avenue
Syracuse, NY 13203

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:54:49 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID unaddressed scenario-Re-entry students
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Natalie Guidry <nguidry@unitechtrainingacademy.com>
**Sent:** Thursday, March 19, 2020 10:26 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** 'Brooks Powell' <bpowell@unitechtrainingacademy.com>
**Subject:** COVID unaddressed scenario-Re-entry students
**Importance:** High

Good morning,

I looking for additional guidance in regards to students who are inquiring about re-entering into a non-standard term program within or after 180 days of their initial withdrawal date.

Our institution has converted to distance learning effective on 03/23/2020 due to COVID19 and the guidance released in the electronic announcement on March 5, 2020. If any previously withdrawn students were not active as of the date of the electronic announcement or prior to the dates of temporary closure, are we allowed to re-enter the students into their program on or after 03/23/2020?

Please contact me if any additional clarification is required.

Thanks,

Natalie Guidry, MBA

Unitech Training Academy
227-B Bendel Road
Lafayette, LA 70503
337-988-4042 office
337-988-9350 fax
nguidry@unitechtrainingacademy.com

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:20 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Covid-19 & Federal Work Study Program

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Chandy Haskins <haskinsc2595@rockinghamcc.edu>
**Sent:** Wednesday, March 18, 2020 2:38 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Carol Perry <perryc4145@rockinghamcc.edu>
**Subject:** Covid-19 & Federal Work Study Program

Rockingham community college is unsure how to proceed with work study as the college transitions to completely online instruction. We are not a residential college, and are still open to the public. I am not sure if previous guidance from DOE that work study students can continue to be paid for hours they were schedule to work applies to our situation. Does this guidance apply to all colleges with a work study program that are transitioning to completely online instruction? Or, should we require work study students to continue to work on campus in order to be paid since the college is still technically open?

Please advise.

Thanks,


**Chandy Haskins**

Rockingham Community College

*Assistant Director of Financial Aid*

Phone: 336-342-4261 ext. 2319

Email: haskinsc2595@rockinghamcc.edu


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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:55:48 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 Academic Question_Dillard University

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Denise Spellman <dspellman@dillard.edu>
**Sent:** Thursday, March 19, 2020 12:33 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 Academic Question_Dillard University

Dear Representative:

Please provide me with guidance regarding an Academic/Registrar's consideration to possibly provide students with a pass or fail grade under this unusual time. How will this impact us regarding SAP or any other matter of concern for Financial Aid from a DOE/Federal Student Aid perspective?

Sincerely,


Denise B. Spellman

Denise B. Spellman
Director
Office of Financial Aid & Scholarships
**Dillard University**
2601 Gentilly Blvd – RH 126
New Orleans, Louisiana 70122
**P:** (504) 816-4864 **F:** (504) 816-5456
**E:** dspellman@dillard.edu
**W:** www.dillard.edu



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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:48:02 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: COVID19 Emails
**Attachments:** FW: COVID19 Travel Guidance, FW: Status of future USED Meetings with SEA Program Staff, FW: SEA - Flood of questions....., FW: Oregon School Closures- 21st CCLC Guidance Needed, Question from State: Federal Funds for Conferences and Cancellations, FW: coronavirus question, Preschools closure , FSA - K-12 Inquiry, COVID-19 Question, School Timelines, Coronavirus-Shutdown Day care centers?, State testing?, Elderly workers, Open childcare facilities , FW: Guidance for NY on Assessments in Light of School Closures, Anticipated changes/interruptions to school funding?

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Attached are the inquiries.

Thanks,
Kelly

AMERICAN OVERSIGHT

**From:** Rooney, Patrick
**Sent:** Wed, 11 Mar 2020 16:45:46 +0000
**To:** COVID-19
**Cc:** Peternith, Rachel;Petracca, Ronald;Lund, Miriam
**Subject:** FW: COVID19 Travel Guidance

Flagging this email below. We have gotten probably 5-10 (or more) of essentially the same email from other states related to this conference and the impact its cancelation is having on the 21st CCLC grantees (and subgrantees). Looping in Ron and Rachel, too, since I flagged this question for them yesterday and I believe they are working on this.

This seems like a question with a potentially wide-ranging implications, I think, but I'm hoping we can provide some flexibility for uncontrollable circumstances like this.

-Patrick

---

**From:** Heislen, Cindy <Cindy.Heislen@dese.mo.gov>
**Sent:** Wednesday, March 11, 2020 12:11 PM
**To:** Lund, Miriam <Miriam.Lund@ed.gov>; Little, Debra <Debra.Little@ed.gov>
**Subject:** COVID19 Travel Guidance

Do you know if your Department will be releasing any guidance on travel expenditure impacts due to the Coronavirus? As you know the National Afterschool Association (NAA) Conference was scheduled to begin on Sunday at the Gaylord there, but they changed that to a virtual platform as of yesterday. Some airlines are making exceptions to cancellation fees, etc. and others are not but I think you can still cancel a flight and just apply that money to another upcoming flight within a year (to which they could then attend another allowable afterschool event, etc.). One of the other hotels there in DC for the conference had a seven-day cancellation policy and don't want to budge on cancellation policies, but one of my sub-grantees was able to get the hotel to make a 50% refund but no more. Our CFO suggested contacting federal departments to see if you have any suggestions on what would be allowable for our sub grantees affected by travel costs, what should be refunded to states/federal, etc.

Thank you for any help you can provide.

Cindy Heislen | Director, Extended Learning/Afterschool Programs | Missouri Department of Elementary and Secondary Education | 573.526.9761

AMERICAN OVERSIGHT

**From:** Fenton, Christopher
**Sent:** Thu, 12 Mar 2020 15:31:39 +0000
**To:** OESE Foster Care;OESE.titlei-a;OESE.titleiii-a
**Cc:** COVID-19;OESE.SGR.West Virginia;Ramsey, Tara;Hodgdon, Jane;Cook, Lear
**Subject:** FW: Status of future USED Meetings with SEA Program Staff

Good morning, all-

SGR received an inquiry yesterday from West Virginia regarding upcoming conferences/meetings with respect to COVID-19 issues.

Please copy the West Virginia SGR mailbox on any final replies to the State.

If you have questions, please let me know!

Thank you,

*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** OESE.SGR.West Virginia <WestVirginia.oese@ed.gov>
**Sent:** Wednesday, March 11, 2020 4:06 PM
**To:** Melanie Purkey <mpurkey@k12.wv.us>; OESE.SGR.West Virginia <WestVirginia.oese@ed.gov>
**Cc:** Michele Blatt <mlblatt@k12.wv.us>; Fenton, Christopher <Christopher.Fenton@ed.gov>
**Subject:** RE: Status of future USED Meetings with SEA Program Staff

Hi, Melanie-

We'll check in on that and let you know as soon as we can.

Thanks,

*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** Melanie Purkey <mpurkey@k12.wv.us>
**Sent:** Wednesday, March 11, 2020 3:15 PM

AMERICAN OVERSIGHT

**To:** OESE.SGR.West Virginia <WestVirginia.oese@ed.gov>
**Cc:** Michele Blatt <mlblatt@k12.wv.us>
**Subject:** Status of future USED Meetings with SEA Program Staff

In light of the need to take precautions to prevent the spread of coronavirus, our agency is closely examining staff travel for the next few months. Can you tell me if the USDE has plans to cancel or postpone some of the upcoming meetings for SEA project staff? Specifically, we have staff registered for two meetings at this time:

1. SEA Foster Care POCs, March 25-26 in Arlington, VA
2. Title III State Directors, May 27-29 in Washington, DC

Any information that you can provide will be most helpful. Thank you,

**Melanie**

**Melanie B. Purkey**
Senior Administrator
Office of Federal Programs

1900 Kanawha Boulevard, East B-700
Charleston, WV 25305-0330
304.558.7805 P
304.558.6268 F
wvde.us

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**From:** Rooney, Patrick
**Sent:** Thu, 12 Mar 2020 20:25:12 +0000
**To:** COVID-19
**Cc:** Lund, Miriam
**Subject:** FW: SEA - Flood of questions.....

---

**From:** Payne, Gail <Gail.Payne@ed.gov>
**Sent:** Thursday, March 12, 2020 4:10 PM
**To:** Lund, Miriam <Miriam.Lund@ed.gov>
**Cc:** Weber, Keely <Keely.Weber@ed.gov>; Coplin, Julie <Julie.Coplin@ed.gov>
**Subject:** SEA - Flood of questions.....
**Importance:** High

Hi Miriam,

Two of my states recently contacted me regarding guidance due to the COVID-19 . Thinking perhaps general guidance may need to go on the Listserv to assist SEA with questions regarding school and program closings.

Connecticut – Shelby Pon Question:

1. During school and program closings due to the COVID-19, may subgrantee staff continue to be paid?
2. Can subgrantee staff take online Y4Y courses to keep their time running while working off-site?

Illinois – Kristy Jones ask the same question. Also, Illinois is also undergoing travel restrictions and unable to complete monitoring schedule for 2020.

Gail Payne
U.S. Department of Education
Office of Elementary and Secondary Education (OESE)
Office for School Support and Accountability (OSSA)
**21st Century Community Learning Centers Group**
Program Specialist
400 Maryland Avenue, SW
Office: (202) 401-9504
Email: Gail.Payne@ed.gov

AMERICAN OVERSIGHT

**From:** Rooney, Patrick
**Sent:** Fri, 13 Mar 2020 12:07:13 +0000
**To:** Peternith, Rachel;Petracca, Ronald;Rigling, Kay;Simons, Jane;COVID-19
**Cc:** Lund, Miriam
**Subject:** FW: Oregon School Closures- 21st CCLC Guidance Needed

Hi Team OGC – In light of the number of states that announced they are closing schools, I suspect we will get a lot more questions like the one below (which we have gotten a few times this week already from 21st CCLC folks). I think we need to be able to provide some sort of response to this question ASAP. Has any progress been made on the Department sharing the OMB memo from March 9?

I would propose a response along the lines of:

Thank you for sharing that information, Raquel. I wanted to pass along a notice from the Office of Management and Budget earlier this week that may be helpful. In particular, I think question 6 provides information about flexibility that may be available to Oregon regarding staff on 21st CCLC subrecipients.

> The Office of Management and Budget (OMB) has identified the following agency actions to relieve short term administrative, financial management and audit requirements under 2 CFR 200, Uniform Administrative Requirements. Cost principles and Audit Requirements for Federal Awards, without compromising Federal financial assistance accountability requirements.
>
> To view this memo, please click https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-11.pdf

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**From:** GWYNN Raquel - ODE <raquel.gwynn@state.or.us>
**Sent:** Friday, March 13, 2020 2:15 AM
**To:** Little, Debra <Debra.Little@ed.gov>; Lund, Miriam <Miriam.Lund@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** KALTENBACH Ann - ODE <ann.kaltenbach@state.or.us>; PELT Candace - ODE <candace.pelt@state.or.us>; deb.lange@state.or.us; PLUMB Lisa - ODE <lisa.plumb@state.or.us>
**Subject:** Oregon School Closures- 21st CCLC Guidance Needed

Hello Patrick, Miriam and Debbie,

Our Governor announced a statewide closure of all Oregon schools from March 16th through March 31st due to the public health threat of coronavirus. Our agency's director confirmed this includes 21st CCLC programs across our state. Is it allowable for hourly 21st CCLC staff to be paid during the closure? These are people who are counting on a paycheck to support themselves and their families. Also, does the Department have any guidance for SEAs in the event a program is unable to fulfill the required number of program hours in a school year?

I've included a message sent out to Superintendents and Principals tonight:

AMERICAN OVERSIGHT

**Date:** March 12, 2020 (8:30 PM)

**To:** Superintendents and Principals

**From**: Colt Gill, Director of the Oregon Department of Education and Deputy Superintendent of Public Instruction

**RE:** Governor Kate Brown Announces Statewide School Closure for Students in Oregon from Monday, March 16 through Tuesday, March 31

In consideration of staffing challenges and health concerns due to the public health threat of coronavirus, Governor Kate Brown today announced a statewide closure of Oregon K-12 schools from Monday, March 16 through Tuesday, March 31.

"Schools are critical institutions that provide important services for all our students, but especially our most vulnerable, and during this crisis I have worked hard to ensure those critical services continue. So many of our families depend on school in order for parents to go to their jobs, and for students to access health care and receive nutrition assistance," said Governor Brown.

"However, I have heard from superintendents, school board members, teachers, parents, and students that it has now become impossible to functionally operate schools due to workforce issues and student absences. Schools are experiencing critical shortages in staff, and superintendents are concerned for school personnel who are at elevated risk such as those over age 60 and those with underlying medical issues.

"I want to be very clear: sending Oregon children home will not stop the spread of the coronavirus. While children are home, when at all possible, they should not be in the care of older adults or those with underlying health issues that are most at-risk from COVID-19.

"This is a trying time for our community and I am reluctant to increase the burden on families who are already struggling to adapt to and stay healthy during this crisis. However, we are left with little choice in light of school districts' staff capacity and operational concerns. I want to thank all of the teachers and school employees who have worked hard to keep our schools open until now."

Per the Governor's directives and with the support of the Oregon Department of Education and the state's Early Learning Division, during the closure:

- School districts are directed to develop plans for returning to school that accommodate ongoing impacts of coronavirus. Staff should utilize the final two days of March to finalize plans for operating schools under updated measures, with students expected to return on Wednesday, April 1.
- Districts are tasked with developing plans to continue nutrition services during the closure.
- The Oregon Department of Education will examine the impact the closure will have on instructional time.
- School districts will ensure adequate cleaning supplies for increased cleaning protocols following the closure.
- The Early Learning Division will support child care programs and will work to identify resources to support child care needs for our most vulnerable families, as well as health care professionals and first responders.

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"We are in close communication with school districts across the state, and they will be communicating regularly with their school communities throughout the closure period," said Colt Gill, Director of the Oregon Department of Education. "Due to the evolving nature of this crisis, these timelines will be reevaluated in late March in consultation with school administrators."

**Governor Brown will be available to answer questions in a teleconference tomorrow, March 13, at 11:00 am with state agency directors and superintendents.** A teleconference number will be provided in a morning advisory.

Thank you for your guidance in this matter.
Kind regards,
Raquel

Raquel Gwynn
Education Specialist
Federal Systems | Office of Enhancing Student Opportunities
503-947-5785
raquel.gwynn@state.or.us

---

**From:** Little, Debra <Debra.Little@ed.gov>
**Sent:** Thursday, March 12, 2020 1:23 PM
**To:** GWYNN Raquel - ODE <raquel.gwynn@state.or.us>; Lund, Miriam <Miriam.Lund@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Cc:** KALTENBACH Ann - ODE <ann.kaltenbach@state.or.us>; deb.lange@state.or.us; PLUMB Lisa - ODE <lisa.plumb@state.or.us>
**Subject:** RE: Jefferson County SD

Hi Raquel,

How are you doing? I am in receipt of your email. We are definitely aware that many individuals across America are experiencing these same impacts due to CO-VIR-19. I've looped in Patrick as he is working with leadership on this issue. As soon as we can respond; we will. I hope to provide you with some guidelines soon. Thank you.

Debbie

---

**From:** GWYNN Raquel - ODE <raquel.gwynn@state.or.us>
**Sent:** Thursday, March 12, 2020 1:22 PM
**To:** Little, Debra <Debra.Little@ed.gov>
**Cc:** KALTENBACH Ann - ODE <ann.kaltenbach@state.or.us>; deb.lange@state.or.us; PLUMB Lisa - ODE <lisa.plumb@state.or.us>
**Subject:** Fwd: Jefferson County SD

Hi Debbie,

AMERICAN OVERSIGHT

Can you give me some guidance on the potential closing of programs for Coronavirus? Do you believe 21st CCLC should be consider an "essential" or "non-essential" program (See our Governor's statement below). Your thoughts on this would be helpful as we determine guidance for our programs.
Thanks,
Raquel

Begin forwarded message:

**From:** Katie Boyle <kboyle@509j.net>
**Date:** March 12, 2020 at 8:56:14 AM PDT
**To:** GWYNN Raquel - ODE <raquel.gwynn@state.or.us>
**Subject: Jefferson County SD**

Good Morning Raquel,

Is there somewhere I can go to find more specific information about continuing afterschool programs? I'm not sure if the state considers 21st Century programs as essential or non-essential in regard to the Governor's press release.

I am having community partners pull out daily, as well as feilding emails and phone calls from parents and community members about the mesures we are taking to prevent the COVID-19 in the after school program.

Thanks for any assistance you can give me.

"The governor's new measures affect large gatherings, schools, workplaces and long-term care and assisted-living facilities. A statement from Brown's office included the following list:

1. **Large gatherings:** All large gatherings over 250 people will be canceled statewide effective immediately for four weeks. A gathering is defined as any event in a space in which appropriate social distancing of a minimum of three feet cannot be maintained.
2. **Schools:** In addition to previous guidance issued on March 8, 2020 to keep schools open, all non-essential school-associated gatherings and group activities should be canceled — such as group parent meetings, field trips, and competitions."

--
Katie Boyle
Dean of Students- Bridges High School

AMERICAN OVERSIGHT

Director-21st Century Community Learning Centers
kboyle@509j.net
541-475-0388 ext 2605

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AMERICAN OVERSIGHT

**From:** Stephenson, Todd
**Sent:** Fri, 13 Mar 2020 12:33:52 +0000
**To:** COVID-19
**Subject:** Question from State: Federal Funds for Conferences and Cancellations

Good morning. Please see question below from Missouri. Other grantees will have similar questions.

Todd

---

**From:** Oligschlaeger, Kim <Kim.Oligschlaeger@dese.mo.gov>
**Sent:** Friday, March 13, 2020 8:12 AM
**To:** Stephenson, Todd <Todd.Stephenson@ed.gov>
**Subject:** FW: Federal Funds for Conferences and Cancellations

We are getting more questions like this. Would this be permissible, or should they use state and local funds?

**From:** Laurie Tretter <tretter-larkinl@msdr9.org>
**Sent:** Thursday, March 12, 2020 3:50 PM
**To:** Scott, Christina <Christina.Scott@dese.mo.gov>; DESE Financial Management <federalfinancial@dese.mo.gov>
**Cc:** Carrie Nunn <nunnc@msdr9.org>; A.W. Smith <asmith@msdr9.org>; Brian Smith <smithb@msdr9.org>
**Subject:** Federal Funds for Conferences and Cancellations

Christina and Kelly: We have run into a situation, I am sure many will also. We bought flights to a conference with Federal Funds and the conference is cancelled. The airline has given us a credit and not a refund. More than likely, we will not be able to use these credit vouchers until next fiscal year. We need to ask for reimbursement also. What is your guidance on how to proceed?

Laurie Tretter-Larkin

--
Dr. Laurie Tretter-Larkin
Director of Fine Arts & Federal Grants Mehlville School District 314.467.5157 (M, T, & TR)
Assistant Principal, Blades Elementary School 314.467.7302 (W & F)
Twitter: @LaurieTretter

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Mehlville Senior High School Alumnae, Class of 1997

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**From:** Meeley, Kathryn
**Sent:** Fri, 13 Mar 2020 21:13:24 +0000
**To:** COVID-19
**Cc:** Jones, Clifton
**Subject:** FW: coronavirus question
**Importance:** High

Good afternoon,

One of our program officers received a question from a grantee asking about capitation payments based on enrollment vs. attendance if public schools close. This goes beyond the statute of our program and we are not clear on how to respond. We are hoping that perhaps another office has received a similar inquiry. Please advise.

Sincerely,

Kathryn Meeley
Acting Director
U.S. Department of Education | Office of Elementary and Secondary Education | Charter Schools Program
400 Maryland Avenue SW | RM 3E313 | Washington, D.C. 20202
Kathryn.Meeley@ed.gov | 202.453.6818

---

**From:** Jones, Clifton <Clifton.Jones@ed.gov>
**Sent:** Friday, March 13, 2020 4:29 PM
**To:** Meeley, Kathryn <Kathryn.Meeley@ed.gov>
**Subject:** FW: coronavirus question
**Importance:** High

Kate,

Jonathan Harwitz from Low Income Investment Fund (LIIF) asked a question about Department guidance, and I have no idea the answer. I'm sending to you to check to see if you have any insight. Thanks!

Respectfully,
Clif

---

**From:** Jonathan Harwitz <jharwitz@liifund.org>
**Sent:** Friday, March 13, 2020 4:22 PM
**To:** Jones, Clifton <Clifton.Jones@ed.gov>
**Subject:** coronavirus question
**Importance:** High

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Clif,

Can you tell me if there is any guidance from the Department that clarifies whether authorizers can/must continue capitation payments based on enrollment vs. attendance in case of a loca/state/federal emergency?

Questions are arising as to whether charters will be negatively affected if all public schools are closed?

Many thanks!!

**Jonathan Harwitz**
Director, Federal Policy & Government Affairs
jharwitz@liifund.org | 202.677.4287 Ext 287

**Low Income Investment Fund (LIIF)**
1900 M Street NW Suite 550 , Washington , DC , 20036

www.liifund.org | Facebook | Twitter | YouTube | LinkedIn

Get the **latest news** on LIIF's impact

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**From:** Shirley Bruno
**Sent:** Sat, 14 Mar 2020 20:27:49 -0400
**To:** COVID-19
**Subject:** Preschools closure

Hi,

My name is Shirley Bruno and the preschool that both my kids attend says that they do not follow the Broward County Public Schools in regards to closures; that instead, they follow whatever The Department of Children and Families says. I noticed the website hasn't been updated in some time and I'm concerned about this situation.

Appreciate your help!

Shirley Bruno

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Martha Haynes
**Sent:** Sun, 15 Mar 2020 13:58:16 -0400
**To:** COVID-19
**Subject:** FSA - K-12 Inquiry

What is the plan to expand the FSA testing window? Currently, my 10th graders are scheduled to take FSA Writes the Thursday after they return on Tuesday. A significant number will not do as well as they might have due to stress and missing regular reinforcement of skills for two weeks (instead of one). I hope there's a plan to sort this out without hurting students.

Martha Haynes, Ph. D.
Wakulla High School

AMERICAN OVERSIGHT

**From:** David Zeiler
**Sent:** Sun, 15 Mar 2020 20:07:35 -0400
**To:** COVID-19
**Subject:** COVID-19 Question

Is the department going to waive the requirement of 900 hours for high schools? Rule 6A-1.045111, Florida Administrative Code, specifies the hourly equivalent as not less than 720 net instructional hours for kindergarten through grade 3 and not less than 900 hours for grades 4 through 12.

Thanks,

David

AMERICAN OVERSIGHT

**From:** Collins, Amy
**Sent:** Sun, 15 Mar 2020 20:53:31 -0500
**To:** COVID-19
**Subject:** School Timelines

Good evening! We are very concerned about the timelines that require schools to look at calendar days for compliance. This would include initial referrals where testing is completed and ARDs have been scheduled to meet the timeline. The mandatory school break interferes with some of these meetings, causing us to miss the 30 day timeline. Similar for annual reviews and reevaluations. My assessment staff is already stretched so thin with the increase of referrals due to the Corrective Action Plan. It would make sense for us to have the liberty to NOT count the days missed due to COVID-19 as calendar days and continue the timeline count on the first instructional day back. I have a team of people making a good faith effort daily to meet timelines. It does not make sense to hold them to a standard that is frankly not attainable considering the circumstances that are out of our control. Let's say we do have meetings during this mandatory school break. If the child is not at school to receive the services, then the meeting would really be unnecessary until we are back in a scenario where the child is able to receive services.

Please consider these facts above when discussing timeline requirements

--

**Amy L. Collins, M.S.**

**Director of Special Education Hallsville ISD**

**Licensed Specialist in School Psychology**
**Licensed Professional Counselor**

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**From:** Amninder Kaur
**Sent:** Sun, 15 Mar 2020 22:06:51 -0700
**To:** COVID-19;nCoV@acgov.org
**Subject:** Coronavirus- Shutdown Day care centers?

Hi,
I wanted to check if Department of Education plan to shutdown Pre-schools/daycares?
The schools like Genius kids sent email saying "our centers are not under the jurisdiction of the school district and if the school district closes the schools, this does not require us to close. We are mandated by the Department of Education, Department of Health and Department of Social Services. If and when they require us to close, that is when we will follow those instructions and act accordingly." .
They also require parents to give 15 days notice if we want to pull out kid from school. We do not want to pull kid out of school but want to keep them home till COVID is under control. We do not want to pay the school while we worry if our kids are safe. No one can take full responsibility of kids safety.
I feel like the schools are acting greedy in this sensitive situation.

I as a parent of pre-schooler, request Department of Education and Department of Health to order pre-school/daycare closure like jurisdiction of school district ordered the closure of public schools.

--
Thanks,
**Amninder Kaur**
**Cell: 408-318-8379**

AMERICAN OVERSIGHT

**From:** Alexis Crouch
**Sent:** Mon, 16 Mar 2020 08:33:57 -0400
**To:** COVID-19
**Subject:** State testing?

Hello,

As of right now I understand that Florida is a low-risk. As a state and nation we do not have a good idea of how many are affected due to the lack of testing. Has the state started making a plan or have a plan if schools are closed during state testing?

Thank you,
Alexis

AMERICAN OVERSIGHT

**From:** Allen Treece
**Sent:** Mon, 16 Mar 2020 22:24:58 +0000 (UTC)
**To:** COVID-19
**Subject:** Elderly workers

The Governor and numerous other sources have encourged elderly citizens to stay home. If a school has a elderly employee are they required to use sick days in order to follow the advised precautions to avoid exposure?

Sent from Yahoo Mail on Android

AMERICAN OVERSIGHT

**From:** Stephanie Cardona
**Sent:** Mon, 16 Mar 2020 14:41:51 -0400
**To:** COVID-19
**Subject:** Open childcare facilities

Good afternoon,
In regards to childcare facilities in Miami Fl are they suppose to continue to open or close like the public schools in the county?

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Peasley, Donald
**Sent:** Mon, 16 Mar 2020 13:45:41 +0000
**To:** COVID-19
**Subject:** FW: Guidance for NY on Assessments in Light of School Closures
**Importance:** High

Good morning.
We received the question below from New York State Education Department Testing office this morning. They are asking for a rapid response regarding their State tests; it reads like they are considering statewide cancellation. If they do this, they need to decide quickly as the logistics of their testing program require time to start and stop.

We've directed them to the March 12 fact sheet, but they desire something more targeted from ED. I think they want an assurance that should they cancel tests Statewide, that the waiver request they'd submit would be favorably considered by ED.

I might suggest that we consider a response as follows:
"In the event that a State chooses to cancel Statewide assessment as a result of Statewide school closures, ED will consider one year waivers of ESEA testing requirements by that State. "

---

**From:** Zachary Warner <Zachary.Warner@nysed.gov>
**Sent:** Monday, March 16, 2020 8:22 AM
**To:** Peasley, Donald <Donald.Peasley@ed.gov>
**Cc:** Kim Wilkins <Kim.Wilkins@nysed.gov>; Steven Katz <Steven.Katz@nysed.gov>; OESE.ESEA.Assessment <ESEA.Assessment@ed.gov>
**Subject:** Guidance for NY on Assessments in Light of School Closures
**Importance:** High

Don,

I am reaching out to you at the request of my Deputy Commissioner for P12 Kim Wilkins. As I'm sure that you're aware, NY is now the state with the most confirmed cases of COVID-19 and that number is expected to continue growing in the coming weeks. At this point, many schools in NY have closed for extended periods of time with April 20 being the most commonly scheduled return date. All of the Big 5 City School Districts have closed which accounts for approximately half of NY's student population.

We are seeking guidance on our Grades 3-8 ELA tests. The test window is scheduled to open one week from tomorrow. In line with the guidance issued by the USDE last week, we extended our window by an additional week. However, the schools closures have also extended in duration and leave us at a point where many (if not all, as the numbers continue to grow) schools in NY may be closed. We know that the USDE does not preliminarily consider waivers, so we are looking for guidance at this time. It does not seem practicable to administer our ELA tests and end up with results that inform instruction or contribute to accountability.

One additional consideration is that, as you recall, NY's assessment program is still predominantly paper-based. This further complicates any shifting of administration windows and creates additional

AMERICAN OVERSIGHT

decision points regarding shipping tests to empty school buildings and how to best avoid test material breaches.

We would appreciate any guidance that the USDE can offer us since we need to address these issue immediately as schools continue to close statewide. If a phone call would be a better approach, we can make time today for that.

Many thanks!
Zach

**Zachary B. Warner, PhD**
Director
Office of State Assessment
New York State Education Department
Zachary.Warner@nysed.gov

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**From:** Mayan McDermott
**Sent:** Fri, 13 Mar 2020 08:40:38 -0700
**To:** COVID-19
**Subject:** Anticipated changes/interruptions to school funding?

Hello,

I'm wondering if the USDOE anticipates that states, districts, or schools will have an impact on their school budget allocations? We partner with many districts in the procurement process and, while some have postponed decision-making on open procurement opportunities, we're wondering if there is any anticipated guidance going to states, districts, or schools about the potential impact to their funding.

Thank you for any guidance you can provide,
Mayan McDermott

--
Mayan McDermott | **RYE Consulting**
Cell: 805.340.6583
www.RYEconsult.com
LinkedIn | Twitter

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 20:37:25 +0000
**To:** Sullivan, Madeline
**Cc:** COVID-19
**Subject:** FW: COVID-19 Guides and Policies for Businesses
**Attachments:** Health - COVID-19 - General Inquiry.docx

Hi Madeline,

Please find attached an email from the COVID-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

**From:** Ludwig Makhyan <ludwig@askalmanac.com>
**Sent:** Wednesday, March 18, 2020 7:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 Guides and Policies for Businesses

Hi,

I'm sure you get a lot of content submissions, but I wanted to bring to your attention to a new guide we released about the COVID-19 and policies for businesses: https://askalmanac.com/articles/10783/covid-19-company-playbook

This helpful how-to guide includes templates from 100+ companies, business communications about Coronavirus, how to transition to work from home, social distancing at workplaces and much more. The guides have been downloaded more than 5000 times already and the usage keeps growing.

Do you think it would be a good fit for the Coronavirus resources for businesses on this page? https://www.ed.gov/coronavirus

I'd love to get your thoughts.

Best,
Ludwig

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Dear NAME:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Binder, Isadora
**Sent:** Thu, 19 Mar 2020 16:50:00 +0000
**To:** COVID-19
**Cc:** Rooney, Patrick;Dowling, Maureen;Morrisey, Jenay;ONPE
**Subject:** FW: Covid-19 Question

The Office of Non-Public Education received this inquiry related to COVID-19.

We are available to provide input as appropriate.

Isadora

Isadora Binder
Office of Non-Public Education
Office of the Secretary
U.S. Department of Education
202-260-3778

---

**From:** Chantelle.Carter@education.ohio.gov <Chantelle.Carter@education.ohio.gov>
**Sent:** Tuesday, March 17, 2020 1:01 PM
**To:** Morrisey, Jenay <Jenay.Morrisey@ed.gov>; Binder, Isadora <Isadora.Binder@ed.gov>
**Cc:** Chantelle.Carter@education.ohio.gov
**Subject:** Covid-19 Question

Hi Jenay and Isadora –

I hope you are safe and healthy! I know we are in an unprecedented time and processes and procedures are not normal. I have a question: "If an LEA has entered into a contract with a teacher to provide equitable services at a private school, and during this school building shutdown, the teacher does not provide any Title I supplemental services (working remotely is against the LEA Union contract), can that teachers salary come from the equitable service amount"? If services are not provided, wouldn't that be a delay in services and the equitable service amount should be carried forward? If that is the case, what is the source of the teacher's salary during the period when she is not providing services?"

Thank you for any guidance you can provide.

**Chantelle Carter**
*Nonpublic Ombudsman, Educational Program Specialist*
Office of Federal Programs
While we are under Executive Order 2020-01D and I am away from my office, please contact me via email.
25 South Front Street | 4th Floor | Columbus, Ohio 43215-4183

AMERICAN OVERSIGHT

(614) 466-5203 | (877) 644-6338 |
Chantelle.Carter@education.ohio.gov
Education.ohio.gov

Learn more about #EachChildOurFuture, Ohio's plan to ensure each child is *challenged*, *prepared* and *empowered*.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:54:56 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Credit to No-Credit change
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Yarritu, Daniel <Daniel.Yarritu@brazosport.edu>
**Sent:** Thursday, March 19, 2020 10:01 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** policy@nasfaa.gov
**Subject:** Credit to No-Credit change
**Importance:** High

Good morning,

I would like to know what is the impact for students receiving Title IV aid if the institution made the decision to move some courses from 'Credit' to 'NO-Credit' status instead of assigning a grade due to the COVID-19 closures and complication for some programs to be administered online.

Thanks,

***Daniel Yarritu***
Director, Financial Aid
Brazosport College
500 College Drive | Lake Jackson, TX 77566
t. (979) 230-3377 |f. (979) 230-3543

AMERICAN OVERSIGHT

**From:** Hoffman, Amanda
**Sent:** Thu, 19 Mar 2020 11:57:00 +0000
**To:** COVID-19
**Cc:** OESE.PSC
**Subject:** FW: CSPR and OESE—OME (Migrant) Policy (COVID-19 Related Extension Request) - PSC Ticket #19-03472 (JG) - CA

This has already been referred to the rapid response team

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**Sent:** Thursday, March 19, 2020 7:47 AM
**To:** OESECOVID19@usdedeop.onmicrosoft.com
**Cc:** OESE.PSC <OESE.PSC@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>; Okahara, Kim (Kim.Okahara@ed.gov) <Kim.Okahara@ed.gov>; Newman, Sarah <Sarah.Newman@ed.gov>
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AMERICAN OVERSIGHT

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**Subject:** CSPR and OESE—OME (Migrant) Policy (COVID-19 Related Extension Request) - PSC Ticket #19-03427 (JG) - CA

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**Who:**
CA

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California's CSPR Coordinator, Maria Colon, contacted PSC on March 17, 2020 seeking approval for an extension on the SY 2018-19 CSPR Part I submission due April 9th and the CSPR Part II Migrant Data Spreadsheet due April 2nd as a result of precautions the state has taken in regards to COVID-19. The provided the following request via email:

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AMERICAN OVERSIGHT

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Maria Colon, Research Data Analyst II
EDFacts/CSPR Coordinator Team
California Department of Education
Educational Data Management Division
Education Data Office
1430 N Street, Suite 6416
Sacramento, CA 95814
Phone: 916.319.0495

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Thank you,
Niki Vang

How would ED like to respond to the state?

**School Year:**
SY 2018-19

**Specification(s):**
N/A

**ED Program Office:**
CSPR
OESE—OME (Migrant)

Thank you,
PSC

**Jess Greene**
ED*Facts* Partner Support Center
jessica.greene@aemcorp.com
Office: (703) 464-7030

AEM Education Services

AMERICAN OVERSIGHT

www.aemcorp.com/education

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AMERICAN OVERSIGHT

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**Sent:** Thu, 19 Mar 2020 11:49:46 +0000
**To:** COVID-19
**Subject:** FW: CSPR and OESE—OME (Migrant) Policy (COVID-19 Related Extension Request) - PSC Ticket #19-03472 (JG) - CA

-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
Connect. Engage. Empower.

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AMERICAN OVERSIGHT

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**Specification(s):**
N/A

**ED Program Office:**
CSPR
OESE—OME (Migrant)

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Patrick, Kelly
**Sent:** Thu, 19 Mar 2020 14:53:52 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CSPR and OESE—OME (Migrant) Policy (COVID-19 Related Extension Request) - PSC Ticket #19-03472 (JG) - CA
**Attachments:** FW: CSPR and OESE—OME (Migrant) Policy (COVID-19 Related Extension Request) - PSC Ticket #19-03472 (JG) - CA, FW: CSPR and OESE—OME (Migrant) Policy (COVID-19 Related Extension Request) - PSC Ticket #19-03472 (JG) - CA

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AMERICAN OVERSIGHT

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SY 2018-19

**Specification(s):**
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**ED Program Office:**
CSPR
OESE—OME (Migrant)

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

www.aemcorp.com/education

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AMERICAN OVERSIGHT

**From:** Huber, Amy
**Sent:** Thu, 19 Mar 2020 11:56:55 +0000
**To:** COVID-19
**Cc:** Ramsey, Tara;Fenton, Christopher;Webber, Brandon
**Subject:** FW: CSPR Policy (COVID-19 Related Inquiry) - PSC Ticket #20-03473 (JB) - OH

FYI- I am sending this through the process starting at COVID-19@ed.gov

-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
Connect. Engage. Empower.

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**Cc:** Roney, Collette <Collette.Roney@ed.gov>; Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>; Choroser, Stephanie <Stephanie.Choroser@ed.gov>; Calderon, Brenda <Brenda.Calderon@ed.gov>; Akinsipe, Jasmine <Jasmine.Akinsipe@ed.gov>; Miceli, Meredith <Meredith.Miceli@ed.gov>; Smith, Rebecca (OSERS) <Rebecca.Smith@ed.gov>; Davis, Richelle <Richelle.Davis@ed.gov>; Bae, Amy <Amy.Bae@ed.gov>; Fening, Elizabeth <Elizabeth.Fening@ed.gov>; Lee, David <David.Lee@ed.gov>
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Tel: 202 245 7677

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Ms. Ardith M. Allen, Ph.D.
Social Science Research Specialist
Information Technology Office – Data Quality and Governance

How would ED like to respond to the state?

**School Year:**
SY 2018-19

**Specification(s):**
N/A

**ED Program Office:**
CSPR

Thank you,
PSC

**Jess Greene**
ED*Facts* Partner Support Center
jessica.greene@aemcorp.com
Office: (703) 464-7030

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SY 2018-19

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**Specification(s):**
N/A

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CSPR

Thank you,
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**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CSPR Policy (COVID-19 Related Inquiry) - PSC Ticket #20-03473 (JB) - OH
**Attachments:** FW: CSPR Policy (COVID-19 Related Inquiry) - PSC Ticket #20-03473 (JB) - OH, FW: CSPR Policy (COVID-19 Related Inquiry) - PSC Ticket #20-03473 (JB) - OH

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

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**From:** Carr, Steven
**Sent:** Thu, 19 Mar 2020 12:43:35 +0000
**To:** COVID-19
**Cc:** Gillette, Lisa;Bentley-Memon, Millicent
**Subject:** FW: CSUSM CAMP Coronavirus Update
**Attachments:** CAMP_Coronavirus_Emergency_Plan_of_Action_3.18.20.pdf
**Importance:** High

While this grantee did not have a specific question, they did share two concerns regarding COVID-19's impact on program operations.

---

**From:** Maria Venegas Escobedo <mescobedo@csusm.edu>
**Sent:** Wednesday, March 18, 2020 2:13 PM
**To:** Carr, Steven <Steven.Carr@ed.gov>
**Cc:** Minerva Gonzalez <minervag@csusm.edu>
**Subject:** CSUSM CAMP Coronavirus Update
**Importance:** High

Hi Steven,

As you may know, many institutions of higher education and their operations have been impacted by the Coronavirus, and CSUSM is no exception.

I am reaching out to you to share how CSUSM CAMP is coping with these ever evolving changes/updates. Please see the attached memo.

Two strong concerns CSUSM CAMP has at this point is as follows:

- **Student academic performance for Spring 2020** - Given that all instruction has moved to an online/virtual platform, and historically our CAMPers don't tend to do well in this type of instruction, we worry that students may struggle with successfully passing all of their courses. CSUSM CAMP is serving as a liaison and providing support services to students and monitoring their academic performance via different channels.
- **Recruitment for incoming CAMP students (fall 2020) –** Students are feeling uncertain with their decision to commit to our university given the situation with the Coronavirus changes daily. Our team is keeping a great channel of communication with potential CAMPers, but we will not know until students commit their enrollment to our institution.

I wanted to keep you in the loop of what is happening at CSUSM CAMP. As I have stated in my memo, while not ideal, the CAMP team understands that all measures CSUSM is taking is in the best interest of student and faculty/staff safety. The CAMP team will continuously reassess its operations taking into consideration the feedback from CAMP Scholars. CAMP is committed to evolving its practices to meet the needs of our CAMP Scholars as best as we are able to.

Sincerely,

**María Venegas Escobedo, M.A.**

AMERICAN OVERSIGHT

CAMP Director
California State University San Marcos
College Assistance Migrant Program (CAMP)
mescobedo@csusm.edu | 760-750-8532| www.csusm.edu/camp

**CAMP Mission Statement**

"To provide entering first-year students with an array of support services and opportunities for cultural affirmation that lead to personal and educational success as measured by exceptional levels of community involvement and academic persistence to graduation."

AMERICAN OVERSIGHT

California State University
SAN MARCOS

**College Assistance Migrant Program** California State University San Marcos 333 S. Twin Oaks Valley Road San Marcos, CA 92096-0001
**Tel:** 760.750.8532 **E-mail:** mescobedo@csusm.edu **Web:** www.csusm.edu/camp

# MEMORANDUM

**DATE:** March 18, 2020

**TO:** Steven Carr
Office of Migrant Education

**FROM:** María Venegas Escobedo
CAMP Director

**SUBJECT:** CAMP Operations Emergency Plan of Action

## Summary

As CSU San Marcos moves into an online platform for student instruction as a preventative measure to slow the spread of the Coronavirus for the remainder of the spring 2020, the College Assistance Migrant Program (CAMP) will modify its operations to continue fulfilling its mission of supporting first year seasonal migrant/ farm working students. Listed below are strategies the CAMP program is implementing to meet student and program needs given current situation and in anticipation of partial or full campus closure, leveraging technology as a main component to deliver services to current and potential first year CSUSM students.

## CAMP Programming Components

**Student Appointments** – All CAMP staff, inclusive of student staff, is, or will be, trained in the usage of Zoom for direct student contact. CAMP Scholars will be able to continue to use Accudemia to schedule appointments with their advisors. The CAMP team is looking into implementing virtual "drop-in" hours throughout the week to accommodate students who have last minute questions or concerns.

**Student Programming Events** – All CAMP in person events have been cancelled for the remainder of the term. CAMP staff is strategizing using online platforms to continue to deliver workshops.

**Student Engagement** – CAMP is exploring the implementation of "CAMP Hour" where workshops or group check-ins will be hosted by CAMP Staff or guest speakers. This initiative will also be an opportunity for students to continue to feel a sense of connection to the CSUSM campus. Student communication will continue to be via different platforms, in form of e-mail, Instagram posts, Facebook updates and Zoom meetings.

**Student Academic Monitoring** – While CAMP Advisors will continue to oversee the caseload of all 42 CAMP Scholars, CAMP Advisors along with CAMP Peer Mentors will be tasked to handle a caseload of 6-7 students for the remainder of the term and virtually (Zoom or telephone) meet with students once a week. The virtual check-ins will be both formal and informal to learn how CAMP can continue to support students and serve as a channel to learn from student and their needs during this unprecedented time where instruction is fully online.



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ED-20-0731-A-009264

California State University
SAN MARCOS

**College Assistance Migrant Program** California State University San Marcos 333 S. Twin Oaks Valley Road San Marcos, CA 92096-0001
**Tel:** 760.750.8532 **E-mail:** mescobedo@csusm.edu **Web:** www.csusm.edu/camp

**Summer CAMP 2020 –** CAMP will continue to plan for the Summer CAMP Experience as usual, working with campus partners such as First Year Programs, the Office of Financial Aid, Housing, Enrollment Management Services and others. If the current health situation persists and online instruction will continue past spring 2020 or other changes arise, the Summer CAMP 2020 Experience will need to be re-evaluated.

**Recruitment for Next Year's CAMP Cohort (incoming class of 2020) –** CAMP will use technology such as Zoom and telephone services to connect with students and their families. Given our annual recruitment event for potential CAMP Scholars and their families is cancelled, a heavy call campaign with each potential CAMP Scholar will be held instead.

**Administration –** Project Director will continue to oversee all operations as usual and attend virtual or in person meetings as required. CAMP staff will keep in communication using online virtual platforms such as CSUSM e-mail, Teams, OneDrive, OneNote, Zoom, etc. If all operations must transition into remote work, the CAMP team will have daily check-ins using Zoom to discuss topics of concerns. Regular staff meetings will continue to happen as normal using Zoom.

## Conclusion

While not ideal, the CAMP team understands that all measures CSUSM is taking is in the best interest of student and faculty/staff safety. The CAMP team will continuously reassess its operations taking into consideration the feedback from CAMP Scholars. CAMP is committed to evolving its practices to meet the needs of our CAMP Scholars as best as we are able to.

Please let me know if you have any questions, or would like to discuss a particular item further.

María Venegas Escobedo
CAMP Director



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:53:32 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CSUSM CAMP Coronavirus Update
**Attachments:** CAMP_Coronavirus_Emergency_Plan_of_Action_3.18.20.pdf
**Importance:** High

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Carr, Steven <Steven.Carr@ed.gov>
**Sent:** Thursday, March 19, 2020 8:44 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Gillette, Lisa <Lisa.Gillette@ed.gov>; Bentley-Memon, Millicent <Millicent.Bentley-Memon@ed.gov>
**Subject:** FW: CSUSM CAMP Coronavirus Update
**Importance:** High

While this grantee did not have a specific question, they did share two concerns regarding COVID-19's impact on program operations.

---

**From:** Maria Venegas Escobedo <mescobedo@csusm.edu>
**Sent:** Wednesday, March 18, 2020 2:13 PM
**To:** Carr, Steven <Steven.Carr@ed.gov>
**Cc:** Minerva Gonzalez <minervag@csusm.edu>
**Subject:** CSUSM CAMP Coronavirus Update
**Importance:** High

Hi Steven,

As you may know, many institutions of higher education and their operations have been impacted by the Coronavirus, and CSUSM is no exception.

I am reaching out to you to share how CSUSM CAMP is coping with these ever evolving changes/updates. Please see the attached memo.

Two strong concerns CSUSM CAMP has at this point is as follows:

- **Student academic performance for Spring 2020** - Given that all instruction has moved to an online/virtual platform, and historically our CAMPers don't tend to do well in this type of instruction, we worry that students may struggle with successfully passing all of their courses.

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CSUSM CAMP is serving as a liaison and providing support services to students and monitoring their academic performance via different channels.

- **Recruitment for incoming CAMP students (fall 2020) –** Students are feeling uncertain with their decision to commit to our university given the situation with the Coronavirus changes daily. Our team is keeping a great channel of communication with potential CAMPers, but we will not know until students commit their enrollment to our institution.

I wanted to keep you in the loop of what is happening at CSUSM CAMP. As I have stated in my memo, while not ideal, the CAMP team understands that all measures CSUSM is taking is in the best interest of student and faculty/staff safety. The CAMP team will continuously reassess its operations taking into consideration the feedback from CAMP Scholars. CAMP is committed to evolving its practices to meet the needs of our CAMP Scholars as best as we are able to.

Sincerely,

**María Venegas Escobedo, M.A.**
CAMP Director
California State University San Marcos
College Assistance Migrant Program (CAMP)
mescobedo@csusm.edu | 760-750-8532| www.csusm.edu/camp

**CAMP Mission Statement**

"To provide entering first-year students with an array of support services and opportunities for cultural affirmation that lead to personal and educational success as measured by exceptional levels of community involvement and academic persistence to graduation."

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California State University
SAN MARCOS

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**Tel:** 760.750.8532 **E-mail:** mescobedo@csusm.edu **Web:** www.csusm.edu/camp

# MEMORANDUM

**DATE:** March 18, 2020

**TO:** Steven Carr
Office of Migrant Education

**FROM:** María Venegas Escobedo
CAMP Director

**SUBJECT:** CAMP Operations Emergency Plan of Action

## Summary

As CSU San Marcos moves into an online platform for student instruction as a preventative measure to slow the spread of the Coronavirus for the remainder of the spring 2020, the College Assistance Migrant Program (CAMP) will modify its operations to continue fulfilling its mission of supporting first year seasonal migrant/ farm working students. Listed below are strategies the CAMP program is implementing to meet student and program needs given current situation and in anticipation of partial or full campus closure, leveraging technology as a main component to deliver services to current and potential first year CSUSM students.

## CAMP Programming Components

**Student Appointments** – All CAMP staff, inclusive of student staff, is, or will be, trained in the usage of Zoom for direct student contact. CAMP Scholars will be able to continue to use Accudemia to schedule appointments with their advisors. The CAMP team is looking into implementing virtual "drop-in" hours throughout the week to accommodate students who have last minute questions or concerns.

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**Student Academic Monitoring** – While CAMP Advisors will continue to oversee the caseload of all 42 CAMP Scholars, CAMP Advisors along with CAMP Peer Mentors will be tasked to handle a caseload of 6-7 students for the remainder of the term and virtually (Zoom or telephone) meet with students once a week. The virtual check-ins will be both formal and informal to learn how CAMP can continue to support students and serve as a channel to learn from student and their needs during this unprecedented time where instruction is fully online.



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**Tel:** 760.750.8532 **E-mail:** mescobedo@csusm.edu **Web:** www.csusm.edu/camp

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Please let me know if you have any questions, or would like to discuss a particular item further.

María Venegas Escobedo
CAMP Director



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:53:43 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Did we shorten our academic year, or no?

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Carrie Short <cshort@lorainccc.edu>
**Sent:** Thursday, March 19, 2020 8:09 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Did we shorten our academic year, or no?

Hello -

I have a question based on something I learned on the NASFAA webinar Tuesday… It was about shortening the academic year and needing to get permission. As you know, a lot of schools extended their spring break. We started ours early for in-person classes and extended it for in-person classes, but we did not adjust online classes. Does that require permission/submission or no?

Thanks!

Carrie Short

Sent from Mail for Windows 10

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:56:02 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Do Cash Management Rules Apply for Refunds and Credits of Title IV Funds to Students?
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Hendricken, Kelly <Kelly.Hendricken@suny.edu>
**Sent:** Thursday, March 19, 2020 11:50 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Casey, Sandra <Sandra.Casey@suny.edu>; Thompson, Patricia <Patricia.Thompson@suny.edu>
**Subject:** Do Cash Management Rules Apply for Refunds and Credits of Title IV Funds to Students?
**Importance:** High

To Whom it May Concern:

The State University of New York System is seeking guidance and clarification on whether the cash management rules apply when issuing refunds and/or credits to students who have completed over 60% of their semester who have not withdrawn, but are seeking refunds and/or credits for a specific purpose. These are still Title IV funds, however. These refunds and/or credits would be in relation to room and board costs, potentially meal plan costs as well, along with other non-tuition related costs depending upon the circumstances. The System was considering issuing refunds for these costs where applicable, and/or credits for returning students where applicable, but wanted to ensure we were complying with all proper rules and regulations. Thus far, we have not seen any specific guidance from the Department, and were wondering if the Department would be providing any guidance on this for colleges and universities across the country.

Our understanding is that an authorization from the student would be sufficient and that the cash management rules would not apply here. Please let us know if this is correct. Thank you.

Sincerely,

Kelly Hendricken

**Kelly H. Hendricken, Esq.**
*Assistant Counsel*

AMERICAN OVERSIGHT

Office of General Counsel
The State University of New York
State University Plaza - Albany, New York 12246
Tel: 518.320.1400 Fax: 518.320.1541
Pronouns: She/Her/Hers

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**ATTORNEY CLIENT PRIVILEGED**

The information contained in this e-mail may be privileged and confidential and is intended only for named recipients.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:12:08 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: DoED grant award guidance

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Patricia Cornette <Patricia.Cornette@uncp.edu>
**Sent:** Wednesday, March 18, 2020 4:55 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** DoED grant award guidance

Dear Program Officer/Administrator,

We have not seen any specific guidance regarding Covid-19/Managing Grant Awards so here are two quick questions:

1. Do you have guidance regarding positions funded through a DoED award? In the event the university is officially closed as a result of the COVID-19 outbreak, can award funds be used to pay employment costs? If my institution has a policy for allowable remote/telework and/or emergency operations, would charges to the grant be allowable?

2. A conference has been canceled, but I have nonrefundable travel, registration, and/or hotel costs. Can these be charged to an DoED grant?

Thank you so much for your guidance in this matter.

Best,
**Patricia D. Cornette, L.L.M., CRA**
Director, Sponsored Research and Programs
Office of Sponsored Research and Programs
1 University Drive I P.O. Box 1510 I Pembroke, NC 28372
O: 910.521-6357 I F: 910.521.6553 I patricia.cornette@uncp.edu

***Changing Lives Through Education***

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OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 21:11:56 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Does this affect private school?

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

**From:** Bizzozzaro, Joseph <bizzozzaroj@flaglerschools.com>
**Sent:** Friday, March 13, 2020 7:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Does this affect private school?

Is this action to close schools until March 30th for ALL schools operating in the state of Florida, including private schools?
--

**Very Respectfully,**

**Mr. Bizzozzaro**
American History - Social Studies Department
Flagler Palm Coast High School

*Contact Information*
bizzozzaroj@flaglerschools.com
**386-437-7540 - EXT 3261**

*"A lie does not become truth, wrong does not become right, and evil does not become good just because it is accepted by a majority"* - Booker T. Washington

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**From:** Patrick, Kelly
**Sent:** Thu, 19 Mar 2020 21:12:36 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: early graduation

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Matt Mills <mills@charter.net>
**Sent:** Thursday, March 12, 2020 9:55 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** early graduation

I would like you to seriously consider early graduation for all senior students in all healthcare related field immediately. Grandfather them in and license them.

Sent from Matt Mills

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**From:** Kinnard, Curtis
**Sent:** Thu, 19 Mar 2020 19:25:41 +0000
**To:** COVID-19
**Subject:** FW: Early Intervention Services Vermont
**Attachments:** CIS-COVID-19-Guidance.pdf, 2020316COVID19.pdf

Good afternoon!

FYI.

Curtis J. Kinnard, Ed.D.
U.S. Department of Education
Office of Special Education Programs
202-245-7472
Washington, DC 20202
https://sites.ed.gov/idea/
http://www2.ed.gov/policy/gen/guid/correctional-education/index.html
https://www.osepideasthatwork.org/jj
https://osep.grads360.org/#program/highlighted-resources

"An Absolute,Simplicity, and Perseverance"

---

**From:** Moon, Jennie <Jennie.Moon@svhealthcare.org>
**Sent:** Thursday, March 19, 2020 2:26 PM
**To:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Subject:** Early Intervention Services Vermont

Good Afternoon-

I am looking for clarification for Early Intervention services in Vermont.

Per CDD they have shared these guidelines.

My question for OSEP is why is the OSEP Guidelines different per state? See attached Illinois guideline for COVID-19? When the governors have similar statements and the department of health has similar statements.
In Vermont they are recommending we continue to provide Direct services (Face to face). In Illinois they stopped face to face direct service.

Thank you,

Jennie

**Jennie Moon MBA HR Certificate**
Program Coordinator of Children's Integrated Services Early Intervention

AMERICAN OVERSIGHT

Phone: 802.447-2768 | Fax: 802.447.5231 | Cell: 203-505-3221
jennie.moon@svhealthcare.org

DISCLAIMER: The information contained in this electronic message is legally privileged and confidential under applicable law and is intended for a particular addressee(s). If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, copying or distribution or dissemination is strictly prohibited. If you suspect that you have received this transmittal in error, please notify Southwestern VT Health Care Corporation immediately by return email reply to helpdesk@phin.org, and immediately delete the transmittal and any attachments without making any copy or distribution. Thank you.

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# CIS Guidance to the Field Re: COVID 19

March 19, 2020

Hello Children's Integrated Services Partners,

While the situation continues to rapidly evolve, we want to provide as much information as possible to you at this point regarding impacts of COVID-19. Please review the information below carefully and distribute it to your staff and partners, including private therapists in your region. We recognize additional detail will be necessary in some areas and guidance may change in the coming days and weeks. We will share further information as clarification becomes available. If the Vermont Department of Health subsequently releases any direction that differs from the guidance below, the VDH direction takes precedence.

**General Public Health Guidance**

Please ensure you are accessing the Vermont Department of Health (VDH) website for guidance regarding public health measures. This is updated regularly and has topic-specific information including Early Childhood Care and Education Program Closure and Dismissal Guidance to many of our programs and clients. This is also a good source for information and resources to share with clients.

**Service Delivery, Documentation & Billing**

The Vermont Department of Health (VDH) has issued guidance regarding home-based service delivery, available here: Guidance: Home Based Service Delivery. As stated in the guidance, no home-based service delivery should occur if either a household member or the provider are exhibiting symptoms or have had contact with a person who has COVID-19. Early Intervention is considered an essential service, and additional direction is detailed below. The remainder of home-based CIS services reimbursed through the bundled contracts are considered non-essential and therefore should shift to delivery by alternate means whenever possible.

Alternate means of service delivery may include use of telemedicine following appropriate privacy protections and Medicaid guidelines. Please note that the Office for Civil Rights (OCR) at the U.S Department of Health and Human Services (HHS) announced, effective immediately, that it will exercise its enforcement discretion and will waive potential penalties for HIPAA violations against health care providers that serve patients through everyday communications technologies, like FaceTime and Skype, during the COVID-19 nationwide public health emergency. The Notification of Enforcement Discretion on telehealth remote communications may be found at: https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/index.html.

Services delivered via telemedicine, as well as care coordination and parent/caregiver guidance and support provided via telephone, qualify a case to be billed to the CIS bundle for the month in question, as long as there has been at least one 15-minute unit of service delivered (defined by Medicaid as greater than or equal to 8 minutes).

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CIS providers should contact families to determine appropriate changes to service delivery methods or OnePlans. These conversations must be clearly documented and maintained in the child and family's files. If discussions result in any OnePlan updates, consent should be obtained via email or postal mail (with a self-addressed stamped envelope to be provided to the family), with a copy maintained in the child and family's file.

**Fiscal Impacts**

We understand the impacts of COVID-19 could pose significant hardship to CIS providers and we will communicate more information as it becomes available regarding the Federal, State and CDD's efforts in this area. CDD and DCF are working to ensure as little disruption as possible to existing payment processes to ensure continuity.

**OSEP Part C Early Intervention Guidance**

The Child Development Division (CDD) and the Agency Of Education (AOE) have jointly developed the guidance below related to IDEA Part C services, in accordance with the direction received from the federal Office of Special Education Programs (OSEP) and Vermont Department of Health (VDH). We recognize additional detail may be necessary in some areas and we will share further information as clarification becomes available and as the situation evolves.

The Vermont Department of Health has issued guidance for home-based service delivery which may be found here: Guidance: Home Based Service Delivery. Early Intervention (EI) services are considered essential and therefore should continue to be delivered at this time. This includes EI services reimbursed through the CIS bundled contracts, as well as fee-for-service. However, these may be provided using alternate means of delivery as articulated below. Early Intervention providers are directed to take the following measures to ensure continuity of service delivery:

- Early Intervention providers shall contact families to review their OnePlan in order to determine alternate methods of service delivery as detailed in #3 below for the purpose of ensuring OnePlan goals and service needs are met.
    - Conversations with families must be clearly documented and maintained in the child and family's files.
    - OnePlan updates require written parental consent which may be obtained via email or postal mail (a self-addressed stamped envelope will be provided to the family), with a copy maintained in the child and family's file.
- Once the Governor has directed students to return to schools, full in-person service delivery must resume. At this point, Early Intervention providers should hold a meeting with each family to update OnePlans, including reassessing the child's present levels of functioning and reviewing outcomes with the family.

Additionally, The State has reviewed guidance from OSEP regarding impacts of COVID-19. The implications of this for Vermont Early Intervention includes the following:

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1. **If the State Part C office (the Child Development Division) is closed**, Part C services are not required to be provided. The current shift to remote operations does not qualify as closure.
2. **If a regional Early Intervention program is no longer operational (This decision should only be made in close coordination with CDD; a shift to remote operations does not qualify as closure) due to an outbreak in that area,** Part C services in that region are not required to be provided, even if the State Part C office is open.
3. **If State Part C Office (CDD) and the regional Early Intervention program are both operational, but in-person service delivery is not an option based on VDH guidance**, the following must be done to ensure continuity of services:
    a. use an alternate provider;
    b. use an alternate location; or
    c. provide services through alternate means, such as consultative services to the parent. Alternate means may include telemedicine delivered with appropriate privacy protocols, or phone consultation.
4. **If Child Find, Part C service delivery, and/or transition activities and timelines are impacted by COVID-19 in any way**, this explanation should be clearly documented in the child's file and in all data reported to CDD.

This is a quickly evolving and uncertain time for everyone, and we understand the stress that you are all under in striving to continue to meet the needs of vulnerable kids and families while also addressing the health and well-being of your families and yourselves. We are working hard to provide guidance and support in every way possible and will communicate more information as soon as it becomes available. Thank you for the incredible work you are doing in these challenging circumstances.

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JB Pritzker, *Governor*

Illinois Department of Human Services

Grace B. Hou, *Secretary*

823 East Monroe • Springfield, Illinois 62701
401 S. Clinton Avenue • Chicago, IL 60607

To: All Early Intervention Payees and Providers
Child and Family Connections Service Coordinators and Staff

From: Ann M. Freiburg, Chief AMF
Bureau of Early Intervention

Date: March 16, 2020

RE: COVID-19 (Coronavirus) Exception Policy/Procedures

The Bureau of Early Intervention (EI) has received guidance from the Office of Special Education Programs (OSEP), our federal oversight. We have received information that allows us to provide additional guidance as it relates to the EI service delivery amid the Illinois State of Emergency and the World Health Organizations pandemic assignment over the outbreak of COVID-19, also known as the Coronavirus.

Effective immediately, face-to-face services are discontinued. Please follow the adopted COVID-19 Exception Policy guidance until April 15, 2020 or until notified of any other timeframe.

It is important to know that the EI Program supports families, children, EI providers and Service Coordinators (SC) who are working so closely together. We previously provided information which is located on the EI Training Program for your review at https://blogs.illinois.edu/view/6096/807027. We advise you to continue to stay current with information on the federal and state websites who continue to provide updates from the Centers for Disease Control and Public Health Agencies. For another great resource to help support families is the EI Clearinghouse Parent Pack found at https://eiclearinghouse.org/resources/trying-times/.

With the OSEP guidance received, multiple EI stakeholders have helped craft our COVID-19 Exception Policy and Procedures, attached to this informational notice. In the current situation, the policies and procedures are meant to best support our diverse population we serve, as well as allow for the flexibility of the structure of the EI Payee/Provider community within the limitation of allowable models currently available in Illinois.

Remember that there is no acceptable virtual option available for Illinois Early Intervention. There is a workgroup of the Illinois Interagency Council on Early Intervention whose members are currently working towards that option, but it is not available currently.

This notice also reminds you to continually review the EI Provider Connections website for further updates. Given the nature of this situation, it would behoove you to review on a more frequent schedule, even daily, as things are changing very quickly!

Thank you for your continued dedication to the infants/toddlers and their families within the Illinois EI Program!

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**Exception Policy-Procedures for Service Coordinators and EI Payees/EI Providers**
**Effective March 16, 2020**

In the light of recent limitations due to the COVID-19, aka Coronavirus, and information released to the Illinois Early Intervention (EI) Program from the US Department of Education, Office of Special Education Programs (OSEP), the Bureau is adopting the following policy and procedures. To view current OSEP guidance, please go to https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf. Illinois Early Intervention has no approved method of teletherapy in place and will not approve any virtual (screen time) service delivery until a platform and practice is finalized.

These guidelines were created through the intention of the OSEP guidance and are acceptable methods to maintain interaction with families and support to the maximum amount possible, those affected by the COVID-19 pandemic.

Effective today, March 16, 2020, the Illinois EI Program is suspending all face-to-face contact with families. All CFC staff and EI Payee/EI Providers should cease going to family's homes until April 15, 2020. Everyone should monitor the EI Provider Connections and other partners websites for updates on a daily basis as this situation may change at any moment.

It is imperative that we practice the recommended social distancing to minimize the spread of the COVID-19 virus to the maximum extent possible.

**ACTIVE IFSP Cases**:
Based on the severity of the situation, the Bureau has developed a temporary solution to support the continued progress of children and families currently on active caseloads.

The Bureau will temporarily approve allowing the use of existing IFSP Development authorizations for EI Providers to conduct phone-based **Consultation** with families and submit claims under IFSP Development Time. The frequency/duration would not necessarily match the direct service authorization but is designed to provide time to support the family until regular direct service provision can resume. This Consultation call is to be used solely for reviewing the strategies previously provided to the family to use with their child during daily routines and the progress or barriers associated with the strategies. As a note, according to written policy within the *Illinois Early Intervention Provider Handbook, Chapter 6, Billing Guidelines and Use of Insurance*, billing for time spent speaking with a parent via the telephone is not allowed. The exception allowing the submission of claims for IFSP Development Time utilized for parent consultation, is due to the current pandemic over COVID-19 in our country. The exception will be voided once IDHS determines the crisis is over through guidance of the CDC and other professional organizations or the Governor of the State of Illinois office.

The time anticipated for this Consultation is between 15 to 30 minutes per week, but each child and family is unique which could result in less or additional time. As with all IFSP Development Time, it is imperative that documentation support the time billed and should not be used socially or to discuss non-EI services.

In general, all EI direct service Providers have been authorized for IFSP Development Time (estimated one hour per month use). The EI Provider is responsible for keeping track of all authorizations and should be able to determine when/if the authorization in hand may be exceeded. If additional time is needed on a current authorization to conduct Consultation by phone, it is the responsibility of the EI Provider to contact their Service Coordinator to adjust the authorization. Please note if your current authorization has sufficient time left to allow these Consultations to occur through the pandemic exception period, there is no need to contact your Service Coordinator to increase the amount of time allowed on the authorization until the amount is at risk of being exceeded. As with all EI services, authorizations must be "in hand" prior to the provision of any service


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(with the exception of IFSP Meetings). The Service Coordinator for each individual family will continue to make monthly contact via telephone.

**NEW REFERRALS**:
When referrals are received by Child and Family Connections (CFC) offices, the Intake meeting will be handled similarly as above. CFCs will support the referral and Intake process through telephone and mail or fax, as applicable. Necessary paperwork will be mailed to the family with a stamped, self-addressed envelope for return with instructions to review the forms upon receipt. The Service Coordinator, during a call with the family, will go through the documents individually and answer any questions the parents might have. We understand this will lengthen the period of time to work with the family. The OSEP Guidance released allows states to utilize whatever time is needed without risk of non-compliance with federal regulations during this pandemic.

We acknowledge that Initial Evaluations/Assessments cannot be completed at this time. This means the case must be put on hold. The 45-day policy will be waived in this scenario as a family exceptional circumstance.

Assistive Technology requests and Letters of Developmental Necessity will also be affected by an inability to provide in-person services. The Bureau will review these issues on a case-by-case basis, while working to support the provision of any needed Assistive Technology as quickly as possible.

**TRANSITION**:
Transition activities and timelines could be affected. If possible, use of phone conferencing for those is an option.

**FAMILY PARTICIPATION FEES**:
The Bureau will consider Family Participation Fee Credit Requests that are submitted once this exception period is over.

**COVID-19 EXCEPTION POLICY:**
This Exception policy will be in place for 30 calendar days beginning **Monday, March 16, 2020 and will be rescinded effective Wednesday, April 15, 2020**. As the information continues to evolve daily, the Bureau will evaluate the most current recommendations for addressing COVID-19 and make any necessary extensions as needed.

It is imperative that all EI Payees, Providers, Service Coordinators and families monitor the EI Provider Connections site on a daily basis, as things are ever-changing. You may view the site by going to www.wiu.edu/providerconnections.

Additionally, please visit the EI Training Program's website to review the Facts and other useful information on COVID-19, aka Coronavirus at https://blogs.illinois.edu/view/6096/807027.

Another great resource to help support families is the EI Clearinghouse Parent Pack found at https://eiclearinghouse.org/resources/trying-times/.

We appreciate all the efforts put forth to protect the citizens of Illinois and the people serving these families during this unprecedented time. If you have any questions about this notice, please contact the Bureau directly at 217/782-1981.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:50:11 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Early Intervention Services Vermont
**Attachments:** CIS-COVID-19-Guidance.pdf, 2020316COVID19.pdf

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Sent:** Thursday, March 19, 2020 3:26 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Early Intervention Services Vermont

Good afternoon!

FYI.

Curtis J. Kinnard, Ed.D.
U.S. Department of Education
Office of Special Education Programs
202-245-7472
Washington, DC 20202
https://sites.ed.gov/idea/
http://www2.ed.gov/policy/gen/guid/correctional-education/index.html
https://www.osepideasthatwork.org/jj
https://osep.grads360.org/#program/highlighted-resources

"An Absolute,Simplicity, and Perseverance"

---

**From:** Moon, Jennie <Jennie.Moon@svhealthcare.org>
**Sent:** Thursday, March 19, 2020 2:26 PM
**To:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Subject:** Early Intervention Services Vermont

Good Afternoon-

I am looking for clarification for Early Intervention services in Vermont.

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Per CDD they have shared these guidelines.

My question for OSEP is why is the OSEP Guidelines different per state? See attached Illinois guideline for COVID-19? When the governors have similar statements and the department of health has similar statements.
In Vermont they are recommending we continue to provide Direct services (Face to face). In Illinois they stopped face to face direct service.

Thank you,

Jennie

**Jennie Moon MBA HR Certificate**
Program Coordinator of Children's Integrated Services Early Intervention
Phone: 802.447-2768 | Fax: 802.447.5231 | Cell: 203-505-3221
jennie.moon@svhealthcare.org

DISCLAIMER: The information contained in this electronic message is legally privileged and confidential under applicable law and is intended for a particular addressee(s). If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, copying or distribution or dissemination is strictly prohibited. If you suspect that you have received this transmittal in error, please notify Southwestern VT Health Care Corporation immediately by return email reply to helpdesk@phin.org, and immediately delete the transmittal and any attachments without making any copy or distribution. Thank you.

AMERICAN OVERSIGHT

# CIS Guidance to the Field Re: COVID 19

March 19, 2020

Hello Children's Integrated Services Partners,

While the situation continues to rapidly evolve, we want to provide as much information as possible to you at this point regarding impacts of COVID-19. Please review the information below carefully and distribute it to your staff and partners, including private therapists in your region. We recognize additional detail will be necessary in some areas and guidance may change in the coming days and weeks. We will share further information as clarification becomes available. If the Vermont Department of Health subsequently releases any direction that differs from the guidance below, the VDH direction takes precedence.

**General Public Health Guidance**

Please ensure you are accessing the Vermont Department of Health (VDH) website for guidance regarding public health measures. This is updated regularly and has topic-specific information including Early Childhood Care and Education Program Closure and Dismissal Guidance to many of our programs and clients. This is also a good source for information and resources to share with clients.

**Service Delivery, Documentation & Billing**

The Vermont Department of Health (VDH) has issued guidance regarding home-based service delivery, available here: Guidance: Home Based Service Delivery. As stated in the guidance, no home-based service delivery should occur if either a household member or the provider are exhibiting symptoms or have had contact with a person who has COVID-19. Early Intervention is considered an essential service, and additional direction is detailed below. The remainder of home-based CIS services reimbursed through the bundled contracts are considered non-essential and therefore should shift to delivery by alternate means whenever possible.

Alternate means of service delivery may include use of telemedicine following appropriate privacy protections and Medicaid guidelines. Please note that the Office for Civil Rights (OCR) at the U.S Department of Health and Human Services (HHS) announced, effective immediately, that it will exercise its enforcement discretion and will waive potential penalties for HIPAA violations against health care providers that serve patients through everyday communications technologies, like FaceTime and Skype, during the COVID-19 nationwide public health emergency. The Notification of Enforcement Discretion on telehealth remote communications may be found at: https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/index.html.

Services delivered via telemedicine, as well as care coordination and parent/caregiver guidance and support provided via telephone, qualify a case to be billed to the CIS bundle for the month in question, as long as there has been at least one 15-minute unit of service delivered (defined by Medicaid as greater than or equal to 8 minutes).

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CIS providers should contact families to determine appropriate changes to service delivery methods or OnePlans. These conversations must be clearly documented and maintained in the child and family's files. If discussions result in any OnePlan updates, consent should be obtained via email or postal mail (with a self-addressed stamped envelope to be provided to the family), with a copy maintained in the child and family's file.

**Fiscal Impacts**

We understand the impacts of COVID-19 could pose significant hardship to CIS providers and we will communicate more information as it becomes available regarding the Federal, State and CDD's efforts in this area. CDD and DCF are working to ensure as little disruption as possible to existing payment processes to ensure continuity.

**OSEP Part C Early Intervention Guidance**

The Child Development Division (CDD) and the Agency Of Education (AOE) have jointly developed the guidance below related to IDEA Part C services, in accordance with the direction received from the federal Office of Special Education Programs (OSEP) and Vermont Department of Health (VDH). We recognize additional detail may be necessary in some areas and we will share further information as clarification becomes available and as the situation evolves.

The Vermont Department of Health has issued guidance for home-based service delivery which may be found here: Guidance: Home Based Service Delivery. Early Intervention (EI) services are considered essential and therefore should continue to be delivered at this time. This includes EI services reimbursed through the CIS bundled contracts, as well as fee-for-service. However, these may be provided using alternate means of delivery as articulated below. Early Intervention providers are directed to take the following measures to ensure continuity of service delivery:

- Early Intervention providers shall contact families to review their OnePlan in order to determine alternate methods of service delivery as detailed in #3 below for the purpose of ensuring OnePlan goals and service needs are met.
    - Conversations with families must be clearly documented and maintained in the child and family's files.
    - OnePlan updates require written parental consent which may be obtained via email or postal mail (a self-addressed stamped envelope will be provided to the family), with a copy maintained in the child and family's file.
- Once the Governor has directed students to return to schools, full in-person service delivery must resume. At this point, Early Intervention providers should hold a meeting with each family to update OnePlans, including reassessing the child's present levels of functioning and reviewing outcomes with the family.

Additionally, The State has reviewed guidance from OSEP regarding impacts of COVID-19. The implications of this for Vermont Early Intervention includes the following:

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1. **If the State Part C office (the Child Development Division) is closed**, Part C services are not required to be provided. The current shift to remote operations does not qualify as closure.
2. **If a regional Early Intervention program is no longer operational (This decision should only be made in close coordination with CDD; a shift to remote operations does not qualify as closure) due to an outbreak in that area,** Part C services in that region are not required to be provided, even if the State Part C office is open.
3. **If State Part C Office (CDD) and the regional Early Intervention program are both operational, but in-person service delivery is not an option based on VDH guidance**, the following must be done to ensure continuity of services:
    a. use an alternate provider;
    b. use an alternate location; or
    c. provide services through alternate means, such as consultative services to the parent. Alternate means may include telemedicine delivered with appropriate privacy protocols, or phone consultation.
4. **If Child Find, Part C service delivery, and/or transition activities and timelines are impacted by COVID-19 in any way**, this explanation should be clearly documented in the child's file and in all data reported to CDD.

This is a quickly evolving and uncertain time for everyone, and we understand the stress that you are all under in striving to continue to meet the needs of vulnerable kids and families while also addressing the health and well-being of your families and yourselves. We are working hard to provide guidance and support in every way possible and will communicate more information as soon as it becomes available. Thank you for the incredible work you are doing in these challenging circumstances.

AMERICAN OVERSIGHT

JB Pritzker, *Governor*

Illinois Department of Human Services

Grace B. Hou, *Secretary*

823 East Monroe • Springfield, Illinois 62701
401 S. Clinton Avenue • Chicago, IL 60607

To: All Early Intervention Payees and Providers
Child and Family Connections Service Coordinators and Staff

From: Ann M. Freiburg, Chief AMF
Bureau of Early Intervention

Date: March 16, 2020

RE: COVID-19 (Coronavirus) Exception Policy/Procedures

The Bureau of Early Intervention (EI) has received guidance from the Office of Special Education Programs (OSEP), our federal oversight. We have received information that allows us to provide additional guidance as it relates to the EI service delivery amid the Illinois State of Emergency and the World Health Organizations pandemic assignment over the outbreak of COVID-19, also known as the Coronavirus.

Effective immediately, face-to-face services are discontinued. Please follow the adopted COVID-19 Exception Policy guidance until April 15, 2020 or until notified of any other timeframe.

It is important to know that the EI Program supports families, children, EI providers and Service Coordinators (SC) who are working so closely together. We previously provided information which is located on the EI Training Program for your review at https://blogs.illinois.edu/view/6096/807027. We advise you to continue to stay current with information on the federal and state websites who continue to provide updates from the Centers for Disease Control and Public Health Agencies. For another great resource to help support families is the EI Clearinghouse Parent Pack found at https://eiclearinghouse.org/resources/trying-times/.

With the OSEP guidance received, multiple EI stakeholders have helped craft our COVID-19 Exception Policy and Procedures, attached to this informational notice. In the current situation, the policies and procedures are meant to best support our diverse population we serve, as well as allow for the flexibility of the structure of the EI Payee/Provider community within the limitation of allowable models currently available in Illinois.

Remember that there is no acceptable virtual option available for Illinois Early Intervention. There is a workgroup of the Illinois Interagency Council on Early Intervention whose members are currently working towards that option, but it is not available currently.

This notice also reminds you to continually review the EI Provider Connections website for further updates. Given the nature of this situation, it would behoove you to review on a more frequent schedule, even daily, as things are changing very quickly!

Thank you for your continued dedication to the infants/toddlers and their families within the Illinois EI Program!

AMERICAN OVERSIGHT

**Exception Policy-Procedures for Service Coordinators and EI Payees/EI Providers**
**Effective March 16, 2020**

In the light of recent limitations due to the COVID-19, aka Coronavirus, and information released to the Illinois Early Intervention (EI) Program from the US Department of Education, Office of Special Education Programs (OSEP), the Bureau is adopting the following policy and procedures. To view current OSEP guidance, please go to https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf. Illinois Early Intervention has no approved method of teletherapy in place and will not approve any virtual (screen time) service delivery until a platform and practice is finalized.

These guidelines were created through the intention of the OSEP guidance and are acceptable methods to maintain interaction with families and support to the maximum amount possible, those affected by the COVID-19 pandemic.

Effective today, March 16, 2020, the Illinois EI Program is suspending all face-to-face contact with families. All CFC staff and EI Payee/EI Providers should cease going to family's homes until April 15, 2020. Everyone should monitor the EI Provider Connections and other partners websites for updates on a daily basis as this situation may change at any moment.

It is imperative that we practice the recommended social distancing to minimize the spread of the COVID-19 virus to the maximum extent possible.

**ACTIVE IFSP Cases**:
Based on the severity of the situation, the Bureau has developed a temporary solution to support the continued progress of children and families currently on active caseloads.

The Bureau will temporarily approve allowing the use of existing IFSP Development authorizations for EI Providers to conduct phone-based **Consultation** with families and submit claims under IFSP Development Time. The frequency/duration would not necessarily match the direct service authorization but is designed to provide time to support the family until regular direct service provision can resume. This Consultation call is to be used solely for reviewing the strategies previously provided to the family to use with their child during daily routines and the progress or barriers associated with the strategies. As a note, according to written policy within the *Illinois Early Intervention Provider Handbook, Chapter 6, Billing Guidelines and Use of Insurance*, billing for time spent speaking with a parent via the telephone is not allowed. The exception allowing the submission of claims for IFSP Development Time utilized for parent consultation, is due to the current pandemic over COVID-19 in our country. The exception will be voided once IDHS determines the crisis is over through guidance of the CDC and other professional organizations or the Governor of the State of Illinois office.

The time anticipated for this Consultation is between 15 to 30 minutes per week, but each child and family is unique which could result in less or additional time. As with all IFSP Development Time, it is imperative that documentation support the time billed and should not be used socially or to discuss non-EI services.

In general, all EI direct service Providers have been authorized for IFSP Development Time (estimated one hour per month use). The EI Provider is responsible for keeping track of all authorizations and should be able to determine when/if the authorization in hand may be exceeded. If additional time is needed on a current authorization to conduct Consultation by phone, it is the responsibility of the EI Provider to contact their Service Coordinator to adjust the authorization. Please note if your current authorization has sufficient time left to allow these Consultations to occur through the pandemic exception period, there is no need to contact your Service Coordinator to increase the amount of time allowed on the authorization until the amount is at risk of being exceeded. As with all EI services, authorizations must be "in hand" prior to the provision of any service


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We appreciate all the efforts put forth to protect the citizens of Illinois and the people serving these families during this unprecedented time. If you have any questions about this notice, please contact the Bureau directly at 217/782-1981.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 20:22:15 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: EASIE Broadcast

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Thursday, March 19, 2020 4:21 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Hernandez-Marshall, Angela <Angela.Hernandez-Marshall@ed.gov>
**Subject:** EASIE Broadcast

Hello,

The OIE Formula Team is seeking permission to send the generic content below to our grantees via an email blast:

**To:** All users that certified Part I by the March 12, 2020, deadline
**Subject:** EASIE Title VI Application and COVID-19 Update
**Distribution Date:** Upon Approval

---

Dear EASIE User,

PSC is reaching out to provide an update regarding the EASIE Title VI grant application in relation to current COVID-19 health concerns. PSC has received questions and concerns from EASIE applicants about the current SY 2020-21 Title VI application timeline and how to implement current SY 2019-20 Title VI programs.

The Office of Indian Education (OIE) is currently working internally to address all received concerns and questions. PSC will send a broadcast to all applicants once more information is available. Your patience is appreciated.

Additional information regarding COVID-19 can be found here:
https://www.ed.gov/coronavirus

AMERICAN OVERSIGHT

Sincerely,

ED*Facts* Partner Support Center on behalf of the Office of Indian Education

Voice: (877) 457-3336 (877-HLP-EDEN)

Fax: (888) 329-3336 (888-FAX-EDEN)

Federal Relay Service: 800-877-0996 (Voice/TTY) / federalrelay@sprint.com

Email: eden_oie@ed.gov

https://easie.grads360.org

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

AMERICAN OVERSIGHT

**From:** Muhammad, Faatimah
**Sent:** Thu, 19 Mar 2020 19:59:22 +0000
**To:** COVID-19
**Cc:** OESE.titleiii-a;Rooney, Patrick
**Subject:** FW: EL identification during COVID-19
**Importance:** High

My team will begin drafting responses for the questions below. ~Faatimah

---

**From:** Ivanna Mann Thrower Anderson <Ivanna.Anderson@dpi.nc.gov>
**Sent:** Thursday, March 19, 2020 3:32 PM
**To:** Anand, Supreet <Supreet.Anand@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Calderon, Brenda <Brenda.Calderon@ed.gov>
**Cc:** David Holbrook <djholbrook14@gmail.com>; Megan Alubicki <megan.alubicki@ct.gov>; Morgan Cox <Cox_M@cde.state.co.us>; Marshall Foster <Marshall.Foster@dpi.nc.gov>
**Subject:** FW: EL identification during COVID-19
**Importance:** High

Hi Ladies,

I am wondering if you have seen this email. I have received it nationally and from an LEA in NC, so I do not know where it started. Upper leadership at NCDPI has asked me to reach out. We feel that it is best to wait for federal guidance and are wondering when/if something will be available.

Thanks!

Ivanna

---

**From:** Alubicki, Megan <Megan.Alubicki@ct.gov>
**Sent:** Thursday, March 19, 2020 1:17 PM
**To:** 'Cox, Morgan' <Cox_M@cde.state.co.us>; Marshall Foster <Marshall.Foster@dpi.nc.gov>; 'David.Brauer@education.ohio.gov' <David.Brauer@education.ohio.gov>; 'audrey.lesondak@dpi.wi.gov' <audrey.lesondak@dpi.wi.gov>; 'MILLER Kim A - ODE' <kim.a.miller@state.or.us>; Tricia Kerr (ADE) <Tricia.Kerr@arkansas.gov>; Chane Eplin <chane.eplin@gmail.com>; Ivanna Mann Thrower Anderson <Ivanna.Anderson@dpi.nc.gov>
**Subject:** EL identification during COVID-19
**Importance:** High

CAUTION: External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to Report Spam.

Dear colleagues,

I hope that this finds you well and healthy.

AMERICAN OVERSIGHT

I am reaching out about whether your states are providing guidance on the identification of ELs during these unprecedented times. I have received several emails today, suggesting that despite lessened mobility currently, there is still a need to ensure that we provide clear guidance on identification procedures. Questions have pertained to whether the timeframe for identification would be waived and guidance on how to carry out the identification process currently. As an extension to this, I am wondering if, given the circumstances we are faced with, anyone is suggesting that districts presumptively provide potential ELs with resources, and recommended websites and tools until such time as they can be formally screened. If you have a moment, I would so appreciate your feedback on these questions:

- How are you advising districts to screen potential ELs currently?
- Are you providing potential ELs with distance learning pertaining to ELs if they are unable to be identified?

I am curious to hear any thoughts you may have on this topic and any recommendations or suggestions that you may have, as we all try to navigate this challenging situation.

Thank you, in advance, for any information that you are willing to share!

Best,
Megan

**Megan Alubicki Flick**
**English Learner Consultant**
**Academic Office**
(860) 713-6786
Megan.alubicki@ct.gov

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 20:14:52 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: EL identification during COVID-19
**Importance:** High

Hello,

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Thanks,
Kelly

---

**From:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Sent:** Thursday, March 19, 2020 3:59 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titleiii-a <OESE.titleiii-a@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Subject:** FW: EL identification during COVID-19
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**Cc:** David Holbrook <djholbrook14@gmail.com>; Megan Alubicki <megan.alubicki@ct.gov>; Morgan Cox <Cox_M@cde.state.co.us>; Marshall Foster <Marshall.Foster@dpi.nc.gov>
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AMERICAN OVERSIGHT

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Megan.alubicki@ct.gov

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Moore, Crystal
**Sent:** Thu, 19 Mar 2020 20:24:21 +0000
**To:** COVID-19
**Subject:** FW: Emergency ED Funding

---

**From:** Charles Cuny Jr <charles.cunyjr@littlewound.us>
**Sent:** Tuesday, March 17, 2020 11:22 PM
**To:** Lee, Wanda <Wanda.Lee@ed.gov>
**Cc:** Silas Blaine <silas.blaine@k12.sd.us>
**Subject:** Emergency ED Funding

Wanda,

Is there any emergency US Dept Ed Funding maybe SERV Grand to provide internet access for Tribal Grant Schools that have to move to an online platform due to Covid 19?

Charles Cuny Jr
Little Wound School Superintendent
P.O. Box 500
Kyle, South Dakota 57752
Office: (605) 455-6174
Cell: (605) 407-1203
charles.cunyjr@littlewound.us
www.littlewound.us

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 20:48:09 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Emergency ED Funding

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Thursday, March 19, 2020 4:24 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Emergency ED Funding

---

**From:** Charles Cuny Jr <charles.cunyjr@littlewound.us>
**Sent:** Tuesday, March 17, 2020 11:22 PM
**To:** Lee, Wanda <Wanda.Lee@ed.gov>
**Cc:** Silas Blaine <silas.blaine@k12.sd.us>
**Subject:** Emergency ED Funding

Wanda,

Is there any emergency US Dept Ed Funding maybe SERV Grand to provide internet access for Tribal Grant Schools that have to move to an online platform due to Covid 19?

Charles Cuny Jr
Little Wound School Superintendent
P.O. Box 500
Kyle, South Dakota 57752
Office: (605) 455-6174
Cell: (605) 407-1203
charles.cunyjr@littlewound.us
www.littlewound.us

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:54:28 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ewa Stankiewicz <ewa.stankiewicz@uj.edu.pl>
**Sent:** Thursday, March 19, 2020 10:50 AM
**To:** Vu, Larry <Larry.Vu@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>; Miles, Eric <Eric.Miles@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** Odp.: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Larry,

I would like to assure you that Jagiellonian University is acquainted with the OPE's guidance of March 5, 2020.

On behalf of Prof. Armen Edigarian, Ph.D., Vice-Rector for Educational Affairs, I would like to ask you for the definitive interpretation of the OPE's guidance. By Jagiellonian University Rector's decision made in connection with the Government of Poland's regulations due to COVID-19, Jagiellonian University provides distance learning from March 10, 2020 until further notice. The 2019/2020 summer semester at Jagiellonian University starts on February 24, 2020 and ends on September 30, 2020. Therefore, please determine whether Jagiellonian University is not allowed to disburse Title IV funds for the entire 2019-2020 summer semester?

Due to numerous inquiries from students, I would appreciate your prompt reply.

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Thank you in advance,

Ewa

Ewa Stankiewicz

Financial Aid Administrator

Study Support Office

Centre for Academic Support

Jagiellonian University

25/3 Straszewskiego

31-113 Kraków

---

**Od:** Vu, Larry <Larry.Vu@ed.gov>
**Wysłane:** 19 marca 2020 11:58
**Do:** Ewa Stankiewicz
**Temat:** RE: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Hi Ewa,

I am only allowed to tell you to refer to the guidance on March 5, 2020.

What is your understanding of the guidance? Do you think you are allowed or not allowed to disburse aid under your situation? If so or if not, why do you think that?

Larry Vu

---

**From:** Ewa Stankiewicz <ewa.stankiewicz@uj.edu.pl>
**Sent:** Wednesday, March 18, 2020 5:44 PM
**To:** Vu, Larry <Larry.Vu@ed.gov>
**Cc:** Miles, Eric <Eric.Miles@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>; COVID-19 <COVID-19@ed.gov>

AMERICAN OVERSIGHT

**Subject:** Odp.: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Larry,

Thank you very much for the response.

According to the OPE's guidance on March 5, 2020, Jagiellonian University is not allowed to disburse Title IV funds for the U.S. students who participate in Title IV programs at JU even if they are enrolled for the programs which do not usually offer online courses, but due to this unusual circumstances, have been temporarily adapted to the distance learning.

Due to the above I have two following questions to you:

1. As the 2019/2020 summer semester at JU has started on February 24, 2020 and all JU's programs have been adapted to the distance learning on March 10, 2020, is JU allowed to disburse Title IV funds for the period from February 24 to March 10, 2020?

Also, if the disbursement for this period will be possible, I have concerns regarding how to calculate the COA amount for this period. Please see JU's COA based on a 9-month period (academic year): https://studiuje.uj.edu.pl/financial-aid/attendance-cost

There is no problem to divide the rent, food, transportation, course materials etc. costs accordingly, however the cost of international flights (return ticket x 1 as for one semester) is undivided.

2. Please let me know whether the JU will be allowed to disburse Title IV funds (costs reduced according to the duration of distance learning) to students if their programs are switched to the standard, non-distance mode? Due to the decision issued by the Minister of Science and Higher Education in Poland all classes are cancelled until March 25, 2020 (wherever applicable, lectures should be made available online) and we do not know if the cancelation will be extended.

Thank you in advance for your clarification and I look forward to your reply.

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Please keep me posted with any future ED's guidance for foreign schools due to the COVID-19.

Best,

Ewa

Ewa Stankiewicz
Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

---

**Od:** Vu, Larry <Larry.Vu@ed.gov>
**Wysłane:** 18 marca 2020 15:45
**Do:** Ewa Stankiewicz; COVID-19
**DW:** Miles, Eric; Dział Obsługi Studiów
**Temat:** RE: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Ewa,

You will need to reference OPE's guidance on March 5, 2020: https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19.

"Foreign Schools
We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Please let me know if you have any other questions.

Larry Vu

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**From:** Ewa Stankiewicz <ewa.stankiewicz@uj.edu.pl>
**Sent:** Monday, March 16, 2020 5:27 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Miles, Eric <Eric.Miles@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** Odp.: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,

I am writing to follow-up on my previous email.

I would like to inform you that in addition to JU Rector's decision on cancellation of lectures at Jagiellonian University, the Government of Poland has announced other restrictions, including closures of all schools, universities, and cultural institutions until March 25, 2020.

Please let me know if the above precautions taken due to COVID-19 have any impact to Title IV recipients as Jagiellonian Univeristy is a foreign school. The 2019-2020 summer semester disbursement will not be made until we receive the information from you. Please note, that there are thirteen U.S. students at JU who are waiting for the summer semester disbursements which cover their costs of living while studying in Poland.

I look forward to receiving your updates.

Best regards,

Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

**From:** Ewa Stankiewicz
**Sent:** Wednesday, March 11, 2020 8:46 AM
**To:** 'COVID-19@ed.gov' <COVID-19@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>

AMERICAN OVERSIGHT

**Subject:** Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,

I am writing in connection with the Office of Postsecondary Education's electronic announcement of March 05, 2020 and the part regarding foreign schools: "We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Due to the spread of Coronavirus (COVID-19) in Europe and following the safety recommendations of the Chief Sanitary Inspectorate, JU Rector Prof. Wojciech Nowak has cancelled all lectures conducted at Jagiellonian University. Wherever applicable, lectures should be made available online. Other classes (which take place in a smaller groups) will be held as per usual, with any additional restrictions to be introduced by the Faculties.

Please let me know if the above regulations (authorizing distance learning at programs which are not usually distance) do have an impact on students' eligibility for Title IV funds in the 2019-2020 summer semester and should we withhold the disbursements for this semester. Please note that these are exceptional circumstances and all decisions have been made to ensure student safety.

I would appreciate a reply asap as we have just evaluated students' Satisfactory Academic Progress after winter semester and we are ready to make the Title IV funds disbursements for the second semester.

Thank you,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:55:44 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Enquiry regarding students' eligibility for Title IV in connection with the distance learning

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ewa Stankiewicz <ewa.stankiewicz@uj.edu.pl>
**Sent:** Wednesday, March 18, 2020 5:44 PM
**To:** Vu, Larry <Larry.Vu@ed.gov>
**Cc:** Miles, Eric <Eric.Miles@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>; COVID-19 <COVID-19@ed.gov>
**Subject:** Odp.: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Larry,

Thank you very much for the response.

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Thank you in advance for your clarification and I look forward to your reply.

Please keep me posted with any future ED's guidance for foreign schools due to the COVID-19.

Best,

Ewa

Ewa Stankiewicz
Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

---

**Od:** Vu, Larry <Larry.Vu@ed.gov>
**Wysłane:** 18 marca 2020 15:45
**Do:** Ewa Stankiewicz; COVID-19

AMERICAN OVERSIGHT

**DW:** Miles, Eric; Dział Obsługi Studiów
**Temat:** RE: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

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You will need to reference OPE's guidance on March 5, 2020: https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19.

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Please let me know if you have any other questions.

Larry Vu

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**Sent:** Monday, March 16, 2020 5:27 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Miles, Eric <Eric.Miles@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** Odp.: Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

Dear Sir/ Madam,

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I look forward to receiving your updates.

Best regards,

Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

---

**From:** Ewa Stankiewicz
**Sent:** Wednesday, March 11, 2020 8:46 AM
**To:** 'COVID-19@ed.gov' <COVID-19@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Dział Obsługi Studiów <ksztalcenie@uj.edu.pl>
**Subject:** Enquiry regarding students' eligibility for Title IV in connection with the distance learning due to COVID-19

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I would appreciate a reply asap as we have just evaluated students' Satisfactory Academic Progress after winter semester and we are ready to make the Title IV funds disbursements for the second semester.

Thank you,

AMERICAN OVERSIGHT

Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:55:35 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Extended Spring Break - COVID Impact

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Alford, Keyimani L <klalford@madisoncollege.edu>
**Sent:** Thursday, March 19, 2020 1:04 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Extended Spring Break - COVID Impact

Hello School Participation Division,

My institution, Madison College (00400700) is preparing to have an extended spring break due to COVID-19. We were informed this is shortening our semester and requires approval to do so.

What steps do we need to take in order to accomplish this?

Thank you for your time.

Keyimani

Keyimani L. Alford, Ph.D.
Director | Student Financial Support Services
**Madison Area Technical College**
1701 Wright Street | Madison, Wisconsin | 53704
Office (608) 246-6320 | Fax (608) 243-4245
klalford@madisoncollege.edu

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 20:50:03 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Extended Spring Break

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Feucht, Stephanie A. <Stephanie.Feucht@NWTC.EDU>
**Sent:** Thursday, March 19, 2020 4:46 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Extended Spring Break

Hello,

I also left a message with our School Participation Team, however, I heard they were referring schools to this email.

We would like to extend our spring break one week due to the COVID-19, reducing the length of our academic year.

Our school code is 005301
Northeast Wisconsin Technical College.

Please let me know what my next steps are.

Thank you,

**Stephanie Feucht**
Financial Aid Manager

Northeast Wisconsin Technical College
2740 W. Mason Street
Green Bay, WI 54307
**Office** 920-498-5544 | **Fax** 920-491-2619
stephanie.feucht@nwtc.edu | nwtc.edu

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:22 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Extending Academic Year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Morrison, Lisa <lmorrison@iwcc.edu>
**Sent:** Wednesday, March 18, 2020 2:53 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Extending Academic Year

Hi,

How would we go about getting approval to extend our academic year? Our fall semester was 17 weeks and our spring semester was 17 weeks, but we added a week to spring break, making spring 16 weeks. It is being consider to extend the spring semester for our career and technical programs since they have labs and hands on requirements. For example: our dental hygiene students have labs at Creighton University and they are possibly not allowing students in for 6-8 weeks. I'm not sure how long they would like to extend, but they wanted to see how we go about getting approval to extend and if there was a limit on how far we could extend?

Thank you for your help!

**Lisa Morrison**
Director of Financial Aid
Iowa Western Community College
712-325-3287

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:56:51 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Farmingdale State College 00285800 (SUNY)

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Bangura, Marie <Marie.Bangura@ed.gov>
**Sent:** Wednesday, March 18, 2020 12:52 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Farmingdale State College 00285800 (SUNY)

Hello Team,

Below are the emails I received from this school.

Thank you,
Marie

**Marie M. Bangura**
Institutional Review Specialist

Office: (202) 377-3072
marie.bangura@ed.gov

-

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**From:** Diane Kazanecki [mailto:kazaned@farmingdale.edu]
**Sent:** Wednesday, March 18, 2020 12:09 PM
**To:** Bangura, Marie
**Subject:** RE: Farmingdale State College 00285800

Ms. Bangura,

In response to COVID 19, Farmingdale State College cancelled classes March 12 - March 14 and has extended Spring break one week to prepare for the switch to on-line learning, to the extent possible, and prepare for remote services for offices and faculty. We received approval for such changes from the State Education department as we are using flexibility to adjust the time in class and assigned work that

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can be completed outside the classroom with the assurance that all course learning outcomes will continue to be met.

We are requesting approval to continue to process all federal financial aid and calculate our R2T4s based upon these changes for the Spring 2020 semester.

Please let me know if there is anything else you need.

Thank you for your consideration of this request.

Be safe, Diane

**Diane Kazanecki Kempter**
*Director of Student Financial Services*
Financial Aid
T. 934-420-2065
F. 934-420-3662
diane.kazanecki@farmingdale.edu

Farmingdale State College
State University of New York
2350 Broadhollow Road
Farmingdale, NY 11735
farmingdale.edu

Facebook | Twitter | Instagram

---

**From:** Diane Kazanecki [mailto:kazaned@farmingdale.edu]
**Sent:** Wednesday, March 18, 2020 11:10 AM
**To:** Bangura, Marie
**Subject:** RE: Farmingdale State College 00285800

Ms. Bongura,

I am currently in a teleconference and we will be extending spring break, as well, so I will have to change my request. I'll get back to you once I have all of the details.

Thank you, Diane

**Diane Kazanecki Kempter**
*Director of Student Financial Services*
Financial Aid
T. 934-420-2065
F. 934-420-3662
diane.kazanecki@farmingdale.edu

AMERICAN OVERSIGHT

Farmingdale
State College
State University of New York
2350 Broadhollow Road
Farmingdale, NY 11735
farmingdale.edu

Facebook | Twitter | Instagram

---

**From:** Diane Kazanecki
**Sent:** Wednesday, March 18, 2020 9:49 AM
**To:** Bangura, Marie <Marie.Bangura@ed.gov>
**Subject:** RE: Farmingdale State College 00285800

Hello, Ms. Bangura.

We had to cancel classed for three days, Thursday, March 12th through Saturday, March 14th, while we prepare to switch to an almost all on-line instruction mode.

I am requesting permission for us to reduce our Spring 2020 semester by those three days.

I understand that we also must change the number of days in that semester in our R2T4 calculations going forward from that tie.

Please let me know if you need anything further from me.

Thank you, Diane

**Diane Kazanecki Kempter**
*Director of Student Financial Services*
Financial Aid
T. 934-420-2065
F. 934-420-3662
diane.kazanecki@farmingdale.edu

Farmingdale
State College
State University of New York
2350 Broadhollow Road
Farmingdale, NY 11735
farmingdale.edu

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:17 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study Program

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Wanda Laducer <wladucer@tm.edu>
**Sent:** Wednesday, March 18, 2020 2:35 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Wanda Laducer <wladucer@tm.edu>
**Subject:** Federal Work Study Program

My name is Wanda Laducer. I am the Dean of Students at the Turtle Mountain Community College in Belcourt, ND.

My question is - do we continue to pay students who are under the federal work study program if our campus has moved to online instruction only until April 13, 2020? There will be no students on campus due to temporary social isolation. The situation will be reassessed in April to see if the time of online instruction needs to be extended.

When I read the announcement it states that "For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student". When you say "MUST" close - does that also mean - choosing to close the campus to students and the college having online instruction so that students don't come on campus?

It seems like it is just a matter of interpretation however I am just looking for something more specific.

Thanks, Wanda

--
Wanda Laducer, Dean of Students
Turtle Mountain Community College
701.477.7862 x. 1156
wladucer@tm.edu
P.O. Box 340

AMERICAN OVERSIGHT

10145 BIA Road 7
Belcourt, ND 58316

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 23:01:01 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: FERPA for counselors/tele-counseling

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ashley Reilly <Ashley.Reilly@aspirepublicschools.org>
**Sent:** Thursday, March 19, 2020 5:58 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FERPA for counselors/tele-counseling

Hello and thank you for your availability to respond to questions and/or for considering putting out guidance on the following:

I read the following communication from HHS OCR, detailing enforcement discretion for telehealth as it pertains to HIPAA. I am curious if similar guidance is/will be issued for school-based mental health providers who are bound by FERPA?

https://www.hhs.gov/about/news/2020/03/17/ocr-announces-notification-of-enforcement-discretion-for-telehealth-remote-communications-during-the-covid-19.html#.XnFBcjQsOpg.mailto

I appreciate your feedback and consideration.

Ashley

---

Ashley Wolfe Reilly, LCSW, PPSC
Social Emotional Counselor | Benjamin Holt College Preparatory Academy
Phone: (209) 955-1477 ext. 12343 | Fax: (209) 955-1472
Email: ashley.reilly@aspirepublicschools.org

AMERICAN OVERSIGHT

**From:** Kinnard, Curtis
**Sent:** Thu, 19 Mar 2020 19:32:44 +0000
**To:** COVID-19
**Subject:** FW: fiscal question

Good afternoon!

FYI…fiscal questions, concerning impact on supplies and materials (IDEA funding).

Thank you.
Curtis

Curtis J. Kinnard, Ed.D.
U.S. Department of Education
Office of Special Education Programs
202-245-7472
Washington, DC 20202
https://sites.ed.gov/idea/
http://www2.ed.gov/policy/gen/guid/correctional-education/index.html
https://www.osepideasthatwork.org/jj
https://osep.grads360.org/#program/highlighted-resources

"An Absolute,Simplicity, and Perseverance"

---

**From:** Hylton, Gretta - KDE Associate Commissioner <gretta.hylton@education.ky.gov>
**Sent:** Thursday, March 19, 2020 3:00 PM
**To:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Cc:** Thacker, Chris - Office of Special Education and Early Learning <chris.thacker@education.ky.gov>
**Subject:** fiscal question

Hi Curtis,

I know you are probably getting slammed with questions so I am trying to limit what we are sending. This one can wait but I wanted you to have it to think about.

*With so many special educational activities being shut down due to COVID-19 state education agencies as well as local education agencies are in many cases slowing the expenditure of their IDEA funds. This is especially impactful for funds that are associated with personnel who work on an hourly basis and are being laid off. Other areas impacted are of course supplies and materials, contracts for various services and general costs across the board. At the SEA level we fund multiple state level activities that have also slowed their work as well. Is the US Department of Education or the Office of Special Education Programs (OSEP) contemplating going to Congress to ask for an extension to the availability of funds beyond the Tydings amendment? Especially for those funds that have a period of availability expiring on September 30, 2020 and September 30, 2021.*

AMERICAN OVERSIGHT

Thanks and stay healthy!

Gretta

***Gretta Hylton***
Associate Commissioner
Office of Special Education and Early Learning

Kentucky Department of Education
300 Sower Blvd, 4th Floor
Frankfort, KY 40601
(502) 564-4970 ext. 4109
Gretta.Hylton@education.ky.gov

*The Kentucky Department of Education would like your input on the agency's customer service efforts. Please take a moment to complete an online survey, which may be accessed at* https://www.surveymonkey.com/r/QTSNYD5. *All responses will remain anonymous. Thank you!*

*This email may contain confidential data or information and is intended solely for the use of the individual or entity to whom it is addressed. If you are not the named addressee you should not disseminate, distribute, or copy this e-mail, and you are requested to notify the sender immediately.*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:50:01 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: fiscal question

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Sent:** Thursday, March 19, 2020 3:33 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: fiscal question

Good afternoon!

FYI…fiscal questions, concerning impact on supplies and materials (IDEA funding).

Thank you.
Curtis

Curtis J. Kinnard, Ed.D.
U.S. Department of Education
Office of Special Education Programs
202-245-7472
Washington, DC 20202
https://sites.ed.gov/idea/
http://www2.ed.gov/policy/gen/guid/correctional-education/index.html
https://www.osepideasthatwork.org/jj
https://osep.grads360.org/#program/highlighted-resources

"An Absolute,Simplicity, and Perseverance"

---

**From:** Hylton, Gretta - KDE Associate Commissioner <gretta.hylton@education.ky.gov>
**Sent:** Thursday, March 19, 2020 3:00 PM
**To:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Cc:** Thacker, Chris - Office of Special Education and Early Learning <chris.thacker@education.ky.gov>
**Subject:** fiscal question

Hi Curtis,

AMERICAN OVERSIGHT

I know you are probably getting slammed with questions so I am trying to limit what we are sending. This one can wait but I wanted you to have it to think about.

*With so many special educational activities being shut down due to COVID-19 state education agencies as well as local education agencies are in many cases slowing the expenditure of their IDEA funds. This is especially impactful for funds that are associated with personnel who work on an hourly basis and are being laid off. Other areas impacted are of course supplies and materials, contracts for various services and general costs across the board. At the SEA level we fund multiple state level activities that have also slowed their work as well. Is the US Department of Education or the Office of Special Education Programs (OSEP) contemplating going to Congress to ask for an extension to the availability of funds beyond the Tydings amendment? Especially for those funds that have a period of availability expiring on September 30, 2020 and September 30, 2021.*

Thanks and stay healthy!

Gretta


***Gretta Hylton***
Associate Commissioner
Office of Special Education and Early Learning

Kentucky Department of Education
300 Sower Blvd, 4th Floor
Frankfort, KY 40601
(502) 564-4970 ext. 4109
Gretta.Hylton@education.ky.gov


*The Kentucky Department of Education would like your input on the agency's customer service efforts. Please take a moment to complete an online survey, which may be accessed at https://www.surveymonkey.com/r/QTSNYD5. All responses will remain anonymous. Thank you!*


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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:54 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FOR WCT DIRECT RESPONSE TO CUSTOMER

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Paulette Gutierrez <gutierrez_paulette@yahoo.com>
**Sent:** Wednesday, March 18, 2020 4:46 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Fw: FOR WCT DIRECT RESPONSE TO CUSTOMER

Hello,

I am a FWS and was wondering as to what would be the process to obtain my remaining grant money due to the COVID-19 precautions? As of Friday 13th, 2020 my FWS job at CSULB left me without work. Unable to seek unemployment, I am left in distress. **What is the process of obtaining my grant money** as I'm worried for next month's check.... I have a remaining 76.5 hours I believe and would like to know any updates on what will happen.

I would appreciate it if I heard back by the end of the week, thanks in advance. I have already been provided the following information and would like feedback on a process implementation:

AMERICAN OVERSIGHT

Federal Work Study (FWS)
Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

Thank you.

Best regards,
Paulette Mouett Gutierrez

----- Forwarded Message -----
**From:** Web Communications <webcommunications@ed.gov>
**To:** gutierrez_paulette@yahoo.com <gutierrez_paulette@yahoo.com>
**Cc:** Web Communications <webcommunications@ed.gov>
**Sent:** Wednesday, March 18, 2020, 07:52:21 AM PDT
**Subject:** FW: FOR WCT DIRECT RESPONSE TO CUSTOMER

Good morning Ms. Gutierrez,

My name is Stephanie Deas, a member of Web Communication team. Our office has received your inquiry. Please see StudentAid.gov/coronavirus for COVID-15 guidance below.

AMERICAN OVERSIGHT

Federal Student Aid - IFAP: 030520Guidance4interruptionsrelated2CoronavirusCOVID19

**Federal Student Aid - IFAP: 030520Guidance4interruptionsrelated2Coronavi...**

Any additional question's you may have should be emailed to COVID-19@ed.gov.

I hope this information is helpful.

Regards,

Stephanie Deas


# Stephanie Y. Minor-Deas

U.S. Department of Education

Federal Student Aid

Information for Financial Aid Professionals (IFAP)

Web Communications Team

☎: 202.377.4342

Stephanie.deas@ed.gov


---

**From:** ifap@ed.gov <ifap@ed.gov>
**Sent:** Tuesday, March 17, 2020 7:38 PM
**To:** Web Communications <WebCommunications@ed.gov>
**Subject:** Webform submission from:

AMERICAN OVERSIGHT

Submitted on Tue, 03/17/2020 - 19:37

Submitted by: Anonymous

Submitted values are:

# Feedback Regarding a Specific Page on IFAP

**Page URL**
http://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

**Questions or Comments:**
Hello,

I am a FWS and was wondering as to what would be the process to obtain my remaining grant money due to the COVID-19 precautions? As of Friday 13th, 2020 my FWS job at CSULB left me without work. Unable to seek unemployment, I am left in distress. What is the process of obtaining my grant money as I'm worried for next month's check.... I have a remaining 72 hours I believe and would like to know any updates on what will happen.

Thank you.

Best regards,
Paulette Mouett Gutierrez

**Does your question or comment require a response?**
Yes

**First Name:**
Paulette

**Last Name**
Gutierrez

**Business Email:**
gutierrez_paulette@yahoo.com

**Business Phone:**
6264229765

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:54:01 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Free Online Video resource for AP Calculus teachers !!! ???

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jim Bowen <jbowen6@me.com>
**Sent:** Thursday, March 19, 2020 10:55 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Bowen Jim <jbowen6@me.com>
**Subject:** Free Online Video resource for AP Calculus teachers !!! □□□

A free valuable online video resource for AP Calculus teachers !!!

=========

Because of the Coronavirous, many high school AP Calculus teachers may find themselves in the position of returning from spring break and suddenly ( and unexpectedly ) having to switch to some form of online instruction to complete the school year.

To assist teachers who find themselves in this position, with no time to develop their own individual video lessons, this free series of 240 AP Calculus video lessons created at Stillwater High School in Oklahoma might prove to be a very beneficial resource to administrators, teachers, and students preparing for the upcoming AP Calculus exam.

These free videos may be accessed directly at the following address:

apcalculusstillwater.wordpress.com

Please feel free to use these videos in any way you choose !!!

(Please share this information with other teachers, administrators, and students )

Hope this helps and good luck !!!

AMERICAN OVERSIGHT

Jim Bowen

Stillwater High School

Stillwater, Oklahoma

AMERICAN OVERSIGHT

**From:** Dowling, Maureen
**Sent:** Thu, 19 Mar 2020 20:44:31 +0000
**To:** Patrick, Kelly
**Cc:** COVID-19;Stephenson, Todd;Binder, Isadora;Morrisey, Jenay
**Subject:** FW: FW: Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance
**Attachments:** FW: Covid-19 Question, FW: Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

Patrick,

ONPE actually submitted these two inquiries as we will need the involvement of OESE and OGC in resolving them. I have looped in Todd who may be aware that ONPE submitted these two COVID-19 inquiries.

Maureen

**MAUREEN DOWLING, ED.D.**
**DIRECTOR**
OFFICE OF NON-PUBLIC EDUCATION
OFFICE OF THE SECRETARY | U.S. DEPARTMENT OF EDUCATION
400 MARYLAND AVE, SW | WASHINGTON, DC 20202 | 202-260-7820
JOIN THE ONPE LISTSERV!

---

**From:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Sent:** Thursday, March 19, 2020 3:58 PM
**To:** Dowling, Maureen <Maureen.Dowling@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

Hi Maureen,

The COVID-19 mailbox received an inquiry for ONPE. Attached is the inquiry.

Thanks,
Kelly

AMERICAN OVERSIGHT

**From:** Binder, Isadora
**Sent:** Thu, 19 Mar 2020 16:50:00 +0000
**To:** COVID-19
**Cc:** Rooney, Patrick;Dowling, Maureen;Morrisey, Jenay;ONPE
**Subject:** FW: Covid-19 Question

The Office of Non-Public Education received this inquiry related to COVID-19.

We are available to provide input as appropriate.

Isadora

Isadora Binder
Office of Non-Public Education
Office of the Secretary
U.S. Department of Education
202-260-3778

---

**From:** Chantelle.Carter@education.ohio.gov <Chantelle.Carter@education.ohio.gov>
**Sent:** Tuesday, March 17, 2020 1:01 PM
**To:** Morrisey, Jenay <Jenay.Morrisey@ed.gov>; Binder, Isadora <Isadora.Binder@ed.gov>
**Cc:** Chantelle.Carter@education.ohio.gov
**Subject:** Covid-19 Question

Hi Jenay and Isadora –

I hope you are safe and healthy! I know we are in an unprecedented time and processes and procedures are not normal. I have a question: "If an LEA has entered into a contract with a teacher to provide equitable services at a private school, and during this school building shutdown, the teacher does not provide any Title I supplemental services (working remotely is against the LEA Union contract), can that teachers salary come from the equitable service amount"? If services are not provided, wouldn't that be a delay in services and the equitable service amount should be carried forward? If that is the case, what is the source of the teacher's salary during the period when she is not providing services?"

Thank you for any guidance you can provide.

**Chantelle Carter**
*Nonpublic Ombudsman, Educational Program Specialist*
Office of Federal Programs
While we are under Executive Order 2020-01D and I am away from my office, please contact me via email.
25 South Front Street | 4th Floor | Columbus, Ohio 43215-4183
(614) 466-5203 | (877) 644-6338 |
Chantelle.Carter@education.ohio.gov

AMERICAN OVERSIGHT

Education.ohio.gov

Learn more about #EachChildOurFuture, Ohio's plan to ensure each child is *challenged*, *prepared* and *empowered*.

AMERICAN OVERSIGHT

**From:** Binder, Isadora
**Sent:** Thu, 19 Mar 2020 16:46:09 +0000
**To:** COVID-19
**Cc:** Rooney, Patrick;Dowling, Maureen;Morrisey, Jenay;ONPE
**Subject:** FW: Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)
**Attachments:** M-20-11.pdf

The Office of Non-Public Education received this inquiry related to COVID-19.

We are available to provide input as appropriate.

Isadora

Isadora Binder
Office of Non-Public Education
Office of the Secretary
U.S. Department of Education
202-260-3778

---

**From:** ombudsman <ombudsman@doe.k12.ga.us>
**Sent:** Thursday, March 19, 2020 11:59 AM
**To:** ONPE <ONPE@ed.gov>
**Cc:** Morrisey, Jenay <Jenay.Morrisey@ed.gov>; Binder, Isadora <Isadora.Binder@ed.gov>
**Subject:** FW: Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

Hi ladies! Is there any chance any of the flexibility in this memo extends to ESSA and non-public? We are thinking specifically about #'s 4, 6, and 9.

**Carly Covic Ambler**
**FEDERAL PROGRAMS SENIOR MANAGER**
**STATE OMBUDSMAN**
**CONSOLIDATION OF FUNDS & EQUITABLE SERVICES**
**GEORGIA DEPARTMENT OF EDUCATION**
1862 Twin Towers East
205 Jesse Hill Jr. Drive, SE
Atlanta, Georgia 30334
(404) 623-9599
cambler@doe.k12.ga.us
www.gadoe.org

AMERICAN OVERSIGHT

*"Educating Georgia's Future"*

*Email correspondence to/from this email account may be considered public information and subject to release under Georgia laws.*

---

**From:** owner-grantscommunity@listserv.gsa.gov <owner-grantscommunity@listserv.gsa.gov> **On Behalf Of** MBX OMB OFFM Grants
**Sent:** Tuesday, March 10, 2020 2:46 PM
**To:** MBX OMB OFFM Grants <MBX.OMB.OFFM.Grants@OMB.eop.gov>
**Cc:** grantsfed@listserv.gsa.gov; grantscommunity@listserv.gsa.gov
**Subject:** Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

Greetings Grants Community of Practice Members,
FYI: The Office of Management and Budget (OMB) has identified agency actions to relieve short term administrative, financial management, and audit requirements under 2 CFR 200, *Uniform Administrative Requirements, Cost principles, and Audit Requirements for Federal Awards*, without compromising Federal financial assistance accountability requirements.

To view this memo, visit https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-11.pdf

Regards,
The OMB Grants Team

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Replies to this inbox are not monitored.

For questions about your account, please email digitalgov@gsa.gov.

Thanks,

OMB Grants Team

To unsubscribe from the GRANTSCOMMUNITY list, create a new email message, addressed to GRANTSCOMMUNITY-unsubscribe-request@listserv.gsa.gov. The message content does not matter and the sender's email address will be removed from the list.

AMERICAN OVERSIGHT

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEPUTY DIRECTOR
FOR MANAGEMENT

March 9, 2020

M-20-11

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Margaret Weichert
Deputy Director of Management

SUBJECT: Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

The Office of Management and Budget (OMB) has identified the following agency actions to relieve short term administrative, financial management and audit requirements under 2 CFR 200, *Uniform Administrative Requirements, Cost principles and Audit Requirements for Federal Awards*, without compromising Federal financial assistance accountability requirements. In accordance with 2 CFR § 200.102, *Exceptions,* OMB is allowing Federal agencies to grant class exceptions in instances where the agency has determined that the purpose of the Federal awards is to support the continued research and services necessary to carry out the emergency response related to COVID-19. Further, agencies are reminded of their existing flexibility to issue exceptions on a case-by-case basis in accordance with 2 CFR § 200.102, *Exceptions.*

The Administration will evaluate if these flexibilities should be extended to recipients whose operations have been adversely impacted in the emergency response related to COVID-19 at a later date.

Awarding agencies are authorized to take the following actions, as they deem appropriate, with respect to the administrative provisions that apply to this class of Federal awards. These exceptions are time limited and are only applicable for those awards that support the continued research and services necessary to carry out the emergency response related to COVID-19 during the period formally declared by the Department of Health and Human Services through the 90 Day Public Health Emergency Declaration (Public Health Emergency Period).

**1. Flexibility with SAM registration/recertification for applicants.**

Awarding agencies can relax the requirement for active SAM registration at time of application in order to expeditiously issue funding. At the time of award, the requirements of 2 CFR § 200.205, *Federal awarding agency review of risk posed by applicants*, continue to apply.

AMERICAN OVERSIGHT

**2. Waiver for Notice of Funding Opportunities (NOFOs) Publication.**

Awarding agencies can publish emergency Notice of Funding Opportunities (NOFOs) for less than thirty (30) days without separately justifying shortening the timeframe for each NOFO. Awarding agencies would still be required to document and track NOFOs published for less than thirty (30) days under this emergency waiver.

**3. Pre-award costs.**

Awarding agencies may allow necessary pre-award costs that are incurred (i) from January 20, 2020 through the Public Health Emergency Period and (ii) prior to the effective date of a Federal award.

**4. No-cost extensions on expiring awards.**

Awarding agencies may extend awards which are active as of March 31, 2020 and scheduled to expire prior or up to December 31, 2020, automatically at no-cost for a period up to twelve (12) months. This will allow time for recipient assessments, the resumption of many individual projects, and a report on program progress and financial status to agency staff. Project-specific financial and performance reports will be due 90 days following the end date of the extension. Agencies will examine the need to extend other project reporting as the need arises.

**5. Abbreviated non-competitive continuation requests.**

For non-competitive continuation requests scheduled to come in from April 1, 2020 to December 31, 2020 from projects with planned future support, awarding agencies may accept a brief statement from grantee organizations to verify that they are in a position to: (i) resume or restore their project activities and (ii) accept a planned continuation award. Agencies should post any specific instructions on their website. Agencies will examine the need to extend this approach on subsequent continuation award start dates as grantee organizations have an opportunity to assess the situation.

**6. Expenditure of award funds for salaries and other project activities.**

Awarding agencies may allow recipients to continue to charge salaries and benefits to currently active Federal awards consistent with the recipient organization's policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal. Agencies may allow other costs to be charged to Federal awards, including those necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the project. Federal agencies may also evaluate the recipient's ability to resume the project activity in the future and the appropriateness of future funding, as done under normal circumstances, based on subsequent progress reports and other communications with the recipient.



AMERICAN OVERSIGHT

**7. Waivers from prior approval requirements.**

Awarding agencies are authorized to waive prior approval requirements as necessary to effectively address the response. All costs charged to Federal awards must be consistent with Federal cost policy guidelines and the terms of the award, except where specified in this memorandum.

**8. Exemption of certain procurement requirements.**

Awarding agencies may waive the procurement requirements contained in 2 CFR § 200.319(b) regarding geographical preferences and 2 CFR § 200.321 regarding contracting small and minority businesses, women's business enterprises, and labor surplus area firms.

**9. Extension of financial and other reporting.**

Awarding agencies may allow recipients to delay submission of financial and other reports up to three (3) months beyond the normal due date. If an agency allows such a delay, recipients will continue to draw down Federal funds without the timely submission of these reports. However, these reports must be submitted at the end of the postponed period.

**10. Extension of Single Audit submission.**

Awarding agencies should allow grantees to delay the completion and submission of the Single Audit report as required under Subpart F of 2 CFR 200, *Audit Requirements*, to twelve (12) months beyond the normal due date. The delayed completion and submission would still qualify the grantee as a "low-risk auditee" under the criteria of 2 CFR § 200.520(a), *Criteria for a low-risk auditee*.

Questions regarding the above administrative relief provisions should be directed to Office of Federal Financial Management – Gilbert Tran at (202) 395-3052 or Rhea Hubbard at (202) 395-2743.



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:55:58 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Roger Wilson <roger.wilson@northwestu.edu>
**Sent:** Thursday, March 19, 2020 12:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS question

Hi.

Our students are taking classes remotely, but have been given the option of staying in the dorms (although encouraged to not stay, if it's an option)

Some students live in the area, and some stayed, and are continuing to do their FWS jobs. Others have gone home, but do not have the option of working remotely.

Are we to continue paying those that are not still working, or because they could have stayed and worked, and didn't, their pay end? I have seen varying opinions on listserves.

Thanks.

OPEID 003783
TG50861

If you need those.

Roger Wilson
Director for Financial Aid Services
office 425.889.5336 fax 425.889.5224

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 23:16:41 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Questions

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Martin Gutierrez <mgutierr@yccd.edu>
**Sent:** Thursday, March 19, 2020 7:12 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS Questions

Your assistance is needed with the following situations:

Our institution has not closed due to COVID-19; however, classes are being offered Distance Ed and most services are being offered remotely. Some students are unable to continue to do FWS due to issues with childcare because the kinds schools have closed. Other FWS will not be able to work because the departments (services) for whom they worked are now being offered remotely.

Can we continue to pay FWS for those students affected by the unavailability of childcare and for those students whose department is operating remotely?

Your assistance is greatly appreciated.

Martin Gutierrez
Director of Financial Aid
Yuba College
2088 North Beale Road
Marysville, CA 95901
(530) 741-69369

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:56:58 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWSP

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Rivera Laboy, Carmen <crivera@albizu.edu>
**Sent:** Wednesday, March 18, 2020 1:30 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWSP

Our institution move classes move to distance education, and closed the facilities. We are paying the FWSP students while they are in their homes. Some students are asking if they can continue working remoted. Our concern is that some students can work remote, but others no. Can we allow to do that?

**Carmen E. Rivera Laboy**
Dean of Students Affairs and Compliance Officer
Carlos Albizu University- San Juan Campus
PO BOX 9023711
San Juan, PR 00902-3711
crivera@albizu.edu
Ofic. 787.725.6500 ext. 1560

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CARLOS ALBIZU UNIVERSIDAD
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albizu.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:15 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Garnishment of wages

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Donnelly, Deena [JRDUS] <DDonnel2@its.jnj.com>
**Sent:** Wednesday, March 18, 2020 1:43 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Garnishment of wages

Is there a policy in place to cease the garnishment of wages right now due to the COVID-19. I have lost 2 part-time jobs (restaurant industry) because of the outbreak.

I'm a single mom trying to provide necessities for my children right now. And my garnishments is preventing me from doing this. Right now my electric, rent, and other bills are now late. I can't survive right now. Let alone I don't have food for my family.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:55:48 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Graduate student Seeking CRC

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Natasha Oliver <ntsholiver10@gmail.com>
**Sent:** Wednesday, March 18, 2020 6:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Graduate student Seeking CRC

Hello, I am a graduate student pursuing my Master's in Rehabilitation Counseling at University of Little Rock Arkansas. My instructor required us to do an assignment to interview a CRC. I live in Orlando, Fl. I reached out to him several weeks back informing him of my challenges finding a CRC in my area. He was supposed to find me a CRC in Arkansas to interview. Due to the Coronavirus, my university is closed and all classes are on online and all instructors are no longer in office. Is there anyone I can contact to complete this assignment. This assignment is due in April. Also I'm looking for a place to shadow as well.

Thank you for your time.
Natasha Oliver
918-852-9531
Graduate Student

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:48:39 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: grant proposal deadlines postponed?

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Chantal Ebarle <chantal.ebarle@csueastbay.edu>
**Sent:** Thursday, March 19, 2020 2:12 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** grant proposal deadlines postponed?

**Hello,**
**I was wondering if the grant proposal deadlines will be postponed due to the pandemic we are all dealing with? California has a shelter in place and unless you are essential to the University, you are not working from home. It has been very tough to try and collect CV's and data needed to complete any proposals for grant projects. Some cycles are only done on a 4 year basis so we really don't want to miss the deadlines but submissions may not be the best quality under the circumstances. I have seen most other sponsors have delayed or postponed deadlines but I haven't heard anything about the Dept. of Education making any announcements.**
**Can you please let me know if this is something you are considering?**
**Thank you for the consideration.**

**I hope you and all your loved ones are safe and healthy.**
**Chantal**

Chantal Ebarle
Senior Pre-Award Specialist
Office of Research & Sponsored Programs
California State University, East Bay
510-885-4239

AMERICAN OVERSIGHT

Sponsored programs and research funded by:

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 23:01:35 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Guidance on reducing the weeks in an academic year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Jennifer Rissler <jrissler@sfai.edu>
**Sent:** Thursday, March 19, 2020 5:48 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Guidance on reducing the weeks in an academic year

To Whom it May Concern,

I'm writing to ask for guidance on how to request a reduction in weeks of instruction for the current semester at my university, the San Francisco Art Institute. We are considering our options as the COVID-19 pandemic continues to prevent us from having face to face instruction. As an art school, we struggle with teaching fine art online and remotely without access to studio facilities.

To whom would I make this request?

I appreciate your help.

Best,
Jennifer

--
**JENNIFER RISSLER**
Vice President and Dean of Academic Affairs
Accreditation Liaison Officer (ALO)

**SAN FRANCISCO ART INSTITUTE**
800 Chestnut Street, San Francisco, CA 94133
**t** 415.749.4586 | **e** jrissler@sfai.edu | **w** sfai.edu

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***On View***
***Postcommodity: The Point of Final Collapse***
Chestnut Street Campus
The Tower

***Flash Point***
Chestnut Street Campus
Walter & McBean Galleries: Dec.6 - March 28, 2020

***To Be Real***
By Rashaad Newsome in partnership with FMCAC
Fort Mason Campus
Main Gallery: January 10 - February 23, 2020

AMERICAN OVERSIGHT

**From:** Feldpausch, Sarah
**Sent:** Thu, 19 Mar 2020 20:19:08 +0000
**To:** COVID-19
**Subject:** FW: Guidance on school district canceled travel plans, costs under UGG

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Thursday, March 19, 2020 2:07 PM
**To:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Condie, Caitlin <caitlin.condie@ed.gov>
**Subject:** FW: Guidance on school district canceled travel plans, costs under UGG

---

**From:** Quesinberry, Elaine <Elaine.Quesinberry@ed.gov>
**Sent:** Thursday, March 19, 2020 1:49 PM
**To:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Subject:** FW: Guidance on school district canceled travel plans, costs under UGG

Please see another request below related to school districts canceling travel, costs and federal grant funds.
Thanks,
Elaine

---

**From:** Johnny Jackson <jjackson@lrp.com>
**Sent:** Tuesday, March 17, 2020 10:51 AM
**To:** Bradshaw, Jim <Jim.Bradshaw@ed.gov>
**Subject:** Guidance on canceled travel plans, costs under UGG

Mr. Bradshaw.

This is Johnny Jackson with LRP Publications, writing for *Title1Admin*® and *ESEA Now*. Regarding OMB uniform grants guidance on travel. Some school administrators have questions regarding travel expenses during this novel coronavirus (COVID-19) pandemic. For example, how should a school district approach canceled travel plans with regard to documentation, payments, etc.? It is not explicit in guidance under 2 CFR 200.747. Is there additional guidance regarding travel costs and federal grants? Thank you for your consideration.

Respectfully,

Johnny Jackson
phone: 800.860.5086, ext. 8677

email: jjackson@lrp.com

Covering homeless and at-risk students and other Title I issues for LRP Publications

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360 Hiatt Drive, Palm Beach Gardens, FL 33418
561-622-6520, ext. 8677

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 20:48:22 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Guidance on school district canceled travel plans, costs under UGG

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
**Sent:** Thursday, March 19, 2020 4:19 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Guidance on school district canceled travel plans, costs under UGG

---

**From:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Sent:** Thursday, March 19, 2020 2:07 PM
**To:** Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Condie, Caitlin <caitlin.condie@ed.gov>
**Subject:** FW: Guidance on school district canceled travel plans, costs under UGG

---

**From:** Quesinberry, Elaine <Elaine.Quesinberry@ed.gov>
**Sent:** Thursday, March 19, 2020 1:49 PM
**To:** Rinkus, Christopher <Christopher.Rinkus@ed.gov>; Ryder, Ruth <Ruth.Ryder@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Subject:** FW: Guidance on school district canceled travel plans, costs under UGG

Please see another request below related to school districts canceling travel, costs and federal grant funds.
Thanks,
Elaine

---

**From:** Johnny Jackson <jjackson@lrp.com>
**Sent:** Tuesday, March 17, 2020 10:51 AM
**To:** Bradshaw, Jim <Jim.Bradshaw@ed.gov>
**Subject:** Guidance on canceled travel plans, costs under UGG

Mr. Bradshaw.

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This is Johnny Jackson with LRP Publications, writing for *Title1Admin®* and *ESEA Now*. Regarding OMB uniform grants guidance on travel. Some school administrators have questions regarding travel expenses during this novel coronavirus (COVID-19) pandemic. For example, how should a school district approach canceled travel plans with regard to documentation, payments, etc.? It is not explicit in guidance under 2 CFR 200.747. Is there additional guidance regarding travel costs and federal grants? Thank you for your consideration.

Respectfully,

Johnny Jackson
phone: 800.860.5086, ext. 8677

email: jjackson@lrp.com

Covering homeless and at-risk students and other Title I issues for LRP Publications
360 Hiatt Drive, Palm Beach Gardens, FL 33418
561-622-6520, ext. 8677

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:56:38 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Guidance: Federal Work-Study - Pay Out

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Muhammad, Robert <muhammadr@wssu.edu>
Sent: Wednesday, March 18, 2020 12:45 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Guidance: Federal Work-Study - Pay Out

Good morning.

With regard to Federal-Work Study, I have two questions:

1. Are Title III school that have a waiver for the 25% matching able to use the provision in the March 5, 20120 correspondence to allow students to still work?
2. Can schools pay a "lump sum" for remaining FWS or do we need to pay it bi-weekly? (We do not yet know how long that we are going to be closed.)

Thanks,

Best,

Robert

Robert Muhammad, Director
Office of Scholarships and Financial Aid Winston-Salem State University

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:55:22 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Guidance: Federal Work-Study - Pay Out

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Muhammad, Robert <muhammadr@wssu.edu>
Sent: Thursday, March 19, 2020 1:34 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Re: Guidance: Federal Work-Study - Pay Out

Good afternoon. Please see the email below. Please provide guidance.

Thank you,

Robert

Robert Muhammad, Director
Office of Scholarships and Financial Aid Winston-Salem State University

Sent from my iPhone

> On Mar 18, 2020, at 12:45 PM, Muhammad, Robert <muhammadr@wssu.edu> wrote:
>
> Good morning.
>
> With regard to Federal-Work Study, I have two questions:
>
> 1. Are Title III school that have a waiver for the 25% matching able to use the provision in the March 5, 20120 correspondence to allow students to still work?
> 2. Can schools pay a "lump sum" for remaining FWS or do we need to pay
> it bi-weekly? (We do not yet know how long that we are going to be
> closed.)
>
> Thanks,
>
> Best,
>
> Robert
>
> Robert Muhammad, Director
> Office of Scholarships and Financial Aid Winston-Salem State
> University

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:56:53 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: IDEA related question - waiver

Hi OPE,

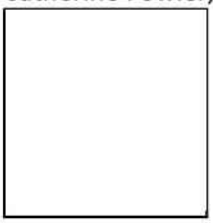
The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Catherine Fowler <chfowler@uncc.edu>
**Sent:** Wednesday, March 18, 2020 1:00 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** IDEA related question - waiver

We were asked by a stakeholder if " a waiver will be needed to extend eligibility for individuals who might age out during this time?" (since a student will be missing out on key transition activities [e.g., work based learning, transition fairs])

--
Catherine Fowler, PhD



Co-Director
UNC Charlotte - Cato College of Education
chfowler@uncc.edu
704-687-8735
www.transitionTA.org

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:24 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Incompletes

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** TABACHOW, Daisy <Daisy.Tabachow@ahu.edu>
**Sent:** Wednesday, March 18, 2020 3:01 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Incompletes

So many of our students have had their clinicals cancelled for now. Their courses which require completion of exams have been delayed so students are going to be given Incompletes until they can take these again? How long can an incomplete be given for and how does that affect any aid they may have gotten but is delayed because of COVID 19.?

Please help ☺

**Daisy Tabachow**
Financial Aid Director
Daisy.Tabachow@ahu.edu
407-303-9203
AdventHealth UNIVERSITY

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:53:16 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Indiana Department of Education impact on recruitment, in-home services, summer programs

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Sent:** Thursday, March 19, 2020 8:57 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>; Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** Indiana Department of Education COVID-19 impact on recruitment, in-home services, summer programs, summer counts

FYI: OME has drafted a response to the first question, which will be responsive to several similar inquiries we have already received (GA, CA, KS, PA).

---

**From:** Williamson, Nathan <nwilliamson@doe.in.gov>
**Sent:** Wednesday, March 18, 2020 3:43 PM
**To:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Cc:** Beard, Valerie <vbeard@doe.in.gov>; Salinas, Emily <ESalinas@doe.in.gov>
**Subject:** MEP and coronavirus questions

Hi Sarah,

We have a few questions that are likely similar to other states. Hoping to get some support on these as we navigate this difficult time.

Thanks!

1. How do we advise recruiters to determine eligibility if they can't physically get a signature on an eCOE or paper COE?
2. Advice for family engagement and recruitment staff who provide in-home consultation with families?
3. Advice if summer programming has to be drastically changed or cancelled?
4. If so, potential to use the Summer 2019 summer school #s for funding purposes rather than Summer 2020?

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I'm sure there will be more.

**Nathan Williamson**
*Director of Title Grants and Support*
**Indiana Department of Education**
(317) 232-6671 | nwilliamson@doe.in.gov
www.doe.in.gov Feedback: How are we doing?

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:55:24 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Initial and re-evaluation assessments

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Suellen <suellenfurlow@yahoo.com>
Sent: Wednesday, March 18, 2020 4:17 AM
To: COVID-19 <COVID-19@ed.gov>
Subject: Initial and re-evaluation assessments

What is the guidance OSEP is providing regarding evaluation timelines? Parents gave permission for initial evaluations, which are to be conducted within sixty days. The MET meeting to determine eligibility must be held within fifteen days of the completion of then assessment report. Due to school closures, some of these timelines will not be met.

How should teachers handle IEPs that will expire while out of school?

Your guidance is generate appreciated.

Suellen Furlow, Ed.S
Psychometrist
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:54:11 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Inquiry about COVID-19 Effect on Upcoming Deadlines

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Annie Ascunce <aascunce@jm-aq.com>
**Sent:** Thursday, March 19, 2020 3:42 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Inquiry about COVID-19 Effect on Upcoming Deadlines

Hello,

I hope you are well! I am writing to inquire about the Department of Education's policy concerning upcoming grant deadlines in light of COVID-19. I'm particularly interested in if the UISFL deadline will extended. Any guidance you can offer would be great. Thank you!

Best,
Annie Ascunce

**Annie Ascunce**
Higher Education Research Analyst
McAllister & Quinn
Phone:(202) 296-2741 x1017

Connect with McAllister & Quinn
Web LinkedIn Twitter YouTube

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:55:46 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: INTERNSHIPS

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Kaitlyn Anderson <kpa240@icloud.com>
Sent: Wednesday, March 18, 2020 5:48 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: INTERNSHIPS

I'm a college student who could not finish their internship due to this pandemic. What is being done for students like me??? Will there be a waiver ?

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:48:25 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Kansas

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

**From:** Sara Durner <durners@usd369.org>
**Sent:** Thursday, March 19, 2020 1:09 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Kansas

Good afternoon-
I know this is a very vague question, however what do Kansas schools need to do in order to meet all of the requirements to fulfill our contractual obligations for SRSA/REAP funds?

Sara Durner
Board Clerk
USD 369 - Burrton
durners@usd369.org
Phone- 620-463-3840 ext. 110
Fax- 620-463-2636

"Learning never exhausts the mind" - Leonardo Da Vinci

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 20:50:11 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: LSU Perkins Loan

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Melanie Powell <melaniep@lsu.edu>
**Sent:** Thursday, March 19, 2020 4:44 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** LSU Perkins Loan

Is there any guidance for Campus Based Perkins loans due to COVID – 19?

Some of our concerns are listed below:
Payments mailed to LSU while personnel are working remotely and do not have access to mail
Processing credit bureau reporting that may be inaccurate due to not posting payments timely due to personnel working remotely
Continue to charge interest on the loans since it is not held by the Federal government
Situations where the borrower has lost all sources of income and cannot make the payment
NSLDS monthly processing

Thanks

LSU
Melanie Powell
Assistant Director
Bursar Operations/Perkins Loan
Louisiana State University
125 Thomas Boyd Hall, Baton Rouge, LA 70803
office 225-578-3378 | fax 225-578-3969
melaniep@lsu.edu | lsu.edu | http://www.lsu.edu/administration/ofa/oas/bur/

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 20:59:10 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Maine DOE - MEP recruitment, COE signatures

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Sent:** Thursday, March 19, 2020 4:56 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>; Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** Maine DOE - MEP recruitment, COE signatures

---

**From:** Lyons, Amelia <Amelia.Lyons@maine.gov>
**Sent:** Thursday, March 19, 2020 4:34 PM
**To:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Subject:** Question - COE signature

Hi Sarah,

I hope you're doing ok in this crazy time. Quick question for you --

During a state of emergency where social distancing is required, can we have COEs completed by phone where parents verbally agree to the signature, until the emergency is over? Then we can go and get the signature in person?

If not, could we use an electronic signature like Docusign?

Or, could we mail paper copies of COEs to homes for signature?

Whatever guidance you can provide is much appreciated! Thank you.

AMERICAN OVERSIGHT

**Amelia Lyons**
Consultant for Migratory and Highly Mobile Students
Department of Education
23 State House Station
Augusta, ME 04333
Office: (207) 624-6722
Cell: (207) 557-1787
*she / her / hers*

**To protect students' privacy, please remember not to send students' names or other personally identifiable information via email. Use state student identification numbers only. Thank you!**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 21:11:46 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Meeting annual timelines

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Deb Coulter <dcoulter@hisd.com>
Sent: Monday, March 16, 2020 7:23 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Meeting annual timelines

Greetings. I'm an educational diagnostician at Hallsville. My school is closed for the next two weeks. During that time, I was supposed to have 11 meetings, most all are annuals and one is a 30 day transfer ARD.

According to all I've read thus far, I'm still held responsible for meeting these timelines. Teachers aren't permitted at school. I don't have video conference capabilities from my home. I'm unsure as to how I can proceed and meet these timelines.

I was hoping for further guidance as to what a meeting would look like under these circumstances with all the major players at different places at their homes.

Thank you for any help,

Debra Coulter

--
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*
*
*
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*
*
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**From:** Binder, Isadora
**Sent:** Thu, 19 Mar 2020 16:46:09 +0000
**To:** COVID-19
**Cc:** Rooney, Patrick;Dowling, Maureen;Morrisey, Jenay;ONPE
**Subject:** FW: Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance
**Attachments:** M-20-11.pdf

The Office of Non-Public Education received this inquiry related to COVID-19.

We are available to provide input as appropriate.

Isadora

Isadora Binder
Office of Non-Public Education
Office of the Secretary
U.S. Department of Education
202-260-3778

---

**From:** ombudsman <ombudsman@doe.k12.ga.us>
**Sent:** Thursday, March 19, 2020 11:59 AM
**To:** ONPE <ONPE@ed.gov>
**Cc:** Morrisey, Jenay <Jenay.Morrisey@ed.gov>; Binder, Isadora <Isadora.Binder@ed.gov>
**Subject:** FW: Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

Hi ladies! Is there any chance any of the flexibility in this memo extends to ESSA and non-public? We are thinking specifically about #'s 4, 6, and 9.

**Carly Covic Ambler**
**FEDERAL PROGRAMS SENIOR MANAGER**
**STATE OMBUDSMAN**
**CONSOLIDATION OF FUNDS & EQUITABLE SERVICES**
**GEORGIA DEPARTMENT OF EDUCATION**
1862 Twin Towers East
205 Jesse Hill Jr. Drive, SE
Atlanta, Georgia 30334
(404) 623-9599
cambler@doe.k12.ga.us
www.gadoe.org

AMERICAN OVERSIGHT

*"Educating Georgia's Future"*

*Email correspondence to/from this email account may be considered public information and subject to release under Georgia laws.*

---

**From:** owner-grantscommunity@listserv.gsa.gov <owner-grantscommunity@listserv.gsa.gov> **On Behalf Of** MBX OMB OFFM Grants
**Sent:** Tuesday, March 10, 2020 2:46 PM
**To:** MBX OMB OFFM Grants <MBX.OMB.OFFM.Grants@OMB.eop.gov>
**Cc:** grantsfed@listserv.gsa.gov; grantscommunity@listserv.gsa.gov
**Subject:** Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

Greetings Grants Community of Practice Members,
FYI: The Office of Management and Budget (OMB) has identified agency actions to relieve short term administrative, financial management, and audit requirements under 2 CFR 200, *Uniform Administrative Requirements, Cost principles, and Audit Requirements for Federal Awards*, without compromising Federal financial assistance accountability requirements.

To view this memo, visit https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-11.pdf

Regards,
The OMB Grants Team

---

Replies to this inbox are not monitored.

For questions about your account, please email digitalgov@gsa.gov.

Thanks,

OMB Grants Team

To unsubscribe from the GRANTSCOMMUNITY list, create a new email message, addressed to GRANTSCOMMUNITY-unsubscribe-request@listserv.gsa.gov. The message content does not matter and the sender's email address will be removed from the list.

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEPUTY DIRECTOR
FOR MANAGEMENT

March 9, 2020

M-20-11

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Margaret Weichert
Deputy Director of Management

SUBJECT: Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

The Office of Management and Budget (OMB) has identified the following agency actions to relieve short term administrative, financial management and audit requirements under 2 CFR 200, *Uniform Administrative Requirements, Cost principles and Audit Requirements for Federal Awards*, without compromising Federal financial assistance accountability requirements. In accordance with 2 CFR § 200.102, *Exceptions,* OMB is allowing Federal agencies to grant class exceptions in instances where the agency has determined that the purpose of the Federal awards is to support the continued research and services necessary to carry out the emergency response related to COVID-19. Further, agencies are reminded of their existing flexibility to issue exceptions on a case-by-case basis in accordance with 2 CFR § 200.102, *Exceptions.*

The Administration will evaluate if these flexibilities should be extended to recipients whose operations have been adversely impacted in the emergency response related to COVID-19 at a later date.

Awarding agencies are authorized to take the following actions, as they deem appropriate, with respect to the administrative provisions that apply to this class of Federal awards. These exceptions are time limited and are only applicable for those awards that support the continued research and services necessary to carry out the emergency response related to COVID-19 during the period formally declared by the Department of Health and Human Services through the 90 Day Public Health Emergency Declaration (Public Health Emergency Period).

**1. Flexibility with SAM registration/recertification for applicants.**

Awarding agencies can relax the requirement for active SAM registration at time of application in order to expeditiously issue funding. At the time of award, the requirements of 2 CFR § 200.205, *Federal awarding agency review of risk posed by applicants*, continue to apply.

AMERICAN OVERSIGHT

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Awarding agencies can publish emergency Notice of Funding Opportunities (NOFOs) for less than thirty (30) days without separately justifying shortening the timeframe for each NOFO. Awarding agencies would still be required to document and track NOFOs published for less than thirty (30) days under this emergency waiver.

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Awarding agencies may allow necessary pre-award costs that are incurred (i) from January 20, 2020 through the Public Health Emergency Period and (ii) prior to the effective date of a Federal award.

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**5. Abbreviated non-competitive continuation requests.**

For non-competitive continuation requests scheduled to come in from April 1, 2020 to December 31, 2020 from projects with planned future support, awarding agencies may accept a brief statement from grantee organizations to verify that they are in a position to: (i) resume or restore their project activities and (ii) accept a planned continuation award. Agencies should post any specific instructions on their website. Agencies will examine the need to extend this approach on subsequent continuation award start dates as grantee organizations have an opportunity to assess the situation.

**6. Expenditure of award funds for salaries and other project activities.**

Awarding agencies may allow recipients to continue to charge salaries and benefits to currently active Federal awards consistent with the recipient organization's policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal. Agencies may allow other costs to be charged to Federal awards, including those necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the project. Federal agencies may also evaluate the recipient's ability to resume the project activity in the future and the appropriateness of future funding, as done under normal circumstances, based on subsequent progress reports and other communications with the recipient.



AMERICAN OVERSIGHT

**7. Waivers from prior approval requirements.**

Awarding agencies are authorized to waive prior approval requirements as necessary to effectively address the response. All costs charged to Federal awards must be consistent with Federal cost policy guidelines and the terms of the award, except where specified in this memorandum.

**8. Exemption of certain procurement requirements.**

Awarding agencies may waive the procurement requirements contained in 2 CFR § 200.319(b) regarding geographical preferences and 2 CFR § 200.321 regarding contracting small and minority businesses, women's business enterprises, and labor surplus area firms.

**9. Extension of financial and other reporting.**

Awarding agencies may allow recipients to delay submission of financial and other reports up to three (3) months beyond the normal due date. If an agency allows such a delay, recipients will continue to draw down Federal funds without the timely submission of these reports. However, these reports must be submitted at the end of the postponed period.

**10. Extension of Single Audit submission.**

Awarding agencies should allow grantees to delay the completion and submission of the Single Audit report as required under Subpart F of 2 CFR 200, *Audit Requirements*, to twelve (12) months beyond the normal due date. The delayed completion and submission would still qualify the grantee as a "low-risk auditee" under the criteria of 2 CFR § 200.520(a), *Criteria for a low-risk auditee*.

Questions regarding the above administrative relief provisions should be directed to Office of Federal Financial Management – Gilbert Tran at (202) 395-3052 or Rhea Hubbard at (202) 395-2743.



AMERICAN OVERSIGHT

**From:** Patrick, Kelly
**Sent:** Thu, 19 Mar 2020 19:57:30 +0000
**To:** Dowling, Maureen
**Cc:** COVID-19
**Subject:** FW: Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance
**Attachments:** FW: Covid-19 Question, FW: Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

Hi Maureen,

The COVID-19 mailbox received an inquiry for ONPE. Attached is the inquiry.

Thanks,
Kelly

AMERICAN OVERSIGHT

**From:** Binder, Isadora
**Sent:** Thu, 19 Mar 2020 16:50:00 +0000
**To:** COVID-19
**Cc:** Rooney, Patrick;Dowling, Maureen;Morrisey, Jenay;ONPE
**Subject:** FW: Covid-19 Question

The Office of Non-Public Education received this inquiry related to COVID-19.

We are available to provide input as appropriate.

Isadora

Isadora Binder
Office of Non-Public Education
Office of the Secretary
U.S. Department of Education
202-260-3778

---

**From:** Chantelle.Carter@education.ohio.gov <Chantelle.Carter@education.ohio.gov>
**Sent:** Tuesday, March 17, 2020 1:01 PM
**To:** Morrisey, Jenay <Jenay.Morrisey@ed.gov>; Binder, Isadora <Isadora.Binder@ed.gov>
**Cc:** Chantelle.Carter@education.ohio.gov
**Subject:** Covid-19 Question

Hi Jenay and Isadora –

I hope you are safe and healthy! I know we are in an unprecedented time and processes and procedures are not normal. I have a question: "If an LEA has entered into a contract with a teacher to provide equitable services at a private school, and during this school building shutdown, the teacher does not provide any Title I supplemental services (working remotely is against the LEA Union contract), can that teachers salary come from the equitable service amount"? If services are not provided, wouldn't that be a delay in services and the equitable service amount should be carried forward? If that is the case, what is the source of the teacher's salary during the period when she is not providing services?"

Thank you for any guidance you can provide.

**Chantelle Carter**
*Nonpublic Ombudsman, Educational Program Specialist*
Office of Federal Programs
While we are under Executive Order 2020-01D and I am away from my office, please contact me via email.
25 South Front Street | 4th Floor | Columbus, Ohio 43215-4183
(614) 466-5203 | (877) 644-6338 |
Chantelle.Carter@education.ohio.gov

AMERICAN OVERSIGHT

Education.ohio.gov

Learn more about #EachChildOurFuture, Ohio's plan to ensure each child is *challenged*, *prepared* and *empowered*.

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**From:** Binder, Isadora
**Sent:** Thu, 19 Mar 2020 16:46:09 +0000
**To:** COVID-19
**Cc:** Rooney, Patrick;Dowling, Maureen;Morrisey, Jenay;ONPE
**Subject:** FW: Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)
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**Carly Covic Ambler**
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1862 Twin Towers East
205 Jesse Hill Jr. Drive, SE
Atlanta, Georgia 30334
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AMERICAN OVERSIGHT

*"Educating Georgia's Future"*

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEPUTY DIRECTOR
FOR MANAGEMENT

March 9, 2020

M-20-11

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FROM: Margaret Weichert
Deputy Director of Management

SUBJECT: Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:13 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Morgan State Univ. FWS question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Jessica Johnson <jessica.johnson@morgan.edu>
**Sent:** Wednesday, March 18, 2020 2:20 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Morgan State Univ. FWS question

Hello,
Our President just announced that our students are not to return to the university after spring break and those who live one campus now have to vacate. With this declaration, is it true that we are to continue to pay our FWS student their contracted hours for the remainder of the semester? We would just like to verify.

Thank you for your time.

--
Jessica Johnson
**America Challenges Tutorial program**
**Employment Coordinator**
**Office of Student Employment**
Morgan State University
Montebello Complex, A223
1700 E. Cold Spring Lane
Baltimore, Maryland 21251
**443-885-4559**
**Jessica.Johnson@morgan.edu**

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:55:13 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Nebraska Part C Question re: COVID-19
**Importance:** High

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>
**Sent:** Wednesday, March 18, 2020 3:11 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Nebraska Part C Question re: COVID-19
**Importance:** High

---

**From:** Bunnell, Amy <Amy.Bunnell@nebraska.gov>
**Sent:** Wednesday, March 18, 2020 2:41 PM
**To:** Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>; Williams, Tony G <TonyG.Williams@ed.gov>
**Cc:** Rhone, Amy <Amy.Rhone@nebraska.gov>; Docter, Julie <Julie.Docter@nebraska.gov>; Johnson, Cole <Cole.Johnson@nebraska.gov>
**Subject:** Nebraska Part C Question re: COVID-19
**Importance:** High

Hello – we recognize you are incredibly busy but we have a clarifying question on the OSEP Q/A re: Providing Services to Children with disabilities during the Coronavirus Disease 2019 Outbreak.

We are seeking clarification of provision of Part C services for states such as Nebraska, who are birth mandate states and provide FAPE to infants/toddlers with disabilities. If a state lead agency (in Nebraska this equates to Department of Education and Dept of Health and Human Services) remains open; and the EIS program's (in Nebraska this equates to the local school district and the services coordination agency) office buildings are closed but the school district continues to provide educational opportunities to the general student population during a school closure, then must the school ensure equal access to the same opportunities, including the provision of FAPE to infants/toddlers with disabilities? Is the SEA and EIS program (school district) required to ensure that each infant/toddler with a disability be provided the FAPE services identified in the infant/toddlers IFSP in this instance?

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Our school districts are asking if they are responsible for the provision of Part C services if their building is closed but yet are providing educational opportunities to students ages 3-21.

Any guidance you can provide would be extremely helpful to us as we want to be sure we are correctly implementing the Q/A guidance in accordance with FAPE. Thank you!

**Amy Bunnell**
Early Childhood Special Education Supervisor
Early Development Network Coordinator
Office of Special Education
301 Centennial Mall South
Lincoln NE, 68508
P: (402) 471-0817
E: amy.bunnell@nebraska.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 23:01:28 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: New Enrollments During COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Rick Ortiz <richard@hypnosis.edu>
**Sent:** Thursday, March 19, 2020 6:27 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** New Enrollments During COVID-19

Dear Department,

With regard to the guidance issued March 05, 2020 ***"Guidance for Interruption of Study Related to Coronavirus (COVID-19)"***, it is my understanding the guidance is primarily to be used for **current students only** whose studies were interrupted due to COVID-19. If so, what guidance is there for new enrollments during COVID-19? Can a school continue to enroll and start new students (on campus) during COVID-19, providing they are six-feet apart and no more than 10 in a classroom?

Now, there's a section within the guidance that says *"the Department will grant approval to institutions to use online technologies to accommodate students"*. Is this guidance intended for institutions to accommodate new & current students? See the excerpt below…

***Approval to Offer Distance Education***
*The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in the event that an institution is otherwise required to seek Departmental approval for the use or expansion of distance learning programs. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner requiring the Department's approval after that point, it must seek approval under the Department's normal process.*

Your prompt response regarding our concerns are greatly appreciated.

Kind regards,

Richard Ortiz

AMERICAN OVERSIGHT

Director of Financial Aid
(818) 758-2740

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 20:14:43 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: NJ DOE Question

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Franks-McRae, Leslie <Leslie.Franks-McRae@doe.nj.gov>
**Sent:** Thursday, March 19, 2020 4:02 PM
**To:** COVID-19 <COVID-19@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** Stephenson, Todd <Todd.Stephenson@ed.gov>; McDonald, Peggy <Peggy.McDonald@doe.nj.gov>; Schulz-Eskow, Colleen <Colleen.Schulz-Eskow@doe.nj.gov>; Young, Jesse <Jesse.Young@doe.nj.gov>; Ehling, Kathleen <Kathleen.Ehling@doe.nj.gov>; Roney, Collette <Collette.Roney@ed.gov>
**Subject:** NJ DOE Question

Good afternoon,

Thank you, Collette, for acknowledging receipt of yesterday's questions. Please add the following from NJ DOE:

1. Due to the unexpected and extended closures of LEAs, will the USED extend the project period for FFY18 and FFY19 funds?

Thank you all for the continued work during this crisis period!

Stay healthy!

# Leslie

**Leslie K. Franks McRae**
Director: Office of Supplemental Educational Programs
Division of Student Services
NJ Department of Education
100 Riverview Plaza
Trenton, New Jersey 08625
Phone: (609) 376-3499
Cell: (201) 572-2015

AMERICAN OVERSIGHT

**From:** Franks-McRae, Leslie
**Sent:** Tuesday, March 17, 2020 5:56 PM
**To:** COVID-19@ed.gov; OESE.titlei-a@ed.gov
**Cc:** Stephenson, Todd <Todd.Stephenson@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>; McDonald, Peggy <Peggy.McDonald@doe.nj.gov>; Schulz-Eskow, Colleen <Colleen.Schulz-Eskow@doe.nj.gov>; Young, Jesse <Jesse.Young@doe.nj.gov>
**Subject:** NJ DOE Questions

Good afternoon – following are NJ DOEs immediate questions:

2. Can LEAs use Title I funding to support the basic necessities for families – food, beverages, cleaning supplies?
3. Can LEAs use Title IV-A funds to purchase additional cleaning supplies such as anti-viral wipes, hand sanitizer, or other cleaning supplies that they would normally not have been purchased?
4. Will monitoring the language proficiency test administration of schools be waived?

Thank you!

# Leslie

**Leslie K. Franks McRae**
Director: Office of Supplemental Educational Programs
NJ Department of Education
100 Riverview Plaza
Trenton, New Jersey 08625
Phone: (609) 376-3499

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**From:** Brickman, Michael
**Sent:** Thu, 19 Mar 2020 16:59:39 +0000
**To:** COVID-19
**Subject:** FW: NSLDS reporting

---

**From:** Jones, Diane <Diane.Jones@ed.gov>
**Sent:** Thursday, March 19, 2020 12:50 PM
**To:** King, Robert <Robert.King@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Musser, David <David.Musser@ed.gov>
**Subject:** FW: NSLDS reporting

Forwarding for COVID Q&A

**From:** Reilly, Mike <reillym@aacrao.org>
**Sent:** Thursday, March 19, 2020 11:07 AM
**To:** Jones, Diane <Diane.Jones@ed.gov>
**Subject:** NSLDS reporting

Diane- I hope you are well during these extraordinary times. I wanted to share some concerns raised by our members regarding NSLDS reporting. While the Department has provided much appreciated flexibility around many of their obligations under Title IV, FSA is continuing normal activities regarding NSLDS reporting, including creating NSLDS Enrollment Rosters, producing error reports, and asking schools to respond in a timely manner. This is creating tremendous challenges to our institutions as they attempt to navigate very fluid student enrollments.

We would welcome the opportunity to work with FSA to find ways to relieve some of the burdens of NSLDS reporting while ensuring responsible use of federal resources during this challenging period.

Thanks very much for your consideration. -Mike

Michael Reilly
Executive Director, AACRAO
1108 16th St., NW, Suite 400, Washington, DC, 20036
(202) 355-1088
www.aacrao.org

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:54:04 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: NSLDS reporting

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Brickman, Michael <Michael.Brickman@ed.gov>
**Sent:** Thursday, March 19, 2020 1:00 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: NSLDS reporting

---

**From:** Jones, Diane <Diane.Jones@ed.gov>
**Sent:** Thursday, March 19, 2020 12:50 PM
**To:** King, Robert <Robert.King@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>; Brickman, Michael <Michael.Brickman@ed.gov>; Musser, David <David.Musser@ed.gov>
**Subject:** FW: NSLDS reporting

Forwarding for COVID Q&A

**From:** Reilly, Mike <reillym@aacrao.org>
**Sent:** Thursday, March 19, 2020 11:07 AM
**To:** Jones, Diane <Diane.Jones@ed.gov>
**Subject:** NSLDS reporting

Diane- I hope you are well during these extraordinary times. I wanted to share some concerns raised by our members regarding NSLDS reporting. While the Department has provided much appreciated flexibility around many of their obligations under Title IV, FSA is continuing normal activities regarding NSLDS reporting, including creating NSLDS Enrollment Rosters, producing error reports, and asking schools to respond in a timely manner. This is creating tremendous challenges to our institutions as they attempt to navigate very fluid student enrollments.

We would welcome the opportunity to work with FSA to find ways to relieve some of the burdens of NSLDS reporting while ensuring responsible use of federal resources during this challenging period.

Thanks very much for your consideration. -Mike

AMERICAN OVERSIGHT

Michael Reilly
Executive Director, AACRAO
1108 16th St., NW, Suite 400, Washington, DC, 20036
(202) 355-1088
www.aacrao.org

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:53:48 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: OIE Formula Grantee's COVID Related Questions No.2

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Wednesday, March 18, 2020 3:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>
**Subject:** OIE Formula Grantee's COVID Related Questions No.2

Hello,

Please find our current list of OIE Formula Grantee's COVID related questions below. Don't hesitate to contact me with any questions.

| Date Created | Agency Name | Agency State | Caller Name | Summary |
|---|---|---|---|---|
| Mar 17 2020 15:47:20 | Baraboo School District | WI | Nicholas Karls | EASIE: Can Previously Designa |
| Mar 17 2020 14:54:25 | Brainerd Public Schools | MN | Ashley Ingebrigtson | EASIE: What are the expectat |
| Mar 16 2020 10:41:30 | Lafourche Parish | | Leslie Pelotto | EASIE: How will the grant pro |
| Mar 16 2020 09:49:00 | Bloomington Public Schools | | Hiedi Hecker | EASIE: Public Hearing, Parent |
| Mar 13 2020 14:52:47 | Grand Coulee Dam SD | | Kim Stanger | EASIE: Will there be an exten |
| Mar 13 2020 14:26:30 | Guilford County Schools | | Mia Malesovas | EASIE: Public Meetings have |
| Mar 13 2020 11:30:10 | Eugene | | Brenda Brainard | EASIE: How do we address th |

AMERICAN OVERSIGHT

| | | | |
|---|---|---|---|
| Mar 12 2020 15:46:56 | School District-4J Douglas County | Juliana Marez | EASIE: Will we still be require |

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:11:43 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Online coursework

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Joy Crowley <jcrowley@htinj.edu>
**Sent:** Wednesday, March 18, 2020 11:27 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Online coursework

Hello,
Since the governor of NJ closed all schools and private institutions on March 18, and for the safety of our staff and students, we have applied to offer classes online.
We began a class on March 16 and they have attended 2 days. Can we include that class in the online offering?
Please advise

**Joy Crowley**
**Administrative Coordinator**
**Healthcare Training Institute**
1969 Morris Ave.
Union, NJ 07083
(908)851-7711

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 17:03:14 +0000
**To:** Sullivan, Madeline
**Cc:** COVID-19
**Subject:** FW: Online Resources?

Madeline, do we have any online resources we can provide to help with this inquiry. See below.

Kelly

---

**From:** Dowling, Maureen <Maureen.Dowling@ed.gov>
**Sent:** Thursday, March 19, 2020 12:55 PM
**To:** Curtis, Patti <Patti.Curtis@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Velez-Anderson, Mischele <MiSchele.Velez-Anderson@ed.gov>
**Subject:** Online Resources?

Patti and Response Team,

I had a very frustrated public school teacher form AL contact our office (via phone) asking for resources for online learning. I know that you have been trying to pull together a list. Might you be able to provide some resources at this stage or do you have any recommendations?

I have also included the COVID-19 mailbox to see if they have a response that we can provide to this callerMis.

Maureen

**MAUREEN DOWLING, ED.D.**
**DIRECTOR**
OFFICE OF NON-PUBLIC EDUCATION
OFFICE OF THE SECRETARY | U.S. DEPARTMENT OF EDUCATION
400 MARYLAND AVE, SW | WASHINGTON, DC 20202 | 202-260-7820
JOIN THE ONPE LISTSERV!

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:56:23 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: OPE ID 02056400

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Gloria Dwyer <GDwyer@caprinow.edu>
**Sent:** Thursday, March 19, 2020 11:06 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** OPE ID 02056400

Good Morning,
Our school Capri Cosmetology Learning Centers located in Nanuet and Newburgh, New York, OPE ID 02056400 will be temporarily closed until Monday, March 30, 2020. We are planning on reopening on Monday, March 30. Once we hear from our local and state government regarding any extended closing times , we will let you know.
Thank you,

**Gloria Dwyer**
**Director of Financial Aid**
**Capri Cosmetology Learning Centers**
**251 Route 59**
**Nanuet, NY 10954**
**P - 845-623-6339 x 13**
**F - 845-623-6298**
**Gdwyer@caprinow.edu**
**www.Caprinow.edu**

**Find Capri Cosmetology On:**

**Professional Associations:**

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:12:11 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Oregon Department of Education (ODE) questions re: MEP recruitment procedures

FYI

---

**From:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Sent:** Wednesday, March 18, 2020 2:28 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Gillette, Lisa <Lisa.Gillette@ed.gov>; Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>
**Subject:** Oregon Department of Education (ODE) questions re: MEP recruitment procedures

I have sent an acknowledgement email to Mr. Fernow.

FYI: OME has drafted a response to similar inquiries. The draft response is currently with our program attorneys for review.

---

**From:** FERNOW Jonathan - ODE <jonathan.fernow@state.or.us>
**Sent:** Wednesday, March 18, 2020 1:12 PM
**To:** Gillette, Lisa <Lisa.Gillette@ed.gov>; Martinez, Sarah <Sarah.Martinez@ed.gov>
**Cc:** Roger Rosenthal <rrosenthal@mlap.org>; Francisco Garcia <fcgarcia@q.com>
**Subject:** Recruitment ideas

Lisa and Sarah,

Oregon schools are now closed till April 28th. The big question for us and other states is how to recruit during this time. The worse scenario would be a recruiter that doesn't show symptoms of the virus and goes into the homes of our migrant families and passes on the disease. I have told recruiters not to go into homes to recruit, but to work on paperwork, filing, ID&R local Plan, etc. during these two weeks that are now stretching into 6 weeks and maybe more.
In the past with the H1 N1 I believe you allowed phone interviews in CA. Would that be allowed now? During the interview, the recruiter would ask if he/she could sign the COE for the family.
Maybe another option could be video conferencing used that records the questions and answers. In May we are moving towards an Electronic COE that would add to the steps in recruitment during the COVID-19 season.
I believe it would be beneficial to get some guidance from you and you allowing a phone conference for recruitment during this time (s).
Please let me know your thoughts.
Kind Regards,
Jonathan

AMERICAN OVERSIGHT

Jonathan Fernow
Title IC, Migrant Specialist
Office of Enhancing Student Opportunities | Federal Programs
(503) 947-5807
Jonathan.fernow@state.or.us| www.oregon.gov/ode

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 15:31:32 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: our role during shut down?

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Thurmond, Bryan <Bryan.Thurmond@ed.gov>
**Sent:** Thursday, March 19, 2020 11:30 AM
**To:** Schleicher, Leigh (MDE) <leigh.schleicher@state.mn.us>
**Cc:** Reyes, Roberto (MDE) <roberto.reyes@state.mn.us>; COVID-19 <COVID-19@ed.gov>; OESE.HomelessEd <HomelessEd@ed.gov>
**Subject:** RE: our role during shut down?

Hi Leigh,

Thank you so much for reaching out—and thank you for all you are doing during this time to support students experiencing homelessness across Minnesota. As you know, the Department is closely monitoring the impact of COVID-19, and the Department is working to issue guidance as quickly as possible. To date we have not released guidance specific to the McKinney-Vento EHCY program. As the Department releases additional guidance, we will share it via our listservs and update the Department's COVID-19 website, which is available at www.ed.gov/coronavirus. I've also copied the Department's COVID-19 mailbox to this email; we are trying to route all COVID-19 related questions (and responses) through this mailbox.

Finally, I wanted to share a link to a recent resource from the U.S. Interagency Council on Homelessness (USICH): https://www.usich.gov/tools-for-action/supporting-children-and-youth-experiencing-homelessness-during-the-covid-19-outbreak-questions-to-consider. While this is officially a USICH resource, our team did collaborate with USICH to finalize the document. I hope you will find it helpful.

Of course, please don't hesitate to reach out if I can be helpful in any other way, and we will be in contact with additional information as soon as possible. Thank you for your partnership!

Bryan

**Bryan Thurmond**
Teachers, Leaders, and Special Populations Team
Office of School Support and Accountability
Office of Elementary and Secondary Education

AMERICAN OVERSIGHT

U.S. Department of Education
bryan.thurmond@ed.gov
202-205-4914 (office)

---

**From:** Schleicher, Leigh (MDE) <leigh.schleicher@state.mn.us>
**Sent:** Friday, March 13, 2020 11:01 AM
**To:** Tate, Christopher <christopher.tate@ed.gov>; Thurmond, Bryan <Bryan.Thurmond@ed.gov>
**Cc:** Reyes, Roberto (MDE) <roberto.reyes@state.mn.us>; Rowan, Maria <maria.rowan@ed.gov>
**Subject:** RE: our role during shut down?

Thank you for routing this appropriately and thank you all for your leadership during this unprecedented time. As districts are planning for e-learning and other measures, we want to be sure to get information and considerations specific to students experiencing homelessness out there.

**Leigh Schleicher**
Supervisor, Office of Equity and Opportunity
Office 651-582-8326 | Cell 651-276-1568 | leigh.schleicher@state.mn.us

**Minnesota Department of Education**
1500 Highway 36 West, Roseville, MN 55113
education.state.mn.us

---

**From:** Tate, Christopher <christopher.tate@ed.gov>
**Sent:** Friday, March 13, 2020 9:01 AM
**To:** Schleicher, Leigh (MDE) <leigh.schleicher@state.mn.us>
**Cc:** Reyes, Roberto (MDE) <roberto.reyes@state.mn.us>; Thurmond, Bryan <Bryan.Thurmond@ed.gov>; Rowan, Maria <maria.rowan@ed.gov>
**Subject:** RE: our role during shut down?

Hi Leigh-

My colleague Bryan Thurmond manages the MV program. Shutdowns because of COVID-19 are not addressed under AHCY because of the statutory authorization of the program is specific to the named disasters it supports.

+ Maria, AHCY program lead, for awareness.

Christopher

---

**From:** Schleicher, Leigh (MDE) <leigh.schleicher@state.mn.us>
**Sent:** Friday, March 13, 2020 9:55 AM
**To:** Tate, Christopher <christopher.tate@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Reyes, Roberto (MDE) <roberto.reyes@state.mn.us>
**Subject:** FW: our role during shut down?
**Importance:** High

Hi Chris – is there any EHCY specific information available? See question below. Thank you for your guidance. Leigh

**Leigh Schleicher**
Supervisor, Office of Equity and Opportunity
Office 651-582-8326 | Cell 651-276-1568 | leigh.schleicher@state.mn.us

**Minnesota Department of Education**
1500 Highway 36 West, Roseville, MN 55113
education.state.mn.us

---

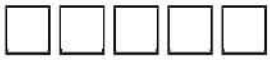
**From:** Elizabeth McInerney <anne.mcinerney@spps.org>
**Sent:** Friday, March 13, 2020 8:46 AM
**To:** Reyes, Roberto (MDE) <roberto.reyes@state.mn.us>; Schleicher, Leigh (MDE) <leigh.schleicher@state.mn.us>
**Subject:** our role during shut down?

**This message may be from an external email source.**
Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

---

If the schools are shut down, what is our role as the MV liaison?

**Anne McInerney**
Supervisor, Project REACH/Fostering Connections
**Saint Paul Public Schools** • 1021 Marion St. St. Paul, MN 55117
Office: 651-744-2565 • Cell: 651-231-0404• Fax: 651-632-3780
spps.org/projectreach



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 20:48:39 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Parent working in health feel

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly
-----Original Message-----
From: Lucretia Nicopulos <l.nicopulos@gmail.com>
Sent: Tuesday, March 17, 2020 7:12 AM
To: COVID-19 <COVID-19@ed.gov>
Subject: Parent working in health feel

Mrs. Nicks Kids learning Center in home Group.

Have parent working in hospital , the child is also related to me. Still open because of the need for medical workers. As far as a red I can continue to be open.Only three children and daycare all related to me. I will continue to follow the updates. ? ?

Lucretia Nicopulos

Sent from my iPad

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 21:11:37 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Parent working in health feel

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Lucretia Nicopulos <l.nicopulos@gmail.com>
Sent: Tuesday, March 17, 2020 7:12 AM
To: COVID-19 <COVID-19@ed.gov>
Subject: Parent working in health feel

Mrs. Nicks Kids learning Center in home Group.

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Lucretia Nicopulos

Sent from my iPad

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:56:17 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Pass/fail grades

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Cooper, Lisa <Lisa.Cooper@jefferson.edu>
**Sent:** Thursday, March 19, 2020 11:09 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Pass/fail grades

Hi-
My school moved to on line delivery for the remainder of the spring semester.
They are considering a Pass/fail grading system.
What are the issues surrounding pass/fail? Is there any exemption for that type of grading system during COVID 19?
Lisa

Lisa J. Cooper
Executive Director, Financial Aid
Enrollment Management

Thomas Jefferson University
4201 Henry Avenue
Philadelphia, PA 19144
T 215-951-2940
Lisa.Cooper@Jefferson.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:56:08 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Paul Mitchell the School Milwaukee

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Catrina Viramontez <catrinav@milwaukee.paulmitchell.edu>
**Sent:** Thursday, March 19, 2020 11:46 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Paul Mitchell the School Milwaukee

Hello,

We will begin distance learning when approved by NACCAS. How many hours can our students earn weekly using distance learning?
--
Catrina

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 23:01:39 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Pell Grant

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: taclark1985@gmail.com <taclark1985@gmail.com>
Sent: Thursday, March 19, 2020 5:35 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Pell Grant

Good afternoon,

We were informed that our April disbursements of the Pell Grant will no longer take place since the school is being closed by the government due to the COVID 19 outbreak. The school will be moving in class learning to distance learning until the school reopens. Can you please clarify the status of our PELL Grant April disbursements?

Sent from my iPhone

Thank you
M. Clark

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:56:43 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Professional Judgment

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Nitajsha Edwards <Nitajsha@hes360.com>
**Sent:** Wednesday, March 18, 2020 12:47 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Professional Judgment

Hello.
I'm hoping to clarify a statement in the electronic announcement dated March 5, 2020, Guidance for interruptions of study related to Coronavirus (COVID-19).

The announcement indicated that FAAs have the 'authority to use professional judgment to make adjustments to cost of attendance on a case-by-case basis.' The final sentence in that paragraph states that while many students may have the same circumstances, PJ determinations and the corresponding documentation must be made on a case-by-case basis. This seems to indicate that schools can adjust the COA for all students who have similar circumstances, as long as it is done on a case-by-case basis.

If my understanding is correct, that means that the direction in the announcement is in direct conflict with HEA Sec. 479(a) which states: Special circumstances shall be conditions that differentiate an individual student from a class of students rather than conditions that exist across a class of students.

So, I just want to be sure that I understand the 3/5/2020 announcement correctly.
1. Is it saying that in this unique situation due to COVID-19, because of which schools are opting to (a) move all classes online and (b) students have to vacate on-campus housing, FAAs can perform PJs to adjust COA?
2. And further, is the announcement saying that this adjustment may be made for ALL students in this circumstance, as long as each PJ is done on an individual basis?

Thanks in advance for your response.

Nitajsha Edwards
Higher Ed Strategies, LLC
Cell: (860) 539-9268

AMERICAN OVERSIGHT

**From:** Carr, Steven
**Sent:** Thu, 19 Mar 2020 12:46:50 +0000
**To:** COVID-19
**Cc:** Gillette, Lisa;Bentley-Memon, Millicent
**Subject:** FW: Projects are interested in guidance or support for Covid-19

The below individual is the current president of the grantee association for the High School Equivalency Program and College Assistance Migrant Program. They contacted our office on behalf of impacted grantees asking about COVID-19 guidance and flexibilities.

**From:** Michelle Kelley <mkelley@boisestate.edu>
**Sent:** Tuesday, March 10, 2020 3:22 PM
**To:** Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** Projects are interested in guidance or support for Covid-19

Hi Lisa,

Hopefully your business at ED is going well. Some of the projects have begun to see impacts with the corona virus. Recently, the University of Washington closed their campus and moved classes to an online platform. At our institution, we are submitting a Continuity of Operation Plan to address how we would continue to offer services if we were faced with a closure or needed to work with a student who was quarantined.

Some of the project directors have connected with me to see if OME has any guidance or will give any consideration for projects that may be impacted by the corona virus. Are you planning to send any communication out on this topic or is there something I can let people know?

Thanks,

*Michelle Kelley*
*HEP / CAMP Director*
High School Equivalency Program - College Assistance Migrant Program
Boise State University
(208) 426-3095

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:53:24 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Projects are interested in guidance or support for Covid-19

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Carr, Steven <Steven.Carr@ed.gov>
**Sent:** Thursday, March 19, 2020 8:47 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Gillette, Lisa <Lisa.Gillette@ed.gov>; Bentley-Memon, Millicent <Millicent.Bentley-Memon@ed.gov>
**Subject:** FW: Projects are interested in guidance or support for Covid-19

The below individual is the current president of the grantee association for the High School Equivalency Program and College Assistance Migrant Program. They contacted our office on behalf of impacted grantees asking about COVID-19 guidance and flexibilities.

**From:** Michelle Kelley <mkelley@boisestate.edu>
**Sent:** Tuesday, March 10, 2020 3:22 PM
**To:** Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** Projects are interested in guidance or support for Covid-19

Hi Lisa,

Hopefully your business at ED is going well. Some of the projects have begun to see impacts with the corona virus. Recently, the University of Washington closed their campus and moved classes to an online platform. At our institution, we are submitting a Continuity of Operation Plan to address how we would continue to offer services if we were faced with a closure or needed to work with a student who was quarantined.

Some of the project directors have connected with me to see if OME has any guidance or will give any consideration for projects that may be impacted by the corona virus. Are you planning to send any communication out on this topic or is there something I can let people know?

Thanks,

AMERICAN OVERSIGHT

*Michelle Kelley*
*HEP / CAMP Director*
High School Equivalency Program - College Assistance Migrant Program
Boise State University
(208) 426-3095

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:10 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question about Pass/Fail

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Carla Minchello <cminchello@framingham.edu>
**Sent:** Wednesday, March 18, 2020 2:17 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question about Pass/Fail

Dear Dept. of Education Representative:

Due to COVID-19, our school is interested in allowing students to complete their classes for this semester on a pass/fail basis. This would be an exception to our usual academic policies, which allow students to take one course per semester on a pass/fail basis, and there are other restrictions with our usual policy as well.

Are there any problems with Title IV eligibility if we make such a change for this semester only? We are aware that this will affect students who are not making SAP, as they will not be able to raise their cumulative GPAs with this semester's grades if they take all of their classes on a pass/fail basis.

Thanks in advance for any answers you can provide.

Sincerely,

Carla Minchello
Director of Financial Aid
Framingham State University
100 State Street, PO Box 9101
Framingham, MA 01701-9101
(508) 626-4535

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:55:39 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question posed by Faculty

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Mitchell A. Campbell <mitchell.campbell@baycollege.edu>
**Sent:** Wednesday, March 18, 2020 4:56 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question posed by Faculty

Question: With the virtual learning formats suggested in their original response, how many of the 96 required clinical hours can be completed in this virtual format during this crisis mode? In all other circumstances we are only allowed to complete 48 of the 96 hours in this format(50% of the hours) do we still have to abide by this and give incompletes to students until they can get to a clinical setting potentially this summer or can we complete all 96 hours (100% of the time required) in this format. (the one exception I realize is the PN OB clinical which can be delivered 100% in a simulated format, but we do not have one of these PN clinics until June).

Thank you in advance.

Respectfully,

Mitchell Campbell, RN, MSN Ed
Dean of Allied Health
Bay College
2001 North Lincoln Road
Escanaba, MI 49829

Phone- 906-217-4012
Mobile- 715-482-0736

AMERICAN OVERSIGHT

FAX- 906-217-1607

*"Change is the law of life. And those who look only to the past or the present are certain to miss the future."* – John F. Kennedy

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:56:55 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question regarding FWS and the IFAP Announcement dated 03-05-2020

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Heaton, Cynthia Carole <cch16@psu.edu>
**Sent:** Wednesday, March 18, 2020 1:00 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question regarding FWS and the IFAP Announcement dated 03-05-2020

Hello-

We have a question regarding the highlighted part of the excerpt below from the IFAP Announcement dated 03-05-2020 concerning the Coronavirus (COVID-19).

**Question:** Would you please clarify this statement from the IFAP Announcement dated 03-05-2020 regarding paying FWS wages for hours not worked: *"For students enrolled and performing FWS at a campus that must close due to COVID-19, … the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff)…"*? We need additional guidance on the definition of employee. Does the definition include other part-time, non-permanent employees, such as student employees whose wages are paid solely from institutional funds?

We appreciate your assistance and look forward to hearing from you.

Cynthia C. Heaton
Director for Student Aid Compliance and Training
The Pennsylvania State University
Office of Student Aid
University Park, PA 16802
phone: 814-865-6301

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:54:37 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question regarding limit of permission to offer distance learning opportunities to students

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Dave Heckeler <DHeckeler@careerquest.edu>
**Sent:** Thursday, March 19, 2020 10:47 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question regarding limit of permission to offer distance learning opportunities to students

To whom it may concern,

After reading your March 5th 2020 memorandum, **Guidance for interruptions of study related to Coronavirus (COVID-19)**, it became clear we needed additional guidance relative to the highlighted portion of the guidance below. It appears there is no opportunity for students who began their new term after March 5th to participate in the temporary online delivery of their classes due to the COVID-19 pandemic.
We believe this was not the intention of the Department.
We ask you to research this matter and make whatever adjustments are necessary to provide the opportunity for these students to participate in the temporary online delivery of their classes during the COVID-19 pandemic.

I look forward to your action and response.

Thank you. David Heckeler

Approval to Offer Distance Education
The Department is providing broad approval to institutions to use online technologies to accommodate students on a temporary basis, without going through the regular approval process of the Department in the event that an institution is otherwise required to seek Departmental approval for the use or expansion of distance learning programs. This flexibility only applies to a program during a payment period that overlaps the date of this electronic announcement or the following payment period. If an institution chooses to continue offering a new program or use distance education in a manner requiring the Department's approval after that point, it must seek approval under the Department's normal process.

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We are also permitting accreditors to waive their distance education review requirements for institutions working to accommodate students whose enrollment is otherwise interrupted as a result of COVID-19. We currently are limiting that permission to distance learning opportunities developed for the purpose of serving students who were already in attendance, but whose attendance was interrupted by COVID-19. Please note that this flexibility is not available for clock-hour courses that lead to licensure if the licensure body will not accept distance learning courses or hours or give credit for them toward the number of hours a student must complete.

David Heckeler
Chief Academic Officer
Career Quest Learning Centers, Inc.
3215 S. Pennsylvania Avenue
Lansing, Michigan 48910
517-318-3330

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:54:43 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question regarding term start in June 2020

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Melissa Ferguson <melissa.ferguson@themodern.edu>
**Sent:** Thursday, March 19, 2020 10:33 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question regarding term start in June 2020

To Whom It May Concern:
My name is Melissa Ferguson and I am the Vice President of Student Affairs at The Modern College of Design in Kettering Ohio. As we work through the transition of taking courses on-line due to COVID-19, we are continuing to prepare not only for this semester but also trying to better understand how future semesters might look. Currently we have a summer semester and new cohort start that will begin on June 8, 2020. Should we still be under a no face-to-face class advisement, will we be able to start the semester with online classes? We are just wanting to make sure we are fully prepared in case we do not get the clearing to resume face-to-face classes. Thank you in advance for your help through all of this.

Sincerely,
Melissa Ferguson

--
Melissa Ferguson
Vice President of Student Affairs
**The Modern College of Design**
937.294.0592
www.themodern.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:55:18 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: questions - IDEA funds

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Fredette, Rebecca <Rebecca.Fredette@doe.nh.gov>
**Sent:** Wednesday, March 18, 2020 2:32 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** questions - IDEA funds

Hello
I am wondering if you could give guidance around the use of IDEA funds to pay salaries if school has been closed by the governor. Also should private providers of special education be expected to receive continued tuition for students who are not allowed to attend because of the districts interpretation of the governors order?

Also, I just read the guidance from the Office of Civil Rights that says face to face evaluations should not be done, however OSEP is stating that timelines will not be waived, these seem to contradict each other. Can you please clarify.

Any help or guidance you can provide would be great. As a new director I am seeking as much support as I can get.

Thank you,

Rebecca A. Fredette, M.Ed.
Administrator, Bureau of Student Support
State Director of Special Education
NH Department of Education
101 Pleasant Street
Concord, NH 03301

Phone: (603)271-6693
Fax: (603)271-1099

Rebecca.Fredette@doe.nh.gov

AMERICAN OVERSIGHT

Do you want to enrich the life of a child with a disability? Please consider becoming an Educational Surrogate Parent. To learn more about the Educational Surrogate Parent Program, contact Janelle Cotnoir at (603) 271-3737 or Janelle.Cotnoir@doe.nh.gov.

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Fri, 20 Mar 2020 18:56:28 +0000
**To:** COVID-19
**Subject:** FW: Testing for corona virus

**From:** James Vogel <JimVogel@msn.com>
**Sent:** Wednesday, March 18, 2020 11:22 PM
**To:** answers <answers@ed.gov>
**Subject:** Testing for corona virus

In today's Houston Chronicle there was an article by three faculty members of Bioengineering at Rice University saying that university labs could fill the coronavirus testing gap. Apparently, Sec. DeVoss is not aware of the valuable resources available in all of the microbiology and virology departments at universities and medical schools in every state. She should be at the forefront of making them part of a solution to this crisis!

Dr. James J Vogel, Professor Emeritus, UT Dental School, Houston
Sent from Mail for Windows 10

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:34:32 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Testing for corona virus

Hi OPE,

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Thanks,
Kelly

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**Sent:** Friday, March 20, 2020 2:56 PM
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Dr. James J Vogel, Professor Emeritus, UT Dental School, Houston
Sent from Mail for Windows 10

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:39:50 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Texas Evaluation Response During School Closures

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Friday, March 20, 2020 1:50 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Texas Evaluation Response During School Closures

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

**From:** Gracee Condor <gracee.condor@dsisdtx.us>
**Sent:** Friday, March 20, 2020 1:41 PM
**Subject:** Texas Evaluation Response During School Closures

To Whom This May Concern:

AMERICAN OVERSIGHT

My name is Gracee Condor, and I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open Full Individual Initial Evaluation (FIIE) or Reevaluation consent.

While the Office of Civil Rights (OCR) document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, The Texas Education Agency (TEA) has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Gracee Condor, M.A., LSSP, NCSP

AMERICAN OVERSIGHT

School Psychoeducational Services Coordinator
Licensed Specialist in School Psychology
Nationally Certified School Psychologist
Dripping Springs Independent School District
(512) 858-3727

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AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 17:50:13 +0000
**To:** COVID-19
**Subject:** FW: Texas Evaluation Response During School Closures

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

**From:** Gracee Condor <gracee.condor@dsisdtx.us>
**Sent:** Friday, March 20, 2020 1:41 PM
**Subject:** Texas Evaluation Response During School Closures

To Whom This May Concern:

My name is Gracee Condor, and I am an evaluator for Texas public schools in the state of Texas.

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AMERICAN OVERSIGHT

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Sincerely,

Gracee Condor, M.A., LSSP, NCSP
School Psychoeducational Services Coordinator
Licensed Specialist in School Psychology
Nationally Certified School Psychologist
Dripping Springs Independent School District
(512) 858-3727

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AMERICAN OVERSIGHT

**From:** Jones, Al
**Sent:** Fri, 20 Mar 2020 23:03:56 +0000
**To:** COVID-19
**Subject:** FW: Texas Evaluation Response During School Closures

*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
*www.ed.gov*

**From:** Gracee Condor <gracee.condor@dsisdtx.us>
**Sent:** Friday, March 20, 2020 1:41 PM
**Subject:** Texas Evaluation Response During School Closures

To Whom This May Concern:

My name is Gracee Condor, and I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open Full Individual Initial Evaluation (FIIE) or Reevaluation consent.

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AMERICAN OVERSIGHT

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While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

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Sincerely,

Gracee Condor, M.A., LSSP, NCSP
School Psychoeducational Services Coordinator
Licensed Specialist in School Psychology
Nationally Certified School Psychologist
Dripping Springs Independent School District
(512) 858-3727

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AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 17:04:18 +0000
**To:** COVID-19
**Subject:** FW: Texas Public Schools

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

**From:** Juli Todd <julsag04@gmail.com>
**Sent:** Friday, March 20, 2020 12:58 PM
**To:** disasterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Texas Public Schools

To Whom This May Concern:

My name is Juli Miller and I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIE or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a

AMERICAN OVERSIGHT

directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

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Sincerely,

Juli Miller, Educational Diagnostician

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:39:29 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Texas Public Schools

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Friday, March 20, 2020 1:04 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Texas Public Schools

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

**From:** Juli Todd <julsag04@gmail.com>
**Sent:** Friday, March 20, 2020 12:58 PM
**To:** disasterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Texas Public Schools

AMERICAN OVERSIGHT

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My name is Juli Miller and I am an evaluator for Texas public schools in the state of Texas.

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While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

AMERICAN OVERSIGHT

Juli Miller, Educational Diagnostician

AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 18:24:45 +0000
**To:** COVID-19
**Subject:** FW: Texas Special Education Evaluations and COVID-19

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

**From:** Christy Lindahl <christy.lindahl2016@gmail.com>
**Sent:** Friday, March 20, 2020 2:24 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Texas Special Education Evaluations and COVID-19

Good Afternoon,

My name is Christy Lindahl and I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open consent for a Full and Individual Initial Evaluation or Reevaluation.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a

AMERICAN OVERSIGHT

directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

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Christy Lindahl

Christy L. Lindahl, M.A., Ed.S., LSSP
Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:40:19 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Texas Special Education Evaluations and COVID-19

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Friday, March 20, 2020 2:25 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Texas Special Education Evaluations and COVID-19

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

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**Sent:** Friday, March 20, 2020 2:24 PM
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AMERICAN OVERSIGHT

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Sincerely,

Christy Lindahl

Christy L. Lindahl, M.A., Ed.S., LSSP
Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

**From:** Ortiz-Velazquez, Judith
**Sent:** Fri, 20 Mar 2020 12:57:58 +0000
**To:** COVID-19
**Cc:** Coughlin, Betty
**Subject:** FW: Theological University of the Caribbean (PR) - Status due to COVID-19
**Attachments:** DECANATO 2020-Notificacion Status UTC ante Coronavirus.pdf

**From:** Decana Academica <DecanaAcademica@utcpr.edu>
**Sent:** Thursday, March 19, 2020 7:40 PM
**To:** Ortiz-Velazquez, Judith <Judith.Ortiz-Velazquez@ed.gov>
**Cc:** Mike Rajaballey <mrajaballey1@yahoo.com>; Presidente UTC <Presidente@utcpr.edu>; Ana M. Cepero <desarrollo@utcpr.edu>
**Subject:** Theological University of the Caribbean (PR) - Status due to COVID-19

March 18, 2020

To Whom It May Concern:

**STATUS DUE TO CORONAVIRUS (COVID-19)**
**THEOLOGICAL UNIVERSITY OF THE CARIBBEAN (TUC) (PR)**

Greetings from Universidad Teológica del Caribe (Theological University of the Caribbean) in Puerto Rico.

Hereby we notify that our Executive President, Rev. Francisco Ortiz, in consultation with the Chairman of the Board of Directors, Rev. Pablo Valentín, decided to fully operate all Theological University of the Caribbean (UTC) academic programs online or remotely through the Zoom platform from Monday, March 16 to Monday, March 30, 2020. This applies to all diurnal and nocturnal courses, both on the Home Campus and the North-Central Campus (Dorado), including the Graduate School. It is worth mentioning that, since June 27, 2014, UTC has been authorized by ABHE, our accrediting agency, to offer 50% or more of its programs in the distance education modality.

A small number of staff members are working remotely until March 30, 2020. UTC facilities will remain closed during the above-mentioned two (2) weeks to ensure social distancing and safeguard the health of our university community. This decision is in response to the recent Executive Order No. 2020-023 of the Puerto Rico Governor, Hon. Wanda Vázquez, which orders a curfew due to the Coronavirus pandemic (COVID-19). At the end of the two (2) weeks, an evaluation will be made and, if necessary, decisions will be taken that will be shared through institutional emails, our official website and social media.

The Online Program platform continues to operate as usual. At the same time, the Faculty of the face-to-face courses has been implementing an action plan to adjust the courses in order to adopt distance education modality in all the courses offered in this academic period. The professors are using various alternative methodologies such as: video conferences, virtual

AMERICAN OVERSIGHT

presentations, videos, presentations (Power Point/Prezi), virtual forums, instructional kits, lesson dictated by the professor using audio, virtual short tests, readings, written assignments via email and/or WhatsApp, etc. In this way, all material is covered, contact hours are met remotely and students who do not have the necessary technology are supported.

The academic calendar remains the same. In case any changes to the academic program are necessary, we will notify you immediately. In addition, the Faculty is reporting the attendance of students enrolled in their courses and the academic activity they are generating on a daily basis.

On the other hand, we recently invested in acquiring access to the EBSCO database. This tool provides the entire university community with over 180,000 online resources that help students to complete assignments remotely without having to physically visit the Library facilities. This database provides resources at all academic levels. It also contains academic books, peer reviewed journals, updated resources, etc. The Librarian is available to provide technical assistance via email.

The Theological University of the Caribbean advances despite the unpredictable situations that occur. We trust that the Angel of the Lord will encamp all around those who fear Him and delivers them. If you need additional information, please do not hesitate to contact us by e-mail at DecanaAcademica@utcpr.edu.

Cordialmente,/*Cordially*,

***Rev. Carmen L. Ayala-Rios, MPA***
Decana de Asuntos Académicos /*Academic Dean*
Universidad Teológica del Caribe/*Theological University of the Caribbean*
P.O. Box 901
Saint Just, PR 00978-0901
Tel: (787) 761-0640 x.1223, 1227
Fax: (787) 748-9220
Email: decanaacademica@utcpr.edu <DecanaAcademica@utcpr.edu>
Webpage: www.utcpr.edu

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March 18, 2020

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Carr. #848 Km 0.5, Entrada Pablo Marquez, Saint Just, Trujillo Alto, P.R. / Box 901 Saint Just, PR 00978-0901
Tels: (787) 761-0640, (787) 761-0808; Fax (787)748-9220 – www.utcpr.edu

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Cordially,

Prof. Carmen Ayala, MPA
Academic Dean

CAR

DECANATO 2020-Notificacion Status UTC ante Coronavirus



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:21:43 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Theological University of the Caribbean (PR) - Status due to COVID-19
**Attachments:** DECANATO 2020-Notificacion Status UTC ante Coronavirus.pdf

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ortiz-Velazquez, Judith <Judith.Ortiz-Velazquez@ed.gov>
**Sent:** Friday, March 20, 2020 8:58 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Coughlin, Betty <Betty.Coughlin@ed.gov>
**Subject:** FW: Theological University of the Caribbean (PR) - Status due to COVID-19

**From:** Decana Academica <DecanaAcademica@utcpr.edu>
**Sent:** Thursday, March 19, 2020 7:40 PM
**To:** Ortiz-Velazquez, Judith <Judith.Ortiz-Velazquez@ed.gov>
**Cc:** Mike Rajaballey <mrajaballey1@yahoo.com>; Presidente UTC <Presidente@utcpr.edu>; Ana M. Cepero <desarrollo@utcpr.edu>
**Subject:** Theological University of the Caribbean (PR) - Status due to COVID-19

March 18, 2020

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AMERICAN OVERSIGHT

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Universidad Teológica del Caribe/*Theological University of the Caribbean*
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Cordially,

Prof. Carmen Ayala, MPA
Academic Dean

CAR

DECANATO 2020-Notificacion Status UTC ante Coronavirus



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:02:16 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Tydings Waiver

FYI

---

**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Friday, March 20, 2020 2:22 PM
**To:** nwilliamson@doe.in.gov; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.SGR.Indiana <Indiana.oese@ed.gov>
**Subject:** RE: Tydings Waiver

Hi Nathan,

Thank you for your question, which our State and Grantee Relations Team forwarded to our Title I team. I have copied the Department's dedicated inbox on this topic at COVID-19@ed.gov for a response.

Best,
Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

---

**From:** OESE.SGR.Indiana <Indiana.oese@ed.gov>
**Sent:** Friday, March 20, 2020 1:46 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** FW: Tydings Waiver

Good Afternoon,

Please see the waiver inquiry below.

**Brandon Webber**
U.S. Department of Education
Office of Elementary and Secondary Education
Office of State and Grantee Relations (SGR)

AMERICAN OVERSIGHT

400 Maryland Avenue, SW
Washington, D.C. 20202
Office: (202) 453-7944 | **E-mail**
Connect. Engage. Empower.

---

**From:** Williamson, Nathan <nwilliamson@doe.in.gov>
**Sent:** Friday, March 20, 2020 10:54 AM
**To:** OESE.SGR.Indiana <Indiana.oese@ed.gov>
**Subject:** Tydings Waiver

Hello,

IDOE is going to request a tydings waiver for additional time to expend FFY 18 funds considering the mass closures due to coronavirus.

However, in reading this memo: https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-17.pdf

It appears that USED now is directed to give automatic extensions. So I am emailing to find out if the waiver process is still needed, or if we are going to hear further instructions on the extended deadlines to encumber and liquidate funds that expire 12/31/20?

Thank you,

Nathan

**Nathan Williamson**
*Director of Title Grants and Support*
**Indiana Department of Education**
(317) 232-6671 | nwilliamson@doe.in.gov
www.doe.in.gov Feedback: How are we doing?

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:34:00 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: U.S. Student Attending a Foreign Institution, Loan Funds Will Not be Disbursed? Urgent Help Needed
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Amanda Alarcon <amanda.alarcon@student.uj.edu.pl>
**Sent:** Friday, March 20, 2020 1:27 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** U.S. Student Attending a Foreign Institution, Loan Funds Will Not be Disbursed? Urgent Help Needed
**Importance:** High

Good afternoon,

I hope this email finds you well.

My name is Amanda Nicole Alarcon and I am a U.S. citizen and student. I am currently studying at the Jagiellonian University and I am a participant in the William D. Ford Student Loan program that is currently offered at my foreign institution.

As you may know, the Jagiellonian University's physical operations were temporarily disrupted on 11 March, due to the COVID-19 virus. Until March 25, we conduct classes via distance learning (online). Through the financial aid officer responsible for the disbursement of our funds (Ewa Stankiewicz at the Jagiellonian University), we were told today that our loans would not be disbursed AT ALL this semester, without warning. It was a great shock, as we had previously been informed that once classes physically resumed, we would likely get our disbursement.

Is this information correct? If so, how can it be possible to leave a plethora of US students, who were studying at foreign institutions without the funding and loans that they took out? I would like to note that I attended ALL my classes before the disruptions and I still AM. I am still a full-time student. All of the necessary paperwork was given to my financial aid officers. I maintained a near perfect GPA in my program. I did everything that I needed to do to receive the money.

AMERICAN OVERSIGHT

If this is true, I want to express my utter disbelief and shock, considering that we were to start classes again in person on 25 March. Our semester started BEFORE the operations were impacted, as we began our semester the last week on February (24th of February to be precise). We were even informed that there just may be a delay in the disbursement, when we resumed classes on 25 March.

Secondly, I want to express that I depend on my student loans to pay for my tuition fees and living expenses, when I am here. While I have a small part-time job, it could not cover my tuition fees and my living expenses that I have been stuck with.

What will be my options now? Is there anyway that I can appeal this decision through the Department of Education directly?

As an American student and citizen, I would like to note that I am in Krakow, Poland (where the Jagiellonian University) is currently located. I did NOT return to the United States, as I WILL be attending classes physically when they resume here! What am I expected to do now that the Department of Education has told the Jagiellonian University they cannot disburse my loan funds at all? How can we be left without these funds?

I do apologize if the tone of my email has been rather crass, however this is an extreme stress and burden that makes this time all the more difficult for me. Can the Department of Education not reconsider their policy on US students receiving these funds abroad? Can we not get some exception made?

I look forward to your response soon.

Best regards,
Amanda Nicole Alarcon

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:33:13 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: UAFS OPEID 00111000

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Evonne Meeks <Evonne.Meeks@uafs.edu>
**Sent:** Friday, March 20, 2020 11:35 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** UAFS OPEID 00111000

Good morning,

University of Arkansas - Fort Smith
OPEID 00111000

Our institution has moved to an extended spring break beginning March 14,2020 until March 29, 2020. Our on-campus courses are not being held during this extended spring break, however our online courses are still being held. During the NASFAA webinar, it was mentioned that since this break will cause my academic year to be shortened, I would need to request an approval for reduction in length of academic year. I have few questions regarding this guidance.

1. Do I need to request an approval for reduction in length of Academic year due to this extended spring break?
2. Will this have an repercussions for the school, or will this negatively affect students Title IV eligibility?
3. Does my institution need to extend our spring 2020 semester by 1 week, if this will have repercussions?
4. If my institution decides to extend the semester by 1 week, do I need to request an extension of my academic aid year, since my payment period was originally set to end on May 8th?

Please let me know if you need any further information.

Thanks,
Evonne

AMERICAN OVERSIGHT

**Evonne Meeks**
Interim Director of Financial Aid | Office of Financial Aid
**P:** *479-788-7958* | **F:** *479-424-6958* | **E:** *Evonne.Meeks@uafs.edu*
University of Arkansas – Fort Smith, 5210 Grand Ave, Fort Smith, AR 72913
Smith-Pendergraft Campus Center, Second Floor, 214

---

**From:** DallasSPD <DallasSPD@ed.gov>
**Sent:** Friday, March 20, 2020 10:32 AM
**To:** Evonne Meeks <Evonne.Meeks@uafs.edu>
**Subject:** RE: UAFS OPEID 00111000

**CAUTION:** This e-mail originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Evonne,

As of late yesterday evening, our regional offices have been directed to have schools send all questions related to the COVID-19 situation to the following email address: COVID-19@ed.gov.

Please send your questions to that address. Your question(s) will then be answered as soon as possible.

So sorry for the confusion.

Thanks,

**Michael Rhodes**
Institutional Improvement Specialist
US Department of Education
1999 Bryan Street, Suite 1410
Dallas, TX 75201-6817

StudentAid.gov

---

**From:** Evonne Meeks <Evonne.Meeks@uafs.edu>
**Sent:** Thursday, March 19, 2020 10:33 AM
**To:** DallasSPD <DallasSPD@ed.gov>
**Subject:** UAFS OPEID 00111000

Good morning,

University of Arkansas - Fort Smith

AMERICAN OVERSIGHT

OPEID 00111000

Our institution has moved to an extended spring break beginning March 14,2020 until March 29, 2020. Our on-campus courses are not being held during this extended spring break, however our online courses are still being held. During the NASFAA webinar, it was mentioned that since this break will cause my academic year to be shortened, I would need to request an approval for reduction in length of academic year. I have few questions regarding this guidance.

1. Do I need to request an approval for reduction in length of Academic year due to this extended spring break?
2. Will this have an repercussions for the school, or will this negatively affect students Title IV eligibility?
3. Does my institution need to extend our spring 2020 semester by 1 week, if this will have repercussions?
4. If my institution decides to extend the semester by 1 week, do I need to request an extension of my academic aid year, since my payment period was originally set to end on May 8th?

Please let me know if you need any further information.

Thanks,
Evonne

**Evonne Meeks**
Interim Director of Financial Aid | Office of Financial Aid
**P:** *479-788-7958* | **F:** *479-424-6958* | **E:** *Evonne.Meeks@uafs.edu*
University of Arkansas – Fort Smith, 5210 Grand Ave, Fort Smith, AR 72913
Smith-Pendergraft Campus Center, Second Floor, 214

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:21:18 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: UniMelb Financial Aid

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Joanna Montiel <montiels7@hotmail.com>
Sent: Friday, March 20, 2020 2:19 AM
To: COVID-19 <COVID-19@ed.gov>
Subject: UniMelb Financial Aid

Hi,

Due to the corona virus my placement is temporarily on hold, the university has discussed having us do online classes so that we are able to continue with our degree. Would I still be eligible for financial aid if that were the case? I am at the University of Melbourne in Australia.

Thank you,
Joanna Montiel

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:33:45 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: v4/v5 guidance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Lisa Stone <lstone@getfasolutions.com>
**Sent:** Friday, March 20, 2020 12:57 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** v4/v5 guidance

Good afternoon,

As most of our schools, if not all, have closed their on-ground campuses and transitioned to on-line, we have a question about the v4/v5 identity verification. Can our schools verify via a video chat platform? As long as it is documented? I have not seen any guidance on this so I apologize if you have issued guidance and I missed it.

thanks
Lisa

**Lisa Stone**
Director of Compliance
**FA Solutions, LLC**
Phone: 727-565-2048
Email:lstone@getfasolutions.com

**"Sometimes faith will make you look stupid; until it rains." - Noah**

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 22:27:00 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Verification Question: Required documentation to complete V4/V5
**Attachments:** 2019-2020 AVG Identity and Statement of Educational Purpose pg. 89.pdf

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Deana Coady <Deana.Coady@phoenix.edu>
**Sent:** Friday, March 20, 2020 6:21 PM
**To:** AskAFed <AskAFed@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Deana Coady <Deana.Coady@phoenix.edu>
**Subject:** Verification Question: Required documentation to complete V4/V5

*Greetings*

*I have a question related to Verification groups 4 and 5 and the documentation schools are required to collect to verify student identity. I have attached a PDF of the relevant pages from the 2019/2020 FSA Application and Verification Guide.*

*Presently, a student who is selected for verification group 4 or 5 is required to appear in person at the school and sign ("wet" signature) the statement of educational purpose that certifies who s/he is and that the federal student aid s/he may receive will only be used for educational purposes and for the cost of attending the school for the 2019–2020 year. The student must then submit to the school that statement (again, with the "wet" signature), and present a valid, unexpired, government-issued photo identification (ID) such as a passport or a driver's license or other state-issued ID.*

*If the student is unable to appear at the school, s/he must go in person to a notary public and sign the statement of educational purpose. The student must then submit to the school that statement (again, with the "wet" signature), a certification from the notary that s/he appeared before the notary and presented a government issued photo ID confirming his/her identity, and a copy of the same ID (presented).*

*Currently, ED does not does not authorize the use of online notary services as an alternative to traditional, in person notary services.*
*During the current COVID-19 emergency, will this guidance be revisited to allow an impacted student use an online notary service to complete the documentation required to completed V4 or V5?*

*Please advise.*
*Thanks*

AMERICAN OVERSIGHT

*Deana*

**Deana M Coady,** Vice President, Federal Policy and Reporting
**University of Phoenix**
4025 S. Riverpoint Parkway | CF-K903 | Phoenix, AZ 85040
phone: 602.412.9295 | cell: 480.319.3237 | fax: 602.735.4657
email: deana.coady@phoenix.edu

WE RISE
phoenix.edu

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AMERICAN OVERSIGHT

- An academic transcript that indicates the student successfully completed at least a two-year program that is acceptable for full credit toward a bachelor's degree at any participating school. You do not have to collect proof of high school status for graduate students if admission into their program required the completion of at least two years of undergraduate coursework.
- For a student who has not completed high school and is seeking enrollment in a program that leads to at least an associate degree or its equivalent, documentation from the high school that he excelled academically and from your school that he meets your written policy for admitting such students. This should be a rare occurrence.
- For homeschooled students, a copy of a secondary school completion credential for homeschool (other than a high school diploma or its recognized equivalent) if state law requires homeschooled students to get that credential. If it is not required, a transcript or the equivalent signed by the parent or guardian that lists the secondary school courses the student completed and documents the successful completion of a secondary school education in a homeschool setting.
- For students in an "eligible career pathway program," documentation that they passed an approved ATB test or completed at least 6 credit hours or 225 clock hours that are applicable toward a degree or certificate offered by your school. See the margin note.

If your school has already received one of these documents as part of the admission process, you do not need to ask for another. If you successfully verified a student's high school completion in a prior year, you do not need to do it again. Some schools collect seventh semester high school transcripts prior to students receiving an actual diploma, or they collect high school transcripts for some but not all of their students because they may have special programs that admit students without a high school diploma. In both cases, schools must collect separate documentation that shows the date when the diploma was awarded.

When documentation of high school completion is unavailable—e.g., the school is closed and no information is available from another source such as the school district or state department of education, or the parent or guardian who homeschooled the student is deceased—you may accept alternative documentation, such as a military *DD Form 214 Certificate of Release or Discharge from Active Duty* that indicates that the student is a high school graduate or equivalent. However, a student's self-certification is not acceptable except in rare instances for refugees, asylees, and victims of human trafficking, as explained in the margin note on page 88.

### *Identity and statement of educational purpose*

Students should appear in person at your school and present a valid, unexpired,* government-issued photo identification (ID) such as a passport or a driver's license or other state-issued ID. You must maintain an annotated copy of that ID that includes the date it was received and the name of the person your school authorized to receive it.** Note that an ID issued by a state university or college is not sufficient for this purpose.

**Timing of signature**

Any required signatures, such as signatures on worksheets or on copies of tax returns, must be collected at the time of verification—they can't be collected after the verification deadline for that award year.

**Electronic signatures**

For verification documentation, a school may collect an electronic signature for an applicant, parent, or spouse if the process includes an assurance of the identity of the person signing. This is often accomplished with a PIN or password that is assigned only after the identity of the person receiving the PIN or password has been authenticated.

**V4 and V5 reporting**

As explained on page 79, schools are required to report through FAA Access the outcomes of verifying high school completion status and identity/statement of educational purpose for applications with tracking flags V4 and V5.

* The ID just needs to be unexpired at the time it is checked. For proving identity, it does not matter if the ID is due to expire during the award year.
** The school may determine which of its staff are authorized to review an applicant's identity. We do recommend that the person(s) be full-time staff and that the school keep a record of who they are.



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:19:57 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: When are you going to cancel student loans?

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** answers <answers@ed.gov>
**Sent:** Friday, March 20, 2020 4:13 PM
**To:** John Paul Thornton <paul.thornton4@gmail.com>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: When are you going to cancel student loans?

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 20, 2020

Dear John Paul Thornton,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

We appreciate your concern and will share your comments with Secretary DeVos and her senior staff.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach

AMERICAN OVERSIGHT

U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

**From:** John Paul Thornton <paul.thornton4@gmail.com>
**Sent:** Thursday, March 19, 2020 1:45 AM
**To:** answers <answers@ed.gov>
**Subject:** When are you going to cancel student loans?

In the midst of this global pandemic and a near economic depression, it is time to cancel student loans now! When are you going to do so?

Thanks.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:33:31 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Work-Study Allowance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kemia Himon <khimon@mcdaniel.edu>
**Sent:** Friday, March 20, 2020 12:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Work-Study Allowance

Hello,

Due to all of the recent changes, what happens if our institution does not use our full work-study allotment? Will we loose the amount that we didn't use? I'm thinking that with all of the recent changes, even if we continue to pay students, we may not use the full allowance.

I look forward to hearing from you!

Kemia Himon
Financial Aid Director
McDaniel College
2 College Hill-Elderdice Hall
Westminster, MD 21157
Phone: 410.857.2233
Fax: 410.386.4608

McDANIEL
COLLEGE

AMERICAN OVERSIGHT

**From:** Lydia Grate
**Sent:** Fri, 20 Mar 2020 17:50:50 -0500
**To:** COVID-19
**Subject:** FWS - lay off

**Good afternoon,**

I am writing because my campus has moved online due to COVID-19 and is now requiring work to be done remotely.

However, my role requires physical contact (I work in a library scanning and labeling books). Because it seems I am at least temporarily laid off, will I continue to be paid for my FWS grant?

Kind regards,
Lydia

--
**Lydia Grate, MPS Candidate 2022**
*Returned Peace Corps Volunteer (Togo 2011-2013)*
University of Arkansas Clinton School of Public Service
1200 President Clinton Avenue
Little Rock, AR 72201
Cell : (501) 707-5153
www.clintonschool.uasys.edu

AMERICAN OVERSIGHT

**From:** David Williamson
**Sent:** Fri, 20 Mar 2020 21:29:25 +0000
**To:** COVID-19
**Subject:** fws payment.

Our institution has not closed but we have closed offices/department and have restricted public access to campus. We are in the process of converting the remainder of the semester to online instruction if possible. So with this being said, this as made it impossible for our work-study students to continue to work. If our institution has not closed but our students are unable to work due to office closures or restricted access, can we still pay them based on their scheduled hours as long as we can document the inability work due the COVID-19 protocol?

**David Williamson**
*Director of Financial Aid*

---

The University of Southern Mississippi
118 College Dr. #5101| Hattiesburg, MS 39406
P: 601.266.4813 | F: 601.266.5769

AMERICAN OVERSIGHT

**From:** Boyle, Jeffery O
**Sent:** Fri, 20 Mar 2020 15:33:15 +0000
**To:** COVID-19
**Subject:** FWS Student Question

My college is closed to students 03/16/2020 – 03/31/2020. This has stopped all of our FWS student from being able to work. In the 03/05/2020 the FWS section indicated the FWS student could be paid as long as particular requirements were met. One of the conditions was "the institution is continuing to pay its other employees (including faculty and staff)" and I need some clarification on this statement. Our college was closed as a result of a mandate by the SC governor. At this point, we have not been told if we, as state employees, will be paid for those 12 day without having to use annual or sick leave. In other words we are waiting to see how many days the governor is going to give faculty and staff. At this point faculty and staff are looking at the options below.

1. Government grants 1-12 days
2. Work from home for any days not granted by the governor
3. Use annual or sick leave for any days
4. Leave without pay.

In light of the above information, are my FWS students going to be eligible to be paid for all, part, or none of the time we are closed. Is being required to annual or sick leave considered "continuing to be paid"? I want to be able to pay my FWS student, but I also want to be sure I am in compliance with FSA guidance.

Thanks!

Jeff

**Jeffery O. Boyle**
Director of Financial Aid & Veteran Affairs | Financial Aid Office
Spartanburg Community College
Mailing Address: P.O. Box 4386, Spartanburg, SC 29305
Physical Address: 107 Community College Drive, Spartanburg, SC 29303
(864) 592-4823 Phone
boylej@sccsc.edu
www.sccsc.edu

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AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Kesha Fisher
**Sent:** Sat, 21 Mar 2020 15:47:40 -0400
**To:** COVID-19
**Subject:** Debt

I have a current debt to the education department. Will my wages continue to be garnished at 15 % each week? Will I continue to be charged interest rates and collection fees from national recoveries? Kesha ward 08281984 7652 last 4 of social.

AMERICAN OVERSIGHT

**From:** Renee Bolen
**Sent:** Sat, 21 Mar 2020 11:55:38 -0700
**To:** COVID-19
**Cc:** MIHAELA MATEESCU
**Subject:** Distance learning question for students who haven't started school yet

Good afternoon, I have a question regarding students who haven't started school yet. I have read the Covid-19 Electronic Announcement a few times and I just want to be clear on one thing, are we allowed to give Federal Student Aid to students who have not yet started (We dont do early disbursements or give any aid until the student has actually attended). We are a clock-hour school and are implementing Distance Learning during this time until we are able to reopen our campus. We start new classes approx every 8 weeks and we have a new class starting April 7th. It's unclear to me if we are able to provide those students with Financial Aid? We have approval from the state but I just wanted to double check with the Dept that we are allowed to start new students during this time or if we are only allowed to serve currently enrolled students? Any guidance would be greatly appreciated. Thank you very much!

Sincerely,

Renee Bolen
Financial Aid Officer
International School of Beauty
72-261 Highway 111, Ste. 128-B
Palm Desert, CA 92260
Office Phone: 760.674.1624
Office Fax: 760.340.4267
www.btyschool.com
renee_bolen@yahoo.com

AMERICAN OVERSIGHT

**From:** Teri Cochran
**Sent:** Sat, 21 Mar 2020 13:26:56 -0500
**To:** COVID-19
**Subject:** FWS

This was asked and answered (mostly) in the Q&A. We are an institution that has temporarily moved all courses online until April 3rd. Our campus is still open for services (dorms, dining hall (carryout only), computer labs, library, financial aid office and advising, etc.). We would like to discourage students from coming back on campus if they don't have to. Since we are not "closed" can we still pay our FWS students without them technically working?

Thanks again,
Teri

From the Q&A

Our institution is not closed, but we have suspended classes on campus and moved them to a distance
education format. May we pay Federal Work Study (FWS) wages to students who are unable to work
because they have been impacted by COVID-19?

Yes. The FWS guidance in the Electronic Announcement dated March 5, 2020, applies when the student
is unable to work because the school made the decision to close or to move to online/distance education classes and the institution meets the conditions described in Q&A #3 below.
If an FWS student is unable to work his/her scheduled hours because of COVID-19 disruptions (school
closures, employer closures, student quarantined, etc.), the school may pay the student for any scheduled hours or allow the student to work by another means (on-line, remote, telecommute, etc.).
Students should be paid the wage rate that they would have been paid if they were able to work the
scheduled hours.
In this circumstance, when a school pays the student for the hours the student was scheduled to work,
but did not work, the school is not required to submit any documentation to the Department. However,
the school must document the number of scheduled hours a student should be paid prior to paying the
student. Schools should also document in the student's file any actions that were taken regarding payment of FWS funds for scheduled hours that were not worked by the student.

--

AMERICAN OVERSIGHT

Teri Cochran, Ed.D
Director of Student Financial Services
Northeastern State University
715 N Grand Ave
Tahlequah, OK 74464

918-444-3456

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AMERICAN OVERSIGHT

**From:** Meza, Eric C
**Sent:** Sat, 21 Mar 2020 21:41:53 +0000
**To:** COVID-19
**Subject:** public institution of higher ed.- inquiry-COVID 19

Good Day,

I work in legal affairs for the University of Texas at El Paso. As our institution does its best to cope with the COVID-19 pandemic, as we look forward to the recovery process, I write to ask if the Dept of Ed. has any sort of matrix, fact sheet, white paper, or other guidance that advises of waive-able or potentially waive-able laws, regulations, etc., in furtherance of and with respect to institutions of higher education?...

Your guidance on such matter is truly truly appreciated.

Eric Meza
Legal Officer
The University of Texas at El Paso

AMERICAN OVERSIGHT

**From:** Margaret Buckton
**Sent:** Sat, 21 Mar 2020 07:51:10 -0500
**To:** COVID-19
**Cc:** Pratt, Allen
**Subject:** question about special education documentation during school shutdown

Good morning DOE authorities,
I communicated with Dr. Allen Pratt of the National Rural Education Association and he shared this email address to submit questions. Thanks for all of your hard work during these extraordinary times.

Many school districts in Iowa are continuing to pay staff during our schools COVID-19 shutdown, at least for the first four weeks, and will have to consider options if the shutdown is extended. The way school finance works in Iowa, however, districts will have to use general funds to pay for special education teachers and paras, if there isn't relief from documentation concerning the hours used to provide special education services.

Schools remain concerned that hourly support staff in particular will search for other work or more affordable living circumstances and may not be available to return when school resumes if they have to live on reduced income levels from unemployment insurance, especially if the shutdown is extended. With many school districts budgeting in survival mode for the last several years, there just aren't sufficient local dollars to supplant the salaries of our special education staff. We need them to be ready to jump in and help make up for missed time and services when school resumes.

Please consider allowing districts to flexibility use special education funds to continue to pay special education staff, which would include some short term relief from the regulations to document hours and services provided if employees are paid by schools for days of shutdown due to COVID-19.

Again, thank you for your hard work during this unprecedented and extraordinary series of events.
Margaret

*Margaret Buckton, Lobbyist,* **UEN** and **RSAI**
*Partner,* **Iowa School Finance Information Services**
1201 63rd Street
Des Moines, IA 50311
(515) 251-5970 office
(515) 201-3755 cell
margaret.buckton@isfis.net

AMERICAN OVERSIGHT

**From:** Marcus Mcdonald
**Sent:** Fri, 20 Mar 2020 21:18:36 -0700
**To:** COVID-19
**Subject:** Student Loan

Good evening,
I attend Laney College in oakland California and submitted a student loan request packet about 4 weeks ago and was wondering if that would be impacted in any way by the closure of my school? I havent heard back from my school about this yet and would like to know, thank you ,

Marcus Mcdonald

AMERICAN OVERSIGHT

**From:** Tara Ricketts palmer
**Sent:** Sat, 21 Mar 2020 15:10:05 -0400
**To:** COVID-19
**Subject:** Teachers Teaching

Good afternoon,
Should teachers be going on school premises to do online teaching to kids?

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:54:32 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: shorting a term and FWS

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** McKinney, Paul <paul.mckinney@msstate.edu>
**Sent:** Thursday, March 19, 2020 3:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** shorting a term and FWS

If we end our semester early can I still pay the work-study through what was suppose to be end of the term? Or does the FWS end with the end of shortened term?

Paul

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:47 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Siena College (002816-00)- Term Length

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Lawyer, Mary <mlawyer@siena.edu>
**Sent:** Wednesday, March 18, 2020 3:56 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Siena College (002816-00)- Term Length

Siena College has extended spring break, due to Coronavirus. How do we obtain permission to shorten our term to accommodate this additional break? Who should make the request? What information do you need included in the request? Where shold we send the request? How long will it take for us to be informed if our request has been approved?

Thank you!
Mary

**Mary Lawyer** | Siena College
Associate Vice President of Enrollment Management

O 518-783-4288
C 518-588-3538
E mlawyer@siena.edu
W siena.edu

*The Siena experience is built for a new generation of leaders eager to create a more just, peaceful and humane world. It empowers them through a transformative journey of intellectual, spiritual and personal discovery.*

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 21:12:27 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Staff and teachers

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Kim hammett <kimhammett@live.com>
Sent: Friday, March 13, 2020 6:23 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Staff and teachers

If a school is closed until April 14, why would the teachers and staff still be required to come to work? I myself am 55 years old and already have respiratory issues due to medications that I take. There is a lot of confusion on this issue for different parishes in Louisiana that are telling us that we will not get paid if we do not come to work! That if we do not come it will take our sick time then when it is gone it will be time taken without pay!!!!
Please help me understand!!!!
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:57:00 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Student Interns/Student Teaching

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Wanda Laducer <wladucer@tm.edu>
**Sent:** Wednesday, March 18, 2020 1:59 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Wanda Laducer <wladucer@tm.edu>
**Subject:** Student Interns/Student Teaching

My name is Wanda Laducer. I am the Dean of Students at the Turtle Mountain Community College- a tribal college in North Dakota. We are moving to online instruction after our spring break next week until April 13, 2020. At that time, the Coronavirus situation will be reassessed to see if we need to continue with online instruction.

My question is - How will this affect our students enrolled in Bachelor's degree programs who are doing their student teaching in the school systems? If the school closes for the next three to four weeks and possibly for the rest of the school year, how will this impact the 12 credits that they would have earned for the student teaching portion of their program of study in order to complete the requirement of the number of hours that the needed to student teach.

The same situation arises for our students who are in a Bachelor's degree program that requires they do an internship at an organization within the community. Our students are required to take 12 credits of internship at an organization in our community. What if the organization closes down temporarily because of COVID-19? How will this affect those 12 credits and with completing their program of study?

Are students required to have so many contact hours - in the classroom or internship to have considered completing the 12 credit hours? How will this impact those hours if everything gets shut down in our community?

Thank you and I look forward to a response.

Wanda

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--

Wanda Laducer, Dean of Students
Turtle Mountain Community College
701.477.7862 x. 1156
wladucer@tm.edu
P.O. Box 340
10145 BIA Road 7
Belcourt, ND 58316

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:11:51 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Suggestion Re, urgent help to fight corona virus
**Attachments:** Corona Virus fight Concept paper.docx

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Integrated Devt for Marginalized Community <integratedcommunitydevt@gmail.com>
Sent: Wednesday, March 18, 2020 12:16 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Suggestion Re, urgent help to fight corona virus

Dear Sir/madam,

Please receive the attached project concept

Kind regards and God bless you

Muliwabyo Justus

IDMC Director

AMERICAN OVERSIGHT

# INTEGRATED DEVELOPMENT FOR MARGINALIZED COMMUNITY – (IDMC)

*"For People Empowerment"*

**Tel**: +256 782823621

**Email:** integratedcommunitydevt@gmail.com/
info@idm-community.org

**Website:** http://www.idm-community.org

P. o Box 65, Kasese, Uganda
Address: Margarita Street Opposite Umeme Town Center
Central Division Offices Kasese Municipality 2nd floor

URL
Website: http://www.idm-community.org
Face book: http://www.facebook.com/IDMCommunity/
Twitter: http://www.twittter.com/IDMC16 @IDMC16
EURO account for Integrated Development
IDMC Euro account no as 6004775110
,Swift Code:BARCUGKX, IBAN:GB43BARC20325357227222,in ABSA bank of Uganda LTD P.O.Box 2971 Kampala.


---

**Date: 18/03/2020**

**Dear Sir/Madam;**

**RE:URGENT REQUEST FOR FUNDS WORTH EUROS 150500 FOR CORONA VIRUS SAFE EDUCATION INITIATIVE.**

**Name of the organization**: Integrated Development for marginalized community (IDMC) is a non-profit making voluntary organization and it started in 2010. IDMC is registered with Kasese District community development office with REG NO: **1106** and also incorporated at National level as nonprofit with REG No: **8002001404179** with registrar of companies – Kampala and also registered with the NGO board with registration No: **MIA/NB/2018/12/1716**, having our head office in the Kasese District.

Corona virus Safe Education Initiative

Summary

The Uganda has thousands of seafarers and Overseas Ugandan Workers (OFWs) which might carry the novel corona-virus back to their home-place and spread the contagion. The virus emanates from Wuhan, China and is now spreading worldwide. This project will educate local people by means of leaflets, launch our sensitization Centre, social media and small meetings on how to detect symptoms, what to do in order to prevent transmission and how to practice health precautions when a case starts to appear and infect people.

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Challenge

The novel corona-virus emanating from Wuhan, China is spreading rapidly mainly due to the ease of travel nowadays. The Uganda has thousands of seafarers and overseas workers who may be unknowing carriers and spreaders of the virus when they go back home or when their ships dock in the country. With little education, the virus can spread quickly with destructive impact to the people. The need for education while this is still not the case is urgent and the time is now!

Solution

We will provide education campaign, launch A sensitization centre via multiple sources and mainly through social media, flyers and leaflets, bulletin boards and small meetings in order to inform the public about symptoms of the virus, what to do in order to prevent transmission and what health precautions to take when a suspected case arise.

Long-Term Impact

The health and wellness of people and communities is paramount. With very little education and when the virus spreads, it will spread very quickly and will result to thousands if not millions in morbidity and mortality. With pro-active prevention, the spread will be contained and damage minimal.

Muliwabyo

Muliwabyo Justus

IDMC Director

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:55:35 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Support

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Joseph Benson <bensonjoseph74@gmail.com>
**Sent:** Thursday, March 19, 2020 4:01 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Support

To whom it may concern,

I am writing as an International student ( US citizen pursuing my postgraduate degree in the U.K) who is seeking advice on financial support. Considering this pandemic, I decided to stay in the UK and not travel back to the USA to avoid the spread of this disease.

However, considering this ongoing economic crisis will affect my finances in relation to tuition fees, I am writing to seek any advice, guidance, assistance, or help as to how I will survive financially given my status and not being able to access any financial benefits that may be made available for American citizens at home.

I am hoping to hear from someone soon.

Thank you!
Sincerely,
Joseph Benson.

--
***"Being humble means recognizing that we are not on earth to see how important we can become, but to see how much difference we can make in the lives of others"***

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:49:38 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: Supporting Early Intervention Providers

Hi Laurie,

The COVID-19 mailbox received an inquiry for Special ED. Below is the inquiry.

Thanks,
Kelly

---

**From:** PhoenixDoyle, Kathey, DOH <Kathey.PhoenixDoyle@state.nm.us>
**Sent:** Thursday, March 19, 2020 2:16 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Supporting Early Intervention Providers

Will any funding be sent to states to ensure our current Early Intervention Provider Agencies are able to remain open due to the loss of revenue during this health emergency? Following social distancing guidelines will mean no home visits thus lack of revenue via fee for service payment.

Will guidance be given regarding Part C timelines during the COVID-19 crisis or do we continue to refer to the 2018 material?

Will the SSIP deadline be extended due to the immense strain on State Coordinators being pulled to support their state with the emergency?

Thank You

Kathey Phoenix-Doyle

**Kathey Phoenix-Doyle**
**FIT Program Manager**

NEW MEXICO DEPARTMENT OF HEALTH

PHAB

*Accredited since 2015*

**Child & Family Support Bureau**
Developmental Disabilities Supports Division
810 W San Mateo Ste 105
Santa Fe, NM 87505
ph:(505) 476-8842
Cell: (505) 604-7285
fax 1-877-1472
www.nmhealth.org

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 21:12:30 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Temp Closure

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Greg Windham <jgwindham@nemcc.edu>
Sent: Friday, March 13, 2020 9:48 AM
To: COVID-19 <COVID-19@ed.gov>
Subject: Temp Closure

Do schools need to request anything if they are, for example, extending Spring Break for one week? We are not sure if the guidance meant closing for a week or closing for the semester. We are a Monday through Thursday school so we would miss two class meetings and have the availability to make up lost class time.

Thank you in advance,

Greg

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:55:07 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Term schools

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Lisa Stone <lstone@getfasolutions.com>
**Sent:** Thursday, March 19, 2020 9:28 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Term schools

Good morning,

From the guidance issued on March 5. It was my understanding that term schools could also have LOA's with the understanding that the student will still have to be able to come back exactly where they left off? Or the ED LOA rules remain the same and an LOA is not something a term school can consider as this is happening in the middle of the term?

Lisa

**Lisa Stone**
Director of Compliance
**FA Solutions, LLC**
Phone: 727-565-2048
Email:lstone@getfasolutions.com

**"Sometimes faith will make you look stupid; until it rains." - Noah**

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**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 20:37:41 +0000
**To:** Sullivan, Madeline
**Cc:** COVID-19
**Subject:** FW: this my idea as personal about covid-19
**Attachments:** ice green cough drops.jpg, waragi.jpg, Health - COVID-19 - General Inquiry.docx

Hi Madeline,

Please find attached an email from the COVID-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

**From:** Melita Chris <melitachris14@gmail.com>
**Sent:** Tuesday, March 17, 2020 1:16 PM
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** this my idea as personal about covid-19

hello how are you?
am chris but just iwas asking about covid-19 and learn more about it?
they say that aperson with it get fluo and cough?right?
iwas asking if you mix waragi and ice green cough drops and drink, will it reduces coughs and fluo for some days but not science made but in african ways some people uses it to fight cough and fluo.do you think if you add more arts in it can help?am not adoctor but my idea may be can aadd.
irequest not to take me in this wrongly but if is wrongly irequest to forgive me because covid-19 eats everyone so thats why iwas asking if african way works too?
COVID-19@ed.gov.

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1-A-009497

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Dear NAME:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 20:19:52 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Tunica-Biloxi S299A160104 - COVID-19 Grant Guidance
**Attachments:** Remote Learning Plan - Tunica-Biloxi Ed Program S299A160104.pdf, Letter for Covid 19 response highlighted.pdf
**Importance:** High

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** John D. Barbry <JDBarbry@tunica.org>
**Sent:** Wednesday, March 18, 2020 6:32 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Tullos, Tanya <tanya.tullos@ed.gov>; Williams, Bianca <Bianca.Williams@ed.gov>; Lonita F. Fantroy <Lfantroy@tunica.org>; Marshall Pierite <MPierite@tunica.org>; Francine Darby <Fdarby@tunica.org>; Earl J. Barbry, Jr. <earlii@tunica.org>; Jacob L. Snow <jsnow@tunica.org>
**Subject:** Tunica-Biloxi S299A160104 - COVID-19 Grant Guidance
**Importance:** High

Dear DOE COVID-19 Response Team:

The Tunica-Biloxi Council declared a state of emergency on Thursday, March 12, following the Louisiana public health emergency declared by Governor Edwards on Wednesday, March 11. The Tunica-Biloxi tribal government offices are likely to close due to safety concerns related to the COVID-17. Local schools closed as of March 16.

As of today, the Avoyelles Parish School District is still compiling electronic and paper resource packets for students. The district is counting on parents to reach out to pick up these paper packets or retrieve them online. The School District has been distributing USDA Food and Nutrition Service funded meals via drive-by pickup for students up to age 18.

During school and office closures, Tunica-Biloxi Education Program (TBEP) staff will encourage program students to take part in activities via online applications. (See the attached plan). TBEP will be contacting parents and guardians of all enrolled grant program students to make sure they are taking advantage of work to help them stay caught up.

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I received the attached letter from USET which outlines OMB guidance on the emergency response related to COVID-19 during the period formally declared by the Department of Health and Human Services through the 90 Day Public Health Emergency Declaration (Public Health Emergency Period).

Can you provide specific guidance on whether we can still pay our NYCP-Demonstration grant coordinator, academic counselors, outreach specialist/administrative assistant and project director from our NYCP Demonstration Grant – *Tunica-Biloxi Education Program to Prevent Drop-outs* (S299A160104) during our Tribe's potential shutdown?

Hita (take care),

John D. Barbry
Director of Development & Programing
Language & Culture Revitalization Program
Education Program
Scholarship Program
Tunica-Biloxi Tribe of Louisiana
150 Melacon Road
Marksville, LA 71351
O (318) 240-6412
M (318) 481-9526
F (318) 253-9791

Excerpt from attached letter:

**6. Expenditure of award funds for salaries and other project activities.**

A warding agencies may allow recipients to continue to charge salaries and benefits to currently active Federal awards consistent with the recipient organization's policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and nonFederal. Agencies may allow other costs to be charged to Federal awards, including those necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the project. Federal

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agencies may also evaluate the recipient's ability to resume the project activity in the future and the appropriateness of future funding, as done under normal circumstances, based on subsequent progress reports and other communications with the recipient.

---

**From:** Brandy Venuti [mailto:BVenuti@USETINC.ORG]
**Sent:** Tuesday, March 17, 2020 4:03 PM
**To:** Brandy Venuti
**Subject:** USET Program Alert: OMB COVID-19 Grant Guidance
**Importance:** High

Good afternoon USET Board of Directors and Committee members,

The Office of Management and Budget (0MB) has identified the following agency actions to relieve short term administrative, financial management and audit requirements under 2 CFR 200, Uniform Administrative Requirements, Cost principles and Audit Requirements for Federal Awards, without compromising Federal financial assistance accountability requirements. In accordance with 2 CFR § 200.102, Exceptions, 0MB is allowing Federal agencies to grant class exceptions in instances where the agency has determined that the purpose of the Federal awards is to support the continued research and services necessary to carry out the emergency response related to COVID-19. Further, agencies are reminded of their existing flexibility to issue exceptions on a case-by-case basis in accordance with 2 CFR § 200.102, Exceptions.

The Administration will evaluate if these flexibilities should be extended to recipients whose operations have been adversely impacted in the emergency response related to COVID-19 at a later date.

Please see the attached document for additional information regarding Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19).

Thank you and have a great day!

brandy sue venuti
special projects coordinator
*Office Hours Mon-Fri 7:30 am – 1:30 pm CT*

United South & Eastern Tribes, Inc.
711 Stewarts Ferry Pike, Suite 100
Nashville, TN 37214
615.456.6553 (p)
615.872.7417 (f)

bvenuti@usetinc.org

www.usetinc.org
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**Tunica-Biloxi Education Program Remote Learning Plan during school and tribal government closings due to COVID-19**

REMOTE COMMUNICATION TECHNOLOGY

- Options for remote (virtual) learning may include Skype in the Classroom, FlipGrid, Go to Meetings, Zoom, Google Classroom
- Academic Lesson using PowerPoint, Khan Academy, Google Classrooms, March2Success
- Virtual Conference: Assisting students with homework/assignments, email, text, phone Face Time, Google Duo and/or group chats
- Staff administrative duties: Data Entry, Lesson Planning & Summer Planning and Student Advocacy/Correspondence with District Administrators and Schools
- An optional learning plan will be provide to students living in rural areas with limited access to technology, students enrolled in online learning schools, and students with a disability

PROPOSED SCHEDULE

**Monday**

| STUDENTS | TIME | WORKSHOPS (VIRTUAL LEARNING) |
|---|---|---|
| In Avoyelles Parish public school students attend classes 4-days per week | | |
| Staff – Lesson Prep Day and Planning<br>Staff will use the day for staff discussions, contact data entry and updating student database. | | |

**Tuesday / Thursday**

| STUDENTS | TIME | ACADEMIC READINESS LABS |
|---|---|---|
| Middle School Students (Grades 6-8) | 9:00am | Math / Science |
| | 10:00am | ELA / Reading |
| | 11:00am | Homework & Assignment Help |
| | | |
| High School Students (Grades 9-12) | 1:00pm | Math |
| | 2:00pm | Science |
| | 3:00pm | English / History |
| Lessons will be taught through various technologies such as Khan Academy, March²Success, ZOOM, Go To Meetings, Zearn | | |

**Wednesday**

| STUDENTS | TIME | WORKSHOPS (VIRTUAL LEARNING) |
|---|---|---|
| All Students (Grades 6-12) | 9:00am | Independent Learning |
| | 10:00am | College / Career |
| | 11:00am | Culture / Life Skills |
| Workshops<br>• **College / Career** – ONET and Career presentations, Virtual College Tours<br>• **Culture** – Tunica Language, Etiquette, Cultures and historical facts, Virtual Sight-seeing & Travel, Virtual Museums Tours | | |

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| |
|---|
| • **Life Skills** – Basic Accounting (balancing a checkbook, Money 101 (check-debit-credit cards & savings), Keyboarding (Typing), Research, DIY Projects, Preparing a balance meal, Goal-setting (vision boards) |
| Staff will use the afternoon to assess student learning and assign independent projects.<br>As well as data entry of student contacts & notes. |

**Friday**

| STUDENTS | TIME | EDUCATIONAL ENRICHMENT (VIRTUAL ACTIVITIES) |
|---|---|---|
| | 9:00am – 10:00am | Educational Enrichment |
| | 10:00am – 12:00pm | College Prep |
| | 2:00pm – 4:00pm | Virtual Conference |
| | | |

**Educational Fun:** utilize technology to maintain relations amongst students (Anagram, Jeopardy, Kahoot)

**College Prep:** Working with graduating students (grade 11 & 12) on ACT Test Prep (ACT Academy/ March²Success) & College Prep (Scholarships/FinAid and Admissions).

**Virtual Conference:** Staff will use the afternoon to conference with students and parents via text, phone, email, FaceTime, Google Duo, Skype, Zoom.

**School Advocacy:** Correspondence day with District Administrators District and Schools for updates and student progress.

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEPUTY DIRECTOR
FOR MANAGEMENT

March 9, 2020

M-20-11

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Margaret Weichert
Deputy Director of Management

SUBJECT: Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

The Office of Management and Budget (OMB) has identified the following agency actions to relieve short term administrative, financial management and audit requirements under 2 CFR 200, *Uniform Administrative Requirements, Cost principles and Audit Requirements for Federal Awards*, without compromising Federal financial assistance accountability requirements. In accordance with 2 CFR § 200.102, *Exceptions,* OMB is allowing Federal agencies to grant class exceptions in instances where the agency has determined that the purpose of the Federal awards is to support the continued research and services necessary to carry out the emergency response related to COVID-19. Further, agencies are reminded of their existing flexibility to issue exceptions on a case-by-case basis in accordance with 2 CFR § 200.102, *Exceptions.*

The Administration will evaluate if these flexibilities should be extended to recipients whose operations have been adversely impacted in the emergency response related to COVID-19 at a later date.

Awarding agencies are authorized to take the following actions, as they deem appropriate, with respect to the administrative provisions that apply to this class of Federal awards. These exceptions are time limited and are only applicable for those awards that support the continued research and services necessary to carry out the emergency response related to COVID-19 during the period formally declared by the Department of Health and Human Services through the 90 Day Public Health Emergency Declaration (Public Health Emergency Period).

**1. Flexibility with SAM registration/recertification for applicants.**

Awarding agencies can relax the requirement for active SAM registration at time of application in order to expeditiously issue funding. At the time of award, the requirements of 2 CFR § 200.205, *Federal awarding agency review of risk posed by applicants*, continue to apply.

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**2. Waiver for Notice of Funding Opportunities (NOFOs) Publication.**

Awarding agencies can publish emergency Notice of Funding Opportunities (NOFOs) for less than thirty (30) days without separately justifying shortening the timeframe for each NOFO. Awarding agencies would still be required to document and track NOFOs published for less than thirty (30) days under this emergency waiver.

**3. Pre-award costs.**

Awarding agencies may allow necessary pre-award costs that are incurred (i) from January 20, 2020 through the Public Health Emergency Period and (ii) prior to the effective date of a Federal award.

**4. No-cost extensions on expiring awards.**

Awarding agencies may extend awards which are active as of March 31, 2020 and scheduled to expire prior or up to December 31, 2020, automatically at no-cost for a period up to twelve (12) months. This will allow time for recipient assessments, the resumption of many individual projects, and a report on program progress and financial status to agency staff. Project-specific financial and performance reports will be due 90 days following the end date of the extension. Agencies will examine the need to extend other project reporting as the need arises.

**5. Abbreviated non-competitive continuation requests.**

For non-competitive continuation requests scheduled to come in from April 1, 2020 to December 31, 2020 from projects with planned future support, awarding agencies may accept a brief statement from grantee organizations to verify that they are in a position to: (i) resume or restore their project activities and (ii) accept a planned continuation award. Agencies should post any specific instructions on their website. Agencies will examine the need to extend this approach on subsequent continuation award start dates as grantee organizations have an opportunity to assess the situation.

**6. Expenditure of award funds for salaries and other project activities.**

Awarding agencies may allow recipients to continue to charge salaries and benefits to currently active Federal awards consistent with the recipient organization's policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal. Agencies may allow other costs to be charged to Federal awards, including those necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the project. Federal agencies may also evaluate the recipient's ability to resume the project activity in the future and the appropriateness of future funding, as done under normal circumstances, based on subsequent progress reports and other communications with the recipient.



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**7. Waivers from prior approval requirements.**

Awarding agencies are authorized to waive prior approval requirements as necessary to effectively address the response. All costs charged to Federal awards must be consistent with Federal cost policy guidelines and the terms of the award, except where specified in this memorandum.

**8. Exemption of certain procurement requirements.**

Awarding agencies may waive the procurement requirements contained in 2 CFR § 200.319(b) regarding geographical preferences and 2 CFR § 200.321 regarding contracting small and minority businesses, women's business enterprises, and labor surplus area firms.

**9. Extension of financial and other reporting.**

Awarding agencies may allow recipients to delay submission of financial and other reports up to three (3) months beyond the normal due date. If an agency allows such a delay, recipients will continue to draw down Federal funds without the timely submission of these reports. However, these reports must be submitted at the end of the postponed period.

**10. Extension of Single Audit submission.**

Awarding agencies should allow grantees to delay the completion and submission of the Single Audit report as required under Subpart F of 2 CFR 200, *Audit Requirements*, to twelve (12) months beyond the normal due date. The delayed completion and submission would still qualify the grantee as a "low-risk auditee" under the criteria of 2 CFR § 200.520(a), *Criteria for a low-risk auditee*.

Questions regarding the above administrative relief provisions should be directed to Office of Federal Financial Management – Gilbert Tran at (202) 395-3052 or Rhea Hubbard at (202) 395-2743.



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 19:54:42 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: University Committed Bribery

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Edwin Renteria <xwin123@gmail.com>
**Sent:** Thursday, March 19, 2020 2:47 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** University Committed Bribery

Under Section 1341 Title 18 and decided, devise, and construct fraudulent pretenses, representations, dispose of a $10,000 check/funds, exchange, alter, distribute a settlement to me in order from myself not institute legal proceedings against that institution/university in the future. Devry wanted to accommodate on me signing a settlement so if that I agree with a lawful conflict.
Sincerely,
Edwin Renteria
670 Erie St, Apt. 7 Pomona, CA 91768
(909)272-7614

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:12:02 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: UV Lights - grant funding

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Mark Parish <mparish@comair-inc.com>
**Sent:** Wednesday, March 18, 2020 2:31 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** UV Lights - grant funding

Is there possibly a grant or Federal funding available for Schools and Business to offset the cost of the installation of UV lighting into HVAC equipment that can be applied for? I have a large central Arkansas school district asking questions on this. UV lighting is one of the methods for killing virus and preventing the spread. Any assistance you can give me will be most appreciated.

**Mark Parish**

Commercial Air Inc.
9811 I-30
Little Rock, Ar 72209
Ph (501) 562-6982_
Cell (501)773-4102

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:55:40 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Vanguard University: request for a reduction in length of the academic year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Pena, Denise <denise.pena@vanguard.edu>
**Sent:** Thursday, March 19, 2020 2:13 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Vanguard University: request for a reduction in length of the academic year

Good Evening,

In response to the COVID-19 outbreak, Vanguard University (OPEID 001293-00) decided to extend Spring Break by 1 week and not extend the academic year out. Plainly, we are reducing the length of our SP2020 term and AY by 1 week.

Can someone please assist us in getting this approval for our institution? Classes will resume online for the remainder of the term.

Thank you.

Peace,

**DENISE PEÑA**
Director | Financial Aid Office
T 714.619.6691 F 714.619.6655 financialaid.vanguard.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 13:56:26 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Verification Question: Required documentation to complete V4/V5
**Attachments:** 2019-2020 AVG Identity and Statement of Educational Purpose pg. 89.pdf

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Deana Coady <Deana.Coady@phoenix.edu>
**Sent:** Wednesday, March 18, 2020 7:11 PM
**To:** AskAFed <AskAFed@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Deana Coady <Deana.Coady@phoenix.edu>
**Subject:** Verification Question: Required documentation to complete V4/V5

*Greetings*

*I have a question related to Verification groups 4 and 5 and the documentation schools are required to collect to verify student identity. I have attached a PDF of the relevant pages from the 2019/2020 FSA Application and Verification Guide.*

*Presently, a student who is selected for verification group 4 or 5 is required to appear in person at the school and sign ("wet" signature) the statement of educational purpose that certifies who s/he is and that the federal student aid s/he may receive will only be used for educational purposes and for the cost of attending the school for the 2019–2020 year. The student must then submit to the school that statement (again, with the "wet" signature), and present a valid, unexpired, government-issued photo identification (ID) such as a passport or a driver's license or other state-issued ID.*

*If the student is unable to appear at the school, s/he must go in person to a notary public and sign the statement of educational purpose. The student must then submit to the school that statement (again, with the "wet" signature), a certification from the notary that s/he appeared before the notary and presented a government issued photo ID confirming his/her identity, and a copy of the same ID (presented).*

*Currently, ED does not does not authorize the use of online notary services as an alternative to traditional, in person notary services.*
*During the current COVID-19 emergency, will this guidance be revisited to allow an impacted student use an online notary service to complete the documentation required to completed V4 or V5?*

*Please advise.*
*Thanks*

AMERICAN OVERSIGHT

*Deana*

**Deana M Coady,** Vice President, Federal Policy and Reporting
**University of Phoenix**
4025 S. Riverpoint Parkway | CF-K903 | Phoenix, AZ 85040
phone: 602.412.9295 | cell: 480.319.3237 | fax: 602.735.4657
email: deana.coady@phoenix.edu

WE RISE
phoenix.edu

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- An academic transcript that indicates the student successfully completed at least a two-year program that is acceptable for full credit toward a bachelor's degree at any participating school. You do not have to collect proof of high school status for graduate students if admission into their program required the completion of at least two years of undergraduate coursework.
- For a student who has not completed high school and is seeking enrollment in a program that leads to at least an associate degree or its equivalent, documentation from the high school that he excelled academically and from your school that he meets your written policy for admitting such students. This should be a rare occurrence.
- For homeschooled students, a copy of a secondary school completion credential for homeschool (other than a high school diploma or its recognized equivalent) if state law requires homeschooled students to get that credential. If it is not required, a transcript or the equivalent signed by the parent or guardian that lists the secondary school courses the student completed and documents the successful completion of a secondary school education in a homeschool setting.
- For students in an "eligible career pathway program," documentation that they passed an approved ATB test or completed at least 6 credit hours or 225 clock hours that are applicable toward a degree or certificate offered by your school. See the margin note.

If your school has already received one of these documents as part of the admission process, you do not need to ask for another. If you successfully verified a student's high school completion in a prior year, you do not need to do it again. Some schools collect seventh semester high school transcripts prior to students receiving an actual diploma, or they collect high school transcripts for some but not all of their students because they may have special programs that admit students without a high school diploma. In both cases, schools must collect separate documentation that shows the date when the diploma was awarded.

When documentation of high school completion is unavailable—e.g., the school is closed and no information is available from another source such as the school district or state department of education, or the parent or guardian who homeschooled the student is deceased—you may accept alternative documentation, such as a military *DD Form 214 Certificate of Release or Discharge from Active Duty* that indicates that the student is a high school graduate or equivalent. However, a student's self-certification is not acceptable except in rare instances for refugees, asylees, and victims of human trafficking, as explained in the margin note on page 88.

### *Identity and statement of educational purpose*

Students should appear in person at your school and present a valid, unexpired,* government-issued photo identification (ID) such as a passport or a driver's license or other state-issued ID. You must maintain an annotated copy of that ID that includes the date it was received and the name of the person your school authorized to receive it.** Note that an ID issued by a state university or college is not sufficient for this purpose.

**Timing of signature**

Any required signatures, such as signatures on worksheets or on copies of tax returns, must be collected at the time of verification—they can't be collected after the verification deadline for that award year.

**Electronic signatures**

For verification documentation, a school may collect an electronic signature for an applicant, parent, or spouse if the process includes an assurance of the identity of the person signing. This is often accomplished with a PIN or password that is assigned only after the identity of the person receiving the PIN or password has been authenticated.

**V4 and V5 reporting**

As explained on page 79, schools are required to report through FAA Access the outcomes of verifying high school completion status and identity/statement of educational purpose for applications with tracking flags V4 and V5.

* The ID just needs to be unexpired at the time it is checked. For proving identity, it does not matter if the ID is due to expire during the award year.

** The school may determine which of its staff are authorized to review an applicant's identity. We do recommend that the person(s) be full-time staff and that the school keep a record of who they are.



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 21:12:40 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Verification Relief for V4 & V5 Selected Students

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Peterson, David (peterd8) <peterd8@ucmail.uc.edu>
**Sent:** Thursday, March 19, 2020 5:01 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Verification Relief for V4 & V5 Selected Students

ED,

Please provide guidance or relief from the in person requirement for the Identity and Statement of Educational Purpose requirements of V4 and V5 selected students.

Our institution has 21 students for 2019-2020 who cannot complete this requirement due to the COVID-19 outbreak.

Sincerely,

David Peterson

*David A. Peterson*
*Assistant Vice Provost*
*Enrollment Management/Student Financial Aid*
*547 University Pavilion*
*University of Cincinnati*
*Cincinnati, OH 45221-0125*
*513-556-9939*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Thu, 19 Mar 2020 14:55:31 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Wage Garnishment Orders

Hi OPE,

The customer is following up on there inquiry.

Thanks,
Kelly
Follow-up

---

**From:** Garnishments <Garnishments@fultonschools.org>
**Sent:** Thursday, March 19, 2020 8:12 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** answers <answers@ed.gov>
**Subject:** RE: Wage Garnishment Orders

Good morning,

We hope this email finds you well.
We wanted to follow up and see if you have had a chance to review our request.

Thank you kindly in advance!

Kind Regards,

Payroll Department | Fulton County Schools
6201 Powers Ferry Road NW | Atlanta, GA 30339
470-254-6849 ph | 470-254-5515 fax
garnishments@fultonschools.org | www.fultonschools.org

*"Payroll's mission is to approach each assignment with integrity while providing customer service that fosters trust, respect, transparency, and resolve."*

Fulton County Schools
Where Students Come First

---

**From:** Garnishments <Garnishments@fultonschools.org>
**Sent:** Monday, March 16, 2020 11:09 AM
**To:** COVID-19@ed.gov
**Cc:** answers@ed.gov
**Subject:** RE: Wage Garnishment Orders

AMERICAN OVERSIGHT

Good morning,

We are following up to our request from last week.
Could you kindly provide us with an update?

Thank you in advance!

Kind Regards,

Payroll Department | Fulton County Schools
6201 Powers Ferry Road NW | Atlanta, GA 30339
470-254-6849 ph | 470-254-5515 fax
garnishments@fultonschools.org | www.fultonschools.org

*"Payroll's mission is to approach each assignment with integrity while providing customer service that fosters trust, respect, transparency, and resolve."*

---

**From:** Garnishments <Garnishments@fultonschools.org>
**Sent:** Friday, March 13, 2020 8:49 AM
**To:** COVID-19@ed.gov
**Cc:** answers@ed.gov
**Subject:** Wage Garnishment Orders

Good morning,

We hope this email finds you well.
We are reaching out and wish for this email to be forwarded to the proper area for handling of our request.

In preparation for the Corona Virus impact to our work operation, we are needing to know if there is a way that Student Loan Wage Garnishment Orders coming from the U.S. Department of Education, could be emailed to Payroll directly.
Currently we receive all Student Loan Wage Garnishment Orders by mail delivery.

Please kindly consider our request and inform us of the process to get this converted to email delivery.
Thank you in advance for your help and consideration of this as we all work through the impact of the coronavirus!

Kind Regards,

AMERICAN OVERSIGHT

Payroll Department | Fulton County Schools | Fulton County Board of Education
6201 Powers Ferry Road NW | Atlanta, GA 30339
470-254-6849 ph | 470-254-5515 fax
garnishments@fultonschools.org | www.fultonschools.org

*"Payroll's mission is to approach each assignment with integrity while providing customer service that fosters trust, respect, transparency, and resolve."*

AMERICAN OVERSIGHT

**From:** Rick Ortiz
**Sent:** Sat, 21 Mar 2020 00:45:44 +0000
**To:** COVID-19
**Cc:** George Kappas;Sandy Kappas
**Subject:** Guidance for Interruption of Study Related to Coronavirus (Covid-19)

Dear Department,

As per the Directive, "Guidance for Interruption of Study Related to Coronavirus (Covid-19)" can the College continue to enroll students in this payment period under this directive.

Your prompt response is greatly appreciated.

Regards,

Richard Ortiz
Director of Financial Aid
(818) 758-2740

AMERICAN OVERSIGHT

**From:** Kevin Snyder
**Sent:** Fri, 20 Mar 2020 18:32:35 +0000
**To:** COVID-19
**Cc:** Tricia Rummel;Kelly Hoffman;Augustine, John
**Subject:** Guidance Letter COVID-19 March 5, 2020

Hello,
I am looking for some clarification on the 12 page guidance letter that was posted on March 5, 2020, referring to interruptions of study related to the Coronavirus (COVID-19). On page 3 of the letter under "Approval to Offer Distance Learning" it states that the institution may offer online technologies to students to accomodate them. It says that the flexibility only applies to a program during a payment period that overlaps the date of the electronic announcement (3-5-2020) **OR** the following payment period.
The "OR" that is used is making some confusion in determining what we should be looking at. Can you further define what you would consider the "**following payment period**" and possibly give an example of how it could be used? Thank you very much for you help.
Kevin Snyder
Financial Aid Officer
Greater Johnstown Career and Technology Center
445 Schoolhouse Road
Johnstown, PA 15904
814 266-6073 ext 123

AMERICAN OVERSIGHT

**From:** Schneer, Matthew
**Sent:** Fri, 20 Mar 2020 19:09:47 +0000
**To:** COVID-19
**Subject:** IDEA Part C Covid Question From MS.

We received the following question from the MS Part C (Early Intervention under IDEA )Coordinator:

"Our State was preparing to submit with its annual IDEA Part C Application a new policy and procedure related to the definition of developmental delay. In order to meet the public participation requirement, we were preparing to hold public hearings in the State. However, due to the social distancing requirements designed to prevent spread of Covid 19, we are unable to hold in person meetings. We would like to know if there is flexibility to allow for virtual meetings, as well as the public posting of the proposed policy changes to meet the public participation requirements."

Matthew Schneer
Associate Division Director

Office of Special Education Programs
U.S. Department of Education
Washington DC, 20202
202-245-6755
matthew.schneer@ed.gov

AMERICAN OVERSIGHT

**From:** Long, Dana
**Sent:** Sat, 21 Mar 2020 00:03:07 +0000
**To:** COVID-19
**Cc:** Holsapple, Nancy J
**Subject:** IDEA timelines

With most schools experiencing closures, or engaging in virtual learning with students not physically attending school, we (Indiana Department of Education) are receiving a number of questions about how to meet timelines to conduct educational evaluations and convene IEP meetings. While national and state health emergencies are in effect, is USED going to grant waivers for conducting timely evaluations and IEP team meetings, as well as annual case review meetings? Evaluations require in-person meetings with the student as well as classroom observations. These required components of an educational evaluation are not reasonably possible at this time, and may not be for a month or more.

In a similar vein, conducting timely complaint investigations, mediations, and due process hearings may not be possible at this time. While cognizant of OSEP Memo 13-08, which indicates several instances that do not constitute exceptional circumstances to extend the 60 day time limit for state complaints, OSEP has not provided guidance as to what might constitute exceptional circumstances. Would a national or state health emergency which closes all schools in a state qualify? If an LEA is unable to provide documentation to adequately respond to a complaint, or if LEA personnel are not available for interviews during the investigation, due to the state or national health emergency, would that qualify as an exceptional circumstance permitting the SEA to extend the timelines?

For due process complaints (hearings), can the following timelines be extended when the school is not in session due to a health emergency (COVID-19)?

1. 10 days to file response (34 CFR §300.508(e) & (f)).
2. 15 days to object to the sufficiency (34 CFR §300.508(d)).
3. 15 days to conduct the resolution meeting (34 CFR §300.510(a))

While we recognize that an independent hearing officer can grant extensions of time (EOT) at the request of a party for most hearings, the same is not true for expedited hearings. 34 CFR §300.532. Is there any relief that can be granted for expedited hearings? We realize that the timelines for expedited hearings are based on school days. However, school days include virtual or eLearning days during the time when states, including schools, are prohibited from conducting in-person meetings. If a school is providing distance instruction or virtual learning, instructional days still accrue, but at a distance to keep everyone safe. But these regulations would require hearings that bring people together, in violation of state health emergency orders.

Any guidance on these matters would be greatly appreciated.

Thank you.

**Dana L. Long, Esq.**
*Special Education Attorney/Dispute Resolution Supervisor*
**Indiana Department of Education**
(317) 232-6675 | dalong@doe.in.gov

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www.doe.in.gov | Feedback: How are we doing?

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**From:** Lari Whitten
**Sent:** Fri, 20 Mar 2020 12:21:00 -0500
**To:** COVID-19
**Subject:** Length of Academic Year

Greetings,

I am reaching out as a result of a school closure due to COVID-19 for our residential program. I contacted my School Participation Team, and was directed to send my question here.

OPEID: 03727600 and 03773600

We had to reduce our Academic Year from 30 weeks to 29 weeks. How do I request a temporary reduction in the length of the academic year to insure compliance?

Thank you for your assistance.
Larresia Whitten

**Larresia Whitten** | *Director of Title IV Compliance*
150 N Martingale Rd., Ste. 300
Schaumburg, IL 60173
C 512.791.4243

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**From:** Moore, Crystal
**Sent:** Fri, 20 Mar 2020 14:49:32 +0000
**To:** COVID-19
**Subject:** New OIE Formula Team COVID-19 question:

New OIE Formula Team COVID-19 question:

| | | | | |
|---|---|---|---|---|
| Mar 20 2020 10:05:13 | Verdigris Public Schools | OK | Amy Moyer | EASIE: How do we have open meetings during COVID-19? |

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

AMERICAN OVERSIGHT

**From:** JoHannah.Ward@education.ohio.gov
**Sent:** Fri, 20 Mar 2020 20:05:24 +0000
**To:** COVID-19
**Cc:** Slopadoe, Gbenimah;David.Baker@education.ohio.gov;stephanie.siddens@education.ohio.gov;John.Richard@education.ohio.gov
**Subject:** Ohio IDEA flexibility request
**Attachments:** IDEA Federal Flexibility Requests.pdf, Ohio request for flexibitiy IDEA.docx

During Ohio's ordered school-building closure, the health and safety of Ohio's students and educators remains the primary focus of the Ohio Department of Education. As Ohio's students with disabilities are among our state's most vulnerable children, Ohio is working closely with local school districts to ensure that our students with disabilities have access to a free and appropriate education during this very atypical period of time for learning and teaching. However, our districts and schools are seeking greater flexibilities with regard to deadlines and certain key regulations. Ohio is looking for flexibility specifically with timelines associated with IDEA, such as: IEP, ETR, reporting and monitoring, dispute resolution, state and local eligibility and use of funds. More detail on each of these specific issues is included in the attachment.

We recognize the extraordinary circumstances and appreciate the flexibility that the US Department of Education is providing in other areas of federal law. We understand that many states are asking similar questions. We respectfully submit this information for your consideration. Based on the March 20, 2020 CCSSO call, there appears to be some uncertainty about where flexibilities exist. We are interested in seeking flexibility if available for any of our identified issues. Likewise, we would be happy to engage in larger conversation to address issues that do not appear to have immediate remedies with the Office of Special Education Programs, as well as the organizations you are working with regarding the needs across all states (i.e., NAESDE and CCSSO). Please contact me at:

**Jo Hannah Ward, M. Ed., LPCC**
*Director*
Office for Exceptional Children

25 South Front Street 4th floor
Columbus, Ohio 43215-4183
(614) 752-1378 | (877) 644-6338

Johannah.ward@education.ohio.gov

Ohio | Department of Education

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Learn more about #EachChildOurFuture, Ohio's plan to ensure each child is challenged, prepared and empowered

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Federal Flexibility Requests

| The Ohio Department of Education | |
|---|---|
| **Federal Regulation** | **Topic/Description** |
| 34 CFR § 300.101 and 300.600 | Preschool Special Education<br>• Calculation of federal IDEA Compliance Indicator 12 |
| 34 CFR § 76.709 | Federal Funding<br>• Request that funds available to districts be obligated during a carryover period<br>• Request extension of this allowable carryover period |
| 34 CFR § 300.100 through 34 CFR § 300.199 | IDEA Subpart B – State Eligibility<br>• Request flexibility in activities related to FAPE, FAPE requirements, Least Restrictive Environment (LRE), additional eligibility requirements, children in private schools, children with disabilities in private schools placed or referred by public agencies, children with disabilities enrolled by their parents in private schools when FAPE is at issue, SEA responsibility for general supervision and implementation of procedural safeguards, state complaint procedures, methods of ensuring services, additional eligibility requirements, state advisory panel, and other provisions required for state eligibility. |
| 34 CFR § 300.200 through 34 CFR § 300.320 | IDEA Subpart C – Local Educational Agency Eligibility<br>• Request flexibility in activities related to LEA eligibility – specific to timelines associated with LEA eligibility |
| 34 CFR § 300.300 through 34 CFR § 300.328 | IDEA Subpart D – Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements<br>• Request flexibility with all regulations pertaining to parental consent, evaluations and reevaluations, additional procedures for identifying children with specific learning disabilities, IEP's, and the development of IEP's – specific to timelines found within these regulations. |
| 34 CFR § 300.500 through 34 CFR § 300.537 | IDEA Subpart E – Procedural Safeguards Due Process Procedures for Parents and Children<br>• Request flexibility with all regulations pertaining to procedural safeguards and discipline procedures – specific to timelines found within these regulations |

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| The Ohio Department of Education | |
|---|---|
| **Federal Regulation** | **Topic/Description** |
| 34 CFR § 300.600 through 34 CFR § 300.647 | IDEA Subpart F – Monitoring, Enforcement, Confidentiality, and Program Information<br>• Request flexibility with all regulations pertaining to monitoring, technical assistance, and enforcement; confidentiality of information; and program information – specific to timelines found within these regulations |

AMERICAN OVERSIGHT

Ohio | Department of Education

Mike DeWine, Governor
Paolo DeMaria, Superintendent of Public Instruction

During Ohio's ordered school-building closure, the health and safety of Ohio's students and educators remains the primary focus of the Ohio Department of Education. As Ohio's students with disabilities are among our state's most vulnerable children, Ohio is working closely with local school districts to ensure that our students with disabilities have access to a free and appropriate education during this very atypical period of time for learning and teaching. However, our districts and schools are seeking greater flexibilities with regard to deadlines and certain key regulations. Ohio is looking for flexibility specifically with timelines associated with IDEA, such as: IEP, ETR, reporting and monitoring, dispute resolution, state and local eligibility and use of funds. More detail on each of these specific issues is included in the attachment.

We recognize the extraordinary circumstances and appreciate the flexibility that the US Department of Education is providing in other areas of federal law. We understand that many states are asking similar questions. We respectfully submit this information for your consideration. Based on the March 20, 2020 CCSSO call, there appears to be some uncertainty about where flexibilities exist. We are interested in seeking flexibility if available for any of our identified issues. Likewise, we would be happy to engage in larger conversation to address issues that do not appear to have immediate remedies with the Office of Special Education Programs, as well as the organizations you are working with regarding the needs across all states (i.e., NAESDE and CCSSO). Please contact me at:

**Jo Hannah Ward, M. Ed., LPCC**
*Director,* Office for Exceptional Children
Ohio Department of Education

Jo Hannah Ward

25 South Front Street 4th floor
Columbus, Ohio 43215-4183
(614) 752-1378 | (877) 644-6338

Johannah.Ward@education.ohio.gov



AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Christopher Lewis
**Sent:** Fri, 20 Mar 2020 19:19:35 +0000
**To:** COVID-19
**Cc:** Andres Oroz
**Subject:** Possible Extension for the Annual A-133 report

Good Afternoon,
I hope this message finds you well!
My name is Christopher Lewis, I am the Director of Financial Aid at Roxbury Community College. I am reaching out to see if it's possible to request an extension for the submission of the A-133 due to the Coronavirus. Currently our campus is closed down and we are working remotely.
Any Consideration will be greatly appreciated!
Thanks,
Christopher Lewis


**Christopher Lewis**

Director of Financial Aid

Tel: +1-857-701-1223 | Fax: 855-647-9618 | clewis@rcc.mass.edu

1234 Columbus Ave, Roxbury Crossing, MA, 02120 | www.rcc.mass.edu


AMERICAN OVERSIGHT

**From:** Ardith Ferguson
**Sent:** Fri, 20 Mar 2020 10:29:06 -0600
**To:** COVID-19
**Subject:** Public hearing requirements

I am asking this question on behalf of a state Part C program. This state is working on major revisions to policies and procedures that they plan to submit to OSEP in the summer, after July 1. They will be conducting the public participation review and comment period in May and June. In mid-June they had planned to hold two face-to-face public hearings. If the prohibition of public group meetings is still in place in that state in June, they are seeking guidance from OSEP on whether they may fulfill the public hearing requirement in 303.208(b) via virtual public hearings conducted using Zoom or a similar format?

Thank you,

Ardith Ferguson, M.Ed.
Senior Program Associate
WestEd
Center for Prevention & Early Intervention
Cell: 303-589-2107
www.wested.org
afergus@wested.org

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AMERICAN OVERSIGHT

**From:** Apex Academy
**Sent:** Fri, 20 Mar 2020 17:22:21 +0000
**To:** COVID-19
**Subject:** Question about where to read up

Hello,
I am an Admin of a clock hour school, we have received approval from state and accreditor to implement the Distance Education due to COVID-19. Our brick and mortar is closed, but we have adapted distance education to make a smooth transition for students to continue their education.
Where can I read up on Distance Education requirements? I saw the Dear Coll. Letter 3/5 but cant seem to locate any other standards that I may need to be aware of.
Anything else I should know as a clock hour school as it correlates to this?
Thank you,
Karli

Apex Academy
**1788 West Fourth Street**
**Ontario, Ohio 44906**
**419-709-8512**
***www.apexacademy2013.com***

AMERICAN OVERSIGHT

**From:** James Gaeta
**Sent:** Fri, 20 Mar 2020 11:50:10 -0500
**To:** COVID-19
**Subject:** Question regarding Federal Work Study payments

Hello from Southwestern University - OPE ID 00362000

I have a question about the Federal Work Study payments. We have decided to move forward with paying our FWS students regardless of whether they work. We are migrating to distance learning protocol, so our students will be unable to work in the jobs they previously had.

In this situation, are we able to pay these students in a lump sum? The amount would be what we would pay them from now through the end of the semester. Or should we pay them every two weeks as we normally would? I couldn't find anything in the guidance that addressed this.

Thank you for your help.

James Gaeta

--
James Gaeta
Associate Dean of Enrollment Services
Southwestern University
Georgetown, TX 78626
512-863-1259 | 512-863-1507 (Fax)
Visit | About SU | Financial Aid

*WE HAVE MOVED! The Financial Aid Office is now located on the second floor of the Cullen Building, in the Schrum Center (formerly known as the Schrum Alumni Center.)*

SOUTHWESTERN UNIVERSITY

AMERICAN OVERSIGHT

**From:** Epp, Tracy
**Sent:** Fri, 20 Mar 2020 14:17:45 -0400
**To:** COVID-19
**Subject:** Question regarding Special Education procedural regulations

Hello,

Thank you for your call today to school system leaders. Very helpful! We have two questions:

1) Will USDOE will provide waivers to school districts for not being able to meet timelines for IEP meetings or eligibility processes that were under-way before massive school closures.

We appreciate the guidance on the provision of services to students with disabilities, but we are still struggling to figure out how we can adhere to the strict timelines around annual IEPs and eligibility timeframe requirements.

Will USDOE suspend these requirements until school resumes? If not, what guidance, given that many families are unable to join virtually (nor is this desirable), to school districts to meet these timelines when staff may be unable to be present themselves, when student files may still be left at school sites, or when related services providers or contractors (such as educational evaluators) are not available?

2) The stringent rules governing reimbursable meals through the Federal School Lunch Program: we are being told that we must follow every protocol to the letter and our state agency has reinforced this. While we respect the importance of regulations, and the need to provide nutritious meals, the myriad regs are making it extremely stressful to provide meals-- particularly in high-poverty school districts. What relief and/or support is USDA or ED providing to school districts to make it easier (and be able to guarantee reimbursement) to provide meals to our students who need them?

Thank you,
Tracy

--
**Tracy R. Epp, Ed.D**
Chief Academic Officer
Richmond Public Schools
301 N. 9th Street
Richmond, VA 23219
804-297-7743
tepp@rvaschools.net
Preferred Pronouns: She/Her/Hers

Sign up for our RPS Direct newsletter for weekly updates from our Superintendent
Check out our Strategic Plan, Dreams4RPS

AMERICAN OVERSIGHT

For scheduling or immediate assistance, please contact Bonnie Blake

AMERICAN OVERSIGHT

**From:** Mohajeri-Nelson, Nazanin
**Sent:** Fri, 20 Mar 2020 19:22:49 +0000
**To:** COVID-19
**Subject:** Questions about ESEA Requirements

Dear Colleagues,

Colorado LEAs have experienced challenges due to closures and event cancellations caused by COVID-19. We are seeking guidance on the following questions:

- Many LEAs will have in excess of 15% carryover of Title I funds due to so many event cancellations and refunds associated with closures/cancellations. Will there be a waiver of the carryover cap?
- Due to school closures and social distancing requirements in the State, consultations have been limited or not able to be conducted. Will LEAs and schools be able to conduct consultations after social distancing requirements have been lifted (possibly as late as August or later)?
- What flexibilities can be extended to schools and LEAs wanting to use ESEA funds to support distance and online learning for students? Can they purchase chromebooks? Pay for hot spots for students who do not have internet access otherwise? Can they pay for subscriptions to online educational resources?
- If an LEA is continuing to pay salaries of staff and teachers during closures, can they continue to use ESEA funds to also pay salaries? If so, what guidance or restrictions are there on the percentages to be paid out of ESEA funds?

We look forward to receiving your guidance and greatly appreciate your support in these difficult and challenging times.
Thanks,
Nazie

Nazanin Mohajeri-Nelson, Ph.D.
ESEA Office Director
Federal Programs

EVERYONE COUNTS Census 2020

P 303.866.6205
1560 Broadway, Suite 1100, Denver, CO 80202-5149
Mohajeri-Nelson_n@cde.state.co.us | www.cde.state.co.us

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AMERICAN OVERSIGHT

**From:** Schneer, Matthew
**Sent:** Fri, 20 Mar 2020 09:00:58 +0000
**To:** COVID-19
**Subject:** Questions from Washington State

We received the following questions from Glenna Gallo, the Special Education Director for WA

- Staff paid out of IDEA funds are being asked to provide child care on emergency/occasional basis for first responders or other personnel. Is this permissible?
- Current State position on the use of State funds, is that teachers can only get paid if they are working (could be providing services or engaging in professional development). There is some opposition to this from teachers unions. Regarding time and effort for IDEA:
    - If staff were not to be working, how would that be documented for time and effort?
    - If staff are engaged in non IDEA issues (such as child care), how would that be documented?
- What is impact on specific IDEA fiscal requirements: LEA MOE, Excess Cost and MFS? Note potential for increased State funds to pay for compensatory services, may result in a bump in State level of effort, which may not be sustained.
- If IDEA funds have already been obligated, but because of delays, cannot be expended prior to expiration what can be done (

Matthew Schneer
Associate Division Director

Office of Special Education Programs
U.S. Department of Education
Washington DC, 20202
202-245-6755
matthew.schneer@ed.gov

AMERICAN OVERSIGHT

**From:** Thomas, Dwight
**Sent:** Fri, 20 Mar 2020 21:09:04 +0000
**To:** COVID-19
**Subject:** Questions

Questions from NJDOE

1) Are school districts expected to adhere to the IDEA's timelines for conducting student evaluations?

a) Are the timelines tolled or suspended when schools are closed and/or school staff are not in the building as a result of COVID-19?

2) How are the special education dispute resolution timelines affected by closures resulting from COVID-19?

3) How are the state complaint timelines affected by closures resulting from COVID-19?

4) How are school districts expected to provide certain in-home services, such as ABA home programs or parent training, during the COVID-19 pandemic?
Also, will data submission timelines via EdFacts be adjusted? Data managers do not have access to SEA servers to submit timely because they do not have access to buildings.

Dwight R. Thomas, II
Education Program Specialist
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning

550 12th Street, S.W., Room # 5010-C
Washington, D.C. 20202-2600
Office: (202) 245-6238
E-mail: dwight.thomas@ed.gov

AMERICAN OVERSIGHT

**From:** Pagano, Erin S
**Sent:** Fri, 20 Mar 2020 14:16:55 +0000
**To:** COVID-19
**Cc:** Experimental Sites
**Subject:** QVCC and Brooklyn Correctional in CT

Hi.
I coordinate a Second Chance Pell experimental site at a correctional facility in CT. Online courses (any technology, really) is not an option for us. We have a plan to have assignments and instructions delivered weekly to the facility. Completed assignments will be picked up, graded and returned weekly also.
Do you define this as correspondence courses? Or not because the drop/off and pick up will occur weekly. I ask because correspondence courses are not approved for Second Chance Pell.
Thank you, Erin Pagano
Get Outlook for iOS

AMERICAN OVERSIGHT

**From:** Joseph Ruiz
**Sent:** Fri, 20 Mar 2020 17:38:26 +0000
**To:** COVID-19
**Subject:** R2T4 Waiver

Return to Title IV-Can he help colleges and universities across the country to get a waiver of having to do Return of Title IV funds. If a student has to drop or withdraw due to the COVID-19 pandemic can colleges and universities allow students to keep the Title IV aid that has already been disbursed for spring 2020, even though the institution grants a retroactive withdrawal so the course does not affect their academic transcript.

Thank you,

Joseph Ruiz
Director of Financial Aid Services
Email: Jruiz156@delmar.edu
O (361) 698-1374

Financial Aid Services
*Please note that Federal Student Aid can only pay for classes that apply **t=owards** your degree program at Del Mar College.

FAFSA®: Apply for Aid

www.fafsa.gov

Use the Free Application for Federal Student Aid (FAFSA®) form to apply for financial aid (grants, work-study, and loans) to pay for college or career school.

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**From:** Jones, Al
**Sent:** Fri, 20 Mar 2020 23:05:48 +0000
**To:** Bobbi Davenport
**Cc:** COVID-19
**Subject:** RE: Adjusting Timelines for Evaluations

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus
Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak (March 12, 2020)
U.S. Department of Education Releases Webinar, Fact Sheet for Protecting Students' Civil Rights During COVID-19 Response

*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
*www.ed.gov*

**From:** Bobbi Davenport <bobbi.davenport@dsisdtx.us>
**Sent:** Friday, March 20, 2020 2:14 PM
**Subject:** Adjusting Timelines for Evaluations

To Whom This May Concern:

My name is Bobbi Davenport and I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms,"

AMERICAN OVERSIGHT

Texas evaluators are being forced to continue to evaluate students that have an open FIIE or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

--
Bobbi Davenport, SSP, LSSP, NCSP (she, her, hers)
Licensed Specialist in School Psychology (LSSP)
Nationally Certified School Psychologist (NCSP)
Dripping Springs Independent School District
512-858-3428

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*FERPA:* A confidential document -may- be attached. If you print it, you must keep it in a secure place and bring it to me at the ARD to shred. After viewing (or printing) it, you must delete the report from your computer's memory -and- delete this email with the attachment.

AMERICAN OVERSIGHT

**From:** Kathleen Becht
**Sent:** Fri, 20 Mar 2020 19:04:19 +0000
**To:** COVID-19
**Subject:** Re: Change in physical attendance on campus due to CoVID19 relative to TPSID model Projects and HEOA of 2008

My question focuses on the **TPSID model projects** funded through HEOA 2008. In the HEOA regulations, students with intellectual disabilities have been required to attend courses with their nondisabled peers on the physical campus in order to maintain their eligibility for federal student aid. Due to the CoVID19 virus many of Florida's and the nation's Institutes of Higher Education (IHE), that implement inclusive postsecondary education for students with intellectual disability, have closed their campuses and are serving college students online and not physically on campus.

We are working to serve our college students with intellectual disability online as well.

My question is, ***Will serving students with intellectual disability in online courses negate the IHE's Comprehensive Transition Program (CTP) status and student eligibility for federal student aid***?

I appreciate you consideration of this issue.

Kathleen Becht, PhD

Director, Florida Consortium on Inclusive Higher Education
SDES, University of Central Florida
Kathleen.Becht@ucf.edu
Website: www.FCIHE.com
CoChair, TASH Inclusive Education Committee
Chair, DCDT Scholarship Committee
Office: 407-823-1099
Cell: 407-928-8917

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Fri, 20 Mar 2020 20:02:15 +0000
**To:** Dulcie Head;OESE.titlei-a;COVID-19
**Subject:** RE: Clarification Question

Thank you for your question. I have copied the Department's dedicated inbox on this topic at COVID-19@ed.gov for a response.

Best,
Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

**From:** Dulcie Head <dulciehead47@gmail.com>
**Sent:** Friday, March 20, 2020 3:58 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** Clarification Question

To whom it may concern,

Could you please clarify if this letter https://www2.ed.gov/policy/gen/guid/secletter/200320.html has anything to do with the SAT or ACT?

I have seen a confusing news story:
https://www.dailymail.co.uk/news/article-8135851/Trump-cancels-SAT-tests-year-amid-worsening-coronavirus-pandemic.html

Thank you,
-Dulcie

AMERICAN OVERSIGHT

**From:** Jones, Al
**Sent:** Fri, 20 Mar 2020 23:09:49 +0000
**To:** Jerry
**Cc:** COVID-19
**Subject:** RE: CoVid 19 and educational evaluations

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

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*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
*www.ed.gov*

---

**From:** Jerry <jerryleecarrillo@yahoo.com>
**Sent:** Friday, March 20, 2020 4:56 PM
**To:** disasterinfo@tea.texas.gov
**Cc:** sped@tea.texas.gov; tom.maynard@tea.texas.gov
**Subject:** CoVid 19 and educational evaluations

Please read the attached letter.
Thank you,

Gerardo Carrillo

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Fri, 20 Mar 2020 20:11:37 +0000
**To:** evelyn farias
**Cc:** COVID-19
**Subject:** RE: Discharge of Student Loan-Bailout

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 20, 2020

Dear Evelyn Farias,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

We appreciate your concern and will share your comments with Secretary DeVos and her senior staff.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: evelyn farias <elfariasrose@yahoo.com>
Sent: Thursday, March 19, 2020 12:52 PM
To: answers <answers@ed.gov>
Subject: Discharge of Student Loan-Bailout

To Betsy DeVos, Secretary of Education:

AMERICAN OVERSIGHT

As the administration is seeking to bailout industry, please include American people who owe student loans under $10,000. Citizens could use these funds to assist with household expenses.

Sincerely,
Evelyn L. Farias

AMERICAN OVERSIGHT

**From:** Jones, Al
**Sent:** Fri, 20 Mar 2020 23:09:01 +0000
**To:** Cantu, Kelli;Broady, Cheryl;Walters, Alecia
**Cc:** COVID-19
**Subject:** RE: Evaluation Timelines During COVID 19 closures

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

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---

**From:** Cantu, Kelli <Kelli.Cantu@wylieisd.net>
**Sent:** Friday, March 20, 2020 4:35 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Cc:** Cantu, Kelli <Kelli.Cantu@wylieisd.net>
**Subject:** Evaluation Timelines During COVID 19 closures
**Importance:** High

Please see attached plea from Texas evaluators during COVID 19 school closures.

Thank you for your time.

Kelli Cantu, M.S., S.S.P.

AMERICAN OVERSIGHT

**From:** Jones, Al
**Sent:** Fri, 20 Mar 2020 23:05:22 +0000
**To:** Eri Contreras
**Cc:** COVID-19
**Subject:** RE: Evaluation Timelines in the State of TX

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus
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*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
*www.ed.gov*

**From:** Eri Contreras <eri.contreras@dsisdtx.us>
**Sent:** Friday, March 20, 2020 1:59 PM
**Subject:** Evaluation Timelines in the State of TX

To Whom it May Concern,
Attached you will find a letter expressing concerns and a need for adjusting the evaluation timeline response in light on current circumstances. I also attached the letter TASP sent to TEA regarding the ethical codes and violations we would face based on their current guidance.

--
Kind Regards,
Eri

AMERICAN OVERSIGHT

Eri Contreras
District Dyslexia Evaluator
Licensed Specialist in School Psychology
Nationally Certified School Psychologist
512-858-3609

Preview attachment TASP SPED Evaluation Timeline Response Letter to TEA.pdf

TASP SPED Evaluation Timeline Response Letter to TEA.pdf
155 KB

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AMERICAN OVERSIGHT

**From:** Rosenboom, Victoria
**Sent:** Fri, 20 Mar 2020 18:34:42 +0000
**To:** Gloria Bayouth
**Cc:** Rooney, Patrick;Monty Guthrie;OESE.titlei-a;COVID-19
**Subject:** RE: Federal Funds

Good afternoon Gloria,

Thank you for reaching out with this question. We appreciate that you and Oklahoma SDE are working diligently to protect students' health and safety. We'll work to get you a response to this question as soon as we can, acknowledging that some questions may take longer than others. As other questions arise, please continue to send them to us as well as the COVID-19@ed.gov mailbox.

We appreciate your supportive words and please let us know if there is anything else we can do to support you and Oklahoma SDE. As you said, we'll get through this together!

Thank you again,
Victoria

**Victoria Rosenboom**
Education Program Specialist
Office of School Support and Accountability
U.S. Department of Education
400 Maryland Ave. SW | Washington, DC 20202
Phone: 202.453.6202 | Victoria.Rosenboom@ed.gov

---

**From:** Gloria Bayouth <Gloria.Bayouth@sde.ok.gov>
**Sent:** Friday, March 20, 2020 2:21 PM
**To:** Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>
**Cc:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Monty Guthrie <Monty.Guthrie@sde.ok.gov>
**Subject:** Federal Funds

Victoria,

Thank you so much for the recent update regarding the waivers for accountability and assessment. I know all of the states are greatly appreciative for this decision and will relieve a lot of anxiety and pressure the States and school districts are facing at this time. In Secretary DeVos's letter to the Chief State Officers, she wrote the following statement that I would like to pursue.

*I recognize that you have many questions and will need additional supports, including the possibility of additional waivers, as you deal with the COVID-19 national emergency.*

I realize USDE is inundated with questions, and responding as quickly as possible. Our State Superintendent is in the same situation, and making every effort to ease the burden for school districts by implementing wise and prudent decisions to help the schools.

AMERICAN OVERSIGHT

In the near future, our State, as well as other states will need to take immediate action by making decisions that possibly conflict with federal requirements. Our State has every intention to follow federal law and will need guidance on an issue such as

- ***School district teachers, administrators, and support personnel paid with federal funds will request to pay staff without evidence of timesheets or services technically rendered***

The accountability for the use of the funds will not be documented for actual work performed, but the evidence to pay the federally funded personnel would be to demonstrate that the district was closed due to extenuating circumstances, such as COVID-19. The question is, "Will this evidence be sufficient enough due to this unique situation?"

I anticipate in the near future there will arise other occasions that waivers outside of accountability and assessment will need to be addressed to provide relief for our school districts. Does USDE anticipate a date for States to consider submitting other waivers impacting federal funding that will most likely be impossible for States and districts to meet the requirement?

A special thanks to you and Patrick for always being so prompt with your responses.

We will get through this together – hopefully, healthy and safe!

Gloria Bayouth, ED
Executive Director
Office of Federal Programs
Oklahoma State Department of Education
2500 N. Lincoln Blvd., Suite 311
Oklahoma City, OK 73105
Office: (405) 522-3249
Gloria.Bayouth@sde.ok.gov

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Fri, 20 Mar 2020 17:40:29 +0000
**To:** COVID-19;OESE.titlei-a
**Subject:** RE: Florida 2016 CSP grant waiver request to provide virtual education assistance

It appears that this request is specific to the charter school grant program and that Kate Meeley in the charter office forwarded it to COVID-19. This does not seem to be Title-I specific.

Thanks,
Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 20, 2020 1:36 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Florida 2016 CSP grant waiver request to provide virtual education assistance

Hi Title I-A,

I think the below inquiry goes to Title I-A. Please let me know if this need to be redirect to another office.

Thanks
Kelly

---

**From:** Meeley, Kathryn <Kathryn.Meeley@ed.gov>
**Sent:** Friday, March 20, 2020 11:25 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Florida 2016 CSP grant waiver request to provide virtual education assistance

Please see attached.

AMERICAN OVERSIGHT

**From:** Emerson, Adam <Adam.Emerson@fldoe.org>
**Sent:** Thursday, March 19, 2020 10:33 AM
**To:** Meeley, Kathryn <Kathryn.Meeley@ed.gov>; Gardner, Ashley <Ashley.Gardner@ed.gov>
**Subject:** Florida 2016 CSP grant waiver request to provide virtual education assistance

Kate and Ashley,

Attached is a request for a waiver (and application amendment) for Florida's 2016 CSP grant (Award U282A160012). The purpose of the request is to seek a waiver of the statutory and regulatory requirements that govern the CSP. Specifically, the Florida Department of Education seeks an amendment to award CSP sub-grants to new and established operators to provide them funds to purchase the hardware and software necessary to enable all of their students to access curriculum and lessons from home. *Essentially, as public schools face a growing crisis from the threat of COVID-19 and increasingly plan for virtual instruction for the foreseeable future, the FDOE wants to equip all charter schools in Florida, to the extent possible, with a one-to-one student-to-device ratio.* For that, we would need the Secretary of Education to exercise the waiver authority granted her under both the Every Student Succeeds Act (ESSA) and the No Child Left Behind Act (NCLB, which governs Florida's award).

I appreciate your attention to this, knowing that you both are just as busy and active as we are. However, given the urgency of this request and the need for relief in Florida, I am asking that the U.S. Department of Education review this request as soon as possible.

**Adam Emerson**
Charter Schools Director
Florida Department of Education
Phone: (850) 245-9631
www.floridaschoolchoice.org

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 17:43:00 +0000
**To:** OESE.titlei-a;COVID-19
**Subject:** RE: Florida 2016 CSP grant waiver request to provide virtual education assistance

Okay, thanks for checking the inquiry and letting me know its charter school grant.

Kelly

---

**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Friday, March 20, 2020 1:40 PM
**To:** COVID-19 <COVID-19@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
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Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

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**Sent:** Friday, March 20, 2020 1:36 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Florida 2016 CSP grant waiver request to provide virtual education assistance

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**Sent:** Friday, March 20, 2020 11:25 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Florida 2016 CSP grant waiver request to provide virtual education assistance

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**Sent:** Thursday, March 19, 2020 10:33 AM
**To:** Meeley, Kathryn <Kathryn.Meeley@ed.gov>; Gardner, Ashley <Ashley.Gardner@ed.gov>
**Subject:** Florida 2016 CSP grant waiver request to provide virtual education assistance

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I appreciate your attention to this, knowing that you both are just as busy and active as we are. However, given the urgency of this request and the need for relief in Florida, I am asking that the U.S. Department of Education review this request as soon as possible.

**Adam Emerson**
Charter Schools Director
Florida Department of Education
Phone: (850) 245-9631
www.floridaschoolchoice.org

AMERICAN OVERSIGHT

**From:** Cohen-Boyer, Gillian
**Sent:** Fri, 20 Mar 2020 14:33:31 +0000
**To:** COVID-19
**Cc:** Hodgdon, Jane
**Subject:** RE: From Nancy

Just got updated contact information - nveatch@evergreenusd.org. Nancy Veatch. She's the Asst. Superintendent for her district of Evergreen - 1400 students, 576 sq miles, 60% poverty.

-----Original Message-----
From: Cohen-Boyer, Gillian
Sent: Friday, March 20, 2020 10:24 AM
To: covid-19@ed.gov
Cc: Hodgdon, Jane <Jane.Hodgdon@ed.gov>
Subject: FW: From Nancy

There's obviously something going on with special education that I don't really understand. I've been hearing this kind of stuff percolate up from educators around the country, but I don't know what is myth and fact. In any regard, I told this Alumni Fellow that I would share her concern with those working on these issues.

I believe the best information for her is the attached if anyone wants to get in touch with her.

-----Original Message-----
From: Cohen-Boyer, Gillian <Gillian.Cohen@ed.gov>
Sent: Friday, March 20, 2020 10:16 AM
To: Cohen-Boyer, Gillian <Gillian.Cohen@ed.gov>
Subject: From Nancy

Hey Gillian. I hope all is well with you. I know this is a long shot but rural schools need help from ED a result of covid-19? Rural America could use help. Because of sped law and regs, we cannot provide educational services to our reg Ed kids. In districts where maybe only 30% of students have access to internet bc of their location, it is tying our hands to do any good work that we can. Oregon just posted they won't offer any learning bc of the equity issues it could get them in. This is a national crisis and we need relaxed regs to ensure our entire population of students doesn't miss months of instruction bc of laws aimed to protect sped kids. Can u help?

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Dowling, Maureen
**Sent:** Fri, 20 Mar 2020 15:29:36 +0000
**To:** Patrick, Kelly
**Cc:** COVID-19;Stephenson, Todd;Binder, Isadora;Morrisey, Jenay
**Subject:** RE: FW: Memo M-20-11 Administrative Relief for Recipients and Applicants of Federal Financial Assistance

Kelly,

Forgive me for using your last name as your first name!

Maureen

**MAUREEN DOWLING, ED.D.**
**DIRECTOR**
OFFICE OF NON-PUBLIC EDUCATION
OFFICE OF THE SECRETARY | U.S. DEPARTMENT OF EDUCATION
400 MARYLAND AVE, SW | WASHINGTON, DC 20202 | 202-260-7820
JOIN THE ONPE LISTSERV!

---

**From:** Dowling, Maureen
**Sent:** Thursday, March 19, 2020 4:45 PM
**To:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>; Stephenson, Todd <Todd.Stephenson@ed.gov>; Binder, Isadora <Isadora.Binder@ed.gov>; Morrisey, Jenay <Jenay.Morrisey@ed.gov>
**Subject:** FW: FW: Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

Patrick,

ONPE actually submitted these two inquiries as we will need the involvement of OESE and OGC in resolving them. I have looped in Todd who may be aware that ONPE submitted these two COVID-19 inquiries.

Maureen

**MAUREEN DOWLING, ED.D.**
**DIRECTOR**
OFFICE OF NON-PUBLIC EDUCATION
OFFICE OF THE SECRETARY | U.S. DEPARTMENT OF EDUCATION
400 MARYLAND AVE, SW | WASHINGTON, DC 20202 | 202-260-7820
JOIN THE ONPE LISTSERV!

AMERICAN OVERSIGHT

**From:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Sent:** Thursday, March 19, 2020 3:58 PM
**To:** Dowling, Maureen <Maureen.Dowling@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Memo (M-20-11): Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus (COVID-19)

Hi Maureen,

The COVID-19 mailbox received an inquiry for ONPE. Attached is the inquiry.

Thanks,
Kelly

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Fri, 20 Mar 2020 19:12:43 +0000
**To:** Mikles, Jason;COVID-19
**Subject:** RE: Interest Rates

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

Dear Mr. Mikles,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

---

**From:** Mikles, Jason <JMikles@bokf.com>
**Sent:** Friday, March 20, 2020 1:53 PM
**To:** answers <answers@ed.gov>
**Subject:** Interest Rates

AMERICAN OVERSIGHT

With the current significantly low interest rate environmental, is it possible to refinance student loans at these lower interest rates? My loans are from the early to mid-1990's and early 2000's where interests were higher when compared to current rates. My interest rates are 6.125%. This could substantially lower my monthly payment and provided the needed relief for my family.

Any feedback would be greatly appreciated.

Jason W. Mikles
Vice President
Appraisal Administration Manager
BOK Financial Corporation
One Williams Center, 12S
Tulsa, Oklahoma 74172
Office: 918-588-6348
Email: jmikles@bokf.com

**********
The company reserves the right to amend statements made herein in the event of a mistake. Unless expressly stated herein to the contrary, only agreements in writing signed by an authorized officer of the Company may be enforced against it.
**********

AMERICAN OVERSIGHT

**From:** Ramsey, Tara
**Sent:** Fri, 20 Mar 2020 18:07:26 +0000
**To:** COVID-19;Moore, Crystal;OESE COVID 19
**Subject:** RE: New OIE Formula Team COVID-19 question:

This is the technical address: OESECOVID19@usdedeop.onmicrosoft.com

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 20, 2020 1:54 PM
**To:** Moore, Crystal <Crystal.Moore@ed.gov>; OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>
**Subject:** RE: New OIE Formula Team COVID-19 question:

Yes, its in outlook. If you can't find, then keep sending to COVID-19. I'll forward them.

Kelly

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Friday, March 20, 2020 1:47 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: New OIE Formula Team COVID-19 question:

My Outlook is not recognizing OESE-COVID-19. Has it been activated in Outlook?

---

**From:** Moore, Crystal
**Sent:** Friday, March 20, 2020 1:43 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: New OIE Formula Team COVID-19 question:

Yes, ma'am.

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 20, 2020 1:30 PM
**To:** Moore, Crystal <Crystal.Moore@ed.gov>
**Subject:** RE: New OIE Formula Team COVID-19 question:

Hi Crystal

Can you send the to OESE-COVID-19 and CC COVID-19

Thanks,

AMERICAN OVERSIGHT

Kelly

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Friday, March 20, 2020 10:50 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** New OIE Formula Team COVID-19 question:

New OIE Formula Team COVID-19 question:

| | | | | |
|---|---|---|---|---|
| Mar 20 2020 10:05:13 | Verdigris Public Schools | OK | Amy Moyer | EASIE: How do we have open meetings during COVID-19? |

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

AMERICAN OVERSIGHT

**From:** Moore, Crystal
**Sent:** Fri, 20 Mar 2020 17:46:32 +0000
**To:** COVID-19
**Subject:** RE: New OIE Formula Team COVID-19 question:

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AMERICAN OVERSIGHT

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Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

AMERICAN OVERSIGHT

**From:** Moore, Crystal
**Sent:** Fri, 20 Mar 2020 18:28:12 +0000
**To:** COVID-19
**Subject:** RE: New OIE Formula Team COVID-19 question:

Thank you, I'll try again.

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 20, 2020 1:54 PM
**To:** Moore, Crystal <Crystal.Moore@ed.gov>; OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>
**Subject:** RE: New OIE Formula Team COVID-19 question:

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**Subject:** RE: New OIE Formula Team COVID-19 question:

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AMERICAN OVERSIGHT

Kelly

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400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

AMERICAN OVERSIGHT

**From:** Wilson, Linda
**Sent:** Fri, 20 Mar 2020 21:12:38 +0000
**To:** COVID-19;Patrick, Kelly
**Subject:** RE: private school bus companies and corona

Kelly – I copied you but any letter to the Secretary should go to OS for the CCM system for a response.

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 20, 2020 4:57 PM
**To:** Wilson, Linda <Linda.Wilson@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: private school bus companies and corona

Hi Linda,

The COVID-19 mailbox received an inquiry from white house. Below is the inquiry.

Thanks,
Kelly

---

**From:** Latcham, Alexander S. EOP/WHO <Alexander.S.Latcham@who.eop.gov>
**Sent:** Friday, March 20, 2020 4:35 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Dittmeier, Kerry W. EOP/OVP <Kerry.W.Dittmeier@ovp.eop.gov>; Kundinger, Kelly R. EOP/OVP <Kelly.R.Kundinger@ovp.eop.gov>
**Subject:** FW: private school bus companies and corona

All-

I received the below note regarding the negative economic impact of COVID to the private school bus industry. I do believe this warrants follow-up. Thank you.

Alex Latcham
Special Assistant to the President
White House Office of Political Affairs

---

**From:** Weber, Becky <Becky.Weber@prime-policy.com>
**Sent:** Friday, March 20, 2020 3:42 PM
**To:** Latcham, Alexander S. EOP/WHO <Alexander.S.Latcham@who.eop.gov>
**Subject:** [EXTERNAL] private school bus companies and corona

Mr. Latcham –
My client, the National School Transportation Association, has been working the Hill and administration with the attached proposal for relief from the negative impacts of corona. Secretary DeVos has been

AMERICAN OVERSIGHT

unresponsive and I understand DOEd is not on the task force. I have sent this to Larry Kudlow and Derek Kan. Can you direct me to anyone on the task force specifically dealing with education issues?

As background, NSTA members are private companies that provide 38% of the nation's school bus service under contract to school districts. As you can imagine, with the massive school closings across the country that may go on for several months, they are facing dire circumstances if their contracts are not paid for the time schools are closed. Some States have already announced schools will be closed for the remainder of the normal school year. Additional school activity and sports trips are also cancelled. Public school bus districts are continuing to receive funding and pay their drivers during this crisis.

NSTA is seeking a directive from Secretary DeVos (letter attached) or Congress asking school districts to continue to pay contractors for the duration of the shutdown as the funds have already been allocated for this at the State level. This would not cost the federal government any money at all but would keep 250,000 people in their jobs and 40% of the school transportation industry viable for when schools do resume. In the absence of that, NSTA is seeking $2.8 billion to cover losses due to the closing of schools in order to pay 250,000 drivers and mechanics and keep nearly 40% of the nation's school transportation capability in place for when schools do resume.

Appreciate it very much,
Becky Weber

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AMERICAN OVERSIGHT

**From:** Muhammad, Faatimah
**Sent:** Fri, 20 Mar 2020 12:42:46 +0000
**To:** COVID-19;Williams, Bryan
**Cc:** OESE.titleii-a
**Subject:** RE: Questions Directed to TLSP

Good morning response team. I am looping Bryan Williams in at this time. The TIVA team has provided a response already for the first question below. He is the POC for TIVA questions and responses. Please see below.

Faatimah

---

**From:** Richardson, Scott <scott.richardson@ed.gov>
**Sent:** Thursday, March 19, 2020 5:28 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Thurmond, Bryan <Bryan.Thurmond@ed.gov>
**Subject:** Questions Directed to TLSP

I was asked to collect and send to this mailbox the questions we have received related to the COVID-19 emergency. These can be seen below.

From TIIPA folks

- Can Title IV-A well rounded funds pay for hot spots so students and staff can continue learning at home ? . Yes - Title IV-A funds may be used for this expense if the SEA determines it is an allowable activity consistent with the purposes of at least one of the three content areas (in this case well rounded), and as usual if it is reasonable, necessary and allocable to the grant. Please note that the 15 percent special rule, ESEA Section 4109(b), only applies to the effective use of technology content area, not well rounded.

- Will there be a waiver for Title IVA cap of 15% for Effective Use of Technology ?

From MT

Please let me know if there is guidance forthcoming specific to any reporting requirements or flexibility to SEAs for the Title II, Part A State Level Activities funds.

From SETDA

1. **Can Title IIA SEA funds be used to purchase devices (tablets/laptops or hot spots for connectivity) for students to ensure equitable access to effective**

AMERICAN OVERSIGHT

**educators since students can't go to school? Or will there be a waiver about purchasing devices?**

2. **Since for many districts, engaging in online learning is not part of regular instruction - is this supplemental? What types of purchases would be permitted?**

3. **Will there be a waiver for Title IVA cap of 15% for Effective Use of Technology ?**

4. **Are any plans to extend the federal grant period?**
    a. Will dates for both 2018-19 and 19-20 be moved? Districts are concerned about carryover that expires this September 2020.

From GA

Is there guidance on ways Title II, Part A State Activities funds and LEA allocated funds can be used during this time to improve equitable access to effective teachers?

From MN (FAQ document for LEAs)

**What is the impact of this closure on MCA/MTAS?** MDE does not have the authority to cancel/exempt districts from providing the MCA/MTAS. We are closely monitoring federal guidance and conversations to determine whether or not there will be any national decisions that shift testing expectations.

From NY (guidance for LEAs)

**Designing for Unique Needs of All Students.** Instructional design, course design and plans for support must be aligned with the skill level of age groups and abilities, including students with disabilities and English Language Learners, to the greatest extent possible. For example, those serving the elementary and middle-school levels might have to consider creating instructional materials for both students and parents, while high school students are likely more capable independent learners.

• **Ensuring Accessibility**. Not all students may have access to the Internet, phone lines, TV or radio at the same time, or at all, during a prolonged school closure or student absence. Therefore, it is important to offer a variety of methods of learning. Districts considering online learning will need to ensure that the means used complies with all applicable laws, including the Family Educational Rights and Privacy Act and Education Law S. 2-d, and Section 508 of the Rehabilitation Act which provides accessibility guidelines for students with disabilities.

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Fri, 20 Mar 2020 16:52:05 +0000
**To:** Payne, John R;OESE.titlei-a;COVID-19
**Cc:** Traywick, Laurie;Spearman, Molly;Hawkins, Karla M.;Skloot, Evan
**Subject:** RE: South Carolina Waiver

Good Afternoon,

We are writing to confirm receipt of your waiver of certain assessment, accountability, and reporting requirements. If you used the Department's optional template, you can expect a response in one business day. Waiver requests using an alternate template will take additional time to review and approve. Please let us know if you have any questions.

Best,
Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

---

**From:** Payne, John R <JRPayne@ed.sc.gov>
**Sent:** Friday, March 20, 2020 12:46 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Traywick, Laurie <ltraywick@ed.sc.gov>; Spearman, Molly <mspearman@ed.sc.gov>; Hawkins, Karla M. <KHawkins@ed.sc.gov>; Skloot, Evan <evan.skloot@ed.gov>
**Subject:** South Carolina Waiver

Dear Colleagues,

Attached please find South Carolina's requested waiver for flexibilities under the ESEA due to the statewide impact of COVID-19.

We look forward to your response, and genuinely appreciate this flexibility. If you have any questions, please feel free to email or call.

Sincerely,

John R. Payne

AMERICAN OVERSIGHT

Deputy Superintendent
Division of Federal Programs, Accountability and School Improvement
South Carolina Department of Education
1429 Senate Street
Columbia, South Carolina 29201
jrpayne@ed.sc.gov
http://www.ed.sc.gov

This message is intended only for the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited by law. If you have received this communication in error, please notify me immediately.

The information contained in this transmission is intended only for the use of the person(s) named above. If you are not the intended recipient, please contact the sender by reply email. The South Carolina Department of Education is neither liable for the proper and complete transmission of the information contained in this communication nor for any delay in its receipt. Communications to and from the South Carolina Department of Education are subject to the South Carolina Freedom of Information Act, unless otherwise exempt by state or federal law.

AMERICAN OVERSIGHT

**From:** Jones, Al
**Sent:** Fri, 20 Mar 2020 23:06:54 +0000
**To:** laurie miller
**Cc:** COVID-19
**Subject:** RE: Special Education Evaluations

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

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U.S. Department of Education Releases Webinar, Fact Sheet for Protecting Students' Civil Rights During COVID-19 Response

*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
*www.ed.gov*

---

**From:** laurie miller <laurieandderrick@hotmail.com>
**Sent:** Friday, March 20, 2020 2:42 PM
**To:** Jones, Al <Al.Jones@ed.gov>
**Subject:** Special Education Evaluations

Mr. Al Jones,

My name is Laurie Miller and I am an evaluator, or Educational Diagnostician, for Texas public schools in the state of Texas.

AMERICAN OVERSIGHT

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIE or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, most evaluators are not properly trained and do not have access to instruments that are designed to be used in this format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and reevaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as an examiner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

AMERICAN OVERSIGHT

Sincerely,

Laurie Miller

Educational Diagnostician

AMERICAN OVERSIGHT

**From:** Jones, Al
**Sent:** Fri, 20 Mar 2020 23:08:32 +0000
**To:** Natalie Marcus;Broady, Cheryl;Walters, Alecia
**Cc:** COVID-19
**Subject:** RE: Special Education Timelines

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

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*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
*www.ed.gov*

---

**From:** Natalie Marcus <nat.marcus@hotmail.com>
**Sent:** Friday, March 20, 2020 3:52 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Special Education Timelines

To Whom This May Concern:

My name is Natalie Kormos and I am an LSSP/ Special Education Evaluator for Texas public schools.

AMERICAN OVERSIGHT

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. Because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open Initial Evaluation or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a contradictory directive that the timeline continues. The majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "*If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents.*" The state of California has

AMERICAN OVERSIGHT

followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. **We ask that Texas adopts similar guidelines during this delicate and uncertain time.**

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

*I am attaching the guidance TEA (see A3) has release as well as the guidance the Federal Government has released (see page 3 paragraph 3).*

Sincerely,

Natalie Kormos M.S., LSSP

Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Fri, 20 Mar 2020 19:40:04 +0000
**To:** Lisa Brown;COVID-19
**Subject:** RE: State Assessments fro 2020, SPSA, LCAP Federal Addendum

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

Dear Ms. Brown,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

---

**From:** Lisa Brown <LSBrown@vcoe.org>
**Sent:** Tuesday, March 17, 2020 6:02 PM
**To:** answers <answers@ed.gov>
**Subject:** State Assessments fro 2020, SPSA, LCAP Federal Addendum

Good Afternoon,

AMERICAN OVERSIGHT

First and foremost, I hope you all are well and taking care of yourself.

I am inquiring about state assessments and compliance for ESSA. Will we have any updates if there will be any suspension of state testing this year? SPSA? LCAP Federal Addendum

I support my local districts and are trying to get them answers. So far the state says there will be an extension, but I don't know if it would be more helpful for them to know if they might be suspended for 2020.

They have so much to do right now, they are worried. Thank you so much for any information you might have.

Lisa

Lisa Salas Brown, Director
Department of Accountability and Continuous Improvement
Ventura County Office of Education (Conference Center)
5100 Adolfo Road, Camarillo, CA 93012
Office: 805-437-1500
For more information on the Department of ACI, Click Here

AMERICAN OVERSIGHT

**From:** Foy Moss, Rita
**Sent:** Fri, 20 Mar 2020 20:44:55 +0000
**To:** COVID-19
**Cc:** Kesner, Paul;Williams, Bryan
**Subject:** RE: State Assessments fro 2020, SPSA, LCAP Federal Addendum

Kelly

This question should be forwarded to Patrick Rooney's team.
Thanks

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 20, 2020 4:41 PM
**To:** Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Cc:** Kesner, Paul <Paul.Kesner@ed.gov>; Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: State Assessments fro 2020, SPSA, LCAP Federal Addendum

Hi Rita,

The COVID-19 mailbox received an ESSA assessment question. How is ESSA question being handled? Please advise.

Thanks,
Kelly

**From:** answers <answers@ed.gov>
**Sent:** Friday, March 20, 2020 3:40 PM
**To:** Lisa Brown <LSBrown@vcoe.org>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: State Assessments fro 2020, SPSA, LCAP Federal Addendum

UNITED STATES DEPARTMENT OF EDUCATION

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800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

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They have so much to do right now, they are worried. Thank you so much for any information you might have.

Lisa

Lisa Salas Brown, Director
Department of Accountability and Continuous Improvement

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Ventura County Office of Education (Conference Center)
5100 Adolfo Road, Camarillo, CA 93012
Office: 805-437-1500
For more information on the Department of ACI, Click Here

AMERICAN OVERSIGHT

**From:** Jones, Al
**Sent:** Fri, 20 Mar 2020 23:07:46 +0000
**To:** Erin Calvin;disterinfo@tea.texas.gov;sped@tea.texas.gov;tom.maynard@tea.texas.gov;justin.porter@tea.texas.gov;Broady, Cheryl;Walters, Alecia
**Cc:** COVID-19
**Subject:** RE: Status of special education evaluations during pandemic

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

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*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
*www.ed.gov*

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**From:** Erin Calvin <erin.calvin@comalisd.org>
**Sent:** Friday, March 20, 2020 2:48 PM
**To:** disterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov; Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Status of special education evaluations during pandemic

To whom it may concern:

Please read the attached letter in regards to the status of special education evaluations during this pandemic. Direction from TEA is in conflict with

AMERICAN OVERSIGHT

direction from OSEP. Please assist us in rectifying this conflict so that we, Licensed Specialists in School Psychology, are not forced to determine which agency's guidelines we will or will not follow. Thank you for your time.

Thank You,

**Erin Calvin, M.S., L.S.S.P, N.C.S.P**
Licensed Specialist in School Psychology

**Department of Special Education Services**
**Spring Branch MS** (830) 885-8864 **(office)**
**Bill Brown ES** (830) 885-1408 **(office)**
**Email** erin.calvin@comalisd.org

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**From:** Jones, Al
**Sent:** Fri, 20 Mar 2020 23:10:53 +0000
**To:** Chelc;Broady, Cheryl;Walters, Alecia
**Cc:** COVID-19
**Subject:** RE: TEA GUIDELINES IN OPPOSITION OF DOE GUIDELINES

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

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*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
*www.ed.gov*

**From:** Chelc <chelceysmith@gmail.com>
**Sent:** Friday, March 20, 2020 6:31 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>; disasterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov
**Subject:** TEA GUIDELINES IN OPPOSITION OF DOE GUIDELINES

Please see the attached file. I am so very concerned that I ethically don't believe in using standardized assessments in a very non-standardized way. For example, there are no reliable and valid cognitive and achievement assessments that are designed to be administered online/remotely. I have looked, asked peers and colleagues, and unfortunately, there are no evidence-based alternatives at this time. From what I understand, it will take an act of Congress to dismiss FIIE timelines for this brief period of time. Please consider the recommendations of the Texas Association of School Psychologists. California has

AMERICAN OVERSIGHT

already recognized this dilemma and provided guidance on delaying face-to-face testing until I'm person education can be resumed.

Thank you so much for all of your hard work during this incredibly complicated time.

Sincerely,
Chelcey Smith, S.S.P.
Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

**From:** Jones, Al
**Sent:** Fri, 20 Mar 2020 23:10:10 +0000
**To:** Sara Estes
**Cc:** COVID-19
**Subject:** RE: Texas Education Agency Timeline Concerns from a Texas LSSP

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

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*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
*www.ed.gov*

**From:** Sara Estes <htsbuilderssara@gmail.com>
**Sent:** Friday, March 20, 2020 5:54 PM
**To:** Jones, Al <Al.Jones@ed.gov>
**Subject:** Texas Education Agency Timeline Concerns from a Texas LSSP

Dear Mr. Jones:

I humbly write in the middle of a time period that can only be described as unimaginable. I will keep this as brief as possible. I currently work as a Licensed Specialist in School Psychology at Texarkana Independent School District in Texarkana, Texas. The Texas Education Agency (TEA) recently updated special education guidelines amid school closures for COVID-19. I completely understand and agree with the mandates that we continue to conduct annual IEP meetings, evaluation review meetings, and related services the best we can in a virtual format. However, TEA states that assessment personnel must continue to honor the 45 day timeline for initial evaluations and other timelines set for

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reevaluations if the school is providing any type of instruction for students. I cannot even wrap my mind around this mandate. As an LSSP, this mandate violates my code of ethics and compromises the safety of myself, my family, our students, and their families.

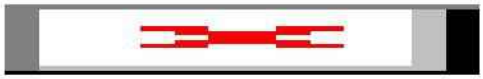
- The CDC, local and state governments, and the federal government have mandated school and business closures. The CDC has reported no more than 10 people should gather. Some cities are beginning to shelter in place.

- I am one LSSP in a district of 7000 students (1:7000). I am the only person in my district responsible for completing psychological evaluations to determine if a student has an emotional disturbance. I currently have to complete 21 Full and Individual Initial Evaluations including formal assessment of cognitive ability, academic achievement, emotional and behavioral functioning, adaptive behavior skills, and in 3 cases formal assessment to determine if autism is present. I already had to complete these with only 40 days left in our school calendar. Now, I am told I have to still complete these while the students are not present. Also, previously scheduled referral meetings will add to the number of evaluations requested/required. I also must meet this challenge while assisting my own children with their daily instruction/academic assignments.

- In order to accomplish this, I will either have to complete these evaluations using ONLY informal data based on school records recorded up to the date the student was last at school - which does not by law constitute an appropriate evaluation. Or, I will have to expose that student (and the family that will be required to bring them for face to face assessment) to myself in order to gain required data needed for an appropriate evaluation. This then leads to my own exposure, my family's exposure, etc. etc.

- In order to identify a child with an emotional disturbance, I have to prove that the child has:
(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
(C) Inappropriate types of behavior or feelings under normal circumstances.
(D) A general pervasive mood of unhappiness or depression.
(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

- TEA states:



I urge you, please provide our state agencies with further guidance. It is unethical to determine a child has an emotional disturbance at this time because these children are now under anything but normal circumstances and are likely to be experiencing heightened emotional distress, just as you and I are. These are unprecedented circumstances. My focus should be on providing any support I can, continuing counseling services, and assisting families with basic needs. I do not need to be focusing on identifying disabilities, primarily a disability that is associated only with the impact of mental health on school performance. It is also highly likely that inappropriate decisions will be made by all assessment personnel (educational diagnosticians, speech pathologists, occupational therapists, physical therapists, etc.) based on invalid, unreliable, or just a lack of data. Please, please, help us continue to honor the ethics of our profession and to meet the needs of our students in the most effective ways. I can

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confidently speak for my colleagues as a whole. We love our students. We love our profession. We will always do what is right by kids.

Sincerely,
Sara Estes

Sara Estes, LSSP, NCSP
Licensed Specialist in School Psychology
Nationally Certified School Psychologist
TX License #34575

--

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**From:** Jones, Al
**Sent:** Fri, 20 Mar 2020 23:06:34 +0000
**To:** Christy Lindahl;Broady, Cheryl;Walters, Alecia
**Cc:** COVID-19
**Subject:** RE: Texas Special Education Evaluations and COVID-19

Good afternoon,

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*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
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**From:** Christy Lindahl <christy.lindahl2016@gmail.com>
**Sent:** Friday, March 20, 2020 2:24 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Texas Special Education Evaluations and COVID-19

Good Afternoon,

My name is Christy Lindahl and I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our

AMERICAN OVERSIGHT

Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open consent for a Full and Individual Initial Evaluation or Reevaluation.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Christy Lindahl

Christy L. Lindahl, M.A., Ed.S., LSSP
Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Williams, Bryan
**Sent:** Fri, 20 Mar 2020 15:02:44 +0000
**To:** cfox@setda.org
**Cc:** Muhammad, Faatimah;OESE.titleii-a;COVID-19
**Subject:** RE: Title IIA ED Guidance per COVID?

Good Morning Christine:

Faatimah Muhammad forwarded your question concerning Title IV-A to the Office of Safe and Supportive Schools, and I'm pleased to respond.

Please note that Title IV-A funds may be used for expenses related to distance learning if the SEA determines it is allowable and consistent with the purposes of at least one of the three content areas (in this case well rounded), and if it is reasonable, necessary and allocable to the grant. Please note that the 15 percent special rule, ESEA Section 4109(b), applies only to the effective use of technology content area and not to well rounded.

At this time, we are not aware of any potential waiver of the 15 percent special rule, however I would recommend regularly checking the Department's webpage for any additional guidance.

If you have any further questions related to Title IV-A, please feel free to contact our office.

Thanks,

Bryan Williams
Group Leader
Title IV-A Program

---

**From:** Muhammad, Faatimah
**Sent:** Thursday, March 19, 2020 10:24 AM
**To:** Christine Fox <cfox@setda.org>
**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>; Richardson, Scott <scott.richardson@ed.gov>
**Subject:** RE: Title IIA ED Guidance per COVID?

Thanks Christine, I will share the TIV questions with the appropriate team.

---

**From:** Christine Fox <cfox@setda.org>
**Sent:** Thursday, March 19, 2020 7:37 AM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>; Richardson, Scott <scott.richardson@ed.gov>
**Subject:** Re: Title IIA ED Guidance per COVID?

Thank you,

Here is one more question:

AMERICAN OVERSIGHT

- Can Title IV-A well rounded funds pay for hot spots so students and staff can continue learning at home ?

---

**From:** "Muhammad, Faatimah" <Faatimah.Muhammad@ed.gov>
**Date:** Wednesday, March 18, 2020 at 4:41 PM
**To:** Christine Fox <cfox@setda.org>
**Cc:** "OESE.titleii-a" <OESE.titleii-a@ed.gov>, "Richardson, Scott" <scott.richardson@ed.gov>
**Subject:** RE: Title IIA ED Guidance per COVID?

Hi Christine,
Thank you so much for the questions below. We will begin the process of getting you a response. To access more information about the impact of COVID-19 on schools and school personnel, I encourage you to access the Department's COVID-19 webpage at https://www.ed.gov/coronavirus. We will continue to update this site with information.

Regards,
Faatimah

Faatimah Muhammad, Ed.S
Supervisory Education Program Specialist
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave, S.W 3C106
Washington, DC 20202
202-453-6827
Faatimah.muhammad@ed.gov

---

**From:** Christine Fox <cfox@setda.org>
**Sent:** Wednesday, March 18, 2020 4:30 PM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>
**Subject:** Re: Title IIA ED Guidance per COVID?

Hi there,

Thank you for the quick response. Here are questions that we just gathered during our call. I am happy to disseminate any information you will be able to share. Thank, Christine

1. **Can Title IIA SEA funds be used to purchase devices (tablets/laptops or hot spots for connectivity) for students to ensure equitable access to effective**

AMERICAN OVERSIGHT

**educators since students can't go to school? Or will there be a waiver about purchasing devices?**

2. **Since for many districts, engaging in online learning is not part of regular instruction - is this supplemental? What types of purchases would be permitted?**

3. **Will there be a waiver for Title IVA cap of 15% for Effective Use of Technology ?**

4. **Are any plans to extend the federal grant period?**
    a. Will dates for both 2018-19 and 19-20 be moved? Districts are concerned about carryover that expires this September 2020.

---

**From:** "Muhammad, Faatimah" <Faatimah.Muhammad@ed.gov>
**Date:** Wednesday, March 18, 2020 at 3:06 PM
**To:** Christine Fox <cfox@setda.org>
**Cc:** "OESE.titleii-a" <OESE.titleii-a@ed.gov>
**Subject:** RE: Title IIA ED Guidance per COVID?

Christine,
Thank you so much. Having the specific questions would be very helpful.

Regards,
Faatimah

Faatimah Muhammad, Ed.S
Supervisory Education Program Specialist
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave, S.W 3C106
Washington, DC 20202
202-453-6827
Faatimah.muhammad@ed.gov

---

**From:** Christine Fox <cfox@setda.org>
**Sent:** Wednesday, March 18, 2020 12:02 PM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** FW: Title IIA ED Guidance per COVID?

Please see below, let me know if you can help. Thanks,

AMERICAN OVERSIGHT

Christine Fox
Deputy Executive Director
SETDA//Leadership:Technology:Innovation:Learning
202-715-6636 ext.702
@SETDA @cafox
cfox@setda.org

---

**From:** Christine Fox <cfox@setda.org>
**Date:** Wednesday, March 18, 2020 at 12:00 PM
**To:** "Witt, Elizabeth" <Elizabeth.Witt@ed.gov>
**Subject:** Title IIA ED Guidance per COVID?

Hi there,

The Title IIA directors are going to huddle about use of state activity funds to support eLearning. Any updated guidance from ED specific to this? I can develop a list of questions for you if that is helpful.

Also, hopefully you saw that on Monday SETDA release the Coalition for eLearning. **www.setda.org/main-coalitions/elearning**

Here are pages that would be most relevant to teachers:

- **Partner Resources https://www.setda.org/main-coalitions/elearning/partner-resources/** (free resources that have been vetted)
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- **Content and Lessons - https://www.setda.org/main-coalitions/elearning/content/**

  If you missed the launch Webinar, access the recording here Strategies for eLearning Days in the Wake of COVID-19

Also, SETDA is working to develop additional resources, please let us know of any contracts or grants ED might be pushing out around this.

Thank you,

Christine

Christine Fox
Deputy Executive Director

AMERICAN OVERSIGHT

SETDA//Leadership:Technology:Innovation:Learning
202-715-6636 ext.702
@SETDA @cafox
cfox@setda.org

AMERICAN OVERSIGHT

**From:** Christine Fox
**Sent:** Fri, 20 Mar 2020 15:17:19 -0400
**To:** Williams, Bryan
**Cc:** Muhammad, Faatimah;OESE.titleii-a;COVID-19
**Subject:** Re: Title IIA ED Guidance per COVID?

Hi Bryan,

Thank you for responding. Please keep us posted on any changes as well. Christine

---

**From:** "Williams, Bryan" <Bryan.Williams@ed.gov>
**Date:** Friday, March 20, 2020 at 11:02 AM
**To:** "cfox@setda.org" <cfox@setda.org>
**Cc:** "Muhammad, Faatimah" <Faatimah.Muhammad@ed.gov>, "OESE.titleii-a" <OESE.titleii-a@ed.gov>, COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Title IIA ED Guidance per COVID?

Good Morning Christine:

Faatimah Muhammad forwarded your question concerning Title IV-A to the Office of Safe and Supportive Schools, and I'm pleased to respond.

Please note that Title IV-A funds may be used for expenses related to distance learning if the SEA determines it is allowable and consistent with the purposes of at least one of the three content areas (in this case well rounded), and if it is reasonable, necessary and allocable to the grant. Please note that the 15 percent special rule, ESEA Section 4109(b), applies only to the effective use of technology content area and not to well rounded.

At this time, we are not aware of any potential waiver of the 15 percent special rule, however I would recommend regularly checking the Department's webpage for any additional guidance.

If you have any further questions related to Title IV-A, please feel free to contact our office.

Thanks,

Bryan Williams
Group Leader
Title IV-A Program

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**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>; Richardson, Scott <scott.richardson@ed.gov>
**Subject:** RE: Title IIA ED Guidance per COVID?

AMERICAN OVERSIGHT

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Here is one more question:

- Can Title IV-A well rounded funds pay for hot spots so students and staff can continue learning at home ?

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Regards,
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Faatimah Muhammad, Ed.S
Supervisory Education Program Specialist
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave, S.W 3C106
Washington, DC 20202
202-453-6827
Faatimah.muhammad@ed.gov

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AMERICAN OVERSIGHT

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**Subject:** Re: Title IIA ED Guidance per COVID?

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Faatimah

Faatimah Muhammad, Ed.S
Supervisory Education Program Specialist
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave, S.W 3C106
Washington, DC 20202
202-453-6827

AMERICAN OVERSIGHT

Faatimah.muhammad@ed.gov

---

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**Sent:** Wednesday, March 18, 2020 12:02 PM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** FW: Title IIA ED Guidance per COVID?

Please see below, let me know if you can help. Thanks,

Christine Fox
Deputy Executive Director
SETDA//Leadership:Technology:Innovation:Learning
**202-715-6636 ext.702**
@SETDA @cafox
cfox@setda.org

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**Date:** Wednesday, March 18, 2020 at 12:00 PM
**To:** "Witt, Elizabeth" <Elizabeth.Witt@ed.gov>
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AMERICAN OVERSIGHT

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Thank you,

Christine

Christine Fox
Deputy Executive Director
SETDA//Leadership:Technology:Innovation:Learning
**202-715-6636 ext.702**
@SETDA @cafox
cfox@setda.org

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Fri, 20 Mar 2020 18:22:12 +0000
**To:** nwilliamson@doe.in.gov;OESE.titlei-a;COVID-19
**Cc:** OESE.SGR.Indiana
**Subject:** RE: Tydings Waiver

Hi Nathan,

Thank you for your question, which our State and Grantee Relations Team forwarded to our Title I team. I have copied the Department's dedicated inbox on this topic at COVID-19@ed.gov for a response.

Best,
Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

---

**From:** OESE.SGR.Indiana <Indiana.oese@ed.gov>
**Sent:** Friday, March 20, 2020 1:46 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** FW: Tydings Waiver

Good Afternoon,

Please see the waiver inquiry below.

**Brandon Webber**
U.S. Department of Education
Office of Elementary and Secondary Education
Office of State and Grantee Relations (SGR)
400 Maryland Avenue, SW
Washington, D.C. 20202
Office: (202) 453-7944 | **E-mail**
Connect. Engage. Empower.

---

**From:** Williamson, Nathan <nwilliamson@doe.in.gov>
**Sent:** Friday, March 20, 2020 10:54 AM

AMERICAN OVERSIGHT

**To:** OESE.SGR.Indiana <Indiana.oese@ed.gov>
**Subject:** Tydings Waiver

Hello,

IDOE is going to request a tydings waiver for additional time to expend FFY 18 funds considering the mass closures due to coronavirus.

However, in reading this memo: https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-17.pdf

It appears that USED now is directed to give automatic extensions. So I am emailing to find out if the waiver process is still needed, or if we are going to hear further instructions on the extended deadlines to encumber and liquidate funds that expire 12/31/20?

Thank you,

Nathan

**Nathan Williamson**
*Director of Title Grants and Support*
**Indiana Department of Education**
(317) 232-6671 | nwilliamson@doe.in.gov
www.doe.in.gov Feedback: How are we doing?

*CONFIDENTIALITY NOTICEThis communication is for the sole use of the intended recipient(s) and may contain information that is confidential, privileged, or otherwise exempt from disclosure under applicable law. If you are not the intended recipient(s), the dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please contact the sender immediately and destroy all copies of the original message and any attachments. Receipt by anyone other than the named recipient(s) does not constitute a waiver of any applicable privilege.*

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Fri, 20 Mar 2020 17:44:14 +0000
**To:** Two Crow, Stefanie;OESE.titlei-a;OESE.SGR.North Dakota;COVID-19
**Subject:** RE: Urgent Request for Title I Guidance on CPVID-19 and services to students

Good Afternoon,

Thank you for your question. I have copied the Department's dedicated inbox on this topic at COVID-19@ed.gov for a response.

Best,
Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

---

**From:** Two Crow, Stefanie <stwocrow@nd.gov>
**Sent:** Friday, March 20, 2020 1:37 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>; OESE.SGR.North Dakota <NorthDakota.oese@ed.gov>
**Subject:** Urgent Request for Title I Guidance on CPVID-19 and services to students
**Importance:** High

**Hello and best wishes,**

**It has been requested that our office provide guidance for school and district leaders to develop short-term and long-term plans during COVID-19 school closure. I would like to know if USDE has any guidance in the following areas regarding Title I programming and plans to describe the following:**

- Process for appropriate instruction to ensure accessibility to content, dependent on federal title designation
    - *Schoolwide*- this is addressed in the school's overall plan as staff funded with Schoolwide funds can serve all students
    - *Targeted*- this needs to be specifically addressed in how Title I teachers will be providing instruction to identified Title I students
    - *Private*- districts will need to reach out to private schools and include in their plan how Title I teachers will provide instruction to identified students

AMERICAN OVERSIGHT

If any infroamtion has been released in these areas, please provide me with this information and respond ASAP as we would like to have a quick turnaround on the release of this information.

Thank you,

**Stefanie Two Crow**
Director Educational Equity and Support
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-2287
www.nd.gov/dpi

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Fri, 20 Mar 2020 20:12:40 +0000
**To:** John Paul Thornton
**Cc:** COVID-19
**Subject:** RE: When are you going to cancel student loans?

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 20, 2020

Dear John Paul Thornton,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

We appreciate your concern and will share your comments with Secretary DeVos and her senior staff.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

**From:** John Paul Thornton <paul.thornton4@gmail.com>
**Sent:** Thursday, March 19, 2020 1:45 AM
**To:** answers <answers@ed.gov>
**Subject:** When are you going to cancel student loans?

In the midst of this global pandemic and a near economic depression, it is time to cancel student loans now! When are you going to do so?

AMERICAN OVERSIGHT

Thanks.

AMERICAN OVERSIGHT

**From:** Chamberlain, Mary Ellen
**Sent:** Fri, 20 Mar 2020 20:08:58 +0000
**To:** COVID-19
**Cc:** Keegan, Joe;Johnston, Kyle;Maroun, Sarah
**Subject:** Reduced Academic Year
**Importance:** High

Good Afternoon:

This email is in reference for permission for a temporary reduction in our length of academic year due to the COVID-19.

North Country Community College, OPE ID 00711100, has suspended all classes beginning Monday, March 16th, 2020. Spring break, which is scheduled to run from March 21st through March 29th, 2020 will continue as planned. Following the conclusion of spring break, classes will resume on March 30th using a modified delivery system in which classes are offered online as much as possible for the rest of the semester.

Please confirm approval. Thank you for your time.,

Sincerely,

Mary Ellen Chamberlain,
Director of Financial Aid

::::::::::::::::::
**Office of Financial Aid**
Mailing address: PO Box 89, Saranac Lake, NY 12983
888-TRY-NCCC | 518-891-2915 Ext. 1687 | Fax: 518-891-6562 | nccc.edu

NORTH COUNTRY COMMUNITY COLLEGE
THE STATE UNIVERSITY OF NEW YORK

AMERICAN OVERSIGHT

**From:** Lisa Montany
**Sent:** Fri, 20 Mar 2020 12:43:34 +0000
**To:** COVID-19
**Cc:** Connie Bonner
**Subject:** Refunds and Title IV Aid

Good morning,

Our controller's office has a question and I have not yet found that it has been addressed (if it has been, my apologies):

If we refund a portion of room and board fees that were covered by the application of federal aid, can we apply a credit on a student's account to rollover to a future year (assuming they are returning), or must we refund in cash? I know per our federal policy we would refund in cash within the set amount of business days. However, I want to confirm that this is still the case with the COVID situation.

Respectfully,

Lisa

Lisa Montany
Director of Financial Aid

Huntington University
2303 College Avenue
Huntington, IN 46750

(260) 359-4326

AMERICAN OVERSIGHT

**From:** Tyler Rice
**Sent:** Fri, 20 Mar 2020 16:35:30 +0100
**To:** COVID-19
**Subject:** Regarding Loan Disbursements for International Schools Affected by Covid-19
**Attachments:** Screenshot 2020-03-20 at 16.13.03.jpg, Screenshot 2020-03-20 at 16.05.48.jpg, Screenshot 2020-03-20 at 16.05.58.jpg

To whom it may concern,

My name is Tyler and I am currently attending a college abroad, in Poland to be specific. Due to the current situation of the Covid-19 virus, my university is temporarily closed down to prevent the spread to the students and instructors. As a result, my whole program is currently operating through e-learning programs. It's certainly not what we want, but we are doing what we can to keep our lives on track despite the situation. However, as a result of our university being temporarily closed down and learning online, for the time being, the Department of Education is not allowing the disbursement of affected students FASFA loans to be used to pay for school tuition.

I am sure that those of you reading this are already very aware of this situation, however, I would like you to know exactly how this situation is affecting myself and others in the same position. My school has already generously extended the payment for tuition to the end of April, however, I, like many others, will only be able to pay for this tuition if it is covered by our student loans. As a result, if my tuition goes unpaid, I will have to drop out of school and my visa will become void. I have been attending this university for the past two and a half years and am in my final semester before graduation. As you can likely imagine, having to drop out at this point would cause great damage to my life.

To get to the point, I would kindly ask that those of you at the Department of Education take fully into account the situation that the world is in right now and allow for the funds to be used to pay tuition in the case that a school is temporarily closed due to concerns over the virus.

I am already working with my school's financial aid office, other officials at my university, as well as contacts at FASFA and the USDE. I would be more than willing to provide any additional information required to resolve this situation.

Please also see below screenshots from emails between myself and my Financial Aid Administrator, Ewa Stankiewicz, at Jagiellonian University. (ewa.stankiewicz@uj.edu.pl)

Thank you and I look forward to hearing back from you,

Best Regards,

Tyler Rice
(fazerice20@gmail.com)

AMERICAN OVERSIGHT

**Ewa Stankiewicz**
to me

Dear Tyler

Thank you for your email. I will inform you if I receive any update.

I would appreciate if you could email the U.S. Department of Education directly.

Best regards,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

---

**Ewa Stankiewicz** 1:49 PM (2 hours ago)
to Dział

Dear Students,

In reference to the Office of Postsecondary Education's announcement of March 05, 2020, Jagiellonian University is not allowed to disburse Title IV funds for the 2019-2020 summer semester to U.S. students who participate in the William D. Ford Federal Direct Loan Program while studying at JU.

In accordence with the OPE's announcement of March 05, 2020, Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs and the U.S. Department of Education does not exempt foreign schools from no permission for distance learning due to COVID-19.

Due to the above the 2019-2020 summer semester disbursement of the Title IV funds awarded to you in the Award Letter issued for this academic year will not be made.
I would like to inform you that JU's authorities are going to submit re-inquiry to the U.S. Department of Education indicating your financial situation. I would appreciate your reply with the information whether you are currently in Poland or the United States of America or in another country.

Also, please note that your 2019-2020 summer semester tuition fee will not be covered from the Title IV funds, however due to COVID-19, the deadline to pay the tuition fee for this semester is extended by the JU Rector to April 30, 2020. If you have any further questions regarding the tuition fee payment, please do not hesitate to contact the student's secretary office at your Faculty.

I will keep you informed about any changes in the guidance of the U.S. Department of Education.

Best regards,
Ewa Stankiewicz

Financial Aid Administrator

AMERICAN OVERSIGHT

**Ewa Stankiewicz**
to Dział

Mar 16, 2020, 11:17 AM (4 days ago)

Dear Students,

I would like to inform you that Jagiellonian University is waiting for the clarification from the U.S. Department of Ecucation regarding the impact of the precautions taken by the Government of Poland due to the spread of Coronavirus (COVID-19) in Europe on you Title IV eligibility.

In the electronic announcement of March 05, 2020, the the Office of Postsecondary Education's informed that: "We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Duet to the adobe the 2019-2020 summer semester disbursement will not be made until we receive the information from the U.S. Department of Education.

I really appreciate your patience and will let you know immediately as soon as I receive any update.

Best regards,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

**Ewa Stankiewicz**

to me

Dear Tyler

Thank you for your email. I will inform you if I receive any update.

I would appreciate if you could email the U.S. Department of Education directly.

Best regards,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

**Ewa Stankiewicz** 1:49 PM (2 hours ago)

to Dział

Dear Students,

In reference to the Office of Postsecondary Education's announcement of March 05, 2020, Jagiellonian University is not allowed to disburse Title IV funds for the 2019-2020 summer semester to U.S. students who participate in the William D. Ford Federal Direct Loan Program while studying at JU.

In accordence with the OPE's announcement of March 05, 2020, Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs and the U.S. Department of Education does not exempt foreign schools from no permission for distance learning due to COVID-19.

Due to the above the 2019-2020 summer semester disbursement of the Title IV funds awarded to you in the Award Letter issued for this academic year will not be made.

I would like to inform you that JU's authorities are going to submit re-inquiry to the U.S. Department of Education indicating your financial situation. I would appreciate your reply with the information whether you are currently in Poland or the United States of America or in another country.

Also, please note that your 2019-2020 summer semester tuition fee will not be covered from the Title IV funds, however due to COVID-19, the deadline to pay the tuition fee for this semester is extended by the JU Rector to April 30, 2020. If you have any further questions regarding the tuition fee payment, please do not hesitate to contact the student's secretary office at your Faculty.

I will keep you informed about any changes in the guidance of the U.S. Department of Education.

Best regards,

Ewa Stankiewicz

AMERICAN OVERSIGHT

Financial Aid Administrator

**Ewa Stankiewicz** Mar 16, 2020, 11:17 AM (4 days ago)

to Dział

Dear Students,

I would like to inform you that Jagiellonian University is waiting for the clarification from the U.S. Department of Ecucation regarding the impact of the precautions taken by the Government of Poland due to the spread of Coronavirus (COVID-19) in Europe on you Title IV eligibility.

In the electronic announcement of March 05, 2020, the the Office of Postsecondary Education's informed that: "We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Duet to the adobe the 2019-2020 summer semester disbursement will not be made until we receive the information from the U.S. Department of Education.

I really appreciate your patience and will let you know immediately as soon as I receive any update.

Best regards,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

**From:** Brodie, Katherine D.
**Sent:** Fri, 20 Mar 2020 15:28:13 +0000
**To:** COVID-19
**Cc:** Jones, Diane
**Subject:** Request for Additional Guidance
**Attachments:** COVID-19 Regulatory Flexibility - AACS to DeVos - 3-20-2020.pdf

Attached please find a request from the American Association of Cosmetology Schools regarding additional guidance and flexibility as a result of the COVID-19 pandemic.

Please contact me with any questions about this request.

Katherine Brodie

For more information about Duane Morris, please visit http://www.DuaneMorris.com

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AACS

REPRESENTING BEAUTY & WELLNESS EDUCATION

SINCE 1924

March 20, 2020

Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Secretary DeVos:

On behalf of the American Association of Cosmetology Schools ("AACS"), we are requesting that the Department of Education provide regulatory flexibility on several pertinent issues that have arisen as a result of COVID-19 interruptions. AACS is a private, non-profit trade association founded in 1924 to represent the interests of state-licensed, accredited institutions of higher education that educate students for occupations in the beauty and wellness industry. Economists are predicting up to 20% unemployment as a result of the impacts of the pandemic on our economy, and individuals will require increased training and re-training to return to the workforce. Our schools are located throughout the United States and a majority participate in the U.S. Department of Education's Title IV programs. Our institutions are predominantly clock hour and lead to state licensed occupations. As our institutions attempt to adapt to the changing educational setting during this difficult time, we request that the Department provides us with additional flexibility on several regulatory areas described below.

1. Enrollment for new students. In the COVID-19 guidance provided by the Department to date, institutions are provided temporary flexibility to implement distance learning solutions for the purposes of educating students in the event of campus interruptions due to COVID-19. However, that guidance is limited to temporary online programming for currently enrolled students only. The guidance does not address the situation of clock hour institutions that do not operate on a traditional academic year calendar and that have either "rolling" starts or periodic start dates throughout the year. These institutions and programs are designed to provide maximum flexibility to adult learners by allowing multiple start dates and alternative scheduling. It is critical that these institutions be provided additional flexibility to continue to enroll and operate as close to normally as possible during the COVID-19 interruption. Accordingly, we are requesting that the Department issue guidance that makes clear that clock hour institutions may continue to enroll new students in temporary online programs with state and accreditor approval. This will allow clock hour schools to avoid existential interruptions and afford students the opportunity to continue their education while minimizing interruption during this period. Clock hour programs are far more vulnerable to the impact of COVID-19 as compared to degree granting programs. Clock hour-based programs are typically meaningfully shorter than degree granting programs with tuition paid only for hours attended. Hence, clock hour programs are

AMERICAN OVERSIGHT

more financially at risk. Conversely, clock hour programs are designed to get graduates in the workforce quickly, which is precisely what will be required during a weak economy which will follow in the wake of COVID-19.

2. Learning environment. With regard to the type of learning environment provided by institutions during the COVID-19 interruption, we are requesting that the Department issue clear and detailed guidance that makes clear that both asynchronous and synchronous online learning tools are acceptable for online programs offered by clock hour schools at least on a temporary basis. In an effort to offer our students the ability to follow a set schedule of online classes, our institutions have been working extremely hard, and very successfully, to transition from on ground to online learning and to provide continued quality educational opportunities to our students so that they can continue their studies. We believe that it is necessary to afford clock hour institutions the flexibility to use both synchronous and asynchronous learning, just like traditional institutions have been given, so long as the institution can demonstrate regular and substantive interaction via an asynchronous environment.

3. 90/10 and Composite Scores. Although this is a longer term concern, it needs to be addressed. Many cosmetology schools rely on allowable non-Title IV revenues related to their programs that derive from services offered on the clinic floor. Increasingly, as states implement additional safeguards, they are moving to mandate the temporary closure of all salon and barber related businesses. These services are not offered when a school closes its physical premises and moves to an online delivery model on a temporarily basis. As a result, we would expect that many of our member institutions may encounter issues with 90/10 compliance for the audit year impacted by the COVID-19 interruption. We request that given the circumstances, the Department provide a temporary waiver of the 90/10 requirement for the audit year impacted by the COVID-19 interruption. This will be imperative to the long-term compliance of affected institutions. This also raises more broadly the Department's need to provide a temporary waiver of composite score Title IV consequences due to revenue losses for the audit year impacted by COVID-19. We urge the Department to make clear that it would accept accreditors and states also providing temporary waivers of regulatory consequences tied to financial condition for the impacted year. If schools borrow towards the operation, the financial impact would be significant and if prolonged for a period of time would become extreme. As a result, the treatment of long term debt under the changes to the financial responsibility rules effective July 1, 2020 should be postponed.

4. Elimination of 50% on line distance education rule and relaxed SAP. We are asking the department to allow 100% online programs during the crisis and relaxed Satisfactory Academic Progress standards.

5. Class Size – Online. We request that the Department make clear that the Department has no restrictions on class size for online course enrollments and that it is acceptable for states and accreditors to waive any class size limitations that may apply to programs offered in person while institutions are using online delivery for current and new enrollments. By doing so, our institutions will be able to reach and educate additional students to be prepared to re-enter a recovering economy and without harming the learning environment.

AMERICAN OVERSIGHT

6. Leave of Absence: If a student does not return from an LOA due to coronavirus circumstances, the last date of attendance should be the date of determination (not the first date of the LOA as the law is written now).

7. Unemployment deferments and forbearances. We seek confirmation of waiver of interest during this pandemic as well as waiver of impacted months in the cumulative limits for deferments and forbearance. We also recommend waiver of an employment search as a requirement for the unemployment deferments during times of pandemic and quarantine.

On behalf of our entire association, we thank you for your consideration of our requests. Your staff may contact Katherine Brodie at Kdbrodie@duanemorris.com or call 202-776-5241 in connection with this request.

Very Truly Yours,

Kathy Chow
AACS, Executive Director

AMERICAN OVERSIGHT

**From:** Dawn Langdon
**Sent:** Fri, 20 Mar 2020 19:03:02 +0000
**To:** COVID-19
**Subject:** Request for permission to have a shortened academic year

Good Afternoon,

I am requesting permission for Finger Lakes Community College, OPE ID 00753200, to shorten the academic year by extending our spring break one week. This is due to the Coronavirus. We extended our spring break to allow faculty time to move classes online. If you need further information, please contact me.

Thank you,
Dawn

*Dawn M. Langdon*
*Director of Financial Aid*
*Finger Lakes Community College*
*3325 Marvin Sands Drive*
*Canandaigua, NY 14424*
*Call: 585-785-1277*
*Text:* (914) 594-6636
Fax: 585-394-0635

AMERICAN OVERSIGHT

**From:** DARCY KAMPFSCHULTE
**Sent:** Fri, 20 Mar 2020 11:26:14 -0400
**To:** COVID-19
**Subject:** request for reduction in length of academic year

Hello,

Aquinas College 00223900 extended our spring break by one week to allow instructors to prepare for remote teaching in an attempt to reduce the spread of COVID-19. This reduces our academic year from 30 to 29 weeks. Can we please request an approval for the reduction? Please let me know if you need any other information from me.

Thank you.

--
**Darcy Kampfschulte | Director of Financial Aid**
**Aquinas College**
1700 Fulton St. E | Grand Rapids, MI 49506
p 616.632.2894 | f 616.732.4547
kampfdar@aquinas.edu
aquinas.edu | Facebook | Twitter

AMERICAN OVERSIGHT

**From:** Young, Susan
**Sent:** Fri, 20 Mar 2020 18:13:36 +0000
**To:** COVID-19
**Subject:** Request for Reduction in Length of Academic Year

In response to the COVID-19 crisis, it was necessary for Bob Jones University to extend its Spring break to two weeks. Classes are currently scheduled to resume in an online format on March 30. Based on the change of course format, the term end date has been changed to May 2.

As a result of these necessary changes, our Spring 2020 semester has been reduced to 13 weeks of instruction which brings the total number of weeks of instruction for the 2019-2020 academic year to 28 weeks.

Thank you.

Susan Young

**Susan W. Young**
Director, Student Financial Aid | Financial Aid Office
(864) 241-1637 | syoung@bju.edu
**Bob Jones University** | **LEARN. LOVE. LEAD.**

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AMERICAN OVERSIGHT

**From:** Jennifer A. Gallagher
**Sent:** Fri, 20 Mar 2020 13:47:12 +0000
**To:** COVID-19
**Subject:** Request for shortened academic year

Good Morning,

Washington College added one week to our already planned spring break. I am asking permission for our academic year to be shortened to 29 weeks instead of the planned 30 weeks.

Sincerely,
Jennifer Gallagher


WASHINGTON COLLEGE
300 Washington Ave.
Chestertown, MD 21620

Jennifer A. Gallagher, M.B.A.
*Director of Student Financial Aid*
Office of Student Financial Aid
**T**: 410-778-7765
**F:** 410-810-7160
**E**: jrunyon2@washcoll.edu
**W**: washcoll.edu


AMERICAN OVERSIGHT

**From:** Louise Janke
**Sent:** Fri, 20 Mar 2020 17:01:45 +0000
**To:** COVID-19
**Subject:** Shortening the Academic Semester

Hello!
I hope you are doing well!

UW La Crosse has made the decision to shorten the semester by one week as a result of the COVID 19 pandemic. The decision was made by our Chancellor and senior leadership here on campus. Are you able to outline the steps we need to take in order to make a formal request (to shorten the academic year) with the School Participation team? Any assistance is appreciated!

Thank you so much!
Louise

Louise Larson Janke
Director, Financial Aid
University of Wisconsin - La Crosse

AMERICAN OVERSIGHT

**From:** Payne, John R
**Sent:** Fri, 20 Mar 2020 16:45:42 +0000
**To:** OESE.titlei-a;COVID-19
**Cc:** Traywick, Laurie;Spearman, Molly;Hawkins, Karla M.;Skloot, Evan
**Subject:** South Carolina Waiver
**Attachments:** South Carolina 20-0077 ESEA Waiver.pdf

Dear Colleagues,

Attached please find South Carolina's requested waiver for flexibilities under the ESEA due to the statewide impact of COVID-19.

We look forward to your response, and genuinely appreciate this flexibility. If you have any questions, please feel free to email or call.

Sincerely,

John R. Payne
Deputy Superintendent
Division of Federal Programs, Accountability and School Improvement
South Carolina Department of Education
1429 Senate Street
Columbia, South Carolina 29201
jrpayne@ed.sc.gov
http://www.ed.sc.gov

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This template is an example that may be used for the submission of a request for waivers of assessments, accountability and school identification, and reporting requirements under the Elementary and Secondary Education Act of 1965, as amended. Note that the Department will accept, process, and approve any appropriate waiver request; for assistance please contact OESE.Titlei-a@ed.gov. However, the Department plans to respond in one business day to a State educational agency that follows the example and provides all necessary information in an accessible way.

The Honorable Frank T. Brogan
Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Brogan:

I am writing to request a waiver, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, of the following requirements.

State: South Carolina

*Please check all that apply:*

- ☑ Assessment requirements in section 1111(b)(2): the requirements to administer all required assessments in school year 2019-2020.

- ☑ Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D): the requirements that a State annually meaningfully differentiate all public schools and the requirements to identify schools for comprehensive and targeted support and improvement and additional targeted support and improvement based on data from the 2019-2020 school year.

- ☑ Report card provisions related to certain assessments and accountability in section 1111(h) based on data from the 2019-2020 school year, namely:
  - Section 1111(h)(1)(C)(i) (*accountability system description*).
  - Section 1111(h)(1)(C)(ii) (*assessment results*).
  - Section 1111(h)(1)(C)(iii)(I) (*other academic indicator results).*
  - Section 1111(h)(1)(C)(iv) (*English language proficiency assessment results*).
  - Section 1111(h)(1)(C)(v) (*school quality or student success indicator results*).
  - Section 1111(h)(1)(C)(vi) (*progress toward meeting long-terms goals and measurements of interim progress*).
  - Section 1111(h)(1)(C)(vii) (*percentage of students assessed and not assessed*).
  - Section 1111(h)(1)(C)(xi) (*number and percentage of students with the most significant cognitive disabilities taking an alternate assessment*).

AMERICAN OVERSIGHT

- Section 1111(h)(2)(C) with respect to all waived requirements in section 1111(h)(1)(C) as well as 1111(h)(2)(C)(i)-(ii) (*information showing how students in a local educational agency (LEA) and each school, respectively, achieved on the academic assessments compared to students in the State and LEA*).

I am requesting these waivers because it is not possible to administer assessments required under ESEA section 1111(b)(2) or comply with the concomitant accountability, school identification, and reporting requirements as originally planned due to extensive school closures in the State. These closures are in response to extraordinary circumstances for which a national emergency has been duly declared by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and this action will protect the health and safety of students, staff, and our communities.

In seeking this waiver, I assure that:

- ☑ Any school that is identified for comprehensive or targeted support and improvement or additional targeted support and improvement in the 2019-2020 school year will maintain that identification status in the 2020-2021 school year and continue to receive supports and interventions consistent with the school's support and improvement plan in the 2020-2021 school year.

- ☑ The State educational agency will provide the public and all LEAs in the State with notice of and the opportunity to comment on this request (*e.g.,* by posting information regarding the waiver request and the process for commenting, on the State website).

Thank you for your consideration.

Sincerely,

Chief State School Officer (or Authorized Representative)

Digital Signature

OR

Typed Name and Date

Molly M. Spearman 03/20/2020

By typing my name here, I am affirming submission of this waiver on behalf of the State.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:42:00 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** special education
**Attachments:** RE: From Nancy - special education , FW: From Nancy

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

AMERICAN OVERSIGHT

**From:** Cohen-Boyer, Gillian
**Sent:** Fri, 20 Mar 2020 14:33:31 +0000
**To:** COVID-19
**Cc:** Hodgdon, Jane
**Subject:** RE: From Nancy - special education

Just got updated contact information - nveatch@evergreenusd.org. Nancy Veatch. She's the Asst. Superintendent for her district of Evergreen - 1400 students, 576 sq miles, 60% poverty.

-----Original Message-----
From: Cohen-Boyer, Gillian
Sent: Friday, March 20, 2020 10:24 AM
To: covid-19@ed.gov
Cc: Hodgdon, Jane <Jane.Hodgdon@ed.gov>
Subject: FW: From Nancy

There's obviously something going on with special education that I don't really understand. I've been hearing this kind of stuff percolate up from educators around the country, but I don't know what is myth and fact. In any regard, I told this Alumni Fellow that I would share her concern with those working on these issues.

I believe the best information for her is the attached if anyone wants to get in touch with her.

-----Original Message-----
From: Cohen-Boyer, Gillian <Gillian.Cohen@ed.gov>
Sent: Friday, March 20, 2020 10:16 AM
To: Cohen-Boyer, Gillian <Gillian.Cohen@ed.gov>
Subject: From Nancy

Hey Gillian. I hope all is well with you. I know this is a long shot but rural schools need help from ED a result of covid-19? Rural America could use help. Because of sped law and regs, we cannot provide educational services to our reg Ed kids. In districts where maybe only 30% of students have access to internet bc of their location, it is tying our hands to do any good work that we can. Oregon just posted they won't offer any learning bc of the equity issues it could get them in. This is a national crisis and we need relaxed regs to ensure our entire population of students doesn't miss months of instruction bc of laws aimed to protect sped kids. Can u help?

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Cohen-Boyer, Gillian
**Sent:** Fri, 20 Mar 2020 14:24:26 +0000
**To:** COVID-19
**Cc:** Hodgdon, Jane
**Subject:** FW: From Nancy
**Attachments:** Nancy Veatch.vcf

There's obviously something going on with special education that I don't really understand. I've been hearing this kind of stuff percolate up from educators around the country, but I don't know what is myth and fact. In any regard, I told this Alumni Fellow that I would share her concern with those working on these issues.

I believe the best information for her is the attached if anyone wants to get in touch with her.

-----Original Message-----
From: Cohen-Boyer, Gillian <Gillian.Cohen@ed.gov>
Sent: Friday, March 20, 2020 10:16 AM
To: Cohen-Boyer, Gillian <Gillian.Cohen@ed.gov>
Subject: From Nancy

Hey Gillian. I hope all is well with you. I know this is a long shot but rural schools need help from ED a result of covid-19? Rural America could use help. Because of sped law and regs, we cannot provide educational services to our reg Ed kids. In districts where maybe only 30% of students have access to internet bc of their location, it is tying our hands to do any good work that we can. Oregon just posted they won't offer any learning bc of the equity issues it could get them in. This is a national crisis and we need relaxed regs to ensure our entire population of students doesn't miss months of instruction bc of laws aimed to protect sped kids. Can u help?

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Danielle Warren
**Sent:** Fri, 20 Mar 2020 17:31:18 +0000
**To:** COVID-19
**Subject:** Statement of Educational Purpose

Hello,

In light of COVID-19, is there any new guidance for online schools whose students have to go to a notary to complete their Statement of Educational Purpose? Are there any alternatives to getting the form notarized in person such as an e-notary?

**Regards,**

**Danielle Warren|** *Online Enrollment Guide* **| Online Enrollment**
**The Los Angeles Film School |** 6363 Sunset Blvd, Hollywood, CA 90028
**T.** 323.769.2792 **| F** 323.372.3654 **| W** lafilm.edu

AMERICAN OVERSIGHT

**From:** Taylor Pinciaro
**Sent:** Fri, 20 Mar 2020 18:20:06 -0400
**To:** COVID-19
**Subject:** Student loan

Hello!

My name is Taylor pinciaro. I am currently set up on a payment plan with the debt collectors agency that has my student loan. I still have to make 3 payments to them to be considered out of delinquency, however, due to covid 19 I have lost my job. I am trying to see if I can get my tax return instead of it being garnished but Everytime I call and explain my situation to the call center they tell me there is no way for me to receive my tax return unless I am facing foreclosure or eviction right now. Maybe someone else can help me with this?

Thank you,
Taylor Pinciaro

AMERICAN OVERSIGHT

**From:** Cody Boykin
**Sent:** Fri, 20 Mar 2020 06:50:22 -0400
**To:** COVID-19
**Subject:** Student loans.

I want to go back to college but this virus is making it difficult. Can you send me a direct link to get a grant or any type of support, I don't have access to a computer, the public library is not accessible and on top of all that fafsa website is saying I owe $7,559 from when I went to ITT TECHNICAL INSTITUTE. That school was shut down nationwide for opening fraudulent loans on behalf of the students that's literally exactly what happened to me, I still remember my student advisor that said i was getting grants and I wouldn't have to pay them back.
Please I just want to go back to school
Anything will help. I can't afford this loan I didn't apply .

Cody Wayne Boykin
(407)979-6830
BoykinWayneCody@gmail.com

AMERICAN OVERSIGHT

**From:** Johnson, Emily R
**Sent:** Fri, 20 Mar 2020 15:47:17 +0000
**To:** COVID-19
**Cc:** Blahnik, Hannah K;Stiner, James L
**Subject:** Study abroad and Consortium/Contractual Agreements

To Whom It May Concern-

I have a question about study abroad interruptions due to COVID-19. I have reviewed the March 5th Electronic Announcement, 'Guidance for interruptions of study related to COVID-19'.

I understand that students can still receive Title IV aid for interrupted study abroad programs, if the student switches to online instruction provided by the foreign institution and if we have a Consortium/Contractual Agreement set up with the foreign institution. What is the definition of a foreign institution? We have students studying abroad through US based organizations. The students are studying at a foreign school, but the study abroad experience is coordinated through the US organization. We have a Consortium Agreement set up with the US organization, but not with the specific foreign institution that the student attends. Since we do not have a Consortium Agreement set up with the actual foreign school, would we need to do a R2T4 if that student returns to the US? Or would the Consortium Agreement with the US organization suffice?

Thank you-

UNIVERSITY OF NORTHWESTERN
ST. PAUL

**Emily Johnson**
Senior Financial Aid Counselor
P: 651-631-5174 | Fax: 651-628-3332
erjohnson@unwsp.edu | www.unwsp.edu

*Equipping Christ-centered learners and leaders to invest in others and impact the world.*

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**From:** Karo
**Sent:** Fri, 20 Mar 2020 19:11:58 +0000
**To:** COVID-19
**Subject:** Study abroad for less study

Hi it's Karen Branham and I want to be a doctor. Now can you help me out with this and a prescription number and such.
I will travel the world to help out just in my demand.
Thanks for the help and support with the future of our military.
Karen Branham
Get Outlook for Android

AMERICAN OVERSIGHT

**From:** Christina Trbusich
**Sent:** Fri, 20 Mar 2020 15:28:22 -0400
**To:** COVID-19
**Subject:** Support Staff - job

Why are paraPROFESSIONALS not being paid by their districts? I don't make enough money for the job I do as it is and now I am being told I am not professional staff and will not be being paid. This is frustrating. I bend over backwards and every other way to help the students and teacher I work under. I come in early, stay late, and take work home but not once complain about it while doing my required job as a PCA and now sorry you are not important. Help me understand and how can I get this changed for the future paraprofessionals.

Thank you for your time,
Mrs. Trbusich

AMERICAN OVERSIGHT

**From:** Broady, Cheryl
**Sent:** Fri, 20 Mar 2020 19:57:47 +0000
**To:** COVID-19
**Subject:** TASP Response on SPED Evaluation Timelines

**From:** tasp@memberclicks-mail.net <tasp@memberclicks-mail.net>
**Sent:** Friday, March 20, 2020 11:35 AM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>
**Subject:** TASP Response on SPED Evaluation Timelines

TASP *A partner on the path to student success*

**Texas Association of School Psychologists**

Greetings,

I am writing on behalf of the Texas Association of School Psychologists and licensed specialists in school psychology (LSSPs) practicing across the state. In response to the Texas Education Agency's position on evaluation timelines for special education eligibility, we strongly discourage the continuation of assessments during this turbulent time of crisis. With schools now ordered closed until April 3, 2020 and possibly with extensions, virtual instruction is encouraged. Per the current guidance, if instruction is offered by virtual means to all students, the 45 school day evaluation timeline still maintains. As we are preparing for shifts in our comprehensive scope of service delivery, the COVID-19 pandemic presents unique challenges in regards to ethical assessment and decision making practices:

- Many direct services to students can be provided through virtual means; however, direct observation and assessment cannot be administered through means other than face-to-face. A full and individual evaluation, initial or reevaluation, requires direct classroom-based observation of the student in the child's learning environment to document the child's academic performance and behavior in areas of difficulty (34 C.F.R. §300.310(a)).
- In reference to the federal guidelines, assessments and other evaluation materials used to assess a child are used for the purposes for which the assessments or measures are valid and reliable, administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of the assessment (34 C.F.R. §300.304(c)(1)).
- LSSPs are not typically trained or competent in completing evaluations through electronic means. The standardized tests used (i.e. IQ tests, formal achievement tests) are not designed to be administered electronically more or less outside of a school setting during a pandemic crisis. In short, the administration of tests must be given through the means in which they were standardized. Deviations from standardization must be reported and, at times, can invalidate test results, which could potentially

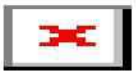
AMERICAN OVERSIGHT

impact eligibility determinations.

- If evaluations are to be conducted remotely, they should be conducted through platforms specifically designed for that purpose. At this time, such delivery would also require training beyond the evaluator, but also include training for the student and adult facilitator (likely parent/caregiver) who is assisting the student at home. It is unlikely the appropriate supports can be developed quickly.
- In addition, the unique circumstances pose validity issues which must be addressed when assessments are taking place in a time of anxiety for youth, their families and caregivers, and school personnel. The likelihood of making inappropriate eligibility determinations based on invalid assessment data is high.

With consideration of the ethical implications and irresponsible assessment practices, the Texas Association of School Psychologists strongly recommends upholding the advice provided by the U.S. Department of Education, Office of Civil Rights as follows, "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face to face evaluations until normal school routines have returned for all students. We ask that Texas adopt similar guidelines during this delicate and uncertain time. Our goal as school psychologists is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the highest standard for professional practices in educational and psychological assessment.

Respectfully,



Stephanie Barbre, PhD, LSSP

TASP President

14070 Proton Road
Dallas, TX 75244
Phone: (972) 233-9107

This email was sent to cheryl.broady@ed.gov by president@txasp.org

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Amanda Alarcon
**Sent:** Fri, 20 Mar 2020 17:26:46 +0000
**To:** COVID-19
**Subject:** U.S. Student Attending a Foreign Institution, Loan Funds Will Not be Disbursed? Urgent Help Needed
**Importance:** High

Good afternoon,
I hope this email finds you well.
My name is Amanda Nicole Alarcon and I am a U.S. citizen and student. I am currently studying at the Jagiellonian University and I am a participant in the William D. Ford Student Loan program that is currently offered at my foreign institution.
As you may know, the Jagiellonian University's physical operations were temporarily disrupted on 11 March, due to the COVID-19 virus. Until March 25, we conduct classes via distance learning (online). Through the financial aid officer responsible for the disbursement of our funds (Ewa Stankiewicz at the Jagiellonian University), we were told today that our loans would not be disbursed AT ALL this semester, without warning. It was a great shock, as we had previously been informed that once classes physically resumed, we would likely get our disbursement.
Is this information correct? If so, how can it be possible to leave a plethora of US students, who were studying at foreign institutions without the funding and loans that they took out? I would like to note that I attended ALL my classes before the disruptions and I still AM. I am still a full-time student. All of the necessary paperwork was given to my financial aid officers. I maintained a near perfect GPA in my program. I did everything that I needed to do to receive the money.
If this is true, I want to express my utter disbelief and shock, considering that we were to start classes again in person on 25 March. Our semester started BEFORE the operations were impacted, as we began our semester the last week on February (24th of February to be precise). We were even informed that there just may be a delay in the disbursement, when we resumed classes on 25 March.
Secondly, I want to express that I depend on my student loans to pay for my tuition fees and living expenses, when I am here. While I have a small part-time job, it could not cover my tuition fees and my living expenses that I have been stuck with.
What will be my options now? Is there anyway that I can appeal this decision through the Department of Education directly?
As an American student and citizen, I would like to note that I am in Krakow, Poland (where the Jagiellonian University) is currently located. I did NOT return to the United States, as I WILL be attending classes physically when they resume here! What am I expected to do now that the Department of Education has told the Jagiellonian University they cannot disburse my loan funds at all? How can we be left without these funds?
I do apologize if the tone of my email has been rather crass, however this is an extreme stress and burden that makes this time all the more difficult for me. Can the Department of Education not reconsider their policy on US students receiving these funds abroad? Can we not get some exception made?

AMERICAN OVERSIGHT

I look forward to your response soon.
Best regards,
Amanda Nicole Alarcon

AMERICAN OVERSIGHT

**From:** Evonne Meeks
**Sent:** Fri, 20 Mar 2020 15:35:24 +0000
**To:** COVID-19
**Subject:** UAFS OPEID 00111000

Good morning,

University of Arkansas - Fort Smith
OPEID 00111000

Our institution has moved to an extended spring break beginning March 14,2020 until March 29, 2020. Our on-campus courses are not being held during this extended spring break, however our online courses are still being held. During the NASFAA webinar, it was mentioned that since this break will cause my academic year to be shortened, I would need to request an approval for reduction in length of academic year. I have few questions regarding this guidance.

1.) Do I need to request an approval for reduction in length of Academic year due to this extended spring break?
2.) Will this have an repercussions for the school, or will this negatively affect students Title IV eligibility?
3.) Does my institution need to extend our spring 2020 semester by 1 week, if this will have repercussions?
4.) If my institution decides to extend the semester by 1 week, do I need to request an extension of my academic aid year, since my payment period was originally set to end on May 8th?

Please let me know if you need any further information.

Thanks,
Evonne

**Evonne Meeks**
Interim Director of Financial Aid | Office of Financial Aid
**P:** *479-788-7958* | **F:** *479-424-6958* | **E:** *Evonne.Meeks@uafs.edu*
University of Arkansas – Fort Smith, 5210 Grand Ave, Fort Smith, AR 72913
Smith-Pendergraft Campus Center, Second Floor, 214

---

**From:** DallasSPD <DallasSPD@ed.gov>
**Sent:** Friday, March 20, 2020 10:32 AM
**To:** Evonne Meeks <Evonne.Meeks@uafs.edu>
**Subject:** RE: UAFS OPEID 00111000

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AMERICAN OVERSIGHT

Evonne,

As of late yesterday evening, our regional offices have been directed to have schools send all questions related to the COVID-19 situation to the following email address: COVID-19@ed.gov.

Please send your questions to that address. Your question(s) will then be answered as soon as possible.

So sorry for the confusion.

Thanks,

**Michael Rhodes**
Institutional Improvement Specialist
US Department of Education
1999 Bryan Street, Suite 1410
Dallas, TX 75201-6817

StudentAid.gov

---

**From:** Evonne Meeks <Evonne.Meeks@uafs.edu>
**Sent:** Thursday, March 19, 2020 10:33 AM
**To:** DallasSPD <DallasSPD@ed.gov>
**Subject:** UAFS OPEID 00111000

Good morning,

University of Arkansas - Fort Smith
OPEID 00111000

Our institution has moved to an extended spring break beginning March 14,2020 until March 29, 2020. Our on-campus courses are not being held during this extended spring break, however our online courses are still being held. During the NASFAA webinar, it was mentioned that since this break will cause my academic year to be shortened, I would need to request an approval for reduction in length of academic year. I have few questions regarding this guidance.

1.) Do I need to request an approval for reduction in length of Academic year due to this extended spring break?
2.) Will this have an repercussions for the school, or will this negatively affect students Title IV eligibility?
3.) Does my institution need to extend our spring 2020 semester by 1 week, if this will have repercussions?

AMERICAN OVERSIGHT

4.) If my institution decides to extend the semester by 1 week, do I need to request an extension of my academic aid year, since my payment period was originally set to end on May 8th?

Please let me know if you need any further information.

Thanks,
Evonne

**Evonne Meeks**
Interim Director of Financial Aid | Office of Financial Aid
**P:** *479-788-7958* | **F:** *479-424-6958* | **E:** *Evonne.Meeks@uafs.edu*
University of Arkansas – Fort Smith, 5210 Grand Ave, Fort Smith, AR 72913
Smith-Pendergraft Campus Center, Second Floor, 214

AMERICAN OVERSIGHT

**From:** Joanna Montiel
**Sent:** Fri, 20 Mar 2020 06:18:42 +0000
**To:** COVID-19
**Subject:** UniMelb Financial Aid

Hi,

Due to the corona virus my placement is temporarily on hold, the university has discussed having us do online classes so that we are able to continue with our degree. Would I still be eligible for financial aid if that were the case? I am at the University of Melbourne in Australia.

Thank you,
Joanna Montiel

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Lisa Stone
**Sent:** Fri, 20 Mar 2020 10:57:01 -0600
**To:** COVID-19
**Subject:** v4/v5 guidance

Good afternoon,

As most of our schools, if not all, have closed their on-ground campuses and transitioned to on-line, we have a question about the v4/v5 identity verification. Can our schools verify via a video chat platform? As long as it is documented? I have not seen any guidance on this so I apologize if you have issued guidance and I missed it.

thanks
Lisa

**Lisa Stone**
Director of Compliance
**FA Solutions, LLC**
Phone: 727-565-2048
Email:lstone@getfasolutions.com

**"Sometimes faith will make you look stupid; until it rains." - Noah**

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AMERICAN OVERSIGHT

**From:** Deana Coady
**Sent:** Fri, 20 Mar 2020 22:21:24 +0000
**To:** AskAFed;COVID-19
**Cc:** Deana Coady
**Subject:** Verification Question: Required documentation to complete V4/V5
**Attachments:** 2019-2020 AVG Identity and Statement of Educational Purpose pg. 89.pdf

*Greetings*

*I have a question related to Verification groups 4 and 5 and the documentation schools are required to collect to verify student identity. I have attached a PDF of the relevant pages from the 2019/2020 FSA Application and Verification Guide.*

*Presently, a student who is selected for verification group 4 or 5 is required to appear in person at the school and sign ("wet" signature) the statement of educational purpose that certifies who s/he is and that the federal student aid s/he may receive will only be used for educational purposes and for the cost of attending the school for the 2019–2020 year. The student must then submit to the school that statement (again, with the "wet" signature), and present a valid, unexpired, government-issued photo identification (ID) such as a passport or a driver's license or other state-issued ID.*

*If the student is unable to appear at the school, s/he must go in person to a notary public and sign the statement of educational purpose. The student must then submit to the school that statement (again, with the "wet" signature), a certification from the notary that s/he appeared before the notary and presented a government issued photo ID confirming his/her identity, and a copy of the same ID (presented).*

*Currently, ED does not does not authorize the use of online notary services as an alternative to traditional, in person notary services.*
*During the current COVID-19 emergency, will this guidance be revisited to allow an impacted student use an online notary service to complete the documentation required to completed V4 or V5?*

*Please advise.*
*Thanks*
*Deana*

**Deana M Coady,** Vice President, Federal Policy and Reporting
**University of Phoenix**
4025 S. Riverpoint Parkway | CF-K903 | Phoenix, AZ 85040
phone: 602.412.9295 | cell: 480.319.3237 | fax: 602.735.4657
email: deana.coady@phoenix.edu

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phoenix.edu

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

- An academic transcript that indicates the student successfully completed at least a two-year program that is acceptable for full credit toward a bachelor's degree at any participating school. You do not have to collect proof of high school status for graduate students if admission into their program required the completion of at least two years of undergraduate coursework.
- For a student who has not completed high school and is seeking enrollment in a program that leads to at least an associate degree or its equivalent, documentation from the high school that he excelled academically and from your school that he meets your written policy for admitting such students. This should be a rare occurrence.
- For homeschooled students, a copy of a secondary school completion credential for homeschool (other than a high school diploma or its recognized equivalent) if state law requires homeschooled students to get that credential. If it is not required, a transcript or the equivalent signed by the parent or guardian that lists the secondary school courses the student completed and documents the successful completion of a secondary school education in a homeschool setting.
- For students in an "eligible career pathway program," documentation that they passed an approved ATB test or completed at least 6 credit hours or 225 clock hours that are applicable toward a degree or certificate offered by your school. See the margin note.

If your school has already received one of these documents as part of the admission process, you do not need to ask for another. If you successfully verified a student's high school completion in a prior year, you do not need to do it again. Some schools collect seventh semester high school transcripts prior to students receiving an actual diploma, or they collect high school transcripts for some but not all of their students because they may have special programs that admit students without a high school diploma. In both cases, schools must collect separate documentation that shows the date when the diploma was awarded.

When documentation of high school completion is unavailable—e.g., the school is closed and no information is available from another source such as the school district or state department of education, or the parent or guardian who homeschooled the student is deceased—you may accept alternative documentation, such as a military *DD Form 214 Certificate of Release or Discharge from Active Duty* that indicates that the student is a high school graduate or equivalent. However, a student's self-certification is not acceptable except in rare instances for refugees, asylees, and victims of human trafficking, as explained in the margin note on page 88.

### *Identity and statement of educational purpose*

Students should appear in person at your school and present a valid, unexpired,* government-issued photo identification (ID) such as a passport or a driver's license or other state-issued ID. You must maintain an annotated copy of that ID that includes the date it was received and the name of the person your school authorized to receive it.** Note that an ID issued by a state university or college is not sufficient for this purpose.

**Timing of signature**
Any required signatures, such as signatures on worksheets or on copies of tax returns, must be collected at the time of verification—they can't be collected after the verification deadline for that award year.

**Electronic signatures**
For verification documentation, a school may collect an electronic signature for an applicant, parent, or spouse if the process includes an assurance of the identity of the person signing. This is often accomplished with a PIN or password that is assigned only after the identity of the person receiving the PIN or password has been authenticated.

**V4 and V5 reporting**
As explained on page 79, schools are required to report through FAA Access the outcomes of verifying high school completion status and identity/statement of educational purpose for applications with tracking flags V4 and V5.

* The ID just needs to be unexpired at the time it is checked. For proving identity, it does not matter if the ID is due to expire during the award year.
** The school may determine which of its staff are authorized to review an applicant's identity. We do recommend that the person(s) be full-time staff and that the school keep a record of who they are.


AMERICAN OVERSIGHT
ED-20-0731-A-009655

**From:** Kemia Himon
**Sent:** Fri, 20 Mar 2020 16:09:42 +0000
**To:** COVID-19
**Subject:** Work-Study Allowance

Hello,

Due to all of the recent changes, what happens if our institution does not use our full work-study allotment? Will we loose the amount that we didn't use? I'm thinking that with all of the recent changes, even if we continue to pay students, we may not use the full allowance.

I look forward to hearing from you!

Kemia Himon
Financial Aid Director
McDaniel College
2 College Hill-Elderdice Hall
Westminster, MD 21157
Phone: 410.857.2233
Fax: 410.386.4608

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AMERICAN OVERSIGHT

**From:** Rudae's Janelle
**Sent:** Fri, 20 Mar 2020 14:09:35 -0400
**To:** COVID-19
**Subject:** 009673 School # Rudae's School of Beauty Culture

Hello,

Rudae's School of Beauty Culture has Temporally closed Due to the COVID-19. We will not be in session March 21st, 2020 and will try and be back in session on April 20th, 2020.

I have sent a letter explaining this to D.O.E Region V office in Chicago which I can track.

We have also informed NACCAS our Accrediting Agency, State Board of Indiana, FAME our school software management company, and the VA.

We want to make sure that we are doing very thing that we are supposed to do.

We are waiting for further guidance from our Accrediting Agency.

If you have any further guidance for us it would be appreciated.

Kind Regards,

*Janelle V Banks*
Administrator

rudae's
SCHOOL OF BEAUTY CULTURE
5317 Coldwater Rd.
Coldwater Crossing
Fort Wayne, IN 46825
Phone: 260.483.2466
Toll Free: 800.878.9744
janellebanks@rudaes.edu
www.rudaes.edu

AMERICAN OVERSIGHT

**From:** Graciela Sanchez
**Sent:** Fri, 20 Mar 2020 19:16:47 +0000
**To:** COVID-19
**Subject:** alternative co payable loan

Hello,

I have a student who has gone back home, Bakersfield due to COVID -19 .
Student is still enrolled in all his classes.

What are the options the school has to disburse the funds? Are we able to mail to student or does student have to come on campus to pick up loan.

Thank you in advance,

**Graciela V. Sanchez**
**Financial Aid Specialist**
**Moorpark College**
**(805)553-4705**

AMERICAN OVERSIGHT

**From:** Paul Pari
**Sent:** Fri, 20 Mar 2020 19:08:04 +0000
**To:** COVID-19
**Cc:** Paul Pari
**Subject:** ANNUAL CPA AUDIT REQUIREMENTS

Hi,

We are a third-party servicer.

A few of our schools notified us they will be unable to submit their annual compliance audit on time. Most of our clients have a fiscal year end of 12/31, which means their CPA compliance audit is due on 6/30/2020.

Is the Department of Education considering a delay in the CPA compliance audit deadlines due to the current health crisis?

Thank you and stay safe.

**Paul Pari**
Vice President of Compliance & Training
Educational Compliance Management, Inc.
190 Margaretta Avenue | Massapequa, NY 11758

paulp@ecmfinaid.com
(516) 679-1616 (O)
(516) 679-1662 (F)
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AMERICAN OVERSIGHT

**From:** Joshua Marland
**Sent:** Fri, 20 Mar 2020 22:41:10 +0000
**To:** COVID-19
**Subject:** Assessment Waivers

Hello,

I hope all is well. I am writing to ask whether ED will be publishing which states are (or will be) applying for waivers from standardized assessments this year. If so, should we expect that information to be published here:

https://oese.ed.gov/guidance/guidance-documents/

Thanks so much.
Joshua

**Joshua J. Marland**
Director of Data Strategy
Education Analytics
110 E. Main St., Suite 1000
Madison, WI 53703
(608) 466-4966
http://www.edanalytics.org
Pronouns: he/him/his

AMERICAN OVERSIGHT

**From:** Jody Feder
**Sent:** Fri, 20 Mar 2020 13:48:42 +0000
**To:** COVID-19
**Subject:** bad link

The OPE March 5th guidance is now behind IFAP's password protection. Can make the link public again? We have been distributing widely to our members.

Jody Feder
Director of Accountability & Regulatory Affairs
National Association of Independent Colleges & Universities
1025 Connecticut Ave., NW, Suite 700
Washington, DC 20036
Phone: (202) 739-0476
Fax: (202) 835-0003

AMERICAN OVERSIGHT

**From:** Trish Rutecki
**Sent:** Fri, 20 Mar 2020 14:21:12 +0000
**To:** COVID-19
**Subject:** Campus Based Federal Perkins Loans

Hello
I am responsible for the administering of our Perkins Loan Program here at Bryn Mawr College. I just want to confirm information that I am hearing through webinars and news media concerning the interest waiver on Perkins Loans. From what I understand, this waiver will only apply to Perkins Loans held by the Federal government i.e. Perkins we have assigned back to the Dept of Ed. Our Campus held Perkins Loans do not qualify for the interest waiver. Is there any chance this would be reviewed so that our Campus Based Perkins would be included in this interest waiver?
This is going to be very confusing to explain to our Campus Based Perkins Loan borrowers. Our Campus Based Perkins borrowers are going to be struggling with repayment just as much as Federally owned Perkins Loan. Most of our borrowers in our Campus based Perkins Program have faithfully been repaying their Perkins Loan.
I am hoping that the policy regarding interest waiver on just Federally held Perkins Loans will be reviewed and that Colleges will at least be given the option to offer an interest waiver to their Perkins borrowers.
Thank you.
Trish Rutecki
Bryn Mawr College
Assistant Director
Student Accounts
(610) 526-5515
Fax (610) 526-7870

AMERICAN OVERSIGHT

**From:** Hildebrand, Garrick
**Sent:** Fri, 20 Mar 2020 15:34:30 +0000
**To:** COVID-19
**Subject:** Change in Grading Type (Institution 04242100)

Hello,

My campus leadership is considering changing its grading type because of COVID-19. Currently, we us the standard letter grades on a 4.0 GPA scale (A, B, C, D, and F). Campus leadership is considering changing to a Pass\No-Pass grading type for this spring semester and possibly going forward. However, if we make this change in our grading type, we will not be able to calculate a SAP status for our students because this type of grading does not result in a GPA.

Will the Department be providing any waiver of the SAP requirements in this type or similar COVID-19 related scenario?

Does the Department have any guidance related to changing grading types to a Pass\No-Pass system and its impact on determining a students current and future eligibility for Title IV funds?

Best,
Garrick

**Garrick D. Hildebrand, M.Ed.**
Director of Financial Aid
Student Financial Aid & Scholarships

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AMERICAN OVERSIGHT

**From:** Kyle M. Popkave
**Sent:** Fri, 20 Mar 2020 15:39:56 +0000
**To:** Undisclosed recipients:
**Subject:** ChildFind: Face-to-face eval during COVID?

To Whom It May Concern:

As school districts are preparing to provide continued educational supports and services to all students, is there specific guidance and recommendations around the completion of Exceptional Student Education or 504 evaluations during this time of school closures due to COVID-19?

IQ tests results are only valid if the test is administered in a norm-referenced way, which requires face-to-face contact between the evaluator and the student being evaluated.

There are a number of students who are suspected as having a significant cognitive impairments. IQ results are required to determine eligibility for various ESE exceptionalities as well as informing access standards eligibility.

Specifically, for students who require direct, standardized assessments (i.e., IQ tests), should schools administer face-to-face evaluations despite the CDC's recommendations around social distancing? How should districts balance the federal ChildFind obligations with the DOH recommendations of social distancing?

Any guidance would be greatly appreciated.

--
Kyle Marissa Popkave, M.A., Ed.S.
Pasco County School Psychologist

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AMERICAN OVERSIGHT

**From:** Bonnie Dubson
**Sent:** Fri, 20 Mar 2020 12:39:53 -0400
**To:** COVID-19
**Subject:** Connecticut's ARC Teacher Certification Program?

To Whom it May Concern,

I am a candidate in the ARC "Alternate Route to Certification" teaching program in the state of CT. In order to graduate and get a temporary teaching certification, our state mandates we:
1) participate in a student practicum
2) get observed in the classroom by a program evaluator
3) submit video foot of our teaching through the edTPA program (operated by Pearson).

We are now unable to complete these requirements due to COVID-19 related public school closures and the uneven ability for our schools to provide eLearning opportunities. I have reached out to my program as well as to Connecticut's Commissioner of Education, the Office of Higher Education and my Alternate Route to Certification Program -- but have gotten no response.

I am one of over a hundred students in my program who are trying very hard to become teachers. We need to know if there is a pathway forward here. I saw your memorandum dated March 17, which called for transparency and open communication -- as well as innovation when dealing with this crisis. Accordingly, we have asked CT's Commissioner of Education to exercise the waivers and accommodations Governor Lamont has given him through recent executive orders.

I would be appreciative of your help with this matter. This not only concerns myself, and my classmates, but each and every teacher candidate in the state of CT, and throughout the nation. We are all in logistic limbo.

Thanks very much for your attention to this matter.

Best regards,

Bonnie Dubson
203-293-4824

Below please see the correspondence with CT's Commissioner (miguel.cardona@ct.gov, Timothy.D.Larson@ct.gov, CDrezek@goodwin.edu)
---

Dear Commissioner Cardona, Mr. Larson and Mr. Drezek,

AMERICAN OVERSIGHT

I am writing to you because I am a teacher-candidate in the Secondary English cohort of Connecticut's Alternate Route to Certification Program, and am requesting concrete answers on the viability of completing this program on time, given the COVID-19 related school closures in our state.

My fellow ARC classmates and myself have invested seven months of very hard work in this program, and are nearly 80 percent complete. We have made significant personal sacrifices to attend ARC, including quitting prior jobs in order to complete the student practicum requirement. Now our practicums have been put on hold because of school closures. Some of us continue to eTeach, but don't know if doing so will "count" toward our practicum. We are also unsure how ARC observation evaluations will be handled given the school closures, or whether that requirement be waived. But the elephant in the room is really edTPA. Nobody has given a definitive answer on whether the edTPA requirement will be waived for this year.

We understand that these are not normal times, and that each of us is doing his/her best to cope. Even so, I think we deserve timely answers to these questions.

Our hard work and perseverance in making our mid-life career shift is supposed to culminate in two months and four days. On May 21, 2020, Connecticut's Alternate Route to Certification Class of 2020 is supposed to don its gowns and mortarboards and celebrate our success. On May 21, 2020, ARC students will reaffirm our commitment to lifelong learning -- and will be ready to inspire a love of learning in our students!

However, none of this can happen without innovation, cooperation and flexibility from ARC, the Office of Higher Education, and the State Department of Education's Certification Office. On behalf of myself, the 109 other ARC students, and all teacher candidates currently in logistical limbo in the state of Connecticut, I implore you to work together to problem solve and make all the accommodations and modifications necessary to make our graduations possible.

Thanks very much for your attention to this matter.

Best regards,

Bonnie Dubson
ARC Candidate: Secondary English

AMERICAN OVERSIGHT

**From:** Vicki Shipley
**Sent:** Fri, 20 Mar 2020 16:29:59 +0000
**To:** COVID-19
**Subject:** Coronavirus Guidance for FFEL - GEN 17-08

Please provide a status update to an earlier Q ……please confirm we are to use disaster guidance DCL GEN 17-08 for immediate flexibility knowing that it may not be enough given the severity of this pandemic. There was nothing in the press release other than for federally-held loans. FFEL borrowers need relief also.
Thank you!

Vicki Shipley
NCHER

AMERICAN OVERSIGHT

**From:** Linda Coy
**Sent:** Fri, 20 Mar 2020 20:21:14 -0400
**To:** COVID-19
**Subject:** COVID -19 Question regarding Colleges

It appears that guidelines from the FLDOE and CDC might be being interpreted incorrectly by some state college program administrators so, I have a question or I might have read incorrectly.

Did any of the guidelines recommend or state it was a good idea that a state vocational college program that requires one-on-one labs continue to operate? Specifically, should an aviation program with 70+ students (mostly in their 20's after spring break) and faculty (some in their 70's) be required to return on 3/23 or suffer consequences such as incompletes (for students) and firing (for faculty), respectively, when they are mostly in one occupied hanger space that can't provide sufficient "social distancing" especially for Professors? Didn't the FLDOE suggest that vocational schools cancel this semester or postpone classes until 4/15 for health and safety reasons?

Thank you.

AMERICAN OVERSIGHT

**From:** Carter, Sarah
**Sent:** Fri, 20 Mar 2020 17:56:15 +0000
**To:** COVID-19
**Subject:** COVID-19 and Grant submission

Dear Sirs,

Am writing with regards to the Part C grant application. Currently my grant is open for public comment. However, the issues that will arise if the COVID-19 pandemic continues is ability to review with my ICC as scheduled. Also, there will be problems obtaining a "wet" signature as my lead agency person is working remotely as am I. He, however, is almost 300 miles away from where I am working remotely. Uncertain how to obtain a "wet" signature.
Also to consider is the required hard copy being able to submit timely depending upon mail availability.

It is uncertain what will come in the next weeks but this is something that consideration of would be appreciated.

Thank you

Sarah

Sarah Carter
Administrator
Birth to Three/HSCO
800 Governors Drive
Pierre, SD 57501
605-773-4478
Sarah.carter@state.sd.us

AMERICAN OVERSIGHT

**From:** Simone Sutherland
**Sent:** Fri, 20 Mar 2020 13:49:56 +0000
**To:** COVID-19
**Subject:** COVID-19 and Student's eligibility

Good Morning,
Are there any provisions to accept copies of documents as proof as citizenship? Some students will be unable to bring their documents in, because we have moved to online learning. Currently if students are not able to present original document, they may submit copies with affidavit of true copy. Due to the pandemic, they will have difficulties getting the affidavit notarized.

For, SAP appeals, if a student is on an academic plan or probation and was unable to meet the terms of the plan/ probation due to disruption in learning caused by COVID-19, are institutions allowed to amend the academic plan.

Thank You,
Simone

**Simone Sutherland**
Associate Director of Financial Aid
Enrollment and Student Services
(954)262-7436
sw622@nova.edu
nova.edu
NOVA SOUTHEASTERN UNIVERSITY | NSU Florida

**http://www.nova.edu/financialaid/index.html**
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AMERICAN OVERSIGHT

**From:** Kong, Stacy
**Sent:** Fri, 20 Mar 2020 22:43:04 +0000
**To:** COVID-19
**Cc:** Barrett-Zitkus, Jennifer
**Subject:** COVID-19 Question

Hi,

The State continues to provide EI services via phone or telepractice. Families have the option to decline service sessions.

Question: Will EI services be provided beyond the age of three to make-up for services not provided during the COVID-19 pandemic?

Question: If yes, to the above question, are States allowed to use Part C funds to cover services provided beyond the age of three?

Thank you!

Stacy

**Stacy Kong**
System Improvement Unit Supervisor
Department of Health
Early Intervention Section
1010 Richards Street #811
Honolulu, HI 96813
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Fax: 808-586-0015
E-Mail: stacy.kong@doh.hawaii.gov

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**From:** Corso, Michael
**Sent:** Fri, 20 Mar 2020 14:55:55 +0000
**To:** COVID-19
**Subject:** Credit for Housing and Meal Plans

Hello,

Some institutions are considering applying credits from reduced housing and meal costs from the spring 2020 semester to fall 2020 housing and meal costs.
Specifically, students in good standing who have paid their bill for the spring semester will be able to receive a prorated credit for room and board once they have left campus and moved their possessions.
What are some of the financial aid implications? Are there credit balance considerations? Are there resource considerations? Is this advisable?

Thank you,
Michael

Michael V Corso Jr, M.Div.
Director of Financial Aid
William Paterson University
300 Pompton Road
Wayne, NJ 07470
Phone: 973-720-3121
www.wpunj.edu/finaid

**The 2020-2021**
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AMERICAN OVERSIGHT

**From:** Meyertholen, Patricia
**Sent:** Fri, 20 Mar 2020 20:48:42 +0000
**To:** COVID-19
**Cc:** Martinez, Sarah;Gillette, Lisa
**Subject:** Email from the Texas Migrant Education Program - Texas Education Agency

***Suggested response to the attached email:***

We recommend that MEP recruiterrs and other MEP staff make every effort to continue identifying and recruiting eligibility migratory children and working to ensure that those children and their families receive critical services, to the extent feasible and considering the health and safety of everyone involved. Certain precautionary or containment measures taken in response to the pandemic, such as school closures and social distancing, can compound the challenges already faced by migratory families, such as access to health care and food assistance, social isolation, etc. Recognizing the key role that MEP staff often play in outreach and advocacy for migratory families, we urge MEP recruiters and other staff to use telephone or video contact as an opportunity to assess the immediate needs of migratory children and their families, and work to address those needs either directly, or by connecting the families to other available resources. We encourage you to think creatively about methods to deliver needed services that don't require face-to-face contact or congregating in group settings. Such methods may include, but are not limited to, instruction provided via distance learning platforms, contactless food delivery, and helping inform families of available health services.

We recommend that MEP recruiters and other MEP ID&R staff follow the guidance issued by their State educational agency and local school district(s). It would be acceptable for the State to allow MEP staff to conduct recruitment activities remotely, i.e., telephone, Skype or Facetime, in order to reach families and other contacts such as employers and community organizations. This would include interviews with migratory families to obtain the information necessary to complete the Certificate of Eligibility (COE).

If all the required information is collected on the COE except for the interviewee signature, we recommend that the MEP proceed with its eligibility determination and COE approval process. We further recommend that a note be added to the Comments section of the COE to explain the circumstances that prevented the recruiter/interviewer from obtaining the interviewee's signature. After normal activities resume, if MEP staff are able to contact the interviewee in-person, we recommend that the individual's signature be added to the COE and the Comments section be updated. The signature may also be obtained by mail.

In terms of meeting the requirement of an independent re-interview after the implementation of the Every Student Succeeds Act (ESSA), the Office of Migrant Education (OME) is currently working within the Office of Elementary and Secondary Education (OESE) to extend waivers and flexibilities to States in addressing these regulations. As soon as information regarding

AMERICAN OVERSIGHT

increased flexibility and waivers around MEP regulations is available, it will be shared via the MEPSTATE Listserv and other OESE-wide avenues of communication to the States.

---

**From:** Meyertholen, Patricia
**Sent:** Friday, March 20, 2020 4:25 PM
**To:** Villarreal, Anita <Anita.Villarreal@tea.texas.gov>
**Cc:** Garcia, Didi <Didi.Garcia@tea.texas.gov>
**Subject:** RE: Interviews with families during this time

Good afternoon Anita,

Thank you for reaching out to me. I am well, and I hope all is well with you and your family. In terms of your questions regarding conducting required activities for the Migrant Education Program (MEP), we are forwarding all questions to the COVID-19 mailbox at COVID-19@ed.gov. You should expect to receive a response to your inquiry in the very near future.

Please be assured that I will direct all MEP correspondence to both you and Didi Garcia.

Sincerely,
Pat

Patricia Meyertholen
Group Leader
Office of Migrant Education
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Ave, SW 3E315 | Washington, DC 20202-6135
Phone: 202.260.1394 | FAX: 202.205.0089 | Email: patricia.meyertholen@ed.gov

Migrant Student Information Exchange (MSIX)
Coordinating to Achieve RESULTS

---

**From:** Villarreal, Anita <Anita.Villarreal@tea.texas.gov>
**Sent:** Friday, March 20, 2020 3:31 PM
**To:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>
**Cc:** Garcia, Didi <Didi.Garcia@tea.texas.gov>
**Subject:** FW: Interviews with families during this time

I hope this email finds you well. We are reaching out to you for guidance regarding conducting required activities during the current CoVID-19 situation. We have the following questions:

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- How can we ensure timely recruitment of eligible children while we are facing personal contact restrictions?

- Can we complete a Certificate of Eligibilty (COE) remotely (for example, using Facetime, Skype or by phone)?

- Can we certify a COE without a signature? If not, what is the recommended alternative?

- If our state is not able to conduct/complete the 3rd – year re-interviews before August 31, can we still consider it as meeting that requirement for 19-20?

We look forward to your response.

In addition, can you please direct all MEP correspondence to Didi Garcia and me. Didi will share information received to Idalia and Nez, as appropriate.

Thank you.

---

**From:** Analy Gillum <agillum@esc11.net>
**Sent:** Thursday, March 19, 2020 2:37 PM
**To:** Paniagua-Jimenez, Nez <Nez.Paniagua-Jimenez@tea.texas.gov>; Ibanez, Idalia <Idalia.Ibanez@tea.texas.gov>
**Subject:** Interviews with families during this time

[EXTERNAL EMAIL]

Good afternoon Nez & Idalia,

I hope you guys are well during this craziness!

I was just wondering if it was possible during this time to interview a family via face time and that be counted as a face to face. As far as where the signature goes could we possibly explain in the SDF that due to these circumstances we were unable to obtain signature at that time and maybe go get a signature at a later date?

Would that be possible?

Have a blessed day!

**Analy Gillum❤**

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Migrant Recruiter

Education Service Center Region 11

1451 South Cherry Lane

White Settlement, Texas 76108

Office: (817) 740-7752

Cell: (469) 487-4184

Email: Agillum@esc11.net

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*To provide quality solutions that build the capacity of learning communities.*

***"Whatever you do work at it with all your heart as working for the Lord…"***

*Colossians 3:23*

AMERICAN OVERSIGHT

**From:** Geoff Marsh
**Sent:** Fri, 20 Mar 2020 13:21:02 -0700
**To:** COVID-19
**Subject:** Emergency Institutional Assistance and Overawards

Good afternoon!

Based on the guidance provided, I understand that we do not need to adjust COA if a refund is given as a result of Covid-19.

We are planning to provide students with emergency assistance in the form of gift cards or emergency grants/payments that may or may not flow through a student's financial aid package. Has there been any guidance on whether we need to adjust for over awards created by this additional assistance?

Thank you

Geoff Marsh
Senior Director of Financial Aid
Phone: 562-903-4742
Fax: 562-906-4541

AMERICAN OVERSIGHT

**From:** Young, Tangar
**Sent:** Fri, 20 Mar 2020 16:35:14 +0000
**To:** COVID-19
**Subject:** Extended of WP/WF grades

Good Afternoon;

Question: Can we extend our WP/WF grades reporting period? What affect will this have on Title IV?

Thanks,


**Tangar Young**
Director of Financial Aid
**South Carolina State University**

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300 College Street NE
P.O. Box 7386
Orangeburg SC 29117
803-533-3712 Office
803-536-8420 Fax
tyoung15@scsu.edu Email


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THANK YOU FOR YOUR COOPERATION.

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**From:** Carter, Sarah
**Sent:** Fri, 20 Mar 2020 17:33:31 +0000
**To:** COVID-19
**Subject:** Federal TImelines during COVID-19 Pandemic

Good Afternoon,

Thank you for the opportunity to express concerns that have arisen in meeting federal timelines due to the COVID-19 outbreak. Over the past 2 weeks our state Part C staff has been working non-stop preparing guidance, responding to questions from providers, service coordinators, families and districts in an appropriate manner to alleviate fears, anxiety and panic related to EI services. With a limited staff, this is a heavy load given we are working remotely and trying to maintain regular business practices as well (i.e. payment to providers, contracts etc). This time has normally been spent preparing the SSIP report with the most current information, data, materials to demonstrate to OSEP that the state is making progress towards statewide implementation and seeing systemic improvement in services provided to infants and toddlers with disabilities and their families. However, with the current status the time to do this has not been afforded our office. Plus some of the materials needed are in the physical state office of which we are disallowed from entering at the current time.

South Dakota requests, that OSEP take into consideration this unprecedented time in our entire nation's history to consider allowing Part C programs the opportunity to delay submission of their SSIP reports. As of this morning President Trump announced that he was suspending ESSA state testing. As a member of a local school board this is a phenomenal relief for my personal school district. It takes a burden off our shoulders that we were finding impossible to accomplish given our size and resources. This allows school districts to focus on the here and now and what the immediate needs of our students, families and communities.

We are requesting that the Office of Special Education Programs please consider the state's have immediate needs to be available so to provide guidance and service to our providers and service coordinators and in turn they can serve our infants and toddlers and their families.

Thank you for your consideration,

Sarah Carter
Administrator
Birth to Three/HSCO
800 Governors Drive
Pierre, SD 57501
605-773-4478
Sarah.carter@state.sd.us

AMERICAN OVERSIGHT

**From:** Wyndham-Cooke, Tami
**Sent:** Fri, 20 Mar 2020 13:31:01 +0000
**To:** COVID-19
**Subject:** Federal Work Study during periods of non enrollment

Good morning,

Another question about Federal WorkStudy. A student attends Spring semester and due to COVID-19 until Spring break, then goes distance learning to end of term.
This won't impact or negate a student wanting to work this summer during a period of non-enrollment correct?

Best regards,

Tami Wyndham-Cooke
Associate Director-Student Financial Aid
Office of Enrollment Management MSC 203
Charleston, SC 29425
(843) 792-3670 (phone)
(843) 792-6356 (fax)
Pronouns: she, her, hers

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**From:** Elina Bascom
**Sent:** Fri, 20 Mar 2020 10:05:03 -0700
**To:** COVID-19
**Subject:** Federal Work Study in New Term

Good morning,

Our institution's Winter term is ending this week. Our campus has been closed and we have continued to pay our Federal Work Study students even though they are not working or on campus.

We have a 2 week Spring Break scheduled and online instruction will begin in 3 weeks for the Spring term. Following our County's instructions for institutions, we are not set to re-open our campus until the first week of May.

The question we have is: can we continue to pay our students federal work study for the new term since we are expecting them to return to campus (pending no further changes to the current situation)? Or would our allowance to pay federal work study end now since students (although enrolled) cannot be on campus until May?

Thank you.

*Elina Bascom, Director*

La Sierra UNIVERSITY | *Office of Student Financial Services*

AMERICAN OVERSIGHT

**From:** Karrie K. Huber
**Sent:** Fri, 20 Mar 2020 16:52:55 +0000
**To:** COVID-19
**Subject:** Federal Work Study Payment

Hello,

My institution, under recommendation of our state centers for disease control, moved all students to online instruction and moved students who were able off-campus. I've read the March 05, 2020 guidance and am reaching out to confirm understanding. My institution would like to continue to pay federal work study students based on the hours scheduled and will continue to meet our match requirements. This is our first disaster situation and I want to err on caution so as not to harm the student.

Should FWS payments continue to be paid via payroll, i.e. student continues to receive a paycheck even if they are not working and any applicable payroll taxes/deductions apply? If so, I would also assume the requirement to pay students at least monthly still applies. My Director of Payroll asked that I clarify prior to proceeding with payment.

Any guidance you can offer is greatly appreciated.

Kind Regards,

**Karrie Huber**
Director of Financial Aid
University of Mary

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**From:** Robin Dietrich
**Sent:** Fri, 20 Mar 2020 12:45:20 -0400
**To:** COVID-19
**Subject:** Federal work-study additional question

Dear Colleague,

Thank you for the information and guidance you are providing in these unprecedented times. We are grateful to be able to continue paying federal work-study students as we have transitioned our "in-seat" classes to online.

Some of our offices with work-study students do not have scheduled hours for the student to work. They have turned in electronic time cards documented by their supervisors for each pay period up to the transition to online classes. For these students, we had planned to determine their average weekly hours worked this semester and pay them for the remainder of the semester based on this average. We will document our procedures.

Is this permissible?

Thank you,

--
Robin S. Dietrich
Director of Financial Aid
MARY BALDWIN UNIVERSITY

ph: 540-887-7022
fax: 540-887-7229

AMERICAN OVERSIGHT

**From:** Lisette Spraggins
**Sent:** Fri, 20 Mar 2020 20:06:20 +0000
**To:** COVID-19
**Cc:** Linda De Zell Hall
**Subject:** FERPA and Telecounseling

Given that the The Office for Civil Rights (OCR) at the Department of Health and Human Services (HHS) have provided this statement. On their website https://www.hhs.gov/hipaa/for-professionals/special-topics/emergency-preparedness/notification-enforcement-discretion-telehealth/index.html

"During the COVID-19 national emergency, which also constitutes a nationwide public health emergency, covered health care providers subject to the HIPAA Rules may seek to communicate with patients, and provide telehealth services, through remote communications technologies. Some of these technologies, and the manner in which they are used by HIPAA covered health care providers, may not fully comply with the requirements of the HIPAA Rules.

OCR will exercise its enforcement discretion and will not impose penalties for noncompliance with the regulatory requirements under the HIPAA Rules against covered health care providers in connection with the good faith provision of telehealth during the COVID-19 nationwide public health emergency. This notification is effective immediately."

Are there any current positions regarding FERPA and Telecounseling?

Have a great day!

**Lisette Spraggins,** M.A., M. Ed.
Education Specialist, Special Education Solutions
Region 4 Education Service Center
7145 W. Tidwell Road
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Office: 713.744.4439
Cell:325-721-1912
lisette.spraggins@esc4.net

www.esc4.net
www.txbehaviorsupport.org

AMERICAN OVERSIGHT

**From:** Steinmetz, Chuck
**Sent:** Fri, 20 Mar 2020 18:56:03 +0000
**To:** COVID-19
**Cc:** Vuono, Vincent
**Subject:** Filing Relief / Extension for A-133 Submission
**Importance:** High

Hello,

I am the Controller with Valley Forge Military College, and am inquiring the procedure to request an extension for our A-133 submission through the Federal Audit Clearinghouse. Our current deadline is March 31, 2020. Please respond with the procedure and advise what information is needed.

Thank you very much for your consideration.

Chuck Steinmetz
Controller
Valley Forge Military College

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**From:** Thomas, Dwight
**Sent:** Fri, 20 Mar 2020 21:18:39 +0000
**To:** COVID-19
**Subject:** Fiscal Questions

Should states consider late liquidation requests because districts are not able to spend down funds?

Dwight R. Thomas, II
Education Program Specialist
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning

550 12th Street, S.W., Room # 5010-C
Washington, D.C. 20202-2600
Office: (202) 245-6238
E-mail: dwight.thomas@ed.gov

AMERICAN OVERSIGHT

**From:** Mj Monck
**Sent:** Fri, 20 Mar 2020 14:13:17 -0400
**To:** COVID-19
**Subject:** Forbearance

Does the forbearance of student loan payments apply to those who are participating in the public service loan forgiveness program? If someone doesn't make a payment will it work against them?

Thank you.

AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 15:45:38 +0000
**To:** COVID-19
**Subject:** FW:

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
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**From:** Carmen Needham <cneedhamlssp@gmail.com>
**Sent:** Friday, March 20, 2020 1:02 AM
**To:** Carmen Needham <cneedhamlssp@gmail.com>
**Subject:**

To Whom It May Concern,

My name is María del Carmen Needham, and I am a concerned citizen, a parent, and a Licensed Specialist in School Psychology.

Schools have been closed to prevent the spread of the Coronavirus (COVID-19). In an effort to provide instructional services to the students, the schools have moved to a virtual school. Because of such, TEA has put out a guidance document indicating that as long as school is in session, which includes a virtual classroom, then the evaluation timelines are active.

School evaluators are being asked to conduct these evaluations despite the recommendation to avoid contact with others during this time of social

AMERICAN OVERSIGHT

distancing. In order for the evaluators to obtain reliable data, the evaluators are ethically obligated to meet face-to-face with the student. However, ethically, the evaluator is feeling an obligation to society to avoid a face-to-face meeting with the student.

In order to avoid face-to-face evaluations, a practitioner may consider testing through virtual means. As an LSSP, I am not trained nor do I feel competent to complete evaluations through electronic means. It would be difficult to conduct a cognitive assessment via teleconference. We would be breaking standardized procedures, thus invalidating the data and making eligibility determinations on inaccurate data. Obtaining accurate data is essential to our practice.

When conducting evaluations, we always want to function in the best interest of the student and we use instruments that will yield the most accurate data. Ethically and legally, our job is to ensure we obtain data that is free of extraneous factors that might confound our assessment data. During this COVID-19 pandemic, licensees have expressed concern that the child might be experiencing anxiety or fear. Therefore, this fear and anxiety could influence the child's performance. Several practitioners have expressed this is their greatest concern since we make significant decisions based on the results of the evaluation. We could have unreliable data that may not support eligibility criteria when under less stressful circumstances, the scores could be different. Therefore, obtaining data under these circumstances seems inappropriate.

I want to act in a responsible manner to our students and society. I would prefer to postpone face-to-face contact for an emotional, behavioral, cognitive and/or academic evaluation for the sake of not contributing to the spread of the virus.

The CDC, the President, and government officials recommend social distancing of at least 6 feet apart, when we conduct evaluations we are within close proximity because we are handling stimulus books and stimulus items (blocks, manipulatives, pencils, response booklets, etc). Some of the students we work with might be immunocompromised or live in multigenerational homes. If we consider the many different disciplines that may need to contribute to the evaluation, you are talking of potentially one or eight evaluators (LSSPs, Educational Diagnosticians, Speech Language Pathologists, Occupational Therapists, Physical Therapists, Vision & Orientations mobility teachers, Teachers to the Visually Impaired, and

AMERICAN OVERSIGHT

Teachers of the Deaf and Hard of Hearing), thus increasing the spread of a communicable disease.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parent's desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA, OSEP, and OCR would consider making an emergency legal waiver that will give school districts the ability to pause the timeline until this pandemic passes and the social distancing practices are lifted.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

María del Carmen Needham, M.S., LSSP
Licensed Specialist in School Psychology

**María del Carmen Needham, M.S., LSSP**
Licensed Specialist in School Psychology
Especialista licenciada en psicología escolar
(210)386-4029
cneedhamlssp@gmail.com

"If you talk to a man in a language he understands, that goes to his head. If you talk to him in his own language, that goes to his heart."
-Nelson Mandela

AMERICAN OVERSIGHT

**From:** Broady, Cheryl
**Sent:** Fri, 20 Mar 2020 18:52:28 +0000
**To:** COVID-19
**Subject:** FW: Status of special education evaluations during pandemic

FYI

---

**From:** Erin Calvin <erin.calvin@comalisd.org>
**Sent:** Friday, March 20, 2020 2:48 PM
**To:** disterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov; Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Status of special education evaluations during pandemic

To whom it may concern:

Please read the attached letter in regards to the status of special education evaluations during this pandemic. Direction from TEA is in conflict with direction from OSEP. Please assist us in rectifying this conflict so that we, Licensed Specialists in School Psychology, are not forced to determine which agency's guidelines we will or will not follow. Thank you for your time.

Thank You,

**Erin Calvin, M.S., L.S.S.P, N.C.S.P**
Licensed Specialist in School Psychology

**Department of Special Education Services**
**Spring Branch MS** (830) 885-8864 **(office)**
**Bill Brown ES** (830) 885-1408 **(office)**
**Email** erin.calvin@comalisd.org

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:40:32 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Status of special education evaluations during pandemic

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Broady, Cheryl <Cheryl.Broady@ed.gov>
**Sent:** Friday, March 20, 2020 2:52 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Status of special education evaluations during pandemic

FYI

---

**From:** Erin Calvin <erin.calvin@comalisd.org>
**Sent:** Friday, March 20, 2020 2:48 PM
**To:** disterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov; Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Status of special education evaluations during pandemic

To whom it may concern:

Please read the attached letter in regards to the status of special education evaluations during this pandemic. Direction from TEA is in conflict with direction from OSEP. Please assist us in rectifying this conflict so that we, Licensed Specialists in School Psychology, are not forced to determine which agency's guidelines we will or will not follow. Thank you for your time.

Thank You,
**Erin Calvin, M.S., L.S.S.P, N.C.S.P**
Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

**Department of Special Education Services**
**Spring Branch MS** (830) 885-8864 (**office**)
**Bill Brown ES** (830) 885-1408 (**office**)
**Email** erin.calvin@comalisd.org

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:38:28 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW:

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Friday, March 20, 2020 11:46 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW:

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

**From:** Carmen Needham <cneedhamlssp@gmail.com>
**Sent:** Friday, March 20, 2020 1:02 AM
**To:** Carmen Needham <cneedhamlssp@gmail.com>
**Subject:**

To Whom It May Concern,

AMERICAN OVERSIGHT

My name is María del Carmen Needham, and I am a concerned citizen, a parent, and a Licensed Specialist in School Psychology.

Schools have been closed to prevent the spread of the Coronavirus (COVID-19). In an effort to provide instructional services to the students, the schools have moved to a virtual school. Because of such, TEA has put out a guidance document indicating that as long as school is in session, which includes a virtual classroom, then the evaluation timelines are active.

School evaluators are being asked to conduct these evaluations despite the recommendation to avoid contact with others during this time of social distancing. In order for the evaluators to obtain reliable data, the evaluators are ethically obligated to meet face-to-face with the student. However, ethically, the evaluator is feeling an obligation to society to avoid a face-to-face meeting with the student.

In order to avoid face-to-face evaluations, a practitioner may consider testing through virtual means. As an LSSP, I am not trained nor do I feel competent to complete evaluations through electronic means. It would be difficult to conduct a cognitive assessment via teleconference. We would be breaking standardized procedures, thus invalidating the data and making eligibility determinations on inaccurate data. Obtaining accurate data is essential to our practice.

When conducting evaluations, we always want to function in the best interest of the student and we use instruments that will yield the most accurate data. Ethically and legally, our job is to ensure we obtain data that is free of extraneous factors that might confound our assessment data. During this COVID-19 pandemic, licensees have expressed concern that the child might be experiencing anxiety or fear. Therefore, this fear and anxiety could influence the child's performance. Several practitioners have expressed this is their greatest concern since we make significant decisions based on the results of the evaluation. We could have unreliable data that may not support eligibility criteria when under less stressful circumstances, the scores could be different. Therefore, obtaining data under these circumstances seems inappropriate.

I want to act in a responsible manner to our students and society. I would prefer to postpone face-to-face contact for an emotional, behavioral, cognitive

AMERICAN OVERSIGHT

and/or academic evaluation for the sake of not contributing to the spread of the virus.

The CDC, the President, and government officials recommend social distancing of at least 6 feet apart, when we conduct evaluations we are within close proximity because we are handling stimulus books and stimulus items (blocks, manipulatives, pencils, response booklets, etc). Some of the students we work with might be immunocompromised or live in multigenerational homes. If we consider the many different disciplines that may need to contribute to the evaluation, you are talking of potentially one or eight evaluators (LSSPs, Educational Diagnosticians, Speech Language Pathologists, Occupational Therapists, Physical Therapists, Vision & Orientations mobility teachers, Teachers to the Visually Impaired, and Teachers of the Deaf and Hard of Hearing), thus increasing the spread of a communicable disease.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parent's desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA, OSEP, and OCR would consider making an emergency legal waiver that will give school districts the ability to pause the timeline until this pandemic passes and the social distancing practices are lifted.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

María del Carmen Needham, M.S., LSSP
Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

**María del Carmen Needham, M.S., LSSP**
Licensed Specialist in School Psychology
Especialista licenciada en psicología escolar
(210)386-4029
cneedhamlssp@gmail.com

"If you talk to a man in a language he understands, that goes to his head. If you talk to him in his own language, that goes to his heart."
-Nelson Mandela

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:34:13 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: 009673 School # Rudae's School of Beauty Culture

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Rudae's Janelle <janellebanks@rudaes.edu>
**Sent:** Friday, March 20, 2020 2:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** 009673 School # Rudae's School of Beauty Culture

Hello,

Rudae's School of Beauty Culture has Temporally closed Due to the COVID-19. We will not be in session March 21st, 2020 and will try and be back in session on April 20th, 2020.

I have sent a letter explaining this to D.O.E Region V office in Chicago which I can track.

We have also informed NACCAS our Accrediting Agency, State Board of Indiana, FAME our school software management company, and the VA.

We want to make sure that we are doing very thing that we are supposed to do.

We are waiting for further guidance from our Accrediting Agency.

If you have any further guidance for us it would be appreciated.

Kind Regards,

AMERICAN OVERSIGHT

*Janelle V Banks*
Administrator

5317 Coldwater Rd.
Coldwater Crossing
Fort Wayne, IN 46825
Phone: 260.483.2466
Toll Free: 800.878.9744
janellebanks@rudaes.edu
www.rudaes.edu

AMERICAN OVERSIGHT

**From:** Corr, Gregg
**Sent:** Fri, 20 Mar 2020 20:52:54 +0000
**To:** COVID-19
**Subject:** FW: Additional Questions

This question was sent to OSEP.

---

**From:** Brenda Smith <brenda.smith@usu.edu> **On Behalf Of** John Copenhaver
**Sent:** Friday, March 20, 2020 3:48 PM
**To:** Corr, Gregg <Gregg.Corr@ed.gov>
**Cc:** Norm Ames <norm.ames@usu.edu>
**Subject:** Additional Questions

Gregg,

I hope you're doing well. I can't imagine how busy you are at OSEP. We had a call with State Directors this morning. Obviously the main topic was COVID-19 as it relates to servicing students with disabilities. I mentioned to them how incredibly helpful you have been in providing the guidance you're able to provide. I know OSEP will be coming out with guidance in the near future. Listed below are some questions that came up this morning to add to your list. If there are any that can be answered right away, any guidance is appreciated.

1. Many States are concerned about compensatory services with the delay occurring with IEP services. The question is, does OSEP have any guidance on how compensatory services will be paid and what monies can be used to pay for such services?
2. Many States are talking about using the delivery of related services through a virtual platform. The main question is, does an IEP team need to convene and approve the change of delivery of related services from onsite to virtual?
3. What does specially designed instruction look like in a home environment? Many school districts are providing work packets, will this suffice?
4. With most students at home, how do school districts address IEP annual reviews and three year evaluations?
5. With a lot of services shifting from the school to the home through virtual platforms, is there a need to amend the IEP to address those changes and would that include notice and consent?
6. What is OSEP's advice on providing services to the most severe and medically fragile students?
7. Since most school districts have closed schools, what are the expectations regarding SEA monitoring and levels of determination?
8. Can mediations be conducted through a Zoom a virtual platform?
9. There was concern regarding special education paraeducators. Is it permissible for paraeducators to keep working as long as their assignment has a relation to supporting students with disabilities (this is probably a State issue)?

Again, Gregg, we appreciate you and all you do to support the education of students with disabilities.

Regards,

AMERICAN OVERSIGHT

**John Copenhaver**, Director
Technical Assistance for Excellence in Special Education
www.taese.org | Center for Persons with Disabilities | Utah State University

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:41:56 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Additional Questions

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Corr, Gregg <Gregg.Corr@ed.gov>
**Sent:** Friday, March 20, 2020 4:53 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Additional Questions

This question was sent to OSEP.

---

**From:** Brenda Smith <brenda.smith@usu.edu> **On Behalf Of** John Copenhaver
**Sent:** Friday, March 20, 2020 3:48 PM
**To:** Corr, Gregg <Gregg.Corr@ed.gov>
**Cc:** Norm Ames <norm.ames@usu.edu>
**Subject:** Additional Questions

Gregg,

I hope you're doing well. I can't imagine how busy you are at OSEP. We had a call with State Directors this morning. Obviously the main topic was COVID-19 as it relates to servicing students with disabilities. I mentioned to them how incredibly helpful you have been in providing the guidance you're able to provide. I know OSEP will be coming out with guidance in the near future. Listed below are some questions that came up this morning to add to your list. If there are any that can be answered right away, any guidance is appreciated.

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Again, Gregg, we appreciate you and all you do to support the education of students with disabilities.

Regards,

**John Copenhaver**, Director
Technical Assistance for Excellence in Special Education
www.taese.org | Center for Persons with Disabilities | Utah State University

AMERICAN OVERSIGHT

**From:** Broady, Cheryl
**Sent:** Fri, 20 Mar 2020 18:21:46 +0000
**To:** COVID-19
**Subject:** FW: Adjusting Timelines for Evaluations

FYI

**From:** Bobbi Davenport <bobbi.davenport@dsisdtx.us>
**Sent:** Friday, March 20, 2020 2:14 PM
**Subject:** Adjusting Timelines for Evaluations

To Whom This May Concern:

My name is Bobbi Davenport and I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIIE or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a

AMERICAN OVERSIGHT

face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

--

Bobbi Davenport, SSP, LSSP, NCSP (she, her, hers)
Licensed Specialist in School Psychology (LSSP)
Nationally Certified School Psychologist (NCSP)
Dripping Springs Independent School District
512-858-3428

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:20:34 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: alternative co payable loan

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Graciela Sanchez <GSanchez@vcccd.edu>
**Sent:** Friday, March 20, 2020 3:17 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** alternative co payable loan

Hello,

I have a student who has gone back home, Bakersfield due to COVID -19 .
Student is still enrolled in all his classes.

What are the options the school has to disburse the funds? Are we able to mail to student or does student have to come on campus to pick up loan.

Thank you in advance,

**Graciela V. Sanchez**
**Financial Aid Specialist**
**Moorpark College**
**(805)553-4705**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:20:50 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: ANNUAL CPA AUDIT REQUIREMENTS

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Paul Pari <PaulP@ecmfinaid.com>
**Sent:** Friday, March 20, 2020 3:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Paul Pari <PaulP@ecmfinaid.com>
**Subject:** ANNUAL CPA AUDIT REQUIREMENTS

Hi,

We are a third-party servicer.

A few of our schools notified us they will be unable to submit their annual compliance audit on time. Most of our clients have a fiscal year end of 12/31, which means their CPA compliance audit is due on 6/30/2020.

Is the Department of Education considering a delay in the CPA compliance audit deadlines due to the current health crisis?

Thank you and stay safe.

**Paul Pari**
Vice President of Compliance & Training
Educational Compliance Management, Inc.
190 Margaretta Avenue | Massapequa, NY 11758

paulp@ecmfinaid.com
(516) 679-1616 (O)
(516) 679-1662 (F)
www.ecmfinaid.com

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AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 16:38:52 +0000
**To:** COVID-19
**Subject:** FW: Assessment in Public Schools

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

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**From:** Steffanie Gilbreath <steffg1197@outlook.com>
**Sent:** Friday, March 20, 2020 12:38 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Assessment in Public Schools

To Whom This May Concern:

My name is Steffanie Gilbreath and I am an evaluator for Grapevine-Colleyville ISD in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, once "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIIE or Reevaluation consent.

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While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider doing teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that all agencies will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a

student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health

AMERICAN OVERSIGHT

needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Steffanie Gilbreath, SSP

Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:21:59 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: bad link

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jody Feder <jody@naicu.edu>
**Sent:** Friday, March 20, 2020 9:49 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** bad link

The OPE March 5th guidance is now behind IFAP's password protection. Can make the link public again? We have been distributing widely to our members.

Jody Feder
Director of Accountability & Regulatory Affairs
National Association of Independent Colleges & Universities
1025 Connecticut Ave., NW, Suite 700
Washington, DC 20036
Phone: (202) 739-0476
Fax: (202) 835-0003

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:22:10 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Campus Based Federal Perkins Loans

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Trish Rutecki <prutecki@brynmawr.edu>
**Sent:** Friday, March 20, 2020 10:21 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Campus Based Federal Perkins Loans

Hello

I am responsible for the administering of our Perkins Loan Program here at Bryn Mawr College.

I just want to confirm information that I am hearing through webinars and news media concerning the interest waiver on Perkins Loans. From what I understand, this waiver will only apply to Perkins Loans held by the Federal government i.e. Perkins we have assigned back to the Dept of Ed. Our Campus held Perkins Loans do not qualify for the interest waiver. Is there any chance this would be reviewed so that our Campus Based Perkins would be included in this interest waiver?

This is going to be very confusing to explain to our Campus Based Perkins Loan borrowers. Our Campus Based Perkins borrowers are going to be struggling with repayment just as much as Federally owned Perkins Loan. Most of our borrowers in our Campus based Perkins Program have faithfully been repaying their Perkins Loan.

I am hoping that the policy regarding interest waiver on just Federally held Perkins Loans will be reviewed and that Colleges will at least be given the option to offer an interest waiver to their Perkins borrowers.

Thank you.

Trish Rutecki

AMERICAN OVERSIGHT

Bryn Mawr College

Assistant Director

Student Accounts

(610) 526-5515

Fax (610) 526-7870

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 17:11:27 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Cessation of Interest by the Trump Administration

---

**From:** Arlyn Villaruz <avillaruz@ketchum.edu>
**Sent:** Thursday, March 19, 2020 7:56 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Cessation of Interest by the Trump Administration

http://freestudentloanadvice.org/student-loan-strategies-for-those-affected-by-covid-19/

Good afternoon,

In reading this article regarding President Trump's announcement of cessation of interest on federally held Perkins Loans, what would be the difference on Institutional held Perkins Loans? Why couldn't schools who service their loans through non-federal servicers also cease interest?

Thank you for your time.

Sincerely,

Arlyn

**Arlyn Villaruz**
Director of Student Accounts
*Office of Administration and Finance*

Marshall B. Ketchum University
2575 Yorba Linda Blvd., Fullerton, CA 92831
**P** 714.449.7437 | ketchum.edu | Student Accounts Services

**Marshall B.**
**KETCHUM UNIVERSITY**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:25:36 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Change in Grading Type (Institution 04242100)

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Hildebrand, Garrick <Garrick.Hildebrand@untdallas.edu>
**Sent:** Friday, March 20, 2020 11:35 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Change in Grading Type (Institution 04242100)

Hello,

My campus leadership is considering changing its grading type because of COVID-19. Currently, we us the standard letter grades on a 4.0 GPA scale (A, B, C, D, and F). Campus leadership is considering changing to a Pass\No-Pass grading type for this spring semester and possibly going forward. However, if we make this change in our grading type, we will not be able to calculate a SAP status for our students because this type of grading does not result in a GPA.

Will the Department be providing any waiver of the SAP requirements in this type or similar COVID-19 related scenario?

Does the Department have any guidance related to changing grading types to a Pass\No-Pass system and its impact on determining a students current and future eligibility for Title IV funds?

Best,
Garrick

**Garrick D. Hildebrand, M.Ed.**
Director of Financial Aid
Student Financial Aid & Scholarships

**UNIVERSITY OF NORTH TEXAS AT DALLAS**
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Dallas, Texas 75241-4605
Office: 972.780.3678

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UNIVERSITY OF NORTH TEXAS AT DALLAS

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:33:05 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Change in physical attendance on campus due to CoVID19 relative to TPSID model Projects and HEOA of 2008

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kathleen Becht <Kathleen.Becht@ucf.edu>
**Sent:** Friday, March 20, 2020 3:04 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Re: Change in physical attendance on campus due to CoVID19 relative to TPSID model Projects and HEOA of 2008

My question focuses on the **TPSID model projects** funded through HEOA 2008. In the HEOA regulations, students with intellectual disabilities have been required to attend courses with their nondisabled peers on the physical campus in order to maintain their eligibility for federal student aid. Due to the CoVID19 virus many of Florida's and the nation's Institutes of Higher Education (IHE), that implement inclusive postsecondary education for students with intellectual disability, have closed their campuses and are serving college students online and not physically on campus.

We are working to serve our college students with intellectual disability online as well.

My question is, ***Will serving students with intellectual disability in online courses negate the IHE's Comprehensive Transition Program (CTP) status and student eligibility for federal student aid***?

I appreciate you consideration of this issue.

Kathleen Becht, PhD

Director, Florida Consortium on Inclusive Higher Education
SDES, University of Central Florida
Kathleen.Becht@ucf.edu
Website: www.FCIHE.com
CoChair, TASH Inclusive Education Committee

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Chair, DCDT Scholarship Committee
Office: 407-823-1099
Cell: 407-928-8917

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:42:14 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: ChildFind: Face-to-face eval during COVID?

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kyle M. Popkave <kpopkave@pasco.k12.fl.us>
**Sent:** Friday, March 20, 2020 11:40 AM
**Subject:** ChildFind: Face-to-face eval during COVID?

To Whom It May Concern:

As school districts are preparing to provide continued educational supports and services to all students, is there specific guidance and recommendations around the completion of Exceptional Student Education or 504 evaluations during this time of school closures due to COVID-19?

IQ tests results are only valid if the test is administered in a norm-referenced way, which requires face-to-face contact between the evaluator and the student being evaluated.

There are a number of students who are suspected as having a significant cognitive impairments. IQ results are required to determine eligibility for various ESE exceptionalities as well as informing access standards eligibility.

Specifically, for students who require direct, standardized assessments (i.e., IQ tests), should schools administer face-to-face evaluations despite the CDC's recommendations around social distancing? How should districts balance the federal ChildFind obligations with the DOH recommendations of social distancing?

Any guidance would be greatly appreciated.

--
Kyle Marissa Popkave, M.A., Ed.S.
Pasco County School Psychologist

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 22:33:22 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19;Ramsey, Tara
**Subject:** FW: Clarification - New Enrollees

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Grafton, Cindy <cgrafton@dusd.net>
**Sent:** Sunday, March 15, 2020 1:55 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Rochin, Blanca <brochin@dusd.net>; Sanchez, Frances <fsanchez@dusd.net>
**Subject:** Clarification - New Enrollees

Hello,

We need clarification after reading *ELECTRONIC ANNOUNCEMENTS March 05, 2020 (OPE Announcements) Subject: Guidance for interruptions of study related to Coronavirus (COVID-19)*

**We need clarification on new enrollees:**

Downey Adult School is approved to offer the Medical Biller Coder program via online delivery. Our school district just announced that our school will not allow students to attend classes on campus from March 16th – March 26th. Our school is switching to strictly online delivery. Can our school allow new students to start a program on March 23 if the program was already approved to offer it via online?

Examples:

Vocational Nursing – Not approved for online instruction – DAS cannot start a new enrollee via online instruction during this period
Medical Biller Coder – Approved for online instruction – DAS can continue to enroll new enrollees via online instruction during this period

Thank you for your help.

Cindy Grafton
Assistant Principal
DAS Career & Education Center

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(562)940-6203 office
(310)502-7463 cell
(310)469-7826 fax

AMERICAN OVERSIGHT

**From:** Blue, Jacqueline
**Sent:** Fri, 20 Mar 2020 13:20:54 +0000
**To:** COVID-19
**Cc:** Blue, Jacqueline
**Subject:** FW: College Request

Please see the request from Curry College.

jacqueline blue
Institutional Review Specialist
Phone: (617) 289-0191

*You can't Believe your way out of something you Behaved your way into. ~DWright*

---

**From:** Loconto, Robert <robert.loconto@curry.edu>
**Sent:** Wednesday, March 18, 2020 10:19 AM
**To:** Blue, Jacqueline <Jacqueline.Blue@ed.gov>
**Subject:** College Request

Ms. Blue,

I am looking for a fax or email address to forward a letter from Curry College requesting permission to reduce our spring semester instructional weeks from 15 to 14 due to the ongoing COVID19 crisis.

Would you be able to provide me with the appropriate contact information?

Thanks,

Rob -

Robert F. Loconto
Director of Financial Aid
Curry College
1071 Blue Hill Avenue
Milton, MA 02186
(617) 333-2354
(617) 333-2915 (Fax)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:21:51 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: College Request

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Blue, Jacqueline <Jacqueline.Blue@ed.gov>
**Sent:** Friday, March 20, 2020 9:21 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Blue, Jacqueline <Jacqueline.Blue@ed.gov>
**Subject:** FW: College Request

Please see the request from Curry College.

jacqueline blue
Institutional Review Specialist
Phone: (617) 289-0191
Federal Student Aid | PROUD SPONSOR of the AMERICAN MIND
An OFFICE of the U.S. DEPARTMENT of EDUCATION

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**To:** Blue, Jacqueline <Jacqueline.Blue@ed.gov>
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Rob -

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Robert F. Loconto
Director of Financial Aid
Curry College
1071 Blue Hill Avenue
Milton, MA 02186
(617) 333-2354
(617) 333-2915 (Fax)

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**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 15:45:02 +0000
**To:** COVID-19
**Subject:** FW: Concerns about individual psychological evaluations in public schools during the COVID-19 outbreak

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

---

**From:** Courtney A <aligatah@yahoo.com>
**Sent:** Friday, March 20, 2020 8:04 AM
**To:** disasterinfo@tea.texas.org; sped@tea.texas.org; Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>; tom.maynard@tea.texas.org; justin.porter@tea.texas.org
**Subject:** Concerns about individual psychological evaluations in public schools during the COVID-19 outbreak

To Whom It May Concern:

My name is Courtney Davis and I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such, our districts have had to turn to distance learning to continue providing instructional time to our Texas students; because "school has resumed"

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through “virtual classrooms,” Texas evaluators are being forced to continue to evaluate students that have an open FIE or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child’s academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that “If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student’s parent or legal guardian consents.” The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

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My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Courtney A. Davis, Ph.D., LSSP, NCSP
Licensed Specialist in School Psychology
Katy Independent School District
Katy, TX 77449

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:38:21 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Concerns about individual psychological evaluations in public schools during the COVID-19 outbreak

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Friday, March 20, 2020 11:45 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Concerns about individual psychological evaluations in public schools during the COVID-19 outbreak

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

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**From:** Courtney A <aligatah@yahoo.com>
**Sent:** Friday, March 20, 2020 8:04 AM
**To:** disasterinfo@tea.texas.org; sped@tea.texas.org; Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>; tom.maynard@tea.texas.org;

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justin.porter@tea.texas.org
**Subject:** Concerns about individual psychological evaluations in public schools during the COVID-19 outbreak

To Whom It May Concern:

My name is Courtney Davis and I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such, our districts have had to turn to distance learning to continue providing instructional time to our Texas students; because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIE or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

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While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will

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adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Courtney A. Davis, Ph.D., LSSP, NCSP
Licensed Specialist in School Psychology
Katy Independent School District
Katy, TX 77449

AMERICAN OVERSIGHT

**From:** OESE.SGR.Florida
**Sent:** Fri, 20 Mar 2020 15:09:45 +0000
**To:** COVID-19
**Subject:** FW: Coronavirus and EOC Assessments

Chris Fenton
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** Graziella Busa <gb@graceagency.org>
**Sent:** Friday, March 20, 2020 11:09 AM
**To:** OESE.SGR.Florida <Florida.oese@ed.gov>
**Subject:** Coronavirus and EOC Assessments

To whom it may concern:

I was given this contact email by Florida PTA to address my concerns regarding the cancellation of statewide assessments.

I am a parent of an 8th grader in Indian Trails Middle School (Seminole County). My daughter is taking classes that require EOC exams so that she may receive high school credit for those classes and her grade average for the year to date is an "A" in all three:

Pre-AP History
Geometry
Ecology

Please advise whether or not the cancellation of Statewide Assessments in Florida will impact her ability to receive this credit.

It would be detrimental to the future success of students such as my daughter to lose the opportunity to earn advanced high school credit. It would also be extremely unfair that they would be penalized due to no fault of their own.

Please reassure me this will not be the case. I am certain that there are many parents across the state that are as concerned as I am and would greatly appreciate reassurance on this matter.

Sincerely,

Graziella Busa
Principal, COO
407.476.7690
gb@graceagency.org

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:02:54 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Coronavirus and EOC Assessments

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.SGR.Florida <Florida.oese@ed.gov>
**Sent:** Friday, March 20, 2020 11:10 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Coronavirus and EOC Assessments

*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

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**To:** OESE.SGR.Florida <Florida.oese@ed.gov>
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Geometry
Ecology

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:33:33 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Coronavirus Guidance for FFEL - GEN 17-08

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Vicki Shipley <vshipley@ncher.us>
**Sent:** Friday, March 20, 2020 12:30 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Coronavirus Guidance for FFEL - GEN 17-08

Please provide a status update to an earlier Q ……please confirm we are to use disaster guidance DCL GEN 17-08 for immediate flexibility knowing that it may not be enough given the severity of this pandemic. There was nothing in the press release other than for federally-held loans. FFEL borrowers need relief also. Thank you!

Vicki Shipley
NCHER

AMERICAN OVERSIGHT

**From:** Kniseley, Charles
**Sent:** Fri, 20 Mar 2020 18:28:50 +0000
**To:** COVID-19
**Subject:** FW: Coronavirus/Loss wages

Please see the email below from Guam

**From:** Nora I. Sawyer <nisawyer@gdoe.net>
**Sent:** Thursday, March 19, 2020 6:51 PM
**To:** Kniseley, Charles <Charles.Kniseley@ed.gov>
**Subject:** Coronavirus/Loss wages

Hafa Adai Charlie,

Praying you and your family are doing well, sorry to bother you but in need of your assistance.

We are in a State of Emergency, schools are closed for 14 days, 1:1 Part Time Aides are not compensated when there's are no students, however in this crisis is there an exception? Can they get compensated?

Hoping for a favorable respond.

Take care
Nora
--
Regards,
Nora B.I. Sawyer
Program Coordinator /SPED Fiscal Compliance

Guam Department of Education
500 Mariner Avenue
Barrigada, Guam 96932
Special Education
(671) 300-1268

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GDOE SY 2019-2020

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:40:22 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Coronavirus/Loss wages

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kniseley, Charles <Charles.Kniseley@ed.gov>
**Sent:** Friday, March 20, 2020 2:29 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Coronavirus/Loss wages

Please see the email below from Guam

**From:** Nora I. Sawyer <nisawyer@gdoe.net>
**Sent:** Thursday, March 19, 2020 6:51 PM
**To:** Kniseley, Charles <Charles.Kniseley@ed.gov>
**Subject:** Coronavirus/Loss wages

Hafa Adai Charlie,

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Guam Department of Education
500 Mariner Avenue
Barrigada, Guam 96932

AMERICAN OVERSIGHT

Special Education
(671) 300-1268

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GDOE SY 2019-2020

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:12:12 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: CoVid 19 and educational evaluations
**Attachments:** Covid-19.pdf

Hi Laurie,

The COVID-19 mailbox received an inquiry for OSERS. Below is the inquiry.

Thanks,
Kelly

---

**From:** Broady, Cheryl <Cheryl.Broady@ed.gov>
**Sent:** Friday, March 20, 2020 4:58 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: CoVid 19 and educational evaluations

FYI

---

**From:** Jerry <jerryleecarrillo@yahoo.com>
**Sent:** Friday, March 20, 2020 4:56 PM
**To:** disasterinfo@tea.texas.gov
**Cc:** sped@tea.texas.gov; tom.maynard@tea.texas.gov
**Subject:** CoVid 19 and educational evaluations

Please read the attached letter.
Thank you,

Gerardo Carrillo

AMERICAN OVERSIGHT

March 20, 2020

To Whom This May Concern:

My name is Gerardo Lee Carrillo, Licensed Specialist in School Psychology (LSSP) who is a Nationally Certified School Psychologist (NCSP) who has worked in the field for 4 years. I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. Our districts have had to turn to distance learning to continue providing instructional time to our Texas students. Since "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open Full and Individual Evaluation (FIIE) or Reevaluation consent.

While the Office of Civil Rights (OCR) document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data. As evaluators, we will be forced to meet face-to-face with the student to conduct best practices.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are fear and/or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, NO family should be worried about anything, other than being together and following the directive to remain at home and decrease social contact.

By reaching out to you as policy makers and as an individual who can advocate for practitioners in this unprecedented and unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parent's desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, it is my hope that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a
student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned

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for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Gerardo L Carrillo, LSSP, NCSP
Licensed Specialist in School Psychology
Nationally Certified School Psychologist

AMERICAN OVERSIGHT

**From:** Broady, Cheryl
**Sent:** Fri, 20 Mar 2020 20:58:02 +0000
**To:** COVID-19
**Subject:** FW: CoVid 19 and educational evaluations
**Attachments:** Covid-19.pdf

FYI

---

**From:** Jerry <jerryleecarrillo@yahoo.com>
**Sent:** Friday, March 20, 2020 4:56 PM
**To:** disasterinfo@tea.texas.gov
**Cc:** sped@tea.texas.gov; tom.maynard@tea.texas.gov
**Subject:** CoVid 19 and educational evaluations

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Thank you,

Gerardo Carrillo

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March 20, 2020

To Whom This May Concern:

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We are facing unprecedented times with the COVID-19 pandemic. Our districts have had to turn to distance learning to continue providing instructional time to our Texas students. Since "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open Full and Individual Evaluation (FIIE) or Reevaluation consent.

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If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are fear and/or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, NO family should be worried about anything, other than being together and following the directive to remain at home and decrease social contact.

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student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned

AMERICAN OVERSIGHT

for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Gerardo L Carrillo, LSSP, NCSP
Licensed Specialist in School Psychology
Nationally Certified School Psychologist

AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 20:57:44 +0000
**To:** COVID-19
**Subject:** FW: CoVid 19 and educational evaluations
**Attachments:** Covid-19.pdf

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

---

**From:** Jerry <jerryleecarrillo@yahoo.com>
**Sent:** Friday, March 20, 2020 4:56 PM
**To:** disasterinfo@tea.texas.gov
**Cc:** sped@tea.texas.gov; tom.maynard@tea.texas.gov
**Subject:** CoVid 19 and educational evaluations

Please read the attached letter.
Thank you,

Gerardo Carrillo

AMERICAN OVERSIGHT

March 20, 2020

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Sincerely,

Gerardo L Carrillo, LSSP, NCSP
Licensed Specialist in School Psychology
Nationally Certified School Psychologist

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:43:12 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: CoVid 19 and educational evaluations
**Attachments:** Covid-19.pdf

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Attached is the inquiry.

Thanks,
Kelly

---

**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Friday, March 20, 2020 4:58 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: CoVid 19 and educational evaluations

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

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**To:** disasterinfo@tea.texas.gov
**Cc:** sped@tea.texas.gov; tom.maynard@tea.texas.gov
**Subject:** CoVid 19 and educational evaluations

AMERICAN OVERSIGHT

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Gerardo Carrillo

AMERICAN OVERSIGHT

March 20, 2020

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Sincerely,

Gerardo L Carrillo, LSSP, NCSP
Licensed Specialist in School Psychology
Nationally Certified School Psychologist

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:39:52 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: COVID-19 and Grant submission

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Carter, Sarah <Sarah.Carter@state.sd.us>
**Sent:** Friday, March 20, 2020 1:56 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 and Grant submission

Dear Sirs,

Am writing with regards to the Part C grant application. Currently my grant is open for public comment. However, the issues that will arise if the COVID-19 pandemic continues is ability to review with my ICC as scheduled. Also, there will be problems obtaining a "wet" signature as my lead agency person is working remotely as am I. He, however, is almost 300 miles away from where I am working remotely. Uncertain how to obtain a "wet" signature.
Also to consider is the required hard copy being able to submit timely depending upon mail availability.

It is uncertain what will come in the next weeks but this is something that consideration of would be appreciated.

Thank you

Sarah

Sarah Carter
Administrator
Birth to Three/HSCO
800 Governors Drive
Pierre, SD 57501
605-773-4478
Sarah.carter@state.sd.us

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:22:02 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 and Student's eligibility

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Simone Sutherland <sw622@nova.edu>
**Sent:** Friday, March 20, 2020 9:50 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 and Student's eligibility

Good Morning,
Are there any provisions to accept copies of documents as proof as citizenship? Some students will be unable to bring their documents in, because we have moved to online learning. Currently if students are not able to present original document, they may submit copies with affidavit of true copy. Due to the pandemic, they will have difficulties getting the affidavit notarized.

For, SAP appeals, if a student is on an academic plan or probation and was unable to meet the terms of the plan/ probation due to disruption in learning caused by COVID-19, are institutions allowed to amend the academic plan.

Thank You,
Simone

**Simone Sutherland**
Associate Director of Financial Aid
Enrollment and Student Services
(954)262-7436
sw622@nova.edu
nova.edu
NOVA SOUTHEASTERN UNIVERSITY | NSU Florida

**http://www.nova.edu/financialaid/index.html**
This communication may contain information that is legally protected from unauthorized disclosure. If you are not the intended recipient, any dissemination, distribution or copying of this communication is strictly

AMERICAN OVERSIGHT

prohibited. If you have received this message in error, you should notify the sender immediately by telephone or by return email and delete this email from your computer

AMERICAN OVERSIGHT

**From:** OESE.SGR.Alaska
**Sent:** Fri, 20 Mar 2020 17:30:34 +0000
**To:** COVID-19
**Subject:** FW: COVID-19: Waivers or Flexibility
**Attachments:** RE: data collection for potential waivers related to accountability components

Good afternoon,

The program office responded yesterday afternoon to the inquiry below.

Corrinne Callins
Office of State and Grantee Relations
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Ave. SW
Washington, DC 20202
Email: Corrinne.Callins@ed.gov
Phone: 202-453-5795
Website: oese.ed.gov

---

**From:** Salley, Robert <Robert.Salley@ed.gov>
**Sent:** Thursday, March 19, 2020 1:46 PM
**To:** Preziosi, Courtney G (EED) <courtney.preziosi@alaska.gov>
**Cc:** OESE.SGR.Alaska <Alaska.oese@ed.gov>
**Subject:** RE: COVID-19: Waivers or Flexibility

HI Courtney

I hope you, your family, and folks at DEED are doing well.

Colton Christian reached out to me earlier this week (attaching our conversation for reference) and I let him know we will have a template coming out shortly that will allow for states to select what areas of title I they are specifically waiving. It should be fairly broad and capture a number of elements that states need flexibility. I am hopeful that goes out today, but no later than tomorrow.

Best,
R

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov | 202.453.5719

AMERICAN OVERSIGHT

**From:** Preziosi, Courtney G (EED) <courtney.preziosi@alaska.gov>
**Sent:** Thursday, March 19, 2020 1:31 PM
**To:** OESE.SGR.Alaska <Alaska.oese@ed.gov>
**Cc:** Salley, Robert <Robert.Salley@ed.gov>
**Subject:** COVID-19: Waivers or Flexibility

Robert –
As you can imagine, our State is trying to navigate this time of uncertainty. We are reaching out specifically about US ED's current status on:

- Waivers or flexibility in reporting and grants administration.
- Waivers or flexibility related to ESEA fiscal requirements such as –
    - maintenance of effort,
    - carry over limits of 15% of Title I, Part A funds, and
    - the requirement to obligate funds in the current Federal fiscal year for providing equitable services to eligible private school students, teachers, and families.

Will ED be granting blanket waivers or will States be required to reach out to ED directly for waivers due to the COVID-19 pandemic? Will there be guidance issued?

Thank you!

*Courtney Preziosi*
ESEA/Title I Administrator
t: (907)465-2888
Courtney.Preziosi@alaska.gov

Alaska Department of Education & Early Development
P.O. Box 110500
Juneau, Alaska 99811-0500

AMERICAN OVERSIGHT

**From:** Christian, Colton B (EED)
**Sent:** Tue, 17 Mar 2020 19:57:21 +0000
**To:** Salley, Robert
**Subject:** RE: data collection for potential waivers related to accountability components

Hi Robert,

Thanks for your response. We'll keep our eyes out for the guidance and template.

Best,
Colton

--
**Colton Christian**
Data Manager
Alaska Department of Education & Early Development
801 West 10th Street, Suite 200
PO Box 110500
Juneau, AK 99811
907-465-8418

---

**From:** Salley, Robert <Robert.Salley@ed.gov>
**Sent:** Tuesday, March 17, 2020 11:33 AM
**To:** Christian, Colton B (EED) <colton.christian@alaska.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** RE: data collection for potential waivers related to accountability components

Hi Colton—

Thanks for reaching out. My name is Robert Salley and I serve as Alaska's Program Officer here at ED (I've worked closely with Courtney Preziosi in the past).

This is a very good question. ED is going to release guidance and a template sometime this week to all states that will describe exactly what you will need to provide in order to seek a waiver of your assessment and participation rates. We're hoping that the template will be streamlined so that a state can select waivers that are pertinent to the affected issues across Title I and other ESEA programs. If it is possible for DEED to wait until this information is released to all states, I would advise you to do so as I think the instructions will describe what you will need to provide.

Does that make sense? Happy to discuss further or to hop on the phone if needed.

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AMERICAN OVERSIGHT

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Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov | 202.453.5719

---

**From:** Christian, Colton B (EED) <colton.christian@alaska.gov>
**Sent:** Monday, March 16, 2020 7:59 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** data collection for potential waivers related to accountability components

Hi there,

I've read through the Assessments and Accountability fact sheet related to COVID-19 and had a question that I was hoping you could answer.

I am wondering if there is any data collection that will be necessary in order to get a waiver for participation rate or for chronic absenteeism approved. In other words, will it be enough to show that participation rate drops sharply year-over-year or that chronic absenteeism increases sharply year-over-year? Or do we need to show that participation rate dropped **because** of COVID-19 and what evidence or data should we collect to show that?

Please let me know if you have any questions or if I can clarify the question.

Thanks in advance,
Colton

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**Colton Christian**
Data Manager
Alaska Department of Education & Early Development
801 West 10th Street, Suite 200
PO Box 110500
Juneau, AK 99811
907-465-8418

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:03:09 +0000
**To:** OESE COVID 19;OESE.titlei-a
**Cc:** COVID-19
**Subject:** FW: COVID-19: Waivers or Flexibility
**Attachments:** RE: data collection for potential waivers related to accountability components

FYI

---

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907-465-8418

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:22:13 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Credit for Housing and Meal Plans

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Corso, Michael <CORSOM1@wpunj.edu>
**Sent:** Friday, March 20, 2020 10:56 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Credit for Housing and Meal Plans

Hello,

Some institutions are considering applying credits from reduced housing and meal costs from the spring 2020 semester to fall 2020 housing and meal costs.
Specifically, students in good standing who have paid their bill for the spring semester will be able to receive a prorated credit for room and board once they have left campus and moved their possessions.
What are some of the financial aid implications? Are there credit balance considerations? Are there resource considerations? Is this advisable?

Thank you,
Michael

Michael V Corso Jr, M.Div.
Director of Financial Aid
William Paterson University
300 Pompton Road
Wayne, NJ 07470
Phone: 973-720-3121
www.wpunj.edu/finaid

**The 2020-2021**
**Donor Scholarship**
**Application**
is now available at
www.wpunj.edu/scholarships.

AMERICAN OVERSIGHT

**The deadline to apply is April 6, 2020.**

**"If you think *investing* in education is expensive, consider the cost of *not* investing."** Michael Gerber

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:20:02 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Discharge of Student Loan-Bailout

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** answers <answers@ed.gov>
**Sent:** Friday, March 20, 2020 4:12 PM
**To:** evelyn farias <elfariasrose@yahoo.com>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Discharge of Student Loan-Bailout

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 20, 2020

Dear Evelyn Farias,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

We appreciate your concern and will share your comments with Secretary DeVos and her senior staff.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202

AMERICAN OVERSIGHT

800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: evelyn farias <elfariasrose@yahoo.com>
Sent: Thursday, March 19, 2020 12:52 PM
To: answers <answers@ed.gov>
Subject: Discharge of Student Loan-Bailout

To Betsy DeVos, Secretary of Education:
As the administration is seeking to bailout industry, please include American people who owe student loans under $10,000. Citizens could use these funds to assist with household expenses.

Sincerely,
Evelyn L. Farias

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:01:42 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Email from the Texas Migrant Education Program - Texas Education Agency

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>
**Sent:** Friday, March 20, 2020 4:49 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Martinez, Sarah <Sarah.Martinez@ed.gov>; Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** Email from the Texas Migrant Education Program - Texas Education Agency

***Suggested response to the attached email:***

We recommend that MEP recruiterrs and other MEP staff make every effort to continue identifying and recruiting eligibility migratory children and working to ensure that those children and their families receive critical services, to the extent feasible and considering the health and safety of everyone involved. Certain precautionary or containment measures taken in response to the pandemic, such as school closures and social distancing, can compound the challenges already faced by migratory families, such as access to health care and food assistance, social isolation, etc. Recognizing the key role that MEP staff often play in outreach and advocacy for migratory families, we urge MEP recruiters and other staff to use telephone or video contact as an opportunity to assess the immediate needs of migratory children and their families, and work to address those needs either directly, or by connecting the families to other available resources. We encourage you to think creatively about methods to deliver needed services that don't require face-to-face contact or congregating in group settings. Such methods may include, but are not limited to, instruction provided via distance learning platforms, contactless food delivery, and helping inform families of available health services.

We recommend that MEP recruiters and other MEP ID&R staff follow the guidance issued by their State educational agency and local school district(s). It would be acceptable for the State to allow MEP staff to conduct recruitment activities remotely, i.e., telephone, Skype or Facetime, in order to reach families and other contacts such as employers and community organizations. This would include interviews with migratory families to obtain the information necessary to complete the Certificate of Eligibility (COE).

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If all the required information is collected on the COE except for the interviewee signature, we recommend that the MEP proceed with its eligibility determination and COE approval process. We further recommend that a note be added to the Comments section of the COE to explain the circumstances that prevented the recruiter/interviewer from obtaining the interviewee's signature. After normal activities resume, if MEP staff are able to contact the interviewee in-person, we recommend that the individual's signature be added to the COE and the Comments section be updated. The signature may also be obtained by mail.

In terms of meeting the requirement of an independent re-interview after the implementation of the Every Student Succeeds Act (ESSA), the Office of Migrant Education (OME) is currently working within the Office of Elementary and Secondary Education (OESE) to extend waivers and flexibilities to States in addressing these regulations. As soon as information regarding increased flexibility and waivers around MEP regulations is available, it will be shared via the MEPSTATE Listserv and other OESE-wide avenues of communication to the States.

---

**From:** Meyertholen, Patricia
**Sent:** Friday, March 20, 2020 4:25 PM
**To:** Villarreal, Anita <Anita.Villarreal@tea.texas.gov>
**Cc:** Garcia, Didi <Didi.Garcia@tea.texas.gov>
**Subject:** RE: Interviews with families during this time

Good afternoon Anita,

Thank you for reaching out to me. I am well, and I hope all is well with you and your family. In terms of your questions regarding conducting required activities for the Migrant Education Program (MEP), we are forwarding all questions to the COVID-19 mailbox at COVID-19@ed.gov. You should expect to receive a response to your inquiry in the very near future.

Please be assured that I will direct all MEP correspondence to both you and Didi Garcia.

Sincerely,
Pat

Patricia Meyertholen
Group Leader
Office of Migrant Education
Office of Elementary and Secondary Education
United States Department of Education
400 Maryland Ave, SW 3E315 | Washington, DC 20202-6135
Phone: 202.260.1394 | FAX: 202.205.0089 | Email: patricia.meyertholen@ed.gov

Migrant Student Information Exchange (MSIX)
Coordinating to Achieve RESULTS

AMERICAN OVERSIGHT

**From:** Villarreal, Anita <Anita.Villarreal@tea.texas.gov>
**Sent:** Friday, March 20, 2020 3:31 PM
**To:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>
**Cc:** Garcia, Didi <Didi.Garcia@tea.texas.gov>
**Subject:** FW: Interviews with families during this time

I hope this email finds you well. We are reaching out to you for guidance regarding conducting required activities during the current CoVID-19 situation. We have the following questions:

- How can we ensure timely recruitment of eligible children while we are facing personal contact restrictions?
- Can we complete a Certificate of Eligibilty (COE) remotely (for example, using Facetime, Skype or by phone)?
- Can we certify a COE without a signature? If not, what is the recommended alternative?
- If our state is not able to conduct/complete the 3rd – year re-interviews before August 31, can we still consider it as meeting that requirement for 19-20?

We look forward to your response.

In addition, can you please direct all MEP correspondence to Didi Garcia and me. Didi will share information received to Idalia and Nez, as appropriate.

Thank you.

**From:** Analy Gillum <agillum@esc11.net>
**Sent:** Thursday, March 19, 2020 2:37 PM
**To:** Paniagua-Jimenez, Nez <Nez.Paniagua-Jimenez@tea.texas.gov>; Ibanez, Idalia <Idalia.Ibanez@tea.texas.gov>
**Subject:** Interviews with families during this time

[EXTERNAL EMAIL]

Good afternoon Nez & Idalia,

I hope you guys are well during this craziness!

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I was just wondering if it was possible during this time to interview a family via face time and that be counted as a face to face. As far as where the signature goes could we possibly explain in the SDF that due to these circumstances we were unable to obtain signature at that time and maybe go get a signature at a later date?

Would that be possible?

Have a blessed day!

**Analy Gillum❤**

***Intellection. Connectedness. Restorative. Responsibility. Learner***

Migrant Recruiter

Education Service Center Region 11

1451 South Cherry Lane

White Settlement, Texas 76108

Office: (817) 740-7752

Cell: (469) 487-4184

Email: Agillum@esc11.net

*Our Vision*

*To prepare today's learners for tomorrow's opportunities.*

*Our Mission*

*To provide quality solutions that build the capacity of learning communities.*

-

***"Whatever you do work at it with all your heart as working for the Lord…"***

*Colossians 3:23*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:19:52 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Emergency Institutional Assistance and Overawards

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Geoff Marsh <geoff.marsh@biola.edu>
**Sent:** Friday, March 20, 2020 4:21 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Emergency Institutional Assistance and Overawards

Good afternoon!

Based on the guidance provided, I understand that we do not need to adjust COA if a refund is given as a result of Covid-19.

We are planning to provide students with emergency assistance in the form of gift cards or emergency grants/payments that may or may not flow through a student's financial aid package. Has there been any guidance on whether we need to adjust for over awards created by this additional assistance?

Thank you

Geoff Marsh
Senior Director of Financial Aid
Phone: 562-903-4742
Fax: 562-906-4541

AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 16:10:27 +0000
**To:** COVID-19
**Subject:** FW: EVALUATION TIMELINES
**Attachments:** COVID19General Letter.docx, TASP SPED Evaluation Timeline Response Letter to TEA I .pdf

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

---

**From:** Tiffany Duran <tiffany.duran@elginisd.net>
**Sent:** Friday, March 20, 2020 12:03 PM
**To:** tiffany.duranlssp@gmail.com
**Subject:** EVALUATION TIMELINES

TO WHOM IT MAY CONCERN:

PLEASE READ THE ATTACHED IN REGARDS TO EVALUATION TIMELINES!

Thank you,

**Tiffany Duran, LSSP, NCSP**
ELGIN ISD
Lead District-Wide Licensed Specialist in School Psychology
Phone:(512)281-3434x1494
Fax: (512)285-9017

AMERICAN OVERSIGHT

March 20, 2020

To Whom This May Concern:

My name is Tiffany Allen-Duran, Licensed Specialist in School Psychology (LSSP) who is a Nationally Certified School Psychologist (NCSP) who has worked in the field for 18 years. I am an evaluator for Texas public schools in the state of Texas.

We are facing **unprecedented** times with the COVID-19 pandemic. Our districts have had to turn to distance learning to continue providing instructional time to our Texas students. Since "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open Full and Individual Evaluation (FIIE) or Reevaluation consent.

While the Office of Civil Rights (OCR) document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data. As evaluators, we will be **forced** to meet face-to-face with the student to conduct best practices.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are fear and/or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, **NO** family should be worried about anything, other than being together and following the directive to remain at home and decrease social contact.

By reaching out to you as policy makers and as an individual who can advocate for practitioners in this unprecedented and unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parent's desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, it is my hope that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

AMERICAN OVERSIGHT

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Tiffany Allen-Duran, LSSP, NCSP
Licensed Specialist in School Psychology
Nationally Certified School Psychologist

AMERICAN OVERSIGHT

TASP A partner on the path to student success
Texas Association of School Psychologists

Dr. Justin Porter
Texas Education Agency
Office of Special Populations and Monitoring
Department of Special Education

RE: Special Education Evaluation Timelines

I am writing on behalf of the Texas Association of School Psychologists and licensed specialists in school psychology (LSSPs) practicing across the state. In response to the Texas Education Agency's position on evaluation timelines for special education eligibility, we strongly discourage the continuation of assessments during this turbulent time of crisis. With schools now ordered closed until April 3, 2020 and possibly with extensions, virtual instruction is encouraged. Per the current guidance, if instruction is offered by virtual means to all students, the 45 school day evaluation timeline still maintains. As we are preparing for shifts in our comprehensive scope of service delivery, the COVID-19 pandemic presents unique challenges in regards to ethical assessment and decision making practices:

- Many direct services to students can be provided through virtual means; however, direct observation and assessment cannot be administered through means other than face-to-face. A full and individual evaluation, initial or reevaluation, requires direct classroom-based observation of the student in the child's learning environment to document the child's academic performance and behavior in areas of difficulty (34 C.F.R. §300.310(a)).
- In reference to the federal guidelines, assessments and other evaluation materials used to assess a child are used for the purposes for which the assessments or measures are valid and reliable, administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of the assessment (34 C.F.R. §300.304(c)(1)).
- LSSPs are not typically trained or competent in completing evaluations through electronic means. The standardized tests used (i.e. IQ tests, formal achievement tests) are not designed to be administered electronically more or less outside of a school setting during a pandemic crisis. In short, the administration of tests must be given through the means in which they were standardized. Deviations from standardization must be reported and, at times, can invalidate test results, which could potentially impact eligibility determinations.
- If evaluations are to be conducted remotely, they should be conducted through platforms specifically designed for that purpose. At this time, such delivery would also require training beyond the evaluator, but also include training for the student and adult facilitator (likely parent/caregiver) who is assisting the student at home. It is unlikely the appropriate supports can be developed quickly.
- In addition, the unique circumstances pose validity issues which must be addressed when assessments are taking place in a time of anxiety for youth, their families and caregivers, and school personnel. The likelihood of making inappropriate eligibility determinations based on invalid assessment data is high.

AMERICAN OVERSIGHT

With consideration of the ethical implications and irresponsible assessment practices, the Texas Association of School Psychologists strongly recommends upholding the advice provided by the U.S. Department of Education, Office of Civil Rights as follows, "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face to face evaluations until normal school routines have returned for all students. We ask that Texas adopt similar guidelines during this delicate and uncertain time. Our goal as school psychologists is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the highest standard for professional practices in educational and psychological assessment.

Respectfully,

Stephanie Barbre, PhD, LSSP
TASP President

AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 20:37:02 +0000
**To:** COVID-19
**Subject:** FW: Evaluation Timelines During COVID 19 closures
**Attachments:** Evaluation Timelines During COVID 19.docx
**Importance:** High

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

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**From:** Cantu, Kelli <Kelli.Cantu@wylieisd.net>
**Sent:** Friday, March 20, 2020 4:35 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Cc:** Cantu, Kelli <Kelli.Cantu@wylieisd.net>
**Subject:** Evaluation Timelines During COVID 19 closures
**Importance:** High

Please see attached plea from Texas evaluators during COVID 19 school closures.

Thank you for your time.

Kelli Cantu, M.S., S.S.P.

AMERICAN OVERSIGHT

To Whom This May Concern:

My name is Kelli Cantu and I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIE or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations

AMERICAN OVERSIGHT

that do not require face-to-face assessments or observations may take place while schools are closed, so long as a
student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Kelli Cantu
Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:41:51 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Evaluation Timelines During COVID 19 closures
**Attachments:** Evaluation Timelines During COVID 19.docx
**Importance:** High

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Friday, March 20, 2020 4:37 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Evaluation Timelines During COVID 19 closures
**Importance:** High

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

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**From:** Cantu, Kelli <Kelli.Cantu@wylieisd.net>
**Sent:** Friday, March 20, 2020 4:35 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al

AMERICAN OVERSIGHT

<Al.Jones@ed.gov>
**Cc:** Cantu, Kelli <Kelli.Cantu@wylieisd.net>
**Subject:** Evaluation Timelines During COVID 19 closures
**Importance:** High

Please see attached plea from Texas evaluators during COVID 19 school closures.

Thank you for your time.

Kelli Cantu, M.S., S.S.P.

AMERICAN OVERSIGHT

To Whom This May Concern:

My name is Kelli Cantu and I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIE or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations

AMERICAN OVERSIGHT

that do not require face-to-face assessments or observations may take place while schools are closed, so long as a
student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Kelli Cantu
Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 15:44:10 +0000
**To:** COVID-19
**Subject:** FW: Evaluation Timelines During COVID-19 Global Pandemic

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

---

**From:** jennifer.covington.lssp@gmail.com <jennifer.covington.lssp@gmail.com>
**Sent:** Friday, March 20, 2020 9:59 AM
**To:** disasterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov; Walters, Alecia <Alecia.Walters@ed.gov>; Broady, Cheryl <Cheryl.Broady@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Evaluation Timelines During COVID-19 Global Pandemic

To Whom This May Concern:

My name is Jennifer Covington and I am an evaluator (LSSP) and Section 504 Support Specialist for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to

AMERICAN OVERSIGHT

continue to evaluate students that have an open Full and Initial Individual Evaluation (FIIE) or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

Additionally, many evaluators, including myself, are immune compromised and would be forced to put themselves (and potentially their families) at risk.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until

AMERICAN OVERSIGHT

normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Jennifer Covington, Ed.S., LSSP, NCSP
Section 504 Support Specialist

*Bilingual Licensed Specialist in School Psychology (LSSP)*
*Nationally Certified School Psychologist (NCSP)*

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AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 15:43:43 +0000
**To:** COVID-19
**Subject:** FW: Evaluation timelines during COVID-19 pandemic

Alecia B. Walters, Ed.D.
Education Program Specialist
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
www.ed.gov/osers | Subscribe

-----Original Message-----
From: Brooke Simmons <Brooke.Simmons@comalisd.org>
Sent: Friday, March 20, 2020 11:05 AM
To: Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>; disasterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov
Subject: Evaluation timelines during COVID-19 pandemic

To Whom This May Concern:
I am a Special Education Coordinator of Psychological Services and a Licensed Specialist in School Psychology for Texas public schools.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. Because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIIE or Reevaluation consent in order to be compliant with timelines.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a contradictory directive that the timeline continues. The majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

AMERICAN OVERSIGHT

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Brooke Simmons, MA, LSSP, LPA, NCSP
Coordinator of Psychological Services, Special Education Services Diplomate of the American Board of School Neuropsychology

Department of Special Education Services Office (830) 221-2024 Address 1404 IH 35 North, New Braunfels, TX 78130 Email brooke.simmons@comalisd.org Website www.comalisd.org<https://owa.comalisd.org/owa/redir.aspx?C=QIXOKDodMOqXXHkZlObcb6GezS55mKV0ZH_dkIeZcNMOi7ehqvHVCA..&URL=http%3a%2f%2fwww.comalisd.org%2f>

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:38:12 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Evaluation timelines during COVID-19 pandemic

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Walters, Alecia <Alecia.Walters@ed.gov>
Sent: Friday, March 20, 2020 11:44 AM
To: COVID-19 <COVID-19@ed.gov>
Subject: FW: Evaluation timelines during COVID-19 pandemic

Alecia B. Walters, Ed.D.
Education Program Specialist
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
www.ed.gov/osers | Subscribe

-----Original Message-----
From: Brooke Simmons <Brooke.Simmons@comalisd.org>
Sent: Friday, March 20, 2020 11:05 AM
To: Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>; disasterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov
Subject: Evaluation timelines during COVID-19 pandemic

To Whom This May Concern:
I am a Special Education Coordinator of Psychological Services and a Licensed Specialist in School Psychology for Texas public schools.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. Because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIIE or

AMERICAN OVERSIGHT

Reevaluation consent in order to be compliant with timelines.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a contradictory directive that the timeline continues. The majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Brooke Simmons, MA, LSSP, LPA, NCSP
Coordinator of Psychological Services, Special Education Services Diplomate of the American Board of School Neuropsychology

Department of Special Education Services Office (830) 221-2024 Address 1404 IH 35 North, New Braunfels, TX 78130 Email brooke.simmons@comalisd.org Website www.comalisd.org<https://owa.comalisd.org/owa/redir.aspx?C=QIXOKDodMOqXXHkZlObcb6GezS55mKV0ZH_dkIeZcNMOi7ehqvHVCA..&URL=http%3a%2f%2fwww.comalisd.org%2f>

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AMERICAN OVERSIGHT

**From:** Broady, Cheryl
**Sent:** Fri, 20 Mar 2020 18:02:17 +0000
**To:** COVID-19
**Subject:** FW: Evaluation Timelines in the State of TX
**Attachments:** Covid-19 Letter.pdf

FYI

---

**From:** Broady, Cheryl
**Sent:** Friday, March 20, 2020 2:01 PM
**To:** eri.contreras@dsisdtx.us
**Subject:** FW: Evaluation Timelines in the State of TX

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus
Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak (March 12, 2020)
U.S. Department of Education Releases Webinar, Fact Sheet for Protecting Students' Civil Rights During COVID-19 Response

**From:** Eri Contreras <eri.contreras@dsisdtx.us>
**Sent:** Friday, March 20, 2020 1:59 PM
**Subject:** Evaluation Timelines in the State of TX

To Whom it May Concern,
Attached you will find a letter expressing concerns and a need for adjusting the evaluation timeline response in light on current circumstances. I also attached the letter TASP sent to TEA regarding the ethical codes and violations we would face based on their current guidance.

--
Kind Regards,
Eri

Eri Contreras
District Dyslexia Evaluator
Licensed Specialist in School Psychology
Nationally Certified School Psychologist

AMERICAN OVERSIGHT

512-858-3609

Preview attachment TASP SPED Evaluation Timeline Response Letter to TEA.pdf

TASP SPED Evaluation Timeline Response Letter to TEA.pdf
155 KB

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Dripping Springs Independent School District does not discriminate on the basis of race, religion, color national origin, sex, or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, as amended.

AMERICAN OVERSIGHT

To Whom This May Concern:

My name is Eri Contreras and I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIIE or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

AMERICAN OVERSIGHT

Sincerely,

Eri Contreras
Licensed Specialist in School Psychology
Dripping Springs ISD

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:40:08 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Evaluation Timelines in the State of TX
**Attachments:** Covid-19 Letter.pdf

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Broady, Cheryl <Cheryl.Broady@ed.gov>
**Sent:** Friday, March 20, 2020 2:02 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Evaluation Timelines in the State of TX

FYI

---

**From:** Broady, Cheryl
**Sent:** Friday, March 20, 2020 2:01 PM
**To:** eri.contreras@dsisdtx.us
**Subject:** FW: Evaluation Timelines in the State of TX

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

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**From:** Eri Contreras <eri.contreras@dsisdtx.us>
**Sent:** Friday, March 20, 2020 1:59 PM
**Subject:** Evaluation Timelines in the State of TX

AMERICAN OVERSIGHT

To Whom it May Concern,
Attached you will find a letter expressing concerns and a need for adjusting the evaluation timeline response in light on current circumstances. I also attached the letter TASP sent to TEA regarding the ethical codes and violations we would face based on their current guidance.

--
Kind Regards,
Eri

Eri Contreras
District Dyslexia Evaluator
Licensed Specialist in School Psychology
Nationally Certified School Psychologist
512-858-3609

Preview attachment TASP SPED Evaluation Timeline Response Letter to TEA.pdf

TASP SPED Evaluation Timeline Response Letter to TEA.pdf
155 KB

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AMERICAN OVERSIGHT

To Whom This May Concern:

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We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIIE or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

AMERICAN OVERSIGHT

Sincerely,

Eri Contreras
Licensed Specialist in School Psychology
Dripping Springs ISD

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:39:08 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: EVALUATION TIMELINES
**Attachments:** COVID19General Letter.docx, TASP SPED Evaluation Timeline Response Letter to TEA I .pdf

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Friday, March 20, 2020 12:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: EVALUATION TIMELINES

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

---

**From:** Tiffany Duran <tiffany.duran@elginisd.net>
**Sent:** Friday, March 20, 2020 12:03 PM
**To:** tiffany.duranlssp@gmail.com
**Subject:** EVALUATION TIMELINES

AMERICAN OVERSIGHT

TO WHOM IT MAY CONCERN:

PLEASE READ THE ATTACHED IN REGARDS TO EVALUATION TIMELINES!

Thank you,

**Tiffany Duran, LSSP, NCSP**
ELGIN ISD
Lead District-Wide Licensed Specialist in School Psychology
Phone:(512)281-3434x1494
Fax: (512)285-9017

AMERICAN OVERSIGHT

March 20, 2020

To Whom This May Concern:

My name is Tiffany Allen-Duran, Licensed Specialist in School Psychology (LSSP) who is a Nationally Certified School Psychologist (NCSP) who has worked in the field for 18 years. I am an evaluator for Texas public schools in the state of Texas.

We are facing **unprecedented** times with the COVID-19 pandemic. Our districts have had to turn to distance learning to continue providing instructional time to our Texas students. Since "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open Full and Individual Evaluation (FIIE) or Reevaluation consent.

While the Office of Civil Rights (OCR) document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data. As evaluators, we will be **forced** to meet face-to-face with the student to conduct best practices.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are fear and/or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, **NO** family should be worried about anything, other than being together and following the directive to remain at home and decrease social contact.

By reaching out to you as policy makers and as an individual who can advocate for practitioners in this unprecedented and unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parent's desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, it is my hope that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

AMERICAN OVERSIGHT

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Tiffany Allen-Duran, LSSP, NCSP
Licensed Specialist in School Psychology
Nationally Certified School Psychologist

AMERICAN OVERSIGHT

TASP A partner on the path to student success
Texas Association of School Psychologists

Dr. Justin Porter
Texas Education Agency
Office of Special Populations and Monitoring
Department of Special Education

RE: Special Education Evaluation Timelines

I am writing on behalf of the Texas Association of School Psychologists and licensed specialists in school psychology (LSSPs) practicing across the state. In response to the Texas Education Agency's position on evaluation timelines for special education eligibility, we strongly discourage the continuation of assessments during this turbulent time of crisis. With schools now ordered closed until April 3, 2020 and possibly with extensions, virtual instruction is encouraged. Per the current guidance, if instruction is offered by virtual means to all students, the 45 school day evaluation timeline still maintains. As we are preparing for shifts in our comprehensive scope of service delivery, the COVID-19 pandemic presents unique challenges in regards to ethical assessment and decision making practices:

- Many direct services to students can be provided through virtual means; however, direct observation and assessment cannot be administered through means other than face-to-face. A full and individual evaluation, initial or reevaluation, requires direct classroom-based observation of the student in the child's learning environment to document the child's academic performance and behavior in areas of difficulty (34 C.F.R. §300.310(a)).
- In reference to the federal guidelines, assessments and other evaluation materials used to assess a child are used for the purposes for which the assessments or measures are valid and reliable, administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of the assessment (34 C.F.R. §300.304(c)(1)).
- LSSPs are not typically trained or competent in completing evaluations through electronic means. The standardized tests used (i.e. IQ tests, formal achievement tests) are not designed to be administered electronically more or less outside of a school setting during a pandemic crisis. In short, the administration of tests must be given through the means in which they were standardized. Deviations from standardization must be reported and, at times, can invalidate test results, which could potentially impact eligibility determinations.
- If evaluations are to be conducted remotely, they should be conducted through platforms specifically designed for that purpose. At this time, such delivery would also require training beyond the evaluator, but also include training for the student and adult facilitator (likely parent/caregiver) who is assisting the student at home. It is unlikely the appropriate supports can be developed quickly.
- In addition, the unique circumstances pose validity issues which must be addressed when assessments are taking place in a time of anxiety for youth, their families and caregivers, and school personnel. The likelihood of making inappropriate eligibility determinations based on invalid assessment data is high.

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With consideration of the ethical implications and irresponsible assessment practices, the Texas Association of School Psychologists strongly recommends upholding the advice provided by the U.S. Department of Education, Office of Civil Rights as follows, "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face to face evaluations until normal school routines have returned for all students. We ask that Texas adopt similar guidelines during this delicate and uncertain time. Our goal as school psychologists is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the highest standard for professional practices in educational and psychological assessment.

Respectfully,

Stephanie Barbre, PhD, LSSP
TASP President

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:33:38 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Extended of WP/WF grades

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Young, Tangar <tyoung15@scsu.edu>
**Sent:** Friday, March 20, 2020 12:35 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Extended of WP/WF grades

Good Afternoon;

Question: Can we extend our WP/WF grades reporting period? What affect will this have on Title IV?

Thanks,

**Tangar Young**
Director of Financial Aid
**South Carolina State University**

| a new state of mind

300 College Street NE
P.O. Box 7386
Orangeburg SC 29117
803-533-3712 Office
803-536-8420 Fax
tyoung15@scsu.edu Email

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THANK YOU FOR YOUR COOPERATION.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:01:56 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Federal Funds

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>
**Sent:** Friday, March 20, 2020 2:35 PM
**To:** Gloria Bayouth <Gloria.Bayouth@sde.ok.gov>
**Cc:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Monty Guthrie <Monty.Guthrie@sde.ok.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Federal Funds

Good afternoon Gloria,

Thank you for reaching out with this question. We appreciate that you and Oklahoma SDE are working diligently to protect students' health and safety. We'll work to get you a response to this question as soon as we can, acknowledging that some questions may take longer than others. As other questions arise, please continue to send them to us as well as the COVID-19@ed.gov mailbox.

We appreciate your supportive words and please let us know if there is anything else we can do to support you and Oklahoma SDE. As you said, we'll get through this together!

Thank you again,
Victoria

**Victoria Rosenboom**
Education Program Specialist
Office of School Support and Accountability
U.S. Department of Education
400 Maryland Ave. SW | Washington, DC 20202
Phone: 202.453.6202 | Victoria.Rosenboom@ed.gov

---

**From:** Gloria Bayouth <Gloria.Bayouth@sde.ok.gov>
**Sent:** Friday, March 20, 2020 2:21 PM
**To:** Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Monty Guthrie <Monty.Guthrie@sde.ok.gov>
**Subject:** Federal Funds

Victoria,

Thank you so much for the recent update regarding the waivers for accountability and assessment. I know all of the states are greatly appreciative for this decision and will relieve a lot of anxiety and pressure the States and school districts are facing at this time. In Secretary DeVos's letter to the Chief State Officers, she wrote the following statement that I would like to pursue.

*I recognize that you have many questions and will need additional supports, including the possibility of additional waivers, as you deal with the COVID-19 national emergency.*

I realize USDE is inundated with questions, and responding as quickly as possible. Our State Superintendent is in the same situation, and making every effort to ease the burden for school districts by implementing wise and prudent decisions to help the schools.

In the near future, our State, as well as other states will need to take immediate action by making decisions that possibly conflict with federal requirements. Our State has every intention to follow federal law and will need guidance on an issue such as

- ***School district teachers, administrators, and support personnel paid with federal funds will request to pay staff without evidence of timesheets or services technically rendered***

The accountability for the use of the funds will not be documented for actual work performed, but the evidence to pay the federally funded personnel would be to demonstrate that the district was closed due to extenuating circumstances, such as COVID-19. The question is, "Will this evidence be sufficient enough due to this unique situation?"

I anticipate in the near future there will arise other occasions that waivers outside of accountability and assessment will need to be addressed to provide relief for our school districts. Does USDE anticipate a date for States to consider submitting other waivers impacting federal funding that will most likely be impossible for States and districts to meet the requirement?

A special thanks to you and Patrick for always being so prompt with your responses.

We will get through this together – hopefully, healthy and safe!

Gloria Bayouth, ED
Executive Director
Office of Federal Programs
Oklahoma State Department of Education
2500 N. Lincoln Blvd., Suite 311
Oklahoma City, OK 73105
Office: (405) 522-3249

AMERICAN OVERSIGHT

Gloria.Bayouth@sde.ok.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:39:33 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Federal TImelines during COVID-19 Pandemic

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Carter, Sarah <Sarah.Carter@state.sd.us>
**Sent:** Friday, March 20, 2020 1:34 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal TImelines during COVID-19 Pandemic

Good Afternoon,

Thank you for the opportunity to express concerns that have arisen in meeting federal timelines due to the COVID-19 outbreak. Over the past 2 weeks our state Part C staff has been working non-stop preparing guidance, responding to questions from providers, service coordinators, families and districts in an appropriate manner to alleviate fears, anxiety and panic related to EI services. With a limited staff, this is a heavy load given we are working remotely and trying to maintain regular business practices as well (i.e. payment to providers, contracts etc). This time has normally been spent preparing the SSIP report with the most current information, data, materials to demonstrate to OSEP that the state is making progress towards statewide implementation and seeing systemic improvement in services provided to infants and toddlers with disabilities and their families. However, with the current status the time to do this has not been afforded our office. Plus some of the materials needed are in the physical state office of which we are disallowed from entering at the current time.

South Dakota requests, that OSEP take into consideration this unprecedented time in our entire nation's history to consider allowing Part C programs the opportunity to delay submission of their SSIP reports. As of this morning President Trump announced that he was suspending ESSA state testing. As a member of a local school board this is a phenomenal relief for my personal school district. It takes a burden off our shoulders that we were finding impossible to accomplish given our size and resources. This allows school districts to focus on the here and now and what the immediate needs of our students, families and communities.

We are requesting that the Office of Special Education Programs please consider the state's have immediate needs to be available so to provide guidance and service to our providers and service coordinators and in turn they can serve our infants and toddlers and their families.

Thank you for your consideration,

AMERICAN OVERSIGHT

Sarah Carter
Administrator
Birth to Three/HSCO
800 Governors Drive
Pierre, SD 57501
605-773-4478
Sarah.carter@state.sd.us

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:21:55 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study during periods of non enrollment

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Wyndham-Cooke, Tami <cooket@musc.edu>
**Sent:** Friday, March 20, 2020 9:31 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study during periods of non enrollment

Good morning,

Another question about Federal WorkStudy. A student attends Spring semester and due to COVID-19 until Spring break, then goes distance learning to end of term.
This won't impact or negate a student wanting to work this summer during a period of non-enrollment correct?

Best regards,

Tami Wyndham-Cooke
Associate Director-Student Financial Aid
Office of Enrollment Management MSC 203
Charleston, SC 29425
(843) 792-3670 (phone)
(843) 792-6356 (fax)
Pronouns: she, her, hers

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or copying of this communication is prohibited. If you have received this message in error, please notify me immediately.

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:33:50 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study in New Term

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Elina Bascom <ebascom@lasierra.edu>
**Sent:** Friday, March 20, 2020 1:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study in New Term

Good morning,

Our institution's Winter term is ending this week. Our campus has been closed and we have continued to pay our Federal Work Study students even though they are not working or on campus.

We have a 2 week Spring Break scheduled and online instruction will begin in 3 weeks for the Spring term. Following our County's instructions for institutions, we are not set to re-open our campus until the first week of May.

The question we have is: can we continue to pay our students federal work study for the new term since we are expecting them to return to campus (pending no further changes to the current situation)? Or would our allowance to pay federal work study end now since students (although enrolled) cannot be on campus until May?

Thank you.

*Elina Bascom, Director*

La Sierra UNIVERSITY | *Office of Student Financial Services*

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:33:43 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal Work Study Payment

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Karrie K. Huber <kkhuber@umary.edu>
**Sent:** Friday, March 20, 2020 12:53 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study Payment

Hello,

My institution, under recommendation of our state centers for disease control, moved all students to online instruction and moved students who were able off-campus. I've read the March 05, 2020 guidance and am reaching out to confirm understanding. My institution would like to continue to pay federal work study students based on the hours scheduled and will continue to meet our match requirements. This is our first disaster situation and I want to err on caution so as not to harm the student.

Should FWS payments continue to be paid via payroll, i.e. student continues to receive a paycheck even if they are not working and any applicable payroll taxes/deductions apply? If so, I would also assume the requirement to pay students at least monthly still applies. My Director of Payroll asked that I clarify prior to proceeding with payment.

Any guidance you can offer is greatly appreciated.

Kind Regards,

**Karrie Huber**
Director of Financial Aid
University of Mary

The University of Mary exists to serve the religious, academic, and cultural needs of the people in our region and beyond. Sponsored by the Sisters of Annunciation Monastery, it is Christian, it is Catholic, and it is Benedictine.

7500 University Drive • Bismarck, ND 58504 • (701) 355-8226

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the original message

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:34:28 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Filing Relief / Extension for A-133 Submission
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

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**From:** Steinmetz, Chuck <CSteinmetz@vfmac.edu>
**Sent:** Friday, March 20, 2020 2:56 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vuono, Vincent <VVuono@vfmac.edu>
**Subject:** Filing Relief / Extension for A-133 Submission
**Importance:** High

Hello,

I am the Controller with Valley Forge Military College, and am inquiring the procedure to request an extension for our A-133 submission through the Federal Audit Clearinghouse. Our current deadline is March 31, 2020. Please respond with the procedure and advise what information is needed.

Thank you very much for your consideration.

Chuck Steinmetz
Controller
Valley Forge Military College

The preceding e-mail message (including any attachments) contains information that may be confidential, be protected by Valley Forge Military Academy & College or other applicable privileges, or constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 17:35:55 +0000
**To:** OESE.titlei-a
**Cc:** COVID-19
**Subject:** FW: Florida 2016 CSP grant waiver request to provide virtual education assistance
**Attachments:** Florida_2016CSP_WaiverRequest.pdf

Hi Title I-A,

I think the below inquiry goes to Title I-A. Please let me know if this need to be redirect to another office.

Thanks
Kelly

---

**From:** Meeley, Kathryn <Kathryn.Meeley@ed.gov>
**Sent:** Friday, March 20, 2020 11:25 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Florida 2016 CSP grant waiver request to provide virtual education assistance

Please see attached.

---

**From:** Emerson, Adam <Adam.Emerson@fldoe.org>
**Sent:** Thursday, March 19, 2020 10:33 AM
**To:** Meeley, Kathryn <Kathryn.Meeley@ed.gov>; Gardner, Ashley <Ashley.Gardner@ed.gov>
**Subject:** Florida 2016 CSP grant waiver request to provide virtual education assistance

Kate and Ashley,

Attached is a request for a waiver (and application amendment) for Florida's 2016 CSP grant (Award U282A160012). The purpose of the request is to seek a waiver of the statutory and regulatory requirements that govern the CSP. Specifically, the Florida Department of Education seeks an amendment to award CSP sub-grants to new and established operators to provide them funds to purchase the hardware and software necessary to enable all of their students to access curriculum and lessons from home. *Essentially, as public schools face a growing crisis from the threat of COVID-19 and increasingly plan for virtual instruction for the foreseeable future, the FDOE wants to equip all charter schools in Florida, to the extent possible, with a one-to-one student-to-device ratio.* For that, we would need the Secretary of Education to exercise the waiver authority granted her under both the Every Student Succeeds Act (ESSA) and the No Child Left Behind Act (NCLB, which governs Florida's award).

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I appreciate your attention to this, knowing that you both are just as busy and active as we are. However, given the urgency of this request and the need for relief in Florida, I am asking that the U.S. Department of Education review this request as soon as possible.

**Adam Emerson**
Charter Schools Director
Florida Department of Education
Phone: (850) 245-9631
www.floridaschoolchoice.org

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State Board of Education

Andy Tuck, *Chair*
Marva Johnson, *Vice Chair*
*Members*
Ben Gibson
Tom Grady
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Ryan Petty
Joe York

Richard Corcoran
Commissioner of Education

**To:** Frank Brogan, Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education
**From:** Richard Corcoran, Commissioner of Education, Florida Department of Education
**Re:** Application Amendment for 2016 Charter Schools Program SEA Grant and Waiver Request

The Florida Department of Education (FDOE) is seeking to amend its approved application for its 2016 SEA Charter School Program grant (CSP, Award U282A160012) and simultaneously seek a waiver of the statutory and regulatory requirements that govern the CSP. Specifically, the FDOE seeks an amendment to award CSP sub-grants to new and established operators to provide them funds to purchase the hardware and software necessary to enable all of their students to access curriculum and lessons from home. *Essentially, as public schools face a growing crisis from the threat of COVID-19 and increasingly plan for virtual instruction for the foreseeable future, the FDOE wants to equip all charter schools in Florida, to the extent possible, with a one-to-one student-to-device ratio.* For that, we would need the Secretary of Education to exercise the waiver authority granted her under both the Every Student Succeeds Act (ESSA) and the No Child Left Behind Act (NCLB, which governs Florida's award).

**Why we are seeking an amendment and a waiver**

Given the unprecedented impact of the COVID-19 crisis on public education, the CSP grant is ideally suited to quickly provide relief, resources, flexibility and innovation in the charter sector. All public schools are moving into uncharted territory over the next several months, but independent charter schools lack the centralized support enjoyed by school districts, and their students arguably face some of the greatest disruption. Perhaps the most significant emergency plan for which schools must prepare is how to keep the instructional momentum going outside the brick-and-mortar classroom. Smaller "mom-and-pop" charter schools that serve the most educationally disadvantaged students are themselves disadvantaged. They would be the least likely to have a one-to-one student-to-device ratio, much less the ability to link their educational program to their students' homes. The CSP can provide immediate support and relief.

However, we seek this relief for *all* charter schools, to the extent practicable. The CSP, as it is currently governed by statute, provides one-time start-up support to new schools (or at least those in their first three to five years of operation). Smaller, independent schools that have been in operation for up to 20 years do not necessarily possess any greater capacity to successfully deliver a high-quality virtual education program than those in their first year of operation. For Florida to provide this relief, we require a waiver from the U.S. Department of Education. The

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Secretary has broad discretion to "waive any statutory or regulatory requirement over which the Secretary exercises administrative authority." By exercising this authority, the Secretary would enable Florida to help provide the resources necessary to continue the education of our most disadvantaged students during this time of crisis.

**What we could accomplish with this waiver**

With this flexibility, the FDOE can accomplish the following:

- Allow sub-grantees the ability to purchase computers, printers, and other peripherals for their students, particularly those low-income students who do not have access to these materials at home;
- Enable schools to provide students with the software and internet access necessary to access educational programs from their homes; and
- Support all professional development and planning costs associated with implementing and overseeing virtual instruction

**What schools would benefit**

While the FDOE aims to target all charter schools that need the support described above, the sub-grant budget from the FDOE's 2016 CSP $71.7 million project is finite (after all obligations to other sub-grant projects are accounted for). With this, the FDOE would prioritize all Title-I eligible, one-off independent charter schools. If any available funds remain, the FDOE would next accommodate those charter schools that operate fewer than five charter schools in Florida. If funds remain after that, Title I schools within charter networks that operate more than five schools in Florida would be eligible. And so on. The vision is to first benefit those schools that serve a disproportionate number of educationally disadvantaged students who lack the access to virtual instruction technologies.

**Budget amendments and other waiver requests**

The FDOE is proposing no budget amendments, as we plan to offer these sub-grant awards through our existing for sub-grants. We would, however, requests three additional but relevant waivers:

- Waiving the competitive nature of the CSP: Sub-grant applications would not be externally reviewed, for the sake of expediency, but would instead be evaluated based on the prioritized criteria identified above.
- Waiving the reimbursement requirements: For the further sake of expediency, and to get these materials and training into the hands of students and teachers as quickly as possible, the FDOE asks that the requirement that CSP-related purchases be reimbursed be waived. Instead, the FDOE would ensure that sub-grantees be advanced the funds only when they can produce an invoice and receive assurance that payment will be made within three days. The FDOE would also conduct desktop monitoring throughout the summer to ensure that inventory is used for the purposes described in this amendment.

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- Waiving the requirement that sub-grantees cannot have previously received a CSP award: Eligible schools under this application amendment and waiver request might have been operating for the last 20 years, and could have received a CSP sub-grant award many years ago. However, we will not award schools that have a current CSP project. Those can, if they are eligible, go through the FDOE's budget amendment process to achieve the goals outlined in this request.

**Background on, and summary of, Florida's current 2016 CSP project**

As 2016 CSP project begins to wind down, the FDOE is poised to drive system-wide improvements to one of the most significant charter school landscapes of any state. As detailed in our approved application, the FDOE has implemented many of the projects aimed at reforming the very building blocks of the charter school space and ensuring that all students, regardless of income or ZIP code, have access to a high-quality public school.

Specifically, the FDOE has undertaken the following projects to help enhance the capacity of charter school authorizers, advance outcome-based accountability and support visionary leaders committed to serve our highest-need children:

***Governing Board Development:*** The FDOE, in partnership with Washington, D.C.-based Charter Board Partners, worked in several districts to match highly skilled executives in industry and matched them with the charter school governing boards that most benefitted from their talents. Our work spread from Hillsborough County (home to City of Tampa) to Polk County and, finally Duval County (home to the City of Jacksonville).

***Charter School Performance Framework.*** The FDOE, in collaboration with authorizers, operators, and national experts, is developing a statewide charter school performance framework that will provide authorizers, schools, and the public with a standardized set of objective measures to evaluate the academic, financial, and organizational performance of public charter schools.

***Authorizer Accountability.*** The FDOE conceptualized a statewide authorizer dashboard to evaluate and publicly report on authorizer performance, and it accomplished this with the primary input of the authorizers themselves.

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And, importantly, the FDOE has executed its most rigorous sub-grant award selection process to date. Through an innovative partnership with NACSA, sub-grant applicants under a

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comprehensive review of the very charter school application they submitted to their authorizer, and they must submit to a face-to-face capacity interview. Altogether, the FDOE has awarded 35 sub-grant awards after its first year of competitions, and is currently reviewing another 31 applications in its most recent competition. The FDOE anticipates hosting at least two more sub-grant competitions before the close of its CSP project.

Lastly, the FDOE has undertaken a sweeping dissemination strategy, anchored by its annual Florida Charter School Conference, which was held in November to 700 participants.

With this, the FDOE has achieved the following goals outlined in its CSP application:

- Increase academic achievement of educationally disadvantaged students
- Increase academic achievement of all students
- Decrease the achievement gap
- Increase access to high-quality charter schools

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**Sent:** Fri, 20 Mar 2020 15:25:14 +0000
**To:** COVID-19
**Subject:** FW: Florida 2016 CSP grant waiver request to provide virtual education assistance
**Attachments:** Florida_2016CSP_WaiverRequest.pdf

Please see attached.

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**Sent:** Thursday, March 19, 2020 10:33 AM
**To:** Meeley, Kathryn <Kathryn.Meeley@ed.gov>; Gardner, Ashley <Ashley.Gardner@ed.gov>
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**Commissioner of Education**

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AMERICAN OVERSIGHT

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**Sent:** Fri, 20 Mar 2020 21:02:49 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Florida 2016 CSP grant waiver request to provide virtual education assistance
**Attachments:** Florida_2016CSP_WaiverRequest.pdf

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Kelly

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**Adam Emerson**
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**State Board of Education**

Andy Tuck, *Chair*
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**Richard Corcoran**
**Commissioner of Education**

**To:** Frank Brogan, Assistant Secretary for Elementary and Secondary Education, U.S. Department of Education
**From:** Richard Corcoran, Commissioner of Education, Florida Department of Education
**Re:** Application Amendment for 2016 Charter Schools Program SEA Grant and Waiver Request

The Florida Department of Education (FDOE) is seeking to amend its approved application for its 2016 SEA Charter School Program grant (CSP, Award U282A160012) and simultaneously seek a waiver of the statutory and regulatory requirements that govern the CSP. Specifically, the FDOE seeks an amendment to award CSP sub-grants to new and established operators to provide them funds to purchase the hardware and software necessary to enable all of their students to access curriculum and lessons from home. *Essentially, as public schools face a growing crisis from the threat of COVID-19 and increasingly plan for virtual instruction for the foreseeable future, the FDOE wants to equip all charter schools in Florida, to the extent possible, with a one-to-one student-to-device ratio.* For that, we would need the Secretary of Education to exercise the waiver authority granted her under both the Every Student Succeeds Act (ESSA) and the No Child Left Behind Act (NCLB, which governs Florida's award).

**Why we are seeking an amendment and a waiver**

Given the unprecedented impact of the COVID-19 crisis on public education, the CSP grant is ideally suited to quickly provide relief, resources, flexibility and innovation in the charter sector. All public schools are moving into uncharted territory over the next several months, but independent charter schools lack the centralized support enjoyed by school districts, and their students arguably face some of the greatest disruption. Perhaps the most significant emergency plan for which schools must prepare is how to keep the instructional momentum going outside the brick-and-mortar classroom. Smaller "mom-and-pop" charter schools that serve the most educationally disadvantaged students are themselves disadvantaged. They would be the least likely to have a one-to-one student-to-device ratio, much less the ability to link their educational program to their students' homes. The CSP can provide immediate support and relief.

However, we seek this relief for *all* charter schools, to the extent practicable. The CSP, as it is currently governed by statute, provides one-time start-up support to new schools (or at least those in their first three to five years of operation). Smaller, independent schools that have been in operation for up to 20 years do not necessarily possess any greater capacity to successfully deliver a high-quality virtual education program than those in their first year of operation. For Florida to provide this relief, we require a waiver from the U.S. Department of Education. The

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Secretary has broad discretion to "waive any statutory or regulatory requirement over which the Secretary exercises administrative authority." By exercising this authority, the Secretary would enable Florida to help provide the resources necessary to continue the education of our most disadvantaged students during this time of crisis.

**What we could accomplish with this waiver**

With this flexibility, the FDOE can accomplish the following:

- Allow sub-grantees the ability to purchase computers, printers, and other peripherals for their students, particularly those low-income students who do not have access to these materials at home;
- Enable schools to provide students with the software and internet access necessary to access educational programs from their homes; and
- Support all professional development and planning costs associated with implementing and overseeing virtual instruction

**What schools would benefit**

While the FDOE aims to target all charter schools that need the support described above, the sub-grant budget from the FDOE's 2016 CSP $71.7 million project is finite (after all obligations to other sub-grant projects are accounted for). With this, the FDOE would prioritize all Title-I eligible, one-off independent charter schools. If any available funds remain, the FDOE would next accommodate those charter schools that operate fewer than five charter schools in Florida. If funds remain after that, Title I schools within charter networks that operate more than five schools in Florida would be eligible. And so on. The vision is to first benefit those schools that serve a disproportionate number of educationally disadvantaged students who lack the access to virtual instruction technologies.

**Budget amendments and other waiver requests**

The FDOE is proposing no budget amendments, as we plan to offer these sub-grant awards through our existing for sub-grants. We would, however, requests three additional but relevant waivers:

- Waiving the competitive nature of the CSP: Sub-grant applications would not be externally reviewed, for the sake of expediency, but would instead be evaluated based on the prioritized criteria identified above.
- Waiving the reimbursement requirements: For the further sake of expediency, and to get these materials and training into the hands of students and teachers as quickly as possible, the FDOE asks that the requirement that CSP-related purchases be reimbursed be waived. Instead, the FDOE would ensure that sub-grantees be advanced the funds only when they can produce an invoice and receive assurance that payment will be made within three days. The FDOE would also conduct desktop monitoring throughout the summer to ensure that inventory is used for the purposes described in this amendment.

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- Waiving the requirement that sub-grantees cannot have previously received a CSP award: Eligible schools under this application amendment and waiver request might have been operating for the last 20 years, and could have received a CSP sub-grant award many years ago. However, we will not award schools that have a current CSP project. Those can, if they are eligible, go through the FDOE's budget amendment process to achieve the goals outlined in this request.

**Background on, and summary of, Florida's current 2016 CSP project**

As 2016 CSP project begins to wind down, the FDOE is poised to drive system-wide improvements to one of the most significant charter school landscapes of any state. As detailed in our approved application, the FDOE has implemented many of the projects aimed at reforming the very building blocks of the charter school space and ensuring that all students, regardless of income or ZIP code, have access to a high-quality public school.

Specifically, the FDOE has undertaken the following projects to help enhance the capacity of charter school authorizers, advance outcome-based accountability and support visionary leaders committed to serve our highest-need children:

***Governing Board Development:*** The FDOE, in partnership with Washington, D.C.-based Charter Board Partners, worked in several districts to match highly skilled executives in industry and matched them with the charter school governing boards that most benefitted from their talents. Our work spread from Hillsborough County (home to City of Tampa) to Polk County and, finally Duval County (home to the City of Jacksonville).

***Charter School Performance Framework.*** The FDOE, in collaboration with authorizers, operators, and national experts, is developing a statewide charter school performance framework that will provide authorizers, schools, and the public with a standardized set of objective measures to evaluate the academic, financial, and organizational performance of public charter schools.

***Authorizer Accountability.*** The FDOE conceptualized a statewide authorizer dashboard to evaluate and publicly report on authorizer performance, and it accomplished this with the primary input of the authorizers themselves.

***Authorizer Training and Leadership Development.*** The FDOE implemented a successful charter school authorizer fellowship program. We selected two candidates from Florida's authorizers and immersed them in the offices of some of the best authorizers in the nation, including the Massachusetts Department of Education, the State University of New York, Denver Public Schools, and the D.C. Charter School Board. The candidates returned to share with their colleagues what they learned and observed.

Additionally, the FDOE contracted with the National Association of Charter School Authorizers (NACSA) to provide intensive training to authorizers on the Florida Principles and Standards of Quality Charter School Authorizing. Specifically, we immersed trainees in day-long workshops on each of the standards that the FDOE has published.

And, importantly, the FDOE has executed its most rigorous sub-grant award selection process to date. Through an innovative partnership with NACSA, sub-grant applicants under a

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comprehensive review of the very charter school application they submitted to their authorizer, and they must submit to a face-to-face capacity interview. Altogether, the FDOE has awarded 35 sub-grant awards after its first year of competitions, and is currently reviewing another 31 applications in its most recent competition. The FDOE anticipates hosting at least two more sub-grant competitions before the close of its CSP project.

Lastly, the FDOE has undertaken a sweeping dissemination strategy, anchored by its annual Florida Charter School Conference, which was held in November to 700 participants.

With this, the FDOE has achieved the following goals outlined in its CSP application:

- Increase academic achievement of educationally disadvantaged students
- Increase academic achievement of all students
- Decrease the achievement gap
- Increase access to high-quality charter schools

AMERICAN OVERSIGHT

**From:** Dittmeier, Kerry W. EOP/OVP
**Sent:** Fri, 20 Mar 2020 19:51:54 +0000
**To:** COVID-19
**Subject:** FW: Follow up on potential federal aid

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**From:** Bill Hoye <whoye@iesabroad.org>
**Sent:** Friday, March 20, 2020 2:16 PM
**To:** Dittmeier, Kerry W. EOP/OVP <Kerry.W.Dittmeier@ovp.eop.gov>
**Subject:** [EXTERNAL] RE: Follow up on potential federal aid

Dear Ms. Dittmeier,

I was referred to you by Jacob Wainwright. I am writing to you on behalf of IES Abroad, a 70-year-old non-profit organization based in Chicago. IES Abroad provides premier study abroad programs, international internships and customized & faculty led programming around the world to over 10,000 US college students per year. We work with hundreds of colleges and universities in the U.S. and abroad. I received your contact information from Jacob, who is an IES Abroad alum (on our London Health Policy Program). Jacob is also my son Charlie's best friend. They attended Indiana University Bloomington together, and Charlie introduced Jacob to his wife, Rachel.

IES Abroad is being hit especially hard right now by the Coronavirus. We have been pro-actively preparing for and responding to it for several months, and putting the health and well-being of our students first in making decisions. Nevertheless, our projections and forecasts are very bleak during this period and for the foreseeable future. We are currently projecting that our enrollments and revenues will decline by 80% for the summer term, and by at least 50% for the fall term. We expect it will take some time for our enrollments to rebound given the impact and expected duration of the Coronavirus—and, frankly, through the 2020-21 academic year. We expect will last at least through the coming academic year. Enrollment and revenue drops at the levels projected would be financially catastrophic for our organization.

I am reaching out because I heard about the President's proposed legislation to provide financial relief to businesses and other enterprise adversely impacted by COVID-19. Jacob referred me to you as someone who would have a good idea of what is planned for the proposed legislation, the timeline for it, and whom it will apply.

Specifically, I am wondering whether non-profit organizations like IES Abroad will be eligible to apply for assistance under this program; and, if so, how and where to do so. Finally, I am wondering where and how to stay up to date on the proposed program as it progresses.

I would welcome any additional information you can provide to me concerning the program and its likely parameters.

Thank you in advance for any information you can provide. All the best.

AMERICAN OVERSIGHT

Bill Hoye

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**William P. Hoye**
Executive Vice President & Chief Operating Officer
Institute for the International Education of Students

**IES Abroad**
33 West Monroe Street, Suite 2300
Chicago, IL 60603-5405

whoye@IESabroad.org
Phone: 312.261.5012
Toll Free: 800.995.2300
Fax: 312.944.1448

**Global brilliance begins here.®**
IES Abroad offers more than 100 study abroad programs in Africa, Asia Pacific, Europe, and Latin America for college students. From our headquarters in Chicago to our 35+ global locations, we work toward the common goal of providing once-in-a-lifetime educational adventures. Learn more at **>www.IESabroad.org<**.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:20:27 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Follow up on potential federal aid

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Dittmeier, Kerry W. EOP/OVP <Kerry.W.Dittmeier@ovp.eop.gov>
**Sent:** Friday, March 20, 2020 3:52 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Follow up on potential federal aid

---

**From:** Bill Hoye <whoye@iesabroad.org>
**Sent:** Friday, March 20, 2020 2:16 PM
**To:** Dittmeier, Kerry W. EOP/OVP <Kerry.W.Dittmeier@ovp.eop.gov>
**Subject:** [EXTERNAL] RE: Follow up on potential federal aid

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Specifically, I am wondering whether non-profit organizations like IES Abroad will be eligible to apply for assistance under this program; and, if so, how and where to do so. Finally, I am wondering where and how to stay up to date on the proposed program as it progresses.

I would welcome any additional information you can provide to me concerning the program and its likely parameters.

Thank you in advance for any information you can provide. All the best.

Bill Hoye

---

**William P. Hoye**
Executive Vice President & Chief Operating Officer
Institute for the International Education of Students

**IES Abroad**
33 West Monroe Street, Suite 2300
Chicago, IL 60603-5405

whoye@IESabroad.org
Phone: 312.261.5012
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Fax: 312.944.1448

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AMERICAN OVERSIGHT

**From:** Rice, Danny
**Sent:** Fri, 20 Mar 2020 18:27:11 +0000
**To:** COVID-19
**Subject:** FW: Follow-up question on Exceptional Family Circumstance

This message is from the Part C program in Michigan

---

**From:** Kelty, Noel (MDE) <KeltyN@michigan.gov>
**Sent:** Friday, March 20, 2020 2:14 PM
**To:** Kniseley, Charles <Charles.Kniseley@ed.gov>; Rice, Danny <Danny.Rice@ed.gov>
**Subject:** Follow-up question on Exceptional Family Circumstance

Hi Danny and Charlie-

Thank you for the time today. The follow-up question we have regards the following:
**Based upon this federal guidance, if a child or parent is unavailable due to illness, quarantine, a desire to practice social distancing, or under a state or federally declared shelter-in-place order, this would be a parent/family exceptional family circumstance. Illness, or desire to practice social distancing on the part of the EIS provider or closure of the EIS provider, is a system noncompliance reason.** Public Health concerns must outweigh concerns about and reasonable actions to mitigate the spread of COVID-19, even if this results in noncompliance with Part C of IDEA timelines.

Michigan's schools and programs have been shut down by our Governor's Executive order. Will this be a system non-compliance for timelines or can programs use Exceptional Family Circumstance when the state educational system has been shut down?

Thank you for your guidance.

Best,
Noel
Noel Kelty
Early Intervention Manager/ Early On Coordinator
Office of Great Start/Early Childhood Development and Family Education
Michigan Department of Education
517-241-7004 (main office)
517-335-4865 (direct line)

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:02:08 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Follow-up question on Exceptional Family Circumstance

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Rice, Danny <Danny.Rice@ed.gov>
**Sent:** Friday, March 20, 2020 2:27 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Follow-up question on Exceptional Family Circumstance

This message is from the Part C program in Michigan

---

**From:** Kelty, Noel (MDE) <KeltyN@michigan.gov>
**Sent:** Friday, March 20, 2020 2:14 PM
**To:** Kniseley, Charles <Charles.Kniseley@ed.gov>; Rice, Danny <Danny.Rice@ed.gov>
**Subject:** Follow-up question on Exceptional Family Circumstance

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**Based upon this federal guidance, if a child or parent is unavailable due to illness, quarantine, a desire to practice social distancing, or under a state or federally declared shelter-in-place order, this would be a parent/family exceptional family circumstance. Illness, or desire to practice social distancing on the part of the EIS provider or closure of the EIS provider, is a system noncompliance reason.** Public Health concerns must outweigh concerns about and reasonable actions to mitigate the spread of COVID-19, even if this results in noncompliance with Part C of IDEA timelines.

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Thank you for your guidance.

Best,
Noel
Noel Kelty
Early Intervention Manager/ Early On Coordinator

AMERICAN OVERSIGHT

Office of Great Start/Early Childhood Development and Family Education
Michigan Department of Education
517-241-7004 (main office)
517-335-4865 (direct line)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:34:17 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Forbearance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Mj Monck <mjmonck@gmail.com>
**Sent:** Friday, March 20, 2020 2:13 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Forbearance

Does the forbearance of student loan payments apply to those who are participating in the public service loan forgiveness program? If someone doesn't make a payment will it work against them?

Thank you.

AMERICAN OVERSIGHT

**From:** Cohen-Boyer, Gillian
**Sent:** Fri, 20 Mar 2020 14:24:26 +0000
**To:** COVID-19
**Cc:** Hodgdon, Jane
**Subject:** FW: From Nancy
**Attachments:** Nancy Veatch.vcf

There's obviously something going on with special education that I don't really understand. I've been hearing this kind of stuff percolate up from educators around the country, but I don't know what is myth and fact. In any regard, I told this Alumni Fellow that I would share her concern with those working on these issues.

I believe the best information for her is the attached if anyone wants to get in touch with her.

-----Original Message-----
From: Cohen-Boyer, Gillian <Gillian.Cohen@ed.gov>
Sent: Friday, March 20, 2020 10:16 AM
To: Cohen-Boyer, Gillian <Gillian.Cohen@ed.gov>
Subject: From Nancy

Hey Gillian. I hope all is well with you. I know this is a long shot but rural schools need help from ED a result of covid-19? Rural America could use help. Because of sped law and regs, we cannot provide educational services to our reg Ed kids. In districts where maybe only 30% of students have access to internet bc of their location, it is tying our hands to do any good work that we can. Oregon just posted they won't offer any learning bc of the equity issues it could get them in. This is a national crisis and we need relaxed regs to ensure our entire population of students doesn't miss months of instruction bc of laws aimed to protect sped kids. Can u help?

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:32:30 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: fws payment.

---

**From:** David Williamson <David.Williamson@usm.edu>
**Sent:** Friday, March 20, 2020 5:29 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** fws payment.

Our institution has not closed but we have closed offices/department and have restricted public access to campus. We are in the process of converting the remainder of the semester to online instruction if possible. So with this being said, this as made it impossible for our work-study students to continue to work. If our institution has not closed but our students are unable to work due to office closures or restricted access, can we still pay them based on their scheduled hours as long as we can document the inability work due the COVID-19 protocol?

**David Williamson**
*Director of Financial Aid*

The University of Southern Mississippi
118 College Dr. #5101| Hattiesburg, MS 39406
P: 601.266.4813 | F: 601.266.5769

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:23:14 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Student Question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

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**From:** Boyle, Jeffery O <boylej@sccsc.edu>
**Sent:** Friday, March 20, 2020 11:33 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS Student Question

My college is closed to students 03/16/2020 – 03/31/2020. This has stopped all of our FWS student from being able to work. In the 03/05/2020 the FWS section indicated the FWS student could be paid as long as particular requirements were met. One of the conditions was "the institution is continuing to pay its other employees (including faculty and staff)" and I need some clarification on this statement. Our college was closed as a result of a mandate by the SC governor. At this point, we have not been told if we, as state employees, will be paid for those 12 day without having to use annual or sick leave. In other words we are waiting to see how many days the governor is going to give faculty and staff. At this point faculty and staff are looking at the options below.

1. Government grants 1-12 days
2. Work from home for any days not granted by the governor
3. Use annual or sick leave for any days
4. Leave without pay.

In light of the above information, are my FWS students going to be eligible to be paid for all, part, or none of the time we are closed. Is being required to annual or sick leave considered "continuing to be paid"? I want to be able to pay my FWS student, but I also want to be sure I am in compliance with FSA guidance.

Thanks!

Jeff

**Jeffery O. Boyle**
Director of Financial Aid & Veteran Affairs | Financial Aid Office
Spartanburg Community College
Mailing Address: P.O. Box 4386, Spartanburg, SC 29305

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Physical Address: 107 Community College Drive, Spartanburg, SC 29303
(864) 592-4823 Phone
boylej@sccsc.edu
www.sccsc.edu

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:34:23 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Guidance Letter COVID-19 March 5, 2020

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kevin Snyder <KSnyder@gjctc.org>
**Sent:** Friday, March 20, 2020 2:33 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Tricia Rummel <TRummel@gjctc.org>; Kelly Hoffman <khoffman@gjctc.org>; Augustine, John <JAugustine@gjctc.org>
**Subject:** Guidance Letter COVID-19 March 5, 2020

Hello,

I am looking for some clarification on the 12 page guidance letter that was posted on March 5, 2020, referring to interruptions of study related to the Coronavirus (COVID-19). On page 3 of the letter under "Approval to Offer Distance Learning" it states that the institution may offer online technologies to students to accomodate them. It says that the flexibility only applies to a program during a payment period that overlaps the date of the electronic announcement (3-5-2020) **OR** the following payment period.

The "OR" that is used is making some confusion in determining what we should be looking at. Can you further define what you would consider the "**following payment period**" and possibly give an example of how it could be used? Thank you very much for you help.

Kevin Snyder
Financial Aid Officer
Greater Johnstown Career and Technology Center
445 Schoolhouse Road
Johnstown, PA 15904
814 266-6073 ext 123

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:40:35 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: IDEA Part C Covid Question From MS.

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Schneer, Matthew <Matthew.Schneer@ed.gov>
**Sent:** Friday, March 20, 2020 3:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** IDEA Part C Covid Question From MS.

We received the following question from the MS Part C (Early Intervention under IDEA )Coordinator:

"Our State was preparing to submit with its annual IDEA Part C Application a new policy and procedure related to the definition of developmental delay. In order to meet the public participation requirement, we were preparing to hold public hearings in the State. However, due to the social distancing requirements designed to prevent spread of Covid 19, we are unable to hold in person meetings. We would like to know if there is flexibility to allow for virtual meetings, as well as the public posting of the proposed policy changes to meet the public participation requirements."

Matthew Schneer
Associate Division Director

Office of Special Education Programs
U.S. Department of Education
Washington DC, 20202
202-245-6755
matthew.schneer@ed.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:20:42 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Interest Rates

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** answers <answers@ed.gov>
**Sent:** Friday, March 20, 2020 3:13 PM
**To:** Mikles, Jason <JMikles@bokf.com>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Interest Rates

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

Dear Mr. Mikles,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

AMERICAN OVERSIGHT

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

---

**From:** Mikles, Jason <JMikles@bokf.com>
**Sent:** Friday, March 20, 2020 1:53 PM
**To:** answers <answers@ed.gov>
**Subject:** Interest Rates

With the current significantly low interest rate environmental, is it possible to refinance student loans at these lower interest rates? My loans are from the early to mid-1990's and early 2000's where interests were higher when compared to current rates. My interest rates are 6.125%. This could substantially lower my monthly payment and provided the needed relief for my family.

Any feedback would be greatly appreciated.

Jason W. Mikles
Vice President
Appraisal Administration Manager
BOK Financial Corporation
One Williams Center, 12S
Tulsa, Oklahoma 74172
Office: 918-588-6348
Email: jmikles@bokf.com

**********
The company reserves the right to amend statements made herein in the event of a mistake. Unless expressly stated herein to the contrary, only agreements in writing signed by an authorized officer of the Company may be enforced against it.
**********

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:34:09 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Length of Academic Year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Lari Whitten <lwhitten@escoffier.edu>
**Sent:** Friday, March 20, 2020 1:21 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Length of Academic Year

Greetings,

I am reaching out as a result of a school closure due to COVID-19 for our residential program. I contacted my School Participation Team, and was directed to send my question here.

OPEID: 03727600 and 03773600

We had to reduce our Academic Year from 30 weeks to 29 weeks. How do I request a temporary reduction in the length of the academic year to insure compliance?

Thank you for your assistance.
Larresia Whitten

**Larresia Whitten** | *Director of Title IV Compliance*
150 N Martingale Rd., Ste. 300
Schaumburg, IL 60173
C 512.791.4243

AMERICAN OVERSIGHT

**From:** Broady, Cheryl
**Sent:** Fri, 20 Mar 2020 17:01:02 +0000
**To:** COVID-19
**Subject:** FW: letter concerning special education evaluations

**From:** Judith Sakai <judithsakai@gmail.com>
**Sent:** Friday, March 20, 2020 12:51 PM
**To:** disasterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov; Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** letter concerning special education evaluations

To Whom This May Concern:

My name is Judith Sakai and I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIE or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the

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recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Judith Sakai, LSSP

Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:39:24 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: letter concerning special education evaluations

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Broady, Cheryl <Cheryl.Broady@ed.gov>
**Sent:** Friday, March 20, 2020 1:01 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: letter concerning special education evaluations

**From:** Judith Sakai <judithsakai@gmail.com>
**Sent:** Friday, March 20, 2020 12:51 PM
**To:** disasterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov; Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** letter concerning special education evaluations

To Whom This May Concern:

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I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

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Sincerely,

Judith Sakai, LSSP

Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 15:46:57 +0000
**To:** COVID-19
**Subject:** FW: Message from NEEDHAM CARMEN (92103864029)
**Attachments:** VoiceMessage.wav

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

**From:** Cisco Unity Connection Messaging System
<unityconnection@dc501fr003cuc01.fr003.ttecfed.com>
**Sent:** Thursday, March 19, 2020 4:15 PM
**To:** alecia.walters@dc501fr003cuc01.fr003.ttecfed.com
**Subject:** Message from NEEDHAM CARMEN (92103864029)

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:38:46 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Message from NEEDHAM CARMEN (92103864029)
**Attachments:** VoiceMessage.wav

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Friday, March 20, 2020 11:47 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Message from NEEDHAM CARMEN (92103864029)

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

**From:** Cisco Unity Connection Messaging System
<unityconnection@dc501fr003cuc01.fr003.ttecfed.com>
**Sent:** Thursday, March 19, 2020 4:15 PM
**To:** alecia.walters@dc501fr003cuc01.fr003.ttecfed.com
**Subject:** Message from NEEDHAM CARMEN (92103864029)

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:03:03 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: New OIE Formula Team COVID-19 question:

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Friday, March 20, 2020 10:50 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** New OIE Formula Team COVID-19 question:

New OIE Formula Team COVID-19 question:

| | | | | |
|---|---|---|---|---|
| Mar 20 2020 10:05:13 | Verdigris Public Schools | OK | Amy Moyer | EASIE: How do we have open meetings during COVID-19? |

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:49:11 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Ohio IDEA flexibility request
**Attachments:** IDEA Federal Flexibility Requests.pdf, Ohio request for flexibitiy IDEA.docx

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** JoHannah.Ward@education.ohio.gov <JoHannah.Ward@education.ohio.gov>
**Sent:** Friday, March 20, 2020 4:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Slopadoe, Gbenimah <Gbenimah.Slopadoe@ed.gov>; David.Baker@education.ohio.gov; stephanie.siddens@education.ohio.gov; John.Richard@education.ohio.gov
**Subject:** Ohio IDEA flexibility request

During Ohio's ordered school-building closure, the health and safety of Ohio's students and educators remains the primary focus of the Ohio Department of Education. As Ohio's students with disabilities are among our state's most vulnerable children, Ohio is working closely with local school districts to ensure that our students with disabilities have access to a free and appropriate education during this very atypical period of time for learning and teaching. However, our districts and schools are seeking greater flexibilities with regard to deadlines and certain key regulations. Ohio is looking for flexibility specifically with timelines associated with IDEA, such as: IEP, ETR, reporting and monitoring, dispute resolution, state and local eligibility and use of funds. More detail on each of these specific issues is included in the attachment.

We recognize the extraordinary circumstances and appreciate the flexibility that the US Department of Education is providing in other areas of federal law. We understand that many states are asking similar questions. We respectfully submit this information for your consideration. Based on the March 20, 2020 CCSSO call, there appears to be some uncertainty about where flexibilities exist. We are interested in seeking flexibility if available for any of our identified issues. Likewise, we would be happy to engage in larger conversation to address issues that do not appear to have immediate remedies with the Office of Special Education Programs, as well as the organizations you are working with regarding the needs across all states (i.e., NAESDE and CCSSO). Please contact me at:

**Jo Hannah Ward, M. Ed., LPCC**

AMERICAN OVERSIGHT

*Director*
Office for Exceptional Children

25 South Front Street 4th floor
Columbus, Ohio 43215-4183
(614) 752-1378 | (877) 644-6338

Johannah.ward@education.ohio.gov

Learn more about #EachChildOurFuture, Ohio's plan to ensure each child is challenged, prepared and empowered

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Federal Flexibility Requests

| The Ohio Department of Education | |
|---|---|
| **Federal Regulation** | **Topic/Description** |
| 34 CFR § 300.101 and 300.600 | Preschool Special Education<br>• Calculation of federal IDEA Compliance Indicator 12 |
| 34 CFR § 76.709 | Federal Funding<br>• Request that funds available to districts be obligated during a carryover period<br>• Request extension of this allowable carryover period |
| 34 CFR § 300.100 through 34 CFR § 300.199 | IDEA Subpart B – State Eligibility<br>• Request flexibility in activities related to FAPE, FAPE requirements, Least Restrictive Environment (LRE), additional eligibility requirements, children in private schools, children with disabilities in private schools placed or referred by public agencies, children with disabilities enrolled by their parents in private schools when FAPE is at issue, SEA responsibility for general supervision and implementation of procedural safeguards, state complaint procedures, methods of ensuring services, additional eligibility requirements, state advisory panel, and other provisions required for state eligibility. |
| 34 CFR § 300.200 through 34 CFR § 300.320 | IDEA Subpart C – Local Educational Agency Eligibility<br>• Request flexibility in activities related to LEA eligibility – specific to timelines associated with LEA eligibility |
| 34 CFR § 300.300 through 34 CFR § 300.328 | IDEA Subpart D – Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements<br>• Request flexibility with all regulations pertaining to parental consent, evaluations and reevaluations, additional procedures for identifying children with specific learning disabilities, IEP's, and the development of IEP's – specific to timelines found within these regulations. |
| 34 CFR § 300.500 through 34 CFR § 300.537 | IDEA Subpart E – Procedural Safeguards Due Process Procedures for Parents and Children<br>• Request flexibility with all regulations pertaining to procedural safeguards and discipline procedures – specific to timelines found within these regulations |

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| The Ohio Department of Education | |
|---|---|
| **Federal Regulation** | **Topic/Description** |
| 34 CFR § 300.600 through 34 CFR § 300.647 | IDEA Subpart F – Monitoring, Enforcement, Confidentiality, and Program Information<br>• Request flexibility with all regulations pertaining to monitoring, technical assistance, and enforcement; confidentiality of information; and program information – specific to timelines found within these regulations |

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Ohio | Department of Education

Mike DeWine, Governor
Paolo DeMaria, Superintendent of Public Instruction

During Ohio's ordered school-building closure, the health and safety of Ohio's students and educators remains the primary focus of the Ohio Department of Education. As Ohio's students with disabilities are among our state's most vulnerable children, Ohio is working closely with local school districts to ensure that our students with disabilities have access to a free and appropriate education during this very atypical period of time for learning and teaching. However, our districts and schools are seeking greater flexibilities with regard to deadlines and certain key regulations. Ohio is looking for flexibility specifically with timelines associated with IDEA, such as: IEP, ETR, reporting and monitoring, dispute resolution, state and local eligibility and use of funds. More detail on each of these specific issues is included in the attachment.

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**Jo Hannah Ward, M. Ed., LPCC**
*Director,* Office for Exceptional Children
Ohio Department of Education

Jo Hannah Ward

25 South Front Street 4th floor
Columbus, Ohio 43215-4183
(614) 752-1378 | (877) 644-6338

Johannah.Ward@education.ohio.gov



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**From:** Blue, Jacqueline
**Sent:** Fri, 20 Mar 2020 13:19:55 +0000
**To:** COVID-19
**Cc:** Blue, Jacqueline
**Subject:** FW: OPEID 02245400 notification of temporary closure due to Covid -19

Please see closure notification from Keene Beauty Academy.

jacqueline blue
Institutional Review Specialist
Phone: (617) 289-0191

*You can't Believe your way out of something you Behaved your way into. ~DWright*

---

**From:** Jeanne Chappell <jeanne@keenebeautyacademy.edu>
**Sent:** Wednesday, March 18, 2020 5:13 PM
**To:** Nave, Tracy <Tracy.Nave@ed.gov>; Blue, Jacqueline <Jacqueline.Blue@ed.gov>
**Subject:** OPEID 02245400 notification of temporary closure due to Covid -19

Please allow this email to serve as official notification of a temporary closure for Keene Beauty Academy ( OPEID 02245400) as we await approval for temporary distance education and further guidance from our accrediting body (NACCAS). We will continue to notify all interested regulatory bodies as we are updated on any modifications or changes we must make during the management of our student population at this time.
Thank you for you work in a very trying time and may you and yours stay out of harms way.
Jeanne Chappell

Jeanne Chappell, President / CEO
Keene Beauty Academy
800 Park Avenue
Keene NH 03431
603-357-3736
www.keenebeautyacademy.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:21:47 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: OPEID 02245400 notification of temporary closure due to Covid -19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Blue, Jacqueline <Jacqueline.Blue@ed.gov>
**Sent:** Friday, March 20, 2020 9:20 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Blue, Jacqueline <Jacqueline.Blue@ed.gov>
**Subject:** FW: OPEID 02245400 notification of temporary closure due to Covid -19

Please see closure notification from Keene Beauty Academy.

jacqueline blue
Institutional Review Specialist
Phone: (617) 289-0191
Federal Student Aid | PROUD SPONSOR of the AMERICAN MIND
An OFFICE of the U.S. DEPARTMENT of EDUCATION

*You can't Believe your way out of something you Behaved your way into. ~DWright*

---

**From:** Jeanne Chappell <jeanne@keenebeautyacademy.edu>
**Sent:** Wednesday, March 18, 2020 5:13 PM
**To:** Nave, Tracy <Tracy.Nave@ed.gov>; Blue, Jacqueline <Jacqueline.Blue@ed.gov>
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Jeanne Chappell

AMERICAN OVERSIGHT

Jeanne Chappell, President / CEO
Keene Beauty Academy
800 Park Avenue
Keene NH 03431
603-357-3736
www.keenebeautyacademy.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:20:30 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Possible Extension for the Annual A-133 report

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Christopher Lewis <clewis@rcc.mass.edu>
**Sent:** Friday, March 20, 2020 3:20 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Andres Oroz <AOroz@rcc.mass.edu>
**Subject:** Possible Extension for the Annual A-133 report

Good Afternoon,

I hope this message finds you well!
My name is Christopher Lewis, I am the Director of Financial Aid at Roxbury Community College. I am reaching out to see if it's possible to request an extension for the submission of the A-133 due to the Coronavirus. Currently our campus is closed down and we are working remotely.
Any Consideration will be greatly appreciated!

Thanks,
Christopher Lewis


## Christopher Lewis

Director of Financial Aid

Tel: +1-857-701-1223 | Fax: 855-647-9618 | clewis@rcc.mass.edu

1234 Columbus Ave, Roxbury Crossing, MA, 02120 | www.rcc.mass.edu


AMERICAN OVERSIGHT

**From:** Latcham, Alexander S. EOP/WHO
**Sent:** Fri, 20 Mar 2020 20:35:26 +0000
**To:** COVID-19
**Cc:** Dittmeier, Kerry W. EOP/OVP;Kundinger, Kelly R. EOP/OVP
**Subject:** FW: private school bus companies and corona
**Attachments:** COVID19 Funding Req Letter 2020-03-19B (002).pdf, Ltr to Secretary DeVos 2020-03-16E.docx

All-

I received the below note regarding the negative economic impact of COVID to the private school bus industry. I do believe this warrants follow-up. Thank you.

Alex Latcham
Special Assistant to the President
White House Office of Political Affairs

---

**From:** Weber, Becky <Becky.Weber@prime-policy.com>
**Sent:** Friday, March 20, 2020 3:42 PM
**To:** Latcham, Alexander S. EOP/WHO <Alexander.S.Latcham@who.eop.gov>
**Subject:** [EXTERNAL] private school bus companies and corona

Mr. Latcham –
My client, the National School Transportation Association, has been working the Hill and administration with the attached proposal for relief from the negative impacts of corona. Secretary DeVos has been unresponsive and I understand DOEd is not on the task force. I have sent this to Larry Kudlow and Derek Kan. Can you direct me to anyone on the task force specifically dealing with education issues?

As background, NSTA members are private companies that provide 38% of the nation's school bus service under contract to school districts. As you can imagine, with the massive school closings across the country that may go on for several months, they are facing dire circumstances if their contracts are not paid for the time schools are closed. Some States have already announced schools will be closed for the remainder of the normal school year. Additional school activity and sports trips are also cancelled. Public school bus districts are continuing to receive funding and pay their drivers during this crisis.

NSTA is seeking a directive from Secretary DeVos (letter attached) or Congress asking school districts to continue to pay contractors for the duration of the shutdown as the funds have already been allocated for this at the State level. This would not cost the federal government any money at all but would keep 250,000 people in their jobs and 40% of the school transportation industry viable for when schools do resume. In the absence of that, NSTA is seeking $2.8 billion to cover losses due to the closing of schools in order to pay 250,000 drivers and mechanics and keep nearly 40% of the nation's school transportation capability in place for when schools do resume.

Appreciate it very much,
Becky Weber

---

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Burson Cohn & Wolfe, a division of WPP Brands (UK) Limited, a company registered in England and Wales with company number 00390845 at Greater London House, Hampstead Road, London, NW1 7QP. VAT Reg No GB 232 1689 74 This e-mail communication, including any attachment, is intended only for the individual(s) or entity named above and to others who have been specifically authorized to receive it. Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message and kindly notify the sender by reply email. Please advise immediately if you or your employer does not consent to email for messages of this kind. Opinions, conclusions and other information in this message that do not relate to the official business of WPP Brands (UK) Limited shall be understood as neither given nor endorsed by it.

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March 19, 2020

Senator Mitch McConnell
Minority Leader Chuck Schumer
Speaker Nancy Pelosi
Minority Leader Kevin McCarthy

As you address relief for economic losses as a result of the COVID-19 virus, we write to seek your support for provisions to address the devastating effects it has had on the nation's private school bus companies.

The National School Transportation Association (NSTA) is the leading resource for school bus transportation solutions since 1964 - for school bus contract-operators engaged primarily in transporting students to-and-from school and school-related activities. Members range from small family businesses to large corporations operating tens of thousands of buses across multiple states. Private school transportation contractors represent roughly **38 percent** of the 26 million students being transported daily - on an estimated 480,000 yellow school buses. Every day, the lives of children are entrusted to certified school transportation professionals who have receive special training and have the experience to ensure the safe transport of students.

Schools are closing across the country, and it is unlikely that districts will come close to achieving 180-day school year. Some states have already announced that schools will not reopen before summer, and many states have already indicated that this requirement will be waived in light of current events. Right now, school closings have had a devastating impact on school bus contractors and their employees.

**NSTA is requesting legislation that provides for EITHER:**

**1) A directive, edict, or declaration that as a condition of additional funding to states and/or school districts, they are required to maintain and continue to pay school transportation contracts as long as schools remain closed;**

**OR**

**2) Emergency relief funding in the amount of $2.8 Billion to support school bus contractors, so that they can continue to pay the approximately 250,000 transportation staff and school bus drivers, maintain student welfare through extraordinary sanitizing measures and maintain the integrity of their fleets and companies**

**Taken together these actions are critical, so student transportation can seamlessly continue after school has reopened. It is not in the nation's interest to have nearly 40 percent of the nation's capabilities to provide school bus service disappear due to this crisis.**

## Option 1:

Thus far, three States (California, Illinois and Minnesota) have taken action to enable school bus contractors to continue to be paid by school districts during school closures, so that employees are paid as a result of COVID-19. NSTA continues to work in all states, and the District of Columbia, to achieve this same result. However, working state-by-state is time-consuming, and given the urgency of the situation, we are seeking Congressional action to ensure contracts continue to be paid. If additional funding is going to be made available to schools in the legislation, continuing to pay contracted


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providers of school transportation should be a condition of receiving funds. NSTA views this option as optimum as it does not require disbursement of any federal dollars.

**Option 2:**

If Option 1 is not possible, NSTA requests $2.8 Billion in 100 percent, federal no match, economic injury grants to address economic losses incurred by school bus contractors as a result of school closings due to COVID-19. It is estimated that overall the private school bus industry is a $9 billion industry. Companies are losing approximately $85 million per week. If the school closings last 16 or more weeks into June, the economic losses to the industry could reach $3 Billion.

Our members' first concern remains their employees, drivers, monitors, office staff, and maintenance staff. Maintaining pupil transportation revenue will result in our workforce being provided a regular paycheck. Maintaining consistent pupil transportation funding will enable our contractor members to continue to provide a regular paycheck to employees (maintenance, dispatch, mechanics, etc.) and drivers during this time of crisis, as most drivers live paycheck to paycheck and cannot afford to live or support their families on a reduced income derived through unemployment compensation.

Retention of drivers is also a concern. The industry already suffers from a shortage of bus drivers, and it is likely that drivers will seek employment elsewhere during this crisis if they cannot continue to be paid. If that is the case, it will lead to an insufficient number of drivers to provide transportation to students when school resumes. There is already a lack of applicants for driver positions, and depending upon the state, it can take up to 12 weeks for a new driver to be adequately and appropriately trained, tested, and licensed. If all new drivers need to be hired, trained, and licensed at the conclusion of this crisis, these factors could cause a disruption in transportation services.

School bus contractors have fixed costs and overhead – representing about 65 percent of operating expenses, including equipment financing for vehicles that cost $90,000 or more. Private operators must maintain and pay for insurance and maintenance costs for their facility. In addition, contractors calculate their costs and structure contract pricing based on the assumption of approximately 180 days of transportation revenue over multiple years.

Finally, School bus contractors are also disinfecting school bus equipment, to ensure a safe and clean environment for the students they transport - resulting in increased expenses.

In closing, some students, not attending classes, are no longer ensured school breakfast and lunch. The continuity of these programs may depend upon school bus contractors' ability to provide distribution of meals to students and can be tangible benefit of providing stimulus funding.

We appreciate your consideration of this request, and look forward to working with you to provide continuity in student transportation.

Sincerely,

Curt Macysyn
NSTA Executive Director


AMERICAN OVERSIGHT

NSTA
NATIONAL SCHOOL TRANSPORTATION ASSOCIATION

August 7, 2020

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Dear Secretary DeVos:

As you know, COVID-19 virus is presenting us with new and unprecedented challenges at many levels. The National School Transportation Association (NSTA) represents private school bus contractors, who are responsible for transporting nearly 38 percent of the 26 million children to-and-from school each day. Our member companies continue to work together in concert with our school districts – keeping our students safe and secure. Unfortunately, as we have seen, as the number of confirmed cases of COVID-19 have increased, various measures have been put in place to contain the spread of the virus. These measures include mandated closure of schools for a period of time, until this imminent threat dissipates.

These are extraordinary times, and we urge you to take immediate federal action that directs state Departments of Education to require their school districts to continue to pay for pupil transportation funding for a 180-day school year in the event of any reduction in transportation days. These funds are already allocated in State budgets and mechanisms are currently in place to distribute these funds. Our concern lies within a desire to maintain a sound student transportation infrastructure through this health crisis, a system that requires us to be prepared to re-engage immediately after this unprecedented interruption to the school year. It will not serve the schoolchildren of this country to have 38 percent of available student transportation options eliminated after this crisis subsides.

While the health and safety of our children remains our collective focus, we are vitally concerned in two areas that will undoubtedly affect the school children we transport. Our first concern is our employees; drivers, monitors, office staff and maintenance staff. Maintaining pupil transportation funding, and continuity in our payments, results in our workforce being provided a regular paycheck.

Specifically, our drivers cannot afford to live without a paycheck or support their families on a reduced amount of money they would collect by filing for unemployment insurance. Therefore, maintaining consistent pupil transportation funding through this crisis will enable our members provide a regular paycheck on an ongoing basis. In addition, a regular paycheck may ensure that drivers will not seek other employment, and will instead be available when school resumes. As you may know, the industry already suffers from a shortage of school bus drivers, and if the funding stream to contractors does not continue during this closure, we risk losing school bus drivers to employment opportunities.



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The driver shortage will make the already challenging quest to find new drivers even more difficult. Keep in mind, furthering complicating this issue is the simple fact that it can take up to 12 weeks before a new driver can be adequately and appropriately trained, tested, and licensed.

In addition, like many businesses, school bus contractors have fixed costs and overhead – representing about 65 percent of operating expenses. For example, investment in equipment (i.e. – school buses) remains a major expense and is based on the assumption of approximately 180 days of transportation revenue over multiple years. A disruption in the student transportation revenue stream (i.e.- less than 180 contracted school days) will make it extremely difficult to meet financial obligations.

Finally, with the reality of school closures, the ability of many children to receive adequate nourishment through school breakfast and lunch programs will be compromised, and in worse case scenarios, curtailed indefinitely. Since school bus contractors already know pick-up and drop off routes, we are poised to provide distribution of meals to students for school districts. The continuity of these programs could be a net benefit of the decision to maintain payments to school bus contractors through the entire term of this crisis.

Thank you for your consideration of our request. Please feel free to contact me at 703-684-3200 ext. 700, or via email at cmacysyn@yellowbuses.org - should you require further information.

Sincerely,

Curt Macysyn

Curt Macysyn
Executive Director



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 20:56:54 +0000
**To:** Wilson, Linda
**Cc:** COVID-19
**Subject:** FW: private school bus companies and corona
**Attachments:** COVID19 Funding Req Letter 2020-03-19B (002).pdf, Ltr to Secretary DeVos 2020-03-16E.docx

Hi Linda,

The COVID-19 mailbox received an inquiry from white house. Below is the inquiry.

Thanks,
Kelly

---

**From:** Latcham, Alexander S. EOP/WHO <Alexander.S.Latcham@who.eop.gov>
**Sent:** Friday, March 20, 2020 4:35 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Dittmeier, Kerry W. EOP/OVP <Kerry.W.Dittmeier@ovp.eop.gov>; Kundinger, Kelly R. EOP/OVP <Kelly.R.Kundinger@ovp.eop.gov>
**Subject:** FW: private school bus companies and corona

All-

I received the below note regarding the negative economic impact of COVID to the private school bus industry. I do believe this warrants follow-up. Thank you.

Alex Latcham
Special Assistant to the President
White House Office of Political Affairs

---

**From:** Weber, Becky <Becky.Weber@prime-policy.com>
**Sent:** Friday, March 20, 2020 3:42 PM
**To:** Latcham, Alexander S. EOP/WHO <Alexander.S.Latcham@who.eop.gov>
**Subject:** [EXTERNAL] private school bus companies and corona

Mr. Latcham –
My client, the National School Transportation Association, has been working the Hill and administration with the attached proposal for relief from the negative impacts of corona. Secretary DeVos has been unresponsive and I understand DOEd is not on the task force. I have sent this to Larry Kudlow and Derek Kan. Can you direct me to anyone on the task force specifically dealing with education issues?

As background, NSTA members are private companies that provide 38% of the nation's school bus service under contract to school districts. As you can imagine, with the massive school closings across the country that may go on for several months, they are facing dire circumstances if their contracts are

AMERICAN OVERSIGHT

not paid for the time schools are closed. Some States have already announced schools will be closed for the remainder of the normal school year. Additional school activity and sports trips are also cancelled. Public school bus districts are continuing to receive funding and pay their drivers during this crisis.

NSTA is seeking a directive from Secretary DeVos (letter attached) or Congress asking school districts to continue to pay contractors for the duration of the shutdown as the funds have already been allocated for this at the State level. This would not cost the federal government any money at all but would keep 250,000 people in their jobs and 40% of the school transportation industry viable for when schools do resume. In the absence of that, NSTA is seeking $2.8 billion to cover losses due to the closing of schools in order to pay 250,000 drivers and mechanics and keep nearly 40% of the nation's school transportation capability in place for when schools do resume.

Appreciate it very much,
Becky Weber

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March 19, 2020

Senator Mitch McConnell
Minority Leader Chuck Schumer
Speaker Nancy Pelosi
Minority Leader Kevin McCarthy

As you address relief for economic losses as a result of the COVID-19 virus, we write to seek your support for provisions to address the devastating effects it has had on the nation's private school bus companies.

The National School Transportation Association (NSTA) is the leading resource for school bus transportation solutions since 1964 - for school bus contract-operators engaged primarily in transporting students to-and-from school and school-related activities. Members range from small family businesses to large corporations operating tens of thousands of buses across multiple states. Private school transportation contractors represent roughly **38 percent** of the 26 million students being transported daily - on an estimated 480,000 yellow school buses. Every day, the lives of children are entrusted to certified school transportation professionals who have receive special training and have the experience to ensure the safe transport of students.

Schools are closing across the country, and it is unlikely that districts will come close to achieving 180-day school year. Some states have already announced that schools will not reopen before summer, and many states have already indicated that this requirement will be waived in light of current events. Right now, school closings have had a devastating impact on school bus contractors and their employees.

**NSTA is requesting legislation that provides for EITHER:**

**1) A directive, edict, or declaration that as a condition of additional funding to states and/or school districts, they are required to maintain and continue to pay school transportation contracts as long as schools remain closed;**

**OR**

**2) Emergency relief funding in the amount of $2.8 Billion to support school bus contractors, so that they can continue to pay the approximately 250,000 transportation staff and school bus drivers, maintain student welfare through extraordinary sanitizing measures and maintain the integrity of their fleets and companies**

**Taken together these actions are critical, so student transportation can seamlessly continue after school has reopened. It is not in the nation's interest to have nearly 40 percent of the nation's capabilities to provide school bus service disappear due to this crisis.**

## Option 1:

Thus far, three States (California, Illinois and Minnesota) have taken action to enable school bus contractors to continue to be paid by school districts during school closures, so that employees are paid as a result of COVID-19. NSTA continues to work in all states, and the District of Columbia, to achieve this same result. However, working state-by-state is time-consuming, and given the urgency of the situation, we are seeking Congressional action to ensure contracts continue to be paid. If additional funding is going to be made available to schools in the legislation, continuing to pay contracted


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providers of school transportation should be a condition of receiving funds. NSTA views this option as optimum as it does not require disbursement of any federal dollars.

**Option 2:**

If Option 1 is not possible, NSTA requests $2.8 Billion in 100 percent, federal no match, economic injury grants to address economic losses incurred by school bus contractors as a result of school closings due to COVID-19. It is estimated that overall the private school bus industry is a $9 billion industry. Companies are losing approximately $85 million per week. If the school closings last 16 or more weeks into June, the economic losses to the industry could reach $3 Billion.

Our members' first concern remains their employees, drivers, monitors, office staff, and maintenance staff. Maintaining pupil transportation revenue will result in our workforce being provided a regular paycheck. Maintaining consistent pupil transportation funding will enable our contractor members to continue to provide a regular paycheck to employees (maintenance, dispatch, mechanics, etc.) and drivers during this time of crisis, as most drivers live paycheck to paycheck and cannot afford to live or support their families on a reduced income derived through unemployment compensation.

Retention of drivers is also a concern. The industry already suffers from a shortage of bus drivers, and it is likely that drivers will seek employment elsewhere during this crisis if they cannot continue to be paid. If that is the case, it will lead to an insufficient number of drivers to provide transportation to students when school resumes. There is already a lack of applicants for driver positions, and depending upon the state, it can take up to 12 weeks for a new driver to be adequately and appropriately trained, tested, and licensed. If all new drivers need to be hired, trained, and licensed at the conclusion of this crisis, these factors could cause a disruption in transportation services.

School bus contractors have fixed costs and overhead – representing about 65 percent of operating expenses, including equipment financing for vehicles that cost $90,000 or more. Private operators must maintain and pay for insurance and maintenance costs for their facility. In addition, contractors calculate their costs and structure contract pricing based on the assumption of approximately 180 days of transportation revenue over multiple years.

Finally, School bus contractors are also disinfecting school bus equipment, to ensure a safe and clean environment for the students they transport - resulting in increased expenses.

In closing, some students, not attending classes, are no longer ensured school breakfast and lunch. The continuity of these programs may depend upon school bus contractors' ability to provide distribution of meals to students and can be tangible benefit of providing stimulus funding.

We appreciate your consideration of this request, and look forward to working with you to provide continuity in student transportation.

Sincerely,

Curt Macysyn
NSTA Executive Director


AMERICAN OVERSIGHT

NSTA
NATIONAL SCHOOL TRANSPORTATION ASSOCIATION

August 7, 2020

The Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Dear Secretary DeVos:

As you know, COVID-19 virus is presenting us with new and unprecedented challenges at many levels. The National School Transportation Association (NSTA) represents private school bus contractors, who are responsible for transporting nearly 38 percent of the 26 million children to-and-from school each day. Our member companies continue to work together in concert with our school districts – keeping our students safe and secure. Unfortunately, as we have seen, as the number of confirmed cases of COVID-19 have increased, various measures have been put in place to contain the spread of the virus. These measures include mandated closure of schools for a period of time, until this imminent threat dissipates.

These are extraordinary times, and we urge you to take immediate federal action that directs state Departments of Education to require their school districts to continue to pay for pupil transportation funding for a 180-day school year in the event of any reduction in transportation days. These funds are already allocated in State budgets and mechanisms are currently in place to distribute these funds. Our concern lies within a desire to maintain a sound student transportation infrastructure through this health crisis, a system that requires us to be prepared to re-engage immediately after this unprecedented interruption to the school year. It will not serve the schoolchildren of this country to have 38 percent of available student transportation options eliminated after this crisis subsides.

While the health and safety of our children remains our collective focus, we are vitally concerned in two areas that will undoubtedly affect the school children we transport. Our first concern is our employees; drivers, monitors, office staff and maintenance staff. Maintaining pupil transportation funding, and continuity in our payments, results in our workforce being provided a regular paycheck.

Specifically, our drivers cannot afford to live without a paycheck or support their families on a reduced amount of money they would collect by filing for unemployment insurance. Therefore, maintaining consistent pupil transportation funding through this crisis will enable our members provide a regular paycheck on an ongoing basis. In addition, a regular paycheck may ensure that drivers will not seek other employment, and will instead be available when school resumes. As you may know, the industry already suffers from a shortage of school bus drivers, and if the funding stream to contractors does not continue during this closure, we risk losing school bus drivers to employment opportunities.



AMERICAN OVERSIGHT

The driver shortage will make the already challenging quest to find new drivers even more difficult. Keep in mind, furthering complicating this issue is the simple fact that it can take up to 12 weeks before a new driver can be adequately and appropriately trained, tested, and licensed.

In addition, like many businesses, school bus contractors have fixed costs and overhead – representing about 65 percent of operating expenses. For example, investment in equipment (i.e. – school buses) remains a major expense and is based on the assumption of approximately 180 days of transportation revenue over multiple years. A disruption in the student transportation revenue stream (i.e.- less than 180 contracted school days) will make it extremely difficult to meet financial obligations.

Finally, with the reality of school closures, the ability of many children to receive adequate nourishment through school breakfast and lunch programs will be compromised, and in worse case scenarios, curtailed indefinitely. Since school bus contractors already know pick-up and drop off routes, we are poised to provide distribution of meals to students for school districts. The continuity of these programs could be a net benefit of the decision to maintain payments to school bus contractors through the entire term of this crisis.

Thank you for your consideration of our request. Please feel free to contact me at 703-684-3200 ext. 700, or via email at cmacysyn@yellowbuses.org - should you require further information.

Sincerely,

Curt Macysyn

Curt Macysyn
Executive Director



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:39:10 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Public hearing requirements

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

**From:** Ardith Ferguson <afergus@wested.org>
**Sent:** Friday, March 20, 2020 12:29 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Public hearing requirements

I am asking this question on behalf of a state Part C program. This state is working on major revisions to policies and procedures that they plan to submit to OSEP in the summer, after July 1. They will be conducting the public participation review and comment period in May and June. In mid-June they had planned to hold two face-to-face public hearings. If the prohibition of public group meetings is still in place in that state in June, they are seeking guidance from OSEP on whether they may fulfill the public hearing requirement in 303.208(b) via virtual public hearings conducted using Zoom or a similar format?

Thank you,

Ardith Ferguson, M.Ed.
Senior Program Associate
WestEd
Center for Prevention & Early Intervention
Cell: 303-589-2107
www.wested.org
afergus@wested.org

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:21:14 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question about impact on COA

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Selena Healey <selena@american.edu>
**Sent:** Thursday, March 19, 2020 8:30 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question about impact on COA

Good afternoon,

Can you please provide clarification on the impact of a refund of housing and meals on the COA and estimated financial assistance?

The scenario is that our school will be adjusting the charges for students for the remainder of the semester since they are no longer in housing and no longer using their meal plans. For example, our original COA will have approximately $7000 for spring 2020 in room and board (I'm rounding). Once we refund students, the total charges to the students will be $3500 for the semester. Are we required to adjust the COA?

If the charge is not adjusted, and the student receives a waiver instead… Is it correct to not adjust the COA and to add the amount of the waiver as part of the student's total estimated financial assistance for spring?

Or it is ok to refund or waive the room and board with no changes to COA or estimated financial assistance? This is the rumor going around, and I have a lot of non-Financial Aid professionals pushing for this.

I would appreciate any guidance you can provide as I would like to make sure we are documenting students files accurately.

Thank you,

Selena Healey
Associate Director

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Financial Aid Office
American University (school code 00143400)
4400 Massachusetts Avenue, NW
Washington, DC 20016-8001
202-885-6116 (phone)
202-885-1025 (fax)

**********This communication contains information from American University which may be confidential/privileged or may contain individually identifiable personal data which are protected by local and federal privacy laws. It is intended solely for the use of the addressee. The addressee may only use the information to provide the services for which addressee is receiving the information and addressee may not further disclose the data without the written permission of the individual to whom the information relates. If you are not the intended recipient, you are strictly prohibited from disclosing, copying, distributing, or using any of this information. If you received this communication in error, please contact the sender immediately by return email and destroy the material in its entirety, whether electronic or hard copy.

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:34:05 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question about where to read up

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Apex Academy <apexacademy2013@hotmail.com>
**Sent:** Friday, March 20, 2020 1:22 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question about where to read up

Hello,

I am an Admin of a clock hour school, we have received approval from state and accreditor to implement the Distance Education due to COVID-19. Our brick and mortar is closed, but we have adapted distance education to make a smooth transition for students to continue their education.

Where can I read up on Distance Education requirements? I saw the Dear Coll. Letter 3/5 but cant seem to locate any other standards that I may need to be aware of.

Anything else I should know as a clock hour school as it correlates to this?
Thank you,
Karli

Apex Academy

**1788 West Fourth Street**

**Ontario, Ohio 44906**
**419-709-8512**
www.apexacademy2013.com

AMERICAN OVERSIGHT

**From:** Kinnard, Curtis
**Sent:** Fri, 20 Mar 2020 20:20:42 +0000
**To:** COVID-19
**Cc:** Fox, Leslie
**Subject:** FW: Question re: SSIP 3.20.2020

Good afternoon!

VT-C: Question extension for FFY 2020 SSIP.

Curtis

Curtis J. Kinnard, Ed.D.
U.S. Department of Education
Office of Special Education Programs
202-245-7472
Washington, DC 20202
https://sites.ed.gov/idea/
http://www2.ed.gov/policy/gen/guid/correctional-education/index.html
https://www.osepideasthatwork.org/jj
https://osep.grads360.org/#program/highlighted-resources

"An Absolute,Simplicity, and Perseverance"

---

**From:** Howes, Danielle <danielle.howes@vermont.gov>
**Sent:** Friday, March 20, 2020 4:18 PM
**To:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Subject:** Question re: SSIP

Curtis, with the current situation, all of my time, as I am sure is yours, has been going to developing guidance for the field re: continuing services using alternative modalities. With the SSIP deadline approaching, I wanted to reach out to see if OSEP has considered extending the deadline for state's to submit the SSIP since it involves coordination with so many others. Please let me know. Thank you.

Danielle Howes, MSW
CIS Part C Administrator
Children's Integrated Services
Child Development Division
280 State Drive, NOB 2
Waterbury, VT 05671
Phone: 802-279-1302
Fax: 802-241-0168

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:41:38 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Question re: SSIP 3.20.2020

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Sent:** Friday, March 20, 2020 4:21 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Fox, Leslie <Leslie.Fox@ed.gov>
**Subject:** FW: Question re: SSIP 3.20.2020

Good afternoon!

VT-C: Question extension for FFY 2020 SSIP.

Curtis

Curtis J. Kinnard, Ed.D.
U.S. Department of Education
Office of Special Education Programs
202-245-7472
Washington, DC 20202
https://sites.ed.gov/idea/
http://www2.ed.gov/policy/gen/guid/correctional-education/index.html
https://www.osepideasthatwork.org/jj
https://osep.grads360.org/#program/highlighted-resources

"An Absolute,Simplicity, and Perseverance"

---

**From:** Howes, Danielle <danielle.howes@vermont.gov>
**Sent:** Friday, March 20, 2020 4:18 PM
**To:** Kinnard, Curtis <Curtis.Kinnard@ed.gov>
**Subject:** Question re: SSIP

Curtis, with the current situation, all of my time, as I am sure is yours, has been going to developing guidance for the field re: continuing services using alternative modalities. With the SSIP deadline

AMERICAN OVERSIGHT

approaching, I wanted to reach out to see if OSEP has considered extending the deadline for state's to submit the SSIP since it involves coordination with so many others. Please let me know. Thank you.

Danielle Howes, MSW
CIS Part C Administrator
Children's Integrated Services
Child Development Division
280 State Drive, NOB 2
Waterbury, VT 05671
Phone: 802-279-1302
Fax: 802-241-0168

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:19:46 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question regarding Federal Work Study payments

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** James Gaeta <gaetaj@southwestern.edu>
**Sent:** Friday, March 20, 2020 12:50 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question regarding Federal Work Study payments

Hello from Southwestern University - OPE ID 00362000

I have a question about the Federal Work Study payments. We have decided to move forward with paying our FWS students regardless of whether they work. We are migrating to distance learning protocol, so our students will be unable to work in the jobs they previously had.

In this situation, are we able to pay these students in a lump sum? The amount would be what we would pay them from now through the end of the semester. Or should we pay them every two weeks as we normally would? I couldn't find anything in the guidance that addressed this.

Thank you for your help.

James Gaeta

--
James Gaeta
Associate Dean of Enrollment Services
Southwestern University
Georgetown, TX 78626
512-863-1259 | 512-863-1507 (Fax)
Visit | About SU | Financial Aid

*WE HAVE MOVED! The Financial Aid Office is now located on the second floor of the Cullen Building, in the Schrum Center (formerly known as the Schrum Alumni Center.)*

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OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:21:11 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question regarding higher education

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Lenz Annie <lenzannie@yahoo.com>
Sent: Thursday, March 19, 2020 7:48 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Question regarding higher education

Hello,
The nursing school I attend has cancelled in seat classes and clinical assignments for the rest of the semester. However, we received an email today that stated we will be required to return to school for exams. The exams will be held in an auditorium with at least 60 people or more inside. This leaves me with tremendous fear, uncertainty, and anxiety for the health of my children and my elderly parents for whom I care for.
Please provide guidance.
Sincerely,
Annie McDonald
608-295-2352

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:40:12 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Question regarding Special Education procedural regulations

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

**From:** Epp, Tracy <tepp@rvaschools.net>
**Sent:** Friday, March 20, 2020 2:18 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question regarding Special Education procedural regulations

Hello,

Thank you for your call today to school system leaders. Very helpful! We have two questions:

1) Will USDOE will provide waivers to school districts for not being able to meet timelines for IEP meetings or eligibility processes that were under-way before massive school closures.

We appreciate the guidance on the provision of services to students with disabilities, but we are still struggling to figure out how we can adhere to the strict timelines around annual IEPs and eligibility timeframe requirements.

Will USDOE suspend these requirements until school resumes? If not, what guidance, given that many families are unable to join virtually (nor is this desirable), to school districts to meet these timelines when staff may be unable to be present themselves, when student files may still be left at school sites, or when related services providers or contractors (such as educational evaluators) are not available?

2) The stringent rules governing reimbursable meals through the Federal School Lunch Program: we are being told that we must follow every protocol to the letter and our state agency has reinforced this. While we respect the importance of regulations, and the need to provide nutritious meals, the myriad regs are making it extremely stressful to provide meals-- particularly in high-poverty school districts. What relief and/or support is USDA or ED providing to school districts to make it easier (and be able to guarantee reimbursement) to provide meals to our students who need them?

Thank you,
Tracy

AMERICAN OVERSIGHT

--

**Tracy R. Epp, Ed.D**
Chief Academic Officer
Richmond Public Schools
301 N. 9th Street
Richmond, VA 23219
804-297-7743
tepp@rvaschools.net
Preferred Pronouns: She/Her/Hers

Sign up for our RPS Direct newsletter for weekly updates from our Superintendent
Check out our Strategic Plan, Dreams4RPS
For scheduling or immediate assistance, please contact Bonnie Blake

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:01:50 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Questions about ESEA Requirements

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Mohajeri-Nelson, Nazanin <Mohajeri-Nelson_n@cde.state.co.us>
**Sent:** Friday, March 20, 2020 3:23 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions about ESEA Requirements

Dear Colleagues,

Colorado LEAs have experienced challenges due to closures and event cancellations caused by COVID-19. We are seeking guidance on the following questions:

- Many LEAs will have in excess of 15% carryover of Title I funds due to so many event cancellations and refunds associated with closures/cancellations. Will there be a waiver of the carryover cap?
- Due to school closures and social distancing requirements in the State, consultations have been limited or not able to be conducted. Will LEAs and schools be able to conduct consultations after social distancing requirements have been lifted (possibly as late as August or later)?
- What flexibilities can be extended to schools and LEAs wanting to use ESEA funds to support distance and online learning for students? Can they purchase chromebooks? Pay for hot spots for students who do not have internet access otherwise? Can they pay for subscriptions to online educational resources?
- If an LEA is continuing to pay salaries of staff and teachers during closures, can they continue to use ESEA funds to also pay salaries? If so, what guidance or restrictions are there on the percentages to be paid out of ESEA funds?

We look forward to receiving your guidance and greatly appreciate your support in these difficult and challenging times.
Thanks,
Nazie

Nazanin Mohajeri-Nelson, Ph.D.
ESEA Office Director
Federal Programs

AMERICAN OVERSIGHT

P 303.866.6205
1560 Broadway, Suite 1100, Denver, CO 80202-5149
Mohajeri-Nelson_n@cde.state.co.us | www.cde.state.co.us

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:42:10 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Questions from Washington State

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Schneer, Matthew <Matthew.Schneer@ed.gov>
**Sent:** Friday, March 20, 2020 5:01 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions from Washington State

We received the following questions from Glenna Gallo, the Special Education Director for WA

- Staff paid out of IDEA funds are being asked to provide child care on emergency/occasional basis for first responders or other personnel. Is this permissible?
- Current State position on the use of State funds, is that teachers can only get paid if they are working (could be providing services or engaging in professional development). There is some opposition to this from teachers unions. Regarding time and effort for IDEA:
    - If staff were not to be working, how would that be documented for time and effort?
    - If staff are engaged in non IDEA issues (such as child care), how would that be documented?
- What is impact on specific IDEA fiscal requirements: LEA MOE, Excess Cost and MFS? Note potential for increased State funds to pay for compensatory services, may result in a bump in State level of effort, which may not be sustained.
- If IDEA funds have already been obligated, but because of delays, cannot be expended prior to expiration what can be done (

Matthew Schneer
Associate Division Director

Office of Special Education Programs
U.S. Department of Education
Washington DC, 20202
202-245-6755
matthew.schneer@ed.gov

AMERICAN OVERSIGHT

**From:** Moran, Kate
**Sent:** Fri, 20 Mar 2020 20:05:12 +0000
**To:** COVID-19
**Subject:** FW: Questions

-----Original Message-----
From: Richardson Crystal <crystalr@ALSDE.edu>
Sent: Friday, March 20, 2020 3:51 PM
To: Moran, Kate <Kate.Moran@ed.gov>
Subject: Questions

Hey Kate-Upper management just called. They were on the OSEP call. Here is what I need to know:

APR- will states be waived from data collection from March 16-June 30, 2020( end of reporting period) Meaning, will states receive a determination next year when we were not able to collect data during school closures.

IEP timelines during school closures- Our teacher union is standing their ground and supporting teachers not working during the school closure. Will flexibility be given to lapse IEPs, overdue initial evaluations, overdue reevaluations, etc.

Dispute Resolution- what guidance will OSEP provide on complaint timelines, mediation requests, DPH requests timelines- "receipt "when school is out, when school resumes, etc.

I wish the department would consider using a different word than Compensatory Ed when the LEA has not failed to provide a service. To me this is more of a break in instruction and the break is for all students.

If OSEP will be providing guidance in the next day or two, I can wait and would rather wait so I get it right.

Thanks. Crystal

Sent from my iPad

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:22:05 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: QVCC and Brooklyn Correctional in CT

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Pagano, Erin S <EPagano@qvcc.commnet.edu>
**Sent:** Friday, March 20, 2020 10:17 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Experimental Sites <ExperimentalSites@ed.gov>
**Subject:** QVCC and Brooklyn Correctional in CT

Hi.
I coordinate a Second Chance Pell experimental site at a correctional facility in CT. Online courses (any technology, really) is not an option for us. We have a plan to have assignments and instructions delivered weekly to the facility. Completed assignments will be picked up, graded and returned weekly also.
Do you define this as correspondence courses? Or not because the drop/off and pick up will occur weekly. I ask because correspondence courses are not approved for Second Chance Pell.
Thank you, Erin Pagano

Get Outlook for iOS

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:33:55 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4 Waiver

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Joseph Ruiz <jruiz156@delmar.edu>
**Sent:** Friday, March 20, 2020 1:38 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** R2T4 Waiver

Return to Title IV-Can he help colleges and universities across the country to get a waiver of having to do Return of Title IV funds. If a student has to drop or withdraw due to the COVID-19 pandemic can colleges and universities allow students to keep the Title IV aid that has already been disbursed for spring 2020, even though the institution grants a retroactive withdrawal so the course does not affect their academic transcript.

Thank you,

Joseph Ruiz

Director of Financial Aid Services

Email: Jruiz156@delmar.edu

O (361) 698-1374

DEL MAR COLLEGE

Financial Aid Services

AMERICAN OVERSIGHT

*Please note that Federal Student Aid can only pay for classes that apply **t=owards** your degree program at Del Mar College.

## FAFSA®: Apply for Aid

www.fafsa.gov

Use the Free Application for Federal Student Aid (FAFSA®) form to apply for financial aid (grants, work-study, and loans) to pay for college or career school.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:20:07 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Reduced Academic Year
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

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**From:** Chamberlain, Mary Ellen <mchamberlain@nccc.edu>
**Sent:** Friday, March 20, 2020 4:09 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Keegan, Joe <jkeegan@nccc.edu>; Johnston, Kyle <kyle.johnston@nccc.edu>; Maroun, Sarah <smaroun@nccc.edu>
**Subject:** Reduced Academic Year
**Importance:** High

Good Afternoon:

This email is in reference for permission for a temporary reduction in our length of academic year due to the COVID-19.

North Country Community College, OPE ID 00711100, has suspended all classes beginning Monday, March 16th, 2020. Spring break, which is scheduled to run from March 21st through March 29th, 2020 will continue as planned. Following the conclusion of spring break, classes will resume on March 30th using a modified delivery system in which classes are offered online as much as possible for the rest of the semester.

Please confirm approval. Thank you for your time.,

Sincerely,

Mary Ellen Chamberlain,
Director of Financial Aid

::::::::::::::::::
**Office of Financial Aid**

AMERICAN OVERSIGHT

Mailing address: PO Box 89, Saranac Lake, NY 12983
888-TRY-NCCC | 518-891-2915 Ext. 1687 | Fax: 518-891-6562 | nccc.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:21:25 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Refunds and Title IV Aid

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Lisa Montany <lmontany@huntington.edu>
**Sent:** Friday, March 20, 2020 8:44 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Connie Bonner <cbonner@huntington.edu>
**Subject:** Refunds and Title IV Aid

Good morning,

Our controller's office has a question and I have not yet found that it has been addressed (if it has been, my apologies):

If we refund a portion of room and board fees that were covered by the application of federal aid, can we apply a credit on a student's account to rollover to a future year (assuming they are returning), or must we refund in cash? I know per our federal policy we would refund in cash within the set amount of business days. However, I want to confirm that this is still the case with the COVID situation.

Respectfully,

Lisa

Lisa Montany
Director of Financial Aid

Huntington University
2303 College Avenue
Huntington, IN 46750

(260) 359-4326

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:33:21 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Regarding Loan Disbursements for International Schools Affected by Covid-19
**Attachments:** Screenshot 2020-03-20 at 16.13.03.jpg, Screenshot 2020-03-20 at 16.05.48.jpg, Screenshot 2020-03-20 at 16.05.58.jpg

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Tyler Rice <fazerice20@gmail.com>
**Sent:** Friday, March 20, 2020 11:36 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Regarding Loan Disbursements for International Schools Affected by Covid-19

To whom it may concern,

My name is Tyler and I am currently attending a college abroad, in Poland to be specific. Due to the current situation of the Covid-19 virus, my university is temporarily closed down to prevent the spread to the students and instructors. As a result, my whole program is currently operating through e-learning programs. It's certainly not what we want, but we are doing what we can to keep our lives on track despite the situation. However, as a result of our university being temporarily closed down and learning online, for the time being, the Department of Education is not allowing the disbursement of affected students FASFA loans to be used to pay for school tuition.

I am sure that those of you reading this are already very aware of this situation, however, I would like you to know exactly how this situation is affecting myself and others in the same position. My school has already generously extended the payment for tuition to the end of April, however, I, like many others, will only be able to pay for this tuition if it is covered by our student loans. As a result, if my tuition goes unpaid, I will have to drop out of school and my visa will become void. I have been attending this university for the past two and a half years and am in my final semester before graduation. As you can likely imagine, having to drop out at this point would cause great damage to my life.

To get to the point, I would kindly ask that those of you at the Department of Education take fully into account the situation that the world is in right now and allow for the funds to be used to pay tuition in the case that a school is temporarily closed due to concerns over the virus.

I am already working with my school's financial aid office, other officials at my university, as well as contacts at FASFA and the USDE. I would be more than willing to provide any additional information

AMERICAN OVERSIGHT

required to resolve this situation.

Please also see below screenshots from emails between myself and my Financial Aid Administrator, Ewa Stankiewicz, at Jagiellonian University. (ewa.stankiewicz@uj.edu.pl)

Thank you and I look forward to hearing back from you,

Best Regards,

Tyler Rice
(fazerice20@gmail.com)

---

**Ewa Stankiewicz**
to me

Dear Tyler

Thank you for your email. I will inform you if I receive any update.

I would appreciate if you could email the U.S. Department of Education directly.

Best regards,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

**Ewa Stankiewicz**
to Dział

1:49 PM (2 hours ago)

Dear Students,

In reference to the Office of Postsecondary Education's announcement of March 05, 2020, Jagiellonian University is not allowed to disburse Title IV funds for the 2019-2020 summer semester to U.S. students who participate in the William D. Ford Federal Direct Loan Program while studying at JU.

In accordence with the OPE's announcement of March 05, 2020, Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs and the U.S. Department of Education does not exempt foreign schools from no permission for distance learning due to COVID-19.

Due to the above the 2019-2020 summer semester disbursement of the Title IV funds awarded to you in the Award Letter issued for this academic year will not be made.
I would like to inform you that JU's authorities are going to submit re-inquiry to the U.S. Department of Education indicating your financial situation. I would appreciate your reply with the information whether you are currently in Poland or the United States of America or in another country.

Also, please note that your 2019-2020 summer semester tuition fee will not be covered from the Title IV funds, however due to COVID-19, the deadline to pay the tuition fee for this semester is extended by the JU Rector to April 30, 2020. If you have any further questions regarding the tuition fee payment, please do not hesitate to contact the student's secretary office at your Faculty.

I will keep you informed about any changes in the guidance of the U.S. Department of Education.

Best regards,
Ewa Stankiewicz

Financial Aid Administrator

---

**Ewa Stankiewicz**
to Dział

Mar 16, 2020, 11:17 AM (4 days ago)

Dear Students,

I would like to inform you that Jagiellonian University is waiting for the clarification from the U.S. Department of Ecucation regarding the impact of the precautions taken by the Government of Poland due to the spread of Coronavirus (COVID-19) in Europe on you Title IV eligibility.

In the electronic announcement of March 05, 2020, the the Office of Postsecondary Education's informed that: "We cannot extend flexibility regarding the use of distance learning to foreign schools since the Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs. We continue to consider if there are any other flexibilities we could extend to foreign schools that temporarily close due to COVID-19."

Duet to the adobe the 2019-2020 summer semester disbursement will not be made until we receive the information from the U.S. Department of Education.

I really appreciate your patience and will let you know immediately as soon as I receive any update.

Best regards,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

**Ewa Stankiewicz**

to me

Dear Tyler

Thank you for your email. I will inform you if I receive any update.

I would appreciate if you could email the U.S. Department of Education directly.

Best regards,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

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Best regards,

Ewa Stankiewicz

AMERICAN OVERSIGHT

Financial Aid Administrator

**Ewa Stankiewicz** Mar 16, 2020, 11:17 AM (4 days ago)

to Dział

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Best regards,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:23:12 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Request for Additional Guidance
**Attachments:** COVID-19 Regulatory Flexibility - AACS to DeVos - 3-20-2020.pdf

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Brodie, Katherine D. <KDBrodie@duanemorris.com>
**Sent:** Friday, March 20, 2020 11:28 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Jones, Diane <Diane.Jones@ed.gov>
**Subject:** Request for Additional Guidance

Attached please find a request from the American Association of Cosmetology Schools regarding additional guidance and flexibility as a result of the COVID-19 pandemic.

Please contact me with any questions about this request.

Katherine Brodie

For more information about Duane Morris, please visit http://www.DuaneMorris.com

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AMERICAN OVERSIGHT

March 20, 2020

Honorable Betsy DeVos
Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Secretary DeVos:

On behalf of the American Association of Cosmetology Schools ("AACS"), we are requesting that the Department of Education provide regulatory flexibility on several pertinent issues that have arisen as a result of COVID-19 interruptions. AACS is a private, non-profit trade association founded in 1924 to represent the interests of state-licensed, accredited institutions of higher education that educate students for occupations in the beauty and wellness industry. Economists are predicting up to 20% unemployment as a result of the impacts of the pandemic on our economy, and individuals will require increased training and re-training to return to the workforce. Our schools are located throughout the United States and a majority participate in the U.S. Department of Education's Title IV programs. Our institutions are predominantly clock hour and lead to state licensed occupations. As our institutions attempt to adapt to the changing educational setting during this difficult time, we request that the Department provides us with additional flexibility on several regulatory areas described below.

1. Enrollment for new students. In the COVID-19 guidance provided by the Department to date, institutions are provided temporary flexibility to implement distance learning solutions for the purposes of educating students in the event of campus interruptions due to COVID-19. However, that guidance is limited to temporary online programming for currently enrolled students only. The guidance does not address the situation of clock hour institutions that do not operate on a traditional academic year calendar and that have either "rolling" starts or periodic start dates throughout the year. These institutions and programs are designed to provide maximum flexibility to adult learners by allowing multiple start dates and alternative scheduling. It is critical that these institutions be provided additional flexibility to continue to enroll and operate as close to normally as possible during the COVID-19 interruption. Accordingly, we are requesting that the Department issue guidance that makes clear that clock hour institutions may continue to enroll new students in temporary online programs with state and accreditor approval. This will allow clock hour schools to avoid existential interruptions and afford students the opportunity to continue their education while minimizing interruption during this period. Clock hour programs are far more vulnerable to the impact of COVID-19 as compared to degree granting programs. Clock hour-based programs are typically meaningfully shorter than degree granting programs with tuition paid only for hours attended. Hence, clock hour programs are

AMERICAN OVERSIGHT

more financially at risk. Conversely, clock hour programs are designed to get graduates in the workforce quickly, which is precisely what will be required during a weak economy which will follow in the wake of COVID-19.

2. Learning environment. With regard to the type of learning environment provided by institutions during the COVID-19 interruption, we are requesting that the Department issue clear and detailed guidance that makes clear that both asynchronous and synchronous online learning tools are acceptable for online programs offered by clock hour schools at least on a temporary basis. In an effort to offer our students the ability to follow a set schedule of online classes, our institutions have been working extremely hard, and very successfully, to transition from on ground to online learning and to provide continued quality educational opportunities to our students so that they can continue their studies. We believe that it is necessary to afford clock hour institutions the flexibility to use both synchronous and asynchronous learning, just like traditional institutions have been given, so long as the institution can demonstrate regular and substantive interaction via an asynchronous environment.

3. 90/10 and Composite Scores. Although this is a longer term concern, it needs to be addressed. Many cosmetology schools rely on allowable non-Title IV revenues related to their programs that derive from services offered on the clinic floor. Increasingly, as states implement additional safeguards, they are moving to mandate the temporary closure of all salon and barber related businesses. These services are not offered when a school closes its physical premises and moves to an online delivery model on a temporarily basis. As a result, we would expect that many of our member institutions may encounter issues with 90/10 compliance for the audit year impacted by the COVID-19 interruption. We request that given the circumstances, the Department provide a temporary waiver of the 90/10 requirement for the audit year impacted by the COVID-19 interruption. This will be imperative to the long-term compliance of affected institutions. This also raises more broadly the Department's need to provide a temporary waiver of composite score Title IV consequences due to revenue losses for the audit year impacted by COVID-19. We urge the Department to make clear that it would accept accreditors and states also providing temporary waivers of regulatory consequences tied to financial condition for the impacted year. If schools borrow towards the operation, the financial impact would be significant and if prolonged for a period of time would become extreme. As a result, the treatment of long term debt under the changes to the financial responsibility rules effective July 1, 2020 should be postponed.

4. Elimination of 50% on line distance education rule and relaxed SAP. We are asking the department to allow 100% online programs during the crisis and relaxed Satisfactory Academic Progress standards.

5. Class Size – Online. We request that the Department make clear that the Department has no restrictions on class size for online course enrollments and that it is acceptable for states and accreditors to waive any class size limitations that may apply to programs offered in person while institutions are using online delivery for current and new enrollments. By doing so, our institutions will be able to reach and educate additional students to be prepared to re-enter a recovering economy and without harming the learning environment.

AMERICAN OVERSIGHT

6. Leave of Absence: If a student does not return from an LOA due to coronavirus circumstances, the last date of attendance should be the date of determination (not the first date of the LOA as the law is written now).

7. Unemployment deferments and forbearances. We seek confirmation of waiver of interest during this pandemic as well as waiver of impacted months in the cumulative limits for deferments and forbearance. We also recommend waiver of an employment search as a requirement for the unemployment deferments during times of pandemic and quarantine.

On behalf of our entire association, we thank you for your consideration of our requests. Your staff may contact Katherine Brodie at Kdbrodie@duanemorris.com or call 202-776-5241 in connection with this request.

Very Truly Yours,

Kathy Chow
AACS, Executive Director

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:20:45 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Request for permission to have a shortened academic year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Dawn Langdon <Dawn.Langdon@flcc.edu>
**Sent:** Friday, March 20, 2020 3:03 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Request for permission to have a shortened academic year

Good Afternoon,

I am requesting permission for Finger Lakes Community College, OPE ID 00753200, to shorten the academic year by extending our spring break one week. This is due to the Coronavirus. We extended our spring break to allow faculty time to move classes online. If you need further information, please contact me.

Thank you,
Dawn

*Dawn M. Langdon*
*Director of Financial Aid*
*Finger Lakes Community College*
*3325 Marvin Sands Drive*
*Canandaigua, NY 14424*
*Call: 585-785-1277*
*Text:* (914) 594-6636
Fax: 585-394-0635

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:22:17 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: request for reduction in length of academic year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** DARCY KAMPFSCHULTE <kampfdar@aquinas.edu>
**Sent:** Friday, March 20, 2020 11:26 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** request for reduction in length of academic year

Hello,

Aquinas College 00223900 extended our spring break by one week to allow instructors to prepare for remote teaching in an attempt to reduce the spread of COVID-19. This reduces our academic year from 30 to 29 weeks. Can we please request an approval for the reduction? Please let me know if you need any other information from me.

Thank you.

--
**Darcy Kampfschulte | Director of Financial Aid**
**Aquinas College**
1700 Fulton St. E | Grand Rapids, MI 49506
p 616.632.2894 | f 616.732.4547
kampfdar@aquinas.edu
aquinas.edu | Facebook | Twitter

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:34:19 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Request for Reduction in Length of Academic Year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Young, Susan <Syoung@bju.edu>
**Sent:** Friday, March 20, 2020 2:14 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Request for Reduction in Length of Academic Year

In response to the COVID-19 crisis, it was necessary for Bob Jones University to extend its Spring break to two weeks. Classes are currently scheduled to resume in an online format on March 30. Based on the change of course format, the term end date has been changed to May 2.

As a result of these necessary changes, our Spring 2020 semester has been reduced to 13 weeks of instruction which brings the total number of weeks of instruction for the 2019-2020 academic year to 28 weeks.

Thank you.

Susan Young

**Susan W. Young**
Director, Student Financial Aid | Financial Aid Office
(864) 241-1637 | syoung@bju.edu
**Bob Jones University** | LEARN. LOVE. LEAD.

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:21:57 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Request for shortened academic year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jennifer A. Gallagher <jrunyon2@washcoll.edu>
**Sent:** Friday, March 20, 2020 9:47 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Request for shortened academic year

Good Morning,

Washington College added one week to our already planned spring break. I am asking permission for our academic year to be shortened to 29 weeks instead of the planned 30 weeks.

Sincerely,
Jennifer Gallagher

300 Washington Ave.
Chestertown, MD 21620

Jennifer A. Gallagher, M.B.A.
*Director of Student Financial Aid*
Office of Student Financial Aid
**T**: 410-778-7765
**F:** 410-810-7160
**E**: jrunyon2@washcoll.edu
**W**: washcoll.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:33:47 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Shortening the Academic Semester

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Louise Janke <ljanke@uwlax.edu>
**Sent:** Friday, March 20, 2020 1:02 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Shortening the Academic Semester

Hello!

I hope you are doing well!

UW La Crosse has made the decision to shorten the semester by one week as a result of the COVID 19 pandemic. The decision was made by our Chancellor and senior leadership here on campus. Are you able to outline the steps we need to take in order to make a formal request (to shorten the academic year) with the School Participation team? Any assistance is appreciated!

Thank you so much!
Louise

Louise Larson Janke

AMERICAN OVERSIGHT

Director, Financial Aid

University of Wisconsin - La Crosse

AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 15:46:14 +0000
**To:** COVID-19
**Subject:** FW: Special Ed Evaluations

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

**From:** Jana Burrows <janaburrows@gmail.com>
**Sent:** Thursday, March 19, 2020 8:19 PM
**To:** Walters, Alecia <Alecia.Walters@ed.gov>; Broady, Cheryl <Cheryl.Broady@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Special Ed Evaluations

Please accept my apologies for sending this to all of you, but I'm not sure who the correct person is regarding my concern.

Hi there! I hope you and your family are well during this unusual time. I need some guidance and am hoping you can point me in the right direction of who to contact. I am the lead diagnostician for a special ed coop and we are getting conflicting directives from the federal department of education and TEA regarding special education evaluations while school is not physically in session. The federal department of education has stated that no face-to-face student evaluations should take place until students physically return to school (which is a logical and safe recommendation). However, TEA continues to advise that our evaluation timelines apply as long as students are participating in any form of education (virtual or otherwise) and have directed schools to have students come in for in-person evaluations so that we are not out of compliance. Face-to-face evaluations require close contact with students and the use of hands-on manipulatives which would lead to spread of COVID-19 if either the staff or student were infected. This puts us as evaluation personnel at risk, along with our families, and puts special needs students and their families at risk (and these are often students who have health

AMERICAN OVERSIGHT

concerns and place them in a higher risk category already). It also puts me at risk as I am 62 and have asthma, a respiratory disease which I take medication for on a daily basis. I'm appalled that TEA is ignoring the federal guidance and placing our staff and students at unnecessary risk. I've already emailed Governor Abbott's office, but I know that it could take awhile for my message to reach anyone. What other avenues would you suggest for me to pursue (and to urge others to pursue) in order to quickly reach the people who have any say in this matter? Thanks in advance for your help!

Jana Burrows

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:38:39 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Special Ed Evaluations

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Friday, March 20, 2020 11:46 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Special Ed Evaluations

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
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Jana Burrows

AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 15:47:08 +0000
**To:** COVID-19
**Subject:** FW: Special education and COVID

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

---

**From:** Eleanor Garrett <eleanorgarrett@yahoo.com>
**Sent:** Thursday, March 19, 2020 4:07 PM
**To:** Walters, Alecia <Alecia.Walters@ed.gov>
**Subject:** Special education and COVID

Good afternoon, Ms. Walters,

My name is Eleanor Garrett-Grimsley, and I am a resident of Arlington, TX. I am also an educational diagnostician with one of the local ISDs. I am writing because I am very concerned about guidance coming down from TEA regarding special education ARD meetings and evaluation timelines. We have been informed

AMERICAN OVERSIGHT

that TEA/OSEP still requires ISDs to hold annual ARD meetings and conduct evaluations.

In order to hold an ARD meeting, individualized testing must be conducted in order to determine present levels of academic and functional performance and determine appropriate IEP goals. Without face-to-face contact and extremely limited virtual data, it would be unfair to expect our special education providers to develop goals that are student-centered. They would have to make due with previous data that may not be appropriate once students return to school.

I have reviewed the OSEP guidance that face-to-face evaluations should be avoided at this time in accordance with CDC regulations, yet TEA appears to be mandating otherwise. In order to conduct valid evaluations, students must be tested face-to-face. Even existing virtual schools must conduct evaluations in person because of standardization procedures. Even with six foot social distancing, the assessments we use would be invalidated without closer contact such as demonstration of tasks. It is absolutely ridiculous that diagnosticians and other evaluators should put

AMERICAN OVERSIGHT

our health and safety, as well as that of our students, on the line in order to maintain an evaluation timeline.

I am a huge advocate for individuals with disabilities. I would never argue that we should deny them rights or hinder their freedoms in any way. My colleagues and I are doing all we can to make sure our students with disabilities continue to be accommodated and instructed appropriately. That said, when students' and educators' health is on the line, the priority should be fighting this pandemic and flattening the curve. With schools closed and ISDs given the opportunity to adjust educational procedures to accommodate the need for restricted contact, it is only fair that the government also give special education evaluators and facilitators the same fair treatment.

Thank you for your consideration of this important concern,
Eleanor Garrett-Grimsley

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:38:48 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Special education and COVID

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

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**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Friday, March 20, 2020 11:47 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Special education and COVID

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
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Fax: 202.245.7589
Email: alecia.walters@ed.gov
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**Subject:** Special education and COVID

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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Thank you for your consideration of this important concern,
Eleanor Garrett-Grimsley

AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 16:40:18 +0000
**To:** COVID-19
**Subject:** FW: Special Education Evaluation Timelines - Distance Learning Guidelines

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

**From:** Margaret Bridgeman <margaret.bridgeman@gmail.com>
**Sent:** Friday, March 20, 2020 12:37 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Special Education Evaluation Timelines under COVID-19 Distance Learning Guidelines: For Immediate Consideration!

Greetings!

My name is Margaret Bridgeman, and I am an Educational Diagnostician for the Austin Independent School District.

We are facing unprecedented times with the COVID-19 pandemic. As such, our districts have had to turn to distance learning to continue providing instructional time to our Texas students. Because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open consent for a Full Individual Initial Evaluation or Re-evaluation via Special Education Evaluation Services.

AMERICAN OVERSIGHT

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a contradictory directive that the timeline continues. The majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. Many students in special education are immunocompromised themselves, or reside in households with multiple generations of family members. At this time, our families should not be worried about anything but being together and following the directive to remain at home and reduce social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the sincere desire of parents to get answers to their child's academic concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens, and ***federal and state timelines for evaluations extended accordingly***. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Margaret Bridgeman
Educational Diagnostician

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:39:20 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Special Education Evaluation Timelines under Distance Learning Guidelines

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Friday, March 20, 2020 12:40 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Special Education Evaluation Timelines under COVID-19 Distance Learning Guidelines: For Immediate Consideration!

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

**From:** Margaret Bridgeman <margaret.bridgeman@gmail.com>
**Sent:** Friday, March 20, 2020 12:37 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>

AMERICAN OVERSIGHT

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While I understand the sincere desire of parents to get answers to their child's academic concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens, and ***federal and state timelines for evaluations extended accordingly***. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

AMERICAN OVERSIGHT

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Margaret Bridgeman
Educational Diagnostician

AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 18:43:47 +0000
**To:** COVID-19
**Subject:** FW: Special Education Evaluations

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
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---

**From:** laurie miller <laurieandderrick@hotmail.com>
**Sent:** Friday, March 20, 2020 2:42 PM
**To:** Walters, Alecia <Alecia.Walters@ed.gov>
**Subject:** Special Education Evaluations

Dr. Alecia Walters,

My name is Laurie Miller and I am an evaluator, or Educational Diagnostician, for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIE or Reevaluation consent.

AMERICAN OVERSIGHT

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

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I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and reevaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as an examiner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Laurie Miller

Educational Diagnostician

AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 15:45:58 +0000
**To:** COVID-19
**Subject:** FW: Special Education Evaluations during COVID 19

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
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Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

**From:** Robin Brown <rbrown@libertyhill.txed.net>
**Sent:** Friday, March 20, 2020 12:02 AM
**To:** disasterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov; mike.morath@tea.texas.gov; Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Special Education Evaluations during COVID 19

My name is Robin Brown, LSSP and I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIIE or Reevaluation consent.

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Sincerely,

Robin Brown, LSSP
Licensed Specialist in School Psychology

--

**Robin Brown, LSSP**
**Licensed Specialist in School Psychology**
**Bill Burden Elementary**
**Liberty Hill Intermediate School**
**512-260-7562**

AMERICAN OVERSIGHT

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive messages for the addressee), you may not use, copy, or disclose to anyone the message or any information contained in the message or its attachments. If you have received this message in error, please advise the sender by reply E-mail and delete this message and any attachments.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:38:34 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Special Education Evaluations during COVID 19

Hi OSEP,

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Thanks,
Kelly

---

**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Friday, March 20, 2020 11:46 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Special Education Evaluations during COVID 19

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
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Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

AMERICAN OVERSIGHT

Sincerely,

Robin Brown, LSSP
Licensed Specialist in School Psychology

--

**Robin Brown, LSSP**
**Licensed Specialist in School Psychology**
**Bill Burden Elementary**
**Liberty Hill Intermediate School**
**512-260-7562**

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive messages for the addressee), you may not use, copy, or disclose to anyone the message or any information contained in the message or its attachments. If you have received this message in error, please advise the sender by reply E-mail and delete this message and any attachments.

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:40:28 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Special Education Evaluations

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

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**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Friday, March 20, 2020 2:44 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Special Education Evaluations

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

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**From:** laurie miller <laurieandderrick@hotmail.com>
**Sent:** Friday, March 20, 2020 2:42 PM
**To:** Walters, Alecia <Alecia.Walters@ed.gov>
**Subject:** Special Education Evaluations

Dr. Alecia Walters,

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My name is Laurie Miller and I am an evaluator, or Educational Diagnostician, for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIE or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

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Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and reevaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as an examiner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility

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to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Laurie Miller

Educational Diagnostician

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**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 19:53:42 +0000
**To:** COVID-19
**Subject:** FW: Special Education Timelines
**Attachments:** COVID-19 and Special Education FAQ(3-17-20)v.3.pdf, ocr-coronavirus-fact-sheet.pdf

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
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Fax: 202.245.7589
Email: alecia.walters@ed.gov
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**From:** Natalie Marcus <nat.marcus@hotmail.com>
**Sent:** Friday, March 20, 2020 3:52 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Special Education Timelines

To Whom This May Concern:

My name is Natalie Kormos and I am an LSSP/ Special Education Evaluator for Texas public schools.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time

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to our Texas students. Because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open Initial Evaluation or Reevaluation consent.

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My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

*I am attaching the guidance TEA (see A3) has release as well as the guidance the Federal Government has released (see page 3 paragraph 3).*

Sincerely,

Natalie Kormos M.S., LSSP

Licensed Specialist in School Psychology

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Texas Education Agency

Commissioner Mike Morath

1701 North Congress Avenue • Austin, Texas 78701-1494 • 512 463-9734 • 512 463-9838 FAX • tea.texas.gov

COVID 19 and Special Education Q&A

**Q1:** Do Local Education Agencies (LEAs) have flexibility regarding the provision of a Free and Appropriate Public Education (FAPE) to students receiving special education services in times of emergencies such as the COVID-19 pandemic?

**A1:** No. Neither state nor federal law provide flexibility to LEAs in times of emergency regarding their obligation to provide FAPE to students receiving special education services. If an LEA closes its schools because the functioning or delivery of educational services is disrupted and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's Individualized Education Program (IEP). In addition, the Annual Review and Dismissal (ARD) committee would be required to make an individualized determination as to whether compensatory services are needed to make up for any skills that may have been lost because of an extended school closure.

If schools are closed, but the LEA continues to provide educational opportunities to the general student population during the closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. The LEA must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP.

**Q2:** What flexibility do LEAs have in the process required to adjust an individual student's existing IEP in times of emergencies such as the COVID 19 pandemic?

**A2:** LEAs should continue to follow local policies regarding changing or amending an existing IEP. In addition, according to previous guidance from the United States Department of Education, Office of Special Education Programs (OSEP), if a school continues to provide instruction to the general school population during an extended closure due to a disaster, but is not able to provide services to a student with a disability in accordance with the student's IEP, the student's ARD committee determines which services can be provided to appropriately meet the student's needs.

The ARD committee may meet by teleconference or other means (if all members are able) to determine if some, or all, of the identified services can be provided through alternate or additional methods. Once the school reopens, the ARD committee must determine whether, and to what extent, compensatory services are needed.

As stated in A1, if an LEA is providing educational opportunities to the general student population, the LEA is also required to provide the services and accommodations needed for students with disabilities to have an equal opportunity to participate in the virtual model of delivery.

**Q3**: Are LEAs still held to timeline requirements regarding Full and Individual Initial Evaluations (FIIE) in light of potential changes to school calendars and schedules due to the COVID-19 pandemic?

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**A3:** In situations in which school is **closed and not in session (no educational services offered to anyone)**, state evaluation timelines halt as these timelines are based on school days. To be clear, for the purposes of FIIE timelines, the days that **school is not in session** (no educational services offered to anyone) do not count as school days. If the school remains open (either on a virtual basis or face-to-face), the 45 school-day timeline requirements of Texas Education Code sec. 29.004 apply.

This is true even if the LEA is experiencing low attendance due to COVID-19 related concerns, and uses the attestation related to educational support to count students absent from campus grounds as present for Average Daily Attendance (ADA) purposes referenced in the March 12th, 2020 To the Administrator Addressed letter regarding COVID 19 which can be found here.

**Q4**: Are LEAs still held to the 30 calendar day timeline requirements regarding initial eligibility determination, IEP, and placement decision ARD committee meetings upon completion of an FIIE in times of emergencies such as the COVID 19 pandemic?

**A4:** Yes. Requirements related to the 30 calendar day timeline for initial eligibility determination, IEP, and placement decision ARD committee meetings still apply. The ARD committee may meet by teleconference or other means (if all members are able) when necessary, to meet this required timeline.

**Q5:** What are options for how LEAs provide a free and appropriate public education (FAPE) to students with disabilities when a school goes to a digital/virtual learning platform for all students?

**A5:** LEAs must ensure that students served by special education have access to the same or equitable learning platform as their peers. To the greatest extent possible, the LEA must provide the student with the services required by the student's IEP. If there are services, accommodations, and modifications required by the student's IEP that cannot be provide during this time, the student's ARD committee must determine which services it can provide to meet the student's needs (34 CFR 300.324(a)(4).

Changes in services and accommodations may be made through the IEP amendment process. In many cases, instructional accommodations may be met in an online environment by providing additional supports, such as individualized telephone or video conferencing. LEAs should consider *how current accommodations and modifications are provided in a physical classroom setting (i.e. extra time, redirection, small group, among others) and what this would look like in a virtual environment.*

**Q6:** Is the LEA required to provide ancillary instructional, and/or related services when a school goes to a digital/virtual learning platform for all students?

**A6:** Yes. If a student's IEP requires the provision of ancillary instructional, and/or related services, the LEA is responsible for providing these services. In many cases, services such as speech and language therapy or special education counseling may be able to be effectively provided in a virtual environment. LEAs should plan carefully to ensure that the services can be provided effectively and that the students in question are able to effectively access them. LEAs should also carefully consider any implications related to privacy and the Family Educational Rights and Privacy Act (FERPA).

In other cases, it may be necessary to provide services in face-to-face environments. If the provision of these services results in an effective change in placement for the student, the change will need to be decided upon by the ARD committee and documented appropriately in the student's IEP. LEAs should carefully consider implications for staffing and travel if ancillary instructional and/or related services providers would need to be physically available for students.

**Q7:** Can an LEA provide a learning environment at the school or designated site for students who cannot have their learning needs met virtually?

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A7: Yes. When an LEA identifies learning needs that cannot be met virtually, they may decide to offer educational opportunities at a designated site, subject to ARD committee decision. If this results in achange in location, the change must be documented in the student's IEP. LEAs must ensure that the learning environment is clean, disinfected, and safe for students and staff to work.

When providing these services, the LEA would be required to meet all aspects of each student's IEP. This would mean that appropriately credentialed/certified academic and related services and support providers would need to be available to provide services to students. Additionally, if the student's IEP includes (or is amended to include) transportation as a related service, the LEA would be required to provide it.

**Q8:** While LEAs are required to implement IEPs and provide FAPE, what if the LEA cannot fully implement the IEP during the current COVID 19 pandemic COVID 19 response?

**A8:** If an LEA cannot provide services necessary for the provision of FAPE in either a face to face or virtual environment, the LEA should document carefully what services were not able to be provided to each individual student. This documentation must be detailed enough to enable the ARD committee to later make determinations regarding what compensatory services need to be provided to individual students. LEAs should plan for effective communication with families regarding any services that cannot be provided during the COVID 19 pandemic response.

**Q9:** If an LEA remains open, or reopens its schools but a state or local emergency authority prohibits students with special health care needs from returning to school for a specified period of time, what is the LEA's obligation for its students who receive special education services who are impacted by the prohibition?

**A9:** An LEA subject to such a prohibition is nevertheless required to provide FAPE to students with disabilities impacted by the prohibition. If the prohibition from returning to school is an emergency measure not to exceed 10 consecutive school days, the LEA should provide virtual instruction or otherwise grant the student access to educational instruction as discussed above.

If the emergency directive will, or is anticipated to extend beyond 10 consecutive school days, in addition to providing virtual or other educational services, the ARD committee must meet to consider the need for a change in placement in accordance with 34 CFR 300.115 - 300.116, taking into account the heightened health and safety needs, criteria and considerations in determining whether a homebound, or other placement along the continuum of alternative placements is the appropriate placement for the student. Refer to the OSEP guidance from March 12, 2020.

For additional guidance please see QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK published by the United States Department of Education (ED), Office of Special Education Programs (OSEP) on March 12, 2020.

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**UNITED STATES DEPARTMENT OF EDUCATION**
*Office for Civil Rights*

March 16, 2020

# Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students

The U.S. Department of Education (Department) has established a working group to provide information and resources to parents, students, teachers, schools, and school personnel related to the possible outbreak of COVID-19 ("coronavirus") in school districts and postsecondary schools. Schools play an important role in disseminating information about and limiting the spread of the coronavirus. In addressing the possible risk of an outbreak of coronavirus in school districts and postsecondary schools, school officials must keep students safe and secure. In doing so, school officials should keep in mind federal civil rights requirements and respond appropriately to allegations of discrimination on the basis of race, color, national origin, sex, or disability. Additional information is available at: www.ed.gov/coronavirus.

Schools and school administrators should use guidance from the Centers for Disease Control and Prevention (CDC) to determine, in close consultation with public health authorities, what actions to take to further reduce the potential risk of coronavirus transmission in schools, and should check the CDC website at "Coronavirus Disease 2019 (COVID-19)" (https://www.cdc.gov/coronavirus/2019-nCoV/index.html) periodically for any updated guidance.

Compliance with CDC's recommendations should not create civil rights concerns. Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits disability discrimination by schools receiving federal financial assistance. Title II of the Americans with Disabilities Act of 1990 (Title II) prohibits disability discrimination by public entities, including schools. Title VI of the Civil Rights Act of 1964 (Title VI) prohibits race, color, and national origin discrimination by schools receiving federal funds.

This document provides information representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented here and is not legally binding. The information in this document is not intended to be a replacement for the careful study of Section 504, Title II, or Title VI and their implementing regulations. Information regarding these federal civil rights laws and regulations and other important documents can be found at https://www2.ed.gov/about/offices/list/ocr/index.html.

School districts and postsecondary schools have significant latitude and authority to take necessary actions to protect the health, safety, and welfare of students and school staff. School officials have discretion to make educational decisions based on local health needs and concerns, and OCR recognizes this decision-making authority. As school leaders respond to evolving conditions related to coronavirus, they should be mindful of the requirements of Section 504, Title II, and Title VI, to ensure that all students are able to study and learn in an environment that is safe and free from discrimination.

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## Responding to Discrimination in Schools

*Bullying or Harassment*

Both Section 504 and Title VI require that every postsecondary, secondary, or elementary school that receives federal funds take appropriate action to investigate or otherwise determine what occurred when responding to reports of bullying and harassment of students based on actual or perceived disability, race, color, or national origin. If a school's investigation reveals that bullying or harassment based on actual or perceived disability, race, color, or national origin limited or denied a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school, then the school must take prompt and effective steps reasonably calculated to end the bullying or harassment, and restore access to the educational program. The failure to do so could be a violation of Section 504 or Title VI.

*Denial of Access on the Basis of Race, Color, or National Origin*

In addressing the possible risk of an outbreak of coronavirus in school districts and postsecondary schools, school officials must keep students safe and secure. At that same time, school officials have an obligation to avoid discrimination on the basis of race, color, or national origin while cooperating with public health authorities to ensure that individuals are assessed and treated appropriately based on their actual risk status. School officials may not rely on assumptions or stereotypes related to race, color, or national origin in identifying students who may have recently traveled to a country with widespread transmission of coronavirus or who may otherwise be at risk of coronavirus infection. For example, a practice of only inquiring about the recent travel of students or family members of a particular race or national origin, rather than screening students based on recent travel, could raise civil rights concerns. For information that schools can share to protect against any misinformation that might lead to discriminatory behavior, please see the CDC's "Share Facts About COVID-19," at https://www.cdc.gov/coronavirus/2019-ncov/about/share-facts.html.

*Students with Disabilities at Elementary and Secondary Schools*

School officials have an obligation to avoid discrimination on the basis of disability under Title II and Section 504, while cooperating with public health authorities to ensure that students with disabilities have access to the school's education program. School officials should acknowledge the expertise and role of public health authorities, as well as parental concerns, to determine whether students should stay home.

If a student who has an individualized education program (IEP) through the Individuals with Disabilities Education Act, or is receiving services under Section 504, is required or advised to stay home by public health authorities or school officials for an extended period of time because of COVID-19, provision should be made to maintain education services. This also applies if the student is absent from school as advised by the student's treating physician, consistent with school policy and documentation requirements. During such absences, if the school is open and serving other students, the school must ensure that the student continues to receive a free appropriate public education (FAPE), consistent with protecting the health and safety of the student and those providing that education to the student. If feasible, the student's IEP Team, or the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, can be utilized to assist with the effort to determine if some, or all, of the identified services can be provided through alternate or additional methods. Accessible technology may afford students, including students with disabilities, an opportunity to have access to high-quality educational instruction during an extended school closure, especially when continuing education must be provided through distance learning.



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If a school district closes its schools and does not provide any educational services to the general student population, then a school would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the school must return to providing special education and related services to students with disabilities in accordance with the student's IEP or, for students entitled to FAPE under Section 504, consistent with any plan developed to meet the requirements of Section 504.

The Department understands that there may be exceptional circumstances that could affect how a particular service is provided. If a student does not receive services after an extended period of time, the student's IEP Team, or appropriate personnel under Section 504, must make an individualized determination whether and to what extent compensatory services are needed consistent with the respective applicable requirements, including to make up for any skills that may have been lost.

Additionally, IEP Teams are not required to meet in person while schools are closed. If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents. These same principles apply to similar activities conducted by appropriate personnel for a student with a disability who has a plan developed under Section 504, or who is being evaluated under Section 504.

For more information on providing services to students with disabilities during the coronavirus outbreak, see: https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf

*Students with Disabilities at Postsecondary Schools*

Officials at postsecondary schools should consult with public health officials in determining how to respond when there are cases of coronavirus in the community. Whatever decisions are made by the school (such as decisions to temporarily suspend classes), schools must continue to comply with their non-discrimination obligations under federal civil rights laws, including Section 504 and Title II.



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## Resources for Communicating about Coronavirus

Accurate information is an important tool in protecting the civil rights of students while addressing the risk of coronavirus.

- Assistant Secretary Kenneth L. Marcus' letter concerning reports of stereotyping, harassment, and bullying specifically related to coronavirus is available at https://www2.ed.gov/about/offices/list/ocr/correspondence/stakeholders/20200304-covid-19-outbreak-statement.pdf.
- The Department of Education's Readiness and Emergency Management for Schools (REMS) Technical Assistance Center offers a variety of resources related to infectious disease planning, available at rems.ed.gov/Resources_Hazards_Threats_Biological_Hazards.aspx.
- The CDC's coronavirus general information page can be found at https://www.cdc.gov/coronavirus/2019-ncov/community/index.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fpreparing-individuals-communities.html.

**Effective Communication and Language Assistance:** When school officials provide information to students, parents, and the community about any aspect of coronavirus or actions the schools are taking in response to coronavirus, they generally need to provide meaningful access to such information to English learner students and adults with limited English proficiency. School officials also must ensure equally effective communications with persons with disabilities (such as persons who are deaf, deaf-blind, or blind). Thus, the information and materials must be provided, as appropriate, in alternate formats to facilitate effective communication for individuals with disabilities.

**Privacy Concerns:** For information about the federal law that protects the confidentiality of students' records maintained by public elementary and secondary schools and institutions of higher education, you may visit the website of the Department of Education's Student Privacy Policy Office (SPPO) which administers the Family Educational Rights and Privacy Act (FERPA), at www.ed.gov/policy/gen/guid/fpco/index.html, contact SPPO at 1-855-249-3072, or submit questions at https://studentprivacy.ed.gov/contact.

* * * * *

If you have questions, need additional information or technical assistance, or believe that a school is violating federal civil rights law, you may visit the website of the Department of Education's OCR at www.ed.gov/ocr, contact OCR at (800) 421-3481 (TDD: 800-877-8339) or at ocr@ed.gov, or contact OCR's Outreach, Prevention, Education and Non-discrimination (OPEN) Center at OPEN@ed.gov. You may also fill out a complaint form online at www.ed.gov/ocr/complaintintro.html.



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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:40:54 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Special Education Timelines
**Attachments:** COVID-19 and Special Education FAQ(3-17-20)v.3.pdf, ocr-coronavirus-fact-sheet.pdf

Hi OSEP,

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Thanks,
Kelly

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**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Friday, March 20, 2020 3:54 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Special Education Timelines

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
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Fax: 202.245.7589
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**www.ed.gov/osers** | **Subscribe**

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**From:** Natalie Marcus <nat.marcus@hotmail.com>
**Sent:** Friday, March 20, 2020 3:52 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al

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<Al.Jones@ed.gov>
**Subject:** Special Education Timelines

To Whom This May Concern:

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We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. Because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open Initial Evaluation or Reevaluation consent.

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I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

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While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "*If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents.*" The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. **We ask that Texas adopts similar guidelines during this delicate and uncertain time.**

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

*I am attaching the guidance TEA (see A3) has release as well as the guidance the Federal Government has released (see page 3 paragraph 3).*

Sincerely,

Natalie Kormos M.S., LSSP

Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

Texas Education Agency

Commissioner Mike Morath

1701 North Congress Avenue • Austin, Texas 78701-1494 • 512 463-9734 • 512 463-9838 FAX • tea.texas.gov

COVID 19 and Special Education Q&A

**Q1:** Do Local Education Agencies (LEAs) have flexibility regarding the provision of a Free and Appropriate Public Education (FAPE) to students receiving special education services in times of emergencies such as the COVID-19 pandemic?

**A1:** No. Neither state nor federal law provide flexibility to LEAs in times of emergency regarding their obligation to provide FAPE to students receiving special education services. If an LEA closes its schools because the functioning or delivery of educational services is disrupted and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's Individualized Education Program (IEP). In addition, the Annual Review and Dismissal (ARD) committee would be required to make an individualized determination as to whether compensatory services are needed to make up for any skills that may have been lost because of an extended school closure.

If schools are closed, but the LEA continues to provide educational opportunities to the general student population during the closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. The LEA must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP.

**Q2:** What flexibility do LEAs have in the process required to adjust an individual student's existing IEP in times of emergencies such as the COVID 19 pandemic?

**A2:** LEAs should continue to follow local policies regarding changing or amending an existing IEP. In addition, according to previous guidance from the United States Department of Education, Office of Special Education Programs (OSEP), if a school continues to provide instruction to the general school population during an extended closure due to a disaster, but is not able to provide services to a student with a disability in accordance with the student's IEP, the student's ARD committee determines which services can be provided to appropriately meet the student's needs.

The ARD committee may meet by teleconference or other means (if all members are able) to determine if some, or all, of the identified services can be provided through alternate or additional methods. Once the school reopens, the ARD committee must determine whether, and to what extent, compensatory services are needed.

As stated in A1, if an LEA is providing educational opportunities to the general student population, the LEA is also required to provide the services and accommodations needed for students with disabilities to have an equal opportunity to participate in the virtual model of delivery.

**Q3**: Are LEAs still held to timeline requirements regarding Full and Individual Initial Evaluations (FIIE) in light of potential changes to school calendars and schedules due to the COVID-19 pandemic?

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**A3:** In situations in which school is **closed and not in session (no educational services offered to anyone)**, state evaluation timelines halt as these timelines are based on school days. To be clear, for the purposes of FIIE timelines, the days that **school is not in session** (no educational services offered to anyone) do not count as school days. If the school remains open (either on a virtual basis or face-to-face), the 45 school-day timeline requirements of Texas Education Code sec. 29.004 apply.

This is true even if the LEA is experiencing low attendance due to COVID-19 related concerns, and uses the attestation related to educational support to count students absent from campus grounds as present for Average Daily Attendance (ADA) purposes referenced in the March 12th, 2020 To the Administrator Addressed letter regarding COVID 19 which can be found here.

**Q4**: Are LEAs still held to the 30 calendar day timeline requirements regarding initial eligibility determination, IEP, and placement decision ARD committee meetings upon completion of an FIIE in times of emergencies such as the COVID 19 pandemic?

**A4:** Yes. Requirements related to the 30 calendar day timeline for initial eligibility determination, IEP, and placement decision ARD committee meetings still apply. The ARD committee may meet by teleconference or other means (if all members are able) when necessary, to meet this required timeline.

**Q5:** What are options for how LEAs provide a free and appropriate public education (FAPE) to students with disabilities when a school goes to a digital/virtual learning platform for all students?

**A5:** LEAs must ensure that students served by special education have access to the same or equitable learning platform as their peers. To the greatest extent possible, the LEA must provide the student with the services required by the student's IEP. If there are services, accommodations, and modifications required by the student's IEP that cannot be provide during this time, the student's ARD committee must determine which services it can provide to meet the student's needs (34 CFR 300.324(a)(4).

Changes in services and accommodations may be made through the IEP amendment process. In many cases, instructional accommodations may be met in an online environment by providing additional supports, such as individualized telephone or video conferencing. LEAs should consider *how current accommodations and modifications are provided in a physical classroom setting (i.e. extra time, redirection, small group, among others) and what this would look like in a virtual environment.*

**Q6:** Is the LEA required to provide ancillary instructional, and/or related services when a school goes to a digital/virtual learning platform for all students?

**A6:** Yes. If a student's IEP requires the provision of ancillary instructional, and/or related services, the LEA is responsible for providing these services. In many cases, services such as speech and language therapy or special education counseling may be able to be effectively provided in a virtual environment. LEAs should plan carefully to ensure that the services can be provided effectively and that the students in question are able to effectively access them. LEAs should also carefully consider any implications related to privacy and the Family Educational Rights and Privacy Act (FERPA).

In other cases, it may be necessary to provide services in face-to-face environments. If the provision of these services results in an effective change in placement for the student, the change will need to be decided upon by the ARD committee and documented appropriately in the student's IEP. LEAs should carefully consider implications for staffing and travel if ancillary instructional and/or related services providers would need to be physically available for students.

**Q7:** Can an LEA provide a learning environment at the school or designated site for students who cannot have their learning needs met virtually?

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A7: Yes. When an LEA identifies learning needs that cannot be met virtually, they may decide to offer educational opportunities at a designated site, subject to ARD committee decision. If this results in achange in location, the change must be documented in the student's IEP. LEAs must ensure that the learning environment is clean, disinfected, and safe for students and staff to work.

When providing these services, the LEA would be required to meet all aspects of each student's IEP. This would mean that appropriately credentialed/certified academic and related services and support providers would need to be available to provide services to students. Additionally, if the student's IEP includes (or is amended to include) transportation as a related service, the LEA would be required to provide it.

**Q8:** While LEAs are required to implement IEPs and provide FAPE, what if the LEA cannot fully implement the IEP during the current COVID 19 pandemic COVID 19 response?

**A8:** If an LEA cannot provide services necessary for the provision of FAPE in either a face to face or virtual environment, the LEA should document carefully what services were not able to be provided to each individual student. This documentation must be detailed enough to enable the ARD committee to later make determinations regarding what compensatory services need to be provided to individual students. LEAs should plan for effective communication with families regarding any services that cannot be provided during the COVID 19 pandemic response.

**Q9:** If an LEA remains open, or reopens its schools but a state or local emergency authority prohibits students with special health care needs from returning to school for a specified period of time, what is the LEA's obligation for its students who receive special education services who are impacted by the prohibition?

**A9:** An LEA subject to such a prohibition is nevertheless required to provide FAPE to students with disabilities impacted by the prohibition. If the prohibition from returning to school is an emergency measure not to exceed 10 consecutive school days, the LEA should provide virtual instruction or otherwise grant the student access to educational instruction as discussed above.

If the emergency directive will, or is anticipated to extend beyond 10 consecutive school days, in addition to providing virtual or other educational services, the ARD committee must meet to consider the need for a change in placement in accordance with 34 CFR 300.115 - 300.116, taking into account the heightened health and safety needs, criteria and considerations in determining whether a homebound, or other placement along the continuum of alternative placements is the appropriate placement for the student. Refer to the OSEP guidance from March 12, 2020.

For additional guidance please see QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK published by the United States Department of Education (ED), Office of Special Education Programs (OSEP) on March 12, 2020.

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**UNITED STATES DEPARTMENT OF EDUCATION**
*Office for Civil Rights*

March 16, 2020

# Fact Sheet: Addressing the Risk of COVID-19 in Schools While Protecting the Civil Rights of Students

The U.S. Department of Education (Department) has established a working group to provide information and resources to parents, students, teachers, schools, and school personnel related to the possible outbreak of COVID-19 ("coronavirus") in school districts and postsecondary schools. Schools play an important role in disseminating information about and limiting the spread of the coronavirus. In addressing the possible risk of an outbreak of coronavirus in school districts and postsecondary schools, school officials must keep students safe and secure. In doing so, school officials should keep in mind federal civil rights requirements and respond appropriately to allegations of discrimination on the basis of race, color, national origin, sex, or disability. Additional information is available at: www.ed.gov/coronavirus.

Schools and school administrators should use guidance from the Centers for Disease Control and Prevention (CDC) to determine, in close consultation with public health authorities, what actions to take to further reduce the potential risk of coronavirus transmission in schools, and should check the CDC website at "Coronavirus Disease 2019 (COVID-19)" (https://www.cdc.gov/coronavirus/2019-nCoV/index.html) periodically for any updated guidance.

Compliance with CDC's recommendations should not create civil rights concerns. Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits disability discrimination by schools receiving federal financial assistance. Title II of the Americans with Disabilities Act of 1990 (Title II) prohibits disability discrimination by public entities, including schools. Title VI of the Civil Rights Act of 1964 (Title VI) prohibits race, color, and national origin discrimination by schools receiving federal funds.

This document provides information representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented here and is not legally binding. The information in this document is not intended to be a replacement for the careful study of Section 504, Title II, or Title VI and their implementing regulations. Information regarding these federal civil rights laws and regulations and other important documents can be found at https://www2.ed.gov/about/offices/list/ocr/index.html.

School districts and postsecondary schools have significant latitude and authority to take necessary actions to protect the health, safety, and welfare of students and school staff. School officials have discretion to make educational decisions based on local health needs and concerns, and OCR recognizes this decision-making authority. As school leaders respond to evolving conditions related to coronavirus, they should be mindful of the requirements of Section 504, Title II, and Title VI, to ensure that all students are able to study and learn in an environment that is safe and free from discrimination.

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## Responding to Discrimination in Schools

*Bullying or Harassment*

Both Section 504 and Title VI require that every postsecondary, secondary, or elementary school that receives federal funds take appropriate action to investigate or otherwise determine what occurred when responding to reports of bullying and harassment of students based on actual or perceived disability, race, color, or national origin. If a school's investigation reveals that bullying or harassment based on actual or perceived disability, race, color, or national origin limited or denied a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school, then the school must take prompt and effective steps reasonably calculated to end the bullying or harassment, and restore access to the educational program. The failure to do so could be a violation of Section 504 or Title VI.

*Denial of Access on the Basis of Race, Color, or National Origin*

In addressing the possible risk of an outbreak of coronavirus in school districts and postsecondary schools, school officials must keep students safe and secure. At that same time, school officials have an obligation to avoid discrimination on the basis of race, color, or national origin while cooperating with public health authorities to ensure that individuals are assessed and treated appropriately based on their actual risk status. School officials may not rely on assumptions or stereotypes related to race, color, or national origin in identifying students who may have recently traveled to a country with widespread transmission of coronavirus or who may otherwise be at risk of coronavirus infection. For example, a practice of only inquiring about the recent travel of students or family members of a particular race or national origin, rather than screening students based on recent travel, could raise civil rights concerns. For information that schools can share to protect against any misinformation that might lead to discriminatory behavior, please see the CDC's "Share Facts About COVID-19," at https://www.cdc.gov/coronavirus/2019-ncov/about/share-facts.html.

*Students with Disabilities at Elementary and Secondary Schools*

School officials have an obligation to avoid discrimination on the basis of disability under Title II and Section 504, while cooperating with public health authorities to ensure that students with disabilities have access to the school's education program. School officials should acknowledge the expertise and role of public health authorities, as well as parental concerns, to determine whether students should stay home.

If a student who has an individualized education program (IEP) through the Individuals with Disabilities Education Act, or is receiving services under Section 504, is required or advised to stay home by public health authorities or school officials for an extended period of time because of COVID-19, provision should be made to maintain education services. This also applies if the student is absent from school as advised by the student's treating physician, consistent with school policy and documentation requirements. During such absences, if the school is open and serving other students, the school must ensure that the student continues to receive a free appropriate public education (FAPE), consistent with protecting the health and safety of the student and those providing that education to the student. If feasible, the student's IEP Team, or the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, can be utilized to assist with the effort to determine if some, or all, of the identified services can be provided through alternate or additional methods. Accessible technology may afford students, including students with disabilities, an opportunity to have access to high-quality educational instruction during an extended school closure, especially when continuing education must be provided through distance learning.



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If a school district closes its schools and does not provide any educational services to the general student population, then a school would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the school must return to providing special education and related services to students with disabilities in accordance with the student's IEP or, for students entitled to FAPE under Section 504, consistent with any plan developed to meet the requirements of Section 504.

The Department understands that there may be exceptional circumstances that could affect how a particular service is provided. If a student does not receive services after an extended period of time, the student's IEP Team, or appropriate personnel under Section 504, must make an individualized determination whether and to what extent compensatory services are needed consistent with the respective applicable requirements, including to make up for any skills that may have been lost.

Additionally, IEP Teams are not required to meet in person while schools are closed. If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents. These same principles apply to similar activities conducted by appropriate personnel for a student with a disability who has a plan developed under Section 504, or who is being evaluated under Section 504.

For more information on providing services to students with disabilities during the coronavirus outbreak, see: https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf

*Students with Disabilities at Postsecondary Schools*

Officials at postsecondary schools should consult with public health officials in determining how to respond when there are cases of coronavirus in the community. Whatever decisions are made by the school (such as decisions to temporarily suspend classes), schools must continue to comply with their non-discrimination obligations under federal civil rights laws, including Section 504 and Title II.



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## Resources for Communicating about Coronavirus

Accurate information is an important tool in protecting the civil rights of students while addressing the risk of coronavirus.

- Assistant Secretary Kenneth L. Marcus' letter concerning reports of stereotyping, harassment, and bullying specifically related to coronavirus is available at https://www2.ed.gov/about/offices/list/ocr/correspondence/stakeholders/20200304-covid-19-outbreak-statement.pdf.
- The Department of Education's Readiness and Emergency Management for Schools (REMS) Technical Assistance Center offers a variety of resources related to infectious disease planning, available at rems.ed.gov/Resources_Hazards_Threats_Biological_Hazards.aspx.
- The CDC's coronavirus general information page can be found at https://www.cdc.gov/coronavirus/2019-ncov/community/index.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fpreparing-individuals-communities.html.

**Effective Communication and Language Assistance:** When school officials provide information to students, parents, and the community about any aspect of coronavirus or actions the schools are taking in response to coronavirus, they generally need to provide meaningful access to such information to English learner students and adults with limited English proficiency. School officials also must ensure equally effective communications with persons with disabilities (such as persons who are deaf, deaf-blind, or blind). Thus, the information and materials must be provided, as appropriate, in alternate formats to facilitate effective communication for individuals with disabilities.

**Privacy Concerns:** For information about the federal law that protects the confidentiality of students' records maintained by public elementary and secondary schools and institutions of higher education, you may visit the website of the Department of Education's Student Privacy Policy Office (SPPO) which administers the Family Educational Rights and Privacy Act (FERPA), at www.ed.gov/policy/gen/guid/fpco/index.html, contact SPPO at 1-855-249-3072, or submit questions at https://studentprivacy.ed.gov/contact.

* * * * *

If you have questions, need additional information or technical assistance, or believe that a school is violating federal civil rights law, you may visit the website of the Department of Education's OCR at www.ed.gov/ocr, contact OCR at (800) 421-3481 (TDD: 800-877-8339) or at ocr@ed.gov, or contact OCR's Outreach, Prevention, Education and Non-discrimination (OPEN) Center at OPEN@ed.gov. You may also fill out a complaint form online at www.ed.gov/ocr/complaintintro.html.



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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:02:03 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: State Assessments fro 2020, SPSA, LCAP Federal Addendum

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** answers <answers@ed.gov>
**Sent:** Friday, March 20, 2020 3:40 PM
**To:** Lisa Brown <LSBrown@vcoe.org>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: State Assessments fro 2020, SPSA, LCAP Federal Addendum

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

Dear Ms. Brown,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

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Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

---

**From:** Lisa Brown <LSBrown@vcoe.org>
**Sent:** Tuesday, March 17, 2020 6:02 PM
**To:** answers <answers@ed.gov>
**Subject:** State Assessments fro 2020, SPSA, LCAP Federal Addendum

Good Afternoon,

First and foremost, I hope you all are well and taking care of yourself.

I am inquiring about state assessments and compliance for ESSA. Will we have any updates if there will be any suspension of state testing this year? SPSA? LCAP Federal Addendum

I support my local districts and are trying to get them answers. So far the state says there will be an extension, but I don't know if it would be more helpful for them to know if they might be suspended for 2020.

They have so much to do right now, they are worried. Thank you so much for any information you might have.

Lisa

Lisa Salas Brown, Director
Department of Accountability and Continuous Improvement
Ventura County Office of Education (Conference Center)
5100 Adolfo Road, Camarillo, CA 93012
Office: 805-437-1500
For more information on the Department of ACI, Click Here

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 22:26:14 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Student loan

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Taylor Pinciaro <taylorpinciaro@gmail.com>
**Sent:** Friday, March 20, 2020 6:20 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Student loan

Hello!

My name is Taylor pinciaro. I am currently set up on a payment plan with the debt collectors agency that has my student loan. I still have to make 3 payments to them to be considered out of delinquency, however, due to covid 19 I have lost my job. I am trying to see if I can get my tax return instead of it being garnished but Everytime I call and explain my situation to the call center they tell me there is no way for me to receive my tax return unless I am facing foreclosure or eviction right now. Maybe someone else can help me with this?

Thank you,
Taylor Pinciaro

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:21:23 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Student loans.

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Cody Boykin <boykinwaynecody@gmail.com>
**Sent:** Friday, March 20, 2020 6:50 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Student loans.

I want to go back to college but this virus is making it difficult. Can you send me a direct link to get a grant or any type of support, I don't have access to a computer, the public library is not accessible and on top of all that fafsa website is saying I owe $7,559 from when I went to ITT TECHNICAL INSTITUTE. That school was shut down nationwide for opening fraudulent loans on behalf of the students that's literally exactly what happened to me, I still remember my student advisor that said i was getting grants and I wouldn't have to pay them back.
Please I just want to go back to school
Anything will help. I can't afford this loan I didn't apply .

Cody Wayne Boykin
(407)979-6830
BoykinWayneCody@gmail.com

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:33:23 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Study abroad and Consortium/Contractual Agreements

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Johnson, Emily R <erjohnson@unwsp.edu>
**Sent:** Friday, March 20, 2020 11:47 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Blahnik, Hannah K <hkblahnik@unwsp.edu>; Stiner, James L <JLStiner@unwsp.edu>
**Subject:** Study abroad and Consortium/Contractual Agreements

To Whom It May Concern-

I have a question about study abroad interruptions due to COVID-19. I have reviewed the March 5th Electronic Announcement, 'Guidance for interruptions of study related to COVID-19'.

I understand that students can still receive Title IV aid for interrupted study abroad programs, if the student switches to online instruction provided by the foreign institution and if we have a Consortium/Contractual Agreement set up with the foreign institution. What is the definition of a foreign institution? We have students studying abroad through US based organizations. The students are studying at a foreign school, but the study abroad experience is coordinated through the US organization. We have a Consortium Agreement set up with the US organization, but not with the specific foreign institution that the student attends. Since we do not have a Consortium Agreement set up with the actual foreign school, would we need to do a R2T4 if that student returns to the US? Or would the Consortium Agreement with the US organization suffice?

Thank you-

UNIVERSITY OF NORTHWESTERN
ST. PAUL

**Emily Johnson**
Senior Financial Aid Counselor
P: 651-631-5174 | Fax: 651-628-3332
erjohnson@unwsp.edu | www.unwsp.edu

*Equipping Christ-centered learners and leaders to invest in others and impact the world.*

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:38:07 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: TASP Response on SPED Evaluation Timelines

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Friday, March 20, 2020 11:43 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: TASP Response on SPED Evaluation Timelines

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

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**From:** tasp@memberclicks-mail.net <tasp@memberclicks-mail.net>
**Sent:** Friday, March 20, 2020 11:35 AM
**To:** Walters, Alecia <Alecia.Walters@ed.gov>
**Subject:** TASP Response on SPED Evaluation Timelines

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TASP A partner on the path to student success

Texas Association of School Psychologists

Greetings,

I am writing on behalf of the Texas Association of School Psychologists and licensed specialists in school psychology (LSSPs) practicing across the state. In response to the Texas Education Agency's position on evaluation timelines for special education eligibility, we strongly discourage the continuation of assessments during this turbulent time of crisis. With schools now ordered closed until April 3, 2020 and possibly with extensions, virtual instruction is encouraged. Per the current guidance, if instruction is offered by virtual means to all students, the 45 school day evaluation timeline still maintains. As we are preparing for shifts in our comprehensive scope of service delivery, the COVID-19 pandemic presents unique challenges in regards to ethical assessment and decision making practices:

- Many direct services to students can be provided through virtual means; however, direct observation and assessment cannot be administered through means other than face-to-face. A full and individual evaluation, initial or reevaluation, requires direct classroom-based observation of the student in the child's learning environment to document the child's academic performance and behavior in areas of difficulty (34 C.F.R. §300.310(a)).
- In reference to the federal guidelines, assessments and other evaluation materials used to assess a child are used for the purposes for which the assessments or measures are valid and reliable, administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of the assessment (34 C.F.R. §300.304(c)(1)).
- LSSPs are not typically trained or competent in completing evaluations through electronic means. The standardized tests used (i.e. IQ tests, formal achievement tests) are not designed to be administered electronically more or less outside of a school setting during a pandemic crisis. In short, the administration of tests must be given through the means in which they were standardized. Deviations from standardization must be reported and, at times, can invalidate test results, which could potentially impact eligibility determinations.
- If evaluations are to be conducted remotely, they should be conducted through platforms specifically designed for that purpose. At this time, such delivery would also require training beyond the evaluator, but also include training for the student and adult facilitator (likely parent/caregiver) who is assisting the student at home. It is unlikely the appropriate supports can be developed quickly.
- In addition, the unique circumstances pose validity issues which must be addressed when assessments are taking place in a time of anxiety for youth, their families and caregivers, and school personnel. The likelihood of making inappropriate eligibility determinations based on invalid assessment data is high.

With consideration of the ethical implications and irresponsible assessment practices, the Texas Association of School Psychologists strongly recommends upholding the advice

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provided by the U.S. Department of Education, Office of Civil Rights as follows, "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face to face evaluations until normal school routines have returned for all students. We ask that Texas adopt similar guidelines during this delicate and uncertain time. Our goal as school psychologists is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the highest standard for professional practices in educational and psychological assessment.

Respectfully,

Stephanie Barbre, PhD, LSSP

TASP President

14070 Proton Road
Dallas, TX 75244
Phone: (972) 233-9107

This email was sent to alecia.walters@ed.gov by president@txasp.org

Texas Association of School Psychologists • 14070 Proton Road, Dallas, Texas 75244, United States • (972) 233-9107

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AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Fri, 20 Mar 2020 15:43:19 +0000
**To:** COVID-19
**Subject:** FW: TASP Response on SPED Evaluation Timelines

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

---

**From:** tasp@memberclicks-mail.net <tasp@memberclicks-mail.net>
**Sent:** Friday, March 20, 2020 11:35 AM
**To:** Walters, Alecia <Alecia.Walters@ed.gov>
**Subject:** TASP Response on SPED Evaluation Timelines

**Texas Association of School Psychologists**

Greetings,

I am writing on behalf of the Texas Association of School Psychologists and licensed specialists in school psychology (LSSPs) practicing across the state. In response to the Texas Education Agency's position on evaluation timelines for special education eligibility, we strongly discourage the continuation of assessments during this turbulent time of crisis. With schools

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now ordered closed until April 3, 2020 and possibly with extensions, virtual instruction is encouraged. Per the current guidance, if instruction is offered by virtual means to all students, the 45 school day evaluation timeline still maintains. As we are preparing for shifts in our comprehensive scope of service delivery, the COVID-19 pandemic presents unique challenges in regards to ethical assessment and decision making practices:

- Many direct services to students can be provided through virtual means; however, direct observation and assessment cannot be administered through means other than face-to-face. A full and individual evaluation, initial or reevaluation, requires direct classroom-based observation of the student in the child's learning environment to document the child's academic performance and behavior in areas of difficulty (34 C.F.R. §300.310(a)).
- In reference to the federal guidelines, assessments and other evaluation materials used to assess a child are used for the purposes for which the assessments or measures are valid and reliable, administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of the assessment (34 C.F.R. §300.304(c)(1)).
- LSSPs are not typically trained or competent in completing evaluations through electronic means. The standardized tests used (i.e. IQ tests, formal achievement tests) are not designed to be administered electronically more or less outside of a school setting during a pandemic crisis. In short, the administration of tests must be given through the means in which they were standardized. Deviations from standardization must be reported and, at times, can invalidate test results, which could potentially impact eligibility determinations.
- If evaluations are to be conducted remotely, they should be conducted through platforms specifically designed for that purpose. At this time, such delivery would also require training beyond the evaluator, but also include training for the student and adult facilitator (likely parent/caregiver) who is assisting the student at home. It is unlikely the appropriate supports can be developed quickly.
- In addition, the unique circumstances pose validity issues which must be addressed when assessments are taking place in a time of anxiety for youth, their families and caregivers, and school personnel. The likelihood of making inappropriate eligibility determinations based on invalid assessment data is high.

With consideration of the ethical implications and irresponsible assessment practices, the Texas Association of School Psychologists strongly recommends upholding the advice provided by the U.S. Department of Education, Office of Civil Rights as follows, "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face to face evaluations until normal school routines have returned for all students. We ask that Texas adopt similar guidelines during this delicate and uncertain time. Our goal as school psychologists is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the highest standard for professional practices in educational and psychological assessment.

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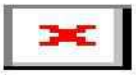
Respectfully,



Stephanie Barbre, PhD, LSSP

TASP President

14070 Proton Road
Dallas, TX 75244
Phone: (972) 233-9107

This email was sent to alecia.walters@ed.gov by president@txasp.org

Texas Association of School Psychologists • 14070 Proton Road, Dallas, Texas 75244, United States • (972) 233-9107

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**From:** COVID-19
**Sent:** Fri, 20 Mar 2020 21:40:56 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: TASP Response on SPED Evaluation Timelines

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Broady, Cheryl <Cheryl.Broady@ed.gov>
**Sent:** Friday, March 20, 2020 3:58 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** TASP Response on SPED Evaluation Timelines

**From:** tasp@memberclicks-mail.net <tasp@memberclicks-mail.net>
**Sent:** Friday, March 20, 2020 11:35 AM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>
**Subject:** TASP Response on SPED Evaluation Timelines

TASP A partner on the path to student success
Texas Association of School Psychologists

Greetings,

I am writing on behalf of the Texas Association of School Psychologists and licensed specialists in school psychology (LSSPs) practicing across the state. In response to the Texas Education Agency's position on evaluation timelines for special education eligibility, we strongly discourage the continuation of assessments during this turbulent time of crisis. With schools now ordered closed until April 3, 2020 and possibly with extensions, virtual instruction is encouraged. Per the current guidance, if instruction is offered by virtual means to all students, the 45 school day evaluation timeline still maintains. As we are preparing for shifts in our comprehensive scope of service delivery, the COVID-19 pandemic presents unique challenges in regards to ethical assessment and decision making practices:

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direct observation and assessment cannot be administered through means other than face-to-face. A full and individual evaluation, initial or reevaluation, requires direct classroom-based observation of the student in the child's learning environment to document the child's academic performance and behavior in areas of difficulty (34 C.F.R. §300.310(a)).

- In reference to the federal guidelines, assessments and other evaluation materials used to assess a child are used for the purposes for which the assessments or measures are valid and reliable, administered by trained and knowledgeable personnel, and are administered in accordance with any instructions provided by the producer of the assessment (34 C.F.R. §300.304(c)(1)).
- LSSPs are not typically trained or competent in completing evaluations through electronic means. The standardized tests used (i.e. IQ tests, formal achievement tests) are not designed to be administered electronically more or less outside of a school setting during a pandemic crisis. In short, the administration of tests must be given through the means in which they were standardized. Deviations from standardization must be reported and, at times, can invalidate test results, which could potentially impact eligibility determinations.
- If evaluations are to be conducted remotely, they should be conducted through platforms specifically designed for that purpose. At this time, such delivery would also require training beyond the evaluator, but also include training for the student and adult facilitator (likely parent/caregiver) who is assisting the student at home. It is unlikely the appropriate supports can be developed quickly.
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Respectfully,

AMERICAN OVERSIGHT

Stephanie Barbre, PhD, LSSP

TASP President

14070 Proton Road
Dallas, TX 75244
Phone: (972) 233-9107

This email was sent to cheryl.broady@ed.gov by president@txasp.org

Texas Association of School Psychologists • 14070 Proton Road, Dallas, Texas 75244, United States • (972) 233-9107

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**From:** Lisa Stone
**Sent:** Mon, 23 Mar 2020 13:15:40 -0600
**To:** COVID-19
**Cc:** Bridget McGuire;Trudy Plunkett
**Subject:** High School Transcripts

Good afternoon,

We have nearly 30 students who are unable to obtain a high school transcript. Is there any guidance on what a school can do in this case? For example can we take a written explanation as to why we are unable to obtain said transcripts?

We look forward to hearing from you.
Very Respectfully
Lisa

**Lisa Stone**
Director of Compliance
**FA Solutions, LLC**
Phone: 727-565-2048
Email:lstone@getfasolutions.com

**"Sometimes faith will make you look stupid; until it rains." - Noah**

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**From:** Hock, Joan
**Sent:** Mon, 23 Mar 2020 15:17:24 +0000
**To:** COVID-19
**Subject:** Higher Education term length question

Hello

Thank you for providing this valuable resource for schools. Our institution notified the Department that we have shortened our spring term by one week due to an extended spring break. I see guidance that if schools extend their academic year rather than shorten there is no need to adjust loan term dates and send to COD. I am assuming that is the case for shortening due to this crisis but I do not see that in writing anywhere.

Can you confirm that if we shorten our semester and are approved to do so by the department we do not have change the loan term dates and send to COD for spring.

Thanks for all you are doing.

Joan

Joan Hock
Financial Aid Director
Delaware Valley University
700 East Butler Ave., Doylestown PA
(office) 215.489.2975 |(fax) 215.489.4959
joanhock@delval.edu|delval.edu
Follow us: twitter.com/delval | facebook.com/delval

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**From:** Fox, Leslie
**Sent:** Mon, 23 Mar 2020 20:26:48 +0000
**To:** COVID-19
**Subject:** IA-C SSIP extension request

In case the state lead didn't forward this request please see below:

**From:** Weigel, Cindy <cindy.weigel@iowa.gov>
**Sent:** Monday, March 23, 2020 4:04 PM
**To:** Mitchell, Kimberly <Kimberly.Mitchell@ed.gov>
**Subject:** SSIP due date

Hi Kimberly,

Has there been any discussion on changing the due date for the SSIP since we are all responding to the COVID-19 outbreak?

Cindy

Cindy J. Weigel, State Coordinator
Early ACCESS (IDEA Part C)
Iowa Department of Education
Learner Strategies & Supports Bureau
400 East 14th Street
Des Moines, IA 50319-0146
Ph: 515-314-9396
Fax: 515-242-5988
cindy.weigel@iowa.gov

Leslie C. Fox, PhD
Leslie C. Fox, PhD
Education Program Specialist
Office of Special Education Programs (OSEP)
U.S. Department of Education
550 12th St., SW
Washington, DC 20202
Leslie.Fox@ed.gov
202-245-6439

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**From:** Annie Kalama
**Sent:** Mon, 23 Mar 2020 06:20:44 -1000
**To:** COVID-19
**Cc:** Roxanne Rokero;Cynthia Rice
**Subject:** IEP mtg requirement for distance learning

Q1 - Are schools required to convene IEP mtgs and/or amend IEPs to change delivery of service when distance education is needed? There is some confusion given OSERs QA and Supplemental Fact Sheet (each implying different expectations).

Q2 - Is there an operational definition for educational services and educational opportunities? Some are using interchangeably.

Appreciate your help. Mahalo for your support.

***Annie Kalama***
Director
Exceptional Support Branch
Office of Student Support Services
Hawaii State Department of Education
808-305-9806

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AMERICAN OVERSIGHT

**From:** Lund, Miriam
**Sent:** Mon, 23 Mar 2020 16:14:32 +0000
**To:** COVID-19
**Subject:** If a 21st CCLC site remains open may it serve students who have not previously enrolled the 21stCCLC program?

RRT—

This question was sent by NJ and NY

| | | |
|---|---|---|
| NJ | Shawanda Beale | Shawanda.beale@doe.nj.gov |
| NY | Elizabeth Whipple | Elizabeth.Whipple@NYSED.gov |

**Eligible Students/Attendance**

8. If a Nita M. Lowey 21st CCLC site opens or remains open, may they serve students who have not attended the 21st CCLC program? (NJ)(NY)

> *Yes, after all eligible students desiring or assigned to attend a 21st CCLC program have been enrolled the site may serve other students who want to attend.*

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**
p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

"Intelligence plus character-that is the goal of true education."
— Martin Luther King Jr.

AMERICAN OVERSIGHT

**From:** Lund, Miriam
**Sent:** Mon, 23 Mar 2020 16:10:53 +0000
**To:** COVID-19
**Subject:** If the targeted number of students isn't met due to school closures what is the waiver or submission process?

Rapid Response Team:

Below is a question from NJ concerning the collection of data for the 21st CCLC, Title IV, Part B reporting requirement.

NJ Shawanda Beale Shawanda.Beale@doe.nj.gov

**Data**

7.i. May Nita M. Lowey **21st CCLC subgrantees receive a waiver (state or federal)** if the targeted number of students are not met, due to COVID 19 school related closures? What is the waiver and submission process? (NJ)

> *It is not reasonable to expect target numbers to be met when the district or state closes programs due to COVID-19. States have the authority to suspend the collection of attendance data through the duration of the school closure and to adapt its attendance/budget policies accordingly.*

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**
p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

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— Martin Luther King Jr.

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**From:** Engelhardt, Kelli
**Sent:** Mon, 23 Mar 2020 21:00:19 +0000
**To:** COVID-19
**Subject:** In Progress/Incomplete grades
**Importance:** High

Hello,

We have several programs that would like to give their students blanket "IP" grades for their spring semester courses. Would we then just have to follow our institutional policy about the timeframe in which these courses must be complete? Also, our SAP policy states that any "I" grade will be calculated into our completion rate, so I would assume I would calculate SAP as normal, and a student could use COVID-19 disruption as a basis for appeal?

Many of the programs in question are health-care related, so many of the students are otherwise occupied with the real-world pandemic.

Thank you for your expertise in this. I appreciate it.

Kelli Engelhardt, MSPR, MBA
Director of Financial Aid
University of Providence
1301 20th St South
Great Falls, MT 59405
Kelli.Engelhardt@uprovidence.edu
Phone: 406-791-5237
Fax: 406-791-5209

**To comply with the Department of Education's Privacy Act, please do not submit personally identifiable information via email. Please use the fax number listed above or submit documents through the mail.**

**Urgent Notification: The University of Providence will complete the remainder of the spring semester through online instruction for all classes. Students should not return to campus after spring break. University offices remain open for business at this time. Further details can be found at www.uprovidence.edu/coronavirus/.

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**From:** Rosemary Roman
**Sent:** Mon, 23 Mar 2020 12:56:29 -0400
**To:** COVID-19
**Subject:** Inquiry re Deductions from Social Security

Good afternoon,

With respect to the current deferment on student loans, will the Dept of Ed continue to deduct installments from social security on a default loan? Will your office temporarily cease the deductions as stated on 3/20/20? Your response is greatly appreciated.

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**From:** Jennifer Beck
**Sent:** Mon, 23 Mar 2020 12:21:00 -0500
**To:** COVID-19
**Subject:** Institutional Refunds and Cost of Attendance Recalculations

Good afternoon,
If we issue a credit to the student that can be used for 2020-21 housing are we required to include as EFA in 2021? I understand that for refunds in 1920 we do not have to adjust COA but what about a credit towards 2021?
Best,
Jennifer

**Institutional Refunds and Cost of Attendance Recalculations**

As institutions have considered offering refunds of some institutional charges, questions have arisen about the institution's obligations to adjust cost of attendance (COA) and possibly financial aid packages to reflect those refunds. ED's guidance states that if an institution provides "a waiver or refund of expenses for all or part of a student's tuition, fees, room and board charges, or other institutional charges, or if you become aware that a student has moved off campus for the remainder of the term, the Department will not require a re-evaluation of the student's cost of attendance."

It's important to note that in most cases, recalculation of the COA is not required; however, if your institution chooses to have a policy to recalculate the COA, then you must follow your own policy. In addition, any resulting Title IV credit balances would be subject to current regulation under 668.164(h), which requires the funds be paid to the student or parent within 14 days, unless the institution has written authorization from the student or parent, as applicable to hold the credit balance. Even with authorization to hold the Title IV credit balance, the institution must pay any remaining balance on loan funds by the end of the loan period, and any remaining other Title IV funds by the end of the last payment period in the award year for which they were awarded.

Institutional refund policies (such as refunding room and board costs) are at the discretion of the institution.

Jennifer M. Beck
Sr. Director of Student Financial Aid
Student Financial Services | St. Edward's University About Us
3001 South Congress Avenue | MB 204 | Austin, TX 78704-6489
PH: 512.448.8516 | FAX: 512.416.**5837**| Campus Mailbox 16
EMAIL: jbeck@stedwards.edu
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**From:** Lund, Miriam
**Sent:** Mon, 23 Mar 2020 16:17:53 +0000
**To:** COVID-19
**Subject:** Interagency Partner question

RRT-

Below is a question from our Interagency partner, NOAA. We have 4 interagency partnerships; NOAA, NASA, IMLS and NPS. We expect all four partners to want a reply to this question.

Do you anticipate additional flexibility in 21stCCLC grantee timelines and award periods as a result of this situation? Do you think we could extend the period of our interagency agreement to complete the work if we have a lot of delays getting projects started?

> *Yes, it will be possible for the U.S. Department of Education to allow flexibility with our inter-agency partners around timelines, deliverables and may be able to extend the period of performance. Various activities that were scheduled between NOAA and 21st CCLC schools will be able to be rescheduled once we resume normal operations.*

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**
p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

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— Martin Luther King Jr.

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**From:** Lund, Miriam
**Sent:** Mon, 23 Mar 2020 15:40:51 +0000
**To:** COVID-19
**Subject:** May 21st CCLC funds be used to provide child-care services?

Hi Rapid Response Team,

Here is another question several 21st CCLC State Educational Agency grantees have been asking.

| | | |
|---|---|---|
| NY | Elizabeth Whipple | Elizabeth.Whipple@nysed.gov |
| NJ | Shawanda Beale | Shawanda.Beale@doe.nj.gov |
| AR | Wendy Wilson | Sendy.Wilson@arkansas.gov |

Ours schools districts have been asked to work with their community to provide child-care for healthcare providers and first responders during the pandemic school closures. NYSED believes that our 21st Century providers are perfectly poised to assist in this endeavor, as they are both screened and trained in working with both 0 to5 and school age populations. I know that our providers are already concerned about meeting their numbers and whether they will continue to receive funding while their programs are closed. This could be a win-win, as they would be helping health care workers provide the care COVID-19 victims need while also giving our generous 21st Century sub-grantees the opportunity to help and stay employed. (NY)

*Costs must match the purpose of the funding see 2 CFR 200.300 of the Uniform Guidance which speaks the non-Federal entity being responsible for complying with Federal requirements for the award. The Uniform Guidance in 2 CFR 200.405 states that costs are allocable to a particular Federal award if the goods and services are chargeable or assignable to that Federal award. Furthermore in 2 CFR 200.403 the Uniform Guidance states that costs must be ) be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles and conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items. The Nita M. Lowey 21st Century Community Learning Center (21st CCLC) grant is an academic grant whose funds are set aside for specific academic activities that provide services to help students who attend low-performing schools to meet the State academic standards. While child-care is not the intended purpose of the funds, it Is permissible for 21st CCLC staff whose programs have been temporarily closed to volunteer as child-care workers if they please.*

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Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**
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a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

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— Martin Luther King Jr.

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**From:** FederalStudentAid
**Sent:** Sun, 22 Mar 2020 20:37:49 +0000
**To:** COVID-19
**Subject:** FW: Corona Virus Related Question - FW: Reduction in Length of Academic Year - University of Richmond

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Bell, Sherrie <Sherrie.Bell@ed.gov>
**Sent:** Friday, March 13, 2020 1:08 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Marcucio, Steven <Steven.Marcucio@ed.gov>
**Subject:** Corona Virus Related Question - FW: Reduction in Length of Academic Year - University of Richmond

Please see question below.

---

**From:** Jenkins, Melanie <mjenkin3@richmond.edu>
**Sent:** Friday, March 13, 2020 11:18 AM
**To:** Bell, Sherrie <Sherrie.Bell@ed.gov>
**Cc:** Owens, Kathryn <kowens@richmond.edu>
**Subject:** Reduction in Length of Academic Year

Good morning Ms. Bell,

In response to the COVID-19 pandemic, the University of Richmond has extended spring break an additional week to allow faculty to prepare for remote instruction. By extending our spring break for students an additional week, our academic year is reduced from 15 weeks to 14 weeks.

We have submitted a request for a waiver to provide distance education to SACSCOC and want to make sure we are in compliance with federal student aid policies regarding our reduction in the length of the academic year.

Please provide any information regarding the steps we need to take in order to either update our PPA or to inform DOE of our reduction so we may remain in compliance with federal student aid policies. Your assistance is appreciated. Please let me know if you need additional information about our change in instruction modality or our plans for providing remote instruction.

Best,
Melanie P. Jenkins

**Melanie P. Jenkins**
Director, Institutional Effectiveness

AMERICAN OVERSIGHT

SACSCOC Accreditation Liaison
Puryear Hall, Suite 111
118 UR Drive
University of Richmond, VA 23173
P: 804.484.1581
F: 804.484.1596
mjenkin3@richmond.edu
ifx.richmond.edu

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Sun, 22 Mar 2020 20:50:30 +0000
**To:** COVID-19
**Subject:** FW: Coronavirus Inquiry
**Importance:** High

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Young, Claudette <Claudette.Young@ed.gov>
**Sent:** Friday, March 13, 2020 2:22 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: Coronavirus Inquiry
**Importance:** High

---

**From:** Young, Claudette
**Sent:** Friday, March 13, 2020 1:20 PM
**To:** Sawyer, Tammi <Tammi.Sawyer@ed.gov>; federalstudentaid@ed.gov
**Cc:** Minor, Robin <Robin.Minor@ed.gov>; Early, Jeremy <Jeremy.Early@ed.gov>
**Subject:** Coronavirus Inquiry
**Importance:** High

Good Afternoon,

Please see in the below email string, my response to the institution and the institution's Coronavirus inquiry.

Best Regards,

Claudette Young,
Institutional Review Specialist
Program Compliance
US Department of Education
Chicago/ Denver School Participation Division
230 South Dearborn
Chicago Illinois 60604

Office: (312) 730-1540
Fax: (312) 730-1520
claudette.young@ed.gov

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**From:** Young, Claudette
**Sent:** Friday, March 13, 2020 12:07 PM
**To:** Andrews, Nicole S. <ANDREWNS@uwec.edu>
**Subject:** RE: Need your guidance

Good Afternoon Ms. Andrews,

The Department is in receipt of your question and will respond as soon as possible.

Best Regards,

Claudette Young,
Institutional Review Specialist
Program Compliance
US Department of Education
Chicago/ Denver School Participation Division
230 South Dearborn
Chicago Illinois 60604

Office: (312) 730-1540
Fax: (312) 730-1520
claudette.young@ed.gov

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---

**From:** Andrews, Nicole S. <ANDREWNS@uwec.edu>
**Sent:** Friday, March 13, 2020 10:52 AM
**To:** Young, Claudette <Claudette.Young@ed.gov>
**Subject:** Need your guidance
**Importance:** High

Hi Claudette-
The University is contemplating giving students an additional 2 weeks of extended Spring Break. We currently have 15 weeks of instruction for Spring but that will be reduced by 2 weeks if we decide to do this, bringing us down to 13 weeks of instruction. This is all due to the need to give faculty time to put face to face courses online because of Coronavirus. Do we need to make one of those weeks a week of instruction or study time to comply with the minimum 14 weeks of instruction or will there be waivers granted due to the unforeseen circumstance?

Thank you for your help!

*Nikki*

AMERICAN OVERSIGHT

Nikki S Andrews
Director of Enrollment Management/Financial Aid
Director of Continuing Education
University of Wisconsin-Eau Claire
1121 Vicki Lord Larson Hall | Eau Claire WI 54702
andrewns@uwec.edu
P 715.836.5606

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Sun, 22 Mar 2020 15:15:13 +0000
**To:** COVID-19
**Subject:** FW: COVID-19 Question - FW: Truncated Semester - Slippery Rock Univ

Requesting approval for a temporary school reduction. See below.

---

**From:** Bell, Sherrie <Sherrie.Bell@ed.gov>
**Sent:** Thursday, March 12, 2020 8:23 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Hammond, Cynthia <Cynthia.Hammond@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>; Marcucio, Steven <Steven.Marcucio@ed.gov>
**Subject:** COVID-19 Question - FW: Truncated Semester - Slippery Rock Univ

Please see question below.

---

**From:** Dobson, Alyssa A <alyssa.dobson@sru.edu>
**Sent:** Thursday, March 12, 2020 7:42 PM
**To:** Mumford, David <David.Mumford@ed.gov>; Bell, Sherrie <Sherrie.Bell@ed.gov>
**Subject:** Truncated Semester

Hello Philadelphia Participation Team Folks,

I am reaching out today to obtain permission to shorten our spring semester, and therefore our academic year by two weeks. Due to precautions surrounding the coronavirus and COVID-19, Slippery Rock University 00332700 will extend our spring break period by two full weeks. After that time, all education will be delivered online. All course content, objectives, hours, etc. will be completed during the remaining weeks of instruction but we can not add days to the end of the term because of our contractual obligations with unionized faculty. Therefore, I am seeking permission to temporarily define our academic year as 28 weeks of instruction rather than 30. Please advise as to what else is required to achieve this. I appreciate your assistance.

Thank You,
Alyssa Dobson
Director of Financial Aid
Slippery Rock University
724.738.2220
Alyssa.Dobson@sru.edu

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Sun, 22 Mar 2020 15:12:19 +0000
**To:** COVID-19
**Subject:** FW: COVID-19 question

Requesting approval for a temporary school reduction. See below.

---

**From:** Early, Jeremy <Jeremy.Early@ed.gov>
**Sent:** Thursday, March 12, 2020 4:20 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Gifford, Nancy Paula <Nancy.Paula.Gifford@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
**Subject:** FW: COVID-19 question

Good Afternoon-

Below is a question received by the Chicago/Denver team. We have informed the school we are working on a response.

Thanks, Jeremy

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**From:** Mendez, Anna <Anna.Mendez@ed.gov>
**Sent:** Thursday, March 12, 2020 1:58 PM
**To:** Early, Jeremy <Jeremy.Early@ed.gov>
**Subject:** FW: COVID-19 question

Another TA question related to COVID-19

Thank you;

Anna Mendez
Institutional Review Specialist
U.S. Department of Education
Federal Student Aid
Program Compliance
Chicago/Denver School Participation Division
Office: (312) 730-1726

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**From:** Carol Carpenter <carol.carpenter@cornerstone.edu>
**Sent:** Thursday, March 12, 2020 1:14 PM

AMERICAN OVERSIGHT

**To:** Mendez, Anna <Anna.Mendez@ed.gov>
**Subject:** COVID-19 question

Anna,

Thank you for responding to my phone message.

Like many colleges, as a response to the COVID-19 outbreak, Cornerstone has made the decision to move fully to online education for the next few weeks. We are cancelling all classes in our traditional undergraduate programs from March 12 through March 20. On March 23 we will resume with all courses online through at least April 14. (Our adult undergraduate and all of our graduate programs are not affected by this. They are moving online immediately.)

Closing down fully next week means that our spring semester will have only 14 weeks of instruction/exams, meaning our 2019-20 academic year will be only 29 weeks.

The electronic announcement of March 5 concerning interruptions of study related to Coronavirus stated that we should contact our School Participation team to request a temporary reduction in the length of our academic year. I am writing to see what the process is for being approved for this temporary reduction.

--

**Carol Carpenter**
Director of Student Financial Services
Student Financial Services | Cornerstone University

616.977.5520
carol.carpenter@cornerstone.edu
cornerstone.edu
1001 E Beltline Ave NE, Grand Rapids, MI 49525

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Sun, 22 Mar 2020 20:50:52 +0000
**To:** COVID-19
**Subject:** FW: Extending spring break due to COVID-19--Nashville State Community College

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Wyant, Jim <Jim.Wyant@ed.gov>
**Sent:** Friday, March 13, 2020 2:49 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>; Corwin, Dvak <Dvak.Corwin@ed.gov>; Brandow, Jan <Jan.Brandow@ed.gov>; Beam, Angela <Angela.Beam@ed.gov>
**Subject:** FW: Extending spring break due to COVID-19--Nashville State Community College

In Angie Beam's absence, I am forwarding a school question. Let me know if you need any additional information. Thank you

**Jim Wyant**
**Institutional Improvement Specialist**
Kansas City School Participation Division
Federal Student Aid
United States Department of Education
1010 Walnut Street, Suite 336
Kansas City, MO 64106-2147
816-268-0431 Direct
816-268-0444 Fax

---

**From:** Byrd, Jennifer <Jennifer.Byrd@nscc.edu>
**Sent:** Friday, March 13, 2020 12:16 PM
**To:** Corwin, Dvak <Dvak.Corwin@ed.gov>
**Cc:** Byrd, Jennifer <Jennifer.Byrd@nscc.edu>
**Subject:** Extending spring break due to COVID-19

Due to COVID-19, our school is extending our spring break by one week. Do we need to put in a request for a temporary reduction in the length of our academic year? If so, other than having to increase the break days for our R2T4 calculations, what other things do I need to ensure we do?

Sincerely,

AMERICAN OVERSIGHT

Jennifer Byrd
Financial Aid Director
Nashville State Community College

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Sun, 22 Mar 2020 20:01:37 +0000
**To:** COVID-19
**Subject:** FW: Length of Academic Year - CoVID-19

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Schramm, Scott <Scott.Schramm@ed.gov>
**Sent:** Friday, March 13, 2020 10:17 AM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Schramm, Scott <Scott.Schramm@ed.gov>
**Subject:** FW: Length of Academic Year - CoVID-19

Good Morning,

Per the instructions received via email on 03/10 from Employee Communications, I am forwarding the email below from the New School for guidance.

I am working from home today.

Thank you,

Scott Schramm
Institutional Review Specialist
New York/Boston School Participation Division
830 1st Street, NE, Union Center Plaza 74B3
Washington, DC 20202
(202)-377-4097
scott.schramm@ed.gov

**From:** Deirdre Bairstow-Allen [mailto:bairstod@newschool.edu]
**Sent:** Wednesday, March 11, 2020 6:01 PM
**To:** Schramm, Scott
**Subject:** Length of Academic Year - CoVID-19

Hi Scott,
Nice chatting with you this morning.
Following up on our conversation here is the detailed question

The New School OPEID 02066200 has a branch campus in Paris France. Because that campus does not fall under CDC guidance, but rather the French Ministry, there is the chance that they would be required to close, shortening the term, even though NYC campus is still open and working virtually/remotely. If this were to happen, how would we address the situation?

AMERICAN OVERSIGHT

Is it possible that NYC could extend independent studies courses to complete the curriculum (which is ours) so that students don't lose a term?
Or do we have to report the shortened term and make adjustments to the PPA?

Looking forward to hearing from you soon.
With kind regards,
Deirdre

--
Deirdre Bairstow-Allen, MBA
Senior Director of Financial Aid

The New School
72 5th Avenue, New York, NY 10003
bairstod@newschool.edu
**T** 212.229.5150 x 1425

*For security purposes, please do not submit sensitive personal information (including verification documents and Social Security Numbers) via email. To submit this information safely, please utilize our Secure Drop-Box.*

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Sun, 22 Mar 2020 20:56:12 +0000
**To:** COVID-19
**Subject:** FW: Oakton Community College--Request for Approval Letter
**Attachments:** Oakton Community College Request for Approval Covid-19 20200313.pdf

Hello. Please see questions re a temporary school reduction. See below.

-----Original Message-----
From: Barnett, Effie <Effie.Barnett@ed.gov>
Sent: Friday, March 13, 2020 4:48 PM
To: FederalStudentAid <FederalStudentAid@ed.gov>
Cc: Early, Jeremy <Jeremy.Early@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
Subject: FW: Oakton Community College--Request for Approval Letter

Good Afternoon,

I received this request for guidance from Oakton Community College, and have informed Ms. Warmann that we are working to develop a response as soon as possible.

Thank you and best wishes,

Effie

Effie Barnett
Institutional Improvement Specialist
Federal Student Aid
U.S. Department of Education
JCK Federal Building
230 South Dearborn Street, Room 3733
Chicago, IL 60604
(312) 730-1587

-----Original Message-----
From: Cheryl Warmann <cwarmann@oakton.edu>
Sent: Friday, March 13, 2020 2:53 PM
To: Barnett, Effie <Effie.Barnett@ed.gov>
Subject: Oakton Community College--Request for Approval Letter

Thanks for the conversation this morning.

Attached is my follow up letter requesting approval for a shortened term and RT4 clarification.

Please let me know if you have questions.

Cheryl Warmann
Oakton Community College

AMERICAN OVERSIGHT

Oakton Community College

Enrollment Center 1600 East Golf Road
Des Plaines, Illinois 60016
847.635.1700
Fax 847.635.1706

March 13, 2020

Effie Barnett
U.S. Department of Education
JCK Federal Building
230 S. Dearborn St.
FSA Program Compliance
Room 3922
Chicago, IL 60604

emailed to: effie.barnett@ed.gov

Dear Ms. Barnett,

I am requesting approval to comply with Title IV policies impacted by Cornoavirus (Covid-19), and need to clarify guidance regarding Return of Title IV regulations.

**A. Request for Approval Due to a Temporary Reduction in Length of Academic Year**

On Thursday, March 12, 2020, Oakton Community College made a decision to extend our Spring Break by an additional week. The non-instructional period will run from March 16—March 29, 2020. No classes will be held during this time. The extension is intended to allow faculty to prepare online instruction.

All lecture components of a credit courses will move to an online format from March 30—April 24, 2020. Courses that have a lab component will continue to be taught with face-to-face instruction. The College plans to be open so students may secure key services such as tutoring, library service, testing, disability services, wellness/counseling, and computer lab access. The Office of Student Financial Assistance will also be open.

The spring semester will be 14 weeks and 3 days. The spring semester began on January 21, 2020 and the last date of student attendance will be May 15, 2020.

**B. Return of Title IV Clarification**

The March 5, 2020 electronic announcement that provides guidance for interruptions of study mentioned Return of Title IV within the context of leave of absences. Can you confirm that Oakton does not need to recalculate Return of Title IV calculations performed prior to March 13, 2020? And confirm that for calculations performed on/after March 13, 2020, those calculations are required to include the additional week of closure as part of a scheduled break?

AMERICAN OVERSIGHT

If you have questions or need additional information, please contact me or the Financial Assistance Manager. Our contact information is listed below.

| | | |
|---|---|---|
| Jamie Petersen | jpeterse@oakton.edu | 847-635-1709 |
| Cheryl Warmann | cwarmann@oakton.edu | 847-635-1719 |

Thank you for your time and assistance.

Sincerely,

C. Warmann

Cheryl Warmann, EdD
Registrar/Director of Student Financial Support

cc: Dr. Joianne Smith, President
Dr. Karl Brooks, Vice-President of Student Affairs
Jamie Petersen, Manager of Student Financial Assistance

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Sun, 22 Mar 2020 20:36:47 +0000
**To:** COVID-19
**Subject:** FW: Possible Change to Quarter

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Friday, March 13, 2020 1:00 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Gilligan, Pam <Pam.Gilligan@ed.gov>
**Subject:** Fw: Possible Change to Quarter

pandemic question below

---

**From:** Smith, Amy <asmith@sullivan.edu>
**Sent:** Friday, March 13, 2020 6:29 AM
**To:** AskAFed <AskAFed@ed.gov>
**Subject:** Possible Change to Quarter

We are looking at delaying our quarter for one week that was scheduled to start March 30th. If we delayed one week, would we need to do anything to notify the department or take any other measures?

Amy Smith
Compliance Officer
502-515-2578 Office
859-707-6754 Cell
asmith@sullivan.edu

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Sun, 22 Mar 2020 20:18:46 +0000
**To:** COVID-19
**Subject:** FW: Question

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Marcucio, Steven <Steven.Marcucio@ed.gov>
**Sent:** Friday, March 13, 2020 12:33 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Bell, Sherrie <Sherrie.Bell@ed.gov>; Marsh, Deborah <Deborah.Marsh@ed.gov>
**Subject:** FW: Question

Please see below for another question pertaining to COVIN-19.

---

**From:** Marsh, Deborah <Deborah.Marsh@ed.gov>
**Sent:** Friday, March 13, 2020 11:17 AM
**To:** Stephanie Migyanko <smigyanko@laurel.edu>
**Subject:** RE: Question

Ms. Migyanko,

I would like to acknowledge receipt of your inquiry. The U.S. Department of Education will provide you with a response as soon as possible.

If I can be of further assistance, please let me know.

**Deborah M. Reedom, Ed.D.** ***(formerly Deborah M. Marsh)***
**Sr. Institutional Review Specialist**

U.S. Department of Education
School Participation Division - Philadelphia
100 Penn Square East, Suite 511
Philadelphia, PA 19107
Office - (215) 656-8640
Fax - (215) 656-6499

**From:** Stephanie Migyanko <smigyanko@laurel.edu>
**Sent:** Friday, March 13, 2020 11:10 AM
**To:** Marsh, Deborah <Deborah.Marsh@ed.gov>
**Subject:** Question

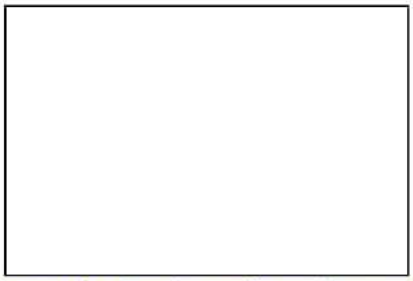
Good Morning Deborah,

AMERICAN OVERSIGHT

I am hoping you can help me with a question I have about the Corona Virus and if a school would have to temporarily suspend in-house classes. For the Credit Hour students we are going to be teaching those classes on-line. We are currently working on a Contingency Plan, making sure students will have the capability to continue he/her studies this way. My main concern is for the students who are enrolled in our Cosmetology program, which Title IV funding is based on Clock Hours and not Credit Hours. These students Title IV funding is based on the actual hours they are in a class. They have lecture classes which can be moved on-line but the majority of his/her classes are hands on and by not having the classroom to practice, how would this affect the Contract End Date and when the student was to finish by. Will we be able to move the contract end date because of the suspension of in-house classes. Also what if there are no lecture classes schedule for the students for this payment period and the student only has in-house classes. My concern is this case would be the 14 day termination policy because of attendance. What would the school need to do in this instance.

Thank you for your help,
Stephanie

--
Stephanie M Migyanko
Vice President of Financial Aid
Laurel Business Institute/Laurel Technical Institute
PO Box 877
11 East Penn Street
Uniontown, PA 15401
(724) 439-4900 ext 117
smigyanko@laurel.edu



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AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Sun, 22 Mar 2020 20:54:28 +0000
**To:** COVID-19
**Subject:** FW: Request for temporary reduction in academic year

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Barnett, Effie <Effie.Barnett@ed.gov>
**Sent:** Friday, March 13, 2020 4:46 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Early, Jeremy <Jeremy.Early@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
**Subject:** FW: Request for temporary reduction in academic year

Good Afternoon,

I received these questions from Kalamazoo College, and have informed Ms. Murphy that we are working to develop a response as soon as possible.

Thank you and best wishes,

Effie

Effie Barnett
Institutional Improvement Specialist
Federal Student Aid
U.S. Department of Education
JCK Federal Building
230 South Dearborn Street, Room 3733
Chicago, IL 60604
(312) 730-1587

---

**From:** Becca Murphy <Becca.Murphy@kzoo.edu>
**Sent:** Friday, March 13, 2020 12:47 PM
**To:** Barnett, Effie <Effie.Barnett@ed.gov>
**Subject:** Request for temporary reduction in academic year

Hello,

Kalamazoo College is extending our Spring Break by 2 days and will now begin Spring quarter on Wednesday, April 1, 2020 instead of March 30, 2020. I am requesting a temporary reduction

AMERICAN OVERSIGHT

in length of our academic year due to COVID-19. Do I need to officially change the start date of our Spring quarter? Can we keep the same payment period? I'm wondering what date we should use.

Thank you,

Becca Murphy

Interim Dean of Financial Aid
Director of Financial Aid
Kalamazoo College
1200 Academy Street
Kalamazoo, MI 49006
p 269-337-7192
f 269-337-7390

**The mission of Kalamazoo College is to prepare its graduates to better understand, live successfully within, and provide enlightened leadership to a richly diverse and increasingly complex world.**

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Sun, 22 Mar 2020 20:51:59 +0000
**To:** COVID-19
**Subject:** FW: Request for temporary reduction in length of academic year-Augustana College 001633

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Charlton, Jason <Jason.Charlton@ed.gov>
**Sent:** Friday, March 13, 2020 2:49 PM
**To:** Yette, Brenda <Brenda.Yette@ed.gov>; Early, Jeremy <Jeremy.Early@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Minor, Robin <Robin.Minor@ed.gov>
**Subject:** FW: Request for temporary reduction in length of academic year-Augustana College 001633

Good afternoon,

The below e-mail is from Augustana College (OPE: 00163300) regarding a reduction of weeks in the institution's Spring semester due to COVID-19. The institution is informing the Chicago/Denver SPD it is going from a 15 week semester to 14 week semester. Although the e-mail doesn't request it, my discussion with the Financial Aid Director was that she is requesting permission to reduce the semester a week without any change/interruption to the student's disbursement of Title IV aid. The institution will still have an academic year over 30 weeks in length (due to a intersession attached to the Fall semester) and the traditional fall semester will only be a week longer than the spring semester.

Thank you,

Jason

Jason Charlton
Senior Institutional Review Specialist/ Payment Analyst, Program Compliance

Office: (312) 730-1695
jason.charlton@ed.gov
StudentAid.gov

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**From:** Standley, Sue <suestandley@augustana.edu>
**Sent:** Friday, March 13, 2020 1:35 PM
**To:** Charlton, Jason <Jason.Charlton@ed.gov>
**Subject:** Request for temporary reduction in length of academic year-Augustana College 001633

AMERICAN OVERSIGHT

Hi Jason,

Due to COVID-19, Augustana will be extending our spring break reducing spring term from 15 to 14 weeks.

Our current calendar is:

Fall 15 weeks + J-term 4 weeks (J-term is not mandatory for all students)
Spring 15 weeks

Thank you for your help
Sue

Sue Standley '83
Associate Vice President of Enrollment
Director of Financial Aid
Augustana College
Phone: 309-794-7207
Fax: 309-794-7174

AMERICAN OVERSIGHT

**From:** Raghunath Mohapatra
**Sent:** Sun, 22 Mar 2020 10:30:44 +1200
**To:** ncov2019@gmail.com;COVID-19;covid-19@nva.gov.in
**Subject:** Important advices for remedy of corona virus.

Sir,salutations. By God's name immortal almighty nature God's everywhere always saving. So as relief from corona virus diseases please use this ayurvedic elixir medicines , tested fruitful as follows. Mix giloy or tinospora codifolia, neem leaves powder, turmeric powder, holy basil, black pepper, ginger, common salt, water and boil for few minutes and filtering this take out the medicinal water solutions extracts from this to use this as medicines for all viral or other diseases for remedy and prevention and all purpose ayurvedic antibiotics as tested well by ayurvedic physicians to be fruitful fully. Pray well with results study breathing devotion and read gitaa and vedas with results and do physical and mental yoga exercises and other good activities with results and pat body by palms and walk to and fro in horizontal semi circle and celibacy and nonviolence and good relationship with all with results for few minutes for getting everything with god and peace and immortality and salvation and good health and heaven and rain and knowledge, power, wealth, and solutions to problems for ever and overall all round wellbeing of all always by God's blessings and results of magic and worship and brain mobile activities easily by all everywhere cheaply always as easily felt by all. Faith reminds God. Pain gains. Wills have ways. Caring get gems. Searching get all. By celibacy and austerity and praying and nonviolence and devotion and all good activities and studies and spiritualism with results Gods have overcome death and achieved immortality always by God's blessings as observed by all. Tell others now for benefits of all. Thanks. Namaste. Salutations. Goodday. Help. Mr babu. Odisha. India. 22.3.20. God bless India and all. Thanks.

AMERICAN OVERSIGHT

**From:** Duhwan R
**Sent:** Sun, 22 Mar 2020 00:22:28 -0400
**To:** COVID-19
**Subject:** LECOM DENTAL SCHOOL

Hi whom it may concern

I'm attending LECOM dental school in Bradenton Florida. Our school is still open and seeing emergency patients, who we are not really able to address their issues due COVID 19. Because school is worrying about interruption of education, more than 100 students and faculties have to attend school and report to their clinics. School refuses to listen to students' and faculties' opinions about temporarily closing campus for our safety. I'm very concerning about our safety as well as our family's safety.

Thank you.

AMERICAN OVERSIGHT

**From:** Irvine, Priscilla
**Sent:** Mon, 23 Mar 2020 03:09:45 +0000
**To:** Ridgway, Alice E;COVID-19
**Subject:** RE: I need to tell Birth to Three programs they are non-essential ASAP
**Importance:** High

Hi, Alice -

I really wish it was up to me to make this call, but I have to refer this inquiry to the Covid-19 team. Based on the information shared on Friday's call, the team understands that these matters are urgent and are responding quickly. I'm including the team on this message with the hope that someone will see it first thing in the morning.

If I hear something before you do, I'll be sure to let you know.

Be well –
Priscilla

---

**From:** Ridgway, Alice E <Alice.Ridgway@ct.gov>
**Sent:** Saturday, March 21, 2020 3:36 PM
**To:** Irvine, Priscilla <Priscilla.Irvine@ed.gov>
**Subject:** Fw: I need to tell Birth to Three programs they are non-essential ASAP

Hi Priscilla,

Sorry to bother you but since our B23 programs can do Remote EI (Medicaid approved and HIPAA secure with TA from ECPC) they WANT to provide continuity of care to their families. The lead agency is not closed and only 4 of the 26 EIS programs in CT have temporarily closed.

As you can see below our OEC crisis team wants me to consult with "the Feds". I don't think EI is essential during our "Stay Safe, Stay at Home" executive order so we want to tell them NO in person EIS since they have Remote EI as an option. The funding for Remote EI will be the same we use for in-person and will just replace the in-person claims.

We are psyched that Medicaid is on board!

Do you agree with my approach? Or should we talk on the phone? My land line at home is 860-283-8499.

AMERICAN OVERSIGHT

Thanks!

Alice

---

**From:** Flis, Deb
**Sent:** Saturday, March 21, 2020 2:19 PM
**To:** Ridgway, Alice E; Adair, Maggie
**Cc:** Lyddy, Christopher; Curley, Michael
**Subject:** RE: I need to tell Birth to Three programs they are non-essential ASAP

Alice,

Before any other communication can go out to B23 providers, please consult with the feds on the CT Executive Order and whether the feds deem B23 an essential service.

Once we obtain that information we can determine how to proceed with communication to B23 providers. We will need to have a specific conversation regarding funding commitments based on federal guidance. We can schedule a call about this when you have the info.

Deb

---

**From:** Ridgway, Alice E <Alice.Ridgway@ct.gov>
**Sent:** Saturday, March 21, 2020 1:23 PM
**To:** Adair, Maggie <Maggie.Adair@ct.gov>
**Cc:** Flis, Deb <Deb.Flis@ct.gov>; Lyddy, Christopher <Christopher.Lyddy@ct.gov>; Curley, Michael <Michael.Curley@ct.gov>
**Subject:** I need to tell Birth to Three programs they are non-essential ASAP

Hi,

Don't know if you are preparing one memo for all programs at OEC about the EO but either way I would like to send something like to my program directors as soon as possible so they can update their staff.

Given the recent "Stay Safe, Stay at Home" executive order, many of you have asked me whether Birth to Three is "essential" because we provide health insurance billable services. All Birth to Three Programs can have all staff working from home using Remote Early Intervention (EI) for all EI services as posted in both procedures on our website at https://www.birth23.org/providers/provider-resources/procedures/. Therefore Birth to Three Programs are not essential (even though you are).

AMERICAN OVERSIGHT

The Remote EI procedures are currently in the approval process at DSS for Medicaid billing and they provide the continuity of care required by OSEP for families when EIS programs are open. If you signed up for messages from DSS you will be notified as soon as the provider bulletins (PB) are published. If the PBs are not published with March 16th as the effective date, the OEC will cover all Remote EIS provided from March 16th to the effective date in the PB. We will confirm the method for billing before the end of the month.

Alice

AMERICAN OVERSIGHT

**From:** Cristin Kaptain
**Sent:** Sun, 22 Mar 2020 14:13:10 -0400
**To:** COVID-19
**Subject:** Refund offsets

My entire tax refund was offset on March 11th, 2020
Is it true the DOE is giving that back to the people they took it from? If so, is it a check or going to be reimbursed back by the way we filed our return? Any information would be great.
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Coley, Jerine
**Sent:** Mon, 23 Mar 2020 17:11:10 +0000
**To:** COVID-19
**Cc:** Patrick, Kelly;Lovitt, Brittney;Coley, Jerine
**Subject:** 20-003359 FOR RESPONSE: DUE BY 4/3/20 REGARDING "COVID-19"
**Attachments:** 20-003359 (Mosca) incoming email.pdf, 20-003359 (Mosca) control sheet.pdf

To: COVID-19 Response Team:

The attached document control sheet 20-003359 and letter concerning "COVID-19" has been assigned to you for appropriate handling. Due by 4/3/20. If this document should be reassigned to another program office, please let me know upon receipt of this email.

Thanks, Jerine
See attachments

AMERICAN OVERSIGHT

Sent: 20-March-2020 18:00:40

From:

To:

Cc:

Bcc:

Subject: FW: Education during Coronavirus crisis

Attachments:

Carol Mosca <justice4sentience@gmail.com> Friday, March 20, 2020 1:34 PM DeVos, Betsy <Betsy.DeVos@ed.gov> Education during Coronavirus crisis
From:

Sent:
To:

Subject:

Ms. Devos,
Now that we know that the restrictions imposed on meat markets following the SARS outbreak nearly 20 years ago would have prevented the Coronavirus, the time is ripe to educate students. Since American school children are home, wouldn't it be a great time for them to visit the factory farms and slaughterhouses to learn where their cheese, butter, ice cream, sausage, bacon, steak and chicken come from? For the ones who remain quarantined, they can watch videos on the internet because this education about how to save our planet, end the sickness/sick care/financial crises, eradicate world hunger, and stop unnecessary violence and suffering is invaluable. I recommend starting with the following three YouTubes:
Mercy For Animals What Cody Saw Will Change Your Life
Dairy is Scary
The White Cow;

and the following five documentaries:
The Game Changers
What the Health
Earthlings
Dominion
Cowspiracy
Forks Over Knives.

https://www.youtube.com/watch?v=LUllIT8rCj4

AMERICAN OVERSIGHT

# Office of the Secretary
## U.S. Department of Education
### Control Document

**Keyer:** DARLENE.FOWLER **POC File Code:** **Reader:** DARLENE.FOWLER

**Control #: 20-003359**
**Document Type: Office of the Secretary Bulk Mail**

**Due Date:** 4/3/2020
**Signature:** Appropriate individual's signature

**Event Date:**

**Writer:**
Carol Mosca

justice4sentience@gmail.com
xxxxx

**Subject:** EDUCATION DURING THE CORONAVIRUS CRISIS

**Notes:** ELECTRONIC ONLY TRANSMISSION

| Assigned To | Action | Assigned Date | Due Date | Completed Date | Routing Notes |
|---|---|---|---|---|---|
| **OESE** | **Appropriate Handling** | **3/20/2020** | **4/3/2020** | **3/23/2020** | |
| **OESE-SSS** | **Appropriate Handling** | **3/23/2020** | **4/3/2020** | | |

**Related Control Numbers:**
**OBO:**

PLEASE NOTE: A principal office has only five working days to return a misassigned control should it feel that a letter should be handled by another principal office. After five days, you are responsible for answering the letter and will need to coordinate with the appropriate office to draft the reply.


AMERICAN OVERSIGHT

**From:** Coley, Jerine
**Sent:** Mon, 23 Mar 2020 17:11:10 +0000
**To:** COVID-19
**Cc:** Patrick, Kelly;Lovitt, Brittney;Coley, Jerine
**Subject:** 20-003359 FOR RESPONSE: DUE BY 4/3/20 REGARDING "COVID-19"
**Attachments:** 20-003359 (Mosca) incoming email.pdf, 20-003359 (Mosca) control sheet.pdf

To: COVID-19 Response Team:

The attached document control sheet 20-003359 and letter concerning "COVID-19" has been assigned to you for appropriate handling. Due by 4/3/20. If this document should be reassigned to another program office, please let me know upon receipt of this email.

Thanks, Jerine
See attachments

AMERICAN OVERSIGHT

Sent: 20-March-2020 18:00:40

From:

To:

Cc:

Bcc:

Subject: FW: Education during Coronavirus crisis

Attachments:

Carol Mosca <justice4sentience@gmail.com> Friday, March 20, 2020 1:34 PM DeVos, Betsy <Betsy.DeVos@ed.gov> Education during Coronavirus crisis
From:

Sent:
To:

Subject:

Ms. Devos,
Now that we know that the restrictions imposed on meat markets following the SARS outbreak nearly 20 years ago would have prevented the Coronavirus, the time is ripe to educate students. Since American school children are home, wouldn't it be a great time for them to visit the factory farms and slaughterhouses to learn where their cheese, butter, ice cream, sausage, bacon, steak and chicken come from? For the ones who remain quarantined, they can watch videos on the internet because this education about how to save our planet, end the sickness/sick care/financial crises, eradicate world hunger, and stop unnecessary violence and suffering is invaluable. I recommend starting with the following three YouTubes:
Mercy For Animals What Cody Saw Will Change Your Life
Dairy is Scary
The White Cow;

and the following five documentaries:
The Game Changers
What the Health
Earthlings
Dominion
Cowspiracy
Forks Over Knives.

https://www.youtube.com/watch?v=LUllIT8rCj4

AMERICAN OVERSIGHT

# Office of the Secretary
## U.S. Department of Education
### Control Document

**Keyer:** DARLENE.FOWLER **POC File Code:** **Reader:** DARLENE.FOWLER

**Control #: 20-003359**
**Document Type: Office of the Secretary Bulk Mail**

**Due Date:** 4/3/2020
**Signature:** Appropriate individual's signature

**Event Date:**

**Writer:**
Carol Mosca

justice4sentience@gmail.com
xxxxx

**Subject:** EDUCATION DURING THE CORONAVIRUS CRISIS

**Notes:** ELECTRONIC ONLY TRANSMISSION

| Assigned To | Action | Assigned Date | Due Date | Completed Date | Routing Notes |
|---|---|---|---|---|---|
| **OESE** | **Appropriate Handling** | **3/20/2020** | **4/3/2020** | **3/23/2020** | |
| **OESE-SSS** | **Appropriate Handling** | **3/23/2020** | **4/3/2020** | | |

**Related Control Numbers:**
**OBO:**

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AMERICAN OVERSIGHT

**From:** Coley, Jerine
**Sent:** Mon, 23 Mar 2020 17:22:23 +0000
**To:** COVID-19
**Cc:** Patrick, Kelly;Lovitt, Brittney;Coley, Jerine
**Subject:** 20-003361 FOR RESPONSE: DUE BY 3/31/20 REGARDING "COVID-19"
**Attachments:** 20-003361 (Emiley) incoming letter.pdf, 20-003361 (Emiley) control sheet.pdf

To: COVID-19 Response Team:

The attached document control sheet 20-003361 and letter concerning "COVID-19" has been assigned to you for appropriate handling. Due by 3/31/20. If this document should be reassigned to another program office, please let me know upon receipt of this email.

Thanks, Jerine
See attachments

AMERICAN OVERSIGHT

Sent: 20-March-2020 18:24:41

From: Washington, Wendell

To: Washington, Wendell

Cc:

Bcc:

Subject: Michigan department of education

Attachments:

-----Original Message-----
From: DeVos, Betsy
Sent: Friday, March 20, 2020 1:12 PM
To: Terry Emiley <tjedpm71170@gmail.com>
Subject: RE: Michigan department of education

This acknowledgement is sent on behalf of Secretary of Education Betsy DeVos.

Dear Mr. Emiley:

Thank you for your e-mail to Secretary of Education Betsy DeVos. We appreciate hearing from you.
Your communication has been forwarded to the appropriate staff member for review and further handling.

Thank you again for contacting us.

Sincerely,
Edgar Mayes

Director, Correspondence and
Communications Control Unit
Office of the Secretary
U.S. Department of Education
Washington, DC 20202

-----Original Message-----
From: Terry Emiley <tjedpm71170@gmail.com>
Sent: Friday, March 20, 2020 1:10 PM
To: DeVos, Betsy <Betsy.DeVos@ed.gov>
Cc: Terrence J Emiley <lje71170@aol.com>
Subject: Michigan department of education

Just released news that students will have to make up an entire missed days to count from this covid19 issue, which means all my daughters working at Saint Thomas and immaculate heart of Mary grade schools work as teachers spending 6 to 8 hours a day on the Internet these last two weeks ,means nothing. This does not make sense can you step in please Terrence Emiley
8065 Cowan Lake Dr. N. east
Rockford, MI 49341
616-540-2697

Sent from my iPad

AMERICAN OVERSIGHT

# Office of the Secretary
## U.S. Department of Education
### Control Document

**Keyer:** WENDELL.WASHINGTON**POC File Code:** **Reader:** WENDELL.WASHINGTON

**Control #: 20-003361**
**Document Type: Office of the Secretary Mail**

**Due Date:** 3/31/2020
**Signature:** Appropriate individual's signature
**Event Date:**

**Writer:**
Terrence Emiley

tjedpm71170@gmail.com
XXXXX

**Subject:** REQUESTS THE SECRETARY'S INTERVENTION IN STOPPING THE MICHIGAN DEPARTMENT OF EDUCATION FROM REQUIRING STUDENTS TO MAKE UP THE MISSED DAYS CAUSED BY THE COVID-19 PANDEMIC

**Notes:**

| Assigned To | Action | Assigned Date | Due Date | Completed Date | Routing Notes |
|---|---|---|---|---|---|
| **OESE** | **Direct Reply/Appropriate Individual** | **3/20/2020** | **3/31/2020** | **3/23/2020** | |
| **OESE-SSS** | **Appropriate Handling** | **3/23/2020** | **3/31/2020** | | |

**Related Control Numbers:**
**OBO:**

PLEASE NOTE: A principal office has only five working days to return a misassigned control should it feel that a letter should be handled by another principal office. After five days, you are responsible for answering the letter and will need to coordinate with the appropriate office to draft the reply.


AMERICAN OVERSIGHT

**From:** Coley, Jerine
**Sent:** Mon, 23 Mar 2020 17:39:37 +0000
**To:** Patrick, Kelly
**Cc:** COVID-19;Lovitt, Brittney;Coley, Jerine
**Subject:** 20-003365 FOR RESPONSE: DUE BY 3/31/20 REGARDING "COVID-19"
**Attachments:** 20-003365 (Stump) incoming letter.pdf, 20-003365 (Stump) control sheet.pdf

To: Kelly Patrick:

The attached document control sheet 20-003365 and letter concerning "COVID-19" has been assigned to you for appropriate handling. Due by 3/31/20. If this document should be reassigned to another program office, please let me know upon receipt of this email.

Thanks, Jerine
See attachments

AMERICAN OVERSIGHT

**From:** Mayes, Edgar
**To:** Murray, Darren
**Subject:** FW: Schools are only partially closed
**Date:** Friday, March 20, 2020 1:14:56 PM

---

**This acknowledgment sent on behalf of the Secretary of Education Betsy DeVos.**

Please assign to OESE.

Thanks.

---

**From:** DeVos, Betsy
**Sent:** Friday, March 20, 2020 6:44 AM
**To:** Robin Stump <robinlynnstump@gmail.com>
**Subject:** RE: Schools are only partially closed

**This acknowledgement is sent on behalf of Secretary of Education Betsy DeVos.**
Dear Ms. Stump:
Thank you for your e-mail to Secretary of Education Betsy DeVos. We appreciate hearing from you.
Your communication has been forwarded to the appropriate staff member for review and further handling.
Thank you again for contacting us.
Sincerely,
Edgar Mayes

Director, Correspondence and
Communications Control Unit
Office of the Secretary
U.S. Department of Education
Washington, DC 20202

**From:** Robin Stump <robinlynnstump@gmail.com>
**Sent:** Thursday, March 19, 2020 10:00 PM
**To:** DeVos, Betsy <Betsy.DeVos@ed.gov>
**Subject:** Schools are only partially closed

Good evening Secretary Devos,
I am emailing you because I have a grave concern for the lives of all service and administrative personnel in the public school system. I have researched and this issue is pervasive across the nation. Service personnel are still working to provide meals for children. Secretaries are still

AMERICAN OVERSIGHT

answering phones and working on financials. Teachers are still coming in periodically to upload materials, make packets, or call students. Administrators are there when the building is open, so everyday Monday through Friday. Many bus drivers are going door to door to deliver meals. In some counties not only meals, but personal hygiene products are delivered. While I understand that caring for our children is extremely important, many state school leaders and Governors feel that they must do some version of this to maintain funding. We love our students and our dedication is not in question, not following the President's urgent pleas for social distancing and following his 15 day time line are not happening in the school system. I have read many executive orders from various states and I have relatives living in other states. This alternative learning and meal distribution is common place. Why is it being done? It occurs so that these can be instructional days. It allows and even promotes people congregating together. This does not fall on the shoulders of my Superintendent or State Superintendent. I am asking you to put a stop to all school personnel across the country working in any capacity until the President's full 15 time frame has expired and then reevaluate. We received word that we could miss work without taking docked time, that is not the issue, as long the job is expected many will continue to work. I know I will be there as long as school remains open in this fashion. Children/students are not provided these types of services in the summer or during any school breaks. We have a Federal and State Emergency situations. While assisting the communities and children is a blessing, safety must be considered. Please work out someway to not penalize the states in terms of funding. People are facing unnecessary exposure. My prayer is that you will take this concern to the President and perhaps to Congress if need be. Funding should never be placed over lives.
I look forward to hearing from you!

Sincerely,

Robin L. Stump

304-531-7403 (cell phone)

AMERICAN OVERSIGHT

# Office of the Secretary
## U.S. Department of Education
### Control Document

**Keyer:** DARREN.MURRAY **POC File Code:** **Reader:** DARREN.MURRAY

**Control #: 20-003365**
**Document Type: Office of the Secretary Bulk Mail**

**Due Date:** 4/3/2020
**Signature:** Appropriate individual's signature

**Event Date:**

**Writer:**
Robin Stump

robinlynnstump@gmail.com

**Subject:** HAS CONCERNS FOR ALL THE EMPLOYEES STILL WORKING THROUGH THE SHUTDOWN FOR COVID-19 VIRUS

**Notes:** ELECTRONIC ONLY TRANSMISSION

| Assigned To | Action | Assigned Date | Due Date | Completed Date | Routing Notes |
|---|---|---|---|---|---|
| **OESE** | **Appropriate Handling** | **3/20/2020** | **3/31/2020** | **3/23/2020** | |
| **OESE-SSS** | **Appropriate Handling** | **3/23/2020** | **3/31/2020** | | |

**Related Control Numbers:**
**OBO:**

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AMERICAN OVERSIGHT

**From:** Rudae's Janelle
**Sent:** Mon, 23 Mar 2020 11:21:59 -0400
**To:** COVID-19
**Cc:** Tiffany Howenstine
**Subject:** 009673 School Temporary Closure

**March 20, 2020**

**Region V**
U.S. Department of Education
500 W. Madison Street
Suite 1427
Chicago, IL 60661

Re: School Temporary Closure # 009673
Rudae's School of Beauty Culture
5317 Coldwater Road
Coldwater Crossing
Fort Wayne, In 46825

To whom it may concern,

Due to the Covid-19, Rudae's School of Beauty Culture is Temporary closed as of March 21, 2020 and we hope to
re-open April 20th, 2020.

If we are unable to open on April 20th, 2020, we will again Contact the Department of Education.

Sincerely,

*Janelle V Banks*
Administrator

rudae's
SCHOOL OF BEAUTY CULTURE
5317 Coldwater Rd.
Coldwater Crossing
Fort Wayne, IN 46825
Phone: 260.483.2466
Toll Free: 800.878.9744
janellebanks@rudaes.edu
www.rudaes.edu

AMERICAN OVERSIGHT

**From:** Tasha Dickens
**Sent:** Mon, 23 Mar 2020 19:47:12 -0500
**To:** COVID-19
**Subject:** 31007667 Tasha Dickens 02/18/1983

Am I eligible for my fascia or financial aid or direct or any awards due to my residency being cancelled? Summer ,fall cuz its due to the outbreak in Virginia state I go to liberty university 31003767 and already filled out my. 2001/2021 and now going online because only by school compliance and nation shutdown.Just wondering what I'm qualified for because I most disappointed in my living situation and need a source of money for housing.i have none.

AMERICAN OVERSIGHT

**From:** Doug Minter
**Sent:** Mon, 23 Mar 2020 08:48:46 -0500
**To:** COVID-19
**Cc:** Douglas Minter;Brenda Kelly
**Subject:** Academic Length

Gustavus Adolphus College (00235300) has extended it spring break by one week due to the COVID-19 outbreak and we are not extending the end of the academic year. Therefore, I would like to request our academic year be reduced to 29 weeks for the 2019-20 academic year due to the COVID-19 outbreak. We will also be going on-line for classes for the rest of the academic year.

Please let me know if you need any further information.

Thanks and stay well.

***Doug***

GUSTAVUS

GUSTAVUS ADOLPHUS COLLEGE

MAKE YOUR LIFE **COUNT**®

**Doug Minter**
Associate Vice President of Enrollment
Dean of Financial Aid
Gustavus Adolphus College
800 West College Avenue
Saint Peter, MN 56082

Office: (507) 933-7530
Fax: (507) 933-7727
Web: www.gustavus.edu

AMERICAN OVERSIGHT

**From:** Randolph, Tiffany
**Sent:** Mon, 23 Mar 2020 13:53:11 +0000
**To:** COVID-19
**Subject:** Academic Year & Online Instruction Question

Good morning,

We have extended our Spring Break for one additional week (totaling 2 weeks); our school district is slated to reconvence face-to face on April 15th, as we know this may change. We are also looking to move to a distance learning/web enhanced methods while allowing students to come in groups of 9 for practical work, labs, etc. We are unsure at this time if we will fall below the 30 week academic year. What exactly is it that we will need to do at this time for approval?


Tiffany A. Randolph
Coordinator of Financial Aid & Veterans Affairs
Council on Occupational Education (COE) Accreditation Liaison

Lively Technical College

500 N. Appleyard Drive
Tallahassee, FL 32304
Office (850) 487.7403
Fax (850) 487.7682
www.livelytech.com



*SUNSHINE LAW AND PUBLIC RECORDS CAUTION: Florida has a very broad Public Records Law. Virtually all written communications to or from School Board of Leon County, Florida Personnel are public records available to the public and media upon request. E-mail sent or received on the LCSB system will be considered public and will only be withheld from disclosure if deemed confidential pursuant to State Law. Individual student records are deemed confidential.


AMERICAN OVERSIGHT

**From:** Blue, Jacqueline
**Sent:** Mon, 23 Mar 2020 21:41:08 +0000
**To:** COVID-19
**Cc:** Blue, Jacqueline
**Subject:** Academic Year Modification Request - VT Technical College

Please see the inquiry below.

jacqueline blue
Institutional Review Specialist
Phone: (617) 289-0191
Federal Student Aid | PROUD SPONSOR of the AMERICAN MIND
An OFFICE of the U.S. DEPARTMENT of EDUCATION

*You can't Believe your way out of something you Behaved your way into. ~DWright*

---

**From:** Nave, Tracy <Tracy.Nave@ed.gov>
**Sent:** Monday, March 23, 2020 5:33 PM
**To:** Blue, Jacqueline <Jacqueline.Blue@ed.gov>
**Subject:** FW: Waiver Request for Academic Year Length

Would you please do your thing with this ☺ thanks!

---

**From:** McCullough, Catherine R. <crm07160@vtc.vsc.edu>
**Sent:** Monday, March 23, 2020 4:53 PM
**To:** Nave, Tracy <Tracy.Nave@ed.gov>
**Cc:** McCullough, Catherine R. <crm07160@vtc.vsc.edu>
**Subject:** Waiver Request for Academic Year Length

Tracy,
I am requesting a waiver for the Academic Year length for Vermont Technical College as result of COVID-19.
Fall term 2019 was 15 weeks and our spring term 2020 is reducing to 14 weeks as we have added an extra week to spring break due to the pandemic COVID-19. Is there a form or formal process I need to go through to be granted this approval?

Thank you for your help!
Regards,

**Catherine R. McCullough** | Executive Director of Student Services
**VERMONT TECH**
P 802.728.1247 | F 802.728.1436 | vtc.edu
PO Box 500 | Randolph Center, VT 05061

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Ballard, Linda C
**Sent:** Mon, 23 Mar 2020 15:20:43 +0000
**To:** COVID-19
**Subject:** Additional Assistance

1. Our institution is considering offering gift and/or gas cards to students who are unable to afford travel home due to the closure of the dormitories. Should this assistance be considered a resource which counts against need?
2. Our institution is considering updating the grading policy to allow for Pass or Fail grades for the spring term. Is this allowable?

Kind regards,

Linda Ballard
*Director*
TSU Texas Southern University
Office of Student Financial Assistance
Office: 713-313-7480 | Fax: 713-313-1859
1st floor, West Garage, Room 131
3100 Cleburne, Houston, TX 77004
Email: Linda.Ballard@tsu.edu
www.tsu.edu/financialaid

This message contains information which may be confidential, privileged, or otherwise exempt from open records. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy, or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete the message.

AMERICAN OVERSIGHT

**From:** Joseph Ruiz
**Sent:** Mon, 23 Mar 2020 16:04:21 +0000
**To:** COVID-19
**Subject:** Adjusting Start Dates

Good Morning,
My administration has a question regarding start dates.
"Will institutions of higher education be given flexibility on start and end dates for future semesters?"
Thank you,

Joseph Ruiz
Director of Financial Aid Services
Email: Jruiz156@delmar.edu
O (361) 698-1374

Financial Aid Services
*Please note that Federal Student Aid can only pay for classes that apply **t=owards** your degree program at Del Mar College.

FAFSA®: Apply for Aid

www.fafsa.gov

Use the Free Application for Federal Student Aid (FAFSA®) form to apply for financial aid (grants, work-study, and loans) to pay for college or career school.

AMERICAN OVERSIGHT

**From:** Zakira Ralling
**Sent:** Mon, 23 Mar 2020 14:41:30 +0000
**To:** COVID-19
**Subject:** Administrative Wage Garnishment

Hello,

My name is Zakira Ralling ( DOB: 5/28/83 / SS:1615). I am trying to provide my employer with a letter so they can stop the wage garnishment that is currently coming out of my check. They have not received anything stating they should stop the garnishment amidst the Covid-19 crisis and Credit Adjustments who is managing my loan on behalf of the US Dept of Education says they cannot do anything and need to speak to someone at the Dept of Education.

Can you please help me? I am in desperate need to get this next garnishment stopped as I am in NYC and unable to go to work and this may be my last full paycheck for some time.

I can be reached at 718.578.3077. Thank you in advance for your assistance.

Best,
Zakira

**Zakira Ralling** | Program Director

PEI

130 W. 42nd Street, Suite 450, New York, NY 10036
T: +1 646 545-3321
E: Zakira.r@peimedia.com
W: www.thisispei.com

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AMERICAN OVERSIGHT

**From:** Hendricken, Kelly
**Sent:** Mon, 23 Mar 2020 17:19:55 +0000
**To:** COVID-19
**Subject:** Clarification SUNY Student Loan DHHS loans, Perkins Loans, Health Professions, Nursing Student

To Whom it May Concern:

SUNY is requesting clarifications for our Student Loan Servicing Center – we have a number of students calling due to the President's announcement about slashing interest rates on federal student loans to 0%. We know ED does not oversee these DHHS loans, but we are seeking clarification if there is any way to find out if this applies to the DHHS loans. We are also looking for clarification if this applies to federal Perkins loans, along with the Health Professions and Nursing Student loans. We want to ensure any guidance we have is accurate. Thank you for your attention to this matter and hope to hear from you soon. If you need any additional clarification or context, please do not hesitate to contact me. Stay safe.

Sincerely,

Kelly Hendricken

**Kelly H. Hendricken, Esq.**
*Assistant Counsel*
Office of General Counsel
The State University of New York
State University Plaza - Albany, New York 12246
Tel: 518.320.1400 Fax: 518.320.1541
Pronouns: She/Her/Hers

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**ATTORNEY CLIENT PRIVILEGED**

The information contained in this e-mail may be privileged and confidential and is intended only for named recipients.

AMERICAN OVERSIGHT

**From:** Chauntelle Aguirre
**Sent:** Mon, 23 Mar 2020 10:24:42 -0600
**To:** COVID-19
**Subject:** Closure Days

Hello,

Based on State and National guidance we had to make the decision to close our school prior to our distant education plan being ready and approved with the State and our accreditation board, NACCAS. We notified our State and NACCAS that the school would be closed between 3/17/2020 - 3/30/2020. Do we need to send any official communication to the DOE as well regarding this temporary closure? We hope to have our distant education approved before the 31st to be able to reopen for that.

I had a few questions on how we treat the closed days for students. NACCAS has informed me that for their purposes we would amend these days for students as unscheduled and adjust the students graduation dates accordingly. They told me that in this case because the school is closed that it is not treated as an LOA and we do not have to count the closed days into the students allowable 180 days. Does the DOE have the same standpoint? I have one student who has exhausted her LOA days and was trying to determine if I needed to drop her and perform an R2T4 if the days do count as LOA.

It is then my understanding from NACCAS that once our distant education is up and running the school is considered open. So students who choose not to use the distant education would need to request an LOA or be counted as absent until we reopen the physical school. Then the regular LOA guidelines would apply.

Thank you for your time.

--
Chauntelle Aguirre
Financial Director
New Dimensions Beauty Academy
303-840-6424

AMERICAN OVERSIGHT

**From:** Byers, Merrie
**Sent:** Mon, 23 Mar 2020 14:44:34 +0000
**To:** COVID-19
**Cc:** Granger, Ronald;Nash, Karla (CCCS);Byers, Merrie
**Subject:** Colorado Northwestern Community College (OPEID: 00135900) & COVID 19

To Whom It May Concern:

Colorado Northwestern Community College (OPEID: 00135900) has taken steps to reduce the risk of COVID-19 for our students, staff, and community. This has been communicated to students and staff, with continual updates as warranted.

Below are the steps CNCC has taken:

- We have extended our spring break by one week, to allow remote deliver to be set up, thus reducing our spring term by one week. This will reduce the number of weeks for this academic year to 29 weeks.
- We are transitioning the majority of our coursework to remote delivery beginning March 30, 2020.
- Campus will remain open for support services and allow access for critical functions to complete their coursework.

Thank you, let me know if you have any questions.

Merrie Byers
Financial Aid Director
Colorado Northwestern Community College
970-675-3204

AMERICAN OVERSIGHT

**From:** Vicki Shipley
**Sent:** Mon, 23 Mar 2020 13:48:44 +0000
**To:** COVID-19
**Subject:** Confirmation Needed for Commercially Held FFEL loans

Good morning and just checking to see when ED will provide confirmation and guidance for the FFEL community to use for commercially held FFEL loans? We want to help these FFEL borrowers (in repayment and default) immediately and we have requested confirmation of use of the disaster guidance contained in GEN 17-08. It's certainly a place for us to start for the three months until we see if a longer time may be needed or additional waivers based on how long the pandemic lasts etc but that would allow us to provide some immediate assistance to FFEL borrowers. I'm happy to discuss or answer any questions. Thank you!

Vicki Shipley
Senior Advisor
NCHER
202/721-1182

AMERICAN OVERSIGHT

**From:** Anna Holden
**Sent:** Mon, 23 Mar 2020 17:09:18 +0000
**To:** COVID-19
**Subject:** Construction on SUNY campus

Why are construction workers being mandated to continue work on these campuses? These projects are not essential. If these men and women become ill and lose their lives who will finish the renovations then. "Essential" should not mean remodeling projects. I have attached a picture of the sink that was provided for workers to wash their hands no soap was supplied and the hand sanitizer station that was just provided today. There is no way for them to wipe the surfaces they have touched.

AMERICAN OVERSIGHT

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**From:** Moore, Crystal
**Sent:** Mon, 23 Mar 2020 12:48:24 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** COVID Concerns - Full List.
**Attachments:** OIE Formula Team COVID Concerns 20.03.03 0844 ccm.xlsx

Good Morning, COVID Team,

Please find all curated list of COVID concerns attached. I have previously sent the non-highlighted items in separate emails as they came into our office.

If it is possible to add your responses to this spreadsheet and return to me, that would be most helpful. If I can be more helpful with this process, please let me know.

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

AMERICAN OVERSIGHT

| Work Order / Date Created | Date Escalated | Agency Name | Agency State | Caller Name | Summary | Total time Escalated | Total Time Open (in Hours) |
|---|---|---|---|---|---|---|---|
| 20-03555 | Mar 20 2020 15:05:05 | Oklahoma SEA | OK | Julian Guerrero | EASE: Is there any guidance that can be provided to entities regarding COVID-19? | 0.00 | 0.09 |
| 20-03540 | Mar 20 2020 10:27:20 | Bayfield School District | CO | Karen Rodberg | EASE: Any guidance for Part II dates/open meetings in light of COVID-19 | 0.02 | 6.53 |
| 20-03528 | Mar 20 2020 10:05:13 | Vandagrift Public Schools | OK | Anna Moyer | EASE: How do we have open meetings during COVID-19? | 0.00 | 0.07 |
| 20-03529 | Mar 19 2020 16:27:03 | Canton Public Schools | OK | Julie Boucher | EASE: How are we to complete public hearing and pca meeting requirements with COVID-19 concerns? | 0.13 | 0.55 |
| 20-03527 | Mar 19 2020 15:43:07 | Las Lunas Public Schools | NM | Catherine Chavez | EASE: COVID-19 Questions regarding meetings and salaries paid through Title VI grant. | 0.15 | 1.38 |
| 20-03509 | Mar 19 2020 11:01:50 | Clinton City Schools | NC | Kelly Batts | EASE: Is there any guidance related to COVID that can be provided? | 0.2 | 5.97 |
| 20-03505 | Mar 19 2020 10:41:46 | Rapid City Area Sch Dist 51-4 | SD | Whitney Pearce | EASE: How to handle PCA form signatures during COVID? | 0.33 | 6.3 |
| 20-03515 | Mar 19 2020 11:45:54 | Edmonds School District 15 | WA | Kelly Moses | EASE: Will the Part II deadlines be affected by COVID? | 3.02 | 5.24 |
| 20-03516 | Mar 19 2020 11:48:12 | Ajandon | OK | Karina Taylor | EASE: Can we still fund Indian ED salaries with Title VI funds during statewide school closure? | 3.05 | 5.2 |
| 20-03510 | Mar 19 2020 11:09:45 | Fargo Public Schools | ND | Colin Shoukoplyas | EASE: How to handle the public hearing requirement due to COVID? | 0.04 | 0.94 |
| 20-03506 | Mar 19 2020 10:46:03 | Grove Public Schools | OK | Cindy Weaver | EASE: How to handle public hearing and tribal consultation requirements? Can these be held electronically? | 0.05 | 1.33 |
| 20-03496 | Mar 19 2020 09:19:55 | South Coffeyville | OK | Alyson Filson | EASE: Public Hearing with COVID | 0.02 | 2.8 |
| 20-03423 | Mar 17 2020 13:44:53 | Shasta Union High School Dist | CA | April Carmona | EASE: Can they send a survey instead of have a public meeting? | 0.03 | 46.35 |
| 20-03507 | Mar 19 2020 10:48:27 | Central Consolidated School District | NM | Berlinda Begay | EASE: Is there flexibility with SY 2019-20 Title VI expenditures due to COVID? | 0.29 | 1.2 |
| 20-03503 | Mar 19 2020 10:17:09 | Wake County Public School System | NC | Gwen Lockhart | EASE: How to handle possible unspent funds due to COVID? | 0.29 | 1.72 |
| 20-03491 | Mar 18 2020 14:47:48 | San Bernardino City Unified School District | CA | Cindra Weber | EASE: COVID-19 Issues Preventing LEA from Fulfilling Part II / Cannot Fulfill SY19-20 Remaining Funds | 0.29 | 21.21 |
| 20-03508 | Mar 19 2020 10:55:39 | Frontier Public School | OK | Alison Black | EASE: How will the Part II timeline be affected by COVID? | 0.39 | 1.08 |
| 20-03502 | Mar 19 2020 10:14:47 | Stigler School District | OK | Tom Kettles | EASE: Is there any guidance regarding a timeline for Part II of the application due to COVID? | 0.38 | 1.76 |
| 20-03475 | Mar 18 2020 12:20:22 | Banning USD | CA | Roxanne Rosanoski | EASE: Recommendations for School Closings Due to COVID-19. May Affect Part II for SY20-21 | 0.39 | 23.87 |
| 20-03492 | Mar 18 2020 14:33:07 | Hemet Unified Sch Dist | CA | Sandy Richards | EASE: Will Part II Happen? What about remaining funds? | 18.02 | 21.45 |
| 20-03380 | Mar 16 2020 11:18:46 | Ely Public School District 696 | MN | Dawn Anderson | EASE: COVID Guidance Requested regarding if Part II timeline is affected and to handle Title VI funds | 18.02 | 72.68 |
| 20-03449 | Mar 17 2020 15:47:20 | Baraboo School District | WI | Nicholas Karls | EASE: Can Previously Designated Funds from SY19-20 Supplanted be used for COVID-19? | 23.67 | 46.22 |
| 20-03445 | Mar 17 2020 14:54:25 | Brainerd Public Schools | MN | Ashley Ingebrigtson | EASE: What are the expectations for a public hearing with COVID concerns? | 23.81 | 45.1 |
| 20-03365 | Mar 16 2020 09:49:00 | Bloomington Public Schools | MN | Heidi Hecker | EASE: Public Hearing, Parent Committee, Budgeting how will we adjust in light of COVID-19 | 24.00 | 74.19 |
| 20-03359 | Mar 16 2020 10:41:30 | Lafourche Parish | LA | Leslie Pelotto | EASE: How will the grant process be affected by COVID-19? | 24.74 | 73.12 |
| 20-03346 | Mar 13 2020 14:52:47 | Grand Coulee Dam SD | WA | Kim Stanger | EASE: Will there be an extension for expenditures? Events are being postponed and cancelled. | 138.99 | 141.13 |
| 20-03343 | Mar 13 2020 14:26:30 | Guilford County Schools | NC | Mia Malesovas | EASE: Public Meetings have been banned, can we proceed virtually? + Budgeting Plans Impacted | 139.31 | 141.57 |
| 20-03334 | Mar 13 2020 11:30:10 | Eugene School District 4J | OR | Brenda Brainard | EASE: How do we address the Public Hearing Requirement in the wake of the Coronavirus? | 139.49 | 144.5 |
| 20-03336 | Mar 13 2020 15:46:56 | Douglas County | OR | Juliana Maree | EASE: Will we still be required to hold a Public Indian Parent Committee Meeting with the rise of COVID-19 Cases? | 140.37 | 144.23 |

AMERICAN OVERSIGHT

**From:** Hatcher, Kristopher L.
**Sent:** Mon, 23 Mar 2020 18:11:56 +0000
**To:** COVID-19;AtlantaSPD
**Cc:** Westlake, Chris;Backus, Ursula Y.
**Subject:** COVID-19 Standard Academic Year Length Reduction Request for Gulf Coast State College (001490-00)

To Whom It May Concern,

Good afternoon –

My institution, Gulf Coast State College (001490-00), has extended our spring 2020 break closure due to COVID-19. Our spring break was originally scheduled to be from 03/14/2020 to 03/22/2020, but it is now from 03/14/2020 till 03/29/2020. Accordingly, can you please permit a reduction in the length of our 2019-2020 standard academic year by a week per the ED & NASFAA guidance below?

Respectfully,

Kristopher Hatcher, CFAA
Financial Aid Director
Gulf Coast State College
5230 West U.S. Highway 98
Panama City, FL 32401
P: (850)873-3543
F: (850)873-3523
E: KHatcher1@gulfcoast.edu
W: http://www.gulfcoast.edu/tuition-aid/financial-aid

The Financial Aid Office at Gulf Coast State College is committed to high-quality customer service. To that end, please feel free to submit any questions, comments, or concerns you have about GCSC's Financial Aid Office by visiting https://www.surveymonkey.com/r/92X6ZW8.

Please Note: Due to Florida's very broad public records law, most written communications to or from College employees regarding College business are public records, available to the public and media upon request. Therefore, this e-mail communication may be subject to public disclosure. Gulf Coast State College is committed to equal access/equal opportunity in its programs, activities, and employment. For additional information, visit www.gulfcoast.edu/equity.

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https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

Length of Academic Year

The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

https://www.nasfaa.org/news-item/21208/Trending_AskRegs_Q_A_What_Factors_Do_We_Consider_When_Deciding_to_Extend_a_Scheduled_Break_Due_to_Coronavirus

AMERICAN OVERSIGHT

**Academic Year Length:** First, you must ask yourself, "When we extend our scheduled break, does it shorten the academic year to less than 30 weeks?"

Under 34 CFR 668.3, an academic year in a credit-hour program must consist of 30 weeks of instructional time. According to guidance NASFAA has received from ED, if you extend your scheduled break, it may reduce the number of weeks of instructional time in your term/payment period and thereby your academic year to less than 30 weeks. For example, if your academic year consists of two 15-week semesters, and the additional week of scheduled break reduces the 15-week semester to a 14-week semester, you have reduced your academic year length to 29 weeks. If this happens, the guidance under "Length of Academic Year" in the March 5, 2020 Electronic Announcement applies, and you must obtain approval from your ED School Participation Division. On the other hand, if you have a program consisting of two 16-week semesters with a 32-week academic year, and the extended break reduces your spring term by two weeks, you do not need ED's approval.

These are the steps to follow:

1. The institution should determine if the reduction in the number of weeks of instructional time in the term brings the academic year to less than 30 weeks. If not, no further action is necessary.
2. Assuming the reduction in the length of instruction in the term results in an academic year consisting of fewer than 30 weeks, the institution should submit a request for reduction in the length of an academic year to COVID-19@ed.gov, including the number of weeks that will now comprise the academic year, (e.g., 28 weeks).
3. The institution's request will be routed to the appropriate School Participation Division which will inform the institution of its decision.

They can grant a reduction to as little as 26 weeks for a credit-hour program at this time. To avoid a reduction in your academic year length, you could choose to add days to the end of the term/payment period to make up for the lost week(s) of instructional time.

AMERICAN OVERSIGHT

**From:** Dawn
**Sent:** Mon, 23 Mar 2020 11:14:11 -0400
**To:** COVID-19
**Subject:** Devices for remote learning

Hi,
I am aware that students who need to borrow a Chromebook for remote learning can fill out a survey.

Does the BOE collaborate with any vendors to help provide discounts for student to purchase a computer or laptop for remote learning?

Thank you,

Dawn Feintuch

AMERICAN OVERSIGHT

**From:** Ewa Stankiewicz
**Sent:** Mon, 23 Mar 2020 12:23:25 +0000
**To:** FSA Foreign Schools Team
**Cc:** Vu, Larry;Miles, Eric;COVID-19
**Subject:** Enquiry due to COVID-19 - Jagiellonian University
**Attachments:** COVID-19 Letter - Jagiellonian University.pdf

Dear Sir/ Madam,
Please find attached the letter from prof. dr hab. Dorota Malec, Jagiellonian University's Vice-Rector for University Development requesting the information regarding the permission for foreign schools to disburse Title IV funds regardless of the fact that the program has changed to distance learning due to COVID-19.
I look forward to receive an official response from the U.S. Department of Education.
Should you require any additional information, please do not hesitate to email me.
Best regards,
Ewa Stankiewicz

Financial Aid Administrator

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

AMERICAN OVERSIGHT

JAGIELLONIAN UNIVERSITY
IN KRAKOW

Vice-Rector for Educational Affairs

Kraków, March 23, 2020

U.S. Department of Education
Federal Student Aid
Multi-Regional and Foreign Schools
Participation Division
Union Center Plaza,
830 First Street, NE, 7th Floor
Washington, DC 20202
USA

Subject: Enquiry for the information regarding JU's programs eligibility for Title IV in connection with the distance learning due to COVID-19

OPE ID: 03597300
DUNS: 422178194

Dear Sir or Madam,

In reference to the Office of Postsecondary Education's announcement of March 05, 2020, I would respectfully ask to receive the information whether Jagiellonian University (JU) is eligible to disburse Title IV funds for the 2019-2020 summer semester to U.S. students who participate in the William D. Ford Federal Direct Loan Program while studying at JU.

In accordance with the OPE's announcement of March 05, 2020, Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs and the U.S. Department of Education does not exempt foreign schools from no permission for distance learning due to COVID-19.

However, in accordance with the Section 10 of S. 3489 Supporting Students in Response to Coronavirus Act, Section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b))

AMERICAN OVERSIGHT

is amended (1) by redesignating paragraph (4) as paragraph (5); and (2) by inserting after paragraph (3) the following: "(4) Notwithstanding the restriction in paragraph (3) with respect to a foreign institution, in the case of a public health emergency, major disaster or emergency, or national emergency declared by the applicable government authorities in the country in which the foreign institution is located, the Secretary may permit any part of an otherwise eligible program to be offered via distance education for the duration of such emergency or disaster and the following payment period".

Moreover, other federal programs for the U.S. students, such as The Post-9/11 GI Bill, U.S. Department of Veterans Affairs, allowes JU as a foreign school to disburse education benefits regardless of the fact that students programs have changed from resident training to online training. The VA's offices are making no adjustments to students' awards regarding COVID-19 until further notice.

The 2019/2020 summer semester at Jagiellonian University starts on February 24, 2020 and ends on September 30, 2020. By JU Rector's decision made in connection with the Government of Poland's regulations due to COVID-19, JU provides distance learning from March 10, 2020 until further notice.

Please be advised that there are thirteen U.S. students who are Title IV recipients at JU. Students have informed the Financial Aid Administrator that they currently still residing in Poland and attending online courses provided by JU. Students point to they difficult financial situation and the fact that they are not able to pay the 2019-2020 summer semester tuition fee without the Title IV funds support.

Thank you in advance for keeping us informed if there is a guidance which allows foreign schools to disburse Title IV funds regardless of the fact that the program has changed to distance learning. Should any additional information be required, please do not hesitate to contact Ms. Ewa Stankiewicz, Financial Aid Administrator (ewa.stankiewicz@uj.edu.pl).

Yours sincerely,

under the authority of the Vice-Rector for Educational Affairs,

Prof. dr hab. Dorota Malec
Vice-Rector for University Development
Jagiellonian University

PL 31-007 Kraków, ul. Gołębia 24, tel. +48(12) 663 11 80, +48(12) 663 13 80, fax +48(12) 422 66 65
e-mail: prorektor.dydaktyka@uj.edu.pl

AMERICAN OVERSIGHT

**From:** Shauna N. Crosscup
**Sent:** Mon, 23 Mar 2020 19:25:39 +0000
**To:** COVID-19
**Subject:** Extended Spring Break

To Whom it May Concern:
I need to request permission to extend spring break for New River Community College for Spring 2020. Our original Spring Break was March 7-15 and due to COVID-19 was extended to March 22. If you have any questions, please let me know.
Thanks,

Shauna Crosscup
Financial Aid Manager
New River Community College
5251 College Drive, Dublin, VA 24084
Fax: 540-674-3674
Phone: 540-674-3600 ext. 4279
**For 24/7 assistance please contact our Support Center:**
Phone: 855-874-6689
Email: FAhelp@nr.edu
Live Chat and website: http://mysupport.nr.edu

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AMERICAN OVERSIGHT

**From:** Eleanor Fuchs
**Sent:** Mon, 23 Mar 2020 13:05:09 -0500
**To:** COVID-19
**Subject:** Extended Spring Break: Who To Contact?

Good Afternoon,

It is my understanding the institutions that extend their spring break in light of COVID-19 should notify the US Department of Education. However, it is unclear who is the correct point of contact.

Would it be possible to receive that information?

Thank you and be well.

Sincerely,

Eleanor Fuchs

--

ELEANOR FUCHS
Director of Accreditation and Assessment
Phone: 612.874.3507
Fax: 612.874.3701
Pronouns: She/Her/Hers
Title: Ms.

**MINNEAPOLIS COLLEGE OF ART AND DESIGN**
2501 Stevens Avenue / Minneapolis MN 55404 / mcad.edu / #makemcad
instagram / twitter / facebook / youtube

AMERICAN OVERSIGHT

**From:** Samuel Trone
**Sent:** Mon, 23 Mar 2020 15:39:05 +0000
**To:** COVID-19
**Subject:** Extending Spring Term

Good Morning,

I'm emailing because I've been notified that our school may extend the spring term into the summer in order to have students complete some instruction that can't be done online as well as studio time (we are an art school). We have transitioned to fully online as the school is currently closed for COVID-19.

My question is regarding adjustments to cost of attendance as well as the loan terms. From earlier guidance, it doesn't appear loan terms need to be adjusted. If students do not incur additional tuition/fee charges, but need to borrow additional loans to assist with the expenses associated with extending the term, is that something we can increase COA to account for? If a spring only loan is originated, should it have the new extended end date?

Thank You,

**SAM TRONE**
Financial Aid Manager
*(Pronouns - He, Him, His)*

Pennsylvania Academy of the Fine Arts
128 N. Broad Street, Philadelphia, PA 19102
215-972-2019 | pafa.edu | pafa.org

Pennsylvania Academy of the Fine Arts PAFA

AMERICAN OVERSIGHT

**From:** LeChelle D Davenport
**Sent:** Mon, 23 Mar 2020 13:43:33 +0000
**To:** COVID-19
**Subject:** Extension of spring break

Good Morning,
My Institution extended spring break, thereby reducing the term length from 30 to 29 weeks. Please advise if we need to seek approval from our PPA Approval team on the reduction and how to handle the R2T4. Thank you very much!
Sincerely,
LeChelle Davenport, M.A.O.M.
Interim Director of Financial Aid
Houston Baptist University (HBU)
Telephone: 281.649.3186
Email: ldavenport@hbu.edu
HBU | HOUSTON BAPTIST UNIVERSITY
NOTICE: This e-mail message and all attachments transmitted with it may contain legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying, or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately by telephone (281-649-3000), and delete this message and all copies and backups thereof. Thank you.

AMERICAN OVERSIGHT

**From:** Natasha Garfield
**Sent:** Mon, 23 Mar 2020 19:41:03 +0000
**To:** COVID-19
**Subject:** FAFSA signature pages

Hi,

I work for a college access & scholarship organization that supports the Denver Public Schools. We're working with 12th graders to complete the FAFSA and any follow-up so that they're ready to start college in the fall. We're grateful to the Department of Education for providing last week's COVID-19 FAQs, which answered many of our questions about federal student aid during this transition.

Does the Department have an alternative for submitting parent signature pages for the FAFSA for parents who aren't able to get an FSA ID? Now that our schools have moved to remote learning only, students no longer have access to printers or mailing supplies to be able to send a paper signature page. Ideally, this would be some form of electronic signature like DocuSign, or at least the ability to email (rather than mail) the signed signature page.

Many thanks,
Natasha

**Natasha Garfield**
Director of Scholarships
*Pronouns: She, Her, Hers*

Denver Scholarship Foundation | a 501(c)(3) Public Charity
789 Sherman Street, Suite 610 | Denver, CO 80203
O: 303.951.4159 | ngarfield@denverscholarship.org
www.denverscholarship.org

AMERICAN OVERSIGHT

**From:** Malik Cole
**Sent:** Mon, 23 Mar 2020 03:15:20 -0600
**To:** COVID-19
**Cc:** macole@mavs.coloradomesa.edu;Malik Cole
**Subject:** Financial aid

Dear financial aid,

Do to this COVID- 19 crisis. I believe my 2020-2021 will be affected. I heard that you guys can help.

Thank you
-Malik C

AMERICAN OVERSIGHT

**From:** Facon, Kathleen Ms. CIV OSD/DoDEA
**Sent:** Mon, 23 Mar 2020 13:57:08 +0000
**To:** COVID-19
**Cc:** Godfrey, Michael Mr. CIV OSD/DoDEA
**Subject:** Flexibilities for States related to Graduation

Good Morning

Every year the Military Service recruiting depends heavily on graduating seniors. We are getting questions about the impacts of school closures on graduation. What is the Department of Education plan to assist States in flexibilities, and is there an office POC that we could contact for information by state/school district?

In these extraordinarily challenging times, we thank you for your assistance.

Kathleen Facon
Chief, Partnership and Resources
Department of Defense Education Activity
4800 Mark Center Drive
Alexandria, VA 22350
Phone: 571-372-5834

AMERICAN OVERSIGHT

**From:** Deb Jackson
**Sent:** Mon, 23 Mar 2020 13:44:20 -0500
**To:** COVID-19
**Subject:** Future terms - Continuation of Distance Education

We are a brick and mortar school, who has transitioned to distance education for the remainder of 2020 spring due to COVID-19. Our spring semester ends on May 16, 2020. Our summer session begins on May 18, 2020. Can we continue to offer our summer classes online, if necessary due to this pandemic, without seeking approval from the Dept of Ed?
If not, what is the process and what will we need to do?
I know you are receiving a lot of questions. I appreciate your help.

Sincerely,
Deb Jackson
Bradley University

--
**Deb Jackson**
**Director of Financial Assistance**

BRADLEY University

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:19:34 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW:

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Joyce Lenier <joycelenier44@gmail.com>
**Sent:** Monday, March 23, 2020 9:41 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:**

Hello I'm joy Lanier never had a student loan and my life I sent Us department of education a letter saying it's not me it's fraud and a notizied letter I need my money I don't have food in my house and due to the virus going on and I have to pay my bills my SsN 263 711696 Dob 01/06/1974 I need answer for making me suffer and letting someone sign my signature cell 786 641 45 81

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:56:18 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: 009673 School Temporary Closure

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Rudae's Janelle <janellebanks@rudaes.edu>
**Sent:** Monday, March 23, 2020 11:22 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Tiffany Howenstine <tiffanyhowenstine@rudaes.edu>
**Subject:** 009673 School Temporary Closure

**March 20, 2020**

**Region V**
U.S. Department of Education
500 W. Madison Street
Suite 1427
Chicago, IL 60661

Re: School Temporary Closure # 009673
Rudae's School of Beauty Culture
5317 Coldwater Road
Coldwater Crossing
Fort Wayne, In 46825

To whom it may concern,

Due to the Covid-19, Rudae's School of Beauty Culture is Temporary closed as of March 21, 2020 and we hope to
re-open April 20th, 2020.

If we are unable to open on April 20th, 2020, we will again Contact the Department of Education.

Sincerely,

AMERICAN OVERSIGHT

*Janelle V Banks*
Administrator

rudae's
SCHOOL OF BEAUTY CULTURE

5317 Coldwater Rd.
Coldwater Crossing
Fort Wayne, IN 46825
Phone: 260.483.2466
Toll Free: 800.878.9744
janellebanks@rudaes.edu
www.rudaes.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:14:39 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Academic Length

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Doug Minter <dminter@gustavus.edu>
**Sent:** Monday, March 23, 2020 9:49 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Douglas Minter <dminter@gustavus.edu>; Brenda Kelly <bkelly@gustavus.edu>
**Subject:** Academic Length

Gustavus Adolphus College (00235300) has extended it spring break by one week due to the COVID-19 outbreak and we are not extending the end of the academic year. Therefore, I would like to request our academic year be reduced to 29 weeks for the 2019-20 academic year due to the COVID-19 outbreak. We will also be going on-line for classes for the rest of the academic year.

Please let me know if you need any further information.

Thanks and stay well.

***Doug***

**Doug Minter**
Associate Vice President of Enrollment
Dean of Financial Aid
Gustavus Adolphus College
800 West College Avenue
Saint Peter, MN 56082

Office: (507) 933-7530

AMERICAN OVERSIGHT

Fax: (507) 933-7727
Web: www.gustavus.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:14:23 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Academic Year & Online Instruction Question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Randolph, Tiffany <randolpht@leonschools.net>
**Sent:** Monday, March 23, 2020 9:53 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Academic Year & Online Instruction Question

Good morning,

We have extended our Spring Break for one additional week (totaling 2 weeks); our school district is slated to reconvence face-to face on April 15th, as we know this may change. We are also looking to move to a distance learning/web enhanced methods while allowing students to come in groups of 9 for practical work, labs, etc. We are unsure at this time if we will fall below the 30 week academic year. What exactly is it that we will need to do at this time for approval?


Tiffany A. Randolph
Coordinator of Financial Aid & Veterans Affairs
Council on Occupational Education (COE) Accreditation Liaison

Lively Technical College

500 N. Appleyard Drive
Tallahassee, FL 32304
Office (850) 487.7403
Fax (850) 487.7682
www.livelytech.com


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AMERICAN OVERSIGHT

*SUNSHINE LAW AND PUBLIC RECORDS CAUTION: Florida has a very broad Public Records Law. Virtually all written communications to or from School Board of Leon County, Florida Personnel are public records available to the public and media upon request. E-mail sent or received on the LCSB system will be considered public and will only be withheld from disclosure if deemed confidential pursuant to State Law. Individual student records are deemed confidential.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:40:04 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Additional Assistance

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ballard, Linda C <Linda.Ballard@tsu.edu>
**Sent:** Monday, March 23, 2020 11:21 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Additional Assistance

1. Our institution is considering offering gift and/or gas cards to students who are unable to afford travel home due to the closure of the dormitories. Should this assistance be considered a resource which counts against need?
2. Our institution is considering updating the grading policy to allow for Pass or Fail grades for the spring term. Is this allowable?

Kind regards,

Linda Ballard
*Director*

TEXAS SOUTHERN UNIVERSITY
Office of Student Financial Assistance

Office: 713-313-7480 | Fax: 713-313-1859
1st floor, West Garage, Room 131
3100 Cleburne, Houston, TX 77004
Email: Linda.Ballard@tsu.edu
www.tsu.edu/financialaid

This message contains information which may be confidential, privileged, or otherwise exempt from open records. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy, or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete the message.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 16:06:43 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Adjusting Start Dates

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Joseph Ruiz <jruiz156@delmar.edu>
**Sent:** Monday, March 23, 2020 12:04 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Adjusting Start Dates

Good Morning,

My administration has a question regarding start dates.

"Will institutions of higher education be given flexibility on start and end dates for future semesters?"

Thank you,


Joseph Ruiz

Director of Financial Aid Services

Email: Jruiz156@delmar.edu

O (361) 698-1374

DEL MAR COLLEGE

Financial Aid Services


AMERICAN OVERSIGHT

*Please note that Federal Student Aid can only pay for classes that apply **t=owards** your degree program at Del Mar College.

## FAFSA®: Apply for Aid

www.fafsa.gov

Use the Free Application for Federal Student Aid (FAFSA®) form to apply for financial aid (grants, work-study, and loans) to pay for college or career school.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:55:52 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Adjusting Timelines for Evaluations

Hi OSEP,

The COVID-19 mailbox received an inquiry about OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jones, Al <Al.Jones@ed.gov>
**Sent:** Friday, March 20, 2020 7:06 PM
**To:** Bobbi Davenport <bobbi.davenport@dsisdtx.us>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Adjusting Timelines for Evaluations

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus
Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak (March 12, 2020)
U.S. Department of Education Releases Webinar, Fact Sheet for Protecting Students' Civil Rights During COVID-19 Response

*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
*www.ed.gov*

AMERICAN OVERSIGHT

**From:** Bobbi Davenport <bobbi.davenport@dsisdtx.us>
**Sent:** Friday, March 20, 2020 2:14 PM
**Subject:** Adjusting Timelines for Evaluations

To Whom This May Concern:

My name is Bobbi Davenport and I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIIE or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

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My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

--

Bobbi Davenport, SSP, LSSP, NCSP (she, her, hers)
Licensed Specialist in School Psychology (LSSP)
Nationally Certified School Psychologist (NCSP)
Dripping Springs Independent School District
512-858-3428

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**TEACHERS/STAFF ONLY:**
*FERPA:* A confidential document -may- be attached. If you print it, you must keep it in a secure place and bring it to me at the ARD to shred. After viewing (or printing) it, you must delete the report from your computer's memory -and- delete this email with the attachment.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:14:08 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Administrative Wage Garnishment

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Zakira Ralling <zakira.r@peimedia.com>
**Sent:** Monday, March 23, 2020 10:42 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Administrative Wage Garnishment

Hello,

My name is Zakira Ralling ( DOB: 5/28/83 / SS:1615). I am trying to provide my employer with a letter so they can stop the wage garnishment that is currently coming out of my check. They have not received anything stating they should stop the garnishment amidst the Covid-19 crisis and Credit Adjustments who is managing my loan on behalf of the US Dept of Education says they cannot do anything and need to speak to someone at the Dept of Education.

Can you please help me? I am in desperate need to get this next garnishment stopped as I am in NYC and unable to go to work and this may be my last full paycheck for some time.

I can be reached at 718.578.3077. Thank you in advance for your assistance.

Best,
Zakira

**Zakira Ralling** | Program Director

130 W. 42nd Street, Suite 450, New York, NY 10036
T: +1 646 545-3321
E: Zakira.r@peimedia.com

AMERICAN OVERSIGHT

W: www.thisispei.com

**Disclaimer**

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:54:57 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Assessment Waivers

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Joshua Marland <Jmarland@edanalytics.org>
**Sent:** Friday, March 20, 2020 6:41 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Assessment Waivers

Hello,

I hope all is well. I am writing to ask whether ED will be publishing which states are (or will be) applying for waivers from standardized assessments this year. If so, should we expect that information to be published here:

https://oese.ed.gov/guidance/guidance-documents/

Thanks so much.
Joshua

**Joshua J. Marland**
Director of Data Strategy
Education Analytics
110 E. Main St., Suite 1000
Madison, WI 53703
(608) 466-4966
http://www.edanalytics.org
Pronouns: he/him/his

AMERICAN OVERSIGHT

**From:** Tanner-Dean, Angela
**Sent:** Mon, 23 Mar 2020 10:16:17 +0000
**To:** COVID-19
**Cc:** Thomas, Dwight
**Subject:** FW: Assistance needed
**Attachments:** modelform2_Prior_Written_Notice.pdf, ATT00001.txt

-----Original Message-----
From: Verra-Tirado, Monica <Monica.Verra-Tirado@fldoe.org>
Sent: Sunday, March 22, 2020 8:15 PM
To: Thomas, Dwight <Dwight.Thomas@ed.gov>; Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>; Pagano, Lisa <Lisa.Pagano@ed.gov>
Cc: Gaitanis, Victoria <Victoria.Gaitanis@fldoe.org>; White, Judith <Judith.White@fldoe.org>
Subject: Assistance needed

Good afternoon,
In Florida, all schools are preparing to move to virtual instruction for all students, including specialized instruction and related services, due to mandatory COVID-19 school closures and CDC guidelines.
Virtual is a broad term used to describe instruction and services that are provided remotely. There are a variety of ways to do this and districts, schools, and families will work together to plan for this.
Each student's current IEP is to be implemented in this new environment to the extent practicable. We currently have models for every type of related service to be provided remotely. This temporary instructional setting does not change the child's previous IEP and is to conclude when schools reopen.
What is the best way to formally communicate this to parents. Would it be a a type of prior written notice? There is no precedence for this. What about the best way to document the temporary instructional setting? Perhaps an addendum to the IEP?
We want to begin services at the same time students without disabilities begin, with no delay to services. If IEP teams must meet prior to resuming services in this new way there will be a delay to SWD participating in the remote learning and reviewing their services.
Please let me know if a call will help to explain this better.
Thank you!

https://sites.ed.gov/idea/files/modelform2_Prior_Written_Notice.pdf

AMERICAN OVERSIGHT

# Part B PRIOR WRITTEN NOTICE

Under 34 CFR §300.503(a), the school district must give you a written notice (information received in writing), whenever the school district: (1) Proposes to begin or change the identification, evaluation, or educational placement of your child or the provision of a free appropriate public education (FAPE) to your child; or (2) Refuses to begin or change the identification, evaluation, or educational placement of your child or the provision of FAPE to your child. The required content under 34 CFR §300.503(b) is listed below in this model form. The school district must provide the notice in understandable language (34 CFR §300.503(c)).

This model form provides a format that States and/or school districts may choose to adopt to construct the form that they will use to provide that notice. The school district will need to insert the required child- and situation-specific information, and must inform parents, as part of the notice, that they have protection under the procedural safeguards of Part B of the IDEA.

## PRIOR WRITTEN NOTICE UNDER PART B OF THE IDEA

- Description of the action that the school district proposes or refuses to take:

- Explanation of why the school district is proposing or refusing to take that action:

- Description of each evaluation procedure, assessment, record, or report the school district used in deciding to propose or refuse the action:

- Description of any other choices that the Individualized Education Program (IEP) Team considered and the reasons why those choices were rejected:

- Description of other reasons why the school district proposed or refused the action:



AMERICAN OVERSIGHT

- Resources for the parents to contact for help in understanding Part B of the IDEA:

- If this notice is not an initial referral for evaluation, how the parent can obtain a copy of a description of the procedural safeguards:

AMERICAN OVERSIGHT

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:06:18 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Assistance needed
**Attachments:** modelform2_Prior_Written_Notice.pdf, ATT00001.txt

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>
Sent: Monday, March 23, 2020 6:16 AM
To: COVID-19 <COVID-19@ed.gov>
Cc: Thomas, Dwight <Dwight.Thomas@ed.gov>
Subject: FW: Assistance needed

-----Original Message-----
From: Verra-Tirado, Monica <Monica.Verra-Tirado@fldoe.org>
Sent: Sunday, March 22, 2020 8:15 PM
To: Thomas, Dwight <Dwight.Thomas@ed.gov>; Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>; Pagano, Lisa <Lisa.Pagano@ed.gov>
Cc: Gaitanis, Victoria <Victoria.Gaitanis@fldoe.org>; White, Judith <Judith.White@fldoe.org>
Subject: Assistance needed

Good afternoon,
In Florida, all schools are preparing to move to virtual instruction for all students, including specialized instruction and related services, due to mandatory COVID-19 school closures and CDC guidelines.
Virtual is a broad term used to describe instruction and services that are provided remotely. There are a variety of ways to do this and districts, schools, and families will work together to plan for this.
Each student's current IEP is to be implemented in this new environment to the extent practicable. We currently have models for every type of related service to be provided remotely. This temporary instructional setting does not change the child's previous IEP and is to conclude when schools reopen.
What is the best way to formally communicate this to parents. Would it be a a type of prior written notice? There is no precedence for this. What about the best way to document the temporary instructional setting? Perhaps an addendum to the IEP?
We want to begin services at the same time students without disabilities begin, with no delay to services. If IEP teams must meet prior to resuming services in this new way there will be a delay to SWD participating in the remote learning and reviewing their services.
Please let me know if a call will help to explain this better.
Thank you!

https://sites.ed.gov/idea/files/modelform2_Prior_Written_Notice.pdf

AMERICAN OVERSIGHT

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This model form provides a format that States and/or school districts may choose to adopt to construct the form that they will use to provide that notice. The school district will need to insert the required child- and situation-specific information, and must inform parents, as part of the notice, that they have protection under the procedural safeguards of Part B of the IDEA.

## PRIOR WRITTEN NOTICE UNDER PART B OF THE IDEA

- Description of the action that the school district proposes or refuses to take:

- Explanation of why the school district is proposing or refusing to take that action:

- Description of each evaluation procedure, assessment, record, or report the school district used in deciding to propose or refuse the action:

- Description of any other choices that the Individualized Education Program (IEP) Team considered and the reasons why those choices were rejected:

- Description of other reasons why the school district proposed or refused the action:



AMERICAN OVERSIGHT

- Resources for the parents to contact for help in understanding Part B of the IDEA:

- If this notice is not an initial referral for evaluation, how the parent can obtain a copy of a description of the procedural safeguards:

AMERICAN OVERSIGHT

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:55:35 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Closure Days

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Chauntelle Aguirre <Chauntelle@newdimensionsbeauty.com>
**Sent:** Monday, March 23, 2020 12:25 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Closure Days

Hello,

Based on State and National guidance we had to make the decision to close our school prior to our distant education plan being ready and approved with the State and our accreditation board, NACCAS. We notified our State and NACCAS that the school would be closed between 3/17/2020 - 3/30/2020. Do we need to send any official communication to the DOE as well regarding this temporary closure? We hope to have our distant education approved before the 31st to be able to reopen for that.

I had a few questions on how we treat the closed days for students. NACCAS has informed me that for their purposes we would amend these days for students as unscheduled and adjust the students graduation dates accordingly. They told me that in this case because the school is closed that it is not treated as an LOA and we do not have to count the closed days into the students allowable 180 days. Does the DOE have the same standpoint? I have one student who has exhausted her LOA days and was trying to determine if I needed to drop her and perform an R2T4 if the days do count as LOA.

It is then my understanding from NACCAS that once our distant education is up and running the school is considered open. So students who choose not to use the distant education would need to request an LOA or be counted as absent until we reopen the physical school. Then the regular LOA guidelines would apply.

Thank you for your time.

--
Chauntelle Aguirre
Financial Director
New Dimensions Beauty Academy

AMERICAN OVERSIGHT

303-840-6424

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Mon, 23 Mar 2020 12:47:12 +0000
**To:** COVID-19
**Cc:** OESE.titlei-a;Poynter, Leslie
**Subject:** FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
**Attachments:** 20-003339 (Rep. Mark Green) Incoming Congressional letter.pdf, 20-003339 (Rep. Mark Green) Control Sheet.pdf
**Importance:** High

This is Congressional correspondence, essentially asking for the waiver process that is already in place. Please let us know if you need the Title I team to address. Thank you!

-----Original Message-----
From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Friday, March 20, 2020 4:26 PM
To: OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
Cc: Rooney, Patrick <Patrick.Rooney@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Please see the incoming request from Texas. It will be uploaded on Monday.

-----Original Message-----
From: Coley, Jerine <Jerine.Coley@ed.gov>
Sent: Friday, March 20, 2020 3:31 PM
To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

To: SSA

The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.

Thanks, Jerine
See attachments

AMERICAN OVERSIGHT

**MARK GREEN**
7TH DISTRICT, TENNESSEE

COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON INTELLIGENCE AND COUNTERTERRORISM
SUBCOMMITTEE ON TRANSPORTATION AND MARITIME SECURITY

COMMITTEE ON OVERSIGHT AND REFORM
SUBCOMMITTEE ON NATIONAL SECURITY

Congress of the United States
House of Representatives
Washington, DC 20515

533 CANNON BUILDING
WASHINGTON, DC 20515
(202) 225-2811

128 N. SECOND STREET
SUITE 104
CLARKSVILLE, TN 37040
(931) 266-4483

305 PUBLIC SQUARE
SUITE 212
FRANKLIN, TN 37064
(629) 223-6050

March 16, 2020

The Honorable Betsy DeVos
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-3100

Dear Madam Secretary,

The COVID-19 outbreak is an international health crisis that will require an unprecedented response. President Donald Trump has declared a National Emergency, and the World Health Organization has labeled the outbreak a pandemic. Sports leagues are postponing their seasons, public events and concerts are being canceled, and states are ordering businesses to close.

Schools are also facing extreme difficulties, such as sending their students home indefinitely. The gravity of the current situation they are facing navigating the COVID-19 outbreak creates an undue burden for preparing and administering statewide assessments. Therefore, I respectfully ask you to immediately grant any state requests for a one-year waiver from Section 8401 of the Elementary and Secondary Education Act (20 U.S.C. § 7861). No state or district should have their participation rate or absenteeism metric factored into any school's Academic Achievement indicators.

Our state and local education agencies cannot be expected to administer assessments that are reliable and valid during this unforeseen and challenging academic year. For instance, the impact to Tennessee caused by inclement weather and COVID-19 will undeniably affect our state's accountability system due to school closures and student absences. States should be encouraged to postpone pending annual assessments where education has been interrupted by COVID-19

We must recognize that our districts could face critical challenges meeting certain Elementary and Secondary Education Act fiscal requirements, such as maintenance of effort; the requirement to obligate funds in the current federal fiscal year for providing equitable services to eligible private school students, teachers, and families; and the limitation on carrying over no more than 15% of Title I, Part A funds.

AMERICAN OVERSIGHT

We must continue to work together to ensure the safety and security of our citizens. The health and safety of our students, staff, and their families must be our top priority. Please grant any state request for a one-year waiver from Section 8401 of the Elementary and Secondary Education Act (20 U.S.C. § 7861).

Sincerely,

MARK E. GREEN, M.D.

Member of Congress

AMERICAN OVERSIGHT

# Office of the Secretary
## U.S. Department of Education
### Control Document

**Keyer:** EDGAR.MAYES **POC File Code:** **Reader:** EDGAR.MAYES

**Control #: 20-003339**
**Document Type: Office of the Secretary Mail**

**Due Date:** 3/31/2020
**Signature:** Assistant Secretary's signature
**Event Date:**

**Writer:**
Mark Green
Representative
House of Representatives

Washington DC 20515

**Subject:** REQUESTING THE SECRETARY TO GRANT ANY STATE REQUEST FOR A ONE-YEAR WAIVER BECAUSE OF COVID-19

**Notes:** ELECTRONIC ONLY TRANSMISSION

| Assigned To | Action | Assigned Date | Due Date | Completed Date | Routing Notes |
|---|---|---|---|---|---|
| **OLCA** | **FYI Copy** | **3/20/2020** | **3/20/2020** | **3/20/2020** | |
| **OESE** | **Assistant Secretary's Signature** | **3/20/2020** | **3/31/2020** | | |

**Related Control Numbers:**
**OBO:**

PLEASE NOTE: A principal office has only five working days to return a misassigned control should it feel that a letter should be handled by another principal office. After five days, you are responsible for answering the letter and will need to coordinate with the appropriate office to draft the reply.


AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:07:55 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
**Attachments:** 20-003339 (Rep. Mark Green) Incoming Congressional letter.pdf, 20-003339 (Rep. Mark Green) Control Sheet.pdf

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Poynter, Leslie <Leslie.Poynter@ed.gov>
Sent: Monday, March 23, 2020 9:16 AM
To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Hi Sarah,

This correspondence came to OESE, but program officers have been directed to send all COVD-related inquiries to the COVID-19 inbox for a response. We were not sure about this one and whether OESE, the COVID-19 Rapid Response Team, or you should take the lead on the response. Would you prefer we work with the COVID-19 team?

Leslie

-----Original Message-----
From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Sent: Monday, March 23, 2020 9:13 AM
To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Thank you for including me. I am only handling ones that are directed to me through established chains of communication in OLCA, OS, and OCO (which actually may change as well).

To make sure I have this straight: COVID-19 mailbox received this communication directly from Congressman Mark Green's office? Or was it sent from someone in OLCA to that mailbox?

Also - can you attach the correspondence?

Thanks for the additional context!

Sarah

-----Original Message-----
From: Poynter, Leslie <Leslie.Poynter@ed.gov>
Sent: Monday, March 23, 2020 8:54 AM
To: OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>

AMERICAN OVERSIGHT

Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

+ Sarah Fedlpausch. Sarah, Evan Skloot suggested I include you on this and told me that you are handling congressional correspondence re COVID-19. Is that correct?

Leslie

-----Original Message-----
From: OESE.titlei-a <OESE.titlei-a@ed.gov>
Sent: Monday, March 23, 2020 8:47 AM
To: COVID-19 <COVID-19@ed.gov>
Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>
Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
Importance: High

This is Congressional correspondence, essentially asking for the waiver process that is already in place. Please let us know if you need the Title I team to address. Thank you!

-----Original Message-----
From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Friday, March 20, 2020 4:26 PM
To: OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
Cc: Rooney, Patrick <Patrick.Rooney@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Please see the incoming request from Texas. It will be uploaded on Monday.

-----Original Message-----
From: Coley, Jerine <Jerine.Coley@ed.gov>
Sent: Friday, March 20, 2020 3:31 PM
To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

To: SSA

The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.

Thanks, Jerine
See attachments

AMERICAN OVERSIGHT

**MARK GREEN**
7TH DISTRICT, TENNESSEE

COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON INTELLIGENCE AND COUNTERTERRORISM
SUBCOMMITTEE ON TRANSPORTATION AND MARITIME SECURITY

COMMITTEE ON OVERSIGHT AND REFORM
SUBCOMMITTEE ON NATIONAL SECURITY

Congress of the United States
House of Representatives
Washington, DC 20515

533 CANNON BUILDING
WASHINGTON, DC 20515
(202) 225-2811

128 N. SECOND STREET
SUITE 104
CLARKSVILLE, TN 37040
(931) 266-4483

305 PUBLIC SQUARE
SUITE 212
FRANKLIN, TN 37064
(629) 223-6050

March 16, 2020

The Honorable Betsy DeVos
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-3100

Dear Madam Secretary,

The COVID-19 outbreak is an international health crisis that will require an unprecedented response. President Donald Trump has declared a National Emergency, and the World Health Organization has labeled the outbreak a pandemic. Sports leagues are postponing their seasons, public events and concerts are being canceled, and states are ordering businesses to close.

Schools are also facing extreme difficulties, such as sending their students home indefinitely. The gravity of the current situation they are facing navigating the COVID-19 outbreak creates an undue burden for preparing and administering statewide assessments. Therefore, I respectfully ask you to immediately grant any state requests for a one-year waiver from Section 8401 of the Elementary and Secondary Education Act (20 U.S.C. § 7861). No state or district should have their participation rate or absenteeism metric factored into any school's Academic Achievement indicators.

Our state and local education agencies cannot be expected to administer assessments that are reliable and valid during this unforeseen and challenging academic year. For instance, the impact to Tennessee caused by inclement weather and COVID-19 will undeniably affect our state's accountability system due to school closures and student absences. States should be encouraged to postpone pending annual assessments where education has been interrupted by COVID-19

We must recognize that our districts could face critical challenges meeting certain Elementary and Secondary Education Act fiscal requirements, such as maintenance of effort; the requirement to obligate funds in the current federal fiscal year for providing equitable services to eligible private school students, teachers, and families; and the limitation on carrying over no more than 15% of Title I, Part A funds.

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We must continue to work together to ensure the safety and security of our citizens. The health and safety of our students, staff, and their families must be our top priority. Please grant any state request for a one-year waiver from Section 8401 of the Elementary and Secondary Education Act (20 U.S.C. § 7861).

Sincerely,

MARK E. GREEN, M.D.

Member of Congress

AMERICAN OVERSIGHT

# Office of the Secretary
## U.S. Department of Education
### Control Document

**Keyer:** EDGAR.MAYES **POC File Code:** **Reader:** EDGAR.MAYES

**Control #: 20-003339**
**Document Type: Office of the Secretary Mail**

**Due Date:** 3/31/2020
**Signature:** Assistant Secretary's signature
**Event Date:**

**Writer:**
Mark Green
Representative
House of Representatives

Washington DC 20515

**Subject:** REQUESTING THE SECRETARY TO GRANT ANY STATE REQUEST FOR A ONE-YEAR WAIVER BECAUSE OF COVID-19

**Notes:** ELECTRONIC ONLY TRANSMISSION

| Assigned To | Action | Assigned Date | Due Date | Completed Date | Routing Notes |
|---|---|---|---|---|---|
| **OLCA** | **FYI Copy** | **3/20/2020** | **3/20/2020** | **3/20/2020** | |
| **OESE** | **Assistant Secretary's Signature** | **3/20/2020** | **3/31/2020** | | |

**Related Control Numbers:**
**OBO:**

PLEASE NOTE: A principal office has only five working days to return a misassigned control should it feel that a letter should be handled by another principal office. After five days, you are responsible for answering the letter and will need to coordinate with the appropriate office to draft the reply.


AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:13:53 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Colorado Northwestern Community College (OPEID: 00135900) & COVID 19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Byers, Merrie <Merrie.Byers@cncc.edu>
**Sent:** Monday, March 23, 2020 10:45 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Granger, Ronald <Ronald.Granger@cncc.edu>; Nash, Karla (CCCS) <Karla.Nash@cccs.edu>; Byers, Merrie <Merrie.Byers@cncc.edu>
**Subject:** Colorado Northwestern Community College (OPEID: 00135900) & COVID 19

To Whom It May Concern:

Colorado Northwestern Community College (OPEID: 00135900) has taken steps to reduce the risk of COVID-19 for our students, staff, and community. This has been communicated to students and staff, with continual updates as warranted.

Below are the steps CNCC has taken:

- We have extended our spring break by one week, to allow remote deliver to be set up, thus reducing our spring term by one week. This will reduce the number of weeks for this academic year to 29 weeks.
- We are transitioning the majority of our coursework to remote delivery beginning March 30, 2020.
- Campus will remain open for support services and allow access for critical functions to complete their coursework.

Thank you, let me know if you have any questions.

Merrie Byers
Financial Aid Director
Colorado Northwestern Community College
970-675-3204

AMERICAN OVERSIGHT

**From:** Hensell, Matthew
**Sent:** Mon, 23 Mar 2020 15:37:26 +0000
**To:** COVID-19
**Cc:** Forrester, Tiffany
**Subject:** FW: Conference Call to discuss CGA in light of COVID

---

**From:** Smith, Kemo <kemo.smith@vide.vi>
**Sent:** Friday, March 20, 2020 7:53 PM
**To:** Forrester, Tiffany <Tiffany.Forrester@ed.gov>
**Cc:** Hensell, Matthew <matthew.hensell@ed.gov>; Ava Penn <ava.penn@vide.vi>
**Subject:** RE: Conference Call to discuss CGA in light of COVID

Good Evening Dr. Forrester,

Due to the COVID-19 pandemic, The Virgin Islands Department of Education has closed schools for three weeks starting Monday, March 16, 2020. As we continue to meet the needs of our students, we are preparing to transition to distance learning. A population of students has been identified that we would have to support in order to facilitate instruction.

I am requesting the flexibility to approve CGA budget modifications that would normally require approval from USED. This would allow for expedited goods and services to be provided to facilitate student instruction during this difficult time.

See below for an idea of some of the requests from the St. Thomas and St. Croix Districts:

MIFI devices - Approximately 1,000 students Territory-wide are without internet access at home. Both districts would like to allocate $16,000 to provide internet access temporarily for the remainder of the school year for these students. STX - Education Reform Project and STTJ - Technology Integration project would fund this expense
VIDE LIVE via radio & Facebook - In order to ensure a continuation of learning for students, the districts would supplement the distance learning by having teachers provide instruction simultaneously via television, Facebook and radio, by grade span, for 10-hours a day in the 4 content areas. STX and STTJ - Engaging Families Projects would fund this expense.
Regards,

**Kemo Smith**
*Federal Grants Director*
Office of Federal Grants
Department of Education
1834 Kongens Gade
St. Thomas, VI 00802

AMERICAN OVERSIGHT

Tel: (340) 774-0100 ext 8083
kemo.smith@vide.vi

---

**From:** Forrester, Tiffany [mailto:Tiffany.Forrester@ed.gov]
**Sent:** Wednesday, March 18, 2020 7:53 PM
**To:** Smith, Kemo
**Cc:** Hensell, Matthew; Ava Penn
**Subject:** Re: Conference Call to discuss CGA in light of COVID

Good evening Kemo:

We are required to route all COVID-19 related grantee questions through an internal, Department-wide process. We are open to scheduling a call with you; however, I would like it to be a good use of your time and we would not be able to answer COVID-19 specific questions without following the Department protocols we were given. It would be helpful for you to email us the questions you have so that we can determine what we are able to move forward with answering as a Program Office and what will require Department guidance.

Thank you for your understanding during this time.

Dr. Tiffany T. Forrester
Group Leader, Insular Areas Team

Office of Elementary and Secondary Education (OESE)
U.S Department of Education

> On Mar 18, 2020, at 5:20 PM, Smith, Kemo <kemo.smith@vide.vi> wrote:
>
> Good Afternoon Team,
>
> I would like to schedule a call, as soon as possible, to discuss the impact of COVID-19 on implementation of Virgin Islands Department of Education programs and the FY 2020 Consolidated Grant application process and timelines.
>
> It is critical that we have this discussion before the work week ends as plans need to be put in place.
>
> Please indicate your availability for tomorrow or Friday.
>
> Kind regards,
>
> **Kemo Smith**

AMERICAN OVERSIGHT

*Federal Grants Director*
Office of Federal Grants
Department of Education
1834 Kongens Gade
St. Thomas, VI 00802
Tel: (340) 774-0100 ext 8083
kemo.smith@vide.vi

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:39:34 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Conference Call to discuss CGA in light of COVID

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Hensell, Matthew <matthew.hensell@ed.gov>
**Sent:** Monday, March 23, 2020 11:37 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Forrester, Tiffany <Tiffany.Forrester@ed.gov>
**Subject:** FW: Conference Call to discuss CGA in light of COVID

---

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**To:** Forrester, Tiffany <Tiffany.Forrester@ed.gov>
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AMERICAN OVERSIGHT

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Regards,


# Kemo Smith

*Federal Grants Director*
Office of Federal Grants
Department of Education
1834 Kongens Gade
St. Thomas, VI 00802
Tel: (340) 774-0100 ext 8083
kemo.smith@vide.vi


---

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**Sent:** Wednesday, March 18, 2020 7:53 PM
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**Cc:** Hensell, Matthew; Ava Penn
**Subject:** Re: Conference Call to discuss CGA in light of COVID

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Thank you for your understanding during this time.

Dr. Tiffany T. Forrester
Group Leader, Insular Areas Team

Office of Elementary and Secondary Education (OESE)
U.S Department of Education

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AMERICAN OVERSIGHT

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It is critical that we have this discussion before the work week ends as plans need to be put in place.

Please indicate your availability for tomorrow or Friday.

Kind regards,

**Kemo Smith**
*Federal Grants Director*
Office of Federal Grants
Department of Education
1834 Kongens Gade
St. Thomas, VI 00802
Tel: (340) 774-0100 ext 8083
kemo.smith@vide.vi

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:15:11 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Confirmation Needed for Commercially Held FFEL loans

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Vicki Shipley <vshipley@ncher.us>
**Sent:** Monday, March 23, 2020 9:49 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Confirmation Needed for Commercially Held FFEL loans

Good morning and just checking to see when ED will provide confirmation and guidance for the FFEL community to use for commercially held FFEL loans? We want to help these FFEL borrowers (in repayment and default) immediately and we have requested confirmation of use of the disaster guidance contained in GEN 17-08. It's certainly a place for us to start for the three months until we see if a longer time may be needed or additional waivers based on how long the pandemic lasts etc but that would allow us to provide some immediate assistance to FFEL borrowers. I'm happy to discuss or answer any questions. Thank you!

Vicki Shipley
Senior Advisor
NCHER
202/721-1182

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Mon, 23 Mar 2020 16:34:13 +0000
**To:** COVID-19;annaholden83@hotmail.com
**Subject:** FW: Construction on school campuses

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 23, 2020

Anna Holden
annaholden83@hotmail.com

Dear Anna Holden,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

---

**From:** Anna Holden <annaholden83@hotmail.com>
**Sent:** Saturday, March 21, 2020 9:27 AM

AMERICAN OVERSIGHT

**To:** answers <answers@ed.gov>
**Subject:** Construction on school campuses

Why is construction on college campuses being forced to continue during the coronavirus pandemic? Are these projects more important than the lives of the men, women, and their families?

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:55:40 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Construction on school campuses

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** answers <answers@ed.gov>
**Sent:** Monday, March 23, 2020 12:34 PM
**To:** COVID-19 <COVID-19@ed.gov>; annaholden83@hotmail.com
**Subject:** FW: Construction on school campuses

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 23, 2020

Anna Holden
annaholden83@hotmail.com

Dear Anna Holden,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

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We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

---

**From:** Anna Holden <annaholden83@hotmail.com>
**Sent:** Saturday, March 21, 2020 9:27 AM
**To:** answers <answers@ed.gov>
**Subject:** Construction on school campuses

Why is construction on college campuses being forced to continue during the coronavirus pandemic? Are these projects more important than the lives of the men, women, and their families?

Get Outlook for Android

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:56:41 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Construction on SUNY campus

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Anna Holden <annaholden83@hotmail.com>
**Sent:** Monday, March 23, 2020 1:09 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Construction on SUNY campus

Why are construction workers being mandated to continue work on these campuses? These projects are not essential. If these men and women become ill and lose their lives who will finish the renovations then. "Essential" should not mean remodeling projects. I have attached a picture of the sink that was provided for workers to wash their hands no soap was supplied and the hand sanitizer station that was just provided today. There is no way for them to wipe the surfaces they have touched.

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Mon, 23 Mar 2020 22:15:45 +0000
**To:** COVID-19
**Subject:** FW: Corona Virus - Mararishi International University

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Beam, Angela <Angela.Beam@ed.gov>
**Sent:** Wednesday, March 11, 2020 2:15 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Wyant, Jim <Jim.Wyant@ed.gov>; Corwin, Dvak <Dvak.Corwin@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
**Subject:** FW: Corona Virus - Mararishi International University

**From:** Dan Wasielewski <dwasielewski@mum.edu>
**Sent:** Wednesday, March 11, 2020 10:46 AM
**To:** Wyant, Jim <Jim.Wyant@ed.gov>
**Subject:** Corona Virus

**Dear Jim:**

**Hope all is well.**

**The Corona Virus is currently getting a lot of attention at our University due to the fact that there are current indications of 20 identified cases in Iowa.**

**To ensure the safety of our community we are considering canceling the scheduled Spring Break Recess planned between March 20th and March 29th. If we decide to do that is it acceptable within the USDE Semester length guidelines as long as we move up the end of the Semester from June 18th to June 8th?**

**Also, would it be appropriate as an alternative to canceling the Spring break, to push it back with dates later in the Semester? This hasn't been discussed but could be an option. It would imply the same Semester ending date with the same length of a Spring Break but some of the inclusive Block dates would need to be changed.**

AMERICAN OVERSIGHT

**What are your thoughts regarding all this?**

**Thank you very much. I imagine you are being swamped with similar issues.**

Respectfully,

Dan Wasielewski, MBA
Director of Financial Aid, SCO for Veterans Benefits
Maharishi International University
*(Formerly Maharishi University of Management)*
1000 N. 4th, Fairfield, IA 52556
Enrollment Center, Mailbox #754
(641)472-7000, Ext. 4170
(641)472-1133, Fax
dwasielewski@miu.edu
www.mlu.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:16:56 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Corona Virus Related Question - FW: Reduction in Length of Academic Year - University of Richmond

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Sunday, March 22, 2020 4:38 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Corona Virus Related Question - FW: Reduction in Length of Academic Year - University of Richmond

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Bell, Sherrie <Sherrie.Bell@ed.gov>
**Sent:** Friday, March 13, 2020 1:08 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Marcucio, Steven <Steven.Marcucio@ed.gov>
**Subject:** Corona Virus Related Question - FW: Reduction in Length of Academic Year - University of Richmond

Please see question below.

---

**From:** Jenkins, Melanie <mjenkin3@richmond.edu>
**Sent:** Friday, March 13, 2020 11:18 AM
**To:** Bell, Sherrie <Sherrie.Bell@ed.gov>
**Cc:** Owens, Kathryn <kowens@richmond.edu>
**Subject:** Reduction in Length of Academic Year

Good morning Ms. Bell,

AMERICAN OVERSIGHT

In response to the COVID-19 pandemic, the University of Richmond has extended spring break an additional week to allow faculty to prepare for remote instruction. By extending our spring break for students an additional week, our academic year is reduced from 15 weeks to 14 weeks.

We have submitted a request for a waiver to provide distance education to SACSCOC and want to make sure we are in compliance with federal student aid policies regarding our reduction in the length of the academic year.

Please provide any information regarding the steps we need to take in order to either update our PPA or to inform DOE of our reduction so we may remain in compliance with federal student aid policies. Your assistance is appreciated. Please let me know if you need additional information about our change in instruction modality or our plans for providing remote instruction.

Best,
Melanie P. Jenkins

**Melanie P. Jenkins**
Director, Institutional Effectiveness
SACSCOC Accreditation Liaison
Puryear Hall, Suite 111
118 UR Drive
University of Richmond, VA 23173
P: 804.484.1581
F: 804.484.1596
mjenkin3@richmond.edu
ifx.richmond.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:17:19 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Coronavirus Inquiry
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Sunday, March 22, 2020 4:51 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Coronavirus Inquiry
**Importance:** High

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Young, Claudette <Claudette.Young@ed.gov>
**Sent:** Friday, March 13, 2020 2:22 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: Coronavirus Inquiry
**Importance:** High

---

**From:** Young, Claudette
**Sent:** Friday, March 13, 2020 1:20 PM
**To:** Sawyer, Tammi <Tammi.Sawyer@ed.gov>; federalstudentaid@ed.gov
**Cc:** Minor, Robin <Robin.Minor@ed.gov>; Early, Jeremy <Jeremy.Early@ed.gov>
**Subject:** Coronavirus Inquiry
**Importance:** High

Good Afternoon,

Please see in the below email string, my response to the institution and the institution's Coronavirus inquiry.

Best Regards,

Claudette Young,

AMERICAN OVERSIGHT

Institutional Review Specialist
Program Compliance
US Department of Education
Chicago/ Denver School Participation Division
230 South Dearborn
Chicago Illinois 60604

Office: (312) 730-1540
Fax: (312) 730-1520
claudette.young@ed.gov

Federal Student Aid
An OFFICE of the U.S. DEPARTMENT of EDUCATION
PROUD SPONSOR of the AMERICAN MIND™

---

**From:** Young, Claudette
**Sent:** Friday, March 13, 2020 12:07 PM
**To:** Andrews, Nicole S. <ANDREWNS@uwec.edu>
**Subject:** RE: Need your guidance

Good Afternoon Ms. Andrews,

The Department is in receipt of your question and will respond as soon as possible.

Best Regards,

Claudette Young,
Institutional Review Specialist
Program Compliance
US Department of Education
Chicago/ Denver School Participation Division
230 South Dearborn
Chicago Illinois 60604

Office: (312) 730-1540
Fax: (312) 730-1520
claudette.young@ed.gov

Federal Student Aid
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PROUD SPONSOR of the AMERICAN MIND™

AMERICAN OVERSIGHT

**From:** Andrews, Nicole S. <ANDREWNS@uwec.edu>
**Sent:** Friday, March 13, 2020 10:52 AM
**To:** Young, Claudette <Claudette.Young@ed.gov>
**Subject:** Need your guidance
**Importance:** High

Hi Claudette-
The University is contemplating giving students an additional 2 weeks of extended Spring Break. We currently have 15 weeks of instruction for Spring but that will be reduced by 2 weeks if we decide to do this, bringing us down to 13 weeks of instruction. This is all due to the need to give faculty time to put face to face courses online because of Coronavirus. Do we need to make one of those weeks a week of instruction or study time to comply with the minimum 14 weeks of instruction or will there be waivers granted due to the unforeseen circumstance?

Thank you for your help!

*Nikki*

Nikki S Andrews
Director of Enrollment Management/Financial Aid
Director of Continuing Education
University of Wisconsin-Eau Claire
1121 Vicki Lord Larson Hall | Eau Claire WI 54702
andrewns@uwec.edu
P 715.836.5606

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:56:24 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: CoVid 19 and educational evaluations

Hi OSEP,

The COVID-19 mailbox received an inquiry about OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jones, Al <Al.Jones@ed.gov>
**Sent:** Friday, March 20, 2020 7:10 PM
**To:** Jerry <jerryleecarrillo@yahoo.com>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: CoVid 19 and educational evaluations

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus
Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak (March 12, 2020)
U.S. Department of Education Releases Webinar, Fact Sheet for Protecting Students' Civil Rights During COVID-19 Response

*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
*www.ed.gov*

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**From:** Jerry <jerryleecarrillo@yahoo.com>
**Sent:** Friday, March 20, 2020 4:56 PM
**To:** disasterinfo@tea.texas.gov
**Cc:** sped@tea.texas.gov; tom.maynard@tea.texas.gov
**Subject:** CoVid 19 and educational evaluations

Please read the attached letter.
Thank you,

Gerardo Carrillo

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:55:17 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID -19 Question regarding Colleges

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Linda Coy <dlcoy@comcast.net>
**Sent:** Friday, March 20, 2020 8:21 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID -19 Question regarding Colleges

It appears that guidelines from the FLDOE and CDC might be being interpreted incorrectly by some state college program administrators so, I have a question or I might have read incorrectly.

Did any of the guidelines recommend or state it was a good idea that a state vocational college program that requires one-on-one labs continue to operate? Specifically, should an aviation program with 70+ students (mostly in their 20's after spring break) and faculty (some in their 70's) be required to return on 3/23 or suffer consequences such as incompletes (for students) and firing (for faculty), respectively, when they are mostly in one occupied hanger space that can't provide sufficient "social distancing" especially for Professors? Didn't the FLDOE suggest that vocational schools cancel this semester or postpone classes until 4/15 for health and safety reasons?

Thank you.

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:16:11 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 Question - FW: Truncated Semester - Slippery Rock Univ

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Sunday, March 22, 2020 11:15 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: COVID-19 Question - FW: Truncated Semester - Slippery Rock Univ

Requesting approval for a temporary school reduction. See below.

---

**From:** Bell, Sherrie <Sherrie.Bell@ed.gov>
**Sent:** Thursday, March 12, 2020 8:23 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Hammond, Cynthia <Cynthia.Hammond@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>; Marcucio, Steven <Steven.Marcucio@ed.gov>
**Subject:** COVID-19 Question - FW: Truncated Semester - Slippery Rock Univ

Please see question below.

---

**From:** Dobson, Alyssa A <alyssa.dobson@sru.edu>
**Sent:** Thursday, March 12, 2020 7:42 PM
**To:** Mumford, David <David.Mumford@ed.gov>; Bell, Sherrie <Sherrie.Bell@ed.gov>
**Subject:** Truncated Semester

Hello Philadelphia Participation Team Folks,

I am reaching out today to obtain permission to shorten our spring semester, and therefore our academic year by two weeks. Due to precautions surrounding the coronavirus and COVID-19, Slippery Rock University 00332700 will extend our spring break period by two full weeks. After that time, all education will be delivered online. All course content, objectives, hours, etc. will be completed during the remaining weeks of instruction but we can not add days to the end of the term because of our contractual obligations with unionized faculty. Therefore, I am seeking permission to temporarily define

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our academic year as 28 weeks of instruction rather than 30. Please advise as to what else is required to achieve this. I appreciate your assistance.

Thank You,
Alyssa Dobson
Director of Financial Aid
Slippery Rock University
724.738.2220
Alyssa.Dobson@sru.edu

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:56:42 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: COVID-19 Question

Hi OSEP,

The COVID-19 mailbox received an inquiry about OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Kong, Stacy <stacy.kong@doh.hawaii.gov>
**Sent:** Friday, March 20, 2020 6:43 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Barrett-Zitkus, Jennifer <Jennifer.Barrett-Zitkus@ed.gov>
**Subject:** COVID-19 Question

Hi,

The State continues to provide EI services via phone or telepractice. Families have the option to decline service sessions.

Question: Will EI services be provided beyond the age of three to make-up for services not provided during the COVID-19 pandemic?

Question: If yes, to the above question, are States allowed to use Part C funds to cover services provided beyond the age of three?

Thank you!

Stacy

**Stacy Kong**
System Improvement Unit Supervisor
Department of Health
Early Intervention Section
1010 Richards Street #811
Honolulu, HI 96813
Phone: 808-594-0025
Fax: 808-586-0015
E-Mail: stacy.kong@doh.hawaii.gov

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:16:06 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Sunday, March 22, 2020 11:12 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: COVID-19 question

Requesting approval for a temporary school reduction. See below.

---

**From:** Early, Jeremy <Jeremy.Early@ed.gov>
**Sent:** Thursday, March 12, 2020 4:20 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Gifford, Nancy Paula <Nancy.Paula.Gifford@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
**Subject:** FW: COVID-19 question

Good Afternoon-

Below is a question received by the Chicago/Denver team. We have informed the school we are working on a response.

Thanks, Jeremy

---

**From:** Mendez, Anna <Anna.Mendez@ed.gov>
**Sent:** Thursday, March 12, 2020 1:58 PM
**To:** Early, Jeremy <Jeremy.Early@ed.gov>
**Subject:** FW: COVID-19 question

Another TA question related to COVID-19

Thank you;

Anna Mendez
Institutional Review Specialist

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U.S. Department of Education
Federal Student Aid
Program Compliance
Chicago/Denver School Participation Division
Office: (312) 730-1726

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**From:** Carol Carpenter <carol.carpenter@cornerstone.edu>
**Sent:** Thursday, March 12, 2020 1:14 PM
**To:** Mendez, Anna <Anna.Mendez@ed.gov>
**Subject:** COVID-19 question

Anna,

Thank you for responding to my phone message.

Like many colleges, as a response to the COVID-19 outbreak, Cornerstone has made the decision to move fully to online education for the next few weeks. We are cancelling all classes in our traditional undergraduate programs from March 12 through March 20. On March 23 we will resume with all courses online through at least April 14. (Our adult undergraduate and all of our graduate programs are not affected by this. They are moving online immediately.)

Closing down fully next week means that our spring semester will have only 14 weeks of instruction/exams, meaning our 2019-20 academic year will be only 29 weeks.

The electronic announcement of March 5 concerning interruptions of study related to Coronavirus stated that we should contact our School Participation team to request a temporary reduction in the length of our academic year. I am writing to see what the process is for being approved for this temporary reduction.

--

**Carol Carpenter**
Director of Student Financial Services
Student Financial Services | Cornerstone University

616.977.5520
carol.carpenter@cornerstone.edu

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cornerstone.edu
1001 E Beltline Ave NE, Grand Rapids, MI
49525

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**From:** Booth, Lindsay
**Sent:** Mon, 23 Mar 2020 12:47:26 +0000
**To:** Sullivan, Madeline;Miller, Meredith
**Cc:** COVID-19
**Subject:** FW: COVID-19 Response: Essential Critical Infrastructure Workforce (CISA Guidance)
**Attachments:** Guidance on the Essential Critical Infrastructure Workforce.pdf

---

**From:** RSFLG <rsflg@fema.dhs.gov>
**Sent:** Monday, March 23, 2020 8:42 AM
**To:** RSFLG <rsflg@fema.dhs.gov>
**Subject:** COVID-19 Response: Essential Critical Infrastructure Workforce (CISA Guidance)

RSFLG Partners:

Please disseminate the attached guidance to your D/A's regional, state, and/or local offices. As states and municipalities restrict movement, it is critical this guidance reaches those setting and enforcing protocols as well as the industries and workers performing these functions.

DHS Cybersecurity and Infrastructure Security (CISA) is focusing on the supply chain and critical infrastructure workforce in COVID-19 response. Within the attached guidance, CISA identifies an initial list of "Essential Critical Infrastructure Workers" to help State and local officials consider COVID-19-related restrictions, and prioritize activities related to continuity of operations and incident response, including the appropriate movement of critical infrastructure workers within and between jurisdictions. Therefore, please review the attached guidance and distribute to all relevant staff.

FEMA is also distributing this message through the FEMA Regions and Joint Recovery/Field Offices. If you have any questions, please email the RSFLG Secretariat at RSFLG@fema.dhs.gov.

Thank you,

RSFLG Secretariat
Interagency Coordination Division
Recovery Directorate
Office of Response and Recovery, FEMA
500 C Street SW | Washington, DC 20472
(e) RSFLG@fema.dhs.gov

LAF

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**U.S. Department of Homeland Security**
Cybersecurity & Infrastructure Security Agency
*Office of the Director*
Washington, DC 20528

CISA
CYBER+INFRASTRUCTURE

March 19, 2020

**MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE**

FROM: Christopher C. Krebs
Director
Cybersecurity and Infrastructure Security Agency (CISA)

---

As the Nation comes together to slow the spread of COVID-19, on March 16th, the President issued updated Coronavirus Guidance for America. This guidance states that:

> *"If you work in a critical infrastructure industry, as defined by the Department of Homeland Security, such as healthcare services and pharmaceutical and food supply, you have a special responsibility to maintain your normal work schedule."*

The Cybersecurity and Infrastructure Security Agency (CISA) executes the Secretary of Homeland Security's responsibilities as assigned under the Homeland Security Act of 2002 to provide strategic guidance, promote a national unity of effort, and coordinate the overall federal effort to ensure the security and resilience of the Nation's critical infrastructure. CISA uses trusted partnerships with both the public and private sectors to deliver infrastructure resilience assistance and guidance to a broad range of partners.

In accordance with this mandate, and in collaboration with other federal agencies and the private sector, CISA developed an initial list of "Essential Critical Infrastructure Workers" to help State and local officials as they work to protect their communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security. The list can also inform critical infrastructure community decision-making to determine the sectors, sub-sectors, segments, or critical functions that should continue normal operations, appropriately modified to account for Centers for Disease Control (CDC) workforce and customer protection guidance.

The attached list identifies workers who conduct a range of operations and services that are essential to continued critical infrastructure viability, including staffing operations centers, maintaining and repairing critical infrastructure, operating call centers, working construction, and performing management functions, among others. The industries they support represent, but are not necessarily limited to, medical and healthcare, telecommunications, information technology systems, defense, food and agriculture, transportation and logistics, energy, water and wastewater, law enforcement, and public works.

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We recognize that State, local, tribal, and territorial governments are ultimately in charge of implementing and executing response activities in communities under their jurisdiction, while the Federal Government is in a supporting role. As State and local communities consider COVID-19-related restrictions, CISA is offering this list to assist prioritizing activities related to continuity of operations and incident response, including the appropriate movement of critical infrastructure workers within and between jurisdictions.

**Accordingly, this list is advisory in nature. It is not, nor should it be considered to be, a federal directive or standard in and of itself.**

In addition, these identified sectors and workers are not intended to be the authoritative or exhaustive list of critical infrastructure sectors and functions that should continue during the COVID-19 response. Instead, State and local officials should use their own judgment in using their authorities and issuing implementation directives and guidance. Similarly, critical infrastructure industry partners will use their own judgment, informed by this list, to ensure continued operations of critical infrastructure services and functions. All decisions should appropriately balance public safety while ensuring the continued delivery of critical infrastructure services and functions.

CISA will continue to work with you and our partners in the critical infrastructure community to update this list as the Nation's response to COVID-19 evolves. We also encourage you to submit how you might use this list so that we can develop a repository of use cases for broad sharing across the country.

Should you have questions about this list, please contact CISA at CISA.CAT@cisa.dhs.gov.

**Attachment:** "Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response"



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DEFEND TODAY, SECURE TOMORROW

# Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response

Version 1.0 (March 19, 2020)

## THE IMPORTANCE OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

Functioning critical infrastructure is imperative during the response to the COVID-19 emergency for both public health and safety as well as community well-being. Certain critical infrastructure industries have a special responsibility in these times to continue operations.

This guidance and accompanying list are intended to support State, Local, and industry partners in identifying the critical infrastructure sectors and the essential workers needed to maintain the services and functions Americans depend on daily and that need to be able to operate resiliently during the COVID-19 pandemic response.

This document gives guidance to State, local, tribal, and territorial jurisdictions and the private sector on defining essential critical infrastructure workers. Promoting the ability of such workers to continue to work during periods of community restriction, access management, social distancing, or closure orders/directives is crucial to community resilience and continuity of essential functions.

## CONSIDERATIONS FOR GOVERNMENT AND BUSINESS

This list was developed in consultation with federal agency partners, industry experts, and State and local officials, and is based on several key principles:

1. Response efforts to the COVID-19 pandemic are locally executed, State managed, and federally supported
2. Everyone should follow guidance from the CDC, as well as State and local government officials, regarding strategies to limit disease spread.
3. Workers should be encouraged to work remotely when possible and focus on core business activities. In-person, non-mandatory activities should be delayed until the resumption of normal operations.
4. When continuous remote work is not possible, businesses should enlist strategies to reduce the likelihood of spreading the disease. This includes, but is not necessarily limited to, separating staff by off-setting shift hours or days and/or social distancing. These steps can preserve the workforce and allow operations to continue.



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5. All organizations should implement their business continuity and pandemic plans, or put plans in place if they do not exist. Delaying implementation is not advised and puts at risk the viability of the business and the health and safety of the employees.

6. In the modern economy, reliance on technology and just-in-time supply chains means that certain workers must be able to access certain sites, facilities, and assets to ensure continuity of functions.

7. Government employees, such as emergency managers, and the business community need to establish and maintain lines of communication.

8. When government and businesses engage in discussions about critical infrastructure workers, they need to consider the implications of business operations beyond the jurisdiction where the asset or facility is located. Businesses can have sizeable economic and societal impacts as well as supply chain dependencies that are geographically distributed.

9. Whenever possible, jurisdictions should align access and movement control policies related to critical infrastructure workers to lower the burden of workers crossing jurisdictional boundaries.

## IDENTIFYING ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS

The following list of sectors and identified essential critical infrastructure workers are an initial recommended set and are intended to be overly inclusive reflecting the diversity of industries across the United States. CISA will continually solicit and accept feedback on the list (both sectors/sub sectors and identified essential workers) and will evolve the list in response to stakeholder feedback. We will also use our various stakeholder engagement mechanisms to work with partners on how they are using this list and share those lessons learned and best practices broadly. We ask that you share your feedback, both positive and negative on this list so we can provide the most useful guidance to our critical infrastructure partners. **Feedback can be sent to** CISA.CAT@CISA.DHS.GOV.

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## HEALTHCARE / PUBLIC HEALTH

- Workers providing COVID-19 testing; Workers that perform critical clinical research needed for COVID-19 response
- Caregivers (e.g., physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, speech pathologists and diagnostic and therapeutic technicians and technologists)
- Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.)
- Workers in other medical facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Organ Pharmacies, Procurement Organizations, Psychiatric Residential, Rural Health Clinics and Federally Qualified Health Centers)
- Manufacturers, technicians, logistics and warehouse operators, and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing, disinfecting or sterilization supplies, and tissue and paper towel products
- Public health / community health workers, including those who compile, model, analyze and communicate public health information
- Blood and plasma donors and the employees of the organizations that operate and manage related activities
- Workers that manage health plans, billing, and health information, who cannot practically work remotely
- Workers who conduct community-based public health functions, conducting epidemiologic surveillance, compiling, analyzing and communicating public health information, who cannot practically work remotely
- Workers performing cybersecurity functions at healthcare and public health facilities, who cannot practically work remotely
- Workers conducting research critical to COVID-19 response
- Workers performing security, incident management, and emergency operations functions at or on behalf of healthcare entities including healthcare coalitions, who cannot practically work remotely
- Workers who support food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, such as those residing in shelters
- Pharmacy employees necessary for filling prescriptions
- Workers performing mortuary services, including funeral homes, crematoriums, and cemetery workers
- Workers who coordinate with other organizations to ensure the proper recovery, handling, identification, transportation, tracking, storage, and disposal of human remains and personal effects; certify cause of death; and facilitate access to mental/behavioral health services to the family members, responders, and survivors of an incident



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## LAW ENFORCEMENT, PUBLIC SAFETY, FIRST RESPONDERS

- Personnel in emergency management, law enforcement, Emergency Management Systems, fire, and corrections, including front line and management
- Emergency Medical Technicians
- 911 call center employees
- Fusion Center employees
- Hazardous material responders from government and the private sector.
- Workers – including contracted vendors – who maintain digital systems infrastructure supporting law enforcement and emergency service operations.

## FOOD AND AGRICULTURE

- Workers supporting groceries, pharmacies and other retail that sells food and beverage products
- Restaurant carry-out and quick serve food operations - Carry-out and delivery food employees
- Food manufacturer employees and their supplier employees—to include those employed in food processing (packers, meat processing, cheese plants, milk plants, produce, etc.) facilities; livestock, poultry, seafood slaughter facilities; pet and animal feed processing facilities; human food facilities producing by-products for animal food; beverage production facilities; and the production of food packaging
- Farm workers to include those employed in animal food, feed, and ingredient production, packaging, and distribution; manufacturing, packaging, and distribution of veterinary drugs; truck delivery and transport; farm and fishery labor needed to produce our food supply domestically
- Farm workers and support service workers to include those who field crops; commodity inspection; fuel ethanol facilities; storage facilities; and other agricultural inputs
- Employees and firms supporting food, feed, and beverage distribution, including warehouse workers, vendor-managed inventory controllers and blockchain managers
- Workers supporting the sanitation of all food manufacturing processes and operations from wholesale to retail
- Company cafeterias - in-plant cafeterias used to feed employees
- Workers in food testing labs in private industries and in institutions of higher education
- Workers essential for assistance programs and government payments
- Employees of companies engaged in the production of chemicals, medicines, vaccines, and other substances used by the food and agriculture industry, including pesticides, herbicides, fertilizers, minerals, enrichments, and other agricultural production aids
- Animal agriculture workers to include those employed in veterinary health; manufacturing and distribution of animal medical materials, animal vaccines, animal drugs, feed ingredients, feed, and bedding, etc.; transportation of live animals, animal medical materials; transportation of deceased animals for disposal; raising of animals for food; animal production operations; slaughter and packing plants and associated regulatory and government workforce
- Workers who support the manufacture and distribution of forest products, including, but not limited to timber, paper, and other wood products
- Employees engaged in the manufacture and maintenance of equipment and other infrastructure necessary to agricultural production and distribution



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## ENERGY

### Electricity industry:

- Workers who maintain, ensure, or restore the generation, transmission, and distribution of electric power, including call centers, utility workers, reliability engineers and fleet maintenance technicians
- Workers needed for safe and secure operations at nuclear generation
- Workers at generation, transmission, and electric blackstart facilities
- Workers at Reliability Coordinator (RC), Balancing Authorities (BA), and primary and backup Control Centers (CC), including but not limited to independent system operators, regional transmission organizations, and balancing authorities
- Mutual assistance personnel
- IT and OT technology staff – for EMS (Energy Management Systems) and Supervisory Control and Data Acquisition (SCADA) systems, and utility data centers; Cybersecurity engineers; cybersecurity risk management
- Vegetation management crews and traffic workers who support
- Environmental remediation/monitoring technicians
- Instrumentation, protection, and control technicians

### Petroleum workers:

- Petroleum product storage, pipeline, marine transport, terminals, rail transport, road transport
- Crude oil storage facilities, pipeline, and marine transport
- Petroleum refinery facilities
- Petroleum security operations center employees and workers who support emergency response services
- Petroleum operations control rooms/centers
- Petroleum drilling, extraction, production, processing, refining, terminal operations, transporting, and retail for use as end-use fuels or feedstocks for chemical manufacturing
- Onshore and offshore operations for maintenance and emergency response
- Retail fuel centers such as gas stations and truck stops, and the distribution systems that support them

### Natural and propane gas workers:

- Natural gas transmission and distribution pipelines, including compressor stations
- Underground storage of natural gas
- Natural gas processing plants, and those that deal with natural gas liquids
- Liquefied Natural Gas (LNG) facilities
- Natural gas security operations center, natural gas operations dispatch and control rooms/centers natural gas emergency response and customer emergencies, including natural gas leak calls
- Drilling, production, processing, refining, and transporting natural gas for use as end-use fuels, feedstocks for chemical manufacturing, or use in electricity generation
- Propane gas dispatch and control rooms and emergency response and customer emergencies, including propane leak calls
- Propane gas service maintenance and restoration, including call centers



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- Processing, refining, and transporting natural liquids, including propane gas, for use as end-use fuels or feedstocks for chemical manufacturing
- Propane gas storage, transmission, and distribution centers

## WATER AND WASTEWATER

Employees needed to operate and maintain drinking water and wastewater/drainage infrastructure, including:

- Operational staff at water authorities
- Operational staff at community water systems
- Operational staff at wastewater treatment facilities
- Workers repairing water and wastewater conveyances and performing required sampling or monitoring
- Operational staff for water distribution and testing
- Operational staff at wastewater collection facilities
- Operational staff and technical support for SCADA Control systems
- Chemical disinfectant suppliers for wastewater and personnel protection
- Workers that maintain digital systems infrastructure supporting water and wastewater operations

## TRANSPORTATION AND LOGISTICS

- Employees supporting or enabling transportation functions, including dispatchers, maintenance and repair technicians, warehouse workers, truck stop and rest area workers, and workers that maintain and inspect infrastructure (including those that require cross-border travel)
- Employees of firms providing services that enable logistics operations, including cooling, storing, packaging, and distributing products for wholesale or retail sale or use.
- Mass transit workers
- Workers responsible for operating dispatching passenger, commuter and freight trains and maintaining rail infrastructure and equipment
- Maritime transportation workers - port workers, mariners, equipment operators
- Truck drivers who haul hazardous and waste materials to support critical infrastructure, capabilities, functions, and services
- Automotive repair and maintenance facilities
- Manufacturers and distributors (to include service centers and related operations) of packaging materials, pallets, crates, containers, and other supplies needed to support manufacturing, packaging staging and distribution operations
- Postal and shipping workers, to include private companies
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels, and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers
- Air transportation employees, including air traffic controllers, ramp personnel, aviation security, and aviation management
- Workers who support the maintenance and operation of cargo by air transportation, including flight crews, maintenance, airport operations, and other on- and off- airport facilities workers



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## PUBLIC WORKS

- Workers who support the operation, inspection, and maintenance of essential dams, locks and levees
- Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues
- Workers such as plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences
- Support, such as road and line clearing, to ensure the availability of needed facilities, transportation, energy and communications
- Support to ensure the effective removal, storage, and disposal of residential and commercial solid waste and hazardous waste

## COMMUNICATIONS AND INFORMATION TECHNOLOGY

**Communications:**

- Maintenance of communications infrastructure- including privately owned and maintained communication systems- supported by technicians, operators, call-centers, wireline and wireless providers, cable service providers, satellite operations, undersea cable landing stations, Internet Exchange Points, and manufacturers and distributors of communications equipment
- Workers who support radio, television, and media service, including, but not limited to front line news reporters, studio, and technicians for newsgathering and reporting
- Workers at Independent System Operators and Regional Transmission Organizations, and Network Operations staff, engineers and/or technicians to manage the network or operate facilities
- Engineers, technicians and associated personnel responsible for infrastructure construction and restoration, including contractors for construction and engineering of fiber optic cables
- Installation, maintenance and repair technicians that establish, support or repair service as needed
- Central office personnel to maintain and operate central office, data centers, and other network office facilities
- Customer service and support staff, including managed and professional services as well as remote providers of support to transitioning employees to set up and maintain home offices, who interface with customers to manage or support service environments and security issues, including payroll, billing, fraud, and troubleshooting
- Dispatchers involved with service repair and restoration

**Information Technology:**

- Workers who support command centers, including, but not limited to Network Operations Command Center, Broadcast Operations Control Center and Security Operations Command Center
- Data center operators, including system administrators, HVAC & electrical engineers, security personnel, IT managers, data transfer solutions engineers, software and hardware engineers, and database administrators
- Client service centers, field engineers, and other technicians supporting critical infrastructure, as well as



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manufacturers and supply chain vendors that provide hardware and software, and information technology equipment (to include microelectronics and semiconductors) for critical infrastructure
- Workers responding to cyber incidents involving critical infrastructure, including medical facilities, SLTT governments and federal facilities, energy and utilities, and banks and financial institutions, and other critical infrastructure categories and personnel
- Workers supporting the provision of essential global, national and local infrastructure for computing services (incl. cloud computing services), business infrastructure, web-based services, and critical manufacturing
- Workers supporting communications systems and information technology used by law enforcement, public safety, medical, energy and other critical industries
- Support required for continuity of services, including janitorial/cleaning personnel

## OTHER COMMUNITY-BASED GOVERNMENT OPERATIONS AND ESSENTIAL FUNCTIONS

- Workers to ensure continuity of building functions
- Security staff to maintain building access control and physical security measures
- Elections personnel
- Federal, State, and Local, Tribal, and Territorial employees who support Mission Essential Functions and communications networks
- Trade Officials (FTA negotiators; international data flow administrators)
- Weather forecasters
- Workers that maintain digital systems infrastructure supporting other critical government operations
- Workers at operations centers necessary to maintain other essential functions
- Workers who support necessary credentialing, vetting and licensing operations for transportation workers
- Customs workers who are critical to facilitating trade in support of the national emergency response supply chain
- Educators supporting public and private K-12 schools, colleges, and universities for purposes of facilitating distance learning or performing other essential functions, if operating under rules for social distancing
- Hotel Workers where hotels are used for COVID-19 mitigation and containment measures

## CRITICAL MANUFACTURING

- Workers necessary for the manufacturing of materials and products needed for medical supply chains, transportation, energy, communications, food and agriculture, chemical manufacturing, nuclear facilities, the operation of dams, water and wastewater treatment, emergency services, and the defense industrial base.

## HAZARDOUS MATERIALS

- Workers at nuclear facilities, workers managing medical waste, workers managing waste from pharmaceuticals and medical material production, and workers at laboratories processing test kits
- Workers who support hazardous materials response and cleanup
- Workers who maintain digital systems infrastructure supporting hazardous materials management operations



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## FINANCIAL SERVICES

- Workers who are needed to process and maintain systems for processing financial transactions and services (e.g., payment, clearing, and settlement; wholesale funding; insurance services; and capital markets activities)
- Workers who are needed to provide consumer access to banking and lending services, including ATMs, and to move currency and payments (e.g., armored cash carriers)
- Workers who support financial operations, such as those staffing data and security operations centers

## CHEMICAL

- Workers supporting the chemical and industrial gas supply chains, including workers at chemical manufacturing plants, workers in laboratories, workers at distribution facilities, workers who transport basic raw chemical materials to the producers of industrial and consumer goods, including hand sanitizers, food and food additives, pharmaceuticals, textiles, and paper products.
- Workers supporting the safe transportation of chemicals, including those supporting tank truck cleaning facilities and workers who manufacture packaging items
- Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, and packaging that prevents the contamination of food, water, medicine, among others essential products
- Workers supporting the operation and maintenance of facilities (particularly those with high risk chemicals and/or sites that cannot be shut down) whose work cannot be done remotely and requires the presence of highly trained personnel to ensure safe operations, including plant contract workers who provide inspections
- Workers who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products, including glass container manufacturing

## DEFENSE INDUSTRIAL BASE

- Workers who support the essential services required to meet national security commitments to the federal government and U.S. Military. These individuals, include but are not limited to, aerospace; mechanical and software engineers, manufacturing/production workers; IT support; security staff; security personnel; intelligence support, aircraft and weapon system mechanics and maintainers
- Personnel working for companies, and their subcontractors, who perform under contract to the Department of Defense providing materials and services to the Department of Defense, and government-owned/contractor-operated and government-owned/government-operated facilities



AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:56:08 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 Standard Academic Year Length Reduction Request for Gulf Coast State College (001490-00)

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Hatcher, Kristopher L. <khatcher1@gulfcoast.edu>
**Sent:** Monday, March 23, 2020 2:12 PM
**To:** COVID-19 <COVID-19@ed.gov>; AtlantaSPD <AtlantaSPD@ed.gov>
**Cc:** Westlake, Chris <cwestlake@gulfcoast.edu>; Backus, Ursula Y. <ubackus@gulfcoast.edu>
**Subject:** COVID-19 Standard Academic Year Length Reduction Request for Gulf Coast State College (001490-00)

To Whom It May Concern,

Good afternoon –

My institution, Gulf Coast State College (001490-00), has extended our spring 2020 break closure due to COVID-19. Our spring break was originally scheduled to be from 03/14/2020 to 03/22/2020, but it is now from 03/14/2020 till 03/29/2020. Accordingly, can you please permit a reduction in the length of our 2019-2020 standard academic year by a week per the ED & NASFAA guidance below?

Respectfully,

Kristopher Hatcher, CFAA
Financial Aid Director
Gulf Coast State College
5230 West U.S. Highway 98
Panama City, FL 32401
P: (850)873-3543
F: (850)873-3523
E: KHatcher1@gulfcoast.edu
W: http://www.gulfcoast.edu/tuition-aid/financial-aid

The Financial Aid Office at Gulf Coast State College is committed to high-quality customer service. To that end, please feel free to submit any questions, comments, or concerns you have about GCSC's Financial Aid Office by visiting https://www.surveymonkey.com/r/92X6ZW8.

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Please Note: Due to Florida's very broad public records law, most written communications to or from College employees regarding College business are public records, available to the public and media upon request. Therefore, this e-mail communication may be subject to public disclosure. Gulf Coast State College is committed to equal access/equal opportunity in its programs, activities, and employment. For additional information, visit www.gulfcoast.edu/equity.

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https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

Length of Academic Year

The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

https://www.nasfaa.org/news-item/21208/Trending_AskRegs_Q_A_What_Factors_Do_We_Consider_When_Deciding_to_Extend_a_Scheduled_Break_Due_to_Coronavirus

**Academic Year Length:** First, you must ask yourself, "When we extend our scheduled break, does it shorten the academic year to less than 30 weeks?"

Under 34 CFR 668.3, an academic year in a credit-hour program must consist of 30 weeks of instructional time. According to guidance NASFAA has received from ED, if you extend your scheduled break, it may reduce the number of weeks of instructional time in your term/payment period and thereby your academic year to less than 30 weeks. For example, if your academic year consists of two 15-week semesters, and the additional week of scheduled break reduces the 15-week semester to a 14-week semester, you have reduced your academic year length to 29 weeks. If this happens, the guidance under "Length of Academic Year" in the March 5, 2020 Electronic Announcement applies, and you must obtain approval from your ED School Participation Division. On the other hand, if you have a program consisting of two 16-week semesters with a 32-week academic year, and the extended break reduces your spring term by two weeks, you do not need ED's approval.

These are the steps to follow:

1. The institution should determine if the reduction in the number of weeks of instructional time in the term brings the academic year to less than 30 weeks. If not, no further action is necessary.
2. Assuming the reduction in the length of instruction in the term results in an academic year consisting of fewer than 30 weeks, the institution should submit a request for reduction in the length of an academic year to COVID-19@ed.gov, including the number of weeks that will now comprise the academic year, (e.g., 28 weeks).
3. The institution's request will be routed to the appropriate School Participation Division which will inform the institution of its decision.

They can grant a reduction to as little as 26 weeks for a credit-hour program at this time. To avoid a reduction in your academic year length, you could choose to add days to the end of the term/payment period to make up for the lost week(s) of instructional time.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:56:36 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID-19 Standard Academic Year Length Reduction Request for Gulf Coast State College (001490-00)

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Monday, March 23, 2020 3:45 PM
**To:** 'Hatcher, Kristopher L.' <khatcher1@gulfcoast.edu>; COVID-19 <COVID-19@ed.gov>
**Cc:** Westlake, Chris <cwestlake@gulfcoast.edu>; Backus, Ursula Y. <ubackus@gulfcoast.edu>
**Subject:** RE: COVID-19 Standard Academic Year Length Reduction Request for Gulf Coast State College (001490-00)

Dear Kristopher,

I would like to thank you for informing the Department of GCSC's course of action. Per the Department's directive the school needed to inform the Department of any changes to the academic year and recourse of instruction. No further action is required at this time. The Department is working to provide guidance regarding changes in the schools academic year. Please check IFAP for further guidance regarding changes in the academic year. GCSC should ensure to document any changes for future reference. We are in this together and we are here to assist GCSC and the students.

Regards,

*Cassandra Weems*
*Institutional Improvement Specialist*
*U.S. Department of Education*
*Atlanta School Participation Division*
*61 Forsyth Street, Suite 18T40*
*Atlanta, GA 30303*
*404-974-9305 (Phone)*
*StudentAid.gov*

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AMERICAN OVERSIGHT

**From:** Hatcher, Kristopher L. [mailto:khatcher1@gulfcoast.edu]
**Sent:** Monday, March 23, 2020 2:12 PM
**To:** COVID-19; AtlantaSPD
**Cc:** Westlake, Chris; Backus, Ursula Y.
**Subject:** COVID-19 Standard Academic Year Length Reduction Request for Gulf Coast State College (001490-00)

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Respectfully,

Kristopher Hatcher, CFAA
Financial Aid Director
Gulf Coast State College
5230 West U.S. Highway 98
Panama City, FL 32401
P: (850)873-3543
F: (850)873-3523
E: KHatcher1@gulfcoast.edu
W: http://www.gulfcoast.edu/tuition-aid/financial-aid

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https://www.nasfaa.org/news-item/21208/Trending_AskRegs_Q_A_What_Factors_Do_We_Consider_When_Deciding_to_Extend_a_Scheduled_Break_Due_to_Coronavirus

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They can grant a reduction to as little as 26 weeks for a credit-hour program at this time. To avoid a reduction in your academic year length, you could choose to add days to the end of the term/payment period to make up for the lost week(s) of instructional time.

AMERICAN OVERSIGHT

**From:** Muhammad, Faatimah
**Sent:** Mon, 23 Mar 2020 16:10:19 +0000
**To:** COVID-19
**Cc:** Ryder, Ruth;Rooney, Patrick;Thurmond, Bryan
**Subject:** FW: COVID-19, USICH, and Homeless Children/Youth in Public Schools

Good day team,
This is just FYI. No task and/response required. USICH is taking the lead on several matters related to the communication below.

Thanks,
Faatimah

---

**From:** Barbara Duffield <barbara@schoolhouseconnection.org>
**Sent:** Friday, March 20, 2020 1:19 PM
**To:** Brogan, Frank <Frank.Brogan@ed.gov>; Robert Marbut <robert.marbut@usich.gov>
**Cc:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Thurmond, Bryan <Bryan.Thurmond@ed.gov>; George Hancock <ghancock@serve.org>; Rexanah Wyse <Rexanah.Wyse@usich.gov>; Darren Franklin <darren.g.franklin@usich.gov>; Condie, Caitlin <caitlin.condie@ed.gov>; Christina Dukes <cdukes@serve.org>
**Subject:** COVID-19, USICH, and Homeless Children/Youth in Public Schools
**Importance:** High

Dear Assistant Secretary Brogan, Dr. Marbut, and Friends –

I realize that I may not be following protocols, appropriate channels, or formalities, and for that I apologize.

But in light of the current emergency, and in preparation for USICH's Large Scale Service Provider Call, please find attached and below:

- A survey to date from K-12 educators and EHCY personnel (we also have responses from early ed, higher ed, and community providers, but this is just the K12 side). This information was gathered for the purpose of driving both private philanthropy to homeless children and youth (working with many education foundations) as well as public supplemental funding. It has only been open for a day.
- A checklist for LEAs and ECE programs, created at request of the field. In less than 24 hours, this has been accessed over 2,400 times.
- I will send notes from the "chat box" from yesterday's virtual chat soon, when we can clean it up and organize it.
- The biggest questions/challenges coming our way are: 1) serving homeless students who are staying in different districts (food, education, health); 2) eligible use of both EHCY and Title I Part A funds (seeking broader uses); and 3) school meals (confusion

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over USDA waivers, etc). Being able to quickly adjust existing MV and Title I budgets to meet new emergent needs is essential. Express permission from ED is much needed.

- Biggest overarching principle: any SEA or LEA communication strategy, and/or service delivery model, that does not take into account the high mobility and invisibility of homeless children and youth will not reach them. There are tremendous safety issues, basic needs issues, and educational issues. They can't self-isolate, they can't shelter in place, the risk of abuse, neglect, trafficking, harm, illness is even higher now. Intentional and dedicated support to the MV EHCY professionals, and MV students, is paramount.

Thank you so much for all that you are doing. We wish to be of service to you, in our collective work to serve children, youth, and families.

Take care,
Barbara

--
Barbara Duffield, Executive Director
Website: SchoolHouse Connection
Office: 202.364.7392 | Cell: 202.549.7668
Twitter: @SchoolHouseConn | Facebook: SchoolHouse Connection
***Overcoming Homelessness Through Education***

Sign up for news and updates

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 16:11:30 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: COVID-19, USICH, and Homeless Children/Youth in Public Schools

FYI

---

**From:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Sent:** Monday, March 23, 2020 12:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>; Thurmond, Bryan <Bryan.Thurmond@ed.gov>
**Subject:** FW: COVID-19, USICH, and Homeless Children/Youth in Public Schools

Good day team,
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Faatimah

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**Cc:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Thurmond, Bryan <Bryan.Thurmond@ed.gov>; George Hancock <ghancock@serve.org>; Rexanah Wyse <Rexanah.Wyse@usich.gov>; Darren Franklin <darren.g.franklin@usich.gov>; Condie, Caitlin <caitlin.condie@ed.gov>; Christina Dukes <cdukes@serve.org>
**Subject:** COVID-19, USICH, and Homeless Children/Youth in Public Schools
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Thank you so much for all that you are doing. We wish to be of service to you, in our collective work to serve children, youth, and families.

Take care,
Barbara

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Barbara Duffield, Executive Director
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Office: 202.364.7392 | Cell: 202.549.7668
Twitter: @SchoolHouseConn | Facebook: SchoolHouse Connection
***Overcoming Homelessness Through Education***

Sign up for news and updates

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:40:11 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Devices for remote learning

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

**From:** Dawn <dawnf66@gmail.com>
**Sent:** Monday, March 23, 2020 11:14 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Devices for remote learning

Hi,
I am aware that students who need to borrow a Chromebook for remote learning can fill out a survey.

Does the BOE collaborate with any vendors to help provide discounts for student to purchase a computer or laptop for remote learning?

Thank you,

Dawn Feintuch

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:55:44 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Distance learning question for students who haven't started school yet

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Renee Bolen <renee_bolen@yahoo.com>
Sent: Saturday, March 21, 2020 2:56 PM
To: COVID-19 <COVID-19@ed.gov>
Cc: MIHAELA MATEESCU <mihaelamatee@yahoo.com>
Subject: Distance learning question for students who haven't started school yet

Good afternoon, I have a question regarding students who haven't started school yet. I have read the Covid-19 Electronic Announcement a few times and I just want to be clear on one thing, are we allowed to give Federal Student Aid to students who have not yet started (We dont do early disbursements or give any aid until the student has actually attended). We are a clock-hour school and are implementing Distance Learning during this time until we are able to reopen our campus. We start new classes approx every 8 weeks and we have a new class starting April 7th. It's unclear to me if we are able to provide those students with Financial Aid? We have approval from the state but I just wanted to double check with the Dept that we are allowed to start new students during this time or if we are only allowed to serve currently enrolled students? Any guidance would be greatly appreciated. Thank you very much!

Sincerely,

Renee Bolen
Financial Aid Officer
International School of Beauty
72-261 Highway 111, Ste. 128-B
Palm Desert, CA 92260
Office Phone: 760.674.1624
Office Fax: 760.340.4267
www.btyschool.com
renee_bolen@yahoo.com

AMERICAN OVERSIGHT

**From:** Calderon, Brenda
**Sent:** Mon, 23 Mar 2020 15:59:39 +0000
**To:** COVID-19
**Subject:** FW: EL identification window follow-up query

Hello team,

Please see question below. Below is also a draft response to this question regarding Title III requirements:

If a district's schools are closed and no education is happening, there is no obligation to screen new students. However, if the district is operating via distance learning[1], districts should make efforts to include new students to the extent practicable. If new students are enrolled, districts should make attempts to identify ELs remotely. For example, the district's online registration process could include a home language survey for parents. Districts may be able to conduct a version of their screening assessment online. When schools reopen, the district should complete the full identification procedures to promptly ensure the proper identification and placement for new ELs.

---

**From:** Davis, LaTonya <ldavis@ed.sc.gov>
**Sent:** Monday, March 23, 2020 8:38 AM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Subject:** EL identification window follow-up query

Good morning Ms. Calderon,

I wanted to follow-up with you regarding the question that I posed regarding the ten-day identification window and EL identification during school closures. We have quite a few districts that still have active student enrollment and the question of **how do they identify ELs within a ten-day window as best they can while keeping the safety and well-being of staff and students at the forefront,** is a constant question. There are many concerns surrounding the face-to-face aspect of administering the identification screeners to students during this time.

Any guidance that you could share is much appreciated.

LaTonya Davis
English Language Acquisition - Title III Program Manager

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---

[1] The term ''distance learning'' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 16:01:50 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: EL identification window follow-up query

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Sent:** Monday, March 23, 2020 12:00 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: EL identification window follow-up query

Hello team,

Please see question below. Below is also a draft response to this question regarding Title III requirements:

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**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
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AMERICAN OVERSIGHT

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---

[1] The term ''distance learning'' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:18:50 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Enquiry due to COVID-19 - Jagiellonian University
**Attachments:** COVID-19 Letter - Jagiellonian University.pdf

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ewa Stankiewicz <ewa.stankiewicz@uj.edu.pl>
**Sent:** Monday, March 23, 2020 8:23 AM
**To:** FSA Foreign Schools Team <FSA.Foreign.Schools.Team@ed.gov>
**Cc:** Vu, Larry <Larry.Vu@ed.gov>; Miles, Eric <Eric.Miles@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** Enquiry due to COVID-19 - Jagiellonian University

Dear Sir/ Madam,

Please find attached the letter from prof. dr hab. Dorota Malec, Jagiellonian University's Vice-Rector for University Development requesting the information regarding the permission for foreign schools to disburse Title IV funds regardless of the fact that the program has changed to distance learning due to COVID-19.

I look forward to receive an official response from the U.S. Department of Education.

Should you require any additional information, please do not hesitate to email me.

Best regards,
Ewa Stankiewicz

Financial Aid Administrator

AMERICAN OVERSIGHT

Study Support Office
Centre for Academic Support
Jagiellonian University
25/3 Straszewskiego
31-113 Kraków

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JAGIELLONIAN UNIVERSITY
IN KRAKOW

Vice-Rector for Educational Affairs

Kraków, March 23, 2020

U.S. Department of Education
Federal Student Aid
Multi-Regional and Foreign Schools
Participation Division
Union Center Plaza,
830 First Street, NE, 7th Floor
Washington, DC 20202
USA

Subject: Enquiry for the information regarding JU's programs eligibility for Title IV in connection with the distance learning due to COVID-19

OPE ID: 03597300
DUNS: 422178194

Dear Sir or Madam,

In reference to the Office of Postsecondary Education's announcement of March 05, 2020, I would respectfully ask to receive the information whether Jagiellonian University (JU) is eligible to disburse Title IV funds for the 2019-2020 summer semester to U.S. students who participate in the William D. Ford Federal Direct Loan Program while studying at JU.

In accordance with the OPE's announcement of March 05, 2020, Higher Education Act does not permit foreign schools to provide distance learning to U.S. students who participate in Title IV, HEA programs and the U.S. Department of Education does not exempt foreign schools from no permission for distance learning due to COVID-19.

However, in accordance with the Section 10 of S. 3489 Supporting Students in Response to Coronavirus Act, Section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b))

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is amended (1) by redesignating paragraph (4) as paragraph (5); and (2) by inserting after paragraph (3) the following: "(4) Notwithstanding the restriction in paragraph (3) with respect to a foreign institution, in the case of a public health emergency, major disaster or emergency, or national emergency declared by the applicable government authorities in the country in which the foreign institution is located, the Secretary may permit any part of an otherwise eligible program to be offered via distance education for the duration of such emergency or disaster and the following payment period".

Moreover, other federal programs for the U.S. students, such as The Post-9/11 GI Bill, U.S. Department of Veterans Affairs, allowes JU as a foreign school to disburse education benefits regardless of the fact that students programs have changed from resident training to online training. The VA's offices are making no adjustments to students' awards regarding COVID-19 until further notice.

The 2019/2020 summer semester at Jagiellonian University starts on February 24, 2020 and ends on September 30, 2020. By JU Rector's decision made in connection with the Government of Poland's regulations due to COVID-19, JU provides distance learning from March 10, 2020 until further notice.

Please be advised that there are thirteen U.S. students who are Title IV recipients at JU. Students have informed the Financial Aid Administrator that they currently still residing in Poland and attending online courses provided by JU. Students point to they difficult financial situation and the fact that they are not able to pay the 2019-2020 summer semester tuition fee without the Title IV funds support.

Thank you in advance for keeping us informed if there is a guidance which allows foreign schools to disburse Title IV funds regardless of the fact that the program has changed to distance learning. Should any additional information be required, please do not hesitate to contact Ms. Ewa Stankiewicz, Financial Aid Administrator (ewa.stankiewicz@uj.edu.pl).

Yours sincerely,

under the authority of the Vice-Rector for Educational Affairs,

Prof. dr hab. Dorota Malec
Vice-Rector for University Development
Jagiellonian University

PL 31-007 Kraków, ul. Gołębia 24, tel. +48(12) 663 11 80, +48(12) 663 13 80, fax +48(12) 422 66 65
e-mail: prorektor.dydaktyka@uj.edu.pl

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:56:19 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Evaluation Timelines During COVID 19 closures

Hi OSEP,

The COVID-19 mailbox received an inquiry about OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jones, Al <Al.Jones@ed.gov>
**Sent:** Friday, March 20, 2020 7:09 PM
**To:** Cantu, Kelli <Kelli.Cantu@wylieisd.net>; Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Evaluation Timelines During COVID 19 closures

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus
Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak (March 12, 2020)
U.S. Department of Education Releases Webinar, Fact Sheet for Protecting Students' Civil Rights During COVID-19 Response

*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*

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www.ed.gov

---

**From:** Cantu, Kelli <Kelli.Cantu@wylieisd.net>
**Sent:** Friday, March 20, 2020 4:35 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Cc:** Cantu, Kelli <Kelli.Cantu@wylieisd.net>
**Subject:** Evaluation Timelines During COVID 19 closures
**Importance:** High

Please see attached plea from Texas evaluators during COVID 19 school closures.

Thank you for your time.

Kelli Cantu, M.S., S.S.P.

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:55:49 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Evaluation Timelines in the State of TX

Hi OSEP,

The COVID-19 mailbox received an inquiry about OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jones, Al <Al.Jones@ed.gov>
**Sent:** Friday, March 20, 2020 7:05 PM
**To:** Eri Contreras <eri.contreras@dsisdtx.us>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Evaluation Timelines in the State of TX

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus
Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak (March 12, 2020)
U.S. Department of Education Releases Webinar, Fact Sheet for Protecting Students' Civil Rights During COVID-19 Response

*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
*www.ed.gov*

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**From:** Eri Contreras <eri.contreras@dsisdtx.us>
**Sent:** Friday, March 20, 2020 1:59 PM
**Subject:** Evaluation Timelines in the State of TX

To Whom it May Concern,
Attached you will find a letter expressing concerns and a need for adjusting the evaluation timeline response in light on current circumstances. I also attached the letter TASP sent to TEA regarding the ethical codes and violations we would face based on their current guidance.

--
Kind Regards,
Eri

Eri Contreras
District Dyslexia Evaluator
Licensed Specialist in School Psychology
Nationally Certified School Psychologist
512-858-3609

Preview attachment TASP SPED Evaluation Timeline Response Letter to TEA.pdf

TASP SPED Evaluation Timeline Response Letter to TEA.pdf
155 KB

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:56:25 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Extended Spring Break

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Shauna N. Crosscup <scrosscup@nr.edu>
**Sent:** Monday, March 23, 2020 3:26 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Extended Spring Break

To Whom it May Concern:

I need to request permission to extend spring break for New River Community College for Spring 2020. Our original Spring Break was March 7-15 and due to COVID-19 was extended to March 22. If you have any questions, please let me know.

Thanks,


Shauna Crosscup

Financial Aid Manager

New River Community College

5251 College Drive, Dublin, VA 24084

Fax: 540-674-3674

Phone: 540-674-3600 ext. 4279


**For 24/7 assistance please contact our Support Center:**

Phone: 855-874-6689

Email: FAhelp@nr.edu

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Live Chat and website: http://mysupport.nr.edu

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:56:03 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Extended Spring Break: Who To Contact?

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Eleanor Fuchs <efuchs@mcad.edu>
**Sent:** Monday, March 23, 2020 2:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Extended Spring Break: Who To Contact?

Good Afternoon,

It is my understanding the institutions that extend their spring break in light of COVID-19 should notify the US Department of Education. However, it is unclear who is the correct point of contact.

Would it be possible to receive that information?

Thank you and be well.

Sincerely,

Eleanor Fuchs

--

ELEANOR FUCHS
Director of Accreditation and Assessment
Phone: 612.874.3507
Fax: 612.874.3701
Pronouns: She/Her/Hers
Title: Ms.

**MINNEAPOLIS COLLEGE OF ART AND DESIGN**
2501 Stevens Avenue / Minneapolis MN 55404 / mcad.edu / #makemcad
instagram / twitter / facebook / youtube

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:17:27 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Extending spring break due to COVID-19--Nashville State Community College

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

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**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Sunday, March 22, 2020 4:51 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Extending spring break due to COVID-19--Nashville State Community College

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Wyant, Jim <Jim.Wyant@ed.gov>
**Sent:** Friday, March 13, 2020 2:49 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Valentine, Ingrid <Ingrid.Valentine@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>; Corwin, Dvak <Dvak.Corwin@ed.gov>; Brandow, Jan <Jan.Brandow@ed.gov>; Beam, Angela <Angela.Beam@ed.gov>
**Subject:** FW: Extending spring break due to COVID-19--Nashville State Community College

In Angie Beam's absence, I am forwarding a school question. Let me know if you need any additional information. Thank you

**Jim Wyant**
**Institutional Improvement Specialist**
Kansas City School Participation Division
Federal Student Aid
United States Department of Education
1010 Walnut Street, Suite 336
Kansas City, MO 64106-2147
816-268-0431 Direct
816-268-0444 Fax

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**From:** Byrd, Jennifer <Jennifer.Byrd@nscc.edu>
**Sent:** Friday, March 13, 2020 12:16 PM
**To:** Corwin, Dvak <Dvak.Corwin@ed.gov>
**Cc:** Byrd, Jennifer <Jennifer.Byrd@nscc.edu>
**Subject:** Extending spring break due to COVID-19

Due to COVID-19, our school is extending our spring break by one week. Do we need to put in a request for a temporary reduction in the length of our academic year? If so, other than having to increase the break days for our R2T4 calculations, what other things do I need to ensure we do?

Sincerely,

Jennifer Byrd
Financial Aid Director
Nashville State Community College

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:47:26 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Extending Spring Term

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Samuel Trone <STrone@pafa.edu>
**Sent:** Monday, March 23, 2020 11:39 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Extending Spring Term

Good Morning,

I'm emailing because I've been notified that our school may extend the spring term into the summer in order to have students complete some instruction that can't be done online as well as studio time (we are an art school). We have transitioned to fully online as the school is currently closed for COVID-19.

My question is regarding adjustments to cost of attendance as well as the loan terms. From earlier guidance, it doesn't appear loan terms need to be adjusted. If students do not incur additional tuition/fee charges, but need to borrow additional loans to assist with the expenses associated with extending the term, is that something we can increase COA to account for? If a spring only loan is originated, should it have the new extended end date?

Thank You,

**SAM TRONE**
Financial Aid Manager
*(Pronouns - He, Him, His)*

Pennsylvania Academy of the Fine Arts
128 N. Broad Street, Philadelphia, PA 19102
215-972-2019 | pafa.edu | pafa.org

Pennsylvania Academy of the Fine Arts PAFA

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:15:33 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Extension of spring break

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** LeChelle D Davenport <ldavenport@hbu.edu>
**Sent:** Monday, March 23, 2020 9:44 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Extension of spring break

Good Morning,

My Institution extended spring break, thereby reducing the term length from 30 to 29 weeks. Please advise if we need to seek approval from our PPA Approval team on the reduction and how to handle the R2T4. Thank you very much!

Sincerely,
LeChelle Davenport, M.A.O.M.
Interim Director of Financial Aid
Houston Baptist University (HBU)
Telephone: 281.649.3186
Email: ldavenport@hbu.edu

HBU | HOUSTON BAPTIST UNIVERSITY

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:56:30 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FAFSA signature pages

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Natasha Garfield <ngarfield@denverscholarship.org>
**Sent:** Monday, March 23, 2020 3:41 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FAFSA signature pages

Hi,

I work for a college access & scholarship organization that supports the Denver Public Schools. We're working with 12th graders to complete the FAFSA and any follow-up so that they're ready to start college in the fall. We're grateful to the Department of Education for providing last week's COVID-19 FAQs, which answered many of our questions about federal student aid during this transition.

Does the Department have an alternative for submitting parent signature pages for the FAFSA for parents who aren't able to get an FSA ID? Now that our schools have moved to remote learning only, students no longer have access to printers or mailing supplies to be able to send a paper signature page. Ideally, this would be some form of electronic signature like DocuSign, or at least the ability to email (rather than mail) the signed signature page.

Many thanks,
Natasha

**Natasha Garfield**
Director of Scholarships
*Pronouns: She, Her, Hers*

Denver Scholarship Foundation | a 501(c)(3) Public Charity
789 Sherman Street, Suite 610 | Denver, CO 80203
O: 303.951.4159 | ngarfield@denverscholarship.org
www.denverscholarship.org

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**From:** OESE.titlei-a
**Sent:** Mon, 23 Mar 2020 15:23:30 +0000
**To:** COVID-19
**Subject:** FW: Federal Reimbursement for Cancelled Events due to Coronavirus

---

**From:** Poynter, Leslie <Leslie.Poynter@ed.gov>
**Sent:** Thursday, March 12, 2020 11:36 AM
**To:** 'Sodat, Lynn' <lynn.sodat@doe.virginia.gov>; OESE.SGR.Virginia <Virginia.oese@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** RE: Federal Reimbursement for Cancelled Events due to Coronavirus

Good Morning, Lynn –

Our office is continuing to work on an answer to help you address this question. I wanted you to know the work is ongoing and I hope to be able to get back to you soon. Thank you again for your patience.

Leslie

---

**From:** Poynter, Leslie
**Sent:** Tuesday, March 10, 2020 3:25 PM
**To:** Sodat, Lynn <lynn.sodat@doe.virginia.gov>; OESE.SGR.Virginia <Virginia.oese@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** RE: Federal Reimbursement for Cancelled Events due to Coronavirus

Thanks for your question, Lynn. I will check in with our Title I team about this and get back to you as soon as I can – as I know this is a time sensitive question.

Leslie

---

**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

**From:** Sodat, Lynn <lynn.sodat@doe.virginia.gov>
**Sent:** Tuesday, March 10, 2020 3:21 PM
**To:** OESE.SGR.Virginia <Virginia.oese@ed.gov>

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**Cc:** Poynter, Leslie <Leslie.Poynter@ed.gov>
**Subject:** Federal Reimbursement for Cancelled Events due to Coronavirus

The Virginia Department of Education has received inquiries from several grantees about reimbursing travel expenses when planned professional development or training events are cancelled due to the Coronavirus. Specifically, grantees are unable to receive refunds from conference sponsors on registration, and may not be able to receive reimbursement on airline tickets purchased. Is there any flexibility to provide reimbursement in these instances?

Thank you,
Lynn Sodat

Lynn Sodat, Ph.D.
Director of ESEA Programs
Virginia Department of Education
(804) 225-2870

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:39:59 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Federal Reimbursement for Cancelled Events due to Coronavirus

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Monday, March 23, 2020 11:24 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Federal Reimbursement for Cancelled Events due to Coronavirus

---

**From:** Poynter, Leslie <Leslie.Poynter@ed.gov>
**Sent:** Thursday, March 12, 2020 11:36 AM
**To:** 'Sodat, Lynn' <lynn.sodat@doe.virginia.gov>; OESE.SGR.Virginia <Virginia.oese@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** RE: Federal Reimbursement for Cancelled Events due to Coronavirus

Good Morning, Lynn –

Our office is continuing to work on an answer to help you address this question. I wanted you to know the work is ongoing and I hope to be able to get back to you soon. Thank you again for your patience.

Leslie

---

**From:** Poynter, Leslie
**Sent:** Tuesday, March 10, 2020 3:25 PM
**To:** Sodat, Lynn <lynn.sodat@doe.virginia.gov>; OESE.SGR.Virginia <Virginia.oese@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** RE: Federal Reimbursement for Cancelled Events due to Coronavirus

Thanks for your question, Lynn. I will check in with our Title I team about this and get back to you as soon as I can – as I know this is a time sensitive question.

Leslie

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**Leslie Poynter**

U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
Telephone: 202-453-6041 | Email: Leslie.Poynter@ed.gov

**From:** Sodat, Lynn <lynn.sodat@doe.virginia.gov>
**Sent:** Tuesday, March 10, 2020 3:21 PM
**To:** OESE.SGR.Virginia <Virginia.oese@ed.gov>
**Cc:** Poynter, Leslie <Leslie.Poynter@ed.gov>
**Subject:** Federal Reimbursement for Cancelled Events due to Coronavirus

The Virginia Department of Education has received inquiries from several grantees about reimbursing travel expenses when planned professional development or training events are cancelled due to the Coronavirus. Specifically, grantees are unable to receive refunds from conference sponsors on registration, and may not be able to receive reimbursement on airline tickets purchased. Is there any flexibility to provide reimbursement in these instances?

Thank you,
Lynn Sodat

Lynn Sodat, Ph.D.
Director of ESEA Programs
Virginia Department of Education
(804) 225-2870

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:55:11 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Federal work-study additional question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Robin Dietrich <rdietric@marybaldwin.edu>
**Sent:** Friday, March 20, 2020 12:45 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal work-study additional question

Dear Colleague,

Thank you for the information and guidance you are providing in these unprecedented times. We are grateful to be able to continue paying federal work-study students as we have transitioned our "in-seat" classes to online.

Some of our offices with work-study students do not have scheduled hours for the student to work. They have turned in electronic time cards documented by their supervisors for each pay period up to the transition to online classes. For these students, we had planned to determine their average weekly hours worked this semester and pay them for the remainder of the semester based on this average. We will document our procedures.

Is this permissible?

Thank you,

--
Robin S. Dietrich
Director of Financial Aid

ph: 540-887-7022
fax: 540-887-7229

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:17:52 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Financial aid

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Malik Cole <malikcole04@gmail.com>
Sent: Monday, March 23, 2020 5:15 AM
To: COVID-19 <COVID-19@ed.gov>
Cc: macole@mavs.coloradomesa.edu; Malik Cole <malikcole04@gmail.com>
Subject: Financial aid

Dear financial aid,

Do to this COVID- 19 crisis. I believe my 2020-2021 will be affected. I heard that you guys can help.

Thank you
-Malik C

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:56:04 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Fiscal Questions

Hi OSEP,

The COVID-19 mailbox received an inquiry about OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Thomas, Dwight <Dwight.Thomas@ed.gov>
**Sent:** Friday, March 20, 2020 5:19 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Fiscal Questions

Should states consider late liquidation requests because districts are not able to spend down funds?

Dwight R. Thomas, II
Education Program Specialist
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning

550 12th Street, S.W., Room # 5010-C
Washington, D.C. 20202-2600
Office: (202) 245-6238
E-mail: dwight.thomas@ed.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:08:00 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Flexibilities for States related to Graduation

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Facon, Kathleen Ms. CIV OSD/DoDEA <Kathleen.Facon@dodea.edu>
Sent: Monday, March 23, 2020 9:57 AM
To: COVID-19 <COVID-19@ed.gov>
Cc: Godfrey, Michael Mr. CIV OSD/DoDEA <Michael.Godfrey@dodea.edu>
Subject: Flexibilities for States related to Graduation

Good Morning

Every year the Military Service recruiting depends heavily on graduating seniors. We are getting questions about the impacts of school closures on graduation. What is the Department of Education plan to assist States in flexibilities, and is there an office POC that we could contact for information by state/school district?

In these extraordinarily challenging times, we thank you for your assistance.

Kathleen Facon
Chief, Partnership and Resources
Department of Defense Education Activity
4800 Mark Center Drive
Alexandria, VA 22350
Phone: 571-372-5834

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:56:20 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Future terms - Continuation of Distance Education

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Deb Jackson <dsjackson@fsmail.bradley.edu>
**Sent:** Monday, March 23, 2020 2:44 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Future terms - Continuation of Distance Education

We are a brick and mortar school, who has transitioned to distance education for the remainder of 2020 spring due to COVID-19. Our spring semester ends on May 16, 2020. Our summer session begins on May 18, 2020. Can we continue to offer our summer classes online, if necessary due to this pandemic, without seeking approval from the Dept of Ed?
If not, what is the process and what will we need to do?
I know you are receiving a lot of questions. I appreciate your help.

Sincerely,
Deb Jackson
Bradley University

--
**Deb Jackson**
**Director of Financial Assistance**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:55:13 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS - lay off

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Lydia Grate <lgrate@clintonschool.uasys.edu>
**Sent:** Friday, March 20, 2020 6:51 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS - lay off

**Good afternoon,**

I am writing because my campus has moved online due to COVID-19 and is now requiring work to be done remotely.

However, my role requires physical contact (I work in a library scanning and labeling books). Because it seems I am at least temporarily laid off, will I continue to be paid for my FWS grant?

Kind regards,
Lydia

--
**Lydia Grate, MPS Candidate 2022**
*Returned Peace Corps Volunteer (Togo 2011-2013)*
University of Arkansas Clinton School of Public Service
1200 President Clinton Avenue
Little Rock, AR 72201
Cell : (501) 707-5153
www.clintonschool.uasys.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:55:38 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly
s

**From:** Teri Cochran <cochrant@nsuok.edu>
**Sent:** Saturday, March 21, 2020 2:27 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS

This was asked and answered (mostly) in the Q&A. We are an institution that has temporarily moved all courses online until April 3rd. Our campus is still open for services (dorms, dining hall (carryout only), computer labs, library, financial aid office and advising, etc.). We would like to discourage students from coming back on campus if they don't have to. Since we are not "closed" can we still pay our FWS students without them technically working?

Thanks again,
Teri

From the Q&A

Our institution is not closed, but we have suspended classes on campus and moved them to a distance education format. May we pay Federal Work Study (FWS) wages to students who are unable to work because they have been impacted by COVID-19?

Yes. The FWS guidance in the Electronic Announcement dated March 5, 2020, applies when the student is unable to work because the school made the decision to close or to move to online/distance education classes and the institution meets the conditions described in Q&A #3 below.
If an FWS student is unable to work his/her scheduled hours because of COVID-19 disruptions (school closures, employer closures, student quarantined, etc.), the school may pay the student for any scheduled hours or allow the student to work by another means (on-line, remote, telecommute, etc.). Students should be paid the wage rate that they would have been paid if they were able to work the scheduled hours.
In this circumstance, when a school pays the student for the hours the student was scheduled to work, but did not work, the school is not required to submit any documentation to the Department. However, the school must document the number of scheduled hours a student should be paid prior to paying the

AMERICAN OVERSIGHT

student. Schools should also document in the student's file any actions that were taken regarding payment of FWS funds for scheduled hours that were not worked by the student.

--

Teri Cochran, Ed.D
Director of Student Financial Services
Northeastern State University
715 N Grand Ave
Tahlequah, OK 74464

918-444-3456

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:57:48 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Anna Bachuk <abachuk@mercyhurst.edu>
**Sent:** Monday, March 23, 2020 3:57 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS

Hello,

I am reaching out to you in question of a Federal Work Study program as affected by COVID-19.

If a campus was closed due to state regulations, and students were no longer able to work, can a campus request an Underuse Penalty Waiver for not using all of their federal grant award?

Anna Bachuk

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:55:37 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS and average hours

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Cleary, Douglas B (KCTCS) <doug.cleary@kctcs.edu>
**Sent:** Monday, March 23, 2020 12:32 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS and average hours

How would the Department view the possibility of a college utilizing the average number of hours to calculate the pay during a shutdown due to COVID-19. The average number of hours may be more accurate and fair for students as opposed to the scheduled hours. Some students are notoriously bad about working all their scheduled hours while others will work additional yours if available. All guidance up to this point, references scheduled hours but average hours (historical view) could be a more accurate methodology.

Thoughts?

DOUG

Douglas Cleary
Assistant Vice President of Student Financial Aid
Kentucky Community and Technical College System
300 N. Main Street
Versailles, KY 40383

Office: 859-256-3215
Cell: 859-753-1550

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:17:57 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS Questions | Liberty University

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Reich, Ashley Ann (Student Financial Services) <ahageman@liberty.edu>
**Sent:** Monday, March 23, 2020 7:32 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS Questions | Liberty University

To Whom This May Concern:

If our institution has moved the majority of classes online, but still have some students coming back residentially, are we considered "closed" for the purposes of paying FWS to students?

Additionally, if we have some students that choose to work in their FWS position and some that do not choose to work, are we able to pay both sets of students FWS? We have some areas that are still open for operation and we would like to be able to utilize a student worker, assuming they return. Some of the guidance initially made it seem as though it was all or nothing for paying FWS, but some of the recent guidance makes it seem as though we can pick and choose who we pay depending on whether or not they return.

I would like some additional guidance on if we can pay FWS to students who do not return and then also pay those that do return.

Lastly, are we able to pay students FWS and FW Assistance under these circumstances?

**Ashley Ann Reich, M.A., Ed.S.**
*Vice President*
**Student Financial Services**
*Adjunct Instructor-UNIV 101*
**College of General Studies**

**Direct - (434) 592-6709**

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 16:19:21 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Terria C. Williams <twilliams@claflin.edu>
**Sent:** Monday, March 23, 2020 12:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FWS

Hello,

Will we be required to get signatures of students for their timesheets if we have transitioned to online?

Sincerely,

**Terria C. Williams**
Terria C. Williams
Director of Financial Aid/SCO
SCAVA Treasurer 2014-2020
College Board HBCU Advisory Committee 2016-2020

Claflin University
400 Magnolia Street
Orangeburg, SC 29115
(803) 535-5720 Direct Line
(803) 535-5334 Main Line
(803) 535-5383 Fax Line
twilliams@claflin.edu

AMERICAN OVERSIGHT

**From:** OESE.titleiii-a
**Sent:** Mon, 23 Mar 2020 18:09:00 +0000
**To:** COVID-19
**Subject:** FW: Guidance and waiver on EL Identification timelines and services

I sent a draft response on the second question earlier this morning.

Best,

Brenda Calderon, Ph.D.
Office of School Support and Accountability, Formula Grants
Office of Elementary and Secondary Education
Phone: (202) 453-6993
Email: brenda.calderon@ed.gov
Office: LBJ 3C110
Visit our English Learner Resource Page:
https://www2.ed.gov/about/offices/list/oese/oss/technicalassistance/englishlearners.html

-----Original Message-----
From: Tricia Kerr (ADE) <Tricia.Kerr@arkansas.gov>
Sent: Friday, March 20, 2020 1:34 PM
To: OESE.titleiii-a <OESE.titleiii-a@ed.gov>
Cc: Alan Lytle (ADE) <Alan.Lytle@arkansas.gov>
Subject: Guidance and waiver on EL Identification timelines and services

Dear Title III Support,

I am officially requesting guidance on districts' responsibilities towards English Learners during extended periods of school closures and offering Alternative Methods of Instruction.

I also requesting guidance on enrollment of new students to a district during this time and the requirement to screen potential ELs with our state ELPA21 screener within 14 days of enrollment.

Thanks,
Tricia Kerr
ESOL Program Director
Title III Co-Coordinator
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:52:50 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Guidance and waiver on EL Identification timelines and services

FYI

-----Original Message-----
From: OESE.titleiii-a <OESE.titleiii-a@ed.gov>
Sent: Monday, March 23, 2020 2:09 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: FW: Guidance and waiver on EL Identification timelines and services

I sent a draft response on the second question earlier this morning.

Best,

Brenda Calderon, Ph.D.
Office of School Support and Accountability, Formula Grants Office of Elementary and Secondary Education
Phone: (202) 453-6993
Email: brenda.calderon@ed.gov
Office: LBJ 3C110
Visit our English Learner Resource Page:
https://www2.ed.gov/about/offices/list/oese/oss/technicalassistance/englishlearners.html

-----Original Message-----
From: Tricia Kerr (ADE) <Tricia.Kerr@arkansas.gov>
Sent: Friday, March 20, 2020 1:34 PM
To: OESE.titleiii-a <OESE.titleiii-a@ed.gov>
Cc: Alan Lytle (ADE) <Alan.Lytle@arkansas.gov>
Subject: Guidance and waiver on EL Identification timelines and services

Dear Title III Support,

I am officially requesting guidance on districts' responsibilities towards English Learners during extended periods of school closures and offering Alternative Methods of Instruction.

I also requesting guidance on enrollment of new students to a district during this time and the requirement to screen potential ELs with our state ELPA21 screener within 14 days of enrollment.

Thanks,
Tricia Kerr
ESOL Program Director
Title III Co-Coordinator
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:55:24 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Guidance for Interruption of Study Related to Coronavirus (Covid-19)

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Rick Ortiz <richard@hypnosis.edu>
Sent: Friday, March 20, 2020 8:46 PM
To: COVID-19 <COVID-19@ed.gov>
Cc: George Kappas <george@hypnosis.edu>; Sandy Kappas <sandy@hypnosis.edu>
Subject: Guidance for Interruption of Study Related to Coronavirus (Covid-19)

Dear Department,

As per the Directive, "Guidance for Interruption of Study Related to Coronavirus (Covid-19)" can the College continue to enroll students in this payment period under this directive.

Your prompt response is greatly appreciated.

Regards,

Richard Ortiz
Director of Financial Aid
(818) 758-2740

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:53:18 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: High School Transcripts

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

**From:** Lisa Stone <lstone@getfasolutions.com>
**Sent:** Monday, March 23, 2020 3:16 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Bridget McGuire <bmcguire@getfasolutions.com>; Trudy Plunkett <tplunkett@getfasolutions.com>
**Subject:** High School Transcripts

Good afternoon,

We have nearly 30 students who are unable to obtain a high school transcript. Is there any guidance on what a school can do in this case? For example can we take a written explanation as to why we are unable to obtain said transcripts?

We look forward to hearing from you.
Very Respectfully
Lisa

**Lisa Stone**
Director of Compliance
**FA Solutions, LLC**
Phone: 727-565-2048
Email:lstone@getfasolutions.com

**"Sometimes faith will make you look stupid; until it rains." - Noah**

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:41:04 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Higher Education term length question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Hock, Joan <Joan.Hock@delval.edu>
**Sent:** Monday, March 23, 2020 11:17 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Higher Education term length question

Hello

Thank you for providing this valuable resource for schools. Our institution notified the Department that we have shortened our spring term by one week due to an extended spring break. I see guidance that if schools extend their academic year rather than shorten there is no need to adjust loan term dates and send to COD. I am assuming that is the case for shortening due to this crisis but I do not see that in writing anywhere.

Can you confirm that if we shorten our semester and are approved to do so by the department we do not have change the loan term dates and send to COD for spring.

Thanks for all you are doing.

Joan

Joan Hock
Financial Aid Director
Delaware Valley University
700 East Butler Ave., Doylestown PA
(office) 215.489.2975 |(fax) 215.489.4959
joanhock@delval.edu|delval.edu
Follow us: twitter.com/delval | facebook.com/delval

Delaware Valley University Core Values

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:06:25 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: I need to tell Birth to Three programs they are non-essential ASAP
**Importance:** High

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Irvine, Priscilla <Priscilla.Irvine@ed.gov>
**Sent:** Sunday, March 22, 2020 11:10 PM
**To:** Ridgway, Alice E <Alice.Ridgway@ct.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: I need to tell Birth to Three programs they are non-essential ASAP
**Importance:** High

Hi, Alice -

I really wish it was up to me to make this call, but I have to refer this inquiry to the Covid-19 team. Based on the information shared on Friday's call, the team understands that these matters are urgent and are responding quickly. I'm including the team on this message with the hope that someone will see it first thing in the morning.

If I hear something before you do, I'll be sure to let you know.

Be well –
Priscilla

---

**From:** Ridgway, Alice E <Alice.Ridgway@ct.gov>
**Sent:** Saturday, March 21, 2020 3:36 PM
**To:** Irvine, Priscilla <Priscilla.Irvine@ed.gov>
**Subject:** Fw: I need to tell Birth to Three programs they are non-essential ASAP

Hi Priscilla,

Sorry to bother you but since our B23 programs can do Remote EI (Medicaid approved and HIPAA secure with TA from ECPC) they WANT to provide continuity of care to their families. The lead agency is not closed and only 4 of the 26 EIS programs in CT have temporarily closed.

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As you can see below our OEC crisis team wants me to consult with "the Feds". I don't think EI is essential during our "Stay Safe, Stay at Home" executive order so we want to tell them NO in person EIS since they have Remote EI as an option. The funding for Remote EI will be the same we use for in-person and will just replace the in-person claims.

We are psyched that Medicaid is on board!

Do you agree with my approach? Or should we talk on the phone? My land line at home is 860-283-8499.

Thanks!

Alice

---

**From:** Flis, Deb
**Sent:** Saturday, March 21, 2020 2:19 PM
**To:** Ridgway, Alice E; Adair, Maggie
**Cc:** Lyddy, Christopher; Curley, Michael
**Subject:** RE: I need to tell Birth to Three programs they are non-essential ASAP

Alice,

Before any other communication can go out to B23 providers, please consult with the feds on the CT Executive Order and whether the feds deem B23 an essential service.

Once we obtain that information we can determine how to proceed with communication to B23 providers. We will need to have a specific conversation regarding funding commitments based on federal guidance. We can schedule a call about this when you have the info.

Deb

---

**From:** Ridgway, Alice E <Alice.Ridgway@ct.gov>
**Sent:** Saturday, March 21, 2020 1:23 PM
**To:** Adair, Maggie <Maggie.Adair@ct.gov>
**Cc:** Flis, Deb <Deb.Flis@ct.gov>; Lyddy, Christopher <Christopher.Lyddy@ct.gov>; Curley, Michael <Michael.Curley@ct.gov>
**Subject:** I need to tell Birth to Three programs they are non-essential ASAP

AMERICAN OVERSIGHT

Hi,

Don't know if you are preparing one memo for all programs at OEC about the EO but either way I would like to send something like to my program directors as soon as possible so they can update their staff.

Given the recent "Stay Safe, Stay at Home" executive order, many of you have asked me whether Birth to Three is "essential" because we provide health insurance billable services. All Birth to Three Programs can have all staff working from home using Remote Early Intervention (EI) for all EI services as posted in both procedures on our website at https://www.birth23.org/providers/provider-resources/procedures/. Therefore Birth to Three Programs are not essential (even though you are).

The Remote EI procedures are currently in the approval process at DSS for Medicaid billing and they provide the continuity of care required by OSEP for families when EIS programs are open. If you signed up for messages from DSS you will be notified as soon as the provider bulletins (PB) are published. If the PBs are not published with March 16th as the effective date, the OEC will cover all Remote EIS provided from March 16th to the effective date in the PB. We will confirm the method for billing before the end of the month.

Alice

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 21:19:48 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: IA-C SSIP extension request

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Fox, Leslie <Leslie.Fox@ed.gov>
**Sent:** Monday, March 23, 2020 4:27 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** IA-C SSIP extension request

In case the state lead didn't forward this request please see below:

**From:** Weigel, Cindy <cindy.weigel@iowa.gov>
**Sent:** Monday, March 23, 2020 4:04 PM
**To:** Mitchell, Kimberly <Kimberly.Mitchell@ed.gov>
**Subject:** SSIP due date

Hi Kimberly,

Has there been any discussion on changing the due date for the SSIP since we are all responding to the COVID-19 outbreak?

Cindy

Cindy J. Weigel, State Coordinator
Early ACCESS (IDEA Part C)
Iowa Department of Education
Learner Strategies & Supports Bureau
400 East 14th Street
Des Moines, IA 50319-0146
Ph: 515-314-9396
Fax: 515-242-5988
cindy.weigel@iowa.gov

Leslie C. Fox, PhD
Leslie C. Fox, PhD
Education Program Specialist

AMERICAN OVERSIGHT

Office of Special Education Programs (OSEP)
U.S. Department of Education
550 12th St., SW
Washington, DC 20202
Leslie.Fox@ed.gov
202-245-6439

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:56:37 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: IDEA timelines

Hi OSEP,

The COVID-19 mailbox received an inquiry about OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Long, Dana <dalong@doe.in.gov>
**Sent:** Friday, March 20, 2020 8:03 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Holsapple, Nancy J <NHolsapple@doe.in.gov>
**Subject:** IDEA timelines

With most schools experiencing closures, or engaging in virtual learning with students not physically attending school, we (Indiana Department of Education) are receiving a number of questions about how to meet timelines to conduct educational evaluations and convene IEP meetings. While national and state health emergencies are in effect, is USED going to grant waivers for conducting timely evaluations and IEP team meetings, as well as annual case review meetings? Evaluations require in-person meetings with the student as well as classroom observations. These required components of an educational evaluation are not reasonably possible at this time, and may not be for a month or more.

In a similar vein, conducting timely complaint investigations, mediations, and due process hearings may not be possible at this time. While cognizant of OSEP Memo 13-08, which indicates several instances that do not constitute exceptional circumstances to extend the 60 day time limit for state complaints, OSEP has not provided guidance as to what might constitute exceptional circumstances. Would a national or state health emergency which closes all schools in a state qualify? If an LEA is unable to provide documentation to adequately respond to a complaint, or if LEA personnel are not available for interviews during the investigation, due to the state or national health emergency, would that qualify as an exceptional circumstance permitting the SEA to extend the timelines?

For due process complaints (hearings), can the following timelines be extended when the school is not in session due to a health emergency (COVID-19)?

1. 10 days to file response (34 CFR §300.508(e) & (f)).
2. 15 days to object to the sufficiency (34 CFR §300.508(d)).
3. 15 days to conduct the resolution meeting (34 CFR §300.510(a))

While we recognize that an independent hearing officer can grant extensions of time (EOT) at the request of a party for most hearings, the same is not true for expedited hearings. 34 CFR §300.532. Is there any relief that can be granted for expedited hearings? We realize that the timelines for expedited

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hearings are based on school days. However, school days include virtual or eLearning days during the time when states, including schools, are prohibited from conducting in-person meetings. If a school is providing distance instruction or virtual learning, instructional days still accrue, but at a distance to keep everyone safe. But these regulations would require hearings that bring people together, in violation of state health emergency orders.

Any guidance on these matters would be greatly appreciated.

Thank you.

**Dana L. Long, Esq.**
*Special Education Attorney/Dispute Resolution Supervisor*
**Indiana Department of Education**
(317) 232-6675 | dalong@doe.in.gov
www.doe.in.gov | Feedback: How are we doing?

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:51:32 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: IEP mtg requirement for distance learning

Hi Laurie,

The COVID-19 mailbox received an inquiry for OSERS. Below is the inquiry.

Thanks,
Kelly

**From:** Annie Kalama <annie.kalama@k12.hi.us>
**Sent:** Monday, March 23, 2020 12:21 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Roxanne Rokero <Roxanne.Rokero@k12.hi.us>; Cynthia Rice <Cynthia.Rice@k12.hi.us>
**Subject:** IEP mtg requirement for distance learning

Q1 - Are schools required to convene IEP mtgs and/or amend IEPs to change delivery of service when distance education is needed? There is some confusion given OSERs QA and Supplemental Fact Sheet (each implying different expectations).

Q2 - Is there an operational definition for educational services and educational opportunities? Some are using interchangeably.

Appreciate your help. Mahalo for your support.

***Annie Kalama***
Director
Exceptional Support Branch
Office of Student Support Services
Hawaii State Department of Education
808-305-9806

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**From:** Tanner-Dean, Angela
**Sent:** Mon, 23 Mar 2020 18:02:50 +0000
**To:** COVID-19
**Cc:** Sleger, Lucille
**Subject:** FW: IEP questions from Connecticut

---

**From:** Sleger, Lucille <Lucille.Sleger@ed.gov>
**Sent:** Monday, March 23, 2020 1:34 PM
**To:** Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>
**Subject:** IEP questions from Connecticut

Hi. I would appreciate your review of the following questions from Connecticut:

Background: Connecticut schools are closed, with the exception of correctional facilities. Connecticut is in the process of making continued educational opportunities available to all students.

1. Evaluations. Connecticut is using the State established timeline, which is based on school days. So there will be no evaluations while school is closed. This seems correct to me, but let me know if there is an issue.
2. If a child is quarantined and school is open, if the child is out of school for 10 days, this is a change in placement. But if a child is quarantined and school is closed, and the child is out for more than 10 days, it is not a change in placement. Is this correct? I think it is correct.
3. There is a question about the purpose of the IEP meeting. All districts will be offering continued educational opportunities for all students, including students with disabilities. It is Connecticut's understanding that, while a child's IEP should be taken into consideration when offering continued educational opportunities, an IEP meeting does not have to be held in order to provide continued educational opportunities to a child with a disability. Is that correct? Should the IEP be revised (without an IEP meeting) to document that continued educational opportunities are provided for a child with a disability?
4. Connecticut understands that to the greatest extent possible, IEP meetings should be held virtually. However, this raises issues of availability of the required members of an IEP team and confidentiality. Also, there may be additions needed to the IEP as a result of the school closings. Does to IEP meeting have to be held to discuss future opportunities when school is back in session? Can the IEP be reviewed and revised after school closures end, even if this goes beyond timelines?

AMERICAN OVERSIGHT

**From:** Corr, Gregg
**Sent:** Mon, 23 Mar 2020 20:49:13 +0000
**To:** COVID-19
**Subject:** FW: Iep timelines
**Attachments:** ed.txt

---

**From:** stephanie lowe <jefnsteph@yahoo.com>
**Sent:** Monday, March 23, 2020 4:36 PM
**To:** Corr, Gregg <Gregg.Corr@ed.gov>
**Subject:** Iep timelines

Mr.Corr,
Please excuse the circuitous route this has taken and that it is addressed to Ms.DeVos. I had delusions of grandeur to start. None the less I do hope these few concerns, and these represent only a few, find the proper forum.
Thank you for your time
Jeff Steiger

----- Forwarded Message -----
**From:** muriel <murielsteiger@att.net>
**To:** jefnsteph@yahoo.com <jefnsteph@yahoo.com>
**Sent:** Saturday, March 21, 2020, 04:25:19 PM PDT
**Subject:**

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

Ms De Vos,
As an occupational therapist working in the public school system, along with my wife who is a speech therapist, we have checked both the state (California) and federal website for particular guidance in regards to Special Education and the IEP process. I have spent countless hours reviewing the law over the past eighteen years, and on a good day the law has numerous areas that need clarification even after re-authorization. Whether one checks the State of California website or the federal website the result is the same. Ultimately you are directed to the "Question and Answer " page regarding COVID19 and delivery of service to students with special needs. This proves fairly frustrating as not only is there a legal disclaimer but the upshot is that the reader is advised to read IDEA in its' entirety. What may be more useful and far less cumbersome might be clear direction as pertains to certain aspects of the IEP process. For example: According to statute an assessment of a child must be completed within 60 days of receipt of signed assessment plan. What will happen to this current timeline if it has been interuppted by this event. Will there be a waiver? Example: After an evaluation is completed, an agreed upon time to convene and conduct the IEP (within the 60 day timeline) is arrived at. What will happen to this statuatory piece. Meetings of a certain size are currently cancelled and conference calls may prove difficult, if not impossible, with families and large staff numbers, for any number of reasons. Example: While typically developing peers may have the focus, attention and cognition to attend to coursework over the internet, at home, this could prove particularly difficult for children that require direct service such as severely autistic children, children with significant attention challenges and students with compromised motor skills. Example: How would a speech therapist deliver intra-oral therapy or articulation therapy without the student physically present. Example: If a district opts to provide distance learning to students, is the assumption that the special education students will attempt distance learning using devices they have no familiarity with nor are their parents equipped to enact this task. Special educaton is a particularly challenging aspect of public education and to lump it in with the melieu of regular education is folly. It would be extremely helpful if your office could see its' way to issuing waivers at least on IEP assement, evaluation and meeting times as everyone is currently at a complete loss. Thank you for your considerations. Jeff Steiger

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 21:19:43 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Iep timelines
**Attachments:** ed.txt

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Corr, Gregg <Gregg.Corr@ed.gov>
**Sent:** Monday, March 23, 2020 4:49 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Iep timelines

---

**From:** stephanie lowe <jefnsteph@yahoo.com>
**Sent:** Monday, March 23, 2020 4:36 PM
**To:** Corr, Gregg <Gregg.Corr@ed.gov>
**Subject:** Iep timelines

Mr.Corr,
Please excuse the circuitous route this has taken and that it is addressed to Ms.DeVos. I had delusions of grandeur to start. None the less I do hope these few concerns, and these represent only a few, find the proper forum.
Thank you for your time
Jeff Steiger

----- Forwarded Message -----
**From:** muriel <murielsteiger@att.net>
**To:** jefnsteph@yahoo.com <jefnsteph@yahoo.com>
**Sent:** Saturday, March 21, 2020, 04:25:19 PM PDT
**Subject:**

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

Ms De Vos,
As an occupational therapist working in the public school system, along with my wife who is a speech therapist, we have checked both the state (California) and federal website for particular guidance in regards to Special Education and the IEP process. I have spent countless hours reviewing the law over the past eighteen years, and on a good day the law has numerous areas that need clarification even after re-authorization. Whether one checks the State of California website or the federal website the result is the same. Ultimately you are directed to the "Question and Answer " page regarding COVID19 and delivery of service to students with special needs. This proves fairly frustrating as not only is there a legal disclaimer but the upshot is that the reader is advised to read IDEA in its' entirety. What may be more useful and far less cumbersome might be clear direction as pertains to certain aspects of the IEP process. For example: According to statute an assessment of a child must be completed within 60 days of receipt of signed assessment plan. What will happen to this current timeline if it has been interuppted by this event. Will there be a waiver? Example: After an evaluation is completed, an agreed upon time to convene and conduct the IEP (within the 60 day timeline) is arrived at. What will happen to this statuatory piece. Meetings of a certain size are currently cancelled and conference calls may prove difficult, if not impossible, with families and large staff numbers, for any number of reasons. Example: While typically developing peers may have the focus, attention and cognition to attend to coursework over the internet, at home, this could prove particularly difficult for children that require direct service such as severely autistic children, children with significant attention challenges and students with compromised motor skills. Example: How would a speech therapist deliver intra-oral therapy or articulation therapy without the student physically present. Example: If a district opts to provide distance learning to students, is the assumption that the special education students will attempt distance learning using devices they have no familiarity with nor are their parents equipped to enact this task. Special educaton is a particularly challenging aspect of public education and to lump it in with the melieu of regular education is folly. It would be extremely helpful if your office could see its' way to issuing waivers at least on IEP assement, evaluation and meeting times as everyone is currently at a complete loss. Thank you for your considerations. Jeff Steiger

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 16:15:09 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: If a 21st CCLC site remains open may it serve students who have not previously enrolled the 21stCCLC program?

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Lund, Miriam <Miriam.Lund@ed.gov>
**Sent:** Monday, March 23, 2020 12:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** If a 21st CCLC site remains open may it serve students who have not previously enrolled the 21stCCLC program?

RRT—

This question was sent by NJ and NY

| | | |
|---|---|---|
| NJ | Shawanda Beale | Shawanda.beale@doe.nj.gov |
| NY | Elizabeth Whipple | Elizabeth.Whipple@NYSED.gov |

**Eligible Students/Attendance**

8. If a Nita M. Lowey 21st CCLC site opens or remains open, may they serve students who have not attended the 21st CCLC program? (NJ)(NY)

> *Yes, after all eligible students desiring or assigned to attend a 21st CCLC program have been enrolled the site may serve other students who want to attend.*

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*

AMERICAN OVERSIGHT

Office of Elementary and Secondary Education, **U.S. Department of Education**
p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

"Intelligence plus character-that is the goal of true education."
— Martin Luther King Jr.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 16:12:11 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: If the targeted number of students isn't met due to school closures what is the waiver or submission process?

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Lund, Miriam <Miriam.Lund@ed.gov>
**Sent:** Monday, March 23, 2020 12:11 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** If the targeted number of students isn't met due to school closures what is the waiver or submission process?

Rapid Response Team:

Below is a question from NJ concerning the collection of data for the 21st CCLC, Title IV, Part B reporting requirement.

NJ Shawanda Beale Shawanda.Beale@doe.nj.gov

**Data**

7.i. May Nita M. Lowey **21st CCLC subgrantees receive a waiver (state or federal)** if the targeted number of students are not met, due to COVID 19 school related closures? What is the waiver and submission process? (NJ)

> *It is not reasonable to expect target numbers to be met when the district or state closes programs due to COVID-19. States have the authority to suspend the collection of attendance data through the duration of the school closure and to adapt its attendance/budget policies accordingly.*

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**

AMERICAN OVERSIGHT

p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

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— Martin Luther King Jr.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 21:18:52 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: In Progress/Incomplete grades
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Engelhardt, Kelli <kelli.engelhardt@uprovidence.edu>
**Sent:** Monday, March 23, 2020 5:00 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** In Progress/Incomplete grades
**Importance:** High

Hello,

We have several programs that would like to give their students blanket "IP" grades for their spring semester courses. Would we then just have to follow our institutional policy about the timeframe in which these courses must be complete? Also, our SAP policy states that any "I" grade will be calculated into our completion rate, so I would assume I would calculate SAP as normal, and a student could use COVID-19 disruption as a basis for appeal?

Many of the programs in question are health-care related, so many of the students are otherwise occupied with the real-world pandemic.

Thank you for your expertise in this. I appreciate it.

Kelli Engelhardt, MSPR, MBA
Director of Financial Aid
University of Providence
1301 20th St South
Great Falls, MT 59405
Kelli.Engelhardt@uprovidence.edu
Phone: 406-791-5237
Fax: 406-791-5209

AMERICAN OVERSIGHT

**To comply with the Department of Education's Privacy Act, please do not submit personally identifiable information via email. Please use the fax number listed above or submit documents through the mail.**

**Urgent Notification: The University of Providence will complete the remainder of the spring semester through online instruction for all classes. Students should not return to campus after spring break. University offices remain open for business at this time. Further details can be found at www.uprovidence.edu/coronavirus/.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:55:42 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Inquiry re Deductions from Social Security

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Rosemary Roman <romanrosemary@gmail.com>
**Sent:** Monday, March 23, 2020 12:56 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Inquiry re Deductions from Social Security

Good afternoon,

With respect to the current deferment on student loans, will the Dept of Ed continue to deduct installments from social security on a default loan? Will your office temporarily cease the deductions as stated on 3/20/20? Your response is greatly appreciated.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:55:48 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Institutional Refunds and Cost of Attendance Recalculations

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jennifer Beck <jbeck@stedwards.edu>
**Sent:** Monday, March 23, 2020 1:21 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Institutional Refunds and Cost of Attendance Recalculations

Good afternoon,
If we issue a credit to the student that can be used for 2020-21 housing are we required to include as EFA in 2021? I understand that for refunds in 1920 we do not have to adjust COA but what about a credit towards 2021?
Best,
Jennifer

**Institutional Refunds and Cost of Attendance Recalculations**

As institutions have considered offering refunds of some institutional charges, questions have arisen about the institution's obligations to adjust cost of attendance (COA) and possibly financial aid packages to reflect those refunds. ED's guidance states that if an institution provides "a waiver or refund of expenses for all or part of a student's tuition, fees, room and board charges, or other institutional charges, or if you become aware that a student has moved off campus for the remainder of the term, the Department will not require a re-evaluation of the student's cost of attendance."

It's important to note that in most cases, recalculation of the COA is not required; however, if your institution chooses to have a policy to recalculate the COA, then you must follow your own policy. In addition, any resulting Title IV credit balances would be subject to current regulation under 668.164(h), which requires the funds be paid to the student or parent within 14 days, unless the institution has written authorization from the student or parent, as applicable to hold the credit balance. Even with authorization to hold the Title IV credit balance, the institution must pay any remaining balance on loan funds by the end of the loan period, and any remaining other Title IV funds by the end of the last payment period in the award year for which they were awarded.

Institutional refund policies (such as refunding room and board costs) are at the discretion of the institution.

AMERICAN OVERSIGHT

Jennifer M. Beck
Sr. Director of Student Financial Aid
Student Financial Services | St. Edward's University About Us
3001 South Congress Avenue | MB 204 | Austin, TX 78704-6489
PH: 512.448.8516 | FAX: 512.416.**5837**| Campus Mailbox 16
EMAIL: jbeck@stedwards.edu
"Take On Your World"

Have you filed your FAFSA? Please remember to include St. Edward's school code: 003621
Explore our virtual campus visit experiences at stedwards.edu/visit.
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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 16:18:13 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Interagency Partner question

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Lund, Miriam <Miriam.Lund@ed.gov>
**Sent:** Monday, March 23, 2020 12:18 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Interagency Partner question

RRT-

Below is a question from our Interagency partner, NOAA. We have 4 interagency partnerships; NOAA, NASA, IMLS and NPS. We expect all four partners to want a reply to this question.

Do you anticipate additional flexibility in 21stCCLC grantee timelines and award periods as a result of this situation? Do you think we could extend the period of our interagency agreement to complete the work if we have a lot of delays getting projects started?

> *Yes, it will be possible for the U.S. Department of Education to allow flexibility with our inter-agency partners around timelines, deliverables and may be able to extend the period of performance. Various activities that were scheduled between NOAA and 21st CCLC schools will be able to be rescheduled once we resume normal operations.*

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**
p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

"Intelligence plus character-that is the goal of true education."
— Martin Luther King Jr.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 20:20:58 +0000
**To:** Myers, Earl
**Cc:** COVID-19;Foy Moss, Rita
**Subject:** FW: Interim Report - MHDG grant
**Attachments:** Health - COVID-19 - General Inquiry.docx

Hi Earl –

Please find attached an email from the COVID-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

---

**From:** Myers, Earl <Earl.Myers@ed.gov>
**Sent:** Monday, March 23, 2020 4:13 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Interim Report - MHDG grant

FYI

---

**From:** Myers, Earl
**Sent:** Monday, March 23, 2020 3:54 PM
**To:** D Manzano-Lee <desann.manzanolee@pgcps.org>
**Subject:** RE: Interim Report

Good afternoon Ms. Manzano-Lee,

Thank you for your email regarding whether dates will be adjusted for the submission of interim reports for your MHDG grant. Your email has been forwarded to ED's COVID-19 mailbox address at: COVID19@ed.gov. This mailbox will be used to respond to questions about how the COVID-19 pandemic will affect the programs you manage, including those questions related to reporting and timelines.

Regards,

Earl Myers, Jr
Lead Grants Management Specialist
Office of Safe and Supportive Schools
Office of Elementary and Secondary Education
400 Maryland Ave, SW
Room 3E244, LBJ
Washington, DC 20202-6450
Telephone: 202-453-6716

AMERICAN OVERSIGHT

**From:** D Manzano-Lee <desann.manzanolee@pgcps.org>
**Sent:** Monday, March 23, 2020 3:27 PM
**To:** Myers, Earl <Earl.Myers@ed.gov>
**Subject:** Interim Report

Good afternoon Mr. Myers,

Will there be an adjusted date for the interim report related to the GPRA?

Thank you.

**Desann Manzano-Lee**
Instructional Specialist
Department of Student Services
Prince George's County Public Schools
Office: (301) 567-5702
desann.manzanolee@pgcps.org
**"It always seems impossible until it's done."-Nelson Mandela**
***Top 5 Strength Themes-Achiever, Relator, Responsibility, Strategic, Individualization***

AMERICAN OVERSIGHT

Dear NAME:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Myers, Earl
**Sent:** Mon, 23 Mar 2020 20:13:25 +0000
**To:** COVID-19
**Subject:** FW: Interim Report

FYI

---

**From:** Myers, Earl
**Sent:** Monday, March 23, 2020 3:54 PM
**To:** D Manzano-Lee <desann.manzanolee@pgcps.org>
**Subject:** RE: Interim Report

Good afternoon Ms. Manzano-Lee,

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Regards,

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Office of Elementary and Secondary Education
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Room 3E244, LBJ
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Telephone: 202-453-6716

**From:** D Manzano-Lee <desann.manzanolee@pgcps.org>
**Sent:** Monday, March 23, 2020 3:27 PM
**To:** Myers, Earl <Earl.Myers@ed.gov>
**Subject:** Interim Report

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**Desann Manzano-Lee**

AMERICAN OVERSIGHT

Instructional Specialist
Department of Student Services
Prince George's County Public Schools
Office: (301) 567-5702
desann.manzanolee@pgcps.org
**"It always seems impossible until it's done."-Nelson Mandela**
***Top 5 Strength Themes-Achiever, Relator, Responsibility, Strategic, Individualization***

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:13:37 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: LECOM DENTAL SCHOOL

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Duhwan R <enghks415@gmail.com>
**Sent:** Sunday, March 22, 2020 12:22 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** LECOM DENTAL SCHOOL

Hi whom it may concern

I'm attending LECOM dental school in Bradenton Florida. Our school is still open and seeing emergency patients, who we are not really able to address their issues due COVID 19. Because school is worrying about interruption of education, more than 100 students and faculties have to attend school and report to their clinics. School refuses to listen to students' and faculties' opinions about temporarily closing campus for our safety. I'm very concerning about our safety as well as our family's safety.

Thank you.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:16:16 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Length of Academic Year - CoVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Sunday, March 22, 2020 4:02 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Length of Academic Year - CoVID-19

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Schramm, Scott <Scott.Schramm@ed.gov>
**Sent:** Friday, March 13, 2020 10:17 AM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Schramm, Scott <Scott.Schramm@ed.gov>
**Subject:** FW: Length of Academic Year - CoVID-19

Good Morning,

Per the instructions received via email on 03/10 from Employee Communications, I am forwarding the email below from the New School for guidance.

I am working from home today.

Thank you,

Scott Schramm
Institutional Review Specialist
New York/Boston School Participation Division
830 1st Street, NE, Union Center Plaza 74B3
Washington, DC 20202
(202)-377-4097
scott.schramm@ed.gov

AMERICAN OVERSIGHT

**From:** Deirdre Bairstow-Allen [mailto:bairstod@newschool.edu]
**Sent:** Wednesday, March 11, 2020 6:01 PM
**To:** Schramm, Scott
**Subject:** Length of Academic Year - CoVID-19

Hi Scott,
Nice chatting with you this morning.
Following up on our conversation here is the detailed question

The New School OPEID 02066200 has a branch campus in Paris France. Because that campus does not fall under CDC guidance, but rather the French Ministry, there is the chance that they would be required to close, shortening the term, even though NYC campus is still open and working virtually/remotely. If this were to happen, how would we address the situation?
Is it possible that NYC could extend independent studies courses to complete the curriculum (which is ours) so that students don't lose a term?
Or do we have to report the shortened term and make adjustments to the PPA?

Looking forward to hearing from you soon.
With kind regards,
Deirdre

--
Deirdre Bairstow-Allen, MBA
Senior Director of Financial Aid

The New School
72 5th Avenue, New York, NY 10003
bairstod@newschool.edu
**T** 212.229.5150 x 1425

*For security purposes, please do not submit sensitive personal information (including verification documents and Social Security Numbers) via email. To submit this information safely, please utilize our Secure Drop-Box.*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:55:17 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: May 21st CCLC programing move from onsite to virtual? May subgrantees purchase laptops for their students?

FYI

---

**From:** Lund, Miriam <Miriam.Lund@ed.gov>
**Sent:** Monday, March 23, 2020 11:53 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** May 21st CCLC programing move from onsite to virtual? May subgrantees purchase laptops for their students? location questions

Rapid Response Team:

These questions all deal with 21st CCLC programs' location. Whether they will be held onsite or are virtual programs allowable. A tie in questions is if onsite can the programs be moved to another location? Tied into the programing questions is what documentation might be required by subgrantees?

| | | |
|---|---|---|
| DC | Tanisha Brown | tanisha.brown@dc.gov |
| PA | Carmen Medina | cmedina@state.pa.us |
| CO | Dana Scott | scott_d@cde.state.co.us |
| OH | Shannon Teague | Shannon.Teague@education.ohio.gov |

Given that 21st CCLC is an out-of-school time grant, is it possible for them to offer remote programming during these school shut-downs. It seems like something feasible from my end, if they have a good plan that we can approve, but I wanted to make sure it doesn't in any way conflict with the intentions or requirements of the grant. Any feedback you can provide is much appreciated. (DC)

ii. With school buildings closing, our programs want to know if they can do a 100% on-line program if all the students they serve have the technology available. Programs purchase laptops to be used in the program, grantees want to know if they do a 100% on-line program if they can lend the laptops to those kids that don't have one during this time of crisis. (PA)

iii. Can 21st CCLC activities be held in other locations if the primary site (the school) has closed down? (CO)

iv. Will federal grant activities such as teleconferencing or working at home be permissible? What documentation would be acceptable? (OH)

AMERICAN OVERSIGHT

*Yes, a State has the authority to designate programs to operate remotely or virtually 100 percent of there scheduled time during the COVID-19 emergency. It is the State's decision what type of documentation it would require from a program operating remotely/virtually. Programs should return to normal operations at such time the governor reopens schools.*

*Furthermore, the State has the authority to allow programs to modify their approved application's activities and budget to allow for programs to utilize the laptops in approved/modified activities utilizing the purchased of laptops. The laptops should be labeled the property of the program and inventoried pre and post check out.*

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**
p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

"Intelligence plus character-that is the goal of true education."
— Martin Luther King Jr.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:39:47 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: May 21st CCLC subgrantee funds be used for contingency planning?

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Lund, Miriam <Miriam.Lund@ed.gov>
**Sent:** Monday, March 23, 2020 11:31 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Lund, Miriam <Miriam.Lund@ed.gov>
**Subject:** May 21st CCLC subgrantee funds be used for contingency planning?

Rapid Response Team,

This question comes to us from multiple 21st CCLC State SEAs per the list below:

1. Shelby.Pons@po.state.ct.us Shelby Pons
2. cmedina@state.pa.us Carmen Medina
3. Shannon.Teague@education.ohio.gov Shannon Teague
4. kresnick@doe.mass.edu Karyl Resnick

**Program Planning**

**Question--**

If a 21st CCLC program has to shut down for a period of time because the students served attend a school that has closed, what will be the consequences to the grant? Can programs still access funds for contingency planning purposes?

Proposed Response--

> *The State has authority to modify its requirements, policies and guidelines subgrants are subject to. We encourage States to be flexible when working with their subgrantees. For example, programs may temporarily adapt their on-site services to provide virtual innovative programming where appropriate. Contingency planning is an allowable cost*

AMERICAN OVERSIGHT

*as determined by the State as long as the cost is reasonable and allocable to the subgrant.*

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**
p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

"Intelligence plus character-that is the goal of true education."
— Martin Luther King Jr.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:53:04 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: MEP Questions Regarding ID&R Due to Corona Virus

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Nguyen, Dinh <Dinh.Nguyen@fldoe.org>
**Sent:** Monday, March 23, 2020 2:25 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Ramsey, Melissa <Melissa.Ramsey@fldoe.org>; Meeks, Amanda <Amanda.Meeks@fldoe.org>; Gaines, Michelle <Michelle.Gaines@fldoe.org>; Miller, Henry <Henry.Miller@fldoe.org>
**Subject:** MEP Questions Regarding ID&R Due to Corona Virus

Dear Sir/Madam:

Question: May a school district complete and approve a Certificate of Eligibility (COE) for an eligible migratory child without the signature of the parent/family member or emancipated youth?

Your timely response to this inquiry is greatly appreciated.

Dinh

Dinh H. Nguyen, Ph.D.
Director of Title I, Part C – Migrant Education Program
Bureau of Federal Educational Programs
325 West Gaines Street, Suite 301-D
Tallahassee, Florida 32399-0400
850-245-0811

DIVISION OF PUBLIC SCHOOLS
*Highest Achievement…Every Student, Every Day.*

*Please note that Florida has a very broad public records law. Most written communications to or from state officials are public records available to the public and media upon request.*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 21:18:55 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Milwaukee Institute of Art and Design -020771-00

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Carol Masse <carolmasse@miad.edu>
**Sent:** Monday, March 23, 2020 4:23 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Milwaukee Institute of Art and Design -020771-00

To whom it may concern

I am alerting you based on guidance posted 3/19/20 that we are to alert you if we had extended our Spring break . Our SP20 semester is now 110 days minus 16 break days or 94 days or instruction.

Please let me know if there is anything else you require from me.

*Carol Masse*
Executive Director of Financial Aid
Milwaukee Institute of Art & Design
273 E Erie Street
Milwaukee WI 53202
Tel. 414-847-3270 Fax. 414-847-3332
carolmasse@miad.edu

AMERICAN OVERSIGHT

**From:** Miley, Jennifer
**Sent:** Mon, 23 Mar 2020 15:22:01 +0000
**To:** COVID-19
**Subject:** FW: NY - Technical Assistance Question - COVID-19

---

**From:** Donohue, Constance L (HEALTH) <constance.donohue@health.ny.gov>
**Sent:** Monday, March 23, 2020 10:52 AM
**To:** Miley, Jennifer <Jennifer.Miley@ed.gov>
**Cc:** Suzanne Bolling <Suzanne.Bolling@nysed.gov>
**Subject:** NY - Technical Assistance Question - COVID-19

Jennifer –

Good morning. NY is in need of technical assistance for this question:

Can children who have not yet been determined to be Part B eligible (because of school closures) remain in EI past their third birthday during the COVID-19 emergency?

We anticipate that the current declared state of emergency will not resolve quickly. Depending on what happens with the schools and whether children can return this spring, we would likely want to have the ability to serve children in EI until Part B preschool is up and running and actual Part B determinations can be made (even on a case by case basis) or the end of the current school year (6/30/20), whichever comes first.

Copying my Part B colleague, Suzanne Bolling, from the NY State Education Department. Suzanne – please add anything I missed here.

Thank you very much,

Connie

Constance Donohue, Au.D., CCC-A
Director, Bureau of Early Intervention
ESP, Corning Tower Building
Room 208
Albany, NY 12237
(518) 473-7016

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:39:57 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: NY - Technical Assistance Question - COVID-19

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Miley, Jennifer <Jennifer.Miley@ed.gov>
**Sent:** Monday, March 23, 2020 11:22 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: NY - Technical Assistance Question - COVID-19

---

**From:** Donohue, Constance L (HEALTH) <constance.donohue@health.ny.gov>
**Sent:** Monday, March 23, 2020 10:52 AM
**To:** Miley, Jennifer <Jennifer.Miley@ed.gov>
**Cc:** Suzanne Bolling <Suzanne.Bolling@nysed.gov>
**Subject:** NY - Technical Assistance Question - COVID-19

Jennifer –

Good morning. NY is in need of technical assistance for this question:

Can children who have not yet been determined to be Part B eligible (because of school closures) remain in EI past their third birthday during the COVID-19 emergency?

We anticipate that the current declared state of emergency will not resolve quickly. Depending on what happens with the schools and whether children can return this spring, we would likely want to have the ability to serve children in EI until Part B preschool is up and running and actual Part B determinations can be made (even on a case by case basis) or the end of the current school year (6/30/20), whichever comes first.

Copying my Part B colleague, Suzanne Bolling, from the NY State Education Department. Suzanne – please add anything I missed here.

Thank you very much,

Connie

AMERICAN OVERSIGHT

Constance Donohue, Au.D., CCC-A
Director, Bureau of Early Intervention
ESP, Corning Tower Building
Room 208
Albany, NY 12237
(518) 473-7016

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:56:13 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: NY Student Teaching/edTPA Requirement

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** outlook_CEBFB41CECE3BB38@outlook.com <outlook_CEBFB41CECE3BB38@outlook.com> **On Behalf Of** outlook_CEBFB41CECE3BB38@outlook.com
**Sent:** Monday, March 23, 2020 2:27 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** NY Student Teaching/edTPA Requirement

Sent from Mail for Windows 10
Hello,

Thank you for your communication as we try our best to move through this unprecedented COVID ordeal.

As a Supervisor of Student Teaching for a SUNY NYS College, I am looking for guidance during this Spring 2020 semester regarding Student Teachers finalizing their expected placements.

Specific questions included:

1. Is there a NYS expectation/decision yet for Student Teachers in their current 2nd placement to be involved with the public school classroom for on-line learning? (Or are NYS Student-Teacher placements canceled ? )

2. If there is still the expectation for Student Teachers to complete their placement as planned, will these Student Teachers be completing their edTPA Unit/Assessment for certification?

3. Should the Student-Teacher Supervisor maintain the instructional/observation and evaluative role using individual college platforms previously used?

4. Are there guidelines edTPA/ Pearson have provided that are supported and validated by the NYS Education Department.

AMERICAN OVERSIGHT

My apologies if I did not recognize these details in previously shared documents. Your guidance is very much appreciated as we try to support our future teachers on their path to graduation and certification.

May you and yours stay well.

Kind Regards,

Sherry Keihl

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:17:50 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Oakton Community College--Request for Approval Letter
**Attachments:** Oakton Community College Request for Approval Covid-19 20200313.pdf

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: FederalStudentAid <FederalStudentAid@ed.gov>
Sent: Sunday, March 22, 2020 4:56 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: FW: Oakton Community College--Request for Approval Letter

Hello. Please see questions re a temporary school reduction. See below.

-----Original Message-----
From: Barnett, Effie <Effie.Barnett@ed.gov>
Sent: Friday, March 13, 2020 4:48 PM
To: FederalStudentAid <FederalStudentAid@ed.gov>
Cc: Early, Jeremy <Jeremy.Early@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
Subject: FW: Oakton Community College--Request for Approval Letter

Good Afternoon,

I received this request for guidance from Oakton Community College, and have informed Ms. Warmann that we are working to develop a response as soon as possible.

Thank you and best wishes,

Effie

Effie Barnett
Institutional Improvement Specialist
Federal Student Aid
U.S. Department of Education
JCK Federal Building
230 South Dearborn Street, Room 3733
Chicago, IL 60604
(312) 730-1587

-----Original Message-----
From: Cheryl Warmann <cwarmann@oakton.edu>

AMERICAN OVERSIGHT

Sent: Friday, March 13, 2020 2:53 PM
To: Barnett, Effie <Effie.Barnett@ed.gov>
Subject: Oakton Community College--Request for Approval Letter

Thanks for the conversation this morning.

Attached is my follow up letter requesting approval for a shortened term and RT4 clarification.

Please let me know if you have questions.

Cheryl Warmann
Oakton Community College

AMERICAN OVERSIGHT

Oakton Community College

Enrollment Center 1600 East Golf Road
Des Plaines, Illinois 60016
847.635.1700
Fax 847.635.1706

March 13, 2020

Effie Barnett
U.S. Department of Education
JCK Federal Building
230 S. Dearborn St.
FSA Program Compliance
Room 3922
Chicago, IL 60604

emailed to: effie.barnett@ed.gov

Dear Ms. Barnett,

I am requesting approval to comply with Title IV policies impacted by Cornoavirus (Covid-19), and need to clarify guidance regarding Return of Title IV regulations.

**A. Request for Approval Due to a Temporary Reduction in Length of Academic Year**

On Thursday, March 12, 2020, Oakton Community College made a decision to extend our Spring Break by an additional week. The non-instructional period will run from March 16—March 29, 2020. No classes will be held during this time. The extension is intended to allow faculty to prepare online instruction.

All lecture components of a credit courses will move to an online format from March 30—April 24, 2020. Courses that have a lab component will continue to be taught with face-to-face instruction. The College plans to be open so students may secure key services such as tutoring, library service, testing, disability services, wellness/counseling, and computer lab access. The Office of Student Financial Assistance will also be open.

The spring semester will be 14 weeks and 3 days. The spring semester began on January 21, 2020 and the last date of student attendance will be May 15, 2020.

**B. Return of Title IV Clarification**

The March 5, 2020 electronic announcement that provides guidance for interruptions of study mentioned Return of Title IV within the context of leave of absences. Can you confirm that Oakton does not need to recalculate Return of Title IV calculations performed prior to March 13, 2020? And confirm that for calculations performed on/after March 13, 2020, those calculations are required to include the additional week of closure as part of a scheduled break?

AMERICAN OVERSIGHT

If you have questions or need additional information, please contact me or the Financial Assistance Manager. Our contact information is listed below.

| | | |
|---|---|---|
| Jamie Petersen | jpeterse@oakton.edu | 847-635-1709 |
| Cheryl Warmann | cwarmann@oakton.edu | 847-635-1719 |

Thank you for your time and assistance.

Sincerely,

C. Warmann

Cheryl Warmann, EdD
Registrar/Director of Student Financial Support

cc: Dr. Joianne Smith, President
Dr. Karl Brooks, Vice-President of Student Affairs
Jamie Petersen, Manager of Student Financial Assistance

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 21:19:00 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Online notary services as an alternative to traditional, in person notary services

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Cappy Breuer <Cappy.Breuer@rasmussen.edu>
**Sent:** Monday, March 23, 2020 4:47 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Online notary services as an alternative to traditional, in person notary services

We understand that at the present time, the Department does not authorize the use of online notary services as an alternative to traditional, in person notary services. This is becoming more and more of a burden for students trying to complete V4 and V5 verification, specifically with our campuses closed. The student is unable to appear at our school to complete the Statement of Educational Purpose in person and therefore must submit to us a statement and **certification** from a notary public that the student appeared before a notary public, along with the copy of the government-issued photo ID that the student presented to the notary.

Can this be discussed and options presented for student's to complete verification?

Thanks,

**Cappy Breuer |** Assistant Vice President, Student Financial Aid
Rasmussen College – Twin Cities Central Office
Office: 952-806-3966
Cappy.Breuer@Rasmussen.edu
Rasmussen.edu

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:55:53 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Pass/fail courses and no GPA

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Sherri Mikols <mikols@american.edu>
**Sent:** Monday, March 23, 2020 1:30 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Pass/fail courses and no GPA

Greetings from American University,

We are considering allowing our students to receive Pass/Fail grades in spring courses due to moving instruction to on-line for the remainder of the term. If we have a brand new student who just started in the Spring term and that student decides to take all the courses as Pass/Fail, and passes everything, they still will not have a cumulative GPA at the end of the spring term. Can we make an exception to our SAP policy that says a student must maintain a 2.0 cumulative GPA?

Many thanks for your guidance!

Sherri Mikols
Associate Director of Financial Aid
American University
mikols@american.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:15:26 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Pass/Fail grades

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Deb Jackson <dsjackson@fsmail.bradley.edu>
**Sent:** Monday, March 23, 2020 9:37 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Pass/Fail grades

Good morning,
I hope this email finds you well. How would changing from letter grades to pass/ fail affect federal aid eligibilty? This change would be due to COVID-19.

Thank you very much.

Best regards,
Deb Jackson
Bradley University

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:19:26 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Pass/Fail grades

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Deb Jackson <dsjackson@fsmail.bradley.edu>
**Sent:** Monday, March 23, 2020 9:37 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Pass/Fail grades

Good morning,
I hope this email finds you well. How would changing from letter grades to pass/ fail affect federal aid eligibilty? This change would be due to COVID-19.

Thank you very much.

Best regards,
Deb Jackson
Bradley University

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:18:52 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Pass/Fail grading system for the payment period

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Bonnie Adamson <Adamson@methodist.edu>
**Sent:** Monday, March 23, 2020 9:15 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Pass/Fail grading system for the payment period

My university was considering offering pass/fail courses for this payment period and this item was one of the questions in the "COVID-19 and Federal Student Aid: What We Know" Webinar Q&A Segment Transcript — Recorded March 17, 2020...

"OK, a school is wondering if they can change to a pass/fail grading system at this point semester. I'm assuming because there's just been so much disruption.
Jill Desjean:
It certainly hasn't been addressed in any of the guidance we've seen. I can't say that I'm familiar with whether that's a thing that would be generally allowed.
Justin Draeger:
Karen, any thoughts?
David Futrell:
Yeah, we don't have an answer for this one.
Justin Draeger:
OK, we will flag this one for follow-up."

I was wondering if there is any more information on this subject.

Thanks,

Bonnie J. Adamson
Director of Financial Aid
Methodist University
800-488-7110 ext. 7307

AMERICAN OVERSIGHT

910-630-7307
www.methodist.edu

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All students are responsible for checking their Methodist e-mail daily for messages from the university.

**The Federal Family Educational Rights and Privacy Act Regulation 34 CFR 99.3 and Protecting the Confidentiality of Personally Identifiable Information (PII) prohibits Universities from receiving Sensitive Data by unsecured fax lines or emails.**

**All documents containing PII information, MUST be mailed by the U.S. Postal Service/delivered in person/or to electronically send go to your myMU Portal under the Financial Aid tab. Contact the Office of Financial Aid for any questions.**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:41:11 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Paying FWS for Scheduled Hours in a Lump Sum

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** David Futrell <futrelld@nasfaa.org>
**Sent:** Monday, March 23, 2020 11:18 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** David Futrell <futrelld@nasfaa.org>
**Subject:** Paying FWS for Scheduled Hours in a Lump Sum

Hi~

A school has moved its classes online for the remainder of their spring term, and plans to pay FWS students for their scheduled hours for the remainder of the term. The school has asked if that FWS payment can be made to a student in one lump sum. We are thinking, yes. That's up to the school. Yes?

*~david*

---

**David L. Futrell** | NASFAA | AskRegs Manager | 202.785.6971
Join us on Facebook, Twitter and LinkedIn
Register Now: NASFAA 2020, June 29 - July 2 in Las Vegas, NV

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:16:47 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Possible Change to Quarter

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Sunday, March 22, 2020 4:37 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Possible Change to Quarter

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Friday, March 13, 2020 1:00 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Gilligan, Pam <Pam.Gilligan@ed.gov>
**Subject:** Fw: Possible Change to Quarter

pandemic question below

---

**From:** Smith, Amy <asmith@sullivan.edu>
**Sent:** Friday, March 13, 2020 6:29 AM
**To:** AskAFed <AskAFed@ed.gov>
**Subject:** Possible Change to Quarter

We are looking at delaying our quarter for one week that was scheduled to start March 30th. If we delayed one week, would we need to do anything to notify the department or take any other measures?

Amy Smith
Compliance Officer
502-515-2578 Office
859-707-6754 Cell
asmith@sullivan.edu

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:39:50 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Project #1536689090 Proposal

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** India Purnell <IPurnell@veritasprepacademy.org>
**Sent:** Monday, March 23, 2020 11:15 AM
**To:** India Purnell <IPurnell@veritasprepacademy.org>
**Subject:** Project #1536689090 Proposal

Hello,

Hope you are well. Sent you a few emails about how we can help you with our new Project #1536689090 Proposal. Is there a better time to check-in?

We looking forward to working with you.

Thank you,

**India Purnell, LMSW,** Veritas Preparatory Academy School Counselor
Veritas Preparatory Academy | 3102 N. 56th St., Suite 100 | Phoenix, AZ 85018
P: (480) 442-9630
ipurnell@vertasprepacedemy.org | www.GreatHeartsAmerica.org

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:55:05 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: public institution of higher ed.- inquiry-COVID 19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Meza, Eric C <ecmeza2@utep.edu>
**Sent:** Saturday, March 21, 2020 5:42 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** public institution of higher ed.- inquiry-COVID 19

Good Day,

I work in legal affairs for the University of Texas at El Paso. As our institution does its best to cope with the COVID-19 pandemic, as we look forward to the recovery process, I write to ask if the Dept of Ed. has any sort of matrix, fact sheet, white paper, or other guidance that advises of waive-able or potentially waive-able laws, regulations, etc., in furtherance of and with respect to institutions of higher education?...

Your guidance on such matter is truly truly appreciated.

Eric Meza
Legal Officer
The University of Texas at El Paso

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Mon, 23 Mar 2020 16:25:00 +0000
**To:** mjmiller814758@gmail.com;COVID-19
**Subject:** FW: Quarantine

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 23, 2020

Matthew Miller
mjmiller814758@gmail.com

Dear Matthew Miller,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Matthew Miller <mjmiller814758@gmail.com>

AMERICAN OVERSIGHT

Sent: Friday, March 20, 2020 1:31 PM
To: answers <answers@ed.gov>
Subject: Quarantine

The the US Department of Education,

What are you doing for the quarantine?

Our schools and teachers are out here making everything happen on the fly. You've provided no assistance or directions to families.

Where is your leadership?

Your agency is a disgrace and everyday you exist all of you should feel deeply ashamed of yourselves for abandoning the nation.

One of you needs to step up and take charge. Your silence will echo throughout history and no one will forget when our system was collapsing you did nothing.

Ever watchful,

Matthew Miller

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:57:09 +0000
**To:** Sullivan, Madeline
**Cc:** COVID-19
**Subject:** FW: Quarantine
**Attachments:** Health - COVID-19 - General Inquiry.docx

Hi Madeline,

Please find attached an email from the COVID-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

---

**From:** answers <answers@ed.gov>
**Sent:** Monday, March 23, 2020 12:25 PM
**To:** mjmiller814758@gmail.com; COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Quarantine

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 23, 2020

Matthew Miller
mjmiller814758@gmail.com

Dear Matthew Miller,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

AMERICAN OVERSIGHT

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To: answers <answers@ed.gov>
Subject: Quarantine

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One of you needs to step up and take charge. Your silence will echo throughout history and no one will forget when our system was collapsing you did nothing.

Ever watchful,

Matthew Miller

AMERICAN OVERSIGHT

Dear NAME:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Mon, 23 Mar 2020 16:29:11 +0000
**To:** COVID-19;MarciHutchison@hotmail.com
**Subject:** FW: Quarantine schedules

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 23, 2020

Marci Hutchinson
MarciHutchison@hotmail.com

Dear Marci Hutchinson,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

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U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Marci Hutchison <MarciHutchison@hotmail.com>

AMERICAN OVERSIGHT

Sent: Friday, March 20, 2020 3:52 PM
To: answers <answers@ed.gov>
Subject: Quarantine schedules

Hello- just an idea.... instead of having unqualified parents homeschool, why don't we just have "summer vacation" now and then resume the current year in the summer when the quarantine is over. Then maybe have a couple weeks off at the end and then start the "next" grade at normal time.... just a thought.... Thanks. Marci Hutchison

Sent from my iPhone

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:52:22 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Quarantine schedules

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** answers <answers@ed.gov>
**Sent:** Monday, March 23, 2020 12:29 PM
**To:** COVID-19 <COVID-19@ed.gov>; MarciHutchison@hotmail.com
**Subject:** FW: Quarantine schedules

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 23, 2020

Marci Hutchinson
MarciHutchison@hotmail.com

Dear Marci Hutchinson,

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Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

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-----Original Message-----
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Sent: Friday, March 20, 2020 3:52 PM
To: answers <answers@ed.gov>
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Sent from my iPhone

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:55:31 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: question about special education documentation during school shutdown

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Margaret Buckton <margaret.m.buckton@gmail.com>
**Sent:** Saturday, March 21, 2020 8:51 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Pratt, Allen <allen-pratt@utc.edu>
**Subject:** question about special education documentation during school shutdown

Good morning DOE authorities,
I communicated with Dr. Allen Pratt of the National Rural Education Association and he shared this email address to submit questions. Thanks for all of your hard work during these extraordinary times.

Many school districts in Iowa are continuing to pay staff during our schools COVID-19 shutdown, at least for the first four weeks, and will have to consider options if the shutdown is extended. The way school finance works in Iowa, however, districts will have to use general funds to pay for special education teachers and paras, if there isn't relief from documentation concerning the hours used to provide special education services.

Schools remain concerned that hourly support staff in particular will search for other work or more affordable living circumstances and may not be available to return when school resumes if they have to live on reduced income levels from unemployment insurance, especially if the shutdown is extended. With many school districts budgeting in survival mode for the last several years, there just aren't sufficient local dollars to supplant the salaries of our special education staff. We need them to be ready to jump in and help make up for missed time and services when school resumes.

Please consider allowing districts to flexibility use special education funds to continue to pay special education staff, which would include some short term relief from the regulations to document hours and services provided if employees are paid by schools for days of shutdown due to COVID-19.

Again, thank you for your hard work during this unprecedented and extraordinary series of events.
Margaret

*Margaret Buckton, Lobbyist,* **UEN** and **RSAI**

AMERICAN OVERSIGHT

*Partner,* **Iowa School Finance Information Services**
1201 63rd Street
Des Moines, IA 50311
(515) 251-5970 office
(515) 201-3755 cell
margaret.buckton@isfis.net

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:05:46 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: question about special education documentation during school shutdown

Hi Laurie,

The COVID-19 mailbox received an inquiry for OSERS. Below is the inquiry.

Thanks,
Kelly

**From:** Margaret Buckton <margaret.m.buckton@gmail.com>
**Sent:** Saturday, March 21, 2020 8:51 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Pratt, Allen <allen-pratt@utc.edu>
**Subject:** question about special education documentation during school shutdown

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Please consider allowing districts to flexibility use special education funds to continue to pay special education staff, which would include some short term relief from the regulations to document hours and services provided if employees are paid by schools for days of shutdown due to COVID-19.

Again, thank you for your hard work during this unprecedented and extraordinary series of events.
Margaret

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*Partner,* **Iowa School Finance Information Services**
1201 63rd Street
Des Moines, IA 50311
(515) 251-5970 office
(515) 201-3755 cell
margaret.buckton@isfis.net

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 16:06:13 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Question aboutPart C Services

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Sleger, Lucille <Lucille.Sleger@ed.gov>
**Sent:** Monday, March 23, 2020 12:04 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question aboutPart C Services

This is is a question I received from a Part C Coordinator:
According to the March 2020 Document from USDOE, "teleconference or other alternative methods (such as e-mail or video conference), consistent with privacy interests, to provide consultative services, guidance, and advice as needed." Please clarify what video conference means? Can my providers access WhatsApp video chat? Will this be in line with FERPA?

---

AMERICAN OVERSIGHT

**From:** Schneer, Matthew
**Sent:** Mon, 23 Mar 2020 15:07:00 +0000
**To:** COVID-19
**Cc:** Wolfsheimer, Jennifer
**Subject:** FW: Question for Clarification

Good Morning:

We received the following question from the Bureau of Indian Education.

Matthew Schneer
Associate Division Director

Office of Special Education Programs
U.S. Department of Education
Washington DC, 20202
202-245-6755
matthew.schneer@ed.gov

---

**From:** Delaune, Margo <margo.delaune@BIE.EDU>
**Sent:** Monday, March 23, 2020 10:57 AM
**To:** Schneer, Matthew <Matthew.Schneer@ed.gov>
**Cc:** Thompson, Eugene <Eugene.Thompson@BIE.EDU>
**Subject:** Question for Clarification

Matt:

Several of our schools are trying to work with just graduating seniors. The schools would like to know if just select grades can be receiving instructional services and not have to provide services to the entire school, such as just working with Seniors) is acceptable. In other words, the schools are asking if they only provide instructional services to seniors would this require the school to provide instructional services to all special education students not just senior special education students. They know that if any seniors are identified as students with disabilities those students services would need to be addressed.

Margo DeLaune
Acting Associate Deputy Director
Division of Performance & Accountability
Bureau of Indian Education
U.S. Department of the Interior
909 1st Avenue
Suite 192
Seattle, WA 98104

AMERICAN OVERSIGHT

Phone (206) 220-7978
Fax (206) 220-7981
Cell (202) 8604209

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:12:23 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Question for Clarification

---

**From:** Schneer, Matthew <Matthew.Schneer@ed.gov>
**Sent:** Monday, March 23, 2020 11:07 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Wolfsheimer, Jennifer <Jennifer.Wolfsheimer@ed.gov>
**Subject:** FW: Question for Clarification

Good Morning:

We received the following question from the Bureau of Indian Education.

Matthew Schneer
Associate Division Director

Office of Special Education Programs
U.S. Department of Education
Washington DC, 20202
202-245-6755
matthew.schneer@ed.gov

---

**From:** Delaune, Margo <margo.delaune@BIE.EDU>
**Sent:** Monday, March 23, 2020 10:57 AM
**To:** Schneer, Matthew <Matthew.Schneer@ed.gov>
**Cc:** Thompson, Eugene <Eugene.Thompson@BIE.EDU>
**Subject:** Question for Clarification

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U.S. Department of the Interior
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Seattle, WA 98104
Phone (206) 220-7978
Fax (206) 220-7981
Cell (202) 8604209

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:16:21 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Sunday, March 22, 2020 4:19 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Question

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Marcucio, Steven <Steven.Marcucio@ed.gov>
**Sent:** Friday, March 13, 2020 12:33 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Bell, Sherrie <Sherrie.Bell@ed.gov>; Marsh, Deborah <Deborah.Marsh@ed.gov>
**Subject:** FW: Question

Please see below for another question pertaining to COVIN-19.

---

**From:** Marsh, Deborah <Deborah.Marsh@ed.gov>
**Sent:** Friday, March 13, 2020 11:17 AM
**To:** Stephanie Migyanko <smigyanko@laurel.edu>
**Subject:** RE: Question

Ms. Migyanko,

I would like to acknowledge receipt of your inquiry. The U.S. Department of Education will provide you with a response as soon as possible.

If I can be of further assistance, please let me know.

**Deborah M. Reedom, Ed.D.** ***(formerly Deborah M. Marsh)***
**Sr. Institutional Review Specialist**

AMERICAN OVERSIGHT

U.S. Department of Education
School Participation Division - Philadelphia
100 Penn Square East, Suite 511
Philadelphia, PA 19107
Office - (215) 656-8640
Fax - (215) 656-6499

**From:** Stephanie Migyanko <smigyanko@laurel.edu>
**Sent:** Friday, March 13, 2020 11:10 AM
**To:** Marsh, Deborah <Deborah.Marsh@ed.gov>
**Subject:** Question

Good Morning Deborah,

I am hoping you can help me with a question I have about the Corona Virus and if a school would have to temporarily suspend in-house classes. For the Credit Hour students we are going to be teaching those classes on-line. We are currently working on a Contingency Plan, making sure students will have the capability to continue he/her studies this way. My main concern is for the students who are enrolled in our Cosmetology program, which Title IV funding is based on Clock Hours and not Credit Hours. These students Title IV funding is based on the actual hours they are in a class. They have lecture classes which can be moved on-line but the majority of his/her classes are hands on and by not having the classroom to practice, how would this affect the Contract End Date and when the student was to finish by. Will we be able to move the contract end date because of the suspension of in-house classes. Also what if there are no lecture classes schedule for the students for this payment period and the student only has in-house classes. My concern is this case would be the 14 day termination policy because of attendance. What would the school need to do in this instance.

Thank you for your help,
Stephanie

--
Stephanie M Migyanko
Vice President of Financial Aid
Laurel Business Institute/Laurel Technical Institute
PO Box 877
11 East Penn Street
Uniontown, PA 15401
(724) 439-4900 ext 117
smigyanko@laurel.edu

AMERICAN OVERSIGHT

www.facebook.com/LaurelBusinessInstitute

**Error! Filename not specified.**The information contained in this message is privileged and confidential and protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer.

**Error! Filename not specified.**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:56:47 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Questions

Hi OSEP,

The COVID-19 mailbox received an inquiry about OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Thomas, Dwight <Dwight.Thomas@ed.gov>
**Sent:** Friday, March 20, 2020 5:09 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions

Questions from NJDOE
1) Are school districts expected to adhere to the IDEA's timelines for conducting student evaluations?
a) Are the timelines tolled or suspended when schools are closed and/or school staff are not in the building as a result of COVID-19?

2) How are the special education dispute resolution timelines affected by closures resulting from COVID-19?

3) How are the state complaint timelines affected by closures resulting from COVID-19?

4) How are school districts expected to provide certain in-home services, such as ABA home programs or parent training, during the COVID-19 pandemic?
Also, will data submission timelines via EdFacts be adjusted? Data managers do not have access to SEA servers to submit timely because they do not have access to buildings.

Dwight R. Thomas, II
Education Program Specialist
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning

550 12th Street, S.W., Room # 5010-C

AMERICAN OVERSIGHT

Washington, D.C. 20202-2600
Office: (202) 245-6238
E-mail: dwight.thomas@ed.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:58:16 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Questions Received from States via phone

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Moran, Kate <Kate.Moran@ed.gov>
**Sent:** Monday, March 23, 2020 3:04 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions Received from States via phone

- **Interim IFSP's**: What are the terms and conditions around the use of interim IFSP's? For example, can the program use the interim IFSP until a face to face eval or meeting can be held? Is a face to face meeting a requirement?
- **Eligibility**- many States use assessments that require the use of manipulatives and these evals cannot be done through telehealth- States are waiting for the publishers to respond and many States don't allow services to be based solely on clinical opinion without it being backed up. Again, this will delay eligibility but States aren't sure how to handle it if their tool cannot be used through virtual means (every expensive, training etc. for new tool) One Child Outcomes assessment tool, the BDI cannot be done remotely. What are their options?
- **CONSENT**: We have provisions around electronic consent. Electronic consent with the privacy protections is VERY difficult for families. Providers cannot get consent electronically from families that don't have the means to print, scan and send. A lot are using DocuSign but still…its not enough. Is verbal consent an option? States are asking if the family can send a picture, a text or an email regarding consent?

Dr. Kate P. Moran
U.S. Department of Education
Office of Special Education Programs
202-245-7315
Washington, DC 20202

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:55:55 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Questions regarding student verification

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Gill, Kristina <KGill@duanemorris.com>
**Sent:** Monday, March 23, 2020 1:44 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions regarding student verification

Good afternoon-

A number of schools have asked us about verification requirements; two in particular are problematic in light of the COVID-19 closures- notarization for verification and collecting high school diplomas.

With regards to the use of a notary, the FSA Manual provides that schools must verify the application information of those students selected by the Department's Central Processing System (CPS). Schools must verify the identity of each selected student either by requiring the student to appear in person at the school or before a notary. The FSA Handbook states, "Currently the Department does not authorize the use of online notary services as an alternative to traditional, in person notary services." (FSA Handbook, AVG Ch. 4, p. 90.)

With regards to high school diplomas, many high schools are closed or operating in a remote capacity such that they are unable to provide these documents at this time.

In light of these questions we are wondering:

1) Is it possible that the Department could temporarily suspend verifications?

Alternatively:
2) Could a school temporarily use an electronic notary service?
3) Can a school rely on attestations for Proof of Graduation?

Thank you for your assistance.

Best,
Kristina

AMERICAN OVERSIGHT

**Kristina Gill**
Special Counsel

Duane Morris
505 9th Street, N.W., Suite 1000
Washington, DC 20004-2166
**P:** +1 202 776 5246
**F:** +1 202 403 3665
**C:** +1 202 997 2781

kgill@duanemorris.com
www.duanemorris.com

For more information about Duane Morris, please visit http://www.DuaneMorris.com

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 21:19:07 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Questions

Hi OPE,

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Thanks,
Kelly

---

**From:** Blomgren, Laura <LBlomgren@PIT.edu>
**Sent:** Monday, March 23, 2020 5:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Questions

Good afternoon, I have a couple of questions in regards to Title IV.

1. SAP- we have our term ending this week 3/27 and there will most likely be quite a few students who are requesting an incomplete with the ability to finish their coursework within 60 days. Is SAP going to be waived for the current term?
2. We have students who need to fill out verification worksheets. What can we accept as far as signatures and documents especially for V4 and V5 who need to be "in person" or "signed by notary"
3. For Federal Work Study, can we keep paying students for the remainder of 19/20 even if we do not come back? What if we do not spend our 7% of community service because students are not working?

Laura Blomgren, M.B.A.
Director of Admissions and Financial Aid

800 Manchester Avenue
Media, PA 19063
☎ Phone: 610-892-1536 | 🖷 Fax: 610-892-1537
LinkedIn profile

*"Far and away the best prize that life has to offer is the chance to work hard at work worth doing"-Theodore Roosevelt*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:14:17 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Leigh Ann Hussey <lhussey@westga.edu>
**Sent:** Monday, March 23, 2020 9:59 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Taylor Oliver <toliver@westga.edu>
**Subject:** R2T4

Hello –

I am looking for guidance on R2T4s. We added an extra week on to Spring Break so we know we have to adjust our R2T4 calendar. We also know that any R2T4 performed ***before*** the calendar adjustment will remain as is.

However, I have a question about timing. If we have a withdrawal with an LDA ***before*** the calendar adjustment, but the R2T4 was performed ***after*** the calendar adjustment – which calendar do we use? The original calendar or the updated calendar?

Thanks for any advice you can give.

Thanks,

**Leigh Ann Hussey**
*Director*
Financial Aid

**University of West Georgia**
1601 Maple Street, Carrollton, GA 30118
p: 678-839-6421
f: 678-839-6422
lhussey@westga.edu

UWG | Student Affairs and Enrollment Management

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This e-mail is intended solely for the addressee and may contain confidential information. If you are not the addressee, please do not save, print, or re-transmit except to return to the sender.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:56:27 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Reduce Academic Calendar

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Elder, Jill <jill.elder@wdt.edu>
**Sent:** Monday, March 23, 2020 3:34 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Reduce Academic Calendar

Hi,

Western Dakota Tech (OPEID 01017000) would like to be proactive in the event that we need to reduce our academic calendar fewer than 30 weeks. We currently have a 32 week academic calendar. At this time, 24 weeks have been completed for on campus courses and 25 weeks have been completed for online courses. If Western Dakota Tech needs to reduce our academic calendar to be fewer than 30 weeks, how long would that take to get approval? Some of our programs will be at least 30 weeks, but others could fall below the 30 week minimum requirement due to the COVID-19 situation.

Thank you for routing this to the appropriate School Participation Division Team.

**Jill Elder**
Admissions and Financial Aid Director
Western Dakota Tech
800 Mickelson Dr. | Rapid City, SD 57703
T: 605.718.2411 | F: 605.394.2204

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Western Dakota Tech is a public institution of higher learning that embraces quality programs, expert faculty and staff, and a commitment to academic excellence to teach the knowledge, skills, and behaviors students need to be successful.

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:19:03 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Refund of Charges Guidance

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Ruth Casper <wommar@chowan.edu>
**Sent:** Monday, March 23, 2020 9:36 AM
**To:** AskAFed <AskAFed@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** Refund of Charges Guidance

I have been asked to find more information regarding the following scenario -

Should a school decide to reduce institutional charges for room & board for this semester, and a refund is now created on the student account, are the following options available for the credit?

- apply credit to future semester
- issue the refund from the account (and does this fall under the paying FSA credit balance rules)

- not all students have FSA who may may have a newly created credit
- some students may have FSA and have already received their FSA refunds

The updated FAQs address not needing to adjust COA for changing the students residential status, but not any refund due from reduced charges. Can you guide to the regulations so we may have it on file once a decision has been made?

Thank you,

**Ruth Casper**
Director of Financial Aid
VA Certifying Official
252.398.6269 | wommar@chowan.edu | chowan.edu One University Place, Murfreesboro, NC 27855

Toll Free 1-888-4-CHOWAN
Fax (252)398-6513

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**For your security, we request that that you do not send any Personally Identifiable Information (PII) via email or attachments. This may include social security numbers, dates of birth, and other information.**

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:07:30 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Refund offsets

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly
-----Original Message-----
From: Cristin Kaptain <kapteina0814@gmail.com>
Sent: Sunday, March 22, 2020 2:13 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Refund offsets

My entire tax refund was offset on March 11th, 2020 Is it true the DOE is giving that back to the people they took it from? If so, is it a check or going to be reimbursed back by the way we filed our return? Any information would be great.
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:17:40 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Request for temporary reduction in academic year

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Sunday, March 22, 2020 4:54 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Request for temporary reduction in academic year

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Barnett, Effie <Effie.Barnett@ed.gov>
**Sent:** Friday, March 13, 2020 4:46 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Early, Jeremy <Jeremy.Early@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
**Subject:** FW: Request for temporary reduction in academic year

Good Afternoon,

I received these questions from Kalamazoo College, and have informed Ms. Murphy that we are working to develop a response as soon as possible.

Thank you and best wishes,

Effie

Effie Barnett
Institutional Improvement Specialist
Federal Student Aid
U.S. Department of Education
JCK Federal Building
230 South Dearborn Street, Room 3733
Chicago, IL 60604

AMERICAN OVERSIGHT

(312) 730-1587

---

**From:** Becca Murphy <Becca.Murphy@kzoo.edu>
**Sent:** Friday, March 13, 2020 12:47 PM
**To:** Barnett, Effie <Effie.Barnett@ed.gov>
**Subject:** Request for temporary reduction in academic year

Hello,

Kalamazoo College is extending our Spring Break by 2 days and will now begin Spring quarter on Wednesday, April 1, 2020 instead of March 30, 2020. I am requesting a temporary reduction in length of our academic year due to COVID-19. Do I need to officially change the start date of our Spring quarter? Can we keep the same payment period? I'm wondering what date we should use.

Thank you,

Becca Murphy

Interim Dean of Financial Aid
Director of Financial Aid
Kalamazoo College
1200 Academy Street
Kalamazoo, MI 49006
p 269-337-7192
f 269-337-7390

**The mission of Kalamazoo College is to prepare its graduates to better understand, live successfully within, and provide enlightened leadership to a richly diverse and increasingly complex world.**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:17:34 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Request for temporary reduction in length of academic year-Augustana College 001633

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Sunday, March 22, 2020 4:52 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Request for temporary reduction in length of academic year-Augustana College 001633

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Charlton, Jason <Jason.Charlton@ed.gov>
**Sent:** Friday, March 13, 2020 2:49 PM
**To:** Yette, Brenda <Brenda.Yette@ed.gov>; Early, Jeremy <Jeremy.Early@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Minor, Robin <Robin.Minor@ed.gov>
**Subject:** FW: Request for temporary reduction in length of academic year-Augustana College 001633

Good afternoon,

The below e-mail is from Augustana College (OPE: 00163300) regarding a reduction of weeks in the institution's Spring semester due to COVID-19. The institution is informing the Chicago/Denver SPD it is going from a 15 week semester to 14 week semester. Although the e-mail doesn't request it, my discussion with the Financial Aid Director was that she is requesting permission to reduce the semester a week without any change/interruption to the student's disbursement of Title IV aid. The institution will still have an academic year over 30 weeks in length (due to a intersession attached to the Fall semester) and the traditional fall semester will only be a week longer than the spring semester.

Thank you,

Jason

Jason Charlton

AMERICAN OVERSIGHT

Senior Institutional Review Specialist/ Payment Analyst, Program Compliance

Office: (312) 730-1695
jason.charlton@ed.gov
StudentAid.gov

**From:** Standley, Sue <suestandley@augustana.edu>
**Sent:** Friday, March 13, 2020 1:35 PM
**To:** Charlton, Jason <Jason.Charlton@ed.gov>
**Subject:** Request for temporary reduction in length of academic year-Augustana College 001633

Hi Jason,

Due to COVID-19, Augustana will be extending our spring break reducing spring term from 15 to 14 weeks.

Our current calendar is:

Fall 15 weeks + J-term 4 weeks (J-term is not mandatory for all students)
Spring 15 weeks

Thank you for your help
Sue

Sue Standley '83
Associate Vice President of Enrollment
Director of Financial Aid
Augustana College
Phone: 309-794-7207
Fax: 309-794-7174

AMERICAN OVERSIGHT

**From:** Robertson, Elyse
**Sent:** Mon, 23 Mar 2020 13:51:46 +0000
**To:** COVID-19
**Subject:** FW: Requesting guidance RE: devices and access points and sanitizing classrooms

Good morning,

Please see below. A question has come in from the NJ State Coordinator for the Title IV-A SSAE grant program related to use of program funds for schools connected with COVID-19 response.

Thanks,
Elyse

---

**From:** O'Neil, Sandy <Sandy.O'Neil@doe.nj.gov>
**Sent:** Friday, March 20, 2020 2:11 PM
**To:** Robertson, Elyse <Elyse.Robertson@ed.gov>
**Cc:** frider@air.org; OESE.SGR.New Jersey <NewJersey.oese@ed.gov>
**Subject:** Requesting guidance RE: devices and access points and sanitizing classrooms

Elyse,
I am writing to request guidance about how, under what circumstances, and on what basis a SEA can authorize expenditures for hot spots and other out-of-school internet access to facilitate student learning in this period of widespread and extended school closures?

The FCC has waived the gift rules FCC's memo about waiving E-rate gift rules "[Federal Communication] Commission rules prohibit entities eligible for the RHC and E-Rate programs from soliciting or accepting any thing [sic] of value from a service provider participating or seeking to participate in those programs. Today's waiver will allow health care providers, schools, and libraries to accept improved capacity, Wi-Fi hotspots, networking gear, or other equipment or services to support doctors and patients, teachers and students, and librarians and patrons during the coronavirus outbreak. For example, some providers have expressed interest in providing free network upgrades for hospitals that need more robust connections to treat patients via telemedicine and free connected devices and hotspots for students who will be taking classes at home. This waiver will enable them to do such things."

Also, we have had many requests to use Title IV- A funding to pay for the cleaning and disinfecting of classrooms. While the cleaning of classrooms would normally be covered by the school, this extra care, as outlined by the CDC will be more intense and expensive. The thought of returning children to potentially unsanitized classrooms is causing stress among parents, students, teachers, principals and other school leaders. Can they use Safe and Healthy Students funds to pay for this extra sanitizing?

Kind regards,
Sandy O'Neil
Ed Tech Specialist|Title II-A and IV-A Coordinator| Office of Standards| Division of Academics and Performance
New Jersey Department of Education P.O. Box 500/ 100 River View Plaza/Trenton, NJ 08611 609-376-3883
sandy.oneil@doe.nj.gov

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 16:34:33 +0000
**To:** Robertson, Elyse
**Cc:** COVID-19;Williams, Bryan
**Subject:** FW: Requesting guidance RE: devices and access points and sanitizing classrooms
**Attachments:** Health - COVID-19 - General Inquiry.docx

Hi Elyse,

Please find attached an email from the COVID-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

---

**From:** Robertson, Elyse <Elyse.Robertson@ed.gov>
**Sent:** Monday, March 23, 2020 9:52 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Requesting guidance RE: devices and access points and sanitizing classrooms

Good morning,

Please see below. A question has come in from the NJ State Coordinator for the Title IV-A SSAE grant program related to use of program funds for schools connected with COVID-19 response.

Thanks,
Elyse

---

**From:** O'Neil, Sandy <Sandy.O'Neil@doe.nj.gov>
**Sent:** Friday, March 20, 2020 2:11 PM
**To:** Robertson, Elyse <Elyse.Robertson@ed.gov>
**Cc:** frider@air.org; OESE.SGR.New Jersey <NewJersey.oese@ed.gov>
**Subject:** Requesting guidance RE: devices and access points and sanitizing classrooms

Elyse,
I am writing to request guidance about how, under what circumstances, and on what basis a SEA can authorize expenditures for hot spots and other out-of-school internet access to facilitate student learning in this period of widespread and extended school closures?

The FCC has waived the gift rules FCC's memo about waiving E-rate gift rules "[Federal Communication] Commission rules prohibit entities eligible for the RHC and E-Rate programs from soliciting or accepting any thing [sic] of value from a service provider participating or seeking to participate in those programs. Today's waiver will allow health care providers, schools, and libraries to accept improved capacity, Wi-Fi hotspots, networking gear, or other equipment or services to support doctors and patients, teachers

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and students, and librarians and patrons during the coronavirus outbreak. For example, some providers have expressed interest in providing free network upgrades for hospitals that need more robust connections to treat patients via telemedicine and free connected devices and hotspots for students who will be taking classes at home. This waiver will enable them to do such things."

Also, we have had many requests to use Title IV- A funding to pay for the cleaning and disinfecting of classrooms. While the cleaning of classrooms would normally be covered by the school, this extra care, as outlined by the CDC will be more intense and expensive. The thought of returning children to potentially unsanitized classrooms is causing stress among parents, students, teachers, principals and other school leaders. Can they use Safe and Healthy Students funds to pay for this extra sanitizing?

Kind regards,

Sandy O'Neil
Ed Tech Specialist|Title II-A and IV-A Coordinator| Office of Standards| Division of Academics and Performance
New Jersey Department of Education P.O. Box 500/ 100 River View Plaza/Trenton, NJ 08611 609-376-3883
sandy.oneil@doe.nj.gov

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Dear NAME:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:14:00 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Scheduled Breaks due to COVID-19

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Joshua Montavon <jmontavon@westminstercollege.edu>
**Sent:** Monday, March 23, 2020 10:43 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Scheduled Breaks due to COVID-19

Good morning,

Westminster College in Salt Lake City, Utah recently approved an extension of the spring break by one week due to COVID-19. Increasing the break week then reduces the weeks of instructional time for the 2019-2020 academic year to 29 weeks. Westminster is requesting approval for an academic year less than 30 weeks.

Joshua Montavon
(He, Him, His)
Director of Financial Aid | *Financial Aid*
phone: 801.832.2502
**Virtual Tour**

Westminster College Instagram Facebook Twitter

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Mon, 23 Mar 2020 22:06:14 +0000
**To:** COVID-19
**Subject:** FW: School Questions--Coronavirus (Vanderbilt University and Northwest Missouri State University)
**Attachments:** Vanderbilt University: Policy Question, Message from MARYVILLE STATE (96605822630)

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Beam, Angela <Angela.Beam@ed.gov>
**Sent:** Wednesday, March 11, 2020 1:01 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Wyant, Jim <Jim.Wyant@ed.gov>; Corwin, Dvak <Dvak.Corwin@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
**Subject:** FW: School Questions--Coronavirus (Vanderbilt University and Northwest Missouri State University)

Please let us know if you need additional information from us.

This email contains questions from two different schools (see Jim's notes below).

Thank you.

**Angela Beam, Compliance Manager**

Third Party Servicer Oversight Group
Kansas City School Participation Division
United States Department of Education
1010 Walnut Street Suite 336
Kansas City, MO. 64106-2147

816-268-0534 Direct
816-268-0444 Fax
Angela.Beam@ed.gov

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**From:** Wyant, Jim <Jim.Wyant@ed.gov>
**Sent:** Wednesday, March 11, 2020 8:37 AM
**To:** Corwin, Dvak <Dvak.Corwin@ed.gov>; Brandow, Jan <Jan.Brandow@ed.gov>; Beam, Angela <Angela.Beam@ed.gov>
**Subject:** School Questions--Coronavirus

Attached is an e-mail and a voice mail from schools with questions related to the Coronavirus. The e-mail question from Vanderbilt University has already been sent to the e-mail box that was originally established for school questions prior to the latest guidance. The voice message is from Charles (Buddy) Mayfield at Northwest Missouri State University.

I have contacted both schools indicating their questions are being vetted and will be answered soon.

Thanks
Jim

**Jim Wyant**
**Institutional Improvement Specialist**
Kansas City School Participation Division
Federal Student Aid
United States Department of Education
1010 Walnut Street, Suite 336
Kansas City, MO 64106-2147
816-268-0431 Direct
816-268-0444 Fax

AMERICAN OVERSIGHT

**From:** Hauser, Karen D>
**Sent:** Mon, 9 Mar 2020 18:54:37 +0000
**To:** Wyant, Jim
**Subject:** Vanderbilt University: Policy Question

Dear Jim,

I left you a voice message today at 1:45 pm. CST. I have been asked to inquire about the "how" and guidance to ensure compliance with the Department should the university need to close as a result of COVID 19. Per the EA received last week:

Length of Academic Year

The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

Thank you in advance for your input.

Best,
Karen

**Karen Hauser**
Associate Director, Student Financial Aid and Scholarships
University Enrollment Affairs | Vanderbilt University
615-343-1419 | k.hauser@Vanderbilt.Edu
PMB 407810, 2309 West End Ave.
Nashville, TN 37240-7810

AMERICAN OVERSIGHT

**From:** Cisco Unity Connection Messaging System
**Sent:** Tue, 10 Mar 2020 21:23:16 +0000
**To:** jim.wyant@dc501fr003cuc01.fr003.ttecfed.com
**Subject:** Message from MARYVILLE STATE (96605822630)
**Attachments:** VoiceMessage.wav
**Importance:** Normal

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:56:38 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Second Chance Pell

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Spohn Andrew B <SpohnAndrewB@jccmi.edu>
**Sent:** Monday, March 23, 2020 3:50 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Experimental Sites <ExperimentalSites@ed.gov>
**Subject:** Second Chance Pell

Hello,

I am the Director of Financial Aid at Jackson College. We are a participant in the Second Chance Pell program and currently teach in 8 different correctional facilities with approximately 650 Pell grant recipients. It is my understanding with ESI, that correspondence courses are not a modality that can be use. Given the COVID-19 pandemic in the US and with the Michigan Department Of Corrections moving to lock down this limits us in ways to provide instruction. They (MDOC) do not allow for on-line instruction (at least not currently) and to suspend the class and perform R2T4s on the students would leave them with a balance they could not afford to pay back. Is the correspondence course offering being reviewed to allow Pell grant funds to be provided to Second Chance Pell students?

Any guidance that could be provided or best practices from other schools would be greatly appreciated.

Thanks and stay healthy!
---
Andrew Spohn
Director of Financial Aid
Jackson College
2111 Emmons Rd.
Jackson, MI 49201

Jackson COLLEGE

The Office of Financial Aid is asking all students that need to submit any financial aid documentation to do so via our secure website at www.jccmi.edu/securedocuments . It is very important for you to

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indicate student name and ID number on all documents uploaded so we know who these documents belong to.

Please note you may experience longer than normal response and processing times. We ask that you be patient with us as we transition through the current circumstances. You can also refer to Jet Stream as many answers can be found there.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 21:19:13 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Second LOA

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Ginger Ruback - FTL <GUNGER@CITYCOLLEGE.EDU>
**Sent:** Monday, March 23, 2020 4:24 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Second LOA

Good Afternoon,

We have term based programs and have a policy that students can only have 1 approved LOA in a 12 month period. Due to closures of some of the external sites our students will not be able to participate in externships or practical portions of lab classes.

Can the institution waive its policy with regard to only allowing 1 LOA in a 12 month period to allow students who have already taken an approved LOA the opportunity to take a second LOA if their studies have been impacted and they cannot complete the practical or externship? They would not exceed the 180 day requirement for LOA.

Thanks for your guidance on this matter.

Respectfully,
**Ginger L. Ruback**
**Corporate Director of Financial Aid**
**City College**

www.citycollege.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 21:19:20 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Seeking Clery Guidance on COVID-19 Emergency Notifications

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Anderson, Krista <kranderson@utsystem.edu>
**Sent:** Monday, March 23, 2020 4:27 PM
**To:** Crimehandbookquestions <Crimehandbook@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** Seeking Clery Guidance on COVID-19 Emergency Notifications

Dear DOE Clery Handbook & COVID-19 Personnel,

As an Assistant Compliance Officer for Clery at The University of Texas System, and on behalf of our System, we are seeking clarification and guidance on **COVID-19 Emergency Notifications**:

- Under what circumstances must an institution send an emergency notification relating to an outbreak of COVID-19?
    - As examples:
        a. When a positive case of COVID-19 is confirmed?
        b. When a presumptive case of COVID-19 has been reported to the institution, but not confirmed yet?
        c. When a student or employee reports signs/symptoms of COVID-19; but has not had access to a testing kit yet?
- What information is required in a COVID-19 emergency notification?
- How frequent must an institution send an emergency notification relating to an outbreak of COVID-19?
    - As examples:
        a. Under the Clery Act, is an institution required to send an emergency notification <u>each time</u> a positive/confirmed case of COVID-19 of a student or employee?
        b. After the first positive case is confirmed, then by institutions sending <u>regular updates</u> to the campus community regarding updated # of positive cases, updates in health and safety protocols by the institution, etc., are "regular updates" meeting the Clery Act requirements for emergency notifications?

We have reviewed the Clery Handbook, but with the unprecedented circumstances around COVID-19, we just wanted to confirm your official guidance on COVID-19 at this time. Thank you in advance for your time, and on behalf of UT System, we look forward to your response.

AMERICAN OVERSIGHT

Sincerely,

**Krista Anderson**
**Systemwide Title IX Coordinator**
The University of Texas System
*Office of Systemwide Compliance*
210 West 7th Street
Austin, Texas 78701
512.664.9050 Remote "Office"
512.203.2093 Cell
kranderson@utsystem.edu Email & Zoom

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:56:02 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Special Education Evaluations

Hi OSEP,

The COVID-19 mailbox received an inquiry about OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jones, Al <Al.Jones@ed.gov>
**Sent:** Friday, March 20, 2020 7:07 PM
**To:** laurie miller <laurieandderrick@hotmail.com>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Special Education Evaluations

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus
Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak (March 12, 2020)
U.S. Department of Education Releases Webinar, Fact Sheet for Protecting Students' Civil Rights During COVID-19 Response

*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
*www.ed.gov*

AMERICAN OVERSIGHT

**From:** laurie miller <laurieandderrick@hotmail.com>
**Sent:** Friday, March 20, 2020 2:42 PM
**To:** Jones, Al <Al.Jones@ed.gov>
**Subject:** Special Education Evaluations

Mr. Al Jones,

My name is Laurie Miller and I am an evaluator, or Educational Diagnostician, for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open FIE or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, most evaluators are not properly trained and do not have access to instruments that are designed to be used in this format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and reevaluations that do not require face-to-

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face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as an examiner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Laurie Miller

Educational Diagnostician

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:56:14 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Special Education Timelines

Hi OSEP,

The COVID-19 mailbox received an inquiry about OSEP. Below is the inquiry.

Thanks,
Kelly

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**From:** Jones, Al <Al.Jones@ed.gov>
**Sent:** Friday, March 20, 2020 7:09 PM
**To:** Natalie Marcus <nat.marcus@hotmail.com>; Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Special Education Timelines

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus
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U.S. Department of Education Releases Webinar, Fact Sheet for Protecting Students' Civil Rights During COVID-19 Response

*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
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*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*

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www.ed.gov

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**From:** Natalie Marcus <nat.marcus@hotmail.com>
**Sent:** Friday, March 20, 2020 3:52 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Special Education Timelines

To Whom This May Concern:

My name is Natalie Kormos and I am an LSSP/ Special Education Evaluator for Texas public schools.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. Because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open Initial Evaluation or Reevaluation consent.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a contradictory directive that the timeline continues. The majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

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I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "*If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents.*" The state of California has followed this guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. **We ask that Texas adopts similar guidelines during this delicate and uncertain time.**

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

*I am attaching the guidance TEA (see A3) has release as well as the guidance the Federal Government has released (see page 3 paragraph 3).*

Sincerely,

Natalie Kormos M.S., LSSP

Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:40:57 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Spring Break

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

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**From:** Rhoda Hanson <rhodahanson@tillamookbaycc.edu>
**Sent:** Monday, March 23, 2020 11:16 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Spring Break

Hi,

We are lengthening our spring break by one week. Our spring term will now be 10 weeks instead of 11, and our academic year is 32 weeks instead of 33.

What do we need to do?

Thanks

*Rhoda Hanson*
Chief Student Services Officer
Tillamook Bay Community College
rhodahanson@tillamookbaycc.edu
503-842-8222 x. 1110

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 21:19:23 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Statement of Educational Purpose administrative requirements

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Jessica Raine <jraine@berklee.edu>
**Sent:** Monday, March 23, 2020 4:41 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Statement of Educational Purpose administrative requirements

To Whom It May Concern:

My name is Jessica Raine. I'm an Assistant Director at Berklee College, and I'm writing to you for advice regarding the Statement of Educational Purpose.

We are struggling, under the present circumstances, to meet the requirement that the Statement of Educational Purpose be submitted via original hard copy only.

- Many of the students in our Online School are trying to mail this document to us from increasingly isolated areas where US Mail pickup/delivery isn't reliable during the current crisis.
- Even if they are able to mail it to us, we've just been notified that due to Massachusetts' statewide stay-in-place advisory, we can no longer access the mailroom on our campus or any other campus facilities.
- Additionally, the requirement that this form be signed in the presence of a notary is creating a hardship for some students. Visiting notaries in bank branches or other institutions isn't consistent with "social distancing best practice" even for students for whom it's physically feasible.

Is there any possibility of a temporary relaxing of these requirements to allow online submission of the form? Could students be permitted to seek the services of an online/teleworking notary rather than risk COVID-19 exposure? Any guidance would be greatly appreciated.

Thank you,
Jessica Raine

--

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**Jessica Raine**
**Assistant Director of Student Financial Aid Services**
**she/her/hers**

Boston Conservatory at Berklee
Berklee College
Berklee College Online
Tel: 617-747-6889
jraine@berklee.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:13:47 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Statement of Educational Purpose

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Danielle Warren <dwarren@lafilm.edu>
**Sent:** Friday, March 20, 2020 1:31 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Statement of Educational Purpose

Hello,

In light of COVID-19, is there any new guidance for online schools whose students have to go to a notary to complete their Statement of Educational Purpose? Are there any alternatives to getting the form notarized in person such as an e-notary?

**Regards,**

**Danielle Warren|** *Online Enrollment Guide* **| Online Enrollment**
**The Los Angeles Film School |** 6363 Sunset Blvd, Hollywood, CA 90028
**T.** 323.769.2792 **| F** 323.372.3654 **| W** lafilm.edu

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:56:09 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Status of special education evaluations during pandemic

Hi OSEP,

The COVID-19 mailbox received an inquiry about OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jones, Al <Al.Jones@ed.gov>
**Sent:** Friday, March 20, 2020 7:08 PM
**To:** Erin Calvin <erin.calvin@comalisd.org>; disterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov; Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Status of special education evaluations during pandemic

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus
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*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*

AMERICAN OVERSIGHT

*Telephone: 202-245-7394*
*www.ed.gov*

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**From:** Erin Calvin <erin.calvin@comalisd.org>
**Sent:** Friday, March 20, 2020 2:48 PM
**To:** disterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov; Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Status of special education evaluations during pandemic

To whom it may concern:

Please read the attached letter in regards to the status of special education evaluations during this pandemic. Direction from TEA is in conflict with direction from OSEP. Please assist us in rectifying this conflict so that we, Licensed Specialists in School Psychology, are not forced to determine which agency's guidelines we will or will not follow. Thank you for your time.

Thank You,
**Erin Calvin, M.S., L.S.S.P, N.C.S.P**
Licensed Specialist in School Psychology

**Department of Special Education Services**
**Spring Branch MS** (830) 885-8864 **(office)**
**Bill Brown ES** (830) 885-1408 **(office)**
**Email** erin.calvin@comalisd.org

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:55:29 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Student Loan

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Marcus Mcdonald <marcusmcdnld2@gmail.com>
**Sent:** Saturday, March 21, 2020 12:19 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Student Loan

Good evening,
I attend Laney College in oakland California and submitted a student loan request packet about 4 weeks ago and was wondering if that would be impacted in any way by the closure of my school? I havent heard back from my school about this yet and would like to know, thank you ,

Marcus Mcdonald

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:40:43 +0000
**To:** Sullivan, Madeline
**Cc:** COVID-19
**Subject:** FW: Study abroad for less study
**Attachments:** Health - COVID-19 - General Inquiry.docx

Hi Madeline,

Please find attached an email from the COVID-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

---

**From:** Karo <liquidhips6@gmail.com>
**Sent:** Friday, March 20, 2020 3:12 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Study abroad for less study

Hi it's Karen Branham and I want to be a doctor. Now can you help me out with this and a prescription number and such.

I will travel the world to help out just in my demand.

Thanks for the help and support with the future of our military.
Karen Branham

Get Outlook for Android

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Dear NAME:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 16:03:39 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: subgrantees continue to require payments, fees, "tuitions"

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Lund, Miriam <Miriam.Lund@ed.gov>
**Sent:** Monday, March 23, 2020 12:03 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Will subgrantees continue to require payments, fees, or "tuitions" for students whose parents have the inability to pay those fees.

Rapid Response Team:

Below is a question we received from Afterschool Alliance, a non-profit

The Afterschool Alliance is a national afterschool program representing all fifty states; and they also provide professional development and they lobby congress.

Jodi Grant is the Executive Director Jodi Grant
jgrant@afterschoolalliance.org

The Afterschool Alliance asked if subgrantees will continue to require payments at current rate, to programs to continue to serve children when parents or caregivers experience an inability to make co-payments or pay tuition. (Afterschool Alliance)

> *The 21st CCLC grant program does not require students' families provide a co-payment of any type to participate in and receive the full benefits of the program. Any subgrantee who currently has received prior approval to collect any payments ( fees, co-payments or "tuition)" made to 21st CCLC subgrantee programs by students' parents or caregivers should be suspended indefinitely or until such a time as the COVID-19 national emergency has suspended and families have gotten back on their feet after the loss of jobs, lay-offs, and regained financial stability. The 21st CCLC program's purpose is to serve students from low-income families who attend low-performing schools to meet the challenging State academic standards though a broad array of activities and offer families of student opportunities for active and meaningful engagement in their children's education.*

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*States according to 20 U.S.C. 7173 will ensure that the awards are of sufficient size and scope to support high-quality effective programs that are consistent with the purpose of the statute in amounts that are consistent with section 4204(h).*

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**
p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

"Intelligence plus character-that is the goal of true education."
— Martin Luther King Jr.

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**From:** Gillette, Lisa
**Sent:** Mon, 23 Mar 2020 20:21:12 +0000
**To:** COVID-19
**Cc:** Martinez, Sarah;Meyertholen, Patricia
**Subject:** FW: Supplementing v. Supplanting -Coronavirus Pandemic

We will send a courtesy response to the state.

---

**From:** Medina, Carmen <cmedina@pa.gov>
**Sent:** Monday, March 23, 2020 3:58 PM
**To:** Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** Supplementing v. Supplanting -Coronavirus Pandemic

Good afternoon,

Since all schools are currently closed in PA, can the MEP staff deliver virtual lessons to the migrant students during the day since the kids are home, or will that be considered supplanting? Seeking advice. Thank you.

**Carmen M. Medina** | Chief
Pennsylvania Department of Education | Bureau of School Support
333 Market Street, 3rd Floor | Harrisburg, PA | 17126
Phone: 717.783.6466 | Fax: 717.783.6642
cmedina@pa.gov
www.education.pa.gov

VIDEO: #PAHasYourBack

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 21:19:35 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Supplementing v. Supplanting -Coronavirus Pandemic

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Gillette, Lisa <Lisa.Gillette@ed.gov>
**Sent:** Monday, March 23, 2020 4:21 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Martinez, Sarah <Sarah.Martinez@ed.gov>; Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>
**Subject:** FW: Supplementing v. Supplanting -Coronavirus Pandemic

We will send a courtesy response to the state.

---

**From:** Medina, Carmen <cmedina@pa.gov>
**Sent:** Monday, March 23, 2020 3:58 PM
**To:** Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** Supplementing v. Supplanting -Coronavirus Pandemic

Good afternoon,

Since all schools are currently closed in PA, can the MEP staff deliver virtual lessons to the migrant students during the day since the kids are home, or will that be considered supplanting? Seeking advice. Thank you.

**Carmen M. Medina** | Chief
Pennsylvania Department of Education | Bureau of School Support
333 Market Street, 3rd Floor | Harrisburg, PA | 17126
Phone: 717.783.6466 | Fax: 717.783.6642
cmedina@pa.gov
www.education.pa.gov

VIDEO: #PAHasYourBack

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 16:01:39 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Support for English Learners

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** CLYDE JOANNE <JCLYDE@isbe.net>
**Sent:** Monday, March 23, 2020 11:54 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Support for English Learners

Hello,

Will the Dept. of Education be releasing any guidance regarding services to English learners during the COVID-19 situation? As an SEA, we have been receiving many questions surrounding the identification, screening, instruction, and assessment of English learners during this time. While we can speak to our state contexts, there is an underpinning of federal laws and guidance that we need direction.

Some examples:

A. Schools are closed across the State of Illinois through April 8th per Governor Pritzker's executive order. If a family enrolls in a district during this time of closure, when would the 30 days to screen and place a child start? The day they completed online registration or the day that schools are back in session? If it is when the parents completed online registration, then schools may quickly find themselves out of compliance should the school closures be extended.
B. Should schools move to e-Learning and not return to in-person classes due to COVID-19, what should the procedures be for screening children? Should we require them and their families to come into a school building in order to be screened? This would violate "Shelter in place" orders and potentially put district/ school staff and the families in danger of contracting the disease. How should districts / schools handle actually screening the students from a distance?

We are anxiously awaiting guidance for English Learners similar to the guidance released related to Special Education students.

Stay healthy,

**At this time, email is the most efficient way to contact me. I will respond as quickly as possible.**

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**Joanne Clyde**
Director of Multilingual Services
Multilingual Department
Illinois State Board of Education
100 W. Randolph, Suite 14-300
Chicago, IL 60601
jclyde@isbe.net

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:08:09 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Support Staff - job

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

**From:** Christina Trbusich <ctrbusich@gmail.com>
**Sent:** Friday, March 20, 2020 3:28 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Support Staff - job

Why are paraPROFESSIONALS not being paid by their districts? I don't make enough money for the job I do as it is and now I am being told I am not professional staff and will not be being paid. This is frustrating. I bend over backwards and every other way to help the students and teacher I work under. I come in early, stay late, and take work home but not once complain about it while doing my required job as a PCA and now sorry you are not important. Help me understand and how can I get this changed for the future paraprofessionals.

Thank you for your time,
Mrs. Trbusich

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:15:19 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Tax offset due to student loan

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

**From:** Cara J <caraluvzriya@gmail.com>
**Sent:** Monday, March 23, 2020 9:46 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Tax offset due to student loan

Hello,
I was informed online that if my tax return was offset due to student loans that I would still be issued a refund due to the Corona virus. I was wanting to know if this was true. My plant is shutting down until further notice and I could really use my refund with 2 kids that I still have to try and provide for during this time. Also there was a payment plan already in place before my offset occurred so I could rehabilitate my loan. I never received a offset notice letter either. Please contact me to let me know the steps I need to take if this is true.

Thank you,

Tacara Cox
Phone: (704)431-2307
Email: caraluvzriya@gmail.com

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:56:32 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: TEA GUIDELINES IN OPPOSITION OF DOE GUIDELINES

Hi OSEP,

The COVID-19 mailbox received an inquiry about OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jones, Al <Al.Jones@ed.gov>
**Sent:** Friday, March 20, 2020 7:11 PM
**To:** Chelc <chelceysmith@gmail.com>; Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: TEA GUIDELINES IN OPPOSITION OF DOE GUIDELINES

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus
Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak (March 12, 2020)
U.S. Department of Education Releases Webinar, Fact Sheet for Protecting Students' Civil Rights During COVID-19 Response

*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*

AMERICAN OVERSIGHT

www.ed.gov

**From:** Chelc <chelceysmith@gmail.com>
**Sent:** Friday, March 20, 2020 6:31 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>; disasterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov
**Subject:** TEA GUIDELINES IN OPPOSITION OF DOE GUIDELINES

Please see the attached file. I am so very concerned that I ethically don't believe in using standardized assessments in a very non-standardized way. For example, there are no reliable and valid cognitive and achievement assessments that are designed to be administered online/remotely. I have looked, asked peers and colleagues, and unfortunately, there are no evidence-based alternatives at this time. From what I understand, it will take an act of Congress to dismiss FIIE timelines for this brief period of time. Please consider the recommendations of the Texas Association of School Psychologists. California has already recognized this dilemma and provided guidance on delaying face-to-face testing until I'm person education can be resumed.

Thank you so much for all of your hard work during this incredibly complicated time.

Sincerely,
Chelcey Smith, S.S.P.
Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:06:11 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: TEA GUIDELINES IN OPPOSITION OF DOE GUIDELINES

Hi OSEP,

The COVID-19 mailbox received an inquiry for OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Walters, Alecia <Alecia.Walters@ed.gov>
**Sent:** Monday, March 23, 2020 6:36 AM
**To:** Jones, Al <Al.Jones@ed.gov>; Chelc <chelceysmith@gmail.com>; Broady, Cheryl <Cheryl.Broady@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: TEA GUIDELINES IN OPPOSITION OF DOE GUIDELINES

Good morning,
Thank you, Al.

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

---

**From:** Jones, Al <Al.Jones@ed.gov>
**Sent:** Friday, March 20, 2020 7:11 PM
**To:** Chelc <chelceysmith@gmail.com>; Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia

AMERICAN OVERSIGHT

<Alecia.Walters@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: TEA GUIDELINES IN OPPOSITION OF DOE GUIDELINES

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

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*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
*www.ed.gov*

**From:** Chelc <chelceysmith@gmail.com>
**Sent:** Friday, March 20, 2020 6:31 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>; disasterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov
**Subject:** TEA GUIDELINES IN OPPOSITION OF DOE GUIDELINES

Please see the attached file. I am so very concerned that I ethically don't believe in using standardized assessments in a very non-standardized way. For example, there are no reliable and valid cognitive and achievement assessments that are designed to be administered online/remotely. I have looked, asked peers and colleagues, and unfortunately, there are no evidence-based alternatives at this time. From what I understand, it will take an act of Congress to dismiss FIIE timelines for this brief period of time. Please consider the recommendations of the Texas Association of School Psychologists. California has already recognized this dilemma and provided guidance on delaying face-to-face testing until I'm person education can be resumed.

Thank you so much for all of your hard work during this incredibly complicated time.

AMERICAN OVERSIGHT

Sincerely,
Chelcey Smith, S.S.P.
Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:54:52 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Teachers Teaching

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

**From:** Tara Ricketts palmer <starryp2576@gmail.com>
**Sent:** Saturday, March 21, 2020 3:10 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Teachers Teaching

Good afternoon,
Should teachers be going on school premises to do online teaching to kids?

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**From:** OESE.SGR.Tennessee
**Sent:** Mon, 23 Mar 2020 12:27:38 +0000
**To:** Kesner, Paul;OESE.TITLE.IV-A
**Cc:** Lovitt, Brittney;COVID-19
**Subject:** FW: Tennessee Waiver Submission - Title IV
**Attachments:** Title_IV_Waiver_20Mar20_ps.pdf

Good morning. Please see attached and below for a Title IV waiver from Tennessee.

*Chris Fenton*
U.S. Department of Education
Office of Elementary and Secondary Education | Office of State and Grantee Relations
400 Maryland Ave. SW | Rm. 3W225 | Washington, DC 20202
christopher.fenton@ed.gov | 202.453.5515
Web: oese.ed.gov

---

**From:** Eve Carney <Eve.Carney@tn.gov>
**Sent:** Friday, March 20, 2020 4:21 PM
**To:** OESE.SGR.Tennessee <Tennessee.oese@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Roney, Collette <Collette.Roney@ed.gov>; Penny Schwinn <Penny.Schwinn@tn.gov>; Deborah Thompson <Deborah.Thompson@tn.gov>; Sam Pearcy <Sam.Pearcy@tn.gov>; Brinn Obermiller <Brinn.Obermiller@tn.gov>; Katie Houghtlin <Katie.Houghtlin@tn.gov>
**Subject:** Tennessee Waiver Submission - Title IV

Please see the attached waiver submitted on behalf of Tennessee.

Thank you for your consideration of this request,

Respectfully,
Eve Carney

Eve Carney, Ed.D. | Chief Districts and Schools Officer
Andrew Johnson Tower, 12h Floor
710 James Robertson Parkway, Nashville, TN 37243
615-532-1245
Eve.Carney@tn.gov
tn.gov/education
#TNBestforAll

*We will set all students on a path to success*

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**BILL LEE**
GOVERNOR

STATE OF TENNESSEE
**DEPARTMENT OF EDUCATION**
NINTH FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

**PENNY SCHWINN**
COMMISSIONER

Asst. Secretary Brogan
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

March 20, 2020

RE: Waiver Request – Section 4109(b), Every Student Succeeds Act (ESSA)

Assistant Secretary Brogan:

The Tennessee Department of Education (TDOE) is seeking a waiver from the requirements in section 4109(b) of the Every Student Succeeds Act (ESSA), which states "A local educational agency, or consortium of such agencies, shall not use more than 15 percent of funds for purchasing technology infrastructure as described in subsection (a)(2)(B), which shall include technology infrastructure purchased for the activities under subsection (a)(4)(A)."

Specifically, Tennessee requests flexibility and removal of the 15% technology cap on the Title IV, part A-Student Support and Academic Enrichment grant to allow districts and local education agencies (LEAs) to purchase devices, equipment, connectivity, platforms, and adaptive software applications in order to ensure that the 973,659 students across Tennessee have access to and can participate in distance learning as we address the national and state emergencies in Tennessee.

The state continues to address both the COVID-19 outbreak and the state of emergency resulting from recent tornadoes across Tennessee. Our state experienced seven EF3 and EF4 tornadoes on March 2 and 3 which destroyed numerous homes, schools, and lives—the second deadliest tornado outbreak in Tennessee history. We are continuing to support our district and school leaders in recovering from this natural disaster, and the impact on communities is significant. As a result, on March 3, Governor Bill Lee declared a state of emergency.

While in this state of emergency, Tennessee continues to have a growing number of districts with confirmed cases of COVID-19; in one week, we now have cases in twice as many districts. Governor Bill Lee announced that all public schools in Tennessee would close through the end of March—a decision that would be reevaluated and possibly extended later in the month. Our state is beginning to see more long-term closure decisions made locally, with one large suburban district announcing closure at least until May 1.

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As long-term closures are being announced, districts are working to develop and implement continuity of instruction plans, and technology is a critical component in these plans. However, many of our largest urban and suburban districts, serving over 500,000 of Tennessee's students, also serve most of the state's highest poverty schools where many students do not currently have access in their homes. Further, we have heard from superintendents in our state's rural districts that students also do not have the infrastructure, connectivity, or technology to support continuity of instruction plans for extended closure. For context, 90 of Tennessee's 147 districts are serving fewer than 5,000 students. This waiver would provide needed flexibility for all districts—urban, suburban, and rural—to utilize Title IV more directly aligned with the emergent need we are current facing and will continue to face based on current data.

Due to the evolving nature and scope of the current crises Tennessee is facing, we did not provide public notice prior to submission of this waiver request. We will actively communicate this request and provide appropriate follow-up communication with stakeholders.

Thank you for your consideration of this waiver request. Should you have questions regarding this request, please reach out to Eve.Carney@tn.gov.

Sincerely,

Penny Schwinn, Ph.D.
Commissioner, Tennessee Department of Education

CC: Eve Carney, Chief Districts and Schools Officer
Katie Houghtlin, Chief of Whole Child
Brinn Obermiller, Senior Director of ESEA Oversight
Sam Pearcy, Chief Operating Officer
Deborah Thompson, Assistant Commissioner of Federal Programs and Oversight

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:56:27 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Texas Education Agency Timeline Concerns from a Texas LSSP

Hi OSEP,

The COVID-19 mailbox received an inquiry about OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jones, Al <Al.Jones@ed.gov>
**Sent:** Friday, March 20, 2020 7:10 PM
**To:** Sara Estes <htsbuilderssara@gmail.com>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Texas Education Agency Timeline Concerns from a Texas LSSP

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus
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*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
*www.ed.gov*

AMERICAN OVERSIGHT

**From:** Sara Estes <htsbuilderssara@gmail.com>
**Sent:** Friday, March 20, 2020 5:54 PM
**To:** Jones, Al <Al.Jones@ed.gov>
**Subject:** Texas Education Agency Timeline Concerns from a Texas LSSP

Dear Mr. Jones:

I humbly write in the middle of a time period that can only be described as unimaginable. I will keep this as brief as possible. I currently work as a Licensed Specialist in School Psychology at Texarkana Independent School District in Texarkana, Texas. The Texas Education Agency (TEA) recently updated special education guidelines amid school closures for COVID-19. I completely understand and agree with the mandates that we continue to conduct annual IEP meetings, evaluation review meetings, and related services the best we can in a virtual format. However, TEA states that assessment personnel must continue to honor the 45 day timeline for initial evaluations and other timelines set for reevaluations if the school is providing any type of instruction for students. I cannot even wrap my mind around this mandate. As an LSSP, this mandate violates my code of ethics and compromises the safety of myself, my family, our students, and their families.

- The CDC, local and state governments, and the federal government have mandated school and business closures. The CDC has reported no more than 10 people should gather. Some cities are beginning to shelter in place.

- I am one LSSP in a district of 7000 students (1:7000). I am the only person in my district responsible for completing psychological evaluations to determine if a student has an emotional disturbance. I currently have to complete 21 Full and Individual Initial Evaluations including formal assessment of cognitive ability, academic achievement, emotional and behavioral functioning, adaptive behavior skills, and in 3 cases formal assessment to determine if autism is present. I already had to complete these with only 40 days left in our school calendar. Now, I am told I have to still complete these while the students are not present. Also, previously scheduled referral meetings will add to the number of evaluations requested/required. I also must meet this challenge while assisting my own children with their daily instruction/academic assignments.

- In order to accomplish this, I will either have to complete these evaluations using ONLY informal data based on school records recorded up to the date the student was last at school - which does not by law constitute an appropriate evaluation. Or, I will have to expose that student (and the family that will be required to bring them for face to face assessment) to myself in order to gain required data needed for an appropriate evaluation. This then leads to my own exposure, my family's exposure, etc. etc.

- In order to identify a child with an emotional disturbance, I have to prove that the child has:
(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
(C) Inappropriate types of behavior or feelings under normal circumstances.
(D) A general pervasive mood of unhappiness or depression.
(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

- TEA states:

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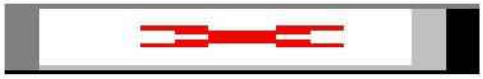

I urge you, please provide our state agencies with further guidance. It is unethical to determine a child has an emotional disturbance at this time because these children are now under anything but normal circumstances and are likely to be experiencing heightened emotional distress, just as you and I are. These are unprecedented circumstances. My focus should be on providing any support I can, continuing counseling services, and assisting families with basic needs. I do not need to be focusing on identifying disabilities, primarily a disability that is associated only with the impact of mental health on school performance. It is also highly likely that inappropriate decisions will be made by all assessment personnel (educational diagnosticians, speech pathologists, occupational therapists, physical therapists, etc.) based on invalid, unreliable, or just a lack of data. Please, please, help us continue to honor the ethics of our profession and to meet the needs of our students in the most effective ways. I can confidently speak for my colleagues as a whole. We love our students. We love our profession. We will always do what is right by kids.

Sincerely,
Sara Estes

Sara Estes, LSSP, NCSP
Licensed Specialist in School Psychology
Nationally Certified School Psychologist
TX License #34575

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:55:57 +0000
**To:** Corr, Gregg;VanderPloeg, Laurie;Wexler, Larry
**Cc:** COVID-19
**Subject:** FW: Texas Special Education Evaluations and COVID-19

Hi OSEP,

The COVID-19 mailbox received an inquiry about OSEP. Below is the inquiry.

Thanks,
Kelly

---

**From:** Jones, Al <Al.Jones@ed.gov>
**Sent:** Friday, March 20, 2020 7:07 PM
**To:** Christy Lindahl <christy.lindahl2016@gmail.com>; Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Texas Special Education Evaluations and COVID-19

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

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*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*

AMERICAN OVERSIGHT

www.ed.gov

**From:** Christy Lindahl <christy.lindahl2016@gmail.com>
**Sent:** Friday, March 20, 2020 2:24 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>
**Subject:** Texas Special Education Evaluations and COVID-19

Good Afternoon,

My name is Christy Lindahl and I am an evaluator for Texas public schools in the state of Texas.

We are facing unprecedented times with the COVID-19 pandemic. As such our districts have had to turn to distance learning to continue providing instructional time to our Texas students. As such, because "school has resumed" through "virtual classrooms," Texas evaluators are being forced to continue to evaluate students that have an open consent for a Full and Individual Initial Evaluation or Reevaluation.

While the OCR document suggests that face-to-face evaluations should be discontinued while school is not in session and can resume when school is in session, TEA has put a directive that the timeline continues and the majority of evaluators, in order to obtain valid and reliable data, will be forced to meet face-to-face with the student.

If evaluators consider to do teleconferencing testing, the evaluators may not be properly trained or do not have access to instruments that are designed to be used in that format; therefore, the reliability or the validity of the data obtained will be compromised.

Furthermore, these are unique circumstances that are in fact fear or anxiety inducing, which will lead to issues with the validity of the data obtained. At this time, our families should not be worried about anything, but being together and following the directive to remain at home and reducing social contact.

I am reaching out to you as policy makers and as someone who could potentially advocate for us practitioners in this unprecedented unique situation. We are treading in uncharted waters and ultimately we want to act with an abundance of caution where we will not be hurting the student or our community.

While I understand the parents desire to get answers to their child's academic, behavioral, development, and/or emotional concerns, my hope is that TEA will adopt the recommendation from OCR that "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." The state of California has followed this

AMERICAN OVERSIGHT

guidance and will not be completing face-to-face evaluations until normal school routines have returned for all students. We ask that Texas adopts similar guidelines during this delicate and uncertain time.

My goal as a practitioner is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the integrity of our profession and conducting assessments during this pandemic would not be deemed as such.

Sincerely,

Christy Lindahl

Christy L. Lindahl, M.A., Ed.S., LSSP
Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

**From:** OESE.SGR.New Jersey
**Sent:** Mon, 23 Mar 2020 17:14:41 +0000
**To:** COVID-19
**Subject:** FW: Time Sensitive Title IV-A question regarding childcare support
**Importance:** High

FYI – State mailbox. Sending to COVID-19 for tracking.

-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
Connect. Engage. Empower.

---

**From:** O'Neil, Sandy <Sandy.O'Neil@doe.nj.gov>
**Sent:** Monday, March 23, 2020 1:01 PM
**To:** Robertson, Elyse <Elyse.Robertson@ed.gov>; Rider, Frank <frider@air.org>; OESE.SGR.New Jersey <NewJersey.oese@ed.gov>
**Cc:** Eno, Linda <Linda.Eno@doe.nj.gov>; Booker, Cary <Cary.Booker@doe.nj.gov>; Coston, Tonya <Tonya.Coston@doe.nj.gov>; Huber, Christopher <Christopher.Huber@doe.nj.gov>; Schulz-Eskow, Colleen <Colleen.Schulz-Eskow@doe.nj.gov>; Young, Jesse <Jesse.Young@doe.nj.gov>; Greer, David <David.Greer@doe.nj.gov>; Plein, Beverly <Beverly.Plein@doe.nj.gov>
**Subject:** Time Sensitive Title IV-A question regarding childcare support
**Importance:** High

The State of New Jersey is requesting to allocate Federal funds to address these extraordinary COVID-19 circumstances by using these funds to support childcare of essential workers so they may protect the health and safety of students, staff, and our communities.

- Providing childcare will ensure these students receive uninterrupted education and nutrition in a safe environment while their parents are addressing the State's essential needs.
- Students will be able to continue their education in a safe environment that will reduce some of the anxiety they are feeling about the status of their education and where they will be while parents are serving the community in critical roles. Similar to security cameras addressing the social emotional learning needs of students, a safe environment will be assist with the learning continuum and mental health of students.

Thank you for your consideration for this request to keep children safe, healthy and in a routine that will support their educational needs.

Kind regards,
Sandy O'Neil
Ed Tech Specialist|Title II-A and IV-A Coordinator| Office of Standards| Division of Academics and Performance

AMERICAN OVERSIGHT

New Jersey Department of Education P.O. Box 500/ 100 River View Plaza/Trenton, NJ 08611 609-376-3883
sandy.oneil@doe.nj.gov

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AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Mon, 23 Mar 2020 15:36:46 +0000
**To:** COVID-19
**Subject:** FW: TIME SENSITIVE: NJ DOE Question

Please see the inbound question from NJ below.

Thanks,
Robert

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov| 202.453.5719

---

**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Monday, March 23, 2020 11:35 AM
**To:** Franks-McRae, Leslie <Leslie.Franks-McRae@doe.nj.gov>; COVID-19 <COVID-19@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** Stephenson, Todd <Todd.Stephenson@ed.gov>; McDonald, Peggy <Peggy.McDonald@doe.nj.gov>; Schulz-Eskow, Colleen <Colleen.Schulz-Eskow@doe.nj.gov>; Young, Jesse <Jesse.Young@doe.nj.gov>; Ehling, Kathleen <Kathleen.Ehling@doe.nj.gov>; Roney, Collette <Collette.Roney@ed.gov>
**Subject:** RE: TIME SENSITIVE: NJ DOE Question

HI Leslie—

Thanks for reaching out with your question. Our team is going to work on a response and circle back with a response as soon as possible. I appreciate your sense of urgency and please know we are working to provide you an accurate and helpful response the soonest.

Best,
Robert

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov| 202.453.5719

---

**From:** Franks-McRae, Leslie <Leslie.Franks-McRae@doe.nj.gov>
**Sent:** Monday, March 23, 2020 11:06 AM
**To:** COVID-19 <COVID-19@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>

AMERICAN OVERSIGHT

**Cc:** Stephenson, Todd <Todd.Stephenson@ed.gov>; McDonald, Peggy <Peggy.McDonald@doe.nj.gov>; Schulz-Eskow, Colleen <Colleen.Schulz-Eskow@doe.nj.gov>; Young, Jesse <Jesse.Young@doe.nj.gov>; Ehling, Kathleen <Kathleen.Ehling@doe.nj.gov>; Roney, Collette <Collette.Roney@ed.gov>
**Subject:** TIME SENSITIVE: NJ DOE Question

Good morning: Please add the following from NJ DOE:

During this crisis, the State is looking to provide educational and childcare support to the school age children of emergency responders and healthcare workers. What is the allowable uses of Federal funds (Title and IDEA) to support this type of program?

Thank you all for the continued work during this crisis period!

Stay healthy!

# Leslie

**Leslie K. Franks McRae**
Director: Office of Supplemental Educational Programs
Division of Student Services
NJ Department of Education
100 Riverview Plaza
Trenton, New Jersey 08625
Phone: (609) 376-3499
Cell: (201) 572-2015

CONFIDENTIALITY NOTICE: The information contained in this communication from the New Jersey Department of Education is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this email, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the New Jersey Department of Education at (609) 376-3500 to arrange for the return of this information.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:10:00 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: TIME SENSITIVE: NJ DOE Question

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Franks-McRae, Leslie <Leslie.Franks-McRae@doe.nj.gov>
**Sent:** Monday, March 23, 2020 11:06 AM
**To:** COVID-19 <COVID-19@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** Stephenson, Todd <Todd.Stephenson@ed.gov>; McDonald, Peggy <Peggy.McDonald@doe.nj.gov>; Schulz-Eskow, Colleen <Colleen.Schulz-Eskow@doe.nj.gov>; Young, Jesse <Jesse.Young@doe.nj.gov>; Ehling, Kathleen <Kathleen.Ehling@doe.nj.gov>; Roney, Collette <Collette.Roney@ed.gov>
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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:39:41 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: TIME SENSITIVE: NJ DOE Question

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Sent:** Monday, March 23, 2020 11:35 AM
**To:** Franks-McRae, Leslie <Leslie.Franks-McRae@doe.nj.gov>; COVID-19 <COVID-19@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** Stephenson, Todd <Todd.Stephenson@ed.gov>; McDonald, Peggy <Peggy.McDonald@doe.nj.gov>; Schulz-Eskow, Colleen <Colleen.Schulz-Eskow@doe.nj.gov>; Young, Jesse <Jesse.Young@doe.nj.gov>; Ehling, Kathleen <Kathleen.Ehling@doe.nj.gov>; Roney, Collette <Collette.Roney@ed.gov>
**Subject:** RE: TIME SENSITIVE: NJ DOE Question

HI Leslie—

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Robert

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov | 202.453.5719

---

**From:** Franks-McRae, Leslie <Leslie.Franks-McRae@doe.nj.gov>
**Sent:** Monday, March 23, 2020 11:06 AM
**To:** COVID-19 <COVID-19@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** Stephenson, Todd <Todd.Stephenson@ed.gov>; McDonald, Peggy <Peggy.McDonald@doe.nj.gov>; Schulz-Eskow, Colleen <Colleen.Schulz-Eskow@doe.nj.gov>; Young, Jesse <Jesse.Young@doe.nj.gov>; Ehling, Kathleen <Kathleen.Ehling@doe.nj.gov>; Roney, Collette <Collette.Roney@ed.gov>
**Subject:** TIME SENSITIVE: NJ DOE Question

AMERICAN OVERSIGHT

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Thank you all for the continued work during this crisis period!

Stay healthy!

# Leslie

**Leslie K. Franks McRae**
Director: Office of Supplemental Educational Programs
Division of Student Services
NJ Department of Education
100 Riverview Plaza
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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 13:55:00 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Title IIA ED Guidance per COVID?

FYI

---

**From:** Williams, Bryan <Bryan.Williams@ed.gov>
**Sent:** Friday, March 20, 2020 11:03 AM
**To:** cfox@setda.org
**Cc:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; OESE.titleii-a <OESE.titleii-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Title IIA ED Guidance per COVID?

Good Morning Christine:

Faatimah Muhammad forwarded your question concerning Title IV-A to the Office of Safe and Supportive Schools, and I'm pleased to respond.

Please note that Title IV-A funds may be used for expenses related to distance learning if the SEA determines it is allowable and consistent with the purposes of at least one of the three content areas (in this case well rounded), and if it is reasonable, necessary and allocable to the grant. Please note that the 15 percent special rule, ESEA Section 4109(b), applies only to the effective use of technology content area and not to well rounded.

At this time, we are not aware of any potential waiver of the 15 percent special rule, however I would recommend regularly checking the Department's webpage for any additional guidance.

If you have any further questions related to Title IV-A, please feel free to contact our office.

Thanks,

Bryan Williams
Group Leader
Title IV-A Program

---

**From:** Muhammad, Faatimah
**Sent:** Thursday, March 19, 2020 10:24 AM
**To:** Christine Fox <cfox@setda.org>
**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>; Richardson, Scott <scott.richardson@ed.gov>
**Subject:** RE: Title IIA ED Guidance per COVID?

Thanks Christine, I will share the TIV questions with the appropriate team.

AMERICAN OVERSIGHT

**From:** Christine Fox <cfox@setda.org>
**Sent:** Thursday, March 19, 2020 7:37 AM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>; Richardson, Scott <scott.richardson@ed.gov>
**Subject:** Re: Title IIA ED Guidance per COVID?

Thank you,

Here is one more question:

- Can Title IV-A well rounded funds pay for hot spots so students and staff can continue learning at home ?

---

**From:** "Muhammad, Faatimah" <Faatimah.Muhammad@ed.gov>
**Date:** Wednesday, March 18, 2020 at 4:41 PM
**To:** Christine Fox <cfox@setda.org>
**Cc:** "OESE.titleii-a" <OESE.titleii-a@ed.gov>, "Richardson, Scott" <scott.richardson@ed.gov>
**Subject:** RE: Title IIA ED Guidance per COVID?

Hi Christine,
Thank you so much for the questions below. We will begin the process of getting you a response. To access more information about the impact of COVID-19 on schools and school personnel, I encourage you to access the Department's COVID-19 webpage at https://www.ed.gov/coronavirus. We will continue to update this site with information.

Regards,
Faatimah

Faatimah Muhammad, Ed.S
Supervisory Education Program Specialist
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave, S.W 3C106
Washington, DC 20202
202-453-6827
Faatimah.muhammad@ed.gov

---

**From:** Christine Fox <cfox@setda.org>
**Sent:** Wednesday, March 18, 2020 4:30 PM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>

AMERICAN OVERSIGHT

**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>
**Subject:** Re: Title IIA ED Guidance per COVID?

Hi there,

Thank you for the quick response. Here are questions that we just gathered during our call. I am happy to disseminate any information you will be able to share. Thank, Christine

1. **Can Title IIA SEA funds be used to purchase devices (tablets/laptops or hot spots for connectivity) for students to ensure equitable access to effective educators since students can't go to school? Or will there be a waiver about purchasing devices?**

2. **Since for many districts, engaging in online learning is not part of regular instruction - is this supplemental? What types of purchases would be permitted?**

3. **Will there be a waiver for Title IVA cap of 15% for Effective Use of Technology ?**

4. **Are any plans to extend the federal grant period?**
    a. Will dates for both 2018-19 and 19-20 be moved? Districts are concerned about carryover that expires this September 2020.

---

**From:** "Muhammad, Faatimah" <Faatimah.Muhammad@ed.gov>
**Date:** Wednesday, March 18, 2020 at 3:06 PM
**To:** Christine Fox <cfox@setda.org>
**Cc:** "OESE.titleii-a" <OESE.titleii-a@ed.gov>
**Subject:** RE: Title IIA ED Guidance per COVID?

Christine,
Thank you so much. Having the specific questions would be very helpful.

Regards,
Faatimah

Faatimah Muhammad, Ed.S
Supervisory Education Program Specialist
U.S. Department of Education
Office of Elementary and Secondary Education
400 Maryland Ave, S.W 3C106
Washington, DC 20202
202-453-6827
Faatimah.muhammad@ed.gov

AMERICAN OVERSIGHT

**From:** Christine Fox <cfox@setda.org>
**Sent:** Wednesday, March 18, 2020 12:02 PM
**To:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** FW: Title IIA ED Guidance per COVID?

Please see below, let me know if you can help. Thanks,

Christine Fox
Deputy Executive Director
SETDA//Leadership:Technology:Innovation:Learning
**202-715-6636 ext.702**
@SETDA @cafox
cfox@setda.org

---

**From:** Christine Fox <cfox@setda.org>
**Date:** Wednesday, March 18, 2020 at 12:00 PM
**To:** "Witt, Elizabeth" <Elizabeth.Witt@ed.gov>
**Subject:** Title IIA ED Guidance per COVID?

Hi there,

The Title IIA directors are going to huddle about use of state activity funds to support eLearning. Any updated guidance from ED specific to this? I can develop a list of questions for you if that is helpful.

Also, hopefully you saw that on Monday SETDA release the Coalition for eLearning. **www.setda.org/main-coalitions/elearning**

Here are pages that would be most relevant to teachers:

- **Partner Resources https://www.setda.org/main-coalitions/elearning/partner-resources/** (free resources that have been vetted)
- **Teacher Resources - https://www.setda.org/main-coalitions/elearning/teachers/**
- **Content and Lessons - https://www.setda.org/main-coalitions/elearning/content/**

If you missed the launch Webinar, access the recording here Strategies for eLearning Days in the Wake of COVID-19

AMERICAN OVERSIGHT

Also, SETDA is working to develop additional resources, please let us know of any contracts or grants ED might be pushing out around this.

Thank you,

Christine

Christine Fox
Deputy Executive Director
SETDA//Leadership:Technology:Innovation:Learning
202-715-6636 ext.702
@SETDA @cafox
cfox@setda.org

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:14:28 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Title IV Credit Balances
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Tony Bordeaux <tbordeaux@fa.ua.edu>
**Sent:** Monday, March 23, 2020 9:53 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Title IV Credit Balances
**Importance:** High

With schools being closed and many of us working remotely, is there any leniency regarding the processing of paper refund checks to students with Title IV credit balances. I know that we have only 14 days to make them available and we strongly encourage students to set up direct deposit; however, for those that do not and we have to write and mail refund checks do I still have only 14 days or since we are social distancing do I get a little longer?

**Tony Bordeaux**
Associate Director

Student Account Services
The University of Alabama
Phone: 205-348-5350 | Fax: 205-348-9222
tbordeaux@ua.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:45:24 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: U.S. Student Attending a Foreign Institution, Loan Funds Will Not be Disbursed? Urgent Help Needed

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Amanda Alarcon <amanda.alarcon@student.uj.edu.pl>
**Sent:** Monday, March 23, 2020 11:43 AM
**To:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** Re: U.S. Student Attending a Foreign Institution, Loan Funds Will Not be Disbursed? Urgent Help Needed

Good afternoon once again,

I hope this email finds you well.

I wanted to also write to you this afternoon to inquire about the effect of the probable passing of the CARES Act (S. 3548) that would allow for eligible foreign institutions to access and disburse these Title IV funds. I have included a portion of SEC. 4510. (CONTINUING EDUCATION AT AFFECTED FOREIGN INSTITUTIONS) from the CARES Act (S. 3548) below:

"(a) IN GENERAL.—Notwithstanding section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)),
with respect to a foreign institution, in the case of a public health emergency, major disaster or emergency, or national emergency declared by the applicable government authorities in the country in which the foreign institution is located, the Secretary may permit any part of an otherwise eligible program to be offered via distance education for the duration of such emergency or disaster and the following payment period for purposes of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).
(b) ELIGIBILITY.—**An otherwise eligible program that is offered in whole or in part through distance education by a foreign institution between March 1, 2020, and the date of enactment of this Act shall be deemed eligible for the purposes of part of title IV of the Higher Education Act of 1965** (20 U.S.C. 1087a et seq.) for the duration of the qualifying emergency and the following payment period for purposes of title IV of the Higher Education

AMERICAN OVERSIGHT

Act of 1965 (20 U.S.C. 1070 et seq.). Not later than June 30, 2020, an institution of higher that uses 224 HEN20256 S.L.C. T1C F1 9DX 1 the authority provided in the previous sentence shall report such use to the Secretary."

Has the Department of Education been in contact with eligible foreign institutions about these current proposed legislation pieces? If they pass, will the Department of Education work with foreign institutions to release these funds to students? The foreign institution (the Jagiellonian University) would be eligible with the passing of this legislation, as we did not enact distance learning measures until March 11, 2020. We would be considered eligible under this proposed bill.

Thank you for taking the time to read this. I look forward to your response.

Very best regards,
Amanda Nicole Alarcon

---

**From:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Sent:** Monday, March 23, 2020 3:45 PM
**To:** Amanda Alarcon <amanda.alarcon@student.uj.edu.pl>
**Subject:** FW: U.S. Student Attending a Foreign Institution, Loan Funds Will Not be Disbursed? Urgent Help Needed

Hello,

Currently, eligible foreign institutions enrolling U.S. students are prohibited by law from offering any part of that program via distance education (online), and (per regulations) allowing students to complete any part of their program in the U.S. It is unfortunate for students, but we cannot change this without a Congressional waiver.

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 20, 2020 5:34 PM
**To:** Cox, Jack <Jack.Cox@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: U.S. Student Attending a Foreign Institution, Loan Funds Will Not be Disbursed? Urgent Help Needed
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

AMERICAN OVERSIGHT

**From:** Amanda Alarcon <amanda.alarcon@student.uj.edu.pl>
**Sent:** Friday, March 20, 2020 1:27 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** U.S. Student Attending a Foreign Institution, Loan Funds Will Not be Disbursed? Urgent Help Needed
**Importance:** High

Good afternoon,

I hope this email finds you well.

My name is Amanda Nicole Alarcon and I am a U.S. citizen and student. I am currently studying at the Jagiellonian University and I am a participant in the William D. Ford Student Loan program that is currently offered at my foreign institution.

As you may know, the Jagiellonian University's physical operations were temporarily disrupted on 11 March, due to the COVID-19 virus. Until March 25, we conduct classes via distance learning (online). Through the financial aid officer responsible for the disbursement of our funds (Ewa Stankiewicz at the Jagiellonian University), we were told today that our loans would not be disbursed AT ALL this semester, without warning. It was a great shock, as we had previously been informed that once classes physically resumed, we would likely get our disbursement.

Is this information correct? If so, how can it be possible to leave a plethora of US students, who were studying at foreign institutions without the funding and loans that they took out? I would like to note that I attended ALL my classes before the disruptions and I still AM. I am still a full-time student. All of the necessary paperwork was given to my financial aid officers. I maintained a near perfect GPA in my program. I did everything that I needed to do to receive the money.

If this is true, I want to express my utter disbelief and shock, considering that we were to start classes again in person on 25 March. Our semester started BEFORE the operations were impacted, as we began our semester the last week on February (24th of February to be precise). We were even informed that there just may be a delay in the disbursement, when we resumed classes on 25 March.

Secondly, I want to express that I depend on my student loans to pay for my tuition fees and living expenses, when I am here. While I have a small part-time job, it could not cover my tuition fees and my living expenses that I have been stuck with.

What will be my options now? Is there anyway that I can appeal this decision through the Department of Education directly?

AMERICAN OVERSIGHT

As an American student and citizen, I would like to note that I am in Krakow, Poland (where the Jagiellonian University) is currently located. I did NOT return to the United States, as I WILL be attending classes physically when they resume here! What am I expected to do now that the Department of Education has told the Jagiellonian University they cannot disburse my loan funds at all? How can we be left without these funds?

I do apologize if the tone of my email has been rather crass, however this is an extreme stress and burden that makes this time all the more difficult for me. Can the Department of Education not reconsider their policy on US students receiving these funds abroad? Can we not get some exception made?

I look forward to your response soon.

Best regards,
Amanda Nicole Alarcon

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 20:01:10 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: V4 and V5 Educational Purpose Statement

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Mary Lewis <mlewis@irsc.edu>
**Sent:** Monday, March 23, 2020 4:00 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** V4 and V5 Educational Purpose Statement

Hello,

Can you provide any guidance for students who need to complete the Educational Purpose Statement on the V4 and V5 verification document? Most schools are closed and people are being told to keep a distance from other people, so students can't get documents notarized. Thanks.

**Mary W. Lewis**
**Director of Financial Aid**
**Enrollment and Student Services**
**Indian River State College**

Phone: 772-462-7444 | Fax: 772-462-4606
mlewis@irsc.edu | www.irsc.edu
3209 Virginia Avenue
Fort Pierce, FL 34981-5596

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 15:08:30 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Wage Garnishment

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Hailee Cammack <hcammack22@gmail.com>
Sent: Monday, March 23, 2020 9:36 AM
To: COVID-19 <COVID-19@ed.gov>
Subject: Wage Garnishment

I am trying to put a hold on my wage garnishment until the Covid-19 has passed. I am at risk for loosing my job since I work in a restaurant. Is there any way we can temporarily stop these garnishments?

Hailee Cammack

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 19:55:58 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Work Study

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: natjeanbailey@gmail.com <natjeanbailey@gmail.com>
Sent: Monday, March 23, 2020 1:49 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Work Study

Good Afternoon,

I had a question regarding my work study funds this semester. I was forced to move off campus due to concerns around the Corona virus and, because of this, I am no longer able to work at my work study job. What will happen with my work study funds? Thank you for your time.

-Natalie Bailey

AMERICAN OVERSIGHT

**From:** Anna Bachuk
**Sent:** Mon, 23 Mar 2020 19:56:56 +0000
**To:** COVID-19
**Subject:** FWS

Hello,

I am reaching out to you in question of a Federal Work Study program as affected by COVID-19.

If a campus was closed due to state regulations, and students were no longer able to work, can a campus request an Underuse Penalty Waiver for not using all of their federal grant award?

Anna Bachuk

AMERICAN OVERSIGHT

**From:** Cleary, Douglas B (KCTCS)
**Sent:** Mon, 23 Mar 2020 16:31:43 +0000
**To:** COVID-19
**Subject:** FWS and average hours

How would the Department view the possibility of a college utilizing the average number of hours to calculate the pay during a shutdown due to COVID-19. The average number of hours may be more accurate and fair for students as opposed to the scheduled hours. Some students are notoriously bad about working all their scheduled hours while others will work additional yours if available. All guidance up to this point, references scheduled hours but average hours (historical view) could be a more accurate methodology.

Thoughts?

DOUG

Douglas Cleary
Assistant Vice President of Student Financial Aid
Kentucky Community and Technical College System
300 N. Main Street
Versailles, KY 40383

Office: 859-256-3215
Cell: 859-753-1550

AMERICAN OVERSIGHT

**From:** Reich, Ashley Ann (Student Financial Services)
**Sent:** Mon, 23 Mar 2020 11:32:11 +0000
**To:** COVID-19
**Subject:** FWS Questions | Liberty University

To Whom This May Concern:

If our institution has moved the majority of classes online, but still have some students coming back residentially, are we considered "closed" for the purposes of paying FWS to students?

Additionally, if we have some students that choose to work in their FWS position and some that do not choose to work, are we able to pay both sets of students FWS? We have some areas that are still open for operation and we would like to be able to utilize a student worker, assuming they return. Some of the guidance initially made it seem as though it was all or nothing for paying FWS, but some of the recent guidance makes it seem as though we can pick and choose who we pay depending on whether or not they return.

I would like some additional guidance on if we can pay FWS to students who do not return and then also pay those that do return.

Lastly, are we able to pay students FWS and FW Assistance under these circumstances?

**Ashley Ann Reich, M.A., Ed.S.**
*Vice President*
**Student Financial Services**
*Adjunct Instructor-UNIV 101*
**College of General Studies**

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AMERICAN OVERSIGHT

**From:** Terria C. Williams
**Sent:** Mon, 23 Mar 2020 16:14:59 +0000
**To:** COVID-19
**Subject:** FWS

Hello,

Will we be required to get signatures of students for their timesheets if we have transitioned to online?

Sincerely,

**Terria C. Williams**
Terria C. Williams
Director of Financial Aid/SCO
SCAVA Treasurer 2014-2020
College Board HBCU Advisory Committee 2016-2020

Claflin University
400 Magnolia Street
Orangeburg, SC 29115
(803) 535-5720 Direct Line
(803) 535-5334 Main Line
(803) 535-5383 Fax Line
twilliams@claflin.edu

AMERICAN OVERSIGHT

**From:** Robyn Tanger
**Sent:** Tue, 24 Mar 2020 20:16:15 +0000
**To:** COVID-19
**Subject:** Selective Service question

Good afternoon,

Our office is wondering if you can provide some guidance for a situation in which a student finds himself. We were contacted by a student that requested a Status Information Letter from Selective Service. It was sent on March 10 and received on March 12, but when he spoke with someone there yesterday, they told him that it could be a month before anything is processed. They suggested that he contact us to see if there is any way to proceed without the letter. This is the message on the Selective Service website right now:

> ⚠ Due to the COVID-19 outbreak, the SSS has been placed in telework status. The call center is available with delays. There will also be delays processing mail and requests for a Status Information Letter will be on hold until further notice. Online Registration and Verification are available 24/7. View our news section for more information.

We did call the Selective Service today and spoke with someone who confirmed that all staff members are teleworking and there is no mail going into or coming out of the office, so processing is essentially on hold. There will be a backload once they can return, but at this time there is no workaround.

Given the circumstances, is it acceptable to only require a personal statement from the student explaining why he never registered and process financial aid if we determine that his nonregistration was not intentional?

Thank you for your time.

Robyn Tanger
Financial Aid Specialist
Northcentral Technical College
1000 West Campus Drive
Wausau, WI 54401
Phone: 715.675.3331, Ext. 1143
Fax: 715.301.2143

AMERICAN OVERSIGHT

**From:** Nubia Orozco
**Sent:** Tue, 24 Mar 2020 17:20:42 -0500
**To:** COVID-19
**Subject:** Student Aid Grant

Good Evening,

My name is Charline O. I was supposed to use the work-study program to receive financial aid, through working at a local non-profit but due to the COVID-19 governmental protocols and safety procedures, I was told by my school that I would not, for this time being, proceed to use the opportunity in the federal-work study position that was available to me. What is the most effective manner for the government in which I can receive my federal aid and work from home?

Thank you for your time,

Charline O.

AMERICAN OVERSIGHT

**From:** Paula Gregorio
**Sent:** Tue, 24 Mar 2020 15:14:55 -0400
**To:** COVID-19
**Subject:** Student that has already taken LOA

Hello,

I have a student that has taken 123 days of LOA. She returned to class for 2 days. She now needs to take another leave because she didn't have anyone to watch her kids because they have no school until further notice because of of COVID-19. Am I allowed to grant her another LOA given the circumstances or will I need to withdraw the student?

Thank you,

Paula

--

**Manhattan Institute**
**Paula Gregorio**
**Financial Aid Director**

Mail: pgregorio@manhattaninstitute.edu
Phone: (646) 809-0785
www.ManhattanInstitute.edu

Manhattan Institute • 45 W 34th Street, 5th Floor • New York • 10001 • NY

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AMERICAN OVERSIGHT

**From:** Medina, Carmen
**Sent:** Tue, 24 Mar 2020 20:42:42 +0000
**To:** COVID-19
**Cc:** Gillette, Lisa;Meyertholen, Patricia
**Subject:** Summer-Intersession

Good afternoon,

I have a two-fold question for OME staff:

1) If schools close for the rest of the semester, can we consider that closure date the start of "Summer"? Also, in reverse, if they extend school to possibly as late as June 30, how does that impact the start of summer?
2) If schools are closed for a time period (say this past week and the next 3), can that be considered an "Intersession" time and if services are provided, can we record it as a "Summer/Intersession" service?

Thank you.

**Carmen M. Medina** | Chief
Pennsylvania Department of Education | Bureau of School Support
333 Market Street, 3rd Floor | Harrisburg, PA | 17126
Phone: 717.783.6466 | Fax: 717.783.6642
cmedina@pa.gov
www.education.pa.gov

VIDEO: #PAHasYourBack

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AMERICAN OVERSIGHT

**From:** Gerald Carlson
**Sent:** Tue, 24 Mar 2020 14:05:54 -0500
**To:** COVID-19
**Subject:** Symptoms

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Pfeiffer, Clara A. DPI
**Sent:** Tue, 24 Mar 2020 17:24:06 +0000
**To:** TCLI;COVID-19
**Subject:** Teacher Loan Forgiveness and COVID-19

Good Afternoon,
I recently was asked a question regarding state mandated school closures potentially effecting teachers applying for the Teacher Loan Forgiveness program. Has there been any discussion on the impact these closures would have on the requirement of teaching a "full academic year"?
Thank you for your consideration.

***Clara Pfeiffer***
Grants Specialist
WI Department of Public Instruction
Title I and School Support
(608) 261-6324
clara.pfeiffer@dpi.wi.gov

AMERICAN OVERSIGHT

**From:** Gregory Mathews
**Sent:** Tue, 24 Mar 2020 15:23:15 +0000
**To:** COVID-19
**Subject:** Temporary Distance Learning Questions - OPE ID 03808300 and 03808301

Temporary Distance Learning Questions - The Institute of Beauty and Wellness OPE ID 03808300 and Aveda Institute Madison OPE ID 03808301

I am emailing with some questions regarding distance learning as the Coronavirus impacts our schools.

Our schools have temporarily stopped offering ground-based classes in order to prevent the spread of COVID-19.

This was effective March 18, 2020 until at least March 31, 2020.

Our school has received approval from the State of Wisconsin and our accreditor, NACCAS, to offer temporary distance education.

Can you please confirm that the U.S. Department of Education will allow currently enrolled students and new starts on or prior to 6/1/2020 to receive Title IV Aid for the distance education hours completed?

Any additional clarification/guidance you can provide is greatly appreciated.

Thank you.

Gregory Mathews
Financial Aid Administrator
The Institute of Beauty and Wellness
Aveda Institute Madison

**Gregory Mathews**
*Financial Aid Administrator*
Direct: 414.319.7581
Fax: 414.291.3968

THE INSTITUTE OF BEAUTY AND WELLNESS
327 East St. Paul Avenue, Milwaukee, WI 53202 | 414.227.2889 | ibw.edu

AVEDA INSTITUTE MADISON
353 East Campus Mall, Madison, WI 53715 | 608.250.3100 | aimadison.com

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Tue, 24 Mar 2020 23:23:38 +0000
**To:** COVID-19
**Cc:** Kesner, Paul;Foy Moss, Rita;Williams, Bryan
**Subject:** Total Image Beauty Academy - decided to close temporarily

Dear COVID-19 Email Team,

I was informed this particular inquiry was assigned to the higher ed team.

If that is not the case, please let me know. I would be happy to draft a response for you!

Sincerely,
Madeline

| | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 142 | COVID-19@ed.gov | 3/12/20 | Michael | Hechme | michaelh.tiba@gmail.com | | | Other | Total Image Beauty Academy - decided to close temporarily | | Madeline Sullivan | | | OESE-SSS | |

U.S. Department of Education
Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332
Washington, DC 20202-6110

Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/hashtag/schoolsafetyselfie?f=tweets&vertical=default&src=hash

AMERICAN OVERSIGHT

**From:** Valente Andrade
**Sent:** Tue, 24 Mar 2020 15:41:16 -0700
**To:** COVID-19

This one tpo

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Tue, 24 Mar 2020 23:17:41 +0000
**To:** COVID-19
**Subject:** USDA | School Closures

Dear COVID-19 email Team,

Please remove this. This was responded to immediately by Leadership and through collaborative work activities.

| | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 77 | OESE Email | 3/11/20 | Margaret | Applebaum | margaret.applebaum@usda.gov | | | Other | USDA/FNS: School Closures | | Madeline Sullivan | | | OESE-SSS | | | |

Thank you!

Sincerely,
Madeline

U.S. Department of Education
Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332
Washington, DC 20202-6110

Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/hashtag/schoolsafetyselfie?f=tweets&vertical=default&src=hash

AMERICAN OVERSIGHT

**From:** Evans, Melika
**Sent:** Wed, 25 Mar 2020 02:02:36 +0000
**To:** COVID-19
**Subject:** Control 20-003372 for Appropriate Handling
**Attachments:** 20-003372-Control Sheet.pdf, 20-003372-Incoming.pdf

Hello,

I am assigning a control to the COVID-19 mailbox for appropriate handling. The due date is April 6th.

Sincerely,

Melika Evans
Control Correspondence Unit
Executive Office
Office of Elementary and Secondary Education

AMERICAN OVERSIGHT

# Office of the Secretary
## U.S. Department of Education
### Control Document

**Keyer:** MONIQUE.EDMONDSON**POC File Code:** **Reader:** MONIQUE.EDMONDSON

**Control #: 20-003372**
**Document Type: Office of the Secretary Bulk Mail**

**Due Date:** 4/6/2020
**Signature:** Appropriate individual's signature

**Event Date:**

**Writer:**
Madeline Nivar

madeline.nivar@gmail.com

**Subject:** PLEASE TAKE IMMEDIATE ACTION REQUIRING/MANDATING NEW JERSEY STATE'S SCHOOL DISTRICTS TO CONTINUE TO PAY ON SCHEDULE FOR PUPIL TRANSPORTATION FOR A 180-DAY SCHOOL YEAR.

**Notes:** ELECTRONIC ONLY TRANSMISSION

| Assigned To | Action | Assigned Date | Due Date | Completed Date | Routing Notes |
|---|---|---|---|---|---|
| **OESE** | **Appropriate Handling** | **3/23/2020** | **4/6/2020** | **3/24/2020** | |
| **OESE-SSS** | **Appropriate Handling** | **3/24/2020** | **4/6/2020** | | |

**Related Control Numbers:**
**OBO:**

PLEASE NOTE: A principal office has only five working days to return a misassigned control should it feel that a letter should be handled by another principal office. After five days, you are responsible for answering the letter and will need to coordinate with the appropriate office to draft the reply.


AMERICAN OVERSIGHT

Sent: 23-March-2020 11:40:30

From:

To:

Cc:

Bcc:

Subject: FW: NJ School Bus Contractors Issue

Attachments:

DeVos, Betsy Monday, March 23, 2020 7:10 AM Madeline Nivar <madeline.nivar@gmail.com>
RE: NJ School Bus Contractors Issue
From:
Sent:
To:

Subject:

This acknowledgement is sent on behalf of Secretary of Education Betsy DeVos.
Dear Ms. Nivar:
Thank you for your e-mail to Secretary of Education Betsy DeVos. We appreciate hearing from you.
Your communication has been forwarded to the appropriate staff member for review and further handling.
Thank you again for contacting us.
Sincerely,
Edgar Mayes
Director, Correspondence and Communications Control Unit Office of the Secretary U.S. Department of Education Washington, DC 20202

Madeline Nivar <madeline.nivar@gmail.com> Friday, March 20, 2020 3:44 PM DeVos, Betsy <Betsy.DeVos@ed.gov> NJ School Bus Contractors Issue
From:

Sent:
To:

Subject:

Good Afternoon Ms. DeVos,
I am writing to you because I need your help in making sure that our school bus drivers are taken care of during school closures not only in the state of NJ but nationwide. Although Governor Phil Murphey has asked companies in NJ to continue to pay their employees, my mother's bus company has informed us that they will not be able to pay their employees unless the school district pays them. Although these schools have created budgets that include busing transportation for 180 days, they are not legally held to paying those monies out to bus contractors when crises like COVID-19 prompt school shutdowns. The Department of Education has told school bus contractors that they will need to contact attorneys specializing in contracts in order move payments along if roadblocks are met by the school districts they operate for.

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This is unacceptable. Not only is this causing a delay in payment and costing money but it's wholly unnecessary when a swift directive to could be made that will keep not only bus drivers but school bus business owners at ease during this difficult time.

all school districts
Please take immediate action in ensuring that the Department of Education requires/mandates our state's school districts to continue to pay on schedule for pupil transportation for a 180-day school year.
Without this continued funding my mother as well as thousands of school bus drivers in the state will continue to not be paid. Currently, my mother has been laid off, told to file unemployment, and has no return date. Further implications of this include school bus companies shutting down because they cannot pay their bills or the loans they have on their buses. A scenario like this will likely wreak havoc when normal school operations resume, and our bus drivers and companies are not able to immediately reengage.
Once again, I am asking you to take action. I believe implementing this directive will not be burdensome on the state of NJ and will have a plethora of positive implications on a very important group of marginalized workers in our state. Please show your support. We need to look after one other during times of crisis.
Thank you for your time and stay safe.
Madeline
--

Madeline Nivar
Mechanical Engineering| Class of 2017
Rutgers, The State University of New Jersey

AMERICAN OVERSIGHT

**From:** Evans, Melika
**Sent:** Wed, 25 Mar 2020 01:42:53 +0000
**To:** COVID-19
**Subject:** Control 20-003375 for Appropriate Handling
**Attachments:** Control Sheet-20-003375.pdf, 20-003375-Incoming.pdf

Hello,

I am assigning a control to the COVID-19 mailbox for appropriate handling. The due date is April 6th.

Sincerely,

Melika Evans
Control Correspondence Unit
Executive Office
Office of Elementary and Secondary Education

AMERICAN OVERSIGHT

# Office of the Secretary
## U.S. Department of Education
### Control Document

**Keyer:** WENDELL.WASHINGTON**POC File Code:** **Reader:** WENDELL.WASHINGTON

**Control #: 20-003375**
**Document Type: Office of the Secretary Bulk Mail**

**Due Date:** 4/6/2020
**Signature:** Appropriate individual's signature

**Event Date:**

**Writer:**
Amy McWilliams

amymc5@aol.com
XXXXX

**Subject:** INQUIRING WHETHER THERE ARE UNUSED SCHOOL EQUIPMENT THAT CAN BE DONATED TO NURSES AND MEDICAL STAFF WHO ARE ON THE FRONT LINES OF TREATING PATIENTS SUFFERING FROM CORONOVIRUS (COVID-19)

**Notes:** ELECTRONIC ONLY TRANSMISSION

| Assigned To | Action | Assigned Date | Due Date | Completed Date | Routing Notes |
|---|---|---|---|---|---|
| **OESE** | **Appropriate Handling** | **3/23/2020** | **4/6/2020** | **3/24/2020** | |
| **OESE-SSS** | **Appropriate Handling** | **3/24/2020** | **4/6/2020** | | |

**Related Control Numbers:**
**OBO:**

PLEASE NOTE: A principal office has only five working days to return a misassigned control should it feel that a letter should be handled by another principal office. After five days, you are responsible for answering the letter and will need to coordinate with the appropriate office to draft the reply.


AMERICAN OVERSIGHT

Sent: 23-March-2020 11:53:38

From: Washington, Wendell

To: Washington, Wendell

Cc:

Bcc:

Subject: Help the helpers please

Attachments:

-----Original Message-----
From: DeVos, Betsy
Sent: Monday, March 23, 2020 7:08 AM
To: Amy <amymc5@aol.com>
Subject: RE: Help the helpers please

This acknowledgement is sent on behalf of Secretary of Education Betsy DeVos.

Dear Ms. McWilliams:

Thank you for your e-mail to Secretary of Education Betsy DeVos. We appreciate hearing from you.
Your communication has been forwarded to the appropriate staff member for review and further handling.

Thank you again for contacting us.

Sincerely,
Edgar Mayes

Director, Correspondence and
Communications Control Unit
Office of the Secretary
U.S. Department of Education
Washington, DC 20202

-----Original Message-----
From: Amy <amymc5@aol.com>
Sent: Saturday, March 21, 2020 4:35 PM
To: DeVos, Betsy <Betsy.DeVos@ed.gov>
Subject: Help the helpers please

I have grandchildren in the public school system whose mom is a nurse at a local hospital.
I wonder how many safety goggles and masks are sitting in the science and industrial arts departments of our schools. Is there a way to coordinate efforts and get this equipment out to the hospitals? The hospital workers are putting their lives on the line, now they are starting to contract the virus... they need all the help they can get.
I'm sure all the secondary schools and colleges in the Commonwealth have boxes of these vitally necessary items that could ultimately save lives of those on the front lines.
Do you know if any public school districts, or private schools, have cleared out their closets and storage rooms and already donated to local hospitals? If not, they really really are needed, and it seems like such a simple thing.

AMERICAN OVERSIGHT

Thanks,
Amy McWilliams

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Evans, Melika
**Sent:** Wed, 25 Mar 2020 01:17:14 +0000
**To:** COVID-19
**Subject:** Control 20-003423 for Response
**Attachments:** 20-003423-Incoming.pdf, Control Sheet-20-003423.pdf

Hello,

I am assigning a control to the COVID-19 mailbox for appropriate handling. The due date is April 6th.

Sincerely,

Melika Evans
Control Correspondence Unit
Executive Office
Office of Elementary and Secondary Education

AMERICAN OVERSIGHT

Sent: 23-March-2020 11:24:37

From: Mayes, Edgar

To: Murray, Darren

Cc:

Bcc:

Subject: FW: Distance Learning in MA

Attachments: image002.jpg

This acknowledgement is sent on behalf of Secretary of Education Betsy DeVos.

Please assign this “BK to OESE.

Thanks.

DeVos, Betsy Monday, March 23, 2020 7:10 AM Jo-Ann Darrigo
<jdarrigo@seaverconstruction.com> RE: Distance Learning in MA
From:
Sent:
To:
Subject:

This acknowledgement is sent on behalf of Secretary of Education Betsy DeVos.

Dear Ms. Darrigo:

Thank you for your e-mail to Secretary of Education Betsy DeVos. We appreciate hearing from you.

Your communication has been forwarded to the appropriate staff member for review and further handling.

Thank you again for contacting us.

Sincerely,

AMERICAN OVERSIGHT

Edgar Mayes

Director, Correspondence and Communications Control Unit Office of the Secretary U.S. Department of Education Washington, DC 20202

Jo-Ann Darrigo <> Sunday, March 22, 2020 9:11 AM DeVos, Betsy <> Fwd: Distance Learning in MA
From:
jdarrigo@seaverconstruction.com
Sent:
To:
Betsy.DeVos@ed.gov
Subject:

Please see below

Anything we can do to address this travesty?

J

Sent from my iPhone

Begin forwarded message:

Jo-Ann Darrigo <> March 21, 2020 at 1:15:18 PM EDT "" <>
From:
jdarrigo@seaverconstruction.com
Date:
To:
eoe@massmail.state.ma.us
eoe@massmail.state.ma.us
Subject:
Re: Distance Learning in WPS

Sent from my iPhone

On Mar 21, 2020, at 10:04 AM, Jo-Ann Darrigo <> wrote:
jdarrigo@seaverconstruction.com

Mr Peyser

I think the DOE needs to make sure there are certain standards that are being implemented and maintained.

When this crisis passes and it will ..we should try to make sure we all come out looking good.. Or at a minimum not delinquent

In the aftermath,everything will be reassessed and despite some inevitable

AMERICAN OVERSIGHT

failures ...we should target at least having a positive overall response from the People we are meant to serve .

Right now nine out of 10 people I've talked to are very unhappy.

I'm not sure if other towns are approaching in this manner but we really should re-look at this..

especially if it goes long term.

Please see below

Joann Darrigo

Sent from my iPhone

Begin forwarded message:

Jo-Ann Darrigo <> March 21, 2020 at 9:42:16 AM EDT Jennifer Elineema <>
From:
jdarrigo@seaverconstruction.com
Date:
To:
jelineema@winchesterps.org
Subject:
Re: Distance Learning in WPS

Thank you for responding .I really do appreciate that

Frankly I'm shocked at the information that's come out

I really thought it would be a lot better and more accountable ..and valuable.

This is what's happening in our house:

Since there's no accountability or requirements to complete school exercises ..

It is not being done .

I'm having to now become a teacher as well as do my full-time job

Which now will commence at home starting Monday

frankly I m more the principle and less the teacher because I have to keep cracking

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the whip all day

And up until yesterday ..I was doing it from work

So we know how that was going over 🤦

Here is a breakdown of my sixteen-year-old's day:

Sleep time-50%..that's fine

Misc activities-10%... Most of this is just mess making

exercise time-5%-thank God for online yoga

outside time -5%-at least the dog is getting walked

schoolwork-.5%-emailing teachers just to check in as they are checking in with them ..but no work is getting done

?

Phone time-29.5%-likely more like 50% but it's being hidden from me I'm sure

Play space is now the new office

Dining room table is half game room and half art room

Half of my kitchen(ugh) is TesT kitchen.That is not pretty as my daughter has become the family cook or as she would say .. top chef

Our garage /yard is the gym

LR is tv and wii space (who knew we still had it )

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Bedroom is phone space... So I'm pretty much Never going to see her ☹

Since schoolwork  Is not a "requirement "

that obviously is setting up a lot of frustration and anxiety in my home

I.e. now we're fighting about doing school work that  doesn't have to be done within a time frame that doesn't matter

I know teens are hoping for no work  but I think they're all  starting to understand how this is going to really disrupt them both this summer , in the fall and When they apply to college. The school is really doing a disservice to them

We all hate that we're here but the school really should be stepping up Like private and parochial schools..

Not failing

The SAT tutor i had set up ..I am  now engaging to do 'homework 'with her just so that I can get her to do some work every day and there's accountability factor because she knows I'm having to pay for it

Just to reiterate ..I should not have to do this. I should be able to rely

On public school.

We all know the tools are in place to do it

This is a hardship financially  for us

eventually she will have to take the SAT and who knows if I don't do something and rely on the school ...she'll be a zombie when she shows up at the test

Which we hope is still on in June

So just to summarize :

I'm working my full-time job at home now which is harder

and being a principal to ensure that she does some work and stays on schedule all day

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and

I'm also have to pay additional fees for teaching .....that I've already paid for in my Taxes

This is bad

Is this poor response part of some union agreement?

Some "global crisis " rider to their agreement ?

Is that why teachers are not teaching?

Are they still being paid?

Don't get me wrong ..I think teachers should be paid but I also think they should be teaching.

( just as an aside ..I think great teachers should be paid handsomely ...and poor teacher should be let go.

Winchester has both of those of course

Despite the apparent benefit ..That's the problem with unions..

It restrains greatness and rewards mediocrity and failure)

I digress..

In a The time when I don't know how long

My job will be required ...and my next check will be forthcoming... We should be able to count on you to do your part

... And we can't

You guys are all about kids making good decisions and being valuable members of the community

but when the rubber hits the road ,you guys bail.

You are hypocrites.

And this BS about teachers checking in on students.... Fake concern

I don't think anybody's buying it

AMERICAN OVERSIGHT

That is not teaching

JoAnn

Sent from my iPhone

On Mar 21, 2020, at 8:23 AM, Jennifer Elineema <> wrote:
jelineema@winchesterps.org

Hello Jo-Ann. Thank you for sharing your concerns. As you know from our messages, we are working hard to find the right balance for our students with connecting and being engaged as well as not overwhelming everyone. We will be soliciting feedback on our progress next week. Thank you.

On Thu, Mar 19, 2020 at 10:27 AM Jo-Ann Darrigo <> wrote:
jdarrigo@seaverconstruction.com

Hi Jennifer

I m sure you have your hands full

I am waiting on the school info to be sent to me so I can ENFORCE the work. It Cant just be sent to kids...I m sure you know.

Hope that is happening.

I heard a rumor from Jules last night that she has started to get some emails from teachers. Very sporadic and haphazard...hoping official is still coming.

I assume this plan has some parameters and the teachers are not just throwing out.....whatever

Seems that way so far.

Jules has had 2 teachers say ...'watch this movie on netflex and answer some questions'

Whaaat?!?

Nothing due, no requirements...no grades...

AMERICAN OVERSIGHT

Whaat?!

REALLY hope that is not the case. I ll be patient abit more but...gotta tell you...there needs to be a quality 'program' in place ...or parents will 'freak'. .....Especially if these weeks become months.

Winchester's educational system reputation is on the line. We better step up.

( haven't gotten details but heard Belmont's is up and running....well and distinctly..??)

Heads up

Jo-Ann Darrigo

Seaver Construction

781 389 4708

Jennifer Elineema <> Monday, March 16, 2020 1:39 PM Jo-Ann Darrigo <> Distance Learning in WPS
From:
noreply@winchesterps.org
Sent:
To:
jdarrigo@seaverconstruction.com
Subject:

Dear Winchester Families and Colleagues:

As you know, one of our district goals has focused on the social and emotional well-being of all of the members of our community. As we enter into unknown territory, that goal has never been more important. We begin each day by practicing gratitude for our students who are working to stay calm and focused, our staff members who are busy behind the scenes creating outstanding distance learning opportunities, and the outpouring of parent and community support to help the schools, students, and each other during this time.

We are excited to roll-out our distance learning initiative on Wednesday March 18th. Below is a list of highlights to outline what distance learning will look like for the next three weeks. Please keep in mind that we respect and understand that every family situation is different and that there may be circumstances where students cannot participate (such as illnesses or other family concerns). As our first priority is to

AMERICAN OVERSIGHT

everyone's well-being, we will reach out to your child/you if we do not see participation, so please just let teachers and administrators know if there are extenuating circumstances. Please be patient with us through this process; we are learning too and will do our very best to adjust and grow through this time! If you have any concerns with the distance learning, please: first, reach out to the teacher, and if there is still a concern, reach out to the building administrator.

Please note:

* Our primary goals for distance learning: connection, engagement, and extension.
* Work during this time period will not be formally graded, but instead, teachers will provide feedback for learning.
* The focus is on providing engaging, challenging, and innovative learning.
* Although students will certainly need devices for communication and collaboration, the expectation is not that students are on a device for all of their learning
* We are working hard to build meaningful and engaging activities, and to stay away from "packets" and lectures.

Again, we thank you for your patience, support, and community-focus!

Jennifer Elineema

Assistant Superintendent

_____

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--

Jennifer Elineema

Assistant Superintendent

Winchester Public Schools

“Never doubt that a group of thoughtful, committed citizens can change the world. Indeed it is the only thing that ever has." Margaret Mead

follow me on twitter:
https://twitter.com/Asstsuptwin

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translations@winchesterps.org

如果你需要这个文件翻译成中文，请发电子邮件至：
translations@winchesterps.org

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# Office of the Secretary
## U.S. Department of Education
### Control Document

**Keyer:** DARREN.MURRAY **POC File Code:** **Reader:** DARREN.MURRAY

**Control #: 20-003423**
**Document Type: Office of the Secretary Bulk Mail**

**Due Date:** 4/6/2020
**Signature:** Appropriate individual's signature

**Event Date:**

**Writer:**
JoAnn Darrio

jdarrigo@seaveconstruction.com

**Subject:** SHE IS NOT HAPPY WITH THE LACK OF ASSIGNMENTS THAT HER DAUGHTER IS RECEIVING FROM THE SCHOOLS DURING THIS PANDEMIC EMERGENCY.

**Notes:** ELECTRONIC ONLY TRANSMISSION

| Assigned To | Action | Assigned Date | Due Date | Completed Date | Routing Notes |
|---|---|---|---|---|---|
| **OESE** | **Appropriate Handling** | **3/23/2020** | **4/1/2020** | **3/24/2020** | |
| **OESE-SSS** | **Appropriate Handling** | **3/24/2020** | **4/6/2020** | | |

**Related Control Numbers:**
**OBO:**

PLEASE NOTE: A principal office has only five working days to return a misassigned control should it feel that a letter should be handled by another principal office. After five days, you are responsible for answering the letter and will need to coordinate with the appropriate office to draft the reply.


AMERICAN OVERSIGHT

**From:** Evans, Melika
**Sent:** Wed, 25 Mar 2020 01:27:31 +0000
**To:** COVID-19
**Subject:** Control 20-003454 for Appropriate Handling
**Attachments:** 20-003454-Control Sheet.pdf, 20-003454.incoming1.pdf, 20-003454.imcoming2.pdf

Hello,

I am assigning a control to the COVID-19 mailbox for appropriate handling. The due date is April 6th.

Sincerely,

Melika Evans
Control Correspondence Unit
Executive Office
Office of Elementary and Secondary Education

AMERICAN OVERSIGHT

# Office of the Secretary
## U.S. Department of Education
### Control Document

**Keyer:** MONIQUE.EDMONDSON**POC File Code:** **Reader:** MONIQUE.EDMONDSON

**Control #: 20-003454**
**Document Type: Office of the Secretary Bulk Mail**

**Due Date:** 4/6/2020
**Signature:** Appropriate individual's signature

**Event Date:**

**Writer:**
Mary Kay Henry
International President
Protect All Workers SEIU
latoya.cole@seiu.org

**Subject:** PROTECT ALL WORRKERS REQUESTS THE SECRETARY TO SPECIFICALLY ADDRESS MULTIPLE NEEDS OF WORKERS IN EARLY EDUCATION, K-12, AND HIGHER EDUCATION.

**Notes:** ELECTRONIC ONLY TRANSMISSION

| Assigned To | Action | Assigned Date | Due Date | Completed Date | Routing Notes |
|---|---|---|---|---|---|
| **OESE** | **Appropriate Handling** | **3/23/2020** | **4/6/2020** | **3/24/2020** | |
| **OESE-SSS** | **Appropriate Handling** | **3/24/2020** | **4/6/2020** | | |

**Related Control Numbers:**
**OBO:**

PLEASE NOTE: A principal office has only five working days to return a misassigned control should it feel that a letter should be handled by another principal office. After five days, you are responsible for answering the letter and will need to coordinate with the appropriate office to draft the reply.


AMERICAN OVERSIGHT

Sent: 23-March-2020 22:52:03

From:

To:

Cc:

Bcc:

Subject: FW: ...to Protect All Workers

Attachments: 2 Signed Betsy Devos Ltrs 032020 (1).pdf

DeVos, Betsy Monday, March 23, 2020 2:25 PM latoya.cole@seiu.org FW: ...to Protect All Workers
From:
Sent:
To:

Subject:

This acknowledgement is sent on behalf of Secretary of Education Betsy DeVos.
Dear Ms. Henry:
Thank you for your e-mail to Secretary of Education Betsy DeVos. We appreciate hearing from you.
Your letter has been forwarded to the appropriate staff member for review and further handling.
Thank you again for contacting us.
Sincerely,
Edgar Mayes
Director, Correspondence and Communications Control Unit Office of the Secretary U.S. Department of Education Washington, DC 20202

latoya.cole@seiu.org <latoya.cole@seiu.org> Mary Kay Henry Monday, March 23, 2020 12:21 PM DeVos, Betsy <Betsy.DeVos@ed.gov> ...to Protect All Workers
From:

On Behalf Of
Sent:
To:

Subject:

Please see attached.

Sincerely,

Mary Kay Henry
International President

AMERICAN OVERSIGHT

March 20, 2020

The Honorable Betsy DeVos
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary DeVos:

**National emergencies require us to move beyond business as usual** and come together as a nation. Our government must act with urgency. And leaders of the largest, most powerful corporations must look past their bottom lines to do what's right for all working people.

**On behalf of millions of service and healthcare workers on the front lines of this crisis, we demand immediate action by major industries and corporations to secure the health, safety, and long-term economic well-being of America's workers, regardless of where they work, their race, their immigration status, or current healthcare coverage.**

1. **Fully-funded, accessible healthcare for every worker, including paid leave and 100%-paid testing and treatment for COVID-19.** Corporations must provide full healthcare coverage to direct and franchise employees and contractors. Any uninsured person should automatically be enrolled in Medicaid. Every worker must be covered by permanent, comprehensive paid leave policies, providing immediate access to 12 weeks' leave at full pay for workers who are sick, mandated to stay home, or caring for loved ones.

2. **Job, wage, and economic security for every worker.** Establish industry funds to fully reimburse wages lost by workers whose hours or jobs have been cut or cut back. These funds must cover direct and franchise employees and contractors, compensate tipped workers at a rate of at least $15 an hour, and provide regular payments. Industries must provide easily accessed emergency child care funds, debt-relief, and housing assistance.

3. **Immediate investment in the health and safety of every worker.** Provide emergency relief for states to hire and train healthcare workers and first responders, and expand healthcare, long term care, and child care coverage. Corporations and industries should take aggressive, immediate measures to ensure clean, safe, sanitary work environments and protection from infection during this health crisis, with continuing access to personal protective equipment and training.

4. **Working families at the center of every emergency relief package.** Elected leaders of every party must act to put the health, safety, and financial well-being of workers first. Any industry relief or bailout must prioritize healthcare and financial support for workers over executive pay, shareholders, or profits. Relief efforts must directly address the disproportionate impact of economic and health crises on Black, brown, Asian Pacific Islander, and immigrant workers.

To more fully address the needs of workers in early education setting, we are calling on you to address:

- Create an emergency child care fund to ensure the children of first responders, doctors, nurses, other healthcare workers and workers providing essential services for the community at large are cared for during this crisis.

To more fully address the needs of workers in the k-12 industry, we are calling on you specifically to address:

- Ensure staff are paid as they normally would be during school shutdowns.
- Provide appropriate protective equipment and safety training. Strictly enforce health and safety standards and ensure that proper protocols for diluting cleaning solutions are followed.
- Provide workforce funds to enable the rapid hiring and training of cleaning staff.

AMERICAN OVERSIGHT

- Ensure all school employees are eligible for unemployment insurance.
- Provide meals for children who rely on free and reduced meals.
- Work with families of special needs students to coordinate and deliver care, particularly for families who must work and need backup care, and deliver distance learning 1:1 for these students.
- Provide stipend or hazard pay for employees who must work or volunteer to work during school closures.
- Require that districts provide a waiver during pandemic and a grace period afterwards for required training that employment or wages are dependent on and employees are unable to access currently.
- Waive any federal mandates related to required days and testing for the remaining school year.
- Ensure students who lack computer or internet access or are homeless are not disadvantaged relative to other students as districts implement distance learning.

To more fully address the needs of workers in the higher education industry, we are calling on you to specifically address:

- Issue guidance to states and localities to levy taxes on endowments and/or end state tax exemptions on endowment investment returns; and invest revenue/savings into public higher education especially into community colleges, which are a likely destination for people who lose their jobs as a result of the recession. Ensure that funds do not go to colleges that spend less than 50% of tuition revenue on instruction.
- Make federal student loan payments optional for the next 12 months and move to a program that cancels a significant portion of federal student debt for education workers including part-time faculty who teach more than two classes per semester, healthcare workers and other frontline emergency workers.
- Provide a fund for immediate professional development training for online instruction.
- Make available emergency campus housing to those students and campus workers who are homeless, have violent or immunocompromised households.
- Many campus professional and service workers are expected to remain on campus to provide needed services to students or keep campuses sanitary. These workers require sufficient protective gear, training and information on potentially dangerous chemicals and solvents used.
- Partner with higher education unions and associations, including instructional, professional, service and trades unions, to ensure that rapidly developing campus policies and government orders are informed by the workers responsible for ensuring the quality and safety of colleges and universities.

Protecting all workers is the patriotic and moral requirement of this moment, and always.

Signed,

Mary Kay Henry, International President
Service Employees International Union

Cc: Peter MacKinnon, President SEIU Local 509, Chair of SEIU Higher Education Council
Max Arias, President of SEIU Local 99, Chair of SEIU K-12 Council and Early Learning Council

AMERICAN OVERSIGHT

**From:** Evans, Melika
**Sent:** Wed, 25 Mar 2020 00:45:14 +0000
**To:** COVID-19
**Subject:** Control 20-003456 for Appropriate Handling
**Attachments:** 20-003456-Incoming.pdf, 20-003456-Control Sheet.pdf

Hello,

I am assigning a control to the COVID-19 mailbox for appropriate handling. The due date is April 3rd .

Sincerely,

Melika Evans
Control Correspondence Unit
Executive Office
Office of Elementary and Secondary Education

AMERICAN OVERSIGHT

Sent: 23-March-2020 11:30:51

From: Mayes, Edgar

To: Murray, Darren

Cc:

Bcc:

Subject: FW: Coronavirus Issue

Attachments:

This acknowledgement is sent on behalf of Secretary of Education Betsy DeVos.

Please assign this “BK to OESE.

Thanks.

DeVos, Betsy Monday, March 23, 2020 7:11 AM Mephisto Pheles <cyrenaic.hedon@gmail.com>
RE: Coronavirus Issue
From:
Sent:
To:
Subject:

This acknowledgement is sent on behalf of Secretary of Education Betsy DeVos.

Dear Dave:

Thank you for your e-mails to Secretary of Education Betsy DeVos. We appreciate hearing from you.

Your communication has been forwarded to the appropriate staff member for review and further handling.

Thank you again for contacting us.

Sincerely,

Edgar Mayes

AMERICAN OVERSIGHT

Director, Correspondence and Communications Control Unit Office of the Secretary U.S. Department of Education Washington, DC 20202

Mephisto Pheles <> Sunday, March 22, 2020 3:55 AM DeVos, Betsy <> Coronavirus Issue
From:
cyrenaic.hedon@gmail.com
Sent:
To:
Betsy.DeVos@ed.gov
Subject:

Hello Ms. DeVos,

I hope this email finds you well. Please kindly read my concern below regarding the current COVID-19 issue for grad students and consider taking action as soon as possible.

At this point, it seems abundantly clear that the infection rates are going to continue to climb for the next month based on the most optimistic estimates. Schools are supposed to end by early May this semester. I am a graduate student living on my own at the moment and my parents don't live nearby so I am having a lot of difficulty getting bare essentials and I am constantly worried about catching the virus as I really don't have time or the money to be living a healthy lifestyle (my master's is extremely academically intense as its for applying to med school). As the situation becomes more serious, it is going to become significantly more difficult to take care of non-academic matters such as getting food, toilet paper, and avoiding getting sick so I was wondering if there was a coordinated effort amongst US med/grad/etc institutions to possibly delay this semester asap. What's happening in Italy is around the corner for us here based on the numbers. I'm sure there are drugs that may start being re-purposed to improve outcomes but there's no way that meaningful action can occur within the next few weeks. in the mean time, grad students, etc. have very little time and opportunity to prepare for any worst case scenarios if classes and exams continue. For example, my school gave us THREE days while they moved to online lectures... last week. You could image how abundantly stocked the shelves at supermarkets and Costco were down here in South Florida. Please immediately begin some kind of nationwide coordination plan as we graduate students are woefully unprepared for COVID-19 to get any worse.

Thank you very much for your time, Dave A

AMERICAN OVERSIGHT

# Office of the Secretary
## U.S. Department of Education
### Control Document

**Keyer:** DARREN.MURRAY **POC File Code:** **Reader:** DARREN.MURRAY

**Control #: 20-003456**
**Document Type: Office of the Secretary Bulk Mail**

**Due Date:** 4/6/2020
**Signature:** Appropriate individual's signature

**Event Date:**

**Writer:**
Mephisto Pheles

cyrenaic.hedon@gmail.com

**Subject:** WANTS SOME KIND OF NATIONWIDE COORDINATION PLAN FOR GRADUATE STUDENTS WHO ARE NOT PREPARED FOR COVID-19 VIRUS

**Notes:** ELECTRONIC ONLY TRANSMISSION

| Assigned To | Action | Assigned Date | Due Date | Completed Date | Routing Notes |
|---|---|---|---|---|---|
| **OESE** | **Appropriate Handling** | **3/23/2020** | **4/1/2020** | **3/24/2020** | |
| **OESE-SSS** | **Appropriate Handling** | **3/24/2020** | **4/6/2020** | | |

**Related Control Numbers:**
**OBO:**

PLEASE NOTE: A principal office has only five working days to return a misassigned control should it feel that a letter should be handled by another principal office. After five days, you are responsible for answering the letter and will need to coordinate with the appropriate office to draft the reply.


AMERICAN OVERSIGHT

**From:** Lund, Miriam
**Sent:** Mon, 23 Mar 2020 15:52:41 +0000
**To:** COVID-19
**Subject:** May 21st CCLC programing move from onsite to virtual? May subgrantees purchase laptops?

Rapid Response Team:

These questions all deal with 21st CCLC programs' location. Whether they will be held onsite or are virtual programs allowable. A tie in questions is if onsite can the programs be moved to another location? Tied into the programing questions is what documentation might be required by subgrantees?

| | | |
|---|---|---|
| DC | Tanisha Brown | tanisha.brown@dc.gov |
| PA | Carmen Medina | cmedina@state.pa.us |
| CO | Dana Scott | scott_d@cde.state.co.us |
| OH | Shannon Teague | Shannon.Teague@education.ohio.gov |

Given that 21st CCLC is an out-of-school time grant, is it possible for them to offer remote programming during these school shut-downs. It seems like something feasible from my end, if they have a good plan that we can approve, but I wanted to make sure it doesn't in any way conflict with the intentions or requirements of the grant. Any feedback you can provide is much appreciated. (DC)

ii. With school buildings closing, our programs want to know if they can do a 100% on-line program if all the students they serve have the technology available. Programs purchase laptops to be used in the program, grantees want to know if they do a 100% on-line program if they can lend the laptops to those kids that don't have one during this time of crisis. (PA)

iii. Can 21st CCLC activities be held in other locations if the primary site (the school) has closed down? (CO)

iv. Will federal grant activities such as teleconferencing or working at home be permissible? What documentation would be acceptable? (OH)

*Yes, a State has the authority to designate programs to operate remotely or virtually 100 percent of there scheduled time during the COVID-19 emergency. It is the State's decision what type of documentation it would require from a program operating remotely/virtually. Programs should return to normal operations at such time the governor reopens schools.*

*Furthermore, the State has the authority to allow programs to modify their approved application's activities and budget to allow for programs to utilize the laptops in*

AMERICAN OVERSIGHT

*approved/modified activities utilizing the purchased of laptops. The laptops should be labeled the property of the program and inventoried pre and post check out.*

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**
p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

"Intelligence plus character-that is the goal of true education."
— Martin Luther King Jr.

AMERICAN OVERSIGHT

**From:** Lund, Miriam
**Sent:** Mon, 23 Mar 2020 15:30:50 +0000
**To:** COVID-19
**Cc:** Lund, Miriam
**Subject:** May 21st CCLC subgrantee funds be used for contingency planning?

Rapid Response Team,

This question comes to us from multiple 21st CCLC State SEAs per the list below:

1. Shelby.Pons@po.state.ct.us Shelby Pons
2. cmedina@state.pa.us Carmen Medina
3. Shannon.Teague@education.ohio.gov Shannon Teague
4. kresnick@doe.mass.edu Karyl Resnick

**Program Planning**

**Question--**

If a 21st CCLC program has to shut down for a period of time because the students served attend a school that has closed, what will be the consequences to the grant? Can programs still access funds for contingency planning purposes?

Proposed Response--

> *The State has authority to modify its requirements, policies and guidelines subgrants are subject to. We encourage States to be flexible when working with their subgrantees. For example, programs may temporarily adapt their on-site services to provide virtual innovative programming where appropriate. Contingency planning is an allowable cost as determined by the State as long as the cost is reasonable and allocable to the subgrant.*

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**
p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

"Intelligence plus character-that is the goal of true education."
— Martin Luther King Jr.

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**From:** Nguyen, Dinh
**Sent:** Mon, 23 Mar 2020 18:24:44 +0000
**To:** COVID-19
**Cc:** Ramsey, Melissa;Meeks, Amanda;Gaines, Michelle;Miller, Henry
**Subject:** MEP Questions Regarding ID&R Due to Corona Virus

Dear Sir/Madam:

Question: May a school district complete and approve a Certificate of Eligibility (COE) for an eligible migratory child without the signature of the parent/family member or emancipated youth?

Your timely response to this inquiry is greatly appreciated.

Dinh

Dinh H. Nguyen, Ph.D.
Director of Title I, Part C – Migrant Education Program
Bureau of Federal Educational Programs
325 West Gaines Street, Suite 301-D
Tallahassee, Florida 32399-0400
850-245-0811

DIVISION OF PUBLIC SCHOOLS
*Highest Achievement…Every Student, Every Day.*

*Please note that Florida has a very broad public records law. Most written communications to or from state officials are public records available to the public and media upon request.*

AMERICAN OVERSIGHT

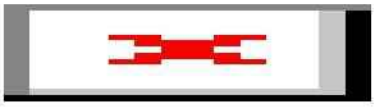
**From:** Carol Masse
**Sent:** Mon, 23 Mar 2020 15:22:41 -0500
**To:** COVID-19
**Subject:** Milwaukee Institute of Art and Design -020771-00

To whom it may concern

I am alerting you based on guidance posted 3/19/20 that we are to alert you if we had extended our Spring break . Our SP20 semester is now 110 days minus 16 break days or 94 days or instruction.

Please let me know if there is anything else you require from me.

*Carol Masse*
Executive Director of Financial Aid
Milwaukee Institute of Art & Design
273 E Erie Street
Milwaukee WI 53202
Tel. 414-847-3270 Fax. 414-847-3332
carolmasse@miad.edu



AMERICAN OVERSIGHT

**From:** Mook, Holly
**Sent:** Mon, 23 Mar 2020 20:45:17 +0000
**To:** COVID-19
**Subject:** MT Mental Health Services Question

Hello,
We will get an extension on reports that are due in May?
Thanks,
Holly Mook

AMERICAN OVERSIGHT

**From:** Margaret Williams
**Sent:** Mon, 23 Mar 2020 19:43:27 -0700
**To:** COVID-19;Fosker, Erik;FSA Case Teams
**Cc:** Fosker, Erik
**Subject:** Notification of Temporary School Closure relating to the Covid-19 Pandemic and Mayor's Order.

March 23, 2020

US DOE COVID-19 email

Erik Fosker

Compliance Manager

San Francisco/Seattle School Participation Division

Program Compliance

Erik.Fosker@ed.gov

RE: Hawaii Institute of Hair Design (OPEID 02139500)

Dear Mr. Fosker, Erik:

Dear Covid-19 Pandemic US DOE representatives:

We have notified the Hawaii State Department of Education, our accrediting commission, and are hereby notifying the US DOE of the following information regarding a temporary closure of Hawaii Institute of Hair Design relating to the Covid-19 Pandemic, and we are looking for guidance of any other department, person, email address that this notification should be sent to within the US DOE.

Yesterday, the school sent notification to all students and employees of a temporary school closure, effective beginning today, March 23, 2020. This closure relates to the Covid-19 Pandemic and a Stay at Home order issued by Honolulu's Mayor Kirk Caldwell. We have asked the students to request leave of absences for this Covid-19 situation, and informing them that they will need to complete and sign them. We will likely retain one staff member to work at home and continue to answer/return phone calls, texts, and emails and continue researching information on this situation. I will be reading emails and return important calls.

Please contact me via telephone at (808)781-2697 (my personal number) or email at hihd@cchono.com with any questions or concerns.

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Thank you.

Sincerely,

Margaret Williams
President

Hawaii Institute of Hair Design

1128 Nuuanu Avenue #102

Honolulu, Hawaii 96817

(808)533-6596

AMERICAN OVERSIGHT

**From:** outlook_CEBFB41CECE3BB38@outlook.com
**Sent:** Mon, 23 Mar 2020 18:27:00 +0000
**To:** COVID-19
**Subject:** NY Student Teaching/edTPA Requirement

Sent from Mail for Windows 10
Hello,

Thank you for your communication as we try our best to move through this unprecedented COVID ordeal.

As a Supervisor of Student Teaching for a SUNY NYS College, I am looking for guidance during this Spring 2020 semester regarding Student Teachers finalizing their expected placements.

Specific questions included:

1. Is there a NYS expectation/decision yet for Student Teachers in their current 2nd placement to be involved with the public school classroom for on-line learning? (Or are NYS Student-Teacher placements canceled ? )

2. If there is still the expectation for Student Teachers to complete their placement as planned, will these Student Teachers be completing their edTPA Unit/Assessment for certification?

3. Should the Student-Teacher Supervisor maintain the instructional/observation and evaluative role using individual college platforms previously used?

4. Are there guidelines edTPA/ Pearson have provided that are supported and validated by the NYS Education Department.

My apologies if I did not recognize these details in previously shared documents. Your guidance is very much appreciated as we try to support our future teachers on their path to graduation and certification.

May you and yours stay well.

Kind Regards,

Sherry Keihl

AMERICAN OVERSIGHT

**From:** Cappy Breuer
**Sent:** Mon, 23 Mar 2020 20:46:36 +0000
**To:** COVID-19
**Subject:** Online notary services as an alternative to traditional, in person notary services

We understand that at the present time, the Department does not authorize the use of online notary services as an alternative to traditional, in person notary services. This is becoming more and more of a burden for students trying to complete V4 and V5 verification, specifically with our campuses closed. The student is unable to appear at our school to complete the Statement of Educational Purpose in person and therefore must submit to us a statement and **certification** from a notary public that the student appeared before a notary public, along with the copy of the government-issued photo ID that the student presented to the notary.

Can this be discussed and options presented for student's to complete verification?

Thanks,

**Cappy Breuer |** Assistant Vice President, Student Financial Aid
Rasmussen College – Twin Cities Central Office
Office: 952-806-3966
Cappy.Breuer@Rasmussen.edu
Rasmussen.edu

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AMERICAN OVERSIGHT

**From:** Sherri Mikols
**Sent:** Mon, 23 Mar 2020 17:30:26 +0000
**To:** COVID-19
**Subject:** Pass/fail courses and no GPA

Greetings from American University,

We are considering allowing our students to receive Pass/Fail grades in spring courses due to moving instruction to on-line for the remainder of the term. If we have a brand new student who just started in the Spring term and that student decides to take all the courses as Pass/Fail, and passes everything, they still will not have a cumulative GPA at the end of the spring term. Can we make an exception to our SAP policy that says a student must maintain a 2.0 cumulative GPA?

Many thanks for your guidance!

Sherri Mikols
Associate Director of Financial Aid
American University
mikols@american.edu

AMERICAN OVERSIGHT

**From:** Deb Jackson
**Sent:** Mon, 23 Mar 2020 08:36:36 -0500
**To:** COVID-19
**Subject:** Pass/Fail grades

Good morning,
I hope this email finds you well. How would changing from letter grades to pass/ fail affect federal aid eligibilty? This change would be due to COVID-19.

Thank you very much.

Best regards,
Deb Jackson
Bradley University

AMERICAN OVERSIGHT

**From:** Bonnie Adamson
**Sent:** Mon, 23 Mar 2020 09:15:20 -0400
**To:** COVID-19
**Subject:** Pass/Fail grading system for the payment period

My university was considering offering pass/fail courses for this payment period and this item was one of the questions in the "COVID-19 and Federal Student Aid: What We Know" Webinar Q&A Segment Transcript — Recorded March 17, 2020...

"OK, a school is wondering if they can change to a pass/fail grading system at this point semester. I'm assuming because there's just been so much disruption.
Jill Desjean:
It certainly hasn't been addressed in any of the guidance we've seen. I can't say that I'm familiar with whether that's a thing that would be generally allowed.
Justin Draeger:
Karen, any thoughts?
David Futrell:
Yeah, we don't have an answer for this one.
Justin Draeger:
OK, we will flag this one for follow-up."

I was wondering if there is any more information on this subject.

Thanks,

Bonnie J. Adamson
Director of Financial Aid
Methodist University
800-488-7110 ext. 7307
910-630-7307
www.methodist.edu

myMU : You can track your financial aid status (view financial aid, missing or received information, or download documents and forms) online at myMU. You may access the myMU portal by logging on to www.methodist.edu and selecting the myMU icon in the upper right corner. For timely disbursement of funds, please submit any outstanding information to the Office of Financial Aid as soon as possible.

All students are responsible for checking their Methodist e-mail daily for messages from the university.

**The Federal Family Educational Rights and Privacy Act Regulation 34 CFR 99.3 and Protecting the Confidentiality of Personally Identifiable Information (PII) prohibits Universities from receiving Sensitive Data by unsecured fax lines or emails.**

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---

My university was considering offering pass/fail courses for this payment period and this item was one of the questions in the "COVID-19 and Federal Student Aid: What We Know" Webinar Q&A Segment Transcript — Recorded March 17, 2020...

"OK, a school is wondering if they can change to a pass/fail grading system at this point semester. I'm assuming because there's just been so much disruption.
Jill Desjean:
It certainly hasn't been addressed in any of the guidance we've seen. I can't say that I'm familiar with whether that's a thing that would be generally allowed.
Justin Draeger:
Karen, any thoughts?
David Futrell:
Yeah, we don't have an answer for this one.
Justin Draeger:
OK, we will flag this one for follow-up."

I was wondering if there is any more information on this subject.

Thanks,

Bonnie J. Adamson
Director of Financial Aid
Methodist University
800-488-7110 ext. 7307
910-630-7307
www.methodist.edu<http://www.methodist.edu>

myMU : You can track your financial aid status (view financial aid, missing or received information, or download documents and forms) online at myMU. You may access the myMU portal by logging on to www.methodist.edu<http://www.methodist.edu/> and selecting the myMU icon in the upper right corner. For timely disbursement of funds, please submit any outstanding information to the Office of Financial Aid as soon as possible.

All students are responsible for checking their Methodist e-mail daily for messages from the university.

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AMERICAN OVERSIGHT

**From:** Bonnie Adamson
**Sent:** Mon, 23 Mar 2020 09:15:20 -0400
**To:** COVID-19
**Subject:** Pass/Fail grading system for the payment period

My university was considering offering pass/fail courses for this payment period and this item was one of the questions in the "COVID-19 and Federal Student Aid: What We Know" Webinar Q&A Segment Transcript — Recorded March 17, 2020...

"OK, a school is wondering if they can change to a pass/fail grading system at this point semester. I'm assuming because there's just been so much disruption.
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Yeah, we don't have an answer for this one.
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OK, we will flag this one for follow-up."

I was wondering if there is any more information on this subject.

Thanks,

Bonnie J. Adamson
Director of Financial Aid
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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** David Futrell
**Sent:** Mon, 23 Mar 2020 15:18:00 +0000
**To:** COVID-19
**Cc:** David Futrell
**Subject:** Paying FWS for Scheduled Hours in a Lump Sum

Hi~

A school has moved its classes online for the remainder of their spring term, and plans to pay FWS students for their scheduled hours for the remainder of the term. The school has asked if that FWS payment can be made to a student in one lump sum. We are thinking, yes. That's up to the school. Yes?

*~david*

---

**David L. Futrell** | NASFAA | AskRegs Manager | 202.785.6971
Join us on Facebook, Twitter and LinkedIn
Register Now: NASFAA 2020, June 29 - July 2 in Las Vegas, NV

AMERICAN OVERSIGHT

**From:** Sleger, Lucille
**Sent:** Mon, 23 Mar 2020 16:04:14 +0000
**To:** COVID-19
**Subject:** Question aboutPart C Services

This is is a question I received from a Part C Coordinator:
According to the March 2020 Document from USDOE, "teleconference or other alternative methods (such as e-mail or video conference), consistent with privacy interests, to provide consultative services, guidance, and advice as needed." Please clarify what video conference means? Can my providers access WhatsApp video chat? Will this be in line with FERPA?

---

AMERICAN OVERSIGHT

**From:** Moran, Kate
**Sent:** Mon, 23 Mar 2020 19:04:10 +0000
**To:** COVID-19
**Subject:** Questions Received from States via phone

- **Interim IFSP's**: What are the terms and conditions around the use of interim IFSP's? For example, can the program use the interim IFSP until a face to face eval or meeting can be held? Is a face to face meeting a requirement?
- **Eligibility**- many States use assessments that require the use of manipulatives and these evals cannot be done through telehealth- States are waiting for the publishers to respond and many States don't allow services to be based solely on clinical opinion without it being backed up. Again, this will delay eligibility but States aren't sure how to handle it if their tool cannot be used through virtual means (every expensive, training etc. for new tool) One Child Outcomes assessment tool, the BDI cannot be done remotely. What are their options?
- **CONSENT**: We have provisions around electronic consent. Electronic consent with the privacy protections is VERY difficult for families. Providers cannot get consent electronically from families that don't have the means to print, scan and send. A lot are using DocuSign but still…its not enough. Is verbal consent an option? States are asking if the family can send a picture, a text or an email regarding consent?

Dr. Kate P. Moran
U.S. Department of Education
Office of Special Education Programs
202-245-7315
Washington, DC 20202

AMERICAN OVERSIGHT

**From:** Gill, Kristina
**Sent:** Mon, 23 Mar 2020 17:43:46 +0000
**To:** COVID-19
**Subject:** Questions regarding student verification

Good afternoon-

A number of schools have asked us about verification requirements; two in particular are problematic in light of the COVID-19 closures- notarization for verification and collecting high school diplomas.

With regards to the use of a notary, the FSA Manual provides that schools must verify the application information of those students selected by the Department's Central Processing System (CPS). Schools must verify the identity of each selected student either by requiring the student to appear in person at the school or before a notary. The FSA Handbook states, "Currently the Department does not authorize the use of online notary services as an alternative to traditional, in person notary services." (FSA Handbook, AVG Ch. 4, p. 90.)

With regards to high school diplomas, many high schools are closed or operating in a remote capacity such that they are unable to provide these documents at this time.

In light of these questions we are wondering:

1) Is it possible that the Department could temporarily suspend verifications?

Alternatively:
2) Could a school temporarily use an electronic notary service?
3) Can a school rely on attestations for Proof of Graduation?

Thank you for your assistance.

Best,
Kristina

**Kristina Gill**
Special Counsel

Duane Morris
505 9th Street, N.W., Suite 1000
Washington, DC 20004-2166
**P:** +1 202 776 5246
**F:** +1 202 403 3665
**C:** +1 202 997 2781

kgill@duanemorris.com
www.duanemorris.com

For more information about Duane Morris, please visit http://www.DuaneMorris.com

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Blomgren, Laura
**Sent:** Mon, 23 Mar 2020 21:15:15 +0000
**To:** COVID-19
**Subject:** Questions

Good afternoon, I have a couple of questions in regards to Title IV.

1. SAP- we have our term ending this week 3/27 and there will most likely be quite a few students who are requesting an incomplete with the ability to finish their coursework within 60 days. Is SAP going to be waived for the current term?
2. We have students who need to fill out verification worksheets. What can we accept as far as signatures and documents especially for V4 and V5 who need to be "in person" or "signed by notary"
3. For Federal Work Study, can we keep paying students for the remainder of 19/20 even if we do not come back? What if we do not spend our 7% of community service because students are not working?

Laura Blomgren, M.B.A.
Director of Admissions and Financial Aid
Pennsylvania Institute of Technology
800 Manchester Avenue
Media, PA 19063
☎ Phone: 610-892-1536 | 🖷 Fax: 610-892-1537
LinkedIn profile

*"Far and away the best prize that life has to offer is the chance to work hard at work worth doing"-Theodore Roosevelt*

AMERICAN OVERSIGHT

**From:** Leigh Ann Hussey
**Sent:** Mon, 23 Mar 2020 08:58:39 -0500
**To:** COVID-19
**Cc:** Taylor Oliver
**Subject:** R2T4

Hello –

I am looking for guidance on R2T4s. We added an extra week on to Spring Break so we know we have to adjust our R2T4 calendar. We also know that any R2T4 performed ***before*** the calendar adjustment will remain as is.

However, I have a question about timing. If we have a withdrawal with an LDA ***before*** the calendar adjustment, but the R2T4 was performed ***after*** the calendar adjustment – which calendar do we use? The original calendar or the updated calendar?

Thanks for any advice you can give.

Thanks,

**Leigh Ann Hussey**
*Director*
Financial Aid

**University of West Georgia**
1601 Maple Street, Carrollton, GA 30118
p: 678-839-6421
f: 678-839-6422
lhussey@westga.edu

UWG | Student Affairs and Enrollment Management

This e-mail is intended solely for the addressee and may contain confidential information. If you are not the addressee, please do not save, print, or re-transmit except to return to the sender.

AMERICAN OVERSIGHT

**From:** Fisher, Collette
**Sent:** Mon, 23 Mar 2020 13:44:41 +0000
**To:** Poynter, Leslie;Feldpausch, Sarah
**Cc:** OESE.titlei-a;COVID-19;Coley, Jerine;Lovitt, Brittney
**Subject:** RE: <For COVID-19 Response>: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

SSA also asked the OESE correspondence team to reassign this officially to the COVID team.

Thanks,
Collette

-----Original Message-----
From: Poynter, Leslie <Leslie.Poynter@ed.gov>
Sent: Monday, March 23, 2020 9:43 AM
To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>
Subject: <For COVID-19 Response>: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Thanks, Sarah - the COVID team is on this chain, so through this email, we are asking that the Rapid Response Team respond. Thank you!

Leslie

-----Original Message-----
From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Sent: Monday, March 23, 2020 9:42 AM
To: Poynter, Leslie <Leslie.Poynter@ed.gov>
Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Perfect - that's all I needed!

Leslie -

I'm not sure where this correspondence currently is but please ensure it goes through the COVID-19 mailbox, which will then be routed to the OESE COVID Rapid Response Team. I will not be involved with this one on the backend.

Thank you all!

Best,
Sarah

-----Original Message-----
From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Monday, March 23, 2020 9:31 AM
To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

AMERICAN OVERSIGHT

An FYI copy was provided by the Exec Sec team so it should be on their radar.

-----Original Message-----
From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Sent: Monday, March 23, 2020 9:27 AM
To: Fisher, Collette <Collette.Fisher@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: Re: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

This is helpful. To confirm: OLCA has not seen this?

Sent from my iPhone

> On Mar 23, 2020, at 9:25 AM, Fisher, Collette <Collette.Fisher@ed.gov> wrote:
>
> This control was assigned to SSA by the OESE correspondence team. It was originally sent to the Secretary's office via the Exec Sec's email.
>
> As an FYI, I've asked the OESE team to reassign to Sarah or the team handling the COVID-19 mailbox.
>
> I hope this is helpful.
>
> Collette
>
> -----Original Message-----
> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 9:20 AM
> To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Cc: Fisher, Collette <Collette.Fisher@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Adding Collette to help with this question. Collette, can you please see Sarah's question below? Thanks!
>
> -----Original Message-----
> From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Sent: Monday, March 23, 2020 9:19 AM
> To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Thank you.
>
> Sorry, to clarify further: Who did this correspondence came to OESE title I office from? OLCA or the congressional office?
>
> Sarah
>
> -----Original Message-----
> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 9:16 AM
> To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>

AMERICAN OVERSIGHT

> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Hi Sarah,
>
> This correspondence came to OESE, but program officers have been directed to send all COVD-related inquiries to the COVID-19 inbox for a response. We were not sure about this one and whether OESE, the COVID-19 Rapid Response Team, or you should take the lead on the response. Would you prefer we work with the COVID-19 team?
>
> Leslie
>
> -----Original Message-----
> From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Sent: Monday, March 23, 2020 9:13 AM
> To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Thank you for including me. I am only handling ones that are directed to me through established chains of communication in OLCA, OS, and OCO (which actually may change as well).
>
> To make sure I have this straight: COVID-19 mailbox received this communication directly from Congressman Mark Green's office? Or was it sent from someone in OLCA to that mailbox?
>
> Also - can you attach the correspondence?
>
> Thanks for the additional context!
>
> Sarah
>
> -----Original Message-----
> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 8:54 AM
> To: OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> + Sarah Fedlpausch. Sarah, Evan Skloot suggested I include you on this and told me that you are handling congressional correspondence re COVID-19. Is that correct?
>
> Leslie
>
> -----Original Message-----
> From: OESE.titlei-a <OESE.titlei-a@ed.gov>
> Sent: Monday, March 23, 2020 8:47 AM
> To: COVID-19 <COVID-19@ed.gov>
> Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>
> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
> Importance: High
>
> This is Congressional correspondence, essentially asking for the waiver process that is already in place. Please let us know if you need the Title I team to address. Thank you!
>
> -----Original Message-----
> From: Fisher, Collette <Collette.Fisher@ed.gov>
> Sent: Friday, March 20, 2020 4:26 PM
> To: OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>

AMERICAN OVERSIGHT

> Cc: Rooney, Patrick <Patrick.Rooney@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Please see the incoming request from Texas. It will be uploaded on Monday.
>
> -----Original Message-----
> From: Coley, Jerine <Jerine.Coley@ed.gov>
> Sent: Friday, March 20, 2020 3:31 PM
> To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
> Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
> Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> To: SSA
>
> The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.
>
> Thanks, Jerine
> See attachments
>

AMERICAN OVERSIGHT

**From:** Tasha Dickens
**Sent:** Mon, 23 Mar 2020 19:58:37 -0500
**To:** COVID-19
**Subject:** Re: Automatic reply: 31007667 Tasha Dickens 02/18/1983

Thank you for your response

On Mon, Mar 23, 2020, 7:47 PM COVID-19 <COVID-19@ed.gov> wrote:

> Thank you for your inquiry. We will respond to you as soon as possible.
> Please stay up to date with the information from the Center for Disease Control and Prevention (www.cdc.gov/coronavirus/2019-ncov) and your local health officials. The Department will continue to provide information at: www.ed.gov/coronavirus.

AMERICAN OVERSIGHT

**From:** Buettner-Connelly, Sara
**Sent:** Mon, 23 Mar 2020 16:20:09 +0000
**To:** Fisher, Collette;Lovitt, Brittney;COVID-19
**Cc:** Feldpausch, Sarah;Patrick, Kelly;Poynter, Leslie;Petersen, Molly;Wilson, Linda;Zarish-Becknell, Kim;Dirrigl, Mary Louise;Mayes, Edgar
**Subject:** RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

I think I figured out what happened. OLCA was looped into this letter differently than usual which confused us. To answer a question: Yes, OLCA has seen this letter. If there's a CCM#, then OLCA should know ED received it and who it's assigned to. Once OESE finalizes a response, I presume they'll send it back to Exec Sec (looping Exec Sec). Our analysts (Kim, Linda) are available to help write the draft but this response seems very straight forward and concise. If the letter goes through Departmental Clearance, OLCA will see it again. If there isn't a clearance process, OLCA needs to see the draft if we haven't already (analyst AND ME). And presumably we'll email the final, signed response to the Hill, as usual. I wasn't familiar with how we're handling COVID congressional letters but I think I better understand now.

Sara B. Connelly
ED/OLCA | LBJ-Rm 6W352
O: 202-453-5558

-----Original Message-----
From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Monday, March 23, 2020 11:31 AM
To: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; COVID-19 <COVID-19@ed.gov>
Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Patrick, Kelly <Kelly.Patrick@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>; Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Adding Brittney and the COVID-19 team to ensure we are all the same page.

-----Original Message-----
From: Wilson, Linda <Linda.Wilson@ed.gov>
Sent: Monday, March 23, 2020 11:29 AM
To: Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Patrick, Kelly <Kelly.Patrick@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

It did -- I copied you on what I sent back to Kelly. The attachments she forwarded were from Exec Sec. and it said on there that OLCA was copied. So unless I'm missing something, this went thru ES and the CCM system assigned it to OESE. I believe in OESE because its covid-related, it went to that mailbox for processing.

-----Original Message-----
From: Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Sent: Monday, March 23, 2020 11:26 AM
To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Will this congressional letter on COVID-19 go through Exec Sec's Departmental Clearance process?

AMERICAN OVERSIGHT

Sara B. Connelly
ED/OLCA | LBJ-Rm 6W352
O: 202-453-5558

-----Original Message-----
From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Sent: Monday, March 23, 2020 10:48 AM
To: COVID-19 <COVID-19@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

To be clear: this inquiry is being processed through the COVID-19 mailbox to OESE COVID Rapid Response Team for review and response.

-----Original Message-----
From: COVID-19 <COVID-19@ed.gov>
Sent: Monday, March 23, 2020 10:23 AM
To: Wilson, Linda <Linda.Wilson@ed.gov>; COVID-19 <COVID-19@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Linda, I just forward the attachments to you.

Kelly

-----Original Message-----
From: Wilson, Linda <Linda.Wilson@ed.gov>
Sent: Monday, March 23, 2020 10:16 AM
To: COVID-19 <COVID-19@ed.gov>; Patrick, Kelly <Kelly.Patrick@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

I'm sorry, what is this? There is no attachment. If it's in the CCM system for handling then we should already know about it but copying Sara who handles all correspondence in OLCA.

-----Original Message-----
From: COVID-19 <COVID-19@ed.gov>
Sent: Monday, March 23, 2020 10:05 AM
To: Wilson, Linda <Linda.Wilson@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Hi Linda,

The COVID-19 mailbox received an inquiry from congressional/white house. Below is the inquiry.

Thanks,
Kelly

AMERICAN OVERSIGHT

-----Original Message-----
From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Monday, March 23, 2020 9:31 AM
To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

An FYI copy was provided by the Exec Sec team so it should be on their radar.

-----Original Message-----
From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Sent: Monday, March 23, 2020 9:27 AM
To: Fisher, Collette <Collette.Fisher@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: Re: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

This is helpful. To confirm: OLCA has not seen this?

Sent from my iPhone

> On Mar 23, 2020, at 9:25 AM, Fisher, Collette <Collette.Fisher@ed.gov> wrote:
>
> This control was assigned to SSA by the OESE correspondence team. It was originally sent to the Secretary's office via the Exec Sec's email.
>
> As an FYI, I've asked the OESE team to reassign to Sarah or the team handling the COVID-19 mailbox.
>
> I hope this is helpful.
>
> Collette
>
> -----Original Message-----
> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 9:20 AM
> To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Cc: Fisher, Collette <Collette.Fisher@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Adding Collette to help with this question. Collette, can you please see Sarah's question below? Thanks!
>
> -----Original Message-----
> From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Sent: Monday, March 23, 2020 9:19 AM
> To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Thank you.
>
> Sorry, to clarify further: Who did this correspondence came to OESE title I office from? OLCA or the

AMERICAN OVERSIGHT

congressional office?
>
> Sarah
>
> -----Original Message-----
> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 9:16 AM
> To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Hi Sarah,
>
> This correspondence came to OESE, but program officers have been directed to send all COVD-related inquiries to the COVID-19 inbox for a response. We were not sure about this one and whether OESE, the COVID-19 Rapid Response Team, or you should take the lead on the response. Would you prefer we work with the COVID-19 team?
>
> Leslie
>
> -----Original Message-----
> From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Sent: Monday, March 23, 2020 9:13 AM
> To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Thank you for including me. I am only handling ones that are directed to me through established chains of communication in OLCA, OS, and OCO (which actually may change as well).
>
> To make sure I have this straight: COVID-19 mailbox received this communication directly from Congressman Mark Green's office? Or was it sent from someone in OLCA to that mailbox?
>
> Also - can you attach the correspondence?
>
> Thanks for the additional context!
>
> Sarah
>
> -----Original Message-----
> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 8:54 AM
> To: OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> + Sarah Fedlpausch. Sarah, Evan Skloot suggested I include you on this and told me that you are handling congressional correspondence re COVID-19. Is that correct?
>
> Leslie
>
> -----Original Message-----
> From: OESE.titlei-a <OESE.titlei-a@ed.gov>
> Sent: Monday, March 23, 2020 8:47 AM
> To: COVID-19 <COVID-19@ed.gov>
> Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>
> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

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> Importance: High
>
> This is Congressional correspondence, essentially asking for the waiver process that is already in place. Please let us know if you need the Title I team to address. Thank you!
>
> -----Original Message-----
> From: Fisher, Collette <Collette.Fisher@ed.gov>
> Sent: Friday, March 20, 2020 4:26 PM
> To: OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
> Cc: Rooney, Patrick <Patrick.Rooney@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Please see the incoming request from Texas. It will be uploaded on Monday.
>
> -----Original Message-----
> From: Coley, Jerine <Jerine.Coley@ed.gov>
> Sent: Friday, March 20, 2020 3:31 PM
> To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
> Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
> Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> To: SSA
>
> The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.
>
> Thanks, Jerine
> See attachments
>

AMERICAN OVERSIGHT

**From:** Buettner-Connelly, Sara
**Sent:** Mon, 23 Mar 2020 15:54:54 +0000
**To:** Wilson, Linda
**Cc:** Feldpausch, Sarah;Patrick, Kelly;Fisher, Collette;Poynter, Leslie;Petersen, Molly
**Subject:** RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
**Attachments:** FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Linda, I have not seen the draft response. As always, it's useful for me to review the drafts too since I can catch formatting errors. If there's formatting errors, OLCA will send the letter back after signature, which is not fun for anyone. I've not been updated on how COVID19 congressional letters will be processed (differently). I presume I can contact Exec Sec for that info.

Sara B. Connelly
ED/OLCA | LBJ-Rm 6W352
O: 202-453-5558

-----Original Message-----
From: Wilson, Linda <Linda.Wilson@ed.gov>
Sent: Monday, March 23, 2020 11:29 AM
To: Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Patrick, Kelly <Kelly.Patrick@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

It did -- I copied you on what I sent back to Kelly. The attachments she forwarded were from Exec Sec. and it said on there that OLCA was copied. So unless I'm missing something, this went thru ES and the CCM system assigned it to OESE. I believe in OESE because its covid-related, it went to that mailbox for processing.

-----Original Message-----
From: Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Sent: Monday, March 23, 2020 11:26 AM
To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Will this congressional letter on COVID-19 go through Exec Sec's Departmental Clearance process?

Sara B. Connelly
ED/OLCA | LBJ-Rm 6W352
O: 202-453-5558

-----Original Message-----
From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Sent: Monday, March 23, 2020 10:48 AM
To: COVID-19 <COVID-19@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

To be clear: this inquiry is being processed through the COVID-19 mailbox to OESE COVID Rapid Response Team for review and response.

AMERICAN OVERSIGHT

-----Original Message-----
From: COVID-19 <COVID-19@ed.gov>
Sent: Monday, March 23, 2020 10:23 AM
To: Wilson, Linda <Linda.Wilson@ed.gov>; COVID-19 <COVID-19@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Linda, I just forward the attachments to you.

Kelly

-----Original Message-----
From: Wilson, Linda <Linda.Wilson@ed.gov>
Sent: Monday, March 23, 2020 10:16 AM
To: COVID-19 <COVID-19@ed.gov>; Patrick, Kelly <Kelly.Patrick@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

I'm sorry, what is this? There is no attachment. If it's in the CCM system for handling then we should already know about it but copying Sara who handles all correspondence in OLCA.

-----Original Message-----
From: COVID-19 <COVID-19@ed.gov>
Sent: Monday, March 23, 2020 10:05 AM
To: Wilson, Linda <Linda.Wilson@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Hi Linda,

The COVID-19 mailbox received an inquiry from congressional/white house. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Monday, March 23, 2020 9:31 AM
To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

An FYI copy was provided by the Exec Sec team so it should be on their radar.

-----Original Message-----
From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>

AMERICAN OVERSIGHT

Sent: Monday, March 23, 2020 9:27 AM
To: Fisher, Collette <Collette.Fisher@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: Re: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

This is helpful. To confirm: OLCA has not seen this?

Sent from my iPhone

> On Mar 23, 2020, at 9:25 AM, Fisher, Collette <Collette.Fisher@ed.gov> wrote:
>
> This control was assigned to SSA by the OESE correspondence team. It was originally sent to the Secretary's office via the Exec Sec's email.
>
> As an FYI, I've asked the OESE team to reassign to Sarah or the team handling the COVID-19 mailbox.
>
> I hope this is helpful.
>
> Collette
>
> -----Original Message-----
> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 9:20 AM
> To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Cc: Fisher, Collette <Collette.Fisher@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Adding Collette to help with this question. Collette, can you please see Sarah's question below? Thanks!
>
> -----Original Message-----
> From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Sent: Monday, March 23, 2020 9:19 AM
> To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Thank you.
>
> Sorry, to clarify further: Who did this correspondence came to OESE title I office from? OLCA or the congressional office?
>
> Sarah
>
> -----Original Message-----
> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 9:16 AM
> To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Hi Sarah,
>
> This correspondence came to OESE, but program officers have been directed to send all COVD-related inquiries to the COVID-19 inbox for a response. We were not sure about this one and whether OESE, the COVID-19 Rapid

AMERICAN OVERSIGHT

Response Team, or you should take the lead on the response. Would you prefer we work with the COVID-19 team?
>
> Leslie
>
> -----Original Message-----
> From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Sent: Monday, March 23, 2020 9:13 AM
> To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Thank you for including me. I am only handling ones that are directed to me through established chains of communication in OLCA, OS, and OCO (which actually may change as well).
>
> To make sure I have this straight: COVID-19 mailbox received this communication directly from Congressman Mark Green's office? Or was it sent from someone in OLCA to that mailbox?
>
> Also - can you attach the correspondence?
>
> Thanks for the additional context!
>
> Sarah
>
> -----Original Message-----
> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 8:54 AM
> To: OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> + Sarah Fedlpausch. Sarah, Evan Skloot suggested I include you on this and told me that you are handling congressional correspondence re COVID-19. Is that correct?
>
> Leslie
>
> -----Original Message-----
> From: OESE.titlei-a <OESE.titlei-a@ed.gov>
> Sent: Monday, March 23, 2020 8:47 AM
> To: COVID-19 <COVID-19@ed.gov>
> Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>
> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
> Importance: High
>
> This is Congressional correspondence, essentially asking for the waiver process that is already in place. Please let us know if you need the Title I team to address. Thank you!
>
> -----Original Message-----
> From: Fisher, Collette <Collette.Fisher@ed.gov>
> Sent: Friday, March 20, 2020 4:26 PM
> To: OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
> Cc: Rooney, Patrick <Patrick.Rooney@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Please see the incoming request from Texas. It will be uploaded on Monday.
>
> -----Original Message-----

AMERICAN OVERSIGHT

> From: Coley, Jerine <Jerine.Coley@ed.gov>
> Sent: Friday, March 20, 2020 3:31 PM
> To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
> Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
> Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> To: SSA
>
> The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.
>
> Thanks, Jerine
> See attachments
>

AMERICAN OVERSIGHT

**From:** Wilson, Linda
**Sent:** Mon, 23 Mar 2020 14:28:27 +0000
**To:** Patrick, Kelly
**Cc:** Buettner-Connelly, Sara
**Subject:** FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
**Attachments:** 20-003339 (Rep. Mark Green) Incoming Congressional letter.pdf, 20-003339 (Rep. Mark Green) Control Sheet.pdf

So if it's a congressional from the Secretary then ExSec controls it and it went to OESE for a response. And you can see from the control sheet that OLCA received a copy so there is no need to let us know, Sara would have this.

-----Original Message-----
From: COVID-19 <COVID-19@ed.gov>
Sent: Monday, March 23, 2020 10:22 AM
To: Wilson, Linda <Linda.Wilson@ed.gov>
Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

attachments

-----Original Message-----
From: Poynter, Leslie <Leslie.Poynter@ed.gov>
Sent: Monday, March 23, 2020 9:16 AM
To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Hi Sarah,

This correspondence came to OESE, but program officers have been directed to send all COVD-related inquiries to the COVID-19 inbox for a response. We were not sure about this one and whether OESE, the COVID-19 Rapid Response Team, or you should take the lead on the response. Would you prefer we work with the COVID-19 team?

Leslie

-----Original Message-----
From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Sent: Monday, March 23, 2020 9:13 AM
To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Thank you for including me. I am only handling ones that are directed to me through established chains of communication in OLCA, OS, and OCO (which actually may change as well).

To make sure I have this straight: COVID-19 mailbox received this communication directly from Congressman Mark Green's office? Or was it sent from someone in OLCA to that mailbox?

Also - can you attach the correspondence?

Thanks for the additional context!

Sarah

AMERICAN OVERSIGHT

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Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

+ Sarah Fedlpausch. Sarah, Evan Skloot suggested I include you on this and told me that you are handling congressional correspondence re COVID-19. Is that correct?

Leslie

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To: COVID-19 <COVID-19@ed.gov>
Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>
Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
Importance: High

This is Congressional correspondence, essentially asking for the waiver process that is already in place. Please let us know if you need the Title I team to address. Thank you!

-----Original Message-----
From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Friday, March 20, 2020 4:26 PM
To: OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
Cc: Rooney, Patrick <Patrick.Rooney@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Please see the incoming request from Texas. It will be uploaded on Monday.

-----Original Message-----
From: Coley, Jerine <Jerine.Coley@ed.gov>
Sent: Friday, March 20, 2020 3:31 PM
To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

To: SSA

The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.

Thanks, Jerine
See attachments

AMERICAN OVERSIGHT

**MARK GREEN**
7TH DISTRICT, TENNESSEE

COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON INTELLIGENCE AND COUNTERTERRORISM
SUBCOMMITTEE ON TRANSPORTATION AND MARITIME SECURITY

COMMITTEE ON OVERSIGHT AND REFORM
SUBCOMMITTEE ON NATIONAL SECURITY

Congress of the United States
House of Representatives
Washington, DC 20515

533 CANNON BUILDING
WASHINGTON, DC 20515
(202) 225-2811

128 N. SECOND STREET
SUITE 104
CLARKSVILLE, TN 37040
(931) 266-4483

305 PUBLIC SQUARE
SUITE 212
FRANKLIN, TN 37064
(629) 223-6050

March 16, 2020

The Honorable Betsy DeVos
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-3100

Dear Madam Secretary,

The COVID-19 outbreak is an international health crisis that will require an unprecedented response. President Donald Trump has declared a National Emergency, and the World Health Organization has labeled the outbreak a pandemic. Sports leagues are postponing their seasons, public events and concerts are being canceled, and states are ordering businesses to close.

Schools are also facing extreme difficulties, such as sending their students home indefinitely. The gravity of the current situation they are facing navigating the COVID-19 outbreak creates an undue burden for preparing and administering statewide assessments. Therefore, I respectfully ask you to immediately grant any state requests for a one-year waiver from Section 8401 of the Elementary and Secondary Education Act (20 U.S.C. § 7861). No state or district should have their participation rate or absenteeism metric factored into any school's Academic Achievement indicators.

Our state and local education agencies cannot be expected to administer assessments that are reliable and valid during this unforeseen and challenging academic year. For instance, the impact to Tennessee caused by inclement weather and COVID-19 will undeniably affect our state's accountability system due to school closures and student absences. States should be encouraged to postpone pending annual assessments where education has been interrupted by COVID-19

We must recognize that our districts could face critical challenges meeting certain Elementary and Secondary Education Act fiscal requirements, such as maintenance of effort; the requirement to obligate funds in the current federal fiscal year for providing equitable services to eligible private school students, teachers, and families; and the limitation on carrying over no more than 15% of Title I, Part A funds.

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We must continue to work together to ensure the safety and security of our citizens. The health and safety of our students, staff, and their families must be our top priority. Please grant any state request for a one-year waiver from Section 8401 of the Elementary and Secondary Education Act (20 U.S.C. § 7861).

Sincerely,

MARK E. GREEN, M.D.

Member of Congress

AMERICAN OVERSIGHT

# Office of the Secretary
## U.S. Department of Education
### Control Document

**Keyer:** EDGAR.MAYES **POC File Code:** **Reader:** EDGAR.MAYES

**Control #: 20-003339**
**Document Type: Office of the Secretary Mail**

**Due Date:** 3/31/2020
**Signature:** Assistant Secretary's signature
**Event Date:**

**Writer:**
Mark Green
Representative
House of Representatives

Washington DC 20515

**Subject:** REQUESTING THE SECRETARY TO GRANT ANY STATE REQUEST FOR A ONE-YEAR WAIVER BECAUSE OF COVID-19

**Notes:** ELECTRONIC ONLY TRANSMISSION

| Assigned To | Action | Assigned Date | Due Date | Completed Date | Routing Notes |
|---|---|---|---|---|---|
| **OLCA** | **FYI Copy** | **3/20/2020** | **3/20/2020** | **3/20/2020** | |
| **OESE** | **Assistant Secretary's Signature** | **3/20/2020** | **3/31/2020** | | |

**Related Control Numbers:**
**OBO:**

PLEASE NOTE: A principal office has only five working days to return a misassigned control should it feel that a letter should be handled by another principal office. After five days, you are responsible for answering the letter and will need to coordinate with the appropriate office to draft the reply.


AMERICAN OVERSIGHT

**From:** Fisher, Collette
**Sent:** Mon, 23 Mar 2020 15:31:02 +0000
**To:** Lovitt, Brittney;COVID-19
**Cc:** Feldpausch, Sarah;Patrick, Kelly;Poynter, Leslie;Petersen, Molly;Wilson, Linda;Buettner-Connelly, Sara
**Subject:** RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Adding Brittney and the COVID-19 team to ensure we are all the same page.

-----Original Message-----
From: Wilson, Linda <Linda.Wilson@ed.gov>
Sent: Monday, March 23, 2020 11:29 AM
To: Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Patrick, Kelly <Kelly.Patrick@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

It did -- I copied you on what I sent back to Kelly. The attachments she forwarded were from Exec Sec. and it said on there that OLCA was copied. So unless I'm missing something, this went thru ES and the CCM system assigned it to OESE. I believe in OESE because its covid-related, it went to that mailbox for processing.

-----Original Message-----
From: Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Sent: Monday, March 23, 2020 11:26 AM
To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Will this congressional letter on COVID-19 go through Exec Sec's Departmental Clearance process?

Sara B. Connelly
ED/OLCA | LBJ-Rm 6W352
O: 202-453-5558

-----Original Message-----
From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Sent: Monday, March 23, 2020 10:48 AM
To: COVID-19 <COVID-19@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

To be clear: this inquiry is being processed through the COVID-19 mailbox to OESE COVID Rapid Response Team for review and response.

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Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Buettner-Connelly, Sara <S.Buettner-

AMERICAN OVERSIGHT

Connelly@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Linda, I just forward the attachments to you.

Kelly

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To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
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AMERICAN OVERSIGHT

Sent from my iPhone

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>
> This control was assigned to SSA by the OESE correspondence team. It was originally sent to the Secretary's office via the Exec Sec's email.
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> As an FYI, I've asked the OESE team to reassign to Sarah or the team handling the COVID-19 mailbox.
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> I hope this is helpful.
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> From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
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> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
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> Thanks for the additional context!
>
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> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
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> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
> Importance: High
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> Sent: Friday, March 20, 2020 4:26 PM
> To: OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
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> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
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> Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
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>

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> To: SSA
>
> The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.
>
> Thanks, Jerine
> See attachments
>

AMERICAN OVERSIGHT

**From:** Feldpausch, Sarah
**Sent:** Mon, 23 Mar 2020 14:48:22 +0000
**To:** COVID-19;Wilson, Linda
**Cc:** Poynter, Leslie;OESE.titlei-a;Fisher, Collette;Buettner-Connelly, Sara
**Subject:** RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

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AMERICAN OVERSIGHT

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> Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> + Sarah Fedlpausch. Sarah, Evan Skloot suggested I include you on this and told me that you are handling congressional correspondence re COVID-19. Is that correct?
>
> Leslie
>
> -----Original Message-----
> From: OESE.titlei-a <OESE.titlei-a@ed.gov>
> Sent: Monday, March 23, 2020 8:47 AM
> To: COVID-19 <COVID-19@ed.gov>
> Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>
> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
> Importance: High
>
> This is Congressional correspondence, essentially asking for the waiver process that is already in place. Please let us know if you need the Title I team to address. Thank you!
>
> -----Original Message-----
> From: Fisher, Collette <Collette.Fisher@ed.gov>
> Sent: Friday, March 20, 2020 4:26 PM
> To: OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
> Cc: Rooney, Patrick <Patrick.Rooney@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Please see the incoming request from Texas. It will be uploaded on Monday.
>
> -----Original Message-----

AMERICAN OVERSIGHT

> From: Coley, Jerine <Jerine.Coley@ed.gov>
> Sent: Friday, March 20, 2020 3:31 PM
> To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
> Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
> Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> To: SSA
>
> The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.
>
> Thanks, Jerine
> See attachments
>

AMERICAN OVERSIGHT

**From:** Wilson, Linda
**Sent:** Mon, 23 Mar 2020 14:16:12 +0000
**To:** COVID-19;Patrick, Kelly
**Cc:** Poynter, Leslie;OESE.titlei-a;Fisher, Collette;Feldpausch, Sarah;Buettner-Connelly, Sara
**Subject:** RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

I'm sorry, what is this? There is no attachment. If it's in the CCM system for handling then we should already know about it but copying Sara who handles all correspondence in OLCA.

-----Original Message-----
From: COVID-19 <COVID-19@ed.gov>
Sent: Monday, March 23, 2020 10:05 AM
To: Wilson, Linda <Linda.Wilson@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Hi Linda,

The COVID-19 mailbox received an inquiry from congressional/white house. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Monday, March 23, 2020 9:31 AM
To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

An FYI copy was provided by the Exec Sec team so it should be on their radar.

-----Original Message-----
From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Sent: Monday, March 23, 2020 9:27 AM
To: Fisher, Collette <Collette.Fisher@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: Re: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

This is helpful. To confirm: OLCA has not seen this?

Sent from my iPhone

> On Mar 23, 2020, at 9:25 AM, Fisher, Collette <Collette.Fisher@ed.gov> wrote:
>
> This control was assigned to SSA by the OESE correspondence team. It was originally sent to the Secretary's

AMERICAN OVERSIGHT

office via the Exec Sec's email.
>
> As an FYI, I've asked the OESE team to reassign to Sarah or the team handling the COVID-19 mailbox.
>
> I hope this is helpful.
>
> Collette
>
> -----Original Message-----
> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 9:20 AM
> To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Cc: Fisher, Collette <Collette.Fisher@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
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> Adding Collette to help with this question. Collette, can you please see Sarah's question below? Thanks!
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> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
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> Thank you.
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>
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> Sent: Monday, March 23, 2020 9:16 AM
> To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
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> Sent: Monday, March 23, 2020 9:13 AM
> To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
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> Thanks for the additional context!
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> Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
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> Thanks, Jerine
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>

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**From:** COVID-19
**Sent:** Mon, 23 Mar 2020 14:05:07 +0000
**To:** Wilson, Linda
**Cc:** Poynter, Leslie;OESE.titlei-a;COVID-19;Fisher, Collette;Feldpausch, Sarah
**Subject:** RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Hi Linda,

The COVID-19 mailbox received an inquiry from congressional/white house. Below is the inquiry.

Thanks,
Kelly

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From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Monday, March 23, 2020 9:31 AM
To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

An FYI copy was provided by the Exec Sec team so it should be on their radar.

-----Original Message-----
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Sent: Monday, March 23, 2020 9:27 AM
To: Fisher, Collette <Collette.Fisher@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: Re: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

This is helpful. To confirm: OLCA has not seen this?

Sent from my iPhone

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>
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>
> As an FYI, I've asked the OESE team to reassign to Sarah or the team handling the COVID-19 mailbox.
>
> I hope this is helpful.
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> Collette
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> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
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> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
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>
> Sarah
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> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
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> Also - can you attach the correspondence?
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> Thanks for the additional context!
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> Sarah
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AMERICAN OVERSIGHT

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> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
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> Thanks, Jerine
> See attachments
>

AMERICAN OVERSIGHT

**From:** Feldpausch, Sarah
**Sent:** Mon, 23 Mar 2020 13:41:38 +0000
**To:** Poynter, Leslie
**Cc:** OESE.titlei-a;COVID-19;Fisher, Collette
**Subject:** RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Perfect - that's all I needed!

Leslie -

I'm not sure where this correspondence currently is but please ensure it goes through the COVID-19 mailbox, which will then be routed to the OESE COVID Rapid Response Team. I will not be involved with this one on the backend.

Thank you all!

Best,
Sarah

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From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Monday, March 23, 2020 9:31 AM
To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
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AMERICAN OVERSIGHT

**From:** Fisher, Collette
**Sent:** Mon, 23 Mar 2020 13:30:30 +0000
**To:** Feldpausch, Sarah
**Cc:** Poynter, Leslie;OESE.titlei-a;COVID-19
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> Sent: Monday, March 23, 2020 9:20 AM
> To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Cc: Fisher, Collette <Collette.Fisher@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Adding Collette to help with this question. Collette, can you please see Sarah's question below? Thanks!
>
> -----Original Message-----
> From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Sent: Monday, March 23, 2020 9:19 AM
> To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
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> Thank you.
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> Sorry, to clarify further: Who did this correspondence came to OESE title I office from? OLCA or the

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congressional office?
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> Sarah
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> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 9:16 AM
> To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
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> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

AMERICAN OVERSIGHT

> Importance: High
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>
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> From: Fisher, Collette <Collette.Fisher@ed.gov>
> Sent: Friday, March 20, 2020 4:26 PM
> To: OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
> Cc: Rooney, Patrick <Patrick.Rooney@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
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> Please see the incoming request from Texas. It will be uploaded on Monday.
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> -----Original Message-----
> From: Coley, Jerine <Jerine.Coley@ed.gov>
> Sent: Friday, March 20, 2020 3:31 PM
> To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
> Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
> Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
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> To: SSA
>
> The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.
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> Thanks, Jerine
> See attachments
>

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**From:** Poynter, Leslie
**Sent:** Mon, 23 Mar 2020 13:27:02 +0000
**To:** Fisher, Collette;Feldpausch, Sarah;OESE.titlei-a;COVID-19
**Subject:** RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Thank you, Collette. Sarah, please let us know how you'd like us to proceed. Thanks again

-----Original Message-----
From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Monday, March 23, 2020 9:25 AM
To: Poynter, Leslie <Leslie.Poynter@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

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I hope this is helpful.

Collette

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To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

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Also - can you attach the correspondence?

Thanks for the additional context!

Sarah

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Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>
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Sent: Friday, March 20, 2020 4:26 PM
To: OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
Cc: Rooney, Patrick <Patrick.Rooney@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

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To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

To: SSA

The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.

Thanks, Jerine
See attachments

AMERICAN OVERSIGHT

**From:** Feldpausch, Sarah
**Sent:** Mon, 23 Mar 2020 13:27:01 +0000
**To:** Fisher, Collette
**Cc:** Poynter, Leslie;OESE.titlei-a;COVID-19
**Subject:** Re: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

This is helpful. To confirm: OLCA has not seen this?

Sent from my iPhone

> On Mar 23, 2020, at 9:25 AM, Fisher, Collette <Collette.Fisher@ed.gov> wrote:
>
> This control was assigned to SSA by the OESE correspondence team. It was originally sent to the Secretary's office via the Exec Sec's email.
>
> As an FYI, I've asked the OESE team to reassign to Sarah or the team handling the COVID-19 mailbox.
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> I hope this is helpful.
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> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
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> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
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AMERICAN OVERSIGHT

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> To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
> Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
> Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
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From: Coley, Jerine <Jerine.Coley@ed.gov>
Sent: Friday, March 20, 2020 3:31 PM
To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

To: SSA

The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.

Thanks, Jerine
See attachments

AMERICAN OVERSIGHT

**From:** Feldpausch, Sarah
**Sent:** Mon, 23 Mar 2020 13:19:05 +0000
**To:** Poynter, Leslie;OESE.titlei-a;COVID-19
**Subject:** RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Thank you.

Sorry, to clarify further: Who did this correspondence came to OESE title I office from? OLCA or the congressional office?

Sarah

-----Original Message-----
From: Poynter, Leslie <Leslie.Poynter@ed.gov>
Sent: Monday, March 23, 2020 9:16 AM
To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Hi Sarah,

This correspondence came to OESE, but program officers have been directed to send all COVD-related inquiries to the COVID-19 inbox for a response. We were not sure about this one and whether OESE, the COVID-19 Rapid Response Team, or you should take the lead on the response. Would you prefer we work with the COVID-19 team?

Leslie

-----Original Message-----
From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Sent: Monday, March 23, 2020 9:13 AM
To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Thank you for including me. I am only handling ones that are directed to me through established chains of communication in OLCA, OS, and OCO (which actually may change as well).

To make sure I have this straight: COVID-19 mailbox received this communication directly from Congressman Mark Green's office? Or was it sent from someone in OLCA to that mailbox?

Also - can you attach the correspondence?

Thanks for the additional context!

Sarah

-----Original Message-----
From: Poynter, Leslie <Leslie.Poynter@ed.gov>
Sent: Monday, March 23, 2020 8:54 AM
To: OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

+ Sarah Fedlpausch. Sarah, Evan Skloot suggested I include you on this and told me that you are handling

AMERICAN OVERSIGHT

congressional correspondence re COVID-19. Is that correct?

Leslie

-----Original Message-----
From: OESE.titlei-a <OESE.titlei-a@ed.gov>
Sent: Monday, March 23, 2020 8:47 AM
To: COVID-19 <COVID-19@ed.gov>
Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>
Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
Importance: High

This is Congressional correspondence, essentially asking for the waiver process that is already in place. Please let us know if you need the Title I team to address. Thank you!

-----Original Message-----
From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Friday, March 20, 2020 4:26 PM
To: OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
Cc: Rooney, Patrick <Patrick.Rooney@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Please see the incoming request from Texas. It will be uploaded on Monday.

-----Original Message-----
From: Coley, Jerine <Jerine.Coley@ed.gov>
Sent: Friday, March 20, 2020 3:31 PM
To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

To: SSA

The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.

Thanks, Jerine
See attachments

AMERICAN OVERSIGHT

**From:** Poynter, Leslie
**Sent:** Mon, 23 Mar 2020 13:15:56 +0000
**To:** Feldpausch, Sarah;OESE.titlei-a;COVID-19
**Subject:** RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
**Attachments:** 20-003339 (Rep. Mark Green) Incoming Congressional letter.pdf, 20-003339 (Rep. Mark Green) Control Sheet.pdf

Hi Sarah,

This correspondence came to OESE, but program officers have been directed to send all COVD-related inquiries to the COVID-19 inbox for a response. We were not sure about this one and whether OESE, the COVID-19 Rapid Response Team, or you should take the lead on the response. Would you prefer we work with the COVID-19 team?

Leslie

-----Original Message-----
From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Sent: Monday, March 23, 2020 9:13 AM
To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Thank you for including me. I am only handling ones that are directed to me through established chains of communication in OLCA, OS, and OCO (which actually may change as well).

To make sure I have this straight: COVID-19 mailbox received this communication directly from Congressman Mark Green's office? Or was it sent from someone in OLCA to that mailbox?

Also - can you attach the correspondence?

Thanks for the additional context!

Sarah

-----Original Message-----
From: Poynter, Leslie <Leslie.Poynter@ed.gov>
Sent: Monday, March 23, 2020 8:54 AM
To: OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

+ Sarah Fedlpausch. Sarah, Evan Skloot suggested I include you on this and told me that you are handling congressional correspondence re COVID-19. Is that correct?

Leslie

-----Original Message-----
From: OESE.titlei-a <OESE.titlei-a@ed.gov>
Sent: Monday, March 23, 2020 8:47 AM
To: COVID-19 <COVID-19@ed.gov>
Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>
Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
Importance: High

AMERICAN OVERSIGHT

This is Congressional correspondence, essentially asking for the waiver process that is already in place. Please let us know if you need the Title I team to address. Thank you!

-----Original Message-----
From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Friday, March 20, 2020 4:26 PM
To: OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
Cc: Rooney, Patrick <Patrick.Rooney@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Please see the incoming request from Texas. It will be uploaded on Monday.

-----Original Message-----
From: Coley, Jerine <Jerine.Coley@ed.gov>
Sent: Friday, March 20, 2020 3:31 PM
To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

To: SSA

The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.

Thanks, Jerine
See attachments

AMERICAN OVERSIGHT

**MARK GREEN**
7TH DISTRICT, TENNESSEE

COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON INTELLIGENCE AND COUNTERTERRORISM
SUBCOMMITTEE ON TRANSPORTATION AND MARITIME SECURITY

COMMITTEE ON OVERSIGHT AND REFORM
SUBCOMMITTEE ON NATIONAL SECURITY

Congress of the United States
House of Representatives
Washington, DC 20515

533 CANNON BUILDING
WASHINGTON, DC 20515
(202) 225-2811

128 N. SECOND STREET
SUITE 104
CLARKSVILLE, TN 37040
(931) 266-4483

305 PUBLIC SQUARE
SUITE 212
FRANKLIN, TN 37064
(629) 223-6050

March 16, 2020

The Honorable Betsy DeVos
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-3100

Dear Madam Secretary,

The COVID-19 outbreak is an international health crisis that will require an unprecedented response. President Donald Trump has declared a National Emergency, and the World Health Organization has labeled the outbreak a pandemic. Sports leagues are postponing their seasons, public events and concerts are being canceled, and states are ordering businesses to close.

Schools are also facing extreme difficulties, such as sending their students home indefinitely. The gravity of the current situation they are facing navigating the COVID-19 outbreak creates an undue burden for preparing and administering statewide assessments. Therefore, I respectfully ask you to immediately grant any state requests for a one-year waiver from Section 8401 of the Elementary and Secondary Education Act (20 U.S.C. § 7861). No state or district should have their participation rate or absenteeism metric factored into any school's Academic Achievement indicators.

Our state and local education agencies cannot be expected to administer assessments that are reliable and valid during this unforeseen and challenging academic year. For instance, the impact to Tennessee caused by inclement weather and COVID-19 will undeniably affect our state's accountability system due to school closures and student absences. States should be encouraged to postpone pending annual assessments where education has been interrupted by COVID-19

We must recognize that our districts could face critical challenges meeting certain Elementary and Secondary Education Act fiscal requirements, such as maintenance of effort; the requirement to obligate funds in the current federal fiscal year for providing equitable services to eligible private school students, teachers, and families; and the limitation on carrying over no more than 15% of Title I, Part A funds.

AMERICAN OVERSIGHT

We must continue to work together to ensure the safety and security of our citizens. The health and safety of our students, staff, and their families must be our top priority. Please grant any state request for a one-year waiver from Section 8401 of the Elementary and Secondary Education Act (20 U.S.C. § 7861).

Sincerely,

MARK E. GREEN, M.D.

Member of Congress

AMERICAN OVERSIGHT

# Office of the Secretary
## U.S. Department of Education
### Control Document

**Keyer:** EDGAR.MAYES **POC File Code:** **Reader:** EDGAR.MAYES

**Control #: 20-003339**
**Document Type: Office of the Secretary Mail**

**Due Date:** 3/31/2020
**Signature:** Assistant Secretary's signature
**Event Date:**

**Writer:**
Mark Green
Representative
House of Representatives

Washington DC 20515

**Subject:** REQUESTING THE SECRETARY TO GRANT ANY STATE REQUEST FOR A ONE-YEAR WAIVER BECAUSE OF COVID-19

**Notes:** ELECTRONIC ONLY TRANSMISSION

| Assigned To | Action | Assigned Date | Due Date | Completed Date | Routing Notes |
|---|---|---|---|---|---|
| **OLCA** | **FYI Copy** | **3/20/2020** | **3/20/2020** | **3/20/2020** | |
| **OESE** | **Assistant Secretary's Signature** | **3/20/2020** | **3/31/2020** | | |

**Related Control Numbers:**
**OBO:**

PLEASE NOTE: A principal office has only five working days to return a misassigned control should it feel that a letter should be handled by another principal office. After five days, you are responsible for answering the letter and will need to coordinate with the appropriate office to draft the reply.


AMERICAN OVERSIGHT

**From:** Feldpausch, Sarah
**Sent:** Mon, 23 Mar 2020 13:12:45 +0000
**To:** Poynter, Leslie;OESE.titlei-a;COVID-19
**Subject:** RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Thank you for including me. I am only handling ones that are directed to me through established chains of communication in OLCA, OS, and OCO (which actually may change as well).

To make sure I have this straight: COVID-19 mailbox received this communication directly from Congressman Mark Green's office? Or was it sent from someone in OLCA to that mailbox?

Also - can you attach the correspondence?

Thanks for the additional context!

Sarah

-----Original Message-----
From: Poynter, Leslie <Leslie.Poynter@ed.gov>
Sent: Monday, March 23, 2020 8:54 AM
To: OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

+ Sarah Fedlpausch. Sarah, Evan Skloot suggested I include you on this and told me that you are handling congressional correspondence re COVID-19. Is that correct?

Leslie

-----Original Message-----
From: OESE.titlei-a <OESE.titlei-a@ed.gov>
Sent: Monday, March 23, 2020 8:47 AM
To: COVID-19 <COVID-19@ed.gov>
Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>
Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
Importance: High

This is Congressional correspondence, essentially asking for the waiver process that is already in place. Please let us know if you need the Title I team to address. Thank you!

-----Original Message-----
From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Friday, March 20, 2020 4:26 PM
To: OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
Cc: Rooney, Patrick <Patrick.Rooney@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Please see the incoming request from Texas. It will be uploaded on Monday.

-----Original Message-----
From: Coley, Jerine <Jerine.Coley@ed.gov>
Sent: Friday, March 20, 2020 3:31 PM
To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>

AMERICAN OVERSIGHT

Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

To: SSA

The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.

Thanks, Jerine
See attachments

AMERICAN OVERSIGHT

**From:** Poynter, Leslie
**Sent:** Mon, 23 Mar 2020 12:53:36 +0000
**To:** OESE.titlei-a;COVID-19
**Cc:** Feldpausch, Sarah
**Subject:** RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

+ Sarah Fedlpausch. Sarah, Evan Skloot suggested I include you on this and told me that you are handling congressional correspondence re COVID-19. Is that correct?

Leslie

-----Original Message-----
From: OESE.titlei-a <OESE.titlei-a@ed.gov>
Sent: Monday, March 23, 2020 8:47 AM
To: COVID-19 <COVID-19@ed.gov>
Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>
Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
Importance: High

This is Congressional correspondence, essentially asking for the waiver process that is already in place. Please let us know if you need the Title I team to address. Thank you!

-----Original Message-----
From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Friday, March 20, 2020 4:26 PM
To: OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
Cc: Rooney, Patrick <Patrick.Rooney@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Please see the incoming request from Texas. It will be uploaded on Monday.

-----Original Message-----
From: Coley, Jerine <Jerine.Coley@ed.gov>
Sent: Friday, March 20, 2020 3:31 PM
To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

To: SSA

The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.

Thanks, Jerine
See attachments

AMERICAN OVERSIGHT

**From:** Mayes, Edgar
**Sent:** Mon, 23 Mar 2020 17:58:48 +0000
**To:** Buettner-Connelly, Sara;Fisher, Collette;Lovitt, Brittney;COVID-19
**Cc:** Feldpausch, Sarah;Patrick, Kelly;Poynter, Leslie;Petersen, Molly;Wilson, Linda;Zarish-Becknell, Kim;Dirrigl, Mary Louise;St.Pierre, Tracey
**Subject:** RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Hi Sara,

Congressman Green's letter was assigned to OESE for the Assistant Secretary's signature. OS has not been instructed that responses signed by
Assistant Secretaries regarding COVID-19 should be cleared with us. However, we defer to your office on any Congressional responses you may wish to clear.

Thanks,
Edgar

-----Original Message-----
From: Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Sent: Monday, March 23, 2020 12:20 PM
To: Fisher, Collette <Collette.Fisher@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>; COVID-19 <COVID-19@ed.gov>
Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Patrick, Kelly <Kelly.Patrick@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>; Zarish-Becknell, Kim <Kim.Zarish-Becknell@ed.gov>; Dirrigl, Mary Louise <Mary.Louise.Dirrigl@ed.gov>; Mayes, Edgar <Edgar.Mayes@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

I think I figured out what happened. OLCA was looped into this letter differently than usual which confused us. To answer a question: Yes, OLCA has seen this letter. If there's a CCM#, then OLCA should know ED received it and who it's assigned to. Once OESE finalizes a response, I presume they'll send it back to Exec Sec (looping Exec Sec). Our analysts (Kim, Linda) are available to help write the draft but this response seems very straight forward and concise. If the letter goes through Departmental Clearance, OLCA will see it again. If there isn't a clearance process, OLCA needs to see the draft if we haven't already (analyst AND ME). And presumably we'll email the final, signed response to the Hill, as usual. I wasn't familiar with how we're handling COVID congressional letters but I think I better understand now.

Sara B. Connelly
ED/OLCA | LBJ-Rm 6W352
O: 202-453-5558

-----Original Message-----
From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Monday, March 23, 2020 11:31 AM
To: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; COVID-19 <COVID-19@ed.gov>
Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Patrick, Kelly <Kelly.Patrick@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>; Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Adding Brittney and the COVID-19 team to ensure we are all the same page.

-----Original Message-----

AMERICAN OVERSIGHT

From: Wilson, Linda <Linda.Wilson@ed.gov>
Sent: Monday, March 23, 2020 11:29 AM
To: Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Patrick, Kelly <Kelly.Patrick@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

It did -- I copied you on what I sent back to Kelly. The attachments she forwarded were from Exec Sec. and it said on there that OLCA was copied. So unless I'm missing something, this went thru ES and the CCM system assigned it to OESE. I believe in OESE because its covid-related, it went to that mailbox for processing.

-----Original Message-----
From: Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Sent: Monday, March 23, 2020 11:26 AM
To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Petersen, Molly <Molly.Petersen@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Will this congressional letter on COVID-19 go through Exec Sec's Departmental Clearance process?

Sara B. Connelly
ED/OLCA | LBJ-Rm 6W352
O: 202-453-5558

-----Original Message-----
From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Sent: Monday, March 23, 2020 10:48 AM
To: COVID-19 <COVID-19@ed.gov>; Wilson, Linda <Linda.Wilson@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

To be clear: this inquiry is being processed through the COVID-19 mailbox to OESE COVID Rapid Response Team for review and response.

-----Original Message-----
From: COVID-19 <COVID-19@ed.gov>
Sent: Monday, March 23, 2020 10:23 AM
To: Wilson, Linda <Linda.Wilson@ed.gov>; COVID-19 <COVID-19@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Buettner-Connelly, Sara <S.Buettner-Connelly@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Linda, I just forward the attachments to you.

Kelly

-----Original Message-----
From: Wilson, Linda <Linda.Wilson@ed.gov>
Sent: Monday, March 23, 2020 10:16 AM
To: COVID-19 <COVID-19@ed.gov>; Patrick, Kelly <Kelly.Patrick@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; Buettner-Connelly, Sara <S.Buettner-

AMERICAN OVERSIGHT

Connelly@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

I'm sorry, what is this? There is no attachment. If it's in the CCM system for handling then we should already know about it but copying Sara who handles all correspondence in OLCA.

-----Original Message-----
From: COVID-19 <COVID-19@ed.gov>
Sent: Monday, March 23, 2020 10:05 AM
To: Wilson, Linda <Linda.Wilson@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Hi Linda,

The COVID-19 mailbox received an inquiry from congressional/white house. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Monday, March 23, 2020 9:31 AM
To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

An FYI copy was provided by the Exec Sec team so it should be on their radar.

-----Original Message-----
From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Sent: Monday, March 23, 2020 9:27 AM
To: Fisher, Collette <Collette.Fisher@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: Re: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

This is helpful. To confirm: OLCA has not seen this?

Sent from my iPhone

> On Mar 23, 2020, at 9:25 AM, Fisher, Collette <Collette.Fisher@ed.gov> wrote:
>
> This control was assigned to SSA by the OESE correspondence team. It was originally sent to the Secretary's office via the Exec Sec's email.
>
> As an FYI, I've asked the OESE team to reassign to Sarah or the team handling the COVID-19 mailbox.
>
> I hope this is helpful.
>
> Collette

AMERICAN OVERSIGHT

>
> -----Original Message-----
> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 9:20 AM
> To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Cc: Fisher, Collette <Collette.Fisher@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Adding Collette to help with this question. Collette, can you please see Sarah's question below? Thanks!
>
> -----Original Message-----
> From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Sent: Monday, March 23, 2020 9:19 AM
> To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Thank you.
>
> Sorry, to clarify further: Who did this correspondence came to OESE title I office from? OLCA or the congressional office?
>
> Sarah
>
> -----Original Message-----
> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 9:16 AM
> To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Hi Sarah,
>
> This correspondence came to OESE, but program officers have been directed to send all COVD-related inquiries to the COVID-19 inbox for a response. We were not sure about this one and whether OESE, the COVID-19 Rapid Response Team, or you should take the lead on the response. Would you prefer we work with the COVID-19 team?
>
> Leslie
>
> -----Original Message-----
> From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Sent: Monday, March 23, 2020 9:13 AM
> To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Thank you for including me. I am only handling ones that are directed to me through established chains of communication in OLCA, OS, and OCO (which actually may change as well).
>
> To make sure I have this straight: COVID-19 mailbox received this communication directly from Congressman Mark Green's office? Or was it sent from someone in OLCA to that mailbox?
>
> Also - can you attach the correspondence?
>
> Thanks for the additional context!

AMERICAN OVERSIGHT

>
> Sarah
>
> -----Original Message-----
> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 8:54 AM
> To: OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> + Sarah Fedlpausch. Sarah, Evan Skloot suggested I include you on this and told me that you are handling congressional correspondence re COVID-19. Is that correct?
>
> Leslie
>
> -----Original Message-----
> From: OESE.titlei-a <OESE.titlei-a@ed.gov>
> Sent: Monday, March 23, 2020 8:47 AM
> To: COVID-19 <COVID-19@ed.gov>
> Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>
> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
> Importance: High
>
> This is Congressional correspondence, essentially asking for the waiver process that is already in place. Please let us know if you need the Title I team to address. Thank you!
>
> -----Original Message-----
> From: Fisher, Collette <Collette.Fisher@ed.gov>
> Sent: Friday, March 20, 2020 4:26 PM
> To: OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
> Cc: Rooney, Patrick <Patrick.Rooney@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Please see the incoming request from Texas. It will be uploaded on Monday.
>
> -----Original Message-----
> From: Coley, Jerine <Jerine.Coley@ed.gov>
> Sent: Friday, March 20, 2020 3:31 PM
> To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
> Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
> Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> To: SSA
>
> The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.
>
> Thanks, Jerine
> See attachments
>

AMERICAN OVERSIGHT

**From:** AtlantaSPD
**Sent:** Mon, 23 Mar 2020 19:44:49 +0000
**To:** 'Hatcher, Kristopher L.';COVID-19
**Cc:** Westlake, Chris;Backus, Ursula Y.
**Subject:** RE: COVID-19 Standard Academic Year Length Reduction Request for Gulf Coast State College (001490-00)

Dear Kristopher,

I would like to thank you for informing the Department of GCSC's course of action. Per the Department's directive the school needed to inform the Department of any changes to the academic year and recourse of instruction. No further action is required at this time. The Department is working to provide guidance regarding changes in the schools academic year. Please check IFAP for further guidance regarding changes in the academic year. GCSC should ensure to document any changes for future reference. We are in this together and we are here to assist GCSC and the students.

Regards,

*Cassandra Weems*
*Institutional Improvement Specialist*
*U.S. Department of Education*
*Atlanta School Participation Division*
*61 Forsyth Street, Suite 18T40*
*Atlanta, GA 30303*
*404-974-9305 (Phone)*
*StudentAid.gov*

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**From:** Hatcher, Kristopher L. [mailto:khatcher1@gulfcoast.edu]
**Sent:** Monday, March 23, 2020 2:12 PM
**To:** COVID-19; AtlantaSPD
**Cc:** Westlake, Chris; Backus, Ursula Y.
**Subject:** COVID-19 Standard Academic Year Length Reduction Request for Gulf Coast State College (001490-00)

To Whom It May Concern,

Good afternoon –

My institution, Gulf Coast State College (001490-00), has extended our spring 2020 break closure due to COVID-19. Our spring break was originally scheduled to be from 03/14/2020 to 03/22/2020, but it is now from 03/14/2020 till 03/29/2020. Accordingly, can you please permit a reduction in the length of our 2019-2020 standard academic year by a week per the ED & NASFAA guidance below?

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Respectfully,

Kristopher Hatcher, CFAA
Financial Aid Director
Gulf Coast State College
5230 West U.S. Highway 98
Panama City, FL 32401
P: (850)873-3543
F: (850)873-3523
E: KHatcher1@gulfcoast.edu
W: http://www.gulfcoast.edu/tuition-aid/financial-aid

The Financial Aid Office at Gulf Coast State College is committed to high-quality customer service. To that end, please feel free to submit any questions, comments, or concerns you have about GCSC's Financial Aid Office by visiting https://www.surveymonkey.com/r/92X6ZW8.

Please Note: Due to Florida's very broad public records law, most written communications to or from College employees regarding College business are public records, available to the public and media upon request. Therefore, this e-mail communication may be subject to public disclosure. Gulf Coast State College is committed to equal access/equal opportunity in its programs, activities, and employment. For additional information, visit www.gulfcoast.edu/equity.

---

https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19

Length of Academic Year

The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

https://www.nasfaa.org/news-item/21208/Trending_AskRegs_Q_A_What_Factors_Do_We_Consider_When_Deciding_to_Extend_a_Scheduled_Break_Due_to_Coronavirus

**Academic Year Length:** First, you must ask yourself, "When we extend our scheduled break, does it shorten the academic year to less than 30 weeks?"

Under 34 CFR 668.3, an academic year in a credit-hour program must consist of 30 weeks of instructional time. According to guidance NASFAA has received from ED, if you extend your scheduled break, it may reduce the number of weeks of instructional time in your term/payment period and thereby your academic year to less than 30 weeks. For example, if your academic year consists of two 15-week semesters, and the additional week of scheduled break reduces the 15-week semester to a 14-week semester, you have reduced your academic year length to 29 weeks. If this happens, the guidance under "Length of Academic Year" in the March 5, 2020 Electronic Announcement applies, and you must obtain approval from your ED School Participation Division. On the other hand, if you have a program consisting of two 16-week semesters with a 32-week academic year, and the extended break reduces your spring term by two weeks, you do not need ED's approval.

These are the steps to follow:

1. The institution should determine if the reduction in the number of weeks of instructional time in the term brings the academic year to less than 30 weeks. If not, no further action is necessary.
2. Assuming the reduction in the length of instruction in the term results in an academic year consisting of fewer than 30 weeks, the institution should submit a request for reduction in the length of an academic year

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to COVID-19@ed.gov, including the number of weeks that will now comprise the academic year, (e.g., 28 weeks).

3. The institution's request will be routed to the appropriate School Participation Division which will inform the institution of its decision.

They can grant a reduction to as little as 26 weeks for a credit-hour program at this time. To avoid a reduction in your academic year length, you could choose to add days to the end of the term/payment period to make up for the lost week(s) of instructional time.

AMERICAN OVERSIGHT

**From:** Robertson, Elyse
**Sent:** Mon, 23 Mar 2020 17:41:09 +0000
**To:** COVID-19
**Subject:** RE: Requesting guidance RE: devices and access points and sanitizing classrooms

Thanks, Kelly!

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 23, 2020 12:35 PM
**To:** Robertson, Elyse <Elyse.Robertson@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>; Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: Requesting guidance RE: devices and access points and sanitizing classrooms

Hi Elyse,

Please find attached an email from the COVID-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

---

**From:** Robertson, Elyse <Elyse.Robertson@ed.gov>
**Sent:** Monday, March 23, 2020 9:52 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Requesting guidance RE: devices and access points and sanitizing classrooms

Good morning,

Please see below. A question has come in from the NJ State Coordinator for the Title IV-A SSAE grant program related to use of program funds for schools connected with COVID-19 response.

Thanks,
Elyse

---

**From:** O'Neil, Sandy <Sandy.O'Neil@doe.nj.gov>
**Sent:** Friday, March 20, 2020 2:11 PM
**To:** Robertson, Elyse <Elyse.Robertson@ed.gov>
**Cc:** frider@air.org; OESE.SGR.New Jersey <NewJersey.oese@ed.gov>
**Subject:** Requesting guidance RE: devices and access points and sanitizing classrooms

Elyse,
I am writing to request guidance about how, under what circumstances, and on what basis a SEA can authorize expenditures for hot spots and other out-of-school internet access to facilitate student learning in this period of widespread and extended school closures?

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The FCC has waived the gift rules FCC's memo about waiving E-rate gift rules "[Federal Communication] Commission rules prohibit entities eligible for the RHC and E-Rate programs from soliciting or accepting any thing [sic] of value from a service provider participating or seeking to participate in those programs. Today's waiver will allow health care providers, schools, and libraries to accept improved capacity, Wi-Fi hotspots, networking gear, or other equipment or services to support doctors and patients, teachers and students, and librarians and patrons during the coronavirus outbreak. For example, some providers have expressed interest in providing free network upgrades for hospitals that need more robust connections to treat patients via telemedicine and free connected devices and hotspots for students who will be taking classes at home. This waiver will enable them to do such things."

Also, we have had many requests to use Title IV- A funding to pay for the cleaning and disinfecting of classrooms. While the cleaning of classrooms would normally be covered by the school, this extra care, as outlined by the CDC will be more intense and expensive. The thought of returning children to potentially unsanitized classrooms is causing stress among parents, students, teachers, principals and other school leaders. Can they use Safe and Healthy Students funds to pay for this extra sanitizing?

Kind regards,

Sandy O'Neil
Ed Tech Specialist|Title II-A and IV-A Coordinator| Office of Standards| Division of Academics and Performance
New Jersey Department of Education P.O. Box 500/ 100 River View Plaza/Trenton, NJ 08611 609-376-3883
sandy.oneil@doe.nj.gov

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**From:** Kesner, Paul
**Sent:** Mon, 23 Mar 2020 20:51:36 +0000
**To:** COVID-19
**Subject:** Re: Seeking Clery Guidance on COVID-19 Emergency Notifications

OPE/FSA
**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 23, 2020 4:48:46 PM
**To:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** FW: Seeking Clery Guidance on COVID-19 Emergency Notifications

Who handles Clery Act?

---

**From:** Anderson, Krista <kranderson@utsystem.edu>
**Sent:** Monday, March 23, 2020 4:27 PM
**To:** Crimehandbookquestions <Crimehandbook@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** Seeking Clery Guidance on COVID-19 Emergency Notifications

Dear DOE Clery Handbook & COVID-19 Personnel,

As an Assistant Compliance Officer for Clery at The University of Texas System, and on behalf of our System, we are seeking clarification and guidance on **COVID-19 Emergency Notifications**:

- Under what circumstances must an institution send an emergency notification relating to an outbreak of COVID-19?
    - As examples:
        a. When a positive case of COVID-19 is confirmed?
        b. When a presumptive case of COVID-19 has been reported to the institution, but not confirmed yet?
        c. When a student or employee reports signs/symptoms of COVID-19; but has not had access to a testing kit yet?
- What information is required in a COVID-19 emergency notification?
- How frequent must an institution send an emergency notification relating to an outbreak of COVID-19?
    - As examples:
        a. Under the Clery Act, is an institution required to send an emergency notification <u>each time</u> a positive/confirmed case of COVID-19 of a student or employee?
        b. After the first positive case is confirmed, then by institutions sending <u>regular updates</u> to the campus community regarding updated # of positive cases, updates in health and safety protocols by the institution, etc., are "regular updates" meeting the Clery Act requirements for emergency notifications?

We have reviewed the Clery Handbook, but with the unprecedented circumstances around COVID-19, we just wanted to confirm your official guidance on COVID-19 at this time. Thank you in advance for your time, and on behalf of UT System, we look forward to your response.

Sincerely,

AMERICAN OVERSIGHT

**Krista Anderson**
**Systemwide Title IX Coordinator**
The University of Texas System
*Office of Systemwide Compliance*
210 West 7th Street
Austin, Texas 78701
512.664.9050 Remote "Office"
512.203.2093 Cell
kranderson@utsystem.edu Email & Zoom

AMERICAN OVERSIGHT

**From:** Walters, Alecia
**Sent:** Mon, 23 Mar 2020 10:35:35 +0000
**To:** Jones, Al;Chelc;Broady, Cheryl
**Cc:** COVID-19
**Subject:** RE: TEA GUIDELINES IN OPPOSITION OF DOE GUIDELINES

Good morning,
Thank you, Al.

*Alecia B. Walters, Ed.D.*
*Education Program Specialist*
U.S. Department of Education
Office of Special Education Programs
Monitoring and State Improvement Planning
550 12th St. SW
Washington, DC 20202-2600
Phone: 202. 245.7176
Fax: 202.245.7589
Email: alecia.walters@ed.gov
**www.ed.gov/osers** | **Subscribe**

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**From:** Jones, Al <Al.Jones@ed.gov>
**Sent:** Friday, March 20, 2020 7:11 PM
**To:** Chelc <chelceysmith@gmail.com>; Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: TEA GUIDELINES IN OPPOSITION OF DOE GUIDELINES

Good afternoon,

Thank you for your inquiry. We are working hard to develop responses and we fully appreciate the challenges you are facing as you attempt to keep your Part B and Part C programs safe during these difficult times. We will forward your inquiry along to COVID-19@ed.gov for official tracking purposes.

In the meantime, you can access the most up to date guidance and resources here:

https://www.ed.gov/coronavirus

AMERICAN OVERSIGHT

Questions and Answers on Providing Services to Children with Disabilities During the COVID-19 Outbreak (March 12, 2020)
U.S. Department of Education Releases Webinar, Fact Sheet for Protecting Students' Civil Rights During COVID-19 Response

*Al C. Jones, Jr., Ed.D.*
*Associate Division Director*
*Office of Special Education Programs*
*United States Department of Education*

*550 12th Street, SW*
*Washington, DC 20202-2600*
*Telephone: 202-245-7394*
*www.ed.gov*

**From:** Chelc <chelceysmith@gmail.com>
**Sent:** Friday, March 20, 2020 6:31 PM
**To:** Broady, Cheryl <Cheryl.Broady@ed.gov>; Walters, Alecia <Alecia.Walters@ed.gov>; Jones, Al <Al.Jones@ed.gov>; disasterinfo@tea.texas.gov; sped@tea.texas.gov; tom.maynard@tea.texas.gov; justin.porter@tea.texas.gov
**Subject:** TEA GUIDELINES IN OPPOSITION OF DOE GUIDELINES

Please see the attached file. I am so very concerned that I ethically don't believe in using standardized assessments in a very non-standardized way. For example, there are no reliable and valid cognitive and achievement assessments that are designed to be administered online/remotely. I have looked, asked peers and colleagues, and unfortunately, there are no evidence-based alternatives at this time. From what I understand, it will take an act of Congress to dismiss FIIE timelines for this brief period of time. Please consider the recommendations of the Texas Association of School Psychologists. California has already recognized this dilemma and provided guidance on delaying face-to-face testing until I'm person education can be resumed.

Thank you so much for all of your hard work during this incredibly complicated time.

Sincerely,
Chelcey Smith, S.S.P.
Licensed Specialist in School Psychology

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Mon, 23 Mar 2020 15:34:30 +0000
**To:** Franks-McRae, Leslie;COVID-19;OESE.titlei-a
**Cc:** Stephenson, Todd;McDonald, Peggy;Schulz-Eskow, Colleen;Young, Jesse;Ehling, Kathleen;Roney, Collette
**Subject:** RE: TIME SENSITIVE: NJ DOE Question

HI Leslie—

Thanks for reaching out with your question. Our team is going to work on a response and circle back with a response as soon as possible. I appreciate your sense of urgency and please know we are working to provide you an accurate and helpful response the soonest.

Best,
Robert

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov| 202.453.5719

---

**From:** Franks-McRae, Leslie <Leslie.Franks-McRae@doe.nj.gov>
**Sent:** Monday, March 23, 2020 11:06 AM
**To:** COVID-19 <COVID-19@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>
**Cc:** Stephenson, Todd <Todd.Stephenson@ed.gov>; McDonald, Peggy <Peggy.McDonald@doe.nj.gov>; Schulz-Eskow, Colleen <Colleen.Schulz-Eskow@doe.nj.gov>; Young, Jesse <Jesse.Young@doe.nj.gov>; Ehling, Kathleen <Kathleen.Ehling@doe.nj.gov>; Roney, Collette <Collette.Roney@ed.gov>
**Subject:** TIME SENSITIVE: NJ DOE Question

Good morning: Please add the following from NJ DOE:

During this crisis, the State is looking to provide educational and childcare support to the school age children of emergency responders and healthcare workers. What is the allowable uses of Federal funds (Title and IDEA) to support this type of program?

Thank you all for the continued work during this crisis period!

Stay healthy!

# Leslie

**Leslie K. Franks McRae**
Director: Office of Supplemental Educational Programs

AMERICAN OVERSIGHT

Division of Student Services
NJ Department of Education
100 Riverview Plaza
Trenton, New Jersey 08625
Phone: (609) 376-3499
Cell: (b)(6)

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**From:** Amanda Alarcon
**Sent:** Mon, 23 Mar 2020 15:42:31 +0000
**To:** Hilsey, Shaina
**Cc:** COVID-19
**Subject:** Re: U.S. Student Attending a Foreign Institution, Loan Funds Will Not be Disbursed? Urgent Help Needed

Good afternoon once again,
I hope this email finds you well.
I wanted to also write to you this afternoon to inquire about the effect of the probable passing of the CARES Act (S. 3548) that would allow for eligible foreign institutions to access and disburse these Title IV funds. I have included a portion of SEC. 4510. (CONTINUING EDUCATION AT AFFECTED FOREIGN INSTITUTIONS) from the CARES Act (S. 3548) below:
"(a) IN GENERAL.—Notwithstanding section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)),
with respect to a foreign institution, in the case of a public health emergency, major disaster or emergency, or national emergency declared by the applicable government authorities in the country in which the foreign institution is located, the Secretary may permit any part of an otherwise eligible program to be offered via distance education for the duration of such emergency or disaster and the following payment period for purposes of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).
(b) ELIGIBILITY.—**An otherwise eligible program that is offered in whole or in part through distance education by a foreign institution between March 1, 2020, and the date of enactment of this Act shall be deemed eligible for the purposes of part of title IV of the Higher Education Act of 1965** (20 U.S.C. 1087a et seq.) for the duration of the qualifying emergency and the following payment period for purposes of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.). Not later than June 30, 2020, an institution of higher that uses 224 HEN20256 S.L.C. T1C F1 9DX 1 the authority provided in the previous sentence shall report such use to the Secretary."
Has the Department of Education been in contact with eligible foreign institutions about these current proposed legislation pieces? If they pass, will the Department of Education work with foreign institutions to release these funds to students? The foreign institution (the Jagiellonian University) would be eligible with the passing of this legislation, as we did not enact distance learning measures until March 11, 2020. We would be considered eligible under this proposed bill.
Thank you for taking the time to read this. I look forward to your response.
Very best regards,
Amanda Nicole Alarcon
**From:** Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Sent:** Monday, March 23, 2020 3:45 PM
**To:** Amanda Alarcon <amanda.alarcon@student.uj.edu.pl>
**Subject:** FW: U.S. Student Attending a Foreign Institution, Loan Funds Will Not be Disbursed? Urgent Help Needed

AMERICAN OVERSIGHT

Hello,

Currently, eligible foreign institutions enrolling U.S. students are prohibited by law from offering any part of that program via distance education (online), and (per regulations) allowing students to complete any part of their program in the U.S. It is unfortunate for students, but we cannot change this without a Congressional waiver.

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 20, 2020 5:34 PM
**To:** Cox, Jack <Jack.Cox@ed.gov>; Hilsey, Shaina <Shaina.Hilsey@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: U.S. Student Attending a Foreign Institution, Loan Funds Will Not be Disbursed? Urgent Help Needed
**Importance:** High

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

---

**From:** Amanda Alarcon <amanda.alarcon@student.uj.edu.pl>
**Sent:** Friday, March 20, 2020 1:27 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** U.S. Student Attending a Foreign Institution, Loan Funds Will Not be Disbursed? Urgent Help Needed
**Importance:** High

Good afternoon,

I hope this email finds you well.

My name is Amanda Nicole Alarcon and I am a U.S. citizen and student. I am currently studying at the Jagiellonian University and I am a participant in the William D. Ford Student Loan program that is currently offered at my foreign institution.

As you may know, the Jagiellonian University's physical operations were temporarily disrupted on 11 March, due to the COVID-19 virus. Until March 25, we conduct classes via distance learning (online). Through the financial aid officer responsible for the disbursement of our funds (Ewa Stankiewicz at the Jagiellonian University), we were told today that our loans would not be disbursed AT ALL this semester, without warning. It was a great shock, as we had previously been informed that once classes physically resumed, we would likely get our disbursement.

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Is this information correct? If so, how can it be possible to leave a plethora of US students, who were studying at foreign institutions without the funding and loans that they took out? I would like to note that I attended ALL my classes before the disruptions and I still AM. I am still a full-time student. All of the necessary paperwork was given to my financial aid officers. I maintained a near perfect GPA in my program. I did everything that I needed to do to receive the money.

If this is true, I want to express my utter disbelief and shock, considering that we were to start classes again in person on 25 March. Our semester started BEFORE the operations were impacted, as we began our semester the last week on February (24th of February to be precise). We were even informed that there just may be a delay in the disbursement, when we resumed classes on 25 March.

Secondly, I want to express that I depend on my student loans to pay for my tuition fees and living expenses, when I am here. While I have a small part-time job, it could not cover my tuition fees and my living expenses that I have been stuck with.

What will be my options now? Is there anyway that I can appeal this decision through the Department of Education directly?

As an American student and citizen, I would like to note that I am in Krakow, Poland (where the Jagiellonian University) is currently located. I did NOT return to the United States, as I WILL be attending classes physically when they resume here! What am I expected to do now that the Department of Education has told the Jagiellonian University they cannot disburse my loan funds at all? How can we be left without these funds?

I do apologize if the tone of my email has been rather crass, however this is an extreme stress and burden that makes this time all the more difficult for me. Can the Department of Education not reconsider their policy on US students receiving these funds abroad? Can we not get some exception made?

I look forward to your response soon.

Best regards,
Amanda Nicole Alarcon

AMERICAN OVERSIGHT

**From:** Elder, Jill
**Sent:** Mon, 23 Mar 2020 19:34:15 +0000
**To:** COVID-19
**Subject:** Reduce Academic Calendar

Hi,

Western Dakota Tech (OPEID 01017000) would like to be proactive in the event that we need to reduce our academic calendar fewer than 30 weeks. We currently have a 32 week academic calendar. At this time, 24 weeks have been completed for on campus courses and 25 weeks have been completed for online courses. If Western Dakota Tech needs to reduce our academic calendar to be fewer than 30 weeks, how long would that take to get approval? Some of our programs will be at least 30 weeks, but others could fall below the 30 week minimum requirement due to the COVID-19 situation.

Thank you for routing this to the appropriate School Participation Division Team.

**Jill Elder**
Admissions and Financial Aid Director
Western Dakota Tech
800 Mickelson Dr. | Rapid City, SD 57703
T: 605.718.2411 | F: 605.394.2204

WESTERN DAKOTA TECH

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Western Dakota Tech is a public institution of higher learning that embraces quality programs, expert faculty and staff, and a commitment to academic excellence to teach the knowledge, skills, and behaviors students need to be successful.

AMERICAN OVERSIGHT

**From:** Ruth Casper
**Sent:** Mon, 23 Mar 2020 09:35:41 -0400
**To:** AskAFed;COVID-19
**Subject:** Refund of Charges Guidance

I have been asked to find more information regarding the following scenario -

Should a school decide to reduce institutional charges for room & board for this semester, and a refund is now created on the student account, are the following options available for the credit?

- apply credit to future semester
- issue the refund from the account (and does this fall under the paying FSA credit balance rules)

- not all students have FSA who may may have a newly created credit
- some students may have FSA and have already received their FSA refunds

The updated FAQs address not needing to adjust COA for changing the students residential status, but not any refund due from reduced charges. Can you guide to the regulations so we may have it on file once a decision has been made?

Thank you,

**Ruth Casper**
Director of Financial Aid
VA Certifying Official
252.398.6269 | wommar@chowan.edu | chowan.edu
One University Place, Murfreesboro, NC 27855

Toll Free 1-888-4-CHOWAN
Fax (252)398-6513

**For your security, we request that that you do not send any Personally Identifiable Information (PII) via email or attachments. This may include social security numbers, dates of birth, and other information.**

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AMERICAN OVERSIGHT

**From:** Jenkins, Melanie
**Sent:** Mon, 23 Mar 2020 14:53:41 +0000
**To:** COVID-19
**Cc:** Bryan, Chip;Owens, Kathryn
**Subject:** Request for Reduction in Length of Academic Year

Dear Sir/Madame;

In response to the COVID-19 pandemic, the University of Richmond has extended spring break an additional week to allow faculty to prepare for remote instruction. By extending our spring break for students an additional week, our academic year is reduced from 15 weeks to 14 weeks. Per instruction stated below, this email serves as a request for approval for this change.

We have submitted a request for a waiver to provide distance education to SACSCOC and want to make sure we are in compliance with federal student aid policies regarding our reduction in the length of the academic year.

Your assistance is appreciated. Please let me know if you need additional information.

**Melanie P. Jenkins**
Director, Institutional Effectiveness
SACSCOC Accreditation Liaison
Puryear Hall, Suite 111
118 UR Drive
University of Richmond, VA 23173
P: 804.484.1581
F: 804.484.1596
mjenkin3@richmond.edu
ifx.richmond.edu

Under 34 CFR 668.3, an academic year in a credit-hour program must consist of 30 weeks of instructional time. According to guidance NASFAA has received from ED, if you extend your scheduled break, it may reduce the number of weeks of instructional time in your term/payment period and thereby your academic year to less than 30 weeks. For example, if your academic year consists of two 15-week semesters, and the additional week of scheduled break reduces the 15-week semester to a 14-week semester, you have reduced your academic year length to 29 weeks. If this happens, the guidance under "Length of Academic Year" in the March 5, 2020 Electronic Announcement applies, and you must obtain approval from your ED School Participation Division. On the other hand, if you have a program consisting of two 16-week semesters with a 32-week academic year, and the extended break reduces your spring term by two weeks, you do not need ED's approval.

These are the steps to follow:

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1. The institution should determine if the reduction in the number of weeks of instructional time in the term brings the academic year to less than 30 weeks. If not, no further action is necessary.
2. Assuming the reduction in the length of instruction in the term results in an academic year consisting of fewer than 30 weeks, the institution should submit a request for reduction in the length of an academic year to COVID-19@ed.gov, including the number of weeks that will now comprise the academic year, (e.g., 28 weeks).
3. The institution's request will be routed to the appropriate School Participation Division which will inform the institution of its decision.

AMERICAN OVERSIGHT

**From:** Cheryl Louallen
**Sent:** Mon, 23 Mar 2020 21:41:17 +0000
**To:** COVID-19
**Subject:** Room & Board Adjustment Clarification

Our institution is considering reducing the room and board charges for the remainder of the Spring 20 semester due to moving to online instruction due to COVID-19.
The institution has seen several other institutions indicate that they plan to apply the "refund" to the next semester, which would be Fall 20 semester. This would overlap academic years.
I listened to a webinar last week and there seemed to be several issues if institutions opted to take this approach.
Based on what I heard, rolling forward creates an overlapping academic year situation. Schools are not permitted to hold Title IV (federal aid) refunds. Schools would have to look at each individual student to determine if the refund of charges would create a Title IV credit balance. Is so that portion must still be refunded within 14 days of the credit occurring in the Spring 20 term.
The cost of attendance (COA) for 2020-2021 may need adjusted which would impact financial aid awards for 2020-2021.
The refund of charges may count as income on the student's 2020 income tax return or count as untaxed income on the student's FAFSA.
Also it was implied that the Department of Education is highly encouraging schools to provide refunds in the term they occurred as families need these funds/savings now as they are dealing with companies temporarily closing but not continuing to pay employees, dealing with day care needs, added food costs as more family members are at home, etc.
My understanding is if schools refund during the term the charges occurred (Spring 20) then we don't have to deal with any of these issues.
Is this correct? My institution wants to make a decision and inform our students this week, but we want to make sure our understanding is correct.
Thank you for your time. I look forward to hearing from you soon.

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**From:** Joshua Montavon
**Sent:** Mon, 23 Mar 2020 14:42:53 +0000
**To:** COVID-19
**Subject:** Scheduled Breaks due to COVID-19

Good morning,

Westminster College in Salt Lake City, Utah recently approved an extension of the spring break by one week due to COVID-19. Increasing the break week then reduces the weeks of instructional time for the 2019-2020 academic year to 29 weeks. Westminster is requesting approval for an academic year less than 30 weeks.

Joshua Montavon
(He, Him, His)
Director of Financial Aid | *Financial Aid*
phone: 801.832.2502
**Virtual Tour**

Westminster College Instagram Facebook Twitter

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**From:** Teresa CANFIELD
**Sent:** Tue, 24 Mar 2020 02:02:08 +0000
**To:** COVID-19
**Subject:** School Counseling Internship Hours

What flexibility is given to future school counselors towards incomplete hours due to schools being closed? Will hours be reduced or changed?

Thanks,
Teresa Canfield
Future School Counselor
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Spohn Andrew B
**Sent:** Mon, 23 Mar 2020 19:49:49 +0000
**To:** COVID-19
**Cc:** Experimental Sites
**Subject:** Second Chance Pell

Hello,

I am the Director of Financial Aid at Jackson College. We are a participant in the Second Chance Pell program and currently teach in 8 different correctional facilities with approximately 650 Pell grant recipients. It is my understanding with ESI, that correspondence courses are not a modality that can be use. Given the COVID-19 pandemic in the US and with the Michigan Department Of Corrections moving to lock down this limits us in ways to provide instruction. They (MDOC) do not allow for on-line instruction (at least not currently) and to suspend the class and perform R2T4s on the students would leave them with a balance they could not afford to pay back. Is the correspondence course offering being reviewed to allow Pell grant funds to be provided to Second Chance Pell students?

Any guidance that could be provided or best practices from other schools would be greatly appreciated.

Thanks and stay healthy!

---

Andrew Spohn
Director of Financial Aid
Jackson College
2111 Emmons Rd.
Jackson, MI 49201

The Office of Financial Aid is asking all students that need to submit any financial aid documentation to do so via our secure website at www.jccmi.edu/securedocuments . It is very important for you to indicate student name and ID number on all documents uploaded so we know who these documents belong to.

Please note you may experience longer than normal response and processing times. We ask that you be patient with us as we transition through the current circumstances. You can also refer to Jet Stream as many answers can be found there.

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**From:** Ginger Ruback - FTL
**Sent:** Mon, 23 Mar 2020 20:24:08 +0000
**To:** COVID-19
**Subject:** Second LOA

Good Afternoon,

We have term based programs and have a policy that students can only have 1 approved LOA in a 12 month period. Due to closures of some of the external sites our students will not be able to participate in externships or practical portions of lab classes.

Can the institution waive its policy with regard to only allowing 1 LOA in a 12 month period to allow students who have already taken an approved LOA the opportunity to take a second LOA if their studies have been impacted and they cannot complete the practical or externship? They would not exceed the 180 day requirement for LOA.

Thanks for your guidance on this matter.

Respectfully,
**Ginger L. Ruback**
**Corporate Director of Financial Aid**
**City College**
www.citycollege.edu

AMERICAN OVERSIGHT

**From:** Anderson, Krista
**Sent:** Mon, 23 Mar 2020 20:27:27 +0000
**To:** Crimehandbookquestions;COVID-19
**Subject:** Seeking Clery Guidance on COVID-19 Emergency Notifications

Dear DOE Clery Handbook & COVID-19 Personnel,

As an Assistant Compliance Officer for Clery at The University of Texas System, and on behalf of our System, we are seeking clarification and guidance on **COVID-19 Emergency Notifications**:

- Under what circumstances must an institution send an emergency notification relating to an outbreak of COVID-19?
    - As examples:
        a. When a positive case of COVID-19 is confirmed?
        b. When a presumptive case of COVID-19 has been reported to the institution, but not confirmed yet?
        c. When a student or employee reports signs/symptoms of COVID-19; but has not had access to a testing kit yet?
- What information is required in a COVID-19 emergency notification?
- How frequent must an institution send an emergency notification relating to an outbreak of COVID-19?
    - As examples:
        a. Under the Clery Act, is an institution required to send an emergency notification each time a positive/confirmed case of COVID-19 of a student or employee?
        b. After the first positive case is confirmed, then by institutions sending regular updates to the campus community regarding updated # of positive cases, updates in health and safety protocols by the institution, etc., are "regular updates" meeting the Clery Act requirements for emergency notifications?

We have reviewed the Clery Handbook, but with the unprecedented circumstances around COVID-19, we just wanted to confirm your official guidance on COVID-19 at this time. Thank you in advance for your time, and on behalf of UT System, we look forward to your response.

Sincerely,

**Krista Anderson**
**Systemwide Title IX Coordinator**
The University of Texas System
*Office of Systemwide Compliance*
210 West 7th Street
Austin, Texas 78701
512.664.9050 Remote "Office"
(b)(6)
kranderson@utsystem.edu Email & Zoom

AMERICAN OVERSIGHT

**From:** Roseanne Felise
**Sent:** Mon, 23 Mar 2020 12:52:07 -1100
**To:** COVID-19
**Cc:** Wilkins, Brenda
**Subject:** Seeking Guidance
**Attachments:** CODE BLUE TA.jpg, DECLARATION OF CONTINUED PUBLIC HEALTH EMERGENCY AND STATE OF EMERGENCY COVID-19_3_18_20.pdf, PSA 3.23.20.pdf, am_sam_response_nd_action_plan.pdf

To whom it may concern:

Talofa from American Samoa Part C,

I hope this email finds you well. I am writing to seek your guidance regarding our programs potential protocols during the Covid-19 pandemic outbreak in accordance to our public health and safety guidance from our local government. I have attached here supporting documents for your review. Effective today, our government has declared a Code Blue (please see Declaration of a state of Emergency attached). Just a brief update from our end with Covid-19. As of today, we do not know if we have any confirmed cases. Our tiny island lack medical supplies, medical personnel, quarantine facilities, and other equipment to combat the virus in the event that we get a confirmed case. Unfortunately, our borders are still open. Schools and daycares officially closed today and all mass gatherings have been discouraged until further notice. I will keep you posted with any further information.

For American Samoa Part C program, our proposed service protocols during the Covid-19 outbreak is as follows:

1. Face to face services will be on hold immediately until further notice.
2. Kids on the 45 Day Deadline queue who have not completed intake process will be placed on monitor for 2 months pending coronavirus all clear. Family will be contacted earlier than 2 months to resume services should our island be declared Covid-19 free.
3. If child has been IFSP'd. services will be conducted via zoom and/or phone call unless family opts to hold services for now.

Please advise if these protocols would be appropriate in response to the Covid-19 outbreak. I'll be open to any suggestions or feed back. Please let me know if you need to discuss this further or might need additional information from my end.

Please stay safe.

Best,

**Roseanne Felise**
Program Coordinator
Helping Hands, Part C

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Department of Health
e-mail: roseanne.felise@helpinghands-as.org
roseanne.felise@doh.as
Phone:684-699-6962

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American Samoa
Department of Health
March 23, 2020

For more information contact:
Measles Hotline: (684) 633-5871 or 633-5872
Email: dohcp@doh.as
https://www.facebook.com/asdoh.hotline

# REVISED TRAVEL ADVISORY

## CODE BLUE

Due to the rapid spread of Coronavirus worldwide, the following changes will be effective March 23, 2020 in support of the Governor's Declaration of Continued Public Health Emergency and State of Emergency for COVID-19.

**ALL ENTRY PERMITS ARE SUSPENDED.**

**FLIGHTS BETWEEN AMERICAN SAMOA AND SAMOA, AND FLIGHTS BETWEEN AMERICAN SAMOA AND TONGA HAVE BEEN SUSPENDED.**

NOTE: All charter flights will be denied entry into American Samoa until further notice.

1. All travelers, including US passport, traveling from affected US states entering American Samoa will be subject to the following:
    1. Complete DOH health declaration form.
    2. Public Health screening process.
    3. Will be subject to either a Full Quarantine or a Home Quarantine.

2. All travelers, including US passport, traveling from and transiting through any of the Affected Foreign Countries entering American Samoa will be subject to the following:
    1. Complete DOH health declaration form.
    2. Public Health screening process.
    3. Mandatory Full Quarantine.

3. All travelers from Samoa are subject to a mandatory full quarantine.

NOTE: Monday's (March 23) Hawaiian Airline flight is cancelled. Thursday's (March 26) flight is on schedule.

**Seaport Travel Requirements:**

- Screening requirements for all vessels remain the same at the port.
- NOTE: Cruise ships will not be granted entry into American Samoa until further notice.

Department of Health strongly recommends that all persons intending to travel to any US States and foreign countries affected by the COVID-19 to postpone their travel arrangements. Please advice your family and relatives traveling from affected states that they will be placed on mandatory quarantine of 14 days or more.

This travel advisory is subject to change due to the daily COVID-19 updates.

**Call COVID-19 Hotline (Command Post) 633-5871/5872 for any question or updates.**

03/23/2020

**Motusa Tuileama Nua**
Director, Public Health

AMERICAN OVERSIGHT

American Samoa
Department of Health
March 23, 2020

For more information contact:
Measles Hotline: (684) 633-5871 or 633-5872
Email: dohcp@doh.as
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03/23/2020

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ED-20-0731-A-010546

**Motusa Tuileama Nua**
Director, Public Health

LOLO M. MOLIGA
GOVERNOR

OFFICE OF THE GOVERNOR
AMERICAN SAMOA GOVERNMENT
Telephone: (684)633-4116 Fax: (684)633-2289

LEMANU P. MAUGA
LIEUTENANT GOVERNOR

# DECLARATION OF CONTINUED PUBLIC HEALTH EMERGENCY AND STATE OF EMERGENCY FOR COVID-19

WHEREAS, the Office of the Governor and the Department of Health remain prepared to take all necessary measures to protect the health and welfare of residents of American Samoa; and

WHEREAS, the measles outbreak has ended as of March 9, 2020 and the containment measures have proved effective; and

WHEREAS, while measles related restrictions will be lifted, the efforts must now focus on preventing, containing, and responding to the imminent threat posed by the Novel Coronavirus ("covid-19") pandemic; and

WHEREAS, covid-19 is an infectious disease caused by a new virus that had not been previously identified in humans which causes respiratory illness (like the flu) with symptoms such as a cough, fever and in more severe cases, pneumonia and is spread primarily through contact with an infected person when they cough or sneeze, or through droplets of saliva or discharge from the nose; and

WHEREAS, no vaccine or cure for covid-19 currently exists; and

WHEREAS, the exponential speed at which the coronavirus is being propagated throughout the world is aided by carriers who are asymptomatic and the only surefire method of identifying these purveyors of the coronavirus is through testing and, yet, tests administered in the States and some of the U.S. Territories have been very limited due Test-Kit shortages; and

WHEREAS, as of March 18, 2020, 7,048 confirmed cases of coronavirus in the United States and Territories with 116 registered deaths reported since the COVID-19 Declaration was promulgated and eight (8) weeks since the COVID-19 was declared in the United States; and

WHEREAS, the most vulnerable sector of the population is predominantly within the elderly population, particularly those with underlying and chronic health conditions such as blood disorders, chronic kidney disease, chronic liver disease, cancer, recent pregnancy in the last two weeks, endocrine disorders (e.g. diabetes mellitus), metabolic disorders, heart disease, lung disease including asthma or chronic obstructive pulmonary disease (chronic bronchitis or emphysema) or other chronic conditions associated with impaired lung function or that require home oxygen, and neurological, and neurodevelopment conditions (including disorders of the

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brain, spinal cord, peripheral nerve, and muscle such as cerebral palsy, epilepsy, stroke, intellectual dystrophy or spinal cord injury; and

WHEREAS, inordinate challenges expose the Territory of American Samoa to epic vulnerabilities subjecting all its residents to unprecedented health, economic, and social risks being remotely located in the South Pacific with Hawaii the nearest United States Jurisdiction 2,300 miles Northeast with connectivity provided solely by Hawaiian Airlines' two flights weekly along with a weekly Cargo flight; and

WHEREAS, American Samoa's total healthcare service delivery infrastructure is comprised of one acute care hospital and four (4) district health clinics with its operating capacity already being exceeded thus precipitating unparalleled fear over its potential collapse if the spread of the covid-19 mirrors the experience of some of the States; and

WHEREAS, our only acute care hospital, Lyndon Baines Johnson Tropical Medical Center, lacks the physical capacity to appropriately respond to epidemics and pandemics must now divert operating resources to address this emergency need thus causing the potential for medication and health supply shortages and expanding the scope of the health catastrophe; and

WHEREAS, the exclusion of the Territory of American Samoa from receiving test-kits which would empower our clinicians to test symptomatic residents and obtain results in real time cripples our efforts to prevent the spread and rendering immediate treatment to those with severe cases thereby improving health outcomes; and

WHEREAS, our healthcare professionals lack access to clinical and diagnostic tools to reasonably confirm positive coronavirus cases thereby triggering immediate healthcare protocols to ensure positive health outcomes for these individuals, and now must resort to an unacceptably long coronavirus confirmation process which prolongs the period of uncertainty, public panic, and compelling actions which might be deemed excessive; and

WHEREAS, the World Health Organization has declared covid-19 a global public health emergency; and

WHEREAS, President Trump declared a National Emergency Concerning Covid-19 on March 11, 2020; and

WHEREAS, the federal government has imposed travel restrictions nationwide and local governments have instituted "social-distancing" policies including shutting down schools and bars and requiring home isolation of vulnerable populations; and

WHEREAS, the rapid spread of covid-19 and the lack of a vaccine or cure creates an imminent threat of outbreak here in American Samoa; and

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WHEREAS, previous declarations have been issued for covid-19, the situation necessitates an updated and continued response from ASG in order to protect the health of our people; and

WHEREAS, this declaration extends to the entire geographic area of the Territory; and

WHEREAS, the imminent threat of outbreak in American Samoa constitutes a disaster justifying a continued state of emergency and activating all resources necessary to combat the spread of covid-19; and

WHEREAS, this declaration is a continuation of previous declarations and fully incorporates the facts set forth in those prior declarations with regard to covid-19; and

THEREFORE, I, Lolo M. Moliga, Governor of American Samoa, declare a continued public health emergency under ASCA 13.0301 et seq. and a state of emergency under ASCA 26.0101 et seq. for covid-19. The Emergency Operations Center shall continue to be activated to coordinate response efforts.

Pursuant to A.S.C.A. §13.0307 and §26.0105, I further declare that EFFECTIVE MONDAY, MARCH 23, 2020:

All entry permits are suspended until further notice.

American Samoa's response will be guided by a color-coded system to meet the changing threat level. The following provides a guideline for escalating measures according to shifting situations. These restrictions will be initiated to the fullest extent possible but also may be subject to alteration as more information becomes available.

- **Code Blue**: Minimal social disruption with an emphasis on social distancing, hygiene, and cough etiquette.
    - The public is encouraged to avoid touching the face, thoroughly wash hands with soap for 20 seconds or use hand sanitizer of more than 70% alcohol. The public is further advised to use the Comprehensive Sanitation Program for Community Facilities for guidance on disinfecting households.
    - Travelers from affected foreign countries will be on full quarantine on arrival. For covid-19 related workers, quarantines will not be imposed.
    - Travelers from affected US states will be subject to screening and quarantine at the discretion of DOH physicians. For covid-19 related workers, quarantines will not be imposed.
    - US Nationals/Citizens that are local residents and Legal Alien Residents are to show proof of American Samoa residency through local ID, hospital ID, or utility bill. Proof of residency will exempt them from the OK Board process. All requests are to be routed through the Office of the Attorney General with the

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approval authority solely vested in the Attorney General and if she is off-island all OK Board requests will be reviewed and approved by the Governor.
  - Unnecessary travel to affected foreign countries or US states is discouraged.
  - ASG departments are to stagger staffing coverage and use a four (4) day work week for employees (10 hours/day) to ensure sufficient coverage but limited interpersonal exposure.
  - Social distancing methods are to be encouraged such as video conferencing, phone calls, emails for communication.
  - All off-island medical referrals to New Zealand are suspended. The option will be considered only for medical emergencies and be at the discretion of LBJ physicians.
  - All businesses will only be allowed to operate from 6am to 6pm.
  - All public gatherings are suspended until further notice. This includes, but is not limited to, bingo halls, rallies, political events, theaters, traditional gatherings, parks and recreation areas, flight night gatherings, and major sponsored events. Only private family gatherings of no more than ten (10) people will be permitted. DPS is tasked with ensuring that public gatherings disperse. The public is advised that failure to obey this restriction will be prosecuted as a Class A misdemeanor under ASCA § 13.0323.
  - Businesses may remain open but restaurants, bars, and nightclubs will be limited to no more than ten (10) person occupancy. Businesses are encouraged to keep their facilities sanitized.
  - The Territorial Correctional Facility will be closed for visitation.
  - Samoa Airways and Talofa Airways will be restricted to 2 flights per day.

- **Code Yellow**: With 1 confirmed case in American Samoa, this code will continue heightening restrictions to slow the spread of the disease within the Territory.
  - Community awareness continues to be a focus and the public is encouraged to maintain hygiene practices.
  - Families will be encouraged to isolate with 1 designated family member to go to the store.
  - All businesses will only be allowed to operate from 6am to 3pm.
  - All restaurants will be allowed to provide take-out only and no dine-in service.
  - The Hope House and Admitted Patients at LBJ will be closed for visitation.
  - Travel restrictions are increased and all travelers will require an OK Board to enter and entry permits for foreign nationals will continue to be suspended. OK Board requirements will include submission of copies of itinerary, passport (including stamped pages), health clearance, and payment of $50 fee. Work related OK Boards will be considered but applications must include verification from employer. US Nationals/Citizens that are local residents and Legal Alien Residents are to show proof of American Samoa residency through local ID, hospital ID, or utility bill. Proof of residency will exempt them from the OK

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Board process. All requests are to be routed through the Office of the Attorney General.
  - Unnecessary travel to affected areas will be limited.
  - All public schools, private schools, daycares, and ASCC, will be closed until further notice. The Director of Department of Education is directed to develop and implement plans to continue education for students studying at home.
  - Social distancing promotion continues.
  - The Commerce Commission is to provide plans and emergency regulations for limiting capacity and implementing social distancing in public transportation.
  - All ASG business travel is suspended.
  - All ASG departments are to schedule 50% staffing levels and/or provide flex accommodation. Tier One employees will work on Monday/Wednesday. Tier Two employees will work Tuesday/Thursday. All employees will be compensated for 40 hours per week. First responders and essential personnel will be staffed for 24/7 operations.
  - A Territorial Curfew of 9pm will be imposed.

- **Code Red**: In the event of severe spread of the disease locally, major protective measures will be enforced.
  - All businesses will only be allowed to operate from 6am to 12pm.
  - All passenger air and sea travel will be suspended.
  - Ports of entry will be closed except for Military and approved air or sea cargo vessels.
  - All public gatherings will be completely shut down.
  - All ASG operations will be suspended except for first responders and essential employees.

The public is advised that the current threat level is CODE BLUE. Furthermore, any changes in Code level and the associated restrictions announced therein, will be fully incorporated into this declaration as if fully set forth in this declaration.

In accordance with ASCA § 26.0105(g)(1), the restrictions on "Hazard Pay" in ASAC § 4.0411(b) are suspended. The Director of Department of Human Resources is tasked with developing a policy to compensate medical personnel, first responders, and all ASG employees that face increased risk and exposure associated with their duties.

In accordance with ASCA § 26.0105(g)(1), the maximum grant of four (4) hours for "Excused Absences" in ASAC § 4.0511(a)(10) is suspended. The Director of Department of Human Resources is tasked with developing a policy to compensate all ASG personnel that are under quarantine or unable to attend work for reasons related to the restrictions imposed.

In accordance with ASCA § 26.0105(g)(1), ASCA § 41.0205(1) is partially suspended to the extent that the Board will temporarily suspend its hearings function as it relates to P5 immigrant

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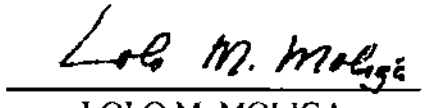
applications for emergency technical assistance to combat covid-19. The Attorney General is tasked with reviewing and deciding on these applications and in her absence from the Territory the Governor will review and render decisions on requests. The numerical limitations of ASCA § 41.0301 are likewise suspended.

The public is further advised that the covid-19 response is a multi-departmental effort. Each restriction put into place is for the protection of public health. Cooperation and compliance is necessary to prevent and slow down this disease. DOH and DPS will be tasked with coordinating enforcement to ensure the utmost compliance.

This declaration will be in effect for thirty (30) days and will expire on April 17, 2020. Exclusive authority for rendering all final decisions pertaining to the implementation of all prescribed dictates of this Emergency Declaration is vested solely in the Governor of the Territory of American Samoa.

Dated: March 18, 2020



LOLO M. MOLIGA
Governor

AMERICAN OVERSIGHT

American Samoa Department of Health

## Public Service Announcement

**The following information is to better inform and continue to protect the communities in American Samoa from the COVID-19 disease. DOH advises the public to please consider and adhere to the guidelines endorsed by Center for Disease Control (CDC).**

**COVID-19 (Coronavirus) symptoms:**

**(A) Fever (B) Cough (C) Shortness of breath and breathing difficulties**

**General Precautions to Prevent the spread of respiratory infections like COVID-19:**

a. Wash your hands with soap and water or alcohol-based hand sanitizer for **20 seconds:**
   a. Before, during, and after preparing food
   b. Before eating food
   c. After using the toilet
   d. After touching an animal/pet, animal feed, or animal waste
   e. Before you touch your face, nose, eyes and mouth
   f. After blowing your nose, coughing, or sneezing
   g. Before and after caring for someone at home who is sick with vomiting or diarrhea
   h. Before and after treating a cut or wound
   i. After changing diapers or cleaning up a child who has used the toilet
   j. After touching garbage

b. Cover your mouth and nose with a tissue or your sleeve (not your hands) when sneezing or coughing, throw tissues in the trash immediately after. Sneeze or cough into your elbow – Not into your hands.
c. Avoid touching your eyes, nose, and mouth with unwashed hands.
d. Avoid close contact with people who are sick.
e. Clean and disinfect frequently touched objects and surfaces with disinfecting agents.
f. Stay home when you are sick, except when medical care is needed.
g. Get your flu shot updated.
h. Keep your home and yards clean.
i. Encourage family members to practice good hygiene measures.
j. Wear a mask if you are sick or improvise by using a clean cloth.

PUBLIC GATHERINGS:
DOH advises the public to avoid **ALL** unnecessary mass gatherings at this time. Practice **social distancing**- at least 6 feet apart from each other.

**For Travelers who are HOME QUARANTINED:**

- MUST stay inside the home for 14 days.
- MUST be isolated from the rest of the family in your household. Use separate bathrooms if possible and stay in a well-ventilated room. Disinfect and wash hands regularly.
- Please CALL THE HOTLINE as soon as you feel symptoms of COVID-19.
- DO NOT go to the LBJ Emergency Room or a Health Center without calling DOH Hotline first.
- DO NOT use public transportation (Aiga buses) to go to ER or a health center.

**Those under quarantine orders may have to be quarantined 14 DAYS OR MORE per discretion of DOH Physician. FAILURE TO COMPLY WITH THE HOME QUARANTINE PROTOCOL, YOU WILL BE SUBJECT TO QUARANTINE AT A DOH FACILTY.**

**What should you do if you develop symptoms?**

- **IMPORTANT: Call the DOH Hotline (Command Post) 633-5871/5872 for any question or updates. DOH physician/nurse will provide instructions of what you can do next before going to the Emergency Room.**

**DOH Clinics:** In an effort to minimize spreading the virus, **effective 23 March 2020**, all DOH clinics will adopt an APPOINTMENT SYSTEM whereby you can only visit the clinics by appointment. Please call to schedule an appointment ahead of time. No more walk-ins allowed starting March 23.

- Tafuna Health Center Telephone: 684-699-6380, 684-699-6381
- Fagaalu Well Baby Clinic: 684-633-3228
- Fagaalu Physical Clinic: 684-633-0821

**Leone and Amouli Clinics:** Are closed until further notice. All residents seeking health services are asked to go to Tafuna Health Center or Fagaalu clinics.

Parents with children needing transportation to the clinics are asked to contact the following number: (684) 633-5871/5872 and (684) 699-6380.

Motusa Tuileama Nua
Director of Health

**Motusa Tuileama Nua**
Director
Public Health
Pago Pago, American Samoa

**For more information contact:**
Measles Hotline: (684) 633-5871 or 633-5872
Email: measles@doh.as
https://www.facebook.com/asdoh.hotline

Motusa Tuileama Nua
Director of Health

Sample Runsolo

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# TERRITORY OF AMERICAN SAMOA'S RESPONSE AND ACTION PLAN TO COMBAT THE CORONAVIRUS PANDEMIC

**Lolo Matalasi Moliga**
**Governor of American Samoa**

American Samoa Government
A.P. Lutali Executive Building
Pago Pago, American Smoa 96799

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LEMANU P. MAUGA
LIEUTENANT GOVERNOR

March 13, 2020

**Serial: 140**

Honorable David Bernhardt
Secretary
United States Department of the Interior
Washington D.C. 20204

Dear Secretary Bernhardt:

As our Nation struggles to ease the mounting precipitated anguish and fear perpetrated by the escalated spread of the coronavirus in the continental United States and possibly the Territories, we are comforted by the aggressive and bold leadership posture being adopted by President Trump, Vice President Mike Pence and federal leaders reflected in the actions being implemented along with availing financial resources to facilitate the implementation of States and Territories' mitigation strategies to prevent, contain, treat, and improve the health outcomes for all Americans infected by the Coronavirus.

We appreciate the Weekly Briefings conducted by Vice President Mike Pence and the Federal Coronavirus Task Force, as it gives us Governors the opportunity to receive real-time information on the current actions being implemented along with the chance to ask questions and to seek support. We thank you for your leadership and your leadership team in the Department of the Interior and especially the Office of Insular and International Affairs for ensuring that the needs of the territories are not neglected.

Subsequent to my letter to you on March 9, 2020, I am very pleased to submit for your consideration and hopefully your favorable review of the Territory of American Samoa's Response and Action Plan aimed to prevent the spread through aggressive surveillance, monitoring, tracking, isolation, and quarantine of suspected individuals; setting protocols for effective treatment of confirmed cases; comprehensive implementation of our community awareness, community outreach, community education, presenting our financial proposal for funds to empower us to fully implement our mitigation strategy; and our economic development impact assessment of the fiscal repercussions consequential to the coronavirus health storm.

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American Samoa is highly vulnerable because our current healthcare service delivery system grossly lacks the capacity to address the healthcare fallout from epidemics and pandemics. The incidence of accelerated spread of the coronavirus is also very high because of our social structure and cultural edicts which discourages social distancing. There is great fear that our healthcare service delivery system could collapse if the projections and estimates on the percentage of people who will be infected in any community hold true. There is only one hospital in American Samoa and the nearest U.S. Healthcare institution is Hawaii 2,300 miles away, but then given the highly contagious nature of the coronavirus travel might not be a viable option.

In light of these logistical challenges, American Samoa needs to access tools to allow it to determine the degree and level of infection to guide effective implementation of our mitigation strategies, advisories, and guidance. The recommended primary detection measure is TESTING. Regrettably, the Territory of American Samoa is not on the list for Test-Kits distribution. I earnestly implore your intervention in this issue because of the obvious impact on the efficacy of our mitigation and treatment plans.

Our dependency status on imports (95% consumables & 100% healthcare supplies) also adds to our great susceptibility, thus we appreciate the current sensitivity of the federal leaders in the efforts to keep the supply chains open. While this poses another layer of threat to the spread of the coronavirus, the challenge lies in striking a balance between these opposing issues. This will be our challenge as we try to find an acceptable medium to ensure that the health issue will not contribute to the social and economic collapse and does not compromise our ultimate objective of saving lives.

The final component of the Response and Action Plan is the economic assessment of the effect of the coronavirus' fiscal impact on American Samoa's economy with implications on our future prospects and the reciprocal consequences to the American Samoa Government's financial capacity.

We recognize that the major source of public distress stems from the perspective of the unknown and lacking access to information on the nature of the coronavirus and the appropriate actions they must take to prevent being infected. Thus, we have included in our media strategy to get the information out to our people.

Our experience gained from combating the Measles Outbreak with our containment protocols still in place has given us a head start in our fight to prevent and contain the spread of the coronavirus although there is still so much uncertainty surround this pandemic relative to its very nature.

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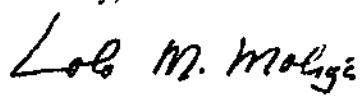
On behalf of the Leaders and the people of American Samoa I extend to you our gratitude and appreciation for the past and future assistance to empower and embolden our resolve to overcome this health disaster.

Sincerely,



Lolo M. Moliga
Governor of American Samoa

cc: Honorable Mike Pence, Vice President of the United States of America
Honorable Alex M. Azar II, Secretary, Department of Health and Human Services
Honorable Dr. Robert R. Redfield, Director, Centers for Disease Control and Prevention
Honorable Douglas Domenech, Assistant Secretary, Insular & International Affairs
Honorable Chad F. Wolf, Acting Secretary, Department of Homeland Security
Honorable Lemanu Peleti Mauga, Lieutenant Governor of American Samoa
Honorable Aumua Amata Radewagen, Member of Congress
Honorable Gaoteote Palaie Tofau, President of the Senate
Honorable Savali Talavou Ale, Speaker of the House of Representatives
Honorable Larry Hogan, Chairman, National Governor's Association
Bettilou Taylor, Health and Medicaid Consultant, Washington, D.C.
Muliufi Hannemann, Consultant, National Group of Washington, D.C.

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## EXECUTIVE SUMMARY

The American Samoa's Territorial Wide Response and Action Plan is prepared to clearly outline the required protocols, guidance, and advisories to combat the entry, prevent community spread, and provide the most effective treatment for those infected by the Coronavirus.

As of March 12, 2020, no case of coronavirus has been detected, reported, or confirmed. Thus, while our ultimate desire is to prevent the entry of the coronavirus into our territory supported by the aggressive prevention protocols which have been declared and implemented, American Samoa's Territorial Wide Response and Action Plan is fashioned assuming the posture that the coronavirus has already reached our shores. This perspective has been adopted to forge the assessment of our healthcare infrastructure capacity whether it can respond efficaciously in mitigating the effects of the coronavirus on our people, our community, our economy, and our society.

Moreover, the Territory of American Samoa is located 2,300 miles Southeast of Hawaii which is the nearest U.S. Jurisdiction, and 5,000 miles to the West Coast of the United States Continental. This remote characteristic presents many difficult challenges which compel us to be as self-sufficient as possible and practical. Susceptibility to surface and air transportation is significant heightening our vulnerability and dependence on Hawaii and other states of the Union for assistance as 95% of our consumables and 100% of our medications are imported. The cost differentia of consumables and medication compared to the States is high shrinking our purchasing capacity.

Prompt detection of the coronavirus through the testing is vital to the determination of subsequent protocols to be implemented. The lapsed time between conducting the test and receiving results is paramount. With American Samoa's remote location, it is imperative that testing must be conducted on-site to provide preliminary indication as to the status of the person tested. American Samoa is the last territory that has not been issued Test-Kits, thus immediate detection is impossible. The LBJ Tropical Medical Center has CLIA certification hence it should be accorded the privilege to conduct these tests which by current protocols these tests will be sent to Hawaii for analysis. The response time is set at a minimum of 3 days turn-around. These three (3) days or more are critical as it could translate to more people being infected.

The assessment of our healthcare infrastructural system revealed major deficiencies in our capacity to effectively respond to epidemics and pandemics. Healthcare facilities were built to deliver standard health care services not contagious in nature. Additionally, special supplies, equipment, medication are limited given the rarity of epidemics. Consequently, epidemic related supplies and medication must now be specially ordered and stockpiled to avoid unnecessary interruption or delay in rendering services. Special isolation and quarantine facilities must now be built as current infrastructural configuration didn't account for the needs or to handle epidemics or pandemics.

Although we have embraced the attitude that the coronavirus has reached our shores, we acknowledge the plain fact that the most effective response to prevent the community spread of the coronavirus rests with each resident by practicing and adhering to the common-sense hygiene regimen. Public

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awareness, community outreach, and education is vital to empowering all residents of American Samoa to take ownership of their individual responsibility to prevent the spread of the coronavirus.

Financial resources are critically needed to finance all the planned tasks, activities, construction of facilities, purchase of equipment, supplies, COVID-19 test kits, and recruitment of additional healthcare professions to help alleviate the load assumed by regular physicians, nurses, technicians and all support functions of the LBJ Tropical Medical Center and the Department of Health. The territory has been combating the measles epidemic which exhausted its financial resources crippling it from availing financial resources to accommodate the demands of the coronavirus pandemic.

In light of the growing economic fallout, consequential to actions taken to address the coronavirus, an economic impact assessment has been conducted to estimate the financial and economic damages sustained by the Territory of American Samoa. Clearly, American Samoa is significantly affected and it will take years to recover.

The American Samoa's Territorial Wide Response and Action Plan provides details on the prevention, screening, monitoring, tracing, and isolation protocols. Treatment protocols are also clearly articulated. Advisories and Guidance on special groups have also been defined and incorporated. Community Awareness, Community Outreach, and Community Education Campaign is provided. It also presents the financial proposal outlining the anticipated expenditures which will be incurred in the implementation.

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**Current Situation**

An outbreak of a new coronavirus disease in 2019 (COVID-19) that began in Wuhan, China has been developing since December 2019. This outbreak now includes tens of thousands of infections in China and thousands of confirmed cases in a number of other countries, including hundreds in the United States.

As of 8:00 AM, March 12, 2020 there have been 1,215 total cases detected in 42 states and the District of Columbia. This represents an increase of 792 cases in the past 3 days. Among the identified cases to-date, 125 have been travel-related, 102 were from person-to-person spread, and 988 are still under investigation. An additional 49 cases have been identified among persons repatriated (brought back to the US from abroad) by the US government from Wuhan, China or the Diamond Princess Cruise Ship. There have been 36 total deaths.

**Impact to American Samoa**

As of March 12, 2020, the Territory of American Samoa has no confirmed Covid-19 case, nor anyone is being quarantined for suspected possible infected by the Covid-19. While this is deemed to be a blessing or a reflection of the aggressive actions being implemented by the American Samoa Government to preempt the entry of the virus, we have adopted the posture that the inevitable will happen given the heightened risk connected with travel emanating from states which have been infected by the COVID-19 which have large Samoan Communities.

Based on our belief that the inevitable will indeed happen the American Samoa Government is now assessing the sufficiency of its capacity to effectively and competently respond positively to any outbreak of the coronavirus in American Samoa.

To provide needed oversight to ensure that real time, practical, and functionable information and recommendations are developed and presented for executive decision on the course of actions to

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be pursued to combat the COVID-19, the American Samoa Coronavirus Task Force has been established to assume this responsibility. All major agencies of the American Samoa Government are made members of the American Samoa Coronavirus Task Force (ASCTF).

To support the work of the ASCTF, the Coronavirus Working Group (CWG) is also establish to provide staffing support to conducted need research on best practices in terms of effectiveness are being adopted by States and Territories are available for consideration and possible replication by our local strategies. The CWG will also provide secretariat functions to speed the work of the ASCTF. We have also compelled our D.C. based consultants and lobbyists to ensure that the needs of the Territory of American Samoa are clearly and aggressively articulate to the Congress, the White House, CDC, and the DHHS. General Memorandum No. 135 is included in the Appendix Section of the Response & Action Plan.

The anticipated impact in American Samoa will be overwhelming on our health and economic fallout which is already being felt although no confirmed Coronavirus case has been detected. The primary and immediate impact is on the territory healthcare infrastructure and systems.

***a. Medical personnel***

DOH and LBJ reshuffle personnel to meet the demand of recent measles outbreak mass vaccination. The shortage of healthcare profession to assist in emergency response while maintaining normal health care operations, presents the need to recruit and hire more physicians and nurses, and to compensate personnel involved in emergency response.

The healthcare professionals are already stretched beyond acceptable standards promulgated by CDC given that many healthcare professionals are working very long hours which certainly impact the quality of the service being provided. LBJ Tropical Medical Center is being financially burdened by chronic overtime given the shortage in nurses. The same is prevalent at the Emergency Room of the only Acute Care Facility on island.

***b. Medical Facilities***

The Territory of American Samoa lacks the appropriate facilities to quarantine and to treat those infected by the Coronavirus. LBJ currently does not have the capacity to effectively isolate and treat infected patients without presenting unacceptable risks to non-COVID-19 patients. While LBJ is struggling to make room to accommodate COVID-19 patients the probability of propagation is still high. The ideal option is not to place COVID-19 patients in close proximity to the patient population. Accordingly, LBJ is renovating the Behavioral Health Center to cater to the isolation and treatment of the COVID-19. Patients. The cost of this work is projected in the financial section of the Response & Action Plan.

The Department of Health (DOH) is solely assume the responsibility of isolation, monitoring, and caring for infected patients. This quarantine facility was setup to address isolation of suspected measles patients. The capacity is limited to 10 which is deemed grossly inadequate to accommodate the expected spread of the COVID-19 upon confirmation of one person. New facilities are being renovated to address the anticipate growth in the number suspected COVID-19. A new facility is

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being constructed specifically for isolation and quarantining of suspected COVID-19 cases. The cost of these infrastructural hardening activities is reflected in our funding request.

*c. Medical Supplies*

As of this writing, American Samoa has not been given Test-Kits to facilitate the immediate determination of the infected status of a suspected individual exhibiting the COVID-19 Symptoms. This is crucial as American Samoa is remotely located with Hawaii as the nearest U.S. Health facility 2,300 miles away. We lack the healthcare facilities to accommodate everyone with COVID-19 symptoms given that our borders are open for travel from the United States by U.S. passport holder, U.S. Nationals, and residents of American Samoa recognizing the CDC travel advisory.

Protective gowns are critically needed to protect the healthcare professionals and first responders. CDC approved masks are needed as well for the healthcare givers, first responders, and the general public desiring to use masks.

Equipment are needed particularly those addressing the respiratory issues, laboratory equipment for testing and preliminary diagnosis, obtainment of specimens, handling, and transportation of the same to U.S. designate labs for COVID-19 analysis.

Standard medical supplies are needs as well to ensure maintenance of a sufficient stock to sustain our healthcare response to combat the coronavirus. The cost of facilities, equipment, masks, gowns, and supplies are reflected in the financial request section.

**Current Challenges:**

The geographic location of the Territory of American Samoa creates severe logistical challenges which magnify operational issues exacerbating the status of healthcare infrastructural platform, human resources capacity and capability, operating supplies, financial resources, position within the Pacific Region, status within the federal family hierarchy, and the uniqueness of the cultural setting which ongoing family gatherings.

**American Samoa's COVID-19 Response & Action Plan**

The Response & Action Plan content contains protocols and advisories recommended by the Department of Health, LBJ Tropical Medical Center, Medicaid Office, Department of Education, American Samoa Community College, Department of Human and Social Services. Territorial Administration on Aging, the Department of Public Works, Department of Youth and Women, Department of Treasury, Department of Human Resources, Department of Local Government, Office Planning and Budget, Office of Procurement, Office of Public Information, American Samoa Environmental Protection Agency, Department of Legal Affairs, Department of Port/Airport Administration, Department of Commerce, and the Veterans Administration Health Clinic in American Samoa.

The approval of this Response & Action Plan by the Governor and the Lieutenant Governor will provide guidance to the entire territory regard steps to take to preempt being infected by the

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Coronavirus. Judicious note should be taken that these protocols and advisories will change as the status of the Coronavirus evolves as the entire situation is currently very fluid with continuing metamorphosing. Any changes or amendments to the articulate protocols will be clearly articulated to the entire community.

While focus on building the healthcare capacity to respond effectively and positively to curb the spread of the coronavirus, equal attention is placed on developing and implementing a community awareness and educational campaign to empower all the residents of American Samoa to be vigilant and diligent in adopting all hygiene advisories presented in this Response & Action Plan.

## I. Prevention, Surveillance, Monitoring, Detection, Testing, & Quarantine Protocols:

The success of the prevention of the Novel Coronavirus stems from the enforcement of the situational changing "DOH Travel Advisory" under the authority vested through the Governor's Public Health Emergency declaration and the Title 13 Health Economics Welfare Services, Chapter 2 American Samoa Emergency Health Powers Act, 13.0215.

All Personnel involved in the following procedures will adhere to Prevention and Control measures and PPE Protocols as outlined by the Isolation and Quarantine Plan.

### 1. Basic Epidemiology:

**Infectious Agent**

The 2019 Novel Coronavirus (COVID-19) is a virus (more specifically, a coronavirus) identified as the cause of an outbreak of respiratory illness first detected in Wuhan, China.

**Transmission**

Studies have been conducted to determine the transmission of COVID-19. The studies suggest that the most likely modes of transmission for COVID-19 are droplet and direct person-to-person contact. However, there is evidence that indirect contact and aerosol spread also exist. It also possible that COVID-19 spread from ill people to others through close contact, such as caring for or living with an infected person. Infected people have spread COVID-19 to others in healthcare settings, such as hospitals.

**Incubation Period**

The incubation period of a novel coronavirus causing severe acute respiratory disease depends on the type of novel coronavirus. The incubation period for COVID-19 is still under study but it is estimated to be 2 to 14 days with a median of 5 to 6 days.

**Communicability**

The period of communicability for the COVID-19 is not completely understood. For SARS-CoV, epidemiologic and virologic studies and clinical follow-up during the 2003 epidemic indicated that transmission does not occur before the onset of clinical signs and symptoms and the maximum period of communicability is less than 21 days. The period of communicability of COVID-19 is unknown.

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**Clinical Illness**

The novel coronavirus, COVID-19, can cause acute respiratory illness. For confirmed COVID-19 infections, reported illnesses have ranged from infected people with little to no symptoms, to people being severely ill and dying. Symptoms may include: Fever, Cough, Shortness of breath

2. **Definitions;**

Case definitions for the COVID-19 continues to evolve as clinical and epidemiologic information on these virus changes. Please refer to the novel coronavirus information on CDC's website for the most recent definitions. The CDC COVID-19 case definitions may be found here: https://www.cdc.gov/coronavirus/COVID-19/clinical-criteria.html.

**Clinical Case Definition**

Limited data on the clinical presentation of COVID-19 are available; most published clinical information to date is from critically ill patients. At hospital admission, common signs and symptoms include fever, chills/rigors, headache, non-productive cough, dyspnea and myalgia. Other symptoms can include sore throat, coryza, sputum production, dizziness, nausea and vomiting, diarrhea and abdominal pain. Atypical presentations including mild respiratory illness without fever and diarrheal illness preceding development of pneumonia have been reported.

**Laboratory Confirmation**

- Identification of a novel coronavirus that is different from currently circulating human coronavirus as confirmed by CDC's laboratory, by public health laboratories using CDC-approved protocols for a specific novel strain or by labs using an FDA-approved test for a specific novel strain.
- Confirmatory laboratory testing requires a positive PCR on at least two specific genomic targets or a single positive target with sequencing on a second.
- Other laboratory confirmation criteria may be defined by CDC for the specific novel coronavirus.

**Case Classifications**

- **Confirmed:** A confirmed case is a person with laboratory confirmation of COVID-19 infection.
- **Probable:** A probable case is a Patient Under Investigation (PUI) with absent or inconclusive laboratory results for COVID-19 infection who is a close contact of a laboratory-confirmed COVID-19 case. Examples of laboratory results that may be considered inconclusive include a positive test on a single PCR target, a positive test with an assay that has limited performance data available, or a negative test on an inadequate specimen.

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- **Suspect (Patient Under Investigation [PUI])**: A person who has both clinical features and an epidemiologic risk should be considered a Patient Under Investigation (PUI) based on one of the following scenarios:

- Fever AND pneumonia or acute respiratory distress syndrome (based on clinical or radiological evidence) AND EITHER:

  - A history of travel from countries with known COVID-19 (China, Korea, Japan, Thailand, Philippines, and US) within 14 days before symptom onset,

    **OR**

  - Close contact with a symptomatic traveler who developed fever and acute respiratory illness (not necessarily pneumonia) within 14 days after traveling from countries mentioned above, **OR**

  - A member of a cluster of patients with severe acute respiratory illness (e.g., fever and pneumonia requiring hospitalization) of unknown etiology in which COVID-19 is being evaluated, in consultation with state and local health department, OR

- Fever AND symptoms of respiratory illness (not necessarily pneumonia; e.g., cough, shortness of breath) AND a history of being in a healthcare facility (as a patient, worker or visitor) within 14 days before symptom onset in a country or territory in or near in which recent healthcare-associated cases of COVID-19 have been identified.

- Fever OR symptoms of respiratory illness (not necessarily pneumonia, e.g., cough, shortness of breath) AND close contact with a confirmed MERS case while the case was ill.

## 3. SURVELANCE AND CASE INVESTIGATION

### Case Investigation

Local and regional health departments should investigate all reports of novel coronavirus including COVID-19. Investigations should include an interview of the case or surrogate to obtain a detailed exposure history. The current investigation form is in Appendix 1. Completion of a more detailed investigation form may be required for probable or confirmed cases or in the event of an outbreak or other special situation. This more detailed investigation form will be provided by ASDOH, if needed.

### Suspect (Patient Under Investigation [PUI]) Case Investigation Checklist

- Any suspected novel coronavirus case should be investigated immediately.

- Ensure that appropriate control measures have been implemented (see Prevention and Control Measures, below).

- Determine whether the patient meets the case definition.

  - Obtain medical records, interview the suspected case-patient or surrogate and interview the patient's healthcare provider.

- Notify ASDOH immediately of suspect (PUI) cases of COVID-19.

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- Collect and ship specimens Hawaii State Laboratory
    - Inform the testing laboratory by calling Hawaii State Epidemiologist and Hawaii Currier.
    - Note: Only persons who meet case definition or have been approved by the ASDOH Epidemiologist will be tested for COVID-19.

**Confirmed/Probable Case Investigation Checklist**

- Any confirmed or probable novel coronavirus cases should be investigated immediately.
- Ensure that appropriate control measures have been implemented (see Prevention and Control Measures, below).
- Confirm that laboratory results (if available) meet the case definition.
- For confirmed cases, verify that the laboratory that performed the confirmatory testing is a public health laboratory using CDC-approved protocols for a specific novel strain.
- For probable cases, verify that epidemiologic linkages meet the case definition.
- Notify ASDOH Epidemiologist immediately of probable or confirmed cases of COVID-19.
- For probable cases, collect and ship specimens to the CDC laboratory
- Complete the AMS COVID-19 Investigation Form using medical records and by interviewing the case-patient or surrogate to identify close contacts, risk factors, and other pertinent information. Completion of a more detailed investigation form may be required and will be provided by ASDOH, if needed.
- Identify close contacts and determine if secondary cases have occurred.
    - See the Contact Tracing section below.
    - Inform CDC immediately if the case-patient traveled via airplane while symptomatic.
- Be prepared to enhance surveillance in the local area for respiratory illnesses and respiratory viruses, if requested by CDC.
- Refer to the *Public Health Preparedness, Surveillance, and Response Plan for* American Samoa for a list of responsibilities by department and program area, and for action triggers.
- If applicable, complete the steps in the Managing Special Situations section.
  Fax or send by secure email the novel coronavirus-specific PUI Form and other investigation forms (if provided) to CDC EOC. The PUI form must be faxed or securely emailed to CDC within 48 hours of testing.

**Prevention and Control Measures**

Prevention and control guidelines for COVID-19 are subject to change as disease knowledge evolves. Please refer to the CDC websites provided below for the most recent recommendations.

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***Healthcare Facilities and Healthcare Personnel***

Please see "Interim Infection Prevention and Control Recommendations for Hospitalized Patients with *COVID-19* available at https://www.cdc.gov/coronavirus/COVID-19/clinical-criteria.html

**Infection Control Recommendations**

**Minimize Chance for Exposures**

Ensure facility policies and practices are in place to minimize exposures to respiratory pathogens including COVID-19. Measures should be implemented before patient arrival, upon arrival, and throughout the duration of the affected patient's presence in the healthcare setting.

**Before Arrival**

- When scheduling appointments, instruct patients and persons who accompany them to call ahead or inform LBJ ER upon arrival if they have symptoms of any respiratory infection (e.g., cough, runny nose, fever) and to take appropriate preventive actions (e.g., wear a facemask upon entry to contain cough, follow triage procedure).

**Upon Arrival and During the Visit**

- Take steps to ensure all persons with symptoms of a respiratory infection adhere to respiratory hygiene and cough etiquette, hand hygiene, and triage procedures throughout the duration of the visit. Consider posting visual alerts (e.g., signs, posters) at the entrance and in strategic places (e.g., waiting areas, elevators, cafeterias) to provide patients and Health Care Providers with instructions (in appropriate languages) about hand hygiene, respiratory hygiene, and cough etiquette. Instructions should include how to use facemasks or tissues to cover nose and mouth when coughing or sneezing, to dispose of tissues and contaminated items in waste receptacles, and how and when to perform hand hygiene.

- Provide space and encourage persons with symptoms of respiratory infections to sit as far away from others as possible. If available, facilities may wish to place these patients in a separate area while waiting for care.

- Ensure rapid triage and isolation of patients who might have COVID-19 infection

  - Identify patients at risk for having COVID-19 infection before or immediately upon arrival to the hospital

    Implement triage procedures to detect patients at risk for having COVID-19 infections during or before patient triage or registration (e.g., at the time of patient check-in) and ensure that all patients are asked about the presence of symptoms of a respiratory infection and history of travel to areas experiencing transmission of COVID-19 or contact with possible COVID-19 patients. See the "Interim Guidance for Healthcare Professionals" (https://www.cdc.gov/coronavirus/COVID-19/clinical-criteria.html) for which patients to evaluate for COVID-19.

  - Immediately isolate those identified as at risk for having COVID-19 infection

    Implement Respiratory Hygiene and Cough Etiquette (i.e., placing a

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facemask over the patient's nose and mouth) and isolate those at risk for COVID-19 infection in an Airborne Infection Isolation Room (AIIR). See recommendations for "Patient Placement" below.

- Provide supplies to perform hand hygiene to all patients upon arrival to facility (e.g., at entrances of facility, waiting rooms, at patient check-in) and throughout the entire duration of the visit to the healthcare setting.

**Ensure Adherence to Standard, Contact and Airborne Precautions**

Standard precautions assume that every person is potentially infected or colonized with a pathogen that could be transmitted in the healthcare setting. Elements of standard precautions that apply to patients with respiratory infections, including those caused by COVID-19 are summarized below. Attention should be paid to training and proper donning, doffing and disposal of any personal protective equipment. All aspects of standard precautions (e.g., injection safety) are not emphasized in this document but can be found in the guideline titled Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings. All Health Care Providers who enter the room of a patient with suspected or confirmed COVID-19 should adhere to Standard, Contact, and Airborne precautions, including the following:

- Gloves
  - Put on clean, non-sterile gloves upon entry into the patient room or care area. Change gloves if they become torn or heavily contaminated.
  - Remove and discard gloves immediately upon leaving the patient room or care area. Please see section below on "Using More than one Kind of Personal Protective Equipment (PPE)" for recommended sequence of PPE removal.

- Gowns
  - Put on a clean disposable gown upon entry into the patient room or area. Change the gown if it becomes soiled. Remove and discard the gown immediately upon leaving the patient room or care area.

**Hand Hygiene**

- HCP should perform hand hygiene before and after all patient contact, contact with potentially infectious material, and before putting on and upon removal of PPE, including gloves. Hand hygiene in healthcare settings can be performed by washing with soap and water or using alcohol-based hand rubs. If hands are visibly soiled, use soap and water, not alcohol-based hand rubs.

- Healthcare facilities should ensure that facilities and supplies for performing hand hygiene are readily available to all personnel.

**Personal Protective Equipment**

Employers should select appropriate PPE and provide it to workers in accordance with OSHA's PPE standards (29 CFR 1910 Subpart I). Workers must receive training on and demonstrate an understanding of when to use PPE; what PPE is necessary; how to properly don (put on), use, doff (take off) PPE; how to properly dispose of or disinfect and maintain PPE; and the limitations of PPE. Any reusable PPE must be properly cleaned, decontaminated, and maintained after and between uses.

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- Respiratory Protection
  - Use respiratory protection (i.e., a respirator) that is at least as protective as a fit-tested NIOSH-certified disposable N95 filtering facepiece respirator upon entry to the patient room or care area.
  - The respirator should be the last part of the PPE ensemble to be removed. If reusable respirators are used, they must be cleaned and disinfected according to manufacturer's reprocessing instructions prior to re-use. If disposable respirators are used, they should be removed and discarded after leaving the patient room or care area and closing the door.
  - Respirator use must be in the context of a complete respiratory protection program in accordance with Occupational Safety and Health Administration (OSHA) Respiratory Protection standard (29 CFR 1910.134). Staff should be medically cleared and fit-tested if using respirators with tight-fitting facepieces (e.g., a NIOSH-certified disposable N95) and trained in the proper use of respirators, safe removal and disposal, and medical contraindications to respirator use.
- Eye Protection
  - Put on eye protection (e.g., a disposable face shield) upon entry to the patient room or care area. Remove and discard eye protection immediately upon leaving the patient room or care area. Reusable eye protection (e.g., goggles) must be cleaned and disinfected according to manufacturer's reprocessing instructions prior to re-use.
- Using More than one Kind of Personal Protective Equipment (PPE)
  - Different types of PPE are used together to prevent multiple routes of transmission.
  - The following sequence is a general approach to putting on this PPE combination for respiratory pathogens: first gown; then respirator; then goggles or face shield; then gloves.
  - The following sequence is a general approach to removing PPE for respiratory pathogens: first gloves; then goggles or face shield; then gown; then respirator.
  - Except for respirator, remove PPE at doorway or in anteroom. Remove respirator after leaving patient room and closing door.
  - Careful attention should be given to prevent contamination of clothing and skin during the process of removing PPE.
  - Perform hand hygiene as described above immediately before putting on and after removing all PPE.

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**Patient Placement**

- Place a patient who might be infected with COVID-19 in an Airborne Infection Isolation Room (AIIR) that has been constructed and maintained in accordance with current guidelines.

    - AIIRs are single patient rooms at negative pressure relative to the surrounding areas, and with a minimum of 6 air changes per hour (12 air changes per hour are recommended for new construction or renovation). Air from these rooms should be exhausted directly to the outside or be filtered through a high-efficiency particulate air (HEPA) filter before recirculation. Room doors should be kept closed except when entering or leaving the room, and entry and exit should be minimized. Facilities should monitor and document the proper negative-pressure function of these rooms.

    - If an AIIR is not available, the patient should be transferred as soon as is feasible to a facility where an AIIR is available. Pending transfer, place a facemask on the patient and isolate him/her in an examination room with the door closed. The patient should not be placed in any room where room exhaust is recirculated without high-efficiency particulate air (HEPA) filtration.

- Once in an AIIR, the patient's facemask may be removed; the facemask should remain on if the patient is not in an AIIR. Limit transport and movement of the patient outside of the AIIR to medically-essential purposes. When outside of the AIIR, patients should wear a facemask to contain secretions.

- Only essential personnel should enter the AIIR. Implement staffing policies to minimize the number of HCP who enter the room.

    - Facilities should consider caring for these patients with dedicated HCP to minimize risk of transmission and exposure to other patients and other HCP.

- Facilities should keep a log of all persons who care for OR enter the rooms or care area of these patients.

- Once the patient vacates a room, unprotected individuals, including HCP, should not be allowed in that room until sufficient time has elapsed for enough air changes to remove potentially infectious particles. More information on clearance rates under differing ventilation conditions is available here: http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5417a1.htm?s_cid=rr5417a1_e%20-%20tab1. In addition, the room should undergo appropriate cleaning and surface disinfection before unprotected individuals are allowed to reenter it.

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**Duration of Infection Control Precautions**

- At this time, information is lacking to definitively determine a recommended duration for keeping patients in isolation precautions.
- Duration of precautions should be determined on a case-by-case basis, in conjunction with local, state, and federal health authorities.
- Factors that should be considered include: presence of symptoms related to COVID-19, date symptoms resolved, other conditions that would require specific precautions (e.g., tuberculosis, *Clostridium difficile*) and available laboratory information.

Manage Visitor Access and Movement Within the Facility

Establish procedures for monitoring, managing and training visitors.

All visitors should follow respiratory hygiene and cough etiquette precautions while in the common areas of the facility.

Restrict visitors from entering the COVID-19 patient's room. Facilities can consider exceptions based on end-of-life situations or when a visitor is essential for the patient's emotional well-being and care.

Visitors who have been in contact with the patient before and during hospitalization are a possible source of COVID-19 for other patients, visitors, and staff.

**Visitors to COVID-19 patients should be scheduled and controlled to allow for:**

- Screening visitors for symptoms of acute respiratory illness before entering the hospital.
- Facilities should evaluate risk to the health of the visitor (e.g., visitor might have underlying illness putting them at higher risk for COVID-19) and ability to comply with precautions.
- Facilities should provide instruction, before visitors enter patients' rooms, on hand hygiene, limiting surfaces touched, and use of PPE according to current facility policy while in the patient's room.
- Facilities should maintain a record (e.g., log book) of all visitors who enter patient rooms.
- Visitors should not be present during aerosol-generating procedures.
- Visitors should be instructed to limit their movement within the facility.

Exposed visitors (e.g., contact with symptomatic COVID-19 patient prior to admission) should be advised to report any signs and symptoms of acute illness to their health care provider for a period of at least 14 days after the last known exposure to the sick patient.

Implement Engineering Controls

Consider designing and installing engineering controls to reduce or eliminate exposures by shielding HCP and other patients from infected individuals. Examples of engineering controls include physical barriers or partitions to guide patients through triage areas, curtains between

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patients in shared areas, closed suctioning systems for airway suctioning for intubated patients, as well as appropriate air-handling systems (with appropriate directionality, filtration, exchange rate, etc.) that are installed and properly maintained.

**Monitor and Manage Ill and Exposed Healthcare Personnel**

Health Care Providers who care for patients with COVID-19 should be monitored. They should immediately report any signs (e.g., fever) or symptoms (e.g., cough, shortness of breath) of acute illness to their supervisor or a facility designated person (e.g., occupational health services) for a period of 14 days after the last known contact with a COVID-19 patient, regardless of their use of PPE.

## Interim Guidelines for Collecting, Handling, and Testing Clinical Specimens from Patients Under Investigation (PUIs) for 2019 Novel Coronavirus (COVID-19)

- At this time, diagnostic testing for COVID-19 will be conducted at Hawaii State Lab.
- ASDOH will immediately notify Hawaii State Epidemiologist and CDC Regional Officer to report the PUI and determine whether testing for COVID-19 at Hawaii State Lab is indicated.
- Specimen Type and Priority. To increase the likelihood of detecting infection, CDC recommends:
  - Collection of three specimen types: lower respiratory, upper respiratory and serum specimens for testing is recommended.
  - If possible, additional specimen types (e.g., stool, urine) should be collected and should be stored initially until decision is made by CDC whether additional specimen sources should be tested.
  - Specimens should be collected as soon as possible once a PUI is identified regardless of symptom onset. Maintain proper infection control when collecting specimens.

### General Guidelines

Store specimens at 2-8°C and ship overnight to CDC on ice pack. Label each specimen container with the patient's ID number (e.g., medical record number), unique specimen ID (e.g., laboratory requisition number), specimen type (e.g., serum) and the date the sample was collected. Complete a CDC Form 50.34 for each specimen submitted. In the upper left box of the form, 1) for test requested select "Respiratory virus molecular detection (non-influenza) CDC-10401" and 2) for At CDC, bring to the attention of enter "Stephen Lindstrom: COVID-19 PUI".

**Respiratory Specimens**

Lower respiratory tract

- Bronchoalveolar lavage, tracheal aspirate.
  - Collect 2-3 mL into a sterile, leak-proof, screw-cap sputum collection cup or sterile dry container. Refrigerate specimen at 2-8°C and ship overnight to CDC on ice pack.
- Sputum

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- Have the patient rinse the mouth with water and then expectorate deep cough sputum directly into a sterile, leak-proof, screw-cap sputum collection cup or sterile dry container. Refrigerate specimen at 2-8°C and ship overnight to CDC on ice pack.

Upper respiratory tract

- Nasopharyngeal swab AND oropharyngeal swab (NP/OP swab)
  - Use only synthetic fiber swabs with plastic shafts. Do not use calcium alginate swabs or swabs with wooden shafts, as they may contain substances that inactivate some viruses and inhibit PCR testing. Place swabs immediately into sterile tubes containing 2-3 ml of viral transport media. NP and OP specimens should be kept in separate vials. Refrigerate specimen at 2-8°C and ship overnight to CDC on ice pack.
  - Nasopharyngeal swab: Insert a swab into the nostril parallel to the palate. Leave the swab in place for a few seconds to absorb secretions. Swab both nasopharyngeal areas with the same swab.
  - Oropharyngeal swab (e.g., throat swab): Swab the posterior pharynx, avoiding the tongue.
- Nasopharyngeal wash/aspirate or nasal aspirate
  - Collect 2-3 mL into a sterile, leak-proof, screw-cap sputum collection cup or sterile dry container. Refrigerate specimen at 2-8°C and ship overnight to CDC on ice pack.

**Serum**

Minimum volume required:

- Children and adults: Collect 1 tube (5-10 mL) of whole blood in a serum separator tube.
- Infant: A minimum of 1 mL of whole blood is needed for testing pediatric patients. If possible, collect 1 mL in a serum separator tube.

Serum separator tubes should be stored upright for at least 30 minutes, and then centrifuged at 1000–1300 relative centrifugal force (RCF) for 10 minutes before removing the serum and placing it in a separate sterile tube for shipping (such as a cryovial). Refrigerate the serum specimen at 2-8°C and ship overnight to CDC on ice-pack.

**Shipping**

- Specimens PUI's must be packaged, shipped, and transported according to the current edition of the International Air Transport Association (IATA) Dangerous Goods Regulations external icon.
- Store specimens at 2-8°C and ship overnight to Hawaii State Lab on ice pack. If a specimen is frozen at -70°C ship overnight to Hawaii State Lab on dry ice.

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- Additional useful and detailed information on packing, shipping, and transporting specimens can be found at Interim Laboratory Biosafety Guidelines for Handling and Processing Specimens Associated with 2019 Novel Coronavirus (COVID-19).

**Recommended Prevention Steps for Confirmed Coronavirus Individuals:**

The following prevention steps are recommended for people confirmed to have COVID-19 infection who can receive care at home and do not need to be hospitalized for medical reasons; people being evaluated by a healthcare provider for COVID-19 infection; caregivers and household members of a person confirmed to have, or being evaluated for, COVID-19 infection; and other people who have had close contact with a person confirmed to have, or being evaluated for, COVID-19 infection:

Note: If you are confirmed to have, or being evaluated for, COVID-19 infection you should follow the prevention steps below until a healthcare provider or local or state health department says you can return to your normal activities.

Stay home

- You should restrict activities outside your home, except for getting medical care. Do not go to work, school, or public areas, and do not use public transportation or taxis.

Separate yourself from other people in your home

- As much as possible, you should stay in a different room from other people in your home. Also, you should use a separate bathroom, if available.

Call ahead before visiting your doctor

- Before your medical appointment, call the healthcare provider and tell him or her that you have, or are being evaluated for, COVID-19 infection. This will help the healthcare provider's office take steps to keep other people from getting infected.

Wear a facemask

- You should wear a facemask when you are in the same room with other people and when you visit a healthcare provider. If you cannot wear a facemask, the people who live with you should wear one while they are in the same room with you.

Cover your coughs and sneezes

- Cover your mouth and nose with a tissue when you cough or sneeze, or you can cough or sneeze into your sleeve. Throw used tissues in a lined trash can, and immediately wash your hands with soap and water.

Wash your hands

- Wash your hands often and thoroughly with soap and water. You can use an alcohol-based hand sanitizer if soap and water are not available and if your hands are not visibly dirty. Avoid touching your eyes, nose, and mouth with unwashed hands.

Avoid sharing household items

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- You should not share dishes, drinking glasses, cups, eating utensils, towels, bedding, or other items with other people in your home. After using these items, you should wash them thoroughly with soap and water.

Monitor your symptoms

Seek prompt medical attention if your illness is worsening (e.g., difficulty breathing). Before going to your medical appointment, call the healthcare provider and tell him or her that you have, or are being evaluated for, COVID-19 infection. This will help the healthcare provider's office take steps to keep other people from getting infected. Ask your healthcare provider to call the local or state health department.

**Protocols for Contract Tracing:**

For all confirmed and probable cases of novel coronavirus infection, contact tracing for close contacts (see CDC's close contact definition below) is required. In addition, because COVID-19 and other novel coronaviruses are not fully understood, ASDOH may request that contact tracing activities for confirmed and probable cases include healthcare workers who were wearing recommended PPE but otherwise meet the definition of close contact.

The extent of follow-up required for close contacts of confirmed or probable cases may depend on the number of cases identified, the severity of illness or interest from public health leaders or media. Contract tracing requirements may cease in specific situations (e.g., in the case of an ongoing pandemic), as specified by ASDOH.

**Contact tracing**

- Contact tracing should be done for all probable and confirmed cases.
- Complete the ASDOH Respiratory Disease Contact Tracking and provide a copy to ASDOH
- Advise contacts of signs and symptoms of illness, and refer them to their healthcare providers if they experience any symptoms compatible with novel coronavirus infection within 14 days of their last contact with the confirmed or probable case.
    - Advise ill close contacts to call ahead prior to visiting their healthcare provider and inform their healthcare provider about recent contact with a confirmed or probable case.
    - Close contacts with respiratory or other compatible symptoms should be tested for novel coronavirus.
- Close contacts should be actively monitored for symptoms of novel coronavirus infection for a minimum of 14 days after last contact with the confirmed/probable case (i.e., follow-up should be performed at regular intervals).
- Collect serum specimens or other laboratory specimens on asymptomatic close contacts, when requested (See Laboratory Procedures section)
- Provide close contacts with a disease fact sheet, if available.

**Close contacts definition for COVID-19:**
Close contact is defined as a) being within approximately 6 feet (2 meters), or within the room or care area, of a confirmed COVID-19 case for a prolonged period of time (such as caring for, living with, visiting, or sharing a healthcare waiting area or room with, a confirmed COVID-19 case) while not wearing recommended personal protective equipment or PPE (e.g., gowns, gloves, NIOSH-certified disposable N95 respirator, eye protection); or b) having direct contact with infectious secretions of a confirmed COVID-19 case (e.g., being coughed on) while not wearing recommended personal protective equipment (i.e., gowns, gloves, respirator, eye protection).

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Data to inform the definition of close contact are limited; considerations when assessing close contact include the duration of exposure (e.g., longer exposure time likely increases exposure risk) and the clinical symptoms of the person with COVID-19 (e.g., coughing likely increases exposure risk). At this time, transient interactions, such as walking by a person with COVID-19, are not thought to constitute an exposure; however, final determination should be made in consultation with public health authorities.

**Protocols to Manage Special Situations:**

**Clusters of Patients with Severe Acute Respiratory Illness**

- Clusters of patients with severe acute respiratory illness (e.g., fever and pneumonia requiring hospitalization) without recognized links to a case of COVID-19 infection or to travelers from countries in or near the Arabian Peninsula should be evaluated for common respiratory pathogens.
- If the illnesses remain unexplained, providers should consider testing for COVID-19, in consultation with state and local health departments.
- In accordance with the World Health Organization's guidance for COVID-19, a cluster is defined as two or more persons with onset of symptoms within the same 14 days period, and who are associated with a specific setting such as a classroom, workplace, household, extended family, hospital, other residential institution, military barracks or recreational camp.
- If a cluster of patients with severe acute respiratory illness is identified, notify Command Post **immediately** at **(684) 633-5871 or (684) 633-5872.**

**Multiple Cases/Outbreaks of Novel Coronavirus**

If there is more than one case of novel coronavirus in a household, local area or facility, or an outbreak is suspected, notify Command Post **immediately** at (684) 633-5871 or (684) 633-5872.

The ASDOH EpiNet Teams will:

- Investigate common exposures among the cases and work with any identified facilities or entities.
- Recommend appropriate control measures for the specific entity or setting.
- Perform contact tracing and monitoring for close contacts of confirmed/probable cases.
- Collect specimens from close contacts, if requested.
- Encourage persons with compatible symptoms to be evaluated by a healthcare provider.
- Alert all healthcare providers in the area to be cognizant of possible cases and encourage immediate reporting of suspected cases.
- Collect and ship specimens on all suspected or probable cases to the Hawaii State Lab laboratory or another public health laboratory qualified to perform novel coronavirus testing using CDC-approved protocols for a specific novel strain.
- Enhance respiratory virus surveillance (e.g., case reporting and laboratory testing) in the facility or in a defined geographic area (depending on the specific outbreak situation)

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**Procedures for ASDOH Laboratory:**

Identification of a novel coronavirus such as COVID-19 is available Hawaii State Lab

**Specimen Collection**

Please see https://www.cdc.gov/coronavirus/COVID-19/guidelines-clinical-specimens.html for the most up-to-date guidelines.

Specimen Type and Priority

To date, little is known about pathogenic potential and transmission dynamics of COVID-19. To increase the likelihood of detecting infection, CDC recommends collecting multiple specimens from different sites at different times after symptom onset, if possible.

Points to consider when determining which specimen types to collect from a patient under investigation for COVID-19 include:

- The number of days between specimen collection and symptom onset
- Symptoms at the time of specimen collection

Additional points to consider:

- Maintain proper infection control when collecting specimens
- Use approved collection methods and equipment when collecting specimens
- Handle, store, and ship specimens following appropriate protocols

**Collection of all three specimen types (not just one or two of the three)—lower respiratory, upper respiratory and serum specimens—for testing using the CDC COVID-19 rRT-PCR assay is recommended.** Lower respiratory specimens are preferred, but collecting nasopharyngeal and oropharyngeal (NP/OP) specimens, and serum, is strongly recommended depending upon the length of time between symptom onset and specimen collection. Respiratory specimens should be collected as soon as possible after symptoms begin – ideally within 7 days. However, if more than a week has passed since symptom onset and the patient is still symptomatic, respiratory samples should still be collected, especially lower respiratory specimens since respiratory viruses can still be detected by rRT-PCR. For example,

- If symptom onset for a PUI with respiratory symptoms was less than 14 days ago, a single serum specimen (see Serum section, below), an NP/OP specimen, and a lower respiratory specimen (see Respiratory Specimens section, below) should be collected for CDC MERS **rRT-PCR testing at an authorized state or local public health laboratory**.
- If symptom onset for a PUI with an ongoing respiratory tract infection (especially a lower respiratory tract infection) was 14 or more days ago, a single serum specimen for **serologic testing at CDC** (see Serum section, below) in addition to a lower respiratory specimen and an NP/OP specimen (see Respiratory Specimens section, below) are recommended.

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## General Guidelines

For short periods (≤ 72 hours), most specimens should be held at 2-8°C rather than frozen. For delays exceeding 72 hours, freeze specimens at -70°C as soon as possible after collection (with exceptions noted below). Label each specimen container with the patient's ID number, specimen type and the date the sample was collected.

*Respiratory Specimens*

A. Lower respiratory tract

Bronchoalveolar lavage, tracheal aspirate, or pleural fluid

- Collect 2-3 mL into a sterile, leak-proof, screw-cap sputum collection cup or sterile dry container.
- Refrigerate specimen at 2-8°C if the specimen will arrive at the testing laboratory within 72 hours of collection; if exceeding 72 hours, freeze at -70°C and ship on dry ice.

Sputum

- Have the patient rinse his/her mouth with water and then expectorate (deep cough) sputum directly into a sterile, leak-proof, screw-cap sputum collection cup or sterile dry container.
- Refrigerate specimen at 2-8°C if the specimen will arrive at the testing laboratory within 72 hours of collection; if exceeding 72 hours, freeze at -70°C and ship on dry ice.

B. Upper respiratory tract

Nasopharyngeal AND oropharyngeal swabs (NP/OP swabs)

- Collection of both nasopharyngeal and oropharyngeal swabs, or a combined NP/OP specimen, is recommended.
- Use only synthetic fiber swabs with plastic shafts. Do not use calcium alginate swabs or swabs with wooden shafts, as they may contain substances that inactivate some viruses and inhibit PCR testing.
- Collection technique
  - Nasopharyngeal swabs: Insert a swab into the nostril parallel to the palate. Leave the swab in place for a few seconds to absorb secretions. Swab both nasopharyngeal areas.
  - Oropharyngeal swabs: Swab the posterior pharynx, avoiding the tongue.
- Place swabs immediately into sterile tubes containing 2-3 ml of viral transport media. NP/OP specimens can be combined, placing both swabs in the same vial.
- Refrigerate specimen at 2-8°C if the specimen will arrive at the testing laboratory within 72 hours of collection; if exceeding 72 hours, freeze at -70°C and ship on dry ice.

Nasopharyngeal wash/aspirate or nasal aspirates

- Collect 2-3 mL into a sterile, leak-proof, screw-cap sputum collection cup or sterile dry container.
- Refrigerate specimen at 2-8°C if the specimen will arrive at the testing laboratory within 72 hours of collection; if exceeding 72 hours, freeze at -70°C and ship on dry ice.

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*C. Serum*

**Serum (for serologic testing at CDC)** [Note: Use this serum guidance if the only serum specimen available would be collected 14 or more days after illness onset]

- Because we do not want to delay detection of COVID-19 infection and since the prevalence of COVID-19 in the US is low, serologic testing on a single serum sample collected 14 or more days after symptom onset may still be beneficial. This is in contrast to serologic testing for many other respiratory pathogens which require collection and testing of acute and convalescent serum specimens. Serologic testing is currently available at CDC upon request and approval. Please be aware that the COVID-19 serologic test is for research/surveillance purposes and not for diagnostic purposes - it is a tool developed in response to the COVID-19outbreak. Contact CDC's Emergency Operations Center (EOC) (770-488-7100) for consultation and approval if serologic testing is being considered.

☐ **Serum (for rRT-PCR testing at authorized state or local public health lab)** [Note: Use this serum guidance for specimens collected during the first two weeks of the patient's illness onset]

- For rRT-PCR testing (i.e., detection of the virus and not antibodies), a single serum specimen collected optimally during the first 10-12 days after symptom onset is recommended. Note: The kinetics of COVID-19 are not well understood. Once additional data become available, these recommendations will be updated as needed.
- The minimum amount of serum required for COVID-19 testing (either serologic or rRT-PCR) is 200 µL. If both COVID-19 serology and rRT-PCR tests are planned, the minimum amount of serum required is 400 µL (200 µL for each test). Serum separator tubes should be stored upright for at least 30 minutes, and then centrifuged at 1000–1300 relative centrifugal force (RCF) for 10 minutes before removing the serum and placing it in a separate sterile tube for shipping (such as a cryovial). Refrigerate the serum specimen at 2-8°C and ship on ice-pack; freezing and shipment of serum on dry ice is permissible.
- Children and adults
  - Collect 1 tube (5-10 mL) of whole blood in a serum separator tube.
- Infants
  - A minimum of 1 mL of whole blood is needed for testing pediatric patients.
  - If possible, collect 1 mL in a serum separator tube.

## II. Protocols, Advisories and Guidance for Isolation and Treatment:

**PURPOSE:**

To prevent potential healthcare associated infection (HAI) transmission of COVID-19 to patients, staff or visitor.

**Background:**

Coronaviruses are common in many different species of animals, including camels and bats. Rarely, these coronaviruses can evolve and infect humans and then spread between humans.



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Recent examples of this include Severe Acute Respiratory Syndrome (SARS-CoV) and Middle East Respiratory Syndrome (MERS-CoV).

Most coronaviruses infect animals, but not people. In the future, one or more of these other coronaviruses could potentially evolve and spread to humans, as has happened in the past. We still don't understand why only certain coronaviruses are able to infect people. https://www.cdc.gov/coronavirus/index.html (Jan 26,2020)

2019 Novel Coronavirus (COVID-19) is a virus (more specifically, a coronavirus) identified as the cause of an outbreak of respiratory illness first detected in Wuhan, China. Early on, many of the patients in the outbreak in Wuhan, China reportedly had some link to a large seafood and animal market, suggesting animal-to-person spread. However, a growing number of patients reportedly have not had exposure to animal markets, indicating person-to-person spread is occurring.

At this time, it's unclear how easily or sustainably this virus is spreading between people. Chinese officials report that sustained person-to-person spread in the community is occurring in China. Person-to-person spread in the United States has not yet been detected, but it's likely to occur to some extent. Cases in healthcare settings, like hospitals, may also occur.

**DEFINITIONS:**

**Case Definitions for COVID-19**

1. Severe acute respiratory infection (SARI) in a person, with history of fever and cough requiring admission to hospital, with no other etiology that fully explains the clinical presentation (clinicians should also be alert to the possibility of atypical presentations in patients who are immunocompromised);

   AND any of the following:
   a) A history of travel to Wuhan, Hubei Province China in the 14 days prior to symptom onset; or
   b) the disease occurs in a health care worker who has been working in an environment where patients with severe acute respiratory infections are being cared for, without regard to place of residence or history of travel; or
   c) the person develops an unusual or unexpected clinical course, especially sudden deterioration despite appropriate treatment, without regard to place of residence or history of travel, even if another etiology has been identified that fully explains the clinical presentation.

2. A person with acute respiratory illness of any degree of severity who, within 14 days before onset of illness, had any of the following exposures:
   a) close physical contact[2] with a confirmed case of 2019 n-CoV infection, while that patient was symptomatic: or
   b) a healthcare facility in a country where hospital-associated 2019 n-CoV infections have been reported.



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**Definition of Healthcare Personnel (HCP)** – For the purposes of this guidance, HCP refers to all persons, paid and unpaid, working in healthcare settings engaged in patient care activities, including: patient assessment for triage, entering examination rooms or patient rooms to provide care or clean and disinfect the environment, obtaining clinical specimens, handling soiled medical supplies or equipment, and coming in contact with potentially contaminated environmental surfaces.

**Definition of PATIENT UNDER INVESTIGATION (PUI) for 2019n-CoV:**

Healthcare providers should evaluate patients in the U.S. for MERS-CoV infection if they meet the following criteria, defined as a Patient Under Investigation (PUI). The below criteria serve as guidance for testing; however, patients should be evaluated and discussed with public health departments on a case-by-case basis if their clinical presentation or exposure history is equivocal (e.g., uncertain history of health care exposure).

Table 1

| **Clinical Features** | ***And*** | **Epidemiologic Risk** |
|---|---|---|
| **Severe illness**<br>Fever *and* pneumonia or acute respiratory distress syndrome (based on clinical or radiological evidence) | *and* | A history of travel from affected countries within 14 days before symptom onset, *or* close contact with a symptomatic traveler who developed fever and acute respiratory illness (not necessarily pneumonia) within 14 days after traveling from affected countries.<br>*– or –*<br>A member of a cluster of patients with severe acute respiratory illness (e.g., fever and pneumonia requiring hospitalization) of unknown etiology. |
| **Milder illness**<br>Fever *and* symptoms of respiratory illness (not necessarily pneumonia; e.g., cough, shortness of breath) | *and* | A history of being in a healthcare facility (as a patient, worker, or visitor) within 14 days before symptom onset in an affected country or territory which recent healthcare-associated cases of 2019n-CoV have been identified. |
| Fever *or* symptoms of respiratory illness (not necessarily pneumonia; e.g., cough, shortness of breath) | *and* | Close contact with a confirmed 2019n-CoV case while the case was ill. |



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**Confirmed Case**

A confirmed case is a person with laboratory confirmation of 2019 n-CoV infection. Confirmatory laboratory testing requires a positive PCR on at least two specific genomic targets or a single positive target with sequencing on a second.

**Probable Case**

A probable case is a PUI with absent or inconclusive laboratory results for 2019 n-CoV infection who is a close contact of a laboratory-confirmed 2019n-CoV case. Examples of laboratory results that may be considered inconclusive include a positive test on a single PCR target, a positive test with an assay that has limited performance data available, or a negative test on an inadequate specimen.

**Table 2. Clinical syndromes associated with COVID-19 infection**

| | |
|---|---|
| **Uncomplicated Illness** | Patients with uncomplicated upper respiratory tract viral infection, may have non-specific symptoms such as fever, cough, sore throat, nasal congestion, malaise, headache, muscle pain or malaise. The elderly and immunosuppressed may present with atypical symptoms. These patients do not have any signs of dehydration, sepsis or shortness of breath. |
| **Mild pneumonia** | Patient with pneumonia and no signs of severe pneumonia. Child with non-severe pneumonia has cough or difficulty breathing + fast breathing: fast breathing (in breaths/min): <2 months, ≥60; 2–11 months, ≥50; 1–5 years, ≥40 and no signs of severe pneumonia. |
| **Severe pneumonia** | Adolescent or adult: fever or suspected respiratory infection, plus one of respiratory rate >30 breaths/min, severe respiratory distress, or SpO2 <90% on room air (adapted from [1]).<br>Child with cough or difficulty in breathing, plus at least one of the following: central cyanosis or SpO2 <90%; severe respiratory distress (e.g. grunting, very severe chest indrawing); signs of pneumonia with a general danger sign: inability to breastfeed or drink, lethargy or unconsciousness, or convulsions. Other signs of pneumonia may be present: chest indrawing, fast breathing (in breaths/min): <2 months, ≥60; 2–11 months, ≥50; 1–5 years, ≥40.2 The diagnosis is clinical; chest imaging can exclude complications. |
| **Acute Respiratory Distress Syndrome** | **Onset:** new or worsening respiratory symptoms within one week of known clinical insult.<br><br>**Chest imaging (radiograph, CT scan, or lung ultrasound):** bilateral opacities, not fully explained by effusions, lobar or lung collapse, or nodules.<br>Origin of oedema: respiratory failure not fully explained by cardiac failure or fluid overload. Need objective assessment (e.g. |



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| | |
|---|---|
| **Sepsis** | echocardiography) to exclude hydrostatic cause of oedema if no risk factor present.<br>**Oxygenation (adults):**<br>• Mild ARDS: 200 mmHg < PaO2/FiO2 ≤ 300 mmHg (with PEEP or CPAP ≥5 cmH2O,7 or non-ventilated8)<br>• Moderate ARDS: 100 mmHg < PaO2/FiO2 ≤200 mmHg with PEEP ≥5 cmH2O,7 or non-ventilated8)<br>• Severe ARDS: PaO2/FiO2 ≤ 100 mmHg with PEEP ≥5 cmH2O,7 or non-ventilated8)<br>• When PaO2 is not available, SpO2/FiO2 ≤315 suggests ARDS (including in non-ventilated patients)<br>Oxygenation (children; note OI = Oxygenation Index and OSI = Oxygenation Index using SpO2):<br>• Bilevel NIV or CPAP ≥5 cmH2O via full face mask: PaO2/FiO2 ≤ 300 mmHg or SpO2/FiO2 ≤264<br>• Mild ARDS (invasively ventilated): 4 ≤ OI < 8 or 5 ≤ OSI < 7.5<br>• Moderate ARDS (invasively ventilated): 8 ≤ OI < 16 or 7.5 ≤ OSI < 12.3<br>• Severe ARDS (invasively ventilated): OI ≥ 16 or OSI ≥ 12.3 |
| **Septic shock** | Adults: life-threatening organ dysfunction caused by a dysregulated host response to suspected or proven infection, with organ dysfunction*. Signs of organ dysfunction include: altered mental status, difficult or fast breathing, low oxygen saturation, reduced urine output, fast heart rate, weak pulse, cold extremities or low blood pressure, skin mottling, or laboratory evidence of coagulopathy, thrombocytopenia, acidosis, high lactate or hyperbilirubinemia.<br>Children: suspected or proven infection and ≥2 SIRS criteria, of which one must be abnormal temperature or white blood cell count.<br><br>Adults: persisting hypotension despite volume resuscitation, requiring vasopressors to maintain MAP ≥65 mmHg and serum lactate level >2 mmol/L.<br>Children (based on [12]): any hypotension (SBP <5th centile or >2 SD below normal for age) or 2-3 of the following: altered mental state; tachycardia or bradycardia (HR <90 bpm or >160 bpm in infants and HR <70 bpm or >150 bpm in children); prolonged capillary refill (>2 sec) or warm vasodilation with bounding pulses; tachypnea; mottled skin or petechial or purpuric rash; increased lactate; oliguria; hyperthermia or hypothermia. |



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## TRANSMISSIONS-BASED PRECAUTIONS (ISOLATION PRECAUTIONS)

### PURPOSE

Transmission-Based Precautions are to be used in addition to Standard Precautions for patients with documented or suspected infection or colonization with highly transmissible or epidemiologically important pathogens for which additional precautions are needed to prevent transmission.

### DEFINITIONS

- The term Airborne Precautions has been supplemented with the term Airborne Infection Isolation Room (AIIR) for consistency with the *Guidelines for Environmental Infection Control in Healthcare Facilities,* the *Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings 2005* and the Facility Guidelines Institute Guidelines for Design and Construction of Hospitals.
- Respirator protection protects staff from hazardous or infectious aerosols, such as *Mycobacterium tuberculosis*. These devices have a sub-micron filter capable of excluding particles that are less than five (5) microns in diameter. Prior to using a respirator, staff must be fit tested for the appropriate size and fit and be in-service on the correct use of the respirator. Staff are responsible for fit checking the respirator before each use. Commonly used respirators in the healthcare setting are:
  - N95 Particulate Respirator
  - N99 Particulate Respirator
  - N100 Particulate Respirator
- Transmission-Based Precautions shall be used in addition to Standard Precautions to prevent the spread of infection throughout the hospital.
- Transmission-Based Precautions include:
  - Contact Precautions
  - Droplet Precautions
  - Airborne Precautions/Airborne Infection Isolation Room (AIIR)

### CONTACT PRECAUTIONS

- Contact Precautions shall be used for patients with known or suspected infections or evidence of syndromes that represent an increased risk for contact transmission. *See also* CDC pathogen-specific recommendations.
- Discontinue Contact Precautions after signs and symptoms of the infection have resolved or according to CDC pathogen-specific recommendations.
  - Patient Placement:
    - Patients who require Contact Precautions shall be placed in a single-patient room when available.
    - When single-patient rooms are in short supply, apply the following principles for making decisions on patient placement shall be used:
    - Patients with conditions that may facilitate transmission (i.e., uncontained drainage, stool incontinence) shall be prioritized for single-patient room placement.
    - Patients who are infected or colonized with the same pathogen and are suitable roommates shall be placed together (cohorted).



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- If it becomes necessary to place a patient who requires Contact Precautions in a room with a patient who is not infected or colonized with the same infectious agent, the following principles shall be followed:
- Avoid placing patients on Contact Precautions in the same room with patients who have conditions that may increase the risk of adverse outcome from infection or that may facilitate transmission (i.e., those who are immunocompromised, have open wounds, or have anticipated prolonged lengths of stay).
- Ensure that patients are physically separated (i.e., greater than three [3] feet apart) from each other. Draw the privacy curtain between beds to minimize opportunities for direct contact.
- Change protective attire and perform hand hygiene between contact with patients in the same room, regardless of whether one or both patients are on Contact Precautions.

- Personal Protective Equipment:
  - Gloves shall be worn whenever touching the patient's intact skin or surfaces and articles in close proximity to the patient (i.e., medical equipment, bed rails). Gloves shall be donned upon entry into the patient's room or cubicle.
  - Gowns shall be worn whenever it is anticipated that clothing will have direct contact with the patient, or potentially contaminated environmental surfaces or equipment in close proximity to the patient. Gown shall be donned upon entry into the room or cubicle. Gown shall be removed, and hand hygiene performed before leaving the patient-care environment.
  - Note: After gown removal, ensure that clothing and skin do not contact potentially contaminated environmental surfaces that could result in possible transfer of microorganism to other patients or environmental surfaces.
- Patient Transport:
  - Patient transport shall be limited to the movement of patients outside of the room for medically necessary purposes.
  - When transport or movement is necessary, the infected or colonized areas of the patient's body shall be contained and covered.
  - Any contaminated PPE shall be removed and disposed, and hand hygiene shall be performed prior to transporting patients on Contact Precautions.
  - Clean PPE shall be donned to handle the patient at the transport destination.
- Patient-Care Equipment and Instruments/Devices:
  - Handle patient-care equipment and instruments/devices according to Standard Precautions.
  - Disposable non-critical patient-care equipment (i.e., blood pressure cuffs) or patient-dedicated equipment shall be used whenever possible for patients on Contact Precautions. If common use of equipment for multiple patients is unavoidable, equipment shall be cleaned and disinfected prior to use on another patient.
- Environmental Measures:
  - Rooms for patients on Contact Precautions shall be prioritized for frequent cleaning and disinfection (i.e., at least daily), with a focus on frequently-touched surfaces (i.e., bed rails, overbed table, bedside commode, lavatory



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surfaces in patient bathrooms, doorknobs) and equipment in the immediate vicinity of the patient.

**DROPLET PRECAUTIONS**

- Droplet Precautions shall be used in accordance with CDC Recommendations for patients known or suspected to be infected with pathogens transmitted by respiratory droplets (i.e., large-particle droplets greater than 5μ in size) that are generated by a patient who is coughing, sneezing or talking.
- Droplet Precautions shall be discontinued after signs and symptoms have resolved or according to CDC pathogen-specific recommendations.

Patient Placement:

- Patients who require Droplet Precautions shall be placed in a single-patient room when available.
- When single-patient rooms are in short supply, the following principles for making decisions on patient placement shall be used:
  - **a.** Prioritize patients who have excessive cough and sputum production for single-patient room placement
  - **b.** Place together in the same room (cohort) patients who are infected with the same pathogen and are suitable roommates
  - **c.** If it becomes necessary to place patients who require Droplet Precautions in a room with a patient who does not have the same infection:
    - Avoid placing patients on Droplet Precautions in the same room with patients who have conditions that may increase the risk of adverse outcome from infection or that may facilitate transmission (i.e., those who are immunocompromised, have or have anticipated prolonged lengths of stay).
    - Ensure that patients are physically separated (i.e., greater than three [3] feet apart) from each other. Draw the privacy curtain between beds to minimize opportunities for close contact.
    - Change protective attire and perform hand hygiene between contact with patients in the same room, regardless of whether one patient or both patients are on Droplet Precautions.

Personal Protective Equipment:

- A face mask shall be donned upon entry into the patient room or cubicle.
- For patients with suspected or proven SARS, avian influenza or pandemic influenza, refer to the CDC website for the most current recommendations.

Patient Transport:

- Patient transport shall be limited to transport and movement of patients outside of the room for medically necessary purposes only.
- If transport or movement in any healthcare setting is necessary, the patient shall be instructed to wear a face mask and follow Respiratory Hygiene/Cough Etiquette.
- Note: No mask is required for persons transporting patients on Droplet Precautions.



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## AIRBORNE PRECAUTIONS

- Airborne Precautions shall be used in accordance with CDC recommendations for patients known or suspected to be infected with infectious agents transmitted person-to-person by the airborne route (i.e., *M tuberculosis*, measles, chickenpox, disseminated herpes zoster).
- Airborne Precautions shall be discontinued according to CDC pathogen-specific recommendations.

Patient Placement:

- In the event of an outbreak or exposure involving large numbers of patients who require Airborne Precautions, the following should be considered:
  - The Infection Preventionist shall be consulted at 633-1222 Ext. 369 before patient placement to determine the safety of alternative room that do not meet engineering requirements for an AIIR.
  - Cohort patients who are presumed to have the same infection (based on clinical presentation and diagnosis when known) in areas of the facility that are away from other patients, especially patients who are at increased risk for infection (i.e., immunocompromised patients).
  - Use temporary portable solutions (i.e., exhaust fan) to create a negative pressure environment in the converted area of the facility. Air shall be directly discharged to the outside, away from people and air intakes, or direct all the air through HEPA filters before it is introduced to other air spaces.

Staff Restrictions:

- Susceptible healthcare staff shall be restricted from entering the rooms of patients known or suspected to have measles (rubeola), varicella (chickenpox), disseminated zoster or smallpox, if other immune healthcare staff are available.

Use of PPE:

- A fit-tested NIOSH-approved N95 or higher-level respirator shall be worn for respiratory protection when entering the room of a patient when the following diseases are suspected or confirmed:
  - Infectious pulmonary or laryngeal tuberculosis, or when infectious tuberculosis skin lesions are present, and procedures that would aerosolize viable organisms (i.e., irrigation, incision and drainage, whirlpool treatments) are performed
  - Smallpox (vaccinated and unvaccinated)
  - Respiratory protection is recommended for all healthcare staff, including those with a documented "take" after smallpox vaccination, due to the risk of a genetically engineered virus against which the vaccine may not provide protection, or of exposure to a very large viral load (i.e., from high-risk aerosol-generating procedures, immunocompromised patients, hemorrhagic or flat smallpox.

Patient Transport:

- Patients on Airborne Precautions shall only be transported for medically necessary purposes only.
- When transport or movement outside an AIIR is necessary, patients shall be instructed to wear a surgical mask, if possible, and observe Respiratory Hygiene/Cough Etiquette.



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- For patients with skin lesions associated with varicella or smallpox, or draining skin lesions caused by *M. tuberculosis*, the affected area shall be covered to prevent aerosolization or contact with the infectious agent in skin lesions.
- Note: Healthcare staff transporting patients who are on Airborne Precautions do not need to wear a mask or respirator during transport if the patient is wearing a mask and infectious skin lesions are covered.

Exposure Management:

- Susceptible persons shall be offered immunization or provided with the appropriate immune globulin as soon as possible following unprotected contact (i.e., exposed) to a patient with measles, varicella or smallpox.
- Administration of measles vaccine (at any interval following exposure) or immune globulin (within six [6] days of exposure, particularly contacts less than or equal to six [6] months of age, pregnant women, and immunocompromised people, for whom the risk of complications is highest) to susceptible contacts.
- Varicella vaccine should be administered to exposed susceptible persons within 120 hours after the exposure, or administer varicella immune globulin (VZIG or alternative product), when available, within 96 hours for high-risk persons in whom vaccine is contraindicated (i.e., immunocompromised patients, pregnant women, newborns whose mother's varicella onset was less than five [5] days before or within 48 hours after delivery).
- Smallpox vaccine should be administered to exposed susceptible persons within four (4) days after exposure.

## PATIENT MOVEMENT IN ISOLATION AREA

- Patient movement and transport outside the isolation area shall be limited to medically necessary purposes.
- Dedicated portable x-ray equipment shall be available in areas designated for cohorting influenza patients.
- If transport or movement is necessary, ensure that the patient wears a surgical or procedure mask.
    - If a mask cannot be tolerated (i.e., due to the patient's age or deteriorating respiratory status), apply the most practical measures to contain respiratory secretions.
- Patients should perform hand hygiene before leaving the room.
- Alternate routes for persons with possible influenza infection and those who have no symptoms of influenza shall be considered in areas where patient transport is common.
- If there is patient contact with surfaces, these surfaces shall be cleaned and disinfected.

## CONTROL MEASURES IN OUTPATIENT CLINICS

Patients with nonemergency symptoms of an influenza-like illness may seek care from their medical provider. Implementation of infection prevention and control measures when these patients present for care will help prevent exposure among other patients and clinical and non-clinical office staff.

Outpatient Clinics:



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Staff shall post visual alerts (in appropriate languages) at the entrance to outpatient offices instructing persons with respiratory symptoms (i.e., patients, persons who accompany them) to:

- Inform reception and staff when they first register for care
- Practice respiratory hygiene/cough etiquette
- Triage patients calling for medical appointments for influenza symptoms:
  - Discourage unnecessary visits to medical facilities
  - Instruct symptomatic patients on infection prevention and control measures to limit transmission in the home and when traveling to necessary medical appointments
  - Symptomatic patients shall be referred to Medical Triage Tent/ER and appointment rescheduled soon as possible to limit their time in common waiting areas.

Staff shall post signs that promote cough etiquette in common areas (i.e. waiting areas, cafeterias, lavatories) where they can serve as reminders to all persons in the healthcare facility.

Signs shall instruct persons to:

- Cover the nose/mouth with tissue or arm when coughing or sneezing
- Dispose of tissues in the nearest waste receptacle after use
- Perform hand hygiene after contact with respiratory secretions

Outpatient offices shall facilitate adherence to respiratory hygiene/cough etiquette and ensure the availability of materials in waiting areas for patients and visitors.

- Provide tissues and no-touch receptacles (i.e., waste containers with pedal-operated lid or uncovered waste container) for used tissue disposal
- Provide conveniently located dispensers of alcohol-based hand rub
- Provide soap and disposable towels for hand washing where sinks are available
- Promote the use of procedure or surgical masks and spatial separation by persons with symptoms of influenza
- Offer and encourage the use of either procedure masks (i.e., with ear loops) or surgical masks (i.e., with ties or elastic) by symptomatic persons to limit dispersal of respiratory droplets.
- Encourage coughing persons to sit at least three (3) feet away from other persons in common waiting areas
- If possible, screen patients for influenza-like illness by phone or before coming into the facility and rescheduling appointments for those whose care is nonemergency

Canceling all nonemergency services when there is pandemic influenza in the community.



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## EMERGENCY MEDICAL SERVICES INFECTIOUS TRANSPORT

**Call Taking**

- Appropriate information from the caller and dispatcher; appropriate protocols for response, clinical care, application of administrative and environmental controls and use of personal protective equipment (PPE) by responding EMS personnel; and transport to the hospital can provide effective evaluation and treatment of the suspected condition.
- Screening for suspected highly infectious pathogens often involves questioning patients about recent travel to endemic areas and presenting signs and symptoms.
- Travel history and/or direct exposure to potential case within the number of days of the incubation period for the illness of interest.
- Specific signs and symptoms of illness
- Consult with Department of Health Epidemiologist and LBJTMC Infection Preventionist to identify required modifications to processes and protocols to ensure consistency with CDC guidance.

**Response**

- Regardless of dispatch information, EMS personnel should be vigilant for travel history and signs and symptoms of communicable disease (e.g., fever, cough, shortness of breath) and use standard precautions and add appropriate transmission-based infection control precautions whenever history or exam findings warrant.
- Implement strict standard and transmission-based precautions based on the patient's clinical information to avoid exposure to potentially infectious bodily fluids, droplets, and airborne particles.
- Identify patients who may be infected with a serious communicable disease by verbal screening and symptoms and recognize the potential hazards.
- Avoid direct contact with a patient who may have a serious communicable disease until you are wearing appropriate PPE.
    - Maintaining a distance of at least six feet may provide protection from transmission of many diseases.
    - Understand and practice with PPE so that you can rapidly and safely don and carefully doff the equipment without cross-contamination.
- Patients or their caregivers may find responders wearing high levels of PPE. Communicating with and calming anxious patients may be more challenging due to PPE as well. Responders should be mindful of this and be prepared to reassure patients and to address their distress and fear.
- Limit the number of EMS providers making contact with a potentially infectious patient to the minimum required to perform tasks safely.
- Hand hygiene (e.g., handwashing with non-antimicrobial soap and water, alcohol-based hand rub, or antiseptic hand wash) is one of the best ways to remove germs, avoid getting sick, and prevent the spread of germs to others.
- Place a surgical mask on a patient with likely infectious cough to significantly limit droplet generation.
    - Patients should cover their nose and mouth when coughing or sneezing; use tissues to contain respiratory secretions and, after use, dispose them in the nearest waste receptacle; and perform hand hygiene after having contact with respiratory



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secretions and contaminated objects or materials.
  - Apply PPE appropriate for the patient's condition prior to making direct patient contact.
- Patients with respiratory illnesses
  - Interview conducted at least 6 feet away from the patient may provide some protection from infectious droplets.
  - Ask any patient with respiratory symptoms to wear a surgical mask if they can tolerate it.
- Keep nonessential equipment away from the patient, so as minimize contamination on the scene and in the ambulance.
- Infection control practices can evolve with novel agents or during infectious disease outbreaks or epidemics.

**Personal Protective Equipment**

- Disposable exam gloves – standard gloves for standard precautions
- Disposable exam gloves – with elongated cuffs for use with barrier gowns/suits
- Cleanable goggles OR face shield
- Surgical masks for patients and providers
- Disposable fluid-resistant gown OR disposable fluid-resistant coverall
- Disposable National Institute for Occupational Safety and Health (NIOSH)-approved, fit-tested N95 or equivalent/higher level respirator (e.g., reusable half-face elastomeric respirator N95 or higher rating mask or PAPR with full hood and HEPA filter)
- Disposable boot/shoe covers
- Full face shield (plus consider head cover)
- Boots (disposable or reusable)
- Fluid-resistant coverall – if service uses gowns for other contact exposures
- Disposable, impermeable apron in addition to fluid-resistant coverall for unstable patients

## EMERGENCY MEDICAL SERVICES SANITIZING VEHICLES

During an influenza pandemic, LBJTMC shall ensure that all emergency transport vehicles shall be cleaned and maintained in accordance with Centers for Disease Control and Prevention's (CDC) guidelines.

**Procedure:**

- LBJTMC shall coordinate with the CDC's Health Alert Network, Public Health Information Network (PHIN) and/or Public Health Information Rapid Exchange (PHIRE), and local agencies to ensure the organization has the most recent information on the pandemic situation, and rapidly and properly disseminates up-to-date clinical standards, treatment protocols and just-in-time training to the EMS coordinator.
- Any interim CDC guidance related to a pandemic shall be incorporated into the organization's infection prevention and control plan which, at a minimum, shall include the consistent practice of basic infection prevention and control procedures, including:



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- Vehicle/equipment decontamination
- Hand hygiene
- Cough and respiratory hygiene
- Proper use of Food and Drug Administration (FDA)-regulated medical personal protective equipment (PPE) regardless of the likelihood of an influenza pandemic

- Routine cleaning methods for emergency transport vehicles shall be employed throughout each vehicle with special attention to the following:
  - Clean and disinfect non-patient care areas of the vehicle according to the vehicle manufacturer's recommendations.
  - Non-patient care areas of the vehicle, such as the driver's compartment, may become indirectly contaminated, such as by touching the steering wheel with a contaminated glove. Staff shall be particularly vigilant to avoid contaminating environmental surfaces that are not directly related to patient care (i.e., steering wheels, light switches).
  - Nonsterile, disposable gloves that are recommended by the manufacturer of the detergent/disinfectant shall be worn while cleaning the patient care compartment and when handling cleaning and disinfecting solutions.
  - Gloves shall be disposed of in a sturdy leak proof (i.e., plastic) bag that is tied shut and not reopened if gloves become damaged or soiled or when cleaning is completed,
  - Frequently touched surfaces in patient care compartments (including stretchers, railings, medical equipment control panels, adjacent flooring, walls, ceilings and work surfaces, door handles, radios, keyboards and cell phones) that become directly contaminated with respiratory secretions and other bodily fluids during patient care, or indirectly by touching the surfaces with gloved hands, shall be cleaned first with detergent and water, and then disinfected using an EPA-registered hospital disinfectant in accordance with the manufacturer's instructions.
    - All safety precautions or other recommendations issued by the manufacturer shall be followed (i.e., allowing adequate ventilation in confined areas, proper disposal of unused product or used containers).
  - Non-porous surfaces in patient care compartments that are not frequently touched shall be cleaned with detergent and water. Large-surface cleaning methods that produce mists or aerosols or disperse dust in patient care areas (i.e., use wet dusting techniques, wipe application of cleaning and/or disinfectant solutions) shall be avoided.
  - Any small spills of bodily fluids (i.e., vomit from an ill patient) shall be cleaned first with detergent and water, followed by disinfection using an EPA-registered hospital disinfectant from EPA List D or E in accordance with the manufacturer's use instructions and safety precautions.
  - Large spills of bodily fluids (i.e., vomit) shall be managed by removing visible organic matter with absorbent material (i.e., disposable paper towels discarded into a leak-



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proof properly labeled container). The spill shall then be cleaned and disinfected as above.

- Contaminated reusable patient care devices and equipment shall be placed in biohazard bags clearly marked for cleaning and disinfection or sterilization as appropriate.
- Reusable devices and equipment shall be clean and disinfected or sterilized according to the manufacturer's recommendations.
- After cleaning, remove and dispose of gloves as instructed in a leak-proof bag or waste container.
- Immediately clean hands with soap and water or an alcohol-based hand gel. Avoid touching the face with gloved or unwashed hands.[1]

## III. Travel Advisories and Guidance:

**Information for Travelers**

General prevention measures for all travelers:

- Wash your hands often with soap and water. If soap and water are not available, use an alcohol-based hand sanitizer.
- Avoid touching your eyes, nose, and mouth. Germs spread this way.
- Avoid close contact with sick people.
- Be sure you are up to date with all of your shots, and if possible, see your health care provider at least 4–6 weeks before travel to get any additional shots.
- Visit CDC's Travelers' Health website (http://wwwnc.cdc.gov/travel/) for more information on healthy travel.
- CDC does not recommend that travelers change their plans because of COVID-19. Most instances of person-to-person spread have occurred in health care workers and other close contacts (such as family members and caregivers) of people sick with COVID-19. If you are concerned about COVID-19, you should discuss your travel plans with your doctor.

**Travelers who are ill:**

- Cover your mouth with a tissue when you cough or sneeze, and throw the tissue in the trash.

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[1] Centers for Disease Control and Prevention (CDC). (October 12, 2018). Influenza (Flu). Retrieved from https://www.cdc.gov/flu/index.htm
Sandoz, Kory L. (n.d.). Pandemic Planning for EMS. Allied Medical Training (AMT). Retrieved from https://alliedmedtraining.com/pandemic-planning-ems/



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- Avoid contact with other people to keep from infecting them. This might mean delaying your travel until you are well.

- Call a doctor if you develop a fever and symptoms of lower respiratory illness, such as cough or shortness of breath, within 14 days after traveling from countries with known COVID-19 transmission l the doctor about your recent travel before you go in for an appointment.

- Tell people who have been in close contact with you to monitor their health for 14 days after the last time they were around you.

    - They should call a doctor and tell them about your illness and travel history and their current symptoms.

- If you get sick while you are traveling, see "Getting Health Care Abroad" (http://wwwnc.cdc.gov/travel/page/getting-health-care-abroad) for information about how to locate medical services overseas.

## IV. Advisory and Guidance for Schools and Daycare Centers

**School/Daycare Exclusion Criteria**

**Policy:**

Children with a fever from any infectious disease cause should be excluded from school and daycare for at least 24 hours after fever subsides without the use of fever-suppressing medications. It is recommended that adults not return to work for at least 24 hours after fever has subsided without the use of fever suppressing medications. Do not exclude close contacts from daily activities such as work or school as long as they have no other reasons for exclusion. In the event of a pandemic the exclusion period may be extended.

**DHSS GENERAL ADVISORY TO ALL CLIENTS:**

The **Department of Human and Social Services (DHSS)** continues to take a proactive stance in prevention and containment of the current public health emergency: Coronavirus Disease 2019 (COVID-19). The following General Advisory are measures to protect the health and welfare of our clients, community members-at-large, as well as our workforce.

**1. Department-Wide**

Anyone who presents with fever, cough, shortness of breath[1] will not be allowed to access DHSS buildings/ Programs[1]. There will be a checkpoint outside of all DHSS offices where you will be asked the following:

a. Do you have a cough? fever? trouble breathing?
b. Have you traveled within the last 14-days?
    i. If yes, where? (Interviewer will have access to a list of affected U.S. states and foreign countries.)



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ii. If yes, are you under self-quarantine?
iii. You will not be allowed access if you answer "yes" to any of these questions.

c. All DHSS clients with underlying medical conditions (ex: heart and kidney disease), acute respiratory illness (ex: lung disease), weak or compromised immune systems, especially those 60 years and older, are required to designate an authorized representative who is in good health to access services/ retrieve benefits on their behalf. (Please see BHS and CFS in part 2 below for exceptions.)

d. DHSS clients are encouraged to first call to make an appointment and get the most current information about accessing our facilities.

1. **Specific to Divisions/ Programs**

A. **ASNAP:** All ASNAP recipients with underlying medical conditions (ex: heart and kidney disease), acute respiratory illness (ex: lung disease), weak or compromised immune systems, especially those 60 years and older, are required to designate an authorized representative who is in good health to access services/ retrieve benefits on the recipient's behalf.

B. **ASDRFA**

i. We will only serve current clients and applicants who have been called to come into our office.
ii. Individuals with pending applications are asked **not to come in** but call these numbers for an update on the status of your application: 633-7506, 633-1156, 633-1571.

C. **ASWIC**

i. All proxies, including those 60 years and older, with underlying medical conditions (ex: heart and kidney disease), acute respiratory illness (ex: lung disease), weak or compromised immune systems are required to designate an alternate who is in good health to access services/ retrieve benefits on the recipient's behalf.
ii. All satellite clinic staff will clean and sanitize frequently touched objects and surfaces (ex: doorknobs, toys, tables, counters, pin and signature pads, keyboards, telephones, personal cell phones, etc.) at least three times daily.

D. **Behavioral Health Services (BHS)** Individuals who present with fever, cough, shortness of breath will not be served, but are encouraged to call or e-mail us for alternative service options.



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E. **Children and Family Services (CFS)**

i. Unless it is an emergency, individuals who present with fever, cough, shortness of breath will not be served, but are encouraged to call or e-mail us for alternative service options.

ii. All shelter facilities staff will clean and sanitize frequently touched objects and surfaces (ex: doorknobs, toys, tables, counters, keyboards, telephones, personal cell phones, etc.) at least three times daily.

F. **Child Care**

i. Providers are required to deny services for children presenting with fever, cough, shortness of breath.

ii. Parents must keep sick children at home.

iii. A child who develops symptoms any time during the day will be quarantined with required supervision and parents will be contacted for immediate pick-up.

iv. Daycare employees will not be allowed to work if presenting with fever, cough, shortness of breath.

v. All daycare centers are required to clean and sanitize frequently touched objects and surfaces (ex: door knobs, toys, tables, counters, biometric scanners and keyboards, telephones, personal cell phones, etc.) at least three times daily.

2. **Specific to Employees**

i. Promote and practice proper handwashing frequently. If soap and water is not immediately available, hand sanitizer with at least 60% alcohol will be used.

ii. Avoid close contact with people who are sick (at least 6 feet is recommended).

iii. Avoid touching your eyes, nose, and mouth.

iv. Practice respiratory etiquette.

1. Cover your mouth and nose with a tissue when you cough, or sneeze then put the used tissue in a waste basket with a lid.
2. If you don't have a tissue, cough or sneeze into your upper sleeve, not your hands.

v. Encourage workers to stay home if they are sick.

vi. At least three times a day, DHSS employees will clean and sanitize frequently touched objects and surfaces (doorknobs, desks, counters, electronic signature pads, telephones, keyboards, personal cell phones, etc.), especially in waiting areas and child-friendly areas with toys.

vii. Employees will occupy/ use space and equipment designated for them (desks, computers, telephones, etc.).

viii. Personal protective equipment will be used if services are required in emergency situations.

ix. All DHSS community outreach activities are cancelled until further notice.



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## V. HUMAN RESOURCES EMPLOYMENT ADVISORIES AND GUIDANCE

This memorandum and outlined protocols provide additional guidance for the American Samoa Government Workforce on how to respond to the impacts of Coronavirus Disease 2019 (COVID-19).

The Department of Health continues to remind the general public that immediate health risk from COVID-19 is considered low. However, it remains critically important that we continue to strengthen our efforts to protect the health and welfare of our employees by ensuring the continuity of operations or Territorial Emergency Response Plan (TEOP) are updated to minimize any disruption in services to the people of American Samoa. In general, it is important to make sure your employees have a clear understanding of their work priorities, a responsibility that Agency Heads and managers can take ownership. Set clear expectations on establishing work hours and task prioritization. Empower team leaders to create management by objectives and deliverables for employees to ensure projects are progressing at no expense to quality production.

Flex accommodation will be unique from one organization to another, but organizations must create policies that are effective to their teams. Therefore, the Department of Human Resources (DHR) is providing the following guidance on COVID-19 to supplement public awareness campaign and brochures currently in mass distribution by the Department of Public Health.

This information may also be accessed on our agency website at www.americansamoa.gov

The protocols highlighted on this memorandum reflect the various inquiries DHR has received from agencies and employees regarding COVID-19 and human resources policies. The topics discussed include:

- Call-In Procedures;
- Annual Leave;
- Sick Leave;
- Flex-Scheduling;

Agencies are strongly encouraged to review and update their employees (call-sheet) and emergency contact information, as needed.

Relative to our educational awareness campaign and prevention measures, the DHR strongly encourages Directors and Agency Heads to enforce these added caveats as per ASAC §4.505(2), which states that, ***"Each department is responsible for administering the annual leave system for their employees and must issue instructions concerning the granting of annual and sick leave."***

If an employee with suspected symptoms of COVID-19 as published by the Department of Health's Response Manual should adhere to the following guidance:



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**Call-In Procedures: (Annual & Sick Leave/Absence Notification)**

An employee must notify your supervisor or the Office of the Director for each sick time or absence from work before the start of the business day at 7:30 a.m. The notification must be received at least fifteen (15) minutes before the start of work with a grace period of fifteen (15) minutes past 7:30 a.m. to be considered **proper notification**.

When providing notification of being sick, an employee must state the reason why they will be absent, whether it is COVID-19 related or instructed by a medical provider to be self-quarantined. While the granting of leave is permitted given all subsections of ASAC §4.0506 are met, it is mandatory that the employee furnish documentary evidence in the form of a medical certificate for periods in excess of 3 consecutive days. However, management may require that the employee furnish such certificate for sick leave involving "any" length of time.

If all sick leave is exhausted, the Agency may charge towards Annual or Compensatory Time.

**Flex-Scheduling:**

The Department of Human Resources is committed to helping and assist employees with work flexibilities given our prevention efforts to combat COVID-19. Flex-Scheduling for employees will be reviewed on a case-by-case basis in situations where self-quarantine or as a caretaker for qualified family members who are classified as suspected, probable, or confirmed with COVID-19 may be granted Flex-Scheduling to accommodate and accomplish both work and personal goals to provide increased productivity at no expense to quality output.

Flexible work arrangements are not appropriate for all employees or positions. The following conditions are also considered for flex-scheduling to be approved: The employee must have a satisfactory history of attendance, meet all performance expectations of his or her current position, and consistently demonstrated the ability to complete tasks and assignments on a timely basis. The nature of the employee's work and responsibilities must be conducive to a flexible work arrangement without causing significant disruption to performance and/or service delivery.

All flex-scheduling and potential work arrangements must be approved with concurrence of the Department of Human Resources prior to announcement or implementation.

For additional information or support, please contact our office at 633-4485. Thank you.

**Frequently Asked Questions (FAQ):**

1. **Generally, how should agencies manage incidences of quarantinable communicable disease, such as COVID-19?**

    a. The constitution of Flex Scheduling for qualified employees promotes "social distancing" and an alternative to sick and annual leave for exposure to quarantinable communicable disease for an employee who is asymptomatic or caring for a qualified immediate family member who is asymptomatic. Agencies



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should have mechanisms in place to monitor and track flexible work arrangements in the event of emergency situations.

2. **Like the Measles epidemic in November 2019, where schools and day care centers were suspended, is it permissible for Flex-Scheduling to perform work from home with a child in the home?**

    a. A department or agency that has a general bar on Flex-Scheduling when there are young children requiring care and supervision as a special exception, such as the COVID-19, would be expected to account for work and non-work hours during the approved period of flex accommodation to take appropriate leave (AL/LWOP) to account for the time spent away from normal work related duties (i.e. to care for child or small children).

3. **If an employee runs out of sick leave, can the agency grant advanced sick leave to an employee who is ill (symptomatic) due to COVID-19, or must care for a family member who is ill?**

    a. No. Advanced sick leave is not an employee entitlement and may only granted with the approval of the Governor.

4. **If an employee is healthy but stays home because his or her asymptomatic family member has been quarantined due to exposure to COVID-19, in what pay/leave status is the employee placed?**

    a. Currently, an employee may use annual, sick, or compensatory time off to care for a family member who is healthy but has been quarantined due to COVID-19.

5. **If the Governor declares COVID-19 to be a pandemic, can an agency order one or more employees to evacuate their offices to work from home?**

    a. It depends. However, it is highly encouraged that Departments and Agencies review their concept of operations to be able to sustain minimal functions on a "skeletal staffing" matrix, either with employees who have been approved for Flex-Scheduling or a team of employees with critical functions to remain unless otherwise instructed by the Office of the Governor.

## VI. ADVISORIES & GUIDANCE FOR SENIOR CITIZENS

The Territory Administration on Agency will use the advisories and guidance provided in the health hygiene protocols to prepare presentations, flyers, and brochures for distribution to the Senior Citizen population of American Samoa who are deemed to be most vulnerable to the coronavirus.



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The Territorial Administration on Aging will closely collaborate with the Department of Health and the LBJ Tropical Medical Center in educating and making the seniors fully aware of the best hygiene practices which they must practice each day.

## TAOA - Fact Sheet

**What do Older Adults and People with Disabilities Need to Know?**

- Early data suggest older people are twice as likely to have serious COVID-19 illness.
- This may be because immune systems change with age, making it harder to fight off diseases and infection.
- Older adults also are more likely to have underlying health conditions that make it harder to cope with and recover from illness.

*In addition, people of all ages, with or without disabilities, seem to be at higher risk for getting very sick from COVID-19 if they have serious chronic medical conditions like heart, lung or kidney disease.*

***Reducing exposure is especially important for people at higher risk of complications!***

If you are at higher risk, Am. Samoa Department of Health recommends that you:

- Stay at home as much as possible if COVID-19 is spreading in your community.
- Make sure you have access to several weeks of medications and supplies in case you need to stay home for prolonged periods of time. CDC has great resources to help you plan.

**Everyday actions to prevent illness**

Everyone, regardless of age or disability, should follow ASDOH's recommendations to help prevent the spread of all respiratory diseases, including colds and flu and COVID-19. For example:

- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose, and mouth.
- Stay home when you are sick.



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**Watch for symptoms and emergency warning signs**

- COVID-19 symptoms include **fever, cough, and shortness of breath**. If you feel like you are developing symptoms, call DOH Command Post at 633-5871/5872.
- If you develop emergency warning signs for COVID-19 get medical attention immediately. These include:
  - Difficulty breathing or shortness of breath
  - Persistent pain or pressure in the chest
  - New confusion or inability to arouse
  - Bluish lips or face
  - ***This list is not all inclusive. Consult your medical provider for any other symptom that is severe or concerning.***

**Follow DOH & LBJ guidance:**

Decisions about community measures will be made by ASDOH Health Officials, in consultation with federal officials as appropriate, based on the scope of the outbreak and the severity of illness. It's important for older adults and people with disabilities, as well as families and the organizations in the aging and disability networks who support them, to pay close attention to information and instructions published by ASDOH.

## VII. DIAL-A-RIDE GUIDANCE AND ADVISORIES

The Dial-A-Ride project administered by the Department of Public Works offers transportation to seniors, physically challenged, and other special population of American Samoa. It is current estimated that 1,400 weekly rides are accommodated by this program. The risk is high for propagation of the coronavirus thus health protocols will be adopted to abate the risk of spreading the coronavirus. Appropriate policy is being developed along with protocols for disclosure and incorporated in this document soon.

## VIII. PUBLIC AWARENESS AND EDUCATION CAMPAIGN

The Department of Health is spearheading the Public Awareness and Education Campaign aimed to inundated the community with information on the coronavirus so they take ownership of self-responsibility to protect themselves from being infected by the coronavirus together with knowing what to do if they suspect that they might be infected.

- Brochures have been developed both in the Samoan and English Languages for immediate distribution.
- Television forums will be conducted by health professionals to ensure that the information delivered to the public is accurate and easy to understand.



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- Radio programs will also be conducted to deliver the same message to the community and will be conducted by the health professionals as well.
- The Department of Health is deploying its comprehensive community campaign wherein all villages are visited by the Department of Health Team to get the word out on the coronavirus.
- The Local Government infrastructure is being compelled to work with the Department of Health and the LBJ Tropical Medical Center to get the message out to the villages to report individuals with possible coronavirus symptoms so appropriate response is activated.
- The Office of Public Information is charge to provide every assistance possible to facilitate implementation of the Community Awareness and Education Program.

## IX. FINANCIAL PROPOSAL

**General Healthcare Capacities:**

The operating capacities of our only acute care facility and our Department of Health are stretched thinly thus precluding launching an effective, aggressive, efficacious, and campaign to combat the spread of the Coronavirus. Our fight relative to containing the spread of the Measles virus is winding down but the financial impact on our financial resources was overwhelming which exacerbated the efforts to respond to this more deadly virus.

The Department of the Interior executed the Congressional Mandate calling for the assessment of the Territory of American Samoa's healthcare system particularly the LBJ Tropical Medicals Center. The assessment was conducted by United States Army Corp of Engineers. The assessment was comprehensive and it identified all of the deficiencies attributed to antiquated physical facilities which we are aggressively attempting to upgrade. We are grateful to you and the Department for continuing provide funds to finance this facility improvement program. The health treatment demands for the Coronavirus find us scrambling to secure space to isolate infected away from the general patient population. Funds are being spent right now with the hope of reimbursement to create an isolation ward to safely treat coronavirus patients. These costs are reflected in our funding request.

Bases for Financial Plan Development:

The healthcare service delivery challenges are clearly document in the earlier sections of this Response & Action Plan. Specifically, testing kits, protective gear, masks, equipment, gowns, medical supplies, and physical facilities are need to quarantine and isolate suspected cases.

The remote geographic location of American Samoa elevates the level of the cost of planned tasks and activities to implement the protocols, advisories, and guidance articulated in this Response & Action Plan. Transporting supplies is a constant challenge, and disruption of service will effectively create a true health crisis for American Samoa. There is already a noticeable shortage in goods because the vessels are being impacted by the Coronavirus.



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The economy is also feeling the adverse impact of the coronavirus which is also negatively affecting the American Samoa Government's revenue posture disabling it from financing all of the planned expenditures connected with combating and mitigating the effects of the Coronavirus.

## X. ECONOMIC IMPACT OF MEASLES & CORONAVIRUS OUTBREAK

Since the Governor of American Samoa first issued a declaration of public health emergency on November 13, 2019, the territorial government has spent approximately $1.6 Million on containment and preventative measures. Additionally, the amendment to the public health emergency that was issued on December 8, 2019 initiated a full closure of schools and daycares and set in place restrictions on public gatherings that lasted until December 16th, 2019. Additional amendments were subsequently issued by the Governor's office in response to the developing, global novel coronavirus (COVID-19) outbreak, which was followed by several additional travel restrictions. A decrease in economic activity followed the December 8th amendment that directly impacted hundreds of private sector businesses and thousands of workers.

The following graph details the breakdown of the direct costs incurred by the American Samoa Government (ASG) during the efforts to contain the measles outbreak and total anticipated expenditures on the containment of COVID-19. Initial costs began to accumulate after the initial declaration of public health emergency on November 13, 2019. Since that time, 443 ASG employees worked nearly 40,000 regular work hours and more than 150,000 overtime hours on Measles containment and several thousand additional hours are expected to be devoted to the COVID-19 containment efforts. Total labor costs that attributed to the outbreaks are estimated to be $1,530,326.



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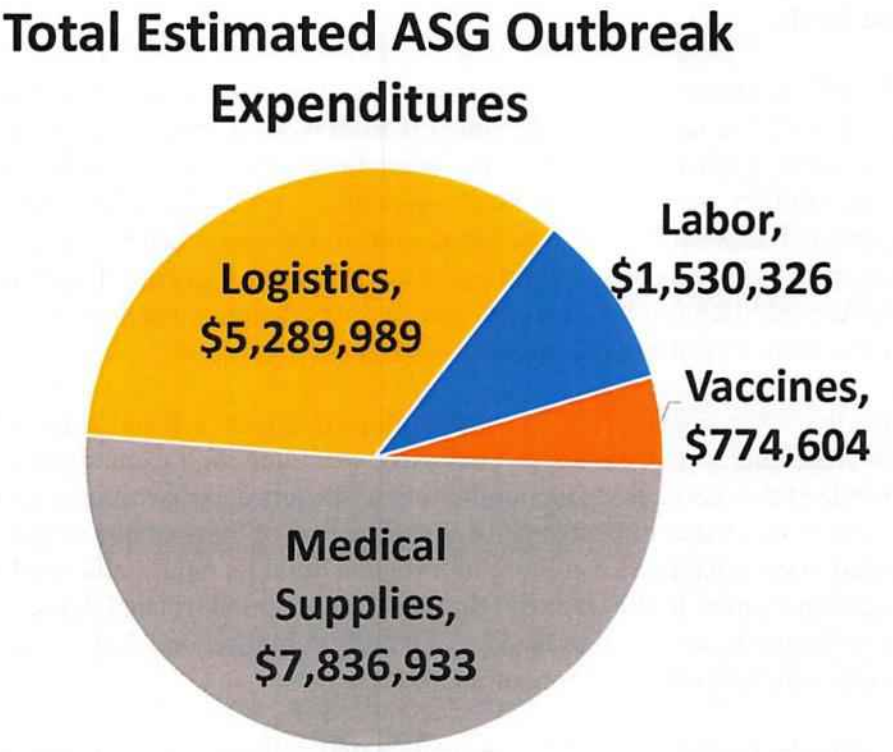


The largest Measles containment expenditure was the purchase of MMR vaccination vials. The total number of individuals requiring this vaccination was estimated to be 15,841. Although the Centers for Disease Control and Prevention (CDC) provided the American Samoa Department of Health (DOH) with 7,000 infant and toddler doses, another 8,841 doses were necessary to inoculate the remaining individuals. The cost of procuring these MMR vials from a private vendor was estimated to be $744,604, with another $46,320 expensed on the procurement of related medical supplies. When additional medical supplies required to combat COVID-19 is factored in, total supply expenditures are anticipated to be $7,836,933. Logistics costs, which included fuel, transportation, public service marketing, and miscellaneous goods and services that are necessary during the containment and disease management efforts, were valued at $5,289,989.

Total estimated containment costs to ASG were $15,042,755. When the value of the MMR vials that were provided by the CDC are included, the total cost of containment increases to $15,389,465, which is roughly equal to 2.4% of American Samoa's 2018 nominal gross domestic product.

The impact to the local economy goes beyond the cost of containment and the preventative costs. These impacts include the effects that school and daycare closures, public gathering restrictions, and travel limitations have had on private businesses and employees. 11,400 pre-school and elementary school aged children and 164 private school staff missed 10 school days during the closure, while 900 children that regularly attend day care and 215 workers missed 22 days or



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more during the measles-related closures, resulting in an estimated income loss of $321,000 for staff and faculty.

Roughly 85% of parents surveyed suggested that at least one gainfully employed adult in the household would be required to take time off from work to care for children during the mandatory school and day care closures. When the average hourly wage and average number of school age children per household are considered, the time taken off of work by parents resulted in an estimated $2.8 Million in foregone regular wages and income in late 2019 and early 2020. This loss of income is expected to drive the average annual in American Samoa down by $87.11 in 2020. Any additional school and daycare closures that may result from COVID-19 would be expected to have a proportional impact.

Additionally, seven passenger leisure cruise ships that were scheduled to visit Pago Pago between December 2019 and March 2020 have cancelled their excursions to the territory as a direct result of the outbreaks. The number of passengers and disembarking crew from these cruise ships is estimated to be nearly 14,000. The loss of these cruise ship passengers and crew is anticipated to have led to $1.5 million in foregone durable, nondurable, and service consumption by cruise ship visitors to the territory. Similarly, an outbreak-related decrease in air visitors to American Samoa is estimated to lead to $2.0 million in foregone durable, nondurable, and service consumption by air visitors in 2020.

In analyzing the impacts of the Measles and COVID-19 outbreaks on territorial gross domestic product (GDP), the revenue and income loses outlined above are partially offset by higher territorial government spending. Specifically, outbreak-related expenditures by the territorial government may be as much as $14.7 million higher in 2020 than expected if the outbreaks had not occurred, while consumer and business spending on goods and services and net exports, combined, are predicted to be approximately $19.7 million lower. As such, 2020 nominal GDP is estimated to be $5.0 million (0.8%) lower in this scenario. Adjusted for inflation, GDP is forecast to be $3.6 million (-0.6%) lower in 2020.

Additional details of the assessed impacts of the 2019-20 Measles and COVID-19 outbreaks on the economy of American Samoa can be found in the following tables.



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## American Samoa Economic Forecast - Measles Outbreak Impact

| American Samoa Economic Forecast Summary | | | | |
|---|---|---|---|---|
| Category | Forecast | | | |
| Year | 2019 | 2020 | 2021 | 2022 |
| AS Nominal Gross Domestic Product ($ Million) | -1.0 | -5.0 | -0.3 | -0.7 |
| Annual Growth (%) | -0.1 | -0.8 | 0.0 | -0.1 |
| AS Real Gross Domestic Product (2009$ Million) | -0.4 | -3.6 | 0.1 | -0.3 |
| Annual Growth (%) | -0.1 | -0.6 | 0.0 | 0.0 |
| AS Average Annual Wage ($/yr) | -87 | -16 | -6 | -1 |
| Annual Growth (%) | -0.6 | -0.1 | 0.0 | 0.0 |
| AS Personal Income ($ Million) | -1.5 | -0.4 | 0.4 | -0.1 |
| Annual Growth (%) | -0.4 | -0.1 | 0.1 | 0.0 |
| ASG Revenues ($ Million) | -0.2 | -0.2 | -0.3 | 0.1 |
| Annual Growth (%) | -0.2 | -0.2 | -0.3 | 0.1 |
| Population | -4 | -1 | -9 | -15 |
| Annual Growth (%) | 0.0 | 0.0 | 0.0 | 0.0 |
| AS Consumer Price Index | 0.0 | -0.1 | -0.1 | -0.1 |
| Annual Growth (%) | 0.0 | -0.1 | -0.1 | -0.1 |
| AS GDP Deflator | -0.1 | -0.2 | -0.1 | -0.1 |
| Annual Growth (%) | -0.1 | -0.2 | -0.1 | -0.1 |
| AS Government Revenues ($Million) | -0.2 | -0.2 | -0.3 | 0.1 |
| Annual Growth (%) | -0.2 | -0.2 | -0.3 | 0.1 |

## American Samoa Economic Forecast - Measles Outbreak Impact

| GDP Components - Current Dollars | | | | |
|---|---|---|---|---|
| Category | Forecast | | | |
| Year | 2019 | 2020 | 2021 | 2022 |
| Nominal Gross Domestic Product ($ Million) | -1.0 | -5.0 | -0.3 | -0.7 |
| Difference (%) | -0.1 | -0.8 | 0.0 | -0.1 |
| Personal Consumption ($ Million) | -1.2 | -5.9 | 0.9 | 0.0 |
| Difference (%) | -0.2 | -1.2 | 0.2 | 0.0 |
| Business Investments ($ Million) | 0.0 | -0.2 | -0.4 | -0.5 |
| Difference (%) | 0.0 | -0.3 | -0.8 | -0.8 |
| Government Spending ($ Million) | 0.6 | 14.7 | 0.6 | 0.0 |
| Difference (%) | 0.2 | 4.4 | 0.2 | 0.0 |
| Net Exports ($ Million) | -0.4 | -13.7 | -1.4 | -0.3 |
| Difference (%) | -0.2 | -6.6 | -0.7 | -0.1 |



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| American Samoa Economic Forecast - Measles Outbreak Impact | | | | |
|---|---|---|---|---|
| GDP Components - Chained 2009 Dollars | | | | |
| Category | Forecast | | | |
| Year | 2019 | 2020 | 2021 | 2022 |
| Real Gross Domestic Product (2009$ Million) | -0.4 | -3.6 | 0.1 | -0.3 |
| Difference (%) | -0.1 | -0.6 | 0.0 | 0.0 |
| Real Personal Consumption (2009$ Million) | -0.5 | -4.1 | 1.1 | 0.3 |
| Difference (%) | -0.1 | -1.1 | 0.3 | 0.1 |
| Real Business Investments (2009$ Million) | 0.0 | -0.1 | -0.3 | -0.4 |
| Difference (%) | 0.0 | -0.3 | -0.8 | -0.8 |
| Real Government Spending (2009$ Million) | 0.5 | 11.5 | 0.4 | 0.0 |
| Difference (%) | 0.2 | 4.4 | 0.2 | 0.0 |
| Real Net Exports (2009$ Million) | -0.4 | -11.0 | -1.1 | -0.3 |
| Difference (%) | 0.4 | 12.8 | 1.5 | 0.4 |

**Economic Policy Recommendations:**

1. Establish a workgroup to assess detailed impacts to businesses by industry.
    a. This would be a collaboration between the Department of Commerce, private sector partners, and other key stakeholders.

2. Establish a separate workgroup to make recommendations/update State of Emergency Powers/Provisions (i.e. Procurement process being streamlined during state of emergency) to include other business/employment sector-facing provisions that help sustain business, build reserves, and support employment. This could include the reduction of excise tax on essential perishable food items; excise tax reduction on supplies and materials used to produce food items (i.e. bottles for locally produced bottled water), etc.; provisions to allow for (government) workers to telecommute to avoid lost wages as a result of school closures (no day care); etc.

3. Assess the feasibility of establishing a local state of emergency Revolving Loan Fund that would be accessible to qualified businesses following emergency declarations. The funding mechanism would ideally be a more streamlined than SBA loans, which are often unavailable in the critical days and weeks following an emergency declaration.

4. Public-Private Partnerships to identify opportunities for the leveraging of resources via agreements/MOU to support response and recovery efforts in times of crises (natural, man-made, and/or epidemic).

5. Creation of a public-private disaster group comprising key businesses and relevant government agencies and immediately activated when necessary to mobilize resources as Federal assistance is pending.



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**Looking Ahead (Post-Recovery): Homeland Security Recommendations**

1. Updating the Territorial Emergency Operations Plan (TEOP) to include response to Outbreaks/Pandemics.

2. Roundtable and Full-scale exercises re: epidemic/pandemics involving critical first responders and community stakeholders.

3. Elevating the potential threats of outbreaks into the Threats and Hazards Identification Risk Assessment (THIRA) to communicate current vulnerabilities, capabilities, and resource gaps to FEMA and relevant entities (CDC).

Tele-Health
Our long-term approach to containing and managing the spread of Coronavirus is the deployment of telecommunications systems and technologies in order to connect local patients with highly trained, off-island healthcare providers. It is possible to provide the residents of American Samoa 24 hours access to doctors in Hawaii via Tele-Health Care Mobile and web-based application. The cost to implement this service is estimated to be up to $1.095 million.

**Coronavirus Budget Proposal:**

| Agency | Personnel | Contractual Services | Equipment | TeleHealth | Supplies | All Others | Facilities | Total |
|---|---|---|---|---|---|---|---|---|
| Health | $1,080,000 | $148,000 | $833,935 | $1,095,000 | $1,151,510 | $1,000,000 | $400,000 | **$5,708,445** |
| LBJ Medical | $1,097,000 | $870,000 | $3,560,675 | | $416,941 | $2,350,000 | $150,000 | **$8,444,616** |
| Public Works | | | $430,000 | | | | $2,390,000 | **$2,820,000** |
| Total | **$2,177,000** | **$1,018,000** | **$4,824,610** | **$1,095,000** | **$1,568,451** | **$3,350,000** | **$2,940,000** | **$16,973,061** |
| | | | | | | | | |

**Department of Health Budget Breakdown**

| Budget Category | Description | Quantity | Total |
|---|---|---|---|
| Personnel | | | |
| | Doctors: $63,000/annual | 8 | $504,000 |
| | Nurses | | |
| | 1. Registered Nurse: $40,000 | 6 | $ 240,000 |
| | 2. Licensed Practical Nurse $25,000 | 6<br>10 | $150,000<br>$120,000 |
| | 3. Certified Nurse Assistants $12,000 | 6 | $66,000 |
| | Support Personnel $11,000 | | |
| Personnel Subtotal | | | $1,080,000 |



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| | | | |
|---|---|---|---|
| Contractual & Training | 1. Proper handling of PPEs<br>2. How to properly transport possible suspected COVID-19 patients to hospital<br>3. Proper decontamination of equipment, vehicles, facilities, etc.<br>4. Tabletop Exercise<br>5. Readiness Operational Capabilities Drill (ROC)<br>6. Leased Vehicles (9 months @2K per month)<br>7. Translation | -<br>-<br>-<br>-<br>-<br>6 | $7,000<br>$7,000<br>$7,000<br>$6,000<br>$8,000<br>$108,000<br>$5,000 |
| Training Subtotal | | | $148,000 |
| Supplies | 1. Gowns $135.00/case (2x, 3x,4x)<br>2. Masks $119.00/100 per cs<br>3. Face Shields $40.00/bx-5per bx)<br>4. Gloves $99.99/2K per cs (XL)<br>5. Hand sanitizers $24.00 (4/bx)<br>6. Shoe covers $45.00 (150 pairs)<br>7. Oxygen tanks $496.00 (large tank/6x) $60.00 (small tank/6x)<br>8. Oxygen masks $50.00 (Adult & Children Adjustable masks – 20/cs)<br>9. Hazardous Disposable Bags $66.00/case (Large bags)<br>10. Decontamination agents<br>11. Test Kits<br>12. Bed Sheets: $50.00<br>13. Pillowcases: $40.00<br>14. Blankets: $25.00<br>15. Alcohol pads<br>16. Glucometer: $50.00<br>17. Glucometer strips: $65.00/box | 50c<br>100c<br>100bx<br>50c<br>300bx<br>300bx<br>10L;10sm<br>100cs<br>100cs<br>1000cs<br>1,000<br>1,000<br>1,000<br>1,000<br>20cs<br>20<br>2000bx | $6,750<br>$11,900<br>$4,000<br>$5,000<br>$7,200<br>$13,500<br>$5,560<br>$5,000<br>$6,600<br>$200,000<br>$600,000<br>$50,000<br>$40,000<br>$25,000<br>$40,000<br>$1,000<br>$130,000 |
| Supplies Subtotal | | | $1,151,510 |
| Facilities | 1. Additional quarantine facilities<br>2. Isolation Room/Field Hospital | -<br>- | $200,000<br>$200,000 |
| Facilities Subtotal | | | $400,000 |



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| | | | |
|---|---|---|---|
| Equipment | 1. Diagnostic Sets wall-mount (12) $500 | 12 | $6,000 |
| | 2. Diagnostic Set portable (12) $750 | 12 | $9,000 |
| | 3. Field Hospitals (2) 700/month | 2/6mos | $8,400 |
| | 4. Hospital Beds (20) $3,600 (up to 600lbs) | 20 | $72,000 |
| | 5. Pulse oximeter $300.00 | 20 | $3,000 |
| | 6. Blood pressure monitors $650.00 | 20 | $6,500 |
| | 7. Infrared forehead Thermometers $102.00 | 20 | $2,040 |
| | 8. Gurneys $4,500 (up to 600lbs) | 12 | $54,000 |
| | 9. Bariatric Wheelchairs $450 (up to 600lbs) | 10 | $4,500 |
| | 10. IV fluids -Lactated ringers 250cc (10) & 500cc (10)/normal saline 250cc (10) &500cc (10) $125.00/cs | 10cs/ea | $5,000 |
| | 11. IV extensions $109.00/cs (5cs) | 5cs | $545.00 |
| | 12. IV sets $143.00/cs (5cs) | 5cs | $715.00 |
| | 13. Pediatric sets $143.00/cs (5cs) | 5cs | $715.00 |
| | 14. Angio cath (18gauge, 20gauge, 22gauge, 24 gauge) $366/cs (depend on size)- (5cs ea) | 5cs | $7,320 |
| | 15. Suction machines (2x) $1,114.00 (5cs) | 5cs | $5,570 |
| | 16. Vital Signs Monitors (x14) $700 | 5cs | $9,800 |
| | 17. Autoclaves $5,566 (5) | 5cs | $27,830 |
| | 18. Intubation | 5cs | $40,000 |
| | 19. Furniture for quarantine facility (chairs, bed-side tables, etc.) | 60ea | $500,000 |
| | 20. Lancets: $40.00 bx | 100bx | $4,000 |
| | 21. Scales (600lbs capacity): $500.00 | 14 | $7,000 |
| | 22. Thermal Body Scanner | 2 | $60,000 |
| Equipment Subtotal | | | $833,935 |
| Tele-Health | | 1 | $1,095,000 |
| Tele-Health Subtotal | | | $1,095,000 |



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| | | | |
|---|---|---|---|
| Other | Media:<br>1.Public Awareness via radio stations, television, newspaper<br>2. Village outreach-church<br><br>Meals for the quarantine facilities | | <br>$250,000<br><br>$250,000<br><br>$500,000 |
| Other Subtotal | | | $1,000,000 |
| TOTAL BUDGET REQUEST | | | $5,708,445 |

**LBJ Tropical Medical Center Budget Breakdown**

| Budget Category | Description | Quantity | Total |
|---|---|---|---|
| Personnel | | | |
| | Doctors – (4 months contract)<br>Locum Tenens: $100,000.00 - $200,000.00 (per annum) | 8 | $400,000.00 |
| | Nurses (4 months contract)<br>4. Travel Registered Nurses: $<br>5. Local Registered Nurses:<br>6. Infection Disease Consultants | 4<br>4<br>5 | $192,000.00<br>$70,000.00<br>$120,000.00 |
| | Ancillary (4 months)<br>1. Pharmacist<br>2. Pharmacy Technicians<br>3. Phlebotomists<br>4. Laboratory Technologists<br>5. Radiological Technologists | 1<br>2<br>6<br>3<br>3 | $35,000.00<br>$20,000.00<br>$40,000.00<br>$30,000.00<br>$30,000.00 |
| | Support Personnel (4 months)<br>1. Housekeeping / Environmental Services<br>2. Security<br>3. Inventory Staff<br>4. Supply Stocking<br>5. Dietary | 12<br>9<br>2<br>2<br>2 | $60,000.00<br>$60,000.00<br>$15,000.00<br>$15,000.00<br>$10,000.00 |
| Personnel Subtotal | | | $1,097,000.00 |



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| | | | |
|---|---|---|---|
| Contractual & Training | 1. Behavioral Health Building Conversion – Convert Private Rooms to Negative Pressure Rooms (10 Rooms) – Construction | 10 Rooms | $850,000.00 |
| | 2. Education – Training (Staff for COVID-19) | - | $20,000.00 |
| Contractual / Training Subtotal | | | $870,000.00 |
| Supplies | 18. COVID-19 Test Kits | When Available | |
| | 19. COVID-19 Vaccine | When Available | |
| | 20. Scrubs Small | 20 c | $2,000.00 |
| | 21. Scrubs Medium | 40 c | $2,380.00 |
| | 22. Scrubs Large | 40 c | $3,440.00 |
| | 23. Scrubs XL, XXL, 3XL | 4 c/size | $15,960.00 |
| | 24. Stethoscope (Disposable) | 50 pcs | $750.00 |
| | 25. Aneroid Sphygomomanometer | 20 pcs | $1,200.00 |
| | 26. Regular Surgical Mask (s,m,l) | 100 cs/sz | $19,980.00 |
| | 27. N95 Masks (s,m,l) | 100 cs/sz | $19,980.00 |
| | 28. Regular Hospital Gloves – small | 100 cs | $9,100.00 |
| | 29. Regular Hosp Gloves – medium | 100 cs | $8,333.00 |
| | 30. Regular Hosp Gloves – large | 100 cs | $8,750.00 |
| | 31. IV Saline – 0.9% NSS, 250 ml | 100 cs | $42,405.00 |
| | 32. IV Saline – Isolyte | 100 cs | $32,900.00 |
| | 33. IV Saline – LR, 1000ml | 100 cs | $27,000.00 |
| | 34. IV Tubing/SmartSite Inf. Allaris | 100cs | $15,120.00 |
| | 35. Allaris Pmp-Cmb PC Un –Syringe | 40 units | $120,000.00 |
| | 36. Isolation Gowns (Disp) Med | 100 cs | $11,900.00 |
| | 37. Isolation Gowns (Disp) Large | 100 cs | $8,600.00 |
| | 38. Isolation Gowns (Disp) XL | 100 cs | $13,300.00 |
| | 39. Endoctracheal Tubes (All sizes) | 100 cs/sz | $10,000.00 |
| | 40. Blankets / Thermo Reg | 20 units | $15,000.00 |
| | 41. Pillows | 100 pcs | $1,259.00 |
| | 42. IV Catheters – g18 | 100 cs | $3,674.00 |
| | 43. IV Catheters – g20 | 100 cs | $3,612.00 |
| | 44. IV Catheters – g22 | 100 cs | $3,674.00 |
| | 45. IV Catheters – g24 | 100 cs | $3,674.00 |
| | 46. Cassettes for ABG | 50 cs | $12,950.00 |
| Supplies Subtotal | | | $ 416,941.00 |



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| | | | |
|---|---|---|---|
| Facilities | 3. Tents – Negative Pressure Iso Tent<br>4. Medical Triage Tent | 1 unit<br>1 unit | $120,000.00<br>$30,000.00 |
| Facilities Subtotal | | | $150,000.00 |
| Equipment | 23. 40-KW Generators | 2 units | $90,000.00 |
| | 24. Isolation Carts | 4 units | $18,400.00 |
| | 25. Vital Signs Machine (Portable) | 5 pcs | $27,500.00 |
| | 26. Oxygen Tank Size C | 20 units | $60,000.00 |
| | 27. Suction/Aspirator w 800cc Disp | 20 units | $10,359.00 |
| | 28. Oxygen Gauges – small | 20 pcs | $7,420.00 |
| | 29. Oxygen Gauges – large | 20 pcs | $7,840.00 |
| | 30. Pediatric Portable Ventilators | 20 units | $700,000.00 |
| | 31. Cots | 50 pcs | $25,000.00 |
| | 32. Wheelchairs – regular | 10 pcs | $5,530.00 |
| | 33. Wheelchairs – Heavy Duty | 10 pcs | $6,930.00 |
| | 34. Gurneys | 20 pcs | $360,000.00 |
| | 35. Dial Rates IV Regulators | 20 units | $9,000.00 |
| | 36. Central Lines – Pediatric | 50 cs | $65,485.00 |
| | 37. Central Lines – Adults | 50 cs | $76,211.00 |
| | 38. Portable Pulse Oximeter | 30 pcs | $96,000.00 |
| | 39. ABG Portable Reader | 2 units | $50,000.00 |
| | 40. Dialysis machines (Isolation PT) | 5 units | $150,000.00 |
| | 41. Dialysis chairs | 5 units | $25,000.00 |
| | 42. Hospital Beds/Tables/Cabinets | 15 units | $450,000.00 |
| | 43. Oxygen Air Generator | 1 unit | $480,000.00 |
| | 44. Medical Air compressor | 1 unit | $190,000.00 |
| | 45. Medical Vacuum | 1 unit | $650,000.00 |
| Equipment Subtotal | | | $3,560,675.00 |
| Other | 1. Pharmaceuticals – Medication | - | $1,000,000.00 |
| | 2. Relocation of BH Patients to new location | - | $650,000.00 |
| | 3. Ambulances | 2 units | $700,000.00 |
| | Meals for the quarantine facilities | | |
| Other Subtotal | | | $2,350,000.00 |
| TOTAL BUDGET REQUEST | | | $ 8,444,616.00 |



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LOLO M. MOLIGA
GOVERNOR

OFFICE OF THE GOVERNOR
AMERICAN SAMOA GOVERNMENT
Telephone: (684) 633-4116 Fax: (684) 633-2269

LEMANU P. MAUGA
LIEUTENANT GOVERNOR

March 10, 2020 Serial: 135

To: Secretary of Samoan Affairs, Attorney General, CEOs, Presidents, Directors, & Executive Directors

From: Governor of American Samoa

Subject: The Coronavirus Task Force and Coronavirus Working Group

On January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of a public health emergency of international concern. On January 31, 2020, Health and Human Services Secretary Honorable Alex M. Azar II declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to COVID-19.

Since the promulgation of these two declarations, we immediately took steps to prevent and preempt the entry of this virus into American Samoa. The disclosure of this pandemic in the midst of the Measles Outbreak caused the extension of the same protocols and advisories on our initiative to contain the spread of the Coronavirus. Furthermore, a group was appointed to prepare our Coronavirus Action Plan to be submitted to the Department of the Interior, CDC, the White House, DHHS, and our Delegate to Congress articulating our needs.

The speed at which the incidence of the Coronavirus is being propagated throughout the United States gives us cause to formalize the establishment of our Task Force charged with the responsibility to prepare our comprehensive Action Plan aimed to combat the entry, spread, and treatment of the Coronavirus in our territory for review and approval by the Lieutenant Governor and I with intended submission to Honorable David Bernhardt, Secretary of the Interior for subsequent transmittal to CDC, the White House, DHHS, and appropriate agencies of the Federal Government involved with combating the spread of the Coronavirus. The Coronavirus Task Force membership shall include the following heads of the following agencies of the American Samoa Government. The Director of the VA Clinic is included as a member as well to ensure arms-length collaboration and coordination of efforts ensuring inclusion of all members of community.

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Paramount Chief Mauga Tasi Asuega, Secretary of Samoan Affairs
Mitzie Jessop Ta'ase, Attorney General of American Samoa
Faumuina John Faumuina, Chief Executive Officer, LBJ Tropical Medical Center
Motusa Tuileama Nua, Director, Department of Health
Dr. Ruth Matagi Tofiga, Director, Department of Education
Taimalelagi Dr. Claire Tuia Poumele, Director, Department of Port/Airport Administration
Dr. Iotamo Saleapaga, Chief Medical Officer, LBJ Tropical Medical Center
Dr. Saipale Fuimaono, Chief Medical Officer, Department of Health
Dr. Fred J.Uhrle Jr., Director, VA Medical Clinic
HTC Le'i Sonny Thompson, Commissioner of Public Safety
Samana Semo Ve'ave'a, Director, Department of Homeland Security
Sandra King Young, Executive Director, Medicaid Office – Office of the Governor
Dr. Rosevonne M. Pato, President, American Samoa Community College
Ueligitone Tonumaipe'a, Treasurer/Director, Department of Treasury
Fuiavailili Keniseli Lafaele, Director, Department of Commerce
Eseneiaso J. Liu, Director, Department of Human Resources
Catherine Saelua, Director, Office of Program Planning and Budget
Faleosina Voigt, Director, Department of Public Works
Dr. Oreta Crichton, Director, Office of Procurement
Muavaefa'atasi John Suisala, Director, Department of Human & Social Services
Fa'amao Asalele, Excutive Director, American Samoa Environmental Protection Agency
Evelyn Lili'o Satele, Director, Territorial Administration on Aging
Dr. Aifili John Tufa, Chief Epidemiology, Department of Health
Dr. Tuato'o Seakerise Tuato'o, Chief of Staff, LBJ Tropical Center
'Iulogologo Joseph Pereira, Executive Assistant to the Governor

The Coronavirus Task Force shall be chaired by 'Iulogologo J. Pereira with Faumuina and Nua serving as Co-Vice Chairs respectively.

The Coronavirus Working Group serving as staff to the Coronavirus Task Force is also established to perform research, drafting, documentation, and all other tasks assigned by the Coronavirus Task Force. The Coronavirus Working Group is chaired by the Chief of Staff Fiu J. Saelua with membership as follows:

Fuamatu J. Fuamatu, Western District Governor, Office Samoa Affairs
William Ledoux, Legal Counsel, Governor's Office
Dr. Sala Mata'ese Samuelu, Director, Department of Agriculture
Dr. Pa'u Roy Ausage, Acting Director, Department of Youth and Women
Dr. Ti'a Mikaele Etuale, Executive Director, Drug Coalition
Dr. Tapa'au Dan Aga, Executive Director, Political Status, Constitution, & Federal Relations
Tuimavave Tauapa'i Laupola, Director, Office of Public Information (KVZK)
HTC Malaepule L. Moliga, Director, Department of Administrative Services
Sharmain Mageo, Infection Preventionist, LBJ Tropical Medical Center
Simamao Tuato'o, Nursing Director, LBJ Tropical Medical Center
Silia P. Time, Special Programs/CIP Administrator, Governor's Office
Jerome Ierome, Administrator, Grant Management/Oversight/Accountability, Governor's Office

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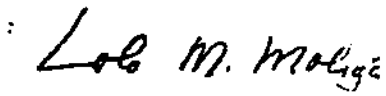
Recognizing that the availability of financial resources is the key to the implementation of the content of Coronavirus Action Plan, there is also established an Off-Island Coronavirus Consulting Team to ensure that our financial needs are fully articulated in Washington D.C., Federal Agencies and the Congress of the United States. This Off-Island Consulting Team is comprised of the following:

Muliufi Hannemann
National Group in D.C.
Bettilou Taylor, Medicaid and Health Consultant in D.C.
Lydia Faleafine Nomura, DOI Field Representative



LOLO M. MOLIGA

cc: Honorable Lemanu Peleti Mauga, Lieutenant Governor
Honorable Gaoteote Pala'ie Tofau, President of the Senate
Honorable Savali Talavou Ale, Speaker of the House of Representatives
HTC Fiu J. Saelua, Chief of Staff
Standard Distribution List

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American Samoa Telecommunications Authority

**Chairman**
Iulogologo Joseph Pereira

**CEO**
Lewis Wolman

12 March, 2020 Questions? Contact Lewis Wolman, lewis.wolman@astca.net

**ASTCA is taking the Covid-19 threat very seriously. Bulletin #1.**

American Samoa is a small, remote, isolated, densely populated island community.

ASTCA cannot prevent the virus from arriving on our shores, or spreading throughout the community, but ASTCA can take steps that will slow the number of infections and the speed of the virus's spread.

ASTCA can also take steps to make sure ASTCA is ready to provide reliable telecommunications as American Samoa responds to the Covid-19 threat. ASTCA anticipates a much greater reliance on telecom in the weeks and months ahead, due to the need to communicate more in times of trouble, magnified by the effects of social distancing (e.g., less physical interaction, more working from home with communication devices).

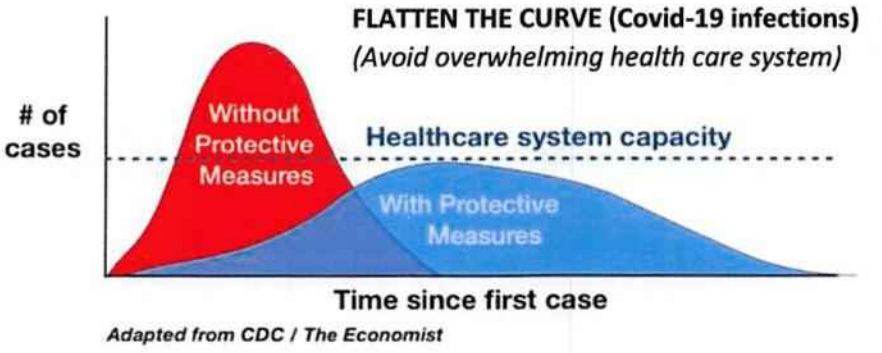
By increasing hygienic measures and practising social distancing, we will do our part to "flatten the curve" (see graphic below) so that when the virus is here, it will spread slowly and not overwhelm our health care system. https://globalnews.ca/news/6665558/coronavirus-flatten-the-curve/

For example,

- We will minimize staff entry to homes and offices where people are sick or self-quarantined. We ask for your cooperation and patience.
- We will curtail unnecessary activities that pose a risk.
- We will take steps to protect staff and customers, in our offices, stores and field work.

We will start to practise social distancing in our own operations. For example,

- Tele-work
- Stepped-up hygiene




*Adapted from CDC / The Economist*

**ASTCA**
Post Office Box M
Pago Pago, AS 96799

Tel +1 684.699.3000
www.astca.net



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TERRITORIAL ADMINISTRATION ON AGING

**TERRITORIAL ADMINISTRATION ON AGING**
*American Samoa Government*
*Pago Pago, American Samoa 96799*
*Phone: (684) 633-1251/1252/1253*
*Fax: (684) 633-2533*

**HONORABLE LOLO M. MOLIGA**
**Governor**

**HONORABLE LEMANU P. MAUGA**
**Lieutenant Governor**

**EVELYN LILI'O-SATELE**
**Director**

**KURESA F. PAOPAO**
**Deputy Director**

March 12, 2020

Iulogologo Joseph Pereira, Chairman
Coronavirus Task Force
Executive Assistant to the Governor
Government of American Samoa
Pago Pago, American Samoa. 96799

Dear Chairman Iulogologo,

In response to the severity of health concerns raised by the COVID-19 virus, and given the fact that TAOA carries the responsibility of ensuring the Senior Citizen population of American Samoa is provided with all information and protective measures available, the following actions have been or will be implemented by TAOA and staff to ensure this is, in fact, the case:

- An emergency meeting has been held to inform all 120 SCSEP workers of risks, protective practices and information regarding the COVID-19 virus. DOH brochures were provided for all attendees.
- SCSEP program/job placement will be temporarily discontinued effective March 16, 2020 until further notice.
- All SCSEP participants placed in health facilities have been reassigned.
- All Congregate Meal program renewal requirements have been suspended for two months. This will not impact meal eligibility but will eliminate a required visit to the TAOA office.
- In partnerships with DYWA, seniors will sew their own reusable protective masks. While it is understood that masks may not prevent the virus, it is believed that masks will serve as a deterrent to the common practice of touching one's face.
- There are no plans at this time to discontinue the Meal Program; however, all meal service duties at centers will be carried out by TAOA staff beginning March 17, 2020.
- Community outreach at all meal centers conducted regularly by TAOA staff and participants.
- Janitorial responsibilities have been upgraded to include frequent wipe-downs and thorough disinfecting of common areas.

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- All employees who show signs of illness/fever are being sent home or told to stay home.
- Congregating amongst staff is discouraged; distancing is encouraged.

We take our unique responsibilities to the Senior Citizens of the Territory very seriously and welcome any additional COVID-19 preventive measures that may be recommended regarding their vulnerability in such times. We continue to monitor the CDC and Administration for Community Living (ACL) websites for additional announcements to ensure our seniors receive sufficient information regarding their health and well-being.

I commend you and the Coronavirus Task Force and the Coronavirus Working Group for the tremendous efforts being made to address the unique challenges presented by the COVID-19 pandemic and the prevention of its entry into American Samoa.

Our prayers for the good health and safety of our island community.

Sincerely,

Evelyn Lili'o-Satele, Director
Territorial Administration on Aging

cc: Fiu Johnny Saelua, Chief of Staff
Coronavirus Working Group Chairman

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**DEPARTMENT OF PUBLIC WORKS**
**TRANSIT DIVISION**
**CORONAVIRUS PREVENTATIVE MEASURES**

**March 11, 2020**

While there are no confirmed cases of COVID-19 in American Samoa, we understand people in our community may feel concern about the safety of using our Dial-a-ride transit service. We want the public to know we take this situation seriously, and are taking actions to help prevent common illnesses from spreading and in the event, we should have a confirmed case.

**Dial-a-ride Service Summary:**

The Dial-a-ride service provides approximately 100-140 weekday trips totaling approximately 500-600 trips per week on 7 transit vehicles. Trip destinations are to the LBJ Medical center for Medical appointments, Health Centers, Financial institutions, Retirement & Social Security office, Food Stamp, TAOA employment and a few grocery shopping. Our ridership registration is currently at 1300 actively serving 600, with 279 riders using wheelchair.

**Strategies for Preventive Measures:**

1) **Drivers & Dispatchers & Support Staff:**
    a. The agency is closely coordinating with the local Coronavirus Task Force on updated information and reporting it back to drivers, dispatchers and transit staff to ensure the health and safety of riders and employees.
    b. Clear protocols and procedures for the cleaning and disinfection of vehicles has been reiterated to all Drivers & dispatchers.
    c. Inspection forms are in place for verifying the completion of tasks. Forms are signed by drivers and verified by shift dispatchers.
    d. Drivers & dispatchers have been equipped with hand sanitizers, Personal Protective Equipment (gloves), tissues for precautionary measures.
    e. Drivers & Dispatchers have been advised to stay home when feeling sick.
2) **Dial-a-ride Vehicles:**
    a. Posters are posted in the vehicles that encourage staying home when sick, cough and sneeze etiquette, proper hand washing techniques, Coronavirus pamphlet from local Dept. of Public Health for rider information.

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b. Agency vehicle cleaning procedures has been updated to include nightly disinfecting of all transit vehicles. Exterior washing of buses has also been upgraded to three times a week.
c. No-touch disposal receptacles are provided in vehicles for use;
d. Vehicles are being sanitized by drivers after each group drop off and periodically throughout the day.

3) **Outbreak response plan will be dependent on directives from Department of Health and Government declarations:**
   a. Continue with preventative measures as outlined above
   b. Vehicles will be used for Emergency response if an outbreak/disaster is declared.

This plan is subject to be updated as new information become available.

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AMERICAN SAMOA
COMMUNITY COLLEGE
PRESIDENT'S OFFICE

March 12, 2020

**AMERICAN SAMOA COMMUNITY COLLEGE MEMORANDUM #016-2020**

TO: General Distribution

FROM: Dr. Rosevonne M. Pato
President, American Samoa Community College

SUBJECT: **ASCC Immediate Action Plan for COVID – 19 Preparations**

In accordance with the American Samoa Community College Governance Policies,

**3016 Responsibility to College**

> "It shall be the primary responsibility of all levels of the American Samoa Community College management to enforce safety procedures to safeguard its employees and clients. Safe practices on the part of all employees must be part of all operations."

and

**3016.1 Emergency Situations**

> "The President shall establish administrative procedures and plans of action to enable the faculty, staff, and students to respond appropriately during emergency situations."

The following Action Plan will take effect immediately to ensure a safe and healthy work environment:

AMERICAN SAMOA COMMUNITY COLLEGE
P.O. Box 2609, Pago Pago, American Samoa 96799
(684) 699-9155 • (684) 699-2062 (fax)

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**Travelers:**

1. All employees of ASCC who have travelled through the ASCC Travel Authorization and are returning to American Samoa and to the ASCC campus workplace (as of the issuance of the *ASG GM -024 Suspension of ASG Travel Due to Coronavirus* and *ASCC Memorandum #014 – 2020 Revised Travel Advisory*), upon return from travel will remain in self quarantine at home for the recommended 14-day period as advised by the ASG Department of Health. The ASCC employee will be issued administrative leave for this period of home quarantine.
2. All employees who travel off island (out of the AS territory) for personal reasons, upon return from travel and to the ASCC campus workplace (as of the issuance of the *ASG GM -024 Suspension of ASG Travel Due to Coronavirus* and *ASCC Memorandum #014 – 2020 Revised Travel Advisory)*, will remain in self quarantine at home for the recommended 14-day period as advised by the ASG Department of Health. The ASCC employee will take sick leave, annual leave or LWOP dependent on the leave accrued. Leave Sharing and Advanced Leave do not apply for this containment period.
3. All ASCC employees and ASCC students have a responsibility to report any off-island travel taken (as of the issuance of the *ASG GM -024 Suspension of ASG Travel Due to Coronavirus* and *ASCC Memorandum #014 – 2020 Revised Travel Advisory)* to the respective supervisor, instructor, or administrator and may need to be issued a self quarantine at home for the 14-day period as advised by the ASG Department of Health.

**Visitors to Campus:**

4. All visitors to campus should report to the Security Office at the Entrance of the Main Quad Area of the campus.
5. Gates will be closed for employees and students on Mondays through Fridays before 7:00am and after 6:00pm. During these hours of gate closure, all persons coming on campus need to park, pick-up, or drop-off at the front of entrance area only.
6. On Saturdays and Sundays the campus will be closed.

**Physical Facilities / Sanitization**

7. All employees will take all necessary measures to provide a clean and sanitary environment for all. All janitorial and custodial personnel will do a thorough cleaning and disinfection of facilities on a regular basis throughout the day,
8. All staff in charge of equipment in the work area or class area (computer labs, etc) will clean and disinfect equipment on a regular basis throughout the day.
9. The College will provide hand sanitizers, cleaning wipes, and disinfectants in restrooms and areas of congregation such as classrooms and laboratories.
10. All employees will encourage and promote and enact the hand washing and hand sanitization for the work staff and students.

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**Symptomatic Precautions**

11. All employees, students, or visitors upon entrance on campus may be subject to a routine check by identified staff for coughing, fever, or shortness of breath or other signs of possible symptoms of COVID – 19 as indicated by the ASG Department of Health. IF positive response for these signs, the individual may be sent home and off campus.
12. Any person who may be experiencing symptoms as indicated should report it immediately and take steps toward social distancing.

**Other Precautionary Measures**

13. Avoid congregating in the halls at work
14. Possibly reduce staff to minimal number that can provide services needed for work from home
15. Encourage and implement teaching of good hygiene
16. Encourage all to practice social distancing (limited physical contact)

**This is the ASCC Immediate Action Plan for COVID – 19 Preparations effective today March 12, 2020. ASCC's Action Plan for instruction, work schedules, and other measures to prepare for COVID – 19 will be forthcoming.**

xc: Board of Higher Education

AMERICAN OVERSIGHT

NATIONAL PACIFIC INSURANCE

**Private and Confidential**

13th March 2020

Ms Elizabeth Perri
Insurance Commissioner
By Email: eperri.asg.govoffice@gmail.com

Dear Ms Perri,

**Re: Covid-19**

On behalf of our Country Manager, Ms. Agnes Polu, and NPI General Manager, Ms. Joanne Rasmussen, I would like to provide you with a high-level summary relating to our organisational preparedness, business continuity, potential staff impact along with our initial business impact assessment, including re-insurance arrangements.

Organisational Preparedness

As part of Tower Insurance Limited (TIL), NPI American Samoa has a Pandemic Management Plan (PMP). With respect to the World Health Organisation's "continuum of pandemic phases" we have assessed that we are in phase 3. As such, we are undertaking the relevant activities listed in the Appendix: "Preparedness: Phase 3".

From a business continuity perspective, we have an established Crisis Management Plan and a business unit Business Continuity Plan (BCP).

Our BCP seeks to enable (a) continued operations as close to BAU as possible, and in the extreme (b) the bare minimum operational functional to enable the business to remain viable. Due to NPI being part of TIL, we have the advantage of our Pacific Operations Hub in Suva, 7 other Pacific Island jurisdictions along with Tower NZ to provide continuity services in an extreme situation.

Operational Continuity

In American Samoa, the vast majority of our customer interactions are face to face. As such we have undertaken a number of scenario assessments to test our operational continuity in the event:

- A staff member tests positive or has been in close proximity to someone who has tested positive
- Societal restrictions are imposed such as restriction to public transport or closing of schools
- Our government requests or requires that we amend our operating practices, for example, we must ensure that our staff sit a certain distance apart and take other practical measures to mitigate any possible spread
- We are requested or required to close our branches and go to skeleton staff with no public contact
- We are required to keep our staff at home

Our business priorities have been defined at a high level as:

- Ensuring continuation of payroll for our employees

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- Processing claims for our customers
- Processing renewals for our customers
- Maintaining accounts payable on time for our suppliers
- Providing new business services

We are currently investigating the viability of enabling our staff to operate from home through procurement of new hardware and where required reallocation of laptops from non-essential staff to the frontline teams. This will enable us to increase the number of people able to service customers remotely. However, under these circumstances we do expect a degradation in customer service standards. In this case, we will redirect our landlines to company provided mobile telephones and increase public communications via our Facebook page supported by private communications via email. From a customer service perspective, priority will be given to insurance claims, followed by customer service enquires, sales, and then non-essential back office functions.

Potential Staff Impacts

We have and will continue to communicate with our staff through various channels (i.e. emails, our intranet page and people leaders communications). These communications include letting all staff know we have a plan in place, how to stay healthy, our stance on international business travel (we have put a stop to all non-essential international travel), and links to the latest advice from the NZ Ministry of Health and relevant Pacific Island health organisations.

As always, we will continue to monitor the well-being of our staff and provide support as required including flexible working and leave arrangements and directing staff to EAP support as required.

As of this week, all staff have been requested to stay at home if they feel unwell for any reason. We have also communicated that any staff who are off work caring for unwell family members should remain off work until the entire household is fully recovered. Where staff have exceeded their contractual entitlement of sick leave, they will be provided extended paid sick leave.

We are currently investigating the early roll out of our annual flu vaccination, subject to availability.

Staff leave (non-medical related) is being monitored so that the impact to the resourcing levels is minimized in the event of increased absences due to other staff member's illness.

In addition to this, the needs of vulnerable staff members, such as those who are pregnant, have underlying medical conditions and those who live with elderly residents are being managed on an individual basis.

Stress Testing/Business Impact Assessment

A high-level review of our product wordings has been undertaken to understand the potential insurance risks associated with Covid-19. From the analysis done there is no material exposure. Some products may respond but the exposure is considered very limited.

Apart from insurance risk, other potential risks to Tower/NPI include:

- Reduction in GWP – following reduction in turnover within business, there is a potential for reduced GWP where rates are based on turnover,
- Moral hazard – possibility of fraudulent claims where businesses fall into financial difficulties,
- Increased demand on resource – managing queries from customers querying and/or trying to claim on policies that do not respond, and
- Revenue management – risk of customers defaulting on premium payments and/or cancelling their policies to reduce costs, and the cashflow impact of any inability to process premium payments through automated means.

AMERICAN OVERSIGHT



ED-20-0731-A-010628

NATIONAL PACIFIC INSURANCE

The financial impacts of these risks to Tower/NPI have not been assessed as there isn't enough information to inform reasonable impact estimates. Having said that, the Tower/NPI Product Teams are monitoring the situation to identifying any emerging adverse experience.

Reinsurance Arrangements

As stated above, there is no material risk of increased claims arising from a pandemic. Hence, reinsurance considerations are not relevant to Tower/NPI.

Community

From a community perspective, our office has health notices prominently displayed, along with hand sanitisers. We are increasing the frequency and intensity of our office cleaning rotations. We have commenced the recording of all appointments with external parties and are recording visits by customers, contractors and members of the public via a visitor book so that we can contribute to the national health organisations tracing needs, if required.

In addition to this, we are currently investigating what additional community support we could provide in the event of an outbreak in American Samoa.

Next Steps

Over the coming week, Tower and NPI offices will be continuing to refine the PMP and BCP. If there is any material change to our position in this regard, we will bring this to your attention at the earliest opportunity.

Please do not hesitate to contact me should you require any further information,

Yours sincerely

Paula ter Brake

**General Manager – Pacific**

*Enc. PMP Phase 3*

AMERICAN OVERSIGHT

**National Pacific Insurance (American Samoa) LTD,** Suite 3, Georgina Building, Fagaima Road, [illegible] Samoa
P O Box 1386, Pago Pago, American Samoa **T.** +684 699 1266 **F.** +684 699 1263

ED-20-0731-A-010629

NATIONAL PACIFIC INSURANCE

## Preparedness: Phase 3

| PLANNING ACTIVITIES | STAFF HEALTH AND SAFETY ACTIVITIES | OPERATIONAL ACTIVITIES | COMMUNICATION ACTIVITIES |
|---|---|---|---|
| • Review BCPs and plan and monitor activities to ensure implementation<br>• Conduct regular situation monitoring and prepare regular status reports (define the distribution list) | • Confirm with cleaning contractor that increased frequencies of cleaning can be provided, especially in the common areas e.g. meeting rooms, kitchens, reception, etc.<br>• Provide notices in washrooms to support good hygiene practices<br>• Train a pool of staff to deal with the special requirements of a pandemic<br>• Provide antiseptic wipes / gels in washrooms.<br>• Prepare health declaration form, temperature log for health screening for staff, contractors, vendors and visitors<br>• Establish employee policies re flexible work arrangements (working from home) or flexible work hours (shift work)<br>• Establish leave policies for sick leave absences unique to a pandemic, including policies on when a previously ill person is no longer infectious and can return to work after illness<br>• Ensure these policies are consistent with NZ Ministry of Health directions<br>• Ensure Managers understand their WH&S responsibilities<br>• Identify the most at risk groups<br>• Appoint a staff member in each department responsible for tracking health records | • Assess business needs for continued face to face contact with customers/ suppliers and consider plans to modify the frequency or type of contact e.g. use teleconference<br>• Prioritise Business Unit processes and identify critical Staff / Skills inventory - review business procedures where necessary to cover Pandemic preparedness<br>• Identify Key suppliers of all goods<br>• Monitor status of sub-contractors.<br>• Identify personnel that may have additional risks associated with their role<br>• Allocate remote access services in quarantine areas (i.e. Home) for critical staff / where required<br>• Review Tower /NPI products to ensure wording reflects position for pandemics | • Arrange talks by medical experts on "staying healthy" - diet, exercise, cleanliness etc.<br>• Establish communications channel to handle staff queries and issues<br>• Develop communication guidelines around interacting with people who are actively managing business continuity activities<br>• Appoint a Pandemic Manager who will monitor the status of the Pandemic and keep the ELT informed.<br>• Pandemic Manager to be notified of all cases identified within Tower/NPI if an employee feels sick at work, employee will be advised to leave work immediately. Pandemic Manager must contact the employee and conduct contact tracing to determine who needs to be contacted regarding a potential exposure to pandemic. |

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NATIONAL PACIFIC INSURANCE

| PLANNING ACTIVITIES | STAFF HEALTH AND SAFETY ACTIVITIES | OPERATIONAL ACTIVITIES | COMMUNICATION ACTIVITIES |
|---|---|---|---|
| | • Consider internal quarantining practices - identify ways to increase social distancing in the workplace e.g. reduce staff movements<br>• Implement visitor log for ALL visitors<br>• Develop process for recovered or well staff to return to work in alignment with policy | | |

AMERICAN OVERSIGHT

**From:** Rhoda Hanson
**Sent:** Mon, 23 Mar 2020 15:15:39 +0000
**To:** COVID-19
**Subject:** Spring Break

Hi,

We are lengthening our spring break by one week. Our spring term will now be 10 weeks instead of 11, and our academic year is 32 weeks instead of 33.

What do we need to do?

Thanks

*Rhoda Hanson*
Chief Student Services Officer
Tillamook Bay Community College
rhodahanson@tillamookbaycc.edu
503-842-8222 x. 1110

AMERICAN OVERSIGHT

**From:** Jessica Raine
**Sent:** Mon, 23 Mar 2020 16:40:54 -0400
**To:** COVID-19
**Subject:** Statement of Educational Purpose administrative requirements

To Whom It May Concern:

My name is Jessica Raine. I'm an Assistant Director at Berklee College, and I'm writing to you for advice regarding the Statement of Educational Purpose.

We are struggling, under the present circumstances, to meet the requirement that the Statement of Educational Purpose be submitted via original hard copy only.

- Many of the students in our Online School are trying to mail this document to us from increasingly isolated areas where US Mail pickup/delivery isn't reliable during the current crisis.
- Even if they are able to mail it to us, we've just been notified that due to Massachusetts' statewide stay-in-place advisory, we can no longer access the mailroom on our campus or any other campus facilities.
- Additionally, the requirement that this form be signed in the presence of a notary is creating a hardship for some students. Visiting notaries in bank branches or other institutions isn't consistent with "social distancing best practice" even for students for whom it's physically feasible.

Is there any possibility of a temporary relaxing of these requirements to allow online submission of the form? Could students be permitted to seek the services of an online/teleworking notary rather than risk COVID-19 exposure? Any guidance would be greatly appreciated.

Thank you,
Jessica Raine

--
**Jessica Raine**
**Assistant Director of Student Financial Aid Services**
**she/her/hers**

Boston Conservatory at Berklee
Berklee College
Berklee College Online
Tel: 617-747-6889
jraine@berklee.edu

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** Joyce Lenier
**Sent:** Mon, 23 Mar 2020 09:40:48 -0400
**To:** COVID-19
**Subject:** student loan

Hello I'm joy Lanier never had a student loan and my life I sent Us department of education a letter saying it's not me it's fraud and a notizied letter I need my money I don't have food in my house and due to the virus going on and I have to pay my bills my SsN (b)(6) (b)(6) need answer for making me suffer and letting someone sign my signature cell (b)(6) (b)(6)

AMERICAN OVERSIGHT

**From:** CLYDE JOANNE
**Sent:** Mon, 23 Mar 2020 15:54:11 +0000
**To:** COVID-19
**Subject:** Support for English Learners

Hello,

Will the Dept. of Education be releasing any guidance regarding services to English learners during the COVID-19 situation? As an SEA, we have been receiving many questions surrounding the identification, screening, instruction, and assessment of English learners during this time. While we can speak to our state contexts, there is an underpinning of federal laws and guidance that we need direction.

Some examples:

A. Schools are closed across the State of Illinois through April 8th per Governor Pritzker's executive order. If a family enrolls in a district during this time of closure, when would the 30 days to screen and place a child start? The day they completed online registration or the day that schools are back in session? If it is when the parents completed online registration, then schools may quickly find themselves out of compliance should the school closures be extended.
B. Should schools move to e-Learning and not return to in-person classes due to COVID-19, what should the procedures be for screening children? Should we require them and their families to come into a school building in order to be screened? This would violate "Shelter in place" orders and potentially put district/ school staff and the families in danger of contracting the disease. How should districts / schools handle actually screening the students from a distance?

We are anxiously awaiting guidance for English Learners similar to the guidance released related to Special Education students.

Stay healthy,

**At this time, email is the most efficient way to contact me. I will respond as quickly as possible.**

**Joanne Clyde**
Director of Multilingual Services
Multilingual Department
Illinois State Board of Education
100 W. Randolph, Suite 14-300
Chicago, IL 60601
jclyde@isbe.net

AMERICAN OVERSIGHT

**From:** Cara J
**Sent:** Mon, 23 Mar 2020 09:46:11 -0400
**To:** COVID-19
**Subject:** Tax offset due to student loan

Hello,
I was informed online that if my tax return was offset due to student loans that I would still be issued a refund due to the Corona virus. I was wanting to know if this was true. My plant is shutting down until further notice and I could really use my refund with 2 kids that I still have to try and provide for during this time. Also there was a payment plan already in place before my offset occurred so I could rehabilitate my loan. I never received a offset notice letter either. Please contact me to let me know the steps I need to take if this is true.

Thank you,

Tacara Cox
Phone: (704)431-2307
Email: (b)(6) @gmail.com

AMERICAN OVERSIGHT

**From:** Franks-McRae, Leslie
**Sent:** Mon, 23 Mar 2020 15:06:11 +0000
**To:** COVID-19;OESE.titlei-a
**Cc:** Stephenson, Todd;McDonald, Peggy;Schulz-Eskow, Colleen;Young, Jesse;Ehling, Kathleen;Roney, Collette
**Subject:** TIME SENSITIVE: NJ DOE Question

Good morning: Please add the following from NJ DOE:

During this crisis, the State is looking to provide educational and childcare support to the school age children of emergency responders and healthcare workers. What is the allowable uses of Federal funds (Title and IDEA) to support this type of program?

Thank you all for the continued work during this crisis period!

Stay healthy!

# Leslie

**Leslie K. Franks McRae**
Director: Office of Supplemental Educational Programs
Division of Student Services
NJ Department of Education
100 Riverview Plaza
Trenton, New Jersey 08625
Phone: (609) 376-3499
Cell: (b)(6)

CONFIDENTIALITY NOTICE: The information contained in this communication from the New Jersey Department of Education is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this email, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the New Jersey Department of Education at (609) 376-3500 to arrange for the return of this information.

AMERICAN OVERSIGHT

**From:** Tony Bordeaux
**Sent:** Mon, 23 Mar 2020 13:52:52 +0000
**To:** COVID-19
**Subject:** Title IV Credit Balances
**Importance:** High

With schools being closed and many of us working remotely, is there any leniency regarding the processing of paper refund checks to students with Title IV credit balances. I know that we have only 14 days to make them available and we strongly encourage students to set up direct deposit; however, for those that do not and we have to write and mail refund checks do I still have only 14 days or since we are social distancing do I get a little longer?

**Tony Bordeaux**
Associate Director

Student Account Services
The University of Alabama
Phone: 205-348-5350 | Fax: 205-348-9222
tbordeaux@ua.edu

THE UNIVERSITY OF ALABAMA

AMERICAN OVERSIGHT

**From:** Lenore Gray
**Sent:** Mon, 23 Mar 2020 16:28:37 -0500
**To:** COVID-19
**Subject:** Treasury offset

Hi, this is Lenore Gray, I have been trying to get through on the phone and haven't been able to do so.. My taxes were offset and I was trying to get a hardship application due to the hardship Im facing, my number is 601-745-6670 if you would please give me a call and let me know what I can do

AMERICAN OVERSIGHT

**From:** Danielle Johnson
**Sent:** Mon, 23 Mar 2020 19:15:23 -0400
**To:** COVID-19
**Cc:** Danielle Johnson
**Subject:** Urgent Request for Guidance from Private Special Education Schools
**Attachments:** NAPSEC Request for Guidance.pdf

Good afternoon,

Please see attached for a letter from the National Association of Private Special Education Centers (NAPSEC) addressed to Secretary of Education Betsy DeVos, respectfully requesting that guidance be issued to states regarding the continued payment of nonpublic school services in accordance with students' Individualized Education Programs and existing contracts and service agreements with local education agencies (LEAs).

Please feel free to contact me with any question or concerns.

Kind regards,

**Danielle Johnson** | Executive Director/CEO
National Association of Private Special Education Centers
202.434.8225
601 Pennsylvania Avenue, NW
Suite 900 – South Building
Washington, D.C. 20004
napsec@napsec.org
www.NAPSEC.org

AMERICAN OVERSIGHT

The Honorable Betsy DeVos
U.S. Secretary of Education
Lyndon Baines Johnson (LBJ)Department of Education Building
400 Maryland Ave, SW
Washington, DC 20202

March 23, 2020

Dear Secretary DeVos:

The National Association of Private Special Education Centers (NAPSEC) was established in 1971 as a nonprofit association with the vision of supporting access to appropriate special education programs as vital components of the continuum. NAPSEC currently represents over 200 private early intervention providers, schools, residential therapeutic centers, and adult service programs.

Our members are striving to provide students with disabilities critical educational, behavioral health, and support services to the greatest extent possible in this time of crisis. As you develop directives and guidance for our nation's education system, we strongly urge you to ensure that nonpublic special education schools are supported in a sustainable manner so they may continue to meet the needs of students.

NAPSEC members are an integral part of the education continuum for students with disabilities. As you know, during this pandemic our members are facing unprecedented closures, public health constraints, and difficult decisions while prioritizing, above all else, the well-being and safety of a diverse, exceptional population. In particular, this emergency introduces severe financial risks resulting in employment issues, including staff furloughs, due to mandated closures and uncertain guidance on tuition support.

We strongly urge the U.S. Department of Education to communicate specific guidance that supports continued payment of nonpublic school services in accordance with students' Individualized Education Programs and existing contracts and service agreements with local education agencies (LEAs). We suggest the following guidance be issued to governors and state departments of education to ensure the continued flow of funds to nonpublic schools that is critical to their ability to serve students with exceptional needs:

- Encourage states to enact provisions for the payment of invoices for nonpublic schools.
- Direct states to provide assurances that nonpublic schools are authorized to pay staff during periods of school closure and that they will be reimbursed, as school districts/LEAs are.
- Provide direction to states to ensure that if public schools receive average daily attendance rates during this state of emergency, nonpublic schools must also receive payment of daily rates, regardless of closure. This will ensure that school personnel are able to deliver innovative distance and online learning programs to meet students' needs and will safeguard their availability to return to work once schools reopen.

In the absence of this guidance, our members are being forced to make incredibly difficult decisions to limit financial losses and ensure the safety of students and staff. These short-term decisions will have significant long-term implications, potentially exacerbating the existing shortage of special education personnel in the field and limiting the ability of schools to meet the ongoing needs of their students.

Thank you for your attention and concern for the students, families, and communities NAPSEC programs proudly serve. Please do not hesitate to contact me for further discussion or clarification. I may be reached at napsec@napsec.org or (202) 434-8225.

Respectfully,

Danielle Johnson

Danielle M. Johnson
Executive Director & CEO



AMERICAN OVERSIGHT

**From:** Mary Lewis
**Sent:** Mon, 23 Mar 2020 19:59:41 +0000
**To:** COVID-19
**Subject:** V4 and V5 Educational Purpose Statement

Hello,

Can you provide any guidance for students who need to complete the Educational Purpose Statement on the V4 and V5 verification document? Most schools are closed and people are being told to keep a distance from other people, so students can't get documents notarized. Thanks.

**Mary W. Lewis**
**Director of Financial Aid**
**Enrollment and Student Services**
**Indian River State College**

Phone: 772-462-7444 | Fax: 772-462-4606
mlewis@irsc.edu | www.irsc.edu
3209 Virginia Avenue
Fort Pierce, FL 34981-5596

AMERICAN OVERSIGHT

**From:** Hailee Cammack
**Sent:** Mon, 23 Mar 2020 08:35:42 -0500
**To:** COVID-19
**Subject:** Wage Garnishment

I am trying to put a hold on my wage garnishment until the Covid-19 has passed. I am at risk for loosing my job since I work in a restaurant. Is there any way we can temporarily stop these garnishments?

Hailee Cammack

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Lund, Miriam
**Sent:** Mon, 23 Mar 2020 16:02:31 +0000
**To:** COVID-19
**Subject:** Will subgrantees continue to require payments, fees, or "tuitions"

Rapid Response Team:

Below is a question we received from Afterschool Alliance, a non-profit

The Afterschool Alliance is a national afterschool program representing all fifty states; and they also provide professional development and they lobby congress.

Jodi Grant is the Executive Director Jodi Grant
jgrant@afterschoolalliance.org

The Afterschool Alliance asked if subgrantees will continue to require payments at current rate, to programs to continue to serve children when parents or caregivers experience an inability to make co-payments or pay tuition. (Afterschool Alliance)

> *The 21st CCLC grant program does not require students' families provide a co-payment of any type to participate in and receive the full benefits of the program. Any subgrantee who currently has received prior approval to collect any payments ( fees, co-payments or "tuition)" made to 21st CCLC subgrantee programs by students' parents or caregivers should be suspended indefinitely or until such a time as the COVID-19 national emergency has suspended and families have gotten back on their feet after the loss of jobs, lay-offs, and regained financial stability. The 21st CCLC program's purpose is to serve students from low-income families who attend low-performing schools to meet the challenging State academic standards though a broad array of activities and offer families of student opportunities for active and meaningful engagement in their children's education.*
>
> *States according to 20 U.S.C. 7173 will ensure that the awards are of sufficient size and scope to support high-quality effective programs that are consistent with the purpose of the statute in amounts that are consistent with section 4204(h).*

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**
p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

AMERICAN OVERSIGHT

"Intelligence plus character-that is the goal of true education."
— Martin Luther King Jr.

AMERICAN OVERSIGHT

**From:** natjeanbailey@gmail.com
**Sent:** Mon, 23 Mar 2020 13:49:05 -0400
**To:** COVID-19
**Subject:** Work Study

Good Afternoon,

I had a question regarding my work study funds this semester. I was forced to move off campus due to concerns around the Corona virus and, because of this, I am no longer able to work at my work study job. What will happen with my work study funds? Thank you for your time.

-Natalie Bailey

AMERICAN OVERSIGHT

**From:** Poynter, Leslie
**Sent:** Mon, 23 Mar 2020 13:43:13 +0000
**To:** Feldpausch, Sarah
**Cc:** OESE.titlei-a;COVID-19;Fisher, Collette
**Subject:** <For COVID-19 Response>: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Thanks, Sarah - the COVID team is on this chain, so through this email, we are asking that the Rapid Response Team respond. Thank you!

Leslie

-----Original Message-----
From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Sent: Monday, March 23, 2020 9:42 AM
To: Poynter, Leslie <Leslie.Poynter@ed.gov>
Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

Perfect - that's all I needed!

Leslie -

I'm not sure where this correspondence currently is but please ensure it goes through the COVID-19 mailbox, which will then be routed to the OESE COVID Rapid Response Team. I will not be involved with this one on the backend.

Thank you all!

Best,
Sarah

-----Original Message-----
From: Fisher, Collette <Collette.Fisher@ed.gov>
Sent: Monday, March 23, 2020 9:31 AM
To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

An FYI copy was provided by the Exec Sec team so it should be on their radar.

-----Original Message-----
From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
Sent: Monday, March 23, 2020 9:27 AM
To: Fisher, Collette <Collette.Fisher@ed.gov>
Cc: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
Subject: Re: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green

This is helpful. To confirm: OLCA has not seen this?

AMERICAN OVERSIGHT

Sent from my iPhone

> On Mar 23, 2020, at 9:25 AM, Fisher, Collette <Collette.Fisher@ed.gov> wrote:
>
> This control was assigned to SSA by the OESE correspondence team. It was originally sent to the Secretary's office via the Exec Sec's email.
>
> As an FYI, I've asked the OESE team to reassign to Sarah or the team handling the COVID-19 mailbox.
>
> I hope this is helpful.
>
> Collette
>
> -----Original Message-----
> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 9:20 AM
> To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Cc: Fisher, Collette <Collette.Fisher@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Adding Collette to help with this question. Collette, can you please see Sarah's question below? Thanks!
>
> -----Original Message-----
> From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Sent: Monday, March 23, 2020 9:19 AM
> To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Thank you.
>
> Sorry, to clarify further: Who did this correspondence came to OESE title I office from? OLCA or the congressional office?
>
> Sarah
>
> -----Original Message-----
> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 9:16 AM
> To: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Hi Sarah,
>
> This correspondence came to OESE, but program officers have been directed to send all COVD-related inquiries to the COVID-19 inbox for a response. We were not sure about this one and whether OESE, the COVID-19 Rapid Response Team, or you should take the lead on the response. Would you prefer we work with the COVID-19 team?
>
> Leslie
>
> -----Original Message-----
> From: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Sent: Monday, March 23, 2020 9:13 AM

AMERICAN OVERSIGHT

> To: Poynter, Leslie <Leslie.Poynter@ed.gov>; OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Thank you for including me. I am only handling ones that are directed to me through established chains of communication in OLCA, OS, and OCO (which actually may change as well).
>
> To make sure I have this straight: COVID-19 mailbox received this communication directly from Congressman Mark Green's office? Or was it sent from someone in OLCA to that mailbox?
>
> Also - can you attach the correspondence?
>
> Thanks for the additional context!
>
> Sarah
>
> -----Original Message-----
> From: Poynter, Leslie <Leslie.Poynter@ed.gov>
> Sent: Monday, March 23, 2020 8:54 AM
> To: OESE.titlei-a <OESE.titlei-a@ed.gov>; COVID-19 <COVID-19@ed.gov>
> Cc: Feldpausch, Sarah <Sarah.Feldpausch@ed.gov>
> Subject: RE: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> + Sarah Fedlpausch. Sarah, Evan Skloot suggested I include you on this and told me that you are handling congressional correspondence re COVID-19. Is that correct?
>
> Leslie
>
> -----Original Message-----
> From: OESE.titlei-a <OESE.titlei-a@ed.gov>
> Sent: Monday, March 23, 2020 8:47 AM
> To: COVID-19 <COVID-19@ed.gov>
> Cc: OESE.titlei-a <OESE.titlei-a@ed.gov>; Poynter, Leslie <Leslie.Poynter@ed.gov>
> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
> Importance: High
>
> This is Congressional correspondence, essentially asking for the waiver process that is already in place. Please let us know if you need the Title I team to address. Thank you!
>
> -----Original Message-----
> From: Fisher, Collette <Collette.Fisher@ed.gov>
> Sent: Friday, March 20, 2020 4:26 PM
> To: OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
> Cc: Rooney, Patrick <Patrick.Rooney@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
> Subject: FW: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>
> Please see the incoming request from Texas. It will be uploaded on Monday.
>
> -----Original Message-----
> From: Coley, Jerine <Jerine.Coley@ed.gov>
> Sent: Friday, March 20, 2020 3:31 PM
> To: Rooney, Patrick <Patrick.Rooney@ed.gov>; Fisher, Collette <Collette.Fisher@ed.gov>; Farmer, Avis <Avis.Farmer@ed.gov>
> Cc: Lovitt, Brittney <Brittney.Lovitt@ed.gov>; Coley, Jerine <Jerine.Coley@ed.gov>
> Subject: CNT 20-003339 - DUE BY: 3/31 - Congressman Mark Green
>

AMERICAN OVERSIGHT

> To: SSA
>
> The attached document(s) control sheet 20-003339 and letter addressed to the Secretary "Requesting Waiver because of COVID-19" has been assigned to you for appropriate handling in CCM; Due by 3/31/20. If you have any quesitons please let me know.
>
> Thanks, Jerine
> See attachments
>

AMERICAN OVERSIGHT

**From:** Lund, Miriam
**Sent:** Tue, 24 Mar 2020 18:58:39 +0000
**To:** COVID-19
**Cc:** Coplin, Julie
**Subject:** 21st CCLC Question: With schools closed may 21st CCLC programs take place during the school day time periods?

Rapid Response Team;

The 21st CCLC program just received the following question from PA (Carmen Medina (cmedina@state.pa.us)).

The 21st CCLC is not to be taken place during the school day, now that the schools are closed, can 21st CCLC staff conduct programming during the day? Thank you.

Thanks,

Miriam

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**
p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

"Intelligence plus character-that is the goal of true education."
— Martin Luther King Jr.

AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Tue, 24 Mar 2020 19:33:13 +0000
**To:** COVID-19
**Subject:** Andjaparidze-COVID general
**Attachments:** Andjaparidze-COVID general.docx

Hi Kelly:

Attached, please see the final response to tracking #454 – Dr. Alexander Andjaparidze which was sent on 3/17/20. It is ready to be sent.

If you have any questions, please let me know.

Thanks,

Bryan

AMERICAN OVERSIGHT

Dear Dr. Andjaparidze:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools and communities can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing this information with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Tammy Easter
**Sent:** Tue, 24 Mar 2020 16:33:27 +0000
**To:** COVID-19
**Subject:** Assistance for Students

Hello,

Our on campus students that are now training/learning online due to COVID-19, if our institution give students vouchers for room/housing to help with past due balances do we need to update the EFA for students this current semester (Spring 20 semester)?

Thank you,

**Tammy Easter**
Director of Financial Aid | Financial Aid
(312) 329-4107 (Phone)
(312) 329-4274 (Fax)

820 N. LaSalle Blvd., Chicago, IL 60610
moody.edu

AMERICAN OVERSIGHT

**From:** Williams, Bryan
**Sent:** Tue, 24 Mar 2020 19:19:45 +0000
**To:** Patrick, Kelly;COVID-19
**Subject:** Beaudean Local Issue-COVID19 draft Revised
**Attachments:** Beaudean Local Issue-COVID19 draft Revised.docx

Hi Kelly:

Attached, please see the response to tracking #453 – Renee Beaudean with was sent on 3/17/20.

If you have any questions, please let me know.

Thanks,

Bryan

AMERICAN OVERSIGHT

Dear Ms. Beaudean:

Thank you for contacting the U.S. Department of Education (Department) about COVID-19 ("coronavirus").

These are challenging times for schools and communities, and administrators and public health officials are facing difficult decisions related to preventing the spread of this respiratory disease. Unfortunately, there are no easy answers.

Regarding your specific concerns about your children being unable to return to school, please note that, in accordance with the most recent interim guidance issued by the Centers for Disease Control and Prevention (CDC), the Department is encouraging that decisions related to implementing school-based strategies (e.g., dismissals, event cancellations, and other social distancing measures) be made locally, in collaboration with local health officials who can help determine the level of transmission in the community. Therefore, we recommend that you contact the administrators at your children's school to learn more about plans for the continuity of teaching and learning.

For further information, and the most up-to-date information on COVID-19, please visit CDC's webpage at www.cdc.gov/coronavirus/2019-nCoV. The Department has also established the "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Trina Thomas
**Sent:** Tue, 24 Mar 2020 13:50:55 -0600
**To:** COVID-19
**Subject:** College students housing lease

Has it been advised that college students return to their permanent state of residence at this time?
We are working on a lease issue from a land Lord. Our student had been asked to return home from Colorado to Utah and the land Lord doesn't want to let him out of the contract. They are requiring evidence that it was advised that they return home.
Can you help me with this?
Thank you
Trina Thomas

AMERICAN OVERSIGHT

**From:** Amaya, Mercedes
**Sent:** Tue, 24 Mar 2020 17:12:09 +0000
**To:** COVID-19
**Cc:** De Leon, Berta
**Subject:** College Work Study

Good Afternoon,

I hope you are all well!

The College closed for two weeks and will move to online teaching and work remotely.

For the student assistants we have calculated an average based on hours worked during the last four weeks and will be paid until we open the offices.

If there is a need to have some of the students work remotely, can we have some students paid the average and some paid for actual hours worked?

Thanks

Mercedes Amaya

AMERICAN OVERSIGHT

**From:** Knight, Phyllis
**Sent:** Tue, 24 Mar 2020 19:14:47 +0000
**To:** COVID-19
**Subject:** Control 20-003483
**Attachments:** 20-003483 SSaeed incoming email.pdf

AMERICAN OVERSIGHT

Sent: 24-March-2020 13:36:49

From: Williams, Stephanie

To: Dept of Labor ExecSec (m-Executive.Secretaria@dol.gov)

Cc: Mayes, Edgar; St.Pierre, Tracey

Bcc:

Subject: FW: Intergovernmental Transfer - : Financial Hardship

Attachments:

Good morning, DOL-ExecSec!

Is there an attachment or just the email below from Sabahat Saeed?

Thank you,

Stephanie Williams

Acting Deputy Director

Office of the Executive Secretariat

Office of the Secretary

U.S. Department of Education

Desk: 202-453-7526

ED Exec Sec <EDExecSec@ed.gov> Tuesday, March 24, 2020 8:50 AM Williams, Stephanie <Stephanie.Williams@ed.gov> FW: Intergovernmental Transfer - : Financial Hardship
From:
Sent:
To:
Subject:

Executive Secretariat Tuesday, March 24, 2020 12:50:14 PM (UTC+00:00) Monrovia, Reykjavik ED Exec Sec Executive Secretariat Intergovernmental Transfer - : Financial Hardship
From:
Sent:

AMERICAN OVERSIGHT

To:
Cc:
Subject:

TRANSFER

To:

U.S. Department of Education

Office of the Executive Secretariat

400 Maryland Avenue, SW

Room 7C-116

Washington, DC 20202-0124

RE: Sabahat Saeed

The U.S. Department of Labor, Office of the Executive Secretariat, is referring the attached correspondence to your office for appropriate handling. This correspondence was either misdirected, or the subject matter falls within your jurisdiction.

Sincerely,

Office of the Executive Secretariat

AMERICAN OVERSIGHT

sabahat KHANUM <> Monday, March 23, 2020 1:31 PM Executive Secretariat <> Financial Hardship
From:
sabahatkhanum@yahoo.com
Sent:
To:
weeks.emily@dol.gov
Cc:
m-Executive.Secretaria@dol.gov
Subject:

Hi,

I am a permanent/regular substitute teacher at FCPS for 5 years, because of school closure I am having difficulty in paying my bills as I am not going to be compensated in any form.

Please let me know if I can get any kind of assistance in this matter.

Regards,

Sabahat Saeed

AMERICAN OVERSIGHT

**From:** Knight, Phyllis
**Sent:** Tue, 24 Mar 2020 19:24:37 +0000
**To:** COVID-19
**Subject:** Control 20-003486
**Attachments:** 20-003486 RWeber incoming.pdf

AMERICAN OVERSIGHT

Sent: 24-March-2020 15:00:36

From:

To:

Cc:

Bcc:

Subject: FW: Michigan teachers in fear of losing pay.

Attachments:

Mayes, Edgar <Edgar.Mayes@ed.gov> Monday, March 23, 2020 7:34 AM Ware, Angela <Angela.Ware@ed.gov> FW: Michigan teachers in fear of losing pay.
From:
Sent:
To:
Subject:

DeVos, Betsy Monday, March 23, 2020 7:11 AM Roland <rolandweber@comcast.net> RE: Michigan teachers in fear of losing pay.
From:
Sent:
To:

Subject:

This acknowledgement is sent on behalf of Secretary of Education Betsy DeVos.
Dear Mr. Weber:
Thank you for your e-mail to Secretary of Education Betsy DeVos. We appreciate hearing from you.
Your communication has been forwarded to the appropriate staff member for review and further handling.
Thank you again for contacting us.
Sincerely,
Edgar Mayes
Director, Correspondence and Communications Control Unit Office of the Secretary U.S. Department of Education Washington, DC 20202

Roland <rolandweber@comcast.net> Friday, March 20, 2020 2:58 PM DeVos, Betsy <Betsy.DeVos@ed.gov>; Roland Weber <rolandweber@comcast.net> Michigan teachers in fear of losing pay.
From:

Sent:
To:

Subject:

Help save Michigan teachers pay. And forgive school days missed due to government closing schools. Due to Covid 19.

AMERICAN OVERSIGHT

https://actionnetwork.org/letters/urgent-ask-your-senator-to-provide-forgiveness-for-school-closure-days-and-pay-all-school-staff-2?source=facebook&

Thank you
Roland weber, LMT

AMERICAN OVERSIGHT

**From:** Knight, Phyllis
**Sent:** Tue, 24 Mar 2020 19:34:12 +0000
**To:** COVID-19
**Subject:** Control 20-003499
**Attachments:** 20-003499 MTheriac incoming.pdf

AMERICAN OVERSIGHT

Mitch Theriac
840 Barberry Lane
Evansville, Indiana 47710

March 15, 2020

Elizabeth DeMoss
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Dear Secretary,

Lengthen the school year from 180 days to 240 days. You will soon have to deal with recovery from the Virus School Closings and this could be a great step forward.

The U.S. has steadily fallen behind other nations in education. Our teachers are disappointed in their wages. Taxpayers are disappointed in paying for a short work year. High School Graduates should speak our language fluently, know our laws and our history, be able to balance their checkbooks, and earn a living.

Our schools are warm in Winter and cool in Summer. We no longer need students on our farms for planting, weeding, and harvesting. We could reduce the daily hours to allow adequate sleep for young bodies. Our kids deserve better than they are currently getting.

Thank you for what you have accomplished for our students and please consider leading us to an even higher level.

Sincerely,

Mitch Theriac

Mitch Theriac
915 Saint Giles Court
Evansville, In. 47725
mitchtheriac@live.com

P.S. Please keep Mrs. Obama out of the cafeterias.

AMERICAN OVERSIGHT

**From:** Eigna I. De Jesus Molinari
**Sent:** Tue, 24 Mar 2020 22:23:47 -0400
**To:** FERPA;COVID-19
**Cc:** Yvette Lugo Morales;Arturo Figueroa Miranda
**Subject:** COVID 19 - REMOTE TRANSITION / COURSE RECORDING RETENTION

Dear Colleague,

Our school is conducting an inquiry of available guidance for the appropriate or required timeframe in which a university/school must retain class recordings (e.g. Zoom), among other remote learning course work options, due to the transition of face to to remote learning.

Please advise.

Eigna I. De Jesús Molinari
Registrar
Office of the Registrar
Vice-presidency of Quality, Assessment, and Institutional Intelligence

SAGRADO
Universidad del Sagrado Corazón

eigna.dejesus@sagrado.edu
registro@sagrado.edu
Wk: 787-728-1515 x 3451
Fax: 787-268-8864

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AMERICAN OVERSIGHT

**From:** Tarnow, Jonathan D.
**Sent:** Tue, 24 Mar 2020 16:58:48 +0000
**To:** Kolotos, John
**Cc:** COVID-19
**Subject:** COVID-19 and LOA's for Term Based Students
**Importance:** High

Hi John,

I heard from a reliable colleague that you are part of the Department's COVID-19 task force, and I truly appreciate all that you and others are doing for students and schools during this difficult time. We are living through circumstances that none of us could have imagined just a short time ago.

I have been asked by multiple school clients to seek additional guidance from the Department on Leaves of Absence (LOAs) in term-based programs. Specifically, the question I have from several school is whether students in a term-based program, if granted a LOA, still need to re-enter a program where they left off? If they do not, the follow-up questions include how to handle pertinent dates (Academic Year, Loan Period, etc.), and also whether R2T4 is still required?

As you might imagine, there continues to be some significant confusion among both schools and the compliance community (e.g. auditors and attorneys) regarding these issues, and the Department's guidance to date does not specifically address this LOA question in the term-based context. I also note there is legislation pending in Congress that would appear to expressly waive, as a matter of statute, any LOA requirement for students to re-enter a program where they left off. It is not clear to me whether that statutory change is needed before the Department can provide more guidance with respect to term-based LOAs in these circumstances.

Anything that the Department can do to clarify these issues – of course as quickly as possible for schools facing imminent LOA decisions – would be greatly appreciated.

Thanks,
Jonathan

**Jonathan D. Tarnow**
Partner
jonathan.tarnow@faegredrinker.com
+1 202 354 1357 direct / +1 202 842 8465 fax
Faegre Drinker Biddle & Reath LLP
1500 K Street NW, Suite 1100
Washington, DC 20005 USA

AMERICAN OVERSIGHT

Welcome to **Faegre Drinker Biddle & Reath LLP (Faegre Drinker)** – a new firm comprising the former Drinker Biddle & Reath and Faegre Baker Daniels. Our email addresses have changed with mine noted in the signature block. All phone and fax numbers remain the same. As a top 50 firm that draws on shared values and cultures, our new firm is *designed for clients*.

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AMERICAN OVERSIGHT

**From:** Smith, Zelotes
**Sent:** Tue, 24 Mar 2020 10:45:15 -0700
**To:** COVID-19
**Subject:** EFA Clarification

Hello,

I am writing to request some clarification regarding EFA for the next school year for continuing students. It is our understanding that if the institution makes adjustments to tuition/room/board then we are not required to make COA adjustments. It is also up to the institution to determine if the school completes the refund process.

The piece that needs clarification is, if an institution makes the adjustments and decides to refund or credit a student's account, are these funds considered EFA for the upcoming school year? Would we need to include these funds when calculating student's aid for the 2020-21 school year?

Thank you,

***Zelotes Smith, M.S.***
***Director of Financial Aid***
*Dominican University of California*
Phone: 415.458.3793
Website: https://www.dominican.edu/

***"If you are always trying to be normal, you will never know how amazing you can be" ~ Marguerite Annie Johnson aka Dr. Maya Angelou***

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL.

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AMERICAN OVERSIGHT

**From:** Christine Rocha
**Sent:** Tue, 24 Mar 2020 16:04:21 -0600
**To:** COVID-19
**Subject:** El Paso Community College Work Study

Good afternoon.
My name is Christine Rocha. I currently attend El Paso Community College and is part of there College Readiness Work Study Program as Texas Mentor. As a single parent and student I already struggle to pay my bills. Schools in my area are currently close due to Covid 19 and it has made life even more financially difficult. No school No work. Please help. I have already lost one week of pay due to spring break and I'm going on my second week of lost pay due to Covid 19. I hope students who are still participating in classes online will be able to receive pay through the work study program due to know fault of their own.

Thank you
Christine Rocha

God Bless Us All

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Leonor Santillana
**Sent:** Tue, 24 Mar 2020 14:04:47 -0400
**To:** COVID-19
**Subject:** Federal Direct Student Loans

Good afternoon,

I hope this finds you well. According to the March 20th announcement, due to COVID-10 all borrowers with federally held student loans will automatically have their interest rates set to 0% for a period of at least 60 days. Does this apply to students borrowing a new spring 2020 Unsubsidized and Graduate PLus Loan(s)? Please advise.

Stay safe and healthy.

Thank you.

Leonor Santillana

Student Financial Services Specialist

Certification & Quality Assurance

Pratt

Pratt Institute

200 Willoughby Avenue

Brooklyn, NY 11205

Tel: (718) 399-4491

Text: (718) 571-8048

Fax: (718) 636-3739

lsantill@pratt.edu

**Mission Statement:**

Office of Student Financial Services provides students with the financial resources and related services necessary to achieve their educational goals. We are committed to providing accurate, user-friendly, responsive and respectful service to students and their families. We administer federal, state, institutional aid and scholarship programs in accordance with applicable policies and regulations while striving to be an innovative and service-minded department.

AMERICAN OVERSIGHT

**How am I doing? Please email my boss Tino Lula – Associate Director of Student Financial Services at tlula@pratt.edu with compliments or suggestions for improvement.**

AMERICAN OVERSIGHT

**From:** Veronica McClain
**Sent:** Tue, 24 Mar 2020 11:23:44 -0400
**To:** COVID-19
**Subject:** Federal offset

I need know about the return of federal income refund due to Covid-19 or how do I qualify to receive refund back. I set up $50 a month payment to a agency for student loan forgiveness for 6 months only to find it was fake. I income tax refund still was taken and offset. Please contact me as soon as possible.

Thank you
VERONICA D. MCCLAIN-EWING
416 15 9188
07 19 1981

AMERICAN OVERSIGHT

**From:** Iftekhar Rahman
**Sent:** Tue, 24 Mar 2020 11:49:21 -0400
**To:** COVID-19
**Subject:** Federal Work Study

Hello,

My name is Iftekhar Rahman and I am a student at Drexel University in Philadelphia, PA. I had a question concerning work study pay due to the closure of my university. I work at the residence hall as a Desk Assistant, and I lost my job because everything was evacuated and closed.

I was informed by Drexel that only positions that can continue working remotely will be able to collect their funds. This is highly unlikely for me and many of my coworkers, and we strongly really rely on our work study funding for support during college. Is there any provision for students in our position? I have been trying to read online about policies to help students affected by COVID-19 but I don't see anything else pertaining to my situation.

Thank you for your help in clarifying this issue, I am very confused and concerned because I rely on work study as a source of income and I don't know what to do with everything closed.

Sincerely,

Iftekhar (Ifty) Rahman
--
Iftekhar Rahman
Biomedical Engineering
Drexel University Class of 2020
ir73@drexel.edu | 610-504-6374

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 20:47:24 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: 31007667 Tasha Dickens 02/18/1983

Hi OPE,

Please see the below inquiry.

Thanks,
Kelly

**From:** Tasha Dickens <tashanicole573@gmail.com>
**Sent:** Monday, March 23, 2020 8:47 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** 31007667 Tasha Dickens 02/18/1983

Am I eligible for my fascia or financial aid or direct or any awards due to my residency being cancelled? Summer ,fall cuz its due to the outbreak in Virginia state I go to liberty university 31003767 and already filled out my. 2001/2021 and now going online because only by school compliance and nation shutdown.Just wondering what I'm qualified for because I most disappointed in my living situation and need a source of money for housing.i have none.

AMERICAN OVERSIGHT

**From:** Martinez, Sarah
**Sent:** Tue, 24 Mar 2020 15:57:24 +0000
**To:** COVID-19
**Cc:** Meyertholen, Patricia;Gillette, Lisa
**Subject:** FW: A lot of new migrant families

---

**From:** Sarah Seamount <sseamount@sde.idaho.gov>
**Sent:** Tuesday, March 24, 2020 11:30 AM
**To:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Cc:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>
**Subject:** A lot of new migrant families

Hi Sarah,
I'm getting anecdotal information that families living in more urban areas (Boise and immediate surrounding areas) are losing work in restaurants, construction, etc. and moving to outlying towns to find work in agriculture since farmers are still hiring. Most of our family liaison/recruiters are not working this week due to spring break, but I'm not sure how many will be going to work at schools next week. I suspect many will be stuck at home for a while to come, but many liaisons are connected by phone to migrant families in their areas. If they hear of a new potential family in the area, my concern is how they will recruit the family without being put at risk through doing home visits. I'm guessing many/most will be forbidden to do home visits for quite a while.

We use an electronic COE that requires an interviewee signature and also has a place for a parent signature for a FERPA release to MSHS/HEP/CAMP. After talking to our IT developer about possible options for remote signatures, he asked me if we (under these very unusual circumstances) could accept a parent's verbal "signature" over the phone and sign the COE, "*Parent name* by phone" and they would add the date. Then we would mail the COE to the family when it was approved. We do have the ability to do state approval electronically, so that wouldn't be a problem.

Have a great day!

Sarah Seamount

*Sarah Seamount, M.Ed.*
*Migrant Education Coordinator*
*Federal Programs*
*Idaho State Department of Education*
Phone: (208) 332-6958
Cell: (b)(6)

***"Supporting Schools and Students to Achieve"***

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AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 17:50:40 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Academic Year Modification Request - VT Technical College

Hi OPE,

Please see below inquiry.

Thanks,
Kelly

---

**From:** Blue, Jacqueline <Jacqueline.Blue@ed.gov>
**Sent:** Monday, March 23, 2020 5:41 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Blue, Jacqueline <Jacqueline.Blue@ed.gov>
**Subject:** Academic Year Modification Request - VT Technical College

Please see the inquiry below.

jacqueline blue
Institutional Review Specialist
Phone: (617) 289-0191
Federal Student Aid
An OFFICE of the U.S. DEPARTMENT of EDUCATION
PROUD SPONSOR of the AMERICAN MIND

*You can't Believe your way out of something you Behaved your way into. ~DWright*

---

**From:** Nave, Tracy <Tracy.Nave@ed.gov>
**Sent:** Monday, March 23, 2020 5:33 PM
**To:** Blue, Jacqueline <Jacqueline.Blue@ed.gov>
**Subject:** FW: Waiver Request for Academic Year Length

Would you please do your thing with this ☺ thanks!

---

**From:** McCullough, Catherine R. <crm07160@vtc.vsc.edu>
**Sent:** Monday, March 23, 2020 4:53 PM
**To:** Nave, Tracy <Tracy.Nave@ed.gov>
**Cc:** McCullough, Catherine R. <crm07160@vtc.vsc.edu>
**Subject:** Waiver Request for Academic Year Length

Tracy,

AMERICAN OVERSIGHT

I am requesting a waiver for the Academic Year length for Vermont Technical College as result of COVID-19.
Fall term 2019 was 15 weeks and our spring term 2020 is reducing to 14 weeks as we have added an extra week to spring break due to the pandemic COVID-19. Is there a form or formal process I need to go through to be granted this approval?

Thank you for your help!
Regards,

**Catherine R. McCullough** | Executive Director of Student Services
**VERMONT TECH**
P 802.728.1247 | F 802.728.1436 | vtc.edu
PO Box 500 | Randolph Center, VT 05061

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 17:09:17 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Afterschool Alliance request for guidance from ED
**Attachments:** 3.23.2020_QuestionsforKayJanePatrick.docx

Hello,

Please see below inquiry.

Thanks,
Kelly

---

**From:** Lund, Miriam <Miriam.Lund@ed.gov>
**Sent:** Tuesday, March 24, 2020 9:17 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Afterschool Alliance request for guidance from ED

Dear RRT-

Below is a email string from Afterschool Alliance. I've included their questions and the proposed responses in questions previously sent to your mailbox. I think it is important for you to see the emails from this national organization.

You received all of the questions in the attached document but included it here so you'll note that most of Afterschool Alliance questions have proposed answers drafted.

Miriam

** Please go to the end of this email string for the guidance that the Afterschool Alliance desires. I changed that piece of the email to blue font to make it easier for you to find.

Dear Dept of Ed 21ST CCLC team:

I just got off a webinar with a large 21st CCLC provider – that serves more than 70,000 students (not all 21st CCLC funded) and they are starting layoffs tomorrow. Any sense when we will have some guidance – I urged them to wait a day but I can't emphasize how urgent the timing on this is for the majority of states whose SEAS are waiting on the Dept of Ed for guidance– many of these employees are currently delivering food and supplies to families and making sure they have everything they need.

Every hour matters at this point. Guidance for even a few days or weeks would be incredibly helpful.

AMERICAN OVERSIGHT

Thank you.

Jodi

---

Jodi Grant | Executive Director
1101 14th Street NW | Suite 700 | Washington D.C. 20005
202.347.2030 | jgrant@afterschoolalliance.org

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**From:** "Jodi Grant (personal)" <jgrant@afterschoolalliance.org>
**Date:** Monday, March 16, 2020 at 7:42 PM
**To:** Miriam Lund <Miriam.Lund@ed.gov>, "Rooney, Patrick" <Patrick.Rooney@ed.gov>, "ruth.ryder@ed.gov" <ruth.ryder@ed.gov>, "frank.brogan@ed.gov" <frank.brogan@ed.gov>
**Cc:** Jennifer Rinehart <jrinehart@afterschoolalliance.org>, Erik Peterson <epeterson@afterschoolalliance.org>
**Subject:** 21st CCLC Guidance in response to the pandemic- offer of assistance and some recommendations

Dear Nita M. Lowey, 21st Century Community Learning Center Dept of Educational Leaders:
First and foremost I wanted to offer the assistance of myself and our entire team as you navigate the impact of the COVID-19 pandemic on our students and families. We have been reaching out to the field since this began to hear their concerns, challenges, and best practices. We are reaching out to the field daily and sharing resources and best practices through our web site www.afterschooalliance.org
I urge you to share guidance, even if it needs to be amended, as quickly as possible. The more certainty afterschool programs have, the better they can navigate each day.
Afterschool programs are concerned about the children they serve while their parents and guardians are working – making sure they are safe and have access to food and making sure staff is healthy and supported. Many are coming up with creative solutions like virtual programming to serve students who are home. Others are moving to full day schedules to take care of students in places where schools have closed. Programs, especially those that rely on reimbursement based on attendance, are fearful that they will have to permanently close.
Attached is the guidance that was sent out by Massachusetts - it is a terrific model – it would be really helpful for the US Department of Education to share something similar and encourage all State Education Agencies to do the same. One note on their guidance, we feel programs should be reimbursed at their pre-closure levels, based on enrollment, but that staff working from home should engage in

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professional development and other program enhancement activities like the ones listed in the Mass. guidance.
*"For planning purposes and comprehensive communication for families, districts and schools are encouraged to include specific guidance or information about their OST programs in coordination with any school day decision.*

*Over the past 24 hours, many of MA school districts have closed or will close their schools until the end of March or possibly longer.*

*While decisions about implementing this are at the discretion of the school district/organization, state guidance of an interim work-from-home policy for 21st CCLC sites is as follows*

*The following are approved tasks that me be conducted from home for staff to receive pay:*

- *Virtual staff meetings (conference calls, Zoom meetings, Skype, etc.)*
- *Curriculum work (must be specific to the 21st CCLC program)*
- *Lesson plan development (must be specific to the 21st CCLC program)*
- *21st CCLC program data analysis*
- *Online professional development through the Y4Y Portal (https://y4y.ed.gov/)*
- *Other online professional development designed or approved by your district/ employer (this must be related to your 21st CCLC program work)*

*Additionally If the school in which a 21st CCLC program is housed is closed, you can move the location of the program with the approval of the school department, local board of health and, if applicable, EEC for licensed programs provided it is for same students that participate in the 21st CCLC program.*

*Please keep in mind that collaborative planning and virtual communication will be essential in implementing an effective interim "work-from-home" policy.*

*As 21st CCLC Coordinators and supervisors, each of you should have an ongoing understanding of what each member of your staff is working on during any remote working hours that result from COVID-19-related school/program closures. In a continued effort to ensure that grant funds are being used appropriately, please also be aware that evidence of employee work during any such closures may be requested, at the Department's discretion.*

*Please also note the state has received a waiver from the federal government which allows school meals to be distributed and eaten offsite. The department is working with schools and other community-based organizations to help get food to students who may need it while schools are closed."*

Here are the Afterschool Alliance's current policy requests as we navigate the local, state and national response to COVID-19. If you can address these through guidance that would be very helpful.

- Direct assistance to providers based on enrollment, not attendance, including but not limited to the Nita M. Lowey 21st Century Community Learn Center (21st CCLC) Program
- Payments at current rate to programs and workers in the case of COVID-19-related closures of school or community-based afterschool programs, including back-up care

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- Payments at current rate to programs to continue to serve children when parents or caregivers experience an inability to make co-payments or pay tuition
- Assistance to cover the cost of substitute educators at afterschool programs
- Consider community-based afterschool programs as a resource to provide meals to students when schools are closed, and provide the flexibility and resources for that to occur.
- Non-profit organizations, including afterschool and youth-serving organizations, should be included in relief efforts targeted to small businesses. These relief efforts cannot be tax cuts alone.

Thank you in advance. I know we are all working round the clock to do what we can to ease the burden of this pandemic.
Be safe and well.

Jodi

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**
p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

"Intelligence plus character-that is the goal of true education."
— Martin Luther King Jr.

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Question from 21st CCLC SEAs

**Waivers/Grant Extensions**

1. i. Will the Federal government be issuing any no-cost extensions (Tydings Waivers) for the current Federal awards? [DE}

ii. Federal grant funds with an end date of June 30, 2020, what statement, if any, has been received from ED regarding pausing activity and/or extending end dates for these grants? (OH)

iii. Will there be any consideration of an extension of the funding availability for 21st CCLC funding? Considering the month our schools will be out, it will be very difficult for programs and LDOE to spend all of the funds. (LA)

> *20 U.S.C. 7661 waives statutory and regulatory requirements that receives funds under a program authorized under Elementary and Secondary Education Act of 1965 (reauthorized by Every Student Succeeds Act). In a case such as the COVID-19 national emergency the U.S. Department of Education may make broad reaching waivers available to States or Indian Tribes.*
>
> *Waivers of the Tydings Amendment, Section 421(b) of the General Education Provisions Act (GEPA), will be available to States who want to extend funding availability for 21st CCLC funding.*

**Staffing/Paying Staff**

2.i. Is there any guidance for staffing and staff retention during periods of closure? (CO)

ii. Are we allowed to pay staff during this suspended period? As a District we are paying school day personnel their normal wages and considering it paid administrative leave. Are we able to do the same for our 21st Century Community Center staff? Can we continue to pay the staff who are in administrative/coordination roles or the hourly employees that can work from home? (IA)(GA)

iii. For programs that have closed for the next two weeks, can they be reimbursed for work and planning they are doing during this time? Again, I assume that would not be an issue, but wanted to double check. (DC)

iv. Our programs are led by salaried leaders and staffed by part-time hourly employees. Our payrolls for these folks come primarily from 21st CCLC funds. Our intent is to keep paying all staff through this closure period for staff retention and to help them make ends meet. This is a built-in stimulus for our local economies as well. **We are working within the community to put all our folks to good use where they are needed, particularly in their center communities and particularly to meet the needs of young people.** I appeal to you to please allow reimbursements to continue within approved operating budgets during virus-related program closures. (SC)(WA)

v. If the program closes because there are no buildings to use, can the part-time staff such as teachers can be paid during the time is closed. It is our position that they can't get paid. If they have the opportunity to run the program with less required weekly hours, can they do that? For example, they are required a minimum of 12 hours a week, if they only can work 3 days a week that will be less than the 12 hours, if that will be fine?(PA)(AR)

vi. Direct assistance to providers based on enrollment, not attendance, including but not limited to the Nita M. Lowey 21st Century Community Learn Center (21st CCLC) Program. (Afterschool Alliance)



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*Kay has written the response to this question*

vii. Assistance to cover the cost of substitute educators at afterschool programs. (Afterschool Alliance)

*During emergency closures the 21st CCLC subgrantees must follow local personnel policies that pertain to their staffs employment contracts.21st CCLC subgrantees may only continue to support staff who are listed in the project's approved budget and cannot cover pay of substitute educators who only work occasionally in programs.*

**Guidance from ED**

3. i. Will there be any guidance on how to support grantees running 21st CCLC programs? Will ED send out guidance for states regarding 21st CCLC and COVID-19? (CO)

ii. I am about to send an email out to all of our SC 21st CCLC Project Directors to give them information 21st CCLC. If there aren't any updates yet from US Dept of Ed, I am prepared to tell them that we are awaiting guidance but as soon as we hear from the US Dept of Education, we will be sure to pass the information along to them. Do you think this is sufficient? (SC)

iii. Do you know if the Department will hold a webinar or call with SEAs? (NJ)

*ED will send out guidance over the listserv and host a Webinar to inform the SEAs of specific guidance pertaining to operating 21st CCLC programs during the COVID-19 emergency on XX date beginning at XX:00pm. The link for the meeting is abcefghijklmnop…*

**Funds**

4. i. Can funding through 21st CCLC have flexibility for subgrantees to help families and 21st CCLC students with food and other emergency items? Related question: Could funding pay for food for non-school hours where activities would have been held but are not because of school closures? (CO)

*Costs must match the purpose of the funding see 2 CFR 200.300 of the Uniform Guidance which speaks the non-Federal entity being responsible for complying with Federal requirements for the award. Furthermore, the Uniform Guidance places emphasis on strong internal controls. In accordance with 2 CFR 200.302 all grant recipients must have financial management systems that include written procedures for ensuring all expenditures conform to the terms and conditions of the grant as well as the Uniform Guidance Cost Principles.*

*The 21st CCLC grant is for academic purposes. Funds are for specific academic and enrichment activities that help students who attend low-performing schools to meet the State academic standards.*

*While 21st CCLC program funds may not be used to purchase food and other emergency items during school or non-school hours the USDA has posted guidance at: https://www.fns.usda.gov/disaster/pandemic for utilizing USDA food for programs during the COVID-19 emergency.*

ii. If forced to cancel activities and/or shut down entirely, can a program reallocate those projected unspent funds toward supplies and equipment through a budget amendment, for example, to purchase laptop computers for students and desktop computers for staff?



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*States' have the authority to allow budget amendments that are reasonable and necessary and align with the approved application.*

iii. Consider community-based afterschool programs as a resource to provide meals to students when schools are closed and provide the flexibility and resources for that to occur.

*The 21st CCLC is an academic program; as such its role is to provide meaningful, high-quality programing utilizing effective strategies and to provide professional development for staff in specific content areas and youth development. While students are being served it is appropriate to provide snacks/meals to the children enrolled in the program.*

*It would be the decision of a community-based afterschool organization whether or not to serve as a resource/location for providing meals to students when schools are closed. Community-based programs should consult with their Local Educational Agencies to determine how best to utilize the guidance provided by USDA food for programs posted at https://www.fns.usda.gov/disaster/pandemic as 21st CCLC program funds may not be used to purchase food and other emergency items during school or non-school hours.*

**Programing**

**Virtual/Remote**

5. i. Given that 21st CCLC is an out-of-school time grant, is it possible for them to offer remote programming during these school shut-downs. It seems like something feasible from my end, if they have a good plan that we can approve, but I wanted to make sure it doesn't in any way conflict with the intentions or requirements of the grant. Any feedback you can provide is much appreciated. (DC)

ii. With school buildings closing, our programs want to know if they can do a 100% on-line program if all the students they serve have the technology available. Programs purchase laptops to be used in the program, grantees want to know if they do a 100% on-line program if they can lend the laptops to those kids that don't have one during this time of crisis. (PA)

iii. Can 21st CCLC activities be held in other locations if the primary site (the school) has closed down? (CO)

iv. Will federal grant activities such as teleconferencing or working at home be permissible? What documentation would be acceptable? (OH)

*Yes, a State has the authority to designate programs to operate remotely or virtually for part of or the entirety of their scheduled time during the COVID-19 emergency. It is the State's decision what type of documentation it would require from a program operating remotely/virtually. Programs should return to normal operations at such time when schools reopen.*

*Furthermore, the State has the authority to allow programs to modify their approved application's activities and budget to allow for programs to purchase necessary supplies such as laptops in when approving modified activities. The laptops should be labeled the property of the program and inventoried pre- and post- check out.*



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**Program Planning**

v. If a 21st CCLC program has to shut down for a period of time because the students served attend a school that has closed, what will be the consequences to the grant? Can programs still access funds for contingency planning purposes?

> *The State has authority to modify its requirements, policies and guidelines subgrants are subject to. We encourage States to be flexible when working with their subgrantees. For example, programs may temporarily adapt their on-site services to provide virtual innovative programming where appropriate. Contingency planning may be an allowable cost as determined by the State as long as the cost is reasonable and allocable to the subgrant.*

**Child Care/Fees, Tuition**

6. i. Ours schools districts have been asked to work with their community to provide child-care for healthcare providers and first responders during the pandemic school closures. NYSED believes that our 21st Century providers are perfectly poised to assist in this endeavor, as they are both screened and trained in working with both 0 to5 and school age populations. I know that our providers are already concerned about meeting their numbers and whether they will continue to receive funding while their programs are closed. This could be a win-win, as they would be helping health care workers provide the care COVID-19 victims need while also giving our generous 21st Century sub-grantees the opportunity to help and stay employed. (NY)

**Commented [CJ1]:** Not sure you want to include this here. It was asked knowing a waiver would be required.

ii. If a Nita M. Lowey 21st CCLC site chooses to serve as a childcare resource within the community, are they permitted to use 21st CCLC funds for "normal approvable" activities? (NJ)

iii. Can 21st CCLC funds be used to provide daycare for parents that continue to work (health care and other professions)? Students would utilize Alternative Methods of Instruction (AMI) work (with 21st CCL staff support) and then students would be provided supplemental learning enrichment opportunities (identified in 21st CCLC application). (AR)

> *Costs must match the purpose of the funding see 2 CFR 200.300 of the Uniform Guidance which speaks the non-Federal entity being responsible for complying with Federal requirements for the award. The Uniform Guidance in 2 CFR 200.405 states that costs are allocable to a particular Federal award if the goods and services are chargeable or assignable to that Federal award. Furthermore in 2 CFR 200.403 the Uniform Guidance states that costs must be ) be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles and conform to any limitations or exclusions set forth in these principles or in the Federal award as to types or amount of cost items.. The 21st CCLC grant is for academic purposes. Funds are for specific academic and enrichment activities that help students who attend low-performing schools to meet the State academic standards.*
>
> *While child care is not the intended purpose of the funds, it is permissible for 21st CCLC staff whose programs have been temporarily closed to consider working as a child care provider.*

**Jane and Kay; I just want to make sure a State doesn't have the authority to insist that 21st CCLC staff provide child-care to "earn" their pay.



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iv. Payments at current rate to programs to continue to serve children when parents or caregivers experience an inability to make co-payments or pay tuition. (Afterschool Alliance)

*The 21st CCLC grant program does not require students' families provide a co-payment of any type to participate in and receive the full benefits of the program. Any subgrantee who currently has received prior approval to collect any payments ( fees, co-payments or "tuition)" made to 21st CCLC subgrantee programs by students' parents or caregivers should be suspended indefinitely or until such a time as the COVID-19 national emergency has suspended and families have gotten back on their feet after the loss of jobs, lay-offs, and regained financial stability. The 21st CCLC program's purpose is to serve students from low-income families who attend low-performing schools to meet the challenging State academic standards though a broad array of activities and offer families of student opportunities for active and meaningful engagement in their children's education.*

*States according to 20 U.S.C. 7173 will ensure that the awards are of sufficient size and scope to support high-quality effective programs that are consistent with the purpose of the statute in amounts that are consistent with section 4204(h).*

**Data**

7.i. May Nita M. Lowey **21st CCLC subgrantees receive a waiver (state or federal)** if the targeted number of students are not met, due to COVID 19 school related closures? What is the waiver and submission process? (NJ)

*It is not reasonable to expect target numbers to be met when the district or state closes programs due to COVID-19. States have the authority to suspend the collection of attendance data through the duration of the school closure and to adapt its attendance and budget policies accordingly.*

**Eligible Students/Attendance**

8. i. If a Nita M. Lowey 21st CCLC site opens or remains open, may they serve students who have not attended the 21st CCLC program? (NJ)(NY)

*Yes, after all eligible students desiring or assigned to attend a 21st CCLC program have been enrolled, the site may serve other students who want to attend.*

**IAA Partnerships**

9. Do you anticipate additional flexibility in 21stCCLC grantee timelines and award periods as a result of this situation? Do you think we could extend the period of our interagency agreement to complete the work if we have a lot of delays getting projects started?

*Yes, it will be possible for the U.S. Department of Education to allow flexibility with our inter-agency partners around timelines, deliverables and may be able to extend the period of performance. Various*



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*activities that were scheduled between NOAA and 21st CCLC schools will ~~be able to~~ be rescheduled once we resume normal operations.*

National Policy

Non-profit organizations, including afterschool and youth-serving organizations, should be included in relief efforts targeted to small businesses. These relief efforts cannot be tax cuts alone. (Afterschool Alliance)

*This item refers to a national policy. The U.S. Department of Education and its staff do not have the authority to ask Congress to include the afterschool and youth-serving communities to be included in any relief legislation that includes tax cuts to be targeted to small businesses.*

**Commented [CJ2]:** I think you should ask Patrick about this one. The Secretary and Asst Secretaries have the ability to ask Congress and that's probably what they are asking for.



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**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 18:30:43 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Approval Requested-Shortened Academic Year

Hello,

Please see the inquiry below.

Thank You,

Franka

---

**From:** LaPierre, Mary E. <Mary.LaPierre@clinton.edu>
**Sent:** Tuesday, March 24, 2020 10:03 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** DiPasquale, Ray M. <Ray.DiPasquale@clinton.edu>; Miarka-Grzelak, Anna B. <Anna.Miarka-Grzelak@clinton.edu>
**Subject:** Approval Requested-Shortened Academic Year

**Clinton Community College**
**OPEID: 00678700**

Per recent guidance, I am requesting an approval to revise the Program Participation Agreement for Clinton Community College due to a shortened academic year. Clinton Community College has extended Spring Break by one week and will transition all courses to an on-line version. On-line instruction will begin March 30, 2020 and extend through the end of the term, May 15, 2020. This change will result in a 14 week Spring term and a resulting 29 week Academic year for 2019/2020.

I thank you for your consideration and guidance during this time.

Regards,
Mary LaPierre

**Mary LaPierre**| *Director of Financial Aid*
SUNY Clinton Community College | 136 Clinton Point Dr., Plattsburgh, NY 12901
Phone: 518-562-4126| Fax: 518-562-4373| Email: mary.lapierre@clinton.edu

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**From:** Martinez, Sarah
**Sent:** Tue, 24 Mar 2020 16:06:09 +0000
**To:** COVID-19
**Cc:** Meyertholen, Patricia;Gillette, Lisa
**Subject:** FW: COE and Signatures
**Importance:** High

OME has sent an acknowledgement email.

---

**From:** Benassi, Christina - Division of School and Program Improvement <christina.benassi@education.ky.gov>
**Sent:** Tuesday, March 24, 2020 11:27 AM
**To:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Subject:** COE and Signatures
**Importance:** High

Sara,

I sent the following email to my director to get her input but she basically said I must contact you to get final decisions on how our state should move forward. Can you please provide our state with some guidance? If you have time for a chat, I also had some funding questions as well.

Thank you.

Christina


***Christina Benassi, MA in Elementary Education***
***MA in Learning Behavior Disorders***
Title I, Part C Kentucky Migrant State Director, Planning Branch
Title I, Part A Consultant, English Learners, Migrant and Neglected & Delinquent Branch

Division of School and Program Improvement
Office of Continuous Improvement
Kentucky Department of Education
300 Sower Blvd. – 5th floor
Frankfort, KY 40601


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(502) 564-3791, ext. 4025 | Fax (502) 564-8149
Christina.benassi@education.ky.gov

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**From:** Benassi, Christina - Division of School and Program Improvement
**Sent:** Friday, March 20, 2020 1:22 PM
**To:** Rodriguez, Tara - KDE Division Director <tara.rodriguez@education.ky.gov>
**Cc:** Neil - Division of Consolidated Plans and Audits Watts (neil.watts@education.ky.gov) <neil.watts@education.ky.gov>
**Subject:** COE and Signatures
**Importance:** High

**Tara,**

**Tara, thanks for talking with me about my concerns with our recruiters earlier today. I really appreciate your assistance. I looked for some information on the signatures and this is what I have found according to the National COE instructions, Results web page, and NRG for Chapter two. If you look at the H4 it stated that, "the content of these sections must remain unaltered, with limited exceptions." I am not sure if the we could write a comment stating, "signature could not be obtained due to COVID-19." I would like to see what Whitney things about that. Also, we would verify these signatures on September 1 to ensure the student is still eligible during the next funding year.**

**Here are a few options I have talked about with other states and wanted to get your thoughts.**

1. **Get electronic COEs over phone and then write comment about not getting signature with COVID-19.**

2. **Get a ECOE over phone and then hold the COE until a signature is obtained. Then mail a copy of the COE to the family/farmer, etc. and get a paper signature and write on the COE that signature is on file. The virus dies on paper within 24 hours. (Issue: some people don't know their address.)**

3. **Get Electronic COEs over phone and then write in comments about not getting signature with COVID-19 but get a signature verification before 9-1-20 to verify there were here one day during the current performance period. (Issues: The people may have moved so we may not be able to get signatures for all.)**

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**Let me know what your thoughts are? Thanks again for helping us during this difficult time. I appreciate your help. Thank you.**

**Christina**

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**Guidance**

Chapter 2: Child Eligibility

**H4. What are the required data *sections* for the national COE?**

The required data sections mandated by the national COE are as follows: Qualifying Moves & Work Section, Comment Section, Interviewee Signature Section, and Eligibility Certification Section. The content of these sections must remain unaltered, with limited exceptions. Certain formatting changes are allowable.

**H10. Must the recruiter sign the national COE?**

Yes. The recruiter's signature on the national COE certifies that: (1) the children are eligible for the MEP, and (2) the information upon which the recruiter based the eligibility determination is correct to the best of his or her knowledge. Moreover, under 34 C.F.R. § 200.89(c) and (d), the Department requires this signature on the national COE as an element of a reasonable system of quality control.

Results web page:

Interviewee Signature Section. The interviewee signs and dates the COE on the day the interview is conducted. The interviewee must also write his or her relationship to the child.
I understand the purpose of this form is to help the state determine if the child(ren)/youth listed on this form is/are eligible for the Title I, Part C, Migrant Education Program. To the best of my knowledge, all of the information I provided to the interviewer is true.
Signature, Relationship to the child(ren), Date

The person who signs the COE must be the source of the information contained in the document and should verify any information provided by another source. If the interviewee is unable to sign his or her name, he or she must mark an "X" in the signature section and the recruiter must print the parent's name and relationship to the child in the Comments section. If the interviewee refuses to sign his or her name, the recruiter must document the interviewee's refusal in the Comments section and print the interviewee's name and relationship to the child.

If a state chooses to include other statements that require, for example, a parent/guardian signature specifically, the state can include those statements separately from the Interviewee Signature. ED strongly recommends that states obtain the approval of their legal counsel to ensure that additional

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statements they add to this section comply with the applicable federal, state, and local laws and policies.

The recruiter should make sure the interviewee understands what he or she is signing. The recruiter can do this by reviewing every line of the COE and confirming with the parent that the information is correct. If the interviewee can read, the recruiter should give the interviewee a blank copy of the COE form in his or her native language (if available) so the interviewee can follow along. Once the SEA-designated reviewer reviews, signs, and dates, the COE, the MEP should send a copy of the COE by mail or hand-deliver it at a later date.

COE Directions

Same as above

***Christina Benassi, MA in Elementary Education***
***MA in Learning Behavior Disorders***
Title I, Part C Kentucky Migrant State Director, Planning Branch
Title I, Part A Consultant, English Learners, Migrant and Neglected & Delinquent Branch

Division of School and Program Improvement
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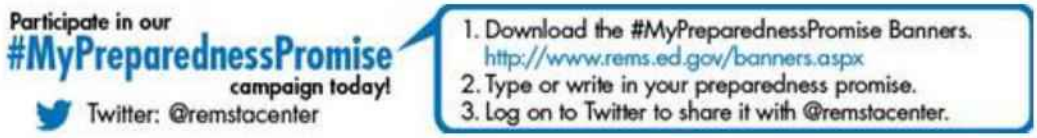
**From:** Sullivan, Madeline
**Sent:** Tue, 24 Mar 2020 23:11:11 +0000
**To:** COVID-19
**Subject:** FW: Concerned Parent with child who is high risk, has chronic respiratory disease
**Attachments:** Health - COVID-19 - Student at Higher Risk.docx

Please see attached the related response.

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742




https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** Sullivan, Madeline
**Sent:** Wednesday, March 18, 2020 1:39 PM
**To:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Subject:** RE: Concerned Parent with child who is high risk, has chronic respiratory disease

Dear Kelly,

This should be looked at.

In brief, asthma is a condition that could be considered under the Rehab Act & IDEA; therefore, I added CDC's language regarding persons at a higher risk as well as a statement that schools and families can work together to determine if additional modifications and accommodations would be applicable.

I updated the title of the document and the text.

As always, I welcome your feedback. More, you sending the draft is incredibly helpful; thank you!

By the way, this is line item #42 on your spreadsheet:

AMERICAN OVERSIGHT

COVID-19@ed.gov
3/9/20
Clem Desarey
desareynicole@gmail.com
Parent  Concerned Parent with child who is high risk, has chronic respiratory disease

Sincerely,
Madeline

Madeline Sullivan
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

-----Original Message-----
From: COVID-19 <COVID-19@ed.gov>
Sent: Monday, March 9, 2020 1:11 PM
To: Sullivan, Madeline <Madeline.Sullivan@ed.gov>
Subject: RE: Concerned Parent with child who is high risk, has chronic respiratory disease

Hi Madeline,

Can the attached "precaution" be used to reply to the below inquiry.

Thanks,
Kelly

-----Original Message-----
From: Desarey Clem <desareynicole@gmail.com>
Sent: Monday, March 9, 2020 10:03 AM
To: COVID-19 <COVID-19@ed.gov>
Subject: Concerned Parent with child who is high risk, has chronic respiratory disease

Hi,
I would like to thank everyone in the Dept of Education for their hard work and dedication to the future of America, our children. I know that everyone is busy and overwhelmed with all of the Covid-19 developments and are doing an outstanding job of protecting the health and safety of our students. I must ask, my student has chronic asthma, and he has a history of becoming extremely ill due to colds and flu, croup, and other respiratory infections. What provisions is the Dept of Education recommending for these sensitive group students??? I would like to know that

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students that have these conditions will be pulled from campus, if any risk of exposure is present. I am uncomfortable with the current guidelines, they do not address the needs of this vulnerable population within our school community. Thank you Sent from my iPhone

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Dear NAME:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

The Department created the "COVID-19 ("Coronavirus") Information and Resources for Schools and School Personnel," Web page, accessible at https://www.ed.gov/coronavirus?src=feature, to support school communities as they plan, prepare and potentially respond to possible cases of COVID-19 in their community. As with any disease that has the potential to affect our school communities, the Centers for Disease Control and Prevention (CDC) will provide information about the signs, symptoms, and severity of the virus, as well as the proper steps to help prevent its spread. Schools can work with their local health department to determine specific criteria and possible response actions for supporting students and staff who may be ill with possible symptoms such as a fever as well as those who are considered to be at higher risk, including students with Asthma.

School plans should be designed to complement other community mitigation strategies to protect high-risk populations; minimize disruption to teaching and learning and protect students and staff from social stigma and discrimination. Currently, the CDC recommends persons who are at higher risk to speak with their healthcare providers about possible protective measures. Schools and the families of students with asthma can work together to determine whether a student has rights under Section 504 of the Rehabilitation Act of 1973 (Section 504) or the Individuals With Disabilities Education Act (IDEA) in which case a specific set of accommodations and modifications may be developed to help ensure inclusion to the extent possible under the law, per the CDC guidelines and the healthcare provider recommendations. ~~.~~

~~While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.~~

~~The Department recommends that schools continue to promote everyday disease prevention strategies:~~

- ~~If you are sick, stay home from school.~~
- ~~Avoid close contact with those who are already sick.~~
- ~~Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.~~
- ~~Wash your hands often with soap and water.~~
- ~~Avoid touching eyes, nose, or mouth.~~

The CDC offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.

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Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** Evans, Melika
**Sent:** Tue, 24 Mar 2020 19:15:33 +0000
**To:** COVID-19
**Subject:** FW: Control 20-003069 for Appropriate Handling
**Attachments:** 20-003069-Incoming.pdf
**Importance:** High

---

**From:** Evans, Melika
**Sent:** Thursday, March 19, 2020 5:12 PM
**To:** Fisher, Collette <Collette.Fisher@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>
**Subject:** FW: Control 20-003069 for Appropriate Handling
**Importance:** High

Good Afternoon Collette and Patrick,

Brittney has asked me to check with the both of you to see if OESE should respond to this control regarding students who will age out of Foster Care if they don't receive their diplomas in time due to missing school because of COVID-19. I have attached the incoming. Can either of you look it over as well as Edgars note highlighted below and let us know if OESE should respond or if it should go to HHS?

Thanks All,

Melika

---

**From:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Sent:** Thursday, March 19, 2020 5:01 PM
**To:** Evans, Melika <Melika.Evans@ed.gov>
**Subject:** RE: Control 20-003069 for Appropriate Handling

I would ask maybe Collette and Patrick if they know anything about this since there is mention of ESSA. If not I would have it sent to HHS.

---

**From:** Mayes, Edgar <Edgar.Mayes@ed.gov>
**Sent:** Thursday, March 19, 2020 4:46 PM
**To:** Evans, Melika <Melika.Evans@ed.gov>
**Subject:** RE: Control 20-003069 for Appropriate Handling

Hi Melika,

On December 5, 2016, Ann Whalen, Delegated the duties of the Assistant Secretary, OESE, sent a letter to CSSO's regarding foster care under
ESSA. Is that directive now obsolete under the current Administration? I realize that foster care maybe an HHS issue, but I wanted to

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double check before referral.

Thanks,
Edgar

---

**From:** Evans, Melika <Melika.Evans@ed.gov>
**Sent:** Thursday, March 19, 2020 4:23 PM
**To:** Mayes, Edgar <Edgar.Mayes@ed.gov>
**Subject:** FW: Control 20-003069 for Appropriate Handling
**Importance:** High

Good Afternoon Edgar,

This control is regarding foster care. Brittney has asked that we request recontrol.

Thanks,

Melika

---

**From:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Sent:** Thursday, March 19, 2020 9:54 AM
**To:** Evans, Melika <Melika.Evans@ed.gov>
**Cc:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Subject:** RE: Control 20-003069 for Appropriate Handling

Hello,

This doesn't belong to SSS. It's on Foster Care.

Kelly

---

**From:** Evans, Melika <Melika.Evans@ed.gov>
**Sent:** Wednesday, March 18, 2020 5:34 PM
**To:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Cc:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Subject:** Control 20-003069 for Appropriate Handling

Good Afternoon Kelly,

I am assigning a control to SSS for appropriate handling. The due date is March 31st .

Sincerely,

Melika Evans
Control Correspondence Unit
Executive Office

AMERICAN OVERSIGHT

Office of Elementary and Secondary Education

AMERICAN OVERSIGHT

Sent: 16-March-2020 14:05:42

From:

To:

Cc:

Bcc:

Subject: FW: Foster Children

Attachments:

-----Original Message-----
From: DeVos, Betsy
Sent: Monday, March 16, 2020 6:55 AM
To: Gary Evans <Garybob45@sbcglobal.net>
Subject: RE: Foster Children

This acknowledgement is sent on behalf of Secretary of Education Betsy DeVos.

Dear Ms. Evans:

Thank you for your e-mail to Secretary of Education Betsy DeVos. We appreciate hearing from you.
Your communication has been forwarded to the appropriate staff member for review and further handling.

Thank you again for contacting us.

Sincerely,
Edgar Mayes

Director, Correspondence and
Communications Control Unit
Office of the Secretary
U.S. Department of Education
Washington, DC 20202

-----Original Message-----
From: Gary Evans <Garybob45@sbcglobal.net>
Sent: Sunday, March 15, 2020 7:06 PM
To: DeVos, Betsy <Betsy.DeVos@ed.gov>
Subject: Foster Children

Dear Sec. DeVoss

Could you please address how those students who turn 18 and are no longer eligible to remain in Foster Care finish there educations if schools remain closed and these young people " age out " of the system and not get to finish getting their high school diplomas

I understand this is the worst case outcome with the Corona 19 virus.

Thank You
Shirley Evans
Topeka Ks

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Sent from my iPad

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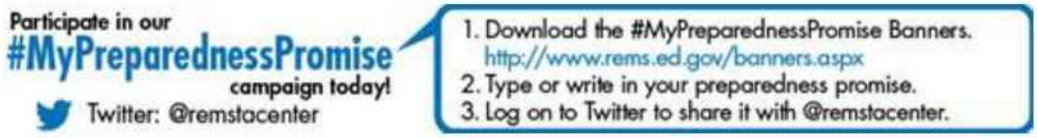
**From:** Sullivan, Madeline
**Sent:** Tue, 24 Mar 2020 23:12:49 +0000
**To:** COVID-19
**Subject:** FW: Control: Mercer - COVID-19 Cleaning Supplies
**Attachments:** Health - COVID-19 - Prevention, Cleaning and Supplies.docx

Dear COVID Team,

Please see attached a draft response.
Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742




https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** Sullivan, Madeline
**Sent:** Wednesday, March 18, 2020 7:20 PM
**To:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Cc:** Foy Moss, Rita <Rita.Foy.Moss@ed.gov>; Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** RE: Control: Mercer - COVID-19 Cleaning Supplies

Dear Kelly,

A couple things. I updated this because

- there is new language and resources from the CDC; and
- we now have transmission in very state.

They requested cleaning supplies; however, there are other cost-effective options, so I point the user to that guidance / infographic.

See what you think.

I look forward to your feedback!
Sincerely,
Madeline

Line Item: 44

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Secretary Mail
Shamayne
Mercer butterflies1963@icloud.com

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Sent:** Tuesday, March 17, 2020 5:47 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Subject:** FW: Control: Mercer - COVID-19 Cleaning Supplies

Hi Madeline,

This is a control for COVID-19. Can you please provide draft response.

Thanks,
Kelly

---

**From:** Patrick, Kelly
**Sent:** Monday, March 16, 2020 6:11 PM
**To:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: Control: Mercer - COVID-19 Cleaning Supplies

Bryan, I sent this to Madeline to handle this control. Do you still want her to handle?

Kelly

---

**From:** Patrick, Kelly
**Sent:** Monday, March 9, 2020 12:38 PM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Kesner, Paul <Paul.Kesner@ed.gov>
**Subject:** Control: Mercer - COVID-19 Cleaning Supplies

Hello,

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Attached is a control from Mercer on COVID-19 Cleaning Supplies. Also, attached is the general inquiry, please tweak as needed.

Please return the draft response to me by March 12.

Thanks,
Kelly

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Dear NAME:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

As with any disease that has the potential to affect our school communities, the Centers for Disease Control and Prevention (CDC) will provide information about the signs, symptoms, and severity of the virus, as well as the proper steps to help prevent its spread. While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent ~~the introduction and~~ spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease ~~and~~; its potential transmission; and strategies for preventing its transmission. Schools can also ~~prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.~~

~~The Department recommends that schools~~ continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, on ways we can protect ourselves and others, including additional strategies for cleaning frequently touched surfaces, please visit ~~www.cdc.gov/coronavirus/2019-nCoV~~https://www.cdc.gov/coronavirus/2019-ncov/prepare/prevention.html.

~~In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.~~

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

AMERICAN OVERSIGHT

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 20:47:17 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Corona Virus - Mararishi International University

Hi OPE,

Please see the below inquiry.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Monday, March 23, 2020 6:16 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Corona Virus - Mararishi International University

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Beam, Angela <Angela.Beam@ed.gov>
**Sent:** Wednesday, March 11, 2020 2:15 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Wyant, Jim <Jim.Wyant@ed.gov>; Corwin, Dvak <Dvak.Corwin@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
**Subject:** FW: Corona Virus - Mararishi International University

**From:** Dan Wasielewski <dwasielewski@mum.edu>
**Sent:** Wednesday, March 11, 2020 10:46 AM
**To:** Wyant, Jim <Jim.Wyant@ed.gov>
**Subject:** Corona Virus

**Dear Jim:**

**Hope all is well.**

**The Corona Virus is currently getting a lot of attention at our University due to the fact that there are current indications of 20 identified cases in Iowa.**

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**To ensure the safety of our community we are considering canceling the scheduled Spring Break Recess planned between March 20th and March 29th. If we decide to do that is it acceptable within the USDE Semester length guidelines as long as we move up the end of the Semester from June 18th to June 8th?**

**Also, would it be appropriate as an alternative to canceling the Spring break, to push it back with dates later in the Semester? This hasn't been discussed but could be an option. It would imply the same Semester ending date with the same length of a Spring Break but some of the inclusive Block dates would need to be changed.**

**What are your thoughts regarding all this?**

**Thank you very much. I imagine you are being swamped with similar issues.**

Respectfully,

Dan Wasielewski, MBA
Director of Financial Aid, SCO for Veterans Benefits
Maharishi International University
*(Formerly Maharishi University of Management)*
1000 N. 4th, Fairfield, IA 52556
Enrollment Center, Mailbox #754
(641)472-7000, Ext. 4170
(641)472-1133, Fax
dwasielewski@miu.edu
www.mlu.edu

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**From:** AtlantaSPD
**Sent:** Tue, 24 Mar 2020 16:41:55 +0000
**To:** COVID-19
**Subject:** FW: Coronavirus COVID-19 - Mississippi State University, OPEID: 00242300

See the school's inquiry below.

---

**From:** McKinney, Paul [mailto:paul.mckinney@msstate.edu]
**Sent:** Monday, March 23, 2020 6:36 PM
**To:** AtlantaSPD
**Cc:** Harfst, Cynthia
**Subject:** Re: Coronavirus COVID-19 - Mississippi State University, OPEID: 00242300

Cassendra

We did add an additional week to our spring break. I went back and added the days in the fall 2019 and spring 2020 term and we got 209 total days. Based on our 209 days, we are at 29 weeks and 6 days. I think 30 weeks equals 210 total days. If we started half-way through a week does that whole week count as one week? For example our fall 2019 first day of classes was Wednesday, August 21st. Not sure what we need to do??

Thanks

Paul McKinney

**From:** AtlantaSPD <AtlantaSPD@ed.gov>

---

**Date:** Wednesday, March 18, 2020 at 4:38 PM
**To:** "McKinney, Paul" <paul.mckinney@msstate.edu>
**Subject:** FW: Coronavirus COVID-19 - Mississippi State University, OPEID: 00242300

Good Afternoon Paul,

Thanks for making us aware of MSU's action plan. I assume MSU has informed the state and accreditor of this action. There's no need to contact us if the weeks remain at 30. Ensure to document the reasoning for any change for future reference.

Regards,

*Cassandra Weems*
*Institutional Improvement Specialist*
*U.S. Department of Education*
*Atlanta School Participation Division*
*61 Forsyth Street, Suite 18T40*
*Atlanta, GA 30303*

---

**From:** McKinney, Paul <paul.mckinney@msstate.edu>
**Sent:** Tuesday, March 17, 2020 6:39 PM

AMERICAN OVERSIGHT

**To:** Russell, Rodney <Rodney.Russell@ed.gov>
**Subject:** Re: Eligibility Action - Mississippi State University, OPEID: 00242300

Rodney
I was on a NASFAA call today and they told us if we shortened our semester we needed to notify our school participation team. Is that true? We added an additional week to the spring break, so for the spring term its going to be 15 weeks instead of 16. Do I need to notify someone if we still hit the 30 weeks for fall and spring?

Paul

---

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**From:** answers
**Sent:** Tue, 24 Mar 2020 18:57:57 +0000
**To:** COVID-19
**Subject:** FW: COVID-19 Question

**From:** Mephisto Pheles <cyrenaic.hedon@gmail.com>
**Sent:** Sunday, March 22, 2020 3:52 AM
**To:** answers <answers@ed.gov>
**Subject:** COVID-19 Question

Hello DOE,

At this point, it seems abundantly clear that the infection rates are going to continue to climb for the next month based on the most optimistic estimates. Schools are supposed to end by early May this semester. I am a graduate student living on my own at the moment and my parents don't live nearby so I am having a lot of difficulty getting bare essentials and I am constantly worried about catching the virus as I really don't have time or the money to be living a healthy lifestyle (my master's is extremely academically intense as its for applying to med school). As the situation becomes more serious, it is going to become significantly more difficult to take care of non-academic matters such as getting food, toilet paper, and avoiding getting sick so I was wondering if there was a coordinated effort amongst US med/grad/etc institutions to possibly delay this semester asap. What's happening in Italy is around the corner for us here based on the numbers. I'm sure there are drugs that may start being re-purposed to improve outcomes but there's no way that meaningful action can occur within the next few weeks. in the mean time, grad students, etc. have very little time and opportunity to prepare for any worst case scenario (like what's happening in Italy right now) if classes and exams continue. For example, my school gave us THREE days while they moved to online lectures... last week. You could image how abundantly stocked the shelves at supermarkets and Costco were down here in South Florida. Please immediately begin some kind of nationwide coordination plan as we students are woefully unprepared for COVID-19 to get any worse.

Thank you for your time,
Dave A

AMERICAN OVERSIGHT

**From:** Tanner-Dean, Angela
**Sent:** Tue, 24 Mar 2020 18:25:31 +0000
**To:** COVID-19
**Subject:** FW: Fiscal Question - Guidance needed :: LEA Maintenance of Effort
**Importance:** High

IDEA specific question.

---

**From:** Brown, Chris <Chris.Brown@azed.gov>
**Sent:** Tuesday, March 24, 2020 2:08 PM
**To:** Heck, Kathleen <Kathleen.Heck@ed.gov>; Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>
**Cc:** Trollinger, Alissa <Alissa.Trollinger@azed.gov>; Mannelly, Mike <Mike.Mannelly@azed.gov>
**Subject:** Fiscal Question - Guidance needed :: LEA Maintenance of Effort
**Importance:** High

Hello Kathleen & Angela,

There is a growing concern over the maintenance of effort requirements for states. Since states are closing by mandate and unable to function a full normal calendar year, the LEA expenditures will reflect this to a degree. For reference (if this email gets forwarded), Maintenance of Effort requires LEAs to maintain expenditures from their state & local or local-only funds.

> ***34 CFR § 300.203 Maintenance of effort.***
> ***(b) Compliance standard.***
> > ***(1)*** *Except as provided in §§ 300.204 and 300.205, funds provided to an LEA under Part B of the Act must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.*
> > ***(2)*** *An LEA meets this standard if it does not reduce the level of expenditures for the education of children with disabilities made by the LEA from at least one of the following sources below the level of those expenditures from the same source for the preceding fiscal year, except as provided in §§ 300.204 and 300.205:*
> > > ***(i)*** *Local funds only;*
> > > ***(ii)*** *The combination of State and local funds;*
> > > ***(iii)*** *Local funds only on a per capita basis; or*
> > > ***(iv)*** *The combination of State and local funds on a per capita basis.*

Now the only exceptions which are allowed for an LEA to reduce expenditures are through the following reasons which are built into the regulations.

> ***34 CFR § 300.204 - Exception to maintenance of effort.***

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*Notwithstanding the restriction in § 300.203(b), an LEA may reduce the level of expenditures by the LEA under Part B of the Act below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following:*

***(a)*** *The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.*

***(b)*** *A decrease in the enrollment of children with disabilities.*

***(c)*** *The termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child -*

***(1)*** *Has left the jurisdiction of the agency;*

***(2)*** *Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or*

***(3)*** *No longer needs the program of special education.*

***(d)*** *The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.*

***(e)*** *The assumption of cost by the high cost fund operated by the SEA under § 300.704(c).*

As such, will there be flexibility granted to the LEAs in states that allow expenditures to be reduced in light of the recent health issues and mandatory closures? I have been in discussions with states who are already doing six-weeks and now with Arizona doing four-weeks with a potential for more we are in the same boat. The LEAs have already hinted at this and the concern will hit full speed within the next 60 days. I am sure our state and others will be eager to see what they are proposing to address this.

Please note that this also affects Excess cost calculations that are also required but are being discussed less by our LEAs at this time.

***34 CFR Appendix A to Part 300 - Excess Costs Calculation***

*Except as otherwise provided, amounts provided to an LEA under Part B of the Act may be used only to pay the excess costs of providing special education and related services to children with disabilities. Excess costs are those costs for the education of an elementary school or secondary school student with a disability that are in excess of the average annual per student expenditure in an LEA during the preceding school year for an elementary school or secondary school student, as may be appropriate. An LEA must spend at least the average annual per student expenditure on the education of an elementary school or secondary school child with a disability before funds under Part B of the Act are used to pay the excess costs of providing special education and related services.*

Any information or guidance you can provide on this would be appreciated.

Thank you,

AMERICAN OVERSIGHT

**Chris Brown**
Director of Operations
Exceptional Student Services
Arizona Department of Education
1535 W Jefferson St, Phoenix, AZ 85007
Phone: (602) 542-3854

http://www.azed.gov/specialeducation/

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**From:** Freeman, Vinetta
**Sent:** Tue, 24 Mar 2020 17:55:24 +0000
**To:** COVID-19
**Cc:** Fox, Leslie
**Subject:** FW: Follow up on our call

Please see email below.

---

**From:** Roush, Pam S <Pam.S.Roush@wv.gov>
**Sent:** Tuesday, March 24, 2020 1:53 PM
**To:** Freeman, Vinetta <Vinetta.Freeman@ed.gov>
**Subject:** Follow up on our call

Vinetta,

I wanted to follow up on our call and let you know that WV would definitely appreciate having a later due date for the SSIP – our agendas have been quite full with supporting our practitioners and families in the delivery of services during this COVID-19 epidemic. Thank you for forwarding this.

Pam

Pam Roush, Director
WV Birth to Three
Office of Maternal, Child and Family Health
WV Department of Health and Human Resources
Charleston, WV 25301
1-800-642-9704
1-304-356-4365 NEW

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**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 18:42:17 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: FWS Question Regarding the COVID-19 Disaster

Hello,

Please see the inquiry below.

Thank You,

Franka

---

**From:** Bob, Sharon <Sharon.Bob@PowersLaw.com>
**Sent:** Tuesday, March 24, 2020 10:20 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Bob, Sharon <Sharon.Bob@PowersLaw.com>
**Subject:** FWS Question Regarding the COVID-19 Disaster

A student is enrolled and in attendance in a term, which has already begun, and was awarded and scheduled for a FWS position that involved offering literacy training. However, the student had not begun her FWS work at the time the institution suspended its on-ground training and moved to a distance education format at the onset of the COVID-19 disaster. The March 5, 2020 guidance states that "the institution may **continue** [emphasis added] paying the student Federal work-study wages during that closure if it occurred after the beginning of the term and the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement." Further, on March 20, 2020, the guidance states: "Yes. The FWS guidance in the Electronic Announcement dated March 5, 2020, applies when the student is unable to work because the school made the decision to move to online/distance education classes and the institution meets the conditions described below."

At the time of the COVID-19 disaster, while the student was scheduled to begin her FWS work, she had not started and therefore, was not paid as yet. Although the student is now unable to work because of the move to the distance education format, may she be paid her FWS wages for the hours for which she was scheduled because she is now unable to begin work?

If the answer is no, can the institution request a waiver of the literacy requirement under 34 C.F.R. § 675.18(g)(1)? The student's position was to be employed in a literacy program and if the student cannot be employed and paid, the institution will not be able to meet the requirement of including employment in a literacy program as part of the community service requirement for FWS positions.

Thank you for your consideration.

Regards, Sharon Bob

AMERICAN OVERSIGHT

Sharon H. Bob, Ph.D.
Higher Education Specialist on Policy and Regulation
**POWERS**
Powers Pyles Sutter & Verville PC
1501 M Street NW, Seventh Floor
Washington, DC 20005-1700
tel 202.872-6772 | fax 202.785.1756
Sharon.Bob@PowersLaw.com | www.PowersLaw.com

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AMERICAN OVERSIGHT

**From:** Carr, Steven
**Sent:** Tue, 24 Mar 2020 15:55:16 +0000
**To:** COVID-19
**Cc:** Gillette, Lisa;Bentley-Memon, Millicent;Martinez, Sarah
**Subject:** FW: Grant funded employees

---

**From:** Olivia D. De La Rosa <otrevin3@southtexascollege.edu>
**Sent:** Tuesday, March 24, 2020 11:40 AM
**To:** Carr, Steven <Steven.Carr@ed.gov>
**Subject:** Grant funded employees

Good morning, Mr. Carr,

South Texas College is currently shutdown until April 6th. Dr. Reed, our college president, asked me to find out if STC will be allowed to use grant funds during the shutdown to pay employees who are funded 100% through the HEP grant. Do you have some guidance on this that I can share with her?

Thank you,
Olivia

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 16:40:48 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Grant funded employees

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks,
Kelly

---

**From:** Carr, Steven <Steven.Carr@ed.gov>
**Sent:** Tuesday, March 24, 2020 11:55 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Gillette, Lisa <Lisa.Gillette@ed.gov>; Bentley-Memon, Millicent <Millicent.Bentley-Memon@ed.gov>; Martinez, Sarah <Sarah.Martinez@ed.gov>
**Subject:** FW: Grant funded employees

---

**From:** Olivia D. De La Rosa <otrevin3@southtexascollege.edu>
**Sent:** Tuesday, March 24, 2020 11:40 AM
**To:** Carr, Steven <Steven.Carr@ed.gov>
**Subject:** Grant funded employees

Good morning, Mr. Carr,

South Texas College is currently shutdown until April 6th. Dr. Reed, our college president, asked me to find out if STC will be allowed to use grant funds during the shutdown to pay employees who are funded 100% through the HEP grant. Do you have some guidance on this that I can share with her?

Thank you,
Olivia

AMERICAN OVERSIGHT

**From:** Calderon, Brenda
**Sent:** Tue, 24 Mar 2020 23:27:16 +0000
**To:** COVID-19
**Subject:** FW: Guidance and waiver on EL Identification timelines and services

-----Original Message-----
From: Tricia Kerr (ADE) <Tricia.Kerr@arkansas.gov>
Sent: Tuesday, March 24, 2020 1:26 PM
To: Calderon, Brenda <Brenda.Calderon@ed.gov>
Cc: Alan Lytle (ADE) <Alan.Lytle@arkansas.gov>
Subject: FW: Guidance and waiver on EL Identification timelines and services

Brenda,

I hope you are doing well! I thought I would also reach out to you directly. I think you may be the one reading the OESE Title III email, but wasn't completely certain.

I am on a webinar meeting now with the ELL Community of Practice through REL Southwest. This is a common question that the states on the call have. Texas, Louisiana, Arkansas, New Mexico, and Oklahoma are represented on the call.

Our Arkansas DESE staff has asked me about federal guidance on how the school closures related to COVID-19 affects services/identification of ELs similar to what has been released regarding special education.

Thanks,
Tricia

-----Original Message-----
From: Tricia Kerr (ADE) <Tricia.Kerr@arkansas.gov>
Sent: Friday, March 20, 2020 12:34 PM
To: OESE.titleiii-a <OESE.titleiii-a@ed.gov>
Cc: Alan Lytle (ADE) <Alan.Lytle@arkansas.gov>
Subject: Guidance and waiver on EL Identification timelines and services

Dear Title III Support,

I am officially requesting guidance on districts' responsibilities towards English Learners during extended periods of school closures and offering Alternative Methods of Instruction.

I also requesting guidance on enrollment of new students to a district during this time and the requirement to screen potential ELs with our state ELPA21 screener within 14 days of enrollment.

Thanks,
Tricia Kerr
ESOL Program Director
Title III Co-Coordinator
Sent from my iPhone

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Tue, 24 Mar 2020 23:14:42 +0000
**To:** COVID-19
**Subject:** FW: Hand washing teaching (COVID-19)
**Attachments:** Health - COVID-19 - Prevention and Hand Washing.docx

Dear COVID-19 team,

Please see attached a draft response for your review.

As always, I welcome your feedback if you need more or different.

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** Sullivan, Madeline
**Sent:** Wednesday, March 18, 2020 7:43 PM
**To:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Subject:** FW: Hand washing teaching (COVID-19)

I forgot… details from your VERY helpful spreadsheet: ☺

Line item #62
COVID-19@ed.gov
3/10/20
Star Atkeson stardustatkeson@gmail.com
Parent Teaching - Hand washing for schools, students and families

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

AMERICAN OVERSIGHT

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

---

**From:** Sullivan, Madeline
**Sent:** Wednesday, March 18, 2020 7:41 PM
**To:** Patrick, Kelly <Kelly.Patrick@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>; Kesner, Paul <Paul.Kesner@ed.gov>; Foy Moss, Rita <Rita.Foy.Moss@ed.gov>
**Subject:** RE: Hand washing teaching (COVID-19)

Dear Kelly,

Please see attached a response including Coronavirus resources for handwashing as well as everyday resources for schools and families.

As always, stay in touch if you need anything more or different!

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Tuesday, March 10, 2020 11:34 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: Hand washing teaching (COVID-19)

Hi Madeline,

Please find attached an email from the COVID-19 mailbox. Would you please offer some language we can use to reply to this email?

Thanks,
Kelly

AMERICAN OVERSIGHT

**From:** Stardust Atkeson <stardustatkeson@gmail.com>
**Sent:** Tuesday, March 10, 2020 11:21 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Hand washing teaching

To whom it may concern at Department of Ed,

I would be grateful if the Department of Ed would lead the charge against the spread of COVID19 by putting out a directive to require schools to teach hand-washing technique in a short assembly, and to send a how-to-sheet home with the children. This would help to educate their parents as well. It is known that hand washing is the number one effective method for staying safe. My seven year old daughter has a pre-existing lung condition that puts her at risk. There would be far-reaching benefits to educating the children and having them educate their parents.

Here is the recommendation from the CDC:

https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-schools.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fguidance-for-schools.html

Interim Guidance for Administrators of US Childcare Programs and K-12 Schools

Plan, Prepare and Respond to Coronavirus Disease 2019

Schools should continue to collaborate, share information, and review plans with local health officials to help protect the whole school community, including those with special health needs. School plans should be designed to minimize disruption to teaching and learning and protect students and staff from social stigma and discrimination. Plans can build on everyday practices (e.g., encouraging hand hygiene, monitoring absenteeism, communicating routinely) that include strategies for *before*, *during*, and *after* a possible outbreak.

Thank you for your time and consideration,
Star Atkeson a concerned parent in the Boston Public School System

AMERICAN OVERSIGHT

Dear NAME:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

As with any disease that has the potential to affect our school communities, the Centers for Disease Control and Prevention (CDC) will provide information about the signs, symptoms, and severity of the virus, as well as the proper steps to help prevent its spread. While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent ~~the introduction and~~ spread of this respiratory disease. Schools can play an important role in this effort.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. At the same time, s~~S~~chools can continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Avoid touching eyes, nose, or mouth.
- Wash your hands often with soap and water.
- ~~Avoid touching eyes, nose, or mouth.~~

As part of its awareness campaign for preventing the transmission of the Coronavirus, the CDC's offers numerous resources providing strategies to help protect ourselves and others, including washing your hands. ~~p~~Please visit the Communications Resources section of the COVID-19 section to find printable materials and videos for use by schools and families alike, accessible at https://www.cdc.gov/coronavirus/2019-ncov/communication/index.html. As part of the CDC's ongoing efforts to promote everyday good disease prevention strategies, CDC also offer teaching materials for schools and families:

- Training & Education: https://www.cdc.gov/handwashing/training-education.html
- Handwashing: A Family Activity: https://www.cdc.gov/handwashing/handwashing-family.html

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Tue, 24 Mar 2020 17:33:03 +0000
**To:** COVID-19
**Subject:** FW: Help: COVID-19 Guidance Interpretation

Hello. Please see questions re a temporary school reduction. See below.

Thank you

---

**From:** Gilligan, Pam <Pam.Gilligan@ed.gov>
**Sent:** Thursday, March 12, 2020 10:43 AM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: Help: COVID-19 Guidance Interpretation

Here is a question from the Champlain College in VT regarding the EA on Coronavirus.

Pam
Pam Gilligan, Training Officer – FSA
US Department of Education – Boston

Office: 617-289-0022
pam.gilligan@ed.gov

**From:** Jovell, Kristi [mailto:kjovell@champlain.edu]
**Sent:** Wednesday, March 11, 2020 4:48 PM
**To:** Gilligan, Pam
**Subject:** Help: COVID-19 Guidance Interpretation

Hi Pam,

I hope you are well. I know it's been a long time since we've been in touch, but reaching out for help with this pressing issue on my campus (and I am sure many others!).

I am hoping that you may have some information to help me clarify my understanding of the recent Department of Education COVID-19 guidance related to the 30 week academic calendar requirement.

The guidance starting on page 5 of EA 030520 under Length of Academic Year states a temporary reduction in the length of an institution's academic year can be requested if an institution determines it will close as a result of a campus health emergency.

Champlain just announced an additional week of break. Our students are currently in a one week spring break and we extended the break by one week in order to prepare for all online

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instruction. After the additional week of break, we will resume with online classes. This extension of the break results in a 14 week spring semester and 29 week academic year.

Is the Department's guidance only applicable for a closure or would an extended break resulting in a reduced academic calendar also qualify for the temporary reduction?

Generally, approval of a less than 30 week calendar would result in reduction of federal aid. Does this apply with this new guidance?

Any clarification you can give me on this would be really appreciated.

Thanks,

Kristi

Kristi Jovell
Assistant Vice President of Enrollment Management
Champlain College I Burlington, VT
Phone (802) 865-5728 I Fax (802) 860-2775

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Tue, 24 Mar 2020 16:53:14 +0000
**To:** COVID-19;gclevenger@outlook.com
**Subject:** FW: Home schooling during covid19

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Gerald Clevenger
gclevenger@outlook.com

Dear Gerald Clevenger,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Gerald Clevenger <gclevenger@outlook.com>

AMERICAN OVERSIGHT

Sent: Sunday, March 22, 2020 8:59 PM
To: answers <answers@ed.gov>
Subject: Home schooling during covid19

Why isn't there resources for home schooling during this pandemic. How about PBS classrooms. Even people with no internet have TV.
How about getting prepared for these kids being out of school. This has been going on for weeks

Sent from my iPad

AMERICAN OVERSIGHT

**From:** Calderon, Brenda
**Sent:** Tue, 24 Mar 2020 23:22:50 +0000
**To:** COVID-19
**Subject:** FW: Identification of English learners during the COVID-19 pandemic

---

**From:** Arnold, Lodee A. <laarnold@nd.gov>
**Sent:** Tuesday, March 24, 2020 3:31 PM
**To:** Anand, Supreet <Supreet.Anand@ed.gov>
**Subject:** Identification of English learners during the COVID-19 pandemic

Hello Supreet,
Hope you are well!
I have reached out to the WIDA state listserv to see what others are doing to identify new students who may be English learners.
While there are no states with answers, there are many needing guidance.
Could you please see if you can provide us with guidance on how to follow identification procedures and meet the students' civil rights while maintaining states' closure orders? We are primarily concerned about administering the valid and reliable screener assessment.

Thank you for your support.
Be well!

NORTH DAKOTA DEPARTMENT OF
PUBLIC INSTRUCTION

**Lodee Arnold**
Assistant Director
EL Programs
600 E. Boulevard Ave., Dept. 201
Bismarck, ND 58505-0440
(701) 328-1876
www.nd.gov/dpi

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Tue, 24 Mar 2020 17:20:27 +0000
**To:** COVID-19
**Subject:** FW: Kaleb Anthony Haigler

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov| 202.453.5719

**From:** Marlene Haigler <(b)(6) @gmail.com>
**Sent:** Tuesday, March 24, 2020 12:47 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** Kaleb Anthony Haigler

I Marlene Haigler parent and guardian of Kaleb Haigler I'm not able to focus on his schoolwork or even get him to engage without a fight .I myself have a learning disabilities and severe ADHD am not able to capacitate with the learning requirements or teacher credentials that make it possible for me to assist him in online schooling at this time I am not an educator and I cannot express to you how impossible it is for my son to sit down at a computer for eight hours a day I apologize I know this cuts into the teachers hard work throughout the year I feel really bad for them but I believe the school year needs to be postponed and restarted as soon as we get our health crisis under wraps thank you Marlenehaigler parent and guardian of Kaleb Haigler I'm not able to focus on his school work or even get him to engage without a fight I myself have been learning disabilities and severe ADHD I'm not able to capacitate with the learning requirements or teacher credentials that make it possible for me to assist him in online schooling at this time I am not an educator and I cannot express to you how impossible it is for my son to sit down at a computer for eight hours a day I apologize I know this cuts into the teachers hard work throughout the year I feel really bad for them but I believe this school year needs to be postponed and restarted as soon as we get our health crisis under wraps thank you school should reopen without pennality in summer months if neccessary

AMERICAN OVERSIGHT

**From:** OESE.titlei-a
**Sent:** Tue, 24 Mar 2020 17:20:41 +0000
**To:** COVID-19
**Subject:** FW: Kaleb Haigler

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov| 202.453.5719

**From:** Marlene Haigler <mahaigler@gmail.com>
**Sent:** Tuesday, March 24, 2020 1:04 PM
**To:** OESE.titlei-a <OESE.titlei-a@ed.gov>
**Subject:** Kaleb Haigler

Cannot handle this responsibility do to my own disabilities thank you please postpone school or let these kids start fresh next year and graduate them !! We will only come out stronger

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 15:54:30 +0000
**To:** crystal.m.stroupe@bofa.com
**Cc:** COVID-19
**Subject:** FW: Listing of COVID-19 related school closures?

Dear Ms. Stroupe,

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

The Department created the "COVID-19 ("Coronavirus") Information and Resources for Schools and School Personnel," Web page, accessible at https://www.ed.gov/coronavirus?src=feature, to support school communities, and the communities they serve as they plan, prepare and potentially respond to possible cases of COVID-19. As with any disease that has the potential to affect our school communities, the CDC will provide information about the signs, symptoms, and severity of the virus, as well as the proper steps to help prevent its spread. Schools systems are their health departments are working to determine specific criteria and possible response actions for supporting students and staff who may be ill with possible symptoms such as a fever.

If the Department ever collects data on the effects of an emergency on schools, it is shared only with the Federal response groups to help inform planning and response actions. This is critical as we work to respect the integrity of the process and the privacy of the schools and school districts that might ever close. Those interested in learning about national school closures can consider tracking developments using the media or reaching out to regional or state level.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

---

**From:** Stroupe, Crystal M < >
**Sent:** Saturday, March 7, 2020 4:21 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Listing of COVID-19 related school closures?

Hello – is there a consolidated listing of all U.S. schools/districts closed due to COVID-19 concerns?

Thank you!
Crystal

Crystal Malulani Stroupe
AVP, Strategy & Initiatives Manager
Safety Strategy & Screening Services
Bank of America

AMERICAN OVERSIGHT

NC2-109-03-02, 13510 Ballantyne Corporate Pl, Charlotte, NC 28277
T 704 919 4058 M 704 909 1693
crystal.m.stroupe@bofa.com

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**From:** Lori Ann Malina Lovell
**Sent:** Tue, 24 Mar 2020 19:33:35 +0000
**To:** COVID-19
**Subject:** FW: NEED STAFF IDENTIFIED TO HELP
**Attachments:** image002.jpg

Hello, please see request from Nevada Part C re: postponing SSIP deadline of April 1st, forwarding below.

Thank you,

**Lori Ann Malina-Lovell, DrPH**
Clinical Program Planner I, Part C Coordinator
Nevada Department of Health and Human Services
Director's Office | IDEA Part C
2080 E. Flamingo Rd. Suite 319 |Las Vegas, NV 89119
T: (702) 486-3012 |F: (775) 687-0599|E: lamalinalovell@dhhs.nv.gov
www.dhhs.nv.gov | http://dhhs.nv.gov/Programs/IDEA/PartC/

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---

**From:** Irvine, Priscilla <Priscilla.Irvine@ed.gov>
**Sent:** Tuesday, March 24, 2020 12:29 PM
**To:** Lori Ann Malina Lovell <lamalinalovell@dhhs.nv.gov>; Anne.Lucas@unc.edu; schatzi.mccarthy@unc.edu; Margaret Gillis <margaret.gillis@sri.com>
**Cc:** Melissa L. Slayden <mlslayden@dhhs.nv.gov>; Edythe A. King <eking@dhhs.nv.gov>; Iandia Morgan <imorgan@dhhs.nv.gov>; Shari K. Fyfe <skfyfe@dhhs.nv.gov>; Mary L. Knight <mknight@dhhs.nv.gov>
**Subject:** RE: NEED STAFF IDENTIFIED TO HELP

Thanks for sharing this request with me. Please send it to covid-19@ed.gov so that it can be logged and you will receive an official response.

Take care,
Priscilla

---

**From:** Lori Ann Malina Lovell <lamalinalovell@dhhs.nv.gov>
**Sent:** Tuesday, March 24, 2020 3:10 PM
**To:** Irvine, Priscilla <Priscilla.Irvine@ed.gov>; Anne.Lucas@unc.edu; schatzi.mccarthy@unc.edu; Margaret Gillis <margaret.gillis@sri.com>

AMERICAN OVERSIGHT

**Cc:** Melissa L. Slayden <mlslayden@dhhs.nv.gov>; Edythe A. King <eking@dhhs.nv.gov>; Iandia Morgan <imorgan@dhhs.nv.gov>; Shari K. Fyfe <skfyfe@dhhs.nv.gov>; Mary L. Knight <mknight@dhhs.nv.gov>
**Subject:** FW: NEED STAFF IDENTIFIED TO HELP

Hello Priscilla and Nevada TA Team,

Nevada would like to join the other states in the request for the SSIP deadline to be postponed. I have just been notified that my supervisor's division, The Division of Public and Behavioral Health (DPBH) is in need of additional staffing to meet the needs of the public re: COVID-19 pandemic. Please see forwarded re: I will likely have staff, possibly including myself and our leadership team, now being repurposed to assist our state colleagues during these extraordinary times. My office's ability to devote additional time needed for completion of our SSIP have been impacted daily for the past two weeks by emergency planning for pandemic, and it appears our time will be further constrained although I don't know for how much longer.

Thank you for upholding us with your support and thoughts during this time. We will keep you updated as to our SSIP progress as soon as possible.

Sincerely,

Lori Ann and NV Part C Team

**Lori Ann Malina-Lovell, DrPH**
Clinical Program Planner I, Part C Coordinator
Nevada Department of Health and Human Services
Director's Office | IDEA Part C
2080 E. Flamingo Rd. Suite 319 |Las Vegas, NV 89119
T: (702) 486-3012 |F: (775) 687-0599|E: lamalinalovell@dhhs.nv.gov
www.dhhs.nv.gov | http://dhhs.nv.gov/Programs/IDEA/PartC/

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---

**From:** Lori Ann Malina Lovell
**Sent:** Tuesday, March 24, 2020 11:49 AM
**To:** Edythe A. King <eking@dhhs.nv.gov>; Iandia Morgan <imorgan@dhhs.nv.gov>; Shari K. Fyfe <skfyfe@dhhs.nv.gov>; Melissa L. Slayden <mlslayden@dhhs.nv.gov>; Irma Gomez <IrmaGomez@dhhs.nv.gov>; Mary Garrison <MGarrison@dhhs.nv.gov>; Mary L. Knight <mknight@dhhs.nv.gov>; Daniel E. Dinnell <ddinnell@dhhs.nv.gov>

AMERICAN OVERSIGHT

**Cc:** Margot Chappel <MChappel@health.nv.gov>
**Subject:** FW: NEED STAFF IDENTIFIED TO HELP

Hello Team, please stand by for guidance from Margot. DPBH is in need of assistance. Irma, please reply to all in this email, and attach our emergency contact list which you have just completed. Thank you.

Margot, we have the following available as needed for emergency assistance, and we will be flexible as needed:

1 CPP1 (Lori Ann): likely up to 10-15 hours per week, and available for OT/comp

3 DS IVs (Edie, Iandia, Shari): likely up to 10-15 hours per week each
1 MA III (Melissa): likely up to 10-15 hours per week
1 AA IV (Mary K): likely up to 20 hours per week
2 AA IIIs (Dan and Mary G): likely up to 20-25 hours per week
1 AA II (Irma): likely up to 25-30 hours

We consider it a privilege to assist our DPBH colleagues. Please let us know re: any next steps.

**Lori Ann Malina-Lovell, DrPH**
Clinical Program Planner I, Part C Coordinator
Nevada Department of Health and Human Services
Director's Office | IDEA Part C
2080 E. Flamingo Rd. Suite 319 |Las Vegas, NV 89119
T: (702) 486-3012 |F: (775) 687-0599|E: lamalinalovell@dhhs.nv.gov
www.dhhs.nv.gov | http://dhhs.nv.gov/Programs/IDEA/PartC/

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Find help 24/7 by dialing 2-1-1; texting 898-211; or visiting www.nevada211.org

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-------- Original message --------
Subject: NEED STAFF IDENTIFIED TO HELP

Please identify non-essential staff that can assist us/DEM with vetting resources that are being offered for donation or purchase related to COVID-19 response.

Jeff Haag is taking the lead to assist DEM and would be the person the staff work with.

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Ideally this should be staff that are comfortable talking with strangers on the phone and getting the details we need. They should be detail oriented (documenting conversation) and have a friendly demeanor to navigate the calls.

Access to phone and computer (to send details out) is required.

Please provide names of employees/job titles today. Thank you

Latest Nevada COVID-19 information: https://nvhealthresponse.nv.gov/

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**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 20:44:21 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Notification of Temporary School Closure relating to the Covid-19 Pandemic and Mayor's Order.

FYI

**From:** Margaret Williams <hihd@ccmaui.net>
**Sent:** Monday, March 23, 2020 10:43 PM
**To:** COVID-19 <COVID-19@ed.gov>; Fosker, Erik <Erik.Fosker@ed.gov>; FSA Case Teams <CaseTeams@ed.gov>
**Cc:** Fosker, Erik <Erik.Fosker@ed.gov>
**Subject:** Notification of Temporary School Closure relating to the Covid-19 Pandemic and Mayor's Order.

March 23, 2020

US DOE COVID-19 email

Erik Fosker

Compliance Manager

San Francisco/Seattle School Participation Division

Program Compliance

Erik.Fosker@ed.gov

RE: Hawaii Institute of Hair Design (OPEID 02139500)

Dear Mr. Fosker, Erik:

Dear Covid-19 Pandemic US DOE representatives:

We have notified the Hawaii State Department of Education, our accrediting commission, and are hereby notifying the US DOE of the following information regarding a temporary closure of Hawaii Institute of Hair

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Design relating to the Covid-19 Pandemic, and we are looking for guidance of any other department, person, email address that this notification should be sent to within the US DOE.

Yesterday, the school sent notification to all students and employees of a temporary school closure, effective beginning today, March 23, 2020. This closure relates to the Covid-19 Pandemic and a Stay at Home order issued by Honolulu's Mayor Kirk Caldwell. We have asked the students to request leave of absences for this Covid-19 situation, and informing them that they will need to complete and sign them. We will likely retain one staff member to work at home and continue to answer/return phone calls, texts, and emails and continue researching information on this situation. I will be reading emails and return important calls.

Please contact me via telephone at (808)781-2697 (my personal number) or email at hihd@cchono.com with any questions or concerns.

Thank you.

Sincerely,

Margaret Williams
President

Hawaii Institute of Hair Design

1128 Nuuanu Avenue #102

Honolulu, Hawaii 96817

(808)533-6596

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 17:08:02 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: NYSED Assistant Commissioner Request for Waiver for 21st CCLC programs to provide child-care

Hello,

Please see below inquiry.

Thanks,
Kelly

---

**From:** Lund, Miriam <Miriam.Lund@ed.gov>
**Sent:** Tuesday, March 24, 2020 11:22 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: NYSED Assistant Commissioner Request for Waiver for 21st CCLC programs to provide child-care

Dear Rapid Repose Team—

Below is an email the 21st CCLC received from NYSED Assistant Commissioner Kathleen DeCataldo. We provided our draft response to this in an earlier email to you dated 3/23/2020 at 12:15 am.

Thank you,

Miriam

---

**From:** Kathleen DeCataldo <Kathleen.DeCataldo@nysed.gov>
**Sent:** Wednesday, March 18, 2020 8:54 AM
**To:** Coplin, Julie <Julie.Coplin@ed.gov>; Elizabeth Whipple <Elizabeth.Whipple@nysed.gov>
**Cc:** Lund, Miriam <Miriam.Lund@ed.gov>; Maribeth Barney <Maribeth.Barney@nysed.gov>
**Subject:** RE: NYSED Assistant Commissioner Request for Call

New York would like a waiver to allow their 21st Century programs for the purpose of providing child-care to first responder families.

Ours schools districts have been asked to work with their community to provide child care for healthcare providers and first responders during the pandemic school closures. NYSED believes that our 21st Century providers are perfectly poised to assist in this endeavor, as they are both screened and trained in working with both 0 to5 and school age populations. I know that our providers are already concerned about meeting their numbers and whether they will continue to receive funding while their programs are

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closed. This could be a win-win, as they would be helping health care workers provide the care COVID-19 victims need while also giving our generous 21st Century sub-grantees the opportunity to help and stay employed. I hope this is an easy ask!

Thanks very much.
Kathleen

Kathleen R. DeCataldo, Esq.
(she, her, hers)
Assistant Commissioner
Office of Student Support Services
New York State Education Department
89 Washington Avenue
Room 318-M-EB
Albany, New York 12234
518-473-2890

---

Hi Julie,

Hope you are staying well.

Kathleen DeCataldo, Assistant Commissioner in the Office of Student Support Services, is requesting a conference call with you, and Miriam if possible, to discuss the possibility of a waiver for 21st CCLC programs to provide free child care in schools during the pandemic. She is available anytime after 12:00 today. Please let me know if and when you could be available and I will send you an invitation and call in numbers.

Best wishes,
Elizabeth

*Elizabeth Whipple*
21st CCLC State Coordinator
New York State Education Department
Office of Student Support Services
89 Washington Avenue
Albany, NY 12234
Voice 518.486.6090
FAX 518.474.8299

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**From:** Hoffman, Amanda
**Sent:** Tue, 24 Mar 2020 18:56:48 +0000
**To:** COVID-19
**Cc:** OESE.PSC
**Subject:** FW: OESE/Title III, OESE/OSSS/N or D, OSEP, OESE and OSERS/OSEP, and OESE Policy - PSC Ticket #20-03340 (JB) - ID

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**From:** Murphy, Joseph <Joseph.Murphy@ed.gov>
**Sent:** Monday, March 23, 2020 3:56 PM
**To:** OESE.PSC <OESE.PSC@ed.gov>; OSEP Idea Data <osepIDEAdata@ed.gov>; Newman, Sarah <Sarah.Newman@ed.gov>; Hoffman, Amanda <Amanda.Hoffman@ed.gov>; Lewis, Samantha <samantha.lewis@ed.gov>; Miceli, Meredith <Meredith.Miceli@ed.gov>; Davis, Richelle <Richelle.Davis@ed.gov>; Smith, Rebecca (OSERS) <Rebecca.Smith@ed.gov>; Roney, Collette <Collette.Roney@ed.gov>; Rosenboom, Victoria <Victoria.Rosenboom@ed.gov>; Choroser, Stephanie <Stephanie.Choroser@ed.gov>; Akinsipe, Jasmine <Jasmine.Akinsipe@ed.gov>; Calderon, Brenda <Brenda.Calderon@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
**Cc:** Fening, Elizabeth <Elizabeth.Fening@ed.gov>
**Subject:** FW: OESE/Title III, OESE/OSSS/N or D, OSEP, OESE and OSERS/OSEP, and OESE Policy - PSC Ticket #20-03340 (JB) - ID

Folks,

I know we're all chasing COVID-19 issues all over the place, but here's another one to include as part of the discussions that take place.

Thanks,
Joe

Joseph.Murphy@ED.gov
Tel: 202 245 7677

---

**From:** Alec Walker <alec.walker@aemcorp.com>
**Sent:** Friday, March 20, 2020 1:17 PM
**To:** Murphy, Joseph <Joseph.Murphy@ed.gov>; Fening, Elizabeth <Elizabeth.Fening@ed.gov>
**Cc:** Newman, Sarah <Sarah.Newman@ed.gov>; OSEP Idea Data <osepIDEAdata@ed.gov>; Karen Madden <karen.madden@aemcorp.com>; Dani O'Neill (QIP) <danioneill@qi-partners.com>; Kara Osmonson <kara.osmonson@aemcorp.com>; Lee, David <David.Lee@ed.gov>; Timm, Barbara <Barbara.Timm@ed.gov>; Scott, Brandon <Brandon.Scott@ed.gov>; Worthington, Kelly <Kelly.Worthington@ed.gov>; Lee, David <David.Lee@ed.gov>; Murphy, Joseph <Joseph.Murphy@ed.gov>; Fening, Elizabeth <Elizabeth.Fening@ed.gov>; Dinardo, Mark <Mark.Dinardo@ed.gov>; Chen, Chen-Su <Chen-Su.Chen@ed.gov>; Davies, Jennifer <Jennifer.Davies@ed.gov>; Skilling, John (Contractor) <John.Skilling@ed.gov>; Kalb, Jennifer (Contractor) <Jennifer.Kalb@ed.gov>; Matt K. Boli <matt.boli@aemcorp.com>; Steve Lenker <steve.lenker@aemcorp.com>; Sheeba Rooney <Sheeba.Rooney@aemcorp.com>; Julia Redmon

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<Julia.Redmon@aemcorp.com>; Melissa Wilks (QIP) <melissawilks@qi-partners.com>; Beth Sinclair <Beth.Sinclair@aemcorp.com>; EDFactsPSC <EDFactsPSC@aemcorp.com>; Angela Roessler <angela.roessler@aemcorp.com>
**Subject:** OESE/Title III, OESE/OSSS/N or D, OSEP, OESE and OSERS/OSEP, and OESE Policy - PSC Ticket #20-03340 (JB) - ID

Joe and Liz,

**Who:**
Idaho

**Issue:**
Idaho contacted PSC requesting any available guidance on how to report Assessment and Accountability ED*Facts* files for SY 2019-20 due to the COVID-19 health crisis. The state specifically called out the following file specifications during a call with PSC: FS050, FS119, FS125, FS137, FS138, FS139, FS175, FS178, FS179, FS185, FS188, FS189, FS199, and FS200. The state also writes:

> Do we have any guidance for the ED*Facts* submissions? Would the guidance be to provide data notes in E*MAPS* to describe any special circumstances?
>
> Thanks,
> Ayaka Nukui
> Statistician/Research Analyst/Accountability Coordinator

**School Year:**
SY 2019-20

**Specification(s):**
FS050 — Title III English Language Proficiency Results
FS119 — N or D Participation — State Agency
FS125 — N or D Academic Achievement — LEA
FS137 — English Language Proficiency Test
FS138 — Title III English Language Proficiency Test
FS139 — English Language Proficiency Results
FS175 — Academic Achievement in Mathematics
FS178 — Academic Achievement in Reading (Language Arts)
FS179 — Academic Achievement in Science
FS185 — Assessment Participation in Mathematics
FS188 — Assessment Participation in Reading/Language Arts
FS189 — Assessment Participation in Science
FS199 — Graduation Rate Indicator Status
FS200 — Academic Achievement Indicator Status

**ED Program Office:**
OESE/Title III
OESE/OSSS/N or D
OSEP
OESE and OSERS/OSEP

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OESE

Thank you
**Alec Walker**
ED*Facts* Partner Support Center
alec.walker@aemcorp.com
Office: (703) 464-7030 x8969

AEM Education Services
www.aemcorp.com/education

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**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 20:04:04 +0000
**To:** OESECOVID19@ed.gov
**Cc:** COVID-19
**Subject:** FW: Provisional Coding for EL Identification

Hello OESE,

Please see the inquiry below.

Thank You,

Franka

---

**From:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Sent:** Tuesday, March 24, 2020 10:30 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Provisional Coding for EL Identification

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**From:** Davis, LaTonya <ldavis@ed.sc.gov>
**Sent:** Tuesday, March 24, 2020 10:29 AM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Subject:** Provisional Coding for EL Identification

Good morning Brenda,

I hope you're doing well and staying safe. I've asked you a few questions and I have another one for you. As we await further guidance regarding the ten-day EL identification window, I would like to present a proposal for South Carolina as it relates to EL identification.

In South Carolina, are districts are expressing growing concerns regarding the administration of identification screeners during COVID-19 school closures since they require a face-to-face. The safety and health of our staff and students are of the utmost importance to us. **Is it possible for us to solely use the presence of any language other than English on the HLS as an indicator that a student may be an EL and provide services using a provisional English proficiency level?**

Essentially, if a family lists any language other than English on the HLS, we would code them with a provisional coding that indicates that this student needs to participate in identification screening at a later date. The student would receive e-learning materials with ESOL supports until the mandatory school closures end. Once school resumes, the student would participate in identification screening and would be appropriately identified as an EL or non-EL. If the student

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doesn't qualify for services, they will then be coded as a native speaker. All EL students will receive their true English proficiency levels and be placed appropriately at that time.

I understand that the presence of any other language other than English doesn't necessarily mean that a student is an EL, however, during this pandemic in an effort to keep staff and students safe, we propose this as an alternative to identifying students.

I will await your feedback and guidance.

LaTonya Davis
English Language Acquisition - Title III Program Manager
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**From:** Lopez, Maribel
**Sent:** Tue, 24 Mar 2020 20:15:32 +0000
**To:** COVID-19
**Subject:** FW: Question in regards to Certification

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**From:** Lopez, Maribel
**Sent:** Tuesday, March 24, 2020 4:13 PM
**To:** COVID-19@ed.gov
**Subject:** Question in regards to Certification

Good afternoon,

My name is Maribel Lopez and I hold the position of School Social Worker with Lake County Schools. I have a Statement of Eligibility from the DOE as I was hired Out of Field for this position. In December, 2019, I was provided information from my hiring district advising me that I must earn 12 college credits from December through the end of the school year in order to secure my position for the 2020/2021 school year.

While in the process of researching and applying to an online university program, in order to take the courses required, this pandemic situation presented itself and as a result I am the only person in my household that has not been laid-off from my current employment. Unfortunately, this has forced me to hold on to my emergency funds that were going to be used for the college courses, now instead to be used for mortgage payments, rent payments, food, and other responsibilities.

My question is, will the DOE consider providing courtesy extensions to employees such as myself that have to meet criteria before the end of this school year, in order to secure employment for the next school year? Now, more than ever, I am in dire need of my job however, I am also in need of extra time in order to get my immediate needs and the needs of my sons met, before meeting certification criteria. Your help would be greatly appreciated! Thank you for your attention in this matter.

Maribel Lopez
Bilingual Social Worker
Lake County Schools/Student Services
352-742-6996 (work phone)
(b)(6) (personal cell)

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Under Florida's "Public Records" law, absent a specific exclusion, written communications to or from Lake School District employees are considered public records. E-mail communication with this correspondent may be subject to public and media disclosure upon request.

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**From:** FederalStudentAid
**Sent:** Tue, 24 Mar 2020 17:30:01 +0000
**To:** COVID-19
**Subject:** FW: Request for Phone Call - Covid19 Guidance
**Attachments:** Procedures for Responding to Inquiries Relating to Higher Education

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Yette, Brenda <Brenda.Yette@ed.gov>
**Sent:** Thursday, March 12, 2020 9:32 AM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: Request for Phone Call - Covid19 Guidance

Good morning,

Per guidance received, I am forwarding the below inquiry for assistance and guidance. We've acknowledged receipt of the inquiry. Thank you for your assistance in this matter.

Dr. Brenda L. Yette
Compliance Manager
Department of Education
Chicago/Denver School Participation Team
Suite 3836
230 S. Dearborn JCK Federal Building
Chicago, Illinois 60604
(312) 730-1522

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**From:** Yette, Brenda
**Sent:** Thursday, March 12, 2020 7:39 AM
**To:** Hilsey, Shaina; Cox, Jack
**Cc:** Early, Jeremy; Gifford, Nancy Paula; Valentine, Ingrid; Minor, Robin
**Subject:** FW: Request for Phone Call - Covid19 Guidance

Good morning,

As instructed in the attached guidance, I am forwarding the received inquiry/request up to OPE and senior leadership. We've acknowledged receipt of the inquiry as noted in the email chain of communication. Please assist with the drafting of a response to the inquirer. Thanks in advance for your assistance in this matter.

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Dr. Brenda L. Yette
Compliance Manager
Department of Education
Chicago/Denver School Participation Division
230 S. Dearborn JCK Federal Building
Suite 3836
Chicago, Illinois 60604
(312) 730-1522

---

**From:** Kreutzer, Mark
**Sent:** Wednesday, March 11, 2020 5:14 PM
**To:** Yette, Brenda
**Cc:** Early, Jeremy; Sawyer, Tammi
**Subject:** FW: Request for Phone Call - Covid19 Guidance

Hi Brenda,

Per the e-mail instructions we received yesterday (attached), I acknowledge receipt of the COVID-19 email from one of our schools (below), noted that the Department will respond, and sending to you as my supervisor, so it can be forwarded to Shaina Hilsey (Shaina.hilsey@ed.gov) and Jack Cox (jack.cox@ed.gov) who work within OPE, and copy leadership from their POC.

MK

---

**From:** Kreutzer, Mark
**Sent:** Wednesday, March 11, 2020 5:13 PM
**To:** Patrick James <pjames@saic.edu>
**Subject:** RE: Request for Phone Call - Covid19 Guidance

Hi Patrick,

Thank you for the e-mail! My apologies but I unfortunately cannot schedule a call to this regard right now. However, I can acknowledge the receipt of your question and inform you that the Department will respond as soon as possible.

I can also direct you to Electronic Announcement 2020-03-05 (at: https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19) from our Office of Postsecondary Education that may address some of your questions.

Sorry that I could not be more directly helpful on this issue at this time. Be well and thanks again for contacting me!

All the best,

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MK

Mark Kreutzer
Senior Institutional Review Specialist
United States Department of Education
Federal Student Aid
Program Compliance
Chicago/Denver School Participation Division
Mark.Kreutzer@ed.gov

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**From:** Patrick James <pjames@saic.edu>
**Sent:** Wednesday, March 11, 2020 12:34 PM
**To:** Kreutzer, Mark <Mark.Kreutzer@ed.gov>
**Subject:** Request for Phone Call - Covid19 Guidance

Hello Mark!

Hope you are doing well! I have received an update here and there from Kevin, so glad you have kept in touch.

Jane Brumitt is wondering if you would be willing to do a phone call this afternoon regarding DOE guidance such as perhaps having a shortened academic year, etc in lieu of the global Covid19 event. Would that be possible? Please let me know what time would be for you or if there is someone else you would prefer we talk with.

Thank you!

---

Patrick James, Director, Student Financial Services
School of the Art Institute of Chicago
36 S. Wabash Ave., Suite 1200, Chicago IL 60603-3103
312.629.6618 312.629.6601 (fax)
FAFSA
School
Code
001753

SFS Facebook facebook.com/SAICsfs
SFS Twitter twitter.com/SAIC_sfs
Inceptia Financial Literacy FinancialAvenue.org
Inceptia Loan Management MoneyKnowl.org

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**From:** Employee_Communications
**Sent:** Tue, 10 Mar 2020 18:57:23 +0000
**To:** Employee_Communications
**Subject:** Procedures for Responding to Inquiries Relating to Higher Education

**Distribution List: All ED Employees**

Dear colleagues,

In order to ensure that the Department is providing **clear, accurate and consistent** communications to the community, the Department is instituting a new process for the intake of higher education coronavirus related questions that will be managed by the Office of Postsecondary Education (OPE). Employees are directed NOT to provide substantive responses to any coronavirus related questions until the question has been logged into our system, and an answer has been drafted and vetted by the appropriate staff. The only exception is if you are simply forwarding coronavirus communication that has already been posted by the Department. It is critical that all employees abide by these instructions, so the Department can effectively and consistently manage these issues. **To the extent possible, OPE would like to provide answers to inquiries on these matters within 48 hours**. Please follow the following steps after receiving a coronavirus related question:

**Instructions for intake of coronavirus related questions:**

1. When an employee receives a coronavirus related question that has not been addressed in previous communication posted by the Department, they should respond to the inquiring party acknowledging receipt of the question and informing them that the Department will respond as soon as possible. *Please note that if it's unclear whether the question has been addressed by previous Department communication, employees should err on the side of sending the inquiry up the chain.*
2. The employee should email the inquiry to their first line supervisor.
3. The first line supervisor should then forward the inquiry to Shaina Hilsey (Shaina.hilsey@ed.gov) and Jack Cox (jack.cox@ed.gov) who work within OPE, and copy leadership from their POC. Supervisors are encouraged to develop a suggested response to the inquiry, if practical. However, they should forward the question to Ms. Hilsey and Mr. Cox before developing the response and should indicate in the email to them if they plan to develop a response or would recommend another staff person develop a response. All draft responses should be forwarded to Shaina and Jack BEFORE the response is published or given to the source of the question or inquiry. *Other POCs are permitted to develop alternative internal POC procedures at the*

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*discretion of their leaders, however, OPE would encourage that such processes ensure that we are notified as quickly as possible after an inquiry has been received.*

4. Shaina and Jack will log all inquiries into our data base, then work with relevant subject matter experts and senior leadership in developing a response. They will then share the approved response with the relevant supervisors, who can then direct the responses to the individual source of the inquiry, and with OLCA and the Departmental Communication (OCO) site that is being established for these specific purposes.

**Instructions for questions that you have already received**

Please send all communications you have already received related the Coronavirus using the instructions above. If an employee has already responded to the inquiry, please attach the email that you sent to the inquiring party.

**INTERNAL FSA PROCESS**

**FSA Instructions for intake of coronavirus-related questions that call for policy judgments or interpretations from the financial aid community:**

1. When an FSA employee receives a coronavirus-related question from the financial aid community, that has not been addressed in previous communication posted by the Department, the FSA employee should respond to the inquiring party acknowledging receipt of the question and informing them that the Department will respond as soon as possible. Please note that if it's unclear whether the question has been addressed by previous Department communications, FSA employees will follow the process outlined below.
2. The FSA employee will email the inquiry to
• their first line supervisor,
• copy their deputy chief operating officer (COO), and
• send the email to the following mailbox – federalstudentaid@ed.gov.
This mailbox will be monitored by FSA's Strategic Communications team (Strat Comms). This team will identify a subject matter expert(s) for each question(s), only when appropriate. The SME may be asked to draft a proposed response for the Office of Postsecondary Education's (OPE) review.
3. Strat Comms will forward immediately the initial inquiry to OPE, including the identified SME, and whether the SME is drafting a proposed response. In the event a draft response is provided to Strat Comms by the SME, Strat Comms will forward the proposed response to OPE for review.
4. For all FSA inquiries, OPE will log them and work with relevant SMEs, which may be identified by Strat Comms, and senior leadership in developing a final response. OPE will then email federalstudentaid@ed.gov and provide the approved response.
5. Strat Comms is responsible to provide the approved response to the original FSA employee who initiated the inquiry, their first-line supervisor, and their deputy COO.
6. The FSA employee who initiated the inquiry is responsible to provide the approved response to the requestor.

Robert L. King
Assistant Secretary for Postsecondary Education
U.S. Department of Education

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**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 20:47:10 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Room & Board Adjustment Clarification

Hi OPE,

Please see the below inquiry.

Thanks,
Kelly

---

**From:** Cheryl Louallen <cheryl_louallen@wilmington.edu>
**Sent:** Monday, March 23, 2020 5:41 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Room & Board Adjustment Clarification

Our institution is considering reducing the room and board charges for the remainder of the Spring 20 semester due to moving to online instruction due to COVID-19.

The institution has seen several other institutions indicate that they plan to apply the "refund" to the next semester, which would be Fall 20 semester. This would overlap academic years.

I listened to a webinar last week and there seemed to be several issues if institutions opted to take this approach.

Based on what I heard, rolling forward creates an overlapping academic year situation. Schools are not permitted to hold Title IV (federal aid) refunds. Schools would have to look at each individual student to determine if the refund of charges would create a Title IV credit balance. Is so that portion must still be refunded within 14 days of the credit occurring in the Spring 20 term.

The cost of attendance (COA) for 2020-2021 may need adjusted which would impact financial aid awards for 2020-2021.

The refund of charges may count as income on the student's 2020 income tax return or count as untaxed income on the student's FAFSA.

Also it was implied that the Department of Education is highly encouraging schools to provide refunds in the term they occurred as families need these funds/savings now as they are dealing with companies temporarily closing but not continuing to pay employees, dealing with day care needs, added food costs as more family members are at home, etc.

My understanding is if schools refund during the term the charges occurred (Spring 20) then we don't have to deal with any of these issues.

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Is this correct? My institution wants to make a decision and inform our students this week, but we want to make sure our understanding is correct.

Thank you for your time. I look forward to hearing from you soon.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 17:53:34 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: School Questions--Coronavirus (Vanderbilt University and Northwest Missouri State University)
**Attachments:** Vanderbilt University: Policy Question, Message from MARYVILLE STATE (96605822630)

Hello,

Please see the below inquiry.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Monday, March 23, 2020 6:06 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: School Questions--Coronavirus (Vanderbilt University and Northwest Missouri State University)

Hello. Please see questions re a temporary school reduction. See below.

---

**From:** Beam, Angela <Angela.Beam@ed.gov>
**Sent:** Wednesday, March 11, 2020 1:01 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Wyant, Jim <Jim.Wyant@ed.gov>; Corwin, Dvak <Dvak.Corwin@ed.gov>; Valentine, Ingrid <Ingrid.Valentine@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
**Subject:** FW: School Questions--Coronavirus (Vanderbilt University and Northwest Missouri State University)

Please let us know if you need additional information from us.

This email contains questions from two different schools (see Jim's notes below).

Thank you.

**Angela Beam, Compliance Manager**

Third Party Servicer Oversight Group
Kansas City School Participation Division
United States Department of Education

AMERICAN OVERSIGHT

1010 Walnut Street Suite 336
Kansas City, MO. 64106-2147

816-268-0534 Direct
816-268-0444 Fax
Angela.Beam@ed.gov

---

**From:** Wyant, Jim <Jim.Wyant@ed.gov>
**Sent:** Wednesday, March 11, 2020 8:37 AM
**To:** Corwin, Dvak <Dvak.Corwin@ed.gov>; Brandow, Jan <Jan.Brandow@ed.gov>; Beam, Angela <Angela.Beam@ed.gov>
**Subject:** School Questions--Coronavirus

Attached is an e-mail and a voice mail from schools with questions related to the Coronavirus. The e-mail question from Vanderbilt University has already been sent to the e-mail box that was originally established for school questions prior to the latest guidance. The voice message is from Charles (Buddy) Mayfield at Northwest Missouri State University.

I have contacted both schools indicating their questions are being vetted and will be answered soon.

Thanks
Jim

**Jim Wyant**
**Institutional Improvement Specialist**
Kansas City School Participation Division
Federal Student Aid
United States Department of Education
1010 Walnut Street, Suite 336
Kansas City, MO 64106-2147
816-268-0431 Direct
816-268-0444 Fax

AMERICAN OVERSIGHT

**From:** Hauser, Karen D>
**Sent:** Mon, 9 Mar 2020 18:54:37 +0000
**To:** Wyant, Jim
**Subject:** Vanderbilt University: Policy Question

Dear Jim,

I left you a voice message today at 1:45 pm. CST. I have been asked to inquire about the "how" and guidance to ensure compliance with the Department should the university need to close as a result of COVID 19. Per the EA received last week:

Length of Academic Year

The Department is authorized under 34 CFR § 668.3 to approve a reduced academic year. If at any point an institution determines it will close as the result of a campus health emergency, it may contact the School Participation team to request a temporary reduction in the length of its academic year.

Thank you in advance for your input.

Best,
Karen

**Karen Hauser**
Associate Director, Student Financial Aid and Scholarships
University Enrollment Affairs | Vanderbilt University
615-343-1419 | k.hauser@Vanderbilt.Edu
PMB 407810, 2309 West End Ave.
Nashville, TN 37240-7810

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**From:** Cisco Unity Connection Messaging System
**Sent:** Tue, 10 Mar 2020 21:23:16 +0000
**To:** jim.wyant@dc501fr003cuc01.fr003.ttecfed.com
**Subject:** Message from MARYVILLE STATE (96605822630)
**Attachments:** VoiceMessage.wav
**Importance:** Normal

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 18:08:00 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Title II Questions from MD

Hello,

The COVID-19 mailbox received an inquiry about OESE program. Below is the inquiry.

Thanks
Kelly

---

**From:** Witt, Elizabeth <Elizabeth.Witt@ed.gov>
**Sent:** Tuesday, March 24, 2020 1:36 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>; Richardson, Scott <scott.richardson@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** RE: Title II Questions from MD

MD has submitted a follow up to question 1, below: If there is an extension, will we need to apply for the extension or will it be automatic?

---

**From:** Witt, Elizabeth
**Sent:** Tuesday, March 24, 2020 10:14 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>; Richardson, Scott <scott.richardson@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** FW: Title II Questions from MD

Title II, Part A program staff have received a number of questions from the Maryland SEA based on a document released by OMB on 3/19/20. Please see the email below.

---

**From:** Witt, Elizabeth
**Sent:** Tuesday, March 24, 2020 10:11 AM
**To:** 'Heather Sauers -MSDE-' <heather.sauers@maryland.gov>
**Cc:** Cecilia Roe -MSDE- (cecilia.roe@maryland.gov) <cecilia.roe@maryland.gov>
**Subject:** RE: Title II Questions from MD

Heather and Cecilia—

Thank you for the questions below. The Department is working to centralize responses to questions related to COVID-19, so I will begin the process of getting you a response by working with the Department's response team. To access more information about the impact of COVID-19 on schools and

AMERICAN OVERSIGHT

school personnel, I encourage you to access the Department's COVID-19 webpage at https://www.ed.gov/coronavirus. The department will continue to update this site with information.

Libby Witt

**From:** Heather Sauers -MSDE- <heather.sauers@maryland.gov>
**Sent:** Tuesday, March 24, 2020 9:59 AM
**To:** Witt, Elizabeth <Elizabeth.Witt@ed.gov>
**Cc:** Cecilia Roe -MSDE- (cecilia.roe@maryland.gov) <cecilia.roe@maryland.gov>
**Subject:** Title II Questions from MD

Good morning, Libby-
In response to COVID-19 and subsequent restrictions, we have a few questions, and we were hoping you might be able to provide some clarity for us on them. Our grants office forwarded us this document, which outlines flexibilities permitted to awarding agencies in light of current events. However, we have not heard if ED will be exercising these allowed flexibilities for Title II (or any other federal program for that matter). Our questions are below.

1- Will ED, as the awarding agency, allow a no-cost extension for Title II funds (allowed flexibility number 4 on the document)?
2- Will ED, as the awarding agency, allow flexibility of costs not normally chargeable to awards (allowed flexibility number 7 on the document)?
3- Will ED, as the awarding agency, allow an extension of closeout for Title II funds (allowed flexibility number 12 on the document)?
4- Can transfer of funds occur at any point in the grant cycle? If LEAs wish to transfer Title II funds to Title IV mid-grant cycle, is that permitted?

Thanks in advance for any clarity you can provide, as I'm sure you are innundated with questions. We look forward to any guidance you can provide.

CHANGING
Maryland
*for the Better*

**Heather Sauers**
Coordinator of Professional Learning and Title II A
Maryland State Department of Education
200 W. Baltimore Street
Baltimore, MD 21201
heather.sauers@maryland.gov
410-767-0871
Connect with Maryland Professional Learning on Facebook and Twitter!

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**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 18:40:19 +0000
**To:** OESECOVID19@ed.gov
**Cc:** COVID-19
**Subject:** FW: Title II Questions from MD

Hello OESE,

Please see the inquiry below.

Franka

---

**From:** Witt, Elizabeth <Elizabeth.Witt@ed.gov>
**Sent:** Tuesday, March 24, 2020 10:14 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>; Richardson, Scott <scott.richardson@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** FW: Title II Questions from MD

Title II, Part A program staff have received a number of questions from the Maryland SEA based on a document released by OMB on 3/19/20. Please see the email below.

---

**From:** Witt, Elizabeth
**Sent:** Tuesday, March 24, 2020 10:11 AM
**To:** 'Heather Sauers -MSDE-' <heather.sauers@maryland.gov>
**Cc:** Cecilia Roe -MSDE- (cecilia.roe@maryland.gov) <cecilia.roe@maryland.gov>
**Subject:** RE: Title II Questions from MD

Heather and Cecilia—

Thank you for the questions below. The Department is working to centralize responses to questions related to COVID-19, so I will begin the process of getting you a response by working with the Department's response team. To access more information about the impact of COVID-19 on schools and school personnel, I encourage you to access the Department's COVID-19 webpage at https://www.ed.gov/coronavirus. The department will continue to update this site with information.

Libby Witt

**From:** Heather Sauers -MSDE- <heather.sauers@maryland.gov>
**Sent:** Tuesday, March 24, 2020 9:59 AM
**To:** Witt, Elizabeth <Elizabeth.Witt@ed.gov>
**Cc:** Cecilia Roe -MSDE- (cecilia.roe@maryland.gov) <cecilia.roe@maryland.gov>
**Subject:** Title II Questions from MD

Good morning, Libby-

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In response to COVID-19 and subsequent restrictions, we have a few questions, and we were hoping you might be able to provide some clarity for us on them. Our grants office forwarded us this document, which outlines flexibilities permitted to awarding agencies in light of current events. However, we have not heard if ED will be exercising these allowed flexibilities for Title II (or any other federal program for that matter). Our questions are below.

1- Will ED, as the awarding agency, allow a no-cost extension for Title II funds (allowed flexibility number 4 on the document)?
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4- Can transfer of funds occur at any point in the grant cycle? If LEAs wish to transfer Title II funds to Title IV mid-grant cycle, is that permitted?

Thanks in advance for any clarity you can provide, as I'm sure you are innundated with questions. We look forward to any guidance you can provide.

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**Heather Sauers**
Coordinator of Professional Learning and Title II A
Maryland State Department of Education
200 W. Baltimore Street
Baltimore, MD 21201
heather.sauers@maryland.gov
410-767-0871
Connect with Maryland Professional Learning on Facebook and Twitter!

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**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 16:14:36 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Treasury offset

Hi OPE,

The COVID-19 mailbox received an inquiry about IHE or FSA. Below is the inquiry.

Thanks,
Kelly

-----Original Message-----
From: Lenore Gray <graylenore@gmail.com>
Sent: Monday, March 23, 2020 5:29 PM
To: COVID-19 <COVID-19@ed.gov>
Subject: Treasury offset

Hi, this is Lenore Gray, I have been trying to get through on the phone and haven't been able to do so.. My taxes were offset and I was trying to get a hardship application due to the hardship Im facing, my number is 601-745-6670 if you would please give me a call and let me know what I can do

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 20:46:47 +0000
**To:** Mayes, Edgar
**Cc:** COVID-19
**Subject:** FW: Urgent Request for Guidance from Private Special Education Schools
**Attachments:** NAPSEC Request for Guidance.pdf

Hi Edgar,

Please see below inquiry. The attached letter is address to Secretary DeVos.

Thanks,
Kelly

---

**From:** Danielle Johnson <napsec@napsec.org>
**Sent:** Monday, March 23, 2020 7:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Danielle Johnson <napsec@napsecupdates.org>
**Subject:** Urgent Request for Guidance from Private Special Education Schools

Good afternoon,

Please see attached for a letter from the National Association of Private Special Education Centers (NAPSEC) addressed to Secretary of Education Betsy DeVos, respectfully requesting that guidance be issued to states regarding the continued payment of nonpublic school services in accordance with students' Individualized Education Programs and existing contracts and service agreements with local education agencies (LEAs).

Please feel free to contact me with any question or concerns.

Kind regards,

**Danielle Johnson** | Executive Director/CEO
National Association of Private Special Education Centers
202.434.8225
601 Pennsylvania Avenue, NW
Suite 900 – South Building
Washington, D.C. 20004
napsec@napsec.org
www.NAPSEC.org

AMERICAN OVERSIGHT

The Honorable Betsy DeVos
U.S. Secretary of Education
Lyndon Baines Johnson (LBJ)Department of Education Building
400 Maryland Ave, SW
Washington, DC 20202

March 23, 2020

Dear Secretary DeVos:

The National Association of Private Special Education Centers (NAPSEC) was established in 1971 as a nonprofit association with the vision of supporting access to appropriate special education programs as vital components of the continuum. NAPSEC currently represents over 200 private early intervention providers, schools, residential therapeutic centers, and adult service programs.

Our members are striving to provide students with disabilities critical educational, behavioral health, and support services to the greatest extent possible in this time of crisis. As you develop directives and guidance for our nation's education system, we strongly urge you to ensure that nonpublic special education schools are supported in a sustainable manner so they may continue to meet the needs of students.

NAPSEC members are an integral part of the education continuum for students with disabilities. As you know, during this pandemic our members are facing unprecedented closures, public health constraints, and difficult decisions while prioritizing, above all else, the well-being and safety of a diverse, exceptional population. In particular, this emergency introduces severe financial risks resulting in employment issues, including staff furloughs, due to mandated closures and uncertain guidance on tuition support.

We strongly urge the U.S. Department of Education to communicate specific guidance that supports continued payment of nonpublic school services in accordance with students' Individualized Education Programs and existing contracts and service agreements with local education agencies (LEAs). We suggest the following guidance be issued to governors and state departments of education to ensure the continued flow of funds to nonpublic schools that is critical to their ability to serve students with exceptional needs:

- Encourage states to enact provisions for the payment of invoices for nonpublic schools.
- Direct states to provide assurances that nonpublic schools are authorized to pay staff during periods of school closure and that they will be reimbursed, as school districts/LEAs are.
- Provide direction to states to ensure that if public schools receive average daily attendance rates during this state of emergency, nonpublic schools must also receive payment of daily rates, regardless of closure. This will ensure that school personnel are able to deliver innovative distance and online learning programs to meet students' needs and will safeguard their availability to return to work once schools reopen.

In the absence of this guidance, our members are being forced to make incredibly difficult decisions to limit financial losses and ensure the safety of students and staff. These short-term decisions will have significant long-term implications, potentially exacerbating the existing shortage of special education personnel in the field and limiting the ability of schools to meet the ongoing needs of their students.

Thank you for your attention and concern for the students, families, and communities NAPSEC programs proudly serve. Please do not hesitate to contact me for further discussion or clarification. I may be reached at napsec@napsec.org or (202) 434-8225.

Respectfully,

Danielle Johnson

Danielle M. Johnson
Executive Director & CEO



AMERICAN OVERSIGHT

**From:** Financial Aid
**Sent:** Tue, 24 Mar 2020 15:09:13 -0400
**To:** COVID-19
**Subject:** Leave of absence

Hello,

For schools that have taken an extra week off for spring break to work on implementing e-learning are we required to place all our students on a leave of absence for that one week?

Thank you,

Paula

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**From:** Pruitt, Kylie
**Sent:** Tue, 24 Mar 2020 20:49:56 +0000
**To:** COVID-19
**Subject:** Leave of Absence/COVID-19 Question

Hello,

We are working through possibilities with our Physician Assistant students who are facing issues completing their clinical rotations due to the COVID-19 issues. I read the guidance released about leaves of absence and have a question. For schools that do not have a LOA policy for financial aid, are we excluded from offering an LOA to our students? I assumed that this would only apply to students if a policy currently exists, but wanted to double check.

Thank you,

**Kylie Pruitt**
**Trevecca Nazarene University**
Director of Student Financial Services
Student Financial Services

(615) 248-1253
333 Murfreesboro Road, Nashville, TN 37210
www.trevecca.edu

AMERICAN OVERSIGHT

**From:** Christal Williams
**Sent:** Tue, 24 Mar 2020 20:51:08 +0000
**To:** COVID-19
**Subject:** Less than half time at 2nd disbursement

We have students with late start classes and one semester loans. We are an institution that must do 2 disbursements on a one semester loan. At the time of the second disbursement the student must be enrolled in 6 hours in order to disburse. We have quite a few students whose course has been dropped because of COVID-19 and there are not additional classes to enroll in at this time. The cancelled class has caused them to now be less than half time status and their loan will not disburse. Are we allowed to make special exception to this disbursement or the student just cannot have the second half of the loan.

Thanks,

Christal D. Williams, MBA, MSOD
Director of Financial Aid
Johnson County Community College
12345 College Boulevard, Box 50
Overland Park, KS 66210
P. 913-469-8500 x4118
F. 913-469-2310
cwill216@jccc.edu

JOHNSON COUNTY COMMUNITY COLLEGE

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**From:** Kinzie and Jessica Austin
**Sent:** Tue, 24 Mar 2020 16:00:26 +0000 (UTC)
**To:** COVID-19
**Subject:** Michigan Students are not receiving instruction due to restrictive student equality practices

Hello. I now live in Michigan but previously lived and taught in the state of Indiana where eLearning has been in place for 6 years. The Michigan Department of Education is not moving forward proactively by allowing Remote, Home or eLearning for students. Their interpretation and now written law is that ALL students must have equal access to technology and internet and all issues with disabled students must be eliminated first before allowing Home Learning.

We live in a very competitive, technological and global workforce. The Michigan Department of Education is interfering with my children's ability to free and public education by burdening our school districts with unnecessary expectations during these unprecedented, challenging times. I am requesting Federal assistance to ensure my children's public education. Please advise where I can turn for the most effective help to solve this problem.

Thank you,
Jessica Austin
947-414-5900

AMERICAN OVERSIGHT

**From:** Suzanne Ringle
**Sent:** Tue, 24 Mar 2020 12:45:25 -0700
**To:** COVID-19
**Subject:** Need Help w Clock hr Delivery

Hello,

With COVID-19 and the social distancing that ensued, we are at a loss on how to continue our programs and would like to move our Clock programs to an online platform temporarily. We know that there are some programs that we can't teach online. However, are we allowed to move those we can teach online to an online platform? Can we get an okay to do that?

Please let me know,
Suzanne

**SUZANNE RINGLE**
**GATEWAY COMMUNITY COLLEGE**
Director, Financial Aid
108 N. 40th Street Phoenix, AZ 85034
602-286-8110 | 602-900-4243
ringle@gatewaycc.edu
https://www.gatewaycc.edu/

AMERICAN OVERSIGHT

**From:** John Gay
**Sent:** Tue, 24 Mar 2020 19:49:30 +0000 (UTC)
**To:** COVID-19
**Subject:** Non-term (credit hour) transition to online learning

Good afternoon,

We're working to transition our curriculum to an online environment as we support students through the disruption created by Covid-19. Our programs are non-term (credit hour) and have traditionally relied on a blend of instructor led learning and practical hands-on experience. We plan to continue with that blend, though for obvious reasons the hands-on element will be delivered when it is permissible (based on state quarantine limitations) and safe for our students and faculty.

While the hands-on component is important, we do not believe that delaying that element should hinder students from progressing in their program. The hands-on work serves as a way for students to demonstrate (and for us to validate) their application of the course material in a practical environment. Once campuses re-open, students will need to successfully complete the hands-on elements of the program.

We think this approach gives students the best opportunity to move forward and be successful and the March 20th guidance from ED suggests that the Covid-19 related flexibility extends to non-term programs for payment periods that overlap March 5. Can you please confirm we are permitted to run payment periods that overlap March 5th (allowing students to make progress with the lecture portion of their program while we wait for campuses to reopen and the hands-on labs can resume). Many of our students rely on TIV for living expense and won't be able to proceed if the hands-on element is required before they progress to the next payment period. We appreciate your efforts to help students and institutions through these difficult times and await your confirmation that the flexibility described in the March 5th & 20th (and as described above) applies to our non-term programs.

Thank you in advance for your help and guidance. I am available at your convenience if you have questions or would like to discuss.

Regards,
John

**John A. Gay,** VP Regulatory Compliance & Student Finance
Universal Technical Institute
*Chosen by Industry. Ready to Work.™*

16220 N. Scottsdale Rd., Suite 500
Scottsdale, AZ 85254
O: (623) 445-0983
M: (b)(5)
E: jgay@uti.edu
W: uti.edu FB: facebook.com/UTI

AMERICAN OVERSIGHT

**From:** Arthur, Julie <Julie.Arthur@ed.gov>
**Sent:** Monday, March 23, 2020 7:38 AM
**To:** John Gay <jgay@uti.edu>; Powers, Michael E. <Michael.E.Powers@ed.gov>
**Subject:** RE: Transition to online learning - guidance requested

Hello, John,

I will refer you to the Electronic Announcement that was posted on March 5 and updated on March 20. Note that for the payment period(s) that overlap March 5, there is a great deal of flexibility and no formal approval process, but for payment periods that do not include March 5, you'll need to follow our regular process for approval of distance education delivery of coursework.

If you have more specific questions, please direct your questions to the email address included in the Electronic Announcement. It is very important to us that FSA is aware of the questions schools have and that we develop consistent answers to those questions.

We wish you well at this very unusual time,

Julie

---

**From:** John Gay <jgay@uti.edu>
**Sent:** Thursday, March 19, 2020 3:36 PM
**To:** Powers, Michael E. <Michael.E.Powers@ed.gov>; Arthur, Julie <Julie.Arthur@ed.gov>
**Subject:** Transition to online learning - guidance requested

Mike & Julie,

I hope this finds you and your team well. We're working to transition our curriculum to an online environment as we support students through the disruption created by Covid-19. As you know, our programs have traditionally relied on a blend of instructor led learning and practical hands-on experience. We plan to continue with that blend, though for obvious reasons the hands-on element will be delivered when it is permissible (based on state quarantine limitations) and safe for our students and faculty.

While the hands-on component is important, we do not believe that delaying that element should hinder students from progressing in their program. The hands-on work serves as a way for students to demonstrate (and for us to validate) their application of the course material in a practical environment. Once campuses re-open, students will need to successfully complete the hands-on elements of the program.

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We think this approach gives students the best opportunity to move forward and be successful while dealing with Covid-19. To that end, we would like guidance on how best to deal with this scenario as students complete their current payment period's online instruction and are ready to move into the next payment period. Many of our students rely on TIV for living expense and won't be able to proceed if the hands-on element is required before they progress to the next payment period. Given students will be engaged online for the minimum number of weeks to satisfy the current payment period, does ED's Covid-19 flexibility permit us to fund the next payment period to keep students on track.

Thank you in advance for your help and guidance.

Regards,
John

**John A. Gay,** VP Regulatory Compliance & Student Finance
Universal Technical Institute
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16220 N. Scottsdale Rd., Suite 500
Scottsdale, AZ 85254
O: (623) 445-0983
M: (b)(6)
E: jgay@uti.edu
W: uti.edu FB: facebook.com/UTI

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**From:** Weingardt, Alice
**Sent:** Tue, 24 Mar 2020 17:54:35 +0000
**To:** COVID-19
**Cc:** Unrein, Ashley;Kuntz, Kelly;Smith, Steven;Merkl, Linda;Lee, Jay;Nash, Karla (CCCS)
**Subject:** Northeastern Junior College (OPEID: 00136100) & COVID 19

To Whom It May Concern:

Northeastern Junior College (OPEID: 00136100) has taken steps to reduce the risk of COVID-19 for our students, staff, and community. This has been communicated to students and staff, with continual updates as warranted.

Below are the steps Northeastern Junior College has taken:

- We have extended our spring break by one week, to allow remote deliver to be set up, thus reducing our spring term by one week. This will reduce the number of weeks for this academic year to 29 weeks.
- We are transitioning the majority of our coursework to remote delivery beginning March 30, 2020.
- Campus will remain open for support services and allow access for critical functions to complete their coursework.

Thank you, please let me know if you have any questions.


*Alice Weingardt*

*Director of Financial Aid*
*Northeastern Junior College -100 College Avenue*
*Sterling, CO 80751*
*Phone: 970-521-6751 - Fax: 970-521-6801*


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`v´

*Attention Students: Due to FERPA (The Family Educational Rights and Privacy Act), future college correspondence will be conducted through your college assigned email account. We will no longer respond to your private email address. If you have never accessed the student email system, you MUST activate your account. You will find the instructions when you log into Your Access NJC at http://www.njc.edu.*

Let ECMC help you find the right repayment solution for you!

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ECMC Solutions

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**From:** Dinorah Henriquez
**Sent:** Tue, 24 Mar 2020 13:04:46 -0400
**To:** COVID-19
**Subject:** Online Classes

Are you going to provide with tablets and WiFi for low income students with disabilities.

AMERICAN OVERSIGHT

**From:** Patricia Brunton
**Sent:** Tue, 24 Mar 2020 19:15:35 +0000
**To:** COVID-19
**Subject:** Question about canceled Study Abroad programs

Hi,

We use third party agencies to administer many of our study abroad programs on behalf of foreign institutions. These agencies sign our consortium agreements. Below is an example of an email that we have received from one of the agencies:

*In compliance with the consortium agreement, I am writing to notify you of the enrollment status of the following Saint Anselm College student(s), who used financial aid to pay for the ISA Spring 2020:*

*(Student Names)*

*Regrettably, these programs on-site have been cancelled and the students have returned/will be returning to the US. Although the student(s) will not continue the semester abroad, it is important to note that ISA is in contact with all host institutions to discuss the academic options available for students to complete their coursework from a distance. We will continue to communicate with students regarding these options.*

Are the students eligible for the aid that they have received if they continue online programs with the host institution? Do we need to have the host institution sign the consortium agreement since the original was signed by the study abroad agency? I am thinking that many schools are struggling with this same issue right now.

Thanks so much for your help.

Tricia Brunton
Senior Associate Director
Office of Financial Aid
Saint Anselm College

AMERICAN OVERSIGHT

**From:** Lopez, Maribel
**Sent:** Tue, 24 Mar 2020 20:13:14 +0000
**To:** COVID-19
**Subject:** Question in regards to Certification

Good afternoon,

My name is Maribel Lopez and I hold the position of School Social Worker with Lake County Schools. I have a Statement of Eligibility from the DOE as I was hired Out of Field for this position. In December, 2019, I was provided information from my hiring district advising me that I must earn 12 college credits from December through the end of the school year in order to secure my position for the 2020/2021 school year.

While in the process of researching and applying to an online university program, in order to take the courses required, this pandemic situation presented itself and as a result I am the only person in my household that has not been laid-off from my current employment. Unfortunately, this has forced me to hold on to my emergency funds that were going to be used for the college courses, for mortgage payments, rent payments, food, and other responsibilities.

My question is, will the DOE consider providing courtesy extensions to employees such as myself that have to meet criteria before the end of this school year, in order to secure employment for the next school year? Now, more than ever, I am in dire need of my job however, I am also in need of extra time in order to get my immediate needs and the needs of my sons met, before meeting certification criteria. Your help would be greatly appreciated! Thank you for your attention in this matter.

Maribel Lopez
Bilingual Social Worker
Lake County Schools/Student Services
352-742-6996 (work phone)
(b)(6) personal cell)

Under Florida's "Public Records" law, absent a specific exclusion, written communications to or from Lake School District employees are considered public records. E-mail communication with this correspondent may be subject to public and media disclosure upon request.

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Wed, 25 Mar 2020 01:19:10 +0000
**To:** COVID-19
**Cc:** Foy Moss, Rita
**Subject:** RE: Communication
**Attachments:** Health - COVID-19 - School Closure Guidance.docx

Dear COVID-19 Response Team,

As directed, I adhered to the template provided as much as possible based on its applicability to the question.

As always, I welcome your feedback and am happy to provide more or different!

Sincerely,
Madeline

**Madeline Sullivan**
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

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**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Monday, March 16, 2020 10:45 AM
**To:** Sullivan, Madeline <Madeline.Sullivan@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Communication

Hi Madeline,

Please find attached an email from the Covid-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

---

**From:** Christie Dittmer <christie.northbay@gmail.com>
**Sent:** Friday, March 13, 2020 7:41 PM

AMERICAN OVERSIGHT

**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Communication

Hello,

Could we please be put on your email list to receive updates and recommendations regarding how schools should respond to coronavirus? I'm seeing that public schools have been advised by DOE to close through March 27, but I haven't received any information about what is advised for private schools. Also, I'm not seeing such advice on the http://www.fldoe.org/em-response/index.stml. We would be very grateful for any information you could provide to keep us informed.

Sincerely,

Christie Dittmer
Admissions Director

AMERICAN OVERSIGHT

Dear ~~NAME~~Ms. Dittmer:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with local health authorities and other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19 and provided guidance for school settings. ~~In addition, T~~the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will ~~regularly~~continually update this webpage as more information and guidance becomes available.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

~~The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.~~

~~In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of~~

AMERICAN OVERSIGHT

~~COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.~~

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Tue, 24 Mar 2020 21:10:12 +0000
**To:** Chad Kirkpatrick
**Cc:** COVID-19
**Subject:** RE: conferences

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Chad Kirkpatrick
slainte2010@me.com

Dear Chad Kirkpatrick,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

AMERICAN OVERSIGHT

-----Original Message-----
From: Chad Kirkpatrick <slainte2010@me.com>
Sent: Monday, March 23, 2020 2:18 PM
To: answers <answers@ed.gov>
Subject: conferences

Good afternoon,

I am a case manager at James B. McPherson Elementary School in Chicago Illinois. I have been in the field of special education for 30 years and never thought I would have to ask a question like this. Due to schools being closed and having a shelter in place order, I am asking if there is flexibility in the IDEA (2004) that would allow for schools to delay 3 year reevaluations and go ahead with IEP conferences. If we were to hold off on the reevaluations until school begins in the fall would this be allowed? I have several students in our school that are coming up for 3 year reevaluations and if we were to resume school on April 21st, would not have enough time for the clinicians to complete comprehensive assessments that are warranted. Is there some guidance we are going to receive from the federal level or should we be directed these types of questions to our state educational agencies?

Thank you for time,

Chad D. Kirkpatrick, NBCT, MsEd, MsEd (C&I) ESL endorsement, Adjunct Prof.
Case Manager/Special Education lead-McPherson Elementary School

AMERICAN OVERSIGHT

**From:** Sullivan, Madeline
**Sent:** Wed, 25 Mar 2020 02:05:34 +0000
**To:** COVID-19
**Cc:** Williams, Bryan;Foy Moss, Rita
**Subject:** RE: Corona virus
**Attachments:** Health - COVID-19 - School Closure Guidance and Travel for Dr..docx

Dear COVID Response team,

Please see attached the draft response for Dr. Bacchus from Florida.

As directed, I adhered to the general inquiry template and only added very brief information as needed.

As always, I welcome your feedback and support!
Sincerely,

Madeline Sullivan
U.S. Department of Education ~ Office of Safe and Supportive Schools (OSSS)
400 Maryland Avenue, SW ~ 3E 332 ~ Washington, DC 20202-6110
Phone: 202-453-6705 Fax: (202) 453-6742

https://twitter.com/search?f=tweets&q=%23MyPreparednessPromise&src=typd

-----Original Message-----
From: COVID-19 <COVID-19@ed.gov>
Sent: Monday, March 16, 2020 10:45 AM
To: Sullivan, Madeline <Madeline.Sullivan@ed.gov>
Cc: Williams, Bryan <Bryan.Williams@ed.gov>
Subject: FW: Corona virus

Hi Madeline,

Please find attached an email from the Covid-19 mailbox. Attached is the general approved response, please revised and/or offer some language we can use to reply to this email.

Thanks,
Kelly

-----Original Message-----
From: Melissa Bacchus <alwaysvincy@hotmail.com>
Sent: Saturday, March 14, 2020 9:13 PM

AMERICAN OVERSIGHT

To: COVID-19 <COVID-19@ed.gov>
Subject: Corona virus

I am hoping to get some clarification regarding the new COVID-19 guidelines for schools since I am getting conflicting and, quite frankly, confusing messages from my Lee County school.

First of all regarding self isolation after international travel: is this required for high risk countries or all countries? From what I understand the CDC is requiring self isolation after cruise ship travel and travel to high risk countries, other travel requires screening by your physician or local health department. Is the FL department of education taking a different stance than the CDC?

Secondly, the school closures after spring break: is this just public schools or private and public schools?

I am also a local pediatrician and would like to have some straightforward information for my patients.

Sincerely,
Melissa Bacchus, MD

AMERICAN OVERSIGHT

Dear ~~NAME~~ Dr. Bacchus:

Thank you for contacting the U.S. Department of Education (Department) concerning COVID-19 ("Coronavirus").

While there is currently no vaccine to prevent COVID-19, health officials are currently taking steps to prevent the introduction and spread of this respiratory disease. Schools can play an important role in this effort.

Through collaboration and coordination with state and local health authorities ~~and~~ as well other agencies, schools can disseminate important information about this disease and its potential transmission. Schools can also prepare to take additional steps to prevent the spread of COVID-19, should State and local health officials identify such a need.

The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19 and provided guidance for school settings for use by State and local education and health officials. The guidance addresses considerations for possible school closures and strategies for persons returning from international travel. The CDC provides more detailed guidance addressing travel.

~~In addition,~~ T~~t~~he Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will ~~regularly~~continually update this webpage as more information and guidance becomes available.

The Department recommends that schools continue to promote everyday disease prevention strategies:

- If you are sick, stay home from school.
- Avoid close contact with those who are already sick.
- Cover your nose and mouth when coughing or sneezing with a tissue or the crook of your arm.
- Wash your hands often with soap and water.
- Avoid touching eyes, nose, or mouth.

~~The Centers for Disease Control and Prevention (CDC) offers the most up-to-date information on COVID-19. Schools can share relevant CDC fact sheets to help students, families, and staff understand COVID-19, along with steps they can take to protect themselves. For further information, please visit www.cdc.gov/coronavirus/2019-nCoV.~~

AMERICAN OVERSIGHT

~~In addition, the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available.~~

Thank you for sharing your concerns with us. We invite you to send questions on which the Department can be helpful to the following email address: COVID-19@ed.gov.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Tue, 24 Mar 2020 18:30:56 +0000
**To:** Rob Lefrandt
**Cc:** COVID-19
**Subject:** RE: Coronavirus: Teachers and Staff provide food services and Meal deliveries?
Please advise.

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Rob Lefrandt
lefrandt@LIVE.COM

Dear Rob Lefrandt,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

Please note that states are individually requesting access to the National Guard for specific tasks. You may always contact your state department of education for specific information as to local efforts and the way they are operating during the current situation.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

AMERICAN OVERSIGHT

**From:** Rob Lefrandt <lefrandt@LIVE.COM>
**Sent:** Saturday, March 21, 2020 3:57 PM
**To:** answers <answers@ed.gov>; lefrandt@gmail.com
**Subject:** Coronavirus: Teachers and Staff provide food services and Meal deliveries? Please advise.

Is there a response team (National Guard) set up to deliver and provide meals such as breakfast and lunches in low income rural communities--who depend on the food services to help the families and students survive this **coronavirus** ordeal?

There are school administrators and government officials asking teachers to provide much of the putting together and delivery of the breakfasts and lunches for the students and families...This directive from school administrators for teachers and staff to provide and/or deliver breakfast and lunches for students seems to go against the directive for school teachers and staff to stay at home.

What are the regulations or necessary precautions (6 feet and 10 or less people meeting-school personnel and community members) that are put in place to avoid dangers of staff and teachers who are not trained (food handlers) or dressed (masks) for this situation?

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Tue, 24 Mar 2020 20:28:57 +0000
**To:** Mark Toback
**Cc:** COVID-19
**Subject:** RE: Covid 19 response

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Mark Toback
mtoback1@hotmail.com

Dear Mark Toback,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov. Further, we appreciate your concern and will share your comments with Secretary DeVos and her senior staff.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

AMERICAN OVERSIGHT

-----Original Message-----
From: Mark Toback <mtoback1@hotmail.com>
Sent: Monday, March 23, 2020 10:39 PM
To: answers <answers@ed.gov>
Subject: Covid 19 response

It would be great to see Secretary DeVos publicly encouraging all the teachers who are working hard to teach their classes remotely.

Secretary DeVos seems like a gifted exhorter and encourager. There are so many teachers and parents, who have overnight become teachers, who would benefit from hearing from Secretary DeVos. They need to hear from the Education Secretary about home resources, how parents and teachers can work together, etc.

I was surprised that on Ed.gov Home page loans and grants and many other topics were highlighted and I had to scroll way to see anything about Covid.

My question is, "When will we see Secretary DeVos' leadership, encouragement, insights begin to be heard?"

Respectfully,

Mark Toback

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Tue, 24 Mar 2020 15:48:07 +0000
**To:** SANDS, BRIAN K
**Cc:** COVID-19
**Subject:** RE: COVID-19 School Closures

Dear Mr. Sands,

Thank you for your letter to Secretary DeVos at the U.S. Department of Education (Department) concerning the coronavirus and its considerations for school. Your letter was referred to the Office of Safe and Supportive Schools for review, and I am pleased to respond.

The Department created the "COVID-19 ("Coronavirus") Information and Resources for Schools and School Personnel," Web page, accessible at https://www.ed.gov/coronavirus?src=feature, to support school communities, and the communities they serve as they plan, prepare and potentially respond to possible cases of COVID-19. As with any disease that has the potential to affect our school communities, the CDC will provide information about the signs, symptoms, and severity of the virus, as well as the proper steps to help prevent its spread. Schools systems are their health departments are working to determine specific criteria and possible response actions for supporting students and staff who may be ill with possible symptoms such as a fever.

If the Department ever collects data on the effects of an emergency on schools, it is shared only with the Federal response groups to help inform planning and response actions. This is critical as we work to respect the integrity of the process and the privacy of the schools and school districts that might ever close. Those interested in learning about national school closures can consider tracking developments using the media or reaching out to regional or state level.

Sincerely,

COVID-19 Response Team
U.S. Department of Education

---

**From:** SANDS, BRIAN K <bs4246@att.com>
**Sent:** Sunday, March 8, 2020 7:11 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** SANDS, BRIAN K <bs4246@att.com>
**Subject:** COVID-19 School Closures

Dept of Education: I am emailing to see if there is a regularly updated list of school closures for the US that you are posting? I work for AT&T Human Resources and we are trying to track them as we research and/or collect from our employee reporting to ensure can address needs for our employees. Please let me know or direct me to anyplace you might know of.

Thanks,

AMERICAN OVERSIGHT

Brian Sands
Associate Director - Benefits, Corporate Attendance and Leave Management (CALM)
Sr. Program Project Manager - Global HR Service Delivery Technology Transformation
105 Auditorium Circle, 12-H-30
San Antonio, TX 78205
(b)(6) Skype
210-222-5736 Fax

"Loyalty is a consequence of leadership and leadership is a touchstone of competence."

Don't text and drive ... It can wait

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AMERICAN OVERSIGHT

**From:** Fox, Leslie
**Sent:** Tue, 24 Mar 2020 18:06:34 +0000
**To:** Freeman, Vinetta;COVID-19
**Subject:** RE: Follow up on our call

Thanks Vinetta!

---

**From:** Freeman, Vinetta <Vinetta.Freeman@ed.gov>
**Sent:** Tuesday, March 24, 2020 1:55 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Fox, Leslie <Leslie.Fox@ed.gov>
**Subject:** FW: Follow up on our call

Please see email below.

---

**From:** Roush, Pam S <Pam.S.Roush@wv.gov>
**Sent:** Tuesday, March 24, 2020 1:53 PM
**To:** Freeman, Vinetta <Vinetta.Freeman@ed.gov>
**Subject:** Follow up on our call

Vinetta,

I wanted to follow up on our call and let you know that WV would definitely appreciate having a later due date for the SSIP – our agendas have been quite full with supporting our practitioners and families in the delivery of services during this COVID-19 epidemic. Thank you for forwarding this.

Pam

Pam Roush, Director
WV Birth to Three
Office of Maternal, Child and Family Health
WV Department of Health and Human Resources
Charleston, WV 25301
1-800-642-9704
1-304-356-4365 NEW

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AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Tue, 24 Mar 2020 20:56:29 +0000
**To:** AtlantaSPD;COVID-19;FederalStudentAid
**Cc:** Dillard, Vanessa
**Subject:** RE: Further Coronavirus guidance needed for state agency

Hello.

Please see the following question and answer that we feel best addresses the issue raised in your email.

**Q:** We have a clock hour program that we are considering moving to an online format in response to the COVID-19 outbreak. Is there any guidance you can provide us?

**A:** An institution that offers a clock hour program in a distance education format must ensure that each clock hour of instruction is supervised by qualified institutional personnel. In most cases, synchronous instruction through distance education, where students are actively engaged with an instructor in real-time discussion, would provide an adequate platform for the instructor to supervise students in clock hour programs.

However, an institution that offers asynchronous instruction in a clock-hour program must maintain an online learning platform or another system for monitoring each student's academic engagement to ensure that students are academically engaged in at least 50 minutes for each hour that is recorded as a clock hour attended by the student. In this circumstance, an instructor can complete a student's timesheet to include clock hours earned in a distance education format, but the hours must be based on data or the instructor's own knowledge that the student was academically engaged for at least 50 minutes out of each clock hour that is recorded.

Institutions must ensure that any clock hour offered through distance education meets all applicable requirements set by accrediting agencies and States and fulfills applicable educational prerequisites for State licensure.

We believe they are responsive to your question. Please let us know if you have additional questions and review the Electronic Announcement posted on the Department's COVID-19 website at: https://ifap.ed.gov/electronic-announcements/030520Guidance4interruptionsrelated2CoronavirusCOVID19.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education
Cell: (b)(6)
alex.agrawal@ed.gov

AMERICAN OVERSIGHT

**From:** AtlantaSPD <AtlantaSPD@ed.gov>
**Sent:** Tuesday, March 17, 2020 12:17 PM
**To:** COVID-19 <COVID-19@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Dillard, Vanessa <Vanessa.Dillard@ed.gov>
**Subject:** FW: Further Coronavirus guidance needed for state agency

We are seeking additional guidance and/or information that we can share with persons in the Florida Department of Education regarding questions they are receiving from their schools. Please see the email thread below that includes a typical question received by FL Department of Education. Please respond to both AtlantaSPD@ed.gov and Vanessa.Dillard@ed.gov .

Best regards,

Meg McGinness
Institutional Review Specialist
U. S. Department of Education
Federal Student Aid
School Participation Division - Atlanta

(404) 974-9288 office
(404) 974-9322 fax
Margaret.McGinness@ed.gov
StudentAid.gov

---

**From:** Dillard, Vanessa <Vanessa.Dillard@ed.gov>
**Sent:** Monday, March 16, 2020 4:48 PM
**To:** AtlantaSPD <AtlantaSPD@ed.gov>
**Cc:** Simpson Miller, Vinita <Vinita.Simpson-Miller@ed.gov>
**Subject:** FW: [AACS List] Further Coronavirus guidance please

Hi all,

Susan Hood from one of our state partners, Florida , is getting questions from clock hour schools re: COVID-19 and forwarded question below from Boca Beauty Academy. I'd like to keep Susan looped in on the guidance provided. So, if someone could let me know what I can share with her an FYI, that would be very helpful.

Thanks!

VPD

AMERICAN OVERSIGHT

**From:** Hood, Susan <SUSAN.HOOD@fldoe.org>
**Sent:** Monday, March 16, 2020 4:38 PM
**To:** Dillard, Vanessa <Vanessa.Dillard@ed.gov>
**Subject:** FW: [AACS List] Further Coronavirus guidance please

Also, we have had phone calls from students stating that clock hour student must attend classes
Thanks for any assistance.

---

**From:** Jack Bragin [mailto:jbragin@bocabeautyacademy.edu]
**Sent:** Monday, March 16, 2020 3:30 PM
**To:** Hood, Susan <SUSAN.HOOD@fldoe.org>
**Cc:** David Colozzi <dcolozzi@bocabeautyacademy.edu>; Roxana Spirea <rspirea@bocabeautyacademy.edu>; Schenck, Ashley <Ashley.Schenck@fldoe.org>
**Subject:** FW: [AACS List] Further Coronavirus guidance please

Good afternoon Susan:

I hope you are safe and well. I apologize in advance for our persistence as I am sure you are being inundated with questions.
Counsel for the AACS sent the information below.
All Florida based Cosmo schools are hoping to gain Emergency temporary approval from CIE today for distance ed:

**Clock Hour Programs Not Fully Addressed** Importantly for schools that measure attendance in clock hours, this flexibility is *not* available for courses that lead to state licensure if the licensure body will not accept distance learning courses or hours or give credit for them toward the number of hours a student must complete. Therefore, clock hour institutions will want to work with their state licensure agencies to urge them to accept online learning options on an emergency basis or risk having enrolled students deemed Title IV ineligible if part or all of an affected program is provided through distance education.

If you can email me back to update us on whether we can anticipate receiving such approval today, that would be most appreciated during this time of uncertainty.

Thank you in advance, as always!

Jack

AMERICAN OVERSIGHT

**Jack Bragin**
*Chairman & CEO*
Office: (561) 487-1191

http://www.bocabeautyacademy.edu

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**From:** aacslist <aacslist-bounces+jbragin=bocabeautyacademy.edu@listserve.com> **On Behalf Of** Brodie, Katherine D. via aacslist
**Sent:** Saturday, March 14, 2020 1:38 PM
**To:** 'Daykel Menendez' <menendez@celebrity.edu>; 'AACS List' <aacslist@listserve.com>
**Subject:** Re: [AACS List] Further Coronavirus guidance please

Attached is the CDC's guidance on the decision to close schools, including the attached "decision tree" that may be helpful to you.

The US Department of Education has set up a dedicated web page at https://www.ed.gov/coronavirus where new guidance will be posted. Last week they added FERPA guidance.

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Also, please see our latest alert that includes information on issues on which a group of Senators are pressing the Department for an answer including regarding online accessibility and SAP measurement issues.

**U.S. Department of Education Issues COVID-19 Guidance to Schools**

March 12, 2020

> **The Department considers its March 5 guidance to be interim, and may follow up with additional guidance addressing these and other topics.**

Due to the outbreak of coronavirus (COVID-19), the Centers for Disease Control and Prevention recommends that institutions of higher education consider postponing or canceling upcoming study abroad or foreign exchange programs. However, this advice has raised pressing questions about how this would affect Title IV, Higher Education Act (HEA) federal financial aid and a student's ability to finish the term if a program is interrupted or canceled. In response, on March 5, 2020, the U.S. Department of Education's office of Federal Student Aid (FSA) offered guidance permitting temporary flexibility and clarifying how higher education institutions can continue to comply with Title IV regulations for students whose activities are impacted by COVID-19.

Please note that on March 10, 2020, Senator Patricia Murray and 32 other senators wrote to Education Secretary Betsy DeVos seeking additional guidance from the Department on a number of additional issues including:

- Online educational options for students without home computers or high speed internet access;
- Assistance with ensuring accessible online instructional materials for students with disabilities;
- Continuity of mental health services;
- Ensuring quality of online education including guidance around the "regular and substantive" online interaction requirement;
- Greater flexibility for Satisfactory Academic Progress measurement;
- Proactive warnings to students regarding return of Title IV procedures for mid-term withdrawals to avoid unnecessary federal aid expenditures for students;

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- Loan deferment and forbearance opportunities for students with interrupted income;
- How to report withdrawal dates to avoid triggering repayment obligation grace period; and
- Institutional partnerships with non-Title IV entities.

The Department considers its March 5 guidance to be interim, and may follow up with additional guidance addressing these and other topics. The timing of such guidance is unknown at this time.

FSA's March 5 announcement covers five scenarios:

1. A student is enrolled in a travel abroad program and was called back or was never able to start the program.
2. A student was enrolled in a class or program that was canceled due to the virus and is no longer considered to be a full-time student because of inability to earn sufficient credits.
3. A student is quarantined and misses class, or a student has the coronavirus.
4. A campus temporarily stops offering classes to prevent the spread of the virus.
5. A foreign school temporarily suspends operations.

*Note*: The scenarios do not include students who have not yet enrolled or whose programs have not yet started.

**Temporary Use of Distance Education Permitted**

FSA's guidance temporarily allows U.S. institutions (not foreign schools) to use online instruction without going through the regular approval process. In doing so, the Department also makes clear that accreditors can waive their distance education review requirements. However, it is up to each accreditor to announce that policy. The guidance states that instructors *must* initiate and be able to document substantive communication with students, either individually or collectively, on a regular basis.

Institutions can temporarily move classes online until they are given the "all clear" to resume classroom instruction; enter into temporary agreements with other schools for students to complete courses; ask the Department for permission for a temporary, reduced academic year; and/or or accreditors can waive their requirements for students to complete a certain number of

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credits at an institution to finish their degrees. Again, the flexibility offered to accrediting agencies is dependent upon the agencies agreeing to adopt such policies.

### Clock Hour Programs Not Fully Addressed

Importantly for schools that measure attendance in clock hours, this flexibility is *not* available for courses that lead to state licensure if the licensure body will not accept distance learning courses or hours or give credit for them toward the number of hours a student must complete. Therefore, clock hour institutions will want to work with their state licensure agencies to urge them to accept online learning options on an emergency basis or risk having enrolled students deemed Title IV ineligible if part or all of an affected program is provided through distance education.

### Federal Student Aid Funds

The Department will also allow students to request a leave of absence and let institutions keep the Title IV funds to use when the students return, as long as they come back within the current length of an acceptable leave of absence, which is 180 days. For students who have not yet started their programs, the institution must return all Title IV funds and all Direct Loan funds credited to a student's account for the period. Institutions should also notify students' loan servicers that the student did not begin attendance to protect them from entering repayment within six months of withdrawing.

The Department will also allow schools to continue paying student federal work-study wages during a temporary coronavirus-related closure. However, the Department does not have the authority to waive the requirement to award Title IV funds based on a student's enrollment status if they fall below full-time enrollment or 12 credit hours.

For additional updates, please continue to check the Department's resource page.

### About Duane Morris

Duane Morris has created a COVID-19 Strategy Team to help institutions plan, respond to and address this fast-moving situation. Prior *Alerts* and articles on the topic are available on the team's webpage.

### For Further Information

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If you have any questions related to this *Alert*, please contact Katherine D. Brodie, Edward Cramp, Kristina Gill, Brandi A. Taylor any of the attorneys in the Higher Education Group or the attorney in the firm with whom you are regularly in contact.

*Disclaimer: This Alert has been prepared and published for informational purposes only and is not offered, nor should be construed, as legal advice. For more information, please see the firm's full disclaimer.*

**Katherine D. Brodie**
Partner and Co-Lead, Education Industry Group

**Duane Morris LLP**
**P:** +1 202 776 5241
**C:** +1 [redacted]

505 9th Street NW, Suite 1000
Washington, DC 20004-2166

KDBrodie@duanemorris.com
www.duanemorris.com

---

**From:** aacslist <aacslist-bounces+kdbrodie=duanemorris.com@listserve.com> **On Behalf Of** Daykel Menendez via aacslist
**Sent:** Saturday, March 14, 2020 12:23 PM
**To:** aacslist@listserve.com
**Subject:** [AACS List] Further Coronavirus guidance please

Hello all,

Since the webinar AACS hosted last week on the Coronavirus preparedness for our schools, things have escalated.
-Cities have declared a state of emergency.
-State surgeon generals have declared a Public Health Emergency.
-President Trump declared a national emergency.

I noted that Ed Cramp mentioned during the presentation that if a public health emergency was declared we would have to have additional considerations. That declaration has now occurred, at all government levels (at least in our area). In our area (as is the case for many areas in the country), public schools (at all levels --elementary, middle, high and colleges/universities) are closing, effective Monday 3/16/20. Some are closing for 2 weeks, others indefinitely, while some have closed and moving their classes to a virtual/distance setting.

We now have been experiencing elevated pressure (though questions and facial expressions) from our students and staff to determine if we remain open or if we follow others and close. It

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feels as if our school community expects us to close "since we are a school and all other schools are closing." We are strongly considering closing for 2 weeks, but also have considered the consequences of closing. If we close is mostly to follow along with other (public) schools and as a courtesy to students and staff to allow them to make family arrangements, but luckily, our school community has not been directly affected or disturbed (as of now). Another consideration is, what will be different in 2 weeks? Perhaps we will have reports of many more cases, more public panic and would be expected to close further days/weeks.

So, any further thoughts? Is AACS working on further guidance for the membership. Any legal considerations?

Stay safe everyone!

Daykel Menendez

Corporate Director

Celebrity School of Beauty

8478 SW 8th Street. Miami, Fl 33144

PH: 305.267.7277

WB: www.celebrity.edu

For more information about Duane Morris, please visit http://www.DuaneMorris.com

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**From:** answers
**Sent:** Tue, 24 Mar 2020 15:40:12 +0000
**To:** Jamie J
**Cc:** COVID-19
**Subject:** RE: Internet for teachers

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Dear Jamie Johnson,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your email has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

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**From:** Jamie J <jamiejohnson624@hotmail.com>
**Sent:** Sunday, March 22, 2020 12:01 PM
**To:** answers <answers@ed.gov>
**Subject:** Internet for teachers

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Teachers need access to free internet and phone for distance learning. What is being done about this?

Jamie Johnson
Self-Care Specialist | Teacher |Consultant
MAEd, NBCT, CTLC
509.557.8793
KickassTeacher.com

AMERICAN OVERSIGHT

**From:** Moore, Crystal
**Sent:** Tue, 24 Mar 2020 16:40:16 +0000
**To:** Ramsey, Tara;COVID-19;OESE COVID 19
**Cc:** Ryder, Ruth;Hernandez-Marshall, Angela
**Subject:** RE: New OIE Formula Team COVID-19 question:

Hello COVID-19 Team,

I appreciate your efforts to help our pandemic response. Can someone please send me any template-like email verbiage that is being used as the foundation of COVID-19 responses?

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

---

**From:** Ramsey, Tara <Tara.Ramsey@ed.gov>
**Sent:** Friday, March 20, 2020 2:07 PM
**To:** COVID-19 <COVID-19@ed.gov>; Moore, Crystal <Crystal.Moore@ed.gov>; OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>
**Subject:** RE: New OIE Formula Team COVID-19 question:

This is the technical address: OESECOVID19@usdedeop.onmicrosoft.com

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 20, 2020 1:54 PM
**To:** Moore, Crystal <Crystal.Moore@ed.gov>; OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>
**Subject:** RE: New OIE Formula Team COVID-19 question:

Yes, its in outlook. If you can't find, then keep sending to COVID-19. I'll forward them.

Kelly

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**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Friday, March 20, 2020 1:47 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: New OIE Formula Team COVID-19 question:

My Outlook is not recognizing OESE-COVID-19. Has it been activated in Outlook?

---

**From:** Moore, Crystal
**Sent:** Friday, March 20, 2020 1:43 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: New OIE Formula Team COVID-19 question:

Yes, ma'am.

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 20, 2020 1:30 PM
**To:** Moore, Crystal <Crystal.Moore@ed.gov>
**Subject:** RE: New OIE Formula Team COVID-19 question:

Hi Crystal

Can you send the to OESE-COVID-19 and CC COVID-19

Thanks,
Kelly

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Friday, March 20, 2020 10:50 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** New OIE Formula Team COVID-19 question:

New OIE Formula Team COVID-19 question:

| | | | | |
|---|---|---|---|---|
| Mar 20 2020 10:05:13 | Verdigris Public Schools | OK | Amy Moyer | EASIE: How do we have open meetings during COVID-19? |

Yakoke (Thank You),

AMERICAN OVERSIGHT

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

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**From:** answers
**Sent:** Tue, 24 Mar 2020 16:26:08 +0000
**To:** Presley Caton;COVID-19
**Subject:** RE: Rural area school closings

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

Dear Presley Caton,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Presley Caton <pcaton1612@icloud.com>
Sent: Monday, March 23, 2020 5:14 PM
To: answers <answers@ed.gov>
Subject: Rural area school closings

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How are our children in rural areas, who have no cyber technology set in place for our elementary, middle school and high school children able to continue their education and learning from these shut downs? There is nothing in place in my county and they have initiated a survey for us parents to fill out to see if we have our own equipment at home to comply with a possible cyber teachings to take place when who knows when. Today we get a voicemail stating more people than expected did not have the necessary materials and that they are unsure how they are gonna accommodate these Cyber courses now. Why as a parent am I expected to accommodate to materials that should be provided and already in place for possible pandemics and emergency situations. Where does my school tax money go? And what is spent on these grants provided to these school districts that are obviously not in the best interest to help our children succeed and be able to have the proper education?

Sent from my iPhone

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**From:** answers
**Sent:** Tue, 24 Mar 2020 21:05:05 +0000
**To:** Valerie Stevens
**Cc:** COVID-19
**Subject:** RE: School closings

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Valerie Stevens
valeriedanita@gmail.com

Dear Valerie Stevens,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

Please note that states are individually making determinations about ending a school year or similar decisions. Those are not mandated by the Department, but locally by state's departments of education or by the individual schools at the higher education level. Please contact them regarding their individual decisions.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

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View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Valerie Stevens <valeriedanita@gmail.com>
Sent: Monday, March 23, 2020 11:36 AM
To: answers <answers@ed.gov>
Subject: School closings

Please please cancel the school year. Allow students to pass. Whatever is missed can be made up in August. What is 60 days? Families are dealing with childcare,lost of income for spouses,taking care of elderly parents and trying to stay healthy. The country is in a pandemic!! Pay the school system out. Pay out the teachers and let them take care of their families!! I am an college educator and see what is going on with families.

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**From:** Witt, Elizabeth
**Sent:** Tue, 24 Mar 2020 17:35:36 +0000
**To:** COVID-19
**Cc:** OESE.titleii-a;Richardson, Scott;Muhammad, Faatimah
**Subject:** RE: Title II Questions from MD

MD has submitted a follow up to question 1, below: If there is an extension, will we need to apply for the extension or will it be automatic?

---

**From:** Witt, Elizabeth
**Sent:** Tuesday, March 24, 2020 10:14 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titleii-a <OESE.titleii-a@ed.gov>; Richardson, Scott <scott.richardson@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Subject:** FW: Title II Questions from MD

Title II, Part A program staff have received a number of questions from the Maryland SEA based on a document released by OMB on 3/19/20. Please see the email below.

---

**From:** Witt, Elizabeth
**Sent:** Tuesday, March 24, 2020 10:11 AM
**To:** 'Heather Sauers -MSDE-' <heather.sauers@maryland.gov>
**Cc:** Cecilia Roe -MSDE- (cecilia.roe@maryland.gov) <cecilia.roe@maryland.gov>
**Subject:** RE: Title II Questions from MD

Heather and Cecilia—

Thank you for the questions below. The Department is working to centralize responses to questions related to COVID-19, so I will begin the process of getting you a response by working with the Department's response team. To access more information about the impact of COVID-19 on schools and school personnel, I encourage you to access the Department's COVID-19 webpage at https://www.ed.gov/coronavirus. The department will continue to update this site with information.

Libby Witt

**From:** Heather Sauers -MSDE- <heather.sauers@maryland.gov>
**Sent:** Tuesday, March 24, 2020 9:59 AM
**To:** Witt, Elizabeth <Elizabeth.Witt@ed.gov>
**Cc:** Cecilia Roe -MSDE- (cecilia.roe@maryland.gov) <cecilia.roe@maryland.gov>
**Subject:** Title II Questions from MD

Good morning, Libby-
In response to COVID-19 and subsequent restrictions, we have a few questions, and we were hoping you might be able to provide some clarity for us on them. Our grants office forwarded us this document, which outlines flexibilities permitted to awarding agencies

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in light of current events. However, we have not heard if ED will be exercising these allowed flexibilities for Title II (or any other federal program for that matter). Our questions are below.

1- Will ED, as the awarding agency, allow a no-cost extension for Title II funds (allowed flexibility number 4 on the document)?
2- Will ED, as the awarding agency, allow flexibility of costs not normally chargeable to awards (allowed flexibility number 7 on the document)?
3- Will ED, as the awarding agency, allow an extension of closeout for Title II funds (allowed flexibility number 12 on the document)?
4- Can transfer of funds occur at any point in the grant cycle? If LEAs wish to transfer Title II funds to Title IV mid-grant cycle, is that permitted?

Thanks in advance for any clarity you can provide, as I'm sure you are innundated with questions. We look forward to any guidance you can provide.

CHANGING
Maryland
*for the Better*

**Heather Sauers**
Coordinator of Professional Learning and Title II A
Maryland State Department of Education
200 W. Baltimore Street
Baltimore, MD 21201
heather.sauers@maryland.gov
410-767-0871
Connect with Maryland Professional Learning on Facebook and Twitter!

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**From:** Mayes, Edgar
**Sent:** Tue, 24 Mar 2020 20:51:12 +0000
**To:** COVID-19
**Subject:** RE: Urgent Request for Guidance from Private Special Education Schools

Thanks, Kelly.

Edgar

Edgar Mayes
Director, Correspondence and
Communications Control Unit
Office of the Secretary
U.S. Department of Education
Washington, DC 20202

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Tuesday, March 24, 2020 4:47 PM
**To:** Mayes, Edgar <Edgar.Mayes@ed.gov>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Urgent Request for Guidance from Private Special Education Schools

Hi Edgar,

Please see below inquiry. The attached letter is address to Secretary DeVos.

Thanks,
Kelly

---

**From:** Danielle Johnson <napsec@napsec.org>
**Sent:** Monday, March 23, 2020 7:15 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Danielle Johnson <napsec@napsecupdates.org>
**Subject:** Urgent Request for Guidance from Private Special Education Schools

Good afternoon,

Please see attached for a letter from the National Association of Private Special Education Centers (NAPSEC) addressed to Secretary of Education Betsy DeVos, respectfully requesting that guidance be issued to states regarding the continued payment of nonpublic school services in accordance with students' Individualized

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Education Programs and existing contracts and service agreements with local education agencies (LEAs).

Please feel free to contact me with any question or concerns.

Kind regards,

**Danielle Johnson** | Executive Director/CEO
National Association of Private Special Education Centers
202.434.8225
601 Pennsylvania Avenue, NW
Suite 900 – South Building
Washington, D.C. 20004
napsec@napsec.org
www.NAPSEC.org

AMERICAN OVERSIGHT

**From:** answers
**Sent:** Tue, 24 Mar 2020 19:15:49 +0000
**To:** Robert McLaughlin
**Cc:** COVID-19
**Subject:** RE: Use of 3D Printers in Schools for COVID19 Support

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Robert McLaughlin
(b)(6) @yahoo.com

Dear Robert McLaughlin,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Robert McLaughlin <(b)(6) @yahoo.com>

AMERICAN OVERSIGHT

Sent: Sunday, March 22, 2020 12:43 PM
To: answers <answers@ed.gov>
Subject: Use of 3D Printers in Schools for COVID19 Support

To Whom It May Concern,

Is there an effort to leverage the idle 3D printers in Universities and Public/Private secondary schools to produce needed medical supplies? It appears that there may be some grassroots efforts but I wanted to know if there's a national strategy that can be pushed out?

Thank You
Rob McLaughlin
Charlotte, NC
704-707-6752

AMERICAN OVERSIGHT

**From:** LaShonda Thomas
**Sent:** Tue, 24 Mar 2020 16:08:28 +0000
**To:** COVID-19
**Subject:** Refunds within 14 days

Hi,

Will institutions still be required to issue refunds within 14 days from disbursement?

Thank you,

**LaShonda A. Thomas, MBA**
Director of Student Accounts
901 South Media Line Road
Media, PA 19063-1094
(P) 610-359-5313
(F) 610-325-2818
www.dccc.edu

AMERICAN OVERSIGHT

**From:** Gift Pana
**Sent:** Tue, 24 Mar 2020 12:36:46 -0700
**To:** COVID-19
**Subject:** Remaining Federal Work Study Funds

Hello, my name is Sasinapa and I recently read the FWS part of the FAFSA stating that institutions may continue to release FWS funds to student workers. I saw that the institution is able to give students the FWS without actually having to be on campus to work. I wanted to know if this still holds true for student assistants whose work can not be done at home? Also, I was wondering how I could request for this as I have been out of work since 03/17/2020 and have used only around $1,000 out of my $2,500 fund limit?

Thank you,
Sasinapa Panavaravatn

AMERICAN OVERSIGHT

**From:** Shaman Quinn
**Sent:** Tue, 24 Mar 2020 17:48:14 +0000
**To:** COVID-19
**Subject:** Request for Reduction to 2019-20 Academic Year Length due to COVID-19
**Attachments:** 00393100_Northwest_College_Recalculated_2019-20_Academic_Year_Support_Documents (3-24-20).pdf

Greetings,

**This email serves as the formal request by Northwest College in Powell WY (OPEID 00393100) to have our 2019-20 Academic Year shortened to 29 weeks due to an extended spring break (break of 5 or more consecutive days) related to the COVID-19 pandemic.**

Northwest College, following directives from its Governor (Mark Gordon) temporarily closed our campus to the public, starting 3.15.20. To promote social distancing recommendations, our residence halls closed and our spring break was extended to allow our faculty to transition all face-to-face academic programming to online modalities, which resume on 4.6.20. Our spring break, originally planned to occur from 3.7.20-3.15.20, was extended to last from 3.7.20- 4.5.20, which effectively shortened the number of weeks within the academic year to 29, less than the required 30 week minimum. Eligible days within the spring 2020 semester (used as the denominator for semester R2T4 calculations) were reduced from 106 to 85 due to the spring break extension.

Therefore, following guidance in Federal Student Aid's 3.5.20 Electronic Announcement regarding COVID-19, echoed in NAFAA's Ask Regs entitled *"What Factors Do We Need to Consider When Deciding To Extend a Schedule Break Due To Coronavirus"?,* I am contacting this COVID-19@ed.gov email address to request a reduction in our 2019-20 academic year to 29 weeks total (16 weeks Fall 2019 + 13 weeks Spring 2020 = 29 total weeks). Please forward this request to the applicable School Participation Division representative.

In addition to the text of this email, please find these attached support documents should they be useful:

- *Statewide Orders from Wyoming's Governor Mark Gordon*
- *Northwest College's notification to employees & students of temporary campus closure & spring break extension*
- *Northwest College's original 2019-20 academic calendar*
- *Northwest College's revised 2020 spring semester academic calendar with extended spring break*
- *Northwest College's College Catalog disclosure that the academic begins/ends each Monday, in conjunction with the College's fiscal year payroll calendar (see definition of "credit hour").*
- *Northwest College's recalculation of 29 weeks for the revised 2019-20 academic calendar*
- *Northwest College's 2019-20 library of academic programs*

Thank you for your consideration. Please contact me at this email address should you need more information.

**Shaman Quinn**

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Director, Financial Aid & Scholarships | Northwest College
o: 307.754.6232 | f: 307.754.6154 | www.nwc.edu

# DATA SECURITY

*In order to protect students' (& families') Personally Identifiable Information (PII), the College adheres to stringent data safeguard protocols. Therefore, only submit student (& family) information to the Financial Aid Office using data security methods which preserve the privacy of your personal information. Secure methods include:*

- *Delivering documents to the Financial Aid Office*
- *Faxing documents to the Financial Aid Office using our secure fax number*
- *Mailing documents to the Financial Aid Office*
- *Sending documents to the Financial Aid Office using the "Financial Aid Secure File Upload" feature, located in the "Online Forms and Links" section of the NWC Student Portal (https://my.nwc.edu/)*

***DO NOT EMAIL ANY PERSONAL INFORMATION TO THE FINANCIAL AID OFFICE WITHOUT USING AES 256-BIT ENCRYPTION SOFTWARE.***

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# 00393100: WY GOVERNOR ORDERS

ED-20-0731-A-010834

# Governor Gordon and State Superintendent Jillian Balow issue a recommendation on school closures

*Governor of Wyoming sent this bulletin at 03/15/2020 04:55 PM MDT*

Having trouble viewing this email? View it as a Web page.

FOR IMMEDIATE RELEASE

March 15, 2020

CONTACT: Michael Pearlman, Communications Director

307.777.7437 | michael.pearlman@wyo.gov

**Governor Gordon and State Superintendent Jillian Balow issue a recommendation on school closures**

CHEYENNE, Wyo. – Due to the unprecedented circumstances facing our state, Governor Mark Gordon and State Superintendent Jillian Balow recommend that all schools remain closed to students through at least April 3. This is a recommendation to local superintendents and school boards, who will make the final decisions on closures. Additionally, decisions relating to the requirement for school district staff to report to work remain with local school boards of trustees. Governor Gordon and Superintendent Balow will continue to monitor COVID-19 developments throughout this three-week period, with the goal of getting students back to classrooms as soon as safely possible.

This recommendation is not necessarily based on epidemiological best practices but is an attempt to allow schools and communities to prepare to operate in a way that mitigates community spread of COVID-19 and minimizes negative economic impacts locally and statewide.

"This is Wyoming, where we are all neighbors," Governor Gordon said. "While social distancing should be a priority for all of us, it should not keep us from helping out our neighbors. I am thinking of our first responders and healthcare workers on the frontlines who may be without child care. This is a time, if the risk is low, to help one another out."

The Governor and State Superintendent urge district leadership to work within their schools and communities to ensure the continuity of learning and essential services as determined locally. "In the midst of this pandemic, communities need the latitude, empowerment, and support to make difficult decisions that affect education, economy, and essential functions," Governor Gordon continued. "While we safeguard the health of every person we must also do our best to continue our daily work for the economic security of our state and nation."

"Evidence of community spread in Fremont County, two confirmed cases in Sheridan County, and pending tests from across the state have led us to this," Superintendent Balow said. "Wyoming has over 90,000 square miles where schooling is an essential function in each community – the decision is difficult."

Social distancing, basic hygiene, and heightened disinfection efforts continue to be the primary means to contain COVID-19 spread. We strongly encourage everyone to continue these practices. Local school districts continue to be empowered to make decisions in consultation with the State Department of Health and local health care officials as to closure and other containment strategies.

Governor Gordon, Superintendent Balow, the State Health Officer, and others will continually evaluate COVID-19 data, guidance from the Center for Disease Control (CDC), and other reliable information to make additional recommendations.

-CDC guidance and other resources are available at https://edu.wyoming.gov/. The State Superintendent is exploring her ability to hold districts harmless from any financial reduction as a result of this ten instructional day loss. In addition, the Wyoming Department of Education has received a waiver from the U.S. Department of Agriculture to allow schools to offer student meals during school closures. For more information, visit: https://edu.wyoming.gov/educators/covid-19-resources/

-END-

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**STATEWIDE PUBLIC HEALTH ORDER CLOSING BARS, RESTAURANTS, THEATERS, GYMNASIUMS, CHILD CARE FACILITIES, K-12 SCHOOLS, COLLEGES, UNIVERSITIES, AND TRADE SCHOOLS STATEWIDE**

In an effort to stop the spread of the coronavirus (COVID-19), the Wyoming Department of Health finds it necessary to protect the health of the public by implementing emergency measures to close all restaurants, bars, theaters, gymnasiums, child care facilities, K-12 schools, colleges, universities, and trade schools, in the State of Wyoming, with certain exceptions. This Order is effective immediately, and shall remain in effect until April 3, 2020.

## FINDINGS

1. COVID-19 was first detected in Wuhan, China in 2019, and since then has spread to over 60 countries including the United States. There are 18 confirmed cases of COVID-19 in Wyoming as of March 18, 2020, as well as the presence of community spread. It is expected that more cases will be diagnosed.

2. COVID-19 is a respiratory illness, transmitted through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic two to fourteen days after exposure. The symptoms of COVID-19 include fever, cough, and shortness of breath. In some cases, COVID-19 can result in severe disease including hospitalization, admission to an intensive care unit, and death, especially among older adults and persons with serious underlying health conditions.

3. The World Health Organization declared COVID-19 a worldwide pandemic as of March 11, 2020.

4. On March 13, 2020, the President of the United States declared a national emergency concerning the coronavirus, specifically stating that, in "December 2019 a novel (new) coronavirus known as SARS-CoV-2 ("the virus") was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally [...] The spread of COVID-19 within our Nation's communities threatens to strain our Nation's healthcare systems. [...] Additional measures [...] are needed to successfully contain and combat the virus in the United States."

5. On March 13, 2020, Wyoming Governor Mark Gordon declared a State of Emergency and Public Health Emergency in the State of Wyoming, stating that on March 11, 2020, an individual within the State of Wyoming tested presumptive positive for COVID-19 and the State of Wyoming is experiencing a public health emergency in response to the evolving COVID-19 outbreak.

6. Governor Gordon's Declaration of a State of Emergency and Public Health Emergency directs the Wyoming Department of Health to take all appropriate and necessary actions, and that in the judgment of the Director of the Wyoming Department of Health, any actions necessary should be taken to provide aid to those locations where there is a threat or danger to public health, safety, and welfare.

7. The guidelines issued from the White House on March 16, 2020, specify that with evidence of community transmission within a state, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate should be closed.

8. A significant number of Wyoming citizens are at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, people with mild symptoms, and even asymptomatic persons with COVID-19, place other vulnerable members of the public at significant risk.



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9. Counties in Wyoming have requested orders of this kind following the White House guidelines, and the best manner of protecting the health of the citizens of Wyoming is through a consistent order spanning the entire State.

10. A large number of persons with serious infections has the ability to compromise the ability of healthcare systems in Wyoming to deliver the necessary healthcare to the public.

11. Wyoming Statute §§ 35-1-240(a)(i) and (iv) provides all the rights and powers for the Wyoming Department of Health, through the State Health Officer, Dr. Alexia Harrist, M.D., PhD, or under her directive through other employees of the Wyoming Department of Health, to close theaters, schools, and other public places, and forbid public gatherings when necessary to protect the public health.

12. In addition to the above findings, stopping the spread of COVID-19 includes washing hands often, practicing social distancing by avoiding close contact with others, staying at least six feet away from someone who is ill or showing signs of illness, avoiding touching your face, eyes, nose and mouth, and covering your cough or sneeze into your elbow or by using a tissue.

## ORDER

1. The following places of public accommodation are ordered closed to ingress, egress, use, and occupancy by members of the public:

   a. Restaurants, food courts, cafes, coffeehouses, and other similar places of public accommodation offering food or beverage for on-premises consumption;

   b. Bars, taverns, brew pubs, breweries, microbreweries, distillery pubs, wineries, tasting rooms, special licensees, clubs, and other places of public accommodation offering alcoholic beverages for on-premises consumption;

   c. Cigar bars;

   d. Gymnasiums; and

   e. Movie and performance theaters, opera houses, concert halls, and music halls.

2. The following conditions apply to places of public accommodation subject to this Order:

   a. Places of public accommodation are encouraged to offer food and beverage using delivery service, window service, walk-up service, drive-through service, or drive-up service, and to use precautions in doing so to mitigate the potential transmission of COVID-19, including social distancing. Online and telephonic credit card transactions are strongly encouraged (e.g. Venmo, Squarecash, Googlepay, Apple Pay and similar payment apps).

   b. Staff who handle cash or credit cards may not be involved in the preparation, handling, or delivery of food.

   c. In offering food or beverage, a place of public accommodation may permit up to five members of the public at one time in the place of public accommodation for the purpose of picking up their food or beverage orders, so long as those individuals are at least six feet apart from one another while on premises.

   d. For hotel restaurants, food items may only be delivered as room service or as described above.

   e. Management shall ensure, on a daily basis, that no employee who presents symptoms of illness will be permitted to work.



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3. For clarity, this Order does not apply to any of the following:

   a. Places of public accommodation that offer food and beverage not for on-premises consumption, including grocery stores, markets, retail stores that offer food, convenience stores, pharmacies, drug stores, and food pantries;

   b. Room service in hotels;

   c. Health care facilities, residential care facilities, congregate care facilities, and juvenile justice facilities;

   d. Crisis shelters or similar institutions;

   e. Airport concessionaires; and

   f. Any emergency facilities necessary for the response to the events surrounding the public health emergency and state of emergency caused by COVID-19.

4. All child care centers and home daycares are ordered closed, subject to the following:

   a. Child care centers or home daycares that provide care for children of essential personnel may continue to operate to provide child care for children of essential personnel. Essential personnel includes:

      i. Staff and providers of childcare and education services, including custodial and kitchen staff and other support staff, who do not do their work remotely;

      ii. Providers of healthcare including, but not limited to, employees of clinics, hospitals, nursing homes, long-term care and post-acute care facilities, respite houses, designated agencies, emergency medical services, as well as necessary custodial, kitchen, administrative, and other support staff;

      iii. Criminal justice personnel including those in law enforcement, courts, and correctional services;

      iv. Public health employees;

      v. Firefighters, Wyoming National Guard personnel called to duty for responding to COVID-19, and other first responders;

      vi. State employees determined to be essential for response to the COVID-19 crisis;

      vii. Active duty military staff;

      viii. Pharmacy staff;

      ix. Foster families with children through grade 8;

      x. 2-1-1 and 9-1-1 call center staff; critical infrastructure and utility workers, including electrical, plumbing, telecommunications, water, and wastewater operators, workers, and staff;

      xi. State, municipal, and commercial public works and sanitation crews;

      xii. Grocery and food supply workers;

      xiii. Supply chain, postal, and delivery drivers and warehouse workers;



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xiv. Manufacturers of medical devices, equipment, testing equipment, and supplies;

xv. and fuel distribution workers.

b. In circumstances where a child care center or home daycare remains open, the center or home is required to have fewer than 10 people in a room or together at any time, including for meals or recreation.

c. Further, a child care center or home daycare that remains open is required to follow all health guidelines from the CDC and Wyoming Department of Health for limiting the risk of transmission of COVID-19, to the extent possible when caring for children.

d. As childcare is a critical part of the infrastructure of Wyoming, allowing essential systems to function, in the event a county health officer wants to close a childcare facility under the direction and supervision of the State Health Officer, the County Health Officer shall work with local childcare providers to make available limited childcare services for essential personnel, as described above.

5. All K-12 schools shall dismiss students until no sooner than April 3, 2020, to the extent any school in Wyoming has not already done so. Administrative staff and teachers may continue to work in school buildings to facilitate distance learning or to complete administrative tasks. Food may still be prepared to be made available to those in need, as directed by school superintendents. Classes may still be offered online at the discretion of the school.

6. All colleges, universities, and trade schools shall not hold in person classes until no sooner than April 3, 2020. Administrative staff and teachers may continue to work in facility buildings to facilitate distance learning or to complete administrative tasks. Food may still be prepared to be made available to those in need. Classes may still be offered online at the discretion of the college, university or trade school.

7. This Order supersedes all previous individual county orders authorized by the Wyoming State Health Officer under Wyoming Statute § 35-1-240(a)(iv). To the extent the county order is more restrictive, the more restrictive provisions still apply.

8. Exceptions to the public accommodation sections above (paragraphs 1-3) may be granted, at the discretion of the County Health Officer, under the direction and supervision of the State Health Officer, if the business can demonstrate, in writing, to the County Health Officer that they will limit customers within the business to no more than ten at any given time, that at least 6 feet of space will be maintained between customers at all times, and that effective cleaning will be performed between customers.

As the State Health Officer, I specifically deem this order necessary to protect the public health. *See* Wyo. Stat. Ann. § 35-1-240(a)(iv). I will reassess the necessity of this order as appropriate to do so and according to accepted epidemiological and medical standards. Any person or legal entity that violates this Order shall be subject to criminal prosecution under Wyo. Stat. Ann. §§ 35-1-105 and -106.

DATED THIS 19 DAY OF March, 2020.

Alexia Harrist
Wyoming State Health Officer



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## STATEWIDE PUBLIC HEALTH ORDER #2: FORBIDDING GATHERINGS OF TEN (10) PEOPLE OR MORE

In an effort to stop the spread of the coronavirus (COVID-19), the Wyoming Department of Health finds it necessary to protect the health of the public by implementing emergency measures, in accordance with the White House Guidelines, to forbid gatherings of ten (10) people or more, with certain exceptions. This Order is effective immediately, and shall remain in effect until April 3, 2020, unless the Wyoming Department of Health revokes the Order before April 3, 2020.

### FINDINGS

1. COVID-19 was first detected in Wuhan, China in 2019, and since then has spread to over 60 countries including the United States. There are 19 confirmed cases of COVID-19 in Wyoming as of March 20, 2020, as well as the presence of community spread. It is expected that more cases will be diagnosed.

2. COVID-19 is a respiratory illness, transmitted through person-to-person contact or by contact with surfaces contaminated with the virus. Persons infected with COVID-19 may become symptomatic two to fourteen days after exposure. The symptoms of COVID-19 include fever, cough, and shortness of breath. In some cases, COVID-19 can result in severe disease including hospitalization, admission to an intensive care unit, and death, especially among older adults and persons with serious underlying health conditions.

3. The World Health Organization declared COVID-19 a worldwide pandemic as of March 11, 2020.

4. On March 13, 2020, the President of the United States declared a national emergency concerning the coronavirus, specifically stating that, in "December 2019 a novel (new) coronavirus known as SARS-CoV-2 ("the virus") was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally [...] The spread of COVID-19 within our Nation's communities threatens to strain our Nation's healthcare systems. [...] Additional measures [...] are needed to successfully contain and combat the virus in the United States."

5. On March 13, 2020, Wyoming Governor Mark Gordon declared a State of Emergency and Public Health Emergency in the State of Wyoming, stating that on March 11, 2020, an individual within the State of Wyoming tested presumptive positive for COVID-19 and the State of Wyoming is experiencing a public health emergency in response to the evolving COVID-19 outbreak.

6. Governor Gordon's Declaration of a State of Emergency and Public Health Emergency directs the Wyoming Department of Health to take all appropriate and necessary actions, and that in the judgment of the Director of the Wyoming Department of Health, any actions necessary should be taken to provide aid to those locations where there is a threat or danger to public health, safety, and welfare.



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7. The guidelines issued from the White House on March 16, 2020, specify that with evidence of community transmission within a state, bars, restaurants, food courts, gyms, and other indoor and outdoor venues where groups of people congregate should be closed. The guidelines further specify that social gatherings of ten (10) people or more should be avoided.

8. A significant number of Wyoming citizens are at risk of serious health complications, including death, from COVID-19. Although most individuals who contract COVID-19 do not become seriously ill, people with mild symptoms, and even asymptomatic persons with COVID-19, place other vulnerable members of the public at significant risk.

9. Counties in Wyoming have requested orders of this kind following the White House guidelines, and the best manner of protecting the health of the citizens of Wyoming is through a consistent order spanning the entire State.

10. A large number of persons with serious infections may compromise the ability of healthcare systems in Wyoming to deliver the necessary healthcare to the public.

11. Wyoming Statute §§ 35-1-240(a)(i) and (iv) provides all the rights and powers for the Wyoming Department of Health, through the State Health Officer, Dr. Alexia Harrist, M.D., PhD, or under her directive through other employees of the Wyoming Department of Health, to forbid gatherings of people when necessary to protect public health.

12. In addition to the above findings, stopping the spread of COVID-19 includes washing your hands often, practicing social distancing by avoiding close contact with others, staying at least six feet away from someone who is ill or showing signs of illness, avoiding touching your face, eyes, nose and mouth, and covering your cough or sneeze into your elbow or by using a tissue.

## ORDER

1. Gatherings of ten (10) people or more are prohibited in order to help stop the spread of COVID-19 and protect the health of the public.

2. "Gatherings" are any planned or spontaneous event, public or private, bringing together, or likely bringing together, ten (10) people or more in a single room or a single confined space at the same time.

3. Gatherings at the following are exempted from this Order:

    a. Hotels and motels for lodging purposes;

    b. Livestock auctions;

    c. Groups of workers being transported to a location for their jobs;

    d. Government business, military and National Guard facilities, law enforcement, jails, secure treatment centers, and correctional facilities, including any facility operated by



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the Wyoming Department of Corrections, and any facility used to respond to natural disasters or public health emergencies;

e. State and local government facilities, including government service centers;

f. Relief facilities, including food pantries and shelter facilities;

g. Residential buildings;

h. Grocery stores, markets, convenience stores, pharmacies, drug stores;

i. Truck stops, gas stations, and auto-repair facilities;

j. Retail or business establishments, where more than ten (10) people may be present but are generally not within six (6) feet of one another;

k. Healthcare facilities, including hospitals, medical facilities, home health agencies, personal care agencies, hospices, adult family homes, mental health centers, and pharmacies;

l. Alcohol and drug treatment centers; and

m. Long-term care and assisted living facilities, including nursing homes and assisted living facilities, as long as the facility complies with guidance and directives from the CDC, the Wyoming Department of Health, and appropriate licensing and regulatory agencies.

4. Any gathering not covered by this Order should follow the public health recommendations of the Centers for Disease Control and the Wyoming Department of Health, including washing your hands often with soap and water, practicing social distancing by avoiding close contact with others including meetings over ten (10) people, avoiding touching your face, eyes, nose and mouth, and covering your cough or sneeze into your elbow or by using a tissue.

5. Additional exceptions to the prohibitions in this Order may be granted, at the discretion of the County Health Officer, under the direction and supervision of the State Health Officer, if demonstrated, in writing, to the County Health Officer that people at a gathering will maintain at least six (6) feet of space between one another, and that effective cleaning will be performed before and after the gathering.

6. This Order supplements the previous statewide public health order closing bars, restaurants, theaters, gymnasiums, child care facilities, K-12 schools, colleges, universities, and trade schools dated March 19, 2020.

7. This Order supersedes all previous individual county orders authorized by the Wyoming State Health Officer under Wyo. Stat. Ann. § 35-1-240(a)(iv). To the extent any county order is more restrictive, the more restrictive provisions of the county order shall continue to apply.



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As the State Health Officer, I deem this Order necessary to protect the public health. *See* Wyo. Stat. Ann. § 35-1-240(a)(iv). I will reassess the necessity of this Order as appropriate to do so and according to accepted epidemiological and medical standards. Any person or legal entity that violates this Order shall be subject to criminal prosecution under Wyo. Stat. Ann. §§ 35-1-105 and -106.

DATED THIS 20 DAY OF March, 2020.

Alexia Harrist
Wyoming State Health Officer



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# 00393100: SPRING BREAK EXTENDED

ED-20-0731-A-010844

# Alerts | Emergency Preparedness | Northwest College

3/15/2020 9:54 PM
**Northwest College**
**Northwest College will be closing all locations to the public through April 3.** We will now be extending spring break 2020 through Sunday, April 5, to continue planning before spring classes resume on Monday, April 6, in alternative formats.

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3/14/2020 4:25 PM
**Northwest College**
Now available: **Frequently Asked Questions** regarding NWC's COVID-19 response. If you don't see an answer to your question, please email **covid-19@nwc.edu**

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3/13/2020 3:06 PM
**Northwest College**
**Northwest College will now be extending spring break 2020 through Sunday, March 22,** to monitor the status of the COVID-19 pandemic and continue planning before spring classes resume on Monday, March 23.

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3/12/2020 11:51 AM
**Northwest College**
Northwest College will be extending spring break 2020 through Tuesday, March 17, to monitor the status and continue pandemic planning before spring classes resume.

---

3/10/2020 7:45 AM
**Northwest College**

**Students, faculty and staff:** watch for important NWC communications about the Coronavirus (COVID-19) in your email inbox, on this site, and/or from the college's Trapper Alert emergency notification system (if the latter becomes applicable).

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# 00393100: ORIGINAL 2019-20 CALENDAR

ED-20-0731-A-010846

# 2019-2020 COLLEGE CATALOG

## 2019-20 Academic Calendar

### Choose a Term:


- Summer 2019
- Fall 2019
- Spring 2020
- Summer 2020


### Summer 2019

| | |
|---|---|
| Memorial Day - College Holiday | May 27, 2019 |
| Classes Begin | June 3, 2019 |
| Last day to ADD classes | June 5, 2019 |
| Last day to DROP classes* | June 10, 2019 |
| Last day to change to/from AUDIT | June 10, 2019 |
| Independence Day - College Holiday | July 4, 2019 |
| Last day to WITHDRAW from classes** | July 10, 2019 |
| Last Day of Classes | July 17, 2019 |
| Final Grades DUE by 5 pm | July 25, 2019 |

### Fall 2019

| | |
|---|---|
| New Faculty Orientation | August 15-16, 2019 |
| Residence Halls open 9 am - New and Continuing Students | August 17, 2019 |
| New Student Kick-off Weekend | August 17-20, 2019 |
| Campus Meetings | August 19-20, 2019 |
| Classes Begin-Wednesday | August 21, 2019 |
| Last day to ADD 1st half-term classes | August 23, 2019 |
| Last day to ADD full-term classes | August 28, 2019 |
| Last day to DROP 1st half-term classes* | August 30, 2019 |
| Labor Day - College Holiday | September 2, 2019 |
| Last day to change to/from AUDIT for full-term and 1st half-term classes | September 4, 2019 |
| Last day to DROP full-term classes* | September 4, 2019 |
| Last day to WITHDRAW from 1st half-term classes only** | September 20, 2019 |
| Last day of 1st half-term classes | October 11, 2019 |
| Second half-term classes begin | October 14, 2019 |
| Mid-term progress reports available online | October 11, 2019 |
| Last day to ADD 2nd half-term classes | October 16, 2019 |
| Last day to DROP 2nd half-term classes* | October 23, 2019 |
| Last day to change to/from AUDIT for 2nd half-term classes | October 23, 2019 |
| Advising Day - only evening classes meet | November 5, 2019 |
| Early Registration for Spring 2019 begins | November 5, 2019 |
| Registration for Spring 2019 begins | November 6, 2019 |
| Last day to WITHDRAW from full-term and 2nd half-term classes** | November 8, 2019 |
| Thanksgiving Break | November 23-December 1, 2019 |
| Thanksgiving - College Holiday | November 27-29, 2019 |
| Final Exams -Wednesday-Friday | December 11-13, 2019 |
| Last Day of Classes | December 13, 2019 |
| Residence Halls close at 10 am | December 14, 2019 |
| Grading Days | December 16-17, 2019 |
| Final Grades DUE by 5 pm | December 18, 2019 |
| Winter Holiday, College Closed | Dec. 24, 2019 - January 1, 2020 |

### Spring 2020

| | |
|---|---|
| In-service - Campus Meeting | January 13-14, 2020 |
| Residence Halls open at 9 am | January 13, 2020 |
| New Student Orientation-Tuesday | January 14, 2020 |
| Classes begin - Wednesday | January 15, 2020 |

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| | |
|---|---|
| Last day to ADD 1st half-term classes | January 17, 2020 |
| Last day to ADD full-term classes | January 22, 2020 |
| Last day to change to/from AUDIT for full-term and 1st half-term classes | January 24, 2020 |
| Last day to DROP 1st half-term classes* | January 24, 2020 |
| Last day to DROP full-term classes* | January 29, 2020 |
| Last day to WITHDRAW from 1st half-term classes** | February 14, 2020 |
| Last day of 1st half-term classes | March 6, 2020 |
| Spring Break | March 7-15, 2020 |
| *Residence halls close at 10 am March 7 and open 10 am March 15.* | |
| Second half-term classes begin | March 16, 2020 |
| Mid-term progress reports available online | March 6, 2020 |
| Last day to ADD 2nd half-term classes | March 18, 2020 |
| Last day to change to/from AUDIT for 2nd half-term classes | March 25, 2020 |
| Last day to DROP 2nd half-term classes* | March 25, 2020 |
| Last day to WITHDRAW from full-term and 2nd half-term classes** | April 10, 2020 |
| Advising Day - only evening classes meet | April 14, 2020 |
| Early Registration for Summer and Fall 2020 begins | April 14, 2020 |
| Registration Open | April 15, 2020 |
| Spring Recess - College Holiday | April 10-13, 2020 |
| Final Exams - Wednesday-Friday | May 6-8, 2020 |
| Last day of Classes-Friday | May 8, 2020 |
| Graduation - Saturday | May 9, 2020 |
| Residence Halls close at noon | May 10, 2020 |
| Grading Days | May 11-12, 2020 |
| Final Grades DUE by 5 pm | May 13, 2020 |

## Summer 2020

| | |
|---|---|
| Memorial Day - College Holiday | May 25, 2020 |
| Classes begin | June 8, 2020 |
| Last day to ADD classes | June 10, 2020 |
| Last day to DROP classes* | June 15, 2020 |
| Last day to change to/from AUDIT | June 15, 2020 |
| Independence Day - College Holiday | July 4, 2020 |
| Last day to WITHDRAW from classes** | July 17, 2020 |
| Last day of classes | July 22, 2020 |
| Final Grades DUE by 5 pm | July 27, 2020 |

** course will not appear on transcript*

*** course and "w" grade appears on transcript*

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# 00393100: REVISED 2020 SPRING SEMESTER

ED-20-0731-A-010849

Revised Spring 2020 Academic Calendar (last updated 3-23-20)
ADJUSTED DUE TO COVID-19

Campus Meetings .....January 13-14
Residence Halls open 9 am..... January 13
New Student Orientation – Tuesday..... January 14
Walk-in Payment Day ..... January 14
Classes Begin – Wednesday ..... January 15
Last day to ADD 1st half-term classes ……..... January 17
Last day to ADD full-term classes..... January 22
Last day to DROP 1st half-term classes ……..... January 24
Last day to change to/from AUDIT for 1st half-term classes..... January 24
Last day to DROP full-term classes..... January 29
Last day to change to/from AUDIT for full-term classes…..... January 29
Last day to WITHDRAW from 1st half-term classes…….. February 14
Last day of 1st half-term classes .....March 6
Residence halls closed at 10 am ..... .....March 7
Spring Break.....March 7-April 5
Mid-term progress reports available online .....March 24
Second half-term classes begin.....April 6
Last day to ADD 2nd half-term classes .....April 9
Spring Recess .....April 10-13
Advising Day…….....April 14
Early Registration for Summer & Fall 2020 begins .....April 14
Last day to DROP 2nd half-term classes .....April 15
Last day to change to/from AUDIT for 2nd half-term classes…….....April 15
Last day to WITHDRAW from full-term and 2nd –half-term classes...May 5
Final Exams.....May 6-8
Last day of Classes ..... May 8
Grading Days.....May 11-14
Final Grades Due by 5 pm..... May 15

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ED-20-0731-A-010851

# 00393100: BEGINNING/END OF ACADEMIC WEEK

AUTHORIZED OVERSIGHT

# Academic Procedures and Policies - Northwest College

## Student Placement Testing

Northwest College is dedicated to helping students increase their levels of academic achievement. Faculty and staff want to be sure students start their college work in English and mathematics at the most appropriate level. Many students also need to build reading comprehension skills in order to be successful with college work.

Northwest College requires new students to arrive with an ACT/SAT score and/or to take the ACCUPLACER Placement Test or ALEKS Test, a computerized multiple-choice assessment instrument. A fee is charged for the ACCUPLACER and ALEKS tests. ACT/SAT, ACCUPLACER, or ALEKS scores are used to place students in the correct level of English, mathematics, and reading courses. Students with an ACT/SAT score may take mathematics or English Placement Tests if they believe their ACT/SAT scores do not adequately reflect their abilities.

*Visit the Registration and Records section of the NWC website for more information.*

## Registration Procedures

The *Semester Class Schedule* contains detailed information on course offerings, instructions about registration procedures, and timelines. Students can register for courses through their MyNWC Portal under the Student Planner link.

### Credit Hour

For NWC courses, one credit hour is equivalent to (1) one hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work each week* for approximately fifteen weeks for one semester hour of credit; or (2) at least an equivalent amount of work as required in definition (1) for other activities as established by Northwest College, including laboratory work, internships, practice, studio work, and other academic work leading toward to the award of credit hours. The NWC Curriculum Committee is charged with reviewing and implementing credit-hour standards and requirements for NWC courses.

*The academic week begins each Monday and ends the subsequent Sunday, in conjunction with the Northwest College fiscal year payroll calendar.

*Visit the Register for Classes section of the NWC website for more information.*

### Student Portal

Current students may view class schedules, register for classes, add classes, drop classes, view grades, check grade point average, update mailing address, review financial aid package, request an official copy of their transcript, or pay fees online at *nwc.edu/MyNWC*.

### Auditing Classes

Students may audit any course. Tuition and fees are still charged. Auditing allows a student the freedom to participate and learn in a classroom setting without traditional academic requirements related to attendance, grading, and testing. No credit is given for audited classes, but they do appear on transcripts.

### Class Load

The typical course load for full-time students is 15-20 credits.

**Student Overload Policy**. Students who want to take more than 20 hours must have a cumulative NWC grade point average of 3.0 or higher and approval of their advisor. First semester freshmen must have a cumulative high school GPA of 3.0 or higher and approval of their advisor. An overload fee is charged for each credit above 20. This fee is the per credit hour tuition in accordance with the student's residency classification.

### Registration Changes and CourseWithdrawals

Students wanting to change their original registration by adding, dropping, or withdrawing from courses, must obtain Change of Registration forms from the Registrar's Office or online at *nwc.edu/MyNWC*. No change in registration is made until a student returns a completed form, with necessary signatures, to the Registrar's Office. Forms must be returned on or before specified dates, or they will not be processed. See additional information in the Academic Calendar and the Refund Policy .

Students may add a class to their original enrollments in accordance to the deadlines set in the Academic Calendar . Exceptions are - (1) courses worth one credit hour or less may be added upon the request of the instructor and with the approval of the division chairperson up to midterm of the course; and (2) instructors within a particular subject area are authorized to transfer students from one level to another within that particular subject area.

Students wanting to terminate enrollment must request, complete, and return an official Change of Status Form available at the

AMERICAN OVERSIGHT

# 00393100: RECALCULATED ACADEMIC YEAR

ED-20-0731-A-010853

## OPEID: 00393100 / Northwest College, Powell WY
## Request to Revise 2019-20 Academic Year to 29 weeks due to COVID-19

### Fall 2019 Semester

| | |
|---|---|
| 16 | Weeks in Semester |
| 106 | Days in Pay Period |

| | |
|---|---|
| 8/19/2019 | NWC payroll week begins (Mon-Sun) |
| 8/20/2019 | |
| 8/21/2019 | Semester Starts / First day of class |
| 8/22/2019 | |
| 8/23/2019 | |
| 8/24/2019 | |
| 8/25/2019 | **End of Academic Week 1** |
| 8/26/2019 | |
| 8/27/2019 | |
| 8/28/2019 | |
| 8/29/2019 | |
| 8/30/2019 | |
| 8/31/2019 | |
| 9/1/2019 | **End of Academic Week 2** |
| 9/2/2019 | |
| 9/3/2019 | |
| 9/4/2019 | |
| 9/5/2019 | |
| 9/6/2019 | |
| 9/7/2019 | |
| 9/8/2019 | **End of Academic Week 3** |
| 9/9/2019 | |
| 9/10/2019 | |
| 9/11/2019 | |
| 9/12/2019 | |
| 9/13/2019 | |
| 9/14/2019 | |
| 9/15/2019 | **End of Academic Week 4** |
| 9/16/2019 | |
| 9/17/2019 | |
| 9/18/2019 | |
| 9/19/2019 | |
| 9/20/2019 | |
| 9/21/2019 | |
| 9/22/2019 | **End of Academic Week 5** |
| 9/23/2019 | |
| 9/24/2019 | |
| 9/25/2019 | |
| 9/26/2019 | |
| 9/27/2019 | |
| 9/28/2019 | |
| 9/29/2019 | **End of Academic Week 6** |
| 9/30/2019 | |
| 10/1/2019 | |
| 10/2/2019 | |
| 10/3/2019 | |
| 10/4/2019 | |
| 10/5/2019 | |
| 10/6/2019 | **End of Academic Week 7** |
| 10/7/2019 | |
| 10/8/2019 | |
| 10/9/2019 | |
| 10/10/2019 | |
| 10/11/2019 | |
| 10/12/2019 | |
| 10/13/2019 | **End of Academic Week 8** |
| 10/14/2019 | |
| 10/15/2019 | |
| 10/16/2019 | |
| 10/17/2019 | |
| 10/18/2019 | |
| 10/19/2019 | |
| 10/20/2019 | **End of Academic Week 9** |
| 10/21/2019 | |
| 10/22/2019 | |
| 10/23/2019 | |
| 10/24/2019 | |
| 10/25/2019 | |
| 10/26/2019 | |
| 10/27/2019 | **End of Academic Week 10** |
| 10/28/2019 | |
| 10/29/2019 | |
| 10/30/2019 | |
| 10/31/2019 | |
| 11/1/2019 | |
| 11/2/2019 | |
| 11/3/2019 | **End of Academic Week 11** |
| 11/4/2019 | |

### Spring 2020 Semester

| | |
|---|---|
| 13 | Weeks in Semester |
| 106 | Days in Pay Period (original) |
| 85 | Days in Pay Period (revised on 3.15.20, when decision to close campus/res halls/entend spring break published |

| | |
|---|---|
| 1/13/2020 | NWC payroll week begins (Mon-Sun) |
| 1/14/2020 | |
| 1/15/2020 | Semester Starts / First day of class |
| 1/16/2020 | |
| 1/17/2020 | |
| 1/18/2020 | |
| 1/19/2020 | **End of Academic Week 1** |
| 1/20/2020 | |
| 1/21/2020 | |
| 1/22/2020 | |
| 1/23/2020 | |
| 1/24/2020 | |
| 1/25/2020 | |
| 1/26/2020 | **End of Academic Week 2** |
| 1/27/2020 | |
| 1/28/2020 | |
| 1/29/2020 | |
| 1/30/2020 | |
| 1/31/2020 | |
| 2/1/2020 | |
| 2/2/2020 | **End of Academic Week 3** |
| 2/3/2020 | |
| 2/4/2020 | |
| 2/5/2020 | |
| 2/6/2020 | |
| 2/7/2020 | |
| 2/8/2020 | |
| 2/9/2020 | **End of Academic Week 4** |
| 2/10/2020 | |
| 2/11/2020 | |
| 2/12/2020 | |
| 2/13/2020 | |
| 2/14/2020 | |
| 2/15/2020 | |
| 2/16/2020 | **End of Academic Week 5** |
| 2/17/2020 | |
| 2/18/2020 | |
| 2/19/2020 | |
| 2/20/2020 | |
| 2/21/2020 | |
| 2/22/2020 | |
| 2/23/2020 | **End of Academic Week 6** |
| 2/24/2020 | |
| 2/25/2020 | |
| 2/26/2020 | |
| 2/27/2020 | |
| 2/28/2020 | |
| 2/29/2020 | |
| 3/1/2020 | **End of Academic Week 7** |
| 3/2/2020 | |
| 3/3/2020 | |
| 3/4/2020 | |
| 3/5/2020 | |
| 3/6/2020 | |
| ~~3/7/2020~~ | Spring Break starts (period of 5 days or more) |
| ~~3/8/2020~~ | **End of Academic Week 8** |
| ~~3/9/2020~~ | |
| ~~3/10/2020~~ | |
| ~~3/11/2020~~ | |
| ~~3/12/2020~~ | |
| ~~3/13/2020~~ | |
| ~~3/14/2020~~ | |
| ~~3/15/2020~~ | Oringinal Spring Break end expectation |
| ~~3/16/2020~~ | Original expectation to resume classes |
| ~~3/17/2020~~ | |
| ~~3/18/2020~~ | |
| ~~3/19/2020~~ | |
| ~~3/20/2020~~ | |
| ~~3/21/2020~~ | |
| ~~3/22/2020~~ | |
| ~~3/23/2020~~ | |
| ~~3/24/2020~~ | |
| ~~3/25/2020~~ | |
| ~~3/26/2020~~ | |
| ~~3/27/2020~~ | |
| ~~3/28/2020~~ | |
| ~~3/29/2020~~ | |
| ~~3/30/2020~~ | |

AMERICAN OVERSIGHT

## OPEID: 00393100 / Northwest College, Powell WY
## Request to Revise 2019-20 Academic Year to 29 weeks due to COVID-19

### Fall 2019 Semester

| | |
|---|---|
| 16 | Weeks in Semester |
| 106 | Days in Pay Period |

| | |
|---|---|
| 11/5/2019 | |
| 11/6/2019 | |
| 11/7/2019 | |
| 11/8/2019 | |
| 11/9/2019 | |
| 11/10/2019 | **End of Academic Week 12** |
| 11/11/2019 | |
| 11/12/2019 | |
| 11/13/2019 | |
| 11/14/2019 | |
| 11/15/2019 | |
| 11/16/2019 | |
| 11/17/2019 | **End of Academic Week 13** |
| 11/18/2019 | |
| 11/19/2019 | |
| 11/20/2019 | |
| 11/21/2019 | |
| 11/22/2019 | |
| ~~11/23/2019~~ | Thanksgiving Break starts (period of 5 days or more excluded) |
| ~~11/24/2019~~ | **End of Academic Week 14** |
| ~~11/25/2019~~ | |
| ~~11/26/2019~~ | |
| ~~11/27/2019~~ | |
| ~~11/28/2019~~ | |
| ~~11/29/2019~~ | |
| ~~11/30/2019~~ | |
| ~~12/1/2019~~ | Thanksgiving Break ends |
| 12/2/2019 | Classes resume |
| 12/3/2019 | |
| 12/4/2019 | |
| 12/5/2019 | |
| 12/6/2019 | |
| 12/7/2019 | |
| 12/8/2019 | **End of Academic Week 15** |
| 12/9/2019 | |
| 12/10/2019 | |
| 12/11/2019 | Final Exams Begin |
| 12/12/2019 | |
| 12/13/2019 | Final Exams End / Semester Ends |
| 12/14/2019 | |
| 12/15/2019 | **End of Academic Week 16** |

### Spring 2020 Semester

| | |
|---|---|
| 13 | Weeks in Semester |
| 106 | Days in Pay Period (original) |
| 85 | Days in Pay Period (revised on 3.15.20, when decision to close campus/res halls/entend spring break published |

| | |
|---|---|
| ~~3/31/2020~~ | |
| ~~4/1/2020~~ | |
| ~~4/2/2020~~ | |
| ~~4/3/2020~~ | |
| ~~4/4/2020~~ | |
| ~~4/5/2020~~ | Extended Spring Break (COVID-19) ends |
| 4/6/2020 | Classes resume |
| 4/7/2020 | |
| 4/8/2020 | |
| 4/9/2020 | |
| 4/10/2020 | |
| 4/11/2020 | |
| 4/12/2020 | **End of Academic Week 9** |
| 4/13/2020 | |
| 4/14/2020 | |
| 4/15/2020 | |
| 4/16/2020 | |
| 4/17/2020 | |
| 4/18/2020 | |
| 4/19/2020 | **End of Academic Week 10** |
| 4/20/2020 | |
| 4/21/2020 | |
| 4/22/2020 | |
| 4/23/2020 | |
| 4/24/2020 | |
| 4/25/2020 | |
| 4/26/2020 | **End of Academic Week 11** |
| 4/27/2020 | |
| 4/28/2020 | |
| 4/29/2020 | |
| 4/30/2020 | |
| 5/1/2020 | |
| 5/2/2020 | |
| 5/3/2020 | **End of Academic Week 12** |
| 5/4/2020 | |
| 5/5/2020 | |
| 5/6/2020 | Final Exams Begin |
| 5/7/2020 | |
| 5/8/2020 | Final Exams End / Semester Ends |
| 5/9/2020 | |
| 5/10/2020 | **End of Academic Week 13** |

AMERICAN OVERSIGHT

MICHIGAN OVERSIGHT

# 00393100: 2019-20 ACADEMIC PROGRAMS

ED-20-0731-A-010856

# 2019-2020 COLLEGE CATALOG

## Programs of Study

A.A. = Associate of Arts

A.S. = Associate of Science

A.D.N. = Associate Degree in Nursing

A.A.S = Associate of Applied Science

S.C. = Skills Certificate

C.S.C. = Comprehensive Skills Certificate

- Accounting, A.S.
- Advanced Welding, S.C.
- Aeronautics, A.A.S.
- Agriculture - Production, C.S.C.
- Agriculture Business, A.S.
- Agriculture Education, A.S.
- Agriculture – Farm and Ranch Management, A.A.S.
- Agriculture – Production, A.A.S.
- Agriculture – Range Management, A.S.
- Agroecology, A.S.
- Allied Health, A.S.
- Animal Science, A.S.
- Anthropology, A.A.
- Archaeological Technician, S.C.
- Archaeology Technology, A.S.
- Art, A.A.
- Biology, A.S.
- Business Administration, A.S.
- Business, A.A.S.
- Chemistry, A.S.
- Coach – Assistant, S.C.
- Coach – Head, S.C.
- Communication, A.A.
- Computer Science, A.S.
- Conservation Law Enforcement, A.A.
- Criminal Justice One Year Certificate C.S.C.
- Criminal Justice, A.A.
- Criminal Justice, A.A.S.
- Drafting Technology, A.A.S.
- Drafting Technology, S.C.
- Early Childhood Education, A.A.
- Early Childhood Education, A.S.
- Elementary Education, A.A.
- Elementary Education, A.S.
- Engineering, A.S.
- English Studies, A.A.
- Equine Business Management, A.A.S.
- Equine Care and Basic Riding, S.C.
- Equine Riding and Training with Emphasis on Riding, A.A.S.
- Equine Riding and Training with Emphasis on Riding, Certificate
- Equine Riding and Training with Emphasis on Training, A.A.S.
- Equine Riding and Training with Emphasis on Training, Certificate
- Gas Metal Arc Welding (GMAW), S.C.
- Gas Tungsten Arc Welding (GTAW), S.C.
- General Studies, A.A.
- General Studies, A.S.
- Graphic Design, A.A.
- Graphic Design, A.A.S.
- History, A.A.
- Mathematics, A.S.
- Medical Assistant Certificate, S.C.
- Music Technology, A.A.S.
- Music, A.A.
- Natural Resource Biology, A.S.
- Nursing - Certified Nursing Assistant, S.C.
- Nursing - Practical Nursing (LPN), C.S.C.
- Nursing - Registered Nurse, A.D.N

AMERICAN OVERSIGHT

- Outdoor Education and Recreational Leadership, A.S.
- Outdoor Recreation Leadership, A.A.S
- Photographic and Digital Preservation Specialist, S.C.
- Photographic Communications, A.A.S.
- Physics, A.S.
- Political Science, A.A.
- Pre-Occupational Therapy, A.S.
- Pre-Optometry, A.S.
- Pre-Pharmacy, A.S.
- Pre-Physical Therapy, A.S.
- Pre-Professional Sciences, A.S.
- Psychology, A.A.
- Robotics Technology, S.C.
- Secondary Education, A.A.
- Secondary Education, A.S.
- Social Science, A.A.
- Sociology, A.A.
- Spanish - World Languages, A.A.
- Technical Studies A.A.S.
- Veterinary Assistant, A.A.S.
- Welding Technology, A.A.S.
- Welding Technology, C.S.C.

AMERICAN OVERSIGHT

**From:** Joy Williams
**Sent:** Wed, 25 Mar 2020 01:37:06 +0000
**To:** COVID-19
**Subject:** S299A160040 COVID-19 Questions

Hello,

COVID-19 Question

Alaska has closed schools until May 1st. My district is providing distance learning to all students. My business director wanted to check with Office Of Indian Education to make sure that we can continue paying our classroom teachers from the grant even though they are working from home while we are in closure.

***Joy Williams***
*Director of Curriculum & Instruction*
*Northwest Arctic Borough School District*

AMERICAN OVERSIGHT

**From:** Smoker, Emily
**Sent:** Tue, 24 Mar 2020 19:19:18 +0000
**To:** COVID-19
**Subject:** SAP and COVID-19

Good afternoon,

We are currently discussing the possibility of moving to pass/fail grades for the spring semester. We do not typically offer pass/fail grades, so I was hoping that you may be able to clarify how this would impact SAP for the spring semester if we put this into place.

Thank you,
Emily

**EMILY SMOKER**
DIRECTOR OF FINANCIAL AID
Thaddeus Stevens College of Technology
717.391.7206 (O) | 717.391.6929 (FAX)
750 E KING ST LANCASTER PA 17602

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AMERICAN OVERSIGHT

**From:** Elizabeth Suddath
**Sent:** Tue, 24 Mar 2020 18:07:01 +0000
**To:** COVID-19
**Subject:** School Climate Transformation Grant

SEA-SCTG 2018: S184F180008- Oklahoma State Dept of Education

Question regarding grant:

- Has the reporting deadline changed from May 29th?
- Will we need to submit a revised budget due to changes in scheduled trainings that have been cancelled or switched to virtual?
- Will we have an extended amount of time to show 75% of our budget has been pulled down?

Any guidance will be appreciated.

Thank you,

**Elizabeth Suddath, MPH**
Executive Director of Prevention Services
Oklahoma State Department of Education
2500 North Lincoln Boulevard
Oklahoma City, Ok 73105
Office: (405) 521-2106
Elizabeth.suddath@sde.ok.gov

OKLAHOMA Education

AMERICAN OVERSIGHT

**From:** Mercedes Amaya
**Sent:** Tue, 24 Mar 2020 13:22:04 -0400
**To:** COVID-19
**Subject:** School Closed for Two Weeks

Good Afternoon,

The College is closed from March 17, 2019 through March 29 and will resume with remote learning in March 30th.

Do I have to contact our PPA team to update the academic year?

Thanks

Mercy Amaya

AMERICAN OVERSIGHT

**From:** Kelley Robinson
**Sent:** Tue, 24 Mar 2020 18:56:20 -0400
**To:** COVID-19
**Cc:** Frederick Barthelmas;Theresa Hand
**Subject:** Seeking Approval on Length of Academic Year

Good evening,

We extended our spring break by one week so that we could transition our courses online due to the Covid-19 health emergency. As a result, the length of our spring semester is now 14 weeks. This means that our academic year will only be 29 weeks. How do we request a temporary reduction in the length of our academic year due to Covid-19?

I appreciate your assistance in this matter. Please feel free to contact me by email if you have any questions or need additional information.

Sincerely,

**Kelley Robinson**
**Director of Financial Aid**
**65 First Street**
**Troy, NY 12180**

**Exciting changes are coming to Sage!**
Beginning in fall 2020, The Sage Colleges will be known as RUSSELL SAGE COLLEGE, a coeducational undergraduate and graduate college with campuses in two thriving cities, ALBANY and TROY.

RS RUSSELL SAGE COLLEGE
ALBANY & TROY

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AMERICAN OVERSIGHT

**From:** Skloot, Evan
**Sent:** Wed, 25 Mar 2020 18:21:35 +0000
**To:** Salley, Robert;Rooney, Patrick;Lovitt, Brittney
**Cc:** OESE.titlei-a;Siry, Melissa;COVID-19
**Subject:** RE: TN - Period of Performance - Waiver Request

Yes, please forward the original email to COVID-19 if it hasn't been (looks like Patrick did). I imagine we should hold until ED makes a decision on a streamlined Tydings waiver process for all OESE programs.

---

**From:** Salley, Robert <Robert.Salley@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:59 PM
**To:** Rooney, Patrick <Patrick.Rooney@ed.gov>; Lovitt, Brittney <Brittney.Lovitt@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>; Skloot, Evan <evan.skloot@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** RE: TN - Period of Performance - Waiver Request

HI Patrick

A question…should we just put this in the COVID 19 inbox since TN is asking for a tydings waiver for most of the OESE formula programs, and the state is specifically citing COVID-19 and other disasters?

Second question…do you want Brittney to control this to these program offices or no?

I know there have been talks about some type of template for states, and we're not at that point yet….

Thanks for the input.

Rob

Robert Salley
Program Officer
U.S. Department of Education
Office of Elementary and Secondary Education | School Support & Accountability
400 Maryland Ave. SW | Rm. 3W116 | Washington, DC 20202
robert.salley@ed.gov | 202.453.5719

---

**From:** Rooney, Patrick <Patrick.Rooney@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:33 PM
**To:** Lovitt, Brittney <Brittney.Lovitt@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** OESE.titlei-a <OESE.titlei-a@ed.gov>; Siry, Melissa <Melissa.Siry@ed.gov>
**Subject:** FW: TN - Period of Performance - Waiver Request

FYI – I wanted to make sure the folks that are tracking official state requests are aware of this. I believe the OESE rapid response team is the right group for raising this question.

-Patrick

AMERICAN OVERSIGHT

**From:** Eve Carney <Eve.Carney@tn.gov>
**Sent:** Wednesday, March 25, 2020 8:47 AM
**To:** OESE.OSS.Tennessee <OSS.Tennessee@ed.gov>; Roney, Collette <Collette.Roney@ed.gov>; Rooney, Patrick <Patrick.Rooney@ed.gov>; Brogan, Frank <Frank.Brogan@ed.gov>
**Cc:** Penny Schwinn <Penny.Schwinn@tn.gov>; Drew Harpool <Drew.Harpool@tn.gov>; Sam Pearcy <Sam.Pearcy@tn.gov>; Deborah Thompson <Deborah.Thompson@tn.gov>
**Subject:** TN - Period of Performance - Waiver Request

Good morning,

Please see the attached waiver request submitted on behalf of Commissioner Schwinn and the state of Tennessee.

Thank you for consideration of this request.

Respectfully,

Eve Carney

Eve Carney, Ed.D. | Chief Districts and Schools Officer
Andrew Johnson Tower, 12h Floor
710 James Robertson Parkway, Nashville, TN 37243
615-532-1245 (o) 615-854-9598 (c)
Eve.Carney@tn.gov
tn.gov/education
#TNBestforAll

*We will set all students on a path to success*

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AMERICAN OVERSIGHT

**From:** Carol Moore
**Sent:** Wed, 25 Mar 2020 14:57:25 -0700
**To:** COVID-19;Mallory, Reha
**Subject:** Redeployment of IDEA-funded staff to provide emergency childcare

Greetings,
Our governor has declared a state of emergency and ordered the closure of all schools. Districts are obligated to continue paying staff and to provide emergency child care for essential medical personnel. We have been asked about the possibility of redeploying staff who work within the Early Intervention and Early Childhood Special Education programs (Part C and Part B 619) to serve as child care workers in these situations.

Given the stipulations that IDEA funds are used solely to provide special education services, I am wondering if there is any emergency provision that would permit this reallocation of resources?

The Office of Head Start sent out a memo to Head Start programs that they may not do so: http://hsicc.cmail20.com/t/ViewEmail/j/49EE44613EEA4C892540EF23F30FEDED/BF95EA1B01BAC062B3138EAD4DECE712

I suspect the same principal applies, but want to verify.

Thank you,

**Carol Moore**
Executive Director, Early Learning
503.675.4150
--
**Clackamas Education Service District**
13455 SE 97th Avenue, Clackamas, OR 97015
Find us online: Web | Facebook | Twitter

AMERICAN OVERSIGHT

**From:** maya phinizee
**Sent:** Thu, 26 Mar 2020 02:07:27 +0000 (UTC)
**To:** COVID-19
**Subject:** Release date

Hi. I was wondering have there been any dates given out for the refund of tax returns due to student loans. If not a definite date then mid april or what ?

Sent from Yahoo Mail on Android

AMERICAN OVERSIGHT

**From:** Ana English
**Sent:** Wed, 25 Mar 2020 22:54:53 +0000
**To:** COVID-19
**Subject:** SAP Policy

Hello,

Can we make an addendum to our SAP policy to include pass/fail grades due to COVID-19 this late in the semester without it affecting the students financial aid award?

Thank you,

**Ana English** | Director of Financial Aid
**Arizona Western College**
PO Box 929 • Yuma, AZ 85366
P: 928-317-6438 • F: 928-317-6420

AMERICAN OVERSIGHT

**From:** Annie Reyes
**Sent:** Wed, 25 Mar 2020 17:51:54 +0000
**To:** COVID-19
**Subject:** Selective Service and Notary

Hi,

The Selective Service System has temporarily stopped processing any requests for a Status Information Letter due to Covid-19 outbreak. Is there any leniency for schools to resolve the Selective Service issue.

In addition, most offices have been placed in telework status and we are aware that electronic notaries are not considered to be acceptable for verification purposes, what should we advise our students who are NOT able to go to the bank, library, or public notary office due to Covid-19 outbreak to get a notarized signed statement of educational purpose?

Please advise and thank you for your guidance.

Respectfully yours,

**Annie Reyes**
Manager of Financial Aid

Western Governors University
Direct: 385.428.7267
annie.reyes@wgu.edu

WGU
A NEW KIND OF U.

AMERICAN OVERSIGHT

**From:** Molly Walsh
**Sent:** Wed, 25 Mar 2020 11:53:06 -0700
**To:** COVID-19
**Subject:** Selective Service Question

Hello –
We have a student who has a c-flag due to lack of selective service registration, he was not in the US between the age of 18-26, and so he needs to get a selective service determination letter from SSS before we can proceed. His situation just started to shake out as the COVID-19 situation was taking root and now, even though, he has submitted his required documentation to SSS by mail (he got a tracking receipt) the **SSS website says that SSS determination letters will be on hold till further notice**.

This student is trying to get aid for the 2019-20 academic year and so we are wondering if there is any leniency with the requirement for the SSS determination letter when we the school are making our determination regarding his SSS registration or lack thereof. We have the documentation he submitted regarding why he was unable to register for SSS. Our semester ends at the end of April so we are worried that this might not resolve itself before this is all over.

Thank you for your help,

**Molly Walsh**
Financial Aid Supervisor

Office of Financial Aid
DigiPen Institute of Technology
9931 Willows Road NE | Redmond, WA 98052
**P:** 425.629.5002 | **TF**: 866.478.5236 | molly.walsh@digipen.edu

**Schedule a Financial Aid Appointment online!**

**REMINDER:** Do not send personally identifiable information through email, it is not secure. Submit your documents securely online through SRS.

**REMINDER:** Financial aid can only pay for classes required by your degree program, if you have questions please contact financial aid.

**REMINDER:** Adding or Dropping classes can affect your financial aid eligibility, check with financial aid prior to making schedule changes if you are unsure of the impact on your financial aid.

AMERICAN OVERSIGHT

**From:** Sabrina Degain
**Sent:** Wed, 25 Mar 2020 13:51:59 -0400
**To:** COVID-19
**Subject:** Student refunds

My state now allows colleges to refund students tuition past the typical 10% of the semester due to COVID-19. They are allowing these refunds as a credit for a future semester. If the students tuition was paid by Pell grant funds, are we allowed to give them a tuition credit for a future semester?

Sincerely,

Sabrina M. DeGain, MBA
Director of Financial Aid
Alamance Community College
336-506-4161
sabrina.degain@alamancecc.edu

Please do not email sensitive information such as tax returns, social security numbers or other personally identifiable information. Instead, mail documents to Alamance Community College C/O Financial Aid PO BOX 8000 Graham, NC 27253 or call our office at 336-506-4340.

Emails received at this address are not encrypted

---

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Emails received at this address are not encrypted

AMERICAN OVERSIGHT

**From:** Williams, Zena
**Sent:** Wed, 25 Mar 2020 18:18:28 +0000
**To:** COVID-19
**Cc:** Boley, Johanna
**Subject:** Students Requesting to Completely Withdraw

Good Afternoon – As it relates to students requesting a total withdrawal, can the institution implement a policy whereas such request are denied. Any regulatory guidance or assistance with this matter would be extremely appreciated.

Best Regards,


**Zena Williams**
Executive Director,Financial Aid
System Operations
Lone Star College System
University Park
Bldg 11, 4th floor, Suite. 11462
20515 SH 249
Houston, TX 77070
Office: 281-290-3660
Zena.williams@lonestar.edu
http://www.lonestar.edu


"Your smile is your logo, your personality is your business card, how you leave others feeling after an experience with you becomes your trademark."

AMERICAN OVERSIGHT

**From:** Eve Carney
**Sent:** Wed, 25 Mar 2020 22:31:23 +0000
**To:** OESE.SGR.Tennessee;OESE.titlei-a;Roney, Collette;Brogan, Frank;Siry, Melissa;COVID-19
**Cc:** Penny Schwinn;Michael Hardy;Sam Pearcy;Drew Harpool
**Subject:** TN - Public Reporting Waiver Request
**Attachments:** TN Public Reporting Waiver Request_25March20.pdf

Good afternoon,

Attached is Tennessee's waiver request for flexibility in public reporting and report card requirements. Thank you for your consideration of this request and for your ongoing responsiveness and support during this challenging time in our state.

Respectfully,

Eve Carney

Eve Carney, Ed.D. | Chief Districts and Schools Officer
Andrew Johnson Tower, 12h Floor
710 James Robertson Parkway, Nashville, TN 37243
615-532-1245 (o) 615-854-9598 (c)
Eve.Carney@tn.gov
tn.gov/education
#TNBestforAll

*We will set all students on a path to success*

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AMERICAN OVERSIGHT

STATE OF TENNESSEE
**DEPARTMENT OF EDUCATION**
9th FLOOR, ANDREW JOHNSON TOWER
710 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243-0375

**BILL LEE**
GOVERNOR

**PENNY SCHWINN**
COMMISSIONER

Asst. Secretary Brogan
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

March 25, 2020

RE: Waiver Request as allowed by Section 8401 of the Elementary and Secondary Education Act

Assistant Secretary Brogan:

The Tennessee Department of Education (TDOE) is requesting Secretary DeVos to utilize the wavier authority pursuant to Section 8401 of the Elementary and Secondary Education Act (20 U.S.C §7861) as the state continues to address both the COVID-19 outbreak and the state of emergency resulting from recent tornadoes across Tennessee. As a result, many schools and districts have been closed since March 3rd, while communities recover from these crises.

On March 24, the governor announced that school closures would be extended through April 24 to mitigate the growing number of confirmed cases of COVID-19 throughout the state — a decision that could be reevaluated and extended further depending on how the situation develops. Districts are working tirelessly to develop and implement continuity of instruction plans; however, many of the remaining factors required in reporting, while appearing minor, can affect the scope of their actions.

In this time of tumult, the TDOE seeks to provide stability and predictability in public reporting for our districts and schools in recovering from these crises. Thus, Tennessee is seeking flexibilities and waivers for reporting requirements for local education agency and state report cards outlined in the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act. The TDOE seeks to ensure the public that no data will be changing based on results from the current school year.

At the invitation of Secretary Betsy DeVos, we requested waivers for some reporting requirements within Section 1111(h) on March 20, 2020. In addition to those requirements, we are requesting waivers for additional components found in annual public reporting:

AMERICAN OVERSIGHT

*Annual Report Cards:*

- The state is seeking a **one-year waiver to exclude annual local education agency report card requirements for the 2019-20 school year** as required in §1111(h)(2) with respect to all requirements in section §1111(h)(1)(C) as well as §1111(h)(2)(C).
- With Tennessee addressing needs from both COVID-19 and a natural disaster and with all schools closing, the state is seeking a **one-year waiver to exclude annual state report card requirements for the 2019-20 school year** as required in §1111(h)(1).

We are not seeking a waiver from dutifully collecting and the data, but only a one-year waiver on reporting, to provide consistency and stability in a promise that the Report Card will remain consistent. The TDOE intends to still collect and monitor the quality of available data that would have been reported within this waiver, removing only the public reporting requirements found in §1111(h).

Due to the evolving nature and scope of the current crises Tennessee is facing, we did not provide public notice prior to submission of this waiver request. We will actively communicate this request and provide appropriate follow-up communication with stakeholders. We hope that putting their minds at ease about changes to any data submissions for the school year will allow them to make decisions in the best interests of students.

School and district leaders currently have to balance decisions regarding the safety of their students and their students' education. This balance may be upset by leaders' fear of repercussions in public reporting. These waiver requests represent the best faith efforts of the TDOE to remove incentives for schools and districts to make decisions that may not be in the best interests of student health and safety.

In addition, requiring schools and districts to report, review and appeal any discrepancies in these metrics would place an additional burden on them during a time when they are already tasked with responding to an unprecedented need to provide regular meals and continuity of instruction for our students in the midst of a global pandemic and state-wide shutdowns. Waiving these requirements for one year would ease this burden so that our schools and districts could devote their full attention and resources to meeting the most pressing needs of our students.

Thank you for consideration of these requests. Tennessee is committed first to ensuring that all students are safe and fed during these crises; we are also committed to ensuring that the TDOE supports the recovery of impacted districts and schools so we can continue to focus on the provision of an excellent education and setting all students on a path to success.

Please feel free to contact Eve Carney, by telephone at 615-532-1245 or at Eve.Carney@tn.gov if there are questions regarding this request or if additional information is needed.

Best,

(b)(6)

Dr. Penny Schwinn, Ph.D.
Commissioner

CC: Eve Carney, Chief Districts and Schools Officer
Mike Hardy, Chief Strategy Officer
Drew Harpool, Chief Financial Officer
Sam Pearcy, Chief Operations Officer

AMERICAN OVERSIGHT

**From:** Eric Juhlin
**Sent:** Wed, 25 Mar 2020 18:31:50 +0000
**To:** COVID-19
**Cc:** Scott Schuler
**Subject:** URGENT - Inability for Students to get "in-person" face-to-face notary services
**Attachments:** Handbook Guidance on Verification of Identity.pdf
**Importance:** High

I am hoping that you can provide us some guidance.

One of our accredited and participating colleges, Independence University (an additional location under Stevens-Henager College OPEID #00367400), offers the majority of its programs via online distance education. Further, Independence University delivers its degree programs in a modular system where students take 1-2 courses every 4-weeks. What this means is that Independence University has "start dates" for new students that occur every 4 weeks, rather than more traditional "semester" colleges that only start new students two times per year (i.e., Fall Start, Winter Start).

Since IU enrolls students across the country into its online degree programs, we are running into some real challenges, due to COVID-19, with new students that have been selected for verification (V4 and V5) as part of the federal financial aid application process.

The biggest problem we're seeing is that new students (selected for verification) cannot get access to a "face-to-face notary" in order to satisfy the Department's requirements for the completion of the Statement of Educational Purpose (see attached page from the Department's 2019-2020 Handbook). In almost every case, the student is telling us that due to the lockdown, social distancing, and closure of business in their city, it is impossible for them to meet face-to-face with a notary to complete the Department's prescribed requirements.

We are wondering if the Department would grant us a ***temporary*** waiver to use a third-party, online, notary service as an alternative to the traditional, in-person notary requirement. Several, online notary providers have well established, verified, and trackable systems that would allow them to verify a student's identity, verify the student's government-issued photo ID, and provide the college with a copy of all of the required verification and documentation.

AMERICAN OVERSIGHT

We currently have approximately 200 new students who are scheduled to start their degree program at Independence University next week who are negatively affected by this situation. These students are being prohibited from being eligible to receive federal financial aid simply because there is no access to an "in-person" notary in their community.

Please let us know ASAP if there is something that can be done to help these students and other applicants while the nation deals with the Covid-19 disruptions.

**Eric S. Juhlin** | CHIEF EXECUTIVE OFFICER

4021 South 700 East, Suite 400
Salt Lake City, UT 84107
Office: (801) 622-1555
Email: eric.juhlin@collegeamerica.edu

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AMERICAN OVERSIGHT

**Updating information**
34 CFR 668.55

Students must also sign (it must be a "wet" signature) a statement of educational purpose that certifies who they are and that the federal student aid they may receive will only be used for educational purposes and for the cost of attending the school for the 2019–2020 year. Unlike the other text at the end of the chapter, the text for this statement is not suggested—**you must use the exact language given** (the student's identification number is optional though if collected elsewhere on the same page as the statement). After examining the statement, you may convert it into an electronic record. You must keep that or the original for at least the required Title IV record retention period.

**REAL ID Act of 2005**
The REAL ID Act affects people entering certain restricted areas where identification is required: federal facilities, nuclear power plants, and federally regulated commercial airplanes. Because there are currently no restrictions under the act on agencies accepting an ID that is not compliant with the act (typically one marked "not for federal identification") for other purposes, such an ID is acceptable for verification of identity/statement of educational purpose. It must be a government-issued ID that has not expired and includes the student's photo and name.

A student who is unable to appear at your school must go to a notary public and sign the statement of educational purpose. He must then submit to your office that statement (again, with the "wet" signature), a certification from the notary that he appeared before her and presented a government-issued photo ID confirming his identity, and a copy of the same ID.

## UPDATING INFORMATION

Generally, a student cannot update information that was correct as of the date the application was signed because the FAFSA is considered to be a "snapshot" of the family's financial situation as of that date. For example, if the student's family sold some stock after she signed the FAFSA and spent the money on an unreported asset such as a car, she can't update her information to show a change in assets. After the FAFSA is signed, only certain items can be updated under the following conditions:

**Online notary services**
Currently the Department does not authorize the use of online notary services as an alternative to traditional, in-person notary services.

1. **All applicants whose dependency status changes** must update that and the related FAFSA information throughout the award year except when the update is due to the student's marital status changing.

2. **All applicants selected by the Department or a school for verification of household size or number in college** must update those numbers to be correct as of the date of verification unless the update is due to a change in the student's marital status. Documenting household size or number in college is not required in a subsequent verification in the same year if the information has not changed.

**Parent remarriage after applying**
While the applicant does not typically update household size or number in college because of a change in his marital status, if he is a dependent student and his parent remarries between application and verification, he must update household size to include the new stepparent. However, the student would not count the new stepparent's income and assets. A school can use professional judgment to include the stepparent's income or to otherwise account for the change.
HEA Sec. 475(f)(3)
34 CFR 668.55(b)

At your discretion you may update under either 1 or 2 even when the update is due to a change in the student's marital status if you deem it necessary to address an inequity or to reflect more accurately the applicant's ability to pay. Such a decision must be on a case-by-case basis, and you must document your reasons for it. You must also update all other pertinent information, such as spousal income and taxes paid, to be consistent with the new marital status. Do this first if the student is selected for verification, and then complete verification of the updated application. If you change the status of an applicant to unmarried and that makes him dependent (because he was independent only due to marriage), his FAFSA must be updated with his parents' information. Your school may have a policy of not considering such updates after a specific census date.


AMERICAN OVERSIGHT
ED-20-0731-A-010879

**From:** Lund, Miriam
**Sent:** Wed, 25 Mar 2020 22:36:15 +0000
**To:** COVID-19
**Subject:** 21st CCLC data collection/reporting timeline

RRT:

CT is seeking guidance concerning possible changes to the 21st CCLC annual performance period data collection and reporting timeline?

CT Shelby Pons Shelby.Pons@po.state.ct.us

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**
p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

"Intelligence plus character-that is the goal of true education."
— Martin Luther King Jr.

AMERICAN OVERSIGHT

**From:** Lund, Miriam
**Sent:** Wed, 25 Mar 2020 22:21:12 +0000
**To:** COVID-19
**Subject:** 21st CCLC Data Reporting Requirements

RRT:

Is there any possibility of waiving the submission of 21APR data outcomes this year?

From RI Mr. Jan Mermin Jan.Mermin@ride.ri.gov

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**
p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

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— Martin Luther King Jr.

AMERICAN OVERSIGHT

**From:** Christine Fox
**Sent:** Wed, 25 Mar 2020 16:58:33 -0400
**To:** Muhammad, Faatimah;titleii-a@ed.gov;COVID-19;Witt, Elizabeth
**Subject:** Additional SEA Questions Regarding Title IIA and COVID19

Dear ED Title IIA Leaders,

On behalf of the SETDA Title IIA Collaborative, I would like to submit additional questions regarding Title IIA funding and the current COVID-19 crisis. The Collaborative includes SEA Title IIA leaders from over 40 states and about 30 states were part of our discussion this afternoon. Below are the original questions that we submitted last week as well as new questions.

We understand that there are many items to consider, pending legislation and potential policy changes/flexibility and we wanted to make sure SEA Title IIA leaders questions and requests were considered as decisions are being made.

Please let me know if you have any questions. We are meeting weekly and also have an online community so we can connect with most state SEA Title IIA leaders very quickly.

Thanks so much,

Christine Fox
Deputy Executive Director
SETDA//Leadership:Technology:Innovation:Learning
**202-715-6636 ext.702**
@SETDA @cafox
cfox@setda.org

**NEW QUESTIONS**

1. In reference to the Memorandum To The Heads Of Executive Departments And Agencies (M-20-17)- Does this document even apply to Title IIA? Who is the awarding agency? The ED or the SEA? https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-17.pdf
2. Can LEAs allow carryover of any unspent funds for individual private schools without them applying to the prospective LEAs for a waiver for the 2020/21 year?
3. Consideration for flexibility within the program, consider allowing LEAs to purchase online teaching platforms via Title IIA funds because of the new shift for teaching online.
4. If device was purchased for Title IIA funds for use for professional development, can teachers use that device for providing instruction (dual purpose of one device) during this time of eLearning per COVID-19 ?
5. Please confirm that state waivers for assessment and accountability include waivers on teacher evaluations.

**ORGINAL QUESTIONS**

AMERICAN OVERSIGHT

1. Can Title IIA SEA funds be used to purchase devices (tablets/laptops or hot spots for connectivity) for students to ensure equitable access to effective educators since students can't go to school? Or will there be a waiver about purchasing devices?

2. Since for many districts, engaging in online learning is not part of regular instruction - is this supplemental? What types of purchases would be permitted?

4. Are any plans to extend the federal grant period?
    a. Will dates for both 2018-19 and 19-20 be moved? Districts are concerned about carryover that expires this September 2020.

AMERICAN OVERSIGHT

**From:** Jones, Gina
**Sent:** Wed, 25 Mar 2020 13:02:13 -0500
**To:** COVID-19
**Subject:** Augsburg University - 002334 - Reduction in the length of an academic year

Hello,

Our institution decided to extend our schedule spring break by a week due to Coronavirus. We will now only have 29 weeks of instruction time in our academic year. Can we request a reduction in the length of our 2019-20 academic year to 29 weeks.

Thank you for your consideration.

Sincerely,

Gina E. Jones
Assistant Vice President of Enrollment
Director of Financial Aid
**Augsburg University**
2211 Riverside Avenue
Minneapolis, MN 55454
jonesg@augsburg.edu
612.330.1051

**WE ARE CALLED | AUGGIES**

Preferred pronouns: she, her, hers

AMERICAN OVERSIGHT

**From:** Good, Linda
**Sent:** Thu, 26 Mar 2020 02:38:06 +0000
**To:** COVID-19
**Subject:** Campus-Based Aid

If a student is unable to begin a course that begins mid-semester due to COVID-19 (for example, a travel course, and the travel is no longer allowed by state and/or federal authorities), and if that student is receiving campus-based aid, are schools required to recalculate COA and subsequently Title IV aid?

Thank you,

**LINDA KOEHN GOOD, M.S.**
**ASSOCIATE DIRECTOR OF CLIENT SERVICES**

Office of Scholarships and Financial Aid
405.744.7568 • 119 Student Union • finaid.okstate.edu

OKLAHOMA STATE UNIVERSITY

AMERICAN OVERSIGHT

**From:** Robertson, Elyse
**Sent:** Wed, 25 Mar 2020 20:38:12 +0000
**To:** COVID-19
**Cc:** Patrick, Kelly
**Subject:** COMPLETED- FW: Requesting guidance RE: devices and access points and sanitizing classrooms

Hello,

Please note that I have already responded to NJ's three COVID-19 questions (see response below) that were originally sent to the ED COVID mailbox by myself on Monday, March 23. This request is now complete.

Best,
Elyse

---

**From:** Robertson, Elyse
**Sent:** Wednesday, March 25, 2020 4:35 PM
**To:** O'Neil, Sandy <Sandy.O'Neil@doe.nj.gov>
**Cc:** frider@air.org; OESE.SGR.New Jersey <NewJersey.oese@ed.gov>
**Subject:** RE: Requesting guidance RE: devices and access points and sanitizing classrooms

Hello Sandy,

Thank you for your questions concerning Title IV-A Student Support and Academic Enrichment (Title IV-A) Programs use of funds to support activities related to the Coronavirus (COVID-19). Below are your original questions from Friday, March 20 and Monday, March 23 along with a response from our team.

New Jersey COVID-19 Questions:

1. The State of New Jersey is requesting to allocate Federal funds to address these extraordinary COVID-19 circumstances by using these funds to support childcare of essential workers so they may protect the health and safety of students, staff, and our communities.

2. I am writing to request guidance about how, under what circumstances, and on what basis a SEA can authorize expenditures for hot spots and other out-of-school internet access to facilitate student learning in this period of widespread and extended school closures?

3. Also, we have had many requests to use Title IV- A funding to pay for the cleaning and disinfecting of classrooms. While the cleaning of classrooms would normally be covered by

AMERICAN OVERSIGHT

the school, this extra care, as outlined by the CDC will be more intense and expensive. The thought of returning children to potentially unsanitized classrooms is causing stress among parents, students, teachers, principals and other school leaders. Can they use Safe and Healthy Students funds to pay for this extra sanitizing?

Department Response:

*Yes - Title IV-A funds may be used for expenses such as cleaning supplies, hand sanitizer, wipes, etc., if the State educational agency determines it is allowable and consistent with the purposes of the safe and healthy students content area; if they are reasonable, necessary and allocable to the grant, and supplement, and do not supplant, other State and local funds that would otherwise be used to pay for the allowable activity.*

*Additionally, if you determine that allocating funds to support childcare of essential workers, hot spots and other out-of-school internet access, or extra cleaning and disinfecting of classrooms is allowable consistent with the considerations described above, then it would be allowable.*

Please note that the Department has established a "COVID-19 Information and Resources for Schools and School Personnel" webpage, available at www.ed.gov/coronavirus, to support schools and communities as they plan, prepare and potentially respond to possible cases of COVID-19. The Department will regularly update this webpage as more information and guidance becomes available. The Department has also set-up a COVID-19 specific email address to streamline questions related to COVID-19. Please continue to send emails to both myself Elyse.Robertson@ed.gov and the new COVID-19@ed.gov email address so that I can help to keep track of your inquires.

As always, please let us know if you have any questions.

All the best,
Elyse

Elyse Robertson
U.S. Department of Education | Office of Safe and Supportive Schools|
400 Maryland Ave. SW| Suite 3E337 | Washington, D.C. 20202
Elyse.Robertson@Ed.gov | 202.260.0931

---

**From:** O'Neil, Sandy <Sandy.O'Neil@doe.nj.gov>
**Sent:** Friday, March 20, 2020 2:11 PM
**To:** Robertson, Elyse <Elyse.Robertson@ed.gov>
**Cc:** frider@air.org; OESE.SGR.New Jersey <NewJersey.oese@ed.gov>
**Subject:** Requesting guidance RE: devices and access points and sanitizing classrooms

Elyse,

AMERICAN OVERSIGHT

I am writing to request guidance about how, under what circumstances, and on what basis a SEA can authorize expenditures for hot spots and other out-of-school internet access to facilitate student learning in this period of widespread and extended school closures?

The FCC has waived the gift rules FCC's memo about waiving E-rate gift rules "[Federal Communication] Commission rules prohibit entities eligible for the RHC and E-Rate programs from soliciting or accepting any thing [sic] of value from a service provider participating or seeking to participate in those programs. Today's waiver will allow health care providers, schools, and libraries to accept improved capacity, Wi-Fi hotspots, networking gear, or other equipment or services to support doctors and patients, teachers and students, and librarians and patrons during the coronavirus outbreak. For example, some providers have expressed interest in providing free network upgrades for hospitals that need more robust connections to treat patients via telemedicine and free connected devices and hotspots for students who will be taking classes at home. This waiver will enable them to do such things."

Also, we have had many requests to use Title IV- A funding to pay for the cleaning and disinfecting of classrooms. While the cleaning of classrooms would normally be covered by the school, this extra care, as outlined by the CDC will be more intense and expensive. The thought of returning children to potentially unsanitized classrooms is causing stress among parents, students, teachers, principals and other school leaders. Can they use Safe and Healthy Students funds to pay for this extra sanitizing?

Kind regards,

Sandy O'Neil
Ed Tech Specialist|Title II-A and IV-A Coordinator| Office of Standards| Division of Academics and Performance
New Jersey Department of Education P.O. Box 500/ 100 River View Plaza/Trenton, NJ 08611 609-376-3883
sandy.oneil@doe.nj.gov

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AMERICAN OVERSIGHT

**From:** nquinones@etepr.edu
**Sent:** Wed, 25 Mar 2020 14:01:40 -0700
**To:** COVID-19
**Subject:** Consulta
**Importance:** High

Saludos,

Tengo una duda y deseo aclararla. La institucion para la que trabajo esta en recesso desde el 16 de marzo de 2020 hasta el 30 de marzo de 2020 y se podria extender. Es por esta razon que estamos trabajando un plan por si se extiende este periodo podamos ofrecer las clases a distancias para los grupos activos actualmente.Mi duda es en el caso de grupos nuevos que teniamos prograados para comenzar en el mes de abril esto es posible. Son estudiantes que su primer termino estaba pautado para este mes de abril y ellos no estan activos.Ya que en un comunicado del departamento indica que hay flexibilidad y deseo verificar. Muchas Gracias por la ayuda que puedan brindar.

Cordialmente

Nellyzaida Quinones Arce
Directora Institucional de Asistencia Economica

AMERICAN OVERSIGHT

**From:** Dr. Wanda White
**Sent:** Wed, 25 Mar 2020 18:12:36 +0000
**To:** COVID-19
**Cc:** James "JW" Kelley;Miller, Christopher;Martin, Gregory;Cox, Jack
**Subject:** Coronavirus and Title IV Flexibility Questions

To Whom It may Concern:
The NC Community System conducted a conference call with financial aid administrators from the 58 community colleges in North Carolina this morning. Participants in the call had additional questions that have been included below:
If possible, please review these questions and provide your responses to me as soon as possible. Additional questions may be submitted to you as they arise.
See questions below:

1. I learned yesterday that our college will treat the additional spring break week as "inclement weather days". If this is the case, David Bartnicki has advised in the past NOT to exclude those dates for R2T4 based on referring to those days as inclement weather days. Please Advise.

2. If we extended spring break but the semester will still end as previously stated meaning no expansion. Do we need to get permission from DOE?

3. What is the anticipated to DOE R2T4 Relief?

4. Has guidance regarding RT24 been included in the Stimulus Bill?

5. NASFAA said last week that extending the break but not the end date equaled shortening the term which requires Ed School Participation team approval. Does the college need approval from DOE?

6. The fact that some students have to work to get paid and others do not seem unfair? Can we make sure that answer is correct?

7. How are we going forth with paying our work study during this pandemic? Can we accept email signatures form from students and supervisors as wet signature?

8. If we have to extend the end date of the term due to COVID-19, do we have to go back & redo R2T4s that were completed beforehand?

AMERICAN OVERSIGHT

9. We have classes that fall into three categories now…those that only had one week of spring break extended due to COVID-19, those that were extended three weeks and we have some classes that are suspended until they can come back to campus. If you have a student in all three classes, how are we to treat the R2T4 if they withdraw?

Thank you in advance for your assistance with these questions. If you have questions or need additional information, please contact me.

Wanda White, Ed.D.
Director of Student Services
NC Community College System
200 West Jones Street
Raleigh, NC 27603
whitew@nccommunitycolleges.edu
919-807-7104

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E-mail correspondence to and from this address may be subject to the North Carolina Public Records Act and shall be disclosed to third parties when required by Chapter 132 of the North Carolina General Statutes.

AMERICAN OVERSIGHT

**From:** DDB Dwight DeBacker, Operating Manager
**Sent:** Wed, 25 Mar 2020 12:20:11 -0700
**To:** COVID-19
**Subject:** COVID-19 diagnostic tests

Sent from my iPhone

Begin forwarded message:

> **From:** "DDB Dwight DeBacker, Operating Manager" <dd@boxitservices.com>
> **Date:** March 16, 2020 at 11:49:34 AM PDT
> **To:** fundadmin@tbf.org
> **Subject: Fwd: COVID-19 diagnostic tests**

> Sent from my iPhone
>
> Begin forwarded message:

> > **From:** "DDB Dwight DeBacker, Operating Manager" <dd@boxitservices.com>
> > **Date:** March 16, 2020 at 11:46:37 AM PDT
> > **To:** info@cfgcr.org
> > **Subject: COVID-19 diagnostic tests**
>
> > Non-invasive, Passive, Low-cost & Safe...!
> > Unique opportunity to fast track solution and ramp it up and disburse it to where it matters...
> > Please take a look at the link and please spend a minute posting/emailing..
> > Dwight DeBacker
> > 702.833.9733
> > If it helps we have video from the "Future of Medicine" conference disclosing what we can do and another showing our ability to simultaneously detect biological conditions in multiple individuals.
> > https://www.gofundme.com/f/cv-gt-covid19-diagnostic-detection-at-a-distance?utm_source=customer&utm_medium=copy_link&utm_campaign=p_cf+share-flow-1 Caution: Pursuant to the electronic and

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

**From:** Dragon Chiquita
**Sent:** Wed, 25 Mar 2020 21:54:28 -0400
**To:** COVID-19
**Subject:** COVID-19 WORKSTUDY STUDENT

Good evening,
My question is what happeneds to the student workers who are now unemployed because of the "Quarantine Situation"? Do we now apply for unemployment? Are we even eligible for that?

AMERICAN OVERSIGHT

**From:** Karen Belling
**Sent:** Thu, 26 Mar 2020 03:18:09 +0000
**To:** COVID-19
**Subject:** Credit Balances Carried to next academic year

Greetings,

Wheaton College will be issuing partial room and board adjustments due to our decision to move to remote classes. When these adjustments post to the student account we will first determine if it creates a Title IV refund and if so process the refund to the student. However, if there is not a Title IV refund required, we will first apply the funds towards an outstanding balance, or if the student is on a payment plan the remaining monthly payments will recalculate to a lower payment amount. If the housing and meal plan adjustments create a credit balance on the account, the student may request a refund. My question is that for students who have a credit balance on the account and are not owed a Title IV refund, are we able to allow the credit balance stay on the student account to be applied towards future charges? Typically we send unsolicited refunds to students for credit balances in June to clear all the accounts before the start of the next fiscal year, but we're wondering if that is required, or if we can let the credits stay on the account. Again, the student may have some Title IV funds in their package but is not due a Title IV refund. Can you please let me know if this is an option? Is there a stipulation about considering these funds as EFA to be coordinated as part of the 2020-21 financial aid award?

Thank you.

Karen Belling
Director of Student Financial Services
Wheaton College

P. 630.752.5307

AMERICAN OVERSIGHT

**From:** Brandy Estes
**Sent:** Wed, 25 Mar 2020 18:41:21 +0000
**To:** COVID-19
**Subject:** Dept of Ed and student loans

Hello,
It's quite a long story as to how I have a student loan debt with the US Dept of Education but my entire tax refund was taken to go towards what I owe. My question is this and I was referred to you to ask it: if/when any stimulus package gets dispersed to a lot of people in the US, if I were to receive a check, would that also be taken?
I'm very worried about this because I lost my job due to the Coronavirus and that would not help me at all if on top of over 9000.00 from my tax refund AND the stimulus check were taken. That money could have really helped me and my family right now. Any help or answer would be appreciated.
Brandy Fields (Venegoni)
Get Outlook for Android

AMERICAN OVERSIGHT

**From:** Sammartino, Nicole Edythe
**Sent:** Wed, 25 Mar 2020 21:05:48 +0000
**To:** COVID-19
**Subject:** Emergency Notification Requirements during National Emergency

Good afternoon,

I am seeking guidance related to Clery Act Emergency Notification procedures.

Given the extraordinary circumstances of the National Emergency, we have employed various communication strategies to communicate with the entire campus community about COVID-19 and to provide additional communications with those who may have been in contact with a positive COVID-19 case.

Standard emergency notification systems do not allow for the level if information or detail we believe is necessary when communicating about the pandemic with our audiences (i.e., a text message or limited-character email may be insufficient in ensuring our community is well-informed, well-guided, and prepared to respond under these circumstances).

Will there be flexibility afforded to institutions to deviate from their emergency notification policy/procedures to accommodate for more sensitive and thorough communications by IHEs, so long as the appropriate segment(s) of the population are being notified and provided the guidance they need?

Thank you,
Nicole

**Nicole Sammartino, MPH**
Clery Act Compliance Coordinator

Office of Preparedness & Response
Office of the Vice Chancellor for Administrative Services

The University of Illinois at Chicago
1140 S. Paulina Street
112 Paulina Street Building, MC 911
Chicago, IL 60612
Email: nsamma2@uic.edu
Phone: (312) 413-5363

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AMERICAN OVERSIGHT

**From:** Richard Zaiden
**Sent:** Wed, 25 Mar 2020 20:07:29 +0000
**To:** COVID-19
**Subject:** Enrollment Periods

I am in receipt of a memo that originated as part of Q and A session with the Department.
The mem provides interpretive guidance relative to continued enrollments up to June 1st.

I need to confirm that programs that converted to Distance Ed under the COVID-19 Emergency may still enroll
Students up to June 1st. The original guidance limited the Distance Ed to students currently enrolled.

Richard J. Zaiden Jr.
Compliance and Facilities Director
Florida Vocational Institute
Miami, FL/Miramar, Fl
(786) 327 7953

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 17:46:56 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: 21st CCLC -- collection of fees, co-payments

Hello,

The email below was received in the COVID-19 mailbox. Please provide a response.

Thanks

Christine

---

**From:** Lund, Miriam <Miriam.Lund@ed.gov>
**Sent:** Tuesday, March 24, 2020 8:26 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** 21st CCLC -- collection of fees, co-payments

RRT staff,

Good morning. Thank you for taking on this monumental task; your work is apricated.

This is a 21st CCLC question from the Afterschool Alliance regarding the collection of fees during this a national crisis.

The Afterschool Alliance requests that payments, at current rate, to programs who continue to serve children should cease as their parents or caregivers are experiencing an inability to make co-payments or pay tuition. (Afterschool Alliance)

*The 21st CCLC grant program does not require students' families provide a co-payment of any type to participate in and receive the full benefits of the program. Any subgrantee who currently has received prior approval to collect any payments ( fees, co-payments or "tuition)" made to 21st CCLC subgrantee programs by students' parents or caregivers should be suspended indefinitely or until such a time as the COVID-19 national emergency has suspended and families have gotten back on their feet after the loss of jobs, lay-offs, and regained financial stability. The 21st CCLC program's purpose is to serve students from low-income families who attend low-performing schools to meet the challenging State academic standards though a broad array of activities and offer families of student opportunities for active and meaningful engagement in their children's education.*
*States according to 20 U.S.C. 7173 will ensure that the awards are of sufficient size and scope to support high-quality effective programs that are consistent with the purpose of the statute in amounts that are consistent with section 4204(h).*

AMERICAN OVERSIGHT

Miriam Lund

*Group Leader for the 21st Century Community Learning Centers Grant Program*
Office of Elementary and Secondary Education, **U.S. Department of Education**
p: 202-401-2871
a: 400 Maryland Ave., S.W., Room 3W246, Washington, DC 20202
w: www.ed.gov e: miriam.lund@ed.gov

"Intelligence plus character-that is the goal of true education."
— Martin Luther King Jr.

AMERICAN OVERSIGHT

**From:** Calderon, Brenda
**Sent:** Wed, 25 Mar 2020 19:36:12 +0000
**To:** COVID-19
**Cc:** Vakil, Mandana
**Subject:** FW: 30 day screening requirement

WE have received this question several times. Please route to Title III, Part A.

Thank you.

---

**From:** CLYDE JOANNE <JCLYDE@isbe.net>
**Sent:** Wednesday, March 25, 2020 3:35 PM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Subject:** 30 day screening requirement

Hello Brenda,

I hope that you and your family are staying healthy. I'm sure all of you at the DOE are very busy.

We here at ISBE are attempting to be pro-active in our planning around COVID-19. As we look to the future, we are anticipating that schools will have to transition to remote learning for the remainder of the school year. Obviously, this is dependent on the governor and the state of the COVID-19 pandemic. Once we are no longer using Act of God days, we return to the obligation that districts have to screen potential English Learners. We have received 2 questions from the field that we are trying to address. Both around the 30 day deadline.

1. If we had a family enroll just before the Act of God days happened, is the 30 day screening "clock" still counting?
2. Once we no longer have Act of God days, how do we screen students within the 30 day deadline if we still have a "stay in place" or quarantine order? All the screener tests require in person administration

We don't want to be encouraging families to come in to district and school buildings in order to have in-person, face-to-face screening tests during this pandemic. This would place students and staff in danger.

Is the DOE considering waiving the 30 day screening deadline for identifying English Learners? Could the 30 day deadline be extended to a 60 or a 90 day deadline in order to give states and districts time to come up with an alternate screening process? Can states waive the rule requiring formal screening for the duration of the pandemic? May we advise schools that if they have a student who should be screened, they should ensure all supports are available for that student as if they did qualify for EL services?

I know these are heavy questions, and will probably take a lot of discussion on your end. I look forward to hearing your thoughts or even having another discussion with you. Maybe we could be thought-partners in addressing this concern.

AMERICAN OVERSIGHT

Stay healthy,

**Joanne Clyde**
Director of Multilingual Services
Multilingual Department
Illinois State Board of Education
100 W. Randolph, Suite 14-300
Chicago, IL 60601
jclyde@isbe.net

**At this time, email is the most efficient way to contact me. I will respond as quickly as possible.**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:36:42 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: 30 day screening requirement

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Sent:** Wednesday, March 25, 2020 3:36 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vakil, Mandana <mandana.vakil@ed.gov>
**Subject:** FW: 30 day screening requirement

WE have received this question several times. Please route to Title III, Part A.

Thank you.

---

**From:** CLYDE JOANNE <JCLYDE@isbe.net>
**Sent:** Wednesday, March 25, 2020 3:35 PM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Subject:** 30 day screening requirement

Hello Brenda,

I hope that you and your family are staying healthy. I'm sure all of you at the DOE are very busy.

We here at ISBE are attempting to be pro-active in our planning around COVID-19. As we look to the future, we are anticipating that schools will have to transition to remote learning for the remainder of the school year. Obviously, this is dependent on the governor and the state of the COVID-19 pandemic. Once we are no longer using Act of God days, we return to the obligation that districts have to screen potential English Learners. We have received 2 questions from the field that we are trying to address. Both around the 30 day deadline.

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AMERICAN OVERSIGHT

We don't want to be encouraging families to come in to district and school buildings in order to have in-person, face-to-face screening tests during this pandemic. This would place students and staff in danger.

Is the DOE considering waiving the 30 day screening deadline for identifying English Learners? Could the 30 day deadline be extended to a 60 or a 90 day deadline in order to give states and districts time to come up with an alternate screening process? Can states waive the rule requiring formal screening for the duration of the pandemic? May we advise schools that if they have a student who should be screened, they should ensure all supports are available for that student as if they did qualify for EL services?

I know these are heavy questions, and will probably take a lot of discussion on your end. I look forward to hearing your thoughts or even having another discussion with you. Maybe we could be thought-partners in addressing this concern.

Stay healthy,

**Joanne Clyde**
Director of Multilingual Services
Multilingual Department
Illinois State Board of Education
100 W. Randolph, Suite 14-300
Chicago, IL 60601
jclyde@isbe.net

**At this time, email is the most efficient way to contact me. I will respond as quickly as possible.**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:44:57 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: 01013800 Stewart School (Chicago/Denver) Region

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:01 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Early, Jeremy <Jeremy.Early@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>; Peak, Marion <Marion.Peak@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** RE: 01013800 Stewart School (Chicago/Denver) Region

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** Peak, Marion <Marion.Peak@ed.gov>
**Sent:** Monday, March 16, 2020 3:51 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Early, Jeremy <Jeremy.Early@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
**Subject:** RE: 01013800 Stewart School (Chicago/Denver) Region

Below is notification from the school of the closure due to the coronavirus.

Thanks

AMERICAN OVERSIGHT

**Marion Peak**
Financial Analyst
Chicago/Denver School Participation Division
Federal Student Aid
1244 Speer Boulevard, Suite 201
Denver, Colorado 80204-3518
(303) 844-3320
(303)844-4695

---

**From:** Financial Aid Office <financialaid@stewartschool.com>
**Sent:** Monday, March 16, 2020 1:29 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>
**Cc:** 'Matt Fiegen' <[redacted]; Angela Taylor <angela.taylor@stewartschool.com>; Kristi Cole <KCole@gotodja.com>; Ben Sanders <ben@lsacpafirm.com>
**Subject:** 01013800 Stewart School (Chicago/Denver) Region

Dept of Ed. –

Please be aware of the following:

To help prevent the spread of COVID-19 and to follow the standard set by the State of South Dakota in closing all public schools, Stewart School will be closed Saturday, March 14 through Saturday, March 21st and reopen on Monday, March 23rd.

We will let you know if this changes.

Emergency contacts are in the E-App; my personal cell is (b)(6)

Thanks!

Angie Carlson
Financial Aid Director
Stewart School

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 18:01:52 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: A lot of new migrant families

Hello OESE,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Sent:** Tuesday, March 24, 2020 11:57 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>; Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** FW: A lot of new migrant families

---

**From:** Sarah Seamount <sseamount@sde.idaho.gov>
**Sent:** Tuesday, March 24, 2020 11:30 AM
**To:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Cc:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>
**Subject:** A lot of new migrant families

Hi Sarah,
I'm getting anecdotal information that families living in more urban areas (Boise and immediate surrounding areas) are losing work in restaurants, construction, etc. and moving to outlying towns to find work in agriculture since farmers are still hiring. Most of our family liaison/recruiters are not working this week due to spring break, but I'm not sure how many will be going to work at schools next week. I suspect many will be stuck at home for a while to come, but many liaisons are connected by phone to migrant families in their areas. If they hear of a new potential family in the area, my concern is how they will recruit the family without being put at risk through doing home visits. I'm guessing many/most will be forbidden to do home visits for quite a while.

We use an electronic COE that requires an interviewee signature and also has a place for a parent signature for a FERPA release to MSHS/HEP/CAMP. After talking to our IT developer about possible options for remote signatures, he asked me if we (under these very unusual circumstances) could accept a parent's verbal "signature" over the phone and sign the COE, "*Parent name* by phone" and they would add the date. Then we would mail the COE to the family when it was approved. We do have the ability to do state approval electronically, so that wouldn't be a problem.

AMERICAN OVERSIGHT

Have a great day!

Sarah Seamount

*Sarah Seamount, M.Ed.*
*Migrant Education Coordinator*
*Federal Programs*
*Idaho State Department of Education*
Phone: (208) 332-6958
Cell: (208) 550-9851

***"Supporting Schools and Students to Achieve"***

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:44:56 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Acadia Spa & School of Aesthetics (04165500)

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:06 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Early, Jeremy <Jeremy.Early@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>; Peak, Marion <Marion.Peak@ed.gov>
**Subject:** RE: Acadia Spa & School of Aesthetics (04165500)

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** Peak, Marion <Marion.Peak@ed.gov>
**Sent:** Monday, March 16, 2020 4:33 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Cc:** Early, Jeremy <Jeremy.Early@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
**Subject:** Acadia Spa & School of Aesthetics (04165500)

Acadia Spa & School of Aesthetics will be temporarily closing their facility and moving to distance education as a result of coronavirus. The school is inquiring as what type of notification the Department is requiring.

AMERICAN OVERSIGHT

**Marion Peak**
Financial Analyst
Chicago/Denver School Participation Division
Federal Student Aid
1244 Speer Boulevard, Suite 201
Denver, Colorado 80204-3518
(303) 844-3320
(303)844-4695

AMERICAN OVERSIGHT

**From:** Calderon, Brenda
**Sent:** Wed, 25 Mar 2020 18:03:32 +0000
**To:** COVID-19
**Cc:** Vakil, Mandana
**Subject:** FW: Assessment timeline for new students

Also sending this question just in case you didn't receive it.

Thank you,

Brenda

---

**From:** CLYDE JOANNE <JCLYDE@isbe.net>
**Sent:** Tuesday, March 17, 2020 5:55 PM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Subject:** FW: Assessment timeline for new students

Hi Brenda,

I feel like I've been a pest with questions lately, but this COVID situation has really thrown everyone for a loop. We had an interesting question from a district regarding screening students who may move in while school has been closed due to Coronavirus. See below.

What would the DOE advise? Should the 30 day timeline start when the school actually returns to session, or should districts try and get families to come in to the buildings in order to screen them?

Personally, I'd lean towards maintaining the health and safety of everyone and letting them wait until school returns to session, but that would go against Federal guidelines.

Thanks for any help you can provide.

**Joanne Clyde**
Director of Multilingual Services
Multilingual Department
Illinois State Board of Education
100 W. Randolph, Suite 14-300
Chicago, IL 60601
312-814-3850 – phone
312-814-9636 - fax
jclyde@isbe.net

---

**From:** Multilingual
**Sent:** Tuesday, March 17, 2020 3:12 PM

AMERICAN OVERSIGHT

**To:** NAOLHU SENG <SNAOLHU@isbe.net>; CLYDE JOANNE <JCLYDE@isbe.net>
**Subject:** FW: Assessment timeline for new students

Hi Seng and Joanne,

Please see the question below from Schaumburg SD 54 regarding screening during this time. It probably wont be the first time we will receive this question. Thank you!

Edwin Sánchez
Multilingual Department
Illinois State Board of Education

---

**From:** Meyer, Danette <DanetteMeyer@sd54.k12.il.us>
**Sent:** Tuesday, March 17, 2020 11:54 AM
**To:** Multilingual <Multilingual@isbe.net>
**Subject:** Assessment timeline for new students

Hi,

I hope you are all doing well and staying safe in this challenging time.

As we consider the logistics of the coming weeks, I think one question that will arise is when we have new students register, will we need to provide an EL screening within 30 days? We are planning to provide students with a devise for one on one instruction and get them in a "virtual" class with a teacher.

I know it is not likely that you will have an answer at this time but if it could get on the question list, that would be great.

Thank you.

Danette

Danette Meyer
Assistant Superintendent
for Language and Culture
Schaumburg SD54
847.357.5096

SCHOOL DISTRICT 54
Ensuring Student Success

DEPARTMENT OF LANGUAGE & CULTURE

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:28:15 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Assessment timeline for new students

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:04 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vakil, Mandana <mandana.vakil@ed.gov>
**Subject:** FW: Assessment timeline for new students

Also sending this question just in case you didn't receive it.

Thank you,

Brenda

---

**From:** CLYDE JOANNE <JCLYDE@isbe.net>
**Sent:** Tuesday, March 17, 2020 5:55 PM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Subject:** FW: Assessment timeline for new students

Hi Brenda,

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What would the DOE advise? Should the 30 day timeline start when the school actually returns to session, or should districts try and get families to come in to the buildings in order to screen them?

Personally, I'd lean towards maintaining the health and safety of everyone and letting them wait until school returns to session, but that would go against Federal guidelines.

Thanks for any help you can provide.

AMERICAN OVERSIGHT

**Joanne Clyde**
Director of Multilingual Services
Multilingual Department
Illinois State Board of Education
100 W. Randolph, Suite 14-300
Chicago, IL 60601
312-814-3850 – phone
312-814-9636 - fax
jclyde@isbe.net

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**From:** Multilingual
**Sent:** Tuesday, March 17, 2020 3:12 PM
**To:** NAOLHU SENG <SNAOLHU@isbe.net>; CLYDE JOANNE <JCLYDE@isbe.net>
**Subject:** FW: Assessment timeline for new students

Hi Seng and Joanne,

Please see the question below from Schaumburg SD 54 regarding screening during this time. It probably wont be the first time we will receive this question. Thank you!

Edwin Sánchez
Multilingual Department
Illinois State Board of Education

---

**From:** Meyer, Danette <DanetteMeyer@sd54.k12.il.us>
**Sent:** Tuesday, March 17, 2020 11:54 AM
**To:** Multilingual <Multilingual@isbe.net>
**Subject:** Assessment timeline for new students

Hi,

I hope you are all doing well and staying safe in this challenging time.

As we consider the logistics of the coming weeks, I think one question that will arise is when we have new students register, will we need to provide an EL screening within 30 days? We are planning to provide students with a devise for one on one instruction and get them in a "virtual" class with a teacher.

I know it is not likely that you will have an answer at this time but if it could get on the question list, that would be great.

Thank you.

Danette

AMERICAN OVERSIGHT

Danette Meyer
Assistant Superintendent
for Language and Culture
Schaumburg SD54
847.357.5096

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 18:21:57 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: Assistance for Students

Hello,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Tammy Easter <Tammy.Easter@moody.edu>
**Sent:** Tuesday, March 24, 2020 12:33 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Assistance for Students

Hello,

Our on campus students that are now training/learning online due to COVID-19, if our institution give students vouchers for room/housing to help with past due balances do we need to update the EFA for students this current semester (Spring 20 semester)?

Thank you,

**Tammy Easter**
Director of Financial Aid | Financial Aid
(312) 329-4107 (Phone)
(312) 329-4274 (Fax)

820 N. LaSalle Blvd., Chicago, IL 60610
moody.edu

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:44:52 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Augsburg University - 002334 - Reduction in the length of an academic year

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

**From:** Jones, Gina <jonesg@augsburg.edu>
**Sent:** Wednesday, March 25, 2020 2:02 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Augsburg University - 002334 - Reduction in the length of an academic year

Hello,

Our institution decided to extend our schedule spring break by a week due to Coronavirus. We will now only have 29 weeks of instruction time in our academic year. Can we request a reduction in the length of our 2019-20 academic year to 29 weeks.

Thank you for your consideration.

Sincerely,

Gina E. Jones
Assistant Vice President of Enrollment
Director of Financial Aid
**Augsburg University**
2211 Riverside Avenue
Minneapolis, MN 55454
jonesg@augsburg.edu
612.330.1051

**WE ARE CALLED | AUGGIES**

Preferred pronouns: she, her, hers

AMERICAN OVERSIGHT

**From:** OESE.HomelessEd
**Sent:** Wed, 25 Mar 2020 18:21:31 +0000
**To:** COVID-19
**Cc:** Muhammad, Faatimah;Thurmond, Bryan
**Subject:** FW: Call Tomorrow, 3/25, with CDC, ED, USICH for Homeless Educators on COVID-19

Team,

Please see the below email from Eileen Botelho, the McKinney-Vento State Coordinator for Rhode Island. As additional context, Eileen submitted her questions in anticipation of a webinar, sponsored by one of our external partners, that will take place later this afternoon. The Department will not formally participate in the webinar but has committed to responding to grantee questions (after the event) that are elevanted during the webinar.

Thank you for all you are doing to get responses out to our grantees!

Bryan

**Bryan Thurmond**
Teachers, Leaders, and Special Populations Team
Office of School Support and Accountability
Office of Elementary and Secondary Education
U.S. Department of Education
bryan.thurmond@ed.gov
202-205-4914 (office)

---

**From:** Thurmond, Bryan <Bryan.Thurmond@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:15 PM
**To:** Botelho, Eileen <Eileen.Botelho@ride.ri.gov>
**Cc:** George Hancock <ghancock@serve.org>; Christina Dukes <cdukes@serve.org>; Barbara Duffield <barbara@schoolhouseconnection.org>; patricia@schoolhouseconnection.org; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; OESE.HomelessEd <HomelessEd@ed.gov>
**Subject:** RE: Call Tomorrow, 3/25, with CDC, ED, USICH for Homeless Educators on COVID-19

Hi Eileen,

Thank you for your questions—and thank you for all you are doing to support students experiencing homelessness across Rhode Island during this challenging time. I will share these questions with the Department's COVID-19 response team, and we will circle back with you as soon as possible. I'm also copying the Department's McKinney-Vento mailbox (HomelessEd@ed.gov); please feel free to reach out if we can provide any additional assistance.

Thanks for all you are doing—and please take care,
Bryan

AMERICAN OVERSIGHT

**Bryan Thurmond**
Teachers, Leaders, and Special Populations Team
Office of School Support and Accountability
Office of Elementary and Secondary Education
U.S. Department of Education
bryan.thurmond@ed.gov
202-205-4914 (office)

---

**From:** Botelho, Eileen <Eileen.Botelho@ride.ri.gov>
**Sent:** Wednesday, March 25, 2020 12:59 PM
**To:** Barbara Duffield <barbara@schoolhouseconnection.org>
**Cc:** George Hancock <ghancock@serve.org>; Christina Dukes <cdukes@serve.org>; patricia@schoolhouseconnection.org; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Thurmond, Bryan <Bryan.Thurmond@ed.gov>
**Subject:** RE: Call Tomorrow, 3/25, with CDC, ED, USICH for Homeless Educators on COVID-19

Thanks Barbara!

One of our LEA's (that does, in fact, have a MV subgrant) asked this about its homeless students:

> All kids have devices. I have run across one family with no internet. Cox can provide a hotspot for $20 a month. Could I use McKinney Vento grant funds to pay for this?

My second part to that question is, ( if the answer is "yes" ) is what about the majority of our 60+ LEA's that don't have subgrants – can they used Title 1A funds which were reserved for homeless students?

*Eileen Botelho*
*Education Specialist - Title I*
*State Homeless Education Coordinator*
*Rhode Island Department of Elementary & Secondary Education*
*Office of Student, Community, & Academic Supports*
*255 Westminster Street*
*Providence, RI 02903*

*T: 401.222.8466*
*F: 401.222.6030*

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---

**From:** Barbara Duffield [mailto:barbara@schoolhouseconnection.org]
**Sent:** Tuesday, March 24, 2020 8:42 AM
**To:** State Coordinators <barbara@schoolhouseconnection.org>
**Cc:** George Hancock <ghancock@serve.org>; Christina Dukes <cdukes@serve.org>; patricia@schoolhouseconnection.org; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Thurmond, Bryan <Bryan.Thurmond@ed.gov>
**Subject:** Call Tomorrow, 3/25, with CDC, ED, USICH for Homeless Educators on COVID-19
**Importance:** High

Dear State Coordinators and Friends,

We hope this email finds you as well as is possible under the circumstances.

Please see below for time-sensitive items, including a Zoom audio call tomorrow for homeless education professionals on COVID-19 with leaders from the CDC, US Department of Education, and USICH. Please also note an April 1 deadline for a vote by state Youth Risk Behavior Survey (YRBS) Coordinators on a homelessness question to be added to the 2021 YRBS.

- **Call with Federal Leaders on COVID-19 - Wednesday, March 25 at 4pm.** The U.S. Interagency Council on Homelessness (USICH) will host a Zoom audio call specifically for McKinney-Vento State Coordinators and local school district homeless liaisons. Representatives from the CDC and the U.S. Department of Education will join USICH to share the latest information, answer questions, and hear about the challenges for homeless children, youth, and families in the wake of school closures and the COVID-19 outbreak.

  **Please reply to this email with questions that you would like addressed by federal agencies, so we can compile them in advance for federal leaders.**

  TO JOIN:

  Join Zoom Meeting
  https://zoom.us/j/491253576
  Meeting ID: 491 253 576
  One tap mobile
  +13126266799,,491253576#

  [Please note that the Zoom audio call is limited to 500 people.]

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- **COVID-19 and Homelessness Resources.** To support states and schools, we have created a COVID-19 webpage, with curated resources and documents developed in response to requests from the homeless education field. The webpage includes: 1) a checklist and strategies for LEAs and early learning programs; 2) a short guide for supporting homeless and foster youth in higher education; 3) federal policy updates; 4) Q&As; and 5) resources from federal agencies. Last week, we hosted a virtual conversation on needs and strategies, and we will host another webinar tomorrow (Wednesday) at 3pm Eastern. We're also working with private philanthropy and Congress to direct resources to homeless students. All COVID-19 information, including federal policy updates, may be found here. The National Center for Homeless Education's COVID-19 resource page is here.

- **April 1 Deadline for Voting on Homelessness Question on YRBS.** On April 1, the CDC will send a ballot to all State Youth Risk Behavior Survey (YRBS) Coordinators, allowing them to vote on questions to add to the 2021 standard high school YRBS questionnaire. A question on homelessness is on the ballot. Adding this question to the standard questionnaire would provide the largest, national dataset on self-identified student homelessness, helping to reset funding decisions; provide a realistic, national picture of student homelessness; and give all states a target for homelessness identification efforts. We are urging McKinney-Vento State Coordinators, liaisons, and homeless advocates to contact their YRBS State Coordinator and ask them to vote to add the homelessness question to the 2021 standard high school questionnaire.

  The contact information for your YRBS State Coordinator is available in this Excel spreadsheet. A sample argument for why inclusion of the question is so important is available here. Please circulate this request across your networks. More background on the YRBS and homelessness questions is here.

Thanks very much, and please don't hesitate to let us know how we can support you.

Take care,
Barbara

--
Barbara Duffield, Executive Director
Website: SchoolHouse Connection
Office: 202.364.7392 | Cell: 202.549.7668
Twitter: @SchoolHouseConn | Facebook: SchoolHouse Connection
***Overcoming Homelessness Through Education***

Sign up for news and updates

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:31:01 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Call Tomorrow, 3/25, with CDC, ED, USICH for Homeless Educators on COVID-19

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** OESE.HomelessEd <HomelessEd@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:22 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Thurmond, Bryan <Bryan.Thurmond@ed.gov>
**Subject:** FW: Call Tomorrow, 3/25, with CDC, ED, USICH for Homeless Educators on COVID-19

Team,

Please see the below email from Eileen Botelho, the McKinney-Vento State Coordinator for Rhode Island. As additional context, Eileen submitted her questions in anticipation of a webinar, sponsored by one of our external partners, that will take place later this afternoon. The Department will not formally participate in the webinar but has committed to responding to grantee questions (after the event) that are elevanted during the webinar.

Thank you for all you are doing to get responses out to our grantees!

Bryan

**Bryan Thurmond**
Teachers, Leaders, and Special Populations Team
Office of School Support and Accountability
Office of Elementary and Secondary Education
U.S. Department of Education
bryan.thurmond@ed.gov
202-205-4914 (office)

---

**From:** Thurmond, Bryan <Bryan.Thurmond@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:15 PM
**To:** Botelho, Eileen <Eileen.Botelho@ride.ri.gov>

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**Cc:** George Hancock <ghancock@serve.org>; Christina Dukes <cdukes@serve.org>; Barbara Duffield <barbara@schoolhouseconnection.org>; patricia@schoolhouseconnection.org; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; OESE.HomelessEd <HomelessEd@ed.gov>
**Subject:** RE: Call Tomorrow, 3/25, with CDC, ED, USICH for Homeless Educators on COVID-19

Hi Eileen,

Thank you for your questions—and thank you for all you are doing to support students experiencing homelessness across Rhode Island during this challenging time. I will share these questions with the Department's COVID-19 response team, and we will circle back with you as soon as possible. I'm also copying the Department's McKinney-Vento mailbox (HomelessEd@ed.gov); please feel free to reach out if we can provide any additional assistance.

Thanks for all you are doing—and please take care,
Bryan

**Bryan Thurmond**
Teachers, Leaders, and Special Populations Team
Office of School Support and Accountability
Office of Elementary and Secondary Education
U.S. Department of Education
bryan.thurmond@ed.gov
202-205-4914 (office)

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**To:** Barbara Duffield <barbara@schoolhouseconnection.org>
**Cc:** George Hancock <ghancock@serve.org>; Christina Dukes <cdukes@serve.org>; patricia@schoolhouseconnection.org; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Thurmond, Bryan <Bryan.Thurmond@ed.gov>
**Subject:** RE: Call Tomorrow, 3/25, with CDC, ED, USICH for Homeless Educators on COVID-19

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*Eileen Botelho*

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*Education Specialist - Title I*
*State Homeless Education Coordinator*
*Rhode Island Department of Elementary & Secondary Education*
*Office of Student, Community, & Academic Supports*
*255 Westminster Street*
*Providence, RI 02903*

*T: 401.222.8466*
*F: 401.222.6030*

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**Cc:** George Hancock <ghancock@serve.org>; Christina Dukes <cdukes@serve.org>; patricia@schoolhouseconnection.org; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Thurmond, Bryan <Bryan.Thurmond@ed.gov>
**Subject:** Call Tomorrow, 3/25, with CDC, ED, USICH for Homeless Educators on COVID-19
**Importance:** High

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**Please reply to this email with questions that you would like addressed by federal agencies, so we can compile them in advance for federal leaders.**

TO JOIN:

Join Zoom Meeting
https://zoom.us/j/491253576
Meeting ID: (b)(6)
One tap mobile
(b)(6)

[Please note that the Zoom audio call is limited to 500 people.]

- **COVID-19 and Homelessness Resources.** To support states and schools, we have created a COVID-19 webpage, with curated resources and documents developed in response to requests from the homeless education field. The webpage includes: 1) a checklist and strategies for LEAs and early learning programs; 2) a short guide for supporting homeless and foster youth in higher education; 3) federal policy updates; 4) Q&As; and 5) resources from federal agencies. Last week, we hosted a virtual conversation on needs and strategies, and we will host another webinar tomorrow (Wednesday) at 3pm Eastern. We're also working with private philanthropy and Congress to direct resources to homeless students. All COVID-19 information, including federal policy updates, may be found here. The National Center for Homeless Education's COVID-19 resource page is here.

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Thanks very much, and please don't hesitate to let us know how we can support you.

Take care,

AMERICAN OVERSIGHT

Barbara

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Barbara Duffield, Executive Director
Website: SchoolHouse Connection
Office: 202.364.7392 | Cell: 202.549.7668
Twitter: @SchoolHouseConn | Facebook: SchoolHouse Connection
***Overcoming Homelessness Through Education***

Sign up for news and updates

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:44:50 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Closing

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

-----Original Message-----
From: FederalStudentAid <FederalStudentAid@ed.gov>
Sent: Wednesday, March 25, 2020 1:56 PM
To: FSA Case Teams <CaseTeams@ed.gov>; COVID-19 <COVID-19@ed.gov>
Cc: Minor, Robin <Robin.Minor@ed.gov>; Sawyer, Tammi <Tammi.Sawyer@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>; Early, Jeremy <Jeremy.Early@ed.gov>
Subject: RE: Closing

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

-----Original Message-----
From: Sawyer, Tammi <Tammi.Sawyer@ed.gov>
Sent: Monday, March 16, 2020 10:46 AM
To: FederalStudentAid <FederalStudentAid@ed.gov>; Early, Jeremy <Jeremy.Early@ed.gov>
Cc: Minor, Robin <Robin.Minor@ed.gov>
Subject: FW: Closing

Hi Federal Student Aid,

Paul Mitchell has COVID-19 questions concerning the closing of schools and how to notify the Department.

Tammi

-----Original Message-----
From: Chris Claybaugh <chrisc@paulmitchell.edu>
Sent: Monday, March 16, 2020 9:37 AM
To: Sawyer, Tammi <Tammi.Sawyer@ed.gov>
Cc: Peggy Sproat <peggys@rapidcity.paulmitchell.edu>

AMERICAN OVERSIGHT

Subject: Closing

Hi

Bet you haven't heard this question yet. Schools are requiring to close for a week, maybe two. Do they need to and if so how do they notify you? Thanks

Sent from my iPhone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 18:10:17 +0000
**To:** Sullivan, Madeline
**Cc:** Williams, Bryan;COVID-19
**Subject:** FW: COE and Signatures
**Importance:** High

Hello Madeline,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Sent:** Tuesday, March 24, 2020 12:06 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>; Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** FW: COE and Signatures
**Importance:** High

OME has sent an acknowledgement email.

---

**From:** Benassi, Christina - Division of School and Program Improvement <christina.benassi@education.ky.gov>
**Sent:** Tuesday, March 24, 2020 11:27 AM
**To:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Subject:** COE and Signatures
**Importance:** High

Sara,

I sent the following email to my director to get her input but she basically said I must contact you to get final decisions on how our state should move forward. Can you please provide our state with some guidance? If you have time for a chat, I also had some funding questions as well.

Thank you.

Christina

AMERICAN OVERSIGHT

**Christina Benassi, MA in Elementary Education**
**MA in Learning Behavior Disorders**
Title I, Part C Kentucky Migrant State Director, Planning Branch
Title I, Part A Consultant, English Learners, Migrant and Neglected & Delinquent Branch

Division of School and Program Improvement
Office of Continuous Improvement
Kentucky Department of Education
300 Sower Blvd. – 5th floor
Frankfort, KY 40601
(502) 564-3791, ext. 4025 | Fax (502) 564-8149
Christina.benassi@education.ky.gov

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---

**From:** Benassi, Christina - Division of School and Program Improvement
**Sent:** Friday, March 20, 2020 1:22 PM
**To:** Rodriguez, Tara - KDE Division Director <tara.rodriguez@education.ky.gov>
**Cc:** Neil - Division of Consolidated Plans and Audits Watts (neil.watts@education.ky.gov) <neil.watts@education.ky.gov>
**Subject:** COE and Signatures
**Importance:** High

**Tara,**

**Tara, thanks for talking with me about my concerns with our recruiters earlier today. I really appreciate your assistance. I looked for some information on the signatures and this is what I have found according to the National COE instructions, Results web page, and NRG for Chapter two. If you look at the H4 it stated that, "the content of these sections must remain unaltered, with limited exceptions." I am not sure if the we could write a comment stating, "signature could not be obtained due to COVID-19." I would like to see what Whitney things about that. Also, we would verify these signatures on September 1 to ensure the student is still eligible during the next funding year.**

**Here are a few options I have talked about with other states and wanted to get your thoughts.**

AMERICAN OVERSIGHT

1. **Get electronic COEs over phone and then write comment about not getting signature with COVID-19.**

2. **Get a ECOE over phone and then hold the COE until a signature is obtained. Then mail a copy of the COE to the family/farmer, etc. and get a paper signature and write on the COE that signature is on file. The virus dies on paper within 24 hours. (Issue: some people don't know their address.)**

3. **Get Electronic COEs over phone and then write in comments about not getting signature with COVID-19 but get a signature verification before 9-1-20 to verify there were here one day during the current performance period. (Issues: The people may have moved so we may not be able to get signatures for all.)**

**Let me know what your thoughts are? Thanks again for helping us during this difficult time. I appreciate your help. Thank you.**

**Christina**

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**Guidance**

Chapter 2: Child Eligibility

**H4. What are the required data *sections* for the national COE?**

The required data sections mandated by the national COE are as follows: Qualifying Moves & Work Section, Comment Section, Interviewee Signature Section, and Eligibility Certification Section. The content of these sections must remain unaltered, with limited exceptions. Certain formatting changes are allowable.

**H10. Must the recruiter sign the national COE?**

Yes. The recruiter's signature on the national COE certifies that: (1) the children are eligible for the MEP, and (2) the information upon which the recruiter based the eligibility determination is correct to the best of his or her knowledge. Moreover, under 34 C.F.R. § 200.89(c) and (d), the Department requires this signature on the national COE as an element of a reasonable system of quality control.

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Results web page:
Interviewee Signature Section. The interviewee signs and dates the COE on the day the interview is conducted. The interviewee must also write his or her relationship to the child.
I understand the purpose of this form is to help the state determine if the child(ren)/youth listed on this form is/are eligible for the Title I, Part C, Migrant Education Program. To the best of my knowledge, all of the information I provided to the interviewer is true.
Signature, Relationship to the child(ren), Date

The person who signs the COE must be the source of the information contained in the document and should verify any information provided by another source. If the interviewee is unable to sign his or her name, he or she must mark an "X" in the signature section and the recruiter must print the parent's name and relationship to the child in the Comments section. If the interviewee refuses to sign his or her name, the recruiter must document the interviewee's refusal in the Comments section and print the interviewee's name and relationship to the child.

If a state chooses to include other statements that require, for example, a parent/guardian signature specifically, the state can include those statements separately from the Interviewee Signature. ED strongly recommends that states obtain the approval of their legal counsel to ensure that additional statements they add to this section comply with the applicable federal, state, and local laws and policies.

The recruiter should make sure the interviewee understands what he or she is signing. The recruiter can do this by reviewing every line of the COE and confirming with the parent that the information is correct. If the interviewee can read, the recruiter should give the interviewee a blank copy of the COE form in his or her native language (if available) so the interviewee can follow along. Once the SEA-designated reviewer reviews, signs, and dates, the COE, the MEP should send a copy of the COE by mail or hand-deliver it at a later date.

COE Directions

Same as above

***Christina Benassi, MA in Elementary Education***
***MA in Learning Behavior Disorders***
Title I, Part C Kentucky Migrant State Director, Planning Branch
Title I, Part A Consultant, English Learners, Migrant and Neglected & Delinquent Branch

Division of School and Program Improvement
Office of Continuous Improvement
Kentucky Department of Education
300 Sower Blvd. – 5th floor
Frankfort, KY 40601

AMERICAN OVERSIGHT

(502) 564-3791, ext. 4025 | Fax (502) 564-8149
Christina.benassi@education.ky.gov

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 18:21:23 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: COE and Signatures

Hello OESE,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Sent:** Tuesday, March 24, 2020 12:06 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>; Gillette, Lisa <Lisa.Gillette@ed.gov>
**Subject:** FW: COE and Signatures
**Importance:** High

OME has sent an acknowledgement email.

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**From:** Benassi, Christina - Division of School and Program Improvement <christina.benassi@education.ky.gov>
**Sent:** Tuesday, March 24, 2020 11:27 AM
**To:** Martinez, Sarah <Sarah.Martinez@ed.gov>
**Subject:** COE and Signatures
**Importance:** High

Sara,

I sent the following email to my director to get her input but she basically said I must contact you to get final decisions on how our state should move forward. Can you please provide our state with some guidance? If you have time for a chat, I also had some funding questions as well.

Thank you.

Christina

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***Christina Benassi, MA in Elementary Education***
***MA in Learning Behavior Disorders***
Title I, Part C Kentucky Migrant State Director, Planning Branch
Title I, Part A Consultant, English Learners, Migrant and Neglected & Delinquent Branch

Division of School and Program Improvement
Office of Continuous Improvement
Kentucky Department of Education
300 Sower Blvd. – 5th floor
Frankfort, KY 40601
(502) 564-3791, ext. 4025 | Fax (502) 564-8149
Christina.benassi@education.ky.gov

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**From:** Benassi, Christina - Division of School and Program Improvement
**Sent:** Friday, March 20, 2020 1:22 PM
**To:** Rodriguez, Tara - KDE Division Director <tara.rodriguez@education.ky.gov>
**Cc:** Neil - Division of Consolidated Plans and Audits Watts (neil.watts@education.ky.gov) <neil.watts@education.ky.gov>
**Subject:** COE and Signatures
**Importance:** High

**Tara,**

**Tara, thanks for talking with me about my concerns with our recruiters earlier today. I really appreciate your assistance. I looked for some information on the signatures and this is what I have found according to the National COE instructions, Results web page, and NRG for Chapter two. If you look at the H4 it stated that, "the content of these sections must remain unaltered, with limited exceptions." I am not sure if the we could write a comment stating, "signature could not be obtained due to COVID-19." I would like to see what Whitney things about that. Also, we would verify these signatures on September 1 to ensure the student is still eligible during the next funding year.**

**Here are a few options I have talked about with other states and wanted to get your thoughts.**

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1. **Get electronic COEs over phone and then write comment about not getting signature with COVID-19.**

2. **Get a ECOE over phone and then hold the COE until a signature is obtained. Then mail a copy of the COE to the family/farmer, etc. and get a paper signature and write on the COE that signature is on file. The virus dies on paper within 24 hours. (Issue: some people don't know their address.)**

3. **Get Electronic COEs over phone and then write in comments about not getting signature with COVID-19 but get a signature verification before 9-1-20 to verify there were here one day during the current performance period. (Issues: The people may have moved so we may not be able to get signatures for all.)**

**Let me know what your thoughts are? Thanks again for helping us during this difficult time. I appreciate your help. Thank you.**

**Christina**

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**Guidance**

Chapter 2: Child Eligibility

**H4. What are the required data *sections* for the national COE?**

The required data sections mandated by the national COE are as follows: Qualifying Moves & Work Section, Comment Section, Interviewee Signature Section, and Eligibility Certification Section. The content of these sections must remain unaltered, with limited exceptions. Certain formatting changes are allowable.

**H10. Must the recruiter sign the national COE?**

Yes. The recruiter's signature on the national COE certifies that: (1) the children are eligible for the MEP, and (2) the information upon which the recruiter based the eligibility determination is correct to the best of his or her knowledge. Moreover, under 34 C.F.R. § 200.89(c) and (d), the Department requires this signature on the national COE as an element of a reasonable system of quality control.

Results web page:

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Interviewee Signature Section. The interviewee signs and dates the COE on the day the interview is conducted. The interviewee must also write his or her relationship to the child.
I understand the purpose of this form is to help the state determine if the child(ren)/youth listed on this form is/are eligible for the Title I, Part C, Migrant Education Program. To the best of my knowledge, all of the information I provided to the interviewer is true.
Signature, Relationship to the child(ren), Date

The person who signs the COE must be the source of the information contained in the document and should verify any information provided by another source. If the interviewee is unable to sign his or her name, he or she must mark an "X" in the signature section and the recruiter must print the parent's name and relationship to the child in the Comments section. If the interviewee refuses to sign his or her name, the recruiter must document the interviewee's refusal in the Comments section and print the interviewee's name and relationship to the child.

If a state chooses to include other statements that require, for example, a parent/guardian signature specifically, the state can include those statements separately from the Interviewee Signature. ED strongly recommends that states obtain the approval of their legal counsel to ensure that additional statements they add to this section comply with the applicable federal, state, and local laws and policies.

The recruiter should make sure the interviewee understands what he or she is signing. The recruiter can do this by reviewing every line of the COE and confirming with the parent that the information is correct. If the interviewee can read, the recruiter should give the interviewee a blank copy of the COE form in his or her native language (if available) so the interviewee can follow along. Once the SEA-designated reviewer reviews, signs, and dates, the COE, the MEP should send a copy of the COE by mail or hand-deliver it at a later date.

## COE Directions

Same as above

***Christina Benassi, MA in Elementary Education***
***MA in Learning Behavior Disorders***
Title I, Part C Kentucky Migrant State Director, Planning Branch
Title I, Part A Consultant, English Learners, Migrant and Neglected & Delinquent Branch

Division of School and Program Improvement
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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:05:59 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: COE Completion Questions

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Medina, Carmen <cmedina@pa.gov>
**Sent:** Wednesday, March 25, 2020 7:34 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Gillette, Lisa <Lisa.Gillette@ed.gov>; Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>; jreyes-lua@csc.csiu.org
**Subject:** COE Completion Questions

Below are 2 questions for the OME. Thank you.

COE signature and interview by phone.

Due to the COVID-19 outbreak, all recruiters have been asked to work from home and are not authorize to make field visits to conduct person-to-person interviews. During this same time, most industries which employ MEP eligible families are operating at full capacity and are continuing with the hiring processes for temporary or seasonal workers.

**Questions:**

Can a recruiter complete the eligibility interview using a phone call or virtual platform until recruiters are authorized to begin conducting field visits?

Can the Recruiter complete the Certificate of Eligibility without obtaining a physical signature from the individual providing the information if the individual provides verbal consent and all MEP eligibility criteria is met?

Refer to:

**H9. Must the interviewee sign the national COE?**

Except for a few limited exceptions, yes. (See the instructions for completing the national COE at http://www2.ed.gov/programs/mep/legislation.html for more information about these exceptions.) By signing the national COE, the interviewee confirms that the information he or she provided is accurate and identifies who provided the information so that the SEA can verify information contained on the COE at a later date, if necessary.

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Q. Can the recruitment process be considered complete if a parent/guardian refuses to sign the Certificate of Eligibility (COE)? Can a child's COE information be transmitted to the Migrant Student Information Exchange (MSIX) if the parent did not sign the COE? Our State COE has added a series of checkboxes under the Interviewee signature section, which includes a Family Educational Rights and Privacy Act (FERPA) statement for release of records.

— Hide Answer

If a parent refuses to sign the COE because the parent does not want his or her child to participate in the Migrant Education Program (MEP), then the recruiter must not proceed with completing and approving the COE. If a parent's refusal to sign the COE is not based on a refusal to have his/her child participate in the program, the recruiter may proceed with completing and approving the COE. The MEP's Non-Regulatory Guidance (NRG) states that, except in the case of a few limited exceptions, the interviewee must sign the national COE (see MEP NRG Chapter II, H9). However, the lack of an interviewee's signature on the COE does not necessarily invalidate the COE or otherwise preclude the child from being determined eligible for MEP services. The National COE Instructions state that "If the interviewee refuses to sign his or her name, the recruiter must document the interviewee's refusal in the Comments section and print the interviewee's name and relationship to the child."

When it comes to reinterview and doing it by phone, this has been answered multiple times in the Q&As. OME has said reinterviews can be done over the phone:

*Topic(s): Identification and Recruitment*

*Subtopic(s): Re-interviewing*

**A significant portion of the State's Identification and Recruitment (ID&R) budget is spent on the travel costs associated with recruitment (gas, vehicle maintenance, Global Positioning System (GPS) systems, travel time) because the migratory population in the State is spread far and wide. By conducting prospective re-interviews in person, the State is essentially doubling these costs. Can re-interviews be conducted by telephone instead?**

— Hide Answer

The requirement to conduct annual prospective re-interviews is not intended to be overly burdensome for grantees, but rather, to help ensure that eligibility determinations are being made correctly, and to identify any problematic issues as soon as possible, in order for the grantee to address them. With the understanding that face-to-face interviews may not always be the most practical approach for States, the program regulations allow for telephone re-interviews. States may find that conducting re-interviews by telephone allows the State to save time and other valuable resources,

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which may then be dedicated to services for eligible children. While the Office of Migrant Education (OME) does not recommend conducting all re-interviews solely via telephone—unless circumstances make face-to-face re-interviews impractical—the State might consider doing face-to-face interviews in areas with larger concentrations of migratory families and reserving telephone re-interviews for families of migratory children in outlying areas.

Q48

*Topic(s): Identification and Recruitment*

*Subtopic(s): Re-interviewing*

**For purposes of prospective re-interviewing, when conducting telephone re-interviews, how does the interviewer know he or she is speaking with the "qualified respondent?"**

— Hide Answer

Phone respondents should be asked to verify identifying information such as their full name, address, the name and date of birth of the sampled child, their relationship to the sampled child, full name of the sampled child's other parent and/or names of siblings (if applicable), and, whether they were the person who signed the Certificate of Eligibility (COE). This information should be cross-checked with the information on the COE.

Q47

*Topic(s): Identification and Recruitment*

*Subtopic(s): Re-interviewing*

**For purposes of prospective re-interviewing, do all the interviews have to be conducted face-to-face or can they be conducted via telephone?**

— Hide Answer

According to Code of Federal Regulations 34 CFR 200.89 (b)(2)(iii), States should "Conduct re-interviews with the parents or guardians of the children in the sample. States must use a face-to-face approach to conduct these re-interviews unless circumstances make face-to-face re-interviews impractical and necessitate the use of an alternative method such as telephone re-interviewing". This is understood to mean that there must be a compelling reason to use phone interviews (e.g. re-interviewers would have to use air transport or travel several hours by car to conduct re-interviews).

Q46

*Topic(s): Identification and Recruitment*

*Subtopic(s): Re-interviewing*

**For purposes of prospective re-interviewing, if families have left the State by the time a re-interviewer establishes contact, can a phone interview be conducted at that time? What percentage of re-interviews can be conducted by phone?**

— Hide Answer

If a re-interviewer establishes contact with a family that has left the area, and the family does not intend to return within a reasonable time frame for a face-to-face re-interview, the re-interview may be conducted by phone.

There is no specific percentage of re-interviews that can be conducted by phone, but such a practice must be justified by a compelling reason. A family no longer residing in the State would be a compelling reason for doing an interview by phone.

Q22

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*Topic(s): Identification and Recruitment*
*Subtopic(s): N/A*

**Q. How many Certificates of Eligibility (COEs) should be sampled for independent re-interviews? What population should the sample be drawn from: children to be included in the Category I Child Count (ages 3 -21) or all children currently eligible for the program (ages birth – 21)? Is there a more cost-effective way to conduct re-interviews when our population is widely spread across the State?**

— Hide Answer

In response to the first question regarding the number of COEs to include in the independent re-interviews, we clarify that re-interviews are based on a random sample of identified migratory children, not COEs. While the regulations do not specify a sample size, States must ensure that a sufficient number of eligibility determinations in the current year are tested on a statewide basis or within categories associated with identified risk factors…" [see 34 Code of Federal Regulations (CFR) 200.89(b)(2)(ii)]. We recommend that States conduct, on average, 50 re-interviews (i.e., smaller States might conduct fewer than 50 re-interviews, whereas larger States should conduct more than 50 re-interviews), and that re-interviews be conducted on a rolling basis, shortly after the original eligibility determination was made; this is an effort to reduce non-response, and help ensure that the state meets their target number of re-interviews. States should look at their sample size and response rates from prior years in order to determine the best number to include in the sample. See Section III, of the Technical Assistance Guide on Re-interviewing for additional technical assistance regarding prospective re-interviewing.

In response to your second question regarding the pool of migratory children from which your sample should be selected, you should limit your focus to those children ages 3-21 who were found eligible in the current year. Therefore, if the State conducts its independent prospective re-interviewing during the 2013-2014 performance reporting period, it would sample children ages 3-21 whose COEs were approved between September 1, 2013 and August 31, 2014. We emphasize using the COE approval date as opposed to the Qualifying Arrival Date (QAD) because for children who are not identified and recruited soon after their QAD, their QAD and COE approval dates might occur in different performance periods.

Please keep in mind that although face-to-face re-interviews are the preferred method and must be conducted unless circumstances make them impractical (e.g., excessive travel costs to interview one or two families who live a significant distance from the areas where the majority of re-interviews will be concentrated), States can adopt an alternative method such as telephone interviewing, if necessary.

**Carmen M. Medina** | Chief
Pennsylvania Department of Education | Bureau of School Support
333 Market Street, 3rd Floor | Harrisburg, PA | 17126
Phone: 717.783.6466 | Fax: 717.783.6642
cmedina@pa.gov
www.education.pa.gov

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VIDEO: #PAHasYourBack

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:44:46 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Columbia College Chicago (001665) - COVID-19 Related Changes to the Academic Year

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:43 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Peak, Marion <Marion.Peak@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** RE: Columbia College Chicago (001665) - COVID-19 Related Changes to the Academic Year

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** Peak, Marion <Marion.Peak@ed.gov>
**Sent:** Monday, March 16, 2020 3:53 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: Columbia College Chicago (001665) - COVID-19 Related Changes to the Academic Year

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**From:** Peak, Marion
**Sent:** Monday, March 16, 2020 1:42 PM
**To:** fsastudentaid@ed.gov

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**Cc:** Early, Jeremy <Jeremy.Early@ed.gov>; Minor, Robin <Robin.Minor@ed.gov>
**Subject:** RE: Columbia College Chicago (001665) - COVID-19 Related Changes to the Academic Year

This is a notification from Columbia College of Chicago of the changes being made at the school due to the coronavirus.

Thanks

**Marion Peak**
Financial Analyst
Chicago/Denver School Participation Division
Federal Student Aid
1244 Speer Boulevard, Suite 201
Denver, Colorado 80204-3518
(303) 844-3320
(303)844-4695

---

**From:** Grunden, Cynthia <cgrunden@colum.edu>
**Sent:** Monday, March 16, 2020 3:08 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>
**Subject:** Columbia College Chicago (001665) - COVID-19 Related Changes to the Academic Year

Hello,

Per the guidance in your Electronic Announcement dated March 5, 2020, I am reaching out to request a temporary reduction in the length of our academic year. I have also called the Chicago/Denver school participation team and left a voicemail.

Our Spring 2020 payment period was scheduled to run from January 27, 2020 to May 15, 2020. We have a one week scheduled spring break from March 30, 2020 to April 5, 2020.

Due to COVID-19, we have paused in-person instruction from March 15, 2020 to April 5, 2020. We plan to re-start instruction on April 6, 2020 with online classes and to end the year on May 15, 2020 as originally planned. Effectively, we have shortened our Spring 2020 term by 2 weeks.

We do have some online courses that will continue to run during this two week "pause," however most of our students are enrolled in all in-person courses.

As is the case at many schools, our situation is fluid and we may need to make additional changes to our academic year. We will keep you informed.

Regards,
Cynthia

Cynthia Grunden
Assistant Vice President

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Student Financial Services
Pronouns: she/her/hers

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:14:45 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Confirmation Needed for Commercially Held FFEL loans

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Vicki Shipley <vshipley@ncher.us>
**Sent:** Wednesday, March 25, 2020 11:59 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Confirmation Needed for Commercially Held FFEL loans

Good morning and I know the NY guarantor has been provided some specific waivers and others in the FFEL community are also wanting to help commercially held FFEL borrowers. We know GEN 17-08 may not provide enough waivers for some in the FFEL community but it gets us started until we can see how long this pandemic is going to last and what areas are hot spots. Please confirm our ability to use GEN 17-08 as starting point knowing there may be a need for waivers on the back end issues related to claim payment etc. due to GAs being forced to work from home and other restrictions. Thank you – we all want to do the right thing for these struggling FFEL borrowers with commercial held FFEL loans – both in repayment and default and GEN 17-08 gets us started.

Vicki Shipley
NCHER

https://www.fema.gov/coronavirus

On March 13, 2020, President Trump declared a nationwide emergency pursuant to Sec. 501(b) of Stafford Act, increasing federal support to the Department of Health and Human Services (HHS) in its role as the lead federal agency for the ongoing COVID-19 pandemic response. Under this declaration, FEMA, in coordination with HHS, will assist state, local, tribal, territorial governments and other eligible entities with the health and safety actions they take on behalf of the American public.

As of March 20, 2020, all 50 states, the District of Columbia, five territories and one tribe are working directly with FEMA under the Nationwide Emergency Declaration for COVID-19.

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**From:** Vicki Shipley
**Sent:** Monday, March 23, 2020 8:49 AM
**To:** 'COVID-19@ed.gov' <COVID-19@ed.gov>
**Subject:** Confirmation Needed for Commercially Held FFEL loans

Good morning and just checking to see when ED will provide confirmation and guidance for the FFEL community to use for commercially held FFEL loans? We want to help these FFEL borrowers (in repayment and default) immediately and we have requested confirmation of use of the disaster guidance contained in GEN 17-08. It's certainly a place for us to start for the three months until we see if a longer time may be needed or additional waivers based on how long the pandemic lasts etc but that would allow us to provide some immediate assistance to FFEL borrowers. I'm happy to discuss or answer any questions. Thank you!

Vicki Shipley
Senior Advisor
NCHER
202/721-1182

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:22:45 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Considerations for timeline in identifying ELs

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:18 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vakil, Mandana <mandana.vakil@ed.gov>
**Subject:** FW: Considerations for timeline in identifying ELs

Hello,

Im not sure if that was forwarded already but sending just in case it wasn't. Please route back to Title III, Part A office (SSA) as a response has already been drafted and this is time sensitive.

Brenda

---

**From:** Sanderson, Jessica - Division of School and Program Improvement <jessica.sanderson@education.ky.gov>
**Sent:** Thursday, March 19, 2020 2:47 PM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Cc:** Sudduth, Erin - Division of School and Program Improvement <erin.sudduth@education.ky.gov>; Watts, Neil - Division of School and Program Improvement <neil.watts@education.ky.gov>; Millanti, David - Division of School and Program Improvement <david.millanti@education.ky.gov>
**Subject:** Considerations for timeline in identifying ELs

Good afternoon Brenda.

A question came from one of our LEA's regarding the identification and placement of a newly enrolled EL during this time of school closures. The student enrolled online and the district asked if there were considerations of extending the timeline beyond 14 days to administer an ELP screener, place the student and notify the parents. Currently, Kentucky schools are closed until mid April due to COVID-19. Could you please advise?

Thank you,

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***Jessica Sanderson***
Title III-English Learners Program Consultant
English Learners, Migrant & Neglected Students Branch
Division of School & Program Improvement
Office of Continuous Improvement and Support

300 Sower Blvd. - 5th Floor
Frankfort, KY 40601
Office: 502.564.3791 ext. 4004
Email: jessica.sanderson@education.ky.gov

*The Kentucky Department of Education would like your input on the agency's customer service efforts. Please take a moment to complete an online survey, which may be accessed at https://www.surveymonkey.com/r/QTSNYD5. All responses will remain anonymous. Thank you!*

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:44:41 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Coronavirus and Title IV Flexibility Questions

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Dr. Wanda White <whitew@nccommunitycolleges.edu>
**Sent:** Wednesday, March 25, 2020 2:13 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** James "JW" Kelley <kelleyj@nccommunitycolleges.edu>; Miller, Christopher <Christopher.Miller@ed.gov>; Martin, Gregory <Gregory.Martin@ed.gov>; Cox, Jack <Jack.Cox@ed.gov>
**Subject:** Coronavirus and Title IV Flexibility Questions

To Whom It may Concern:

The NC Community System conducted a conference call with financial aid administrators from the 58 community colleges in North Carolina this morning. Participants in the call had additional questions that have been included below:

If possible, please review these questions and provide your responses to me as soon as possible. Additional questions may be submitted to you as they arise.

See questions below:

1. I learned yesterday that our college will treat the additional spring break week as "inclement weather days". If this is the case, David Bartnicki has advised in the past NOT to exclude those dates for R2T4 based on referring to those days as inclement weather days. Please Advise.

2. If we extended spring break but the semester will still end as previously stated meaning no expansion. Do we need to get permission from DOE?

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3. What is the anticipated to DOE R2T4 Relief?

4. Has guidance regarding RT24 been included in the Stimulus Bill?

5. NASFAA said last week that extending the break but not the end date equaled shortening the term which requires Ed School Participation team approval. Does the college need approval from DOE?

6. The fact that some students have to work to get paid and others do not seem unfair? Can we make sure that answer is correct?

7. How are we going forth with paying our work study during this pandemic? Can we accept email signatures form from students and supervisors as wet signature?

8. If we have to extend the end date of the term due to COVID-19, do we have to go back & redo R2T4s that were completed beforehand?

9. We have classes that fall into three categories now…those that only had one week of spring break extended due to COVID-19, those that were extended three weeks and we have some classes that are suspended until they can come back to campus. If you have a student in all three classes, how are we to treat the R2T4 if they withdraw?

Thank you in advance for your assistance with these questions. If you have questions or need additional information, please contact me.

Wanda White, Ed.D.

Director of Student Services

NC Community College System

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200 West Jones Street

Raleigh, NC 27603

whitew@nccommunitycolleges.edu

919-807-7104**Error! Filename not specified.**

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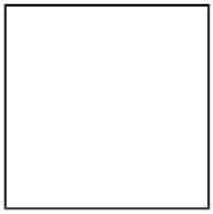

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AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 18:07:34 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** AskAFed;FederalStudentAid
**Subject:** FW: COVID 19

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Monday, March 16, 2020 6:23 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** Fw: COVID 19

see COVID-19 question below

---

**From:** Peggy Rogers <progers@pcihealth.com>
**Sent:** Monday, March 16, 2020 10:52 AM
**To:** AskAFed <AskAFed@ed.gov>
**Subject:** COVID 19

Good morning

Due to COVID19 PCI will institute a new modality in which the students receive their education.

Would you please send me the information on how we communicate this to the Department of Education?

Thank You

PCI
HEALTH TRAINING CENTER

AMERICAN OVERSIGHT

Peggy Rogers
Director of Financial Aid
progers@pcihealth.com
Direct - 214-637-9211
Front Office - 214-630-0568

**Follow us on:**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:09:31 +0000
**To:** Williams, Bryan
**Cc:** COVID-19
**Subject:** FW: Covid 19 response

Hi Bryan, should this go to OESE COVID-19. See yellow highlight for question.

Kelly

---

**From:** answers <answers@ed.gov>
**Sent:** Tuesday, March 24, 2020 4:29 PM
**To:** Mark Toback <[redacted]
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Covid 19 response

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Mark Toback
[redacted]

Dear Mark Toback,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov. Further, we appreciate your concern and will share your comments with Secretary DeVos and her senior staff.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

AMERICAN OVERSIGHT

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Mark Toback <[redacted]
Sent: Monday, March 23, 2020 10:39 PM
To: answers <answers@ed.gov>
Subject: Covid 19 response

It would be great to see Secretary DeVos publicly encouraging all the teachers who are working hard to teach their classes remotely.

Secretary DeVos seems like a gifted exhorter and encourager. There are so many teachers and parents, who have overnight become teachers, who would benefit from hearing from Secretary DeVos. They need to hear from the Education Secretary about home resources, how parents and teachers can work together, etc.

I was surprised that on Ed.gov Home page loans and grants and many other topics were highlighted and I had to scroll way to see anything about Covid.

My question is, "When will we see Secretary DeVos' leadership, encouragement, insights begin to be heard?"

Respectfully,

Mark Toback

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:19:38 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Covid 19 response

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** answers <answers@ed.gov>
**Sent:** Tuesday, March 24, 2020 4:29 PM
**To:** Mark Toback (b)(6)
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Covid 19 response

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Mark Toback
(b)(6)

Dear Mark Toback,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov. Further, we appreciate your concern and will share your comments with Secretary DeVos and her senior staff.

AMERICAN OVERSIGHT

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U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
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-----Original Message-----
From: Mark Toback <(b)(6)
Sent: Monday, March 23, 2020 10:39 PM
To: answers <answers@ed.gov>
Subject: Covid 19 response

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My question is, "When will we see Secretary DeVos' leadership, encouragement, insights begin to be heard?"

Respectfully,

Mark Toback

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:44:37 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID 19

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:08 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** AskAFed <AskAFed@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: COVID 19

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Monday, March 16, 2020 6:23 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** Fw: COVID 19

see COVID-19 question below

---

**From:** Peggy Rogers <progers@pcihealth.com>
**Sent:** Monday, March 16, 2020 10:52 AM

AMERICAN OVERSIGHT

**To:** AskAFed <AskAFed@ed.gov>
**Subject:** COVID 19

Good morning

Due to COVID19 PCI will institute a new modality in which the students receive their education.

Would you please send me the information on how we communicate this to the Department of Education?

Thank You

Peggy Rogers
Director of Financial Aid
progers@pcihealth.com
Direct - 214-637-9211
Front Office - 214-630-0568

**Follow us on:**

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:44:34 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: COVID Emergency Forbearance and PSLF

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** answers <answers@ed.gov>
**Sent:** Wednesday, March 25, 2020 4:35 PM
**To:** Kyle Sawyer <(b)(6) @yahoo.com>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: COVID Emergency Forbearance and PSLF

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 25, 2020

Dear Kyle Sawyer,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your email has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

AMERICAN OVERSIGHT

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

---

**From:** Kyle Sawyer <(b)(6)
**Sent:** Sunday, March 22, 2020 9:33 PM
**To:** answers <answers@ed.gov>
**Subject:** COVID Emergency Forbearance and PSLF

Hey DoE,
How will emergency forbearance impact payments for Public service loan foregiveness?

Kyle

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:38:50 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: COVID-19 diagnostic tests

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** DDB Dwight DeBacker, Operating Manager <dd@boxitservices.com>
**Sent:** Wednesday, March 25, 2020 3:20 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** COVID-19 diagnostic tests

Sent from my iPhone

Begin forwarded message:

> **From:** "DDB Dwight DeBacker, Operating Manager" <dd@boxitservices.com>
> **Date:** March 16, 2020 at 11:49:34 AM PDT
> **To:** fundadmin@tbf.org
> **Subject: Fwd: COVID-19 diagnostic tests**
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** "DDB Dwight DeBacker, Operating Manager" <dd@boxitservices.com>
> > **Date:** March 16, 2020 at 11:46:37 AM PDT
> > **To:** info@cfgcr.org
> > **Subject: COVID-19 diagnostic tests**
> >
> > Non-invasive, Passive, Low-cost & Safe...!
> > Unique opportunity to fast track solution and ramp it up and disburse it to where it matters...
> > Please take a look at the link and please spend a minute posting/emailing..
> > Dwight DeBacker

AMERICAN OVERSIGHT

702.833.9733

If it helps we have video from the "Future of Medicine" conference disclosing what we can do and another showing our ability to simultaneously detect biological conditions in multiple individuals.

https://www.gofundme.com/f/cv-gt-covid19-diagnostic-detection-at-a-distance?utm_source=customer&utm_medium=copy_link&utm_campaign=p_cf+share-flow-1

Caution: Pursuant to the electronic and communication privacy act of 1986, 18 U.S.C. Sec. 2510, et seq. (the "ECPA"), you are notified that this e-mail may contain privileged and confidential information intended only for the use of the individual named above. If you are not the intended recipient of this e-mail, you are hereby notified that dissemination or copying of this e-mail or any attachment is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at , and if you receive this transmission in error, contact the sender immediately, delete the original and destroy any printout or copy. Neither this information block, the typed name of the sender, or anything else in this message is intended to, nor shall it constitute an electronic signature by sender go

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:39:24 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: COVID-19 Questions

Hello Laurie,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

-----Original Message-----
From: Dwight Thomas - Business <(b)(6)
Sent: Wednesday, March 25, 2020 8:59 AM
To: COVID-19 <COVID-19@ed.gov>
Subject: COVID-19 Questions

Questions from ID-B:
1) Schools are closed for students with and without disabilities, should districts consider this as a change of placement; and or should Prior Notice be provided?
2) Will the Sate and or districts be allowed to carry over funds after the grant period because they are not able to expend their funds because they are not in the buildings?
3) Should States continue to use IDEA funds to pay for service providers even though most special education and related services are not being provided?

Thank you.
Dwight Thomas

AMERICAN OVERSIGHT

**From:** Dennis, Franka
**Sent:** Wed, 25 Mar 2020 20:06:16 +0000
**To:** COVID-19
**Subject:** FW: COVID-19

This is a response from OESE.

---

**From:** Huber, Amy <Amy.Huber@ed.gov>
**Sent:** Wednesday, March 25, 2020 3:05 PM
**To:** Dennis, Franka <Franka.Dennis@ed.gov>
**Cc:** Ramsey, Tara <Tara.Ramsey@ed.gov>; Hodgdon, Jane <Jane.Hodgdon@ed.gov>
**Subject:** FW: COVID-19

Hi Franka,
This message needs to be rerouted to the State Department. It is regarding one of their international student programs.
Thanks,
-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
Connect. Engage. Empower.

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 12:55 PM
**To:** OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: COVID-19

Hello OESE,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** answers <answers@ed.gov>
**Sent:** Tuesday, March 24, 2020 10:34 AM
**To:** Paula Dadone <pdadone@united-studies.com>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: COVID-19

AMERICAN OVERSIGHT

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Dear Paula Dadone,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

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Sincerely,

Information Resource Specialist
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800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

**From:** Paula Dadone <pdadone@united-studies.com>
**Sent:** Friday, March 20, 2020 8:51 AM
**Subject:** COVID-19

Good morning,

I am contacting you from an agency from Spain.

We bring every year 100 students from Spain for a cultural immersion (thanks to the Department of State Program J1) to do a year of High School.

AMERICAN OVERSIGHT

Because of COVID-19 and the closure of the schools, all of our students have been sent home and most of them are already receiving online education.

I need to know (I am not sure this is the right place to ask this, but I don't know where else to ask this) if my students will:

-Be able to continue the online education from Spain?
-Be able to finish the year and received credits for the classes? (of course if they finish all the assignment)
-Be able to receive the Transcript for the full year?

In conclusion, if they, as well as the American High schoolers will be able to finish the year.

I look forward to your answer.

Thank you very much

**Paula Dadone**
Program Manager Student Affairs

p: (+1) 305.447.2659
w: www.united-studies.com e: pdadone@united-studies.com

**PROTECCIÓN DE DATOS**: le informamos que los datos personales y dirección de correo electrónico, recabados del propio interesado, serán tratados bajo la responsabilidad de United Studies, S.L.U. para el envío de comunicaciones sobre nuestros productos y servicios y se conservarán mientras exista un interés mutuo para ello. Los datos no serán comunicados a terceros, salvo obligación legal. Le informamos que puede ejercer los derechos de acceso, rectificación, portabilidad y supresión de sus datos y los de limitación y oposición a su tratamiento dirigiéndose al email: info@united-studies.com. Si considera que el tratamiento no se ajusta a la normativa vigente, podrá presentar una reclamación ante la autoridad de control en agpd.es

En cumplimiento de lo previsto en el artículo 21 de la Ley 34/2002 de Servicios de la Sociedad de la Información y Comercio Electrónico (LSSICE), si usted no desea recibir más información sobre nuestros servicios, puede darse de baja enviando un correo electrónico a info@united-studies.com, indicando en el **Asunto** "**BAJA**" o "**NO ENVIAR**".

AMERICAN OVERSIGHT

AMERICAN
OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 17:58:03 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: Credits for R&B Applied to Fall 2020

Hello,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Karen Hignett <khignett@bonadio.com>
**Sent:** Wednesday, March 25, 2020 11:20 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Credits for R&B Applied to Fall 2020

I have heard College's considering the idea of crediting Room and Board for the remainder of the Spring 2020 semester and applying it as a credit towards the Fall 2020 Cost of Attendance. Would that impact the Cost of Attendance used to determine the aid a student would be eligible to receive? Or is it simply a credit on the students account toward future expenses? Understanding that if a credit is generated as a result of Title IV aid it must be disbursed to the student.

Thank you for all the support you are providing!

Karen Hignett

---

**Karen Hignett** *Principal*
, *CPA* |

**The Bonadio Group**
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AMERICAN OVERSIGHT

**Statement of Confidentiality**

*This electronic message may contain privileged or confidential information. If you are not the intended recipient of t his e-mail, please delete it from your system and advise the sender.*

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:44:29 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Dept of Ed and student loans

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Brandy Estes <brandyleigh@outlook.com>
**Sent:** Wednesday, March 25, 2020 2:41 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Dept of Ed and student loans

Hello,

It's quite a long story as to how I have a student loan debt with the US Dept of Education but my entire tax refund was taken to go towards what I owe. My question is this and I was referred to you to ask it: if/when any stimulus package gets dispersed to a lot of people in the US, if I were to receive a check, would that also be taken?

I'm very worried about this because I lost my job due to the Coronavirus and that would not help me at all if on top of over 9000.00 from my tax refund AND the stimulus check were taken. That money could have really helped me and my family right now. Any help or answer would be appreciated.

Brandy Fields (Venegoni)

Get Outlook for Android

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 17:41:00 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: eCDR-Question
**Importance:** High

Hello,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** La'Zarvius Ferguson <LFerguson@concorde.edu>
**Sent:** Wednesday, March 25, 2020 11:00 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** eCDR-Question
**Importance:** High

Good Morning,

Due to COVID-19, my president is unreachable and with eCDR appeals deadline approaching, I'm unable to obtain her signature on my appeals. Will schools be given extensions on the appeals since we are either displaced or indisposed?

**La'Zarvius Ferguson, MBA**
*Corporate Director of Financial Aid*
Concorde Career Colleges
Campus Support Center

913.745.2136 Phone
913.831.6556 Fax
LFerguson@concorde.edu

5800 Foxridge Drive,
Suite 500
Mission, KS 66202
www.concorde.edu

Student Centered • Achievement Driven • Community Based

---

Click Here to **Refer a Friend** to Concorde!

AMERICAN OVERSIGHT

**From:** Calderon, Brenda
**Sent:** Wed, 25 Mar 2020 18:11:41 +0000
**To:** COVID-19
**Cc:** Vakil, Mandana
**Subject:** FW: EL CoronaVirus guidance?

Also flagging in case you hadn't received this.

---

**From:** CLYDE JOANNE <JCLYDE@isbe.net>
**Sent:** Monday, March 16, 2020 11:07 AM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Subject:** EL CoronaVirus guidance?

Hi Brenda,

Has the DOE issued any guidance related to providing services during the coronavirus outbreak to English Learners? I could not find anything on the DoE website.

Stay healthy!

**Joanne Clyde**
Director of Multilingual Services
Multilingual Department
Illinois State Board of Education
100 W. Randolph, Suite 14-300
Chicago, IL 60601
312-814-3850 – phone
312-814-9636 - fax
jclyde@isbe.net

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:29:51 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: EL CoronaVirus guidance?

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:12 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vakil, Mandana <mandana.vakil@ed.gov>
**Subject:** FW: EL CoronaVirus guidance?

Also flagging in case you hadn't received this.

---

**From:** CLYDE JOANNE <JCLYDE@isbe.net>
**Sent:** Monday, March 16, 2020 11:07 AM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Subject:** EL CoronaVirus guidance?

Hi Brenda,

Has the DOE issued any guidance related to providing services during the coronavirus outbreak to English Learners? I could not find anything on the DoE website.

Stay healthy!

**Joanne Clyde**
Director of Multilingual Services
Multilingual Department
Illinois State Board of Education
100 W. Randolph, Suite 14-300
Chicago, IL 60601
312-814-3850 – phone
312-814-9636 - fax
jclyde@isbe.net

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:44:25 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Enrollment Periods

---

**From:** Richard Zaiden <rzaiden@fvi.edu>
**Sent:** Wednesday, March 25, 2020 4:07 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Enrollment Periods

I am in receipt of a memo that originated as part of Q and A session with the Department.
The mem provides interpretive guidance relative to continued enrollments up to June 1st.

I need to confirm that programs that converted to Distance Ed under the COVID-19 Emergency may still enroll
Students up to June 1st. The original guidance limited the Distance Ed to students currently enrolled.

Richard J. Zaiden Jr.
Compliance and Facilities Director
Florida Vocational Institute
Miami, FL/Miramar, Fl
(786) 327 7953

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:21:44 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: ESSA ELL identification question

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:03 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vakil, Mandana <mandana.vakil@ed.gov>
**Subject:** FW: ESSA ELL identification question

**FYI this was a question made over the phone to OELA. Sharing it here in case it hasn't been noted. Question should be routed back to SSA Title III program.**

---

**From:** Anand, Supreet <Supreet.Anand@ed.gov>
**Sent:** Monday, March 23, 2020 12:02 PM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>; Martin, Jill <Jill.Martin@ed.gov>
**Subject:** ESSA ELL identification question

Hi, I received this question from Florida. Please add to our list of questions

For newly enrolled student who needs to be identified, can stated waive the two week requirement per ESSA, since no would be at the school site to test.

They are looking at this as a short term solution. And need our response as soon as possible.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:44:23 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Estelle Medical Academy Specifically Skokie Illinois Temporary School Closure Due To COVID-19

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:22 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** FederalStudentAid <FederalStudentAid@ed.gov>; Danny Canales <danny.canales@estelle.edu>
**Subject:** RE: Estelle Medical Academy Specifically Skokie Illinois Temporary School Closure Due To COVID-19

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

**From:** Danny Canales <danny.canales@estelle.edu>
**Sent:** Monday, March 16, 2020 1:08 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** Estelle Medical Academy Specifically Skokie Illinois Temporary School Closure Due To COVID-19

Dear FSA:

This is to officially inform you that Estelle Medical Academy Skokie Illinois (specifically Skokie Illinois) will cease teaching students for days not listed in our catalog due to COVID-19 (novel coronavirus).

AMERICAN OVERSIGHT

This will go into effect Monday 3/16/2020. Classes will resume Monday 3/23/2020 tentatively. We will inform you if we will extend the date. Thank you for your time and please stay safe.

--

Danny Canales | Director

Estelle Medical Academy / Estelle Educational Group

4905 Old Orchard Center, Suite 710 | Skokie, IL. 60077

Phone: (847) 673-7595

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 17:48:05 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: Federal offset

Hello,

Please see the email inquiry below.

Thank You,

Franka

**From:** Veronica McClain <(b)(6)
**Sent:** Tuesday, March 24, 2020 11:24 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal offset

I need know about the return of federal income refund due to Covid-19 or how do I qualify to receive refund back. I set up $50 a month payment to a agency for student loan forgiveness for 6 months only to find it was fake. I income tax refund still was taken and offset. Please contact me as soon as possible.

Thank you
VERONICA D. MCCLAIN-EWING
416 15 9188
07 19 1981

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 17:54:43 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: Federal Work Study

Hello,

Please see the email inquiry below.

Thank You,

Franka

**From:** Iftekhar Rahman (b)(6)
**Sent:** Tuesday, March 24, 2020 11:49 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Federal Work Study

Hello,

My name is Iftekhar Rahman and I am a student at Drexel University in Philadelphia, PA. I had a question concerning work study pay due to the closure of my university. I work at the residence hall as a Desk Assistant, and I lost my job because everything was evacuated and closed.

I was informed by Drexel that only positions that can continue working remotely will be able to collect their funds. This is highly unlikely for me and many of my coworkers, and we strongly really rely on our work study funding for support during college. Is there any provision for students in our position? I have been trying to read online about policies to help students affected by COVID-19 but I don't see anything else pertaining to my situation.

Thank you for your help in clarifying this issue, I am very confused and concerned because I rely on work study as a source of income and I don't know what to do with everything closed.

Sincerely,

Iftekhar (Ifty) Rahman
--
Iftekhar Rahman
Biomedical Engineering
Drexel University Class of 2020
ir73@drexel.edu | 610-504-6374

AMERICAN OVERSIGHT

**From:** Pinckney, Christine F.
**Sent:** Wed, 25 Mar 2020 19:34:37 +0000
**To:** VanderPloeg, Laurie;Wexler, Larry;Corr, Gregg
**Cc:** COVID-19
**Subject:** FW: Fiscal Question - Guidance needed :: LEA Maintenance of Effort
**Importance:** High

Hello,

We received the message below from the COVID-19 mailbox. Please provide a response.

Thanks

Christine

---

**From:** Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>
**Sent:** Tuesday, March 24, 2020 2:26 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Fiscal Question - Guidance needed :: LEA Maintenance of Effort
**Importance:** High

IDEA specific question.

---

**From:** Brown, Chris <Chris.Brown@azed.gov>
**Sent:** Tuesday, March 24, 2020 2:08 PM
**To:** Heck, Kathleen <Kathleen.Heck@ed.gov>; Tanner-Dean, Angela <Angela.Tanner-Dean@ed.gov>
**Cc:** Trollinger, Alissa <Alissa.Trollinger@azed.gov>; Mannelly, Mike <Mike.Mannelly@azed.gov>
**Subject:** Fiscal Question - Guidance needed :: LEA Maintenance of Effort
**Importance:** High

Hello Kathleen & Angela,

There is a growing concern over the maintenance of effort requirements for states. Since states are closing by mandate and unable to function a full normal calendar year, the LEA expenditures will reflect this to a degree. For reference (if this email gets forwarded), Maintenance of Effort requires LEAs to maintain expenditures from their state & local or local-only funds.

> ***34 CFR § 300.203 Maintenance of effort.***
> ***(b) Compliance standard.***
>
> ***(1)*** *Except as provided in §§ 300.204 and 300.205, funds provided to an LEA under Part B of the Act must not be used to reduce the level of expenditures for the education of children with disabilities made by the LEA from local funds below the level of those expenditures for the preceding fiscal year.*

AMERICAN OVERSIGHT

*(2) An LEA meets this standard if it does not reduce the level of expenditures for the education of children with disabilities made by the LEA from at least one of the following sources below the level of those expenditures from the same source for the preceding fiscal year, except as provided in §§ 300.204 and 300.205:*

*(i) Local funds only;*

*(ii) The combination of State and local funds;*

*(iii) Local funds only on a per capita basis; or*

*(iv) The combination of State and local funds on a per capita basis.*

Now the only exceptions which are allowed for an LEA to reduce expenditures are through the following reasons which are built into the regulations.

***34 CFR § 300.204 - Exception to maintenance of effort.***

*Notwithstanding the restriction in § 300.203(b), an LEA may reduce the level of expenditures by the LEA under Part B of the Act below the level of those expenditures for the preceding fiscal year if the reduction is attributable to any of the following:*

*(a) The voluntary departure, by retirement or otherwise, or departure for just cause, of special education or related services personnel.*

*(b) A decrease in the enrollment of children with disabilities.*

*(c) The termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the SEA, because the child -*

*(1) Has left the jurisdiction of the agency;*

*(2) Has reached the age at which the obligation of the agency to provide FAPE to the child has terminated; or*

*(3) No longer needs the program of special education.*

*(d) The termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.*

*(e) The assumption of cost by the high cost fund operated by the SEA under § 300.704(c).*

As such, will there be flexibility granted to the LEAs in states that allow expenditures to be reduced in light of the recent health issues and mandatory closures? I have been in discussions with states who are already doing six-weeks and now with Arizona doing four-weeks with a potential for more we are in the same boat. The LEAs have already hinted at this and the concern will hit full speed within the next 60 days. I am sure our state and others will be eager to see what they are proposing to address this.

Please note that this also affects Excess cost calculations that are also required but are being discussed less by our LEAs at this time.

***34 CFR Appendix A to Part 300 - Excess Costs Calculation***

*Except as otherwise provided, amounts provided to an LEA under Part B of the Act may be used only to pay the excess costs of providing special education and related services*

AMERICAN OVERSIGHT

*to children with disabilities. Excess costs are those costs for the education of an elementary school or secondary school student with a disability that are in excess of the average annual per student expenditure in an LEA during the preceding school year for an elementary school or secondary school student, as may be appropriate. An LEA must spend at least the average annual per student expenditure on the education of an elementary school or secondary school child with a disability before funds under Part B of the Act are used to pay the excess costs of providing special education and related services.*

Any information or guidance you can provide on this would be appreciated.

Thank you,

**Chris Brown**
Director of Operations
Exceptional Student Services
Arizona Department of Education
1535 W Jefferson St, Phoenix, AZ 85007
Phone: (602) 542-3854

http://www.azed.gov/specialeducation/

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 17:44:52 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Food service resource

Hello OESE,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** James Graham <jgraham@jamesgrahamlaw.com>
**Sent:** Wednesday, March 25, 2020 11:01 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Danielle Carignan <dcarignan@thsfc.com>
**Subject:** Food service resource

Hello

We are providing assistance to charters during this time and would like to be added in your communications and resources. We are offering charters assistance to develop and implement their emergency feeding. Here is some information.

The Healthy School Food Collaborative consulting firm has been in operation helping charter schools since 2012. We provide consulting services across the Nation and are a member of the California Charter School Association. Given the times, we know different needs are arising for emergency feeding, including, but not limited to:

- The ability to assist in the service of reimbursable breakfast, lunches, snacks and suppers at the same time.
- The ability for assist parents and caregivers picking up meals for their children.
- The ability to provide consulting services to apply for the appropriate waivers to consume the meals off-site from the feeding location.
- The ability to develop safe and socially distant serving procedures.

Let me know if you need anything else.

Thank you
James

James A. Graham MEd,MBA,JD
Attorney at Law and Notary

AMERICAN OVERSIGHT

The Law Office of James A.Graham LLC
701 Loyola Ave. Suite 403
New Orleans, La. 70113
Office: 504-777-3625
Cell: 985-285-1593
www.jamesgrahamlaw.com

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AMERICAN OVERSIGHT

**From:** FederalStudentAid
**Sent:** Wed, 25 Mar 2020 17:40:30 +0000
**To:** FSA Case Teams;COVID-19
**Cc:** Early, Jeremy
**Subject:** FW: Front Range Community College (OPEID: 00793300) & COVID-19

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** Early, Jeremy <Jeremy.Early@ed.gov>
**Sent:** Monday, March 16, 2020 9:07 AM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: Front Range Community College (OPEID: 00793300) & COVID-19

Good Morning-

I am sharing this information with your team but I wanted to make sure you all were in the loop in case you are tracking those schools going remote.

Thanks, Jeremy

---

**From:** FSA Case Teams <CaseTeams@ed.gov>
**Sent:** Monday, March 16, 2020 6:27 AM
**To:** Early, Jeremy <Jeremy.Early@ed.gov>
**Cc:** Yette, Brenda <Brenda.Yette@ed.gov>; Sawyer, Tammi <Tammi.Sawyer@ed.gov>
**Subject:** FW: Front Range Community College (OPEID: 00793300) & COVID-19

For appropriate action

---

**From:** Goldsmith, Carolee <Carolee.Goldsmith@frontrange.edu>
**Sent:** Sunday, March 15, 2020 12:47 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>
**Cc:** Dorsey, Andy <Andy.Dorsey@frontrange.edu>; McKnight-Tutein, Gillian <Gillian.McKnight-Tutein@frontrange.edu>; White, Tamara <Tamara.White@frontrange.edu>; Nash, Karla (CCCS)

AMERICAN OVERSIGHT

<Karla.Nash@cccs.edu>
**Subject:** Front Range Community College (OPEID: 00793300) & COVID-19

To Whom it May Concern:

Front Range Community College (OPEID: 00793300) has taken actions to reduce the risk of COVID-19 for our students, staff and community. This has been communicated to students and staff, with continual updates as warranted.

Please see below for the steps we have taken.

- We are reducing our spring term by one week.
- We are transitioning the majority of our coursework via remote delivery beginning March 30th
- Campuses will remain open for support services and allow students access for critical functions to complete their coursework.

Let me know if you have any questions.

Carolee

**Carolee Goldsmith**
Director of Financial Aid
3645 West 112th Avenue, Westminster, CO 80031| **P** (303) 404-5363

FRONT RANGE
COMMUNITY COLLEGE

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:44:18 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Front Range Community College (OPEID: 00793300) & COVID-19

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:41 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** Early, Jeremy <Jeremy.Early@ed.gov>
**Subject:** FW: Front Range Community College (OPEID: 00793300) & COVID-19

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

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Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

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**Sent:** Monday, March 16, 2020 9:07 AM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: Front Range Community College (OPEID: 00793300) & COVID-19

Good Morning-

I am sharing this information with your team but I wanted to make sure you all were in the loop in case you are tracking those schools going remote.

Thanks, Jeremy

AMERICAN OVERSIGHT

**From:** FSA Case Teams <CaseTeams@ed.gov>
**Sent:** Monday, March 16, 2020 6:27 AM
**To:** Early, Jeremy <Jeremy.Early@ed.gov>
**Cc:** Yette, Brenda <Brenda.Yette@ed.gov>; Sawyer, Tammi <Tammi.Sawyer@ed.gov>
**Subject:** FW: Front Range Community College (OPEID: 00793300) & COVID-19

For appropriate action

---

**From:** Goldsmith, Carolee <Carolee.Goldsmith@frontrange.edu>
**Sent:** Sunday, March 15, 2020 12:47 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>
**Cc:** Dorsey, Andy <Andy.Dorsey@frontrange.edu>; McKnight-Tutein, Gillian <Gillian.McKnight-Tutein@frontrange.edu>; White, Tamara <Tamara.White@frontrange.edu>; Nash, Karla (CCCS) <Karla.Nash@cccs.edu>
**Subject:** Front Range Community College (OPEID: 00793300) & COVID-19

To Whom it May Concern:

Front Range Community College (OPEID: 00793300) has taken actions to reduce the risk of COVID-19 for our students, staff and community. This has been communicated to students and staff, with continual updates as warranted.

Please see below for the steps we have taken.

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- Campuses will remain open for support services and allow students access for critical functions to complete their coursework.

Let me know if you have any questions.

Carolee

**Carolee Goldsmith**
Director of Financial Aid
3645 West 112th Avenue, Westminster, CO 80031| **P** (303) 404-5363

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:44:14 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: FWS and COVID-19

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** FederalStudentAid <FederalStudentAid@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:42 PM
**To:** FSA Case Teams <CaseTeams@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Cc:** boylej@sccsc.edu; AskAFed <AskAFed@ed.gov>; FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** RE: FWS and COVID-19

Hello.

Please review the following email officially notifying the Department of school closures, term changes and/or migration to online instruction that I am forwarding to Program Compliance and the Department's COVID-19 mailbox.

Thank you,

Alex Knott Agrawal
Public Affairs Specialist
Federal Student Aid
Department of Education

---

**From:** AskAFed <AskAFed@ed.gov>
**Sent:** Monday, March 16, 2020 2:59 PM
**To:** FederalStudentAid <FederalStudentAid@ed.gov>
**Subject:** FW: FWS and COVID-19

---

**From:** Boyle, Jeffery O < >
**Sent:** Monday, March 16, 2020 12:32 PM
**To:** AskAFed <AskAFed@ed.gov>
**Subject:** FWS and COVID-19

AMERICAN OVERSIGHT

As of 03/15/2020 the governor of South Carolina mandated the closing of SC colleges from 03/16/20 thru 03/31/20. Based on the guidance sent out from FSA on 03/05/20, a FWS student can be paid as long as the faculty and staff are being paid without having to use leave. My question is about students who are not working on the college campus and the place where they are working as a FWS student is currently opened. Would my off campus students need to work their normal hours or would they be paid the same as the other students should not be able to work. With K-12 also being closed, my off campus students with children may not be able to work due to their children being out of school.

Thanks!

Jeff

Federal Work Study (FWS)

Federal law includes a provision allowing an institution to make FWS payments under certain limited circumstances to disaster-affected students who are unable to continue working. Given the unique nature of this situation, it is unlikely that an entire region would be declared a Federal disaster area, yet to students enrolled at a campus that must close temporarily, the loss of this important form of financial aid can be devastating. The impact may be magnified if the institution accommodates students by providing alternative instructional opportunities and the student is required to continue paying tuition, but the student loses FWS as an important part of their financial aid award. For students enrolled and performing FWS at a campus that must close due to COVID-19, or for a FWS student who is employed by an employer that closes as a result of COVID-19, the institution may continue paying the student Federal work-study wages during that closure if it occurred after the beginning of the term, the institution is continuing to pay its other employees (including faculty and staff), and the institution continues to meet its institutional wage share requirement. Students who were prevented from beginning a term at the institution as a result of a COVID-19-related disruption would not be eligible for Federal Student Aid for that term, and therefore could not be paid FWS wages for hours they did not work. Graduate students who are paid FWS wages on salary may continue to be paid for the remainder of the term if the institution is also paying its faculty and staff during that period. In these instances, institutions should document (as contemporaneously as feasible) that the COVID-19 disruption was the reason the student received FWS funds without documentation of hours worked.

AMERICAN OVERSIGHT

**Jeffery O. Boyle**
Director of Financial Aid & Veteran Affairs | Financial Aid Office
Spartanburg Community College
Mailing Address: P.O. Box 4386, Spartanburg, SC 29305
Physical Address: 107 Community College Drive, Spartanburg, SC 29303
(864) 592-4823 Phone
boylej@sccsc.edu
www.sccsc.edu

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AMERICAN OVERSIGHT

**From:** Banks, Amy
**Sent:** Wed, 25 Mar 2020 21:27:43 +0000
**To:** COVID-19
**Subject:** FW: Georgia Questions

Draft response:

Thank you for your questions regarding the COVID-19 effects on your grant. In response to your questions, we expect to have clear guidance for discretionary grants in the coming weeks.

Amy Banks, Ph.D., M.T.S.
Office of Safe and Supportive Schools
Office of Elementary and Secondary Education
U.S. Department of Education
202.453.6704
amy.banks@ed.gov

---

**From:** Dennis, Franka <Franka.Dennis@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:28 PM
**To:** Banks, Amy <Amy.Banks@ed.gov>
**Cc:** Foy Moss, Rita <Rita.Foy.Moss@ed.gov>; Williams, Bryan <Bryan.Williams@ed.gov>
**Subject:** FW: Georgia Questions

Hi Carlette,

Below is an email from the Covid-19 mailbox with questions about the SCTG. This sounds more like an administrative response and I had the same questions.

Thank You,

Franka

---

**From:** Rebecca Blanton <rblanton@doe.k12.ga.us>
**Sent:** Tuesday, March 24, 2020 10:33 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Georgia Questions

1.When the interim report is submitted will consideration for schools not being in session be taken into account?
2. Will the grant funding be continued considering the current climate of schools being closed and the relief package being considered by Congress?
3. Will guidance on how best to continue the work to support schools and families during this challenging time be provided?
4. Will the May report date be extended due to the health crisis?
5. When will be webinar be rescheduled regarding the interim report?

AMERICAN OVERSIGHT

Regards,

**Rebecca**

Rebecca Blanton
School Climate Transformation Grant Manager
Office of School Safety and Climate
Georgia Department of Education
Cell: 678.876.5284
Fax: 404.651.6457

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"Educating Georgia's Future"

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:19:21 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Home schooling during covid19

---

**From:** answers <answers@ed.gov>
**Sent:** Tuesday, March 24, 2020 12:53 PM
**To:** COVID-19 <COVID-19@ed.gov>; gclevenger@outlook.com
**Subject:** FW: Home schooling during covid19

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Gerald Clevenger
gclevenger@outlook.com

Dear Gerald Clevenger,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach

AMERICAN OVERSIGHT

U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Gerald Clevenger <gclevenger@outlook.com>
Sent: Sunday, March 22, 2020 8:59 PM
To: answers <answers@ed.gov>
Subject: Home schooling during covid19

Why isn't there resources for home schooling during this pandemic. How about PBS classrooms. Even people with no internet have TV.
How about getting prepared for these kids being out of school. This has been going on for weeks

Sent from my iPad

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:10:43 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: ID&R requirements

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Meltzer, Michael <michael.meltzer@ed.gov>
**Sent:** Wednesday, March 25, 2020 9:41 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>; Martinez, Sarah <Sarah.Martinez@ed.gov>
**Subject:** FW: ID&R requirements

Hi all,

Please see HI's COVID-19 inquiry below.

Best,
Mike

---

**From:** Meltzer, Michael
**Sent:** Friday, March 20, 2020 11:09 AM
**To:** Allan Takeshita <allan.takeshita@k12.hi.us>
**Subject:** RE: ID&R requirements

Hi Allan,

Thank you for reaching out to me. I hope all is well with you. The Department is currently working on developing further guidelines for grantees. Your inquiry will be forwarded to the COVID-19@ed.gov mailbox, and you should expect to receive a response as soon as possible.

Best,
Mike Meltzer

**From:** Allan Takeshita <allan.takeshita@k12.hi.us>
**Sent:** Thursday, March 19, 2020 9:42 PM
**To:** Meltzer, Michael <michael.meltzer@ed.gov>
**Subject:** ID&R requirements

AMERICAN OVERSIGHT

Hello Mike,

I hope you and your family are well during this time of uncertainty.

In response to the COVID-19 situation, the Hawaii Department of Education is temporarily closing many of our offices and allowing only essential personnel to work. This would mean that our ID&R recruiters will be unable to submit work hours during the closure period unless I can designate them as essential workers. Are there any regulations or guidelines that require states to identify and recruit migratory children to be in compliance with the federal grant? Otherwise our entire ID&R will shut down and I'm concerned about how that will impact our program, families and staff.

Thanks,
Allan

*Allan Takeshita*
*Educational Specialist, Migrant Education Program*
*Hawaii State Department of Education*
*Office of Student Support Services*
*475 22nd Avenue, Bldg. 302, Room 101*
*Honolulu, Hawaii 96816*
*Telephone: (808) 305-9856*

This is a staff email account managed by Hawaii Department Of Education School District. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 17:51:14 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Internet for teachers

Hello OESE,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** answers <answers@ed.gov>
**Sent:** Tuesday, March 24, 2020 11:40 AM
**To:** Jamie J <(b)(6)
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Internet for teachers

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Dear Jamie Johnson,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your email has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

AMERICAN OVERSIGHT

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

---

**From:** Jamie J <(b)(6)
**Sent:** Sunday, March 22, 2020 12:01 PM
**To:** answers <answers@ed.gov>
**Subject:** Internet for teachers

Teachers need access to free internet and phone for distance learning. What is being done about this?

Jamie Johnson
Self-Care Specialist | Teacher |Consultant
MAEd, NBCT, CTLC
509.557.8793
KickassTeacher.com

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:44:10 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Iowa Wesleyan University - Extended Spring Break Question

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

**From:** Brian Johnston <brian.johnston@iw.edu>
**Sent:** Wednesday, March 25, 2020 1:11 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Iowa Wesleyan University - Extended Spring Break Question

Hello,

I copied the below text from a NASFAA webinar, Iowa Wesleyan University extended spring break by one week due to COVID-19. How do we apply for a shortened academic year from the school participation division? Do you have a contact or any information that would be helpful?

"Under Length of Academic Year in the [Electronic Announcement], a temporary reduction in the length of an institution's academic year can be requested if an institution determines it will close as a result of a campus health emergency. Our students are currently in a one-week spring break and we extended the break by one week in order to prepare for all online instruction. After the additional week of break, we will resume with online classes. This extension of the break results in a 14-week spring semester and 29-week academic year.

**Is the Department's guidance about requesting a shortened academic year only applicable for a closure or would an extended break resulting in a reduced academic calendar also qualify for the temporary reduction?**

**Jill Desjean: Yes, so an extended break, if they didn't add onto the end of this semester, would be the same as shortening/cutting off of the semester. So, either way, the institution would need to seek the Department's approval from the School Participation Division reducing the length of the academic year [to less than 30 weeks]."**

Thanks,

**Brian Johnston '14, MBA**
Director of Financial Aid

AMERICAN OVERSIGHT

Iowa Wesleyan University
601 North Main Street
Mount Pleasant, IA 52641

Office:319-385-6241
E-mail: Brian.Johnston@iw.edu

AMERICAN OVERSIGHT

**From:** Dennis, Franka
**Sent:** Wed, 25 Mar 2020 20:05:35 +0000
**To:** COVID-19
**Subject:** FW: Jefferson college ATS

This is from OESE box.

---

**From:** Huber, Amy <Amy.Huber@ed.gov>
**Sent:** Wednesday, March 25, 2020 3:59 PM
**To:** Dennis, Franka <Franka.Dennis@ed.gov>
**Cc:** Hodgdon, Jane <Jane.Hodgdon@ed.gov>; Ramsey, Tara <Tara.Ramsey@ed.gov>
**Subject:** FW: Jefferson college ATS

Hi Franka,
This inquiry might need to go to OPE. I believe it is discussing a dual enrollment program.
Thanks,
-Amy

Amy B. Huber
State & Grantee Relations
Desk: (202) 453-6634
Website: oese.ed.gov
Connect. Engage. Empower.

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Wednesday, March 25, 2020 12:55 PM
**To:** OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Jefferson college ATS

Hello OESE,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** answers <answers@ed.gov>
**Sent:** Tuesday, March 24, 2020 10:38 AM
**To:** julicooper <(b)(6)
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Jefferson college ATS

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

AMERICAN OVERSIGHT

March 24, 2020

Dear Juli Cooper,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your email has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

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U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

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**From:** julicooper <[redacted]
**Sent:** Thursday, March 19, 2020 5:04 PM
**To:** answers <answers@ed.gov>
**Subject:** Jefferson college ATS

My daughter is a Senior in high school is going thru the fire fighter program at Hillsboro, MO at Jefferson College while going to Festus High School. Because of this virus the college has been closed temporarily. There is a possibility that she will not get all her clinical hours in for the course. What are our options? Thank for your time.

Sent via the Samsung Galaxy Note8, an AT&T 5G Evolution capable smartphone

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:07:44 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Laptops for vulnerable students during COVID 19

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** OESE.SGR.Indiana <Indiana.oese@ed.gov>
**Sent:** Wednesday, March 25, 2020 8:09 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Laptops for vulnerable students during COVID 19

---

**From:** Nedra V Smith <Ms.NedraValeen@outlook.com>
**Sent:** Tuesday, March 24, 2020 4:11 PM
**To:** OESE.OSS.Indiana <OSS.Indiana@ed.gov>; Nedgra V Smith <Nedra.Smith@eskenazihealth.edu>
**Subject:** Laptops for vulnerable students during COVID 19

To Whom it May Concern,

We are hoping to assist our families with resources to obtain laptops for E-learning during the COVID 19 Pandemic. Many of our students are receiving special education services.

Please assist us in seeking resources to obtaining laptops for our students.

I can be reached at Nedra.smith@eskenazihealth.edu or by calling (317) 661-1039.

Thanks for your support.

Nedra Smith, MA LLPC LSW

Sent from Mail for Windows 10

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:44:06 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Length of Academic Year

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Tiffanie Karcher <Tiffanie.Karcher@marist.edu>
**Sent:** Wednesday, March 25, 2020 4:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Mary Lou Kutchma <Mary.Lou.Kutchma@marist.edu>
**Subject:** Length of Academic Year

Good afternoon!

I work at a private college that extended spring break by 1 week due to COVID-19. At the end of spring break, instruction will resume online until the scheduled end date of the spring term. Although our start and end dates currently remain the same, are we required to request a temporary reduction in our academic year since the instruction time has effectively been shortened by 1 week? If so, do we start by contacting our School Participation team or do we request approval via the ECAR?

Thank you in advance for your guidance.

Tiffanie Karcher

Marist College

Associate Director of Compliance and Analyst

Office of Student Financial Services

Telephone: 845-575-3000 ext 2431

Fax: 845-575-3099

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:38:05 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: McKinney Vento Question

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Medina, Carmen <cmedina@pa.gov>
**Sent:** Wednesday, March 25, 2020 3:21 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Camara, Storm <scamara@pa.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Thurmond, Bryan <Bryan.Thurmond@ed.gov>
**Subject:** McKinney Vento Question

Good afternoon,

Our state is planning to have the schools go on-line when they reopen around April 6. We have homeless students that do not have laptops, iPad, etc. Can we use McKinney Vento funds to purchase the necessary equipment in that way they can complete their schoolwork? Please advise.

**Carmen M. Medina** | Chief
Pennsylvania Department of Education | Bureau of School Support
333 Market Street, 3rd Floor | Harrisburg, PA | 17126
Phone: 717.783.6466 | Fax: 717.783.6642
cmedina@pa.gov
www.education.pa.gov

VIDEO: #PAHasYourBack

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OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:11:20 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: MEP Triennial Reinterview

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Meltzer, Michael <michael.meltzer@ed.gov>
**Sent:** Wednesday, March 25, 2020 9:47 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>; Martinez, Sarah <Sarah.Martinez@ed.gov>
**Subject:** FW: MEP Triennial Reinterview

Hi all,

Please see VT's COVID-19 inquiry below.

Best,
Mike

---

**From:** Meltzer, Michael
**Sent:** Wednesday, March 25, 2020 9:46 AM
**To:** Kinlock, Megan <Megan.Kinlock@vermont.gov>
**Subject:** RE: MEP Triennial Reinterview

Hi Megan,

Thank you for your inquiry. We will respond to you as soon as possible. Please visit the Department's COVID-19 website at www.ed.gov/coronavirus. We continue to update this site with information. We also encourage you to review the information from the Center for Disease Control and Prevention (CDC) and your local health officials.

Best,
Mike

---

**From:** Kinlock, Megan <Megan.Kinlock@vermont.gov>
**Sent:** Tuesday, March 24, 2020 2:41 PM
**To:** Meltzer, Michael <michael.meltzer@e

AMERICAN OVERSIGHT

d.gov>; Meyertholen, Patricia <Patricia.Meyertholen@ed.gov>
**Subject:** MEP Triennial Reinterview

Hi Mike & Pat,

Vermont was just about to complete their Triennial Reinterview with Massachusetts and Maine which is obviously not able to be done in person right now due to the current health crisis. Staff approached me about potentially completing reinterviews over the phone – would this be allowable?

Thank you,

**Megan Kinlock**
*Title II & Migrant Education Director*
Vermont Agency of Education
1 National Life Drive | Davis 5 | Montpelier, VT 05620
megan.kinlock@vermont.gov
Agency of Education | Consolidated Federal Programs | Migrant Education Program

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Please note that this email message, along with any response or reply, may be considered public record, and thus, subject to disclosure under the Vermont Public Records Law (1 V.S.A Ch. 5, Sec. 3, §§ 315-320). Thank You.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 18:05:11 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Michigan Students are not receiving instruction due to restrictive student equality practices

Hello OESE,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Kinzie and Jessica Austin [redacted]
**Sent:** Tuesday, March 24, 2020 12:00 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Michigan Students are not receiving instruction due to restrictive student equality practices

Hello. I now live in Michigan but previously lived and taught in the state of Indiana where eLearning has been in place for 6 years. The Michigan Department of Education is not moving forward proactively by allowing Remote, Home or eLearning for students. Their interpretation and now written law is that ALL students must have equal access to technology and internet and all issues with disabled students must be eliminated first before allowing Home Learning.

We live in a very competitive, technological and global workforce. The Michigan Department of Education is interfering with my children's ability to free and public education by burdening our school districts with unnecessary expectations during these unprecedented, challenging times. I am requesting Federal assistance to ensure my children's public education. Please advise where I can turn for the most effective help to solve this problem.

Thank you,
Jessica Austin
947-414-5900

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:36:07 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Money circulation

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** A JJohnson <AJJohnson4729@outlook.com>
**Sent:** Wednesday, March 25, 2020 10:11 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Money circulation

Hello

I hope that you are staying safe and healthy!

Regarding money, we all know that it is nasty in the best of circumstances (no pandemic) but during Spring/allergy season when we in certain states are still experiencing winter temperatures, is money handling even SAFE?

Many essential personnel in our grocery stores handle money as part of their routine duties. Should they be given guidance on the handling of paper money? I read in China, they disinfected, burned, and gave paper money UV light treatments...should we do the same?

Thanks so much!

Get Outlook for Android

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 18:51:50 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: New OIE Formula Team COVID-19 question:

Hello OESE,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Tuesday, March 24, 2020 12:40 PM
**To:** Ramsey, Tara <Tara.Ramsey@ed.gov>; COVID-19 <COVID-19@ed.gov>; OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>
**Cc:** Ryder, Ruth <Ruth.Ryder@ed.gov>; Hernandez-Marshall, Angela <Angela.Hernandez-Marshall@ed.gov>
**Subject:** RE: New OIE Formula Team COVID-19 question:

Hello COVID-19 Team,

I appreciate your efforts to help our pandemic response. Can someone please send me any template-like email verbiage that is being used as the foundation of COVID-19 responses?

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

AMERICAN OVERSIGHT

**From:** Ramsey, Tara <Tara.Ramsey@ed.gov>
**Sent:** Friday, March 20, 2020 2:07 PM
**To:** COVID-19 <COVID-19@ed.gov>; Moore, Crystal <Crystal.Moore@ed.gov>; OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>
**Subject:** RE: New OIE Formula Team COVID-19 question:

This is the technical address: OESECOVID19@usdedeop.onmicrosoft.com

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 20, 2020 1:54 PM
**To:** Moore, Crystal <Crystal.Moore@ed.gov>; OESE COVID 19 <OESECOVID19@usdedeop.onmicrosoft.com>
**Subject:** RE: New OIE Formula Team COVID-19 question:

Yes, its in outlook. If you can't find, then keep sending to COVID-19. I'll forward them.

Kelly

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Friday, March 20, 2020 1:47 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: New OIE Formula Team COVID-19 question:

My Outlook is not recognizing OESE-COVID-19. Has it been activated in Outlook?

---

**From:** Moore, Crystal
**Sent:** Friday, March 20, 2020 1:43 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: New OIE Formula Team COVID-19 question:

Yes, ma'am.

---

**From:** COVID-19 <COVID-19@ed.gov>
**Sent:** Friday, March 20, 2020 1:30 PM
**To:** Moore, Crystal <Crystal.Moore@ed.gov>
**Subject:** RE: New OIE Formula Team COVID-19 question:

Hi Crystal

Can you send the to OESE-COVID-19 and CC COVID-19

AMERICAN OVERSIGHT

Thanks,
Kelly

---

**From:** Moore, Crystal <Crystal.Moore@ed.gov>
**Sent:** Friday, March 20, 2020 10:50 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** New OIE Formula Team COVID-19 question:

New OIE Formula Team COVID-19 question:

| | | | | |
|---|---|---|---|---|
| Mar 20 2020 10:05:13 | Verdigris Public Schools | OK | Amy Moyer | EASIE: How do we have open meetings during COVID-19? |

Yakoke (Thank You),

Crystal

**Crystal C. Moore, Ed.D. (OK Choctaw Tribal Member)**
**Supervisory Program Officer, Group Lead – Formula Team, Office of Indian Education**
Office of Elementary & Secondary Education | United States Department of Education
400 Maryland Avenue SW | Washington, D.C. 20202
Phone: (202) 453-5593
Email: crystal.moore@ed.gov

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:16:43 +0000
**To:** VanderPloeg, Laurie
**Cc:** COVID-19
**Subject:** FW: Online Classes

Hello,

Please see the email inquiry below.

Thank You,

Franka

**From:** Dinorah Henriquez <[redacted]
**Sent:** Tuesday, March 24, 2020 1:05 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Online Classes

Are you going to provide with tablets and WiFi for low income students with disabilities.

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:44:01 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Pass/ Fail and Unearned Withdraws

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Meghann Fraley <mfraley@rio.edu>
**Sent:** Wednesday, March 25, 2020 9:26 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Pass/ Fail and Unearned Withdraws

Good Morning,
Our school is exploring a Pass/Fail grading system for this semester due to the Covid-19 outbreak and transitioning all our courses online. We have a grading system in place to process unearned withdraws at the end of the term, I am concerned the unearned withdraws will be impacted. We are a 'not required to take attendance' school. Is there any guidance on how ED is wanting schools to process unearned withdraws for this term? Is there any consequences to going to a pass/fail grading system?

**Meghann Fraley**
Director of Financial Aid

Florence Evans Hall
P.O. Box 500
Rio Grande, OH 45674

p: 740.245.7218
f: 740.245.7102

AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:58 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Paying Federal Work Study for the remainder of the spring smester

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Cheryl Gerber <gerberca@westminster.edu>
**Sent:** Wednesday, March 25, 2020 10:55 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Paying Federal Work Study for the remainder of the spring smester

My institution is planning to pay FWSP wages to our current FWSP employees through the remainder of our spring semester as we are teaching out the remainder of this semester remotely and have sent students home.

While some of our FWSP employees have scheduled hours that we will be able to use to calculate their pay, we have a number of students who have flexible hours (may work 4 hours one week and 14 hours the next). Is there guidance about how to calculate pay for these students as they are not on a set schedule.

Please also clarify, it is my understanding that we are not permitted to simply pay these students up to their allocated work study amount.

I appreciate your time in answering my questions.

Cheryl

(b)(6)

Director of Financial Aid

319 South Market Street
New Wilmington, PA 16172
724-946-6173
724-946-6171 FAX

AMERICAN OVERSIGHT

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:53 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Please provide clarification on DeVos halts collection of defaulted federal student loans

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Ibanez, Juanita (LLU) <jibanez@llu.edu>
**Sent:** Wednesday, March 25, 2020 2:39 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Please provide clarification on DeVos halts collection of defaulted federal student loans

Good Afternoon Dept. of Ed,

I would appreciate it if you could please provide clarification on the article I found titled DeVos halts collection of defaulted federal student loans. See link http://a.msn.com/01/en-us/BB11ECmv?ocid=se Is the halting of collections only applicable for federal loans serviced by the Dept. of Education such assigned or consolidated loans or is this also applicable to Federal Perkins loans that are in default that are being serviced by a third party loan collection agency on behalf of a school?

Thanks,

Juanita Ibanez
Loma Linda University
Student Loan Accounts Office Supervisor

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:52 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Practical Nurse Students

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Emerson C Foster <efoster9175@columbus.k12.oh.us>
**Sent:** Wednesday, March 25, 2020 10:52 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Edward J O'Reilly <eoreilly@columbus.k12.oh.us>
**Subject:** Practical Nurse Students

Hello,

We are a clock hour school with a Practical Nurse program that was scheduled to begin the new payment period on March 16th. All Ohio school districts were shut down on March 16th by governor decree due to COVID-19 concerns. Our Practical Nurse students have been doing distance learning since the March 16 start date of the payment period. We have 3 cohorts. Cohort 1 is new students who were scheduled to begin attendance in the Practical Nurse program on March 16th. Cohorts 2 and 3 were to begin their 2nd and 3rd (their final payment period) in the Practical Nurse program on March 16th.

Our students are doing ATI and ED2Go online coursework until we can re-open and resume classes. The school district was scheduled to re-open on April 6th. It appears the closure of the school district may extend beyond April 6.

No Pell Grant or Direct Loan has been disbursed for the current payment period (3/16/20 - 7/3/20). Normally, Pell Grants are disbursed on the start date of each payment period. (in this instance March 16) I disburse Direct Loan 30 days after the start date of a payment period.

AMERICAN OVERSIGHT

The Practical Nurse payment period = 480 clock hours/15 weeks/ 32 clock hours per week/ 6.4 clock hours per day

Practical Nurse academic year = 960 clock hours /2 payment periods / 30 weeks

The Practical Nurse program is year around with 3 start dates. Currently March, July, and November.

Are our Practical Nurse students eligible for Title IV disbursements?

Thank you,

Emerson Foster

Financial Aid Coordinator

Columbus City Schools

Adult and Community Education @Hudson

(380) 997-7620

https://www.ccsoh.us/ace

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AMERICAN OVERSIGHT

**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:17:08 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Psychological evaluations during this pandemic

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** answers <answers@ed.gov>
**Sent:** Tuesday, March 24, 2020 8:52 AM
**To:** Carla Anderson <[redacted]
**Cc:** COVID-19 <COVID-19@ed.gov>
**Subject:** RE: Psychological evaluations during this pandemic

UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF COMMUNICATIONS AND OUTREACH

March 24, 2020

Dear Carla Anderson,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

AMERICAN OVERSIGHT

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Carla Anderson <(b)(6)
Sent: Saturday, March 21, 2020 8:41 AM
To: answers <answers@ed.gov>
Subject: Psychological evaluations during this pandemic

To this may concern,

Some districts are closed and going virtual during this pandemic, but school psychologists in these very same districts are being asked to come in and meet face to face with children and their families to continue testing.

Is this guidance you have given to our districts? Should school psychologist put themselves and those they are being asked to evaluate in possible jeopardy of getting this virus? Any guidance regarding this issue is welcomed.

Respectfully,
Carla Anderson, Psy.S.
Sent from my iPhone

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**From:** Calderon, Brenda
**Sent:** Wed, 25 Mar 2020 18:08:49 +0000
**To:** COVID-19
**Cc:** Vakil, Mandana
**Subject:** FW: Q&A document on providing services to English Learners during COVID-19

Also sharing this question in case you didn't receive it.

---

**From:** Davis, LaTonya <ldavis@ed.sc.gov>
**Sent:** Wednesday, March 18, 2020 1:19 PM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Subject:** Re: Q&A document on providing services to English Learners during COVID-19

The general questions that I'm receiving are focused on **what counts as service hours while students are on e-learning plans?** I've informed them that EL students can't be penalized for not having access to work, however, I'm not certain how to address the service hours piece.

Thank you for being responsive during this time. I can only imagine how many questions you're fielding right now.

LaTonya Davis

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pt by state or federal law.

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:32:36 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Q&A document on providing services to English Learners during COVID-19

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Sent:** Wednesday, March 25, 2020 2:09 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vakil, Mandana <mandana.vakil@ed.gov>
**Subject:** FW: Q&A document on providing services to English Learners during COVID-19

Also sharing this question in case you didn't receive it.

---

**From:** Davis, LaTonya <ldavis@ed.sc.gov>
**Sent:** Wednesday, March 18, 2020 1:19 PM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Subject:** Re: Q&A document on providing services to English Learners during COVID-19

The general questions that I'm receiving are focused on **what counts as service hours while students are on e-learning plans?** I've informed them that EL students can't be penalized for not having access to work, however, I'm not certain how to address the service hours piece.

Thank you for being responsive during this time. I can only imagine how many questions you're fielding right now.

LaTonya Davis

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pt by state or federal law.

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:17:28 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Quarantine

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** answers <answers@ed.gov>
**Sent:** Monday, March 23, 2020 12:25 PM
**To:** (b)(6) ; COVID-19 <COVID-19@ed.gov>
**Subject:** FW: Quarantine

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF COMMUNICATIONS AND OUTREACH

March 23, 2020

Matthew Miller
(b)(6)

Dear Matthew Miller,

Thank you for contacting the United States Department of Education. Your email was submitted to the Information Resource Center in the Office of Communications and Outreach, and we are pleased to respond.

Your e-mail has been forwarded to COVID-19@ed.gov for further handling. The Department launched a COVID-19 (Coronavirus) information and resources web page for schools and school personnel. This page, which will be regularly updated, features the most current information on COVID-19 (primarily from the Centers for Disease Control and Prevention [CDC]), as well as guidance and resources for everyday disease prevention strategies. Any questions for the Department may be directed to COVID-19@ed.gov.

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We encourage you to subscribe to email updates or follow us on Facebook and Twitter to stay up to date on all Education Department information.

Sincerely,

Information Resource Specialist
Information Resource Center | Office of Communications & Outreach
U.S. Department of Education | 400 Maryland Avenue, S.W. | Washington, D.C. 20202
800.USA.LEARN (phone)| 202.401.0689 (fax) | answers@ed.gov

View answers 24 hours a day at https://www.ed.gov/answers or https://www.ed.gov/respuestas.

-----Original Message-----
From: Matthew Miller [(b)(6)]
Sent: Friday, March 20, 2020 1:31 PM
To: answers <answers@ed.gov>
Subject: Quarantine

The the US Department of Education,

What are you doing for the quarantine?

Our schools and teachers are out here making everything happen on the fly. You've provided no assistance or directions to families.

Where is your leadership?

Your agency is a disgrace and everyday you exist all of you should feel deeply ashamed of yourselves for abandoning the nation.

One of you needs to step up and take charge. Your silence will echo throughout history and no one will forget when our system was collapsing you did nothing.

Ever watchful,

Matthew Miller

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:50 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: Question on Enrolled student starting attendance from 04/06

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Gaurang Patel <gaurang@aimseducation.edu>
**Sent:** Wednesday, March 25, 2020 12:16 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Question on Enrolled student starting attendance from 04/06

Dear Sir/Madam

We are a clock hour school at Piscataway, NJ. We shifted our current face to face, on Campus classes to remote instructions.

We have several students who enrolled in new classes starting 04/06/2020, i.e. these students will start attending their payment period / academic year starting 04/06/2020. We wonder if we can offer them classes via remote instructions. Earlier EA issued was not allowing to start new classes through remote instructions. We are checking if there is any further update on this matter.

Appreciate your prompt attention and guidance.

Thanks,

Best Regards,

**Gaurang Patel** | Finance Department

American Institute of Medical Sciences & Education
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**AIMS EDUCATION**
4500 New Brunswick Ave, Piscataway, NJ 08854 | *web:* www.aimseducation.edu
email: Gaurang@Aimseducation.edu | off: (908) 222-0002 ext: 337 | efax: (908) 450-6111

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:34:34 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Question on M-20-17

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

**From:** Jess Binning (WDE) <jess.binning@wyo.gov>
**Sent:** Wednesday, March 25, 2020 3:16 PM
**To:** GrantsTeam@omb.eop.gov
**Cc:** OESE.OSS.Wyoming <OSS.Wyoming@ed.gov>; COVID-19 <COVID-19@ed.gov>
**Subject:** Question on M-20-17

OMB:

this letter, https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-17.pdf , grants flexibility that our school districts (LEAs) have been asking for. In order to be able to grant these flexibilities, how does our state agency request the flexibility or waiver from the US Department of Education? Do we submit a letter?

Or, are these items allowed between states and their subgrantees without needing US Department of Education approval first?

Any guidance would be appreciated, as these are key to helping school districts be able to continue to support schools during closures.

Sincerely,
Jess

Jessica Binning
***ESSA Consolidated Grants Supervisor***
E-mail: jess.binning@wyo.gov
Phone: 307-777-6208
**Wyoming Department of Education**
**Herschler Building 122 W. 25th Street, Suite E200**
**Cheyenne, WY 82002**

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Register for STAR here:
**https://2020starconference.eventbrite.com/**

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:22:06 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Questions from Title III directors

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:11 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vakil, Mandana <mandana.vakil@ed.gov>
**Subject:** Questions from Title III directors

Hello,

Attached are questions that were gathered from multiple states and sent to from the Title III Directors association president. Please route back to Title III, part A office (SSA).

Thank you.

---

**From:** Cox, Morgan <Cox_M@cde.state.co.us>
**Sent:** Friday, March 20, 2020 12:57 PM
**To:** Calderon, Brenda <Brenda.Calderon@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>
**Cc:** Ivanna Mann Thrower Anderson <Ivanna.Anderson@dpi.nc.gov>; Megan Alubicki <megan.alubicki@ct.gov>; Marshall Foster <Marshall.Foster@dpi.nc.gov>
**Subject:** call today

Hi Brenda and Faatimah,
Seeking ESSA guidance in collaboration with OCR to address many general EL and ESSA requirements. Thanks!

1. How do states ensure meaningful communication with parents of ELs in a language and format they can understand and access? (Closures, new instructional day, expectations of parents to set up/etc, specific technology language, new enrollment protocols)
2. Enrollment and identification during this time is a huge issue – many districts will have the capacity to provide more because they have more resources, bandwidth, staff, staff with

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expertise in technology setup/instruction/etc. Colorado is a choice state, so how can we curb the choice enrollment from districts with little/no capacity to others. This is an issue with students with IEPs, as well as Els

a. Will states be able to waive the EL identification in these cases?
b. Related to Title III specifically "Can states waive standardized EL identification procedures?

3. Content Instruction:
    a. Current platforms/technology instruction – how do we ensure access to grade level content for Els in a platform without typical scaffolds supports?
    b. Will online instruction be considered core or supplemental for EL? for content areas?
    c. If core, what accessibility requirements remain in place?
4. ELD Instruction: Is OCR requiring this occur? How many minutes given overall online instructional time considering age of students, etc?
    a. Many ELD instructional progressive disclosure programs exist, is this sufficient? Or does it need to be in front of a teacher in a virtual environment?
5. Title III specific questions;
    a. Can Title III and other ESSA funds be used to support hotspot, wifi, devices, software, staff to set up new technology infrastructure to purchase this equipment to provide ELD? Or is this considered new "core ELD" and therefore supplanting?
    b. Similar to waiver of Identification: Can states waive standardized EL Exit Procedures?

Morgan Cox
Director
Office of Culturally and Linguistically Diverse Education

EVERYONE COUNTS Census 2020

P 303.866.6784
1560 Broadway, Suite 1100, Denver, CO 80202-5149
Cox_M@cde.state.co.us | www.cde.state.co.us

*Email cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, email cannot be used to transfer files containing personally identifiable information of educators or students. Contact the intended recipient to mutually determine enhanced security options for transferring such information.*

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 20:43:48 +0000
**To:** Cox, Jack;Hilsey, Shaina
**Cc:** COVID-19
**Subject:** FW: R2T4 calculation question

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Wyndham-Cooke, Tami <cooket@musc.edu>
**Sent:** Wednesday, March 25, 2020 11:06 AM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** R2T4 calculation question

Good morning,

Spring break is 03/14/20-03/22/20. Student withdraws on 3/22. The calculation goes back to 3/13, last scheduled date of class correct?

Tami Cooke
MUSC Student Financial Aid

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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 18:12:28 +0000
**To:** Hilsey, Shaina;Cox, Jack
**Cc:** COVID-19
**Subject:** FW: Refunds within 14 days

Hello,

Please see the email inquiry below.

Thank You,

Franka

---

**From:** LaShonda Thomas <lthomas74@dccc.edu>
**Sent:** Tuesday, March 24, 2020 12:08 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Subject:** Refunds within 14 days

Hi,

Will institutions still be required to issue refunds within 14 days from disbursement?

Thank you,

**LaShonda A. Thomas, MBA**
Director of Student Accounts
901 South Media Line Road
Media, PA 19063-1094
(P) 610-359-5313
(F) 610-325-2818
www.dccc.edu

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**From:** Calderon, Brenda
**Sent:** Wed, 25 Mar 2020 17:56:15 +0000
**To:** COVID-19
**Cc:** Vakil, Mandana
**Subject:** FW: Resource for ELs', COVID-19
**Attachments:** qa-covid-19-03-12-2020.pdf

The following questions were sent over from the EL SCASS:

How to deal with reclassification of ELs given interruption to ELP-assessments? kindergarten early screening in another couple of weeks. We typically allow schools to do early screening from May 1.

How are you advising districts to screen potential ELs currently?

Are you providing potential ELs with distance learning pertaining to ELs if they are unable to be identified?

Given sudden need, how to address possible future OCR violations? (e.g., accessibility for SWDs, language, technology demands)

Please route to SSA, Title III, Part A as some of these draft responses are making their way through the approval process.

Thank you.

---

**From:** Magda Yanira Chia <chiam@stanford.edu>
**Sent:** Friday, March 20, 2020 5:59 PM
**To:** Anand, Supreet <Supreet.Anand@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Calderon, Brenda <Brenda.Calderon@ed.gov>
**Cc:** Fen Chou <Fen.Chou@ccsso.org>; Kenji Hakuta <hakuta@stanford.edu>
**Subject:** Resource for ELs', COVID-19

Hi Supreet, Faatimah, and Brenda,
I hope you are fairing well despite the challenging times in which we find ourselves.

I am reaching out with what I hope is an easy question. A couple of EL SCASS states have reached out (and I suspect others will next week) to ask if there is an equivalent resource to the attached for ELs. Can you provide any guidance? Let me know if you have any questions--or we can support in any way.

Thank you so much. Please stay safe.

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-Magda

Magda Chia, Ph.D.

Director of Strategy, Impact, and Policy

Stanford University

Understanding Language

http://ell.stanford.edu

(718) 510-6975

chiam@stanford.edu

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# QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK

**MARCH 2020**

The Centers for Disease Control and Prevention (CDC) is responding to an outbreak of respiratory disease caused by a new coronavirus named coronavirus disease 2019 (COVID-19). The CDC has issued interim guidance to help administrators of public and private childcare programs and K–12 schools plan for and prevent the spread of COVID-19 among students and staff. *See* Interim Guidance for Administrators of US Childcare Programs and K–12 Schools to Plan, Prepare, and Respond to Coronavirus Disease 2019 available at: https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html

This Questions and Answers document outlines states' responsibilities to infants, toddlers, and children with disabilities and their families, and to the staff serving these children. During an outbreak of COVID-19, local educational agencies (LEAs) and early intervention service (EIS) programs will need to collaborate with their state educational agency (SEA), Bureau of Indian Education (BIE), or local public health department, as appropriate, to address questions about how, what, and when services should be provided to children with disabilities.[1] It does not create or confer any rights for or on any person. This Q & A document does not impose any additional requirements beyond those included in applicable law and regulations. The responses presented in this document generally constitute informal guidance representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented here and are not legally binding. The Q & As in this document are not intended to be a replacement for careful study of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations. The *IDEA*, its implementing regulations, and other important documents related to the *IDEA* can be found at http://sites.ed.gov/idea. For more information on the requirements of Section 504 and Title II, and their implementing regulations, please consult https://www2.ed.gov/policy/rights/guid/ocr/disabilityoverview.html.

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[1] This document does not address when to dismiss a child or close a school or Part C state lead agency because school officials should work with their local health departments to make those decisions. School personnel and Part C EIS programs and providers, however, may consult the Centers for Disease Control and Prevention's (CDC's) guidance for recommendations regarding social distancing and school closure. The CDC's Web site contains information addressing both state and local public health officials and school administrators for school (K-12) responses to COVID-19 and resources for child care and early childhood programs. These documents, along with other recommendations, may be accessed at https://www.cdc.gov/coronavirus/2019-ncov/community/index.html.

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## A. Implementing Part B of the *IDEA* and Section 504 during a COVID-19 outbreak

**Question A-1:** Is an LEA required to continue to provide a free appropriate public education (FAPE) to students with disabilities during a school closure caused by a COVID-19 outbreak?

**Answer**: The IDEA, Section 504, and Title II of the ADA do not specifically address a situation in which elementary and secondary schools are closed for an extended period of time (generally more than 10 consecutive days) because of exceptional circumstances, such as an outbreak of a particular disease.

If an LEA closes its schools to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The Department understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements.

If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. (34 CFR §§ 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)). SEAs, LEAs, and schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP developed under IDEA, or a plan developed under Section 504. (34 CFR §§ 300.101 and 300.201 (IDEA), and 34 CFR § 104.33 (Section 504)).



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**Question A-2:** Must an LEA provide special education and related services to a child with a disability who is absent for an extended period of time because the child is infected with COVID-19, while the schools remain open?

**Answer**: Yes. It has long been the Department's position that when a child with a disability is classified as needing homebound instruction because of a medical problem, as ordered by a physician, and is home for an extended period of time (generally more than 10 consecutive school days), an individualized education program (IEP) meeting is necessary to change the child's placement and the contents of the child's IEP, if warranted. Further, if the IEP goals will remain the same and only the time in special education will change, then the IEP Team may add an amendment to the IEP stating specifically the amount of time to be spent in special education. If a child with a disability is absent for an extended period of time because of a COVID-19 infection and the school remains open, then the IEP Team must determine whether the child is available for instruction and could benefit from homebound services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available. In so doing, school personnel should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. The Department understands there may be exceptional circumstances that could affect how a particular service is provided.

If a child does not receive services after an extended period of time, a school must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.

---

**Question A-3:** What services must an LEA provide if a public school for children with disabilities is selectively closed due to the possibility of severe complications from a COVID-19 outbreak?

**Answer:** If a public school for children with disabilities is closed solely because the children are at high risk of severe illness and death, the LEA must determine whether each dismissed child could benefit from online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available. In so doing,



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school personnel should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. The Department understands there may be exceptional circumstances that could affect how a particular service is provided.

If a child does not receive services during a closure, a child's IEP team (or appropriate personnel under Section 504) must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.

---

**Question A-4:** If a child with a disability at high risk of severe medical complications is excluded from school during an outbreak of COVID-19 and the child's school remains open, is the exclusion considered a change in educational placement subject to the protections of 34 CFR §§ 300.115 and 300.116 and 34 CFR §§ 104.35 and 104.36.

**Answer:** If the exclusion is a temporary emergency measure (generally 10 consecutive school days or less), the provision of services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available, is not considered a change in placement. During this time period, a child's parent or other IEP team member may request an IEP meeting to discuss the potential need for services if the exclusion is likely to be of long duration (generally more than 10 consecutive school days). For long-term exclusions, an LEA must consider placement decisions under the *IDEA*'s procedural protections of 34 CFR §§ 300.115 – 300.116, regarding the continuum of alternative placements and the determination of placements.

Under 34 CFR § 300.116, a change in placement decision must be made by a group of persons, including the parents and other persons knowledgeable about the child and the placement options. If the placement group determines that the child meets established high-risk criteria and, due to safety and health concerns, the child's needs could be met through homebound instruction, then under 34 CFR §300.503(a)(1), the public agency must issue a prior written notice proposing the change in placement. A parent who disagrees with this



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prior written notice retains all of the due process rights included in 34 CFR §§ 300.500-300.520.

For children with disabilities protected by Section 504 who are dismissed from school during an outbreak of COVID-19 because they are at high risk for health complications, compliance with the procedures described above and completion of any necessary evaluations of the child satisfy the evaluation, placement and procedural requirements of 34 CFR §§ 104.35 and 104.36. The decision to dismiss a child based on his or her high risk for medical complications must be based on the individual needs of the child and not on perceptions of the child's needs based merely on stereotypes or generalizations regarding his or her disability.

---

**Question A-5:** May an IEP Team consider a distance learning plan in a child's IEP as a contingency plan in the event of a COVID-19 outbreak that requires the school's closure?

**Answer:** Yes. IEP teams may, but are not required to, include distance learning plans in a child's IEP that could be triggered and implemented during a selective closure due to a COVID-19 outbreak. Such contingent provisions may include the provision of special education and related services at an alternate location or the provision of online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, and may identify which special education and related services, if any, could be provided at the child's home.

Creating a contingency plan before a COVID-19 outbreak occurs gives the child's service providers and the child's parents an opportunity to reach agreement as to what circumstances would trigger the use of the child's distance learning plan and the services that would be provided during the dismissal.

---

**Question A-6:** What activities other than special education and related services may and may not be provided with *IDEA* Part B funds both prior to and during a COVID-19 outbreak?

**Answer:** *IDEA* Part B funds may be used for activities that directly relate to providing, and ensuring the continuity of, special education and related services to children with disabilities. For example, an LEA may use



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*IDEA* Part B funds to disseminate health and COVID-19 information that is specifically related to children with disabilities, to develop emergency plans for children with disabilities, or to provide other information (e.g., guidance on coordination of the provision of services in alternate locations as described in Question A-5) to parties who may need such information, including school staff responsible for implementing IEPs, parents of eligible children, and staff in alternate locations where special education and related services may be provided. LEAs, however, may not use *IDEA* Part B funds to develop or distribute general COVID-19 guidance or to carry out activities that are not specific to children with disabilities (e.g., general COVID-19 activities for all children and staff). Additionally, LEAs may not use *IDEA* Part B funds to administer future COVID-19 vaccinations to any children, including children with disabilities.



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## B. *IDEA* Part C and COVID-19

**Question B-1:** Must a state lead agency continue to provide early intervention services to infants and toddlers with disabilities during a COVID-19 outbreak if the offices are closed?

**Answer:** If the offices of the state lead agency or the EIS program or provider are closed, then Part C services would not need to be provided to infants and toddlers with disabilities and their families during that period of time. If the lead agency's offices are open but the offices of the EIS program or provider in a specific geographical area are closed due to public health and safety concerns as a result of a COVID-19 outbreak in that area, the EIS program or provider would not be required to provide services during the closure. If the offices remain open, but Part C services cannot be provided in a particular location (such as in the child's home), by a particular EIS provider, or to a particular child who is infected with COVID-19, then the lead agency must ensure the continuity of services by, for example, providing services in an alternate location, by using a different EIS provider, or through alternate means, such as consultative services to the parent.

Additionally, once the offices re-open, the service coordinator and EIS providers for each child must determine if the child's service needs have changed and determine whether the individualized family service plan (IFSP) team needs to meet to review the child's IFSP to determine whether any changes are needed. If offices are closed for an extended period and services are not provided for an extended period, the IFSP team must meet under 34 CFR § 303.342(b)(1) to determine if changes are needed to the IFSP and to determine whether compensatory services are needed to address the infant or toddler's developmental delay.

---

**Question B-2:** What should a state lead agency or EIS program provider do to provide Part C services if its offices are open, but it cannot provide services in accordance with an infant's or toddler's IFSP during a COVID-19 outbreak?

**Answer:** If the offices remain open, but Part C services cannot be provided in a particular location (such as in the child's home), by a particular EIS provider, or to a particular child who is infected with COVID-19, then



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the lead agency must ensure the continuity of services, on a case-by-case basis and consistent with protecting the health and safety of the student and those providing services to the student. As an example, the lead agency may consider providing services in an alternate location, by using a different EIS provider, or through alternate means, such as consultative service to the parent. Once services are fully resumed, the service coordinator and EIS providers for each child must assess the child to determine if the child's service needs have changed and to determine whether the IFSP Team needs to meet to review the child's IFSP to identify whether changes to the IFSP are needed. If the offices are closed and services are not provided for an extended period, the IFSP Team must meet under 34 CFR § 303.342(b)(1) to determine if changes are needed to the IFSP and to determine whether compensatory services are needed.

If an EIS provider cannot provide Part C services in the child's home during a COVID-19 outbreak, but the EIS program or provider determines that it is safe to provide face-to-face Part C services in another environment such as a hospital or medical clinic, then the child could receive temporary services at the hospital or clinic. Additionally, if the lead agency or EIS provider determines that face-to-face Part C services should not be provided for a period of time, then the EIS provider or service coordinator may consult with the parent through a teleconference or other alternative method (such as e-mail or video conference), consistent with privacy interests, to provide consultative services, guidance, and advice as needed. However, determining how to provide Part C services in a manner that is consistent with the most updated public health and safety guidance is left to the discretion of the lead agency and the EIS program and provider serving a particular child and family.

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**Question B-3:** What activities other than service provision may and may not be provided with *IDEA* Part C funds both prior to and during a potential COVID-19 outbreak?

**Answer:** *IDEA* Part C funds may be used for activities that directly relate to providing, and ensuring the continuity of, Part C services to eligible children and their families. The state may use *IDEA* Part C funds to disseminate health and COVID-19 information to relevant parties, develop emergency plans to support the provision and continuity of



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Part C services, or provide other information (e.g., how the lead agency staff or EIS programs or providers may provide alternate services or services in alternate locations as described in Question B-2) to relevant parties who need this information. Relevant parties may include parents of eligible children, childcare centers, staff in other locations where early intervention services are provided, EIS programs and providers, and primary referral sources. Other activities that relate to service provision, including the provision of service coordination, evaluations, and assessments, may also be funded. The state may not, however, use *IDEA* Part C funds to administer future COVID-19 vaccinations as it is a medical service under 34 CFR §303.13(c)(3).



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**From:** COVID-19
**Sent:** Wed, 25 Mar 2020 19:25:26 +0000
**To:** OESE COVID 19
**Cc:** COVID-19
**Subject:** FW: Resource for ELs', COVID-19
**Attachments:** qa-covid-19-03-12-2020.pdf

Hello,

The below inquiry was received in the COVID-19 mailbox.

Thanks,
Kelly

---

**From:** Calderon, Brenda <Brenda.Calderon@ed.gov>
**Sent:** Wednesday, March 25, 2020 1:56 PM
**To:** COVID-19 <COVID-19@ed.gov>
**Cc:** Vakil, Mandana <mandana.vakil@ed.gov>
**Subject:** FW: Resource for ELs', COVID-19

The following questions were sent over from the EL SCASS:

How to deal with reclassification of ELs given interruption to ELP-assessments? kindergarten early screening in another couple of weeks. We typically allow schools to do early screening from May 1.

How are you advising districts to screen potential ELs currently?

Are you providing potential ELs with distance learning pertaining to ELs if they are unable to be identified?

Given sudden need, how to address possible future OCR violations? (e.g., accessibility for SWDs, language, technology demands)

Please route to SSA, Title III, Part A as some of these draft responses are making their way through the approval process.

Thank you.

---

**From:** Magda Yanira Chia <chiam@stanford.edu>
**Sent:** Friday, March 20, 2020 5:59 PM

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**To:** Anand, Supreet <Supreet.Anand@ed.gov>; Muhammad, Faatimah <Faatimah.Muhammad@ed.gov>; Calderon, Brenda <Brenda.Calderon@ed.gov>
**Cc:** Fen Chou <Fen.Chou@ccsso.org>; Kenji Hakuta <hakuta@stanford.edu>
**Subject:** Resource for ELs', COVID-19

Hi Supreet, Faatimah, and Brenda,
I hope you are fairing well despite the challenging times in which we find ourselves.

I am reaching out with what I hope is an easy question. A couple of EL SCASS states have reached out (and I suspect others will next week) to ask if there is an equivalent resource to the attached for ELs. Can you provide any guidance? Let me know if you have any questions--or we can support in any way.

Thank you so much. Please stay safe.

-Magda

Magda Chia, Ph.D.

Director of Strategy, Impact, and Policy

Stanford University

Understanding Language

http://ell.stanford.edu

(718) 510-6975

chiam@stanford.edu

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# QUESTIONS AND ANSWERS ON PROVIDING SERVICES TO CHILDREN WITH DISABILITIES DURING THE CORONAVIRUS DISEASE 2019 OUTBREAK

**MARCH 2020**

The Centers for Disease Control and Prevention (CDC) is responding to an outbreak of respiratory disease caused by a new coronavirus named coronavirus disease 2019 (COVID-19). The CDC has issued interim guidance to help administrators of public and private childcare programs and K–12 schools plan for and prevent the spread of COVID-19 among students and staff. *See* Interim Guidance for Administrators of US Childcare Programs and K–12 Schools to Plan, Prepare, and Respond to Coronavirus Disease 2019 available at: https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html

This Questions and Answers document outlines states' responsibilities to infants, toddlers, and children with disabilities and their families, and to the staff serving these children. During an outbreak of COVID-19, local educational agencies (LEAs) and early intervention service (EIS) programs will need to collaborate with their state educational agency (SEA), Bureau of Indian Education (BIE), or local public health department, as appropriate, to address questions about how, what, and when services should be provided to children with disabilities.[1] It does not create or confer any rights for or on any person. This Q & A document does not impose any additional requirements beyond those included in applicable law and regulations. The responses presented in this document generally constitute informal guidance representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented here and are not legally binding. The Q & As in this document are not intended to be a replacement for careful study of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), and their implementing regulations. The *IDEA*, its implementing regulations, and other important documents related to the *IDEA* can be found at http://sites.ed.gov/idea. For more information on the requirements of Section 504 and Title II, and their implementing regulations, please consult https://www2.ed.gov/policy/rights/guid/ocr/disabilityoverview.html.

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[1] This document does not address when to dismiss a child or close a school or Part C state lead agency because school officials should work with their local health departments to make those decisions. School personnel and Part C EIS programs and providers, however, may consult the Centers for Disease Control and Prevention's (CDC's) guidance for recommendations regarding social distancing and school closure. The CDC's Web site contains information addressing both state and local public health officials and school administrators for school (K-12) responses to COVID-19 and resources for child care and early childhood programs. These documents, along with other recommendations, may be accessed at https://www.cdc.gov/coronavirus/2019-ncov/community/index.html.

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## A. Implementing Part B of the *IDEA* and Section 504 during a COVID-19 outbreak

**Question A-1:** Is an LEA required to continue to provide a free appropriate public education (FAPE) to students with disabilities during a school closure caused by a COVID-19 outbreak?

**Answer**: The IDEA, Section 504, and Title II of the ADA do not specifically address a situation in which elementary and secondary schools are closed for an extended period of time (generally more than 10 consecutive days) because of exceptional circumstances, such as an outbreak of a particular disease.

If an LEA closes its schools to slow or stop the spread of COVID-19, and does not provide any educational services to the general student population, then an LEA would not be required to provide services to students with disabilities during that same period of time. Once school resumes, the LEA must make every effort to provide special education and related services to the child in accordance with the child's individualized education program (IEP) or, for students entitled to FAPE under Section 504, consistent with a plan developed to meet the requirements of Section 504. The Department understands there may be exceptional circumstances that could affect how a particular service is provided. In addition, an IEP Team and, as appropriate to an individual student with a disability, the personnel responsible for ensuring FAPE to a student for the purposes of Section 504, would be required to make an individualized determination as to whether compensatory services are needed under applicable standards and requirements.

If an LEA continues to provide educational opportunities to the general student population during a school closure, the school must ensure that students with disabilities also have equal access to the same opportunities, including the provision of FAPE. (34 CFR §§ 104.4, 104.33 (Section 504) and 28 CFR § 35.130 (Title II of the ADA)). SEAs, LEAs, and schools must ensure that, to the greatest extent possible, each student with a disability can be provided the special education and related services identified in the student's IEP developed under IDEA, or a plan developed under Section 504. (34 CFR §§ 300.101 and 300.201 (IDEA), and 34 CFR § 104.33 (Section 504)).



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**Question A-2:** Must an LEA provide special education and related services to a child with a disability who is absent for an extended period of time because the child is infected with COVID-19, while the schools remain open?

**Answer**: Yes. It has long been the Department's position that when a child with a disability is classified as needing homebound instruction because of a medical problem, as ordered by a physician, and is home for an extended period of time (generally more than 10 consecutive school days), an individualized education program (IEP) meeting is necessary to change the child's placement and the contents of the child's IEP, if warranted. Further, if the IEP goals will remain the same and only the time in special education will change, then the IEP Team may add an amendment to the IEP stating specifically the amount of time to be spent in special education. If a child with a disability is absent for an extended period of time because of a COVID-19 infection and the school remains open, then the IEP Team must determine whether the child is available for instruction and could benefit from homebound services such as online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available. In so doing, school personnel should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. The Department understands there may be exceptional circumstances that could affect how a particular service is provided.

If a child does not receive services after an extended period of time, a school must make an individualized determination whether and to what extent compensatory services may be needed, consistent with applicable requirements, including to make up for any skills that may have been lost.

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**Question A-3:** What services must an LEA provide if a public school for children with disabilities is selectively closed due to the possibility of severe complications from a COVID-19 outbreak?

**Answer:** If a public school for children with disabilities is closed solely because the children are at high risk of severe illness and death, the LEA must determine whether each dismissed child could benefit from online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available. In so doing,



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**From:** VanderPloeg, Laurie
**Sent:** Mon, 20 Apr 2020 11:10:31 +0000
**To:** VanderPloeg, Laurie;Walawender, Rebecca;Pudelski, Sasha
**Cc:** Ellerson Ng, Noelle
**Subject:** AASA

---

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[]OC[1033]][[

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**From:** Schultz, Mark
**Sent:** Mon, 20 Apr 2020 11:09:09 +0000
**To:** Schultz, Mark;Corr, Gregg;Kevin Gordon;Murray, Susan;Mdewan@sccoe.org;VanderPloeg, Laurie;Levorse, Audrey;sbachez@casbo.org;tdavenport@casbo.org;gerry@capitoladvisors.org;abe@capitoladvisors.org;'vbilly@csba.org';'dmeyers@csba.org';'wsmith@acsa.org';'ezazueta@acsa.org';'lpreston@acsa.org';'pbirdsall@ccsesa.org';'smorales@ccsesa.org';'tim@ssda.org';'ehoffman@acsa.org'
**Cc:** Schneer, Matthew;Gregg Corr;Rorie Fitzpatrick
**Subject:** CA Governor Newsom K-12 Work Group

**Host Pin: Mark Schultz**
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Conference ID: (b)(6)

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Meeting requested by Mr. Kevin Gordon:

I know you are surely swamped by the huge issues emerging across the country as a result of the National emergency, but we were hoping you might have some time in the coming week to be on a call with a small, but very influential group of school leaders from California being convened by the Governor's office on a nightly basis. This group of leaders includes the Executive Directors of the five major organizations that represent all of the 1,000 school districts and county offices of education in the State. While none of us represent labor, we speak for the Superintendents and elected school boards – the management side of public schools in California. We were hoping to get about 20-30 minutes of your time to talk about the challenges we are having and the good work you and the Secretary are doing to give us some relief on regulations and waivers that allow us to do the right things for kids. California is the largest public school system in the country and as we know you appreciate, we have a big job to do here. We would accommodate your schedule, as all of the groups are committed to get on the phone at your convenience. Thanks for considering this request.
Kevin

On behalf of:

Polly Houston, President
California School Nutrition Association

Mary Ann Dewan, Superintendent
Santa Clara County Schools

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Abe Hajela, Partner & Chief Counsel
Capitol Advisors Group, LLC abe@capitoladvisors.org

Vernon Billy, CEO vbilly@csba.org
Dennis Meyers, Assistant Executive Director dmeyers@csba.org
Erika Hoffman, Special Ed Advocate ehoffman@acsa.org
California School Boards Association

Wes Smith, Executive Director wsmith@acsa.org
Edgar Zazueta, Assistant Executive Director ezazueta@acsa.org
Laura Preston, SpEd Government Relations lpreston@acsa.org
Association of California School Administrators (Superintendents/Principals)

Peter Birdsall, Executive Director pbirdsall@ccsesa.org
Sandra Morales, Assistant Executive Director smorales@ccsesa.org
California County Superintendents Association

Tim Taylor, Executive Director tim@ssda.org
Small & Rural School Districts Association

Molly McGhee-Hewitt, Executive Director molly@casbo.org
Sarah Bachez, Assistant Executive Director (Chief Governmental Relations Officer)
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Tatia Davenport, Deputy Executive Director
California Association of School Business Officials (**for Molly McGhee Hewitt**)
tdavenport@casbo.org

Kristen Wright, Director Kristen.wright@cde.ca.gov
California Department of Nutrition Services

Gerry Shelton, Partner gerry@capitoladvisors.org
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*California's Leading Advocates for Education*
925 L Street, Suite 1200
Sacramento, California 95814
916-847-9454

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**From:** Schultz, Mark
**Sent:** Mon, 20 Apr 2020 11:08:05 +0000
**To:** Schultz, Mark;Levorse, Audrey;Falconer, Susan;VanderPloeg, Laurie
**Cc:** Rorie Fitzpatrick;Garcia, Daniela;Emenheiser, David
**Subject:** Call with Montana Superintendent Artnzen
**Attachments:** MontanaBios.docx

On Monday, March 23rd, Secretary DeVos spoke with Superintendent Artnzen about COVID-19 and they discussed support for students with disabilities and the Secretary indicated that she would direct Assistant Secretary Schulz and his team to follow up and connect with both Superintendent Artnzen and the state's special education director (both confirmed to be on this call) to discuss how to best facilitate meeting the needs of students with disabilities in some of their most remote settings in Montana.

**Host Pin: Mark Schultz**

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**MONTANA SUPERINTENDENT OF PUBLIC INSTRUCTION ELSIE ARNTZEN**

Elected in 2016 to a four-year term, Elsie Arntzen is the current State Superintendent. She is fourth-generation Montanan from Billings, the daughter of two Montana public school teachers, and taught fifth- and sixth-grade in Billings Public Schools for 23 years. She has degrees in Economics and Education from the University of Montana and Montana State University, respectively.

In addition to her teaching career, she served in the State Legislature for 12 years. She served four terms in the Montana House of Representatives from 2005 to 2013 and one term in the Montana Senate from 2013 until she was sworn in as State Superintendent on January 2, 2017.

She is the proud mother of two daughters and grandmother of four grandchildren. She has been married to her high school sweetheart Steve for 41 years.

It is her mission to put Montana students first at the Office of Public Instruction. She is accomplishing this through four key initiatives: Montana Hope, which is the whole child approach to education; Montana Teach, which promotes teacher leaders; Montana Learn, which focuses on academic achievement; and Montana Ready, which prepares students to be community, college, and career ready.

**MONTANA STATE DIRECTOR OF SPECIAL EDUCATION JENIFER CLINE**

Since October 2019, Jenifer Cline has served as Montana's Director of Student Support Services. She oversees the Montana Office of Public Instruction's special education, gifted and talented, and early learning programs. She took over for Frank Podobnik, who retired after many dedicated years of service to the state's students.

She has worked in the Student Support Services Division since 2017. She previously worked in school districts throughout Montana and Idaho for nearly 20 years in the special education and speech pathology fields, including 12 years in leadership positions. She has bachelor's and master's degrees in Speech and Hearing Sciences from Washington State University at Pullman, along with a Class 3 Montana Educator's License and Montana Speech Pathology Board License.

She has broad experience at the local, state, and national level holding offices with both MCASE and the national CASE organizations. She has presented professional development at numerous state and national professional conferences and co-authored several articles and books, including: *Efficient and Effective Management of Resources* for CASE, *Data: Making it Meaningful for National Professional Resources Inc.*, *A Teachers Guide to Special Education* for ASCD, *Special Education Law Case Studies: A Review from Practitioners* for Rowman and Littlefield, and *Special Education Leadership: Building Effective Programming in Schools* for Routledge.

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**From:** VanderPloeg, Laurie
**Sent:** Thu, 26 Mar 2020 12:19:34 +0000
**To:** Corr, Gregg;Wexler, Larry
**Subject:** CARES Act
**Attachments:** CARES ACT FINAL TEXT (002).pdf

Here it is!

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

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AMENDMENT NO._____ Calendar No._____

Purpose: Providing emergency assistance and health care response for individuals, families and businesses affected by the 2020 coronavirus pandemic.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

# H. R. 748

To amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Coronavirus Aid, Re-
5 lief, and Economic Security Act" or the "CARES Act".

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

7 The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

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TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED ACT

Sec. 1101. Definitions.
Sec. 1102. Paycheck protection program.
Sec. 1103. Entrepreneurial development.
Sec. 1104. State trade expansion program.
Sec. 1105. Waiver of matching funds requirement under the women's business center program.
Sec. 1106. Loan forgiveness.
Sec. 1107. Direct appropriations.
Sec. 1108. Minority business development agency.
Sec. 1109. United States Treasury Program Management Authority.
Sec. 1110. Emergency EIDL grants.
Sec. 1111. Resources and services in languages other than English.
Sec. 1112. Subsidy for certain loan payments.
Sec. 1113. Bankruptcy.
Sec. 1114. Emergency rulemaking authority.

TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES

Subtitle A—Unemployment Insurance Provisions

Sec. 2101. Short title.
Sec. 2102. Pandemic Unemployment Assistance.
Sec. 2103. Emergency unemployment relief for governmental entities and nonprofit organizations.
Sec. 2104. Emergency increase in unemployment compensation benefits.
Sec. 2105. Temporary full Federal funding of the first week of compensable regular unemployment for States with no waiting week.
Sec. 2106. Emergency State staffing flexibility.
Sec. 2107. Pandemic emergency unemployment compensation.
Sec. 2108. Temporary financing of short-time compensation payments in States with programs in law.
Sec. 2109. Temporary financing of short-time compensation agreements.
Sec. 2110. Grants for short-time compensation programs.
Sec. 2111. Assistance and guidance in implementing programs.
Sec. 2112. Waiver of the 7-day waiting period for benefits under the Railroad Unemployment Insurance Act.
Sec. 2113. Enhanced benefits under the Railroad Unemployment Insurance Act.
Sec. 2114. Extended unemployment benefits under the Railroad Unemployment Insurance Act.
Sec. 2115. Funding for the DOL Office of Inspector General for oversight of unemployment provisions.
Sec. 2116. Implementation.

Subtitle B—Rebates and Other Individual Provisions

Sec. 2201. 2020 recovery rebates for individuals.
Sec. 2202. Special rules for use of retirement funds.
Sec. 2203. Temporary waiver of required minimum distribution rules for certain retirement plans and accounts.
Sec. 2204. Allowance of partial above the line deduction for charitable contributions.

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Sec. 2205. Modification of limitations on charitable contributions during 2020.
Sec. 2206. Exclusion for certain employer payments of student loans.

Subtitle C—Business Provisions

Sec. 2301. Employee retention credit for employers subject to closure due to COVID-19.
Sec. 2302. Delay of payment of employer payroll taxes.
Sec. 2303. Modifications for net operating losses.
Sec. 2304. Modification of limitation on losses for taxpayers other than corporations.
Sec. 2305. Modification of credit for prior year minimum tax liability of corporations.
Sec. 2306. Modifications of limitation on business interest.
Sec. 2307. Technical amendments regarding qualified improvement property.
Sec. 2308. Temporary exception from excise tax for alcohol used to produce hand sanitizer.

TITLE III—SUPPORTING AMERICA'S HEALTH CARE SYSTEM IN THE FIGHT AGAINST THE CORONAVIRUS

Subtitle A—Health Provisions

Sec. 3001. Short title.

PART I—ADDRESSING SUPPLY SHORTAGES

SUBPART A—MEDICAL PRODUCT SUPPLIES

Sec. 3101. National Academies report on America's medical product supply chain security.
Sec. 3102. Requiring the strategic national stockpile to include certain types of medical supplies.
Sec. 3103. Treatment of respiratory protective devices as covered countermeasures.

SUBPART B—MITIGATING EMERGENCY DRUG SHORTAGES

Sec. 3111. Prioritize reviews of drug applications; incentives.
Sec. 3112. Additional manufacturer reporting requirements in response to drug shortages.

SUBPART C—PREVENTING MEDICAL DEVICE SHORTAGES

Sec. 3121. Discontinuance or interruption in the production of medical devices.

PART II—ACCESS TO HEALTH CARE FOR COVID-19 PATIENTS

SUBPART A—COVERAGE OF TESTING AND PREVENTIVE SERVICES

Sec. 3201. Coverage of diagnostic testing for COVID-19.
Sec. 3202. Pricing of diagnostic testing.
Sec. 3203. Rapid coverage of preventive services and vaccines for coronavirus.

SUBPART B—SUPPORT FOR HEALTH CARE PROVIDERS

Sec. 3211. Supplemental awards for health centers.
Sec. 3212. Telehealth network and telehealth resource centers grant programs.

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Sec. 3213. Rural health care services outreach, rural health network development, and small health care provider quality improvement grant programs.
Sec. 3214. United States Public Health Service Modernization.
Sec. 3215. Limitation on liability for volunteer health care professionals during COVID-19 emergency response.
Sec. 3216. Flexibility for members of National Health Service Corps during emergency period.

SUBPART C—MISCELLANEOUS PROVISIONS

Sec. 3221. Confidentiality and disclosure of records relating to substance use disorder.
Sec. 3222. Nutrition services.
Sec. 3223. Continuity of service and opportunities for participants in community service activities under title V of the Older Americans Act of 1965.
Sec. 3224. Guidance on protected health information.
Sec. 3225. Reauthorization of healthy start program.
Sec. 3226. Importance of the blood supply.

PART III—INNOVATION

Sec. 3301. Removing the cap on OTA during public health emergencies.
Sec. 3302. Priority zoonotic animal drugs.

PART IV—HEALTH CARE WORKFORCE

Sec. 3401. Reauthorization of health professions workforce programs.
Sec. 3402. Health workforce coordination.
Sec. 3403. Education and training relating to geriatrics.
Sec. 3404. Nursing workforce development.

Subtitle B—Education Provisions

Sec. 3501. Short title.
Sec. 3502. Definitions.
Sec. 3503. Campus-based aid waivers.
Sec. 3504. Use of supplemental educational opportunity grants for emergency aid.
Sec. 3505. Federal work-study during a qualifying emergency.
Sec. 3506. Adjustment of subsidized loan usage limits.
Sec. 3507. Exclusion from Federal Pell Grant duration limit.
Sec. 3508. Institutional refunds and Federal student loan flexibility.
Sec. 3509. Satisfactory academic progress.
Sec. 3510. Continuing education at affected foreign institutions.
Sec. 3511. National emergency educational waivers.
Sec. 3512. HBCU Capital financing.
Sec. 3513. Temporary relief for federal student loan borrowers.
Sec. 3514. Provisions related to the Corporation for National and Community Service.
Sec. 3515. Workforce response activities.
Sec. 3516. Technical amendments.
Sec. 3517. Waiver authority and reporting requirement for institutional aid.
Sec. 3518. Authorized uses and other modifications for grants.
Sec. 3519. Service obligations for teachers.

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Subtitle C—Labor Provisions

Sec. 3601. Limitation on paid leave.
Sec. 3602. Emergency Paid Sick Leave Act Limitation.
Sec. 3603. Unemployment insurance.
Sec. 3604. OMB Waiver of Paid Family and Paid Sick Leave.
Sec. 3605. Paid leave for rehired employees.
Sec. 3606. Advance refunding of credits.
Sec. 3607. Expansion of DOL Authority to postpone certain deadlines.
Sec. 3608. Single-employer plan funding rules.
Sec. 3609. Application of cooperative and small employer charity pension plan rules to certain charitable employers whose primary exempt purpose is providing services with respect to mothers and children.
Sec. 3610. Federal contractor authority.
Sec. 3611. Technical corrections.

Subtitle D—Finance Committee

Sec. 3701. Exemption for telehealth services.
Sec. 3702. Inclusion of certain over-the-counter medical products as qualified medical expenses.
Sec. 3703. Increasing Medicare telehealth flexibilities during emergency period.
Sec. 3704. Enhancing Medicare telehealth services for Federally qualified health centers and rural health clinics during emergency period.
Sec. 3705. Temporary waiver of requirement for face-to-face visits between home dialysis patients and physicians.
Sec. 3706. Use of telehealth to conduct face-to-face encounter prior to recertification of eligibility for hospice care during emergency period.
Sec. 3707. Encouraging use of telecommunications systems for home health services furnished during emergency period.
Sec. 3708. Improving care planning for Medicare home health services.
Sec. 3709. Adjustment of sequestration.
Sec. 3710. Medicare hospital inpatient prospective payment system add-on payment for COVID–19 patients during emergency period.
Sec. 3711. Increasing access to post-acute care during emergency period.
Sec. 3712. Revising payment rates for durable medical equipment under the Medicare program through duration of emergency period.
Sec. 3713. Coverage of the COVID-19 vaccine under part B of the Medicare program without any cost-sharing.
Sec. 3714. Requiring Medicare prescription drug plans and MA–PD plans to allow during the COVID-19 emergency period for fills and refills of covered part D drugs for up to a 3-month supply.
Sec. 3715. Providing home and community-based services in acute care hospitals.
Sec. 3716. Clarification regarding uninsured individuals.
Sec. 3717. Clarification regarding coverage of COVID-19 testing products.
Sec. 3718. Amendments relating to reporting requirements with respect to clinical diagnostic laboratory tests.
Sec. 3719. Expansion of the Medicare hospital accelerated payment program during the COVID-19 public health emergency.
Sec. 3720. Delaying requirements for enhanced FMAP to enable State legislation necessary for compliance.

Subtitle E—Health and Human Services Extenders

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PART I—MEDICARE PROVISIONS

Sec. 3801. Extension of the work geographic index floor under the Medicare program.
Sec. 3802. Extension of funding for quality measure endorsement, input, and selection.
Sec. 3803. Extension of funding outreach and assistance for low-income programs.

PART II—MEDICAID PROVISIONS

Sec. 3811. Extension of the Money Follows the Person rebalancing demonstration program.
Sec. 3812. Extension of spousal impoverishment protections.
Sec. 3813. Delay of DSH reductions.
Sec. 3814. Extension and expansion of Community Mental Health Services demonstration program.

PART III—HUMAN SERVICES AND OTHER HEALTH PROGRAMS

Sec. 3821. Extension of sexual risk avoidance education program.
Sec. 3822. Extension of personal responsibility education program.
Sec. 3823. Extension of demonstration projects to address health professions workforce needs.
Sec. 3824. Extension of the temporary assistance for needy families program and related programs.

PART IV—PUBLIC HEALTH PROVISIONS

Sec. 3831. Extension for community health centers, the National Health Service Corps, and teaching health centers that operate GME programs.
Sec. 3832. Diabetes programs.

PART V—MISCELLANEOUS PROVISIONS

Sec. 3841. Prevention of duplicate appropriations for fiscal year 2020.

Subtitle F—Over-the-Counter Drugs

PART I—OTC DRUG REVIEW

Sec. 3851. Regulation of certain nonprescription drugs that are marketed without an approved drug application.
Sec. 3852. Misbranding.
Sec. 3853. Drugs excluded from the over-the-counter drug review.
Sec. 3854. Treatment of Sunscreen Innovation Act.
Sec. 3855. Annual update to Congress on appropriate pediatric indication for certain OTC cough and cold drugs.
Sec. 3856. Technical corrections.

PART II—USER FEES

Sec. 3861. Finding.

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Sec. 3862. Fees relating to over-the-counter drugs.

TITLE IV—ECONOMIC STABILIZATION AND ASSISTANCE TO SEVERELY DISTRESSED SECTORS OF THE UNITED STATES ECONOMY

Subtitle A—Coronavirus Economic Stabilization Act of 2020

Sec. 4001. Short title.
Sec. 4002. Definitions.
Sec. 4003. Emergency relief and taxpayer protections.
Sec. 4004. Limitation on certain employee compensation.
Sec. 4005. Continuation of certain air service.
Sec. 4006. Coordination with Secretary of Transportation.
Sec. 4007. Suspension of certain aviation excise taxes.
Sec. 4008. Debt guarantee authority.
Sec. 4009. Temporary Government in the Sunshine Act relief.
Sec. 4010. Temporary hiring flexibility.
Sec. 4011. Temporary lending limit waiver.
Sec. 4012. Temporary relief for community banks.
Sec. 4013. Temporary relief from troubled debt restructurings.
Sec. 4014. Optional temporary relief from current expected credit losses.
Sec. 4015. Non-applicability of restrictions on ESF during national emergency.
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Sec. 4018. Special Inspector General for Pandemic Recovery.
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Sec. 4020. Congressional Oversight Commission.
Sec. 4021. Credit protection during COVID–19.
Sec. 4022. Foreclosure moratorium and consumer right to request forbearance.
Sec. 4023. Forbearance of residential mortgage loan payments for multifamily properties with federally backed loans.
Sec. 4024. Temporary moratorium on eviction filings.
Sec. 4025. Protection of collective bargaining agreement.
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Subtitle B—Air Carrier Worker Support

Sec. 4111. Definitions.
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Sec. 4118. Reports.
Sec. 4119. Coordination.
Sec. 4120. Direct appropriation.

TITLE V—CORONAVIRUS RELIEF FUNDS

Sec. 5001. Coronavirus Relief Fund.

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TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 6001. COVID–19 borrowing authority for the United States Postal Service.
Sec. 6002. Emergency designation.

DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS

**SEC. 3. REFERENCES.**

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

# DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

## TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED ACT

**SEC. 1101. DEFINITIONS.**

In this title—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 636).

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1 **SEC. 1102. PAYCHECK PROTECTION PROGRAM.**

2 (a) IN GENERAL.—Section 7(a) of the Small Busi-
3 ness Act (15 U.S.C. 636(a)) is amended—

4 (1) in paragraph (2)—

5 (A) in subparagraph (A), in the matter
6 preceding clause (i), by striking "and (E)" and
7 inserting "(E), and (F)"; and

8 (B) by adding at the end the following:

9 "(F) PARTICIPATION IN THE PAYCHECK
10 PROTECTION PROGRAM.—In an agreement to
11 participate in a loan on a deferred basis under
12 paragraph (36), the participation by the Admin-
13 istration shall be 100 percent."; and

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

15 "(36) PAYCHECK PROTECTION PROGRAM.—

16 "(A) DEFINITIONS.—In this paragraph—

17 "(i) the terms 'appropriate Federal
18 banking agency' and 'insured depository
19 institution' have the meanings given those
20 terms in section 3 of the Federal Deposit
21 Insurance Act (12 U.S.C. 1813);

22 "(ii) the term 'covered loan' means a
23 loan made under this paragraph during the
24 covered period;

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"(iii) the term 'covered period' means the period beginning on February 15, 2020 and ending on June 30, 2020;

"(iv) the term 'eligible recipient' means an individual or entity that is eligible to receive a covered loan;

"(v) the term 'eligible self-employed individual' has the meaning given the term in section 7002(b) of the Families First Coronavirus Response Act (Public Law 116–127);

"(vi) the term 'insured credit union' has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

"(vii) the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code;

"(viii) the term 'payroll costs'—

"(I) means—

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1 "(aa) the sum of payments
2 of any compensation with respect
3 to employees that is a—
4 "(AA) salary, wage,
5 commission, or similar com-
6 pensation;
7 "(BB) payment of cash
8 tip or equivalent;
9 "(CC) payment for va-
10 cation, parental, family,
11 medical, or sick leave;
12 "(DD) allowance for
13 dismissal or separation;
14 "(EE) payment re-
15 quired for the provisions of
16 group health care benefits,
17 including insurance pre-
18 miums;
19 "(FF) payment of any
20 retirement benefit; or
21 "(GG) payment of
22 State or local tax assessed
23 on the compensation of em-
24 ployees; and

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1 "(bb) the sum of payments
2 of any compensation to or income
3 of a sole proprietor or inde-
4 pendent contractor that is a
5 wage, commission, income, net
6 earnings from self-employment,
7 or similar compensation and that
8 is in an amount that is not more
9 than $100,000 in 1 year, as pro-
10 rated for the covered period; and
11 "(II) shall not include—
12 "(aa) the compensation of
13 an individual employee in excess
14 of an annual salary of $100,000,
15 as prorated for the covered pe-
16 riod;
17 "(bb) taxes imposed or with-
18 held under chapters 21, 22, or 24
19 of the Internal Revenue Code of
20 1986 during the covered period;
21 "(cc) any compensation of
22 an employee whose principal
23 place of residence is outside of
24 the United States;

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"(dd) qualified sick leave wages for which a credit is allowed under section 7001 of the Families First Coronavirus Response Act (Public Law 116–127); or

"(ee) qualified family leave wages for which a credit is allowed under section 7003 of the Families First Coronavirus Response Act (Public Law 116–127); and

"(ix) the term 'veterans organization' means an organization that is described in section 501(c)(19) of the Internal Revenue Code that is exempt from taxation under section 501(a) of such Code.

"(B) PAYCHECK PROTECTION LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans under the same terms, conditions, and processes as a loan made under this subsection.

"(C) REGISTRATION OF LOANS.—Not later than 15 days after the date on which a loan is made under this paragraph, the Administration

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1 shall register the loan using the TIN (as de-
2 fined in section 7701 of the Internal Revenue
3 Code of 1986) assigned to the borrower.
4 "(D) INCREASED ELIGIBILITY FOR CER-
5 TAIN SMALL BUSINESSES AND ORGANIZA-
6 TIONS.—
7 "(i) IN GENERAL.—During the cov-
8 ered period, in addition to small business
9 concerns, any business concern, nonprofit
10 organization, veterans organization, or
11 Tribal business concern described in sec-
12 tion 31(b)(2)(C) shall be eligible to receive
13 a covered loan if the business concern,
14 nonprofit organization, veterans organiza-
15 tion, or Tribal business concern employs
16 not more than the greater of—
17 "(I) 500 employees; or
18 "(II) if applicable, the size stand-
19 ard in number of employees estab-
20 lished by the Administration for the
21 industry in which the business con-
22 cern, nonprofit organization, veterans
23 organization, or Tribal business con-
24 cern operates.

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"(ii) INCLUSION OF SOLE PROPRIETORS, INDEPENDENT CONTRACTORS, AND ELIGIBLE SELF-EMPLOYED INDIVIDUALS.—

"(I) IN GENERAL.—During the covered period, individuals who operate under a sole proprietorship or as an independent contractor and eligible self-employed individuals shall be eligible to receive a covered loan.

"(II) DOCUMENTATION.—An eligible self-employed individual, independent contractor, or sole proprietorship seeking a covered loan shall submit such documentation as is necessary to establish such individual as eligible, including payroll tax filings reported to the Internal Revenue Service, Forms 1099–MISC, and income and expenses from the sole proprietorship, as determined by the Administrator and the Secretary.

"(iii) BUSINESS CONCERNS WITH MORE THAN 1 PHYSICAL LOCATION.—During the covered period, any business con-

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1 cern that employs not more than 500 em-
2 ployees per physical location of the busi-
3 ness concern and that is assigned a North
4 American Industry Classification System
5 code beginning with 72 at the time of dis-
6 bursal shall be eligible to receive a covered
7 loan.

8 "(iv) WAIVER OF AFFILIATION
9 RULES.—During the covered period, the
10 provisions applicable to affiliations under
11 section 121.103 of title 13, Code of Fed-
12 eral Regulations, or any successor regula-
13 tion, are waived with respect to eligibility
14 for a covered loan for—

15 "(I) any business concern with
16 not more than 500 employees that, as
17 of the date on which the covered loan
18 is disbursed, is assigned a North
19 American Industry Classification Sys-
20 tem code beginning with 72;

21 "(II) any business concern oper-
22 ating as a franchise that is assigned a
23 franchise identifier code by the Ad-
24 ministration; and

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1 "(III) any business concern that
2 receives financial assistance from a
3 company licensed under section 301 of
4 the Small Business Investment Act of
5 1958 (15 U.S.C. 681).
6 "(v) EMPLOYEE.—For purposes of de-
7 termining whether a business concern, non-
8 profit organization, veterans organization,
9 or Tribal business concern described in
10 section 31(b)(2)(C) employs not more than
11 500 employees under clause (i)(I), the
12 term 'employee' includes individuals em-
13 ployed on a full-time, part-time, or other
14 basis.
15 "(vi) AFFILIATION.—The provisions
16 applicable to affiliations under section
17 121.103 of title 13, Code of Federal Regu-
18 lations, or any successor thereto, shall
19 apply with respect to a nonprofit organiza-
20 tion and a veterans organization in the
21 same manner as with respect to a small
22 business concern.
23 "(E) MAXIMUM LOAN AMOUNT.—During
24 the covered period, with respect to a covered

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1 loan, the maximum loan amount shall be the
2 lesser of—
3 "(i)(I) the sum of—
4 "(aa) the product obtained by
5 multiplying—
6 "(AA) the average total
7 monthly payments by the appli-
8 cant for payroll costs incurred
9 during the 1-year period before
10 the date on which the loan is
11 made, except that, in the case of
12 an applicant that is seasonal em-
13 ployer, as determined by the Ad-
14 ministrator, the average total
15 monthly payments for payroll
16 shall be for the 12-week period
17 beginning February 15, 2019, or
18 at the election of the eligible re-
19 cipient, March 1, 2019, and end-
20 ing June 30, 2019; by
21 "(BB) 2.5; and
22 "(bb) the outstanding amount of
23 a loan under subsection (b)(2) that
24 was made during the period beginning
25 on January 31, 2020 and ending on

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1 the date on which covered loans are
2 made available to be refinanced under
3 the covered loan; or
4 "(II) if requested by an otherwise eli-
5 gible recipient that was not in business
6 during the period beginning on February
7 15, 2019 and ending on June 30, 2019,
8 the sum of—
9 "(aa) the product obtained by
10 multiplying—
11 "(AA) the average total
12 monthly payments by the appli-
13 cant for payroll costs incurred
14 during the period beginning on
15 January 1, 2020 and ending on
16 February 29, 2020; by
17 "(BB) 2.5; and
18 "(bb) the outstanding amount of
19 a loan under subsection (b)(2) that
20 was made during the period beginning
21 on January 31, 2020 and ending on
22 the date on which covered loans are
23 made available to be refinanced under
24 the covered loan; or
25 "(ii) $10,000,000.

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1 "(F) ALLOWABLE USES OF COVERED
2 LOANS.—
3 "(i) IN GENERAL.—During the cov-
4 ered period, an eligible recipient may, in
5 addition to the allowable uses of a loan
6 made under this subsection, use the pro-
7 ceeds of the covered loan for—
8 "(I) payroll costs;
9 "(II) costs related to the continu-
10 ation of group health care benefits
11 during periods of paid sick, medical,
12 or family leave, and insurance pre-
13 miums;
14 "(III) employee salaries, commis-
15 sions, or similar compensations;
16 "(IV) payments of interest on
17 any mortgage obligation (which shall
18 not include any prepayment of or pay-
19 ment of principal on a mortgage obli-
20 gation);
21 "(V) rent (including rent under a
22 lease agreement);
23 "(VI) utilities; and

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"(VII) interest on any other debt obligations that were incurred before the covered period.

"(ii) DELEGATED AUTHORITY.—

"(I) IN GENERAL.—For purposes of making covered loans for the purposes described in clause (i), a lender approved to make loans under this subsection shall be deemed to have been delegated authority by the Administrator to make and approve covered loans, subject to the provisions of this paragraph.

"(II) CONSIDERATIONS.—In evaluating the eligibility of a borrower for a covered loan with the terms described in this paragraph, a lender shall consider whether the borrower—

"(aa) was in operation on February 15, 2020; and

"(bb)(AA) had employees for whom the borrower paid salaries and payroll taxes; or

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1 "(BB) paid independent
2 contractors, as reported on a
3 Form 1099–MISC.
4 "(iii) ADDITIONAL LENDERS.—The
5 authority to make loans under this para-
6 graph shall be extended to additional lend-
7 ers determined by the Administrator and
8 the Secretary of the Treasury to have the
9 necessary qualifications to process, close,
10 disburse and service loans made with the
11 guarantee of the Administration.
12 "(iv) REFINANCE.—A loan made
13 under subsection (b)(2) during the period
14 beginning on January 31, 2020 and ending
15 on the date on which covered loans are
16 made available may be refinanced as part
17 of a covered loan.
18 "(v) NONRECOURSE.—Notwith-
19 standing the waiver of the personal guar-
20 antee requirement or collateral under sub-
21 paragraph (J), the Administrator shall
22 have no recourse against any individual
23 shareholder, member, or partner of an eli-
24 gible recipient of a covered loan for non-
25 payment of any covered loan, except to the

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1 extent that such shareholder, member, or
2 partner uses the covered loan proceeds for
3 a purpose not authorized under clause (i).
4 "(G) BORROWER REQUIREMENTS.—
5 "(i) CERTIFICATION.—An eligible re-
6 cipient applying for a covered loan shall
7 make a good faith certification—
8 "(I) that the uncertainty of cur-
9 rent economic conditions makes nec-
10 essary the loan request to support the
11 ongoing operations of the eligible re-
12 cipient;
13 "(II) acknowledging that funds
14 will be used to retain workers and
15 maintain payroll or make mortgage
16 payments, lease payments, and utility
17 payments;
18 "(III) that the eligible recipient
19 does not have an application pending
20 for a loan under this subsection for
21 the same purpose and duplicative of
22 amounts applied for or received under
23 a covered loan; and
24 "(IV) during the period begin-
25 ning on February 15, 2020 and end-

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1 ing on December 31, 2020, that the
2 eligible recipient has not received
3 amounts under this subsection for the
4 same purpose and duplicative of
5 amounts applied for or received under
6 a covered loan.
7 "(H) FEE WAIVER.—During the covered
8 period, with respect to a covered loan—
9 "(i) in lieu of the fee otherwise appli-
10 cable under paragraph (23)(A), the Ad-
11 ministrator shall collect no fee; and
12 "(ii) in lieu of the fee otherwise appli-
13 cable under paragraph (18)(A), the Ad-
14 ministrator shall collect no fee.
15 "(I) CREDIT ELSEWHERE.—During the
16 covered period, the requirement that a small
17 business concern is unable to obtain credit else-
18 where, as defined in section 3(h), shall not
19 apply to a covered loan.
20 "(J) WAIVER OF PERSONAL GUARANTEE
21 REQUIREMENT.—During the covered period,
22 with respect to a covered loan—
23 "(i) no personal guarantee shall be re-
24 quired for the covered loan; and

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1 "(ii) no collateral shall be required for
2 the covered loan.
3 "(K) MATURITY FOR LOANS WITH RE-
4 MAINING BALANCE AFTER APPLICATION OF
5 FORGIVENESS.—With respect to a covered loan
6 that has a remaining balance after reduction
7 based on the loan forgiveness amount under
8 section 1106 of the CARES Act—
9 "(i) the remaining balance shall con-
10 tinue to be guaranteed by the Administra-
11 tion under this subsection; and
12 "(ii) the covered loan shall have a
13 maximum maturity of 10 years from the
14 date on which the borrower applies for
15 loan forgiveness under that section.
16 "(L) INTEREST RATE REQUIREMENTS.—A
17 covered loan shall bear an interest rate not to
18 exceed 4 percent.
19 "(M) LOAN DEFERMENT.—
20 "(i) DEFINITION OF IMPACTED BOR-
21 ROWER.—
22 "(I) IN GENERAL.—In this sub-
23 paragraph, the term 'impacted bor-
24 rower' means an eligible recipient
25 that—

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1 "(aa) is in operation on
2 February 15, 2020; and
3 "(bb) has an application for
4 a covered loan that is approved
5 or pending approval on or after
6 the date of enactment of this
7 paragraph.
8 "(II) PRESUMPTION.—For pur-
9 poses of this subparagraph, an im-
10 pacted borrower is presumed to have
11 been adversely impacted by COVID–
12 19.
13 "(ii) DEFERRAL.—During the covered
14 period, the Administrator shall—
15 "(I) consider each eligible recipi-
16 ent that applies for a covered loan to
17 be an impacted borrower; and
18 "(II) require lenders under this
19 subsection to provide complete pay-
20 ment deferment relief for impacted
21 borrowers with covered loans for a pe-
22 riod of not less than 6 months, includ-
23 ing payment of principal, interest, and
24 fees, and not more than 1 year.

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1 "(iii) SECONDARY MARKET.—During
2 the covered period, with respect to a cov-
3 ered loan that is sold on the secondary
4 market, if an investor declines to approve
5 a deferral requested by a lender under
6 clause (ii), the Administrator shall exercise
7 the authority to purchase the loan so that
8 the impacted borrower may receive a defer-
9 ral for a period of not less than 6 months,
10 including payment of principal, interest,
11 and fees, and not more than 1 year.
12 "(iv) GUIDANCE.—Not later than 30
13 days after the date of enactment of this
14 paragraph, the Administrator shall provide
15 guidance to lenders under this paragraph
16 on the deferment process described in this
17 subparagraph.
18 "(N) SECONDARY MARKET SALES.—A cov-
19 ered loan shall be eligible to be sold in the sec-
20 ondary market consistent with this subsection.
21 The Administrator may not collect any fee for
22 any guarantee sold into the secondary market
23 under this subparagraph.
24 "(O) REGULATORY CAPITAL REQUIRE-
25 MENTS.—

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1 "(i) RISK WEIGHT.—With respect to
2 the appropriate Federal banking agencies
3 or the National Credit Union Administra-
4 tion Board applying capital requirements
5 under their respective risk-based capital re-
6 quirements, a covered loan shall receive a
7 risk weight of zero percent.
8 "(ii) TEMPORARY RELIEF FROM TDR
9 DISCLOSURES.—Notwithstanding any other
10 provision of law, an insured depository in-
11 stitution or an insured credit union that
12 modifies a covered loan in relation to
13 COVID–19-related difficulties in a trou-
14 bled debt restructuring on or after March
15 13, 2020, shall not be required to comply
16 with the Financial Accounting Standards
17 Board Accounting Standards Codification
18 Subtopic 310-40 ('Receivables – Troubled
19 Debt Restructurings by Creditors') for
20 purposes of compliance with the require-
21 ments of the Federal Deposit Insurance
22 Act (12 U.S.C. 1811 et seq.), until such
23 time and under such circumstances as the
24 appropriate Federal banking agency or the
25 National Credit Union Administration

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1 Board, as applicable, determines appro-
2 priate.
3 "(P) REIMBURSEMENT FOR PROC-
4 ESSING.—
5 "(i) IN GENERAL.—The Administrator
6 shall reimburse a lender authorized to
7 make a covered loan at a rate, based on
8 the balance of the financing outstanding at
9 the time of disbursement of the covered
10 loan, of—
11 "(I) 5 percent for loans of not
12 more than $350,000;
13 "(II) 3 percent for loans of more
14 than $350,000 and less than
15 $2,000,000; and
16 "(III) 1 percent for loans of not
17 less than $2,000,000.
18 "(ii) FEE LIMITS.—An agent that as-
19 sists an eligible recipient to prepare an ap-
20 plication for a covered loan may not collect
21 a fee in excess of the limits established by
22 the Administrator.
23 "(iii) TIMING.—A reimbursement de-
24 scribed in clause (i) shall be made not later

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1 than 5 days after the disbursement of the
2 covered loan.
3 "(iv) SENSE OF THE SENATE.—It is
4 the sense of the Senate that the Adminis-
5 trator should issue guidance to lenders and
6 agents to ensure that the processing and
7 disbursement of covered loans prioritizes
8 small business concerns and entities in un-
9 derserved and rural markets, including vet-
10 erans and members of the military commu-
11 nity, small business concerns owned and
12 controlled by socially and economically dis-
13 advantaged individuals (as defined in sec-
14 tion 8(d)(3)(C)), women, and businesses in
15 operation for less than 2 years.
16 "(Q) DUPLICATION.—Nothing in this
17 paragraph shall prohibit a recipient of an eco-
18 nomic injury disaster loan made under sub-
19 section (b)(2) during the period beginning on
20 January 31, 2020 and ending on the date on
21 which covered loans are made available that is
22 for a purpose other than paying payroll costs
23 and other obligations described in subparagraph
24 (F) from receiving assistance under this para-
25 graph.

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"(R) WAIVER OF PREPAYMENT PENALTY.—Notwithstanding any other provision of law, there shall be no prepayment penalty for any payment made on a covered loan.".

(b) COMMITMENTS FOR 7(A) LOANS.—During the period beginning on February 15, 2020 and ending on June 30, 2020—

(1) the amount authorized for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), including loans made under paragraph (36) of such section, as added by subsection (a), shall be $349,000,000,000; and

(2) the amount authorized for commitments for such loans under the heading "BUSINESS LOANS PROGRAM ACCOUNT" under the heading "SMALL BUSINESS ADMINISTRATION" under title V of the Consolidated Appropriations Act, 2020 (Public Law 116–93; 133 Stat. 2475) shall not apply.

(c) EXPRESS LOANS.—

(1) IN GENERAL.—Section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking "$350,000" and inserting "$1,000,000".

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1 (2) PROSPECTIVE REPEAL.—Effective on Janu-
2 ary 1, 2021, section 7(a)(31)(D) of the Small Busi-
3 ness Act (15 U.S.C. 636(a)(31)(D)) is amended by
4 striking "$1,000,000" and inserting "$350,000".
5 (d) EXCEPTION TO GUARANTEE FEE WAIVER FOR
6 VETERANS.—Section 7(a)(31)(G) of the Small Business
7 Act (15 U.S.C. 636(a)(31)(G)) is amended—
8 (1) by striking clause (ii); and
9 (2) by redesignating clause (iii) as clause (ii).
10 (e) INTERIM RULE.—On and after the date of enact-
11 ment of this Act, the interim final rule published by the
12 Administrator entitled "Express Loan Programs: Affili-
13 ation Standards" (85 Fed. Reg. 7622 (February 10,
14 2020)) is permanently rescinded and shall have no force
15 or effect.
16 **SEC. 1103. ENTREPRENEURIAL DEVELOPMENT.**
17 (a) DEFINITIONS.—In this section—
18 (1) the term "covered small business concern"
19 means a small business concern that has experi-
20 enced, as a result of COVID–19—
21 (A) supply chain disruptions, including
22 changes in—
23 (i) quantity and lead time, including
24 the number of shipments of components
25 and delays in shipments;

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(ii) quality, including shortages in supply for quality control reasons; and

(iii) technology, including a compromised payment network;

(B) staffing challenges;

(C) a decrease in gross receipts or customers; or

(D) a closure;

(2) the term "resource partner" means—

(A) a small business development center; and

(B) a women's business center;

(3) the term "small business development center" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632); and

(4) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) EDUCATION, TRAINING, AND ADVISING GRANTS.—

(1) IN GENERAL.—The Administration may provide financial assistance in the form of grants to resource partners to provide education, training, and advising to covered small business concerns.

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1 (2) USE OF FUNDS.—Grants under this sub-
2 section shall be used for the education, training, and
3 advising of covered small business concerns and
4 their employees on—
5 (A) accessing and applying for resources
6 provided by the Administration and other Fed-
7 eral resources relating to access to capital and
8 business resiliency;
9 (B) the hazards and prevention of the
10 transmission and communication of COVID–19
11 and other communicable diseases;
12 (C) the potential effects of COVID–19 on
13 the supply chains, distribution, and sale of
14 products of covered small business concerns and
15 the mitigation of those effects;
16 (D) the management and practice of
17 telework to reduce possible transmission of
18 COVID–19;
19 (E) the management and practice of re-
20 mote customer service by electronic or other
21 means;
22 (F) the risks of and mitigation of cyber
23 threats in remote customer service or telework
24 practices;

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(G) the mitigation of the effects of reduced travel or outside activities on covered small business concerns during COVID–19 or similar occurrences; and

(H) any other relevant business practices necessary to mitigate the economic effects of COVID–19 or similar occurrences.

(3) GRANT DETERMINATION.—

(A) SMALL BUSINESS DEVELOPMENT CENTERS.—The Administration shall award 80 percent of funds authorized to carry out this subsection to small business development centers, which shall be awarded pursuant to a formula jointly developed, negotiated, and agreed upon, with full participation of both parties, between the association formed under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) and the Administration.

(B) WOMEN'S BUSINESS CENTERS.—The Administration shall award 20 percent of funds authorized to carry out this subsection to women's business centers, which shall be awarded pursuant to a process established by the Administration in consultation with recipients of assistance.

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1 (C) NO MATCHING FUNDS REQUIRED.—
2 Matching funds shall not be required for any
3 grant under this subsection.
4 (4) GOALS AND METRICS.—
5 (A) IN GENERAL.—Goals and metrics for
6 the funds made available under this subsection
7 shall be jointly developed, negotiated, and
8 agreed upon, with full participation of both par-
9 ties, between the resource partners and the Ad-
10 ministrator, which shall—
11 (i) take into consideration the extent
12 of the circumstances relating to the spread
13 of COVID–19, or similar occurrences, that
14 affect covered small business concerns lo-
15 cated in the areas covered by the resource
16 partner, particularly in rural areas or eco-
17 nomically distressed areas;
18 (ii) generally follow the use of funds
19 outlined in paragraph (2), but shall not re-
20 strict the activities of resource partners in
21 responding to unique situations; and
22 (iii) encourage resource partners to
23 develop and provide services to covered
24 small business concerns.

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1 (B) PUBLIC AVAILABILITY.—The Adminis-
2 trator shall make publicly available the method-
3 ology by which the Administrator and resource
4 partners jointly develop the metrics and goals
5 described in subparagraph (A).
6 (c) RESOURCE PARTNER ASSOCIATION GRANTS.—
7 (1) IN GENERAL.—The Administrator may pro-
8 vide grants to an association or associations rep-
9 resenting resource partners under which the associa-
10 tion or associations shall establish a single central-
11 ized hub for COVID–19 information, which shall in-
12 clude—
13 (A) 1 online platform that consolidates re-
14 sources and information available across mul-
15 tiple Federal agencies for small business con-
16 cerns related to COVID–19; and
17 (B) a training program to educate resource
18 partner counselors, members of the Service
19 Corps of Retired Executives established under
20 section 8(b)(1)(B) of the Small Business Act
21 (15 U.S.C. 637(b)(1)(B)), and counselors at
22 veterans business outreach centers described in
23 section 32 of the Small Business Act (15
24 U.S.C. 657b) on the resources and information
25 described in subparagraph (A).

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1 (2) GOALS AND METRICS.—Goals and metrics
2 for the funds made available under this subsection
3 shall be jointly developed, negotiated, and agreed
4 upon, with full participation of both parties, between
5 the association or associations receiving a grant
6 under this subsection and the Administrator.
7 (d) REPORT.—Not later than 6 months after the date
8 of enactment of this Act, and annually thereafter, the Ad-
9 ministrator shall submit to the Committee on Small Busi-
10 ness and Entrepreneurship of the Senate and the Com-
11 mittee on Small Business of the House of Representatives
12 a report that describes—
13 (1) with respect to the initial year covered by
14 the report—
15 (A) the programs and services developed
16 and provided by the Administration and re-
17 source partners under subsection (b);
18 (B) the initial efforts to provide those serv-
19 ices under subsection (b); and
20 (C) the online platform and training devel-
21 oped and provided by the Administration and
22 the association or associations under subsection
23 (c); and
24 (2) with respect to the subsequent years covered
25 by the report—

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1 (A) with respect to the grant program
2 under subsection (b)—
3 (i) the efforts of the Administrator
4 and resource partners to develop services
5 to assist covered small business concerns;
6 (ii) the challenges faced by owners of
7 covered small business concerns in access-
8 ing services provided by the Administration
9 and resource partners;
10 (iii) the number of unique covered
11 small business concerns that were served
12 by the Administration and resource part-
13 ners; and
14 (iv) other relevant outcome perform-
15 ance data with respect to covered small
16 business concerns, including the number of
17 employees affected, the effect on sales, the
18 disruptions of supply chains, and the ef-
19 forts made by the Administration and re-
20 source partners to mitigate these effects;
21 and
22 (B) with respect to the grant program
23 under subsection (c)—
24 (i) the efforts of the Administrator
25 and the association or associations to de-

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1 velop and evolve an online resource for
2 small business concerns; and
3 (ii) the efforts of the Administrator
4 and the association or associations to de-
5 velop a training program for resource part-
6 ner counselors, including the number of
7 counselors trained.

8 **SEC. 1104. STATE TRADE EXPANSION PROGRAM.**

9 (a) IN GENERAL.—Notwithstanding paragraph
10 (3)(C)(iii) of section 22(l) of the Small Business Act (15
11 U.S.C. 649(l)), for grants under the State Trade Expan-
12 sion Program under such section 22(l) using amounts
13 made available for fiscal year 2018 or fiscal year 2019,
14 the period of the grant shall continue through the end of
15 fiscal year 2021.

16 (b) REIMBURSEMENT.—The Administrator shall re-
17 imburse any recipient of assistance under section 22(l) of
18 the Small Business Act (15 U.S.C. 649(l)) for financial
19 losses relating to a foreign trade mission or a trade show
20 exhibition that was cancelled solely due to a public health
21 emergency declared due to COVID–19 if the reimburse-
22 ment does not exceed a recipient's grant funding.

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**SEC. 1105. WAIVER OF MATCHING FUNDS REQUIREMENT UNDER THE WOMEN'S BUSINESS CENTER PROGRAM.**

During the 3-month period beginning on the date of enactment of this Act, the requirement relating to obtaining cash contributions from non-Federal sources under section 29(c)(1) of the Small Business Act (15 U.S.C. 656(c)(1)) is waived for any recipient of assistance under such section 29.

**SEC. 1106. LOAN FORGIVENESS.**

(a) DEFINITIONS.—In this section—

(1) the term ''covered loan'' means a loan guaranteed under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102;

(2) the term ''covered mortgage obligation'' means any indebtedness or debt instrument incurred in the ordinary course of business that—

(A) is a liability of the borrower;

(B) is a mortgage on real or personal property; and

(C) was incurred before February 15, 2020;

(3) the term ''covered period'' means the 8-week period beginning on the date of the origination of a covered loan;

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1 (4) the term "covered rent obligation" means
2 rent obligated under a leasing agreement in force be-
3 fore February 15, 2020;
4 (5) the term "covered utility payment" means
5 payment for a service for the distribution of elec-
6 tricity, gas, water, transportation, telephone, or
7 internet access for which service began before Feb-
8 ruary 15, 2020;
9 (6) the term "eligible recipient" means the re-
10 cipient of a covered loan;
11 (7) the term "expected forgiveness amount"
12 means the amount of principal that a lender reason-
13 ably expects a borrower to expend during the cov-
14 ered period on the sum of any—
15 (A) payroll costs;
16 (B) payments of interest on any covered
17 mortgage obligation (which shall not include
18 any prepayment of or payment of principal on
19 a covered mortgage obligation);
20 (C) payments on any covered rent obliga-
21 tion; and
22 (D) covered utility payments; and
23 (8) the term "payroll costs" has the meaning
24 given that term in paragraph (36) of section 7(a) of

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1 the Small Business Act (15 U.S.C. 636(a)), as
2 added by section 1102 of this Act.
3 (b) FORGIVENESS.—An eligible recipient shall be eli-
4 gible for forgiveness of indebtedness on a covered loan in
5 an amount equal to the sum of the following costs incurred
6 and payments made during the covered period:
7 (1) Payroll costs.
8 (2) Any payment of interest on any covered
9 mortgage obligation (which shall not include any
10 prepayment of or payment of principal on a covered
11 mortgage obligation).
12 (3) Any payment on any covered rent obliga-
13 tion.
14 (4) Any covered utility payment.
15 (c) TREATMENT OF AMOUNTS FORGIVEN.—
16 (1) IN GENERAL.—Amounts which have been
17 forgiven under this section shall be considered can-
18 celed indebtedness by a lender authorized under sec-
19 tion 7(a) of the Small Business Act (15 U.S.C.
20 636(a)).
21 (2) PURCHASE OF GUARANTEES.—For purposes
22 of the purchase of the guarantee for a covered loan
23 by the Administrator, amounts which are forgiven
24 under this section shall be treated in accordance
25 with the procedures that are otherwise applicable to

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1 a loan guaranteed under section 7(a) of the Small
2 Business Act (15 U.S.C. 636(a)).
3 (3) REMITTANCE.—Not later than 90 days
4 after the date on which the amount of forgiveness
5 under this section is determined, the Administrator
6 shall remit to the lender an amount equal to the
7 amount of forgiveness, plus any interest accrued
8 through the date of payment.
9 (4) ADVANCE PURCHASE OF COVERED LOAN.—
10 (A) REPORT.—A lender authorized under
11 section 7(a) of the Small Business Act (15
12 U.S.C. 636(a)), or, at the discretion of the Ad-
13 ministrator, a third party participant in the sec-
14 ondary market, may, report to the Adminis-
15 trator an expected forgiveness amount on a cov-
16 ered loan or on a pool of covered loans of up
17 to 100 percent of the principal on the covered
18 loan or pool of covered loans, respectively.
19 (B) PURCHASE.—The Administrator shall
20 purchase the expected forgiveness amount de-
21 scribed in subparagraph (A) as if the amount
22 were the principal amount of a loan guaranteed
23 under section 7(a) of the Small Business Act
24 636(a)).

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1 (C) TIMING.—Not later than 15 days after
2 the date on which the Administrator receives a
3 report under subparagraph (A), the Adminis-
4 trator shall purchase the expected forgiveness
5 amount under subparagraph (B) with respect to
6 each covered loan to which the report relates.
7 (d) LIMITS ON AMOUNT OF FORGIVENESS.—
8 (1) AMOUNT MAY NOT EXCEED PRINCIPAL.—
9 The amount of loan forgiveness under this section
10 shall not exceed the principal amount of the financ-
11 ing made available under the applicable covered
12 loan.
13 (2) REDUCTION BASED ON REDUCTION IN NUM-
14 BER OF EMPLOYEES.—
15 (A) IN GENERAL.—The amount of loan
16 forgiveness under this section shall be reduced,
17 but not increased, by multiplying the amount
18 described in subsection (b) by the quotient ob-
19 tained by dividing—
20 (i) the average number of full-time
21 equivalent employees per month employed
22 by the eligible recipient during the covered
23 period; by
24 (ii)(I) at the election of the bor-
25 rower—

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1 (aa) the average number of full-
2 time equivalent employees per month
3 employed by the eligible recipient dur-
4 ing the period beginning on February
5 15, 2019 and ending on June 30,
6 2019; or
7 (bb) the average number of full-
8 time equivalent employees per month
9 employed by the eligible recipient dur-
10 ing the period beginning on January
11 1, 2020 and ending on February 29,
12 2020; or
13 (II) in the case of an eligible recipient
14 that is seasonal employer, as determined
15 by the Administrator, the average number
16 of full-time equivalent employees per
17 month employed by the eligible recipient
18 during the period beginning on February
19 15, 2019 and ending on June 30, 2019.
20 (B) CALCULATION OF AVERAGE NUMBER
21 OF EMPLOYEES.—For purposes of subpara-
22 graph (A), the average number of full-time
23 equivalent employees shall be determined by
24 calculating the average number of full-time

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1 equivalent employees for each pay period falling
2 within a month.
3 (3) REDUCTION RELATING TO SALARY AND
4 WAGES.—
5 (A) IN GENERAL.—The amount of loan
6 forgiveness under this section shall be reduced
7 by the amount of any reduction in total salary
8 or wages of any employee described in subpara-
9 graph (B) during the covered period that is in
10 excess of 25 percent of the total salary or wages
11 of the employee during the most recent full
12 quarter during which the employee was em-
13 ployed before the covered period.
14 (B) EMPLOYEES DESCRIBED.—An em-
15 ployee described in this subparagraph is any
16 employee who did not receive, during any single
17 pay period during 2019, wages or salary at an
18 annualized rate of pay in an amount more than
19 $100,000.
20 (4) TIPPED WORKERS.—An eligible recipient
21 with tipped employees described in section
22 3(m)(2)(A) of the Fair Labor Standards Act of
23 1938 (29 U.S.C. 203(m)(2)(A)) may receive forgive-
24 ness for additional wages paid to those employees.
25 (5) EXEMPTION FOR RE-HIRES.—

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1 (A) IN GENERAL.—In a circumstance de-
2 scribed in subparagraph (B), the amount of
3 loan forgiveness under this section shall be de-
4 termined without regard to a reduction in the
5 number of full-time equivalent employees of an
6 eligible recipient or a reduction in the salary of
7 1 or more employees of the eligible recipient, as
8 applicable, during the period beginning on Feb-
9 ruary 15, 2020 and ending on the date that is
10 30 days after the date of enactment of this Act.
11 (B) CIRCUMSTANCES.—A circumstance de-
12 scribed in this subparagraph is a cir-
13 cumstance—
14 (i) in which—
15 (I) during the period beginning
16 on February 15, 2020 and ending on
17 the date that is 30 days after the date
18 of enactment of this Act, there is a re-
19 duction, as compared to February 15,
20 2020, in the number of full-time
21 equivalent employees of an eligible re-
22 cipient; and
23 (II) not later than June 30,
24 2020, the eligible employer has elimi-

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1 nated the reduction in the number of
2 full-time equivalent employees;
3 (ii) in which—
4 (I) during the period beginning
5 on February 15, 2020 and ending on
6 the date that is 30 days after the date
7 of enactment of this Act, there is a re-
8 duction, as compared to February 15,
9 2020, in the salary or wages of 1 or
10 more employees of the eligible recipi-
11 ent; and
12 (II) not later than June 30,
13 2020, the eligible employer has elimi-
14 nated the reduction in the salary or
15 wages of such employees; or
16 (iii) in which the events described in
17 clause (i) and (ii) occur.
18 (6) EXEMPTIONS.—The Administrator and the
19 Secretary of the Treasury may prescribe regulations
20 granting de minimis exemptions from the require-
21 ments under this subsection.
22 (e) APPLICATION.—An eligible recipient seeking loan
23 forgiveness under this section shall submit to the lender
24 that is servicing the covered loan an application, which
25 shall include—

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1 (1) documentation verifying the number of full-
2 time equivalent employees on payroll and pay rates
3 for the periods described in subsection (d), includ-
4 ing—
5 (A) payroll tax filings reported to the In-
6 ternal Revenue Service; and
7 (B) State income, payroll, and unemploy-
8 ment insurance filings;
9 (2) documentation, including cancelled checks,
10 payment receipts, transcripts of accounts, or other
11 documents verifying payments on covered mortgage
12 obligations, payments on covered lease obligations,
13 and covered utility payments;
14 (3) a certification from a representative of the
15 eligible recipient authorized to make such certifi-
16 cations that—
17 (A) the documentation presented is true
18 and correct; and
19 (B) the amount for which forgiveness is re-
20 quested was used to retain employees, make in-
21 terest payments on a covered mortgage obliga-
22 tion, make payments on a covered rent obliga-
23 tion, or make covered utility payments; and
24 (4) any other documentation the Administrator
25 determines necessary.

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1 (f) PROHIBITION ON FORGIVENESS WITHOUT DOCU-
2 MENTATION.—No eligible recipient shall receive forgive-
3 ness under this section without submitting to the lender
4 that is servicing the covered loan the documentation re-
5 quired under subsection (e).
6 (g) DECISION.—Not later than 60 days after the date
7 on which a lender receives an application for loan forgive-
8 ness under this section from an eligible recipient, the lend-
9 er shall issue a decision on the an application.
10 (h) HOLD HARMLESS.—If a lender has received the
11 documentation required under this section from an eligible
12 recipient attesting that the eligible recipient has accurately
13 verified the payments for payroll costs, payments on cov-
14 ered mortgage obligations, payments on covered lease obli-
15 gations, or covered utility payments during covered pe-
16 riod—
17 (1) an enforcement action may not be taken
18 against the lender under section 47(e) of the Small
19 Business Act (15 U.S.C. 657t(e)) relating to loan
20 forgiveness for the payments for payroll costs, pay-
21 ments on covered mortgage obligations, payments on
22 covered lease obligations, or covered utility pay-
23 ments, as the case may be; and
24 (2) the lender shall not be subject to any pen-
25 alties by the Administrator relating to loan forgive-

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ness for the payments for payroll costs, payments on covered mortgage obligations, payments on covered lease obligations, or covered utility payments, as the case may be.

(i) TAXABILITY.—For purposes of the Internal Revenue Code of 1986, any amount which (but for this subsection) would be includible in gross income of the eligible recipient by reason of forgiveness described in subsection (b) shall be excluded from gross income.

(j) RULE OF CONSTRUCTION.—The cancellation of indebtedness on a covered loan under this section shall not otherwise modify the terms and conditions of the covered loan.

(k) REGULATIONS.—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue guidance and regulations implementing this section.

**SEC. 1107. DIRECT APPROPRIATIONS.**

(a) IN GENERAL.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, to remain available until September 30, 2021, for additional amounts—

(1) $349,000,000,000 under the heading "Small Business Administration—Business Loans Program Account, CARES Act" for the cost of

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1 guaranteed loans as authorized under paragraph
2 (36) of section 7(a) of the Small Business Act (15
3 U.S.C. 636(a)), as added by section 1102(a) of this
4 Act;
5 (2) $675,000,000 under the heading "Small
6 Business Administration—Salaries and Expenses"
7 for salaries and expenses of the Administration;
8 (3) $25,000,000 under the heading "Small
9 Business Administration—Office of Inspector Gen-
10 eral", to remain available until September 30, 2024,
11 for necessary expenses of the Office of Inspector
12 General of the Administration in carrying out the
13 provisions of the Inspector General Act of 1978 (5
14 U.S.C. App.);
15 (4) $265,000,000 under the heading "Small
16 Business Administration—Entrepreneurial Develop-
17 ment Programs", of which—
18 (A) $240,000,000 shall be for carrying out
19 section 1103(b) of this Act; and
20 (B) $25,000,000 shall be for carrying out
21 section 1103(c) of this Act;
22 (5) $10,000,000 under the heading "Depart-
23 ment of Commerce—Minority Business Development
24 Agency" for minority business centers of the Minor-

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1 ity Business Development Agency to provide tech-
2 nical assistance to small business concerns;
3 (6) $10,000,000,000 under the heading "Small
4 Business Administration—Emergency EIDL
5 Grants" shall be for carrying out section 1110 of
6 this Act;
7 (7) $17,000,000,000 under the heading "Small
8 Business Administration—Business Loans Program
9 Account, CARES Act" shall be for carrying out sec-
10 tion 1112 of this Act; and
11 (8) $25,000,000 under the heading "Depart-
12 ment of the Treasury—Departmental Offices—Sala-
13 ries and Expenses" shall be for carrying out section
14 1109 of this Act.
15 (b) SECONDARY MARKET.—During the period begin-
16 ning on the date of enactment of this Act and ending on
17 September 30, 2021, guarantees of trust certificates au-
18 thorized by section 5(g) of the Small Business Act (15
19 U.S.C. 635(g)) shall not exceed a principal amount of
20 $100,000,000,000.
21 (c) REPORTS.—Not later than 180 days after the
22 date of enactment of this Act, the Administrator shall sub-
23 mit to the Committee on Appropriations of the Senate and
24 the Committee on Appropriations of the House of Rep-
25 resentatives a detailed expenditure plan for using the

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1 amounts appropriated to the Administration under sub-
2 section (a).

3 **SEC. 1108. MINORITY BUSINESS DEVELOPMENT AGENCY.**

4 (a) DEFINITIONS.—In this section—
5 (1) the term "Agency" means the Minority
6 Business Development Agency of the Department of
7 Commerce;
8 (2) the term "minority business center" means
9 a Business Center of the Agency;
10 (3) the term "minority business enterprise"
11 means a for-profit business enterprise—
12 (A) not less than 51 percent of which is
13 owned by 1 or more socially disadvantaged indi-
14 viduals, as determined by the Agency; and
15 (B) the management and daily business
16 operations of which are controlled by 1 or more
17 socially disadvantaged individuals, as deter-
18 mined by the Agency; and
19 (4) the term "minority chamber of commerce"
20 means a chamber of commerce developed specifically
21 to support minority business enterprises.
22 (b) EDUCATION, TRAINING, AND ADVISING
23 GRANTS.—
24 (1) IN GENERAL.—The Agency may provide fi-
25 nancial assistance in the form of grants to minority

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1 business centers and minority chambers of commerce
2 to provide education, training, and advising to mi-
3 nority business enterprises.
4 (2) USE OF FUNDS.—Grants under this section
5 shall be used for the education, training, and advis-
6 ing of minority business enterprises and their em-
7 ployees on—
8 (A) accessing and applying for resources
9 provided by the Agency and other Federal re-
10 sources relating to access to capital and busi-
11 ness resiliency;
12 (B) the hazards and prevention of the
13 transmission and communication of COVID–19
14 and other communicable diseases;
15 (C) the potential effects of COVID–19 on
16 the supply chains, distribution, and sale of
17 products of minority business enterprises and
18 the mitigation of those effects;
19 (D) the management and practice of
20 telework to reduce possible transmission of
21 COVID–19;
22 (E) the management and practice of re-
23 mote customer service by electronic or other
24 means;

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1 (F) the risks of and mitigation of cyber
2 threats in remote customer service or telework
3 practices;
4 (G) the mitigation of the effects of reduced
5 travel or outside activities on minority business
6 enterprises during COVID–19 or similar occur-
7 rences; and
8 (H) any other relevant business practices
9 necessary to mitigate the economic effects of
10 COVID–19 or similar occurrences.
11 (3) NO MATCHING FUNDS REQUIRED.—Match-
12 ing funds shall not be required for any grant under
13 this section.
14 (4) GOALS AND METRICS.—
15 (A) IN GENERAL.—Goals and metrics for
16 the funds made available under this section
17 shall be jointly developed, negotiated, and
18 agreed upon, with full participation of both par-
19 ties, between the minority business centers, mi-
20 nority chambers of commerce, and the Agency,
21 which shall—
22 (i) take into consideration the extent
23 of the circumstances relating to the spread
24 of COVID–19, or similar occurrences, that
25 affect minority business enterprises located

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in the areas covered by minority business centers and minority chambers of commerce, particularly in rural areas or economically distressed areas;

(ii) generally follow the use of funds outlined in paragraph (2), but shall not restrict the activities of minority business centers and minority chambers of commerce in responding to unique situations; and

(iii) encourage minority business centers and minority chambers of commerce to develop and provide services to minority business enterprises.

(B) PUBLIC AVAILABILITY.—The Agency shall make publicly available the methodology by which the Agency, minority business centers, and minority chambers of commerce jointly develop the metrics and goals described in subparagraph (A).

(c) WAIVERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, the Agency may, during the 3-month period that begins on the date of enactment of this Act, waive any matching require-

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1 ment imposed on a minority business center or a
2 specialty center of the Agency under a cooperative
3 agreement between such a center and the Agency if
4 the applicable center is unable to raise funds, or has
5 suffered a loss of revenue, because of the effects of
6 COVID–19.

7 (2) REMAINING COMPLIANT.—Notwithstanding
8 any provision of a cooperative agreement between
9 the Agency and a minority business center, if, dur-
10 ing the period beginning on the date of enactment
11 of this Act and ending on September 30, 2021, such
12 a center decides not to collect fees because of the
13 economic consequences of COVID–19, the center
14 shall be considered to be in compliance with that
15 agreement if—

16 (A) the center notifies the Agency with re-
17 spect to that decision, which the center may
18 provide through electronic mail; and

19 (B) the Agency, not later than 15 days
20 after the date on which the center provides no-
21 tice to the Agency under subparagraph (A)—

22 (i) confirms receipt of the notification
23 under subparagraph (A); and

24 (ii) accepts the decision of the center.

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1 (d) REPORT.—Not later than 6 months after the date
2 of enactment of this Act, and annually thereafter, the
3 Agency shall submit to the Committee on Small Business
4 and Entrepreneurship and the Committee on Commerce,
5 Science, and Transportation of the Senate and the Com-
6 mittee on Small Business and the Committee on Energy
7 and Commerce of the House of Representatives a report
8 that describes—
9 (1) with respect to the period covered by the
10 initial report—
11 (A) the programs and services developed
12 and provided by the Agency, minority business
13 centers, and minority chambers of commerce
14 under subsection (b); and
15 (B) the initial efforts to provide those serv-
16 ices under subsection (b); and
17 (2) with respect to subsequent years covered by
18 the report—
19 (A) with respect to the grant program
20 under subsection (b)—
21 (i) the efforts of the Agency, minority
22 business centers, and minority chambers of
23 commerce to develop services to assist mi-
24 nority business enterprises;

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(ii) the challenges faced by owners of minority business enterprises in accessing services provided by the Agency, minority business centers, and minority chambers of commerce;

(iii) the number of unique minority business enterprises that were served by the Agency, minority business centers, or minority chambers of commerce; and

(iv) other relevant outcome performance data with respect to minority business enterprises, including the number of employees affected, the effect on sales, the disruptions of supply chains, and the efforts made by the Agency, minority business centers, and minority chambers of commerce to mitigate these effects .

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section, to remain available until expended.

**SEC. 1109. UNITED STATES TREASURY PROGRAM MANAGEMENT AUTHORITY.**

(a) DEFINITIONS.—In this section—

(1) the terms "appropriate Federal banking agency" and "insured depository institution" have

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1 the meanings given those terms in section 3 of the
2 Federal Deposit Insurance Act (12 U.S.C. 1813);
3 (2) the term "insured credit union" has the
4 meaning given the term in section 101 of the Fed-
5 eral Credit Union Act (12 U.S.C. 1752); and
6 (3) the term "Secretary" means the Secretary
7 of the Treasury.
8 (b) AUTHORITY TO INCLUDE ADDITIONAL FINAN-
9 CIAL INSTITUTIONS.—The Department of the Treasury,
10 in consultation with the Administrator, and the Chairman
11 of the Farm Credit Administration shall establish criteria
12 for insured depository institutions, insured credit unions,
13 institutions of the Farm Credit System chartered under
14 the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.),
15 and other lenders that do not already participate in lend-
16 ing under programs of the Administration, to participate
17 in the paycheck protection program to provide loans under
18 this section until the date on which the national emergency
19 declared by the President under the National Emergencies
20 Act (50 U.S.C. 1601 et seq.) with respect to the
21 Coronavirus Disease 2019 (COVID–19) expires.
22 (c) SAFETY AND SOUNDNESS.—An insured deposi-
23 tory institution, insured credit union, institution of the
24 Farm Credit System chartered under the Farm Credit Act
25 of 1971 (12 U.S.C. 2001 et seq.), or other lender may

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1 only participate in the program established under this sec-
2 tion if participation does not affect the safety and sound-
3 ness of the institution or lender, as determined by the Sec-
4 retary in consultation with the appropriate Federal bank-
5 ing agencies or the National Credit Union Administration
6 Board, as applicable.

7 (d) REGULATIONS FOR LENDERS AND LOANS.—

8 (1) IN GENERAL.—The Secretary may issue
9 regulations and guidance as necessary to carry out
10 the purposes of this section, including to—

11 (A) allow additional lenders to originate
12 loans under this section; and

13 (B) establish terms and conditions for
14 loans under this section, including terms and
15 conditions concerning compensation, under-
16 writing standards, interest rates, and maturity.

17 (2) REQUIREMENTS.—The terms and condi-
18 tions established under paragraph (1) shall provide
19 for the following:

20 (A) A rate of interest that does not exceed
21 the maximum permissible rate of interest avail-
22 able on a loan of comparable maturity under
23 paragraph (36) of section 7(a) of the Small
24 Business Act (15 U.S.C. 636(a)), as added by
25 section 1102 of this Act.

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1 (B) Terms and conditions that, to the
2 maximum extent practicable, are consistent
3 with the terms and conditions required under
4 the following provisions of paragraph (36) of
5 section 7(a) of the Small Business Act (15
6 U.S.C. 636(a)), as added by section 1102 of
7 this Act:
8 (i) Subparagraph (D), pertaining to
9 borrower eligibility.
10 (ii) Subparagraph (E), pertaining to
11 the maximum loan amount.
12 (iii) Subparagraph (F)(i), pertaining
13 to allowable uses of program loans.
14 (iv) Subparagraph (H), pertaining to
15 fee waivers.
16 (v) Subparagraph (M), pertaining to
17 loan deferment.
18 (C) A guarantee percentage that, to the
19 maximum extent practicable, is consistent with
20 the guarantee percentage required under sub-
21 paragraph (F) of section 7(a)(2) of the Small
22 Business Act (15 U.S.C. 636(a)(2)), as added
23 by section 1102 of this Act.
24 (D) Loan forgiveness under terms and con-
25 ditions that, to the maximum extent prac-

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1 ticable, is consistent with the terms and condi-
2 tions for loan forgiveness under section 1106 of
3 this Act.
4 (e) ADDITIONAL REGULATIONS GENERALLY.—The
5 Secretary may issue regulations and guidance as necessary
6 to carry out the purposes of this section, including to allow
7 additional lenders to originate loans under this title and
8 to establish terms and conditions such as compensation,
9 underwriting standards, interest rates, and maturity for
10 under this section.
11 (f) CERTIFICATION.—As a condition of receiving a
12 loan under this section, a borrower shall certify under
13 terms acceptable to the Secretary that the borrower—
14 (1) does not have an application pending for a
15 loan under section 7(a) of the Small Business Act
16 (15 U.S.C. 636(a)) for the same purpose; and
17 (2) has not received such a loan during the pe-
18 riod beginning on February 15, 2020 and ending on
19 December 31, 2020.
20 (g) OPT-IN FOR SBA QUALIFIED LENDERS.—Lend-
21 ers qualified to participate as a lender under 7(a) of the
22 Small Business Act (15 U.S.C. 636(a)) may elect to par-
23 ticipate in the paycheck protection program under the cri-
24 teria, terms, and conditions established under this section.
25 Such participation shall not preclude the lenders from con-

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1 tinuing participation as a lender under section 7(a) of the
2 Small Business Act (15 U.S.C. 636(a)).
3 (h) PROGRAM ADMINISTRATION.—With guidance
4 from the Secretary, the Administrator shall administer the
5 program established under this section, including the mak-
6 ing and purchasing of guarantees on loans under the pro-
7 gram, until the date on which the national emergency de-
8 clared by the President under the National Emergencies
9 Act (50 U.S.C. 1601 et seq.) with respect to the
10 Coronavirus Disease 2019 (COVID–19) expires.
11 (i) CRIMINAL PENALTIES.—A loan under this section
12 shall be deemed to be a loan under the Small Business
13 Act (15 U.S.C. 631 et seq.) for purposes of section 16
14 of such Act (15 U.S.C. 645).
15 **SEC. 1110. EMERGENCY EIDL GRANTS.**
16 (a) DEFINITIONS.—In this section—
17 (1) the term "covered period" means the period
18 beginning on January 31, 2020 and ending on De-
19 cember 31, 2020; and
20 (2) the term "eligible entity" means—
21 (A) a business with not more than 500 em-
22 ployees;
23 (B) any individual who operates under a
24 sole proprietorship, with or without employees,
25 or as an independent contractor;

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1 (C) a cooperative with not more than 500
2 employees;
3 (D) an ESOP (as defined in section 3 of
4 the Small Business Act (15 U.S.C. 632)) with
5 not more than 500 employees; or
6 (E) a tribal small business concern, as de-
7 scribed in section 31(b)(2)(C) of the Small
8 Business Act (15 U.S.C. 657a(b)(2)(C)), with
9 not more than 500 employees.
10 (b) ELIGIBLE ENTITIES.—During the covered period,
11 in addition to small business concerns, private nonprofit
12 organizations, and small agricultural cooperatives, an eli-
13 gible entity shall be eligible for a loan made under section
14 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)).
15 (c) TERMS; CREDIT ELSEWHERE.—With respect to
16 a loan made under section 7(b)(2) of the Small Business
17 Act (15 U.S.C. 636(b)(2)) in response to COVID–19 dur-
18 ing the covered period, the Administrator shall waive—
19 (1) any rules related the personal guarantee on
20 advances and loans of not more than $200,000 dur-
21 ing the covered period for all applicants;
22 (2) the requirement that an applicant needs to
23 be in business for the 1-year period before the dis-
24 aster, except that no waiver may be made for a busi-

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1 ness that was not in operation on January 31, 2020;
2 and
3 (3) the requirement in the flush matter fol-
4 lowing subparagraph (E) of section 7(b)(2) of the
5 Small Business Act (15 U.S.C. 636(b)(2)), as so re-
6 designated by subsection (f) of this section, that an
7 applicant be unable to obtain credit elsewhere.
8 (d) APPROVAL AND ABILITY TO REPAY FOR SMALL
9 DOLLAR LOANS.—With respect to a loan made under sec-
10 tion 7(b)(2) of the Small Business Act (15 U.S.C.
11 636(b)(2)) in response to COVID–19 during the covered
12 period, the Administrator may—
13 (1) approve an applicant based solely on the
14 credit score of the applicant and shall not require an
15 applicant to submit a tax return or a tax return
16 transcript for such approval; or
17 (2) use alternative appropriate methods to de-
18 termine an applicant's ability to repay.
19 (e) EMERGENCY GRANT.—
20 (1) IN GENERAL.—During the covered period,
21 an entity included for eligibility in subsection (b), in-
22 cluding small business concerns, private nonprofit
23 organizations, and small agricultural cooperatives,
24 that applies for a loan under section 7(b)(2) of the
25 Small Business Act (15 U.S.C. 636(b)(2)) in re-

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1 sponse to COVID–19 may request that the Adminis-
2 trator provide an advance that is, subject to para-
3 graph (3), in the amount requested by such appli-
4 cant to such applicant within 3 days after the Ad-
5 ministrator receives an application from such appli-
6 cant.

7 (2) VERIFICATION.—Before disbursing amounts
8 under this subsection, the Administrator shall verify
9 that the applicant is an eligible entity by accepting
10 a self-certification from the applicant under penalty
11 of perjury pursuant to section 1746 of title 28
12 United States Code.

13 (3) AMOUNT.—The amount of an advance pro-
14 vided under this subsection shall be not more than
15 $10,000.

16 (4) USE OF FUNDS.—An advance provided
17 under this subsection may be used to address any al-
18 lowable purpose for a loan made under section
19 7(b)(2) of the Small Business Act (15 U.S.C.
20 636(b)(2)), including—

21 (A) providing paid sick leave to employees
22 unable to work due to the direct effect of the
23 COVID–19;

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1 (B) maintaining payroll to retain employ-
2 ees during business disruptions or substantial
3 slowdowns;
4 (C) meeting increased costs to obtain ma-
5 terials unavailable from the applicant's original
6 source due to interrupted supply chains;
7 (D) making rent or mortgage payments;
8 and
9 (E) repaying obligations that cannot be
10 met due to revenue losses.
11 (5) REPAYMENT.—An applicant shall not be re-
12 quired to repay any amounts of an advance provided
13 under this subsection, even if subsequently denied a
14 loan under section 7(b)(2) of the Small Business Act
15 (15 U.S.C. 636(b)(2)).
16 (6) UNEMPLOYMENT GRANT.—If an applicant
17 that receives an advance under this subsection trans-
18 fers into, or is approved for, the loan program under
19 section 7(a) of the Small Business Act (15 U.S.C.
20 636(a)), the advance amount shall be reduced from
21 the loan forgiveness amount for a loan for payroll
22 costs made under such section 7(a).
23 (7) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to the Ad-

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1 ministration $10,000,000,000 to carry out this sub-
2 section.
3 (8) TERMINATION.—The authority to carry out
4 grants under this subsection shall terminate on De-
5 cember 31, 2020.
6 (f) EMERGENCIES INVOLVING FEDERAL PRIMARY
7 RESPONSIBILITY QUALIFYING FOR SBA ASSISTANCE.—
8 Section 7(b)(2) of the Small Business Act (15 U.S.C.
9 636(b)(2)) is amended—
10 (1) in subparagraph (A), by striking "or" at
11 the end;
12 (2) in subparagraph (B), by striking "or" at
13 the end;
14 (3) in subparagraph (C), by striking "or" at
15 the end;
16 (4) by redesignating subparagraph (D) as sub-
17 paragraph (E);
18 (5) by inserting after subparagraph (C) the fol-
19 lowing:
20 "(D) an emergency involving Federal pri-
21 mary responsibility determined to exist by the
22 President under the section 501(b) of the Rob-
23 ert T. Stafford Disaster Relief and Emergency
24 Assistance Act (42 U.S.C. 5191(b)); or"; and
25 (6) in subparagraph (E), as so redesignated—

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1 (A) by striking "or (C)" and inserting
2 "(C), or (D)";
3 (B) by striking "disaster declaration" each
4 place it appears and inserting "disaster or
5 emergency declaration";
6 (C) by striking "disaster has occurred"
7 and inserting "disaster or emergency has oc-
8 curred";
9 (D) by striking "such disaster" and insert-
10 ing "such disaster or emergency"; and
11 (E) by striking "disaster stricken" and in-
12 serting "disaster- or emergency-stricken"; and
13 (7) in the flush matter following subparagraph
14 (E), as so redesignated, by striking the period at the
15 end and inserting the following: ": *Provided further*,
16 That for purposes of subparagraph (D), the Admin-
17 istrator shall deem that such an emergency affects
18 each State or subdivision thereof (including coun-
19 ties), and that each State or subdivision has suffi-
20 cient economic damage to small business concerns to
21 qualify for assistance under this paragraph and the
22 Administrator shall accept applications for such as-
23 sistance immediately.".

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1 **SEC. 1111. RESOURCES AND SERVICES IN LANGUAGES**
2 **OTHER THAN ENGLISH.**

3 (a) IN GENERAL.—The Administrator shall provide
4 the resources and services made available by the Adminis-
5 tration to small business concerns in the 10 most com-
6 monly spoken languages, other than English, in the
7 United States, which shall include Mandarin, Cantonese,
8 Japanese, and Korean.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the Administrator
11 $25,000,000 to carry out this section.

12 **SEC. 1112. SUBSIDY FOR CERTAIN LOAN PAYMENTS.**

13 (a) DEFINITION OF COVERED LOAN.—In this sec-
14 tion, the term "covered loan" means a loan that is—

15 (1) guaranteed by the Administration under—
16 (A) section 7(a) of the Small Business Act
17 (15 U.S.C. 636(a))—
18 (i) including a loan made under the
19 Community Advantage Pilot Program of
20 the Administration; and
21 (ii) excluding a loan made under para-
22 graph (36) of such section 7(a), as added
23 by section 1102; or
24 (B) title V of the Small Business Invest-
25 ment Act of 1958 (15 U.S.C. 695 et seq.); or

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1 (2) made by an intermediary to a small busi-
2 ness concern using loans or grants received under
3 section 7(m) of the Small Business Act (15 U.S.C.
4 636(m)).
5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—
7 (1) all borrowers are adversely affected by
8 COVID-19;
9 (2) relief payments by the Administration are
10 appropriate for all borrowers; and
11 (3) in addition to the relief provided under this
12 Act, the Administration should encourage lenders to
13 provide payment deferments, when appropriate, and
14 to extend the maturity of covered loans, so as to
15 avoid balloon payments or any requirement for in-
16 creases in debt payments resulting from deferments
17 provided by lenders during the period of the national
18 emergency declared by the President under the Na-
19 tional Emergencies Act (50 U.S.C. 1601 et seq.)
20 with respect to the Coronavirus Disease 2019
21 (COVID–19).
22 (c) PRINCIPAL AND INTEREST PAYMENTS.—
23 (1) IN GENERAL.—The Administrator shall pay
24 the principal, interest, and any associated fees that

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1 are owed on a covered loan in a regular servicing
2 status—
3 (A) with respect to a covered loan made
4 before the date of enactment of this Act and
5 not on deferment, for the 6-month period begin-
6 ning with the next payment due on the covered
7 loan;
8 (B) with respect to a covered loan made
9 before the date of enactment of this Act and on
10 deferment, for the 6-month period beginning
11 with the next payment due on the covered loan
12 after the deferment period; and
13 (C) with respect to a covered loan made
14 during the period beginning on the date of en-
15 actment of this Act and ending on the date that
16 is 6 months after such date of enactment, for
17 the 6-month period beginning with the first
18 payment due on the covered loan.
19 (2) TIMING OF PAYMENT.—The Administrator
20 shall begin making payments under paragraph (1)
21 on a covered loan not later than 30 days after the
22 date on which the first such payment is due.
23 (3) APPLICATION OF PAYMENT.—Any payment
24 made by the Administrator under paragraph (1)
25 shall be applied to the covered loan such that the

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1 borrower is relieved of the obligation to pay that
2 amount.
3 (d) OTHER REQUIREMENTS.—The Administrator
4 shall—
5 (1) communicate and coordinate with the Fed-
6 eral Deposit Insurance Corporation, the Office of the
7 Comptroller of the Currency, and State bank regu-
8 lators to encourage those entities to not require
9 lenders to increase their reserves on account of re-
10 ceiving payments made by the Administrator under
11 subsection (c);
12 (2) waive statutory limits on maximum loan
13 maturities for any covered loan durations where the
14 lender provides a deferral and extends the maturity
15 of covered loans during the 1-year period following
16 the date of enactment of this Act; and
17 (3) when necessary to provide more time be-
18 cause of the potential of higher volumes, travel re-
19 strictions, and the inability to access some properties
20 during the COVID–19 pandemic, extend lender site
21 visit requirements to—
22 (A) not more than 60 days (which may be
23 extended at the discretion of the Administra-
24 tion) after the occurrence of an adverse event,

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other than a payment default, causing a loan to be classified as in liquidation; and

(B) not more than 90 days after a payment default.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Administrator to make payments pursuant to subsection (c) with respect to a covered loan solely because the covered loan has been sold in the secondary market.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $17,000,000,000 to carry out this section.

**SEC. 1113. BANKRUPTCY.**

(a) SMALL BUSINESS DEBTOR REORGANIZATION.—

(1) IN GENERAL.—Section 1182(1) of title 11, United States Code, is amended to read as follows:

"(1) DEBTOR.—The term 'debtor'—

"(A) subject to subparagraph (B), means a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning single asset real estate) that has aggregate noncontingent liquidated secured and unsecured debts as of the date of the filing of

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1 the petition or the date of the order for relief
2 in an amount not more than $7,500,000 (ex-
3 cluding debts owed to 1 or more affiliates or in-
4 siders) not less than 50 percent of which arose
5 from the commercial or business activities of
6 the debtor; and
7 "(B) does not include—
8 "(i) any member of a group of affili-
9 ated debtors that has aggregate noncontin-
10 gent liquidated secured and unsecured
11 debts in an amount greater than
12 $7,500,000 (excluding debt owed to 1 or
13 more affiliates or insiders);
14 "(ii) any debtor that is a corporation
15 subject to the reporting requirements
16 under section 13 or 15(d) of the Securities
17 Exchange Act of 1934 (15 U.S.C. 78m,
18 78o(d)); or
19 "(iii) any debtor that is an affiliate of
20 an issuer, as defined in section 3 of the Se-
21 curities Exchange Act of 1934 (15 U.S.C.
22 78c).".
23 (2) APPLICABILITY OF CHAPTERS.—Section
24 103(i) of title 11, United States Code, is amended

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by striking "small business debtor" and inserting "debtor (as defined in section 1182)".

(3) APPLICATION OF AMENDMENT.—The amendment made by paragraph (1) shall apply only with respect to cases commenced under title 11, United States Code, on or after the date of enactment of this Act.

(4) TECHNICAL CORRECTIONS.—

(A) DEFINITION OF SMALL BUSINESS DEBTOR.—Section 101(51D)(B)(iii) of title 11, United States Code, is amended to read as follows:

"(iii) any debtor that is an affiliate of an issuer (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c)).".

(B) UNCLAIMED PROPERTY.—Section 347(b) of title 11, United States Code, is amended by striking "1194" and inserting "1191".

(5) SUNSET.—On the date that is 1 year after the date of enactment of this Act, section 1182(1) of title 11, United States Code, is amended to read as follows:

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1 "(1) DEBTOR.—The term 'debtor' means a
2 small business debtor.".
3 (b) BANKRUPTCY RELIEF.—
4 (1) IN GENERAL.—
5 (A) EXCLUSION FROM CURRENT MONTHLY
6 INCOME.—Section 101(10A)(B)(ii) of title 11,
7 United States Code, is amended—
8 (i) in subclause (III), by striking "
9 and" and inserting a semicolon;
10 (ii) in subclause (IV), by striking the
11 period at the end and inserting "; and";
12 and
13 (iii) by adding at the end the fol-
14 lowing:
15 "(V) Payments made under Fed-
16 eral law relating to the national emer-
17 gency declared by the President under
18 the National Emergencies Act (50
19 U.S.C. 1601 et seq.) with respect to
20 the coronavirus disease 2019
21 (COVID–19).".
22 (B) CONFIRMATION OF PLAN.—Section
23 1325(b)(2) of title 11, United States Code, is
24 amended by inserting "payments made under
25 Federal law relating to the national emergency

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1 declared by the President under the National
2 Emergencies Act (50 U.S.C. 1601 et seq.) with
3 respect to the coronavirus disease 2019
4 (COVID–19)," after "other than".
5 (C) MODIFICATION OF PLAN AFTER CON-
6 FIRMATION.—Section 1329 of title 11, United
7 States Code, is amended by adding at end the
8 following:
9 "(d)(1) Subject to paragraph (3), for a plan con-
10 firmed prior to the date of enactment of this subsection,
11 the plan may be modified upon the request of the debtor
12 if—
13 "(A) the debtor is experiencing or has experi-
14 enced a material financial hardship due, directly or
15 indirectly, to the coronavirus disease 2019 (COVID–
16 19) pandemic; and
17 "(B) the modification is approved after notice
18 and a hearing.
19 "(2) A plan modified under paragraph (1) may not
20 provide for payments over a period that expires more than
21 7 years after the time that the first payment under the
22 original confirmed plan was due.
23 "(3) Sections 1322(a), 1322(b), 1323(c), and the re-
24 quirements of section 1325(a) shall apply to any modifica-
25 tion under paragraph (1).".

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1 (D) APPLICABILITY.—
2 (i) The amendments made by sub-
3 paragraphs (A) and (B) shall apply to any
4 case commenced before, on, or after the
5 date of enactment of this Act.
6 (ii) The amendment made by subpara-
7 graph (C) shall apply to any case for which
8 a plan has been confirmed under section
9 1325 of title 11, United States Code, be-
10 fore the date of enactment of this Act.
11 (2) SUNSET.—
12 (A) IN GENERAL.—
13 (i) EXCLUSION FROM CURRENT
14 MONTHLY INCOME.—Section
15 101(10A)(B)(ii) of title 11, United States
16 Code, is amended—
17 (I) in subclause (III), by striking
18 the semicolon at the end and inserting
19 "; and";
20 (II) in subclause (IV), by striking
21 "; and" and inserting a period; and
22 (III) by striking subclause (V).
23 (ii) CONFIRMATION OF PLAN.—Sec-
24 tion 1325(b)(2) of title 11, United States
25 Code, is amended by striking "payments

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1 made under Federal law relating to the na-
2 tional emergency declared by the President
3 under the National Emergencies Act (50
4 U.S.C. 1601 et seq.) with respect to the
5 coronavirus disease 2019 (COVID–19),''.
6 (iii) MODIFICATION OF PLAN AFTER
7 CONFIRMATION.—Section 1329 of title 11,
8 United States Code, is amended by strik-
9 ing subsection (d).
10 (B) EFFECTIVE DATE.—The amendments
11 made by subparagraph (A) shall take effect on
12 the date that is 1 year after the date of enact-
13 ment of this Act.

14 **SEC. 1114. EMERGENCY RULEMAKING AUTHORITY.**

15 Not later than 15 days after the date of enactment
16 of this Act, the Administrator shall issue regulations to
17 carry out this title and the amendments made by this title
18 without regard to the notice requirements under section
19 553(b) of title 5, United States Code.

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# TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES

## Subtitle A—Unemployment Insurance Provisions

**SEC. 2101. SHORT TITLE.**

This subtitle may be cited as the "Relief for Workers Affected by Coronavirus Act".

**SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.**

(a) DEFINITIONS.—In this section:

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

(2) COVID–19 PUBLIC HEALTH EMERGENCY.—The term "COVID-19 public health emergency" means the public health emergency declared by the Secretary of Health and Human Services on January 27, 2020, with respect to the 2019 Novel Coronavirus.

(3) COVERED INDIVIDUAL.—The term "covered individual"—

(A) means an individual who—

(i) is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section

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1 2107, including an individual who has ex-
2 hausted all rights to regular unemployment
3 or extended benefits under State or Fed-
4 eral law or pandemic emergency unemploy-
5 ment compensation under section 2107;
6 and
7 (ii) provides self-certification that the
8 individual—
9 (I) is otherwise able to work and
10 available for work within the meaning
11 of applicable State law, except the in-
12 dividual is unemployed, partially un-
13 employed, or unable or unavailable to
14 work because—
15 (aa) the individual has been
16 diagnosed with COVID–19 or is
17 experiencing symptoms of
18 COVID–19 and seeking a med-
19 ical diagnosis;
20 (bb) a member of the indi-
21 vidual's household has been diag-
22 nosed with COVID–19;
23 (cc) the individual is pro-
24 viding care for a family member
25 or a member of the individual's

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1 household who has been diag-
2 nosed with COVID–19;
3 (dd) a child or other person
4 in the household for which the in-
5 dividual has primary caregiving
6 responsibility is unable to attend
7 school or another facility that is
8 closed as a direct result of the
9 COVID-19 public health emer-
10 gency and such school or facility
11 care is required for the individual
12 to work;
13 (ee) the individual is unable
14 to reach the place of employment
15 because of a quarantine imposed
16 as a direct result of the COVID-
17 19 public health emergency;
18 (ff) the individual is unable
19 to reach the place of employment
20 because the individual has been
21 advised by a health care provider
22 to self-quarantine due to con-
23 cerns related to COVID–19;
24 (gg) the individual was
25 scheduled to commence employ-

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1 ment and does not have a job or
2 is unable to reach the job as a di-
3 rect result of the COVID-19 pub-
4 lic health emergency;
5 (hh) the individual has be-
6 come the breadwinner or major
7 support for a household because
8 the head of the household has
9 died as a direct result of
10 COVID–19;
11 (ii) the individual has to quit
12 his or her job as a direct result
13 of COVID–19;
14 (jj) the individual's place of
15 employment is closed as a direct
16 result of the COVID–19 public
17 health emergency; or
18 (kk) the individual meets
19 any additional criteria established
20 by the Secretary for unemploy-
21 ment assistance under this sec-
22 tion; or
23 (II) is self-employed, is seeking
24 part-time employment, does not have
25 sufficient work history, or otherwise

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1 would not qualify for regular unem-
2 ployment or extended benefits under
3 State or Federal law or pandemic
4 emergency unemployment compensa-
5 tion under section 2107 and meets the
6 requirements of subclause (I); and
7 (B) does not include—
8 (i) an individual who has the ability to
9 telework with pay; or
10 (ii) an individual who is receiving paid
11 sick leave or other paid leave benefits, re-
12 gardless of whether the individual meets a
13 qualification described in items (aa)
14 through (kk) of subparagraph (A)(i)(I).
15 (4) SECRETARY.—The term "Secretary" means
16 the Secretary of Labor.
17 (5) STATE.—The term "State" includes the
18 District of Columbia, the Commonwealth of Puerto
19 Rico, the Virgin Islands, Guam, American Samoa,
20 the Commonwealth of the Northern Mariana Is-
21 lands, the Federated States of Micronesia, the Re-
22 public of the Marshall Islands, and the Republic of
23 Palau.
24 (b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT
25 OF COVID-19.—Subject to subsection (c), the Secretary

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1 shall provide to any covered individual unemployment ben-
2 efit assistance while such individual is unemployed, par-
3 tially unemployed, or unable to work for the weeks of such
4 unemployment with respect to which the individual is not
5 entitled to any other unemployment compensation (as that
6 term is defined in section 85(b) of title 26, United States
7 Code) or waiting period credit.

8 (c) APPLICABILITY.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the assistance authorized under sub-
11 section (b) shall be available to a covered indi-
12 vidual—

13 (A) for weeks of unemployment, partial un-
14 employment, or inability to work caused by
15 COVID–19—

16 (i) beginning on or after January 27,
17 2020; and

18 (ii) ending on or before December 31,
19 2020; and

20 (B) subject to subparagraph (A)(ii), as
21 long as the covered individual's unemployment,
22 partial unemployment, or inability to work
23 caused by COVID–19 continues.

24 (2) LIMITATION ON DURATION OF ASSIST-
25 ANCE.—The total number of weeks for which a cov-

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1 ered individual may receive assistance under this
2 section shall not exceed 39 weeks and such total
3 shall include any week for which the covered indi-
4 vidual received regular compensation or extended
5 benefits under any Federal or State law, except that
6 if after the date of enactment of this Act, the dura-
7 tion of extended benefits is extended, the 39-week
8 period described in this paragraph shall be extended
9 by the number of weeks that is equal to the number
10 of weeks by which the extended benefits were ex-
11 tended.

12 (3) ASSISTANCE FOR UNEMPLOYMENT BEFORE
13 DATE OF ENACTMENT.—The Secretary shall estab-
14 lish a process for making assistance under this sec-
15 tion available for weeks beginning on or after Janu-
16 ary 27, 2020, and before the date of enactment of
17 this Act.

18 (d) AMOUNT OF ASSISTANCE.—

19 (1) IN GENERAL.—The assistance authorized
20 under subsection (b) for a week of unemployment,
21 partial unemployment, or inability to work shall
22 be—

23 (A)(i) the weekly benefit amount author-
24 ized under the unemployment compensation law
25 of the State where the covered individual was

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1 employed, except that the amount may not be
2 less than the minimum weekly benefit amount
3 described in section 625.6 of title 20, Code of
4 Federal Regulations, or any successor thereto;
5 and
6 (ii) the amount of Federal Pandemic Un-
7 employment Compensation under section 2104;
8 and
9 (B) in the case of an increase of the week-
10 ly benefit amount after the date of enactment
11 of this Act, increased in an amount equal to
12 such increase.
13 (2) CALCULATIONS OF AMOUNTS FOR CERTAIN
14 COVERED INDIVIDUALS.—In the case of a covered
15 individual who is self-employed, who lives in a terri-
16 tory described in subsection (c) or (d) of section
17 625.6 of title 20, Code of Federal Regulations, or
18 who would not otherwise qualify for unemployment
19 compensation under State law, the assistance au-
20 thorized under subsection (b) for a week of unem-
21 ployment shall be calculated in accordance with sec-
22 tion 625.6 of title 20, Code of Federal Regulations,
23 or any successor thereto, and shall be increased by
24 the amount of Federal Pandemic Unemployment
25 Compensation under section 2104.

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1 (3) ALLOWABLE METHODS OF PAYMENT.—Any
2 assistance provided for in accordance with para-
3 graph (1)(A)(ii) shall be payable either—
4 (A) as an amount which is paid at the
5 same time and in the same manner as the as-
6 sistance provided for in paragraph (1)(A)(i) is
7 payable for the week involved; or
8 (B) at the option of the State, by pay-
9 ments which are made separately from, but on
10 the same weekly basis as, any assistance pro-
11 vided for in paragraph (1)(A)(i).
12 (e) WAIVER OF STATE REQUIREMENT.—Notwith-
13 standing State law, for purposes of assistance authorized
14 under this section, compensation under this Act shall be
15 made to an individual otherwise eligible for such com-
16 pensation without any waiting period.
17 (f) AGREEMENTS WITH STATES.—
18 (1) IN GENERAL.—The Secretary shall provide
19 the assistance authorized under subsection (b)
20 through agreements with States which, in the judg-
21 ment of the Secretary, have an adequate system for
22 administering such assistance through existing State
23 agencies.
24 (2) PAYMENTS TO STATES.—There shall be
25 paid to each State which has entered into an agree-

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1 ment under this subsection an amount equal to 100
2 percent of—
3 (A) the total amount of assistance provided
4 by the State pursuant to such agreement; and
5 (B) any additional administrative expenses
6 incurred by the State by reason of such agree-
7 ment (as determined by the Secretary), includ-
8 ing any administrative expenses necessary to fa-
9 cilitate processing of applications for assistance
10 under this section online or by telephone rather
11 than in-person.
12 (3) TERMS OF PAYMENTS.—Sums payable to
13 any State by reason of such State's having an agree-
14 ment under this subsection shall be payable, either
15 in advance or by way of reimbursement (as deter-
16 mined by the Secretary), in such amounts as the
17 Secretary estimates the State will be entitled to re-
18 ceive under this subsection for each calendar month,
19 reduced or increased, as the case may be, by any
20 amount by which the Secretary finds that his esti-
21 mates for any prior calendar month were greater or
22 less than the amounts which should have been paid
23 to the State. Such estimates may be made on the
24 basis of such statistical, sampling, or other method

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1 as may be agreed upon by the Secretary and the
2 State agency of the State involved.
3 (g) FUNDING.—
4 (1) ASSISTANCE.—
5 (A) IN GENERAL.—Funds in the extended
6 unemployment compensation account (as estab-
7 lished by section 905(a) of the Social Security
8 Act (42 U.S.C. 1105(a)) of the Unemployment
9 Trust Fund (as established by section 904(a) of
10 such Act (42 U.S.C. 1104(a)) shall be used to
11 make payments to States pursuant to sub-
12 section (f)(2)(A).
13 (B) TRANSFER OF FUNDS.—Notwith-
14 standing any other provision of law, the Sec-
15 retary of the Treasury shall transfer from the
16 general fund of the Treasury (from funds not
17 otherwise appropriated) to the extended unem-
18 ployment compensation account such sums as
19 the Secretary of Labor estimates to be nec-
20 essary to make payments described in subpara-
21 graph (A). There are appropriated from the
22 general fund of the Treasury, without fiscal
23 year limitation, the sums referred to in the pre-
24 ceding sentence and such sums shall not be re-
25 quired to be repaid.

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1 (2) ADMINISTRATIVE EXPENSES.—
2 (A) IN GENERAL.—Funds in the employ-
3 ment security administration account (as estab-
4 lished by section 901(a) of the Social Security
5 Act (42 U.S.C. 1105(a)) of the Unemployment
6 Trust Fund (as established by section 904(a) of
7 such Act (42 U.S.C. 1104(a)) shall be used to
8 make payments to States pursuant to sub-
9 section (f)(2)(B).
10 (B) TRANSFER OF FUNDS.—Notwith-
11 standing any other provision of law, the Sec-
12 retary of the Treasury shall transfer from the
13 general fund of the Treasury (from funds not
14 otherwise appropriated) to the employment se-
15 curity administration account such sums as the
16 Secretary of Labor estimates to be necessary to
17 make payments described in subparagraph (A).
18 There are appropriated from the general fund
19 of the Treasury, without fiscal year limitation,
20 the sums referred to in the preceding sentence
21 and such sums shall not be required to be re-
22 paid.
23 (3) CERTIFICATIONS.—The Secretary of Labor
24 shall from time to time certify to the Secretary of

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1 the Treasury for payment to each State the sums
2 payable to such State under paragraphs (1) and (2).
3 (h) RELATIONSHIP BETWEEN PANDEMIC UNEM-
4 PLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT
5 ASSISTANCE.—Except as otherwise provided in this sec-
6 tion or to the extent there is a conflict between this section
7 and section 625 of title 20, Code of Federal Regulations,
8 such section 625 shall apply to this section as if—
9 (1) the term "COVID–19 public health emer-
10 gency" were substituted for the term "major dis-
11 aster" each place it appears in such section 625; and
12 (2) the term "pandemic" were substituted for
13 the term "disaster" each place it appears in such
14 section 625.

15 **SEC. 2103. EMERGENCY UNEMPLOYMENT RELIEF FOR GOV-**
16 **ERNMENTAL ENTITIES AND NONPROFIT OR-**
17 **GANIZATIONS.**

18 (a) FLEXIBILITY IN PAYING REIMBURSEMENT.—The
19 Secretary of Labor may issue clarifying guidance to allow
20 States to interpret their State unemployment compensa-
21 tion laws in a manner that would provide maximum flexi-
22 bility to reimbursing employers as it relates to timely pay-
23 ment and assessment of penalties and interest pursuant
24 to such State laws.

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1 (b) FEDERAL FUNDING.—Section 903 of the Social
2 Security Act (42 U.S.C. 1103) is amended by adding at
3 the end the following:
4 "Transfers for Federal Reimbursement of State
5 Unemployment Funds
6 "(i)(1)(A) In addition to any other amounts, the Sec-
7 retary of Labor shall provide for the transfer of funds dur-
8 ing the applicable period to the accounts of the States in
9 the Unemployment Trust Fund, by transfer from amounts
10 reserved for that purpose in the Federal unemployment
11 account, in accordance with the succeeding provisions of
12 this subsection.
13 "(B) The amount of funds transferred to the account
14 of a State under subparagraph (A) during the applicable
15 period shall, as determined by the Secretary of Labor, be
16 equal to one-half of the amounts of compensation (as de-
17 fined in section 3306(h) of the Internal Revenue Code of
18 1986) attributable under the State law to service to which
19 section 3309(a)(1) of such Code applies that were paid
20 by the State for weeks of unemployment beginning and
21 ending during such period. Such transfers shall be made
22 at such times as the Secretary of Labor considers appro-
23 priate.
24 "(C) Notwithstanding any other law, funds trans-
25 ferred to the account of a State under subparagraph (A)

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1 shall be used exclusively to reimburse governmental enti-
2 ties and other organizations described in section
3 3309(a)(2) of such Code for amounts paid (in lieu of con-
4 tributions) into the State unemployment fund pursuant to
5 such section.

6 "(D) For purposes of this paragraph, the term 'appli-
7 cable period' means the period beginning on March 13,
8 2020, and ending on December 31, 2020.

9 "(2)(A) Notwithstanding any other provision of law,
10 the Secretary of the Treasury shall transfer from the gen-
11 eral fund of the Treasury (from funds not otherwise ap-
12 propriated) to the Federal unemployment account such
13 sums as the Secretary of Labor estimates to be necessary
14 for purposes of making the transfers described in para-
15 graph (1).

16 "(B) There are appropriated from the general fund
17 of the Treasury, without fiscal year limitation, the sums
18 referred to in subparagraph (A) and such sums shall not
19 be required to be repaid.".

20 **SEC. 2104. EMERGENCY INCREASE IN UNEMPLOYMENT**
21 **COMPENSATION BENEFITS.**

22 (a) FEDERAL-STATE AGREEMENTS.—Any State
23 which desires to do so may enter into and participate in
24 an agreement under this section with the Secretary of
25 Labor (in this section referred to as the "Secretary"). Any

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1 State which is a party to an agreement under this section
2 may, upon providing 30 days' written notice to the Sec-
3 retary, terminate such agreement.
4 (b) PROVISIONS OF AGREEMENT.—
5 (1) FEDERAL PANDEMIC UNEMPLOYMENT COM-
6 PENSATION.—Any agreement under this section
7 shall provide that the State agency of the State will
8 make payments of regular compensation to individ-
9 uals in amounts and to the extent that they would
10 be determined if the State law of the State were ap-
11 plied, with respect to any week for which the indi-
12 vidual is (disregarding this section) otherwise enti-
13 tled under the State law to receive regular com-
14 pensation, as if such State law had been modified in
15 a manner such that the amount of regular com-
16 pensation (including dependents' allowances) payable
17 for any week shall be equal to—
18 (A) the amount determined under the
19 State law (before the application of this para-
20 graph), plus
21 (B) an additional amount of $600 (in this
22 section referred to as "Federal Pandemic Un-
23 employment Compensation").
24 (2) ALLOWABLE METHODS OF PAYMENT.—Any
25 Federal Pandemic Unemployment Compensation

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1 provided for in accordance with paragraph (1) shall
2 be payable either—
3 (A) as an amount which is paid at the
4 same time and in the same manner as any reg-
5 ular compensation otherwise payable for the
6 week involved; or
7 (B) at the option of the State, by pay-
8 ments which are made separately from, but on
9 the same weekly basis as, any regular com-
10 pensation otherwise payable.
11 (c) NONREDUCTION RULE.—
12 (1) IN GENERAL.—An agreement under this
13 section shall not apply (or shall cease to apply) with
14 respect to a State upon a determination by the Sec-
15 retary that the method governing the computation of
16 regular compensation under the State law of that
17 State has been modified in a manner such that the
18 number of weeks (the maximum benefit entitlement),
19 or the average weekly benefit amount, of regular
20 compensation which will be payable during the pe-
21 riod of the agreement (determined disregarding any
22 Federal Pandemic Unemployment Compensation)
23 will be less than the number of weeks, or the aver-
24 age weekly benefit amount, of the average weekly
25 benefit amount of regular compensation which would

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otherwise have been payable during such period under the State law, as in effect on January 1, 2020.

(2) MAXIMUM BENEFIT ENTITLEMENT.—In paragraph (1), the term "maximum benefit entitlement" means the amount of regular unemployment compensation payable to an individual with respect to the individual's benefit year.

(d) PAYMENTS TO STATES.—

(1) IN GENERAL.—

(A) FULL REIMBURSEMENT.—There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 percent of—

(i) the total amount of Federal Pandemic Unemployment Compensation paid to individuals by the State pursuant to such agreement; and

(ii) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(B) TERMS OF PAYMENTS.—Sums payable to any State by reason of such State's having an agreement under this section shall be pay-

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able, either in advance or by way of reimbursement (as determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(3) APPROPRIATION.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, such sums as may be necessary for purposes of this subsection.

(e) APPLICABILITY.—An agreement entered into under this section shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

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1 (2) ending on or before July 31, 2020.
2 (f) FRAUD AND OVERPAYMENTS.—
3 (1) IN GENERAL.—If an individual knowingly
4 has made, or caused to be made by another, a false
5 statement or representation of a material fact, or
6 knowingly has failed, or caused another to fail, to
7 disclose a material fact, and as a result of such false
8 statement or representation or of such nondisclosure
9 such individual has received an amount of Federal
10 Pandemic Unemployment Compensation to which
11 such individual was not entitled, such individual—
12 (A) shall be ineligible for further Federal
13 Pandemic Unemployment Compensation in ac-
14 cordance with the provisions of the applicable
15 State unemployment compensation law relating
16 to fraud in connection with a claim for unem-
17 ployment compensation; and
18 (B) shall be subject to prosecution under
19 section 1001 of title 18, United States Code.
20 (2) REPAYMENT.—In the case of individuals
21 who have received amounts of Federal Pandemic
22 Unemployment Compensation to which they were
23 not entitled, the State shall require such individuals
24 to repay the amounts of such Federal Pandemic Un-
25 employment Compensation to the State agency, ex-

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1 cept that the State agency may waive such repay-
2 ment if it determines that—
3 (A) the payment of such Federal Pandemic
4 Unemployment Compensation was without fault
5 on the part of any such individual; and
6 (B) such repayment would be contrary to
7 equity and good conscience.
8 (3) RECOVERY BY STATE AGENCY.—
9 (A) IN GENERAL.—The State agency shall
10 recover the amount to be repaid, or any part
11 thereof, by deductions from any Federal Pan-
12 demic Unemployment Compensation payable to
13 such individual or from any unemployment
14 compensation payable to such individual under
15 any State or Federal unemployment compensa-
16 tion law administered by the State agency or
17 under any other State or Federal law adminis-
18 tered by the State agency which provides for
19 the payment of any assistance or allowance with
20 respect to any week of unemployment, during
21 the 3-year period after the date such individuals
22 received the payment of the Federal Pandemic
23 Unemployment Compensation to which they
24 were not entitled, in accordance with the same
25 procedures as apply to the recovery of overpay-

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1 ments of regular unemployment benefits paid
2 by the State.
3 (B) OPPORTUNITY FOR HEARING.—No re-
4 payment shall be required, and no deduction
5 shall be made, until a determination has been
6 made, notice thereof and an opportunity for a
7 fair hearing has been given to the individual,
8 and the determination has become final.
9 (4) REVIEW.—Any determination by a State
10 agency under this section shall be subject to review
11 in the same manner and to the same extent as deter-
12 minations under the State unemployment compensa-
13 tion law, and only in that manner and to that ex-
14 tent.
15 (g) APPLICATION TO OTHER UNEMPLOYMENT BENE-
16 FITS.—Each agreement under this section shall include
17 provisions to provide that the purposes of the preceding
18 provisions of this section shall be applied with respect to
19 unemployment benefits described in subsection (i)(2) to
20 the same extent and in the same manner as if those bene-
21 fits were regular compensation.
22 (h) DISREGARD OF ADDITIONAL COMPENSATION FOR
23 PURPOSES OF MEDICAID AND CHIP.—The monthly
24 equivalent of any Federal pandemic unemployment com-
25 pensation paid to an individual under this section shall

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1 be disregarded when determining income for any purpose
2 under the programs established under titles XIX and title
3 XXI of the Social Security Act (42 U.S.C. 1396 et seq.,
4 1397aa et seq.) .
5 (i) DEFINITIONS.—For purposes of this section—
6 (1) the terms "compensation", "regular com-
7 pensation", "benefit year", "State", "State agency",
8 "State law", and "week" have the respective mean-
9 ings given such terms under section 205 of the Fed-
10 eral-State Extended Unemployment Compensation
11 Act of 1970 (26 U.S.C. 3304 note); and
12 (2) any reference to unemployment benefits de-
13 scribed in this paragraph shall be considered to refer
14 to—
15 (A) extended compensation (as defined by
16 section 205 of the Federal-State Extended Un-
17 employment Compensation Act of 1970);
18 (B) regular compensation (as defined by
19 section 85(b) of the Internal Revenue Code of
20 1986) provided under any program adminis-
21 tered by a State under an agreement with the
22 Secretary;
23 (C) pandemic unemployment assistance
24 under section 2102; and

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1 (D) pandemic emergency unemployment
2 compensation under section 2107.

3 **SEC. 2105. TEMPORARY FULL FEDERAL FUNDING OF THE**
4 **FIRST WEEK OF COMPENSABLE REGULAR**
5 **UNEMPLOYMENT FOR STATES WITH NO WAIT-**
6 **ING WEEK.**

7 (a) FEDERAL-STATE AGREEMENTS.—Any State
8 which desires to do so may enter into and participate in
9 an agreement under this section with the Secretary of
10 Labor (in this section referred to as the ''Secretary''). Any
11 State which is a party to an agreement under this section
12 may, upon providing 30 days' written notice to the Sec-
13 retary, terminate such agreement.

14 (b) REQUIREMENT THAT STATE LAW DOES NOT
15 APPLY A WAITING WEEK.—A State is eligible to enter
16 into an agreement under this section if the State law (in-
17 cluding a waiver of State law) provides that compensation
18 is paid to individuals for their first week of regular unem-
19 ployment without a waiting week. An agreement under
20 this section shall not apply (or shall cease to apply) with
21 respect to a State upon a determination by the Secretary
22 that the State law no longer meets the requirement under
23 the preceding sentence.

24 (c) PAYMENTS TO STATES.—

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1 (1) FULL REIMBURSEMENT.—There shall be
2 paid to each State which has entered into an agree-
3 ment under this section an amount equal to 100 per-
4 cent of—
5 (A) the total amount of regular compensa-
6 tion paid to individuals by the State for their
7 first week of regular unemployment; and
8 (B) any additional administrative expenses
9 incurred by the State by reason of such agree-
10 ment (as determined by the Secretary).
11 (2) TERMS OF PAYMENTS.—Sums payable to
12 any State by reason of such State's having an agree-
13 ment under this section shall be payable, either in
14 advance or by way of reimbursement (as determined
15 by the Secretary), in such amounts as the Secretary
16 estimates the State will be entitled to receive under
17 this section for each calendar month, reduced or in-
18 creased, as the case may be, by any amount by
19 which the Secretary finds that his estimates for any
20 prior calendar month were greater or less than the
21 amounts which should have been paid to the State.
22 Such estimates may be made on the basis of such
23 statistical, sampling, or other method as may be
24 agreed upon by the Secretary and the State agency
25 of the State involved.

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1 (d) FUNDING.—
2 (1) COMPENSATION.—
3 (A) IN GENERAL.—Funds in the Federal
4 unemployment account (as established by sec-
5 tion 905(g)) of the Unemployment Trust Fund
6 (as established by section 904(a)) shall be used
7 to make payments under subsection (c)(1)(A).
8 (B) TRANSFER OF FUNDS.—Notwith-
9 standing any other provision of law, the Sec-
10 retary of the Treasury shall transfer from the
11 general fund of the Treasury (from funds not
12 otherwise appropriated) to the Federal unem-
13 ployment account such sums as the Secretary of
14 Labor estimates to be necessary to make pay-
15 ments described in subparagraph (A). There
16 are appropriated from the general fund of the
17 Treasury, without fiscal year limitation, the
18 sums referred to in the preceding sentence and
19 such sums shall not be required to be repaid.
20 (2) ADMINISTRATIVE EXPENSES.—
21 (A) IN GENERAL.—Funds in the employ-
22 ment security administration account (as estab-
23 lished by section 901(a) of the Social Security
24 Act (42 U.S.C. 1105(a)) of the Unemployment
25 Trust Fund (as established by section 904(a) of

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1 such Act (42 U.S.C. 1104(a)) shall be used to
2 make payments to States pursuant to sub-
3 section (c)(1)(B).
4 (B) TRANSFER OF FUNDS.—Notwith-
5 standing any other provision of law, the Sec-
6 retary of the Treasury shall transfer from the
7 general fund of the Treasury (from funds not
8 otherwise appropriated) to the employment se-
9 curity administration account such sums as the
10 Secretary of Labor estimates to be necessary to
11 make payments described in subparagraph (A).
12 There are appropriated from the general fund
13 of the Treasury, without fiscal year limitation,
14 the sums referred to in the preceding sentence
15 and such sums shall not be required to be re-
16 paid.
17 (3) CERTIFICATIONS.—The Secretary shall
18 from time to time certify to the Secretary of the
19 Treasury for payment to each State the sums pay-
20 able to such State under this section.
21 (e) APPLICABILITY.—An agreement entered into
22 under this section shall apply to weeks of unemployment—
23 (1) beginning after the date on which such
24 agreement is entered into; and
25 (2) ending on or before December 31, 2020.

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1 (f) FRAUD AND OVERPAYMENTS.—The provisions of
2 section 2107(e) shall apply with respect to compensation
3 paid under an agreement under this section to the same
4 extent and in the same manner as in the case of pandemic
5 emergency unemployment compensation under such sec-
6 tion.

7 (g) DEFINITIONS.—For purposes of this section, the
8 terms "regular compensation", "State", "State agency",
9 "State law", and "week" have the respective meanings
10 given such terms under section 205 of the Federal-State
11 Extended Unemployment Compensation Act of 1970 (26
12 U.S.C. 3304 note).

13 **SEC. 2106. EMERGENCY STATE STAFFING FLEXIBILITY.**

14 Section 4102(b) of the Emergency Unemployment
15 Stabilization and Access Act of 2020 (contained in division
16 D of the Families First Coronavirus Response Act) is
17 amended—

18 (1) by striking "or employer experience rating"
19 and inserting "employer experience rating, or, sub-
20 ject to the succeeding sentence, personnel standards
21 on a merit basis"; and

22 (2) by adding at the end the following new sen-
23 tence: "The emergency flexibility for personnel
24 standards on a merit basis shall only apply through
25 December 31, 2020, and is limited to engaging of

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1 temporary staff, rehiring of retirees or former em-
2 ployees on a non-competitive basis, and other tem-
3 porary actions to quickly process applications and
4 claims.''.

5 **SEC. 2107. PANDEMIC EMERGENCY UNEMPLOYMENT COM-**
6 **PENSATION.**

7 (a) FEDERAL-STATE AGREEMENTS.—

8 (1) IN GENERAL.—Any State which desires to
9 do so may enter into and participate in an agree-
10 ment under this section with the Secretary of Labor
11 (in this section referred to as the ''Secretary''). Any
12 State which is a party to an agreement under this
13 section may, upon providing 30 days' written notice
14 to the Secretary, terminate such agreement.

15 (2) PROVISIONS OF AGREEMENT.—Any agree-
16 ment under paragraph (1) shall provide that the
17 State agency of the State will make payments of
18 pandemic emergency unemployment compensation to
19 individuals who—

20 (A) have exhausted all rights to regular
21 compensation under the State law or under
22 Federal law with respect to a benefit year (ex-
23 cluding any benefit year that ended before
24 July1, 2019);

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1 (B) have no rights to regular compensation
2 with respect to a week under such law or any
3 other State unemployment compensation law or
4 to compensation under any other Federal law;
5 (C) are not receiving compensation with
6 respect to such week under the unemployment
7 compensation law of Canada; and
8 (D) are able to work, available to work,
9 and actively seeking work.
10 (3) EXHAUSTION OF BENEFITS.—For purposes
11 of paragraph (2)(A), an individual shall be deemed
12 to have exhausted such individual's rights to regular
13 compensation under a State law when—
14 (A) no payments of regular compensation
15 can be made under such law because such indi-
16 vidual has received all regular compensation
17 available to such individual based on employ-
18 ment or wages during such individual's base pe-
19 riod; or
20 (B) such individual's rights to such com-
21 pensation have been terminated by reason of
22 the expiration of the benefit year with respect
23 to which such rights existed.
24 (4) WEEKLY BENEFIT AMOUNT, ETC.—For
25 purposes of any agreement under this section—

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1 (A) the amount of pandemic emergency
2 unemployment compensation which shall be
3 payable to any individual for any week of total
4 unemployment shall be equal to—
5 (i) the amount of the regular com-
6 pensation (including dependents' allow-
7 ances) payable to such individual during
8 such individual's benefit year under the
9 State law for a week of total unemploy-
10 ment; and
11 (ii) the amount of Federal Pandemic
12 Unemployment Compensation under sec-
13 tion 2104;
14 (B) the terms and conditions of the State
15 law which apply to claims for regular compensa-
16 tion and to the payment thereof (including
17 terms and conditions relating to availability for
18 work, active search for work, and refusal to ac-
19 cept work) shall apply to claims for pandemic
20 emergency unemployment compensation and the
21 payment thereof, except where otherwise incon-
22 sistent with the provisions of this section or
23 with the regulations or operating instructions of
24 the Secretary promulgated to carry out this sec-
25 tion;

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1 (C) the maximum amount of pandemic
2 emergency unemployment compensation payable
3 to any individual for whom an pandemic emer-
4 gency unemployment compensation account is
5 established under subsection (b) shall not ex-
6 ceed the amount established in such account for
7 such individual; and
8 (D) the allowable methods of payment
9 under section 2104(b)(2) shall apply to pay-
10 ments of amounts described in subparagraph
11 (A)(ii).
12 (5) COORDINATION RULE.—An agreement
13 under this section shall apply with respect to a State
14 only upon a determination by the Secretary that,
15 under the State law or other applicable rules of such
16 State, the payment of extended compensation for
17 which an individual is otherwise eligible must be de-
18 ferred until after the payment of any pandemic
19 emergency unemployment compensation under sub-
20 section (b) for which the individual is concurrently
21 eligible.
22 (6) NONREDUCTION RULE.—
23 (A) IN GENERAL.—An agreement under
24 this section shall not apply (or shall cease to
25 apply) with respect to a State upon a deter-

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1 mination by the Secretary that the method gov-
2 erning the computation of regular compensation
3 under the State law of that State has been
4 modified in a manner such that the number of
5 weeks (the maximum benefit entitlement), or
6 the average weekly benefit amount, of regular
7 compensation which will be payable during the
8 period of the agreement will be less than the
9 number of weeks, or the average weekly benefit
10 amount, of the average weekly benefit amount
11 of regular compensation which would otherwise
12 have been payable during such period under the
13 State law, as in effect on January 1, 2020.
14 (B) MAXIMUM BENEFIT ENTITLEMENT.—
15 In subparagraph (A), the term "maximum ben-
16 efit entitlement" means the amount of regular
17 unemployment compensation payable to an indi-
18 vidual with respect to the individual's benefit
19 year.
20 (7) ACTIVELY SEEKING WORK.—
21 (A) IN GENERAL.—Subject to subpara-
22 graph (C), for purposes of paragraph (2)(D),
23 the term "actively seeking work" means, with
24 respect to any individual, that such individual—

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1 (i) is registered for employment serv-
2 ices in such a manner and to such extent
3 as prescribed by the State agency;
4 (ii) has engaged in an active search
5 for employment that is appropriate in light
6 of the employment available in the labor
7 market, the individual's skills and capabili-
8 ties, and includes a number of employer
9 contacts that is consistent with the stand-
10 ards communicated to the individual by the
11 State;
12 (iii) has maintained a record of such
13 work search, including employers con-
14 tacted, method of contact, and date con-
15 tacted; and
16 (iv) when requested, has provided
17 such work search record to the State agen-
18 cy.
19 (B) FLEXIBILITY.—Notwithstanding the
20 requirements under subparagraph (A) and
21 paragraph (2)(D), a State shall provide flexi-
22 bility in meeting such requirements in case of
23 individuals unable to search for work because of
24 COVID-19, including because of illness, quar-
25 antine, or movement restriction.

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1 (b) PANDEMIC EMERGENCY UNEMPLOYMENT COM-
2 PENSATION ACCOUNT.—
3 (1) IN GENERAL.—Any agreement under this
4 section shall provide that the State will establish, for
5 each eligible individual who files an application for
6 pandemic emergency unemployment compensation,
7 an pandemic emergency unemployment compensa-
8 tion account with respect to such individual's benefit
9 year.
10 (2) AMOUNT IN ACCOUNT.—The amount estab-
11 lished in an account under subsection (a) shall be
12 equal to 13 times the individual's average weekly
13 benefit amount, which includes the amount of Fed-
14 eral Pandemic Unemployment Compensation under
15 section 2104, for the benefit year.
16 (3) WEEKLY BENEFIT AMOUNT.—For purposes
17 of this subsection, an individual's weekly benefit
18 amount for any week is the amount of regular com-
19 pensation (including dependents' allowances) under
20 the State law payable to such individual for such
21 week for total unemployment plus the amount of
22 Federal Pandemic Unemployment Compensation
23 under section 2104.

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1 (c) PAYMENTS TO STATES HAVING AGREEMENTS
2 FOR THE PAYMENT OF PANDEMIC EMERGENCY UNEM-
3 PLOYMENT COMPENSATION.—
4 (1) IN GENERAL.—There shall be paid to each
5 State that has entered into an agreement under this
6 section an amount equal to 100 percent of the pan-
7 demic emergency unemployment compensation paid
8 to individuals by the State pursuant to such agree-
9 ment.
10 (2) TREATMENT OF REIMBURSABLE COMPENSA-
11 TION.—No payment shall be made to any State
12 under this section in respect of any compensation to
13 the extent the State is entitled to reimbursement in
14 respect of such compensation under the provisions of
15 any Federal law other than this section or chapter
16 85 of title 5, United States Code. A State shall not
17 be entitled to any reimbursement under such chapter
18 85 in respect of any compensation to the extent the
19 State is entitled to reimbursement under this section
20 in respect of such compensation.
21 (3) DETERMINATION OF AMOUNT.—Sums pay-
22 able to any State by reason of such State having an
23 agreement under this section shall be payable, either
24 in advance or by way of reimbursement (as may be
25 determined by the Secretary), in such amounts as

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1 the Secretary estimates the State will be entitled to
2 receive under this section for each calendar month,
3 reduced or increased, as the case may be, by any
4 amount by which the Secretary finds that the Sec-
5 retary's estimates for any prior calendar month were
6 greater or less than the amounts which should have
7 been paid to the State. Such estimates may be made
8 on the basis of such statistical, sampling, or other
9 method as may be agreed upon by the Secretary and
10 the State agency of the State involved.
11 (d) FINANCING PROVISIONS.—
12 (1) COMPENSATION.—
13 (A) IN GENERAL.—Funds in the extended
14 unemployment compensation account (as estab-
15 lished by section 905(a) of the Social Security
16 Act (42 U.S.C. 1105(a)) of the Unemployment
17 Trust Fund (as established by section 904(a) of
18 such Act (42 U.S.C. 1104(a)) shall be used for
19 the making of payments to States having agree-
20 ments entered into under this section.
21 (B) TRANSFER OF FUNDS.—Notwith-
22 standing any other provision of law, the Sec-
23 retary of the Treasury shall transfer from the
24 general fund of the Treasury (from funds not
25 otherwise appropriated) to the extended unem-

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1 ployment compensation account such sums as
2 the Secretary of Labor estimates to be nec-
3 essary to make payments described in subpara-
4 graph (A). There are appropriated from the
5 general fund of the Treasury, without fiscal
6 year limitation, the sums referred to in the pre-
7 ceding sentence and such sums shall not be re-
8 quired to be repaid.
9 (2) ADMINISTRATION.—
10 (A) IN GENERAL.—There are appropriated
11 out of the employment security administration
12 account (as established by section 901(a) of the
13 Social Security Act (42 U.S.C. 1101(a)) of the
14 Unemployment Trust Fund, without fiscal year
15 limitation, such funds as may be necessary for
16 purposes of assisting States (as provided in title
17 III of the Social Security Act (42 U.S.C. 501
18 et seq.)) in meeting the costs of administration
19 of agreements under this section.
20 (B) TRANSFER OF FUNDS.—Notwith-
21 standing any other provision of law, the Sec-
22 retary of the Treasury shall transfer from the
23 general fund of the Treasury (from funds not
24 otherwise appropriated) to the employment se-
25 curity administration account such sums as the

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1 Secretary of Labor estimates to be necessary to
2 make payments described in subparagraph (A).
3 There are appropriated from the general fund
4 of the Treasury, without fiscal year limitation,
5 the sums referred to in the preceding sentence
6 and such sums shall not be required to be re-
7 paid.

8 (3) CERTIFICATION.—The Secretary shall from
9 time to time certify to the Secretary of the Treasury
10 for payment to each State the sums payable to such
11 State under this subsection. The Secretary of the
12 Treasury, prior to audit or settlement by the Gov-
13 ernment Accountability Office, shall make payments
14 to the State in accordance with such certification, by
15 transfers from the extended unemployment com-
16 pensation account (as so established) to the account
17 of such State in the Unemployment Trust Fund (as
18 so established).

19 (e) FRAUD AND OVERPAYMENTS.—

20 (1) IN GENERAL.—If an individual knowingly
21 has made, or caused to be made by another, a false
22 statement or representation of a material fact, or
23 knowingly has failed, or caused another to fail, to
24 disclose a material fact, and as a result of such false
25 statement or representation or of such nondisclosure

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1 such individual has received an amount of pandemic
2 emergency unemployment compensation under this
3 section to which such individual was not entitled,
4 such individual—
5 (A) shall be ineligible for further pandemic
6 emergency unemployment compensation under
7 this section in accordance with the provisions of
8 the applicable State unemployment compensa-
9 tion law relating to fraud in connection with a
10 claim for unemployment compensation; and
11 (B) shall be subject to prosecution under
12 section 1001 of title 18, United States Code.
13 (2) REPAYMENT.—In the case of individuals
14 who have received amounts of pandemic emergency
15 unemployment compensation under this section to
16 which they were not entitled, the State shall require
17 such individuals to repay the amounts of such pan-
18 demic emergency unemployment compensation to the
19 State agency, except that the State agency may
20 waive such repayment if it determines that—
21 (A) the payment of such pandemic emer-
22 gency unemployment compensation was without
23 fault on the part of any such individual; and
24 (B) such repayment would be contrary to
25 equity and good conscience.

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1 (3) RECOVERY BY STATE AGENCY.—
2 (A) IN GENERAL.—The State agency shall
3 recover the amount to be repaid, or any part
4 thereof, by deductions from any pandemic
5 emergency unemployment compensation payable
6 to such individual under this section or from
7 any unemployment compensation payable to
8 such individual under any State or Federal un-
9 employment compensation law administered by
10 the State agency or under any other State or
11 Federal law administered by the State agency
12 which provides for the payment of any assist-
13 ance or allowance with respect to any week of
14 unemployment, during the 3-year period after
15 the date such individuals received the payment
16 of the pandemic emergency unemployment com-
17 pensation to which they were not entitled, in ac-
18 cordance with the same procedures as apply to
19 the recovery of overpayments of regular unem-
20 ployment benefits paid by the State.
21 (B) OPPORTUNITY FOR HEARING.—No re-
22 payment shall be required, and no deduction
23 shall be made, until a determination has been
24 made, notice thereof and an opportunity for a

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1 fair hearing has been given to the individual,
2 and the determination has become final.
3 (4) REVIEW.—Any determination by a State
4 agency under this section shall be subject to review
5 in the same manner and to the same extent as deter-
6 minations under the State unemployment compensa-
7 tion law, and only in that manner and to that ex-
8 tent.
9 (f) DEFINITIONS.—In this section, the terms ''com-
10 pensation'', ''regular compensation'', ''extended compensa-
11 tion'', ''benefit year'', ''base period'', ''State'', ''State
12 agency'', ''State law'', and ''week'' have the respective
13 meanings given such terms under section 205 of the Fed-
14 eral-State Extended Unemployment Compensation Act of
15 1970 (26 U.S.C. 3304 note).
16 (g) APPLICABILITY.—An agreement entered into
17 under this section shall apply to weeks of unemployment—
18 (1) beginning after the date on which such
19 agreement is entered into; and
20 (2) ending on or before December 31, 2020.
21 **SEC. 2108. TEMPORARY FINANCING OF SHORT-TIME COM-**
22 **PENSATION PAYMENTS IN STATES WITH PRO-**
23 **GRAMS IN LAW.**
24 (a) PAYMENTS TO STATES.—

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1 (1) IN GENERAL.—Subject to paragraph (3),
2 there shall be paid to a State an amount equal to
3 100 percent of the amount of short-time compensa-
4 tion paid under a short-time compensation program
5 (as defined in section 3306(v) of the Internal Rev-
6 enue Code of 1986) under the provisions of the
7 State law.
8 (2) TERMS OF PAYMENTS.—Payments made to
9 a State under paragraph (1) shall be payable by way
10 of reimbursement in such amounts as the Secretary
11 estimates the State will be entitled to receive under
12 this section for each calendar month, reduced or in-
13 creased, as the case may be, by any amount by
14 which the Secretary finds that the Secretary's esti-
15 mates for any prior calendar month were greater or
16 less than the amounts which should have been paid
17 to the State. Such estimates may be made on the
18 basis of such statistical, sampling, or other method
19 as may be agreed upon by the Secretary and the
20 State agency of the State involved.
21 (3) LIMITATIONS ON PAYMENTS.—
22 (A) GENERAL PAYMENT LIMITATIONS.—
23 No payments shall be made to a State under
24 this section for short-time compensation paid to
25 an individual by the State during a benefit year

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in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State under a short-time compensation program if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(b) APPLICABILITY.—Payments to a State under subsection (a) shall be available for weeks of unemployment—

(1) beginning on or after the date of the enactment of this Act; and

(2) ending on or before December 31, 2020.

(c) NEW PROGRAMS.—Subject to subsection (b)(2), if at any point after the date of the enactment of this Act the State enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, the State shall be eligible for payments under this section after the effective date of such enactment.

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1 (d) FUNDING AND CERTIFICATIONS.—
2 (1) FUNDING.—There are appropriated, out of
3 moneys in the Treasury not otherwise appropriated,
4 such sums as may be necessary for purposes of car-
5 rying out this section.
6 (2) CERTIFICATIONS.—The Secretary shall
7 from time to time certify to the Secretary of the
8 Treasury for payment to each State the sums pay-
9 able to such State under this section.
10 (e) DEFINITIONS.—In this section:
11 (1) SECRETARY.—The term "Secretary" means
12 the Secretary of Labor.
13 (2) STATE; STATE AGENCY; STATE LAW.—The
14 terms "State", "State agency", and "State law"
15 have the meanings given those terms in section 205
16 of the Federal-State Extended Unemployment Com-
17 pensation Act of 1970 (26 U.S.C. 3304 note).
18 (f) TECHNICAL CORRECTION TO DEFINITION.—Sec-
19 tion 3306(v)(6) of the Internal Revenue Code of 1986 (26
20 U.S.C. 3306) is amended by striking "Workforce Invest-
21 ment Act of 1998" and inserting "Workforce Innovation
22 and Opportunity Act".
23 **SEC. 2109. TEMPORARY FINANCING OF SHORT-TIME COM-**
24 **PENSATION AGREEMENTS.**
25 (a) FEDERAL-STATE AGREEMENTS.—

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1 (1) IN GENERAL.—Any State which desires to
2 do so may enter into, and participate in, an agree-
3 ment under this section with the Secretary provided
4 that such State's law does not provide for the pay-
5 ment of short-time compensation under a short-time
6 compensation program (as defined in section
7 3306(v) of the Internal Revenue Code of 1986).
8 (2) ABILITY TO TERMINATE.—Any State which
9 is a party to an agreement under this section may,
10 upon providing 30 days' written notice to the Sec-
11 retary, terminate such agreement.
12 (b) PROVISIONS OF FEDERAL-STATE AGREEMENT.—
13 (1) IN GENERAL.—Any agreement under this
14 section shall provide that the State agency of the
15 State will make payments of short-time compensa-
16 tion under a plan approved by the State. Such plan
17 shall provide that payments are made in accordance
18 with the requirements under section 3306(v) of the
19 Internal Revenue Code of 1986.
20 (2) LIMITATIONS ON PLANS.—
21 (A) GENERAL PAYMENT LIMITATIONS.—A
22 short-time compensation plan approved by a
23 State shall not permit the payment of short-
24 time compensation to an individual by the State
25 during a benefit year in excess of 26 times the

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1 amount of regular compensation (including de-
2 pendents' allowances) under the State law pay-
3 able to such individual for a week of total un-
4 employment.

5 (B) EMPLOYER LIMITATIONS.—A short-
6 time compensation plan approved by a State
7 shall not provide payments to an individual if
8 such individual is employed by the participating
9 employer on a seasonal, temporary, or intermit-
10 tent basis.

11 (3) EMPLOYER PAYMENT OF COSTS.—Any
12 short-time compensation plan entered into by an em-
13 ployer must provide that the employer will pay the
14 State an amount equal to one-half of the amount of
15 short-time compensation paid under such plan. Such
16 amount shall be deposited in the State's unemploy-
17 ment fund and shall not be used for purposes of cal-
18 culating an employer's contribution rate under sec-
19 tion 3303(a)(1) of the Internal Revenue Code of
20 1986.

21 (c) PAYMENTS TO STATES.—

22 (1) IN GENERAL.—There shall be paid to each
23 State with an agreement under this section an
24 amount equal to—

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1 (A) one-half of the amount of short-time
2 compensation paid to individuals by the State
3 pursuant to such agreement; and
4 (B) any additional administrative expenses
5 incurred by the State by reason of such agree-
6 ment (as determined by the Secretary).
7 (2) TERMS OF PAYMENTS.—Payments made to
8 a State under paragraph (1) shall be payable by way
9 of reimbursement in such amounts as the Secretary
10 estimates the State will be entitled to receive under
11 this section for each calendar month, reduced or in-
12 creased, as the case may be, by any amount by
13 which the Secretary finds that the Secretary's esti-
14 mates for any prior calendar month were greater or
15 less than the amounts which should have been paid
16 to the State. Such estimates may be made on the
17 basis of such statistical, sampling, or other method
18 as may be agreed upon by the Secretary and the
19 State agency of the State involved.
20 (3) FUNDING.—There are appropriated, out of
21 moneys in the Treasury not otherwise appropriated,
22 such sums as may be necessary for purposes of car-
23 rying out this section.
24 (4) CERTIFICATIONS.—The Secretary shall
25 from time to time certify to the Secretary of the

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1 Treasury for payment to each State the sums pay-
2 able to such State under this section.
3 (d) APPLICABILITY.—An agreement entered into
4 under this section shall apply to weeks of unemployment—
5 (1) beginning on or after the date on which
6 such agreement is entered into; and
7 (2) ending on or before December 31, 2020.
8 (e) SPECIAL RULE.—If a State has entered into an
9 agreement under this section and subsequently enacts a
10 State law providing for the payment of short-time com-
11 pensation under a short-time compensation program that
12 meets the definition of such a program under section
13 3306(v) of the Internal Revenue Code of 1986, the
14 State—
15 (1) shall not be eligible for payments under this
16 section for weeks of unemployment beginning after
17 the effective date of such State law; and
18 (2) subject to section 2108(b)(2), shall be eligi-
19 ble to receive payments under section 2108 after the
20 effective date of such State law.
21 (f) DEFINITIONS.—In this section:
22 (1) SECRETARY.—The term "Secretary" means
23 the Secretary of Labor.
24 (2) STATE; STATE AGENCY; STATE LAW.—The
25 terms "State", "State agency", and "State law"

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1 have the meanings given those terms in section 205
2 of the Federal-State Extended Unemployment Com-
3 pensation Act of 1970 (26 U.S.C. 3304 note).

4 **SEC. 2110. GRANTS FOR SHORT-TIME COMPENSATION PRO-**
5 **GRAMS.**

6 (a) GRANTS.—

7 (1) FOR IMPLEMENTATION OR IMPROVED AD-
8 MINISTRATION.—The Secretary shall award grants
9 to States that enact short-time compensation pro-
10 grams (as defined in subsection (i)(2)) for the pur-
11 pose of implementation or improved administration
12 of such programs.

13 (2) FOR PROMOTION AND ENROLLMENT.—The
14 Secretary shall award grants to States that are eligi-
15 ble and submit plans for a grant under paragraph
16 (1) for such States to promote and enroll employers
17 in short-time compensation programs (as so de-
18 fined).

19 (3) ELIGIBILITY.—

20 (A) IN GENERAL.—The Secretary shall de-
21 termine eligibility criteria for the grants under
22 paragraphs (1) and (2).

23 (B) CLARIFICATION.—A State admin-
24 istering a short-time compensation program
25 that does not meet the definition of a short-

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1 time compensation program under section
2 3306(v) of the Internal Revenue Code of 1986,
3 and a State with an agreement under section
4 2109, shall not be eligible to receive a grant
5 under this section until such time as the State
6 law of the State provides for payments under a
7 short-time compensation program that meets
8 such definition and such law.
9 (b) AMOUNT OF GRANTS.—
10 (1) IN GENERAL.—The maximum amount avail-
11 able for making grants to a State under paragraphs
12 (1) and (2) shall be equal to the amount obtained
13 by multiplying $100,000,000 (less the amount used
14 by the Secretary under subsection (e)) by the same
15 ratio as would apply under subsection (a)(2)(B) of
16 section 903 of the Social Security Act (42 U.S.C.
17 1103) for purposes of determining such State's
18 share of any excess amount (as described in sub-
19 section (a)(1) of such section) that would have been
20 subject to transfer to State accounts, as of October
21 1, 2019, under the provisions of subsection (a) of
22 such section.
23 (2) AMOUNT AVAILABLE FOR DIFFERENT
24 GRANTS.—Of the maximum incentive payment deter-

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1 mined under paragraph (1) with respect to a
2 State—
3 (A) one-third shall be available for a grant
4 under subsection (a)(1); and
5 (B) two-thirds shall be available for a
6 grant under subsection (a)(2).
7 (c) GRANT APPLICATION AND DISBURSAL.—
8 (1) APPLICATION.—Any State seeking a grant
9 under paragraph (1) or (2) of subsection (a) shall
10 submit an application to the Secretary at such time,
11 in such manner, and complete with such information
12 as the Secretary may require. In no case may the
13 Secretary award a grant under this section with re-
14 spect to an application that is submitted after De-
15 cember 31, 2023.
16 (2) NOTICE.—The Secretary shall, within 30
17 days after receiving a complete application, notify
18 the State agency of the State of the Secretary's find-
19 ings with respect to the requirements for a grant
20 under paragraph (1) or (2) (or both) of subsection
21 (a).
22 (3) CERTIFICATION.—If the Secretary finds
23 that the State law provisions meet the requirements
24 for a grant under subsection (a), the Secretary shall
25 thereupon make a certification to that effect to the

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1 Secretary of the Treasury, together with a certifi-
2 cation as to the amount of the grant payment to be
3 transferred to the State account in the Unemploy-
4 ment Trust Fund (as established in section 904(a)
5 of the Social Security Act (42 U.S.C. 1104(a))) pur-
6 suant to that finding. The Secretary of the Treasury
7 shall make the appropriate transfer to the State ac-
8 count within 7 days after receiving such certifi-
9 cation.
10 (4) REQUIREMENT.—No certification of compli-
11 ance with the requirements for a grant under para-
12 graph (1) or (2) of subsection (a) may be made with
13 respect to any State whose—
14 (A) State law is not otherwise eligible for
15 certification under section 303 of the Social Se-
16 curity Act (42 U.S.C. 503) or approvable under
17 section 3304 of the Internal Revenue Code of
18 1986; or
19 (B) short-time compensation program is
20 subject to discontinuation or is not scheduled to
21 take effect within 12 months of the certifi-
22 cation.
23 (d) USE OF FUNDS.—The amount of any grant
24 awarded under this section shall be used for the implemen-
25 tation of short-time compensation programs and the over-

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1 all administration of such programs and the promotion
2 and enrollment efforts associated with such programs,
3 such as through—
4 (1) the creation or support of rapid response
5 teams to advise employers about alternatives to lay-
6 offs;
7 (2) the provision of education or assistance to
8 employers to enable them to assess the feasibility of
9 participating in short-time compensation programs;
10 and
11 (3) the development or enhancement of systems
12 to automate—
13 (A) the submission and approval of plans;
14 and
15 (B) the filing and approval of new and on-
16 going short-time compensation claims.
17 (e) ADMINISTRATION.—The Secretary is authorized
18 to use 0.25 percent of the funds available under subsection
19 (g) to provide for outreach and to share best practices with
20 respect to this section and short-time compensation pro-
21 grams.
22 (f) RECOUPMENT.—The Secretary shall establish a
23 process under which the Secretary shall recoup the
24 amount of any grant awarded under paragraph (1) or (2)
25 of subsection (a) if the Secretary determines that, during

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1 the 5-year period beginning on the first date that any such
2 grant is awarded to the State, the State—
3 (1) terminated the State's short-time compensa-
4 tion program; or
5 (2) failed to meet appropriate requirements
6 with respect to such program (as established by the
7 Secretary).
8 (g) FUNDING.—There are appropriated, out of mon-
9 eys in the Treasury not otherwise appropriated, to the
10 Secretary, $100,000,000 to carry out this section, to re-
11 main available without fiscal year limitation.
12 (h) REPORTING.—The Secretary may establish re-
13 porting requirements for States receiving a grant under
14 this section in order to provide oversight of grant funds.
15 (i) DEFINITIONS.—In this section:
16 (1) SECRETARY.—The term "Secretary" means
17 the Secretary of Labor.
18 (2) SHORT-TIME COMPENSATION PROGRAM.—
19 The term "short-time compensation program" has
20 the meaning given such term in section 3306(v) of
21 the Internal Revenue Code of 1986.
22 (3) STATE; STATE AGENCY; STATE LAW.—The
23 terms "State", "State agency", and "State law"
24 have the meanings given those terms in section 205

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1 of the Federal-State Extended Unemployment Com-
2 pensation Act of 1970 (26 U.S.C. 3304 note).

3 **SEC. 2111. ASSISTANCE AND GUIDANCE IN IMPLEMENTING**
4 **PROGRAMS.**

5 (a) IN GENERAL.—In order to assist States in estab-
6 lishing, qualifying, and implementing short-time com-
7 pensation programs (as defined in section 3306(v) of the
8 Internal Revenue Code of 1986), the Secretary of Labor
9 (in this section referred to as the "Secretary") shall—

10 (1) develop model legislative language, or dis-
11 seminate existing model legislative language, which
12 may be used by States in developing and enacting
13 such programs, and periodically review and revise
14 such model legislative language;

15 (2) provide technical assistance and guidance in
16 developing, enacting, and implementing such pro-
17 grams; and

18 (3) establish reporting requirements for States,
19 including reporting on—

20 (A) the number of estimated averted lay-
21 offs;

22 (B) the number of participating employers
23 and workers; and

24 (C) such other items as the Secretary of
25 Labor determines are appropriate.

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1 (b) MODEL LANGUAGE AND GUIDANCE.—The model
2 language and guidance developed under subsection (a)
3 shall allow sufficient flexibility by States and participating
4 employers while ensuring accountability and program in-
5 tegrity.

6 (c) CONSULTATION.—In developing the model legisla-
7 tive language and guidance under subsection (a), and in
8 order to meet the requirements of subsection (b), the Sec-
9 retary shall consult with employers, labor organizations,
10 State workforce agencies, and other program experts. Ex-
11 isting model legislative language that has been developed
12 through such a consultative process shall be deemed to
13 meet the consultation requirement of this subsection.

14 (d) REPEAL.—Section 4104 of the Emergency Unem-
15 ployment Stabilization and Access Act of 2020 (contained
16 in division D of the Families First Coronavirus Response
17 Act) is repealed.

18 **SEC. 2112. WAIVER OF THE 7-DAY WAITING PERIOD FOR**
19 **BENEFITS UNDER THE RAILROAD UNEM-**
20 **PLOYMENT INSURANCE ACT.**

21 (a) NO WAITING WEEK.—With respect to any reg-
22 istration period beginning after the date of enactment of
23 this Act and ending on or before December 31, 2020, sub-
24 paragraphs (A)(ii) and (B)(ii) of section 2(a)(1) of the

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1 Railroad Unemployment Insurance Act (45 U.S.C.
2 352(a)(1)) shall not apply.
3 (b) OPERATING INSTRUCTIONS AND REGULA-
4 TIONS.—The Railroad Retirement Board may prescribe
5 any operating instructions or regulations necessary to
6 carry out this section.
7 (c) FUNDING.—Out of any funds in the Treasury not
8 otherwise appropriated, there are appropriated
9 $50,000,000 to cover the costs of additional benefits pay-
10 able due to the application of subsection (a). Upon the
11 exhaustion of the funds appropriated under this sub-
12 section, subsection (a) shall no longer apply with respect
13 to any registration period beginning after the date of ex-
14 haustion of funds.
15 (d) DEFINITION OF REGISTRATION PERIOD.—For
16 purposes of this section, the term "registration period"
17 has the meaning given such term under section 1 of the
18 Railroad Unemployment Insurance Act (45 U.S.C. 351).

19 **SEC. 2113. ENHANCED BENEFITS UNDER THE RAILROAD**
20 **UNEMPLOYMENT INSURANCE ACT.**

21 Section 2(a) of the Railroad Unemployment Insur-
22 ance Act (45 U.S.C. § 352(a)) is amended by adding at
23 the end the following:
24 "(5)(A) Notwithstanding paragraph (3), subsection
25 (c)(1)(B), and any other limitation on total benefits in this

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1 Act, for registration periods beginning on or after April
2 1, 2020, but on or before July 31, 2020, a recovery benefit
3 in the amount of $1,200 shall be payable to a qualified
4 employee with respect to any registration period in which
5 the employee received unemployment benefits under para-
6 graph (1)(A), and in any registration period in which the
7 employee did not receive unemployment benefits due to the
8 limitation in subsection (c)(1)(B) or due to reaching the
9 maximum number of days of benefits in the benefit year
10 beginning July 1, 2019, under subsection (c)(1)(A). No
11 recovery benefits shall be payable under this section upon
12 the exhaustion of the funds appropriated under subpara-
13 graph (B) for payment of benefits under this subpara-
14 graph.

15 "(B) Out of any funds in the Treasury not otherwise
16 appropriated, there are appropriated $425,000,000 to
17 cover the cost of recovery benefits provided under subpara-
18 graph (A), to remain available until expended.".

19 **SEC. 2114. EXTENDED UNEMPLOYMENT BENEFITS UNDER**
20 **THE RAILROAD UNEMPLOYMENT INSURANCE**
21 **ACT.**

22 (a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Rail-
23 road Unemployment Insurance Act (45 U.S.C.
24 352(c)(2)(D)(iii) is amended—

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1 (1) by striking "July 1, 2008" and inserting
2 "July 1, 2019";
3 (2) by striking "June 30, 2013" and inserting
4 "June 30, 2020"; and
5 (3) by striking "December 31, 2013" and in-
6 serting "December 31, 2020".
7 (b) CLARIFICATION ON AUTHORITY TO USE
8 FUNDS.—Funds appropriated under either the first or
9 second sentence of clause (iv) of section 2(c)(2)(D) of the
10 Railroad Unemployment Insurance Act shall be available
11 to cover the cost of additional extended unemployment
12 benefits provided under such section 2(c)(2)(D) by reason
13 of the amendments made by subsection (a) as well as to
14 cover the cost of such benefits provided under such section
15 2(c)(2)(D) as in effect on the day before the date of enact-
16 ment of this Act.

17 **SEC. 2115. FUNDING FOR THE DOL OFFICE OF INSPECTOR**
18 **GENERAL FOR OVERSIGHT OF UNEMPLOY-**
19 **MENT PROVISIONS.**

20 There are appropriated, out of moneys in the Treas-
21 ury not otherwise appropriated, to the Office of the In-
22 spector General of the Department of Labor, $25,000,000
23 to carry out audits, investigations, and other oversight ac-
24 tivities authorized under the Inspector General Act of
25 1978 (5 U.S.C. App.) that are related to the provisions

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of, and amendments made by, this subtitle, to remain available without fiscal year limitation.

**SEC. 2116. IMPLEMENTATION.**

(a) NON-APPLICATION OF THE PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act of 1995"), shall not apply to the provisions of, and the amendments made by, this subtitle.

(b) OPERATING INSTRUCTIONS OR OTHER GUIDANCE.—Notwithstanding any other provision of law, the Secretary of Labor may issue any operating instructions or other guidance necessary to carry out the provisions of, or the amendments made by, this subtitle.

# Subtitle B—Rebates and Other Individual Provisions

**SEC. 2201. 2020 RECOVERY REBATES FOR INDIVIDUALS.**

(a) IN GENERAL.—Subchapter B of chapter 65 of subtitle F of the Internal Revenue Code of 1986 is amended by inserting after section 6427 the following new section:

**"SEC. 6428. 2020 RECOVERY REBATES FOR INDIVIDUALS.**

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

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1 "(1) $1,200 ($2,400 in the case of eligible indi-
2 viduals filing a joint return), plus
3 "(2) an amount equal to the product of $500
4 multiplied by the number of qualifying children
5 (within the meaning of section 24(c)) of the tax-
6 payer.
7 "(b) TREATMENT OF CREDIT.—The credit allowed by
8 subsection (a) shall be treated as allowed by subpart C
9 of part IV of subchapter A of chapter 1.
10 "(c) LIMITATION BASED ON ADJUSTED GROSS IN-
11 COME.—The amount of the credit allowed by subsection
12 (a) (determined without regard to this subsection and sub-
13 section (e)) shall be reduced (but not below zero) by 5
14 percent of so much of the taxpayer's adjusted gross in-
15 come as exceeds—
16 "(1) $150,000 in the case of a joint return,
17 "(2) $112,500 in the case of a head of house-
18 hold, and
19 "(3) $75,000 in the case of a taxpayer not de-
20 scribed in paragraph (1) or (2).
21 "(d) ELIGIBLE INDIVIDUAL.—For purposes of this
22 section, the term 'eligible individual' means any individual
23 other than—
24 "(1) any nonresident alien individual,

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1 "(2) any individual with respect to whom a de-
2 duction under section 151 is allowable to another
3 taxpayer for a taxable year beginning in the cal-
4 endar year in which the individual's taxable year be-
5 gins, and
6 "(3) an estate or trust.
7 "(e) COORDINATION WITH ADVANCE REFUNDS OF
8 CREDIT.—
9 "(1) IN GENERAL.—The amount of credit
10 which would (but for this paragraph) be allowable
11 under this section shall be reduced (but not below
12 zero) by the aggregate refunds and credits made or
13 allowed to the taxpayer under subsection (f). Any
14 failure to so reduce the credit shall be treated as
15 arising out of a mathematical or clerical error and
16 assessed according to section 6213(b)(1).
17 "(2) JOINT RETURNS.—In the case of a refund
18 or credit made or allowed under subsection (f) with
19 respect to a joint return, half of such refund or cred-
20 it shall be treated as having been made or allowed
21 to each individual filing such return.
22 "(f) ADVANCE REFUNDS AND CREDITS.—
23 "(1) IN GENERAL.—Subject to paragraph (5),
24 each individual who was an eligible individual for
25 such individual's first taxable year beginning in

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1 2019 shall be treated as having made a payment
2 against the tax imposed by chapter 1 for such tax-
3 able year in an amount equal to the advance refund
4 amount for such taxable year.

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

11 "(3) TIMING AND MANNER OF PAYMENTS.—

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

18 "(B) DELIVERY OF PAYMENTS.—Notwith-
19 standing any other provision of law, the Sec-
20 retary may certify and disburse refunds payable
21 under this subsection electronically to any ac-
22 count to which the payee authorized, on or after
23 January 1, 2018, the delivery of a refund of
24 taxes under this title or of a Federal payment

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1 (as defined in section 3332 of title 31, United
2 States Code).
3 "(C) WAIVER OF CERTAIN RULES.—Not-
4 withstanding section 3325 of title 31, United
5 States Code, or any other provision of law, with
6 respect to any payment of a refund under this
7 subsection, a disbursing official in the executive
8 branch of the United States Government may
9 modify payment information received from an
10 officer or employee described in section
11 3325(a)(1)(B) of such title for the purpose of
12 facilitating the accurate and efficient delivery of
13 such payment. Except in cases of fraud or reck-
14 less neglect, no liability under sections 3325,
15 3527, 3528, or 3529 of title 31, United States
16 Code, shall be imposed with respect to pay-
17 ments made under this subparagraph.
18 "(4) NO INTEREST.—No interest shall be al-
19 lowed on any overpayment attributable to this sec-
20 tion.
21 "(5) ALTERNATE TAXABLE YEAR.—In the case
22 of an individual who, at the time of any determina-
23 tion made pursuant to paragraph (3), has not filed
24 a tax return for the year described in paragraph (1),
25 the Secretary may—

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1 "(A) apply such paragraph by substituting
2 '2018' for '2019', and
3 "(B) if the individual has not filed a tax
4 return for such individual's first taxable year
5 beginning in 2018, use information with respect
6 to such individual for calendar year 2019 pro-
7 vided in—
8 "(i) Form SSA-1099, Social Security
9 Benefit Statement, or
10 "(ii) Form RRB-1099, Social Security
11 Equivalent Benefit Statement.
12 "(6) NOTICE TO TAXPAYER.—Not later than 15
13 days after the date on which the Secretary distrib-
14 uted any payment to an eligible taxpayer pursuant
15 to this subsection, notice shall be sent by mail to
16 such taxpayer's last known address. Such notice
17 shall indicate the method by which such payment
18 was made, the amount of such payment, and a
19 phone number for the appropriate point of contact
20 at the Internal Revenue Service to report any failure
21 to receive such payment.
22 "(g) IDENTIFICATION NUMBER REQUIREMENT.—
23 "(1) IN GENERAL.—No credit shall be allowed
24 under subsection (a) to an eligible individual who

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1 does not include on the return of tax for the taxable
2 year—
3 "(A) such individual's valid identification
4 number,
5 "(B) in the case of a joint return, the valid
6 identification number of such individual's
7 spouse, and
8 "(C) in the case of any qualifying child
9 taken into account under subsection (a)(2), the
10 valid identification number of such qualifying
11 child.
12 "(2) VALID IDENTIFICATION NUMBER.—
13 "(A) IN GENERAL.—For purposes of para-
14 graph (1), the term 'valid identification num-
15 ber' means a social security number (as such
16 term is defined in section 24(h)(7)).
17 "(B) ADOPTION TAXPAYER IDENTIFICA-
18 TION NUMBER.—For purposes of paragraph
19 (1)(C), in the case of a qualifying child who is
20 adopted or placed for adoption, the term 'valid
21 identification number' shall include the adop-
22 tion taxpayer identification number of such
23 child.
24 "(3) SPECIAL RULE FOR MEMBERS OF THE
25 ARMED FORCES.—Paragraph (1)(B) shall not apply

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in the case where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year and at least 1 spouse satisfies paragraph (1)(A).

"(4) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Any omission of a correct valid identification number required under this subsection shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) to such omission.

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

(b) ADMINISTRATIVE AMENDMENTS.—

(1) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking "and 36B, 168(k)(4)" and inserting "36B, and 6428".

(2) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Section 6213(g)(2)(L) of such Code is amended by striking "or 32" and inserting "32, or 6428".

(c) TREATMENT OF POSSESSIONS.—

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1 (1) PAYMENTS TO POSSESSIONS.—
2 (A) MIRROR CODE POSSESSION.—The Sec-
3 retary of the Treasury shall pay to each posses-
4 sion of the United States which has a mirror
5 code tax system amounts equal to the loss (if
6 any) to that possession by reason of the amend-
7 ments made by this section. Such amounts shall
8 be determined by the Secretary of the Treasury
9 based on information provided by the govern-
10 ment of the respective possession.
11 (B) OTHER POSSESSIONS.—The Secretary
12 of the Treasury shall pay to each possession of
13 the United States which does not have a mirror
14 code tax system amounts estimated by the Sec-
15 retary of the Treasury as being equal to the ag-
16 gregate benefits (if any) that would have been
17 provided to residents of such possession by rea-
18 son of the amendments made by this section if
19 a mirror code tax system had been in effect in
20 such possession. The preceding sentence shall
21 not apply unless the respective possession has a
22 plan, which has been approved by the Secretary
23 of the Treasury, under which such possession
24 will promptly distribute such payments to its
25 residents.

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1 (2) COORDINATION WITH CREDIT ALLOWED
2 AGAINST UNITED STATES INCOME TAXES.—No cred-
3 it shall be allowed against United States income
4 taxes under section 6428 of the Internal Revenue
5 Code of 1986 (as added by this section) to any per-
6 son—
7 (A) to whom a credit is allowed against
8 taxes imposed by the possession by reason of
9 the amendments made by this section, or
10 (B) who is eligible for a payment under a
11 plan described in paragraph (1)(B).
12 (3) DEFINITIONS AND SPECIAL RULES.—
13 (A) POSSESSION OF THE UNITED
14 STATES.—For purposes of this subsection, the
15 term "possession of the United States" includes
16 the Commonwealth of Puerto Rico and the
17 Commonwealth of the Northern Mariana Is-
18 lands.
19 (B) MIRROR CODE TAX SYSTEM.—For pur-
20 poses of this subsection, the term "mirror code
21 tax system" means, with respect to any posses-
22 sion of the United States, the income tax sys-
23 tem of such possession if the income tax liabil-
24 ity of the residents of such possession under
25 such system is determined by reference to the

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1 income tax laws of the United States as if such
2 possession were the United States.
3 (C) TREATMENT OF PAYMENTS.—For pur-
4 poses of section 1324 of title 31, United States
5 Code, the payments under this subsection shall
6 be treated in the same manner as a refund due
7 from a credit provision referred to in subsection
8 (b)(2) of such section.
9 (d) EXCEPTION FROM REDUCTION OR OFFSET.—
10 Any credit or refund allowed or made to any individual
11 by reason of section 6428 of the Internal Revenue Code
12 of 1986 (as added by this section) or by reason of sub-
13 section (c) of this section shall not be—
14 (1) subject to reduction or offset pursuant to
15 section 3716 or 3720A of title 31, United States
16 Code,
17 (2) subject to reduction or offset pursuant to
18 subsection (d), (e), or (f) of section 6402 of the In-
19 ternal Revenue Code of 1986, or
20 (3) reduced or offset by other assessed Federal
21 taxes that would otherwise be subject to levy or col-
22 lection.
23 (e) PUBLIC AWARENESS CAMPAIGN.—The Secretary
24 of the Treasury (or the Secretary's delegate) shall conduct
25 a public awareness campaign, in coordination with the

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1 Commissioner of Social Security and the heads of other
2 relevant Federal agencies, to provide information regard-
3 ing the availability of the credit and rebate allowed under
4 section 6428 of the Internal Revenue Code of 1986 (as
5 added by this section), including information with respect
6 to individuals who may not have filed a tax return for tax-
7 able year 2018 or 2019.

8 (f) APPROPRIATIONS TO CARRY OUT REBATES.—

9 (1) IN GENERAL.—Immediately upon the enact-
10 ment of this Act, the following sums are appro-
11 priated, out of any money in the Treasury not other-
12 wise appropriated, for the fiscal year ending Sep-
13 tember 30, 2020:

14 (A) DEPARTMENT OF THE TREASURY.—

15 (i) For an additional amount for ''De-
16 partment of the Treasury—Bureau of the
17 Fiscal Service—Salaries and Expenses'',
18 $78,650,000, to remain available until
19 September 30, 2021.

20 (ii) For an additional amount for
21 ''Department of the Treasury—Internal
22 Revenue Service—Taxpayer Services'',
23 $293,500,000, to remain available until
24 September 30, 2021.

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(iii) For an additional amount for "Department of the Treasury—Internal Revenue Service—Operations Support", $170,000,000, to remain available until September 30, 2021.

(iv) For an additional amount for "Department of Treasury—Internal Revenue Service—Enforcement", $37,200,000, to remain available until September 30, 2021.

Amounts made available in appropriations under clauses (ii), (iii), and (iv) of this subparagraph may be transferred between such appropriations upon the advance notification of the Committees on Appropriations of the House of Representatives and the Senate. Such transfer authority is in addition to any other transfer authority provided by law.

(B) SOCIAL SECURITY ADMINISTRATION.—For an additional amount for "Social Security Administration—Limitation on Administrative Expenses", $38,000,000, to remain available until September 30, 2021.

(2) REPORTS.—No later than 15 days after enactment of this Act, the Secretary of the Treasury

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shall submit a plan to the Committees on Appropriations of the House of Representatives and the Senate detailing the expected use of the funds provided by paragraph (1)(A). Beginning 90 days after enactment of this Act, the Secretary of the Treasury shall submit a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the actual expenditure of funds provided by paragraph (1)(A) and the expected expenditure of such funds in the subsequent quarter.

(g) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting "6428," after "54B(h),".

(2) The table of sections for subchapter B of chapter 65 of subtitle F of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6427 the following:

"Sec. 6428. 2020 Recovery Rebates for individuals.".

**SEC. 2202. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.**

(a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

(1) IN GENERAL.—Section 72(t) of the Internal Revenue Code of 1986 shall not apply to any coronavirus-related distribution.

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1 (2) AGGREGATE DOLLAR LIMITATION.—
2 (A) IN GENERAL.—For purposes of this
3 subsection, the aggregate amount of distribu-
4 tions received by an individual which may be
5 treated as coronavirus-related distributions for
6 any taxable year shall not exceed $100,000.
7 (B) TREATMENT OF PLAN DISTRIBU-
8 TIONS.—If a distribution to an individual would
9 (without regard to subparagraph (A)) be a
10 coronavirus-related distribution, a plan shall not
11 be treated as violating any requirement of the
12 Internal Revenue Code of 1986 merely because
13 the plan treats such distribution as a
14 coronavirus-related distribution, unless the ag-
15 gregate amount of such distributions from all
16 plans maintained by the employer (and any
17 member of any controlled group which includes
18 the employer) to such individual exceeds
19 $100,000.
20 (C) CONTROLLED GROUP.—For purposes
21 of subparagraph (B), the term "controlled
22 group" means any group treated as a single
23 employer under subsection (b), (c), (m), or (o)
24 of section 414 of the Internal Revenue Code of
25 1986.

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1 (3) AMOUNT DISTRIBUTED MAY BE REPAID.—
2 (A) IN GENERAL.—Any individual who re-
3 ceives a coronavirus-related distribution may, at
4 any time during the 3-year period beginning on
5 the day after the date on which such distribu-
6 tion was received, make 1 or more contributions
7 in an aggregate amount not to exceed the
8 amount of such distribution to an eligible retire-
9 ment plan of which such individual is a bene-
10 ficiary and to which a rollover contribution of
11 such distribution could be made under section
12 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or
13 457(e)(16), of the Internal Revenue Code of
14 1986, as the case may be.
15 (B) TREATMENT OF REPAYMENTS OF DIS-
16 TRIBUTIONS FROM ELIGIBLE RETIREMENT
17 PLANS OTHER THAN IRAS.—For purposes of
18 the Internal Revenue Code of 1986, if a con-
19 tribution is made pursuant to subparagraph (A)
20 with respect to a coronavirus-related distribu-
21 tion from an eligible retirement plan other than
22 an individual retirement plan, then the taxpayer
23 shall, to the extent of the amount of the con-
24 tribution, be treated as having received the
25 coronavirus-related distribution in an eligible

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1 rollover distribution (as defined in section
2 402(c)(4) of such Code) and as having trans-
3 ferred the amount to the eligible retirement
4 plan in a direct trustee to trustee transfer with-
5 in 60 days of the distribution.
6 (C) TREATMENT OF REPAYMENTS OF DIS-
7 TRIBUTIONS FROM IRAS.—For purposes of the
8 Internal Revenue Code of 1986, if a contribu-
9 tion is made pursuant to subparagraph (A)
10 with respect to a coronavirus-related distribu-
11 tion from an individual retirement plan (as de-
12 fined by section 7701(a)(37) of such Code),
13 then, to the extent of the amount of the con-
14 tribution, the coronavirus-related distribution
15 shall be treated as a distribution described in
16 section 408(d)(3) of such Code and as having
17 been transferred to the eligible retirement plan
18 in a direct trustee to trustee transfer within 60
19 days of the distribution.
20 (4) DEFINITIONS.—For purposes of this sub-
21 section—
22 (A) CORONAVIRUS-RELATED DISTRIBU-
23 TION.—Except as provided in paragraph (2),
24 the term "coronavirus-related distribution"

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1 means any distribution from an eligible retire-
2 ment plan made—
3 (i) on or after January 1, 2020, and
4 before December 31, 2020,
5 (ii) to an individual—
6 (I) who is diagnosed with the
7 virus SARS-CoV-2 or with
8 coronavirus disease 2019 (COVID-19)
9 by a test approved by the Centers for
10 Disease Control and Prevention,
11 (II) whose spouse or dependent
12 (as defined in section 152 of the In-
13 ternal Revenue Code of 1986) is diag-
14 nosed with such virus or disease by
15 such a test, or
16 (III) who experiences adverse fi-
17 nancial consequences as a result of
18 being quarantined, being furloughed
19 or laid off or having work hours re-
20 duced due to such virus or disease,
21 being unable to work due to lack of
22 child care due to such virus or dis-
23 ease, closing or reducing hours of a
24 business owned or operated by the in-
25 dividual due to such virus or disease,

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1 or other factors as determined by the
2 Secretary of the Treasury (or the Sec-
3 retary's delegate).
4 (B) EMPLOYEE CERTIFICATION.—The ad-
5 ministrator of an eligible retirement plan may
6 rely on an employee's certification that the em-
7 ployee satisfies the conditions of subparagraph
8 (A)(ii) in determining whether any distribution
9 is a coronavirus-related distribution.
10 (C) ELIGIBLE RETIREMENT PLAN.—The
11 term "eligible retirement plan" has the meaning
12 given such term by section 402(c)(8)(B) of the
13 Internal Revenue Code of 1986.
14 (5) INCOME INCLUSION SPREAD OVER 3-YEAR
15 PERIOD.—
16 (A) IN GENERAL.—In the case of any
17 coronavirus-related distribution, unless the tax-
18 payer elects not to have this paragraph apply
19 for any taxable year, any amount required to be
20 included in gross income for such taxable year
21 shall be so included ratably over the 3-taxable-
22 year period beginning with such taxable year.
23 (B) SPECIAL RULE.—For purposes of sub-
24 paragraph (A), rules similar to the rules of sub-

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1 paragraph (E) of section 408A(d)(3) of the In-
2 ternal Revenue Code of 1986 shall apply.
3 (6) SPECIAL RULES.—
4 (A) EXEMPTION OF DISTRIBUTIONS FROM
5 TRUSTEE TO TRUSTEE TRANSFER AND WITH-
6 HOLDING RULES.—For purposes of sections
7 401(a)(31), 402(f), and 3405 of the Internal
8 Revenue Code of 1986, coronavirus-related dis-
9 tributions shall not be treated as eligible roll-
10 over distributions.
11 (B) CORONAVIRUS-RELATED DISTRIBU-
12 TIONS TREATED AS MEETING PLAN DISTRIBU-
13 TION REQUIREMENTS.—For purposes of the In-
14 ternal Revenue Code of 1986, a coronavirus-re-
15 lated distribution shall be treated as meeting
16 the requirements of sections 401(k)(2)(B)(i),
17 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A)
18 of such Code and section 8433(h)(1) of title 5,
19 United States Code.
20 (b) LOANS FROM QUALIFIED PLANS.—
21 (1) INCREASE IN LIMIT ON LOANS NOT TREAT-
22 ED AS DISTRIBUTIONS.—In the case of any loan
23 from a qualified employer plan (as defined under
24 section 72(p)(4) of the Internal Revenue Code of
25 1986) to a qualified individual made during the 180-

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1 day period beginning on the date of the enactment
2 of this Act—
3 (A) clause (i) of section 72(p)(2)(A) of
4 such Code shall be applied by substituting
5 "$100,000" for "$50,000", and
6 (B) clause (ii) of such section shall be ap-
7 plied by substituting "the present value of the
8 nonforfeitable accrued benefit of the employee
9 under the plan" for "one-half of the present
10 value of the nonforfeitable accrued benefit of
11 the employee under the plan".
12 (2) DELAY OF REPAYMENT.—In the case of a
13 qualified individual with an outstanding loan (on or
14 after the date of the enactment of this Act) from a
15 qualified employer plan (as defined in section
16 72(p)(4) of the Internal Revenue Code of 1986)—
17 (A) if the due date pursuant to subpara-
18 graph (B) or (C) of section 72(p)(2) of such
19 Code for any repayment with respect to such
20 loan occurs during the period beginning on the
21 date of the enactment of this Act and ending on
22 December 31, 2020, such due date shall be de-
23 layed for 1 year,
24 (B) any subsequent repayments with re-
25 spect to any such loan shall be appropriately

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1 adjusted to reflect the delay in the due date
2 under subparagraph (A) and any interest accru-
3 ing during such delay, and
4 (C) in determining the 5-year period and
5 the term of a loan under subparagraph (B) or
6 (C) of section 72(p)(2) of such Code, the period
7 described in subparagraph (A) of this para-
8 graph shall be disregarded.
9 (3) QUALIFIED INDIVIDUAL.—For purposes of
10 this subsection, the term "qualified individual"
11 means any individual who is described in subsection
12 (a)(4)(A)(ii).
13 (c) PROVISIONS RELATING TO PLAN AMEND-
14 MENTS.—
15 (1) IN GENERAL.—If this subsection applies to
16 any amendment to any plan or annuity contract—
17 (A) such plan or contract shall be treated
18 as being operated in accordance with the terms
19 of the plan during the period described in para-
20 graph (2)(B)(i), and
21 (B) except as provided by the Secretary of
22 the Treasury (or the Secretary's delegate), such
23 plan or contract shall not fail to meet the re-
24 quirements of section 411(d)(6) of the Internal
25 Revenue Code of 1986 and section 204(g) of

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1 the Employee Retirement Income Security Act
2 of 1974 by reason of such amendment.
3 (2) AMENDMENTS TO WHICH SUBSECTION AP-
4 PLIES.—
5 (A) IN GENERAL.—This subsection shall
6 apply to any amendment to any plan or annuity
7 contract which is made—
8 (i) pursuant to any provision of this
9 section, or pursuant to any regulation
10 issued by the Secretary of the Treasury or
11 the Secretary of Labor (or the delegate of
12 either such Secretary) under any provision
13 of this section, and
14 (ii) on or before the last day of the
15 first plan year beginning on or after Janu-
16 ary 1, 2022, or such later date as the Sec-
17 retary of the Treasury (or the Secretary's
18 delegate) may prescribe.
19 In the case of a governmental plan (as defined
20 in section 414(d) of the Internal Revenue Code
21 of 1986), clause (ii) shall be applied by sub-
22 stituting the date which is 2 years after the
23 date otherwise applied under clause (ii).
24 (B) CONDITIONS.—This subsection shall
25 not apply to any amendment unless—

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1 (i) during the period—
2 (I) beginning on the date that
3 this section or the regulation de-
4 scribed in subparagraph (A)(i) takes
5 effect (or in the case of a plan or con-
6 tract amendment not required by this
7 section or such regulation, the effec-
8 tive date specified by the plan), and
9 (II) ending on the date described
10 in subparagraph (A)(ii) (or, if earlier,
11 the date the plan or contract amend-
12 ment is adopted),
13 the plan or contract is operated as if such
14 plan or contract amendment were in effect,
15 and
16 (ii) such plan or contract amendment
17 applies retroactively for such period.

18 **SEC. 2203. TEMPORARY WAIVER OF REQUIRED MINIMUM**
19 **DISTRIBUTION RULES FOR CERTAIN RETIRE-**
20 **MENT PLANS AND ACCOUNTS.**

21 (a) IN GENERAL.—Section 401(a)(9) of the Internal
22 Revenue Code of 1986 is amended by adding at the end
23 the following new subparagraph:
24 "(I) TEMPORARY WAIVER OF MINIMUM RE-
25 QUIRED DISTRIBUTION.—

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1 "(i) IN GENERAL.—The requirements
2 of this paragraph shall not apply for cal-
3 endar year 2020 to—
4 "(I) a defined contribution plan
5 which is described in this subsection
6 or in section 403(a) or 403(b),
7 "(II) a defined contribution plan
8 which is an eligible deferred com-
9 pensation plan described in section
10 457(b) but only if such plan is main-
11 tained by an employer described in
12 section 457(e)(1)(A), or
13 "(III) an individual retirement
14 plan.
15 "(ii) SPECIAL RULE FOR REQUIRED
16 BEGINNING DATES IN 2020.—Clause (i)
17 shall apply to any distribution which is re-
18 quired to be made in calendar year 2020
19 by reason of—
20 "(I) a required beginning date
21 occurring in such calendar year, and
22 "(II) such distribution not having
23 been made before January 1, 2020.

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"(iii) SPECIAL RULES REGARDING WAIVER PERIOD.—For purposes of this paragraph—

"(I) the required beginning date with respect to any individual shall be determined without regard to this subparagraph for purposes of applying this paragraph for calendar years after 2020, and

"(II) if clause (ii) of subparagraph (B) applies, the 5-year period described in such clause shall be determined without regard to calendar year 2020.".

(b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—Section 402(c)(4) of the Internal Revenue Code of 1986 is amended by striking "2009" each place it appears in the last sentence and inserting "2020".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply for calendar years beginning after December 31, 2019.

(2) PROVISIONS RELATING TO PLAN OR CONTRACT AMENDMENTS.—

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1 (A) IN GENERAL.—If this paragraph ap-
2 plies to any plan or contract amendment—
3 (i) such plan or contract shall not fail
4 to be treated as being operated in accord-
5 ance with the terms of the plan during the
6 period described in subparagraph (B)(ii)
7 solely because the plan operates in accord-
8 ance with this section, and
9 (ii) except as provided by the Sec-
10 retary of the Treasury (or the Secretary's
11 delegate), such plan or contract shall not
12 fail to meet the requirements of section
13 411(d)(6) of the Internal Revenue Code of
14 1986 and section 204(g) of the Employee
15 Retirement Income Security Act of 1974
16 by reason of such amendment.
17 (B) AMENDMENTS TO WHICH PARAGRAPH
18 APPLIES.—
19 (i) IN GENERAL.—This paragraph
20 shall apply to any amendment to any plan
21 or annuity contract which—
22 (I) is made pursuant to the
23 amendments made by this section,
24 and

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1 (II) is made on or before the last
2 day of the first plan year beginning
3 on or after January 1, 2022.
4 In the case of a governmental plan, sub-
5 clause (II) shall be applied by substituting
6 "2024" for "2022".
7 (ii) CONDITIONS.—This paragraph
8 shall not apply to any amendment unless
9 during the period beginning on the effec-
10 tive date of the amendment and ending on
11 December 31, 2020, the plan or contract is
12 operated as if such plan or contract
13 amendment were in effect.

14 **SEC. 2204. ALLOWANCE OF PARTIAL ABOVE THE LINE DE-**
15 **DUCTION FOR CHARITABLE CONTRIBUTIONS.**

16 (a) IN GENERAL.—Section 62(a) of the Internal Rev-
17 enue Code of 1986 is amended by inserting after para-
18 graph (21) the following new paragraph:
19 "(22) CHARITABLE CONTRIBUTIONS.—In the
20 case of taxable years beginning in 2020, the amount
21 (not to exceed $300) of qualified charitable contribu-
22 tions made by an eligible individual during the tax-
23 able year.".

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1 (b) DEFINITIONS.—Section 62 of such Code is
2 amended by adding at the end the following new sub-
3 section:
4 "(f) DEFINITIONS RELATING TO QUALIFIED CHARI-
5 TABLE CONTRIBUTIONS.—For purposes of subsection
6 (a)(22)—
7 "(1) ELIGIBLE INDIVIDUAL.—The term 'eligible
8 individual' means any individual who does not elect
9 to itemize deductions.
10 "(2) QUALIFIED CHARITABLE CONTRIBU-
11 TIONS.—The term 'qualified charitable contribution'
12 means a charitable contribution (as defined in sec-
13 tion 170(c))—
14 "(A) which is made in cash,
15 "(B) for which a deduction is allowable
16 under section 170 (determined without regard
17 to subsection (b) thereof), and
18 "(C) which is—
19 "(i) made to an organization de-
20 scribed in section 170(b)(1)(A), and
21 "(ii) not—
22 "(I) to an organization described
23 in section 509(a)(3), or
24 "(II) for the establishment of a
25 new, or maintenance of an existing,

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1 donor advised fund (as defined in sec-
2 tion 4966(d)(2)).
3 Such term shall not include any amount
4 which is treated as a charitable contribu-
5 tion made in such taxable year by reason
6 of subsection (b)(1)(G)(ii) or (d)(1) of sec-
7 tion 170.".
8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to taxable years beginning after
10 December 31, 2019.

11 **SEC. 2205. MODIFICATION OF LIMITATIONS ON CHARI-**
12 **TABLE CONTRIBUTIONS DURING 2020.**

13 (a) TEMPORARY SUSPENSION OF LIMITATIONS ON
14 CERTAIN CASH CONTRIBUTIONS.—
15 (1) IN GENERAL.—Except as otherwise pro-
16 vided in paragraph (2), qualified contributions shall
17 be disregarded in applying subsections (b) and (d) of
18 section 170 of the Internal Revenue Code of 1986.
19 (2) TREATMENT OF EXCESS CONTRIBUTIONS.—
20 For purposes of section 170 of the Internal Revenue
21 Code of 1986—
22 (A) INDIVIDUALS.—In the case of an indi-
23 vidual—
24 (i) LIMITATION.—Any qualified con-
25 tribution shall be allowed as a deduction

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1 only to the extent that the aggregate of
2 such contributions does not exceed the ex-
3 cess of the taxpayer's contribution base (as
4 defined in subparagraph (H) of section
5 170(b)(1) of such Code) over the amount
6 of all other charitable contributions allowed
7 under section 170(b)(1) of such Code.
8 (ii) CARRYOVER.—If the aggregate
9 amount of qualified contributions made in
10 the contribution year (within the meaning
11 of section 170(d)(1) of such Code) exceeds
12 the limitation of clause (i), such excess
13 shall be added to the excess described in
14 section 170(b)(1)(G)(ii).
15 (B) CORPORATIONS.—In the case of a cor-
16 poration—
17 (i) LIMITATION.—Any qualified con-
18 tribution shall be allowed as a deduction
19 only to the extent that the aggregate of
20 such contributions does not exceed the ex-
21 cess of 25 percent of the taxpayer's taxable
22 income (as determined under paragraph
23 (2) of section 170(b) of such Code) over
24 the amount of all other charitable con-
25 tributions allowed under such paragraph.

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1 (ii) CARRYOVER.—If the aggregate
2 amount of qualified contributions made in
3 the contribution year (within the meaning
4 of section 170(d)(2) of such Code) exceeds
5 the limitation of clause (i), such excess
6 shall be appropriately taken into account
7 under section 170(d)(2) subject to the limi-
8 tations thereof.
9 (3) QUALIFIED CONTRIBUTIONS.—
10 (A) IN GENERAL.—For purposes of this
11 subsection, the term "qualified contribution"
12 means any charitable contribution (as defined
13 in section 170(c) of the Internal Revenue Code
14 of 1986) if—
15 (i) such contribution is paid in cash
16 during calendar year 2020 to an organiza-
17 tion described in section 170(b)(1)(A) of
18 such Code, and
19 (ii) the taxpayer has elected the appli-
20 cation of this section with respect to such
21 contribution.
22 (B) EXCEPTION.—Such term shall not in-
23 clude a contribution by a donor if the contribu-
24 tion is—

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(i) to an organization described in section 509(a)(3) of the Internal Revenue Code of 1986, or

(ii) for the establishment of a new, or maintenance of an existing, donor advised fund (as defined in section 4966(d)(2) of such Code).

(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(ii) shall be made separately by each partner or shareholder.

(b) INCREASE IN LIMITS ON CONTRIBUTIONS OF FOOD INVENTORY.—In the case of any charitable contribution of food during 2020 to which section 170(e)(3)(C) of the Internal Revenue Code of 1986 applies, subclauses (I) and (II) of clause (ii) thereof shall each be applied by substituting "25 percent" for "15 percent."

(c) EFFECTIVE DATE.—This section shall apply to taxable years ending after December 31, 2019.

**SEC. 2206. EXCLUSION FOR CERTAIN EMPLOYER PAYMENTS OF STUDENT LOANS.**

(a) IN GENERAL.—Paragraph (1) of section 127(c) of the Internal Revenue Code of 1986 is amended by strik-

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1 ing "and" at the end of subparagraph (A), by redesig-
2 nating subparagraph (B) as subparagraph (C), and by in-
3 serting after subparagraph (A) the following new subpara-
4 graph:

5 "(B) in the case of payments made before
6 January 1, 2021, the payment by an employer,
7 whether paid to the employee or to a lender, of
8 principal or interest on any qualified education
9 loan (as defined in section 221(d)(1)) incurred
10 by the employee for education of the employee,
11 and".

12 (b) CONFORMING AMENDMENT; DENIAL OF DOUBLE
13 BENEFIT.—The first sentence of paragraph (1) of section
14 221(e) of the Internal Revenue Code of 1986 is amended
15 by inserting before the period the following: ", or for which
16 an exclusion is allowable under section 127 to the taxpayer
17 by reason of the payment by the taxpayer's employer of
18 any indebtedness on a qualified education loan of the tax-
19 payer".

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to payments made after the date
22 of the enactment of this Act.

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# Subtitle C—Business Provisions

**SEC. 2301. EMPLOYEE RETENTION CREDIT FOR EMPLOYERS SUBJECT TO CLOSURE DUE TO COVID-19.**

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

(b) LIMITATIONS AND REFUNDABILITY.—

(1) WAGES TAKEN INTO ACCOUNT.—The amount of qualified wages with respect to any employee which may be taken into account under subsection (a) by the eligible employer for all calendar quarters shall not exceed $10,000.

(2) CREDIT LIMITED TO EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the applicable employment taxes (reduced by any credits allowed under subsections (e) and (f) of section 3111 of the Internal Revenue Code of 1986 and sections 7001 and 7003 of the Families First Coronavirus Response Act) on the wages paid with respect to the employment of all the employees of the eligible employer for such calendar quarter.

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1 (3) REFUNDABILITY OF EXCESS CREDIT.—
2 (A) IN GENERAL.—If the amount of the
3 credit under subsection (a) exceeds the limita-
4 tion of paragraph (2) for any calendar quarter,
5 such excess shall be treated as an overpayment
6 that shall be refunded under sections 6402(a)
7 and 6413(b) of the Internal Revenue Code of
8 1986.
9 (B) TREATMENT OF PAYMENTS.—For pur-
10 poses of section 1324 of title 31, United States
11 Code, any amounts due to the employer under
12 this paragraph shall be treated in the same
13 manner as a refund due from a credit provision
14 referred to in subsection (b)(2) of such section.
15 (c) DEFINITIONS.—For purposes of this section—
16 (1) APPLICABLE EMPLOYMENT TAXES.—The
17 term "applicable employment taxes" means the fol-
18 lowing:
19 (A) The taxes imposed under section
20 3111(a) of the Internal Revenue Code of 1986.
21 (B) So much of the taxes imposed under
22 section 3221(a) of such Code as are attrib-
23 utable to the rate in effect under section
24 3111(a) of such Code.
25 (2) ELIGIBLE EMPLOYER.—

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1 (A) IN GENERAL.—The term "eligible em-
2 ployer" means any employer—
3 (i) which was carrying on a trade or
4 business during calendar year 2020, and
5 (ii) with respect to any calendar quar-
6 ter, for which—
7 (I) the operation of the trade or
8 business described in clause (i) is fully
9 or partially suspended during the cal-
10 endar quarter due to orders from an
11 appropriate governmental authority
12 limiting commerce, travel, or group
13 meetings (for commercial, social, reli-
14 gious, or other purposes) due to the
15 coronavirus disease 2019 (COVID-
16 19), or
17 (II) such calendar quarter is
18 within the period described in sub-
19 paragraph (B).
20 (B) SIGNIFICANT DECLINE IN GROSS RE-
21 CEIPTS.—The period described in this subpara-
22 graph is the period—
23 (i) beginning with the first calendar
24 quarter beginning after December 31,
25 2019, for which gross receipts (within the

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1 meaning of section 448(c) of the Internal
2 Revenue Code of 1986) for the calendar
3 quarter are less than 50 percent of gross
4 receipts for the same calendar quarter in
5 the prior year, and
6 (ii) ending with the calendar quarter
7 following the first calendar quarter begin-
8 ning after a calendar quarter described in
9 clause (i) for which gross receipts of such
10 employer are greater than 80 percent of
11 gross receipts for the same calendar quar-
12 ter in the prior year.
13 (C) TAX-EXEMPT ORGANIZATIONS.—In the
14 case of an organization which is described in
15 section 501(c) of the Internal Revenue Code of
16 1986 and exempt from tax under section 501(a)
17 of such Code, clauses (i) and (ii)(I) of subpara-
18 graph (A) shall apply to all operations of such
19 organization.
20 (3) QUALIFIED WAGES.—
21 (A) IN GENERAL.—The term "qualified
22 wages" means—
23 (i) in the case of an eligible employer
24 for which the average number of full-time
25 employees (within the meaning of section

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1 4980H of the Internal Revenue Code of
2 1986) employed by such eligible employer
3 during 2019 was greater than 100, wages
4 paid by such eligible employer with respect
5 to which an employee is not providing serv-
6 ices due to circumstances described in sub-
7 clause (I) or (II) of paragraph (2)(A)(ii),
8 or
9 (ii) in the case of an eligible employer
10 for which the average number of full-time
11 employees (within the meaning of section
12 4980H of the Internal Revenue Code of
13 1986) employed by such eligible employer
14 during 2019 was not greater than 100—
15 (I) with respect to an eligible em-
16 ployer described in subclause (I) of
17 paragraph (2)(A)(ii), wages paid by
18 such eligible employer with respect to
19 an employee during any period de-
20 scribed in such clause, or
21 (II) with respect to an eligible
22 employer described in subclause (II)
23 of such paragraph, wages paid by
24 such eligible employer with respect to
25 an employee during such quarter.

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1 Such term shall not include any wages taken
2 into account under section 7001 or section
3 7003 of the Families First Coronavirus Re-
4 sponse Act.
5 (B) LIMITATION.—Qualified wages paid or
6 incurred by an eligible employer described in
7 subparagraph (A)(i) with respect to an em-
8 ployee for any period described in such sub-
9 paragraph may not exceed the amount such em-
10 ployee would have been paid for working an
11 equivalent duration during the 30 days imme-
12 diately preceding such period.
13 (C) ALLOWANCE FOR CERTAIN HEALTH
14 PLAN EXPENSES.—
15 (i) IN GENERAL.—The term ''qualified
16 wages'' shall include so much of the eligi-
17 ble employer's qualified health plan ex-
18 penses as are properly allocable to such
19 wages.
20 (ii) QUALIFIED HEALTH PLAN EX-
21 PENSES.—For purposes of this paragraph,
22 the term ''qualified health plan expenses''
23 means amounts paid or incurred by the eli-
24 gible employer to provide and maintain a
25 group health plan (as defined in section

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1 5000(b)(1) of the Internal Revenue Code
2 of 1986), but only to the extent that such
3 amounts are excluded from the gross in-
4 come of employees by reason of section
5 106(a) of such Code.
6 (iii) ALLOCATION RULES.—For pur-
7 poses of this paragraph, qualified health
8 plan expenses shall be allocated to quali-
9 fied wages in such manner as the Sec-
10 retary may prescribe. Except as otherwise
11 provided by the Secretary, such allocation
12 shall be treated as properly made if made
13 on the basis of being pro rata among em-
14 ployees and pro rata on the basis of peri-
15 ods of coverage (relative to the periods to
16 which such wages relate).
17 (4) SECRETARY.—The term "Secretary" means
18 the Secretary of the Treasury or the Secretary's del-
19 egate.
20 (5) WAGES.—The term "wages" means wages
21 (as defined in section 3121(a) of the Internal Rev-
22 enue Code of 1986) and compensation (as defined in
23 section 3231(e) of such Code).
24 (6) OTHER TERMS.—Any term used in this sec-
25 tion which is also used in chapter 21 or 22 of the

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1 Internal Revenue Code of 1986 shall have the same
2 meaning as when used in such chapter.
3 (d) AGGREGATION RULE.—All persons treated as a
4 single employer under subsection (a) or (b) of section 52
5 of the Internal Revenue Code of 1986, or subsection (m)
6 or (o) of section 414 of such Code, shall be treated as
7 one employer for purposes of this section.
8 (e) CERTAIN RULES TO APPLY.—For purposes of
9 this section, rules similar to the rules of sections 51(i)(1)
10 and 280C(a) of the Internal Revenue Code of 1986 shall
11 apply.
12 (f) CERTAIN GOVERNMENTAL EMPLOYERS.—This
13 credit shall not apply to the Government of the United
14 States, the government of any State or political subdivi-
15 sion thereof, or any agency or instrumentality of any of
16 the foregoing.
17 (g) ELECTION NOT TO HAVE SECTION APPLY.—This
18 section shall not apply with respect to any eligible em-
19 ployer for any calendar quarter if such employer elects (at
20 such time and in such manner as the Secretary may pre-
21 scribe) not to have this section apply.
22 (h) SPECIAL RULES.—
23 (1) EMPLOYEE NOT TAKEN INTO ACCOUNT
24 MORE THAN ONCE.—An employee shall not be in-
25 cluded for purposes of this section for any period

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1 with respect to any employer if such employer is al-
2 lowed a credit under section 51 of the Internal Rev-
3 enue Code of 1986 with respect to such employee for
4 such period.
5 (2) DENIAL OF DOUBLE BENEFIT.—Any wages
6 taken into account in determining the credit allowed
7 under this section shall not be taken into account for
8 purposes of determining the credit allowed under
9 section 45S of such Code.
10 (3) THIRD PARTY PAYORS.—Any credit allowed
11 under this section shall be treated as a credit de-
12 scribed in section 3511(d)(2) of such Code.
13 (i) TRANSFERS TO FEDERAL OLD-AGE AND SUR-
14 VIVORS INSURANCE TRUST FUND.—There are hereby ap-
15 propriated to the Federal Old-Age and Survivors Insur-
16 ance Trust Fund and the Federal Disability Insurance
17 Trust Fund established under section 201 of the Social
18 Security Act (42 U.S.C. 401) and the Social Security
19 Equivalent Benefit Account established under section
20 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C.
21 14 231n–1(a)) amounts equal to the reduction in revenues
22 to the Treasury by reason of this section (without regard
23 to this subsection). Amounts appropriated by the pre-
24 ceding sentence shall be transferred from the general fund
25 at such times and in such manner as to replicate to the

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1 extent possible the transfers which would have occurred
2 to such Trust Fund or Account had this section not been
3 enacted.

4 (j) RULE FOR EMPLOYERS TAKING SMALL BUSINESS
5 INTERRUPTION LOAN.—If an eligible employer receives a
6 covered loan under paragraph (36) of section 7(a) of the
7 Small Business Act (15 U.S.C. 636(a)), as added by sec-
8 tion 1102 of this Act, such employer shall not be eligible
9 for the credit under this section.

10 (k) TREATMENT OF DEPOSITS.—The Secretary shall
11 waive any penalty under section 6656 of the Internal Rev-
12 enue Code of 1986 for any failure to make a deposit of
13 any applicable employment taxes if the Secretary deter-
14 mines that such failure was due to the reasonable anticipa-
15 tion of the credit allowed under this section.

16 (l) REGULATIONS AND GUIDANCE.—The Secretary
17 shall issue such forms, instructions, regulations, and guid-
18 ance as are necessary—

19 (1) to allow the advance payment of the credit
20 under subsection (a), subject to the limitations pro-
21 vided in this section, based on such information as
22 the Secretary shall require,

23 (2) to provide for the reconciliation of such ad-
24 vance payment with the amount advanced at the

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1 time of filing the return of tax for the applicable cal-
2 endar quarter or taxable year,
3 (3) to provide for the recapture of the credit
4 under this section if such credit is allowed to a tax-
5 payer which receives a loan described in subsection
6 (j) during a subsequent quarter,
7 (4) with respect to the application of the credit
8 under subsection (a) to third party payors (including
9 professional employer organizations, certified profes-
10 sional employer organizations, or agents under sec-
11 tion 3504 of the Internal Revenue Code of 1986),
12 including regulations or guidance allowing such
13 payors to submit documentation necessary to sub-
14 stantiate the eligible employer status of employers
15 that use such payors, and
16 (5) for application of subparagraphs (A)(ii)(II)
17 and (B) of subsection (c)(2) in the case of any em-
18 ployer which was not carrying on a trade or business
19 for all or part of the same calendar quarter in the
20 prior year.
21 (m) APPLICATION.—This section shall only apply to
22 wages paid after March 12, 2020, and before January 1,
23 2021.

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1 **SEC. 2302. DELAY OF PAYMENT OF EMPLOYER PAYROLL**
2 **TAXES.**

3 (a) IN GENERAL.—

4 (1) TAXES.—Notwithstanding any other provi-
5 sion of law, the payment for applicable employment
6 taxes for the payroll tax deferral period shall not be
7 due before the applicable date.

8 (2) DEPOSITS.—Notwithstanding section 6302
9 of the Internal Revenue Code of 1986, an employer
10 shall be treated as having timely made all deposits
11 of applicable employment taxes that are required to
12 be made (without regard to this section) for such
13 taxes during the payroll tax deferral period if all
14 such deposits are made not later than the applicable
15 date.

16 (3) EXCEPTION.—This subsection shall not
17 apply to any taxpayer if such taxpayer has had in-
18 debtedness forgiven under section 1106 of this Act
19 with respect to a loan under paragraph (36) of sec-
20 tion 7(a) of the Small Business Act (15 U.S.C.
21 636(a)), as added by section 1102 of this Act, or in-
22 debtedness forgiven under section 1109 of this Act.

23 (b) SECA.—

24 (1) IN GENERAL.—Notwithstanding any other
25 provision of law, the payment for 50 percent of the
26 taxes imposed under section 1401(a) of the Internal

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1 Revenue Code of 1986 for the payroll tax deferral
2 period shall not be due before the applicable date.
3 (2) ESTIMATED TAXES.—For purposes of ap-
4 plying section 6654 of the Internal Revenue Code of
5 1986 to any taxable year which includes any part of
6 the payroll tax deferral period, 50 percent of the
7 taxes imposed under section 1401(a) of such Code
8 for the payroll tax deferral period shall not be treat-
9 ed as taxes to which such section 6654 applies.
10 (c) LIABILITY OF THIRD PARTIES.—
11 (1) ACTS TO BE PERFORMED BY AGENTS.—For
12 purposes of section 3504 of the Internal Revenue
13 Code of 1986, in the case of any person designated
14 pursuant to such section (and any regulations or
15 other guidance issued by the Secretary with respect
16 to such section) to perform acts otherwise required
17 to be performed by an employer under such Code, if
18 such employer directs such person to defer payment
19 of any applicable employment taxes during the pay-
20 roll tax deferral period under this section, such em-
21 ployer shall be solely liable for the payment of such
22 applicable employment taxes before the applicable
23 date for any wages paid by such person on behalf of
24 such employer during such period.

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1 (2) CERTIFIED PROFESSIONAL EMPLOYER OR-
2 GANIZATIONS.—For purposes of section 3511, in the
3 case of a certified professional employer organization
4 (as defined in subsection (a) of section 7705 of the
5 Internal Revenue Code of 1986) that has entered
6 into a service contract described in subsection (e)(2)
7 of such section with a customer, if such customer di-
8 rects such organization to defer payment of any ap-
9 plicable employment taxes during the payroll tax de-
10 ferral period under this section, such customer shall,
11 notwithstanding subsections (a) and (c) of section
12 3511, be solely liable for the payment of such appli-
13 cable employment taxes before the applicable date
14 for any wages paid by such organization to any work
15 site employee performing services for such customer
16 during such period.
17 (d) DEFINITIONS.—For purposes of this section—
18 (1) APPLICABLE EMPLOYMENT TAXES.—The
19 term "applicable employment taxes" means the fol-
20 lowing:
21 (A) The taxes imposed under section
22 3111(a) of the Internal Revenue Code of 1986.
23 (B) So much of the taxes imposed under
24 section 3211(a) of such Code as are attrib-

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1 utable to the rate in effect under section
2 3111(a) of such Code.
3 (C) So much of the taxes imposed under
4 section 3221(a) of such Code as are attrib-
5 utable to the rate in effect under section
6 3111(a) of such Code.
7 (2) PAYROLL TAX DEFERRAL PERIOD.—The
8 term "payroll tax deferral period" means the period
9 beginning on the date of the enactment of this Act
10 and ending before January 1, 2021.
11 (3) APPLICABLE DATE.—The term "applicable
12 date" means—
13 (A) December 31, 2021, with respect to 50
14 percent of the amounts to which subsection (a)
15 or (b), as the case may be, apply, and
16 (B) December 31, 2022, with respect to
17 the remaining such amounts.
18 (4) SECRETARY.—The term "Secretary" means
19 the Secretary of the Treasury (or the Secretary's
20 delegate).
21 (e) TRUST FUNDS HELD HARMLESS.—There are
22 hereby appropriated (out of any money in the Treasury
23 not otherwise appropriated) for each fiscal year to the
24 Federal Old-Age and Survivors Insurance Trust Fund and
25 the Federal Disability Insurance Trust Fund established

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1 under section 201 of the Social Security Act (42 U.S.C.
2 401) and the Social Security Equivalent Benefit Account
3 established under section 15A(a) of the Railroad Retire-
4 ment Act of 1974 (45 U.S.C. 231n–1(a)) an amount equal
5 to the reduction in the transfers to such fund for such
6 fiscal year by reason of this section. Amounts appropriated
7 by the preceding sentence shall be transferred from the
8 general fund at such times and in such manner as to rep-
9 licate to the extent possible the transfers which would have
10 occurred to such Trust Fund had such amendments not
11 been enacted.

12 (f) REGULATORY AUTHORITY.—The Secretary shall
13 issue such regulations or other guidance as necessary to
14 carry out the purposes of this section, including rules for
15 the administration and enforcement of subsection (c).

16 **SEC. 2303. MODIFICATIONS FOR NET OPERATING LOSSES.**

17 (a) TEMPORARY REPEAL OF TAXABLE INCOME LIMI-
18 TATION.—

19 (1) IN GENERAL.—The first sentence of section
20 172(a) of the Internal Revenue Code of 1986 is
21 amended by striking "an amount equal to" and all
22 that follows and inserting "an amount equal to—

23 "(1) in the case of a taxable year beginning be-
24 fore January 1, 2021, the aggregate of the net oper-

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1 ating loss carryovers to such year, plus the net oper-
2 ating loss carrybacks to such year, and
3 "(2) in the case of a taxable year beginning
4 after December 31, 2020, the sum of—
5 "(A) the aggregate amount of net oper-
6 ating losses arising in taxable years beginning
7 before January 1, 2018, carried to such taxable
8 year, plus
9 "(B) the lesser of—
10 "(i) the aggregate amount of net op-
11 erating losses arising in taxable years be-
12 ginning after December 31, 2017, carried
13 to such taxable year, or
14 "(ii) 80 percent of the excess (if any)
15 of—
16 "(I) taxable income computed
17 without regard to the deductions
18 under this section and sections 199A
19 and 250, over
20 "(II) the amount determined
21 under subparagraph (A).".
22 (2) CONFORMING AMENDMENTS.—
23 (A) Section 172(b)(2)(C) of such Code is
24 amended to read as follows:

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"(C) for taxable years beginning after December 31, 2020, be reduced by 20 percent of the excess (if any) described in subsection (a)(2)(B)(ii) for such taxable year.".

(B) Section 172(d)(6)(C) of such Code is amended by striking "subsection (a)(2)" and inserting "subsection (a)(2)(B)(ii)(I)".

(C) Section 860E(a)(3)(B) of such Code is amended by striking all that follows "for purposes of" and inserting "subsection (a)(2)(B)(ii)(I) and the second sentence of subsection (b)(2) of section 172.".

(b) MODIFICATIONS OF RULES RELATING TO CARRYBACKS.—

(1) IN GENERAL.—Section 172(b)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR LOSSES ARISING IN 2018, 2019, AND 2020.—

"(i) IN GENERAL.—In the case of any net operating loss arising in a taxable year beginning after December 31, 2017, and before January 1, 2021—

"(I) such loss shall be a net operating loss carryback to each of the 5

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1 taxable years preceding the taxable
2 year of such loss, and
3 "(II) subparagraphs (B) and
4 (C)(i) shall not apply.
5 "(ii) SPECIAL RULES FOR REITS.—
6 For purposes of this subparagraph—
7 "(I) IN GENERAL.—A net oper-
8 ating loss for a REIT year shall not
9 be a net operating loss carryback to
10 any taxable year preceding the taxable
11 year of such loss.
12 "(II) SPECIAL RULE.—In the
13 case of any net operating loss for a
14 taxable year which is not a REIT
15 year, such loss shall not be carried to
16 any preceding taxable year which is a
17 REIT year.
18 "(III) REIT YEAR.—For pur-
19 poses of this subparagraph, the term
20 'REIT year' means any taxable year
21 for which the provisions of part II of
22 subchapter M (relating to real estate
23 investment trusts) apply to the tax-
24 payer.

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1 "(iii) SPECIAL RULE FOR LIFE INSUR-
2 ANCE COMPANIES.— In the case of a life
3 insurance company, if a net operating loss
4 is carried pursuant to clause (i)(I) to a life
5 insurance company taxable year beginning
6 before January 1, 2018, such net oper-
7 ating loss carryback shall be treated in the
8 same manner as an operations loss
9 carryback (within the meaning of section
10 810 as in effect before its repeal) of such
11 company to such taxable year.
12 "(iv) RULE RELATING TO
13 CARRYBACKS TO YEARS TO WHICH SEC-
14 TION 965 APPLIES.—If a net operating loss
15 of a taxpayer is carried pursuant to clause
16 (i)(I) to any taxable year in which an
17 amount is includible in gross income by
18 reason of section 965(a), the taxpayer shall
19 be treated as having made the election
20 under section 965(n) with respect to each
21 such taxable year.
22 "(v) SPECIAL RULES FOR ELECTIONS
23 UNDER PARAGRAPH (3).—
24 "(I) SPECIAL ELECTION TO EX-
25 CLUDE SECTION 965 YEARS.— If the

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1 5-year carryback period under clause
2 (i)(I) with respect to any net oper-
3 ating loss of a taxpayer includes 1 or
4 more taxable years in which an
5 amount is includible in gross income
6 by reason of section 965(a), the tax-
7 payer may, in lieu of the election oth-
8 erwise available under paragraph (3),
9 elect under such paragraph to exclude
10 all such taxable years from such
11 carryback period.
12 "(II) TIME OF ELECTIONS.—An
13 election under paragraph (3) (includ-
14 ing an election described in subclause
15 (I)) with respect to a net operating
16 loss arising in a taxable year begin-
17 ning in 2018 or 2019 shall be made
18 by the due date (including extensions
19 of time) for filing the taxpayer's re-
20 turn for the first taxable year ending
21 after the date of the enactment of this
22 subparagraph.".
23 (2) CONFORMING AMENDMENT.—Section
24 172(b)(1)(A) of such Code, as amended by sub-

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1 section (c)(2), is amended by striking "and (C)(i)"
2 and inserting ", (C)(i), and (D)".
3 (c) TECHNICAL AMENDMENT RELATING TO SECTION
4 13302 OF PUBLIC LAW 115–97.—
5 (1) Section 13302(e) of Public Law 115–97 is
6 amended to read as follows:
7 "(e) EFFECTIVE DATES.—
8 "(1) NET OPERATING LOSS LIMITATION.—The
9 amendments made by subsections (a) and (d)(2)
10 shall apply to—
11 "(A) taxable years beginning after Decem-
12 ber 31, 2017, and
13 "(B) taxable years beginning on or before
14 such date to which net operating losses arising
15 in taxable years beginning after such date are
16 carried.
17 "(2) CARRYOVERS AND CARRYBACKS.—The
18 amendments made by subsections (b), (c), and
19 (d)(1) shall apply to net operating losses arising in
20 taxable years beginning after December 31, 2017.".
21 (2) Section 172(b)(1)(A) of the Internal Rev-
22 enue Code of 1986 is amended to read as follows:
23 "(A) GENERAL RULE.—A net operating
24 loss for any taxable year—

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"(i) shall be a net operating loss carryback to the extent provided in subparagraphs (B) and (C)(i), and

"(ii) except as provided in subparagraph (C)(ii), shall be a net operating loss carryover—

"(I) in the case of a net operating loss arising in a taxable year beginning before January 1, 2018, to each of the 20 taxable years following the taxable year of the loss, and

"(II) in the case of a net operating loss arising in a taxable year beginning after December 31, 2017, to each taxable year following the taxable year of the loss.".

(d) EFFECTIVE DATES.—

(1) NET OPERATING LOSS LIMITATION.—The amendments made by subsection (a) shall apply—

(A) to taxable years beginning after December 31, 2017, and

(B) to taxable years beginning on or before December 31, 2017, to which net operating losses arising in taxable years beginning after December 31, 2017, are carried.

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1 (2) CARRYOVERS AND CARRYBACKS.—The
2 amendment made by subsection (b) shall apply to—
3 (A) net operating losses arising in taxable
4 years beginning after December 31, 2017, and
5 (B) taxable years beginning before, on, or
6 after such date to which such net operating
7 losses are carried.
8 (3) TECHNICAL AMENDMENTS.—The amend-
9 ments made by subsection (c) shall take effect as if
10 included in the provisions of Public Law 115–97 to
11 which they relate.
12 (4) SPECIAL RULE.—In the case of a net oper-
13 ating loss arising in a taxable year beginning before
14 January 1, 2018, and ending after December 31,
15 2017—
16 (A) an application under section 6411(a)
17 of the Internal Revenue Code of 1986 with re-
18 spect to the carryback of such net operating
19 loss shall not fail to be treated as timely filed
20 if filed not later than the date which is 120
21 days after the date of the enactment of this
22 Act, and
23 (B) an election to—
24 (i) forgo any carryback of such net
25 operating loss,

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(ii) reduce any period to which such net operating loss may be carried back, or

(iii) revoke any election made under section 172(b) to forgo any carryback of such net operating loss,

shall not fail to be treated as timely made if made not later than the date which is 120 days after the date of the enactment of this Act.

**SEC. 2304. MODIFICATION OF LIMITATION ON LOSSES FOR TAXPAYERS OTHER THAN CORPORATIONS.**

(a) IN GENERAL.—Section 461(l)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

"(1) LIMITATION.—In the case of a taxpayer other than a corporation—

"(A) for any taxable year beginning after December 31, 2017, and before January 1, 2026, subsection (j) (relating to limitation on excess farm losses of certain taxpayers) shall not apply, and

"(B) for any taxable year beginning after December 31, 2020, and before January 1, 2026, any excess business loss of the taxpayer for the taxable year shall not be allowed.".

(b) TECHNICAL AMENDMENTS RELATING TO SECTION 11012 OF PUBLIC LAW 115–97.—

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1 (1) Section 461(l)(2) of the Internal Revenue
2 Code of 1986 is amended by striking "a net oper-
3 ating loss carryover to the following taxable year
4 under section 172" and inserting "a net operating
5 loss for the taxable year for purposes of determining
6 any net operating loss carryover under section
7 172(b) for subsequent taxable years".
8 (2) Section 461(l)(3)(A) of such Code is
9 amended—
10 (A) in clause (i), by inserting "and without
11 regard to any deduction allowable under section
12 172 or 199A" after "under paragraph (1)",
13 and
14 (B) by adding at the end the following
15 flush sentence:
16 "Such excess shall be determined without regard to
17 any deductions, gross income, or gains attributable
18 to any trade or business of performing services as an
19 employee.".
20 (3) Section 461(l)(3) of such Code is amended
21 by redesignating subparagraph (B) as subparagraph
22 (C) and by inserting after subparagraph (A) the fol-
23 lowing new subparagraph:
24 "(B) TREATMENT OF CAPITAL GAINS AND
25 LOSSES.—

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"(i) LOSSES.—Deductions for losses from sales or exchanges of capital assets shall not be taken into account under subparagraph (A)(i).

"(ii) GAINS.—The amount of gains from sales or exchanges of capital assets taken into account under subparagraph (A)(ii) shall not exceed the lesser of—

"(I) the capital gain net income determined by taking into account only gains and losses attributable to a trade or business, or

"(II) the capital gain net income.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2017.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in the provisions of Public Law 115–97 to which they relate.

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**SEC. 2305. MODIFICATION OF CREDIT FOR PRIOR YEAR MINIMUM TAX LIABILITY OF CORPORATIONS.**

(a) IN GENERAL.—Section 53(e) of the Internal Revenue Code of 1986 is amended—

(1) by striking "2018, 2019, 2020, or 2021" in paragraph (1) and inserting "2018 or 2019", and

(2) by striking "2021" in paragraph (2) and inserting "2019".

(b) ELECTION TO TAKE ENTIRE REFUNDABLE CREDIT AMOUNT IN 2018.—

(1) IN GENERAL.—Section 53(e) of such Code is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE.—In the case of a corporation making an election under this paragraph—

"(A) paragraph (1) shall not apply, and

"(B) subsection (c) shall not apply to the first taxable year of such corporation beginning in 2018.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2017.

(d) SPECIAL RULE.—

(1) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, a credit or refund for which an application described in paragraph (2)(A) is filed

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1 shall be treated as made under section 6411 of such
2 Code.
3 (2) TENTATIVE REFUND.—
4 (A) APPLICATION.—A taxpayer may file an
5 application for a tentative refund of any
6 amount for which a refund is due by reason of
7 an election under section 53(e)(5) of the Inter-
8 nal Revenue Code of 1986. Such application
9 shall be in such manner and form as the Sec-
10 retary of the Treasury (or the Secretary's dele-
11 gate) may prescribe and shall—
12 (i) be verified in the same manner as
13 an application under section 6411(a) of
14 such Code,
15 (ii) be filed prior to December 31,
16 2020, and
17 (iii) set forth—
18 (I) the amount of the refundable
19 credit claimed under section 53(e) of
20 such Code for such taxable year,
21 (II) the amount of the refundable
22 credit claimed under such section for
23 any previously filed return for such
24 taxable year, and

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1 (III) the amount of the refund
2 claimed.
3 (B) ALLOWANCE OF ADJUSTMENTS.—
4 Within a period of 90 days from the date on
5 which an application is filed under subpara-
6 graph (A), the Secretary of the Treasury (or
7 the Secretary's delegate) shall—
8 (i) review the application,
9 (ii) determine the amount of the over-
10 payment, and
11 (iii) apply, credit, or refund such over-
12 payment,
13 in a manner similar to the manner provided in
14 section 6411(b) of the Internal Revenue Code
15 of 1986.
16 (C) CONSOLIDATED RETURNS.—The provi-
17 sions of section 6411(c) of the Internal Revenue
18 Code of 1986 Code shall apply to an adjust-
19 ment under this paragraph to the same extent
20 and manner as the Secretary of the Treasury
21 (or the Secretary's delegate) may provide.
22 **SEC. 2306. MODIFICATIONS OF LIMITATION ON BUSINESS**
23 **INTEREST.**
24 (a) IN GENERAL.—Section 163(j) of the Internal
25 Revenue Code of 1986 is amended by redesignating para-

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1 graph (10) as paragraph (11) and by inserting after para-
2 graph (9) the following new paragraph:
3 "(10) SPECIAL RULE FOR TAXABLE YEARS BE-
4 GINNING IN 2019 AND 2020.—
5 "(A) IN GENERAL.—
6 "(i) IN GENERAL.—Except as pro-
7 vided in clause (ii) or (iii), in the case of
8 any taxable year beginning in 2019 or
9 2020, paragraph (1)(B) shall be applied by
10 substituting '50 percent' for '30 percent'.
11 "(ii) SPECIAL RULE FOR PARTNER-
12 SHIPS.—In the case of a partnership—
13 "(I) clause (i) shall not apply to
14 any taxable year beginning in 2019,
15 but
16 "(II) unless a partner elects not
17 to have this subclause apply, in the
18 case of any excess business interest of
19 the partnership for any taxable year
20 beginning in 2019 which is allocated
21 to the partner under paragraph
22 (4)(B)(i)(II)—
23 "(aa) 50 percent of such ex-
24 cess business interest shall be
25 treated as business interest

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1 which, notwithstanding para-
2 graph (4)(B)(ii), is paid or ac-
3 crued by the partner in the part-
4 ner's first taxable year beginning
5 in 2020 and which is not subject
6 to the limits of paragraph (1),
7 and
8 "(bb) 50 percent of such ex-
9 cess business interest shall be
10 subject to the limitations of para-
11 graph (4)(B)(ii) in the same
12 manner as any other excess busi-
13 ness interest so allocated.
14 "(iii) ELECTION OUT.—A taxpayer
15 may elect, at such time and in such man-
16 ner as the Secretary may prescribe, not to
17 have clause (i) apply to any taxable year.
18 Such an election, once made, may be re-
19 voked only with the consent of the Sec-
20 retary. In the case of a partnership, any
21 such election shall be made by the partner-
22 ship and may be made only for taxable
23 years beginning in 2020.

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1 "(B) ELECTION TO USE 2019 ADJUSTED
2 TAXABLE INCOME FOR TAXABLE YEARS BEGIN-
3 NING IN 2020.—
4 "(i) IN GENERAL.—Subject to clause
5 (ii), in the case of any taxable year begin-
6 ning in 2020, the taxpayer may elect to
7 apply this subsection by substituting the
8 adjusted taxable income of the taxpayer for
9 the last taxable year beginning in 2019 for
10 the adjusted taxable income for such tax-
11 able year. In the case of a partnership, any
12 such election shall be made by the partner-
13 ship.
14 "(ii) SPECIAL RULE FOR SHORT TAX-
15 ABLE YEARS.—If an election is made
16 under clause (i) for a taxable year which is
17 a short taxable year, the adjusted taxable
18 income for the taxpayer's last taxable year
19 beginning in 2019 which is substituted
20 under clause (i) shall be equal to the
21 amount which bears the same ratio to such
22 adjusted taxable income determined with-
23 out regard to this clause as the number of
24 months in the short taxable year bears to
25 12".

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1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2018.

4 **SEC. 2307. TECHNICAL AMENDMENTS REGARDING QUALI-**
5 **FIED IMPROVEMENT PROPERTY.**

6 (a) IN GENERAL.—Section 168 of the Internal Rev-
7 enue Code of 1986 is amended—
8 (1) in subsection (e)—
9 (A) in paragraph (3)(E), by striking "and"
10 at the end of clause (v), by striking the period
11 at the end of clause (vi) and inserting ", and",
12 and by adding at the end the following new
13 clause:
14 "(vii) any qualified improvement prop-
15 erty.", and
16 (B) in paragraph (6)(A), by inserting
17 "made by the taxpayer" after "any improve-
18 ment", and
19 (2) in the table contained in subsection
20 (g)(3)(B)—
21 (A) by striking the item relating to sub-
22 paragraph (D)(v), and
23 (B) by inserting after the item relating to
24 subparagraph (E)(vi) the following new item:
"(E)(vii) ..... 20".

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1 (b) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in section
3 13204 of Public Law 115–97.

4 **SEC. 2308. TEMPORARY EXCEPTION FROM EXCISE TAX FOR**
5 **ALCOHOL USED TO PRODUCE HAND SANI-**
6 **TIZER.**

7 (a) IN GENERAL.—Section 5214(a) of the Internal
8 Revenue Code of 1986 is amended—
9 (1) in paragraph (13), by striking the period at
10 the end and inserting "; or", and
11 (2) by adding at the end the following new
12 paragraph:
13 "(14) with respect to distilled spirits removed
14 after December 31, 2019, and before January 1,
15 2021, free of tax for use in or contained in hand
16 sanitizer produced and distributed in a manner con-
17 sistent with any guidance issued by the Food and
18 Drug Administration that is related to the outbreak
19 of virus SARS-CoV-2 or coronavirus disease 2019
20 (COVID-19).".
21 (b) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to distilled spirits removed after
23 December 31, 2019.
24 (c) APPLICATION OF OTHER LAWS.—Any distilled
25 spirits or product described in paragraph (14) of section

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5214(a) of the Internal Revenue Code of 1986 (as added by this section) shall not be subject to any requirements related to labeling or bulk sales under—

(1) section 105 or 106 of the Federal Alcohol Administration Act (27 U.S.C. 205, 206); or

(2) section 204 of the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 215).

# TITLE III—SUPPORTING AMERICA'S HEALTH CARE SYSTEM IN THE FIGHT AGAINST THE CORONAVIRUS

## Subtitle A—Health Provisions

### SEC. 3001. SHORT TITLE.

This subtitle may be cited as the "Coronavirus Aid, Relief, and Economic Security Act".

## PART I—ADDRESSING SUPPLY SHORTAGES

### Subpart A—Medical Product Supplies

### SEC. 3101. NATIONAL ACADEMIES REPORT ON AMERICA'S MEDICAL PRODUCT SUPPLY CHAIN SECURITY.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (referred to in this section as the "National Acad-

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1 emies") to examine, and, in a manner that does not com-
2 promise national security, report on, the security of the
3 United States medical product supply chain.
4 (b) PURPOSES.—The report developed under this sec-
5 tion shall—
6 (1) assess and evaluate the dependence of the
7 United States, including the private commercial sec-
8 tor, States, and the Federal Government, on critical
9 drugs and devices that are sourced or manufactured
10 outside of the United States, which may include an
11 analysis of—
12 (A) the supply chain of critical drugs and
13 devices of greatest priority to providing health
14 care;
15 (B) any potential public health security or
16 national security risks associated with reliance
17 on critical drugs and devices sourced or manu-
18 factured outside of the United States, which
19 may include responses to previous or existing
20 shortages or public health emergencies, such as
21 infectious disease outbreaks, bioterror attacks,
22 and other public health threats;
23 (C) any existing supply chain information
24 gaps, as applicable; and

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1 (D) potential economic impact of increased
2 domestic manufacturing; and
3 (2) provide recommendations, which may in-
4 clude a plan to improve the resiliency of the supply
5 chain for critical drugs and devices as described in
6 paragraph (1), and to address any supply
7 vulnerabilities or potential disruptions of such prod-
8 ucts that would significantly affect or pose a threat
9 to public health security or national security, as ap-
10 propriate, which may include strategies to—
11 (A) promote supply chain redundancy and
12 contingency planning;
13 (B) encourage domestic manufacturing, in-
14 cluding consideration of economic impacts, if
15 any;
16 (C) improve supply chain information
17 gaps;
18 (D) improve planning considerations for
19 medical product supply chain capacity during
20 public health emergencies; and
21 (E) promote the accessibility of such drugs
22 and devices.
23 (c) INPUT.—In conducting the study and developing
24 the report under subsection (b), the National Academies
25 shall—

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1 (1) consider input from the Department of
2 Health and Human Services, the Department of
3 Homeland Security, the Department of Defense, the
4 Department of Commerce, the Department of State,
5 the Department of Veterans Affairs, the Department
6 of Justice, and any other Federal agencies as appro-
7 priate; and
8 (2) consult with relevant stakeholders, which
9 may include conducting public meetings and other
10 forms of engagement, as appropriate, with health
11 care providers, medical professional societies, State-
12 based societies, public health experts, State and local
13 public health departments, State medical boards, pa-
14 tient groups, medical product manufacturers, health
15 care distributors, wholesalers and group purchasing
16 organizations, pharmacists, and other entities with
17 experience in health care and public health, as ap-
18 propriate.
19 (d) DEFINITIONS.—In this section, the terms ''de-
20 vice'' and ''drug'' have the meanings given such terms in
21 section 201 of the Federal Food, Drug, and Cosmetic Act
22 (21 U.S.C. 321).

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1 **SEC. 3102. REQUIRING THE STRATEGIC NATIONAL STOCK-**
2 **PILE TO INCLUDE CERTAIN TYPES OF MED-**
3 **ICAL SUPPLIES.**

4 Section 319F–2(a)(1) of the Public Health Service
5 Act (42 U.S.C. 247d–6b(a)(1)) is amended by inserting
6 "(including personal protective equipment, ancillary med-
7 ical supplies, and other applicable supplies required for the
8 administration of drugs, vaccines and other biological
9 products, medical devices, and diagnostic tests in the
10 stockpile)" after "other supplies".

11 **SEC. 3103. TREATMENT OF RESPIRATORY PROTECTIVE DE-**
12 **VICES AS COVERED COUNTERMEASURES.**

13 Section 319F–3(i)(1)(D) of the Public Health Service
14 Act (42 U.S.C. 247d–6d(i)(1)(D)) is amended to read as
15 follows:

16 "(D) a respiratory protective device that is
17 approved by the National Institute for Occupa-
18 tional Safety and Health under part 84 of title
19 42, Code of Federal Regulations (or any suc-
20 cessor regulations), and that the Secretary de-
21 termines to be a priority for use during a public
22 health emergency declared under section 319.".

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1 **Subpart B—Mitigating Emergency Drug Shortages**

2 **SEC. 3111. PRIORITIZE REVIEWS OF DRUG APPLICATIONS;**
3 **INCENTIVES.**

4 Section 506C(g) of the Federal Food, Drug, and Cos-
5 metic Act (21 U.S.C. 356c(g)) is amended—

6 (1) in paragraph (1), by striking "the Secretary
7 may" and inserting "the Secretary shall, as appro-
8 priate";

9 (2) in paragraph (1), by inserting "prioritize
10 and" before "expedite the review"; and

11 (3) in paragraph (2), by inserting "prioritize
12 and" before "expedite an inspection".

13 **SEC. 3112. ADDITIONAL MANUFACTURER REPORTING RE-**
14 **QUIREMENTS IN RESPONSE TO DRUG SHORT-**
15 **AGES.**

16 (a) EXPANSION TO INCLUDE ACTIVE PHARMA-
17 CEUTICAL INGREDIENTS.—Subsection (a) of section 506C
18 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
19 356c) is amended—

20 (1) in paragraph (1)(C), by inserting "or any
21 such drug that is critical to the public health during
22 a public health emergency declared by the Secretary
23 under section 319 of the Public Health Service Act"
24 after "during surgery"; and

25 (2) in the flush text at the end—

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1 (A) by inserting ", or a permanent dis-
2 continuance in the manufacture of an active
3 pharmaceutical ingredient or an interruption in
4 the manufacture of the active pharmaceutical
5 ingredient of such drug that is likely to lead to
6 a meaningful disruption in the supply of the ac-
7 tive pharmaceutical ingredient of such drug,"
8 before "and the reasons"; and
9 (B) by adding at the end the following:
10 "Notification under this subsection shall include
11 disclosure of reasons for the discontinuation or
12 interruption, and if applicable, an active phar-
13 maceutical ingredient is a reason for, or risk
14 factor in, such discontinuation or interruption,
15 the source of the active pharmaceutical ingre-
16 dient and any alternative sources for the active
17 pharmaceutical ingredient known by the manu-
18 facturer; whether any associated device used for
19 preparation or administration included in the
20 drug is a reason for, or a risk factor in, such
21 discontinuation or interruption; the expected
22 duration of the interruption; and such other in-
23 formation as the Secretary may require.".

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1 (b) RISK MANAGEMENT.—Section 506C of the Fed-
2 eral Food, Drug, and Cosmetic Act (21 U.S.C. 356c) is
3 amended by adding at the end the following:
4 "(j) RISK MANAGEMENT PLANS.—Each manufac-
5 turer of a drug described in subsection (a) or of any active
6 pharmaceutical ingredient or any associated medical de-
7 vice used for preparation or administration included in the
8 drug, shall develop, maintain, and implement, as appro-
9 priate, a redundancy risk management plan that identifies
10 and evaluates risks to the supply of the drug, as applica-
11 ble, for each establishment in which such drug or active
12 pharmaceutical ingredient of such drug is manufactured.
13 A risk management plan under this section shall be sub-
14 ject to inspection and copying by the Secretary pursuant
15 to an inspection or a request under section 704(a)(4).".
16 (c) ANNUAL NOTIFICATION.—Section 506E of the
17 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356e)
18 is amended by adding at the end the following:
19 "(d) INTERAGENCY NOTIFICATION.—Not later than
20 180 days after the date of enactment of this subsection,
21 and every 90 days thereafter, the Secretary shall transmit
22 a report regarding the drugs of the current drug shortage
23 list under this section to the Administrator of the Centers
24 for Medicare & Medicaid Services.".

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1 (d) REPORTING AFTER INSPECTIONS.—Section
2 704(b) of the Federal Food, Drug, and Cosmetic Act (21
3 U.S.C. 374(b)) is amended—
4 (1) by redesignating paragraphs (1) and (2)
5 and subparagraphs (A) and (B);
6 (2) by striking "(b) Upon completion" and in-
7 serting "(b)(1) Upon completion"; and
8 (3) by adding at the end the following:
9 "(2) In carrying out this subsection with respect to
10 any establishment manufacturing a drug approved under
11 subsection (c) or (j) of section 505 for which a notification
12 has been submitted in accordance with section 506C is,
13 or has been in the last 5 years, listed on the drug shortage
14 list under section 506E, or that is described in section
15 505(j)(11)(A), a copy of the report shall be sent promptly
16 to the appropriate offices of the Food and Drug Adminis-
17 tration with expertise regarding drug shortages.".
18 (e) REPORTING REQUIREMENT.—Section 510(j) of
19 the Federal Food, Drug, Cosmetic Act (21 U.S.C. 360(j))
20 is amended—
21 (1) by redesignating paragraphs (3) and (4) as
22 paragraphs (4) and (5), respectively; and
23 (2) by inserting after paragraph (2) the fol-
24 lowing:

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1 "(3)(A) Each person who registers with the
2 Secretary under this section with regard to a drug
3 shall report annually to the Secretary on the amount
4 of each drug listed under paragraph (1) that was
5 manufactured, prepared, propagated, compounded,
6 or processed by such person for commercial distribu-
7 tion. Such information may be required to be sub-
8 mitted in an electronic format as determined by the
9 Secretary. The Secretary may require that informa-
10 tion required to be reported under this paragraph be
11 submitted at the time a public health emergency is
12 declared by the Secretary under section 319 of the
13 Public Health Service Act.
14 "(B) By order of the Secretary, certain biologi-
15 cal products or categories of biological products reg-
16 ulated under section 351 of the Public Health Serv-
17 ice Act may be exempt from some or all of the re-
18 porting requirements under subparagraph (A), if the
19 Secretary determines that applying such reporting
20 requirements to such biological products or cat-
21 egories of biological products is not necessary to pro-
22 tect the public health.".
23 (f) CONFIDENTIALITY.—Nothing in the amendments
24 made by this section shall be construed as authorizing the
25 Secretary to disclose any information that is a trade secret

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1 or confidential information subject to section 552(b)(4) of
2 title 5, United States Code, or section 1905 of title 18,
3 United States Code.

4 (g) EFFECTIVE DATE.—The amendments made by
5 this section and section 3111 shall take effect on the date
6 that is 180 days after the date of enactment of this Act.

7 **Subpart C—Preventing Medical Device Shortages**

8 **SEC. 3121. DISCONTINUANCE OR INTERRUPTION IN THE**
9 **PRODUCTION OF MEDICAL DEVICES.**

10 Chapter V of the Federal Food, Drug, and Cosmetic
11 Act (21 U.S.C. 351 et seq.) is amended by inserting after
12 section 506I the following:

13 **"SEC. 506J. DISCONTINUANCE OR INTERRUPTION IN THE**
14 **PRODUCTION OF MEDICAL DEVICES.**

15 "(a) IN GENERAL.—A manufacturer of a device
16 that—

17 "(1) is critical to public health during a public
18 health emergency, including devices that are life-sup-
19 porting, life-sustaining, or intended for use in emer-
20 gency medical care or during surgery; or

21 "(2) for which the Secretary determines that in-
22 formation on potential meaningful supply disrup-
23 tions of such device is needed during, or in advance
24 of, a public health emergency;

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1 shall, during, or in advance of, a public health emergency
2 declared by the Secretary under section 319 of the Public
3 Health Service Act, notify the Secretary, in accordance
4 with subsection (b), of a permanent discontinuance in the
5 manufacture of the device (except for discontinuances as
6 a result of an approved modification of the device) or an
7 interruption of the manufacture of the device that is likely
8 to lead to a meaningful disruption in the supply of that
9 device in the United States, and the reasons for such dis-
10 continuance or interruption.

11 "(b) TIMING.—A notice required under subsection (a)
12 shall be submitted to the Secretary—

13 "(1) at least 6 months prior to the date of the
14 discontinuance or interruption; or

15 "(2) if compliance with paragraph (1) is not
16 possible, as soon as practicable.

17 "(c) DISTRIBUTION.—

18 "(1) PUBLIC AVAILABILITY.—To the maximum
19 extent practicable, subject to paragraph (2), the Sec-
20 retary shall distribute, through such means as the
21 Secretary determines appropriate, information on
22 the discontinuance or interruption of the manufac-
23 ture of devices reported under subsection (a) to ap-
24 propriate organizations, including physician, health
25 provider, patient organizations, and supply chain

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1 partners, as appropriate and applicable, as described
2 in subsection (g).
3 "(2) PUBLIC HEALTH EXCEPTION.—The Sec-
4 retary may choose not to make information collected
5 under this section publicly available pursuant to this
6 section if the Secretary determines that disclosure of
7 such information would adversely affect the public
8 health, such as by increasing the possibility of un-
9 necessary over purchase of product, component
10 parts, or other disruption of the availability of med-
11 ical products to patients.
12 "(d) CONFIDENTIALITY.—Nothing in this section
13 shall be construed as authorizing the Secretary to disclose
14 any information that is a trade secret or confidential infor-
15 mation subject to section 552(b)(4) of title 5, United
16 States Code, or section 1905 of title 18, United States
17 Code.
18 "(e) FAILURE TO MEET REQUIREMENTS.—If a per-
19 son fails to submit information required under subsection
20 (a) in accordance with subsection (b)—
21 "(1) the Secretary shall issue a letter to such
22 person informing such person of such failure;
23 "(2) not later than 30 calendar days after the
24 issuance of a letter under paragraph (1), the person
25 who receives such letter shall submit to the Sec-

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1 retary a written response to such letter setting forth
2 the basis for noncompliance and providing informa-
3 tion required under subsection (a); and
4 "(3) not later than 45 calendar days after the
5 issuance of a letter under paragraph (1), the Sec-
6 retary shall make such letter and any response to
7 such letter under paragraph (2) available to the pub-
8 lic on the internet website of the Food and Drug Ad-
9 ministration, with appropriate redactions made to
10 protect information described in subsection (d), ex-
11 cept that, if the Secretary determines that the letter
12 under paragraph (1) was issued in error or, after re-
13 view of such response, the person had a reasonable
14 basis for not notifying as required under subsection
15 (a), the requirements of this paragraph shall not
16 apply.
17 "(f) EXPEDITED INSPECTIONS AND REVIEWS.—If,
18 based on notifications described in subsection (a) or any
19 other relevant information, the Secretary concludes that
20 there is, or is likely to be, a shortage of an device, the
21 Secretary shall, as appropriate—
22 "(1) prioritize and expedite the review of a sub-
23 mission under section 513(f)(2), 515, review of a no-
24 tification under section 510(k), or 520(m) for a de-

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1 vice that could help mitigate or prevent such short-
2 age; or
3 "(2) prioritize and expedite an inspection or re-
4 inspection of an establishment that could help miti-
5 gate or prevent such shortage.
6 "(g) DEVICE SHORTAGE LIST.—
7 "(1) ESTABLISHMENT.—The Secretary shall es-
8 tablish and maintain an up-to-date list of devices
9 that are determined by the Secretary to be in short-
10 age in the United States.
11 "(2) CONTENTS.—For each device included on
12 the list under paragraph (1), the Secretary shall in-
13 clude the following information:
14 "(A) The category or name of the device in
15 shortage.
16 "(B) The name of each manufacturer of
17 such device.
18 "(C) The reason for the shortage, as deter-
19 mined by the Secretary, selecting from the fol-
20 lowing categories:
21 "(i) Requirements related to com-
22 plying with good manufacturing practices.
23 "(ii) Regulatory delay.
24 "(iii) Shortage or discontinuance of a
25 component or part.

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1 "(iv) Discontinuance of the manufac-
2 ture of the device.
3 "(v) Delay in shipping of the device.
4 "(vi) Delay in sterilization of the de-
5 vice.
6 "(vii) Demand increase for the device.
7 "(viii) Facility closure.
8 "(D) The estimated duration of the short-
9 age as determined by the Secretary.
10 "(3) PUBLIC AVAILABILITY.—
11 "(A) IN GENERAL.—Subject to subpara-
12 graphs (B) and (C), the Secretary shall make
13 the information in the list under paragraph (1)
14 publicly available.
15 "(B) TRADE SECRETS AND CONFIDENTIAL
16 INFORMATION.—Nothing in this subsection
17 shall be construed to alter or amend section
18 1905 of title 18, United States Code, or section
19 552(b)(4) of title 5 of such Code.
20 "(C) PUBLIC HEALTH EXCEPTION.—The
21 Secretary may elect not to make information
22 collected under this subsection publicly available
23 if the Secretary determines that disclosure of
24 such information would adversely affect the
25 public health (such as by increasing the possi-

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1 bility of hoarding or other disruption of the
2 availability of the device to patients).
3 "(h) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed to affect the authority of the Sec-
5 retary on the date of enactment of this section to expedite
6 the review of devices under section 515 of the Federal
7 Food, Drug, and Cosmetic Act, section 515B of such Act
8 relating to the priority review program for devices, and
9 section 564 of such Act relating to the emergency use au-
10 thorization authorities.
11 "(i) DEFINITIONS.—In this section:
12 "(1) MEANINGFUL DISRUPTION.—The term
13 'meaningful disruption'—
14 "(A) means a change in production that is
15 reasonably likely to lead to a reduction in the
16 supply of a device by a manufacturer that is
17 more than negligible and affects the ability of
18 the manufacturer to fill orders or meet expected
19 demand for its product;
20 "(B) does not include interruptions in
21 manufacturing due to matters such as routine
22 maintenance or insignificant changes in manu-
23 facturing so long as the manufacturer expects
24 to resume operations in a short period of time,
25 not to exceed 6 months;

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"(C) does not include interruptions in manufacturing of components or raw materials so long as such interruptions do not result in a shortage of the device and the manufacturer expects to resume operations in a reasonable period of time; and

"(D) does not include interruptions in manufacturing that do not lead to a reduction in procedures or diagnostic tests associated with a medical device designed to perform more than one procedure or diagnostic test.

"(2) SHORTAGE.—The term 'shortage', with respect to a device, means a period of time when the demand or projected demand for the device within the United States exceeds the supply of the device.".

## PART II—ACCESS TO HEALTH CARE FOR COVID-19 PATIENTS

### Subpart A—Coverage of Testing and Preventive Services

#### SEC. 3201. COVERAGE OF DIAGNOSTIC TESTING FOR COVID-19.

Paragraph (1) of section 6001(a) of division F of the Families First Coronavirus Response Act (Public Law 116–127) is amended to read as follows:

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1 "(1) An in vitro diagnostic test defined in sec-
2 tion 809.3 of title 21, Code of Federal Regulations
3 (or successor regulations) for the detection of
4 SARS–CoV–2 or the diagnosis of the virus that
5 causes COVID–19, and the administration of such a
6 test, that—
7 "(A) is approved, cleared, or authorized
8 under section 510(k), 513, 515, or 564 of the
9 Federal Food, Drug, and Cosmetic Act (21
10 U.S.C. 360(k), 360c, 360e, 360bbb–3);
11 "(B) the developer has requested, or in-
12 tends to request, emergency use authorization
13 under section 564 of the Federal Food, Drug,
14 and Cosmetic Act (21 U.S.C. 360bbb–3), unless
15 and until the emergency use authorization re-
16 quest under such section 564 has been denied
17 or the developer of such test does not submit a
18 request under such section within a reasonable
19 timeframe;
20 "(C) is developed in and authorized by a
21 State that has notified the Secretary of Health
22 and Human Services of its intention to review
23 tests intended to diagnose COVID-19; or
24 "(D) other test that the Secretary deter-
25 mines appropriate in guidance.".

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1 **SEC. 3202. PRICING OF DIAGNOSTIC TESTING.**

2 (a) REIMBURSEMENT RATES.—A group health plan
3 or a health insurance issuer providing coverage of items
4 and services described in section 6001(a) of division F of
5 the Families First Coronavirus Response Act (Public Law
6 116–127) with respect to an enrollee shall reimburse the
7 provider of the diagnostic testing as follows:

8 (1) If the health plan or issuer has a negotiated
9 rate with such provider in effect before the public
10 health emergency declared under section 319 of the
11 Public Health Service Act (42 U.S.C. 247d), such
12 negotiated rate shall apply throughout the period of
13 such declaration.

14 (2) If the health plan or issuer does not have
15 a negotiated rate with such provider, such plan or
16 issuer shall reimburse the provider in an amount
17 that equals the cash price for such service as listed
18 by the provider on a public internet website, or such
19 plan or issuer may negotiate a rate with such pro-
20 vider for less than such cash price.

21 (b) REQUIREMENT TO PUBLICIZE CASH PRICE FOR
22 DIAGNOSTIC TESTING FOR COVID-19.—

23 (1) IN GENERAL.—During the emergency pe-
24 riod declared under section 319 of the Public Health
25 Service Act (42 U.S.C. 247d), each provider of a di-
26 agnostic test for COVID-19 shall make public the

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1 cash price for such test on a public internet website
2 of such provider.
3 (2) CIVIL MONETARY PENALTIES.—The Sec-
4 retary of Health and Human Services may impose a
5 civil monetary penalty on any provider of a diag-
6 nostic test for COVID-19 that is not in compliance
7 with paragraph (1) and has not completed a correc-
8 tive action plan to comply with the requirements of
9 such paragraph, in an amount not to exceed $300
10 per day that the violation is ongoing.

11 **SEC. 3203. RAPID COVERAGE OF PREVENTIVE SERVICES**
12 **AND VACCINES FOR CORONAVIRUS.**

13 (a) IN GENERAL.—Notwithstanding 2713(b) of the
14 Public Health Service Act (42 U.S.C. 300gg–13), the Sec-
15 retary of Health and Human Services, the Secretary of
16 Labor, and the Secretary of the Treasury shall require
17 group health plans and health insurance issuers offering
18 group or individual health insurance to cover (without
19 cost-sharing) any qualifying coronavirus preventive serv-
20 ice, pursuant to section 2713(a) of the Public Health Serv-
21 ice Act (42 U.S.C. 300gg–13(a)) (including the regula-
22 tions under sections 2590.715-2713 of title 29, Code of
23 Federal Regulations, section 54.9815-2713 of title 26,
24 Code of Federal Regulations, and section 147.130 of title
25 45, Code of Federal Regulations (or any successor regula-

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1 tions)). The requirement described in this subsection shall
2 take effect with respect to a qualifying coronavirus preven-
3 tive service on the specified date described in subsection
4 (b)(2).

5 (b) DEFINITIONS.—For purposes of this section:

6 (1) QUALIFYING CORONAVIRUS PREVENTIVE
7 SERVICE.—The term "qualifying coronavirus preven-
8 tive service" means an item, service, or immuniza-
9 tion that is intended to prevent or mitigate
10 coronavirus disease 2019 and that is—

11 (A) an evidence-based item or service that
12 has in effect a rating of "A" or "B" in the cur-
13 rent recommendations of the United States Pre-
14 ventive Services Task Force; or

15 (B) an immunization that has in effect a
16 recommendation from the Advisory Committee
17 on Immunization Practices of the Centers for
18 Disease Control and Prevention with respect to
19 the individual involved.

20 (2) SPECIFIED DATE.—The term "specified
21 date" means the date that is 15 business days after
22 the date on which a recommendation is made relat-
23 ing to the qualifying coronavirus preventive service
24 as described in such paragraph.

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1 (3) ADDITIONAL TERMS.—In this section, the
2 terms "group health plan", "health insurance
3 issuer", "group health insurance coverage", and "in-
4 dividual health insurance coverage" have the mean-
5 ings given such terms in section 2791 of the Public
6 Health Service Act (42 U.S.C. 300gg–91), section
7 733 of the Employee Retirement Income Security
8 Act of 1974 (29 U.S.C. 1191b), and section 9832 of
9 the Internal Revenue Code, as applicable.

10 **Subpart B—Support for Health Care Providers**

11 **SEC. 3211. SUPPLEMENTAL AWARDS FOR HEALTH CEN-**
12 **TERS.**

13 (a) SUPPLEMENTAL AWARDS.—Section 330(r) of the
14 Public Health Service Act (42 U.S.C. 254b(r)) is amended
15 by adding at the end the following:

16 "(6) ADDITIONAL AMOUNTS FOR SUPPLE-
17 MENTAL AWARDS.—In addition to any amounts
18 made available pursuant to this subsection, section
19 402A of this Act, or section 10503 of the Patient
20 Protection and Affordable Care Act, there is author-
21 ized to be appropriated, and there is appropriated,
22 out of any monies in the Treasury not otherwise ap-
23 propriated, $1,320,000,000 for fiscal year 2020 for
24 supplemental awards under subsection (d) for the

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1 detection of SARS-CoV-2 or the prevention, diag-
2 nosis, and treatment of COVID-19.''.
3 (b) APPLICATION OF PROVISIONS.—Amounts appro-
4 priated pursuant to the amendment made by subsection
5 (a) for fiscal year 2020 shall be subject to the require-
6 ments contained in Public Law 116–94 for funds for pro-
7 grams authorized under sections 330 through 340 of the
8 Public Health Service Act (42 U.S.C. 254 through 256).

9 **SEC. 3212. TELEHEALTH NETWORK AND TELEHEALTH RE-**
10 **SOURCE CENTERS GRANT PROGRAMS.**

11 Section 330I of the Public Health Service Act (42
12 U.S.C. 254c–14) is amended—
13 (1) in subsection (d)—
14 (A) in paragraph (1)—
15 (i) in the matter preceding subpara-
16 graph (A), by striking ''projects to dem-
17 onstrate how telehealth technologies can be
18 used through telehealth networks'' and in-
19 serting ''evidence-based projects that uti-
20 lize telehealth technologies through tele-
21 health networks'';
22 (ii) in subparagraph (A)—
23 (I) by striking ''the quality of''
24 and inserting ''access to, and the
25 quality of,''; and

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1 (II) by inserting "and" after the
2 semicolon;
3 (iii) by striking subparagraph (B);
4 (iv) by redesignating subparagraph
5 (C) as subparagraph (B); and
6 (v) in subparagraph (B), as so redes-
7 ignated, by striking "and patients and
8 their families, for decisionmaking" and in-
9 serting ", patients, and their families";
10 and
11 (B) in paragraph (2)—
12 (i) by striking "demonstrate how tele-
13 health technologies can be used" and in-
14 serting "support initiatives that utilize
15 telehealth technologies"; and
16 (ii) by striking ", to establish tele-
17 health resource centers";
18 (2) in subsection (e), by striking "4 years" and
19 inserting "5 years";
20 (3) in subsection (f)—
21 (A) by striking paragraph (2);
22 (B) in paragraph (1)(B)—
23 (i) by redesignating clauses (i)
24 through (iii) as paragraphs (1) through

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(3), respectively, and adjusting the margins accordingly;

(ii) in paragraph (3), as so redesignated by clause (i), by redesignating subclauses (I) through (XII) as subparagraphs (A) through (L), respectively, and adjusting the margins accordingly; and

(iii) by striking "(1) TELEHEALTH NETWORK GRANTS—" and all that follows through "(B) TELEHEALTH NETWORKS—"; and

(C) in paragraph (3)(I), as so redesignated, by inserting "and substance use disorder" after "mental health" each place such term appears;

(4) in subsection (g)(2), by striking "or improve" and inserting "and improve";

(5) by striking subsection (h);

(6) by redesignating subsections (i) through (p) as subsection (h) through (o), respectively;

(7) in subsection (h), as so redesignated—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "mental health, public health, long-term care, home care, preventive" and inserting

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1 "mental health care, public health services,
2 long-term care, home care, preventive
3 care";
4 (ii) in subparagraph (E), by inserting
5 "and regional" after "local"; and
6 (iii) by striking subparagraph (F);
7 and
8 (B) in paragraph (2)(A), by striking
9 "medically underserved areas or" and inserting
10 "rural areas, medically underserved areas, or";
11 (8) in paragraph (2) of subsection (i), as so re-
12 designated, by striking "ensure that—" and all that
13 follows through the end of subparagraph (B) and in-
14 serting "ensure that not less than 50 percent of the
15 funds awarded shall be awarded for projects in rural
16 areas.";
17 (9) in subsection (j), as so redesignated—
18 (A) in paragraph (1)(B), by striking "com-
19 puter hardware and software, audio and video
20 equipment, computer network equipment, inter-
21 active equipment, data terminal equipment, and
22 other"; and
23 (B) in paragraph (2)(F), by striking
24 "health care providers and";
25 (10) in subsection (k), as so redesignated—

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1 (A) in paragraph (2), by striking "40 per-
2 cent" and inserting "20 percent"; and
3 (B) in paragraph (3), by striking "(such as
4 laying cable or telephone lines, or purchasing or
5 installing microwave towers, satellite dishes,
6 amplifiers, or digital switching equipment)";
7 (11) by striking subsections (q) and (r) and in-
8 serting the following:
9 "(p) REPORT.—Not later than 4 years after the date
10 of enactment of the Coronavirus Aid, Relief, and Eco-
11 nomic Security Act, and every 5 years thereafter, the Sec-
12 retary shall prepare and submit to the Committee on
13 Health, Education, Labor, and Pensions of the Senate and
14 the Committee on Energy and Commerce of the House
15 of Representatives a report on the activities and outcomes
16 of the grant programs under subsection (b).";
17 (12) by redesignating subsection (s) as sub-
18 section (q); and
19 (13) in subsection (q), as so redesignated, by
20 striking "this section—" and all that follows
21 through the end of paragraph (2) and inserting
22 "this section $29,000,000 for each of fiscal years
23 2021 through 2025.".

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1 **SEC. 3213. RURAL HEALTH CARE SERVICES OUTREACH,**
2 **RURAL HEALTH NETWORK DEVELOPMENT,**
3 **AND SMALL HEALTH CARE PROVIDER QUAL-**
4 **ITY IMPROVEMENT GRANT PROGRAMS.**

5 Section 330A of the Public Health Service Act (42
6 U.S.C. 254c) is amended—
7 (1) in subsection (d)(2)—
8 (A) in subparagraph (A), by striking ''es-
9 sential'' and inserting ''basic''; and
10 (B) in subparagraph (B)—
11 (i) in the matter preceding clause (i),
12 by inserting ''to'' after ''grants''; and
13 (ii) in clauses (i), (ii), and (iii), by
14 striking ''to'' each place such term ap-
15 pears;
16 (2) in subsection (e)—
17 (A) in paragraph (1)—
18 (i) by inserting ''improving and'' after
19 ''outreach by'';
20 (ii) by inserting '', through community
21 engagement and evidence-based or innova-
22 tive, evidence-informed models'' before the
23 period of the first sentence; and
24 (iii) by striking ''3 years'' and insert-
25 ing ''5 years'';
26 (B) in paragraph (2)—

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(i) in the matter preceding subparagraph (A), by inserting "shall" after "entity";

(ii) in subparagraph (A), by striking "shall be a rural public or rural nonprofit private entity" and inserting "be an entity with demonstrated experience serving, or the capacity to serve, rural underserved populations";

(iii) in subparagraphs (B) and (C), by striking "shall" each place such term appears; and

(iv) in subparagraph (B)—

(I) in the matter preceding clause (i), by inserting "that" after "members"; and

(II) in clauses (i) and (ii), by striking "that" each place such term appears; and

(C) in paragraph (3)(C), by striking "the local community or region" and inserting "the rural underserved populations in the local community or region";

(3) in subsection (f)—

(A) in paragraph (1)—

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1 (i) in subparagraph (A)—
2 (I) in the matter preceding clause
3 (i), by striking "promote, through
4 planning and implementation, the de-
5 velopment of integrated health care
6 networks that have combined the
7 functions of the entities participating
8 in the networks" and inserting "plan,
9 develop, and implement integrated
10 health care networks that collabo-
11 rate"; and
12 (II) in clause (ii), by striking
13 "essential health care services" and
14 inserting "basic health care services
15 and associated health outcomes"; and
16 (ii) by amending subparagraph (B) to
17 read as follows:
18 "(B) GRANT PERIODS.—The Director may
19 award grants under this subsection for periods
20 of not more than 5 years.";
21 (B) in paragraph (2)—
22 (i) in the matter preceding subpara-
23 graph (A), by inserting "shall" after "enti-
24 ty";

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1 (ii) in subparagraph (A), by striking
2 "shall be a rural public or rural nonprofit
3 private entity" and inserting "be an entity
4 with demonstrated experience serving, or
5 the capacity to serve, rural underserved
6 populations";
7 (iii) in subparagraph (B)—
8 (I) in the matter preceding clause
9 (i)—
10 (aa) by striking "shall"; and
11 (bb) by inserting "that"
12 after "participants"; and
13 (II) in clauses (i) and (ii), by
14 striking "that" each place such term
15 appears; and
16 (iv) in subparagraph (C), by striking
17 "shall"; and
18 (C) in paragraph (3)—
19 (i) by amending clause (iii) of sub-
20 paragraph (C) to read as follows:
21 "(iii) how the rural underserved popu-
22 lations in the local community or region to
23 be served will benefit from and be involved
24 in the development and ongoing operations
25 of the network;"; and

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1 (ii) in subparagraph (D), by striking
2 "the local community or region" and in-
3 serting "the rural underserved populations
4 in the local community or region";
5 (4) in subsection (g)—
6 (A) in paragraph (1)—
7 (i) by inserting ", including activities
8 related to increasing care coordination, en-
9 hancing chronic disease management, and
10 improving patient health outcomes" before
11 the period of the first sentence; and
12 (ii) by striking "3 years" and insert-
13 ing "5 years";
14 (B) in paragraph (2)—
15 (i) in the matter preceding subpara-
16 graph (A), by inserting "shall" after "enti-
17 ty";
18 (ii) in subparagraphs (A) and (B), by
19 striking "shall" each place such term ap-
20 pears; and
21 (iii) in subparagraph (A)(ii), by in-
22 serting "or regional" after "local"; and
23 (C) in paragraph (3)(D), by striking "the
24 local community or region" and inserting "the

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1 rural underserved populations in the local com-
2 munity or region";
3 (5) in subsection (h)(3), in the matter pre-
4 ceding subparagraph (A), by inserting ", as appro-
5 priate," after "the Secretary";
6 (6) by amending subsection (i) to read as fol-
7 lows:
8 "(i) REPORT.—Not later than 4 years after the date
9 of enactment of the Coronavirus Aid, Relief, and Eco-
10 nomic Security Act, and every 5 years thereafter, the Sec-
11 retary shall prepare and submit to the Committee on
12 Health, Education, Labor, and Pensions of the Senate and
13 the Committee on Energy and Commerce of the House
14 of Representatives a report on the activities and outcomes
15 of the grant programs under subsections (e), (f), and (g),
16 including the impact of projects funded under such pro-
17 grams on the health status of rural residents with chronic
18 conditions."; and
19 (7) in subsection (j), by striking "$45,000,000
20 for each of fiscal years 2008 through 2012" and in-
21 serting "$79,500,000 for each of fiscal years 2021
22 through 2025".

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1 **SEC. 3214. UNITED STATES PUBLIC HEALTH SERVICE MOD-**
2 **ERNIZATION.**

3 (a) COMMISSIONED CORPS AND READY RESERVE
4 CORPS.—Section 203 of the Public Health Service Act (42
5 U.S.C. 204) is amended—

6 (1) in subsection (a)(1), by striking "a Ready
7 Reserve Corps for service in time of national emer-
8 gency" and inserting ", for service in time of a pub-
9 lic health or national emergency, a Ready Reserve
10 Corps"; and

11 (2) in subsection (c)—

12 (A) in the heading, by striking "RE-
13 SEARCH" and inserting "RESERVE CORPS";

14 (B) in paragraph (1), by inserting "during
15 public health or national emergencies" before
16 the period;

17 (C) in paragraph (2)—

18 (i) in the matter preceding subpara-
19 graph (A), by inserting ", consistent with
20 paragraph (1)" after "shall";

21 (ii) in subparagraph (C), by inserting
22 "during such emergencies" after "mem-
23 bers"; and

24 (iii) in subparagraph (D), by inserting
25 ", consistent with subparagraph (C)" be-
26 fore the period; and

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1 (D) by adding at the end the following:
2 "(3) STATUTORY REFERENCES TO RESERVE.—
3 A reference in any Federal statute, except in the
4 case of subsection (b), to the 'Reserve Corps' of the
5 Public Health Service or to the 'reserve' of the Pub-
6 lic Health Service shall be deemed to be a reference
7 to the Ready Reserve Corps.".
8 (b) DEPLOYMENT READINESS.—Section
9 203A(a)(1)(B) of the Public Health Service Act (42
10 U.S.C. 204a(a)(1)(B)) is amended by striking "Active Re-
11 serves" and inserting "Ready Reserve Corps".
12 (c) RETIREMENT OF COMMISSIONED OFFICERS.—
13 Section 211 of the Public Health Service Act (42 U.S.C.
14 212) is amended—
15 (1) by striking "the Service" each place it ap-
16 pears and inserting "the Regular Corps";
17 (2) in subsection (a)(4), by striking "(in the
18 case of an officer in the Reserve Corps)";
19 (3) in subsection (c)—
20 (A) in paragraph (1)—
21 (i) by striking "or an officer of the
22 Reserve Corps"; and
23 (ii) by inserting "or under section
24 221(a)(19)" after "subsection (a)"; and

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1 (B) in paragraph (2), by striking "Regular
2 or Reserve Corps" and inserting "Regular
3 Corps or Ready Reserve Corps"; and
4 (4) in subsection (f), by striking "the Regular
5 or Reserve Corps of".
6 (d) RIGHTS, PRIVILEGES, ETC. OF OFFICERS AND
7 SURVIVING BENEFICIARIES.—Section 221 of the Public
8 Health Service Act (42 U.S.C. 213a) is amended—
9 (1) in subsection (a), by adding at the end the
10 following:
11 "(19) Chapter 1223, Retired Pay for Non-Reg-
12 ular Service.
13 "(20) Section 12601, Compensation: Reserve on
14 active duty accepting from any person.
15 "(21) Section 12684, Reserves: separation for
16 absence without authority or sentence to imprison-
17 ment."; and
18 (2) in subsection (b)—
19 (A) by striking "Secretary of Health, Edu-
20 cation, and Welfare or his designee" and insert-
21 ing "Secretary of Health and Human Services
22 or the designee of such secretary";
23 (B) by striking "(b) The authority vested"
24 and inserting the following:
25 "(b)(1) The authority vested";

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1 (C) by striking "For purposes of" and in-
2 serting the following:
3 "(2) For purposes of"; and
4 (D) by adding at the end the following:
5 "(3) For purposes of paragraph (19) of subsection
6 (a), the terms 'Military department', 'Secretary con-
7 cerned', and 'Armed forces' in such title 10 shall be
8 deemed to include, respectively, the Department of Health
9 and Human Services, the Secretary of Health and Human
10 Services, and the Commissioned Corps.".
11 (e) TECHNICAL AMENDMENTS.—Title II of the Pub-
12 lic Health Service Act (42 U.S.C. 202 et seq.) is amend-
13 ed—
14 (1) in sections 204 and 207(c), by striking
15 "Regular or Reserve Corps" each place it appears
16 and inserting "Regular Corps or Ready Reserve
17 Corps";
18 (2) in section 208(a), by striking "Regular and
19 Reserve Corps" each place it appears and inserting
20 "Regular Corps and Ready Reserve Corps"; and
21 (3) in section 205(c), 206(c), 210, and 219,
22 and in subsections (a), (b), and (d) of section 207,
23 by striking "Reserve Corps" each place it appears
24 and inserting "Ready Reserve Corps".

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1 **SEC. 3215. LIMITATION ON LIABILITY FOR VOLUNTEER**
2 **HEALTH CARE PROFESSIONALS DURING**
3 **COVID-19 EMERGENCY RESPONSE.**

4 (a) LIMITATION ON LIABILITY.—Except as provided
5 in subsection (b), a health care professional shall not be
6 liable under Federal or State law for any harm caused
7 by an act or omission of the professional in the provision
8 of health care services during the public health emergency
9 with respect to COVID-19 declared by the Secretary of
10 Health and Human Services (referred to in this section
11 as the "Secretary") under section 319 of the Public
12 Health Service Act (42 U.S.C. 247d) on January 31,
13 2020, if—

14 (1) the professional is providing health care
15 services in response to such public health emergency,
16 as a volunteer; and

17 (2) the act or omission occurs—

18 (A) in the course of providing health care
19 services;

20 (B) in the health care professional's capac-
21 ity as a volunteer;

22 (C) in the course of providing health care
23 services that—

24 (i) are within the scope of the license,
25 registration, or certification of the volun-

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1 teer, as defined by the State of licensure,
2 registration, or certification; and
3 (ii) do not exceed the scope of license,
4 registration, or certification of a substan-
5 tially similar health professional in the
6 State in which such act or omission occurs;
7 and
8 (D) in a good faith belief that the indi-
9 vidual being treated is in need of health care
10 services.
11 (b) EXCEPTIONS.—Subsection (a) does not apply if—
12 (1) the harm was caused by an act or omission
13 constituting willful or criminal misconduct, gross
14 negligence, reckless misconduct, or a conscious fla-
15 grant indifference to the rights or safety of the indi-
16 vidual harmed by the health care professional; or
17 (2) the health care professional rendered the
18 health care services under the influence (as deter-
19 mined pursuant to applicable State law) of alcohol
20 or an intoxicating drug.
21 (c) PREEMPTION.—
22 (1) IN GENERAL.—This section preempts the
23 laws of a State or any political subdivision of a State
24 to the extent that such laws are inconsistent with

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1 this section, unless such laws provide greater protec-
2 tion from liability.
3 (2) VOLUNTEER PROTECTION ACT.—Protec-
4 tions afforded by this section are in addition to those
5 provided by the Volunteer Protection Act of 1997
6 (Public Law 105–19).
7 (d) DEFINITIONS.—In this section—
8 (1) the term ''harm'' includes physical, non-
9 physical, economic, and noneconomic losses;
10 (2) the term ''health care professional'' means
11 an individual who is licensed, registered, or certified
12 under Federal or State law to provide health care
13 services;
14 (3) the term ''health care services'' means any
15 services provided by a health care professional, or by
16 any individual working under the supervision of a
17 health care professional that relate to—
18 (A) the diagnosis, prevention, or treatment
19 of COVID-19; or
20 (B) the assessment or care of the health of
21 a human being related to an actual or sus-
22 pected case of COVID-19; and
23 (4) the term ''volunteer'' means a health care
24 professional who, with respect to the health care
25 services rendered, does not receive compensation or

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1 any other thing of value in lieu of compensation,
2 which compensation—
3 (A) includes a payment under any insur-
4 ance policy or health plan, or under any Fed-
5 eral or State health benefits program; and
6 (B) excludes—
7 (i) receipt of items to be used exclu-
8 sively for rendering health care services in
9 the health care professional's capacity as a
10 volunteer described in subsection (a)(1);
11 and
12 (ii) any reimbursement for travel to
13 the site where the volunteer services are
14 rendered and any payments in cash or kind
15 to cover room and board, if services are
16 being rendered more than 75 miles from
17 the volunteer's principal place of residence.
18 (e) EFFECTIVE DATE.—This section shall take effect
19 upon the date of enactment of this Act, and applies to
20 a claim for harm only if the act or omission that caused
21 such harm occurred on or after the date of enactment.
22 (f) SUNSET.—This section shall be in effect only for
23 the length of the public health emergency declared by the
24 Secretary of Health and Human Services (referred to in
25 this section as the "Secretary") under section 319 of the

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1 Public Health Service Act (42 U.S.C. 247d) on January
2 31, 2020 with respect to COVID-19.

3 **SEC. 3216. FLEXIBILITY FOR MEMBERS OF NATIONAL**
4 **HEALTH SERVICE CORPS DURING EMER-**
5 **GENCY PERIOD.**

6 During the public health emergency declared by the
7 Secretary of Health and Human Services under section
8 319 of the Public Health Service Act (42 U.S.C. 247d)
9 on January 31, 2020, with respect to COVID-19, the Sec-
10 retary may, notwithstanding section 333 of the Public
11 Health Service Act (42 U.S.C. 254f), assign members of
12 the National Health Service Corps, with the voluntary
13 agreement of such corps members, to provide such health
14 services at such places, and for such number of hours, as
15 the Secretary determines necessary to respond to such
16 emergency, provided that such places are within a reason-
17 able distance of the site to which such members were origi-
18 nally assigned, and the total number of hours required are
19 the same as were required of such members prior to the
20 date of enactment of this Act.

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1 **Subpart C—Miscellaneous Provisions**

2 **SEC. 3221. CONFIDENTIALITY AND DISCLOSURE OF**
3 **RECORDS RELATING TO SUBSTANCE USE DIS-**
4 **ORDER.**

5 (a) CONFORMING CHANGES RELATING TO SUB-
6 STANCE USE DISORDER.—Subsections (a) and (h) of sec-
7 tion 543 of the Public Health Service Act (42 U.S.C.
8 290dd–2) are each amended by striking "substance
9 abuse" and inserting "substance use disorder".

10 (b) DISCLOSURES TO COVERED ENTITIES CON-
11 SISTENT WITH HIPAA.—Paragraph (1) of section 543(b)
12 of the Public Health Service Act (42 U.S.C. 290dd–2(b))
13 is amended to read as follows:

14 "(1) CONSENT.—The following shall apply with
15 respect to the contents of any record referred to in
16 subsection (a):

17 "(A) Such contents may be used or dis-
18 closed in accordance with the prior written con-
19 sent of the patient with respect to whom such
20 record is maintained.

21 "(B) Once prior written consent of the pa-
22 tient has been obtained, such contents may be
23 used or disclosed by a covered entity, business
24 associate, or a program subject to this section
25 for purposes of treatment, payment, and health
26 care operations as permitted by the HIPAA

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1 regulations. Any information so disclosed may
2 then be redisclosed in accordance with the
3 HIPAA regulations. Section 13405(c) of the
4 Health Information Technology and Clinical
5 Health Act (42 U.S.C. 17935(c)) shall apply to
6 all disclosures pursuant to subsection (b)(1) of
7 this section.
8 "(C) It shall be permissible for a patient's
9 prior written consent to be given once for all
10 such future uses or disclosures for purposes of
11 treatment, payment, and health care operations,
12 until such time as the patient revokes such con-
13 sent in writing.
14 "(D) Section 13405(a) of the Health In-
15 formation Technology and Clinical Health Act
16 (42 U.S.C. 17935(a)) shall apply to all disclo-
17 sures pursuant to subsection (b)(1) of this sec-
18 tion.".
19 (c) DISCLOSURES OF DE-IDENTIFIED HEALTH IN-
20 FORMATION TO PUBLIC HEALTH AUTHORITIES.—Para-
21 graph (2) of section 543(b) of the Public Health Service
22 Act (42 U.S.C. 290dd–2(b)), is amended by adding at the
23 end the following:
24 "(D) To a public health authority, so long
25 as such content meets the standards established

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1 in section 164.514(b) of title 45, Code of Fed-
2 eral Regulations (or successor regulations) for
3 creating de-identified information.''.
4 (d) DEFINITIONS.—Section 543 of the Public Health
5 Service Act (42 U.S.C. 290dd–2) is amended by adding
6 at the end the following:
7 ''(k) DEFINITIONS.—For purposes of this section:
8 ''(1) BREACH.—The term 'breach' has the
9 meaning given such term for purposes of the HIPAA
10 regulations.
11 ''(2) BUSINESS ASSOCIATE.—The term 'busi-
12 ness associate' has the meaning given such term for
13 purposes of the HIPAA regulations.
14 ''(3) COVERED ENTITY.—The term 'covered en-
15 tity' has the meaning given such term for purposes
16 of the HIPAA regulations.
17 ''(4) HEALTH CARE OPERATIONS.—The term
18 'health care operations' has the meaning given such
19 term for purposes of the HIPAA regulations.
20 ''(5) HIPAA REGULATIONS.—The term
21 'HIPAA regulations' has the meaning given such
22 term for purposes of parts 160 and 164 of title 45,
23 Code of Federal Regulations.

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1 "(6) PAYMENT.—The term 'payment' has the
2 meaning given such term for purposes of the HIPAA
3 regulations.
4 "(7) PUBLIC HEALTH AUTHORITY.—The term
5 'public health authority' has the meaning given such
6 term for purposes of the HIPAA regulations.
7 "(8) TREATMENT.—The term 'treatment' has
8 the meaning given such term for purposes of the
9 HIPAA regulations.
10 "(9) UNSECURED PROTECTED HEALTH INFOR-
11 MATION.—The term 'unprotected health information'
12 has the meaning given such term for purposes of the
13 HIPAA regulations.".
14 (e) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD-
15 MINISTRATIVE INVESTIGATIONS, ACTIONS, OR PRO-
16 CEEDINGS.—Subsection (c) of section 543 of the Public
17 Health Service Act (42 U.S.C. 290dd–2(c)) is amended
18 to read as follows:
19 "(c) USE OF RECORDS IN CRIMINAL, CIVIL, OR AD-
20 MINISTRATIVE CONTEXTS.—Except as otherwise author-
21 ized by a court order under subsection (b)(2)(C) or by the
22 consent of the patient, a record referred to in subsection
23 (a), or testimony relaying the information contained there-
24 in, may not be disclosed or used in any civil, criminal, ad-
25 ministrative, or legislative proceedings conducted by any

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1 Federal, State, or local authority, against a patient, in-
2 cluding with respect to the following activities:
3 "(1) Such record or testimony shall not be en-
4 tered into evidence in any criminal prosecution or
5 civil action before a Federal or State court.
6 "(2) Such record or testimony shall not form
7 part of the record for decision or otherwise be taken
8 into account in any proceeding before a Federal,
9 State, or local agency.
10 "(3) Such record or testimony shall not be used
11 by any Federal, State, or local agency for a law en-
12 forcement purpose or to conduct any law enforce-
13 ment investigation.
14 "(4) Such record or testimony shall not be used
15 in any application for a warrant.".
16 (f) PENALTIES.—Subsection (f) of section 543 of the
17 Public Health Service Act (42 U.S.C. 290dd–2) is amend-
18 ed to read as follows:
19 "(f) PENALTIES.—The provisions of sections 1176
20 and 1177 of the Social Security Act shall apply to a viola-
21 tion of this section to the extent and in the same manner
22 as such provisions apply to a violation of part C of title
23 XI of such Act. In applying the previous sentence—
24 "(1) the reference to 'this subsection' in sub-
25 section (a)(2) of such section 1176 shall be treated

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as a reference to 'this subsection (including as applied pursuant to section 543(f) of the Public Health Service Act)'; and

"(2) in subsection (b) of such section 1176—

"(A) each reference to 'a penalty imposed under subsection (a)' shall be treated as a reference to 'a penalty imposed under subsection (a) (including as applied pursuant to section 543(f) of the Public Health Service Act)'; and

"(B) each reference to 'no damages obtained under subsection (d)' shall be treated as a reference to 'no damages obtained under subsection (d) (including as applied pursuant to section 543(f) of the Public Health Service Act)'.".

(g) ANTIDISCRIMINATION.—Section 543 of the Public Health Service Act (42 U.S.C. 290dd–2) is amended by inserting after subsection (h) the following:

"(i) ANTIDISCRIMINATION.—

"(1) IN GENERAL.—No entity shall discriminate against an individual on the basis of information received by such entity pursuant to an inadvertent or intentional disclosure of records, or information contained in records, described in subsection (a) in—

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1 "(A) admission, access to, or treatment for
2 health care;
3 "(B) hiring, firing, or terms of employ-
4 ment, or receipt of worker's compensation;
5 "(C) the sale, rental, or continued rental of
6 housing;
7 "(D) access to Federal, State, or local
8 courts; or
9 "(E) access to, approval of, or mainte-
10 nance of social services and benefits provided or
11 funded by Federal, State, or local governments.
12 "(2) RECIPIENTS OF FEDERAL FUNDS.—No re-
13 cipient of Federal funds shall discriminate against
14 an individual on the basis of information received by
15 such recipient pursuant to an intentional or inad-
16 vertent disclosure of such records or information
17 contained in records described in subsection (a) in
18 affording access to the services provided with such
19 funds.".
20 (h) NOTIFICATION IN CASE OF BREACH.—Section
21 543 of the Public Health Service Act (42 U.S.C. 290dd–
22 2), as amended by subsection (g), is further amended by
23 inserting after subsection (i) the following:
24 "(j) NOTIFICATION IN CASE OF BREACH.—The pro-
25 visions of section 13402 of the HITECH Act (42 U.S.C.

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1 17932) shall apply to a program or activity described in
2 subsection (a), in case of a breach of records described
3 in subsection (a), to the same extent and in the same man-
4 ner as such provisions apply to a covered entity in the
5 case of a breach of unsecured protected health informa-
6 tion.".

7 (i) REGULATIONS.—

8 (1) IN GENERAL.—The Secretary of Health and
9 Human Services, in consultation with appropriate
10 Federal agencies, shall make such revisions to regu-
11 lations as may be necessary for implementing and
12 enforcing the amendments made by this section,
13 such that such amendments shall apply with respect
14 to uses and disclosures of information occurring on
15 or after the date that is 12 months after the date
16 of enactment of this Act.

17 (2) EASILY UNDERSTANDABLE NOTICE OF PRI-
18 VACY PRACTICES.—Not later than 1 year after the
19 date of enactment of this Act, the Secretary of
20 Health and Human Services, in consultation with
21 appropriate legal, clinical, privacy, and civil rights
22 experts, shall update section 164.520 of title 45,
23 Code of Federal Regulations, so that covered entities
24 and entities creating or maintaining the records de-
25 scribed in subsection (a) provide notice, written in

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1 plain language, of privacy practices regarding pa-
2 tient records referred to in section 543(a) of the
3 Public Health Service Act (42 U.S.C. 290dd–2(a)),
4 including—
5 (A) a statement of the patient's rights, in-
6 cluding self-pay patients, with respect to pro-
7 tected health information and a brief descrip-
8 tion of how the individual may exercise these
9 rights (as required by subsection (b)(1)(iv) of
10 such section 164.520); and
11 (B) a description of each purpose for
12 which the covered entity is permitted or re-
13 quired to use or disclose protected health infor-
14 mation without the patient's written authoriza-
15 tion (as required by subsection (b)(2) of such
16 section 164.520).
17 (j) RULES OF CONSTRUCTION.—Nothing in this Act
18 or the amendments made by this Act shall be construed
19 to limit—
20 (1) a patient's right, as described in section
21 164.522 of title 45, Code of Federal Regulations, or
22 any successor regulation, to request a restriction on
23 the use or disclosure of a record referred to in sec-
24 tion 543(a) of the Public Health Service Act (42

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1 U.S.C. 290dd–2(a)) for purposes of treatment, pay-
2 ment, or health care operations; or
3 (2) a covered entity's choice, as described in
4 section 164.506 of title 45, Code of Federal Regula-
5 tions, or any successor regulation, to obtain the con-
6 sent of the individual to use or disclose a record re-
7 ferred to in such section 543(a) to carry out treat-
8 ment, payment, or health care operation.
9 (k) SENSE OF CONGRESS.—It is the sense of the
10 Congress that—
11 (1) any person treating a patient through a
12 program or activity with respect to which the con-
13 fidentiality requirements of section 543 of the Public
14 Health Service Act (42 U.S.C. 290dd–2) apply is en-
15 couraged to access the applicable State-based pre-
16 scription drug monitoring program when clinically
17 appropriate;
18 (2) patients have the right to request a restric-
19 tion on the use or disclosure of a record referred to
20 in section 543(a) of the Public Health Service Act
21 (42 U.S.C. 290dd–2(a)) for treatment, payment, or
22 health care operations;
23 (3) covered entities should make every reason-
24 able effort to the extent feasible to comply with a

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1 patient's request for a restriction regarding such use
2 or disclosure;
3 (4) for purposes of applying section 164.501 of
4 title 45, Code of Federal Regulations, the definition
5 of health care operations shall have the meaning
6 given such term in such section, except that clause
7 (v) of paragraph (6) shall not apply; and
8 (5) programs creating records referred to in
9 section 543(a) of the Public Health Service Act (42
10 U.S.C. 290dd–2(a)) should receive positive incen-
11 tives for discussing with their patients the benefits
12 to consenting to share such records.

13 **SEC. 3222. NUTRITION SERVICES.**

14 (a) DEFINITIONS.—In this section, the terms "As-
15 sistant Secretary", "Secretary", "State agency", and
16 "area agency on aging" have the meanings given the
17 terms in section 102 of the Older Americans Act of 1965
18 (42 U.S.C. 3002).
19 (b) NUTRITION SERVICES TRANSFER CRITERIA.—
20 During any portion of the COVID–19 public health emer-
21 gency declared under section 319 of the Public Health
22 Service Act (42 U.S.C. 247d), the Secretary shall allow
23 a State agency or an area agency on aging, without prior
24 approval, to transfer not more than 100 percent of the
25 funds received by the State agency or area agency on

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1 aging, respectively, and attributable to funds appropriated
2 under paragraph (1) or (2) of section 303(b) of the Older
3 Americans Act of 1965 (42 U.S.C. 3023(b)), between sub-
4 part 1 and subpart 2 of part C (42 U.S.C. 3030d–2 et
5 seq.) for such use as the State agency or area agency on
6 aging, respectively, considers appropriate to meet the
7 needs of the State or area served.

8 (c) HOME-DELIVERED NUTRITION SERVICES WAIV-
9 ER.—For purposes of State agencies' determining the de-
10 livery of nutrition services under section 337 of the Older
11 Americans Act of 1965 (42 U.S.C. 3030g), during the pe-
12 riod of the COVID–19 public health emergency declared
13 under section 319 of the Public Health Service Act (42
14 U.S.C. 247d), the same meaning shall be given to an indi-
15 vidual who is unable to obtain nutrition because the indi-
16 vidual is practicing social distancing due to the emergency
17 as is given to an individual who is homebound by reason
18 of illness.

19 (d) DIETARY GUIDELINES WAIVER.—To facilitate
20 implementation of subparts 1 and 2 of part C of title III
21 of the Older Americans Act of 1965 (42 U.S.C. 3030d–
22 2 et seq.) during any portion of the COVID–19 public
23 health emergency declared under section 319 of the Public
24 Health Service Act (42 U.S.C. 247d), the Assistant Sec-
25 retary may waive the requirements for meals provided

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1 under those subparts to comply with the requirements of
2 clauses (i) and (ii) of section 339(2)(A) of such Act (42
3 U.S.C. 3030g–21(2)(A)).

4 **SEC. 3223. CONTINUITY OF SERVICE AND OPPORTUNITIES**
5 **FOR PARTICIPANTS IN COMMUNITY SERVICE**
6 **ACTIVITIES UNDER TITLE V OF THE OLDER**
7 **AMERICANS ACT OF 1965.**

8 To ensure continuity of service and opportunities for
9 participants in community service activities under title V
10 of the Older Americans Act of 1965 (42 U.S.C. 3056 et
11 seq.), the Secretary of Labor—

12 (1)(A) may allow individuals participating in
13 projects under such title as of March 1, 2020, to ex-
14 tend their participation for a period that exceeds the
15 period described in section 518(a)(3)(B)(i) of such
16 Act (42 U.S.C. 3056p(a)(3)(B)(i)) if the Secretary
17 determines such extension is appropriate due to the
18 effects of the COVID–19 public health emergency
19 declared under section 319 of the Public Health
20 Service Act (42 U.S.C. 247d); and

21 (B) may increase the average participation cap
22 for eligible individuals applicable to grantees as de-
23 scribed in section 502(b)(1)(C) of the Older Ameri-
24 cans Act of 1965 (42 U.S.C. 3056(b)(1)(C)) to a
25 cap the Secretary determines is appropriate due to

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1 the effects of the COVID–19 public health emer-
2 gency declared under section 319 of the Public
3 Health Service Act (42 U.S.C. 247d); and
4 (2) may increase the amount available to pay
5 the authorized administrative costs for a project, de-
6 scribed in section 502(c)(3) of the Older Americans
7 Act of 1965 (42 U.S.C. 3056(c)(3)) to an amount
8 not to exceed 20 percent of the grant amount if the
9 Secretary determines that such increase is necessary
10 to adequately respond to the additional administra-
11 tive needs to respond to the COVID–19 public
12 health emergency declared under section 319 of the
13 Public Health Service Act (42 U.S.C. 247d).

14 **SEC. 3224. GUIDANCE ON PROTECTED HEALTH INFORMA-**
15 **TION.**

16 Not later than 180 days after the date of enactment
17 of this Act, the Secretary of Health and Human Services
18 shall issue guidance on the sharing of patients' protected
19 health information pursuant to section 160.103 of title 45,
20 Code of Federal Regulations (or any successor regula-
21 tions) during the public health emergency declared by the
22 Secretary of Health and Human Services under section
23 319 of the Public Health Service Act (42 U.S.C. 247d)
24 with respect to COVID-19, during the emergency involv-
25 ing Federal primary responsibility determined to exist by

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1 the President under section 501(b) of the Robert T. Staf-
2 ford Disaster Relief and Emergency Assistance Act (42
3 U.S.C. 5191(b)) with respect to COVID-19, and during
4 the national emergency declared by the President under
5 the National Emergencies Act (50 U.S.C. 1601 et seq.)
6 with respect to COVID-19. Such guidance shall include
7 information on compliance with the regulations promul-
8 gated pursuant to section 264(c) of the Health Insurance
9 Portability and Accountability Act of 1996 (42 U.S.C.
10 1320d–2 note) and applicable policies, including such poli-
11 cies that may come into effect during such emergencies.

12 **SEC. 3225. REAUTHORIZATION OF HEALTHY START PRO-**
13 **GRAM.**

14 Section 330H of the Public Health Service Act (42
15 U.S.C. 254c–8) is amended—
16 (1) in subsection (a)—
17 (A) in paragraph (1), by striking ", during
18 fiscal year 2001 and subsequent years,"; and
19 (B) in paragraph (2), by inserting "or in-
20 creasing above the national average" after
21 "areas with high";
22 (2) in subsection (b)—
23 (A) in paragraph (1), by striking "con-
24 sumers of project services, public health depart-
25 ments, hospitals, health centers under section

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1 330" and inserting "participants and former
2 participants of project services, public health
3 departments, hospitals, health centers under
4 section 330, State substance abuse agencies";
5 and
6 (B) in paragraph (2)—
7 (i) in subparagraph (A), by striking
8 "such as low birthweight" and inserting
9 "including poor birth outcomes (such as
10 low birthweight and preterm birth) and so-
11 cial determinants of health";
12 (ii) by redesignating subparagraph
13 (B) as subparagraph (C);
14 (iii) by inserting after subparagraph
15 (A), the following:
16 "(B) Communities with—
17 "(i) high rates of infant mortality or
18 poor perinatal outcomes; or
19 "(ii) high rates of infant mortality or
20 poor perinatal outcomes in specific sub-
21 populations within the community."; and
22 (iv) in subparagraph (C) (as so redes-
23 ignated)—

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1 (I) by redesignating clauses (i)
2 and (ii) as clauses (ii) and (iii), re-
3 spectively;
4 (II) by inserting before clause (ii)
5 (as so redesignated) the following:
6 "(i) collaboration with the local com-
7 munity in the development of the project;";
8 (III) in clause (ii) (as so redesig-
9 nated), by striking "and" at the end;
10 (IV) in clause (iii) (as so redesig-
11 nated), by striking the period and in-
12 serting "; and"; and
13 (V) by adding at the end the fol-
14 lowing:
15 "(iv) the use and collection of data
16 demonstrating the effectiveness of such
17 program in decreasing infant mortality
18 rates and improving perinatal outcomes, as
19 applicable, or the process by which new ap-
20 plicants plan to collect this data.";
21 (3) in subsection (c)—
22 (A) by striking "Recipients of grants" and
23 inserting the following:
24 "(1) IN GENERAL.—Recipients of grants"; and
25 (B) by adding at the end the following:

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1 "(2) OTHER PROGRAMS.—The Secretary shall
2 ensure coordination of the program carried out pur-
3 suant to this section with other programs and activi-
4 ties related to the reduction of the rate of infant
5 mortality and improved perinatal and infant health
6 outcomes supported by the Department.";
7 (4) in subsection (e)—
8 (A) in paragraph (1), by striking "appro-
9 priated—" and all that follows through the end
10 and inserting "appropriated $125,500,000 for
11 each of fiscal years 2021 through 2025."; and
12 (B) in paragraph (2)(B), by adding at the
13 end the following: "Evaluations may also in-
14 clude, to the extent practicable, information re-
15 lated to—
16 "(i) progress toward achieving any
17 grant metrics or outcomes related to re-
18 ducing infant mortality rates, improving
19 perinatal outcomes, or reducing the dis-
20 parity in health status;
21 "(ii) recommendations on potential
22 improvements that may assist with ad-
23 dressing gaps, as applicable and appro-
24 priate; and

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1 "(iii) the extent to which the grantee
2 coordinated with the community in which
3 the grantee is located in the development
4 of the project and delivery of services, in-
5 cluding with respect to technical assistance
6 and mentorship programs."; and
7 (5) by adding at the end the following:
8 "(f) GAO REPORT.—
9 "(1) IN GENERAL.—Not later than 4 years
10 after the date of the enactment of this subsection,
11 the Comptroller General of the United States shall
12 conduct an independent evaluation, and submit to
13 the appropriate Committees of Congress a report,
14 concerning the Healthy Start program under this
15 section.
16 "(2) EVALUATION.—In conducting the evalua-
17 tion under paragraph (1), the Comptroller General
18 shall consider, as applicable and appropriate, infor-
19 mation from the evaluations under subsection
20 (e)(2)(B).
21 "(3) REPORT.—The report described in para-
22 graph (1) shall review, assess, and provide rec-
23 ommendations, as appropriate, on the following:
24 "(A) The allocation of Healthy Start pro-
25 gram grants by the Health Resources and Serv-

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1 ices Administration, including considerations
2 made by such Administration regarding dispari-
3 ties in infant mortality or perinatal outcomes
4 among urban and rural areas in making such
5 awards.

6 "(B) Trends in the progress made toward
7 meeting the evaluation criteria pursuant to sub-
8 section (e)(2)(B), including programs which de-
9 crease infant mortality rates and improve
10 perinatal outcomes, programs that have not de-
11 creased infant mortality rates or improved
12 perinatal outcomes, and programs that have
13 made an impact on disparities in infant mor-
14 tality or perinatal outcomes.

15 "(C) The ability of grantees to improve
16 health outcomes for project participants, pro-
17 mote the awareness of the Healthy Start pro-
18 gram services, incorporate and promote family
19 participation, facilitate coordination with the
20 community in which the grantee is located, and
21 increase grantee accountability through quality
22 improvement, performance monitoring, evalua-
23 tion, and the effect such metrics may have to-
24 ward decreasing the rate of infant mortality
25 and improving perinatal outcomes.

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"(D) The extent to which such Federal programs are coordinated across agencies and the identification of opportunities for improved coordination in such Federal programs and activities.".

**SEC. 3226. IMPORTANCE OF THE BLOOD SUPPLY.**

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall carry out a national campaign to improve awareness of, and support outreach to the public and health care providers about the importance and safety of blood donation and the need for donations for the blood supply during the public health emergency declared by the Secretary under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID-19.

(b) AWARENESS CAMPAIGN.—In carrying out subsection (a), the Secretary may enter into contracts with one or more public or private nonprofit entities, to establish a national blood donation awareness campaign that may include television, radio, internet, and newspaper public service announcements, and other activities to provide for public and professional awareness and education.

(c) CONSULTATION.—In carrying out subsection (a), the Secretary shall consult with the Commissioner of Food and Drugs, the Assistant Secretary for Health, the Direc-

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1 tor of the Centers for Disease Control and Prevention, the
2 Director of the National Institutes of Health, and the
3 heads of other relevant Federal agencies, and relevant ac-
4 crediting bodies and representative organizations.

5 (d) REPORT TO CONGRESS.—Not later than 2 years
6 after the date of enactment of this Act, the Secretary shall
7 submit to the Committee on Health, Education, Labor,
8 and Pensions of the Senate and the Committee on Energy
9 and Commerce of the House of Representatives, a report
10 that shall include—

11 (1) a description of the activities carried out
12 under subsection (a);

13 (2) a description of trends in blood supply do-
14 nations; and

15 (3) an evaluation of the impact of the public
16 awareness campaign, including any geographic or
17 population variations.

18 **PART III—INNOVATION**

19 **SEC. 3301. REMOVING THE CAP ON OTA DURING PUBLIC**
20 **HEALTH EMERGENCIES.**

21 Section 319L(c)(5)(A) of the Public Health Service
22 Act (42 U.S.C. 247d–7e(c)(5)(A)) is amended—

23 (1) by redesignating clause (iii) as clause (iv);
24 and

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

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1 "(iii) AUTHORITY DURING A PUBLIC
2 HEALTH EMERGENCY.—
3 "(I) IN GENERAL.—Notwith-
4 standing clause (ii), the Secretary,
5 shall, to the maximum extent prac-
6 ticable, use competitive procedures
7 when entering into transactions to
8 carry out projects under this sub-
9 section for purposes of a public health
10 emergency declared by the Secretary
11 under section 319. Any such trans-
12 actions entered into during such pub-
13 lic health emergency shall not be ter-
14 minated solely due to the expiration of
15 such public health emergency, if such
16 public health emergency ends before
17 the completion of the terms of such
18 agreement.
19 "(II) REPORT.—After the expira-
20 tion of the public health emergency
21 declared by the Secretary under sec-
22 tion 319, the Secretary shall provide a
23 report to the Committee on Health,
24 Education, Labor, and Pensions of
25 the Senate and the Committee on En-

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1 ergy and Commerce of the House of
2 Representatives regarding the use of
3 any funds pursuant to the authority
4 under subclause (I), including any
5 outcomes, benefits, and risks associ-
6 ated with the use of such funds, and
7 a description of the reasons for the
8 use of such authority for the project
9 or projects.''.

10 **SEC. 3302. PRIORITY ZOONOTIC ANIMAL DRUGS.**

11 Chapter V of the Federal Food, Drug, and Cosmetic
12 Act (21 U.S.C. 351 et seq.) is amended by inserting after
13 section 512 the following:

14 **''SEC. 512A. PRIORITY ZOONOTIC ANIMAL DRUGS.**

15 ''(a) IN GENERAL.—The Secretary shall, at the re-
16 quest of the sponsor intending to submit an application
17 for approval of a new animal drug under section 512(b)(1)
18 or an application for conditional approval of a new animal
19 drug under section 571, expedite the development and re-
20 view of such new animal drug if preliminary clinical evi-
21 dence indicates that the new animal drug, alone or in com-
22 bination with 1 or more other animal drugs, has the poten-
23 tial to prevent or treat a zoonotic disease in animals, in-
24 cluding a vector borne-disease, that has the potential to

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1 cause serious adverse health consequences for, or serious
2 or life-threatening diseases in, humans.
3 "(b) REQUEST FOR DESIGNATION.—The sponsor of
4 a new animal drug may request the Secretary to designate
5 a new animal drug described in subsection (a) as a priority
6 zoonotic animal drug. A request for the designation may
7 be made concurrently with, or at any time after, the open-
8 ing of an investigational new animal drug file under sec-
9 tion 512(j) or the filing of an application under section
10 512(b)(1) or 571.
11 "(c) DESIGNATION.—
12 "(1) IN GENERAL.—Not later than 60 calendar
13 days after the receipt of a request under subsection
14 (b), the Secretary shall determine whether the new
15 animal drug that is the subject of the request meets
16 the criteria described in subsection (a). If the Sec-
17 retary determines that the new animal drug meets
18 the criteria, the Secretary shall designate the new
19 animal drug as a priority zoonotic animal drug and
20 shall take such actions as are appropriate to expe-
21 dite the development and review of the application
22 for approval or conditional approval of such new ani-
23 mal drug.

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1 "(2) ACTIONS.—The actions to expedite the de-
2 velopment and review of an application under para-
3 graph (1) may include, as appropriate—
4 "(A) taking steps to ensure that the design
5 of clinical trials is as efficient as practicable,
6 when scientifically appropriate, such as by uti-
7 lizing novel trial designs or drug development
8 tools (including biomarkers) that may reduce
9 the number of animals needed for studies;
10 "(B) providing timely advice to, and inter-
11 active communication with, the sponsor (which
12 may include meetings with the sponsor and re-
13 view team) regarding the development of the
14 new animal drug to ensure that the develop-
15 ment program to gather the nonclinical and
16 clinical data necessary for approval is as effi-
17 cient as practicable;
18 "(C) involving senior managers and review
19 staff with experience in zoonotic or vector-borne
20 disease to facilitate collaborative, cross-discipli-
21 nary review, including, as appropriate, across
22 agency centers; and
23 "(D) implementing additional administra-
24 tive or process enhancements, as necessary, to

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1 facilitate an efficient review and development
2 program.".

3 **PART IV—HEALTH CARE WORKFORCE**

4 **SEC. 3401. REAUTHORIZATION OF HEALTH PROFESSIONS**
5 **WORKFORCE PROGRAMS.**

6 Title VII of the Public Health Service Act (42 U.S.C.
7 292 et seq.) is amended—

8 (1) in section 736 (42 U.S.C. 293), by striking
9 subsection (i) and inserting the following:

10 "(i) AUTHORIZATION OF APPROPRIATIONS.—To
11 carry out this section, there is authorized to be appro-
12 priated $23,711,000 for each of fiscal years 2021 through
13 2025.";

14 (2) in section 740 (42 U.S.C. 293d)—

15 (A) in subsection (a), by striking
16 "$51,000,000 for fiscal year 2010, and such
17 sums as may be necessary for each of the fiscal
18 years 2011 through 2014" and inserting
19 "$51,470,000 for each of fiscal years 2021
20 through 2025";

21 (B) in subsection (b), by striking
22 "$5,000,000 for each of the fiscal years 2010
23 through 2014" and inserting "$1,190,000 for
24 each of fiscal years 2021 through 2025";

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1 (C) in subsection (c), by striking
2 "$60,000,000 for fiscal year 2010 and such
3 sums as may be necessary for each of the fiscal
4 years 2011 through 2014" and inserting
5 "$15,000,000 for each of fiscal years 2021
6 through 2025"; and
7 (D) in subsection (d), by striking "Not
8 Later than 6 months after the date of enact-
9 ment of this part, the Secretary shall prepare
10 and submit to the appropriate committees of
11 Congress" and inserting: "Not later than Sep-
12 tember 30, 2025, and every five years there-
13 after, the Secretary shall prepare and submit to
14 the Committee on Health, Education, Labor,
15 and Pensions of the Senate, and the Committee
16 on Energy and Commerce of the House of Rep-
17 resentatives,";
18 (3) in section 747 (42 U.S.C. 293k)—
19 (A) in subsection (a)—
20 (i) in paragraph (1)(G), by striking
21 "to plan, develop, and operate a dem-
22 onstration program that provides training"
23 and inserting: "to plan, develop, and oper-
24 ate a program that identifies or develops
25 innovative models of providing care, and

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1 trains primary care physicians on such
2 models and''; and
3 (ii) by adding at the end the fol-
4 lowing:
5 ''(3) PRIORITIES IN MAKING AWARDS.—In
6 awarding grants or contracts under paragraph (1),
7 the Secretary may give priority to qualified appli-
8 cants that train residents in rural areas, including
9 for Tribes or Tribal Organizations in such areas.'';
10 (B) in subsection (b)(3)(E), by striking
11 ''substance-related disorders'' and inserting
12 ''substance use disorders''; and
13 (C) in subsection (c)(1), by striking
14 ''$125,000,000 for fiscal year 2010, and such
15 sums as may be necessary for each of fiscal
16 years 2011 through 2014'' and inserting
17 ''$48,924,000 for each of fiscal years 2021
18 through 2025'';
19 (4) in section 748 (42 U.S.C. 293k–2)—
20 (A) in subsection (c)(5), by striking ''sub-
21 stance-related disorders'' and inserting ''sub-
22 stance use disorders''; and
23 (B) in subsection (f), by striking
24 ''$30,000,000 for fiscal year 2010 and such
25 sums as may be necessary for each of fiscal

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1 years 2011 through 2015'' and inserting
2 ''$28,531,000 for each of fiscal years 2021
3 through 2025'';
4 (5) in section 749(d)(2) (42 U.S.C. 293l(d)(2)),
5 by striking ''Committee on Labor and Human Re-
6 sources of the Senate, and the Committee on Com-
7 merce of the House of Representatives'' and insert-
8 ing ''Committee on Health, Education, Labor, and
9 Pensions of the Senate, and the Committee on En-
10 ergy and Commerce of the House of Representa-
11 tives'';
12 (6) in section 751(j)(1) (42 U.S.C. 294a(j)(1)),
13 by striking ''$125,000,000 for each of the fiscal
14 years 2010 through 2014'' and inserting
15 ''$41,250,000 for each of fiscal years 2021 through
16 2025'';
17 (7) in section 754(b)(1)(A) (42 U.S.C.
18 294d(b)(1)(A)), by striking ''new and innovative''
19 and inserting ''innovative or evidence-based'';
20 (8) in section 755(b)(1)(A) (42 U.S.C.
21 294e(b)(1)(A)), by striking ''the elderly'' and insert-
22 ing ''geriatric populations or for maternal and child
23 health'';
24 (9) in section 761(e) (42 U.S.C. 294n(e))—

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1 (A) in paragraph (1)(A), by striking
2 "$7,500,000 for each of fiscal years 2010
3 through 2014" and inserting "$5,663,000 for
4 each of fiscal years 2021 through 2025"; and
5 (B) in paragraph (2), by striking "sub-
6 section (a)" and inserting "paragraph (1)";
7 (10) in section 762 (42 U.S.C. 294o)—
8 (A) in subsection (a)(1), by striking "Com-
9 mittee on Labor and Human Resources" and
10 inserting "Committee on Health, Education,
11 Labor, and Pensions";
12 (B) in subsection (b)—
13 (i) in paragraph (2), by striking
14 "Health Care Financing Administration"
15 and inserting "Centers for Medicare &
16 Medicaid Services";
17 (ii) by redesignating paragraphs (4)
18 through (6) as paragraphs (5) through (7),
19 respectively; and
20 (iii) by inserting after paragraph (3),
21 the following:
22 "(4) the Administrator of the Health Resources
23 and Services Administration;";
24 (C) by striking subsections (i), (j), and (k)
25 and inserting the following:

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1 "(i) REPORTS.—Not later than September 30, 2023,
2 and not less than every 5 years thereafter, the Council
3 shall submit to the Secretary, and to the Committee on
4 Health, Education, Labor, and Pensions of the Senate and
5 the Committee on Energy and Commerce of the House
6 of Representatives, a report on the recommendations de-
7 scribed in subsection (a)."; and
8 (D) by redesignating subsection (l) as sub-
9 section (j);
10 (11) in section 766(b)(1) (42 U.S.C.
11 295a(b)(1)), by striking "that plans" and all that
12 follows through the period and inserting "that plans,
13 develops, operates, and evaluates projects to improve
14 preventive medicine, health promotion and disease
15 prevention, or access to and quality of health care
16 services in rural or medically underserved commu-
17 nities.";
18 (12) in section 770(a) (42 U.S.C. 295e(a)), by
19 striking "$43,000,000 for fiscal year 2011, and such
20 sums as may be necessary for each of the fiscal
21 years 2012 through 2015" and inserting
22 "$17,000,000 for each of fiscal years 2021 through
23 2025"; and
24 (13) in section 775(e) (42 U.S.C. 295f(e)), by
25 striking "$30,000,000" and all that follows through

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1 the period and inserting "such sums as may be nec-
2 essary for each of fiscal years 2021 through 2025.".

3 **SEC. 3402. HEALTH WORKFORCE COORDINATION.**

4 (a) STRATEGIC PLAN.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary of
7 Health and Human Services (referred to in this Act
8 as the "Secretary"), in consultation with the Advi-
9 sory Committee on Training in Primary Care Medi-
10 cine and Dentistry and the Advisory Council on
11 Graduate Medical Education, shall develop a com-
12 prehensive and coordinated plan with respect to the
13 health care workforce development programs of the
14 Department of Health and Human Services, includ-
15 ing education and training programs.

16 (2) REQUIREMENTS.—The plan under para-
17 graph (1) shall—

18 (A) include performance measures to de-
19 termine the extent to which the programs de-
20 scribed in paragraph (1) are strengthening the
21 Nation's health care system;

22 (B) identify any gaps that exist between
23 the outcomes of programs described in para-
24 graph (1) and projected health care workforce
25 needs identified in workforce projection reports

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1 conducted by the Health Resources and Serv-
2 ices Administration;
3 (C) identify actions to address the gaps de-
4 scribed in subparagraph (B); and
5 (D) identify barriers, if any, to imple-
6 menting the actions identified under subpara-
7 graph (C).
8 (b) COORDINATION WITH OTHER AGENCIES.—The
9 Secretary shall coordinate with the heads of other Federal
10 agencies and departments that fund or administer health
11 care workforce development programs, including education
12 and training programs, to—
13 (1) evaluate the performance of such programs,
14 including the extent to which such programs are effi-
15 cient and effective and are meeting the nation's
16 health workforce needs; and
17 (2) identify opportunities to improve the quality
18 and consistency of the information collected to evalu-
19 ate within and across such programs, and to imple-
20 ment such improvements.
21 (c) REPORT.—Not later than 2 years after the date
22 of enactment of this Act, the Secretary shall submit to
23 the Committee on Health, Education, Labor, and Pen-
24 sions of the Senate, and the Committee on Energy and
25 Commerce of the House of Representatives, a report de-

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1 scribing the plan developed under subsection (a) and ac-
2 tions taken to implement such plan.

3 **SEC. 3403. EDUCATION AND TRAINING RELATING TO GERI-**
4 **ATRICS.**

5 Section 753 of the Public Health Service Act (42
6 U.S.C. 294c) is amended to read as follows:

7 **"SEC. 753. EDUCATION AND TRAINING RELATING TO GERI-**
8 **ATRICS.**

9 "(a) GERIATRICS WORKFORCE ENHANCEMENT PRO-
10 GRAM.—

11 "(1) IN GENERAL.—The Secretary shall award
12 grants, contracts, or cooperative agreements under
13 this subsection to entities described in paragraph
14 (1), (3), or (4) of section 799B, section 801(2), or
15 section 865(d), or other health professions schools or
16 programs approved by the Secretary, for the estab-
17 lishment or operation of Geriatrics Workforce En-
18 hancement Programs that meet the requirements of
19 paragraph (2).

20 "(2) REQUIREMENTS.—

21 "(A) IN GENERAL.—A Geriatrics Work-
22 force Enhancement Program receiving an
23 award under this section shall support the
24 training of health professionals in geriatrics, in-
25 cluding traineeships or fellowships. Such pro-

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1 grams shall emphasize, as appropriate, patient
2 and family engagement, integration of geriatrics
3 with primary care and other appropriate spe-
4 cialties, and collaboration with community part-
5 ners to address gaps in health care for older
6 adults.

7 "(B) ACTIVITIES.—Activities conducted by
8 a program under this section may include the
9 following:

10 "(i) Clinical training on providing in-
11 tegrated geriatrics and primary care deliv-
12 ery services.

13 "(ii) Interprofessional training to
14 practitioners from multiple disciplines and
15 specialties, including training on the provi-
16 sion of care to older adults.

17 "(iii) Establishing or maintaining
18 training-related community-based pro-
19 grams for older adults and caregivers to
20 improve health outcomes for older adults.

21 "(iv) Providing education on Alz-
22 heimer's disease and related dementias to
23 families and caregivers of older adults, di-
24 rect care workers, and health professions
25 students, faculty, and providers.

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1 "(3) DURATION.—Each grant, contract, or co-
2 operative agreement or contract awarded under
3 paragraph (1) shall be for a period not to exceed 5
4 years.
5 "(4) APPLICATIONS.—To be eligible to receive a
6 grant, contract, or cooperative agreement under
7 paragraph (1), an entity described in such para-
8 graph shall submit to the Secretary an application at
9 such time, in such manner, and containing such in-
10 formation as the Secretary may require.
11 "(5) PROGRAM REQUIREMENTS.—
12 "(A) IN GENERAL.—In awarding grants,
13 contracts, and cooperative agreements under
14 paragraph (1), the Secretary—
15 "(i) shall give priority to programs
16 that demonstrate coordination with an-
17 other Federal or State program or another
18 public or private entity;
19 "(ii) shall give priority to applicants
20 with programs or activities that are ex-
21 pected to substantially benefit rural or
22 medically underserved populations of older
23 adults, or serve older adults in Indian
24 Tribes or Tribal organizations; and

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1 "(iii) may give priority to any pro-
2 gram that—
3 "(I) integrates geriatrics into pri-
4 mary care practice;
5 "(II) provides training to inte-
6 grate geriatric care into other special-
7 ties across care settings, including
8 practicing clinical specialists, health
9 care administrators, faculty without
10 backgrounds in geriatrics, and stu-
11 dents from all health professions;
12 "(III) emphasizes integration of
13 geriatric care into existing service de-
14 livery locations and care across set-
15 tings, including primary care clinics,
16 medical homes, Federally qualified
17 health centers, ambulatory care clin-
18 ics, critical access hospitals, emer-
19 gency care, assisted living and nursing
20 facilities, and home- and community-
21 based services, which may include
22 adult daycare;
23 "(IV) supports the training and
24 retraining of faculty, primary care
25 providers, other direct care providers,

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1 and other appropriate professionals on
2 geriatrics;
3 "(V) emphasizes education and
4 engagement of family caregivers on
5 disease management and strategies to
6 meet the needs of caregivers of older
7 adults; or
8 "(VI) proposes to conduct out-
9 reach to communities that have a
10 shortage of geriatric workforce profes-
11 sionals.
12 "(B) SPECIAL CONSIDERATION.—In
13 awarding grants, contracts, and cooperative
14 agreements under this section, the Secretary
15 shall give special consideration to entities that
16 provide services in areas with a shortage of
17 geriatric workforce professionals.
18 "(6) PRIORITY.—The Secretary may provide
19 awardees with additional support for activities in
20 areas of demonstrated need, which may include edu-
21 cation and training for home health workers, family
22 caregivers, and direct care workers on care for older
23 adults.
24 "(7) REPORTING.—

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1 "(A) REPORTS FROM ENTITIES.—Each en-
2 tity awarded a grant, contract, or cooperative
3 agreement under this section shall submit an
4 annual report to the Secretary on the activities
5 conducted under such grant, contract, or coop-
6 erative agreement, which may include informa-
7 tion on the number of trainees, the number of
8 professions and disciplines, the number of part-
9 nerships with health care delivery sites, the
10 number of faculty and practicing professionals
11 who participated in such programs, and other
12 information, as the Secretary may require.
13 "(B) REPORT TO CONGRESS.—Not later
14 than 4 years after the date of enactment of the
15 Title VII Health Care Workforce Reauthoriza-
16 tion Act of 2019 and every 5 years thereafter,
17 the Secretary shall submit to the Committee on
18 Health, Education, Labor, and Pensions of the
19 Senate and the Committee on Energy and Com-
20 merce of the House of Representatives a report
21 that provides a summary of the activities and
22 outcomes associated with grants, contracts, and
23 cooperative agreements made under this sec-
24 tion. Such reports shall include—

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1 "(i) information on the number of
2 trainees, faculty, and professionals who
3 participated in programs under this sec-
4 tion;
5 "(ii) information on the impact of the
6 program conducted under this section on
7 the health status of older adults, including
8 in areas with a shortage of health profes-
9 sionals; and
10 "(iii) information on outreach and
11 education provided under this section to
12 families and caregivers of older adults.
13 "(C) PUBLIC AVAILABILITY.—The Sec-
14 retary shall make reports submitted under
15 paragraph (B) publically available on the inter-
16 net website of the Department of Health and
17 Human Services.
18 "(b) GERIATRIC ACADEMIC CAREER AWARDS.—
19 "(1) ESTABLISHMENT OF PROGRAM.—The Sec-
20 retary shall, as appropriate, establish or maintain a
21 program to provide geriatric academic career awards
22 to eligible entities applying on behalf of eligible indi-
23 viduals to promote the career development of such
24 individuals as academic geriatricians or other aca-
25 demic geriatrics health professionals.

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1 "(2) ELIGIBILITY.—
2 "(A) ELIGIBLE ENTITY.—For purposes of
3 this subsection, the term 'eligible entity'
4 means—
5 "(i) an entity described in paragraph
6 (1), (3), or (4) of section 799B or section
7 801(2); or
8 "(ii) another accredited health profes-
9 sions school or graduate program approved
10 by the Secretary.
11 "(B) ELIGIBLE INDIVIDUAL.—For pur-
12 poses of this subsection, the term 'eligible indi-
13 vidual' means an individual who—
14 "(i)(I) is board certified or board eli-
15 gible in internal medicine, family practice,
16 psychiatry, or licensed dentistry, or has
17 completed required training in a discipline
18 and is employed in an accredited health
19 professions school or graduate program
20 that is approved by the Secretary; or
21 "(II) has completed an approved fel-
22 lowship program in geriatrics, or has com-
23 pleted specialty training in geriatrics as re-
24 quired by the discipline and any additional

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1 geriatrics training as required by the Sec-
2 retary; and
3 "(ii) has a junior, nontenured, faculty
4 appointment at an accredited health pro-
5 fessions school or graduate program in
6 geriatrics or a geriatrics health profession.
7 "(C) CLARIFICATION.—If an eligible indi-
8 vidual is promoted during the period of an
9 award under this subsection and thereby no
10 longer meets the criteria of subparagraph
11 (B)(ii), the individual shall continue to be treat-
12 ed as an eligible individual through the term of
13 the award.
14 "(3) APPLICATION REQUIREMENTS.—In order
15 to receive an award under paragraph (1), an eligible
16 entity, on behalf of an eligible individual, shall—
17 "(A) submit to the Secretary an applica-
18 tion, at such time, in such manner, and con-
19 taining such information as the Secretary may
20 require;
21 "(B) provide, in such form and manner as
22 the Secretary may require, assurances that the
23 eligible individual will meet the service require-
24 ment described in paragraph (6); and

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1 "(C) provide, in such form and manner as
2 the Secretary may require, assurances that the
3 individual has a full-time faculty appointment
4 in a health professions institution and docu-
5 mented commitment from such eligible entity
6 that the individual will spend 75 percent of the
7 individual's time that is supported by the award
8 on teaching and developing skills in inter-
9 disciplinary education in geriatrics.
10 "(4) EQUITABLE DISTRIBUTION.—In making
11 awards under this subsection, the Secretary shall
12 seek to ensure geographical distribution among
13 award recipients, including among rural or medically
14 underserved areas of the United States.
15 "(5) AMOUNT AND DURATION.—
16 "(A) AMOUNT.—The amount of an award
17 under this subsection shall be at least $75,000
18 for fiscal year 2021, adjusted for subsequent
19 years in accordance with the consumer price
20 index. The Secretary shall determine the
21 amount of an award under this subsection for
22 individuals who are not physicians.
23 "(B) DURATION.—The Secretary shall
24 make awards under paragraph (1) for a period
25 not to exceed 5 years.

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1 "(6) SERVICE REQUIREMENT.—An individual
2 who receives an award under this subsection shall
3 provide training in clinical geriatrics, including the
4 training of interprofessional teams of health care
5 professionals. The provision of such training shall
6 constitute at least 75 percent of the obligations of
7 such individual under the award.
8 "(c) NONAPPLICABILITY OF PROVISION.—Notwith-
9 standing any other provision of this title, section 791(a)
10 shall not apply to awards made under this section.
11 "(d) AUTHORIZATION OF APPROPRIATIONS.—There
12 is authorized to be appropriated $40,737,000 for each of
13 fiscal years 2021 through 2025 for purposes of carrying
14 out this section.".
15 **SEC. 3404. NURSING WORKFORCE DEVELOPMENT.**
16 (a) IN GENERAL.—Title VIII of the Public Health
17 Service Act (42 U.S.C. 296 et seq.) is amended—
18 (1) in section 801 (42 U.S.C. 296), by adding
19 at the end the following:
20 "(18) NURSE MANAGED HEALTH CLINIC.—The
21 term 'nurse managed health clinic' means a nurse-
22 practice arrangement, managed by advanced practice
23 nurses, that provides primary care or wellness serv-
24 ices to underserved or vulnerable populations and
25 that is associated with a school, college, university or

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1 department of nursing, federally qualified health
2 center, or independent nonprofit health or social
3 services agency.";
4 (2) in section 802(c) (42 U.S.C. 296a(c)), by
5 inserting ", and how such project aligns with the
6 goals in section 806(a)" before the period in the sec-
7 ond sentence;
8 (3) in section 803(b) (42 U.S.C. 296b(b)), by
9 adding at the end the following: "Such Federal
10 funds are intended to supplement, not supplant, ex-
11 isting non-Federal expenditures for such activities.";
12 (4) in section 806 (42 U.S.C. 296e)—
13 (A) in subsection (a), by striking "as need-
14 ed to" and all that follows and inserting the fol-
15 lowing: "as needed to address national nursing
16 needs, including—
17 "(1) addressing challenges, including through
18 supporting training and education of nursing stu-
19 dents, related to the distribution of the nursing
20 workforce and existing or projected nursing work-
21 force shortages in geographic areas that have been
22 identified as having, or that are projected to have,
23 a nursing shortage;
24 "(2) increasing access to and the quality of
25 health care services, including by supporting the

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1 training of professional registered nurses, advanced
2 practice registered nurses, and advanced education
3 nurses within community based settings and in a va-
4 riety of health delivery system settings; or
5 "(3) addressing the strategic goals and prior-
6 ities identified by the Secretary and that are in ac-
7 cordance with this title.
8 Contracts may be entered into under this title with public
9 or private entities as determined necessary by the Sec-
10 retary.";
11 (B) in subsection (b)(2), by striking "a
12 demonstration" and all that follows and insert-
13 ing the following: "the reporting of data and in-
14 formation demonstrating that satisfactory
15 progress has been made by the program or
16 project in meeting the performance outcome
17 standards (as described in section 802) of such
18 program or project.";
19 (C) in subsection (e)(2), by inserting ",
20 and have relevant expertise and experience" be-
21 fore the period at the end of the first sentence;
22 and
23 (D) by adding at the end the following:
24 "(i) BIENNIAL REPORT ON NURSING WORKFORCE
25 PROGRAM IMPROVEMENTS.—Not later than September

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1 30, 2020, and biennially thereafter, the Secretary shall
2 submit to the Committee on Health, Education, Labor,
3 and Pensions of the Senate and the Committee on Energy
4 and Commerce of the House of Representatives, a report
5 that contains an assessment of the programs and activities
6 of the Department of Health and Human Services related
7 to enhancing the nursing workforce, including the extent
8 to which programs and activities under this title meet the
9 identified goals and performance measures developed for
10 the respective programs and activities, and the extent to
11 which the Department coordinates with other Federal de-
12 partments regarding programs designed to improve the
13 nursing workforce.";
14 (5) in section 811 (42 U.S.C. 296j)—
15 (A) in subsection (b)—
16 (i) by striking "Master's" and insert-
17 ing "graduate"; and
18 (ii) by inserting "clinical nurse lead-
19 ers," after "nurse administrators,";
20 (B) by redesignating subsections (f) and
21 (g) as subsections (g) and (h), respectively; and
22 (C) by inserting after subsection (e), the
23 following:
24 "(f) AUTHORIZED CLINICAL NURSE SPECIALIST
25 PROGRAMS.—Clinical nurse specialist programs eligible

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1 for support under this section are education programs
2 that—
3 "(1) provide registered nurses with full-time
4 clinical nurse specialist education; and
5 "(2) have as their objective the education of
6 clinical nurse specialists who will, upon completion
7 of such a program, be qualified to effectively provide
8 care through the wellness and illness continuum to
9 inpatients and outpatients experiencing acute and
10 chronic illness."; and
11 (6) in section 831 (42 U.S.C. 296p)—
12 (A) in the section heading, by striking
13 "**AND QUALITY GRANTS**" and inserting
14 "**QUALITY, AND RETENTION GRANTS**";
15 (B) in subsection (b)(2), by striking "other
16 high-risk groups such as the elderly, individuals
17 with HIV/AIDS, substance abusers, the home-
18 less, and victims" and inserting "high risk
19 groups, such as the elderly, individuals with
20 HIV/AIDS, individuals with mental health or
21 substance use disorders, individuals who are
22 homeless, and survivors";
23 (C) in subsection (c)(1)—
24 (i) in subparagraph (A)—

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1 (I) by striking "advancement for
2 nursing personnel" and inserting the
3 following: "advancement for—
4 "(i) nursing";
5 (II) by striking "professional
6 nurses, advanced education nurses, li-
7 censed practical nurses, certified
8 nurse assistants, and home health
9 aides" and inserting "professional
10 registered nurses, advanced practice
11 registered nurses, and nurses with
12 graduate nursing education"; and
13 (III) by adding at the end the
14 following:
15 "(ii) individuals including licensed
16 practical nurses, licensed vocational nurses,
17 certified nurse assistants, home health
18 aides, diploma degree or associate degree
19 nurses, and other health professionals,
20 such as health aides or community health
21 practitioners certified under the Commu-
22 nity Health Aide Program of the Indian
23 Health Service, to become registered
24 nurses with baccalaureate degrees or
25 nurses with graduate nursing education;";

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1 (ii) in subparagraph (B), by striking
2 the period and inserting "; and"; and
3 (iii) by adding at the end the fol-
4 lowing:
5 "(C) developing and implementing intern-
6 ships, accredited fellowships, and accredited
7 residency programs in collaboration with one or
8 more accredited schools of nursing, to encour-
9 age the mentoring and development of special-
10 ties.";
11 (D) by striking subsections (e) and (h);
12 (E) by redesignating subsections (f) and
13 (g), as subsections (e) and (f), respectively;
14 (F) in subsection (e) (as so redesignated),
15 by striking "The Secretary shall submit to the
16 Congress before the end of each fiscal year"
17 and inserting "As part of the report on nursing
18 workforce programs described in section 806(i),
19 the Secretary shall include"; and
20 (G) in subsection (f) (as so redesignated),
21 by striking "a school of nursing, as defined in
22 section 801(2),," and inserting "an accredited
23 school of nursing, as defined in section 801(2),
24 a health care facility, including federally quali-
25 fied health centers or nurse-managed health

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1 clinics, or a partnership of such a school and
2 facility";
3 (7) by striking section 831A (42 U.S.C. 296p–
4 1);
5 (8) in section 846 (42 U.S.C. 297n)—
6 (A) by striking the last sentence of sub-
7 section (a);
8 (B) in subsection (b)(1), by striking "he
9 began such practice" and inserting "the indi-
10 vidual began such practice"; and
11 (C) in subsection (i), by striking "FUND-
12 ING" in the subsection heading and all that fol-
13 lows through "paragraph (1)" in paragraph (2),
14 and inserting the following: "ALLOCATIONS.—
15 Of the amounts appropriated under section
16 871(b),";
17 (9) in section 846A (42 U.S.C. 247n–1), by
18 striking subsection (f);
19 (10) in section 847 (42 U.S.C. 297o), by strik-
20 ing subsection (g);
21 (11) in section 851 (42 U.S.C. 297t)—
22 (A) in subsection (b)(1)(A)(iv), by striking
23 "and nurse anesthetists" and inserting "nurse
24 anesthetists, and clinical nurse specialists";
25 (B) in subsection (d)(3)—

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1 (i) by striking "3 years after the date
2 of enactment of this section" and inserting
3 "2 years after the date of enactment of the
4 Title VIII Nursing Reauthorization Act";
5 (ii) by striking "Labor and Human
6 Resources" and inserting "Health, Edu-
7 cation, Labor, and Pensions"; and
8 (iii) by inserting "Energy and" before
9 "Commerce"; and
10 (C) in subsection (g), by striking "under
11 this title" and inserting "for carrying out parts
12 B, C, and D";
13 (12) by striking sections 861 and 862 (42
14 U.S.C. 297w and 297x); and
15 (13) in section 871 (42 U.S.C. 298d)—
16 (A) by striking "For the purpose of" and
17 inserting the following:
18 "(a) IN GENERAL.—For the purpose of";
19 (B) by striking "$338,000,000 for fiscal
20 year 2010, and such sums as may be necessary
21 for each of the fiscal years 2011 through 2016"
22 and inserting "$137,837,000 for each of fiscal
23 years 2021 through 2025"; and
24 (C) by adding at the end the following:

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1 "(b) PART E.—For the purpose of carrying out part
2 E, there are authorized to be appropriated $117,135,000
3 for each of the fiscal years 2021 through 2025.".
4 (b) EVALUATION AND REPORT ON NURSE LOAN RE-
5 PAYMENT PROGRAMS.—
6 (1) EVALUATION.—The Comptroller General
7 shall conduct an evaluation of the nurse loan repay-
8 ment programs administered by the Health Re-
9 sources and Services Administration. Such evalua-
10 tion shall include—
11 (A) the manner in which payments are
12 made under such programs;
13 (B) the existing oversight functions nec-
14 essary to ensure the proper use of such pro-
15 grams, including payments made as part of
16 such programs;
17 (C) the identification of gaps, if any, in
18 oversight functions; and
19 (D) information on the number of nurses
20 assigned to facilities pursuant to such pro-
21 grams, including the type of facility to which
22 nurses are assigned and the impact of modi-
23 fying the eligibility requirements for programs
24 under section 846 of the Public Health Service
25 Act (42 U.S.C. 297n), such as the impact on

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1 entities to which nurses had previously been as-
2 signed prior to fiscal year 2019 (such as feder-
3 ally qualified health centers and facilities affili-
4 ated with the Indian Health Service).
5 (2) REPORT.—Not later than 18 months after
6 the enactment of this Act, the Comptroller General
7 shall submit to the Committee on Health, Edu-
8 cation, Labor, and Pensions of the Senate and the
9 Committee on Energy and Commerce of the House
10 of Representatives, a report on the evaluation under
11 paragraph (1), which may include recommendations
12 to improve relevant nursing workforce loan repay-
13 ment programs.

14 **Subtitle B—Education Provisions**

15 **SEC. 3501. SHORT TITLE.**

16 This subtitle may be cited as the "COVID-19 Pan-
17 demic Education Relief Act of 2020".

18 **SEC. 3502. DEFINITIONS.**

19 (a) DEFINITIONS.—In this subtitle:
20 (1) CORONAVIRUS.—The term "coronavirus"
21 has the meaning given the term in section 506 of the
22 Coronavirus Preparedness and Response Supple-
23 mental Appropriations Act, 2020 (Public Law 116–
24 123).

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1 (2) FOREIGN INSTITUTION.—The term ''foreign
2 institution'' means an institution of higher education
3 located outside the United States that is described
4 in paragraphs (1)(C) and (2) of section 102(a) of
5 the Higher Education Act of 1965 (20 U.S.C.
6 1002(a)).
7 (3) INSTITUTION OF HIGHER EDUCATION.—The
8 term ''institution of higher education'' has the
9 meaning of the term under section 102 of the High-
10 er Education Act of 1965 (20 U.S.C. 1002).
11 (4) QUALIFYING EMERGENCY.—The term
12 ''qualifying emergency'' means—
13 (A) a public health emergency related to
14 the coronavirus declared by the Secretary of
15 Health and Human Services pursuant to sec-
16 tion 319 of the Public Health Service Act (42
17 U.S.C. 247d);
18 (B) an event related to the coronavirus for
19 which the President declared a major disaster
20 or an emergency under section 401 or 501, re-
21 spectively, of the Robert T. Stafford Disaster
22 Relief and Emergency Assistance Act (42
23 U.S.C. 5170 and 5191); or
24 (C) a national emergency related to the
25 coronavirus declared by the President under

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1 section 201 of the National Emergencies Act
2 (50 U.S.C. 1601 et seq.).
3 (5) SECRETARY.—The term "Secretary" means
4 the Secretary of Education.

5 **SEC. 3503. CAMPUS-BASED AID WAIVERS.**

6 (a) WAIVER OF NON-FEDERAL SHARE REQUIRE-
7 MENT.—Notwithstanding sections 413C(a)(2) and
8 443(b)(5) of the Higher Education Act of 1965 (20
9 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect
10 to funds made available for award years 2019-2020 and
11 2020-2021, the Secretary shall waive the requirement that
12 a participating institution of higher education provide a
13 non-Federal share to match Federal funds provided to the
14 institution for the programs authorized pursuant to sub-
15 part 3 of part A and part C of title IV of the Higher
16 Education Act of 1965 (20 U.S.C. 1070b et seq. and
17 1087–51 et seq.) for all awards made under such pro-
18 grams during such award years, except nothing in this
19 subsection shall affect the non-Federal share requirement
20 under section 443(c)(3) that applies to private for-profit
21 organizations.

22 (b) AUTHORITY TO REALLOCATE.—Notwithstanding
23 sections 413D, 442, and 488 of the Higher Education Act
24 of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during
25 a period of a qualifying emergency, an institution may

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1 transfer up to 100 percent of the institution's unexpended
2 allotment under section 442 of such Act to the institu-
3 tion's allotment under section 413D of such Act, but may
4 not transfer any funds from the institution's unexpended
5 allotment under section 413D of such Act to the institu-
6 tion's allotment under section 442 of such Act.

7 **SEC. 3504. USE OF SUPPLEMENTAL EDUCATIONAL OPPOR-**
8 **TUNITY GRANTS FOR EMERGENCY AID.**

9 (a) IN GENERAL.—Notwithstanding section 413B of
10 the Higher Education Act of 1965 (20 U.S.C. 1070b–1),
11 an institution of higher education may reserve any amount
12 of an institution's allocation under subpart 3 of part A
13 of title IV of the Higher Education Act of 1965 (20 U.S.C.
14 1070b et seq.) for a fiscal year to award, in such fiscal
15 year, emergency financial aid grants to assist under-
16 graduate or graduate students for unexpected expenses
17 and unmet financial need as the result of a qualifying
18 emergency.

19 (b) DETERMINATIONS.—In determining eligibility for
20 and awarding emergency financial aid grants under this
21 section, an institution of higher education may—

22 (1) waive the amount of need calculation under
23 section 471 of the Higher Education Act of 1965
24 (20 U.S.C. 1087kk);

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1 (2) allow for a student affected by a qualifying
2 emergency to receive funds in an amount that is not
3 more than the maximum Federal Pell Grant for the
4 applicable award year; and
5 (3) utilize a contract with a scholarship-grant-
6 ing organization designated for the sole purpose of
7 accepting applications from or disbursing funds to
8 students enrolled in the institution of higher edu-
9 cation, if such scholarship-granting organization dis-
10 burses the full allocated amount provided to the in-
11 stitution of higher education to the recipients.
12 (c) SPECIAL RULE.—Any emergency financial aid
13 grants to students under this section shall not be treated
14 as other financial assistance for the purposes of section
15 471 of the Higher Education Act of 1965 (20 U.S.C.
16 1087kk).

17 **SEC. 3505. FEDERAL WORK-STUDY DURING A QUALIFYING**
18 **EMERGENCY.**

19 (a) IN GENERAL.—In the event of a qualifying emer-
20 gency, an institution of higher education participating in
21 the program under part C of title IV of the Higher Edu-
22 cation Act of 1965 (20 U.S.C. 1087–51 et seq.) may make
23 payments under such part to affected work-study stu-
24 dents, for the period of time (not to exceed one academic
25 year) in which affected students were unable to fulfill the

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1 students' work-study obligation for all or part of such aca-
2 demic year due to such qualifying emergency, as follows:
3 (1) Payments may be made under such part to
4 affected work-study students in an amount equal to
5 or less than the amount of wages such students
6 would have been paid under such part had the stu-
7 dents been able to complete the work obligation nec-
8 essary to receive work study funds, as a one time
9 grant or as multiple payments.
10 (2) Payments shall not be made to any student
11 who was not eligible for work study or was not com-
12 pleting the work obligation necessary to receive work
13 study funds under such part prior to the occurrence
14 of the qualifying emergency.
15 (3) Any payments made to affected work-study
16 students under this subsection shall meet the match-
17 ing requirements of section 443 of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1087–53), unless
19 such matching requirements are waived by the Sec-
20 retary.
21 (b) DEFINITION OF AFFECTED WORK-STUDY STU-
22 DENT.—In this section, the term "affected work-study
23 student" means a student enrolled at an eligible institu-
24 tion participating in the program under part C of title IV

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1 of the Higher Education Act of 1965 (20 U.S.C. 1087–
2 51 et seq.) who—
3 (1) received a work-study award under section
4 443 of the Higher Education Act of 1965 (20
5 U.S.C. 1087–53) for the academic year during which
6 a qualifying emergency occurred;
7 (2) earned Federal work-study wages from such
8 eligible institution for such academic year; and
9 (3) was prevented from fulfilling the student's
10 work-study obligation for all or part of such aca-
11 demic year due to such qualifying emergency.

12 **SEC. 3506. ADJUSTMENT OF SUBSIDIZED LOAN USAGE LIM-**
13 **ITS.**

14 Notwithstanding section 455(q)(3) of the Higher
15 Education Act of 1965 (20 U.S.C. 1087e(q)(3)), the Sec-
16 retary shall exclude from a student's period of enrollment
17 for purposes of loans made under part D of title IV of
18 the Higher Education Act of 1965 (20 U.S.C. 1087a et
19 seq.) any semester (or the equivalent) that the student
20 does not complete due to a qualifying emergency, if the
21 Secretary is able to administer such policy in a manner
22 that limits complexity and the burden on the student.

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1 **SEC. 3507. EXCLUSION FROM FEDERAL PELL GRANT DURA-**
2 **TION LIMIT.**

3 The Secretary shall exclude from a student's Federal
4 Pell Grant duration limit under section 401(c)(5) of the
5 Higher Education Act of 1965 (2 U.S.C. 1070a(c)(5)) any
6 semester (or the equivalent) that the student does not
7 complete due to a qualifying emergency if the Secretary
8 is able to administer such policy in a manner that limits
9 complexity and the burden on the student.

10 **SEC. 3508. INSTITUTIONAL REFUNDS AND FEDERAL STU-**
11 **DENT LOAN FLEXIBILITY.**

12 (a) INSTITUTIONAL WAIVER.—

13 (1) IN GENERAL.—The Secretary shall waive
14 the institutional requirement under section 484B of
15 the Higher Education Act of 1965 (20 U.S.C.
16 1091b) with respect to the amount of grant or loan
17 assistance (other than assistance received under part
18 C of title IV of such Act) to be returned under such
19 section if a recipient of assistance under title IV of
20 the Higher Education Act of 1965 (20 U.S.C. 1070
21 et seq.) withdraws from the institution of higher
22 education during the payment period or period of
23 enrollment as a result of a qualifying emergency.

24 (2) WAIVERS.—The Secretary shall require
25 each institution using a waiver relating to the with-
26 drawal of recipients under this subsection to report

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1 the number of such recipients, the amount of grant
2 or loan assistance (other than assistance received
3 under part C of title IV of such Act) associated with
4 each such recipient, and the total amount of grant
5 or loan assistance (other than assistance received
6 under part C of title IV of such Act) for which each
7 institution has not returned assistance under title IV
8 to the Secretary.

9 (b) STUDENT WAIVER.—The Secretary shall waive
10 the amounts that students are required to return under
11 section 484B of the Higher Education Act of 1965 (20
12 U.S.C. 1091b) with respect to Federal Pell Grants or
13 other grant assistance if the withdrawals on which the re-
14 turns are based, are withdrawals by students who with-
15 drew from the institution of higher education as a result
16 of a qualifying emergency.

17 (c) CANCELING LOAN OBLIGATION.—Notwith-
18 standing any other provision of the Higher Education Act
19 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall can-
20 cel the borrower's obligation to repay the entire portion
21 of a loan made under part D of title IV of such Act (20
22 U.S.C. 1087a et seq.) associated with a payment period
23 for a recipient of such loan who withdraws from the insti-
24 tution of higher education during the payment period as
25 a result of a qualifying emergency.

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1 (d) APPROVED LEAVE OF ABSENCE.—Notwith-
2 standing any other provision of the Higher Education Act
3 of 1965 (20 U.S.C. 1001 et seq.), for purposes of receiving
4 assistance under title IV of the Higher Education Act of
5 1965 (20 U.S.C. 1070 et seq.), an institution of higher
6 education may, as a result of a qualifying emergency, pro-
7 vide a student with an approved leave of absence that does
8 not require the student to return at the same point in the
9 academic program that the student began the leave of ab-
10 sence if the student returns within the same semester (or
11 the equivalent).

12 **SEC. 3509. SATISFACTORY ACADEMIC PROGRESS.**

13 Notwithstanding section 484 of the Higher Education
14 Act of 1965 (20 U.S.C. 1091), in determining whether a
15 student is maintaining satisfactory academic progress for
16 purposes of title IV of the Higher Education Act of 1965
17 (20 U.S.C. 1070 et seq.), an institution of higher edu-
18 cation may, as a result of a qualifying emergency, exclude
19 from the quantitative component of the calculation any at-
20 tempted credits that were not completed by such student
21 without requiring an appeal by such student.

22 **SEC. 3510. CONTINUING EDUCATION AT AFFECTED FOR-**
23 **EIGN INSTITUTIONS.**

24 (a) IN GENERAL.—Notwithstanding section 481(b)
25 of the Higher Education Act of 1965 (20 U.S.C. 1088(b)),

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1 with respect to a foreign institution, in the case of a public
2 health emergency, major disaster or emergency, or na-
3 tional emergency declared by the applicable government
4 authorities in the country in which the foreign institution
5 is located, the Secretary may permit any part of an other-
6 wise eligible program to be offered via distance education
7 for the duration of such emergency or disaster and the
8 following payment period for purposes of title IV of the
9 Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).
10 (b) ELIGIBILITY.—An otherwise eligible program
11 that is offered in whole or in part through distance edu-
12 cation by a foreign institution between March 1, 2020, and
13 the date of enactment of this Act shall be deemed eligible
14 for the purposes of part D of title IV of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1087a et seq.) for the dura-
16 tion of the qualifying emergency and the following pay-
17 ment period for purposes of title IV of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1070 et seq.). An institu-
19 tion of higher education that uses the authority provided
20 in the previous sentence shall report such use to the Sec-
21 retary—
22 (1) for the 2019–2020 award year, not later
23 than June 30, 2020; and

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1 (2) for an award year subsequent to the 2019–
2 2020 award year, not later than 30 days after such
3 use.
4 (c) REPORT.—Not later than 180 days after the date
5 of enactment of this Act, and every 180 days thereafter
6 for the duration of the qualifying emergency and the fol-
7 lowing payment period, the Secretary shall submit to the
8 authorizing committees (as defined in section 103 of the
9 Higher Education Act of 1965 (20 U.S.C. 1003)) a report
10 that identifies each foreign institution that carried out a
11 distance education program authorized under this section.
12 (d) WRITTEN ARRANGEMENTS.—
13 (1) IN GENERAL.—Notwithstanding section 102
14 of the Higher Education Act of 1965 (20 U.S.C.
15 1002), for the duration of a qualifying emergency
16 and the following payment period, the Secretary may
17 allow a foreign institution to enter into a written ar-
18 rangement with an institution of higher education
19 located in the United States that participates in the
20 Federal Direct Loan Program under part D of title
21 IV of the Higher Education Act of 1965 (20 U.S.C.
22 1087a et seq.) for the purpose of allowing a student
23 of the foreign institution who is a borrower of a loan
24 made under such part to take courses from the insti-

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1 tution of higher education located in the United
2 States.
3 (2) FORM OF ARRANGEMENTS.—
4 (A) PUBLIC OR OTHER NONPROFIT INSTI-
5 TUTIONS.—A foreign institution that is a public
6 or other nonprofit institution may enter into a
7 written arrangement under subsection (a) only
8 with an institution of higher education de-
9 scribed in section 101 of such Act (20 U.S.C.
10 1001).
11 (B) OTHER INSTITUTIONS.—A foreign in-
12 stitution that is a graduate medical school,
13 nursing school, or a veterinary school and that
14 is not a public or other nonprofit institution
15 may enter into a written arrangement under
16 subsection (a) with an institution of higher edu-
17 cation described in section 101 or section 102
18 of such Act (20 U.S.C. 1001 and 1002).
19 (3) REPORT ON USE.—An institution of higher
20 education that uses the authority described in para-
21 graph (2) shall report such use to the Secretary—
22 (A) for the 2019–2020 award year, not
23 later than June 30, 2020; and

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1 (B) for an award year subsequent to the
2 2019–2020 award year, not later than 30 days
3 after such use.
4 (4) REPORT FROM THE SECRETARY.—Not later
5 than 180 days after the date of enactment of this
6 Act, and every 180 days thereafter for the duration
7 of the qualifying emergency and the following pay-
8 ment period, the Secretary shall submit to the au-
9 thorizing committees (as defined in section 103 of
10 the Higher Education Act of 1965 (20 U.S.C.
11 1003)) a report that identifies each foreign institu-
12 tion that entered into a written arrangement author-
13 ized under subsection (a).
14 **SEC. 3511. NATIONAL EMERGENCY EDUCATIONAL WAIVERS.**
15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law, the Secretary may, upon the request of a State
17 educational agency or Indian tribe, waive any statutory
18 or regulatory provision described under paragraphs (1)
19 and (2) of subsection (b), and upon the request of a local
20 educational agency, waive any statutory or regulatory pro-
21 vision described under paragraph (2) of subsection (b), if
22 the Secretary determines that such a waiver is necessary
23 and appropriate due to the emergency involving Federal
24 primary responsibility determined to exist by the President
25 under the section 501(b) of the Robert T. Stafford Dis-

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1 aster Relief and Emergency Assistance Act (42 U.S.C.
2 5191(b)) with respect to the Coronavirus Disease 2019
3 (COVID-19).
4 (b) APPLICABLE PROVISIONS OF LAW.—
5 (1) STREAMLINED WAIVERS.—The Secretary
6 shall create an expedited application process to re-
7 quest a waiver and the Secretary may waive any
8 statutory or regulatory requirements for a State
9 educational agency (related to assessments, account-
10 ability, and reporting requirements related to assess-
11 ments and accountability), if the Secretary deter-
12 mines that such a waiver is necessary and appro-
13 priate as described in subsection (a), under the fol-
14 lowing provisions of law:
15 (A) The following provisions under section
16 1111 of the Elementary and Secondary Edu-
17 cation Act of 1965 (20 U.S.C. 6311):
18 (i) Paragraphs (2) and (3) of sub-
19 section (b).
20 (ii) Subsection (c)(4).
21 (iii) Subparagraphs (C) and (D) of
22 subsection (d)(2).
23 (iv) The following provisions under
24 subsection (h) of such section 1111:

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1 (I) Clauses (i), (ii), (iii)(I), (iv),
2 (v), (vi), (vii), and (xi) of paragraph
3 (1)(C).
4 (II) Paragraph (2)(C) with re-
5 spect to the waived requirements
6 under subclause (I).
7 (III) Clauses (i) and (ii) of para-
8 graph (2)(C).
9 (B) Section 421(b) of the General Edu-
10 cation Provisions Act (20 U.S.C. 1225(b)).
11 (2) STATE AND LOCALLY-REQUESTED WAIV-
12 ERS.—For a State educational agency, local edu-
13 cational agency, or Indian tribe that receives funds
14 under a program authorized under the Elementary
15 and Secondary Education Act of 1965 (20 U.S.C.
16 6301 et seq.) that requests a waiver under sub-
17 section (c), the Secretary may waive statutory and
18 regulatory requirements under any of the following
19 provisions of such Act:
20 (A) Section 1114(a)(1).
21 (B) Section 1118(a) and section 8521.
22 (C) Section 1127.
23 (D) Section 4106(d).
24 (E) Subparagraphs (C), (D), and (E) of
25 section 4106(e)(2).

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1 (F) Section 4109(b).
2 (G) The definition under section 8101(42)
3 for purposes of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 6301 et
5 seq.).
6 (3) APPLICABILITY TO CHARTER SCHOOLS.—
7 Any waivers issued by the Secretary under this sec-
8 tion shall be implemented, as applicable—
9 (A) for all public schools, including public
10 charter schools within the boundaries of the re-
11 cipient of the waiver;
12 (B) in accordance with State charter
13 school law; and
14 (C) pursuant to section 1111(c)(5) of the
15 Elementary and Secondary Education Act of
16 1965 (20 U.S.C. 6311(c)(5)).
17 (4) LIMITATION.—Nothing in this section shall
18 be construed to allow the Secretary to waive any
19 statutory or regulatory requirements under applica-
20 ble civil rights laws.
21 (5) ACCOUNTABILITY AND IMPROVEMENT.—
22 Any school located in a State that receives a waiver
23 under paragraph (1) and that is identified for com-
24 prehensive support and improvement, targeted sup-
25 port and improvement, or additional targeted sup-

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1 port in the 2019-2020 school year under section
2 1111(c)(4)(D) or section 1111(d)(2) of the Elemen-
3 tary and Secondary Education Act of 1965 (20
4 U.S.C. 6311(c)(4)(D) or (d)(2)) shall maintain that
5 identification status in the 2020-2021 school year
6 and continue to receive supports and interventions
7 consistent with the school's support and improve-
8 ment plan in the 2020-2021 school year.
9 (c) STATE AND LOCAL REQUESTS FOR WAIVERS.—
10 (1) IN GENERAL.—A State educational agency,
11 local educational agency, or Indian tribe that desires
12 a waiver from any statutory or regulatory provision
13 described under subsection (b)(2), may submit a
14 waiver request to the Secretary in accordance with
15 this subsection.
16 (2) REQUESTS SUBMITTED.—A request for a
17 waiver under this subsection shall—
18 (A) identify the Federal programs affected
19 by the requested waiver;
20 (B) describe which Federal statutory or
21 regulatory requirements are to be waived;
22 (C) describe how the emergency involving
23 Federal primary responsibility determined to
24 exist by the President under the section 501(b)
25 of the Robert T. Stafford Disaster Relief and

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1 Emergency Assistance Act (42 U.S.C. 5191(b))
2 with respect to the Coronavirus Disease 2019
3 (COVID-19) prevents or otherwise restricts the
4 ability of the State, State educational agency,
5 local educational agency, Indian tribe, or school
6 to comply with such statutory or regulatory re-
7 quirements; and
8 (D) provide an assurance that the State
9 educational agency, local educational agency, or
10 Indian tribe will work to mitigate any negative
11 effects, if any, that may occur as a result of the
12 requested waiver.
13 (3) SECRETARY APPROVAL.—
14 (A) IN GENERAL.—Except as provided
15 under subparagraph (B), the Secretary shall
16 approve or disapprove a waiver request sub-
17 mitted under paragraph (1) not more than 30
18 days after the date on which such request is
19 submitted.
20 (B) EXCEPTIONS.—The Secretary may dis-
21 approve a waiver request submitted under para-
22 graph (1), only if the Secretary determines
23 that—
24 (i) the waiver request does not meet
25 the requirements of this section;

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(ii) the waiver is not permitted pursuant to subsection (b)(2); or

(iii) the description required under paragraph (2)(C) provides insufficient information to demonstrate that the waiving of such requirements is necessary or appropriate consistent with subsection (a).

(4) DURATION.—A waiver approved by the Secretary under this section may be for a period not to exceed the 2019–2020 academic year, except to carry out full implementation of any maintenance of effort waivers granted during the 2019–2020 academic year.

(d) REPORTING AND PUBLICATION.—

(1) PUBLIC NOTICE.—A State educational agency, Indian Tribe, or local educational agency requesting a waiver under subsection (b)(2) shall provide the public and all local educational agencies in the State with notice of, and the opportunity to comment on, the request by posting information regarding the waiver request and the process for commenting on the State website.

(2) NOTIFYING CONGRESS.—Not later than 7 days after granting a waiver under this section, the Secretary shall notify the Committee on Health,

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1 Education, Labor, and Pensions of the Senate, the
2 Committee on Appropriations of the Senate, the
3 Committee on Education and Labor of the House of
4 Representatives, and the Committee on Appropria-
5 tions of the House of Representatives of such waiv-
6 er.

7 (3) PUBLICATION.—Not later than 30 days
8 after granting a waiver under this section, the Sec-
9 retary shall publish a notice of the Secretary's deci-
10 sion (including which waiver was granted and the
11 reason for granting the waiver) in the Federal Reg-
12 ister and on the website of the Department of Edu-
13 cation.

14 (4) REPORT.—Not later than 30 days after the
15 date of enactment of this Act, the Secretary shall
16 prepare and submit a report to the Committee on
17 Health, Education, Labor, and Pensions and the
18 Committee on Appropriations of the Senate, and the
19 Committee on Education and Labor and the Com-
20 mittee on Appropriations of the House of Represent-
21 atives, with recommendations on any additional
22 waivers under the Individuals with Disabilities Edu-
23 cation Act (20 U.S.C. 1401 et seq.), the Rehabilita-
24 tion Act of 1973 (29 U.S.C. 701 et seq.), the Ele-
25 mentary and Secondary Education Act of 1965 (20

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1 U.S.C. 6301 et seq.), and the Carl D. Perkins Ca-
2 reer and Technical Education Act of 2006 (20
3 U.S.C. 2301 et seq.) the Secretary believes are nec-
4 essary to be enacted into law to provide limited flexi-
5 bility to States and local educational agencies to
6 meet the needs of students during the emergency in-
7 volving Federal primary responsibility determined to
8 exist by the President under section 501(b) of the
9 Robert T. Stafford Disaster Relief and Emergency
10 Assistance Act (42 U.S.C. 5191(b)) with respect to
11 the Coronavirus Disease 2019 (COVID-19).
12 (e) TERMS.—In this section, the term "State edu-
13 cational agency" includes the Bureau of Indian Education,
14 and the term "local educational agency" includes Bureau
15 of Indian Education funded schools operated pursuant to
16 a grant under the Tribally Controlled Schools Act of 1988
17 (25 U.S.C. 2501 et seq.), or a contract under the Indian
18 Self-Determination and Education Assistance Act (25
19 U.S.C. 5301 et seq.).
20 **SEC. 3512. HBCU CAPITAL FINANCING.**
21 (a) DEFERMENT PERIOD.—
22 (1) IN GENERAL.—Notwithstanding any provi-
23 sion of title III of the Higher Education Act of 1965
24 (20 U.S.C. 1051 et seq.), or any regulation promul-
25 gated under such title, the Secretary may grant a

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1 deferment, for the duration of a qualifying emer-
2 gency, to an institution that has received a loan
3 under part D of title III of such Act (20 U.S.C.
4 1066 et seq.).
5 (2) TERMS.—During the deferment period
6 granted under this subsection—
7 (A) the institution shall not be required to
8 pay any periodic installment of principal or in-
9 terest required under the loan agreement for
10 such loan; and
11 (B) the Secretary shall make principal and
12 interest payments otherwise due under the loan
13 agreement.
14 (3) CLOSING.—At the closing of a loan deferred
15 under this subsection, terms shall be set under
16 which the institution shall be required to repay the
17 Secretary for the payments of principal and interest
18 made by the Secretary during the deferment, on a
19 schedule that begins upon repayment to the lender
20 in full on the loan agreement, except in no case shall
21 repayment be required to begin before the date that
22 is 1 full fiscal year after the date that is the end of
23 the qualifying emergency.
24 (b) TERMINATION DATE.—

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1 (1) IN GENERAL.—The authority provided
2 under this section to grant a loan deferment under
3 subsection (a) shall terminate on the date on which
4 the qualifying emergency is no longer in effect.
5 (2) DURATION.—Any provision of a loan agree-
6 ment or insurance agreement modified by the au-
7 thority under this section shall remain so modified
8 for the duration of the period covered by the loan
9 agreement or insurance agreement.
10 (c) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, and every 180 days thereafter
12 during the period beginning on the first day of the quali-
13 fying emergency and ending on September 30 of the fiscal
14 year following the end of the qualifying emergency, the
15 Secretary shall submit to the authorizing committees (as
16 defined in section 103 of the Higher Education Act of
17 1965 (20 U.S.C. 1003)) a report that identifies each insti-
18 tution that received assistance under this section.
19 (d) FUNDING.—There is hereby appropriated, out of
20 any money in the Treasury not otherwise appropriated,
21 $62,000,000 to carry out this section.
22 **SEC. 3513. TEMPORARY RELIEF FOR FEDERAL STUDENT**
23 **LOAN BORROWERS.**
24 (a) IN GENERAL.—The Secretary shall suspend all
25 payments due for loans made under part D and part B

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1 (that are held by the Department of Education) of title
2 IV of the Higher Education Act of 1965 (20 U.S.C. 1087a
3 et seq.; 1071 et seq.) through September 30, 2020.
4 (b) NO ACCRUAL OF INTEREST.—Notwithstanding
5 any other provision of the Higher Education Act of 1965
6 (20 U.S.C. 1001 et seq.), interest shall not accrue on a
7 loan described under subsection (a) for which payment
8 was suspended for the period of the suspension.
9 (c) CONSIDERATION OF PAYMENTS.—Notwith-
10 standing any other provision of the Higher Education Act
11 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall deem
12 each month for which a loan payment was suspended
13 under this section as if the borrower of the loan had made
14 a payment for the purpose of any loan forgiveness pro-
15 gram or loan rehabilitation program authorized under part
16 D or B of title IV of the Higher Education Act of 1965
17 (20 U.S.C. 1087a et seq.; 1071 et seq.) for which the bor-
18 rower would have otherwise qualified.
19 (d) REPORTING TO CONSUMER REPORTING AGEN-
20 CIES.—During the period in which the Secretary suspends
21 payments on a loan under subsection (a), the Secretary
22 shall ensure that, for the purpose of reporting information
23 about the loan to a consumer reporting agency, any pay-
24 ment that has been suspended is treated as if it were a
25 regularly scheduled payment made by a borrower.

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1 (e) SUSPENDING INVOLUNTARY COLLECTION.—During
2 the period in which the Secretary suspends payments
3 on a loan under subsection (a), the Secretary shall sus-
4 pend all involuntary collection related to the loan, includ-
5 ing—
6 (1) a wage garnishment authorized under sec-
7 tion 488A of the Higher Education Act of 1965 (20
8 U.S.C. 1095a) or section 3720D of title 31, United
9 States Code;
10 (2) a reduction of tax refund by amount of debt
11 authorized under section 3720A of title 31, United
12 States Code, or section 6402(d) of the Internal Rev-
13 enue Code of 1986;
14 (3) a reduction of any other Federal benefit
15 payment by administrative offset authorized under
16 section 3716 of title 31, United States Code (includ-
17 ing a benefit payment due to an individual under the
18 Social Security Act or any other provision described
19 in subsection (c)(3)(A)(i) of such section); and
20 (4) any other involuntary collection activity by
21 the Secretary.
22 (f) WAIVERS.—In carrying out this section, the Sec-
23 retary may waive the application of—

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1 (1) subchapter I of chapter 35 of title 44,
2 United States Code (commonly known as the "Pa-
3 perwork Reduction Act");
4 (2) the master calendar requirements under
5 section 482 of the Higher Education Act of 1965
6 (20 U.S.C. 1089);
7 (3) negotiated rulemaking under section 492 of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1098a); and
10 (4) the requirement to publish the notices re-
11 lated to the system of records of the agency before
12 implementation required under paragraphs (4) and
13 (11) of section 552a(e) of title 5, United States
14 Code (commonly known as the "Privacy Act of
15 1974"), except that the notices shall be published
16 not later than 180 days after the date of enactment
17 of this Act.
18 (g) NOTICE TO BORROWERS AND TRANSITION PE-
19 RIOD.—To inform borrowers of the actions taken in ac-
20 cordance with this section and ensure an effective transi-
21 tion, the Secretary shall—
22 (1) not later than 15 days after the date of en-
23 actment of this Act, notify borrowers—

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1 (A) of the actions taken in accordance with
2 subsections (a) and (b) for whom payments
3 have been suspended and interest waived;
4 (B) of the actions taken in accordance with
5 subsection (e) for whom collections have been
6 suspended;
7 (C) of the option to continue making pay-
8 ments toward principal; and
9 (D) that the program under this section is
10 a temporary program.
11 (2) beginning on August 1, 2020, carry out a
12 program to provide not less than 6 notices by postal
13 mail, telephone, or electronic communication to bor-
14 rowers indicating—
15 (A) when the borrower's normal payment
16 obligations will resume; and
17 (B) that the borrower has the option to en-
18 roll in income-driven repayment, including a
19 brief description of such options.

20 **SEC. 3514. PROVISIONS RELATED TO THE CORPORATION**
21 **FOR NATIONAL AND COMMUNITY SERVICE.**

22 (a) ACCRUAL OF SERVICE HOURS.—
23 (1) ACCRUAL THROUGH OTHER SERVICE
24 HOURS.—

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1 (A) IN GENERAL.—Notwithstanding any
2 other provision of the Domestic Volunteer Serv-
3 ice Act of 1973 (42 U.S.C. 4950 et seq.) or the
4 National and Community Service Act of 1990
5 (42 U.S.C. 12501 et seq.), the Corporation for
6 National and Community Service shall allow an
7 individual described in subparagraph (B) to ac-
8 crue other service hours that will count toward
9 the number of hours needed for the individual's
10 education award.
11 (B) AFFECTED INDIVIDUALS.—Subpara-
12 graph (A) shall apply to any individual serving
13 in a position eligible for an educational award
14 under subtitle D of title I of the National and
15 Community Service Act of 1990 (42 U.S.C.
16 12601 et seq.)—
17 (i) who is performing limited service
18 due to COVID-19; or
19 (ii) whose position has been suspended
20 or placed on hold due to COVID-19.
21 (2) PROVISIONS IN CASE OF EARLY EXIT.—In
22 any case where an individual serving in a position el-
23 igible for an educational award under subtitle D of
24 title I of the National and Community Service Act
25 of 1990 (42 U.S.C. 12601 et seq.) was required to

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exit the position early at the direction of the Corporation for National and Community Service, the Chief Executive Officer of the Corporation for National and Community Service may—

(A) deem such individual as having met the requirements of the position; and

(B) award the individual the full value of the educational award under such subtitle for which the individual would otherwise have been eligible.

(b) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, all funds made available to the Corporation for National and Community Service under any Act, including the amounts appropriated to the Corporation under the headings "OPERATING EXPENSES", "SALARIES AND EXPENSES", and "OFFICE OF THE INSPECTOR GENERAL" under the heading "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE" under title IV of Division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), shall remain available for the fiscal year ending September 30, 2021.

(c) NO REQUIRED RETURN OF GRANT FUNDS.—Notwithstanding section 129(l)(3)(A)(i) of the National and Community Service Act of 1990 (42 U.S.C. 12581(l)(3)(A)(i)), the Chief Executive Officer of the Cor-

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1 poration for National and Community Service may permit
2 fixed-amount grant recipients under such section 129(l)
3 to maintain a pro rata amount of grant funds, at the dis-
4 cretion of the Corporation for National and Community
5 Service, for participants who exited, were suspended, or
6 are serving in a limited capacity due to COVID-19, to en-
7 able the grant recipients to maintain operations and to
8 accept participants.

9 (d) EXTENSION OF TERMS AND AGE LIMITS.—Not-
10 withstanding any other provision of law, the Corporation
11 for National and Community Service may extend the term
12 of service (for a period not to exceed the 1-year period
13 immediately following the end of the national emergency)
14 or waive any upper age limit (except in no case shall the
15 maximum age exceed 26 years of age) for national service
16 programs carried out by the National Civilian Community
17 Corps under subtitle E of title I of the National and Com-
18 munity Service Act of 1990 (42 U.S.C. 12611 et seq.),
19 and the participants in such programs, for the purposes
20 of—

21 (1) addressing disruptions due to COVID-19;
22 and

23 (2) minimizing the difficulty in returning to full
24 operation due to COVID-19 on such programs and
25 participants.

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1 **SEC. 3515. WORKFORCE RESPONSE ACTIVITIES.**

2 (a) ADMINISTRATIVE COSTS.—Notwithstanding sec-
3 tion 128(b)(4) of the Workforce Innovation Opportunity
4 Act (29 U.S.C. 3163(b)(4)), of the total amount allocated
5 to a local area (including the total amount allotted to a
6 single State local area) under subtitle B of title I of such
7 Act (29 U.S.C. 3151 et seq.) for program year 2019, not
8 more than 20 percent of the total amount may be used
9 for the administrative costs of carrying out local workforce
10 investment activities under chapter 2 or chapter 3 of sub-
11 title B of title I of such Act, if the portion of the total
12 amount that exceeds 10 percent of the total amount is
13 used to respond to a qualifying emergency.

14 (b) RAPID RESPONSE ACTIVITIES.—

15 (1) STATEWIDE RAPID RESPONSE.—Of the
16 funds reserved by a Governor for program year 2019
17 for statewide activities under section 128(a) of the
18 Workforce Innovation and Opportunity Act (29
19 U.S.C. 3163(a)) that remain unobligated, such
20 funds may be used for statewide rapid response ac-
21 tivities as described in section 134(a)(2)(A) of such
22 Act (29 U.S.C. 3174(a)(2)(A)) for responding to a
23 qualifying emergency.

24 (2) LOCAL BOARDS.—Of the funds reserved by
25 a Governor for program year 2019 under section
26 133(a)(2) of such Act (29 U.S.C. 3173(a)(2)) that

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1 remain unobligated, such funds may be released
2 within 30 days after the date of enactment of this
3 Act to the local boards most impacted by the
4 coronavirus at the determination of the Governor for
5 rapid response activities related to responding to a
6 qualifying emergency.
7 (c) DEFINITIONS.—Except as otherwise provided, the
8 terms in this section have the meanings given the terms
9 in section 3 of the Workforce Innovation and Opportunity
10 Act (29 U.S.C. 3102).

11 **SEC. 3516. TECHNICAL AMENDMENTS.**

12 (a) IN GENERAL.—
13 (1) Section 6103(a)(3) of the Internal Revenue
14 Code of 1986, as amended by the FUTURE Act
15 (Public Law 116-91), is further amended by striking
16 "(13), (16)" and inserting "(13)(A), (13)(B),
17 (13)(C), (13)(D)(i), (16)".
18 (2) Section 6103(p)(3)(A) of such Code, as so
19 amended, is further amended by striking "(12),"
20 and inserting "(12), (13)(A), (13)(B), (13)(C),
21 (13)(D)(i)".
22 (3) Section 6103(p)(4) of such Code, as so
23 amended, is further amended by striking "(13) or
24 (16)" each place it appears and inserting "(13), or
25 (16)".

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1 (4) Section 6103(p)(4) of such Code, as so
2 amended and as amended by paragraph (3), is fur-
3 ther amended by striking "(13)" each place it ap-
4 pears and inserting "(13)(A), (13)(B), (13)(C),
5 (13)(D)(i)".
6 (5) Section 6103(l)(13)(C)(ii) of such Code, as
7 added by the FUTURE Act (Public Law 116-91), is
8 amended by striking "section 236A(e)(4)" and in-
9 serting "section 263A(e)(4)".
10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply as if included in the enactment
12 of the FUTURE Act (Public Law 116-91).

13 **SEC. 3517. WAIVER AUTHORITY AND REPORTING REQUIRE-**
14 **MENT FOR INSTITUTIONAL AID.**

15 (a) WAIVER AUTHORITY.—Notwithstanding any
16 other provision of the Higher Education Act of 1965
17 (U.S.C. 1001 et seq.), unless enacted with specific ref-
18 erence to this section, for any institution of higher edu-
19 cation that was receiving assistance under title III, title
20 V, or subpart 4 of part A of title VII of such Act (20
21 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) at the
22 time of a qualifying emergency, the Secretary may, for the
23 period beginning on the first day of the qualifying emer-
24 gency and ending on September 30 of the fiscal year fol-
25 lowing the end of the qualifying emergency—

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1 (1) waive—
2 (A) the eligibility data requirements set
3 forth in section 391(d) and 521(e) of the High-
4 er Education Act of 1965 (20 U.S.C. 1068(d);
5 1103(e));
6 (B) the wait-out period set forth in section
7 313(d) of the Higher Education Act of 1965
8 (20 U.S.C. 1059(d));
9 (C) the allotment requirements under
10 paragraphs (2) and (3) of subsection 318(e) of
11 the Higher Education Act of 1965 (20 U.S.C.
12 1059e(e)), and the reference to "the academic
13 year preceding the beginning of that fiscal
14 year" under such section 318(e)(1);
15 (D) the allotment requirements under sub-
16 sections (b), (c), and (g) of section 324 of the
17 Higher Education Act of 1965 (20 U.S.C.
18 1063), the reference to "the end of the school
19 year preceding the beginning of that fiscal
20 year" under such section 324(a), and the ref-
21 erence to "the academic year preceding such
22 fiscal year" under such section 324(h);
23 (E) subparagraphs (A), (C), (D), and (E)
24 of section 326(f)(3) of the Higher Education
25 Act of 1965 (20 U.S.C. 1063b(f)(3)), and ref-

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1 erences to "previous year" under such section
2 326(f)(3)(B);
3 (F) subparagraphs (A), (C), (D), and (E)
4 of section 723(f)(3) and subparagraphs (A),
5 (C), (D), and (E) of section 724(f)(3) of the
6 Higher Education Act of 1965 (20 U.S.C.
7 1136a(f)(3); 1136b(f)(3)), and references to
8 "previous academic year" under subparagraph
9 (B) of such sections 723(f)(3) and 724(f)(3);
10 and
11 (G) the allotment restriction set forth in
12 section 318(d)(4) and section 323(c)(2) of the
13 Higher Education Act of 1965 (20 U.S.C.
14 1059e(d)(4); 1062(c)(2)); and
15 (2) waive or modify any statutory or regulatory
16 provision to ensure that institutions that were re-
17 ceiving assistance under title III, title V, or subpart
18 4 of part A of title VII of such Act (20 U.S.C. 1051
19 et seq.; 1101 et seq.; 1136a et seq.) at the time of
20 a qualifying emergency are not adversely affected by
21 any formula calculation for fiscal year 2020 and for
22 the period beginning on the first day of the quali-
23 fying emergency and ending on September 30 of the
24 fiscal year following the end of the qualifying emer-
25 gency, as necessary.

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1 (b) USE OF UNEXPENDED FUNDS.—Any funds paid
2 to an institution under title III, title V, or subpart 4 of
3 part A of title VII of the Higher Education Act of 1965
4 (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) and
5 not expended or used for the purposes for which the funds
6 were paid to the institution during the 5-year period fol-
7 lowing the date on which the funds were first paid to the
8 institution, may be carried over and expended during the
9 succeeding 5-year period.
10 (c) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, and every 180 days thereafter
12 for the period beginning on the first day of the qualifying
13 emergency and ending on September 30 of the fiscal year
14 following the end of the qualifying emergency, the Sec-
15 retary shall submit to the authorizing committees (as de-
16 fined in section 103 of the Higher Education Act of 1965
17 (20 U.S.C. 1003)) a report that identifies each institution
18 that received a waiver or modification under this section.

19 **SEC. 3518. AUTHORIZED USES AND OTHER MODIFICATIONS**
20 **FOR GRANTS.**

21 (a) IN GENERAL.—The Secretary is authorized to
22 modify the required and allowable uses of funds for grants
23 awarded under part A or B of title III, chapter I or II
24 of subpart 2 of part A of title IV, title V, or subpart 4
25 of part A of title VII of the Higher Education Act of 1965

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1 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1070a–11 et seq.;
2 1070a–21 et seq.; 1101 et seq.; 1136a et seq.) to an insti-
3 tution of higher education or other grant recipient (not
4 including individual recipients of Federal student financial
5 assistance), at the request of an institution of higher edu-
6 cation or other recipient of a grant (not including indi-
7 vidual recipients of Federal student financial assistance)
8 as a result of a qualifying emergency, for the period begin-
9 ning on the first day of the qualifying emergency and end-
10 ing on September 30 of the fiscal year following the end
11 of the qualifying emergency.

12 (b) MATCHING REQUIREMENT MODIFICATIONS.—
13 Notwithstanding any other provision of the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary
15 is authorized to modify any Federal share or other finan-
16 cial matching requirement for a grant awarded on a com-
17 petitive basis or a grant awarded under part A or B of
18 title III or subpart 4 of part A of title VII of the Higher
19 Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et
20 seq.; 1136a et seq.) at the request of an institution of
21 higher education or other grant recipient as a result of
22 a qualifying emergency, for the period beginning on the
23 first day of the qualifying emergency and ending on Sep-
24 tember 30 of the fiscal year following the end of the quali-
25 fying emergency.

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1 (c) REPORTS.—Not later than 180 days after the
2 date of enactment of this Act, and every 180 days there-
3 after for the duration of the period beginning on the first
4 day of the qualifying emergency and ending on September
5 30 of the fiscal year following the end of the qualifying
6 emergency, the Secretary shall submit to the authorizing
7 committees (as defined in section 103 of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1003)) a report that identi-
9 fies each institution of higher education or other grant re-
10 cipient that received a modification under this section.

11 **SEC. 3519. SERVICE OBLIGATIONS FOR TEACHERS.**

12 (a) TEACH GRANTS.—For the purpose of section
13 420N of the Higher Education Act of 1965 (20 U.S.C.
14 1070g–2), during a qualifying emergency, the Secretary—
15 (1) may modify the categories of extenuating
16 circumstances under which a recipient of a grant
17 under subpart 9 of part A of title IV of the Higher
18 Education Act of 1965 (20 U.S.C. 1070g et seq.)
19 who is unable to fulfill all or part of the recipient's
20 service obligation may be excused from fulfilling that
21 portion of the service obligation; and
22 (2) shall consider teaching service that, as a re-
23 sult of a qualifying emergency, is part-time or tem-
24 porarily interrupted, to be full-time service and to

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1 fulfill the service obligations under such section
2 420N.
3 (b) TEACHER LOAN FORGIVENESS.—Notwith-
4 standing section 428J or 460 of the Higher Education Act
5 of 1965 (20 U.S.C. 1078–10; 1087j), the Secretary shall
6 waive the requirements under such sections that years of
7 teaching service shall be consecutive if—
8 (1) the teaching service of a borrower is tempo-
9 rarily interrupted due to a qualifying emergency;
10 and
11 (2) after the temporary interruption due to a
12 qualifying emergency, the borrower resumes teaching
13 service and completes a total of 5 years of qualifying
14 teaching service under such sections, including quali-
15 fying teaching service performed before, during, and
16 after such qualifying emergency.

17 **Subtitle C—Labor Provisions**

18 **SEC. 3601. LIMITATION ON PAID LEAVE.**

19 Section 110(b)(2)(B) of the Family and Medical
20 Leave Act of 1993 (as added by the Emergency Family
21 and Medical Leave Expansion Act) is amended by striking
22 clause (ii) and inserting the following:
23 "(ii) LIMITATION.—An employer shall
24 not be required to pay more than $200 per
25 day and $10,000 in the aggregate for each

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1 employee for paid leave under this sec-
2 tion.".

3 **SEC. 3602. EMERGENCY PAID SICK LEAVE ACT LIMITATION.**

4 Section 5102 of the Emergency Paid Sick Leave Act
5 (division E of the Families First Coronavirus Response
6 Act) is amended by adding at the end the following:

7 "(f) LIMITATIONS.—An employer shall not be re-
8 quired to pay more than either—

9 "(1) $511 per day and $5,110 in the aggregate
10 for each employee, when the employee is taking leave
11 for a reason described in paragraph (1), (2), or (3)
12 of section 5102(a); or

13 "(2) $200 per day and $2,000 in the aggregate
14 for each employee, when the employee is taking leave
15 for a reason described in paragraph (4), (5), or (6)
16 of section 5102(a).".

17 **SEC. 3603. UNEMPLOYMENT INSURANCE.**

18 Section 903(h)(2)(B) of the Social Security Act (42
19 U.S.C. 1103(h)(2)(B)), as added by section 4102 of the
20 Emergency Unemployment Insurance Stabilization and
21 Access Act of 2020, is amended to read as follows:

22 "(B) The State ensures that applications
23 for unemployment compensation, and assistance
24 with the application process, are accessible, to

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1 the extent practicable in at least two of the fol-
2 lowing: in person, by phone, or online.''.

3 **SEC. 3604. OMB WAIVER OF PAID FAMILY AND PAID SICK**
4 **LEAVE.**

5 (a) FAMILY AND MEDICAL LEAVE ACT OF 1993.—
6 Section 110(a) of title I of the Family and Medical Leave
7 Act of 1993 (29 U.S.C. 2611 et seq.) (as added by division
8 C of the Families First Coronavirus Response Act) is
9 amended by adding at the end the following new para-
10 graph:

11 ''(4) The Director of the Office of Management
12 and Budget shall have the authority to exclude for
13 good cause from the requirements under subsection
14 (b) certain employers of the United States Govern-
15 ment with respect to certain categories of Executive
16 Branch employees.''.

17 (b) EMERGENCY PAID SICK LEAVE ACT.—The
18 Emergency Paid Sick Leave Act (division E of the Fami-
19 lies First Coronavirus Response Act) is amended by add-
20 ing at the end the following new section:

21 **''SEC. 5112. AUTHORITY TO EXCLUDE CERTAIN EMPLOYEES.**

22 ''The Director of the Office of Management and
23 Budget shall have the authority to exclude for good cause
24 from the definition of employee under section 5110(1) cer-
25 tain employees described in subparagraphs (E) and (F)

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1 of such section, including by exempting certain United
2 States Government employers covered by section
3 5110(2)(A)(i)(V) from the requirements of this title with
4 respect to certain categories of Executive Branch employ-
5 ees.''.

6 **SEC. 3605. PAID LEAVE FOR REHIRED EMPLOYEES.**

7 Section 110(a)(1)(A) of the Family and Medical
8 Leave Act of 1993, as added by section 3102 of the Emer-
9 gency Family and Medical Leave Expansion Act, is
10 amended to read as follows:

11 ''(A) ELIGIBLE EMPLOYEE.—

12 ''(i) IN GENERAL.—In lieu of the defi-
13 nition in sections 101(2)(A) and
14 101(2)(B)(ii), the term 'eligible employee'
15 means an employee who has been employed
16 for at least 30 calendar days by the em-
17 ployer with respect to whom leave is re-
18 quested under section 102(a)(1)(F).

19 ''(ii) RULE REGARDING REHIRED EM-
20 PLOYEES.—For purposes of clause (i), the
21 term 'employed for at least 30 calendar
22 days', used with respect to an employee
23 and an employer described in clause (i), in-
24 cludes an employee who was laid off by
25 that employer not earlier than March 1,

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2020, had worked for the employer for not less than 30 of the last 60 calendar days prior to the employee's layoff, and was re-hired by the employer.".

**SEC. 3606. ADVANCE REFUNDING OF CREDITS.**

(a) PAYROLL CREDIT FOR REQUIRED PAID SICK LEAVE.—Section 7001 of division G of the Families First Coronavirus Response Act is amended—

(1) in subsection (b)(4)(A)—

(A) by striking "(A) In general.—If the amount" and inserting "(A)(i) Credit is refundable.—If the amount"; and

(B) by adding at the end the following:

"(ii) ADVANCING CREDIT.—In anticipation of the credit, including the refundable portion under clause (i), the credit may be advanced, according to forms and instructions provided by the Secretary, up to an amount calculated under subsection (a), subject to the limits under subsection (b), both calculated through the end of the most recent payroll period in the quarter.";

(2) in subsection (f)—

(A) in paragraph (4), by striking ", and" and inserting a comma;

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1 (B) in paragraph (5), by striking the pe-
2 riod at the end and inserting ", and"; and
3 (C) by adding at the end the following:
4 "(6) regulations or other guidance to permit the
5 advancement of the credit determined under sub-
6 section (a)."; and
7 (3) by inserting after subsection (h) the fol-
8 lowing new subsection:
9 "(i) TREATMENT OF DEPOSITS.—The Secretary of
10 the Treasury (or the Secretary's delegate) shall waive any
11 penalty under section 6656 of the Internal Revenue Code
12 of 1986 for any failure to make a deposit of the tax im-
13 posed by section 3111(a) or 3221(a) of such Code if the
14 Secretary determines that such failure was due to the an-
15 ticipation of the credit allowed under this section.".
16 (b) PAYROLL CREDIT FOR REQUIRED PAID FAMILY
17 LEAVE.—Section 7003 of division G of the Families First
18 Coronavirus Response Act is amended—
19 (1) in subsection (b)(3)—
20 (A) by striking "If the amount" and in-
21 serting "(A) Credit is refundable.—If the
22 amount"; and
23 (B) by adding at the end the following:
24 "(B) ADVANCING CREDIT.—In anticipation
25 of the credit, including the refundable portion

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1 under subparagraph (A), the credit may be ad-
2 vanced, according to forms and instructions
3 provided by the Secretary, up to an amount cal-
4 culated under subsection (a), subject to the lim-
5 its under subsection (b), both calculated
6 through the end of the most recent payroll pe-
7 riod in the quarter.";
8 (2) in subsection (f)—
9 (A) in paragraph (4), by striking ", and"
10 and inserting a comma;
11 (B) in paragraph (5), by striking the pe-
12 riod at the end and inserting ", and"; and
13 (C) by adding at the end the following:
14 "(6) regulations or other guidance to permit the
15 advancement of the credit determined under sub-
16 section (a)."; and
17 (c) by inserting after subsection (h) the following new
18 subsection:
19 "(i) TREATMENT OF DEPOSITS.—The Secretary of
20 the Treasury (or the Secretary's delegate) shall waive any
21 penalty under section 6656 of the Internal Revenue Code
22 of 1986 for any failure to make a deposit of the tax im-
23 posed by section 3111(a) or 3221(a) of such Code if the
24 Secretary determines that such failure was due to the an-
25 ticipation of the credit allowed under this section.".

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1 **SEC. 3607. EXPANSION OF DOL AUTHORITY TO POSTPONE**
2 **CERTAIN DEADLINES.**

3 Section 518 of the Employee Retirement Income Se-
4 curity Act of 1974 (29 U.S.C. 1148) is amended by strik-
5 ing "or a terroristic or military action (as defined in sec-
6 tion 692(c)(2) of such Code), the Secretary may" and in-
7 serting "a terroristic or military action (as defined in sec-
8 tion 692(c)(2) of such Code), or a public health emergency
9 declared by the Secretary of Health and Human Services
10 pursuant to section 319 of the Public Health Service Act,
11 the Secretary may".

12 **SEC. 3608. SINGLE-EMPLOYER PLAN FUNDING RULES.**

13 (a) DELAY IN PAYMENT OF MINIMUM REQUIRED
14 CONTRIBUTIONS.—In the case of any minimum required
15 contribution (as determined under section 430(a) of the
16 Internal Revenue Code of 1986 and section 303(a) of the
17 Employee Retirement Income Security Act of 1974 (29
18 U.S.C. 1083(a))) which (but for this section) would other-
19 wise be due under section 430(j) of such Code (including
20 quarterly contributions under paragraph (3) thereof) and
21 section 303(j) of such Act (29 U.S.C. 1083(j)) (including
22 quarterly contributions under paragraph (3) thereof) dur-
23 ing calendar year 2020—

24 (1) the due date for such contributions shall be
25 January 1, 2021, and

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1 (2) the amount of each such minimum required
2 contribution shall be increased by interest accruing
3 for the period between the original due date (without
4 regard to this section) for the contribution and the
5 payment date, at the effective rate of interest for the
6 plan for the plan year which includes such payment
7 date.

8 (b) BENEFIT RESTRICTION STATUS.—For purposes
9 of section 436 of the Internal Revenue Code of 1986 and
10 section 206(g) of the Employee Retirement Income Secu-
11 rity Act of 1974 (29 U.S.C. 1056(g)), a plan sponsor may
12 elect to treat the plan's adjusted funding target attain-
13 ment percentage for the last plan year ending before Janu-
14 ary 1, 2020, as the adjusted funding target attainment
15 percentage for plan years which include calendar year
16 2020.

17 **SEC. 3609. APPLICATION OF COOPERATIVE AND SMALL EM-**
18 **PLOYER CHARITY PENSION PLAN RULES TO**
19 **CERTAIN CHARITABLE EMPLOYERS WHOSE**
20 **PRIMARY EXEMPT PURPOSE IS PROVIDING**
21 **SERVICES WITH RESPECT TO MOTHERS AND**
22 **CHILDREN.**

23 (a) EMPLOYEE RETIREMENT INCOME SECURITY ACT
24 OF 1974.—Section 210(f)(1) of the Employee Retirement

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1 Income Security Act of 1974 (29 U.S.C. 1060(f)(1)) is
2 amended—
3 (1) by striking "or" at the end of subparagraph
4 (B);
5 (2) by striking the period at the end of sub-
6 paragraph (C)(iv) and inserting "; or"; and
7 (3) by inserting after subparagraph (C) the fol-
8 lowing new subparagraph:
9 "(D) that, as of January 1, 2000, was
10 maintained by an employer—
11 "(i) described in section 501(c)(3) of
12 the Internal Revenue Code of 1986,
13 "(ii) who has been in existence since
14 at least 1938,
15 "(iii) who conducts medical research
16 directly or indirectly through grant mak-
17 ing, and
18 "(iv) whose primary exempt purpose
19 is to provide services with respect to moth-
20 ers and children.".
21 (b) INTERNAL REVENUE CODE OF 1986.—Section
22 414(y)(1) of the Internal Revenue Code of 1986 is amend-
23 ed—
24 (1) by striking "or" at the end of subparagraph
25 (B);

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1 (2) by striking the period at the end of sub-
2 paragraph (C)(iv) and inserting "; or"; and
3 (3) by inserting after subparagraph (C) the fol-
4 lowing new subparagraph:
5 "(D) that, as of January 1, 2000, was
6 maintained by an employer—
7 "(i) described in section 501(c)(3),
8 "(ii) who has been in existence since
9 at least 1938,
10 "(iii) who conducts medical research
11 directly or indirectly through grant mak-
12 ing, and
13 "(iv) whose primary exempt purpose
14 is to provide services with respect to moth-
15 ers and children.".
16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to plan years beginning after De-
18 cember 31, 2018.
19 **SEC. 3610. FEDERAL CONTRACTOR AUTHORITY.**
20 Notwithstanding any other provision of law, and sub-
21 ject to the availability of appropriations, funds made avail-
22 able to an agency by this Act or any other Act may be
23 used by such agency to modify the terms and conditions
24 of a contract, or other agreement, without consideration,
25 to reimburse at the minimum applicable contract billing

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1 rates not to exceed an average of 40 hours per week any
2 paid leave, including sick leave, a contractor provides to
3 keep its employees or subcontractors in a ready state, in-
4 cluding to protect the life and safety of Government and
5 contractor personnel, but in no event beyond September
6 30, 2020. Such authority shall apply only to a contractor
7 whose employees or subcontractors cannot perform work
8 on a site that has been approved by the Federal Govern-
9 ment, including a federally-owned or leased facility or site,
10 due to facility closures or other restrictions, and who can-
11 not telework because their job duties cannot be performed
12 remotely during the public health emergency declared on
13 January 31, 2020 for COVID–19: *Provided*, That the
14 maximum reimbursement authorized by this section shall
15 be reduced by the amount of credit a contractor is allowed
16 pursuant to division G of Public Law 116–127 and any
17 applicable credits a contractor is allowed under this Act.

18 **SEC. 3611. TECHNICAL CORRECTIONS.**

19 (1) Section 110(a)(3) of the Family and Med-
20 ical Leave Act of 1993 (as added by the Emergency
21 and Medical Leave Expansion Act) is amended by
22 striking "553(d)(A)" and inserting "553(d)(3)".

23 (2) Section 5111 of the Emergency Paid Sick
24 Leave Act (division E of the Families First

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1 Coronavirus Response Act) is amended by striking
2 "553(d)(A)" and inserting "553(d)(3)".
3 (3) Section 110(c) of the Family and Medical
4 Leave Act of 1993 (as added by the Emergency and
5 Medical Leave Expansion Act) is amended by strik-
6 ing "subsection (a)(2)(A)(iii)" and inserting "sub-
7 section (a)(2)(A)".
8 (4) Section 3104 of the Emergency Family and
9 Medical Leave Expansion Act (division C of the
10 Families First Coronavirus Response Act) is amend-
11 ed—
12 (A) by striking "110(a)(B)" and inserting
13 "section 110(a)(1)(B) of the Family and Med-
14 ical Leave Act of 1993"; and
15 (B) by striking "section 107(a) for a viola-
16 tion of section 102(a)(1)(F) if the employer
17 does not meet the definition of employer set
18 forth in Section 101(4)(A)(i)" and inserting
19 "section 107(a) of such Act for a violation of
20 section 102(a)(1)(F) of such Act if the em-
21 ployer does not meet the definition of employer
22 set forth in section 101(4)(A)(i) of such Act".
23 (5) Section 5110(1) of the Emergency Paid
24 Sick Leave Act (division E of the Families First
25 Coronavirus Response Act) is amended—

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1 (A) in the matter preceding subparagraph
2 (A), by striking "terms" and inserting "term";
3 and
4 (B) in subparagraph (A)(i), by striking
5 "paragraph (5)(A)" and inserting "paragraph
6 (2)(A)".
7 (6) Section 5110(2)(B)(ii) of the Emergency
8 Paid Sick Leave Act (division E of the Families
9 First Coronavirus Response Act) is amended by
10 striking "clause (i)(IV)" and inserting "clause
11 (i)(III)".
12 (7) Section 110(a)(3) of the Family and Med-
13 ical Leave Act of 1993 (as added by the Emergency
14 and Medical Leave Expansion Act) is amended—
15 (A) by striking "and" after the semicolon
16 at the end of subparagraph (A);
17 (B) by striking the period at end of sub-
18 paragraph (B) and inserting "; and"; and
19 (C) by adding at the end the following:
20 "(C) as necessary to carry out the pur-
21 poses of this Act, including to ensure consist-
22 ency between this Act and Division E and Divi-
23 sion G of the Families First Coronavirus Re-
24 sponse Act.".

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1 (8) Section 5104(1) of the Emergency Paid
2 Sick Leave Act (division E of the Families First
3 Coronavirus Response Act) is amended by striking
4 "and" after the semicolon and inserting "or".
5 (9) Section 5105 of the Emergency Paid Sick
6 Leave Act (division E of the Families First
7 Coronavirus Response Act) is amended by adding at
8 the end the following:
9 "(c) INVESTIGATIONS AND COLLECTION OF DATA.—
10 The Secretary of Labor or his designee may investigate
11 and gather data to ensure compliance with this Act in the
12 same manner as authorized by sections 9 and 11 of the
13 Fair Labor Standards Act of 1938 (29 U.S.C. 209;
14 211).".

15 **Subtitle D—Finance Committee**

16 **SEC. 3701. EXEMPTION FOR TELEHEALTH SERVICES.**

17 (a) IN GENERAL.—Paragraph (2) of section 223(c)
18 of the Internal Revenue Code of 1986 is amended by add-
19 ing at the end the following new subparagraph:
20 "(E) SAFE HARBOR FOR ABSENCE OF DE-
21 DUCTIBLE FOR TELEHEALTH.—In the case of
22 plan years beginning on or before December 31,
23 2021, a plan shall not fail to be treated as a
24 high deductible health plan by reason of failing

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1 to have a deductible for telehealth and other re-
2 mote care services.''.
3 (b) CERTAIN COVERAGE DISREGARDED.—Clause (ii)
4 of section 223(c)(1)(B) of the Internal Revenue Code of
5 1986 is amended by striking ''or long-term care'' and in-
6 serting ''long-term care, or (in the case of plan years be-
7 ginning on or before December 31, 2021) telehealth and
8 other remote care''.
9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on the date of the enactment
11 of this Act.

12 **SEC. 3702. INCLUSION OF CERTAIN OVER-THE-COUNTER**
13 **MEDICAL PRODUCTS AS QUALIFIED MEDICAL**
14 **EXPENSES.**

15 (a) HSAS.—Section 223(d)(2) of the Internal Rev-
16 enue Code of 1986 is amended—
17 (1) by striking the last sentence of subpara-
18 graph (A) and inserting the following: ''For pur-
19 poses of this subparagraph, amounts paid for men-
20 strual care products shall be treated as paid for
21 medical care.''; and
22 (2) by adding at the end the following new sub-
23 paragraph:
24 ''(D) MENSTRUAL CARE PRODUCT.—For
25 purposes of this paragraph, the term 'menstrual

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1 care product' means a tampon, pad, liner, cup,
2 sponge, or similar product used by individuals
3 with respect to menstruation or other genital-
4 tract secretions.''.

5 (b) ARCHER MSAS.—Section 220(d)(2)(A) of such
6 Code is amended by striking the last sentence and insert-
7 ing the following: ''For purposes of this subparagraph,
8 amounts paid for menstrual care products (as defined in
9 section 223(d)(2)(D)) shall be treated as paid for medical
10 care.''.

11 (c) HEALTH FLEXIBLE SPENDING ARRANGEMENTS
12 AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Sec-
13 tion 106 of such Code is amended by striking subsection
14 (f) and inserting the following new subsection:

15 ''(f) REIMBURSEMENTS FOR MENSTRUAL CARE
16 PRODUCTS.—For purposes of this section and section
17 105, expenses incurred for menstrual care products (as
18 defined in section 223(d)(2)(D)) shall be treated as in-
19 curred for medical care.''.

20 (d) EFFECTIVE DATES.—

21 (1) DISTRIBUTIONS FROM SAVINGS AC-
22 COUNTS.—The amendment made by subsections (a)
23 and (b) shall apply to amounts paid after December
24 31, 2019.

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1 (2) REIMBURSEMENTS.—The amendment made
2 by subsection (c) shall apply to expenses incurred
3 after December 31, 2019.

4 **SEC. 3703. INCREASING MEDICARE TELEHEALTH FLEXI-**
5 **BILITIES DURING EMERGENCY PERIOD.**

6 Section 1135 of the Social Security Act (42 U.S.C.
7 1320b–5) is amended—
8 (1) in subsection (b)(8), by striking "to an indi-
9 vidual by a qualified provider (as defined in sub-
10 section (g)(3))" and all that follows through the pe-
11 riod and inserting ", the requirements of section
12 1834(m)."; and
13 (2) in subsection (g), by striking paragraph (3).

14 **SEC. 3704. ENHANCING MEDICARE TELEHEALTH SERVICES**
15 **FOR FEDERALLY QUALIFIED HEALTH CEN-**
16 **TERS AND RURAL HEALTH CLINICS DURING**
17 **EMERGENCY PERIOD.**

18 Section 1834(m) of the Social Security Act (42
19 U.S.C. 1395m(m)) is amended—
20 (1) in the first sentence of paragraph (1), by
21 striking "The Secretary" and inserting "Subject to
22 paragraph (8), the Secretary";
23 (2) in paragraph (2)(A), by striking "The Sec-
24 retary" and inserting "Subject to paragraph (8), the
25 Secretary";

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1 (3) in paragraph (4)—
2 (A) in subparagraph (A), by striking "The
3 term" and inserting "Subject to paragraph (8),
4 the term"; and
5 (B) in subparagraph (F)(i), by striking
6 "The term" and inserting "Subject to para-
7 graph (8), the term"; and
8 (4) by adding at the end the following new
9 paragraph:
10 "(8) ENHANCING TELEHEALTH SERVICES FOR
11 FEDERALLY QUALIFIED HEALTH CENTERS AND
12 RURAL HEALTH CLINICS DURING EMERGENCY PE-
13 RIOD.—
14 "(A) IN GENERAL.—During the emergency
15 period described in section 1135(g)(1)(B)—
16 "(i) the Secretary shall pay for tele-
17 health services that are furnished via a
18 telecommunications system by a Federally
19 qualified health center or a rural health
20 clinic to an eligible telehealth individual en-
21 rolled under this part notwithstanding that
22 the Federally qualified health center or
23 rural clinic providing the telehealth service
24 is not at the same location as the bene-
25 ficiary;

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1 "(ii) the amount of payment to a Fed-
2 erally qualified health center or rural
3 health clinic that serves as a distant site
4 for such a telehealth service shall be deter-
5 mined under subparagraph (B); and
6 "(iii) for purposes of this subsection—
7 "(I) the term 'distant site' in-
8 cludes a Federally qualified health
9 center or rural health clinic that fur-
10 nishes a telehealth service to an eligi-
11 ble telehealth individual; and
12 "(II) the term 'telehealth serv-
13 ices' includes a rural health clinic
14 service or Federally qualified health
15 center service that is furnished using
16 telehealth to the extent that payment
17 codes corresponding to services identi-
18 fied by the Secretary under clause (i)
19 or (ii) of paragraph (4)(F) are listed
20 on the corresponding claim for such
21 rural health clinic service or Federally
22 qualified health center service.
23 "(B) SPECIAL PAYMENT RULE.—
24 "(i) IN GENERAL.—The Secretary
25 shall develop and implement payment

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1 methods that apply under this subsection
2 to a Federally qualified health center or
3 rural health clinic that serves as a distant
4 site that furnishes a telehealth service to
5 an eligible telehealth individual during
6 such emergency period. Such payment
7 methods shall be based on payment rates
8 that are similar to the national average
9 payment rates for comparable telehealth
10 services under the physician fee schedule
11 under section 1848. Notwithstanding any
12 other provision of law, the Secretary may
13 implement such payment methods through
14 program instruction or otherwise.

15 "(ii) EXCLUSION FROM FQHC PPS
16 CALCULATION AND RHC AIR CALCULA-
17 TION.—Costs associated with telehealth
18 services shall not be used to determine the
19 amount of payment for Federally qualified
20 health center services under the prospec-
21 tive payment system under section 1834(o)
22 or for rural health clinic services under the
23 methodology for all-inclusive rates (estab-
24 lished by the Secretary) under section
25 1833(a)(3).".

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1 **SEC. 3705. TEMPORARY WAIVER OF REQUIREMENT FOR**
2 **FACE-TO-FACE VISITS BETWEEN HOME DI-**
3 **ALYSIS PATIENTS AND PHYSICIANS.**

4 Section 1881(b)(3)(B) of the Social Security Act (42
5 U.S.C. 1395rr(b)(3)(B)) is amended—

6 (1) in clause (i), by striking "clause (ii)" and
7 inserting "clauses (ii) and (iii)";

8 (2) in clause (ii), in the matter preceding sub-
9 clause (I), by striking "Clause (i)" and inserting
10 "Except as provided in clause (iii), clause (i)"; and

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

13 "(iii) The Secretary may waive the
14 provisions of clause (ii) during the emer-
15 gency period described in section
16 1135(g)(1)(B).".

17 **SEC. 3706. USE OF TELEHEALTH TO CONDUCT FACE-TO-**
18 **FACE ENCOUNTER PRIOR TO RECERTIFI-**
19 **CATION OF ELIGIBILITY FOR HOSPICE CARE**
20 **DURING EMERGENCY PERIOD.**

21 Section 1814(a)(7)(D)(i) of the Social Security Act
22 (42 U.S.C. 1395f(a)(7(D)(i)) is amended—

23 (1) by striking "a hospice" and inserting "(I)
24 subject to subclause (II), a hospice"; and

25 (2) by inserting after subclause (I), as added by
26 paragraph (1), the following new subclause:

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1 "(II) during the emergency period de-
2 scribed in section 1135(g)(1)(B), a hospice
3 physician or nurse practitioner may con-
4 duct a face-to-face encounter required
5 under this clause via telehealth, as deter-
6 mined appropriate by the Secretary; and".

7 **SEC. 3707. ENCOURAGING USE OF TELECOMMUNICATIONS**
8 **SYSTEMS FOR HOME HEALTH SERVICES FUR-**
9 **NISHED DURING EMERGENCY PERIOD.**

10 With respect to home health services (as defined in
11 section 1861(m) of the Social Security Act (42 U.S.C.
12 1395x(m)) that are furnished during the emergency period
13 described in section 1135(g)(1)(B) of such Act (42 U.S.C.
14 1320b–5(g)(1)(B)), the Secretary of Health and Human
15 Services shall consider ways to encourage the use of tele-
16 communications systems, including for remote patient
17 monitoring as described in section 409.46(e) of title 42,
18 Code of Federal Regulations (or any successor regula-
19 tions) and other communications or monitoring services,
20 consistent with the plan of care for the individual, includ-
21 ing by clarifying guidance and conducting outreach, as ap-
22 propriate.

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1 **SEC. 3708. IMPROVING CARE PLANNING FOR MEDICARE**
2 **HOME HEALTH SERVICES.**
3 (a) PART A PROVISIONS.—Section 1814(a) of the So-
4 cial Security Act (42 U.S.C. 1395f(a)) is amended—
5 (1) in paragraph (2)—
6 (A) in the matter preceding subparagraph
7 (A), by inserting ", a nurse practitioner or clin-
8 ical nurse specialist (as such terms are defined
9 in section 1861(aa)(5)) who is working in ac-
10 cordance with State law, or a physician assist-
11 ant (as defined in section 1861(aa)(5)) under
12 the supervision of a physician, who is" after "in
13 the case of services described in subparagraph
14 (C), a physician"; and
15 (B) in subparagraph (C)—
16 (i) by inserting ", a nurse practi-
17 tioner, a clinical nurse specialist, or a phy-
18 sician assistant (as the case may be)" after
19 "physician" the first 2 times it appears;
20 and
21 (ii) by striking ", and, in the case of
22 a certification made by a physician" and
23 all that follows through "face-to-face en-
24 counter" and inserting ", and, in the case
25 of a certification made by a physician after
26 January 1, 2010, or by a nurse practi-

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1 tioner, clinical nurse specialist, or physi-
2 cian assistant (as the case may be) after a
3 date specified by the Secretary (but in no
4 case later than the date that is 6 months
5 after the date of the enactment of the
6 CARES Act), prior to making such certifi-
7 cation a physician, nurse practitioner, clin-
8 ical nurse specialist, or physician assistant
9 must document that a physician, nurse
10 practitioner, clinical nurse specialist, cer-
11 tified nurse-midwife (as defined in section
12 1861(gg)) as authorized by State law, or
13 physician assistant has had a face-to-face
14 encounter";
15 (2) in the third sentence—
16 (A) by striking "physician certification"
17 and inserting "certification";
18 (B) by inserting "(or in the case of regula-
19 tions to implement the amendments made by
20 section 3708 of the CARES Act, the Secretary
21 shall prescribe regulations, which shall become
22 effective no later than 6 months after the date
23 of the enactment of such Act)" after "1981";
24 and

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1 (C) by striking "a physician who" and in-
2 serting "a physician, nurse practitioner, clinical
3 nurse specialist, or physician assistant who";
4 (3) in the fourth sentence, by inserting ", nurse
5 practitioner, clinical nurse specialist, or physician as-
6 sistant" after "physician"; and
7 (4) in the fifth sentence—
8 (A) by inserting "or no later than 6
9 months after the date of the enactment of the
10 CARES Act for purposes of documentation for
11 certification and recertification made under
12 paragraph (2) by a nurse practitioner, clinical
13 nurse specialist, or physician assistant," after
14 "January 1, 2019"; and
15 (B) by inserting ", nurse practitioner, clin-
16 ical nurse specialist, or physician assistant"
17 after "of the physician".
18 (b) PART B PROVISIONS.—Section 1835(a) of the So-
19 cial Security Act (42 U.S.C. 1395n(a)) is amended—
20 (1) in paragraph (2)—
21 (A) in the matter preceding subparagraph
22 (A), by inserting ", a nurse practitioner or clin-
23 ical nurse specialist (as those terms are defined
24 in section 1861(aa)(5)) who is working in ac-
25 cordance with State law, or a physician assist-

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1 ant (as defined in section 1861(aa)(5)) under
2 the supervision of a physician, who is'' after ''in
3 the case of services described in subparagraph
4 (A), a physician''; and
5 (B) in subparagraph (A)—
6 (i) in each of clauses (ii) and (iii) of
7 subparagraph (A) by inserting '', a nurse
8 practitioner, a clinical nurse specialist, or a
9 physician assistant (as the case may be)''
10 after ''physician''; and
11 (ii) in clause (iv), by striking ''after
12 January 1, 2010'' and all that follows
13 through ''face-to-face encounter'' and in-
14 serting ''made by a physician after Janu-
15 ary 1, 2010, or by a nurse practitioner,
16 clinical nurse specialist, or physician as-
17 sistant (as the case may be) after a date
18 specified by the Secretary (but in no case
19 later than the date that is 6 months after
20 the date of the enactment of the CARES
21 Act), prior to making such certification a
22 physician, nurse practitioner, clinical nurse
23 specialist, or physician assistant must doc-
24 ument that a physician, nurse practitioner,
25 clinical nurse specialist, certified nurse-

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1 midwife (as defined in section 1861(gg)) as
2 authorized by State law, or physician as-
3 sistant has had a face-to-face encounter";
4 (2) in the third sentence, by inserting ", nurse
5 practitioner, clinical nurse specialist, or physician as-
6 sistant (as the case may be)" after physician;
7 (3) in the fourth sentence—
8 (A) by striking "physician certification"
9 and inserting "certification";
10 (B) by inserting "(or in the case of regula-
11 tions to implement the amendments made by
12 section 3708 of the CARES Act the Secretary
13 shall prescribe regulations which shall become
14 effective no later than 6 months after the enact-
15 ment of such Act)" after "1981"; and
16 (C) by striking "a physician who" and in-
17 serting "a physician, nurse practitioner, clinical
18 nurse specialist, or physician assistant who";
19 (4) in the fifth sentence, by inserting ", nurse
20 practitioner, clinical nurse specialist, or physician as-
21 sistant" after "physician"; and
22 (5) in the sixth sentence—
23 (A) by inserting "or no later than 6
24 months after the date of the enactment of the
25 CARES Act for purposes of documentation for

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1 certification and recertification made under
2 paragraph (2) by a nurse practitioner, clinical
3 nurse specialist, or physician assistant," after
4 "January 1, 2019"; and
5 (B) by inserting ", nurse practitioner, clin-
6 ical nurse specialist, or physician assistant"
7 after "of the physician".
8 (c) DEFINITION PROVISIONS.—
9 (1) HOME HEALTH SERVICES.—Section
10 1861(m) of the Social Security Act (42 U.S.C.
11 1395x(m)) is amended—
12 (A) in the matter preceding paragraph
13 (1)—
14 (i) by inserting ", a nurse practitioner
15 or a clinical nurse specialist (as those
16 terms are defined in subsection (aa)(5)), or
17 a physician assistant (as defined in sub-
18 section (aa)(5))" after "physician" the
19 first place it appears; and
20 (ii) by inserting ", a nurse practi-
21 tioner, a clinical nurse specialist, or a phy-
22 sician assistant" after "physician" the sec-
23 ond place it appears; and

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1 (B) in paragraph (3), by inserting ", a
2 nurse practitioner, a clinical nurse specialist, or
3 a physician assistant" after "physician".
4 (2) HOME HEALTH AGENCY.—Section
5 1861(o)(2) of the Social Security Act (42 U.S.C.
6 1395x(o)(2)) is amended—
7 (A) by inserting ", nurse practitioners or
8 clinical nurse specialists (as those terms are de-
9 fined in subsection (aa)(5)), certified nurse-mid-
10 wives (as defined in subsection (gg)), or physi-
11 cian assistants (as defined in subsection
12 (aa)(5))" after "physicians"; and
13 (B) by inserting ", nurse practitioner, clin-
14 ical nurse specialist, certified nurse-midwife,
15 physician assistant," after "physician".
16 (3) COVERED OSTEOPOROSIS DRUG.—Section
17 1861(kk)(1) of the Social Security Act (42 U.S.C.
18 1395x(kk)(1)) is amended by inserting ", nurse
19 practitioner or clinical nurse specialist (as those
20 terms are defined in subsection (aa)(5)), certified
21 nurse-midwife (as defined in subsection (gg)), or
22 physician assistant (as defined in subsection
23 (aa)(5))" after "attending physician".

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1 (d) HOME HEALTH PROSPECTIVE PAYMENT SYSTEM
2 PROVISIONS.—Section 1895 of the Social Security Act (42
3 U.S.C. 1395fff) is amended—
4 (1) in subsection (c)(1)—
5 (A) by striking "(provided under section
6 1842(r))"; and
7 (B) by inserting "the nurse practitioner or
8 clinical nurse specialist (as those terms are de-
9 fined in section 1861(aa)(5)), or the physician
10 assistant (as defined in section 1861(aa)(5))"
11 after "physician"; and
12 (2) in subsection (e)—
13 (A) in paragraph (1)(A), by inserting "a
14 nurse practitioner or clinical nurse specialist, or
15 a physician assistant" after "physician"; and
16 (B) in paragraph (2)—
17 (i) in the heading, by striking "PHY-
18 SICIAN CERTIFICATION" and inserting
19 "RULE OF CONSTRUCTION REGARDING RE-
20 QUIREMENT FOR CERTIFICATION"; and
21 (ii) by striking "physician".
22 (e) APPLICATION TO MEDICAID.—The amendments
23 made under this section shall apply under title XIX of the
24 Social Security Act in the same manner and to the same

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1 extent as such requirements apply under title XVIII of
2 such Act or regulations promulgated thereunder.
3 (f) EFFECTIVE DATE.—The Secretary of Health and
4 Human Services shall prescribe regulations to apply the
5 amendments made by this section to items and services
6 furnished, which shall become effective no later than 6
7 months after the date of the enactment of this legislation.
8 The Secretary shall promulgate an interim final rule if
9 necessary, to comply with the required effective date.

10 **SEC. 3709. ADJUSTMENT OF SEQUESTRATION.**

11 (a) TEMPORARY SUSPENSION OF MEDICARE SE-
12 QUESTRATION.—During the period beginning on May 1,
13 2020 and ending on December 31, 2020, the Medicare
14 programs under title XVIII of the Social Security Act (42
15 U.S.C. 1395 et seq.) shall be exempt from reduction under
16 any sequestration order issued before, on, or after the date
17 of enactment of this Act.
18 (b) EXTENSION OF DIRECT SPENDING REDUCTIONS
19 THROUGH FISCAL YEAR 2030.—Section 251A(6) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985 (2 U.S.C. 901a(6)) is amended—
22 (1) in subparagraph (B), in the matter pre-
23 ceding clause (i), by striking "through 2029" and
24 inserting "through 2030"; and

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1 (2) in subparagraph (C), in the matter pre-
2 ceding clause (i), by striking "fiscal year 2029" and
3 inserting "fiscal year 2030".

4 **SEC. 3710. MEDICARE HOSPITAL INPATIENT PROSPECTIVE**
5 **PAYMENT SYSTEM ADD-ON PAYMENT FOR**
6 **COVID–19 PATIENTS DURING EMERGENCY PE-**
7 **RIOD.**

8 (a) IN GENERAL.—Section 1886(d)(4)(C) of the So-
9 cial Security Act (42 U.S.C. 1395ww(d)(4)(C)) is amend-
10 ed by adding at the end the following new clause:

11 "(iv)(I) For discharges occurring during the emer-
12 gency period described in section 1135(g)(1)(B), in the
13 case of a discharge of an individual diagnosed with
14 COVID–19, the Secretary shall increase the weighting fac-
15 tor that would otherwise apply to the diagnosis-related
16 group to which the discharge is assigned by 20 percent.
17 The Secretary shall identify a discharge of such an indi-
18 vidual through the use of diagnosis codes, condition codes,
19 or other such means as may be necessary.

20 "(II) Any adjustment under subclause (I) shall not
21 be taken into account in applying budget neutrality under
22 clause (iii)

23 "(III) In the case of a State for which the Secretary
24 has waived all or part of this section under the authority
25 of section 1115A, nothing in this section shall preclude

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1 such State from implementing an adjustment similar to
2 the adjustment under subclause (I).''.
3 (b) IMPLEMENTATION.—Notwithstanding any other
4 provision of law, the Secretary may implement the amend-
5 ment made by subsection (a) by program instruction or
6 otherwise.

7 **SEC. 3711. INCREASING ACCESS TO POST-ACUTE CARE DUR-**
8 **ING EMERGENCY PERIOD.**

9 (a) WAIVER OF IRF 3-HOUR RULE.—With respect
10 to inpatient rehabilitation services furnished by a rehabili-
11 tation facility described in section 1886(j)(1) of the Social
12 Security Act (42 U.S.C. 1395ww(j)(1)) during the emer-
13 gency period described in section 1135(g)(1)(B) of the So-
14 cial Security Act (42 U.S.C. 1320b–5(g)(1)(B)), the Sec-
15 retary of Health and Human Services shall waive section
16 412.622(a)(3)(ii) of title 42, Code of Federal Regulations
17 (or any successor regulations), relating to the requirement
18 that patients of an inpatient rehabilitation facility receive
19 at least 15 hours of therapy per week.
20 (b) WAIVER OF SITE-NEUTRAL PAYMENT RATE PRO-
21 VISIONS FOR LONG-TERM CARE HOSPITALS.—With re-
22 spect to inpatient hospital services furnished by a long-
23 term care hospital described in section 1886(d)(1)(B)(iv)
24 of the Social Security Act (42 U.S.C.
25 1395ww(d)(1)(B)(iv)) during the emergency period de-

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1 scribed in section 1135(g)(1)(B) of the Social Security Act
2 (42 U.S.C. 1320b–5(g)(1)(B)), the Secretary of Health
3 and Human Services shall waive the following provisions
4 of section 1886(m)(6) of such Act (42 U.S.C.
5 1395ww(m)(6)):
6 (1) LTCH 50-PERCENT RULE.—Subparagraph
7 (C)(ii) of such section, relating to the payment ad-
8 justment for long-term care hospitals that do not
9 have a discharge payment percentage for the period
10 that is at least 50 percent.
11 (2) SITE-NEUTRAL IPPS PAYMENT RATE.—Sub-
12 paragraph (A)(i) of such section, relating to the ap-
13 plication of the site-neutral payment rate (and pay-
14 ment shall be made to a long-term care hospital
15 without regard to such section) for a discharge if the
16 admission occurs during such emergency period and
17 is in response to the public health emergency de-
18 scribed in such section 1135(g)(1)(B).
19 **SEC. 3712. REVISING PAYMENT RATES FOR DURABLE MED-**
20 **ICAL EQUIPMENT UNDER THE MEDICARE**
21 **PROGRAM THROUGH DURATION OF EMER-**
22 **GENCY PERIOD.**
23 (a) RURAL AND NONCONTIGUOUS AREAS.—The Sec-
24 retary of Health and Human Services shall implement sec-
25 tion 414.210(g)(9)(iii) of title 42, Code of Federal Regula-

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1 tions (or any successor regulation), to apply the transition
2 rule described in such section to all applicable items and
3 services furnished in rural areas and noncontiguous areas
4 (as such terms are defined for purposes of such section)
5 as planned through December 31, 2020, and through the
6 duration of the emergency period described in section
7 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
8 1320b–5(g)(1)(B)), if longer.

9 (b) AREAS OTHER THAN RURAL AND NONCONTIG-
10 UOUS AREAS.—With respect to items and services fur-
11 nished on or after the date that is 30 days after the date
12 of the enactment of this Act, the Secretary of Health and
13 Human Services shall apply section 414.210(g)(9)(iv) of
14 title 42, Code of Federal Regulations (or any successor
15 regulation), as if the reference to "dates of service from
16 June 1, 2018 through December 31, 2020, based on the
17 fee schedule amount for the area is equal to 100 percent
18 of the adjusted payment amount established under this
19 section" were instead a reference to "dates of service from
20 March 6, 2020, through the remainder of the duration of
21 the emergency period described in section 1135(g)(1)(B)
22 of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)),
23 based on the fee schedule amount for the area is equal
24 to 75 percent of the adjusted payment amount established

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1 under this section and 25 percent of the unadjusted fee
2 schedule amount''.

3 **SEC. 3713. COVERAGE OF THE COVID-19 VACCINE UNDER**
4 **PART B OF THE MEDICARE PROGRAM WITH-**
5 **OUT ANY COST-SHARING.**

6 (a) MEDICAL AND OTHER HEALTH SERVICES.—Sec-
7 tion 1861(s)(10)(A) of the Social Security Act (42 U.S.C.
8 1395x(s)(10)(A)) is amended by inserting '', and COVID-
9 19 vaccine and its administration'' after ''influenza vac-
10 cine and its administration''.

11 (b) PART B DEDUCTIBLE.—The first sentence of sec-
12 tion 1833(b) of the Social Security Act (42 U.S.C.
13 1395l(b)) is amended—

14 (1) in paragraph (10), by striking ''and'' at the
15 end; and

16 (2) in paragraph (11), by striking the period at
17 the end and inserting '', and (12) such deductible
18 shall not apply with respect a COVID-19 vaccine
19 and its administration described in section
20 1861(s)(10)(A).''.

21 (c) MEDICARE ADVANTAGE.—Section 1852(a)(1)(B)
22 of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B))
23 is amended—

24 (1) in clause (iv)—

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1 (A) by redesignating subclause (VI) as
2 subclause (VII); and
3 (B) by inserting after subclause (V) the
4 following new subclause:
5 "(VI) A COVID-19 vaccine and
6 its administration described in section
7 1861(s)(10)(A)."; and
8 (2) in clause (v), by striking "subclauses (IV)
9 and (V)" inserting "subclauses (IV), (V), and (VI)".
10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on the date of enactment of
12 this Act and shall apply with respect to a COVID-19 vac-
13 cine beginning on the date that such vaccine is licensed
14 under section 351 of the Public Health Service Act (42
15 U.S.C. 262).
16 (e) IMPLEMENTATION.—Notwithstanding any other
17 provision of law, the Secretary may implement the provi-
18 sions of, and the amendments made by, this section by
19 program instruction or otherwise.

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1 **SEC. 3714. REQUIRING MEDICARE PRESCRIPTION DRUG**
2 **PLANS AND MA–PD PLANS TO ALLOW DURING**
3 **THE COVID-19 EMERGENCY PERIOD FOR**
4 **FILLS AND REFILLS OF COVERED PART D**
5 **DRUGS FOR UP TO A 3-MONTH SUPPLY.**

6 (a) IN GENERAL.—Section 1860D–4(b) of the Social
7 Security Act (42 U.S.C. 1395w–104(b)) is amended by
8 adding at the end the following new paragraph:

9 "(4) ENSURING ACCESS DURING COVID-19 PUB-
10 LIC HEALTH EMERGENCY PERIOD.—

11 "(A) IN GENERAL.—During the emergency
12 period described in section 1135(g)(1)(B), sub-
13 ject to subparagraph (B), a prescription drug
14 plan or MA–PD plan shall, notwithstanding any
15 cost and utilization management, medication
16 therapy management, or other such programs
17 under this part, permit a part D eligible indi-
18 vidual enrolled in such plan to obtain in a sin-
19 gle fill or refill, at the option of such individual,
20 the total day supply (not to exceed a 90-day
21 supply) prescribed for such individual for a cov-
22 ered part D drug.

23 "(B) SAFETY EDIT EXCEPTION.—A pre-
24 scription drug plan or MA–PD plan may not
25 permit a part D eligible individual to obtain a

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1 single fill or refill inconsistent with an applica-
2 ble safety edit.".
3 (b) IMPLEMENTATION.—Notwithstanding any other
4 provision of law, the Secretary of Health and Human
5 Services may implement the amendment made by this sec-
6 tion by program instruction or otherwise.

7 **SEC. 3715. PROVIDING HOME AND COMMUNITY-BASED**
8 **SERVICES IN ACUTE CARE HOSPITALS.**

9 Section 1902(h) of the Social Security Act (42 U.S.C.
10 1396a(h)) is amended—
11 (1) by inserting "(1)" after "(h)";
12 (2) by inserting ", home and community-based
13 services provided under subsection (c), (d), or (i) of
14 section 1915 or under a waiver or demonstration
15 project under section 1115, self-directed personal as-
16 sistance services provided pursuant to a written plan
17 of care under section 1915(j), and home and com-
18 munity-based attendant services and supports under
19 section 1915(k)" before the period; and
20 (3) by adding at the end the following:
21 "(2) Nothing in this title, title XVIII, or title XI shall
22 be construed as prohibiting receipt of any care or services
23 specified in paragraph (1) in an acute care hospital that
24 are—

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"(A) identified in an individual's person-centered service plan (or comparable plan of care);

"(B) provided to meet needs of the individual that are not met through the provision of hospital services;

"(C) not a substitute for services that the hospital is obligated to provide through its conditions of participation or under Federal or State law, or under another applicable requirement; and

"(D) designed to ensure smooth transitions between acute care settings and home and community-based settings, and to preserve the individual's functional abilities.".

**SEC. 3716. CLARIFICATION REGARDING UNINSURED INDIVIDUALS.**

Subsection (ss) of section 1902 of the Social Security Act (42 U.S.C. 1396a), as added by section 6004(a)(3)(C) of the Families First Coronavirus Response Act, is amended—

(1) in paragraph (1), by inserting "(excluding subclause (VIII) of such subsection if the individual is a resident of a State which does not furnish medical assistance to individuals described in such subclause)" before the semicolon; and

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1 (2) in paragraph (2), by inserting ", except that
2 individuals who are eligible for medical assistance
3 under subsection (a)(10)(A)(ii)(XII), subsection
4 (a)(10)(A)(ii)(XVIII), subsection
5 (a)(10)(A)(ii)(XXI), or subsection (a)(10)(C) (but
6 only to the extent such an individual is considered
7 to not have minimum essential coverage under sec-
8 tion 5000A(f)(1) of the Internal Revenue Code of
9 1986), or who are described in subsection (l)(1)(A)
10 and are eligible for medical assistance only because
11 of subsection (a)(10)(A)(i)(IV) or (a)(10)(A)(ii)(IX)
12 and whose eligibility for such assistance is limited by
13 the State under clause (VII) in the matter following
14 subsection (a)(10)(G), shall not be treated as en-
15 rolled in a Federal health care program for purposes
16 of this paragraph" before the period at the end.

17 **SEC. 3717. CLARIFICATION REGARDING COVERAGE OF**
18 **COVID-19 TESTING PRODUCTS.**

19 Subparagraph (B) of section 1905(a)(3) of the Social
20 Security Act (42 U.S.C. 1396d(a)(3)), as added by section
21 6004(a)(1)(C) of the Families First Coronavirus Response
22 Act (Public Law 116–127), is amended by striking "that
23 are approved, cleared, or authorized under section 510(k),
24 513, 515 or 564 of the Federal Food, Drug, and Cosmetic
25 Act".

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1 **SEC. 3718. AMENDMENTS RELATING TO REPORTING RE-**
2 **QUIREMENTS WITH RESPECT TO CLINICAL**
3 **DIAGNOSTIC LABORATORY TESTS.**

4 (a) REVISED REPORTING PERIOD FOR REPORTING
5 OF PRIVATE SECTOR PAYMENT RATES FOR ESTABLISH-
6 MENT OF MEDICARE PAYMENT RATES.—Section
7 1834A(a)(1)(B) of the Social Security Act (42 U.S.C.
8 1395m–1(a)(1)(B)) is amended—

9 (1) in clause (i), by striking ''December 31,
10 2020'' and inserting ''December 31, 2021''; and

11 (2) in clause (ii)—

12 (A) by striking ''January 1, 2021'' and in-
13 serting ''January 1, 2022''; and

14 (B) by striking ''March 31, 2021'' and in-
15 serting ''March 31, 2022''.

16 (b) REVISED PHASE-IN OF REDUCTIONS FROM PRI-
17 VATE PAYOR RATE IMPLEMENTATION.—Section
18 1834A(b)(3) of the Social Security Act (42 U.S.C.
19 1395m–1(b)(3)) is amended—

20 (1) in subparagraph (A), by striking ''through
21 2023'' and inserting ''through 2024''; and

22 (2) in subparagraph (B)—

23 (A) in clause (i), by striking ''and'' at the
24 end;

25 (B) by redesignating clause (ii) as clause
26 (iii);

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1 (C) by inserting after clause (i) the fol-
2 lowing new clause:
3 "(ii) for 2021, 0 percent; and"; and
4 (D) in clause (iii), as redesignated by sub-
5 paragraph (B), by striking "2021 through
6 2023" and inserting "2022 through 2024".

7 **SEC. 3719. EXPANSION OF THE MEDICARE HOSPITAL AC-**
8 **CELERATED PAYMENT PROGRAM DURING**
9 **THE COVID-19 PUBLIC HEALTH EMERGENCY.**

10 Section 1815 of the Social Security Act (42 U.S.C.
11 1395g) is amended—
12 (1) in subsection (e)(3), by striking "In the
13 case" and inserting "Subject to subsection (f), in the
14 case"; and
15 (2) by adding at the end the following new sub-
16 section:
17 "(f)(1) During the emergency period described in sec-
18 tion 1135(g)(1)(B), the Secretary shall expand the pro-
19 gram under subsection (e)(3) pursuant to paragraph (2).
20 "(2) In expanding the program under subsection
21 (e)(3), the following shall apply:
22 "(A)(i) In addition to the hospitals described in
23 subsection (e)(3), the following hospitals shall be eli-
24 gible to participate in the program:

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1 "(I) Hospitals described in clause (iii) of
2 section 1886(d)(1)(B).
3 "(II) Hospitals described in clause (v) of
4 such section.
5 "(III) Critical access hospitals (as defined
6 in section 1861(mm)(1)).
7 "(ii) Subject to appropriate safeguards against
8 fraud, waste, and abuse, upon a request of a hos-
9 pital described in clause (i), the Secretary shall pro-
10 vide accelerated payments under the program to
11 such hospital.
12 "(B) Upon the request of the hospital, the Sec-
13 retary may do any of the following:
14 "(i) Make accelerated payments on a peri-
15 odic or lump sum basis.
16 "(ii) Increase the amount of payment that
17 would otherwise be made to hospitals under the
18 program up to 100 percent (or, in the case of
19 critical access hospitals, up to 125 percent).
20 "(iii) Extend the period that accelerated
21 payments cover so that it covers up to a 6-
22 month period.
23 "(C) Upon the request of the hospital, the Sec-
24 retary shall do the following:

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1 "(i) Provide up to 120 days before claims
2 are offset to recoup the accelerated payment.
3 "(ii) Allow not less than 12 months from
4 the date of the first accelerated payment before
5 requiring that the outstanding balance be paid
6 in full.
7 "(3) Nothing in this subsection shall preclude the
8 Secretary from carrying out the provisions described in
9 clauses (i), (ii), and (iii) of paragraph (2)(B) and clauses
10 (i) and (ii) of paragraph (2)(C) under the program under
11 subsection (e)(3) after the period for which this subsection
12 applies.
13 "(4) Notwithstanding any other provision of law, the
14 Secretary may implement the provisions of this subsection
15 by program instruction or otherwise.".

16 **SEC. 3720. DELAYING REQUIREMENTS FOR ENHANCED**
17 **FMAP TO ENABLE STATE LEGISLATION NEC-**
18 **ESSARY FOR COMPLIANCE.**

19 Section 6008 of the Families First Coronavirus Re-
20 sponse Act is amended by adding at the end the following
21 new subsection:
22 "(d) DELAY IN APPLICATION OF PREMIUM REQUIRE-
23 MENT.—During the 30 day period beginning on the date
24 of enactment of this Act, a State shall not be ineligible
25 for the increase to the Federal medical assistance percent-

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1 age of the State described in subsection (a) on the basis
2 that the State imposes a premium that violates the re-
3 quirement of subsection (b)(2) if such premium was in ef-
4 fect on the date of enactment of this Act.''.

# 5 Subtitle E—Health and Human
# 6 Services Extenders

## 7 PART I—MEDICARE PROVISIONS

### 8 SEC. 3801. EXTENSION OF THE WORK GEOGRAPHIC INDEX
### 9 FLOOR UNDER THE MEDICARE PROGRAM.

10 Section 1848(e)(1)(E) of the Social Security Act (42
11 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''May
12 23, 2020'' and inserting ''December 1, 2020''.

### 13 SEC. 3802. EXTENSION OF FUNDING FOR QUALITY MEAS-
### 14 URE ENDORSEMENT, INPUT, AND SELECTION.

15 (a) IN GENERAL.—Section 1890(d)(2) of the Social
16 Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—
17 (1) in the first sentence, by striking ''and
18 $4,830,000 for the period beginning on October 1,
19 2019, and ending on May 22, 2020'' and inserting
20 ''$20,000,000 for fiscal year 2020, and for the pe-
21 riod beginning on October 1, 2020, and ending on
22 November 30, 2020, the amount equal to the pro
23 rata portion of the amount appropriated for such pe-
24 riod for fiscal year 2020''; and

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1 (2) in the third sentence, by striking "and 2019
2 and for the period beginning on October 1, 2019,
3 and ending on May 22, 2020" and inserting ",
4 2019, and 2020, and for the period beginning on
5 October 1, 2020, and ending on November 30,
6 2020,".
7 (b) EFFECTIVE DATE.—The amendments made by
8 subsection (a) shall take effect as if included in the enact-
9 ment of the Further Consolidated Appropriations Act,
10 2020 (Public Law 116–94).

11 **SEC. 3803. EXTENSION OF FUNDING OUTREACH AND AS-**
12 **SISTANCE FOR LOW-INCOME PROGRAMS.**

13 (a) FUNDING EXTENSIONS.—
14 (1) ADDITIONAL FUNDING FOR STATE HEALTH
15 INSURANCE PROGRAMS.—Subsection (a)(1)(B) of
16 section 119 of the Medicare Improvements for Pa-
17 tients and Providers Act of 2008 (42 U.S.C. 1395b–
18 3 note), as amended by section 3306 of the Patient
19 Protection and Affordable Care Act (Public Law
20 111–148), section 610 of the American Taxpayer
21 Relief Act of 2012 (Public Law 112–240), section
22 1110 of the Pathway for SGR Reform Act of 2013
23 (Public Law 113–67), section 110 of the Protecting
24 Access to Medicare Act of 2014 (Public Law 113–
25 93), section 208 of the Medicare Access and CHIP

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1 Reauthorization Act of 2015 (Public Law 114–10),
2 section 50207 of division E of the Bipartisan Budg-
3 et Act of 2018 (Public Law 115–123), section 1402
4 of division B of the Continuing Appropriations Act,
5 2020, and Health Extenders Act of 2019 (Public
6 Law 116–59), section 1402 of division B of the Fur-
7 ther Continuing Appropriations Act, 2020, and Fur-
8 ther Health Extenders Act of 2019 (Public Law
9 116–69), and section 103 of division N of the Fur-
10 ther Consolidated Appropriations Act, 2020 (Public
11 Law 116–94) is amended by striking clauses (x)
12 through (xii) and inserting the following new
13 clauses:

14 "(x) for fiscal year 2020, of
15 $13,000,000; and

16 "(xi) for the period beginning on Oc-
17 tober 1, 2020, and ending on November
18 30, 2020, the amount equal to the pro rata
19 portion of the amount appropriated for
20 such period for fiscal year 2020.".

21 (2) ADDITIONAL FUNDING FOR AREA AGENCIES
22 ON AGING.—Subsection (b)(1)(B) of such section
23 119, as so amended, is amended by striking clauses
24 (x) through (xii) and inserting the following new
25 clauses:

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1 "(x) for fiscal year 2020, of
2 $7,500,000; and
3 "(xi) for the period beginning on Oc-
4 tober 1, 2020, and ending on November
5 30, 2020, the amount equal to the pro rata
6 portion of the amount appropriated for
7 such period for fiscal year 2020.".
8 (3) ADDITIONAL FUNDING FOR AGING AND DIS-
9 ABILITY RESOURCE CENTERS.—Subsection (c)(1)(B)
10 of such section 119, as so amended, is amended by
11 striking clauses (x) through (xii) and inserting the
12 following new clauses:
13 "(x) for fiscal year 2020, of
14 $5,000,000; and
15 "(xi) for the period beginning on Oc-
16 tober 1, 2020, and ending on November
17 30, 2020, the amount equal to the pro rata
18 portion of the amount appropriated for
19 such period for fiscal year 2020.".
20 (4) ADDITIONAL FUNDING FOR GRANT OR CON-
21 TRACT WITH THE NATIONAL CENTER FOR BENEFITS
22 AND OUTREACH ENROLLMENT.—Subsection (d)(2)
23 of such section 119, as so amended, is amended by
24 striking clauses (x) through (xii) and inserting the
25 following new clauses:

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"(x) for fiscal year 2020, of $12,000,000; and

"(xi) for the period beginning on October 1, 2020, and ending on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94).

## PART II—MEDICAID PROVISIONS

### SEC. 3811. EXTENSION OF THE MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION PROGRAM.

Section 6071(h) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1), by striking subparagraph (G) and inserting the following:

"(G) subject to paragraph (3), $337,500,000 for the period beginning on January 1, 2020, and ending on September 30, 2020; and

"(H) subject to paragraph (3), for the period beginning on October 1, 2020, and ending

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on November 30, 2020, the amount equal to the pro rata portion of the amount appropriated for such period for fiscal year 2020."; and

(2) in paragraph (3), by striking "and (G)" and inserting ", (G), and (H)".

**SEC. 3812. EXTENSION OF SPOUSAL IMPOVERISHMENT PROTECTIONS.**

(a) IN GENERAL.—Section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) is amended by striking "May 22, 2020" and inserting "November 30, 2020".

(b) RULE OF CONSTRUCTION.—Nothing in section 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note) or section 1902(a)(17) or 1924 of the Social Security Act (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as prohibiting a State from—

(1) applying an income or resource disregard under a methodology authorized under section 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

(A) to the income or resources of an individual described in section 1902(a)(10)(A)(ii)(VI) of such Act (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) (including a disregard of the income or resources of such individual's spouse); or

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1 (B) on the basis of an individual's need for
2 home and community-based services authorized
3 under subsection (c), (d), (i), or (k) of section
4 1915 of such Act (42 U.S.C. 1396n) or under
5 section 1115 of such Act (42 U.S.C. 1315); or
6 (2) disregarding an individual's spousal income
7 and assets under a plan amendment to provide med-
8 ical assistance for home and community-based serv-
9 ices for individuals by reason of being determined el-
10 igible under section 1902(a)(10)(C) of such Act (42
11 U.S.C. 1396a(a)(10)(C)) or by reason of section
12 1902(f) of such Act (42 U.S.C. 1396a(f)) or other-
13 wise on the basis of a reduction of income based on
14 costs incurred for medical or other remedial care
15 under which the State disregarded the income and
16 assets of the individual's spouse in determining the
17 initial and ongoing financial eligibility of an indi-
18 vidual for such services in place of the spousal im-
19 poverishment provisions applied under section 1924
20 of such Act (42 U.S.C. 1396r–5).

21 **SEC. 3813. DELAY OF DSH REDUCTIONS.**

22 Section 1923(f)(7)(A) of the Social Security Act (42
23 U.S.C. 1396r–4(f)(7)(A)) is amended—
24 (1) in clause (i), in the matter preceding sub-
25 clause (I), by striking "May 23, 2020, and ending

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1 September 30, 2020, and for each of fiscal years
2 2021'' and inserting ''December 1, 2020, and ending
3 September 30, 2021, and for each of fiscal years
4 2022''; and
5 (2) in clause (ii)—
6 (A) in subclause (I), by striking ''May 23,
7 2020, and ending September 30, 2020'' and in-
8 serting ''December 1, 2020, and ending Sep-
9 tember 30, 2021''; and
10 (B) in subclause (II), by striking ''2021''
11 and inserting ''2022''.

12 **SEC. 3814. EXTENSION AND EXPANSION OF COMMUNITY**
13 **MENTAL HEALTH SERVICES DEMONSTRA-**
14 **TION PROGRAM.**

15 (a) IN GENERAL.—Section 223(d) of the Protecting
16 Access to Medicare Act of 2014 (42 U.S.C. 1396a note)
17 is amended—
18 (1) in paragraph (3)—
19 (A) by striking ''Not more than'' and in-
20 serting ''Subject to paragraph (8), not more
21 than''; and
22 (B) by striking ''May 22, 2020'' and in-
23 serting ''November 30, 2020''; and
24 (2) by adding at the end the following new
25 paragraph:

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1 "(8) ADDITIONAL PROGRAMS.—
2 "(A) IN GENERAL.—Not later than 6
3 months after the date of enactment of this
4 paragraph, in addition to the 8 States selected
5 under paragraph (1), the Secretary shall select
6 2 States to participate in 2-year demonstration
7 programs that meet the requirements of this
8 subsection.
9 "(B) SELECTION OF STATES.—
10 "(i) IN GENERAL.—Subject to clause
11 (ii), in selecting States under this para-
12 graph, the Secretary—
13 "(I) shall select States that—
14 "(aa) were awarded plan-
15 ning grants under subsection (c);
16 and
17 "(bb) applied to participate
18 in the demonstration programs
19 under this subsection under para-
20 graph (1) but, as of the date of
21 enactment of this paragraph,
22 were not selected to participate
23 under paragraph (1); and
24 "(II) shall use the results of the
25 Secretary's evaluation of each State's

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1 application under paragraph (1) to
2 determine which States to select, and
3 shall not require the submission of
4 any additional application.
5 "(C) REQUIREMENTS FOR SELECTED
6 STATES.—Prior to services being delivered
7 under the demonstration authority in a State
8 selected under this paragraph, the State shall—
9 "(i) submit a plan to monitor certified
10 community behavioral health clinics under
11 the demonstration program to ensure com-
12 pliance with certified community behavioral
13 health criteria during the demonstration
14 period; and
15 "(ii) commit to collecting data, noti-
16 fying the Secretary of any planned changes
17 that would deviate from the prospective
18 payment system methodology outlined in
19 the State's demonstration application, and
20 obtaining approval from the Secretary for
21 any such change before implementing the
22 change.".
23 (b) LIMITATION.—Section 223(d)(5) of the Pro-
24 tecting Access to Medicare Act of 2014 (42 U.S.C. 1396a
25 note) is amended—

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1 (1) in subparagraph (B), in the matter pre-
2 ceding clause (i), by striking "The Federal match-
3 ing" and inserting "Subject to subparagraph
4 (C)(iii), the Federal matching"; and
5 (2) in subparagraph (C), by adding at the end
6 the following new clause:
7 "(iii) PAYMENTS FOR AMOUNTS EX-
8 PENDED AFTER 2019.—The Federal match-
9 ing percentage applicable under subpara-
10 graph (B) to amounts expended by a State
11 participating in the demonstration pro-
12 gram under this subsection shall—
13 "(I) in the case of a State par-
14 ticipating in the demonstration pro-
15 gram as of January 1, 2020, apply to
16 amounts expended by the State dur-
17 ing the 8 fiscal quarter period (or any
18 portion of such period) that begins on
19 January 1, 2020; and
20 "(II) in the case of a State se-
21 lected to participate in the demonstra-
22 tion program under paragraph (8),
23 during first 8 fiscal quarter period (or
24 any portion of such period) that the

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1 State participates in a demonstration
2 program.''.
3 (c) GAO STUDY AND REPORT ON THE COMMUNITY
4 AND MENTAL HEALTH SERVICES DEMONSTRATION PRO-
5 GRAM.—
6 (1) IN GENERAL.—Not later than 18 months
7 after the date of the enactment of this Act, the
8 Comptroller General of the United States shall sub-
9 mit to the Committee on Energy and Commerce of
10 the House of Representatives and the Committee on
11 Finance of the Senate a report on the community
12 and mental health services demonstration program
13 conducted under section 223 of the Protecting Ac-
14 cess to Medicare Act of 2014 (42 U.S.C. 1396a
15 note) (referred to in this subsection as the ''dem-
16 onstration program'').
17 (2) CONTENT OF REPORT.—The report re-
18 quired under paragraph (1) shall include the fol-
19 lowing information:
20 (A) Information on States' experiences
21 participating in the demonstration program, in-
22 cluding the extent to which States—
23 (i) measure the effects of access to
24 certified community behavioral health clin-

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1 ics on patient health and cost of care, in-
2 cluding—
3 (I) engagement in treatment for
4 behavioral health conditions;
5 (II) relevant clinical outcomes, to
6 the extent collected;
7 (III) screening and treatment for
8 comorbid medical conditions; and
9 (IV) use of crisis stabilization,
10 emergency department, and inpatient
11 care.
12 (B) Information on Federal efforts to
13 evaluate the demonstration program, includ-
14 ing—
15 (i) quality measures used to evaluate
16 the program;
17 (ii) assistance provided to States on
18 data collection and reporting;
19 (iii) assessments of the reliability and
20 usefulness of State-submitted data; and
21 (iv) the extent to which such efforts
22 provide information on the relative quality,
23 scope, and cost of services as compared
24 with services not provided under the dem-
25 onstration program, and in comparison to

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1 Medicaid beneficiaries with mental illness
2 and substance use disorders not served
3 under the demonstration program.
4 (C) Recommendations for improvements to
5 the following:
6 (i) The reporting, accuracy, and vali-
7 dation of encounter data.
8 (ii) Accuracy in payments to certified
9 community behavioral health clinics under
10 State plans or waivers under title XIX of
11 the Social Security Act (42 U.S.C. 1396 et
12 seq.).

13 **PART III—HUMAN SERVICES AND OTHER**
14 **HEALTH PROGRAMS**

15 **SEC. 3821. EXTENSION OF SEXUAL RISK AVOIDANCE EDU-**
16 **CATION PROGRAM.**

17 Section 510 of the Social Security Act (42 U.S.C.
18 710) is amended—
19 (1) in subsection (a)—
20 (A) in paragraph (1), in the matter pre-
21 ceding subparagraph (A)—
22 (i) by striking "and 2019 and for the
23 period beginning October 1, 2019, and
24 ending May 22, 2020" and inserting
25 "through 2020 and for the period begin-

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1 ning October 1, 2020, and ending Novem-
2 ber 30, 2020''; and
3 (ii) by striking ''fiscal year 2020'' and
4 inserting ''fiscal year 2021''
5 (B) in paragraph (2)(A)—
6 (i) by striking ''and 2019 and for the
7 period beginning October 1, 2019, and
8 ending May 22, 2020'' and inserting
9 ''through 2020 and for the period begin-
10 ning October 1, 2020, and ending Novem-
11 ber 30, 2020''; and
12 (ii) by striking ''fiscal year 2020'' and
13 inserting ''fiscal year 2021''; and
14 (2) in subsection (f)(1), by striking ''and 2019
15 and $48,287,671 for the period beginning October 1,
16 2019, and ending May 22, 2020'' and inserting
17 ''through 2020, and for the period beginning on Oc-
18 tober 1, 2020, and ending on November 30, 2020,
19 the amount equal to the pro rata portion of the
20 amount appropriated for such period for fiscal year
21 2020''.

22 **SEC. 3822. EXTENSION OF PERSONAL RESPONSIBILITY**
23 **EDUCATION PROGRAM.**

24 Section 513 of the Social Security Act (42 U.S.C.
25 713) is amended—

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1 (1) in subsection (a)—
2 (A) in paragraph (1)—
3 (i) in subparagraph (A), in the matter
4 preceding clause (i), by striking "2019 and
5 for the period beginning October 1, 2019,
6 and ending May 22, 2020" and inserting
7 "2020 and for the period beginning Octo-
8 ber 1, 2020, and ending November 30,
9 2020"; and
10 (ii) in subparagraph (B)(i), by strik-
11 ing by striking "October 1, 2019, and end-
12 ing May 22, 2020" and inserting "October
13 1, 2020, and ending November 30, 2020";
14 (2) in paragraph (4)(A), by striking "2019"
15 each place it appears and inserting "2020"; and
16 (3) in subsection (f), by striking "2019 and
17 $48,287,671 for the period beginning October 1,
18 2019, and ending May 22, 2020" and inserting
19 "2020, and for the period beginning on October 1,
20 2020, and ending on November 30, 2020, the
21 amount equal to the pro rata portion of the amount
22 appropriated for such period for fiscal year 2020".

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1 **SEC. 3823. EXTENSION OF DEMONSTRATION PROJECTS TO**
2 **ADDRESS HEALTH PROFESSIONS WORK-**
3 **FORCE NEEDS.**

4 Activities authorized by section 2008 of the Social Se-
5 curity Act shall continue through November 30, 2020, in
6 the manner authorized for fiscal year 2019, and out of
7 any money in the Treasury of the United States not other-
8 wise appropriated, there are hereby appropriated such
9 sums as may be necessary for such purpose. Grants and
10 payments may be made pursuant to this authority through
11 the date so specified at the pro rata portion of the total
12 amount authorized for such activities in fiscal year 2019.

13 **SEC. 3824. EXTENSION OF THE TEMPORARY ASSISTANCE**
14 **FOR NEEDY FAMILIES PROGRAM AND RE-**
15 **LATED PROGRAMS.**

16 Activities authorized by part A of title IV and section
17 1108(b) of the Social Security Act shall continue through
18 November 30, 2020, in the manner authorized for fiscal
19 year 2019, and out of any money in the Treasury of the
20 United States not otherwise appropriated, there are here-
21 by appropriated such sums as may be necessary for such
22 purpose.

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## PART IV—PUBLIC HEALTH PROVISIONS

### SEC. 3831. EXTENSION FOR COMMUNITY HEALTH CENTERS, THE NATIONAL HEALTH SERVICE CORPS, AND TEACHING HEALTH CENTERS THAT OPERATE GME PROGRAMS.

(a) COMMUNITY HEALTH CENTERS.—Section 10503(b)(1)(F) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(1)(F)) is amended by striking "and $2,575,342,466 for the period beginning on October 1, 2019, and ending on May 22, 2020" and inserting "$4,000,000,000 for fiscal year 2020, and $668,493,151 for the period beginning on October 1, 2020, and ending on November 30, 2020".

(b) NATIONAL HEALTH SERVICE CORPS.—Section 10503(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

(1) in subparagraph (F), by striking "and" at the end; and

(2) by striking subparagraph (G) and inserting the following:

"(G) $310,000,000 for fiscal year 2020; and

"(H) $51,808,219 for the period beginning on October 1, 2020, and ending on November 30, 2020.".

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1 (c) TEACHING HEALTH CENTERS THAT OPERATE
2 GRADUATE MEDICAL EDUCATION PROGRAMS.—Section
3 340H(g)(1) of the Public Health Service Act (42 U.S.C.
4 256h(g)(1)) is amended by striking "and 2019, and
5 $81,445,205 for the period beginning on October 1, 2019,
6 and ending on May 22, 2020" and inserting "through fis-
7 cal year 2020, and $21,141,096 for the period beginning
8 on October 1, 2020, and ending on November 30, 2020".
9 (d) APPLICATION OF PROVISIONS.—Amounts appro-
10 priated pursuant to the amendments made by this section
11 for fiscal year 2020 and for the period beginning on Octo-
12 ber 1, 2020, and ending on November 30, 2020, shall be
13 subject to the requirements contained in Public Law 116–
14 94 for funds for programs authorized under sections 330
15 through 340 of the Public Health Service Act (42 U.S.C.
16 254 through 256).
17 (e) CONFORMING AMENDMENT.—Paragraph (4) of
18 section 3014(h) of title 18, United States Code, as amend-
19 ed by section 401(e) of division N of Public Law 116–
20 94, is amended by striking "section 401(d) of division N
21 of the Further Consolidated Appropriations Act, 2020"
22 and inserting "section 3831 of the CARES Act".
23 **SEC. 3832. DIABETES PROGRAMS.**
24 (a) TYPE I.—Section 330B(b)(2)(D) of the Public
25 Health Service Act (42 U.S.C. 254c–2(b)(2)(D)) is

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1 amended by striking "and 2019, and $96,575,342 for the
2 period beginning on October 1, 2019, and ending on May
3 22, 2020" and inserting "through 2020, and $25,068,493
4 for the period beginning on October 1, 2020, and ending
5 on November 30, 2020".

6 (b) INDIANS.—Section 330C(c)(2)(D) of the Public
7 Health Service Act (42 U.S.C. 254c–3(c)(2)(D)) is
8 amended by striking "and 2019, and $96,575,342 for the
9 period beginning on October 1, 2019, and ending on May
10 22, 2020" and inserting "through 2020, and $25,068,493
11 for the period beginning on October 1, 2020, and ending
12 on November 30, 2020".

13 **PART V—MISCELLANEOUS PROVISIONS**

14 **SEC. 3841. PREVENTION OF DUPLICATE APPROPRIATIONS**
15 **FOR FISCAL YEAR 2020.**

16 Expenditures made under any provision of law
17 amended in this title pursuant to the amendments made
18 by the Continuing Appropriations Act, 2020, and Health
19 Extenders Act of 2019 (Public Law 116–59), the Further
20 Continuing Appropriations Act, 2020, and Further Health
21 Extenders Act of 2019 (Public Law 116-69), and the Fur-
22 ther Consolidated Appropriations Act, 2020 (Public Law
23 116–94) for fiscal year 2020 shall be charged to the appli-
24 cable appropriation or authorization provided by the

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1 amendments made by this title to such provision of law
2 for such fiscal year.

# 3 Subtitle F—Over-the-Counter
# 4 Drugs

## 5 PART I—OTC DRUG REVIEW

### 6 SEC. 3851. REGULATION OF CERTAIN NONPRESCRIPTION
### 7 DRUGS THAT ARE MARKETED WITHOUT AN
### 8 APPROVED DRUG APPLICATION.

9 (a) IN GENERAL.—Chapter V of the Federal Food,
10 Drug, and Cosmetic Act is amended by inserting after sec-
11 tion 505F of such Act (21 U.S.C. 355g) the following:

### 12 "SEC. 505G. REGULATION OF CERTAIN NONPRESCRIPTION
### 13 DRUGS THAT ARE MARKETED WITHOUT AN
### 14 APPROVED DRUG APPLICATION.

15 "(a) NONPRESCRIPTION DRUGS MARKETED WITH-
16 OUT AN APPROVED APPLICATION.—Nonprescription
17 drugs marketed without an approved drug application
18 under section 505, as of the date of the enactment of this
19 section, shall be treated in accordance with this sub-
20 section.

21 "(1) DRUGS SUBJECT TO A FINAL MONOGRAPH;
22 CATEGORY I DRUGS SUBJECT TO A TENTATIVE
23 FINAL MONOGRAPH.—A drug is deemed to be gen-
24 erally recognized as safe and effective under section

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1 201(p)(1), not a new drug under section 201(p), and
2 not subject to section 503(b)(1), if—
3 "(A) the drug is—
4 "(i) in conformity with the require-
5 ments for nonprescription use of a final
6 monograph issued under part 330 of title
7 21, Code of Federal Regulations (except as
8 provided in paragraph (2)), the general re-
9 quirements for nonprescription drugs, and
10 conditions or requirements under sub-
11 sections (b), (c), and (k); and
12 "(ii) except as permitted by an order
13 issued under subsection (b) or, in the case
14 of a minor change in the drug, in con-
15 formity with an order issued under sub-
16 section (c), in a dosage form that, imme-
17 diately prior to the date of the enactment
18 of this section, has been used to a material
19 extent and for a material time under sec-
20 tion 201(p)(2); or
21 "(B) the drug is—
22 "(i) classified in category I for safety
23 and effectiveness under a tentative final
24 monograph that is the most recently appli-
25 cable proposal or determination issued

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1 under part 330 of title 21, Code of Federal
2 Regulations;
3 "(ii) in conformity with the proposed
4 requirements for nonprescription use of
5 such tentative final monograph, any appli-
6 cable subsequent determination by the Sec-
7 retary, the general requirements for non-
8 prescription drugs, and conditions or re-
9 quirements under subsections (b), (c), and
10 (k); and
11 "(iii) except as permitted by an order
12 issued under subsection (b) or, in the case
13 of a minor change in the drug, in con-
14 formity with an order issued under sub-
15 section (c), in a dosage form that, imme-
16 diately prior to the date of the enactment
17 of this section, has been used to a material
18 extent and for a material time under sec-
19 tion 201(p)(2).
20 "(2) TREATMENT OF SUNSCREEN DRUGS.—
21 With respect to sunscreen drugs subject to this sec-
22 tion, the applicable requirements in terms of con-
23 formity with a final monograph, for purposes of
24 paragraph (1)(A)(i), shall be the requirements speci-
25 fied in part 352 of title 21, Code of Federal Regula-

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1 tions, as published on May 21, 1999, beginning on
2 page 27687 of volume 64 of the Federal Register,
3 except that the applicable requirements governing ef-
4 fectiveness and labeling shall be those specified in
5 section 201.327 of title 21, Code of Federal Regula-
6 tions.

7 "(3) CATEGORY III DRUGS SUBJECT TO A TEN-
8 TATIVE FINAL MONOGRAPH; CATEGORY I DRUGS
9 SUBJECT TO PROPOSED MONOGRAPH OR ADVANCE
10 NOTICE OF PROPOSED RULEMAKING.—A drug that
11 is not described in paragraph (1), (2), or (4) is not
12 required to be the subject of an application approved
13 under section 505, and is not subject to section
14 503(b)(1), if—

15 "(A) the drug is—

16 "(i) classified in category III for safe-
17 ty or effectiveness in the preamble of a
18 proposed rule establishing a tentative final
19 monograph that is the most recently appli-
20 cable proposal or determination for such
21 drug issued under part 330 of title 21,
22 Code of Federal Regulations;

23 "(ii) in conformity with—

24 "(I) the conditions of use, includ-
25 ing indication and dosage strength, if

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1 any, described for such category III
2 drug in such preamble or in an appli-
3 cable subsequent proposed rule;
4 "(II) the proposed requirements
5 for drugs classified in such tentative
6 final monograph in category I in the
7 most recently proposed rule estab-
8 lishing requirements related to such
9 tentative final monograph and in any
10 final rule establishing requirements
11 that are applicable to the drug; and
12 "(III) the general requirements
13 for nonprescription drugs and condi-
14 tions or requirements under sub-
15 section (b) or (k); and
16 "(iii) in a dosage form that, imme-
17 diately prior to the date of the enactment
18 of this section, had been used to a material
19 extent and for a material time under sec-
20 tion 201(p)(2); or
21 "(B) the drug is—
22 "(i) classified in category I for safety
23 and effectiveness under a proposed mono-
24 graph or advance notice of proposed rule-
25 making that is the most recently applicable

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1 proposal or determination for such drug
2 issued under part 330 of title 21, Code of
3 Federal Regulations;
4 "(ii) in conformity with the require-
5 ments for nonprescription use of such pro-
6 posed monograph or advance notice of pro-
7 posed rulemaking, any applicable subse-
8 quent determination by the Secretary, the
9 general requirements for nonprescription
10 drugs, and conditions or requirements
11 under subsection (b) or (k); and
12 "(iii) in a dosage form that, imme-
13 diately prior to the date of the enactment
14 of this section, has been used to a material
15 extent and for a material time under sec-
16 tion 201(p)(2).
17 "(4) CATEGORY II DRUGS DEEMED NEW
18 DRUGS.—A drug that is classified in category II for
19 safety or effectiveness under a tentative final mono-
20 graph or that is subject to a determination to be not
21 generally recognized as safe and effective in a pro-
22 posed rule that is the most recently applicable pro-
23 posal issued under part 330 of title 21, Code of Fed-
24 eral Regulations, shall be deemed to be a new drug
25 under section 201(p), misbranded under section

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1 502(ee), and subject to the requirement for an ap-
2 proved new drug application under section 505 be-
3 ginning on the day that is 180 calendar days after
4 the date of the enactment of this section, unless, be-
5 fore such day, the Secretary determines that it is in
6 the interest of public health to extend the period
7 during which the drug may be marketed without
8 such an approved new drug application.

9 "(5) DRUGS NOT GRASE DEEMED NEW
10 DRUGS.—A drug that the Secretary has determined
11 not to be generally recognized as safe and effective
12 under section 201(p)(1) under a final determination
13 issued under part 330 of title 21, Code of Federal
14 Regulations, shall be deemed to be a new drug under
15 section 201(p), misbranded under section 502(ee),
16 and subject to the requirement for an approved new
17 drug application under section 505.

18 "(6) OTHER DRUGS DEEMED NEW DRUGS.—
19 Except as provided in subsection (m), a drug is
20 deemed to be a new drug under section 201(p) and
21 misbranded under section 502(ee) if the drug—

22 "(A) is not subject to section 503(b)(1);
23 and

24 "(B) is not described in paragraph (1),
25 (2), (3), (4), or (5), or subsection (b)(1)(B).

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1 "(b) ADMINISTRATIVE ORDERS.—
2 "(1) IN GENERAL.—
3 "(A) DETERMINATION.—The Secretary
4 may, on the initiative of the Secretary or at the
5 request of one or more requestors, issue an ad-
6 ministrative order determining whether there
7 are conditions under which a specific drug, a
8 class of drugs, or a combination of drugs, is de-
9 termined to be—
10 "(i) not subject to section 503(b)(1);
11 and
12 "(ii) generally recognized as safe and
13 effective under section 201(p)(1).
14 "(B) EFFECT.—A drug or combination of
15 drugs shall be deemed to not require approval
16 under section 505 if such drug or combination
17 of drugs—
18 "(i) is determined by the Secretary to
19 meet the conditions specified in clauses (i)
20 and (ii) of subparagraph (A);
21 "(ii) is marketed in conformity with
22 an administrative order under this sub-
23 section;
24 "(iii) meets the general requirements
25 for nonprescription drugs; and

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1 "(iv) meets the requirements under
2 subsections (c) and (k).
3 "(C) STANDARD.—The Secretary shall find
4 that a drug is not generally recognized as safe
5 and effective under section 201(p)(1) if—
6 "(i) the evidence shows that the drug
7 is not generally recognized as safe and ef-
8 fective under section 201(p)(1); or
9 "(ii) the evidence is inadequate to
10 show that the drug is generally recognized
11 as safe and effective under section
12 201(p)(1).
13 "(2) ADMINISTRATIVE ORDERS INITIATED BY
14 THE SECRETARY.—
15 "(A) IN GENERAL.—In issuing an adminis-
16 trative order under paragraph (1) upon the
17 Secretary's initiative, the Secretary shall—
18 "(i) make reasonable efforts to notify
19 informally, not later than 2 business days
20 before the issuance of the proposed order,
21 the sponsors of drugs who have a listing in
22 effect under section 510(j) for the drugs or
23 combination of drugs that will be subject
24 to the administrative order;

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1 "(ii) after any such reasonable efforts
2 of notification—
3 "(I) issue a proposed administra-
4 tive order by publishing it on the
5 website of the Food and Drug Admin-
6 istration and include in such order the
7 reasons for the issuance of such order;
8 and
9 "(II) publish a notice of avail-
10 ability of such proposed order in the
11 Federal Register;
12 "(iii) except as provided in subpara-
13 graph (B), provide for a public comment
14 period with respect to such proposed order
15 of not less than 45 calendar days; and
16 "(iv) if, after completion of the pro-
17 ceedings specified in clauses (i) through
18 (iii), the Secretary determines that it is ap-
19 propriate to issue a final administrative
20 order—
21 "(I) issue the final administrative
22 order, together with a detailed state-
23 ment of reasons, which order shall not
24 take effect until the time for request-

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1 ing judicial review under paragraph
2 (3)(D)(ii) has expired;
3 "(II) publish a notice of such
4 final administrative order in the Fed-
5 eral Register;
6 "(III) afford requestors of drugs
7 that will be subject to such order the
8 opportunity for formal dispute resolu-
9 tion up to the level of the Director of
10 the Center for Drug Evaluation and
11 Research, which initially must be re-
12 quested within 45 calendar days of
13 the issuance of the order, and, for
14 subsequent levels of appeal, within 30
15 calendar days of the prior decision;
16 and
17 "(IV) except with respect to
18 drugs described in paragraph (3)(B),
19 upon completion of the formal dispute
20 resolution procedure, inform the per-
21 sons which sought such dispute reso-
22 lution of their right to request a hear-
23 ing.
24 "(B) EXCEPTIONS.—When issuing an ad-
25 ministrative order under paragraph (1) on the

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1 Secretary's initiative proposing to determine
2 that a drug described in subsection (a)(3) is not
3 generally recognized as safe and effective under
4 section 201(p)(1), the Secretary shall follow the
5 procedures in subparagraph (A), except that—
6 "(i) the proposed order shall include
7 notice of—
8 "(I) the general categories of
9 data the Secretary has determined
10 necessary to establish that the drug is
11 generally recognized as safe and effec-
12 tive under section 201(p)(1); and
13 "(II) the format for submissions
14 by interested persons;
15 "(ii) the Secretary shall provide for a
16 public comment period of no less than 180
17 calendar days with respect to such pro-
18 posed order, except when the Secretary de-
19 termines, for good cause, that a shorter pe-
20 riod is in the interest of public health; and
21 "(iii) any person who submits data in
22 such comment period shall include a cer-
23 tification that the person has submitted all
24 evidence created, obtained, or received by
25 that person that is both within the cat-

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1 egories of data identified in the proposed
2 order and relevant to a determination as to
3 whether the drug is generally recognized as
4 safe and effective under section 201(p)(1).
5 "(3) HEARINGS; JUDICIAL REVIEW.—
6 "(A) IN GENERAL.—Only a person who
7 participated in each stage of formal dispute res-
8 olution under subclause (III) of paragraph
9 (2)(A)(iv) of an administrative order with re-
10 spect to a drug may request a hearing con-
11 cerning a final administrative order issued
12 under such paragraph with respect to such
13 drug. If a hearing is sought, such person must
14 submit a request for a hearing, which shall be
15 based solely on information in the administra-
16 tive record, to the Secretary not later than 30
17 calendar days after receiving notice of the final
18 decision of the formal dispute resolution proce-
19 dure.
20 "(B) NO HEARING REQUIRED WITH RE-
21 SPECT TO ORDERS RELATING TO CERTAIN
22 DRUGS.—
23 "(i) IN GENERAL.—The Secretary
24 shall not be required to provide notice and
25 an opportunity for a hearing pursuant to

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1 paragraph (2)(A)(iv) if the final adminis-
2 trative order involved relates to a drug—
3 "(I) that is described in sub-
4 section (a)(3)(A); and
5 "(II) with respect to which no
6 human or non-human data studies rel-
7 evant to the safety or effectiveness of
8 such drug have been submitted to the
9 administrative record since the
10 issuance of the most recent tentative
11 final monograph relating to such
12 drug.
13 "(ii) HUMAN DATA STUDIES AND
14 NON-HUMAN DATA DEFINED.—In this sub-
15 paragraph:
16 "(I) The term 'human data stud-
17 ies' means clinical trials of safety or
18 effectiveness (including actual use
19 studies), pharmacokinetics studies, or
20 bioavailability studies.
21 "(II) The term 'non-human data'
22 means data from testing other than
23 with human subjects which provides
24 information concerning safety or ef-
25 fectiveness.

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1 "(C) HEARING PROCEDURES.—
2 "(i) DENIAL OF REQUEST FOR HEAR-
3 ING.—If the Secretary determines that in-
4 formation submitted in a request for a
5 hearing under subparagraph (A) with re-
6 spect to a final administrative order issued
7 under paragraph (2)(A)(iv) does not iden-
8 tify the existence of a genuine and sub-
9 stantial question of material fact, the Sec-
10 retary may deny such request. In making
11 such a determination, the Secretary may
12 consider only information and data that
13 are based on relevant and reliable scientific
14 principles and methodologies.
15 "(ii) SINGLE HEARING FOR MULTIPLE
16 RELATED REQUESTS.—If more than one
17 request for a hearing is submitted with re-
18 spect to the same administrative order
19 under subparagraph (A), the Secretary
20 may direct that a single hearing be con-
21 ducted in which all persons whose hearing
22 requests were granted may participate.
23 "(iii) PRESIDING OFFICER.—The pre-
24 siding officer of a hearing requested under
25 subparagraph (A) shall—

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1 "(I) be designated by the Sec-
2 retary;
3 "(II) not be an employee of the
4 Center for Drug Evaluation and Re-
5 search; and
6 "(III) not have been previously
7 involved in the development of the ad-
8 ministrative order involved or pro-
9 ceedings relating to that administra-
10 tive order.
11 "(iv) RIGHTS OF PARTIES TO HEAR-
12 ING.—The parties to a hearing requested
13 under subparagraph (A) shall have the
14 right to present testimony, including testi-
15 mony of expert witnesses, and to cross-ex-
16 amine witnesses presented by other parties.
17 Where appropriate, the presiding officer
18 may require that cross-examination by par-
19 ties representing substantially the same in-
20 terests be consolidated to promote effi-
21 ciency and avoid duplication.
22 "(v) FINAL DECISION.—
23 "(I) At the conclusion of a hear-
24 ing requested under subparagraph
25 (A), the presiding officer of the hear-

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1 ing shall issue a decision containing
2 findings of fact and conclusions of
3 law. The decision of the presiding offi-
4 cer shall be final.
5 "(II) The final decision may not
6 take effect until the period under sub-
7 paragraph (D)(ii) for submitting a re-
8 quest for judicial review of such deci-
9 sion expires.
10 "(D) JUDICIAL REVIEW OF FINAL ADMIN-
11 ISTRATIVE ORDER.—
12 "(i) IN GENERAL.—The procedures
13 described in section 505(h) shall apply
14 with respect to judicial review of final ad-
15 ministrative orders issued under this sub-
16 section in the same manner and to the
17 same extent as such section applies to an
18 order described in such section except that
19 the judicial review shall be taken by filing
20 in an appropriate district court of the
21 United States in lieu of the appellate
22 courts specified in such section.
23 "(ii) PERIOD TO SUBMIT A REQUEST
24 FOR JUDICIAL REVIEW.—A person eligible
25 to request a hearing under this paragraph

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1 and seeking judicial review of a final ad-
2 ministrative order issued under this sub-
3 section shall file such request for judicial
4 review not later than 60 calendar days
5 after the latest of—
6 "(I) the date on which notice of
7 such order is published;
8 "(II) the date on which a hearing
9 with respect to such order is denied
10 under subparagraph (B) or (C)(i);
11 "(III) the date on which a final
12 decision is made following a hearing
13 under subparagraph (C)(v); or
14 "(IV) if no hearing is requested,
15 the date on which the time for re-
16 questing a hearing expires.
17 "(4) EXPEDITED PROCEDURE WITH RESPECT
18 TO ADMINISTRATIVE ORDERS INITIATED BY THE
19 SECRETARY.—
20 "(A) IMMINENT HAZARD TO THE PUBLIC
21 HEALTH.—
22 "(i) IN GENERAL.—In the case of a
23 determination by the Secretary that a
24 drug, class of drugs, or combination of
25 drugs subject to this section poses an im-

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1 minent hazard to the public health, the
2 Secretary, after first making reasonable ef-
3 forts to notify, not later than 48 hours be-
4 fore issuance of such order under this sub-
5 paragraph, sponsors who have a listing in
6 effect under section 510(j) for such drug
7 or combination of drugs—
8 "(I) may issue an interim final
9 administrative order for such drug,
10 class of drugs, or combination of
11 drugs under paragraph (1), together
12 with a detailed statement of the rea-
13 sons for such order;
14 "(II) shall publish in the Federal
15 Register a notice of availability of any
16 such order; and
17 "(III) shall provide for a public
18 comment period of at least 45 cal-
19 endar days with respect to such in-
20 terim final order.
21 "(ii) NONDELEGATION.—The Sec-
22 retary may not delegate the authority to
23 issue an interim final administrative order
24 under this subparagraph.
25 "(B) SAFETY LABELING CHANGES.—

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1 "(i) IN GENERAL.—In the case of a
2 determination by the Secretary that a
3 change in the labeling of a drug, class of
4 drugs, or combination of drugs subject to
5 this section is reasonably expected to miti-
6 gate a significant or unreasonable risk of
7 a serious adverse event associated with use
8 of the drug, the Secretary may—
9 "(I) make reasonable efforts to
10 notify informally, not later than 48
11 hours before the issuance of the in-
12 terim final order, the sponsors of
13 drugs who have a listing in effect
14 under section 510(j) for such drug or
15 combination of drugs;
16 "(II) after reasonable efforts of
17 notification, issue an interim final ad-
18 ministrative order in accordance with
19 paragraph (1) to require such change,
20 together with a detailed statement of
21 the reasons for such order;
22 "(III) publish in the Federal
23 Register a notice of availability of
24 such order; and

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1 "(IV) provide for a public com-
2 ment period of at least 45 calendar
3 days with respect to such interim final
4 order.
5 "(ii) CONTENT OF ORDER.—An in-
6 terim final order issued under this sub-
7 paragraph with respect to the labeling of a
8 drug may provide for new warnings and
9 other information required for safe use of
10 the drug.
11 "(C) EFFECTIVE DATE.—An order under
12 subparagraph (A) or (B) shall take effect on a
13 date specified by the Secretary.
14 "(D) FINAL ORDER.—After the completion
15 of the proceedings in subparagraph (A) or (B),
16 the Secretary shall—
17 "(i) issue a final order in accordance
18 with paragraph (1);
19 "(ii) publish a notice of availability of
20 such final administrative order in the Fed-
21 eral Register; and
22 "(iii) afford sponsors of such drugs
23 that will be subject to such an order the
24 opportunity for formal dispute resolution
25 up to the level of the Director of the Cen-

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1 ter for Drug Evaluation and Research,
2 which must initially be within 45 calendar
3 days of the issuance of the order, and for
4 subsequent levels of appeal, within 30 cal-
5 endar days of the prior decision.
6 "(E) HEARINGS.—A sponsor of a drug
7 subject to a final order issued under subpara-
8 graph (D) and that participated in each stage
9 of formal dispute resolution under clause (iii) of
10 such subparagraph may request a hearing on
11 such order. The provisions of subparagraphs
12 (A), (B), and (C) of paragraph (3), other than
13 paragraph (3)(C)(v)(II), shall apply with re-
14 spect to a hearing on such order in the same
15 manner and to the same extent as such provi-
16 sions apply with respect to a hearing on an ad-
17 ministrative order issued under paragraph
18 (2)(A)(iv).
19 "(F) TIMING.—
20 "(i) FINAL ORDER AND HEARING.—
21 The Secretary shall—
22 "(I) not later than 6 months
23 after the date on which the comment
24 period closes under subparagraph (A)

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1 or (B), issue a final order in accord-
2 ance with paragraph (1); and
3 "(II) not later than 12 months
4 after the date on which such final
5 order is issued, complete any hearing
6 under subparagraph (E).
7 "(ii) DISPUTE RESOLUTION RE-
8 QUEST.—The Secretary shall specify in an
9 interim final order issued under subpara-
10 graph (A) or (B) such shorter periods for
11 requesting dispute resolution under sub-
12 paragraph (D)(iii) as are necessary to
13 meet the requirements of this subpara-
14 graph.
15 "(G) JUDICIAL REVIEW.—A final order
16 issued pursuant to subparagraph (F) shall be
17 subject to judicial review in accordance with
18 paragraph (3)(D).
19 "(5) ADMINISTRATIVE ORDER INITIATED AT
20 THE REQUEST OF A REQUESTOR.—
21 "(A) IN GENERAL.—In issuing an adminis-
22 trative order under paragraph (1) at the re-
23 quest of a requestor with respect to certain
24 drugs, classes of drugs, or combinations of
25 drugs—

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1 "(i) the Secretary shall, after receiv-
2 ing a request under this subparagraph, de-
3 termine whether the request is sufficiently
4 complete and formatted to permit a sub-
5 stantive review;
6 "(ii) if the Secretary determines that
7 the request is sufficiently complete and for-
8 matted to permit a substantive review, the
9 Secretary shall—
10 "(I) file the request; and
11 "(II) initiate proceedings with re-
12 spect to issuing an administrative
13 order in accordance with paragraphs
14 (2) and (3); and
15 "(iii) except as provided in paragraph
16 (6), if the Secretary determines that a re-
17 quest does not meet the requirements for
18 filing or is not sufficiently complete and
19 formatted to permit a substantive review,
20 the requestor may demand that the request
21 be filed over protest, and the Secretary
22 shall initiate proceedings to review the re-
23 quest in accordance with paragraph (2)(A).
24 "(B) REQUEST TO INITIATE PRO-
25 CEEDINGS.—

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1 "(i) IN GENERAL.—A requestor seek-
2 ing an administrative order under para-
3 graph (1) with respect to certain drugs,
4 classes of drugs, or combinations of drugs,
5 shall submit to the Secretary a request to
6 initiate proceedings for such order in the
7 form and manner as specified by the Sec-
8 retary. Such requestor may submit a re-
9 quest under this subparagraph for the
10 issuance of an administrative order—
11 "(I) determining whether a drug
12 is generally recognized as safe and ef-
13 fective under section 201(p)(1), ex-
14 empt from section 503(b)(1), and not
15 required to be the subject of an ap-
16 proved application under section 505;
17 or
18 "(II) determining whether a
19 change to a condition of use of a drug
20 is generally recognized as safe and ef-
21 fective under section 201(p)(1), ex-
22 empt from section 503(b)(1), and not
23 required to be the subject of an ap-
24 proved application under section 505,

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1 if, absent such a changed condition of
2 use, such drug is—
3 "(aa) generally recognized
4 as safe and effective under sec-
5 tion 201(p)(1) in accordance with
6 subsection (a)(1), (a)(2), or an
7 order under this subsection; or
8 "(bb) subject to subsection
9 (a)(3), but only if such requestor
10 initiates such request in conjunc-
11 tion with a request for the Sec-
12 retary to determine whether such
13 drug is generally recognized as
14 safe and effective under section
15 201(p)(1), which is filed by the
16 Secretary under subparagraph
17 (A)(ii).
18 "(ii) EXCEPTION.—The Secretary is
19 not required to complete review of a re-
20 quest for a change described in clause
21 (i)(II) if the Secretary determines that
22 there is an inadequate basis to find the
23 drug is generally recognized as safe and ef-
24 fective under section 201(p)(1) under para-

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1 graph (1) and issues a final order an-
2 nouncing that determination.
3 "(iii) WITHDRAWAL.—The requestor
4 may withdraw a request under this para-
5 graph, according to the procedures set
6 forth pursuant to subsection (d)(2)(B).
7 Notwithstanding any other provision of
8 this section, if such request is withdrawn,
9 the Secretary may cease proceedings under
10 this subparagraph.
11 "(C) EXCLUSIVITY.—
12 "(i) IN GENERAL.—A final adminis-
13 trative order issued in response to a re-
14 quest under this section shall have the ef-
15 fect of authorizing solely the order re-
16 questor (or the licensees, assignees, or suc-
17 cessors in interest of such requestor with
18 respect to the subject of such order), for a
19 period of 18 months following the effective
20 date of such final order and beginning on
21 the date the requestor may lawfully market
22 such drugs pursuant to the order, to mar-
23 ket drugs—
24 "(I) incorporating changes de-
25 scribed in clause (ii); and

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1 "(II) subject to the limitations
2 under clause (iv).
3 "(ii) CHANGES DESCRIBED.—A
4 change described in this clause is a change
5 subject to an order specified in clause (i),
6 which—
7 "(I) provides for a drug to con-
8 tain an active ingredient (including
9 any ester or salt of the active ingre-
10 dient) not previously incorporated in a
11 drug described in clause (iii); or
12 "(II) provides for a change in the
13 conditions of use of a drug, for which
14 new human data studies conducted or
15 sponsored by the requestor (or for
16 which the requestor has an exclusive
17 right of reference) were essential to
18 the issuance of such order.
19 "(iii) DRUGS DESCRIBED.—The drugs
20 described in this clause are drugs—
21 "(I) specified in subsection
22 (a)(1), (a)(2), or (a)(3);
23 "(II) subject to a final order
24 issued under this section;

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1 "(III) subject to a final sun-
2 screen order (as defined in section
3 586(2)(A)); or
4 "(IV) described in subsection
5 (m)(1), other than drugs subject to an
6 active enforcement action under chap-
7 ter III of this Act.
8 "(iv) LIMITATIONS ON EXCLU-
9 SIVITY.—
10 "(I) IN GENERAL.—Only one 18-
11 month period under this subpara-
12 graph shall be granted, under each
13 order described in clause (i), with re-
14 spect to changes (to the drug subject
15 to such order) which are either—
16 "(aa) changes described in
17 clause (ii)(I), relating to active
18 ingredients; or
19 "(bb) changes described in
20 clause (ii)(II), relating to condi-
21 tions of use.
22 "(II) NO EXCLUSIVITY AL-
23 LOWED.—No exclusivity shall apply to
24 changes to a drug which are—

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1 "(aa) the subject of a Tier 2
2 OTC monograph order request
3 (as defined in section 744L);
4 "(bb) safety-related changes,
5 as defined by the Secretary, or
6 any other changes the Secretary
7 considers necessary to assure
8 safe use; or
9 "(cc) changes related to
10 methods of testing safety or effi-
11 cacy.
12 "(v) NEW HUMAN DATA STUDIES DE-
13 FINED.—In this subparagraph, the term
14 'new human data studies' means clinical
15 trials of safety or effectiveness (including
16 actual use studies), pharmacokinetics stud-
17 ies, or bioavailability studies, the results of
18 which—
19 "(I) have not been relied on by
20 the Secretary to support—
21 "(aa) a proposed or final de-
22 termination that a drug described
23 in subclause (I), (II), or (III) of
24 clause (iii) is generally recognized

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1 as safe and effective under sec-
2 tion 201(p)(1); or
3 "(bb) approval of a drug
4 that was approved under section
5 505; and
6 "(II) do not duplicate the results
7 of another study that was relied on by
8 the Secretary to support—
9 "(aa) a proposed or final de-
10 termination that a drug described
11 in subclause (I), (II), or (III) of
12 clause (iii) is generally recognized
13 as safe and effective under sec-
14 tion 201(p)(1); or
15 "(bb) approval of a drug
16 that was approved under section
17 505.
18 "(vi) NOTIFICATION OF DRUG NOT
19 AVAILABLE FOR SALE.—A requestor that
20 is granted exclusivity with respect to a
21 drug under this subparagraph shall notify
22 the Secretary in writing within 1 year of
23 the issuance of the final administrative
24 order if the drug that is the subject of
25 such order will not be available for sale

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1 within 1 year of the date of issuance of
2 such order. The requestor shall include
3 with such notice the—
4 "(I) identity of the drug by es-
5 tablished name and by proprietary
6 name, if any;
7 "(II) strength of the drug;
8 "(III) date on which the drug
9 will be available for sale, if known;
10 and
11 "(IV) reason for not marketing
12 the drug after issuance of the order.
13 "(6) INFORMATION REGARDING SAFE NON-
14 PRESCRIPTION MARKETING AND USE AS CONDITION
15 FOR FILING A GENERALLY RECOGNIZED AS SAFE
16 AND EFFECTIVE REQUEST.—
17 "(A) IN GENERAL.—In response to a re-
18 quest under this section that a drug described
19 in subparagraph (B) be generally recognized as
20 safe and effective, the Secretary—
21 "(i) may file such request, if the re-
22 quest includes information specified under
23 subparagraph (C) with respect to safe non-
24 prescription marketing and use of such
25 drug; or

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1 "(ii) if the request fails to include in-
2 formation specified under subparagraph
3 (C), shall refuse to file such request and
4 require that nonprescription marketing of
5 the drug be pursuant to a new drug appli-
6 cation as described in subparagraph (D).
7 "(B) DRUG DESCRIBED.—A drug de-
8 scribed in this subparagraph is a nonprescrip-
9 tion drug which contains an active ingredient
10 not previously incorporated in a drug—
11 "(i) specified in subsection (a)(1),
12 (a)(2), or (a)(3);
13 "(ii) subject to a final order under
14 this section; or
15 "(iii) subject to a final sunscreen
16 order (as defined in section 586(2)(A)).
17 "(C) INFORMATION DEMONSTRATING
18 PRIMA FACIE SAFE NONPRESCRIPTION MAR-
19 KETING AND USE.—Information specified in
20 this subparagraph, with respect to a request de-
21 scribed in subparagraph (A)(i), is—
22 "(i) information sufficient for a prima
23 facie demonstration that the drug subject
24 to such request has a verifiable history of
25 being marketed and safely used by con-

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1 sumers in the United States as a non-
2 prescription drug under comparable condi-
3 tions of use;
4 "(ii) if the drug has not been pre-
5 viously marketed in the United States as a
6 nonprescription drug, information suffi-
7 cient for a prima facie demonstration that
8 the drug was marketed and safely used
9 under comparable conditions of marketing
10 and use in a country listed in section
11 802(b)(1)(A) or designated by the Sec-
12 retary in accordance with section
13 802(b)(1)(B)—
14 "(I) for such period as needed to
15 provide reasonable assurances con-
16 cerning the safe nonprescription use
17 of the drug; and
18 "(II) during such time was sub-
19 ject to sufficient monitoring by a reg-
20 ulatory body considered acceptable by
21 the Secretary for such monitoring
22 purposes, including for adverse events
23 associated with nonprescription use of
24 the drug; or

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1 "(iii) if the Secretary determines that
2 information described in clause (i) or (ii) is
3 not needed to provide a prima facie dem-
4 onstration that the drug can be safely mar-
5 keted and used as a nonprescription drug,
6 such other information the Secretary deter-
7 mines is sufficient for such purposes.
8 "(D) MARKETING PURSUANT TO NEW
9 DRUG APPLICATION.—In the case of a request
10 described in subparagraph (A)(ii), the drug
11 subject to such request may be resubmitted for
12 filing only if—
13 "(i) the drug is marketed as a non-
14 prescription drug, under conditions of use
15 comparable to the conditions specified in
16 the request, for such period as the Sec-
17 retary determines appropriate (not to ex-
18 ceed 5 consecutive years) pursuant to an
19 application approved under section 505;
20 and
21 "(ii) during such period, 1,000,000
22 retail packages of the drug, or an equiva-
23 lent quantity as determined by the Sec-
24 retary, were distributed for retail sale, as

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1 determined in such manner as the Sec-
2 retary finds appropriate.
3 "(E) RULE OF APPLICATION.—Except in
4 the case of a request involving a drug described
5 in section 586(9), as in effect on January 1,
6 2017, if the Secretary refuses to file a request
7 under this paragraph, the requestor may not
8 file such request over protest under paragraph
9 (5)(A)(iii).
10 "(7) PACKAGING.—An administrative order
11 issued under paragraph (2), (4)(A), or (5) may in-
12 clude requirements for the packaging of a drug to
13 encourage use in accordance with labeling. Such re-
14 quirements may include unit dose packaging, re-
15 quirements for products intended for use by pedi-
16 atric populations, requirements to reduce risk of
17 harm from unsupervised ingestion, and other appro-
18 priate requirements. This paragraph does not au-
19 thorize the Food and Drug Administration to re-
20 quire standards or testing procedures as described in
21 part 1700 of title 16, Code of Federal Regulations.
22 "(8) FINAL AND TENTATIVE FINAL MONO-
23 GRAPHS FOR CATEGORY I DRUGS DEEMED FINAL
24 ADMINISTRATIVE ORDERS.—

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1 "(A) IN GENERAL.—A final monograph or
2 tentative final monograph described in subpara-
3 graph (B) shall be deemed to be a final admin-
4 istrative order under this subsection and may
5 be amended, revoked, or otherwise modified in
6 accordance with the procedures of this sub-
7 section.
8 "(B) MONOGRAPHS DESCRIBED.—For pur-
9 poses of subparagraph (A), a final monograph
10 or tentative final monograph is described in this
11 subparagraph if it—
12 "(i) establishes conditions of use for a
13 drug described in paragraph (1) or (2) of
14 subsection (a); and
15 "(ii) represents the most recently pro-
16 mulgated version of such conditions, in-
17 cluding as modified, in whole or in part, by
18 any proposed or final rule.
19 "(C) DEEMED ORDERS INCLUDE HARMO-
20 NIZING TECHNICAL AMENDMENTS.—The
21 deemed establishment of a final administrative
22 order under subparagraph (A) shall be con-
23 strued to include any technical amendments to
24 such order as the Secretary determines nec-
25 essary to ensure that such order is appro-

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1 priately harmonized, in terms of terminology or
2 cross-references, with the applicable provisions
3 of this Act (and regulations thereunder) and
4 any other orders issued under this section.
5 "(c) PROCEDURE FOR MINOR CHANGES.—
6 "(1) IN GENERAL.—Minor changes in the dos-
7 age form of a drug that is described in paragraph
8 (1) or (2) of subsection (a) or the subject of an
9 order issued under subsection (b) may be made by
10 a requestor without the issuance of an order under
11 subsection (b) if—
12 "(A) the requestor maintains such infor-
13 mation as is necessary to demonstrate that the
14 change—
15 "(i) will not affect the safety or effec-
16 tiveness of the drug; and
17 "(ii) will not materially affect the ex-
18 tent of absorption or other exposure to the
19 active ingredient in comparison to a suit-
20 able reference product; and
21 "(B) the change is in conformity with the
22 requirements of an applicable administrative
23 order issued by the Secretary under paragraph
24 (3).
25 "(2) ADDITIONAL INFORMATION.—

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1 "(A) ACCESS TO RECORDS.—A sponsor
2 shall submit records requested by the Secretary
3 relating to such a minor change under section
4 704(a)(4), within 15 business days of receiving
5 such a request, or such longer period as the
6 Secretary may provide.
7 "(B) INSUFFICIENT INFORMATION.—If the
8 Secretary determines that the information con-
9 tained in such records is not sufficient to dem-
10 onstrate that the change does not affect the
11 safety or effectiveness of the drug or materially
12 affect the extent of absorption or other expo-
13 sure to the active ingredient, the Secretary—
14 "(i) may so inform the sponsor of the
15 drug in writing; and
16 "(ii) if the Secretary so informs the
17 sponsor, shall provide the sponsor of the
18 drug with a reasonable opportunity to pro-
19 vide additional information.
20 "(C) FAILURE TO SUBMIT SUFFICIENT IN-
21 FORMATION.—If the sponsor fails to provide
22 such additional information within a time pre-
23 scribed by the Secretary, or if the Secretary de-
24 termines that such additional information does
25 not demonstrate that the change does not—

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1 "(i) affect the safety or effectiveness
2 of the drug; or
3 "(ii) materially affect the extent of
4 absorption or other exposure to the active
5 ingredient in comparison to a suitable ref-
6 erence product,
7 the drug as modified is a new drug under sec-
8 tion 201(p) and shall be deemed to be mis-
9 branded under section 502(ee).
10 "(3) DETERMINING WHETHER A CHANGE WILL
11 AFFECT SAFETY OR EFFECTIVENESS.—
12 "(A) IN GENERAL.—The Secretary shall
13 issue one or more administrative orders speci-
14 fying requirements for determining whether a
15 minor change made by a sponsor pursuant to
16 this subsection will affect the safety or effective-
17 ness of a drug or materially affect the extent of
18 absorption or other exposure to an active ingre-
19 dient in the drug in comparison to a suitable
20 reference product, together with guidance for
21 applying those orders to specific dosage forms.
22 "(B) STANDARD PRACTICES.—The orders
23 and guidance issued by the Secretary under
24 subparagraph (A) shall take into account rel-
25 evant public standards and standard practices

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1 for evaluating the quality of drugs, and may
2 take into account the special needs of popu-
3 lations, including children.
4 "(d) CONFIDENTIALITY OF INFORMATION SUB-
5 MITTED TO THE SECRETARY.—
6 "(1) IN GENERAL.—Subject to paragraph (2),
7 any information, including reports of testing con-
8 ducted on the drug or drugs involved, that is sub-
9 mitted by a requestor in connection with proceedings
10 on an order under this section (including any minor
11 change under subsection (c)) and is a trade secret
12 or confidential information subject to section
13 552(b)(4) of title 5, United States Code, or section
14 1905 of title 18, United States Code, shall not be
15 disclosed to the public unless the requestor consents
16 to that disclosure.
17 "(2) PUBLIC AVAILABILITY.—
18 "(A) IN GENERAL.—Except as provided in
19 subparagraph (B), the Secretary shall—
20 "(i) make any information submitted
21 by a requestor in support of a request
22 under subsection (b)(5)(A) available to the
23 public not later than the date on which the
24 proposed order is issued; and

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1 "(ii) make any information submitted
2 by any other person with respect to an
3 order requested (or initiated by the Sec-
4 retary) under subsection (b), available to
5 the public upon such submission.
6 "(B) LIMITATIONS ON PUBLIC AVAIL-
7 ABILITY.—Information described in subpara-
8 graph (A) shall not be made public if—
9 "(i) the information pertains to phar-
10 maceutical quality information, unless such
11 information is necessary to establish stand-
12 ards under which a drug is generally rec-
13 ognized as safe and effective under section
14 201(p)(1);
15 "(ii) the information is submitted in a
16 requestor-initiated request, but the re-
17 questor withdraws such request, in accord-
18 ance with withdrawal procedures estab-
19 lished by the Secretary, before the Sec-
20 retary issues the proposed order;
21 "(iii) the Secretary requests and ob-
22 tains the information under subsection (c)
23 and such information is not submitted in
24 relation to an order under subsection (b);
25 or

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1 "(iv) the information is of the type
2 contained in raw datasets.
3 "(e) UPDATES TO DRUG LISTING INFORMATION.—
4 A sponsor who makes a change to a drug subject to this
5 section shall submit updated drug listing information for
6 the drug in accordance with section 510(j) within 30 cal-
7 endar days of the date when the drug is first commercially
8 marketed, except that a sponsor who was the order re-
9 questor with respect to an order subject to subsection
10 (b)(5)(C) (or a licensee, assignee, or successor in interest
11 of such requestor) shall submit updated drug listing infor-
12 mation on or before the date when the drug is first com-
13 mercially marketed.
14 "(f) APPROVALS UNDER SECTION 505.—The provi-
15 sions of this section shall not be construed to preclude a
16 person from seeking or maintaining the approval of an ap-
17 plication for a drug under sections 505(b)(1), 505(b)(2),
18 and 505(j). A determination under this section that a drug
19 is not subject to section 503(b)(1), is generally recognized
20 as safe and effective under section 201(p)(1), and is not
21 a new drug under section 201(p) shall constitute a finding
22 that the drug is safe and effective that may be relied upon
23 for purposes of an application under section 505(b)(2), so
24 that the applicant shall be required to submit for purposes
25 of such application only information needed to support any

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1 modification of the drug that is not covered by such deter-
2 mination under this section.
3 "(g) PUBLIC AVAILABILITY OF ADMINISTRATIVE OR-
4 DERS.—The Secretary shall establish, maintain, update
5 (as determined necessary by the Secretary but no less fre-
6 quently than annually), and make publicly available, with
7 respect to orders issued under this section—
8 "(1) a repository of each final order and in-
9 terim final order in effect, including the complete
10 text of the order; and
11 "(2) a listing of all orders proposed and under
12 development under subsection (b)(2), including—
13 "(A) a brief description of each such order;
14 and
15 "(B) the Secretary's expectations, if re-
16 sources permit, for issuance of proposed orders
17 over a 3-year period.
18 "(h) DEVELOPMENT ADVICE TO SPONSORS OR RE-
19 QUESTORS.—The Secretary shall establish procedures
20 under which sponsors or requestors may meet with appro-
21 priate officials of the Food and Drug Administration to
22 obtain advice on the studies and other information nec-
23 essary to support submissions under this section and other
24 matters relevant to the regulation of nonprescription

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1 drugs and the development of new nonprescription drugs
2 under this section.
3 "(i) PARTICIPATION OF MULTIPLE SPONSORS OR RE-
4 QUESTORS.—The Secretary shall establish procedures to
5 facilitate efficient participation by multiple sponsors or re-
6 questors in proceedings under this section, including provi-
7 sion for joint meetings with multiple sponsors or reques-
8 tors or with organizations nominated by sponsors or re-
9 questors to represent their interests in a proceeding.
10 "(j) ELECTRONIC FORMAT.—All submissions under
11 this section shall be in electronic format.
12 "(k) EFFECT ON EXISTING REGULATIONS GOV-
13 ERNING NONPRESCRIPTION DRUGS.—
14 "(1) REGULATIONS OF GENERAL APPLICA-
15 BILITY TO NONPRESCRIPTION DRUGS.—Except as
16 provided in this subsection, nothing in this section
17 supersedes regulations establishing general require-
18 ments for nonprescription drugs, including regula-
19 tions of general applicability contained in parts 201,
20 250, and 330 of title 21, Code of Federal Regula-
21 tions, or any successor regulations. The Secretary
22 shall establish or modify such regulations by means
23 of rulemaking in accordance with section 553 of title
24 5, United States Code.

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1 "(2) REGULATIONS ESTABLISHING REQUIRE-
2 MENTS FOR SPECIFIC NONPRESCRIPTION DRUGS.—
3 "(A) The provisions of section 310.545 of
4 title 21, Code of Federal Regulations, as in ef-
5 fect on the day before the date of the enact-
6 ment of this section, shall be deemed to be a
7 final order under subsection (b).
8 "(B) Regulations in effect on the day be-
9 fore the date of the enactment of this section,
10 establishing requirements for specific non-
11 prescription drugs marketed pursuant to this
12 section (including such requirements in parts
13 201 and 250 of title 21, Code of Federal Regu-
14 lations), shall be deemed to be final orders
15 under subsection (b), only as they apply to
16 drugs—
17 "(i) subject to paragraph (1), (2), (3),
18 or (4) of subsection (a); or
19 "(ii) otherwise subject to an order
20 under this section.
21 "(3) WITHDRAWAL OF REGULATIONS.—The
22 Secretary shall withdraw regulations establishing
23 final monographs and the procedures governing the
24 over-the-counter drug review under part 330 and
25 other relevant parts of title 21, Code of Federal

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1 Regulations (as in effect on the day before the date
2 of the enactment of this section), or make technical
3 changes to such regulations to ensure conformity
4 with appropriate terminology and cross references.
5 Notwithstanding subchapter II of chapter 5 of title
6 5, United States Code, any such withdrawal or tech-
7 nical changes shall be made without public notice
8 and comment and shall be effective upon publication
9 through notice in the Federal Register (or upon such
10 date as specified in such notice).
11 "(l) GUIDANCE.—The Secretary shall issue guidance
12 that specifies—
13 "(1) the procedures and principles for formal
14 meetings between the Secretary and sponsors or re-
15 questors for drugs subject to this section;
16 "(2) the format and content of data submis-
17 sions to the Secretary under this section;
18 "(3) the format of electronic submissions to the
19 Secretary under this section;
20 "(4) consolidated proceedings for appeal and
21 the procedures for such proceedings where appro-
22 priate; and
23 "(5) for minor changes in drugs, recommenda-
24 tions on how to comply with the requirements in or-
25 ders issued under subsection (c)(3).

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1 "(m) RULE OF CONSTRUCTION.—
2 "(1) IN GENERAL.—This section shall not af-
3 fect the treatment or status of a nonprescription
4 drug—
5 "(A) that is marketed without an applica-
6 tion approved under section 505 as of the date
7 of the enactment of this section;
8 "(B) that is not subject to an order issued
9 under this section; and
10 "(C) to which paragraph (1), (2), (3), (4),
11 or (5) of subsection (a) do not apply.
12 "(2) TREATMENT OF PRODUCTS PREVIOUSLY
13 FOUND TO BE SUBJECT TO TIME AND EXTENT RE-
14 QUIREMENTS.—
15 "(A) Notwithstanding subsection (a), a
16 drug described in subparagraph (B) may only
17 be lawfully marketed, without an application
18 approved under section 505, pursuant to an
19 order issued under this section.
20 "(B) A drug described in this subpara-
21 graph is a drug which, prior to the date of the
22 enactment of this section, the Secretary deter-
23 mined in a proposed or final rule to be ineligible
24 for review under the OTC drug review (as such
25 phrase 'OTC drug review' was used in section

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1 330.14 of title 21, Code of Federal Regulations,
2 as in effect on the day before the date of the
3 enactment of this section).
4 "(3) PRESERVATION OF AUTHORITY.—
5 "(A) Nothing in paragraph (1) shall be
6 construed to preclude or limit the applicability
7 of any provision of this Act other than this sec-
8 tion.
9 "(B) Nothing in subsection (a) shall be
10 construed to prohibit the Secretary from issuing
11 an order under this section finding a drug to be
12 not generally recognized as safe and effective
13 under section 201(p)(1), as the Secretary deter-
14 mines appropriate.
15 "(n) INVESTIGATIONAL NEW DRUGS.—A drug is not
16 subject to this section if an exemption for investigational
17 use under section 505(i) is in effect for such drug.
18 "(o) INAPPLICABILITY OF PAPERWORK REDUCTION
19 ACT.—Chapter 35 of title 44, United States Code, shall
20 not apply to collections of information made under this
21 section.
22 "(p) INAPPLICABILITY OF NOTICE AND COMMENT
23 RULEMAKING AND OTHER REQUIREMENTS.—The re-
24 quirements of subsection (b) shall apply with respect to
25 orders issued under this section instead of the require-

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1 ments of subchapter II of chapter 5 of title 5, United
2 States Code.
3 "(q) DEFINITIONS.—In this section:
4 "(1) The term 'nonprescription drug' refers to
5 a drug not subject to the requirements of section
6 503(b)(1).
7 "(2) The term 'sponsor' refers to any person
8 marketing, manufacturing, or processing a drug
9 that—
10 "(A) is listed pursuant to section 510(j);
11 and
12 "(B) is or will be subject to an administra-
13 tive order under this section of the Food and
14 Drug Administration.
15 "(3) The term 'requestor' refers to any person
16 or group of persons marketing, manufacturing, proc-
17 essing, or developing a drug.".
18 (b) GAO STUDY.—Not later than 4 years after the
19 date of enactment of this Act, the Comptroller General
20 of the United States shall submit a study to the Com-
21 mittee on Energy and Commerce of the House of Rep-
22 resentatives and the Committee on Health, Education,
23 Labor, and Pensions of the Senate addressing the effec-
24 tiveness and overall impact of exclusivity under section
25 505G of the Federal Food, Drug, and Cosmetic Act, as

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1 added by subsection (a), and section 586C of such Act
2 (21 U.S.C. 360fff–3), including the impact of such exclu-
3 sivity on consumer access. Such study shall include—
4 (1) an analysis of the impact of exclusivity
5 under such section 505G for nonprescription drug
6 products, including—
7 (A) the number of nonprescription drug
8 products that were granted exclusivity and the
9 indication for which the nonprescription drug
10 products were determined to be generally recog-
11 nized as safe and effective;
12 (B) whether the exclusivity for such drug
13 products was granted for—
14 (i) a new active ingredient (including
15 any ester or salt of the active ingredient);
16 or
17 (ii) changes in the conditions of use of
18 a drug, for which new human data studies
19 conducted or sponsored by the requestor
20 were essential;
21 (C) whether, and to what extent, the exclu-
22 sivity impacted the requestor's or sponsor's de-
23 cision to develop the drug product;

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1 (D) an analysis of the implementation of
2 the exclusivity provision in such section 505G,
3 including—
4 (i) the resources used by the Food
5 and Drug Administration;
6 (ii) the impact of such provision on
7 innovation, as well as research and devel-
8 opment in the nonprescription drug mar-
9 ket;
10 (iii) the impact of such provision on
11 competition in the nonprescription drug
12 market;
13 (iv) the impact of such provision on
14 consumer access to nonprescription drug
15 products;
16 (v) the impact of such provision on
17 the prices of nonprescription drug prod-
18 ucts; and
19 (vi) whether the administrative orders
20 initiated by requestors under such section
21 505G have been sufficient to encourage the
22 development of nonprescription drug prod-
23 ucts that would likely not be otherwise de-
24 veloped, or developed in as timely a man-
25 ner; and

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1 (E) whether the administrative orders ini-
2 tiated by requestors under such section 505G
3 have been sufficient incentive to encourage in-
4 novation in the nonprescription drug market;
5 and
6 (2) an analysis of the impact of exclusivity
7 under such section 586C for sunscreen ingredients,
8 including—
9 (A) the number of sunscreen ingredients
10 that were granted exclusivity and the specific
11 ingredient that was determined to be generally
12 recognized as safe and effective;
13 (B) whether, and to what extent, the exclu-
14 sivity impacted the requestor's or sponsor's de-
15 cision to develop the sunscreen ingredient;
16 (C) whether, and to what extent, the sun-
17 screen ingredient granted exclusivity had pre-
18 viously been available outside of the United
19 States;
20 (D) an analysis of the implementation of
21 the exclusivity provision in such section 586C,
22 including—
23 (i) the resources used by the Food
24 and Drug Administration;

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(ii) the impact of such provision on innovation, as well as research and development in the sunscreen market;

(iii) the impact of such provision on competition in the sunscreen market;

(iv) the impact of such provision on consumer access to sunscreen products;

(v) the impact of such provision on the prices of sunscreen products; and

(vi) whether the administrative orders initiated by requestors under such section 505G have been utilized by sunscreen ingredient sponsors and whether such process has been sufficient to encourage the development of sunscreen ingredients that would likely not be otherwise developed, or developed in as timely a manner; and

(E) whether the administrative orders initiated by requestors under such section 586C have been sufficient incentive to encourage innovation in the sunscreen market.

(c) CONFORMING AMENDMENT.—Section 751(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379r(d)(1)) is amended—

(1) in the matter preceding subparagraph (A)—

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1 (A) by striking "final regulation promul-
2 gated" and inserting "final order under section
3 505G"; and
4 (B) by striking "and not misbranded"; and
5 (2) in subparagraph (A), by striking "regula-
6 tion in effect" and inserting "regulation or order in
7 effect".

8 **SEC. 3852. MISBRANDING.**

9 Section 502 of the Federal Food, Drug, and Cosmetic
10 Act (21 U.S.C. 352) is amended by adding at the end the
11 following:
12 "(ee) If it is a nonprescription drug that is subject
13 to section 505G, is not the subject of an application ap-
14 proved under section 505, and does not comply with the
15 requirements under section 505G.
16 "(ff) If it is a drug and it was manufactured, pre-
17 pared, propagated, compounded, or processed in a facility
18 for which fees have not been paid as required by section
19 744M.".

20 **SEC. 3853. DRUGS EXCLUDED FROM THE OVER-THE-**
21 **COUNTER DRUG REVIEW.**

22 (a) IN GENERAL.—Nothing in this Act (or the
23 amendments made by this Act) shall apply to any non-
24 prescription drug (as defined in section 505G(q) of the
25 Federal Food, Drug, and Cosmetic Act, as added by sec-

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1 tion 3851 of this subtitle) which was excluded by the Food
2 and Drug Administration from the Over-the-Counter
3 Drug Review in accordance with the paragraph numbered
4 25 on page 9466 of volume 37 of the Federal Register,
5 published on May 11, 1972.

6 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to preclude or limit the applica-
8 bility of any other provision of the Federal Food, Drug,
9 and Cosmetic Act (21 U.S.C. 301 et seq.).

10 **SEC. 3854. TREATMENT OF SUNSCREEN INNOVATION ACT.**

11 (a) REVIEW OF NONPRESCRIPTION SUNSCREEN AC-
12 TIVE INGREDIENTS.—

13 (1) APPLICABILITY OF SECTION 505G FOR
14 PENDING SUBMISSIONS.—

15 (A) IN GENERAL.—A sponsor of a non-
16 prescription sunscreen active ingredient or com-
17 bination of nonprescription sunscreen active in-
18 gredients that, as of the date of enactment of
19 this Act, is subject to a proposed sunscreen
20 order under section 586C of the Federal Food,
21 Drug, and Cosmetic Act (21 U.S.C. 360fff–3)
22 may elect, by means of giving written notifica-
23 tion to the Secretary of Health and Human
24 Services within 180 calendar days of the enact-
25 ment of this Act, to transition into the review

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of such ingredient or combination of ingredients pursuant to the process set out in section 505G of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle.

(B) ELECTION EXERCISED.—Upon receipt by the Secretary of Health and Human Services of a timely notification under subparagraph (A)—

(i) the proposed sunscreen order involved is deemed to be a request for an order under subsection (b) of section 505G of the Federal Food, Drug, and Cosmetic Act, as added by section 3851 of this subtitle; and

(ii) such order is deemed to have been accepted for filing under subsection (b)(6)(A)(i) of such section 505G.

(C) ELECTION NOT EXERCISED.—If a notification under subparagraph (A) is not received by the Secretary of Health and Human Services within 180 calendar days of the date of enactment of this Act, the review of the proposed sunscreen order described in subparagraph (A)—

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1 (i) shall continue under section 586C
2 of the Federal Food, Drug, and Cosmetic
3 Act (21 U.S.C. 360fff–3); and
4 (ii) shall not be eligible for review
5 under section 505G, added by section 3851
6 of this subtitle.
7 (2) DEFINITIONS.—In this subsection, the
8 terms "sponsor", "nonprescription", "sunscreen ac-
9 tive ingredient", and "proposed sunscreen order"
10 have the meanings given to those terms in section
11 586 of the Federal Food, Drug, and Cosmetic Act
12 (21 U.S.C. 360fff).
13 (b) AMENDMENTS TO SUNSCREEN PROVISIONS.—
14 (1) FINAL SUNSCREEN ORDERS.—Paragraph
15 (3) of section 586C(e) of the Federal Food, Drug,
16 and Cosmetic Act (21 U.S.C. 360fff–3(e)) is amend-
17 ed to read as follows:
18 "(3) RELATIONSHIP TO ORDERS UNDER SEC-
19 TION 505G.—A final sunscreen order shall be deemed
20 to be a final order under section 505G.".
21 (2) MEETINGS.—Paragraph (7) of section
22 586C(b) of the Federal Food, Drug, and Cosmetic
23 Act (21 U.S.C. 360fff–3(b)) is amended—
24 (A) by striking "A sponsor may request"
25 and inserting the following:

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1 "(A) IN GENERAL.—A sponsor may re-
2 quest"; and
3 (B) by adding at the end the following:
4 "(B) CONFIDENTIAL MEETINGS.—A spon-
5 sor may request one or more confidential meet-
6 ings with respect to a proposed sunscreen order,
7 including a letter deemed to be a proposed sun-
8 screen order under paragraph (3), to discuss
9 matters relating to data requirements to sup-
10 port a general recognition of safety and effec-
11 tiveness involving confidential information and
12 public information related to such proposed
13 sunscreen order, as appropriate. The Secretary
14 shall convene a confidential meeting with such
15 sponsor in a reasonable time period. If a spon-
16 sor requests more than one confidential meeting
17 for the same proposed sunscreen order, the Sec-
18 retary may refuse to grant an additional con-
19 fidential meeting request if the Secretary deter-
20 mines that such additional confidential meeting
21 is not reasonably necessary for the sponsor to
22 advance its proposed sunscreen order, or if the
23 request for a confidential meeting fails to in-
24 clude sufficient information upon which to base
25 a substantive discussion. The Secretary shall

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1 publish a post-meeting summary of each con-
2 fidential meeting under this subparagraph that
3 does not disclose confidential commercial infor-
4 mation or trade secrets. This subparagraph
5 does not authorize the disclosure of confidential
6 commercial information or trade secrets subject
7 to 552(b)(4) of title 5, United States Code, or
8 section 1905 of title 18, United States Code.".
9 (3) EXCLUSIVITY.—Section 586C of the Fed-
10 eral Food, Drug, and Cosmetic Act (21 U.S.C.
11 360fff–3) is amended by adding at the end the fol-
12 lowing:
13 "(f) EXCLUSIVITY.—
14 "(1) IN GENERAL.—A final sunscreen order
15 shall have the effect of authorizing solely the order
16 requestor (or the licensees, assignees, or successors
17 in interest of such requestor with respect to the sub-
18 ject of such request and listed under paragraph (5))
19 for a period of 18 months, to market a sunscreen in-
20 gredient under this section incorporating changes
21 described in paragraph (2) subject to the limitations
22 under paragraph (4), beginning on the date the re-
23 questor (or any licensees, assignees, or successors in
24 interest of such requestor with respect to the subject
25 of such request and listed under paragraph (5)) may

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1 lawfully market such sunscreen ingredient pursuant
2 to the order.
3 "(2) CHANGES DESCRIBED.—A change de-
4 scribed in this paragraph is a change subject to an
5 order specified in paragraph (1) that permits a sun-
6 screen to contain an active sunscreen ingredient not
7 previously incorporated in a marketed sunscreen list-
8 ed in paragraph (3).
9 "(3) MARKETED SUNSCREEN.—The marketed
10 sunscreen ingredients described in this paragraph
11 are sunscreen ingredients—
12 "(A) marketed in accordance with a final
13 monograph for sunscreen drug products set
14 forth at part 352 of title 21, Code of Federal
15 Regulations (as published at 64 Fed. Reg.
16 27687); or
17 "(B) marketed in accordance with a final
18 order issued under this section.
19 "(4) LIMITATIONS ON EXCLUSIVITY.—Only one
20 18-month period may be granted per ingredient
21 under paragraph (1).
22 "(5) LISTING OF LICENSEES, ASSIGNEES, OR
23 SUCCESSORS IN INTEREST.—Requestors shall submit
24 to the Secretary at the time when a drug subject to
25 such request is introduced or delivered for introduc-

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1 tion into interstate commerce, a list of licensees, as-
2 signees, or successors in interest under paragraph
3 (1).".
4 (4) SUNSET PROVISION.—Subchapter I of chap-
5 ter V of the Federal Food, Drug, and Cosmetic Act
6 (21 U.S.C. 360fff et seq.) is amended by adding at
7 the end the following:
8 **"SEC. 586H. SUNSET.**
9 "This subchapter shall cease to be effective at the end
10 of fiscal year 2022.".
11 (5) TREATMENT OF FINAL SUNSCREEN
12 ORDER.—The Federal Food, Drug, and Cosmetic
13 Act is amended by striking section 586E of such Act
14 (21 U.S.C. 360fff–5).
15 (c) TREATMENT OF AUTHORITY REGARDING FINAL-
16 IZATION OF SUNSCREEN MONOGRAPH.—
17 (1) IN GENERAL.—
18 (A) REVISION OF FINAL SUNSCREEN
19 ORDER.—The Secretary of Health and Human
20 Services (referred to in this subsection as the
21 "Secretary") shall amend and revise the final
22 administrative order concerning nonprescription
23 sunscreen (referred to in this subsection as the
24 "sunscreen order") for which the content, prior
25 to the date of enactment of this Act, was rep-

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1 resented by the final monograph for sunscreen
2 drug products set forth in part 352 of title 21,
3 Code of Federal Regulations (as in effect on
4 May 21, 1999).
5 (B) ISSUANCE OF REVISED SUNSCREEN
6 ORDER; EFFECTIVE DATE.—A revised sunscreen
7 order described in subparagraph (A) shall be—
8 (i) issued in accordance with the pro-
9 cedures described in section 505G(b)(2) of
10 the Federal Food, Drug, and Cosmetic
11 Act;
12 (ii) issued in proposed form not later
13 than 18 months after the date of enact-
14 ment of this Act; and
15 (iii) issued by the Secretary at least 1
16 year prior to the effective date of the re-
17 vised order.
18 (2) REPORTS.—If a revised sunscreen order
19 issued under paragraph (1) does not include provi-
20 sions related to the effectiveness of various sun pro-
21 tection factor levels, and does not address all dosage
22 forms known to the Secretary to be used in sun-
23 screens marketed in the United States without a
24 new drug application approved under section 505 of
25 the Federal Food, Drug, and Cosmetic Act (21

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1 U.S.C. 355), the Secretary shall submit a report to
2 the Committee on Energy and Commerce of the
3 House of Representatives and the Committee on
4 Health, Education, Labor, and Pensions of the Sen-
5 ate on the rationale for omission of such provisions
6 from such order, and a plan and timeline to compile
7 any information necessary to address such provisions
8 through such order.

9 (d) TREATMENT OF NON-SUNSCREEN TIME AND EX-
10 TENT APPLICATIONS.—

11 (1) IN GENERAL.—Any application described in
12 section 586F of the Federal Food, Drug, and Cos-
13 metic Act (21 U.S.C. 360fff–6) that was submitted
14 to the Secretary pursuant to section 330.14 of title
15 21, Code of Federal Regulations, as such provisions
16 were in effect immediately prior to the date of enact-
17 ment date of this Act, shall be extinguished as of
18 such date of enactment, subject to paragraph (2).

19 (2) ORDER REQUEST.—Nothing in paragraph
20 (1) precludes the submission of an order request
21 under section 505G(b) of the Federal Food, Drug,
22 and Cosmetic Act, as added by section 3851 of this
23 subtitle, with respect to a drug that was the subject
24 of an application extinguished under paragraph (1).

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1 **SEC. 3855. ANNUAL UPDATE TO CONGRESS ON APPRO-**
2 **PRIATE PEDIATRIC INDICATION FOR CER-**
3 **TAIN OTC COUGH AND COLD DRUGS.**

4 (a) IN GENERAL.—Subject to subsection (c), the Sec-
5 retary of Health and Human Services shall, beginning not
6 later than 1 year after the date of enactment of this Act,
7 annually submit to the Committee on Energy and Com-
8 merce of the House of Representatives and the Committee
9 on Health, Education, Labor, and Pensions of the Senate
10 a letter describing the progress of the Food and Drug Ad-
11 ministration—

12 (1) in evaluating the cough and cold monograph
13 described in subsection (b) with respect to children
14 under age 6; and

15 (2) as appropriate, revising such cough and cold
16 monograph to address such children through the
17 order process under section 505G(b) of the Federal
18 Food, Drug, and Cosmetic Act, as added by section
19 3851 of this subtitle.

20 (b) COUGH AND COLD MONOGRAPH DESCRIBED.—
21 The cough and cold monograph described in this sub-
22 section consists of the conditions under which nonprescrip-
23 tion drugs containing antitussive, expectorant, nasal de-
24 congestant, or antihistamine active ingredients (or com-
25 binations thereof) are generally recognized as safe and ef-
26 fective, as specified in part 341 of title 21, Code of Federal

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1 Regulations (as in effect immediately prior to the date of
2 enactment of this Act), and included in an order deemed
3 to be established under section 505G(b) of the Federal
4 Food, Drug, and Cosmetic Act, as added by section 3851
5 of this subtitle.

6 (c) DURATION OF AUTHORITY.—The requirement
7 under subsection (a) shall terminate as of the date of a
8 letter submitted by the Secretary of Health and Human
9 Services pursuant to such subsection in which the Sec-
10 retary indicates that the Food and Drug Administration
11 has completed its evaluation and revised, in a final order,
12 as applicable, the cough and cold monograph as described
13 in subsection (a)(2).

14 **SEC. 3856. TECHNICAL CORRECTIONS.**

15 (a) IMPORTS AND EXPORTS.—Section
16 801(e)(4)(E)(iii) of the Federal Food, Drug, and Cosmetic
17 Act (21 U.S.C. 381(e)(4)(E)(iii)) is amended by striking
18 "subparagraph" each place such term appears and insert-
19 ing "paragraph".

20 (b) FDA REAUTHORIZATION ACT OF 2017.—

21 (1) IN GENERAL.—Section 905(b)(4) of the
22 FDA Reauthorization Act of 2017 (Public Law 115–
23 52) is amended by striking "Section 744H(e)(2)(B)"
24 and inserting "Section 744H(f)(2)(B)".

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1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall take effect as of the enact-
3 ment of the FDA Reauthorization Act of 2017
4 (Public Law 115–52).

5 **PART II—USER FEES**

6 **SEC. 3861. FINDING.**

7 The Congress finds that the fees authorized by the
8 amendments made in this part will be dedicated to OTC
9 monograph drug activities, as set forth in the goals identi-
10 fied for purposes of part 10 of subchapter C of chapter
11 VII of the Federal Food, Drug, and Cosmetic Act, in the
12 letters from the Secretary of Health and Human Services
13 to the Chairman of the Committee on Health, Education,
14 Labor, and Pensions of the Senate and the Chairman of
15 the Committee on Energy and Commerce of the House
16 of Representatives, as set forth in the Congressional
17 Record.

18 **SEC. 3862. FEES RELATING TO OVER-THE-COUNTER DRUGS.**

19 Subchapter C of chapter VII of the Federal Food,
20 Drug, and Cosmetic Act (21 U.S.C. 379f et seq.) is
21 amended by inserting after part 9 the following:

22 **"PART 10—FEES RELATING TO OVER-THE-**
23 **COUNTER DRUGS**

24 **"SEC. 744L. DEFINITIONS.**

25 "In this part:

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1 "(1) The term 'affiliate' means a business enti-
2 ty that has a relationship with a second business en-
3 tity if, directly or indirectly—
4 "(A) one business entity controls, or has
5 the power to control, the other business entity;
6 or
7 "(B) a third party controls, or has power
8 to control, both of the business entities.
9 "(2) The term 'contract manufacturing organi-
10 zation facility' means an OTC monograph drug facil-
11 ity where neither the owner of such manufacturing
12 facility nor any affiliate of such owner or facility
13 sells the OTC monograph drug produced at such fa-
14 cility directly to wholesalers, retailers, or consumers
15 in the United States.
16 "(3) The term 'costs of resources allocated for
17 OTC monograph drug activities' means the expenses
18 in connection with OTC monograph drug activities
19 for—
20 "(A) officers and employees of the Food
21 and Drug Administration, contractors of the
22 Food and Drug Administration, advisory com-
23 mittees, and costs related to such officers, em-
24 ployees, and committees and costs related to
25 contracts with such contractors;

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1 "(B) management of information, and the
2 acquisition, maintenance, and repair of com-
3 puter resources;
4 "(C) leasing, maintenance, renovation, and
5 repair of facilities and acquisition, maintenance,
6 and repair of fixtures, furniture, scientific
7 equipment, and other necessary materials and
8 supplies; and
9 "(D) collecting fees under section 744M
10 and accounting for resources allocated for OTC
11 monograph drug activities.
12 "(4) The term 'FDA establishment identifier' is
13 the unique number automatically generated by Food
14 and Drug Administration's Field Accomplishments
15 and Compliance Tracking System (FACTS) (or any
16 successor system).
17 "(5) The term 'OTC monograph drug' means a
18 nonprescription drug without an approved new drug
19 application which is governed by the provisions of
20 section 505G.
21 "(6) The term 'OTC monograph drug activities'
22 means activities of the Secretary associated with
23 OTC monograph drugs and inspection of facilities
24 associated with such products, including the fol-
25 lowing activities:

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1 "(A) The activities necessary for review
2 and evaluation of OTC monographs and OTC
3 monograph order requests, including—
4 "(i) orders proposing or finalizing ap-
5 plicable conditions of use for OTC mono-
6 graph drugs;
7 "(ii) orders affecting status regarding
8 general recognition of safety and effective-
9 ness of an OTC monograph ingredient or
10 combination of ingredients under specified
11 conditions of use;
12 "(iii) all OTC monograph drug devel-
13 opment and review activities, including
14 intra-agency collaboration;
15 "(iv) regulation and policy develop-
16 ment activities related to OTC monograph
17 drugs;
18 "(v) development of product standards
19 for products subject to review and evalua-
20 tion;
21 "(vi) meetings referred to in section
22 505G(i);
23 "(vii) review of labeling prior to
24 issuance of orders related to OTC mono-
25 graph drugs or conditions of use; and

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1 "(viii) regulatory science activities re-
2 lated to OTC monograph drugs.
3 "(B) Inspections related to OTC mono-
4 graph drugs.
5 "(C) Monitoring of clinical and other re-
6 search conducted in connection with OTC
7 monograph drugs.
8 "(D) Safety activities with respect to OTC
9 monograph drugs, including—
10 "(i) collecting, developing, and review-
11 ing safety information on OTC monograph
12 drugs, including adverse event reports;
13 "(ii) developing and using improved
14 adverse event data-collection systems, in-
15 cluding information technology systems;
16 and
17 "(iii) developing and using improved
18 analytical tools to assess potential safety
19 risks, including access to external data-
20 bases.
21 "(E) Other activities necessary for imple-
22 mentation of section 505G.
23 "(7) The term 'OTC monograph order request'
24 means a request for an order submitted under sec-
25 tion 505G(b)(5).

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1 "(8) The term 'Tier 1 OTC monograph order
2 request' means any OTC monograph order request
3 not determined to be a Tier 2 OTC monograph
4 order request.
5 "(9)(A) The term 'Tier 2 OTC monograph
6 order request' means, subject to subparagraph (B),
7 an OTC monograph order request for—
8 "(i) the reordering of existing information
9 in the drug facts label of an OTC monograph
10 drug;
11 "(ii) the addition of information to the
12 other information section of the drug facts label
13 of an OTC monograph drug, as limited by sec-
14 tion 201.66(c)(7) of title 21, Code of Federal
15 Regulations (or any successor regulations);
16 "(iii) modification to the directions for use
17 section of the drug facts label of an OTC mono-
18 graph drug, if such changes conform to changes
19 made pursuant to section 505G(c)(3)(A);
20 "(iv) the standardization of the concentra-
21 tion or dose of a specific finalized ingredient
22 within a particular finalized monograph;
23 "(v) a change to ingredient nomenclature
24 to align with nomenclature of a standards-set-
25 ting organization; or

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1 "(vi) addition of an interchangeable term
2 in accordance with section 330.1 of title 21,
3 Code of Federal Regulations (or any successor
4 regulations).
5 "(B) The Secretary may, based on program im-
6 plementation experience or other factors found ap-
7 propriate by the Secretary, characterize any OTC
8 monograph order request as a Tier 2 OTC mono-
9 graph order request (including recharacterizing a re-
10 quest from Tier 1 to Tier 2) and publish such deter-
11 mination in a proposed order issued pursuant to sec-
12 tion 505G.
13 "(10)(A) The term 'OTC monograph drug facil-
14 ity' means a foreign or domestic business or other
15 entity that—
16 "(i) is—
17 "(I) under one management, either di-
18 rect or indirect; and
19 "(II) at one geographic location or ad-
20 dress engaged in manufacturing or proc-
21 essing the finished dosage form of an OTC
22 monograph drug;
23 "(ii) includes a finished dosage form man-
24 ufacturer facility in a contractual relationship
25 with the sponsor of one or more OTC mono-

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1 graph drugs to manufacture or process such
2 drugs; and
3 "(iii) does not include a business or other
4 entity whose only manufacturing or processing
5 activities are one or more of the following: pro-
6 duction of clinical research supplies, testing, or
7 placement of outer packaging on packages con-
8 taining multiple products, for such purposes as
9 creating multipacks, when each monograph
10 drug product contained within the overpack-
11 aging is already in a final packaged form prior
12 to placement in the outer overpackaging.
13 "(B) For purposes of subparagraph (A)(i)(II),
14 separate buildings or locations within close proximity
15 are considered to be at one geographic location or
16 address if the activities conducted in such buildings
17 or locations are—
18 "(i) closely related to the same business
19 enterprise;
20 "(ii) under the supervision of the same
21 local management; and
22 "(iii) under a single FDA establishment
23 identifier and capable of being inspected by the
24 Food and Drug Administration during a single
25 inspection.

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1 "(C) If a business or other entity would meet
2 criteria specified in subparagraph (A), but for being
3 under multiple management, the business or other
4 entity is deemed to constitute multiple facilities, one
5 per management entity, for purposes of this para-
6 graph.
7 "(11) The term 'OTC monograph drug meet-
8 ing' means any meeting regarding the content of a
9 proposed OTC monograph order request.
10 "(12) The term 'person' includes an affiliate of
11 a person.
12 "(13) The terms 'requestor' and 'sponsor' have
13 the meanings given such terms in section 505G.

14 **"SEC. 744M. AUTHORITY TO ASSESS AND USE OTC MONO-**
15 **GRAPH FEES.**

16 "(a) TYPES OF FEES.—Beginning with fiscal year
17 2021, the Secretary shall assess and collect fees in accord-
18 ance with this section as follows:
19 "(1) FACILITY FEE.—
20 "(A) IN GENERAL.—Each person that
21 owns a facility identified as an OTC monograph
22 drug facility on December 31 of the fiscal year
23 or at any time during the preceding 12-month
24 period shall be assessed an annual fee for each

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1 such facility as determined under subsection
2 (c).
3 "(B) EXCEPTIONS.—
4 "(i) FACILITIES THAT CEASE ACTIVI-
5 TIES.—A fee shall not be assessed under
6 subparagraph (A) if the identified OTC
7 monograph drug facility—
8 "(I) has ceased all activities re-
9 lated to OTC monograph drugs prior
10 to December 31 of the year imme-
11 diately preceding the applicable fiscal
12 year; and
13 "(II) has updated its registration
14 to reflect such change under the re-
15 quirements for drug establishment
16 registration set forth in section 510.
17 "(ii) CONTRACT MANUFACTURING OR-
18 GANIZATIONS.—The amount of the fee for
19 a contract manufacturing organization fa-
20 cility shall be equal to two-thirds of the
21 amount of the fee for an OTC monograph
22 drug facility that is not a contract manu-
23 facturing organization facility.

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1 "(C) AMOUNT.—The amount of fees estab-
2 lished under subparagraph (A) shall be estab-
3 lished under subsection (c).
4 "(D) DUE DATE.—
5 "(i) FOR FIRST PROGRAM YEAR.—For
6 fiscal year 2021, the facility fees required
7 under subparagraph (A) shall be due on
8 the later of—
9 "(I) the first business day of
10 July of 2020; or
11 "(II) 45 calendar days after pub-
12 lication of the Federal Register notice
13 provided for under subsection
14 (c)(4)(A).
15 "(ii) SUBSEQUENT FISCAL YEARS.—
16 For each fiscal year after fiscal year 2021,
17 the facility fees required under subpara-
18 graph (A) shall be due on the later of—
19 "(I) the first business day of
20 June of such year; or
21 "(II) the first business day after
22 the enactment of an appropriations
23 Act providing for the collection and
24 obligation of fees under this section
25 for such year.

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1 "(2) OTC MONOGRAPH ORDER REQUEST
2 FEE.—
3 "(A) IN GENERAL.—Each person that sub-
4 mits an OTC monograph order request shall be
5 subject to a fee for an OTC monograph order
6 request. The amount of such fee shall be—
7 "(i) for a Tier 1 OTC monograph
8 order request, $500,000, adjusted for in-
9 flation for the fiscal year (as determined
10 under subsection (c)(1)(B)); and
11 "(ii) for a Tier 2 OTC monograph
12 order request, $100,000, adjusted for in-
13 flation for the fiscal year (as determined
14 under subsection (c)(1)(B)).
15 "(B) DUE DATE.—The OTC monograph
16 order request fees required under subparagraph
17 (A) shall be due on the date of submission of
18 the OTC monograph order request.
19 "(C) EXCEPTION FOR CERTAIN SAFETY
20 CHANGES.—A person who is named as the re-
21 questor in an OTC monograph order shall not
22 be subject to a fee under subparagraph (A) if
23 the Secretary finds that the OTC monograph
24 order request seeks to change the drug facts la-

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1 beling of an OTC monograph drug in a way
2 that would add to or strengthen—
3 "(i) a contraindication, warning, or
4 precaution;
5 "(ii) a statement about risk associated
6 with misuse or abuse; or
7 "(iii) an instruction about dosage and
8 administration that is intended to increase
9 the safe use of the OTC monograph drug.
10 "(D) REFUND OF FEE IF ORDER REQUEST
11 IS RECATEGORIZED AS A TIER 2 OTC MONO-
12 GRAPH ORDER REQUEST.—If the Secretary de-
13 termines that an OTC monograph request ini-
14 tially characterized as Tier 1 shall be re-charac-
15 terized as a Tier 2 OTC monograph order re-
16 quest, and the requestor has paid a Tier 1 fee
17 in accordance with subparagraph (A)(i), the
18 Secretary shall refund the requestor the dif-
19 ference between the Tier 1 and Tier 2 fees de-
20 termined under subparagraphs (A)(i) and
21 (A)(ii), respectively.
22 "(E) REFUND OF FEE IF ORDER REQUEST
23 REFUSED FOR FILING OR WITHDRAWN BEFORE
24 FILING.—The Secretary shall refund 75 percent
25 of the fee paid under subparagraph (B) for any

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1 order request which is refused for filing or was
2 withdrawn before being accepted or refused for
3 filing.
4 "(F) FEES FOR ORDER REQUESTS PRE-
5 VIOUSLY REFUSED FOR FILING OR WITHDRAWN
6 BEFORE FILING.—An OTC monograph order
7 request that was submitted but was refused for
8 filing, or was withdrawn before being accepted
9 or refused for filing, shall be subject to the full
10 fee under subparagraph (A) upon being resub-
11 mitted or filed over protest.
12 "(G) REFUND OF FEE IF ORDER REQUEST
13 WITHDRAWN.—If an order request is withdrawn
14 after the order request was filed, the Secretary
15 may refund the fee or a portion of the fee if no
16 substantial work was performed on the order
17 request after the application was filed. The Sec-
18 retary shall have the sole discretion to refund a
19 fee or a portion of the fee under this subpara-
20 graph. A determination by the Secretary con-
21 cerning a refund under this subparagraph shall
22 not be reviewable.
23 "(3) REFUNDS.—
24 "(A) IN GENERAL.—Other than refunds
25 provided pursuant to any of subparagraphs (D)

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1 through (G) of paragraph (2), the Secretary
2 shall not refund any fee paid under paragraph
3 (1) except as provided in subparagraph (B).
4 "(B) DISPUTES CONCERNING FEES.—To
5 qualify for the return of a fee claimed to have
6 been paid in error under paragraph (1) or (2),
7 a person shall submit to the Secretary a written
8 request justifying such return within 180 cal-
9 endar days after such fee was paid.
10 "(4) NOTICE.—Within the timeframe specified
11 in subsection (c), the Secretary shall publish in the
12 Federal Register the amount of the fees under para-
13 graph (1) for such fiscal year.
14 "(b) FEE REVENUE AMOUNTS.—
15 "(1) FISCAL YEAR 2021.—For fiscal year 2021,
16 fees under subsection (a)(1) shall be established to
17 generate a total facility fee revenue amount equal to
18 the sum of—
19 "(A) the annual base revenue for fiscal
20 year 2021 (as determined under paragraph
21 (3));
22 "(B) the dollar amount equal to the oper-
23 ating reserve adjustment for the fiscal year, if
24 applicable (as determined under subsection
25 (c)(2)); and

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"(C) additional direct cost adjustments (as determined under subsection (c)(3)).

"(2) SUBSEQUENT FISCAL YEARS.—For each of the fiscal years 2022 through 2025, fees under subsection (a)(1) shall be established to generate a total facility fee revenue amount equal to the sum of—

"(A) the annual base revenue for the fiscal year (as determined under paragraph (3));

"(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(1));

"(C) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(2));

"(D) additional direct cost adjustments (as determined under subsection (c)(3)); and

"(E) additional dollar amounts for each fiscal year as follows:

"(i) $7,000,000 for fiscal year 2022.

"(ii) $6,000,000 for fiscal year 2023.

"(iii) $7,000,000 for fiscal year 2024.

"(iv) $3,000,000 for fiscal year 2025.

"(3) ANNUAL BASE REVENUE.—For purposes of paragraphs (1)(A) and (2)(A), the dollar amount

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of the annual base revenue for a fiscal year shall be—

"(A) for fiscal year 2021, $8,000,000; and

"(B) for fiscal years 2022 through 2025, the dollar amount of the total revenue amount established under this subsection for the previous fiscal year, not including any adjustments made under subsection (c)(2) or (c)(3).

"(c) ADJUSTMENTS; ANNUAL FEE SETTING.—

"(1) INFLATION ADJUSTMENT.—

"(A) IN GENERAL.—For purposes of subsection (b)(2)(B), the dollar amount of the inflation adjustment to the annual base revenue for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—

"(i) such annual base revenue for the fiscal year under subsection (b)(2); and

"(ii) the inflation adjustment percentage under subparagraph (C).

"(B) OTC MONOGRAPH ORDER REQUEST FEES.—For purposes of subsection (a)(2), the dollar amount of the inflation adjustment to the fee for OTC monograph order requests for fiscal year 2022 and each subsequent fiscal year shall be equal to the product of—

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1 "(i) the applicable fee under sub-
2 section (a)(2) for the preceding fiscal year;
3 and
4 "(ii) the inflation adjustment percent-
5 age under subparagraph (C).
6 "(C) INFLATION ADJUSTMENT PERCENT-
7 AGE.—The inflation adjustment percentage
8 under this subparagraph for a fiscal year is
9 equal to—
10 "(i) for each of fiscal years 2022 and
11 2023, the average annual percent change
12 that occurred in the Consumer Price Index
13 for urban consumers (Washington-Balti-
14 more, DC–MD–VA–WV; Not Seasonally
15 Adjusted; All items; Annual Index) for the
16 first 3 years of the preceding 4 years of
17 available data; and
18 "(ii) for each of fiscal years 2024 and
19 2025, the sum of—
20 "(I) the average annual percent
21 change in the cost, per full-time equiv-
22 alent position of the Food and Drug
23 Administration, of all personnel com-
24 pensation and benefits paid with re-
25 spect to such positions for the first 3

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1 years of the preceding 4 fiscal years,
2 multiplied by the proportion of per-
3 sonnel compensation and benefits
4 costs to total costs of OTC mono-
5 graph drug activities for the first 3
6 years of the preceding 4 fiscal years;
7 and
8 "(II) the average annual percent
9 change that occurred in the Consumer
10 Price Index for urban consumers
11 (Washington-Baltimore, DC–MD–VA–
12 WV; Not Seasonally Adjusted; All
13 items; Annual Index) for the first 3
14 years of the preceding 4 years of
15 available data multiplied by the pro-
16 portion of all costs other than per-
17 sonnel compensation and benefits
18 costs to total costs of OTC mono-
19 graph drug activities for the first 3
20 years of the preceding 4 fiscal years.
21 "(2) OPERATING RESERVE ADJUSTMENT.—
22 "(A) IN GENERAL.—For fiscal year 2021
23 and subsequent fiscal years, for purposes of
24 subsections (b)(1)(B) and (b)(2)(C), the Sec-
25 retary may, in addition to adjustments under

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1 paragraph (1), further increase the fee revenue
2 and fees if such an adjustment is necessary to
3 provide operating reserves of carryover user
4 fees for OTC monograph drug activities for not
5 more than the number of weeks specified in
6 subparagraph (B).
7 "(B) NUMBER OF WEEKS.—The number of
8 weeks specified in this subparagraph is—
9 "(i) 3 weeks for fiscal year 2021;
10 "(ii) 7 weeks for fiscal year 2022;
11 "(iii) 10 weeks for fiscal year 2023;
12 "(iv) 10 weeks for fiscal year 2024;
13 and
14 "(v) 10 weeks for fiscal year 2025.
15 "(C) DECREASE.—If the Secretary has
16 carryover balances for such process in excess of
17 10 weeks of the operating reserves referred to
18 in subparagraph (A), the Secretary shall de-
19 crease the fee revenue and fees referred to in
20 such subparagraph to provide for not more than
21 10 weeks of such operating reserves.
22 "(D) RATIONALE FOR ADJUSTMENT.—If
23 an adjustment under this paragraph is made,
24 the rationale for the amount of the increase or
25 decrease (as applicable) in fee revenue and fees

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shall be contained in the annual Federal Register notice under paragraph (4) establishing fee revenue and fees for the fiscal year involved.

"(3) ADDITIONAL DIRECT COST ADJUSTMENT.—The Secretary shall, in addition to adjustments under paragraphs (1) and (2), further increase the fee revenue and fees for purposes of subsection (b)(2)(D) by an amount equal to—

"(A) $14,000,000 for fiscal year 2021;

"(B) $7,000,000 for fiscal year 2022;

"(C) $4,000,000 for fiscal year 2023;

"(D) $3,000,000 for fiscal year 2024; and

"(E) $3,000,000 for fiscal year 2025.

"(4) ANNUAL FEE SETTING.—

"(A) FISCAL YEAR 2021.—The Secretary shall, not later than the second Monday in May of 2020—

"(i) establish OTC monograph drug facility fees for fiscal year 2021 under subsection (a), based on the revenue amount for such year under subsection (b) and the adjustments provided under this subsection; and

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1 "(ii) publish fee revenue, facility fees,
2 and OTC monograph order requests in the
3 Federal Register.
4 "(B) SUBSEQUENT FISCAL YEARS.—The
5 Secretary shall, for each fiscal year that begins
6 after September 30, 2021, not later than the
7 second Monday in March that precedes such fis-
8 cal year—
9 "(i) establish for such fiscal year,
10 based on the revenue amounts under sub-
11 section (b) and the adjustments provided
12 under this subsection—
13 "(I) OTC monograph drug facil-
14 ity fees under subsection (a)(1); and
15 "(II) OTC monograph order re-
16 quest fees under subsection (a)(2);
17 and
18 "(ii) publish such fee revenue
19 amounts, facility fees, and OTC mono-
20 graph order request fees in the Federal
21 Register.
22 "(d) IDENTIFICATION OF FACILITIES.—Each person
23 that owns an OTC monograph drug facility shall submit
24 to the Secretary the information required under this sub-

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1 section each year. Such information shall, for each fiscal
2 year—
3 "(1) be submitted as part of the requirements
4 for drug establishment registration set forth in sec-
5 tion 510; and
6 "(2) include for each such facility, at a min-
7 imum, identification of the facility's business oper-
8 ation as that of an OTC monograph drug facility.
9 "(e) EFFECT OF FAILURE TO PAY FEES.—
10 "(1) OTC MONOGRAPH DRUG FACILITY FEE.—
11 "(A) IN GENERAL.—Failure to pay the fee
12 under subsection (a)(1) within 20 calendar days
13 of the due date as specified in subparagraph
14 (D) of such subsection shall result in the fol-
15 lowing:
16 "(i) The Secretary shall place the fa-
17 cility on a publicly available arrears list.
18 "(ii) All OTC monograph drugs man-
19 ufactured in such a facility or containing
20 an ingredient manufactured in such a facil-
21 ity shall be deemed misbranded under sec-
22 tion 502(ff).
23 "(B) APPLICATION OF PENALTIES.—The
24 penalties under this paragraph shall apply until
25 the fee established by subsection (a)(1) is paid.

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1 "(2) ORDER REQUESTS.—An OTC monograph
2 order request submitted by a person subject to fees
3 under subsection (a) shall be considered incomplete
4 and shall not be accepted for filing by the Secretary
5 until all fees owed by such person under this section
6 have been paid.
7 "(3) MEETINGS.—A person subject to fees
8 under this section shall be considered ineligible for
9 OTC monograph drug meetings until all such fees
10 owed by such person have been paid.
11 "(f) CREDITING AND AVAILABILITY OF FEES.—
12 "(1) IN GENERAL.—Fees authorized under sub-
13 section (a) shall be collected and available for obliga-
14 tion only to the extent and in the amount provided
15 in advance in appropriations Acts. Such fees are au-
16 thorized to remain available until expended. Such
17 sums as may be necessary may be transferred from
18 the Food and Drug Administration salaries and ex-
19 penses appropriation account without fiscal year lim-
20 itation to such appropriation account for salaries
21 and expenses with such fiscal year limitation. The
22 sums transferred shall be available solely for OTC
23 monograph drug activities.
24 "(2) COLLECTIONS AND APPROPRIATION
25 ACTS.—

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1 "(A) IN GENERAL.—Subject to subpara-
2 graph (C), the fees authorized by this section
3 shall be collected and available in each fiscal
4 year in an amount not to exceed the amount
5 specified in appropriation Acts, or otherwise
6 made available for obligation, for such fiscal
7 year.
8 "(B) USE OF FEES AND LIMITATION.—
9 The fees authorized by this section shall be
10 available to defray increases in the costs of the
11 resources allocated for OTC monograph drug
12 activities (including increases in such costs for
13 an additional number of full-time equivalent po-
14 sitions in the Department of Health and
15 Human Services to be engaged in such activi-
16 ties), only if the Secretary allocates for such
17 purpose an amount for such fiscal year (exclud-
18 ing amounts from fees collected under this sec-
19 tion) no less than $12,000,000, multiplied by
20 the adjustment factor applicable to the fiscal
21 year involved under subsection (c)(1).
22 "(C) COMPLIANCE.—The Secretary shall
23 be considered to have met the requirements of
24 subparagraph (B) in any fiscal year if the costs
25 funded by appropriations and allocated for OTC

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1 monograph drug activities are not more than 15
2 percent below the level specified in such sub-
3 paragraph.
4 "(D) PROVISION FOR EARLY PAYMENTS IN
5 SUBSEQUENT YEARS.—Payment of fees author-
6 ized under this section for a fiscal year (after
7 fiscal year 2021), prior to the due date for such
8 fees, may be accepted by the Secretary in ac-
9 cordance with authority provided in advance in
10 a prior year appropriations Act.
11 "(3) AUTHORIZATION OF APPROPRIATIONS.—
12 For each of the fiscal years 2021 through 2025,
13 there is authorized to be appropriated for fees under
14 this section an amount equal to the total amount of
15 fees assessed for such fiscal year under this section.
16 "(g) COLLECTION OF UNPAID FEES.—In any case
17 where the Secretary does not receive payment of a fee as-
18 sessed under subsection (a) within 30 calendar days after
19 it is due, such fee shall be treated as a claim of the United
20 States Government subject to subchapter II of chapter 37
21 of title 31, United States Code.
22 "(h) CONSTRUCTION.—This section may not be con-
23 strued to require that the number of full-time equivalent
24 positions in the Department of Health and Human Serv-
25 ices, for officers, employers, and advisory committees not

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1 engaged in OTC monograph drug activities, be reduced
2 to offset the number of officers, employees, and advisory
3 committees so engaged.

4 **"SEC. 744N. REAUTHORIZATION; REPORTING REQUIRE-**
5 **MENTS.**

6 "(a) PERFORMANCE REPORT.—Beginning with fiscal
7 year 2021, and not later than 120 calendar days after the
8 end of each fiscal year thereafter for which fees are col-
9 lected under this part, the Secretary shall prepare and
10 submit to the Committee on Energy and Commerce of the
11 House of Representatives and the Committee on Health,
12 Education, Labor, and Pensions of the Senate a report
13 concerning the progress of the Food and Drug Adminis-
14 tration in achieving the goals identified in the letters de-
15 scribed in section 3861(b) of the CARES Act during such
16 fiscal year and the future plans of the Food and Drug
17 Administration for meeting such goals.

18 "(b) FISCAL REPORT.—Not later than 120 calendar
19 days after the end of fiscal year 2021 and each subsequent
20 fiscal year for which fees are collected under this part,
21 the Secretary shall prepare and submit to the Committee
22 on Energy and Commerce of the House of Representatives
23 and the Committee on Health, Education, Labor, and
24 Pensions of the Senate a report on the implementation
25 of the authority for such fees during such fiscal year and

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1 the use, by the Food and Drug Administration, of the fees
2 collected for such fiscal year.
3 "(c) PUBLIC AVAILABILITY.—The Secretary shall
4 make the reports required under subsections (a) and (b)
5 available to the public on the internet website of the Food
6 and Drug Administration.
7 "(d) REAUTHORIZATION.—
8 "(1) CONSULTATION.—In developing rec-
9 ommendations to present to the Congress with re-
10 spect to the goals described in subsection (a), and
11 plans for meeting the goals, for OTC monograph
12 drug activities for the first 5 fiscal years after fiscal
13 year 2025, and for the reauthorization of this part
14 for such fiscal years, the Secretary shall consult
15 with—
16 "(A) the Committee on Energy and Com-
17 merce of the House of Representatives;
18 "(B) the Committee on Health, Education,
19 Labor, and Pensions of the Senate;
20 "(C) scientific and academic experts;
21 "(D) health care professionals;
22 "(E) representatives of patient and con-
23 sumer advocacy groups; and
24 "(F) the regulated industry.

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1 "(2) PUBLIC REVIEW OF RECOMMENDA-
2 TIONS.—After negotiations with the regulated indus-
3 try, the Secretary shall—
4 "(A) present the recommendations devel-
5 oped under paragraph (1) to the congressional
6 committees specified in such paragraph;
7 "(B) publish such recommendations in the
8 Federal Register;
9 "(C) provide for a period of 30 calendar
10 days for the public to provide written comments
11 on such recommendations;
12 "(D) hold a meeting at which the public
13 may present its views on such recommenda-
14 tions; and
15 "(E) after consideration of such public
16 views and comments, revise such recommenda-
17 tions as necessary.
18 "(3) TRANSMITTAL OF RECOMMENDATIONS.—
19 Not later than January 15, 2025, the Secretary
20 shall transmit to the Congress the revised rec-
21 ommendations under paragraph (2), a summary of
22 the views and comments received under such para-
23 graph, and any changes made to the recommenda-
24 tions in response to such views and comments.".

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

## Subtitle A—Coronavirus Economic Stabilization Act of 2020

**SEC. 4001. SHORT TITLE.**

This subtitle may be cited as the "Coronavirus Economic Stabilization Act of 2020".

**SEC. 4002. DEFINITIONS.**

In this subtitle:

(1) AIR CARRIER.—The term "air carrier" has the meaning such term has under section 40102 of title 49, United States Code.

(2) CORONAVIRUS.—The term "coronavirus" means SARS-CoV-2 or another coronavirus with pandemic potential.

(3) COVERED LOSS.—The term "covered loss" includes losses incurred directly or indirectly as a result of coronavirus, as determined by the Secretary.

(4) ELIGIBLE BUSINESS.—The term "eligible business" means—

(A) an air carrier; or

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1 (B) a United States business that has not
2 otherwise received adequate economic relief in
3 the form of loans or loan guarantees provided
4 under this Act.
5 (5) EMPLOYEE.—Except where the context oth-
6 erwise requires, the term "employee"—
7 (A) has the meaning given the term in sec-
8 tion 2 of the National Labor Relations Act (29
9 U.S.C. 152); and
10 (B) includes any individual employed by an
11 employer subject to the Railway Labor Act (45
12 U.S.C. 151 et seq.).
13 (6) EQUITY SECURITY; EXCHANGE.—The terms
14 "equity security" and "exchange" have the meanings
15 given the terms in section 3(a) of the Securities Ex-
16 change Act of 1934 (15 U.S.C. 78c(a)).
17 (7) MUNICIPALITY.—The term "municipality"
18 includes—
19 (A) a political subdivision of a State, and
20 (B) an instrumentality of a municipality, a
21 State, or a political subdivision of a State.
22 (8) NATIONAL SECURITIES EXCHANGE.—The
23 term "national securities exchange" means an ex-
24 change registered as a national securities exchange

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1 under section 6 of the Securities Exchange Act of
2 1934 (15 U.S.C. 78f).
3 (9) SECRETARY.—The term "Secretary" means
4 the Secretary of the Treasury, or the designee of the
5 Secretary of the Treasury.
6 (10) STATE.—The term "State" means—
7 (A) any of the several States;
8 (B) the District of Columbia;
9 (C) any of the territories and possessions
10 of the United States;
11 (D) any bi-State or multi-State entity; and
12 (E) any Indian Tribe.

13 **SEC. 4003. EMERGENCY RELIEF AND TAXPAYER PROTEC-**
14 **TIONS.**

15 (a) IN GENERAL.—Notwithstanding any other provi-
16 sion of law, to provide liquidity to eligible businesses,
17 States, and municipalities related to losses incurred as a
18 result of coronavirus, the Secretary is authorized to make
19 loans, loan guarantees, and other investments in support
20 of eligible businesses, States, and municipalities that do
21 not, in the aggregate, exceed $500,000,000,000 and pro-
22 vide the subsidy amounts necessary for such loans, loan
23 guarantees, and other investments in accordance with the
24 provisions of the Federal Credit Reform Act of 1990 (2
25 U.S.C. 661 et seq.).

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1 (b) LOANS, LOAN GUARANTEES, AND OTHER IN-
2 VESTMENTS.—Loans, loan guarantees, and other invest-
3 ments made pursuant to subsection (a) shall be made
4 available as follows:
5 (1) Not more than $25,000,000,000 shall be
6 available to make loans and loan guarantees for pas-
7 senger air carriers, eligible businesses that are cer-
8 tified under part 145 of title 14, Code of Federal
9 Regulations, and approved to perform inspection, re-
10 pair, replace, or overhaul services, and ticket agents
11 (as defined in section 40102 of title 49, United
12 States Code).
13 (2) Not more than $4,000,000,000 shall be
14 available to make loans and loan guarantees for
15 cargo air carriers.
16 (3) Not more than $17,000,000,000 shall be
17 available to make loans and loan guarantees for
18 businesses critical to maintaining national security.
19 (4) Not more than the sum of
20 $454,000,000,000 and any amounts available under
21 paragraphs (1), (2), and (3) that are not used as
22 provided under those paragraphs shall be available
23 to make loans and loan guarantees to, and other in-
24 vestments in, programs or facilities established by
25 the Board of Governors of the Federal Reserve Sys-

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1 tem for the purpose of providing liquidity to the fi-
2 nancial system that supports lending to eligible busi-
3 nesses, States, or municipalities by—
4 (A) purchasing obligations or other inter-
5 ests directly from issuers of such obligations or
6 other interests;
7 (B) purchasing obligations or other inter-
8 ests in secondary markets or otherwise; or
9 (C) making loans, including loans or other
10 advances secured by collateral.
11 (c) TERMS AND CONDITIONS.—
12 (1) IN GENERAL.—
13 (A) FORMS; TERMS AND CONDITIONS.—A
14 loan, loan guarantee, or other investment by the
15 Secretary shall be made under this section in
16 such form and on such terms and conditions
17 and contain such covenants, representations,
18 warranties, and requirements (including re-
19 quirements for audits) as the Secretary deter-
20 mines appropriate. Any loans made by the Sec-
21 retary under this section shall be at a rate de-
22 termined by the Secretary based on the risk
23 and the current average yield on outstanding
24 marketable obligations of the United States of
25 comparable maturity.

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1 (B) PROCEDURES.—As soon as prac-
2 ticable, but in no case later than 10 days after
3 the date of enactment of this Act, the Secretary
4 shall publish procedures for application and
5 minimum requirements, which may be supple-
6 mented by the Secretary in the Secretary's dis-
7 cretion, for making loans, loan guarantees, or
8 other investments under paragraphs (1), (2)
9 and (3) of subsection (b) .
10 (2) LOANS AND LOAN GUARANTEES .—The Sec-
11 retary may enter into agreements to make loans or
12 loan guarantees to 1 or more eligible businesses
13 under paragraphs (1), (2) and (3) of subsection (b)
14 if the Secretary determines that, in the Secretary's
15 discretion—
16 (A) the applicant is an eligible business for
17 which credit is not reasonably available at the
18 time of the transaction;
19 (B) the intended obligation by the appli-
20 cant is prudently incurred;
21 (C) the loan or loan guarantee is suffi-
22 ciently secured or is made at a rate that—
23 (i) reflects the risk of the loan or loan
24 guarantee; and

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1 (ii) is to the extent practicable, not
2 less than an interest rate based on market
3 conditions for comparable obligations prev-
4 alent prior to the outbreak of the
5 coronavirus disease 2019 (COVID–19);
6 (D) the duration of the loan or loan guar-
7 antee is as short as practicable and in any case
8 not longer than 5 years;
9 (E) the agreement provides that, until the
10 date 12 months after the date the loan or loan
11 guarantee is no longer outstanding, neither the
12 eligible business nor any affiliate of the eligible
13 business may purchase an equity security that
14 is listed on a national securities exchange of the
15 eligible business or any parent company of the
16 eligible business, except to the extent required
17 under a contractual obligation in effect as of
18 the date of enactment of this Act;
19 (F) the agreement provides that, until the
20 date 12 months after the date the loan or loan
21 guarantee is no longer outstanding, the eligible
22 business shall not pay dividends or make other
23 capital distributions with respect to the common
24 stock of the eligible business;

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1 (G) the agreement provides that, until Sep-
2 tember 30, 2020, the eligible business shall
3 maintain its employment levels as of March 24,
4 2020, to the extent practicable, and in any case
5 shall not reduce its employment levels by more
6 than 10 percent from the levels on such date;
7 (H) the agreement includes a certification
8 by the eligible business that it is created or or-
9 ganized in the United States or under the laws
10 of the United States and has significant oper-
11 ations in and a majority of its employees based
12 in the United States; and
13 (I) for purposes of a loan or loan guar-
14 antee under paragraphs (1), (2), and (3) of
15 subsection (b), the eligible business must have
16 incurred or is expected to incur covered losses
17 such that the continued operations of the busi-
18 ness are jeopardized, as determined by the Sec-
19 retary.
20 (3) FEDERAL RESERVE PROGRAMS OR FACILI-
21 TIES.—
22 (A) TERMS AND CONDITIONS.—
23 (i) DEFINITION.—In this paragraph,
24 the term "direct loan" means a loan under
25 a bilateral loan agreement that is —

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1 (I) entered into directly with an
2 eligible business as borrower; and
3 (II) not part of a syndicated
4 loan, a loan originated by a financial
5 institution in the ordinary course of
6 business, or a securities or capital
7 markets transaction.
8 (ii) RESTRICTIONS.—The Secretary
9 may make a loan, loan guarantee, or other
10 investment under subsection (b)(4) as part
11 of a program or facility that provides di-
12 rect loans only if the applicable eligible
13 businesses agree—
14 (I) until the date 12 months
15 after the date on which the direct loan
16 is no longer outstanding, not to repur-
17 chase an equity security that is listed
18 on a national securities exchange of
19 the eligible business or any parent
20 company of the eligible business while
21 the direct loan is outstanding, except
22 to the extent required under a con-
23 tractual obligation that is in effect as
24 of the date of enactment of this Act;

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1 (II) until the date 12 months
2 after the date on which the direct loan
3 is no longer outstanding, not to pay
4 dividends or make other capital dis-
5 tributions with respect to the common
6 stock of the eligible business; and
7 (III) to comply with the limita-
8 tions on compensation set forth in
9 section 4004.
10 (iii) WAIVER.—The Secretary may
11 waive the requirement under clause (ii)
12 with respect to any program or facility
13 upon a determination that such waiver is
14 necessary to protect the interests of the
15 Federal Government. If the Secretary exer-
16 cises a waiver under this clause, the Sec-
17 retary shall make himself available to tes-
18 tify before the Committee on Banking,
19 Housing, and Urban Affairs of the Senate
20 and the Committee on Financial Services
21 of the House of Representatives regarding
22 the reasons for the waiver.
23 (B) FEDERAL RESERVE ACT TAXPAYER
24 PROTECTIONS AND OTHER REQUIREMENTS
25 APPLY.—For the avoidance of doubt, any appli-

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1 cable requirements under section 13(3) of the
2 Federal Reserve Act (12 U.S.C. 343(3)), in-
3 cluding requirements relating to loan
4 collateralization, taxpayer protection, and bor-
5 rower solvency, shall apply with respect to any
6 program or facility described in subsection
7 (b)(4).
8 (C) UNITED STATES BUSINESSES.—A pro-
9 gram or facility in which the Secretary makes
10 a loan, loan guarantee, or other investment
11 under subsection (b)(4) shall only purchase ob-
12 ligations or other interests (other than securi-
13 ties that are based on an index or that are
14 based on a diversified pool of securities) from,
15 or make loans or other advances to, businesses
16 that are created or organized in the United
17 States or under the laws of the United States
18 and that have significant operations in and a
19 majority of its employees based in the United
20 States.
21 (D) ASSISTANCE FOR MID-SIZED BUSI-
22 NESSES.—
23 (i) IN GENERAL.—Without limiting
24 the terms and conditions of the programs
25 and facilities that the Secretary may other-

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1 wise provide financial assistance to under
2 subsection (b)(4), the Secretary shall en-
3 deavor to seek the implementation of a
4 program or facility described in subsection
5 (b)(4) that provides financing to banks and
6 other lenders that make direct loans to eli-
7 gible businesses including, to the extent
8 practicable, nonprofit organizations, with
9 between 500 and 10,000 employees, with
10 such direct loans being subject to an
11 annualized interest rate that is not higher
12 than 2 percent per annum. For the first 6
13 months after any such direct loan is made,
14 or for such longer period as the Secretary
15 may determine in his discretion, no prin-
16 cipal or interest shall be due and payable.
17 Any eligible borrower applying for a direct
18 loan under this program shall make a
19 good-faith certification that—
20 (I) the uncertainty of economic
21 conditions as of the date of the appli-
22 cation makes necessary the loan re-
23 quest to support the ongoing oper-
24 ations of the recipient;

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1 (II) the funds it receives will be
2 used to retain at least 90 percent of
3 the recipient's workforce, at full com-
4 pensation and benefits, until Sep-
5 tember 30, 2020;
6 (III) the recipient intends to re-
7 store not less than 90 percent of the
8 workforce of the recipient that existed
9 as of February 1, 2020, and to re-
10 store all compensation and benefits to
11 the workers of the recipient no later
12 than 4 months after the termination
13 date of the public health emergency
14 declared by the Secretary of Health
15 and Human Services on January 31,
16 2020, under section 319 of the Public
17 Health Services Act (42 U.S.C. 247d)
18 in response to COVID–19;
19 (IV) the recipient is an entity or
20 business that is domiciled in the
21 United States with significant oper-
22 ations and employees located in the
23 United States;
24 (V) the recipient is not a debtor
25 in a bankruptcy proceeding;

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1 (VI) the recipient is created or
2 organized in the United States or
3 under the laws of the United States
4 and has significant operations in and
5 a majority of its employees based in
6 the United States;
7 (VII) the recipient will not pay
8 dividends with respect to the common
9 stock of the eligible business, or re-
10 purchase an equity security that is
11 listed on a national securities ex-
12 change of the recipient or any parent
13 company of the recipient while the di-
14 rect loan is outstanding, except to the
15 extent required under a contractual
16 obligation that is in effect as of the
17 date of enactment of this Act;
18 (VIII) the recipient will not
19 outsource or offshore jobs for the
20 term of the loan and 2 years after
21 completing repayment of the loan;
22 (IX) the recipient will not abro-
23 gate existing collective bargaining
24 agreements for the term of the loan

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1 and 2 years after completing repay-
2 ment of the loan; and
3 (X) that the recipient will remain
4 neutral in any union organizing effort
5 for the term of the loan.
6 (ii) MAIN STREET LENDING PRO-
7 GRAM.—Nothing in this subparagraph
8 shall limit the discretion of the Board of
9 Governors of the Federal Reserve System
10 to establish a Main Street Lending Pro-
11 gram or other similar program or facility
12 that supports lending to small and mid-
13 sized businesses on such terms and condi-
14 tions as the Board may set consistent with
15 section 13(3) of the Federal Reserve Act
16 (12 U.S.C. 343(3)), including any such
17 program in which the Secretary makes a
18 loan, loan guarantee, or other investment
19 under subsection (b)(4).
20 (E) GOVERNMENT PARTICIPANTS.—The
21 Secretary shall endeavor to seek the implemen-
22 tation of a program or facility in accordance
23 with subsection (b)(4) that provides liquidity to
24 the financial system that supports lending to
25 States and municipalities.

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1 (d) FINANCIAL PROTECTION OF GOVERNMENT.—
2 (1) WARRANT OR SENIOR DEBT INSTRU-
3 MENT.—The Secretary may not issue a loan to, or
4 a loan guarantee for, an eligible business under
5 paragraph (1), (2), or (3) of subsection (b) unless—
6 (A)(i) the eligible business has issued secu-
7 rities that are traded on a national securities
8 exchange; and
9 (ii) the Secretary receives a warrant or eq-
10 uity interest in the eligible business; or
11 (B) in the case of any eligible business
12 other than an eligible business described in sub-
13 paragraph (A), the Secretary receives, in the
14 discretion of the Secretary—
15 (i) a warrant or equity interest in the
16 eligible business; or
17 (ii) a senior debt instrument issued by
18 the eligible business.
19 (2) TERMS AND CONDITIONS.—The terms and
20 conditions of any warrant, equity interest, or senior
21 debt instrument received under paragraph (1) shall
22 be set by the Secretary and shall meet the following
23 requirements:
24 (A) PURPOSES.—Such terms and condi-
25 tions shall be designed to provide for a reason-

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able participation by the Secretary, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity interest, or a reasonable interest rate premium, in the case of a debt instrument.

(B) AUTHORITY TO SELL, EXERCISE, OR SURRENDER.—For the primary benefit of taxpayers, the Secretary may sell, exercise, or surrender a warrant or any senior debt instrument received under this subsection. The Secretary shall not exercise voting power with respect to any shares of common stock acquired under this section.

(C) SUFFICIENCY.—If the Secretary determines that the eligible business cannot feasibly issue warrants or other equity interests as required by this subsection, the Secretary may accept a senior debt instrument in an amount and on such terms as the Secretary deems appropriate.

(3) PROHIBITION ON LOAN FORGIVENESS.—The principal amount of any obligation issued by an eligible business, State, or municipality under a program described in subsection (b) shall not be reduced through loan forgiveness.

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1 (e) DEPOSIT OF PROCEEDS.—Amounts collected
2 under subsection (b) shall be deposited in the following
3 order of priority:
4 (1) Into the financing accounts established
5 under section 505 of the Federal Credit Reform Act
6 of 1990 (2 U.S.C. 661d) to implement this subtitle,
7 up to an amount equal to the sum of—
8 (A) the amount transferred from the ap-
9 propriation made under section 4027 to the fi-
10 nancing accounts; and
11 (B) the amount necessary to repay any
12 amount lent from the Treasury to such financ-
13 ing accounts.
14 (2) After the deposits specified in paragraph
15 (1) of this subsection have been made, into the Fed-
16 eral Old-Age and Survivors Insurance Trust Fund
17 established under section 201(a) of the Social Secu-
18 rity Act (42 U.S.C. 401).
19 (f) ADMINISTRATIVE PROVISIONS.—Notwithstanding
20 any other provision of law, the Secretary may use not
21 greater than $100,000,000 of the funds made available
22 under section 4027 to pay costs and administrative ex-
23 penses associated with the loans, loan guarantees, and
24 other investments authorized under this section. The Sec-
25 retary is authorized to take such actions as the Secretary

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1 deems necessary to carry out the authorities in this sub-
2 title, including, without limitation—
3 (1) using direct hiring authority to hire employ-
4 ees to administer this subtitle;
5 (2) entering into contracts, including contracts
6 for services authorized by this subtitle;
7 (3) establishing vehicles that are authorized,
8 subject to supervision by the Secretary, to purchase,
9 hold, and sell assets and issue obligations; and
10 (4) issuing such regulations and other guidance
11 as may be necessary or appropriate to carry out the
12 authorities or purposes of this subtitle.
13 (g) FINANCIAL AGENTS.—The Secretary is author-
14 ized to designate financial institutions, including but not
15 limited to, depositories, brokers, dealers, and other institu-
16 tions, as financial agents of the United States. Such insti-
17 tutions shall—
18 (1) perform all reasonable duties the Secretary
19 determines necessary to respond to the coronavirus;
20 and
21 (2) be paid for such duties using appropriations
22 available to the Secretary to reimburse financial in-
23 stitutions in their capacity as financial agents of the
24 United States.

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1 (h) LOANS MADE BY OR GUARANTEED BY THE DE-
2 PARTMENT OF THE TREASURY TREATED AS INDEBTED-
3 NESS FOR TAX PURPOSES.—
4 (1) IN GENERAL.—Any loan made by or guar-
5 anteed by the Department of the Treasury under
6 this section shall be treated as indebtedness for pur-
7 poses of the Internal Revenue Code of 1986, shall be
8 treated as issued for its stated principal amount,
9 and stated interest on such loans shall be treated as
10 qualified stated interest.
11 (2) REGULATIONS OR GUIDANCE.—The Sec-
12 retary of the Treasury (or the Secretary's delegate)
13 shall prescribe such regulations or guidance as may
14 be necessary or appropriate to carry out the pur-
15 poses of this section, including guidance providing
16 that the acquisition of warrants, stock options, com-
17 mon or preferred stock or other equity under this
18 section does not result in an ownership change for
19 purposes of section 382 of the Internal Revenue
20 Code of 1986.
21 **SEC. 4004. LIMITATION ON CERTAIN EMPLOYEE COM-**
22 **PENSATION.**
23 (a) IN GENERAL.—The Secretary may only enter into
24 an agreement with an eligible business to make a loan or
25 loan guarantee under paragraph (1), (2) or (3) of section

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1 4003(b) if such agreement provides that, during the pe-
2 riod beginning on the date on which the agreement is exe-
3 cuted and ending on the date that is 1 year after the date
4 on which the loan or loan guarantee is no longer out-
5 standing—

6 (1) no officer or employee of the eligible busi-
7 ness whose total compensation exceeded $425,000 in
8 calendar year 2019 (other than an employee whose
9 compensation is determined through an existing col-
10 lective bargaining agreement entered into prior to
11 March 1, 2020)—

12 (A) will receive from the eligible business
13 total compensation which exceeds, during any
14 12 consecutive months of such period, the total
15 compensation received by the officer or em-
16 ployee from the eligible business in calendar
17 year 2019; or

18 (B) will receive from the eligible business
19 severance pay or other benefits upon termi-
20 nation of employment with the eligible business
21 which exceeds twice the maximum total com-
22 pensation received by the officer or employee
23 from the eligible business in calendar year
24 2019; and

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(2) no officer or employee of the eligible business whose total compensation exceeded $3,000,000 in calendar year 2019 may receive during any 12 consecutive months of such period total compensation in excess of the sum of—

(A) $3,000,000; and

(B) 50 percent of the excess over $3,000,000 of the total compensation received by the officer or employee from the eligible business in calendar year 2019.

(b) TOTAL COMPENSATION DEFINED.—In this section, the term "total compensation" includes salary, bonuses, awards of stock, and other financial benefits provided by an eligible business to an officer or employee of the eligible business.

**SEC. 4005. CONTINUATION OF CERTAIN AIR SERVICE.**

The Secretary of Transportation is authorized to require, to the extent reasonable and practicable, an air carrier receiving loans and loan guarantees under section 4003 to maintain scheduled air transportation service as the Secretary of Transportation deems necessary to ensure services to any point served by that carrier before March 1, 2020. When considering whether to exercise the authority granted by this section, the Secretary of Transportation shall take into consideration the air transportation

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needs of small and remote communities and the need to maintain well-functioning health care and pharmaceutical supply chains, including for medical devices and supplies. The authority under this section, including any requirement issued by the Secretary under this section, shall terminate on March 1, 2022.

**SEC. 4006. COORDINATION WITH SECRETARY OF TRANSPORTATION.**

In implementing this subtitle with respect to air carriers, the Secretary shall coordinate with the Secretary of Transportation.

**SEC. 4007. SUSPENSION OF CERTAIN AVIATION EXCISE TAXES.**

(a) TRANSPORTATION BY AIR.—In the case of any amount paid for transportation by air (including any amount treated as paid for transportation by air by reason of section 4261(e)(3) of the Internal Revenue Code of 1986) during the excise tax holiday period, no tax shall be imposed under section 4261 or 4271 of such Code. The preceding sentence shall not apply to amounts paid on or before the date of the enactment of this Act.

(b) USE OF KEROSENE IN COMMERCIAL AVIATION.—In the case of kerosene used in commercial aviation (as defined in section 4083 of the Internal Revenue Code of 1986) during the excise tax holiday period—

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1 (1) no tax shall be imposed on such kerosene
2 under—
3 (A) section 4041(c) of the Internal Rev-
4 enue Code of 1986, or
5 (B) section 4081 of such Code (other than
6 at the rate provided in subsection (a)(2)(B)
7 thereof), and
8 (2) section 6427(l) of such Code shall be ap-
9 plied—
10 (A) by treating such use as a nontaxable
11 use, and
12 (B) without regard to paragraph (4)(A)(ii)
13 thereof.
14 (c) EXCISE TAX HOLIDAY PERIOD.—For purposes of
15 this section, the term "excise tax holiday period" means
16 the period beginning after the date of the enactment of
17 this section and ending before January 1, 2021.
18 **SEC. 4008. DEBT GUARANTEE AUTHORITY.**
19 (a) Section 1105 of the Dodd-Frank Wall Street Re-
20 form and Consumer Protection Act (12 U.S.C. 5612) is
21 amended—
22 (1) in subsection (f)—
23 (A) by inserting "in noninterest-bearing
24 transaction accounts" after "institutions"; and

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1 (B) by striking "shall not" and inserting
2 "may"; and
3 (2) by adding at the end the following:
4 "(h) APPROVAL OF GUARANTEE PROGRAM DURING
5 THE COVID–19 CRISIS.—
6 "(1) IN GENERAL.—For purposes of the con-
7 gressional joint resolution of approval provided for
8 in subsections (c)(1) and (2) and (d), notwith-
9 standing any other provision of this section, the
10 Federal Deposit Insurance Corporation is approved
11 upon enactment of this Act to establish a program
12 provided for in subsection (a), provided that any
13 such program and any such guarantee shall termi-
14 nate not later than December 31, 2020.
15 "(2) MAXIMUM AMOUNT.—Any debt guarantee
16 program authorized by this subsection shall include
17 a maximum amount of outstanding debt that is
18 guaranteed.".
19 (b) FEDERAL CREDIT UNION TRANSACTION AC-
20 COUNT GUARANTEES.—Notwithstanding any other provi-
21 sion of law and in coordination with the Federal Deposit
22 Insurance Corporation, the National Credit Union Admin-
23 istration Board may by a vote of the Board increase to
24 unlimited, or such lower amount as the Board approves,
25 the share insurance coverage provided by the National

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1 Credit Union Share Insurance Fund on any noninterest-
2 bearing transaction account in any federally insured credit
3 union without exception, provided that any such increase
4 shall terminate not later than December 31, 2020.

5 **SEC. 4009. TEMPORARY GOVERNMENT IN THE SUNSHINE**
6 **ACT RELIEF.**

7 (a) IN GENERAL.—Except as provided in subsection
8 (b), notwithstanding any other provision of law, if the
9 Chairman of the Board of Governors of the Federal Re-
10 serve System determines, in writing, that unusual and exi-
11 gent circumstances exist, the Board may conduct meetings
12 without regard to the requirements of section 552b of title
13 5, United States Code, during the period beginning on the
14 date of enactment of this Act and ending on the earlier
15 of—

16 (1) the date on which the national emergency
17 concerning the novel coronavirus disease (COVID–
18 19) outbreak declared by the President on March
19 13, 2020 under the National Emergencies Act (50
20 U.S.C. 1601 et seq.) terminates; or

21 (2) December 31, 2020.

22 (b) RECORDS.—The Board of Governors of the Fed-
23 eral Reserve System shall keep a record of all Board votes
24 and the reasons for such votes during the period described
25 in subsection (a).

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1 **SEC. 4010. TEMPORARY HIRING FLEXIBILITY.**

2 (a) DEFINITION.—In this section, the term ''covered
3 period'' means the period beginning on the date of enact-
4 ment of this Act and ending on the sooner of—

5 (1) the termination date of the national emer-
6 gency concerning the novel coronavirus disease
7 (COVID–19) outbreak declared by the President on
8 March 13, 2020 under the National Emergencies
9 Act (50 U.S.C. 1601 et seq.); or

10 (2) December 31, 2020.

11 (b) AUTHORITY.— During the covered period, the
12 Secretary of Housing and Urban Development, the Securi-
13 ties and Exchange Commission, and the Commodity Fu-
14 tures Trading Commission may, without regard to sections
15 3309 through 3318 of title 5, United States Code, recruit
16 and appoint candidates to fill temporary and term ap-
17 pointments within their respective agencies upon a deter-
18 mination that those expedited procedures are necessary
19 and appropriate to enable the respective agencies to pre-
20 vent, prepare for, or respond to COVID–19.

21 **SEC. 4011. TEMPORARY LENDING LIMIT WAIVER.**

22 (a) IN GENERAL.—Section 5200 of the Revised Stat-
23 utes of the United States (12 U.S.C. 84) is amended—

24 (1) in subsection (c)(7)—

25 (A) by inserting ''any nonbank financial
26 company (as that term is defined in section 102

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of the Financial Stability Act of 2010 (12 U.S.C. 5311)),'' after ''Loans or extensions of credit to''; and

(B) by striking ''financial institution or to'' and inserting ''financial institution, or to''; and

(2) in subsection (d), by adding at the end of paragraph (1) the following: ''The Comptroller of the Currency may, by order, exempt any transaction or series of transactions from the requirements of this section upon a finding by the Comptroller that such exemption is in the public interest and consistent with the purposes of this section.''.

(b) EFFECTIVE PERIOD.—This section, and the amendments made by this section, shall be effective during the period beginning on the date of enactment of this Act and ending on the sooner of—

(1) the termination date of the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.); or

(2) December 31, 2020.

**SEC. 4012. TEMPORARY RELIEF FOR COMMUNITY BANKS.**

(a) DEFINITIONS.—In this section—

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1 (1) the term "appropriate Federal banking
2 agency" has the meaning given the term in section
3 2 of the Economic Growth, Regulatory Relief, and
4 Consumer Protection Act (12 U.S.C. 5365 note);
5 and
6 (2) the terms "Community Bank Leverage
7 Ratio" and "qualifying community bank" have the
8 meanings given the terms in section 201(a) of the
9 Economic Growth, Regulatory Relief, and Consumer
10 Protection Act (12 U.S.C. 5371 note).
11 (b) INTERIM RULE.—
12 (1) IN GENERAL.—Notwithstanding any other
13 provision of law or regulation, the appropriate Fed-
14 eral banking agencies shall issue an interim final
15 rule that provides that, for the purposes of section
16 201 of the Economic Growth, Regulatory Relief, and
17 Consumer Protection Act (12 U.S.C. 5371 note)—
18 (A) the Community Bank Leverage Ratio
19 shall be 8 percent; and
20 (B) a qualifying community bank that falls
21 below the Community Bank Leverage Ratio es-
22 tablished under subparagraph (A) shall have a
23 reasonable grace period to satisfy the Commu-
24 nity Bank Leverage Ratio.

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1 (2) EFFECTIVE PERIOD.—The interim rule
2 issued under paragraph (1) shall be effective during
3 the period beginning on the date on which the ap-
4 propriate Federal banking agencies issue the rule
5 and ending on the sooner of—
6 (A) the termination date of the national
7 emergency concerning the novel coronavirus dis-
8 ease (COVID–19) outbreak declared by the
9 President on March 13, 2020 under the Na-
10 tional Emergencies Act (50 U.S.C. 1601 et
11 seq.); or
12 (B) December 31, 2020.
13 (c) GRACE PERIOD.—During a grace period de-
14 scribed in subsection (b)(1)(B), a qualifying community
15 bank to which the grace period applies may continue to
16 be treated as a qualifying community bank and shall be
17 presumed to satisfy the capital and leverage requirements
18 described in section 201(c) of the Economic Growth, Reg-
19 ulatory Relief, and Consumer Protection Act (12 U.S.C.
20 5371 note).
21 **SEC. 4013. TEMPORARY RELIEF FROM TROUBLED DEBT**
22 **RESTRUCTURINGS.**
23 (a) DEFINITIONS.—In this section:
24 (1) APPLICABLE PERIOD.—The term "applica-
25 ble period" means the period beginning on March 1,

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1 2020 and ending on the earlier of December 31,
2 2020, or the date that is 60 days after the date on
3 which the national emergency concerning the novel
4 coronavirus disease (COVID–19) outbreak declared
5 by the President on March 13, 2020 under the Na-
6 tional Emergencies Act (50 U.S.C. 1601 et seq.) ter-
7 minates.
8 (2) APPROPRIATE FEDERAL BANKING AGEN-
9 CY.—The term "appropriate Federal banking agen-
10 cy"—
11 (A) has the meaning given the term in sec-
12 tion 3 of the Federal Deposit Insurance Act (12
13 U.S.C. 1813); and
14 (B) includes the National Credit Union
15 Administration.
16 (b) SUSPENSION.—
17 (1) IN GENERAL.—During the applicable pe-
18 riod, a financial institution may elect to—
19 (A) suspend the requirements under
20 United States generally accepted accounting
21 principles for loan modifications related to the
22 coronavirus disease 2019 (COVID–19) pan-
23 demic that would otherwise be categorized as a
24 troubled debt restructuring; and

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1 (B) suspend any determination of a loan
2 modified as a result of the effects of the
3 coronavirus disease 2019 (COVID–19) pan-
4 demic as being a troubled debt restructuring,
5 including impairment for accounting purposes.
6 (2) APPLICABILITY.—Any suspension under
7 paragraph (1)—
8 (A) shall be applicable for the term of the
9 loan modification, but solely with respect to any
10 modification, including a forbearance arrange-
11 ment, an interest rate modification, a repay-
12 ment plan, and any other similar arrangement
13 that defers or delays the payment of principal
14 or interest, that occurs during the applicable
15 period for a loan that was not more than 30
16 days past due as of December 31, 2019; and
17 (B) shall not apply to any adverse impact
18 on the credit of a borrower that is not related
19 to the coronavirus disease 2019 (COVID–19)
20 pandemic.
21 (c) DEFERENCE.—The appropriate Federal banking
22 agency of the financial institution shall defer to the deter-
23 mination of the financial institution to make a suspension
24 under this section.

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1 (d) RECORDS.—For modified loans for which suspen-
2 sions under subsection (a) apply—
3 (1) financial institutions should continue to
4 maintain records of the volume of loans involved;
5 and
6 (2) the appropriate Federal banking agencies
7 may collect data about such loans for supervisory
8 purposes.

9 **SEC. 4014. OPTIONAL TEMPORARY RELIEF FROM CURRENT**
10 **EXPECTED CREDIT LOSSES.**

11 (a) DEFINITIONS.—In this section:
12 (1) APPROPRIATE FEDERAL BANKING AGEN-
13 CY.—The term ''appropriate Federal banking agen-
14 cy''—
15 (A) has the meaning given the term in sec-
16 tion 3 of the Federal Deposit Insurance Act (12
17 U.S.C. 1813); and
18 (B) includes the National Credit Union
19 Administration.
20 (2) INSURED DEPOSITORY INSTITUTION.—The
21 term ''insured depository institution''—
22 (A) has the meaning given the term in sec-
23 tion 3 of the Federal Deposit Insurance Act (12
24 U.S.C. 1813); and
25 (B) includes a credit union.

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1 (b) TEMPORARY RELIEF FROM CECL STAND-
2 ARDS.—Notwithstanding any other provision of law, no in-
3 sured depository institution, bank holding company, or
4 any affiliate thereof shall be required to comply with the
5 Financial Accounting Standards Board Accounting Stand-
6 ards Update No. 2016–13 (''Measurement of Credit
7 Losses on Financial Instruments''), including the current
8 expected credit losses methodology for estimating allow-
9 ances for credit losses, during the period beginning on the
10 date of enactment of this Act and ending on the earlier
11 of—
12 (1) the date on which the national emergency
13 concerning the novel coronavirus disease (COVID–
14 19) outbreak declared by the President on March
15 13, 2020 under the National Emergencies Act (50
16 U.S.C. 1601 et seq.) terminates; or
17 (2) December 31, 2020.
18 **SEC. 4015. NON-APPLICABILITY OF RESTRICTIONS ON ESF**
19 **DURING NATIONAL EMERGENCY.**
20 (a) IN GENERAL.—Section 131 of the Emergency
21 Economic Stabilization Act of 2008 (12 U.S.C. 5236)
22 shall not apply during the period beginning on the date
23 of enactment of this Act and ending on December 31,
24 2020. Any guarantee established as a result of the applica-
25 tion of subsection (a) shall—

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1 (1) be limited to a guarantee of the total value
2 of a shareholder's account in a participating fund as
3 of the close of business on the day before the an-
4 nouncement of the guarantee; and
5 (2) terminate not later than December 31,
6 2020.
7 (b) DIRECT APPROPRIATION.—Upon the expiration
8 of the period described in subsection (a), there is appro-
9 priated, out of amounts in the Treasury not otherwise ap-
10 propriated, such sums as may be necessary to reimburse
11 the fund established under section 5302(a)(1) of title 31,
12 United States Code, for any funds that are used for the
13 Treasury Money Market Funds Guaranty Program for the
14 United States money market mutual fund industry to the
15 extent a claim payment made exceeds the balance of fees
16 collected by the fund.
17 **SEC. 4016. TEMPORARY CREDIT UNION PROVISIONS.**
18 (a) IN GENERAL.—
19 (1) DEFINITIONS.—Section 302(1) of the Fed-
20 eral Credit Union Act (12 U.S.C. 1795a(1)) is
21 amended, in the matter preceding subparagraph (A),
22 by striking "primarily serving natural persons".
23 (2) MEMBERSHIP.—Section 304(b)(2) of the
24 Federal Credit Union Act (12 U.S.C. 1795c(b)(2))
25 is amended by striking "all those credit unions" and

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1 inserting "such credit unions as the Board may in
2 its discretion determine".
3 (3) EXTENSIONS OF CREDIT.—Section
4 306(a)(1) of the Federal Credit Union Act (12
5 U.S.C. 1795e(a)(1)) is amended, in the second sen-
6 tence, by striking "the intent of which is to expand
7 credit union portfolios" and inserting "without first
8 having obtained evidence from the applicant that the
9 applicant has made reasonable efforts to first use
10 primary sources of liquidity of the applicant, includ-
11 ing balance sheet and market funding sources, to
12 address the liquidity needs of the applicant".
13 (4) POWERS OF THE BOARD.—Section
14 307(a)(4)(A) of the Federal Credit Union Act (12
15 U.S.C. 1795f(a)(4)(A)) is amended by inserting ",
16 provided that, the total face value of such obliga-
17 tions shall not exceed 16 times the subscribed cap-
18 ital stock and surplus of the Facility for the period
19 beginning on the date of enactment of the
20 Coronavirus Economic Stabilization Act of 2020 and
21 ending on December 31, 2020" after "Facility".
22 (b) SUNSET.—
23 (1) IN GENERAL.—
24 (A) DEFINITIONS.—Section 302(1) of the
25 Federal Credit Union Act (12 U.S.C. 1795a(1))

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1 is amended, in the matter preceding subpara-
2 graph (A), by inserting "primarily serving nat-
3 ural persons" after "credit unions".
4 (B) MEMBERSHIP.—Section 304(b)(2) of
5 the Federal Credit Union Act (12 U.S.C.
6 1795c(b)(2)) is amended by striking "such
7 credit unions as the Board may in its discretion
8 determine" and inserting "all those credit
9 unions".
10 (C) EXTENSIONS OF CREDIT.—Section
11 306(a)(1) of the Federal Credit Union Act (12
12 U.S.C. 1795e(a)(1)) is amended, in the second
13 sentence, by striking "without first having ob-
14 tained evidence from the applicant that the ap-
15 plicant has made reasonable efforts to first use
16 primary sources of liquidity of the applicant, in-
17 cluding balance sheet and market funding
18 sources, to address the liquidity needs of the
19 applicant" and inserting "the intent of which is
20 to expand credit union portfolios".
21 (2) EFFECTIVE DATE.—The amendments made
22 by paragraph (1) shall take effect on December 31,
23 2020.

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**SEC. 4017. INCREASING ACCESS TO MATERIALS NECESSARY FOR NATIONAL SECURITY AND PANDEMIC RECOVERY.**

Notwithstanding any other provision of law—

(1) during the 2-year period beginning on the date of enactment of this Act, the requirements described in sections 303(a)(6)(C) and 304(e) of the Defense Production Act of 1950 (50 U.S.C. 4533(a)(6)(C), 4534(e)) shall not apply; and

(2) during the 1-year period beginning on the date of enactment of this Act, the requirements described in sections 302(d)(1) and 303 (a)(6)(B) of the Defense Production Act of 1950 (50 U.S.C. 4532(d)(1), 4533(a)(6)(B)) shall not apply.

**SEC. 4018. SPECIAL INSPECTOR GENERAL FOR PANDEMIC RECOVERY.**

(a) OFFICE OF INSPECTOR GENERAL.—There is hereby established within the Department of the Treasury the Office of the Special Inspector General for Pandemic Recovery.

(b) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) IN GENERAL.—The head of the Office of the Special Inspector General for Pandemic Recovery shall be the Special Inspector General for Pandemic Recovery (referred to in this section as the

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1 "Special Inspector General"), who shall be appointed
2 by the President, by and with the advice and consent
3 of the Senate.

4 (2) NOMINATION.—The nomination of the Spe-
5 cial Inspector General shall be made on the basis of
6 integrity and demonstrated ability in accounting, au-
7 diting, financial analysis, law, management analysis,
8 public administration, or investigations. The nomina-
9 tion of an individual as Special Inspector General
10 shall be made as soon as practicable after any loan,
11 loan guarantee, or other investment is made under
12 section 4003.

13 (3) REMOVAL.—The Special Inspector General
14 shall be removable from office in accordance with
15 the provisions of section 3(b) of the Inspector Gen-
16 eral Act of 1978 (5 U.S.C. App.).

17 (4) POLITICAL ACTIVITY.—For purposes of sec-
18 tion 7324 of title 5, United States Code, the Special
19 Inspector General shall not be considered an em-
20 ployee who determines policies to be pursued by the
21 United States in the nationwide administration of
22 Federal law.

23 (5) BASIC PAY.—The annual rate of basic pay
24 of the Special Inspector General shall be the annual
25 rate of basic pay for an Inspector General under sec-

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1 tion 3(e) of the Inspector General Act of 1978 (5
2 U.S.C. App.).
3 (c) DUTIES.—
4 (1) IN GENERAL.—It shall be the duty of the
5 Special Inspector General to, in accordance with sec-
6 tion 4(b)(1) of the Inspector General Act of 1978 (5
7 U.S.C. App.), conduct, supervise, and coordinate au-
8 dits and investigations of the making, purchase,
9 management, and sale of loans, loan guarantees, and
10 other investments made by the Secretary of the
11 Treasury under any program established by the Sec-
12 retary under this Act, and the management by the
13 Secretary of any program established under this Act,
14 including by collecting and summarizing the fol-
15 lowing information:
16 (A) A description of the categories of the
17 loans, loan guarantees, and other investments
18 made by the Secretary.
19 (B) A listing of the eligible businesses re-
20 ceiving loan, loan guarantees, and other invest-
21 ments made under each category described in
22 subparagraph (A).
23 (C) An explanation of the reasons the Sec-
24 retary determined it to be appropriate to make
25 each loan or loan guarantee under this Act, in-

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1 cluding a justification of the price paid for, and
2 other financial terms associated with, the appli-
3 cable transaction.
4 (D) A listing of, and detailed biographical
5 information with respect to, each person hired
6 to manage or service each loan, loan guarantee,
7 or other investment made under section 4003.
8 (E) A current, as of the date on which the
9 information is collected, estimate of the total
10 amount of each loan, loan guarantee, and other
11 investment made under this Act that is out-
12 standing, the amount of interest and fees ac-
13 crued and received with respect to each loan or
14 loan guarantee, the total amount of matured
15 loans, the type and amount of collateral, if any,
16 and any losses or gains, if any, recorded or ac-
17 crued for each loan, loan guarantee, or other in-
18 vestment.
19 (2) MAINTENANCE OF SYSTEMS.—The Special
20 Inspector General shall establish, maintain, and
21 oversee such systems, procedures, and controls as
22 the Special Inspector General considers appropriate
23 to discharge the duties of the Special Inspector Gen-
24 eral under paragraph (1).

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1 (3) ADDITIONAL DUTIES AND RESPONSIBIL-
2 ITIES.—In addition to the duties described in para-
3 graphs (1) and (2), the Special Inspector General
4 shall also have the duties and responsibilities of in-
5 spectors general under the Inspector General Act of
6 1978 (5 U.S.C. App.).
7 (d) POWERS AND AUTHORITIES.—
8 (1) IN GENERAL.—In carrying out the duties of
9 the Special Inspector General under subsection (c),
10 the Special Inspector General shall have the authori-
11 ties provided in section 6 of the Inspector General
12 Act of 1978 (5 U.S.C. App.).
13 (2) TREATMENT OF OFFICE.—The Office of the
14 Special Inspector General for Pandemic Recovery
15 shall be considered to be an office described in sec-
16 tion 6(f)(3) of the Inspector General Act of 1978 (5
17 U.S.C. App.) and shall be exempt from an initial de-
18 termination by the Attorney General under section
19 6(f)(2) of that Act.
20 (e) PERSONNEL, FACILITIES, AND OTHER RE-
21 SOURCES.—
22 (1) APPOINTMENT OF OFFICERS AND EMPLOY-
23 EES.—The Special Inspector General may select, ap-
24 point, and employ such officers and employees as
25 may be necessary for carrying out the duties of the

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1 Special Inspector General, subject to the provisions
2 of title 5, United States Code, governing appoint-
3 ments in the competitive service, and the provisions
4 of chapter 51 and subchapter III of chapter 53 of
5 that title, relating to classification and General
6 Schedule pay rates.

7 (2) EXPERTS AND CONSULTANTS.—The Special
8 Inspector General may obtain services as authorized
9 under section 3109 of title 5, United States Code,
10 at daily rates not to exceed the equivalent rate pre-
11 scribed for grade GS–15 of the General Schedule by
12 section 5332 of that title.

13 (3) CONTRACTS.—The Special Inspector Gen-
14 eral may enter into contracts and other arrange-
15 ments for audits, studies, analyses, and other serv-
16 ices with public agencies and with private persons,
17 and make such payments as may be necessary to
18 carry out the duties of the Inspector General.

19 (4) REQUESTS FOR INFORMATION.—

20 (A) IN GENERAL.—Upon request of the
21 Special Inspector General for information or as-
22 sistance from any department, agency, or other
23 entity of the Federal Government, the head of
24 that department, agency, or entity shall, to the
25 extent practicable and not in contravention of

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1 any existing law, furnish that information or
2 assistance to the Special Inspector General, or
3 an authorized designee.
4 (B) REFUSAL TO PROVIDE REQUESTED IN-
5 FORMATION.—Whenever information or assist-
6 ance requested by the Special Inspector General
7 is, in the judgment of the Special Inspector
8 General, unreasonably refused or not provided,
9 the Special Inspector General shall report the
10 circumstances to the appropriate committees of
11 Congress without delay.
12 (f) REPORTS.—
13 (1) QUARTERLY REPORTS.—
14 (A) IN GENERAL.—Not later than 60 days
15 after the date on which the Special Inspector
16 General is confirmed, and once every calendar
17 quarter thereafter, the Special Inspector Gen-
18 eral shall submit to the appropriate committees
19 of Congress a report summarizing the activities
20 of the Special Inspector General during the 3-
21 month period ending on the date on which the
22 Special Inspector General submits the report.
23 (B) CONTENTS.—Each report submitted
24 under subparagraph (A) shall include, for the
25 period covered by the report, a detailed state-

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1 ment of all loans, loan guarantees, other trans-
2 actions, obligations, expenditures, and revenues
3 associated with any program established by the
4 Secretary under section 4003, as well as the in-
5 formation collected under subsection (c)(1).
6 (2) RULE OF CONSTRUCTION.—Nothing in this
7 subsection may be construed to authorize the public
8 disclosure of information that is—
9 (A) specifically prohibited from disclosure
10 by any other provision of law;
11 (B) specifically required by Executive order
12 to be protected from disclosure in the interest
13 of national defense or national security or in
14 the conduct of foreign affairs; or
15 (C) a part of an ongoing criminal inves-
16 tigation.
17 (g) FUNDING.—
18 (1) IN GENERAL.—Of the amounts made avail-
19 able to the Secretary under section 4027,
20 $25,000,000 shall be made available to the Special
21 Inspector General to carry out this section.
22 (2) AVAILABILITY.—The amounts made avail-
23 able to the Special Inspector General under para-
24 graph (1) shall remain available until expended.

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1 (h) TERMINATION.—The Office of the Special Inspec-
2 tor General shall terminate on the date 5 years after the
3 enactment of this Act.
4 (i) COUNCIL OF THE INSPECTORS GENERAL ON IN-
5 TEGRITY AND EFFICIENCY.—The Special Inspector Gen-
6 eral shall be a member of the Council of the Inspectors
7 General on Integrity and Efficiency established under sec-
8 tion 11 of the Inspector General Act of 1978 (5 U.S.C.
9 App.) until the date of termination of the Office of the
10 Special Inspector General.
11 (j) CORRECTIVE RESPONSES TO AUDIT PROB-
12 LEMS.—The Secretary shall—
13 (1) take action to address deficiencies identified
14 by a report or investigation of the Special Inspector
15 General; or
16 (2) with respect to a deficiency identified under
17 paragraph (1), certify to the Committee on Banking,
18 Housing, and Urban Affairs of the Senate, the Com-
19 mittee on Finance of the Senate, the Committee on
20 Financial Services of the House of Representatives,
21 and the Committee on Ways and Means of the
22 House of Representatives that no action is necessary
23 or appropriate.
24 **SEC. 4019. CONFLICTS OF INTEREST.**
25 (a) DEFINITIONS.—In this section:

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1 (1) CONTROLLING INTEREST.—The term ''con-
2 trolling interest'' means owning, controlling, or hold-
3 ing not less than 20 percent, by vote or value, indi-
4 vidually or for any covered individual in the aggre-
5 gate with any other covered individual, of any class
6 of equity interest in an entity.
7 (2) COVERED ENTITY.—The term ''covered en-
8 tity'' means an entity in which a covered individual
9 directly or indirectly holds a controlling interest.
10 (3) COVERED INDIVIDUAL.—The term ''covered
11 individual'' means—
12 (A) the President, the Vice President, the
13 head of an Executive department, or a Member
14 of Congress; and
15 (B) the spouse, child, son-in-law, or daugh-
16 ter-in-law, as determined under applicable com-
17 mon law, of an individual described in subpara-
18 graph (A).
19 (4) EQUITY INTEREST.—The term ''equity in-
20 terest'' means—
21 (A) a share in an entity, without regard to
22 whether the share is—
23 (i) transferable; or
24 (ii) classified as stock or anything
25 similar;

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1 (B) an interest in a limited liability com-
2 pany or of a limited partner in a limited part-
3 nership; or
4 (C) a warrant or right, other than a right
5 to convert, to purchase, sell, or subscribe to a
6 share or interest described in subparagraph (A)
7 or (B), respectively.
8 (5) EXECUTIVE DEPARTMENT.—The term ''Ex-
9 ecutive department'' has the meaning given the term
10 in section 101 of title 5, United States Code.
11 (6) MEMBER OF CONGRESS.—The term ''mem-
12 ber of Congress'' means a member of the Senate or
13 House of Representatives, a Delegate to the House
14 of Representatives, and the Resident Commissioner
15 from Puerto Rico.
16 (b) PROHIBITION.—Notwithstanding any other provi-
17 sion of this subtitle, no covered entity may be eligible for
18 any transaction described in section 4003.
19 (c) REQUIREMENT.—The principal executive officer
20 and the principal financial officer, or individuals per-
21 forming similar functions, of an entity seeking to enter
22 a transaction under section 4003 shall, before that trans-
23 action is approved, certify to the Secretary and the Board
24 of Governors of the Federal Reserve System that the enti-

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1 ty is eligible to engage in that transaction, including that
2 the entity is not a covered entity.

3 **SEC. 4020. CONGRESSIONAL OVERSIGHT COMMISSION.**

4 (a) ESTABLISHMENT.—There is hereby established
5 the Congressional Oversight Commission (hereafter in this
6 section referred to as the "Oversight Commission") as an
7 establishment in the legislative branch.

8 (b) DUTIES.—

9 (1) IN GENERAL.—The Oversight Commission
10 shall—

11 (A) conduct oversight of the implementa-
12 tion of this subtitle by the Department of the
13 Treasury and the Board of Governors of the
14 Federal Reserve System, including efforts of
15 the Department and the Board to provide eco-
16 nomic stability as a result of the coronavirus
17 disease 2019 (COVID–19) pandemic of 2020;

18 (B) submit to Congress reports under
19 paragraph (2); and

20 (C) review the implementation of this sub-
21 title by the Federal Government.

22 (2) REGULAR REPORTS.—

23 (A) IN GENERAL.—Reports of the Over-
24 sight Commission shall include the following:

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1 (i) The use by the Secretary and the
2 Board of Governors of the Federal Reserve
3 System of authority under this subtitle, in-
4 cluding with respect to the use of con-
5 tracting authority and administration of
6 the provisions of this subtitle.
7 (ii) The impact of loans, loan guaran-
8 tees, and investments made under this sub-
9 title on the financial well-being of the peo-
10 ple of the United States and the United
11 States economy, financial markets, and fi-
12 nancial institutions.
13 (iii) The extent to which the informa-
14 tion made available on transactions under
15 this subtitle has contributed to market
16 transparency.
17 (iv) The effectiveness of loans, loan
18 guarantees, and investments made under
19 this subtitle of minimizing long-term costs
20 to the taxpayers and maximizing the bene-
21 fits for taxpayers.
22 (B) TIMING.—The reports required under
23 this paragraph shall be submitted not later
24 than 30 days after the first exercise by the Sec-
25 retary and the Board of Governors of the Fed-

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1 eral Reserve System of the authority under this
2 subtitle and every 30 days thereafter.
3 (c) MEMBERSHIP.—
4 (1) IN GENERAL.—The Oversight Commission
5 shall consist of 5 members as follows:
6 (A) 1 member appointed by the Speaker of
7 the House of Representatives.
8 (B) 1 member appointed by the minority
9 leader of the House of Representatives.
10 (C) 1 member appointed by the majority
11 leader of the Senate.
12 (D) 1 member appointed by the minority
13 leader of the Senate.
14 (E) 1 member appointed as Chairperson by
15 the Speaker of the House of Representatives
16 and the majority leader of the Senate, after
17 consultation with the minority leader of the
18 Senate and the minority leader of the House of
19 Representatives
20 (2) PAY.—Each member of the Oversight Com-
21 mission shall be paid at a rate equal to the daily
22 equivalent of the annual rate of basic pay for level
23 I of the Executive Schedule for each day (including
24 travel time) during which such member is engaged

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1 in the actual performance of duties vested in the
2 Oversight Commission.
3 (3) PROHIBITION OF COMPENSATION OF FED-
4 ERAL EMPLOYEES.—Members of the Oversight Com-
5 mission who are full-time officers or employees of
6 the United States may not receive additional pay, al-
7 lowances, or benefits by reason of their service on
8 the Oversight Commission.
9 (4) TRAVEL EXPENSES.—Each member shall
10 receive travel expenses, including per diem in lieu of
11 subsistence, in accordance with applicable provisions
12 under subchapter I of chapter 57 of title 5, United
13 States Code.
14 (5) QUORUM.—Four members of the Oversight
15 Commission shall constitute a quorum but a lesser
16 number may hold hearings.
17 (6) VACANCIES.—A vacancy on the Oversight
18 Commission shall be filled in the manner in which
19 the original appointment was made.
20 (7) MEETINGS.—The Oversight Commission
21 shall meet at the call of the Chairperson or a major-
22 ity of its members.
23 (d) STAFF.—

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1 (1) IN GENERAL.—The Oversight Commission
2 may appoint and fix the pay of any personnel as the
3 Oversight Commission considers appropriate.
4 (2) EXPERTS AND CONSULTANTS.—The Over-
5 sight Commission may procure temporary and inter-
6 mittent services under section 3109(b) of title 5,
7 United States Code.
8 (3) STAFF OF AGENCIES.—Upon request of the
9 Oversight Commission, the head of any Federal de-
10 partment or agency may detail, on a reimbursable
11 basis, any of the personnel of that department or
12 agency to the Oversight Commission to assist it in
13 carrying out its duties under the this subtitle.
14 (e) POWERS.—
15 (1) HEARINGS AND EVIDENCE.—The Oversight
16 Commission, or any subcommittee or member there-
17 of, may, for the purpose of carrying out this section
18 hold hearings, sit and act at times and places, take
19 testimony, and receive evidence as the Oversight
20 Commission considers appropriate and may admin-
21 ister oaths or affirmations to witnesses appearing
22 before it.
23 (2) CONTRACTING.—The Oversight Commission
24 may, to such extent and in such amounts as are pro-
25 vided in appropriation Acts, enter into contracts to

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1 enable the Oversight Commission to discharge its
2 duties under this section.
3 (3) POWERS OF MEMBERS AND AGENTS.—Any
4 member or agent of the Oversight Commission may,
5 if authorized by the Oversight Commission, take any
6 action which the Oversight Commission is authorized
7 to take by this section.
8 (4) OBTAINING OFFICIAL DATA.—The Over-
9 sight Commission may secure directly from any de-
10 partment or agency of the United States information
11 necessary to enable it to carry out this section. Upon
12 request of the Chairperson of the Oversight Commis-
13 sion, the head of that department or agency shall
14 furnish that information to the Oversight Commis-
15 sion.
16 (5) REPORTS.—The Oversight Commission
17 shall receive and consider all reports required to be
18 submitted to the Oversight Commission under this
19 subtitle.
20 (f) TERMINATION.—The Oversight Commission shall
21 terminate on September 30, 2025.
22 (g) FUNDING FOR EXPENSES.—
23 (1) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to the Over-
25 sight Commission such sums as may be necessary

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for any fiscal year, half of which shall be derived from the applicable account of the House of Representatives, and half of which shall be derived from the contingent fund of the Senate.

(2) REIMBURSEMENT OF AMOUNTS.—An amount equal to the expenses of the Oversight Commission shall be promptly transferred by the Secretary and the Board of Governors of the Federal Reserve System, from time to time upon the presentment of a statement of such expenses by the Chairperson of the Oversight Commission, from funds made available to the Secretary under this subtitle to the applicable fund of the House of Representatives and the contingent fund of the Senate, as appropriate, as reimbursement for amounts expended from such account and fund under paragraph (1).

**SEC. 4021. CREDIT PROTECTION DURING COVID–19.**

Section 623(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)(1)) is amended by adding at the end the following:

"(F) REPORTING INFORMATION DURING COVID–19 PANDEMIC.—

"(i) DEFINITIONS.—In this subsection:

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1 "(I) ACCOMMODATION.—The
2 term 'accommodation' includes an
3 agreement to defer 1 or more pay-
4 ments, make a partial payment, for-
5 bear any delinquent amounts, modify
6 a loan or contract, or any other assist-
7 ance or relief granted to a consumer
8 who is affected by the coronavirus dis-
9 ease 2019 (COVID–19) pandemic
10 during the covered period.
11 "(II) COVERED PERIOD.—The
12 term 'covered period' means the pe-
13 riod beginning on January 31, 2020
14 and ending on the later of—
15 "(aa) 120 days after the
16 date of enactment of this sub-
17 paragraph; or
18 "(bb) 120 days after the
19 date on which the national emer-
20 gency concerning the novel
21 coronavirus disease (COVID–19)
22 outbreak declared by the Presi-
23 dent on March 13, 2020 under
24 the National Emergencies Act

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1 (50 U.S.C. 1601 et seq.) termi-
2 nates.
3 "(ii) REPORTING.—Except as pro-
4 vided in clause (iii), if a furnisher makes
5 an accommodation with respect to 1 or
6 more payments on a credit obligation or
7 account of a consumer, and the consumer
8 makes the payments or is not required to
9 make 1 or more payments pursuant to the
10 accommodation, the furnisher shall—
11 "(I) report the credit obligation
12 or account as current; or
13 "(II) if the credit obligation or
14 account was delinquent before the ac-
15 commodation—
16 "(aa) maintain the delin-
17 quent status during the period in
18 which the accommodation is in
19 effect; and
20 "(bb) if the consumer brings
21 the credit obligation or account
22 current during the period de-
23 scribed in item (aa), report the
24 credit obligation or account as
25 current.

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"(iii) EXCEPTION.—Clause (ii) shall not apply with respect to a credit obligation or account of a consumer that has been charged-off.".

**SEC. 4022. FORECLOSURE MORATORIUM AND CONSUMER RIGHT TO REQUEST FORBEARANCE.**

(a) DEFINITIONS.—In this section:

(1) COVID–19 EMERGENCY.—The term "COVID–19 emergency" means the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act (50 U.S.C. 1601 et seq.).

(2) FEDERALLY BACKED MORTGAGE LOAN.—The term "Federally backed mortgage loan" includes any loan which is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1- to 4-families that is—

(A) insured by the Federal Housing Administration under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

(B) insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20);

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1 (C) guaranteed under section 184 or 184A
2 of the Housing and Community Development
3 Act of 1992 (12 U.S.C. 1715z–13a, 1715z–
4 13b);
5 (D) guaranteed or insured by the Depart-
6 ment of Veterans Affairs;
7 (E) guaranteed or insured by the Depart-
8 ment of Agriculture;
9 (F) made by the Department of Agri-
10 culture; or
11 (G) purchased or securitized by the Fed-
12 eral Home Loan Mortgage Corporation or the
13 Federal National Mortgage Association.
14 (b) FORBEARANCE.—
15 (1) IN GENERAL.—During the covered period, a
16 borrower with a Federally backed mortgage loan ex-
17 periencing a financial hardship due, directly or indi-
18 rectly, to the COVID–19 emergency may request
19 forbearance on the Federally backed mortgage loan,
20 regardless of delinquency status, by—
21 (A) submitting a request to the borrower's
22 servicer; and
23 (B) affirming that the borrower is experi-
24 encing a financial hardship during the COVID–
25 19 emergency.

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1 (2) DURATION OF FORBEARANCE.—Upon a re-
2 quest by a borrower for forbearance under para-
3 graph (1), such forbearance shall be granted for up
4 to 180 days, and shall be extended for an additional
5 period of up to 180 days at the request of the bor-
6 rower, provided that, at the borrower's request, ei-
7 ther the initial or extended period of forbearance
8 may be shortened.
9 (3) ACCRUAL OF INTEREST OR FEES.—During
10 a period of forbearance described in this subsection,
11 no fees, penalties, or interest beyond the amounts
12 scheduled or calculated as if the borrower made all
13 contractual payments on time and in full under the
14 terms of the mortgage contract, shall accrue on the
15 borrower's account.
16 (c) REQUIREMENTS FOR SERVICERS.—
17 (1) IN GENERAL.—Upon receiving a request for
18 forbearance from a borrower under subsection (b),
19 the servicer shall with no additional documentation
20 required other than the borrower's attestation to a
21 financial hardship caused by the COVID–19 emer-
22 gency and with no fees, penalties, or interest (be-
23 yond the amounts scheduled or calculated as if the
24 borrower made all contractual payments on time and
25 in full under the terms of the mortgage contract)

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1 charged to the borrower in connection with the for-
2 bearance, provide the forbearance for up to 180
3 days, which may be extended for an additional pe-
4 riod of up to 180 days at the request of the bor-
5 rower, provided that, the borrower's request for an
6 extension is made during the covered period, and, at
7 the borrower's request, either the initial or extended
8 period of forbearance may be shortened.

9 (2) FORECLOSURE MORATORIUM.—Except with
10 respect to a vacant or abandoned property, a
11 servicer of a Federally backed mortgage loan may
12 not initiate any judicial or non-judicial foreclosure
13 process, move for a foreclosure judgment or order of
14 sale, or execute a foreclosure-related eviction or fore-
15 closure sale for not less than the 60-day period be-
16 ginning on March 18, 2020.

17 **SEC. 4023. FORBEARANCE OF RESIDENTIAL MORTGAGE**
18 **LOAN PAYMENTS FOR MULTIFAMILY PROP-**
19 **ERTIES WITH FEDERALLY BACKED LOANS.**

20 (a) IN GENERAL.—During the covered period, a mul-
21 tifamily borrower with a Federally backed multifamily
22 mortgage loan experiencing a financial hardship due, di-
23 rectly or indirectly, to the COVID–19 emergency may re-
24 quest a forbearance under the terms set forth in this sec-
25 tion.

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1 (b) REQUEST FOR RELIEF.—A multifamily borrower
2 with a Federally backed multifamily mortgage loan that
3 was current on its payments as of February 1, 2020, may
4 submit an oral or written request for forbearance under
5 subsection (a) to the borrower's servicer affirming that the
6 multifamily borrower is experiencing a financial hardship
7 during the COVID–19 emergency.
8 (c) FORBEARANCE PERIOD.—
9 (1) IN GENERAL.—Upon receipt of an oral or
10 written request for forbearance from a multifamily
11 borrower, a servicer shall—
12 (A) document the financial hardship;
13 (B) provide the forbearance for up to 30
14 days; and
15 (C) extend the forbearance for up to 2 ad-
16 ditional 30 day periods upon the request of the
17 borrower provided that, the borrower's request
18 for an extension is made during the covered pe-
19 riod, and, at least 15 days prior to the end of
20 the forbearance period described under sub-
21 paragraph (B).
22 (2) RIGHT TO DISCONTINUE.—A multifamily
23 borrower shall have the option to discontinue the
24 forbearance at any time.

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1 (d) RENTER PROTECTIONS DURING FORBEARANCE
2 PERIOD.—A multifamily borrower that receives a forbear-
3 ance under this section may not, for the duration of the
4 forbearance—
5 (1) evict or initiate the eviction of a tenant
6 from a dwelling unit located in or on the applicable
7 property solely for nonpayment of rent or other fees
8 or charges; or
9 (2) charge any late fees, penalties, or other
10 charges to a tenant described in paragraph (1) for
11 late payment of rent.
12 (e) NOTICE.—A multifamily borrower that receives a
13 forbearance under this section—
14 (1) may not require a tenant to vacate a dwell-
15 ing unit located in or on the applicable property be-
16 fore the date that is 30 days after the date on which
17 the borrower provides the tenant with a notice to va-
18 cate; and
19 (2) may not issue a notice to vacate under
20 paragraph (1) until after the expiration of the for-
21 bearance.
22 (f) DEFINITIONS.—In this section:
23 (1) APPLICABLE PROPERTY.—The term ''appli-
24 cable property'', with respect to a Federally backed
25 multifamily mortgage loan, means the residential

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1 multifamily property against which the mortgage
2 loan is secured by a lien.
3 (2) FEDERALLY BACKED MULTIFAMILY MORT-
4 GAGE LOAN.—The term "Federally backed multi-
5 family mortgage loan" includes any loan (other than
6 temporary financing such as a construction loan)
7 that—
8 (A) is secured by a first or subordinate lien
9 on residential multifamily real property de-
10 signed principally for the occupancy of 5 or
11 more families, including any such secured loan,
12 the proceeds of which are used to prepay or pay
13 off an existing loan secured by the same prop-
14 erty; and
15 (B) is made in whole or in part, or in-
16 sured, guaranteed, supplemented, or assisted in
17 any way, by any officer or agency of the Fed-
18 eral Government or under or in connection with
19 a housing or urban development program ad-
20 ministered by the Secretary of Housing and
21 Urban Development or a housing or related
22 program administered by any other such officer
23 or agency, or is purchased or securitized by the
24 Federal Home Loan Mortgage Corporation or
25 the Federal National Mortgage Association.

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1 (3) MULTIFAMILY BORROWER.—the term "mul-
2 tifamily borrower" means a borrower of a residential
3 mortgage loan that is secured by a lien against a
4 property comprising 5 or more dwelling units.
5 (4) COVID–19 EMERGENCY.—The term
6 "COVID–19 emergency" means the national emer-
7 gency concerning the novel coronavirus disease
8 (COVID–19) outbreak declared by the President on
9 March 13, 2020 under the National Emergencies
10 Act (50 U.S.C. 1601 et seq.).
11 (5) COVERED PERIOD.—The term "covered pe-
12 riod" means the period beginning on the date of en-
13 actment of this Act and ending on the sooner of—
14 (A) the termination date of the national
15 emergency concerning the novel coronavirus dis-
16 ease (COVID–19) outbreak declared by the
17 President on March 13, 2020 under the Na-
18 tional Emergencies Act (50 U.S.C. 1601 et
19 seq.); or
20 (B) December 31, 2020.
21 **SEC. 4024. TEMPORARY MORATORIUM ON EVICTION FIL-**
22 **INGS.**
23 (a) DEFINITIONS.—In this section:
24 (1) COVERED DWELLING.—The term "covered
25 dwelling" means a dwelling that—

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1 (A) is occupied by a tenant—
2 (i) pursuant to a residential lease; or
3 (ii) without a lease or with a lease ter-
4 minable under State law; and
5 (B) is on or in a covered property.
6 (2) COVERED PROPERTY.—The term "covered
7 property" means any property that—
8 (A) participates in—
9 (i) a covered housing program (as de-
10 fined in section 41411(a) of the Violence
11 Against Women Act of 1994 (34 U.S.C.
12 12491(a))); or
13 (ii) the rural housing voucher pro-
14 gram under section 542 of the Housing
15 Act of 1949 (42 U.S.C. 1490r); or
16 (B) has a—
17 (i) Federally backed mortgage loan; or
18 (ii) Federally backed multifamily
19 mortgage loan.
20 (3) DWELLING.—The term "dwelling"—
21 (A) has the meaning given the term in sec-
22 tion 802 of the Fair Housing Act (42 U.S.C.
23 3602); and

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1 (B) includes houses and dwellings de-
2 scribed in section 803(b) of such Act (42
3 U.S.C. 3603(b)).
4 (4) FEDERALLY BACKED MORTGAGE LOAN.—
5 The term "Federally backed mortgage loan" in-
6 cludes any loan (other than temporary financing
7 such as a construction loan) that—
8 (A) is secured by a first or subordinate lien
9 on residential real property (including indi-
10 vidual units of condominiums and cooperatives)
11 designed principally for the occupancy of from
12 1 to 4 families, including any such secured
13 loan, the proceeds of which are used to prepay
14 or pay off an existing loan secured by the same
15 property; and
16 (B) is made in whole or in part, or in-
17 sured, guaranteed, supplemented, or assisted in
18 any way, by any officer or agency of the Fed-
19 eral Government or under or in connection with
20 a housing or urban development program ad-
21 ministered by the Secretary of Housing and
22 Urban Development or a housing or related
23 program administered by any other such officer
24 or agency, or is purchased or securitized by the

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1 Federal Home Loan Mortgage Corporation or
2 the Federal National Mortgage Association.
3 (5) FEDERALLY BACKED MULTIFAMILY MORT-
4 GAGE LOAN.—The term "Federally backed multi-
5 family mortgage loan" includes any loan (other than
6 temporary financing such as a construction loan)
7 that—
8 (A) is secured by a first or subordinate lien
9 on residential multifamily real property de-
10 signed principally for the occupancy of 5 or
11 more families, including any such secured loan,
12 the proceeds of which are used to prepay or pay
13 off an existing loan secured by the same prop-
14 erty; and
15 (B) is made in whole or in part, or in-
16 sured, guaranteed, supplemented, or assisted in
17 any way, by any officer or agency of the Fed-
18 eral Government or under or in connection with
19 a housing or urban development program ad-
20 ministered by the Secretary of Housing and
21 Urban Development or a housing or related
22 program administered by any other such officer
23 or agency, or is purchased or securitized by the
24 Federal Home Loan Mortgage Corporation or
25 the Federal National Mortgage Association.

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1 (b) MORATORIUM.—During the 120-day period be-
2 ginning on the date of enactment of this Act, the lessor
3 of a covered dwelling may not—
4 (1) make, or cause to be made, any filing with
5 the court of jurisdiction to initiate a legal action to
6 recover possession of the covered dwelling from the
7 tenant for nonpayment of rent or other fees or
8 charges; or
9 (2) charge fees, penalties, or other charges to
10 the tenant related to such nonpayment of rent.
11 (c) NOTICE.—The lessor of a covered dwelling unit—
12 (1) may not require the tenant to vacate the
13 covered dwelling unit before the date that is 30 days
14 after the date on which the lessor provides the ten-
15 ant with a notice to vacate; and
16 (2) may not issue a notice to vacate under
17 paragraph (1) until after the expiration of the period
18 described in subsection (b).

19 **SEC. 4025. PROTECTION OF COLLECTIVE BARGAINING**
20 **AGREEMENT.**

21 (a) IN GENERAL.—Neither the Secretary, nor any
22 other actor, department, or agency of the Federal Govern-
23 ment, shall condition the issuance of a loan or loan guar-
24 antee under paragraph (1), (2), or (3) of section 4003(b)
25 of this subtitle on an air carrier's or eligible business's

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1 implementation of measures to enter into negotiations
2 with the certified bargaining representative of a craft or
3 class of employees of the air carrier or eligible business
4 under the Railway Labor Act (45 U.S.C. 151 et seq.) or
5 the National Labor Relations Act (29 U.S.C. 151 et seq.),
6 regarding pay or other terms and conditions of employ-
7 ment.

8 (b) PERIOD OF EFFECT.—With respect to an air car-
9 rier or eligible business to which the loan or loan guar-
10 antee is provided under this subtitle, this section shall be
11 in effect with respect to the air carrier or eligible business
12 beginning on the date on which the air carrier or eligible
13 business is first issued such loan or loan guarantee and
14 ending on the date that is 1 year after the loan or loan
15 guarantee is no longer outstanding.

16 **SEC. 4026. REPORTS.**

17 (a) DISCLOSURE OF TRANSACTIONS.—Not later than
18 72 hours after any transaction by the Secretary under
19 paragraph (1), (2), or (3) of section 4003(b), the Sec-
20 retary shall publish on the website of the Department of
21 the Treasury—

22 (1) a plain-language description of the trans-
23 action, including the date of application, date of ap-
24 plication approval, and identity of the counterparty;

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1 (2) the amount of the loan, loan guarantee, or
2 other investment and a description of the pricing
3 mechanism for the transaction;
4 (3) the interest rate, conditions, and any other
5 material or financial terms associated with the
6 transaction, if applicable;
7 (4) a copy of the relevant and final term sheet,
8 if applicable, and contract or other relevant docu-
9 mentation regarding the transaction; and
10 (5) a justification of the price paid for and
11 other financial terms associated with the trans-
12 action.
13 (b) REPORTS.—
14 (1) IN GENERAL.—In addition to such reports
15 as are required under section 5302(c) of title 31,
16 United States Code, not later than 7 days after the
17 Secretary makes any loan or loan guarantee under
18 paragraph (1), (2), or (3) of section 4003(b), the
19 Secretary shall submit to the Chairmen and Ranking
20 Members of the Committee on Banking, Housing,
21 and Urban Affairs and the Committee on Finance of
22 the Senate and the Chairmen and Ranking Members
23 of the Committee on Financial Services and the
24 Committee on Ways and Means of the House of
25 Representatives a report summarizing—

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1 (A) an overview of actions taken by the
2 Secretary under section 4003(b) during such
3 period;
4 (B) the actual obligation, expenditure, and
5 disbursements of the funds provided for admin-
6 istrative expenses under this Act during such
7 period and the expected expenditure of such
8 funds in the subsequent period; and
9 (C) a detailed financial statement with re-
10 spect to the exercise of authority under section
11 4003(b) showing—
12 (i) all agreements, including loans,
13 loan guarantees, and other investments
14 made, renewed, or restructured;
15 (ii) all transactions during such pe-
16 riod, including the types of parties in-
17 volved;
18 (iii) the nature of the assets pur-
19 chased;
20 (iv) all projected costs and liabilities;
21 (v) operating expenses, including com-
22 pensation for financial agents;
23 (vi) the valuation or pricing method
24 used for each transaction;

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(vii) a description of the vehicles established to exercise such authority;

(viii) any or all repayment activity, delinquencies or defaults on loans issued under this Act; and

(ix) the current status, credit characteristics, and risk of loss of the Treasury portfolio of loans, loan guarantees, or other transactions made under this Act.

(2) PUBLICATION.—Not later than 7 days after the Secretary submits a report to the relevant committees of Congress under paragraph (1), the Secretary shall publish such report.

(3) SUMMARY.—Every 30 days during such time as a loan or loan guarantee under paragraph (1), (2), or (3) of section 4003(b) is outstanding, the Secretary shall publish a report summarizing the information described in paragraph (1).

(4) BOARD OF GOVERNORS.—

(A) IN GENERAL.—The Board of Governors of the Federal Reserve System shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives such reports as are required to

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be provided under section 13(3) of the Federal Reserve Act (12 U.S.C. 343(3))—

(i) not later than 7 days after the Board authorizes a new facility or other financial assistance in accordance with section 13(3)(C)(i) of the Federal Reserve Act (12 U.S.C. 343(3)(C)(i)); and

(ii) once every 30 days with respect to outstanding loans or financial assistance in accordance with section 13(3)(C)(ii) of the Federal Reserve Act (12 U.S.C. 343(3)(C)(ii)).

(B) PUBLICATION.—Not later than 7 days after the Board of Governors of the Federal Reserve System submits a report to the relevant committees of Congress under paragraph (2), the Board shall publish such report, subject to redactions of confidential information.

(c) TESTIMONY.—The Secretary shall testify, on a quarterly basis, before the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the obligations of the Department of the Treasury, and transactions entered into, under this Act.

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1 (d) PROGRAM DESCRIPTIONS.—The Secretary shall
2 post on the website of the Department of the Treasury
3 all criteria, guidelines, eligibility requirements, and appli-
4 cation materials for the making of any loan or loan guar-
5 antee under paragraph (1), (2), or (3) of section 4003(b).
6 (e) ADMINISTRATIVE CONTRACTS.—Not later than
7 24 hours after the Secretary enters into a contract in con-
8 nection with the administration of any loan or loan guar-
9 antee authorized to be made under paragraph (1), (2), or
10 (3) of section 4003(b), the Secretary shall post on the
11 website of the Department of the Treasury a copy of the
12 contract.
13 (f) GOVERNMENT ACCOUNTABILITY OFFICE.—
14 (1) STUDY.—The Comptroller General of the
15 United States shall conduct a study on the loans,
16 loan guarantees, and other investments provided
17 under section 4003.
18 (2) REPORT.—Not later than 9 months after
19 the date of enactment of this Act, and annually
20 thereafter through the year succeeding the last year
21 for which loans, loan guarantees, or other invest-
22 ments made under section 4003 are outstanding, the
23 Comptroller General shall submit to the Committee
24 on Financial Services, the Committee on Transpor-
25 tation and Infrastructure, the Committee on Appro-

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1 priations, and the Committee on the Budget of the
2 House of Representatives and the Committee on
3 Banking, Housing, and Urban Affairs, the Com-
4 mittee on Commerce, Science, and Transportation,
5 the Committee on Appropriations, and the Com-
6 mittee on the Budget of the Senate a report on the
7 loans, loan guarantees, and other investments made
8 under section 4003.

9 (g) REPORTS.—In addition to such reports as are re-
10 quired under section 5302(c) of title 31, United States
11 Code, and section 13(3) of the Federal Reserve Act (12
12 U.S.C. 343(3)), not later than 14 days after the effective
13 date of this Act, every 14 days for the following year, and
14 every 30 days thereafter, the Secretary shall publish on
15 the website of the Department of the Treasury and submit
16 to the Chairmen and Ranking Members of the Committee
17 on Financial Services and the Committee on Ways and
18 Means of the House of Representatives and the Chairmen
19 and Ranking Members of the Committee on Banking,
20 Housing, and Urban Affairs and the Committee on Fi-
21 nance of the Senate, a report summarizing—

22 (1) an overview of actions taken by the Sec-
23 retary under paragraph (1), (2), (3), or (4) of sec-
24 tion 4003(b) during such period;

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1 (2) the actual obligation, expenditure, and dis-
2 bursements of the funds provided for administrative
3 expenses under this Act during such period and the
4 expected expenditure of such funds in the subse-
5 quent period; and
6 (3) a detailed financial statement with respect
7 to the exercise of authority under paragraph (1),
8 (2), (3), or (4) of section 4003(b) showing—
9 (A) all agreements, including loans, loan
10 guarantees, and other investments made, re-
11 newed, or restructured; and
12 (B) all transactions during such period, in-
13 cluding the types of parties involved;
14 (C) the nature of the assets purchased;
15 (D) all projected costs and liabilities;
16 (E) operating expenses, including com-
17 pensation for financial agents;
18 (F) the valuation or pricing method used
19 for each transaction;
20 (G) a description of the vehicles estab-
21 lished to exercise such authority;
22 (H) any or all repayment activity, delin-
23 quencies or defaults on loans issued under this
24 Act; and

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1 (I) the current status, credit characteris-
2 tics, and risk of loss of the Treasury portfolio
3 of loans, loan guarantees, or other transactions
4 made under this Act.

5 (h) TESTIMONY.—The Secretary and the Chairman
6 of the Board of Governors of the Federal Reserve System
7 shall testify, on a quarterly basis, before the Committee
8 on Banking, Housing, and Urban Affairs of the Senate
9 and the Committee on Financial Services of the House of
10 Representatives regarding the obligations of the Depart-
11 ment of the Treasury and the Federal Reserve System,
12 and transactions entered into, under this Act.

13 (i) PROGRAM DESCRIPTIONS.—The Secretary shall
14 post on the website of the Department of the Treasury
15 all criteria, guidelines, eligibility requirements, and appli-
16 cation materials for the making of any loan or loan guar-
17 antee under paragraph (1), (2), (3), or (4) of section
18 4003(b).

19 (j) ADMINISTRATIVE CONTRACTS.—Not later than 24
20 hours after the Secretary enters into a contract in connec-
21 tion with the administration of any loan, or loan guar-
22 antee, or other investment authorized to be made under
23 paragraph (1), (2), (3), or (4) of section 4003(b), the Sec-
24 retary shall post on the website of the Department of the
25 Treasury a copy of the contract.

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1 (k) GOVERNMENT ACCOUNTABILITY OFFICE.—
2 (1) STUDY.—The Comptroller General of the
3 United States shall conduct a study on the loans,
4 loan guarantees, and other investments provided
5 under section 4003.
6 (2) REPORT.—Not later than 9 months after
7 the date of enactment of this Act, and annually
8 thereafter through the year succeeding the last year
9 for which loans, loan guarantees, or other invest-
10 ments made under section 4003 are outstanding, the
11 Comptroller General shall submit to the Committee
12 on Financial Services, the Committee on Transpor-
13 tation and Infrastructure, the Committee on Appro-
14 priations, and the Committee on the Budget of the
15 House of Representatives and the Committee on
16 Banking, Housing, and Urban Affairs, the Com-
17 mittee on Commerce, Science, and Transportation,
18 the Committee on Appropriations, and the Com-
19 mittee on the Budget of the Senate a report on the
20 loans, loan guarantees, and other investments made
21 under section 4003.
22 **SEC. 4027. DIRECT APPROPRIATION.**
23 (a) IN GENERAL.—Notwithstanding any other provi-
24 sion of law, there is appropriated, out of amounts in the
25 Treasury not otherwise appropriated, to the fund estab-

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1 lished under section 5302(a)(1) of title 31, United States
2 Code, $500,000,000,000 to carry out this subtitle.
3 (b) TECHNICAL AND CONFORMING AMENDMENT.—
4 Section 5302(a) of title 31, United States Code, is amend-
5 ed—
6 (1) by striking "and" before "section 3"; and
7 (2) by inserting "and the Coronavirus Eco-
8 nomic Stabilization Act of 2020," before "and for
9 investing".
10 (c) CLARIFICATION.—
11 (1) IN GENERAL.—On or after January 1,
12 2021, any remaining funds made available under
13 section 4003(b) may be used only for—
14 (A) modifications, restructurings, or other
15 amendments of loans, loan guarantees, or other
16 investments in accordance with section
17 4029(b)(1); and
18 (B) exercising any options, warrants, or
19 other investments made prior to January 1,
20 2021; and
21 (C) paying costs and administrative ex-
22 penses as provided in section 4003(f).
23 (2) DEFICIT REDUCTION.—On January 1,
24 2026, any funds described in paragraph (1) that are

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1 remaining shall be transferred to the general fund of
2 the Treasury to be used for deficit reduction.

3 **SEC. 4028. RULE OF CONSTRUCTION.**

4 Nothing in this subtitle shall be construed to allow
5 the Secretary to provide relief to eligible businesses,
6 States, and municipalities except in the form of loans, loan
7 guarantees, and other investments as provided in this sub-
8 title and under terms and conditions that are in the inter-
9 est of the Federal Government.

10 **SEC. 4029. TERMINATION OF AUTHORITY.**

11 (a) IN GENERAL.—Except as provided in subsection
12 (b), on December 31, 2020, the authority provided under
13 this subtitle to make new loans, loan guarantees, or other
14 investments shall terminate.

15 (b) OUTSTANDING.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), any loan, loan guarantee, or other invest-
18 ment outstanding on the date described in sub-
19 section (a)—

20 (A) may be modified, restructured, or oth-
21 erwise amended; and

22 (B) may not be forgiven.

23 (2) DURATION.—The duration of any loan or
24 loan guarantee made under section 4003(b)(1) that
25 is modified, restructured, or otherwise amended

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1 under paragraph (1) shall not be extended beyond 5
2 years from the initial origination date of the loan or
3 loan guarantee.

# 4 Subtitle B—Air Carrier Worker
# 5 Support

6 **SEC. 4111. DEFINITIONS.**

7 Unless otherwise specified, the terms in section
8 40102(a) of title 49, United States Code, shall apply to
9 this subtitle, except that—

10 (1) the term ''airline catering employee'' means
11 an employee who performs airline catering services;

12 (2) the term ''airline catering services'' means
13 preparation, assembly, or both, of food, beverages,
14 provisions and related supplies for delivery, and the
15 delivery of such items, directly to aircraft or to a lo-
16 cation on or near airport property for subsequent
17 delivery to aircraft;

18 (3) the term ''contractor'' means—

19 (A) a person that performs, under contract
20 with a passenger air carrier conducting oper-
21 ations under part 121 of title 14, Code of Fed-
22 eral Regulations—

23 (i) catering functions; or

24 (ii) functions on the property of an
25 airport that are directly related to the air

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1 transportation of persons, property, or
2 mail, including but not limited to the load-
3 ing and unloading of property on aircraft;
4 assistance to passengers under part 382 of
5 title 14, Code of Federal Regulations; se-
6 curity; airport ticketing and check-in func-
7 tions; ground-handling of aircraft; or air-
8 craft cleaning and sanitization functions
9 and waste removal; or
10 (B) a subcontractor that performs such
11 functions;
12 (4) the term "employee" means an individual,
13 other than a corporate officer, who is employed by
14 an air carrier or a contractor; and
15 (5) the term "Secretary" means the Secretary
16 of the Treasury.
17 **SEC. 4112. PANDEMIC RELIEF FOR AVIATION WORKERS.**
18 (a) FINANCIAL ASSISTANCE FOR EMPLOYEE WAGES,
19 SALARIES, AND BENEFITS.—Notwithstanding any other
20 provision of law, to preserve aviation jobs and compensate
21 air carrier industry workers, the Secretary shall provide
22 financial assistance that shall exclusively be used for the
23 continuation of payment of employee wages, salaries, and
24 benefits to—

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1 (1) passenger air carriers, in an aggregate
2 amount up to $25,000,000,000;
3 (2) cargo air carriers, in the aggregate amount
4 up to $4,000,000,000; and
5 (3) contractors, in an aggregate amount up to
6 $3,000,000,000.
7 (b) ADMINISTRATIVE EXPENSES.—Notwithstanding
8 any other provision of law, the Secretary, may use
9 $100,000,000 of the funds made available under section
10 4120(a) for costs and administrative expenses associated
11 with providing financial assistance under this subtitle.

12 **SEC. 4113. PROCEDURES FOR PROVIDING PAYROLL SUP-**
13 **PORT.**

14 (a) AWARDABLE AMOUNTS.—The Secretary shall
15 provide financial assistance under this subtitle—
16 (1) to an air carrier in an amount equal to the
17 salaries and benefits reported by the air carrier to
18 the Department of Transportation pursuant to part
19 241 of title 14, Code of Federal Regulations, for the
20 period from April 1, 2019, through September 30,
21 2019; and
22 (2) to an air carrier that does not transmit re-
23 ports under such part 241, in an amount that such
24 air carrier certifies, using sworn financial statements
25 or other appropriate data, as the amount of wages,

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1 salaries, benefits, and other compensation that such
2 air carrier paid the employees of such air carrier
3 during the period from April 1, 2019, through Sep-
4 tember 30, 2019; and
5 (3) to a contractor, in an amount that the con-
6 tractor certifies, using sworn financial statements or
7 other appropriate data, as the amount of wages, sal-
8 aries, benefits, and other compensation that such
9 contractor paid the employees of such contractor
10 during the period from April 1, 2019, through Sep-
11 tember 30, 2019.
12 (b) DEADLINES AND PROCEDURES.—
13 (1) IN GENERAL.—
14 (A) FORMS; TERMS AND CONDITIONS.—Fi-
15 nancial assistance provided to an air carrier or
16 contractor under this subtitle shall be in such
17 form, on such terms and conditions (including
18 requirements for audits and the clawback of
19 any financial assistance provided upon failure
20 by a passenger air carrier, cargo air carrier, or
21 contractor to honor the assurances specified in
22 section 4114), as the Secretary determines ap-
23 propriate.
24 (B) PROCEDURES.—The Secretary shall
25 publish streamlined and expedited procedures

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1 not later than 5 days after the date of enact-
2 ment of this Act for air carriers and contractors
3 to submit requests for financial assistance
4 under this subtitle.

5 (2) DEADLINE FOR IMMEDIATE PAYROLL AS-
6 SISTANCE.—Not later than 10 days after the date of
7 enactment of this Act, the Secretary shall make ini-
8 tial payments to air carriers and contractors that
9 submit requests for financial assistance approved by
10 to the Secretary.

11 (3) SUBSEQUENT PAYMENTS.—The Secretary
12 shall determine an appropriate method for timely
13 distribution of payments to air carriers and contrac-
14 tors with approved requests for financial assistance
15 from any funds remaining available after providing
16 initial financial assistance payments under para-
17 graph (2).

18 (c) PRO RATA AUTHORITY.—The Secretary shall
19 have the authority to reduce, on a pro rata basis, the
20 amounts due to air carriers and contractors under the ap-
21 plicable paragraph of section 4112 in order to address any
22 shortfall in assistance that would otherwise be provided
23 under such section.

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1 (d) AUDITS.—The Inspector General of the Depart-
2 ment of the Treasury shall audit certifications made under
3 subsection (a).

4 **SEC. 4114. REQUIRED ASSURANCES.**

5 (a) IN GENERAL.—To be eligible for financial assist-
6 ance under this subtitle, an air carrier or contractor shall
7 enter into an agreement with the Secretary, or otherwise
8 certify in such form and manner as the Secretary shall
9 prescribe, that the air carrier or contractor shall—

10 (1) refrain from conducting involuntary fur-
11 loughs or reducing pay rates and benefits until Sep-
12 tember 30, 2020;

13 (2) through September 30, 2021, ensure that
14 neither the air carrier or contractor nor any affiliate
15 of the air carrier or contractor may, in any trans-
16 action, purchase an equity security of the air carrier
17 or contractor or the parent company of the air car-
18 rier or contractor that is listed on a national securi-
19 ties exchange;

20 (3) through September 30, 2021, ensure that
21 the air carrier or contractor shall not pay dividends,
22 or make other capital distributions, with respect to
23 the common stock (or equivalent interest) of the air
24 carrier or contractor; and

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1 (4) meet the requirements of sections 4115 and
2 4116.
3 (b) DEPARTMENT OF TRANSPORTATION AUTHORITY
4 TO CONDITION ASSISTANCE ON CONTINUATION OF SERV-
5 ICE.—
6 (1) IN GENERAL.—The Secretary of Transpor-
7 tation is authorized to require, to the extent reason-
8 able and practicable, an air carrier provided finan-
9 cial assistance under this subtitle to maintain sched-
10 uled air transportation service, as the Secretary of
11 Transportation deems necessary, to ensure services
12 to any point served by that carrier before March 1,
13 2020.
14 (2) REQUIRED CONSIDERATIONS.—When con-
15 sidering whether to exercise the authority provided
16 by this section, the Secretary of Transportation shall
17 take into consideration the air transportation needs
18 of small and remote communities and the need to
19 maintain well-functioning health care supply chains,
20 including medical devices and supplies, and pharma-
21 ceutical supply chains.
22 (3) SUNSET.—The authority provided under
23 this subsection shall terminate on March 1, 2022,
24 and any requirements issued by the Secretary of

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1 Transportation under this subsection shall cease to
2 apply after that date.

3 **SEC. 4115. PROTECTION OF COLLECTIVE BARGAINING**
4 **AGREEMENT.**

5 (a) IN GENERAL.—Neither the Secretary, nor any
6 other actor, department, or agency of the Federal Govern-
7 ment, shall condition the issuance of financial assistance
8 under this subtitle on an air carrier's or contractor's im-
9 plementation of measures to enter into negotiations with
10 the certified bargaining representative of a craft or class
11 of employees of the air carrier or contractor under the
12 Railway Labor Act (45 U.S.C. 151 et seq.) or the National
13 Labor Relations Act (29 U.S.C. 151 et seq.), regarding
14 pay or other terms and conditions of employment.

15 (b) PERIOD OF EFFECT.—With respect to an air car-
16 rier or contractor to which financial assistance is provided
17 under this subtitle, this section shall be in effect with re-
18 spect to the air carrier or contractor beginning on the date
19 on which the air carrier or contractor is first issued such
20 financial assistance and ending on September 30, 2020.

21 **SEC. 4116. LIMITATION ON CERTAIN EMPLOYEE COM-**
22 **PENSATION.**

23 (a) IN GENERAL.—The Secretary may only provide
24 financial assistance under this subtitle to an air carrier
25 or contractor after such carrier or contractor enters into

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1 an agreement with the Secretary which provides that, dur-
2 ing the 2-year period beginning March 24, 2020, and end-
3 ing March 24, 2022, no officer or employee of the air car-
4 rier or contractor whose total compensation exceeded
5 $425,000 in calendar year 2019 (other than an employee
6 whose compensation is determined through an existing col-
7 lective bargaining agreement entered into prior to enact-
8 ment of this Act)—
9 (1) will receive from the air carrier or con-
10 tractor total compensation which exceeds, during
11 any 12 consecutive months of such 2-year period,
12 the total compensation received by the officer or em-
13 ployee from the air carrier or contractor in calendar
14 year 2019;
15 (2) will receive from the air carrier or con-
16 tractor severance pay or other benefits upon termi-
17 nation of employment with the air carrier or con-
18 tractor which exceeds twice the maximum total com-
19 pensation received by the officer or employee from
20 the air carrier or contractor in calendar year 2019;
21 and
22 (3) no officer or employee of the eligible busi-
23 ness whose total compensation exceeded $3,000,000
24 in calendar year 2019 may receive during any 12

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1 consecutive months of such period total compensa-
2 tion in excess of the sum of—
3 (A) $3,000,000; and
4 (B) 50 percent of the excess over
5 $3,000,000 of the total compensation received
6 by the officer or employee from the eligible
7 business in calendar year 2019.
8 (b) TOTAL COMPENSATION DEFINED.—In this sec-
9 tion, the term "total compensation" includes salary, bo-
10 nuses, awards of stock, and other financial benefits pro-
11 vided by an air carrier or contractor to an officer or em-
12 ployee of the air carrier or contractor.

13 **SEC. 4117. TAX PAYER PROTECTION.**

14 The Secretary may receive warrants, options, pre-
15 ferred stock, debt securities, notes, or other financial in-
16 struments issued by recipients of financial assistance
17 under this subtitle which, in the sole determination of the
18 Secretary, provide appropriate compensation to the Fed-
19 eral Government for the provision of the financial assist-
20 ance.

21 **SEC. 4118. REPORTS.**

22 (a) REPORT.—Not later than November 1, 2020, the
23 Secretary shall submit to the Committee on Transpor-
24 tation and Infrastructure and the Committee on Financial
25 Services of the House of Representatives and the Com-

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1 mittee on Commerce, Science, and Transportation and the
2 Committee on Banking, Housing, and Urban Affairs of
3 the Senate a report on the financial assistance provided
4 to air carriers and contractors under this subtitle, includ-
5 ing a description of any financial assistance provided.

6 (b) UPDATE.—Not later than the last day of the 1-
7 year period following the date of enactment of this Act,
8 the Secretary shall update and submit to the Committee
9 on Transportation and the Committee on Financial Serv-
10 ices and Infrastructure of the House of Representatives
11 and the Committee on Commerce, Science, and Transpor-
12 tation and the Committee on Banking, Housing, and
13 Urban Affairs of the Senate the report described in sub-
14 section (a).

15 **SEC. 4119. COORDINATION.**

16 In implementing this subtitle the Secretary shall co-
17 ordinate with the Secretary of Transportation.

18 **SEC. 4120. DIRECT APPROPRIATION.**

19 Notwithstanding any other provision of law, there is
20 appropriated, out of amounts in the Treasury not other-
21 wise appropriated, $32,000,000,000 to carry out this sub-
22 title.

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# TITLE V—CORONAVIRUS RELIEF FUNDS

**SEC. 5001. CORONAVIRUS RELIEF FUND.**

(a) IN GENERAL.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by inserting after title V the following:

# "TITLE VI—CORONAVIRUS RELIEF FUND

**"SEC. 601. CORONAVIRUS RELIEF FUND.**

"(a) APPROPRIATION.—

"(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for making payments to States, Tribal governments, and units of local government under this section, $150,000,000,000 for fiscal year 2020.

"(2) RESERVATION OF FUNDS.—Of the amount appropriated under paragraph (1), the Secretary shall reserve—

"(A) $3,000,000,000 of such amount for making payments to the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa; and

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1 "(B) $8,000,000,000 of such amount for
2 making payments to Tribal governments.
3 "(b) AUTHORITY TO MAKE PAYMENTS.—
4 "(1) IN GENERAL.—Subject to paragraph (2),
5 not later than 30 days after the date of enactment
6 of this section, the Secretary shall pay each State
7 and Tribal government, and each unit of local gov-
8 ernment that meets the condition described in para-
9 graph (2), the amount determined for the State,
10 Tribal government, or unit of local government, for
11 fiscal year 2020 under subsection (c).
12 "(2) DIRECT PAYMENTS TO UNITS OF LOCAL
13 GOVERNMENT.—If a unit of local government of a
14 State submits the certification required by sub-
15 section (e) for purposes of receiving a direct pay-
16 ment from the Secretary under the authority of this
17 paragraph, the Secretary shall reduce the amount
18 determined for that State by the relative unit of
19 local government population proportion amount de-
20 scribed in subsection (c)(5) and pay such amount di-
21 rectly to such unit of local government.
22 "(c) PAYMENT AMOUNTS.—
23 "(1) IN GENERAL.—Subject to paragraph (2),
24 the amount paid under this section for fiscal year
25 2020 to a State that is 1 of the 50 States shall be

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1 the amount equal to the relative population propor-
2 tion amount determined for the State under para-
3 graph (3) for such fiscal year.
4 "(2) MINIMUM PAYMENT.—
5 "(A) IN GENERAL.—No State that is 1 of
6 the 50 States shall receive a payment under
7 this section for fiscal year 2020 that is less
8 than $1,250,000,000.
9 "(B) PRO RATA ADJUSTMENTS.—The Sec-
10 retary shall adjust on a pro rata basis the
11 amount of the payments for each of the 50
12 States determined under this subsection without
13 regard to this subparagraph to the extent nec-
14 essary to comply with the requirements of sub-
15 paragraph (A).
16 "(3) RELATIVE POPULATION PROPORTION
17 AMOUNT.—For purposes of paragraph (1), the rel-
18 ative population proportion amount determined
19 under this paragraph for a State for fiscal year
20 2020 is the product of—
21 "(A) the amount appropriated under para-
22 graph (1) of subsection (a) for fiscal year 2020
23 that remains after the application of paragraph
24 (2) of that subsection; and

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"(B) the relative State population proportion (as defined in paragraph (4)).

"(4) RELATIVE STATE POPULATION PROPORTION DEFINED.—For purposes of paragraph (3)(B), the term 'relative State population proportion' means, with respect to a State, the quotient of—

"(A) the population of the State; and

"(B) the total population of all States (excluding the District of Columbia and territories specified in subsection (a)(2)(A)).

"(5) RELATIVE UNIT OF LOCAL GOVERNMENT POPULATION PROPORTION AMOUNT.—For purposes of subsection (b)(2), the term 'relative unit of local government population proportion amount' means, with respect to a unit of local government and a State, the amount equal to the product of—

"(A) 45 percent of the amount of the payment determined for the State under this subsection (without regard to this paragraph); and

"(B) the amount equal to the quotient of—

"(i) the population of the unit of local government; and

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"(ii) the total population of the State in which the unit of local government is located.

"(6) DISTRICT OF COLUMBIA AND TERRITORIES.—The amount paid under this section for fiscal year 2020 to a State that is the District of Columbia or a territory specified in subsection (a)(2)(A) shall be the amount equal to the product of—

"(A) the amount set aside under subsection (a)(2)(A) for such fiscal year; and

"(B) each such District's and territory's share of the combined total population of the District of Columbia and all such territories, as determined by the Secretary.

"(7) TRIBAL GOVERNMENTS.—From the amount set aside under subsection (a)(2)(B) for fiscal year 2020, the amount paid under this section for fiscal year 2020 to a Tribal government shall be the amount the Secretary shall determine, in consultation with the Secretary of the Interior and Indian Tribes, that is based on increased expenditures of each such Tribal government (or a tribally-owned entity of such Tribal government) relative to aggregate expenditures in fiscal year 2019 by the Tribal

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1 government (or tribally-owned entity) and deter-
2 mined in such manner as the Secretary determines
3 appropriate to ensure that all amounts available
4 under subsection (a)(2)(B) for fiscal year 2020 are
5 distributed to Tribal governments.

6 "(8) DATA.—For purposes of this subsection,
7 the population of States and units of local govern-
8 ments shall be determined based on the most recent
9 year for which data are available from the Bureau
10 of the Census.

11 "(d) USE OF FUNDS.—A State, Tribal government,
12 and unit of local government shall use the funds provided
13 under a payment made under this section to cover only
14 those costs of the State, Tribal government, or unit of
15 local government that—

16 "(1) are necessary expenditures incurred due to
17 the public health emergency with respect to the
18 Coronavirus Disease 2019 (COVID-19);

19 "(2) were not accounted for in the budget most
20 recently approved as of the date of enactment of this
21 section for the State or government; and

22 "(3) were incurred during the period that be-
23 gins on March 1, 2020, and ends on December 30,
24 2020.

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1 "(e) CERTIFICATION.—In order to receive a payment
2 under this section, a unit of local government shall provide
3 the Secretary with a certification signed by the Chief Ex-
4 ecutive for the unit of local government that the local gov-
5 ernment's proposed uses of the funds are consistent with
6 subsection (d).

7 "(f) INSPECTOR GENERAL OVERSIGHT;
8 RECOUPMENT.—

9 "(1) OVERSIGHT AUTHORITY.—The Inspector
10 General of the Department of the Treasury shall
11 conduct monitoring and oversight of the receipt, dis-
12 bursement, and use of funds made available under
13 this section.

14 "(2) RECOUPMENT.—If the Inspector General
15 of the Department of the Treasury determines that
16 a State, Tribal government, or unit of local govern-
17 ment has failed to comply with subsection (d), the
18 amount equal to the amount of funds used in viola-
19 tion of such subsection shall be booked as a debt of
20 such entity owed to the Federal Government.
21 Amounts recovered under this subsection shall be de-
22 posited into the general fund of the Treasury.

23 "(3) APPROPRIATION.—Out of any money in
24 the Treasury of the United States not otherwise ap-
25 propriated, there are appropriated to the Office of

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1 the Inspector General of the Department of the
2 Treasury, $35,000,000 to carry out oversight and
3 recoupment activities under this subsection.
4 Amounts appropriated under the preceding sentence
5 shall remain available until expended.
6 "(4) AUTHORITY OF INSPECTOR GENERAL.—
7 Nothing in this subsection shall be construed to di-
8 minish the authority of any Inspector General, in-
9 cluding such authority as provided in the Inspector
10 General Act of 1978 (5 U.S.C. App.).
11 "(g) DEFINITIONS.—In this section:
12 "(1) INDIAN TRIBE.—The term 'Indian Tribe'
13 has the meaning given that term in section 4(e) of
14 the Indian Self-Determination and Education Assist-
15 ance Act (25 U.S.C. 5304(e)).
16 "(2) LOCAL GOVERNMENT.—The term 'unit of
17 local government' means a county, municipality,
18 town, township, village, parish, borough, or other
19 unit of general government below the State level
20 with a population that exceeds 500,000.
21 "(3) SECRETARY.—The term 'Secretary' means
22 the Secretary of the Treasury.
23 "(4) STATE.—The term 'State' means the 50
24 States, the District of Columbia, the Commonwealth
25 of Puerto Rico, the United States Virgin Islands,

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Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

"(5) TRIBAL GOVERNMENT.—The term 'Tribal government' means the recognized governing body of an Indian Tribe.".

(b) APPLICATION OF PROVISIONS.—Amounts appropriated for fiscal year 2020 under section 601(a)(1) of the Social Security Act (as added by subsection (a)) shall be subject to the requirements contained in Public Law 116–94 for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254 through 256).

# TITLE VI—MISCELLANEOUS PROVISIONS

## SEC. 6001. COVID–19 BORROWING AUTHORITY FOR THE UNITED STATES POSTAL SERVICE.

(a) DEFINITIONS.—In this section—

(1) the term "COVID–19 emergency" means the emergency involving Federal primary responsibility determined to exist by the President under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) with respect to the Coronavirus Disease 2019 (COVID–19); and

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1 (2) the term "Postal Service" means the United
2 States Postal Service.
3 (b) ADDITIONAL BORROWING AUTHORITY.—Not-
4 withstanding section 2005 of title 39, United States Code,
5 or any other provision of law, if the Postal Service deter-
6 mines that, due to the COVID–19 emergency, the Postal
7 Service will not be able to fund operating expenses without
8 borrowing money—
9 (1) the Postal Service may borrow money from
10 the Treasury in an amount not to exceed
11 $10,000,000,000—
12 (A) to be used for such operating expenses;
13 and
14 (B) which may not be used to pay any out-
15 standing debt of the Postal Service; and
16 (2) the Secretary of the Treasury may lend up
17 to the amount described in paragraph (1) at the re-
18 quest of the Postal Service, upon terms and condi-
19 tions mutually agreed upon by the Secretary and the
20 Postal Service.
21 (c) PRIORITIZATION OF DELIVERY FOR MEDICAL
22 PURPOSES DURING COVID–19 EMERGENCY.—Notwith-
23 standing any other provision of law, during the COVID–
24 19 emergency, the Postal Service—

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(1) shall prioritize delivery of postal products for medical purposes; and

(2) may establish temporary delivery points, in such form and manner as the Postal Service determines necessary, to protect employees of the Postal Service and individuals receiving deliveries from the Postal Service.

**SEC. 6002. EMERGENCY DESIGNATION.**

(a) IN GENERAL.—The amounts provided under this division are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

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

# DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS

The following sums are hereby are appropriated, out of any money in the Treasury not otherwise appropriated,

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1 for the fiscal year ending September 30, 2020, and for
2 other purposes, namely:

3 TITLE I

4 AGRICULTURAL PROGRAMS

5 OFFICE OF THE SECRETARY

6 For an additional amount for the "Office of the Sec-
7 retary", $9,500,000,000, to remain available until ex-
8 pended, to prevent, prepare for, and respond to
9 coronavirus by providing support for agricultural pro-
10 ducers impacted by coronavirus, including producers of
11 specialty crops, producers that supply local food systems,
12 including farmers markets, restaurants, and schools, and
13 livestock producers, including dairy producers: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 OFFICE OF INSPECTOR GENERAL

19 For an additional amount for "Office of Inspector
20 General", $750,000, to remain available until September
21 30, 2021, to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally: *Provided*,
23 That the funding made available under this heading in
24 this Act shall be used for conducting audits and investiga-
25 tions of projects and activities carried out with funds made

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1 available in this Act to the Department of Agriculture to
2 prevent, prepare for, and respond to coronavirus, domesti-
3 cally or internationally: *Provided further*, That such
4 amount is designated by the Congress as being for an
5 emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 ANIMAL AND PLANT HEALTH INSPECTION SERVICE

9 SALARIES AND EXPENSES

10 For an additional amount for "Salaries and Ex-
11 penses", $55,000,000, to remain available until September
12 30, 2021, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally, including for
14 necessary expenses for salary costs associated with the Ag-
15 riculture Quarantine and Inspection Program: *Provided*,
16 That such amount is designated by the Congress as being
17 for an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 AGRICULTURAL MARKETING SERVICE

21 MARKETING SERVICES

22 For an additional amount for "Marketing Services",
23 $45,000,000, to remain available until September 30,
24 2021, to prevent, prepare for, and respond to coronavirus,
25 domestically or internationally, including necessary ex-

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1 penses for salary costs associated with commodity grading,
2 inspection, and audit activities: *Provided*, That such
3 amount is designated by the Congress as being for an
4 emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 FOOD SAFETY AND INSPECTION SERVICE

8 For an additional amount for "Food Safety and In-
9 spection Service", $33,000,000, to remain available until
10 September 30, 2021, to prevent, prepare for, and respond
11 to coronavirus, domestically or internationally, including
12 for support of temporary and intermittent workers, reloca-
13 tion of inspectors, and, notwithstanding 21 U.S.C. 468,
14 695 and 1053 and 7 U.S.C. 2219a, costs of overtime in-
15 spectors under the Federal Meat Inspection Act, the Poul-
16 try Products Inspection Act, and the Egg Products In-
17 spection Act: *Provided*, That such amount is designated
18 by the Congress as being for an emergency requirement
19 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
20 et and Emergency Deficit Control Act of 1985.

21 FARM PRODUCTION AND CONSERVATION
22 PROGRAMS

23 FARM SERVICE AGENCY

24 For an additional amount for "Salaries and Ex-
25 penses", $3,000,000, to remain available until September

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1 30, 2021, to prevent, prepare for, and respond to
2 coronavirus, domestically or internationally, including nec-
3 essary expenses to hire temporary staff and overtime ex-
4 penses: *Provided*, That such amount is designated by the
5 Congress as being for an emergency requirement pursuant
6 to section 251(b)(2)(A)(i) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985.

8 RURAL DEVELOPMENT PROGRAMS

9 RURAL BUSINESS—COOPERATIVE SERVICE

10 RURAL BUSINESS PROGRAM ACCOUNT

11 For an additional amount for "Rural Business Pro-
12 gram Account", $20,500,000, to remain available until
13 September 30, 2021, to prevent, prepare for, and respond
14 to coronavirus, for the cost of loans for rural business de-
15 velopment programs authorized by section 310B and de-
16 scribed in subsection (g) of section 310B of the Consoli-
17 dated Farm and Rural Development Act: *Provided*, That
18 such amount is designated by the Congress as being for
19 an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 RURAL UTILITIES SERVICE

2 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND

3 PROGRAM

4 For an additional amount for "Distance Learning,
5 Telemedicine, and Broadband Program", $25,000,000, to
6 remain available until expended, to prevent, prepare for,
7 and respond to coronavirus, domestically or internation-
8 ally, for telemedicine and distance learning services in
9 rural areas, as authorized by 7 U.S.C. 950aaa et seq.: *Pro-*
10 *vided*, That such amount is designated by the Congress
11 as being for an emergency requirement pursuant to sec-
12 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
13 gency Deficit Control Act of 1985.

14 DOMESTIC FOOD PROGRAMS

15 FOOD AND NUTRITION SERVICE

16 CHILD NUTRITION PROGRAMS

17 For an additional amount for "Child Nutrition Pro-
18 grams", $8,800,000,000 to remain available until Sep-
19 tember 30, 2021, to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally: *Provided*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

2 For an additional amount for "Supplemental Nutri-
3 tion Assistance Program", $15,810,000,000, to remain
4 available until September 30, 2021, to prevent, prepare
5 for, and respond to coronavirus, domestically or inter-
6 nationally: *Provided*, That of the amount provided under
7 this heading in this Act, $15,510,000,000 shall be placed
8 in a contingency reserve to be allocated as the Secretary
9 deems necessary to support participation should cost or
10 participation exceed budget estimates to prevent, prepare
11 for, and respond to coronavirus: *Provided further*, That of
12 the amount provided under this heading in this Act,
13 $100,000,000 shall be for the food distribution program
14 on Indian reservations program as authorized by Section
15 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C.
16 2013) and Section 4(a) of the Agriculture and Consumer
17 Protection Act of 1973 (7 U.S.C. 1431) to prevent, pre-
18 pare for, and respond to coronavirus, of which
19 $50,000,000 shall be for facility improvements and equip-
20 ment upgrades and of which $50,000,000 shall be for the
21 costs relating to additional food purchases: *Provided fur-*
22 *ther*, That of the amount provided under this heading in
23 this Act, $200,000,000 to remain available through Sep-
24 tember 30, 2021, shall be available for the Secretary of
25 Agriculture to provide grants to the Commonwealth of the

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1 Northern Mariana Islands, Puerto Rico, and American
2 Samoa for nutrition assistance to prevent, prepare for,
3 and respond to coronavirus, domestically or internation-
4 ally: *Provided further*, That such amount is designated by
5 the Congress as being for an emergency requirement pur-
6 suant to section 251(b)(2)(A)(i) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 COMMODITY ASSISTANCE PROGRAM

9 For an additional amount for "Commodity Assistance
10 Program", $450,000,000, to remain available through
11 September 30, 2021, to prevent, prepare for, and respond
12 to coronavirus, domestically or internationally, for the
13 emergency food assistance program as authorized by sec-
14 tion 27(a) of the Food and Nutrition Act of 2008 (7
15 U.S.C. 2036(a)) and section 204(a)(1) of the Emergency
16 Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)): *Pro-*
17 *vided*, That of the funds made available, the Secretary
18 may use up to $150,000,000 for costs associated with the
19 distribution of commodities: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 FOREIGN ASSISTANCE AND RELATED
2 PROGRAMS
3 FOREIGN AGRICULTURAL SERVICE
4 SALARIES AND EXPENSES
5 For an additional amount for ''Salaries and Ex-
6 penses'', $4,000,000, to remain available until September
7 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally, including nec-
9 essary expenses to relocate employees and their depend-
10 ents back from overseas posts: *Provided*, That such
11 amount is designated by the Congress as being for an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.
15 RELATED AGENCIES AND FOOD AND DRUG
16 ADMINISTRATION
17 DEPARTMENT OF HEALTH AND HUMAN SERVICES
18 FOOD AND DRUG ADMINISTRATION
19 SALARIES AND EXPENSES
20 For an additional amount for ''Salaries and Ex-
21 penses'', $80,000,000, to remain available until expended,
22 to prevent, prepare for, and respond to coronavirus, do-
23 mestically or internationally, including funds for the devel-
24 opment of necessary medical countermeasures and vac-
25 cines, advanced manufacturing for medical products, the

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1 monitoring of medical product supply chains, and related
2 administrative activities: *Provided*, That such amount is
3 designated by the Congress as being for an emergency re-
4 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

6 GENERAL PROVISIONS—THIS TITLE

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 11001. Of the funds made available to the Rural
9 Development mission area in this title, and in addition to
10 funds otherwise made available for such purpose, not more
11 than 3 percent may be used for administrative costs to
12 carry out loan, loan guarantee and grant activities funded
13 in this title to prevent, prepare for, and respond to
14 coronavirus, domestically or internationally: *Provided*,
15 That such funds shall be transferred to, and merged with,
16 the appropriation for "Rural Development, Salaries and
17 Expenses" and, once transferred, shall be used only to
18 prevent, prepare for, and respond to coronavirus, domesti-
19 cally or internationally: *Provided further*, that this transfer
20 authority is in addition to any other transfer authority
21 provided by law.

22 COMMODITY CREDIT CORPORATION

23 REIMBURSEMENT OF PRESENT NET REALIZED LOSSES

24 SEC. 11002. Of the amounts provided in the Further
25 Consolidated Appropriations Act, 2020 (Public Law 116–

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1 94) under the heading "Commodity Credit Corporation
2 Fund—Reimbursement for Net Realized Losses",
3 $14,000,000,000, may be used, prior to the completion of
4 the report described in 15 U.S.C. 713a–11, to reimburse
5 the Commodity Credit Corporation for net realized losses
6 sustained, but not previously reimbursed, as reflected in
7 the June 2020 report of its financial condition: *Provided*,
8 That such amount is designated by the Congress as being
9 for an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 SEC. 11003. The Secretary may extend the term of
13 a marketing assistance loan authorized by section 1201
14 of the Agricultural Act of 2014 (7 U.S.C. 9033) for any
15 loan commodity to 12 months: *Provided*, That the author-
16 ity made available pursuant to this section shall expire on
17 September 30, 2020: *Provided further*, That the amount
18 provided by this section is designated by the Congress as
19 being for an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 SEC. 11004. For an additional amount for grants
23 under the pilot program established under section 779 of
24 Public Law 115–141, to prevent, prepare for, and respond
25 to coronavirus, $100,000,000, to remain available until

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1 September 30, 2021: *Provided*, That at least 90 percent
2 of the households to be served by a project receiving a
3 grant shall be in a rural area without sufficient access to
4 broadband: *Provided further*, That for purposes of such
5 pilot program, a rural area without sufficient access to
6 broadband shall be defined as 10 Mbps downstream and
7 1 Mbps upstream, and such definition shall be reevaluated
8 and redefined, as necessary, on an annual basis by the
9 Secretary of Agriculture: *Provided further*, That an entity
10 to which a grant is made under the pilot program shall
11 not use a grant to overbuild or duplicate broadband expan-
12 sion efforts made by any entity that has received a
13 broadband loan from the Rural Utilities Service: *Provided*
14 *further*, That priority consideration for grants shall be
15 given to previous applicants now eligible as a result of ad-
16 justed eligibility requirements: *Provided further*, That such
17 amount is designated by the Congress as being for an
18 emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

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1 TITLE II

2 DEPARTMENT OF COMMERCE

3 ECONOMIC DEVELOPMENT ADMINISTRATION

4 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

5 (INCLUDING TRANSFERS OF FUNDS)

6 Pursuant to section 703 of the Public Works and
7 Economic Development Act (42 U.S.C. 3233), for an addi-
8 tional amount for ''Economic Development Assistance
9 Programs'', $1,500,000,000, to remain available until
10 September 30, 2022, to prevent, prepare for, and respond
11 to coronavirus, domestically or internationally, including
12 for necessary expenses for responding to economic injury
13 as a result of coronavirus: *Provided*, That such amount
14 shall be for economic adjustment assistance as authorized
15 by section 209 of the Public Works and Economic Devel-
16 opment Act of 1965 (42 U.S.C. 3149): *Provided further*,
17 That within the amount appropriated under this heading
18 in this Act, up to 2 percent of funds may be transferred
19 to the ''Salaries and Expenses'' account for administration
20 and oversight activities related to preventing, preparing
21 for, and responding to coronavirus: *Provided further*, That
22 the Secretary of Commerce is authorized to appoint and
23 fix the compensation of such temporary personnel as may
24 be necessary to implement the requirements under this
25 heading in this Act to prevent, prepare for, and respond

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1 to coronavirus, without regard to the provisions of title
2 5, United States Code, governing appointments in com-
3 petitive service: *Provided further*, That the Secretary of
4 Commerce is authorized to appoint such temporary per-
5 sonnel, after serving continuously for 2 years, to positions
6 in the Economic Development Administration in the same
7 manner that competitive service employees with competi-
8 tive status are considered for transfer, reassignment, or
9 promotion to such positions and an individual appointed
10 under this provision shall become a career-conditional em-
11 ployee, unless the employee has already completed the
12 service requirements for career tenure: *Provided further*,
13 That within the amount appropriated under this heading
14 in this Act, $3,000,000 shall be transferred to the "Office
15 of Inspector General" account for carrying out investiga-
16 tions and audits related to the funding provided to pre-
17 vent, prepare for, and respond to coronavirus under this
18 heading in this Act: *Provided further*, That such amount
19 is designated by the Congress as being for an emergency
20 requirement pursuant to section 251(b)(2)(A)(i) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

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1 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
2 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES
3 For an additional amount for "Scientific and Tech-
4 nical Research and Services", $6,000,000, to remain avail-
5 able until September, 30, 2021, to prevent, prepare for,
6 and respond to coronavirus, domestically or internation-
7 ally, by supporting continuity of operations, including
8 measurement science to support viral testing and bio-
9 manufacturing: *Provided*, That such amount is designated
10 by the Congress as being for an emergency requirement
11 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
12 et and Emergency Deficit Control Act of 1985.
13 INDUSTRIAL TECHNOLOGY SERVICES
14 For an additional amount for "Industrial Technology
15 Services", $60,000,000, to remain available until Sep-
16 tember 30, 2021, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally: *Provided*,
18 That of the amount provided under this heading in this
19 Act, $50,000,000 shall be for the Hollings Manufacturing
20 Extension Partnership to assist manufacturers to prevent,
21 prepare for, and respond to coronavirus and $10,000,000
22 shall be for the National Network for Manufacturing Inno-
23 vation (also known as "Manufacturing USA") to prevent,
24 prepare for, and respond to coronavirus, including to sup-
25 port development and manufacturing of medical counter-

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1 measures and biomedical equipment and supplies: *Pro-*
2 *vided further*, That none of the funds provided under this
3 heading in this Act shall be subject to cost share require-
4 ments under 15 U.S.C. 278k(e)(2) or 15 U.S.C.
5 278s(e)(7)(A): *Provided further*, That such amount is des-
6 ignated by the Congress as being for an emergency re-
7 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
8 anced Budget and Emergency Deficit Control Act of 1985.

9 NATIONAL OCEANIC AND ATMOSPHERIC
10 ADMINISTRATION
11 OPERATIONS, RESEARCH, AND FACILITIES

12 For an additional amount for "Operations, Research,
13 and Facilities", $20,000,000, to remain available until
14 September, 30, 2021, to prevent, prepare for, and respond
15 to coronavirus, domestically or internationally, by sup-
16 porting continuity of operations, including National
17 Weather Service life and property related operations: *Pro-*
18 *vided*, That such amount is designated by the Congress
19 as being for an emergency requirement pursuant to sec-
20 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
21 gency Deficit Control Act of 1985.

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1 DEPARTMENT OF JUSTICE

2 GENERAL ADMINISTRATION

3 JUSTICE INFORMATION SHARING TECHNOLOGY

4 For an additional amount for ''Justice Information
5 Sharing Technology'', $2,000,000, to remain available
6 until expended, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including the
8 impact of coronavirus on the work of the Department of
9 Justice: *Provided*, That such amount is designated by the
10 Congress as being for an emergency requirement pursuant
11 to section 251(b)(2)(A)(i) of the Balanced Budget and
12 Emergency Deficit Control Act of 1985.

13 OFFICE OF INSPECTOR GENERAL

14 For an additional amount for ''Office of Inspector
15 General'', $2,000,000, to remain available until expended
16 to prevent, prepare for, and respond to coronavirus, do-
17 mestically or internationally, including the impact of
18 coronavirus on the work of the Department of Justice and
19 to carry out investigations and audits related to the fund-
20 ing made available for the Department of Justice in this
21 Act: *Provided*, That such amount is designated by the
22 Congress as being for an emergency requirement pursuant
23 to section 251(b)(2)(A)(i) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

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1 LEGAL ACTIVITIES

2 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

3 For an additional amount for "Salaries and Ex-
4 penses, United States Attorneys", $3,000,000, to prevent,
5 prepare for, and respond to coronavirus, domestically or
6 internationally, including the impact of coronavirus on the
7 work of the Department of Justice: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 UNITED STATES MARSHALS SERVICE

13 SALARIES AND EXPENSES

14 For an additional amount for "United States Mar-
15 shals Service, Salaries and Expenses", $15,000,000, to
16 prevent, prepare for, and respond to coronavirus, domesti-
17 cally or internationally, including the impact of
18 coronavirus on the work of the Department of Justice:
19 *Provided*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

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1 FEDERAL BUREAU OF INVESTIGATION

2 SALARIES AND EXPENSES

3 For an additional amount for "Federal Bureau of In-
4 vestigation, Salaries and Expenses", $20,000,000, to pre-
5 vent, prepare for, and respond to coronavirus, domestically
6 or internationally, including the impact of coronavirus on
7 the work of the Department of Justice: *Provided*, That
8 such amount is designated by the Congress as being for
9 an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 DRUG ENFORCEMENT ADMINISTRATION

13 SALARIES AND EXPENSES

14 For an additional amount for "Drug Enforcement
15 Administration, Salaries and Expenses", $15,000,000, to
16 prevent, prepare for, and respond to coronavirus, domesti-
17 cally or internationally, including the impact of
18 coronavirus on the work of the Department of Justice:
19 *Provided*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

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1 FEDERAL PRISON SYSTEM

2 SALARIES AND EXPENSES

3 For an additional amount for "Federal Prison Sys-
4 tem, Salaries and Expenses", $100,000,000, to prevent,
5 prepare for, and respond to coronavirus, domestically or
6 internationally, including the impact of coronavirus on the
7 work of the Department of Justice: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

13 OFFICE OF JUSTICE PROGRAMS

14 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

15 For an additional amount for "State and Local Law
16 Enforcement Assistance", $850,000,000, to remain avail-
17 able until expended, to prevent, prepare for, and respond
18 to coronavirus, domestically or internationally, to be
19 awarded pursuant to the formula allocation (adjusted in
20 proportion to the relative amounts statutorily designated
21 therefor) that was used in fiscal year 2019 for the Edward
22 Byrne Memorial Justice Assistance Grant program as au-
23 thorized by subpart 1 of part E of title I of the Omnibus
24 Crime Control and Safe Streets Acts of 1968 ("1968
25 Act"): *Provided*, That the allocation provisions under sec-

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1 tions 505(a) through (e) and the special rules for Puerto
2 Rico under section 505(g), and section 1001(c), of the
3 1968 Act, shall not apply to the amount provided under
4 this heading in this Act: *Provided further*, That awards
5 hereunder, shall not be subject to restrictions or special
6 conditions that are the same as (or substantially similar
7 to) those, imposed on awards under such subpart in fiscal
8 year 2018, that forbid interference with Federal law en-
9 forcement: *Provided further*, That such amount is des-
10 ignated by the Congress as being for an emergency re-
11 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985.

13 SCIENCE

14 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

15 SAFETY, SECURITY AND MISSION SERVICES

16 For an additional amount for ''Safety, Security and
17 Mission Services'', $60,000,000, to remain available until
18 September 30, 2021, to prevent, prepare for, and respond
19 to coronavirus, domestically or internationally: *Provided*,
20 That such amount is designated by the Congress as being
21 for an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 NATIONAL SCIENCE FOUNDATION

2 RESEARCH AND RELATED ACTIVITIES

3 For an additional amount for "Research and Related
4 Activities", $75,000,000, to remain available until Sep-
5 tember 30, 2021, to prevent, prepare for, and respond to
6 coronavirus, domestically or internationally, including to
7 fund research grants and other necessary expenses: *Pro-*
8 *vided*, That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 AGENCY OPERATIONS AND AWARD MANAGEMENT

13 For an additional amount for "Agency Operations
14 and Award Management", $1,000,000, to prevent, pre-
15 pare for, and respond to coronavirus, domestically or
16 internationally, including to administer research grants
17 and other necessary expenses: *Provided*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 RELATED AGENCIES

2 LEGAL SERVICES CORPORATION

3 PAYMENT TO THE LEGAL SERVICES CORPORATION

4 For an additional amount for "Payment to the Legal
5 Services Corporation", $50,000,000, to prevent, prepare
6 for, and respond to coronavirus, domestically or inter-
7 nationally: *Provided*, That none of the funds appropriated
8 under this heading in this Act to the Legal Services Cor-
9 poration shall be expended for any purpose prohibited or
10 limited by, or contrary to any of the provisions of, sections
11 501, 502, 503, 504, 505, and 506 of Public Law 105–
12 119, and all funds appropriated in this Act to the Legal
13 Services Corporation shall be subject to the same terms
14 and conditions set forth in such sections, except that all
15 references in sections 502 and 503 to 1997 and 1998 shall
16 be deemed to refer instead to 2019 and 2020, respectively,
17 and except that sections 501 and 503 of Public Law 104–
18 134 (referenced by Public Law 105–119) shall not apply
19 to the amount made available under this heading: *Pro-*
20 *vided further*, That for the purposes of this Act, the Legal
21 Services Corporation shall be considered an agency of the
22 United States Government: *Provided further*, That such
23 amount is designated by the Congress as being for an
24 emergency requirement pursuant to section

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

3 GENERAL PROVISIONS—THIS TITLE

4 SEC. 12001. Amounts provided by the Consolidated
5 Appropriations Act, 2020, (Public Law 116–93) for the
6 Hollings Manufacturing Extension Partnership under the
7 heading "National Institute of Standards and Tech-
8 nology—Industrial Technology Services" shall not be sub-
9 ject to cost share requirements under 15 U.S.C.
10 278k(e)(2): *Provided*, That the authority made available
11 pursuant to this section shall be elective for any Manufac-
12 turing Extension Partnership Center that also receives
13 funding from a State that is conditioned upon the applica-
14 tion of a Federal cost sharing requirement.

15 SEC. 12002. (a) Funds appropriated in this title for
16 the National Science Foundation may be made available
17 to restore amounts, either directly or through reimburse-
18 ment, for obligations incurred by the National Science
19 Foundation for research grants and other necessary ex-
20 penses to prevent, prepare for, and respond to
21 coronavirus, domestically or internationally, prior to the
22 date of enactment of this Act.

23 (b) Grants or cooperative agreements made by the
24 National Science Foundation under this title, to carry out
25 research grants and other necessary expenses to prevent,

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1 prepare for, and respond to coronavirus, domestically or
2 internationally, shall include amounts to reimburse costs
3 for these purposes incurred between January 20, 2020,
4 and the date of issuance of such grants or agreements.

5 BUREAU OF PRISONS

6 SEC. 12003. (a) DEFINITIONS.—In this section—
7 (1) the term "Bureau" means the Bureau of
8 Prisons;
9 (2) the term "covered emergency period" means
10 the period beginning on the date on which the Presi-
11 dent declared a national emergency under the Na-
12 tional Emergencies Act (50 U.S.C. 1601 et seq.)
13 with respect to the Coronavirus Disease 2019
14 (COVID–19) and ending on the date that is 30 days
15 after the date on which the national emergency dec-
16 laration terminates; and
17 (3) the term "Secretary" means the Secretary
18 of Health and Human Services.
19 (b) SUPPLY OF PERSONAL PROTECTIVE EQUIPMENT
20 AND TEST KITS TO BUREAU OF PRISONS; HOME CON-
21 FINEMENT AUTHORITY.—
22 (1) PERSONAL PROTECTIVE EQUIPMENT AND
23 TEST KITS.—
24 (A) FINDINGS.—Congress finds the fol-
25 lowing:

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1 (i) There is an urgent need for per-
2 sonal protective equipment and test kits to
3 the Bureau based on the density of the in-
4 mate population, the high traffic, the high
5 volume of inmates, the high rate of turn-
6 over of inmates and personnel, and the
7 number of high-security areas, within the
8 facilities of the Bureau.
9 (ii) The inability of the Bureau to se-
10 cure the purchase of infectious disease per-
11 sonal protective equipment and related
12 supplies now and in the future is a vulner-
13 ability.
14 (iii) The Bureau is currently com-
15 peting in and engaging the same landscape
16 of vendors as all other Federal agencies
17 and private entities.
18 (iv) The ability of the Bureau to pur-
19 chase needed equipment and supplies is
20 currently subject to an individual manufac-
21 turer's specific recognition of the Bureau
22 as a priority and subsequent allocation of
23 the inventory of the manufacturer to the
24 Bureau.

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1 (B) CONSIDERATION.—The Secretary shall
2 appropriately consider, relative to other prior-
3 ities of the Department of Health and Human
4 Services for high-risk and high-need popu-
5 lations, the distribution of infectious disease
6 personal protective equipment and COVID–19
7 test kits to the Bureau for use by inmates and
8 personnel of the Bureau.
9 (2) HOME CONFINEMENT AUTHORITY.—During
10 the covered emergency period, if the Attorney Gen-
11 eral finds that emergency conditions will materially
12 affect the functioning of the Bureau, the Director of
13 the Bureau may lengthen the maximum amount of
14 time for which the Director is authorized to place a
15 prisoner in home confinement under the first sen-
16 tence of section 3624(c)(2) of title 18, United States
17 Code, as the Director determines appropriate.
18 (c) VIDEO VISITATION.—
19 (1) IN GENERAL.—During the covered emer-
20 gency period, if the Attorney General finds that
21 emergency conditions will materially affect the func-
22 tioning of the Bureau, the Director of the Bureau
23 shall promulgate rules regarding the ability of in-
24 mates to conduct visitation through video teleconfer-

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encing and telephonically, free of charge to inmates, during the covered emergency period.

(2) EXEMPTION FROM NOTICE-AND-COMMENT RULEMAKING REQUIREMENTS.—Section 553 of title 5, United States Code, shall not apply to the promulgation of rules under paragraph (1) of this subsection.

(d) EMERGENCY REQUIREMENT.—The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

TEMPORARY AUTHORITY OF DIRECTOR OF THE USPTO DURING THE COVID–19 EMERGENCY.

SEC. 12004. (a) IN GENERAL.—During the emergency period described in subsection (e), the Director may toll, waive, adjust, or modify, any timing deadline established by title 35, United States Code, the Trademark Act, section 18 of the Leahy-Smith America Invents Act (35 U.S.C. 321 note), or regulations promulgated thereunder, in effect during such period, if the Director determines that the emergency related to such period—

(1) materially affects the functioning of the Patent and Trademark Office;

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1 (2) prejudices the rights of applicants, reg-
2 istrants, patent owners, or others appearing before
3 the Office; or
4 (3) prevents applicants, registrants, patent own-
5 ers, or others appearing before the Office from filing
6 a document or fee with the Office.
7 (b) PUBLIC NOTICE.—If the Director determines
8 that tolling, waiving, adjusting, or modifying a timing
9 deadline under subsection (a) is appropriate, the Director
10 shall publish publicly a notice to such effect.
11 (c) STATEMENT REQUIRED.—Not later than 20 days
12 after the Director tolls, waives, adjusts, or modifies a tim-
13 ing deadline under subsection (a) and such toll, waiver,
14 adjustment, or modification is in effect for a consecutive
15 or cumulative period exceeding 120 days, the Director
16 shall submit to Congress a statement describing the action
17 taken, relevant background, and rationale for the period
18 of tolling, waiver, adjustment, or modification.
19 (d) OTHER LAWS.—Notwithstanding section 301 of
20 the National Emergencies Act (50 U.S.C. 1631), the au-
21 thority of the Director under subsection (a) is not contin-
22 gent on a specification made by the President under such
23 section or any other requirement under that Act (other
24 than the emergency declaration under section 201(a) of
25 such Act (50 U.S.C. 1621(a))). The authority described

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1 in this section supersedes the authority of title II of the
2 National Emergencies Act (50 U.S.C. 1621 et seq.).
3 (e) EMERGENCY PERIOD.—The emergency period de-
4 scribed in this subsection includes the duration of the por-
5 tion of the emergency declared by the President pursuant
6 to the National Emergencies Act on March 13, 2020, as
7 a result of the COVID–19 outbreak (and any renewal
8 thereof) beginning on or after the date of the enactment
9 of this section and the 60 day period following such dura-
10 tion.
11 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion may be construed as limiting other statutory authori-
13 ties the Director may have to grant relief regarding filings
14 or deadlines.
15 (g) SUNSET.—Notwithstanding subsection (a), the
16 authorities provided under this section shall expire upon
17 the expiration of the 2-year period after the date of the
18 enactment of this section.
19 (h) DEFINITIONS.—In this section:
20 (1) DIRECTOR.—The term ''Director'' means
21 the Under Secretary of Commerce for Intellectual
22 Property and Director of the United States Patent
23 and Trademark Office.
24 (2) TRADEMARK ACT.—The term ''Trademark
25 Act'' means the Act entitled ''An Act to provide for

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1 the registration and protection of trademarks used
2 in commerce, to carry out the provisions of certain
3 international conventions, and for other purposes'',
4 approved July 5, 1946 (15 U.S.C. 1051 et seq.).
5 (i) EMERGENCY REQUIREMENT.—The amount pro-
6 vided by this section is designated by the Congress as
7 being for an emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 ASSISTANCE TO FISHERY PARTICIPANTS

11 SEC. 12005. (a) IN GENERAL.—The Secretary of
12 Commerce is authorized to provide assistance to Tribal,
13 subsistence, commercial, and charter fishery participants
14 affected by the novel coronavirus (COVID–19), which may
15 include direct relief payments.
16 (b) FISHERY PARTICIPANTS.—For the purposes of
17 this section, ''fishery participants'' include Tribes, per-
18 sons, fishing communities, aquaculture businesses not oth-
19 erwise eligible for assistance under part 1416 of title 7
20 of the Code of Federal Regulations for losses related to
21 COVID–19, processors, or other fishery-related busi-
22 nesses, who have incurred, as a direct or indirect result
23 of the coronavirus pandemic—
24 (1) economic revenue losses greater than 35
25 percent as compared to the prior 5-year average rev-
26 enue; or

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1 (2) any negative impacts to subsistence, cul-
2 tural, or ceremonial fisheries.
3 (c) ROLLING BASIS.—Funds may be awarded under
4 this section on a rolling basis, and within a fishing season,
5 to ensure rapid delivery of funds during the COVID–19
6 pandemic.
7 (d) APPROPRIATIONS.—In addition to funds that are
8 otherwise made available to assist fishery participants
9 under this Act, there are authorized to be appropriated,
10 and there are appropriated, $300,000,000, to remain
11 available until September 30, 2021, to carry out this sec-
12 tion, of which up to 2 percent may be used for administra-
13 tion and oversight activities.
14 (e) EMERGENCY REQUIREMENT.—The amount pro-
15 vided by this section is designated by the Congress as
16 being for an emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

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1 TITLE III
2 DEPARTMENT OF DEFENSE
3 MILITARY PERSONNEL
4 NATIONAL GUARD PERSONNEL, ARMY
5 For an additional amount for ''National Guard Per-
6 sonnel, Army'', $746,591,000, to prevent, prepare for, and
7 respond to coronavirus, domestically or internationally:
8 *Provided*, That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.
12 NATIONAL GUARD PERSONNEL, AIR FORCE
13 For an additional amount for ''National Guard Per-
14 sonnel, Air Force'', $482,125,000, to prevent, prepare for,
15 and respond to coronavirus, domestically or internation-
16 ally: *Provided*, That such amount is designated by the
17 Congress as being for an emergency requirement pursuant
18 to section 251(b)(2)(A)(i) of the Balanced Budget and
19 Emergency Deficit Control Act of 1985.
20 OPERATION AND MAINTENANCE
21 OPERATION AND MAINTENANCE, ARMY
22 For an additional amount for ''Operation and Main-
23 tenance, Army'', $160,300,000, to prevent, prepare for,
24 and respond to coronavirus, domestically or internation-
25 ally: *Provided*, That such amount is designated by the

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1 Congress as being for an emergency requirement pursuant
2 to section 251(b)(2)(A)(i) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985.

4 OPERATION AND MAINTENANCE, NAVY

5 For an additional amount for "Operation and Main-
6 tenance, Navy", $360,308,000, to prevent, prepare for,
7 and respond to coronavirus, domestically or internation-
8 ally: *Provided*, That such amount is designated by the
9 Congress as being for an emergency requirement pursuant
10 to section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 For an additional amount for "Operation and Main-
14 tenance, Marine Corps", $90,000,000, to prevent, prepare
15 for, and respond to coronavirus, domestically or inter-
16 nationally: *Provided*, That such amount is designated by
17 the Congress as being for an emergency requirement pur-
18 suant to section 251(b)(2)(A)(i) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, AIR FORCE

21 For an additional amount for "Operation and Main-
22 tenance, Air Force", $155,000,000, to prevent, prepare
23 for, and respond to coronavirus, domestically or inter-
24 nationally: *Provided*, That such amount is designated by
25 the Congress as being for an emergency requirement pur-

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

3 OPERATION AND MAINTENANCE, ARMY RESERVE

4 For an additional amount for "Operation and Main-
5 tenance, Army Reserve", $48,000,000, to prevent, prepare
6 for, and respond to coronavirus, domestically or inter-
7 nationally: *Provided*, That such amount is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 OPERATION AND MAINTENANCE, ARMY NATIONAL
12 GUARD

13 For an additional amount for "Operation and Main-
14 tenance, Army National Guard", $186,696,000, to pre-
15 vent, prepare for, and respond to coronavirus, domestically
16 or internationally: *Provided*, That such amount is des-
17 ignated by the Congress as being for an emergency re-
18 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

21 For an additional amount for "Operation and Main-
22 tenance, Air National Guard", $75,754,000, to prevent,
23 prepare for, and respond to coronavirus, domestically or
24 internationally: *Provided*, That such amount is designated
25 by the Congress as being for an emergency requirement

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

3 OPERATION AND MAINTENANCE, DEFENSE-WIDE

4 For an additional amount for "Operation and Main-
5 tenance, Defense-Wide", $827,800,000, to prevent, pre-
6 pare for, and respond to coronavirus, domestically or
7 internationally: *Provided*, That such amount is designated
8 by the Congress as being for an emergency requirement
9 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
10 et and Emergency Deficit Control Act of 1985.

11 PROCUREMENT

12 DEFENSE PRODUCTION ACT PURCHASES

13 For an additional amount for "Defense Production
14 Act Purchases", $1,000,000,000, to remain available until
15 expended, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally: *Provided*,
17 That for the two-year period beginning with the date of
18 enactment of this Act, the requirements described in Sec-
19 tion 301(a)(3)(A) and 302(c)(1) of Public Law 81–774,
20 shall be waived: *Provided further*, That such amount is
21 designated by the Congress as being for an emergency re-
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985.

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1 REVOLVING AND MANAGEMENT FUNDS

2 DEFENSE WORKING CAPITAL FUNDS

3 For an additional amount for "Defense Working
4 Capital Funds", $1,450,000,000, to prevent, position, pre-
5 pare for, and respond to coronavirus, domestically or
6 internationally: *Provided*, That of the amount provided
7 under this heading in this Act, $475,000,000 shall be for
8 the Navy Working Capital Fund, $475,000,000 shall be
9 for the Air Force Working Capital Fund, and
10 $500,000,000 shall be for the Defense-Wide Working Cap-
11 ital Fund: *Provided further*, That such amount is des-
12 ignated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 OTHER DEPARTMENT OF DEFENSE PROGRAMS

16 DEFENSE HEALTH PROGRAM

17 For an additional amount for "Defense Health Pro-
18 gram", $3,805,600,000, of which $3,390,600,000 shall be
19 for operation and maintenance, and $415,000,000 shall
20 be for research, development, test and evaluation, to re-
21 main available until September 30, 2021, to prevent, pre-
22 pare for, and respond to coronavirus, domestically or
23 internationally: *Provided*, That, notwithstanding that one
24 percent of funding for operation and maintenance under
25 this heading in Public Law 116–93 shall remain available

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for obligation until September 30, 2021, funding for operation and maintenance made available under this heading in this Act shall only be available through September 30, 2020: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $20,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the funding made available under this heading in this Act shall be used for conducting audits and investigations of projects and activities carried out with funds made available in this Act to the Department of Defense to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 13001. Funds appropriated by this title may be transferred to, and merged with, other applicable appropriations of the Department of Defense, except for "Drug

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1 Interdiction and Counter-Drug Activities, Defense'', for
2 expenses incurred in preventing, preparing for, or re-
3 sponding to coronavirus, including expenses of the Depart-
4 ment of Defense incurred in support of other Federal De-
5 partments and agencies, and State, local, and Indian trib-
6 al governments, to be merged with and to be available for
7 the same purposes, and for the same time period, as the
8 appropriation or fund to which transferred: *Provided*,
9 That upon a determination that all or part of the funds
10 transferred pursuant to this section that are not necessary
11 for the purposes provided herein, such funds shall be
12 transferred back to the original appropriation: *Provided*
13 *further*, That the transfer authority provided by this sec-
14 tion is in addition to any other transfer authority provided
15 by law.

16 SEC. 13002. For an additional amount for ''Defense
17 Health Program'', $1,095,500,000, which shall be for op-
18 eration and maintenance, and of which $1,095,500,000
19 may be available for contracts entered into under the
20 TRICARE program: *Provided*, That, notwithstanding that
21 one percent of funding for operation and maintenance
22 under this heading in Public Law 116–93 shall remain
23 available for obligation until September 30, 2021, funding
24 for operation and maintenance made available under this
25 heading in this section shall only be available through Sep-

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1 tember 30, 2020: *Provided further*, That such amount is
2 designated by the Congress as being for an emergency re-
3 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
4 anced Budget and Emergency Deficit Control Act of 1985.
5 SEC. 13003. (a) Notwithstanding section 2208(l)(3)
6 of title 10, United States Code, during fiscal year 2020,
7 the total amount of the advance billings rendered or im-
8 posed for all working-capital funds of the Department of
9 Defense may exceed the amount otherwise specified in
10 such section.
11 (b) In this section, the term ''advance billing'' has
12 the meaning given that term in section 2208(l)(4) of title
13 10, United States Code.
14 SEC. 13004. (a) Section 2326(b)(3) of title 10,
15 United States Code, shall not apply to any undefinitized
16 contract action of the Department of Defense related to
17 the national emergency for the Coronavirus Disease 2019
18 (COVID–19).
19 (b) In this section, the term ''undefinitized contract
20 action'' has the meaning given that term in section
21 2326(j)(6) of title 10, United States Code.
22 SEC. 13005. (a) The head of an agency may waive
23 the provisions of section 2326(b) of title 10, United States
24 Code, with respect to a contract of such agency if the head
25 of the agency determines that the waiver is necessary due

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1 to the national emergency for the Coronavirus Disease
2 2019 (COVID–19).
3 (b) In this section, the term "head of an agency" has
4 the meaning given that term in section 2302(2) of title
5 10, United States Code.
6 SEC. 13006. (a) Notwithstanding paragraph (3) of
7 section 2371b(a) of title 10, United States Code, the au-
8 thority of a senior procurement executive or director of
9 the Defense Advanced Research Projects Agency or Mis-
10 sile Defense Agency under paragraph (2)(A) of such sec-
11 tion, and the authority of the Under Secretaries of De-
12 fense under paragraph (2)(B) of such section, for any
13 transaction related to the national emergency for the
14 Coronavirus Disease 2019 (COVID–19) may be delegated
15 to such officials in the Department of Defense as the Sec-
16 retary of Defense shall specify for purposes of this section.
17 (b)(1) Notwithstanding clause (ii) of section
18 2371b(a)(2)(B) of title 10, United States Code, no ad-
19 vance notice to Congress is required under that clause for
20 transitions described in that section that are related to
21 the national emergency for the Coronavirus Disease 2019
22 (COVID–19).
23 (2) In the event a transaction covered by paragraph
24 (1) is carried out, the Under Secretary of Defense for Re-
25 search and Engineering or the Under Secretary of Defense

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1 for Acquisition and Sustainment, as applicable, shall sub-
2 mit to the congressional defense committees a notice on
3 the carrying out of such transaction as soon as is prac-
4 ticable after the commencement of the carrying out of
5 such transaction.

6 (3) In this subsection, the term "congressional de-
7 fense committees" has the meaning given such term in
8 section 101(a)(16) of title 10, United States Code.

9 SEC. 13007. (a) The President may extend the ap-
10 pointment of the Chief of Army Reserve as prescribed in
11 section 7038(c) of title 10, United States Code, for the
12 incumbent in that position as of the date of the enactment
13 of this Act until the date of the appointment of the suc-
14 cessor to such incumbent, notwithstanding any limitation
15 otherwise imposed on such term by such section 7038(c).

16 (b) The President may extend the appointment of the
17 Chief of Navy Reserve as prescribed in section 8083(c)
18 of title 10, United States Code, for the incumbent in that
19 position as of the date of the enactment of this Act until
20 the date of the appointment of the successor to such in-
21 cumbent, notwithstanding any limitation otherwise im-
22 posed on such term by such section 8083(c).

23 (c) The President may extend the appointment of the
24 Chief of Staff of the Air Force prescribed in section
25 9033(a)(1) of title 10, United States Code, for the incum-

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1 bent in that position as of the date of the enactment of
2 this Act until the date of the appointment of the successor
3 to such incumbent, notwithstanding any limitation other-
4 wise imposed on such term by such section 9033(a)(1).
5 (d) The President may extend the appointment of the
6 Chief of Space Operations, as prescribed in section
7 9082(a)(2) of title 10, United States Code, for the incum-
8 bent in that position as of the date of the enactment of
9 this Act until the date of the appointment of the successor
10 to such incumbent, notwithstanding any limitation other-
11 wise imposed on such term by such section 9082(a)(2).
12 (e) The President may extend the appointment of the
13 Chief of the National Guard Bureau as prescribed in sec-
14 tion 10502(b) of title 10, United States Code, for the in-
15 cumbent in that position as of the date of the enactment
16 of this Act until the date of the appointment of the suc-
17 cessor to such incumbent, notwithstanding any limitation
18 otherwise imposed on such term by such section 10502(b).
19 (f) The President may extend the appointment of Di-
20 rector, Army National Guard and Director, Air National
21 Guard as prescribed in section 10506(a)(3)(D) of title 10,
22 United States Code, for the incumbent in such position
23 as of the date of the enactment of this Act until the date
24 of the appointment of the successor to such incumbent,

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1 notwithstanding any limitation otherwise imposed on such
2 term by such section 10506(a)(3)(D).
3 (g) Notwithstanding paragraph (4) of section
4 10505(a) of title 10, United States Code, the Secretary
5 of Defense may waive the limitations in paragraphs (2)
6 and (3) of that section for a period of not more than 270
7 days.
8 (h)(1) The President may delegate the exercise of the
9 authorities in subsections (a) through (f) to the Secretary
10 of Defense.
11 (2) The Secretary of Defense may not redelegate the
12 exercise of any authority delegated to the Secretary pursu-
13 ant to paragraph (1), and may not delegate the exercise
14 of the authority in subsection (g).

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1 TITLE IV

2 CORPS OF ENGINEERS—CIVIL

3 DEPARTMENT OF THE ARMY

4 OPERATION AND MAINTENANCE

5 For an additional amount for ''Operation and Main-
6 tenance'', $50,000,000, to remain available until Sep-
7 tember 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally: *Provided*,
9 That such amount is designated by the Congress as being
10 for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 EXPENSES

14 For an additional amount for ''Expenses'',
15 $20,000,000, to remain available until September 30,
16 2021, to prevent, prepare for, and respond to coronavirus,
17 domestically or internationally: *Provided*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

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1 DEPARTMENT OF THE INTERIOR

2 BUREAU OF RECLAMATION

3 WATER AND RELATED RESOURCES

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for "Water and Related
6 Resources", $12,500,000, to remain available until Sep-
7 tember 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally: *Provided*,
9 That $500,000 of the funds provided under this heading
10 in this Act shall be transferred to the "Central Utah
11 Project Completion Account" to prevent, prepare for, and
12 respond to coronavirus: *Provided further*, That such
13 amount is designated by the Congress as being for an
14 emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 POLICY AND ADMINISTRATION

18 For an additional amount for "Policy and Adminis-
19 tration", $8,100,000, to remain available until September
20 30, 2021, to prevent, prepare for, and respond to
21 coronavirus, domestically or internationally: *Provided*,
22 That such amount is designated by the Congress as being
23 for an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

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1 DEPARTMENT OF ENERGY

2 ENERGY PROGRAMS

3 SCIENCE

4 For an additional amount for "Science",
5 $99,500,000, to remain available until September 30,
6 2021, to prevent, prepare for, and respond to coronavirus,
7 domestically or internationally, for necessary expenses re-
8 lated to providing support and access to scientific user fa-
9 cilities in the Office of Science and National Nuclear Secu-
10 rity Administration, including equipment, enabling tech-
11 nologies, and personnel associated with the operations of
12 those scientific user facilities: *Provided*, That such amount
13 is designated by the Congress as being for an emergency
14 requirement pursuant to section 251(b)(2)(A)(i) of the
15 Balanced Budget and Emergency Deficit Control Act of
16 1985.

17 DEPARTMENTAL ADMINISTRATION

18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for "Departmental Admin-
20 istration", $28,000,000, to remain available until Sep-
21 tember 30, 2021, to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally, including for
23 necessary expenses related to supporting remote access for
24 personnel: *Provided*, That funds appropriated under this
25 heading in this Act may be transferred to, and merged

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1 with, other appropriation accounts of the Department of
2 Energy to prevent, prepare for, and respond to
3 coronavirus, including for necessary expenses related to
4 supporting remote access for personnel: *Provided further*,
5 That such amount is designated by the Congress as being
6 for an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 INDEPENDENT AGENCIES

10 NUCLEAR REGULATORY COMMISSION

11 SALARIES AND EXPENSES

12 For an additional amount for "Salaries and Ex-
13 penses", $3,300,000, to remain available until September
14 30, 2021, to prevent, prepare for, and respond to
15 coronavirus, domestically or internationally: *Provided*,
16 That, notwithstanding 42 U.S.C. 2214, such amount shall
17 not be derived from fee revenue: *Provided further*, That
18 such amount is designated by the Congress as being for
19 an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 GENERAL PROVISIONS—THIS TITLE

23 SEC. 14001. Funds appropriated in this title may be
24 made available to restore amounts, either directly or
25 through reimbursement, for obligations incurred to pre-

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1 vent, prepare for, and respond to coronavirus prior to the
2 date of enactment of this Act.
3 SEC. 14002. (a) Section 404 of the Bipartisan Budg-
4 et Act of 2015 (42 U.S.C. 6239 note) is amended—
5 (1) in subsection (e), by striking "2020" and
6 inserting "2022"; and
7 (2) in subsection (g), by striking "2020" and
8 inserting "2022".
9 (b) Title III of division C of the Further Consolidated
10 Appropriations Act, 2020 (Public Law 116–94) is amend-
11 ed in the matter under the heading "Department of En-
12 ergy—Energy Programs—Strategic Petroleum Reserve"
13 by striking the three provisos before the final period and
14 inserting the following:
15 " *Provided*, That, as authorized by section 404 of the
16 Bipartisan Budget Act of 2015 (Public Law 114–74; 42
17 U.S.C. 6239 note), the Secretary of Energy shall draw
18 down and sell not to exceed a total of $450,000,000 of
19 crude oil from the Strategic Petroleum Reserve in fiscal
20 year 2020, fiscal year 2021, or fiscal year 2022: *Provided*
21 *further*, That the proceeds from such drawdown and sale
22 shall be deposited into the 'Energy Security and Infra-
23 structure Modernization Fund' during the fiscal year in
24 which the sale occurs and shall be made available in such
25 fiscal year, to remain available until expended, for nec-

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1 essary expenses to carry out the Life Extension II project
2 for the Strategic Petroleum Reserve''.
3 (c) The amount provided by this section is designated
4 by the Congress as being for an emergency requirement
5 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
6 et and Emergency Deficit Control Act of 1985.
7 SEC. 14003. Any discretionary appropriation for the
8 Corps of Engineers derived from the Harbor Maintenance
9 Trust Fund (not to exceed the total amount deposited in
10 the Harbor Maintenance Trust Fund in the prior fiscal
11 year) shall be subtracted from the estimate of discre-
12 tionary budget authority and outlays for any estimate of
13 an appropriations Act under the Congressional Budget
14 and Impoundment Control Act of 1974 or the Balanced
15 Budget and Emergency Deficit Control Act of 1985: *Pro-*
16 *vided*, That the modifications described in this section
17 shall not take effect until the earlier of January 1, 2021
18 or the date of enactment of legislation authorizing the de-
19 velopment of water resources and shall remain in effect
20 thereafter.
21 SEC. 14004. Section 14321(a)(2)(B)(ii) of title 40,
22 United States Code, is amended by inserting '', except that
23 a discretionary grant to respond to economic distress di-
24 rectly related to the impacts of the Coronavirus Disease

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1 2019 (COVID–19) shall not be included in such aggregate
2 amount'' before the period at the end.

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1 TITLE V

2 DEPARTMENT OF THE TREASURY

3 INTERNAL REVENUE SERVICE

4 ADMINISTRATIVE PROVISION—INTERNAL REVENUE

5 SERVICE

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 15001. In addition to the amounts otherwise
8 available to the Internal Revenue Service in fiscal year
9 2020, $250,000,000, to remain available until September
10 30, 2021, shall be available to prevent, prepare for, and
11 respond to coronavirus, domestically or internationally, in-
12 cluding costs associated with the extended filing season
13 and implementation of the Families First Coronavirus Re-
14 sponse Act: *Provided*, That such funds may be transferred
15 by the Commissioner to the "Taxpayer Services," "En-
16 forcement," or "Operations Support" accounts of the In-
17 ternal Revenue Service for an additional amount to be
18 used solely to prevent, prepare for, and respond to
19 coronavirus, domestically or internationally: *Provided fur-*
20 *ther*, That the Committees on Appropriations of the House
21 of Representatives and the Senate shall be notified in ad-
22 vance of any such transfer: *Provided further*, That such
23 transfer authority is in addition to any other transfer au-
24 thority provided by law: *Provided further*, That not later
25 than 30 days after the date of enactment of this Act, the

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1 Commissioner shall submit to the Committees on Appro-
2 priations of the House of Representatives and the Senate
3 a spending plan for such funds: *Provided further*, That
4 such amount is designated by the Congress as being for
5 an emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 THE JUDICIARY

9 SUPREME COURT OF THE UNITED STATES

10 SALARIES AND EXPENSES

11 For an additional amount for "Salaries and Ex-
12 penses", $500,000, to prevent, prepare for, and respond
13 to coronavirus, domestically or internationally: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
19 JUDICIAL SERVICES

20 SALARIES AND EXPENSES

21 For an additional amount for "Salaries and Ex-
22 penses", $6,000,000, to prevent, prepare for, and respond
23 to coronavirus, domestically or internationally: *Provided*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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

3 DEFENDER SERVICES

4 For an additional amount for "Defender Services",
5 $1,000,000, to remain available until expended, to pre-
6 vent, prepare for, and respond to coronavirus, domestically
7 or internationally: *Provided*, That such amount is des-
8 ignated by the Congress as being for an emergency re-
9 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985.

11 ADMINISTRATIVE PROVISION—THE JUDICIARY

12 VIDEO TELECONFERENCING FOR CRIMINAL PROCEEDINGS

13 SEC. 15002. (a) DEFINITION.—In this section, the
14 term "covered emergency period" means the period begin-
15 ning on the date on which the President declared a na-
16 tional emergency under the National Emergencies Act (50
17 U.S.C. 1601 et seq.) with respect to the Coronavirus Dis-
18 ease 2019 (COVID–19) and ending on the date that is
19 30 days after the date on which the national emergency
20 declaration terminates.

21 (b) VIDEO TELECONFERENCING FOR CRIMINAL PRO-
22 CEEDINGS.—

23 (1) IN GENERAL.—Subject to paragraphs (3),
24 (4), and (5), if the Judicial Conference of the United
25 States finds that emergency conditions due to the

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1 national emergency declared by the President under
2 the National Emergencies Act (50 U.S.C. 1601 et
3 seq.) with respect to the Coronavirus Disease 2019
4 (COVID–19) will materially affect the functioning of
5 either the Federal courts generally or a particular
6 district court of the United States, the chief judge
7 of a district court covered by the finding (or, if the
8 chief judge is unavailable, the most senior available
9 active judge of the court or the chief judge or circuit
10 justice of the circuit that includes the district court),
11 upon application of the Attorney General or the des-
12 ignee of the Attorney General, or on motion of the
13 judge or justice, may authorize the use of video tele-
14 conferencing, or telephone conferencing if video tele-
15 conferencing is not reasonably available, for the fol-
16 lowing events:
17 (A) Detention hearings under section 3142
18 of title 18, United States Code.
19 (B) Initial appearances under Rule 5 of
20 the Federal Rules of Criminal Procedure.
21 (C) Preliminary hearings under Rule 5.1 of
22 the Federal Rules of Criminal Procedure.
23 (D) Waivers of indictment under Rule 7(b)
24 of the Federal Rules of Criminal Procedure.

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1 (E) Arraignments under Rule 10 of the
2 Federal Rules of Criminal Procedure.
3 (F) Probation and supervised release rev-
4 ocation proceedings under Rule 32.1 of the
5 Federal Rules of Criminal Procedure.
6 (G) Pretrial release revocation proceedings
7 under section 3148 of title 18, United States
8 Code.
9 (H) Appearances under Rule 40 of the
10 Federal Rules of Criminal Procedure.
11 (I) Misdemeanor pleas and sentencings as
12 described in Rule 43(b)(2) of the Federal Rules
13 of Criminal Procedure.
14 (J) Proceedings under chapter 403 of title
15 18, United States Code (commonly known as
16 the "Federal Juvenile Delinquency Act"), ex-
17 cept for contested transfer hearings and juve-
18 nile delinquency adjudication or trial pro-
19 ceedings.
20 (2) FELONY PLEAS AND SENTENCING.—
21 (A) IN GENERAL.—Subject to paragraphs
22 (3), (4), and (5), if the Judicial Conference of
23 the United States finds that emergency condi-
24 tions due to the national emergency declared by
25 the President under the National Emergencies

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1 Act (50 U.S.C. 1601 et seq.) with respect to
2 the Coronavirus Disease 2019 (COVID-19) will
3 materially affect the functioning of either the
4 Federal courts generally or a particular district
5 court of the United States, the chief judge of a
6 district court covered by the finding (or, if the
7 chief judge is unavailable, the most senior avail-
8 able active judge of the court or the chief judge
9 or circuit justice of the circuit that includes the
10 district court) specifically finds, upon applica-
11 tion of the Attorney General or the designee of
12 the Attorney General, or on motion of the judge
13 or justice, that felony pleas under Rule 11 of
14 the Federal Rules of Criminal Procedure and
15 felony sentencings under Rule 32 of the Federal
16 Rules of Criminal Procedure cannot be con-
17 ducted in person without seriously jeopardizing
18 public health and safety, and the district judge
19 in a particular case finds for specific reasons
20 that the plea or sentencing in that case cannot
21 be further delayed without serious harm to the
22 interests of justice, the plea or sentencing in
23 that case may be conducted by video teleconfer-
24 ence, or by telephone conference if video tele-
25 conferencing is not reasonably available.

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1 (B) APPLICABILITY TO JUVENILES.—The
2 video teleconferencing and telephone confer-
3 encing authority described in subparagraph (A)
4 shall apply with respect to equivalent plea and
5 sentencing, or disposition, proceedings under
6 chapter 403 of title 18, United States Code
7 (commonly known as the "Federal Juvenile De-
8 linquency Act").
9 (3) REVIEW.—
10 (A) IN GENERAL.—On the date that is 90
11 days after the date on which an authorization
12 for the use of video teleconferencing or tele-
13 phone conferencing under paragraph (1) or (2)
14 is issued, if the emergency authority has not
15 been terminated under paragraph (5), the chief
16 judge of the district court (or, if the chief judge
17 is unavailable, the most senior available active
18 judge of the court or the chief judge or circuit
19 justice of the circuit that includes the district
20 court) to which the authorization applies shall
21 review the authorization and determine whether
22 to extend the authorization.
23 (B) ADDITIONAL REVIEW.—If an author-
24 ization is extended under subparagraph (A), the
25 chief judge of the district court (or, if the chief

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1 judge is unavailable, the most senior available
2 active judge of the court or the chief judge or
3 circuit justice of the circuit that includes the
4 district court) to which the authorization ap-
5 plies shall review the extension of authority not
6 less frequently than once every 90 days until
7 the earlier of—
8 (i) the date on which the chief judge
9 (or other judge or justice) determines the
10 authorization is no longer warranted; or
11 (ii) the date on which the emergency
12 authority is terminated under paragraph
13 (5).
14 (4) CONSENT.—Video teleconferencing or tele-
15 phone conferencing authorized under paragraph (1)
16 or (2) may only take place with the consent of the
17 defendant, or the juvenile, after consultation with
18 counsel.
19 (5) TERMINATION OF EMERGENCY AUTHOR-
20 ITY.—The authority provided under paragraphs (1),
21 (2), and (3), and any specific authorizations issued
22 under those paragraphs, shall terminate on the ear-
23 lier of—
24 (A) the last day of the covered emergency
25 period; or

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1 (B) the date on which the Judicial Con-
2 ference of the United States finds that emer-
3 gency conditions due to the national emergency
4 declared by the President under the National
5 Emergencies Act (50 U.S.C. 1601 et seq.) with
6 respect to the Coronavirus Disease 2019
7 (COVID-19) no longer materially affect the
8 functioning of either the Federal courts gen-
9 erally or the district court in question.
10 (6) NATIONAL EMERGENCIES GENERALLY.—
11 The Judicial Conference of the United States and
12 the Supreme Court of the United States shall con-
13 sider rule amendments under chapter 131 of title
14 28, United States Code (commonly known as the
15 "Rules Enabling Act"), that address emergency
16 measures that may be taken by the Federal courts
17 when the President declares a national emergency
18 under the National Emergencies Act (50 U.S.C.
19 1601 et seq.).
20 (7) RULE OF CONSTRUCTION.—Nothing in this
21 subsection shall obviate a defendant's right to coun-
22 sel under the Sixth Amendment to the Constitution
23 of the United States, any Federal statute, or the
24 Federal Rules of Criminal Procedure.

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1 (c) The amount provided by this section is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
4 et and Emergency Deficit Control Act of 1985.

5 DISTRICT OF COLUMBIA

6 FEDERAL FUNDS

7 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
8 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

9 For an additional amount for ''Federal Payment for
10 Emergency Planning and Security Costs in the District
11 of Columbia'', $5,000,000, to remain available until ex-
12 pended, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 INDEPENDENT AGENCIES

19 ELECTION ASSISTANCE COMMISSION

20 ELECTION SECURITY GRANTS

21 For an additional amount for ''Election Security
22 Grants'', $400,000,000, to prevent, prepare for, and re-
23 spond to coronavirus, domestically or internationally, for
24 the 2020 Federal election cycle: *Provided*, That a State
25 receiving a payment with funds provided under this head-

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1 ing in this Act shall provide to the Election Assistance
2 Commission, within 20 days of each election in the 2020
3 Federal election cycle in that State, a report that includes
4 a full accounting of the State's uses of the payment and
5 an explanation of how such uses allowed the State to pre-
6 vent, prepare for, and respond to coronavirus: *Provided*
7 *further*, That, within 3 days of its receipt of a report re-
8 quired in the preceding proviso, the Election Assistance
9 Commission will transmit the report to the Committee on
10 Appropriations and the Committee on House Administra-
11 tion of the House of Representatives and the Committee
12 on Appropriations and the Committee on Rules and Ad-
13 ministration of the Senate: *Provided further*, That not
14 later than 30 days after the date of enactment of this Act,
15 the Election Assistance Commission shall make the pay-
16 ments to States under this heading: *Provided further*, That
17 any portion of a payment made to a State with funds pro-
18 vided under this heading in this Act which is unobligated
19 on December 31, 2020 shall be returned to the Treasury:
20 *Provided further*, That such amount is designated by the
21 Congress as being for an emergency requirement pursuant
22 to section 251(b)(2)(A)(i) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985.

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1 FEDERAL COMMUNICATIONS COMMISSION

2 SALARIES AND EXPENSES

3 For an additional amount for "Salaries and Ex-
4 penses", $200,000,000, to remain available until ex-
5 pended, to prevent, prepare for, and respond to
6 coronavirus, domestically or internationally, including to
7 support efforts of health care providers to address
8 coronavirus by providing telecommunications services, in-
9 formation services, and devices necessary to enable the
10 provision of telehealth services during an emergency pe-
11 riod, as defined in section 1135(g)(1) of the Social Secu-
12 rity Act (42 U.S.C. 1320b–5(g)(1)): *Provided*, That the
13 Federal Communications Commission may rely on the
14 rules of the Commission under part 54 of title 47, Code
15 of Federal Regulations, in administering the amount pro-
16 vided under the heading in this Act if the Commission de-
17 termines that such administration is in the public interest:
18 *Provided further*, That such amount is designated by the
19 Congress as being for an emergency requirement pursuant
20 to section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

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1 GENERAL SERVICES ADMINISTRATION
2 REAL PROPERTY ACTIVITIES
3 FEDERAL BUILDINGS FUND
4 (INCLUDING TRANSFERS OF FUNDS)
5 For an additional amount to be deposited in the
6 "Federal Buildings Fund", $275,000,000, to remain
7 available until expended, to prevent, prepare for, and re-
8 spond to coronavirus, domestically or internationally: *Pro-*
9 *vided*, That the amount provided under this heading in
10 this Act may be used to reimburse the Fund for obliga-
11 tions incurred for this purpose prior to the date of the
12 enactment of this Act: *Provided further*, That such amount
13 may be transferred to, and merged with, accounts within
14 the Federal Buildings Fund in amounts necessary to cover
15 costs incurred to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally: *Provided fur-*
17 *ther*, That the Administrator of General Services shall no-
18 tify the Committees on Appropriations of the House of
19 Representatives and the Senate quarterly on the obliga-
20 tions and expenditures of the funds provided by this Act
21 by account of the Federal Buildings Fund: *Provided fur-*
22 *ther*, That funds made available to the Administrator in
23 this or any previous Act shall not be subject to section
24 3307 of title 40, United States Code, for the acquisition
25 of space necessary to prevent, prepare for, or respond to

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1 coronavirus, domestically or internationally: *Provided fur-*
2 *ther*, That no action taken by the Administrator to acquire
3 real property and interests in real property or to improve
4 real property in response to coronavirus shall be deemed
5 a Federal action or undertaking and subject to review
6 under the National Environmental Policy Act of 1969, as
7 amended (42 U.S.C. 4321 et seq.), or the National His-
8 toric Preservation Act of 1966, as amended (54 U.S.C.
9 300101 et seq.), respectively: *Provided further*, That such
10 amount is designated by the Congress as being for an
11 emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 GENERAL ACTIVITIES

15 FEDERAL CITIZEN SERVICES FUND

16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount to be deposited in the
18 "Federal Citizen Services Fund", $18,650,000, to remain
19 available until expended, to prevent, prepare for, and re-
20 spond to coronavirus, domestically or internationally: *Pro-*
21 *vided*, That such amount is designated by the Congress
22 as being for an emergency requirement pursuant to sec-
23 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985.

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1 WORKING CAPITAL FUND

2 For an additional amount for "Working Capital
3 Fund", $1,500,000, to remain available until expended,
4 to prevent, prepare for, and respond to coronavirus, do-
5 mestically or internationally: *Provided*, That such amount
6 is designated by the Congress as being for an emergency
7 requirement pursuant to section 251(b)(2)(A)(i) of the
8 Balanced Budget and Emergency Deficit Control Act of
9 1985.

10 ADMINISTRATIVE PROVISION—GENERAL SERVICES
11 ADMINISTRATION

12 SEC. 15003. Notwithstanding 41 U.S.C.
13 3304(a)(7)(B), the Administrator, when making a deter-
14 mination that use of noncompetitive procedures is nec-
15 essary for public interest in accordance with 41 U.S.C.
16 3304(a)(7)(A) in response to a public health emergency
17 declaration by the Secretary of Health and Human Serv-
18 ices under section 319 of the Public Health Service Act
19 (42 U.S.C. 247(d)), is required to notify Congress in writ-
20 ing of that determination not less than 3 days prior to
21 the award of the contract.

22 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
23 OPERATING EXPENSES

24 For an additional amount for "Operating Expenses",
25 $8,100,000, to remain available until September 30, 2021,

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1 to prevent, prepare for, and respond to coronavirus, do-
2 mestically or internationally: *Provided*, That the amount
3 provided under this heading in this Act may be used to
4 provide expenses of the Federal Records Center Program
5 for preventing, preparing for, and responding to
6 coronavirus, domestically or internationally: *Provided fur-*
7 *ther*, That such amount is designated by the Congress as
8 being for an emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 OFFICE OF PERSONNEL MANAGEMENT

12 SALARIES AND EXPENSES

13 For an additional amount for "Salaries and Ex-
14 penses", $12,100,000, to remain available until September
15 30, 2021, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally, including
17 technologies for digital case management, short-term
18 methods to allow electronic submissions of retirement ap-
19 plication packages in support of paper-based business op-
20 erations, and increased telecommunications: *Provided*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE

2 For an additional amount for "Pandemic Response
3 Accountability Committee", $80,000,000, to remain avail-
4 able until expended, to promote transparency and support
5 oversight of funds provided in this Act to prevent, prepare
6 for, and respond to coronavirus, domestically or inter-
7 nationally: *Provided*, That such amount is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 SMALL BUSINESS ADMINISTRATION
12 DISASTER LOANS PROGRAM ACCOUNT
13 (INCLUDING TRANSFERS OF FUNDS)

14 For an additional amount for the "Disaster Loans
15 Program Account", $562,000,000, to remain available
16 until expended, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally, for the cost
18 of direct loans authorized by section 7(b) of the Small
19 Business Act and for administrative expenses to carry out
20 the disaster loan program authorized by section 7(b) of
21 the Small Business Act: *Provided*, That the amounts pro-
22 vided under this heading in this Act may be transferred
23 to, and merged with, "Small Business Administration—
24 Salaries and Expenses" to prevent, prepare for, and re-
25 spond to coronavirus, domestically or internationally: *Pro-*

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1 *vided further*, That such amount is designated by the Con-
2 gress as being for an emergency requirement pursuant to
3 section 251(b)(2)(A)(i) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985.

5 GENERAL PROVISIONS—THIS TITLE

6 PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE

7 SEC. 15010. (a) In this section—
8 (1) the term "agency" has the meaning given
9 the term in section 551 of title 5, United States
10 Code;
11 (2) the term "appropriate congressional com-
12 mittees" means—
13 (A) the Committees on Appropriations of
14 the Senate and the House of Representatives;
15 (B) the Committee on Homeland Security
16 and Governmental Affairs of the Senate;
17 (C) the Committee on Oversight and Re-
18 form of the House of Representatives; and
19 (D) any other relevant congressional com-
20 mittee of jurisdiction;
21 (3) the term "Chairperson" means the Chair-
22 person of the Committee;
23 (4) the term "Council" means the Council of
24 the Inspectors General on Integrity and Efficiency

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1 established under section 11 of the Inspector Gen-
2 eral Act of 1978 (5 U.S.C. App);
3 (5) the term "Committee" means the Pandemic
4 Response Accountability Committee established
5 under subsection (b);
6 (6) the term "covered funds" means any funds,
7 including loans, that are made available in any form
8 to any non-Federal entity, not including an indi-
9 vidual, under—
10 (A) this Act;
11 (B) the Coronavirus Preparedness and Re-
12 sponse Supplemental Appropriations Act, 2020
13 (Public Law 116–123);
14 (C) the Families First Coronavirus Re-
15 sponse Act (Public Law 116–127); or
16 (D) any other Act primarily making appro-
17 priations for the Coronavirus response and re-
18 lated activities; and
19 (7) the term "Coronavirus response" means the
20 Federal Government's response to the nationwide
21 public health emergency declared by the Secretary of
22 Health and Human Services, retroactive to January
23 27, 2020, pursuant to section 319 of the Public
24 Health Service Act (42 U.S.C. 247d), as a result of

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1 confirmed cases of the novel coronavirus (COVID–
2 19) in the United States.
3 (b) There is established within the Council the Pan-
4 demic Response Accountability Committee to promote
5 transparency and conduct and support oversight of cov-
6 ered funds and the Coronavirus response to—
7 (1) prevent and detect fraud, waste, abuse, and
8 mismanagement; and
9 (2) mitigate major risks that cut across pro-
10 gram and agency boundaries.
11 (c)(1) The Chairperson of the Committee shall be se-
12 lected by the Chairperson of the Council from among In-
13 spectors General described in subparagraphs (B), (C), and
14 (D) of paragraph (2) with experience managing oversight
15 of large organizations and expenditures.
16 (2) The members of the Committee shall include—
17 (A) the Chairperson;
18 (B) the Inspectors General of the Departments
19 of Defense, Education, Health and Human Services,
20 Homeland Security, Justice, Labor, and the Treas-
21 ury;
22 (C) the Inspector General of the Small Business
23 Administration;
24 (D) the Treasury Inspector General for Tax
25 Administration; and

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1 (E) any other Inspector General, as designated
2 by the Chairperson from any agency that expends or
3 obligates covered funds or is involved in the
4 Coronavirus response.
5 (3)(A) There shall be an Executive Director and a
6 Deputy Executive Director of the Committee.
7 (B)(i) Not later than 30 days after the date of enact-
8 ment of this Act, the Executive Director of the Committee
9 shall be appointed by the Chairperson of the Council, in
10 consultation with the majority leader of the Senate, the
11 Speaker of the House of Representatives, the minority
12 leader of the Senate, and the minority leader of the House
13 of Representatives.
14 (ii) Not later than 90 days after the date of enact-
15 ment of this Act, the Deputy Executive Director of the
16 Committee shall be appointed by the Chairperson of the
17 Council, in consultation with the majority leader of the
18 Senate, the Speaker of the House of Representatives, the
19 minority leader of the Senate, the minority leader of the
20 House of Representatives, and the Executive Director of
21 the Committee.
22 (C) The Executive Director of the Committee shall—
23 (i) report directly to the Chairperson;

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1 (ii) appoint staff of the Committee, subject to
2 the approval of the Chairperson, consistent with sub-
3 section (f);
4 (iii) supervise and coordinate Committee func-
5 tions and staff; and
6 (iv) perform any other duties assigned to the
7 Executive Director by the Committee.
8 (4)(A) Members of the Committee may not receive
9 additional compensation for services performed.
10 (B) The Executive Director and Deputy Executive
11 Director of the Committee shall be compensated at the
12 rate of basic pay prescribed for level IV of the Executive
13 Schedule under section 5315 of title 5, United States
14 Code.
15 (d)(1)(A) The Committee shall conduct and coordi-
16 nate oversight of covered funds and the Coronavirus re-
17 sponse and support Inspectors General in the oversight of
18 covered funds and the Coronavirus response in order to—
19 (i) detect and prevent fraud, waste, abuse, and
20 mismanagement; and
21 (ii) identify major risks that cut across pro-
22 grams and agency boundaries.
23 (B) The functions of the Committee shall include—
24 (i) developing a strategic plan to ensure coordi-
25 nated, efficient, and effective comprehensive over-

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1 sight by the Committee and Inspectors General over
2 all aspects of covered funds and the Coronavirus re-
3 sponse;
4 (ii) auditing or reviewing covered funds, includ-
5 ing a comprehensive audit and review of charges
6 made to Federal contracts pursuant to authorities
7 provided in the Coronavirus Aid, Relief, and Eco-
8 nomic Security Act, to determine whether wasteful
9 spending, poor contract or grant management, or
10 other abuses are occurring and referring matters the
11 Committee considers appropriate for investigation to
12 the Inspector General for the agency that disbursed
13 the covered funds, including conducting randomized
14 audits to identify fraud;
15 (iii) reviewing whether the reporting of con-
16 tracts and grants using covered funds meets applica-
17 ble standards and specifies the purpose of the con-
18 tract or grant and measures of performance;
19 (iv) reviewing the economy, efficiency, and ef-
20 fectiveness in the administration of, and the detec-
21 tion of fraud, waste, abuse, and mismanagement in,
22 Coronavirus response programs and operations;
23 (v) reviewing whether competition requirements
24 applicable to contracts and grants using covered
25 funds have been satisfied;

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1 (vi) serving as a liaison to the Director of the
2 Office of Management and Budget, the Secretary of
3 the Treasury, and other officials responsible for im-
4 plementing the Coronavirus response;
5 (vii) reviewing whether there are sufficient
6 qualified acquisition, grant, and other applicable per-
7 sonnel overseeing covered funds and the Coronavirus
8 response;
9 (viii) reviewing whether personnel whose duties
10 involve the Coronavirus response or acquisitions or
11 grants made with covered funds or are otherwise re-
12 lated to the Coronavirus response receive adequate
13 training, technology support, and other resources;
14 (ix) reviewing whether there are appropriate
15 mechanisms for interagency collaboration relating to
16 the oversight of covered funds and the Coronavirus
17 response, including coordinating and collaborating to
18 the extent practicable with State and local govern-
19 ment entities;
20 (x) expeditiously reporting to the Attorney Gen-
21 eral any instance in which the Committee has rea-
22 sonable grounds to believe there has been a violation
23 of Federal criminal law; and

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1 (xi) coordinating and supporting Inspectors
2 General on matters related to oversight of covered
3 funds and the Coronavirus response.
4 (2)(A)(i) The Committee shall submit to the Presi-
5 dent and Congress, including the appropriate congres-
6 sional committees, management alerts on potential man-
7 agement, risk, and funding problems that require imme-
8 diate attention.
9 (ii) The Committee shall submit to Congress such
10 other reports or provide such periodic updates on the work
11 of the Committee as the Committee considers appropriate
12 on the use of covered funds and the Coronavirus response.
13 (B) The Committee shall submit biannual reports to
14 the President and Congress, including the appropriate
15 congressional committees, and may submit additional re-
16 ports as appropriate—
17 (i) summarizing the findings of the Committee;
18 and
19 (ii) identifying and quantifying the impact of
20 any tax expenditures or credits authorized under
21 this Act to the extent practicable.
22 (C)(i) All reports submitted under this paragraph
23 shall be made publicly available and posted on the website
24 established under subsection (g).

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1 (ii) Any portion of a report submitted under this
2 paragraph may be redacted when made publicly available,
3 if that portion would disclose information that is not sub-
4 ject to disclosure under sections 552 and 552a of title 5,
5 United States Code, or is otherwise prohibited from disclo-
6 sure by law.

7 (3)(A) The Committee shall make recommendations
8 to agencies on measures to prevent or address fraud,
9 waste, abuse and mismanagement, and to mitigate risks
10 that cut across programs and agency boundaries, relating
11 to covered funds and the Coronavirus response.

12 (B) Not later than 30 days after receipt of a rec-
13 ommendation under subparagraph (A), an agency shall
14 submit a report to the President and the appropriate con-
15 gressional committees on—

16 (i) whether the agency agrees or disagrees with
17 the recommendations; and

18 (ii) any actions the agency will take to imple-
19 ment the recommendations, which shall also be in-
20 cluded in the report required under section 2(b) of
21 the GAO–IG Act (31 U.S.C. 1105 note).

22 (e)(1) The Committee shall conduct audits and re-
23 views of programs, operations, and expenditures relating
24 to covered funds and the Coronavirus response and coordi-
25 nate on such activities with the Inspector General of the

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1 relevant agency to avoid unnecessary duplication and over-
2 lap of work.
3 (2) The Committee may—
4 (A) conduct its own independent investigations,
5 audits, and reviews relating to covered funds or the
6 Coronavirus response;
7 (B) collaborate on audits and reviews relating
8 to covered funds with any Inspector General of an
9 agency; and
10 (C) provide support to relevant agency Inspec-
11 tors General in conducting investigations, audits,
12 and reviews relating to the covered funds and
13 Coronavirus response.
14 (3)(A) In conducting and supporting investigations,
15 audits, and reviews under this subsection, the Com-
16 mittee—
17 (i) shall have the authorities provided under
18 section 6 of the Inspector General Act of 1978 (5
19 U.S.C. App.);
20 (ii) may issue subpoenas to compel the testi-
21 mony of persons who are not Federal officers or em-
22 ployees; and
23 (iii) may enforce such subpoenas in the event of
24 a refusal to obey by order of any appropriate United
25 States district court as provided for under section 6

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1 of the Inspector General Act of 1978 (5 U.S.C.
2 App).
3 (B) The Committee shall carry out the powers under
4 paragraphs (1) and (2) in accordance with section 4(b)(1)
5 of the Inspector General Act of 1978 (5 U.S.C. App.).
6 (C) Whenever information or assistance requested by
7 the Committee or an Inspector General is unreasonably
8 refused or not provided, the Committee shall immediately
9 report the circumstances to the appropriate congressional
10 committees.
11 (D) The Committee shall leverage existing informa-
12 tion technology resources within the Council, such as over-
13 sight.gov, to carry out the duties of the Committee.
14 (4)(A) The Committee may hold public hearings and
15 Committee personnel may conduct necessary inquiries.
16 (B) The head of each agency shall make all officers
17 and employees of that agency available to provide testi-
18 mony to the Committee and Committee personnel.
19 (C) The Committee may issue subpoenas to compel
20 the testimony of persons who are not Federal officers or
21 employees at such public hearings, which may be enforced
22 in the same manner as provided for subpoenas under sec-
23 tion 6 of the Inspector General Act of 1978 (5 U.S.C.
24 App.).

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1 (5) The Committee may enter into contracts to en-
2 able the Committee to discharge its duties, including con-
3 tracts and other arrangements for audits, studies, anal-
4 yses, and other services with public agencies and with pri-
5 vate persons, and make such payments as may be nec-
6 essary to carry out the duties of the Committee.
7 (6) The Committee may establish subcommittees to
8 facilitate the ability of the Committee to discharge its du-
9 ties.
10 (7) The Committee may transfer funds appropriated
11 to the Committee for expenses to support administrative
12 support services and audits, reviews, or other activities re-
13 lated to oversight by the Committee of covered funds or
14 the Coronavirus response to any Office of the Inspector
15 General or the General Services Administration.
16 (f)(1)(A)(i) Subject to subparagraph (B), the Com-
17 mittee may exercise the authorities of subsections (b)
18 through (i) of section 3161 of title 5, United States Code
19 (without regard to subsection (a) of that section) to carry
20 out the functions of the Committee under this section.
21 (ii) For purposes of exercising the authorities de-
22 scribed under clause (i), the term ''Chairperson'' shall be
23 substituted for the term ''head of a temporary organiza-
24 tion''.

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1 (iii) In exercising the authorities described in clause
2 (i), the Chairperson shall consult with members of the
3 Committee.
4 (iv) In addition to the authority provided by section
5 3161(c) of title 5, United States Code, upon the request
6 of an Inspector General, the Committee may detail, on a
7 nonreimbursable basis, any personnel of the Council to
8 that Inspector General to assist in carrying out any audit,
9 review, or investigation pertaining to the oversight of cov-
10 ered funds or the Coronavirus response.
11 (B) In exercising the employment authorities under
12 section 3161(b) of title 5, United States Code, as provided
13 under subparagraph (A) of this paragraph—
14 (i) section 3161(b)(2) of that title (relating to
15 periods of appointments) shall not apply; and
16 (ii) no period of appointment may exceed the
17 date on which the Committee terminates.
18 (C)(i) A person employed by the Committee shall ac-
19 quire competitive status for appointment to any position
20 in the competitive service for which the employee possesses
21 the required qualifications upon the completion of 2 years
22 of continuous service as an employee under this sub-
23 section.
24 (ii) No person who is first employed as described in
25 clause (i) more than 2 years after the date of enactment

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1 of this Act may acquire competitive status under clause
2 (i).
3 (2)(A) The Committee may employ annuitants cov-
4 ered by section 9902(g) of title 5, United States Code,
5 for purposes of the oversight of covered funds or the
6 Coronavirus response.
7 (B) The employment of annuitants under this para-
8 graph shall be subject to the provisions of section 9902(g)
9 of title 5, United States Code, as if the Committee was
10 the Department of Defense.
11 (3) Upon request of the Committee for information
12 or assistance from any agency or other entity of the Fed-
13 eral Government, the head of such entity shall, insofar as
14 is practicable and not in contravention of any existing law,
15 and consistent with section 6 of the Inspector General Act
16 of 1978 (5 U.S.C. App.), furnish such information or as-
17 sistance to the Committee, or an authorized designee, in-
18 cluding an Inspector General designated by the Chair-
19 person.
20 (4) Any Inspector General responsible for conducting
21 oversight related to covered funds or the Coronavirus re-
22 sponse may, consistent with the duties, responsibilities,
23 policies, and procedures of the Inspector General, provide
24 information requested by the Committee or an Inspector

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1 General on the Committee relating to the responsibilities
2 of the Committee.
3 (g)(1)(A) Not later than 30 days after the date of
4 enactment of this Act, the Committee shall establish and
5 maintain a user-friendly, public-facing website to foster
6 greater accountability and transparency in the use of cov-
7 ered funds and the Coronavirus response, which shall have
8 a uniform resource locator that is descriptive and memo-
9 rable.
10 (B) The Committee shall leverage existing informa-
11 tion technology and resources, such as oversight.gov, to
12 the greatest extent practicable to meet the requirements
13 under this section.
14 (2) The website established and maintained under
15 paragraph (1) shall be a portal or gateway to key informa-
16 tion relating to the oversight of covered funds and the
17 Coronavirus response and provide connections to other
18 Government websites with related information.
19 (3) In establishing and maintaining the website under
20 paragraph (1), the Committee shall ensure the following:
21 (A) The website shall provide materials and in-
22 formation explaining the Coronavirus response and
23 how covered funds are being used. The materials
24 shall be easy to understand and regularly updated.

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1 (i) The website shall provide accountability in-
2 formation, including findings from Inspectors Gen-
3 eral, including any progress reports, audits, inspec-
4 tions, or other reports, including reports from or
5 links to reports on the website of the Government
6 Accountability Office.
7 (ii) The website shall provide data on relevant
8 operational, economic, financial, grant, subgrant,
9 contract, and subcontract information in user-friend-
10 ly visual presentations to enhance public awareness
11 of the use of covered funds and the Coronavirus re-
12 sponse.
13 (iii) The website shall provide detailed data on
14 any Federal Government awards that expend cov-
15 ered funds, including a unique trackable identifica-
16 tion number for each project, information about the
17 process that was used to award the covered funds,
18 and for any covered funds over $150,000, a detailed
19 explanation of any associated agreement, where ap-
20 plicable.
21 (iv) The website shall include downloadable,
22 machine-readable, open format reports on covered
23 funds obligated by month to each State and congres-
24 sional district, where applicable.

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1 (v) The website shall provide a means for the
2 public to give feedback on the performance of any
3 covered funds and of the Coronavirus response, in-
4 cluding confidential feedback.
5 (vi) The website shall include detailed informa-
6 tion on Federal Government awards that expend
7 covered funds, including data elements required
8 under the Federal Funding Accountability and
9 Transparency Act of 2006 (31 U.S.C. 6101 note),
10 allowing aggregate reporting on awards below
11 $50,000, as prescribed by the Director of the Office
12 of Management and Budget.
13 (vii) The website shall provide a link to esti-
14 mates of the jobs sustained or created by this Act
15 to the extent practicable.
16 (viii) The website shall include appropriate links
17 to other government websites with information con-
18 cerning covered funds and the Coronavirus response,
19 including Federal agency and State websites.
20 (ix) The website shall include a plan from each
21 Federal agency for using covered funds.
22 (x) The website shall provide information on
23 Federal allocations of mandatory and other entitle-
24 ment programs by State, county, or other geo-

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1 graphical unit related to covered funds or the
2 Coronavirus response.
3 (xi) The website shall present the data such
4 that funds subawarded by recipients are not double
5 counted in search results, data visualizations, or
6 other reports.
7 (xii) The website shall include all recommenda-
8 tions made to agencies relating to covered funds and
9 the Coronavirus response, as well as the status of
10 each recommendation.
11 (xiii) The website shall be enhanced and up-
12 dated as necessary to carry out the purposes of this
13 section.
14 (4) The Committee may exclude posting contractual
15 or other information on the website on a case-by-case basis
16 when necessary to protect national security or to protect
17 information that is not subject to disclosure under sections
18 552 and 552a of title 5, United States Code.
19 (h)(1) Nothing in this section shall affect the inde-
20 pendent authority of an Inspector General to determine
21 whether to conduct an audit or investigation of covered
22 funds or the Coronavirus response.
23 (2) If the Committee requests that an Inspector Gen-
24 eral of an agency conduct or refrain from conducting an
25 audit or investigation and the Inspector General rejects

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1 the request in whole or in part, the Inspector General
2 shall, not later than 30 days after rejecting the request,
3 submit a report to the Committee, the head of the applica-
4 ble agency, and the appropriate congressional committees,
5 that states the reasons that the Inspector General has re-
6 jected the request in whole or in part.

7 (i) The Committee shall coordinate its oversight ac-
8 tivities with the Comptroller General of the United States
9 and State auditors.

10 (j) For the purposes of carrying out the mission of
11 the Committee under this section, there are authorized to
12 be appropriated such sums as may be necessary to carry
13 out the duties and functions of the Committee.

14 (k) The Committee shall terminate on September 30,
15 2025.

16 REPORTING ON USE OF FUNDS

17 SEC. 15011. (a) In this section—

18 (1) the terms "agency", "appropriate congres-
19 sional committees", "Committee", "covered funds",
20 and "Coronavirus response" have the meanings
21 given those terms in section 15010;

22 (2) the term "covered recipient"—

23 (A) means any entity that receives large
24 covered funds; and

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1 (B) includes any State, the District of Co-
2 lumbia, and any territory or possession of the
3 United States; and
4 (3) the term "large covered funds" means cov-
5 ered funds that amount to more than $150,000.
6 (b)(1)(A) On a monthly basis until September 30,
7 2021, each agency shall report to the Director of the Of-
8 fice of Management and Budget, the Bureau of Fiscal
9 Service in the Department of the Treasury, the Com-
10 mittee, and the appropriate congressional committees on
11 any obligation or expenditure of large covered funds, in-
12 cluding loans and awards.
13 (B) Not later than 90 days after the date of enact-
14 ment of this Act, each agency shall submit to the Com-
15 mittee a plan describing how the agency will use covered
16 funds.
17 (2) Not later than 10 days after the end of each cal-
18 endar quarter, each covered recipient shall submit to the
19 agency and the Committee a report that contains—
20 (A) the total amount of large covered funds re-
21 ceived from the agency;
22 (B) the amount of large covered funds received
23 that were expended or obligated for each project or
24 activity;

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1 (C) a detailed list of all projects or activities for
2 which large covered funds were expended or obli-
3 gated, including—
4 (i) the name of the project or activity;
5 (ii) a description of the project or activity;
6 and
7 (iii) the estimated number of jobs created
8 or retained by the project or activity, where ap-
9 plicable; and
10 (D) detailed information on any level of sub-
11 contracts or subgrants awarded by the covered re-
12 cipient or its subcontractors or subgrantees, to in-
13 clude the data elements required to comply with the
14 Federal Funding Accountability and Transparency
15 Act of 2006 (31 U.S.C. 6101 note) allowing aggre-
16 gate reporting on awards below $50,000 or to indi-
17 viduals, as prescribed by the Director of the Office
18 of Management and Budget.
19 (3) Not later than 30 days after the end of each cal-
20 endar quarter, the Committee, in consultation with the
21 agency that made large covered funds available to any cov-
22 ered recipient shall make the information in reports sub-
23 mitted under paragraph (2) publicly available by posting
24 the information on the website established under section
25 15010(g).

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1 (4)(A) Each agency, in coordination with the Com-
2 mittee and the Director of the Office of Management and
3 Budget shall provide user-friendly means for covered re-
4 cipients to meet requirements of this subsection.
5 (B) Federal agencies may use existing mechanisms
6 to ensure that information under this subsection is re-
7 ported accurately.
8 (c)(1) The Director of the Office of Management and
9 Budget, in consultation with the Secretary of the Treas-
10 ury, the Administrator of the Small Business Administra-
11 tion, and the Chairperson of the Council of Economic Ad-
12 visors, shall submit to the appropriate congressional com-
13 mittees and publicly release on the website established
14 under section 15010(g) quarterly reports that detail the
15 impact of programs funded through large covered funds
16 on employment, estimated economic growth, and other key
17 economic indicators, including information about impacted
18 industries.
19 (2)(A) The first report submitted under paragraph
20 (1) shall be submitted not later than 45 days after the
21 end of the first full quarter following the date of enact-
22 ment of this Act.
23 (B) The last report required to be submitted under
24 paragraph (1) shall apply to the quarter in which the
25 Committee terminates.

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1 TITLE VI

2 DEPARTMENT OF HOMELAND SECURITY

3 MANAGEMENT DIRECTORATE

4 OPERATIONS AND SUPPORT

5 For an additional amount for ''Operations and Sup-
6 port'', $178,300,000, to remain available until September
7 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally, which shall be
9 for the purchase of personal protective equipment and
10 sanitization materials: *Provided*, That funds provided
11 under this heading in this Act may be transferred by the
12 Secretary of Homeland Security between appropriations in
13 the Department only for the purchase of personal protec-
14 tive equipment and sanitization materials to prevent, pre-
15 pare for, and respond to coronavirus, domestically or
16 internationally: *Provided further*, That none of the funds
17 made available under this heading may be transferred pur-
18 suant to the authority in section 503 of the Department
19 of Homeland Security Appropriations Act, 2020: *Provided*
20 *further*, That the Department shall provide notice of any
21 transfer to the Committees on Appropriations of the Sen-
22 ate and the House of Representatives not later than 5
23 days after executing such transfer: *Provided further*, That
24 such amount is designated by the Congress as being for
25 an emergency requirement pursuant to section

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

3 TRANSPORTATION SECURITY ADMINISTRATION

4 OPERATIONS AND SUPPORT

5 For an additional amount for ''Operations and Sup-
6 port'', $100,000,000, to remain available until September
7 30, 2021, to prevent, prepare for, and respond to
8 coronavirus, domestically or internationally, which shall be
9 for cleaning and sanitization at checkpoints and other air-
10 port common areas; overtime and travel costs; and explo-
11 sive detection materials: *Provided*, That such amount is
12 designated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 UNITED STATES COAST GUARD

16 OPERATIONS AND SUPPORT

17 For an additional amount for ''Operations and Sup-
18 port'', $140,800,000, to remain available until September
19 30, 2021, to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally, which shall be
21 for mobilization of reservists and increasing the capability
22 and capacity of Coast Guard information technology sys-
23 tems and infrastructure: *Provided*, That such amount is
24 designated by the Congress as being for an emergency re-

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

3 CYBERSECURITY AND INFRASTRUCTURE SECURITY
4 AGENCY

5 OPERATIONS AND SUPPORT

6 For an additional amount for ''Operations and Sup-
7 port'', $9,100,000, to remain available until September
8 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally, which shall be
10 for support of interagency critical infrastructure coordina-
11 tion and related activities: *Provided*, That such amount
12 is designated by the Congress as being for an emergency
13 requirement pursuant to section 251(b)(2)(A)(i) of the
14 Balanced Budget and Emergency Deficit Control Act of
15 1985.

16 FEDERAL EMERGENCY MANAGEMENT AGENCY

17 OPERATIONS AND SUPPORT

18 For an additional amount for ''Operations and Sup-
19 port'', $44,987,000, to remain available until September
20 30, 2021, to prevent, prepare for, and respond to
21 coronavirus, domestically or internationally, which shall be
22 for enhancements to information technology and for facili-
23 ties support: *Provided*, That such amount is designated
24 by the Congress as being for an emergency requirement

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

3 DISASTER RELIEF FUND

4 For an additional amount for "Disaster Relief
5 Fund", $45,000,000,000, to remain available until ex-
6 pended: *Provided*, That of the amount provided under this
7 heading in this Act, $25,000,000,000 shall be for major
8 disasters declared pursuant to the Robert T. Stafford Dis-
9 aster Relief and Emergency Assistance Act (42 U.S.C.
10 5121 et seq.): *Provided further*, That of the amount pro-
11 vided under this heading in this Act, $15,000,000,000
12 may be used for all purposes authorized under such Act
13 and may be used in addition to amounts designated by
14 the Congress as being for disaster relief pursuant to sec-
15 tion 251(b)(2)(D) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985: *Provided further*, That every
17 30 days the Administrator shall provide the Committees
18 on Appropriations of the Senate and the House of Rep-
19 resentatives both projected and actual costs for funds pro-
20 vided under this heading for major disasters and any other
21 expenses: *Provided further*, That of the amounts provided
22 under this heading, $3,000,000 shall be transferred to
23 "Office of Inspector General" and shall remain available
24 until expended for oversight of activities supported by
25 funds provided under this heading: *Provided further*, That

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1 such amount is designated by the Congress as being for
2 an emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 FEDERAL ASSISTANCE

6 For an additional amount for "Federal Assistance",
7 $400,000,000, to remain available until September 30,
8 2021, to prevent, prepare for, and respond to coronavirus,
9 domestically or internationally: *Provided*, That of the
10 amount provided under this heading in this Act,
11 $100,000,000 shall be for Assistance to Firefighter
12 Grants for the purchase of personal protective equipment
13 and related supplies, including reimbursements;
14 $100,000,000 shall be for Emergency Management Per-
15 formance Grants; and $200,000,000 shall be for the
16 Emergency Food and Shelter Program: *Provided further*,
17 That such amount is designated by the Congress as being
18 for an emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 GENERAL PROVISIONS—THIS TITLE

22 SEC. 16001. Notwithstanding any other provision of
23 law, funds made available under each heading in this title,
24 except for "Federal Emergency Management Agency—

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1 Disaster Relief Fund'', shall only be used for the purposes
2 specifically described under that heading.

3 SEC. 16002. Notwithstanding any other provision of
4 law, any amounts appropriated for ''Federal Emergency
5 Management Agency—Disaster Relief Fund'' in this Act
6 are available only for the purposes for which they were
7 appropriated.

8 SEC. 16003. (a) PREMIUM PAY AUTHORITY.—If
9 services performed during fiscal year 2020 are determined
10 by the head of the agency to be primarily related to prepa-
11 ration, prevention, or response to coronavirus, any pre-
12 mium pay that is funded, either directly or through reim-
13 bursement, by the Federal Emergency Management Agen-
14 cy shall be exempted from the aggregate of basic pay and
15 premium pay calculated under section 5547(a) of title 5,
16 United States Code, and any other provision of law lim-
17 iting the aggregate amount of premium pay payable on
18 a biweekly or calendar year basis.

19 (b) OVERTIME AUTHORITY.—Any overtime that is
20 funded for such services described in subsection (a), either
21 directly or through reimbursement, by the Federal Emer-
22 gency Management Agency shall be exempted from any
23 annual limit on the amount of overtime payable in a cal-
24 endar or fiscal year.

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1 (c) APPLICABILITY OF AGGREGATE LIMITATION ON
2 PAY.—In determining whether an employee's pay exceeds
3 the applicable annual rate of basic pay payable under sec-
4 tion 5307 of title 5, United States Code, the head of an
5 Executive agency shall not include pay exempted under
6 this section.
7 (d) LIMITATION OF PAY AUTHORITY.—Pay exempted
8 from otherwise applicable limits under subsection (a) shall
9 not cause the aggregate pay earned for the calendar year
10 in which the exempted pay is earned to exceed the rate
11 of basic pay payable for a position at level II of the Execu-
12 tive Schedule under section 5313 of title 5, United States
13 Code.
14 (e) EFFECTIVE DATE.—This section shall take effect
15 as if enacted on January 1, 2020.
16 SEC. 16004. (a) Amounts provided for "Coast
17 Guard—Operations and Support" in the Consolidated Ap-
18 propriations Act, 2020 (Public Law 116–93) may be avail-
19 able for pay and benefits of Coast Guard Yard and Vessel
20 Documentation personnel, Non-Appropriated Funds per-
21 sonnel, and for Morale, Welfare and Recreation Programs.
22 (b) No amounts may be used under this section from
23 amounts that were designated by the Congress for Over-
24 seas Contingency Operations/Global War on Terrorism
25 pursuant to the Concurrent Resolution on the Budget or

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1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985.

3 SEC. 16005. (a) Notwithstanding any other provision
4 of law regarding the licensure of health-care providers, a
5 health-care professional described in subsection (b) may
6 practice the health profession or professions of the health-
7 care professional at any location in any State, the District
8 of Columbia, or Commonwealth, territory, or possession
9 of the United States, or any location designated by the
10 Secretary, regardless of where such health-care profes-
11 sional or the patient is located, so long as the practice
12 is within the scope of the authorized Federal duties of
13 such health-care professional.

14 (b) DEFINITION.—As used in this section, the term
15 "health-care professional" means an individual (other
16 than a member of the Coast Guard, a civilian employee
17 of the Coast Guard, member of the Public Health Service
18 who is assigned to the Coast Guard, or an individual with
19 whom the Secretary, pursuant to 10 U.S.C. 1091, has en-
20 tered into a personal services contract to carry out health
21 care responsibilities of the Secretary at a medical treat-
22 ment facility of the Coast Guard) who—

23 (1) is—

24 (A) an employee of the Department of
25 Homeland Security,

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1 (B) a detailee to the Department from an-
2 other Federal agency,
3 (C) a personal services contractor of the
4 Department, or
5 (D) hired under a Contract for Services;
6 (2) performs health care services as part of du-
7 ties of the individual in that capacity;
8 (3) has a current, valid, and unrestricted equiv-
9 alent license certification that is—
10 (A) issued by a State, the District of Co-
11 lumbia, or a Commonwealth, territory, or pos-
12 session of the United States; and
13 (B) for the practice of medicine, osteo-
14 pathic medicine, dentistry, nursing, emergency
15 medical services, or another health profession;
16 and
17 (4) is not affirmatively excluded from practice
18 in the licensing or certifying jurisdiction or in any
19 other jurisdiction.
20 (c) Subsection (a) shall apply during the incident pe-
21 riod of the emergency declared by the President on March
22 13, 2020, pursuant to section 501(b) of the Robert T.
23 Stafford Disaster Relief and Emergency Assistance Act
24 (42 U.S.C. 5121(b)), and to any subsequent major dec-

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1 laration under section 401 of such Act that supersedes
2 such emergency declaration.

3 SEC. 16006. The Secretary of Homeland Security,
4 under the authority granted under section 205(b) of the
5 REAL ID Act of 2005 (Public Law 109–13; 49 U.S.C.
6 30301 note) shall extend the deadline by which States are
7 required to meet the driver license and identification card
8 issuance requirements under section 202(a)(1) of such Act
9 until not earlier than September 30, 2021.

10 SEC. 16007. Section 5 of the Protecting and Securing
11 Chemical Facilities from Terrorist Attacks Act of 2014
12 (Public Law 113–254; 6 U.S.C. 621 note) is amended by
13 striking "the date that is 5 years and 3 months after the
14 effective date of this Act" and inserting "July 23, 2020":
15 *Provided*, That the amount provided by this section is des-
16 ignated by the Congress as being for an emergency re-
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

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1 TITLE VII

2 DEPARTMENT OF THE INTERIOR

3 INDIAN AFFAIRS

4 BUREAU OF INDIAN AFFAIRS

5 OPERATION OF INDIAN PROGRAMS

6 (INCLUDING TRANSFERS OF FUNDS)

7 For an additional amount for "Operation of Indian
8 Programs", $453,000,000, to remain available until Sep-
9 tember 30, 2021, to prevent, prepare for, and respond to
10 coronavirus, domestically or internationally, including, but
11 not limited to, funds for public safety and justice pro-
12 grams, executive direction to carry out deep cleaning of
13 facilities, purchase of personal protective equipment, pur-
14 chase of information technology to improve teleworking ca-
15 pability, welfare assistance and social services programs
16 (including assistance to individuals), and assistance to
17 tribal governments, including tribal governments who par-
18 ticipate in the "Small and Needy" program: *Provided*,
19 That amounts received from funds provided under this
20 heading in this Act for welfare assistance programs shall
21 not be included in the statutory maximum for welfare as-
22 sistance funds included in Public Law 116–94, the Fur-
23 ther Consolidated Appropriations Act, 2020: *Provided fur-*
24 *ther*, That assistance received from funds provided under
25 this heading in this Act shall not be included in the cal-

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1 culation of funds received by those tribal governments who
2 participate in the "Small and Needy" program: *Provided*
3 *further*, That of the amounts provided under this heading
4 in this Act, not less than $400,000,000 shall be made
5 available to meet the direct needs of tribes: *Provided fur-*
6 *ther*, That amounts provided under this heading in this
7 Act may be made available for distribution through tribal
8 priority allocations for tribal response and capacity build-
9 ing activities: *Provided further*, That funds provided under
10 this heading in this Act, if transferred to tribes and tribal
11 organizations under the Indian Self-Determination and
12 Education Assistance Act, will be transferred on a one-
13 time basis and that these non-recurring funds are not part
14 of the amount required by 25 U.S.C. § 5325: *Provided*
15 *further*, That such amount is designated by the Congress
16 as being for an emergency requirement pursuant to sec-
17 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985.

19 BUREAU OF INDIAN EDUCATION

20 OPERATION OF INDIAN EDUCATION PROGRAMS

21 For an additional amount for "Operation of Indian
22 Education Programs", $69,000,000, to remain available
23 until September 30, 2021, to prevent, prepare for, and re-
24 spond to coronavirus, domestically or internationally, in-
25 cluding, but not limited to, funding for tribal colleges and

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1 universities, salaries, transportation, and information
2 technology: *Provided*, That of the amounts provided in this
3 paragraph, not less than $20,000,000 shall be for tribal
4 colleges and universities: *Provided further*, That such
5 amount is designated by the Congress as being for an
6 emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 DEPARTMENTAL OFFICES

10 OFFICE OF THE SECRETARY

11 DEPARTMENTAL OPERATIONS

12 (INCLUDING TRANSFERS OF FUNDS)

13 For an additional amount for "Departmental Oper-
14 ations", $158,400,000, to remain available until Sep-
15 tember 30, 2021, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally, including, but
17 not limited to, funds for purchasing equipment and sup-
18 plies to disinfect and clean buildings and public areas, sup-
19 porting law enforcement and emergency management op-
20 erations, biosurveillance of wildlife and environmental per-
21 sistence studies, employee overtime and special pay ex-
22 penses, and other response, mitigation, or recovery activi-
23 ties: *Provided*, That funds appropriated under this head-
24 ing in this Act shall be used to absorb increased oper-
25 ational costs necessary to prevent, prepare for, and re-

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1 spond to coronavirus, domestically or internationally: *Pro-*
2 *vided further*, That the Secretary of the Interior may
3 transfer the funds provided under this heading in this Act
4 to any other account in the Department to prevent, pre-
5 pare for, and respond to coronavirus, domestically or
6 internationally, and may expend such funds directly or
7 through cooperative agreements: *Provided further*, That
8 the Secretary shall provide a monthly report to the Com-
9 mittees on Appropriations of the House of Representatives
10 and the Senate detailing the allocation and obligation of
11 these funds by account, beginning not later than 90 days
12 after enactment of this Act: *Provided further*, That as soon
13 as practicable after the date of enactment of this Act, the
14 Secretary shall transfer $1,000,000 to the Office of the
15 Inspector General, ''Salaries and Expenses'' account for
16 oversight activities related to the implementation of pro-
17 grams, activities or projects funded herein: *Provided fur-*
18 *ther*, That such amount is designated by the Congress as
19 being for an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 INSULAR AFFAIRS

23 ASSISTANCE TO TERRITORIES

24 For an additional amount for ''Assistance to Terri-
25 tories'', $55,000,000, to remain available until September

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1 30, 2021, to prevent, prepare for, and respond to
2 coronavirus, domestically or internationally, for general
3 technical assistance: *Provided*, That such amount is des-
4 ignated by the Congress as being for an emergency re-
5 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 ENVIRONMENTAL PROTECTION AGENCY

8 SCIENCE AND TECHNOLOGY

9 For an additional amount for "Science and Tech-
10 nology", $2,250,000, to remain available until September
11 30, 2021, to prevent, prepare for, and respond to
12 coronavirus, domestically or internationally: *Provided*,
13 That of the amount provided under this heading in this
14 Act, $750,000 shall be for necessary expenses for cleaning
15 and disinfecting equipment or facilities of, or for use by,
16 the Environmental Protection Agency, and $1,500,000
17 shall be for research on methods to reduce the risks from
18 environmental transmission of coronavirus via contami-
19 nated surfaces or materials: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

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1 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

2 For an additional amount for ''Environmental Pro-
3 grams and Management'', $3,910,000, to remain available
4 until September 30, 2021, to prevent, prepare for, and re-
5 spond to coronavirus, domestically or internationally: *Pro-*
6 *vided*, That of the amount provided under this heading
7 in this Act, $2,410,000 shall be for necessary expenses
8 for cleaning and disinfecting equipment or facilities of, or
9 for use by, the Environmental Protection Agency, and
10 operational continuity of Environmental Protection Agen-
11 cy programs and related activities, and $1,500,000 shall
12 be for expediting registration and other actions related to
13 pesticides to address coronavirus: *Provided further*, That
14 such amount is designated by the Congress as being for
15 an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 BUILDINGS AND FACILITIES

19 For an additional amount for ''Buildings and Facili-
20 ties'', $300,000, to remain available until September 30,
21 2021, to prevent, prepare for, and respond to coronavirus,
22 domestically or internationally: *Provided*, That the funds
23 provided under this heading in this Act shall be for nec-
24 essary expenses for cleaning and disinfecting equipment
25 or facilities of, or for use by, the Environmental Protection

AMERICAN OVERSIGHT

1 Agency: *Provided further*, That such amount is designated
2 by the Congress as being for an emergency requirement
3 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
4 et and Emergency Deficit Control Act of 1985.

5 HAZARDOUS SUBSTANCE SUPERFUND

6 For an additional amount for "Hazardous Substance
7 Superfund", $770,000, to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally: *Provided*,
10 That the funds provided under this heading in this Act
11 shall be for necessary expenses for cleaning and dis-
12 infecting equipment or facilities of, or for use by, the Envi-
13 ronmental Protection Agency: *Provided further*, That such
14 amount is designated by the Congress as being for an
15 emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 RELATED AGENCIES

19 DEPARTMENT OF AGRICULTURE

20 FOREST SERVICE

21 FOREST AND RANGELAND RESEARCH

22 For an additional amount for "Forest and Rangeland
23 Research", $3,000,000, to remain available until Sep-
24 tember 30, 2021, to prevent, prepare for, and respond to
25 coronavirus, domestically or internationally, including for

AMERICAN OVERSIGHT

1 the reestablishment of abandoned or failed experiments as-
2 sociated with employee restrictions due to the coronavirus
3 outbreak: *Provided*, That amounts provided under this
4 heading in this Act shall be allocated at the discretion of
5 the Chief of the Forest Service: *Provided further*, That
6 such amount is designated by the Congress as being for
7 an emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 NATIONAL FOREST SYSTEM

11 For an additional amount for "National Forest Sys-
12 tem", $34,000,000, to remain available until September
13 30, 2021, to prevent, prepare for, and respond to
14 coronavirus, domestically or internationally, including for
15 cleaning and disinfecting of public recreation amenities
16 and for personal protective equipment and baseline health
17 testing for first responders: *Provided*, That amounts pro-
18 vided under this heading in this Act shall be allocated at
19 the discretion of the Chief of the Forest Service: *Provided*
20 *further*, That such amount is designated by the Congress
21 as being for an emergency requirement pursuant to sec-
22 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 CAPITAL IMPROVEMENT AND MAINTENANCE

2 For an additional amount for "Capital Improvement
3 and Maintenance", $26,800,000, to remain available until
4 September 30, 2021, to prevent, prepare for, and respond
5 to coronavirus, domestically or internationally, including
6 for janitorial services: *Provided*, That amounts provided
7 under this heading in this Act shall be allocated at the
8 discretion of the Chief of the Forest Service: *Provided fur-*
9 *ther*, That such amount is designated by the Congress as
10 being for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 WILDLAND FIRE MANAGEMENT

14 For an additional amount for "Wildland Fire Man-
15 agement", $7,000,000, to remain available until Sep-
16 tember 30, 2021, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally, including for
18 personal protective equipment and baseline health testing
19 for first responders: *Provided*, That amounts provided
20 under this heading in this Act shall be allocated at the
21 discretion of the Chief of the Forest Service: *Provided fur-*
22 *ther*, That such amount is designated by the Congress as
23 being for an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 INDIAN HEALTH SERVICE
4 INDIAN HEALTH SERVICES
5 (INCLUDING TRANSFERS OF FUNDS)
6 For an additional amount for "Indian Health Serv-
7 ices", $1,032,000,000, to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally, including for
10 public health support, electronic health record moderniza-
11 tion, telehealth and other information technology up-
12 grades, Purchased/Referred Care, Catastrophic Health
13 Emergency Fund, Urban Indian Organizations, Tribal
14 Epidemiology Centers, Community Health Representa-
15 tives, and other activities to protect the safety of patients
16 and staff: *Provided*, That of the amount provided under
17 this heading in this Act, up to $65,000,000 is for elec-
18 tronic health record stabilization and support, including
19 for planning and tribal consultation: *Provided further*,
20 That of amounts provided under this heading in this Act,
21 not less than $450,000,000 shall be distributed through
22 IHS directly operated programs and to tribes and tribal
23 organizations under the Indian Self-Determination and
24 Education Assistance Act and through contracts or grants
25 with urban Indian organizations under title V of the In-

AMERICAN OVERSIGHT

1 dian Health Care Improvement Act: *Provided further*,
2 That any amounts provided in this paragraph not allo-
3 cated pursuant to the preceding proviso shall be allocated
4 at the discretion of the Director of the Indian Health Serv-
5 ice: *Provided further*, That of the funds provided herein,
6 up to $125,000,000 may be transferred to and merged
7 with the "Indian Health Service, Indian Health Facilities"
8 appropriation at the discretion of the Director for the pur-
9 poses specified in this Act: *Provided further*, That amounts
10 provided under this heading in this Act, if transferred to
11 tribes and tribal organizations under the Indian Self-De-
12 termination and Education Assistance Act, will be trans-
13 ferred on a one-time basis and that these non-recurring
14 funds are not part of the amount required by 25 U.S.C.
15 § 5325, and that such amounts may only be used for the
16 purposes identified under this heading notwithstanding
17 any other provision of law: *Provided further*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 AGENCY FOR TOXIC SUBSTANCES AND DISEASE
2 REGISTRY
3 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC
4 HEALTH
5 For an additional amount for "Toxic Substances and
6 Environmental Public Health", $12,500,000, to remain
7 available until September 30, 2021, to prevent, prepare
8 for, and respond to coronavirus, domestically or inter-
9 nationally: *Provided*, That $7,500,000 of the funds pro-
10 vided under this heading in this Act shall be for necessary
11 expenses of the Geospatial Research, Analysis and Serv-
12 ices Program to support spatial analysis and Geographic
13 Information System mapping of infectious disease hot
14 spots, including cruise ships: *Provided further*, That
15 $5,000,000 of the funds provided under this heading in
16 this Act shall be for necessary expenses for awards to Pe-
17 diatric Environmental Health Specialty Units and state
18 health departments to provide guidance and outreach on
19 safe practices for disinfection for home, school, and
20 daycare facilities: *Provided further*, That such amount is
21 designated by the Congress as being for an emergency re-
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 OTHER RELATED AGENCIES

2 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
3 CULTURE AND ARTS DEVELOPMENT

4 PAYMENT TO THE INSTITUTE

5 For an additional amount for ''Payment to the Insti-
6 tute'', $78,000, to remain available until September 30,
7 2021, to prevent, prepare for, and respond to coronavirus,
8 domestically or internationally: *Provided*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 SMITHSONIAN INSTITUTION

14 SALARIES AND EXPENSES

15 For an additional amount for ''Salaries and Ex-
16 penses'', $7,500,000, to remain available until September
17 30, 2021, to prevent, prepare for, and respond to
18 coronavirus, domestically or internationally, including
19 funding for deep cleaning, security, information tech-
20 nology, and staff overtime: *Provided*, That such amount
21 is designated by the Congress as being for an emergency
22 requirement pursuant to section 251(b)(2)(A)(i) of the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985.

AMERICAN OVERSIGHT

1 JOHN F. KENNEDY CENTER FOR THE PERFORMING
2 ARTS
3 OPERATIONS AND MAINTENANCE
4 For an additional amount for "Operations and Main-
5 tenance", $25,000,000, to remain available until Sep-
6 tember 30, 2021, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including
8 funding for deep cleaning and information technology to
9 improve telework capability and for operations and main-
10 tenance requirements related to the consequences of
11 coronavirus: *Provided*, That notwithstanding the provi-
12 sions of 20 U.S.C. 76h et seq., funds provided under this
13 heading in this Act shall be made available to cover oper-
14 ating expenses required to ensure the continuity of the
15 John F. Kennedy Center for the Performing Arts and its
16 affiliates, including for employee compensation and bene-
17 fits, grants, contracts, payments for rent or utilities, fees
18 for artists or performers, information technology, and
19 other administrative expenses: *Provided further*, That no
20 later than October 31, 2020, the Board of Trustees of the
21 Center shall submit a report to the Committees on Appro-
22 priations of the House of Representatives and Senate that
23 includes a detailed explanation of the distribution of the
24 funds provided herein: *Provided further*, That such
25 amount is designated by the Congress as being for an

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

4 NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES
5 NATIONAL ENDOWMENT FOR THE ARTS
6 GRANTS AND ADMINISTRATION

7 For an additional amount for ''Grants and Adminis-
8 tration'', $75,000,000, to remain available until Sep-
9 tember 30, 2021, to prevent, prepare for, and respond to
10 coronavirus, domestically or internationally, to be distrib-
11 uted in grants: *Provided*, That such funds are available
12 under the same terms and conditions as grant funding ap-
13 propriated to this heading in Public Law 116–94: *Pro-*
14 *vided further*, That 40 percent of such funds shall be dis-
15 tributed to State arts agencies and regional arts organiza-
16 tions and 60 percent of such funds shall be for direct
17 grants: *Provided further*, That notwithstanding any other
18 provision of law, such funds may also be used by the re-
19 cipients of such grants for purposes of the general oper-
20 ations of such recipients: *Provided further*, That the
21 matching requirements under subsections (e), (g)(4)(A),
22 and (p)(3) of section 5 of the National Foundation on the
23 Arts and Humanities Act of 1965 (20 U.S.C. 954) may
24 be waived with respect to such grants: *Provided further*,
25 That such amount is designated by the Congress as being

AMERICAN OVERSIGHT

1 for an emergency requirement pursuant to section
2 251(b)(2)(A)(i) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 NATIONAL ENDOWMENT FOR THE HUMANITIES

5 GRANTS AND ADMINISTRATION

6 For an additional amount for ''Grants and Adminis-
7 tration'', $75,000,000, to remain available until Sep-
8 tember 30, 2021, to prevent, prepare for, and respond to
9 coronavirus, domestically or internationally, to be distrib-
10 uted in grants: *Provided*, That such funds are available
11 under the same terms and conditions as grant funding ap-
12 propriated to this heading in Public Law 116–94: *Pro-*
13 *vided further*, That 40 percent of such funds shall be dis-
14 tributed to state humanities councils and 60 percent of
15 such funds shall be for direct grants: *Provided further*,
16 That notwithstanding any other provision of law, such
17 funds may also be used by the recipients of such grants
18 for purposes of the general operations of such recipients:
19 *Provided further*, That the matching requirements under
20 subsection (h)(2)(A) of section 7 of the National Founda-
21 tion on the Arts and Humanities Act of 1965 may be
22 waived with respect to such grants: *Provided further*, That
23 such amount is designated by the Congress as being for
24 an emergency requirement pursuant to section

AMERICAN OVERSIGHT

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

AMERICAN OVERSIGHT

1 TITLE VIII

2 DEPARTMENT OF LABOR

3 EMPLOYMENT AND TRAINING ADMINISTRATION

4 TRAINING AND EMPLOYMENT SERVICES

5 For an additional amount for ''Training and Employ-
6 ment Services'', $345,000,000, to remain available
7 through September 30, 2022, to prevent, prepare for, and
8 respond to coronavirus, domestically or internationally, for
9 necessary expenses for the dislocated workers assistance
10 national reserve: *Provided*, That the funds provided under
11 this heading in this Act may be used to replace grant
12 funds previously obligated to the impacted areas: *Provided*
13 *further*, That such amount is designated by the Congress
14 as being for an emergency requirement pursuant to sec-
15 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
16 gency Deficit Control Act of 1985.

17 DEPARTMENTAL MANAGEMENT

18 SALARIES AND EXPENSES

19 (INCLUDING TRANSFER OF FUNDS)

20 For an additional amount for ''Departmental Man-
21 agement'', $15,000,000, to remain available through Sep-
22 tember 30, 2022, to prevent, prepare for, and respond to
23 coronavirus, including to enforce worker protection laws
24 and regulations, and to oversee and coordinate activities
25 related to division C, division D, division E, and division

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1 F of Public Law 116–127: *Provided*, That the Secretary
2 of Labor may transfer the amounts provided under this
3 heading in this Act as necessary to "Employee Benefits
4 Security Administration", "Wage and Hour Division",
5 "Occupational Safety and Health Administration", and
6 "Employment and Training Administration—Program
7 Administration" to prevent, prepare for, and respond to
8 coronavirus, including for enforcement, oversight, and co-
9 ordination activities in those accounts: *Provided further*,
10 That of the amount provided under this heading in this
11 Act, $1,000,000, to remain available until expended, shall
12 be transferred to "Office of Inspector General" for over-
13 sight of activities related to Public Law 116–127 and for
14 oversight activities supported with funds appropriated to
15 the Department of Labor to prevent, prepare for, and re-
16 spond to coronavirus: *Provided further*, That 15 days prior
17 to transferring any funds pursuant to the previous pro-
18 visos under the heading in this Act, the Secretary shall
19 provide to the Committees on Appropriations of the House
20 of Representatives and the Senate an operating plan de-
21 scribing the planned uses of each amount proposed to be
22 transferred: *Provided further*, That such amount is des-
23 ignated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 CENTERS FOR DISEASE CONTROL AND PREVENTION
4 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT
5 (INCLUDING TRANSFER OF FUNDS)
6 For an additional amount for "CDC-Wide Activities
7 and Program Support", $4,300,000,000, to remain avail-
8 able until September 30, 2024, to prevent, prepare for,
9 and respond to coronavirus, domestically or internation-
10 ally: *Provided*, That not less than $1,500,000,000 of the
11 amount provided under this heading in this Act shall be
12 for grants to or cooperative agreements with States, local-
13 ities, territories, tribes, tribal organizations, urban Indian
14 health organizations, or health service providers to tribes,
15 including to carry out surveillance, epidemiology, labora-
16 tory capacity, infection control, mitigation, communica-
17 tions, and other preparedness and response activities: *Pro-*
18 *vided further*, That every grantee that received a Public
19 Health Emergency Preparedness grant for fiscal year
20 2019 shall receive not less than 100 percent of that grant
21 level from funds provided in the first proviso under this
22 heading in this Act: *Provided further*, That of the amount
23 in the first proviso, not less than $125,000,000 shall be
24 allocated to tribes, tribal organizations, urban Indian
25 health organizations, or health service providers to tribes:

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1 *Provided further*, That the Director of the Centers for Dis-
2 ease Control and Prevention ("CDC") may satisfy the
3 funding thresholds outlined in the preceding two provisos
4 by making awards through other grant or cooperative
5 agreement mechanisms: *Provided further*, That of the
6 amount provided under this heading in this Act, not less
7 than $500,000,000 shall be for global disease detection
8 and emergency response: *Provided further*, That of the
9 amount provided under this heading in this Act, not less
10 than $500,000,000 shall be for public health data surveil-
11 lance and analytics infrastructure modernization: *Provided*
12 *further*, That CDC shall report to the Committees on Ap-
13 propriations of the House of Representatives and the Sen-
14 ate on the development of a public health surveillance and
15 data collection system for coronavirus within 30 days of
16 enactment of this Act: *Provided further*, That of the
17 amount provided under this heading in this Act,
18 $300,000,000 shall be transferred to and merged with
19 amounts in the Infectious Diseases Rapid Response Re-
20 serve Fund ("Reserve Fund"), established by section 231
21 of division B of Public Law 115–245: *Provided further*,
22 That the Secretary of Health and Human Services, in con-
23 sultation with the Director of the CDC, shall provide a
24 report to the Committees on Appropriations of the House
25 of Representatives and the Senate every 14 days, for one

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1 year from the date from any such declaration or deter-
2 mination described in the third proviso of section 231 of
3 division B of Public Law 115–245, that details commit-
4 ment and obligation information for the Reserve Fund
5 during the prior two weeks, as long as such report would
6 detail obligations in excess of $5,000,000, and upon the
7 request by such Committees: *Provided further*, That funds
8 appropriated under this heading in this Act may be used
9 for grants for the rent, lease, purchase, acquisition, con-
10 struction, alteration, or renovation of non-federally owned
11 facilities to improve preparedness and response capability
12 at the State and local level: *Provided further*, That funds
13 provided under this heading in this Act may be used for
14 purchase and insurance of official motor vehicles in for-
15 eign countries: *Provided further*, That such amount is des-
16 ignated by the Congress as being for an emergency re-
17 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
18 anced Budget and Emergency Deficit Control Act of 1985.

19 NATIONAL INSTITUTES OF HEALTH

20 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

21 For an additional amount for "National Heart, Lung,
22 and Blood Institute", $103,400,000, to remain available
23 until September 30, 2024, to prevent, prepare for, and re-
24 spond to coronavirus, domestically or internationally: *Pro-*
25 *vided*, That such amount is designated by the Congress

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as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for "National Institute of Allergy and Infectious Diseases", $706,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That not less than $156,000,000 of the amounts provided under this heading in this Act shall be provided for the study of, construction of, demolition of, renovation of, and acquisition of equipment for, vaccine and infectious diseases research facilities of or used by NIH, including the acquisition of real property: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For an additional amount for "National Institute of Biomedical Imaging and Bioengineering", $60,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or

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internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL LIBRARY OF MEDICINE

For an additional amount for "National Library of Medicine", $10,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For an additional amount for "National Center for Advancing Translational Sciences", $36,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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1 OFFICE OF THE DIRECTOR

2 For an additional amount for "Office of the Direc-
3 tor", $30,000,000, to remain available until September
4 30, 2024, to prevent, prepare for, and respond to
5 coronavirus, domestically or internationally: *Provided*,
6 That these funds shall be available for the Common Fund
7 established under section 402A(c)(1) of the PHS Act: *Pro-*
8 *vided further*, That such amount is designated by the Con-
9 gress as being for an emergency requirement pursuant to
10 section 251(b)(2)(A)(i) of the Balanced Budget and
11 Emergency Deficit Control Act of 1985.

12 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
13 ADMINISTRATION

14 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

15 For an additional amount for "Heath Surveillance
16 and Program Support", $425,000,000, to remain avail-
17 able through September 30, 2021, to prevent, prepare for,
18 and respond to coronavirus, domestically or internation-
19 ally: *Provided*, That of the amount appropriated under
20 this heading in this Act, not less than $250,000,000 is
21 available for Certified Community Behavioral Health Clin-
22 ic Expansion Grant program: *Provided further*, That of the
23 amount appropriated under this heading in this Act, not
24 less than $50,000,000 shall be available for suicide pre-
25 vention programs: *Provided further*, That of the amount

AMERICAN OVERSIGHT

1 appropriated under this heading in this Act, not less than
2 $100,000,000 is available for activities authorized under
3 section 501(o) of the Public Health Service Act: *Provided*
4 *further*, That of the funding made available under this
5 heading in this Act, not less than $15,000,000 shall be
6 allocated to tribes, tribal organizations, urban Indian
7 health organizations, or health or behavioral health service
8 providers to tribes: *Provided further*, That such amount
9 is designated by the Congress as being for an emergency
10 requirement pursuant to section 251(b)(2)(A)(i) of the
11 Balanced Budget and Emergency Deficit Control Act of
12 1985.

13 CENTERS FOR MEDICARE & MEDICAID SERVICES

14 PROGRAM MANAGEMENT

15 For an additional amount for "Program Manage-
16 ment", $200,000,000, to remain available through Sep-
17 tember 30, 2023, to prevent, prepare for, and respond to
18 coronavirus, domestically and internationally: *Provided*,
19 That of the amount appropriated under this heading in
20 this Act, not less than $100,000,000 shall be available for
21 necessary expenses of the survey and certification pro-
22 gram, prioritizing nursing home facilities in localities with
23 community transmission of coronavirus: *Provided further*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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

3 ADMINISTRATION FOR CHILDREN AND FAMILIES

4 LOW INCOME HOME ENERGY ASSISTANCE

5 For an additional amount for "Low Income Home
6 Energy Assistance", $900,000,000, to remain available
7 through September 30, 2021, to prevent, prepare for, or
8 respond to coronavirus, domestically or internationally, for
9 making payments under subsection (b) of section 2602 of
10 the Low-Income Home Energy Assistance Act of 1981 (42
11 U.S.C. 8621 et seq.): *Provided*, That of the amount pro-
12 vided under this heading in this Act, $225,000,000 shall
13 be allocated as though the total appropriation for such
14 payments for fiscal year 2020 was less than
15 $1,975,000,000: *Provided further*, That section
16 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B))
17 shall not apply to funds made available under this heading
18 in this Act in fiscal year 2020: *Provided further*, That such
19 amount is designated by the Congress as being for an
20 emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 PAYMENTS TO STATES FOR THE CHILD CARE AND
2 DEVELOPMENT BLOCK GRANT

3 For an additional amount for "Payments to States
4 for the Child Care and Development Block Grant",
5 $3,500,000,000, to remain available through September
6 30, 2021, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including for
8 federal administrative expenses, which shall be used to
9 supplement, not supplant State, Territory, and Tribal gen-
10 eral revenue funds for child care assistance for low-income
11 families within the United States (including territories)
12 without regard to requirements in sections
13 658E(c)(3)(D)–(E) or 658G of the Child Care and Devel-
14 opment Block Grant Act: *Provided*, That funds provided
15 under this heading in this Act may be used to provide con-
16 tinued payments and assistance to child care providers in
17 the case of decreased enrollment or closures related to
18 coronavirus, and to assure they are able to remain open
19 or reopen as appropriate and applicable: *Provided further*,
20 That States, Territories, and Tribes are encouraged to
21 place conditions on payments to child care providers that
22 ensure that child care providers use a portion of funds
23 received to continue to pay the salaries and wages of staff:
24 *Provided further*, That the Secretary shall remind States
25 that CCDBG State plans do not need to be amended prior

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1 to utilizing existing authorities in the CCDBG Act for the
2 purposes provided herein: *Provided further*, That States,
3 Territories, and Tribes are authorized to use funds appro-
4 priated under this heading in this Act to provide child care
5 assistance to health care sector employees, emergency re-
6 sponders, sanitation workers, and other workers deemed
7 essential during the response to coronavirus by public offi-
8 cials, without regard to the income eligibility requirements
9 of section 658P(4) of such Act: *Provided further*, That
10 funds appropriated under this heading in this Act shall
11 be available to eligible child care providers under section
12 658P(6) of the CCDBG Act, even if such providers were
13 not receiving CCDBG assistance prior to the public health
14 emergency as a result of the coronavirus, for the purposes
15 of cleaning and sanitation, and other activities necessary
16 to maintain or resume the operation of programs: *Pro-*
17 *vided further*, That payments made under this heading in
18 this Act may be obligated in this fiscal year or the suc-
19 ceeding two fiscal years: *Provided further*, That funds ap-
20 propriated under this heading in this Act may be made
21 available to restore amounts, either directly or through re-
22 imbursement, for obligations incurred to prevent, prepare
23 for, and respond to coronavirus, domestically or inter-
24 nationally, prior to the date of enactment of this Act: *Pro-*
25 *vided further*, That such amount is designated by the Con-

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1 gress as being for an emergency requirement pursuant to
2 section 251(b)(2)(A)(i) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985.

4 CHILDREN AND FAMILIES SERVICES PROGRAMS

5 For an additional amount for "Children and Families
6 Services Programs", $1,874,000,000, to remain available
7 through September 30, 2021, to prevent, prepare for, and
8 respond to coronavirus, domestically or internationally,
9 which shall be used as follows: (1) $1,000,000,000 for car-
10 rying out activities under sections 674 through 679 of the
11 Community Services Block Grant Act, including for fed-
12 eral administrative expenses, and of which no part shall
13 be subject to section 674(b)(3) of such Act: *Provided*,
14 That to the extent Community Services Block Grant funds
15 are distributed as grant funds by a State to an eligible
16 entity as provided under such Act, and have not been ex-
17 pended by such entity, they shall remain with such entity
18 for carryover into the next two fiscal years for expenditure
19 by such entity consistent with program purpose: *Provided*
20 *further*, That for services furnished under such Act during
21 fiscal years 2020 and 2021, States may apply the last sen-
22 tence of section 673(2) of such Act by substituting "200
23 percent" for "125 percent"; (2) $750,000,000 for making
24 payments under the Head Start Act, including for Federal
25 administrative expenses, and allocated in an amount that

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1 bears the same ratio to such portion as the number of
2 enrolled children served by the agency involved bears to
3 the number of enrolled children by all Head Start agen-
4 cies: *Provided further*, That none of the funds appro-
5 priated in this paragraph shall be included in the calcula-
6 tion of the "base grant" in subsequent fiscal years, as
7 such term is defined in sections 640(a)(7)(A),
8 641A(h)(1)(B), or 645(d)(3) of the Head Start Act: *Pro-*
9 *vided further*, That funds appropriated in this paragraph
10 are not subject to the allocation requirements of section
11 640(a) of the Head Start Act: *Provided further*, That up
12 to $500,000,000 shall be available for the purpose of oper-
13 ating supplemental summer programs through non-com-
14 petitive grant supplements to existing grantees determined
15 to be most ready to operate those programs by the Office
16 of Head Start; (3) $2,000,000 for the National Domestic
17 Violence Hotline as authorized by section 303(b) of the
18 Family Violence Prevention and Services Act: *Provided*
19 *further*, That the Secretary may make such funds available
20 for providing hotline services remotely; (4) $45,000,000
21 for Family Violence Prevention and Services formula
22 grants as authorized by section 303(a) of the Family Vio-
23 lence and Prevention and Services Act with such funds
24 available to grantees without regard to matching require-
25 ments under section 306(c)(4) of such Act: *Provided fur-*

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1 *ther*, That the Secretary may make such funds available
2 for providing temporary housing and assistance to victims
3 of family, domestic, and dating violence; (5) $25,000,000
4 for carrying out activities under the Runaway and Home-
5 less Youth Act: *Provided further*, That such amounts shall
6 be used to supplement, not supplant, existing funds and
7 shall be available without regard to matching require-
8 ments; (6) $45,000,000 shall be used for child welfare
9 services as authorized by subpart 1 of part B of title IV
10 of the Social Security Act (other than sections 426, 427,
11 and 429 of such subpart), with such funds available to
12 grantees without regard to matching requirements under
13 section 424(a) of that Act or any applicable reductions in
14 federal financial participation under section 424(f) of that
15 Act; and (7) $7,000,000 for Federal administrative ex-
16 penses: *Provided further*, That funds appropriated under
17 this heading in this Act may be made available to restore
18 amounts, either directly or through reimbursement, for ob-
19 ligations incurred to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally, prior to the
21 date of enactment of this Act: *Provided further*, That such
22 amount is designated by the Congress as being for an
23 emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

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1 ADMINISTRATION FOR COMMUNITY LIVING
2 AGING AND DISABILITY SERVICES PROGRAMS
3 For an additional amount for "Aging and Disability
4 Services Programs", $955,000,000, to remain available
5 until September 30, 2021, to prevent, prepare for, and re-
6 spond to coronavirus, domestically or internationally: *Pro-*
7 *vided*, That of the amount made available under this head-
8 ing in this Act to prevent, prepare for, and respond to
9 coronavirus, $820,000,000 shall be for activities author-
10 ized under the Older Americans Act of 1965 ("OAA"),
11 including $200,000,000 for supportive services under part
12 B of title III; $500,000,000 for nutrition services under
13 subparts 1 and 2 of part C of title III; $20,000,000 for
14 nutrition services under title VI; $100,000,000 for support
15 services for family caregivers under part E of title III; and
16 $20,000,000 for elder rights protection activities, includ-
17 ing the long-term ombudsman program under title VII of
18 such Act: *Provided further*, That of the amount made
19 available under this heading in this Act, $50,000,000 shall
20 be for aging and disability resource centers authorized in
21 sections 202(b) and 411 of the OAA to prevent, prepare
22 for, and respond to coronavirus: *Provided further*, That of
23 the amount made available under this heading in this Act
24 to prevent, prepare for, and respond to coronavirus,
25 $85,000,000 shall be available for centers for independent

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1 living that have received grants funded under part C of
2 chapter I of title VII of the Rehabilitation Act of 1973:
3 *Provided further*, That to facilitate State use of funds pro-
4 vided under this heading in this Act, matching require-
5 ments under sections 304(d)(1)(D) and 373(g)(2) of the
6 OAA shall not apply to funds made available under this
7 heading in this Act: *Provided further*, That the transfer
8 authority under section 308(b)(4)(A) of the OAA shall
9 apply to funds made available under this heading in this
10 Act by substituting "100 percent" for "40 percent": *Pro-*
11 *vided further*, That the State Long-Term Care Ombuds-
12 man shall have continuing direct access (or other access
13 through the use of technology) to residents of long-term
14 care facilities during any portion of the public health
15 emergency relating to coronavirus beginning on the date
16 of enactment of this Act and ending on September 30,
17 2020, to provide services described in section 712(a)(3)(B)
18 of the OAA: *Provided further*, That such amount is des-
19 ignated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

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1 OFFICE OF THE SECRETARY

2 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

3 FUND

4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for ''Public Health and So-
6 cial Services Emergency Fund'', $27,014,500,000, to re-
7 main available until September 30, 2024, to prevent, pre-
8 pare for, and respond to coronavirus, domestically or
9 internationally, including the development of necessary
10 countermeasures and vaccines, prioritizing platform-based
11 technologies with U.S.-based manufacturing capabilities,
12 the purchase of vaccines, therapeutics, diagnostics, nec-
13 essary medical supplies, as well as medical surge capacity,
14 addressing blood supply chain, workforce modernization,
15 telehealth access and infrastructure, initial advanced man-
16 ufacturing, novel dispensing, enhancements to the U.S.
17 Commissioned Corps, and other preparedness and re-
18 sponse activities: *Provided*, That funds appropriated under
19 this paragraph in this Act may be used to develop and
20 demonstrate innovations and enhancements to manufac-
21 turing platforms to support such capabilities: *Provided*
22 *further*, That the Secretary of Health and Human Services
23 shall purchase vaccines developed using funds made avail-
24 able under this paragraph in this Act to respond to an
25 outbreak or pandemic related to coronavirus in quantities

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1 determined by the Secretary to be adequate to address the
2 public health need: *Provided further*, That products pur-
3 chased by the Federal government with funds made avail-
4 able under this paragraph in this Act, including vaccines,
5 therapeutics, and diagnostics, shall be purchased in ac-
6 cordance with Federal Acquisition Regulation guidance on
7 fair and reasonable pricing: *Provided further*, That the
8 Secretary may take such measures authorized under cur-
9 rent law to ensure that vaccines, therapeutics, and
10 diagnostics developed from funds provided in this Act will
11 be affordable in the commercial market: *Provided further*,
12 That in carrying out the previous proviso, the Secretary
13 shall not take actions that delay the development of such
14 products: *Provided further*, That products purchased with
15 funds appropriated under this paragraph in this Act may,
16 at the discretion of the Secretary of Health and Human
17 Services, be deposited in the Strategic National Stockpile
18 under section 319F–2 of the Public Health Service Act:
19 *Provided further*, That of the amount appropriated under
20 this paragraph in this Act, not more than
21 $16,000,000,000 shall be for the Strategic National
22 Stockpile under section 319F–2(a) of such Act: *Provided*
23 *further*, That funds appropriated under this paragraph in
24 this Act may be transferred to, and merged with, the fund
25 authorized by section 319F–4, the Covered Counter-

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1 measure Process Fund, of the Public Health Service Act:
2 *Provided further*, That of the amount appropriated under
3 this paragraph in this Act, not less than $250,000,000
4 shall be available for grants to or cooperative agreements
5 with entities that are either grantees or sub-grantees of
6 the Hospital Preparedness Program authorized in section
7 319C–2 of the Public Health Service Act or that meet
8 such other criteria as the Secretary may prescribe, with
9 such awards issued under such section or section 311 of
10 such Act: *Provided further*, That of the amount provided
11 under this paragraph in this Act, not less than
12 $3,500,000,000 shall be available to the Biomedical Ad-
13 vanced Research and Development Authority for necessary
14 expenses of manufacturing, production, and purchase, at
15 the discretion of the Secretary, of vaccines, therapeutics,
16 diagnostics, and small molecule active pharmaceutical in-
17 gredients, including the development, translation, and
18 demonstration at scale of innovations in manufacturing
19 platforms: *Provided further*, That funds in the previous
20 proviso may be used for the construction or renovation of
21 U.S.-based next generation manufacturing facilities, other
22 than facilities owned by the United States Government:
23 *Provided further*, That of the amount appropriated under
24 this paragraph in this Act, funds may be used to reim-
25 burse the Department of Veterans Affairs for expenses in-

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1 curred by the Veterans Health Administration to prevent,
2 prepare for, and respond to coronavirus, and to provide
3 medical care for such purposes to individuals not otherwise
4 eligible for care: *Provided further*, That funds used for the
5 preceding proviso shall be made available to reimburse the
6 Department of Veterans Affairs only if the Secretary of
7 Health and Human Services certifies to the Committees
8 on Appropriations of the House of Representatives and the
9 Senate that funds available for assignments under Public
10 Law 93–288, as amended, are insufficient and such funds
11 are necessary to reimburse the Department of Veterans
12 Affairs for expenses incurred to provide health care to ci-
13 vilians: *Provided further*, That the Secretary shall notify
14 the Committees on Appropriations of the House of Rep-
15 resentatives and the Senate not less than 3 days prior to
16 such certification: *Provided further*, That of the amounts
17 appropriated under this paragraph in this Act, not more
18 than $289,000,000 may be transferred as necessary to
19 other federal agencies for necessary expenses related to
20 medical care that are incurred to prevent, prepare for, and
21 respond to coronavirus for persons eligible for treatment
22 pursuant to section 322 of the Public Health Service Act,
23 as amended, as determined by the Secretary of the recipi-
24 ent agency: *Provided further*, That of the amount appro-
25 priated under this paragraph in this Act, $1,500,000 shall

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1 be available for the Secretary to enter into an agreement
2 with the National Academies of Sciences, Engineering,
3 and Medicine not later than 60 days after the date of en-
4 actment of this Act to examine, and, in a manner that
5 does not compromise national security, report on, the se-
6 curity of the United States medical product supply chain:
7 *Provided further*, That funds appropriated under this
8 paragraph in this Act may be used for grants for the con-
9 struction, alteration, or renovation of non-federally owned
10 facilities to improve preparedness and response capability
11 at the State and local level: *Provided further*, That funds
12 appropriated under this paragraph in this Act may be
13 used for the construction, alteration, or renovation of non-
14 federally owned facilities for the production of vaccines,
15 therapeutics, and diagnostics where the Secretary deter-
16 mines that such a contract is necessary to secure sufficient
17 amounts of such supplies: *Provided further*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 For an additional amount for the "Public Health and
23 Social Services Emergency Fund", $275,000,000, to re-
24 main available until September 30, 2022, to prevent, pre-
25 pare for, and respond to coronavirus, domestically or

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1 internationally: *Provided*, That $90,000,000 of the funds
2 appropriated under this paragraph shall be transferred to
3 "Health Resources and Services Administration—Ryan
4 White HIV/AIDS Program" to remain available until Sep-
5 tember 30, 2022 for modifications to existing contracts,
6 and supplements to existing grants and cooperative agree-
7 ments under parts A, B, C, D, and section 2692(a) of
8 title XXVI of the Public Health Service Act (referred to
9 as "PHS" Act) to respond to coronavirus, domestically or
10 internationally: *Provided further*, That supplements made
11 in the preceding proviso shall be awarded using a data-
12 driven methodology determined by the Secretary: *Provided*
13 *further*, That sections 2604(c), 2612(b), and 2651(c) of
14 the PHS Act shall not apply to funds under this para-
15 graph: *Provided further*, That $5,000,000 of the funds ap-
16 propriated under this paragraph shall be transferred to
17 "Health Resources and Services Administration—Health
18 Care Systems" to remain available until September 30,
19 2022, for activities under sections 1271 and 1273 of the
20 PHS Act to improve the capacity of poison control centers
21 to respond to increased calls: *Provided further*, That
22 $180,000,000 of the funds appropriated under this para-
23 graph shall be transferred to "Health Resources and Serv-
24 ices Administration—Rural Health" to remain available
25 until September 30, 2022, to carry out telehealth and

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1 rural health activities under sections 330A and 330I of
2 the PHS Act and sections 711 and 1820 of the Social
3 Security Act to prevent, prepare for, and respond to
4 coronavirus, domestically or internationally: *Provided fur-*
5 *ther*, That of the funding in the previous proviso, no less
6 than $15,000,000 shall be allocated to tribes, tribal orga-
7 nizations, urban Indian health organizations, or health
8 service providers to tribes: *Provided further*, That section
9 1820(g)(3)(A), section 1820(g)(3)(D) and section
10 1820(g)(3)(E) of such Act shall not apply to funds in the
11 preceding two provisos: *Provided further*, That funds ap-
12 propriated under this heading in this Act may be made
13 available to restore amounts, either directly or through re-
14 imbursement, for obligations incurred to prevent, prepare
15 for, and respond to coronavirus, domestically or inter-
16 nationally, prior to the date of enactment of this Act: *Pro-*
17 *vided further*, That for the purposes of any funding pro-
18 vided for fiscal year 2020 for the Health Centers Program
19 pursuant to section 330 of the PHS Act (42 U.S.C. 254b),
20 maintaining or increasing health center capacity and staff-
21 ing levels during a public health emergency related to
22 coronavirus shall be deemed a cost of prevention, diag-
23 nosis, and treatment of coronavirus: *Provided further*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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1 251(b)(2)(A)(i) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.
3 For an additional amount for "Public Health and So-
4 cial Services Emergency Fund", $100,000,000,000, to re-
5 main available until expended, to prevent, prepare for, and
6 respond to coronavirus, domestically or internationally, for
7 necessary expenses to reimburse, through grants or other
8 mechanisms, eligible health care providers for health care
9 related expenses or lost revenues that are attributable to
10 coronavirus: *Provided*, That these funds may not be used
11 to reimburse expenses or losses that have been reimbursed
12 from other sources or that other sources are obligated to
13 reimburse: *Provided further*, That recipients of payments
14 under this paragraph shall submit reports and maintain
15 documentation as the Secretary determines are needed to
16 ensure compliance with conditions that are imposed by
17 this paragraph for such payments, and such reports and
18 documentation shall be in such form, with such content,
19 and in such time as the Secretary may prescribe for such
20 purpose: *Provided further*, That "eligible health care pro-
21 viders" means public entities, Medicare or Medicaid en-
22 rolled suppliers and providers, and such for-profit entities
23 and not-for-profit entities not otherwise described in this
24 proviso as the Secretary may specify, within the United
25 States (including territories), that provide diagnoses, test-

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1 ing, or care for individuals with possible or actual cases
2 of COVID–19: *Provided further*, That the Secretary of
3 Health and Human Services shall, on a rolling basis, re-
4 view applications and make payments under this para-
5 graph in this Act: *Provided further*, That funds appro-
6 priated under this paragraph in this Act shall be available
7 for building or construction of temporary structures, leas-
8 ing of properties, medical supplies and equipment includ-
9 ing personal protective equipment and testing supplies, in-
10 creased workforce and trainings, emergency operation cen-
11 ters, retrofitting facilities, and surge capacity: *Provided*
12 *further*, That, in this paragraph, the term ''payment''
13 means a pre-payment, prospective payment, or retrospec-
14 tive payment, as determined appropriate by the Secretary:
15 *Provided further*, That payments under this paragraph
16 shall be made in consideration of the most efficient pay-
17 ment systems practicable to provide emergency payment:
18 *Provided further*, That to be eligible for a payment under
19 this paragraph, an eligible health care provider shall sub-
20 mit to the Secretary of Health and Human Services an
21 application that includes a statement justifying the need
22 of the provider for the payment and the eligible health
23 care provider shall have a valid tax identification number:
24 *Provided further*, That, not later than 3 years after final
25 payments are made under this paragraph, the Office of

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1 Inspector General of the Department of Health and
2 Human Services shall transmit a final report on audit
3 findings with respect to this program to the Committees
4 on Appropriations of the House of Representatives and the
5 Senate: *Provided further*, That nothing in this section lim-
6 its the authority of the Inspector General or the Comp-
7 troller General to conduct audits of interim payments at
8 an earlier date: *Provided further*, That not later than 60
9 days after the date of enactment of this Act, the Secretary
10 of Health and Human Services shall provide a report to
11 the Committees on Appropriations of the House of Rep-
12 resentatives and the Senate on obligation of funds, includ-
13 ing obligations to such eligible health care providers sum-
14 marized by State of the payment receipt: *Provided further*,
15 That such reports shall be updated and submitted to such
16 Committees every 60 days until funds are expended: *Pro-*
17 *vided further*, That such amount is designated by the Con-
18 gress as being for an emergency requirement pursuant to
19 section 251(b)(2)(A)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985.

21 DEPARTMENT OF EDUCATION

22 EDUCATION STABILIZATION FUND

23 For an additional amount for ''Education Stabiliza-
24 tion Fund'', $30,750,000,000, to remain available through
25 September 30, 2021, to prevent, prepare for, and respond

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1 to coronavirus, domestically or internationally: *Provided*,
2 That such amount is designated by the Congress as being
3 for an emergency requirement pursuant to section
4 251(b)(2)(A)(i) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985.

6 GENERAL PROVISIONS

7 EDUCATION STABILIZATION FUND

8 SEC. 18001. (a) ALLOCATIONS.—From the amount
9 made available under this heading in this Act to carry out
10 the Education Stabilization Fund, the Secretary shall first
11 allocate—

12 (1) not more than 1/2 of 1 percent to the out-
13 lying areas on the basis of their respective needs, as
14 determined by the Secretary, in consultation with
15 the Secretary of the Interior;

16 (2) one-half of 1 percent for the Secretary of
17 Interior, in consultation with the Secretary of Edu-
18 cation, for programs operated or funded by the Bu-
19 reau of Indian Education; and

20 (3) 1 percent for grants to States with the
21 highest coronavirus burden to support activities
22 under this heading in this Act, for which the Sec-
23 retary shall issue a notice inviting applications not
24 later than 30 days of enactment of this Act and ap-

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1 prove or deny applications not later than 30 days
2 after receipt.
3 (b) RESERVATIONS.—After carrying out subsection
4 (a), the Secretary shall reserve the remaining funds made
5 available as follows:
6 (1) 9.8 percent to carry out section 18002 of
7 this title.
8 (2) 43.9 percent to carry out section 18003 of
9 this title.
10 (3) 46.3 percent to carry out section 18004 of
11 this title.
12 GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND
13 SEC. 18002. (a) GRANTS.—From funds reserved
14 under section 18001(b)(1) of this title, the Secretary shall
15 make Emergency Education Relief grants to the Governor
16 of each State with an approved application. The Secretary
17 shall issue a notice inviting applications not later than 30
18 days of enactment of this Act and shall approve or deny
19 applications not later than 30 days after receipt.
20 (b) ALLOCATIONS.—The amount of each grant under
21 subsection (a) shall be allocated by the Secretary to each
22 State as follows:
23 (1) 60 percent on the basis of their relative
24 population of individuals aged 5 through 24.

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1 (2) 40 percent on the basis of their relative
2 number of children counted under section 1124(c) of
3 the Elementary and Secondary Education Act of
4 1965 (referred to under this heading as "ESEA").
5 (c) USES OF FUNDS.—Grant funds awarded under
6 subsection (b) may be used to—
7 (1) provide emergency support through grants
8 to local educational agencies that the State edu-
9 cational agency deems have been most significantly
10 impacted by coronavirus to support the ability of
11 such local educational agencies to continue to pro-
12 vide educational services to their students and to
13 support the on-going functionality of the local edu-
14 cational agency;
15 (2) provide emergency support through grants
16 to institutions of higher education serving students
17 within the State that the Governor determines have
18 been most significantly impacted by coronavirus to
19 support the ability of such institutions to continue to
20 provide educational services and support the on-
21 going functionality of the institution; and
22 (3) provide support to any other institution of
23 higher education, local educational agency, or edu-
24 cation related entity within the State that the Gov-
25 ernor deems essential for carrying out emergency

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1 educational services to students for authorized ac-
2 tivities described in section 18003(d)(1) of this title
3 or the Higher Education Act, the provision of child
4 care and early childhood education, social and emo-
5 tional support, and the protection of education-re-
6 lated jobs.

7 (d) REALLOCATION.—Each Governor shall return to
8 the Secretary any funds received under this section that
9 the Governor does not award within one year of receiving
10 such funds and the Secretary shall reallocate such funds
11 to the remaining States in accordance with subsection (b).

12 ELEMENTARY AND SECONDARY SCHOOL EMERGENCY
13 RELIEF FUND

14 SEC. 18003. (a) GRANTS.—From funds reserved
15 under section 18001(b)(2) of this title, the Secretary shall
16 make elementary and secondary school emergency relief
17 grants to each State educational agency with an approved
18 application. The Secretary shall issue a notice inviting ap-
19 plications not later than 30 days of enactment of this Act
20 and approve or deny applications not later than 30 days
21 after receipt.

22 (b) ALLOCATIONS TO STATES.—The amount of each
23 grant under subsection (a) shall be allocated by the Sec-
24 retary to each State in the same proportion as each State

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1 received under part A of title I of the ESEA of 1965 in
2 the most recent fiscal year.
3 (c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
4 CIES.—Each State shall allocate not less than 90 percent
5 of the grant funds awarded to the State under this section
6 as subgrants to local educational agencies (including char-
7 ter schools that are local educational agencies) in the State
8 in proportion to the amount of funds such local edu-
9 cational agencies and charter schools that are local edu-
10 cational agencies received under part A of title I of the
11 ESEA of 1965 in the most recent fiscal year.
12 (d) USES OF FUNDS.—A local educational agency
13 that receives funds under this title may use the funds for
14 any of the following:
15 (1) Any activity authorized by the ESEA of
16 1965, including the Native Hawaiian Education Act
17 and the Alaska Native Educational Equity, Support,
18 and Assistance Act (20 U.S.C. 6301 et seq.), the In-
19 dividuals with Disabilities Education Act (20 U.S.C.
20 1400 et seq.) ("IDEA"), the Adult Education and
21 Family Literacy Act (20 U.S.C. 1400 et seq.), the
22 Carl D. Perkins Career and Technical Education
23 Act of 2006 (20 U.S.C. 2301 et seq.) ("the Perkins
24 Act"), or subtitle B of title VII of the McKinney-

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1 Vento Homeless Assistance Act (42 U.S.C. 11431 et
2 seq.).
3 (2) Coordination of preparedness and response
4 efforts of local educational agencies with State, local,
5 Tribal, and territorial public health departments,
6 and other relevant agencies, to improve coordinated
7 responses among such entities to prevent, prepare
8 for, and respond to coronavirus.
9 (3) Providing principals and others school lead-
10 ers with the resources necessary to address the
11 needs of their individual schools.
12 (4) Activities to address the unique needs of
13 low-income children or students, children with dis-
14 abilities, English learners, racial and ethnic minori-
15 ties, students experiencing homelessness, and foster
16 care youth, including how outreach and service deliv-
17 ery will meet the needs of each population.
18 (5) Developing and implementing procedures
19 and systems to improve the preparedness and re-
20 sponse efforts of local educational agencies.
21 (6) Training and professional development for
22 staff of the local educational agency on sanitation
23 and minimizing the spread of infectious diseases.

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1 (7) Purchasing supplies to sanitize and clean
2 the facilities of a local educational agency, including
3 buildings operated by such agency.
4 (8) Planning for and coordinating during long-
5 term closures, including for how to provide meals to
6 eligible students, how to provide technology for on-
7 line learning to all students, how to provide guidance
8 for carrying out requirements under the Individuals
9 with Disabilities Education Act (20 U.S.C. 1401 et
10 seq.) and how to ensure other educational services
11 can continue to be provided consistent with all Fed-
12 eral, State, and local requirements.
13 (9) Purchasing educational technology (includ-
14 ing hardware, software, and connectivity) for stu-
15 dents who are served by the local educational agency
16 that aids in regular and substantive educational
17 interaction between students and their classroom in-
18 structors, including low-income students and stu-
19 dents with disabilities, which may include assistive
20 technology or adaptive equipment.
21 (10) Providing mental health services and sup-
22 ports.
23 (11) Planning and implementing activities re-
24 lated to summer learning and supplemental after-
25 school programs, including providing classroom in-

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1 struction or online learning during the summer
2 months and addressing the needs of low-income stu-
3 dents, students with disabilities, English learners,
4 migrant students, students experiencing homeless-
5 ness, and children in foster care.
6 (12) Other activities that are necessary to
7 maintain the operation of and continuity of services
8 in local educational agencies and continuing to em-
9 ploy existing staff of the local educational agency.
10 (e) STATE FUNDING.—With funds not otherwise allo-
11 cated under subsection (c), a State may reserve not more
12 than 1/2 of 1 percent for administrative costs and the re-
13 mainder for emergency needs as determined by the state
14 educational agency to address issues responding to
15 coronavirus, which may be addressed through the use of
16 grants or contracts.
17 (f) REALLOCATION.—A State shall return to the Sec-
18 retary any funds received under this section that the State
19 does not award within 1 year of receiving such funds and
20 the Secretary shall reallocate such funds to the remaining
21 States in accordance with subsection (b).
22 HIGHER EDUCATION EMERGENCY RELIEF FUND
23 SEC. 18004. (a) IN GENERAL.—The Secretary shall
24 allocate funding under this section as follows:

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1 (1) 90 percent to each institution of higher edu-
2 cation to prevent, prepare for, and respond to
3 coronavirus, by apportioning it—
4 (A) 75 percent according to the relative
5 share of full-time equivalent enrollment of Fed-
6 eral Pell Grant recipients who are not exclu-
7 sively enrolled in distance education courses
8 prior to the coronavirus emergency; and
9 (B) 25 percent according to the relative
10 share of full-time equivalent enrollment of stu-
11 dents who were not Federal Pell Grant recipi-
12 ents who are not exclusively enrolled in distance
13 education courses prior to the coronavirus
14 emergency.
15 (2) 7.5 percent for additional awards under
16 parts A and B of title III, parts A and B of title
17 V, and subpart 4 of part A of title VII of the Higher
18 Education Act to address needs directly related to
19 coronavirus, that shall be in addition to awards
20 made in section 18004(a)(1) of this title, and allo-
21 cated by the Secretary proportionally to such pro-
22 grams based on the relative share of funding appro-
23 priated to such programs in the Further Consoli-
24 dated Appropriations Act, 2020 (Public Law 116–
25 94) and which may be used to defray expenses (in-

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1 cluding lost revenue, reimbursement for expenses al-
2 ready incurred, technology costs associated with a
3 transition to distance education, faculty and staff
4 trainings, payroll) incurred by institutions of higher
5 education and for grants to students for any compo-
6 nent of the student's cost of attendance (as defined
7 under section 472 of the Higher Education Act), in-
8 cluding food, housing, course materials, technology,
9 health care, and child care.
10 (3) 2.5 percent for part B of title VII of the
11 Higher Education Act for institutions of higher edu-
12 cation that the Secretary determines have the great-
13 est unmet needs related to coronavirus, which may
14 be used to defray expenses (including lost revenue,
15 reimbursement for expenses already incurred, tech-
16 nology costs associated with a transition to distance
17 education, faculty and staff trainings, payroll) in-
18 curred by institutions of higher education and for
19 grants to students for any component of the stu-
20 dent's cost of attendance (as defined under section
21 472 of the Higher Education Act), including food,
22 housing, course materials, technology, health care,
23 and child care.
24 (b) DISTRIBUTION.—The funds made available to
25 each institution under subsection (a)(1) shall be distrib-

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1 uted by the Secretary using the same systems as the Sec-
2 retary otherwise distributes funding to each institution
3 under title IV of the Higher Education Act of 1965 (20
4 U.S.C. 1001 et seq.).

5 (c) USES OF FUNDS.—Except as otherwise specified
6 in subsection (a), an institution of higher education receiv-
7 ing funds under this section may use the funds received
8 to cover any costs associated with significant changes to
9 the delivery of instruction due to the coronavirus, so long
10 as such costs do not include payment to contractors for
11 the provision of pre-enrollment recruitment activities; en-
12 dowments; or capital outlays associated with facilities re-
13 lated to athletics, sectarian instruction, or religious wor-
14 ship. Institutions of higher education shall use no less
15 than 50 percent of such funds to provide emergency finan-
16 cial aid grants to students for expenses related to the dis-
17 ruption of campus operations due to coronavirus (includ-
18 ing eligible expenses under a student's cost of attendance,
19 such as food, housing, course materials, technology, health
20 care, and child care).

21 (d) SPECIAL PROVISIONS.—(1) In awarding grants
22 under section 18004(a)(3) of this title, the Secretary shall
23 give priority to any institution of higher education that
24 is not otherwise eligible for funding under paragraphs (1)
25 and (2) of section 18004(a) of this title of at least

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1 $500,000 and demonstrates significant unmet needs re-
2 lated to expenses associated with coronavirus.
3 (2) A Historically Black College and University or a
4 Minority Serving Institution may use prior awards pro-
5 vided under titles III, V, and VII of the Higher Education
6 Act to prevent, prepare for, and respond to coronavirus.
7 (e) REPORT.—An institution receiving funds under
8 this section shall submit a report to the Secretary, at such
9 time and in such manner as the Secretary may require,
10 that describes the use of funds provided under this section.
11 ASSISTANCE TO NON-PUBLIC SCHOOLS
12 SEC. 18005. (a) IN GENERAL.—A local educational
13 agency receiving funds under sections 18002 or 18003 of
14 this title shall provide equitable services in the same man-
15 ner as provided under section 1117 of the ESEA of 1965
16 to students and teachers in non-public schools, as deter-
17 mined in consultation with representatives of non-public
18 schools.
19 (b) PUBLIC CONTROL OF FUNDS.—The control of
20 funds for the services and assistance provided to a non-
21 public school under subsection (a), and title to materials,
22 equipment, and property purchased with such funds, shall
23 be in a public agency, and a public agency shall administer
24 such funds, materials, equipment, and property and shall

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1 provide such services (or may contract for the provision
2 of such services with a public or private entity).

3 CONTINUED PAYMENT TO EMPLOYEES

4 SEC. 18006. A local educational agency, State, insti-
5 tution of higher education, or other entity that receives
6 funds under "Education Stabilization Fund", shall to the
7 greatest extent practicable, continue to pay its employees
8 and contractors during the period of any disruptions or
9 closures related to coronavirus.

10 DEFINITIONS

11 SEC. 18007. Except as otherwise provided in sections
12 18001–18006 of this title, as used in such sections—

13 (1) the terms "elementary education" and "sec-
14 ondary education" have the meaning given such
15 terms under State law;

16 (2) the term "institution of higher education"
17 has the meaning given such term in title I of the
18 Higher Education Act of 1965 (20 U.S.C. 1001 et
19 seq.);

20 (3) the term "Secretary" means the Secretary
21 of Education;

22 (4) the term "State" means each of the 50
23 States, the District of Columbia, and the Common-
24 wealth of Puerto Rico;

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1 (5) the term "cost of attendance" has the
2 meaning given such term in section 472 of the High-
3 er Education Act of 1965.
4 (6) the term "Non-public school" means a non-
5 public elementary and secondary school that (A) is
6 accredited, licensed, or otherwise operates in accord-
7 ance with State law; and (B) was in existence prior
8 to the date of the qualifying emergency for which
9 grants are awarded under this section;
10 (7) the term "public school" means a public ele-
11 mentary or secondary school; and
12 (8) any other term used that is defined in sec-
13 tion 8101 of the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C. 7801) shall have the
15 meaning given the term in such section.
16 MAINTENANCE OF EFFORT
17 SEC. 18008. (a) A State's application for funds to
18 carry out sections 18002 or 18003 of this title shall in-
19 clude assurances that the State will maintain support for
20 elementary and secondary education, and State support
21 for higher education (which shall include State funding to
22 institutions of higher education and state need-based fi-
23 nancial aid, and shall not include support for capital
24 projects or for research and development or tuition and
25 fees paid by students) in fiscal years 2020 and 2021 at

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1 least at the levels of such support that is the average of
2 such State's support for elementary and secondary edu-
3 cation and for higher education provided in the 3 fiscal
4 years preceding the date of enactment of this Act.

5 (b) The secretary may waive the requirement in sub-
6 section (a) for the purpose of relieving fiscal burdens on
7 States that have experienced a precipitous decline in fi-
8 nancial resources.

9 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

10 For an additional amount for ''Safe Schools and Citi-
11 zenship Education'', $100,000,000, to remain available
12 through September 30, 2021, to prevent, prepare for, and
13 respond to coronavirus, domestically or internationally, to
14 supplement funds otherwise available for ''Project
15 SERV'', including to help elementary, secondary and post-
16 secondary schools clean and disinfect affected schools, and
17 assist in counseling and distance learning and associated
18 costs: *Provided*, That such amount is designated by the
19 Congress as being for an emergency requirement pursuant
20 to section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 GALLAUDET UNIVERSITY

23 For an additional amount for ''Gallaudet University'',
24 $7,000,000, to remain available through September 30,
25 2021, to prevent, prepare for, and respond to coronavirus,

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1 domestically or internationally, including to help defray
2 the expenses directly caused by coronavirus and to enable
3 grants to students for expenses directly related to
4 coronavirus and the disruption of university operations:
5 *Provided*, That such amount is designated by the Congress
6 as being for an emergency requirement pursuant to sec-
7 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
8 gency Deficit Control Act of 1985.

9 STUDENT AID ADMINISTRATION

10 For an additional amount for "Student Aid Adminis-
11 tration", $40,000,000, to remain available through Sep-
12 tember 30, 2021, to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally, for carrying
14 out part D of title I, and subparts 1, 3, 9 and 10 of part
15 A, and parts B, C, D, and E of title IV of the HEA, and
16 subpart 1 of part A of title VII of the Public Health Serv-
17 ice Act: *Provided*, That such amount is designated by the
18 Congress as being for an emergency requirement pursuant
19 to section 251(b)(2)(A)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985.

21 HOWARD UNIVERSITY

22 For an additional amount for "Howard University",
23 $13,000,000, to remain available through September 30,
24 2021, to prevent, prepare for, and respond to coronavirus,
25 domestically or internationally, including to help defray

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1 the expenses directly caused by coronavirus and to enable
2 grants to students for expenses directly related to
3 coronavirus and the disruption of university operations:
4 *Provided*, That such amount is designated by the Congress
5 as being for an emergency requirement pursuant to sec-
6 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985.

8 DEPARTMENTAL MANAGEMENT

9 PROGRAM ADMINISTRATION

10 For an additional amount for "Program Administra-
11 tion", $8,000,000, to remain available through September
12 30, 2021 to prevent, prepare for, and respond to
13 coronavirus, domestically or internationally: *Provided*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 OFFICE OF THE INSPECTOR GENERAL

19 For an additional amount for "Office of the Inspector
20 General", $7,000,000, to remain available through Sep-
21 tember 30, 2022, to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally, including for
23 salaries and expenses necessary for oversight and audit
24 of programs, grants, and projects funded in this Act to
25 respond to coronavirus: *Provided*, That such amount is

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1 designated by the Congress as being for an emergency re-
2 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985.

4 CORPORATION FOR PUBLIC BROADCASTING

5 For an additional amount for "Corporation for Public
6 Broadcasting", $75,000,000, to remain available through
7 September 30, 2021, to prevent, prepare for, and respond
8 to coronavirus, including for fiscal stabilization grants to
9 public telecommunications entities, as defined by 47
10 U.S.C. 397(12), with no deduction for administrative or
11 other costs of the Corporation, to maintain programming
12 and services and preserve small and rural stations threat-
13 ened by declines in non-Federal revenues: *Provided*, That
14 such amount is designated by the Congress as being for
15 an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

19 OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS
20 AND ADMINISTRATION

21 For an additional amount for "Institute of Museum
22 and Library Services", $50,000,000, to remain available
23 until September 30, 2021, to prevent, prepare for, and re-
24 spond to coronavirus, including grants to States, terri-
25 tories and tribes to expand digital network access, pur-

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1 chase internet accessible devices, and provide technical
2 support services: *Provided*, That any matching funds re-
3 quirements for States, tribes, libraries, and museums are
4 waived for grants provided with funds made available
5 under this heading in this Act: *Provided further*, That such
6 amount is designated by the Congress as being for an
7 emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 RAILROAD RETIREMENT BOARD

11 LIMITATION ON ADMINISTRATION

12 For an additional amount for the "Railroad Retire-
13 ment Board", $5,000,000, to remain available until Sep-
14 tember 30, 2021, to prevent, prepare for, and respond to
15 coronavirus, including the purchase of information tech-
16 nology equipment to improve the mobility of the workforce
17 and provide for additional hiring or overtime hours as
18 needed to administer the Railroad Unemployment Insur-
19 ance Act: *Provided*, That such amount is designated by
20 the Congress as being for an emergency requirement pur-
21 suant to section 251(b)(2)(A)(i) of the Balanced Budget
22 and Emergency Deficit Control Act of 1985.

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1 SOCIAL SECURITY ADMINISTRATION

2 LIMITATION ON ADMINISTRATIVE EXPENSES

3 For an additional amount for "Limitation on Admin-
4 istrative Expenses", $300,000,000, to remain available
5 through September 30, 2021 to prevent, prepare for, and
6 respond to coronavirus, domestically or internationally, in-
7 cluding paying the salaries and benefits of all employees
8 affected as a result of office closures, telework, phone and
9 communication services for employees, overtime costs, and
10 supplies, and for resources necessary for processing dis-
11 ability and retirement workloads and backlogs: *Provided*,
12 That such amount is designated by the Congress as being
13 for an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 GENERAL PROVISIONS—THIS TITLE

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 18108. Funds appropriated by this title may be
19 used by the Secretary of the Department of Health and
20 Human Services to appoint, without regard to the provi-
21 sions of sections 3309 through 3319 of title 5 of the
22 United States Code, candidates needed for positions to
23 perform critical work relating to coronavirus for which—
24 (1) public notice has been given; and

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1 (2) the Secretary of Health and Human Serv-
2 ices has determined that such a public health threat
3 exists.

4 SEC. 18109. Funds made available by this title may
5 be used to enter into contracts with individuals for the
6 provision of personal services (as described in section 104
7 of part 37 of title 48, Code of Federal Regulations (48
8 CFR 37.104)) to support the prevention of, preparation
9 for, or response to coronavirus, domestically and inter-
10 nationally, subject to prior notification to the Committees
11 on Appropriations of the House of Representatives and the
12 Senate: *Provided*, That such individuals may not be
13 deemed employees of the United States for the purpose
14 of any law administered by the Office of Personnel Man-
15 agement: *Provided further*, That the authority made avail-
16 able pursuant to this section shall expire on September
17 30, 2024.

18 SEC. 18110. (a) If services performed by an employee
19 during fiscal year 2020 are determined by the head of the
20 agency to be primarily related to preparation, prevention,
21 or response to coronavirus, any premium pay for such
22 services shall be disregarded in calculating the aggregate
23 of such employee's basic pay and premium pay for pur-
24 poses of a limitation under section 5547(a) of title 5,
25 United States Code, or under any other provision of law,

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1 whether such employee's pay is paid on a biweekly or cal-
2 endar year basis.
3 (b) Any overtime pay for such services shall be dis-
4 regarded in calculating any annual limit on the amount
5 of overtime pay payable in a calendar or fiscal year.
6 (c) With regard to such services, any pay that is dis-
7 regarded under either subsection (a) or (b) shall be dis-
8 regarded in calculating such employee's aggregate pay for
9 purposes of the limitation in section 5307 of such title 5.
10 (d)(1) Pay that is disregarded under subsection (a)
11 or (b) shall not cause the aggregate of the employee's basic
12 pay and premium pay for the applicable calendar year to
13 exceed the rate of basic pay payable for a position at level
14 II of the Executive Schedule under section 5313 of title
15 5, United States Code, as in effect at the end of such cal-
16 endar year.
17 (2) For purposes of applying this subsection to an
18 employee who would otherwise be subject to the premium
19 pay limits established under section 5547 of title 5, United
20 States Code, "premium pay" means the premium pay paid
21 under the provisions of law cited in section 5547(a).
22 (3) For purposes of applying this subsection to an
23 employee under a premium pay limit established under an
24 authority other than section 5547 of title 5, United States
25 Code, the agency responsible for administering such limit

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1 shall determine what payments are considered premium
2 pay.
3 (e) This section shall take effect as if enacted on Feb-
4 ruary 2, 2020.
5 (f) If application of this section results in the pay-
6 ment of additional premium pay to a covered employee of
7 a type that is normally creditable as basic pay for retire-
8 ment or any other purpose, that additional pay shall not—
9 (1) be considered to be basic pay of the covered
10 employee for any purpose; or
11 (2) be used in computing a lump-sum payment
12 to the covered employee for accumulated and ac-
13 crued annual leave under section 5551 or section
14 5552 of title 5, United States Code.
15 SEC. 18111. Funds appropriated by this title to the
16 heading "Department of Health and Human Services"
17 may be transferred to, and merged with, other appropria-
18 tion accounts under the headings "Centers for Disease
19 Control and Prevention", "Public Health and Social Serv-
20 ices Emergency Fund", "Administration for Children and
21 Families", "Administration for Community Living", and
22 "National Institutes of Health" to prevent, prepare for,
23 and respond to coronavirus following consultation with the
24 Office of Management and Budget: *Provided*, That the
25 Committees on Appropriations of the House of Represent-

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1 atives and the Senate shall be notified 10 days in advance
2 of any such transfer: *Provided further*, That, upon a deter-
3 mination that all or part of the funds transferred from
4 an appropriation by this title are not necessary, such
5 amounts may be transferred back to that appropriation:
6 *Provided further*, That none of the funds made available
7 by this title may be transferred pursuant to the authority
8 in section 205 of division A of Public Law 116–94 or sec-
9 tion 241(a) of the PHS Act.

10 SEC. 18112. Not later than 30 days after the date
11 of enactment of this Act, the Secretary of Health and
12 Human Services shall provide a detailed spend plan of an-
13 ticipated uses of funds made available to the Department
14 of Health and Human Services in this Act, including esti-
15 mated personnel and administrative costs, to the Commit-
16 tees on Appropriations of the House of Representatives
17 and the Senate: *Provided*, That such plans shall be up-
18 dated and submitted to such Committees every 60 days
19 until September 30, 2024: *Provided further*, That the
20 spend plans shall be accompanied by a listing of each con-
21 tract obligation incurred that exceeds $5,000,000 which
22 has not previously been reported, including the amount of
23 each such obligation.

24 SEC. 18113. Of the funds appropriated by this title
25 under the heading "Public Health and Social Services

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1 Emergency Fund'', up to $4,000,000 shall be transferred
2 to, and merged with, funds made available under the head-
3 ing ''Office of the Secretary, Office of Inspector General'',
4 and shall remain available until expended, for oversight
5 of activities supported with funds appropriated to the De-
6 partment of Health and Human Services to prevent, pre-
7 pare for, and respond to coronavirus, domestically or
8 internationally: *Provided*, That the Inspector General of
9 the Department of Health and Human Services shall con-
10 sult with the Committees on Appropriations of the House
11 of Representatives and the Senate prior to obligating such
12 funds: *Provided further*, That the transfer authority pro-
13 vided by this section is in addition to any other transfer
14 authority provided by law.

15 SEC. 18114. (a) Funds appropriated in title III of
16 the Coronavirus Preparedness and Response Supple-
17 mental Appropriations Act, 2020 (Public Law 116–123)
18 shall be paid to the ''Department of Homeland Security—
19 Countering Weapons of Mass Destruction Office—Federal
20 Assistance''account for costs incurred, including to reim-
21 burse costs incurred prior to the enactment of this Act,
22 under other transaction authority and related to screening
23 for coronavirus, domestically or internationally.

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1 (b) The term coronavirus has the meaning given the
2 term in section 506 of the Coronavirus Preparedness and
3 Response Supplemental Appropriations Act, 2020.
4 (c) The amounts repurposed in this section that were
5 previously designated by the Congress as an emergency
6 requirement pursuant to the Balanced Budget and Emer-
7 gency Deficit Control Act of 1985 are designated by the
8 Congress as an emergency requirement pursuant to sec-
9 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.
11 SEC. 18115. (a) IN GENERAL.—Every laboratory
12 that performs or analyzes a test that is intended to detect
13 SARS–CoV–2 or to diagnose a possible case of COVID–
14 19 shall report the results from each such test, to the Sec-
15 retary of Health and Human Services in such form and
16 manner, and at such timing and frequency, as the Sec-
17 retary may prescribe until the end of the Secretary's Pub-
18 lic Health Emergency declaration with respect to COVID–
19 19 or any extension of such declaration.
20 (b) LABORATORIES COVERED.—The Secretary may
21 prescribe which laboratories must submit reports pursuant
22 to this section.
23 (c) IMPLEMENTATION.—The Secretary may make
24 prescriptions under this section by regulation, including
25 by interim final rule, or by guidance, and may issue such

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1 regulations or guidance without regard to the procedures
2 otherwise required by section 553 of title 5, United States
3 Code.
4 (d) REPEALER.—Section 1702 of division A of the
5 Families First Coronavirus Response Act is repealed.

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1 TITLE IX

2 LEGISLATIVE BRANCH

3 SENATE

4 CONTINGENT EXPENSES OF THE SENATE

5 SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

6 For an additional amount for "Sergeant at Arms and
7 Doorkeeper of the Senate", $1,000,000, to remain avail-
8 able until expended, to prevent, prepare for, and respond
9 to coronavirus, domestically or internationally: *Provided*,
10 That such amount is designated by the Congress as being
11 for an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 MISCELLANEOUS ITEMS

15 For an additional amount for "Miscellaneous Items",
16 $9,000,000, to remain available until expended, to pre-
17 vent, prepare for, and respond to coronavirus, domestically
18 or internationally, subject to approval by the Committee
19 on Appropriations of the Senate and the Senate Com-
20 mittee on Rules and Administration: *Provided*, That such
21 amount is designated by the Congress as being for an
22 emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 HOUSE OF REPRESENTATIVES

2 SALARIES AND EXPENSES

3 For an additional amount for "Salaries and Ex-
4 penses", $25,000,000, to remain available until September
5 30, 2021, except that $5,000,000 shall remain available
6 until expended, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, to be allo-
8 cated in accordance with a spend plan submitted to the
9 Committee on Appropriations of the House of Representa-
10 tives by the Chief Administrative Officer and approved by
11 such Committee: *Provided*, That such amount is des-
12 ignated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 JOINT ITEMS

16 OFFICE OF THE ATTENDING PHYSICIAN

17 For an additional amount for "Office of the Attend-
18 ing Physician", $400,000, to remain available until ex-
19 pended, to prevent, prepare for, and respond to
20 coronavirus, domestically or internationally: *Provided*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 CAPITOL POLICE

2 SALARIES

3 For an additional amount for "Salaries",
4 $12,000,000, to remain available until September 30,
5 2021, to prevent, prepare for, and respond to coronavirus,
6 domestically or internationally: *Provided*, That the Capitol
7 Police may transfer amounts appropriated under this
8 heading in this Act to "General Expenses" without the
9 approval requirement of 2 U.S.C. 1907(a): *Provided fur-*
10 *ther*, That such amount is designated by the Congress as
11 being for an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 ARCHITECT OF THE CAPITOL

15 CAPITAL CONSTRUCTION AND OPERATIONS

16 For an additional amount for "Capital Construction
17 and Operations", $25,000,000, to remain available until
18 September 30, 2021, to prevent, prepare for, and respond
19 to coronavirus, domestically or internationally, including
20 to purchase and distribute cleaning and sanitation prod-
21 ucts throughout all facilities and grounds under the care
22 of the Architect of the Capitol, wherever located, and any
23 related services and operational costs: *Provided*, That the
24 Architect of the Capitol shall provide a report within 30
25 days enactment of this Act, and every 30 days thereafter,

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1 to the Committees on Appropriations of the Senate and
2 House of Representatives, the Senate Committee on Rules
3 and Administration, and the Committee on House Admin-
4 istration on expenditure of funds from amounts appro-
5 priated under this heading in this Act: *Provided further*,
6 That this amount shall be in addition to any other funds
7 available for such purposes in appropriations Acts for the
8 legislative branch: *Provided further*, That such amount is
9 designated by the Congress as being for an emergency re-
10 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 LIBRARY OF CONGRESS

13 SALARIES AND EXPENSES

14 For an additional amount for ''Salaries and Ex-
15 penses'', $700,000, to remain available until September
16 30, 2020, to prevent, prepare for, and respond to
17 coronavirus, domestically or internationally, to be made
18 available to the Little Scholars Child Development Center,
19 subject to approval by the Committees on Appropriations
20 of the Senate and House of Representatives, the Senate
21 Committee on Rules and Administration, and the Com-
22 mittee on House Administration: *Provided*, That such
23 amount is designated by the Congress as being for an
24 emergency requirement pursuant to section

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

3 GOVERNMENT ACCOUNTABILITY OFFICE

4 SALARIES AND EXPENSES

5 For an additional amount for "Salaries and Ex-
6 penses", $20,000,000, to remain available until expended,
7 to prevent, prepare for, and respond to coronavirus, do-
8 mestically or internationally, for audits and investigations
9 and for reimbursement of the Tiny Findings Child Devel-
10 opment Center for salaries for employees, as authorized
11 by this Act: *Provided*, That not later than 90 days after
12 the date of enactment of this Act, the Government Ac-
13 countability Office shall submit to the Committees on Ap-
14 propriations of the House of Representatives and the Sen-
15 ate a spend plan specifying funding estimates and a
16 timeline for such audits and investigations: *Provided fur-*
17 *ther*, That $600,000 shall be made available to the Tiny
18 Findings Child Development Center, subject to approval
19 by the Committees on Appropriations of the Senate and
20 House of Representatives, the Senate Committee on Rules
21 and Administration, and the Committee on House Admin-
22 istration: *Provided further*, That such amount is des-
23 ignated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

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1 GENERAL PROVISIONS—THIS TITLE

2 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
3 AND EXPENSES OF SENATE EMPLOYEE CHILD CARE
4 CENTER

5 SEC. 19001. The Secretary of the Senate shall reim-
6 burse the Senate Employee Child Care Center for per-
7 sonnel costs incurred starting on April 1, 2020, for em-
8 ployees of such Center who have been ordered to cease
9 working due to measures taken in the Capitol complex to
10 combat coronavirus, not to exceed $84,000 per month,
11 from amounts in the appropriations account "Miscella-
12 neous Items" within the contingent fund of the Senate.

13 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
14 AND EXPENSES OF HOUSE OF REPRESENTATIVES
15 CHILD CARE CENTER

16 SEC. 19002. (a) AUTHORIZING USE OF REVOLVING
17 FUND OR APPROPRIATED FUNDS.—Section 312(d)(3)(A)
18 of the Legislative Branch Appropriations Act, 1992 (2
19 U.S.C. 2062(d)(3)(A)) is amended—

20 (1) in subparagraph (A), by striking the period
21 at the end and inserting the following: ", and, at the
22 option of the Chief Administrative Officer during an
23 emergency situation, the payment of the salary of
24 other employees of the Center."; and

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

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"(C) During an emergency situation, the payment of such other expenses for activities carried out under this section as the Chief Administrative Officer determines appropriate.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2020 and each succeeding fiscal year.

PAYMENTS TO ENSURE CONTINUING AVAILABILITY OF GOODS AND SERVICES DURING THE CORONAVIRUS EMERGENCY

SEC. 19003. (a) AUTHORIZATION TO MAKE PAYMENTS.—Notwithstanding any other provision of law and subject to subsection (b), during an emergency situation, the Chief Administrative Officer of the House of Representatives may make payments under contracts with vendors providing goods and services to the House in amounts and under terms and conditions other than those provided under the contract in order to ensure that those goods and services remain available to the House throughout the duration of the emergency.

(b) CONDITIONS.—

(1) APPROVAL REQUIRED.—The Chief Administrative Officer may not make payments under the authority of subsection (a) without the approval of the Committee on House Administration of the House of Representatives.

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1 (2) AVAILABILITY OF APPROPRIATIONS.—The
2 authority of the Chief Administrative Officer to
3 make payments under the authority of subsection
4 (a) is subject to the availability of appropriations to
5 make such payments.
6 (c) APPLICABILITY.—This section shall apply with re-
7 spect to fiscal year 2020 and each succeeding fiscal year.
8 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
9 AND EXPENSES OF LITTLE SCHOLARS CHILD DEVEL-
10 OPMENT CENTER
11 SEC. 19004. The Library of Congress shall reimburse
12 Little Scholars Child Development Center for salaries for
13 employees incurred from April 1, 2020, to September 30,
14 2020, for employees of such Center who have been ordered
15 to cease working due to measures taken in the Capitol
16 complex to combat coronavirus, not to exceed $113,000
17 per month, from amounts in the appropriations account
18 "Library of Congress—Salaries and Expenses".
19 AUTHORIZING PAYMENTS UNDER SERVICE CONTRACTS
20 DURING THE CORONAVIRUS EMERGENCY
21 SEC. 19005. (a) AUTHORIZING PAYMENTS.—Not-
22 withstanding section 3324(a) of title 31, United States
23 Code, or any other provision of law and subject to sub-
24 section (b), if the employees of a contractor with a service
25 contract with the Architect of the Capitol are furloughed
26 or otherwise unable to work during closures, stop work

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1 orders, or reductions in service arising from or related to
2 the impacts of coronavirus, the Architect of the Capitol
3 may continue to make the payments provided for under
4 the contract for the weekly salaries and benefits of such
5 employees for not more than 16 weeks.

6 (b) AVAILABILITY OF APPROPRIATIONS.—The au-
7 thority of the Architect of the Capitol to make payments
8 under the authority of subsection (a) is subject to the
9 availability of appropriations to make such payments.

10 (c) REGULATIONS.—The Architect of the Capitol
11 shall promulgate such regulations as may be necessary to
12 carry out this section.

13 MASS MAILINGS AS FRANKED MAIL

14 SEC. 19006. (a) WAIVER.—Section 3210(a)(6)(D) of
15 title 39, United States Code, is amended by striking the
16 period at the end of the first sentence and inserting the
17 following: ", and in the case of the Commission, to waive
18 this paragraph in the case of mailings sent in response
19 to or to address threats to life safety.".

20 (b) EFFECTIVE DATE.—The amendments made by
21 this subsection shall apply with respect to mailings sent
22 on or after the date of the enactment of this Act.

23 TECHNICAL CORRECTION

24 SEC. 19007. In the matter preceding the first proviso
25 under the heading "Library of Congress—Salaries and
26 Expenses" in division E of the Further Consolidated Ap-

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1 propriations Act, 2020 (Public Law 116–94), strike "
2 $504,164,000" and insert " $510,164,000".

3 CONFORMING AMENDMENT

4 SEC. 19008. Section 110(a)(1)(A) of the Family and
5 Medical Leave Act of 1993 (as added by section 3102 of
6 the Families First Coronavirus Response Act (Public Law
7 116–127)) is amended—

8 (1) by inserting before "In lieu of" the fol-
9 lowing:

10 "(i) IN GENERAL.—"; and

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

12 "(ii) SPECIAL RULE.—For purposes of
13 applying section 102(a)(1)(F) and this sec-
14 tion under the Congressional Account-
15 ability Act of 1995, in lieu of the definition
16 in section 202(a)(2)(B) of that Act (2
17 U.S.C. 1312(a)(2)(B)), the term 'eligible
18 employee' means a covered employee (as
19 defined in section 101 of that Act (2
20 U.S.C. 1301)) who has been employed for
21 at least 30 calendar days by the employing
22 office (as so defined) with respect to whom
23 leave is requested under section
24 102(a)(1)(F).".

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1 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
2 AND EXPENSES OF TINY FINDINGS CHILD DEVELOP-
3 MENT CENTER

4 SEC. 19009. The Government Accountability Office
5 may reimburse the Tiny Findings Child Development Cen-
6 ter for salaries for employees incurred from April 1, 2020,
7 to September 30, 2020, for employees of such Center who
8 have been ordered to cease working due to measures taken
9 in the Capitol complex to combat coronavirus, not to ex-
10 ceed $100,000 per month, from amounts in the appropria-
11 tions account "Government Accountability Office—Sala-
12 ries and Expenses".

13 OVERSIGHT AND AUDIT AUTHORITY

14 SEC. 19010. (a) DEFINITIONS.—In this section—
15 (1) the term "appropriate congressional com-
16 mittees" means—
17 (A) the Committee on Appropriations of
18 the Senate;
19 (B) the Committee on Homeland Security
20 and Governmental Affairs of the Senate;
21 (C) the Committee on Health, Education,
22 Labor, and Pensions of the Senate;
23 (D) the Committee on Appropriations of
24 the House of Representatives;
25 (E) the Committee on Homeland Security
26 of the House of Representatives;

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1 (F) the Committee on Oversight and Re-
2 form of the House of Representatives; and
3 (G) the Committee on Energy and Com-
4 merce of the House of Representatives; and
5 (2) the term "Comptroller General" means the
6 Comptroller General of the United States.
7 (b) AUTHORITY.—The Comptroller General shall con-
8 duct monitoring and oversight of the exercise of authori-
9 ties, or the receipt, disbursement, and use of funds made
10 available, under this Act or any other Act to prepare for,
11 respond to, and recover from the Coronavirus 2019 pan-
12 demic and the effect of the pandemic on the health, econ-
13 omy, and public and private institutions of the United
14 States, including public health and homeland security ef-
15 forts by the Federal Government and the use of selected
16 funds under this or any other Act related to the
17 Coronavirus 2019 pandemic and a comprehensive audit
18 and review of charges made to Federal contracts pursuant
19 to authorities provided in the Coronavirus Aid, Relief, and
20 Economic Security Act.
21 (c) BRIEFINGS AND REPORTS.—In conducting moni-
22 toring and oversight under subsection (b), the Comptroller
23 General shall—
24 (1) during the period beginning on the date of
25 enactment of this Act and ending on the date on

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which the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19) expires, offer regular briefings on not less frequently than a monthly basis to the appropriate congressional committees regarding Federal public health and homeland security efforts;

(2) publish reports regarding the ongoing monitoring and oversight efforts, which, along with any audits and investigations conducted by the Comptroller General, shall be submitted to the appropriate congressional committees and posted on the website of the Government Accountability Office—

(A) not later than 90 days after the date of enactment of this Act, and every other month thereafter until the date that is 1 year after the date of enactment of this Act; and

(B) after the period described in subparagraph (A), on a periodic basis; and

(3) submit to the appropriate congressional committees additional reports as warranted by the findings of the monitoring and oversight activities of the Comptroller General.

(d) ACCESS TO INFORMATION.—

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1 (1) RIGHT OF ACCESS.—In conducting moni-
2 toring and oversight activities under this section, the
3 Comptroller General shall have access to records,
4 upon request, of any Federal, State, or local agency,
5 contractor, grantee, recipient, or subrecipient per-
6 taining to any Federal effort or assistance of any
7 type related to the Coronavirus 2019 pandemic
8 under this Act or any other Act, including private
9 entities receiving such assistance.
10 (2) COPIES.—The Comptroller General may
11 make and retain copies of any records accessed
12 under paragraph (1) as the Comptroller General de-
13 termines appropriate.
14 (3) INTERVIEWS.—In addition to such other au-
15 thorities as are available, the Comptroller General or
16 a designee of the Comptroller General may interview
17 Federal, State, or local officials, contractor staff,
18 grantee staff, recipients, or subrecipients pertaining
19 to any Federal effort or assistance of any type re-
20 lated to the Coronavirus 2019 pandemic under this
21 or any other Act, including private entities receiving
22 such assistance.
23 (4) INSPECTION OF FACILITIES.—As deter-
24 mined necessary by the Comptroller General, the
25 Government Accountability Office may inspect facili-

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1 ties at which Federal, State, or local officials, con-
2 tractor staff, grantee staff, or recipients or sub-
3 recipients carry out their responsibilities related to
4 the Coronavirus 2019 pandemic.
5 (5) ENFORCEMENT.—Access rights under this
6 subsection shall be subject to enforcement consistent
7 with section 716 of title 31, United States Code.
8 (e) RELATIONSHIP TO EXISTING AUTHORITY.—
9 Nothing in this section shall be construed to limit, amend,
10 supersede, or restrict in any manner any existing author-
11 ity of the Comptroller General.

12 NATIONAL EMERGENCY RELIEF AUTHORITY FOR THE
13 REGISTER OF COPYRIGHTS

14 SEC. 19011. (a) AMENDMENT.—Chapter 7 of title
15 17, United States Code, is amended by adding at the end
16 the following:

17 **"§ 710. Emergency relief authority**

18 "(a) EMERGENCY ACTION.—If, on or before Decem-
19 ber 31, 2021, the Register of Copyrights determines that
20 a national emergency declared by the President under the
21 National Emergencies Act (50 U.S.C. 1601 et seq.) gen-
22 erally disrupts or suspends the ordinary functioning of the
23 copyright system under this title, or any component there-
24 of, including on a regional basis, the Register may, on a
25 temporary basis, toll, waive, adjust, or modify any timing
26 provision (including any deadline or effective period, ex-

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1 cept as provided in subsection (c)) or procedural provision
2 contained in this title or chapters II or III of title 37,
3 Code of Federal Regulations, for no longer than the Reg-
4 ister reasonably determines to be appropriate to mitigate
5 the impact of the disruption caused by the national emer-
6 gency. In taking such action, the Register shall consider
7 the scope and severity of the particular national emer-
8 gency, and its specific effect with respect to the particular
9 provision, and shall tailor any remedy accordingly.

10 "(b) NOTICE AND EFFECT.—Any action taken by the
11 Register in response to a national emergency pursuant to
12 subsection (a) shall not be subject to section 701(e) or
13 subchapter II of chapter 5 of title 5, United States Code,
14 and chapter 7 of title 5, United States Code. The provision
15 of general public notice detailing the action being taken
16 by the Register in response to the national emergency
17 under subsection (a) is sufficient to effectuate such action.
18 The Register may make such action effective both prospec-
19 tively and retroactively in relation to a particular provision
20 as the Register determines to be appropriate based on the
21 timing, scope, and nature of the public emergency, but any
22 action by the Register may only be retroactive with respect
23 to a deadline that has not already passed before the dec-
24 laration described in subsection (a).

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1 "(c) STATEMENT REQUIRED.—Except as provided in
2 subsection (d), not later than 20 days after taking any
3 action that results in a provision being modified for a cu-
4 mulative total of longer than 120 days, the Register shall
5 submit to Congress a statement detailing the action taken,
6 the relevant background, and rationale for the action.
7 "(d) EXCEPTIONS.—The authority of the Register to
8 act under subsection (a) does not extend provisions under
9 this title requiring the commencement of an action or pro-
10 ceeding in Federal court within a specified period of time,
11 except that if the Register adjusts the license availability
12 date defined in section 115(e)(15), such adjustment shall
13 not affect the ability to commence actions for any claim
14 of infringement of exclusive rights provided by paragraphs
15 (1) and (3) of section 106 against a digital music provider
16 arising from the unauthorized reproduction or distribution
17 of a musical work by such digital music provider in the
18 course of engaging in covered activities that accrued after
19 January 1, 2018, provided that such action is commenced
20 within the time periods prescribed under section
21 115(d)(10)(C)(i) or 115(d)(10)(C)(ii) as calculated from
22 the adjusted license availability date. If the Register ad-
23 justs the license availability date, the Register must pro-
24 vide the statement to Congress under subsection (c) at the

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1 same time as the public notice of such adjustment with
2 a detailed explanation of why such adjustment is needed.
3 "(e) COPYRIGHT TERM EXCEPTION.—The authority
4 of the Register to act under subsection (a) does not extend
5 to provisions under chapter 3, except section 304(c), or
6 section 1401(a)(2).
7 "(f) OTHER LAWS.—Notwithstanding section 301 of
8 the National Emergencies Act (50 U.S.C. 1631), the au-
9 thority of the Register under subsection (a) is not contin-
10 gent on a specification made by the President under such
11 section or any other requirement under that Act (other
12 than the emergency declaration under section 201(a) of
13 such Act (50 U.S.C. 1621(a))). The authority described
14 in this section supersedes the authority of title II of the
15 National Emergencies Act (50 U.S.C. 1621 et seq.).".
16 (b) TECHNICAL AND CONFORMING AMENDMENT.—
17 The table of sections for chapter 7 of title 17, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

"710. Emergency relief authority.".

20 (c) EMERGENCY REQUIREMENT.—The amount pro-
21 vided by this section is designated by the Congress as
22 being for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

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1 TITLE X

2 DEPARTMENT OF VETERANS AFFAIRS

3 VETERANS BENEFITS ADMINISTRATION

4 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

5 ADMINISTRATION

6 For an additional amount for "General Operating
7 Expenses, Veterans Benefits Administration",
8 $13,000,000, to remain available until September 30,
9 2021, to prevent, prepare for, and respond to coronavirus,
10 domestically or internationally: *Provided*, That such
11 amount is designated by the Congress as being for an
12 emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 VETERANS HEALTH ADMINISTRATION

16 MEDICAL SERVICES

17 For an additional amount for "Medical Services",
18 $14,432,000,000, to remain available until September 30,
19 2021, to prevent, prepare for, and respond to coronavirus,
20 domestically or internationally, including related impacts
21 on health care delivery, and for support to veterans who
22 are homeless or at risk of becoming homeless: *Provided*,
23 That such amount is designated by the Congress as being
24 for an emergency requirement pursuant to section

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

3 MEDICAL COMMUNITY CARE

4 For an additional amount for "Medical Community
5 Care", $2,100,000,000, to remain available until Sep-
6 tember 30, 2021, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally, including re-
8 lated impacts on health care delivery: *Provided*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 MEDICAL SUPPORT AND COMPLIANCE

14 For an additional amount for "Medical Support and
15 Compliance", $100,000,000, to remain available until
16 September 30, 2021, to prevent, prepare for, and respond
17 to coronavirus, domestically or internationally, including
18 related impacts on health care delivery: *Provided*, That
19 such amount is designated by the Congress as being for
20 an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 MEDICAL FACILITIES

24 For an additional amount for "Medical Facilities",
25 $606,000,000, to remain available until September 30,

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1 2021, to prevent, prepare for, and respond to coronavirus,
2 domestically or internationally, including related impacts
3 on health care delivery: *Provided*, That such amount is
4 designated by the Congress as being for an emergency re-
5 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 DEPARTMENTAL ADMINISTRATION

8 GENERAL ADMINISTRATION

9 For an additional amount for ''General Administra-
10 tion'', $6,000,000, to remain available until September 30,
11 2021, to prevent, prepare for, and respond to coronavirus,
12 domestically or internationally: *Provided*, That such
13 amount is designated by the Congress as being for an
14 emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 INFORMATION TECHNOLOGY SYSTEMS

18 For an additional amount for ''Information Tech-
19 nology Systems'', $2,150,000,000, to remain available
20 until September 30, 2021, to prevent, prepare for, and re-
21 spond to coronavirus, domestically or internationally, in-
22 cluding related impacts on health care delivery: *Provided*,
23 That the Secretary shall transmit to the Committees on
24 Appropriations of both Houses of Congress a spend plan
25 detailing the allocation of such funds between pay and as-

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1 sociated costs, operations and maintenance, and informa-
2 tion technology systems development: *Provided further*,
3 That after such transmittal is provided, funds may only
4 be reprogrammed among the three subaccounts referenced
5 in the previous proviso after the Secretary of Veterans Af-
6 fairs submits notice to the Committees on Appropriations
7 of both Houses of Congress: *Provided further*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 OFFICE OF INSPECTOR GENERAL

13 For an additional amount for ''Office of Inspector
14 General'', $12,500,000, to remain available until Sep-
15 tember 30, 2022, to prevent, prepare for, and respond to
16 coronavirus, domestically or internationally, for oversight
17 and audit of programs, activities, grants and projects
18 funded under this title: *Provided*, That such amount is
19 designated by the Congress as being for an emergency re-
20 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
21 anced Budget and Emergency Deficit Control Act of 1985.

22 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
23 FACILITIES

24 For an additional amount for ''Grants for Construc-
25 tion of State Extended Care Facilities'', $150,000,000, to

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1 remain available until September 30, 2021, to prevent,
2 prepare for, and respond to coronavirus, domestically or
3 internationally, including to modify or alter existing hos-
4 pital, nursing home, and domiciliary facilities in State
5 homes: *Provided*, That such amount is designated by the
6 Congress as being for an emergency requirement pursuant
7 to section 251(b)(2)(A)(i) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 RELATED AGENCIES

10 ARMED FORCES RETIREMENT HOME TRUST FUND

11 For an additional amount for the ''Armed Forces Re-
12 tirement Home Trust Fund'', $2,800,000, to remain avail-
13 able until September 30, 2021, to prevent, prepare for,
14 and respond to coronavirus, to be paid from funds avail-
15 able in the Armed Forces Retirement Home Trust Fund:
16 *Provided*, That of the amounts made available under this
17 heading from funds available in the Armed Forces Retire-
18 ment Home Trust Fund, $2,800,000 shall be paid from
19 the general fund of the Treasury to the Trust Fund: *Pro-*
20 *vided further*, That the Chief Executive Officer of the
21 Armed Forces Retirement Home shall submit to the Com-
22 mittees on Appropriations of both Houses of Congress
23 monthly reports detailing obligations, expenditures, and
24 planned activities: *Provided further*, That such amount is
25 designated by the Congress as being for an emergency re-

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

3 GENERAL PROVISIONS—THIS TITLE

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 20001. Amounts made available for the Depart-
6 ment of Veterans Affairs in this title, under the ''Medical
7 Services'', ''Medical Community Care'', ''Medical Support
8 and Compliance'', and ''Medical Facilities'' accounts may
9 be transferred among the accounts to prevent, prepare for,
10 and respond to coronavirus, domestically and internation-
11 ally: *Provided*, That any transfers among the ''Medical
12 Services'', ''Medical Community Care'', ''Medical Support
13 and Compliance'', and ''Medical Facilities'' accounts of 2
14 percent or less of the total amount appropriated to an ac-
15 count in this title may take place subject to notification
16 from the Secretary of Veterans Affairs to the Committees
17 on Appropriations of both Houses of Congress of the
18 amount and purpose of the transfer: *Provided further*,
19 That any transfers among the ''Medical Services'', ''Med-
20 ical Community Care'', ''Medical Support and Compli-
21 ance'', and ''Medical Facilities'' accounts in excess of 2
22 percent of the total amount appropriated to an account
23 in this title, or exceeding a cumulative 2 percent for all
24 of the funds provided in this title, may take place only
25 after the Secretary requests from the Committees on Ap-

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1 propriations of both Houses of Congress the authority to
2 make the transfer and an approval is issued.

3 SEC. 20002. For all of the funds appropriated in this
4 title the Secretary of Veterans Affairs shall submit to the
5 Committees on Appropriations of both Houses of Congress
6 monthly reports detailing obligations, expenditures, and
7 planned activities.

8 PUBLIC HEALTH EMERGENCY

9 SEC. 20003. In this title, the term "public health
10 emergency" means an emergency with respect to COVID–
11 19 declared by a Federal, State, or local authority.

12 SHORT-TERM AGREEMENTS OR CONTRACTS WITH TELE-
13 COMMUNICATIONS PROVIDERS TO EXPAND TELE-
14 MENTAL HEALTH SERVICES FOR ISOLATED VET-
15 ERANS DURING A PUBLIC HEALTH EMERGENCY

16 SEC. 20004. (a) IN GENERAL.—Notwithstanding any
17 other provision of law, the Secretary of Veterans Affairs
18 may enter into short-term agreements or contracts with
19 telecommunications companies to provide temporary, com-
20 plimentary or subsidized, fixed and mobile broadband
21 services for the purposes of providing expanded mental
22 health services to isolated veterans through telehealth or
23 VA Video Connect during a public health emergency.

24 (b) ELIGIBILITY.—

25 (1) IN GENERAL.—The Secretary may expand
26 eligibility for services described in subsection (a)

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1 from the Department of Veterans Affairs to include
2 veterans already receiving care from the Department
3 who may not be eligible for mental health services or
4 other health care services delivered through tele-
5 health or VA Video Connect.
6 (2) PRIORITY.—For purposes of expanding eli-
7 gibility under paragraph (1), the Secretary shall
8 prioritize—
9 (A) veterans who are in unserved and un-
10 derserved areas;
11 (B) veterans who reside in rural and highly
12 rural areas, as defined in the Rural-Urban
13 Commuting Areas coding system of the Depart-
14 ment of Agriculture;
15 (C) low-income veterans; and
16 (D) any other veterans that the Secretary
17 considers to be at a higher risk for suicide and
18 mental health concerns during isolation periods
19 due to a public health emergency.
20 (c) DEFINITIONS.—In this section:
21 (1) TELEHEALTH.—
22 (A) IN GENERAL.—The term "telehealth"
23 means the use of electronic information and
24 telecommunications technologies to support and
25 promote long-distance clinical health care, pa-

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1 tient and professional health-related education,
2 public health, and health administration.
3 (B) TECHNOLOGIES.—For purposes of
4 subparagraph (A), telecommunications tech-
5 nologies include videoconferencing, the internet,
6 streaming media, and terrestrial and wireless
7 communications.
8 (2) VA VIDEO CONNECT.—The term "VA Video
9 Connect" means the program of the Department of
10 Veterans Affairs to connect veterans with their
11 health care team from anywhere, using encryption to
12 ensure a secure and private session.
13 TREATMENT OF STATE HOMES DURING PUBLIC HEALTH
14 EMERGENCY
15 SEC. 20005. (a) WAIVER OF OCCUPANCY RATE RE-
16 QUIREMENTS.—During a public health emergency, occu-
17 pancy rate requirements for State homes for purposes of
18 receiving per diem payments set forth in section 51.40(c)
19 of title 38, Code of Federal Regulations, or successor regu-
20 lations, shall not apply.
21 (b) WAIVER OF VETERAN PERCENTAGE REQUIRE-
22 MENTS.—During a public health emergency, the veteran
23 percentage requirements for State homes set forth in sec-
24 tion 51.210(d) of title 38, Code of Regulations, or suc-
25 cessor regulations, and in agreements for grants to con-
26 struct State homes, shall not apply.

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1 (c) PROVISION OF MEDICINE, EQUIPMENT, AND SUP-
2 PLIES.—
3 (1) IN GENERAL.—During a public health
4 emergency, the Secretary of Veterans Affairs may
5 provide to State homes medicines, personal protec-
6 tive equipment, medical supplies, and any other
7 equipment, supplies, and assistance available to the
8 Department of Veterans Affairs.
9 (2) PROVISION OF EQUIPMENT.—Personal pro-
10 tective equipment may be provided under paragraph
11 (1) through the All Hazards Emergency Cache of
12 the Department of Veterans Affairs or any other
13 source available to the Department.
14 (d) DEFINITIONS.—In this section:
15 (1) PERSONAL PROTECTIVE EQUIPMENT.—The
16 term ''personal protective equipment'' means any
17 protective equipment required to prevent the wearer
18 from contracting COVID–19, including gloves, N–95
19 respirator masks, gowns, goggles, face shields, or
20 other equipment required for safety.
21 (2) PUBLIC HEALTH EMERGENCY.—The term
22 ''public health emergency'' means an emergency with
23 respect to COVID–19 declared by a Federal, State,
24 or local authority.

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1 (3) STATE HOME.—The term "State home" has
2 the meaning given that term in section 101(19) of
3 title 38, United States Code.

4 MODIFICATIONS TO VETERAN DIRECTED CARE PROGRAM
5 OF DEPARTMENT OF VETERANS AFFAIRS

6 SEC. 20006. (a) TELEPHONE OR TELEHEALTH RE-
7 NEWALS.—For the Veteran Directed Care program of the
8 Department of Veterans Affairs (in this section referred
9 to as the "Program"), during a public health emergency,
10 the Secretary of Veterans Affairs shall—

11 (1) waive the requirement that an area agency
12 on aging process new enrollments and six-month re-
13 newals for the Program via an in-person or home
14 visit; and

15 (2) allow new enrollments and sixth-month re-
16 newals for the Program to be conducted via tele-
17 phone or telehealth modality.

18 (b) NO SUSPENSION OR DISENROLLMENT.—During
19 a public health emergency, the Secretary shall not suspend
20 or dis-enroll a veteran or caregiver of a veteran from the
21 Program unless—

22 (1) requested to do so by the veteran or a rep-
23 resentative of the veteran; or

24 (2) a mutual decision is made between the vet-
25 eran and a health care provider of the veteran to

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1 suspend or dis-enroll the veteran or caregiver from
2 the Program.
3 (c) WAIVER OF PAPERWORK REQUIREMENT.—Dur-
4 ing a public health emergency, the Secretary may waive
5 the requirement for signed, mailed paperwork to confirm
6 the enrollment or renewal of a veteran in the Program
7 and may allow verbal consent of the veteran via telephone
8 or telehealth modality to suffice for purposes of such en-
9 rollment or renewal.
10 (d) WAIVER OF OTHER REQUIREMENTS.—During a
11 public health emergency, the Secretary shall waive—
12 (1) any penalty for late paperwork relating to
13 the Program; and
14 (2) any requirement to stop payments for vet-
15 erans or caregivers of veterans under the Program
16 if they are out of State for more than 14 days.
17 (e) AREA AGENCY ON AGING DEFINED.—In this sec-
18 tion, the term "area agency on aging" has the meaning
19 given that term in section 102 of the Older Americans Act
20 of 1965 (42 U.S.C. 3002).
21 PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF
22 PROSTHETIC APPLIANCES THROUGH NON-DEPART-
23 MENT PROVIDERS DURING PUBLIC HEALTH EMER-
24 GENCY
25 SEC. 20007. The Secretary of Veterans Affairs shall
26 ensure that, to the extent practicable, veterans who are

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1 receiving or are eligible to receive a prosthetic appliance
2 under section 1714 or 1719 of title 38, United States
3 Code, are able to receive such an appliance that the Sec-
4 retary determines is needed from a non-Department of
5 Veterans Affairs provider under a contract with the De-
6 partment during a public health emergency.

7 WAIVER OF PAY CAPS FOR EMPLOYEES OF DEPARTMENT
8 OF VETERANS AFFAIRS DURING PUBLIC HEALTH
9 EMERGENCIES

10 SEC. 20008. (a) IN GENERAL.—Notwithstanding any
11 other provision of law, the Secretary of Veterans Affairs
12 may waive any limitation on pay for an employee of the
13 Department of Veterans Affairs during a public health
14 emergency for work done in support of response to the
15 emergency.

16 (b) REPORTING.—

17 (1) IN GENERAL.—For each month that the
18 Secretary waives a limitation under subsection (a),
19 the Secretary shall submit to the Committee on Vet-
20 erans' Affairs of the Senate and the Committee on
21 Veterans' Affairs of the House of Representatives a
22 report on the waiver.

23 (2) CONTENTS.—Each report submitted under
24 paragraph (1) for a waiver or waivers in a month
25 shall include the following:

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1 (A) Where the waiver or waivers were
2 used, including in which component of the De-
3 partment and, as the case may be, which med-
4 ical center of the Department.
5 (B) For how many employees the waiver or
6 waivers were used, disaggregated by component
7 of the Department and, if applicable, medical
8 center of the Department.
9 (C) The average amount by which each
10 payment exceeded the waived pay limitation
11 that was waived, disaggregated by component of
12 the Department and, if applicable, medical cen-
13 ter of the Department.
14 (c) EMPLOYEE OF THE DEPARTMENT OF VETERANS
15 AFFAIRS DEFINED.—In this section, the term "employee
16 of the Department of Veterans Affairs" includes any em-
17 ployee of the Department of Veterans Affairs, regardless
18 of the authority under which the employee was hired.
19 PROVISION BY DEPARTMENT OF VETERANS AFFAIRS OF
20 PERSONAL PROTECTIVE EQUIPMENT FOR HOME
21 HEALTH WORKERS
22 SEC. 20009. (a) PROVISION OF EQUIPMENT.—
23 (1) IN GENERAL.—During a public health
24 emergency, the Secretary of Veterans Affairs shall
25 provide to employees and contractors of the Depart-
26 ment of Veterans Affairs personal protective equip-

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1 ment necessary to provide home care to veterans
2 under the laws administered by the Secretary.
3 (2) SOURCE OF EQUIPMENT.—Personal protec-
4 tive equipment may be provided under paragraph (1)
5 through the All Hazards Emergency Cache of the
6 Department or any other source available to the De-
7 partment.
8 (b) DEFINITIONS.—In this section:
9 (1) HOME CARE.—The term "home care" has
10 the meaning given that term in section 1803(c) of
11 title 38, United States Code.
12 (2) PERSONAL PROTECTIVE EQUIPMENT.—The
13 term "personal protective equipment" means any
14 protective equipment required to prevent the wearer
15 from contracting COVID–19, including gloves, N–95
16 respirator masks, gowns, goggles, face shields, or
17 other equipment required for safety.
18 CLARIFICATION OF TREATMENT OF PAYMENTS FOR PUR-
19 POSES OF ELIGIBILITY FOR VETERANS PENSION AND
20 OTHER VETERANS BENEFITS
21 SEC. 20010. Amounts paid to a person under the
22 2020 Recovery Rebate in the Coronavirus Aid, Relief, and
23 Economic Security Act shall not be treated as income or
24 resources for purposes of determining eligibility for pen-
25 sion under chapter 15 of title 38, United States Code, or

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1 any other benefit under a law administered by the Sec-
2 retary of Veterans Affairs.

3 AVAILABILITY OF TELEHEALTH FOR CASE MANAGERS
4 AND HOMELESS VETERANS

5 SEC. 20011. The Secretary of Veterans Affairs shall
6 ensure that telehealth capabilities are available during a
7 public health emergency for case managers of, and home-
8 less veterans participating in, the Department of Housing
9 and Urban Development–Department of Veterans Affairs
10 Supportive Housing program (commonly referred to as
11 "HUD–VASH").

12 FUNDING LIMITS FOR FINANCIAL ASSISTANCE FOR SUP-
13 PORTIVE SERVICES FOR VERY LOW-INCOME VET-
14 ERAN FAMILIES IN PERMANENT HOUSING DURING A
15 PUBLIC HEALTH EMERGENCY

16 SEC. 20012. In the case of a public health emergency,
17 nothing in subsection (e)(1) of section 2044 of title 38,
18 United States Code, may be construed as limiting amounts
19 that may be made available for carrying out subsections
20 (a), (b), and (c) of such section.

21 MODIFICATIONS TO COMPREHENSIVE SERVICE PROGRAMS
22 FOR HOMELESS VETERANS DURING A PUBLIC
23 HEALTH EMERGENCY

24 SEC. 20013. (a) RULE OF CONSTRUCTION.—In the
25 case of a public health emergency, no authorization of ap-
26 propriations in section 2014 of title 38, United States

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1 Code, may be construed as limiting amounts that may be
2 appropriated for carrying out subchapter II of chapter 20
3 of such title.

4 (b) GRANTS AND PER DIEM PAYMENTS.—In the case
5 of a public health emergency, the Secretary of Veterans
6 Affairs may waive any limits on—

7 (1) grant amounts under sections 2011 and
8 2061 of title 38, United States Code; and

9 (2) rates for per diem payments under sections
10 2012 and 2061 of such title.

11 (c) PARTICIPANT ABSENCE.—Notwithstanding Vet-
12 erans Health Administration Handbook 1162.01(1), dated
13 July 12, 2013, and amended June 30, 2014, and titled
14 "Grant and Per Diem (GPD) Program", or any other pro-
15 vision of law, for the duration of a public health emer-
16 gency, the Secretary—

17 (1) shall waive any requirement to discharge a
18 veteran from the grant and per diem program of the
19 Veterans Health Administration after the veteran is
20 absent for 14 days; and

21 (2) may continue to pay per diem to grant re-
22 cipients and eligible entities under the program for
23 any additional days of absence when a veteran has
24 already been absent for more than 72 hours.

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1 SEC. 20014. The amounts provided by sections
2 20003 through 20013 of this title in this Act are des-
3 ignated by the Congress as being for an emergency re-
4 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

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1 TITLE XI

2 DEPARTMENT OF STATE

3 ADMINISTRATION OF FOREIGN AFFAIRS

4 DIPLOMATIC PROGRAMS

5 For an additional amount for "Diplomatic Pro-
6 grams", $324,000,000, to remain available until Sep-
7 tember 30, 2022, to prevent, prepare for, and respond to
8 coronavirus, including for necessary expenses to maintain
9 consular operations and to provide for evacuation expenses
10 and emergency preparedness: *Provided*, That such amount
11 is designated by the Congress as being for an emergency
12 requirement pursuant to section 251(b)(2)(A)(i) of the
13 Balanced Budget and Emergency Deficit Control Act of
14 1985.

15 UNITED STATES AGENCY FOR INTERNATIONAL
16 DEVELOPMENT

17 FUNDS APPROPRIATED TO THE PRESIDENT

18 OPERATING EXPENSES

19 For an additional amount for "Operating Expenses",
20 $95,000,000, to remain available until September 30,
21 2022, to prevent, prepare for, and respond to coronavirus:
22 *Provided*, That such amount is designated by the Congress
23 as being for an emergency requirement pursuant to sec-
24 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

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1 BILATERAL ECONOMIC ASSISTANCE

2 FUNDS APPROPRIATED TO THE PRESIDENT

3 INTERNATIONAL DISASTER ASSISTANCE

4 For an additional amount for "International Disaster
5 Assistance", $258,000,000, to remain available until ex-
6 pended, to prevent, prepare for, and respond to
7 coronavirus: *Provided*, That such amount is designated by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 DEPARTMENT OF STATE

12 MIGRATION AND REFUGEE ASSISTANCE

13 For an additional amount for "Migration and Ref-
14 ugee Assistance", $350,000,000, to remain available until
15 expended, to prevent, prepare for, and respond to
16 coronavirus: *Provided*, That such amount is designated by
17 the Congress as being for an emergency requirement pur-
18 suant to section 251(b)(2)(A)(i) of the Balanced Budget
19 and Emergency Deficit Control Act of 1985.

20 INDEPENDENT AGENCIES

21 PEACE CORPS

22 For an additional amount for "Peace Corps",
23 $88,000,000, to remain available until September 30,
24 2022, to prevent, prepare for, and respond to coronavirus:
25 *Provided*, That such amount is designated by the Congress

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as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

(INCLUDING TRANSFER OF FUNDS)

SEC. 21001. The authorities and limitations of section 402 of the Coronavirus Preparedness and Response Supplemental Appropriations Act (division A of Public Law 116–123) shall apply to funds appropriated by this title as follows:

(1) Subsections (a), (d), (e), and (f) shall apply to funds under the heading "Diplomatic Programs"; and

(2) Subsections (c), (d), (e), and (f) shall apply to funds under the heading "International Disaster Assistance".

SEC. 21002. Funds appropriated by this title under the headings "Diplomatic Programs", "Operating Expenses", and "Peace Corps" may be used to reimburse such accounts administered by the Department of State, the United States Agency for International Development, and the Peace Corps, as appropriate, for obligations incurred to prevent, prepare for, and respond to coronavirus prior to the date of enactment of this Act.

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1 SEC. 21003. The reporting requirement of section
2 406(b) of the Coronavirus Preparedness and Response
3 Supplemental Appropriations Act, 2020 (division A of
4 Public Law 116–123) shall apply to funds appropriated
5 by this title: *Provided*, That the requirement to jointly
6 submit such report shall not apply to the Director of the
7 Peace Corps: *Provided further*, That reports required by
8 such section may be consolidated and shall include infor-
9 mation on all funds made available to such Federal agen-
10 cies to prevent, prepare for, and respond to coronavirus.
11 SEC. 21004. Section 7064(a) of the Department of
12 State, Foreign Operations, and Related Programs Appro-
13 priations Act, 2020 (division G of Public Law 116–94)
14 is amended by striking " $100,000,000" and inserting in
15 lieu thereof " $110,000,000", and by adding the following
16 before the period at the end: ": *Provided*, That no amounts
17 may be used that were designated by the Congress for
18 Overseas Contingency Operations/Global War on Ter-
19 rorism pursuant to the Concurrent Resolution on the
20 Budget or the Balanced Budget and Emergency Deficit
21 Control Act of 1985".
22 SEC. 21005. The Department of State, Foreign Oper-
23 ations, and Related Programs Appropriations Act, 2020
24 (division G of Public Law 116–94) is amended under the
25 heading "Emergencies in the Diplomatic and Consular

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1 Service" in title I by striking " $1,000,000" and inserting
2 in lieu thereof " $5,000,000".

3 SEC. 21006. The Department of State, Foreign Oper-
4 ations, and Related Programs Appropriations Act, 2020
5 (division G of Public Law 116–94) is amended under the
6 heading "Millennium Challenge Corporation" in title III
7 by striking " $105,000,000" in the first proviso and in-
8 serting in lieu thereof " $107,000,000".

9 SEC. 21007. Notwithstanding any other provision of
10 law, and in addition to leave authorized under any other
11 provision of law, the Secretary of State and the Adminis-
12 trator of the United States Agency for International De-
13 velopment may, in order to prevent, prepare for, and re-
14 spond to coronavirus, provide additional paid leave to ad-
15 dress employee hardships resulting from coronavirus: *Pro-*
16 *vided*, That this authority shall apply to leave taken since
17 January 29, 2020, and may be provided abroad and do-
18 mestically: *Provided further*, That the Secretary and the
19 Administrator shall consult with the Committee on Appro-
20 priations and the Committee on Foreign Relations of the
21 Senate and the Committee on Appropriations and the
22 Committee on Foreign Affairs of the House of Representa-
23 tives prior to implementation of such authority: *Provided*
24 *further*, That the authority made available pursuant to
25 this section shall expire on September 30, 2022.

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1 SEC. 21008. The Secretary of State, to prevent, pre-
2 pare for, and respond to coronavirus, may exercise the au-
3 thorities of section 3(j) of the State Department Basic Au-
4 thorities Act of 1956 (22 U.S.C. 2670(j)) to provide med-
5 ical services or related support for private United States
6 citizens, nationals, and permanent resident aliens abroad,
7 or third country nationals connected to such persons or
8 to the diplomatic or development missions of the United
9 States abroad, who are unable to obtain such services or
10 support otherwise: *Provided*, That such assistance shall be
11 provided on a reimbursable basis to the extent feasible:
12 *Provided further*, That such reimbursements may be cred-
13 ited to the applicable Department of State appropriation
14 and shall remain available until expended: *Provided fur-*
15 *ther*, That the Secretary shall prioritize providing medical
16 services or related support to individuals eligible for the
17 health program under section 904 of the Foreign Service
18 Act of 1980 (22 U.S.C. 4084): *Provided further*, That the
19 authority made available pursuant to this section shall ex-
20 pire on September 30, 2022.

21 SEC. 21009. Notwithstanding section 6(b) of the De-
22 partment of State Authorities Act of 2006 (Public Law
23 109–472; 120 Stat. 3556), during fiscal year 2020, pass-
24 port and immigrant visa surcharges collected in any fiscal
25 year pursuant to the fourth paragraph under the heading

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1 "Diplomatic and Consular Programs" in the Department
2 of State and Related Agency Appropriations Act, 2005
3 (title IV of division B of Public Law 108–447; 8 U.S.C.
4 1714) may be obligated and expended for the costs of pro-
5 viding consular services: *Provided*, That such funds should
6 be prioritized for United States citizen services: *Provided*
7 *further*, That not later than 90 days after the expiration
8 of this authority, the Secretary of State shall provide a
9 report to the Committee on Appropriations and the Com-
10 mittee on Foreign Relations of the Senate and the Com-
11 mittee on Appropriations and the Committee on Foreign
12 Affairs of the House of Representatives detailing the spe-
13 cific expenditures made pursuant to this authority: *Pro-*
14 *vided further*, That the amount provided by this section
15 is designated by the Congress as being for an emergency
16 requirement pursuant to section 251(b)(2)(A)(i) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985.

19 SEC. 21010. The Department of State and the
20 United States Agency for International Development are
21 authorized to enter into contracts with individuals for the
22 provision of personal services (as described in section 104
23 of part 37 of title 48, Code of Federal Regulations and
24 including pursuant to section 904 of the Foreign Service
25 Act of 1980 (22 U.S.C. 4084)) to prevent, prepare for,

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1 and respond to coronavirus, within the United States and
2 abroad, subject to prior consultation with, and the notifi-
3 cation procedures of, the Committee on Appropriations
4 and the Committee on Foreign Relations of the Senate
5 and the Committee on Appropriations and the Committee
6 on Foreign Affairs of the House of Representatives: *Pro-*
7 *vided*, That such individuals may not be deemed employees
8 of the United States for the purpose of any law adminis-
9 tered by the Office of Personnel Management: *Provided*
10 *further*, That not later than 15 days after utilizing this
11 authority, the Secretary of State shall provide a report to
12 the Committee on Appropriations and the Committee on
13 Foreign Relations of the Senate and the Committee on
14 Appropriations and the Committee on Foreign Affairs of
15 the House of Representatives on the overall staffing needs
16 for the Office of Medical Services: *Provided further*, That
17 the authority made available pursuant to this section shall
18 expire on September 30, 2022.

19 SEC. 21011. Notwithstanding any other provision of
20 law, the Secretary of State and the Administrator of the
21 United States Agency for International Development may
22 authorize any oath of office required by law to, in par-
23 ticular circumstances that could otherwise pose health
24 risks, be administered remotely, subject to appropriate
25 verification: *Provided*, That prior to initially exercising the

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1 authority of this section, the Secretary and the Adminis-
2 trator shall each submit a report to the Committee on Ap-
3 propriations and the Committee on Foreign Relations of
4 the Senate and the Committee on Appropriations and the
5 Committee on Foreign Affairs of the House of Representa-
6 tives describing the process and procedures for admin-
7 istering such oaths, including appropriate verification:
8 *Provided further*, That the authority made available pursu-
9 ant to this section shall expire on September 30, 2021.
10 SEC. 21012. (a) PURPOSES.—For purposes of
11 strengthening the ability of foreign countries to prevent,
12 prepare for, and respond to coronavirus and to the adverse
13 economic impacts of coronavirus, in a manner that would
14 protect the United States from the spread of coronavirus
15 and mitigate an international economic crisis resulting
16 from coronavirus that may pose a significant risk to the
17 economy of the United States, each paragraph of sub-
18 section (b) shall take effect upon enactment of this Act.
19 (b) CORONAVIRUS RESPONSES.—
20 (1) INTERNATIONAL DEVELOPMENT ASSOCIA-
21 TION REPLENISHMENT.—The International Develop-
22 ment Association Act (22 U.S.C. 284 et seq.) is
23 amended by adding at the end the following new sec-
24 tion:

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1 **"SEC. 31. NINETEENTH REPLENISHMENT.**

2 "(a) IN GENERAL.—The United States Governor of
3 the International Development Association is authorized
4 to contribute on behalf of the United States
5 $3,004,200,000 to the nineteenth replenishment of the re-
6 sources of the Association, subject to obtaining the nec-
7 essary appropriations.

8 "(b) AUTHORIZATION OF APPROPRIATIONS.—In
9 order to pay for the United States contribution provided
10 for in subsection (a), there are authorized to be appro-
11 priated, without fiscal year limitation, $3,004,200,000 for
12 payment by the Secretary of the Treasury.".

13 (2) INTERNATIONAL FINANCE CORPORATION
14 AUTHORIZATION.—The International Finance Cor-
15 poration Act (22 U.S.C. 282 et seq.) is amended by
16 adding at the end the following new section:

17 **"SEC. 18. CAPITAL INCREASES AND AMENDMENT TO THE**
18 **ARTICLES OF AGREEMENT.**

19 "(a) VOTES AUTHORIZED.—The United States Gov-
20 ernor of the Corporation is authorized to vote in favor of—

21 "(1) a resolution to increase the authorized cap-
22 ital stock of the Corporation by 16,999,998 shares,
23 to implement the conversion of a portion of the re-
24 tained earnings of the Corporation into paid-in cap-
25 ital, which will result in the United States being

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1 issued an additional 3,771,899 shares of capital
2 stock, without any cash contribution;
3 "(2) a resolution to increase the authorized cap-
4 ital stock of the Corporation on a general basis by
5 4,579,995 shares; and
6 "(3) a resolution to increase the authorized cap-
7 ital stock of the Corporation on a selective basis by
8 919,998 shares.
9 "(b) AMENDMENT OF THE ARTICLES OF AGREE-
10 MENT.—The United States Governor of the Corporation
11 is authorized to agree to and accept an amendment to arti-
12 cle II, section 2(c)(ii) of the Articles of Agreement of the
13 Corporation that would increase the vote by which the
14 Board of Governors of the Corporation may increase the
15 capital stock of the Corporation from a four-fifths major-
16 ity to an eighty-five percent majority.".
17 (3) AFRICAN DEVELOPMENT BANK.—The Afri-
18 can Development Bank Act (22 U.S.C. 290i et seq.)
19 is amended by adding at the end the following new
20 section:
21 **"SEC. 1345. SEVENTH CAPITAL INCREASE.**
22 "(a) SUBSCRIPTION AUTHORIZED.—
23 "(1) IN GENERAL.—The United States Gov-
24 ernor of the Bank may subscribe on behalf of the

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1 United States to 532,023 additional shares of the
2 capital stock of the Bank.
3 "(2) LIMITATION.—Any subscription by the
4 United States to the capital stock of the Bank shall
5 be effective only to such extent and in such amounts
6 as are provided in advance in appropriations Acts.
7 "(b) AUTHORIZATION OF APPROPRIATIONS.—
8 "(1) IN GENERAL.—In order to pay for the in-
9 crease in the United States subscription to the Bank
10 under subsection (a), there are authorized to be ap-
11 propriated, without fiscal year limitation,
12 $7,286,587,008 for payment by the Secretary of the
13 Treasury.
14 "(2) SHARE TYPES.—Of the amount authorized
15 to be appropriated under paragraph (1)—
16 "(A) $437,190,016 shall be for paid in
17 shares of the Bank; and
18 "(B) $6,849,396,992 shall be for callable
19 shares of the Bank.".
20 (4) AFRICAN DEVELOPMENT FUND.—The Afri-
21 can Development Fund Act (22 U.S.C. 290g et seq.)
22 is amended by adding at the end the following new
23 section:

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1 **"SEC. 226. FIFTEENTH REPLENISHMENT.**

2 "(a) IN GENERAL.—The United States Governor of
3 the Fund is authorized to contribute on behalf of the
4 United States $513,900,000 to the fifteenth replenish-
5 ment of the resources of the Fund, subject to obtaining
6 the necessary appropriations.

7 "(b) AUTHORIZATION OF APPROPRIATIONS.—In
8 order to pay for the United States contribution provided
9 for in subsection (a), there are authorized to be appro-
10 priated, without fiscal year limitation, $513,900,000 for
11 payment by the Secretary of the Treasury.".

12 (5) INTERNATIONAL MONETARY FUND AUTHOR-
13 IZATION FOR NEW ARRANGEMENTS TO BORROW.—

14 (A) IN GENERAL.—Section 17 of the
15 Bretton Woods Agreements Act (22 U.S.C.
16 286e–2) is amended—

17 (i) in subsection (a)—

18 (I) by redesignating paragraphs
19 (3), (4), and (5) as paragraphs (4),
20 (5), and (6), respectively;

21 (II) by inserting after paragraph
22 (2) the following new paragraph:

23 "(3) In order to carry out the purposes of a
24 one-time decision of the Executive Directors of the
25 International Monetary Fund (the Fund) to expand
26 the resources of the New Arrangements to Borrow,

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established pursuant to the decision of January 27, 1997, referred to in paragraph (1), the Secretary of the Treasury is authorized to make loans, in an amount not to exceed the dollar equivalent of 28,202,470,000 of Special Drawing Rights, in addition to any amounts previously authorized under this section, except that prior to activation of the New Arrangements to Borrow, the Secretary of the Treasury shall report to Congress whether supplementary resources are needed to forestall or cope with an impairment of the international monetary system and whether the Fund has fully explored other means of funding to the Fund.";

(III) in paragraph (5), as so redesignated, by striking "paragraph (3)" and inserting "paragraph (4)"; and

(IV) in paragraph (6), as so redesignated, by striking "December 16, 2022" and inserting "December 31, 2025"; and

(ii) in subsection (e)(1) by striking "(a)(2)," each place such term appears and inserting "(a)(2), (a)(3),".

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1 (B) EMERGENCY DESIGNATION.—The
2 amount provided by this paragraph is des-
3 ignated by the Congress as being for an emer-
4 gency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985.

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1 TITLE XII

2 DEPARTMENT OF TRANSPORTATION

3 OFFICE OF THE SECRETARY

4 SALARIES AND EXPENSES

5 For an additional amount for "Salaries and Ex-
6 penses", $1,753,000, to remain available until expended,
7 to prevent, prepare for, and respond to coronavirus, in-
8 cluding necessary expenses for operating costs and capital
9 outlays: *Provided*, That such amounts are in addition to
10 any other amounts made available for this purpose: *Pro-*
11 *vided further*, That obligations of amounts under this
12 heading in this Act shall not be subject to the limitation
13 on obligations under the heading "Office of the Sec-
14 retary—Working Capital Fund" in division H of the Fur-
15 ther Consolidated Appropriations Act, 2020 (Public Law
16 116–94): *Provided further*, That such amount is des-
17 ignated by the Congress as being for an emergency re-
18 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 ESSENTIAL AIR SERVICE

21 In addition to funds provided to the "Payments to
22 Air Carriers" program in Public Law 116–94 to carry out
23 the essential air service program under section 41731
24 through 41742 of title 49, United States Code,
25 $56,000,000, to be derived from the general fund of the

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1 Treasury, and to be made available to the Essential Air
2 Service and Rural Improvement Fund, to remain available
3 until expended, to prevent, prepare for, and respond to
4 coronavirus: *Provided*, That such amount is designated by
5 the Congress as being for an emergency requirement pur-
6 suant to section 251(b)(2)(A)(i) of the Balanced Budget
7 and Emergency Deficit Control Act of 1985.

8 FEDERAL AVIATION ADMINISTRATION

9 GRANTS-IN-AID FOR AIRPORTS

10 For an additional amount for "Grants-In-Aid for Air-
11 ports", $10,000,000,000, to prevent, prepare for, and re-
12 spond to coronavirus, to remain available until expended:
13 *Provided*, That amounts made available under this head-
14 ing in this Act shall be derived from the general fund of
15 the Treasury: *Provided further*, That funds provided under
16 this heading in this Act shall only be available to sponsors
17 of airports defined in section 47102 of title 49, United
18 States Code: *Provided further*, That funds provided under
19 this heading in this Act shall not otherwise be subject to
20 the requirements of chapter 471 of such title: *Provided*
21 *further*, That funds provided under this heading in this
22 Act may not be used for any purpose not directly related
23 to the airport: *Provided further*, That of the amounts ap-
24 propriated under this heading in this Act—

AMERICAN OVERSIGHT

1 (1) Not less than $500,000,000 shall be avail-
2 able to pay a Federal share of 100 percent of the
3 costs for which a grant is made under Public Law
4 116–94: *Provided*, That any remaining funds after
5 the apportionment under this paragraph (1) shall be
6 distributed as described in paragraph (2) under this
7 heading in this Act;
8 (2) Not less than $7,400,000,000 shall be avail-
9 able for any purpose for which airport revenues may
10 lawfully be used: *Provided*, That 50 percent of such
11 funds shall be allocated among all commercial serv-
12 ice airports based on each sponsor's calendar year
13 2018 enplanements as a percentage of total 2018
14 enplanements for all commercial service airports:
15 *Provided further*, That the remaining 50 percent of
16 such funds shall be allocated among all commercial
17 service airports based on an equal combination of
18 each sponsor's fiscal year 2018 debt service as a
19 percentage of the combined debt service for all com-
20 mercial service airports and each sponsor's ratio of
21 unrestricted reserves to their respective debt service:
22 *Provided further*, That the Federal share payable of
23 the costs for which a grant is made under this para-
24 graph shall be 100 percent:

AMERICAN OVERSIGHT

1 (3) Up to $2,000,000,000 shall be available for
2 any purpose for which airport revenues may lawfully
3 be used, and: (A) be apportioned as set forth in sec-
4 tion 47114(c)(1)(C)(i), 47114(c)(1)(C)(ii), or
5 47114(c)(1)(H) of title 49, United States Code; (B)
6 not be subject to the reduced apportionments of 49
7 U.S.C. 47114(f); and (C) have no maximum appor-
8 tionment limit, notwithstanding 47114(c)(1)(C)(iii)
9 of title 49, United States Code: *Provided*, That any
10 remaining funds after the apportionment under this
11 paragraph (3) shall be distributed as described in
12 paragraph (2) under this heading in this Act: *Pro-*
13 *vided further*, That the Federal share payable of the
14 costs for which a grant is made under this para-
15 graph shall be 100 percent; and
16 (4) Not less than $100,000,000 shall be for
17 general aviation airports for any purpose for which
18 airport revenues may lawfully be used, and, which
19 the Secretary shall apportion directly to each eligible
20 airport, as defined in section 47102(8) of title 49,
21 United States Code, based on the categories pub-
22 lished in the most current National Plan of Inte-
23 grated Airport Systems, reflecting the percentage of
24 the aggregate published eligible development costs
25 for each such category, and then dividing the allo-

AMERICAN OVERSIGHT

1 cated funds evenly among the eligible airports in
2 each category, rounding up to the nearest thousand
3 dollars: *Provided*, That the Federal share payable of
4 the costs for which a grant is made under this para-
5 graph shall be 100 percent:
6 *Provided further*, That the Administrator of the Federal
7 Aviation Administration may retain up to 0.1 percent of
8 the funds provided under this heading in this Act to fund
9 the award and oversight by the Administrator of grants
10 made under this heading in this Act: *Provided further*,
11 That obligations of funds under this heading in this Act
12 shall not be subject to any limitations on obligations pro-
13 vided in Public Law 116–94: *Provided further*, That all
14 airports receiving funds under this heading in this Act
15 shall continue to employ, through December 31, 2020, at
16 least 90 percent of the number of individuals employed
17 (after making adjustments for retirements or voluntary
18 employee separations) by the airport as of the date of en-
19 actment of this Act: *Provided further*, That the Secretary
20 may waive the workforce retention requirement in the pre-
21 vious proviso, if the Secretary determines the airport is
22 experiencing economic hardship as a direct result of the
23 requirement, or the requirement reduces aviation safety
24 or security: *Provided further*, That the workforce retention
25 requirement shall not apply to nonhub airports or nonpri-

AMERICAN OVERSIGHT

1 mary airports receiving funds under this heading in this
2 Act: *Provided further*, That such amount is designated by
3 the Congress as being for an emergency requirement pur-
4 suant to section 251(b)(2)(A)(i) of the Balanced Budget
5 and Emergency Deficit Control Act of 1985.

6 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

7 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

8 Of prior year unobligated contract authority and liq-
9 uidating cash provided for Motor Carrier Safety in the
10 Transportation Equity Act for the 21st Century (Public
11 Law 105–178), SAFETEA–LU (Public Law 109–59), or
12 other appropriations or authorization acts, in addition to
13 amounts already appropriated in fiscal year 2020 for
14 "Motor Carrier Safety Operations and Programs",
15 $150,000 in additional obligation limitation is provided
16 and repurposed for obligations incurred to support activi-
17 ties to prevent, prepare for, and respond to coronavirus.

18 FEDERAL RAILROAD ADMINISTRATION

19 SAFETY AND OPERATIONS

20 For an additional amount for "Safety and Oper-
21 ations", $250,000, to remain available until September
22 30, 2021, to prevent, prepare for, and respond to
23 coronavirus: *Provided*, That such amount is designated by
24 the Congress as being for an emergency requirement pur-

AMERICAN OVERSIGHT

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

3 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL
4 RAILROAD PASSENGER CORPORATION
5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for "Northeast Corridor
7 Grants to the National Railroad Passenger Corporation",
8 $492,000,000, to remain available until expended, to pre-
9 vent, prepare for, and respond to coronavirus, including
10 to enable the Secretary of Transportation to make or
11 amend existing grants to the National Railroad Passenger
12 Corporation for activities associated with the Northeast
13 Corridor, as authorized by section 11101(a) of the Fixing
14 America's Surface Transportation Act (division A of Pub-
15 lic Law 114–94): *Provided*, That amounts made available
16 under this heading in this Act may be transferred to and
17 merged with "National Network Grants to the National
18 Railroad Passenger Corporation" to prevent, prepare for,
19 and respond to coronavirus: *Provided further*, That such
20 amount is designated by the Congress as being for an
21 emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 NATIONAL NETWORK GRANTS TO THE NATIONAL
2 RAILROAD PASSENGER CORPORATION
3 (INCLUDING TRANSFER OF FUNDS)
4 For an additional amount for "National Network
5 Grants to the National Railroad Passenger Corporation",
6 $526,000,000, to remain available until expended, to pre-
7 vent, prepare for, and respond to coronavirus, including
8 to enable the Secretary of Transportation to make or
9 amend existing grants to the National Railroad Passenger
10 Corporation for activities associated with the National
11 Network as authorized by section 11101(b) of the Fixing
12 America's Surface Transportation Act (division A of Pub-
13 lic Law 114–94): *Provided*, That a State shall not be re-
14 quired to pay the National Railroad Passenger Corpora-
15 tion more than 80 percent of the amount paid in fiscal
16 year 2019 under section 209 of the Passenger Rail Invest-
17 ment and Improvement Act of 2008 (Public Law 110–
18 432) and that not less than $239,000,000 of the amounts
19 made available under this heading in this Act shall be
20 made available for use in lieu of any increase in a State's
21 payment: *Provided further*, That amounts made available
22 under this heading in this Act may be transferred to and
23 merged with "Northeast Corridor Grants to the National
24 Railroad Passenger Corporation" to prevent, prepare for,
25 and respond to coronavirus: *Provided further*, That such

AMERICAN OVERSIGHT

1 amount is designated by the Congress as being for an
2 emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 FEDERAL TRANSIT ADMINISTRATION

6 TRANSIT INFRASTRUCTURE GRANTS

7 For an additional amount for "Transit Infrastructure
8 Grants", $25,000,000,000, to remain available until ex-
9 pended, to prevent, prepare for, and respond to
10 coronavirus: *Provided*, That the Secretary of Transpor-
11 tation shall provide funds appropriated under this heading
12 in this Act as if such funds were provided under section
13 5307 of title 49, United States Code, and section 5311
14 of title 49, United States Code and apportion such funds
15 in accordance with section 5336 of such title (other than
16 subsections (h)(1) and (h)(4)), section 5311 (other than
17 subsection (b)(3) and (c)(1)(A)), section 5337 and section
18 5340 of title 49, United States Code, and apportion such
19 funds in accordance with such sections except that funds
20 apportioned under section 5337 shall be added to funds
21 apportioned under 5307 for administration under 5307:
22 *Provided further*, That the Secretary shall allocate the
23 amounts provided in the preceding proviso under sections
24 5307, 5311, 5337, and 5340 of title 49, United States
25 Code, among such sections in the same ratio as funds were

AMERICAN OVERSIGHT

1 provided in the fiscal year 2020 appropriations: *Provided*
2 *further*, That funds apportioned under this heading in this
3 Act shall be apportioned not later than 7 days after the
4 date of enactment of this Act: *Provided further*, That
5 funds shall be apportioned using the fiscal year 2020 ap-
6 portionment formulas: *Provided further*, That not more
7 than three-quarters of 1 percent, but not to exceed
8 $75,000,000, of the funds for transit infrastructure grants
9 provided under this heading in this Act shall be available
10 for administrative expenses and ongoing program manage-
11 ment oversight as authorized under sections 5334 and
12 5338(f)(2) of title 49, United States Code, and shall be
13 in addition to any other appropriations for such purpose:
14 *Provided further*, That notwithstanding subsection (a)(1)
15 or (b) of section 5307 of title 49, United States Code,
16 funds provided under this heading are available for the
17 operating expenses of transit agencies related to the re-
18 sponse to a coronavirus public health emergency as de-
19 scribed in section 319 of the Public Health Service Act,
20 including, beginning on January 20, 2020, reimbursement
21 for operating costs to maintain service and lost revenue
22 due to the coronavirus public health emergency, including
23 the purchase of personal protective equipment, and paying
24 the administrative leave of operations personnel due to re-
25 ductions in service: *Provided further*, That such operating

AMERICAN OVERSIGHT

1 expenses are not required to be included in a transpor-
2 tation improvement program, long-range transportation,
3 statewide transportation plan, or a statewide transpor-
4 tation improvement program: *Provided further*, That the
5 Secretary shall not waive the requirements of section 5333
6 of title 49, United States Code, for funds appropriated
7 under this heading in this Act or for funds previously
8 made available under section 5307 of title 49, United
9 States Code, or sections 5311, 5337, or 5340 of such title
10 as a result of the coronavirus: *Provided further*, That un-
11 less otherwise specified, applicable requirements under
12 chapter 53 of title 49, United States Code, shall apply to
13 funding made available under this heading in this Act, ex-
14 cept that the Federal share of the costs for which any
15 grant is made under this heading in this Act shall be, at
16 the option of the recipient, up to 100 percent: *Provided*
17 *further*, That the amount made available under this head-
18 ing in this Act shall be derived from the general fund and
19 shall not be subject to any limitation on obligations for
20 transit programs set forth in any Act: *Provided further*,
21 That such amount is designated by the Congress as being
22 for an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 MARITIME ADMINISTRATION

2 OPERATIONS AND TRAINING

3 For an additional amount for "Operations and Train-
4 ing", $3,134,000, to remain available until September 30,
5 2021, to prevent, prepare for, and respond to coronavirus:
6 *Provided*, That of the amounts made available under this
7 heading in this Act, $1,000,000 shall be for the operations
8 of the United States Merchant Marine Academy: *Provided*
9 *further*, That such amount is designated by the Congress
10 as being for an emergency requirement pursuant to sec-
11 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985.

13 STATE MARITIME ACADEMY OPERATIONS

14 For an additional amount for "State Maritime Acad-
15 emy Operations", $1,000,000, to remain available until
16 September 30, 2021, to prevent, prepare for, and respond
17 to coronavirus: *Provided*, That amounts made available
18 under this heading in this Act shall be for direct payments
19 for State Maritime Academies: *Provided further*, That
20 such amount is designated by the Congress as being for
21 an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 OFFICE OF INSPECTOR GENERAL
2 SALARIES AND EXPENSES
3 For an additional amount for "Office of Inspector
4 General", $5,000,000, to remain available until expended,
5 to prevent, prepare for, and respond to coronavirus: *Pro-*
6 *vided*, That the funding made available under this heading
7 in this Act shall be used for conducting audits and inves-
8 tigations of projects and activities carried out with funds
9 made available in this Act to the Department of Transpor-
10 tation to prevent, prepare for, and respond to coronavirus:
11 *Provided further*, That such amount is designated by the
12 Congress as being for an emergency requirement pursuant
13 to section 251(b)(2)(A)(i) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985.
15 DEPARTMENT OF HOUSING AND URBAN
16 DEVELOPMENT
17 MANAGEMENT AND ADMINISTRATION
18 ADMINISTRATIVE SUPPORT OFFICES
19 For an additional amount for "Administrative Sup-
20 port Offices", $35,000,000, to remain available until Sep-
21 tember 30, 2021, to prevent, prepare for, and respond to
22 coronavirus, for the Office of the Chief Financial Officer,
23 including for Department-wide salaries and expenses, In-
24 formation Technology purposes, and to support the De-
25 partment's workforce in a telework environment: *Provided*,

AMERICAN OVERSIGHT

1 That the amounts provided under this heading in this Act
2 shall be in addition to amounts otherwise available for
3 such purposes, including amounts made available under
4 the heading "Program Offices" in this Act: *Provided fur-*
5 *ther*, That such amount is designated by the Congress as
6 being for an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 PROGRAM OFFICES

10 For an additional amount for "Program Offices",
11 $15,000,000, to remain available until September 30,
12 2021, to prevent, prepare for, and respond to coronavirus:
13 *Provided*, That of the sums appropriated under this head-
14 ing in this Act—

15 (1) $5,000,000 shall be available for the Office
16 of Public and Indian Housing; and

17 (2) $10,000,000 shall be available for the Office
18 of Community Planning and Development:

19 *Provided further*, That such amount is designated by the
20 Congress as being for an emergency requirement pursuant
21 to section 251(b)(2)(A)(i) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 PUBLIC AND INDIAN HOUSING

2 TENANT-BASED RENTAL ASSISTANCE

3 For an additional amount for "Tenant-Based Rental
4 Assistance", $1,250,000,000, to remain available until ex-
5 pended, to prevent, prepare for, and respond to
6 coronavirus, including to provide additional funds for pub-
7 lic housing agencies to maintain normal operations and
8 take other necessary actions during the period that the
9 program is impacted by coronavirus: *Provided*, That of the
10 amounts made available under this heading in this Act,
11 $850,000,000 shall be available for both administrative
12 expenses and other expenses of public housing agencies for
13 their section 8 programs, including Mainstream vouchers:
14 *Provided further*, That such other expenses shall be new
15 eligible activities to be defined by the Secretary and shall
16 include activities to support or maintain the health and
17 safety of assisted individuals and families, and costs re-
18 lated to retention and support of participating owners:
19 *Provided further*, That amounts made available under
20 paragraph (3) under this heading in Public Law 116–94
21 may be used for such other expenses, as described in the
22 previous proviso, in addition to their other available uses:
23 *Provided further*, That of the amounts made available
24 under this heading in this Act, $400,000,000 shall be
25 available for adjustments in the calendar year 2020 sec-

AMERICAN OVERSIGHT

1 tion 8 renewal funding allocations, in addition to any other
2 appropriations available for such purpose, including Main-
3 stream vouchers, for public housing agencies that experi-
4 ence a significant increase in voucher per-unit costs due
5 to extraordinary circumstances or that, despite taking rea-
6 sonable cost savings measures, as determined by the Sec-
7 retary, would otherwise be required to terminate rental as-
8 sistance for families as a result of insufficient funding:
9 *Provided further*, That the Secretary shall allocate
10 amounts provided in the previous proviso based on need,
11 as determined by the Secretary: *Provided further*, That the
12 Secretary may waive, or specify alternative requirements
13 for, any provision of any statute or regulation that the
14 Secretary administers in connection with the use of the
15 amounts made available under this heading and the same
16 heading of Public Law 116–94 (except for requirements
17 related to fair housing, nondiscrimination, labor stand-
18 ards, and the environment), upon a finding by the Sec-
19 retary that any such waivers or alternative requirements
20 are necessary for the safe and effective administration of
21 these funds, consistent with the purposes described under
22 this heading in this Act, to prevent, prepare for, and re-
23 spond to coronavirus: *Provided further*, That the Secretary
24 shall notify the public through the Federal Register or
25 other appropriate means of any such waiver or alternative

AMERICAN OVERSIGHT

1 requirement to ensure the most expeditious allocation of
2 this funding, and in order for such waiver or alternative
3 requirement to take effect, and that such public notice
4 may be provided, at a minimum, on the Internet at the
5 appropriate Government web site or through other elec-
6 tronic media, as determined by the Secretary: *Provided*
7 *further*, That any such waivers or alternative requirements
8 shall remain in effect for the time and duration specified
9 by the Secretary in such public notice and may be ex-
10 tended if necessary upon additional notice by the Sec-
11 retary: *Provided further*, That to prevent, prepare for, and
12 respond to coronavirus, the notification required by sec-
13 tion 223 of Public Law 116–6 and section 221 of Public
14 Law 116–94 shall not apply to the award of amounts pro-
15 vided under paragraph (2) of this heading in Public Law
16 116–6 or under paragraph (7)(B) of this heading in Pub-
17 lic Law 116–94 in support of the family unification pro-
18 gram under section 8(x) of such Act: *Provided further*,
19 That the Secretary may award any remaining unobligated
20 balances appropriated under this heading in prior Acts for
21 incremental tenant-based assistance contracts under sec-
22 tion 811 of the Cranston-Gonzalez National Affordable
23 Housing Act (42 U.S.C. 8013), to prevent, prepare for,
24 and respond to coronavirus, without competition, includ-
25 ing for extraordinary administrative fees: *Provided further*,

AMERICAN OVERSIGHT

1 That no less than 25 percent of such amounts shall be
2 allocated proportionally to public housing agencies who re-
3 ceived awards in the 2017 and 2019 competitions for such
4 purposes within 60 days of enactment of this Act: *Pro-*
5 *vided further*, That the waiver and alternative require-
6 ments authority provided under this heading in this Act
7 shall also apply to such incremental tenant-based assist-
8 ance contract amounts: *Provided further*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 PUBLIC HOUSING OPERATING FUND

14 For an additional amount for "Public Housing Oper-
15 ating Fund", as authorized by section 9(e) of the United
16 States Housing Act of 1937 (42 U.S.C. 1437g(e)),
17 $685,000,000, to remain available until September 30,
18 2021, to prevent, prepare for, and respond to coronavirus,
19 including to provide additional funds for public housing
20 agencies to maintain normal operations and take other
21 necessary actions during the period that the program is
22 impacted by coronavirus: *Provided*, That the amount pro-
23 vided under this heading in this Act shall be combined
24 with the amount appropriated for the same purpose under
25 the same heading of Public Law 116–94, and distributed

AMERICAN OVERSIGHT

1 to all public housing agencies pursuant to the Operating
2 Fund formula at part 990 of title 24, Code of Federal
3 Regulations: *Provided further*, That for the period from
4 the enactment of this Act through December 31, 2020,
5 such combined total amount may be used for eligible ac-
6 tivities under subsections (d)(1) and (e)(1) of such section
7 9 and for other expenses related to preventing, preparing
8 for, and responding to coronavirus, including activities to
9 support or maintain the health and safety of assisted indi-
10 viduals and families, and activities to support education
11 and child care for impacted families: *Provided further*,
12 That amounts made available under the headings "Public
13 Housing Operating Fund" and "Public Housing Capital
14 Fund" in prior Acts, except for any set-asides listed under
15 such headings, may be used for all of the purposes de-
16 scribed in the previous proviso: *Provided further*, That the
17 expanded uses and funding flexibilities described in the
18 previous two provisos shall be available to all public hous-
19 ing agencies through December 31, 2020, except that the
20 Secretary may extend the period under which such flexi-
21 bilities shall be available in additional 12 month incre-
22 ments upon a finding that individuals and families as-
23 sisted by the public housing program continue to require
24 expanded services due to coronavirus: *Provided further*,
25 That the Secretary may waive, or specify alternative re-

AMERICAN OVERSIGHT

1 quirements for, any provision of any statute or regulation
2 that the Secretary administers in connection with the use
3 of such combined total amount or funds made available
4 under the headings "Public Housing Operating Fund"
5 and "Public Housing Capital Fund" in prior Acts (except
6 for requirements related to fair housing, nondiscrimina-
7 tion, labor standards, and the environment), upon a find-
8 ing by the Secretary that any such waivers or alternative
9 requirements are necessary for the safe and effective ad-
10 ministration of these funds to prevent, prepare for, and
11 respond to coronavirus: *Provided further*, That the Sec-
12 retary shall notify the public through the Federal Register
13 or other appropriate means of any such waiver or alter-
14 native requirement, to ensure the most expeditious alloca-
15 tion of this funding, in order for such waiver or alternative
16 requirement to take effect, and that such public notice
17 may be provided, at a minimum, on the Internet at the
18 appropriate Government web site or through other elec-
19 tronic media, as determined by the Secretary: *Provided*
20 *further*, That any such waivers or alternative requirements
21 shall remain in effect for the time and duration specified
22 by the Secretary in such public notice and may be ex-
23 tended if necessary upon additional notice by the Sec-
24 retary: *Provided further*, That such amount is designated
25 by the Congress as being for an emergency requirement

AMERICAN OVERSIGHT

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

3 NATIVE AMERICAN PROGRAMS

4 For an additional amount for "Native American Pro-
5 grams", $300,000,000, to remain available until Sep-
6 tember 30, 2024, to prevent, prepare for, and respond to
7 coronavirus, for activities and assistance authorized under
8 title I of the Native American Housing Assistance and
9 Self-Determination Act of 1996 (NAHASDA) (25 U.S.C.
10 4111 et seq.), and under title I of the Housing and Com-
11 munity Development Act of 1974 with respect to Indian
12 tribes (42 U.S.C. 5306(a)(1)): *Provided*, That the
13 amounts made available under this heading in this Act are
14 as follows:

15 (1) No less than $200,000,000 shall be avail-
16 able for the Native American Housing Block Grants
17 program, as authorized under title I of NAHASDA:
18 *Provided*, That amounts made available under this
19 paragraph shall be distributed according to the same
20 funding formula used in fiscal year 2020: *Provided*
21 *further*, That such amounts shall be used by recipi-
22 ents to prevent, prepare for, and respond to
23 coronavirus, including to maintain normal operations
24 and fund eligible affordable housing activities under
25 NAHASDA during the period that the program is

AMERICAN OVERSIGHT

1 impacted by coronavirus: *Provided further*, That
2 amounts provided under this heading in this Act
3 may be used to cover or reimburse allowable costs to
4 prevent, prepare for, and respond to coronavirus
5 that are incurred by a recipient, including for costs
6 incurred prior to the date of enactment of this Act:
7 *Provided further*, That the Secretary may waive, or
8 specify alternative requirements for, any provision of
9 any statute or regulation that the Secretary admin-
10 isters in connection with the use of amounts made
11 available under this paragraph or under the same
12 paragraph in Public Law 116–94 (except for re-
13 quirements related to fair housing, nondiscrimina-
14 tion, labor standards, and the environment), upon a
15 finding by the Secretary that any such waivers or al-
16 ternative requirements are necessary to expedite or
17 facilitate the use of such amounts to prevent, pre-
18 pare for, and respond to coronavirus: *Provided fur-*
19 *ther*, That any such waivers shall be deemed to be
20 effective as of the date an Indian tribe or tribally
21 designated housing entity began preparing for
22 coronavirus and shall apply to the amounts made
23 available under this paragraph and to the previously
24 appropriated amounts described in the previous pro-
25 viso; and

AMERICAN OVERSIGHT

1 (2) Up to $100,000,000 shall be available for
2 grants to Indian tribes under the Indian Community
3 Development Block Grant program under title I of
4 the Housing and Community Development Act of
5 1974, notwithstanding section 106(a)(1) of such
6 Act, to prevent, prepare for, and respond to
7 coronavirus, for emergencies that constitute immi-
8 nent threats to health and safety: *Provided*, That the
9 Secretary shall prioritize, without competition, allo-
10 cations of these amounts for activities and projects
11 designed to prevent, prepare for, and respond to
12 coronavirus: *Provided further*, That not to exceed 20
13 percent of any grant made with funds appropriated
14 under this paragraph shall be expended for planning
15 and management development and administration:
16 *Provided further*, That amounts provided under this
17 heading in this Act may be used to cover or reim-
18 burse allowable costs to prevent, prepare for, and re-
19 spond to coronavirus incurred by a recipient, includ-
20 ing for costs incurred prior to the date of enactment
21 of this Act: *Provided further*, That, notwithstanding
22 section 105(a)(8) of such Act (42 U.S.C.
23 5305(a)(8)), there shall be no per centum limitation
24 for the use of funds for public services activities to
25 prevent, prepare for, and respond to coronavirus:

AMERICAN OVERSIGHT

1 *Provided further*, That the previous proviso shall
2 apply to all such activities for grants of funds made
3 available under this paragraph or under paragraph
4 (4) of this heading in Public Law 116–94: *Provided*
5 *further*, That the Secretary may waive, or specify al-
6 ternative requirements for, any provision of any stat-
7 ute or regulation that the Secretary administers in
8 connection with the use of amounts made available
9 under this paragraph or under paragraph (4) in
10 Public Law 116–94 (except for requirements related
11 to fair housing, nondiscrimination, labor standards,
12 and the environment), upon a finding by the Sec-
13 retary that any such waivers or alternative require-
14 ments are necessary to expedite or facilitate the use
15 of such amounts to prevent, prepare for, and re-
16 spond to coronavirus: *Provided further*, That any
17 such waivers shall be deemed to be effective as of
18 the date an Indian tribe began preparing for
19 coronavirus and shall apply to the amounts made
20 available under this paragraph and to the previously
21 appropriated amounts described in the previous pro-
22 viso:
23 *Provided further*, That such amount is designated by the
24 Congress as being for an emergency requirement pursuant

AMERICAN OVERSIGHT

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

3 COMMUNITY PLANNING AND DEVELOPMENT

4 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

5 For an additional amount for carrying out the
6 "Housing Opportunities for Persons with AIDS" pro-
7 gram, as authorized by the AIDS Housing Opportunity
8 Act (42 U.S.C. 12901 et seq.), $65,000,000, to remain
9 available until September 30, 2021, except that amounts
10 allocated pursuant to section 854(c)(5) of such Act shall
11 remain available until September 30, 2022, to provide ad-
12 ditional funds to maintain operations and for rental assist-
13 ance, supportive services, and other necessary actions, in
14 order to prevent, prepare for, and respond to coronavirus:
15 *Provided*, That not less than $50,000,000 of the amount
16 provided under this heading in this Act shall be allocated
17 pursuant to the formula in section 854 of such Act using
18 the same data elements as utilized pursuant to that same
19 formula in fiscal year 2020: *Provided further*, That up to
20 $10,000,000 of the amount provided under this heading
21 in this Act shall be to provide an additional one-time, non-
22 renewable award to grantees currently administering exist-
23 ing contracts for permanent supportive housing that ini-
24 tially were funded under section 854(c)(5) of such Act
25 from funds made available under this heading in fiscal

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1 year 2010 and prior years: *Provided further*, That such
2 awards shall be made proportionally to their existing
3 grants: *Provided further*, That such awards are not re-
4 quired to be spent on permanent supportive housing: *Pro-*
5 *vided further*, That, notwithstanding section 859(b)(3)(B)
6 of such Act, housing payment assistance for rent, mort-
7 gage, or utilities payments may be provided for a period
8 of up to 24 months: *Provided further*, That, to protect per-
9 sons who are living with HIV/AIDS, such amounts pro-
10 vided under this heading in this Act may be used to self-
11 isolate, quarantine, or to provide other coronavirus infec-
12 tion control services as recommended by the Centers for
13 Disease Control and Prevention for household members
14 not living with HIV/AIDS: *Provided further*, That such
15 amounts may be used to provide relocation services, in-
16 cluding to provide lodging at hotels, motels, or other loca-
17 tions, for persons living with HIV/AIDS and household
18 members not living with HIV/AIDS: *Provided further*,
19 That, notwithstanding section 856(g) of such Act (42
20 U.S.C. 12905(g)), a grantee may use up to 6 percent of
21 its award under this Act for administrative purposes, and
22 a project sponsor may use up to 10 percent of its sub-
23 award under this Act for administrative purposes: *Pro-*
24 *vided further*, That such amounts provided under this
25 heading in this Act may be used to cover or reimburse

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1 allowable costs consistent with the purposes of this head-
2 ing incurred by a grantee or project sponsor regardless
3 of the date on which such costs were incurred: *Provided*
4 *further*, That any regulatory waivers the Secretary may
5 issue may be deemed to be effective as of the date a grant-
6 ee began preparing for coronavirus: *Provided further*, That
7 any additional activities or authorities authorized pursu-
8 ant to this Act may also apply at the discretion and upon
9 notice of the Secretary to all amounts made available
10 under this same heading in Public Law 116–94 if such
11 amounts are used by grantees for the purposes described
12 under this heading: *Provided further*, That up to 2 percent
13 of amounts made available under this heading in this Act
14 may be used, without competition, to increase prior
15 awards made to existing technical assistance providers to
16 provide an immediate increase in capacity building and
17 technical assistance available to grantees under this head-
18 ing and under the same heading in prior Acts: *Provided*
19 *further*, That such amount is designated by the Congress
20 as being for an emergency requirement pursuant to sec-
21 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
22 gency Deficit Control Act of 1985.

23 COMMUNITY DEVELOPMENT FUND

24 For an additional amount for "Community Develop-
25 ment Fund", $5,000,000,000, to remain available until

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1 September 30, 2022, to prevent, prepare for, and respond
2 to coronavirus: *Provided*, That up to $2,000,000,000 of
3 the amount made available under this heading in this Act
4 shall be distributed pursuant to section 106 of the Hous-
5 ing and Community Development Act of 1974 (42 U.S.C.
6 5306) to grantees that received allocations pursuant to
7 that same formula in fiscal year 2020, and that such allo-
8 cations shall be made within 30 days of enactment of this
9 Act: *Provided further*, That, in addition to amounts allo-
10 cated pursuant to the preceding proviso, an additional
11 $1,000,000,000 shall be allocated directly to States and
12 insular areas, as defined by 42 U.S.C. 5302(a), to prevent,
13 prepare for, and respond to coronavirus within the State
14 or insular area, including activities within entitlement and
15 nonentitlement communities, based on public health needs,
16 risk of transmission of coronavirus, number of coronavirus
17 cases compared to the national average, and economic and
18 housing market disruptions, and other factors, as deter-
19 mined by the Secretary, using best available data and that
20 such allocations shall be made within 45 days of enact-
21 ment of this Act: *Provided further*, That remaining
22 amounts shall be distributed directly to the State or unit
23 of general local government, at the discretion of the Sec-
24 retary, according to a formula based on factors to be de-
25 termined by the Secretary, prioritizing risk of trans-

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1 mission of coronavirus, number of coronavirus cases com-
2 pared to the national average, and economic and housing
3 market disruptions resulting from coronavirus: *Provided*
4 *further*, That such allocations may be made on a rolling
5 basis based on the best available data at the time of alloca-
6 tion: *Provided further*, That amounts made available in the
7 preceding provisos may be used to cover or reimburse al-
8 lowable costs consistent with the purposes of this heading
9 in this Act incurred by a State or locality regardless of
10 the date on which such costs were incurred: *Provided fur-*
11 *ther*, That section 116(b) of such Act (42 U.S.C. 5316(b))
12 and any implementing regulations, which requires grant-
13 ees to submit their final statements of activities no later
14 than August 16 of a given fiscal year, shall not apply to
15 final statements submitted in accordance with sections
16 104(a)(2) and (a)(3) of such Act (42 U.S.C. 5304(a)(2)
17 and (a)(3)) and comprehensive housing affordability strat-
18 egies submitted in accordance with section 105 of the
19 Cranston-Gonzalez National Affordable Housing Act (42
20 U.S.C. 12705) for fiscal years 2019 and 2020: *Provided*
21 *further*, That such final statements and comprehensive
22 housing affordability strategies shall instead be submitted
23 no later than August 16, 2021: *Provided further*, That the
24 Secretary may waive, or specify alternative requirements
25 for, any provision of any statute or regulation that the

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1 Secretary administers in connection with the use of
2 amounts made available under this heading in this Act and
3 under the same heading in Public Law 116–94 and Public
4 Law 116–6 (except for requirements related to fair hous-
5 ing, nondiscrimination, labor standards, and the environ-
6 ment), upon a finding by the Secretary that any such
7 waivers or alternative requirements are necessary to expe-
8 dite or facilitate the use of such amounts to prevent, pre-
9 pare for, and respond to coronavirus: *Provided further*,
10 That up to $10,000,000 of amounts made available under
11 this heading in this Act may be used to make new awards
12 or increase prior awards to existing technical assistance
13 providers, without competition, to provide an immediate
14 increase in capacity building and technical assistance to
15 support the use of amounts made available under this
16 heading in this Act and under the same heading in prior
17 Acts to prevent, prepare for, and respond to coronavirus:
18 *Provided further*, That, notwithstanding sections
19 104(a)(2), (a)(3), and (c) of the Housing and Community
20 Development Act of 1974 (42 U.S.C. 5304(a)(2), (a)(3),
21 and (c)) and section 105 of the Cranston-Gonzalez Na-
22 tional Affordable Housing Act (42 U.S.C. 12705), a
23 grantee may adopt and utilize expedited procedures to pre-
24 pare, propose, modify, or amend its statement of activities
25 for grants from amounts made available under this head-

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1 ing in this Act and under the same heading in Public Law
2 116–94 and Public Law 116–6: *Provided further*, That
3 under such expedited procedures, the grantee need not
4 hold in-person public hearings, but shall provide citizens
5 with notice and a reasonable opportunity to comment of
6 no less than 5 days: *Provided further*, That, for as long
7 as national or local health authorities recommend social
8 distancing and limiting public gatherings for public health
9 reasons, a grantee may create virtual public hearings to
10 fulfill applicable public hearing requirements for all grants
11 from funds made available under this heading in this Act
12 and under the same heading in Public Law 116–94 and
13 Public Law 116–6: *Provided further*, That any such virtual
14 hearings shall provide reasonable notification and access
15 for citizens in accordance with the grantee's certifications,
16 timely responses from local officials to all citizen questions
17 and issues, and public access to all questions and re-
18 sponses: *Provided further*, That, notwithstanding section
19 105(a)(8) of the Housing and Community Development
20 Act of 1974 (42 U.S.C. 5305(a)(8)), there shall be no per
21 centum limitation for the use of funds for public services
22 activities to prevent, prepare for, and respond to
23 coronavirus: *Provided further*, That the previous proviso
24 shall apply to all such activities for grants of funds made
25 available under this heading in this Act and under the

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1 same heading in Public Law 116–94 and Public Law 116–
2 6: *Provided further*, That the Secretary shall ensure there
3 are adequate procedures in place to prevent any duplica-
4 tion of benefits as required by section 312 of the Robert
5 T. Stafford Disaster Relief and Emergency Assistance Act
6 (42 U.S.C. 5155) and in accordance with section 1210 of
7 the Disaster Recovery Reform Act of 2018 (division D of
8 Public Law 115–254; 132 Stat. 3442), which amended
9 section 312 of the Robert T. Stafford Disaster Relief and
10 Emergency Assistance Act (42 U.S.C. 5155): *Provided*
11 *further*, That such amount is designated by the Congress
12 as being for an emergency requirement pursuant to sec-
13 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985.

15 HOMELESS ASSISTANCE GRANTS

16 For an additional amount for "Homeless Assistance
17 Grants", $4,000,000,000, to remain available until Sep-
18 tember 30, 2022, to prevent, prepare for, and respond to
19 coronavirus, among individuals and families who are
20 homeless or receiving homeless assistance and to support
21 additional homeless assistance and homelessness preven-
22 tion activities to mitigate the impacts created by
23 coronavirus under the Emergency Solutions Grants pro-
24 gram as authorized under subtitle B of title IV of the
25 McKinney-Vento Homeless Assistance Act (42 U.S.C.

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1 11371 et seq.), as amended: *Provided*, That up to
2 $2,000,000,000 of the amount appropriated under this
3 heading in this Act shall be distributed pursuant to 24
4 CFR 576.3 to grantees that received allocations pursuant
5 to that same formula in fiscal year 2020, and that such
6 allocations shall be made within 30 days of enactment of
7 this Act: *Provided further*, That, remaining amounts shall
8 be allocated directly to a State or unit of general local
9 government by a formula to be developed by the Secretary
10 and that such allocations shall be made within 90 days
11 of enactment of this Act: *Provided further*, That such for-
12 mula shall allocate such amounts for the benefit of
13 unsheltered homeless, sheltered homeless, and those at
14 risk of homelessness, to geographical areas with the great-
15 est need based on factors to be determined by the Sec-
16 retary, such as risk of transmission of coronavirus, high
17 numbers or rates of sheltered and unsheltered homeless,
18 and economic and housing market conditions as deter-
19 mined by the Secretary: *Provided further*, That individuals
20 and families whose income does not exceed the Very Low-
21 Income Limit of the area, as determined by the Secretary,
22 shall be considered "at risk of homelessness" and shall
23 be eligible for homelessness prevention if they meet the
24 criteria in section 401(1)(B) and (C) of such Act (42
25 U.S.C. 11360(1)(B) and (C)): *Provided further*, That

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1 amounts provided under this heading in this Act may be
2 used to cover or reimburse allowable costs to prevent, pre-
3 pare for, and respond to coronavirus that are incurred by
4 a State or locality, including for costs incurred prior to
5 the date of enactment of this Act: *Provided further*, That
6 recipients may deviate from applicable procurement stand-
7 ards when procuring goods and services to prevent, pre-
8 pare for, and respond to coronavirus: *Provided further*,
9 That a recipient may use up to 10 percent of its allocation
10 for administrative purposes: *Provided further*, That the
11 use of amounts provided under this heading in this Act
12 shall not be subject to the consultation, citizen participa-
13 tion, or match requirements that otherwise apply to the
14 Emergency Solutions Grants program, except that a re-
15 cipient must publish how it has and will utilize its alloca-
16 tion, at a minimum, on the Internet at the appropriate
17 Government web site or through other electronic media:
18 *Provided further*, That the spending cap established pursu-
19 ant to section 415(b) of such Act (42 U.S.C. 11374) shall
20 not apply to amounts provided under this heading in this
21 Act: *Provided further*, That amounts provided under this
22 heading in this Act may be used to provide temporary
23 emergency shelters (through leasing of existing property,
24 temporary structures, or other means) to prevent, prepare
25 for, and respond to coronavirus, and that such temporary

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1 emergency shelters shall not be subject to the minimum
2 periods of use required by section 416(c)(1) of such Act
3 (42 U.S.C. 11375(c)(1)): *Provided further*, That Federal
4 habitability and environmental review standards and re-
5 quirements shall not apply to the use of such amounts for
6 those temporary emergency shelters that have been deter-
7 mined by State or local health officials to be necessary
8 to prevent, prepare for, and respond to coronavirus: *Pro-*
9 *vided further*, That amounts provided under this heading
10 in this Act may be used for training on infectious disease
11 prevention and mitigation and to provide hazard pay, in-
12 cluding for time worked prior to the date of enactment
13 of this Act, for staff working directly to prevent, prepare
14 for, and respond to coronavirus among persons who are
15 homeless or at risk of homelessness, and that such activi-
16 ties shall not be considered administrative costs for pur-
17 poses of the 10 percent cap: *Provided further*, That in ad-
18 ministering the amounts made available under this head-
19 ing in this Act, the Secretary may waive, or specify alter-
20 native requirements for, any provision of any statute or
21 regulation that the Secretary administers in connection
22 with the obligation by the Secretary or the use by the re-
23 cipient of these amounts (except for requirements related
24 to fair housing, nondiscrimination, labor standards, and
25 the environment unless otherwise provided under this

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1 paragraph), if the Secretary finds that good cause exists
2 for the waiver or alternative requirement and such waiver
3 or alternative requirement is necessary to prevent, prepare
4 for, and respond to coronavirus: *Provided further*, That
5 any such waivers shall be deemed to be effective as of the
6 date a State or unit of local government began preparing
7 for coronavirus and shall apply to the use of amounts pro-
8 vided under this heading in this Act and amounts provided
9 under the same heading for the Emergency Solutions
10 Grant program in prior Acts used by recipients to prevent,
11 prepare for, and respond to coronavirus: *Provided further*,
12 That the Secretary shall notify the public through the
13 Federal Register or other appropriate means of any such
14 waiver or alternative requirement, and that such public
15 notice may be provided, at a minimum, on the Internet
16 at the appropriate Government web site or through other
17 electronic media, as determined by the Secretary: *Provided*
18 *further*, That any additional activities or authorities au-
19 thorized pursuant to this Act, including any waivers and
20 alternative requirements established by the Secretary pur-
21 suant to this Act, may also apply at the discretion and
22 upon notice of the Secretary with respect to all amounts
23 made available for the Emergency Solutions Grants pro-
24 gram under the heading ''Homeless Assistance Grants''
25 in any prior Act and used by recipients to prevent, prepare

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1 for, and respond to coronavirus: *Provided further*, That up
2 to 1 percent of amounts made available under this heading
3 in this Act may be used to make new awards or increase
4 prior awards made to existing technical assistance pro-
5 viders with experience in providing health care services to
6 homeless populations, without competition, to provide an
7 immediate increase in capacity building and technical as-
8 sistance available to recipients of amounts for the Emer-
9 gency Solutions Grants program under this heading in this
10 Act and under the same heading in prior Acts: *Provided*
11 *further*, That none of the funds provided under this head-
12 ing in this Act may be used to require people experiencing
13 homelessness to receive treatment or perform any other
14 prerequisite activities as a condition for receiving shelter,
15 housing, or other services: *Provided further*, That such
16 amount is designated by the Congress as being for an
17 emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 HOUSING PROGRAMS

21 PROJECT-BASED RENTAL ASSISTANCE

22 For an additional amount for "Project-Based Rental
23 Assistance", $1,000,000,000, to remain available until ex-
24 pended, to prevent, prepare for, and respond to
25 coronavirus, including to provide additional funds to main-

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1 tain normal operations and take other necessary actions
2 during the period that the program is impacted by
3 coronavirus, for assistance to owners or sponsors of prop-
4 erties receiving project-based assistance pursuant to sec-
5 tion 8 of the United States Housing Act of 1937 (42
6 U.S.C. 1437f et seq.): *Provided*, That the Secretary may
7 waive, or specify alternative requirements for, any provi-
8 sion of any statute or regulation that the Secretary admin-
9 isters in connection with the use of amounts made avail-
10 able under this heading in this Act (except for require-
11 ments related to fair housing, nondiscrimination, labor
12 standards, and the environment), upon a finding by the
13 Secretary that any such waivers or alternative require-
14 ments are necessary to expedite or facilitate the use of
15 such amounts to prevent, prepare for, and respond to
16 coronavirus, and such waiver or alternative requirement
17 is consistent with the purposes described under this head-
18 ing in this Act: *Provided further*, That the Secretary shall
19 notify the public through the Federal Register or other
20 appropriate means of any such waiver or alternative re-
21 quirement in order for such waiver or alternative require-
22 ment to take effect, and that such public notice may be
23 provided, at a minimum, on the Internet at the appro-
24 priate Government web site or through other electronic
25 media, as determined by the Secretary: *Provided further*,

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1 That such amount is designated by the Congress as being
2 for an emergency requirement pursuant to section
3 251(b)(2)(A)(i) of the Balanced Budget and Emergency
4 Deficit Control Act of 1985.

5 HOUSING FOR THE ELDERLY

6 For an additional amount for ''Housing for the El-
7 derly'', $50,000,000, to remain available until September
8 30, 2023, to prevent, prepare for, and respond to
9 coronavirus, including to provide additional funds to main-
10 tain normal operations and take other necessary actions
11 during the period that the program is impacted by
12 coronavirus, for assistance to owners or sponsors of prop-
13 erties receiving project-based assistance pursuant to sec-
14 tion 202 of the Housing Act of 1959 (12 U.S.C. 1701q),
15 as amended: *Provided*, That of the amount provided under
16 this heading in this Act, up to $10,000,000 shall be for
17 service coordinators and the continuation of existing con-
18 gregate service grants for residents of assisted housing
19 projects: *Provided further*, That the Secretary may waive,
20 or specify alternative requirements for, any provision of
21 any statute or regulation that the Secretary administers
22 in connection with the use of amounts made available
23 under this heading in this Act (except for requirements
24 related to fair housing, nondiscrimination, labor stand-
25 ards, and the environment), upon a finding by the Sec-

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1 retary that any such waivers or alternative requirements
2 are necessary to expedite or facilitate the use of such
3 amounts to prevent, prepare for, and respond to
4 coronavirus, and such waiver or alternative requirement
5 is consistent with the purposes described under this head-
6 ing in this Act: *Provided further*, That the Secretary shall
7 notify the public through the Federal Register or other
8 appropriate means of any such waiver or alternative re-
9 quirement in order for such waiver or alternative require-
10 ment to take effect, and that such public notice may be
11 provided, at a minimum, on the Internet at the appro-
12 priate Government web site or through other electronic
13 media, as determined by the Secretary: *Provided further*,
14 That such amount is designated by the Congress as being
15 for an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 HOUSING FOR PERSONS WITH DISABILITIES

19 For an additional amount for ''Housing for Persons
20 with Disabilities'', $15,000,000, to remain available until
21 September 30, 2023, to prevent, prepare for, and respond
22 to coronavirus, including to provide additional funds to
23 maintain normal operations and take other necessary ac-
24 tions during the period that the program is impacted by
25 coronavirus, for assistance to owners or sponsors of prop-

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1 erties receiving project-based assistance pursuant to sec-
2 tion 811 of the Cranston-Gonzalez National Affordable
3 Housing Act (42 U.S.C. 8013), as amended: *Provided*,
4 That the Secretary may waive, or specify alternative re-
5 quirements for, any provision of any statute or regulation
6 that the Secretary administers in connection with the use
7 of amounts made available under this heading in this Act
8 (except for requirements related to fair housing, non-
9 discrimination, labor standards, and the environment),
10 upon a finding by the Secretary that any such waivers or
11 alternative requirements are necessary to expedite or fa-
12 cilitate the use of such amounts to prevent, prepare for,
13 and respond to coronavirus, and such waiver or alternative
14 requirement is consistent with the purposes described
15 under this heading in this Act: *Provided further*, That the
16 Secretary shall notify the public through the Federal Reg-
17 ister or other appropriate means of any such waiver or
18 alternative requirement in order for such waiver or alter-
19 native requirement to take effect, and that such public no-
20 tice may be provided, at a minimum, on the Internet at
21 the appropriate Government web site or through other
22 electronic media, as determined by the Secretary: *Provided*
23 *further*, That such amount is designated by the Congress
24 as being for an emergency requirement pursuant to sec-

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1 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 FAIR HOUSING AND EQUAL OPPORTUNITY

4 FAIR HOUSING ACTIVITIES

5 For an additional amount for "Fair Housing Activi-
6 ties", $2,500,000, to remain available until September 30,
7 2021, for contracts, grants, and other assistance, as au-
8 thorized by title VIII of the Civil Rights Act of 1968, as
9 amended by the Fair Housing Amendments Act of 1988,
10 and section 561 of the Housing and Community Develop-
11 ment Act of 1987, to prevent, prepare for, and respond
12 to coronavirus, of which $1,500,000 shall be for the Fair
13 Housing Assistance Program Partnership for Special En-
14 forcement grants to address fair housing issues relating
15 to coronavirus, and $1,000,000 shall be for the Fair Hous-
16 ing Initiatives Program for education and outreach activi-
17 ties under such section 561 to educate the public about
18 fair housing issues related to coronavirus: *Provided*, That
19 such amount is designated by the Congress as being for
20 an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 OFFICE OF INSPECTOR GENERAL

24 For an additional amount for "Office of Inspector
25 General", $5,000,000, to remain available until expended,

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1 to prevent, prepare for, and respond to coronavirus: *Pro-*
2 *vided*, That the funding made available under this heading
3 in this Act shall be used for conducting audits and inves-
4 tigations of projects and activities carried out with funds
5 made available in this Act to the Department of Housing
6 and Urban Development to prevent, prepare for, and re-
7 spond to coronavirus: *Provided further*, That such amount
8 is designated by the Congress as being for an emergency
9 requirement pursuant to section 251(b)(2)(A)(i) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985.

12 GENERAL PROVISIONS—THIS TITLE

13 SEC. 22001. Of the amounts made available from the
14 Airport and Airway Trust Fund for "Federal Aviation Ad-
15 ministration—Operations" in title XI of division B of the
16 Bipartisan Budget Act of 2018 (Public Law 115–123),
17 up to $25,000,000 may be used to prevent, prepare for,
18 and respond to coronavirus: *Provided*, That amounts
19 repurposed in this section that were previously designated
20 by the Congress as an emergency requirement pursuant
21 to the Balanced Budget and Emergency Deficit Control
22 Act of 1985 are designated by the Congress as an emer-
23 gency requirement pursuant to section 251(b)(2)(A)(i) of
24 the Balanced Budget and Emergency Deficit Control Act
25 of 1985.

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1 SEC. 22002. For amounts made available by this Act
2 under the headings "Northeast Corridor Grants to the Na-
3 tional Railroad Passenger Corporation" and "National
4 Network Grants to the National Railroad Passenger Cor-
5 poration", the Secretary of Transportation may not waive
6 the requirements under section 24312 of title 49, United
7 States Code, and section 24305(f) of title 49, United
8 States Code: *Provided*, That for amounts made available
9 by this Act under such headings the Secretary shall re-
10 quire the National Railroad Passenger Corporation to
11 comply with the Railway Retirement Act of 1974 (45
12 U.S.C. 231 et seq.), the Railway Labor Act (45 U.S.C.
13 151 et seq.), and the Railroad Unemployment Insurance
14 Act (45 U.S.C. 351 et seq.): *Provided further*, That not
15 later than 7 days after the date of enactment of this Act
16 and each subsequent 7 days thereafter, the Secretary shall
17 notify the House and Senate Committees on Appropria-
18 tions, the Committee on Transportation and Infrastruc-
19 ture of the House of Representatives, and the Committee
20 on Commerce, Science, and Transportation of the Senate
21 of any National Railroad Passenger Corporation employee
22 furloughs as a result of efforts to prevent, prepare for,
23 and respond to coronavirus: *Provided further*, That in the
24 event of any National Railroad Passenger Corporation em-
25 ployee furloughs as a result of efforts to prevent, prepare

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1 for, and respond to coronavirus, the Secretary shall re-
2 quire the National Railroad Passenger Corporation to pro-
3 vide such employees the opportunity to be recalled to their
4 previously held positions as intercity passenger rail service
5 is restored to March 1, 2020 levels and not later than the
6 date on which intercity passenger rail service has been
7 fully restored to March 1, 2020 levels.

8 SEC. 22003. For the duration of fiscal year 2020,
9 section 127(i)(1)(A) of title 23, United States Code, shall
10 read as if and apply to situations in which: the President
11 has declared an emergency or a major disaster under the
12 Robert T. Stafford Disaster Relief and Emergency Assist-
13 ance Act (42 U.S.C. 5121 et seq.).

14 SEC. 22004. No later than September 30, 2020, the
15 remaining unobligated balances of funds made available
16 for the youth homelessness demonstration under the head-
17 ing "Department of Housing and Urban Development—
18 Community Planning and Development—Homeless As-
19 sistance Grants" in the Consolidated Appropriations Act,
20 2018 (Public Law 115–141) are hereby permanently re-
21 scinded, and an amount of additional new budget author-
22 ity equivalent to the amount rescinded is hereby appro-
23 priated, to remain available until September 30, 2021, in
24 addition to other funds as may be available for such pur-
25 poses, and shall be available, without additional competi-

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1 tion, for completing the funding of awards made pursuant
2 to the fiscal year 2018 youth homelessness demonstration.
3 HIGHWAY SAFETY GRANTS EMERGENCY AUTHORITY
4 SEC. 22005. (a) IN GENERAL.—The Secretary of
5 Transportation (referred to in this section as the "Sec-
6 retary") may waive or postpone any requirement under
7 section 402, 404, 405, or 412 of title 23, United States
8 Code, section 4001 of the FAST Act (Public Law 114–
9 94; 129 Stat. 1497), or part 1300 of title 23, Code of
10 Federal Regulations (or successor regulations), if the Sec-
11 retary determines that—
12 (1) the Coronavirus Disease 2019 (COVID-19)
13 is having a substantial impact on—
14 (A) the ability of States to implement or
15 carry out any grant, campaign, or program
16 under those provisions; or
17 (B) the ability of the Secretary to carry
18 out any responsibility of the Secretary with re-
19 spect to a grant, campaign, or program under
20 those provisions; or
21 (2) the requirements of those provisions are
22 having a substantial impact on the ability of States
23 or the Secretary to address the Coronavirus Disease
24 2019 (COVID–19).

AMERICAN OVERSIGHT

1 (b) REPORT.—The Secretary shall periodically sub-
2 mit to the relevant committees of Congress a report de-
3 scribing—
4 (1) each determination made by the Secretary
5 under subsection (a); and
6 (2) each waiver or postponement of a require-
7 ment under that subsection.
8 (c) EMERGENCY REQUIREMENT.—The amount pro-
9 vided by this section is designated by the Congress as
10 being for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

AMERICAN OVERSIGHT

1 TITLE XIII

2 GENERAL PROVISIONS—THIS ACT

3 SEC. 23001. Each amount appropriated or made
4 available by this Act is in addition to amounts otherwise
5 appropriated for the fiscal year involved.

6 SEC. 23002. No part of any appropriation contained
7 in this Act shall remain available for obligation beyond
8 the current fiscal year unless expressly so provided herein.

9 SEC. 23003. Unless otherwise provided for by this
10 Act, the additional amounts appropriated by this Act to
11 appropriations accounts shall be available under the au-
12 thorities and conditions applicable to such appropriations
13 accounts for fiscal year 2020.

14 SEC. 23004. (a) Subject to subsection (b), and not-
15 withstanding any other provision of law, funds made avail-
16 able in this Act, or transferred pursuant to authorization
17 granted in this Act, may only be used to prevent, prepare
18 for, and respond to coronavirus.

19 (b) Subsection (a) shall not apply to sections 11002,
20 13002, and 18114 of this Act, reimbursements made pur-
21 suant to authority in this Act, or to funds made available
22 in this Act for the Emergency Reserve Fund, established
23 pursuant to section 7058(c)(1) of division J of Public Law
24 115–31, or to funds made available in this Act for the
25 Infectious Diseases Rapid Response Reserve Fund, estab-

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1 lished pursuant to section 231 of division B of Public Law
2 115–245.
3 (c) This section shall not apply to title VI of this Act.
4 SEC. 23005. In this Act, the term "coronavirus"
5 means SARS–CoV–2 or another coronavirus with pan-
6 demic potential.
7 SEC. 23006. Each amount designated in this Act by
8 the Congress as being for an emergency requirement pur-
9 suant to section 251(b)(2)(A)(i) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985 shall be avail-
11 able (or rescinded or transferred, if applicable) only if the
12 President subsequently so designates all such amounts
13 and transmits such designations to the Congress.
14 SEC. 23007. Any amount appropriated by this Act,
15 designated by the Congress as an emergency requirement
16 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
17 et and Emergency Deficit Control Act of 1985 and subse-
18 quently so designated by the President, and transferred
19 pursuant to transfer authorities provided by this Act shall
20 retain such designation.
21 BUDGETARY EFFECTS
22 SEC. 23008. (a) STATUTORY PAYGO SCORE-
23 CARDS.—The budgetary effects of this division shall not
24 be entered on either PAYGO scorecard maintained pursu-
25 ant to section 4(d) of the Statutory Pay As-You-Go Act
26 of 2010.

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1 (b) SENATE PAYGO SCORECARDS.—The budgetary
2 effects of this division shall not be entered on any PAYGO
3 scorecard maintained for purposes of section 4106 of H.
4 Con. Res. 71 (115th Congress).
5 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
6 Notwithstanding Rule 3 of the Budget Scorekeeping
7 Guidelines set forth in the joint explanatory statement of
8 the committee of conference accompanying Conference Re-
9 port 105–217 and section 250(c)(7) and (c)(8) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985,
11 the budgetary effects of this division shall be estimated
12 for purposes of section 251 of such Act.
13 (d) ENSURING NO WITHIN-SESSION SEQUESTRA-
14 TION.—Solely for the purpose of calculating a breach with-
15 in a category for fiscal year 2020 pursuant to section
16 251(a)(6) or section 254(g) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985, and notwith-
18 standing any other provision of this division, the budg-
19 etary effects from this division shall be counted as
20 amounts designated as being for an emergency require-
21 ment pursuant to section 251(b)(2)(A) of such Act.
22 This division may be cited as the "Emergency Appro-
23 priations for Coronavirus Health Response and Agency
24 Operations".

AMERICAN OVERSIGHT

**From:** Miller, Meredith
**Sent:** Mon, 20 Apr 2020 11:13:26 +0000
**To:** Miller, Meredith;Brogan, Frank;King, Robert;Slack, Emily;McHugh, Erin;Rosenfelt, Phil;Kean, Larry;Rinkus, Christopher;Ryder, Ruth;VanderPloeg, Laurie;Helwink, Jonathan;Koeppel, Dennis;McCaghren, Christopher;Sacks, Casey;Lindsey, Joe;Thompson, Farnaz;Cordes, Bill;Crowe, Ayisa;Snow, McKenzie;Malawer, Hilary;Amann, Amanda;Anderson, Michael (OGC);Skinner, Josie;Simpson, Daniel;Alston, Tamara;Brickman, Michael;Hammer, Victoria;Watts, Gaby;Hess, Jane;Siegel, Brian;Holte, Allison;Morrow, Jean;Rowan, Maria;Spitz, Deborah;Ceja, Beatriz;Barlow, Christine;Byrd, Steven;Trettin, Sara;Dowling, Maureen;Tate, Christopher;Williams, Damien;Peternith, Rachel;Tabor, Hillary;Walawender, Rebecca;McKinney, Jessica;Watson, Donald;Hong, Caroline;Hodel, Hannah;Tuia, Justis;English, John;Tauriainen, Ryan;Schreier, Daniel
**Cc:** Hammond, Cynthia;Smith, Richard;Pettey, Richard;Lagaard, Soren
**Subject:** CARES Act Program Development Kickoff
**Attachments:** Education Stabilization Fund Budget Summary (002).docx, CARES Act Working Groups Structure_4.1.docx

**Update**:

Please see attached documents: Summary of ED-related CARES Act provisions and Governance Structure.

Agenda:
-Introduction to the work: Bob King and Frank Brogan
-Goals and Vision: Bob King and Frank Brogan
-Governance Structure: Meredith Miller
-Next Steps: Meredith Miller

Hello everyone. You've been invited to this important kickoff meeting because you've been identified to serve as either a member of the Operations Team, a Workgroup Advisor, or a Workgroup member. I will soon send a Governance Structure so that you can see your role.

Please hold this time for a brief kick off meeting. Agenda and materials to follow.

.....

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(b)(5)

of the Freedom of Information and Privacy Act

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Page 00894

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Page 00895

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of the Freedom of Information and Privacy Act

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**From:** VanderPloeg, Laurie
**Sent:** Thu, 26 Mar 2020 12:19:34 +0000
**To:** Corr, Gregg;Wexler, Larry
**Subject:** CARES Act
**Attachments:** CARES ACT FINAL TEXT (002).pdf

Here it is!

**Laurie VanderPloeg**
**Director**
Office of Special Education Programs | United States Department of Education
550 12th Street SW | Washington, D.C. 20202
Phone: (202) 245-6180
Email: laurie.vanderploeg@ed.gov

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AMENDMENT NO._____ Calendar No._____

Purpose: Providing emergency assistance and health care response for individuals, families and businesses affected by the 2020 coronavirus pandemic.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

# H. R. 748

To amend the Internal Revenue Code of 1986 to repeal the excise tax on high cost employer-sponsored health coverage.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Coronavirus Aid, Re-
5 lief, and Economic Security Act" or the "CARES Act".

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

7 The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.

DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

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TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED ACT

Sec. 1101. Definitions.
Sec. 1102. Paycheck protection program.
Sec. 1103. Entrepreneurial development.
Sec. 1104. State trade expansion program.
Sec. 1105. Waiver of matching funds requirement under the women's business center program.
Sec. 1106. Loan forgiveness.
Sec. 1107. Direct appropriations.
Sec. 1108. Minority business development agency.
Sec. 1109. United States Treasury Program Management Authority.
Sec. 1110. Emergency EIDL grants.
Sec. 1111. Resources and services in languages other than English.
Sec. 1112. Subsidy for certain loan payments.
Sec. 1113. Bankruptcy.
Sec. 1114. Emergency rulemaking authority.

TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES

Subtitle A—Unemployment Insurance Provisions

Sec. 2101. Short title.
Sec. 2102. Pandemic Unemployment Assistance.
Sec. 2103. Emergency unemployment relief for governmental entities and nonprofit organizations.
Sec. 2104. Emergency increase in unemployment compensation benefits.
Sec. 2105. Temporary full Federal funding of the first week of compensable regular unemployment for States with no waiting week.
Sec. 2106. Emergency State staffing flexibility.
Sec. 2107. Pandemic emergency unemployment compensation.
Sec. 2108. Temporary financing of short-time compensation payments in States with programs in law.
Sec. 2109. Temporary financing of short-time compensation agreements.
Sec. 2110. Grants for short-time compensation programs.
Sec. 2111. Assistance and guidance in implementing programs.
Sec. 2112. Waiver of the 7-day waiting period for benefits under the Railroad Unemployment Insurance Act.
Sec. 2113. Enhanced benefits under the Railroad Unemployment Insurance Act.
Sec. 2114. Extended unemployment benefits under the Railroad Unemployment Insurance Act.
Sec. 2115. Funding for the DOL Office of Inspector General for oversight of unemployment provisions.
Sec. 2116. Implementation.

Subtitle B—Rebates and Other Individual Provisions

Sec. 2201. 2020 recovery rebates for individuals.
Sec. 2202. Special rules for use of retirement funds.
Sec. 2203. Temporary waiver of required minimum distribution rules for certain retirement plans and accounts.
Sec. 2204. Allowance of partial above the line deduction for charitable contributions.

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Sec. 2205. Modification of limitations on charitable contributions during 2020.
Sec. 2206. Exclusion for certain employer payments of student loans.

Subtitle C—Business Provisions

Sec. 2301. Employee retention credit for employers subject to closure due to COVID-19.
Sec. 2302. Delay of payment of employer payroll taxes.
Sec. 2303. Modifications for net operating losses.
Sec. 2304. Modification of limitation on losses for taxpayers other than corporations.
Sec. 2305. Modification of credit for prior year minimum tax liability of corporations.
Sec. 2306. Modifications of limitation on business interest.
Sec. 2307. Technical amendments regarding qualified improvement property.
Sec. 2308. Temporary exception from excise tax for alcohol used to produce hand sanitizer.

TITLE III—SUPPORTING AMERICA'S HEALTH CARE SYSTEM IN THE FIGHT AGAINST THE CORONAVIRUS

Subtitle A—Health Provisions

Sec. 3001. Short title.

PART I—ADDRESSING SUPPLY SHORTAGES

SUBPART A—MEDICAL PRODUCT SUPPLIES

Sec. 3101. National Academies report on America's medical product supply chain security.
Sec. 3102. Requiring the strategic national stockpile to include certain types of medical supplies.
Sec. 3103. Treatment of respiratory protective devices as covered countermeasures.

SUBPART B—MITIGATING EMERGENCY DRUG SHORTAGES

Sec. 3111. Prioritize reviews of drug applications; incentives.
Sec. 3112. Additional manufacturer reporting requirements in response to drug shortages.

SUBPART C—PREVENTING MEDICAL DEVICE SHORTAGES

Sec. 3121. Discontinuance or interruption in the production of medical devices.

PART II—ACCESS TO HEALTH CARE FOR COVID-19 PATIENTS

SUBPART A—COVERAGE OF TESTING AND PREVENTIVE SERVICES

Sec. 3201. Coverage of diagnostic testing for COVID-19.
Sec. 3202. Pricing of diagnostic testing.
Sec. 3203. Rapid coverage of preventive services and vaccines for coronavirus.

SUBPART B—SUPPORT FOR HEALTH CARE PROVIDERS

Sec. 3211. Supplemental awards for health centers.
Sec. 3212. Telehealth network and telehealth resource centers grant programs.

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Sec. 3213. Rural health care services outreach, rural health network development, and small health care provider quality improvement grant programs.
Sec. 3214. United States Public Health Service Modernization.
Sec. 3215. Limitation on liability for volunteer health care professionals during COVID-19 emergency response.
Sec. 3216. Flexibility for members of National Health Service Corps during emergency period.

SUBPART C—MISCELLANEOUS PROVISIONS

Sec. 3221. Confidentiality and disclosure of records relating to substance use disorder.
Sec. 3222. Nutrition services.
Sec. 3223. Continuity of service and opportunities for participants in community service activities under title V of the Older Americans Act of 1965.
Sec. 3224. Guidance on protected health information.
Sec. 3225. Reauthorization of healthy start program.
Sec. 3226. Importance of the blood supply.

PART III—INNOVATION

Sec. 3301. Removing the cap on OTA during public health emergencies.
Sec. 3302. Priority zoonotic animal drugs.

PART IV—HEALTH CARE WORKFORCE

Sec. 3401. Reauthorization of health professions workforce programs.
Sec. 3402. Health workforce coordination.
Sec. 3403. Education and training relating to geriatrics.
Sec. 3404. Nursing workforce development.

Subtitle B—Education Provisions

Sec. 3501. Short title.
Sec. 3502. Definitions.
Sec. 3503. Campus-based aid waivers.
Sec. 3504. Use of supplemental educational opportunity grants for emergency aid.
Sec. 3505. Federal work-study during a qualifying emergency.
Sec. 3506. Adjustment of subsidized loan usage limits.
Sec. 3507. Exclusion from Federal Pell Grant duration limit.
Sec. 3508. Institutional refunds and Federal student loan flexibility.
Sec. 3509. Satisfactory academic progress.
Sec. 3510. Continuing education at affected foreign institutions.
Sec. 3511. National emergency educational waivers.
Sec. 3512. HBCU Capital financing.
Sec. 3513. Temporary relief for federal student loan borrowers.
Sec. 3514. Provisions related to the Corporation for National and Community Service.
Sec. 3515. Workforce response activities.
Sec. 3516. Technical amendments.
Sec. 3517. Waiver authority and reporting requirement for institutional aid.
Sec. 3518. Authorized uses and other modifications for grants.
Sec. 3519. Service obligations for teachers.

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Subtitle C—Labor Provisions

Sec. 3601. Limitation on paid leave.
Sec. 3602. Emergency Paid Sick Leave Act Limitation.
Sec. 3603. Unemployment insurance.
Sec. 3604. OMB Waiver of Paid Family and Paid Sick Leave.
Sec. 3605. Paid leave for rehired employees.
Sec. 3606. Advance refunding of credits.
Sec. 3607. Expansion of DOL Authority to postpone certain deadlines.
Sec. 3608. Single-employer plan funding rules.
Sec. 3609. Application of cooperative and small employer charity pension plan rules to certain charitable employers whose primary exempt purpose is providing services with respect to mothers and children.
Sec. 3610. Federal contractor authority.
Sec. 3611. Technical corrections.

Subtitle D—Finance Committee

Sec. 3701. Exemption for telehealth services.
Sec. 3702. Inclusion of certain over-the-counter medical products as qualified medical expenses.
Sec. 3703. Increasing Medicare telehealth flexibilities during emergency period.
Sec. 3704. Enhancing Medicare telehealth services for Federally qualified health centers and rural health clinics during emergency period.
Sec. 3705. Temporary waiver of requirement for face-to-face visits between home dialysis patients and physicians.
Sec. 3706. Use of telehealth to conduct face-to-face encounter prior to recertification of eligibility for hospice care during emergency period.
Sec. 3707. Encouraging use of telecommunications systems for home health services furnished during emergency period.
Sec. 3708. Improving care planning for Medicare home health services.
Sec. 3709. Adjustment of sequestration.
Sec. 3710. Medicare hospital inpatient prospective payment system add-on payment for COVID–19 patients during emergency period.
Sec. 3711. Increasing access to post-acute care during emergency period.
Sec. 3712. Revising payment rates for durable medical equipment under the Medicare program through duration of emergency period.
Sec. 3713. Coverage of the COVID-19 vaccine under part B of the Medicare program without any cost-sharing.
Sec. 3714. Requiring Medicare prescription drug plans and MA–PD plans to allow during the COVID-19 emergency period for fills and refills of covered part D drugs for up to a 3-month supply.
Sec. 3715. Providing home and community-based services in acute care hospitals.
Sec. 3716. Clarification regarding uninsured individuals.
Sec. 3717. Clarification regarding coverage of COVID-19 testing products.
Sec. 3718. Amendments relating to reporting requirements with respect to clinical diagnostic laboratory tests.
Sec. 3719. Expansion of the Medicare hospital accelerated payment program during the COVID-19 public health emergency.
Sec. 3720. Delaying requirements for enhanced FMAP to enable State legislation necessary for compliance.

Subtitle E—Health and Human Services Extenders

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PART I—MEDICARE PROVISIONS

Sec. 3801. Extension of the work geographic index floor under the Medicare program.
Sec. 3802. Extension of funding for quality measure endorsement, input, and selection.
Sec. 3803. Extension of funding outreach and assistance for low-income programs.

PART II—MEDICAID PROVISIONS

Sec. 3811. Extension of the Money Follows the Person rebalancing demonstration program.
Sec. 3812. Extension of spousal impoverishment protections.
Sec. 3813. Delay of DSH reductions.
Sec. 3814. Extension and expansion of Community Mental Health Services demonstration program.

PART III—HUMAN SERVICES AND OTHER HEALTH PROGRAMS

Sec. 3821. Extension of sexual risk avoidance education program.
Sec. 3822. Extension of personal responsibility education program.
Sec. 3823. Extension of demonstration projects to address health professions workforce needs.
Sec. 3824. Extension of the temporary assistance for needy families program and related programs.

PART IV—PUBLIC HEALTH PROVISIONS

Sec. 3831. Extension for community health centers, the National Health Service Corps, and teaching health centers that operate GME programs.
Sec. 3832. Diabetes programs.

PART V—MISCELLANEOUS PROVISIONS

Sec. 3841. Prevention of duplicate appropriations for fiscal year 2020.

Subtitle F—Over-the-Counter Drugs

PART I—OTC DRUG REVIEW

Sec. 3851. Regulation of certain nonprescription drugs that are marketed without an approved drug application.
Sec. 3852. Misbranding.
Sec. 3853. Drugs excluded from the over-the-counter drug review.
Sec. 3854. Treatment of Sunscreen Innovation Act.
Sec. 3855. Annual update to Congress on appropriate pediatric indication for certain OTC cough and cold drugs.
Sec. 3856. Technical corrections.

PART II—USER FEES

Sec. 3861. Finding.

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Sec. 3862. Fees relating to over-the-counter drugs.

TITLE IV—ECONOMIC STABILIZATION AND ASSISTANCE TO SEVERELY DISTRESSED SECTORS OF THE UNITED STATES ECONOMY

Subtitle A—Coronavirus Economic Stabilization Act of 2020

Sec. 4001. Short title.
Sec. 4002. Definitions.
Sec. 4003. Emergency relief and taxpayer protections.
Sec. 4004. Limitation on certain employee compensation.
Sec. 4005. Continuation of certain air service.
Sec. 4006. Coordination with Secretary of Transportation.
Sec. 4007. Suspension of certain aviation excise taxes.
Sec. 4008. Debt guarantee authority.
Sec. 4009. Temporary Government in the Sunshine Act relief.
Sec. 4010. Temporary hiring flexibility.
Sec. 4011. Temporary lending limit waiver.
Sec. 4012. Temporary relief for community banks.
Sec. 4013. Temporary relief from troubled debt restructurings.
Sec. 4014. Optional temporary relief from current expected credit losses.
Sec. 4015. Non-applicability of restrictions on ESF during national emergency.
Sec. 4016. Temporary credit union provisions.
Sec. 4017. Increasing access to materials necessary for national security and pandemic recovery.
Sec. 4018. Special Inspector General for Pandemic Recovery.
Sec. 4019. Conflicts of interest.
Sec. 4020. Congressional Oversight Commission.
Sec. 4021. Credit protection during COVID–19.
Sec. 4022. Foreclosure moratorium and consumer right to request forbearance.
Sec. 4023. Forbearance of residential mortgage loan payments for multifamily properties with federally backed loans.
Sec. 4024. Temporary moratorium on eviction filings.
Sec. 4025. Protection of collective bargaining agreement.
Sec. 4026. Reports.
Sec. 4027. Direct appropriation.
Sec. 4028. Rule of construction.
Sec. 4029. Termination of authority.

Subtitle B—Air Carrier Worker Support

Sec. 4111. Definitions.
Sec. 4112. Pandemic relief for aviation workers.
Sec. 4113. Procedures for providing payroll support.
Sec. 4114. Required assurances.
Sec. 4115. Protection of collective bargaining agreement.
Sec. 4116. Limitation on certain employee compensation.
Sec. 4117. Tax payer protection.
Sec. 4118. Reports.
Sec. 4119. Coordination.
Sec. 4120. Direct appropriation.

TITLE V—CORONAVIRUS RELIEF FUNDS

Sec. 5001. Coronavirus Relief Fund.

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TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 6001. COVID–19 borrowing authority for the United States Postal Service.

Sec. 6002. Emergency designation.

DIVISION B—EMERGENCY APPROPRIATIONS FOR CORONAVIRUS HEALTH RESPONSE AND AGENCY OPERATIONS

**SEC. 3. REFERENCES.**

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

# DIVISION A—KEEPING WORKERS PAID AND EMPLOYED, HEALTH CARE SYSTEM ENHANCEMENTS, AND ECONOMIC STABILIZATION

## TITLE I—KEEPING AMERICAN WORKERS PAID AND EMPLOYED ACT

**SEC. 1101. DEFINITIONS.**

In this title—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and

(2) the term "small business concern" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 636).

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1 **SEC. 1102. PAYCHECK PROTECTION PROGRAM.**

2 (a) IN GENERAL.—Section 7(a) of the Small Busi-
3 ness Act (15 U.S.C. 636(a)) is amended—

4 (1) in paragraph (2)—

5 (A) in subparagraph (A), in the matter
6 preceding clause (i), by striking "and (E)" and
7 inserting "(E), and (F)"; and

8 (B) by adding at the end the following:

9 "(F) PARTICIPATION IN THE PAYCHECK
10 PROTECTION PROGRAM.—In an agreement to
11 participate in a loan on a deferred basis under
12 paragraph (36), the participation by the Admin-
13 istration shall be 100 percent."; and

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

15 "(36) PAYCHECK PROTECTION PROGRAM.—

16 "(A) DEFINITIONS.—In this paragraph—

17 "(i) the terms 'appropriate Federal
18 banking agency' and 'insured depository
19 institution' have the meanings given those
20 terms in section 3 of the Federal Deposit
21 Insurance Act (12 U.S.C. 1813);

22 "(ii) the term 'covered loan' means a
23 loan made under this paragraph during the
24 covered period;

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1 "(iii) the term 'covered period' means
2 the period beginning on February 15, 2020
3 and ending on June 30, 2020;
4 "(iv) the term 'eligible recipient'
5 means an individual or entity that is eligi-
6 ble to receive a covered loan;
7 "(v) the term 'eligible self-employed
8 individual' has the meaning given the term
9 in section 7002(b) of the Families First
10 Coronavirus Response Act (Public Law
11 116–127);
12 "(vi) the term 'insured credit union'
13 has the meaning given the term in section
14 101 of the Federal Credit Union Act (12
15 U.S.C. 1752);
16 "(vii) the term 'nonprofit organiza-
17 tion' means an organization that is de-
18 scribed in section 501(c)(3) of the Internal
19 Revenue Code of 1986 and that is exempt
20 from taxation under section 501(a) of such
21 Code;
22 "(viii) the term 'payroll costs'—
23 "(I) means—

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1 "(aa) the sum of payments
2 of any compensation with respect
3 to employees that is a—
4 "(AA) salary, wage,
5 commission, or similar com-
6 pensation;
7 "(BB) payment of cash
8 tip or equivalent;
9 "(CC) payment for va-
10 cation, parental, family,
11 medical, or sick leave;
12 "(DD) allowance for
13 dismissal or separation;
14 "(EE) payment re-
15 quired for the provisions of
16 group health care benefits,
17 including insurance pre-
18 miums;
19 "(FF) payment of any
20 retirement benefit; or
21 "(GG) payment of
22 State or local tax assessed
23 on the compensation of em-
24 ployees; and

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1 "(bb) the sum of payments
2 of any compensation to or income
3 of a sole proprietor or inde-
4 pendent contractor that is a
5 wage, commission, income, net
6 earnings from self-employment,
7 or similar compensation and that
8 is in an amount that is not more
9 than $100,000 in 1 year, as pro-
10 rated for the covered period; and
11 "(II) shall not include—
12 "(aa) the compensation of
13 an individual employee in excess
14 of an annual salary of $100,000,
15 as prorated for the covered pe-
16 riod;
17 "(bb) taxes imposed or with-
18 held under chapters 21, 22, or 24
19 of the Internal Revenue Code of
20 1986 during the covered period;
21 "(cc) any compensation of
22 an employee whose principal
23 place of residence is outside of
24 the United States;

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"(dd) qualified sick leave wages for which a credit is allowed under section 7001 of the Families First Coronavirus Response Act (Public Law 116–127); or

"(ee) qualified family leave wages for which a credit is allowed under section 7003 of the Families First Coronavirus Response Act (Public Law 116–127); and

"(ix) the term 'veterans organization' means an organization that is described in section 501(c)(19) of the Internal Revenue Code that is exempt from taxation under section 501(a) of such Code.

"(B) PAYCHECK PROTECTION LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans under the same terms, conditions, and processes as a loan made under this subsection.

"(C) REGISTRATION OF LOANS.—Not later than 15 days after the date on which a loan is made under this paragraph, the Administration

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shall register the loan using the TIN (as defined in section 7701 of the Internal Revenue Code of 1986) assigned to the borrower.

"(D) INCREASED ELIGIBILITY FOR CERTAIN SMALL BUSINESSES AND ORGANIZATIONS.—

"(i) IN GENERAL.—During the covered period, in addition to small business concerns, any business concern, nonprofit organization, veterans organization, or Tribal business concern described in section 31(b)(2)(C) shall be eligible to receive a covered loan if the business concern, nonprofit organization, veterans organization, or Tribal business concern employs not more than the greater of—

"(I) 500 employees; or

"(II) if applicable, the size standard in number of employees established by the Administration for the industry in which the business concern, nonprofit organization, veterans organization, or Tribal business concern operates.

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"(ii) INCLUSION OF SOLE PROPRIETORS, INDEPENDENT CONTRACTORS, AND ELIGIBLE SELF-EMPLOYED INDIVIDUALS.—

"(I) IN GENERAL.—During the covered period, individuals who operate under a sole proprietorship or as an independent contractor and eligible self-employed individuals shall be eligible to receive a covered loan.

"(II) DOCUMENTATION.—An eligible self-employed individual, independent contractor, or sole proprietorship seeking a covered loan shall submit such documentation as is necessary to establish such individual as eligible, including payroll tax filings reported to the Internal Revenue Service, Forms 1099–MISC, and income and expenses from the sole proprietorship, as determined by the Administrator and the Secretary.

"(iii) BUSINESS CONCERNS WITH MORE THAN 1 PHYSICAL LOCATION.—During the covered period, any business con-

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1 cern that employs not more than 500 em-
2 ployees per physical location of the busi-
3 ness concern and that is assigned a North
4 American Industry Classification System
5 code beginning with 72 at the time of dis-
6 bursal shall be eligible to receive a covered
7 loan.

8 "(iv) WAIVER OF AFFILIATION
9 RULES.—During the covered period, the
10 provisions applicable to affiliations under
11 section 121.103 of title 13, Code of Fed-
12 eral Regulations, or any successor regula-
13 tion, are waived with respect to eligibility
14 for a covered loan for—

15 "(I) any business concern with
16 not more than 500 employees that, as
17 of the date on which the covered loan
18 is disbursed, is assigned a North
19 American Industry Classification Sys-
20 tem code beginning with 72;

21 "(II) any business concern oper-
22 ating as a franchise that is assigned a
23 franchise identifier code by the Ad-
24 ministration; and

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1 "(III) any business concern that
2 receives financial assistance from a
3 company licensed under section 301 of
4 the Small Business Investment Act of
5 1958 (15 U.S.C. 681).
6 "(v) EMPLOYEE.—For purposes of de-
7 termining whether a business concern, non-
8 profit organization, veterans organization,
9 or Tribal business concern described in
10 section 31(b)(2)(C) employs not more than
11 500 employees under clause (i)(I), the
12 term 'employee' includes individuals em-
13 ployed on a full-time, part-time, or other
14 basis.
15 "(vi) AFFILIATION.—The provisions
16 applicable to affiliations under section
17 121.103 of title 13, Code of Federal Regu-
18 lations, or any successor thereto, shall
19 apply with respect to a nonprofit organiza-
20 tion and a veterans organization in the
21 same manner as with respect to a small
22 business concern.
23 "(E) MAXIMUM LOAN AMOUNT.—During
24 the covered period, with respect to a covered

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1 loan, the maximum loan amount shall be the
2 lesser of—
3 "(i)(I) the sum of—
4 "(aa) the product obtained by
5 multiplying—
6 "(AA) the average total
7 monthly payments by the appli-
8 cant for payroll costs incurred
9 during the 1-year period before
10 the date on which the loan is
11 made, except that, in the case of
12 an applicant that is seasonal em-
13 ployer, as determined by the Ad-
14 ministrator, the average total
15 monthly payments for payroll
16 shall be for the 12-week period
17 beginning February 15, 2019, or
18 at the election of the eligible re-
19 cipient, March 1, 2019, and end-
20 ing June 30, 2019; by
21 "(BB) 2.5; and
22 "(bb) the outstanding amount of
23 a loan under subsection (b)(2) that
24 was made during the period beginning
25 on January 31, 2020 and ending on

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1 the date on which covered loans are
2 made available to be refinanced under
3 the covered loan; or
4 "(II) if requested by an otherwise eli-
5 gible recipient that was not in business
6 during the period beginning on February
7 15, 2019 and ending on June 30, 2019,
8 the sum of—
9 "(aa) the product obtained by
10 multiplying—
11 "(AA) the average total
12 monthly payments by the appli-
13 cant for payroll costs incurred
14 during the period beginning on
15 January 1, 2020 and ending on
16 February 29, 2020; by
17 "(BB) 2.5; and
18 "(bb) the outstanding amount of
19 a loan under subsection (b)(2) that
20 was made during the period beginning
21 on January 31, 2020 and ending on
22 the date on which covered loans are
23 made available to be refinanced under
24 the covered loan; or
25 "(ii) $10,000,000.

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1 "(F) ALLOWABLE USES OF COVERED
2 LOANS.—
3 "(i) IN GENERAL.—During the cov-
4 ered period, an eligible recipient may, in
5 addition to the allowable uses of a loan
6 made under this subsection, use the pro-
7 ceeds of the covered loan for—
8 "(I) payroll costs;
9 "(II) costs related to the continu-
10 ation of group health care benefits
11 during periods of paid sick, medical,
12 or family leave, and insurance pre-
13 miums;
14 "(III) employee salaries, commis-
15 sions, or similar compensations;
16 "(IV) payments of interest on
17 any mortgage obligation (which shall
18 not include any prepayment of or pay-
19 ment of principal on a mortgage obli-
20 gation);
21 "(V) rent (including rent under a
22 lease agreement);
23 "(VI) utilities; and

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1 "(VII) interest on any other debt
2 obligations that were incurred before
3 the covered period.
4 "(ii) DELEGATED AUTHORITY.—
5 "(I) IN GENERAL.—For purposes
6 of making covered loans for the pur-
7 poses described in clause (i), a lender
8 approved to make loans under this
9 subsection shall be deemed to have
10 been delegated authority by the Ad-
11 ministrator to make and approve cov-
12 ered loans, subject to the provisions of
13 this paragraph.
14 "(II) CONSIDERATIONS.—In eval-
15 uating the eligibility of a borrower for
16 a covered loan with the terms de-
17 scribed in this paragraph, a lender
18 shall consider whether the borrower—
19 "(aa) was in operation on
20 February 15, 2020; and
21 "(bb)(AA) had employees
22 for whom the borrower paid sala-
23 ries and payroll taxes; or

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1 "(BB) paid independent
2 contractors, as reported on a
3 Form 1099–MISC.
4 "(iii) ADDITIONAL LENDERS.—The
5 authority to make loans under this para-
6 graph shall be extended to additional lend-
7 ers determined by the Administrator and
8 the Secretary of the Treasury to have the
9 necessary qualifications to process, close,
10 disburse and service loans made with the
11 guarantee of the Administration.
12 "(iv) REFINANCE.—A loan made
13 under subsection (b)(2) during the period
14 beginning on January 31, 2020 and ending
15 on the date on which covered loans are
16 made available may be refinanced as part
17 of a covered loan.
18 "(v) NONRECOURSE.—Notwith-
19 standing the waiver of the personal guar-
20 antee requirement or collateral under sub-
21 paragraph (J), the Administrator shall
22 have no recourse against any individual
23 shareholder, member, or partner of an eli-
24 gible recipient of a covered loan for non-
25 payment of any covered loan, except to the

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1 extent that such shareholder, member, or
2 partner uses the covered loan proceeds for
3 a purpose not authorized under clause (i).
4 "(G) BORROWER REQUIREMENTS.—
5 "(i) CERTIFICATION.—An eligible re-
6 cipient applying for a covered loan shall
7 make a good faith certification—
8 "(I) that the uncertainty of cur-
9 rent economic conditions makes nec-
10 essary the loan request to support the
11 ongoing operations of the eligible re-
12 cipient;
13 "(II) acknowledging that funds
14 will be used to retain workers and
15 maintain payroll or make mortgage
16 payments, lease payments, and utility
17 payments;
18 "(III) that the eligible recipient
19 does not have an application pending
20 for a loan under this subsection for
21 the same purpose and duplicative of
22 amounts applied for or received under
23 a covered loan; and
24 "(IV) during the period begin-
25 ning on February 15, 2020 and end-

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1 ing on December 31, 2020, that the
2 eligible recipient has not received
3 amounts under this subsection for the
4 same purpose and duplicative of
5 amounts applied for or received under
6 a covered loan.
7 "(H) FEE WAIVER.—During the covered
8 period, with respect to a covered loan—
9 "(i) in lieu of the fee otherwise appli-
10 cable under paragraph (23)(A), the Ad-
11 ministrator shall collect no fee; and
12 "(ii) in lieu of the fee otherwise appli-
13 cable under paragraph (18)(A), the Ad-
14 ministrator shall collect no fee.
15 "(I) CREDIT ELSEWHERE.—During the
16 covered period, the requirement that a small
17 business concern is unable to obtain credit else-
18 where, as defined in section 3(h), shall not
19 apply to a covered loan.
20 "(J) WAIVER OF PERSONAL GUARANTEE
21 REQUIREMENT.—During the covered period,
22 with respect to a covered loan—
23 "(i) no personal guarantee shall be re-
24 quired for the covered loan; and

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"(ii) no collateral shall be required for the covered loan.

"(K) MATURITY FOR LOANS WITH REMAINING BALANCE AFTER APPLICATION OF FORGIVENESS.—With respect to a covered loan that has a remaining balance after reduction based on the loan forgiveness amount under section 1106 of the CARES Act—

"(i) the remaining balance shall continue to be guaranteed by the Administration under this subsection; and

"(ii) the covered loan shall have a maximum maturity of 10 years from the date on which the borrower applies for loan forgiveness under that section.

"(L) INTEREST RATE REQUIREMENTS.—A covered loan shall bear an interest rate not to exceed 4 percent.

"(M) LOAN DEFERMENT.—

"(i) DEFINITION OF IMPACTED BORROWER.—

"(I) IN GENERAL.—In this subparagraph, the term 'impacted borrower' means an eligible recipient that—

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"(aa) is in operation on February 15, 2020; and

"(bb) has an application for a covered loan that is approved or pending approval on or after the date of enactment of this paragraph.

"(II) PRESUMPTION.—For purposes of this subparagraph, an impacted borrower is presumed to have been adversely impacted by COVID–19.

"(ii) DEFERRAL.—During the covered period, the Administrator shall—

"(I) consider each eligible recipient that applies for a covered loan to be an impacted borrower; and

"(II) require lenders under this subsection to provide complete payment deferment relief for impacted borrowers with covered loans for a period of not less than 6 months, including payment of principal, interest, and fees, and not more than 1 year.

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1 "(iii) SECONDARY MARKET.—During
2 the covered period, with respect to a cov-
3 ered loan that is sold on the secondary
4 market, if an investor declines to approve
5 a deferral requested by a lender under
6 clause (ii), the Administrator shall exercise
7 the authority to purchase the loan so that
8 the impacted borrower may receive a defer-
9 ral for a period of not less than 6 months,
10 including payment of principal, interest,
11 and fees, and not more than 1 year.
12 "(iv) GUIDANCE.—Not later than 30
13 days after the date of enactment of this
14 paragraph, the Administrator shall provide
15 guidance to lenders under this paragraph
16 on the deferment process described in this
17 subparagraph.
18 "(N) SECONDARY MARKET SALES.—A cov-
19 ered loan shall be eligible to be sold in the sec-
20 ondary market consistent with this subsection.
21 The Administrator may not collect any fee for
22 any guarantee sold into the secondary market
23 under this subparagraph.
24 "(O) REGULATORY CAPITAL REQUIRE-
25 MENTS.—

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1 "(i) RISK WEIGHT.—With respect to
2 the appropriate Federal banking agencies
3 or the National Credit Union Administra-
4 tion Board applying capital requirements
5 under their respective risk-based capital re-
6 quirements, a covered loan shall receive a
7 risk weight of zero percent.
8 "(ii) TEMPORARY RELIEF FROM TDR
9 DISCLOSURES.—Notwithstanding any other
10 provision of law, an insured depository in-
11 stitution or an insured credit union that
12 modifies a covered loan in relation to
13 COVID–19-related difficulties in a trou-
14 bled debt restructuring on or after March
15 13, 2020, shall not be required to comply
16 with the Financial Accounting Standards
17 Board Accounting Standards Codification
18 Subtopic 310-40 ('Receivables – Troubled
19 Debt Restructurings by Creditors') for
20 purposes of compliance with the require-
21 ments of the Federal Deposit Insurance
22 Act (12 U.S.C. 1811 et seq.), until such
23 time and under such circumstances as the
24 appropriate Federal banking agency or the
25 National Credit Union Administration

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1 Board, as applicable, determines appro-
2 priate.
3 "(P) REIMBURSEMENT FOR PROC-
4 ESSING.—
5 "(i) IN GENERAL.—The Administrator
6 shall reimburse a lender authorized to
7 make a covered loan at a rate, based on
8 the balance of the financing outstanding at
9 the time of disbursement of the covered
10 loan, of—
11 "(I) 5 percent for loans of not
12 more than $350,000;
13 "(II) 3 percent for loans of more
14 than $350,000 and less than
15 $2,000,000; and
16 "(III) 1 percent for loans of not
17 less than $2,000,000.
18 "(ii) FEE LIMITS.—An agent that as-
19 sists an eligible recipient to prepare an ap-
20 plication for a covered loan may not collect
21 a fee in excess of the limits established by
22 the Administrator.
23 "(iii) TIMING.—A reimbursement de-
24 scribed in clause (i) shall be made not later

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1 than 5 days after the disbursement of the
2 covered loan.
3 "(iv) SENSE OF THE SENATE.—It is
4 the sense of the Senate that the Adminis-
5 trator should issue guidance to lenders and
6 agents to ensure that the processing and
7 disbursement of covered loans prioritizes
8 small business concerns and entities in un-
9 derserved and rural markets, including vet-
10 erans and members of the military commu-
11 nity, small business concerns owned and
12 controlled by socially and economically dis-
13 advantaged individuals (as defined in sec-
14 tion 8(d)(3)(C)), women, and businesses in
15 operation for less than 2 years.
16 "(Q) DUPLICATION.—Nothing in this
17 paragraph shall prohibit a recipient of an eco-
18 nomic injury disaster loan made under sub-
19 section (b)(2) during the period beginning on
20 January 31, 2020 and ending on the date on
21 which covered loans are made available that is
22 for a purpose other than paying payroll costs
23 and other obligations described in subparagraph
24 (F) from receiving assistance under this para-
25 graph.

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"(R) WAIVER OF PREPAYMENT PENALTY.—Notwithstanding any other provision of law, there shall be no prepayment penalty for any payment made on a covered loan.".

(b) COMMITMENTS FOR 7(A) LOANS.—During the period beginning on February 15, 2020 and ending on June 30, 2020—

(1) the amount authorized for commitments for general business loans authorized under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), including loans made under paragraph (36) of such section, as added by subsection (a), shall be $349,000,000,000; and

(2) the amount authorized for commitments for such loans under the heading "BUSINESS LOANS PROGRAM ACCOUNT" under the heading "SMALL BUSINESS ADMINISTRATION" under title V of the Consolidated Appropriations Act, 2020 (Public Law 116–93; 133 Stat. 2475) shall not apply.

(c) EXPRESS LOANS.—

(1) IN GENERAL.—Section 7(a)(31)(D) of the Small Business Act (15 U.S.C. 636(a)(31)(D)) is amended by striking "$350,000" and inserting "$1,000,000".

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1 (2) PROSPECTIVE REPEAL.—Effective on Janu-
2 ary 1, 2021, section 7(a)(31)(D) of the Small Busi-
3 ness Act (15 U.S.C. 636(a)(31)(D)) is amended by
4 striking "$1,000,000" and inserting "$350,000".
5 (d) EXCEPTION TO GUARANTEE FEE WAIVER FOR
6 VETERANS.—Section 7(a)(31)(G) of the Small Business
7 Act (15 U.S.C. 636(a)(31)(G)) is amended—
8 (1) by striking clause (ii); and
9 (2) by redesignating clause (iii) as clause (ii).
10 (e) INTERIM RULE.—On and after the date of enact-
11 ment of this Act, the interim final rule published by the
12 Administrator entitled "Express Loan Programs: Affili-
13 ation Standards" (85 Fed. Reg. 7622 (February 10,
14 2020)) is permanently rescinded and shall have no force
15 or effect.
16 **SEC. 1103. ENTREPRENEURIAL DEVELOPMENT.**
17 (a) DEFINITIONS.—In this section—
18 (1) the term "covered small business concern"
19 means a small business concern that has experi-
20 enced, as a result of COVID–19—
21 (A) supply chain disruptions, including
22 changes in—
23 (i) quantity and lead time, including
24 the number of shipments of components
25 and delays in shipments;

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(ii) quality, including shortages in supply for quality control reasons; and

(iii) technology, including a compromised payment network;

(B) staffing challenges;

(C) a decrease in gross receipts or customers; or

(D) a closure;

(2) the term "resource partner" means—

(A) a small business development center; and

(B) a women's business center;

(3) the term "small business development center" has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632); and

(4) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) EDUCATION, TRAINING, AND ADVISING GRANTS.—

(1) IN GENERAL.—The Administration may provide financial assistance in the form of grants to resource partners to provide education, training, and advising to covered small business concerns.

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1 (2) USE OF FUNDS.—Grants under this sub-
2 section shall be used for the education, training, and
3 advising of covered small business concerns and
4 their employees on—
5 (A) accessing and applying for resources
6 provided by the Administration and other Fed-
7 eral resources relating to access to capital and
8 business resiliency;
9 (B) the hazards and prevention of the
10 transmission and communication of COVID–19
11 and other communicable diseases;
12 (C) the potential effects of COVID–19 on
13 the supply chains, distribution, and sale of
14 products of covered small business concerns and
15 the mitigation of those effects;
16 (D) the management and practice of
17 telework to reduce possible transmission of
18 COVID–19;
19 (E) the management and practice of re-
20 mote customer service by electronic or other
21 means;
22 (F) the risks of and mitigation of cyber
23 threats in remote customer service or telework
24 practices;

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(G) the mitigation of the effects of reduced travel or outside activities on covered small business concerns during COVID–19 or similar occurrences; and

(H) any other relevant business practices necessary to mitigate the economic effects of COVID–19 or similar occurrences.

(3) GRANT DETERMINATION.—

(A) SMALL BUSINESS DEVELOPMENT CENTERS.—The Administration shall award 80 percent of funds authorized to carry out this subsection to small business development centers, which shall be awarded pursuant to a formula jointly developed, negotiated, and agreed upon, with full participation of both parties, between the association formed under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A)) and the Administration.

(B) WOMEN'S BUSINESS CENTERS.—The Administration shall award 20 percent of funds authorized to carry out this subsection to women's business centers, which shall be awarded pursuant to a process established by the Administration in consultation with recipients of assistance.

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1 (C) NO MATCHING FUNDS REQUIRED.—
2 Matching funds shall not be required for any
3 grant under this subsection.
4 (4) GOALS AND METRICS.—
5 (A) IN GENERAL.—Goals and metrics for
6 the funds made available under this subsection
7 shall be jointly developed, negotiated, and
8 agreed upon, with full participation of both par-
9 ties, between the resource partners and the Ad-
10 ministrator, which shall—
11 (i) take into consideration the extent
12 of the circumstances relating to the spread
13 of COVID–19, or similar occurrences, that
14 affect covered small business concerns lo-
15 cated in the areas covered by the resource
16 partner, particularly in rural areas or eco-
17 nomically distressed areas;
18 (ii) generally follow the use of funds
19 outlined in paragraph (2), but shall not re-
20 strict the activities of resource partners in
21 responding to unique situations; and
22 (iii) encourage resource partners to
23 develop and provide services to covered
24 small business concerns.

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1 (B) PUBLIC AVAILABILITY.—The Adminis-
2 trator shall make publicly available the method-
3 ology by which the Administrator and resource
4 partners jointly develop the metrics and goals
5 described in subparagraph (A).
6 (c) RESOURCE PARTNER ASSOCIATION GRANTS.—
7 (1) IN GENERAL.—The Administrator may pro-
8 vide grants to an association or associations rep-
9 resenting resource partners under which the associa-
10 tion or associations shall establish a single central-
11 ized hub for COVID–19 information, which shall in-
12 clude—
13 (A) 1 online platform that consolidates re-
14 sources and information available across mul-
15 tiple Federal agencies for small business con-
16 cerns related to COVID–19; and
17 (B) a training program to educate resource
18 partner counselors, members of the Service
19 Corps of Retired Executives established under
20 section 8(b)(1)(B) of the Small Business Act
21 (15 U.S.C. 637(b)(1)(B)), and counselors at
22 veterans business outreach centers described in
23 section 32 of the Small Business Act (15
24 U.S.C. 657b) on the resources and information
25 described in subparagraph (A).

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1 (2) GOALS AND METRICS.—Goals and metrics
2 for the funds made available under this subsection
3 shall be jointly developed, negotiated, and agreed
4 upon, with full participation of both parties, between
5 the association or associations receiving a grant
6 under this subsection and the Administrator.
7 (d) REPORT.—Not later than 6 months after the date
8 of enactment of this Act, and annually thereafter, the Ad-
9 ministrator shall submit to the Committee on Small Busi-
10 ness and Entrepreneurship of the Senate and the Com-
11 mittee on Small Business of the House of Representatives
12 a report that describes—
13 (1) with respect to the initial year covered by
14 the report—
15 (A) the programs and services developed
16 and provided by the Administration and re-
17 source partners under subsection (b);
18 (B) the initial efforts to provide those serv-
19 ices under subsection (b); and
20 (C) the online platform and training devel-
21 oped and provided by the Administration and
22 the association or associations under subsection
23 (c); and
24 (2) with respect to the subsequent years covered
25 by the report—

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1 (A) with respect to the grant program
2 under subsection (b)—
3 (i) the efforts of the Administrator
4 and resource partners to develop services
5 to assist covered small business concerns;
6 (ii) the challenges faced by owners of
7 covered small business concerns in access-
8 ing services provided by the Administration
9 and resource partners;
10 (iii) the number of unique covered
11 small business concerns that were served
12 by the Administration and resource part-
13 ners; and
14 (iv) other relevant outcome perform-
15 ance data with respect to covered small
16 business concerns, including the number of
17 employees affected, the effect on sales, the
18 disruptions of supply chains, and the ef-
19 forts made by the Administration and re-
20 source partners to mitigate these effects;
21 and
22 (B) with respect to the grant program
23 under subsection (c)—
24 (i) the efforts of the Administrator
25 and the association or associations to de-

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1 velop and evolve an online resource for
2 small business concerns; and
3 (ii) the efforts of the Administrator
4 and the association or associations to de-
5 velop a training program for resource part-
6 ner counselors, including the number of
7 counselors trained.

8 **SEC. 1104. STATE TRADE EXPANSION PROGRAM.**

9 (a) IN GENERAL.—Notwithstanding paragraph
10 (3)(C)(iii) of section 22(l) of the Small Business Act (15
11 U.S.C. 649(l)), for grants under the State Trade Expan-
12 sion Program under such section 22(l) using amounts
13 made available for fiscal year 2018 or fiscal year 2019,
14 the period of the grant shall continue through the end of
15 fiscal year 2021.

16 (b) REIMBURSEMENT.—The Administrator shall re-
17 imburse any recipient of assistance under section 22(l) of
18 the Small Business Act (15 U.S.C. 649(l)) for financial
19 losses relating to a foreign trade mission or a trade show
20 exhibition that was cancelled solely due to a public health
21 emergency declared due to COVID–19 if the reimburse-
22 ment does not exceed a recipient's grant funding.

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**SEC. 1105. WAIVER OF MATCHING FUNDS REQUIREMENT UNDER THE WOMEN'S BUSINESS CENTER PROGRAM.**

During the 3-month period beginning on the date of enactment of this Act, the requirement relating to obtaining cash contributions from non-Federal sources under section 29(c)(1) of the Small Business Act (15 U.S.C. 656(c)(1)) is waived for any recipient of assistance under such section 29.

**SEC. 1106. LOAN FORGIVENESS.**

(a) DEFINITIONS.—In this section—

(1) the term ''covered loan'' means a loan guaranteed under paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by section 1102;

(2) the term ''covered mortgage obligation'' means any indebtedness or debt instrument incurred in the ordinary course of business that—

(A) is a liability of the borrower;

(B) is a mortgage on real or personal property; and

(C) was incurred before February 15, 2020;

(3) the term ''covered period'' means the 8-week period beginning on the date of the origination of a covered loan;

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1 (4) the term "covered rent obligation" means
2 rent obligated under a leasing agreement in force be-
3 fore February 15, 2020;
4 (5) the term "covered utility payment" means
5 payment for a service for the distribution of elec-
6 tricity, gas, water, transportation, telephone, or
7 internet access for which service began before Feb-
8 ruary 15, 2020;
9 (6) the term "eligible recipient" means the re-
10 cipient of a covered loan;
11 (7) the term "expected forgiveness amount"
12 means the amount of principal that a lender reason-
13 ably expects a borrower to expend during the cov-
14 ered period on the sum of any—
15 (A) payroll costs;
16 (B) payments of interest on any covered
17 mortgage obligation (which shall not include
18 any prepayment of or payment of principal on
19 a covered mortgage obligation);
20 (C) payments on any covered rent obliga-
21 tion; and
22 (D) covered utility payments; and
23 (8) the term "payroll costs" has the meaning
24 given that term in paragraph (36) of section 7(a) of

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1 the Small Business Act (15 U.S.C. 636(a)), as
2 added by section 1102 of this Act.
3 (b) FORGIVENESS.—An eligible recipient shall be eli-
4 gible for forgiveness of indebtedness on a covered loan in
5 an amount equal to the sum of the following costs incurred
6 and payments made during the covered period:
7 (1) Payroll costs.
8 (2) Any payment of interest on any covered
9 mortgage obligation (which shall not include any
10 prepayment of or payment of principal on a covered
11 mortgage obligation).
12 (3) Any payment on any covered rent obliga-
13 tion.
14 (4) Any covered utility payment.
15 (c) TREATMENT OF AMOUNTS FORGIVEN.—
16 (1) IN GENERAL.—Amounts which have been
17 forgiven under this section shall be considered can-
18 celed indebtedness by a lender authorized under sec-
19 tion 7(a) of the Small Business Act (15 U.S.C.
20 636(a)).
21 (2) PURCHASE OF GUARANTEES.—For purposes
22 of the purchase of the guarantee for a covered loan
23 by the Administrator, amounts which are forgiven
24 under this section shall be treated in accordance
25 with the procedures that are otherwise applicable to

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1 a loan guaranteed under section 7(a) of the Small
2 Business Act (15 U.S.C. 636(a)).
3 (3) REMITTANCE.—Not later than 90 days
4 after the date on which the amount of forgiveness
5 under this section is determined, the Administrator
6 shall remit to the lender an amount equal to the
7 amount of forgiveness, plus any interest accrued
8 through the date of payment.
9 (4) ADVANCE PURCHASE OF COVERED LOAN.—
10 (A) REPORT.—A lender authorized under
11 section 7(a) of the Small Business Act (15
12 U.S.C. 636(a)), or, at the discretion of the Ad-
13 ministrator, a third party participant in the sec-
14 ondary market, may, report to the Adminis-
15 trator an expected forgiveness amount on a cov-
16 ered loan or on a pool of covered loans of up
17 to 100 percent of the principal on the covered
18 loan or pool of covered loans, respectively.
19 (B) PURCHASE.—The Administrator shall
20 purchase the expected forgiveness amount de-
21 scribed in subparagraph (A) as if the amount
22 were the principal amount of a loan guaranteed
23 under section 7(a) of the Small Business Act
24 636(a)).

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1 (C) TIMING.—Not later than 15 days after
2 the date on which the Administrator receives a
3 report under subparagraph (A), the Adminis-
4 trator shall purchase the expected forgiveness
5 amount under subparagraph (B) with respect to
6 each covered loan to which the report relates.
7 (d) LIMITS ON AMOUNT OF FORGIVENESS.—
8 (1) AMOUNT MAY NOT EXCEED PRINCIPAL.—
9 The amount of loan forgiveness under this section
10 shall not exceed the principal amount of the financ-
11 ing made available under the applicable covered
12 loan.
13 (2) REDUCTION BASED ON REDUCTION IN NUM-
14 BER OF EMPLOYEES.—
15 (A) IN GENERAL.—The amount of loan
16 forgiveness under this section shall be reduced,
17 but not increased, by multiplying the amount
18 described in subsection (b) by the quotient ob-
19 tained by dividing—
20 (i) the average number of full-time
21 equivalent employees per month employed
22 by the eligible recipient during the covered
23 period; by
24 (ii)(I) at the election of the bor-
25 rower—

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1 (aa) the average number of full-
2 time equivalent employees per month
3 employed by the eligible recipient dur-
4 ing the period beginning on February
5 15, 2019 and ending on June 30,
6 2019; or
7 (bb) the average number of full-
8 time equivalent employees per month
9 employed by the eligible recipient dur-
10 ing the period beginning on January
11 1, 2020 and ending on February 29,
12 2020; or
13 (II) in the case of an eligible recipient
14 that is seasonal employer, as determined
15 by the Administrator, the average number
16 of full-time equivalent employees per
17 month employed by the eligible recipient
18 during the period beginning on February
19 15, 2019 and ending on June 30, 2019.
20 (B) CALCULATION OF AVERAGE NUMBER
21 OF EMPLOYEES.—For purposes of subpara-
22 graph (A), the average number of full-time
23 equivalent employees shall be determined by
24 calculating the average number of full-time

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1 equivalent employees for each pay period falling
2 within a month.
3 (3) REDUCTION RELATING TO SALARY AND
4 WAGES.—
5 (A) IN GENERAL.—The amount of loan
6 forgiveness under this section shall be reduced
7 by the amount of any reduction in total salary
8 or wages of any employee described in subpara-
9 graph (B) during the covered period that is in
10 excess of 25 percent of the total salary or wages
11 of the employee during the most recent full
12 quarter during which the employee was em-
13 ployed before the covered period.
14 (B) EMPLOYEES DESCRIBED.—An em-
15 ployee described in this subparagraph is any
16 employee who did not receive, during any single
17 pay period during 2019, wages or salary at an
18 annualized rate of pay in an amount more than
19 $100,000.
20 (4) TIPPED WORKERS.—An eligible recipient
21 with tipped employees described in section
22 3(m)(2)(A) of the Fair Labor Standards Act of
23 1938 (29 U.S.C. 203(m)(2)(A)) may receive forgive-
24 ness for additional wages paid to those employees.
25 (5) EXEMPTION FOR RE-HIRES.—

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1 (A) IN GENERAL.—In a circumstance de-
2 scribed in subparagraph (B), the amount of
3 loan forgiveness under this section shall be de-
4 termined without regard to a reduction in the
5 number of full-time equivalent employees of an
6 eligible recipient or a reduction in the salary of
7 1 or more employees of the eligible recipient, as
8 applicable, during the period beginning on Feb-
9 ruary 15, 2020 and ending on the date that is
10 30 days after the date of enactment of this Act.
11 (B) CIRCUMSTANCES.—A circumstance de-
12 scribed in this subparagraph is a cir-
13 cumstance—
14 (i) in which—
15 (I) during the period beginning
16 on February 15, 2020 and ending on
17 the date that is 30 days after the date
18 of enactment of this Act, there is a re-
19 duction, as compared to February 15,
20 2020, in the number of full-time
21 equivalent employees of an eligible re-
22 cipient; and
23 (II) not later than June 30,
24 2020, the eligible employer has elimi-

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1 nated the reduction in the number of
2 full-time equivalent employees;
3 (ii) in which—
4 (I) during the period beginning
5 on February 15, 2020 and ending on
6 the date that is 30 days after the date
7 of enactment of this Act, there is a re-
8 duction, as compared to February 15,
9 2020, in the salary or wages of 1 or
10 more employees of the eligible recipi-
11 ent; and
12 (II) not later than June 30,
13 2020, the eligible employer has elimi-
14 nated the reduction in the salary or
15 wages of such employees; or
16 (iii) in which the events described in
17 clause (i) and (ii) occur.
18 (6) EXEMPTIONS.—The Administrator and the
19 Secretary of the Treasury may prescribe regulations
20 granting de minimis exemptions from the require-
21 ments under this subsection.
22 (e) APPLICATION.—An eligible recipient seeking loan
23 forgiveness under this section shall submit to the lender
24 that is servicing the covered loan an application, which
25 shall include—

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1 (1) documentation verifying the number of full-
2 time equivalent employees on payroll and pay rates
3 for the periods described in subsection (d), includ-
4 ing—
5 (A) payroll tax filings reported to the In-
6 ternal Revenue Service; and
7 (B) State income, payroll, and unemploy-
8 ment insurance filings;
9 (2) documentation, including cancelled checks,
10 payment receipts, transcripts of accounts, or other
11 documents verifying payments on covered mortgage
12 obligations, payments on covered lease obligations,
13 and covered utility payments;
14 (3) a certification from a representative of the
15 eligible recipient authorized to make such certifi-
16 cations that—
17 (A) the documentation presented is true
18 and correct; and
19 (B) the amount for which forgiveness is re-
20 quested was used to retain employees, make in-
21 terest payments on a covered mortgage obliga-
22 tion, make payments on a covered rent obliga-
23 tion, or make covered utility payments; and
24 (4) any other documentation the Administrator
25 determines necessary.

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1 (f) PROHIBITION ON FORGIVENESS WITHOUT DOCU-
2 MENTATION.—No eligible recipient shall receive forgive-
3 ness under this section without submitting to the lender
4 that is servicing the covered loan the documentation re-
5 quired under subsection (e).
6 (g) DECISION.—Not later than 60 days after the date
7 on which a lender receives an application for loan forgive-
8 ness under this section from an eligible recipient, the lend-
9 er shall issue a decision on the an application.
10 (h) HOLD HARMLESS.—If a lender has received the
11 documentation required under this section from an eligible
12 recipient attesting that the eligible recipient has accurately
13 verified the payments for payroll costs, payments on cov-
14 ered mortgage obligations, payments on covered lease obli-
15 gations, or covered utility payments during covered pe-
16 riod—
17 (1) an enforcement action may not be taken
18 against the lender under section 47(e) of the Small
19 Business Act (15 U.S.C. 657t(e)) relating to loan
20 forgiveness for the payments for payroll costs, pay-
21 ments on covered mortgage obligations, payments on
22 covered lease obligations, or covered utility pay-
23 ments, as the case may be; and
24 (2) the lender shall not be subject to any pen-
25 alties by the Administrator relating to loan forgive-

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1 ness for the payments for payroll costs, payments on
2 covered mortgage obligations, payments on covered
3 lease obligations, or covered utility payments, as the
4 case may be.

5 (i) TAXABILITY.—For purposes of the Internal Rev-
6 enue Code of 1986, any amount which (but for this sub-
7 section) would be includible in gross income of the eligible
8 recipient by reason of forgiveness described in subsection
9 (b) shall be excluded from gross income.

10 (j) RULE OF CONSTRUCTION.—The cancellation of
11 indebtedness on a covered loan under this section shall not
12 otherwise modify the terms and conditions of the covered
13 loan.

14 (k) REGULATIONS.—Not later than 30 days after the
15 date of enactment of this Act, the Administrator shall
16 issue guidance and regulations implementing this section.

17 **SEC. 1107. DIRECT APPROPRIATIONS.**

18 (a) IN GENERAL.—There is appropriated, out of
19 amounts in the Treasury not otherwise appropriated, for
20 the fiscal year ending September 30, 2020, to remain
21 available until September 30, 2021, for additional
22 amounts—

23 (1) $349,000,000,000 under the heading
24 "Small Business Administration—Business Loans
25 Program Account, CARES Act" for the cost of

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1 guaranteed loans as authorized under paragraph
2 (36) of section 7(a) of the Small Business Act (15
3 U.S.C. 636(a)), as added by section 1102(a) of this
4 Act;
5 (2) $675,000,000 under the heading "Small
6 Business Administration—Salaries and Expenses"
7 for salaries and expenses of the Administration;
8 (3) $25,000,000 under the heading "Small
9 Business Administration—Office of Inspector Gen-
10 eral", to remain available until September 30, 2024,
11 for necessary expenses of the Office of Inspector
12 General of the Administration in carrying out the
13 provisions of the Inspector General Act of 1978 (5
14 U.S.C. App.);
15 (4) $265,000,000 under the heading "Small
16 Business Administration—Entrepreneurial Develop-
17 ment Programs", of which—
18 (A) $240,000,000 shall be for carrying out
19 section 1103(b) of this Act; and
20 (B) $25,000,000 shall be for carrying out
21 section 1103(c) of this Act;
22 (5) $10,000,000 under the heading "Depart-
23 ment of Commerce—Minority Business Development
24 Agency" for minority business centers of the Minor-

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1 ity Business Development Agency to provide tech-
2 nical assistance to small business concerns;
3 (6) $10,000,000,000 under the heading "Small
4 Business Administration—Emergency EIDL
5 Grants" shall be for carrying out section 1110 of
6 this Act;
7 (7) $17,000,000,000 under the heading "Small
8 Business Administration—Business Loans Program
9 Account, CARES Act" shall be for carrying out sec-
10 tion 1112 of this Act; and
11 (8) $25,000,000 under the heading "Depart-
12 ment of the Treasury—Departmental Offices—Sala-
13 ries and Expenses" shall be for carrying out section
14 1109 of this Act.
15 (b) SECONDARY MARKET.—During the period begin-
16 ning on the date of enactment of this Act and ending on
17 September 30, 2021, guarantees of trust certificates au-
18 thorized by section 5(g) of the Small Business Act (15
19 U.S.C. 635(g)) shall not exceed a principal amount of
20 $100,000,000,000.
21 (c) REPORTS.—Not later than 180 days after the
22 date of enactment of this Act, the Administrator shall sub-
23 mit to the Committee on Appropriations of the Senate and
24 the Committee on Appropriations of the House of Rep-
25 resentatives a detailed expenditure plan for using the

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1 amounts appropriated to the Administration under sub-
2 section (a).

3 **SEC. 1108. MINORITY BUSINESS DEVELOPMENT AGENCY.**

4 (a) DEFINITIONS.—In this section—
5 (1) the term "Agency" means the Minority
6 Business Development Agency of the Department of
7 Commerce;
8 (2) the term "minority business center" means
9 a Business Center of the Agency;
10 (3) the term "minority business enterprise"
11 means a for-profit business enterprise—
12 (A) not less than 51 percent of which is
13 owned by 1 or more socially disadvantaged indi-
14 viduals, as determined by the Agency; and
15 (B) the management and daily business
16 operations of which are controlled by 1 or more
17 socially disadvantaged individuals, as deter-
18 mined by the Agency; and
19 (4) the term "minority chamber of commerce"
20 means a chamber of commerce developed specifically
21 to support minority business enterprises.
22 (b) EDUCATION, TRAINING, AND ADVISING
23 GRANTS.—
24 (1) IN GENERAL.—The Agency may provide fi-
25 nancial assistance in the form of grants to minority

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1 business centers and minority chambers of commerce
2 to provide education, training, and advising to mi-
3 nority business enterprises.
4 (2) USE OF FUNDS.—Grants under this section
5 shall be used for the education, training, and advis-
6 ing of minority business enterprises and their em-
7 ployees on—
8 (A) accessing and applying for resources
9 provided by the Agency and other Federal re-
10 sources relating to access to capital and busi-
11 ness resiliency;
12 (B) the hazards and prevention of the
13 transmission and communication of COVID–19
14 and other communicable diseases;
15 (C) the potential effects of COVID–19 on
16 the supply chains, distribution, and sale of
17 products of minority business enterprises and
18 the mitigation of those effects;
19 (D) the management and practice of
20 telework to reduce possible transmission of
21 COVID–19;
22 (E) the management and practice of re-
23 mote customer service by electronic or other
24 means;

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1 (F) the risks of and mitigation of cyber
2 threats in remote customer service or telework
3 practices;
4 (G) the mitigation of the effects of reduced
5 travel or outside activities on minority business
6 enterprises during COVID–19 or similar occur-
7 rences; and
8 (H) any other relevant business practices
9 necessary to mitigate the economic effects of
10 COVID–19 or similar occurrences.
11 (3) NO MATCHING FUNDS REQUIRED.—Match-
12 ing funds shall not be required for any grant under
13 this section.
14 (4) GOALS AND METRICS.—
15 (A) IN GENERAL.—Goals and metrics for
16 the funds made available under this section
17 shall be jointly developed, negotiated, and
18 agreed upon, with full participation of both par-
19 ties, between the minority business centers, mi-
20 nority chambers of commerce, and the Agency,
21 which shall—
22 (i) take into consideration the extent
23 of the circumstances relating to the spread
24 of COVID–19, or similar occurrences, that
25 affect minority business enterprises located

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in the areas covered by minority business centers and minority chambers of commerce, particularly in rural areas or economically distressed areas;

(ii) generally follow the use of funds outlined in paragraph (2), but shall not restrict the activities of minority business centers and minority chambers of commerce in responding to unique situations; and

(iii) encourage minority business centers and minority chambers of commerce to develop and provide services to minority business enterprises.

(B) PUBLIC AVAILABILITY.—The Agency shall make publicly available the methodology by which the Agency, minority business centers, and minority chambers of commerce jointly develop the metrics and goals described in subparagraph (A).

(c) WAIVERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, the Agency may, during the 3-month period that begins on the date of enactment of this Act, waive any matching require-

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1 ment imposed on a minority business center or a
2 specialty center of the Agency under a cooperative
3 agreement between such a center and the Agency if
4 the applicable center is unable to raise funds, or has
5 suffered a loss of revenue, because of the effects of
6 COVID–19.

7 (2) REMAINING COMPLIANT.—Notwithstanding
8 any provision of a cooperative agreement between
9 the Agency and a minority business center, if, dur-
10 ing the period beginning on the date of enactment
11 of this Act and ending on September 30, 2021, such
12 a center decides not to collect fees because of the
13 economic consequences of COVID–19, the center
14 shall be considered to be in compliance with that
15 agreement if—

16 (A) the center notifies the Agency with re-
17 spect to that decision, which the center may
18 provide through electronic mail; and

19 (B) the Agency, not later than 15 days
20 after the date on which the center provides no-
21 tice to the Agency under subparagraph (A)—

22 (i) confirms receipt of the notification
23 under subparagraph (A); and

24 (ii) accepts the decision of the center.

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1 (d) REPORT.—Not later than 6 months after the date
2 of enactment of this Act, and annually thereafter, the
3 Agency shall submit to the Committee on Small Business
4 and Entrepreneurship and the Committee on Commerce,
5 Science, and Transportation of the Senate and the Com-
6 mittee on Small Business and the Committee on Energy
7 and Commerce of the House of Representatives a report
8 that describes—
9 (1) with respect to the period covered by the
10 initial report—
11 (A) the programs and services developed
12 and provided by the Agency, minority business
13 centers, and minority chambers of commerce
14 under subsection (b); and
15 (B) the initial efforts to provide those serv-
16 ices under subsection (b); and
17 (2) with respect to subsequent years covered by
18 the report—
19 (A) with respect to the grant program
20 under subsection (b)—
21 (i) the efforts of the Agency, minority
22 business centers, and minority chambers of
23 commerce to develop services to assist mi-
24 nority business enterprises;

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(ii) the challenges faced by owners of minority business enterprises in accessing services provided by the Agency, minority business centers, and minority chambers of commerce;

(iii) the number of unique minority business enterprises that were served by the Agency, minority business centers, or minority chambers of commerce; and

(iv) other relevant outcome performance data with respect to minority business enterprises, including the number of employees affected, the effect on sales, the disruptions of supply chains, and the efforts made by the Agency, minority business centers, and minority chambers of commerce to mitigate these effects .

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 to carry out this section, to remain available until expended.

**SEC. 1109. UNITED STATES TREASURY PROGRAM MANAGEMENT AUTHORITY.**

(a) DEFINITIONS.—In this section—

(1) the terms "appropriate Federal banking agency" and "insured depository institution" have

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1 the meanings given those terms in section 3 of the
2 Federal Deposit Insurance Act (12 U.S.C. 1813);
3 (2) the term "insured credit union" has the
4 meaning given the term in section 101 of the Fed-
5 eral Credit Union Act (12 U.S.C. 1752); and
6 (3) the term "Secretary" means the Secretary
7 of the Treasury.
8 (b) AUTHORITY TO INCLUDE ADDITIONAL FINAN-
9 CIAL INSTITUTIONS.—The Department of the Treasury,
10 in consultation with the Administrator, and the Chairman
11 of the Farm Credit Administration shall establish criteria
12 for insured depository institutions, insured credit unions,
13 institutions of the Farm Credit System chartered under
14 the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.),
15 and other lenders that do not already participate in lend-
16 ing under programs of the Administration, to participate
17 in the paycheck protection program to provide loans under
18 this section until the date on which the national emergency
19 declared by the President under the National Emergencies
20 Act (50 U.S.C. 1601 et seq.) with respect to the
21 Coronavirus Disease 2019 (COVID–19) expires.
22 (c) SAFETY AND SOUNDNESS.—An insured deposi-
23 tory institution, insured credit union, institution of the
24 Farm Credit System chartered under the Farm Credit Act
25 of 1971 (12 U.S.C. 2001 et seq.), or other lender may

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1 only participate in the program established under this sec-
2 tion if participation does not affect the safety and sound-
3 ness of the institution or lender, as determined by the Sec-
4 retary in consultation with the appropriate Federal bank-
5 ing agencies or the National Credit Union Administration
6 Board, as applicable.

7 (d) REGULATIONS FOR LENDERS AND LOANS.—

8 (1) IN GENERAL.—The Secretary may issue
9 regulations and guidance as necessary to carry out
10 the purposes of this section, including to—

11 (A) allow additional lenders to originate
12 loans under this section; and

13 (B) establish terms and conditions for
14 loans under this section, including terms and
15 conditions concerning compensation, under-
16 writing standards, interest rates, and maturity.

17 (2) REQUIREMENTS.—The terms and condi-
18 tions established under paragraph (1) shall provide
19 for the following:

20 (A) A rate of interest that does not exceed
21 the maximum permissible rate of interest avail-
22 able on a loan of comparable maturity under
23 paragraph (36) of section 7(a) of the Small
24 Business Act (15 U.S.C. 636(a)), as added by
25 section 1102 of this Act.

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1 (B) Terms and conditions that, to the
2 maximum extent practicable, are consistent
3 with the terms and conditions required under
4 the following provisions of paragraph (36) of
5 section 7(a) of the Small Business Act (15
6 U.S.C. 636(a)), as added by section 1102 of
7 this Act:
8 (i) Subparagraph (D), pertaining to
9 borrower eligibility.
10 (ii) Subparagraph (E), pertaining to
11 the maximum loan amount.
12 (iii) Subparagraph (F)(i), pertaining
13 to allowable uses of program loans.
14 (iv) Subparagraph (H), pertaining to
15 fee waivers.
16 (v) Subparagraph (M), pertaining to
17 loan deferment.
18 (C) A guarantee percentage that, to the
19 maximum extent practicable, is consistent with
20 the guarantee percentage required under sub-
21 paragraph (F) of section 7(a)(2) of the Small
22 Business Act (15 U.S.C. 636(a)(2)), as added
23 by section 1102 of this Act.
24 (D) Loan forgiveness under terms and con-
25 ditions that, to the maximum extent prac-

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1 ticable, is consistent with the terms and condi-
2 tions for loan forgiveness under section 1106 of
3 this Act.
4 (e) ADDITIONAL REGULATIONS GENERALLY.—The
5 Secretary may issue regulations and guidance as necessary
6 to carry out the purposes of this section, including to allow
7 additional lenders to originate loans under this title and
8 to establish terms and conditions such as compensation,
9 underwriting standards, interest rates, and maturity for
10 under this section.
11 (f) CERTIFICATION.—As a condition of receiving a
12 loan under this section, a borrower shall certify under
13 terms acceptable to the Secretary that the borrower—
14 (1) does not have an application pending for a
15 loan under section 7(a) of the Small Business Act
16 (15 U.S.C. 636(a)) for the same purpose; and
17 (2) has not received such a loan during the pe-
18 riod beginning on February 15, 2020 and ending on
19 December 31, 2020.
20 (g) OPT-IN FOR SBA QUALIFIED LENDERS.—Lend-
21 ers qualified to participate as a lender under 7(a) of the
22 Small Business Act (15 U.S.C. 636(a)) may elect to par-
23 ticipate in the paycheck protection program under the cri-
24 teria, terms, and conditions established under this section.
25 Such participation shall not preclude the lenders from con-

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1 tinuing participation as a lender under section 7(a) of the
2 Small Business Act (15 U.S.C. 636(a)).
3 (h) PROGRAM ADMINISTRATION.—With guidance
4 from the Secretary, the Administrator shall administer the
5 program established under this section, including the mak-
6 ing and purchasing of guarantees on loans under the pro-
7 gram, until the date on which the national emergency de-
8 clared by the President under the National Emergencies
9 Act (50 U.S.C. 1601 et seq.) with respect to the
10 Coronavirus Disease 2019 (COVID–19) expires.
11 (i) CRIMINAL PENALTIES.—A loan under this section
12 shall be deemed to be a loan under the Small Business
13 Act (15 U.S.C. 631 et seq.) for purposes of section 16
14 of such Act (15 U.S.C. 645).
15 **SEC. 1110. EMERGENCY EIDL GRANTS.**
16 (a) DEFINITIONS.—In this section—
17 (1) the term "covered period" means the period
18 beginning on January 31, 2020 and ending on De-
19 cember 31, 2020; and
20 (2) the term "eligible entity" means—
21 (A) a business with not more than 500 em-
22 ployees;
23 (B) any individual who operates under a
24 sole proprietorship, with or without employees,
25 or as an independent contractor;

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1 (C) a cooperative with not more than 500
2 employees;
3 (D) an ESOP (as defined in section 3 of
4 the Small Business Act (15 U.S.C. 632)) with
5 not more than 500 employees; or
6 (E) a tribal small business concern, as de-
7 scribed in section 31(b)(2)(C) of the Small
8 Business Act (15 U.S.C. 657a(b)(2)(C)), with
9 not more than 500 employees.
10 (b) ELIGIBLE ENTITIES.—During the covered period,
11 in addition to small business concerns, private nonprofit
12 organizations, and small agricultural cooperatives, an eli-
13 gible entity shall be eligible for a loan made under section
14 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)).
15 (c) TERMS; CREDIT ELSEWHERE.—With respect to
16 a loan made under section 7(b)(2) of the Small Business
17 Act (15 U.S.C. 636(b)(2)) in response to COVID–19 dur-
18 ing the covered period, the Administrator shall waive—
19 (1) any rules related the personal guarantee on
20 advances and loans of not more than $200,000 dur-
21 ing the covered period for all applicants;
22 (2) the requirement that an applicant needs to
23 be in business for the 1-year period before the dis-
24 aster, except that no waiver may be made for a busi-

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1 ness that was not in operation on January 31, 2020;
2 and
3 (3) the requirement in the flush matter fol-
4 lowing subparagraph (E) of section 7(b)(2) of the
5 Small Business Act (15 U.S.C. 636(b)(2)), as so re-
6 designated by subsection (f) of this section, that an
7 applicant be unable to obtain credit elsewhere.
8 (d) APPROVAL AND ABILITY TO REPAY FOR SMALL
9 DOLLAR LOANS.—With respect to a loan made under sec-
10 tion 7(b)(2) of the Small Business Act (15 U.S.C.
11 636(b)(2)) in response to COVID–19 during the covered
12 period, the Administrator may—
13 (1) approve an applicant based solely on the
14 credit score of the applicant and shall not require an
15 applicant to submit a tax return or a tax return
16 transcript for such approval; or
17 (2) use alternative appropriate methods to de-
18 termine an applicant's ability to repay.
19 (e) EMERGENCY GRANT.—
20 (1) IN GENERAL.—During the covered period,
21 an entity included for eligibility in subsection (b), in-
22 cluding small business concerns, private nonprofit
23 organizations, and small agricultural cooperatives,
24 that applies for a loan under section 7(b)(2) of the
25 Small Business Act (15 U.S.C. 636(b)(2)) in re-

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1 sponse to COVID–19 may request that the Adminis-
2 trator provide an advance that is, subject to para-
3 graph (3), in the amount requested by such appli-
4 cant to such applicant within 3 days after the Ad-
5 ministrator receives an application from such appli-
6 cant.

7 (2) VERIFICATION.—Before disbursing amounts
8 under this subsection, the Administrator shall verify
9 that the applicant is an eligible entity by accepting
10 a self-certification from the applicant under penalty
11 of perjury pursuant to section 1746 of title 28
12 United States Code.

13 (3) AMOUNT.—The amount of an advance pro-
14 vided under this subsection shall be not more than
15 $10,000.

16 (4) USE OF FUNDS.—An advance provided
17 under this subsection may be used to address any al-
18 lowable purpose for a loan made under section
19 7(b)(2) of the Small Business Act (15 U.S.C.
20 636(b)(2)), including—

21 (A) providing paid sick leave to employees
22 unable to work due to the direct effect of the
23 COVID–19;

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1 (B) maintaining payroll to retain employ-
2 ees during business disruptions or substantial
3 slowdowns;
4 (C) meeting increased costs to obtain ma-
5 terials unavailable from the applicant's original
6 source due to interrupted supply chains;
7 (D) making rent or mortgage payments;
8 and
9 (E) repaying obligations that cannot be
10 met due to revenue losses.
11 (5) REPAYMENT.—An applicant shall not be re-
12 quired to repay any amounts of an advance provided
13 under this subsection, even if subsequently denied a
14 loan under section 7(b)(2) of the Small Business Act
15 (15 U.S.C. 636(b)(2)).
16 (6) UNEMPLOYMENT GRANT.—If an applicant
17 that receives an advance under this subsection trans-
18 fers into, or is approved for, the loan program under
19 section 7(a) of the Small Business Act (15 U.S.C.
20 636(a)), the advance amount shall be reduced from
21 the loan forgiveness amount for a loan for payroll
22 costs made under such section 7(a).
23 (7) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to the Ad-

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1 ministration $10,000,000,000 to carry out this sub-
2 section.
3 (8) TERMINATION.—The authority to carry out
4 grants under this subsection shall terminate on De-
5 cember 31, 2020.
6 (f) EMERGENCIES INVOLVING FEDERAL PRIMARY
7 RESPONSIBILITY QUALIFYING FOR SBA ASSISTANCE.—
8 Section 7(b)(2) of the Small Business Act (15 U.S.C.
9 636(b)(2)) is amended—
10 (1) in subparagraph (A), by striking "or" at
11 the end;
12 (2) in subparagraph (B), by striking "or" at
13 the end;
14 (3) in subparagraph (C), by striking "or" at
15 the end;
16 (4) by redesignating subparagraph (D) as sub-
17 paragraph (E);
18 (5) by inserting after subparagraph (C) the fol-
19 lowing:
20 "(D) an emergency involving Federal pri-
21 mary responsibility determined to exist by the
22 President under the section 501(b) of the Rob-
23 ert T. Stafford Disaster Relief and Emergency
24 Assistance Act (42 U.S.C. 5191(b)); or"; and
25 (6) in subparagraph (E), as so redesignated—

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(A) by striking "or (C)" and inserting "(C), or (D)";

(B) by striking "disaster declaration" each place it appears and inserting "disaster or emergency declaration";

(C) by striking "disaster has occurred" and inserting "disaster or emergency has occurred";

(D) by striking "such disaster" and inserting "such disaster or emergency"; and

(E) by striking "disaster stricken" and inserting "disaster- or emergency-stricken"; and

(7) in the flush matter following subparagraph (E), as so redesignated, by striking the period at the end and inserting the following: ": *Provided further*, That for purposes of subparagraph (D), the Administrator shall deem that such an emergency affects each State or subdivision thereof (including counties), and that each State or subdivision has sufficient economic damage to small business concerns to qualify for assistance under this paragraph and the Administrator shall accept applications for such assistance immediately.".

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1 **SEC. 1111. RESOURCES AND SERVICES IN LANGUAGES**
2 **OTHER THAN ENGLISH.**

3 (a) IN GENERAL.—The Administrator shall provide
4 the resources and services made available by the Adminis-
5 tration to small business concerns in the 10 most com-
6 monly spoken languages, other than English, in the
7 United States, which shall include Mandarin, Cantonese,
8 Japanese, and Korean.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the Administrator
11 $25,000,000 to carry out this section.

12 **SEC. 1112. SUBSIDY FOR CERTAIN LOAN PAYMENTS.**

13 (a) DEFINITION OF COVERED LOAN.—In this sec-
14 tion, the term "covered loan" means a loan that is—

15 (1) guaranteed by the Administration under—
16 (A) section 7(a) of the Small Business Act
17 (15 U.S.C. 636(a))—
18 (i) including a loan made under the
19 Community Advantage Pilot Program of
20 the Administration; and
21 (ii) excluding a loan made under para-
22 graph (36) of such section 7(a), as added
23 by section 1102; or
24 (B) title V of the Small Business Invest-
25 ment Act of 1958 (15 U.S.C. 695 et seq.); or

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1 (2) made by an intermediary to a small busi-
2 ness concern using loans or grants received under
3 section 7(m) of the Small Business Act (15 U.S.C.
4 636(m)).
5 (b) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that—
7 (1) all borrowers are adversely affected by
8 COVID-19;
9 (2) relief payments by the Administration are
10 appropriate for all borrowers; and
11 (3) in addition to the relief provided under this
12 Act, the Administration should encourage lenders to
13 provide payment deferments, when appropriate, and
14 to extend the maturity of covered loans, so as to
15 avoid balloon payments or any requirement for in-
16 creases in debt payments resulting from deferments
17 provided by lenders during the period of the national
18 emergency declared by the President under the Na-
19 tional Emergencies Act (50 U.S.C. 1601 et seq.)
20 with respect to the Coronavirus Disease 2019
21 (COVID–19).
22 (c) PRINCIPAL AND INTEREST PAYMENTS.—
23 (1) IN GENERAL.—The Administrator shall pay
24 the principal, interest, and any associated fees that

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1 are owed on a covered loan in a regular servicing
2 status—
3 (A) with respect to a covered loan made
4 before the date of enactment of this Act and
5 not on deferment, for the 6-month period begin-
6 ning with the next payment due on the covered
7 loan;
8 (B) with respect to a covered loan made
9 before the date of enactment of this Act and on
10 deferment, for the 6-month period beginning
11 with the next payment due on the covered loan
12 after the deferment period; and
13 (C) with respect to a covered loan made
14 during the period beginning on the date of en-
15 actment of this Act and ending on the date that
16 is 6 months after such date of enactment, for
17 the 6-month period beginning with the first
18 payment due on the covered loan.
19 (2) TIMING OF PAYMENT.—The Administrator
20 shall begin making payments under paragraph (1)
21 on a covered loan not later than 30 days after the
22 date on which the first such payment is due.
23 (3) APPLICATION OF PAYMENT.—Any payment
24 made by the Administrator under paragraph (1)
25 shall be applied to the covered loan such that the

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1 borrower is relieved of the obligation to pay that
2 amount.
3 (d) OTHER REQUIREMENTS.—The Administrator
4 shall—
5 (1) communicate and coordinate with the Fed-
6 eral Deposit Insurance Corporation, the Office of the
7 Comptroller of the Currency, and State bank regu-
8 lators to encourage those entities to not require
9 lenders to increase their reserves on account of re-
10 ceiving payments made by the Administrator under
11 subsection (c);
12 (2) waive statutory limits on maximum loan
13 maturities for any covered loan durations where the
14 lender provides a deferral and extends the maturity
15 of covered loans during the 1-year period following
16 the date of enactment of this Act; and
17 (3) when necessary to provide more time be-
18 cause of the potential of higher volumes, travel re-
19 strictions, and the inability to access some properties
20 during the COVID–19 pandemic, extend lender site
21 visit requirements to—
22 (A) not more than 60 days (which may be
23 extended at the discretion of the Administra-
24 tion) after the occurrence of an adverse event,

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other than a payment default, causing a loan to be classified as in liquidation; and

(B) not more than 90 days after a payment default.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to limit the authority of the Administrator to make payments pursuant to subsection (c) with respect to a covered loan solely because the covered loan has been sold in the secondary market.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator $17,000,000,000 to carry out this section.

**SEC. 1113. BANKRUPTCY.**

(a) SMALL BUSINESS DEBTOR REORGANIZATION.—

(1) IN GENERAL.—Section 1182(1) of title 11, United States Code, is amended to read as follows:

"(1) DEBTOR.—The term 'debtor'—

"(A) subject to subparagraph (B), means a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning single asset real estate) that has aggregate noncontingent liquidated secured and unsecured debts as of the date of the filing of

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1 the petition or the date of the order for relief
2 in an amount not more than $7,500,000 (ex-
3 cluding debts owed to 1 or more affiliates or in-
4 siders) not less than 50 percent of which arose
5 from the commercial or business activities of
6 the debtor; and
7 "(B) does not include—
8 "(i) any member of a group of affili-
9 ated debtors that has aggregate noncontin-
10 gent liquidated secured and unsecured
11 debts in an amount greater than
12 $7,500,000 (excluding debt owed to 1 or
13 more affiliates or insiders);
14 "(ii) any debtor that is a corporation
15 subject to the reporting requirements
16 under section 13 or 15(d) of the Securities
17 Exchange Act of 1934 (15 U.S.C. 78m,
18 78o(d)); or
19 "(iii) any debtor that is an affiliate of
20 an issuer, as defined in section 3 of the Se-
21 curities Exchange Act of 1934 (15 U.S.C.
22 78c).".
23 (2) APPLICABILITY OF CHAPTERS.—Section
24 103(i) of title 11, United States Code, is amended

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1 by striking "small business debtor" and inserting
2 "debtor (as defined in section 1182)".
3 (3) APPLICATION OF AMENDMENT.—The
4 amendment made by paragraph (1) shall apply only
5 with respect to cases commenced under title 11,
6 United States Code, on or after the date of enact-
7 ment of this Act.
8 (4) TECHNICAL CORRECTIONS.—
9 (A) DEFINITION OF SMALL BUSINESS
10 DEBTOR.—Section 101(51D)(B)(iii) of title 11,
11 United States Code, is amended to read as fol-
12 lows:
13 "(iii) any debtor that is an affiliate of
14 an issuer (as defined in section 3 of the
15 Securities Exchange Act of 1934 (15
16 U.S.C. 78c)).".
17 (B) UNCLAIMED PROPERTY.—Section
18 347(b) of title 11, United States Code, is
19 amended by striking "1194" and inserting
20 "1191".
21 (5) SUNSET.—On the date that is 1 year after
22 the date of enactment of this Act, section 1182(1)
23 of title 11, United States Code, is amended to read
24 as follows:

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1 "(1) DEBTOR.—The term 'debtor' means a
2 small business debtor.".
3 (b) BANKRUPTCY RELIEF.—
4 (1) IN GENERAL.—
5 (A) EXCLUSION FROM CURRENT MONTHLY
6 INCOME.—Section 101(10A)(B)(ii) of title 11,
7 United States Code, is amended—
8 (i) in subclause (III), by striking "
9 and" and inserting a semicolon;
10 (ii) in subclause (IV), by striking the
11 period at the end and inserting "; and";
12 and
13 (iii) by adding at the end the fol-
14 lowing:
15 "(V) Payments made under Fed-
16 eral law relating to the national emer-
17 gency declared by the President under
18 the National Emergencies Act (50
19 U.S.C. 1601 et seq.) with respect to
20 the coronavirus disease 2019
21 (COVID–19).".
22 (B) CONFIRMATION OF PLAN.—Section
23 1325(b)(2) of title 11, United States Code, is
24 amended by inserting "payments made under
25 Federal law relating to the national emergency

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1 declared by the President under the National
2 Emergencies Act (50 U.S.C. 1601 et seq.) with
3 respect to the coronavirus disease 2019
4 (COVID–19)," after "other than".
5 (C) MODIFICATION OF PLAN AFTER CON-
6 FIRMATION.—Section 1329 of title 11, United
7 States Code, is amended by adding at end the
8 following:
9 "(d)(1) Subject to paragraph (3), for a plan con-
10 firmed prior to the date of enactment of this subsection,
11 the plan may be modified upon the request of the debtor
12 if—
13 "(A) the debtor is experiencing or has experi-
14 enced a material financial hardship due, directly or
15 indirectly, to the coronavirus disease 2019 (COVID–
16 19) pandemic; and
17 "(B) the modification is approved after notice
18 and a hearing.
19 "(2) A plan modified under paragraph (1) may not
20 provide for payments over a period that expires more than
21 7 years after the time that the first payment under the
22 original confirmed plan was due.
23 "(3) Sections 1322(a), 1322(b), 1323(c), and the re-
24 quirements of section 1325(a) shall apply to any modifica-
25 tion under paragraph (1).".

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1 (D) APPLICABILITY.—
2 (i) The amendments made by sub-
3 paragraphs (A) and (B) shall apply to any
4 case commenced before, on, or after the
5 date of enactment of this Act.
6 (ii) The amendment made by subpara-
7 graph (C) shall apply to any case for which
8 a plan has been confirmed under section
9 1325 of title 11, United States Code, be-
10 fore the date of enactment of this Act.
11 (2) SUNSET.—
12 (A) IN GENERAL.—
13 (i) EXCLUSION FROM CURRENT
14 MONTHLY INCOME.—Section
15 101(10A)(B)(ii) of title 11, United States
16 Code, is amended—
17 (I) in subclause (III), by striking
18 the semicolon at the end and inserting
19 "; and";
20 (II) in subclause (IV), by striking
21 "; and" and inserting a period; and
22 (III) by striking subclause (V).
23 (ii) CONFIRMATION OF PLAN.—Sec-
24 tion 1325(b)(2) of title 11, United States
25 Code, is amended by striking "payments

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1 made under Federal law relating to the na-
2 tional emergency declared by the President
3 under the National Emergencies Act (50
4 U.S.C. 1601 et seq.) with respect to the
5 coronavirus disease 2019 (COVID–19),''.
6 (iii) MODIFICATION OF PLAN AFTER
7 CONFIRMATION.—Section 1329 of title 11,
8 United States Code, is amended by strik-
9 ing subsection (d).
10 (B) EFFECTIVE DATE.—The amendments
11 made by subparagraph (A) shall take effect on
12 the date that is 1 year after the date of enact-
13 ment of this Act.

14 **SEC. 1114. EMERGENCY RULEMAKING AUTHORITY.**

15 Not later than 15 days after the date of enactment
16 of this Act, the Administrator shall issue regulations to
17 carry out this title and the amendments made by this title
18 without regard to the notice requirements under section
19 553(b) of title 5, United States Code.

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# TITLE II—ASSISTANCE FOR AMERICAN WORKERS, FAMILIES, AND BUSINESSES

## Subtitle A—Unemployment Insurance Provisions

**SEC. 2101. SHORT TITLE.**

This subtitle may be cited as the "Relief for Workers Affected by Coronavirus Act".

**SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.**

(a) DEFINITIONS.—In this section:

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

(2) COVID–19 PUBLIC HEALTH EMERGENCY.—The term "COVID-19 public health emergency" means the public health emergency declared by the Secretary of Health and Human Services on January 27, 2020, with respect to the 2019 Novel Coronavirus.

(3) COVERED INDIVIDUAL.—The term "covered individual"—

(A) means an individual who—

(i) is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section

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1 2107, including an individual who has ex-
2 hausted all rights to regular unemployment
3 or extended benefits under State or Fed-
4 eral law or pandemic emergency unemploy-
5 ment compensation under section 2107;
6 and
7 (ii) provides self-certification that the
8 individual—
9 (I) is otherwise able to work and
10 available for work within the meaning
11 of applicable State law, except the in-
12 dividual is unemployed, partially un-
13 employed, or unable or unavailable to
14 work because—
15 (aa) the individual has been
16 diagnosed with COVID–19 or is
17 experiencing symptoms of
18 COVID–19 and seeking a med-
19 ical diagnosis;
20 (bb) a member of the indi-
21 vidual's household has been diag-
22 nosed with COVID–19;
23 (cc) the individual is pro-
24 viding care for a family member
25 or a member of the individual's

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1 household who has been diag-
2 nosed with COVID–19;
3 (dd) a child or other person
4 in the household for which the in-
5 dividual has primary caregiving
6 responsibility is unable to attend
7 school or another facility that is
8 closed as a direct result of the
9 COVID-19 public health emer-
10 gency and such school or facility
11 care is required for the individual
12 to work;
13 (ee) the individual is unable
14 to reach the place of employment
15 because of a quarantine imposed
16 as a direct result of the COVID-
17 19 public health emergency;
18 (ff) the individual is unable
19 to reach the place of employment
20 because the individual has been
21 advised by a health care provider
22 to self-quarantine due to con-
23 cerns related to COVID–19;
24 (gg) the individual was
25 scheduled to commence employ-

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1 ment and does not have a job or
2 is unable to reach the job as a di-
3 rect result of the COVID-19 pub-
4 lic health emergency;
5 (hh) the individual has be-
6 come the breadwinner or major
7 support for a household because
8 the head of the household has
9 died as a direct result of
10 COVID–19;
11 (ii) the individual has to quit
12 his or her job as a direct result
13 of COVID–19;
14 (jj) the individual's place of
15 employment is closed as a direct
16 result of the COVID–19 public
17 health emergency; or
18 (kk) the individual meets
19 any additional criteria established
20 by the Secretary for unemploy-
21 ment assistance under this sec-
22 tion; or
23 (II) is self-employed, is seeking
24 part-time employment, does not have
25 sufficient work history, or otherwise

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1 would not qualify for regular unem-
2 ployment or extended benefits under
3 State or Federal law or pandemic
4 emergency unemployment compensa-
5 tion under section 2107 and meets the
6 requirements of subclause (I); and
7 (B) does not include—
8 (i) an individual who has the ability to
9 telework with pay; or
10 (ii) an individual who is receiving paid
11 sick leave or other paid leave benefits, re-
12 gardless of whether the individual meets a
13 qualification described in items (aa)
14 through (kk) of subparagraph (A)(i)(I).
15 (4) SECRETARY.—The term "Secretary" means
16 the Secretary of Labor.
17 (5) STATE.—The term "State" includes the
18 District of Columbia, the Commonwealth of Puerto
19 Rico, the Virgin Islands, Guam, American Samoa,
20 the Commonwealth of the Northern Mariana Is-
21 lands, the Federated States of Micronesia, the Re-
22 public of the Marshall Islands, and the Republic of
23 Palau.
24 (b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT
25 OF COVID-19.—Subject to subsection (c), the Secretary

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1 shall provide to any covered individual unemployment ben-
2 efit assistance while such individual is unemployed, par-
3 tially unemployed, or unable to work for the weeks of such
4 unemployment with respect to which the individual is not
5 entitled to any other unemployment compensation (as that
6 term is defined in section 85(b) of title 26, United States
7 Code) or waiting period credit.

8 (c) APPLICABILITY.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the assistance authorized under sub-
11 section (b) shall be available to a covered indi-
12 vidual—

13 (A) for weeks of unemployment, partial un-
14 employment, or inability to work caused by
15 COVID–19—

16 (i) beginning on or after January 27,
17 2020; and

18 (ii) ending on or before December 31,
19 2020; and

20 (B) subject to subparagraph (A)(ii), as
21 long as the covered individual's unemployment,
22 partial unemployment, or inability to work
23 caused by COVID–19 continues.

24 (2) LIMITATION ON DURATION OF ASSIST-
25 ANCE.—The total number of weeks for which a cov-

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1 ered individual may receive assistance under this
2 section shall not exceed 39 weeks and such total
3 shall include any week for which the covered indi-
4 vidual received regular compensation or extended
5 benefits under any Federal or State law, except that
6 if after the date of enactment of this Act, the dura-
7 tion of extended benefits is extended, the 39-week
8 period described in this paragraph shall be extended
9 by the number of weeks that is equal to the number
10 of weeks by which the extended benefits were ex-
11 tended.

12 (3) ASSISTANCE FOR UNEMPLOYMENT BEFORE
13 DATE OF ENACTMENT.—The Secretary shall estab-
14 lish a process for making assistance under this sec-
15 tion available for weeks beginning on or after Janu-
16 ary 27, 2020, and before the date of enactment of
17 this Act.

18 (d) AMOUNT OF ASSISTANCE.—

19 (1) IN GENERAL.—The assistance authorized
20 under subsection (b) for a week of unemployment,
21 partial unemployment, or inability to work shall
22 be—

23 (A)(i) the weekly benefit amount author-
24 ized under the unemployment compensation law
25 of the State where the covered individual was

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1 employed, except that the amount may not be
2 less than the minimum weekly benefit amount
3 described in section 625.6 of title 20, Code of
4 Federal Regulations, or any successor thereto;
5 and
6 (ii) the amount of Federal Pandemic Un-
7 employment Compensation under section 2104;
8 and
9 (B) in the case of an increase of the week-
10 ly benefit amount after the date of enactment
11 of this Act, increased in an amount equal to
12 such increase.
13 (2) CALCULATIONS OF AMOUNTS FOR CERTAIN
14 COVERED INDIVIDUALS.—In the case of a covered
15 individual who is self-employed, who lives in a terri-
16 tory described in subsection (c) or (d) of section
17 625.6 of title 20, Code of Federal Regulations, or
18 who would not otherwise qualify for unemployment
19 compensation under State law, the assistance au-
20 thorized under subsection (b) for a week of unem-
21 ployment shall be calculated in accordance with sec-
22 tion 625.6 of title 20, Code of Federal Regulations,
23 or any successor thereto, and shall be increased by
24 the amount of Federal Pandemic Unemployment
25 Compensation under section 2104.

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1 (3) ALLOWABLE METHODS OF PAYMENT.—Any
2 assistance provided for in accordance with para-
3 graph (1)(A)(ii) shall be payable either—
4 (A) as an amount which is paid at the
5 same time and in the same manner as the as-
6 sistance provided for in paragraph (1)(A)(i) is
7 payable for the week involved; or
8 (B) at the option of the State, by pay-
9 ments which are made separately from, but on
10 the same weekly basis as, any assistance pro-
11 vided for in paragraph (1)(A)(i).
12 (e) WAIVER OF STATE REQUIREMENT.—Notwith-
13 standing State law, for purposes of assistance authorized
14 under this section, compensation under this Act shall be
15 made to an individual otherwise eligible for such com-
16 pensation without any waiting period.
17 (f) AGREEMENTS WITH STATES.—
18 (1) IN GENERAL.—The Secretary shall provide
19 the assistance authorized under subsection (b)
20 through agreements with States which, in the judg-
21 ment of the Secretary, have an adequate system for
22 administering such assistance through existing State
23 agencies.
24 (2) PAYMENTS TO STATES.—There shall be
25 paid to each State which has entered into an agree-

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1 ment under this subsection an amount equal to 100
2 percent of—
3 (A) the total amount of assistance provided
4 by the State pursuant to such agreement; and
5 (B) any additional administrative expenses
6 incurred by the State by reason of such agree-
7 ment (as determined by the Secretary), includ-
8 ing any administrative expenses necessary to fa-
9 cilitate processing of applications for assistance
10 under this section online or by telephone rather
11 than in-person.
12 (3) TERMS OF PAYMENTS.—Sums payable to
13 any State by reason of such State's having an agree-
14 ment under this subsection shall be payable, either
15 in advance or by way of reimbursement (as deter-
16 mined by the Secretary), in such amounts as the
17 Secretary estimates the State will be entitled to re-
18 ceive under this subsection for each calendar month,
19 reduced or increased, as the case may be, by any
20 amount by which the Secretary finds that his esti-
21 mates for any prior calendar month were greater or
22 less than the amounts which should have been paid
23 to the State. Such estimates may be made on the
24 basis of such statistical, sampling, or other method

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1 as may be agreed upon by the Secretary and the
2 State agency of the State involved.
3 (g) FUNDING.—
4 (1) ASSISTANCE.—
5 (A) IN GENERAL.—Funds in the extended
6 unemployment compensation account (as estab-
7 lished by section 905(a) of the Social Security
8 Act (42 U.S.C. 1105(a)) of the Unemployment
9 Trust Fund (as established by section 904(a) of
10 such Act (42 U.S.C. 1104(a)) shall be used to
11 make payments to States pursuant to sub-
12 section (f)(2)(A).
13 (B) TRANSFER OF FUNDS.—Notwith-
14 standing any other provision of law, the Sec-
15 retary of the Treasury shall transfer from the
16 general fund of the Treasury (from funds not
17 otherwise appropriated) to the extended unem-
18 ployment compensation account such sums as
19 the Secretary of Labor estimates to be nec-
20 essary to make payments described in subpara-
21 graph (A). There are appropriated from the
22 general fund of the Treasury, without fiscal
23 year limitation, the sums referred to in the pre-
24 ceding sentence and such sums shall not be re-
25 quired to be repaid.

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1 (2) ADMINISTRATIVE EXPENSES.—
2 (A) IN GENERAL.—Funds in the employ-
3 ment security administration account (as estab-
4 lished by section 901(a) of the Social Security
5 Act (42 U.S.C. 1105(a)) of the Unemployment
6 Trust Fund (as established by section 904(a) of
7 such Act (42 U.S.C. 1104(a)) shall be used to
8 make payments to States pursuant to sub-
9 section (f)(2)(B).
10 (B) TRANSFER OF FUNDS.—Notwith-
11 standing any other provision of law, the Sec-
12 retary of the Treasury shall transfer from the
13 general fund of the Treasury (from funds not
14 otherwise appropriated) to the employment se-
15 curity administration account such sums as the
16 Secretary of Labor estimates to be necessary to
17 make payments described in subparagraph (A).
18 There are appropriated from the general fund
19 of the Treasury, without fiscal year limitation,
20 the sums referred to in the preceding sentence
21 and such sums shall not be required to be re-
22 paid.
23 (3) CERTIFICATIONS.—The Secretary of Labor
24 shall from time to time certify to the Secretary of

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1 the Treasury for payment to each State the sums
2 payable to such State under paragraphs (1) and (2).
3 (h) RELATIONSHIP BETWEEN PANDEMIC UNEM-
4 PLOYMENT ASSISTANCE AND DISASTER UNEMPLOYMENT
5 ASSISTANCE.—Except as otherwise provided in this sec-
6 tion or to the extent there is a conflict between this section
7 and section 625 of title 20, Code of Federal Regulations,
8 such section 625 shall apply to this section as if—
9 (1) the term "COVID–19 public health emer-
10 gency" were substituted for the term "major dis-
11 aster" each place it appears in such section 625; and
12 (2) the term "pandemic" were substituted for
13 the term "disaster" each place it appears in such
14 section 625.

15 **SEC. 2103. EMERGENCY UNEMPLOYMENT RELIEF FOR GOV-**
16 **ERNMENTAL ENTITIES AND NONPROFIT OR-**
17 **GANIZATIONS.**

18 (a) FLEXIBILITY IN PAYING REIMBURSEMENT.—The
19 Secretary of Labor may issue clarifying guidance to allow
20 States to interpret their State unemployment compensa-
21 tion laws in a manner that would provide maximum flexi-
22 bility to reimbursing employers as it relates to timely pay-
23 ment and assessment of penalties and interest pursuant
24 to such State laws.

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1 (b) FEDERAL FUNDING.—Section 903 of the Social
2 Security Act (42 U.S.C. 1103) is amended by adding at
3 the end the following:
4 "Transfers for Federal Reimbursement of State
5 Unemployment Funds
6 "(i)(1)(A) In addition to any other amounts, the Sec-
7 retary of Labor shall provide for the transfer of funds dur-
8 ing the applicable period to the accounts of the States in
9 the Unemployment Trust Fund, by transfer from amounts
10 reserved for that purpose in the Federal unemployment
11 account, in accordance with the succeeding provisions of
12 this subsection.
13 "(B) The amount of funds transferred to the account
14 of a State under subparagraph (A) during the applicable
15 period shall, as determined by the Secretary of Labor, be
16 equal to one-half of the amounts of compensation (as de-
17 fined in section 3306(h) of the Internal Revenue Code of
18 1986) attributable under the State law to service to which
19 section 3309(a)(1) of such Code applies that were paid
20 by the State for weeks of unemployment beginning and
21 ending during such period. Such transfers shall be made
22 at such times as the Secretary of Labor considers appro-
23 priate.
24 "(C) Notwithstanding any other law, funds trans-
25 ferred to the account of a State under subparagraph (A)

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1 shall be used exclusively to reimburse governmental enti-
2 ties and other organizations described in section
3 3309(a)(2) of such Code for amounts paid (in lieu of con-
4 tributions) into the State unemployment fund pursuant to
5 such section.

6 "(D) For purposes of this paragraph, the term 'appli-
7 cable period' means the period beginning on March 13,
8 2020, and ending on December 31, 2020.

9 "(2)(A) Notwithstanding any other provision of law,
10 the Secretary of the Treasury shall transfer from the gen-
11 eral fund of the Treasury (from funds not otherwise ap-
12 propriated) to the Federal unemployment account such
13 sums as the Secretary of Labor estimates to be necessary
14 for purposes of making the transfers described in para-
15 graph (1).

16 "(B) There are appropriated from the general fund
17 of the Treasury, without fiscal year limitation, the sums
18 referred to in subparagraph (A) and such sums shall not
19 be required to be repaid.".

20 **SEC. 2104. EMERGENCY INCREASE IN UNEMPLOYMENT**
21 **COMPENSATION BENEFITS.**

22 (a) FEDERAL-STATE AGREEMENTS.—Any State
23 which desires to do so may enter into and participate in
24 an agreement under this section with the Secretary of
25 Labor (in this section referred to as the "Secretary"). Any

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1 State which is a party to an agreement under this section
2 may, upon providing 30 days' written notice to the Sec-
3 retary, terminate such agreement.
4 (b) PROVISIONS OF AGREEMENT.—
5 (1) FEDERAL PANDEMIC UNEMPLOYMENT COM-
6 PENSATION.—Any agreement under this section
7 shall provide that the State agency of the State will
8 make payments of regular compensation to individ-
9 uals in amounts and to the extent that they would
10 be determined if the State law of the State were ap-
11 plied, with respect to any week for which the indi-
12 vidual is (disregarding this section) otherwise enti-
13 tled under the State law to receive regular com-
14 pensation, as if such State law had been modified in
15 a manner such that the amount of regular com-
16 pensation (including dependents' allowances) payable
17 for any week shall be equal to—
18 (A) the amount determined under the
19 State law (before the application of this para-
20 graph), plus
21 (B) an additional amount of $600 (in this
22 section referred to as "Federal Pandemic Un-
23 employment Compensation").
24 (2) ALLOWABLE METHODS OF PAYMENT.—Any
25 Federal Pandemic Unemployment Compensation

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1 provided for in accordance with paragraph (1) shall
2 be payable either—
3 (A) as an amount which is paid at the
4 same time and in the same manner as any reg-
5 ular compensation otherwise payable for the
6 week involved; or
7 (B) at the option of the State, by pay-
8 ments which are made separately from, but on
9 the same weekly basis as, any regular com-
10 pensation otherwise payable.
11 (c) NONREDUCTION RULE.—
12 (1) IN GENERAL.—An agreement under this
13 section shall not apply (or shall cease to apply) with
14 respect to a State upon a determination by the Sec-
15 retary that the method governing the computation of
16 regular compensation under the State law of that
17 State has been modified in a manner such that the
18 number of weeks (the maximum benefit entitlement),
19 or the average weekly benefit amount, of regular
20 compensation which will be payable during the pe-
21 riod of the agreement (determined disregarding any
22 Federal Pandemic Unemployment Compensation)
23 will be less than the number of weeks, or the aver-
24 age weekly benefit amount, of the average weekly
25 benefit amount of regular compensation which would

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otherwise have been payable during such period under the State law, as in effect on January 1, 2020.

(2) MAXIMUM BENEFIT ENTITLEMENT.—In paragraph (1), the term "maximum benefit entitlement" means the amount of regular unemployment compensation payable to an individual with respect to the individual's benefit year.

(d) PAYMENTS TO STATES.—

(1) IN GENERAL.—

(A) FULL REIMBURSEMENT.—There shall be paid to each State which has entered into an agreement under this section an amount equal to 100 percent of—

(i) the total amount of Federal Pandemic Unemployment Compensation paid to individuals by the State pursuant to such agreement; and

(ii) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(B) TERMS OF PAYMENTS.—Sums payable to any State by reason of such State's having an agreement under this section shall be pay-

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